10 DEC 1970

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 27

NOVEMBER 26, 1969, TO DECEMBER 4, 1969

(PAGES 35895 TO 37182)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1969

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Wednesday, November 26, 1969*

The Senate met at 10 o'clock a.m., and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord God of our fathers and our God, be with us in our work this day, and when it is done send us to our homes and our places of worship with the joy and wonder of Thanksgiving filling our souls.

O Thou giver of all good, we thank Thee for seedtime and harvest, summer and winter, night and day, food and clothing and shelter; for childhood and age, for youth and manhood, for Thy fatherly hand upon us in sickness and in health, in joy and in sorrow, in life and in death, and for the love that ever binds us to Thee. Help us to labor for that better day when all men share justly in the bounteous provisions of this earth. Be especially near the youth of this land, separated from home and parents, in the service of their country. Guard them in temptation. Strengthen them in moments of peril. Make them to know Thy nearness, and with hearts at peace give them the assurance of a grateful nation.

Above all we thank Thee for the heritage of freedom in the land the people rule.

"Long may our land be bright,
With freedom's holy light,
Protect us by Thy might,
Great God, our King."

Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 26, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 25, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAPT. JOHN N. LAYCOCK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 525.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 497) for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired).

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Captain John N. Laycock, United States Navy (retired), formerly of Derry, New Hampshire, the sum of $170,000, which sum shall be considered a payment in consideration of a transfer by the estate of Captain John L. Laycock, United States Navy (retired), of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (United States numbered 2,480,144), and for losses incurred by the said Captain John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain John N. Laycock: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 532), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to pay to the estate of Capt. John N. Laycock, U.S. Navy (retired), formerly of Derry, N.H., the sum of $170,000, which sum shall be considered a payment in consideration of a transfer by the estate of Capt. John N. Laycock, U.S. Navy (retired) of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (U.S. No. 2,480,144), and for losses incurred by the said Capt. John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain Laycock. The bill provides for a limitation of 10 percent on attorney fees.

STATEMENT

During the second session of the 90th Congress, this committee had before it for consideration S. 2896, for the relief of the estate of Captain Laycock, which provided for the payment of $10,282,648. This committee on September 11, 1968, reported S. 2896 with an amendment reducing the amount of payment to $170,000. The instant legislation is identical to S. 2896 as amended. S. 2896 was passed by the Senate on September 12, 1968, but action was not completed in the House of Representatives prior to the adjournment of the Congress.

This committee in reporting S. 2896, stated that the purpose of the amendment was to accord to the claimant an amount believed to be in keeping with the losses resulting from the action of the U.S. Government in its dealings with foreign nations in regard to the Laycock patent. The sum of $170,000 is considered a reasonable payment, since the income to Captain Laycock would have been substantially higher if he had been paid on

the basis of the standard royalty rate for the use of a patent. The amendment also provided that the transaction is to be regarded as the transfer of property consisting of all substantial rights to a patent. The payment, thus will be taxed on a capital gains basis in accordance with section 1235 of the Internal Revenue Code of 1954. This procedure is in accordance with the treatment of the case of Frank B. Rowlett, Private Law 88–358.

Although the Department of the Navy opposed S. 2896, as originally introduced, it recognized the obligation of the Government to provide appropriate reimbursement to Captain Laycock for the losses incurred by him as a result of action by the U.S. Government.

The report of the Department of the Navy states in part:

"However, compensation should be low in keeping with what appeared to be customary procedures in the lend-lease cases. One percent of the cost of manufacture by the British would be a reasonable guide. This would amount to $96,000—$121,000, based upon production of 32,056 units at an estimated cost of $300 to $380 per unit."

A copy of the Navy report on S. 2896, is attached hereto and made a part hereof.

The report of the General Counsel of the Department of Commerce indicates that it would defer to the views of the Department of Defense as to the desirability of the enactment of this legislation. Its report was directed to S. 840 of the 90th Congress, a companion bill to S. 2896. A copy of the report of the Department of Commerce is attached hereto.

The sponsor of this legislation, Hon. Norris Cotton, has submitted the following review of the history of Captain Laycock and the pertinent facts relating to this legislation. Documentary evidence in relation to this history is contained in the files of the committee.

John N. Laycock served in the U.S. Navy from 1910 to 1945, when he was retired, because of physical disability. A graduate of the Naval Academy in 1914, he was also a recipient of a bachelor's degree in civil engineering from Rensselaer Polytechnic Institute in 1917.

Navy landing pontoons

The basis for the claim made in S. 497 was the invention and development by Captain Laycock of the N.L. (naval landing) pontoon. Gear standardized, sectional, prefabricated, steel pontoons played an important role in all of the amphibious operations in World War II and the Korean conflict. In the reef-ringed Pacific Islands, in Asia, in the Aleutians, in North Africa, and in Europe these were an essential part of the landing operations and contributed greatly to their success. Today they are an integral part of amphibious equipment of the armed services. They are also being used for civilian purposes in locations where it is impracticable to transport conventional floating barges, cranes, pile drivers, and the like.

The standard pontoon units are hollow steel boxes 7 feet by 5 feet by 5 feet with interior stiffeners and with connections for bolting to assembly angles. These boxes with the angles, bolts, wedges, and other fittings can be assembled in the field with a minimum of equipment to form barges, piers, floating cranes, floating dry docks, and many other structures.

The pontoons are first assembled into strings using the longitudinal connecting angles and the strings are then connected transversely to form the barges, piers, or other desired structures. The strings were designed as box girders, 5 feet high, 7 feet wide and of the desired length up to a maximum of 175 feet.

The pontoons, angles, and fittings are well proportioned so that the assemblies can withstand rough seas and the rigors of warfare. The pontoons are interchangeable and the bolted connections are easily assembled and disassembled. Damaged units are easily repaired or replaced.

Before the availability of Bailey Bridges, strings of pontoons, as box girders, were used as highway bridges in some advanced areas.

This equipment was conceived, designed, and brought into production and use by Capt. John N. Laycock. Before World War II Captain Laycock was in charge of the War Plans Section of the Bureau of Yards and Docks of the Navy Department at Washington, D.C. At that time, Navy planners were keenly aware that the preservation of peace in the Pacific was in jeopardy. It was increasingly evident that open conflict might be forced by Japan. In such an event, the main theater of operations probably would be in the island-studded waters of the Central and Western Pacific. To win this conflict, it would be necessary to establish military, naval, and air bases on these undeveloped and primitive islands, far from our factories and supply centers. There were few harbors on these islands and most of these could not accommodate larger vessels. Major amphibious landings were indicated.

These landings and the support of the Armed Forces required barges, piers, floating cranes, floating drydocks, and many other such craft. The construction of these could not be handled by the already overloaded shipyards. It was, therefore, necessary that a new type of floating equipment be invented and developed. It was also important that this new craft be built in shops other than shipyards, of standard materials and shapes, readily fabricated.

This problem was solved in a unique and ingenious manner by Captain Laycock with his Navy landing pontoons. In making models of his early studies, Captain Laycock used cigar boxes and wood members. His work has been signalized by the Columbia Broadcasting Co. in its "Navy Log" television program of February 23, 1957, entitled "Cigar Box John." Captain Laycock is "Cigar Box John."

The steel pontoon boxes have sides and bottoms of 3/16-inch plate, and tops of 5/16-inch checkered plate, all stiffened by welding to the inside, T-ribs of split deep I-beams. The tops or deck is designed to carry heavy highway loads. The plates are edge welded to corner angles for stiffness and water tightness.

Each pontoon box is fitted with pipe connections so that it may be used for storing and transporting liquids or so that it may be flooded and unwatered in the operation of a floating drydock. Many of these pontoons on motor trucks were used as tank trucks or as road sprinklers.

Special pontoons with rounded ends were used on the ends of barges to reduce propulsive resistance. Outboard motors of unprecedented size were developed as propulsion units for these barges.

The first pontoons were built by the Pittsburgh-Des Moines Steel Co. near Pittsburgh. After minor changes and adjustments, principally to facilitate shop work, tests were conducted in the Ohio River. These tests were of a 50-ton barge, a PT boat drydock and a seaplane ramp. The tests were eminently successful. There followed immediately a demand for these pontoons to help build lend-lease bases in Britain. Commercial production was, therefore, started on a large scale. This production was greatly expanded when the United States entered World War II. Shipments of the pontoons into the Pacific were started with the first armed forces. The Navy landing pontoons were successful from the start and soon the demand for them became insatiable. It is estimated that before the close of the war about 500,000 pontoon boxes had been produced. The cost of these with their fittings, side angles, and accessories was approximately $250 million.

Shipments to the combat area were made in the holds and on the decks of ships and even in strings hung on the sides of ships. Attack vessels carried double strings of pontoons hung on their sides and released them when approaching the enemy beaches so that they would serve as causeways for troops and equipment to land.

All Seabee units were trained in the assembly of pontoon structures, but even untrained Army and Marine forces had no difficulty in assemblies using the handbooks prepared for the purpose. These Navy landing pontoons became the workhorses in all of the invasions and assaults in the Pacific. This was also the case in Europe, in Sicily, and at Normandy. The invasion of Sicily would not have been practicable without the Navy landing pontoons. In Normandy, armies of men and thousands of tons of material moved on these pontoons. Moreover, the Inchon landing in Korea made great use of these same pontoons.

The versatility of the assemblies produced a myriad of different results, depending on the skill and ingenuity of the troops. Here is a partial list:

Antisubmarine net tenders and gate vessels. Barges and lighters, 50 to 500 tons capacity. Bridges, floating and abutment supported. Buoys.

Causeways to provide passage between ships and shore either floating or grounded.

Dredges.

Drill barges.

Floating cranes, crawler mounted, 5 to 20 tons and 75-ton rigid boom cranes.

Floating workshops, storehouses, and magazines.

Ice breakers.

Oil barges.

Pile drivers.

Piers.

Seaplane ramps and docks.

Sprinklers.

Tanks.

Tug boats.

Warping tugs with heavy anchors and winches.

Wharves, floating and grounded.

In addition to the television program, mentioned above, many articles have been published describing the Navy landing pontoons and the vital role that they played during military operations. A few appearing in the public press are the following:

The Military Engineer, February 1944, "Innovation of Amphibious Warfare."

Engineering News-Record, April 20, 1944, "Seabee Pontoons for War and Postwar."

Saturday Evening Post, April 29, 1944, "Slickest Trick of the War."

Sunday Chronicle, London, England, July 16, 1944, "Navy's Magic Box.."

Saturday Evening Post, December 30, 1944, and January 6, 1945, "Miracle in the Pacific."

Steel Construction Digest, July 1944, "Steel Pontoons Pave the Way for Invasion."

The Navy landing pontoons are also being used for peacetime projects and will be continued to be so used wherever isolation and difficulty of access makes a portable, prefabricated structure advisable. For example: Civil Engineering for May 1947 has a cover picture and an article on the use of these pontoons in connection with the construction of a dam on the Missouri River near Garrison, N. Dak. In the issue for August 1947 of Civil Engineering there is a cover picture and an article describing the use of these pontoons in constructing a Maine turnpike. Life in 1952 illustrates a "House at Sea" being moved from one part of Maine to another.

Newsweek in the issue of October 17, 1949, carries an article entitled "Rensselaer's 145 Years" and lists the six outstanding accomplishments of graduates of the Rensselaer Polytechnic Institute. Included in these accomplishments are Captain Laycock's Navy landing pontoons.

Legal ramifications of the invention

At the time Captain Laycock invented the N.L. pontoon—and there has never been any dispute as to the fact that he was the in-

ventor—the plans and specifications were classified as secret in order to protect this valuable discovery for the United States. Pursuant to the statute then in effect (35 U.S.C. 68, now 28 U.S.C. 1498), the United States had the right to use the invention of an employee of the Federal Government without making payments therefor, although the inventor could patent the invention and thereby receive compensation for use of the invention by private parties, including foreign governments.

In that Captain Laycock's invention was placed in the secret category (pursuant to 35 U.S.C. 42), there was no opportunity at that time for sale of the rights under the invention to private or foreign sources. However, on August 12, 1943, Captain Laycock filed application in the U.S. Patent Office for a patent (Serial No. 498,284), which patent was eventually granted on August 30, 1949, Patent No. 2,849,144.

Captain Laycock also filed for letters patent in the United Kingdom on August 12, 1943, resulting in the granting of Letters Patent No. 600455. Patents were similarly obtained in Australia, by application on August 12, 1943 (Patent No. 129996), and in Canada on November 19, 1943, Letters Patent 475592. These foreign applications were filed with the knowledge, consent, and even approval of Captain Laycock's superiors in Navy, who recommended such steps in order to protect his rights. (These foreign patent applications were also protected by secrecy laws.)

The U.S. patent was provided to Captain Laycock without charge, pursuant to 35 U.S.C. 45, now 35 U.S.C. 266, but Captain Laycock had to pay all fees and charges, including legal costs, in obtaining the foreign patents. In addition, Captain Laycock paid renewal fees on the foreign patents for several years.

On July 12, 1943, Captain Laycock, prior to filing application for letters patent, entered into a license agreement with the United States—on a standard Government license form—whereby, in consideration of the sum of $1, Captain Laycock granted to the United States: "* * * a nonexclusive, irrevocable, and nontransferable license to make and use and have made for its use devices embodying said invention * * * solely for all governmental purposes, anywhere and at any time the Government may see fit, and to sell devices embodying said invention as provided by law; the foreign rights and all other U.S. rights being expressly preserved."

Shortly thereafter, the United Kingdom made request for the plans and specifications for the pontoon gear invented by Captain Laycock, pursuant to the Lend-Lease Act (22 U.S.C. 411 et seq.), and a bilateral agreement between the United States and the United Kingdom, signed August 24, 1942 (Executive Agreement Series 268). The request was for a license (free of cost) with power for the United Kingdom Government to grant sublicenses to any United Kingdom firms selected by it for the manufacture in the United Kingdom (including any past manufacture) for war purposes only of N.L. pontoon equipment based on the U.S. patent application and any British patents or patent applications owned by Captain Laycock.

Apparently there was more than a little concern in our Government over the request, with particular regard to the protection of Captain Laycock's rights and interest. Based upon an opinion of the Comptroller General to the Secretary of the Navy, dated February 23, 1944 (but never published or made available to Captain Laycock), it was determined that the request by the United Kingdom could be granted, and the information, plans and specifications were made available to, and employed by, the United Kingdom.

It should be noted that the Judge Advocate General of the Navy had assumed in his opinion (par. 11) that Captain Laycock's rights would be protected under section 7 of the Lend-Lease Act, and that the Comptroller General made a like assumption.

In like manner, N.L. pontoon gear were produced in Australia.

Following the cessation of hostilities in World War II, Captain Laycock sought a civilian market for his patent, both in the United States and overseas. He contacted likely manufacturers of such equipment—many of whom had produced the pontoons for the Government or for its Allies—and also sought customers for such pontoons. At the same time he sought information from the Government regarding the use to be made of the pontoons then in existence. Laycock desired to protect his interest and the requests he made upon the Government were not unreasonable.

Rather than aiding Captain Laycock, and attempting to protect his rights in his patent, the Government rebuffed his every effort. Untold thousands of N.L. pontoons in usable condition were sold by the United States as surplus commodities, without any compensation to Captain Laycock. These surplus pontoons glutted the private market in the United States and overseas. In short, there was no private market within which Captain Laycock could sell or distribute the pontoons or the patent rights. During the following several years Captain Laycock sought some compensation from the Government, based on the value of his invention to the Government, the breach of the license agreement by providing pontoons and the plans and specifications to other nations, and the callous destruction of his commercial rights by the manner in which the Government handled the sale of pontoons following the war, but his every effort ended in frustration. His was a battle with a bureaucracy, which he fought valiantly, but to no avail. It was only after he had been buffeted from pillar to post by the various departments and agencies where he sought restitution did he turn to me for help.

At the same time Captain Laycock was seeking relief from his own Government, he was also pursuing payment for the use of his invention by the United Kingdom and Australia—where pontoons had been manufactured and used. In correspondence with British Admiralty, continuing over several years, he appeared close to receiving compensation for the use made of his patent. These negotiations were abruptly concluded, however, when the United States granted a license to the United Kingdom, "to make, use, and have made between July 12, 1943, and September 2, 1945, for use in the war effort, devices embodying" Captain Laycock's invention. This license, in direct contravention of the terms of the license granted to the United States by Captain Laycock, was granted to the United Kingdom on March 17, 1953—long after such production had been concluded, but in time to excuse the United Kingdom from any sums owed to Captain Laycock. After receiving the license, British Admiralty advised Captain Laycock that 32,056 pontoons had been manufactured in Great Britain.

Negotiations with Australia proved to be equally frustrating—though there was not a retroactive license granted by the United States.

Thus, despite the unquestioned value of Captain Laycock's patented invention to the United States—in saving untold lives and materials of tremendous value—and to its allies in World War II and the Korean conflict, the unquestioned breach of his license with the United States, and the total destruction of the foreign and private rights in his patents, he never received compensation for his efforts. This was indeed cavalier treatment for a man who served his Nation well.

Compensation

S. 2896, as originally introduced in the 90th Congress, called for compensation to the estate of Captain Laycock in the amount of $10,282,648.

The amount of this claim was determined by Captain Laycock, as of August 1966, as follows:

(*a*) At the end of World War II, the Government designated about one-fifth of its stock of N.L. pontoons as surplus, and offered for sale 100,000 pontoons. These pontoons were offered for, and purchased at, $45 each.

(*b*) The value of the scrap metal in each pontoon was $20, but the cost of cutting the pontoons into commercial scrap was $20. Since there was a demand for the pontoons, it must be assumed they were wanted for commercial use. Captain Laycock subtracted the scrap value of $20 from the sale price of $45, and set the commercial value of his patented invention at $25.

(*c*) One hundred thousand pontoons at $25 each would total $2,500,000. This was the amount received by the Government in excess of the scrap value of the pontoons sold. To this Captain Laycock added interest at 6 percent per annum since 1947, amounting to $5,063,000, which when added to the $2,500,000 gives a total of $7,563,000.

(*d*) The British Government acknowledged the manufacture of 32,056 N.L. pontoons under Captain Laycock's patents. The value assigned to each, as on the pontoons produced domestically was set at $25. Using the value for 2,000 pontoons provides the sum of $800,000. Interest on $800,000 at 6 percent per annum for 21 years equals $1,919,648. The total indebtedness based on Birtish use of the patents amounts to $2,719,648. By its lease to the United Kingdom, the United States proscribed collection from the United Kingdom.

(*e*) The total of the claims, with interest, against the United States for the value received from its sale of the 100,000 pontoons and the manufacture and use of pontoons by the United Kingdom amounted to $10,282,648.

As stated above, this was the amount of the claim as determined by Captain Laycock. However, approximately 500,000 N.L. pontoons with fittings and hardware were produced in the United States at a cost of $250 million. The Federal courts have found a just royalty rate to be (depending on the circumstances involved) within the range of 3 to 5 percent of the cost of the items produced under the patent. Using a royalty rate of 4 percent, this would produce a claim of $10 million. In like manner, the United Kingdom manufactured and used over 32,000 N.L. pontoons. Assuming a like cost of $500 per pontoon (without including fittings and other hardware), the cost of production would be $16 million, and a royalty rate of 4 percent would provide $640,000. And, Australian production of 4,731 N.L. pontoons was at a cost of $1,900,000, and a royalty rate of 4 percent would produce $76,000.

Moreover, the Federal courts have allowed for compounded interest in patent cases at 4 and 5 percent per year, as a part of the just and reasonable compensation to the patent holder.

Conclusion

The Government of the United States has always honored its obligations—moral and legal. While it is recognized that Captain Laycock was in the U.S. Navy, and thus a Government employee, at the time he invented the N.L. pontoon, the commtitee is advised that much of the design and indeed the very idea of the pontoon were developed by Captain Laycock working nights, weekends, and while on leave from the Navy. Yet, the law has historically given to the Government so called shop rights in the inventions of its employees. Such "shop rights" do not render the remaining rights in the patent holder valueless, nor do they provide an excuse for the Government violating its lease agreement with Captain Laycock, failing to protect and compensate him under the Lend-Lease Act, receiving unjust compensation based on his invention, or destroying his own rights to profit commercially on his

invention. (The United Kingdom, while also taking "shop rights" in inventions of its (citizen) employees, did arrange for special remuneration for their contributions—something the United States did not provide.)

The N.L. pontoon was of incalculable value to the United States and its Allies in World War II, in Korea, and up to the present date. "The Navy's Steel Pontoons," reprinted from Compressed Air magazine, September 1945, provides an insight as to the value of the pontoon during World War II and the high esteem in which it was held by the military. Captain Laycock personally explained the operation and use of the pontoons to Prime Minister Winston Churchill at the White House. The British commanders at the invasion of Sicily termed the pontoons the "sine-qua-non" for victory, and Lord Louis Mountbatten referred to them as "these miraculous American pontoons."

Possibly the most telling indication of the value of the pontoons was that attributed to them by the Germans in World War II. Captured German intelligence reports demonstrated the importance of these pontoons, their various uses and capabilities, to the allied military operations. The Germans apparently spent some time in studying their operations, and were well aware of the fact that it was Captain Laycock who had invented them. Finally, after the war, General Jodl acknowledged how devastating their use had been in Sicily, and how the invasion caused the greatest consternation and dismay at the German High Command.

That Captain Laycock's contributions to the war effort were indeed significant is indicated by his receipt of the Legion of Merit and the Gold Star in lieu of the second Legion of Merit, based upon his invention and development of the N. L. pontoon.

In consideration of this claim the committee is impressed with the substantial and extensive use of the invention of Captain Laycock and believes that his estate should be reimbursed for the unauthorized use of his invention by the U.S. Government when it licensed the British and Australian Governments to produce and use Captain Laycock's invention. As heretofore expressed in the license agreement with the United States, foreign rights were expressly reserved to Captain Laycock.

The committee desires to make it clear that no part of the amount involved is in the form of a gratuity to Captain Laycock but is a full and complete settlement for the use of his patent by foreign nations, contrary to the licensing agreement. However, the committee does want to express its opinion that Captain Laycock's contribution to the war effort was exceedingly important, as expressed in the publications noted previously in this report.

On the basis of all of the foregoing, the committee recommends that the bill, S. 497 as amended, be considered favorably.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with Calendar No. 690.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, as requested by the Senator from West Virginia.

AMBASSADOR

The bill clerk read the nomination of Lewis Hoffacker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and affirmed.

UNITED NATIONS TRUSTEESHIP COUNCIL

The bill clerk read the nomination of Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ATTORNEY

The bill clerk read the nomination of Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The bill clerk read the nomination of George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR GOODELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of routine morning business today, the able junior Senator from New York (Mr. GOODELL) be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

S. 2325. A bill to amend title 5, United States Code, to provide for additional positions in grades GS–16, GS–17, and GS–18 (Rept. No. 91–561).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWER:

S. 3185. A bill to extend Federal group life and health insurance benefits to Federal employees in the Canal Zone who are not citizens of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. TOWER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BOGGS:

S. 3186. A bill to clarify the status of funds to the Treasury deposited with the States under the act of June 23, 1836; to the Committee on the Judiciary.

(The remarks of Mr. BOGGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GOODELL (for himself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. HARTKE, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. PROUTY, Mr. RANDOLPH, and Mr. SCHWEIKER):

S. 3187. A bill to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curricula, the training of educational personnel, and research and demonstration projects; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GOODELL when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3185—INTRODUCTION OF A BILL TO EXTEND HEALTH BENEFITS AND LIFE INSURANCE COVERAGE TO NONCITIZENS EMPLOYED BY U.S. AGENCIES IN THE CANAL ZONE

Mr. TOWER. Mr. President, I introduce for appropriate reference a measure designed to extend health and life insurance benefits to cover noncitizens employed by U.S. agencies in the Canal Zone. At the present time, Mr. President, these workers are being denied these benefits when Americans working in the same jobs would be granted them. This not only creates two classes of workers, it also creates hardships for the nonincluded workers. These people have the same health and estate planning problems as others, if not more so, and yet they are denied the aid of group programs that has become so essential for providing adequate medical and insurance benefits. In order to remedy the existing inequities, I have proposed this legislation.

Another reason commending passage of this measure is to improve the general standard of living in the Canal Zone. Americans living in the area live on a fairly high plane from others. This measure would help dissolve existing inequities and show the people of this sovereign part of the United States that they can enjoy the equal protection of the Government, wherever it might be. We have always maintained that the Constitution and its guarantees follow the flag. We should move with alacrity to provide

these benefits to the noncitizens working in the Canal Zone.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The bill will be received and appropriately referred.

The bill (S. 3185) to extend Federal group life and health insurance benefits to Federal employees in the Canal Zone who are not citizens of the United States, and for other purposes introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3186—INTRODUCTION OF A BILL TO CLARIFY THE SURPLUS REVENUE ACT OF 1836

Mr. BOGGS. Mr. President, in 1836 the Government of the United States found itself in an unusual position. It had a surplus in its Treasury of $42,468,859.97, and it did not know what to do with it.

After considerable discussion, the Congress decided to set aside $5 million as a reserve and to allocate the remaining $37,468,859.97 to the then 26 States comprising the Union, payable in four installments.

Three installments, totaling $28,101,644.91, were distributed before the Nation was caught in a financial squeeze and the remainder of the surplus retained in the U.S. Treasury.

The money was distributed as follows:

New York received $4,014,520.71; Pennsylvania, $2,867,514.78; Virginia, $2,198,427.99; Ohio, $2,007,260.34; Kentucky, North Carolina, and Tennessee, $1,433,757.39 each; Massachusetts, $1,338,173.58; Georgia and South Carolina, $1,051,423.09 each; Maine and Maryland, $955,838.25 each; Indiana, $860,254.44; Connecticut and New Jersey, $764,670.60 each; Alabama, New Hampshire, and Vermont, $699,086.79; Illinois and Louisiana, $477,919.14; Mississippi, Missouri, and Rhode Island, $382,335.30; and Arkansas, Delaware, and Michigan, $286,751.49.

Most States did one of four things with this money. Many invested in banks or railroads; many built schools; many devoted it to public works, and some further distributed it to local governments.

The State of Delaware, for example, used most of the money to buy 51 percent interest in the Farmers Bank of the State of Delaware. That stock, bought for $180,000, now is worth an estimated $7.2 million. Some States profited as greatly from the windfall; some show little for it.

Most States have long forgotten the windfall, and, indeed, the Federal Government has paid little heed to it.

It must be pointed out, however, that the money was not distributed as a gift, but rather as a loan. It is subject to recall at the summons of Congress.

The State of Delaware recently realized that it maintains this debt and has been forced to enter it as a liability on the State's ledger books. There is no evidence that the debt ever will be recalled, but its presence causes a needless confusion in the account keeping of Delaware and other States.

The U.S. Department of the Treasury carries the distribution as a memorandum asset account.

The Honorable Russell W. Peterson, Governor of Delaware, has asked me to introduce legislation which would void the right of the Congress to recall the distribution. The Treasury has said it would not object to such legislation.

Approval of such legislation, while not affecting the fiscal status of any of the States or of the Federal Government, would clear up a confusing situation which has prevailed since the distribution.

Mr. President, I introduce, for appropriate reference, a bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836.

I ask that the bill, a letter from Governor Peterson, and a relevant article by Bob Schwabach of the Wilmington Evening Journal be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter and article will be printed in the RECORD.

The bill (S. 3186) to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836, introduced by Mr. BOGGS, was received, read twice by its title, and ordered to be printed in the RECORD, as follows:

S. 3186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any funds of the Treasury which were deposited with any State under section 13 of the Act of June 23, 1836, (5 Stat. 55) shall be considered to have been a grant to such State for the purpose of providing for the general welfare of the United States. Any certificate of deposit issued by any State for such funds which is held by the Secretary of the Treasury shall be cancelled.

(b) The last proviso of section 13 of such Act is hereby repealed.

The material submitted by Mr. BOGGS, is as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, November 6, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR CALE: It has recently come to our attention that the State of Delaware received $286,751.49 from the proceeds of the Federal Surplus Revenue Act of 1837.

This money was invested by the state, mostly in stock in the Farmers Bank of the State of Delaware. We have recently learned, however, that this money was not an outright gift by the Federal government, but a loan. It now appears that we must carry the total as a liability on the state's books, even though there is practically no chance that the Federal government will ever recall the debt. The act in question distributed a total of $37 million among the then 27 states of the Union.

It would be most helpful if you would offer a bill in the Senate which would excuse the states of their debt resulting from the 1837 act.

We will soon send you complete information on the history of Delaware's share of the money. As you may suspect, the total has appreciated greatly over the years.

Sincerely,

RUSSELL W. PETERSON,
Governor.

FIRST STATE PROSPERED ON 1837 LOAN FROM U.S. SURPLUS: DELAWARE, 25 OTHER STATES, CHERISH FISCAL TIME BOMB

(By Bob Schwabach)

A financial timebomb has been quietly ticking away in the treasuries of 26 states, including Delaware, for 132 years.

In 1837 the federal Treasury had a surplus of more than $40 million revenues and Congress decided that the sensible course was to lend it to the 26 states—all there were in the Union at that time.

It's a long fuse but still aglow.

Delaware's share of the "windfall" was $286,751.49 and the state used a large chunk of that to buy shares in the Farmers Bank of the State of Delaware—the same shares which the state still holds.

The legislation which permitted the deposits to the 26 states said clearly that the monies were a loan, not a gift. Now, though hardly anyone remembers the loan, the money is still recallable if Congress should ask for it, and it may even be recallable with accumulated interest.

Sen. J. Caleb Boggs, R–Del., said last night that he is definitely considering the presentation of a bill to void the right of Congress to ever recall the loan. Such a bill would be for the relief of all 26 states, not just Delaware.

Boggs said he had put his legislative assistant to work researching the loan shortly after being informed of it by the News-Journal papers a few weeks ago.

Sen. John J. Williams, R–Del., was unavailable for comment.

Rep. William V. Roth Jr., R–Del., said last night that, in his opinion, "as a practical matter it is unlikely that the loan would ever be recalled."

The 26 states that owe the money, Roth said, would hold a majority in the Senate and probably in the House as well.

A state budget analyst is now tracing all the investments and transfers that the loan has gone through in 132 years so that the state will be prepared in the event of a recall to account for the funds. Officials in the budget department were unaware of the long-standing debt obligation until informed of it about three weeks ago by a News-Journal reporter.

The story of that loan and sister loans to the other states begins in 1836 when the U.S. Treasury discovered the surplus of nearly $42 million.

The surplus had been building for years and in the absence of a national debt the argument was raised in Congress that the money should be returned to its rightful owners, the people.

Those arguments prevailed and an act of that year decreed that the money should be divided among the states on the basis of their representation in Congress. Some senators and representatives wanted the distribution to be a gift but the majority, wishing to be prudent, decided that it should be a loan, to be available for recall in a time of national emergency or whenever Congress chose.

New York received the largest amount, $4,014,520.17, and Delaware, Arkansas and Michigan received equally the smallest shares. In all, $37,468,859.97 was loaned out.

Delaware used $180,000 of its share to purchase 5,000 shares of stock in the Farmers Bank.

The bank has done well in the past 132 years and these 5,000 shares have now grown to about 225,000 worth $7.2 million. In addition, each of the shares pays a $1 annual dividend, so that each year's dividends alone now equal more than the initial investment.

The fortunate purchase of those shares leaves Delaware as one of only two states to have used the loan profitably—Vermont is the other one—and far beyond all the states in the return it has gained.

No state, even Delaware, which has been

the most prudent and successful with the money, could repay the loan with interest if recalled.

The prevailing rate on Treasury loans in 1837 was 5 per cent. At that rate Delaware would have to repay about $150 million, which is almost the entire state budget.

What happened to the rest of the loan Delaware received is still being researched, but in preliminary form here's how it went:

The state used $80,793 to buy bonds in the Philadelphia, Wilmington and Baltimore Railroad and the New Castle and Wilmington Railroad. Both lines are now defunct, but before they went under the state cashed in its bonds in 1881 and made a nice profit. The money was put into the Permanent School Fund.

The state loaned $5,000 to Sussex County to build the Sussex County Courthouse. That loan was repaid and the money put in the school fund.

The state used $20,958.49 to buy stock in the Smyrna Bank and the National Bank of Delaware. Some of that stock was sold and the money put in the school fund; the remainder still in stock is worth more than the original investment.

Dividends from Farmers Bank stock also went into the school fund, and because of the loan and amazingly good management, Delaware had no school tax until this century.

Other states have not been so prudent. Most of the states in the South and Midwest dissipated their loans in a very few years. The New England and Middle Atlantic States were more careful but bad luck combined with bad management took only a little longer to reduce their shares to virtually nothing.

Calls to the treasurers of most of those states revealed that few state treasurers had even heard of the 1837 loans let alone kept an accounting of it.

A high treasury official in Maryland did not know of the state's obligation and when informed said he had no intention of making provisions to pay it. In Pennsylvania, officials took the matter more seriously and expressed real fear that should Congress recall it the state would be thrown into bankruptcy. (Pennsylvania received nearly $3 million.)

New York and New Jersey, while they no longer have the initial loan funds, carry the debt as a liability on their budgets and stand willing to repay it out of the General Fund if called upon. New York has carried an exact account of all transactions of the loan for every year since 1937.

Through all the examinations of what the other states have done or failed to do with their share of the 1837 surplus it is clear that Delaware emerges with great credit. It would be very hard to find a money manager today, even among the new breed of highly sophisticated professionals, who would feel confident of investing profitably over a period of 132 years.

INTRODUCTION OF S. 3187—THE CRIMINAL OFFENDER CORRECTIONS EDUCATION ACT OF 1969

Mr. GOODELL. Mr. President, like the Roman god Janus with its two faces, one facing forward, the other backward, the Congress has frequently enacted significant legislation in the field of education, then refused to appropriate sufficient funds to bring its goals to reality.

In 1965, the Congress established the National Teacher Corps. It was created to attract to the teaching profession highly motivated and specially trained young people to work effectively with underprivileged students in city slums and areas of rural poverty.

Originally sponsored by the distinguished junior Senator from Wisconsin (Mr. NELSON) the Teacher Corps has done a remarkable job. It has been extraordinarily successful in devising new and imaginative approaches to the problems of learning among the disadvantaged in our society, who have been unable to respond to conventional educational approaches.

The program is structured to attract college graduates and others with a minimum of 2 years of college to an internship, lasting 1 to 2 years. Interns function in teams within local schools, under the control of local school systems.

They are enrolled simultaneously at a participating university, where they undertake intensive training and study for their specialized teaching role. The program results in teacher certification for participating corpsmen and in an appropriate degree for those who qualify.

Despite its success, the Teacher Corps has had a long and difficult struggle to survive. Congress has consistently failed to appropriate sufficient funds to achieve the broad goals of the original legislation. Nevertheless, the Corps does have the full support of President Nixon.

On October 20, 1968, Mr. Nixon said:

> We will seek to create a National Teacher Corps which will bring carefully selected college and high school students into action as teachers in core city schools.

In his proposed education budget for fiscal year 1970, the President endorsed the full $31 million Teacher Corps budget recommended by President Johnson.

In addition to its primary mission, the Corps has undertaken a very significant and successful pilot effort to improve the education and reduce the recidivism of adolescents and young adults who have been sentenced to correctional institutions. The intent of this demonstration project was to build upon the 3 years of Corps experience in which universities used the Teacher Corps to test—and then adopt—new programs of teacher education.

School systems have effectively used the Teacher Corps to help introduce and then adopt new curriculums, specialized instruction and new staffing patterns.

Similar reforms are now urgently needed in specialized teacher training and curriculums development for use in correctional institutions, juvenile detention facilities, and community delinquency intervention programs. Once again, the Teacher Corps has successfully demonstrated its ability to initiate such reform, but again it has not had sufficient funds available to fully develop this program.

On September 18, I introduced in the Senate a $1.1 billion comprehensive crime control program, including S. 2919 the Criminal Offender Rehabilitation and Crime Control Act of 1969. Title III of that bill, "Corrections Education Services," provides for a continuation, on a permanent basis of the Teacher Corps corrections education program. The title also, in an unrelated program, would authorize the Commissioner of Education to make grants for research relating to the academic and vocational education of antisocial, aggressive, and delinquent persons, including juvenile delinquents, youth offenders, and criminal offenders.

Today, on behalf of myself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. HARTKE, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. PROUTY, Mr. RANDOLPH, and Mr. SCHWEIKER, I am reintroducing these provisions as a separate bill, in order that they might be brought to the particular attention of those, in and out of the Congress, who are concerned about the special education needs of youth offenders, juvenile delinquents, and predelinquent adolescents.

The pilot programs in the field of corrections education carried out successfully by the Teacher Corps have had the following objectives, which would be continued under my bill:

First. To encourage colleges and universities to establish and expand specialized programs to train education personnel to work with juvenile delinquents, predelinquents, youthful offenders, and other criminal offenders in penal institutions and community corrections facilities.

An interdisciplinary approach to the problems of corrections education, including study in the fields of criminology sociology, and psychology would be coordinated within our schools of education.

Training would be sufficiently broad to prepare teacher-interns in the specialized area of corrections education and to meet university and State requirements for degree preparation and certification. It is hoped that a permanent curriculum offering at universities throughout the Nation can be developed.

Second. To encourage and assist correctional and penal institutions to provide improved education programs for those placed in their charge, in the hopes of insuring that young offenders reenter society with a better chance to assume normal, productive lives.

Third. To encourage dedicated young people to make education in the corrections field a permanent career choice through the development of such special training and new opportunities for service.

Fourth. To complement the efforts of other Federal, State, and local agencies to provide better education programs for juvenile delinquents and youthful offenders.

During the past year the Teacher Corps has conducted three corrections education programs and one pilot project in the States of New York, Illinois, Connecticut, and Georgia. The Corps was assisted in the development of these projects by the Joint Commission on Correctional Manpower and Training, the National Council on Crime and Delinquency, and the VERA Institute of Justice, as well as several other highly regarded experts in the field.

The first corrections education program began at Rikers Island, N.Y., in August 1968. In September 1969, the

highly respected VERA Institute of Justice prepared an evaluation of this project.

It reported that—

In terms of the educational accomplishments of the program, an indication of success is provided by the number of juvenile and youth offenders who took and passed the high school equivalency examination. For the year, 31 of 72 who took the examination passed.

This is a good percentage, given the low level of proficiency at which many inmates started and the fact that Teacher Corps placed no restrictions on which inmates could take the examination.

Further, at least 10 inmate-participants in the school have been placed in college programs for the coming academic year.

In addition to such objective accomplishments of the program, there were less tangible, but equally significant achievements of other kinds. For any rehabilitation program to be successful, it must begin by changing the offender's self-image and give him an opportunity to see himself as a potentially productive person.

The most exciting thing about the Teacher Corps project was that this kind of attitudinal change seemed to occur in so many of the approximately 190 inmates enrolled in the program during the two sessions from September 1968 to June 1969.

The Teacher Corps interns were successful in establishing rapport with the inmates by showing interest in their ideas and treating them as equals. Classroom discussions involved broad participation and were articulate and sophisticated. Many inmates told us that this was the first educational experience in which they felt that teachers gave them credit for being able to think and contribute worthwhile ideas.

The inmates' enthusiasm is probably a result of several factors. The interns are not too different in age from the inmates and thus shared many values common to young people, which cut across social and economic barriers.

Further, the curriculum included topics that were relevant to the problems of Negroes and Puerto Ricans in an urban environment today. Also, because the ratio of teachers to students was low, about 1 to 6, interns were able to devote a significant amount of time to private tutoring, which allowed inmates to move at their own pace.

This impressive evaluation by the VERA Institute reflects the significant potential of this program.

In the State of Illinois, six interns are teaching and working with predelinquents in a delinquency intervention program in the Carbondale Community High School. Six additional interns are supplementing the education staff of the Pere Marquette Camp for delinquent boys, which is operated by the Illinois Youth Commission.

The project is directed by Mr. Charles Matthews, director of the Center for the Study of Crime, Delinquency and Corrections at Southern Illinois University. Teacher Corps interns are receiving their professional training at this institution. The superintendent of public instruction for Illinois has approved the training experiences as qualifying requirements for teacher certification.

In Connecticut, 20 members of the Teacher Corps are serving in an education program in the school of the Cheshire Reformatory and in Somers Prison, where they are introducing new curricula and teaching techniques. While serving at Cheshire, interns are enrolled as graduate students in the Department of Education at the University at Hartford.

The Connecticut Department of Education has established a classification of correctional education specialist, and graduates of the program will be so certified.

In Georgia, seven Teacher Corps interns are teaching basic and vocational education subjects, and providing counseling at the Buford Prison near Atlanta. They are enrolled in a 2-year graduate degree program at the University of Georgia. Buford is a small prison which has been converted to a special education and training institution for 180 young offenders.

Mr. President, in addition to these programs, there are a significant number of corrections educations proposals which have been submitted to the Teacher Corps by various organizations and universities in several States. At the present time, Teacher Corps funding for these programs is not available. Although they have not been finally approved for inclusion in the Teacher Corps corrections program, they demonstrate the broad and innovative potential for effective action in the new field of corrections education.

A proposed corrections education program at the University of Southern California would utilize 60 Teacher Corps interns, 12 teams of five persons each. These interns would be enrolled in a program focused on the causation of delinquency and the particular educational needs and problems of delinquent youth. They would seek to determine when and how the delinquency pattern begins to develop. They would rotate through both public school and correctional institution experiences.

At the completion of the program, interns would be certified to teach, with the special qualification to work with delinquent and predelinquent youths and programs in both school and community facilities.

This project would have the support of the university's school of public administration and its delinquency control institute. Dr. E. Kimberley Nelson, the distinguished former director of the Task Force on Delinquency for the President's Commission on Crime and Delinquency, a member of the staff of the school, would bring a broad prospective of experience in the field of juvenile delinquency control to the program.

At Sacramento State College, a proposal contemplates the use of 36 Corps members in six teams of six each. Each team will be composed of leadership personnel and teacher interns at three levels: undergraduate, graduate—or Teacher Corps—and post graduate or team-leader training, so that the program will culminate in both BA and MA, dependent upon entry level of intern.

A proposed program at the University of Massachusetts would enroll inmates of prisons as teachers for correctional institutions on an experimental basis. They would also be awarded released time to study at the University of Massachusetts.

A project proposed at the University of Minnesota would put teams of Teacher Corps interns into an adult prison and a youth school.

Another proposal submitted to the Teacher Corps by the VERA Institute of Justice in New York contemplates adding a Teacher Corps Corrections Education component to its current youth offender rehabilitation program, utilizing Fordham University's School of Social Service to assist its development.

Cooperating with VERA in this undertaking would be the New York criminal court system, the Bronx criminal court, the New York State Crime Control Council, the central Brooklyn model cities project, the Youth Aid Division of the New York City Police Department, the New York City family court and the New York City Board of Education.

The Center for the Study of Metropolitan Problems at the University of Missouri at Kansas City has also submitted a proposal. Cooperating with the proposed correction education program would be the School District of Kansas City, Mo.; the Institute for Community Studies, Kansas City; and the Juvenile Court Services, Kansas City Judicial District.

At the University of Oregon, interns for the Teacher Corps correction program would be recruited from there projects at the university that make college study available to blacks, Indians, and Mexican-American migrants. These recruits would be undergraduates and gain experience in local schools and correctional institutions. In the second year a career opportunities program component would be added to the present proposal.

Cooperating agencies would include the Lincoln County Schools; Portland School District; Oregon Correctional Institute, Salem; Skipworth Detention Home, Eugene; and Portland Correctional Agencies.

The city and county of Denver in cooperation with the University of Colorado and Denver University has also proposed a corrections education program.

Other innovative corrections education proposals have been submitted to the Teacher Corps by Florida Atlantic University, Boca Raton, Fla., and Sam Houston State University, Houston, Tex.

A primary goal of the former proposal is to handle corrections education and other delinquency rehabilitation efforts in the community, rather than in correctional institutions.

The development of the latter proposal would be assisted by Dr. George G. Killinger, director of the State-funded institute of contemporary corrections and behavioral sciences at the university. Cooperating agencies would include the Texas Department of Corrections, Texas Youth Council, Juvenile and Adult Probation Departments, Texas Board of Pardons and Parole—Adult; Texas Education Agency, and Boards of Education in Houston, Dallas, Fort Worth, and San Antonio.

Mr. President, on any given day, the corrections component of our criminal justice system is responsible for approximately 1.2 million offenders in prisons,

jails, juvenile training schools, and probation and parole organizations. About 100,000 of these persons are released from confinement each year into a society which has been quite content to keep them out of sight.

Up to 75 percent of these persons again commit serious crimes and return to confinement. Thus for a great many offenders, corrections does not correct, and this failure is directly and crucially related to the high incidence of street crime in the Nation today.

The Teacher Corps corrections education program seeks to contribute to the solution of this problem—the enormously complicated process of criminal offender rehabilitation.

It is clear that the Congress must undertake comprehensive, broad based reform of our entire corrections system. The Teacher Corps, however, has made a promising beginning toward the solution of one important aspect of that larger problem. It deserves the support of us all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3187) to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curriculums, the training of educational personnel, and research and demonstration projects, introduced by Mr. GOODELL (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Offender Corrections Education Act of 1969".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there are critical shortages of adequately trained educational personnel to provide relevant remedial, basic and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders and adult criminal offenders; (2) the quality of programs of vocational and academic education furnished to persons detained in State and local corrections systems must be improved in order to enhance the possibility of rehabilitation of such persons; (3) there is a need for joint efforts between State and local educational agencies and departments of corrections, and local institutions of higher learning to develop special curriculums and educational programs, including guidance and counseling, for such persons; and (4) there is a need for research and demonstration projects relating to the academic and vocational education of juvenile delinquents, youth offenders and adult criminal offenders.

TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

SEC. 3. (a) Section 513 of the Higher Education Act of 1965 (subpart 1 of Part B of the Education Professions Development Act) is amended by striking out "and" in paragraph (6) thereof, by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and the word "and", and by adding after paragraph (7) the following new paragraph:

"(8) to enter into arrangements, through grants or contracts, with State and local educational agencies, correctional institutions, detention centers, training schools, and any other appropriate public or private nonprofit agencies to provide members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles."

(b) Section 511(b) of such Act is amended by—

(1) striking out "and $56,000,000 for each of the succeeding fiscal years and prior to July 1, 1971, respectively" and inserting in lieu thereof the following: "$60,000,000 for the fiscal year ending June 30, 1970, $64,000,000 for the fiscal year ending June 30, 1971, and $68,000,000 for the fiscal year ending June 30, 1972,";

(2) by adding at the end thereof the following new sentence: "Of the sums appropriated pursuant to the preceding sentence for the fiscal year ending June 30, 1970, $4,000,000 shall be available only for the purpose of carrying out paragraph (8) of section 513(a), for the fiscal year ending June 30, 1971, $8,000,000 shall be available only for that purpose, and for the fiscal year ending June 30, 1972, $12,000,000 shall be available only for that purpose."

(c) Section 517A of such Act is amended by inserting "(1)" after the word "includes" and by inserting before the period a semicolon and the following: "and (2) includes any State or local educational agencies, correctional institutions, detention centers, training schools, and any other appropriate public or private nonprofit agencies conducting projects under paragraph (8) of section 513(a)".

RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTIONS EDUCATION SERVICES

SEC. 4. (a) The Commissioner of Education (hereinafter referred to as the Commissioner), is authorized to make grants to State and local governments, State and local educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private, education, or research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders Such projects should seek to develop criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population. Special curriculums, and guidance and counseling programs should also be developed. All projects shall include an evaluation component. Such grants shall be made in installments, in advance or by way of reimbursement, and on such conditions as the commissioner may determine.

(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administration of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.

(c) Members of the committee appointed under this section who are not regular full-time employees of the United States shall, while serving on the business of such committee, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $75 per day, including traveltime; and, while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of persons in the Government service employed intermittently.

(d) There is authorized to be appropriated to carry out the purposes of this section the sum of $3,000,000 for the fiscal year ending June 30, 1970, and the sum of $5,000,000 for each of the two succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS

S. 2004 AND S. 2524

Mr. DOMINICK. Mr. President, on behalf of the Senator from Illinois (Mr. SMITH), I ask unanimous consent that, at the next printing of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and S. 2524, to adjust agricultural production, to provide a transitional program for farmers, and for other purposes, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 291—SUBMISSION OF A RESOLUTION URGING THE NEED TO REACH A MULTILATERAL AGREEMENT RELATING TO A PRECISE CONTINENTAL SHELF BOUNDARY

Mr. PELL. Mr. President, today I submit a sense-of-the-Senate resolution calling attention to the urgent need to reach multilateral agreement on the location of the Continental Shelf boundary for the purposes of the 1958 Geneva Convention on the Continental Shelf.

The need to clarify this international boundary issue is evident from the Geneva Convention's anachronistic definition of the term "Continental Shelf" as referring to "the seabed and the subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of said areas."

Mr. President, the key phrase in this definition is "to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of said areas." This open-ended aspect of the definition is commonly referred to as the "exploitability test" of the Continental Shelf Convention.

While this so-called test was totally irrelevant prior to the exploitation of seabed mineral resources in water depths approaching 200 meters, the advances now being made in applied marine technology are in turn giving prominence to

it. Thus, the net effect of our rapidly developing marine technology coupled with the unfortunate wording of the convention is to create an "elastic" Continental Shelf boundary—in the sense that, as exploitation occurs at greater and greater depths, each coastal State's Continental Shelf boundary expands accordingly and assumes automatically a location at that depth contour at which exploitation was undertaken last. Carrying the exploitability test to its logical conclusion, some law of sea experts maintain that a complete division of the seabed and the ocean floor could be effected—at least from a legal standpoint—given the present wording of the Geneva Convention.

Although such a contention would, I think, be difficult to justify in view of the legislative history accompanying the Continental Shelf doctrine, and particularly in view of the recent decision handed down by the International Court of Justice in its North Sea Continental Shelf judgment, we must, nevertheless, recognize the fact that neither the convention nor its history provide the clarity needed to indicate either where the shelf boundary is or what the appropriate considerations are for determining its location. In short, the Geneva Convention on the Continental Shelf must be revised for the purpose of determining the location of this boundary—which is after all fundamental to the application of the convention itself.

The need to revise the Continental Shelf Convention has been underscored by many who are concerned with the orderly and peaceful development of seabed mineral resources—not the least of whom has been the Presidential Commission on Marine Sciences, Engineering, and Resources. The Commission delivered its 2-year study in January of this year, and with respect to the boundary issue, it recommended that the United States take the lead in pressing for a revision of the Shelf Convention for the purpose of reaching multilateral agreement on the establishment of a precise continental shelf boundary. The resolution which I am offering today seeks to implement this recommendation, and I ask unanimous consent that it be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 291), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 291

Resolution expressing the sense of the Senate on the urgent need to reach a multilateral agreement on the establishment of a precise Continental Shelf boundary for the purposes of the Geneva Convention on the Continental Shelf

Whereas the Commission on Marine Science, Engineering and Resources after two years of intense and exhaustive study warned, "Unless a new international framework is devised which removes legal uncertainty from mineral resources exploration and exploitation in every area of the seabed and subsoil, some venturesome governments and private entrepreneurs will act to create faits accomplis that will be difficult to undo, even though they adversely affect the interests of the United States and the international community." and

Whereas said Commission recommended "the United States take the initiative to secure international agreement on a redefinition of the 'continental shelf' for purposes of the Convention on the Continental Shelf." and

Whereas the Convention on the Continental Shelf, in accordance with Article XIII, may be opened for revision at the request of a contracting party five years after said Convention's entry into force, and such five year period expired on June 10, 1969: Now, therefore, be it

Resolved, That it is the sense of the Senate that, without further delay, the President should present in writing to the Secretary-General of the United Nations a request that the Convention on the Continental Shelf be reopened for the purpose of establishing a precise continental shelf boundary.

Mr. PELL. Mr. President, in asking my colleagues to support this resolution, I think it is worth bearing in mind that, with the issuance in 1945 of the Truman proclamation on the Continental Shelf, the United States acted unilaterally to assert its jurisdiction over the resources of the Continental Shelf adjacent to our Nation. Other nations followed our lead, and there can be little doubt that the 200-mile claims of some Latin American countries—notably Chile, Ecuador, and Peru—find their origin in our 1945 unilateral declaration. For example, Dr. Carl Auerbach who chaired the International Panel of the Marine Commission made this point in testimony before the Subcommittee on Ocean Space in July of this year:

After the Truman Proclamation laid claim, on behalf of the United States, to the mineral resources of our continental shelf, to Latin American countries which do not have a continental shelf to speak of, and so do not have easily accessible mineral deposits off their shores, took the position that if the United States could claim valuable mineral resources that happen to lie off its shores, they could claim valuable living resources which happen to be found off their shores. And indeed, from a moral or equitable point of view, it is difficult to see that their claims are less worthy than ours.

As a result of the numerous incidents which we have had with these countries and in view of the growing prospects for similar difficulties with other nations, I should hope that we would now move to try to correct this situation—a situation which we unwittingly helped to foster. And here I would add that, unless we move immediately in the direction of reaching multilateral agreement on the Continental Shelf boundary issue, unilateral action may well undermine any future attempt to restrict within reason the offshore claims of the world's coastal states.

Time is growing short. Already, for example, Saudi Arabia and Sudan have issued competing unilateral claims to the recently discovered Red Sea mineral deposits; Indonesia is leasing major portions of the Java Sea, with the last reported lease in this area encompassing 37 million square acres; and according to a New York Times article of August 28, 1969, Japan's reported discovery of oil in the East China Sea is expected to lead to significant jurisdictional problems involving both Taiwan and mainland China.

Here it might be well to point out that there is general consensus that each littoral state has exclusive jurisdiction over seabed mineral resources out to a depth of 200 meters or to a distance of 50 nautical miles. But there is no firm consensus that these limits should be designated as the limits of the Continental Shelf for the purposes of the Geneva Convention; nor is there any consensus as to where beyond these limits the boundary might be located.

Mr. President, with the United States having taken the lead in asserting unilaterally its jurisdiction over offshore mineral resources, I think it would be most fitting that this country should now take the lead in calling for a revision of the Continental Shelf Convention—as provided for under article XIII—in order to try to reach a multilateral consensus on the seaward limits to which such jurisdiction extends.

Mr. President, as my colleagues know, I have frequently spoken on the ocean space issue, and I have introduced legislation aimed at providing a general legal framework for the exploration and exploitation of seabed resources. In pursuing this objective, the executive branch has consistently labeled my legislative proposals as "premature." But in view of the full-scale consideration now being given this issue within the United Nation, I think it is fair to say that these proposals are "premature" only in the sense that they resolve those issues which the executive branch has been unable to resolve.

In August of 1968 during the United Nations consideration of the so-called seabed item, the United States endorsed and has since reaffirmed the interrelated principles:

(1) There is an area of the seabed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction.

(2) Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area.

The resolution which I am offering today can only serve to enhance our posture in the support of these principles. Its sole purpose is to move us one step closer to resolving this international boundary issue through the appropriate international forum. I hope my colleagues will recognize the sense of urgency attending the Continental Shelf issue and will give this measure their full support.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 311 AND 312

Mr. TOWER. Mr. President, I send to the desk two amendments, which I ask be printed.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The amendments will be received and printed, and will lie on the table.

Mr. TOWER. The remarks which follow apply to the two amendments I have just sent to the desk, as well as to the real estate amendments I submitted yesterday.

The real estate industry appears to have been disproportionately hard hit

by the pending tax reform legislation. If this bill passes as reported by the Finance Committee, substantial changes will be effected in depreciation deductions for persons who own and operate all classes of revenue-producing properties; this will be compounded by the imposition of new, and much more stringent, recapture provisions when the property is sold. Real estate development has undoubtedly shown a most radical adjustment from our recent anti-inflationary monetary policies; additionally, it has suffered extreme setbacks from high interest rates, overburdening labor costs, material price rises, and general appreciation of land. Yet, our response has been to create more limitations in this area by increasing taxes upon existing properties and further restricting transferability by stringent recapture provisions.

Present law permits the use of double-declining-balance or sum-of-the-years-digits methods of depreciation for all types of new depreciable real estate construction. These accounting processes permit the developer to utilize accelerated depreciation offset during those early years of greatest cash flow and aid him in recouping some of his initial finance and startup charges. As time passes, innovation and use cause real estate improvements to become slowly obsolete and less functional; other factors remaining the same, as this occurs rents should be decreased. During this period of decreased rent, allowable depreciation also is reduced. Although he is denied the above methods of depreciation, a purchaser of a used building now may utilize the 150 percent declining balance method of depreciation on previously depreciated property. This again reflects the gearing of depreciation to eventual decreases in cash flow.

Under the proposed legislation, we would eliminate accelerated depreciation for all purchasers of existing building and limit them to the use of straight line method. Builders and developers of new commercial and industrial facilities would be allowed to utilize the 150 percent method; housing construction would be afforded the use of any of the accelerated modes now approved by Treasury.

The other major change regarding real estate taxation which is brought about by this legisation, is the modification of the recapture provisions and the reclassification of real property into three categories for tax purposes. Presently, there is 100 percent recapture of any gain on the sale of improved property as ordinary if a sale is made within the first year of purchase. Thereafter the amount to be recaptured is proportionately reduced until at the end of 10 years; a transfer after that time is taxed at capital gains rates rather than as ordinary income. The new provisos retain this method for taxing sales of certain low- and moderate-income housing projects; all other housing is taxed with full recapture of accelerated depreciation over the straight line method for the first 10 years, complete capital gains treatments is obtained in 18 years 4 months. Commercial and industrial sales will be taxed upon all depreciation taken above straight line.

I believe that these recapture provisions as well as the depreciation changes are extremely detrimental. Investments are made on the basis of the amount of yield realized for the risks involved. Since depreciation is directly related to real estate investment yield, then it would follow that any decrease in depreciation results in a decreased overall value of the investment. Therefore, if the risk remains the same, and depreciation decreases, then an increased yield must be accomplished through other means, or else the participants will withdraw from this type investment. Some would contend that by leaving the depreciation provisions for housing unchanged and reducing acceleration in other fields, much of the money going into commercial and industrial construction will be diverted into housing. This is certainly an invalid assumption; there is no reason to believe that if an investor for any reason leaves the field of commercial real estate, he is going to go into housing; he is just as likely to go into raw land, the stock market, franchises, or a myriad of other businesses.

We are continually striving to improve inner-city living conditions and to alleviate the ghetto problem; this legislation will merely compound the problem by increasing the value of older buildings and driving new businesses into the suburbs where land costs are less. The new communities aspect of housing will be severly thwarted if necessary commercial facilities cannot be constructed to provide the convenience which we demand from an urban environment; and many fear the far reaching effects which this legislation most likely will produce upon urban development programs.

Perhaps the greatest failing of this reform stems from the fact that it will not accomplish its desired end, that is to raise substantially more tax dollars. The Treasury estimates that the increased recapture taxes and denial of accelerated depreciation on used buildings will produce an additional $350 million in tax revenue by 1979, but these estimates are based upon the assumption that there will be equivalent exchanges of property after the passage of this legislation which is designed to create barriers to both buyer and seller. The actual results will be less building, less sales, and less revenue than projected.

Other changes in the tax status of real property will still call upon that industry to pay an additional $700 million in Federal taxes over the 10 years. I have said before that if we must have tax reform, I am opposed to any industry carrying more than its fair share; I truly believe that we are asking the real estate industry to do this.

It would be innately fairer and wiser to retain the 150 percent declining balance depreciation as it presently applies to both new and resold depreciable realty. I would, however, suggest that we adopt recapture provisions which provide for recapture of all gain in excess of straight line depreciation for the first 5 years after acquisition of a property—instead of 12 months, as presently provided—and thereafter decrease the recapture by 1 percent per month until at 13 years and 4 months there is no realization of ordinary income upon a sale. I certainly feel that a property held for over 13 years should be due capital gains treatment. The industry has told me, and their testimony has reflected, that real estate wants to carry its fair share of the tax burden, but it is incumbent upon us to assure that this industry carries no more than this fair share. Unless these amendments to this act are adopted, we have placed this onerous burden squarely upon our real estate industry.

AMENDMENT NO. 313

Mr. DOMINICK. Mr. President, on behalf of myself and Senators RIBICOFF, GOODELL, HARTKE, ALLEN, BAKER, BAYH, CASE, COTTON, CANNON, DOLE, HART, HOLLINGS, INOUYE, MURPHY, PACKWOOD, PROUTY, THURMOND, and TOWER, I send to the desk an amendment designed to provide some much needed help to the lower and lower middle income taxpayer who is shouldering the ever-increasing burden of providing higher education for himself or his children.

This amendment is similar to the legislation which I introduced earlier this year which was cosponsored by 43 Senators, and to the amendment which was adopted by the Senate in 1967. The amendment would provide a tax credit of up to $325 to any taxpayer who paid the tuition fees, and book costs for himself or any other student at any institution of higher learning offering courses above the 12th grade including business, trade, or vocational schools.

The credit would be computed on the first $1,500 of such expenses for each student in the following manner:

One hundred percent of the first $200.
Twenty-five percent of the next $300.
Five percent of the subsequent $1,000.

This means that the greater proportion of this tax credit would be received by those going to the lower cost institutions.

The available credit would be reduced gradually by subtracting from the credit 2 percent of the taxpayer's adjusted gross income in excess of $15,000. No credit would be available to a taxpayer whose adjusted gross income equaled $31,250 or more.

The financial help which this amendment would provide to students and their families is long overdue, and I hope that when our amendment is brought up for debate it will be passed by an overwhelming majority, so that this time the action of the Senate can be sustained in the conference committee. The last time it was adopted, it was not accepted by the conference committee, largely because of House opposition, and as a result we have to try this again.

I think I should say at this time that I have been working on this matter for the last 15 years, if not more. I think the form of the amendment that we have now is reasonable and good. It is an effort to try to allow taxpayers to use some of their own gross earnings to fulfill a national policy of providing the opportunity for higher education. It is for that reason that I have decided, together with

the other cosponsors who have been such a help in this matter, to press this amendment on the pending tax bill. I will bring up the amendment some time next week.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. TOWER. Mr. President, I am pleased to join once again with the many Senators who have for so long urged the provision for a tax credit to absorb some of the costs of education. Since the beginning of my tenure in this body I have worked for the enactment of legislation which would provide such a tax credit. The costs of higher education have risen enormously in recent years and the necessity of providing quality education to an ever-increasing number of students has never been so great. The present amendment would provide a tax credit of up to $325 to any taxpayer paying tuition and fees of a student at any institute of higher learning. I have always contended and still contend that an income tax credit would be a most efficient means of providing Federal assistance to institutions of higher education. Under this plan the taxpayer's money for education expenses would never leave his control. His money would not be sent to Washington and then only partially sent back to his schools with Federal strings attached, but would be paid by him directly to the institution of his choice. Moreover, this approach circumvents the church and state issue altogether while still providing support to denominational institutions.

This measure would certainly be of great benefit to the individual taxpayer sending his children to college and faced with the ever-rising costs of tuition and fees, but it is also a means of channeling greatly increased funds into educational facilities without bureaucratic interference and redtape. Thus we can provide support to our institutions of higher learning in all their diversity—and diversity is of vital importance in the maintenance of freedoms so cherished in our national life. Public institutions and private, secular and religious—all will benefit from the enactment of this amendment to the ultimate enrichment of all our people.

AMENDMENT NO. 314

Mr. HART. Mr. President, I send to the desk an amendment intended to be proposed by me, to the Tax Reform Act, H.R. 13270, and ask that it lie on the table and be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. HART. Mr. President, this amendment would be a substitute in part for section 903 of the Senate version of H.R. 13270, which relates to the tax deductibility of treble damage payments and the exclusion from gross income of part of the judgment received by the private plaintiff in such actions.

Following the Government's prosecution in the electrical equipment manufacturers cases some 2,000 treble damage suits were filed. Some of the defendants in these suits requested the Internal Revenue Service to rule on the deductibility of the treble damage payments. In 1964 the Internal Revenue Service in ruling 64–224 permitted defendants in such private antitrust actions to deduct in full the treble damages as ordinary and necessary expenses of doing business. The ruling goes far in frustrating the enforcement of the Sherman Act by private action. It also relieved the violators of a large part of the penalty assessed by section 4 of the Clayton Act. In effect, it also shifted the tax burden from those who violate the Sherman Act to the public.

In this session, the distinguished Senator from Louisiana (Mr. LONG) introduced S. 2631 which would reverse the ruling, but only in private antitrust cases after the Government has obtained criminal convictions. I introduced S. 2156 which would reverse the deductibility ruling without regard to any prosecution or lack of prosecution by the Government.

Both bills were referred to the Finance Committee which adopted S. 2631 as part of section 903 of the tax bill. The amendment I now offer would reverse Revenue ruling 64–224 as proposed in S. 2156, and exclude from gross income a part of the sum recovered by an injured party.

Section 4 of the Clayton Act provided for suits by persons to recover for economic injury resulting from violation of the antitrust laws. The actual damages were tripled as a penalty to discourage antitrust violations. It also was intended by Congress that this would induce enforcement of the antitrust laws by private action. Section 4 was not made dependent in any way on whether the Government filed either a civil or a criminal case. To have done so would have defeated in large part the very purpose of enforcement by private action against restraints and monopolization of trade as an additional enforcement arm of the law.

It is obvious that the greatest need for private enforcement is in those cases where the Government does not prosecute criminally as it does not in a majority of cases filed. My amendment would restore the full effectiveness of section 4 of the Clayton Act. It also would place the tax burden where it belongs and give that revenue to the Government.

My amendment would also reinstate the inducement to plaintiffs to enforce the national policy against restraints and monopolies, as was believed to be the law until a tax decision in 1955, by permitting them to exclude from gross income two-thirds of the judgment received. The two-thirds represents the penalty on antitrust violators imposed by the Congress when it enacted the Clayton Act.

Adoption of this amendment would insure the Government's collection of justified revenues, place the tax burden where it rightfully belongs and be of tremendous value in encouraging the private enforcement of the antitrust laws.

I would hope that the Senate will see fit to adopt this amendment.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 314) is as follows:

AMENDMENT NO. 314

On page 514, line 18, strike all after "TRUST LAWS.—" to page 515, line 16 and insert in lieu thereof the following:

"No deduction shall be allowed under subsection (a) for two-thirds of any amount paid or incurred on any judgment entered against the taxpayer or in settlement of any action by reason of anything forbidden in the Sherman Act (Act of July 2, 1890, c. 647, 26 Stat. 209, as amended) brought against the taxpayer under section 4 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 15), by reason of anything forbidden in the antitrust laws."

On page 517, after line 22, insert the following:

"(d) (1) Part III of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting at the end of part III the following new section:

"'SEC. —. TREBLE DAMAGE PAYMENTS RECEIVED UNDER THE ANTITRUST LAWS.—Gross income does not include two-thirds of any amount received during the taxable year on any judgment entered for treble damages or in settlement of any action by reason of anything forbidden in the Sherman Act (Act of July 2, 1890, c. 647, 26 Stat. 209, as amended) brought by the taxpayer to recover treble damages under section 4 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 15), by reason of anything forbidden in the antitrust laws.'

"(2) The amendment made by paragraph (1) shall be applicable only with respect to amounts received after the date of the enactment of this Act."

AMENDMENT NO. 315

TAX-DODGE FARMING

Mr. METCALF. Mr. President, the report of the Committee on Finance includes as a part of its discussion on tax-dodge farming the following observation:

The utilization of these advantages by high income taxpayers is not merely a theoretical possibility. In recent years, a growing body of investment advisors have advertised that they would arrange a farm investment for wealthy persons. Emphasis is placed on the fact that aftertax dollars may be saved by the use of "tax losses" from farming operations. (report, page 96)

When I testified before the committee on September 22, I discussed the specifics of some of the advertising that had come to my attention in this area. Included in my testimony is a document entitled "An Introduction to Cattle Ownership and Its Benefits" prepared by Oppenheimer Industries, Inc.—Hearings, part 4, pages 2712–14. As a part of that brochure, Oppenheimer Industries gives an example of a $225,000 break-even transaction where the taxpayer clears a tax profit of $85,000. This is exactly the sort of advertising that the committee is referring to in its report.

Also included as a part of my testimony is a portion of the prospectus of Black Watch Farms titled "Statement of Tax Shelter"—pages 2718–19.

The day before I testified, an ad ap-

peared in the Sunday edition of the Washington Post from the Chateau Briand Ranches, Inc., offering managed breeding herds of purebred Charolais cattle as tax sheltered programs exclusively for the high-bracket investor. I have now obtained a copy of their prospectus.

Mr. President, so that other Senators may have the benefit of still another example of the type of enticement being offered to prospective clients of cattle management firms, in advance of voting on my amendment I ask unanimous consent that the portion of the prospectus entitled "Federal Income Tax Consequences" be printed at this point in the RECORD.

Without objection, the described portion of the prospectus was ordered to be printed in the RECORD, as follows:

FEDERAL INCOME TAX CONSEQUENCES

Under present law, the owner of livestock held for breeding purposes is entitled to a combination of substantial tax advantages (if the owner uses the cash method of accounting) which are not available with respect to most other types of investments.

Expenses incurred for feeding and maintenance of breeding cattle generally will be deductible, in the year incurred, from nonfarm income for Federal income tax purposes. They may be deducted as either "trade or business" expenses, or expenses incurred in connection with "the management, conservation, or maintenance of property held for the production of income," depending on whether a particular investor is deemed to be engaged in the cattle business. Furthermore, if an investor is deemed to be a cattle dealer, such expenses are deductible as part of the cost of goods sold. It must be noted, however, that a deduction for such expenses may be disallowed if it is determined that such expenses are not "ordinary and necessary" to the trade or business or to the production of income, or if it is determined that the investor was engaged in the program primarily as a sport, recreation, or hobby, with no prospect of realizing any profits.

As the above described tests of "ordinary and necessary", "trade or business", "hobby", and "dealer" are legal tests based upon all the facts and circumstances, varying with each investor, no opinion is expressed as to whether the expenditures are deductible against ordinary income. Instead it is recommended that each investor consult his tax advisor, as to the tax consequences.

When cattle are purchased, and therefore have a cost basis, section 167 of the Internal Revenue Code of 1954, as amended (the "Code"), permits the owner of breeding cattle to deduct from non-farm income the cost of such cattle by depreciating such cost over the useful life of the cattle, assuming that such cattle do not constitute inventory in the hands of the owner. In addition to the depreciation deduction permitted under section 167, the owner may elect under section 179 to deduct in the first year of use an additional 20% of the cost of cattle having a useful life of at least six years, subject to the restriction that such an election may only be made with respect to property having an aggregate cost of $10,000 (or, in the case of a married couple filing a joint return, $20,000). The depreciation allowance is available irrespective of whether the owner is in the "trade or business" of farming, if the breeding stock is deemed property held for the production of income.

The basis for depreciation would be the capitalized costs of the animal less a reasonable amount for salvage value. The guidelines established by the Internal Revenue Service provide that cattle held for breeding purposes may be depreciated over a period of seven years from the time the animal is first used for breeding purposes. While the guidelines are not mandatory, any departure from them must be substantiated by the taxpayer who claims a shorter useful life. By proper election, the investor may use the declining balance method of depreciation of cattle held for breeding purposes beginning at a rate twice the rate which would apply under the straight line method of depreciation, if such method is employed when such animal is first used for breeding purposes.

Depreciation does not begin until the depreciable asset is placed in service. Ordinarily, an animal held for breeding is not placed in service until it matures enough to be used for such purpose. The seven-year guideline probably starts when the animal first becomes useful for breeding. In the case of the Charolais heifer, it is not generally mature for breeding until it is 15 to 18 months old.

It should be noted that if all deductions attributable to a trade or business of the taxpayer exceed the gross income from such trade or business by $5,000 in each of five consecutive taxable years, then his income must be recomputed for those years under section 270 of the Code. The general effect of such a recomputation is to limit losses from the trade or business to $50,000 in each of the five years involved.

Gain on the sale of livestock held for breeding purposes will be taxable at capital gains rates if it is "properly used in the trade or business" of the taxpayer, and is held for 12 months or more. If breeding cattle are sold for the purpose of culling the breeding herd or pursuant to a dispersal sale of the entire herd, the gain, if any, may still qualify for favorable capital gains treatment. Net losses on such livestock in any taxable year would, if incurred, be considered ordinary losses, and would thus be deductible in full, and not subject to the $1,000 limitation on the deductibility of capital losses from ordinary income. The depreciation recapture rules of section 1245, subjecting the taxpayer to ordinary income treatment up to the amount of depreciation deducted, are presently inapplicable to sales of livestock. The investment credit is not applicable to livestock.

The foregoing description of the tax effects is predicated on the assumption that herd purchasers will be deemed to be in the trade or business of breeding and raising cattle. There is, however, no published ruling to this effect which would apply to a cattle investment program, and since the determination of a taxpayer's trade or business is a question of fact, the Internal Revenue Service apparently will not issue an advance ruling. In the event the Internal Revenue Service were to take the position that herd purchasers are not in the trade or business of farming, the cattle would constitute "capital assets", as that term is defined in section 1221 of the Code, thereby making applicable the $1,000 limitation on the deductibility of capital losses from ordinary income. At the same time, such a position on the part of the Internal Revenue Service would render applicable the six month holding period requisite to long-term capital gains treatment, in lieu of the 12-month holding period presently required in the case of livestock held for breeding purposes and used in the taxpayer's trade or business. Such a position would also render inapplicable the limitation on farming losses of $50,000 in five consecutive years, described more fully above, but would not affect the taxpayer's right to deductions for depreciation, feeding, and care. (It would, however, have the result of altering the taxpayer's adjusted gross income, a factor used in computing the limitations on medical and charitable deductions).

There can be no assurance that the tax effects described herein may not be changed by Congress. The advantages accruing to owners have long been the object of criticism on the part of the Treasury Department and certain Congressmen. The House of Representatives has recently passed H.R. 13270, the Tax Reform Act of 1969, which contains provisions which substantially affect a number of the tax considerations described above so that ordinary income might be realized in situations where capital gains rates would currently apply. The Act would also establish a presumption against profit expectation under certain circumstances so that losses currently available might not be deductible.

The foregoing analysis is not intended as a substitute for careful tax planning. Accordingly, the Company strongly recommends that each potential purchaser consult his own tax advisers in order that the effects of a purchase of cattle hereunder may be determined with specific reference to his own tax situation and any changes in the applicable law.

Mr. METCALF. Mr. President, I submit an amendment, intended to be proposed by me, to House bill 13270, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 304

Under authority of the order of the Senate of November 25, 1969, the names of Mr. MONDALE and Mr. Moss were added during the adjournment of the Senate, as additional cosponsors of the amendment No. 304, submitted by Mr. GORE (for himself and other Senators) to the bill (H.R. 13270) to reform the income tax laws.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 26, 1969, he presented to the President of the United States the enrolled bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

NOTICE OF HEARING

Mr. HRUSKA. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 2, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Clarence M. Coster, of Minnesota, to be an Associate Administrator of Law Enforcement Assistance, vice Wesley A. Pomeroy, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from North Dakota (Mr. BURDICK), and myself.

NOTICE OF HEARING ON S. 2306

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Agricultural Research

and General Legislation of the Committee on Agriculture and Forestry will hold a hearing on S. 2306 Monday, December 8 in room 324, Old Senate Office Building, beginning at 10 a.m. The bill provides for the establishment of an international quarantine station and would permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds. All those interested in testifying on the bill should contact the committee clerk as soon as possible.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BURDICK. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Robert W. Rust, of Florida, to be U.S. attorney for the southern district of Florida for the term of 4 years, vice William A. Meadows, Jr.

John Henry Schneider, of Virginia, to be an Assistant Commissioner of Patents, vice Gerald D. O'Brien, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, December 3, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ECONOMIC CONVERSION HEARINGS, SENATE LABOR AND PUBLIC WELFARE COMMITTEE, DECEMBER 1 AND 2, 1969

Mr. EAGLETON. Mr. President, Senator YARBOROUGH has asked me to announce that he will conduct hearings of the full Labor and Public Welfare Committee on December 1 and 2 to consider problems of economic conversion.

I share Senator YARBOROUGH'S view that it is an appropriate time for the Senate to begin looking into problems of transforming those elements of our economy, presently dependent upon defense spending, to peacetime activities. Many of us have repeatedly made known our views on the need for ending the Vietnam war and establishing a system of national priorities that places greater emphasis on meeting our pressing domestic needs. There is a corresponding responsibility to inquire into the problems of economic dislocation that will inevitably result from a reduction in military spending and to prepare now to deal with those problems.

Both Senator YARBOROUGH and I agree that a subject of this magnitude will require us to hear the views of a great many people who will directly and indirectly be affected. Accordingly, these 2 days are the beginning of what we hope to be a most productive series of hearings.

The following are the witnesses that will appear at the first set of hearings next Monday and Tuesday:

Dr. Warren L. Smith, professor of economics, University of Michigan; former member of the Council of Economic Advisers.

Seymour Mehlman, Columbia University.

Dr. Wilfred Lewis, Jr., National Planning Association, Washington, D.C.

Walter P. Reuther, cochairman, Alliance for Labor Action, president, UAW.

Archibald S. Alexander, former Assistant Director, U.S. Arms Control and Disarmament Agency.

Nat Goldfinger, AFL–CIO.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A STEP IN THE RIGHT DIRECTION

Mr. PROXMIRE. Mr. President, yesterday President Nixon announced that the Nation will never engage in germ warfare, will destroy its stockpile of bacteriological weapons, and will limit research in this field to defensive weapons. We can all applaud this action as a step in the right direction. The world can breathe a sigh of relief knowing that the Nation has placed its prestige and power behind the forces that are attempting to rescue the world from the calamity of biological warfare. For, as we are all aware, if germ warfare is ever unleashed, no one will be the winner. This Pandora's box cannot be closed. So, it is with great appreciation that I thank the President today for the momentous step that he has taken.

In his announcement of this major decision, the President also said that he would ask the Senate to ratify the 1925 Geneva accord that prohibits its signers from first using poison gas. This accord has been signed to date by 88 nations. Although this Nation has never formally approved the accord, we have repeatedly stated that we would never be the first to employ such weapons in warfare. In recognizing the leadership responsibility this Nation has in the eyes of the world, the President thought it important that this Nation not only affirm its convictions through rhetoric, but also enter into an international agreement with other nations of like mind on this issue.

Furthermore, the President went one step further than the Geneva accord to state that this commitment against the use of poison gas would encompass a restriction against incapacitating chemicals as well. This broadening of the interpretation of the accord is obviously a dramatic means of demonstrating the determination of this Nation in alleviating the possibility of this form of war ever occurring.

I strongly believe that the President's decision to ask the Senate to immediately consider and ratify the Geneva accord points to the importance of affirming on an international level a national conviction. It is for this reason that I have continued speaking on the floor of the Senate day in and day out asking for the ratification of the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide. Our Nation has affirmed these most basic rights on the national level. For their fullest importance, however, they must be affirmed on an international one.

Several Presidents have acted in the past. They have been unanimous in asking the Senate to agree, because only this body stands in the way of ratifying these conventions.

THANKSGIVING DAY

Mr. AIKEN. Mr. President, the first Thanksgiving Day was designated as a day to express thanks to the Creator for providing the New England colonies with a bountiful harvest.

And every year since then, the people of our country have recognized that this day is the time to express our gratitude for the good things which may have occurred since the last Thanksgiving Day.

Some years it has been difficult to find enough to be thankful for.

This year we are especially blessed with the many things which have occurred since November 1968.

I will enumerate only a few of them.

The war in Southeast Asia is waning with the withdrawal of our troops running ahead of schedule at this time.

The United States and Russia have simultaneously signed the Nonproliferation Treaty giving added hope for the prevention of widespread war in the future.

Our meeting with the Russians at Helsinki is off to a good start giving promise of still further progress to be made in our campaign against the scourge of war.

Our relations with Japan have been greatly improved by the proposed settlement relating to Okinawa.

President Nixon has outlawed germ warfare on behalf of the United States and will ask the Senate to ratify the Geneva Protocol of 1925.

We can be very thankful that because of the change in direction of our foreign policy, people seem to be more at ease and optimistic the world over.

And then we can give thanks for the fact that our six astronauts, four of whom actually walked on the moon, have all returned safely home.

And finally, the fact that we have so much to be thankful for on this Thanksgiving Day should give us strength and spirit to meet the challenges which still lie before us.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Presi-

dent, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following bills on the general orders calendar: Calendar Order Nos. 550, 551, 552, and 555.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROBERT C. SZABO

The bill (S. 1678) for the relief of Robert C. Szabo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert C. Szabo of Riverdale, Maryland, a retired supply clerk at the wholesale stamp window in the Washington, District of Columbia, post office, is hereby relieved of all liability for repayment to the United States of the sum of $4,326.16, representing the amount of a postage deficiency in his fixed credit account, the deficiency having been incurred in making exchanges of postage stamps following enactment of the Postal Revenue and Federal Salary Act of 1967, which provided for increased postal rates.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert C. Szabo the sum of any amounts received or withheld from him on account of the deficiency referred to in the first section of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–555), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to relieve Mr. Szabo of a $4,326.16 liability to the Government for the shortage disclosed in his fixed credit account during an audit at the Washington, D.C., post office between February 26 and March 1, 1968.

STATEMENT

The Post Office Department has no objection to enactment of this legislation.

In its report to the Committee on the Judiciary under date of October 3, 1969, the Department states:

Mr. Szabo, the stamp supply clerk at the wholesale stamp window of the post office, had an assigned fixed credit totaling $347,770. As a result of the enactment of Public Law 90–206 (Postal Revenue and Federal Salary Act of 1967) authorizing increased postal rates, numerous requisitions for new stamp stock were received by Clerk Szabo. Stock at the old postage rate was exchanged for stock at a new rate, causing an influx in work that necessitated assignment of several temporary clerks to verify the count of redeemed stamps. During the first 2 weeks after the new rate became effective, $136,806.48 worth of obsolete stock was redeemed. Also, there was a shortage of new stamp stock in the metropolitan area which required that Mr. Szabo visit the Accountable Paper Depository to obtain stamps for his unit as soon as they were available.

This was the first time that exchange of stock was made incident to an increase in postal rates. The short span of time between enactment of Public Law 90–206 and its effective date did not allow post offices sufficient time to adequately staff and supply their offices to handle the increased workload. Consequently during this period the operating conditions, under which Clerk Szabo was required to perform these increased duties, were extremely difficult. Furthermore, Mr. Szabo's work record with the Post Office from 1941 was satisfactory. On this basis, the Department recommended to the General Accounting Office that credit be allowed for the $4,326.16 shortage in Clerk Szabo's fixed credits. The request for credit was disallowed.

The General Accounting Office found that Mr. Szabo could furnish no explanation of how the shortage occurred, and that no explanation was found in the investigation conducted by the Post Office inspectors. The Comptroller General's report stated that "an accountable officer of the Government is an insurer of the public funds (or accountable paper such as postage stamps, etc., here involved) in his custody and is excusable only for loss due to acts of God or the public enemy. This liability is unaffected by lack of negligence on the part of the accountable officer, or the absence of evidence that he misappropriated the funds or that the loss resulted from his fault."

In view of the unusual circumstances in existence at the time this shortage occurred, and in consideration of Mr. Szabo's long and satisfactory work record, the Department has no objection to relief bill S. 1678.

The committee, after reviewing the facts of this case, concurs in the conclusions of the Post Office Department, and accordingly recommends that favorable consideration be given to S. 1678.

REIMBURSEMENT OF CERTAIN PERSONS FOR AMOUNTS CONTRIBUTED TO THE DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the bill (S. 19) to reimburse certain persons for amounts contributed to the Department of the Interior, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Carlsbad Chamber of Commerce, Carlsbad, New Mexico, the sum of $3,300 as reimbursement for amounts contributed on or after December 15, 1968, to the Department of the Interior for the purpose of employing personnel necessary to keep Carlsbad Caverns National Park, New Mexico, open to the public every day of the week for the period of December 24, 1968, through May 1, 1969.

(b) The Carlsbad Chamber of Commerce, Carlsbad, New Mexico, shall identify any person who contributed for this purpose, determine the amount so contributed, and reimburse said individual in such amount so far as possible from funds authorized by this Act.

(c) The Carlsbad Chamber of Commerce, Carlsbad, New Mexico, shall furnish to the Department of the Interior a report showing the disbursements of the appropriation herein provided for within six months after the enactment of this Act.

Mr. MONTOYA. Mr. President, I wish to thank the distinguished majority leader, my good friend and colleague, Senator MANSFIELD, for expeditiously bringing this bill before the full Senate for a vote. This bill, S. 19, which I introduced on January 15, 1969, has been languishing far too long. It is a noncontroversial measure. It is a most worthy measure. It is a most judicious measure.

Without recounting all the details in their entirety, Mr. President, permit me to recall for my colleagues the action taken approximately a year ago to the day by the Department of the Interior which resulted in the closing down of all national parks and monuments for 2 days a week. This action was taken as an economy move, but in some instances, as pointed out on various occasions, the move was one of false economy. I say this because in the case of Carlsbad Caverns National Park, Carlsbad, N. Mex., the park was a moneymaking operation. To close it down for 2 days a week meant that the Federal Treasury would be denied the profits for those 2 days. This seemed utter folly and I sought to intervene. Unfortunately, the Park Service decision stood and Carlsbad Caverns, along with all the other national parks and monuments throughout the country were closed for 2 days a week during the period of December 24, 1968, and May 1, 1969. The caverns were closed for a total of 36 days during this period.

Regrettable though it was that the Federal Treasury should lose profits during the 2 days a week that the Carlsbad Caverns were to remain closed, this was but one of the complications presented by the Park Service's action. More devastating and crippling was the effect that the closing of the caverns had on the community of Carlsbad and the State of New Mexico, both of which rely heavily on tourism for income.

When I was unsuccessful in my efforts to have the Carlsbad Caverns Park remain open a full 7 days a week, I was able to work out an arrangement with the Park Service whereby private contributions would be made to the Park Service to permit them to hire two additional employees for 2 days a week. This, the Park Service explained, would permit them to have sufficient personnel on board to keep the Carlsbad Caverns open 7 days a week. The Carlsbad Chamber of Commerce came to the rescue and was able to collect a total of $3,200 in contributions, the amount which the Park Service indicated it would need to keep the Caverns open 7 days a week.

I wish to stress, Mr. President, that the $3,200 was contributed without any strings attached and no promise or hope of remuneration. I wish to stress this point, Mr. President, because I feel it is noteworthy that those individuals who contributed did so out of a community spirit and not because they felt they had a sure investment. However, despite this fact, as I stated in intro-

ducing the bill on January 15, 1969, to reimburse them:

I think it ill behooves this Congress to sit idly by and watch while a few citizens scrimp and scrape to come up with the necessary financing to keep a national park open so that it can continue to return revenues to the Federal treasury, to the State of New Mexico, and to the local citizens affected. This is a national park and a national responsibility.

I believe that this statement summarizes the justification for passage of S. 19. However, let me insert at this point in the RECORD a letter from Under Secretary of the Interior Russell E. Train in response to questions I raised of the Secretary. In short, the letter indicates that during the 36 days that the Carlsbad Caverns were kept open by private contributions, total expenses amounted to $4,820—of which $3,200 were covered for by private contributions—and total revenue received amounted to $21,787.50. The Federal Treasury has been enriched by almost $22,000 because of the private contribution of $3,200. If we reimburse the $3,200, plus $100 for interest, the Federal Treasury will still profit approximately $18,500 it would not have profited otherwise. What more justification do we need?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 23, 1969.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: This is in further reply to your letter of June 5 requesting information concerning Carlsbad Caverns National Park, New Mexico. We are pleased to furnish the following data, tabulated in the same order in which the questions appear in your letter:

"Total number of days that the Carlsbad Caverns were kept open as a result of private contributions between the period Dec. 25, 1968, and May 1, 1969, 36.

"Total amount of such contributions made available to the National Park Service, $3,200.00.

"Any expenses which the National Park Service has incurred as a result of keeping the caverns open on those 2 days a week in question that the NPS would not have incurred anyway had the caverns remained closed."

The contributions from private citizens were used to pay additional employee salaries required to keep the park open	$3,200.00
Additional expenses that would not have been incurred had the park remained closed (primarily utilities, transportation, and supplies)	1,620.00
Total additional expenses	4,820.00
The total revenues received for those 2 days a week during the above-mentioned time period	21,787.50

Your continuing interest and support of the programs of this Department are greatly appreciated. We hope this information will be helpful to you.

Sincerely yours,
RUSSELL E. TRAIN,
Under Secretary of the Interior.

Mr. MONTOYA. Mr. President, I am greatly distressed that it has taken this long to bring this measure before the Senate. I have had the fullest of cooperation from the Senate Judiciary Committee. Unfortunately, however, they did not receive the Departmental report until August 19, 1969, although it had been requested on February 7, 1969. Other unavoidable delays have also contributed to delay of this proposal by Congress. Let us not delay any longer. I ask for the support of my colleagues in the Senate and also call upon our colleagues in the House to give prompt attention and approval to S. 19.

In short, Mr. President, S. 19 merely provides that the $3,200 contributed by private individuals plus $100 interest be reimbursed by the Secretary of the Treasury to the Carlsbad Chamber of Commerce for their distribution to contributing individuals. This is a fair measure and I ask for your support.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–556), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to authorize the payment to the Chamber of Commerce of Carlsbad, N. Mex., for the reason that it was prime recipient of the designated fund and therefore should be the agency for the disbursements of such fund.

STATEMENT

According to information received from the sponsor of S. 19, Senator Montoya, the Park Service had been forced to close down all national parks and monuments on 2 days a week due to the employee limitations imposed by the Revenue and Expenditure Control Act of 1968.

The Carlsbad Caverns, located in Carlsbad N. Mex., relies heavily upon the tourism to the caverns. The area was already depressed as a result of the closing of the potash mines, so that tourism was the major source of revenue.

Senator Montoya indicated that after weeks of discussion with National Park Service officials, the Secretary of the Interior, and the President, he was finally able to work out an agreement whereby the Carlsbad Caverns were to be reopened on a full 7-day weekly schedule provided that local citizens would come up with private contributions to pay the extra personnel costs. Accordingly, the Chamber of Commerce of Carlsbad raised $3,200 on which they had to pay $100 interest in order to keep the caverns open from December 25, 1968, through April 30, 1969. The caverns were kept open on 37 days during which they would otherwise have been closed. According to Senator Montoya, this information was supplied by the Carlsbad Chamber of Commerce which spearheaded the effort to keep open on a full schedule this particular national park.

The chamber of commerce compilation shows that during the 37 days mentioned, the Federal Government took in the sum of $22,264.50 and the Federal Treasury has been enriched by this amount. If the chamber of commerce is reimbursed in the sum of $3,300, it will leave a net gain of nearly $19,000 in the Federal Treasury.

While it is clear that there was no agreement between the U.S. Government and the people of Carlsbad for a return of their investment, it appears to the committee in all equity that this claim should be considered favorably, particularly in view of the fact that as a result of their action, the Federal Government has obtained for the Treasury nearly $19,000 it would not have otherwise received.

The Department of the Interior report indicates that the Department would defer to Congress as to whether, in retrospect, those circumstances are such as to justify repayment of the donated funds. The committee after a review of the foregoing and keeping in mind the fact that the city of Carlsbad obtained certain revenues to its businesses from the operation of the caverns, believes that with the addition of $19,000 to the Federal Treasury due to such operation, that those parties investing their moneys to keep such caverns open should be reimbursed to the extent accorded in this legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. BURDETTE SHAFT AND JOHN S. AND BETTY GINGAS

The bill (H.R. 9906) for the relief of J. Burdette Shaft and John S. and Betty Gingas was considered, ordered to a third reading, read the third time, and passed.

INTEREST RATE INCREASE ON U.S. SAVINGS BONDS

The bill (H.R. 14020) to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds was considered, ordered to a third reading, read the third time, and passed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 25, 1969 the President had approved and signed the act (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

THE FINANCIAL STATEMENT OF SENATOR MOSS

Mr. MOSS. Mr. President, in accordance with a practice I adopted several years ago and have followed faithfully, I am again making public disclosure of my income and assets. My statement of last year appears in the CONGRESSIONAL RECORD, volume 114, part 5, pages 6112–6113. I have not observed a specific anniversary date but have managed to make my statement on approximately an annual basis.

The statement that I file this year is not appreciably different from what it was last year. During the course of the year, I sold my home in Chevy Chase, Md., and purchased a home in the District of Columbia. There is a slight difference in the value of the two homes, which shows up on the statement, but everything else is much the same. I have practically no income beyond my Senate salary and my assets are so very modest that some Senators may wonder why I make this information public. I do so because I feel that all public officials owe it to their constituents to report to them at regular intervals their full income and assets.

Last year the Senate adopted a disclosure-of-assets rule but then provided that the "disclosure" not be made public. It is filed away in a sealed envelope. I then expressed my displeasure at a system that thwarted the very purpose for which it was supposedly installed. What can the constituents learn about the economic income and assets of a Senator if the facts and figures remain sealed in an envelope held by a Senate custodian? In the Senate, we require executive appointees to disclose their assets and income. I think that Members of the Senate and House owe it to their constituents to do this as a self-imposed regulation.

Because I believe in this course, I ask unanimous consent that my financial statement be printed in the RECORD. I should add that my wife has no income or earnings separate and apart from mine; therefore, the accounting applies to us both.

Financial statement, Nov. 26, 1969

ASSETS

Average checking accounts, Riggs	$1,000.00
Lot in Holladay, Utah	750.00
Lot in Salt Lake City, Utah	8,000.00
1965 Ford	600.00
Five shares stock—Standard Oil of California	250.00
One share stock—ATT	50.00
Savings account—Oriental	700.00
Equity—house in Washington	39,300.00
Equity—house in Salt Lake City	10,500.00
Total	61,150.00

LIABILITIES

Mortgage—house in Salt Lake City	20,500.00
Mortgage—house in Washington	6,700.00
Loans—insurance policies	4,400.00
Notes—personal	12,500.00
Total	44,100.00

AMERICAN LEGION SUPPORTS PRESIDENT

Mr. DOLE. Mr. President, I am pleased to note every day a growing number of Americans voicing their support of President Nixon's efforts to bring about an honorable and just peace in Vietnam. It has just come to my attention that the national executive committee of the American Legion has approved a resolution strengthening and updating the American Legion's position on the war in Vietnam, and pledging their support to our President. I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 2

(Support the position of the President of the United States for an honorable and just peace in Vietnam)

Whereas, A unified people is an absolute necessity for any nation to fight a war or to bring about a peace with honor; and

Whereas, There exists a vocal and militant minority in our land who oppose the Vietnam War and who create disunity in our nation, thereby endangering the lives of our fighting men, and prolonging this conflict; and

Whereas, The President of the United States in a TV broadcast on November 3, 1969, did outline his position for a peaceful solution of the Vietnam War and appealed to the silent majority for their support; and

Whereas, The American Legion is confident that a vast majority of the American people support any move for a just and honorable peace consistent with the security of our country; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion assembled in Minneapolis, Minnesota, November 10 and 11, 1969, that we support the position of the President of the United States for an honorable and just peace of the Vietnam War consistent with the continued maintenance of the security of our country; and be it further

Resolved, that Departments and Posts of The American Legion in cooperation with its American Legion Auxiliary proclaim their support and initiate programs which will reassure our fighting men of public support, and which will indicate to the enemy and to the militants and revolutionaries our resolve for a peace with honor; and be it further

Resolved, that each Post and each Unit be urged to circulate pledges of support for the President's position in Vietnam consistent with our nation's security; that signed pledges be forwarded to The American Legion's Washington Office on a definite date (to be determined by the National Commander) for delivery to the President and to the Congress.

THE ALASKA NATIVE LAND ISSUE

Mr. MONDALE. Mr. President, an extremely significant issue that will soon come before the Senate involves the efforts of the natives of Alaska to secure a final and just settlement of their rights to their ancestral lands. A series of articles published recently in the Anchorage Daily News covers in considerable detail the complex aspects of the Alaska native land issue. I found the series to be highly informative. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Anchorage Daily News, Nov. 9, 1969]

THOSE NATIVE LAND CLAIMS HEAD FOR A CLIMAX

This is a crucial month in the history of Alaska.

By its end the United States Ninth Circuit Court of Appeals will have heard the land freeze case.

And for the first time in 102 years a Senate Interior Committee will seriously address itself to the still unresolved question of compensation for Native land rights.

On November 13 the Interior Committee will begin a series of "mark-up" sessions designed to produce a bill acceptable to the state, the Native people, the federal government, and Congress. The House Interior Committee, following its historic October visit to Alaska, is expected to wait for the Senate before considering legislation.

Because the present and future welfare of the Native people is at stake, because Alaska land is involved, and because efforts for a generous settlement test our social and moral sensibilities, it is important that all Alaskans have a clear understanding of the issues.

For our part, we are creating a team of reporters in Washington and Alaska to cover this story. We believe concentrated team reporting is required because it now appears that an "information gap" exists between what the facts are and what Alaskans are being led to believe.

This information gap has been fed by exaggerated, hysterical, racist reactions to some of the proposals advanced by the Native leadership. That there should be such a gap at all is passing strange, for the facts speak for themselves, and Alaskans should and can know them. It is therefore preposterous to suggest that there is some sort of conspiracy afloat to keep the Native proposals . . . or any proposals . . . from the people of Alaska. Anyone wishing relevant material can get it for the asking.

We hope informed Alaskans will want to avail themselves of this prime source material, including:

The Legislation: bills and amendments reflecting the Federal Field Committee's recommendations, the Interior Department's amendments, and the AFN proposals. (Write Senators Stevens and Gravel or Congressman Pollock or buy the October 10 edition of the Tundra Times which most land claims "experts" and its 6000 Alaskan subscribers know reprinted the AFN bill in full.)

Alaska Natives and the Land: the monumental study of the Natives' plight (Available at the Federal Field Committee, Hill Building, Anchorage.)

The House Interior and Insular Affairs August–September 1969 Hearings: this indispensible volume contains legal briefs and in-depth statements of all positions. (Write Congressman Pollock).

The Senate Interior and Insular Affairs Hearings Part I. (April 1969) and Part 2 (August 1969): same as the House hearings, very useful studies. (Write Senators Stevens and Gravel).

Legal Memorandum Supporting the Native Proposal: the case for legal rights and the overriding royalty as presented by some of America's most distinguished lawyers. (Write AFN, 1689 C Street, Anchorage).

Legal Memorandum Supporting the State's Position: the case against legal rights and the override as analyzed by G. Kent Edwards and W. C. Arnold. (The former's position is included in the House hearings, the latter's appears sporadically in the Anchorage Times).

Native Alaska: Deadline for Justice: AFN brochure receiving national distribution. (Write AFN, as above).

The Tundra Times: the Native newspaper which deserves a greater circulation among non-Native Alaskans. (Box 1287, Fairbanks, Alaska, 99701).

Not every Alaskan can be conversant with all the above material. But reviewing a few or even one of these sources (The House hearings are as good a start as any) provides a useful framework by which to interpret for oneself the legislative effort. Moreover consideration of these materials can only serve to elevate discussion of the land claims to the level of rational, informed dialogue. And that's where the discussion belongs.

Informed debate is true to the Alaskan spirit. And it can only help all of us join together in reaching a satisfactory understanding and resolution of the most crucial question in the State.

[From the Anchorage Daily News, Nov. 10, 1969]

THE MORAL CASE FOR THE NATIVE CLAIM

Few will argue that the United States government does not have a moral obligation to

reach an equitable settlement with Alaska's Native people.

While most thinking Alaskans will acknowledge this self-evident fact, there are some Alaskans who seriously question the legal basis for the Natives' case. There is little hesitation to accept the moral argument, on grounds that if it is a moral obligation, and not legal, there need be only a modest, even token, settlement.

By seeking any peg on which to hang a cheap settlement—or avoid one altogether—these Alaskans seek to perpetuate an ill-conceived, inequitable arrangement which has reduced a once proud, land oriented people to second class citizenship. It is at once astonishing and saddening to see the moral underpinning of the Native's case perverted to such an end.

We suspect that many Alaskans are weary of reading how bad things are in the villages; how depressing is the Natives' plight. But like it or not, this is a crucial consideration against which Congress and all concerned Americans will weigh the Native claims.

Bear in mind that this is the last major Indian land settlement Congress will act upon; that Alaska's Natives comprise a substantial percentage of the American Indian population; and that many citizens are finally realizing that our treatment of the first Americans is a shameful blot on our nation's history.

The Alaskan Native story had its beginning thousands of years ago with the settlement and use of the great land by Eskimos, Indians and Aleuts. It records a flourshing culture, an exciting history, and an incredible ability to persevere. It proceeds through colonization by Russia and the purchase of that Russian colony by a young America in the name of manifest destiny.

And the story embraces an acknowledgement by the U.S. Congress in 1884 of the Natives' right to his lands, but postponing to some future date the conveying of title to those lands.

As the Federal Field Committee report again and again shows, it was the white man who brought disease to the Native community; it was the white man who introduced ideas alien to the Native culture; it was the white man who invaded and destroyed age-old hunting and fishing resources. The Native family was subjected to stresses, strains and discontinuities beyond bearing.

At the same time, because it was believed "best," efforts were made to deny the Native his culture, extinguish his language, and sever him from his past. Why? In the confident assumption that the Native was inferior and that this was the only way he could move forward.

Well-motivated or not, this policy imposed by the federal government and sanctioned by Alaskan citizens, has led to the deplorable conditions so apparent today . . . no land holdings, poor education, bad health, malnutrition, limited expectations—and hopelessness.

We know now through science and medicine that what has happened to the Native could have happened to any of us. The Native has problems today not because he is Native, but because he is human.

The extraordinary thing is that the Natives have been able to organize and press for the redemption of Congress' old pledge. They seek some part of their now taken lands, and through the land they seek the dignity and the self-respect which their heritage demands, and our constitution guarantees.

They present their treatment as a test of America's conscience at a time when many in this state will share in an unprecedented economic boom brought on by the discovery of vast wealth in traditional Native lands.

They seek justice.

And we believe that justice for the Native lies not merely in the vindication of his legal rights. More than that, justice is the recognition that the moral claims are real, that for too long Congress, Americans and Alaskans have denied the Natives a chance to share as Americans in the progress of our state and nation.

THE LEGAL BASIS FOR THE NATIVE CLAIMS

The difficulty in understanding the legal issues behind the Native land claims controversy lies in the appearance of complexity.

Quite properly in presenting their case to Congress and the courts, the Natives have buttressed their position with case law, statutes, and legislative history. Unfortunately for most Alaskans this has obscured the fact that Native claims involve fundamental principles and an argument which, when stripped of its legal jargon, proceeds in simple logical fashion.

As understood by most lawyers the legal framework by which to judge the issue is as follows:

The Natives have used and occupied much of the lands of Alaska since time immemorial. This creates what's known as aboriginal title.

Aboriginal title exists even if the land claimed is not the site of a permanent camp, is only used on a seasonal basis for a subsistence, is used for traveling to subsistence, is claimed jointly with another Native group, or by a village, or supports a small Native population. Moreover even if there is no productive purpose to the land if it lies within a larger area controlled by Natives, then it too, is held under aboriginal title.

And with aboriginal title goes all surface, mineral and water rights.

Historically, it has been the policy of Congress and the courts to respect and protect the Indian's use and occupancy of the land over which he exercises dominion. On the other hand it has also been recognized that Congress has the right to extinguish aboriginal title.

Unless Congress acknowledges the aboriginal title by statute and provides some mechanism for compensation, extinguishment does not give rise to any compensable rights. This was the holding of the Tee-Hit-Ton case where in 1955 the Supreme Court said that Congress had not yet recognized aboriginal title as a Fifth Amendment property right protected against government taking or extinguishment.

But the Court in Tee-Hit-Ton did describe the right of aboriginal occupancy as "a right of occupancy which the sovereign grants and protects against intrusion by third parties."

By so doing the Supreme Court once again acknowledged another long line of Indian law precedent. Against third parties aboriginal title is still good unless extingushed by the United States even when applied to the grant of public lands to a state. And this right had been held judicially enforceable.

In any case, if Congress extinguishes title, it's necessary to arrive at some measure of compensation. In the Tlingit and Haida case of last year, the ninth circuit said that the measure was to be the time of taking; the standard to be fair market value; and the value to be the same as if the land was held in fee simple and not the value to its primitive occupants relying upon it for subsistence.

With this in mind consider the two legal aspects of the Native land claims issue:

The Natives claim much of the state under aboriginal title. The prestigious Federal Field Committee for Development Planning in Alaska, in its authoritative study, Alaska Natives and the Land, has said that "the aboriginal Alaska Native completely used the biological resources of the land, interior and contiguous water in general balance with their sustained human carrying capacity . . ."

And in the key sentence in its study of Native land rights, the Federal Field Committee concluded that "Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy . . ." (Emphasis in original.)

To be sure the Field Committee report was not designed to be tested as a legal document. But it reflects thousands of hours of careful work and study and comports with those few cases concerning use and occupancy of Alaska Natives.

The natives, however, are not seeking at this time to assert their rights to aboriginal title against the United States. Since, apparently no legislation has acknowledged Native rights to compensation (legislation has noted aboriginal title), Tee-Hit-Ton, unless overruled, would seem to bar a direct suit.

Instead the Natives are seeking a traditional legislative settlement which would in effect transfer their aboriginal title into fee simple for some lands, and compensate them for renouncing justifiable claims to other lands. Such an approach is consistent with the Congressional policy of extinguishment through negotiation.

The Natives argue that a legislative settlement is in everyone's interest, since their aboriginal rights are still good against the state and can block its efforts to select public lands. (Remember, unextinguished aboriginal rights are protected against third parties.)

This, finally, gets around to the second aspect of the claims—the land freeze. There are procedural issues in the land freeze case, any one of which could support a decision. But the heart of the matter is land rights.

The case asks: did Congress in the Statehood Act give the State the power to extinguish aboriginal title subject to subsequent legislation? Or is the State a third party against which the Native land rights are good in every respect?

All this goes back to two provisions in the Statehood Act. In one the State disclaims all right and title to land which may be held by the Natives. In another the State is allowed to select lands for itself.

The question is whether Congress knew the State would select lands claimed by the Natives and thereby meant for the State to extinguish title, or whether Congress meant that any State selection of Native land would not extinguish title until Congress got around to doing so.

The government and the Natives say Congress did not extinguish title; the State says it did. And the land freeze rests on the outcome.

This then is the legal background of legislation and litigation against which the Native claims are proceeding. We think there is merit in the Natives' claim of aboriginal title to much of the State. And we suspect, though it is a close question, that the Ninth Circuit Court of Appeals will maintain the land freeze.

But our principle purpose in presenting all this is not to take sides. We want to see spelled out clearly and simply exactly what's happening. As we have said time and time again this is too vital an issue to be discussed irrationally and by the uninformed.

HOW THE LAND CLAIMS BILLS COMPARE

There are three pieces of Native land claims legislation before the Congress of the United States. And for the first time in 102 years injustices that have been visited upon the First Alaskans seems headed for resolution.

The Alaska Natives call it a "deadline for justice." And that's what it is, because the land freeze—which offers the Natives muscular leverage—runs out at the end of 1970, unless it is extended.

The freeze was first imposed by former Secretary Stewart Udall over the violent objections of the then Governor of Alaska, Walter J. Hickel. As the price for his own

confirmation as Secretary of the Interior in the Nixon Cabinet, Mr. Hickel agreed to an extension of the freeze through 1970.

The freeze will be lifted, of course, when the claims controversy is settled by the Congress. And that's why—after 102 years—it's described as a "deadline for justice."

Here are the three bills:

S. 1830. The Federal Field Committee's thinking about a proposal as prepared at the request of Senator Jackson and introduced by Senators Jackson, Stevens and Gravel.

HR. 13142: The Department of the Interior's proposal introduced by Congressman Pollock.

HR. 14212: The Natives' proposal introduced by Congressman Pollock and introduced in the Senate as an amendment to S. 1830 by Senators Stevens and Gravel.

The State has not formally produced a bill, although Governor Miller has commented on some aspects of these proposals.

As we pointed out in an editorial Sunday, any Alaskan can get a copy of these bills by writing the state's Congressman or Senator. Since then, the Federal Field Committee has published a Comparative Analysis, prepared by its very able staff counsel Esther Wunnicke. Add it to the list of recommended reading we published Sunday.

A careful review of Mrs. Wunnicke's analysis and the legislation leads to one surprising conclusion.

A broad consensus on the framework for a legislative settlement has already been reached. The similarities between the proposals far outweigh the dissimilarities.

THE LAND

For example, all proposals recognize the right of the Natives to certain lands in Alaska. The question is how much and with what type of title.

Interior's bill calls for restricted title in the Native villages of 12 million acres (no gas or oil rights) selected at the same time the state picks its 103 million acres. The Field Committee would grant fee simple title with full mineral rights as well as hunting and fishing protection, to 5 million acres. The Natives seek 40 million acres of fee simple title with mineral rights in the proposed regional development corporations.

THE CASH

All bills recognize that justice calls for compensating the Native in cash for lands taken and claims renounced. Again the issue is how much.

The Interior proposal says $500 million over 20 years without interest. (Alternatively this could be considered a dollar for each acre claimed, or $340 million with interest over 20 years). The Field Committee would guarantee a federal payment of $100 million with a ceiling of $1 billion, contingent on Federal oil and gas royalties and the opening up of Naval Petroleum Reserve Number 4 on the North Slope, all paid out over 10 years without interest.

The Natives ask $500 million ($1.50 an acre) paid over 9 years at 4 per cent interest, and a 2 per cent residual royalty on gross revenues from Federal lands to which Native title is extinguished.

SUPERVISION

All bills acknowledge the failure of previous Indian settlements which more often than not squandered the economic benefits of a cash-land settlement through individual payouts. The proposals contemplated Native development corporations. The questions revolve around composition duration, and federal supervision.

All three bills call for as a beginning procedure, a commission which will oversee land selection and enroll Native Alaskans.

The Interior bill projects an Alaska Native Development Corporation governed by nine directors, five of them Presidential appointees and four elected by the Native stockholders to manage and invest funds for 20 years. The Field Committee proposes a statewide Native Development corporation governed by an 11-man board, four of them Presidential appointees, four Native representatives, and a three-man enrolling commission. Staggered terms result in a Native majority in three years.

The Native bill proposes a three-tiered corporate structure. A statewide 12 man group would distribute 95 per cent of its funds to 12 regional corporations, proportionate to regional population. Each regional corporation, in turn, would distribute 80 per cent of its funds to the village corporations, proportionate to village population. Mineral proceeds to which regional corporations acquire patent go 50 per cent to the acquiring corporation and 50 per cent proportionally to all regional corporations.

The state at different times has supported revenue sharing, a fair distribution of lands and money to the Natives, and the regional corporation concept. Recently, however, Governor Miller expressed the view that the issue should go to the Court of Claims (where it could be brought up for years). He also suggested state selection of lands around and for Native villages, and a cash contribution to the Native corporations to be appropriated by the legislature.

The differences in these settlement proposals . . . the Governor's statement excepted . . . are differences of degree. Of course, there are a lot of degrees between 5 million and 40 million acres. But apparently a floor has been set.

No one really expects that the final result will be all that any party wants. The point is that the legislative process is now at work.

And key to that process in our pluralistic society is compromise. If there is going to be a settlement, then everyone is going to have to give.

To use a familiar metaphor: Both the Natives and the Governor recognize that their positions most likely outline the dimensions of the ball park. It is in that ball park that the settlement will be made.

The Natives are willing to play the game and stake their clear rights against a legislative settlement. We think that it's in the best interests of all Alaskans that their recourse to the legislative process continues to have everyone's support.

At the same time we think Alaskans should involve themselves in this process and we believe they can best involve themselves by first knowing the facts.

That's what this series of expository editorials is all about.

Another word about the Natives bill: whether some Alaskans realized it or not, it honors former Supreme Court Justice Arthur Goldberg to call H.R. 14212, "The Goldberg Bill." If enacted, the land claims settlement will be an historic achievement, a legislative benchmark.

But the fact is that the AFN proposal is the Natives bill. As most knowledgeable followers of the issue know, many of the substantive proposals, including the overriding royalty, were generated by the Native leadership and their local advisors.

And as anyone traveling in the bush lately knows, the bill's provisions have wide support.

Referring to the legislation as "Goldberg's Bill" disguises the fact that this is what the Natives want. And it is ridiculous for a disdainful few to imply that a distinguished American of broad public vision is craftily trying to foist the legislation upon the Natives or upon all Alaskans.

WHAT THE 2 PERCENT ROYALTY IS ALL ABOUT

There's more confusion about the natives' 2 percent override proposal than any other issue surrounding the land claim's problem.

Like many of the other issues, this one has been shrouded in legalisms and clouded by charges which exploit racial fears. While it seems complex, we think it is vital that Alaskans understand the override and weigh what the Alaskan Natives are going up against what they proopse in exchange.

The 2 percent royalty override really applies to the gross value of minerals developed from federal, and after selection, state oil and gas leases.

Presently under the Federal Mineral Leasing Act there is a 12½ per cent royalty on minerals (oil and gas) from federally leased public lands. This is split 90–10 in favor of the state. On state lands the state takes the full 12½ per cent.

The proposed override would increase the royalty cost to developers of federal and state mineral leases in Alaska by about 2 per cent. (The state could, of course, reduce its share to maintain royalty revenues at 12½ percent, but we doubt it would ever do this.)

Some argue that this higher royalty will make the cost of Alaskan federal and state oil and gas leases noncompetitive. It's hard to imagine this happening in view of the exploration and development costs the oil companies are already prepared to incur to tap the state's vast riches.

In any case, the petroleum industry generally is willing, when it scents oil, to lease outer continental shelf and American Indian lands at the higher 16½ precent figure. And most Alaska lands involve Indian claims.

Other Alaskans are concerned because they see "hundreds of billions of dollars" going into Native pockets.

To be sure it may be reasonable to question a 2 per cent grant in perpetuity. But we doubt if even Alaska's mineral resources are so great . . . measured by "forever" . . . that they could yield such extravagant sums.

And if they ever did, Alaska and every Alaskan would be so fantastically wealthy that it wouldn't make any difference. Most Alaskans, we suspect, would be grateful that the Natives had relinquished their legitimate claims for what would be, on that scale, a modest price.

But let's look at the figures: In order for the override to bring the Native $100 billion, lands to which the Natives have aboriginal title must produce $5 trillion worth of gross valued minerals. And while the Natives are getting their share, the state is taking in five to six times as much. That's $500 to $600 billion on royalties alone.

This figure does not include the state's share from the present severance tax which would add another 200 billion dollars or so. Any substantial raise in the severance tax could lift the Alaska return to a level which would make Kuwait look like Appalachia.

The state argues that the grant of such a royalty, on public land, would be unconstitutional. The state insists that such a grant would constitute an amendment to the Mineral Leasing Act, which was incorporated into the Statehood Act, which in turn was incorporated into the Alaska Constitution.

Moreover, the state does not recognize that the Congress is impowered to impose a royalty on state selected lands not subject to the Mineral Leasing Act.

The Department of the Interior says that the Mineral Leasing Act can be amended with respect to federal lands remaining in Alaska after state selection. But the department does not concede that the Natives' share can be imposed on any of the 103 million acres the state might select.

The Natives say that the Mineral Leasing Act can be amended, and argue that no compact exists between the United States and Alaska. Thus any lands selected by the state can also be covered by the overriding royalty if Congress so determines.

THE NATIVE CLAIMS ISSUE IS A TEST OF CONSCIENCE

The Daily News has undertaken this week's seven-part expository series of editorials to narrow the information gap which has led many Alaskans away from the central issues of the Native land claims problems down the dark trail of half truths and racial fears.

Our effort has been directed at elevating the discussion, by non-Natives and Natives alike, the high road of informed concern.

The legislative process is fundamentally one of compromise and accommodation. It requires time and patience. Yet we are distressed to discover that at an early stage in the proceedings some positions are regarded as absolute, when in fact there is ample opportunity for reasoned debate and modification of rigid attitudes.

The raising of the settlement floor from the Federal Field Committee's proposal to the Interior Department's bill attests to that.

The tragedy of the barrage launched at the Natives' proposals is their polarizing effect. This works not only on those reacting to a proposal but on its proponents as well. The final price is the loss of a climate of accommodation.

This bleak process can be stopped if we all try to make a serious effort to understand what's happening. A starting point is the legal and moral issue.

Most Alaskans can see the moral case for settlement with their own eyes, without ever visiting the bush. They can compare Native life to our affluence and growing promise of wealth. The extent to which this is persuasive depends on the prodding of an active conscience. It should penetrate the federal government's problem.

Like it or not, Alaskans have accepted, participated in, and benefited from a system which has destroyed a peoples' culture and heritage. Had Alaskans or our fellow Americans refused to go along with the government's treatment of the Natives or had the white man actively pressed for an earlier settlement, there would be no confrontation today.

But we didn't.

The legal case requires some time and study. To us the Natives' claim of aboriginal title to much of Alaska, confirmed by the findings of the Federal Field Committee, seems valid. Lawyers say that while Congress could extinguish aboriginal title and leave the Natives uncompensated, this procedure is generally not followed. And unextinguished aboriginal title has always been considered good against third parties.

The Natives argue that the state is a third party here, and that Native claims are good against it. The state says the Statehood Act allowing state land selection extinguished their title.

These arguments figure in the land freeze case which was argued Friday before the Ninth Circuit Court of Appeals. And they will necessarily be weighed by Congress in reviewing the scale of compensation asked, and the royalty override.

Without reiterating these points (see Installments 3, 5 and 6) we think the legal and moral case comes out on the side of the Native claims.

Accordingly we support a fair and generous settlement not only because we're persuaded by the Natives' case but also because we think it will be good for Alaska. Because:

Settlement allows the Native to face the future as the master of his own destiny, with the dignity and respect his heritage and our Constitution demands.

It will lift the land freeze and let Alaska get on with its development.

It demonstrates that Alaska and America are willing to do the moral and honorable thing for the forgotten American.

Finally, through education, better health, job training and economic developing, a settlement will significantly improve the Native's lot. Lifting a quarter of the state up from poverty levels will benefit all Alaskans enormously.

In the end, the real question here has to be one of degree: How much land, money, override and supervision can make a viable legislative package which will equitably resolve the problem once and for all?

That is why we think the Natives are right in seeking an override, or revenue sharing. It's not enough for a people to renounce valid and extraordinarily rich claims, only for their children to see undreamed of wealth taken from their lands.

(Among other contributions the Federal Field Committee has made to the resolution of this issue, was the vision to see the importance of giving the Native people a continuing share in the wealth of their renounced lands.)

As for land and money, we believe it should be sufficient to meet the above criteria, as well as to provide an adequate base for future self-development. We're glad that the floor between government and Natives is narrowing here.

Specifically, we think the Native figures of $500 million and 40 million acres are not unreasonable. We recognize, however, that there is room to give. And the Natives recognize it, too.

The same bargaining stance applies to the mechanism for implementing a settlement. Regional corporations may be one answer, but at the price of the override or significant land grants, they may not.

The legislative process, involving such choices, will test the Natives' pride, cohesive spirit and judgment. Decisions of great future consequence will have to be made . . . now.

But the Native is not the only one being tested by the decision to seek a legislative settlement. The American system, the American code of ethics is being tested, too.

And after all this is over we'll have to share the same land, breathe the same air, walk the same earth. As Alaskans. As brothers.

TAX TREATMENT OF PENSION AND PROFIT SHARING PLANS

Mr. SMITH of Illinois. Mr. President, all of us are in favor of tax reform. None of us want it to come at the expense of smaller taxpayers.

Therefore, I want to indicate to the Senate my intention to offer next week an amendment to the tax reform bill to relieve the effort of section 515 of any qualified pension or profit-sharing plan that should be taxed as ordinary income at the time of receipt should a taxpayer elect to receive his benefits as a lump-sum distribution. The appreciated value of the taxpayers and employers contributions would continue to receive capital gains treatment.

Under present law the entire lump-sum distribution exclusive of the taxpayer's own contribution which is taxed each year receives capital gains treatment. If a taxpayer elects to receive his pension or profit-sharing benefits on an annuity basis the installments distributions are treated as ordinary income in the year received. The reason for my amendment is to protect the many thousands of small taxpayers who receive lump-sum distributions from pension and profit sharing and so-called thrift plans. They look to these plans as a method of providing a nest egg upon their retirement. It seems to me totally unfair to attack these retirement nest eggs of small income taxpayers with a rather substantial tax increase the first year of their retirement.

Furthermore, under the proposal of the Finance Committee, a 5-year forward-averaging system was adjusted. This 5-year forward averaging system is actually subject to the legal interpretation that larger taxpayers would actually have a tax reduction under several plans of employers in my State.

The Finance Committee version, in other words, very possibly provides tax reform in reverse. The House-passed version hits small taxpayers too hard. Therefore, I want to advise the Senate that I intend to offer an amendment to section 515 of the bill next week and I would certainly hope that my colleagues would support this amendment.

The Finance Committee has already removed sections of the House-passed bill dealing with deferred executive compensation. I believe very strongly that the many small taxpayers who are members of qualified pension and profit-sharing and thrift plans are entitled to similar consideration.

GERM WARFARE BAN RENEWS CALL FOR RATIFICATION OF 1925 GENEVA ACCORD

Mr. BAYH. Mr. President, yesterday, President Nixon took a decisive and important step when he announced that the United States will never engage in germ war and that it will destroy its bacteriological stockpile.

The significance of the President's position cannot be stressed too much. As the President said, the use of bacteriological weapons "has been repugnant to the conscience of mankind." And it is time, past time that the United States took a position in the control of such weapons of destruction. The President's announcement is, indeed, a step toward sanity in a world that has too often focused on ways of destroying itself.

The President's announcement also comes at a time when it is especially necessary that the United States set and maintain a climate for the arms control talks currently being held between the United States and the U.S.S.R. in Helsinki. Though the President's words do not directly affect these talks, they do say to the Russians and to the world that the United States is not merely paying rhetorical lipservice to peace but is willing to take decisive and immediate action to reduce tension.

In August of this year, I joined my distinguished colleague, the senior Senator from Indiana, VANCE HARTKE, in a Senate resolution asking the President to submit the Geneva protocol of 1925 to the Senate for ratification. Yesterday the President said that he intends to ask the Senate to ratify the 1925 Geneva accord.

Today I join with Senator HARTKE and the President in urging the U.S. Senate to ratify this Geneva protocol of 1925.

Although the United States introduced the CBW protocol at Geneva and has endorsed its purpose over the years, it has been the only major power not to ratify the protocol.

The Geneva protocol is now binding on 62 nations, including every nuclear power, and member of the NATO and Warsaw pacts except the United States. The United States has continually been discredited at international discussions for our failure to ratify this treaty.

I would hope that the Senate would listen to the President and would support him by ratifying the Geneva protocol.

Americans are continually talking about man's humane treatment to his fellow man; yet we alone of the major powers have refused to sign a document which asks nations of the world not to engage in the horrors of a chemical and biological war. It is time we take a right and responsible position for ourselves and for the world and ratify this treaty.

CHEMICAL-BIOLOGICAL WARFARE

Mr. WILLIAMS of New Jersey. Mr. President, the announcement by President Nixon that the United States will bar germ warfare and destroy its stockpile of bacteriological weapons deserves our sincere praise and the thanksgiving of the American people. His further proposal that our Government commit itself against the first use of lethal gas—as well as incapacitating chemicals—places the responsibility squarely upon the Senate to take up the Geneva Protocol without delay upon resubmission by the administration.

The President's decision to limit American bacteriological warfare programs to research on defensive measures offers the promise that this gruesome anachronism is on the way to being eliminated. The President rightly described such weapons as being "repugnant to the conscience of mankind." The global consequences of the employment of bacteriological agents bear no relationship to the objectives of military conflict and clearly demonstrate the ultimate insanity of war.

It remains to be seen what interpretation will be given by the Defense Department to "defensive measures." Our Government has long held that CBW programs were solely for defensive purposes. Moreover, clarification is needed of a statement of Col. Lucien Winegar, deputy commanding officer at Fort Detrick, Md., that it would be "fair to assume" that Detrick will continue to produce dangerous organisms that could be used offensively, since any defense against biological weapons involves production of harmful agents that are potentially available to an enemy—Washington Post, November 26, 1969.

With regard to chemical warfare, the Senate must investigate whether the present use by U.S. forces in Vietnam of a concentrated form of tear gas and defoliants would be in violation of the 1925 Geneva Agreement. A statement by a White House source that it would not be necessary to relinquish these agents reportedly has been strongly disputed by many of the present 88 signatories of this protocol.

Almost 4 months ago I joined Senate colleagues in offering a resolution—Senate Resolution 228— urging the President to resubmit the 1925 Geneva Protocol against CBW for the Senate's advice and consent to ratification. I said then that the United States must put itself on record, formally and through the proper international documents, as opposing the first use of these terrible weapons. The then-current viewpoint of the Secretary of Defense, which I strongly opposed, was that the United States must continue to develop its CBW forces simply to keep up with other nations. The same logic has been applied to our nuclear forces, most recently to defend the development of ABM and MIRV—which could result in an uncontrolled arms race that will threaten the continued existence of mankind.

Let us hope that the President's announcement reflects a deeper insight, a new wisdom that can start the nations of the world on the road to a genuine peace. The control and reduction of the weapons of our mass destruction is the all-important first step, and requires that calculated initiatives be taken by the United States, possessing the greatest military power the world has known.

VETO POWER OF GOVERNORS OVER THE OEO LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, on November 13, 1969, more than 80 deans of law schools throughout the United States signed a statement in opposition to the Senate amendment giving Governors a veto over OEO's legal services program. It is their fear that this amendment would not only interfere with traditional independence of the legal profession, but would also have a detrimental effect on legal education.

I am particularly proud of the fact that the organizer of this petition was Dean William B. Lockhart, of the University of Minneosta Law School. Dean Lockhart, who is serving as president of the Association of American Law Schools, has been one of the most outspoken advocates of quality legal services for the poor.

Since law school deans play such a major role in the training of future lawyers, I think that Senators should know of their strong opposition to any effort to cripple the legal services program. I therefore ask unanimous consent that their petition and names be printed in the RECORD.

There being no objection, the petition and names were ordered to be printed in the RECORD, as follows:

STATEMENT OF LAW SCHOOL DEANS

We concur with the resolution adopted on October 18, 1969, by the Board of Governors of the American Bar Assocation and the action of the Judicial Conference of the United States at its meeting on November 1, 1969, and voice our opposition to the amendment to S. 3016 which would give State governors a veto over legal services programs.

As law school deans we are concerned with the possibility of interference with the attorney-client relationship and the traditional independence of the legal profession. We are especially concerned with the effect that this amendment may have on legal education and the development of a sense of professional responsibility among law students to participate in programs providing meaningful legal services to the disadvantaged.

NOVEMBER 13, 1969.

Samuel H. Hesson, Albany Law School, Union University.

B. J. Tennery, Washington College of Law, American University.

Willard H. Pedrick, Arizona State University College of Law.

Ralph C. Barnhart, University of Arkansas School of Law.

Robert F. Drinan, S.J., Boston College Law School.

Paul M. Siskind, Boston University School of Law.

Edward C. Halbach, Jr., Univ. of California School of Law, Berkeley.

Edward L. Barrett, Univ. of California School of Law, Davis.

Arthur M. Sammis, Univ. of California, Hastings College of Law.

Robert K. Castetter, California Western School of Law of the U.S. International University.

Clinton E. Bamberger, Jr., Catholic University of America School of Law.

Phil C. Neal, University of Chicago Law School.

William F. Zacharias, Chicago-Kent College of Law.

Samuel S. Wilson, University of Cincinnati College of Law.

James K. Gaynor, Cleveland-Marshall College of Law, Cleveland State University.

Howard R. Sacks, University of Connecticut School of Law.

James A. Doyle, Creighton University School of Law.

Robert B. Yegge, University of Denver College of Law.

Robert G. Weclew, De Paul University College of Law.

Brian G. Brockway, University of Detroit School of Law.

A. Kenneth Pye, Duke University School of Law.

Ben F. Johnson, Emory University School of Law.

William Hughes Mulligan, Fordham University School of Law.

Adrian S. Fisher, Georgetown University Law Center.

Robert Kramer, National Law Center, George Washington University.

Lindsey Cowen, University of Georgia School of Law.

Lewis H. Orland, Gonzaga University School of Law.

Derek C. Bok, Harvard University Law School.

Malachy T. Mahon, Hofstra University School of Law.

Paul E. Miller, Howard University School of Law.

Albert R. Menard, Jr., University of Idaho College of Law.

John E. Cribbet, University of Illinois College of Law.

Cleon H. Foust, Indiana University, Indianapolis Law School.

David H. Vernon, University of Iowa College of Law.

Lawrence E. Blades, University of Kansas School of Law.

William Lewis Matthews, Jr., University of Kentucky College of Law.

William L. Lamey, Loyola University School of Law, Chicago.

Leo J. O'Brien, Loyola University School of Law, Los Angeles.

Marcel Garsaud, Jr., Loyola University School of Law, New Orleans.

Edward S. Godfrey, University of Maine School of Law.

Robert F. Boden, Marquette University Law School.

William P. Cunningham, University of Maryland School of Law.

Frederick D. Lewis, University of Miami School of Law.

William B. Lockhart, University of Minnesota Law School.
Patrick D. Kelly, University of Missouri—Kansas City, School of Law.
Robert E. Sullivan, University of Montana School of Law.
Henry M. Grether, Jr., University of Nebraska College of Law.
Thomas W. Christopher, University of New Mexico School of Law
William H. Angus, State University of New York at Buffalo School of Law.
Robert B. McKay, New York University School of Law.
DeJarman LeMarquis, North Carolina Central University School of Law.
Robert K. Rushing, University of North Dakota School of Law.
John Ritchie, Northwestern University School of Law.
Eugene N. Hanson, Ohio Northern University College of Law.
Ivan C. Rutledge, Ohio State University College of Law.
Ted Foster, Oklahoma City University Law School.
Eugene F. Scoles, University of Oregon School of Law.
Jefferson B. Fordham, University of Pennsylvania Law School.
John J. Murphy, St. John's University School of Law.
Richard J. Childress, St. Louis University School of Law.
Joseph A. Sinclitico, Jr., University of San Diego School of Law
William J. Riegger, University of San Francisco School of Law.
Leo A. Huard, University of Santa Clara School of Law.
John P. Loftus, Seton Hall University School of Law.
James B. Adams, University of South Dakota School of Law.
Dorothy W. Nelson, University of Southern California Law Center.
Bayless A. Manning, Stanford University School of Law.
Richard T. Dillon, Stetson University College of Law.
Robert W. Miller, Syracuse University College of Law.
Harold C. Warner, University of Tennessee College of Law.
W. Page Keeton, University of Texas School of Law.
Richard B. Amandes, Texas Tech University School of Law.
Karl Krastin, University of Toledo College of Law.
Samuel D. Thurman, University of Utah College of Law.
John W. Wade, Vanderbilt University School of Law.
Harold G. Reuschlein, Villanova University School of Law.
Monrad G. Paulsen, University of Virginia School of Law.
John E. Howe, Washburn University of Law.
Hiram H. Lesar, Washington University School of Law.
Charles W. Joiner, Wayne State University Law School.
Paul L. Selby, Jr., West Virginia University College of Law.
Spencer L. Kimball, University of Wisconsin Law School.
Frank J. Trelease, University of Wyoming College of Law.
Louis H. Pollak, Yale Law School.

HOUSING NEEDS OF SENIOR CITIZENS

Mr. EAGLETON. Mr. President, the distinguished Senator from Utah (Mr. Moss) recently spoke to the convention of the American Association of Homes for the Aging in St. Louis. His address included a thorough analysis of the housing needs of our senior citizens, the problems encountered in meeting these needs, the inadequacy of government programs in this area, and suggestions for future constructive action by private groups and government officials to meet the housing, health and welfare requirements of our senior citizens.

Senator Moss has served with distinction on the Special Committee on Aging and is currently chairman of the Subcommittee on Long-Term Care. Thus this message merits serious attention by all of us concerned with the well-being of our senior citizens. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

(By Senator FRANK E. MOSS, Democrat, of Utah)

FUTURE TRENDS IN LONG-TERM CARE

My friends of the American Association of Homes for the Aging. It is a pleasure for me to be here at this Eighth Annual Convention and Meeting. As you know, I have participated in your programs before but I feel particularly honored to be asked to be your keynote speaker.

At this convention today we turn our attention to the future. We hope to identify problems and consider solutions. We seek to improve the programs and institutions serving our senior citizens.

The primary emphasis of my speech today will be problems in the area of long-term care. That these problems are important is obvious from the facts.

The National Council of Senior Citizens reports that there are some 25 thousand nursing homes in this country. Ninety percent of these homes are operated for profit and they house about a million Americans.

Since the inception of medicare's extended care provisions there has been a tremendous expansion of these facilities. Medicaid paid for $1.1 billion in nursing home care last year and medicare added another $500 million.

Two out of every three dollars received by nursing homes reportedly comes from state or federal taxes.

Nursing homes are a recent development in the field of medical care. There are some excellent homes such as the St. Joseph's Manor in Trumbull, Connecticut, and Golden Acres in Dallas, Texas. Nursing homes, however, have a bad image, possibly because statistically 25 percent of their patients die within six months after admissions.

Nursing homes have become big business. They provide emploment for thousands of people. They merit the solicitous concern of shareholders, doctors, druggists, ambulance drivers, and food and linen services.

I am here to tell you of the government's interest. Simply stated it is: the highest standard of care for the elderly at the lowest possible cost.

RESTORATION OF THE 202 DIRECT LOAN PROGRAM

Before proceeding with my discussion of the needs in the area of long-term care, I would like to spend a few moments discussing the section 202 program. As you know, this section provides direct loans at low rates of interest to non-profit organizations providing homes for the elderly.

There has been some difference of opinion as to the status of this program and I will give you a report in some detail.

Early in the year the administration indicated its policy against direct loans by the Government. It was said that these loan programs place the Government into competition with private money-lending establishments.

But the 202 program had been one of our most effective and efficient housing programs. Non-profit sponsors had learned the procedures and had begun to develop a sizable volume of projects until the program was sharply interrupted by a housing and urban development policy which in effect required conversion of all 202 projects to section 236 financing upon completion. This abrupt termination was the result of a misunderstanding of the 1968 legislation which authorized section 202 sponsors to convert to section 236 on a *voluntary* basis, not on a *mandatory* basis.

Little if any accurate information was given about the deletion of the 202 program. An inquiry to housing and urban development still brings the response that the program is alive but that the use of section 236 is *encouraged* because the appropriations for section 202 have been extinguished. Significantly, in the recently announced reorganization of that department, the 235 and 236 programs were cited as coming under the jurisdiction of the assistant secretary for housing production and mortgage credit, but no mention was made of the 202 program.

Congress responded to the public outcry that followed the decision to delete the 202 program. Congress reaffirmed and clarified its support of the direct loan program in the strongest language possible in the 1969 housing bill. The conferees have not yet reached agreement but the house bill authorized $150 million for the coming year while $80 million a year for three years was authorized in the Senate for the 202 program.

I count this as an important victory even though we must still work hard to insure that Congress follows up on its authorization with the requisite appropriations.

So much for 202. If my address seems fragmented it is because I wish to touch several points without unduly extending the length of my talk.

MODEL CITIES FUNDS CUT AND THE NEED FOR DEMONSTRATION NURSING HOMES

I very much regret the $215 million dollar cut in model cities funds this year. The New York Times reported this cut in terms of a slow-down and stretch-out of the program.

In our recent hearings on the usefulness of the model cities program to the elderly, I questioned the administration's representative about the cuts. Mr. Robert Baida, deputy for model cities and Government relations had this to say:

"I believe that the cut is really more apparent than real . . . Now with respect to the charge that there has been a slow-down or stretch-out of the program, the administration must take a certain responsibility for the length of time in reviewing the model cities program."

I suggest that the cut in model cities funds was both apparent *and* real. I firmly believe that State and local officials should be able to rely on the information and commitments that they receive from the Federal Government without equivocation.

Let me also suggest that the innovation that has been the hallmark of the model cities program should be utilized to advantage within the sphere of long-term care.

Private and non-profit homes have always been the leaders in the field of providing improvements in the care of the aged. I would hope that it is possible to build a number of demonstration or model nursing homes to develop techniques that can be employed in future homes.

NEED FOR PROPER REGULATIONS FOR HIGHER STANDARDS OF SKILLED CARE

As we continue to list the needs that exist in the area of long-term care, I would immediately ask for effective regulations in implementation of my amendment to Title XIX of the Social Security Act.

As you will recall, last June the Department of Health, Education, and Welfare announced their so-called interim standards,

purportedly, to implement my amendment. While the intent of my amendment was to raise the standards of care in our skilled nursing homes, the effect of the interim regulations was clearly to lower standards below the former level.

The battle lines were quickly drawn and I was grateful to have the American Association of Homes for the Aging represented at our hearings. Dr. Egger's statement was precise and informative.

The next step in the chronology was the report of the special task force on skilled nursing home care. This task force was set up under the social and rehabilitation service of the Department of Health, Education and Welfare to weigh all the evidence. The content of this revised report has not been made public. I do have good information that indicated that the report finds in favor of the stricter enforcement of present legal standards.

With the hope of having the latest information at my fingertips, I have sent Secretary Finch the following telegram and I want to read you his reply.

"NOVEMBER 10, 1969.

"Hon. ROBERT H. FINCH,
"Secretary of Health, Education, and Welfare, Washington, D.C.:

"I am addressing the American Association of Homes for the Aging on November 17, and I need the latest word on the following:

"1. What action has been taken on the report of the task force on skilled nursing home care?

"2. What plans have been made by the Department for implementation of regulations to comply with my amendment to title XIX concerning higher standards applicable to patients in skilled nursing homes?

"FRANK E. MOSS,
"U.S. Senator."

It is important for us to remember that the interim regulations once published in the Federal Register are the law of the land. The interim regulations have had the effect of law for six months now. Surely, it is time they were replaced with more adequate standard regulations.

We must be ever vigilant to insure the highest quality of care at the lowest cost to those who must spend extended periods of time in our skilled nursing facilities.

THE NEED FOR SHELTER CARE FACILITIES

I call for the expansion of the FHA-Nursing Home program to include shelter care facilities. We have housing programs in this country which are keyed to those of our elderly who are independent and ambulatory. We have a growing number of facilities for those who need intensive care. We have a definite need for the kind of facilities that were envisioned by the Montoya amendment to the housing bill that passed the Senate on September 23.

By supplying these personal care services we would aid many thousands of Americans who live in near independence. A personal care program also makes sense economically. It reduces the number of people making unwarranted trips into hospitals and skilled nursing homes.

The House deleted the shelter care provision from its bill. I have strongly urged that the Senate insist on its amendment to the bill in conference with the House.

THE NEED TO IDENTIFY AND DEFINE DIFFERENT LEVELS OF LONG-TERM CARE

I call for a common agreement by all parties concerned on the identification and definition of different levels of long-term care.

There is presently hopeless confusion in the field of long-term care on terminology. This problem has serious consequences for communications between interested groups. It has been called to my attention that in the State of Wisconsin, to cite one example, there exist 12 different levels of nursing home care. The resulting problem of classifying patients is obvious. I would suggest that we agree on three or at the most, four basic classes of service.

On related points, I would favor giving "spell of the illness", a medical, rather than an insurance definition. I would also stress the need for agreement on the patient to staff ratio and the ratio of personnel to supervision.

Agreement is also needed on accounting methods and auditing procedures to protect Federal funds. Careful check should be made of receipt and disbursement of drugs and the opportunities for fraud should be minimal and subject to vigilant surveillance.

THE NEED FOR CONTINUITY BETWEEN MEDICARE AND MEDICAID

There are many reports of substandard facilities and care under medicaid. Many States and counties have consistently placed title 19 patients in substandard nursing homes in order to save money.

The Department of Health, Education, and Welfare audits recently revealed that there were at least 227 substandard homes receiving title 19 money in California under the State's medi-Cal program.

Certainly we can agree that title 19 patients have the same right to first rate medical and nursing services as persons under title 18.

FUTURE NURSING HOME ADMINISTRATORS SHOULD BE LICENSED PROFESSIONALS

I call for more professionalization in the field of nursing home administration. At the present time only 10 percent of nursing home administrators have training for the job.

I call for strict compliance with the Kennedy amendment of 1967 that requires licensing of nursing home administrators.

I am told that Secretary Finch has approved the report of the National Advisory Council on Nursing Home Administration which was charged with the responsibility of developing guidelines. Reportedly, these guidelines will be published in the Federal Register in the near future.

TRAINING PROGRAMS FOR NURSING PERSONNEL ARE URGENTLY NEEDED

I call for Federal financial support of State training programs to provide personnel for our nursing homes. The nursing home industry has proven that it can construct 70 to 80 thousand beds a year, some 2 to 3 nursing homes every day. Competent nurses and assistants must be found who have a genuine interest and concern for older people.

Another factor which complicates the shortage of personnel is the very high turnover rate which the Department of Labor estimates is as high as 71 percent for registered nurses and 60 percent for all nursing personnel.

TRUTH IN ADVERTISING IN THE NURSING HOME FIELD AND FULL DISCLOSURE OF CONTRACT TERMS TO PROSPECTIVE RESIDENTS OF NURSING HOMES

I call for truth in advertising in the nursing home field. The St. Petersburg Times has carried reports of applicants who enter homes in belief that their quarters will be equipped as described in the brochure. Much to their chagrin, they find that their home has no air conditioning or that it does not offer the promised recreation or physical therapy.

Sick and helpless people need legal protection. Many today sign form contracts which are what we call in the law, contracts of adhesion. Once these forms are signed the elderly often find themselves bound by unfortunate consequences. They should be made to understand what they are signing. They should know what services are to be provided and what are not.

NEED TO BROADEN THE SCOPE OF MEDICARE AND TO MINIMIZE RISING COSTS

I call for broadening the scope of medicare, certainly, eye glasses and dental care are essential. In 1967 only some 35 percent of medical costs of the elderly were covered by medicare. For the elderly themselves and for the Federal Government we must do what we can to limit rising medical costs. Essentially the weapons to be used here are unscheduled inspections, audits on a random basis and close monitoring of claims to avoid duplication.

I am distressed by the fact that medical costs in the past four years have risen twice as fast as in previous years.

ENFORCEMENT IS NEEDED OF THE LAW REQUIRING DISCLOSURE OF MANAGEMENT AND OWNERSHIP OF NURSING HOMES

Since my amendment in 1967 the law requires that the name of any one with the 10 percent interest in a nursing home be publicly disclosed. The Department of Health, Education and Welfare has been lax in telling States how to comply with the law.

As a result, the abuses of hidden ownership continue to exist. There are reports of doctors with substantial financial interests. Stocks are currently listed in the names of family and friends. In this setting there are always charges of conflict of interests. Most often mentioned is the case where a doctor sits on a utilization review committee and is charged with the responsibility to decide the institutional tenure of patients under medicare and medicaid. It has been implied in such cases that the doctor has a direct financial interest in keeping patients in the nursing facility.

There are always reports of nursing home owners hiring their own construction firms to build a particular home in question. They also hire linen and cleaning services in which they have a direct financial interest. This leads to the charge that the home has paid exhorbitant prices for construction and services.

Clearly, the opportunities for abuse are multiplied by the creation of nursing home chains. The profit motive is inherent in their existence.

COMPLIANCE WITH FIRE REGULATIONS

Nursing home inspections should determine if there is compliance with the requirement of life safety code of the National Fire Prevention Association as required by law.

ELDERLY NOT IN NEED OF PSYCHIATRIC HELP SHOULD BE RELEASED FROM MENTAL HOSPITALS, NURSING HOMES SHOULD DEVELOP PSYCHIATRIC SERVICES

Twenty-six percent of the people in our mental institutions are confined for the singular reason that they are poor. In St. Elizabeth's Mental Hospital in Washington, D.C., there are at least 462 people over age 70 who could be released. We can no longer tolerate this waste of humanity and resources.

It has also been estimated by the public health service that some 55 percent of the people in nursing homes are mentally impaired.

Certainly there is great confusion as to just what constitutes mental illness within the sphere of geriatrics. Without attempting to settle that argument, the signs are clear that in future nursing homes will be handed more responsibility in the area of psychiatric counseling and services.

NEED TO IMPROVE THE IMAGE OF NURSING HOMES WITH EMPHASIS ON REHABILITATION

I find it essential that we do everything possible to improve the image of nursing homes. With improved services this should follow automatically. Still we must dispel the notion that all nursing homes are a kind of purgatory.

We must come to grips with the fact that good nursing home care is expensive. We must be willing to pay the price for the high standards that we seek. Still, our goal should remain the highest standard of care for the lowest possible price.

Nursing homes of the future must be more than a place where the ill go to wait out their remaining years. The emphasis of the future must be *rehabilitation*. Patients

should be returned to society as early as possible. The goals of the nursing home should be to discharge to independent living the maximum number of its residents. Terminal storage of elderly patients must be eliminated.

CONCLUSION

To this point I have been concentrating on the *health* problems of our elderly. Obviously, these problems are extremely important. But there are two equally important areas of concern. First, the economic needs of our elderly. This is only to say that the elderly make up a large segment of the poor of this Nation. Second, I would mention the psychological needs of our aged. Our elderly suffer from a decreased sense of intrinsic worth; from a poverty of the spirit; from the very fact of being old in a youth-oriented society.

The *economic* needs can only be met by increased incomes. We must put the floor of decency under our entire economy. We must provide opportunities for part-time employment. We must increase social security benefits *more* than the administration's proposal of 10 percent. We must come to grips with guaranteed income problems.

The psychologican needs of the elderly require a reordering of the values of society. Our senior citizens are capable of playing an important role in our society. We should ask for their intellectual contribution to society. Experience is a gold mine which should not be closed and forgotten.

I believe that old age should be a time of satisfaction and reward. The struggle to survive should rest with youth. This is why I was pleased to see the State of Maryland purchase a luxury high rise apartment in the central city and make it available to the elderly at low rentals. I applaud Chicago's reduced fares for senior citizens on the subway and in movie theaters. I am pleased with the drug store chain in Salt Lake City and elsewhere, that provides medicines for the elderly at half price. I have called for reduced fares for our senior citizens on our airlines.

In closing, I would ask a question. What do we really mean when we say that America is the *richest* nation in the world? I raise the question only to suggest that our greatest resource is our people. Our wealth is our brain-power; the combination of energy and intellect. Using our brain-power we have been able to make unparalleled advances in the cause of mankind—science, transportation, education—even man on the moon. It is my belief that we can devote this same resource to solving the problems of our senior citizens.

So, the imposing question remains, why haven't we made greater efforts for our elderly in the past? Perhaps Allan Nevins had the answer when he wrote that the United States throughout its history has carried on its shoulders the grinning ape of complacency.

It does seem that the only obstacle that stands in the way of a more meaningful life for our senior citizens is our lack of resolve. There is no deficit of national resources; there *is* a deficit of national will.

I acknowledge the fact that the members of this gathering are the leaders in the field of care for the aging. I ask for your continued concern and continued effort. Let us do all that we can to insure to our elderly their fair share of American abundance, in respectful independence and full membership in our society.

COURT RULES THAT FARMERS HIRING ILLEGAL FOREIGN LABOR LIABLE FOR DAMAGES

Mr. MONDALE. Mr. President, as chairman of the Migratory Labor Subcommittee, I have seen firsthand the depressing effect on living and working conditions caused by the presence of foreign workers in agriculture. While some of these foreign workers are in the United States under some color of law, there have been an increasing number of foreign workers that enter this country illegally. They are called wetbacks, because many gain entry by swimming across the Rio Grande.

In an unprecedented decision a California court has ruled that domestic farmworkers have a right to prevent agricultural employers from hiring wetbacks in order to depress wages and working conditions, since the use of wetbacks to the detriment of local workers would be an unfair business practice. The suit follows the settlement of a previous action when a grower agreed to request that prospective agricultural employees offer proof of lawful status in the United States, such as an alien registration receipt card, commonly known as a green card, or a valid draft card, or a local drivers license.

Legal action undertaken by California Rural Legal Assistance on behalf of farmworkers punctuates the failure of the Government to effectively implement laws enacted by Congress for the protection of domestic labor. The immigration laws provide that alien workers shall not be imported if their use will have an adverse effect on domestic wages and working conditions—8 U.S.C. 1182(a)14. Consistent with controls on foreign labor, Congress prohibited directly or indirectly inducing illegal entry into the United States or harboring or concealing illegal entrants from discovery. However, a loophole exempts the employment of illegal entrants from the statute—8 U.S.C. 1324. This provision which has made it easy for illegal entrants to obtain employment both on the farms and increasingly in the cities, contributes substantially to the presence in the United States of perhaps as many as 400,000 aliens who entered illegally, have no right to be here, but who deprive low-income domestic workers of jobs. In the fiscal year ending June 30, 1969, the Immigration and Naturalization Service reported the apprehension of 151,000 illegal entrants, possibly only one-third of those aliens who escaped detection.

The use of wetbacks coincides with high unemployment and low wages. At the current rate of unemployment perhaps as many as one out of every six unemployed American workers could be out of work because of the use of illegal entrants. On the farms only one worker in eight works more than 250 days of the year, and average hourly earnings—$1.48—are at most one-half those prevailing in the industrial sector—$3.01.

In Sonoma County, Calif., a rich agricultural area where workers are challenging the employment of wetbacks, another group of workers covered by Federal and State minimum wage laws has brought suit against an employer charging that they were paid an average of 30 cents per hour on a piece rate to harvest pears and prunes. Applicants for farm labor jobs in the same county were double growers' requests for workers even at periods of peak utilization.

While illegal entrant use was formerly predominantly agricultural, current patterns show a dramatic shift to permanent low and semiskilled employment in industry and in the cities. Additionally the incidence of illegal alien labor has gradually spread from the Southwest to other areas of the country. In Los Angeles where the unemployment rate is about 5 percent compared with 3.5 percent nationally—August 1969—up to 4,000 illegal entrants are apprehended each month. Recent wetback apprenhensions in rural areas similarly reflect a shift in wetback employment to more permanent jobs such as wineries and light manufacturing. Wetbacks deprive American low-income workers of possibly $100 million every year.

The easy employment of Mexican nationals at wages ranging from five to 10 times the amount earned in Mexico has led to the development of a lucrative and sophisticated series of smuggling syndicates which extract up to $300 from Mexican workers to get them into the United States and find them work. These syndicates, which are feared by residents on both sides of the border, are not above resorting to bribery and violence and have been linked, by four Franciscan fathers working with Mexican nationals, to the marihuana traffic as well.

Because of the magnitude of the problem and the apparent disinterest in adequately enforcing the law, efforts at controlling the illegal entrant have been diligent but puny. Multiple returnees are permitted to leave voluntarily or are transported to the interior of Mexico at the expense of the U.S. Government. Smugglers are prosecuted but frequently plead guilty to a lesser offense, or receive a minimal sentence.

Law suits such as the Santa Rosa case could have some deterrent effect on the unlimited employment opportunities which wetbacks now have in the United States, in possibly requiring more responsible employers to request than Spanish-speaking males who seek employment provide some evidence that they are entitled to be in the United States. But only the repeal of the employment exemption—8 U.S.C. 1324—can provide law enforcement officials with an effective deterrent to the widespread use of illegal entrant labor.

Furthermore, Mr. President, this case illustrates the excellent service provided by California Rural Legal Assistance, and other legal service programs throughout this Nation, in bringing high quality legal service to the poor in order that their interests are adequately represented and laws designed for their protection are actually enforced.

It is important that poor people have the same administrative and judicial remedies that are available to, and exercised by, all Americans. Unfortunately, the ability of legal services programs to continue to provide these valuable and basic services to the poor is in jeopardy because of the regressive amendment recently adopted by the Senate. This case presents yet another example of why I fought to defeat that amendment. It is ironic that the existence of an OEO program is threatened merely because it is providing services that it is designed to offer, services that nonpoor Americans take for granted.

Mr. President, I ask unanimous consent that two articles, one from the Los

Angeles Times, and another from the Washington Post, that report this court case be printed in the RECORD, along with and article from the October 20, 1969, issue of the Nation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post (D.C.) Oct. 19, 1969]

CALIFORNIA FARMS WARNED ON HIRING WETBACKS

(By John Berthelsen)

SANTA ROSA, CALIF.—A Superior Court judge here has ruled that farmers are liable to punishment if they refuse to give jobs to American citizens while hiring illegal Mexican immigrants.

The victory is one step in a long fight by California Rural Legal Assistance Inc., an agency of the Office of Economic Opportunity, to stop the use of illegal migrants by farmers and growers. The ruling will enable other agricultural workers to obtain injunctions against employers using such poorly paid labor.

The decision may also have an effect on the long and bitter grape strike in California's central valleys. Leaders of the strike claim that growers have used illegal aliens as strikebreakers.

The decision was handed down late last week by Superior Court Judge Joseph Murphy. He rejected a move to block a $20,000 damage action against apple grower Donald Orr of Healdsburg, a town north of San Francisco. Orr's attorneys contended that laborers Eleno Riojas and Guadlupe Guitan had no right to bring the action, which accused Orr of employing illegal immigrants. Murphy ruled that the right was provided under the unfair business practices law.

Attorneys for the CRLA representing Riojas and Guitan also sought an injunction ordering farm employers to require prospective workers to show alien registration cards, draft cards or local drivers' licenses as legal proof of residence.

The judge rejected this bid, saying it was inappropriate since the working season was over. He added it was "not a determination on whether it should be ordered"—leaving the door open for similar injunctions during next year's growing season.

"The impact of this decision is going to send tremors throughout California agriculture," said the plaintiff's attorney, Sheldon Greene.

The Border Patrol estimates that as much as $100 million a year is being taken out of the United States by illegal workers. A total of 151,000 border-jumpers were caught between June 1968 and July 1969—63,000 of them in California, and 4,000 in Los Angeles alone.

[From the Los Angeles (Calif.) Times, Oct. 10, 1969]

ILLEGAL ALIEN EMPLOYERS LIABLE FOR PUNITIVE ACTION, COURT RULES—JUDGE SAYS DAMAGES ARE POSSIBLE UNDER CODE WHICH PROHIBITS UNFAIR BUSINESS PRACTICES AND COMPETITION

(By Harry Bernstein)

Growers and other employers who hire aliens illegally are liable for punitive damages under a law prohibiting unfair business competition, a California court has ruled.

Millions of Mexican citizens have illegally crossed the border since World War II, taking jobs that unions and other groups have complained should have gone to unemployed U.S. citizens.

When the illegal aliens are caught they are normally sent back to Mexico, but there is no punishment of either the alien or the U.S. employer.

However, Superior Judge Joseph P. Murphy ruled in Santa Rosa Thursday that punishment is possible under the state's civil code, which forbids unfair business practices and unfair competition.

By hiring an illegal alien the employer may be engaging in unfair business practices, he found, since the action could serve to depress wages or working conditions of U.S. citizens who want the job, too.

CASE FILED BY LEGAL GROUP

The case was filed by the California Rural Legal Assistance, a federally-funded war-on-poverty project.

Sheldon Greene, general counsel for CRLA, said the case is a class action on behalf of all farm workers.

(In a similar case last Aug. 28, Santa Clara County Superior Judge Joseph Kelly ruled that a mushroom-growing firm must refrain from hiring aliens illegally and open its employment records to the CRLA).

The judge said a final decision on whether the Orr Fruit Co. must pay any or all of the $20,100 damages sought by CRLA will be made after a hearing on the specific facts in the case.

But Greene noted that the unprecedented part of the decision is the court's ruling that the state law can be used, in effect, to punish employers who hire illegal aliens in competition with U.S. workers.

Greene said new Department of Immigration figures show that in the past year 151,000 illegal aliens were caught nationally, including 63,000 in California.

But for every one alien apprehended, it is estimated that another two are not caught, Greene added:

"We estimated that these aliens send $100 million a year back to Mexico. An employer could check on the status of his employes by simply asking to see a drivers' license, draft card or some other identification."

The Orr Fruit Co. denied knowingly using illegal aliens.

Greene said that "obviously the wetbacks don't come over to this country to see their Aunt Emma or visit Palm Springs. They come to get work, and if U.S. employers were stopped from hiring them, then the flood of wetbacks would stop."

(The illegal aliens became known as wetbacks because many of them swam across the Rio Grande to cross into this country.)

[From the Nation, Oct. 20, 1969]

OPERATION SISYPHUS: WETBACKS, GROWERS AND POVERTY

(By Sheldon L. Greene)[1]

San Francisco.

The *bracero* program died in 1968, after a long illness. Under its provisions, 4.5 million Mexican temporary workers were brought into the United States between 1942 and 1963 as supplementary farm labor. Officially terminated by Congress in 1963—long after the World War II labor shortage which it was intended to ease had ended—it finally trickled to a halt in August 1968 when Secretary of Labor W. Willard Wirtz denied a request by California tomato growers for 2,200 Mexican farm workers. He characterized this refusal of legal entry as "a historic step towards healing the migrant worker sore in California and in the entire United States." But current 1968–69 immigration records show the apprehension of 150,000 Mexican nationals who had entered the United States illegally, and the incidence of these wetbacks in American employment is perhaps triple the number caught. This would suggest that Secretary Wirtz's cure is at the most cosmetic.

Illegal entry by Mexican nationals has afflicted domestic low-income workers since World War II. In 1942, after Mexico had agreed to supply temporary workers under the *bracero* program, Texas farmers refused to meet agreed wages and working conditions. In response, Mexico for a time cut off the supply of workers, but U.S. Immigration authorities permitted thousands of Mexicans to cross the border illegally. They were then apprehended and "paroled" to Texas farmers, thus avoiding the terms of the international labor agreement. Farmers and border industries got cheap labor; domestic farm workers and El Paso garment workers and meat packers suffered wartime inflation but were forced to accept low wages if they wanted to work at all.

In 1954 the President's Commission on Migratory Labor studied the border labor problem and concluded: "The United States, having engaged in a program giving preference in contracting to those who had broken the law, has encouraged a violation of the immigration laws. Our government has thus become a contributor to the growth of an illegal traffic which it has responsibility to prevent."

That same year, the Justice Department launched Operation Wetback, a roundup of more than a million illegal entrants in an area stretching as far as St. Louis and Chicago. San Antonio alone harbored 331,000. The roundup seemed so successful that the Immigration and Naturalization Service stated optimistically in its 1955 report that it had ended the wetback problem. The boast proved premature.

The Border Patrol and the Investigation Section of the INS are diligent, outnumbered and outmaneuvered. The comparatively few illegal entrants who attempt to cross the natural, and for the most part barren, frontier on foot are easily spotted by the continual overhead observation of Border Patrol spotter planes; they are then picked up by ground patrols which run along exfoliated drag strips. Some few aliens risk their lives in airless car trunks and campers, or precariously flattened on a ledge beneath passenger cars. Such trips cost from $100 to $300. One recently ended in death by asphyxiation.

But for 70 to 80 per cent of the illegal entrants access is neither hazardous nor romantic. More than a million Mexican aliens carry visitors' permits. These salmon-colored cards, issued by the Mexican Government at a cost of about $80, authorize visits of seventy-two hours in an area not more than 25 miles from the border.

But the aliens, most of them, are not looking forward to a visit. The typical wetback meets an agent in Mexico who provides him with a routing or a contact. Once across the border, he is transported to a city, often Los Angeles, and there referred to a job. In some instances, the agents provide transportation by selling a group of wetbacks an automobile, in which they can better elude detection. Those who lack the cash are offered a "go now, pay later" plan under which the price of the car is deducted from future wages.

Once inside, the alien easily merges into urban or rural Chicago barrios. Anyone can get a Social Security card by filing an application; proof of legitimate entry or birth certificate is not required. Employers record the Social Security number and couldn't care less about the worker's status. It is a felony to induce an alien to enter the United States, to transport him or to harbor him from detection; but conservative legislators from farm districts have managed to exempt the employer of an illegal entrant from that chain of complicity, even when the employee is known to be a wetback.

Agriculture absorbs the bulk of the illegal entrants. During fiscal 1968, 38,950 of those apprehended were doing farm work. Wetbacks are preferred by most farmers because they are thought to work harder than Amer-

[1] *Mr. Greene is general counsel for California Rural Legal Assistance and a specialist in litigation challenging the employment of nonresident alien labor.*

icans and to complain less about conditions. The minimum wage for farm work in California is $1.65 an hour; wetbacks in labor camps are lucky to earn $1.35, not enough to live on in California but four times the Mexican minimum wage. The rich regions of California are dotted with the grim labor camps which formerly housed *braceros*. Wetbacks now live in many of them, hidden well off public roads on land posted against trespassing.

While most wetbacks seek farm work during the busy seasons, substantial numbers are kept on the year around, or find off-season jobs during the very periods when domestic farm workers, residents of the area, are unemployed and dependent on public assistance. Winter unemployment in farm regions runs as high as 16 per cent of the domestic labor force; in California alone idle farm workers require $15 million in public assistance. Ten thousand wetbacks were caught in the five states that make up the Southwest in February 1969. From this figure one can assume that from 10,000 to 40,000 low-income families were displaced from jobs by wetbacks during the winter months, at a cost in taxes and loss of domestic wages amounting to tens of millions.

Surveys show that the prevalence of wetbacks also depresses wage levels, and encourages employers to ignore the laws governing wages and working conditions. Union leaders find it difficult to organize in areas saturated with wetbacks. A nationally reported example is the stubborn resistance Cesar Chavez's United Farm Workers Organizing Committee has encountered in its efforts to sign contracts with the California table grape growers. Strikes are not a compelling argument with employers who can rely on Mexican nationals, and the union has been forced to organize a nation-wide consumer boycott of table grapes to achieve its purpose.

Displacement of local workers by wetbacks is no longer a predominantly rural problem, since illegal entrants increasingly gravitate to more permanent jobs in the cities. From 1,500 to 3,000 of them are caught each month in the Los Angeles metropolitan area. Recently, the Border Patrol uncovered a smuggling operation which specialized in supplying wetbacks for industrial jobs in Chicago.

Despite the seemingly impressive figures on apprehensions, the wetback problem is not being brought under control. The program is hampered from the start by a shortage of manpower and equipment. As one patrolman in the Stockton, Calif., area put it: "We stake out Route 99 and the smugglers hear of it and take another road. There aren't enough of us to cover all the main highways all the time." On any given day, approximately 300 officers are on duty in the five Southwestern states.

A more basic problem than the size of the Border Patrol is the ease of entry afforded by the visitor's card and the absence of administrative controls on its use. The zone of travel permitted by these cards (with no record kept of entry and departure) was recently reduced from 150 to 25 miles from the border and that is making it easier to tag violators en route to the big cities. Since the reduction, systematic road checks on approaches to Los Angeles have turned up hundreds of aliens with no residency documents.

However, Border Patrol officials complain privately of the Justice Department's failure to require fingerprints as part of the permit procedure. Lacking that identification, it is almost impossible to spot previous violators when they reappear at the border, and wetbacks who have been returned to Mexico reenter again and again, visitor's permit in hand. Also, since no record is kept as to when a seventy-two-hour visit begins, a Mexican who has eluded detection for weeks or months can depart unquestioned.

The very volume of violators has dictated an informal handling of those caught, and this also fails to discourage the increasing traffic. Illegal entry is a crime for which the violator may be prosecuted in the federal courts and formally deported by the INS. Reentry after such a deportation is a felony. But resort to these remedies is infrequent. The present policy is to allow the illegal entrant to leave voluntarily within three days of apprehension. Often he is permitted to get to the border on his own. Or he may be taken to a detention center in El Paso, Tex., or El Centro, Calif., to await bus transportation to the interior of Mexico at U.S. Government expense. Not only does the wetback get a free trip home but back wages are collected for him by Border Patrolmen. Voluntary return is likened by an INS administrator to a "game warden who discovers a hunter without a license and helps him carry the deer he's killed out of the park." Multiple returnees are seldom prosecuted and are formally deported only after the fourth, fifth or sixth entry, unless they are caught assisting other wetbacks to cross the border. A formal deportation procedure takes no more than fifteen minutes, and does not require the services of an attorney, but the INS claims that there are insufficient hearing officers to handle all the possible cases and that in any case deportation wouldn't stop the alien from trying again. Authorities do not even officially notify a grower when illegal entrants are found on his land.

United States attorneys and judges regard illegal entry as an economc crime of low priority and most Americans sympathize with the wetback, who is after all a very poor man trying to get ahead. Few jurists or juries appreciate the relationship between illegal entry and the plight of the domestic poor. Federal prosecutors have little time even for wetback smugglers, accepting only aggravated cases of prosecution. Despite the high apprehension rate in Northern California—3,500 in August 1968—there has been almost no prosecution of smugglers or transporters. Officials suggest that strict enforcement, involving due process for each alien, would choke court dockets, overburden U.S. attorneys and tie up patrolmen as witnesses. The more pessimistic add that extensive prosecution would ultimately fill the prisons to capacity—a line of reasoning not applied to marijuana cases. INS investigators are hampered by the taciturnity of wetbacks, who refuse to say how they entered the country or who helped them to do so. Aware that failure to cooperate will not land him in jail, the alien has no inducement to reveal what he knows of the smuggling operation.

Recent lawsuits brought in California by domestic farm workers against growers using wetbacks allege that such employment is an unfair business practice calculated to lower their wages, diminish their employment opportunity and force them to seek public assistance at the taxpayers' expense. While employment of illegal entrants is exempt from the legal sanctions against harboring wetbacks, farm workers charge that growers are nevertheless criminally implicated, since offering wetbacks employment and shelter from detection is aiding and abetting in the crime of illegal entry. This resort to self-help law enforcement by the poor is a reflection on the failure of the Justice Department to perform its duties.

The ambivalence of the INS in the area of illegal entry is striking. The search for violators is presistent but ineffectual, and it seems clear that more could be done. The service operates on a budget of $86,450,000, more than half of which is committed to the four states bordering Mexico. Detention and transportation of apprehended illegal entrants alone costs $1.6 million, yet no funds can be found to hire more hearing officers and increase the number of formal deportations. Nor is there money to increase the Border Patrol and investigation staff, despite increased illegal entry and the much heavier work load demonstrated by the higher apprehension rates.

An obvious need is the fingerprint identification of seventy-two-hour permit hodlers. INS officials argue that it would be impractical to match the fingerprints of apprehended wetbacks against those of 1 million cardholders. Yet the need to check at most 500 fingerprints a day, the ostensible average number of wetbacks caught in the peak months, is small compared to the FBI's work load of 32,000 identifications a day from a file of 15 million sets of prints.

The replacement of cards at four-month intervals would make it easier to revoke the cards of violators. A requirement that holders of the unlimited entry permit post a bond to secure observance of the terms of entry, a device authorized in related immigration laws, could be an effective deterrent. Other steps could be taken to provide more effective enforcement. A recent act which authorizes a federal magistrate to handle petty crimes could undoubtedly speed the prosecution of numerous smuggling offenses as misdemeanors. Formal deportation following the second illegal entry within two years, the power to assess administrative fines in lieu of prosecution (thereby attaching a portion of the wages earned), and even the right to confiscate the vehicle used in the transportation of illegal aliens, as is done in narcotics smuggling, would also discourage the border hoppers.

Important remedial legislation is before House and Senate. A bill to prohibit the intentional employment of a person illegally in the United States was introduced on March 26, 1969 by Sen. Edward Kennedy and Rep. Michael Feighan. The measure is cosponsored by nine Senators and twenty-three Representatives. But even if passed, it will not result in many prosecutions, since the present difficulties of proving smuggling will be compounded when the federal attorney must submit his case to a jury. However, the abrogation of the employment exemption, combined with occasional well-publicized prosecutions and stiff fines, should cure many employers of hiring wetbacks at bargain rates. Similarly, a bill introduced by Senator Mondale would amend the National Labor Relations Act to make it an unfair labor practice to employ aliens unlawfully present in the country, or to hire nonresident commuter aliens during a labor dispute. Any of these measures, applied for several years, would provide increasingly effective deterrence to illegal entry.

Even so, the problem of the wetback will remain as long as the Mexican-American border is open, the border economies remain interdependent, and American earnings are five to ten times the Mexican wage. But in our increasingly technological society, with its chronic unemployment among low-income unskilled and semi-skilled workers, it is a problem which cannot be ignored. The continued use of nonresident Mexican labor in border areas, a concession to the artificiality of the border, should be coupled with affirmative enforcement of wage standards and labor laws to provide domestic workers with earnings commensurate with living costs, at least equal access to jobs, and the freedom to bargain collectively.

Moreover, urban and rural areas distant from the border have no interdependence with the Mexican population and economy. Lack of enforcement in such places, except for the futile apprehension-return cycle, is really a subsidy to certain industries and subverts the Administration's policy to "move people off the welfare roles and onto the payrolls."

Despite the good record of the Border Patrol, administrative deficiencies in coping with the inflow of illegal entrants cannot

be explained entirely by a lack of imagination or a lack of funds. It is not pure fantasy to conclude that the policy of the Justice Department on illegal entry is to do just enough to avoid wholesale criticism, without arousing the serious anger of anti-union employers who favor an abundance of cheap labor.

TOWARD MORE ADEQUATE SOCIAL SECURITY—VI

Mr. WILLIAMS of New Jersey. Mr. President, as Congress prepares to make major decisions on improvements to our social security system, it becomes all the more important that Americans of all ages understand the economic pressures now burdening most older Americans.

For that reason, I am submitting information about such pressures for the pages of the RECORD; and today I will draw from statements presented at a meeting conducted in Hudson County, N.J., recently.

There, I called upon elderly residents, county and municipal officials, and others to tell what it means to be old and to live on a limited income in one of the urban centers of New Jersey.

There could be no doubt about the most pressing concern of those who testified. They want social security benefit levels that will be of real help to them as they cope with rising medical costs, rents or property taxes, and other costs of living. In a county where the average monthly social security benefit is $94 a month, the administration proposal for an across-the-board increase of 10 percent would not go very far. We need far more definitive action—of the kind proposed last week in S. 3100.

There can be no substitute for the grassroots testimony received at meetings such as that conducted in Hudson County. The message that came through in more than one statement was most vividly expressed by one participant who said:

> There are a lot of poor people in this Nation and county who also have lived a great number of years. And the sad truth is that many of those elderly have become poor by becoming old.

Mr. President, I ask unanimous consent to have included in this RECORD two newspaper stories—one from the Hudson Dispatch of Union City and one from the Jersey Journal of Jersey City—of October 13. The stories give highlights of a memorable and productive occasion. They are worthy of study as Congress turns its attention once more to vitally needed social security adjustments.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Union City (N.J.) Hudson Dispatch, Oct. 13, 1969]

WILLIAMS ASSAILS NIXON BILL AS NOT CLOSING THE AGED GAP

Several hundred Hudson County senior citizens on Saturday attended Senator Harrison A. Williams "informal information session" on the eonomics of aging at Dr. Martin Luther King Jr. School, Jersey City.

Williams, who is chairman of the Senate Special Committee on Aging, is investigating the problems of the aging, especially the economic factors, throughout the country. Previous hearings have already been held in Washington, D.C.

In opening the session, Williams said that he wants the meeting to serve as a "clear call for action which will finally end the worsening retirement income crisis that plagues most older Americans today."

"And I want it to be a warning," Williams said, "to younger people, those now still in the labor force. They have a stake in resolving this problem because their own economic security in later years is now threatened by the same problems that face the elderly."

Williams said that he wouldn't burden the audience with statistics, but would tell them what the statistics mean.

PEOPLE POOR WHEN OLD

"They mean," he said, "that people who have maintained their independence all their lives find that they become poor when they become old. They mean that too often those elderly must make the cruel choice: food on the table or prescription drugs to ward off pain or collapse. They mean that the family home often becomes too expensive to maintain, even though apartments cannot be had at rents within the reach of people on fixed incomes.

"They also mean," Williams continued, "that hard-pressed sons and daughters of the elderly quite often try to help their parents, sometimes in secret."

Williams assailed the Nixon social security bill sent to Congress because the 10 per cent increase "will not even close the cost-of-living gap." He said that by April the cost-of-living will have risen 12 per cent over what it was when the last social security increases went into effect.

The senator also criticized the Nixon plan for failing to raise minimum benefits. He said that he and a group of congressmen are advocating a 15 per cent increase by Jan., 1970, and a 15 per cent increase in January of each of the following two years; and that, over the same three-year period, minimum benefits be raised from $55 to $103.

CALLS FOR QUICK ACTION

Conrad J. Vuocolo, director of tenant relations for Jersey City Housing Authority, said that a concentrated "plan of action must be placed into effect without delay."

In emphasizing the problems of the aging, Vuocolo said that Jersey City has a geriatrics clinic which has become nothing more than a "communicating office" where medical people tell the elderly that they must see their own physicians.

Vuocolo said that recreational fields for the "entire senior citizen population of Jersey City" receives less than $2,000 a year appropriation for arts and crafts. He criticized the state's Office on Aging for having a $30,000 budget to staff two referral offices which do nothing.

Vuocolo said that instead there should be created a program of "State Aid for the Elderly" and that communities like Jersey City should get a per capita grant from the state "for the problems of the elderly."

"If we are to serve our elderly," Vuocolo said, "who have indeed helped make America the great country that it is by raising many fine families; helped to build its railroads; sent their sons and loved ones to war; paid taxes for many years—federal and state agencies had better stop using their jawbone and start using their backbone."

WHELAN OPENS MEETING

Mayor Thomas J. Whelan opened the meeting by extending the city's greetings.

Dr. William Wilkinson, president of Jersey City branch, National Assn. for the Advancement of Colored People, also spoke.

Panelists were Mrs. Lillian Allen of Jersey City, Mrs. Christina Borneman of Hoboken, Clint Jaeger of Bayonne, John MacNab of Kearny, Mrs. Elizabeth Thompson of Jersey City, Mrs. India Edwards, director of Jersey City Office on Aging, and Michael Reilly, director of Hudson County Center on Aging.

Also, Mrs. Mary Johnson, director of Jersey City Meals on Wheels, Inc.; Mrs. Virginia Statile, director of Visiting Homemaker Service of Hudson County; Walter Lezynski, Jersey City health officer, and Walter Nicholl, Kearny health officer.

[From the Jersey City (N.J.) Jersey Journal, Oct. 13, 1969]

WILLIAMS BIDS UNITED STATES AID AGED

Senator Harrison A. Williams Jr., chairman of the U.S. Special Committee on Aging, said today that the biggest problems facing the elderly in Hudson County were nutrition and transportation. He added that both needs "should be taken care of by federal funds."

Sen. Williams made these remarks after listening to testimony of 16 Hudson County residents concerning the situation of the elderly in the area at an information session on the Economics of Aging, Saturday afternoon at the Martin Luther King School in Jersey City, where between 300 and 400 senior citizens had gathered.

The testimony was given by the directors of the various city and county organizations that deal with the elderly and by some of the county's senior citizens.

The witnesses emphasized the financial concerns of the elderly, especially that of drug and medicine bills, food costs and transportation.

"Our group is vitally interested in health," said Mrs. Lillian Allen, president of the Lillian Allen Senior Citizens Club. "We have to keep ourselves out of the hospitals. To do this we suggest neighborhood health clinics where retired doctors and nurses could work part-time to keep others aware of what their state of health was.

"And we could save 90 per cent of drug costs if we could buy them under the genetic name."

Clint Jaeger of Bayonne continued along the lines of medicine costs by citing cases of an 81 year old person he knew who received $658 annually and paid $396 rent leaving the rest for medicine and food; and another 69-year-old man who received $932 annually and paid the same amount for rent.

"The remainder is far too little to live on," he said.

The problem of malnutrition was outlined by Mrs. Mary Johnson, director of Meals on Wheels in Jersey City.

"Malnutrition and loneliness go hand in hand," she said. "The elderly scrimp and save to get a week's food supply out of one meal. I knew one woman who bragged when she got 6 cups of tea from one bag.

"We found one couple that were starving to death. When we brought them food, they started tearing into it like animals. Two weeks later, when our man brought them food he found that the food from the day before was left untouched, and the husband trying to wake the woman up. She had been dead for two days. The man died a few weeks later."

She brought out the fact that most of the elderly will not buy the food stamps because they feel that is accepting charity.

"We have to work to keep these people from becoming confined," said Mrs. Johnson.

Many of the witnesses discussed the need for lower bus fares.

"We're hoping for a crosstown bus in Hoboken," said Mrs. Christina Borneman. "I'm 12 blocks away from the shopping district. So I go to Union City where everything is close together."

Conrad Vuocolo, director of Jersey City Housing Authority tenant services, proposed

a program for the elderly similar to the welfare program for children.

"The city should get so much per capita," he said, "for geriatric centers, miniparks, arts and craft materials, reduced fares and the like. It's time for New Jersey to act."

Sen. Williams spoke against President Nixon's 10 per cent increase in social security saying that for most people it could be understood as "five trips from Hoboken to Jersey City a month."

He continued: "Congress' 10 per cent increase will not even close the cost-of-living gap. By next April, when the first checks would go out under the Nixon plan, the cost-of-living will be roughly 12 per cent more than it was when the last Social Security increases went to effect.

"The Nixon plan doesn't raise minimum benefits, and here is the greatest need. A single person now receiving $55 a month would receive only $61 a month under the President's proposal.

"What is true of minimum benefits is also true of the Nixon plan for automatic cost-of-living increases. Since most Social Security levels are inadequate, the Nixon plan would simply perpetuate inadequacy."

Mrs. India Edwards, director of the Jersey City office on aging, agreed with the Senator and remarked that it was time "dignity and aging joined forces for a better way of living."

BOXCAR SHORTAGE

Mr. DOLE. Mr. President, the Nation is today experiencing one of its worst shortages of boxcars of all time. It is made even more difficult by the extremely large wheat and feed grain crops this year, some of which is now sitting on the ground out in Kansas.

Almost daily I receive telephone calls from grain shippers and farmers calling attention to the desperate situation, and pointing out that thousands of bushels of grain sorghum are spoiling due to moisture conditions. Nearly all of this grain has been piled on wet ground, which further adds to the seriousness of the problem, and Kansans stand to lose thousands of dollars unless immediate remedial action is taken.

The railroads serving Kansas have made valiant efforts to keep abreast of boxcar requirements to meet their shippers' needs. Unfortunately, too often these cars are on the lines of other carriers in other parts of the Nation when they are most needed in grain areas such as Kansas. The Interstate Commerce Commission is striving to distribute the available supply of cars in an equitable manner. However, a long-range solution must be found—and soon.

I urge the Commission to direct their attention to increased per diem charges, as they sought and were given legislative authority to do. The time for study of this matter is long past, and the time for action is at hand.

Also, I would request that consideration be given by the carriers and the Commission to exploring the possibility of using other cars that may be available as a substitute for boxcars during this time of crises. Such utilization would alleviate in a small manner the immediate and urgent demand to get the grain moving.

I call upon all carriers and the Commission to cooperate in this effort to serve the public interest.

CRITICISM OF SENATOR PROXMIRE BY OIL INDUSTRY REPRESENTATIVES

Mr. McINTYRE. Mr. President, there has come to my attention a column published recently in the Oil Daily, attacking the distinguished Senator from Wisconsin (Mr. PROXMIRE) for his criticism of a meeting at the White House a short while ago between oil industry representatives and the President. I ask unanimous consent that this column be printed in the RECORD at the conclusion of my remarks.

The column charges the Senator from Wisconsin with being "a past master" when it comes to "smear and slur" of the oil industry. It suggests that he seeks to deprive the industry of its right to be heard on matters vitally affecting its interests.

Neither of these charges has the slightest truth to it. The Senator has been for several years a leader in the fight to establish sound national policies in the natural resource field. I have observed him in action throughout this period and have been pleased at many times to join him in his efforts. Neither he, nor I, would suggest at any time that the oil industry should not be heard in matters affecting its future. What provoked his criticism of this particular meeting, and what greatly concerned me as well, was the fact that it took place at a time when the task force evaluating our oil import quota system had announced a decision to complete its deliberations in private, seeing neither supporters or opponents of the import quota program. There seemed a grave danger, unless something was said, that only one of the two sides would be heard. It was perhaps because of the criticisms of the Senator from Wisconsin that this situation was avoided and that consumer representatives from New England and elsewhere had the same opportunity to make their views known. I congratulate the Senator from Wisconsin for once again speaking out at a critical time.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE RIGHT TO BE HEARD

(By Keith Fanshier)

One of the best recent examples of the malice and ill-will held for the petroleum industry by a certain stripe of industry-baiting legislator is furnished in the latest outburst of Sen. William Proxmire, D-Wis. attacking the action of industry representatives in recently discussing industry problems with the President and with various governors.

For smear and slur, the doughty senator, in his long-continuing campaign against this industry, its policies and people, has become a recognized past master. With him, virtually everything in and about the industry can be and is bitterly criticized.

The latest Proxmire barrage is directed toward discussions with President Nixon by Michael L. Haider, outgoing chairman of the American Petroleum Institute and former chairman of Standard Oil Co (N J). These discussions were reported in The Oil Daily and other papers, with coverage of Chairman Haider's remarks about his conversation. Proxmire also attacked alleged exchanges between Frank Ikard, API president, and three oil state governors.

The traditions of the nation have been founded on the principles of free speech and a representative constitutional government. Certainly accessibility to elected government officials is a pertinent and important aspect of both things.

For some months, much misgiving had been aroused in the industry over the approach of the administration to petroleum issues, and policies. It was feared that the White House was unduly depending on the filtering of information on industry matters and problems through a system of a professorial staff—and that this could injure the country unless the administration were to have the benefit of specific contracts with the industry.

We personally believe it is a healthy sign not only for the industry but also the country that on vital matters of such stature as the health of the nation's leading source of energy, and to aid in establishment of truly informal government policies on petroleum matters generally, key industry people should have access to top government officials. This certainly would include the President, on matters of such urgency.

No amount of bull-dozing tactics by recognized industry enemies should deter members of this industry from exercising their rights to speak up in defense of their industry from misguided attacks, and to assure understanding by important governmental officials from the top right on down to the industry's situation. In fact, we doubt enough of it has been done in the past. We hope oilmen will go as far and as high as they can go in telling the industry's story. In doing so they should be guided more by the importance of industry needs and its continuing ability to serve the public than by any fear of ill-advised blasts by the corps of known petroleum industry critics.

The industry and its members have the right to be heard. They should exercise it to the full in these times of urgent industry need.

THE NATIONAL ENVIRONMENT

Mr. MOSS. Mr. President, the deterioration of the environment is of mounting concern to our Nation. This concern was a major consideration leading to the creation of the land and water conservation fund and to last year's overhaul of that legislation. The fund we believed was the solution to the problem of financing the acquisition of sorely needed outdoor recreation and park lands. But our program has been frustrated by shortsighted action on the part of the Nixon administration. "Starving the National Parks" is the title of a recent editorial in the St. Louis Post-Dispatch commenting on this action. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STARVING THE NATIONAL PARKS

Another example of the growing subservience of Congress to the Presidency in matters requiring initiative is being played out these days in connection with the short-changing of the Land and Water Conservation Fund in the Nixon Administration budget.

The Administration is ignoring the express guarantee of Congress of $200,000,000 a year to the fund for five years beginning July 1, 1968, leading Chairman Aspinall (Colorado) of the House Interior Committee to express a "feeling of outrage" and Senator Nelson of Wisconsin to declare that "the precedent-setting effort in recent years to expand our national park system will face total collapse."

The Conservation Foundation, in an excellent summing up of the situation in its October Letter, reports: "All plans for new national parks and recreation areas are being stiffled, perhaps for four years. It's doubtful that there will be enough money to complete purchase of areas already authorized by Congress. And many state and local park and outdoor recreation areas are also in danger."

All this is being done in violation of Mr. Nixon's campaign promises. On May 16, 1968, Candidate Nixon said: "In cutting the budget, the President must set his own priorities. Among those that should escape the budget knife are appropriations for conservation . . . and for the preservation of natural resources." These, along with education, he then said, are the "growth stocks of America, which will net us the greatest long-term capital gains. Investments here are investments in our children, in the kind of country they will live in and in the quality of life they will lead. This is the last place for Americans to be miserly."

Yet this was one of the first places where Candidate Nixon, on becoming President, adopted a miserly course. Outgoing President Johnson had already cut the $200,000,000 for the fund by $46,000,000, and incoming President Nixon cut it another $30,000,000.

The ready and obvious remedy is for Congress to insist on appropriating all the pledged funds whether the Administration recommends them or not. But things are not that simple. Representative Julia Butler Hansen of Washington, chairman of the House Appropriations subcommittee which *approved* the requested amount of $124,000,000, commented that "we would be happy to appropriate the full $200,000,000 if we receive proper guidelines on how and where it is to be expended in a practical manner."

A properly organized and properly equipped Congress, denied guidelines from the President for the legislation it wants to enact, would acquire its own information, set its own guidelines, and make its decisions as an independent parliament.

Yet Congress has dawdled and been unable to make up its mind for several years now on proposed reforms which would have gone far to give it these very capabilities. If it is outraged sufficiently at being thwarted by the White House, perhaps it will be moved to adopt the improvements which can make it once again an equal branch of Government.

CAUSES AND PREVENTION OF VIOLENCE

Mr. HART. Mr. President, many Senators will already have heard, through news reports, of the contents of the latest report issued by the President's Commission on the Causes and Prevention of Violence.

Since I am a member of the Commission that wrote it, I cannot be openly admiring without risking self-congratulations. But I do hope that others in the Congress find its reasoning sound.

In order that the full text of the report, "Challenging Our Youth," may be readily available, I ask unanimous consent that its contents be printed at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMISSION STATEMENT ON CHALLENGING OUR YOUTH

MEMBERS OF THE COMMISSION

Dr. Milton S. Eisenhower, chairman; Judge A. Leon Higginbotham, vice chairman; Congressman Hale Boggs, Terence Cardinal Cooke, Ambassador Patricia Roberts Harris, Senator Philip A. Hart, Eric Hoffer, Senator Roman Hruska, Leon Jaworski, Albert E. Jenner, Jr., Congressman William M. McCulloch, Judge Ernest W. McFarland, Dr. W. Walter Menninger.

STAFF OFFICERS OF THE COMMISSION

Lloyd N. Cutler, executive director; Thomas D. Barr, deputy director; James F. Short, Jr., Marvin E. Wolfgang, co-directors of research; James S. Campbell, general counsel; William G. McDonald, administrative officer; Joseph Laitin, director of information; Ronald Wolk, special asst. to the chairman.

CHALLENGING OUR YOUTH

One key to much of the violence in our society lies with the young. Our youth account for an ever-increasing percentage of crime—greater than their increasing percentage of population. Arrest rates for violent urban crime are two to three times higher among youth aged 15 to 24 than among older groups in the urban population. The cutting edge of protest, and the violence which has sometimes accompanied it, has been honed largely by the young in the streets and on the campuses. In cities experiencing ghetto riots more than half of the persons arrested were teenagers and young adults. Most of the people involved in the violence during the Chicago Convention demonstrations in August of 1968 were under 25 years of age.

Violence by the young, as by persons of all ages, has multiple causes, involving many elements of personality and social environment. Some young people, even those raised in affluence, may rob for the thrill involved, others for what they hope will be material gain. A few maladjusted individuals may engage in wholesale killing; others may commit murder in a particular moment of rage or calculated coolness. Some may engage in violent forms of protest as a deliberate tactic; others may do so out of excitement and response to mob psychology.

Many of the young people in the nation today, however, are highly motivated by the ideals of justice, equality, candor, peace—fundamental values which their intellectual and spiritual heritage has taught them to honor. The youth of today have not been called on by their elders to defend these values by service in causes which young and old alike believe to be urgent and important, such as the war against the Axis powers or the struggle to end the depression of the thirties. Instead, they face the prospect of having to fight in a war most of them believe is unjustified, or futile, or both.

Moreover, they speak eloquently and passionately of the gap between the ideals we preach and the many social injustices remaining to be corrected. They see a nation which has the capacity to provide food, shelter, and education for all, but has not devised the procedures, opportunities, or social institutions that bring about this result. They see a society built on the principle of human equality that has not assured equal opportunity in life. With the fresh energy and idealism of the young, they are impatient with the progress that has been made and are eager to attack these and other key problems. A combination of high ideals, tremendous energy, impatience at the rate of progress, and lack of constructive means for effecting change has led some of today's youth into disruptive and at times violent tactics for translating ideals into reality.

At the same time, our urban slums abound with youths who have few opportunities to perform constructive roles of any kind. They often receive little help from social institutions, or from their equally disadvantaged parents. Too often, in fact, they have no father in the home to provide a male model for acceptable conduct. They are the last to be employed, and the first to suffer social injustices. Recognizing no stake in the values of an orderly society, they often turn to crime, either individually or in gangs. The highest crime rate in the nation is among these young people.

The nation cannot afford to ignore lawlessness, or fail to enforce the law swiftly and surely for the protection of the many against the depredations of the few. We cannot accept violent attacks upon some of our most valuable institutions, or upon the lives of our citizens, simply because some among the attackers may be either idealistically motivated or greatly disadvantaged.

It is no less permissible for our nation to ignore the legitimate needs and desires of the young. Law enforcement must go hand in hand with timely and constructive remedial action. In a position paper issued earlier this year, this Commission stated its view that students should be given a useful role in shaping the future of the university, as well as responsibility of working directly with faculty members and administrators to develop standards for acceptable student conduct and responses of the institution in the face of deviations from these standards. Whether in the inner city, in a suburb or on a college campus, today's youth must be given a greater role in determining their own destiny and in shaping the future course of the society in which they live.

Despite their increasing share of the highly educated population—indeed 18-year-olds are now better educated than were 21-year-olds when our nation was born—today's youth remain almost entirely disenfranchised. In 1950, two and a quarter million young men and women were attending college, as compared to the more than seven million today. In the same time span we have seen a decline in farmers and agricultural workers from eight million to less than four million. Yet, the latter exercise considerable political influence, while the growing college population remains excluded from participation in the electoral process. Political realities have changed while our laws and institutions lag behind.

Today only two of our states (Georgia and Kentucky) permit eighteen-year-olds to vote, and two others permit voting before the age of 21. Yet, in virtually every other respect, we expect that eighteen-year-olds behave and assume responsibility as adults. At that age, some are in college, and many are married with families and, along with others, are working taxpayers. In most states, eighteen-year-olds are treated as adults by the criminal law. We demand the ultimate service, the highest sacrifice, when we require them to perform military service. Many young men have become battle-tried veterans and some have died on the battlefield before they could vote. Their way of life—and, for some, even the duration of life itself—is dictated by laws made and enforced by men they do not elect. This is fundamentally unjust. Accordingly—

We recommend that the Constitution of the United States be amended to lower the voting age for all state and federal elections to eighteen.

Presidents Eisenhower, Kennedy, Johnson and Nixon and many elected representatives of both parties have expressed support for such an amendment. In the first session of the 91st Congress, 48 joint resolutions calling for the eighteen-year-old vote were introduced. And over the years, a number of states have raised the issue in popular referenda, but the results have been disappointing.[1]

Today's youth are capable of exercising the right to vote. Statistically they constitute the most highly educated group in our society. More finish high school than ever before and more of them go on to higher education. The mass media—television, news and interpretative magazines, and an unprecedented number of books on national and

Footnotes at end of article.

world affairs—have given today's youth knowledge and perspective and made them sensitive to political issues. We have seen the dedication and conviction they brought to the civil rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

The anachronistic voting age-limitation tends to alienate them from systematic political processes and to drive them into a search for alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will not eliminate protest by the young. But it will provide them with a direct, constructive, and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.

A significant focal point of dissent by the young has been the issue of draft reform. To many, the draft symbolizes the inflexibility of our institutions and all that is wrong with the government's treatment of the young. Further, the inequities of the system have been set in sharp relief by the reality of the on-going war that many youth believe to be immoral and futile. The "oldest-first" order of draft calls produces a period of prolonged uncertainty for young men that profoundly affects their education, career and marriage decisions—a condition which is made more unacceptable by the lack of uniform deferment and exemption standards and by the wide variation in the exercise of discretion by local boards. Draft reform will not take the sting out of student anti-war protest or other manifestations of student discontent, but it could go far to reduce the tensions and frustrations that now lead some young men to seek refuge abroad and others to destroy Selective Service records, burn draft cards, or disrupt induction centers.

A random lottery system which would subject all to equal treatment at age nineteen, would take the youngest rather than the oldest first, and would reduce the period of prime draft vulnerability from the present seven years to one year, appears to be the fairest and most promising alternative to the existing draft system. Undergraduate deferments would be continued, but with the understanding that the year of maximum vulnerability would come whenever the deferment expired. It would be far less disruptive in the lives of young men while fully consistent with national security needs. The President has recommended such a proposal to the Congress. We are pleased to note that the Congress has approved the random lottery feature.

We also strongly endorse the balance of President Nixon's proposal for reform of the draft system, which are similar to that recommended in 1967 by the Marshall Commission and the Clark Panel.[2] To the extent these proposals require further legislation, we urge the Congress to enact it.

Assuming the enactment of random selection system, however, the area of discretion for local draft boards is enormous and is likely to remain so.

We therefore urge that renewed attention be given to the recommendations of the Marshall Commission for building a greater measure of due process into the exercise of draft board discretion.

Youth should also be given a role on local draft boards.

We therefore recommend that in exercising his power to appoint the members of local draft boards, the President name at least one person under 30 years of age to each local board.[3]

II.

At present, the Selective Service System calls only about a third of the eligible young men for the draft each year. Reform of the system will not alter this, but by taking the youngest first and by reducing the period of uncertainty from seven years to one, it will free many young men to make firm decisions about their futures. The federal government should do much more to provide these young men, as well as other young men and women in all walks of life, with the opportunities for service to their communities and the nation. As the Peace Corps and VISTA experiences bear out, many young people are eager to assist the less fortunate to achieve social justice and willing to devote a part of their lives to tasks for which the major reward is the satisfaction of helping others.

We do not suggest that voluntary service of this kind should be an alternative to military service. Rather, we suggest that public service opportunities be made available, regardless of military service, to young men and young women, high school and college graduates, inner city, suburban, and rural youth—as justified by the nation's needs.

We are convinced that youth will grasp meaningful opportunities for attacking constructively the problems and injustices that, too often, now drive them to attacks aimed at the destruction of useful institutions, rather than at their reform. But we recognize their skepticism of government-sponsored programs and their increasing unwillingness to become involved in social action programs in which they have no voice. Consequently, we believe that a new and flexible approach to youth service opportunities is required, one that is tailored to individual talents and desires.

We urge the President to seek legislation to expand the opportunities for youth to engage in both full-time and part-time public service, by providing federal financial support to young people who wish to engage in voluntary, non-military service to their communities and to the nation.

We do not suggest the creation of another federally-administered program, or set of programs, comparable to the Peace Corps or VISTA. Instead we suggest that a large number of full- and part-time public service options be opened to youth—opportunities which the youths themselves can be expected to seek out and to improve upon, and which can be filled and administered at the local level if federal financial support is made available. We have in mind such possibilities as teaching and reading assistants, tutors and counselors in the elementary and secondary schools; hospital orderlies and nurses' aides; personnel for neighborhood service and recreation centers; auxiliary aides to local law enforcement and social service agencies; and many others.

The service opportunities would be approved by a central federal agency. The authorizing statute should set general standards of agency approval, eligibility, and levels of compensation. The choice of the particular public service opportunity from the large approved list of public and private institutions and groups should be left to the volunteers, and the initiative, direction and control of the activities would remain entirely with the approved local entity.[4]

The program might be launched to recruit 100,000 young people each year for four or five years, as experience was accumulated. The eventual goal might be as high as 1,000,000 active youth volunteers in service at any given time, depending upon experience and developing national needs. As is now true for Peace Corps and similar existing programs, the compensation to be paid should be set at a student subsistence level and should not be financially competitive with other employment opportunities. As a special inducement, however, we recommend that completion of two years of full-time public service entitle the participant to educational assistance comparable to that available to veterans under the GI Bill of Rights, with lesser amounts of assistance for service periods between six months and two years.[5]

Voluntary public service could contribute to reduction of the large backlog of unmet social needs, and thus could be an important step toward a more humane reordering of national priorities. And youth service could signify to the young that our nation is committed to the achievement of social justice, as well as to military security.

III.

Young people in the inner city slums often grow up in a stultifying physical environment and in unstable or broken families. They face poverty and racial discrimination. They are trained in overcrowded and inadequate schools, and the failure of the educational process, added to residual racial prejudice, results in thwarted job opportunity. Forced by lack of money and racial exclusion to remain in the most deteriorated part of the city, the slum ghetto youth's sense of alienation and powerlessness is confirmed and reinforced by the lack of recreational, medical and social services in the community.

Even should his parents wish to leave the slum ghetto, non-ghetto neighborhoods that they can afford to move into are those that tend to be most resistant to them. The Fair Housing Act and the Supreme Court's 1968 decision in *Jones* v. *Alfred H. Mayer Co.* make it illegal to discriminate in housing sales or rentals, but community resistance and the slow process of case-by-case enforcement combine to retard the elimination of housing discrimination in fact. Thus many black parents who try to inculcate values supporting lawful behavior must stay in communities where their children are subjected to the destructive influences of slum life.

Only by a massive effort to improve life in our inner cities and to eliminate private barriers to the dispersal of racial groups beyond the inner city can we begin to root out the basic causes of crime and violence in these concentrated areas. As part of this large effort, we urgently need programs that can effectively intervene at the critical juncture in a slum ghetto youth's life when he is torn between the forces that may lead him into crime and those which may lead him into socially constructive pursuits.[6]

Reaching the alienated slum youth is not easy. To expect youth programs to succeed where parents and schools already have failed is to hope for a great deal. Yet recent experience gives reason for optimisim.

Several recently organized youth programs have reached directly into the street and gang culture to draw upon indigenous talent and leadership. In the past, many youth programs, devised and imposed by adults, were alien to the life-styles and problems of the youths they were disigned to help. They failed. Youth involvement in the planning and operation of programs characterized several new approaches that commanded the allegiance of the young. These innovative and strikingly successful youth programs may show the way to wider effort.

In Philadelphia, what began in 1966 as a film-making project for the Twelfth and and Oxford Street gang—with youths writing, acting, and filming a story depicting the life and death of a gang leader—has bloomed into a full-fledged corporation which is now involved in a wide range of community-oriented projects. Youths who were formerly "warlords," "ministers of defense," and "guardians of weapons" are now the directors of a successful non-profit corporation. Initial financial successes in film-making attracted further assistance from private and governmental sources. Today the Twelfth and Oxford Street Film Corporation owns three properties in the neighborhood (one of which

Footnotes at end of article.

has been renovated for rental to five low-income families in the community), several of its members are receiving training in housing rehabilitation from the Philadelphia Housing Corporation and in marketing and survey from Temple University's School of Business, and plans are now being developed for opening the Twelfth and Oxford Restaurant and a Teen Age Record Company, both of which will provide additional opportunities for on-the-job training and utilization of youth's talents and skills.

Throughout the program's three-year development, motivation has remained high, and delinquency rates among the Twelfth and Oxford group have declined. Due to the skill of adult leadership, youths are given genuine responsibility and a sense of fulfillment. Its success thus far is a striking demonstration that the negative influences of the ghetto can be broken; that when urban youths are given a fair opportunity to run their own affairs, to develop their potentials in meaningful pursuits, they can become important agents of community change.

The same ingredients of success are evident in another youth program, this one in Washington, D.C., Pride, Inc., which originally began as a modest summer work program for 1,000 inner city youth to clean up cluttered streets and exterminate rats, has now become a year-round operation with economic and manpower development as its central theme. Pride directors initially hired 21 street-corner leaders as recruiters. Within three days every job was filled and, since then, the organization has reached some of the city's most deprived and alienated youth. It operates a landscaping and gardening division which employs 30 young men and a gasoline station at which 15 youths are being trained, as well as a program for some 700 participants who work in cooperation with the D.C. Health and Sanitation Departments. Responsibility for supervision and administration of the clean-up programs in various parts of the city is delegated according to ability, and beginners work with the encouragement of knowing that there are possibilities for promotion.

Because Pride, Inc. is recruiting the most difficult of the hard-core unemployed, the organization has had to develop the capacity to deal with young men who are living in a state of crisis and to offer rudimentary supportive services in continuing education, orientation, recreation, health and legal services. On the whole, the results of Pride's efforts to date are good. Evaluations conducted on behalf of the Department of Labor, a major financial supporter of the program, showed that while 67 percent of Pride members had been arrested in the six months prior to joining the program, only 24 percent were arrested during a like period after joining.

Pride, Inc. and the Twelfth and Oxford Street program are by no mean unique. Across the country are other youth programs suited to the life-styles of those involved. Program ingredients vary; the key elements to success are the broadened perspective and increased confidence that come with the feeling of responsible participation by the young people.

A number of programs are carried on by residential centers for rehabilitation and treatment of wayward and delinquent youth. One long-established and remarkably successful program of youth rehabilitation, involving young men of high school age, is Boys Republic in Southern California. Many teenage boys, usually from broken families and in difficulty with the law, are offered by the courts the option of attending Boys Republic voluntarily (there are no guards) or being assigned to one of the State's youth rehabilitation institutions. Boys Republic receives ten times as many court-controlled applications for admission as it can accept, for its facilities and funds are limited. The youths who are accepted are intimately involved in all aspects of the operational program, including making of decisions affecting their lives, work and education. A substantial portion of the funds needed to maintain the institution is earned by the boys themselves who operate a large farm and manufacture and sell the famous "Della Robbia" Christmas wreaths. The amazing long-time record of this effort in rehabilitation is that ninety percent of the young men who attend the institution and voluntarily remain until they complete the rehabilitation program never again have trouble with the police.

Examples of some comparable non-governmental residential centers for youth rehabilitation are the Berkshire Farm for Boys, Children's Village, and Lincoln Hall in New York State. Of the many state-administered institutions, the Kansas Boys' Industrial School is exemplary.

Junior Achievement, 4-H Clubs, Future Farmers of America, the Boy Scouts, Girl Scouts, YMCA and YWCA, the Catholic Youth Organization, Boys Club, Police Athletic League, Chicago Area Project, and many other youth programs, some church-sponsored, are so well known as to require no comment by this Commission, save perhaps the reminder that all of these stress maximum responsibility by the young people themselves in deciding what is to be done, what policy will govern their actions, how the projects are to be conducted, what will be done with earned funds, if any, and all related questions and policies. Even so, existing programs reach only a fraction of our youth, ghetto youth least of all. This fact emphasizes the importance of the new Philadelphia and Washington, D.C. experimental projects which we have briefly described.

Experience has shown that as youths become involved in meaningful activities such as film-making, housing rehabilitation, landscaping, running a gas station, operating a farm, or making Christmas wreaths, their needs for further education and business skills become apparent to them. All the aspects of running a business or community project—accounting, advertising, financing, marketing, manufacturing, selling, law—can stimulate youths to seek training and advice. This is a solid foundation upon which to develop relevant education or job-training programs, to persuade drop-outs to complete high school, and even to guide the ablest and most highly motivated on to college.

Because some youth programs deal with the most deprived and alienated, special supportive services in drug rehabilitation, legal aid, and health care are sometimes essential. Although youth programs can go far to counteract the negative influences of the street culture, drug abuse, delinquency, and illness remain ever-present possibilities. To some extent existing community services can be reoriented to meet the special needs of youth. But it may prove necessary to establish supportive services linked directly to the overall program effort. With respect to health care, group health insurance might be made part of any youth program once underway.

We urge the President, the Congress, and the Federal agencies that normally provide funding for youth programs—notably the Office of Economic Opportunity, the Department of Labor, and the Department of Health, Education, and Welfare—to take the risks involved in support of additional innovative programs of opportunity for inner-city youth.

Imagination and flexibility are essential qualities which may be enhanced by greater involvement of young people in the operations of the granting agency.

IV.

Our main concern in this statement is to stress the importance of challenging the young people of the nation to become full partners in the enterprise of building a better society. But we must also add a word on one increasingly acute aspect of the present "generation gap"—the problem of drugs, particularly marijuana.

The development of drug subcultures among many of today's youth is particularly troubling to those who are older. Increased education about the physical and psychological hazards of the use of addictive drugs, LSD, the amphetamines and other dangerous substances is essential if the health of young people and their children is to be properly safeguarded. In addition, the older generation must answer, in good faith and on the basis of better knowledge, the question raised by many young people as to whether present proscriptions on marijuana use go too far.

The startling recent increase in marijuana use by many young people has intensified the conflict between generations and posed enormous problems in the enforcement of drug laws. Possession and/or use of marijuana is treated severely by the law. In most states such possession or use is a felony, whereas the use or possession of the more dangerous LSD is only a misdemeanor.[7] This lack of elementary logic and justice has become a principal source of frustration and alienation contributing markedly to youth's often bitter dissatisfaction with today's society. We believe that action must be taken to put the whole situation into rational perspective.

Scientific knowledge about marijuana remains sparse, but some of its pharmacological properties have been established: marijuana is not a narcotic or an opiate and is not addicting.[8] There is as yet no evidence as to the relationship it bears to the use of harder drugs.[9]

We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.[10]

The Congress should enact laws and appropriate adequate funds for this purpose. Much remains to be learned about the drug's psychological effects, particularly with respect to the expectation and personality types of users and the total emotional mood of the environment and the persons in it. Many experienced users have had at least one "bad trip" and some cases have been reported of extremely traumatic reactions to marijuana. It may be that marijuana use can be damaging to individuals with a history of mental instability or other personality disorders. Similarly, little is known about its possible psychological effects, including psychological dependency, on adolescents who are in the process of learning to cope with the demands of adult life. And we most assuredly need to know if marijuana users have a predisposition to use harder drugs.

Despite all existing evidence to the contrary, state and federal laws alike treat marijuana as a narcotic, and penalties for its sale and use in some states are extreme. In one state, the penalty is two years to life imprisonment for a first offense of possession. In at least two others, the penalty for an adult convicted of selling marijuana to a minor is death. According to the latest available Justice Department figures, the average length of sentence imposed for violation of state laws was 47.7 months. In 1967 the federal government made 706 arrests for marijuana offenses, as compared to the State of California alone which made 37,513 arrests, 10,907 of them juveniles under eighteen.

Erroneously classifying marijuana as a narcotic, this patchwork of federal and state laws, inconsistent with each other and often unenforceable on their merits, has led to an

Footnotes at end of article.

essentially irrational situation. Respect for the law can handly be inculcated under these circumstances. Since many of our youths believe marijuana to be relatively harmless and, yet, are faced with legal sanctions, they are led into a practice of law evasion which contributes to general disrespect for the law. Furthermore, enforcement of laws generally deemed harsh and unjust seem nonetheless to encourage police practices—*e.g.,* raids without probable cause, entrapment—which infringe on personal liberties and safeguards. The situation is reminiscent of the problems encountered in enforcement of Prohibition during the 1920's. The present harsh penalties for possession and use of marijuana are a classic example of what legal scholars call "overcriminalization"—treating as a serious crime private personal conduct that a substantial segment of the community does not regard as a major offense; prosecutors, judges and juries tend to moderate the severity of the statutory sanctions, and the resulting hypocrisy of all concerned diminishes respect for the law.

In view of the urgency of the marijuana problem, we believe that legislative reform of the existing marijuana penalty structure should not wait several years until further research is completed.

We recommend that federal and state laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and State Legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.

Instead of the existing inequitable criminal penalties (including imprisonment) for mere possession and use of the drug, interim legislation might well provide only for civil penalties such as the confiscation of the drug and fines. If the interim legislation does provide for prison sentences, it should at least grant wide discretion to the trial judge to suspend sentence or release on probation.

We were heartened by the recommendation recently submitted to the Congress by several leading officials of the Executive Branch of the government—recommendations which seek immediate change in the provisions of federal law affecting drug use. Among other things, these officials indicated that use and incidential possession of marijuana should be declared to be no more than a misdemeanor.

The above recommendations should not, of course, be taken as suggesting either that we approve the use of marijuana, or that we favor any relaxation of society's efforts to discourage the use of the clearly dangerous drugs.

Expert testimony offered to this Commission indicates that the so-called hard drugs, such as heroin, do not in themselves make users prone to commit other crimes, but that the daily use of such drugs involves exorbitant costs; hence users often undertake lives of burglary and armed robbery in order to obtain funds for the continued purchase of drugs. Further, drug importation and distribution, like certain forms of gambling, constitute part of the life-blood of organized crime—an empire of its own, ruthless, rich, pervasive, corrupting, and skillful at avoiding the reaches of the law.

We cannot usefully add to all that has been written by other Commissions, the Department of Justice, and many State authorities about the need for stopping the importation of the hard drugs, and for vigorously prosecuting the traffickers in those drugs. Nor can we add to the urgent recommendations that have been made by others to eliminate from our society the empires of organized crime.

But we do most emphatically declare that classifying marijuana users with the users of the hard drugs is scientifically wrong, a wrong recognized by the young, a wrong that makes them contemptuous of the drug laws and to some extent of all law. They wonder why the federal and State Governments do not insist upon more widespread research to establish facts and to change laws in harmony with the facts as developed.

V.

In this statement we have stressed the importance of genuinely involving young people in the political process as well as in planning and carrying on useful social projects. In our view, the lack of such alternatives has contributed to the spread of young lifestyles which depend on drugs or which stress hustling, vandalism, robbery, and even murder.

In stressing such remedies, we do not mean to suggest that until they are provided, violent behavior by young people should be tolerated or excused. Violent and unlawful conduct must be controlled by vigorous law enforcement at the same time that measures to eliminate the basic causes of violence are vigorously pursued.

We add a final statement on the apparently growing antagonism between young and old.[11]

In a sense, our immortality is our children. Youth represent the next step for our society, since they are the population which will join us in determining our directions and implementing our hopes. Yet we are aware that our youth are at times unstable, unpredictable and engaged in a major struggle to find their place in the world as they assert their adult capacities, physically and emotionally, politically and socially.

The older generation is faced with the challenge of making available to young people adequate opportunities to participate meaningfully in coping with society's problems, and thus facilitating individual emotional growth and maturity. All too often, the society—parents, school and university administrators, law enforcement personnel, community leaders—become identified in the eyes of youth with obstruction and repression, inflexibly protecting the status quo against the "onslaught" of youth.

There are many things each citizen can do to help resolve these problems. The challenge will not be met by new laws alone, or new programs directed to work with problem youth. Each citizen has a responsibility to participate—indeed, only as there is an increasing commitment on the part of all citizens toward understanding the problems of one another can we expect violence to diminish.

Understanding might more readily be achieved by observing the following guidelines:

It is important to acknowledge openly the existence of problems between the generations when they occur. Too often, people are so threatened by conflict in opinions that they refuse to acknowledge a contrary view, and suppress that challenging view.

It is imperative for all parties to listen carefully and respectfully to one another, with sincere consideration for differing opinions or ideas. Listening is not an easily practiced art.

Stated issues are often a red herring. At times, the conflicts cannot be resolved until underlying causal issues are identified and dealt with.

The resolution of any conflict will be profoundly affected by the expectations of the adversaries. If leaders are perceived by youth as unreasonable and are approached with that expectation, the leaders are themselves provoked into being unreasonable, and vice versa.

All must acknowledge the inevitability of change. The older generation can wear itself out trying to fight the tide or it can turn the energy of youth to advantage for the benefit of all.

Resolution of conflict depends on finding areas of agreement. Instead of emphasis on differences, which promotes polarization, it is necessary to identify points in common, such as the fact that people seek a voice in determining their destiny and dignity as human beings.

As a society founded on the principle that every individual has certain inalienable rights and privileges, it is important to keep the value of the individual high, in spite of the population explosion and the complications of modern society. Youth are entitled to full respect as persons. Youth in turn must accord respect to persons they identify as the "older generation."

The older generation has difficulty in dealing with problems of young people because of its awareness that it has not yet created the perfect world. We don't like to be challenged, especially by our juniors. If we are to cope effectively with youth, we must courageously acknowledge our mistakes and recognize that our offspring may surpass us. Indeed, if we have been successful in our child-rearing, they certainly should surpass us. We must take extra effort to understand their criticism of our ways, and be pleased that these suggestions are coming from our most important products, our youth who will prove our ultimate worth.

The younger generation has the difficulties of its impatience and its assumption that all people of a certain age are the same. With all its defects—and today's youth are not the first to criticize those defects—constitutional representative government is still the best form that man has devised. Youth should acknowledge that there are still opportunities for individuals to leave their mark and to prompt change in an orderly manner within our system. At the same time, young people must be aware of the psychological fact that their inner pressures may prompt them to refight childhood battles, artificially appointing well meaning people to play the same adversary role in which a child's parents are cast.

The first step for all of us is to look at ourselves, and to deal understandingly with the problems and conflicts we have with others. It is easier to blame others, and to see violence as being caused by others. But we must look inward as well as outward to the causes and prevention of violence.

FOOTNOTES

[1] In referenda on November 4, 1969, voters in Ohio and New Jersey defeated amendments lowering the voting age to nineteen and eighteen, respectively. The unofficial Ohio vote was close: 51 percent against and 49 percent for. In New Jersey, unofficial results show the amendment defeated by a 3 to 2 margin.

Voting participation by 21 to 24 year-olds generally falls below the national average. Of the total population eligible to vote, 67.8 percent did so in the 1968 national elections, as compared to only 51.2 percent of 21 to 24 year-olds.

[2] *In Pursuit of Equity: Who Serves When Not All Serve?,* Report of the National Advisory Commission on Selective Service (Washington, D.C.: Government Printing Office, 1967); U.S., Congress, Senate, *Report of the Civilian Advisory Panel on Military Manpower Procurement,* H. Doc. 374, 90th Cong., 2d Sess., 1968. Our recommendations, of course, refer only to the present draft system and are intended to apply only so long as it continues. The question of whether the draft should be replaced for the long term by

a form of volunteer service in the armed forces is now under consideration by another Presidential commission.

[3] As suggested by Joseph A. Califano, Jr., in his book *The Student Revolution,* W. W. Norton & Co., Inc., New York, 1970. The Marshall Commission found that the average aged local board members was 58. One fifth of all the nearly 17,000 board members were over 70. While twelve were over 90, only one was under 30.

[4] One considerable virtue of the approach to youth service suggested here is that it involves a "market strategy" rather than a "monopoly service" strategy: the multitude of public and private agencies would have to compete for the services of the federally-supported youth workers by offering them meaningful, satisfying opportunities for achievement of desired goals; less successful, unrewarding programs would fail to attract volunteers and hence would not waste the public funds being committed to youth service. *Cf.* the discussion of the importance of market-type incentives for success in public programs in Moynihan, "Toward a National Urban Policy," *The Public Interest* (No. 17, fall 1969).

[5] Depending on the availability of funds, educational assistance could be limited on the basis of demonstrated need.

[6] Despite these criminogenic forces, studies show that a large number of ghetto youth never have a police arrest and only a small percentage become repeated offenders.

[7] A felony is a serious crime usually punishable by imprisonment for an extended period (under federal law for a year or more); a misdemeanor is a lesser offense punishable by fine or imprisonment of less than a year. In many states, a felony conviction results in a loss of voting rights, jury service, and the right to enter various professional occupations; a misdeameanor conviction does not.

[8] Addiction is a physiological and psychological dependence on a drug, with definite symptoms occuring when the drug is withdrawn.

[9] In testimony on October 14, 1969 before the House of Representatives Select Committee on Crime, Dr. Robert O. Egeberg, Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, stated that "there is no scientific evidence to demonstrate that the use of marijuana *in itself* predisposes an individual to progress to 'hard' drugs."

[10] A similar provision is contained in H.R. 10019 by Rep. Edward Koch, N.Y.

[11] This statement is largely the work of W. Walter Menninger, M.D.

UNMET EDUCATIONAL NEEDS: THE REPORT OF THE NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Mr. MONDALE. Mr. President, recently the National Advisory Council on Education Professions Development issued an urgent report to Congress. The report documents and supports the belief which many Members of Congress have expressed about the Federal Government's failure to meet its responsibilities and commitments to education. This report makes a strong case to Congress to reorder our national priorities. I commend it to the attention of the Senate.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

LEADERSHIP AND THE EDUCATIONAL NEEDS OF THE NATION

(Report of the National Advisory Council on Education Professions Development to the President and the Congress of the United States, October, 1969)

The National Advisory Council on Education Professions Development is charged with reviewing and evaluating programs of the Federal government which support the training and development of educational personnel. We come to Washington several times each year to review with those responsible for the administration of these programs the progress they are making in their efforts to provide the best teachers for our schools and colleges. We have just concluded one such meeting. We are deeply disturbed about what we find.

Everywhere the mood appears to be one of cutting back—withdrawing—seeing how little we can get along with; in short, a steady retreat from the bold plans the nation launched several years ago.

Specifics are not hard to come by. Only last week the U.S. Commissioner of Education pronounced the "right to read" for every youngster in the nation. At that very time, the Department of Health, Education, and Welfare was directing the Office of Education to cut $8 million of a $13 million program, a substantial portion of which was designed to improve the preparation of teachers of reading!

Just two months ago, the House of Representatives cut appropriations supporting the chief program of the Federal government for the preparation of college teachers. The 1969 appropriation of $70 million was reduced by $14 million.

In neither case has there been offered any compelling evidence to warrant such reductions.

But it is not only a matter of reduction in funds. There is also an absence of any bold planning to meet the problems of tomorrow. We have reviewed a recently-completed report recommending programs related to the training of educational personnel that should be undertaken by the Federal government. This report, a plan for the next five years, was prepared by one of several sub-groups of a Task Force on Education appointed by the Department of Health, Education, and Welfare. There are many worthy programs in this plan. We commend the Department for taking this kind of initiative in looking ahead. But we find the conception and scale of the plans no match for the needs. In fact, the so-called plans are timid and token. It would appear that instead of taking as a point of departure a searching inquiry into the needs of education and concluding with a determination of the resources required to meet these needs, this group was faced with an assumption of severe financial constraints and the necessity to fit its planning into this assumption.

In dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. The Council believes strongly in this notion of partnership. We reject any suggestion of domination of the Federal government. But each partner must do its *share.* And when we find that the States have, in the last two years, increased their expenditures for higher education by 38% and for elementary and secondary education by 28%, and when we find that at the same time the Federal government is cutting back, we can conclude only that there is, in fact, a default of responsibility on the part of the Federal government.

Recently the House of Representatives voted a substantial increase in appropriations for education. We commend the leadership of both parties in this effort. But apart from this action—which has yet to be voted by the Senate and signed by the President—retrenchment is the only signal coming out of the Federal government at the present time. This signal creates a mood—a mood that is affecting the thinking and actions of those in the Federal agencies responsible for administering educational programs and of those in the field who are trying to provide new prospects for the young.

While we sit for two days as members of a Federal Advisory Council and read this signal and sense this mood, we bring with us a sense of another reality "out there"—as the principal of an elementary school in a ghetto, as a school board member in Oregon, as president of a university in Appalachia, as a graduate dean in a private university in New England, as a superintendent of schools in the fourth largest city in the nation, as a professor of physics in a Midwest university, as a guidance counselor in Arizona—as people from a variety of educational settings and various parts of the country. Here we read a different set of signals, sense a different mood.

Above all, we sense a worsening climate in American schools and colleges. While increased controls by school and university authorities may be necessary to check the activities of certain small destructive groups, we assert that present national conditions are deleteriously affecting the studies, the hopes, and the convictions of a wide and responsible segment of the educational community. A new and ugly cynicism and anti-intellectualism is infecting American education. Repressive measures will not arrest this trend, and may even accelerate it; positive and affirmative leadership promptly to end the war and to address forthrightly our domestic problems *can* do so. While these attitudes stem from the war and the disparity between the ideals of the nation and present realities, it is the judgment of this Council that, as Representative Brock and his colleagues so sensitively discerned, the source of much of the disquiet can be traced to fundamental inadequacies of education itself. The needed improvements and reforms will come about only if appropriate leadership is offered, leadership in the educational community and leadership in government, particularly—as we have noted earlier—from the national government.

Too many of our young are concerned by what they are *against*—the war, racism, poverty, corruption. They need, as have all youth in all times, to be *for* things, to have a star, a dream. While we recognize that such affirmative leadership is subtle, and will require politically difficult action, we feel that the growing dismay and cynicism of our youth could develop into a calamity of devastating proportions. The future college and school teachers—*the people of greatest concern to this Council*— are a centrally important group among our youth, and their disaffection can have serious effects in future years.

It would be unfortunate if our political leadership were to take the position that a response to the dissatisfactions of the past—or the yearnings for a different kind of future—must await the ending of the war, or some other development. It is now we must plan. It is now we must act. It is now that we must demonstrate, *mainly to ourselves,* that a nation which can take such just pride in its extraordinary achievements in the material realm is no less resourceful, no less vigorous, no less sacrificing in dealing with matters of the spirit.

Competent observers have noted a growing sense of purposelessness on the part of an influential segment of our student population—a feeling of these young people that it is not possible for our social institutions to cope with an increasing complexity.

If politics is the art of the possible, then our political leaders have a special opportunity to demonstrate to the young that the nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities. We could do no better in this then to start with the field of education itself. More policemen in the schools is not a policy; it is an admission of failure.

If the Executive Branch feels that Congress has not moved in a fashion appropriate to the time, let it take leadership. If the Congress feels that the Executive Branch has not sensed the urgent need for a bold educational policy for the nation, let it provide the leadership. But let us have leadership.

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Adron Doran, President, Morehead State University, Morehead, Kentucky.

Annette Engel, Director of Special Education, Roosevelt School District, Phoenix, Arizona.

Rupert N. Evans, Professor of Vocational and Technical Education, University of Illinois, Urbana, Illinois.

Susan W. Gray, Director, Demonstration and Research Center for Early Education, George Peabody College, Nashville, Tennessee.

Laurence D. Haskew (Chairman), Professor of Educational Administration, University of Texas, Austin, Texas.

E. Leonard Jossem, Chairman, Department of Physics, Ohio State University, Columbus, Ohio.

Marjorie S. Lerner, Principal, George T. Donoghue Elementary School, Chicago, Illinois.

Kathryn W. Lumley, Director, Reading Clinic, Public Schools of the District of Columbia, Washington, D.C.

Carl L. Marburger, Commissioner of Education, State Department of Education, Trenton, New Jersey.

Edward V. Moreno, Executive Secretary of the Mexican-American Commission, Los Angeles City School Districts, Los Angeles, California.

Lloyd N. Morrisett, President, Markle Foundation, New York, New York.

Mary Rieke, Member, Board of Education, Portland, Oregon.

Theodore R. Sizer, Dean, Graduate School of Education, Harvard University, Cambridge, Massachusetts.

Bernard C. Watson (Vice Chairman), Deputy Superintendent for Planning Philadelphia School System, Philadelphia, Pennsylvania.

Joseph Young, Executive Director.

THE BOXCAR SHORTAGE

Mr. PEARSON. Mr. President, I want to call to your attention a transportation crisis in the State of Kansas. The boxcar shortage is even more acute this fall than at any time since I have been a Member of the U.S. Senate.

My office nas received personal visits and dozens and dozens of telephone calls and letters about this crisis. I am advised by the Kansas City Board of Trade that in the States of Kansas and Nebraska there are some 22 million bushels on the ground, notwithstanding hundreds of elevators that are plugged and closed down. It would take some 11,000 cars to move the grain that is on the ground at this time. The harvest of corn, milo, and soybeans is creating a demand that the transportation industry has been and is unable to handle.

Recently, the Department of Transportation has awarded a research contract to develop methods, assessing the economical impact of railroad freight car shortages and for forecasting freight car demand on specific commodities.

We have studied this situation to death We know every year we are going to have a grain harvest. We are going to have a severe economic loss to the farmers and the dealers in the entire Midwest. These shortages affect other industries such as agriculture, livestock, mining, and lumber, and cause widespread unemployment, impede trade and commerce and cause fluctuations in supply, which impose added burdens on consumers.

The situation results from insufficient equipment of various types, improper utilization of the freight car fleet and the diminishing number of overall inventory. Also there is inadequate maintenance of those boxcars that are available.

The eastern roads retain cars in their service that are desperately needed in my State. Some of the other reasons that there are shortages is the overordering, particularly by eastern shippers, using boxcars for warehouses and the reluctance by the carriers to release the car as they believe that they are going to be able to utilize it for a more profitable run. These excuses by the carriers are not new, neither do they solve the problem. Almost 2 years to the date, November 16, 1967, I reported to you, Mr. President, that—

> This country has been plagued with a chronic freight car shortage. At one time or another all areas of the country have been affected by the problem and it has been more persistent and more serious for the grain and lumber producers and shippers of the midwest and northwest. . . .

At the same time that this statement was made, there was an additional statement made by the railroad industry that it was doing all it could to improve freight car utilization.

The regular shippers have been complaining about this problem for years. The matter that seems to bother me is not only the severe economic loss that we may have this year, but it appears I will be back at this time again next year making a similar statement to you.

The transportation industry needs to be stimulated by the Interstate Commerce Commission so that these peak period demands can be met. Certainly, I have heard the rebuttal that few industries can afford to equip for these peaks and that the financial position of the railroad does not allow it to acquire needed equipment. The fall of the year is a peak period in the Midwest. The crop harvests are difficult to schedule because they do depend on unknown elements, such as the weather. Volume shipments of stored grains are sometimes not made at times that might be convenient because of such things as market, price, and similar consideration. More and more grain is moving by truck at a higher cost of about 5 cents a bushel.

This appears to be a case where everybody is talking about it, but nobody is doing anything about it.

When hearings were held before the Freight Car Shortage Subcommittee of the Committee on Commerce on April 23, 1965, in Kansas City, Kans. We had the same song. We stated at that time:

> The precipitous decline in our national freight car supply, especially in the number of plain boxcars, has reached alarming proportions. Not only is the inadequate supply of freight cars constricting the growth of important industries and causing severe nationwide losses to producers, shippers and consumers, but also it is eroding our transportation capability to move essential military traffic during emergencies.

This statement could be applied today, at this place, and at the rate we are going; we could make the same statement next year at the same time, at the same place.

This month the railroads requested another rate increase of 6 percent, and this increase was granted by the ICC. The industry states that they will be coming in shortly to request another rate increase. It has been estimated that the 6-percent rate increase would result in additional revenues to the industry of $600,000,000. Mr. President, the railroads of this Nation play a vital role in its commerce. In 1968 the railroads moved about 745 billion ton miles of freight or almost 41 percent of all intercity freight in the United States. With the addiional $600 million, it would appear to me that investments could be made by the industry in additional equipment.

The specter of a nationwide railroad strike is hanging over our heads the first part of next week. Needless to say, this will further compound our problem.

Mr. President, we must insist that the Congress, the Interstate Commerce Commission, and railroad management and labor cooperate so that the number of freight cars essential to the Nation's needs be increased without further delay.

TOWARD MORE ADEQUATE SOCIAL SECURITY—VII

Mr. WILLIAMS of New Jersey. Mr. President, much lipservice is given in this Nation to the so-called golden years of senior citizens and yet there is ample evidence to show that the later years in the lives of millions of Americans are bitter, poverty-ridden, and demoralizing.

In its forthcoming debate on social security legislation, Congress should be fully informed as to the consequences of inadequate income for most of the 65 plus people of this Nation.

The U.S. Senate Special Committee on Aging—in its publications and hearings this year on "The Economics of Aging"—is doing much to provide such information to individuals of all ages in this Nation.

But, helpful as testimony by "the experts" can be, there is no substitute for direct commentary by those Americans most directly affected by our national failure to assure adequate retirement income for most of our elderly citizens.

For that reason, I have conducted several informal sessions in my own home State of New Jersey to hear from the elderly and from those who work with them.

The story is similar in the cities and in the suburbs: in one way or another, rising costs are riddling retirement income.

Recently, in Middlesex County, I heard from individuals who reside primarily in residential areas outside of urban centers. I was told that many of them pay more than half their meager incomes for property taxes, and that rising health costs threatened much of what remained. I heard eloquent testimony about the shortage of alternative housing for those who are finding that it costs too much to live in the house in which they may have raised a family and in which they lived the greater part of their lives.

Such testimony should not be ignored. It should receive careful consideration in Congress and elsewhere. So, I ask unanimous consent to have printed in the RECORD a news article from the Sunday Home News, of New Brunswick, N.J., of October 19. It gives many of the major statements made at the session in Middlesex County; and it also makes it clear, I think, that Congress must act as quickly as possible to raise social security benefits as the first of many legislative initiatives needed to establish true economic security for the elderly.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Brunswick (N.J.) Sunday Home News, Oct. 19, 1969]

ELDERLY SAY THEY'RE "ROBBED"

(By Gordon D. Sharp)

EDISON.—Middlesex County's senior citizens yesterday told a U.S. Senate committee hearing they are being robbed of their "golden years" by price-gouging and high housing costs, proving that when it comes to demands for social justice there is no generation gap.

The senior citizens complained particularly of supermarket pricing practices, high cost of housing and medical care, rising real estate and school taxes and the lack of relief for their woes from the federal government.

U.S. Sen. Harrison A. Williams, D-N.J., chairman of the Senate Special Committee on Aging, told the gathering in Roosevelt Hospital Annex auditorium their views would be used to prepare legislation aimed at helping them. In some cases, legislation is already in the hopper, he said.

The hearing was attended by about 175 elderly persons, many of them representatives of senior citizens organizations throughout the county. A number of them acted as panelists in the morning-long program, conducted by Williams and Rep. Edward J. Patten, D-Middlesex.

Patten said the tendency in Congress is to keep standards low in nursing homes for the elderly, in order to keep costs down. On the other hand, he said, it is practically impossible to build low-cost senior citizens housing because local zoning laws call for higher building standards.

"The government is building housing for $600 per family in Vietnam, but you couldn't build the same housing here," said Patten.

Freeholder Director George Otlowski, chairman of the health and social services committee of the freeholder board, told Williams the elderly often lack money for necessary drugs, eyeglasses and dentures, "and the squeeze is getting greater everyday."

Otlowski said senior citizens are not going to get the help they need until the governor and state legislature broaden the tax base, because the homeowner can no longer carry the load.

Dr. Man Wah Cheung, superintendent and medical director at Roosevelt Hospital, said that even current medical benefits and Medicare programs are often exhausted in long-term illnesses. "The situation is critical and will become intolerable in a very few years," said Dr. Cheung.

Thomas E. Hamilton, executive director of the Middlesex County Office of Aging, painted an equally dark picture. "If you think we have problems now in the field of aging, just wait until the next century," said Hamilton.

Joseph Lewis of Laurence Harbor, past president of the Senior Citizens Association of Madison Township, said the Nixon administration must work to bring the inflationary spiral under control. He said the $80 reduction on real estate taxes for those senior citizens earning over $5,000 was of little help. He said approximately 40 per cent of those over 65 in the county have to sell their homes and go on welfare.

Many of the elderly present complained bitterly of the way grocery stores and supermarkets allegedly mark up prices on the third day of each month when social security checks arrive in the mail. Patten said markups were a traditional practice, but suggested the senior citizens call a conference to examine pricing practices.

Williams said bus companies would be well-advised to make their vehicles available to the elderly at half price to make it easier for senior citizens to reach hospitals and shopping centers.

The chief panacea urged by the senior citizens themselves was an increase in social security. The auditorium wall was pasted with signs reading "Maintain Self-Respect, Raise Social Security" and "Raise Social Security Now, It Doesn't Take Long to Starve."

Williams said the information provided by the hearings participants would be used "to educate the Congress" on the legitimate needs of the nation's senior citizens.

ADIRONDACK COMMUNITY COLLEGE STUDENTS PROTECT OUR NATIONAL CHRISTMAS TREE

Mr. GOODELL. Mr. President, today marks the arrival in the city of Washington of the national Christmas tree. I am proud to say that this year it is a 65 foot Norway Spruce from the Adirondack region of New York State.

The lighting of the fully decorated tree by President Nixon on December 16 will culminate many months of hard work by many concerned citizens of Warren County, N.Y. The tree was actually selected by the National Park Service early this fall. The selection was kept secret so that souvenir hunters could not spoil its natural beauty prior to its arrival in our Nation's Capital. When the selection was finally announced 1 month ago, a group of students from Adirondack Community College organized a 24-hour guard around the tree so that no harm could come to it. Significantly, these students also organized a local program for the October Vietnam moratorium. The students regarded their vigil as an expression of patriotism inasmuch as they were guarding a national symbol to be used during the coming Christmas season.

In order that their good work be better known to my colleagues, I ask unanimous consent that the following article of November 7, 1969, in the Schenectady Gazette, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENTS ON CONSTANT GUARD—NATIONAL CHRISTMAS TREE VIGIL

(By Don A. Metivier)

GLENS FALLS, N.Y.—"Last month I was called a 'Communist' and now I'm a patriot," said Charles Paul, president of the student council at Adirondack Community College.

Paul was an organizer of a Moratorium Day march from the college campus, three miles to Glens Falls city park. He also organized a special "honor guard" of more than 200 students from the college who are on duty 24 hours a day protecting the 1969 National Christmas Tree.

The 65-foot Norway spruce will be felled Nov. 21 and transported to Washington, D.C., to stand in the White House ellipse. President Nixon will light it Dec. 16.

The students, many of whom marched in the moratorium parade to protest the Vietnam war, contend their vigil around the tree is merely, "the other side of the coin," to express love of country.

Thousands have visited the tree's site in Crandall Park. Television stations have filmed Christmas programs in front of it.

Paul said while the guards watch for any who might willfully damage the 70-year-old tree, the biggest problem is souvenir hunters. "Everybody wants a branch," he said.

The students gather around a bonfire in the evenings and have held club meetings and songfests at the site.

Paul said many persons called the students un-American and Communists when they marched in protest of the war, but he said the students really "love this great country," and wanted to show their feelings by guarding the tree.

Dr. Charles Eisenhart, president of Adirondack Community College, said: "If anyone wanted a practical demonstration of the civic concern of American youth, here it is."

Police from Glens Falls, the Town of Queensbury, Warren County Sheriff's Department and state police drop by regularly to back up the honor guard.

"We get a chance to talk with these kids," one local officer related, "and we all are getting to know one another much better. They are doing a fine job."

Chief of Police James E. Duggan said: "They are polite, firm and doing a job for all of us who want to see that beautiful tree stand in Washington."

PRESIDENT NIXON'S PEACE INITIATIVES

Mr. PEARSON. Mr. President, the President acted boldly and decisively yesterday in his initiatives for control of chemical and biological weapons of war. Not only has he committed our country to a firm renunciation of all offensive methods of biological warfare, but he has acted to place before the Senate an international agreement to prohibit the use of "poisonous or other gases" and "bacteriological methods of warfare."

This agreement, the Geneva Protocol of 1925, was originally negotiated and submitted to the Senate for its advice and consent to ratification during the administration of President Calvin Coolidge. Even before that time Secretary of State Charles Evans Hughes had successfully urged adoption of similar language in the Washington Treaty of 1922.

While the United States has never ratified the protocol, it is fair to observe that the original American initiatives in this field have helped lead to the contemporary situation, one in which 83 governments, including all NATO and War-

saw Pact countries except ourselves, have ratified the protocol.

Through past administrations since World War II we have held a declared policy of support for the principles of the protocol. Finally, the initiative has been taken to nail down this policy for all the world to see and understand.

This is a sign, and a most timely one, that this Nation is maturing in its comprehension of world politics. It is also a sign that we are prepared to seek, through negotiation, a broader and more specific international agreement based on the British draft treaty on biological warfare. It is more than a gesture because it sets us firmly on a course that leads to open government-level discussions of the hard problems of chemical and biological warfare.

Mr. President, the initial outcome of this executive initiative will be determined here in the Senate. In his statement yesterday, President Nixon made reference to incapacitating chemicals, saying our policy of no first use has been extended to these agents. It would be my hope that a considered discussion of this new policy will take place before the Senate moves to act on the question of ratification. It is only reasonable that we define our terms and the extent of our willingness to renunciate gas warfare, as we go about the business of ratification. The American people, as well as those of the other signatory countries, will be the beneficiaries of a considered, undramatic approach to this matter in the Senate.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER FOR RECOGNITION OF SENATOR GOODELL VACATED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order under which the able Senator from New York (Mr. GOODELL) was to be recognized for 10 minutes at this point be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business, Calendar No. 547, H.R. 13270.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 13270), the Tax Reform Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of the bill.

Mr. GORE. Mr. President, the amendment which I and several of my distinguished colleagues offer to raise the personal exemption for each taxpayer and dependent from $600 to $1,000 affords to the Senate a basic choice in the type of tax relief which it wishes to extend to the people. That choice is between a tax reduction by way of changing tax rates with respect to personal income, on the one hand, or tax reduction by way of raising the personal exemption, on the other.

The provisions of the pending tax reform bill in many respects constitute a significant step in achieving a higher degree of fairness in our tax system. There are, however, provisions in the committee bill that require change if the pending bill is to achieve effective tax relief and true tax reform.

I have filed my individual views which set forth in some detail these areas where the Senate should strengthen the bill. But I speak specifically at this time to the amendment to raise the personal exemption.

Before doing so, I should like to make one further comment about the pending tax bill. It has two broad features—one, tax reform; and, two, tax relief.

The tax reform provisions in general seek to lessen the favoritism of certain provisions in our tax law, thus bringing in additional revenue by requiring that people and organizations that, in the view of the committee, are not now bearing a fair share of the tax burden will be required by law to do so.

As I shall indicate later, and as I have already indicated in my individual views in the committee report, the committee bill falls short of perfection in this regard, although I must say that the bill is commendable in many, many respects.

I wish to take this opportunity to compliment the distinguished chairman of the committee upon his diligence and his effective leadership in bringing this stupendous bill to the floor of the Senate.

The chairman of the Finance Committee was steadily on the job through weeks of hearings and weeks of executive sessions in the consideration of the bill.

I wish also, Mr. President, to express my personal pleasure at being able to serve with the committee in the consideration of the pending bill. I do not believe that at any time in my years in Congress in either House have I seen a committee with fuller attendance over such a long period of time, working with diligence and intensity, and yet upon frequent occasions demonstrating a fellowship and sense of humor that relieved the tension and bound us closer together.

I could, if time permitted, regale the Senate with some of these experiences, but more serious business is at hand. Suffice it to say that I have found my work on the Finance Committee pleasant and rewarding. For this I am grateful to the chairman and to all members of the committee.

I believe the fairest and most effective means of providing tax relief is to increase the personal exemption. I propose to increase the present $600 personal exemption to $1,000 per person. This increase will be phased in over a 4-year period by increasing the exemption by $100 per year. The personal exemption would be $700 in 1970, $800 in 1971, $900 in 1972, and $1,000 in 1973 and thereafter, thus bringing the total personal exemption for each taxpayer and each dependent to $1,000.

To insure that no person in poverty will be subjected to tax, my amendment also provides a $1,000 low-income allowance. This step will also provide great simplification, since it will replace both the present standard deduction and general standard deduction when fully effective.

This proposal—the increase in personal exemption and the low-income allowance—replaces all the tax reduction provisions in the House bill for individuals as approved by the Finance Committee, except that a new rate schedule similar to that provided by the committee for single persons would be retained.

I have felt for a long time that the provisions of the existing law place an undue burden upon unmarried taxpayers. I think the provision adopted by the Finance Committee is an improvement over that which was approved in the House of Representatives.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, the Senator might prefer that this interruption appear at the conclusion of his remarks, and if that be the case, I wish he would so indicate.

Mr. GORE. I think it would be fine here.

Mr. LONG. I thank the Senator for the kind comments he made about the chairman and about the committee. I also thank the Senator for his diligence and his study of this bill. He has devoted a great deal of attention to it, as his remarks reflect.

I think this is the first time in the consideration of a major piece of legislation that the hearing record of a bill is not on the desks of Senators. The reason is they are too large and therefore the hearing record is beneath the desks of Senators.

In the 5 weeks that we conducted the hearings, with an agreement with the leadership that we would try to order the bill reported to the Senate by October 31, we used all the shortcuts available to us. We imposed a 10-minute limitation on all witnesses, with the staff summarizing their statements for us. We also imposed limits on ourselves in our questioning, as the Senator well knows.

So we have here six volumes of hearings, and one is yet to be supplied. We have 6,182 pages of testimony and evidence presented to us through volume 6, and I suppose that when the seventh volume is received, the total may well go beyond 7,000 pages.

We had good attendance at the committee sessions to hear these witnesses. Often we had a quorum of the committee sitting, and in some instances the full committee was present, hearing witnesses who presented their views on the provisions of the bill that affected them. In the time available to us, I think we have done the very best we could.

The Senator has an amendment that, of course, will merit very serious consideration by the Senate. It is my under-

standing, from hearing the Senator describe it, that this is not precisely the amendment he offered in the committee. I believe he had a phaseout in his amendment for all years. At least, it differs with respect to single persons. The Senator offered an amendment in the committee and gained a substantial vote for it. Am I correct in assuming that he did not have the single-persons provision in the amendment he offered in the committee?

Mr. GORE. The Senator is in slight error. I did include, as I recall, the provision for a single taxpayer. There is one change in the amendment I propose here. The low-income allowance in the amendment which I offer on the floor of the Senate is $1,000, while the one I offered in the committee was $1,100. It seemed to me and to my staff, as we worked on comparative tables, that if the personal exemption were raised to $1,000, then a low-income allowance of $1,000 would offer the maximum amount of equity.

Mr. LONG. The point I have in mind is that the Senator has further refined the proposal he offered in the committee, so what he now offers to the Senate goes beyond what he offered at the time the committee voted.

Mr. GORE. There is the minor difference I noted. With respect to what I offered in the committee, the amendment lost in the committee by an 8-to-8 tie. So it comes to the Senate after having had careful consideration in the committee and after having been approved by the same number as disapproved; but, because of the parliamentary situation, a tie vote loses for the proponent.

Mr. LONG. As the Senator knows, in the consideration of this measure we did not have the time to give as much detailed consideration to the various alternatives available to us as we would have liked. We did the best we could in the time available to us. But we did the best we could to arrive at the best approach. I think the amendment offered by the Senator that provided for an $850 exemption failed on an 8-to-8 vote. Six teen members of the committee were in the room at that time.

Mr. GORE. The Senator is correct. When I offered the amendment in the committee to raise the personal exemption to $1,000, it received a substantial vote, but by no means near a tie vote. It was the $850 provision on which the tie vote was achieved.

Mr. LONG. It was not my impression that the amendment offered by the Senator in the committee contained the provision, which the committee looked upon with favor, that a single person would pay no more than 20 percent more in taxes than a couple would pay on the same amount of taxable income. I believe that is in the Senator's present proposal. Am I correct?

Mr. GORE. The Senator is correct.

Mr. LONG. I was not of the impression that that was in the amendment offered in the committee, although it may have been.

Mr. GORE. The Senator's memory may be superior to mine. I thought it was included. It is included now. I know that the Senator, the chairman of the committee, agreed with this provision in the committee. In fact, I think we adopted almost unanimously this provision with respect to single taxpayers, did we not?

Mr. LONG. I believe that is correct.

This appears to be one of those provisions the logic of which becomes more and more compelling with the passage of time. When it was first suggested, because it did involve a very substantial revenue loss, those of us who were managing the measure felt that the revenue loss was more than could be permitted at that time.

But the logic of the argument on behalf of single persons living alone has become more and more compelling to those of us who have heard it over a period of time.

Mr. GORE. I thank the Senator. I should like to borrow the language which the distinguished chairman of the committee used, that with the passage of time the logic in behalf of a provision which has so much justice becomes so compelling. Would the Senator mind if I use that same language to increase the personal exemption?

Mr. LONG. As long as the Senator is saying it.

Mr. GORE. Mr. President, this illustrates the fine and enjoyable fellowship that existed between all members of the Committee on Finance during this long, difficult, and arduous task. I thank the Senator.

Mr. President, the personal exemption is designed to provide a certain amount of tax-free income with which a person can feed, clothe, house, and educate his family. No one can deny that the present $600 exemption is inadequate; at least, I do not know of anyone who would deny it. I must qualify that and say that in the executive session of the committee the spokesman for the Treasury Department undertook to say that the $600 exemption was all that could be warranted. My reply to the distinguished Secretary was, "I do not believe a single mother in America will agree with you."

I say that now. Who can live on $50 a month? Who can support a wife with $50 a month? Who can feed, clothe, educate, and care for the health and welfare of a child on $50 a month? I do not hear any Senator asserting that. I have not found any father or mother who is willing to assert that. Again I ask the question: Who can live on $50 a month? Again I ask the question: Who can support a dependent for $50 a month? Yet $600 for a 12-month period is all that is permitted under present law. That is all that will be permitted under the pending bill—$50 a month. That is the committee bill; that is the present law; that is the House bill.

The amendment which I offer would increase this amount to $1,000. For a family of four, the amount of tax-free income permitted through the personal exemption under present law and under the committee bill is less than it was in 1940. Yet the cost of living has gone up and up and up since then. The cost of living is almost three times as great as it was in 1940. Yet the personal exemption for a family of four is less than it was then.

Mr. President, it is time to restore the personal exemption to a level that will achieve its intended purpose. I believe that the $600 exemption is the most out-of-date provision in the tax law. It is now time for the Senate to change it, and the Senate has an opportunity to change it because the amendment is being offered as a substitute for other provisions in the tax bill, other provisions that will reduce revenue to the U.S. Treasury. That was not true of an amendment offered on Monday of this week to raise the personal exemption to $1,200. It was not offered as a substitute for any other provision in the bill, but rather as an addition to the provisions in the bill.

My amendment, on the other hand, affords a clear-cut choice for the Senate between providing tax relief by way of raising the personal exemption, on the one hand, and tax relief by way of rate changes, on the other.

Mr. President, the proposal for a $1,000 personal exemption and a $1,000 low-income allowance standard deduction is superior, in my opinion, to the tax reductions adopted by the Committee on Finance by an 8-to-8 vote, for these reasons. First, it is simple and easily understood by all taxpayers. Every taxpayer would know what his personal exemption is. When Senators travel to their States, I firmly believe they will find every taxpayer well aware of the unfair and inadequate present $600 personal exemption.

The personal exemption is designed to provide for a taxpayer and for his dependents a minimum income for existence before the Federal income tax is levied upon that income. This is called the personal exemption. This exemption is available for every taxpayer, rich and poor alike. The greater the number of dependents, the larger the amount of exemption. I think the people who need tax relief most—and this will bear repetition because it is true—are those with the largest number of dependents to support.

Mr. President, this situation is typified by the man with a big mortgage on a little house, filled with children.

Second, some 11.5 million taxpayers will be removed from the tax rolls by my amendment, compared with only 5.5 million people to be removed by the committee bill.

All the taxpayers who would be removed either by my amendment or the committee bill are in or are barely escaping the poverty level of income.

There was once a feeling that everyone who had any substantial income should pay Federal income taxes. Rightly or wrongly, we have advanced beyond that point until now many persons are suggesting a negative income tax; that is, that those who have less than a set standard of income, whatever that might be in the minds of those who propose a negative income tax, would receive a payment from the Government instead of making a payment to the Government. I do not wish to discuss the merits

or demerits of that proposal, but refer to it only as a step in the governmental or sociological development of thought along this line. At least, it seems to be a widely held view now that people in the throes of poverty should not be required to pay a tax upon their income, meager as it is.

(At this point Mr. ALLEN took the chair as Presiding Officer.)

Thus, rightly or wrongly, the committee bill and my proposal would remove several million persons from the tax rolls. My proposal would remove a larger number because it provides greater relief for larger families. Let us recognize that many of the larger families are in the poverty or near-poverty income levels.

Third, the amendment provides greater tax relief to low- and middle-income taxpayers. A typical family of 4 with $7,500 a year in wage income would receive a tax reduction of $262 under the proposed amendment compared with only $36 under the committee bill.

A taxpayer with a wife and 2 children, earning an income of $7,500 a year, is not poverty stricken. He now pays a substantial tax. I would not remove him from the tax rolls, nor would the committee bill, nor would present law.

How much would this taxpayer pay under present law? $562. Under the committee bill he would still be required to pay $516. Under my proposal he would pay $290.

I respectfully submit that with the high cost of living today, a man with three dependents and an income of $7,500 a year will be hard pressed to pay a tax of $290.

I submit that this example illustrates the tax reduction provided by the amendment which I offer. More than 50 percent of the tax reduction provided by my amendment would go to people with incomes from $7,000 to $15,000. Compared with this, the committee bill would extend only about one-third of its tax relief to taxpayers in this group.

This illustrates again the difference. The committee bill provides with reasonable equity and justice, I think, tax relief for people in the lowest income brackets. It provides too much relief, in my view, for people in the high-income brackets. But for the people in the lower and the low-middle income groups, it provides very little relief. This is the group that needs relief most of all.

To illustrate the point: The rate change in the committee bill is only 1 percentage point in the bottom bracket, a tax reduction of from 14 percent to 13 percent. Yet the rate cut in the higher brackets runs to 8 percentage points. What is the justice of giving a 1 percentage-point cut on the small incomes and an 8-percentage-point cut on the large incomes? Is that equity?

Fourth, the proposed amendment is more progressive than the committee approved rate reductions, since a smaller percentage of the tax relief goes to the upper brackets, a point I have just illustrated. The biggest defect in the tax reduction provisions of the committee bill is the schedule of proposed rate reductions, one example of which I have already cited. These rate reductions are a further step in making our tax system more regressive instead of more progressive.

The top bracket under present law is 70 percent for incomes over $100,000. Under the committee bill, however, the top marginal rate is reduced to 65 percent of the amount of income over $200,000.

Not only is the top rate lowered by 5 percentage points, but the brackets are also changed so that, for example, incomes between $100,000 and $200,000 receive a rate reduction ranging from 6 to 8 percentage points.

Such a step, in my opinion, is unjustified, regardless of whether the personal exemption is increased. I would not vote for this kind of rate change even without a substitution of the personal exemption, because it seems to me it is undemocratic. When one couples this with the 1964 cut in the top rate from 91 percent to 70 percent, progressivity in the upper brackets has been sharply curtailed. Indeed, if the committee bill passes unchanged as to the rates, there will be very little progressivity in our tax laws beyond the $50,000 adjusted gross income level.

(At this point Mr. CRANSTON assumed the chair as Presiding Officer.)

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, it would seem that we ought to keep in mind that when reductions in rates are being made, one can look at that situation in any one of several ways. When one cuts a tax rate from 14 percent to 13 percent, while he is only reducing it by one point, at the same time he is making a one-fourteenth reduction since 14 points of tax are being reduced by one point.

I think the Senator will find that if a 70-percent tax rate is reduced by one-fourteenth, it is reduced by 5 percentage points. This is the reduction in the bill and this shows that we are in this regard at least making a uniform reduction. Because we are multiplying by a greater number the points—70 instead of 14—in order to receive the same percentage reduction, the number of points of reduction is higher.

I am sure the Senator is well aware that the most attractive provisions in the bill as reported by the committee concern the low-income taxpayer. They relate to the fact that the bill includes a low-income allowance, an increased minimum standard deduction, one of the more expensive provisions in the bill, and also includes an increase in the standard deduction, phased so as to move from a 10-percent standard deduction up to a 15-percent standard deduction. Even the increased standard deduction does not affect those in the high income tax brackets, because in most cases they find it to their advantage to itemize deductions.

Mr. GORE. Mr. President, I realize that percentages often give an appealing picture, but a housewife cannot spend percentages at the grocery store. I was speaking to a women's meeting in Knoxville a few days ago, and a woman stood up and asked, "How can Senators refuse to raise the personal exemption?" I said, "I hope they will not." She said we Senators ought to have to go to the grocery store now and then. Perhaps we should adjourn one day next week, take our grocery baskets, go to the grocery store, and see what we can buy with percentages.

One percentage point at the bottom will not buy one potato or anything else. Indeed, what would 1 percentage point mean to a man who owes $500 in taxes? Practically nothing.

Mr. LONG. Well, if the Senator will——

Mr. GORE. Let me continue just a moment. The Senator has touched me at a sensitive point.

The House bill that came to this body would give to a typical taxpayer with a $10,000 taxable income, who had three dependents, a tax reduction of $57 a year. It would give to the president of General Motors—who last year had the highest compensation in salaries, bonuses, and so on—a tax reduction of $116,000 a year, primarily because of a 50-percent maximum tax rate on earned income. That is what percentages give you. But he will not take the percentage figure to the market. He will take the dollars to the bank or leave them in the bank. But what does it mean to a man who has a wife and two children to have that saving of $57 a year? The cost of living has increased more than that this year.

With reference to the percentage business, when we start cutting taxes to a flat percentage, we are hitting the little people.

I must let the RECORD be plain. The Senate committee improved the House bill in this regard. The Treasury had recommended and urged cutting the top bracket on earned income from 70 to 50 percent, and the House, I think, made a great mistake in agreeing.

The Finance Committee, partly at my urging, struck that provision out. I congratulate the committee. If it should be permitted to stand, Congress in one 5-year period, will have cut the top bracket from 91 to 50 percent on all except investment income—almost cutting the top bracket in half. That would destroy progressivity in our tax system.

Many people believe that we have a graduated income tax; that the more one's income, the more he pays in taxes. There will be very little progressivity left if the committee bill is adopted, except in the lower brackets.

Just let me illustrate this. Under the committee bill, the marginal tax rate would double between $500 of taxable income and $10,000 of taxable income. Ah, Mr. President, that is gradualism, that is progressivity—a 100-percent increase in the rate of tax from $500 to $10,000!

But then what do we do when we get above $100,000 of taxable income? From $100,000 to $200,000, the increase under the committee bill will be only 5 percentage points; 100 percent between $500 and $10,000; 5 percent between $100,000

and $200,000. Oh progressivity, a democratic system of taxation, according to the bill—percentages!

I say again: The housewife cannot meet the high cost of living with percentages.

Now I yield to the Senator from Louisiana.

Mr. LONG. I should like to stay with the point I originally made with the Senator from Tennessee; namely, that when one is talking about a percentage tax reduction in the rates, one can gain a misleading impression on tax justice and equity, depending upon how he looks at it. One way it looks a certain way; the other way it looks different.

I submit to the Senator that if we were in a position where we had to consider a tax increase instead of a decrease—and the Finance Committee had brought in a measure to that effect—whereby we were adding 1 percentage point to everybody's tax rate, starting with the fellow who had a 14-percent rate, it would be an increase to a 15-percent rate. Then we would increase the rate of the next fellow, who had the 15-percent rate, to 16 percent. The one who had a tax rate of 16 percent then would have his rate increased to 17 percent. The one who is paying 70 percent would have his rate increased to 71 percent.

I suspect the Senator would be the first man on the floor—and I probably would be the second—to say, "That is not fair." This fellow with the 14-percent rate would have his rate increased by 1 percentage point, but his percentage increase would be about 7 percent; whereas at the 70-percent rate the 1-point percentage works out to be an increase of only 1 1/10 percent.

So both the Senator from Tennessee and I would be arguing that in justice and fairness the rate increase on the little fellow down at the bottom, at that point, would be 5 times as much as it was on the fellow at the top.

The Senator, of course, knows that the big appeal of the bill before us—and I have considerable sympathy for what the Senator is seeking to do—with regard to low-income people—is the low-income allowance, and also the increase in the standard deduction. Those are the most appealing things in the bill for the low-income people rather than the rate reduction.

As I understand, the bill does parallel what the Senator is seeking to do here with regard to the low-income allowance. I would also think that on the same basis he ought to look with favor on the standard deduction increase.

Mr. GORE. I thank the able Senator. Percentage calculations have some use, and I should like to present one translated into numbers of taxpayers.

Under the committee bill, 40 percent of the tax relief through rate reductions goes to people having taxable incomes of more than $20,000 a year. Mr. President, how can we justify that action, when only a very small percentage of our people have taxable incomes of more than $20,000 a year?

The amendment which I offer would provide some tax relief to people in this group—11 percent. Only 11 percent of the tax reduction from the personal exemption, if my amendment is adopted, will go to taxpayers having taxable incomes of more than $20,000 a year. But unless it or some other amendment is adopted, the committee bill will provide 40 percent of all personal tax relief as a result of rate changes to this high-income group.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table which will show the comparative effects of the proposed amendment, the committee bill, and the present law with respect to taxpayers grouped by various classes of income.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 7.—INDIVIDUAL INCOME TAX LIABILITY—TAX UNDER PRESENT LAW AND AMOUNT AND PERCENTAGE OF CHANGE UNDER REFORM AND RELIEF PROVISIONS UNDER H.R. 13270 WHEN FULLY EFFECTIVE AND UNDER $1,000 PERSONAL EXEMPTION AND $1,000 LOW INCOME ALLOWANCE IN PLACE OF H.R. 13270 RELIEF PROVISIONS

Adjusted gross income class	Tax under present law [1] (millions)	Increase (+) decrease (−) from reform and relief provisions: H.R. 13270 Amount (millions)	H.R. 13270 Percentage	$1,000 personal exemption and $1,000 low income allowance Amount (millions)	$1,000 personal exemption and $1,000 low income allowance Percentage
0 to $3,000	$1,169	−$773	−66.1	−$957	−81.9
$3,000 to $5,000	3,320	−1,007	−30.3	−1,589	−47.9
$5,000 to $7,000	5,591	−948	−17.0	−1,947	−34.8
$7,000 to $10,000	11,792	−1,291	−10.9	−3,348	−28.4
$10,000 to $15,000	18,494	−1,907	−10.3	−3,662	−19.8
$15,000 to $20,000	9,184	−789	−8.6	−1,242	−13.5
$20,000 to $50,000	13,988	−1,013	−7.2	−1,123	−8.0
$50,000 to $100,000	6,659	−318	−4.8	−131	−2.0
$100,000 and over	7,686	+203	+2.6	+780	+10.1
Total	77,884	−7,843	−10.1	−13,219	−17.0

[1] As approved by the Senate Committee on Finance.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, to really reflect properly the tax burden paid by high-bracket taxpayers we need information about the tax increases on corporations. I am not referring so much to high-bracket taxpayers as to people who are making a lot of money. The Senator well knows the difference between the high-bracket taxpayer and someone making a lot of money. The one is paying a lot of taxes, and the other one is making a lot of money, even though he might not be paying any taxes at all.

To really reflect the burden properly, one has to take into account, on some basis, the biggest tax reform in the bill—the repeal of the investment tax credit. The Senator from Tennessee has been 100 percent consistent about the investment tax credit. He was against its ever being enacted to begin with, he was for its being suspended, he was against its being reinstated, and he has been for repealing it. I am one of those who was persuaded that this might be a great incentive—and I now believe perhaps it was too much of an incentive, in wartime in particular—for the construction of new plants. But let us look for a moment at the people who own the companies which have received the benefit of the investment tax credit. Make whatever reasonable assumption one wants to as to how much of the tax increase from the repeal of the credit is going to be passed along to the public in terms of prices, there still will be plenty left to reduce earnings and dividends. If we relate those effects to the taxpayers and group them by their income levels, we would see that most stock appears to be held by those earning above $20,000. I think it is clear that people making over $100,000 will have very heavy increases in taxes as a result of this bill, taking into account their share of the corporate increases. I am not saying there should not be a change of this type; I am just saying that there will be large increases for these people under the committee bill. But there would be even greater increases under the Senator's amendment. Even with regard to taxpayers making $50,000 and up, the tax reductions under the committee bill are not likely to be actual reductions for many of those people.

As a matter of fact, it is my understanding that when the investment tax credit repeal and other corporate changes are taken into account all taxpayers with incomes of $20,000 and over taken together instead of having a tax decrease will have an increase equal to 67 percent of the total reductions as a result of this bill. This assumes that three-quarters of the corporate tax increase will be borne by those who own the corporation, and that one-quarter of it will be passed along to the consumer.

One can make any one of a number of assumptions about who bears the corporate income tax; undoubtedly, some of it is passed on to the public, but I think most economists still think much of it, in the long run at least, is borne by the shareholders.

When you make the calculation I have in mind, taking into account the taxes borne by shareholders you will find that those with high incomes would have a very major tax increase as a result of this bill. Of course, when we speak in percentage terms, as the Senator is well aware, we will be putting a considerable number of people who are paying no income tax at all back on the tax rolls with this bill. And well we should. As a matter of fact, I still have some doubts whether we did it quite right. Maybe, we should tax those who are paying little or no taxes, even more. I believe the Senator has been thinking along those lines also.

Nevertheless, there is a very big tax increase in the bill as it now stands for

people with incomes of $20,000 and over, compared with those who are in the lower-income brackets. The rates themselves do not reflect it. But that is not all the bill does. One also has to take into account the fact that we are taxing sheltered income. In fact, I believe we are taxing nearly every phase of sheltered income, or almost every phase, that the Senator wanted to tax. Perhaps we are not taxing certain items as heavily as the Senator would like, but we are taxing them. Insofar as taxpayers who have considerable amounts of sheltered income are concerned, the reduction in rates in this bill does not begin to offset the increase in their taxes which will result from the other provisions of the bill.

Mr. President, I say that it does not begin to offset it. That is a relative term. It does not offset it; I will put it that way.

Mr. GORE. Mr. President, the geniality of the distinguished Senator is equalled only by his resourcefulness. He now makes a particularly ingenious argument based upon certain assumptions. The Senator starts out with the assumption that the individual taxpayers with more than $20,000 in income can have imputed to them a pro rata or percentage share of the taxes on corporations. With that ingenious imputation, he then arrives at the ingenious conclusion that the bill greatly increases the personal tax of the taxpayers in the high brackets.

I do not hear the suggestion that such a result, however ingeniously arrived at, is based upon unfairness. If people in the affluent elements of our society are required to pay more taxes as a result of the tax reform provisions of the pending bill, then it is assumed that this result flows from a conclusion on the part of the committee that, because of the provisions of tax favoritism in existing law, those individuals are not bearing their fair share of the tax burden at the existing rates.

Mr. President, to show how ingenious this argument really is, though, and how fallacious it becomes, the implication is made that because we have proposed tax reforms striking out some of the preferential and unfair tax loopholes, which will require certain individuals to pay some additional taxes, we, therefore, should now reduce the rates.

We start out, on the one hand, to require them to pay more taxes. Because we succeed in a limited way in doing that through tax reform, then the implication of the argument of the distinguished chairman is that we should therefore give it back to them through an unfair reduction in their rates.

I marvel at the resourcefulness of my distinguished chairman. When he is on my side, I take great reliance in his talents. When I have to cross swords with him, I am always wary.

Mr. LONG. Mr. President, one of the most effective advocates of the various reforms contained in the tax bill is Mr. Stanley Surrey. He thinks much along the same lines as I am thinking.

Mr. Surrey's argument has been pretty much the same as mine—that the tax rates should be reduced for people who are actually paying an income tax on all their income, but that it should be raised for people who are not paying an income tax on most of their income.

Mr. Surrey, as the Senator is well aware—and I am not sure that Mr. Surrey convinced the Senator from Tennessee, although I was thinking that way before I knew that Mr. Surrey was—felt that 50 percent of a man's income is plenty to collect from a taxpayer provided we are taxing him on all his income.

The Senator is well aware of the fact that the Treasury estimates that people who are making $100,000 and over are paying an effective rate of around 30 percent of their income if you take all of their income—both taxable and nontaxable—into account. They are not paying 57 percent, 67 percent, or 70 percent. They are paying about 30 percent. And the attitude of Mr. Surrey, as well as the attitude of the people in the Treasury Department in the present administration, is that the first order of business ought to be to find out who the people are who are paying less than say, 35 percent, on such large incomes and start to move them into the higher taxpaying brackets in a substantial way. Having done that, it seems to me that we ought to have a tax reduction on the rates for those who are paying a tax on all their income.

While the Senator does not buy the argument, he must admit that some experts who have very good credentials as tax reformers feel that the rates are too high if we make the other individuals pay taxes on all their income.

Mr. GORE. Mr. President, the able Senator has introduced the question of effective rates. I agree that there is a vast difference between the rate stated in the law and the effective rate paid, particularly in the higher brackets. Effective rate refers to the actual tax payment made compared to a person's total economic income.

I am glad the Senator introduced that concept because the Treasury has provided data which indicate that upon analysis the House bill, which the committee amended in some substantial and in some inconsequential ways, will provide a lower effective tax rate than the present law with respect to people in adjusted gross income brackets from $20,000 to $100,000.

I think I detect that the able chairman may be a bit surprised at that. However, this is our conclusion from the data supplied by the Treasury Department.

Mr. LONG. Mr. President, the Senator is not taking into account the tax increases in the corporate structure as a result of the repeal of the investment tax credit.

Mr. GORE. I do not think we should. I do not think we can impute to individual taxpayers a share of the corporate taxes. We can talk about present income and effective rates upon that income; and according to the Treasury data, the House bill will bring a lower effective rate on people in the $20,000 to $100,000 income range than present law. For persons who have adjusted gross incomes of more than $100,000 a year, the House bill will provide an increase in effective rate of only two points.

Mr. President, I have not yet been able to prepare comparable tabulations with respect to the committee bill. I think they will show similar results, but I will have those tabulations prepared by next week.

Frankly, I think this situation is outrageous. We have a bill that is hailed as the major tax reform bill in U.S. history. But it totally fails to achieve the purpose it started out to achieve. We have a culprit of the regressive rate changes that the bill contains, and the rate changes are the same in the House bill and in the Senate bill.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, the Senator may arrive at a different calculation than that available to us. However, the best information we have to show with respect to what the House bill would do in terms of percentage tax reductions is to be found on page 4 of the committee report. The Senator may quarrel with that information. However, would the Senator be willing to have that printed in the RECORD at this point? If he prefers not to do so, I shall not do it.

Mr. GORE. Mr. President, I am perfectly willing to have the Senator do that.

Mr. LONG. Mr. President, I ask unanimous consent that the tabulation appearing on page 4 of the committee report be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Percentage tax increase or decrease from committee amendments

Adjusted gross income (in thousands):	
$0 to $3	−66.1
$3 to $5	−30.3
$5 to $7	−17.0
$7 to $10	−10.9
$10 to $15	−10.3
$15 to $20	−8.6
$20 to $50	−7.2
$50 to $100	−4.8
$100 and over	+2.6
Total	−10.1

Mr. LONG. Mr. President, that table indicates that there is an increase of 2.6 percent in the taxes of those with adjusted gross incomes of $100,000 and over. That does not take into account the repeal of the investment tax credit or any of the other corporate changes. These are left completely out of it. I think they ought to be considered as a part of the overall increase in the tax burden and who is paying it.

The committee report figures, it seems to me, to support the least argument I have made, would indicate that those with $100,000 and over do have a tax increase of 2½ percent, even without regard to the corporate changes.

Mr. GORE. At the same time, the proposal I make would bring about a percentage increase in taxes of 10.1 for those with adjusted gross income above $100,000. The House bill, 2.6 percent; my amendment, 10.1 percent. If the Senator will compare the two, it will show the result.

Effective rates are something about which I believe the American people may

not be adequately informed. It is generally and popularly believed that people with high incomes pay taxes at high rates. This is true in many instances. But in a great many instances, it simply is not true. The example is cited of a man in the real estate business who for 7 years had income of $7½ million. His effective rate of tax was only 11 percent because of tax privileges for real estate—about the same effective rate as is paid by a family of four with wage income of $10,000.

This is not right, Mr. President. We need to approach effective rates more vigorously. We are doing a good deal about that in the pending bill, and I compliment the chairman, the committee, and the House. I think we are making some rapid strides, but by no means enough.

I must rebel at the argument that because we are removing some of the tax preference provisions—"loopholes" is the common word used—thereby requiring high income people to pay taxes on their income in a more equitable way, we should then give them a rate cut. What is the point in adding to their tax burden on the one hand, and removing it on the other, if the object is to require people to pay a fair share of the tax burden?

I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, the point I have in mind is that a tax system should try to treat taxpayers in similar situations in the same way, and in this bill we try to equalize as among people making a lot of money. It has always seemed unfair to me, as between two people making $100,000, a half million dollars, or even a million dollars, as the case may be, that one would pay a great deal of tax, and the other would pay little or nothing. This is what is known as horizontal equity—namely, that at a given level of income, the tax burden on all the taxpayers at that income level should be approximately the same.

I believe I was the initial sponsor of the suggestion that we ought to have both a minimum and a maximum tax. I appeared before the Democratic platform committee at the last convention and advocated that general concept. Some people were paying altogether too much, because they were actually paying taxes on all their income, while others were paying little or nothing. We ought to have a minimum tax on those people who are paying very little and give some relief to those who are actually paying on all their income.

I believe that if we actually try to wed ourselves to a tax structure in which those who are making $100,000 a year or more are paying on all their income, or about the structure that we have here, a great number of people will simply say that if they cannot keep as much as half of what they make, they do not feel like taking the risk to go into new endeavors.

It is my feeling that if we do that, it will cost the workingman more than he can imagine at this time. It is the kind of thing that our good friends in the labor movement, who represent laboring people, do not like to discuss. It is like talking about outlawing featherbedding when you sit down at a bargaining table, and contend that it would benefit the workingman in the long run. They do not want to talk about it, because that discussion gets them away from what they want to talk about, which is higher wages and more fringe benefits.

The incentive necessary to encourage people who have the resources and the ability to go forward with new endeavors is something that I hope will never be removed from this economy. It is something that will become, in my judgment, a very severe problem if we get a tax structure that is as discouraging as it is in the highest brackets we have today, when people actually pay the excessively high tax rate in those brackets. That is why the argument is made that we should have a lower top rate but that we should tax more of the income that people are making. Call it closing loopholes or broadening the base, it is urged that the tax base should be increased and the top rate should be reduced.

In this bill, we are removing many so-called preferences from the tax law. In fact they are the main items making up the $6 billion of so-called tax reforms in this bill. I hope that in doing so we are not going to remove so much of the incentive that people will not go ahead with endeavors which will provide more opportunities and more wages—which will bring in additional taxes, as well as the taxes on the people who are creating these new endeavors—with the result that the economy and the Nation as a whole will be the loser.

The Senator has been most kind to yield to me, and if I continue trespassing on his time, he will not be able to complete his speech today. I thank him for his gracious kindness in yielding to me, and I assure him that I will try to resist the temptation to expand upon his remarks, at least until he gets well along into his well-prepared speech.

Mr. GORE. Mr. President, I hope the Senator will not be able to contain himself. He adds to the clarity of the issues. I agree with a good many of the sentiments which the able Senator has just expressed.

Mr. President, it is not that I wish to strike at the capitalistic system. I believe in it; I participate in it. I think it brings the greatest measure of fruitfulness of any system that man has yet devised. However, we have a Federal income tax law, the theory of which is that one pays taxes according to his ability to pay. The man with a large income can and should pay more than the man with a small income. It does not mean that we discourage a man from his acquisitive habits. If, instead of giving the president of General Motors a tax deduction of $116,000, he receives a reduction of $16,000, he will still be happy. But the fellow I am thinking about is the man trying to get off the bottom, with a big mortgage on a little house and a family of children, the man who pays more than he can bear. He is the man who needs tax relief, and it is for this group of people—not the lower and not the upper, but the middle-income group of people—for whom the committee bill does not make adequate provision, and it is to that group primarily that my amendment is directed.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. I thank the Senator. I shall not trespass on the Senator's time after this one remark.

Mr. GORE. I shall try to tempt the Senator further, and I welcome his comments.

Mr. LONG. I hope the Senator will not so stimulate me.

It is that same man the Senator is concerned about who also needs additional earnings. Every time someone is able to start some new endeavor, it enables that man to move from a job paying $2.50 an hour to $5 an hour, apart from the taxes involved. In other words, it is that man who, relatively speaking, will be the largest beneficiary.

All I am urging in considering our overall tax structure is that we should seek to provide justice among taxpayers at all income tax levels and to retain enough incentive in our economy that we do the maximum good for all, we should think in terms of employment, in terms of overall earnings of people, and in terms of the overall standard of living, as well as in terms of the justice of which the Senator was speaking.

Mr. GORE. I thank the able Senator.

In addition to ability to pay, we must also consider the needs in our society, the needs of the Treasury, the needs of the taxpayer, and the needs of his dependents.

I simply say that when we look at the matter objectively, we cannot justify a pitiful allowance of $600 upon which a taxpayer should provide the basic necessities of life; and, in my opinion, we cannot justify allowing only $600 for the cost of caring for a dependent.

Going back to the question of progressivity, taxing according to the ability to pay, I wish to say that our tax system has become steadily less progressive rather than more progressive since 1964. In 1964 the big cuts were given at the top. The top bracket was cut from 91 percent to 70 percent. That was not justified, in my view, when one takes into consideration either the needs of the taxpayers or the ability of the taxpayers to pay.

The rate-reduction provision of the pending bill would continue the process of lessening progressivity. Indeed, the rates are regressive. I think there should be no mistake about this. A reduction in progressivity is another way to increase the tax burden for the average taxpayer. Mr. President, the less we rely on the yardstick of taxation according to ability to pay, the more we approach a system of per capita tax payment, and this is about where we are arriving. When there is a 100-percent increase in progressivity from $500 taxable income to $10,000 taxable income and only 5 percent progressivity in rates from $100,000 taxable income to $200,000 taxable income—and less than that in terms of effective rates—then, we are striking at the heart of progressivity. This is not right; this is antidemocratic.

Mr. President, can you imagine a Democratic Congress, as the House did in its bill, in one 5-year period cutting the top bracket from 91 percent to 50 percent on earned income? I cannot, but that was the bill that came before us. Again, I wish to compliment the Committee on Finance on improving this matter.

The rate reductions in the pending bill, as has been clearly shown, benefit the wealthy far more than they do the middle-income taxpayers. These tax benefits for the wealthy, coupled with removal of the poverty level people from the tax rolls, place the middle-income taxpayer in a vise, and he is being squeezed and squeezed and squeezed from both ends of the economic scale.

My amendment would not deny or withhold tax relief from either the low income or the high income. It would provide some tax relief for both, but it deals far more equitably with the middle-income group.

I turn now to one other phase of the bill and to my amendment. The House bill that was approved by the committee contains an increase in the standard deduction from 10 percent of adjusted gross income or $1,000, to 15 percent or $2,000. The increase is effective over a 3-year period.

Mr. President, this step is intended to provide tax relief and tax simplification primarily for taxpayers in the range of $7,000 to $15,000. But the proposal to increase the standard deduction achieves tax relief for some taxpayers only at considerable cost in tax equity. The increase in the standard deduction will reduce taxes for a family living in an apartment, but it may not provide any tax relief for the family with the same income that is buying a home. Similarly, the provision has unfair results as between taxpayers who live in States that impose high income taxes and those who live in States having low income taxes. This provision of the bill produces a greater tax reduction for the family that already has the smaller combined Federal and State tax burden.

I think it is therefore clear that my proposal, when compared with the committee bill, is a far greater, more effective, and more easily understood method of tax relief. This is the virtue of my proposal. It is simple and easily understood. It does not require a lot of calculation. If the taxpayer has three children, he knows that he has a personal exemption of $1,000 for each of those children. He does not have to use a computer or hire a tax lawyer or an accountant. His wife knows about it, too. There is no provision in the tax law more widely understood and more easily understood than the personal exemption. Simplification should be a goal of tax reform.

Let me say a word about the revenue impact of the proposal that I make. It is sometimes said that we cannot raise the personal exemption because it will cost too much money. That is simply not true.

We did not hear that said when the Secretary of the Treasury asked the committee to cut corporation taxes by 2 percentage points, at a time when corporate profits are the highest in history.

We did not hear that said when the Treasury was pushing to cut the top brackets on earned income from 70 to 50 percent.

Indeed, we did not hear about it when the new loopholes were placed in the bill—to which I shall make further reference later.

No, Mr. President, it simply is not true. Even under the committee bill, the proposal that I make for 1970 would be almost in balance with the revenues that would be produced by the reform measures adopted by the committee.

In 1971, an entirely manageable revenue shortfall of $3 billion might be expected. It might not be that much.

Only last year, within one 6-month period, the Treasury erred in its estimates of revenue by $2 billion. So my proposal involves a manageable revenue shortfall for calendar 1971. My amendment would be virtually in balance for calendar 1970.

But no significant revenue shortfall at all need result if the Senate adopts even a part of the additional reforms I have suggested for consideration, most of them already in the House bill, and if the President will carry through on his intention to end the Vietnam war, or materially to reduce military spending. These reforms alone, would produce more than $5 billion in additional revenues to be added to the $6.6 billion raised by tax reform provisions in the committee bill.

Thus, I am offering a substitute for other provisions of the bill which themselves would lessen the revenue for the Government. For the next calendar year, let me repeat, the tax relief provisions which I propose, and the additional revenue from the tax reform measures already in the bill, will be virtually balanced. For the following year, the shortfall would be certainly manageable. Indeed, revenue and reductions might prove to be in balance.

In my opinion, this is as far as reliable estimates can safely be made. Even in the long range, we could reasonably anticipate $11.7 billion in additional revenue from reform to balance against the estimated $14.9 billion reduction in revenues from my proposal.

This longterm revenue shortfall is close to that resulting from the Finance Committee bill.

So you see, Mr. President, that this proposal meets the requirement of fiscal responsibility. If anyone should rise and say that this proposal is fiscally irresponsible, then he must acknowledge that the tax reduction in the bill are also fiscally irresponsible. I do not think either is fiscally irresponsible. I do think that the rate changes proposed in the bill are unjustifiable from the standpoint of social justice and are unsupportable from the standpoint of tax equity.

On the other hand, the case for raising the personal exemption from the present low, inadequate, unrealistic $600, or $50 a month, is compelling.

What argument can be made against it?

I ask again: Who can live on $50 a month?

Anyone who thinks he can try, let him take the market basket and go to the grocery store or, instead of letting his wife pay the rent, let him do that. And then let him pay the electric and gas bills.

We are talking here about the cost of living, about the ability to live, to make ends meet. This has become an increasingly severe problem for the American people, because the cost of living continues to rise.

I am not sure about the economic future of the country. I know of no one who pretends to be. But at least I see signs which lead me to think that we may be approaching that unusual economic phenomenon of a recession in the middle of inflation.

We had such a period in 1958. It just could happen again. I hope not. But, if we are to have continued increases in prices, if the cost of living continues to go up—I read only this week the predictions of the economic experts within the Government that this was to be our future—then, Mr. President, let us give tax relief where it is already needed most and where it will be needed even more if the cost of living continues to rise.

Since 1940 the cost of living has increased more than 2½ times. This fact impels us to seek to raise the personal exemption in the Federal income tax law. The forecasted trend upward in the cost of living increases the persuasive force of the argument for taking this needed step.

I hope that expenditures for the military can be reduced. I do not wish to inject the Vietnam war into the discussion; I do so only in passing to say that the withdrawal of U.S. forces from Vietnam, in whatever number it occurs, will reduce military expenditures; and to the extent that combat is reduced—and I hope it is reduced greatly—this will reduce the expenditure of ammunition, the wounding of men, the hospitalization of men.

It is estimated that the closing of military bases in our own country, which has already been announced, will save from $3 billion to $4 billion, so I read.

Where better could this saving be applied than to reduce the tax burden according to the number of one's dependents? In what other social area, by what other standard of social justice, would we arrive at a more equitable action?

This step, Mr. President, I have advocated for a long time. We could never in the past obtain the adoption of an amendment to increase the personal exemption, because it would be said that this would break the Treasury. Now we have a chance because it is offered as a substitute for measures that cost a substantial amount. So the choice before the Senate will be between tax relief, on the one hand, by changes in rates which will give 40 percent of the benefits to people having incomes of more than $20,000 per year, and, on the other hand, an increase in personal exemption which will give relief to those with the largest number of dependents.

Increasing the personal exemption to $1,000 and providing a $1,000 low-income allowance is the most effective means of tax relief for the average taxpayer.

I submit for the RECORD tables that

demonstrate the greater benefits accorded under my proposal for low- and middle-income taxpayers than are provided under the committee bill. Table No. 1 is a comparison of the increase in personal exemption with the low-income allowance.

I ask unanimous consent that there be printed in the RECORD at this point, seriatim, sundry tables which I send to the desk.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL TO H.R. 13270 LOW INCOME ALLOWANCE

Number in Family	Amount of nontaxable income allowed under present law	Amount of nontaxable income under low income allowance	Amount of nontaxable income under proposal 1970	1971	1972	1973
1	$900	$1,700	$1,700	$1,800	$1,900	$2,000
2	1,600	2,300	2,400	2,600	2,800	3,000
3	2,300	2,900	3,100	3,400	3,700	4,000
4	3,000	3,500	3,800	4,200	4,600	5,000
5	3,700	4,100	4,500	5,000	5,500	6,000
6	4,400	4,700	5,200	5,800	6,400	7,000
7	5,100	5,300	5,900	6,600	7,300	8,000
8	5,800	5,900	6,600	7,400	8,200	9,000

Note.—In addition, the increase in the personal exemption, coupled with the new low income allowance-standard deduction, provides more effective relief for low and middle income taxpayers than does the complex mix of provisions for tax reduction in the Committee bill.

TABLE 2.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL AND H.R. 13270—TAX ON FAMILY OF 4 (ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOME)

AGI	Present law	H.R. 13270[1]	Proposal[1]
3,000	0	0	0
3,500	56	0	0
4,000	112	65	0
5,000	230	200	0
7,500	552	516	290
10,000	924	868	620
12,500	1,304	1,228	1,000
15,000	1,732	1,636	1,380
17,500	2,172	2,056	1,820
20,000	2,660	2,508	2,260
25,000	3,708	3,492	3,260
50,000	11,060	10,452	10,340
100,000	31,948	29,692	31,020

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 3.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL AND H.R. 13270 TAX ON MARRIED COUPLE WITH NO DEPENDENTS (ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOME)

AGI	Present law	H.R. 13270[1]	Proposal[1]
2,300	87	0	0
3,000	170	91	0
4,000	290	228	140
5,000	418	375	290
7,500	772	724	620
10,000	1,152	1,084	1,000
12,500	1,556	1,468	1,380
15,000	1,996	1,888	1,820
17,500	2,460	2,324	2,260
20,000	2,960	2,784	2,760
25,000	4,044	3,816	3,820
50,000	11,600	10,956	11,240
100,000	32,644	30,316	32,180

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 4.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL AND H.R. 13270—TAX ON SINGLE PERSON[1] (ASSUMES NONBUSINESS DEDUCTIONS=20% INCOME)

AGI	Present law	H.R. 13270[1]	Proposal
900	0	0	0
1,700	109	0	0
3,000	276	180	145
4,000	424	344	310
5,000	576	524	500
7,500	998	930	900
10,000	1,480	1,358	1,350
12,500	2,022	1,826	1,840
15,000	2,638	2,334	2,360
17,500	3,334	2,882	2,920
20,000	4,096	3,470	3,520
25,000	5,800	4,766	4,870
50,000	16,322	13,218	13,840
100,000	41,394	36,290	38,730

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 5.—COMPARISON OF DISTRIBUTION OF TAX REDUCTION UNDER PROPOSAL AND UNDER H.R. 13270 (CALENDAR YEAR 1969 LEVELS OF INCOME)

Adjusted gross income class	H.R. 13270 (millions)	$1,000 personal exemption and $1,000 low income allowance[1]
0 to $3,000	$781	$965
$3,000 to $5,000	1,001	1,583
$5,000 to $7,000	944	1,943
$7,000 to $10,000	1,286	3,343
$10,000 to $15,000	1,922	3,677
$15,000 to $20,000	806	1,259
$20,000 to $50,000	1,107	1,217
$50,000 to $100,000	464	277
$100,000 and over	657	80

[1] Provisions as effective in tax year 1973 and thereafter.
Note: Figures are rounded and do not necessarily add to totals.

TABLE 6.—COMPARISON OF NUMBER OF RETURNS MADE NONTAXABLE UNDER PROPOSAL AND UNDER H.R. 13270

Adjusted gross income class	H.R. 13270[1] (thousands)	$1,000 personal exemption and $1,000 low income allowance[1]
0 to $3,000	5,149	7,253
$3,000 to $5,000	405	2,168
$5,000 to $7,000	24	1,262
$7,000 to $10,000	8	683
$10,000 to $15,000	4	115
$15,000 to $20,000	2	7
$20,000 to $50,000		
$50,000 to $100,000		
$100,000 and over		
Total	5,592	11,490

[1] Provisions as effective in 1973 and thereafter.
Note: Figures are rounded and do not necessarily add to totals.

Mr. GORE. Mr. President, yesterday I placed in the RECORD letters from three Members of the other body, Representatives CHARLES A. VANIK, PETER W. RODINO, JR., and JOHN P. SAYLOR, two Democrats and one Republican. These gentlemen presented letters and petitions, which purported to bear the approval of considerably more than one-half of the entire membership of the other body, urging the adoption of an amendment to increase the personal exemption for each taxpayer and dependent.

I call special attention to the letter of Representative SAYLOR, a distinguished member of the Republican Party from the State of Pennsylvania, in which he characterizes his letter and support as being in the spirit of bipartisanship.

This, Mr. President, is how it should be.

The cost of living is high. The grocery bill is a burden. But it is not a partisan burden; it is something that all people must try to pay.

Like other Senators and Representatives, I have long advocated this form of tax relief. It is true tax reform. Why should it be treated as a partisan matter? I do not think it should be so treated. Yet, it is common knowledge that administration spokesmen are busy in the Halls of the Capitol right now trying to defeat this amendment.

This is regrettable and unjustified. True, fair tax treatment for the people who need tax relief the most, those having the largest number of dependents, will cost revenue. But so would the recommendations of the administration to reduce taxes on corporations from 48 to 46 percent. Indeed, this recommendation alone, which fortunately was rejected by the Finance Committee, would have cost $1.6 billion in revenue. The Secretary of the Treasury thought the Treasury could stand that. Oh, but he throws his hands up in holy horror when someone suggests raising the personal exemption for a child above $600. That becomes unwarranted.

This is not all that will cost revenue. There are some new loopholes in the bill which were recommended by the administration, loopholes which I propose to delete. These new loopholes would cost $720 million in revenue. And when the Treasury was urging that they be approved, there was no raising of hands in horror that these provisions would cost too much. But suggest raising the exemption above $50 a month for a man's wife, and then "fiscal responsibility" is a dramatic phrase. We are being fiscally responsible, but we are seeking to be fair.

Other proposals supported by the administration would cost hundreds of millions of dollars.

It was at the "sacrifice of San Clemente" that the administration appeased the Wall Street brokers by urging removal of the capital gains reforms; it was the administration which reversed its own Treasury officials to make the oil barons happy with the depletion provisions; it was the administration that instigated the cave-in to millionaires who give appreciated property to charity; it was the administration that completely reversed its own Treasury officials and proposed bigger loopholes for railroads than had been provided in the House bill; it was the administration which made the recommendations that gutted the House minimum tax provision, so as to render it a useless device; it was the administration that supported special tax rates for high-paid corporate executives.

So, too much politics has already been played with this bill. We should put an end to it now, in the interest of the average American taxpayer. But I will say that, to the extent that politics is involved, Mr. President, I am proud to be on the side of the politics of the people—

for they are the ones who will benefit from the increase in the personal exemption.

There has been a great deal of rhetoric about the need for tax reduction for small- and middle-income taxpayers. The time for action is now at hand. I hope the Senate will join in this proposal and support it, so as to provide fair and effective relief for the average American taxpayer.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A mesage from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 944. An act to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel;

H.R. 14227. An act to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index; and

H.R. 14741. An act to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; and

H. Con. Res. 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag."

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, and it was signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 944. An act to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel; and

H.R. 14227. An act to amend section 1401a (b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index; to the Committee on Armed Services.

H.R. 14741. An act to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes; to the Committee on Public Works.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; and

H. Con. Res. 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag."

BLOODLETTING IN IRAQ

Mr. JAVITS. Mr. President, early this month three more Iraqis were executed and other Iraqis have been sentenced to death, all for so-called political crimes. It is evident that despite protests from all corners of the civilized world the bloodletting in Iraq directed against members of that nation's Jewish remnant—and indeed of other religious faiths—now continues.

Midnight arrests, deprivation of personal liberties, torturing of prisoners, and public executions have shocked the conscience of civilized peoples; that the bloodletting has resumed, albeit quietly, impels the conclusion that public outcry must again be raised and strong protests lodged with Iraq. Earlier assurances that some of the Jewish remnant would be allowed to leave have now been seemingly forgotten and those remaining live in a state of constant terror in that unhappy land.

Iraq seems now to have become a police state. In a letter from a once-prominent Iraqi smuggled out of the country, it is poignantly written that "the days of injustice are very, very long." The writer goes on to say "I am afraid that the good days have gone for everyone and what remains is bad dreams." It is difficult to add to these words.

A recent letter in the New York Times by one of the several thousand Americans of Iraqi origin describes the fate of those left in Iraq who, for some reason—or for no reason—have aroused the displeasure of the authorities. I ask unanimous consent to have printed in the RECORD a letter to the editor of the New York Times written by R. R. Horesh, of Roslyn, Long Island, N.Y., dated October 15, 1969, and an article entitled "More Jewish Prisoners Reported Hanged in Iraq," written by Alfred Friendly, and published in the Washington Post of November 24, 1969.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

FATE OF IRAQI JEWS

To the EDITOR:

As if their thirst for Jewish blood had not been satisfied even after the massacre of the two innocent Jews in September which followed the massacre of the nine innocent Jews in January, amongst them my brother, the Baath regime of Iraq has now turned to killing Jews by torture while under arrest. The latest two victims who were secretly killed in prison are David Zebaida, a 60-year-old building and road contractor, and Jacob Shohet, a 65-year-old religious teacher in the only Jewish school still open.

Both victims have relatives in the U.S. and Canada. They are ready to testify and give more details of the inhuman torture.

Over fifty heads of families, the most prominent among the Jewish community in Iraq, are now detained in prisons. It is feared some of them might have already been massacred.

What is most painful to me is the fact that while the horrible story is heard and repeated time and again, the civilized world protests every time too late, when the innocent victims are already massacred at the hands of the assassins of the Baath dictatorship who have transformed murder from a secret transgression into a publicly avowed Government policy.

Let everyone who has a conscience speak now. Let everyone who talks about liberty, freedom and civilization make his voice heard. Let them all tell the assassins that their crimes will not go unpunished.

The Jews of Iraq do not want their rights back; they do not want their confiscated properties back. All they want is their right to leave the country in which they are vilified and abused and, now, even murdered.

R. R. HORESH.

ROSLYN, L.I., *October 15, 1969.*

MORE JEWISH PRISONERS REPORTED HANGED IN IRAQ

(By Alfred Friendly)

JERUSALEM, November 23.—At least 11 more Jews imprisoned in Baghdad, in addition to the 11 whose hangings were announced by Iraq earlier this year, have perished in recent months, according to confirmed information here.

Four of them were hanged within the last month and the other seven were either killed in prison or died there of maltreatment or torture.

Newspaper reports from Beirut last Thursday and Friday, based on information from Baghdad, told of the recent, so far unannounced, execution of eight men, allegedly members of an Israeli espionage net. One name, that of a Jew, Naji Sa'ati, was given. It is known here that he was imprisoned soon after the end of the June, 1967, war and had not been heard of since.

Informed sources here have reason to believe that also among the group was a second Jew, his identity unknown, and a third and fourth—the brothers Meir and Sassoon Abraham Sassoon Abdo, aged respectively 63 and 59. On Aug. 18 an official Iraqi announcement named them as members of a spy network that supposedly had just been uncovered and that would be brought to trial.

But, like Sa'ati, the Abdo brothers had also been in prison for at least two years.

Israelis here familiar with the events say they had been informed of the eight executions well before the confirmatory reports surfaced last week in Beirut.

They also have the names of seven more Jews known to have died in prison in Baghdad in the last few months. It is not known, however, who was killed outright, who died of torture or who was a victim of the notoriously terrible prison conditions.

Last Jan. 27, Iraq announced the execution of 14 alleged spies of whom nine were Jews. Their deaths and the carnival display of the bodies outraged world opinion. Subsequently, 30 more executions have been officially published, including two more Jews and 13 Iraquis, all on Aug. 25.

Israeli analysts believe that Iraq has been deterred by adverse world reaction from making further public fanfare of its hangings. Its new technique, it is thought, is that

whenever the government has political scores to settle and wishes to make an end to adversaries it adds a few Jews to the group being hanged in order to pretend that the sentences were for espionage.

BLOODLETTING IN SONG MY

Mr. JAVITS. Mr. President, the Armed Services Committees of both the Senate and the House have now begun hearings on the alleged massacre by U.S. troops of unarmed civilians—including women, children, and infants—in the South Vietnamese village of Song My in March 1968. It is good that the hearings into this dreadfully shocking report have begun so promptly, and I ask unanimous consent that a letter I sent November 24 to Senator STENNIS, chairman of the Armed Services Committee, requesting an immediate hearing, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. I am a lawyer, and I am well aware that the rights of the defendant already facing court martial charges, as well as of potential defendants, must be safeguarded; and I am well aware of the feelings for our troops involved in such an awful combination of guerrilla and conventional war, with so much controversy as to whether we ought to be there. But neither condition precludes the Congress from making a full-scale inquiry into the 18-month delay by the Army in acknowledging the details of the incident and in its own investigation. Nor should the protection of the rights of the defendants be considered as in any way inconsistent with our need to ascertain how those in authority could remain silent despite having knowledge of the alleged massacre. The statement yesterday by Representative GERALD FORD, as reported in the press, that "top Army officials knew about it, I know" is most disturbing in its implications and surely mandates a full inquiry by the Congress, as well as by the Department of Defense.

One thing should be made clear at the outset. There is no question of the patriotism or the gallantry of the thousands of American fighting men who have risked and given their lives with honor in Vietnam by seeking out alleged brutality and criminal acts wherever they exist and whoever be the defendants. The dignity of the U.S. armed services is at stake, as is the moral standing of our Nation throughout the world. We must prosecute alleged war crimes of our own soldiers with the same objectivity that was used in seeking out the war criminals of our enemies at the end of World War II; our country's standards of equal justice under law will tolerate not less.

EXHIBIT 1

NOVEMBER 24, 1969.

Hon. JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, Washington, D.C.

DEAR MR. CHAIRMAN: In view of the recent report of an alleged massacre of South Vietnamese civilians by an American soldier or soldiers which remained undisclosed since March 1968, I urge that the Committee on Armed Services consider immediate hearings looking into this matter.

I understand, of course, that there is now involved in the matter a justiciable criminal case, as the Army has announced today that one soldier will be tried by court martial for a capital crime; and I would not want to prejudice the rights of any defendant in any such case. The broader questions involved, such as the procedures of the Army in the case and the time-lapse, however, require full and expeditious public disclosure and can be answered without prejudice to any criminal prosecution.

In my judgment, hearings are particularly necessary at this time, because the basic attitude of the United States has been, historically, always to expose, rather than to suppress, the basic elements of our foreign relations and military operations. And further, the situation in the world today, with respect to the Vietnam war, requires that our efforts in behalf of peace not be undermined by undercurrents of partially-disclosed misconduct of any unit of our own forces.

The appointment today of an Army Officer to investigate another Army Officer's previous investigation of the misconduct of yet a third Army Officer will not, in my judgment, be sufficient to dispel the cloud of doubt now apparently hovering over the case.

Accordingly, our international posture and standing as a nation require an immediate and full Congressional hearing to disclose all facts surrounding this incident, and to account for the 18 month delay in the Army's action with respect to it.

With best wishes,
Sincerely,

JACOB K. JAVITS.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOLE. It is to Secretary Laird's credit that when he did hear this in April he started an investigation then; so, even though it had not been disclosed, it has been under investigation since April by the Secretary of Defense.

Mr. JAVITS. I am proud of that, and I was proud also of the heartbreak which Secretary Laird expressed, and the understanding which Representative FORD expressed of the trials of our troops. I think we must be careful not to make the least intimation of condemnation, but we must also be careful to make sure that nothing is concealed and nothing is done to impede full and complete justice.

I thank my colleague for his comments. They deserve to be heard. Every element of this matter deserves to be put before us, with deep understanding. But I think the basic fact that we will not in any way lend ourselves to suppression, and that we will administer, or at least help to administer, equal justice, must be emphasized.

CONSAD'S REBUTTAL

Mr. HANSEN. Mr. President, the senior Senator from Wisconsin inserted in the November 13 CONGRESSIONAL RECORD a reply by the CONSAD Research Corp. to a critique by the Mid-Continent Oil and Gas Association of an earlier CONSAD report. He seemed to think that the CONSAD rebuttal was a definitive response negating the value of the Mid-Continent criticism. On the contrary, the CONSAD response confirmed the basic thrust of the industry's criticism of CONSAD. I am submitting for the RECORD at the conclusion of my remarks a point-by-point analysis of the CONSAD rebuttal.

Before inserting this analysis, I would like to comment briefly on the main thrust of the Mid-Continent critique and CONSAD's reply thereto. Mid-Continent said that CONSAD actually answered the following question:

> In the event that percentage depletion were eliminated, what would happen to the level of reserves desired for a given level of production, *assuming that this level of production would continue?*

Here is what the CONSAD rebuttal says on this crucial point:

> The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing the reserves *above those levels needed solely to support production.* (Emphasis added)

The CONSAD study simply purports to tell us whether percentage depletion stimulates the holding of any additional reserves over those technologically needed to support a particular level of production—and never mind whether it is economic for the industry to produce that level of output. Their study does not attempt to tell us what would happen to the level of U.S. petroleum production and reserves after the full effect of elimination of percentage depletion were felt. CONSAD has, therefore, admitted the truth of the basic Mid-Continent argument.

In my opinion, CONSAD's question is trivial. As has been amply demonstrated in the hearings of the Committee on Finance, the petroleum industry earns a below-average rate of return. Under these conditions, it is a matter of simple economic logic that an increase in tax cannot be absorbed by the industry in the long run. Hence, a tax increase will ultimately lead to a reduction in the level of production—and, accordingly, in the level of reserves—provided, of course, that the tax increase is not offset by a price increase. CONSAD assumed that there would be no price increase. Thus, by assuming no change in production, CONSAD has given us an answer to a highly hypothetical question which has little, if any, relevance in the real world.

Mr. President, the question of real significance to the national interest is not whether, at a particular level of output, somewhat less reserves would be held without depletion than with. The real question is how much less would be produced without depletion than with. How much would the overall level of activity in the industry ultimately decline if percentage depletion were eliminated? We can measure activity either by annual production or by the level of reserves required to support that amount of production.

I should like to call to the attention of the Senate two studies which did attempt to answer this kind of question. One was by Prof. Edward Erickson, who appraised past response of oil discoveries to changes in price. A recently updated version of his study estimated—on the basis of past response—that supply in the industry would ultimately change in proportion to a change in price. That is, a 27.5-percent decrease in price would ultimately cause a 27.5-percent decrease in production and reserves.

In testimony before the Subcommittee on Antitrust and Monopoly of the Senate

Committee on the Judiciary, the board chairman of an American Oil Co. revealed the results of a study by their geologists of future drilling prospects in the United States. The geologists estimated that supply in the industry would ultimately change considerably more than a change in price—about two-thirds more. Thus, a 27.5-percent decrease in price would ultimately cause about a 46-percent decrease in production and reserves.

It is not surprising that both of these answers far exceed the 3-percent reduction in desired reserves which CONSAD estimated for a particular level of output if that output were produced, since CONSAD did not attempt to determine how much would be produced.

Let me sum up, Mr. President. CONSAD did not evaluate the question they are widely believed to have evaluated, namely the ultimate long run effect on the industry of eliminating percentage depletion. Professor Erickson's independent study of the past shows a percentage decline in production equal to a percentage decrease in price. An exhaustive study of the future by experts from the petroleum industry shows an even larger decline based on an economic appraisal of the prospects expected to be available.

Mr. President, I hope that my review of the situation will put this controversy to rest once and for all. At this point I ask unanimous consent to have printed in the RECORD my comments on the CONSAD rebuttal to which I referred in my opening remarks. My analysis is presented in setting forth statements made in the CONSAD rebuttal in one column with relevant observations based on the Mid-Continent Oil and Gas Association critique of the original CONSAD report in the other column.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF CONSAD REBUTTAL OF CRITICISM OF EARLIER CONSAD REPORT PREPARED BY MID-CONTINENT OIL AND GAS ASSOCIATION

CONSAD statement No. 1: "The MC report is notably lacking in constructive criticism."

Comment No. 1: The MC report was constructive in that it attempted to point out the question that is relevant for public policy in this area. Beyond this, it attempted to point out the problems inherent in using the available industry data for scholarly empirical research. Under the circumstances, suggestions as to how to improve an analysis that was directed towards answering an irrelevant question could hardly be considered constructive.

CONSAD statement No. 2: "The inability of the MC report to find any serious fault with the CONSAD report conclusions after apparently concerted study only serves to increase the credibility of these conclusions."

Comment No. 2: At the time, it seemed to point out that whatever CONSAD's conclusions they were irrelevant since they answered an irrelevant question. Since that time, however, a number of researchers have addressed the relevant question and in general, their findings support the industry view that a significant change in percentage depletion would produce a substantial reduction in production and reserves.

CONSAD statement No. 3: ". . . the MC report indicates that extrapolation beyond the range of the data is justification for placing no credence in the results, then proceeds to extrapolate even further to illustrate the "inappropriateness" of CONSAD's model."

Comment No. 3: Extrapolation affects primarily the statistician's confidence in his results. Since CONSAD's analysis required it to extrapolate far beyond the range of historical data, there can be little statistical confidence in its precise statistical results. The question of the appropriateness of CONSAD's model has its roots in the logical structure of that model. Totally apart from questions of data, the model that CONSAD tested is inappropriate in part because it is not designed to exclude the possibility that the industry will want to hold reserves in the long run even if price is less than cost.

CONSAD statement No. 4: "The price change equivalent to the elimination of percentage depletion is about 35 cents (not 75 cents as stated in the MC report) which is a comparatively small extrapolation—the largest year-to-year price change in the data was 30 cents."

Comment No. 4: 27½% of $2.93 (CONSAD's assumed wellhead price) is $.81, but the net effect of percentage depletion is reduced somewhat by the 50% of net limitation and by the loss of cost depletion when percentage depletion is taken. Hence, about $.75 is correct.

CONSAD statement No. 5: "The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing reserves above those levels needed solely to support production . . . If the intent of the special tax provisions is to encourage consumption of petroleum products by keeping prices below their free market levels, the CONSAD study offers no evidence as to the effectiveness of the tax provisions."

Comment No. 5: The principal point of the MC critique was the CONSAD's question, the question of the effect of depletion on the quantity of reserves the industry would want to hold for a given level of production, assuming that that level of production would be produced, is "basically trivial and is not the question that is relevant for public policy."

As noted in the MC report "The question of real public policy significance is one having two parts. First, what quantity of output would firms want to produce at various prices? And second, what level of reserves is implied by those levels of output?"

These questions have been addressed in a number of responsible studies. As CONSAD's statement implies, they were not addressed nor can they be addressed using the CONSAD methodology.

CONSAD statement No. 6: "The concluding statement in the summary says that 'The model used is especially subject to criticism because it is based on the improper assumption that industry exploration and development expenditures are not dependent on an adequate rate of return.' No such assumption is either explicit or implicit in the CONSAD models and such a statement implies a rather extreme lack of knowledge of the CONSAD report."

Comment No. 6: CONSAD's failure to recognize the rate of return implications of a model that allows for continued long run production even though price is less than cost implies a "rather extreme lack of knowledge" of (a) its model, (b) fundamental economic principles or (c) the real world.

CONSAD statement No. 7: "The results obtained from (CONSAD's) third model *did* substantiate the results of the first (or neoclassical) model."

Comment No. 7: Several comments are possible on this point: First, the neoclassical model (inadequately) answers an irrelevant question. If the third model substantiates the first it is not clear that CONSAD's case is advanced.

Second, even if the neoclassical model had been directed toward the relevant question there is no escaping the fact that the magnitude, rather than the direction of the response is the significant consideration. Since the third model is not statistically significant, it can offer nothing in the way of verification for the magnitudes shown by the first.

CONSAD statement No. 8: ". . . much of the MC report is devoted to specific criticisms of minor points concerning the other models discussed in the CONSAD report."

Comment No. 8: If a defense of thoroughness is necessary, the reason why the second and third models were criticized is that both appear to offer far more promise than the one which CONSAD used for its conclusions—and both received extensive treatment in the CONSAD report.

CONSAD statement No. 9: ". . . the MC report is somewhat erroneous in stating that the CONSAD report assumes perfect knowledge. The report does not assume this . . ."

Comment No. 9: Not only does the CONSAD neoclassical model assume perfect knowledge, it assumes that all petroleum reserves are homogeneous and that new reserves can be added simply by going to a warehouse and taking them down from the shelf.

CONSAD statement No. 10: "(the CONSAD model is credited to the Eisner article quoted in the MC report)."

Comment No. 10: The CONSAD neoclassical model adopts only Eisner's version of the production function. Additional problems common to the Jorgenson and Eisner studies are embodied and exacerbated in the CONSAD formulation.

CONSAD statement No. 11: "The MC report appears confused . . . where the CONSAD report is taken to task for using a 12:1 reserve ratio in the model."

Comment No. 11: The MC point was that since the CONSAD methodology was sensitive to technological change, and since CONSAD was (or should have been) aware that technology was changing, as evidenced by its references to changing reserve production ratios, CONSAD should have made some attempt to take changing technology into account or to qualify its conclusions accordingly.

CONSAD statement No. 12: "The MC report seems confused again on page 31 when it indicates that 'this approach leads CONSAD to compare the price of a full barrel of reserves with the cost of only a fraction of a barrel.'"

Comment No. 12: The MC critique noted that CONSAD appeared to have compared the price of a full barrel of reserves with the "user cost" of that same barrel spread out over the life of the well. CONSAD has yet to offer an explanation or justification for its strange and, in our view, inappropriate formulation.

CONSAD statement No. 13: "The use of 1968 data, which were obviously not available when the report was written . . . to illustrate the incorrectness of statements in the CONSAD report cannot be interpreted in any other way than as an obvious attempt to discredit the CONSAD report . . ."

Comment No. 13: Viewed somewhat less defensively, the use of 1968 data can indeed be used to "illustrate the incorrectness of statements in the CONSAD report . . ." In the first place, the CONSAD model assumes that the industry is in long-run equilibrium. If the 1968 data differ substantially from the 1966 data used in the CONSAD report, then clearly the industry was not in long-run equilibrium and CONSAD's model is inappropriate. In the second place, even if the model were somehow appropriate, the fact that the 1968 data differ from the 1966 data implies that the results, if valid for 1966, would not be valid for 1968, 1969, or for the 1970's—the period that is relevant for public policy. In short, conditions in the industry have changed dramatically since the CONSAD base years; hence, those years are of doubtful value for predicting the future.

THE HAYNSWORTH CODE FOR FEDERAL JUDICIAL NOMINEES

Mr. DOLE. Mr. President, article II, section 2, clause 2 of the Constitution empowers the President of the United States to nominate and, by and with the advise and consent of the Senate, appoint Judges of the Supreme Court and all other Federal courts.

On November 20, 1969, the Senate of the United States by a vote of 55 to 45 gave its advice but not its consent to the nomination of Judge Clement F. Haynsworth to be a Justice of the United States Supreme Court.

The action of the Senate on that date adds new dimensions to the "advise and consent" powers of the Senate in the confirming process of Federal judges. From here on it is not only necessary that any nominee for the Federal Bench must be well-qualified by education, experience, integrity, and judicial temperament, but he should also meet the newly imposed test of not having any "appearance of impropriety." The majority vote against confirmation implied that while Judge Haynsworth was not guilty of any impropriety, maybe there was the appearance of impropriety, or that he was not "adequate" for the times.

Is it not fair to suggest that in the future the Senate should apply the same rules to all future nominees for the Federal Bench as was used by the majority in denying Judge Haynsworth a seat on the Supreme Court.

Not only will all future nominations for the Federal judiciary have to be well-qualified by education, experience, integrity, and judicial temperament but they must also be free from any vague appearance of impropriety.

If a nominee to the Federal Bench has been sitting as a State or lower Federal court judge his entire record of decisions must be minutely examined with the view of determining whether he sat on cases in which he might have had some pecuniary interest or that he might have had a stock interest in one of the litigants before him, or that there could be any possible conflict of interest that he should have removed himself from hearing such a case. Furthermore, each nominee should be required to disclose every single possible financial interest that might or could have any bearing on any case over which he presided.

In the light of the Haynsworth vote before consent of the Senate be given to the confirmation of future Federal judgeship nominations, the nominees must make full financial disclosure to demonstrate that there could be no possible conflict caused by any financial interest in any corporation or business which might be affected by any decision of the sitting Judge.

If the nominee has not had prior judicial experience, then the Senate must examine his record as a lawyer and the cases that he handled during his practice which in any way would pose any possible conflict if he was called upon to sit on cases of former clients.

The Senate action on Judge Haynsworth sets up new guidelines which the Senate itself, the Judiciary Committee of the Senate, the Department of Justice and the President should take note. Henceforth the Haynsworth case shall stand as a precedent for the Senate to view most carefully any nomination to the Federal Bench submitted by the President of the United States. Obviously it is impossible to set up rigid ethical standards to measure each judicial nomination. Yet it appears that the Senate did just that on November 20, 1969.

As one Member of this body, I intend to follow the Haynsworth precedent on all future nominations and it would seem to me that the Members of the Senate who voted to deny Judge Haynsworth his seat on the Court should adhere to precisely those guidelines they imposed. These guidelines should apply equally to any nominee, irrespective of his political views or judicial philosophy.

MAJ. JAMES ROWE: ANOTHER GEN. EDWIN WALKER?

Mr. YOUNG of Ohio. Mr. President, in the person of Maj. James N. Rowe, the Army has another Gen. Edwin A. Walker. It will be recalled that he was the John Birch-"sap" in command of our soldiers in West Germany who was recalled to the United States, under circumstances which could be regarded in disgrace, for the reason that he went all out to indoctrinate soldiers under his command with the extremist right-wing propaganda of the John Birch Society and also with his segregationist views.

Now we have Maj. James Rowe ascending, or rather descending, to this unenviable position. While still in uniform and enjoying a favored assignment at the Pentagon, he has been assailing U.S. Senators seeking to bring an end to the immoral, undeclared major war we have been waging in Southeast Asia since 1963—the longest war in the history of our Republic and the most unpopular; also the bloodiest of all our wars except World War II in the total of priceless American lives lost in combat and our soldiers seriously maimed and permanently injured in combat.

Major Rowe, from his Pentagon sinecure, is issuing pronouncements questioning and assailing the patriotism of our colleague, the distinguished junior Senator from South Dakota (Mr. McGOVERN). He apparently is ignorant of the fact that in World War II, as a bomber pilot, GEORGE MCGOVERN challenged death in death's own domain in the skies above Austria and Germany. This puppet of the Pentagon propagandists, Maj. James N. Rowe, has the unmitigated effrontery to question the patriotism of a U.S. Senator who was decorated by his Government with the Distinguished Flying Cross for his heroism in World War II. I assert that Senator MCGOVERN's combat record in World War II exceeds tremendously the war record of his critic, Maj. James Rowe. Furthermore, it is astonishing that, according to published reports, Gen. William Westmoreland, Army Chief of Staff, knows of Rowe's activities and approves of them.

Reading the comment of Bernard D. Nossiter, Washington Post staff writer and an outstanding journalist whose professional integrity is beyond challenge, we learn that Major Rowe is not only engaging in the practice of making verbal attacks on the Members of Congress who have raised questions regarding our involvement in a civil war in South Vietnam, but he is also attacking editors of newspapers and magazines whose editorial comment has been against the war we are waging in Vietman and who have been urging deescalation and withdrawal of hundreds of thousands of our half million soldiers, marines, airmen, and naval personnel now stationed in Vietnam and Thailand and off the coast of Vietnam.

Mr. President (Mr. SYMINGTON in the chair), this fellow Rowe in recent weeks has filmed more than 20 television interviews and a number of radio tapes with Members of the other body. Then, these outlandish warhawk statements have been sent to television and radio stations in the districts of those Congressmen.

In addition, he has filmed a 30-minute television show for the Republican National Committee, presumably for showing in the districts of Representatives and in the home States of Senators whose integrity and patriotism have been assailed by this Major Rowe.

No doubt public relations men in the Pentagon are promoting these assaults on Senators and Congressmen, seeking to discredit them or to bring about their defeat in the 1970 elections. If Pentagon officials had any sense whatever, they should know that they cannot possibly intimidate U.S. Senators such as J. WILLIAM FULBRIGHT, chairman of the Committee on Foreign Relations, majority leader MIKE MANSFIELD, GEORGE MCGOVERN, three Senators specifically attacked by Rowe, or any other of a large number of Senators—including the distinguished senior Senator from Missouri, who is now presiding over this Chamber—and Representatives in Congress who have been speaking out loud and clear denouncing our involvement in what was termed "Lyndon's war" and now in the minds and hearts of many Americans, particularly those whose sons have been killed and wounded in Vietnam this year, is likely to be regarded as "Nixon's war."

This Army major has the unmitigated effrontery to denounce as disloyal the November moratorium, the broad-based demonstration for peace in Washington, on November 15. I participated in that moratorium march. I walked for 10 or 15 blocks, and I am proud to say that I was on the platform with my colleagues, Senators MCGOVERN and GOODELL, several Members of the House of Representatives, and others including my friends Leonard Bernstein, Dr. Benjamin Spock, and Coretta King, widow of the late Reverend Martin Luther King, Jr. We saw on the Mall and around the Washington Monument a huge assembly of at least 400,000 Americans, most of them young men and young ladies who had come by bus, train, automobile, and airplane from their homes and colleges to peaceably assemble and to petition their Government for a redress of grievances. They cried out in unison "Peace now." They listened to eloquent addresses by Coretta King, Wayne Morse, GEORGE MCGOVERN, and others, and most of all they sang and shouted in unison for "peace now."

Maj. James Rowe would do well to read the very first amendment to the Constitution of our country and cool off a whole lot. This was a peaceful demonstration in accord with the traditions of our Republic and entirely compatible with the first amendment of the 10 amendments which we affectionately term our Bill of Rights. These amendments—these rights for all Americans—were written in our Constitution on the demand of those patriots who had won the War for Independence and who denounced the Constitution as first drafted and as published in the gazettes of that time. As a result of this uproar of protest from patriots in the 13 Original States, this Bill of Rights was written in our Constitution nearly 200 years ago.

Apparently, Maj. James Rowe is ignorant of the fact that this massive peaceful demonstration has won the acclaim of all liberty-loving Americans. He is definitely off base in denouncing those who met in peace and proclaimed their yearning and hope for an end this year to the bloodletting of priceless lives of young Americans in a faraway small agrarian country, Vietnam, which is of no importance whatsoever to the defense of the United States.

It is my hope, Mr. President, that the temporary duty of this Maj. James Rowe in Washington will be immediately ended. I assert that his un-American denunciation of Members of both branches of Congress and of civilians throughout the country is a definite breach of the historic separation of the military from politics and the formation of public policy by the executive and legislative branches of our Government. It is a definite intrusion on the part of Army officers and officials in the Defense Department in civilian matters. This is contrary to constitutional principles and to American tradition. It should not be tolerated if we are to continue as a Republic of free men and women.

Also, perhaps the Secretary of the Army should consider whether Major Rowe's intemperate attacks on Members of Congress come within the purview of article 88 of the Uniform Code of Military Justice. It reads:

> Any commissioned officer who uses contemptuous words against the President, Vice-President, Congress, the Secretary of Defense, the Secretary of a Military Department, the Secretary of the Treasury, or the Governor or Legislature of any state, territory, commonwealth, or position on which he is on duty or present shall be punished as a Court Martial may direct.

Mr. President, what this fellow is doing in seeking to emulate what Gen. Edwin A. Walker did some years back is really threatening and almost terrifying. This is another manifestation of the arrogance and power of the military-industrial complex against which General Eisenhower, in his farewell statement to the American people as he left the White House, warned. President Eisenhower said:

> In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties and democratic processes.

This was a somber warning to the American people of the power and arrogance of the military-industrial complex as a threat to our free institutions and our American tradition and way of life. This warning of President Eisenhower should be reread and heeded in the Pentagon. Then, Major Rowe should be silenced or assigned to some other post of duty. A tour in the Aleutian Islands or some post in remote Turkey might cause his mouthings to be silenced.

Gen. Edwin A. Walker, it will be recalled, following termination of his service in the Army for his attempts to indoctrinate youngsters in our armed forces under his command with the crazy notions of the John Birch Society—or "Birch-saps"—returned to civilian life and became a candidate for Governor of Texas. There were a number of candidates, 10 as I recollect, and ex-General Walker ran 10th. The next thing we read of him, he was on the campus of the University of Mississippi, allegedly seeking to prevent registration of James Meredith, a Negro, who had made application to be admitted as a student at the university law school and encouraging rioters who were assaulting U.S. deputy marshals who were seeking to maintain law and order in ending segregation at this university. Then, oblivion for him. So much for Gen. Edwin A. Walker. So let it be with Maj. James N. Rowe.

When we contemplate incidents such as those involving Walker and now Rowe, we know there is reason for Americans to be fearful that if our Republic were ever to be brought abruptly to an end, it would not be caused by some rag-tag Communists or ignorant radical left-wingers, but more likely by generals of our Joint Chiefs of Staff and fascist-minded leaders of our military-industrial complex suddenly taking over.

Mr. President, Major Rowe's recent outbursts, apparently made with the encouragement of the Chief of Staff of the Army and officials of the Defense Department, are another manifestation of the serious erosion taking place in the constitutional principle of separation of powers and in the constitutional balance that places the military under civilian control and direction. Every effort must be made to counteract the pressure of the generals and admirals who strive to override the decisions of their civilian supervisors and who encourage their subordinates to viciously attack Members of the Congress. The patriots who drafted our Constitution and Bill of Rights wisely provided that in the United States civilian authority should always be supreme over military. So be it.

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. PELL. Mr. President, when a great people loses its capacity for outrage, that people has permitted dry rot to start an erosion of the standards and principles which made that people great.

This is just what has happened recently. We hear of a massacre at Mylai of civilians, including old people and babies, and find relatively little public reaction or, except for Secretary Laird's response, outcry from our administration or from our people's representatives. I would hope it is because we are stunned, not because we don't care.

We accept the name "Pinkville" as being a perfectly proper designation of the little Vietnamese hamlet, showing our respect and regard for the Vietnamese people by not bothering to use the proper name. At least we have the civility not to call Moscow, "Redville."

We see newsclips of our South Vietnamese allies beating North Vietnamese prisoners on television on the same night of President Nixon's November 3 speech.

We know that we turn over our North Vietnamese and Vietcong prisoners of war to the South Vietnamese who use torture as a normally accepted method of prisoner interrogation.

These are all facts. Our acceptance of them are all elements of the dry rot that is creeping into the fabric of our national life.

And, this is one more reason why this war, based on incorrect premises, is wrong and should be ended as soon as possible.

JUDICIAL SALARY ADJUSTMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 549, S. 3180.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3180, a bill to adjust the salaries of judges in the Government of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–554), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

LEGISLATIVE AND JUDICIAL SALARY ADJUSTMENTS

Purpose

This bill increases the salaries of the judges of the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, and the District of Columbia Tax Court as follows:

	Present salary	Proposed salary	Increase
Court of Appeals:			
Chief judge (1)	$29,000	$38,500	$9,500
Associate judges (5)	28,500	38,000	9,500
Court of general sessions:			
Chief judge (1)	28,000	37,500	9,500
Associate judges (22)	27,500	37,000	9,500
Board of Tax Appeal:			
judge (1)	27,500	37,000	9,500

There are six judges of the District of Columbia Court of Appeals, 23 judges in the District of Columbia court of general sessions, and one judge of the Tax Court of the District of Columbia. In its consideration of salary adjustments for Members of Congress and oth-

ers, the Commission on Executive, Legislative, and Judicial salaries decided that because of the language of section 225 of the Postal Revenue and Federal Salary Act of 1967, which specified that justices and judges of the United States would be considered by the Commission, the Commission did not have authority to recommend adjustments for judges in the government of the District of Columbia. The salaries of these positions, therefore, were not increased by the recommendations of President Lyndon B. Johnson earlier this year. The result is that judges of the District of Columbia courts are now paid salaries which are less than salaries of some legal officers in the District of Columbia government in grades 16, 17, and 18 and substantially less than the salary of the U.S. attorney in Washington, who is paid at level V of the executive salary schedule ($36,000).

Earlier this year, the Civil Service Commission recommended that salaries for these positions be increased. The committee has accepted the recommendation of the Civil Service Commission, but has increased the annual rate for these judges so that the historic relationship between the judges of these courts vis-a-vis Federal courts for the District of Columbia and the Tax Court of the United States will be restored. Judges of the U.S. district courts are now paid $40,000 per annum; salaries for judges of the District of Columbia Court of Appeals have been increased from $28,500 to $38,000; for judges of the court of general sessions from $27,500 to $37,000; and for the judge of the Tax Court of the District of Columbia from $27,500 to $37,000.

The cost of the bill is $285,000 a year.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3180

A bill to adjust the salaries of judges in the government of the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11–702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$38,500" and "$38,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500" and inserting in lieu thereof "$37,500" and "$37,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$37,000".

BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, in speaking to the Senate the last couple of days on the boxcar shortage in Nebraska, I stated that there were approximately 10 million bushels of grain on the ground because the elevators were filled and no boxcars were available. I wanted my estimate to be on the conservative side. I find I was in error.

A high official in agricultural circles in Nebraska has made a survey. This survey has reached every nook and corner of the State that is involved in the car shortage. This survey shows that the actual figure is more like 40 million bushels of grain on the ground than 10.

Again I remind the Senate that the spoilage on this grain, in addition to all other hardships, will run about 5 or 10 percent. I wonder how many of the members of the Interstate Commerce Commission and their employees, and the officials and employees of the offending and law-violating railroads, would like to take a 10-percent cut in the light of rising costs?

The midwestern and western railroads have done their share in building new boxcars. Some of our larger eastern and southern railroads have not. They resort to a sort of sophisticated embezzlement. This is true of some shippers. When an offending railroad or some shippers get a car that originated in the Midwest or the West, they hold it overtime instead of returning it to the place where it is needed. They hold it because the daily charge for keeping a car is cheaper than building their own cars, if it is a railroad; and if it is a shipper, it is cheaper than building their own storage.

The act that was passed a few years ago and signed by President Johnson was intended to give the ICC authority not only to order these cars back, but to see that it is done. The ICC has proved itself to be spineless, indifferent, lacking both will and courage to do the right thing. This is not true of all members of the ICC. It is true of the Commission as a whole.

The offending railroads should be called on the carpet and ordered to do that which is right in this instance or else face whatever consequences the present law carries or future law might impose.

I am totally disgusted with the Interstate Commerce Commission. If they cannot regulate in the public interest, they should get off of the payroll and make a living in some other way. They might even try the hazards of farming.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of William C. Black, of Texas, for the office of U.S. marshal for the northern district of Texas.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF JUSTICE

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of William C. Black, of Texas, to be U.S. marshal for the northern district of Texas.

The PRESIDINNG OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. DOMINICK. Mr. President, I want to start these remarks by saying I am glad the Senator from Missouri (Mr. SYMINGTON) is in the chair. He and I were briefed this morning on the horrible situation that is being alleged as having occurred in Vietnam—one that, if true, and proved to be true, is not only a blot on the country and the military but on humanity as a whole. Persons are charged with crimes—one with murder, and one with assault with intent to kill.

Yesterday I expressed my very strong feelings about the legal and judicial ramifications of the extensive pretrial publicity, particularly in a case as explosive and emotional in nature as this one. I referred to published interviews including an interview by CBS with one of the persons who will be a witness before the trial. I discussed it at some length on the floor, and then before the media.

I think what is overlooked often is a basic belief—which I share with most Americans, I believe—that the system of justice which we have in this country is one of the strong central fibers of our Nation's survival.

When that system is jeopardized by any means so that a person is unable to obtain a fair trial, or so that a witness is not informed of his own constitutional rights, then we have endangered the operation of one of the central elements in our national framework.

I have not commented on the accuracy of the reported facts. I have not repeated any of the interviews or so-called testimony. However, I wish to refer just a little bit today to the question of accuracy and full reporting, since some news media references to the statement yesterday of the military judge can hardly be considered as full and complete.

First, for purposes of the RECORD, I ask unanimous consent that the texts of the following items be printed at the conclusion of my remarks: First, a transcript of Military Judge Kennedy's courtroom statement in ruling on the issue of pretrial publicity; second, a CBS reply regarding my remarks yesterday and the CBS interpretation of the judge's statement, and third, a Washington Post article of this morning reporting on the judge's statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. DOMINICK. Let us compare what the judge said, and what appears was said according to the CBS reply and Washington Post article.

The CBS reply last night to the discussions I had with them included the following:

It is worth noting that, at the pretrial session at Fort Benning, Georgia, Judge Lt. Col. Reed Kennedy said he felt that the news media was sincerely attempting to assist furtherance of the investigation of what happened at Mylai.

I do not wish to impugn the integrity of the media, but they left out a very crucial distinction made by the judge in the next sentence. The judge said:

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

That portion of his statement was completely omitted from what CBS said last night.

The judge went on to say he was reluctant to issue an order to the media because he felt responsible news media is capable of policing its own activity and would self-impose sanctions to insure fairness of the upcoming trial.

I said yesterday in my discussion that I felt the media should police themselves in this matter, to assure the man would have a fair trial.

Here is the balance of the CBS interpretation of the judge's statement:

Judge Lt. Col. Kennedy made this observation (that the news media was assisting the investigation) when he rejected a United States Government motion to restrain the news media from further publicizing statements of witnesses, photographs, sketches or any other such matter which might be used as evidence. Judge Kennedy said such an order would be premature as well as unprecedented in civil and military law.

While it is true the judge did not directly order the news media to do anything, the CBS reply conveniently omitted any reference whatsoever to the real heart of the judge's statement. Here is what the judge said:

Therefore, I am declining the request of counsel today to issue a show-cause order. A reasonable time will be granted the news media to act in a responsible legal manner. *And, I am confident you will find that witnesses will not be contacted further by any responsible news agency.* The issue will be held in abeyance at this time, with leave to counsel to re-petition this court for relief at any later time.

In all candor and fairness, the Washington Post article reports a much more balanced version of the judge's statement.

Where, however, is any reference in the Post article to Judge Kennedy's key point—one which he twice repeated—regarding what he personally thought responsible news media would respect:

I am confident you will find that witnesses will not be contacted further by any responsible news agency.

An incomplete statement was given by CBS, but I can understand their limitations in terms of time. It does seem to me, however, that when quoting a judge's order, they ought to point out clearly the implication of it, which is that if witnesses continue to make statements and the media continue publishing them, which statements might have an effect on the fairness of the trial, the court is going to have to take some action to reverse the situation.

The judge's order regarding potential witnesses and his statement about pretrial publicity were announced between 3 and 3:30 p.m. on Tuesday. The news media was present.

Now, let us take a look at how pretrial publicity was treated by some of the news media last night and this morning.

Opinions will vary on what is responsible self-policing by the news media, but in view of the foregoing, I do not see how there can be any doubt about the expressed desires of the man sitting as military judge in the case.

On the Huntley-Brinkley show 2 hours after the judge had issued his order, Mr. Huntley and Mr. Brinkley came on with another witness. I do not know whether that witness was still in the service or not, and that is quite an important distinction. But this is what was said on Huntley-Brinkley:

At Fort Benning, attorneys for the Army and Calley asked the trial judge to stop public interviews of witnesses. The judge ordered potential witnesses not to talk, but some continued.

Then a witness was put on, and this particular witness—and I am not going to put this in the RECORD, because I do not want to participate in publication of this material—in effect said that he himself was involved in the massacre. If the man was, at that point, a member of the military, he is obviously subject to charges if these allegations are in fact proved true, upon investigation. If the man is not a member of the military, there are still, as I understand from counsel for the Army, at least two or three ways, which are now being considered, by which this person, or other persons, might be charged with a criminal action.

There are at the present time 24 people under investigation, nine of whom are still on active duty. Any one of those giving evidence or testimony which might implicate himself should, it seems to me, be forewarned by a lawyer as to what it might mean. He should have all the rights that any civilian would have before any court.

CBS charges:

As for the free press-fair trial issue raised by Senator Peter Dominick, Republican of Colorado—

Think of this, Mr. President—

it is the belief at CBS News that it is not applicable in this situation, inasmuch as Lieutenant William L. Calley, Jr., would not be tried by a civilian jury, but a board of professional soldiers who are disciplined to make their decision on the basis of military law.

Mr. President, I raise this question: I do not know how they interpret it, but since the right of a fair trial is a constitutional right of every citizen of this country, it would look as though CBS is saying if you are in the military, you waive your constitutional rights. This seems to me to be a pretty tough way to try to look at the situation, particularly when a man has been charged with a crime which is as heinous, as horrible and as terrible as this one. If there ever was a need for the right of a fair trial without having prejudice injected, this is one of those times.

I might also add that if it happens that publicity gets over the country to such an extent that potential military jurors are unable to say honestly that they have no feeling of bias one way or another on a case of this kind, it is entirely possible that the people who are charged cannot get a fair trial, and may, even though the facts might be proved to most people's satisfaction, find themselves freed because of the inability to obtain a fair trial.

What a miscarriage of justice that might be, if the facts are fully proved, as is required.

Mr. President, this same statement was put on a CBS news program last night. And I sincerely hope they will change this, because it has a very poor ring, I think, as far as the news media are concerned. And I still believe our networks are responsible if they really think about these problems.

Here is something that was said on the news last night:

CBS said tonight Meadlo was entitled to make his story known, if that was his decision, and that what it called free press—free trial issue raised by Dominick does not apply because Lt. Calley will be tried not by a civilian jury but by a military court.

Again, Mr. President, that is a strong indication that because one is a member of the military, he is deemed by the news service to have waived his right to a fair trial.

I cannot buy that. I do not believe that the news media mean that. I hope that they will correct the statement in any future broadcasts.

Mr. President, the country is facing a very serious situation. It is a situation which has international implication. It is a situation in which two men have already been charged with violent crimes, a situation in which 24 more are under investigation with the possibility that future charges will be filed, a situation in which at all time under our system, it seems to me, we should be operating on the principle that anyone charged with crime is innocent until proved guilty.

That is a constitutional right guaranteed to everyone, whether in the Senate, the military or anywhere else in this country. We should try to respect these constitutional rights as they have been set forth by the Supreme Court in civilian and military cases. The Court has strongly said over and over again that an atmosphere of prejudice created by wide publicity prior to a trial can be so

adverse that a person cannot get a fair trial and that therefore we cannot determine under our legal system whether a man is guilty or not guilty.

Mr. President, I made these statements over and over again last night. I might say I found out through a transcript that two media people, Tom Braden and Frank Mankiewicz, came out and implied that I did not care what might have happened in Vietnam, that I was only interested in protecting someone. I am not interested in protecting any individual. I am interested only in protecting the system of legal justice in our country.

And if we cannot take a position like that, even in an unpopular case, then I would say that the country is further down the road to ruin than I thought it was.

After the appearance I made last night on the media, I received a number of telegrams, some of them in favor of my position and some of them against.

I am really somewhat confused—and I think that is the best way in which to put it—by those who are against. What they say apparently is that they do not care whether anyone gets a free trial. They just want someone punished, already assuming that a man is guilty despite the confused facts and the contradiction of evidence and despite the fact that no one has yet put the responsibility firmly before the court to determine whether a man is in fact guilty of the crimes charged.

Mr. President, I ask unanimous consent to have these telegrams printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. DOMINICK. Mr. President, I am not trying to be difficult. I am not trying to make an attack on the press. I am not trying to restrict its freedom. What I am trying to do is to say that they have to balance their obligations. They have an obligation to present the news. However, they also have the obligation of preserving the rights of the people of this country under our system of justice.

It seems to me that any objective reporter looking at this situation would recognize this and try to strike some kind of balance. I do not think that balance has been struck to date. I am not sure it is going to be struck, but I am going to continue to talk to get them to see this in that light as long as I can.

Someone came up to me and wanted to know if this was part of a pattern, a Republican attack on the press. The only pattern is that I got up and looked at this program yesterday morning, knowing that a man was on trial for his life. I watched some of the show and watched a man spread a story around the country. He was not under oath. He was not subject to cross-examination. He was obviously in an emotional state. It seems to me, to say the least, to be prejudicial to our system of justice.

The interview last night on Huntley and Brinkley, immediately following the judge's recommendation asking that the networks police themselves, it seems to me, was a blatant disregard of that order.

I feel so sorry for the citizens who have made their statements in many cases, I am convinced, without knowing what their rights are and, in many cases, I am convinced, without knowing that they might be subject to charges themselves, and therefore, have jeopardized their own freedom.

Let us have them wait. And that certainly is what the order says which was entered by the judge in this case.

I will not read the entire order, but I will read a good deal of it here. This is the order that was issued yesterday, not the court's statement that I referred to before concerning the news media, but the order concerning the witnesses.

It is addressed to the trial counsel, both for the prosecution and for the defense.

It reads:

UNITED STATES VERSUS WILLIAM L. CALLEY

Order issued to Captain Aubrey M. Daniel III, Trial Counsel.

You are hereby directed to notify by the most expeditious means each known witness in this case that, pursuant to the order of this Court, he is directed not to discuss with or disclose to anyone any information or evidence he may possess concerning the alleged offense charged as occurring on or about 16 March, 1968, in the village of My Lai 4, Quang Ngai Province, Republic of Vietnam.

Each witness will be informed that he is authorized to discuss or disclose his information or real evidence to you, Mr. George Latimer, Major Kenneth A. Raby, and 1st Lt. William L. Calley, Jr. only.

From time to time, heretofore unknown witnesses may be uncovered by both sides. The Trial Counsel will, on his own, in the case of prosecution witnesses, or upon the request of the Defense Counsel, promptly notify each newly discovered witness of this prohibition against pretrial disclosure of his testimony.

Moreover, should any charges be added or modified so as to include additional witnesses not heretofore disclosed as potential witnesses in this trial, those witnesses will also be immediately informed of this prohibition against extra-judicial disclosure of his testimony or real evidence.

The notification to witnesses will also contain a provision permitting disclosure in any criminal proceeding other than the trial of Lt. Calley, provided such disclosure is made at a quasi-judicial or judicial hearing only.

Lastly, the Trial Counsel will deliver to this Court the name and address of each witness so notified.

It is so ordered this 25th day of November, 1969, at Fort Benning, Georgia.

REID W. KENNEDY,
Military Judge.

Following the issuance of that order, Huntley and Brinkley televised another witness. I would suggest that at the very least that person could find himself—if it had not been taped some time before—in trouble with the court already.

It further indicates, in my opinion, the complete disregard of the clear intent of that order by NBC and Huntley-Brinkley, especially when one reads the comments of the court concerning pretrial publicity by the news media, to which I have previously referred.

Mr. President, I want to say again that this whole situation really needs to be reviewed in some detail. I am not going to repeat what I said before. I have confidence in the responsibility of most of the major news media; but I am not a bit sure that, in their interest in getting an explosive story before the public, they have balanced this against what I hope also is their concern—that each person charged with a crime in this country shall receive a fair trial, as defined in our Constitution and as governed by our court system. If that right is ever broken down, we will have destroyed one of the central elements of our system of government. No one's freedom will be secure.

EXHIBIT 1

NEWS MEDIA

(Transcript of Military Judge Reid W. Kennedy. Re: Portion of joint motion by military prosecutor and defense counsel concerning pretrial publicity, Tuesday, November 25, 1969)

The news coverage you are talking about occurred for the most part before this case was sent to trial.

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

On the other hand, I am reluctant to issue any show cause order immediately to prohibit publicizing the testimony of potential witnesses. I believe the responsible news media are capable of policing their own activity and will self-impose the necessary sanctions to insure that the fairness of these proceedings are not jeopardized. Therefore, I am declining the request of counsel today to issue a show cause order. A reasonable time will be granted the news media to act in a responsible legal manner. And, I am confident you will find that witnesses will not be contacted further by any responsible news agency. The issue will be held in abeyance at this time, with leave to counsel to repetition this court for relief at any later time.

EXHIBIT 2

NEW YORK TIMES, WEDNESDAY NOVEMBER 25, 1969—CBS REPLY

Following is a reply of the Columbia Broadcasting System to the attack on it by Senator Dominick for having broadcast the interview with Mr. Meadlo:

"C.B.S. News broadcast the interview with Paul Meadlo in the belief there was an overriding public need for full disclosure about what happened at Mylai, particularly in view of previous statements made by other eyewitnesses and then the statement issued by the Government of South Vietnam that nothing untoward had happened there.

"This South Vietnamese official position was then contradicted by the United States Army decision yesterday to try an American officer on charges of premeditated murder at Mylai.

"C.B.S. News believes that Paul Meadlo was entitled to make his story public if that was his decision, and having established to our satisfaction that Paul Meadlo was qualified to speak on the subject as a bona fide participant in that incident, we would be guilty of not reporting information to which the American public was entitled.

"As for the free press-fair trial issue raised by Senator Peter Dominick, Republican of Colorado, it is the belief at C.B.S. News that it is not applicable in this situation inasmuch as Lieut. William L. Calley Jr. would not be tried by a civilian jury but by a board of professional soldiers who are disci-

plined to make their decision on the basis of military law.

"It is worth noting that, at the pretrial session at Fort Benning, Ga., Judge Lieut. Col. Reed Kennedy said he felt that the news media was sincerely attempting to assist furtherance of the investigation of what happened at Mylai.

"Judge Lieutenant Colonel Kennedy made this observation when he rejected a United States Government motion to restrain the news media from further publicizing statements of witnesses, photographs, sketches or any other such matter which might be used as evidence. Judge Kennedy said such an order would be premature as well as unprecedented in civil and military law."

EXHIBIT 3

SILENCE ORDERED ON MYLAI—JUDGE ENJOINS WITNESSES IN MASSACRE CASE

(By Peter Braestrup)

FT. BENNING, GA., November 25.—A military judge today ordered all potential witnesses in the court-martial of an Army lieutenant charged with murdering Vietnamese civilians to remain silent about the case.

The judge, Lt. Col. Reid W. Kennedy, deferred decision on other requests from lawyers that he order the press to curb pretrial publicity about the case.

The accused officer is 1st Lt. William J. Calley Jr. He is charged with the murder of 109 Vietnamese during an operation at Mylai 4 Hamlet (also known as Tucong) in Quangngai Province on March 16, 1968.

The two restraining orders sought from Col. Kennedy were requested jointly by the government prosecutor, Capt. Aubrey M. Daniel III, and Calley's military counsel, Maj. Kenneth A. Raby, at an emergency 30-minute hearing here.

[Three legal experts agreed that Col. Kennedy's order silencing witnesses was highly unusual and expressed doubt that it could be enforced, especially in the case of prospective witnesses who are now civilians.

[Charles Schoefer, managing editor of the Selective Service Law Reporter, a Washington-based publication, cited the decision of the Supreme Court in the 1955 case of Toth v. Quarles holding that it is unconstitutional to hold anyone subject to the Uniform Code of Military Justice after the termination of his military service.]

The hearing came after 12 days of mounting worldwide publicity, including public statements and interviews by six former members of Calley's unit in Vietnam. No date has yet been set for Calley's trial by general court-martial. He was formally charged here yesterday, after a seven-month Army investigation.

Referring to the reported sale and publication of photographs of the alleged massacre by Ronald Haeberle, a former Army photographer in Quangngai, Raby said:

"It seems as if the evidence in this case is being auctioned off in the press."

Calley, 26, in well-pressed Army greens, with chest ribbons and blue four-starred Americal Division shoulder patch, accompanied Raby to the hearing.

It lasted less than 30 minutes in a bare courtroom in Building 5, a low, shabby Community Service center just across the pine-shaded street from the home of Maj. Gen. Orwin C. Talbott, Fort Benning's commander, who ordered Calley's court-martial.

The lieutenant, a short (5-foot 3-inch) man with carefully combed widow's peak, said nothing.

If convicted, he could be sentenced to death or life imprisonment.

It was here, the Army's sprawling 50,000-man training center for infantry officers and Vietnam replacements, that Calley 26 months ago earned his second lieutenant's commission after dropping out of Palm Beach Junior College.

Six months later, while Calley led an understrength platoon of Company C, 1st Battalion, 20th Infantry, 11th Brigade, came the alleged massacre in the enemy-controlled area, known as Pinkville, in Quangngai Province.

Company C's former commander, Capt. Ernest Medina, 33, is also now in a make-work job at Ft. Benning. His original plans for an Army-aided college education have been suspended pending the outcome of an investigation. On the advice of his counsel, Medina has refused to talk to newsmen.

Today, in decrying "prejudicial pretrial publicity," both Raby and Daniel said they had no desire to curb freedom of the press. But both contended that the volume and character of publicity to date, notably the public statements by known witnesses, left them no choice but to ask for an unprecedented court order to assure a fair trial.

"This is probably the only time the two of us will see eye to eye on anything," said Raby, referring to himself and Capt. Daniel.

Raby said, "All we're asking is that witnesses be allowed to come in court and testify first." He emphasized the "first."

In this connection, Raby cited the case of one witness, Sgt. Michael Bernhardt, who appeared here Sept. 5 at the opening of the pretrial investigation and then last week, gave his version of the March 16, 1968, events on television.

Sgt. Lawrence LaCroix, a member of Co. C, now at Ft. Riley, Kans., told The Post he was ordered not to talk about Mylai. "If you want to talk to someone about this, talk to Lt. Calley's lawyer, George Latimer. He's helping me out."

In passing, Raby chided Robert Jordan III, Army general counsel, for what he called a "brief dissertation" at a Pentagon news conference last Friday on the legal questions involved in military leaders' responsibilities for crimes committed by subordinates. "This fell far short of full discussion," Raby said, adding that it was one of the key issues in the case.

All told, the military judge, Col. Kennedy, today acted on three motions brought by Raby and Daniel.

He ordered that all present and future witnesses discuss the case only with the opposing lawyers and Lt. Calley. He ordered members of the court-martial panel to avoid "intentional" exposure to press, radio and television stories on the case. But he said he was "reluctant" to issue an order, as requested in Raby and Daniel's third motion, to the news media directing them to show why they should not be restrained from publishing interviews from witnesses and other materials in the case.

"I believe the responsible news media are capable of policing themselves," the judge said.

A "reasonable time" will be granted to news media "to act responsibly," the judge added, saying that meanwhile "this issue will be held in abeyance."

Army lawyers present at today's hearing said such a show-cause order would be unprecedented in the history of U.S. military or civilian jurisprudence, although the Supreme Court has overturned at least one lower-court verdict on grounds that publicity ruined chances for a fair trial.

EXHIBIT 4

HANOVER, N.H.,
November 25, 1969.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

Agree without qualifications your indictment of CBS Mike Wallace's repugnant interviews of Meadlo, also tonight CBS Stanton equally repugnant statement.

E. L. PALMER.

BEVERLY, MASS.,
November 25, 1969.

Hon. PETER DOMINICK,
Washington, D.C.:

Agree with you totally regards CBS broadcast about alleged massacre and young man interviewed. Please pursue this as we are unable to understand double standard; that is, prominent cases not discussed in public to avoid pretrial judgment and individual rights protected. What is difference in this case.

PAT HARMELING.

SANTA FE, N. MEX.,
November 25, 1969.

Senator DOMINICK,
Senate Office Building,
Washington, D.C.:

Hooray for you in today's newscast.

FRED MANG.

CAMP HILL, PA.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.:

Strongly support your criticism of television interview of Meadlo.

Mr. and Mrs. EDGAR I. KING.

DALLAS, TEX.,
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

We are with you Peter. A man should be tried in court not by building public clamor through TV and radio with questionable and unverified reports.

Mr. and Mrs. JAMES R. SHELDON.

DENVER, COLO.,
November 26, 1969.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

We agree heartily with your disapproval of Mike Wallace interview. War used to be war but now its show biz.

MARIAN E. OSTBERG.

LORAIN, OHIO,
November 26, 1969.

Senator PETER DOMINICK,
U.S. Senate,
Washington, D.C.:

Wallace's sensationalism interview of Meadlo is brash news media corruption. As a veteran I consider the interview an insult upon unfettering shame. We highly respect your stand.

VENNY J. VAROUSE.

HENDERSONVILLE, N.C.
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

Concur wholly your condemnation CBS Wallace interview.

J. E. FAIN,
Editor, Times News.

HILLSBOROUGH, CALIF.,
November 26, 1969.

SENATOR DOMINICK,
U.S. Senate,
Washington, D.C.:

One Republican former captain infantry appalled your response CBS report Meadlow report mass Vietnam murder. Are you unfamiliar Nuremberg Trials? These murders deliberate. What morals do you really represent for our country?

JOHN A. STEEL.

NEW HAVEN, CONN.,
November 25, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

Legal insensitivity and political defensiveness can not bring back to life South Vietnamese massacre victims.

HERBERT SAX, M.D.

HUGO, COLO.,
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington D.C.:

Have just heard your recent statement regarding the Lieutenant charged with murder of Vietnamese citizens as usual I am in disagreement with your position and I totally disagree with your statement and your position on this matter having been a former infantry officer this alleged offense is inexcusable. I wish you to again recognize my disagreement with your position as my senatorial representation.

THOMAS L. NICHOLS.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal on Monday next, there be a period for the transaction of routine morning business not to exceed 1 hour, and that statements made therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the period for the transaction of routine morning business on Monday next, the pending amendment offered by the able senior Senator from Louisiana (Mr. ELLENDER) be laid before the Senate and made the unfinished business before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to vote not later than 3 p.m. on Monday, December 1, 1969, on the so-called Ellender amendment, No. 290, and that following the vote on the Ellender amendment, debate on the amendment by the Senator from Delaware (Mr. WILLIAMS), No. 291, be limited to 1 hour, to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Louisiana (Mr. LONG). The understanding is that the vote on amendment No. 291 would then occur.

The PRESIDING OFFICER (Mr. BELLMON in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, who will control the time on the so-called Ellender amendment?

Mr. BYRD of West Virginia. Mr. President, I included nothing in my request with regard to controlled time on the Ellender amendment. The time would not be controlled.

Mr. President, I amend my previous unanimous-consent request to provide that when the amendment offered by the able senior Senator from Louisiana (Mr. ELLENDER) is laid before the Senate at the conclusion of the morning business on Monday next, the time be equally divided and controlled by the mover of the amendment, the senior Senator from Louisiana (Mr. ELLENDER), and the minority leader or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Has the Chair presented the entire request?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. So that it is agreed that the vote will occur not later than 3 p.m. on Monday next on the so-called Ellender amendment.

The unanimous-consent request, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote not later than 3 p.m. on Monday, December 1, 1969, on the so-called Ellender amendment (No. 290), with the time after the conclusion of the morning business to be equally divided and controlled by the Senator from Louisiana (Mr. ELLENDER) and the minority leader or their designees.

Following the vote on the Ellender amendment, debate on the amendment by the Senator from Delaware (Mr. WILLIAMS) (No. 291) be limited to one hour to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Louisiana (Mr. LONG).

Mr. JAVITS. Mr. President, inasmuch as next week what many consider a very important amendment to the tax reform bill will be considered—to wit, the amendment on foundations—I thought it would be appropriate, so that my fellow Senators might have an opportunity to consider the question over the Thanksgiving Day recess, to put some concepts in the RECORD with respect to what we might expect.

The amendment I intend to propose will have one affirmative and one negative aspect which are critical.

First, the negative aspect. My foundation amendment will strike out that part of the bill which limits the life of private foundations to 40 years. In my judgment this is an absolutely arbitrary limitation, without any basis in law, reason or fact and raises some very serious questions.

The rule against perpetuities at the common law, which is very well known throughout the law of trusts and estates, generally deals with lives in being. The classic example is lives in being plus 21 years, that is, at least one life plus the minority of another life. Any skillful draftsman can create a noncharitable trust whose existence runs for far more than 40 years. But under the bill we have an absolutely arbitrary limitation of time upon the tax-exempt life of foundations which places an effective limit on their life—it should be observed that charitable trusts are traditionally exempt from the rule against perpetuities and that this tradition is hundreds of years old.

In view of that fact, and many others which flow from it, the general feeling has spread abroad to those who give and those who receive—and this represents a tremendous cross section of American life—that an enormous social overturn in our whole Nation is contemplated by the Congress. Should we enact many of the provisions of either the House or the Senate bill, or both on foundations, we are likely to have a very chilling effect of philanthropy and pluralism in our society and I consider this most serious.

Second, the affirmative aspect of my amendment. The subject of philanthropy and pluralism in our society is so serious to our society, in terms of voluntarism, for philanthropy, for education, for health, for many other causes, I believe that the matter is worthy of examination on the highest possible level. Therefore, my amendment would establish a Presidential commission, with a mandate to report within approximately 2 years—we will fix the date—in order to determine exactly what we ought to do about, first, the whole concept of philanthropy, pluralism and voluntarism upon which our society is based, and second, the question of giving and having exemption from the payment of taxes for what we consider to be highly desirable social purposes.

It is very interesting to me that the President, himself, in announcing the start of the national fundraising drive for the United Community Chests, struck a note which is what I would deeply hope is symptomatic of the true feeling in our country. The President characterized philanthropic activity as a sacred American tradition of private initiative which gives a freedom, a quality of innovation, a quality of competition in the marketplace of ideas and of accomplishments which is tremendously useful to our society.

I hope very much that the fundamental question before the Senate in respect of what we do about foundations and philanthropic giving will be whether or not what we do in the tax law is bound to destroy it in a material way and therefore likely to change the whole basis of our American society.

Mr. President, there is no question about the fact that the Senate has done a great deal through its committee to improve the House measure. I have pointed out what many of us consider to be the most difficult aspect of the Senate bill, which is the arbitrary life of private foundations.

Another area of question is the distinction made between foundations established by one or a small group of givers (what are now called private foundations), and those foundations supported by multiple and broad scale public giving. Whether or not that is the right standard or, whether we should look to performance as a standard, and what is done with money for which a charitable deduction is given, are serious questions.

Then, there is also a question concerning the requirement for income distribution of a mandatory nature. A 5-percent minimum payout of the assets annually for all practical purposes may be very much superior to the 40-year arbitrary provision in the bill. But also it may be entirely too rigid and deserving of much further relaxation than the Senate Finance Committee made of the House bill.

No question exists between me and other Senators similarly interested in

the matter about prohibitions on self-dealing, about increased disclosures and publicity, and other matters which time and experience have shown to be deserving of reform, and that is what this measure is, a tax reform bill. I hope the amendment I shall offer will be judged on the basis, not only of what is reform—even if there is an argument about the propriety of giving reform—but also as to how it deals with what strikes at the heart of the whole American system which allows philanthropic giving.

All of us who have raised money for philanthropic purposes and I know that I have and practically all other Senators have done so. This includes large giving in major fundraising drives of the Nation.

We know—I have been enough of a fundraiser to know—that the basis on which to build a structure of giving is the large giver. Without that base one finds it extremely hard to have any appreciable philanthropic contributions.

Mr. President, these are serious questions. However, beside the other areas to which I referred, there is also a serious question as to whether particular foundations or philanthropic enterprises shall be limited or restricted in the amount of a particular enterprise, they may own. I understand why we want to be careful to avoid control by foundations or philanthropic organizations of the operating enterprises, but I cannot see why we should have any particular concern about how much of those enterprises they own in the absence of the exercise of active control which prejudices charitable purposes. This also mitigates against substantial gifts. The practicality of getting the most for philanthropic purposes may dictate the absence of such a restriction which would cancel the possibility of getting the most for these highly desirable purposes.

Finally, I think we must be leery of allowing the inequities, the excesses, the abuses, which may have arisen—and we have far too little evidence on this—from changing the fundamental concept, which we have had in mind so long in this country; this concept has worked well; it has tended to ennoble our people, as well as to do highly desirable social things which our people eventually need to have done. We must be careful of restraints and restrictions so designed to deal with the excesses and abuses as to literally throw out the baby with the bath, and end what has been so fundamentally an element worthy of praise in the American system.

Next week and the week after major amendments to the tax reform bill will be forthcoming. I urge Senators to think during the Thanksgiving recess about this problem of foundations and philanthropic giving. If it is practical, I hope they are able to give some attention to the home community, hospitals, Community Chest, foundations, and other philanthropic activities which are recipients of this kind of giving, and also with givers themselves, large and small, in order to determine for themselves what should be done in the way of a fair effort to deal with the abuses and excesses, but at the same time, to be sure in the correction of doing that we are not jeopardizing a fundamental institution, philanthropic giving, which is an essential element of our society.

I hope Senators will be thoughtful in this matter. I have made these remarks in an effort to encourage them to do so in the next few days.

THE TAX BATTLE BEGINS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Tax Battle Begins," published in yesterday's Washington Daily News.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TAX BATTLE BEGINS

One of the chief purposes of taxation is to provide the money to keep government in business.

The Senate now begins debate on the so-called "tax reform act of 1969." As it left the House, this bill did not provide enough revenue to keep the Federal Government out of the red. As it goes to debate on the Senate floor, it has been modified, but still is far short of providing income to match the outgo.

The Senate Finance Committee, however, argues that the timetable of tax relief it has proposed, stretched over 10 years, would avoid any serious threat to balanced Federal budgets.

That would depend, of course, on whether the country's general economic growth would produce enough additional tax income to offset the rate reductions. The Finance Committee apparently is confident this will happen.

But some of the amendments to the tax bill to be offered on the Senate floor pose an immediate threat to the Government's budget balance.

Sen. Gore of Tennessee wants to raise the personal exemption in the income tax law from the present $600 to $1000 over the next four years. This, in itself, would cut the Government's income by an estimated $12 billion.

And this would come at a time when there finally is an Administration which seems determined to put an end to the everlasting string of Government deficits which have spurred inflation, pushed up interest rates and sent the national debt into orbit.

Sen. Gore claims his proposals are designed to "give the most tax relief where it is needed"—to low and middle income taxpayers. Well, some of us would be delighted to spend our money in our own way, instead of having the Government spend it for us.

But if it means more and bigger Government deficits, and increased inflation, as it surely would—then it would be cheaper to pay the taxes. The best thing the Government can do for the low and middle income people is to stop inflation—and creating more Government deficits is not the way to do it.

LETTER TO PRESIDENT NIXON WITH REGARD TO REVERSION OF OKINAWA TO JAPAN

Mr. HOLLINGS. Mr. President, yesterday I made certain remarks to the Senate regarding proposed negotiations and resulting agreement or treaty affecting Okinawa. In my judgment, Okinawa, bound by a treaty with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. In that regard, I addressed a letter stating my position to the President of the United States requesting his interpretation as to the responsibility of the legislative branch of Government in the disposition of Okinawa. I would ask unanimous consent that this letter be included in its entirety in the RECORD.

My main concern, Mr. President, is that the United States retain the uninhibited right for the launching of combat operations from the Okinawa bases. I feel this is necessary in order to fulfill our commitments to world peace. We do not want Okinawa as an island. We do not seek to control the people of Okinawa. We are vitally interested in maintaining friendly relations with Japan. Continued friendly relations cannot be maintained with misunderstanding, and as problems arise, we should seek to solve the problem rather than create others. Unfortunately, it is not easy to reconcile the domestic and political problems of Japan with the international commitments of the United States. This is not the fault of the United States. Some clear arrangement should be negotiated whereby the island and people of Okinawa can be returned to the Japanese and the military bases continue to operate without restriction. We do this in the enemy area of Cuba with the Guantanamo base. It seems that with friends in Okinawa our base problem could be negotiated.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 25, 1969.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I would appreciate your understanding as to the responsibility of the Legislative Branch of government in the disposition of Okinawa.

It appears that Okinawa, bound by a treaty with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. Accordingly, to reaffirm this requirement, the United States Senate recently enacted the Byrd Resolution expressing the sense of the Senate to this effect. Feeling still that you have adhered to this requirement in your talks with Prime Minister Sato, Senator Harry Byrd of Virginia has just commended the language of the Communique between the Prime Minister and yourself. And Senator Byrd commended you for recognizing this role of the Legislative Branch. However, I have just returned from Japan and a conference with Prime Minister Sato. It is my impression that Prime Minister Sato's view is best expressed in the *Japan Times* of November 11 in the article entitled "Sato Tells Opposition U.S. Will Okay Reversion Under 1972 Formula" in which the Prime Minister discounts the necessity for ratification of any agreement affecting Okinawa. Senator Byrd interprets the language under Section 6 of the Communique ". . . with necessary legislative support" as recognizing the necessity under the Constitution for ratification by the United States Senate. On the contrary, the use of the word "support" rather than "advice and consent" leads me to the conclusion that as long as substantial support is obtained you do not believe that a ratification by a two-thirds vote of the United States Senate is necessary. Specifically, I am sure you would receive substantial support for the return of Okinawa without the uninhibited right of launching combat operations from members of the Democratic leadership and the Foreign Relations Committee. But this does not constitute "advice and consent."

As a result of my discussion with our commanders in the Far East, I do not believe that we can fulfill our commitments with the restrictions of the 1972 formula. I believe our commitments in the Far East and to world peace transcend the domestic and political problems of Japan, the textile problems here at home and other considerations that have been confused into the "Okinawa question." I believe in the ultimate return of Okinawa, but not now.

Accordingly, I would like an opportunity to vote on any agreement or treaty made affecting Okinawa. Please tell me whether or not Senator Byrd is correct in his understanding. Please tell me whether or not you believe that I, as a Senator, have this right on the Okinawa question.

Most respectfully, I am,

ERNEST F. HOLLINGS.

THE PHILIPPINE HEARINGS

Mr. SYMINGTON. Mr. President, a recent column was critical of hearings held by the Senate Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee with respect to our agreements with, and monetary payments to, the Philippine Government.

The Secretary of State has expressed to me his appreciation of the cooperation that was given the State Department by the subcommittee with respect to what should be deleted from the transcript of said hearings.

There is major discrepancy between the testimony of United States witnesses and subsequent statements by members of the Philippine Government as to how and where many millions of dollars given the Philippines by the United States were expended. This matter is being turned over to the General Accounting Office by the subcommittee in effort to ascertain the facts.

PENAL REFORM

Mr. BYRD of West Virginia. Mr. President, in the October–November issue of Trial magazine the cover story deals with the case for penal reform. In an editorial the magazine takes a very favorable stand on reform of our prisons. I invite the attention of Senators to the editorial entitled "Morally Right, Economically Sound." I also invite the attention of Senators to an article in the same magazine written by our colleague, the able senior Senator from Connecticut (Mr. DODD), entitled "Corrections Do Not Correct."

Mr. President, I ask unanimous consent that both the editorial and the article be printed in the RECORD.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From Trial magazine, October–November 1969]

MORALLY RIGHT, ECONOMICALLY SOUND

At a time when the words Law and Order are steeped in controversy, in bitter emotion-filled debate, there is one facet of the crime problem in America on which experts are in solid agreement: our prison system is abysmal and our rate of recidivism (repeat offenses) is shocking.

We operate a revolving door; prisoners who enter, invariably are released more embittered against society and far better equipped for a continued life of crime. Eventually, the door opens again to readmit a majority of them.

Can we do anything to alleviate this problem?

Indeed we can.

But first, we must rid ourselves of some misconceptions. We must recognize that America has not been "soft" on criminals. The average length of sentence in America is much greater than that imposed in England or throughout Europe. We must learn that long sentences for most criminals are unnecessary and usually provide less protection to society than shorter ones.

The problems in rehabilitating one who has spent a major part of his life in prison are so profound that recidivism is almost assured. We must be willing to stop practicing custody and start practicing correction.

And above all, we must resolve to spend the time and the money required to develop suitable alternatives to incarceration, while at the same time, providing a prison system whose main function will be rehabilitation.

Included in this issue of TRIAL are articles from experts whose suggestions could bring many needed improvements. Senator Dodd, a member of the Senate Juvenile Delinquency Subcommittee, has introduced Senate Bill 2905 to provide a billion dollars of federal funds over a five year period to enable our states to set up better correctional systems for juveniles.

At present about 93% of the nation's juvenile courts have no separate juvenile facilities available for juvenile offenders. Confining them with hardened adult offenders produces juveniles whose next offense is almost always a more serious one.

Senate Bill 2905 deserves our support.

Various communities are introducing alternate methods of handling those accused of crime. The programs of the Vera Institute of Justice, set forth in this issue, should be studied by communities everywhere. The Model Sentencing Act of 1963, promulgated by the National Council on Crime and Delinquency, should be examined by every legislator and every trial judge in America. It logically attempts to create two categories of offenders—"dangerous" and "nondangerous"—and provides for longer sentences for the former to remove them from society. But for the "non-dangerous" ones, it recommends that the maximum sentence should be five years—with emphasis on training and rehabilitation. Other communities are demonstrating the value of work programs, particularly for youthful offenders or those found guilty of less serious crimes.

Closer relations should be developed everywhere with private agencies who are involved in retraining and rehabilitating prisoners. The work of Synanon with drug offenders and other malfunctioning persons demonstrates how effective the offenders themselves can be in helping others with similar problems.

Above all, we need to eliminate the attitude that one who wishes to stop the inhuman treatment of our prisoners, who is not satisfied with locking them up out of sight, is "soft," or an impractical "do-gooder."

We should indeed be concerned with the immorality of our past indifference.

We should also realize that it is bad business to continue developing criminals in our prisons. Rehabilitation, properly run with well trained, well paid experts who are given reasonable workloads, is expensive. So are separate institutions for juveniles and sufficient salary levels for prison guards to provide better personnel with less motivation for corruption.

But these programs are a lot cheaper than our present system of custodial care.

Paul W Keve, Commissioner of Corrections for Minnesota in St. Paul, stated in the August/September 1969 issue of *Judicature* that the cost of sending an offender to the Minnesota State Reformatory for Men is about the same as sending a student to Harvard. Further, the present expensive method results in over 70% of former inmates becoming repeat offenders.

Crime is our most serious social problem today. We can make inroads on this problem by an all-out program in which our efforts and our wealth will be devoted to the morally right and economically sound practice of reform and correction.

[From Trial magazine, October–November 1969]

CORRECTIONS DO NOT CORRECT

(By U.S. Senator THOMAS J. DODD, Democrat of Connecticut)

When the Senate Juvenile Delinquency Subcommittee began public hearings into the problems of juvenile institutions and prisons on March 3, 1969, it was our task to determine how well the country's training schools, reformatories and penitentiaries are handling and rehabilitating their inmates.

From preliminary investigations we suspected that the rehabilitation of confined offenders was inadequate.

We have now confirmed that inadequacy in full measure.

In fact, we have been told by experts that rather than rehabilitating the inmates, our institutions release "finely honed" criminals who are more disturbed, more deviant, more hardened, and more dangerous than ever.

Administrators of juvenile programs testified that it would be better if many of the delinquents were never apprehended because they deteriorate rather than improve under the guardianship of the state. The Subcommittee was given case histories of young people who entered juvenile institutions as simple truants and received enough criminality education to leave with attitudes of hardened felons.

And inmates themselves said that they actually look forward to renewing a life of crime, violence, and revenge upon release from confinement.

One of the most distinguished experts in this field suggested that perhaps the only solution was to ask judges not to commit offenders to institutions due to atrocious conditions.

The logical conclusion: we are probably giving better protection to the public by releasing offenders back into the streets rather than sending them to institutions where they become more dangerous and more crime prone.

Too long we have shut our eyes to what happens to confined offenders.

Too long we have deceived ourselves by fostering the belief that correctional institutions correct, that training schools train, and that rehabilitation centers rehabilitate.

Too long we have listened only to those "correctional experts" who told us what we wanted to hear.

Today, we are paying for this apathy and self-deception with a critical problem in the nation, much of which is fostered and encouraged in our penal institutions.

Let me tell you what we found in the Subcommittee's inquiry.

The first witness who testified, the district attorney from Philadelphia, told of widespread homosexuality and brutal homosexual attacks on inmates not only in Philadelphia's prisons but in prisons across the nation. His testimony has been confirmed by virtually every witness who has appeared since, no matter what part of the country they were from.

Other witnesses outlined the problems of suicide, torture, sexual exploitation and even murder that characterize our so-called correctional system.

We were told of tragic suicides among the 7,000 juveniles committed to the county jails in Minnesota, inmates going insane because of extensive confinement, month after

month, in isolation cells in Virginia, of inmates being tortured and burned to death in jail cells in Chicago, of sexually exploited young girls in New York's Youth House, where one young inmate had to deliver her own baby for lack of medical care and facilities.

The Subcommittee was also told of the brutal torture, beatings, and solitary confinement in the Ohio penitentiary and of even worse torture practiced in Arkansas.

While the reaction of Arkansas penologists was "so what else is new," I can report that since our hearings 19 persons have been indicted on 47 counts by a federal grand jury for brutality and excessive punishment perpetrated on the inmates of that state's penal institutions.

The Subcommittee was told of brutal beatings suffered by young boys in the juvenile institutions in Texas. Again, the administrators denied this. But one week after the hearings a guard named by our witness was fired for beating a young boy so badly he was confined to a hospital with a broken jaw.

There is evidence in our hearing record that prisoners have been murdered by the guard force or other inmates with no legal action taken, and evidence in the record submitted by competent investigators that 75% of the guards in some institutions are crooked and corrupt.

The public and the Congress find it hard to believe the horror stories that are enacted within prison walls because this society has for many years confused the concepts of punishment and rehabilitation. We have considered them as one and the same and we have believed that because of punishment, offenders leave the prison walls better citizens.

The truth is the public has been grossly mistaken in this belief. Offenders do not leave as better citizens.

We must, at long last, face the fact that punishment is not rehabilitation; that punishment cannot be confused with rehabilitation; and that the kind of treatment I have described above can in no way turn a criminal into a law-abiding citizen. When we treat men like wild animals we teach them to act like wild animals.

This is our posture today with respect to prison inmates.

Because of public apathy, because of lack of funds and because of the fear and shortsightedness of the public and the government, we practice custody rather than correction, we are preoccupied with security rather than treatment.

The institutions receive the social failures, the misfits and the psychologically disturbed offenders. These are men who come from the bottom of the heap of humanity, who are most difficult to understand and who, in turn, do not understand society. They are confused, frustrated and ridden with anxiety. It is often for these very reasons that they have turned to crime.

They have been punished enough by chance or circumstance or the social conditions in which they developed. These men need treatment and education and the kind of trained professional help that could enable them to adjust to life in the community.

Instead, we have gone in the other direction. We have placed the offenders under the charge of the least competent, the least trained, and the lowest paid personnel—the prison guards who often know only one means of controlling the inmate: brute force.

In most cases, from the guard to the warden, institutional personnel have been conditioned to prevent escape as the main justification for their being. This is a system that has developed for over 100 years—a system the public expects and demands. But it is a system that allows no experimentation with innovative programs.

In this regard let me quote from the testimony of one witness who appeared before our hearings:

We want dedicated, professionally trained individuals to work with these difficult cases, as long as they are willing to be hired for less money than comparable employment would offer them in beneficial, therapeutic settings, as long as the plant is drab and foreboding enough to remind them that they are to be punished and isolated.

We want experimental, innovative approaches utilized, as long as the program is in someone else's backyard. We will back them as long as there are no embarrassing incidents.

Why then should program administrators seek to be creative? Why should they not settle for custody and control instead of treatment? Why then should not the goal of institutions be a trouble free tour of duty rather than true attitudinal change on the part of young offenders?

Today we have custody of what has been called warehousing of offenders, but little else.

We have stood by and allowed the development of what I call the "correctional clique," who are willing to whitewash the prison story. These are men conditioned by the public's naive belief that once a criminal is out of sight behind the high wall, he can be put out of mind. These are men who have learned that the basic requirement asked of a warden is to run a "quiet place" and "keep the lid on." These are men who practice back scratching and protect one another against outsiders.

I do not want to judge them too harshly because there are brilliant and dedicated professionals among this group but most of them have been unable to improve conditions because the total system will not allow it. All of them are victims of inadequate support from the public, and all have run too long as a "quiet place."

The men who operate our institutions need help. They cannot run a quiet place forever under the present conditions, as evidenced by the jail and prison riots that occur periodically. The entire system needs to be overhauled.

The public may not understand this need. It certainly has not understood it in the past. The Congress may not want to understand it.

But nothing less than a major overhaul of our institutions can serve to protect the American people from the dangerous criminals that are released by today's kinds of institutions.

Crime is our most serious social problem today. There are over 400,000 offenders in our juvenile and adult institutions, and new offenders come in every day.

In the years to come there will be more such offenders. Statistics indicate a drastic rise in juvenile delinquency, a 60% increase in juvenile crime since the start of the 1960's.

Crime costs our society over $20 billion a year. Operating the criminal justice and correctional systems alone will cost $9 billion a year by 1975.

More public funds are needed to finance reform, to make certain that the billions we already spend in corrections, on the present system of institutions, are not wasted in making worse criminals out of prison inmates. We know today that over 70% of ex-inmates do repeat in new crimes.

In times past, you could send the offenders to isolated islands away from civilization. Today, we must deal with them in our urban society.

Over 90% of the offenders incarcerated will be released in a few years. If we neglect and abuse these men in institutions, thousands of them will again prey on the public, with increased hostility and violence.

Today our training schools and prisons are the "hotbeds" of criminality. It is in the institution where the dangerous and deviant criminals congregate. It is in the institutions where new knowledge in the methods and techniques of crime is passed on to the younger inmates. Thus it must be in the institutions where we try to turn back the threatening tidal wave of lawbreaking.

Because we have so long considered punishment the real answer to criminality, we have built the dungeons and the cell blocks and the high walls and the iron bars. The wardens and penologists have paid lip service to rehabilitation but they have not practiced it. I seek to change these institutions and to develop the kind of procedures that can achieve correction.

Let me explain some of the needs of our institutions and some of the problems faced by states and localities in meeting these needs. Over 100,000 juveniles are today detained in filthy jails with hardened adult offenders—contrary to every accepted correctional standard and in many cases contrary to state and local law. Why? Because there is no money to build detention homes for them. And no money to build regional detention homes for the use of several areas.

I consider it a crime against society to keep juveniles in the jails we have investigated; many of these children are not even delinquent. Their only crime is that they have been neglected or abandoned by their parents.

Yet, judges use the jails because 93% of the nation's juvenile courts have no separate juvenile detention facilities.

Overall, by 1975, the states and localities will need over a billion dollars for the construction and renovation of institutions. The need exists in the face of great financial difficulty already being experienced by most states and localities. State and local tax structures are stretched to the limit. Some cities face the problem of shutting down *schools* if more funds cannot be acquired.

Based on the findings of the Subcommittee's inquiries to date, I introduced a bill, S. 2905 on September 16, 1969, that would make available $1 billion in federal funds over the next five years for the improvement of state and local juvenile and adult training and correctional institutions.

It will call for a cooperative effort among all law enforcement, correctional and criminal justice agencies to help the juvenile and adult correctional systems.

The correctional field cannot extricate itself from its floundering condition without the kind of assistance I propose. Top experts have asked for, pleaded for, this kind of federal aid.

This is not simply a brick-and-mortar-type legislation. It is not simply paying federal funds to states and localities to build buildings. It is designed to improve the entire correctional system nationwide.

It will help eliminate the bastille-like penal institutions and the dungeons, many of which date back to the last century. It will enable the states to build new types of small, decentralized, community-based institutions. It will correct the lack of judicial review of the conditions under which offenders are kept in confinement. This bill will force the judges to be concerned with what goes on in the institutions in which they commit offenders.

I believe the cost of this legislation is small in comparison with the benefits that the law can achieve in cutting down recidivism among inmates. It is a small price to pay for reduction in our crime rates and for more effective control of the crime problem.

Above all, it is the humanitarian approach to one of the central problems of our time.

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. STENNIS. Mr. President, today the Armed Services Committee received a briefing from Secretary of the Army

Resor regarding the alleged massacre in South Vietnam in April 1968.

This was not the beginning of what is ordinarily called an investigation. It was a briefing by the Army for the committee and was within the pattern and the keeping of what has been planned all the while.

The Army had notified me, as chairman of the committee, that events of this nature had been reported to them—this was early in August—and that they had been sorting out and working on the facts. We agreed that they would continue and would make a report to the committee on those developments.

About the middle of October of this year, they reported back to me, as chairman of the committee, with certain pictures that they said they understood represented part of the events that had occurred; and then we had another understanding that they would continue with their investigation and report to the committee, which they did a few days ago. I arranged for the briefing today.

In order that Senators may be informed, as well as the press and the public, I asked Secretary Resor if he would have his statement sanitized, meaning, of course, put in a form that could be released, which he did. I now have a copy of that sanitized statement of his in my hand.

Also following the complete briefing—complete as of now—to the full committee, I issued a short press release reviewing the situation. I ask unanimous consent, Mr. President, that the statement of Secretary of the Army Resor, and my press release with the information on this matter, be printed in the RECORD.

There being no objection, the statement and press release were ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. STANLEY R. RESOR, SECRETARY OF THE ARMY

Mr. Chairman and Members of the Committee: I deeply regret the occasion for this morning's visit. It is difficult to convey to you the feelings of shock and dismay which I and other civilian and military leaders of the Army have experienced as the tragedy of My Lai has gradually unfolded before us. I know you share these emotions and fully appreciate the gravity of this incident. I would like today to discuss the facts surrounding this occurrence and to outline for you the progress of our investigation. Unfortunately, as I have already informed the Chairman and Mr. Braswell, I can only spend a few minutes with you because of a prior commitment to appear before the House Armed Services Committee at 10:30. I have therefore arranged for Mr. Robert Jordan, the Army General Counsel, and General Stilwell, Deputy Chief of Staff for Military Operations, to remain here after my departure and answer your questions. I regret that I cannot spend more time with you today myself.

As you know, it is not normally the policy of the Executive Branch to disclose information pertaining to on-going investigations—especially when, as in the case here, new and perhaps conflicting evidence may come to light as the investigation continues. In addition, there has already been far too much comment in the press on matters of an evidentiary nature, and we are very concerned that prejudicial pretrial publicity may make it difficult to accord the accused in any prosecution a fair trial. We are taking every step to assure that the Government is not responsible for contributing to such publicity, and I must therefore refrain on this occasion from commenting directly upon the evidence.

With this caveat, let me now review the known facts concerning the tragic events which took place at My Lai (4) Hamlet, Son My Village, Quang Ngai Province, on March 16, 1968. My Lai (4) Hamlet is located in an area which is now and has been for several years under Viet Cong control. Intelligence reports indicate that it has been the traditional home of the 48th Local Force Battalion, considered one of the best Viet Cong battalions in the country. Although the area was within the Tactical Area of Operations of the 2d ARVN Division, U.S. Forces had conducted prior operations in the vicinity and had suffered moderate casualties, principally from mines and boobytraps. In March 1968, the 11th Infantry Brigade, a unit of the American Division, made plans to conduct an operation in this area, and a provisional task force known as Task Force Barker was assigned the operation. This task force, commanded by LTC Barker, was composed of three companies, drawn from two battalions, and designated A, B and C.

On the morning of March 16th, following a three-minute artillery preparation on its landing zone which is thought to have produced few if any casualties, Company C, commanded by CPT Medina and consisting of approximately 105 infantrymen, made a helicopter assault immediately west of My Lai (4). Company A simultaneously occupied a blocking position to the north, and Company B made a helicopter assault into an uninhabited area to the south. The 1st Platoon, commanded by 1LT Calley, led the advance and physically occupied the cluster of habitations that constituted the hamlet. Most of the buildings were then burned or otherwise destroyed. The operation terminated at approximately 6:00 p.m. on that day, and Task Force Barker was withdrawn.

The task Force commander's after action report for the entire operation indicated enemy losses as 128 killed; it made no mention of civilian casualties. Friendly losses were given as 2 killed and 11 wounded; however, the only U.S. casualty clearly attributable to the My Lai assault was one soldier who shot himself in the foot.

During the day, reports received from an Army helicopter pilot who had supported the operation suggested there might have been unnecessary killing of noncombatants at My Lai. As a result, the Brigade Commander was directed to conduct an investigation of the incident. During this informal investigation he interviewed the Task Force Commander and S–3, and the commanders of the two companies which had been in the immediate area. He also received some reports of unnecessary killing through Vietnamese channels. The Brigade Commander concluded that approximately 20 noncombatants had been inadvertently killed by preparatory fires and and in crossfires between friendly and enemy forces, and that the reports of unnecessary killing of civilians were merely another instance of a common Viet Cong propaganda technique and were groundless—a view apparently shared by the Vietnamese District Chief. He forwarded this finding to the Commanding General of the American Division. The matter was not brought to the attention of USARV or MACV Headquarters or the Department of the Army.

Over one year later, in early April 1969, the first suggestion that something extraordinary had taken place at My Lai reached the Department of the Army. At this time we received identical letters, dated 29 March 1969 and originally addressed to Secretary Laird and five Members of Congress, from a Mr. Ronald Ridenhour. In these letters Mr. Ridenhour, a former soldier who had heard rumors about a supposed atrocity from fellow soldiers, alleged that Task Force Barker had been assigned the mission of destroying My Lai and all its inhabitants. He went on to describe in considerable detail several instances of alleged murder which he believed had occurred there.

Upon receipt of these letters, the Army immediately initiated a preliminary inquiry, and on April 23, 1969 the Chief of Staff directed the Inspector General to conduct a full-scale investigation of the allegations made by Mr. Ridenhour. This investigation took place both here in the United States and in Vietnam, and involved interviews with 36 witnesses, ranging from the Commander of the 11th Infantry Brigade to riflemen who participated in the operation.

On August 4, 1969 the investigation was transferred to the Provost Marshal General. Since that date, criminal investigators have located and interrogated over 75 witnesses, 28 of whom are still on active military duty. They have also visited the site of the incident and interviewed local Vietnamese officials and former inhabitants of the hamlet who witnessed the alleged killings.

An Army combat photographer present at My Lai took a number of photographs, which he did not turn over to Army officials. We obtained copies of his slides in August of this year, and can show them to you this morning if you wish.

As you know, General Talbott, Commanding General, Fort Benning, has convened a general courtmartial to try 1LT Calley for the premeditated murder of 109 Vietnamese civilians. In addition, charges of assault with intent to kill 30 noncombatants have been filed against one of Calley's squad leaders, SSG Mitchell. An Article 32 investigation of the charge against Sergeant Mitchell is expected to get under way shortly, having been held up for some time by a defense request for time to obtain additional evidence.

A number of critical issues remain to be resolved. Primary among them is the extent to which the members of Company C were acting pursuant to orders from their company commander or higher headquarters when they destroyed My Lai's buildings and fired upon its unresisting inhabitants. This aspect of the case is being accorded a very high priority.

In addition, it is estimated that besides 1LT Calley and SSG Mitchell there are at least 24 former members of Company C, nine of whom are still on active duty, who must be deemed subjects of the continuing criminal investigation. The efforts of seven criminal investigators are currently focused upon the task of developing evidence concerning the actions of these men. It is estimated that several months may elapse before all of the allegations presently under investigation can be fully evaluated.

Finally, there is the question of the adequacy of the investigation of the incident which was conducted in Vietnam immediately after it occurred. Because this is an extremely important and sensitive aspect of our inquiry, General Westmoreland and I have decided that it should be severed from the rest of the investigation and handled separately at a very high level. We have therefore chosen LTG William R. Peers to head a small team whose mission will be to determine the adequacy of both the original investigation and its subsequent review. This action should not be taken as an indication that we believe that investigation to have been inadequate, but merely as a sign of our continuing determination that the matter be carefully and impartially explored.

Mr. Chairman, the story which has been unfolding before the public during the last fortnight, and which I have discussed briefly with you this morning, is an appalling one. I would like to add some personal comments to this chronology.

I have reviewed what we know of the incident at My Lai with a number of officers

who have served in Vietnam. It is their judgment—a judgment which I personally endorse and share—that what apparently occurred at My Lai is wholly unrepresentative of the manner in which our forces conduct military operations in Vietnam. Our men in Vietnam operate under detailed directives from MACV and other higher headquarters which prohibit in unambiguous terms the killing of civilian noncombatants under circumstances such as those at My Lai. During the last few years hundreds of thousands of American soldiers have participated in similar operations in Vietnam. I am convinced that their overall record is one of decency, consideration and restraint towards the unfortunate civilians who find themselves in a zone of military operations. Against this record, the events at My Lai are all the more difficult to understand.

Unfortunately, details concerning the matter did not come to our attention until a year after the events in question. Once we learned of the allegations, the Army immediately commenced an investigation which has already resulted in the filing of criminal charges against two individuals. In pursuing this investigation, and in referring the reports of investigation to responsible court-martial convening authorities, we fully appreciated that the disclosures which would inevitably follow would damage both the Army and the Government of the United States. Despite this, we pursued the only course of action which was consistent with our international obligations, our national policies, and the ethic of American military operations.

I hope that the information which I have presented to you this morning has given each of you a greater understanding of this matter, and that it has renewed your confidence in the Army's willingness and ability to pursue the investigation and attendant prosecutions to a satisfactory conclusion. I assure you that however great may be your dismay and sense of outrage that such a thing could occur in our Armed Forces, it could be no greater than mine, nor than that experienced by the thousands of loyal and brave officers and men who have labored so long and sacrificed so magnificently in search of the just peace we all seek in Vietnam.

PRESS RELEASE BY SENATOR JOHN C. STENNIS CHAIRMAN, SENATE COMMITTEE ON ARMED SERVICES

Senator Stennis today issued the following press release.

The Committee today received a briefing from Secretary of the Army Resor, Mr. Robert E. Jordan, General Counsel of the Army, and other officials of the Army on the so-called My Lai incident. The Chairman made the following observations:

1. If these allegations on the massacre of the non-combatant civilians, including women and children, are fully substantiated, it is indeed a shocking affair. It is contrary to every American idea of protection of the innocent even in the event of war.

It should also be noted that this incident was contrary to every rule and instruction the Army has issued in connection with the conduct of the South Vietnamese operation.

2. It is the intention of the Committee to release all available facts on this matter consistent with the protection of those individuals who have either been charged, or are under investigation in connection with this incident. The Committee would emphasize that court-martial charges have been preferred against two individuals, with a number of other persons under investigation. There is the duty, therefore, of protecting the rights of those individuals who are confronted with these serious criminal charges.

3. The Army for some weeks now has had this matter under a complete and thorough investigation and if these alleged events all took place the Chairman is at a complete loss to understand why such a lapse of time occurred before the highest authorities were apprised of the matter. On this point the Army is conducting a separate investigative effort to determine the reasons why slightly over a year elapsed before the details of this incident were made known to Army authorities in Washington.

4. Senator Stennis emphasized that he did not know of this matter until about two months ago when he received a very preliminary report from the Army indicating that they were undertaking a thorough investigation to ascertain the validity of these charges.

5. The Committee received from the Army today a complete briefing which brings up to date the available information on this matter. Except for certain privileged information the statement of Secretary Resor is being released at this time.

The Committee considers this tragic incident to be of utmost importance and gravity and intends to keep fully informed and follow this matter in close detail, at the same time exercising care in its release of any information which will prejudice the rights of those who are or may be accused.

6. This matter must be vigorously pursued by the Army. The Committee will expect that exposures must be made, not only of those who may be guilty of wrongdoing, but of any personnel, if any, in military or civilian channels who may have suppressed evidence.

Mr. STENNIS. Mr. President, as an additional paragraph, one might say, to the press release which I have just offered for the RECORD, let me say that the committee did not reach any decision to conduct whatever is ordinarily called an investigation. On the other hand, it did not reach a decision not to conduct such an investigation, but held the matter in abeyance until whatever trials are conducted—were completed, contemplating that they would be completed within a few months.

Mr. President, we will continue to follow this matter on behalf of the Senate, the Congress, and the people. We will keep vigilant on it. Then we can take such action as we think the facts justify.

Let me repeat the last point I made in my press release:

> This matter must be vigorously pursued by the Army. The committee will expect that exposures must be made, not only of those who may be guilty of wrongdoing, but of any personnel, if any, in military or civilian channels who may have suppressed evidence.

Mr. President, I repeat that for emphasis as being the general position of the committee.

An inferential charge has been made that there was a withholding of this matter by high officials in the Pentagon, or in the administration, last year. There is no evidence to support that, so far as I know. Secretary of the Army Resor, who was Secretary of the Army last year, and still is Secretary of the Army, stated to the committee that he had no knowledge of this matter whatsoever until April of 1969—about late March or early April of 1969.

When he tells the committee that, I know that he is telling the truth. I have always found him to be that kind of man.

Mr. President, I mention this only to clear up what is apparently a misunderstanding.

Those are the facts, insofar as the Secretary is concerned.

There is also a report that a helicopter pilot, who was supposed to have reported this matter, disappeared or was killed under suspicious circumstances the next day.

That report is without foundation, Mr. President.

The helicopter pilot in question, as I understand it, is very much alive. He is still in the Army.

I mention these points because they are just reports.

Mr. President, of course I am concerned about the seriousness of this matter. It is quite serious with all kinds of complications and implications involved. But I feel that we will get the facts, and when we do, the American people will know them.

PROGRAM FOR MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, in order that all Senators may have ample notice with respect to the program already outlined for Monday next, let me repeat that following the prayer and disposition of reading of the Journal, there will be a period for the transaction of routine morning business, not to exceed 1 hour. It may be less. Statements made during that period will be limited to 3 minutes.

Immediately following the transaction of routine morning business, the pending amendment, offered by the Senator from Louisiana (Mr. ELLENDER), will be laid before the Senate and made the unfinished business.

The time on the amendment will be equally divided and controlled between the author of the amendment, the Senator from Louisiana (Mr. ELLENDER), and the minority leader, or whomever he may designate.

The vote on the Ellender amendment will take place no later than 3 p.m. on Monday next.

Following that vote, the time on the amendment offered by the Senator from Delaware (Mr. WILLIAMS), amendment No. 291, will be equally divided and controlled by the author of the amendment and the able chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), the time to be limited to 1 hour.

After the hour has expired, of course, it is understood that the vote will occur on amendment 291.

Mr. President, it was the desire of the distinguished majority leader, Mr. MANSFIELD, that an agreement be worked out today so that all Senators would be put on notice with respect to votes on Monday next.

So, now that we are assured of those votes, I want to express my appreciation for the cooperation of the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), the author of the pending amendment, the distinguished senior Senator from Louisiana (Mr. ELLENDER), the author of amendment No. 291, the able senior Senator from Delaware (Mr. WILLIAMS), the able senior Senator from Nebraska (Mr. HRUSKA), and all other Senators who worked together to reach these agreements.

ADJOURNMENT TO 10 A.M. MONDAY, DECEMBER 1, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 48, as amended, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 30 minutes p.m.) the Senate adjourned until Monday, December 1, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 26, 1969:

IN THE NAVY

Having designated Rear Adm. Evan P. Aurand, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

Lt. Comdr. Donald W. Stauffer, U.S. Navy, for appointment to the grade of commander while serving as leader of the U.S. Navy Band in accordance with article II, section 2, clause 2 of the Constitution.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 26, 1969:

AMBASSADOR

Lewis Hoffacker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

U.S. ATTORNEY

Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration.

U.S. MARSHAL

William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, November 26, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

It is good to give thanks unto the Lord, to show forth Thy loving-kindness in the morning and Thy faithfulness every night.—Psalm 92: 1, 2.

Almighty God, our Heavenly Father, on this Thanksgiving eve we come to give Thee the humble and hearty thanks of our hearts for Thy loving-kindness to us and to all men. Thy goodness has created us, Thy providence has sustained us, Thy patience has borne with us, and Thy love has redeemed us. May we reveal our gratitude to Thee and return Thy love by giving ourselves in greater service to our fellowmen, in deeper devotion to our beloved country, and by cheerfully cooperating with Thee in all things.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas; and

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 48. Concurrent resolution to adjourn from November 26, 1969, until December 1, 1969.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2276) entitled "An act to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act."

AUTHORITY FOR CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday, December 1, 1969, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BIOLOGICAL WARFARE

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I believe most Americans, and indeed people throughout the world, applaud President Nixon's announcement yesterday that the United States would never engage in germ warfare. As the New York Times pointed out in an editorial in today's edition:

Unequivocal abandonment of bacterial weapons is especially gratifying, since this particular concept of warfare is as senseless as it is horrifying, disease germs being as great a threat to the user as to the enemy.

In my view, the announcement by the President, in which he also indicated that this country would renounce all but defensive uses of chemical warfare weapons, is convincing evidence that this country and its elected leaders clearly are working for peace for this Nation and for all men.

I agree with the distinguished minority leader that this action on the part of the administration could have a very beneficial effect on the strategic arms limitation talks which are now underway.

Also, Mr. Speaker, I would like to congratulate our distinguished colleague, the gentleman from New York (Mr. MCCARTHY), who has taken the lead in the Congress in bringing the dangers of biological warfare to the attention of the Congress and the press, and the people of our country.

BETHLEHEM STEEL CORP. AND THE ECONOMY

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, the New York Times in its Sunday editions carried a report of an interview with Mr. Edmund F. Martin, chairman and chief executive officer of Bethlehem Steel Corp., and Mr. Stewart S. Cort, the corporation president.

Obviously, problems confronting the American steel industry represent problems of national importance and concern. Steel's problems are problems of the Congress.

Because Mr. Martin and Mr. Cort have outlined the extent of impact of foreign competition and imports on the American steel industry during the course of this interview, and have cited, too, the steel industry's extensive involvement in the conservation of our environment through costly pollution control facilities and equipment, I believe all of my colleagues will be interested to review their comments.

I include the New York Times article in the RECORD at this point:

BETHLEHEM SEES FEW SIGNS OF DIP

(NOTE.—Despite predictions and some evidence of a slowdown in the American economy, the Bethlehem Steel Corporation, the world's second largest steel producer, is enjoying a far better year than was expected earlier. It foresees only a minor decline in shipments for 1970.

(These observations were highlights of a broad-ranging discussion last week of the

outlook for the steel industry by Edmund F. Martin, chairman and chief executive officer of Bethlehem, and Stewart S. Cort, president. With other Bethlehem officials, they accepted an invitation to answer questions from Robert Walker and other members of the financial-news staff of The New York Times. Excerpts follow.)

Question. Mr. Martin and Mr. Cort, would you tell us a little bit about what kind of a year it has been for Bethlehem and what you foresee for 1970.

Mr. MARTIN. I think it's a lot better than we figured a year ago. We've had a lot more business than anybody in the steel industry figured.

Question. Why is that?

Mr. MARTIN. We've been trying to find out, and I think I have the answer now. Better than I had a month ago. We had an International Iron and Steel Institute meeting in Tokyo this year. After that, the president of the American Iron and Steel Institute, Jack [John P.] Roche, took a world tour. He went to Australia; he went to Russia, to Sweden, to Austria, to France, to Belgium, to Italy, and he went to Spain.

And he found out a lot of things that a steel man wouldn't find out. He's a lawyer, originally. The thing that interested me more than anything else was that the Russians say they're going to make 123 million tons of steel this year. And they have use for 150 million. They're trying to build up, and they're buying—trying to buy in this shortage. We knew that the Russians were buying steel, but we didn't have any idea that they were buying concrete bars and anything they could get.

Question. Are they buying it from you?

Mr. MARTIN. No. They're buying it from anybody in Europe that they can get it from. That's why we [the American industry as a whole, not necessarily Bethlehem] are shipping over there.

And that's why the Japanese are shipping over there.

Question. Is any American steel being shipped and finding its way into Russia?

Mr. CORT. I wouldn't doubt it. It's very hard to keep track because most of our shipments have been in slab form, and once they're finished in the hot-rolled bands and cold-rolled, you don't know where it goes.

Question. You say you have the answer, maybe, for 1969. Can you tell us about 1970?

Mr. MARTIN. All I know is that our commercial fellows—it's their business to study the market—think it will be almost as good a year as this year.

Question. Why?

Mr. MARTIN. They just think that the big customers that buy 85 per cent of the steel production—automobiles, appliances, containers and machinery—aren't going to fall off too much.

Mr. CORT. They're estimated to have pretty good backlogs, and they tell us they have very good prospects, and so our people estimate that total consumption might fall off 4 million tons. Which is less than 4 per cent of the 109 million tons we expect to ship [as an industry] this year.

Question. What is the net import situation? You're doing some exporting and, I presume, some steel is still coming in from overseas, but on balance has this thing shifted very sharply?

Mr. CORT. By the end of the year, the total net imports ought to be around 9 million tons. That's compared with 16 million last year.

Mr. MARTIN. The thing that worries us most about this extra business now is shown in another thing that Jack Roche learned from all these [overseas] companies—what their increased capacity is going to be. Everybody is increasing capacity. If Russia stops [buying], there'll be a tremendous excess capacity and then we'll be in worse shape than we are now. That's what scares us more than anything else.

Question. Is it not true that the dollar value of imports is down a great deal less than the tonnage?

Mr. CORT. Yes, the total dollar value, even with the tonnage down, is almost the same, if not higher.

Question. What would you advocate now? What do you think should be proper United States policy with respect to foreign shipments of steel to this country? What should be done?

Mr. MARTIN. I don't think the United States dares to let its steel industry go down. Look at Japan, putting all her money into steel. The Government works hand in glove with the steel industry. I think it's more the Government than the steel industry that's pushing it.

I don't think that, if the United States is going to be a strong country, we dare let our steel industry go. Some way, we've got to get Government help, because we're a private industry trying to fight foreign governments, and the job is to get this sold to the country, and that's what we're trying to do. We aren't doing it, but we're trying.

Question. What, specifically, do you think the help should be from Washington?

Mr. MARTIN. I think eventually you've got to have a government-to-government line-up.

Question. If there is no agreement on the Government basis, what will happen? Do you think that there'll be such a flood of imports of steel that you're going to be severely hurt?

Mr. MARTIN. Well, it's gone up to 18 per cent [of total American shipments] but next time it will probably go to 25 or 30.

Question. To turn to high interest rates and your company, what has the money market done to your own operations?

Mr. MARTIN. We're not different from any other company. You have to look twice at how you spend money. And we're going to. If you have to pay 8½ per cent, you can't approve things that you would have approved two years ago.

Question. You have not gone abroad for money?

Mr. MARTIN. I don't know whether or not I ought to talk about that. We've gotten some. Not in any important amount.

Question. But you've not deeply involved in foreign money markets? As maybe some other steel companies are?

Mr. MARTIN. No.

Question. Have the tightness of money and high interest rates prevented you from doing some specific things that you wanted to do?

Mr. MARTIN. Yes, definitely. We would be doing a lot more things.

Question. How is the removal of the tax credit for capital investment going to affect you?

Mr. MARTIN. Very materially. We're still fighting that. We think it's a terrible mistake for the country. We've fought it—every chance we've had. I talk to everybody. In fact, I even told Mr. Nixon the last time I got a chance—in a receiving line, when I shouldn't have—that he wasn't as popular as he was the last time I saw him, as far as businessmen were concerned.

Mr. CORT. People overlook [the capital investment problems] when they say, "Well, take your coats off. Go out there in the world market and fight these people. You're inventive and ingenious and so forth, and you've always fended them off before." They overlook the difference in the capital structures of the rest of the world's steel industry and the American steel industry. In the United States, the capital structure is an average of 25 per cent debt and 75 per cent equity. And anywhere else in the world, you find the reverse—75 or 80 per cent debt and 20 per cent equity. And people don't think that that creates a rather unequal area to compete in, but let me tell you.

The Japanese, in the steel industry, if they make 2½ per cent net profit on revenue dollars, they're having a fine year. At twice that, we're having a terrible year. We can't pay our equity holders a dividend. The Japanese, at 2½ per cent, can pay a 10 per cent cash dividend to the few stockholders they have and the banks couldn't care less, as long as the steel people cover the debt service. So that if I were over there in Japan, boy, anything over that debt service would look like a good price—as far as setting your price in your market is concerned.

Question. Regarding import controls, what principally is the argument you have to meet from people in Congress, or the academics, who argue against you, that you can't take steel out of context, that you have to look at the whole world as one diplomatic and economic problem?

Mr. MARTIN (Laughing). Well, everybody in Congress that we talk to—from states where we have steel plants—is all in our favor . . . Seriously, we debate among ourselves what we should do. Should we go out and spend money to try and educate some of these people, Congressmen and Senators, from places where they don't have any steel industry or mines, to the problem in the United States? Or shouldn't we? And we just don't have the dollars to do it.

I think we've got too many things to try and sell. We have this under-depreciation, which is so vital to all capital-intensive industries. We have this problem of world competition, from people that have as much as $40 per ton labor advantage over us. And now we're really having the people move in on us on the environment [pollution] control area.

Question. Is this costly?

Mr. MARTIN. To illustrate, over the next five years it's going to be 10 per cent of our required capital outlay. During the last five years, we've spent $105-million on environment control and we face $205-million over the next five years, and the very bad part of this is that for every dollar that you spend to put in these facilities the operating cost is a minus net revenue of 10 cents for every dollar So, at the end of five years' spending, this $205-million will have $20-million charged just to operate this.

Question. Is there any return at all?

Answer. Absolutely not. It doesn't help our quality or service. It's a permanently built-in cost. Everybody sits around and tightens up the rules and regulations and nobody addresses himself to who's paying for it. In the meantime, we're making a major contribution. And it's about time people recognize this. This is a total battle if you want to clean up the air and water. It isn't just the private sectors' responsibility; it's a part of everyone's responsibility.

Q. Question. Regarding Government economic policy, do you feel at this point, with inflation coming at a 6 per cent rate and so forth, should we have controls over wages, prices, credit?

Mr. MARTIN. We've got to stop these wage increases some way. The heck of it is that these construction people are really upsetting the applecart. They're just increasing 11, 12 even up to 15 per cent. . . . General Motors is going to have a negotiations next year, and what are they going to end up at? Are they going to take the construction into it and add onto it? I don't think we can keep on increasing wages the way we are and have a viable economy.

Question. Since we're again on a war footing in reality, would you at this time favor a return to a wage-price program?

Mr. MARTIN. Not presently. You can't have war and butter, and that's what we're trying to do.

Question. Which means that you think maybe we shouldn't.

Mr. MARTIN. (After thoughtful pause) Well, we've always done it before.

Mr. CORT. But it hasn't worked.

Question. Well, do we have two points of view here?

Mr. CORT. It's been no solution in the past

and if the present Administration will take a statesmanlike enough attitude, and stand firm, and slow this thing up until you've got 7 or 8 per cent unemployed—I'm not recommending it, I'm just saying "if"—I think it would be a more effective retardant action than the other. But it's political suicide. The crux of the problem now, I think, is the impact of a given increase in the over-all unemployment figure on the blacks.

This was not a problem that we had in the Korean war or in World War II, or at least if it was, nobody recognized it.

Question. Do you have any comment on the Government's tough antitrust policy and what the implications of this will be for business?

Mr. MARTIN. In a general way, I can just tell you that I think that the country would have been better off if they'd let Bethlehem merge with Youngstown Sheet and Tube. I think the country would be better off if they'd let Sharon [Steel] and Cyclops [Steel] join up. Here's two small companies that possibly could go out of business in the next 20 years, whereas, together, I think they would have been good.

I think in the beginning it was good. Sure, companies got too big. But here you take the Japanese merging the two biggest steel companies. Why are they doing it? They're doing it so they can compete better with us.

Mr. CORT. I think one of the bad things they're trying to do, or they are accomplishing, is this: If you are in an industry of low return, and it looks as though it's a chronic situation, and you have capital to invest, they won't let you diversify and try to improve the equity for your shareholders. We saw Cerro [a producer and fabricator of copper] as a way to end our problem. We went down and talked to [the Justice Department] for four hours, just three days before we got the adverse reading. And there was absolutely no competition between steel and copper. Even they couldn't find it after a staff of eight lawyers worked for six months on it.

And furthermore, copper is a critical shortage item in the United States . . . We demonstrated to them that there was a 100,000-ton-a-year copper development that was the first thing, if we merged with Cerro, we were going to address out capital and energy to. That would have been 25 per cent of the national shortage on a critical product wiped out. And they ruled it out.

Question. Then how does Bethlehem become a bigger and more progressive company? What can do it?

Mr. MARTIN. We think our ship building is going to pick up. We're one of the most diversified steel companies there is now. We're big in construction and we're pushing the minerals field all over the world. In minerals, I think we're in more places than any other steel company.

We were in Cuba. We lost that. We're in Venezuela; we're in Mexico; we're in Brazil; we're in Chile, in Liberia, in Gabon.

Question. How about buying into an auto company in Italy or France or something like that? Is that something that might be done?

Mr. MARTIN. That's something to take home and mull over.

VIETNAM

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, the depressing course of the conflict in Vietnam forces me to speak out on the subject. Up to now I have refrained from publicly voicing my viewpoint because I was hopeful that the natural course of events pursued by the past two administrations would cut out this cancer which is endangering our Nation's health.

However, the war continues. At times I feel as if little or no progress is being made in ending this useless commitment of American lives.

I have always been pessimistic about the outcome of the conflict in Vietnam. It has been and still is a bottomless pit and the United States should start withdrawal as soon as possible. I cannot impress upon my colleagues how strongly I feel about this matter.

If they have been receiving the same volume of mail as I have from the citizens of their congressional districts, then they will know what I mean when I say that these letters indicate the American citizens share my concern over the course of the war.

The Nation is impatient. I want to see this war over with. I want to see our young men back home. Now is the time to end the war.

Back in September, the Meadville Tribune, a fine newspaper in my district, said:

> The administration should move more swiftly and more vigorously toward withdrawing American forces and closing out this ill-fated venture. . . . the cold fact is that we have little to gain and much to lose by pursuing what has proved to be a mistake.

I fully agree. The only problem is that the administration has not moved "more swiftly" since January. I see little evidence that everything possible is being done to terminate this fiasco.

Back in March of this year I joined with several of my distinguished colleagues, of both parties, in sponsoring a resolution, House Concurrent Resolution 187—which would state it was the sense of Congress that the United States begin to reduce its military involvement in Vietnam.

Some may say the administration has started to do so. But I emphasize that not enough has been done and more can be done. There is no earthly and logical reason to procrastinate any longer—let us withdraw now.

COAL MINE HEALTH AND SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am greatly disturbed by reports that the coal mine health and safety bill which passed this House is being weakened in the conference committee as a result of the outside pressure by coal operators. Nearly a week has now passed since the conferees ostensibly finished their work last Thursday evening. Since that time, there have been several unexplained days of delay while the final version of the bill is being written up, and it is going through several different drafts.

The past history of coal mine safety legislation should warn the Congress that when legislation is written behind closed doors, the special interests always win. Time after time in the past, the coal operators have succeeded in weakening the protection of coal miners by cynically writing in the loopholes which have crippled the effective enforcement of the law.

Since last Thursday, what has been happening to the report of the conference committee? I have information that copies of each day's version of the rewritten bill and conference report are being circulated to the coal operators, and not to those most directly concerned with protecting the coal miners. Meanwhile the National Coal Association is using every inside contact in attempting to persuade the staff to insert a little phrase here, a weakening clause there, designed to water down the effectiveness of the bill. This is particularly being done with respect to the coal dust standard, which will mean so much in protecting the health and safety of those who work in the mines.

I hope this practice of slipping advance copies of conference drafts to the lobbyists will stop, I trust that the conference committee will reach a speedy conclusion on this vital bill and send it to the President for signature without further delay.

BUDGET CUTS REMOVE HANDICAPPED, RETARDED STUDENTS FROM PAYROLL AT MALMSTROM AIR FORCE BASE IN GREAT FALLS, MONT.

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, I have been advised by the Air Force that due to recent actions of Congress in appropriations for the military, they have found that in order to make required budget cuts it is necessary for them to remove seven handicapped, retarded students from their payroll at Malmstrom Air Force Base in Great Falls, Mont. The Air Force expressed to me regrets that an admittedly worthwhile program in cooperation with the Great Falls High School in special education for these handicapped, retarded students must be ended. They tell me that this action, and I am quoting the Air Force "is in accordance with Civil Service Commission and Air Force regulations pertaining to reduction in force." The Air Force cites chapter 351 of the Federal Personnel Manual and tells me they have no alternative nor any discretion in this matter.

Mr. Speaker, the costs of this program to the Air Force, the Department of Defense and U.S. Treasury was $1.60 an hour for 16 hours a week, paid to each of these handicapped, retarded students, for which they performed worthwhile work in a commendable manner. It is necessary work that must be paid for out of Federal funds regardless of whether it is done under this program or by some enlisted personnel or other civilian employees at the base.

I am assured by the Air Force that this action is not their choosing but has been dictated by the action of Congress. They tell me that we left them no discretion in the matter and while it is regrettable and against their better judgment, they are forced to discharge the work-study students.

Mr. Speaker, I find this hard to accept and hard to believe, but since it is the story that is being used to defend the action at Malmstrom, and undoubtedly in hundreds of other cases throughout the country, I believe that there is a need for congressional intent to be redefined. Mr. Speaker, I called this matter to the attention of this body October 20, 1969, and stated then that I would try to find a way to help the seven handicapped, retarded students. I believe that my task in representing the people of my congressional district can only be accomplished by following the collective judgment of the people who pay the bills and perform all of the jobs necessary to make this country thrive and progress. I am sure the people of Montana and of the Nation believe that Federal spending must be curtailed in a sensible manner. But, in the enormous expenditures of the Air Force, the amount of money saved on these youngsters will never be noticed. It costs more than this annual saving every time one of the big SAC airplanes coughs or belches. There are undoubtedly many enlisted personnel impatiently waiting for the end of their term of duty, but kept on the rolls until the very last day whether needed or not, amounting to far more than this program at Malmstrom.

Mr. Speaker, it is time for this House as the constitutional body of appropriation, to investigate the spending procedures of the military and other Federal agencies to make certain that legislative intent is carried out; to make certain that discretion and judgment prevails in curtailing spending so that the worthwhile programs are not eliminated. Our responsibility in the House of Representatives in this area is clear cut. Federal agencies blame Congress for failure to appropriate all of the money that they have been used to spending. Often they eliminate just such sensitive projects to create opposition to budget cuts.

Mr. Speaker, I recommend a task force to study and evaluate the procedures of the agencies in making budget cuts and to determine whether wastes in detaining enlisted personnel unnecessarily, wastes in inventory, wastes in travel expenditures and many, many other places cannot be curtailed at least enough to meet our budget directives, rather than fire seven retarded, handicapped high school students who probably will have no other opportunity to be equipped for useful places in our society.

OPPOSING FOREIGN AID

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, following the recent hearings by the House Foreign Aid Subcommittee, it was brought out that the United States during 1968 borrowed money from 41 nations of the world. In other words, the United States is borrowing money from the American people to pay for commodities that we are giving free to foreign nations; thus, allowing foreign nations to build up their foreign exchange reserves and short-term dollar claims. As an example, after giving Thailand billions of dollars in grant aid, we are now borrowing money from them. Last year, the United States borrowed $100 million from Thailand to be repaid in 4½ years at 6 percent interest. Thus, we will have to repay Thailand $127 million at the end of 4½ years to repay the $100 million we borrowed.

This is a graphic example of how this Nation's foreign aid effort has deteriorated into nothing more than a vast giveaway program.

Mr. Speaker, the American taxpayer is, understandably, becoming impatient and angry. On the one hand, he is asked to foot the bill for critical domestic programs which run into billions of dollars, while on the other, he sees his hard-earned tax dollars doled out to 99 different nations and five territories.

History has shown that our foreign aid program has often been wasteful and failed to solve the problems of those countries we were trying to help. In 25 years, the American taxpayers have given away $182.5 billion—including the interest on money we have borrowed to give away.

We cannot survive indefinitely as a strong nation if we continue giving away our wealth.

Mr. Speaker, I submit that more foreign aid spending at this time can only contribute to our balance of payments deficit and add to continuing inflationary pressures.

It is my understanding that there are approximately $18.8 billion in all categories of the foreign assistance pipeline—loans, grants, and credits—which could serve to carry out our foreign aid commitments for 18 months.

I strongly favor the elimination of all foreign aid appropriations for this fiscal year and the phasing out of this country's foreign aid program.

ECONOMIC PROBLEMS CONFRONTING FLAT GLASS INDUSTRY

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the economic problems confronting America's flat glass industry are fast reaching critical proportions. The most recent blow came in the announcement last week that a major glass producer will close its No. 2 tank in Okmulgee County in my district.

The shutdown will result in 250 employees being out of work for an indefinite period, and if this trend continues, it will jeopardize the livelihoods of nearly 1,800 employees in this one county. The announcement stated the No. 2 tank was being closed because of low orders and high inventory. There is no question but what the flood of foreign glass imports into our country is the major contributing factor in the economic crisis facing the domestic glass industry.

It is of vital importance that both the President and the Congress be aware of the drastic need for restoring our flat glass tariffs to higher levels.

The U.S. Tariff Commission has held hearings on the effects of imports upon the domestic glass industry, and is currently preparing recommendations for tariff adjustment to the President. I sincerely hope that the Commission goes beyond simply recommending that current tariff levels be retained, and recommends an increase in flat glass tariffs. It is essential for the survival of the domestic industry.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I am happy to welcome the gentleman to the fraternity.

Mr. EDMONDSON. I thank the gentleman. I am sure it is a broad fraternity.

VOCATIONAL EDUCATION: VICTIM OF NEGLECT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MEEDS. Mr. Speaker, the performance of the Nixon administration on vocational education brings to mind Franklin Roosevelt's warning against "a Government frozen in the ice of its own indifference."

Perhaps this is too generous. In light of recent events, we can say that indifference is being compounded by defiance.

President Nixon and his miserly minions at the Bureau of the Budget have announced that they will impound the $209.5 million in extra funds voted by the Congress to improve job training and education programs in the Nation's public schools.

These fiscal dreadnaughts seem to care more about cold ink in a ledger than about youngsters being turned away from industry payrolls because they lack adequate job skills.

By a unanimous vote the House and Senate passed the far-reaching Vocational Education Amendments of 1968. This bill authorized $812 million for the fiscal year beginning July 1, 1969.

But, President Nixon requested only $279.2 million in his budget message.

By this generous plea for America's youth and their anxious employers, the so-called "new Nixon" repudiated the "old Nixon." Speaking in Portland, Oreg., on May 16, 1968, candidate Nixon said:

> I believe that we should set a goal for ourselves, that every youngster entering public high school shall have the opportunity to learn at least one marketable skill by the time he graduates. For too many young men, the end of education has meant the beginning of unemployment.

Yes, Mr. Speaker, it sounds great, just like what the Congress had in mind when it passed the Vocational Education Amendments of 1968. In that same Portland speech, the "old Nixon" led us to believe that his heart and mind occupied the mainstream of educational thinking when he declared:

> Too many vocational training programs are geared to industries that are becoming obsolete and to skills for which there is no market.
>
> It is partly because of this failing in education that teenagers lead the lists of the unemployed. Their jobless rate (runs) at triple the average rate. For Negro teenagers the unemployment rate hovers at the ap-

palling fraction of fully one-fourth of the labor force.

That do-nothing budget request of $279.2 million—scarcely above the fiscal 1969 level—made the President's real attitude toward vocational education like the title of the popular Broadway musical, "Promises, Promises."

Congress, however, tried to live up to the pledge it made last year. Through the Joelsen and Cohelan amendments to the Labor-HEW appropriations bill, we pegged spending for vocational education at $488.7 million. This is $209.5 million more than the "new Nixon" thought was necessary.

Instead of zero funds budgeted by the "new Nixon" for work-study for disadvantaged youth, the Congress voted $10 million.

Instead of zero funds budgeted by the "new Nixon" for vocational education for students with special handicaps and needs, Congress voted $40 million.

Instead of zero funds budgeted by the "new Nixon" for research into improving vocational education, the Congress voted $34 million.

The facts speak for themselves. The Nixon administration is defying the will of the American people and the Congress in the matter of strengthening and expanding vocational education. Even so puny a step as the national skills survey promised by candidate Nixon in May 1968 has been forgotten along with the other campaign rhetoric.

Mr. Nixon has now had 10 months to demonstrate his intentions in domestic affairs and to begin to live up to his lofty campaign promises. The honeymoon is clearly over in executive-legislative relations, and it is high time to tell the truth about what this administration is doing to weaken basic American institutions.

Frankly, Mr. Speaker, this is one time when I wish the "new Nixon" would heed the advice of the "old Nixon."

AMERICAN BUSINESSMEN MUST BE PROTECTED ON REVERSION OF OKINAWA TO JAPANESE SOVEREIGNTY

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, with the arrival of Prime Minister Sato in Washington last week, the United States and Japan appear ready to conclude discussions on a subject of vital importance to both nations and to the future of our alliance: the reversion of Okinawa to Japanese sovereignty. The imminent return of Okinawa to Japan fulfills the promises of all American Presidential administrations since the signing of the Japanese Peace Treaty. It will restore to Japan what was once an integral part of that nation; islands whose people share a cultural, racial, and linguistic heritage with the Japanese, and who themselves overwhelmingly favor return to Japanese rule.

There is, however, Mr. Speaker, one condition which I feel must be agreed to before this transfer is made. That is the guaranteed protection of American businesses in Okinawa following the reversion.

In the 20 years that the United States has administered Okinawa, and the other Ryukyu Islands, a substantial number of American citizens and servicemen have lived there to assist in the government and defense of the island and of East Asia itself. Millions of American Government dollars have been invested in the island to repair the damage wrought by war; and millions of private American dollars have followed with businesses to serve the American and Okinawan citizens of the island.

Today there are 107 private American businesses in Okinawa, ranging from a dairy company to oil refineries. Their total investment amounts to over $220 million. Every one of these companies duly applied for and was granted an operating license by the Okinawan Government; every one of them operates according to the laws of Okinawa. However, these laws are different, in many cases, from those of Japan that will apply after reversion, and therein lies the source of potential harm to American companies if adequate care is not taken.

The American Chamber of Commerce in Okinawa has asked the President to consider the dangers of a total and immediate application of Japanese laws to businesses that have operated under Okinawan laws and within the dollar economy that now exists there. Their requests are reasonable: they ask that their licenses and leases be recognized by Japan, that they not be taxed retroactively, that they be allowed to convert their dollars into yen freely and without penalty, and that an American commercial attaché be assigned to Okinawa to bring any problems to the attention of both Governments.

These proposals are fair and should be heeded. In the aftermath of the harmony surrounding the announcement of reversion, let us not find that fellow Americans have been neglected for political reasons.

LET US NOT FORGET OUR CZECHOSLOVAK BRETHREN

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the continuing developements in Czechoslovakia which involved the removal of Alexander Dubcek as Chairman of the Federal Assembly and have constituted a gradual tightening of Soviet control are indeed sobering, for they are continuing incidents in the political tragedy that has been unfolding in that country since the Communist coup in 1948.

Forced to live under the harsh and oppressive regime of the Stalinist Antonin Novotny for almost 20 years, the Czechoslovak people finally began to enjoy a taste of freedom when Alexander Dubcek replaced Novotny early in 1968. For over 200 days, Dubcek attempted to set a course for Czechoslovakia which would have liberated the Czech people from a life of fear and economic stagnation. His government threatened no man or nation, most certainly not the Soviet Union, unless freedom can be considered a threat. But this freedom was not destined to endure. On the night of August 20, 1968, Czechoslovakia was subjugated and Soviet troops occupied that country armed with guns and tanks.

Today, over 17 months later, the Soviet occupation continues. There are over 70,000 Soviet troops stationed in that unhappy country.

The Soviet occupation of Czechoslovakia is illegal and unjustified. It is a violation of international law and of the Charter of the United Nations. It denies the basic civil and human rights of the Czech and Slovak people.

Mr. Speaker, I am today introducing a resolution expressing the sense of the Congress that the President of the United States should inform the Government of the Soviet Union that the occupation of Czechoslovakia is illegal and unjustified. My resolution would also request the President to put the question of the occupation of Czechoslovakia on every agenda for all future negotiations between the United States and the Soviet Union.

We have been told that the Soviet Union would like better relations with the United States and they have in fact entered into arms limitation talks; that they desire increased contacts between American and Soviet citizens and Government leaders and a recent U.S. parliamentary group of which I was a member met with Soviet representatives in Moscow.

In my opinion such talks have a potential benefit for both countries. But the Soviet Union must be impressed with the fact that the United States cannot and will not condone the Soviet disregard for the sovereign rights of Czechoslovakia or any other nation, large or small, weak or strong.

If the Soviet Union is sincere in its desire for better relations, let it prove it by withdrawing its troops from Czechoslovakia. Let it prove it by turning over the affairs of Czechoslovakia to the people of Czechoslovakia.

Mr. Speaker, I urge the adoption of my resolution.

POSTAL PROBLEMS MAY BE THE FAULT OF MANAGEMENT

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I again quote from the recent statement by Postmaster General Blount during his trip to the Universal Postal Union in Japan:

> Japanese letter sorters can work almost as fast as U.S. machines because unlike Americans, "the Japanese haven't forgotten how to work," Postmaster General Winton M. Blount recently told a news conference here.

Mr. Speaker, such a statement discrediting the postal workers is regrettable. But it is even more regrettable that the Postmaster should compound this ill-advised situation with further derogatory remarks on his Department in the current—November 28—issue of Life magazine.

If the Post Office is "undermanaged and mismanaged," as the Life article

states, I am beginning to wonder if the crux of the postal system's troubles does not lie more at the feet of management than with the 750,000 postal workers?

Since the early 1950's, it has been evident to top postal management that numerous corrective procedures were needed.

The article states:

Soon after taking office in 1953, Postmaster General Arthur Summerfield asked for an operating statement for the previous month; he was told it would be ready in 17 months.

Mr. Speaker, Postmaster Summerfield had 8 years in which to correct the reporting and accounting system of the Post Office. Yet time and again during those 8 years he vociferously defended, in public, and before committees on both sides of Capitol Hill, the outmoded, unwieldy, tortuously slow cost ascertainment system.

It was not until May 22 of this year that top officials of the Post Office Department admitted before a subcommittee of this House that the cost ascertainment system was derelict and would be replaced by a new system.

I submit this was entirely an internal postal management decision. I also submit that when it requires 16 long years for postal management to make a decision on such a matter as providing an efficient costing system, that many of the postal problems developing in those 16 years can hardly be attributed to the American postal worker "forgetting how to work," as Mr. Blount states in his statement in Tokyo.

The article also snidely implies that Postmaster Larry O'Brien, "once wondered aloud about the potential of the carrier pigeon business."

Mr. Speaker, I do not want to be selfish and reserve all of my "accolades" for members of one party. During the time that Mr. O'Brien was putatively the Postmaster General, he most frequently called me from his office in the White House—and though he may have become a bird watcher—especially where carrier pigeons are concerned—I seriously doubt if he ever maintained any close surveillance over the problems that were developing and multiplying in the Post Office.

Today the present administration fumes and fusses over the dire need for postal reform. But that same administration has given "marching orders" to withhold technical and administrative assistance from the House Post Office Committee which has been meeting for weeks now in an attempt to modernize postal laws.

I am wondering if, like the 16 years it took postal officials to abandon the archaic accounting system, it will require another 16 years before postal management decides to work cooperatively with the Congress in postal progress, rather than defend a pie-in-the-sky corporation structure.

Or, will the present administration continue to sing the Summerfield refrains?

In his first appearance before the House Post Office Committee, Mr. Summerfield outlined his major goals. He pontificated especially on his aim, "to reduce the overall deficit of the Postal Establishment substantially through economics and modern management techniques."

This could well be a quotation from statements of the present Postmaster General.

The facts are, that during the Summerfield regime, the postal deficit increased from less than $400 million to $600 million.

Mr. Speaker, I finally submit that before the Congress would be willing to give postal managers a free hand, one that would remove the Department from the hegemony of the elected representatives of the people, that same management must present the Congress with at least some inklings of its plans for modern management techniques, a practical cost accounting system, rate increases that will do away with the shameful subsidies to favored categories of mail, a system of modernization through planned plant facilities and mechanization, and, most especially, firm guidelines for the protection and promotion of personnel.

DOT HAS A CARD-CARRYING CONSERVATIONIST

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in spite of the sting in my recent telegram to Secretary Volpe concerning the Everglades National Park, I do not believe the cause of conservation is forever lost in the Department of Transportation. Proof of this was brought home to me just yesterday upon reading an interview with the Honorable J. D. Braman, Assistant Secretary of Transportation for Environment and Urban Systems, in the pages of the Christian Science Monitor.

The article on Mr. Braman indicates that he is a man of wide experience in conservation matters as they affect primarily the Nation's urban areas and that he has the political acumen to accurately assess the uphill battle such a person faces in a department not known for much enthusiasm for environmental concerns.

The Monitor article asks the rhetorical question "is Mr. Braman a card-carrying conservationist?" Based solely on the article and the little I have learned of his determination to fight the good fight for the protection of the Nation's environment within DOT, I believe the question can be answered affirmatively. Moreover, we should thank our lucky stars that the former mayor of Seattle is in the Department; let us hope his conservation influence will spread—both up and down DOT's ladder of decision-makers.

A copy of the interview follows:

OPEN SPACES VERSUS ROADS

(By Robert Cahn)

WASHINGTON.—Big-city mayor comes to Washington; takes a high-level job in the Nixon administration; bucks the powers already established in his field of competence; finds unwelcome mat; but after nine months is still fighting the established powers, with only limited success.

This is the story, so far, of J. D. Braman, who left his post as Mayor of Seattle to take the newly created position of assistant secretary of transportation for environment and urban systems.

As a strong mayor and as chairman of the transportation committee of the National League of Cities, Mr. Braman had significant impact in urban affairs. Some observers predicted, however, that he would find himself without power to accomplish anything in Washington and would soon quit.

Though inexperienced in the rough-and-tumble of federal departmental politics, Mr. Braman is a scrappy fighter. In an interview with The Christian Science Monitor, he detailed what he considers some of his successes and failures to date, especially his difficulties with the Federal Highway Administration and the Bureau of Public Roads.

INTERVIEW EXCERPTED

Question. You occupy the only office in the Cabinet at assistant secretarial level that's set up to handle environmental problems. Do you think this is an effective way to deal with these problems?

Answer. Entirely apart from my interdepartmental duties that emanate from Secretary [John A.] Volpe's role in decisions of the Cabinet Environmental Quality Council, my job basically is intradepartmental. The concerns that I am supposed to be looking at as far as the environment is concerned are those in which there is an impact, presumably an adverse impact, from some transportation operation.

This boils down to the highway problem and to the airport-location problem. As urban mass transportation gets to moving forward, undoubtedly environmental problems will develop involving location of corridors, stations, surface facilities, and things of that nature. Also, from time to time something will arise in the Railroad Administration in which, again, a corridor might present some environmental problems.

Concern reflected

I think that the purpose for which the office was set up is certainly well warranted and reflects the President's concern for the affairs of the cities and his concern for the environment in its entirety, including transportation and its effects.

Secretary Volpe was well aware when he came in that inherently there was a lot of controversy in sight, with many people feeling that transportation facilities as they were being constructed were unnecessarily damaging the environment.

Therefore, he felt he needed a unit that could operate for him independent of his administration, independent of his other secretarial offices, to be concerned with two things—urban mass-transit systems and environmental impact.

Question. Have you been successful so far?

Answer. I don't think I was under any illusions when I came here, and I doubt that the Secretary was, as to the ease with which we would accomplish our objectives. It would be quite apparent to anyone who had been involved, as I was in Seattle, with, particularly, highway environment problems, that the Federal Highway Administration and the Bureau of Public Roads were not going to view us as a welcome addition to the department.

Engineer's approach cited

Quite apparently, we were going to disturb the established, long-range approach they had to these problems. I don't mean to imply that they were totally blind to the environmental problems—they were not. But they were operating entirely with the engineer's approach.

And it appeared to them, as I see it, that the principal thing one needed to consider in the environmental impact of a highway is

to make the highway's actual physical structure attractive—embellish it, put some cosmetics on it, perhaps do a little better job of contouring and landscaping, perhaps do something to improve the graceful sweep of the concrete posts, girders, and so forth.

I don't think they ever were very aware that regardless of how well engineered and how beautiful from a structural point of view or monumental point of view a highway structure can be made, it still doesn't answer the environmental problems that relate to the tearing up of neighborhoods, the taking of very valuable land, the contribution that it makes to air pollution as you bring a massively congested highway into the center of a big city. And to the highway people it seems not only the best possibility, but—to their point of view—inevitable, that parklands should be utilized as vacant land.

Each case individually

Question. Do you feel that parkland should never be taken for highways?

Answer. Each case has to be considered individually. I think there are people who are so blindly committed that they think you have to preserve everything just to preserve it, regardless of whether, in balance, it performs enough function to be preserved. But I'm very strongly oriented toward practical conservation. On the value of urban open spaces, I'm all conservationist.

But you have to recognize that some people are in positions where they have to make decisions that are based on practical considerations. Then I think you have to back away and compromise a little once in a while at a reasonable level.

Question. Are you still hopeful that you can make an impression on the forces you are combating?

Answer. We have already made a profound impression. But it's been more or less one that has disturbed those who have been running things their own way. We certainly gained something in New Orleans [where the highway people were prevented from putting an expressway through the historic Vieux Carré]. We gained something even in the Memphis compromise [when freeway builders had to depress at least part of an expressway going through Overton Park]. I think we're going to gain something in San Antonio [where an expressway would go through several park areas].

And I think that whatever we gain in these places can't help but implant in the minds of highway builders who are just now starting projects the idea that there's a new ball game being played. And that whether it's just this little office alone, or whether it's is a whole surge of concern by citizens, which I think is coming, the highway builders are going to have to reevalute their whole deck of cards. They will have to realize that they can no longer bamboozle everybody by simply saying: "We've studied everything and this is the best we can do, and this is what we are going to do, so do you like it—and if you don't like it, we're going to do it anyway."

Question. Do you think that all Cabinet officers or agencies that have anything to do with natural or human resources should have environmental assistants?

Answers. I think they should. But the problem is that, if you go to any of them they'd say they already have people advising on the environment. The Federal Highway Administration, for instance, has people who are concerned with the environment. But these persons are not at policy level. The difference is that in most of these places you are dealing with lower-echelon career people who just can't buck the system.

POSTAL CORPORATION PROPAGANDA

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, several Members of the House have made reference to public opinion polls they have conducted as evidence of what they call widespread support for conversion of the Post Office Department into a Government-owned Corporation. For example, the gentleman from Ohio (Mr. BROWN) has stated that the polls indicate "massive approval of the Postal Corporation concept."

This, of course, is not surprising, depending upon the question or questions asked. The American people want reform in the Post Office Department. Through many channels of communication they have been fed a steady diet of propaganda extolling the alleged "virtues" of a Postal Corporation and giving the impression that only by travelling this route can there be meaningful reform.

If I were to conduct a poll in the district I represent and ask citizens if they supported a plan which would provide improved service at a savings in tax revenue of $1 billion a year—as claimed by proponents of a Postal Corporation—there is no question of the results: the response would be overwhelmingly favorable.

The trouble is that such a question would be totally misleading and unfair, for a case simply has not been made to support the claims of better service and substantial savings in tax revenue, as alleged by proponents of a Postal Corporation.

On the other hand, I can well imagine the unfavorable response if I would pose a question such as this:

"Do you favor conversion of the Post Office Department into a Government-owned Corporation; a plan under which compulsory unionism would be possible, which easily could result in a 100 percent increase in the first-class letter rate, and reductions in service?"

Why, it is fair to ask, have so many people from the President of the United States on down suddenly become obsessed with the concept of a Corporation as a cure-all for the postal service?

The idea, of course, is not new. What gave it impetus was the report of the so-called Kappel Commission—the Commission on Postal Organization—created by President Johnson in 1967 and which made its report in June 1968.

As expected, that report came out four-square in favor of a Postal Corporation, and to many newspaper publishers throughout the Nation, that was it—a Corporation was the cure-all and the voices of those of us who happen to believe that there is a better route to follow were drowned out by the propaganda barrage in support of the corporate idea.

One knowledgeable objector, for example, whose views have not been widely disseminated is former Postmaster General J. Edward Day, even though he has provided sound and telling arguments against the corporation concept. As Mr. Day stated in his testimony before the House Post Office and Civil Service Committee:

To me, it is a remarkable fact that, in spite of the many objections which can be made to the corporation proposal, there has been very little published notice of these objections. On the contrary, there has been a barrage of one-sided propaganda and Chamber of Commerce slogans put forward in support of the Kappel proposal, much of it—I am afraid—by people who have limited qualifications as experts on operation of large organizations generally.

At another point in his testimony, Mr. Day had this to say:

The members of the (Kappel) Commission were, of course, all important men. However, I think it a remarkable fact that not one of them had any background in postal matters. I doubt if the President of Campbell Soup Co.—who was a member of the Commission—would have been impressed by the results of a critical survey of his company by a group that did not include even one person with the slightest experience in the food business. The same can be said about the president of General Electric, of the Bank of America, and of Cummins Engine Co.—all members of the Commission.

Mr. Speaker, in the weeks ahead it will be my intention to offer further comments in an effort to set the record straight concerning the corporation concept and to keep Members informed of the progress which is being made in the writing of a meaningful postal reform bill by the Post Office and Civil Service Committee.

I harbor no illusion that my views will have the slightest effect on those in the publishing business and the Nation's giant corporations whose minds obviously are closed to any other idea except a postal corporation.

I can only hope that my colleagues will keep an open mind, await the bill which I hope our committee will report at an early date and then view objectively all of the facts—not just the one-sided propaganda of those who, in many instances, have little or no knowledge of the operation of our Nation's postal system and the problems with which that system is faced.

CHICKEN: AMERICAN STYLE

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, broilers are a major source of income to thousands of people in the Third Congressional District of Arkansas, which it is my privilege to represent. Arkansas is a very close second to Georgia, which still stands as the No. 1 State in broiler production. I am giving my colleagues in the Congress from Georgia fair notice in the spirit of friendly competition that we will be on their heels and may well surpass them in broiler production in the not too distant future.

In 1964, the last year for which census figures are available, Arkansas produced 267 million broilers. In 1968, statewide production had risen to an estimated 369 million. Far more than half of those broilers are grown in my Third Congressional District. For example, of the 267 million birds produced statewide in 1964, the Third District produced 222 million. My longtime friend, Lex Killebrew, executive secretary of the Arkansas Poultry Federation, tells me that that approximate ratio still exists today.

I wish to refer to speeches given before the recent conference of the National Broiler Council in Washington, D.C. There were especially noteworthy comments on the modern broiler industry by two distinguished Americans, Dr. Jean Mayer, the President's special consultant on nutrition, and Under Secretary of Agriculture, Phil Campbell.

Dr. Mayer said:

As a nutritionist, I always think that you people are the sort of acme of the application of nutritional science and nutritional technology to everyday problems. There is no one industry that has made more effective use of nutrition knowledge than the broiler industry. There is no industry that has managed to really quantitate or put into effect the quantitation of needs as well as the broiler industry, nobody who has been able to think of foods or feeds as a collection of nutrients in certain proportions with the sources interchangeable but the result being the optimum result in being the same as has your industry. In many ways, if we knew as much about human nutrition as we know about chicken nutrition, we would all be very much better off. So, I start by expressing my admiration for your past and present and, I am sure, future efforts.

As somebody who is particularly interested in public health nutrition, the effect on the human system, I may add that you have extraordinarily good food as well. We all need protein, we need animal protein, we enjoy eating it. At the same time we do have problems in this technological, very sedentary society, of both obesity and heart disease, and you have the great advantage of producing a source of excellent, very palatable animal protein which is low in fat, low in saturated fatty acids, low in caries, and it seems to me that the thrust of present research in human nutrition is very much in your direction. If you can convince people to broil the chickens or if they have to fry them, fry them in light polyunsaturated oil, then you are "in" as far as nutritionists are concerned.

The Honorable Phil Campbell, Under Secretary of Agriculture, said:

The thing about the broiler industry is that there is no more dramatic illustration to me of the free enterprise capitalistic system that has made this country so great than the processes by which this industry came into being, primarily since World War II. Of course, we had broiler production before World War II, but great strides and increases and growth of this industry have taken place since that time. This is an industry with initiative and drive; it's an industry attuned to progress; it's an industry continually on the lookout for new ways to increase its efficiency.

To bring the broiler industry to its present position of efficiency, many problems had to be solved. Of course, I could say facetiously that the biggest problem was your competitor, but that's what the system is. Anyone who doesn't believe that broiler producers are efficient ought to take a look at the statistics. Take feeding efficiency, for example. In the 1930s broilers reached 3 lbs. in 14 weeks on 4½ lbs. of feed for each pound of grain. Now 3-pound broilers are produced in 8 weeks with 2½ lbs. of feed per pound of grain.

In the State of Arkansas and in my Third Congressional District the broiler industry is bringing millions of new dollars to our economy, thousands of jobs for people who need them and an expanded tax base which is vital to satisfy the service requirements of our State. May I add that the industry does this by producing and marketing a commodity that is tasty, nutritious, high in protein, low in calories, and easy on the pocketbook.

Mr. Speaker, I bring to my colleagues' attention these facts about the broiler industry today because the story of this great industry has recently been dramatized in a film "Chicken: American Style" produced by the National Broiler Council. This film is a departure in movies depicting facts about an industry. In 28 fast-moving and fascinating minutes this film simplifies the vertically integrated complex which brings to the American dinner table a plentiful supply of delicious chicken meat. The movie shows that this result is achieved through the free flow of cooperation between broiler grower and integrator which characterizes broiler production today. "Chicken: American Style" highlights efficiencies in modern broiler production undreamed of in the old and happily forgotten days when raising chickens was a part-time backyard exercise.

Most interesting to me was the subtle technique used in the film which quietly but clearly establishes the fact that the great progress shown by the broiler industry has been achieved within the framework of—and, yes, largely because of—the free enterprise system which allows for progress. It is not by accident that the film opens on a view of Monticello, home of Thomas Jefferson, or that the movie's hero, a broiler producer, has been chosen to impersonate Jefferson in a Fourth of July parade. But I must not give away the plot.

I want to point out, however, that Tom Banks, broiler grower-movie hero, is a family farmer whose family is obviously happy and prospering. There is much concern about the future of the family farm. It occurs to me that the business partnership between broiler grower and integrator has been one of the most helpful economic developments to have appeared on the American agricultural scene in recent years. This teamwork between grower and integrator has resulted in improved incomes and a better way of life for thousands of farm families.

The movie shows all this and much more. It whets the appetite anew for many refreshing ways in which choice chicken can be prepared, and the message of "Chicken: American Style" can make your heart beat a little faster as it illustrates the benefits of living under a system of free enterprise: American style.

It is a good movie, and I recommend it to all without qualification.

INDIANA STUDENTS OPPOSE IMMEDIATE WITHDRAWAL

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, there has been much said about the student's position on the Vietnam question. One of the most interesting polls I have seen recently was conducted on the campus of Indiana University at Bloomington, Ind. I would like to share the results of that poll with my colleagues. The following article appeared November 20 in the Indiana Daily Student:

STUDENTS VARY ON WAR—MOST OPPOSE QUICK WITHDRAWAL

(By Daniel C. Beggs and Henry A. Copeland)

More than six out of every 10 students polled at I.U. indicated that they would oppose an immediate withdrawal from Vietnam.

This third in a series of collegian polls was conducted the week of Nov. 10 as part of a continuing program to provide readers with a more objective account of student thought.

A randomly selected group of 270 students were asked:

"Would you say that the U.S. should or should not withdraw immediately from Vietnam?"

They replied:

	Percent
Should	30.0
Should not	62.2
No opinion	7.8

There was a significant relationship between sex and the manner in which this question was answered. Forty per cent of all females polled believed the U.S. should withdraw immediately from Vietnam while just under 22 per cent of the males expressed the same feeling.

Concerning President Nixon and Vietnam, the interviewers asked:

"Overall, would you say that you—do support, do not support, or are unfamiliar with—Nixon's policy for ending U.S. involvement in the Vietnam War?"

Responses were:

	Percent
Do support	42.2
Do not support	38.5
Unfamiliar with policy	14.3
No opinion	5.0

As in the previous question, the women and men varied appreciably on their support for the President's policy toward Vietnam. While more than 55 per cent of the males favored Nixon's policy, his support slipped to 28 per cent among the females surveyed.

About the same percentage of students who said that the U.S. should not withdraw immediately from Vietnam indicated they believed the security of the U.S. was at least to a "fair extent" affected by political developments in Southeast Asia.

"To what extent do you feel U.S. security is affected by political developments in Southeast Asia?"

Answers were:

	Percent
A considerable extent	24.1
A fair extent	40.8
A small extent	28.5
No extent	6.0

Concerning the U.S. relationship with its allies, the respondents were asked:

"How important do you consider it that the United States retain the confidence of its allies?" They answered:

	Percent
Highy important	39.3
Fairly important	45.5
Fairly unimportant	11.8
Very unimportant	3.4

About the same margin of more than eight out of 10 students believed an effective military defense was important. When asked:

"How important do you consider it that the United States maintain an effective military defense?" The students replied:

	Percent
Highy important	44.4
Fairly important	41.4
Fairly unimportant	11.5
Very unimportant	2.7

Last, when queried about the effect of public demonstrations on peace negotiations

slightly more students indicated that they were harmful than those who did not.

"Do you or do you not feel that public demonstrations make it more difficult to negotiate peace in Vietnam?" Answers were:

	Percent
Yes—they do	47.4
No—they do not	42.2
No opinion	10.4

COST-OF-LIVING ANNUITY INCREASE

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, I have today introduced a bill designed to ease the burden for some of the employees who will be affected by the Department of Defense work force reductions.

This legislation will authorize a 5-percent cost-of-living annuity increase for those who retire after November 1, 1969, and before April 2, 1970, and whose retirement is based on involuntary separation.

The immediate purpose of my bill is to extend for a 6-month period a retiree's eligibility for the 5-percent increase. This action is necessary because the October 29 Department of Defense announcement of civilian and military work force reductions allowed only 2 days under the present law for dismissed employees to make the decision to retire.

Many employees found that it was impossible to make a reasoned decision of this importance in a 2-day period. I feel very strongly that they should be given this extension of time in order to benefit from the increased annuities accruing to involuntary retirement.

Because of the large number of Federal Government employees who reside in my congressional district, I have many constituents who will be affected by these reductions. These include civilian employees at the Naval Ordnance Station in Indian Head, Md.; Andrews Air Force Base in Camp Springs, Md.; Naval Technical Research Ship Special Communications Facility in Cheltenham, Md.; Naval Security Group Department of the Naval Communications Station in Cheltenham, Md.; and the Naval Oceanographic Office in Suitland, Md.

STEVE OWENS TO RECEIVE HEISMAN TROPHY

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I would like to take this time to congratulate Mr. Steve Owens, a member of the Oklahoma University football team on being chosen to receive the Heisman Trophy for the year 1969. Mr. Owens is a gentleman in all senses, a team player, and a leader among his colleagues. All Oklahomans are proud of Steve Owens, and this member of the Oklahoma delegation of Congress is very happy to take this time to commend Mr. Owens on his many accomplishments.

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. CAMP. I yield to my colleague from Oklahoma, Mr. STEED.

Mr. STEED. Mr. Speaker, one of the most outstanding football players in the history of the sport, Steve Owens of the University of Oklahoma, has been named as winner of the famed Heisman Trophy. He also has been named to the UPI All-American team.

This annual citation, made after balloting by writers throughout the country, is the top individual honor of college football.

Steve Owens has set a long list of records in his 3 years as tailback at Oklahoma. His selection for the trophy is all the more impressive since it usually goes to a member of one of the top-ranking teams, and Oklahoma this year has a record of only five and four.

Among the national marks he has established to some of which he is still adding are these:

Most touchdowns in a 3-year career—54 thus far, with one game to go.

Most points in a 3-year career—324.

Most yards rushing in career—3,607.

Most career rushing carries.

Most rushing carries in one season—357 in 1968.

Most consecutive games with 100 or more yards rushing—17.

Owens is 21 and married, a business major. A graduate of Miami, Okla., high school, he was president of the student body there and won the Masonic award as the outstanding student. He played there for coaches Mac Buzzard and Bill Watkins on teams that amassed a 3-year record of 22 wins, six losses and two ties.

At the University of Oklahoma he has played under Coach "Chuck" Fairbanks on teams with a 3-year record of 22 wins and nine losses, including the Big Eight championship in 1967 and cochampionship in 1968.

Owens is the second Oklahoman to win the Heisman Trophy, his only predecessor being Billy Vessels in 1952.

Steve Owens combines modesty and teamwork with unusual dedication, reliability, steadiness, and talent. All Oklahomans are proud of his record.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. CAMP. I yield to the gentleman.

Mr. EDMONDSON. Mr. Speaker, I want to commend my colleague for calling this to the attention of the House.

Steve Owens is a great constituent of mine in the Second District of Oklahoma. I know his fine parents, Mr. and Mrs. Olin F. Owens, and a host of their friends and neighbors in Miami, Okla., share our pride in Steve because of his many accomplishments.

Mr. Speaker, Members will be interested in a few examples of how Steve won the Heisman Trophy. He earned it by breaking the NCAA 3-year record for total yards gained, 3,388; the NCAA record for most times to carry the ball in a season, 337; by gaining 100 yards or more—and often much more—in 17 consecutive games; and by breaking the NCAA 3-year touchdown record, a record that stood since Glenn Davis of Army set it in 1946.

Steve also earned national honors by being an outstanding gentleman and student. He is truly the kind of football hero we can be proud to have our young boys look up to. I have been following Steve's football achievements since he played for Miami High School, and I have never heard anything but praise for him on or off the field.

Mr. Speaker, this week Steve plays his final game for Oklahoma in Oklahoma's annual classic battle against Oklahoma State University. I am certainly not going to take sides on that one, but I will be one of the many Oklahomans who will be pulling for Steve Owens to score at least one more touchdown and rush for at least 147 yeards—achievements which will give him the national titles in scoring and rushing for this season.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. CAMP. I yield to the gentleman.

Mr. BELCHER. Mr. Speaker, I think one of the really remarkable things about Steve being chosen to get the Heisman award is the fact that he played on a losing ball club. Oklahoma lost four games this year and, yet, in spite of that he got the most votes for "All America." He was given the Heisman Trophy. As a general rule, receivers of the Heisman Trophy play on winning ball clubs. The reason for that is they feel if a man is entitled to the Heisman Trophy, his team should win its games. Steve made such an outstanding record he was chosen in spite of the fact that he played on a losing ball club.

Of course, he has been a great ball player ever since he entered the university in his sophomore year. I have watched his progress all the way through, and I felt sure that in his senior year he was bound to get the Heisman Trophy.

Mr. CAMP. I thank my colleague.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CAMP. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join my colleagues in congratulating a great Oklahoman, Steve Owens, a young man who is not only an outstanding athlete but also a fine student and a leader of men. Oklahoma is proud of him.

Mr. CAMP. I thank the gentleman.

WAS THE SEARCH-AND-DESTROY POLICY IN VIETNAM RESPONSIBLE FOR A MASSACRE?

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. SCHWENGEL. Mr. Speaker, yesterday was a day of great fame for my country and possibly great infamy. The painful possible infamy comes from some things that allegedly have happened in Vietnam in March of 1968, when apparently many innocent people were wantonly murdered. This, if true, will cast a reflection on America that is not good. I read by the papers that this matter is going to be investigated 20 months late. We need to know why it is coming so late. Hopefully, we will find out about that.

I read with great interest, I have listened with great interest to many of the

statements that have been made on this question already, and I along with many Americans feel, as articulated best, I think, by our leader, the gentleman from Michigan (Mr. GERALD R. FORD), yesterday, a certain sympathy for the people involved. I have that sympathy, too, because I have a feeling that this came as a result of a policy that was adopted by somebody in control that did not have a good effect either on the problem, the resolution of the problem in Vietnam or on the mental attitude of our soldiers. That policy was of search and destroy.

Mr. Speaker, I know something about that policy, for 2 years ago, with a group of volunteers, 10 of them, American citizens, who prepared themselves well before going, I went to Vietnam and spent 10 days there, and a portion of the team longer. While there we divided into subcommittees. We investigated, observed, appraised, and made notes, and then we made a report to the Congress. At that time we recommended what has now become the policy. We recommended that the search-and-destroy policy be changed to one we would call "clear and hold." That, I understand, is the recent policy, and it makes a lot more sense.

Mr. Speaker, as the people who are investigating this thing look at this matter, I hope they will investigate the entire picture. Investigate, and let us find out who it was who enunciated the search-and-destroy policy, and this may lay at the base of our trouble.

So I am saying let us get the full story.

In my prepared remarks—and I hope Members of Congress will read them—I will expand on this subject a little more and make some observation that may be worthy of the Members' consideration.

Mr. Speaker, I repeat the reports of the last week regarding the alleged massacre at Mylai in South Vietnam is cause for concern to us all.

It seems to me that we should look beyond the massacre itself and examine the situation and atmosphere which I feel not only allowed, but encouraged an incident such as occurred at Mylai.

In March of 1968 we still were pursuing a policy of search and destroy. This policy was typified by the large sweeps through areas in South Vietnam where the U.S. troops supposedly sought out Vietcong and destroyed them. Too often, however, we had the specter of entire villages and hamlets being destroyed. And now we have an example of not only the physical buildings being eliminated, but the men, women, and children who lived in them as well.

While the actions of our young men in Mylai cannot be excused, there is no doubt in my mind that it was the policy of search and destroy which must share equal if not more blame. The Army officials who continually sent young men out on search-and-destroy missions knew that an incident like this one at Mylai was bound to occur. It was inevitable that the atmosphere created and built up by the search-and-destroy concept would result in mass civilian killings.

So rather than placing all of the responsibility on the young men involved in the incident just revealed, it seems to me that we should also call to account those who formulated and administered the policy which fostered the atmosphere which led to the atrocity.

What now is equally disturbing is the indication that the same high ranking officers responsible for adopting the search and destroy strategy apparently have tried to cover up the results of that strategy. The policy was terribly wrong. The attempt to cover up is indefensible.

When I was in Vietnam in November 1967, we asked military officials how many people were being killed as the result of "friendly action." An incredibly low number was cited. It is even more incredible now. They stated that 374 South Vietnamese had been killed as the result of friendly action from January 1 to November 1, 1967.

When I returned from Vietnam I pointed to the utter failure of search and destroy. It alienated the people in South Vietnam we were supposedly fighting for. It was causing widespread destruction and death of civilians. It was killing a lot of American young men.

At that time I called for a change in policy to what I referred to as clear and hold. If this policy had been pursued it is unlikely that the incident at Mylai or others like it would not have happened.

It is gratifying to note that President Nixon has seen the mistake of search and destroy and has in effect adopted the strategy of clear and hold I recommended 2 years ago. It has reduced the level of violence, encouraged and hightened by search and destroy. It has minimized the likelihood of any more Mylai's because of the change in attitude and atmosphere. It provides a much better basis for eventual American withdrawal from Vietnam.

The lesson of Mylai is not that young men sometimes lack judgment or lose their balance, but that a policy and order such as were in effect in Mylai were wrong. I will be keenly disappointed if the investigation underway now does not cover the entire situation and does not examine the influence of the concept of search and destroy on what happened. I also will be disappointed if the investigation does not include a careful analysis of who gave what orders all the way up to the top brass. And if there were, in fact, an attempt to cover up, those responsible should be stripped immediately of their positions and court martialed along with the others.

In my opening statement I referred to yesterday as a day of fame and possible infamy.

I call yesterday a day of fame because the President issued a most significant statement on the use of biological warfare. This has completely changed our attitude, our position, and our posture. All sane and thoughtful Americans will applaud and the free world will begin to renew their confidence in America.

Mr. Speaker, I repeat President Nixon's announcement that there will be a dramatic change in our Government's policy with regard to chemical and biological weapons certainly is good news.

The decision to submit the Geneva Protocol of 1925, prohibiting use in war of poison gas or bacteriological methods of warfare establishes without doubt this Nation's position on this important issue.

In addition, the President unequivocally stated our Nation was renouncing the use of lethal biological weapons. Recognizing that these weapons could produce global epidemics and impair the health of future generations, the President has ordered the disposal of our existing stocks of bacteriological weapons.

As the coauthor of a recent report which called for the actions the President has taken, I am pleased our Nation and our President has taken these forthright steps to eliminate these terrible weapons from our arsenal.

As the President makes these hard decisions, as he makes his pronouncement and as he sets high goals, I commend him and voice the hope that all Americans will take heart and give support to his farsighted programs.

PRESIDENTIAL COMMISSION TO STUDY TRUCK SAFETY

Mr. Speaker, a good deal of heat, and not an awful lot of light has been generated by the proposed legislation to increase the size and weight of trucks. This is the second year the legislation has been before the Congress. It would appear to me, the most significant point developed to date is the woeful lack of accurate, unbiased data on the present safety record of trucks, and the effect of the proposed increase on highway safety. It also appears that we lack information, or else that available information has not been very well organized and presented, on the questions of economic benefits of this legislation, and the corresponding increase in the costs of our highway programs. With respect to the latter area, it is my feeling that sufficient data should be available through the AASHO road study, the cost allocation study, and other studies. The major effort that is needed here is to correlate the data and put it in more understandable form.

The principal area that needs further original research is that of the effect of this proposed legislation on highway safety. I first recognized this need during hearings on the truck bill in the 90th Congress. Despite efforts of proponents to ride roughshod over those with legitimate questions about the bill, it became clear we did not have sufficient, reliable data on the questions of safety. Hearings this year have clearly justified the position which I took last year. Testifying before our committee in May of this year, Dr. Robert Brenner, Acting Director of the National Highway Safety Bureau stated:

> As to the specific of what the extra width does or does not do in the safety picture, I am not aware of any work specifically in that regard.
>
> I think we have to learn a great deal more about the problem of truck stability.
>
> There is an awful lot we do not know about why some of these vehicles flip over and why some of them do not.

Mr. Speaker, this testimony is especially significant in view of the fact that Dr. Brenner would have to be classified as the one person in the Federal Government who would be most knowledgeable on the safety question. When the Gov-

ernment's leading authority in the area says that "there is an awful lot we do not know," it is high time we establish procedures to obtain sufficient information so that we do know an awful lot before we increase sizes and weights.

Even more incredible, but certainly in accord with Dr. Brenner's statement, is the testimony given by Frank Turner, the Federal Highway Administrator. Mr. Turner stated:

> Our review of the available data bearing on highway safety considerations does not permit the reaching of a definitive conclusion—we do not have sufficiently reliable evidence to make a clear case for or against the proposal on safety grounds.

With the foregoing statements, the need for the safety studies proposed by the bill which I am introducing today appears to be quite obvious.

Mr. Speaker, the whole truck issue was highlighted by President Nixon's statement during the campaign last fall. He stated:

> This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which greater truck size and weight would impose additional wear and tear on a road network.
>
> I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.
>
> As President, I would want this entire matter most carefully reconsidered. I would direct the Secretary of Transportation to take a hard look to make certain that the interest of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce.

The bill which I am introducing would fulfill the requirements for study of this problem set forth by President Nixon in his statement. I would hasten to add at this point that no "hard look" such as the one directed in the President's statement has been taken. The Department of Transportation belatedly undertook a "quicky 30-day study" after hearings commenced, and after they were reminded of the President's statement. I am certain President Nixon would never let this "quicky study" pass as his "hard look," especially on the question of safety.

The bill which I am introducing today would create a 15-member Presidential Commission to take this "hard look" at the safety and economic considerations involved in the big truck legislation. The Commission would be required to report their findings within 3 years. Membership in the Commission would be representative of the many groups that have a special interest in the outcome of the legislation. The Commission would be directed to study all ramifications of any change in size and weight limits. This would include, in addition to safety, economic benefits to be realized, increased costs which would be incurred for our highway programs, and the Commission would consider the equitability of the costs of highway programs borne by various classes of highway users.

With the exception of the safety question, little new research will be required. As indicated above, much data is available on economic aspects and cost allocation. The safety problems presented will require a good deal of new research. I am confident that with proper supervision it can be completed in the allotted time.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, the gross national product for the United States in 1968 was $861 billion. This is over one-half of the world total of $1,627 billion.

EVENTS IN SONGMY

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, it would be inappropriate to celebrate the holiday we call Thanksgiving without saying something about the events in Songmy.

"Inappropriate" is not the word; I am not sure what the word is. We are dealing with an unprecedented situation, a situation no American ever believed he would have to deal with, so no one is really prepared to deal with it, to find words for it. Maybe "unacceptable" is as close as a word can come to describing the situation—I think that is what Robert Kennedy would have called it—but what does it mean to call a situation "unacceptable" that one must, in fact, learn to accept?

In any case I cannot sit here silently, knowing what we already know, and let it appear that the predominant response of America to the events in Songmy is a greater indignation at those who are finally telling us what happened there than at those who are responsible for its having happened.

One reason so many of us fell silent after joining in the demand for a thorough investigation is simply that words are so utterly inadequate, so pointless. It seemed almost necessary to wait in silence, horrified, praying that somehow it would turn out that these awful things had not been done by our countrymen, and praying for God's mercy on this land if it turned out that they had.

But facts pile up, and as they pile up so does a strange cacophony—a defensive ugly jumble of wrong noises and wrong silences, of buck-passing and minimizing, of impugning those who are reporting the facts and finding justifications for "no comments" that suggest a discreet condonation more than a wordless grief.

So, more of us must now speak out to be sure it is clear that millions of Americans feel more deeply grieved and shamed about the killings in Songmy than we would have thought it possible to be grieved or shamed by any action committed by men wearing the uniform of America.

Let it be clear, too, that the national shame will grow, as indeed it should, until this whole terrible story and any other stories like it are known; and until all those responsible, of whatever rank, are brought to justice. Further, all of us will continue to share the guilt for the enormous and continuing tragedy that is our intervention in Vietnam until that intervention has been stopped.

What little there is that might ease the enormity of the horror of Songmy will be lost if these things do not happen soon. We are not, after all, Nazis. We are not Communists. We are not butchers. Lidice is not the way we wage war, nor the Katyn Forest, nor Hue, nor Guernica.

I include in the RECORD at this point an editorial from the Washington Post and articles by two of America's greatest columnists. I hope every Member of the Congress will take the time to read them. They follow:

[From the Washington Post, Nov. 26, 1969]

MYLAI 4

"You have to have been there to know how it is," said an Army rifleman who was there at Mylai 4 hamlet in South Vietnam when it happened—when an undetermined number of civilians, old men, women, infants, perhaps as many as three or four hundred, were apparently shot to death by American troops in March of 1968. We who were not there can only absorb slowly, and perhaps partially, the full horror of it, let alone comprehend how this could happen. Our guess is that Peter Braestrup, who was also not at Mylai, but who has been there in Vietnam, covering the war the hard way, close up, for this newspaper, probably has it about right in a story in last Sunday's Washington Post:

"The tentative picture . . . that emerges indicates that under stress, in a particularly vicious corner of the war, the officers of a tired, understrength rifle company, at the very least, allegedly failed to prevent many of their men from slaughtering hostile but unarmed peasants in revenge for the deaths of some of their comrades."

Stress? Particularly vicious corner of the war? Tired? Understrength? Revenge? Can these words, put together, explain the horror of American soldiers shooting helpless civilians, point-blank? The appalling account offered by Infantryman Paul Meadlo, one who was there, in an interview with Mike Wallace of CBS, suggests that, in a certain sense they can, that decent men *can* crack under the strain and the frustration of a brutal and brutalizing war. The Captain was there, Mr. Meadlo said. "Why didn't he put a stop to it, he knew what was going . . . he was right there . . . at the time I felt like I was doing the right thing . . . I lost buddies . . . I lost a damn good buddy Bobby Wilson and it was on my conscience . . ."

Perhaps it can happen; perhaps it happens more than we know, though probably not on the scale of Mylai. It is hard to say because there is still so much we do not know. What seems clear, however, is that it will never be enough to understand Mylai if one ever can, for this is not simply a matter of a court-martial of one lieutenant, or of whatever number of men in his command who may be under investigation now. This is not just something to do with Company C, 1st Battalion, 20th Infantry, 11th Brigade, American Division. This, in the most extreme form, is the story of the Vietnam war, and it seems safe to say that when we know as much as we can know of this event the American public's perception of the war rightly or wrongly, will never be the same again.

For the questions that are going to have to be answered merely begin with Lt. William L. Calley Jr.'s guilt or innocence. There are more terrible questions that have to do with a system and a state of mind that can allow nearly 20 months to elapse before so monstrous an event is even brought to light, let alone to trial. We need to know how, in a system which positively thrives on operations

reports and progress reports, no honest report of this "incident," as the Army calls it, apparently ever reached the high command. And how, according to reports in this newspaper, the regimental commander could develop strong suspicions that something had gone wrong and then make only the most cursory investigation. The suspicion arises that the Army really didn't want to know, that somehow an atmosphere has developed in which the unthinkable atrocity is of no great matter—until some conscience-stricken enlisted man talks and it comes time to find a scapegoat well down the chain of command. This is what we need to know more about—the system and the state of mind. For Mylai even at best, cannot be written off as an exception that proves the rule, as some isolated aberration. For all its horror, in a certain sense it is part and parcel of the war, removed only in degree from what is known to be commonplace: the indiscriminate killing of South Vietnamese civilians by American saturation bombing, by American artillery fire, by isolated infantry skirmishing. So there is no way that it can be ignored, even without the world-wide uproar it has produced. We can perhaps weather that. What remains to be seen is whether we can withstand the outcry at home, for the massacre at Mylai 4 can only make more anguishing the central question of our capacity in good conscience to wage this war.

THE KILLERS

(By Pete Hamill)

And so it appears, as we move into the Seventies, that we have learned something about ourselves that is large and dark and final. We, all of us, sitting here in our small comforts, worrying about inflation and schools and the coming of winter, preparing for a night at the theater or a short passage with the Knicks, getting our cars repaired, swapping small talk at lunch, making Christmas lists, marrying and divorcing, wrapped in ourselves and our banalities, all of us must sleep tonight in the knowledge that we share in mass murder.

Can we look deep into those photographs by Ronald Haeberle of The Cleveland Plain Dealer and deny what they tell us? That girl with straight clipped bangs: she is about 10, and terrified, hiding behind a shrunken woman. In a moment, she is to be liberated forever by the guns of Americans. We don't know her name; we don't know the names of those in the other photographs, piled in a field like cordwood; and we'll never know. They were "slopeheads"; therefore we can kill them.

One justification for the destruction of Song My is that the villages there were "unfriendly" and had been in the control of the Viet Cong or the Viet Minh since the 1940s. But we must remember several things: the Viet Cong were the only government that many of those places had had since the Japanese left after the Second World War. And more importantly, the Viet Cong are Vietnamese, before anything else. If the U.S. were to break into civil war, and 6,000,000 Chinese troops arrived to fight for one side (using the same ratio as that of American troops to South Vietnamese citizens) we would be unlikely to be friendly, especially if they seemed to spend much of their time bombing, shelling, mortaring, shooting and burning. You cannot expect people to believe your noble intentions when you shoot 10-year-old girls to death.

Ah, but "these things happen in war." Yes, and when a stickup man shoots a grocer in the belly we could say that those things happen in armed robberies. A guy blows his wife's head off with a shotgun; those things happen in domestic quarrels. A girl is raped and strangled; those things happen in an urban society. Lidice was one of those things that happened in a war and we hung people for it.

The Army will court-martial a number of people over what happened that March day at Song My. The defense will be the old one; they were acting under orders. But there will be other issues involved in that trial. Would they have killed those people so easily if they had been in Sweden? If you continually call a man a "gook" or "Charlie" or "slopehead," he is on his way to becoming an object and not a subject. He experiences no terror, no exaltation, no love; he doesn't sweat, feel hunger, suffer remorse; he doesn't care about seasons, or children, or home. He is an object who lives in a "hooch": he is a "kike," a "mick," a "guinea," a "polack," a "spic": but he isn't human, and you are free to obliterate him.

There is another issue. Can a man legitimately defend himself by saying he was "under orders" if the entire action—in this case the war itself—is illegitimate? We seem to forget that the war in Vietnam was never declared, and is clearly illegal. We have something in this country called the Constitution which reserves to Congress the right to declare war. Our contract with the President uses the Constitution as its basis; every day in Vietnam, the terms of that contract are being violated.

But even worse, the contract we have with each other is being violated when something like Song My happens and we do not rise in outrage. This country was supposed to have a kind of fundamental decency at its heart; but we seem to have become at least as calloused as the Germans did. It is easier to forget it all, or blame David Brinkley for inventing it, or claim that "the liberal Communists" (to borrow the phrase of the wife of our Attorney General) were behind its exposure, or simply follow the example of the President and sit down and watch a football game.

But I hope that after this is over, we can remember some of the words of Sgt. Michael Bernhardt, who was at Song My. "We met no resistance," he said, "and I only saw three captured weapons. We had no casualties. It was just like any other Vietnamese village—old papasans, women and kids. As a matter of fact, I don't remember seeing one military-age male in the entire place, dead or alive. The only prisoner I saw was in his 50s." Were the dead members of the Viet Cong? "Some of the people were not old enough to walk yet, so I couldn't see how they could be Viet Cong."

But the government shouldn't get away with sentencing a handful of men, and letting the others escape. The others are not those baffled young men who were conscripted and sent to Asia. The others include everybody who had anything to do with sending them there: Lyndon Johnson, Hubert Humphrey, Walt Rostow, the Bundys, and all the rest. Democrats and Republicans, from three different Administrations, and seven Congresses. Throw in the people who make napalm, M–16s, and the other instruments of liberation, and we might have a trial that is logical and goes after the real villains. I know just the place to hold it. It's a town called Nuremberg.

WHERE OUR CONSCIENCE DIED

(By Mary McGrory)

Song My has revealed the full devastation of the war. Song My has told us not only what Americans have done to Vietnam but what Vietnam has done to Americans. The country's conscience, apparently, died in that Asian village with the old men, the women and the children.

The reaction to the reports of mass murder by American soldiers have been not horror at what happened, but rage at the messengers who are bringing the news.

The South Vietnamese government, anxious to save the American presence, says it never happened. The American government, anxious to save the war, says nothing.

An administration which fulminated at length against even the prospect of violence on Pennsylvania Avenue during the recent peace march, has no comment about slaughter in Song My.

The one expression from an administration official was given behind closed doors. Secretary of Defense Melvin R. Laird, testifying in secret session before the Senate Foreign Relations Committee, said he was "shocked and sick" at the allegations, long suppressed by the Army. The White House press secretary says the President has not been involved in any discussions or decisions about the matter.

In the Senate, two members rose up, one to inveigh against the Army for bringing charges against an officer for "a mistake in judgment . . . under pressure of combat"; the other to condemn the CBS television network for bringing to the home screen a young ex-GI who said he thought he had shot 15 or 20 people under orders from his lieutenant.

The interviewer, Mike Wallace, was inundated by abusive phone calls. Of 110, all but two berated him for "giving that boy a hard time." The network received many messages, a typical one saying, "Agnew was right. Wallace is pimping for the protesters."

Americans, who once united to protest against the Nazis, do not want to hear about atrocities committed by Americans, who like themselves, have become moral casualties of the war.

The war first was presented to them by a previous administration as necessary to avert another Munich, by this one as a struggle for survival. The country has suffered three assassinations, countless riots. And now, it seems the moral standards of a small, fanatical, underdeveloped country have been adopted as our own.

After all, it is said, look what the Communists did at Hue. They destroyed 3,000 "Oriental human beings," to borrow from the terms of the indictment of Lt. Calley. The death toll at Song My is not known, but surely less and the blame reduced proportionately. The quantitative standard is almost certain to prevail in a war where the only known measure for progress, and oft-proclaimed, imminent success was the body count. They were "gooks" to the young soldier who helped shoot them, and Communist gooks besides, even the babies, presumably.

The President understands that Americans do not want to hear bad things about other Americans who are helping to save a gallant little nation from a savage invader. The day after the shame of Song My was proclaimed by the court-martial announcement, President Nixon held a levee for the press. America was abandoning germ warfare and would never strike first with lethal chemical weapons.

He not only told Americans what he had done but what they should think about it. "By the examples we set today, we hope to contribute to an atmosphere of peace and understanding between nations and among men," he said.

The image of a high-minded humanitarian nation was thus restored, by an action delayed 44 years, which the White House says is in no way related to the sick story of Song My.

Once before the administration overcame a report that laid bare the brutalization of Americans by the war. In September it was revealed that Marines had been tortured in the brig of Camp Pendleton, a Marine base that abuts the summer White House in San Clemente.

Four days later, Henry Cabot Lodge stood up and made a 49-minute speech about the inhumane treatment accorded American prisoners by their North Vietnamese captors, blanketing a simultaneous admission by the commandant of Pendleton that there had been mistreatment.

Since then, Americans have been conditioned to equate support of the war with

patriotism and protest with president-breaking.

Song My cannot be so easily bypassed. It is here to stay, a reminder to America that it is really not different from any other country.

A distraught young Wilmington, Del., church worker called this newspaper to say that, after reading the transcript of the GI interview, he thought the only way he could register his revulsion, guilt, and frustration was to renounce his citizenship.

"I read this sign on cars that say 'America, love it or leave it.' How can I love it when it does these things?"

EQUAL RIGHTS AMENDMENT

(Mr. PEPPER asked and was given permission to address the House for 1 minutes, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, since my early years in the Senate I have supported the so-called equal rights amendment assuring equal rights for women under the Constitution of the United States. I believe this to be a very meritorious measure.

Mrs. Adele T. Weaver, president-elect of the National Association of Women Lawyers, and legislation chairman of the Florida Federation of Business and Professional Women's Clubs, Inc., has submitted to the Hon. EMANUEL CELLER, chairman of the Judiciary Committee of the House of Representatives, a very able memorandum in support of the equal rights amendment. I commend the excellent statement of president elect Weaver to my colleagues and to my fellow countrymen and include it in the RECORD immediately following these remarks:

EQUAL RIGHTS AMENDMENT

The Equal Rights Amendment Bill has been sponsored by at least 154 members of the House of Representatives in the 91st Congress. The National Federation of Business and Professional Women's Clubs has been urging the adoption of an Equal Rights Amendment for many, many years, and the National Association of Women's Lawyers has consistently favored and supported the adoption of such an Amendment.

However, the Equal Rights Amendment has been opposed by those who take the position that such an Amendment would deprive women of existing "protective" legislation. This may have been a valid position in the days when the Fair Labor Standards Act was first enacted, when women and children worked ten to twelve or more hours a day in sweat shops and factories under atrocious conditions.

Times have changed, however; no one is now working under the labor conditions that prevailed in the "twenties" and early "thirties", and women are no longer in need of legislation limiting their hours of labor, requiring that seats be furnished to them, limiting their weight-lifting activities, etc., etc. What women need now is the opportunity to earn a livelihood in exactly the same manner and for the same remuneration as all their other fellow human beings. Today, more and more women support families or at least themselves, exactly as do men. These women should have the same job opportunities for the same compensation as do men.

It goes without saying that women are not generally going to apply for jobs that require great physical strength and prowess. Moreover, it is a known fact that frequently women must and do exert a good deal of physical energy, many of them lifting thirty-five and fifty pound children without the prohibition of any "protective" legislation. If weight-lifting, for example is a bona fide job requirement, then women as a sex should not be eliminated from qualifying for the particular job, but their individual capabilities should be taken into consideration in exactly the same manner as would the physical capabilities of any man applying for that position. Moreover, any "protective" legislation that exists should apply equally to men and women. The various restrictive State Laws that now exist only serve to deprive women of their right to employment in certain occupations for which they might otherwise be fully qualified.

An Equal Rights Amendment would, of course, make women eligible for jury service on the same basis as men. We have already enacted such a statute in Florida as have other states. Naturally, a woman with little children could be excused the same as are men for various other reasons.

With regard to military service, Congress already has the *power* to include women in any conscription, if it so sees fit. While an Equal Rights Amendment would make women eligible for selection on the same basis as men, there is no reason why healthy young women should not be required to serve their government in a capacity suited to their physical and mental abilities.

The family relationship would not be altered by an Equal Rights Amendment: While women do not now have the legal responsibility for supporting their children, they do have such a moral responsibility and they do in fact assume the responsibility of support where it is not forthcoming from the father. As far as child custody is concerned, an Equal Rights Amendment will not change the basis for the judicial determination of what is best for the welfare of the child, the criterion that is now universally recognized by American courts. As to alimony or support of one spouse by the other after divorce or separation, where based on actual economic dependency or relative ability or inability to provide family support, it would not be prohibited by the Amendment since the criterion would not be sex, but economic need.

While women should be entitled to "equal protection" under the 14th Amendment and "due process" under the 5th Amendment to the United States Constitution, no Supreme Court decision has ever been rendered holding that laws classifying persons on the basis of sex are unreasonable and unconstitutional. A constitutional amendment is needed, therefore, to insure comparable treatment of the sexes before the law.

LETTER TO DADDY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, the city council of Tampa has brought to my attention a very inspiring letter written by Miss Betsy Bryant. I think it would be proper for all Members of Congress to read this letter, particularly in these days of stress, and when so much is said concerning the alleged lack of patriotism and respect of family of our younger generation.

Mr. Speaker, Col. Charles Bryant died over a year ago while on duty with the U.S. Air Force. This letter by his daughter Betsy is an appropriate tribute to her fine father and also to her country. I know Betsy and I know the deep feeling she and the rest of her family had for Colonel Bryant. This letter was written for Veterans Day in connection with an observance of this day by Betsy's school.

I am sure that the reading of it will mean a great deal to all of the Members of the House of Representatives. The letter follows:

NOVEMBER 11, 1969.

DEAR DADDY: Today is Veteran's Day, and though you aren't here physically to honor this day, I know that your thoughts are with us all. This day has never before meant as much to me as it has today. I guess that's because before I never realized what America and what we're fighting for really stood for. Today at school we had a morning assembly to honor the living and dead veterans of all the wars. I've never been as proud of my country or my school as I was today. Watching all of the students standing silently as the flag was raised to halfmast, I felt truly touched and I could feel my heart swelling with pride. I think I might even have felt some of the pride you had carried throughout your life, here on earth. You would have been proud of me today, Dad, and of our school. It was like all of the students could have overcome anything under the unity we stood under today. When they played "Taps" tears filled my eyes, but they weren't tears of sadness, they were tears of gratitude to a country and a heritage that I'm proud of and that I'd fight for if the case should ever arise. No, perhaps they were sad in a sense, but only sad because of the evils of war and fighting and the high price you had to pay for liberty and the freedom to live. And too, they were sad for you. In my own selfish way, I prayed for your presence to be with me this morning. I've never before been so proud, Dad, never. And most of all, I was proud of you. Proud for what you've done to help this whole country in their pursuit for a completely free world. Even though what you did in a life time is only part of this big world and the life we live, it will never be forgotten in days and years to come.

I know it's crazy to write to you since you've been gone for over a year, but I know that you can see and understand this from where you are. Today we honor you and 38 million other veterans of the wars and pray that peace will someday reign over hate and fighting. Help us win that war we fight in Viet Nam, Dad, and pray for us all down here. Put in a good word for the United States of America with your "C.O." up there, and stick by home today. Even though your presence won't be felt physically, your spiritual presence will be. You can feel pride and patriotism no matter what, and I know no matter what, you haven't lost yours.

We all miss you.

Lovingly,

BETSY.

(NOTE.—This is a copy of a letter written by an American teenager to her father who died while serving the Nation in the United States Air Force. Betsy Bryant wrote this letter more than a year after the death of her father, Col. Charles S. Bryant.)

MAJOR ROWE, VIETNAM VETERAN

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, last week I had the opportunity to have a long, personal discussion with Maj. James N. Rowe. I want to take this opportunity to express my appreciation for having this young man made available to me and my colleagues. Certainly it is beneficial to talk with someone who has had the experiences Major Rowe has and I feel that I have benefited from having talked with the major.

It is hoped that it will be possible for Major Rowe to return to Washington so that more Members of Congress will have

the opportunity to talk with him. I consider it most important, especially at this time, for those in the position of making policy and those in the position of carrying out policy, to have an awareness of all the aspects involved in Vietnam. Major Rowe has presented us with an opportunity to have access to an area before unavailable to us.

LEGISLATIVE PROGRAM FOR WEEK OF DECEMBER 1

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will, of course, adjourn under the resolution heretofore agreed to until Monday, upon termination of business today.

Monday is Consent Calendar Day, and there is one suspension, H.R. 14517, Joint Funding Simplification Act of 1969.

We have programed for Monday and Tuesday—Tuesday being Private Calendar Day also—the House joint resolution making continuing appropriations for fiscal year 1970, and House Resolution 613, toward peace with justice in Vietnam. We expect to begin consideration of the latter resolution on Monday and probably will finish it on Tuesday.

For Wednesday and the balance of the week, we will have H.R. 12321, Economic Opportunity Act Amendments of 1969, subject to a rule being granted. I understand the Committee on Rules will consider that bill on Tuesday, and we expect the bill to take 3 full days.

Mr. GERALD R. FORD. Mr. Speaker, as I gather from the remarks of the gentleman from Oklahoma, we will dispose of the rule on House Resolution 613 on Monday and at least part of the debate, and undoubtedly vote on final passage on Tuesday sometime.

Mr. ALBERT. It appears that is the way we will do it.

Mr. GROSS. Mr. Speaker, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, I am surprised to find a closed rule has been granted on House Resolution 613. I supported this resolution in the Foreign Affairs Committee and expect to support it on the floor of the House, but I can see no reason why, on a resolution involving policy as vital as this resolution deals, it should be brought into the House floor under a closed rule.

We had the opportunity in the House Foreign Affairs Committee to work our will on the resolution, including the opportunity to offer amendments. That right ought to be accorded all Members of the House.

I, for one, will vote against ordering the previous question in order to permit the House to work its will upon this highly important resolution.

Mr. GERALD R. FORD. Mr. Speaker, let me respond, if I may. I believe all Members of the House on both sides of the aisle did get the communication from the gentleman from Texas (Mr. WRIGHT) pointing out that historically within the last 5 to 10 years, we have had other comparable resolutions brought from the Committee on Foreign Affairs.

In each instance it was brought to the floor of the House under a closed rule. I believe the precedents are on the side of such a rule. I personally support the action of the Committee on Rules.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. WALDIE. May I say I thoroughly concur with the gentleman from Iowa in his criticism of the rule that brings this measure to the floor.

May I say also it does seem to me if the purpose of the resolution is to indicate to the President and to those in Paris on the other side that the country is behind the President's policy in resolving this conflict, then to deny this legislative body the opportunity to examine into and vote upon the differences, the agreements and disagreements on that resolution, seems to me to be acting entirely contrary to the purpose of the resolution, and it would seem to me it would be interpreted by the other side as an attempt to stifle dissent in this legislative body, not an attempt to mold unity in the country.

I could not agree more with the gentleman from Iowa .

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. I thank the gentleman for yielding.

I should like to make the point, in addition to concurring with the gentleman from Iowa in his comments on the closed rule, that our research indicated any previous Foreign Affairs Committee resolutions which were considered under a closed rule were such that the committee invariably had hearings on those resolutions so that the sponsors of the resolutions could be questioned as to their intent, and so witnesses could be called before the Committee on Foreign Affairs to testify on those resolutions.

In this case no such hearings were held by the Foreign Affairs Committee in spite of the efforts of some of the members of that committee, including myself, to see that hearings would be held.

I believe the precedents the gentleman from Michigan cited are not apt. I certainly will join with the gentleman from Iowa in opposing the closed rule on Monday.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I would simply support what the distinguished gentleman from Iowa has said about the proposed closed rule. In this situation, as in so many others, this House is indebted to him for his courage and independence for his basic commitment to fair procedures and his willingness to fight for them.

As my distinguished colleague from New York has pointed out, there have been no hearings on the proposed resolution. There is, to say it gently, a certain confusion about what its language means.

Perhaps this confusion is unintentional. Perhaps it has its purposes. If it has purposes, perhaps one of them could be to get as much support as possible by leaving a certain vagueness about the meaning and intent of the resolution. That would ease the mystery of no hearings and closed rules. It would not make them less objectionable.

If we do not have the opportunity for adequate debate and to consider amendments on this of all resolutions, we will simply subject these proceedings to further ridicule. Members not permitted to speak here will not thereby be silenced. They will be angered. Members who cannot propose amendments will not be "unified" by steamroller. They will be more inclined to vote against the steamroller. Nor will all this add even to a facade of national unity.

This is the most pressing question the American people have faced in a long time. We mock democracy when we treat it as if it were a footnote to a bill about fishing rights on Mars. We demean the House of Representatives.

I wonder what possible objection the leadership can have to defeating the previous question so we can debate and amend as the elected representatives of a free people should. That kind of respect for democratic practice might even improve the prospects for some kind of genuine national rapprochement at least on the question of how a free people should decide policy when they are deeply divided about what policy to follow.

Mr. GERALD R. FORD. I can only speak for myself, and let me say there will be an hour of debate on the rule, during which time the views expressed by the gentleman from Iowa (Mr. GROSS), the gentleman from New York (Mr. LOWENSTEIN), the gentleman from New York (Mr. BINGHAM), and others can be developed, if they differ with the recommendation of the Committee on Rules. Then the House will have an opportunity to work its will on a vote on the previous question.

If the previous question is defeated, then of course it would be an open rule. If it is not, there will still be 4 hours of general debate, where the pros and cons of the resolution can be discussed in detail.

I believe the House will have an opportunity on Monday and Tuesday to work its will, and individual Members will have an opportunity to express themselves.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I am one of those who signed that letter. I support the President's November 3 speech. I support the program that he has brought

before the country. I believe it is the only meaningful way we can find a disengagement from this war.

I would say to my colleague, whom I respect very highly, and to the leadership, that we would make a great mistake if we tried to bring this resolution in under a closed rule. We ought to take our chances on this floor. I have full confidence in the membership of this House in working its will.

Mr. Speaker, it would be my hope that we would not on such a crucial issue foreclose those who feel that they would want to offer amendments.

The SPEAKER. The time of the gentleman from Michigan has expired.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, so I may finish what I was saying when the time of the gentleman from Michigan (Mr. GERALD R. FORD) expired, I say it would be a great mistake if you tried to close off debate on that resolution.

I know this House will work its will. I intend to support the President and I have reason to believe that the majority will support the President as have the 300 who signed that letter. But I do not want to give anyone the opportunity to say that somehow or other we foreclosed the opportunity to amend that resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. SYMINGTON. Mr. Speaker, further reserving the right to object, I would like to associate myself with the views of those who oppose a closed rule on this momentous question that we face next week. A great many Members of the House are very anxious to support their President in an effort to find a just solution to this war. I think some of them have some pretty good ideas as to how to do it, and I think they should have an opportunity to express those ideas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE PRESIDENT'S STATEMENT ON BACTERIOLOGICAL WARFARE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. BINGHAM. Mr. Speaker, I rise to commend the President on his statement of yesterday on the subject of bacteriological warfare. It was a statesmanlike thing to do.

I also take pleasure in paying tribute at this time to our colleague, the gentleman from New York (Mr. MCCARTHY), who has played such a major role in bringing this development to pass. He has taken the lead from the beginning, acting with great courage and vigor. Although he has had the active support of many other Members of this body, he is entitled to the lion's share of the credit for what happened yesterday.

Mr. Speaker, I was pleased to note that Mr. MCCARTHY's role was explicitly noted in the New York Times and in the Washington Post of today in the editorials which follow:

[From the New York Times]

GERM WARRIORS RETIRED

The Administration's unilateral renunciation of germ warfare and its reaffirmation that the United States will never be the first to use lethal gases is a welcome move that should raise President Nixon's prestige at home and American prestige abroad. The unequivocal abandonment of bacterial weapons is especially gratifying, since this particular concept of warfare is as senseless as it is horrifying, disease germs being as great a threat to the user as to the enemy. Since even in peacetime it poses a threat of accidental epidemics, it is particularly reassuring to have the President's pledge to destroy the army's entire stockpile of germ missiles.

As for chemicals, Mr. Nixon is asking only for ratification of the 1925 Geneva Protocol, which prohibits first use. Unofficially this has been national policy all along—with certain exceptions. Those exceptions, now in evidence in Vietnam, are tear gas and various defoliant chemicals. We regret that the President failed specifically to include these as coming within the scope of the Geneva declaration. The next best hope is that the Senate will express its understanding of their inclusion if and when it ratifies that 44-year-old agreement, as Majority Leader Mansfield seems confident it will.

The tear gas in use today, CS–2, is really a lung gas, far more painful than the simple chemical used when the Geneva Protocol was drawn up—and it has been used in Vietnam to flush enemy soldiers out of hiding places so they can be shot down. The defoliants are triply reprehensible in that they destroy food supply far into the future, upset the ecology and threaten future generations with deformity.

Nevertheless, the President's action is a major step forward and a credit to the Administration. When credits on this score are being distributed, incidentally, it would be grossly unfair to omit the name of Representative Richard D. McCarthy, Democrat, of New York. More than any other man, the Buffalo Congressman took the initiative in revealing the dangers and follies of chemical and biological warfare, exposed the extent of the stockpiling, and fought, sometimes singlehanded, for the renunciation that is now official policy.

[From the Washington Post]

A HISTORIC DECISION TO RENOUNCE GERM WARFARE

For decades the United States has been mindlessly and massively preparing itself to use disease as a weapon of war, despite all the horror summoned up by bacteriological devastation, all the threats it poses to user as well as target, all the irresponsibility involved in tampering with the health of the human race. Now President Nixon has declared that the United States will renounce biological warfare, cut back its BW research to "defensive measures such as immunization and safety," and undertake to dispose of its BW stocks.

The decision is a historic one. In making it, the President took hold of an enterprise that had been abandoned years ago to its practitioners in the military bureaucracy. He examined it systematically, and—like other students of the matter—discovered that BW posed great dangers to the general health and no advantages to the national security. Then, defying the established behavior patterns of Washington, Mr. Nixon acted swiftly and decisively on his findings: he abolished the American BW programs. Such a performance is as refreshing as it is rare. Every American can take pride that his government intends to stop its part in what Congressman Richard McCarthy calls, in the title of his new book on the matter (published today), "The Ultimate Folly."

Of quite another order is Mr. Nixon's decision to ask the Senate to ratify the Geneva Protocol of 1925. The principal instrument of international restraint on biological and chemical attack, the protocol prohibits the first use in war of "asphyxiating, poisonous or other gases and of bacteriological methods of warfare." The United States has suffered serious diplomatic and moral embarrassment from its failure to approve the protocol until now.

Mr. Nixon damages his initiative somewhat by reserving the right to employ the tear gases and chemical defoliants widely used in Vietnam. Many Americans, and most countries which have accepted the Geneva Protocol, believe that those items should not be excluded from protocol coverage. They will surely argue against unilateral interpretation which has the effect of legitimizing practices they question. The pressure on the White House to submit the Geneva Protocol for ratification has been great. But the important point is not ratification; it is the practices the protocol regulates. If Mr. Nixon feels that the exigencies of the Vietnam war require continued use there of tear gas and herbicides, then he might do better to go slow on the protocol until the international community comes near to a consensus on on its application. His pledge to renounce not only "lethal" but "incapacitating" chemical weapons suggests the pitfalls: a herbicide which destroys one's foods has aspects of the "lethal" and the "incapacitating," as does a tear gas which drives one out of a bunker into the range of an iron bomb.

While a President is responsible for his own decisions, the role of Congressman McCarthy in those on CBW is too great to be ignored. From a layman's shock at his first glance at CBW, Mr. McCarthy proceeded to inform himself thoroughly about it, to break through much of the military's thick shrouds of secrecy, and to rouse the public to many of the implications and perils. While a combination of circumstances and accidents help him in his task, his own clarity of conscience and soberness of method underlay his success. The country owes Richard McCarthy an immense debt.

THE EVENTS AT PINKVILLE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, there is a great deal of discussion and debate all over the world and in our country today about the massacre that occurred at Pinkville. The wanton destruction of civilians was abhorrent and no one can ever justify that kind of conduct. However, I hope what happened at Pinkville will not overshadow the atrocities com-

mitted by the Communists over the years in South Vietnam, highlighted, perhaps, by the monstrous massacre committed by the Communists at Hue which I recently compared to the massacre at Katyn Forest also committed by the Communists.

Mr. Speaker, I am not about to defend the conduct which occurred at Pinkville, but I think those who have been trying to try this case ought to be mindful of the fact that the Nuremberg trials established a principle that it is no longer a defense to such crimes simply because you were carrying out military orders.

I think we ought to realize that a lot of young Americans may be seriously jeopardizing themselves by the manner in which they discuss these events and are subjecting themselves to prosecution under the doctrine of Nuremberg.

I believe the Defense Department has taken the right action in calling for a full-scale investigation into the facts of the massacre at Pinkville. I believe that if there are charges to be brought against those responsible they should be brought, and they should be tried, but I would suggest some of our colleagues to be mindful of the fact that the whole Pinkville affair may have far-reaching consequences. I hope those who are fulminating on this are mindful of those consequences.

A SALUTE TO THE APOLLO 12 ASTRONAUTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, in contrast with all of the remarks that have been made in decrying war, and the costs of war, I would like to present a happier note, and announce to the House that which is already known, but so to make it part of the RECORD, that Apollo 12 has returned to earth. The astronauts are getting along very fine; they are still confined, and will be throughout the period during which they will be quarantined.

The preliminary indications of some of the data that they have acquired or initiated are of great interest to the scientific community and to the world.

I am sure that all Members join with me in congratulating these fine men, and in congratulating NASA for another well-done job.

PESTICIDE CONTAMINATION— TIME FOR ACTION

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. MONAGAN) is recognized for 30 minutes.

Mr. MONAGAN. Mr. Speaker, it is time to give the Secretary of HEW the legal authority to ban or limit the use of pesticides whenever the use of such substance is hazardous to public health. The Secretary of Interior should have greater statutory authority to participate in decisions regarding pesticide compounds which constitute a danger to fish and wildlife and contaminate the environment.

The more that I learn about DDT and other persistent pesticides, the more ecologically dangerous to man and other forms of life they seem to be.

I strongly endorse Secretary Finch's acceptance of the Mrak—Secretary's Commission on Pesticides and their Relationship to Environmental Health—Commission's recommendation "to eliminate within 2 years all uses of DDT and DDD in the United States, excepting those uses essential to the preservation of human health or welfare." I am also in agreement with the Commission's recommendation to "restrict the usage of certain persistent pesticides in the United States to specific essential uses which create no known hazard to human health or to the quality of the environment and which are unanimously approved by the Secretaries of the Departments of Health, Education, and Welfare, Agriculture and Interior." The Commission found the pesticides, aldrin, dieldrin, endrin, heptachlor, chlordane, benzene hexachloride, lindane and compounds containing arsenic, lead, or mercury to be persistent, to cause contamination of the environment and to cause damage to various life forms.

The Commission further recommended that human exposure to those pesticides considered a potential health hazard to man be minimized. The Commission found that in recent screening studies in animals several pesticide compounds were judged to be "positive" for tumor induction. In similar screening studies other pesticide compounds were judged to be teratogenic—cause fetal deformities as in the case of the drug, thalidomide. As a result the Commission believed a need existed to reexamine the registered uses of the materials and other relevant data in order to take prudent action. The pesticide compounds so indicted were Aldrin; Amitrol; Aramite; Aradex; Bis (2-chloroethyl) ether; Chlorobenzilate; p, p'-DDT; Dieldrin; Heptachlor (epoxide); Mirex; N-(2-hydroxyethyl) hydrazine; Strobane; Captan; Carbaryl; the butyl, isopropyl and isooctyl esters of 2,4,-D; Folpet; mercurials; PCNB and 2,4,5-T. It is very possible that many of these pesticide compounds may be found as residues on our food crops. Consideration and thought should be given as to the benefit versus risk on the use of 2,4,5-T; 2,4,-D esters; and cacodylic acid as defoliants.

Although Secretary Finch endorsed the recommendations of the Commission he claims he has no authority to ban or limit the use, or to effect the labeling and registration of, these compounds.

The Department of Health, Education, and Welfare now holds that the Delaney clause of the Federal Food, Drug and Cosmetic Act—which provides that no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal—does not apply to pesticide residues despite the—aminotriazole—cranberry flap where it was invoked. HEW will act to seize food with high pesticide residue levels. This does not affect the use of the pesticides but merely permits removal of food products after they have been contaminated with a pesticide compound.

The authority to permit the marketing of a pesticide rests in the Secretary of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act. The Agriculture Department has consistently ignored the potential public health hazards and freely allowed the use of pesticide compounds dangerous to human health and other forms of life in its administration of the FIFRA Act.

This act provides that before pesticides can be sold in interstate commerce a manufacturer must register his product with the Department of Agriculture and attest to its safety and efficacy. The act gives the Department authority to enforce, revoke or limit such registration. Presently more than 60,000 pesticide formulations, involving more than 900 individual chemical compounds have been registered.

In 1963 the report of the President's Science Advisory Committee urged that greater authority be given to the Department of Health, Education, and Welfare in controlling the use of pesticides. As a result, an interdepartmental agreement was entered into by the Departments of Health, Education, and Welfare; Interior; and Agriculture. Under the agreement, data supplied by the manufacturers was supposed to be evaluated by the three departments prior to registration. Interior was to assess the effects of pesticides on wild birds, mammals and fish, and their habitat. HEW was to assess the effects the pesticides may have on the health of man. Agriculture had the responsibility of assessing the safety and effectiveness of the pesticides when used as directed on the label and registration. Did this agreement work—the answer is "No."

The House Government Operations Committee of which I am a member issued a report on November 17, 1969, entitled, "Deficiencies in Administration of Federal Insecticide, Fungicide, and Rodenticide Act." The report pointed out the lack of interagency cooperation. HEW had objected to a total of 1,663 proposed registrations or reregistrations during a 5-year period from July 1, 1964, through June 30, 1969, but not one of the 1,663 HEW objections was referred to the Secretary of Agriculture in accordance with provisions of the interdepartmental agreement. Annual meetings required by the agreement were not held. HEW officials had concluded that Agriculture had no intention of complying with the terms of the interdepartmental agreement. Interdepartmental meetings when held broke down on differences. Thus the committee concluded from hearings and inquiry:

> The Department of Agriculture failed completely to carry out its responsibility to enforce provisions of the Federal Insecticide, Fungicide and Rodenticide Act intended to protect the public from hazardous and ineffective pesticide products being marketed in violation of the act.

Numerous pesticide products have been approved for registration over objections of HEW as to their safety without compliance with required procedures for resolving such safety questions.

The Department of Agriculture approved pesticide products for uses which it knew, or should have known, were practically certain to result in illegal adulteration of food.

The Pesticides Regulation Division,

Department of Agriculture, failed to take adequate precautions to insure that pesticide product labels approved for registration clearly warn users against possible hazards associated with such products.

Information available to Federal agencies concerning pesticide poisonings is inadequate and incomplete. The Department of Agriculture failed to make effective use of even the limited data available.

The Department of Agriculture did not take prompt or effective cancellation action in cases when it had reason to believe a registered pesticide product might be ineffective or potentially hazardous.

The Department of Agriculture consistently failed to take action to remove potentially hazardous products from marketing channels after cancellation of a pesticide registration or through suspension of a registration.

The Department of Agriculture has no procedures for warning purchasers of potentially hazardous pesticide products.

The Department of Agriculture failed to take appropriate precautions against appointment of consultants to positions in the pesticide area in which their duties might conflict with the financial interests of their private employer.

Accordingly, the House Government Operations Committee recommended drastic review and shakeup of the Department of Agriculture's pesticide operations. The Mrak Commission based on its own inquiry and fact gathering concluded that existing interagency agreement to be inoperable by advocating a new interagency agreement. Further, the Mrak Commission pointed out that the present Department of Agriculture practice under the Interagency Agreement requires the Secretaries of the Department of Health, Education, and Welfare and the Department of the Interior to produce scientific evidence clearly demonstrating a present hazard to health or to the environment in order to remove from registered use or prevent the registration of any specific pesticides. The Commission concluded that the burden of proof should rest upon the manufacturer to demonstrate to the Secretary of Health, Education, and Welfare that appropriate tests do not produce untoward effects upon two or more species of mammals which might indicate a hazard to health. The Commission felt the imposition of this duty was the intent of the act which it appears had been ignored by the Department of Agriculture. The Mrak Commission further stated:

> If the objective of providing to the Secretary of DHEW the authority to meet his responsibility for control of health hazards of pesticides cannot be attained by a new Interagency Agreement, it will be necessary to amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Will a new interagency agreement work? If past experience is any guide, the probability is that it will not, especially if there is no legal authority in the Secretaries of Health, Education, and Welfare and Interior and all the authority is vested in the Secretary of Agriculture. Under such circumstances any interagency agreement is useless since Agriculture may ignore it at will. In the past, for example, Health, Education, and Welfare objected to registering a product that was a proven carcinogen—cancer producer—for laboratory animals but the Department of Agriculture told FDA, the Department of Health, Education, and Welfare that until FDA could produce evidence that this product produced cancers in human beings from skin contact, Agriculture would continue to register the product.

I submit that the prime priority in the registration or re-registration of the use of pesticide compounds should be the potential hazard to health rather than the benefit to food and fiber. There must be a balancing of benefits versus the risks, but the potential hazard to health cannot be totally ignored as the Department of Agriculture consistently has done.

The President's Environmental Council recently announced several steps to remedy some of the defects that I mentioned together with other constructive steps such as the banning of the use of DDT for all household and community uses, except in emergency cases and when no other alternative is available. The Environmental Quality Council has no statutory authority. The Secretary of Agriculture ordered the above ban on DDT and also a ban on all other DDT uses by December 21, 1970, except for emergency control of diseases and massive crop pest infestations. Further, that beginning in March 1970 the same action being applied to DDT also will be taken as to the other persistent pesticides.

I applaud the action whenever the end result is to protect the public health. I would urge the continued use of either DDT or those other persistent pesticides effective against termites or such uses where the benefit would not appear to create a potential risk on the environment or on human health. The Environment Quality Council release declared that an agreement had been reached with the Department of Interior and Health, Education, and Welfare on joint responsibility for assessing the public health aspects of pesticides and further the Secretary of Health, Education, and Welfare was delegated the power by the Secretary of Agriculture to veto the use of pesticides that might affect public health.

I favor such action if it is for real.

However, the same steps could have been taken under the past agreement. Whenever the Department of Agriculture chose to ignore the past agreement, it did so. There is no assurance that it might not do so again as the sole legislative authority still is vested in the Secretary of Agriculture.

Therefore, I intend to introduce legislation which will assure that this will not occur by granting to the Secretary of Health, Education, and Welfare greater authority to participate in decisions regarding initial or continuing registration of pesticide compounds which present a potential health hazard.

CRACKING DOWN ON THE STOLEN CREDIT CARD RACKET

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I am asking Congress to crack down on the organized credit card racket which costs $100 million a year. I think it should be a Federal crime to fraudulently use a credit card.

Our present Federal laws cannot cope with stolen credit cards even though they are freely used interstate. This irony is due to the fact that the thief can only be charged with a misdemeanor since the intrinsic value of the card—perhaps a few cents—is no gage of its actual value. But the single credit card can well represent a potential theft of $50,000, or even more, before its blacklisting can be caught up with or the thief apprehended.

My bill would make it a felony to transport, use, or sell any counterfeit, stolen, or otherwise fraudulently obtained or altered credit cards between States. The Federal penalty for such an offense would be up to $10,000 or 10 years in prison. It also provides that merely transporting or using such a card shall be prima facie evidence of fraudulent intent. It would not only strike at the thieves, counterfeiters, and forgers, but also "fences" who trade in fake or stolen credit cards.

Fake or stolen credit cards also have great mobility. Credit card thieves are not bound by geography. Police are limited by State lines; crooks ignore them. For instance, local authorities estimate that the traffic in illegal credit cards flowing back and forth between Kennedy Airport in Queens and Los Angeles is now comparable in magnitude to stolen jewelry as a public menace.

The only Federal law that applies to organized rackets, the so-called Stolen Property Act—does not cover credit cards as such, because it applies only in instances of stolen merchandise valued over $5,000. The result is, that of 1.5 million lost credit cards annually, over a third are stolen, costing the issuers and card owners $100 million every year, according to reliable estimates.

With just as many credit cards in America now as people, the organized racket in stolen and forged credit cards is an ever mounting threat to the American economy. And with most American families averaging six credit cards, what with gasoline, department store, restaurant, and travel cards readily available today, the chances of the average family being victimized are very great.

Unfortunately, the card owner often must bear the financial loss when cards are lost or stolen. Most card issuers, that is, banks or gasoline firms, hold the card owner liable for any expenses charged after his card disappears until written notice is given. Police files indicate cases in which issuers recovered amounts of over $2,000 from innocent defenseless card owners.

Credit cards are a useful convenience in our highly mobile American economy. They make it safer and easier to use credit with little disagreeable delay all over the United States and in other parts of the world. But these same cards, in the wrong hands, can be part of the arsenal of thieves and of organized crime.

The real injury done to the public is that a vast criminal underground is

being supported in part with stolen cards. The credit card has often become the wheels and wings of the gangland enforcer, the hired killer. It is a means by which underworld assassins can move swiftly and anonymously, with free airline tickets, leaving scarcely any trail for the law to follow.

Not too many years ago, when a purse snatcher or a pickpocket found credit cards in a stolen wallet or pocketbook, he promptly discarded them. Today, the credit cards are the cream of the stolen crop, because a black market and organized fencing operation have matched the growth of credit cards.

Law enforcers have told him that the theft of credit cards is a highly and skillfully organized racket. Numbers of parking lot attendants, hotel and motel maids, prostitutes, and store clerks have been enlisted in the nationwide racket. A lost or stolen credit card can mean hard cash in the organized black market.

Some examples of increased organized credit card racketeering include:

An investigation is presently underway by the Bronx, N.Y., district attorney concerning infiltration of local post offices by the underworld to divert unsolicited credit cards mailed in bulk by some banks.

Post Office officials report that last year 80 post office employees were arrested in various parts of the country and charged with theft of credit cards.

A counterfeiting ring operating out of New York has been arrested for selling American Express Cards throughout New England, amassing over $170,000 in credit charges.

A Mafia group has been disclosed to have spent over $350,000 for travel and living expenses with stolen cards from the Diners Club.

A huge network of fraudulent transactions was recently uncovered in Chicago involving a conspiracy of swindlers and service station dealers in which cards were sold to dealers who submitted false credit forms.

Police and public prosecutors have also told me of instances in which a single credit card has been used to rack up elicit purchases totaling from $40,000 to $75,000.

The amazing figures are understandable when you realize that the very nature of the credit card puts the thief far ahead in his race with the law. A card picked up in New York City can be used within a few hours in San Francisco, Paris, or Rome.

The retailer who honors the card may return his signed slips in a matter of weeks or even a month or more later. By that time, the fast-moving crook can cover a large piece of the globe, using airline tickets purchased fraudulently with the same stolen card.

It is easy to see why the yearly loss through credit card theft and fraud has been estimated at the staggering sum of $100,000,000. It is also reasonable to conjecture that the true total of credit card losses may be far beyond that figure.

The issuer may consider the possibility of irritating a legitimate customer by mistake, because of the awkward methods of apprehension available under present law. He must balance that possibility against the possible losses. Frequently, he decides that he can afford to write off the loss to avoid the possible bad public relations involved in trying to take action against a suspected thief.

It is unfortunate in this case, as in others, that the forces of law have many more roadblocks in their path than the lawbreakers. A credit card thief has virtually no geographic limitations to his operations, but law-enforcement agencies—especially State and local law enforcers—have limitations of time, money, distance and State lines.

I must point out that in my own county of Queens, N.Y., with two of the busiest airports in the East, and Los Angeles, are the two coastal ends of the cross-continent airline route between which much of the stolen credit card traffic moves.

It is significant to note that New York State recently took the first step toward establishing a model State credit card law. A new law sponsored by State Senator John R. Dunne makes it a felony to steal or receive or unlawfully possess a credit card owned by another person. It also provides stiff penalties for forging, altering or counterfeiting credit cards.

But even such State action cannot be enough. There is a vital need to establish distinct Federal jurisdiction to help counteract the credit card crook's ability to move speedily and in comparative safety, without regard to State lines or areas of jurisdiction. Unfortunately, the most applicable Federal law is still drowsing in the horse-and-buggy era, as far as credit cards are concerned.

It is essential that we change the law to enable Federal law-enforcement agencies to use their full powers most effectively in tracking and catching the credit card racketeers.

THE HAYNSWORTH NOMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, I am disheartened and dismayed at the Senate's rejection of Judge Clement F. Haynsworth, President Nixon's nominee to the Supreme Court.

Judge Haynsworth's critics claimed he failed to meet the high standards expected of Supreme Court Judges. However, the so-called high standards the critics employed to arrive at their conclusions were ones never before applied to Presidential nominees; and, in fact, were standards that the Senate has consistently refused to apply to its own Members. In a word, the standards were artificial.

The background and qualifications of Judge Haynsworth have been subjected to extensive congressional inquiry. By a 3-to-1 majority, the Senate Judiciary Committee concluded that the judge had not participated in any cases in which he had a real conflict of interest. During the committee investigation, Judge Haynsworth received the unequivocal endorsement of 16 past presidents of the American Bar Association. In addition, the well-respected ABA Committee on Judicial Selection made an intensive examination of the judge and unanimously approved the nomination. In this connection, the committee reported that it was the "unvarying, unequivocal, and emphatic" opinion of "each judge and lawyer interviewed" that Judge Haynsworth possesses impeccable integrity. Finally, all of his fellow circuit judges, and all of the district judges in the fourth judicial district, which includes the States of Maryland, Virginia, West Virginia, North Carolina, and South Carolina, publicly stated their confidence in and support of the judge.

Mr. Speaker, for anyone to suggest that these distinguished members of the legal profession were motivated by anything but a sincere regard for promoting high judicial standards would be slander of the worst sort.

Based on the record, I think it is obvious that the real opposition to Judge Haynsworth centered on his judicial philosophy. In my opinion, the judge was, in effect, rejected by the Senate because he fully discharged the responsibilities of his judgeship. By the uncontradicted reports of those who came in contact with him in a professional capacity, Judge Haynsworth did his job, and he did it well. He sat on cases on which he had the responsibility to sit. He rendered decisions as a fair-minded individual who believed in upholding the law and the Constitution. He followed the judicial precept that a judge should be responsible, that judicial decisions should be based on established legal principles and not on political moods of the moment.

By judicial standards, Clement F. Haynsworth is a conservative. He sees his judicial responsibilities in clear and simple terms. He considers himself charged with upholding the terms of the Constitution, and strictly enforcing the laws of the land. I agree with this philosophy, as does President Nixon.

During the course of the 1968 campaign, President Nixon promised to restore some semblance of balance to the Supreme Court, a Court that under the leadership of Justice Earl Warren has played havoc with American traditions for over 15 years. President Nixon began restructuring the Court by appointing Judge Warren E. Burger to succeed retiring Justice Warren as Chief Justice. He was continuing his efforts, efforts born of deep personal conviction, with the Haynsworth nomination.

That the confirmation of Judge Haynsworth was rejected is tragic for the Nation, the President, the Senate, and for Haynsworth himself. It is tragic for the Nation because the American people will be denied, even longer, full representation on the Supreme Court. In addition, the principles that the people voted for in voting for President Nixon will not be accorded their full weight in Supreme Court decisions. It is tragic for the President because he handpicked a candidate, and subjected him to exhaustive investigations by the FBI and the Justice Department, both of whom certified his qualifications for the nomination. The end result of these efforts was that his nominee was rejected by the Senate for political reasons. The Senate suffered by the affair and its prestige has been damaged because certain Senators let them-

selves be controlled by labor bosses and civil rights agitators who were unalterably opposed to the nomination. The most tragic casualty is, of course, the judge himself. He has rendered years of distinguished service to the bench and bar, and as a reward was pilloried by self-serving headline hunters and misguided liberals.

Mr. Speaker, the question that must be faced now is where do we go from here. A Presidential nominee has been rejected by the Senate because he failed to meet impossible and artificial standards. The President has declared he will employ the same constitutional standards in choosing his next nominee to the Court that he used in choosing Judge Haynsworth.

At this point in time, it seems that an impasse exists between the Senate and the President. I think the distance can be bridged, and rightly so, if the Senate adheres closer to its constitutional responsibilities, and votes for the next nominee strictly on the basis of his judicial qualifications for the post.

CRIME IN AMERICA

Mr. Speaker, J. Edgar Hoover, the Director of the Federal Bureau of Investigation, recently testified before the National Commission on the Causes and Prevention of Violence. The theme of his remarks was clear: Criminal violence has become the most serious domestic crisis now facing our Nation.

What made Director Hoover's comments particularly telling is the fact that he is one of the Nation's foremost experts on crime. He is in a position to know the true facts about crime, and the facts he related to the National Commission were alarming ones. According to FBI statistics, the United States is experiencing an epidemic of crime and violence unparalleled in the history of the world. No segment of society is safe from the menace of crime. Muggers, sex offenders, and mobsters prey on innocent citizens in ever-increasing numbers.

In an attempt to graphically depict the pattern and amount of crime in America at any given moment, the FBI has instituted "crime clocks" that show the frequency with which certain crimes occur. Last year, for example, violence occurred with the following frequency:

Serious crimes, seven each minute; violent crimes, one each minute;

Murder, one every 43 minutes;

Forcible rape, one every 19 minutes;

Aggravated assault, one every 12 minutes;

Robbery, one every 2½ minutes;

Burglary, one every 20 seconds;

Larceny, one every 30 seconds; and

Auto theft, one every 48 seconds.

Statistics like these are staggering. What is even more staggering, however, is the speed at which the rate of crime and violence is rising. During the first 6 months of this year, crime in general rose 21 percent faster than it did last year. Murder and rape increased 21 percent faster during the first half of 1969, armed robbery increased 34 percent, and aggravated assaults were up 28 percent.

Mr. Speaker, the full story of crime in the United States is contained in Director Hoover's statement to the National Commission on the Causes and Prevention of Violence. I commend the full text of Mr. Hoover's remarks to the attention of my colleagues. I believe his penetrating analysis of the problem of crime and violence, and the conclusions he recommends, deserve thoughtful consideration.

While dealing with this subject, I would like to take the opportunity to urge the Democratic leadership of the House Judiciary Committee to commence action on the many legislative proposals to fight crime that the Nixon administration has sent to the Congress. Contained in these many proposals are new ideas and new approaches that could effectively be employed to combat this growing menace to our Nation.

The material referred to follows:

[From U.S. News & World Report, Oct. 7, 1968]

THE STORY OF CRIME IN THE UNITED STATES

(By J. Edgar Hoover, FBI Director)

Violence is a reality in America today. In the light of events in recent years, it has become the most serious domestic problem confronting the United States.

CRIMES OF VIOLENCE

Every indicator available to the FBI, from its investgative responsibilities in both the criminal and security fields, emphasizes that violence is a rapidly growing malady. This is clearly shown in the statistics compiled by the FBI in its Uniform Crime Reporting program.

Of an estimated 3.75 million serious crimes reported to law-enforcement agencies in 1967, 484,900 were violent crimes in the classifications of murder, forcible rape, robbery and aggravated assault.

This represented a substantial increase over the 421,000 such crimes reported in 1966.

The violent-crime rate in the United States for 1967 reached 250 victims per 100,000 population. This is more than double the 1940 rate, 88 per cent higher than the 1950 rate, and 57 per cent above the 1960 rate.

Over all, crime in the United States rose 21 per cent during the first six months of 1968 over the corresponding period in 1967.

The violent crimes of murder, forcible rape, robbery and aggravated assault increased 21 per cent as a group. Armed robberies increased 34 per cent, and aggravated assaults with firearms 28 per cent in the first six months of 1968, as compared to the same period in 1967.

These statistics represent an epidemic of crime and violence which has affected virtually every segment of American society. The mugger, the rapist, the hoodlum stalk our streets in frightening numbers. Fear of venturing outside the home at night has become a fact of urban life.

Guns are far and away the most common weapons used in murders and nonnegligent homicides. Of the 12,090 murders reported in the United States in 1967, over 7,600 were committed with firearms. They were also used in over 73,000 armed robberies and over 52,000 aggravated assaults. It is significant in these times, when we know too well the tragic stories of senseless sniper killings and the shooting of innocent people by crazed gunmen, that murder by firearms has increased 47 per cent since 1964.

Armed robberies and aggravated assaults with firearms have increased 58 and 76 per cent, respectively, since 1964.

The "crime clocks," as contained in the FI's Uniform Crime Reports for 1967, show that last year these offenses occurred at these time rates:

Serious crimes: Seven each minute.
Violent crimes: One each minute.
Murder: One every 43 minutes.
Forcible rape: One every 19 minutes.
Aggravated assault: One every 2 minutes.
Robbery: One every 2½ minutes.
Burglary: One every 20 seconds.
Larceny: One every 30 seconds.
Auto theft: One every 48 seconds.

VIOLENCE AGAINST LAW-ENFORCEMENT OFFICERS

The violence of the criminal, often cold-blooded and calculated, is especially felt by law-enforcement officers.

In 1967, 76 officers were killed in the United States while performing their official duties. This raised the total of these deaths to 411 for the eight-year period beginning in 1960. In 96 per cent of these murders, firearms were used.

A study of the criminal histories of the 539 offenders involved in these police murders since 1960 reveals that 77 per cent had been arrested on some prior criminal charge before they took an officer's life. In fact, 54 per cent of those offenders with prior criminal arrests had been previously taken into custody for such violent crimes as murder, rape, robbery and assault with intent to kill.

Of the offenders previously convicted, two thirds had been granted leniency in the form of parole or probation. Three of every 10 of the offenders were on parole or probation when they murdered an officer.

Physical assaults against officers are also increasing. A heavy toll of injuries among police officers has resulted from enforcement action taken in connection with riots and civil disobedience.

Nationally, the rate of assaults on law-enforcement officers in 1967 was up 11 per cent, and assaults per 100 officers increased to 13.5 per cent from 12.2 per cent in 1966.

YOUTHFUL CRIMINALITY

A particularly tragic facet of the crime and violence problem in this country is the increasing involvement of young people.

A disproportionate share of national crime is committed by persons under 18 years of age. In 1967, for example, 49 per cent of those arrested for serious crimes were in this age bracket; and arrests of persons under 18 increased a startling 69 per cent from 1960 to 1967, while the number of persons in the age group 10 through 17 increased just 22 per cent.

The majority of juvenile crimes are against property—62 per cent of all persons arrested for car theft in 1967, for example, were under 18 years of age. However, youthful violence has been steadily rising. Arrests of individuals in this age group for violent crimes showed the following percentage increases in 1967 over 1960: murder, 56 per cent; forcible rape, 38 per cent; robbery, 96 per cent, and aggravated assault, 121 per cent.

Violence is particularly prevalent today among young people in large metropolitan areas. Vicious juvenile gangs terrorize the slum sections which spawn them, using weapons easily made or come by to commit crimes of violence, which all too frequently leave their victims killed or maimed. This youthful criminality too often establishes a career in crime.

ORGANIZED CRIME

Although violence is an integral part of the operations of organized crime—whose major syndicate is known as La Cosa Nostra—it is a coldly calculated tactic to maintain the group's dominance over its own members and over the members of the society in which it operates, rather than terror for terror's sake.

The peculiar evil of this type of "corporate" violence is not the individual sadism and brutality of the "enforcers" and "strong-arm men," but the monopolistic position it enables racket leaders to gain and hold in their legitimate, as well as their illicit, activities.

Force and threats of force are employed to eliminate rivals, collect on gambling and loan-sharking debts, frighten potential witnesses, enforce internal discipline, and gain

possession of various business chattels. In the greater Chicago area alone, there have been more than 1,000 gangland slayings since 1919, only 17 of which have been solved; in the greater Boston area, there have been more than 50 during the past four years, only 11 of which have been solved.

CAREERS IN CRIME

The FBI's careers-in-crime program, a study of criminal careers, made possible by the co-operative exchange of criminal-fingerprint data among law-enforcement agencies, has produced the following profile of 12,026 perpetrators of violent crimes who were arrested in 1966 and 1967:

For the murderers, of whom there were 922, the average criminal career was 11 years, and 7 arrests. For the felonious-assault offenders, of whom there were 4,538, the average career was 10 years, and 8 arrests. For the rapists, of whom there were 925, the average career was 8 years, and 7 arrests. And for the robbers, of whom there were 5,641, the average career was 9 years, with 8 arrests.

Seven per cent of the murderers had previously been charged with homicide during their criminal careers, and 18 per cent of the rapists were repeaters of this violation. With respect to the felonious-assault offenders, 30 per cent had previous arrests for serious assaults, and 37 per cent of the robbers had repeated that crime. This is of key interest, because it shows a tendency toward the commission of violent crimes by repeaters.

COST OF CRIME AND VIOLENCE

The enormous cost in money and ruined lives, which the statistics of American crime represent, touches almost every citizen in some manner. The cost in dollars and cents is staggering—estimated at over 27 billion dollars a year.

The damage inflicted by the riots in our cities in recent years has added materially to this figure. The rioting here in Washington, D.C., following the murder of Martin Luther King on April 4, 1968, caused damage estimated at 24 million dollars. Losses sustained during the April rioting in Baltimore amounted to 14 million dollars.

The cost to society of the fear and anguish resulting from violence cannot be assessed monetarily. There is no way to determine accurately the damage to the nation or to individual lives resulting from the harrowing experiences of criminal attacks which maim or mutilate, nor the price of personal grief and suffering for families of those struck down by killers. The corrosion of fear which violence brings saps our strength as a nation and weakens the social fabric of our communities.

ORGANIZATIONS ADVOCATING VIOLENCE

There are in the United States today a number of subversive and extremist organizations which advocate force and violence. They strive in every possible way to disrupt law and order, and to inculcate hatred and bigotry that breed violence.

Communist Party, U.S.A.

Prominent among these is the Communist Party, U.S.A. (CPUSA). Communist statements for public consumption to the contrary, material furnished for study within the CPUSA clearly reveals that the use of force and violence is—as it has always been—the primary technique for the Communist seizure of power.

Communists are in the forefront of civil-rights, antiwar and student demonstrations, many of which ultimately become disorderly and erupt into violence. As an example, Bettina Aptheker Kurzweil, 24-year-old member of the CPUSA's National Committee, was a leading organizer of "free speech" demonstrations on the campus of the University of California at Berkeley in the fall of 1964. There, protests, culminating in the arrest of more than 800 demonstrators during a massive campus sit-in on Dec. 3, 1964, were the forerunner of the current campus upheaval.

In a press conference on July 4, 1968, the opening day of the CPUSA's special National Convention, Gus Hall, the party's General Secretary, stated that there were Communists on most of the major college campuses in the country, and that they had been involved in the student protests.

Mike Zagarell, CPUSA youth leader, claimed that the party had played a leading role in student rebellions and antidraft demonstrations across the country during the past year. For example, he claimed that 60 of the 300 marshals used during "Stop the Draft Week" demonstrations in New York City during December, 1967, were CPUSA members.

These statements are amply supported by the evidence of such Communist participation in student unrest and antidraft protest demonstrations which FBI investigations have disclosed.

The Students for a Democratic Society, for example, has played a key role in many of these demonstrations, and some of its members, as well as some of its national leaders, have publicly admitted that they were Communists. In addition, members of the CPUSA-controlled W.E.B. DuBois Clubs of America and other Communist splinter youth groups, such as the Young Socialist Alliance, the Youth Against War and Fascism, and the Progressive Labor Party, have been very active in these demonstrations.

Communists labor ceaselessly to exploit the racial situation and to incite racial strife and violence in this country. They have been active in exploiting propagandisewise the riots of recent years. One main Communist goal is to alienate Negroes from established authority.

It has long been Communist policy to charge and protest "police brutality" wherever possible—particularly in racial situations—in a calculated effort to discredit law enforcement and to accentuate racial issues. The cumulative effect of this continuing smear campaign proves that it has been immensely successful. This campaign popularized the cry of "police brutality" to the point where it has, unfortunately, been accepted by many non-Communists, especially militants among minority groups and students.

The net effect of the charge of "police brutality" is to provoke and encourage mob action and violence by developing contempt for constituted authority.

Other Communist organizations

Other Communist organizations in this country dedicated to the use of force and violence include the Trotskyite Socialist Workers Party and the pro-Red Chinese Progressive Labor Party (PLP). The activities of William Epton, Negro vice president of the PLP, in connection with the 1964 Harlem riot resulted in his arrest by New York authorities. He was subsequently found guilty of conspiracy to riot, advocacy of criminal anarchy, and conspiracy to advocate criminal anarchy.

Students for a Democratic Society

The emergence of the so-called "New Left" movement in this country in recent years has attracted much public attention because of its flagrant resort to civil disobedience.

The New Left is composed of radicals, anarchists, pacifists, crusaders, socialists, Communists, idealists and malcontents. It is predominantly a campus-oriented movement. A large proportion of the New Lefists was reared in affluent homes.

This movement, which is best typified by its primary component, the Students for a Democratic Society (SDS), has an almost passionate desire to destroy the traditional values of our democratic society and the existing social order. The SDS has been described by Gus Hall, General Secretary of the CPUSA, as part of the "responsible left" which the Communist Party has "going for us."

In recent months, student disturbances have exploded on college and university campuses throughout the United States, initiated by student activists, many of whom are affiliated with the SDS or campus-based black-extremist groups. The riotous activity at Columbia University was spearheaded by Mark Rudd, chairman of the SDS chapter at this university. In an open letter to President Kirk [of Columbia University], which appeared in the public press in May, 1968, Rudd stated, "Your power is directly threatened, since we will have to destroy that power before we take over."

The SDS held a national convention at Michigan State University in June, 1968. At this convention, methods to disrupt Selective Service facilities and law enforcement were discussed in a "sabotage and explosives" workshop. Suggestions included: flushing bombs in toilets to destroy plumbing, using sharp, tripod-shaped metal instruments to halt vehicles; firing Molotov cocktails from shotguns; jamming radio equipment, and dropping "thermite bombs" down manholes to destroy communications systems.

The protest activity of the New Left and the SDS, under the guise of legitimate expression of dissent, has created an insurrectionary climate which has conditioned a number of young Americans—especially college students—to resort to civil disobedience and violence.

Because activists of the New Left are committed to the use of direct action and violence to achieve their objectives, the New Left movement is becoming more and more anarchistic, militant and violent. As an example, a June, 1968, issue of "The Rat," a New Left underground newspaper published in New York City, carried an article and diagram describing the manufacture of a homemade bomb out of ammonium nitrate and a length of pipe. This particular article concluded by noting that a subsequent issue would contain plans for making thermite bombs.

White hate organizations

In addition to Communist and New Left groups, there are a number of organizations which are basically terrorist and hoodlum by nature. These groups are chiefly of a hate or "anti" variety—anti-Negro, antiwhite, anti-Semitic, or anti-minority.

Their common denominator is a distrust for law and order, and a belief in force and violence.

White hate groups include more than a dozen Klan organizations, lineal descendants of the Ku Klux Klan, which was founded over a century ago. The Klan has a tradition of and a penchant for violence. Over the years, murder, arson, bombings and beatings of Negroes have been perpetrated in many areas by Klansmen.

The National States' Rights Party is a white hate group which is composed of former members of Klan organizations, as well as notorious anti-Semites. It, too, has consistently and pointedly advocated a policy of violence.

The National Socialist White People's Party, formerly known as the American Nazi Party, is another organization that espouses a line of hatred against Negroes and Jews.

The Minutemen is a group of "superpatriots" who ostensibly are preparing and training to engage in guerrilla warfare in the United States following a Communist take-over, which they believe is inevitable. Its members have an obsession for weapons of all kinds.

Black-nationalist organizations

The whole problem of violence in American society has been intensified by the recent black-extremist organizations. These organizations contain many vicious hate-filled individuals whose objective is anarchy; whose symbol is the Molotov cocktail; whose slogan of defiance is "burn, baby, burn"; whose manifesto is Frantz

Fanon's "The Wretched of the Earth"; and whose preachers of the gospel of hate include Stokely Carmichael, H. Rap Brown, and Robert Franklin Williams.

The Nation of Islam, the largest of these Negro hate organizations, is in both the extremist and the nonextremist camp. It has achieved a respectability of sorts because it has shrewdly used the shield of religion, and has insisted that its members avoid racial disorders and live moderately. Nevertheless, its meetings are replete with condemnations of the white race and vague references to the physical retribution that will be meted out to oppressors.

The Student Nonviolent Coordinating Committee (SNCC), whose militant top leaders have included Stokely Carmichael and H. Rap Brown, is one of the most publicized of the black-extremist groups. Carmichael, who was recently expelled from SNCC, has stated that black power signifies "bringing this country to its knees' and "using any force necessary" to attain objectives. He has also urged the blacks in this country to "prepare for a bloody revolution."

The impact of extremist spokesmen on the black community and their ability to incite the youth, in particular, cannot be underestimated. These spokesmen are extremely vocal and dedicated to the destruction of the United States. They have a large audience because of the widespread dissemination given to their inflammatory statements by the news media.

Consider the following statements: Carmichael said in Algiers in September, 1967, "Revolution is the only solution for the American Negroes." In August, 1968, he asserted that the black revolution is entering "the period of armed struggle" just before there is guerrilla warfare. Last summer in Cambridge, Md., H. Rap Brown reportedly said, "It's time for Cambridge to explode. Black folks built America. If America don't come around, we're going to burn it."

Earlier this year, Brown wrote, "We must move from resistance to aggression, from revolt to revolution. . . . May the deaths of '68 signal the beginning of the end of this country."

Take the violence in Cleveland, Ohio, in late July, 1968. There, members of the militant black-nationalist group New Libya exchanged gunfire with police, resulting in the deaths of three officers and eight civilians.

Representatives from several Negro universities and colleges attended a black-student conference sponsored by the SNCC and held in mid-April, 1968, in a Southern State. Reportedly, the majority of the men and women at this conference were armed with pistols.

Among the items discussed at a "defense workshop" at this conference were the following: preparation of maps showing the locations of the homes of mayors, chiefs of police, and similar authorities, so they can be eliminated by Mau Mau-type tactics; distribution of forces in several sections of a city to prevent law-enforcement agencies from concentrating in one area; location of snipers along travel routes of National Guard units and police forces; use of Vietnam war veterans to train black people in demolition, use of booby traps, location of vulnerable spots of armored vehicles, and guerrilla warfare; and use of black college students to instruct black people in adjacent communities in the care and use of firearms, preparation of Molotov cocktails, and reloading of spent cartridges.

The Revolutionary Action Movement (RAM) is a militant, black-extremist, pro-Chinese Communist organization dedicated to the overthrow of the United States Government by force and violence. RAM has organized rifle clubs in order to engage in firearms practice and to obtain arms and ammunition.

On June 15, 1968, two RAM members were convicted in New York City of conspiring to murder Roy Wilkins and Whitney Young, Jr., two moderate Negro civil-rights leaders.

The Black Panther Party is an organization which advocates the use of guerrilla tactics and guns to end the oppression of the black race and the drafting of Negroes to fight in Vietnam.

On May 2, 1967, 24 members of this group invaded the California State assembly at Sacramento while it was in session. The invaders were armed with rifles, shotguns and pistols, and claimed they were there to protest a gun-registration law. On two occasions during October, 1967, and April 1968, members of this group engaged in gun battles with the police, resulting in the murder of one policeman, as well as the death of one group member and the wounding of another.

Within the past year, there have been sufficient contacts between militant black nationalists and representatives of unfriendly or hostile countries to indicate a degree of foreign involvement, participation and influence in the activities of black extremists in the United States. These foreign contracts serve to increase the potential for violence by giving inspiration, encouragement and support to the revolutionary aims, doctrines and activities of black extremists in this country.

Stockpiling of arms by black nationalists

Reports of the stockpiling of firearms and other weapons by black-nationalist groups are of great concern to the FBI and law enforcement. Such stockpiling is, of course, a distinct possibility in view of the ease with which firearms can be obtained in this country, and in the light of the inflammatory urgings of such agitators as Stokely Carmichael, H. Rap Brown, and James Forman, director of international relations for the Student Nonviolent Coordinating Committee.

At a meeting of black nationalists in Los Angeles in February, 1968, for instance, Forman told the audience that every Negro should be armed for the eventual revolution of the black people. Brown quoted from Mao Tse-tung that "political power grows out of the barrel of a gun." He added that Negroes should acquire guns because America only understands force. Carmichael exclaimed that all blacks must unite militarily.

FBI investigations of black extremists have uncovered innumerable allegations that these individuals have obtained firearms and are encouraging residents of ghetto areas to procure weapons. The incidents I previously mentioned in California and Ohio are graphic examples that this is being done. Black extremists have also distributed newspapers and leaflets describing methods of making firebombs for use in riots. "The Inner City Voice," a newspaper in Detroit, with a claimed circulation of 10,000 aimed at the ghetto reader, has published such information.

CAUSES OF AND REMEDIES FOR VIOLENCE

The crime and violence that flourish in America cannot be attributed to a single cause. The causes are many and interrelated, for they are rooted in a number of conditions and influences in contemporary life.

Just as there is no one cause, there is no single remedy. Crime and violence cannot be prevented or reduced by concentrating on one or two phases of the problem to the exclusion of the others. A co-ordinated and many-sided effort is required if effective results are to be achieved.

Social and economic

There are a number of vital social and economic factors—such as poverty, inequality of employment opportunities, inferior housing, inadequate education, discrimination, and breakdown of the family—which breed lawlessness and violence. I shall not dwell on them. It is sufficient to say that we must find ways to eliminate the conditions which are causing us so much grief and concern.

Social and economic causes aside, there are other important factors which have a strong bearing on the era of violence we live in. It is my firm conviction that crime and violence are increasing primarily because there is a mass deterioration in the respect shown for the rule of law in our nation and for some who enforce it. In addition, the deterrents to crime have been weakened. Those who choose to break the law or commit acts of violence know that the punishment no longer fits the crime. This mass deterioration is also clearly manifested in the abdication of individual responsibility.

Individual responsibility

Too many individuals eagerly avail themselves of the rights, privileges, opportunities and benefits which this nation affords, but shirk the duties and responsibilities that life in a free society entails. Often, the serious problems and issues that face the nation can be laid directly to the failure of citizens to fulfill their personal and civic obligations.

There is, unfortunately, a reluctance on the part of some of our citizens to act positively in behalf of law and order. Police have been assaulted while spectators stood by idly watching. Crimes have gone unreported. Witnesses have been unwilling to testify. Even jury duty, the ultimate participation of the layman in the judicial process that seeks to protect him and his property, is regarded as something to be avoided if at all possible. This attitude of noninvolvement was tragically illustrated in the slaying of a young woman in New York City while at least 37 persons in the neighborhood witnessed the series of attacks on her lasting over an hour but did not go to her aid. In fact, only one witness went so far as to call the police.

The key ingredient of our nation's social structure is the individual. Each one must realize that in today's complex society he is, in fact, his brother's keeper. He must abide by the golden rule of treating others as he wishes others to treat him. The individual must realize that, as a member of society, he is dependent upon other members of the society. The individual must recognize that the more he contributes to society, the better society will become.

If each individual citizen would exert an extra measure of caution in his daily life in an effort to preclude opportunities for crime and criminals to flourish, the results in the prevention of crime and violence would be immeasurable. Automobile thefts provide a good example. FBI statistics reveal that in 42 per cent of the cars stolen in the United States, the key was left in the ignition, or the ignition was not locked.

Respect for law and authority

The results of the flagrant disregard for law and order are evident in the widespread and purposeful violation of laws and regulations not to one's personal liking. Such a disregard is not limited to those accused or convicted of crimes, and not to any particular group or groups of individuals in our society. Efforts to avoid payment of taxes, attempts to influence police officers in even minor traffic violations, and opposition to loyalty and patriotism as being old-fashioned and out of date are only a few examples of activities and ideas that undermine our system of law and order.

Heightening the atmosphere of resentment of authority and irresponsibility to others in our society is an all-too-prevalent defiance of duly established laws and rules that is euphemistically termed "civil disobedience." It takes the form of draft-card burnings, seizure of property, or loud and disruptive demonstrations.

The demagogic exhortations of a number of civil-rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience. Their unsound doctrine implies that the answers to all social and economic problems are not to be found in legal procedures, but on the streets, behind barricades, and even in looting, shooting, arson and riots.

Lawlessness is not to be equated with legitimate dissent. Dissent is one of this nation's priceless values. It must be pro-

tected at all times and in all areas of thought and action, be it in time of peace or in time of war. But this dissent, of its very nature, requires law for both its expression and its preservation.

The attitude of the public and young people, particularly with regard to the resentment of authority and violence against the Government and other institutions, is not confined to the United States. A number of countries in other parts of the world, such as France and West Germany, have experienced the same attitude of revolt against established authority.

Attitude of permissiveness

An attitude of permissiveness is becoming more and more evident in our society today, leading to the progressive relaxing and discarding of all forms of restraint and discipline. This attitude has actually been fostered and, in effect, promoted by too many educators, sociologists, clergymen, public officials and parents. Its effect can be seen in the recent actions of some young people throughout the nation, with little or no respect being given for tradition or authority. Their actions have been undisciplined and unrestrained.

The abrogation of responsibility on the part of those in authority has developed among young people an "anything goes" attitude in personal and collective moral standards, and has resulted in an alarming breakdown of the moral fabric of American society.

Our increasing affluent, materialistic, and permissive society has encouraged the growth of a psychology of lawlessness and violence. There exist a softness and tolerance toward those who violate laws on the flimsy pretext of "conscience" or personal judgment of the "justness" of some laws. Such permissiveness invites further violation and leads directly to a general disregard for law and order.

Public officials themselves have played a part in the buildup of permissiveness and violence because of their tendency to overlook a little "lawbreaking" by pressure groups, apparently in the hope that this is the way to satisfy the demand and blunt it. Condoning acts of civil disorder makes law enforcement even more difficult. Moreover, capitulation to the perpetrators of violence merely leads to more leniency, more breaking of the law, and more violence.

Discrediting law enforcement

Much of the disrespect for law enforcement has grown up over the years from a general contempt for authority that has evolved in a permissive atmosphere. Attempts are made to depict law-enforcement officers in an unflattering manner or to improperly charge them with misconduct. Such claims tend to create a false image of law enforcement and to give license to those who consider the police as "enemies." Certainly, there is room for improvement in police personnel and operations, and there are instances of police misconduct. However, it is unfair to condemn all of law enforcement for the shortcomings of a few.

An acute problem facing law-enforcement agencies today is the failure to obtain an adequate number of qualified personnel. More trained police officers are urgently needed. The number of trained police officers—local, State and federal—has not kept pace, proportionately, with the increase in crime and violence in the United States.

There are several reasons for this lack of interested applicants: The most obvious reason is the traditionally low salaries paid to law-enforcement personnel. A police officer is expected to have some of the attributes of a sociologist, a criminologist and a lawyer, but is often paid less than an unskilled laborer.

Another factor which creates difficulties for recruiting law-enforcement personnel is a trend away from holding this vocation in high esteem. Every effort should be made by individuals and organizations to attempt to raise the reputation of law enforcement, in order to make this vocation more popular in the eyes of our youth.

Adequate training of law-enforcement personnel is another remedy which will assist in creating a more professional corps among law officers. Police need instruction in the use of new equipment, developed for use in crime detection and prevention. Education in legal matters, such as recent court decisions affecting police work, is necessary for new officers, as well as older members of a police force.

To implement a program along this line, the FBI has long furnished instructors and conducted police schools throughout the United States in co-operation with local police agencies. The Omnibus Crime Control and Safe Streets Act of 1968 authorized the FBI to assist in conducting local and regional training programs for State and local law-enforcement personnel when requested to do so by a State or unit of local government, and Congress has appropriated 3 million dollars for this purpose.

The FBI's training assistance will be materially increased with the construction of our new academy complex at Quantico, Va., a facility that will permit us to train approximately 3,000 police officers annually.

An extremely valuable weapon for combatting all types of criminal activity, including violent crime, is the FBI's National Crime Information Center (NCIC), a computerized index concerning crime and criminals of nationwide interest. The NCIC provides law enforcement with immediately available centralized data pertaining to the instruments of violent crime—such as stolen firearms—and information on violence-prone offenders wanted by local, State and federal jurisdictions.

This system has been very successful not only in identifying stolen firearms in the hands of the criminal element, but also has been of immeasurable aid in removing the repeating offender from society. Police are finding the NCIC of great help in their work, which is attested by the fact that they are using this system over 20,000 times each day at present, and this use is constantly increasing.

Administration of justice

One very important aspect of the atmosphere of increased crime and violence is the administration of justice for the accused and convicted person. Today, prompt justice is thwarted many times by "continuance experts," by perennial browbeaters of witnesses, and by hunters for loopholes and technicalities in the law.

Many citizens, noting that even admitted criminals are being freed on procedural matters and not on the basis of guilt or innocence, are beginning to believe that some judges often seek to find errors rather than truth, thus tipping the scales in favor of the criminal over the rights of society. In addition, to see offenders "get away" with their criminal depredations certainly encourages certain other citizens to commit similar violations.

Some jurisdictions have reputations among the criminal element for "easy" treatment, on the specious ground that society and not the individual is responsible for criminal behavior. It can be said with some certainty, of course, that criminals learn quickly where sentencing is lenient.

Crime "repeaters" add to the threat facing the law-abiding citizen's person and property. I have said often that parole, probation and other clemency have their place in our system of criminal justice. What I strongly object to, however, is the inadequacy of such release measures to protect society when they are improperly implemented or administered.

An FBI program started in 1963 to follow criminal and prosecutive histories has shown that of nearly 18,000 federal offenders released to the street in 1963, 60 per cent were arrested for new crimes within four years, and over 50 per cent were arrested in another State. In addition, of the 87,600 repeaters rearrested in 1966 and 1967, over 55 per cent had received leniency in the form of parole, probation, suspended sentences or conditional releases.

If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be speedily detected and arrested, promptly prosecuted, and given proper, substantial punishment. The mollycoddling of vicious juveniles and the release of persons with criminal records without bond only encourages contempt for the law, for it permits such individuals to go out and flout the law again. Moreover, respect for the law is not increased by lenient judges, timid prosecutors and misguided writers.

Justice must extend beyond the courtroom back to the site where the victim's rights are violated. When the individual is no longer reasonably secure in his home and on the streets of his community, then justice is not served. Rather, the criminal is being favored at the expense of the law-abiding citizen. We need justice which keeps the balance true, and affords the law-abiding public an even break.

Firearms

United States citizens possess untold millions of pistols, rifles and shotguns. The ease with which firearms may be procured in the United States is a significant factor in the growth of crime and violence. Firearms have been readily obtainable through mail-order houses and across the counter for both the honest citizen and criminally inclined persons.

Thefts of firearms are still another source of weapons that are used in crime. An increase in such thefts from homes, sporting-goods stores, and Government facilities has been noted. As of Sept. 1, 1968, some 171,856 firearms of all types were listed as stolen, missing or recovered in the FBI's National Crime Information Center. These weapons, reported stolen since January, 1967, have been listed through facilities in only 43 States, as our center is still in the process of expanding to include all States.

The mounting number of violent crimes committed with firearms, and the tragic events of the last few months are mute testimony to the urgent need for more stringent and more effective gun controls to help prevent further violence. A recent national poll indicates that 81 per cent of the American people are in favor of stricter gun control.

I will reiterate my long-standing position that tough, comprehensive, uniform gun-control legislation is imperative for the public's safety. Although the passage of laws containing restrictions of weapons and the licensing of their owners would be somewhat of a chore, there can be no valid objection, since automobiles, airplanes, motorcycles, motor boats, and even dogs have long been subject to registration and/or licensing. The benefits to the safety and welfare of all our citizens would tremendously outweigh any disadvantages or inconveniences.

While gun controls obviously cannot end violence, rigidly enforced controls would undoubtedly contribute to a reduction in violence. The gun-control provisions of the Omnibus Crime Control and Safe Streets Act recently enacted by Congress are a step in the right direction; however, it is imperative that further consideration be given to this pressing problem.

Communications media

Entertainment and communications media exert a strong influence upon our national tastes, standards and even our patterns of

conduct. Television, which reaches not only into the living room, but also into the nursery and playroom as well, has been a powerful force in the lives of our youth.

Although the television industry has control over the programs it presents, the extent of violence depicted in many shows is almost unbelievable. Viewers are constantly bombarded with a steady stream of sex, sadism and criminal acts that, through repetition, might appear to some as normal behavior.

Far too much emphasis is also being paid on television to the antics of a publicity-seeking extremist minority. Impressionable youths and immature individuals can easily conclude from television news coverage that everyone is protesting, demonstrating, marching and burning draft cards, when, in some cases, the reporters, camera men and assorted technicians appear to outnumber the demonstrators. Usually, rational explanations or refutations are not supplied.

I am in complete agreement with the observations of some representatives of the mass media who admit that television, radio and the press all too frequently are guilty of distorting the efforts of police to preserve law and order when confronted by large, hostile mobs, as was true in Chicago during the recent Democratic National Convention. These media will highlight and magnify some acts of so-called "police brutality" and completely ignore or minimize the premeditated and viciously provocative acts of demonstrators.

Professional demagogues, extremists and revolutionaries have learned that the news media—television in particular—are their most effective weapon to gain notoriety and to discredit law enforcement. Consequently, they make it a practice, for the benefit of television cameras, to try to goad police into resorting to strong measures necessary to maintain effective control.

Months before the Democratic National Convention was held authorities were fully aware that it was the target for disruption and violence on the part of dissident groups and individuals from all over the country. It was clear that these dissidents intended to deliberately force a direct hostile confrontation with established authority. Pre-Convention plans went so far as to involve assassination plots against Vice President Humphrey, Senator McCarthy and some prominent Negroes. It was against this background that authorities were compelled to devise necessary and effective security precautions.

During the course of the Convention, demonstrators taunted the police and subjected them to unbelievable abuse. Demonstrators called them "pigs" and shouted obscenities at them, spit at them, threw bags of excrement and urine—and dangerous objects such as golf balls with protruding nails—at them. Unruly and menacing mobs gathered, intent on marching to the International Amphitheater and disrupting the Convention. It is true that some innocent people were the victims of unnecessary roughness on the part of the police; it is also true that the Chicago police and the National Guard were faced with vicious attacking mobs who gave them no alternative but to use force to prevent these mobs from accomplishing their destructive purposes. It is a tribute to the authorities that under these chaotic circumstances—deliberately created by ruthless, lawless leaders—the Convention was not disrupted, the city was not paralyzed, not one shot was fired by police at the demonstrators, and not one life was lost.

A seemingly limitless excess of sex, sadism, degeneracy and violence is only too apparent in the offerings of the motion-picture industry. One needs only to scan the lurid advertisements of current or coming film attractions. In some cases, these movies are labeled for adults only. However, the judgment as to just who is an adult is confined for the most part to the ticket salesman or the theater manager. A recent national survey concludes that 62 percent of those polled feel that "movies with violence in them" are major contributors to violence.

Cheap novels and sensual magazines which glorify sex, in both its normal and abnormal context, and mock our traditional standards of morality are becoming increasingly prevalent on the shelves of newsstands and book stores.

I have over the years publicly opposed any form of entertainment that glorifies violence, glamorizes corruption, and depicts criminals as heroes. No standard of decency can tolerate the portrayal of gangsters as modern-day Robin Hoods, concede that crime pays, ridicule decency and honesty, or justify the conclusion that graft and corruption are to be expected in our society.

Properly and intelligently prepared motion pictures and television programs emphasizing that crime is evil and brings misery, despair and even death can serve as a deterrent to the would-be criminal. Such presentations, however, should be restrained, conform to rigid standards of good taste, authenticity and the portrayal of lawlessness in its proper light. The sound adage that crime does not pay should be inherent in them.

Extremism in all of the mass media should be avoided. Certainly, prompt, factual and objective reporting of violent actions, such as riots, is desirable and necessary so the public will be informed. However, overemphasis on the frenzied actions and statements of publicity-peeking extremists and hate-mongers can only beget violence.

The exhortation "burn baby, burn" by militant agitators on a television screen is definitely not conducive to quelling a riot.

As I have said in the past, strict adherence to high journalistic principles is a valuable and essential public service in matters affecting public safety.

CONCLUSION

The foundation of our society is a respect for and an observance of law and order. The mounting volume of crime and violence cannot be condoned or tolerated. The United States cannot have its citizens afraid to walk the streets of its cities, lest they be mugged or beaten or even killed. It cannot allow its public leaders to face constantly the risk of being assassinated.

There is no way, of course, that crime and violence can be completely eliminated. We will continue to have crime and violence in this country and throughout the world, because, unfortunately, criminal and violent behavior is the nature of some men. The answer will be found not in handwringing or self-indictment, but in striving to eradicate the basic sources of crime and violence through direct, positive measures—such as I have outlined—in order to reduce lawlessness to a minimum.

In conclusion, while there is a vital necessity for creating a wholesome social and economic atmosphere in which all citizens will have an equal opportunity to better themselves, we must not lose sight of time-proven deterrents to crime and violence. These deterrents—the certainty of sure detection, swift apprehension, and realistic treatment under law—are indispensable weapons in the never-ending battle to preserve law and order and decency. We need to make respect for law and order the first priority in our national life, for the rule of law is paramount to this nation's continued existence.

SERIOUS CRIMES IN THE UNITED STATES—YEAR-BY-YEAR RISE IN CRIMES AGAINST PEOPLE AND PROPERTY

	1960	1961	1962	1963	1964	1965	1966	1967	1968[1]
Total	2,014,600	2,082,400	2,213,600	2,435,900	2,755,000	2,930,200	3,264,200	3,802,300	4,589,000
Murders	9,000	8,600	8,400	8,500	9,300	9,900	10,900	12,100	14,200
Forcible rapes	16,900	16,900	17,200	17,300	21,000	23,000	25,300	27,100	31,300
Robberies	107,400	106,200	110,400	116,000	129,800	138,100	157,300	202,100	261,500
Aggravated assaults	152,000	154,400	162,100	171,600	200,000	212,100	231,800	253,300	290,000
Burglaries	897,400	934,200	978,200	1,068,800	1,193,600	1,261,800	1,387,200	1,605,700	1,885,000
Larcenies of $50 or over	506,200	528,500	573,100	648,500	732,000	792,300	894,600	1,047,100	1,292,000
Auto thefts	325,700	333,500	364,100	405,200	469,300	493,100	557,000	654,900	815,000

[1] Annual rate, based on crimes reported in first 6 months.

Source: Federal Bureau of Investigation. Copyright © 1968, U.S. News & World Report, Inc.

HEMISFAIR '68

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, history has been made in the Southwest with the successful first world's fair south of St. Louis in the history of our country. I speak of HemisFair '68, a special category world's fair authorized by the Bureau of International Expositions for 1968 in San Antonio; the same type of world's fair as the Seattle 1962 and Montreal 1967. Yes, it was more than a first in several ways. It was the first and only fair which received the sanction and appropriation by the Congress for preliminary planning to see if Federal participation was feasible. No other fair in the history of our country received this kind of approval by the Congress.

It is for this reason that I have at all times reported back to the Congress. Today, I wish to round out the series of reports I have made in this House by inserting at this point in the RECORD a report compiled by the San Antonio Chamber of Commerce entitled "Economic Benefits From HemisFair '68."

But first, let me point out that never in the long history of San Antonio have we experienced the solid community support and the "togetherness" that HemisFair '68 elicited. Oh, yes, we had some dissenters, some obstructionists, some doubters, some skeptics, but they were all but drowned out by the unanimous voice of the overwhelming and preponderant number of citizens who wanted the fair. Oh, yes, we have some of these Miniver Cheevys, even now, in hindsight, sounding doleful noises, saying that the fair was not worth while, some of these voices, jackal-like sit in high places in the local councils of government, but the significant thing about them is that they have offered no constructive suggestions about anything, much less postfair residual end-use ideas. Yet, this report I now place into the RECORD cannot be denied. I offer it now:

SAN ANTONIO
CHAMBER OF COMMERCE,
San Antonio, Tex.

DEAR CHAMBER MEMBER: Was it worth it?

This question has been asked many times as to whether HemisFair 68 was really worth all the time, effort, and money in the planning, development, and implementation of our World's Fair.

Today we are providing you with statistical and economic data we have been able to compile as it relates to the impact of HemisFair on San Antonio.

You will agree that it is impossible for us to completely itemize and evaluate the many indirect benefits that might have been generated by the Fair. Neither can we put a dollar mark on the worldwide exposure and publicity that San Antonio gained.

Of all the individuals and groups that have been recognized, none is due greater recognition than those San Antonio businessmen who were the underwriters. HemisFair could have been staged without some people, but not without the underwriters. San Antonio will be forever indebted to these individuals.

Sincerely,

JOHN T. STEEN,
President.

[From the San Antonio (Tex.) Express, Oct. 7, 1968]

FAIR DECIDEDLY WORTH STAGING SOLELY FOR CITY'S ECONOMIC GAIN

As with any post mortem, HemisFair's history cannot be accurately assessed immediately. And it is probably unfair to use the term, post mortem, anyway, because there will be a lively part of the fair around for a long time.

The least one should accept is that it was a dazzling fair that got a lot of things moving and got a lot of people who wouldn't be caught associating with each other being rather intimately acquainted.

Concretely, the fair generated jobs, new income for the city and state treasury, increased retail sales, salaries, travel and general business activity. These are measurable items.

The city, alone, collected or will collect on the six-month fair approximately $1,260,000 from added sales taxes, parking lot profits and hotel room tax. Also there is an added $100,000 a year in taxes from new property put on the rolls directly because of the fair.

Our town added some $12 million worth of construction at the fair that will return an anticipated $25 million a year within the next two or three years. We would have built the convention center in any case because we needed it to compete in one of the industries for which the city is best suited to compete.

The fair wasn't a shot of permanent magic and nobody claims so. It was a substantial start on a long road this community needs to take on a job of boot-strapping the economy from out of the bottom quarter of the nation. The fair demonstrated that such a task is merely difficult, not impossible.

Unfortunately, only 99 41/100 per cent of our people think the fair was magnificent. The other minute portion is still trying to find something wrong that can be converted into political leverage. Express-News Writer Kemper Diehl dug among the circle of known critics seeking the other side of the balance sheet. He found virtually nothing to refute the claim that the fair was worth the time and effort it took.

Those persons who made the fair happen can take pride in their achievement. There was Marshall Steves who did a magnificent job securing the first underwriting and handling some of the painful personnel and management problems; and H. B. Zachry, whose know-how and resourcefulness saw the project through to a commendable conclusion; and all those in between and along beside.

There will be an inevitable letdown for awhile but the city will be far better off from here on for having had the fair.

[From the San Antonio (Tex.) Sunday Light, Oct. 6, 1968]

A FOND FAREWELL

Today after a six-month run, and a highly successful one by any reasonable standards, San Antonio's World's Fair—HemisFair '68—closes its gates.

All of those hard-working fair executives and employees who labored to make HemisFair a success should be congratulated by San Antonians and all Texas for a job well done.

The fair was an artistic triumph and all knowledgeable persons have so proclaimed it from its inception.

Tremendous long term benefits will accrue to San Antonio from the overall HemisFair project.

Development of the convention center, the Tower of the Americas, the extension of the river, clearance of blighted structures in the area and permanent improvements to the fairgrounds will continue to bring pleasure and economic benefits to citizens of San Antonio for many decades to come.

From the standpoint of its more than 6-million visitors, the fair was extremely well conceived.

In the broadest sense, the fair should be considered a tremendous success.

Again we say to all who had a hand in its production: "Well done!"

ECONOMIC BENEFITS FROM HEMISFAIR '68
(Compiled by San Antonio Chamber of Commerce)

DIRECT BENEFITS FROM HEMISFAIR '68 RELATING TO CONSTRUCTION, EMPLOYMENT, VISITOR IMPACT, ACCOMMODATIONS INDUSTRY, TRAVEL INDUSTRY

Listed below are some of the major construction projects that were carried out on the HemisFair grounds.

Convention center complex	$15,000,000
The Institute of Texan Cultures	12,000,000
Confluence Theatre and the Exhibit Hall (U.S. Pavilion)	7,500,000
Tower of the Americas	5,500,000

The above figures added to construction projects for pavilions, landscaping, parking lots and other related facilities amounted to a total construction expenditure on the Fair site of $71,355,900.

CONSTRUCTION EMPLOYMENT

While there is no complete breakdown on total construction employment figures for the Fair, we received information from the HemisFair staff stating that the average number of workers from February 1967 to April 1968 was 2,040 employees per month. During peak construction in November of 1967 there were 7,900 construction employees on the site, not including engineers, surveyors, architects, city inspectors or foremen.

HEMISFAIR EMPLOYMENT

Nearly 10,000 people, on the average, were working as employees of the many concessionaires, governmental exhibitors and industrial exhibitors during the period of the Fair. Broken down as follows:

Monthly average concessionaire employees	7,796
Monthly average, industrial exhibitors	1,071
Monthly average, governmental exhibitors	703
Total monthly average	9,570

(Does not include employees of San Antonio Fair, Inc.)

From a modest beginning in 1964 when the first staff members were employed and continuing through the end of 1967, when approximately 230 people were on the staff, total San Antonio Fair, Inc. payroll had amounted to $1,930,00.00 for the period. Since January, 1968, and continuing through the end of the Fair, total San Antonio Fair, Inc. payroll amounted to $3,700,000.00. During April the peak employment of nearly 2,400 was reached.

VISITOR IMPACT

Listed below is information on the place of residence of visitors to HemisFair '68.

	Survey period, Apr. 6 to Oct. 2 (percent)	Total attendance, Apr. 6 to Oct. 6
San Antonio-Bexar County	23.2	1,481,200
Other Texas	35.5	2,266,491
Subtotal (Texas)	58.7	3,747,691
Southwest (Louisana, Arkansas, and Oklahoma)	8.4	536,297
Pacific (California, Oregon, Hawaii, Alaska, and Washington)	3.7	236,226
Mountain (New Mexico, Idaho, Montana, Colorado, Arizona, and Utah)	3.4	217,072
West North Central (North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, and Missouri)	4.8	306,455
East North Central (Wisconsin, Illinois, Michigan, Ohio, and Indiana)	6.3	402,222
East South Central (Kentucky Tennessee, Mississippi, and Alabama)	3.1	197,919
Middle Atlantic (New York, New Jersey, and Pennsylvania)	2.5	159,612
South Atlantic (Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida)	4.5	287,302
New England States	.4	25,538
Foreign	4.2	268,148
Subtotal (outside Texas)	41.3	2,636,791
Total	100.0	6,384,482

It is interesting to note that 23% of the total attendance came from San Antonio and Bexar County, and 35% came from other points throughout the State of Texas. This indicates that slightly less than 50% of the total of 6,384,482 came from states outside of Texas as well as a sizeable number of foreign visitors. For many this was a first time visit to San Antonio. Not only did they visit HemisFair, but reports from other major tourist attractions, indicate they spent extra time in seeing our cities numerous attractions. To substantiate this we have information that the Spanish Governors Palace approximately doubled their attendance in 1968 over 1967. Attendance to the Alamo showed an increase of two million visitors over the comparable period in 1967. Mission Concepcion's annual attendance has never exceeded 6,000, but for the six month run of the Fair the total was 41,000. The Hall of Horns had a 61% increase with their guest book showing visitors coming from all 50 states and nineteen foreign countries.

Out of town visitors according to a HemisFair '68 study indicated that 4,903,000 visitors came from outside of San Antonio and Bexar County. The majority of these traveled by private automobile, contributing greatly to increased retail sales in the service station industry. In checking with local firms, we also find there was a substantial increase in business by car rental, taxicab, and commercial bus companies. Considerable new business accrued to local travel agencies and tourguide firms through organized individual and group tour packages sold to HemisFair visitors.

If each of the 4,900,000 out of county visitors stayed only one day in San Antonio, and if each visitor spent an average of $25 that one day, a total of $122,500,000 would have been injected into the local economy.

A substantial increase was noted in airline traffic. In 1966 domestic passengers at San Antonio International Airport reached 536,757, in 1967 the total was 584,279. Through the first eight months of 1968 domestic passengers had totaled 519,002, an actual increase over the comparable period in 1967 of 34.6%. In International boardings the eight months of 1968 have totaled 47,719 compared with 27,013 for the same period in 1967, a gain of 22,706 or 84.1% increase.

One major airline in San Antonio stated that their San Antonio business through the first seven months of 1968 increased by 30% over the comparable period in 1967. Since the Fair opened this company added 31 employees to assist with the increased traffic. Another airline stated that for the first seven months of 1968 their traffic was up 75% over the comparable 1967 period.

RELATED BENEFITS

Hotels and motels

Since the first of 1967, more than 2,170 new motel units were added to the motel units available in San Antonio. A partial list of the new and expanded units is below.

During the same period, 672 hotel rooms were added to the San Antonio inventory.

Assuming an average construction cost of $5,000 for each hotel and motel unit, over $14,000,000 in new accommodation facilities have been constructed (2,842 x $5,000). Using the anticipated city tax rate of $1.89 per $100.00 valuation, and an assessment ratio of 45%, annual property tax revenue of approximately $119,000 should result to the City of San Antonio. Other taxing agencies, Bexar County, independent school districts and others will realize additional tax revenue because of the added valuations.

Also during the pre-HemisFair period, more than 1,200 permanent trailer or camper units were constructed, with another 1,500 constructed on a temporary basis. The permanent facilities will fill a void that has existed since this rapidly developing concept of camper travel began.

	Rooms
Hotel rooms added:	
Palacio del Rio (new)	496
Menger Hotel (addition)	111
Crockett Motor Inn (new)	65
Total	672
Motor hotel/motel units added:	
Holiday Inn:	
Downtown (new)	325
Northeast (addition)	62
Northwest (addition)	62
Pa Posada Motor Hotel (new)	180
La Quinta Motor Inn:	
Downtown (new)	125
North (new)	128
Rodeway Inn:	
N. Panam Exp. (new)	95
Northwest Exp. (new)	106
N. Main (addition)	32
Travelodge:	
IH35 (now Rio Motel) (new)	124
Northwest (new)	63
Elmira Motor Hotel (addition)	52
Travelodge, Broadway (new)	83
Total	1,437

New tax dollars

As was stated in the previous section we will see an increase of tax revenue from new Hotel and Motel construction alone amounting to over $100,000.00. In the past three years we have experienced a boom in overall construction. Only a portion of this was actual HemisFair construction. The creation of the Fair has resulted in an overall economic increase in the City resulting in related new construction in restaurants, apartment complexes, and commercial and residential construction. While we cannot pinpoint the increase in taxes from this construction, it of course would be a sizeable figure. The following section on General Statistics will bear out this overall economic increase. As stated in the previous section other taxing agencies, such as Bexar County, independent school districts and others will realize additional tax revenue as a result of this new construction.

Sales tax

An estimate from City Officials indicates that as much as $750,000 in additional sales tax revenue will accrue to the City as a result of increased retail sales activity generated by HemisFair visitors.

Hotel-motel occupancy tax

The 1% voluntary tax agreed to by the San Antonio Hotel-Motel Industry to be set aside for San Antonio's Convention promotion amounted to $122,766.00 for the period April 1, 1968 through August, 1968.

GENERAL ECONOMIC STATISTICS

Retail sales

San Antonio's retail sales as estimated by the Bureau of Business Research, the University of Texas, have increased as follows:

	1966	1967	1968
January	$73,639,000	$77,855,000	$86,115,000
February	75,849,000	76,560,000	88,961,000
March	106,532,000	122,555,000	134,345,000
April	98,160,000	99,121,000	123,085,000
May	104,433,000	115,831,000	134,594,000
June	103,384,000	112,970,000	123,505,000
July	103,585,000	112,547,000	128,622,000
7 months	665,582,000	717,439,000	819,227,000

Seven months of 1968 are up 14.2% over seven months of 1967.

Business-activity index

According to the Texas Business Review, Bureau of Business Research, The University of Texas, the Business Activity Index of San Antonio has experienced the following changes:

April 1966	162.7
April 1967	160.8
April 1968	189.4
July 1968	211.0

The index is based on bank debits reported by the Federal Reserve Bank of Dallas and adjusted for seasonal variation and changes in the price level by the Bureau of Business Research.

Employment

The District Office of the Texas Employment Commission has supplied the following data relating to employment in the San Antonio Labor Market since 1966:

GENERAL ECONOMIC STATISTICS

	April 1966	April 1967	April 1968	July 1968	Percent change April 1966 to July 1968
Total employment	251,390	265,190	277,580	279,990	+11.4
Wage and salary employees	215,350	228,720	240,900	243,160	+12.9
Employed in:					
Manufacturing	26,290	27,330	29,270	29,580	+12.5
Construction	14,160	14,690	15,720	14,970	+5.7
Retail trade	31,425	33,240	35,240	36,240	+15.3
Restaurants	7,925	8,170	8,980	9,050	+14.2
Services	31,525	34,005	38,530	39,680	+25.9
Hotels-motels	3,085	[1] 2,735	3,520	3,850	+24.8

[1] Reflects loss due to closing of 1 of the major downtown hotels.

Construction

Since the beginning of 1966 and continuing through August 1968, construction contracts amounting to $491,036,000 have been awarded in Bexar County. Of this, $206,245,000 has been in non-residential construction and $192,972,000 in residential construction with the remainder in public works and utilities construction.

Year	Total construction	Non-residential	Residential
1965	$148,574,000	$57,945,000	$52,686,000
1966	177,481,000	76,878,000	52,503,000
1967	180,872,000	72,625,000	74,917,000
1968 (8 months)	132,683,000	56,742,000	65,552,000

Source: F. W. Dodge Corp. reports.

Bank deposits:	
June 29, 1968	$1,182,991,000
Dec. 30, 1967	1,163,922,000
Dec. 31, 1966	1,039,071,000
Dec. 31, 1965	1,030,306,000
Bank clearings:	
9 months, 1968	9,910,096,400
1967	11,650,154,405
1966	11,195,456,139
1965	10,471,208,868
New motor vehicle sales:	
9 months, 1968	32,186
1967	34,501
1966	33,907
1965	33,367

INDIRECT BENEFITS

Convention Center

The Fair, of course, was the catalyst that created San Antonio's Convention Center that is undoubtedly one of the finest and

most practical complexes in the United States. This facility will now enable us to bid for 90% of all the conventions held in the country. Already we have booked extremely large convention groups that would have been impossible in the past. We now have approximately 7,000 rooms available with 2,842 new, permanent hotel and motel rooms constructed as a result of the Fair. In checking with the Convention Bureau we find that we definitely are booking larger conventions, such as the State Bar of Texas in 1970 that will bring 4,000 delegates to the City at one time, or the Texas State Teachers Association in 1969 that will bring in over 6,000 delegates. There are numerous other examples that could be cited from the hundreds of advance convention bookings. Let us consider the economic impact that these two groups alone will mean to the City. When you consider that each delegate spends approximately $30.00 per day, these two groups will bring in over one million new dollars to San Antonio's economy.

HemisFair VIP program

This national promotion program was created by the Chamber of Commerce and the City Public Service Board to attract business executives to HemisFair. The ultimate goal was to have an opportunity to meet these executives and show them the assets we have for business location in San Antonio. The program was a success, and we now have a number of excellent prospects that could result in new business and industry for the City.

Urban renewal credits

Urban renewal projects are financed ⅓ by the City and ⅔ by Federal funds. A city may in lieu of cash payments construct civic projects within urban renewal projects areas. On the 140 acres cleared as the Civic Center urban renewal project the City of San Antonio will receive credits from the Federal Government on construction projects such as the Convention Center, Parking Garage, parking lots, utilities, and rebuilding of streets. The amount of credit to be received by the City on these projects should amount to approximately $8,000,000.00. The City's ⅓ share of this project will amount to approximately $6,000,000.00. This will give the City a surplus of $2,000,000.00 in credits to apply on the Rosa Verde and Vista Verde urban renewal projects. This credit will eliminate the need for the City to make cash payments for their share of the above urban renewal projects.

SUMMARY OF ECONOMIC BENEFITS FROM HEMISFAIR '68

Total construction on the HemisFair site amounted to $71,355,900.00.

Total construction since the beginning of 1966 through August of 1968 amounted to $491,036,000.00.

Over 10,000 people on the average were working as employees of concessionaires, governmental exhibitors, industrial exhibitors, and Fair employees during the six month period of the Fair.

Visitors from outside Bexar County amounted to 4,903,000.

It is estimated these visitors spent a total of $122,500,000.00 while in San Antonio.

A tremendous increase was registered in airline traffic during the period of the Fair. Through eight months of 1967 there was an average of 48,186 domestic boardings per month at International Airport, compared to 64,875 per month during the eight months of 1968. An overall increase of 34.6% over a like period for 1967.

Since the first of 1967, 2,842 new motel and hotel units were added to the accommodations industry in San Antonio.

The construction on these new motel and hotel units amounted to over $14,000,000.00.

The property tax revenue on these motel and hotel units will amount to over $100,000.00 per year to the City of San Antonio.

Other taxing agencies, such as Bexar County and a number of the independent school districts, will realize considerable additional tax revenue from all private construction relating to HemisFair.

An estimate from City Officials indicates that as much as $750,000.00 in additional sales tax revenue could be realized as a result of increased retail sales generated by HemisFair visitors.

San Antonio's Convention Center became a reality as a result of HemisFair.

It is a proven fact that this new convention facility will assist in attracting new and larger convention groups, thus bringing millions of new dollars into San Antonio's economy.

The HemisFair VIP Program resulted in new business and industrial prospects.

Of the estimated $8,000,000.00 in urban renewal credits accruing from HemisFair construction by the City, approximately $6,000,000.00 will apply on the one-third share of the Civic Center project. This leaves a balance of $2,000,000.00 in credits that can be applied on additional urban renewal projects.

In retail sales we had an increase of over $100,000,000.00 for the like period during 1967, an increase of 14.2%.

The business activity index compiled by the Bureau of Business Research shows a jump from 160.8 in April of 1967 to 211.0 in July of 1968.

Total employment was at an all time high in July of 1968 showing considerable percentage increases in practically all employment groups.

Bank deposits were at an all time high in the summer of 1968 with the total being $1,182,991,000.00.

Through September 1968, bank clearings had reached nearly $10,000,000,000.00 running approximately 14% over the like period for 1967.

Was it worth it?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER, for December 1 through December 8, on account of official business, Crime Committee work.

Mr. HOSMER, for 10 days commencing December 1, on account of eye surgery.

Mr. SANDMAN (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as delegate to the Inter-Governmental Committee on European Migration.

Mr. RAILSBACK (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as delegate to the Inter-Governmental Committee on European Migration.

Mr. MESKILL (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as a delegate to the Inter-Governmental Committee on European Migration.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MONAGAN, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCLOSKEY) to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 10 minutes, today.

Mr. PRICE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. ROE), to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in three instances and to include extraneous matter.

Mr. MEEDS.

(The following Members (at the request of Mr. MCCLOSKEY) and to include extraneous matter:)

Mr. GUDE.

Mr. KEITH in three instances.

Mr. WHALEN.

Mr. DUNCAN in two instances.

Mr. WYATT in two instances.

Mr. GOODLING.

Mr. CONTE in two instances.

Mr. PRICE of Texas in two instances.

Mr. HASTINGS.

Mr. KLEPPE.

Mr. PETTIS.

Mr. ZWACH.

Mr. ASHBROOK in two instances

Mr. HOGAN.

Mr. CHAMBERLAIN in three instances.

Mr. REID of New York.

Mr. CRAMER.

Mr. SCHWENGEL in three instances.

Mr. ROBISON.

Mr. NELSEN.

Mr. KUYKENDALL.

Mr. MICHEL.

(The following Members (at the request of Mr. ROE) and to include extraneous matter:)

Mr. JOHNSON of California in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. PATTEN.

Mr. LEGGETT.

Mr. LONG of Maryland.

Mr. EDWARDS of California.

Mr. BRADEMAS in six instances.

Mr. REES in two instances.

Mr. FARBSTEIN in four instances.

Mr. BINGHAM in three instances.

Mr. HICKS in two instances.

Mr ASHLEY in two instances.

Mr. GONZALEZ in two instances.

Mr. WALDIE.

Mr. OLSEN.

Mr. SCHEUER.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2276. An act to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

ADJOURNMENT

Mr. ROE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with Senate Concurrent Resolution 48, the Chair declares the House adjourned until 12 o'clock noon on December 1 next.

Thereupon (at 12 o'clock and 45 minutes p.m.) pursuant to Senate Concurrent Resolution 48, the House adjourned until Monday, December 1, 1969, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 8022. A bill to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; without amendment (Rept. No. 91–694). Referred to the Committee of the Whole House on the state of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 9654. A bill to authorize subsistence, without charge, to certain air evacuation patients; without amendment (Rept. No. 91–695). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 14996. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 14997. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself, Mr. McMILLAN, Mr. ABERNETHY, and Mr. DOWDY):

H.R. 14998. A bill to require an applicant for a permit to hold a demonstration, parade, march, or vigil on Federal property or in the District of Columbia to post a bond to cover certain costs of such demonstration, parade, march, or vigil; to the Committee on Public Works.

By Mr. DAVIS of Wisconsin:

H.R. 14999. A bill to amend title XVIII of the Social Security Act to permit medical electronic data services to participate in the administration of benefits under the program of health insurance for the aged in the same way as health insurance carriers; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. CARTER, Mr. CUNNINGHAM, Mr. HOSMER, Mr. LUKENS, Mr. BLACKBURN, Mr. RUTH, Mr. FREY, Mr. HAGAN, Mr. TEAGUE of Texas, Mr. WHITEHURST, Mr. GERALD R. FORD, Mr. BEVILL, Mr. MYERS, Mr. DERWINSKI, Mr. CHAPPELL, Mr. JONES of Tennessee, and Mr. PETTIS):

H.R. 15000. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. DICKINSON, Mr. WINN, Mr. BLANTON, Mr. SEBELIUS, Mr. WATSON, Mr. DON H. CLAUSEN, Mr. WILLIAMS, Mr. CAMP, Mr. FULTON of Pennsylvania, Mr. HUNT, Mr. ESHLEMAN, Mr. HALEY, Mr. MONTGOMERY, Mr. KLUCZYNSKI, Mr. STEIGER of Arizona, and Mr. FISHER):

H.R. 15001. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. ROUDEBUSH, Mr. QUILLEN, Mr. GARMATZ, Mr. KUYKENDALL, Mr. GOODLING, Mr. EDWARDS of Louisiana, Mr. WHALLEY, Mr. FLOWERS, Mr. RANDALL, Mr. CLARK, Mr. MCKNEALLY, Mr. NICHOLS, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. BRINKLEY, Mr. BYRNE of Pennsylvania, and Mr. BROCK):

H.R. 15002. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 15003. A bill to amend certain Federal laws relating to the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 15004. A bill to amend chapter 113 of title 18, United States Code, to prohibit the transportation, use, sale, or receipt, for unlawful purposes, of credit cards in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 15005. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 15006. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California:

H.R. 15007. A bill to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 15008. A bill to establish the Plymouth-Provincetown Celebration Commission; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. MORSE):

H.R. 15009. A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 15010. A bill to waive the statute of limitations with respect to a certain claim against the United States by the State of Hawaii; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 15011. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 15012. A bill to authorize a study of the feasibility and desirability of establishing a unit of the National Park System to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR:

H.R. 15013. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia (for himself, Mr. TIERNAN, Mr. OTTINGER, Mr. HASTINGS, Mr. KEITH, Mr. ROGERS of Florida, Mr. CARTER, and Mr. PREYER of North Carolina):

H.R. 15014. A bill to amend the United States Code, title 49, section 1472, which is titled "Criminal Penalties Generally"; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 15015. A bill to amend title 10 of the United States Code to provide pensions for widows of certain retired members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WHALEN:

H.R. 15016. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 15017. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 15018. A bill to designate Route 74 of the National System of Interstate and Defense Highways in the State of Illinois as the Everett McKinley Dirkser Highway; to the Committee on Public Works.

By Mr. WALDIE (for himself, Mr. EDWARDS of California, Mr. MCCLOSKEY, Mr. HANNA, Mr. TUNNEY, Mr. CHARLES H. WILSON, Mr. LEGGETT, Mr. REES, Mr. BURTON of California, Mr. MAILLIARD, Mr. MILLER of California, Mr. HOLIFIELD, Mr. MCFALL, Mr. LIPSCOMB, Mr. MOSS, and Mr. BROWN of California):

H.R. 15019. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.J. Res. 1015. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.J. Res. 1016. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MONAGAN:

H. Con. Res. 457. Concurrent resolution expressing the sense of Congress condemning the Soviet occupation of Czechoslovakia; to the Committee on Foreign Affairs.

By Mrs. MINK (for herself, Mr. BRADEMAS, Mr. BRASCO, Mr. CORMAN, Mr. HELSTOSKI, Mr. KARTH, Mr. MOORHEAD, Mr. REES, Mr. REUSS, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. WALDIE, Mr. YATES, Mr. O'HARA, and Mr. HAWKINS):

H. Res. 730. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCCLOSKEY introduced a bill (H.R. 15020) for the relief of Mrs. Edith Berke, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

342. By the SPEAKER: Petition of Thomas G. Staley, Eagle Point, Oreg., relative to preservation of the Rogue River in Oregon; to the Committee on Interior and Insular Affairs.

343. Also, petition of Louis Teplitsky, Bronx, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CONGRESSIONAL REFORM: A BACKGROUND SERIES—II, III, IV

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. REES. Mr. Speaker, the Special Subcommittee on Congressional Reorganization of the Committee on Rules has now completed its draft bill on congressional reorganization. Because of many requests by Members interested in congressional reform, and in order to be of help to these Members, I am inserting into the RECORD three items of background information: First, the final report of the first Special Committee on the Organization of Congress, dated March 5, 1946, which accompanied S. 2177, the Legislative Reorganization Act of 1946; second, the Legislative Reorganization Act of 1946; and third, a report by Dr. George B. Galloway during the 1951 hearings on the Evaluation of the Effects of Laws Enacted To Reorganize the Legislative Branch of the Government.

The special subcommittee headed by the Honorable B. F. SISK has held 5 days of public hearings on their preprint of the reform bill and has scheduled 3 more days of hearings for December 3, 4, and 5. In the near future this draft will be recommended to the full Rules Committee, which I hope will report it to the House for action in January of 1970. It is for this reason that I feel that the following information, along with other material to be inserted into the RECORD by my colleague from New Hampshire (Mr. CLEVELAND), will be especially useful to Members of the House:

CALENDAR NO. 1427: LEGISLATIVE REORGANIZATION ACT OF 1946

The Special Committee on the Organization of Congress, to whom was referred the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The most important amendment made by the special committee was to eliminate from the bill Title VII—Self-Government for the District of Columbia. The Committee on the Judiciary has favorably reported a bill, S. 1942, to incorporate the Federal City Charter Commission. Title VII of S. 2177 and S. 1942 are similar measures, having the same objective of home rule for the District of Columbia. Attainment of this desirable objective will be expedited, we believe, by the enactment of S. 1942.

GENERAL STATEMENT

S. 2177 incorporates the recommendations contained in the report of the Joint Committee on the Organization of Congress Report No. 1011 of March 4, 1946. This report was based upon a year's full and complete study of the organization and operation of the Congress of the United States. Its almost unanimous findings and recommendations reflect a consensus of opinion among Members of Congress, political scientists, efficiency engineers, and students of government concerning the conditions that handicap Congress in the performance of its proper functions and suitable remedies.

Since 1941 a series of independent surveys of the machinery and methods of our National Legislature have been made by public and private organizations. These surveys, including that by the Joint Committee on the Organization of Congress, have reached substantially the same conclusions as to the defects in our legislative structure and operation and as to appropriate correctives. They are agreed that Congress today is neither organized nor equipped to perform adequately its main functions of determining policy, authorizing administrative organizations to carry out policy, and supervising execution of the resultant programs.

Devised to handle the simpler tasks of an earlier day, our legislative machinery and procedures are by common consent no longer competent to cope satisfactorily with the grave and complex problems of the post-war world. They must be modernized if we are to avoid an imminent break-down of the legislative branch of the National Government.

Determining policy

Cited as the Legislative Reorganization Act of 1946, S. 2177 is designed to reconvert our inherited and outmoded congressional machinery to the needs of today. One group of provisions deals with strengthening the policy determining function of Congress. Because of the volume and specialized character of the legislative business, Congress has logically delegated the initial work of policy making to standing committees of its Members. These committees have had a long and useful history, some of them dating back to the early days of the Republic. There have been several major and minor reorganizations of the congressional committee system through the years, as new problems have arisen and old ones have disappeared. The system has not been revamped to meet modern needs and conditions, however, since 1921. It is now in need of a complete overhaul to enable Congress to handle efficiently the expanding problems of the postwar world.

Today there are more than twice as many standing committees in the Senate as there are principal provinces of public policy. Responsibility for legislative action is scattered among 33 little legislatures which go their own way at their own pace and cannot act in concert. Their jurisdictions are undefined in the Senate rules, and there are many committees functioning in the same problem areas. For example, three Senate committees deal with problems of commerce and industry, five deal with public land problems, and six with the rules and administration of the Senate. Furthermore, some committees are inactive and seldom or never meet.

To remedy this crazy-quilt pattern, S. 2177 would replace our jerry-built committee structure with a simplified system of standing committees corresponding with the major areas of public policy and administration and having authority to hold joint hearings with the parallel committees of the House of Representatives on matters of common interest. The correlation of the committee systems of the two Chambers with each other would facilitate joint action on specific measures by means of joint hearings.

It would also increase the efficiency of the committee structure, facilitate closer liaison between the two Houses, and economize the time of busy legislators and administrators alike. And the coordination of the congressional committee system with the pattern of the administrative branch of the National Government would improve the performance by Congress of its legislative and supervisory functions, provide direct channels of communication and cooperation between the two branches, promote more harmonious and unified action in the development of public policies, and go a long way to bridge the gap between the legislative and executive branches of the Government.

CONSOLIDATION OF SENATE STANDING COMMITTEES

Existing committees	Reorganized committees
1. Agriculture and Forestry	1. Agriculture and Forestry.
2. Appropriations	2. Appropriations.
3. Military Affairs	3. Armed Services.
4. Naval Affairs	
5. Banking and Currency	4. Banking and Currency.
6. Civil Service	5. Civil Service.
7. Post Offices and Post Roads	
8. District of Columbia	6. District of Columbia.
9. Expenditures in the Executive Departments	7. Expenditures in Executive Departments.
10. Finance	8. Finance.
11. Foreign Relations	9. Foreign Relations.
12. Interstate Commerce	10. Interstate and Foreign Commerce.
13. Commerce	
14. Interoceanic Canals	
15. Manufactures	
16. Judiciary	11. Judiciary.
17. Patents	
18. Immigration	
19. Education and Labor	12. Labor and Public Welfare.
20. Public Lands and Surveys	13. Public Lands.
21. Mines and Mining	
22. Territories and Insular Affairs	
23. Irrigation and Reclamation	
24. Indian Affairs	
25. Public Buildings and Grounds	14. Public Works.
26. Rules	15. Rules and Administration.
27. Audit and Control	
28. Library	
29. Privileges and Elections	
30. Printing	
31. Enrolled Bills	
32. Pensions	16. Veterans' Affairs.
33. Claims	(Abolished.)

Moreover, the burden of committee work is especially onerous in the Senate. At present the combined membership of all the standing committees in the upper House is 481 and of the 11 major committees is 220. In addition, there are 10 special committees of the Senate, with a total membership of 87. Altogether, the 96 Senators of the Seventy-ninth Congress occupy 568 seats on its standing and special committees, an average of 6 seats per Senator. Nor are there any exclusive committees in the Senate as there are in the House, the members of which serve on no other committees. Today no Senator serves on less than 3 committees; and one sits on 10 committees, not counting the service on subcommittees, of which there are 67 in the Senate. In short, the committeee work load of United States Senators today is too heavy to bear. Many Senators have so many committee assignments that they find it impossible to attend their meetings because of conflicts and are present by proxy or not at all. Under S. 2177 Senators would serve on two standing committees each and no more, with the exception of the District and Expenditures Committees, whose members would serve on three committees each.

S. 2177 would also define the jurisdiction of each reorganized committee so as to avoid jurisdictional disputes between them. It would expand the present meager staff facilities of our standing committees, which are the real workshops of Congress; permit each committee to appoint four experts in its field; and strengthen the legislative reference and bill-drafting services which are our own unbiased research and legal arms. The bill would also authorize each senatorial and congressional office to employ a high-caliber administrative assistant to perform nonlegislative duties and thus allow Members more time for the study and consideration of national legislation.

As further steps toward improving the policy-determining machinery of Congress, S. 2177 would regularize committee procedure as regards hearings, meetings, and records. It would expedite the reporting and clarify the understanding of bills. Committee powers are defined, and permission to sit while the Senate is in session is restricted. The bill would also confine conference committees to the consideration of matters in disagreement between the two Houses and outlaw legislative riders on appropriation bills.

With a view to crystallizing the determination of party policy on major issues, and to strengthen party government as an offset to organized group pressures, S. 2177 provides for the establishment of majority and minority policy committees in each House. Each of these four committees would be composed of seven members appointed in its entirety at the opening of each New Congress. The majority and minority policy committees in both Houses would be appointed by their respective majority and minority conferences. There is no unity of command in Congress today. Responsibility for the development and coordination of legislative policy is scattered among the chairmen of 81 standing committees, who compete for jurisdiction and power. As a result, policy making is splintered and uncoordinated. The proposed policy committees would formulate over-all legislative policy of the respective parties and strengthen party leadership. They would also help to promote party responsibility and accountability for the performance of platform promises.

In order to facilitate the formulation and carrying out of national policy, and to promote better teamwork between the executive and legislative branches of the Government, the bill further provides for the creation of a Joint Legislative-Executive Council. This Council would be composed of the majority policy committees in Congress and of the President and his Cabinet. It would seek to bridge the gap between the two branches created by our inherited system of separated powers and to avoid those periodic deadlocks between Congress and the President which have hitherto caused dangerous crises in the conduct of the Federal Government.

In the last analysis, Congress is the center of political gravity under our form of government because it reflects and expresses the popular will in the making of national policy. Too often, however, the true attitude of public opinion is distorted and obscured by the pressures of special-interest groups. Beset by swarms of lobbyists seeking to protect this or that small segment of the economy or to advance this or that narrow interest, legislators find it difficult to discover the real majority will and to legislate in the public interest. As Government control of economic life and its use as an instrument of popular welfare have increased, the activities of these powerful groups have multiplied. As the lawmaking, money-raising, and appropriating agency in the Federal Government, the acts of Congress affect the vital interests of these organized groups, many of which maintain legislative agents on or near Capitol Hill. These agents seek to transform the aims and programs of their groups into public policy by having them embodied in general legislation, by changing the tax laws to suit their own purposes, by using their influence to reduce or eliminate the appropriations for agencies they dislike and to increase the appropriations of agencies they favor, and by pressing for the ratification or rejection of treaties, Presidential nominations, and constitutional amendments. A pressure-group economy gives rise to government by whirlpools of special-interest groups in which the national welfare is often neglected. The pulling and hauling of powerful pressure groups create delays and distortions which imperil national safety in wartime and threaten paralysis and bankruptcy in time of peace. The public welfare suffers in the warfare of private groups and Congress becomes an arena for the rationalization of group and class interests.

Without impairing in any way the right of petition or freedom of expression, S. 2177 provides for the registration of organized groups and their agents who seek to influence legislation. It also requires them to file detailed quarterly accounts of their receipts and expenditures. Full information regarding the membership, source of contributions, and expenditures of organized groups would prove hopeful to Congress in evaluating their representations and weighing their worth. Publicity is a mild step forward in protecting government under pressure and in promoting the democratization of pressure groups.

Improved fiscal procedures

A second set of provisions in S. 2177 is designed to strengthen Congress in the performance of its appropriating function for the administrative establishment. Hitherto the efforts of Congress to compel compliance with the laws making specific appropriations have been too often frustrated. Congress has permitted transfers between appropriations, authorized the unlimited use of departmental receipts, and set up credit corporations with separate budgets. The executive has mingled appropriations, brought forward and backward unexpended and anticipated balances, incurred coercive deficiencies, and otherwise escaped the rigors of congressional control.

To correct these conditions, at least in part, S. 2177 provides for several improvements in the legislative phase of the budget process. It would provide for open hearings on appropriation bills and require all such bills to be fully and carefully considered by the entire Appropriations Committees of both Houses. It would allow members time to study the committee hearings and reports on appropriation bills before their floor consideration. It would provide each appropriation subcommittee with a staff of four qualified specialists in its particular expenditure province with a view to making a more thorough scrutiny of departmental estimates and to serve both the majority and minority members. The bill would also forbid the reappropriation of unobligated balances except for continuing public works, which were estimated at 12.3 billion dollars for the fiscal year 1946; prevent transfers between appropriations; and take steps toward limiting permanent appropriations which amounted to 5.6 billion dollars in the fiscal year 1946.

Although Congress is charged by the Constitution with the power of the purse, there now is no correlation between income and outgo. Control of the spending power is divided between the Senate and the House of Representatives, and within each House between its revenue and appropriating committees. Taxes are levied and appropriations made by many separate committees. The right hand does not know what the left hand is doing.

To strengthen fiscal control, S. 2177 provides for the adoption of annual Federal budget totals by joint action of the revenue and appropriating committees of both Houses. If total expenditures recommended by the appropriating committees for the coming fiscal year exceed total Federal income as estimated by the revenue-raising committees, Congress would be required by record vote to authorize creation of additional Federal debt in the amount of the excess. And if it appears midway through the fiscal year that total appropriations are going to exceed the total approved budget figure, the President shall by proclamation reduce them by a uniform percentage (except for certain fixed charges), so as to bring total expenditures within the limit previously set. These limitations would not apply, however, during a wartime emergency.

Oversight of administrative performance

A third group of provisions in the bill is designed to strengthen congressional surveillance of the execution of the laws by the executive branch. Congress has long lacked adequate facilities for the continuous inspection and review of administrative performance. We often delegate the rule-making power to administrative departments and commissions, without making any provision for follow-up to see if administrative rules and regulations are in accord with the intent of the law. Several of the postwar acts, for example, require certain agencies to submit quarterly reports to Congress, but assign the responsibility for scrutinizing these reports to no legislative committees.

To remedy this situation, S. 2177 would authorize the standing committees of both Houses to exercise continuous surveillance of the execution of the laws by the administrative agencies within their jurisdiction. Armed with the power of subpena and staffed with qualified specialists in their respective provinces of public affairs, these committees would conduct a continuous review of the activities of the agencies administering laws originally reported by the legislative committees. The reconstructed standing committees will, it is hoped, roughly parallel the reorganized administrative structure of the executive branch of the Government and will be utilized as vehicles of consultation and collaboration between Congress and the corresponding administrative agencies within their respective jurisdictions.

Under this arrangement, it will no longer be necessary to create special committees of investigation from time to time. Sporadic investigations of the conduct of public affairs in the past have often served a salutary purpose by exposing administrative incompetence or corruption and by improving the execution of the laws. But they have lacked continuity and have not provided the members of standing committees with direct knowledge of the information they have

gathered. In cases where legislative action is indicated, standing committees find it necessary to do much of the work over again. S. 2177 proposes, therefore, to ban the use of special committees hereafter.

As a further check upon the financial operations of the Government and its care in handling public funds, the bill authorizes and directs the Comptroller General to make administrative management analyses of each agency in the executive branch, including Government corporations. Such analyses, with those made by the Bureau of the Budget, will furnish Congress a double check upon the economy and efficiency of administrative management. Reports on such analyses would be submitted by the Comptroller General to the Expenditures, Appropriations, and appropriate legislative committees, and to the majority and minority policy committees, of the two Houses.

Saving congressional time

Congress is overburdened by many local and private matters which divert its attention from national policy making and which it ought not to have to consider. It functions as a common council for the District of Columbia. It serves as a tribunal for the settlement of private claims. It spends much time on pension bills, the construction of bridges over navigable waters, and other private and local matters. S. 2177 bans the introduction in either House of private claims and pension bills, bridge bills, and other local and private legislation. Title IV provides for the administrative and judicial adjustment of tort claims against the United States which Congress is poorly equipped to settle. Title V grants the consent of Congress to the construction of bridges over navigable waters, subject to the approval of the Chief of Engineers and the Secretary of War. Self-government for the District of Columbia—a reform long overdue and a step toward reducing the legislative work load—is separately provided for in legislation introduced by Senator McCarran and pending on the Senate Calendar.

Congressmen are also handicapped by a host of routine chores for constituents which they are glad to perform, but which leave them little time for the adequate study of national legislative problems. From one-half to three-fourths of the time of the average Member is consumed with running errands and knocking on departmental doors on behalf of constituents. S. 2177 authorizes each Senator and Representative to employ a well-qualified administrative assistant to aid in receiving callers and handling departmental business. The bill also provides for the creation of a stenographic pool to help congressional offices with their mail during busy seasons. These provisions will enable Members to make more efficient use of their time, making for a better balance between national and local, public and private business.

S. 2177 also proposes an experimental modification of the present meeting schedules by staggering committee meetings and Chamber sessions on alternate days. This arrangement will make for closer concentration on committee work, on the one hand, and for fuller attendance on the floor, on the other. Nor would Senate committees be permitted to meet during the sitting of the Senate, without special leave.

These time- and labor-saving devices will not only make for a more efficient use of congressional time. They will also enable the Congress, which has been in almost continuous session since 1940, to take a regular annual recess. S. 2177 provides that, except in time of war or national emergency, the two Houses shall stand adjourned during July, August, and September each year, reconvening on the second Tuesday in October. Such a regular recess at definite annual intervals will insure the return of Members to their constituencies for that refreshment of contact and exchange of opinion and experience so essential to responsive representative government.

Improving congressional services and facilities

Another group of provisions in S. 2177 is designed to improve the administrative services and facilities available within the legislative establishment. The internal administration of the Congress has long been characterized by duplicating housekeeping services and obsolete methods of personnel administration. Each House has its separate postal, document, folding, stationery, mailing, disbursing, doorkeeping, messenger, and other services. And most of these positions are subject to the hazards of the patronage system.

In order to modernize the internal housekeeping services of our National Legislature and install up-to-date methods of personnel administration, S. 2177 provides for the establishment of an Office of Congressional Personnel. The Director of this Office shall be appointed on merit by the majority and minority leaders of the two Houses and shall prepare plans for a modern personnel system for all congressional employees and for the efficient coordination of the existing housekeeping services within the legislative establishment.

The bill also provides for remodeling the Senate and House caucus rooms, for the more efficient assignment of available space within the Capitol, and more convenient dining facilities. The education and discipline of page boys would be improved by selecting pages from among boys who live at home or in orphanages in the District of Columbia and by arranging for their education in the public schools of the District.

The usefulness of the Congressional Record to all its readers would be increased under this bill by the printing in it of a daily calendar of legislative events, together with a résumé of congressional activities and an index of its contents.

Improving the composition of Congress

While the quality of the present personnel of our Federal Legislature is as high as it ever was in the good old days of Webster, Clay, and Calhoun, the average level of ability and energy is still possible of improvement. In the last analysis, of course, the composition of Congress depends upon the alertness, public interest, and education of the electorate. Nevertheless, steps can be taken by Congress itself to attract even abler persons to the legislative service. One such step would be to pay higher salaries to Senators and Representatives. S. 2177 would increase the compensation of Members of Congress to $15,000 a year, effective January 1, 1947. The present salary of $10,000 a year has been in effect since 1925. Impartial studies of the cost of living show that, on the average, it costs more to be a Congressman than the position pays.

The bill would also encourage Members to retire by permitting them to join the Federal retirement system on a contributory basis. To be eligible for retirement pay, Members would be required to deposit 6 percent of their basic salary, to have served at least 6 years in Congress, and have attained the age of 62 years. Those with at least 5 years of service could be retired for disability and receive an annuity. The annuity would amount to 2½ percent of a Member's average annual basic salary multiplied by the number of his years of legislative service. But no annuity could exceed three-fourths of the salary received at the time of separation from the service. All other Federal employees may now participate in the Federal retirement system, but Congressmen are the forgotten men of social security.

This inducement to retirement for those of retiring age or with other infirmities is a recognition of the arduous labors now imposed upon all Members. The resulting sense of security would contribute to independence of thought and action on the part of Members. It would also tend to bring into the legislative service a larger number of younger members with fresh energy and new viewpoints concerning the economic, social, and political problems of the Nation.

What S. 2177 would cost

Enactment of the entire program embodied in S. 2177 would increase the cost of the legislative establishment only $12,000,000—a negligible sum compared with the resultant gains. The following table itemizes the added cost:

Administrative assistant for each Member	$4,272,000
Government share of retirement plan	3,000,000
Salary raise for Members	2,655,000
Staff experts for standing committees	952,000
Staff experts for Appropriations Committees	768,000
Expansion of Legislative Reference Service	300,000
Policy committee staffs	120,000
Stenographic pool	100,000
Expansion of office of legislative counsel	60,000
Increase in compensation of congressional officers	44,235
Salary of director of congressional personnel	10,000
Total estimated increase	12,281,235

Surely this a modest price to pay for increased efficiency in the legislative branch of the Government. Even with this modest increase, the total cost of the legislative branch would be $6,000,000 less than the 1947 budget estimate for the office of the Administrator of Civil Aeronautics alone. It would be more than offset by the abolition of the patronage system, the reduced cost of shorter sessions, the reduction from 33 to 16 in the number of standing committees to be staffed and supported, and the great economies in public expenditures to be brought about by the fixing of Federal Budget totals.

The national interest involved in the development of a stronger, more efficient, and more representative Congress needs no emphasis here. Congress itself and the entire Nation will derive immeasurable benefits from the enactment of this bill.

These are critical days for the Government of the United States. Congress and the President are beset by a host of postwar problems at home and abroad. Our machinery of government, which was devised for the simpler tasks of the nineteenth century, is breaking down under its tremendous work load. Democracy itself is in grave danger of disintegrating from internal dissensions under the terrific pressures of the postwar world.

Congressional reform will not solve all the problems that beset us. That will require good men, good will, and good policies as well as good governmental machinery. But modernized machinery will greatly increase the efficiency of Congress. By revising our antiquated rules and improving our facilities, we can at once revitalize our National Legislature, expedite the adjustment of our postwar problems, and renew popular faith in American democracy. The time has come for Congress to reform itself. The time to act is now.

SECTION BY SECTION ANALYSIS

INTRODUCTORY MATTER

The matter preceding title I of the bill provides a short title for the bill, namely the "Legislative Reorganization Act of 1946"; sets up a table of contents; and provides the usual separability clause.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

This title either specifically or by implication makes changes in the rules of the Senate and House. These changes are extensive, although in great measure they relate di-

rectly or indirectly to realinement, jurisdiction, and procedure of committees. This is one of the fundamental reforms proposed to be brought about by this bill. In that connection it will be noted that the bill as written contains no realinement of House committees or specification of their jurisdiction, although the report of the Joint Committee on the Organization of Congress pursuant to House Concurrent Resolution 18 (Rept. No. 1011) made recommendations bearing thereon. Your committee felt that this matter was of such fundamental importance that it would be in the interest of comity and expedition to leave that subject to be handled by way of amendment in the House.

Section 101. Rule-making power of the Senate and House

Inasmuch as this title, as indicated, makes changes in the rules of the two Houses it is provided in this section that these provisions are enacted as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith. It is further provided that these provisions are enacted with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

This procedure will be recognized as that provided with regard to congressional action on resolutions under recent reorganization acts.

PART 1. STANDING RULES OF THE SENATE

Section 102. Standing committees of the Senate

This section amends rule XXV of the Standing Rules of the Senate relating to standing committees. In short it provides for 16 standing committees in lieu of 33 under existing rules, fixes the membership of each such standing committee at 13 Senators, in lieu of the varying memberships of existing committees, and specifies in considerable detail, by subject matter, the jurisdiction of each such committee, a matter not provided for under existing rules except in isolated instances.

It is not the purpose of this report to present the considerations which moved the committee in each case in distributing the rather imposing list of subjects for legislative consideration among the various committees. It is sufficient to say that the assignments were made as nearly as may be on a functional basis, although the committee is frank to concede, and it is believed the Senate will appreciate, that such a rule could not be followed to the letter. However, the committee has made an earnest effort to set up a workable committee structure.

It will be noted that whereas the report made pursuant to House Concurrent Resolution 18 recommends a Committee on Interior, Natural Resources, and Public Works in which would be consolidated some eight Senate committees, your committee felt that this committee would be heavily overburdened and recommends instead the distribution of this jurisdiction to two committees, namely, a Committee on Public Lands and a Committee on Public Works.

Although, as has been indicated, the committee has deemed it wise not to explain in detail the assignment of the various subject matters, the following tables, first, will suggest in a general way the consolidation effected insofar as it affects the status of the existing standing committees of the Senate and, second, will show the jurisdiction by subject matter under present committee structure and under the proposed realinement.

TABLE I.—CONSOLIDATION OF SENATE STANDING COMMITTEES

Existing committees	Reorganized committees
1. Agriculture and Forestry	1. Agriculture and Forestry.
2. Appropriations	2. Appropriations.
3. Military Affairs	3. Armed Services.
4. Naval Affairs	
5. Banking and Currency	4. Banking and Currency.
6. Civil Service	5. Civil Service.
7. Post Office and Post Roads	
8. District of Columbia	6. District of Columbia.
9. Expenditures in Executive Departments	7. Expenditures in Executive Departments.
10. Finance	8. Finance.
11. Foreign Relations	9. Foreign Relations.
12. Interstate Commerce	10. Interstate and Foreign Commerce.
13. Commerce	
14. Interoceanic Canals	
15. Manufactures	
16. Judiciary	11. Judiciary.
17. Patents	
18. Immigration	
19. Education and Labor	12. Labor and Public Welfare.
20. Public Lands and Surveys	13. Public Lands.
21. Mines and Mining	
22. Territories and Insular Affairs	
23. Irrigation and Reclamation	
24. Indian Affairs	
25. Public Buildings and Grounds	14. Public Works.
26. Rules	15. Rules and Administration.
27. Audit and Control	
28. Library	
29. Privileges and Elections	
30. Printing	
31. Enrolled Bills	
32. Pensions	16. Veterans' Affairs.
33. Claims	(Abolished.)

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES

Subject	Present committee	Proposed committee
(a) Committee on Agriculture and Forestry, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Agriculture generally	Agriculture and Forestry	Agriculture and Forestry.
2. Inspection of livestock and meat products	do	Do.
3. Animal industry and diseases of animals	do	Do.
4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves	do	Do.
5. Agricultural colleges and experiment stations	do	Do.
6. Forestry in general, and forest reserves other than those created from the public domain	do	Do.
7. Agricultural economics and research	do	Do.
8. Agricultural and industrial chemistry	do	Do.
9. Dairy industry	do	Do.
10. Entomology and plant quarantine	do	Do.
11. Human nutrition and home economics	do	Do.
12. Plant industry, soils, and agricultural engineering	do	Do.
13. Agricultural educational extension services	do	Do.
14. Extension of farm credit and farm security	Agriculture and Forestry; Banking and Currency	Do.
15. Rural electrification	Agriculture and Forestry	Do.
16. Agricultural production and marketing and stabilization of prices of agricultural products	do	Do.
17. Crop insurance and soil conservation	do	Do.
(b) Committee on Appropriations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subject:		
1. Appropriation of the revenue for the support of the Government	Appropriations	Appropriations.
(c) Committee on Armed Services, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Common defense generally	Naval Affairs; Military Affairs	Armed Services.
2. The War Department and the Military Establishment generally	do	Do.
3. The Navy Department and the Naval Establishment generally	Naval Affairs	Do.
4. Soldiers' and sailors' homes	Military and Naval Affairs	Do.
5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces	do	Do.
6. Selective service	Military Affairs	Do.
7. Size and composition of the Army and Navy	Military and Naval Affairs	Do.
8. Forts, arsenals, military reservations, and navy yards	do	Do.
9. Ammunition depots	do	Do.
10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.	Military Affairs	Do.
11. Conservation, development, and use of naval petroleum and oil-shale reserves	Naval Affairs	Do.
12. Strategic and critical materials necessary for the common defense	Military Affairs	Do.

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES—Continued

Subject	Present committee	Proposed committee
(d) Committee on Banking and Currency, to consist of 13 Senators, to which committee shall be referred al. proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Banking and currency generally	Banking and Currency	Banking and Currency.
2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.	do	Do.
3. Deposit insurance	do	Do.
4. Public and private housing	Banking and Currency; Education and Labor	Do.
5. Federal Reserve System	Banking and Currency	Do.
6. Gold and silver, including the coinage thereof	do	Do.
7. Issuance of notes and redemption thereof	do	Do.
8. Valuation and revaluation of the dollar	do	Do.
9. Control of prices of commodities, rents, or services	do	Do.
(e) Committee on Civil Service, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. The Federal civil service generally	Civil Service	Civil Service.
2. The status of officers and employees of the United States, including their compensation, classification, and retirement.	do	Do.
3. The postal service generally, including the railway-mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.	Post Offices and Post Roads	Do.
4. Postal-savings banks	do	Do.
5. Census and the collection of statistics generally	Commerce	Do.
6. The National Archives	Library	Do.
(f) Committee on the District of Columbia, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor including—	District of Columbia	District of Columbia.
2. Public health and safety, sanitation, and quarantine regulations	do	Do.
3. Regulation of sale of intoxicating liquors	do	Do.
4. Adulteration of food and drugs	do	Do.
5. Taxes and tax sales	do	Do.
6. Insurance, executors, administrators, wills, and divorce	do	Do.
7. Municipal and juvenile courts	do	Do.
8. Incorporation and organization of societies	do	Do.
9. Municipal code and amendments to the criminal and corporation laws	do	Do.
(g) (1) Committee on Expenditures in the Executive Departments, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
(A) Budget and accounting measures, other than appropriations	Expenditures in the Executive Departments	Expenditures in the Executive Departments.
(B) Reorganizations in the executive branch of the Government	Judiciary	Do.
(2) Such committee shall have the duty of—		
(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;		Do.
(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;		Do.
(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;		Do.
(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.		Do.
(h) Committee on Finance, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Revenue measures generally	Finance	Finance.
2. The bonded debt of the United States	do	Do.
3. The deposit of public moneys	do	Do.
4. Customs, collection districts, and ports of entry and delivery	do	Do.
5. Reciprocal trade agreements	do	Do.
6. Transportation of dutiable goods	do	Do.
7. Revenue measures relating to the insular possessions	do	Do.
(i) Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Relations of the United States with foreign nations generally	Foreign Relations	Foreign Relations.
2. Treaties	do	Do.
3. Establishment of boundary lines between the United States and foreign nations	do	Do.
4. Protection of American citizens abroad and expatriation	do	Do.
5. Neutrality	do	Do.
6. International conferences and congresses	do	Do.
7. The American National Red Cross	Judiciary	Do.
8. Intervention abroad and declarations of war	Foreign Relations	Do.
9. Measures relating to the diplomatic service	do	Do.
10. Acquisition of land and buildings for embassies and legations in foreign countries	do	Do.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.	do	Do.
12. United Nations Organization and international financial and monetary organizations	Foreign Relations; Banking and Currency	Do.
13. Foreign loans	Banking and Currency	Do.
(j) Committee on Interstate and Foreign Commerce, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Interstate commerce generally	Interstate Commerce	Interstate and Foreign Commerce.
2. Regulation of interstate railroads, busses, trucks, and pipe lines	do	Do.
3. Communication by telephone, telegraph, radio, and television	do	Do.
4. Civil aeronautics	Commerce	Do.
5. Merchant marine generally	do	Do.
6. Registering and licensing of vessels and small boats	do	Do.
7. Navigation and the laws relating thereto, including pilotage	do	Do.
8. Rules and international arrangements to prevent collisions at sea	do	Do.
9. Merchant marine officers and seamen	do	Do.
10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.	do	Do.
11. Coast and Geodetic Survey	do	Do.
12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts	do	Do.
13. The U.S. Coast Guard and Merchant Marine Academies	do	Do.
14. Weather Bureau	do	Do.
15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally	Interoceanic Canals	Do.
16. Inland waterways	Commerce	Do.
17. Fisheries and wildlife, including research, restoration, refuges, and conservation	do	Do.
18. Bureau of Standards, including standardization of weights and measures and the metric system	do	Do.

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES—Continued

Subject	Present committee	Proposed committee
(k) Committee on the Judiciary, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Judicial proceedings, civil and criminal, generally	Judiciary	Judiciary.
2. Constitutional amendments	do	Do.
3. Federal courts and judges	do	Do.
4. Local courts in the territories and possessions	do	Do.
5. Revision and codification of the Statutes of the United States	do	Do.
6. National penitentiaries	do	Do.
7. Protection of trade and commerce against unlawful restraints and monopolies	do	Do.
8. Holidays and celebrations	do	Do.
9. Bankruptcy, mutiny, espionage, and counterfeiting	do	Do.
10. State and Territorial boundary lines	do	Do.
11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices	do	Do.
12. Civil liberties	do	Do.
13. Patents, copyrights, and trade-marks	Patents	Do.
14. Patent Office	do	Do.
15. Immigration and naturalization	Immigration	Do.
16. Apportionment of Representatives	Commerce	Do.
17. Measures relating to claims against the United States	Judiciary	Do.
18. Interstate compacts generally	do	Do.
(l) Committee on Labor and Public Welfare, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Measures relating to education, labor, or public welfare generally	Education and Labor	Labor and Public Welfare.
2. Mediation and arbitration of labor disputes	do	Do.
3. Wages and hours of labor	do	Do.
4. Convict labor and the entry of goods made by convicts into interstate commerce	Judiciary; Interstate Commerce	Do.
5. Regulation or prevention of importation of foreign laborers under contract	Immigration	Do.
6. Child labor	Education and Labor	Do.
7. Labor statistics	do	Do.
8. Labor standards	do	Do.
9. School-lunch program	Agriculture	Do.
10. Vocational rehabilitation	Education and Labor	Do.
11. National social security, except revenue measures relating thereto	Finance	Do.
12. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.	Interstate Commerce	Do.
13. United States Employees Compensation Commission	Education and Labor	Do.
14. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.	District of Columbia	Do.
15. Public health and quarantine	Education and Labor	Do.
16. Welfare of miners	Mines and Mining	Do.
(m) Committee on Public Lands, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Public lands generally, including entry, easements, and grazing thereon	Public Lands and Surveys	Public Lands.
2. Mineral resources of the public lands	do	Do.
3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands	do	Do.
4. Forest reserves and national parks created from the public domain	do	Do.
5. Military parks and battlefields, and national cemeteries	do	Do.
6. Preservation of prehistoric ruins and objects of interest on the public domain	do	Do.
7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.	Territories and Insular Affairs	Do.
8. Irrigation and reclamation, including water supply for reclamation projects, and easement or public lands for irrigation projects.	Irrigation and Reclamation	Do.
9. Interstate compacts relating to apportionment of waters for irrigation purposes	do	Do.
10. Mining interests generally	Mines and Mining	Do.
11. Mineral land laws and claims and entries thereunder	do	Do.
12. Geological survey	do	Do.
13. Mining schools and experimental stations	do	Do.
14. Petroleum conservation and conservation of the radium supply in the United States	Public Lands and Surveys; Mines and Mining	Do.
15. Relations of the United States with the Indians and the Indian tribes	Indian Affairs	Do.
16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.	do	Do.
(n) Committee on Public Works, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the following subjects:		
1. Flood control and improvement of rivers and harbors	Commerce	Public Works.
2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).	do	Do.
3. Water power	do	Do.
4. Oil and other pollution of navigable waters	do	Do.
5. Public buildings and occupied or improved grounds of the Unted States generally	Public Buildings and Grounds	Do.
6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.	do	Do.
7. Measures relating to the Capitol Building and the Senate and House Office Buildings	do	Do.
8. Measures relating to the maintenance and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.	do	Do.
9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.	do	Do.
10. Measures relating to the construction or maintenance of roads and post roads	Post Offices and Post Roads	Do.
Committee on Rules and Administration, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.	Audit and Control the Contingent Expenses of the Senate.	Rules and Administration.
(B) Except as provided in par. (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.	Library	Do.
(C) Except as provided in par. (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.	do	Do.
(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.	Privileges and Elections	Do.
(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; Senate Office Building; Senate wing of the Capitol; assignment of office space; and services to the Senate.	Rules	Do.
(F) Matters relating to printing and correction of the Congressional Record.	Printing	Do.
(2) Such committee shall also have the duty of examinaning all bills. amendments. and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Building.	Enrolled Bills	Do.

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES—Continued

Subject	Present committee	Proposed committee
(p) Committee on Veterans' Affairs, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Veterans' measures generally	Finance	Veterans' Affairs.
2. Pensions of all the wars of the United States, general and special	Pensions	Do.
3. Life insurance issued by the Government on account of service in the Armed Forces	Finance	Do.
4. Compensation, vocational rehabilitation, and education of veterans	do	Do.
5. Veterans' hospitals, medical care and treatment of veterans	do	Do.
6. Soldiers' and sailors' civil relief	Military Affairs	Do.
7. Readjustment of servicemen to civil life	do	Do.

It is provided that each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more. Your committee will frankly explain the reason for this latter provision. It had been hoped that committee service of each Senator would be limited to two standing committees and in the light of generally increased jurisdiction of committees that would normally be sufficient. However, it was discovered that with a close alinement of the two major parties in the Senate that arrangement would leave many committees of the Senate in which the majority party did not have control, that is, the members would be evenly divided. The committee felt that that was not a satisfactory arrangement and hit upon the expedient of permitting Senators of the majority party who are members of the two committees named above (District of Columbia and Expenditures in the Executive Departments), whose jurisdiction was relatively light as compared with other committees, to serve on three standing committees.

Section 103. Appropriations

This section amends rule XVI dealing with amendments to appropriation bills and while rewritten in its entirety this was due in great measure to the change in the names of the committees under the revised committee structure. The only substantial change made in this section is the provision which prohibits the Committee on Appropriations from reporting an appropriation bill containing amendments proposing "any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law," and further provides that any such restriction shall not be received by way of an amendment to any general appropriation bill.

It is specifically provided that when a point of order is made against any limitation on expenditure of funds appropriated in a general appropriations bill on the ground that the limitation violates this rule (whether for violation of the limitation just discussed or any limitation now contained in rule XVI), the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

Section 104 and section 105. Printing and rules

These sections made formal changes to conform to changes in the rules relative to committee structure, but in view of section 224 of the bill dealing with transfer of functions to the new committees, these sections are unnecessary and have been stricken from the bill.

PART 2. PROVISIONS APPLICABLE TO BOTH HOUSES

Section 121. Private bills banned

This section bans private bills, resolutions, and amendments authorizing or directing the payment of property damages for personal injuries or death or for pensions; the construction of bridges across navigable streams; or the correction of military or naval records. It is provided, however, that the provisions of this section shall not apply to private bills or resolutions conferring jurisdiction on the Federal courts to hear, determine, and render judgment in connection with private claims otherwise cognizable under the Federal Tort Claims Act if the claim accrued between January 1, 1939, and December 31, 1944, the last day being the day before the effective date (for the purpose of accrual of claims) of the Federal Tort Claims Act. This will permit consideration of bills or resolutions covering claims going back for a period of 6 years and would seem to be ample to prevent any inequities.

Section 122. Joint hearings

This section authorizes the standing committees of the two Houses to hold joint hearings with respect to subject matter within their respective jurisdictions.

Section 123. Congressional recesses

This section fixes a definite adjournment period for the Congress for each year, from the last of June until the second Tuesday in October, except in time of war or during a national emergency proclaimed by the President. It is provided, however, that the Members of the Congress may be called back by the President of the Senate and the Speaker of the House whenever in their opinion legislative expediency warrants it or whenever the majority leader or the minority leader of the Senate and the majority leader or the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Section 124. Committee procedure

Various provisions relating to committee procedure are set forth in this section. Some of these procedures are now in effect in the case of many committees of the Congress. This section will make specific provision therefor.

Each standing committee must set aside a regular period during each month to permit Members to appear before the committee on bills or resolutions which they have introduced; each such committee must fix regular weekly, biweekly, or monthly meeting days for the transaction of business, and additional meetings may be called by the chairman; each such committee shall keep a complete record of all committee action, which shall include attendance and a record of votes on any question on which a record vote is demanded, which record vote shall be printed in the Congressional Record. It is made the duty of the chairman of each committee to report promptly to the Senate or House, as the case may be, any measure approved by his committee and to take necessary steps to bring the matter to a vote; but no measure or recommendation shall be reported from any committee unless a majority of the committee were actually present and voted in favor of the report.

Further, each committee report shall contain an outline of proposed legislation in nontechnical digest form, together with a supporting statement of reasons for its enactment and a statement of the national interest involved. This report shall also include estimates of cost. All such outlines, statements, and estimates shall be prepared by the committee staff.

Each standing committee shall, so far as practicable, require witnesses to file in advance written statements of their testimony and to limit oral presentations to brief summaries. The staff of each committee shall prepare digests of such statements for use of committee members. All hearings are required to be open to the public except executive sessions for marking up bills or for voting or where the committee by a majority vote orders a secret executive session in the interest of national security.

Section 125. Committee powers

This section embodies the procedural powers normally given to Senate committees and extend it generally to standing committees of the House. Owing to the greater volume of work imposed on the smaller number of committees under the bill, it is recommended that expenditures for any Congress be fixed at not in excess of $10,000 for each committee in lieu of $5,000 now fixed for Senate committees.

It is further provided that no standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit without special leave while the Senate or the House, as the case may be, is in session. This will extend to the Senate the rule now applicable to House committees except in the case of the Committee on Rules.

Section 126. Special committees banned

This section provides that no special or select committee, including a joint committee, shall be established or continued by bill, resolution, or amendment.

Section 127. Conference rules on amendments in nature of substitute

This section in effect makes specific the application to amendments in the nature of a substitute of the conference rules now applicable to numbered amendments, and will outlaw the expedient resorted to in recent years of conferees bringing back legislation not passed by either House.

Section 128. Legislative oversight by standing committees

In effect, this section directs each standing committee of the Senate and the House to exercise continuous surveillance of the execution by the administrative agencies concerned of laws within the jurisdiction of the respective committees.

Section 129. Decisions on questions of committee jurisdiction

This section provides that questions with respect to committee jurisdiction shall be decided by the Presiding Officer of the Senate or the House, as the case may be, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates; but the decision is subject to an appeal.

Section 130. Estimates of receipts and expenditures

This section requires the Committee on Ways and Means and the Committee on Appropriations of the House and the Committee on Finance and the Committee on Appropriations of the Senate to meet jointly at the beginning of each session and after study and consultation to report to their respective Houses estimated over-all Federal receipts and expenditures for the ensuing fiscal year. The report is to be made within 60 days after

the opening of the session or by April 15, whichever first occurs. If the estimated expenditures exceed the estimated receipts the report must be accompanied by a concurrent resolution reciting that it is the sense of the Congress that the public debt should be increased in an amount equal to the amount by which the estimated expenditures exceed the estimated receipts. Until this resolution has been agreed to by both Houses no general appropriation bill appropriating money for the ensuing fiscal year shall be received or considered in either House. The section is not applicable in time of war or during a national emergency proclaimed by the President.

Section 131. Hearings and reports by Appropriations Committees

This section provides that general appropriation bills shall not be considered unless prior to the consideration printed committee hearings and reports have been available for at least three calendar days for the Members of the House in which such bill is to be considered. The Appropriations Committees are further authorized and directed, acting jointly, to develop standard appropriation classification schedules, and it is required that the part of the printed hearings containing any agency's request for appropriations shall be preceded by such a schedule.

The section further provides that no general appropriation bill or amendment thereto shall be in order if it contains any provision reappropriating unexpended balances; but this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

The Appropriations Committees are also directed to make a study of permanent appropriations with a view to limiting their number, and also a study of the disposition of funds resulting from the sale of Government property or services with a view to recommending a uniform system of control with respect to such funds.

Section 132. Records of Congress

The Secretary of the Senate and the Clerk of the House, acting jointly, are directed by this section to obtain at the close of each Congress all noncurrent records and transfer them to the National Archives; and the Clerk of the House is directed to collect the noncurrent records of the House of Representatives from the First to the Seventy-six Congress, inclusive, and transfer them to the National Archives.

Section 133. Preservation of committee hearings

This section requires the Librarian of Congress to have bound the printed hearings of testimony taken by each committee of the Congress.

Section 134. Effective date

This title takes effect on the day on which the Eightieth Congress convenes; except that the provisions relative to reports, just discussed, take effect on the date of enactment.

TITLE II—MISCELLANEOUS

This title contains miscellaneous provisions relating to congressional personnel, committees of Congress, the Capitol Building, and policy committees.

PART 1. STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Section 201. Office of Congressional Personnel

This section creates the Office of Congressional Personnel headed by a Director appointed by the majority and minority leaders of the Senate and House of Representatives, acting jointly. The Director will receive compensation at the rate of $10,000 a year and is to be appointed without regard to political affiliations and solely on the ground of fitness to perform the duties of the office.

One of the initial functions of the Director (others will be noted hereinafter) is to prepare a plan for a modern personnel system for all employees of the Senate and House (including employees under the Architect of the Capitol), to make a complete study of overlapping and duplicating services within the legislative establishment, and to prepare a plan for the establishment of efficient services and to report to Congress at the earliest practicable date. Any plan or schedule prepared by the Director must contain as an integral part provisions that appointments to any office or position under the Senate or the House shall be made only upon certification by the Director that the appointee is qualified, and in addition, in the case of committee staffs, upon recommendation of the Director; and that service employes of the Capitol shall be appointed on a merit basis established by the Director to the end that the so-called patronage system shall be discontinued and the fee system for guides abolished.

The provisions of this section do not apply and the authority of the Director does not extend to elected officers of the Senate or House or to personnel of Members' offices or to personnel of party policy committees provided for in the bill.

Section 202. Stenographic pool

Under this section the Director is required to establish a stenographic pool in each of the Senate and House Office Buildings for use of Members during peak periods.

Section 203. Increase in compensation for certain congressional officers

This section increases the basic compensation of elected officers of the Senate and House (not including the presiding officers) by 50 percent, effective January 1, 1947; and increases the appropriations for the Office of the Vice President and the Office of the Speaker by approximately 50 percent.

Section 204. Administrative assistant to Members

This section authorizes each Senator, Representative, Delegate, and the Resident Commissioner from Puerto Rico to appoint an administrative assistant at a salary of $8,000 a year.

Section 205. Committee staffs

This section authorizes each standing committee to appoint four professional staff members (in addition to the clerical staffs), who are to be appointed on a permanent basis upon the recommendation and certification of the Director, without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. These staff members may not engage in any work other than committee business and no other duties may be assigned to them.

In the case of the Committees on Appropriations, each such committee and each subcommittee thereof is to be provided with a professional staff, two members of which shall be assigned to the chairman of the committee and each subcommittee thereof and two members to the ranking minority member of each such committee and subcommittee thereof.

The clerical staff of each standing committee will consist of six clerks, two to be attached to the office of the chairman, two to the ranking minority member, and two to the professional staff; and the office of committee janitor is abolished.

It is required that all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman; and such records are declared to be the property of the Congress and all members of the committee and the respective Houses shall have access to such records.

Until the Director submits a plan for revision of legislative pay schedules and such plan is accepted by the Congress, the professional staff members will receive annual compensation, to be fixed by the chairman, ranging from $6,000 to $8,000, and the clerical staff will receive annual compensation ranging from $2,000 to $6,000. When the Director has submitted a plan for revision of pay schedules and such plan is accepted by Congress, all provisions of law authorizing chairmen of standing committees to rearrange or change the salaries and number of committee empolyees are repealed, and the personnel of Members' offices shall not be assigned any committee work.

It is specifically provided that no committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

Section 206. Legislature Reference Service

This section gives specific statutory authority for the Legislative Reference Service of the Library of Congress and prescribes detailed statutory functions for that Service. In addition to the other functions the Director of the Service is to assign competent persons to the press and radio galleries of the Senate and the House of Representatives.

The Director and Assistant Director of the Service are to be appointed by the Librarian upon recommendation and certification of the Director of Congressional Personnel. All personnel of the Service are to be appointed without regard to the civil-service laws and solely on the ground of fitness to perform the duties of their offices. Specific provision is made for the appointment of senior specialists in certain broad fields and such specialists, together with such other members of the staff as may be necessary, are to be available for special work with the committees of Congress.

Increased appropriations for the work of the Legislative Reference Service are authorized as follows: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

Section 207. Office of the Legislative Counsel

This section authorizes appropriations for the Office of the Legislative Counsel as follows:

(1) For the fiscal year ending June 30, 1947, $150,000.

(2) For the fiscal year ending June 30, 1948, $200,000.

(3) For the fiscal year ending June 30, 1949, $250,000.

(4) For the fiscal year ending June 30, 1950, $250,000.

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

These figures are increases over past appropriations for this office; for example, the appropriation contained in the pending legislative appropriation bill is $105,000.

Section 208. Reductions in appropriations

This section provides that if on December 31 in any fiscal year, and after the budget resolution discussed above (sec. 130 (b) of title I) has been agreed to, the President is of opinion that the expenditures for that fiscal year will exceed receipts in an amount greater than the excess specified in the resolution the President shall so proclaim; and thereupon all appropriations (except permanent appropriations and appropriations for

servicing the public debt, for veterans' pensions and benefits, and to trust funds) shall be reduced by a uniform percentage which will reduce the aggregate amount of funds appropriated for that fiscal year in an amount equal to the difference between the excess proclaimed by the President and the excess specified in the resolution. The section is not to be applicable in time of war or during a national emergency proclaimed by the President.

Section 209. Transfer of appropriations

This section, effective July 1, 1947, prohibits the transfer of funds from one appropriation account to another or from one organization unit to another in the executive departments and other executive agencies.

Section 210. Studies by the Comptroller General

This section authorizes and directs the Comptroller General to make a study of restrictions in general appropriation accounts limiting expenditure of specified appropriations, with a view to determining the cost to the Government incident to comply with such restrictions and to report to the Congress with respect thereto.

Section 211. Administrative management analyses by Comptroller General

This section authorizes and directs the Comptroller General to make an administrative management analysis of each agency in the executive branch, to enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses are to be submitted to the Committees on Expenditures in the Executive Departments, the Appropriations Committees, the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, and each of the majority and minority policy committees.

PART 2. STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Section 221. Improvement of Congressional Record

This section authorizes and directs the Joint Committee on Printing to make provision for printing in the daily Record the legislative program for the day, together with a list of congressional committee meetings and hearings; and to cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents. The data will be prepared under the supervision of the Secretary of the Senate and the Clerk of the House, respectively.

Section 222. Joint Committee on Printing

This section provides that the Joint Committee on Printing shall consist of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives. This provision is made necessary by reason of the fact that the Committees on Printing of the respective Houses are abolished in the rearrangement of committees, heretofore discussed.

Section 223. Joint Committee on the Library

Similarly, under this section the Joint Committee on the Library will consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House.

Section 224. Transfer of functions

Owing to the rearrangement of committees this section transfers the function, powers, and duties imposed on a standing committee of the Senate or the House to the standing committee created by this act to which is transferred legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that respective chairmen of the Civil Service Committees are to be members of the National Archives Council since under the bill the National Archives come under the jurisdiction of the Civil Service Committees.

PART 3. PROVISIONS RELATING TO CAPITOL AND POLICY COMMITTEES

Section 241. Remodeling of caucus rooms and restaurants

This section authorizes and directs the Architect of the Capitol to prepare and submit to Congress plans for the remodeling of the caucus rooms in the Senate and House Office Buildings and the Senate and House restaurants. By a committee amendment the provision relating to the Chambers of the two Houses has been stricken out as this project has already been authorized by law.

Section 242. Assignment of Capitol space

Under this section the President pro tempore of the Senate and the Speaker of the House are to cause a survey to be made of available space which could be utilized for joint committee meetings, meetings of conference committees, and other meetings requiring attendance of both Senators and Members of the House, and to recommend the reassignment of such space to accommodate such meetings.

Section 243. Senate and House pages

This section provides that pages for the Senate and House shall be appointed by the Director of Congressional Personnel from among boys from the metropolitan area of the District of Columbia. The Secretary of the Senate and the Clerk of the House are directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of these pages and pages of the Supreme Court in the public school system of the District, with provision for reimbursement to the District for any additional expenses incurred.

Section 244. Majority and minority policy committees

This section recommends the establishment of policy committees by the majority party and the principal minority party in each of the two Houses, for the formulation of over-all legislative policy, and authorizes an appropriation of $30,000 annually for each policy committee for the maintenance of a staff. The members of each such staff are to be appointed and their compensation fixed by the policy committee concerned, but no such compensation shall be fixed at a rate in excess of $8,000 per annum.

Section 245. Joint legislative-executive council

This section provides that when the majority policy committees are established they shall serve on a formal council to meet at regular intervals with the Executive and members of his Cabinet to consult and collaborate in the formulation and carrying out of national policy. It is further provided that from time to time the minority policy committees shall be included in such conferences on broad questions of foreign and domestic policy.

Section 246. Experimentation with meeting schedules

This section, in effect, recommends that there be experiments with schedules for meeting of the two Houses to determine whether business might not be more efficiently transacted by providing for alternate days for Chamber sessions and committee meetings, or by providing for three full days for committee meetings and three full days for sessions in the Chamber, or by providing some other schedule, including night sessions.

Section 247. Effective date

This section fixes an effective date for this title. With the exception of sections 205 (a), (b), and (c), 222, 223, 224, and 243, the title is made effective on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

This title deals with a subject that has frequently been before the Congress, in the form of bills to regulate lobbying activities. In order that there may be no misunderstanding of the purposes of this title the committee desires to make a statement as to what the title does and what it does not do. There follow some of the things that the title does not do:

First. It does not curtail the right of free speech or freedom of the press or the right of petition.

Second. It has no application to the publishers of newspapers, magazines, or other publications, acting in the regular course of business.

Third. It has no application to persons who appear openly and frankly before the committees of Congress and engage in no other activities to influence legislation.

Fourth. It does not require any reports of any persons or organizations now required to report under the provisions of the present Corrupt Practices Act.

Fifth. It does not apply in any manner to persons who appear voluntarily without compensation.

Sixth. It does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which formed.

On the other hand the title applies chiefly to three distinct classes of so-called lobbyists:

First. Those who do not visit the Capitol but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misinformation as to facts. This class of persons and organizations will be required under the title, not to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

Second. The second class of lobbyists are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over Members of Congress. These individuals spend their time in Washington presumably exerting some mysterious influence with respect to the legislation in which their employers are interested, but carefully conceal from Members of Congress whom they happen to contact the purpose of their presence. The title in no wise prohibits or curtails their activities. It merely requires that they shall register and disclose the sources and purposes of their employment and the amount of their compensation.

Third. There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with repect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment.

Section 301. Short title

This section provides a short title, namely, the "Federal Regulation of Lobbying Act."

Section 302. Definitions

This section contains definitions and for convenience or reference the definitions of "contribution," "expenditure," and "legislation" are included herein as follows:

(*a*) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(*b*) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

* * * * *

(*e*) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

Section 303. Detailed accounts of contributions

This section makes it the duty of every person soliciting or receiving contributions (as defined above) to any organization or fund for the purposes defined in section 307 (post) to keep a detailed and exact account of all contributions; the name and address of every person making a contribution of $500 or more and the date thereof; all expenditures made by or on behalf of the organization or fund; and the name and address of every person to whom any expenditure was made, and the date thereof. It is further made the duty of such person to keep receipted bills for expenditures in excess of $10, and to preserve the receipted bills and accounts required to be kept for at least 2 years from the date of filing of the statement containing such items.

Section 304. Receipts for contributions

This section requires every individual who receives a contribution of $500 or more for the purposes specified in section 307 (post), within 5 days after receipt, to render to the person or organization for which it was received a detailed account thereof, including the name and address of the person making the contribution and the date on which received.

Section 305. Statements to be filed with Clerk of House

This section requires every person receiving any contributions or expending any money for the purposes specified in section 307 (post) to file with the Clerk of the House a statement showing the names and addresses of persons contributing $500 or more; the total sum of the contributions made to or for such person during the calendar year and not stated under the foregoing requirement; the total sum of all contributions made to or for such person during the calendar year; the name and address of each person to whom an expenditure of $10 or more has been made within the calendar year by or on behalf of such person and the amount, date, and purpose of such expenditure; the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under the foregoing requirement, and the total expenditures made by or on behalf of such person during the calendar year. Statements required to be filed hereunder shall be cumulative during the calendar year to which they relate.

Section 306. Statement preserved for 2 years

Statements required to be filed with the Clerk must be preserved for a period of 2 years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

Section 307. Persons to whom applicable

This section defines the application of the title and includes any person who by himself or through any agent or employee or other person in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any one of the following purposes:

(*a*) The passage or defeat of any legislation by the Congress of the United States. It will be noted in this connection that under the definition set forth above "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House and includes any other matter which may be the subject of action by either House.

(*b*) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress.

(*c*) To influence, directly or indirectly, the election or defeat of any candidate for any elective Federal office.

Section 308. Registration with Secretary of Senate and Clerk of House

This section requires any person who engages himself for pay or for any consideration, for the purpose of attempting to influence the passage or defeat of legislation, to register with the Clerk of the House and the Secretary of the Senate, giving full details of his employment, and to report each calendar quarter details concerning money received and expended by him during the preceding calendar quarter in carrying on his work. There are excepted from the provisions of this section persons who merely appear before committees in support of or in opposition to legislation but who engage in no further or other activities in connection with the passage or defeat of such legislation; public officials acting in their official capacity; and newspapers and periodicals acting in the regular course of business. All information required to be filed with the Clerk and Secretary shall be compiled by them, acting jointly, and printed in the Congressional Record.

Section 309. Reports and statements to be made under oath

This section requires all reports and statements to be made under oath.

Section 310. Penalties

This section makes it a misdemeanor to violate any of the provisions of the title and provides punishment by fine of not more than $5,000 or imprisonment for not more than 12 months, or both. In addition to these penalties any person convicted of the misdemeanor specified above is prohibited for a period of 3 years from attempting to influence directly or indirectly the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or in opposition to proposed legislation; and any person who violates this provision is guilty of a felony and subject to punishment by a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

Section 311. Exemption

This section provides that the title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said act.

TITLE IV—FEDERAL TORT CLAIMS ACT

This title waives, with certain limitations, governmental immunity to suit in tort and permits suits on tort claims to be brought against the United States. It is complementary to the provision in title I banning private bills and resolutions in Congress, leaving claimants to their remedy under this title.

In addition, the title extends the existing authority of heads of Government departments to adjust tort claims. Under existing law such authority is restricted to claims for property loss and damage not exceeding $1,000. This title would extend it to cases of personal injury or death, but retains the maximum limitation of $1,000.

The title applies to claims accruing on and after January 1, 1945, thus going back for one full session of Congress, and together with the provision in section 121 (ante) permitting bills and resolutions to be considered covering claims accruing between January 1, 1939, and December 31, 1944, will in effect permit an 8-year period for disposing of past claims.

Attention is called to the fact that there is now on the House Calendar a bill (H.R. 181, 79th Cong.) almost identical with this title. The essential difference is that the House bill puts a maximum limitation of $10,000 on claims for which suit may be brought, whereas this title as reported by your committee contains no such limitation. The committee is of the opinion that in view of the banning of private claim bills in the Congress no such limitation should be imposed, and that with respect to this type of claim the Government should be put in the same position as any private party.

For the information of the Senate the following statement from the House Committee report on H.R. 181 (H. Rept. No. 1287, 79th Cong., 1st sess.), covering the history of this legislation and a summary of existing law is incorporated and made a part of this report:

"HISTORY OF LEGISLATION

"Under existing law, while the Government may be sued in contract, it is not generally subject to suit in tort, except as to admiralty and maritime torts.

"Heads of departments are permitted to make administrative adjustments of certain types of tort claims for small amounts. Other claims, if adjusted at all, are handled individually by private bills, which either make a direct appropriation for the payment of the claim or else remit the claimant to suit either in the Court of Claims or in a United States district court.

"For many years the present system has been subjected to criticism, both as being unduly burdensome to the Congress and as being unjust to the claimants, in that it does not accord to injured parties a recovery as a matter of right but bases any award that may be made on considerations of grace. Moreover, it does not afford a well-defined continually operating machinery for the consideration of such claims. For many years bills on this subject have been introduced from time to time attempting to approach the matter in various ways. During the Seventieth Congress a bill, H.R. 9285, which endeavored to deal with this matter passed both Houses but encountered a pocket veto at the hands of President Coolidge, which it is understood was princally based on the fact that the function of acting as counsel for the Government in such cases was to be reposed by that bill in the Comptroller General instead of in the Attorney General.

"In the Seventy-sixth Congress H.R. 7236 passed the House on September 12, 1940, but the pressure of other urgent matters prevented its consideration in the Senate before the close of the session.

"In the Seventy-seventh Congress a similar bill, S. 2221, was passed by the Senate and was approved in substance by this committee. Previous to such action, hearings were held before a subcommittee of the Committee on the Judiciary on H.R. 6463 and an earlier bill, H.R. 5373, both introduced by Representative Celler.

"The magnitude of the task of considering and disposing of private claims can be gathered from the following statistics:

"In the Sixty-eighth Congress about 2,200 private claim bills were introduced, of which 250 became law, then the largest number in the history of the Claims Committee.

"In the Seventieth Congress 2,268 private claim bills were introduced, asking more than $100,000,000. Of these, 336 were enacted, appropriating about $2,830,000, of which 144, in the amount of $562,000, were for tort.

In each of the Seventy-fourth and Seventy-fifth Congresses over 2,300 private claim bills were introduced, seeking more than $100,000,000. In the Seventy-sixth Congress approximately 2,000 bills were introduced, of which 315 were approved, for a total of $826,000.

In the Seventy-seventh Congress, of the 1,829 private claim bills introduced and referred to the Claims Committee, 593 were approved for a total of $1,000,253.30. In the Seventy-eighth Congress 1,644 bills were introduced; 549 of these were approved for a total of $1,355,767.12. So far during the present Congress about 1,279 private claim bills have been introduced. Of these, 225 have been enacted, appropriating about $965,353.06.

"SUMMARY OF EXISTING LAW

"Since 1855 the Government has been subject to suit on contract in the Court of Claims (act of February 24, 1855; 10 Stat. 612, amended by act of March 3, 1863; 12 Stat. 765). By the act of March 3, 1887, known as the Tucker Act, concurrent jurisdiction was conferred on the United States district courts over such contract claims and other claims "not sounding in tort" against the Government as involve a sum not exceeding $10,000. By the act of June 25, 1910 (36 Stat. 851; U.S.C., title 35, sec. 68), the United States submitted itself to suit for patent infringement. Such suits may be brought only in the Court of Claims.

"By the act of March 9, 1920 (41 Stat. 525; U.S.C., title 46, sec. 742), the Government was subjected to being sued in the district courts in respect to admiralty and maritime torts involving merchant vessels or tugboats owned or operated by the Government. By the act of March 3, 1925 (43 Stat. 1112; U.S.C., title 46, sec. 781), the right to sue the Government in respect to admiralty and maritime torts was extended so as to include damages caused by a public vessel of the United States. This authority was without limitation as to the amount of the claim.

"As a result of the statutes briefly summarized above, the Government is subject to suit in contract, on admiralty and maritime torts, and for patent infringement. On the other hand, no action may be maintained against the Government in respect to any common-law tort. The existing exemption in respect to common-law torts appears incongruous. Its only justification seems to be historical. With the expansion of governmental activities in recent years, it becomes especially important to grant to private individuals the right to sue the Government in respect to such torts as negligence in the operation of vehicles.

"In respect to certain classes of small claims the heads of departments are permitted by existing law to make administrative adjustment. However, in no case, is a court review now provided, if the claimant feels aggrieved at the disposition made of his claim by the head of the department. Thus by the act of December 28, 1922 (42 Stat. 1066; U.S. Code, title 31, sec. 215), the head of each department or independent establishment was authorized to adjust any claim for property loss or damage caused by the negligence of an officer or employee of the Government acting within the scope of his employment if the amount of the claim does not exceed $1,000. It will be observed that this authority does not extend to claims for personal injuries or death. There are special statutes in existence permitting the heads of a few departments to adjust claims of a character defined in such statutes, generally not exceeding $500 in amount. For example, the Postmaster General is vested with power to settle claims not exceeding $500 involving either personal injuries or property damage caused by operations of the Post Office Department.

"The present bill would establish a uniform system authorizing the administrative settlement of small tort claims and permitting suit to be brought on any tort claim not exceeding $10,000, with the exception of certain classes of torts expressly exempted from the operation of the act."

PART 1. SHORT TITLE AND DEFINITIONS

Section 401. Short title

This section provides a short title, namely, the "Federal Tort Claims Act."

Section 402. Definitions

This section defines the terms used in the title and makes it clear that its provisions cover all Federal agencies, including Government corporations, and all Federal officers and employees, including members of the military and naval forces (in the case of the latter it is noted that section 421(j) excludes from the application of the title claims arising out of the activities of the military and naval forces or the Coast Guard, during time of war).

PART 2. ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS

Section 403. Claims of $1,000 or less

This section authorizes the head of each Federal agency, or his designee, to adjust claims accruing on and after January 1, 1945, not exceeding $1,000 on account of property loss or damage or personal injury or death caused by the negligence or wrongful act or omission of a Government employee of such agency while acting within the scope of his employment. In general, any award or determination is final and conclusive, except when procured by means of fraud. The acceptance of any award, compromise, or settlement releases both the Government and the employee from liability.

Section 404. Reports

Under this section the heads of Federal agencies are required to make an annual report to Congress of all claims paid under this part.

PART 3. SUITS ON TORT CLAIMS

Section 410. Jurisdiction

This section vests exclusive jurisdiction in the United States district courts over claims against the United States, accruing on and after January 1, 1945, on account of property loss or damage or personal injury or death caused by the negligence or wrongful act or omission of a Government employee while acting within the scope of his employment. The trial will be without a jury as is now the case in suits under the Tucker Act. The liability of the United States will be the same as that of a private person under like circumstance, in accordance with the local law, except that no punitive damages and no interest prior to judgment may be recovered.

Suit may not be instituted on a claim presented to a Federal agency under part 2 until it has been finally disposed of by the agency or withdrawn from consideration of the agency, and in any case suit shall not be brought for any sum in excess of the amount of the claim presented to the Federal agency except where based upon newly discovered evidence or evidence of intervening facts.

Section 411. Procedure

This section provides that the practice and procedure shall be in accordance with the Rules of Civil Procedure, and the same provision for counterclaim and set-off, for interest upon judgments, and for payment of judgments are applicable as in cases brought in the district courts under the Tucker Act.

Section 412. Review

Final judgments in the district courts are made subject to review by appeal to the circuit court of appeals or, with the written consent of all appellees, to the Court of Claims. Judgment would then be subject to review by the Supreme Court to the same extent as in other cases in the circuit courts of appeal.

Section 413. Compromise

This section authorizes the Attorney General to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of suit thereon.

PART 4. PROVISIONS COMMON TO PART 2 AND PART 3

Section 420. Statute of limitations

This section prescribes a limitation period of 1 year for presentation of claims to Federal agencies or filing of suits in the district courts. If the claim is presented to a Federal agency an additional period of 6 months is provided from the time of disposition by the agency or withdrawal of the claim within which to file suit.

Section 421. Exceptions

This section specifies types of claim which would not be covered by the title. They include claims based upon the performance or nonperformance of discretionary functions or duties; claims based upon the act or omission of a Government employee exercising due care in the execution of a statute or regulation; claims based upon action of the Treasury Department under its blacklisting or freezing powers; claims seeking to test the constitutionality of legislation or the legality of a rule or regulation; claims arising from the administration of the Trading With the Enemy Act; and claims which relate to certain governmental activities which should be free from the threat of damage suit, or for which adequate remedies are already available. These exemptions cover claims arising out of the loss or miscarriage of postal matter; the assessment or collection of taxes or assessments; the detention of goods by customs officers; admiralty and maritime torts; deliberate torts such as assault and battery; and others. There are also excluded claims arising out of the activities of the military and naval forces, or the Coast Guard, during time of war, and claims arising in a foreign country.

Section 422. Attorney's fees

This section authorizes the court or the administrative officer, as the case may be, to fix reasonable attorney's fees. If the recovery is $500 or more, such fees may not exceed 10 percent of the administrative award or 20 percent of the judgment; but in any case the attorney's fees allowed must be paid out of, but not in addition to, the judgment or award. Criminal penalties are provided for charging or collecting fees in excess of the maximum.

Section 423. Exclusivity of remedy

This section provides that after the effective date of the title, the authority of any Federal agency to sue and be sued in its own name will no longer be applicable to torts cognizable under this title. This will place torts of "suable" agencies of the United States upon precisely the same footing as torts of "nonsuable" agencies. In both cases, the suits would be against the United States, subject to the limitations and safeguards of the bill; and in both cases the exceptions of the bill would apply either by way of preventing recovery at all or by way of leaving recovery to some other act, as, for example, the Suits in Admiralty Act. It is intended

that neither corporate status nor "sue and be sued" clauses shall, alone, be the basis for suits for money recovery sounding in tort.

Section 424. Certain statutes inapplicable

This section provides that as to claims cognizable under part 2 of the title existing provisions of law authorizing administrative adjustment of such claims are repealed. Provisions of law authorizing adjustment of claims not cognizable under part 2 would remain unaffected as to such claims.

TITLE V—GENERAL BRIDGE ACT

The object of the proposed title is to eliminate the necessity of a special act of Congress to authorize the construction of each individual bridge by giving general consent to all bridges the location, plans, and specifications of which are approved by the Secretary of War and the Chief of Engineers.

The title does not apply to bridges over waters the navigable portion of which lies wholly within one State, and in such cases under the act of March 3, 1899 (30 Stat. 1151; U.S. Code, title 33, sec. 401) authorization by the State legislature will still be necessary. The plans and specifications for these bridges will still need the approval of the Secretary of War and the Chief of Engineers.

This title does not repeal the General Bridge Act of 1906 (34 Stat. 84; U.S.C., title 33, sec. 491), but supersedes such act with respect to bridges over navigable waters of the United States, the construction of which is hereafter approved, and it is contemplated that all such bridges will hereafter be constructed under the provisions of this title. However, it may be noted that even though section 121 of the bill prohibits the receipt or consideration in either House of Congress of a private bill or resolution authorizing the construction of a bridge across a navigable stream, the two Houses may suspend such rule and grant such consent by a special act in accordance with the provisions of the General Bridge Act of 1906. In any case in which that event occurs, the provisions of the 1906 act will apply.

This title does not apply to the bridges specified in the act of August 21, 1935 (49 Stat. 670; U.S.C., title 33, secs. 503–506). That act permits the Secretary of War to set reasonable tolls on bridges constructed under the authority of acts prior to the act of March 3, 1899, cited above; nor does it apply to the act of June 21, 1940 (54 Stat. 497; U.S.C., title 33, secs. 511–523), which is an act to provide for the alteration of railroad bridges and for the apportionment of the cost of such alterations between the United States and the owners of such bridges.

Section 501. Short title

This section provides a short title, namely, the "General Bridge Act of 1946."

Section 502. Consent of Congress

This section contains a general grant of the consent of Congress for the construction, maintenance, and operation of bridges over navigable waters in accordance with the provisions of this title. Location and plans are to be approved by the Chief of Engineers and the Secretary of War who may impose any specific conditions that they deem necessary in the interest of public navigation. In the case of privately owned highway toll bridges the location and plans must be approved by the highway departments of the State or States in which the bridge and its approaches are situated, and if in any such case the States are unable to agree or they, or either of them, fail or refuse to act upon the location and plans submitted, the location and plans will then be submitted to the Federal Public Roads Administration, and, if approved by the Public Roads Administration, approval by the State highway departments is not required.

Section 503. Tolls

This section provides for the regulation of tolls over interstate bridges and authorizes the Secretary of War from time to time to prescribe reasonable rates of toll.

Section 504. Acquisition by public agencies

This section authorizes acquisition by public agencies of any interstate toll bridge and limits the damages or compensation to be allowed, after 5 years after the completion of the bridge, to cost of construction, acquiring interests in real property, financing and promotion costs not to exceed 10 percent of the sum of the foregoing, and actual expenditures for necessary improvements. In such cases no allowances will be made for good will, going value, or prospective revenues or profits.

Section 505. Statements of cost

Under this section the owner is required to file with the Secretary of War and the highway departments detailed statements of cost. Provision is made for investigation of such costs by the Secretary of War and his findings shall be conclusive for purposes of section 504, subject only to review in a court of equity for fraud or gross mistake.

Section 506. Sinking fund

This section provides that in the case of interstate toll bridges constructed or taken over by a public agency, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of construction or acquisition. After a sinking fund sufficient for such amortization has been provided the bridge shall thereafter be maintained and operated free of tolls.

Section 507. Applicability of title

This title is to apply only to bridges over navigable waters of the United States the construction of which is hereafter approved under the provisions of this title.

Section 508. International bridges

This section specifically excepts from the application of the title bridges which will connect the United States or any Territory or possession of the United States with any foreign country.

Section 509. Eminent domain

This section grants the right of eminent domain to persons or public agenices authorized to build bridges between two or more States.

Section 510. Penalties

This section imposes criminal penalties for violation of orders of the Secretary of War or the Chief of Engineers, and for refusal to produce books, papers, or documents required under the title.

Section 511. Rights reserved

This section is the usual reservation of the right to alter, amend, or repeal.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

This title accomplishes two purposes. First, it increases the compensation of Members of Congress to $15,000 per annum, and the compensation of the Speaker and the Vice President to $20,000 per annum. Second, it provides a system of retirement pay for Members of Congress similar to that accorded to Government officers and employees generally.

Section 601. Compensation of Members of Congress

This section increases the compensation of Senators, Representatives in Congress, Delegates from Territories, and the Resident Commissioner from Puerto Rico to $15,000 per annum; and the compensation of the Speaker of the House of Representatives and the Vice President to $20,000 per annum. As an incident to these increases the section contains two additional provisions:

(1) It provides that for the purpose of section 23(a)(1)(A) of the Internal Revenue Code (relating to the deductibility of trade and business expenses), in the case of Senators, Representatives, Delegates, and Resident Commissioners their home shall be considered to be their place of residence within the State, Territory, or possession from which they are such a Member, Delegate, or Resident Commissioner. This will in effect permit these officials to deduct business expenses, including board and lodging in Washington, and other expenses incident to their absence from home on congressional service.

(2) The provision of the Legislative Branch Appropriation Act, 1946, providing for the $2,500 expense allowance for Representatives, Delegates, and the Resident Commissioner from Puerto Rico is repealed.

Section 602. Retirement pay of Members of Congress

Subsection (a) of this section amends section 3(a) of the Civil Service Retirement Act of May 29, 1930, so as to remove the exclusion contained therein with respect to Members of Congress. Section 3(a), which relates to coverage under the act, reads in part as follows:

"SEC. 3. (a) This Act shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government * * * except elective officers and heads of executive departments."

The amendment would insert after the words "elective officers" the words "in the executive branch of the Government", thus confining the exclusion of elective officers to the President and the Vice President.

Subsection (b) of the section would add a new section 3A to the Retirement Act. This new section would outline the respects in which the Retirement Act would operate differently in the case of a Member of Congress, and, except as provided in this section, the provisions of the Retirement Act would apply in the same manner to Members of Congress as to other persons covered by such act.

Paragraph (1) provides that no Member of Congress shall be subject to the provisions of the act unless he so elects. His election could be made at any time within 6 months after the date of enactment or at any time within 6 months after taking an oath of office as a Member of Congress. He would be required, however, to make his election while serving as a Member of Congress. Thus a Member could not wait until he is out of office and then elect to come under the act; nor would the amendment confer any rights upon former Members of Congress. Any such person who later becomes a Member of Congress would, of course, have a further opportunity at that time to elect to come within the purview of the act, and, if he so elected, he would get credit for his prior service as a Member of Congress.

Members of Congress electing to become subject to the provisions of the act would be required, from the date of such election, to contribute to the retirement fund at the rate of 6 percent of their pay rather than at 5 percent as in the case of other persons subject to the act. Deposits made for the purpose of purchasing credit for past service performed prior to the date of enactment, however, would be made at the same rates as in

the case of other persons, that is, 5 percent for service between July 1, 1942, and the date of enactment; 3½ percent for service between July 1, 1926, and July 1, 1942; and 2½ percent for service between July 31, 1920, and July 1, 1926. No deposit is required for service prior to July 31, 1920.

A Member of Congress would not be eligible for a superannuation annuity under these provisions unless he had served as a Member of Congress for at least 6 years, and unless he contributes or makes deposit for his last 5 years of congressional service. If his last 5 years of service are performed after the date of enactment, the contribution or deduction would be at the rate of 6 percent. However, if any portion of his last 5 years of service shall have been performed prior to the date of enactment, the deposit for that portion would be at the rates (set forth in the preceding paragraph) in effect at the time such service was performed, and would be based on the salary he received at such time. An exception to the rule that the last 5 years of congressional service must be contributed for is contained in paragraph 7 of the amendment and perhaps should be mentioned at this point. In a case in which a Member of Congress qualifies for and receives an annuity but thereafter is again elected to Congress, his annuity will be suspended during the period in which he holds office. Although this subsequent service will now form at least a part of his last 5 years of service, his annuity will be resumed when he relinquishes office even though he does not elect to have deductions made during this period. As hereafter explained, however, the annuity will not be recomputed to allow credit for the subsequent service unless such deductions are made.

If the Member of Congress is 62 or over when he leaves office his annuity would become payable on the first day of the month following the month in which he leaves office. If, however, he leaves office prior to attaining the age of 62, his annuity would not commence until the first day of the month following the month in which he reaches age 62.

As in the case of other persons subject to the Retirement Act, a Member of Congress could, irrespective of age, retire after 5 years' service if he were to become totally disabled for useful and efficient service, and be paid an annuity computed in the manner set forth in the following paragraph. In order to qualify for a disability annuity, the Member of Congress, however, must have contributed or made deposit for his last 5 years of service as required in the case of the annuity based on age and service.

The annuity of a Member of Congress under this section would, if he contributed or made deposit for all congressional service subsequent to July 31, 1920, be an amount equal to 2½ percent of the average annual pay he received as a Member of Congress multiplied by his years of service as a Member of Congress, but no annuity would be permitted to exceed three-fourths of the annual rate of compensation received by such Member at the date of his separation from the service. For the purposes of computing average annual pay, only basic compensation would be considered. The compensation provided by law for the Speaker of the House and of the President pro tempore of the Senate when there is no Vice President would, of course, be considered pay for service as a Member of Congress for such purposes.

If the Member of Congress failed to contribute or make deposit for all his years of congressional service the years for which he did not contribute or make deposit would nevertheless be included in computing his annuity, but the annuity would be reduced by an amount equal to the amount of annuity which his contributions or deposit including interest thereon for such years would purchase if made. Since service other than as a Member of Congress cannot be used in computing the annuity under this provision, failure to make deposit for such service would not result in reduction of such annuity.

The amount of annuity payable to a Member of Congress would also be affected by any election which he might make under section 4 (c) or (d) of the Retirement Act. Ordinarily, any unexpended part of the principal of an annuity is returned, upon the annuitant's death, to his beneficiary. Under section 4(c), however, he may elect to receive an increased annuity with forfeiture at his death of any unexpended part of the principal. Also, under section 4(d), he may elect to receive a reduced annuity during his life, and an annuity after his death payable to his beneficiary.

A Member who becomes separated without having served at least 6 years as a Member of Congress will be entitled under paragraph 6 to a refund of all amounts deducted from his pay for retirement purposes, with interest at 4 percent to the date of separation, unless, of course, he is receiving a disability annuity. In any case in which a Member receives a refund under this paragraph, and later has additional service which qualifies him for annuity, he must redeposit the amount refunded to him with interest, in order to receive such annuity.

No annuity will be payable to any person under the act during any period in which he holds office under, or is employed by, the United States. Paragraph 7 provides that if a person qualifies for and receives an annuity and later takes office as a Member of Congress, the payment of his annuity will be suspended so long as he holds such office. When he relinquishes office, however, his annuity will be resumed and, if he has elected to have deductions made from his salary for such period, his annuity will be recomputed to reflect credit for the additional service.

Under the Retirement Act at present service as a Member of Congress is creditable for annuity purposes in cases where the annuitant had other governmental service which was within the purview of the act. This would be changed under the amendment so that in any case in which a person can qualify for a congressional annuity (i.e., if he has 6 years of service as a Member of Congress any of which occurs after the date of enactment of the amendment) his service as a Member of Congress cannot be credited for the purposes of a regular annuity under the act, and any amounts which he may have contributed with respect to his other governmental service, if less than 5 years, would be refunded. If, however, he has less than 6 years of service as a Member of Congress, or if all of his congressional service was performed prior to the enactment of the amendment, such service can be credited for the purposes of a regular annuity provided he has other Government service bringing him under the act. In no case can service other than service as a Member of Congress be considered in computing a congressional annuity under the amendment. There may be instances, of course, where a person has six or more years of service as a Member of Congress thus qualifying him for an annuity under the amendment, and also has five or more years of other governmental service performed either prior to or after his congressional service, also qualifying him for an annuity under other provisions of the act. In such a case the annuity payable would be equal to the aggregate of the two annuities separately computed. It should be emphasized, however, that a period of service credited for the purposes of the one computation may in no event be credited for the purposes of the other computation.

Certain provisions of the Retirement Act are obviously incompatible with constitutional provisions relating to terms of office and removal of Members of Congress. Thus the provisions of the act relating to automatic separation from the service and to retirement at the request of the head of a department, branch, or agency of the Government, would not be applicable to Members of Congress who come within the provisions of the act.

The amendment would apply only to the Senators and Representatives in Congress, to the Delegates from Alaska and Hawaii and to the Resident Commissioner from Puerto Rico.

The following table indicates the amounts of annuity payable under S. 2177 to Members of Congress whose services are terminated January 2, 1947, according to indicated entry date into service and whether full contributions for all prior service or only contributions for the last 5 years of service have been made. In the latter case the annuity payable is shown for indicated select ages.

Date of entry into service	Annuity payable if full contributions for all prior service are made	Annuity payable at indicated ages if contributions are made only for the last 5 years of service[1]			
		62	65	70	75
Jan. 3, 1941	$1,500	$1,465	$1,463	$1,458	$1,451
Jan. 3, 1939	2,000	1,892	1,884	1,868	1,816
Jan. 3, 1937	2,500	2,313	2,299	2,271	2,233
Jan. 3, 1935	3,000	2,727	2,707	2,666	2,611
Mar. 4, 1933	3,458	3,100	3,074	3,020	2,949
Mar. 4, 1931	3,958	3,500	3,467	3,398	3,307
Mar. 4, 1929	4,458	3,892	3,851	3,766	3,653
Mar. 4, 1927	4,958	4,275	4,226	4,123	3,987
Mar. 4, 1925	$5,458	$4,673	$4,616	$4,498	$4,341
Mar. 4, 1923	5,833	4,975	4,913	4,783	4,612
Mar. 4, 1921	6,208	5,271	5,203	5,061	4,875
Mar. 4, 1919	6,583	5,621	5,551	5,406	5,215
Mar. 4, 1917	6,958	5,996	5,926	5,781	5,590
Mar. 4, 1915	7,333	6,371	6,301	6,156	5,965
Mar. 4, 1913	7,500	6,538	6,468	6,323	6,132

[1] The paradoxical situation of persons receiving less at the older ages where full contributions have not been made for all service rendered after July 1920 is due to the fact that the full annuity is reduced by the actuarial equivalent of the amount of indebtedness to the fund. The actuarial equivalent therefore increases with age.

The above table is computed on the basis of compensation heretofore received and, of course, the amounts will be increased as time goes on if the provisions of section 601, providing for increased compensation for Members of Congress, are enacted.

TITLE VII—SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

This title, which provided for the preparation of a charter designed to provide a form of municipal government for the District of Columbia, and a referendum thereon of District residents, was stricken from the bill by the committee, for the reasons given in the general statement above.

[Reproduced by the Library of Congress, Legislative Reference Service, June 27, 1969]

S. 2177

An act to provide for increased efficiency in the legislative branch of the Government

Mr. La Follette; Special Committee on the Organization of Congress, 4881.—Reported with amendment (S. Rept. 1400), 5958.—Debated in Senate, 6344, 6365–6375, 6390–6398, 6439–6454, 6455–6466, 6466–6469, 6517–6521, 6522–6541, 6547–6575.—Amended and passed Senate, 6578.—Made special order (H. Res. 717), 10037.—Debated, amended, and passed House, 10039–10104.—Senate concurs in House amendment, 10139–10152.—Examined and signed, 10329, 10411.—Presented to the President, 10412.—Approved [Public, No. 601], 10740.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

That (a) this Act, divided into titles and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1946":

TABLE OF CONTENTS

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

Sec. 101. Rule-making power of the Senate and House.

PART 1—STANDING RULES OF THE SENATE

Sec. 102. Standing committees of the Senate.
Committee on Agriculture and Forestry.
Committee on Appropriations.
Committee on Armed Services.
Committee on Banking and Currency.
Committee on Civil Service.
Committee on the District of Columbia.
Committee on Expenditures in the Executive Departments.
Committee on Finance.
Committee on Foreign Relations.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
Committee on Labor and Public Welfare.
Committee on Public Lands.
Committee on Public Works.
Committee on Rules and Administration.
Sec. 103. Appropriations.

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Sec. 121. Standing committees of the House of Representatives.
Committee on Agriculture.
Committee on Appropriations.
Committee on Armed Services.
Committee on Banking and Currency.
Committee on Post Office and Civil Service.
Committee on the District of Columbia.
Committee on Education and Labor.
Committee on Expenditures in the Executive Departments.
Committee on Foreign Affairs.
Committee on House Administration.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
Committee on Merchant Marine and Fisheries.
Committee on Public Lands.
Committee on Public Works.
Committee on Rules.
Committee on Un-American Activities.
Committee on Veterans' Affairs.
Committee on Ways and Means.
Sec. 122. Delegates and Resident Commissioner.
Sec. 123. Reference of Private Claims Bills.

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

Sec. 131. Private bills banned.
Sec. 132. Congressional adjournment.
Sec. 133. Committee procedure.
Sec. 134. Committee powers.
Sec. 135. Conference rules on amendments in nature of substitute.
Sec. 136. Legislative oversight by standing committees.
Sec. 137. Decisions on questions of committee jurisdiction.
Sec. 138. Legislative Budget.
Sec. 139. Hearings and reports by Appropriations Committees.
Sec. 140. Records of Congress.
Sec. 141. Preservation of committee hearings.
Sec. 142. Effective date.

TITLE II—MISCELLANEOUS

PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Sec. 201. Increase in compensation for certain Congressional officers.
Sec. 202. Committee staffs.
Sec. 203. Legislative Reference Service.
Sec. 204. Office of the Legislative Counsel.
Sec. 205. Studies by Comptroller General.
Sec. 206. Expenditure analyses by Comptroller General.
Sec. 207. Correction of Military and Naval Records.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Sec. 221. Improvement of Congressional Record.
Sec. 222. Joint Committee on Printing.
Sec. 223. Joint Committee on the Library.
Sec. 224. Transfer of functions.
Sec. 225. Joint Committee on the Economic Report.
Sec. 226. Economic Report of the President.

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

Sec. 241. Remodeling of caucus rooms and restaurants.
Sec. 242. Assignment of Capitol space.
Sec. 243. Senate and House pages.
Sec. 244. Authorization of appropriations and personnel.
Sec. 245. Effective date.

TITLE III—REGULATION OF LOBBYING ACT

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Detailed accounts of contributions.
Sec. 304. Receipts for contributions.
Sec. 305. Statements to be filed with Clerk of House.
Sec. 306. Statement preserved for two years.
Sec. 307. Persons to whom applicable.
Sec. 308. Registration with Secretary of the Senate and Clerk of the House.
Sec. 309. Reports and statements to be made under oath.
Sec. 310. Penalties.
Sec. 311. Exemption.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

Sec. 401. Short title.
Sec. 402. Definitions.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Sec. 403. Claims of $1,000 or less.
Sec. 404. Reports.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Sec. 410. Jurisdiction.
Sec. 411. Procedure.
Sec. 412. Review.
Sec. 413. Compromise.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

Sec. 420. One year statute of limitations.
Sec. 421. Exceptions.
Sec. 422. Attorneys' fees.
Sec. 423. Exclusiveness of remedy.
Sec. 424. Certain statutes inapplicable.

TITLE V—GENERAL BRIDGE ACT

Sec. 501. Short title.
Sec. 502. Consent of Congress.
Sec. 503. Tolls.
Sec. 504. Acquisition by public agencies.
Sec. 505. Statements of cost.
Sec. 506. Sinking fund.
Sec. 507. Applicability of title.
Sec. 508. International bridges.
Sec. 509. Eminent domain.
Sec. 510. Penalties.
Sec. 511. Rights reserved.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Sec. 601. Compensation of Members of Congress.
Sec. 602. Retirement pay of Members of Congress.

SEPARABILITY CLAUSE

(b) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

RULE-MAKING POWER OF THE SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

PART 1—STANDING RULES OF THE SENATE

STANDING COMMITTEES OF THE SENATE

SEC. 102. Rule XXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXV

"STANDING COMMITTEES

"(1) The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) Committee on Agriculture and Forestry, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.
"3. Animal industry and disease of animals.
"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
"5. Agricultural colleges and experiment stations.
"6. Forestry in general, and forest reserves other than those created from the public domain.
"7. Agricultural economics and research.
"8. Agricultural and industrial chemistry.
"9. Dairy industry.
"10. Entomology and plant quarantine.
"11. Human nutrition and home economics.
"12. Plant industry, soils, and agricultural engineering.
"13. Agricultural educational extension services.
"14. Extension of farm credit and farm security.
"15. Rural electrification.
"16. Agricultural production and marketing and stabilization of prices of agricultural products.
"17. Crop insurance and soil conservation.
"(b) Committee on Appropriations, to consist of twenty-one Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Appropriation of the revenue for the support of the Government.
"(c) Committee on Armed Services, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Common defense generally.
"2. The War Department and the Military Establishment generally.
"3. The Navy Department and the Naval Establishment generally.
"4. Soldiers' and sailors' homes.
"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
"6. Selective service.
"7. Size and composition of the Army and Navy.
"8. Forts, arsenals, military reservations, and navy yards.
"9. Ammunition depots.
"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
"11. Conservation, development, and use of naval petroleum and oil shale reserves.
"12. Strategic and critical materials necessary for the common defense.
"(d) Committee on Banking and Currency, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Banking and currency generally.
"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
"3. Deposit insurance.
"4. Public and private housing.
"5. Federal Reserve System.
"6. Gold and silver, including the coinage thereof.
"7. Issuance of notes and redemption thereof.
"8. Valuation and revaluation of the dollar.
"9. Control of prices of commodities, rents, or services.
"(e) Committee on Civil Service, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. The Federal civil service generally.
"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.
"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.
"4. Postal-savings banks.
"5. Census and the collection of statistics generally.
"6. The National Archives.
"(f) Committee on the District of Columbia, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. All measures relating to the municipal affairs of the District of Columbia in genereal, other than appropriations therefor, including—
"2. Public health and safety, sanitation, and quarantine regulations.
"3. Regulation of sale of intoxicating liquors.
"4. Adulteration of food and drugs.
"5. Taxes and tax sales.
"6. Insurance, executors, administrators, wills, and divorce.
"7. Municipal and juvenile courts.
"8. Incorporation and organization of societies.
"9. Municipal code and amendments to the criminal and corporation laws.
"(g) (1) Committee on Expenditures in the Executive Departments, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"(A) Budget and accounting measures, other than appropriations.
"(B) Reorganizations in the executive branch of the Government.
"(2) Such committee shall have the duty of—
"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;
"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;
"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.
"(h) Committee on Finance, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Revenue measures generally.
"2. The bonded debt of the United States.
"3. The deposit of public moneys.
"4. Customs, collection districts, and ports of entry and delivery.
"5. Reciprocal trade agreements.
"6. Transportation of dutiable goods.
"7. Revenue measures relating to the insular possessions.
"8. Tariffs and import quotas, and matters related thereto.
"9. National social security.
"10. Veterans' measures generally.
"11. Pensions of all the wars of the United States, general and special.
"12. Life insurance issued by the Government on account of service in the armed forces.
"13. Compensation of veterans.
"(i) Committee on Foreign Relations, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Relations of the United States with foreign nations generally.
"2. Treaties.
"3. Establishment of boundary lines between the United States and foreign nations.
"4. Protection of American citizens abroad and expatriation.
"5. Neutrality.
"6. International conferences and congresses.
"7. The American National Red Cross.
"8. Intervention abroad and declarations of war.
"9. Measures relating to the diplomatic service.
"10. Acquisition of land and buildings for embassies and legations in foreign countries.
"11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
"12. United Nations Organization and international financial and monetary organizations.
"13. Foreign loans.
"(j) Committee on Interstate and Foreign Commerce, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Interstate and foreign commerce generally.
"2. Regulation of interstate railroads, busses, trucks, and pipe lines.
"3. Communication by telephone, telegraph, radio, and television.
"4. Civil aeronautics.
"5. Merchant marine generally.
"6. Registering and licensing of vessels and small boats.
"7. Navigation and the laws relating thereto, including pilotage.
"8. Rules and international arrangements to prevent collisions at sea.
"9. Merchant marine officers and seamen.
"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.
"11. Coast and Geodetic Survey.
"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.
"13. The United States Coast Guard and Merchant Marine Academies.
"14. Weather Bureau.
"15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.
"16. Inland waterways.
"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.
"18. Bureau of Standards including standardization of weights and measures and the metric system.
"(k) Committee on the Judiciary, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Judicial proceedings, civil and criminal, generally.
"2. Constitutional amendments.
"3. Federal courts and judges.
"4. Local courts in the Territories and possessions.
"5. Revision and codification of the statutes of the United States.
"6. National penitentiaries.
"7. Protection of trade and commerce against unlawful restraints and monopolies.
"8. Holidays and celebrations.
"9. Bankruptcy, mutiny, espionage, and counterfeiting.
"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.
"12. Civil liberties.
"13. Patents, copyrights, and trade-marks.
"14. Patent Office.
"15. Immigration and naturalization.
"16. Apportionment of Representatives.
"17. Measures relating to claims against the United States.
"18. Interstate compacts generally.
"(l) Committee on Labor and Public Welfare, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Measures relating to education, labor, or public welfare generally.
"2. Mediation and arbitration of labor disputes.
"3. Wages and hours of labor.
"4. Convict labor and the entry of goods made by convicts into interstate commerce.
"5. Regulation or prevention of importation of foreign laborers under contract.
"6. Child labor.
"7. Labor statistics.
"8. Labor standards.
"9. School-lunch program.
"10. Vocational rehabilitation.
"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.
"12. United States Employees' Compensation Commission.
"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeth's Hospital.
"14. Public health and quarantine.
"15. Welfare of miners.
"16. Vocational rehabilitation and education of veterans.
"17. Veterans' hospitals, medical care and treatment of veterans.
"18. Soldiers' and sailors' civil relief.
"19. Readjustment of servicemen to civil life.
"(m) Committee on Public Lands, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Public lands generally, including entry, easements, and grazing thereon.
"2. Mineral resources of the public lands.
"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.
"4. Forest reserves and national parks created from the public domain.
"5. Military parks and battlefields, and national cemeteries.
"6. Preservation of prehistoric ruins and objects of interest on the public domain.
"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.
"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.
"9. Interstate compacts relating to apportionment of waters for irrigation purposes.
"10. Mining interests generally.
"11. Mineral land laws and claims and entries thereunder.
"12. Geological survey.
"13. Mining schools and experimental stations.
"14. Petroleum conservation and conservation of the radium supply in the United States.
"15. Relations of the United States with the Indians and the Indian tribes.
"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.
"(n) The Committee on Public Works, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the following subjects:
"1. Flood control and improvement of rivers and harbors.
"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).
"3. Water power.
"4. Oil and other pollution of navigable waters.
"5. Public buildings and occupied or improved grounds of the United States generally.
"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.
"7. Measures relating to the Capitol building and the Senate and House Office Buildings.
"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.
"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.
"10. Measures relating to the construction or maintenance of roads and post roads.
"(o) (1) Committee on Rules and Administration, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.
"(B) Except as provided in paragraph (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscrips; erection of monuments to the memory of individuals.
"(C) Execpt as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.
"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.
"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate Wing of the Capitol; assignment of office space; and services to the Senate.
"(F) Matters relating to printing and correction of the Congressional Record.
"(2) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate Wing of the Capitol and in the Senate Office Building.
"(3) Each standing committee shall continue and have the power to act until their successors are appointed.
"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.
"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

APPROPRIATIONS

SEC. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"AMENDMENTS TO APPROPRIATION BILLS

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or Act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.
"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction or the exenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.
"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.
"4. No amendment which proposes general legislation shall be received to any general appropriation bill, or shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and

any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following named committees, to be selected by their respective committees, shall be ex officio, members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purpose secified in the following table oposite the name of the committee is being considered by the Committee on Appropriations:

Name of committee and purpose of Appropriation:

Committee on Agriculture and Forestry, for the Department of Agriculture.

Committee on Civil Service, for the Post Office Department.

Committee on Armed Services, for the Department of War; for the Department of the Navy.

Committee on the District of Columbia, for the District of Columbia.

Committee on Public Works, for Rivers and Harbors.

Committee on Foreign Relations, for the Diplomatic and Consular Service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

SEC. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"STANDING COMMITTEES

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committees:

"1. Committee on Agriculture, to consist of twenty-seven Members.

"2. Committee on Appropriations, to consist of forty-three Members.

"3. Committee on Armed Services, to consist of thirty-three Members.

"4. Committee on Banking and Currency, to consist of twenty-seven Members.

"5. Committee on Post Office and Civil Service, to consist of twenty-five Members.

"6. Committee on the District of Columbia, to consist of twenty-five Members.

"7. Committee on Education and Labor, to consist of twenty-five Members.

"8. Committee on Expenditures in the Executive Departments, to consist of twenty-five Members.

"9. Committee on Foreign Affairs, to consist of twenty-five Members.

"10. Committee on House Administration, to consist of twenty-five Members.

"11. Committee on Interstate and Foreign Commerce, to consist of twenty-seven Members.

"12. Committee on the Judiciary, to consist of twenty-seven Members.

"13. Committee on Merchant Marine and Fisheries, to consist of twenty-five Members.

"14. Committee on Public Lands, to consist of twenty-five Members.

"15. Committee on Public Works, to consist of twenty-seven Members.

"16. Committee on Rules, to consist of twelve Members.

"17. Committee on Un-American Activities, to consist of nine Members.

"18. Committee on Veterans' Affairs, to consist of twenty-seven Members.

"19. Committee on Ways and Means, to consist of twenty-five Members.

"(b)(1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman, the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"POWERS AND DUTIES OF COMMITTEES

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively: *Provided*, That unless otherwise provided herein, any matter within the jurisdiction of a standing committee prior to January 2, 1947, shall remain subject to the jurisdiction of that committee or of the consolidated committee succeeding generally to the jurisdiction of that committee.

"(a) Committee on Agriculture.

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations.

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services.

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Conservation, development, and use of naval petroleum and oil shale reserves.

"11. Strategic and critical materials necessary for the common defense.

"12. Scientific research and development in support of the armed services.

"(d) Committee on Banking and Currency.

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Post Office and Civil Service.

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia.

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) Committee on Education and Labor.

"1. Measures relating to education or labor generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. United States Employees' Compensation Commission.

"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"13. Welfare of miners.

"(h) (1) Committee on Expenditures in the Executive Departments.

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(i) Committee on Foreign Affairs.

"1. Relations of the United States with foreign nations generally.

"2. Establishment of boundary lines between the United States and foreign nations.

"3. Protection of American citizens abroad and expatriation.

"4. Neutrality.

"5. International conferences and congresses.

"6. The American National Red Cross.

"7. Intervention abroad and declarations of war.

"8. Measures relating to the diplomatic service.

"9. Acquisition of land and buildings for embassies and legations in foreign countries.

"10. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"11. United Nations Organization and international financial and monetary organizations.

"12. Foreign loans.

"(j) (1) Committee on House Administration.

"(A) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(B) Expenditure of the contingent fund of the House.

"(C) The auditing and settling of all accounts which may be charged to the contingent fund.

"(D) Measures relating to accounts of the House generally.

"(E) Appropriations from the contingent fund.

"(F) Measures relating to services to the House, including the House Restaurant and administration of the House Office Buildings and of the House wing of the Capitol.

"(G) Measures relating to the travel of Members of the House.

"(H) Measures relating to the assignment of office space for Members and committees.

"(I) Measures relating to the disposition of useless executive papers.

"(J) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(K) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(L) Matters relating to printing and correction of the Congressional Record.

"(M) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(2) Such committee shall also have the duty of—

"(A) examining all bills, amendments, and joint resolutions after passage by the House; and in cooperation with the Senate Committee on Rules and Administration, of examining all bills and joint resolutions which shall have passed both Houses, to see that they are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House;

"(B) reporting to the Sergeant at Arms of the House the travel of Members of the House;

"(C) arranging a suitable program for each day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding period, and to arrange for the publication of the proceedings thereof.

"(k) Committee on Interstate and Foreign Commerce.

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.

"3. Regulation of interstate and foreign communications.

"4. Civil aeronautics.

"5. Weather bureau.

"6. Interstate oil compacts; and petroleum and natural gas, except on the public lands.

"7. Securities and exchanges.

"8. Regulation of interstate transmission of power, except the installation of connections between Government water power projects.

"9. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"10. Public health and quarantine.

"11. Inland waterways.

"12. Bureau of Standards, standardization of weights and measures, and the metric system.

"(l) Committee on the Judiciary.

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"19. Presidential succession.

"(m) Committee on Merchant Marine and Fisheries.

"1. Merchant marine generally.

"2. Registering and licensing of vessels and small boats.

"3. Navigation and the laws relating thereto, including pilotage.

"4. Rules and international arrangements to prevent collisions at sea.

"5. Merchant marine officers and seamen.

"6. Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

"8. United States Coast Guard and Merchant Marine Academies.

"9. Coast and Geodetic Survey.

"10. The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

"11. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"(n) Committee on Public Lands.

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation on the public lands and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(o) Committee on Public Works.

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

"(p) Committee on Rules.

"1. The rules, joint rules, and order of business of the House.

"2. Recesses and final adjournments of Congress.

"(q)(1) Committee on Un-American Activities.

"(A) Un-American activities.

"(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

"The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

"(r) Committee on Veterans' Affairs.

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation, vocational rehabilitation, and education of veterans.

"5. Veterans' hospitals, medical care, and treatment of veterans.

"6. Soldiers' and sailors' civil relief.

"7. Readjustment of servicemen to civil life.

"(s) Committee on Ways and Means.

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. National social security.

"(2) (a) The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules—on rules, joint rules, and order of business; the Committee on House Administration—on the right of a Member to his seat, enrolled bills, on all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Ways and Means—on bills raising revenue; the Committee on Appropriations—on the general appropriation bills; the Committee on Public Works—on bills authorizing the improvement of rivers and harbors; the Committee on the Public Lands—on bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, bills for the reservation of the public lands for the benefit of actual and bona fide settlers, and bills for the admission of new States; the Committee on Veterans Affairs—on general pension bills.

"(b) It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.

"(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules shall make an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House any such adverse report, and it shall be in order to move the adoption by the House of said resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

"(d) The Committee on House Administration shall make final report to the House in all contested-election cases not later than six months from the first day of the first regular session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months.

"(e) A standing committee of the House (other than the Committee on Appropriations) shall meet to consider any bill or resolution pending before it (A) on all regular meeting days selected by the committee; (B) upon the call of the chairman of the committee; (C) if the chairman of the committee, after three days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written requst. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

"(f) The rules of the House are hereby made the rules of its standing committees so far as applicable, except that a motion to recess from day to day is hereby made a motion of high privilege in said committees."

DELEGATES AND RESIDENT COMMISSIONER

SEC. 122 Rule XII of the Standing Rules of the House of Representatives is amended to read as follows:

"RULE XII

"DELEGATES AND RESIDENT COMMISSIONER

"1. The Delegates from Hawaii and Alaska, and the Resident Commissioner to the United States from Puerto Rico, shall be elected to serve as additional members on the Committees on Agriculture, Armed Services, and Public Lands; and they shall possess in such committees the same powers and privileges as in the House, and may make any motion except to reconsider."

REFERENCE OF PRIVATE CLAIMS BILLS

SEC. 123. Paragraph 3 of rule XXI of the Standing Rules of the House of Representatives is amended to read as follows:

"3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs and to the Committee on the Judiciary."

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

PRIVATE BILLS BANNED

SEC. 131. No private bills or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

CONGRESSIONAL ADJOURNMENT

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

COMMITTEE PROCEDURE

SEC. 133. (a) Each standing committee of the Senate and the House of Representatives (except the Committees on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary.

(b) Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.

(c) It shall be the duty of the chairman of each such committee to report or cause to be

reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(d) No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

(e) Each such standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.

(f) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

COMMITTEE POWERS

SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every six months, and such information shall be published periodically in the Congressional Directory when and as the same is issued and as Senate and House documents, respectively, every three months.

(c) No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

CONFERENCE RULES ON AMENDMENTS IN NATURE OF SUBSTITUTE

SEC. 135. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

DECISIONS ON QUESTIONS OF COMMITTEE JURISDICTION

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

LEGISLATIVE BUDGET

SEC. 138. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, or duly authorized subcommittees thereof, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, report to their respective Houses a legislative budget for the ensuing fiscal year, including the estimated over-all Federal receipts and expenditures for such year. Such report shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for deficiencies as may be deemed necessary by such committees. If the estimated receipts exceed the estimated expenditures, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by February 15.

(b) The report shall be accompanied by a concurrent resolution adopting such budget, and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

HEARINGS AND REPORTS BY APPROPRIATIONS COMMITTEES

SEC. 139. (a) No general appropriation bill shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

(b) The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(d) The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued; and (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

RECORDS OF CONGRESS

SEC. 140. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

(b) The Clerk of the House of Representatives is authorized and directed to collect all of the noncurrent records of the House of Representatives from the First to the Seventy-sixth Congress, inclusive, and transfer such records to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

PRESERVATION OF COMMITTEE HEARINGS

SEC. 141. The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

EFFECTIVE DATE

SEC. 142. This title shall take effect on January 2, 1947; except that this section and sections 140 and 141 shall take effect on the date of enactment of this Act.

TITLE II—MISCELLANEOUS

PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

INCREASE IN COMPENSATION FOR CERTAIN CONGRESSIONAL OFFICERS

SEC. 201. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 per centum; and the provisions of section 501 of the Federal Employees Pay Act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

(b) There is hereby authorized to be appropriated annually for the "Office of the Vice President" the sum of $23,130; and there is hereby authorized to be appropriated annually for the "Office of the Speaker" the sum of $20,025.

(c) The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exceed $8,000 a year. There is hereby authorized to be appropriated such sums as may be necessary for the payment of such compensation.

COMMITTEE STAFFS

SEC. 202. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deemed advisable. Each such committee is further authorized to terminate the services by a majority vote of the committee of any such professional staff member as it may see fit. Professional staff mem-

bers shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) Subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe, and the Committee on Appropriations of the House also is authorized to conduct studies and examinations of the organization and operation of any executive agency (including any agency the majority of the stock of which is owned by the Government of the United States) as it may deem necessary to assist it in connection with the determination of matters within its jurisdiction and in accordance with procedures authorized by the committee by a majority vote, including the rights and powers conferred by House Resolution Numbered 50, adopted January 9, 1945.

(c) The clerical staff of each standing committee, which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable; and the position of committee janitor is hereby abolished. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work.

(d) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(e) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman, ranging from $5,000 to $8,000 and the clerical staff shall receive annual compensation ranging from $2,000 to $8,000.

(f) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

(g) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of one year after he shall have ceased to be such a member.

(h) Notwithstanding the foregoing provisions—

(1) The committee employees of the existing Committee on Appropriations of the Senate and of the existing Committee on Appropriations of the House of Representatives shall be continued on the rolls of the respective appropriations committees established under title I of this Act during the fiscal year 1947, unless sooner removed for cause.

(2) Committee employees of all other existing standing committees of each House shall be continued on the pay rolls of the Senate and House of Representatives, respectively, through January 31, 1947, unless sooner removed for cause by the Secretary of the Senate or the Clerk of the House, as the case may be.

(3) The appropriations for the compensation of committee employees of standing committees of the Senate and of the House of Representatives contained in the Legislative Branch Appropriation Act, 1947, shall be available for the compensation of employees specified in paragraph (2) of this subsection and of employees of the standing committees of the Senate and House of Representatives succeeding to the jurisdiction of the standing committees specified in such Appropriation Act; and in any case in which the legislative jurisdiction of any existing standing committee is transferred to two or more standing committees under title I of this Act, the Committee on Rules and Administration of the Senate with respect to standing committees of the Senate, and the Committee on House Administration, with respect to standing committees of the House, shall allocate such appropriations in an equitable manner.

LEGISLATIVE REFERENCE SERVICE

SEC. 203. (a) The Librarian of Congress is authorized and directed to establish in the Library of Congress a separate department to be known as the Legislative Reference Service. It shall be the duty of the Legislative Reference Service—

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations and bulletins, and otherwise, data for a bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

(b) (1) A director and assistant director of the Legislative Reference Service and all other necessary personnel, shall be appointed by the Librarian of Congress without regard to the civil-service laws and without reference to political affiliations, solely on the ground of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended: *Provided,* That the grade of senior specialists in each field enumerated in paragraph (2) of this subsection shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned. All employees of the Legislative Reference Service shall be subject to the provisions of the civil-service retirement laws.

(2) The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs. Such specialists, together with such other members of the staff as may be necessary, shall be available for special work with the appropriate committees of Congress for any of the purposes set out in section 203(a)(1).

(c) There is hereby authorized to be appropriated for the work of the Legislative Reference Service the following sums: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

OFFICE OF THE LEGISLATIVE COUNSEL

SEC. 204. There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

(1) For the fiscal year ending June 30, 1947, $150,000;

(2) For the fiscal year ending June 30, 1948, $200,000;

(3) For the fiscal year ending June 30, 1949, $250,000;

(4) For the fiscal year ending June 30, 1950, $250,000; and

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

STUDIES BY COMPTROLLER GENERAL

SEC. 205. The Comptroller General is authorized and directed to make a full and complete study of restrictions placed in general appropriation Acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions, and to report to the Congress his estimate of the cost of complying with such restrictions and such other recommendations with respect thereto as he deems necessary or desirable.

EXPENDITURE ANALYSIS BY COMPTROLLER GENERAL

SEC. 206. The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, and to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, of the two Houses.

CORRECTION OF MILITARY AND NAVAL RECORDS

SEC. 207. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or to remove an injustice.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

IMPROVEMENT OF CONGRESSIONAL RECORD

SEC. 221. The Joint Committee on Printing is authorized and directed to provide for printing in the Daily Record the legislative program for the day, together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter; and to cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents. Such data shall be prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

JOINT COMMITTEE ON PRINTING

SEC. 222. Section 1 of the Act entitled "An Act Providing for the public printing and binding and the distribution of public documents", approved January 12, 1895 (28 Stat. 601), is amended to read as follows: "That

there shall be a Joint Committee on Printing, consisting of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives, who shall have the powers hereinafter stated."

JOINT COMMITTEE ON THE LIBRARY

SEC. 223. The Joint Committee of Congress on the Library shall hereafter consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

TRANSFER OF FUNCTIONS

SEC. 224. The functions, powers, and duties imposed by statute, resolution, or rule of either House of Congress on the effective date of this section on a standing committee of the Senate or the House of Representatives (or the chairman thereof) are, insofar as they are consistent with this Act, hereby transferred to that standing committee created by this Act (or the chairman thereof) to which is transferred the legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that the chairman of the Committee on Civil Service of the Senate and the chairman of the Committee on Post Office and Civil Service of the House created by this Act shall be members of the National Archives Council.

JOINT COMMITTEE ON THE ECONOMIC REPORT

SEC. 225. Section 5(b)(3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "February 1".

ECONOMIC REPORT OF THE PRESIDENT

SEC. 226. Section 3(a) (relating to the time for filing the economic report of the president) of the Employment Act of 1946 is amended by striking out "within 60 days after the beginning of each regular session" and inserting in lieu thereof "at the beginning of each regular session".

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

REMODELING OF CAUCUS ROOMS AND RESTAURANTS

SEC. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improved acoustics and seating facilities and for the presentation of motion picture or other visual displays on matters of national interest; and (b) of the Senate and House Restaurants to provide for more convenient dining facilities.

ASSIGNMENT OF CAPITOL SPACE

SEC. 242. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

SENATE AND HOUSE PAGES

SEC. 243. (a) The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, are authorized and directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of Congressional pages and pages of the Supreme Court in the public school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public school system of the District in carrying out such arrangement.

(b) There are hereby authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a).

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (a) and (b) of this section.

AUTHORIZATION OF APPROPRIATIONS AND PERSONNEL

SEC. 244. All necessary funds required to carry out the provisions of this Act, by the Secretary of the Senate and the Clerk of the House, are hereby authorized to be appropriated, and the Secretary of the Senate and the Clerk of the House are hereby further authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of this Act under their respective jurisdictions.

EFFECTIVE DATE

SEC. 245. This title shall take effect on the date of its enactment; except that sections 202 (a), (b), (c), (e), (f), and (h), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Regulation of Lobbying Act".

DEFINITIONS

SEC. 302. When used in this title—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

DETAILED ACCOUNTS OF CONTRIBUTIONS

SEC. 303. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of $500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or fund; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

RECEIPTS FOR CONTRIBUTIONS

SEC. 304. Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

STATEMENTS TO BE FILED WITH CLERK OF HOUSE

SEC. 305. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of section 307 shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since the effective date of this title;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

STATEMENT PRESERVED FOR TWO YEARS

SEC. 306. A statement required by this title to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

PERSONS TO WHOM APPLICABLE

SEC. 307. The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent of employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the

principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

REGISTRATION WITH SECRETARY OF THE SENATE AND CLERK OF THE HOUSE

SEC. 308. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

REPORTS AND STATEMENTS TO BE MADE UNDER OATH

SEC. 309. All reports and statements required under this title shall be made under oath, before an officer authorized by law to administer oaths.

PENALTIES

SEC. 310. (a) Any person who violates any of the provisions of this title, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than twelve months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment.

EXEMPTION

SEC. 311. The provisions of this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said Federal Corrupt Practices Act.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

SHORT TITLE

SEC. 401. This title may be cited as the "Federal Tort Claims Act".

DEFINITIONS

SEC. 402. As used in this title, the term—

(a) "Federal agency" includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

(b) "Employee of the Government" includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

(c) "Acting within the scope of his office or employment", in the case of a member of the military or naval forces of the United States, means acting in line of duty.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

CLAIMS OF $1,000 OR LESS

SEC. 403. (a) Subject to the limitations of this title, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

REPORT

SEC. 404. The head of each Federal agency shall annually make a report to the Congress of all claims paid by such Federal agency under this part. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

JURISDICTION

SEC. 410 (a) Subject to the provisions of this title, the United States district court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. Subject to the provisions of this title, the United States shall be liable in respect of such claims to the same claimants, in the same manner, and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for interest prior to judgment, or for punitive damages. Costs shall be allowed in all courts to the successful claimant to the same extent as if the United States were a private litigant, except that such costs shall not include attorneys' fees.

(b) The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to part 2 of this title unless such Federal agency has made final disposition of the claim: *Provided*, That the claimant may, upon fifteen days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so withdrawn, no suit shall be instituted pursuant to this section for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount of the claim is shown to be based upon newly discovered evidence not reasonably discoverable at the time of presentation of the claim to the Federal agency or upon evidence of intervening facts, relating to the amount of the claim. Disposition of any claim made pursuant to part 2 of this title shall not be competent evidence of liability or amount of damages in proceedings on such claim pursuant to this section.

PROCEDURE

SEC. 411. In actions under this part, the forms of process, writs, pleadings, and motions, and the practice and procedure, shall be in accordance with the rules promulgated by the Supreme Court pursuant to the Act of June 19, 1934 (48 Stat. 1064); and the same provisions for conterclaim and set-off, for interest upon judgments, and for payment of judgments, shall be applicable as in cases

brought in the United States district courts under the Act of March 3, 1887 (24 Stat. 505).

REVIEW

SEC. 412. (a) Final judgments in the district courts in cases under this part shall be subject to review by appeal—

(1) in the circuit courts of appeals in the same manner and to the same extent as other judgments of the district courts; or

(2) in the Court of Claims of the United States: *Provided*, That the notice of appeal filed in the district court under rule 73 of the Rules of Civil Procedure shall have affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims of the United States. Such appeals to the Court of Claims of the United States shall be taken within three months after the entry of the judgment of the district court, and shall be governed by the rules relating to appeals from a district court to a circuit court of appeals adopted by the Supreme Court pursuant to the Act of June 19, 1934 (48 Stat. 1064). In such appeals the Court of Claims of the United States shall have the same powers and duties as those conferred on a circuit court of appeals in respect to appeals under section 4 of the Act of February 13, 1925 (43 Stat. 939).

(b) Sections 239 and 240 of the Judicial Code, as amended, shall apply to cases under this part in the circuit courts of appeals and in the Court of Claims of the United States to the same extent as to cases in a circuit court of appeals therein referred to.

COMPROMISE

SEC. 413. With a view to doing substantial justice, the Attorney General is authorized to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of any suit thereon, with the approval of the court in which suit is pending.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

ONE-YEAR STATUTE OF LIMITATIONS

SEC. 420. Every claim against the United States cognizable under this title shall be forever barred, unless within one year after such claim accrued or within one year after the date of enactment of this Act, whichever is later, is is presented in writing to the Federal agency out of whose activities it arises, if such claim is for a sum not exceeding $1,000; or unless within one year after such claim accrued or within one year after the date of enactment of this Act, whichever is later, an action is begun pursuant to part 3 of this title. In the event that a claim for a sum not exceeding $1,000 is presented to a Federal agency as aforesaid, the time to institute a suit pursuant to part 3 of this title shall be extended for a period of six months from the date of mailing of notice to the claimant by such Federal agency as to the final disposition of the claim or from the date of withdrawal of the claim from such Federal agency pursuant to section 410 of this title, if it would otherwise expire before the end of such period.

EXCEPTIONS

SEC. 421. The provisions of this title shall not apply to—

(a) Any claim based upon an act or emission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by the Act of March 9, 1920 (U.S.C., title 46, secs. 741–752, inclusive), or the Act of March 3, 1925 (U.S.C., title 46, secs. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

ATTORNEY'S FEES

SEC. 422. The court rendering a judgment for the plaintiff pursuant to part 3 of this title, or the head of the Federal agency or his designee making an award pursuant to part 2 of this title, or the Attorney General making a disposition pursuant to section 413 of this title, as the case may be, may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under part 2, or 20 per centum of the amount recovered under part 3, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

EXCLUSIVENESS OF REMEDY

SEC. 423. From and after the date of enactment of this Act, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under part 3 of this title, and the remedies provided by this title in such cases shall be exclusive.

CERTAIN STATUTES INAPPLICABLE

SEC. 424. (a) All provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title and accruing on and after January 1, 1945, including, but without limitation, the provisions granting such authorization now contained in the following laws:

Public Law Numbered 375, Sixty-seventh Congress, approved December 28, 1922 (42 Stat. 1066; U.S.C., title 31, Secs. 215–217).

Public Law Numbered 267, Sixty-sixth Congress, approved June 5, 1920 (41 Stat. 1054; U.S.C., title 33, sec. 853).

Public Law Numbered 481, Seventy-fourth Congress, approved March 20, 1936 (49 Stat. 1184; U.S.C., title 31, sec. 224b).

Public Law Numbered 112, as amended, Seventy-eighth Congress, approved July 3, 1943 (57 Stat. 372; U.S.C., title 31, secs. 223b, 223c, and 223d).

Public Law Numbered 182, as amended, Sixty-fifth Congress, approved July 1, 1918 (40 Stat. 705; U.S.C., title 34, sec. 600).

Section 4 of Public Law Numbered 18, Sixty-seventh Congress, approved June 16, 1921 (42 Stat. 63), as amended by Public Law Numbered 456, Seventy-third Congress, approved June 22, 1934 (48 Stat. 1207; U.S.C., title 31, sec. 224c).

(b) Nothing contained herein shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under part 2 of this title.

TITLE V—GENERAL BRIDGE ACT

SHORT TITLE

SEC. 501. This title may be cited as the "General Bridge Act of 1946".

CONSENT OF CONGRESS

SEC. 502. (a) The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

(b) The location and plans for such bridges shall be approved by the Chief of Engineers and the Secretary of War before construction is commenced, and, in approving the location and plans of any bridge, they may impose any specific conditions relating to the maintenance and operation of the structure which they may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law.

(c) Notwithstanding the provisions of subsections (a) and (b), it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Public Roads Administration and, if approved by the Public Roads Administration, approval by the highway departments shall not be required.

TOLLS

SEC. 503. If tolls shall be charged for the transit over any interstate bridge of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

ACQUISITION BY PUBLIC AGENCIES

SEC. 504. After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of War, either of the States in which the bridge is located, or any public

agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

STATEMENTS OF COST

SEC. 505. Within ninety days after the completion of a privately owned interstate toll bridge, the owner shall file with the Secretary of War and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of a highway development shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 504 of this title subject only to review in a court of equity for fraud or gross mistake.

SINKING FUND

SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of constructing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

APPLICABILITY OF TITLE

SEC. 507. The provisions of this title shall apply only to bridges over navigable waters of the United States, the construction of which is hereafter approved under the provisions of this title; and the provisions of the first proviso of section 9 of the Act of March 3, 1899 (30 Stat. 1151; U.S.C., title 33, sec. 401), and the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, shall not apply to such bridges.

INTERNATIONAL BRIDGES

SEC. 508. This title shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country.

EMINENT DOMAIN

SEC. 509. There are hereby conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of this title to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

PENALTIES

SEC. 510. Any person who fails or refuses to comply with any lawful order of the Secretary of War or the Chief of Engineers issued under the provisions of this title, or who fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of War relating to the maintenance and operation of bridges, or who refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under this title, or who otherwise violates any provisions of this title, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

RIGHTS RESERVED

SEC. 511. The right to alter, amend, or repeal this title is hereby expressly reserved as to any and all bridges which may be built under authority hereof.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

COMPENSATION OF MEMBERS OF CONGRESS

SEC. 601. (a) Effective on the day on which the Eightieth Congress convenes, the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Puerto Rico shall be at the rate of $12,500 per annum each; and the compensation of the Speaker of the House of Representatives and the Vice President of the United States shall be at the rate of $20,000 per annum each.

(b) Effective on the day on which the Eightieth Congress convenes there shall be paid to each Senator, Representative in Congress, Delegate from the Territories, Resident Commissioner from Puerto Rico, an expense allowance of $2,500 per annum to assist in defraying expenses relating to, or resulting from the discharge of his official duties, for which no tax liability shall incur, or accounting be made; such sum to be paid in equal monthly installments.

(c) The sentence contained in the Legislative Branch Appropriation Act, 1946, which reads as follows: "There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress reconvenes.

(d) The sentence contained in the Legislative Branch Appropriation Act, 1947, which reads as follows: "There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

RETIREMENT PAY OF MEMBERS OF CONGRESS

SEC. 602. (a) Section 3(a) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting after the words "elective officers" the words "in the executive branch of the Government".

(b) Such Act, as amended, is further amended by adding after section 3 the following new section:

"SEC. 3A. Notwithstanding any other provision of this Act—

"(1) This Act shall not apply to any Member of Congress until he gives notice in writing, while serving as a Member of Congress, to the disbursing officer by whom his salary is paid of his desire to come within the purview of this Act. Such notice may be given by a Member of Congress within six months after the date of enactment of the Legislative Reorganization Act of 1946 or within six months after any date on which he takes an oath of office as a Member of Congress.

"(2) In the case of any Member of Congress who gives notice of his desire to come within the purview of this Act, the amount required to be deposited for the purposes of section 9 with respect to services rendered after the date of enactment of the Legislative Reorganization Act of 1946, shall be a sum equal to 6 per centum of his basic salary, pay, or compensation for such services, together with interest computed at the rate of 4 per centum per annum compounded on December 31 of each year; and the amount to be deducted and withheld from the basic salary, pay, or compensation of each such Member of Congress for the purposes of section 10 shall be a sum equal to 6 per centum of such basic salary, pay, or compensation.

"(3) No person shall be entitled to receive an annuity as provided in this section until he shall have become separated from the service after having had at least six years of service as a Member of Congress and have attained the age of sixty-two years, except that any such Member who shall have had at least five years of service as a Member of Congress, may, subject to the provisions of section 6 and of paragraph (4) of this section, be retired for disability, irrespective of age, and be paid an annuity computed in accordance with paragraph (5) of this section.

"(4) No Member of Congress shall be entitled to receive an annuity under this Act unless there shall have been deducted and withheld from his basic salary, pay, or compensation for the last five years of his service as a Member of Congress, or there shall have been deposited under section 9 with respect to such last five years of service, the amounts specified in paragraph (2) of this section with respect to so much of such five years of service as was performed after the date of enactment of the Legislative Reorganization Act of 1946 and the amounts specified in section 9 with respect to so much of such five years of service as was performed prior to such date.

"(5) Subject to the provisions of section 9 and of subsections (c) and (d) of section 4, the annuity of a Member of Congress shall be

an amount equal to 2½ per centum of his average annual basic salary, pay, or compensation as a Member of Congress multiplied by his years of service as a Member of Congress, but no such annuity shall exceed an amount equal to three-fourths of the salary, pay, or compensation that he is receiving at the time he becomes separated from the service.

"(6) In the case of a Member of Congress who becomes separated from the service before he completes an aggregate of six years of service as a Member of Congress, and who is not retired for disability, the total amount deducted from his basic salary, pay, or compensation as a Member of Congress, together with interest at 4 per centum compounded as of December 31 of each year shall be returned to such Member of Congress. No such Member of Congress shall thereafter become eligible to receive an annuity as provided in this section unless the amounts so returned are redeposited with interest at 4 per centum compounded on December 31 of each year, but interest shall not be required covering any period of separation from the service.

"(7) If any person takes office as a Member of Congress while receiving an annuity as provided in this section, the payment of such annuity shall be suspended during the period for which he holds such office; but, if he gives notice as provided in paragraph (2) of this section, his service as a Member of Congress during such period shall be credited in determining the amount of his subsequent annuity.

"(8) Nothing contained in this Act shall be construed to prevent any person eligible therefor from simultaneously receiving an annuity computed in accordance with this section and an annuity computed in accordance with section 4, but in computing the annuity under section 4 in the case of any person who (A) has had at least six years' service as a Member of Congress, and (B) has served as a Member of Congress at any time after the date of enactment of the Legislative Reorganization Act of 1946, service as a Member of Congress shall not be credited.

"(9) No provision of this or any other Act relating to automatic separation from the service shall be applicable to any Member of Congress.

"(10) As used in this section, the term 'Member of Congress' means a Senator, Representative in Congress, Delegate from a Territory, or the Resident Commissioner from Puerto Rico; and the term 'service as a Member of Congress' shall include the period from the date of the beginning of the term for which a Member of Congress is elected or appointed to the date on which he takes office as such a Member."

Approved August 2, 1946.

Organization and Operation of Congress

(U.S. Congress, Senate: Hearings Before the Committee on Expenditures in the Executive Departments on Evaluation of the Effects of Laws Enacted To Reorganize the Legislative Branch of the Government)

REPORTS AND ARTICLES

Operation of Legislative Reorganization Act of 1946

(By George B. Galloway, Senior Specialist in American Government, Legislative Reference Service, Library of Congress)

One of the responsibilities of the Committees on Expenditures in the Executive Departments of the Senate and House of Representatives is to "evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government." In the exercise of part of this responsibility the Senate Committee on Expenditures in the Executive Departments held hearings during February 1948, on the operation of the Legislative Reorganization Act of 1946. Three years have now passed since those hearings were held and, altogether, Congress has had 4 years experience with the workings of this law. It is timely, therefore, to undertake a fresh review of the operation of the so-called La Follette-Monroney Act in terms of its own objectives, and to consider whether or not, in the light of this experience, the act needs to be amended and strengthened.

OBJECTIVES OF THE ACT

As conceived and formulated by the Joint Committee on the Organization of Congress, and as enacted by the Seventy-ninth Congress with some significant omissions, the Legislative Reorganization Act of 1946 had the following objectives:

1. To streamline and simplify congressional committee structure.
2. To eliminate the use of special or select committees.
3. To clarify committee duties and reduce jurisdictional disputes.
4. To regularize and publicize committee procedures.
5. To improve congressional staff aids.
6. To reduce the workload on Congress.
7. To strengthen legislative oversight of administration.
8. To reinforce the power of the purse.
9. To regulate lobbying.
10. To increase the compensation of Members of Congress and provide them retirement pay.

COMMITTEE STRUCTURE

Modernization of the standing committee system was the first objective of the act and the keystone in the arch of congressional reform. By dropping minor, inactive committees and by merging those with related functions, the total number of standing committees was reduced by the act from 33 to 15 in the Senate and from 48 to 19 in the House of Representatives. This reform has now survived 4 years and two Congresses—one controlled by the Republicans and one controlled by the Democrats—without change or successful challenge. Senators Holland and Wherry offered a resolution (S. Res. 58) on February 7, 1949, to create a standing Senate Committee on Small Business which was favorably reported by the Committee on Rules and Administration on June 29, 1949. But after extended debate the Senate, by a 2-to-1 vote, decided to create a select committee to investigate small-business problems. Thus the reorganized standing committee system seems to have won congressional acceptance for the time being.

Under the old system the standing committees of the House ranged in size from 2 to 42 members and averaged 19 members each. Under the act, 15 out of the 19 House committees had 25 or 27 members each in the Eighty-first Congress and the average size was 25 members. Rules, with 12 members, and Un-American Activities, with 9 members, remain unchanged in size. Appropriations now has 50 members, compared with 42 before, and Armed Services has 35, compared with a combined membership of 61 on the old Military and Naval Affairs Committee.

Before the act the standing committees of the Senate ranged in size from 3 to 25 members and averaged 15 members each. Under the act all the Senate standing committees have 13 members, except Appropriations which has 21, as compared with 25 before.

Before the act, every Senator was entitled to serve on three major committees and two minor committees. Some had up to 10 committee assignments each. There was conflict in committee meetings, duplications in committee jurisdiction, and inefficient distribution of the legislative work load among committees. Under the act, no Senator may serve on more than two standing committees except that majority party Senators may also serve on the District of Columbia and Expenditures committees. With minor exceptions, each House Member now serves on only one standing committee instead of from three to five, as many members did in the past. The rule limiting minority Senators to two committees each has had the effect, with a change in party control of the Senate, of requiring minority Senators to resign from one of their three former committees in cases where they had served on the District of Columbia and Expenditures committees in addition to two national committees. The result was to deprive these second-class committees during the Eighty-first Congress of the continued service of experienced members like Senators Aiken and Ferguson who, being limited to two committees, felt that they owed it to their constituents to elect to serve on two national committees.

To meet this situation, Senator Taft introduced a resolution (S. Res. 24) on January 10, 1949, proposing to increase the membership of 8 Senate committees from 13 to 15 members each; to permit 8 minority Senators to serve on three standing committees each; and to permit majority Senators to have a third committee assignment upon any one of five specified minor committees. Senate Resolution 24 was referred to the Committee on Rules and Administration which took no action upon it. In its behalf Senator Taft argued that (a) in many cases a committee of 13 members is too small to handle its work load, and (b) new Senators are deprived of important committee assignments under the two-committee-assignment rule because older Senators fill up the limited number of seats on the more attractive committees and leave only the second-class committees open for the freshman Senators. Opponents argued that to differentiate between the size of the standing committees of the Senate would be to create a system of major and minor committees; that the proposed change would break down the two-committee-assignment rule and increase the work load and responsibilities of Senators in unrelated legislative fields; and increase absenteeism in the Senate.

Many of the old standing committees of Congress were minor, inactive committees—"ornamental barnacles on the ship of state" in Alvin Fuller's phrase—hang-overs of lively legislative issues long since settled. Under the new scheme all the standing committees in both Houses are major committees, assigned important duties; although some Members still refer to the District of Columbia and Expenditure Committees as "second-class," an inappropriate appellation to apply to the Expenditure Committees which were rejuvenated by the act and given weighty responsibilities in the machinery of government field.

It is often said and perhaps widely believed that the reduction from 81 to 34 in the number of standing committees of Congress affected by the act has been offset by the creation of a rash of subcommittees. The fact is, as the records show, that the number of standing subcommittees has not changed since 1945. In that year Congress had 131 standing subcommittees: 34 in the Senate and 97 in the House. In 1950 there were 131 standing subcommittees: 66 in the Senate and 65 in the House. During the Eighty-first Congress six House committees and four Senate committees had no standing subcommittees at all. Special subcommittees are set up from time to time in both Houses to handle individuals bills and their number fluctuates from week to week, making comparisons misleading. The tendency has been, since the act, for standing subcommittees to replace special subcommittees for individual bills, affording committeemen and their staffs an opportunity to become specialists in correlated fields of legislation.

Some Congressmen are critical of subcommittees, believing that the entire membership of a committee should handle matters referred to it. Others believe that sub-

divisions are necessary for the preliminary study of complex matters and are an inescapable feature of the heavy duties now imposed upon the consolidated committees of Congress. The advantages that flow from the division of labor and specialization of function will probably lead most congressional committees to continue to subdivide their work, and to rely on consideration at the full committee stage for coordination and the overall view.

In the form in which it passed the Senate, the act prohibited special committees. Although this provision was stricken in the House, the spirit of the act clearly frowns on the creation of special committees. The La Follette-Monroney committee had recommended that the practice of creating special investigating committees be abandoned on the ground that they lack legislative authority and that the jurisdiction of the new standing committees would be so comprehensively defined in the reformed rules as to cover every conceivable subject of legislation. Thus, to set up a special committee would be to trespass upon the assigned jurisdiction of some standing committee. In practice, special committees have not been abandoned, but their number has diminished. In the Seventy-ninth Congress, before the act, there were 18 of them: 6 in the House, 9 in the Senate, and 3 joint select committees. In the Eightieth Congress there were 12 special committees: 6 in the House, 3 in the Senate, and 3 joint ones. Nine special committees were created during the Eighty-first Congress: 6 in the House on small business, lobbying, use of chemicals, campaign expenditures, veterans education, and the roof and skylights; and 3 in the Senate on small business, organized crime, and roof and skylights. They had a combined membership of 65 in 1950. The Senate has complied more closely than the House with the spirit of the prohibition. During the Eightieth Congress the Senate converted its old Special Committee To Investigate the National Defense Program into a standing subcommittee of the Committee on Expenditures in the Executive Departments, and its Special Small Business Committee into a standing Subcommittee on Banking and Currency. But in 1950 the Senate revived its Select Committee on Small Business in response to the persistent efforts of Senators Murray and Wherry who maintained that small-business problems cut across the jurisdiction of many of the standing committees of the Senate and who wanted a forum for their activities in this field. In the House special committees on small business and campaign expenditures are hardy biennials.

Although the Senate version of the act sought to stimulate joint action between the twin committees of the two Houses, this optional provision was struck on the House side; so the act made no change in the joint committee structure of Congress except to make the long-standing Joint Committees on Printing and the Library in effect joint subcommittees of the two administration committees of the House and Senate. However, the creation of roughly parallel committee systems in the two Chambers, with similar nomenclature and jurisdictions, has tended to facilitate joint action on measures of mutual interest by means of joint hearings and staff collaboration. In recent years several successful joint hearings have been held by twin committees or subcommittees on the reorganization of the government of the District of Columbia, the budget requirements of the District government, on foreign economic cooperation and military aid, and on public housing. There has also been a good deal of collaboration between the professional staffs of corresponding committees in the way of exchanging information, memorandums, etc., but few instances of joint research or cooperation in the preparation of committee reports.

The Foreign Affairs Committees have occasionally met together since the war to hear reports and statements by the Secretary of State, saving him the loss of time in a duplicate appearance, and have then considered and reported their conclusions separately to the two Houses. Despite the evident advantages of joint action, it is opposed by some Senators as an impairment of their "appellate jurisdiction," and by some Representatives who are jealous of their own independence and prerogatives. Critics of joint hearings doubt if they save much time and suggest that they raise questions of protocol about such simple things as the seating of Congressmen around the table and precedence in interrogation. Other alleged deterrents to joint action are the different time tables of House and Senate, surviving jurisdictional differences between the parallel committees, and differing perspectives, interests, and modes of operation among the Members.

Despite these objections, the number of joint standing committees in Congress has doubled since 1946. In the Seventy-ninth Congress there were four standing and three select joint committees; in the Eightieth Congress there were seven standing and four select joint committees; and in the Eighty-first Congress there were eight joint standing committees. The new Joint Committees on the Economic Report, on Atomic Energy, and on Foreign Economic Cooperation were appointed during the Eightieth Congress; and the new Joint Committee on Defense Production was established by the Defense Production Act of 1950. The Joint Committee on the Library dates back to 1806 and the Joint Committee on Printing to 1846. The Joint Committee on Internal Revenue Taxation was created in 1926 and the Joint Committee on Reduction of Nonessential Federal Expenditures (the Byrd committee) in 1941. On February 24, 1950, Senator Humphrey introduced a bill (S. 3116) to abolish the Byrd committee because, he said, it was duplicating the work of the Expenditures Committees and was a waste of money. This move stirred up a hornets' nest in the Senate and the Byrd committee is still extant. Eighty-two Members of Congress were serving on its joint committees at the end of 1950, exclusive of the insignificant Select Committee on the Disposition of Executive Papers—the so-called wastebasket committee. Both Houses are always equally represented on the joint committees which, therefore, always have an even number of members. The most important and successful of the existing joint congressional committees are those of the Economic Report, which has four active subcommittees, and on Atomic Energy which alone among the joint committees has legislative authority.

The act also called for joint action on the part of the revenue and spending committees of both Houses in the formulation of a "legislative budget." But this provision, which I shall discuss more fully below, has miscarried.

COMMITTEE OPERATION

Consolidation of the standing committees and definition of their duties in the rules—an innovation in the Senate—have reduced but not eliminated jurisdictional disputes over the reference of bills. Although House bills are occasionally re-referred by unanimous consent, open conflicts between committees in the lower Chamber have almost disappeared. But several jurisdictional questions have arisen in the Senate since 1946. Bills dealing with the complex economic and social problems of the modern world sometimes cut across the defined jurisdictions of two or more standing committees. Intricate legislation designed to solve the problems of an interdependent economy cannot always be reduced to the clear-cut lines of a blueprint of committee duties.

During the Eightieth Congress, for example, Senate committees argued over the reference of the portal-to-portal bill, the bill proposing unification of the Armed Forces, autos for disabled veterans, an interstate oil compact, and over the interstate water rights on the Colorado River. Senator Taft questioned the conflicting jurisdiction of the Finance and Labor Committees on the subject of veterans' affairs which, he thought, ought to be "all in one committee." During the Eighty-first Congress Senate committees quarreled over jurisdiction over small-business problems, the reference of Reorganization Plan No. 8 relating to the Department of Defense, and the reference of the foreign military assistance bill. The reference of this bill was settled by the unique device of sending it for joint study and report to the combined Committees on Armed Services and Foreign Relations—an arrangement which worked quite well. Most of the bills implementing the recommendations of the Hoover Commission were referred in both Houses to the Committees on Expenditures in the Executive Department, despite the possibility of conflict implicit in the combination of provisions for both policy and structural changes in some of these measures.

Evidently the language of the act still leaves room for jurisdictional disputes as Senator Vandenberg pointed out in his ruling on the reference of the Armed Forces unification bill. The fact is that jurisdiction over the various aspects of several subject-matter fields is split among many standing committees in both Houses of Congress. The Committees on Foreign Affairs, Appropriations, Armed Forces, Expenditures, and Foreign Commerce are concerned with various phases of our foreign relations. National defense policies and expenditures are reviewed in piecemeal fashion by several committees in both Houses. At least two-thirds of the 15 standing committees of the Senate regularly touch upon some aspect of the security problem. Jurisdiction over our international economic relations is likewise widely scattered. The fiscal machinery of Congress is also splintered and fragmented. Control over major water resource programs is split in both Houses between the Public Lands and Public Works Committees. Several discrepancies in the jurisdiction of parallel committees remain to be rectified.

Several remedies for these jurisdictional problems have been proposed. This includes the reference of bills, in cases of conflict, to the claimant committees concurrently, consecutively, jointly, or to a joint subcommittee of the interested committees as was done in the case of the House Select Committee on Foreign Aid (the Herter committee) in the Eightieth Congress. Another suggestion calls for the creation of Senate and House leadership committees in fields like national defense and foreign relations composed of members drawn from all committees whose jurisdiction covers some fragment of the field. Cross-membership among committees in overlapping areas is another solution. More joint hearings and joint action by committees with common interests, following the example of the Armed Services and Foreign Relations Committees on the military defense assistance program, is also advocated. Some favor further use of joint standing committees. In any event, a thorough study of existing committee duties and a redistribution of jurisdictions along more rational lines seem to be clearly called for.

Under section 133 of the act, committee procedure has been regularized as regards periodic meeting days, the keeping of committee records, the reporting of approved measures, the presence of a majority of committeemen as a condition of committee action, and the conduct of hearings. In practice, 13 Senate committees and 9 House committees have fixed regular weekly or biweekly meeting days; the other 12 meet upon

the call of their chairmen. I assume that most committees keep fairly full minutes of their meetings. There may have been some infractions of the rule requiring the presence of a majority for committee reports, because many committees have experienced difficulty in securing the attendance of a majority or even a quorum of their members, both at executive sessions and at open hearings. Under this rule, proxy voting is permissible only after a majority are actually present. It is a common and discouraging experience on Capitol Hill for invited witnesses, who have worked hard and long on the preparation of their testimony, to appear before committees and find only one or a few members present. The requirement for the advance filing of written statements of their testimony is observed by some committees and ignored by others. Hearings are sometimes called on too short notice for witnesses to file advance copies of their statements. Most committees have held open hearings except the House Committee on Appropriations which has availed itself of the allowed option of holding its hearings in camera. Committee offices, staff personnel, and records are now kept separate and distinct from those of committee chairmen.

In accordance with section 134(b) of the act, semiannual reports of all standing and select committee staff personnel and payrolls are made and published in the Congressional Record in January and July. Useful information on the staffing of congressional committees is thus made public. This provision has been interpreted, however, as not applying to joint committees or party policy committees. In practice, the prohibition against standing committee meetings being held while the Senate or House is in session has been so frequently waived, by special leave, especially in the upper House, as to be ineffective in promoting that full attendance on the floor which was its primary purpose. On several occasions in recent years Senators have criticized granting leave to committees to sit while the Senate was in session, but have not been so discourteous as to refuse unanimous-consent requests to this end.

Regarding conference committees, the act restated the old rule that the authority of a conference committee is limited to matters which are in disagreement between the two houses, while recognizing their right to report a substitute on the same subject matter. No points of order against conference reports under this rule have been sustained in recent years. After an intensive study of 56 conference committees from the Seventieth to Eightieth Congresses, inclusive. Gilbert Steiner concludes that the influence of the House outweighed that of the Senate in 57 percent of the cases. A recent example of the triumph of Senate conferees, however, was seen in the conference report on the Executive Reorganization Act of 1949. Three matters were in dispute between the conferees on this bill: (1) the duration of the grant of reorganization power to the President; (2) the exemption of specified agencies from the scope of the act; and (3) the legislative veto procedure: one- or two-House veto of the reorganization plans. After this bill had been deadlocked in conference for 1 month, the House conferees finally yielded on each of these three issues. They limited the operation of the act to 4 years; they eliminated the agency exemptions sought by the House; and they accepted the one-House veto procedure favored by the Senate.

On September 15, 1950, the Senate agreed to a concurrent resolution (S. Con. Res. 79) providing that every conference report shall be accompanied by a statement explaining the effect of the action agreed on by the conference committee. The House of Representatives adopted a similar rule on February 27, 1880 (Rule XXVIII–1b). The Army civil functions appropriation bill for fiscal 1950 was in conference from June 1 to October 3, 1949—a period longer than any within the memory of living Members. According to Representative Cannon, "the delay was due to the unanimous objection of the managers on the part of the House to agreeing to exorbitant and unwarranted expenditure of public funds proposed by the other body." One man's opinion of the power of conferees was reflected in a satirical speech by Senator Fulbright who congratulated the conferees on the national defense appropriation bill "for so forthrightly disregarding the wishes of the common lay Members of the Senate and the House."

"I submit, Mr. President," he said, "in all sincerity that there is no need whatever for the ordinary, lay Member of Congress to come back to Washington for a special session. It is clearly evident, Mr. President, that to save the world and the people of this country from disaster, all that is needed is to reconvene, preferably in secret, only those incomparable sages, the conferees of the Appropriations Committee. From their deliberations the same results would be achieved and without the expense and trouble to everyone that is involved in going through the archaic ritual of pretended legislation. It is quite clear that regardless of what the common Members of this body may wish, the conferees make the decisions."

Party ratios on the standing Senate committees have traditionally corresponded with the party division in the Senate. In accordance with this principle, during the Eightieth Congress there were 11 committees with a 7–6 ratio and three committees with an 8–5 ratio. Appropriations, with 21 members, was divided 12–9. In the Eighty-first Congress there were 6 of the 7–6 committees and 8 of the 8–5 committees, reflecting the shift in the party ratio in the whole body from 51–45 in 1947–48 to 54–42 in 1949–50. Appropriations was divided 13 to 8. In the Eighty-second Congress the party ratio is 7–6 on 14 of the Senate standing committees and 11–10 on Appropriations. It is a matter of voluntary discretion with the majority leadership to decide which shall be the 7–6 committees and which shall be divided 8–5.

When the Democrats announced their decision on January 5, 1949, as to the party ratios which would obtain on the Senate standing committees during the Eighty-first Congress, Senator Vandenberg sharply protested the change in the ratio on Foreign Relations from 7–6 to 8–5. He regarded as a departure from the spirit of bipartisan cooperation in foreign affairs and as implying that Republican Senators are not quite trustworthy. Senator Barkley defended this change as justified by the shift in the political complexion of the Senate and as entirely free from partisan motivation. Four Democrats had lost seats on Foreign Relations in 1947 as a result of the Reorganization Act. But no Senator was being removed from the committee in 1949 because of the change in ratio. (Hatch and Barkley retired from the Senate; Wagner asked to be transferred to Judiciary.)

A majority of one on the 7–6 committees is a rather thin one on controversial issues. The question has been raised whether some change should be made to permit the majority party to exercise stronger committee control. It is argued that the ratio should be higher because a single defection can upset majority control.

Party ratios on the standing committees of the House of Representatives are determined by agreement between the majority and minority leaders. Ways and Means is presently fixed at 15–10; Rules at 8–4. On the other House committees the ratio corresponds roughly, but not with mathematical precision, to the party division in the Chamber.

PARTY POLICY COMMITTEES

Party policy committees were set up in the Senate in 1947 to plan the legislative program, coordinate and guide committee activity, focus party leadership and strengthen party responsibility and accountability. The creation of such policy committees in both Houses was originally recommended by the Joint Committee on the Organization of Congress, and in the Heller Report on Strengthening the Congress, and approved by the Senate in passing the legislative reorganization bill. This provision was lost in the House, but restored for the Senate in the form of an item in the Legislative Branch Appropriation Act. Additional funds are obtained from the appropriation for clerical assistance to the Majority and Minority Conferences.

Both Senate party policy committees have now been operating actively for 4 years. They meet regularly each week while Congress is in session. During the Eighty-first Congress the Democratic Policy Committee had six regular members: Lucas (chairman), Tydings, Russell, O'Mahoney, Green, and Hill; and two advisory members: McMahon (conference secretary) and Myers (party whip). It had a staff of two lawyers, one legislative analyst, and three clerks. Meanwhile, the Republican Policy Committee had 11 members: Taft (chairman), Millikin (conference chairman), Young (conference secretary), Wherry (floor leader), Saltonstall (party whip), Bridges, Cordon, Hickenlooper, Ives, Margaret Smith, and Vandenberg. It had a staff of 12 employees, including a staff director, seven researchers, three clerks, and one secretary.

Republican policy committeemen are elected by their party conference for 2-year terms and are limited to two consecutive terms. Democratic policy committeemen are appointed for an indefinite term by the party leader on authority of the party conference.

With the aid of their staffs, the Senate Policy Committees have performed a variety of useful functions. They have surveyed legislation pending before the standing committees and on the Senate calendar and, when in the majority, have scheduled business for floor consideration. They have met with the chairmen of standing committees to coordinate committee work. They have heard individual Senators present their views on matters of personal and party interest and have tried to reconcile divergent views within the party on legislative questions so as to achieve party unity. They have considered and recommended with regard to Presidential nominations of national and party importance, advised on the institution of certain committee investigations, considered questions of parliamentary procedure, recommended the calling of party conferences, and prepared broad statements of party policy. On occasion, the Senate Republican Policy Committee has met with its counterpart committee in the House. During the early months of the Eightieth Congress it employed a personnel adviser to assist the committees and members of the Senate with their staffing problems.

As devices for coordinating legislative policy making and strengthening party leadership, the Senate policy committees have thus far failed to achieve their full potential. As instruments for promoting more effective liaison and cooperation with the President, they have also been a disappointment, due in part to the lack of similar party policy committees in the House of Representatives. Their limited achievements to date can be attributed, I suggest, to their composition, to the fragmentation of power in Congress, and to the deep internal divisions within both of our major political parties. They are not composed of the chairmen of the standing committees, as was originally contemplated.

The parties in the House have continued their informal steering committees which are

roughly comparable to the Senate policy committees, but have no staffs. The Republican steering committee, now called the House Republican policy committee, is presently composed of 21 members elected biennially: The floor leader (chairman), chairman of the party conference, secretary of the conference, party whip, chairman of the congressional committee, three chosen by the committee on committees, and 13 others selected on a geographical basis. This is an advisory committee to the Republican leadership and membership, and meets prior to any important action on the floor, discusses these issues with committee members handling the bills, and reports its suggestions for action and policy to a party conference or through the whip organization. No major issue affecting national party policy shall be brought to the floor of the House with the consent of the Republican leadership until after a party conference has been held and the subject fully discussed. No Republican Member of Congress is bound by the decisions of the policy committee, but its suggestions are designed to guide the Members to a firmer national policy.

The Democratic steering committee in the House is composed at present of the Speaker, the majority floor leader, chairman of the party caucus, party whip, the chairmen of Ways and Means, Appropriations, and Rules, and 1 Representative from each of the 15 zones into which the country is divided for party purposes, each such Representative being elected by the Democratic delegation in the House from the zone. The steering committee is, in effect, the executive committee of the caucus. It has the continuing responsibility of watching legislative developments and making decisions from day to day with respect to party action. In performing this function, it exercises wide discretionary powers.

STAFFING OF CONGRESS

More and better staff aids for Members and committees of Congress was a major objective of the act. And much progress in the staffing of Congress has been achieved. Most Senators have appointed administrative assistants at $10,000 a year who are helping them in many ways. Four of them are Senators' sons and many were formerly senatorial secretaries. A similar provision for Congressmen was lost in the House, but meanwhile the clerk-hire allowance of each Representative has been raised to $12,500 a year. Established in 1919 to draft bills for Members and committees of Congress, the staff of the Office of Legislative Counsel has increased under the act from 11 to 28 persons. The Senate office now has a staff of 14 persons: 7 counsel, 3 law assistants, and 4 clerks; and the House office likewise has 14 persons, 7 counsels, 3 law assistants and 4 clerks. The chief counsels are appointed by the President pro tempore and Speaker, respectively; and the staff members are appointed by the chief counsel on each side. It is a permanent career staff independent of politics. The budget for the combined office is $199,500 for fiscal 1951. The services rendered by these offices are of the highest quality.

Now in its thirty-fifth year, the Legislative Reference Service was greatly strengthened by the act (sec. 203) as the research and reference arm of Congress. The duties of the Service were defined for the first time in statutory form and the appointment of all necessary personnel was authorized "without regard to the civil-service laws and without reference to political affiliation solely on the ground of fitness to perform the duties of their office." Senior specialists were authorized to be appointed in some 19 subject fields "for special work with the appropriate committees of Congress." Under the act, appropriations to the Service have increased from $178,000 in 1945 to $790,000 for fiscal 1951 and its staff has grown from 66 persons in 1945 to 156 in 1950, of whom 14 are political scientists. Fifteen senior specialists have been appointed in a dozen different subject fields. Several of them have been detailed to the professional staffs of congressional committees for varying periods and five of them (Elliott, Galloway, Graves, Kreps, Wilcox) have served as staff directors of such committees. Several new types of service have been inaugurated in recent years, including the public affairs abstracts and bulletins, digests of committee hearings, and special studies for committees of Congress. Under the able guidance of Dr. Ernest S. Griffith, its director, there has been a steady upward trend in the congressional use of the Service over the past decade.

In the professional staffing of the standing committees the act marked a real innovation. Section 202 authorized each standing committee (other than the Appropriations Committees on which no staff ceiling was placed) to appoint "not more than four professional staff members * * * on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office." In 1946, before this section became effective, Senate and House committees employed 356 clerks at a total annual payroll of $978,760. Few of them were professionals, with the exception of the staffs of the Appropriations Committees and the Joint Committee on Internal Revenue Taxation and a few others. During 1950, after the act had been in effect 4 years the committees of Congress, standing, special, and joint, had a combined staff of 673 persons and a total payroll of more than $3,000,000. Two hundred and eighty-six of them were classified as professionals. Ninety-eight were employed by House committees, 135 by Senate committees, and 53 by joint committees. Ten House and all 15 Senate standing committees had their full quota of 4 or more professional staff members. Five House committees and 11 Senate committees had received authority to expand their professional staffs beyond the figure (4) fixed in the act. Thus, the House Expenditures Committee with its subcommittees had a combined professional staff of 20 persons in 1950, while the Senate Judiciary Committee had 19 experts. Meanwhile, the House Appropriations Committee had 14 professionals, 18 clerks, and 42 special investigators on its payrolls; and the Senate Appropriations Committee had 12 professionals and 6 clerks. Joint committee professional staffs ranged from 1 on the Byrd committee to 17 on Internal Revenue Taxation.

A survey of the professional staffs of congressional committees, made in 1949 showed that 43 percent of them were lawyers, 43 percent had formerly been employed in the executive branch of the National Government, 68 percent had previous congressional experience, and 81 percent were college graduates. Lawyers constituted the largest single occupational group, with a scattering of economists, political scientists, and engineers. Their basic annual compensation ranges from $5,000 to $8,000 which grosses $7,775 to $10,846. About half of them receive the maximum salary.

The authors of the Legislative Reorganization Act recommended creation of an Office of Personnel Director for the Congress who would develop a modern personnel system for all its employees and abolish the patronage system, but this provision was lost in the Senate debate. In its place, Mr. George Smith, secretary of the Senate Republican Policy Committee, developed a plan for the efficient professional and clerical staffing of the committees of the Senate and circulated it among their chairmen on the eve of the Eightieth Congress. Mr. Smith was also instrumental in the appointment of a personnel adviser early in 1947 who was of material assistance in the staffing of the Senate during the first session of the Eightieth Congress. Meanwhile, the writer developed a set of job specifications for the new professional and clerical positions on all the reorganized standing committees of both Houses, of which some use was made.

After 4 years' experience, the quality of the professional staffs appears mixed. About half of the standing committees are staffed with well-trained and competent experts in their subject fields. Their handiwork is reflected in the improved performance of their committees, in more adequate records, better hearings and reports, more effective liaison between their committees and the corresponding administrative agencies, and general improvement in efficiency. Many committees have carried out the intent of the act in the appointment and retention of qualified people. At the opening of the Eighty-first Congress, with the change in party control of both Houses, there was a turnover of one-third among the professional staffs of the standing committees, but two-thirds of them were retained from the Eightieth Congress, despite Senator McGrath's remark that it might be necessary to find some Democratic experts. After an intensive study of committee staffing, Professor Gladys Kammerer concluded in 1949: That not all Members of Congress know how to use staff; that some Members use staff data to support preconceived ideas or party dictates; that some professional staff people feel frustrated by the subordination of facts to political exigencies and sectional prejudices, and by the occasional inactivity of their committees; that political considerations are often paramount in staffing; that systematic personnel arrangments are still lacking in committee staffing; and that there is room for improvement both in the quality of professional staff and in the processes of recruitment and selection.

According to Ernest Griffith's evaluation of committee staffing, "some committees have survived changes in party control without impairment, largely in instances in which party considerations did not influence the original appointments. In other instances a reasonable stability has been secured by the division of appointments between the parties. Other have been partisan. Lawyers and journalists have been employed in considerable numbers, economists and subject specialists perhaps somewhat less so than would have been anticipated, a few have been obtained on loan from the Legislative Reference Service, and this has resulted in almost perfect integration of the two agencies in those cases in which this took place."

In the absence of a personnel director, no one is centrally situated where he can evaluate all the professional committee staffs. But committee staffing appears to be still in transition from the old patronage system to a modern merit system. Congress is handicapped by the lack of a modern system of personnel administration. If it needed a Congressional Personnel Office in 1945, as the La Follette-Monroney committee said, it needs it more than ever today to help Members and committees with their staffing problems, to secure the selection of qualified personnel, and to develop safeguards of tenure. Experience has also shown that the limit on the number of professionals imposed by the act is too low and should be lifted, that there has been little coordination of staff work between the twin committees of the two Houses, that larger staffs are needed to assist the more active committees with their onerous legislative and supervisory duties, and that Representatives from the more populous districts should be given administrative assistants such as Senators now have.

Seen in historical perspective, "this act marked the birth of a full-fledged congressional staff," as Ernest Griffith has recently observed. Although the results of its operation on the staff side have been uneven as between committees, Members, and subject-matter fields, striking gains have been achieved. Total appropriations for committee staffs, the Legislative Reference Service, and

the office of the Legislative Counsel have mulitiplied fivefold since 1944. They amount to more than $5 million for fiscal 1951. The staffing of Congress effected by the act has introduced a "third force of experts, usually designed as a corrective to the bias of the special interests and to the substantive recommendations of the executive * * * the enlargement and strengthening of the staffs of Congress have in fact been the major factor in arresting and probably reversing a trend * * * in the direction of the ascendancy or even the virtually complete dominance of the bureaucracy over the legislative branch through the former's near-monopoly * * * of technical competence * * * Congress has mastered—or has provided itself with the tools to master—the problem of assuring itself of an unbiased, competent source of expert information and analysis which is its very own."

CHANGES IN WORKLOAD

Another major objective of the La Follette-Monroney committee was to reduce the workload on Congress caused by nonlegislative duties and by the consideration of private and local legislation. To this end it recommended more staff aids for Members and committees, expansion of the bill drafting and Legislative Reference Services, creation of a stenographic pool, reduction in committee assignments to one or two per Member, delegation of private claims, and home rule for the District of Columbia. Most of these recommendations were embodied in the act.

In practice, the workload of committees has more than doubled since 1946 in terms of the number of measures referred to and reported by them. The ban upon the introduction of four categories of private bills, imposed by section 131 of the act, effected some reduction in the private-bill workload in the Eightieth Congress, but this gain was lost in the Eighty-first Congress when 1,052 private laws were enacted, which was 55 percent of all laws passed prior to the "lame duck" session. The continuing flood of private bills consists largely of claims bills, whose introduction is still permitted under the exceptions allowed by the Federal Tort Claims Act (Title IV of the Legislative Reorganization Act), and private immigration bills whose introduction is unrestricted. In 1949 Congress received a record total of 1,351 private bills designed to permit aliens to enter or to remain within the United States, reflecting the efforts of displaced persons to find permanent refuge within our borders. In addition, the Eightieth Congress widened the power of the Attorney General to stay the deportation of aliens here illegally. Such suspensions must be confirmed in each individual case by concurrent resolution of Congress; 5,000 cases were handled in 1949–50 by the Judiciary Committees whose calendars are engulfed by the rising flood of private bills.

Despite the effort of the act to distribute the legislative workload more evenly among the standing committees of Congress, in practice the burden varies within wide limits from time to time and from session to session, depending upon the nature of the national and international problems that are paramount at the time. The Appropriations and Foreign Relations Committees have been among the hardest working since the war because of the importance of their measures and mounting international problems. The authors of the act never claimed that structural reforms in legislative machinery would reduce the volume of congressional business. The burden of this business has inevitably become increasingly onerous with the steady expansion of governmental activities at home and abroad in recent decades. The purpose of the changes in committee structure was not so much to reduce the workload as it was to effect a more systematic and rational division of labor among the reorganized committee. The reorganization of committee work is an improvement over the previous situation as a result of the elimination of duplicating and overlapping jurisdictions and the consolidation of related functions effected by the act.

The workload of individual Members of Congress has not been lightened by the act, but more and better staff aids have enabled them to do a better job. Administrative assistants to Senators have helped them immeasurably with their departmental business, constituent inquiries, and speech writing. And enlargement of the Legislative Reference Service has been followed by a great increase in its use by individual members for legislative research, speech writing, fact finding, and answering constituent inquiries. The Service is currently handling congressional inquiries at the rate of more than 38,000 a year. One measure of the effect of the act on the individual workload is seen in the limitation of standing committees assignments to one per Member in the House and two per Member in the Senate, with minor exceptions. But this reduction has been offset in part by service on subcommittees and on special and joint committees. Yet there was a decline of 50 percent from 1946 to 1949 in the average number of committee assignments of all kinds for each Senator.

Despite these gains, the burden of work imposed upon the Members and committees of Congress by their legislative and investigative duties and the importunities of constituents is truly enormous. According to George Smith, close observer of the congressional scene, the work load is more than they can handle. "There are now signs that the limits of capacity have been reached * * * This enormous extension of activities of the Federal Government generates a volume of detailed and complex business which I believe has gone beyond the capacity of Congress to handle. * * * A law of diminishing returns is actively at work in the field of Federal Government. * * * The workload is beyond effective legislative control."

If Congress desires to lighten the mounting burden of its business several step are available. It could complete the evolution begun in 1946 by (a) repealing section 421 of the Federal Tort Claims Act which excepts 12 classes of claims from its provisions; (b) delegating the adjustment of immigration and deportation cases to the Immigration and Naturalization Service; and (c) delegating the issuance of land patents to the Bureau of Land Management or to the Bureau of Indian Affairs in the Department of the Interior. Senator Wiley, who was chairman of Judiciary in the Eightieth Congress, has suggested that the introduction of private bills could be banned in both Houses merely by amending their standing rules. Congress could grant home rule to the District of Columbia and thus get rid of its duties as a city council for the city of Washington. It could prohibit its Members from appearing before administrative agencies on the claims and complaints of their constituents, as Prof. Lawrence Chamberlain has suggested. It could try to reduce the magnitude of Federal operations via the devolution of appropriate functions to State and regional authorities, as George Smith has urged. It could authorize Members of the House of Representatives to employ administrative assistants such as Senators now have. It could save much of its time every session by voting by electricity and by the central scheduling of committee meetings to avoid conflicts. And it could expedite its business by staggering committee meetings and chamber sessions on alternate days. Taken together, these steps would go far to bring the work load of our national legislature within its capacity to carry.

OVERSIGHT OF ADMINISTRATION

Another main objective of the act was to promote closer cooperation and better relationships between the executive and legislative branches. To this end the standing committees were directed (section 136) to exercise "continuous watchfulness" of the execution of the laws by the administrative agencies under their jurisdiction. In recommending "legislative oversight by standing committees," the La Follette-Monroney Committee observed that "without effective legislative oversight of the activities of the vast executive branch, the line of democracy wears thin. * * * We feel that this oversight problem can be handled best by directing the regular standing committees of the Senate and House, which have such matters in their jurisdiction, to conduct a continuous review of the agencies administering laws originally reported by the committees. * * * Such review might well include a question period by the committee. * * * We recommend that the practice of creating special committees of investigation be abandoned. * * * By directing its standing committees to perform this oversight function, Congress can help to overcome the unfortunate cleavage between the personnel of the legislative and executive branches."

Some critics of the act have alleged that this section provided, in effect, for duplicating and overlapping investigations of the executive branch of the Government by many committees. But it was the intention of the authors of the act to bring about a three-way division of labor in the performance of the oversight function. Their thought was that the Appropriations Committees, on the one hand, would exercise financial control before expenditure through scrutiny of the departmental estimates; that the Expenditure Committees would undertake to review administrative structure and procedures, on the other hand; while the legislative committees would review the operation of substantive legislation and consider the need of statutory amendments.

This feature of the act has met with only partial success to date. Many standing committees have been too heavily burdened with their legislative duties and limited staffs to keep very close watch upon the executive agencies within their jurisdiction. A survey of committee activity during the second session of the Eighty-first Congress shows that 10 standing and 5 special committees of Congress were carrying on special investigations of matters which involved some oversight of executive activities. The most active committees in this field have been the Appropriations, Expenditures, Armed Services, and Commerce Committees. Perhaps the most publicized inquiry last year was that by a subcommittee of Foreign Relations into charges of disloyalty among Department of State personnel. A new watchdog subcommittee of the Senate Armed Services Committee, set up last July under the chairmanship of Senator Lyndon B. Johnson, is probing deeply into the administration of the national defense program. The detailed results achieved by these supervisory committees are set forth in their reports. The work of certain Government corporations such as the Maritime Commission, subversive activities in Government, national defense preparations, and the manipulations of the 5 percenters have been among the chief fields of legislative oversight in recent years.

Parliamentary government has virtually disappeared in Europe. Its survival in the United States largely depends upon congressional oversight of administration. Administrative agencies are responsible for making decisions within the policy standards and procedural machinery fixed by statute, subject to judicial review to assure compliance with the statutory requirements. Congress is responsible for amending the law if a change in standards or methods of procedure proves necessary. Legislative oversight of agency operations is the means by which Congress discharges its responsibility. Creation in re-

cent years of several so-called watchdog committees in such fields as atomic-energy control, foreign aid, Federal expenditures, and defense production has focused attention on this oversight function. The joint committee is a useful device for performing this function because its duties are explicitly assigned by statute, seniority does not apply in its selection, and it provides an outlet for the zest and zeal of younger Members. It is also a valuable instrument of legislative surveillance and statutory amendment in experimental and controversial fields where economic stability and national security are at stake. In times of crisis, with growing concentration of power in the executive, more energetic performance of the oversight function would appear to be in the public interest, provided that both Congress and the agencies keep within their respective spheres of responsibility.

In exercising its oversight function several tools are available to the Congress. It can study the periodic and special reports which the agencies submit to the legislature. These reports contain valuable information on agency operations and expenditures, their administration of the statutes, and particular problem areas. Investigations of particular agencies may be conducted by the appropriations or expenditure committees, or by the standing committees charged with jurisdiction over their activities, or by the joint watchdog committees like the Atomic Energy Committee, or by special committees like the Kefauver committee on interstate crime. An appropriations committee may look into an agency's budget requests to see if they are excessive or inadequate, comparing notes meanwhile with the appropriate standing or watchdog committee concerned. An expenditure committee may make a post-audit of an agency's administration of its affairs to see if it has been economical or wasteful. A legislative committee may hold hearings or an informal question period with agency officials to determine whether or not they are enforcing a statute in accordance with the legislative intent, or to discuss constituent complaints concerning alleged agency abuses of authority, or to consider proposed legislation in the light of past decisions and regulations. A joint watchdog committee may be used to investigate novel or emergent problems of mutual interest to both Houses such as the international control of the hydrogen bomb or raw material shortages. Or a special committee may be set up to investigate a particular problem or agency such as speculative transactions on the commodity markets by Government employees or the Federal Communications Commission. In general, I believe that the oversight function should be exercised by standing rather than special investigating committees. The latter trespass upon the assigned jurisdiction of the standing committees, they lack continuity and legislative authority, and they impair the efficiency of the administrative agencies of the Government by requiring their officials to repeat their testimony on the same subjects before several committees of Congress in cases where legislative action is indicated.

Another tool in the oversight kit is the committee report evaluating agency operation and suggesting changes in current administration of existing law. Good examples of such reports were the activities reports of the Senate Expenditures Committee and its Investigations Subcommittee at the end of the Eightieth Congress, and the series of intermediate reports on various agencies and commissions issued by the House Expenditures Committee during the Eighty-first Congress. The Legislative Reorganization Act does not require such committee reports, but they are required of the "watchdog committees" created by the Taft-Hartley Act and the Atomic Energy Act.

Informal conferences at the committee and/or staff level with agency officials is another method which has proved helpful in performing the oversight function. First used by Chairman Lanham and Administrator Blandford on national housing matters, it has helped resolve complaints and misunderstandings, made for closer cooperation, and laid a foundation of mutual respect and confidence. During the second session of the Eightieth Congress, the House Committee on Interstate and Foreign Commerce held a series of such meetings with representatives of 14 regulatory agencies in its field. The committee stated that these meetings enabled it to exercise closer supervision over these agencies; it was a means of acquainting the new members of the committee with the activities with which they would become concerned; and it provided a means for the various agencies to present their ideas to the committee concerning possible measures for improving their work or making it more effective. Only a few committees have made sporadic use of this conference technique for oversight purposes. The practice might well be generalized of holding periodic meetings at the subcommittee-commission level or through the increased use of qualified staff personnel to study the problems of particular agencies. To this end some expansion of the professional staffs of the supervisory committees appears necessary.

Intervention of individual Members of Congress in the affairs of administrative agencies with a view to expediting or influencing agency decisions on behalf of constituents is considered improper, where the Congressman is not a member of the corresponding supervisory committee and is not merely seeking information or making a routine inquiry. It was the intention of the authors of the Legislative Reorganization Act that the oversight committees would serve as a clearing house to which Members would refer all such constituent complaints and inquiries and which would then bring them to the attention of the agencies concerned. The volume and character of such complaints would be a rough index of the performance and weakness of the agency. At the same time, as the Hoover Commission task force report on regulatory commissions remarked, "this method would shield both the Congressman and the Commission from the suspicion of influence inherent in direct approaches for constitutents."

In a lucid analysis of the oversight problem, the Committee on Administrative Law of the Bar Association of New York City believes that "vigilant and conscientious exercise of proper oversight and consultation are much to be desired and encouraged." The problem is one of achieving a "suitable accommodation of popular control and flexiable administrative expertness." They also suggest the advisability of erecting certain self-imposed boundaries. Legislative committees ought not to try to influence the decision of pending cases or issues before an agency or the manner in which a particular case is being handled—"a precept not universally respected in practice." Nor should decided cases be criticized with a view to influencing an agency to reverse a previous ruling or limit a trend in agency decisions except where a committee is genuinely considering amending the statute. However, it is considered proper for a committee to make suggestions to an agency with respect to its procedures or internal organization and to comment upon proposed substantive rules.

STRENGTHENING FISCAL CONTROLS

One of the major aims of the act was to strengthen the congressional power of the purse. To this end the act provided for a legislative budget (sec. 138), development of a standard appropriation classification schedule (sec. 139b), studies by the Comptroller General of restrictions in the appropriation acts (sec. 205), expenditure analyses by the Comptroller General (sec. 206), studies by both Appropriations Committees of Permanent appropriations and of the disposition of funds resulting from the sale of Government property or services (sec. 139b), and expansion of the staffs of the Committees on Appropriations (sec. 202b).

In practice, many of the fiscal reforms embodied in the act have been virtually ignored or have failed to work. Attempts to carry out the legislative budget provision during 1947–49 proved abortive; in 1950 this section was ignored and appears to be a dead letter. In congressional circles the aim of the legislative budget is generally regarded as laudable, but experience with it seems to have shown that the instrument is not properly suited to its task. Its failure to date is attributed to the shortness of time allowed for the job, the unwieldy size of the Joint Budget Committee, inadequate staffing, improper adjustment to the appropriation process, resistance within Congress to ceilings on appropriations for favorite agencies, current Federal accounting practices, and external spending pressures on the legislature. There is strong sentiment in Congress for further trial of the legislative budget idea and measures have been introduced to amend section 138 of the act with a view to overcoming the difficulties mentioned above.

The Wherry resolution (S. Con. Res. 38, 81st Cong., 1st sess.), presented on May 11, 1949, by a bipartisan group of eight Senators, would reduce the Joint Budget Committee to 20 members, authorize it to employ an expert staff, and to report a legislative budget with a recommended ceiling on expenditures by February 15. There would be no formal adoption of the budget by concurrent resolution under the Wherry plan. Senate Concurrent Resolution 38 was reported favorably by the Senate Rules Committee on April 14, 1950, and has been on the Senate Calendar ever since.

The McClellan bill (S. 2898, 81st Cong., 2d sess.), introduced on January 19, 1950, would repeal section 138 of the act and create in its place a Joint Congressional Committee on the Budget to carry on a continuing year-round study of budget requests and requirements. It would be a 10-member group, with 5 members selected from the Appropriations Committee of each House. It would make its reports to these committees and to other standing committees. Every Federal agency would be required to submit to the joint committee a duplicate of any money request made to the Budget Bureau. This would apply to both regular and supplemental appropriations. This would permit a long-term study of each agency's needs, its own requests for funds, as well as the amount which the Budget Bureau finally asks Congress to authorize. Aside from this detailed study of each agency's budget request and requirements; the joint committee would make periodic reports on any improper uses of funds or deviations from congressional authorizations, on methods of achieving greater economy and efficiency, and on estimated revenues and general economic conditions.

The need of simplifying and standardizing the pattern of the appropriation bills, which the act called for and which the Hoover Commission recommended has been carried out in part in the 1951 performance budget and in the Budgeting and Accounting Procedures Act of 1950.

The studies by the Comptroller General on useless restrictions in appropriation bills were completed in January 1949 and will probably result in the elimination of many of these obsolete provisions which have been carried on from year to year in the supply bills. But the expenditure analyses of Government departments which he was directed to make, so as "to enable Congress to determine whether public funds have been economically and efficiently administered and

expended," have not yet been made because funds for the purpose have been denied by the Appropriations Committee.

No systematic study of permanent appropriations appears to have been made although the House subcommittees reviewed these items during their 1948 hearings and the Senate committee gave them considerable attention during 1947–49.

On the staffing of the Appropriations Committee, the La Follette-Monroney committee recommended that four qualified staff assistants be assigned to each of the subcommittees on a year-round basis. But at the insistence of the leaders of the House Appropriations Committee, a change was made and they were authorized by the act to employ whatever staff they considered necessary. "This was done," according to Senator Monroney, "in the belief that they would add sufficient professional personnel to gain a complete understanding of every item in every appropriation request." In practice, the staff of the House Appropriations Committee has been increased above the stenographic grade from 11 clerks in 1946 to 17 clerks during the 6-month period from January 1, 1950, to June 30, 1950. During the same period the committee also employed an investigative staff consisting of 2 full-time investigators, 23 part-time investigators borrowed from 12 administrative agencies, and 11 temporary clerical and editorial assistants borrowed from 10 agencies on a reimbursable basis and 4 clerk-stenographers. Total expenditures for the combined clerical and investigative staff for the fiscal year 1950 amounted to $290,-628.98. No administrative analysts or professional staff have been employed by the House committee "because of a conviction that professional and clerical staff impede each other." Thus, considering both the clerical and investigative staff, the combined 42-man staff handled a workload of appropriations during 1950 of more than $1,000,-000,000 per staff member. "No one can question the ability of those employed," observes Senator Monroney, "but I feel that a greatly enlarged staff would enable the committee to ferret out of the money bills much more information and facts regarding the agencies than is now done with the small staffs used."

During the Eightieth Congress, on the other hand, the Senate Appropriation Committee took advantage of the act's authority to recruit a professional staff of eight experienced persons in addition to the regular clerical and investigative force. And during the first 6 months of 1950 this committee had a staff of six clerks, six professionals, and six clerical assistants at a gross annual salary for the fiscal year of $132,927. The Senate committee needs a smaller staff than the House committee, because the former sits and holds hearings only on specific appeals from House decisions.

Thus, the greatest failure of reorganization has been in the field of more effective fiscal control. This failure was offset in part in 1950 by the consolidation of 11 separate supply bills into 1 omnibus appropriation bill for the first time in more than a century and a half. Hitherto, the supply bills have gone through the legislative process in piecemeal fashion. Last year they were merged into one measure which was ready for the President's signature two full months ahead of the budget completion date in 1949. The big money bill represents a forward step in appropriation procedure in that, by bringing all the general supply bills together into a single measure, it gives Congress and the country a picture of the total outlay contemplated for the coming fiscal year. The new procedure also permits a comparison of total proposed appropriations with the latest available estimates of total Treasury receipts. This comparison enables Congress to decide in its wisdom whether to balance the budget or to create a surplus for debt retirement or to incur an increase in the public debt. The new procedure also allows Congress to see the claims of spending pressure groups in relation to the total national fiscal picture and thus to appraise their relative worth. The consolidated supply bill procedure falls short, however, of the objectives of the legislative budget in that it does not fix a ceiling on expenditures or give a coordinated view of prospective income and outgo. But no ceiling on expenditures could long contain the huge current outlays for national defense.

LIGHT ON LOBBYING

Title III of the act requires persons whose principal paid activity is seeking to influence Federal legislation to register and file quarterly financial statements of receipts and expenditures with the Secretary of the Senate or the Clerk of the House. The La Follette-Monroney committee had recommended that all lobbyists should register and file statements; it did not intend that registration and reporting should be limited to persons principally engaged in lobbying. The joint committee was led by testimony it heard, as well as by its own independent studies, to believe that the registration of the representatives of organized groups would enable Congress better to evaluate and determine evidence, data, or communications from organized groups seeking to influence legislative action and thus avoid the distortion of public opinion. It was also influenced by the recommendation of the Committee on Congress of the American Political Science Association in 1945 that "all groups, representatives of which appear before congressional committees, should register and make full disclosure of their membership, finances, and so forth." The joint committee believed that inclusion of a lobby title in the act would strengthen the Congress by "enabling it better to meet its responsibilities under the Constitution." To turn the spotlight of publiciy on lobbying activities and expenditures would be a big step forward, they felt. After the lobby law had been in operation for a few years, experience would reveal any defects in it which could be corrected by amending and strengthening the act.

In practice, the administration of the lobby law has furnished Congress and the country with more useful and important information about lobbyists; their identity, sponsorships, sources of support, and legislative interests than has ever been known before. The compilation of filings and financial data which are published quarterly in the Congressional Record provide a wealth of informative data on the activities of these gentry. The facts on lobbying, for example, for the first quarter of 1950, consumed 177 pages of the Record of July 14, 1950, and reflected the work of the House Select Committee on Lobbying Activities which secured adoption of a new standard of reporting form and a record of outstanding compliance with the law. Under the chairmanship of Representative Frank Buchanan, this committee made an objective and intensive study during 1949–50 of lobbying by private groups and individuals and Government agencies: its extent, fundraising and lobbying techniques, grass-roots pressure, causes and costs of lobbying, etc. It shed much fresh light on modern methods of lobbying and recommended several improvements in the law.

Administration of the lobby law has been handicapped by its vagueness and ambiguities. Many organizations and individuals who are engaged in influencing legislation have not complied with the act, on advice of counsel, because they claim that their "principal purpose" is not to influence legislation. They claim principal means "primary" or "major." Many persons have registered who disclaim that they are engaged in lobbying, or who assert that lobbying is only incidental to their other activities. An analysis of experience under the lobby law during the Eightieth Congress, made by W. Brooke Graves, showed that, out of 1,807 organizations maintaining offices in Washington, 667 registered during 1947 and 725 during 1948. Eight hundred and thirty-five organizations failed to register either year, although representatives of 198 of them appeared before the Judiciary Committees during 1948–49. By the end of 1949 a total of 2,878 persons and groups had filed under the lobby law, of which 495 were original filings; their reports showed that they had collected more than $55,000,000 since the act went into effect and had spent more than $27,000,000. Dr. Graves concludes that it is almost impossible to estimate the extent of compliance with the lobby law. "While the existing law marks a significant advance, its provisions are in urgent need of strengthening and revision, if the objectives of the framers are to be fully realized."

Impartial students of the subject are agreed that there is urgent need for some kind of supervision and control over lobbying in Washington; that the lobby law of 1946 suffers from a defective draftsmanship; and that it should be revised and clarified after a thorough investigation of the whole problem such as the Buchanan committee has now made. Specific suggestions for revision include clarification of the law's terminology, coverage, and filing requirements; centralization of responsibility for its administration in a specific agency equipped with an adequate full-time staff to file, tabulate, and analyze registrations and financial reports and investigate compliance with the act; provision for termination of inactive registrations; exact specification of financial data required; submission of full information regarding an organization's membership, internal structure, and methods of policy determination; and extension of the act's application to lobbying before administrative agencies as well as Congress.

COMPENSATION AND RETIREMENT

The final aim of the act was the provision raising congressional salaries 25 percent to $12,500 a year, granting each Member a tax-exempt expense allowance of $2,500 a year, and extending to Members of Congress optional retirement coverage under the Civil Service Retirement Act. The salary boost was designed to help meet the rising cost of living and campaigning. The allowance was to assist in defraying expenses incurred in the discharge of official duties. The eligibility to participate in the Federal retirement system on a contributory basis might encourage superannuated Members to retire and conduce to a greater sense of security and independence of thought and action on the part of younger members.

The salary increase and expense allowance became effective on the day in which the Eightieth Congress convened. To be entitled to a retirement annuity a Member of Congress must have served at least 6 years, have attained the age of 62, and have contributed a percentage of his base pay to the retirement fund at the rate provided by the Retirement Act. The annuity of Members of Congress consists of 2½ percent of their average salary received as a member, multiplied by their respective years of service. As of June 30, 1950, 52 former Congressmen were drawing annuity benefits. As of August 3, 1950, 476 Congressmen and Senators were contributing to the civil service annuity fund.

Some who have analyzed the responsibilities, duties, and importance of the congressional job believe that it is worth a salary of $25,000 and that the expenses of the job call for such a salary. They assert that congressional salaries should be such that Members would have no excuse for augmenting their income by means which might be prejudicial to the effectiveness of their work; and that the salary should be such that it would widen the field that could be drawn upon for congressional talent and thus in the long run raise the level of the legislative ability. It is also urged that the salary should be such as to lead toward the desirable objective of up-

grading the salaries of all public service positions.

CONCLUSION

In summary, we can report that the basic reforms in committee structure have survived four years' trial and worked well on the whole. Committee procedure has been improved and regularized in several respects, although some jurisdictional disputes still occur. Party policy committees have functioned actively in the Senate, but have failed to achieve their full potential. Striking gains have been achieved in the staffing of Congress, but there is room for improvement in the quality of professional committee staffs and in the methods of their selection. Congress is handicapped by the lack of a modern personnel system, but its new staff aides have apparently arrested its decline in relation to the executive branch. The workload on Congress has not been reduced by the act, but more and better staff aides have enabled it to do a better job. The Judiciary Committees are overburdened with thousands of private bills about matters which should be handled elsewhere. Operation of the oversight function has been partially successful and various devices are available for its fuller performance. The fiscal control provisions of the act have either been ignored or have proved unworkable in practice. The greatest failure of congressional reorganization has been in the fiscal control field. Administration of the lobby law has disclosed a wealth of new information concerning the identity and finances of lobbyists, but has been handicapped by defects in the statute which needs revision and clarification. Congressional salaries have been raised and 476 out of 531 Members of Congress are presently participating in the Federal retirement plan.

Representative government has broken down or disappeared in other countries. Here in the United States it remains on trial. Its survival may well depend upon its ability to cope quickly and adequately with the difficult problems of a dangerous world. Congress is the central citadel of American democracy and our chief defense against dictatorship. Hence the importance of congressional reorganization and of further steps toward strengthening our national legislature.

ADMINISTRATION EFFORTS TO CONTROL INFLATION

HON. RALPH T. SMITH

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent to have printed in the RECORD what I consider an excellent statement made by the Secretary of the Treasury, giving the administration's view of the budget outlook and their assessment of their efforts to control inflation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. DAVID M. KENNEDY, SECRETARY OF THE TREASURY

It is a pleasure to have this opportunity to appear before you for an examination of the budget outlook and an assessment of our efforts to control inflation. This subcommittee has made an important contribution in serving both the Congress and the executive branch as a respected forum for discussion and review of economic policy. In the tradition of reasoned analysis which has characterized the deliberations of the subcommittee, it is appropriate to review the conduct of fiscal policy by the Nixon Administration during its first eight and one-half months in office.

Director Mayo will give you the budget outlook for the current fiscal year. The projected surplus of nearly $6 billion is essential in the present economic environment. In its report on the January 1969 Economic Report of the President, the Joint Economic Committee argued persuasively for a significant surplus, and we are in complete agreement with that position. Our determination to restrain Federal spending and to maintain sufficient revenues to adequately cover expenditures supports the objective which we all share—to preserve a positive role for fiscal policy in the maintenance of economic stability. The failure in recent years to make prompt and timely use of fiscal policy to counteract impending inflationary tendencies has been a source of considerable disruption and inequity in the economy.

The American people understand the falseness of an inflated prosperity, and I know many of them have communicated this understanding to their elected representatives in Washington; many have also expressed their concern to me personally. The real wages of the average manufacturing worker are only $1.45 a week higher today than they were in 1966—despite higher and higher wage settlements. Inflationary excesses create hardships for all segments of our society. Monetary values are eroded, purchasing power is diminished, decision-making is distorted, and interest rates are disproportionately inflated.

The control of inflation is more than a matter of domestic concern. Last week I met with the financial representatives of over 100 countries. They impressed upon me their own deep concern over inflation in the United States. The American economy is so large and its influence so widespread, especially because the dollar is a key currency, that the excesses of either inflation or recession affect the entire world economy. It is important that we improve our competitive position in foreign markets and maintain international confidence in the dollar. The current inflation is unhealthy for both America and the rest of the world, and its control is therefore both a domestic and an international necessity.

Since assuming office last January, this Administration has moved quickly and firmly to bring the policies of the Federal Government in line with the country's most urgent economic priority—to halt the spiral of rising prices. Our basic strategy has been to restore stability through the coordinated application of fiscal, debt management, and (with the cooperation of the Federal Reserve Board) monetary policies designed to moderate aggregate demand pressures.

In April the President proposed two major actions to increase tax revenues: (1) extension of the income tax surcharge at 10 percent for the first half of fiscal 1970 and at 5 percent for the second half of fiscal 1970; and (2) repeal of the investment tax credit. The Congress has approved extension of the full surcharge through this calendar year, but action to continue the surcharge at its reduced rate and to repeal the tax credit remains to be taken in the Senate. I want to emphasize again that these measures are essential to our overall strategy and require the earliest possible action. They are in complete agreement with the recommendations made by the Joint Economic Committee last spring.

Enactment of these two tax proposals will produce an estimated $3.3 billion in revenues. Including the requested extension of present excise tax rates and the proposed imposition of new user charges, a total of $4 billion of necessary revenues depends on favorable legislative consideration. Without positive Congressional action, fiscal policy will not be exerting the measure of restraint appropriate for effective inflation control.

Assuming favorable action on these revenue-raising proposals, total budget receipts for fiscal 1970 are now estimated at $198.8 billion, or $0.4 billion below the May 20 estimate. This relatively small change in total receipts is primarily due to a $0.5 billion reduction in estimated corporate tax total receipts is primarily due to a $0.5 billion reduction in estimated corporate income tax receipts, reflecting our lower estimate for 1969 corporate profits. The economic assumptions underlying these latest estimates are shown in the following table. Changes since May 20 largely resulted from revisions in National Income Account data by the Commerce Department.

Economic assumptions, calendar year 1969

[In billions of dollars]

Gross national product, May 20 estimate	927
Current estimate	932
Personal income, May 20 estimate	739
Current estimate	745
Corporate profits before taxes, May 20 estimate	97
Current estimate	94½

On the expenditure side, the President has demonstrated his determination to regain Executive control over Federal outlays by his commitment to hold expenditures below the Congressionally authorized limit. Total outlays for fiscal 1970 are estimated to be $192.9 billion, the same figure used for the May 20 estimate. Director Mayo will discuss budget expenditures in greater detail.

The net result of these fiscal actions will be the generation of sufficient revenues to more than cover substantially trimmed outlays. The Federal budget will be contributing importantly to the control of inflation.

Nine months ago, we knew that this would be an arduous and lengthy task. Aggregate spending was under strong upward momentum, and inflationary expectations were well entrenched. It has been our deliberate policy to restore economic stability through the careful application of restrictive fiscal and monetary measures. The evidence that this policy is being effectively applied is beginning to mount:

Real economic growth is well below the basic trend rate of capacity growth;

The September unemployment rate was reported at four percent;

The combined index of leading business indicators has slowly declined for three consecutive months;

Industrial production registered a small monthly decline in August; and

Consumer surveys indicate a significant decline in buying sentiment.

While there is ample evidence that real growth has been declining in recent months, the desired abatement of price level increases has not yet become evident in the statistical indicators. This is not unexpected, since prices invariably tend to lag behind changes in the underlying market conditions. But regardless of the source of inflationary pressure, whether from excess demand or from rising costs, the absence of sufficient demand to clear markets at inflated prices must result in inventory accumulation and inevitably lead to price reductions. Investment and production decisions reached under the assumption of a continuation in current rates of inflation will come to be sorely regretted.

We are encouraged that our strategy is beginning to show results. The difficulty of pursuing this task must not be underestimated, however, and cooperation from the Congress is vitally important to our maintaining appropriate fiscal restraint. The revenue-raising measures proposed by the

Administration must be enacted to continue the desired budgetary effects.

Only last month, a distinguished former Secretary of the Treasury told a Senate committee that both the executive and legislative branches had committed a serious policy error by failing to control the budget during the 1965–1966 period. As a result, fiscal policy came to exert a completely undesired influence on an overinflated economy during the fiscal year 1968. Madam Chairman, it is my hope, and I am certain this important subcommittee shares my concern, that we can maintain fiscal policy in its proper role of contributing to economic stability. That, I believe, is the purpose for these hearings; and that is why I am pleased to be here for a discussion of this important issue with you.

THE RISING COST OF AGRICULTURE'S BAD IMAGE

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KLEPPE. Mr. Speaker, all of us recognize the valuable contributions our distinguished colleague from Texas, BOB POAGE, has made in the formulation of national agricultural policy over three decades. As chairman of the House Agriculture Committee, he has worked untiringly to improve the economic situation confronting the Nation's farmers.

In the November issue of "Agri/Industry News," published by the Corn Refiners Association, Chairman POAGE pinpoints a major problem with agriculture and the plight of the farmer. For the benefit of my colleagues, I am pleased to include his remarks:

THE RISING COSTS OF AGRICULTURE'S BAD IMAGE

(By Representative W. R. POAGE)

The American people enjoy the world's highest standard of living primarily because of efficiencies achieved in agriculture. One farmer now feeds 43 persons, compared to 23 just a decade ago. In fact, output per man hour on the farm is up 82 percent over the past ten years. This means that considerable labor previously required for production of essential food and fiber may now be used to produce an unmatched variety of consumer goods.

Yet the farmer's undeniable contribution to the material quality of life in America goes largely unrecognized. Many consumers regard farm programs as a form of welfare; few perceive any difference between the problems of commercial and non-commercial agriculture. Fewer still recognize that, indirectly, government assistance to farmers represents a subsidy to consumers.

Trying to pinpoint responsibility for agriculture's poor image with consumers and taxpayers is a useless exercise. Suffice it to say that agriculture's side of the story has been ineffectively told, and the entire farm community must share the blame and the consequences.

Granted that farmers, suppliers and processors—the whole agribusiness—represent perhaps the nation's most diverse minority. Granted, also, that important segments within this minority will continue indefinitely to disagree on substantive issues.

But philosophical controversies and other equally wasteful outlets of energy have become a rising cost that the farm community can no longer afford. The fact that agriculture's special problems and contributions to the total economy are not clearly understood should be a danger signal to the entire farm community.

What is needed is a broad-based attack on the mutually shared and overriding problem of a bad image—one that threatens the very existence of government-sponsored programs of assistance of agriculture. Somehow the point must be gotten across that these programs do not benefit agriculture alone.

With the country rapidly becoming more and more urban, agriculture must unite to take its case to the city. What is called for is a systematic program of education designed to make the public aware that in return for efficiencies that benefit all Americans, the farm community asks only a fair share of existing prosperity.

END THE SURCHARGE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "End the Surcharge," published in the Daily Progress, Charlottesville, Va., on November 24, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

END THE SURCHARGE

When a man such as Sen. Harry F. Byrd, Jr. of Virginia speaks out on the income tax surcharge, the Senate would do well to listen.

Last week, Sen. Byrd introduced an amendment to the tax reform bill which would abolish the surcharge on Jan. 1. At the same time he warned the Senate that the way to combat inflation is to reduce spending—not to increase taxes. And he added there still remains significant areas of fat in the budget that can be trimmed.

But essentially Sen. Byrd was concerned that the "temporary" surcharge on the income tax is in danger of becoming a permanent tax. It has been in force for 21 months for individuals and 24 months for corporations.

While giving full credence to the President's good intentions in his pledge to allow the tax to die on July 1, Sen. Byrd declared, "I fear the temptation to extend it beyond that date will be very strong—just as was the temptation to extend it beyond its previous termination date of June 30.

"Each extension of a tax makes the next extension easier. Sooner or later—and I suspect the time is at hand—the government begins to regard the temporary tax increase as a permanent part of the tax structure.

"I think that this must be avoided. I think that the government must keep faith with the people. The way to keep faith with the people is to kill the surcharge on income taxes as of the end of this year."

Sen. Byrd objected to the American people having to pay a surcharge on their income taxes to help finance an increase in such things as foreign aid.

Elimination of the 5 per cent surcharge proposed for the first six months of 1970 would cost the government only $1.7 billion, not a great deal in what may be a $200 billion budget.

"I admit that if the surtax is eliminated, it will make the budgetary choices ahead of us more difficult. But I feel that we must undergo necessary discipline. We must control spending," said Sen. Byrd.

The only thing we could add to Sen. Byrd's statement is that the American taxpayer deserves a bit of a break, even though the surcharge may not represent a great addition to his income. Congress should give him that much relief.

SEPARATION NEEDED

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. OLSEN. Mr. Speaker, few public figures and probably no elected public figures escape occasional barbs from the press. However, as I ponder Vice President AGNEW's remarks in Iowa and Alabama, I am reminded of occasional confrontations between former President Harry S. Truman and the press and the quotation he displayed in his White House office:

If you can't stand the heat, stay out of the kitchen.

Sure, I have had a few bad days in the press. I have been misquoted, misinterpreted, my remarks have been distorted at times. Sometimes I have phoned an editor directly to clarify a position that he questioned.

Like anyone, I am sensitive to "bad press," but the slightest suggestion that any individual, group, or party should be able to dictate the manner in which the press will cover an event, or the hint that certain public officials should be immune from the scrutiny of the press makes me shudder.

Let us take a look at what the current administration would have the press report to the American people if it had its way. Administration spokesmen informed the press a number of times in recent weeks that it was assured of at least 52 votes for the Haynsworth confirmation. History will record a 55–45 vote against Judge Haynsworth.

The Vice President told the American people and his listeners in Alabama that the Washington Post and its subsidiaries spoke with one voice editorially. That same week the Washington Post recommended editorially that Judge Haynsworth be confirmed by the Senate; Post subsidiary WTOP radio recommended the judge be rejected.

There was no criticism on the part of the Vice President of the fact that the networks chose not to give extensive coverage to the November moratorium, though it surely was of national significance. This and other omissions from the Vice President's double attack on the press illustrates a very real fact: criticism of the press usually depends upon the critic's point of view.

Further, if the Attorney General had had his way the American people would have been told that the march last week here in Washington was insignificant in numbers and significant in violence. As a matter of fact, the facts of the situation completely contradicted Justice Department statements that march participants were bent on violence. Incidentally, the free press, left to report freely, did an excellent job of placing the violent elements in the march in context and in informing the American people that the great majority of participants in the march abhorred the violence as much as I or the Attorney General did.

Criticism of the press is as old as the press itself. Individuals will find fault with the press as long as individuals have differing views. But the press must re-

main free of control or threatened control.

In line with my personal commitment that all views should be represented not only in the press but here in Congress, and at the specific request of Rev. Robert H. Laird of the First United Presbyterian Church in Whitefish, Mont., I include the November 20 editorial from the Whitefish Pilot in the RECORD at this point:

SEPARATION NEEDED

Considering the penchant members of the liberal press and particularly television network newsmen, for self flagellation about their country, one wonders why they react so severely when their profession is criticized by an elected official.

Certainly Vice President Agnew is no statesman and his speeches have a heavy salting of Harry Truman, but he was only "telling it like it is", a favorite expression of the liberals during the last election.

The slanting of most network television news is appalling to anyone trained in the old school of newspaper reporting where the idea that "your opinion belongs on the editorial page" was drummed into the neophites with a verbal club.

Agnew's claim that the press does not give a president a fair shake when he makes a television address is not only true and proveable, it is inevitably given the national format. Any news department employee charged with the job of putting together a panel to discuss a presidential speech that selects his panel from those who agree with the president is obviously ready to look for a new job. He must provide controversy and disagreement in order to produce an interesting show. Such tactics in newspapering were labeled and are labeled "sensationalism" but in television it goes under the alias of "reporting in depth".

The basic problem of course is that the solid citizen with his conventional ways is not good copy. The same solid citizen is the one who demands that his news be of a sensational nature. But TV, because of its impact, has gathered so much power unto itself that it now tends to select its news for impact on the direction of the country rather than for its ability to represent a movement or to present facts. It has become so accustomed to editorializing throughout its presentation of "news" that it now seems unable to separate the presentation of fact from the presentation of opinion. In our mind, trained as it was that opinion belongs where this column appears, ABC does the best job of labeling its opinions as distinct from the presentation of what happened. CBS comes in second and NBC, in our opinion does the most effective job of editorializing with pictures, words and commentator's expressions.

We would fight a suggestion that television be restrained from presenting opinion—but we would cheer any attempt to introduce some of the old news values about opinions and news labeled as such. In short the TV boys need to become a bit more responsible in their use of the powerful weapon they control.

NIXON'S SUPPORT

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. DOLE. Mr. President, yesterday the Washington Evening Star published a particularly well reasoned and well written editorial which pointed up the significance of the recent Gallup poll showing President Nixon's broadly based support among the American people.

There is little doubt that the President's Vietnam speech convinced the great majority of Americans of the bold, bare truth: that he is doing his level best to end the war in the only possible way as of now.

Public support is sorely needed by the President if he is to implement his policies and bring about a settlement of the Southeast Asian war. Without public approval, President Nixon—or any President—is rendered nearly powerless to end the conflict. A lack of support only serves to stoke the fire of the enemy position and propaganda.

President Nixon is pursuing a course of peace which can lead to a decent settlement of the war itself, protect this country's interests and maintain mutual trust and confidence among our allies around the world.

It is a difficult—but wise—course of action.

I ask unanimous consent that the editorial, entitled "Nixon's Support," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S SUPPORT

The rise in Richard Nixon's popular support among the American people and the reasons given for it must be particularly gratifying to the President at this time.

A man's popularity in a public opinion poll is a sometime thing—here today and gone tomorrow. Nevertheless, the findings in Dr. Gallup's latest survey show a solid basis of public approval of the way the President is handling his job. As of November 15, the final day of the mass demonstration in Washington and subsequent to his Vietnam speech, 68 percent of the people questioned approved of the Nixon performance in office. Only 19 percent disapproved, and there were the usual "no opinions," in this case 13 percent.

This was the President's highest rating since moving into the White House, three percentage points above the July figure of 65 percent. The disenchanted, of course, will not be impressed or persuaded. But they would be having a field day had the poll reflected a drop in the President's support.

After the Vietnam speech on November 3 there was a vast amount of headshaking and tut-tutting among the anti-Nixon pundits. They accused the President of holding fast to the discredited policies of Lyndon Johnson. They said that all he had accomplished was to outrage his critics and lay a foundation for a bigger and angrier anti-war demonstration. It was a great pity, they said, that Mr. Nixon obstinately turned a deaf ear to the sweet voice of reason.

Well, it hasn't worked out that way. The President, in a gamble, bid for the support of what he called the great silent majority. And it looks as though he got it.

There is more in this however, than merely a gratification for the President. Comments from those interviewed in the poll indicate that the speech convinced many people that Mr. Nixon is doing the best he can to end the war and that his peace policy is the only one possible as of now. Furthermore, the public reaction to the demonstration was unfavorable, and it probably would have been more so had the poll been taken after the violence which marked the last day.

To us, all of this means that the President has gained sorely needed time to effectuate his Vietnam policies. No one can say how much more. But at the very least he will not now be stampeded into some other course of action. And this is very important—important because Mr. Nixon, in our judgment, is following not only the right course, but the only course that can possibly lead to a decent settlement in Vietnam and the safeguarding of vital American interests in that tortured part of the world.

EXTENSION OF ANTIPOVERTY PROGRAM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, as we know, the House will soon be taking up legislation to authorize extension of the antipoverty program. Admittedly, there are those of us who differ as to various aspects of the program. But I would hope that there is one subject upon which we can get bipartisan agreement. I have reference to the so-called Murphy amendment which was appended to the bill in the Senate. The amendment places in the hands of the Governors of the several States a power of veto over legal service programs funded by the Office of Economic Opportunity. The past few weeks has seen a tremendous reaction on the part of bar associations throughout the country in opposition to the Murphy amendment.

I am pleased to place before the House a resolution adopted by the Board of Trustees of New Jersey State Bar Association expressing the concern of the association as to the effect of the Murphy amendment. I associate myself with this expression and I am pleased to commend it to the attention of my colleagues. The resolution reads as follows:

RESOLUTION ADOPTED BY THE BOARD OF TRUSTEES OF THE NEW JERSEY STATE BAR ASSOCIATION, NOVEMBER 7, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States, a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the New Jersey State Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the New Jersey State Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients

but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the New Jersey State Bar Association be authorized to express the concern of the Association as to the effect of the aforesaid amendment.

LAW ENFORCEMENT

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. CRANSTON. Mr. President, an excellent article concerning the unique attitude of San Jose Police Chief J. R. Blackmore toward law enforcement was published in the Sacramento Bee on November 16. His ideas are progressive and thought provoking.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAN JOSE POLICE CHIEF BLACKMORE REGARDS HIS MEN AS "SOCIAL SERVICE WORKERS"

(By Robert Strand)

SAN JOSE, CALIF.—San Jose Police Chief J. R. Blackmore has 40 years' experience in which he has fought lynch mobs as well as gangsters. He believes police should take the side of social change.

Blackmore, 62, wields his commanding influence to get benefits for racial minority groups. He sees his men, more than anything else, as "social service workers."

"We are now coming to realize that the police should not remain passive bystanders. We can no longer remain mute in view of the social problems that surround us daily," he said.

These are views of a man who joined the force in 1929 before the department had radios. Blackmore a semi-pro baseball player, was recruited by the department so he could play on its team.

MOB SCENE

In 1934 Blackmore and one other officer fired tear gas for hours in an unsuccessful attempt to keep a mob from battering down jail doors and lynching two suspected kidnapers. Other police occupied themselves directing traffic nearby.

Blackmore has devoted much time in his 23 years as chief to raising money for charities and urging passage of municipal bond issues.

"I can raise $50,000 in an evening for a good cause," Blackmore said.

He is an active member of just about every civic organization in town, an elder of the Presbyterian church, and local 1969 Man of the Year of the City of Hope project.

Blackmore's style is illustrated by his handling of a demonstration by Mexican-American youths last year at City Hall.

"I marched them right into the council chambers, and we had a long talk," he said. "The result was a system by which we take these kids on a regular basis for rides in patrol cars. They have a ball."

When troubled by a group of youthful gangs: "We corraled them down to my office, and the result was new training and athletic programs. Later, in a murder case, they told us if the killer was one of theirs, they'd turn him in. He turned out to be an Anglo."

TROUBLE CENTER

In San Jose, one of the nation's fastest-growing cities, with a population of 450,000, the main trouble spot is the East Side. It is home to impoverished Negroes who are 2 per cent of the population, and Mexican-Americans, 15 per cent.

Now the Police Athletic League is building its own athletic center on 16 acres of donated East-Side land, with $1.4 million from private, municipal and federal sources.

The police themselves, on and off duty, will operate the center, and Blackmore expects it to be an example for the nation.

"Our department has a wealth of champion athletes," Blackmore said. "Kids worship champions. That's the value of the thing."

The department is in the process of setting up an East Side substation for the sole purpose of permitting booking, processing and releasing persons in their own neighborhood, rather than downtown.

San Jose police have 63 programs considered community relations by various departments in the country. The number of officers doing this work is four times the percentage in San Francisco.

Blackmore's officers arrange with citizens to chat with their neighbors in their homes, conduct weekly radio broadcasts in two languages, make numerous speeches in schools about narcotics, take teen-agers to visit prisons and keep weekly office hours at a troubled high school.

When minority students complained bitterly about the apprentice program at City College, Blackmore intervened and obtained a solution satisfactory to the students.

"I took a stand, and I think I had a right to take a stand," Blackmore said. "If a dispute is going to cause a riot, it's going to affect me directly.

"The sooner we speak out in law enforcement, better off we will be. The answer isn't in giving us more guns and gas."

However, Blackmore thinks police should get involved in social issues only "when we are going to be part of the result."

At San Jose State College, which has 24,000 students and its quota of demonstrations, Blackmore says he insisted his personnel have regular meetings with faculty and students.

"We want to know who is right," Blackmore said. "I'm damned if I want to go over there and push people around if they are right.

"The whole concept of law enforcement is changing. People think our purpose is to arrest people, but you don't arrest them for going 27 miles and hour in a 25-mile zone.

FUTURE BRIGHT FOR SALINE WATER CONVERSION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. JOHNSON of California. Mr. Speaker—

The day is approaching, I am happy to say, when the benefits of low-cost water from saline sources will be available to all mankind—and the specter of thirst will be removed forever.

This was the prediction of Dr. C. M. Wong, Director, Office of Saline Water, at the Government-Industry Conference on Saline Water Conversion, October 29, 1969, on cooperative efforts to meet the challenge of desalination.

Dr. Wong in his presentation gave one of the best summaries I have seen in quite some time of the efforts of the Federal Government present, past and future in the field of saline water conversion, through which much of the Nation's future water needs will be met.

The House of Representatives Interior and Insular Affairs Committee's Subcommittee on Irrigation and Reclamation, which I have the privilege to chair, has for some time expressed an active interest in desalination. However, if the Congress is to meet the challenge of the decades ahead, each Member of this body must be fully aware of the problems and appreciate the efforts which are being made by our Government to provide an adequate water supply.

Therefore, I thought it appropriate to share with my colleagues the following remarks made by Dr. Wong:

REMARKS OF DR. C. M. WONG

With the saline water conversion program growing so rapidly, we expected a sizeable attendance at this conference—and, sure enough, you have turned out in fine style. Your presence will be rewarded, I think, with the reassurance that we in OSW and you in industry are eyeballing the thorny issues that confront us with what I hope is 20–20 vision!

When reasonable men sit down and reason together, nothing but good can come from it. And, in this instance, the good will bring benefits to the generations yet to be born in a complex world faced by many fresh water problems.

As Assistant Secretary Klein told you, we already have considered many of the committee recommendations; in fact, we have not only *reacted*, we have *acted*—by actually implementing some of the proposals.

In this regard, I want to comment on some of the subjects brought up by the Committee on Contractual Policies, Procurement Procedures and Practices.

Number One—Procurement of equipment and engineering and scientific services from other than U. S. firms. The committee recommended that OSW procure engineering and scientific services and equipment from U. S. manufacturers. This recommendation was accepted; however, the Federal Procurement Regulations and Buy American Act must be given due consideration.

Number Two—OSW research and development demonstration programs. The committee suggested that OSW and industry establish a closer working relationship and continue discussions of priorities in research and development programs. Continuation of the OSW-Industry meetings demonstrates the acceptance of this recommendation.

Number Three—Technical specifications. In those cases where OSW desires guaranteed performance standards, the committee recommends that the detailed specifications be left to the ingenuity of industry. This item is still under review and cannot be answered in general terms. In some instances, contractors must build to specific specifications if technology is to be tested. In others, where performance is a governing factor, then the detailed specifications should not be provided by OSW.

Number Four—Time delay in the award of contracts. OSW has initiated action to speed up the award of contracts—and a goal of 48 hours has been established for awarding them.

Number Five—Payment terms. A workable arrangement has been reached after discussions with Survey and Review and the Office of the Solicitor. Payments are being made on a provisional basis, both monthly and quarterly, in accordance with specifications in the contract. Payments to contractors are not being processed as fast as hoped for, but significant improvements are expected in the next several months.

Number Six—Unsolicited proposals. The committee pointed out that OSW had awarded contracts, based on unsolicited proposals, for development of a piece of equipment

similar to a type already available in the commercial market. We will continue our current policy, but prior to awarding a contract, we will make sure that (1) the idea being considered is unique and proper and not available through other sources, and (2) the idea does not infringe on the concepts of equipment developed by other firms or labs.

So much for the committee recommendations. Except to say that I can assure you, as Assistant Secretary Klein did, that we will give every recommendation a thorough review. I intend to work long and hard for a strong and dynamic program at all levels.

It is OSW's responsibility to discharge its assignment by carefully exercising our judgment to invest the taxpayers money, which has been entrusted to our care by the Congress and the Administration, into the most promising projects. We must constantly review all proposals and programs in order to obtain the greatest return for this money.

OSW is going to put its support behind the projects which industry will not or cannot justify the risk. We will employ system methodology to select and finance proposals that offer the greatest potential. Our organization will be reformed as necessary to operate on a streamlined basis with strong management and the necessary manpower and resources to attain a quantum jump in accomplishment, and a breakthrough in technology. We will leave the responsibility of providing process refinements to industry, because you can do so well in this respect.

We do not intend to compete with industry. We expect to cooperate with you and we hope you consider us to be your friend.

We are well aware that the oceans, covering three-fourths of the earth's surface, offer an unlimited source of water for conversion processes. A not-so-visible, but equally important, source of water is the underground brackish supplies. Seawater normally contains 3.5 per cent salt, or 35,000 parts per million (PPM) of total dissolved solids. Brackish water contains much less salt, of course, generally being defined as having between 1,000 and 15,000 PPM. The Public Health Service recommends no more than 500 PPM for human consumption.

Because groundwater is such an integral part of desalting's scope and potential, I would like to take a few minutes to discuss some of its characteristics.

As you may know, about 10 per cent of the rain that falls on the earth soaks into the ground and is held there in immense sponge-like subterranean reservoirs called aquifers. These aquifiers have been filled over the centuries. Presently, they contain—within a half-mile of the earth's surface—a quantity of water 35 times as great as the amount in all of the world's fresh-water lakes and rivers at any one time. Ground water is usually free of turbidity and harmful bacteria—a definite advantage—but many aquifiers are brackish in nature. In fact, one-half of the land area of the continental United States alone is underlain by groundwaters containing between 1,000 and 3,000 ppm.

Significant, I think, is the fact that groundwater is usually found close to the point of use. Consequently, the desalting of brackish groundwater can be an economical solution to water shortages. A most attractive water source is deep, saline well waters, which have been protected from short-term fluctuations of the weather, evaporation and surface pollution; this is especially true in the many regions where surface and shallow well water supplies have been reduced to dangerously low levels by drought conditions.

Being so widely distributed, brackish water is used by more than 1,000 communities in North America. With its high mineral content, this type of water imposes substantial costs on the user above and beyond the water bill itself. These "hidden" costs include (1) purchase of bottled water for drinking and cooking, (2) the use of home water softeners, (3) excessive corrosion and, consequently, more rapid replacement of water-using appliances, pipes, and plumbing fixtures, and (4) money spent for larger quantities of soap and detergent required.

What does all this mean to us as desalters and consumers? It means the desalination industry can remove excess salts and minerals with the membrane technology available now—and thus reduce those extra expenses to consumers.

Whether it's groundwater or seawater, desalting's future role offers some unassailable advantages. First and foremost, desalination provides an entirely new source of high quality water that can supply needs as they arise. This supply of potable water can be manufactured at locations and in time frames of man's own choosing without being dependent on the whims of nature.

This ability to locate desalting plants in or near areas of greatest need may be further expanded to produce both fresh water and electricity in a dual-purpose nuclear-powered operation. Other types of desalting plants, using brackish waters, can provide modest additions to water supply for small and medium-sized urban areas at a pace easily adjusted to growth.

In summation, I believe it is safe to say that desalination can provide a much more flexible and less expensive addition to water supplies in many parts of the world. We realize that desalting is not the single answer; nor are dams, conservation methods, or weather modification—all technologies will contribute to the ultimate solution of creating alternate supplies of fresh water.

Because of desalting's many advantages, the state-of-the-art has come a long way in recent years. When the government program began in 1952, only a few land-based plants produced a trickle of water at costs ranging upward from $4 per 1000 gallons. Today, nearly 700 desalination plants are producing more than 250 million gallons of fresh water daily for cities and industries around the world. We believe the total production of desalted water will reach 1 billion gallons-per-day by 1975 as the demand for fresh supplies increase. At the same time, desalting's potential will become more widely recognized and accepted by water planners.

From the beginning, the main thrust of the desalting program has been to find new techniques, or improve upon old ones, and cut production costs to the bone. The costs have been driven down considerably—from more than $4 to a reported 85 cents per 1000 gallons. The new 7.5 mgd desalting and power plant near Tiajuana, Mexico, is expected to produce potable water from the sea for 65–75 cents per 1000 gallons. Sometime after 1980, we may be able to use desalted water for irrigation of high-value crops and the yield is a function of the quality, as well as the quantity of water.

To attain our objectives in OSW, we conduct a very broad basic research program. We must understand the substances, both solid and liquid, with which we work to improve or discover new concepts for desalting. With this basic knowledge, we must then acquire the engineering technology to actually produce water—at first in modest amounts, but eventually in very large quantity. This requires the construction of pilot plants, test beds, modules and prototype plants. Some of the older and more familiar systems of desalting (distillation and electrodialysis, for example) are advanced to the point where they can presently be purchased in the commercial marketplace. A 100,000 gpd freezing process plant—the world's first commercial plant utilizing this new process—is now under test in the Virgin Islands.

Among the more promising new developments are the membrane processes, which were originally designed for brackish waters. The two areas of the membrane processes, electrodialysis and reverse osmosis, show bright promise toward lowering the cost of product water—and we are making a major thrust in this field.

Electrodialysis is the most popular system for desalting brackish waters, at present—there are more than 150 such plants scattered around the world; and plant sizes are increasing dramatically. These plants would be even more efficient if the temperature could be raised and if a cheaper, longlife anion membrane, and easy assembly technique, could be developed.

The reverse osmosis process is quite promising for future applications; it *may* demonstrate economic superiority over any process known today, not only for brackish water, but seawater as well. Although reverse osmosis has been developed largely during the past decade, this type of plant now numbers more than 100 that produce from 1,000 to 100,000 gallons per day. In August I had the privilege to dedicate a 100,000 gpd plant at Plains, Texas.

Besides brackish waters, reverse osmosis is used effectively in the processing of irrigation return flows, polluted waste water and acid mine drainage. In addition, a membrane that can desalt seawater has been developed, but it needs improvement for commercial use. Field tests using this membrane have shown that seawater can be desalted to a potable level in a single pass in contrast to the two passes required previously.

As Assistant Secretary Klein has noted, the reverse osmosis process has many other potential applications. These include depollution and renovation of pulp and paper mill spent liquor wastes, conversion of cheese whey to a useful food product or vitamin supplement, recovery of sugar from sugar beet processing liquors, concentration and upgrading of citrus and fruit juices, depollution of radioactive wastes, and recovery of water for re-use in outer space missions.

Speaking of membranes, we are also looking into the use of special, thin membranes in a novel process termed piezodialysis, which uses high pressure as its energy source. The pressure systems are promising because, very simply, pressure is cheaper than heat and pressure process requires no phase change for the work fluid-water. We must also develop practical pumping systems which will be anti-corrosion, offer constant, no fluctuated pressure to enhance the membrane's life.

The new Brackish Water Test Center at Roswell, New Mexico, will play a leading role in developing membrane technology. The center is conducting experiments on 10 types of brackish waters commonly found throughout the United States. These tests will help develop economic processes for improving the water supplies of American communities now using sub-standard water.

We are also moving ahead in the distillation field. The new Materials Test Center at Freeport, Texas, is studying the corrosion resistance of both metallic and non-metallic materials to hot seawater. These tests hopefully, will turn up the best materials for building more economical evaporators and thus lower the cost of distilled water.

As you know, we are now building a VTE–X test vehicle at the San Diego Test Facility. We expect to obtain valuable engineering and operating data on the vertical tube evaporator process for use in large plants. The VTE–X will utilize the newly-developed double-fluted tubes; they are expected to demonstrate transfer capabilities double those of present distillation plants and hence cutting the capital investment nearly 20%.

Studies show that the VTE process may be used to greatest advantage in large plant sizes when combined with the best features of the multi-stage flash (MSF) process. Because the combined systems would reduce capital investment cost 30% and reduce the water cost by as much as 15 percent, it is

now apparent that the VTE/MSF process is a leading contender for large seawater desalting plants.

Let me ask you one question. What good will it do to develop low-cost desalting processes only to find that they cannot be utilized because of the brine disposal problem?

Efficient and economical brine disposal methods are needed not only for desalting, but also for those industries that discharge large quantities of chloride, sulphate, or other effluents that pollute our rivers and lakes. Searching for answers, in order to meet the water quality standards that recently have been established, manufacturing and processing companies can only utilize existing technology, which essentially requires evaporation to concentrate the effluents, followed by a crystallization process to reduce these wastes to easily disposable solids. This is indeed an answer to stream pollution, but it is a high cost answer.

I not only believe we can develop better and cheaper processes for brine and waste disposal, I think it is imperative that we develop better solutions to this very critical problem.

We are looking diligently into the utilization of various fluidized-bed technologies as perhaps a more efficient method of treating inland brines. One technique has been successfully employed by the nuclear industry as a practical low-cost method of radiation waste disposal.

The outstanding features of the suspension phenomena which assures scale free performance appears to have potential major application for brine and waste disposal.

If you have a better solution, we encourage you to submit a proposal for our review and consideration.

In reviewing the past, these developments and many others, represent substantial advances in desalting technology. As a result OSW and industry have provided a practical solution to water supply problems along the world's sea coasts and many inland areas.

The day is approaching, I am happy to say, when the benefits of low-cost water from saline sources will be available to all mankind—and the specter of thirst will be removed forever.

FUTURE IMPORTANCE OF THE NORTHERN WATER ROUTE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. THURMOND. Mr. President, the pioneering voyage of the SS *Manhattan* last summer through the Arctic is an indication of the future importance of the northern water route through the ice to the Alaskan North Slope. The fabulous oil reserves in Alaska have been well publicized. The *Manhattan*'s voyage indicates that it may soon be possible for the development of an intercontinental deepwater all-season tanker route via the historic Northwest Passage for the development of this resource.

Mr. Anthony Harrigan, who is the assistant editor of the Charleston News & Courier, has discussed the defense implications of this important development in a fine article published in the December 1969 Military Review of the U.S. Army Command and General Staff College. Mr. Harrigan is well known for his articles on military strategy and tactics published in the leading military journals of the world. He points out that this new route will require a vast change in the configuration of our naval defense. Until now, the ice conditions in the North have given us no reason to plan extensively for the defense of the land areas of the Far North. After all, there were no land targets of major importance in this area.

However, if the potential of the North Slope is tapped and if the necessary handling and storage facilities are constructed in this region, there would be many military targets of crucial significance.

Mr. Harrigan says:

The United States and Canada would be compelled to consider systems of protection for these facilities, resources and installations. It would be necessary to give naval protection to northern waters—protection now normally afforded commercial ships in the Atlantic, Pacific and Caribbean. The U.S. defense posture—for the first time in history—would have to become northern oriented.

Mr. Harrigan points out that we have been able to ignore the North, but that the Soviets, with their extensive experience in Siberia, have long had development programs for defense and development of the North. He goes on to cite the Soviet history in this regard. He notes that the Soviets will be challenging us on this sea route which will be of decisive importance for their own commercial interests. The northern sea route, says Mr. Harrigan, "lays the foundation for Soviet domination of the top of the world."

Mr. President, the article is of great concern to all of us who are interested not only in the defense of this Nation, but also in its development and progress. I ask unanimous consent that the article, entitled "Northern Defense Frontier," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTHERN DEFENSE FRONTIER

(By Anthony Harrigan)

Over the last quarter century US defense authorities have had to be concerned with many regions of the world, including the rice paddies and swamps of Southeast Asia, the jungles and grasslands of Africa, and the sandy wastes of the Middle East. Only the planners of the Nation's radar defenses have had to be extensively concerned with the Far North—the frozen frontier of North America. In the 1970's, however, the United States may have to revise its strategic concepts and plans and give serious consideration to security in the arctic region.

At long last, the Arctic is in the process of being opened to commercial development on a major scale. The giant icebreaker-tanker SS *Manhattan* pioneered—in late summer 1969—a transcontinental, deepwater, all-season tanker route to the Alaskan North Slope via the historic Northwest Passage.

For centuries, men dreamed of the Northwest Passage serving as a short sea route between the Atlantic and the Pacific Oceans. The first transit in a single season was not accomplished until 1944. In the 1950's, US nuclear submarines voyaged under the ice. Speculation was voiced as to the feasibility of submarine cargo carriers using the northern route. Only in 1969, however, did the Northwest Passage appear to be a practical route for surface vessels.

OIL DISCOVERED

Discovery of oil on Alaska's North Slope—a discovery which promises to make the United States the world's leading producer of petroleum—provided the incentive for equipping a supertanker for a daring voyage through ice that is sometimes 50-feet thick. Shipping interests now envision the possibility that a fleet of 30 or more icebreaking supertankers will operate on the northern route between the Alaskan oilfields and the east coast refineries.

If oil can be successfully transported by this route, it also is reasonable to conclude that bulk carriers will ply these sea lines in the future, transporting the vast stores of minerals that lie beneath the frozen soil of the Canadian Far North and Alaska. The arctic area is considered a treasure house of minerals—gold, iron, copper, zinc, lead, uranium, tungsten, and other base and precious metals. The only reason the Arctic has not been opened to development is the lack of transportation for materials in bulk. If ships can break through the ice, if transarctic navigation becomes a reality, the North America's last frontier will be opened to exploitation.

The opening of this frontier on the north will entail a reappraisal of the defense needs and position of North America. Throughout the cold war era, the danger to the United States and Canada has been on the eastern, western, and southern sea frontiers. While North Americans have had to be deeply concerned about Soviet missile attack over the North Pole, the region itself has not been regarded as a danger zone in terms of other weapons and threats. There has been no need to plan extensively for protection of the land areas of the Far North. The northern reaches of the continent have been lacking in targets of major importance.

RICH MILITARY TARGETS

If the mining potential of the Far North should be tapped, if harbor facilities and storage areas should be constructed, and if giant vessels regularly ply the Northwest Passage, then, the northern, region suddenly would become rich in military targets. The United States and Canada would be compelled to consider systems of protection for these facilities, resources, and installations. It would be necessary to give naval protection to northern waters—protection now normally afforded commercial ships in the Atlantic, Pacific, and Caribbean. The U.S. defense posture—for the first time in history—would have to become northern oriented.

The United States is not without experience in the Far North. U.S. troops have exercised in Alaska and units have been stationed in Greenland and northern Canada under special arrangements. U.S. Coast Guard icebreakers also have operated in arctic waters. The U.S. Department of Commerce operates weather stations in remote northern areas. And the United States has been vitally interested in the Canadian Operation Arctic Supply. This is a force of icebreakers, freighters, and landing craft that each summer calls at scores of arctic and subpolar ports to off load supplies needed by defense outposts in the nine-month freezeup which begins in October.

Nevertheless, United States and Canadian experience and interest in the Far North are minor compared to the total Soviet involvement in northern regions. The Far North has loomed large in Soviet plans since the beginning of Communist rule. While fighting was continuing in the Russian Far East in 1919, the new Soviet Government organized the "Northern Scientific Industrial Expedition."

In 1932, the Soviets established a special department to deal with northern development and transportation. It was given the name of Chief Administration of the Northern Sea Route. This department was directed to supervise all phases of Soviet arctic development, including construction of port facilities, provision of radio service, exploitation of trade opportunities, and Sovietization of native peoples.

It should be borne in mind that the area of arctic lands in the Soviet Union is over

2.2 million square miles, a far larger area than the arctic lands controlled by any other nation.

The Soviets moved ahead rapidly in the 1930's to develop the northern sea route as an alternate to the Trans-Siberian Railway as a means of supply and communication. While specially constructed ships and icebreakers must be used, the northern sea route is a major transportation artery for the USSR and is being used on an ever-growing basis. The Soviets have promised to open the northern sea route to international shipping, but like so many other Soviet promises, nothing has come of it.

The northern route offers immense advantages to the USSR in terms of distances. By way of Suez, the voyage from Leningrad to Shanghai was 11,700 miles and 8,600 miles when a ship used the northern route. Now, with Suez closed and Soviet vessels having to steam around Africa, the northern sea route has become just that much more important. Viewed overall, the northern sea route aids the economic development of the Soviet Far North, provides a vital supply line, schools Soviet seamen in the ways of the Arctic Ocean, and lays the foundation for Soviet domination of the top of the world.

More than a generation ago, Vilhjalmur Stefansson, the great arctic explorer, wrote a book in which he argued that the Far North was destined to take on tremendous significance in the years ahead.[1] His words have special meaning now as US oil companies develop oilfields on the Alaskan North Slope and strive to open the Arctic Ocean to navigation by tankers:

Tacitus was wrong when he said people would never by choice live as far north as France; the Moors of the Middle Ages were short-sighted when they under-valued the possibilities of Britain. We have not come to the northward limit of communal progress. There was a pause but no stop to the Westward course of empire until we came to the place where East is West. There is no northern boundary beyond which productive enterprise cannot go until North meets North on the opposite shores of the Arctic Ocean as East has met West on the Pacific.

NEW FRONTIER

Now, almost a half century later, the north is coming into its own as the last frontier on this continent. Three hundred miles north of Fairbanks, Alaska, on Prudhoe Bay, docks are being constructed, airstrips are being designed, surveys are being made for pipelines—in short, the infrastructure of a new frontier region is being created.

The US Department of Transportation reports that, on the North Slope, the oil deposits contain about 40 billion barrels of oil, adding that:

The Prudhoe Bay field is just one field out of about 20 equally rich geologic structures in the North Slope area alone. So rich is the region in petroleum that its impact upon the United States and world economy has yet to be fully assessed. Yet it seems certain that these oil discoveries could make the United States the world's leading petroleum producer with an output surpassing that of the oil-rich sheikdoms of the Persian Gulf.

The consequences of the economic exploitation of the Far North are likely to be enormous. For example, when northern oil starts reaching the market in 1972, it likely will free the United States and other North Atlantic Treaty Organization nations of heavy reliance on the oilfields of the Arab nations. Japan and northern European countries, which depend on oil from the Middle East, will not have to go so far for their oil supplies. In the case of the European nations, the current tanker route around the Cape of Good Hope is long and expensive.

CLARIFY STATUS

Both Japan and the NATO allies also are likely to become concerned about protection of new sealanes through the Arctic. If these countries come to depend on the movement of oil through northern waters, they will have to devote much attention to the security of the northern route and adjacent waters of the North Pacific and North Atlantic.

Some aspects of the northern route are unclear. Prime Minister Pierre Elliott Trudeau of Canada said in a statement to the House of Commons in August that, while Canada undisputably owned all the islands in the North American Archipelago, he was not sure about the status of the waters around and between them. Given the aggressiveness of the Soviet Union in deploying its naval forces and its zeal to dominate the Arctic, it will be important for the status of the waters between the Canadian Islands to be clarified. The Soviets have been obdurate and restrictive insofar as waters on their side of the North Pole are concerned.

Concepts of antisubmarine warfare and merchant vessel protection will have to be considered anew if the northern route is extensively used by U.S. tankers and bulk carriers. The bulk carriers might begin operations out of Baffin Island where the Mary River iron ore deposits are of sufficient quality to feed directly into steel furnaces.

NUCLEAR SUBMARINES

Viewed in military terms, the Arctic is preeminently the domain of the nuclear submarine. As early as 1961, a contributor to the *United States Naval Institute Proceedings* predicted that:

With their demonstrated interest in the Arctic commercially, scientifically and strategically, the Soviets can be expected to direct their nuclear submarines north and under the ice.

As the submarine is the only feasible antisubmarine weapon in the Arctic, the United States, in turn, may have to deploy a strong undersea flotilla in the Far North and create a new naval command geared to the operational problems of the region.

How much of a population will be located in the United States and Canadian northern regions a decade hence is a guess. Last August, *The Washington Post* speculated that:

Despite the tardiness of men in opening the Northwest Passage, we may see new settlements along that route and new operations in the frozen northern wastes long before there are any way stations on the moon.

D. A. W. Judd, former administrator of the Yukon, wrote that the future of the north "will depend on needs and motives to the south." He pointed out that the north:

Is an empty land not because it is inhospitable but because it has been the preserve of industrialized and advanced nations who have not needed the area either for lebensraum *or wealth. In bureaucratic jargon, it has been 'surplus to requirements.'*

Only time will reveal the precise pattern of northern development on this continent. The Soviet north supports 10 times the population of the United States and Canadian northern areas, but the democracies of North America cannot do things in the Soviet way. They cannot issue orders and have empty lands filled with settlers. A frontier area has to offer the persuasion of prosperity, whereas the Soviets have developed their northern lands by compulsion. At long last, however, the top of North America promises the wealth that attracts permanent settlement.

Suddenly, there is a quickening of interest in the Far North. This interest necessarily extends to strategic factors involving the northern regions and to questions concerning defense of land, air, and sea along a frozen frontier. Military professionals, as much as specialists in transportation and industry, will be faced with new challenges and demands as a result of northern development.

[1] Vilhjalmur Stefansson, *The Northward Course of Empire*, Harcourt, Brace & Co., N.Y., 1922.

POLITICAL PERSPECTIVE: YOUTH AND POLITICS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHWENGEL. Mr. Speaker, the discontent of young people in America with the political process has been documented, disseminated, analyzed, and criticized. The League of Women Voters has found that youth speaks in many voices. In "Political Perspective: Youth and Politics," six young people give their views on what is wrong—and what is right—about the "system," and some of them offer suggestions on how to go about achieving political results.

A transcription of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: YOUTH AND POLITICS

Participants in the order they are heard:

Torrey Baker, former broadcaster, Voice of America.

Jack Jordan, Republican Committee of Pennsylvania.

Rick Margolies, Institute for Policy Studies.

Tony Gittens, Howard University Graduate.

Clarence Mitchell, Maryland State Senator.

Sam Brown, Harvard graduate student and campaign worker.

George Gallup, Jr., President, Institute of Public opinion.

BAKER. The League of Women Voters brings you political Perspective: Youth and Politics. This is Torrey Baker speaking to you from Washington.

There are 24 million young people in the United States between the ages of 21 and 29. How do they feel about politics and voting? About the political process? What attracts them and what turns them away? What turns them on and what turns them off? Obviously there is no one answer; youth speaks in many voices:

Jack Jordan of the Republican Committee of Pennsylvania—

JORDAN. . . . in Pennsylvania a youth plays an important role in not only the party organization . . . young people have been integrated into the party on a year around basis.

BAKER. Rick Margolies of the Institute for Policy Studies—

MARGOLIES. I think that those people who still look to the traditional political process which was established before the industrial revolution if they think that that political process speaks to the poor, to the young, I would say they are being unrealistic.

BAKER. Tony Gittens, Howard University graduate.

GITTENS. The only thing this country understand is power which experience has shown to black people any way that is not merely through the vote and that is not because they don't want to take part but because the system has shown itself to be sterile. The system has shown itself not to be in the best interests of black people. I know myself I shouldn't bother to register to vote.

BAKER. Clarence Mitchell III, a state Senator in Maryland, still in his 20s—

MITCHELL. There are many, many young people in this country who *do* believe there is an opportunity available to them in the system and are willing to work within the system to bring about the kinds of changes that we feel ought to come.

BAKER. Sam Brown. Harvard graduate student and campaign worker—

BROWN. Students who come into the political process come there largely out of commitment on issues though they do not come out of commitment to party.

BAKER. The political independence of youth was pointed out by George Gallup, Jr. at a meeting sponsored by the American Heritage Foundation.

GALLUP. This group . . . the nation's youngest adults, those who are between the ages 21 and 29, clearly represent crucial battle grounds for both major parties, not only because they account for one-fifth of the total electorate, but because a large proportion of them are presently uncommitted to either party . . . 40% are independents, 22% say they are Republicans and 38% say they are Democrats.

BAKER. Sam Brown does not feel that commitment to party is important.

BROWN. The questions are not ones of party affiliation and I think polls and discussion of which party and whether party are ones that are largely irrelevant to where the youth are going today and more particularly students are going today. In short I think students today are far more concerned about the *issues* at hand than they are concerned about the particular candidate who becomes the personification of those issues.

BAKER. And those issues are? Tony Gittens?

GITTENS. Well, naturally being black the racial problem in this country—white oppression of black people in this country and across the world, around the world—that is the thing that I think about most. That, as far as I am concerned, is the biggest problem to me and my people and that is the problem I try to resolve. I use most of my energies to try to deal with that.

BAKER. Sam Brown?

BROWN. I think more intensely than any single group in the population today students, both undergraduates and graduate students, feel the pressure of the war, are engaged in a community life really which I think has been more hostile to and more critical of the war than any other segment of the population. As it happened I dropped out of Harvard when I went to work and the latest survey of students at Harvard showed 97% opposed to the war. In short, I came from an environment in which the question of the war particularly was felt very deeply. It was one which really drove many of us to become involved in politics because we began to see it as the only way of having any substantial effect on the political process.

BAKER. In the Gallup poll on college attitudes there was of course a question on the draft. Mr. Gallup reports the results——

GALLUP. College youth by an overwhelming margin—77% to 20%—think graduate students should be draft deferred but a few say they would break the law or leave the country if they were to receive a call.

BAKER. Mr. Gallup makes another point about young attitudes, especially on the college campuses.

GALLUP. The student revolt in America appears directed against traditionalism and complacency or as what is known as the "establishment."

BAKER. Some students revolt against the "establishment" on the campus as a step toward inroads on the political establishment. Tony Gittens?

GITTENS. While I was at Howard University I was chairman of something called Ujamaa—that's Swahili for Unity. It was a black student nationalist organization and we tried to revolutionize Howard and to try to make it move away from its bourgeois aura to one of blackness and we tried to make the university what we call the black university, instituting courses in black history, producing—establishing a black institute and becoming the center for Afro-American studies and I think through those efforts—the efforts of the organization—we have accomplished something. Howard University is looked upon as *the* leading Negro higher education institution. We felt that if Howard University changed possibly a lot of other Negro institutions would change and therefore the thinking of a lot of black people would change so I think that at least that's one way that I'm trying to do *my* part.

BAKER. Rick Margolies thinks that decentralization and personal commitment may be the answers.

MARGOLIES. And I think that young people are beginning to deal with some of the realities of forging out a new type of life that doesn't conceive of itself only in terms of political systems but in fact begins to look toward a synthesis between an individual's life philosophy *and* some sort of political activism.

Some of the essential realities of contemporary existence are being dealt with more by young people than by people who continue to talk in the rhetoric of a national democratic system with two parties for a country of 200 million people. I think young people are looking toward the eventuality of a decentralization so that people can again begin to cope with their environment.

People on the street, whether it's in the ghetto or in the suburb or in the city environment, can't cope with their environment. The channels for reaching power, for reaching institutions so they can make changes which are agreeable to them—the channels are too extended; they are too drawn out.

So young people are beginning to grapple with the question of decentralization and what does that mean? We are beginning to express ourselves in direct action because we think that the vote doesn't speak to the types of changes that are necessary.

BAKER. On the other hand young Senator Mitchell has a different point of view. He seems to feel that the more conventional political methods can work.

MITCHELL. I was jailed a number of times back in 1960 for picketing, for demonstrating, but then I discovered that the most meaningful way of becoming involved was to start "sitting in" in the State Legislatures as members and helping to make the policy rather than standing on the outside and yelling and not being in a position to actually bring about the kind of change that we sought.

In my own campaign when I was 22 and there were a lot of people in our community who said I couldn't get elected, but we believed in the involvement of young people and not just in the high school or junior high school age level. We even had elementary school kids involved.

BAKER. Mr. Gallup makes another point about young attitudes.

GALLUP. Less than half of the 21 to 29 year olds, 48%, are presently registered to vote in the precinct or election district in which they live, compared to 74% for persons 30 to 49 years old and 84% for persons 50 or older. Related to this voter turnout among young adults has consistently been lower than among older age groups, as I'm sure you know. In the 1964 presidential election, for example, 53% of young adults cast a vote, but 65% of persons over 30 did so.

BAKER. Jack Jordan points out the need for an active recruitment campaign in the political parties.

JORDAN. We encourage young people to run for public office and play an active role in the election of others at all levels, most particularly at the local level. And it has been shown possible and has been proven that young people can achieve a high position rapidly because the criteria is an ability and desire, not age.

In Pennsylvania the Republican organization has four youth groups starting with the STARS, the Sub-Teen Age Republicans; the YR's, the Young Republicans; the TARs, the Teen-Age Republicans, and the College Council, starting at the age of nine and going up through 37 with the four groups.

Youth in Pennsylvania is encouraged especially through the training received in the YR's to run for office at the local level in particular and we stress the fact that youth is wanted in the Republican organizational structure. As a matter of fact the 30-man Executive Committee of the Republican Party of Pennsylvania, which makes all the decisions for the party, have three members from the youth groups.

It is mandatory to integrate youth into the political organization, mandatory because without youth the organization soon will wither and die and there's a lot more in politics for the young people than just the glamour of a presidential election and getting our young people interested in politics and getting them interested in government is synonymous. This cannot and will not happen unless the senior party organizations encourage real leadership possibilities and potential at the same time granting autonomy and recognition to youth. Senior party leadership must work *with* youth and not work over them.

BAKER. Speaking for youth that doesn't wish to be integrated into the political system as now constituted, Rick Margolies says—

MARGOLIES. Until we began to provide and win back people's interest in the question of social concern then we'll never get any adequate solutions at a larger level.

That's what I think the new politics is beginning to speak to. It begins to say we must build a base which is democratic—which has people in their area where the issues are related to their life. But there also comes into formation a new type of national politics which is sympathetic to the question of decentralization. There has to be a national politics which walks hand in hand with the local politics which says we help you in every way.

BAKER. And Tony Gittens comments on voting—

GITTENS. It has done very little good in the past so we can only assume that it's going to do very little good in the future. Things like the Presidential elections—well, it's almost a waste of time for black people to expend much of their energy trying to influence that one way or another. They have very little to say or control on what goes on in this country. Perhaps on the local level they will have some say.

BAKER. And Sam Brown—

BROWN. The political process must remain open.

BAKER. And Senator Mitchell sums up his feeling on the matter—

MITCHELL. I started off at 14 campaigning for an opportunity to get our first Negro state Senator in Maryland and I really was out there knocking on doors and campaigning and the system did respond and we elected our first state senator and through this we began to recognize that ours is in fact "a government of the people, by the people, and for the people," but it is "of the people and by the people and for the people" that participate in it and if you don't participate then you can't expect it to be responsive to you.

BAKER. Youth may not speak with one voice but it's obvious that young people are speaking up and they are being heard and they are becoming involved in politics.

Our thanks to George Gallup, Jr., Jack Jordan, Rick Margolies, Sam Brown, Tony Gittens, and Clarence Mitchell, III.

This is Torrey Baker speaking to you for the League of Women Voters bringing you Political Perspective: Youth and Politics.

OUR VOCAL VEEP

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. DOLE. Mr. President, some editors in this country sidestep dealing with controversial subjects. Others approach them with considerable apprehension and empty rhetoric.

One editor, George W. Cooper, in Woodstock, Va., did not mince any words or duck the issue, in an editorial published in the Shenandoah Herald of November 20.

Cooper, in an editorial entitled "Our Local Veep," approves highly of the job the Vice President is doing, particularly his recent speech on network television.

I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD. as follows:

OUR VOCAL VEEP

We recall how the liberals laughed when Spiro Agnew sat down to play at being Vice President.

"Spiro who?" they inquired.

They gave him all the scorn reserved for a member of an ethnic group who doesn't hew to the left-wing Democratic line. He was high comedy.

Now they know how to spell his name, and they aren't laughing. This son of a Greek fruit peddler has suddenly become a spokesman for many of the frustrations of the so-called Silent Majority.

First he said he didn't think dirty, impudent youngsters should be allowed to wave enemy flags and dictate our foreign policy. The liberal press waited for lightning to strike, but the White House just kept saying he was doing a fine job.

Then Agnew landed with both feet on another sacred cow. He complained about the way that a handful of network TV commentators select and slant the news that goes into millions of American homes every day.

In our opinion, Agnew was justified in his criticism and it does not constitute an attack on basic freedom of the press.

Too many television newsmen have followed in the pattern of the late Edward R. Murrow, who started this bit of the anguished expression and upraised eyebrow to turn a simple sentence into an indictment. They get the idea that being faced with a camera makes them a source of instant wisdom.

Many of these self-annointed TV geniuses grew up with the New Deal in Washington and became a part of it. Some have been moved to the point of tears when an election wasn't going to the left.

People have known this for a long time. They weren't surprised when most TV networks, in the name of "analysis," were critical of President Nixon's Nov. 2 speech to the nation. Or that peace marchers and radicals often tend to be glorified.

But Agnew came out and said it, and the flood of phone calls and telegrams showed he was on the same wavelength with a lot of Americans.

We'll go a step further. If you don't like the TV political prejudice that's being fed you—and your children—don't write the networks or the White House.

Write the sponsor. He's the one who's paying for slanted news. If that's the way he wants it, stop buying the product.

Meanwhile we wish good hunting to Spiro Agnew, spokesman for the silent.

We hope to hear from him soon on such subjects as Democratic Congresses that don't legislate, vending machines that steal your money and those football officials who keep robbing the Washington Redskins.

THE VALUE OF LIBERTY

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. PETTIS. Mr. Speaker, Gen. John D. Ryan, Chief of Staff of the Air Force, has written a perceptive and persuasive article in the November 1969 issue of Airman magazine about the Nation's need for maintaining an effective nuclear deterrent. I believe that many of our colleagues will be extremely interested in General Ryan's remarks, and for that reason I insert the text of the article in the RECORD at this point:

THE VALUE OF LIBERTY

Maintaining an effective nuclear deterrent today demands much time, money, materiel, and many people. These are the very national resources urgently needed in many other fields of endeavor. So it may seem aggravating to some to see our expensive deterrent forces poised year after year for an attack which their very existence is intended to prevent.

The fact is, however, that to prevent war, the nation must stay prepared for war. To eliminate or reduce our deterrent forces to a point below which they no longer deter would encourage war—provided that a threat actually exists.

Is there a threat? Well, a threat must be *presumed* if a *capability to attack* exists, even if the intentions of those who have the capability seem to be benevolent and peaceful. This reasoning is axiomatic in the art and science of war, whether the conflict is cold or hot. No rational nation can base its state of preparedness exclusively on what it believes to be the *intent* of its potential enemies. Our defense posture must derive essentially from the *capabilities* of potential aggressors.

A capability for another major power to launch a nuclear attack against the United States has existed for two decades. It exists now, and I believe will exist for some time to come. These are the cold facts of the nuclear age. The Soviet Union has more land-based ICBM launchers in place or under construction than does the United States. They also have a formidable force of long-range strategic bombers. Regardless of the Soviets' ultimate intentions, their overall strategic nuclear capability must be considered to pose a threat to the Free World. Consequently, every possible effort must be made to deter the Soviet Union from using this force for aggressive purposes.

Providing the Air Force portion of the overall US nuclear deterrence is the mission of the Strategic Air Command. For the people of SAC, it is a never-ending job. They must stand watch around the clock. As this issue of AIRMAN portrays, they must respond immediately should deterrence fail and the command be ordered into action by national authority. Their job is tedious, repetitious and sometimes dangerous. They would be less than human if they did not occasionally ask themselves, "Is it all worthwhile? Is it worth the price we and the nation must pay?"

The lessons of history are clear. They tell us that weakness in the face of strength possessed by potential conquerors is an open invitation to disaster. Is strength worth its price? The British author Oscar Wilde has said that a cynic is a man who knows the price of everything and the value of nothing. In America today, a growing number of responsible people are taking long, hard looks at the costs of national defense. They are asking, "Is it worth the price?" It is a valid question. But the correct answer must necessarily lie somewhere within the answer to another question. "What is the value of liberty?"

TEMPORARY TAX

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Temporary Tax?" published in the Northern Virginia Daily of November 18, 1969. Mr. J. J. Crawford is editor and Mr. E. E. Keister publisher.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TEMPORARY TAX?

When is a temporary tax not a temporary tax? This is the question posed by Senator Harry F. Byrd Jr.'s new amendment to the pending Tax Reform Bill.

The amendment, known as H.R. 13270, would end the surcharge on income taxes as of the first of next year. The Virginia legislator said, quite logically, that a tax is no longer temporary when it has already been extended once.

In arguing for his amendment on the Senate floor, Sen. Byrd told the lawmakers:

"I give full credence to the President's good intentions in his pledge that the tax will be allowed to die as of July 1, 1970, but I fear that the temptation to extend it beyond that date will be very strong—just as was the temptation to extend it beyond its previous termination date of June 30, 1969.

"Each extension of a tax makes the next extension easier.

"Sooner or later—and I suspect the time is at hand—the government begins to regard the temporary tax increase as a permanent part of the tax structure.

"I think that this must be avoided. I think that the government must keep faith with the people."

Sen. Byrd takes the position that the best way to combat inflation is to cut government spending—not by increasing taxes. He contends that there is a lot of fat which can be trimmed from the budget without touching the muscle.

This is doubtless true. There is a lot of fat which could be trimmed from foreign aid, and there are many domestic areas such as anti-poverty, in which waste and inefficiency are rampant. Even the military budget could probably be cut, beyond the $2 billion reduction already made, without seriously interfering with our war effort or defense posture.

Sen. Byrd's position on the surtax is sound. It should not be extended on the pretext of being anti-inflationary.

The Administration has made a number of effective moves to stem inflation. These are beginning to show results, even to the point that some economists are saying the Administration has gone far enough for the present in cooling things off.

Naturally, the government hates to surrender a source of taxation which during the 6 months' extension to July 1, 1970, at the 5 percent proposed by President Nixon, will yield approximately $1.7 billion.

But, this is precisely the point. The longer a temporary tax stays on the books, the less temporary it becomes and the easier it becomes to regard it as permanent.

PINKVILLE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHEUER. Mr. Speaker, officers and troops of the United States of America killing old men and women, children, little babies.

I read the "Pinkville" story with a profound sense of shock and horror. It could not help but bring to mind the atrocities of Nazi Germany, the Russian massacres in Katyn Forest, and all the other atrocity stories in the long history of man's inhumanity to man.

Perhaps this is just an isolated incident; perhaps our Government will see that the perpetrators of this deed that tarnishes all Americans are properly punished; perhaps the men involved were unique—perhaps.

But the thought lingers that the nature of the war in Vietnam—the war no Congress ever proclaimed—is striking at the very moral fiber of our country.

In this century we have been involved in two great world wars involving millions of Americans; and we fought in Korea. Undoubtedly, there were, in these wars, as in any war, individual sadistic acts by men who happened to be wearing American uniforms. No nation, no race is or can be free of such individuals. But never in this century have we seen anything of a comparable nature and scope by men in the uniform of the United States of America.

Why in South Vietnam and not in Okinawa, France, South Korea, North Africa, or Germany?

Perhaps because this war, this undeclared war, is different. For the first time we are fighting in a country on the side of a corrupt regime which clearly lacks the support of its own people.

Our soldiers do not fight only a well defined, uniformed group of soldiers. Every hamlet and village, every field, every street may contain enemies in civilian clothes, a situation which obviously contains the explosive potential of triggering the brutal reaction against the civilian population we are now seeing unfold.

Mr. Speaker, this war is brutalizing our young men in the armed services; this war is creating increasing bitterness and alienation among the youth on our college campuses; this war is devouring the resources which should be channeled to alleviate the tensions in our cities and prevent the poisoning of the very air we breathe, the water we drink, the land we till.

Mr. Speaker, only two groups will benefit from this war: the extremists of the right who will feed on the divisiveness of this unpopular war and the Communists and other extremists of the left who are using it to radicalize our youth, and to limit our power to deal with the problems of the rest of the world.

Mr. Speaker, this terrible incident emphasizes the need for us to take immediate steps promptly to remove our military presence from Vietnam.

SERVICES TO THE BLIND

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. DOLE. Mr. President, in 1829 Louis Braille invented the alphabet that bears his name, and thousands were enabled to gather meaning from the writings of others.

In 1878, Thomas A. Edison invented the phonograph, making it possible for millions to enjoy the voices of performers whom they could never see in person.

In 1904, Congress passed legislation creating a limited, free service for the blind, utilizing the braille alphabet. During the years that followed, additional legislation established a central, free library service for the blind.

In 1966, Congress extended this service to all persons unable to read conventional printed matter because of any physical limitation. In addition to books printed in braille, this service developed what is known as "talking books," utilizing a record player and records.

OPENING NEW DOORS

Today over 165,000 Americans, including about 1600 Kansans who are unable to see, hold a book, or turn the pages of a book, are participating in this unique program, opening many new doors of education and enjoyment for themselves.

Because of the efforts of both professionals and volunteers, best sellers, classics, vocational guides, and current news and special interest magazines are transcribed into braille and onto records and tapes. About 3,200,000 different pieces of material are available in the program. From June 1968 to June 1969, there were 5,729,000 requests for the material. In fiscal year 1968–69, 624 new titles were recorded as talking books and 314 were added in press braille. On tape, 461 were added.

All material is geared to all age groups and a wide variety of personal interests and is distributed on a loan basis, free of charge.

Participation in the program also includes biennial book catalogs and bimonthly book reviews in written text, braille, or on record, free of charge. Talking book machines also are loaned without charge.

OTHER BENEFITS

The borrowing period for braille or recorded material is usually 1 month. The material is received and returned in a sturdy container provided free of charge and sent through the mails with no postage. The "talking book" machine may be retained as long as participation in the program continues.

TO QUALIFY

To qualify, an individual must secure a brief statement describing the physical disability and verification that he cannot use conventionally printed materials from a doctor, optometrist, registered nurse, physical therapist, professional staff member of a hospital or institution or, in the absence of any of these, a professional librarian.

The statement is then sent to one of 43 regional libraries for the blind and physically handicapped. The library for Kansas is the Wolfner Memorial Library for the Blind and Physically Handicapped, 3844 Oliver Street, St. Louis, Mo. 63108.

Addresses of regional libraries for other States may be secured by contacting Division for the Blind and Physically Handicapped, Library of Congress, Washington, D.C. 20542.

Library service begins about 2 weeks after the regional library receives certification of disability.

RESPONSIBILITY, APPLAUSE

Mr. President, in addition to Library of Congress Division Chief Robert Bray, his very fine staff in the Division for the Blind and Physically Handicapped bear the responsibility and deserve the applause for this program.

In addition, however, there are thousands of unsung heroes—volunteers, professionals and private organizations and State agencies—who are also devoting endless energy and talent to make this program a success.

The national organizations include: American Association of Homes for the Aging, American Nursing Home Association, Arthritis Foundation, National Multiple Sclerosis Society, National Easter Seal Society for Crippled Children and Adults, paralyzed veterans, United Cerebral Palsy Associations, Inc., American Foundation for the Blind, American Printing House for the Blind, Howe Press of the Perkins School for the Blind, Recording for the Blind and Telephone Pioneers of America.

Joining hundreds of volunteers throughout the country in transcribing books into braille and serving as proofreaders are 42 Kansas people. They are:

Hutchinson: Mrs. Donald Gibbs, Mrs. Betty J. Carman.

Wichita: Miss Shirley Smith, Mrs. Anne Buhl, Mrs. Dorothy Anderson, Mrs. Hazel Cravens, Mrs. C. I. Stein, Mrs. Dorothy Dinwiddie, Mrs. Von Eulbert, Mrs. Emma Graham, Mrs. Jean Hedges, Mrs. Dorothy Jocelyn, Mrs. Janice Kellerman, Mrs. Margueritte Lee, Mrs. Norma Lobaugh, Carlton B. Martin, Mrs. Grace Martin, Miss Mary Jane Sauzek, Thelma E. Showman, Mrs. Octavia Trueheart.

Derby: Mrs. Dottie Devine.

Caney: Mrs. Eva M. Walker.

Dodge City: Zola Thomas, Walter A. Thomas.

El Dorado: Mrs. Florence K. Leonard.

Haven: Mrs. Marvel Kollman.

Iola: Mrs. Joy Lingle.

Kiowa: Mrs. Hazel Johnson.

Lansing: C. S. Anderson.

Lawrence: Mrs. Hilda Holmes.

Leavenworth: Miss Veta Miller.

Medicine Lodge: Mrs. Fannie Stevens.
Nashville: Mrs. Bonnie Randolph.
Parsons: Mrs. Clifford Jones.
Prairie Village: Annemarie Goldfarb, Mrs. Betty Keating, Mrs. Leah Sheiffer, Mrs. Dolores Ufford, James Wees.
Sedgwick: Mrs. Connie Nordstedt.
Shawnee Mission: Mrs. Margaret L. Twin.
Pretty Prairie: Mrs. Lois Smelser.
Valley Center: Mrs. Jennie Byerly.

THE VIETNAM CONFLICT SHOULD NOT BE A PARTISAN ISSUE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. DUNCAN. Mr. Speaker, the conflict in Vietnam should not be a partisan issue, and this sentiment has been voiced by thousands of people, including Senate Majority Leader MIKE MANSFIELD. I would like to put into the RECORD an editorial from the October 8, Nashville, Tenn, Banner which I recommend to my colleagues:

NIXON HAD NO PART IN CREATING SORRY MESS IN VIETNAM

Democratic Senators, et al., tuning up with their national chairman for louder blasts at President Nixon's Vietnam policy, would have done well to have heeded instead the sage counsel of Majority Leader Mike Mansfield. By more than inference it was advice—inseparable from the opinion he expressed:

"I think the President is doing everything he can, according to the best advice he can get, to get out of Vietnam. It is not a partisan issue. It is something we must all try to work toward a solution of, and I am hopeful it can be accomplished in the not too distant future."

If such party colleagues as National Chairman Fred Harris, Sen. Edward M. Kennedy (Senate Whip), J. William Fulbright, et al., heard it, they gave no sign. By Harris' signal-calling, October is the big month for a frontal policy assault—with no holds barred. Characteristically they were talking when they should have been listening; and when they could have been examining for previous party shoals the cross-currents on which they were blithely embarking.

Republican Chairman Rogers C. B. Morton wound up and let them have it Tuesday squarely between the eyes. He recalled some facts about when, how, and by whom, the United States got involved militarily in that war. The quotes suffice, as a matter of record, with which the nation is acquainted:

"Democratic administrations committed over a half million U.S. troops to a war in Vietnam.

"It was Ted Kennedy who supported President Kennedy's escalation in Vietnam, and Fred Harris who supported Hubert Humphrey on Vietnam, and Hubert Humphrey who supported President Johnson's proposals.

"It is President Nixon who has ordered 60,000 troops out of Vietnam, and who has cut draft calls by 50,000."

Raucous voices in the Harris-Fulbright-Kennedy corner won't be restrained by any appeal to reason or statesmanship issued by the Senate Majority Leader, though Senator Mansfield could wish his party Whip would grow to a stature of judgment and maturity suited to that office. In the interest of a nation confronting a matter that transcends partisanship, he devoutly could wish that.

He counselled wisely, but has been ignored by these colleagues.

In the eyes of a nation that knows the score—and the record cited—hardly can they ignore the fact that they have been hit by their own boomerang of political mischief.

How did the United States get into that war?

In his "Editor's Notebook" column on Sept. 28, John S. Knight, head of the Knight Newspapers, published the significant background of that involvement:

"Some readers have questioned my statement that the late Ngo Dinh Diem, first president of South Vietnam, was 'largely an American creation, promoted by the late Francis Cardinal Spellman and financed by the Hon. Joseph P. Kennedy.'

"Former Sen. Wayne Morse of Oregon explains that 'it was Cardinal Spellman who arranged for a public relations firm to build up Diem as the Catholic puppet of South Vietnam, and that Diem's brother, the Catholic bishop of Saigon, beat a path to Spellman's door to promote the war'.

"Drew Pearson reported that Cardinal Spellman enlisted the support of Joseph P. Kennedy, a heavy contributor to Spellman's charities, to hire the Harold Dram public relations firm, at a fee of $3,000 a month, to represent Diem as 'the man who could save Vietnam.' The Cardinal helped organize 'the American friends of Vietnam' to promote Diem and American aid.

"Ironically, when Ngo Dinh Diem proved to be a liability to the Kennedy administration, he was assassinated in 1963 and without protest from the U.S. government.

"The unpopular Ngo Dinh Diem, noted for high-handed edicts enforced by corrupt subordinates, was once described by Lyndon Johnson as 'the Winston Churchill of Southeast Asia.' "

Subsequent to such a start of this thing, the late President John F. Kennedy committed the first 16,000 U.S. troops. And it might incidentally be recalled that it was then-Defense Secretary Robert Strange McNamara and his successor, Clark M. Clifford, who, over so many years, conducted the war in a manner that denied to the military any victory which is the one essential of combat.

This is the sorry story of U.S. involvement in that stinking mess, for none of which can Richard Nixon or his administration bear the slightest blame.

THE FOREIGN AID BILL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "The Foreign Aid Bill," published in the Daily Progress, Charlottesville, Va., on November 19, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FOREIGN AID BILL

A report from the chairman of the House Foreign Operations Subcommittee on Appropriations gives rise to some further doubts about the level of foreign aid being provided by the United States to much of the rest of the world.

A main question raised is how far this nation should go in continuing to share its resources with the world when the U.S. public debt now stands at $57,081,000,000 more than the combined public debt of all the other nations.

The subcommittee chairman also reported that new budget requests made in the first six months of this calendar year totalled more than $10 billion for foreign assistance in the form of loans, grants and credits; that there were unexpended balances from prior years of more than $18 billion; that if the new requests should be approved, the total funds available would be more than $29 billion and that the net cost of the foreign aid program to this country since World War II is more than $182 billion.

This is an imposing list of reasons why Congress should go slow before it votes any more foreign aid authorizations and certainly before it grants all the requests for funds that have been made.

It is difficult also to understand why additional funds are being sought at a time when so much money is still in the pipeline—the $18 billion in unexpended balances from previous years. It would seem that much money could keep the foreign aid program going quite satisfactorily for several years at least.

Americans will not begrudge much of the $182 billion they have provided to help other nations of the world in the past 25 years. At the conclusion of World War II many war-torn countries were prostrate; some no doubt could not have survived without the American aid that was cheerfully sent to them by the taxpayers of this country.

But most of these countries are back on their feet now and an unfortunately large number of them with little memory of what the American people did for them in their hour of pressing need.

And desirable as it may be to help the under developed nations of the world to raise their living standards, the United States, rich as it is, simply does not have all that money. There is a bottom to the barrel, even in this wealthiest of all nations.

The dreary balance of payments situation faced by this country and the domestic inflation which seems to be increasing as far as the housewife is concerned are due as much concern and action as is the welfare of other nations in the world.

A step in the right direction would be the defeat, or at least a drastic reduction in funds called for in the foreign aid bill which the House Foreign Affairs Committee has reported out and which may be voted upon next week.

JOSEPH P. KENNEDY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KEITH. Mr. Speaker, as the Congressman representing Cape Cod, I would like to take this opportunity to express the sorrow and condolences of myself and my constituents at the death of our distinguished neighbor, a great American, Joseph P. Kennedy.

In his own right, Joseph P. Kennedy fully deserves the eulogies that his memory is receiving from business and government leaders across the country. As Ambassador to Great Britain, as first chairman of the Securities and Exchange Commission, and as an innovative member of the U.S. Maritime Commission during one of the crucial points in our history, Joseph P. Kennedy made an indelible mark on the direction of this Nation.

But, beyond his own noteworthy achievements, Joe Kennedy will be remembered as the father of perhaps the foremost family in 20th-century American politics. He gave the Nation a President, an Attorney General, and three Senators, all who demonstrated a style, character, and charisma unparalleled in American history.

Through his own life and through those of his sons, Joe Kennedy demonstrated the full potential of the American dream. He was tough, and ambitious, sentimental, sometimes reactionary, and sometimes wrong. He was always controversial, and he was astonishingly successful. Only in America could a man of his background reach the heights that Joe Kennedy did. America gave Joe Kennedy great opportunity; he took it, and repaid it in full measure.

My own constituency felt the impact of this remarkable man even more than the rest of the country. He spent his early years as assistant manager of the Bethlehem Shipyard, in Quincy; he spent most of his retirement years as a resident of Hyannisport, where he presided over the most accomplished family in the Nation, and made the "Kennedy compound" an internationally known landmark.

We felt his presence in other ways also, through his generousity and philanthropy. The Boys Clubs in New Bedford and Fall River, the Cape Cod Hospital, the Kennedy rink in Hyannis—these and other worthy causes all have been helped by Joe Kennedy, and the memory of his generosity will linger there for years to come.

I recall one particular incident that epitomizes, in a way, the kind of man Joe Kennedy was. Some years ago, the Cape Cod Hospital reached the end of a fundraising campaign, short of their $1 million goal by $15,000. When Joe Kennedy heard of this, he wrote a check for that amount and sent in to the fundraising headquarters in the hands of his son—now Senator—TED KENNEDY.

That was Joe Kennedy. He was a distinguished public servant, a remarkable successful businessman, and a generous philanthropist. Few men have had a more accomplished lifetime, and few men have made a more lasting imprint on the fate of their nation.

So on behalf of myself, and the many constituents who admired the man and his work, let me extend our heartfelt and sincere sympathies to his gracious widow Rose, and to the rest of his family.

KEEPING FAITH WITH THE YOUNG

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. MEEDS. Mr. Speaker, with the Nation finally galvanized for a fight to clean up our environment and conserve our great out-of-doors, it is time we turn from talk to action. Mr. Michael Frome, conservation editor of Field and Stream magazine and nationally known figure in outdoor recreation, youth conservation and environment, recently spoke in graphic terms about the problems of our outdoors.

He also focused on Youth Conservation Corps legislation presently before this Congress as an "important proposal," as a "chance for our generation to keep faith with the young" and as an aid in conserving the heritage of our public lands and forests.

So that the Members of Congress can benefit from Mr. Frome's remarks, I insert them at this point in the RECORD:

ADDRESS OF MICHAEL FROME, CONSERVATION EDITOR, FIELD AND STREAM, AT THE ANNUAL CONVENTION OF THE NATIONAL CAMPGROUND OWNERS ASSOCIATION, ST. LOUIS, MO., OCTOBER 31, 1969

Fellow campers, fellow conservationists, anyone who protects open space and provides the American people with a healthful and inspirational experience in the outdoors I consider a partner in conservation. This is why I have come here. Most private campground owners I have met impress me as being lovers of nature and of people. They expect to make a living and deserve to, yet they seem to find service more satisfying than profit. I hope this may always be the case.

Your president, Tom Jones, asked me to implant the "seeds of purpose." The sum and substance of my message in fulfillment of his request are simple: The future growth of the private campground industry depends on sustaining or restoring a healthy, wholesome national environment, with clean air and clear water, upon protecting, expanding and enhancing recreation lands both public and private, ranging from wilderness to resorts. At the same time, the campground industry can contribute to the national environment by cultivating a sense of respect for it among campers and by joining with us in the conservation movement.

I don't have to tell you the world today is in one big, filthy mess. When I left Washington yesterday I looked down from the airplane window: our beloved national capital was enveloped in a blanket of smoke. It was nothing new, different or extraordinary. It was not smog that comes and goes with the wind—it was smoke, chronic and permanent. Coming into this great city in the heart of America, the smoke was even worse. Recently an airline pilot—a man who flies the largest type of aircraft in service today—came to see me. He said that a mass of smoke more than 30,000 feet thick hangs over the country from the Atlantic Seaboard to the Mississippi River and even much of the West. He told me that air pollution—by whatever name it may be called—is an increasing threat to flight safety because the vision of the pilots is seriously obscured.

Experts say the earth is smothering with the stuff man is throwing away, and soon there may be no more "away" to throw it to. This came home to me forcefully last week when I received a copy of a recent speech by the Deputy Minister of Tourism in Ontario, Mr. A. S. Bray. One thinks of Canada as a large and unspoiled frontier. Yet he voiced expressions of desperate concern.

America the Beautiful, he said, can all too often be described as America the Contaminated, and anxiety about the quality of life has become a rising political issue. In the summer of 1969, Canadian families beginning their vacations at the lake, river or shore, where they used to swim without a second thought, often took along a new piece of equipment: a laboratory bottle and instructions on how to collect water samples. Just about everyone now knows about coliform counts. On New Brunswick's St. John River, the government Fisheries Department opened a three-and-a-half million dollar salmon hatchery last summer, only to find that at least 5000 smolt died within a few months because of polluted river water.

The same crises extend to every society around the globe, where over-expanding industrialization has created excessive waste that is poisoning plants, wildlife and man himself. Almost every week brings new warnings of impending ecological upsets—of certain birds becoming extinct, hauls of inedible fish, mysterious animal sicknesses.

Clearly, we must tackle without delay pollution caused by DDT and other pesticides, by radioactive waste, chemical fertilizers and hot water from nuclear power reactors; we must act to reduce the shattering cacophony of modern noises that grate on the nerves and even damage living organisms; we must face and resolve the challenge of festering cityscapes and blighted roadsides; we must examine the pollution of visual ugliness.

"Modern man," said Thor Heyerdahl, the great Norweigian explorer and scientist, "seems to believe he can get everything he needs from the corner drug store. He doesn't understand that everything has a source in the land or sea, and that he must respect those sources. If the indiscriminate pollution continues, we will be sawing off the branch we are sitting on."

I agree and for this reason believe in camping and in promoting it—not necessarily more camping in terms of quantity, but more in terms of quality, more *better* camping. Adventures in the outdoors are essential to appreciating the mechanism of the land. The further we move from the natural ways of our ancestors and the further we move into urbanized insulation, the more do people lose touch with their origins. A society that relies on sewers to carry away its offal, living in cities recklessly spewing waste into streams, subjected to unending propaganda promoting throw-away bottles, cans and packages, can hardly understand its dependence on natural resources, or express much effort to protect them.

Camping spans a multitude of definitions and reasons, each of which has its place and purpose. But in the sum total of all our motivations there is a common denominator: The urge to be free, to tear loose from urban and suburban ways. Camping is a natural and necessary reaction and antidote to a frenzied supercitified age—a return for sustenance to pioneer pathways and to nature's bosom. The extent to which people flock to the prettiest lakes, the most attractive scenery, and the shadiest glens emphasizes the desire to enjoy unspoiled natural settings of the highest quality.

In the old days everything necessary for a camper's comfort and survival he had to provide himself; it was part of the culture, a rather challenging but rewarding way of life. Today the trick seems to be to spend enough money so that everything is done for you, with all the mechanical contrivances and conveniences of indoor life at home adapted into outdoor life away from home. There is scant emphasis on self-reliance or on the need to respect the environment of nature. Thus equipped—and often overequipped—with everything but basic training, our campers take to the open spaces, congregating as close together as possible, as if there were safety in numbers. Presently they completely transform the setting into the kind of littered, noisy, and overcrowded ghetto they left behind.

If I had my way, new campers would be required to start with a one-week training course. They would go into the woods in groups and learn to pitch an old-fashioned pup tent, build a fire, and get along without mechanical gadgetry. They'd have discussions on appreciation of the outdoors and on the fundamental blessings and benefits of camping . . . On second thought, make that a two-week course, for these lessons come slowly.

Instead, though campers think they may be following the footpaths of the frontiersmen, their incomplete, faulty schooling and the inadequate guidance they receive drive them to follow city ways.

As I travel over the country, I see many examples of overuse and misuse of campgrounds, both public and private. Trampled vegetation and exposed tree roots are common sights, proving as damaging to watershed values as the uncontrolled bulldozer, logger or miner. These are the obvious results of pounding by too many feet. But even without physical damage, the presence of too many people demeans a setting. A lake may be rich in appeal when ten people are on its shores. It may retain most of that appeal with 50 or even 250. But at some point sheer numbers alone must transform a pleasant campground into a housing colony and ultimately into an outdoor slum.

This is one reason why I favor rationed use of campgrounds in national and state parks and in the wilderness areas of the national forests. Russell Tobey, director of state parks in New Hampshire, put it very well when he told me: "A few years ago we thought we were doing the kindly thing to make room for everybody, to let them hang from the trees and behind rocks. But we suffered dire consequences in overcrowding, in overstrained staffs, roads and water systems. We concluded we must strive for optimum, rather than maximum development. This firm policy has encouraged private campgrounds all over the state and they are a considerable factor in the economy."

Alas, too often, because of lack of imagination or courage, state and federal officials take the easy way out. They misread the aspirations of their clients and misjudge their own repsonsibilities. Instead of devising new techniques to introduce people to nature and nature to people, they pour concrete for more highways, transpose such devices as "motor nature trails" to the back country, and congest visitors on treeless barren camping suburbias. In the process they destroy the natural features people have come to enjoy.

We need look no further for an example than the Great Smoky Mountains, the country's most popular national park. The so-called "master plan" which citizen conservationists have been fighting for more than two years, is a bizzare design of roads gutting the wilderness, of massive campgrounds of 200 or 300 or 600 units that rob the camper of a true park experience and take up priceless national real estate for sheer bedroom space.

Public areas, and private ones as well, need to give people a capsule course of ecology in the campground so they realize the site is alive, delicate and fragile. But even when the grounds are kept clean and neat and landscaped, this in itself will stimulate respect.

I believe that national parks and many national forests should be restricted to tent camping, that trailers should be diverted outside. Trailers and large luxury vehicles are increasingly difficult to accommodate on park roads and parking areas. They require as much space as buses, yet carry only a handful of people.

Elimination of large trailer sites, water systems, sewer systems, electrical hookups and the like would not mean the exclusion of people, but rather the protection of choice country for the enjoyment of people. It would also mean the enlargement of regional vacation areas, with more surrounding state parks, private campgrounds and resorts to serve the rising tide of recreational travelers.

In this regard, I must say that I find the continued rivalry among federal agencies, the tunnel vision, the inability to project beyond boundaries, and the lip service given to be intolerable. It must end; the interest of the people must prevail.

As an example of how a regional plan could work, campers bound for the Great Smoky Mountains National Park would receive their assignments by reservations in advance or at the entrances. When all spaces were taken other arrivals would be directed to private campgrounds, the adjoining national forests, and the Cherokee Indian Reservation. In this way the entire region would be embraced in the camping design; then visitors could reach trails in the national park aboard a tramcar or bus. The same reservation system could be applied at the gateways to Acadia, the Everglades, the Tetons and Yellowstone. At Cape Cod, a central clearance headquarters is urgently needed—to save the national seashore as well as to take care of the public.

The national parks and national forests are both entering into a vital new era as environmental study areas for the young people of our country. An important proposal before Congress would establish a Youth Conservation Corps toward that end. I envision it as a chance for our generation to keep faith with the young, to show with deed that our legacy is not simply one of war and hate and environmental degradation, but of hope and confidence and peace.

It was the late Aldo Leopold, a distinguished conservationst and educator, who declared, "I am glad I shall never be young without wild country to be young in." The national lands maintain the opportunity for successive generations to acquaint themselves firsthand with conditions that have shaped our culture. Such contacts are essential to the sense of being an American. That young people are shut off from healthful outdoor experiences undoubtedly contributes to the rising tide of crime and violence.

The use of public lands as environmental study areas means the role of the private lands must grow in meeting recreational needs, and, hopefully, with a conservation conscience.

In this regard, I would like to mention briefly what two other organizations in the travel field are doing.

First, the American Hotel and Motel Association. It has a national Committee for a Quality Environment, with nineteen functioning state committees. It issues to its members kits containing a variety of publications showing what they can do in the area of conservation.

In addition, All AH&MA members are asked to pledge themselves to:

(1) Preserve beauty where it now exists.

(2) Provide beauty where it is lacking.

(3) Build with conservation and beauty in the forefront of our thinking.

(4) Conserve our natural resources of land, air and water.

(5) Lead in this effort in the communities.

The second organization is the Society of American Travel Writers, of which I am proud to be a former president. Two years ago we established a Committee on Conservation and Preservation and this year issued our first "Connie" Awards, reflecting—as our president, Robert S. Kane, declared—the concern of travel writers over "the increasing assaults on our country's great wilderness areas, wildlife sanctuaries, free-flowing rivers and historic sites."

As he put it, "The sacrifice of natural beauty and historic landmarks for the construction of jetports, super-highways, housing developments and other facilities in the name of progress is fast depleting the very elements which make up our quality travel and recreational environment. Campaigns of conservationists often go unnoticed, unsupported and unsung, and these dedicated efforts deserve nationwide recognition. To this end the Society has established the 'Connie' Award."

At our recent convention in Las Vegas we presented Connies to six worthy recipients. I hope that in the future we shall be giving such awards to various individuals and organizations in the campground industry.

I love to camp and have been camping within the past month. Everyone to his own taste, but for me wilderness camping is the ultimate experience. It has sophistication in its utter simplicity. I'm not even sure that all of this type of high quality camping resource must be limited to public lands.

I would summarize my feeling and conviction about the whole picture as follows: If you offer the people excellence they will find it out and respond to it.

OSCAR SETTERQUIST RETIRES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. LEGGETT. Mr. Speaker, I am thankful for this opportunity to pay tribute to Mr. Oscar Setterquist on his retirement from the Greater Vallejo Recreation District after 25 years of distinguished service. It is indeed an honor to have had such a fine and dedicated gentleman meeting the recreational needs of the largest population center in the Fourth Congressional District.

A great tribute can be paid Mr. Setterquist for his untiring service to the growing recreational needs of the Greater Vallejo area. However, the greatest tribute has already been given by those who have worked and persevered with him over the past 25 years in developing our Vallejo Recreation District into the second largest in the State of California.

Today, we can only confirm the good judgment of the people of Vallejo in electing him the first chairman of the Greater Vallejo Recreational District on July 12, 1944. From his earliest efforts with Vallejo's Defense Recreational Committee in 1941 to his assuming the recreation chairmanship, Mr. Setterquist has shown the greatest ingenuity and creativity in budgeting and building the recreation and leisure activities in Greater Vallejo.

Let us only look to the accomplishments of Mr. Setterquist and his staff from 1950 to 1960. During this period, the Greater Vallejo Recreational District, by purchase or lease, developed the Blue Rock Springs Park, Terrace Park, the Washington Playground, the Country Club Crest area, the Lake Chabot Rosa Minipark, Carquinez Park Area, College Park, and the property adjacent to Lake Dalwigk.

He has now been chairman of the Greater Vallejo Recreational District for 18 years. Twenty-five years ago, when he was first informed of his appointment, Mr. Setterquist was quoted as saying:

> I consider it an honor to be asked to serve on the Commission . . . I will do my best at all times.

Mr. Setterquist has done his "best at all times." It is indeed an honor for me to know him. I wish him even greater success in the years to come. I can only wish him the degree of contentment and enjoyment that he has brought the people of Greater Vallejo with his recreational ideas and accomplishments.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. HICKS. Mr. Speaker, I commend to my colleagues another in the series of informative articles on South Vietnam's problems by Mr. Frank Herbert of the Seattle Post-Intelligencer.

Mr. Herbert recently returned from Vietnam where he accompanied Dr. Roy L. Prosterman of the University of Washington, adviser to the South Vietnamese Government on land reform.

The article follows:

WHERE DOES WHITE HOUSE AUTHORITY START AND FINISH?

(By Frank Herbert)

In the executive branch, the military and the great bureaucracy of our government, a largely secret political-guerrilla war over Vietnam is going on right now which, in its deadly potential, overshadows the bloody fight taking its daily toll far across the Pacific.

You are going to read here as full a description of that "other war" as I can produce—names of people involved and the battlefields: troop withdrawal, cease fire, land reform.

Here is the arena of secret decision "for their own good" about which the public seldom learns until it's too late, until their sons are being killed and their tax dollars squandered.

And the horrible part of this is that these secret decisions often are made at the middle echelons of the bureaucracy and go directly opposite orders being received from the top.

There were moments during the gathering of this information when I wondered if the Presidential writ didn't stop at the edge of the White House lawn.

It's obvious that President Nixon wants maximum troop withdrawal from Vietnam consistent with security there, he wants an honorable cease fire as soon as possible, and he wants a workable land reform law in South Vietnam upon which that tortured nation can begin building political stability.

OPPOSED

He is being opposed every step of the way, often by people in odd corners of the bureaucracy and at key crossroads in the implementing of decisions, people who can make their will felt subtly, but surely, even against a president.

We'll go into this in detail presently.

The stakes in the "other war" (the fight in the bureaucracy)—are high—careers and advancement, political power, prestige, self justification.

The well known ability of the human mind to rationalize decisions for personal benefit, no matter the deadly consequences to others, gets its daily workout on all sides in this battle.

Yet the American public knows little about this secret war.

The reasons are many. There is a certain down-the-nose disdain about "the public" in the minds of some of those involved—which says something about their real belief in functioning democracy.

Unhappily, much of the press tends to be an acquiescent partner in the secrecy. We are trained to protect our sources.

This means we don't use names of people who give us powerful data under the cloak of anonymity. We don't even use some of the data directly because it points so obviously to the source.

HUNGER

The name of this game is "career hunger" and our own careers depend on the daily input of usable information. If the sources dry up, our careers suffer.

Lives of soldiers and civilians dying in Vietnam are disregarded in this scramble—not entirely out of cynicism, but, what is worse, out of an unspoken agreement in which such consequences are disregarded for "larger" reasons.

It's easy to find a larger reason when that reason coincides with your own desires.

Let's trace one case history as an illustration—that of Joseph Mendenhall, head of the Vietnam desk for USAID in the State Department. USAID is our international development agency.

Mendenhall, as political counsel to the Saigon Embassy in 1960–63, presided over many of our blunders during the darkest days of the Diem-Nhu regime.

He was one of those who praised the Rand Report. This so-called study, since thoroughly discredited by two congressional investigating committees, was written by a man who had never been in Vietnam.

The report set out to prove that Vietnamese political stability depended largely on the landowner class—certainly that segment of the population which is most opportunistic and would be the first to dump us in a crisis.

As late as last April, Mendenhall still was working hard for a voluntary land purchase program which would extend its effect over some 12 years.

Now, however, he obviously has heard the others passed down from the White House through Secretary of State William Rogers.

ALINED

The former land reform opponent today appears fully aligned with current policy, but it's an alignment which deserves examination.

Mendenhall argues that the Vietnamese land reform must have an "adequate application system" under which the tenants and sharecroppers can ask for and get their land.

Pressed, he explains he means a complicated system of deeds and paper work—a system certain to bog down administration and open wide the doors to corruption.

Asked why he favors this, Mendenhall says: "Well, you know there may be many tenants who don't want to be landowners."

(Hearing this, a Washington official close to the White House jibed: "Sure! Lots of people want to starve.")

Bogging the law down in paperwork appears to be the one thing Mendenhall can do with impunity to sabotage federal policy, but he also has taken out what might be called an insurance policy.

The new chief of Land Affairs for USAID in Saigon, Richard Hough, is a Mendenhall man.

Hough doesn't really see why we should give land to the peasants. (They've only been paying for it at the rate of 35 to 90 percent of their crop annually all their lives.)

CHARGED

He believes the peasants should be charged for the land under a long term plan certain to eliminate immediate political impact.

You will recall Mendenhall earlier favored a voluntary land purchase plan.

When pressed on the built-in delays of his proposals. Mendenhall's only response is a question: "Why are you so concerned about immediate application of the law?"

The answer to his question is quite simple: Saigon needs every day it can get to build a solid political base among the rural population ahead of U.S. withdrawal.

Our withdrawal rate is perhaps the most inflammatory arena of this "other war."

Gen. Craighton Abrams, the U.S. commander in Vietnam, must know the White House is insisting on a maximum permissible rate of troop withdrawal. He has been told this in so many words.

Abrams translates this as "somewhere around 25,000 a quarter," adding: "We could perhaps go down to 449,000 by next June. With everything we can read now, this seems practical."

(Hearing this, one Washington official said: "The damn fool is living in a political dream world. Even Pres. Nguyen Van Thieu knows more about the U.S. political climate than that!")

In effect, Abrams is trapped by the rosy reports he has transmitted to Washington on the successes of our pacification program and Army of the Republic of Vietnam's increased effectiveness.

No doubt there's some truth in his pronouncements, but their implications are deceptive.

Much emphasis is placed on the Hamlet Security Map showing that 80 percent of South Vietnam's population is in areas classed "C" or better.

DANGEROUS

The "C" classification translates as "Subject to infrequent VC (Vietcong) harassment." In practice, it means: "Relatively safe in the daytime, dangerous at night."

The city of Saigon, it's well to note, has a "C" classification.

MACV (Military Assistance Command-Vietnam) is a bit hesitant to explain how it arrives at its classifications, but appears to place great store on the fact that the data comes out of a computer. (It apparently is based on a physical count of the number of VC incidents.)

Obviously, MACV has not heard the old computer operators' axiom: "Garbage in: garbage out."

It's equally obvious they haven't heard the assessment I did from former Vietminh intelligence officers.

The Vietminh was the force which fought under Ho Chi Minh to defeat the French—a combined army of communists and Vietnam nationalists.

The former Vietminh in South Vietnam are those who could not stomach communism and fled to the south. They are among the most violently anti-communist of all residents in the south today.

These officers believe much of the VC infrastructure we have eliminated was put there by the communists for just that purpose and that the hard core infrastructure is still waiting in many communities for an opportune moment to act.

The most likely opportune moment would follow a cease-fire and would occur during a subsequent election campaign period. There's no doubt the communists are planning their tactics carefully with a cease-fire in mind.

Their plans certainly include new terror tactics designed to influence an election.

TERRITORY

The U.S. military in South Vietnam, no matter its rosy and stiffly argumentative reports still is committed to a largely conventional type of war for territory.

The VC is fighting a war for people.

The communists have been setting most of the political pace and controlling the casualty totals. A key point in their political strategy is to maintain a high level of casualties in American forces.

This exerts maximum political pressure at home and, they hope, will force the U.S. to accept a cease-fire on communist terms.

Plans for a cease-fire are very touchy in Saigon. Thieu has just stated he doesn't

believe a cease-fire is feasible. A strong segment of our State Department agrees with him.

Ambassador Ellsworth Bunker has been known to support this position, although he has considered alternatives. He recently told an American group in Saigon: "It may come to a cease-fire yet."

PARTITION

The official position on this involves a leopard-spot standstill cease-fire with regrouping followed by supervised elections. This would amount to de facto partition of Vietnam.

A leopard-spot cease fire is just what the name implies: we would button up in areas we now occupy. The Viet Cong would do the same.

In Saigon, Bunker said: "Thieu has come a long way toward accepting de facto partition."

Bunker's number two, Ambassador Samuel Berger, now holding down the post in Saigon, put it even more strongly: "There can be no cease fire solution under present circumstances. It'd only be a cover for a 25 to 50 per cent buildup by the VC."

On his way to a much needed vacation in the U.S., Bunker stopped off to discuss mutual concerns with our delegate to the Paris peace talks, Ambassador Henry Cabot Lodge.

From Lodge's reaction to reports about Bunker's opinions on a cease fire, it was apparent to me when I talked to Lodge a week ago in Paris, that our Ambassador to Saigon did not brief our peace negotiator on these points.

Lodge's reaction:

"You know, that's the second time today someone's told me that and I'd never heard it before."

INTERPRETS

It would be difficult to interpret this failure by Bunker. Perhaps he changed his mind between Saigon and Paris. Perhaps he's still strongly committed to the military-solution-only plan.

One thing certain: it could not have been an oversight.

Several mysteries crop up when you examine what information has been passed along to Lodge and what has not.

Philip Habib, political counsel to our peace talk delegation, is another old Saigon hand who fought against land reform with every means at his disposal.

Habib represented Lodge at the recent White House conference on our Vietnam-Paris posture. This was the conference attended by Bunker, Abrams, Admiral John McCain (Honolulu), Secretary Rogers and their aides plus Nixon advisors.

During the four-hour Washington conference, the leverage that effective land reform in Vietnam could give us at the Paris talks was certainly mentioned.

It appears rather clear that as long as the Hanoi delegation can smell victory, can look into the future and see only improvement of their political position, they won't budge at the conference table.

Spokesmen for our Paris delegation make it painfully clear this is the actual case. One aide says: "These really aren't talks. We're just at the yelling, screaming and accusation stage."

Effective land reform from Saigon, however, would change the political picture in South Vietnam and Hanoi knows this. Their own recruiting program in the Mekong Delta leaned heavily on this propaganda weapon.

"We gave you the land; give us your sons."

From Lodge's reaction, it's plain this argument was not emphasized by Habib, if it was mentioned at all.

Habib, it must be remembered, was one of those who kept feeding President Johnson arguments on why we should not stop our bombing of North Vietnam.

BOMBING

Even many of the South Vietnamese military now say that this bombing was a major element in unifying North Vietnam and stiffening communist purpose.

This is the way it goes in the bureaucracy and the military—a war within a war. There's much more to it than these examples, but these are crucial high points.

Mendenhall and Habib, two of the men who have been heavily responsible for data on which many of our blunders in Vietnam turned, still hold powerful positions where they can influence policy against executive decisions.

The chief of our military mission in Vietnam obviously is at loggerheads with President Nixon's avowed purpose of reducing our troop strength in Vietnam by 250,000 over the next eighteen months.

Perhaps we should interpret this entire conflict in the light of the old Vietnamese proverb: "When the water recedes, the sandcrabs eat the fish; when the water rises, the fish eat the sandcrabs."

WHITE HOUSE CONFERENCE ON FOOD, NUTRITION, AND HEALTH

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. PATTEN. Mr. Speaker, a White House Conference on Food, Nutrition, and Health will be held in Washington on December 2, 3, and 4 to focus national attention and national resources on our country's remaining—and changing—nutrition problems.

Over 2,500 educators, scientists, medical and health professionals, representatives of agriculture and the food industry, and spokesmen for consumer and social action groups, will join with Federal, State, and local government officials at the meeting. Twenty-six pre-Conference panels have met during the summer and fall to consider a wide range of food and nutrition problems.

They have drafted provisional recommendations which they will discuss with the Conference participants in small, working sessions. From this interchange, the Conference expects to produce its final conclusions—a carefully developed and broadly acceptable body of recommendations for the President, Government, the private sector of the economy, and the American people.

Among the questions to which the Conference will address itself are: how to insure continuing surveillance of the state of nutrition of our citizens; how to improve the nutrition of the poor, pregnant and nursing mothers, children and adolescents, the aged, and Indians; how to monitor the wholesomeness and nutritional value of our foods in the face of new technologies of food production, processing, and packaging; how to improve nutrition education in the schools; and how to improve programs that affect nutrition.

I hope that when recommendations are made by the Conference, action will be taken to implement them as quickly as possible. It is a sad and tragic anomaly that in this land of abundance and affluence, millions of persons suffer from hunger, millions of others lack a balanced diet, and still many others are in poor health.

Mr. Speaker, this is a challenge we must not ignore, for if we fail, we will not only desert persons in desperate need of help, but America's reputation for being a Nation of compassion, will be ridiculed.

SAN JOAQUIN WILDERNESS AREA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WALDIE. Mr. Speaker, the proposed San Joaquin Wilderness lies between the John Muir and Dana Minarets Wildernesses and would fill the one gap that is missing in an otherwise continuous strip of wilderness along the crest of the Sierra Nevada in California. Zigzagging through this virgin country is the longest, finest, mountain wilderness trail in the country. Nowhere else can one hike 300 miles in the same general direction without ever crossing a road or passing a settlement.

Starting in Yosemite Valley one can follow the famous John Muir Trail for 200 miles south, to the summit of Mount Whitney, 14,496 feet. Shunning the easy routes along the canyon bottoms, the Muir Trail climbs the highest passes and winds close to the highest peaks. South of Mount Whitney one can follow other trails for almost another hundred miles, to the gentler wilderness of the Kern Plateau.

There are no competing uses of any importance in the area. Some small mineral deposits exist, such as iron and tungsten, but none is of commercial quantity and quality. Nor are there any stands of commercial timber. Tentative plans for water development have existed on paper for years, but they have not proved to be economically feasible and have not attracted the interest of any agency or utility.

Nevertheless, the area is persistently threatened by the promotion of another trans-Sierra highway, just 25 miles south of the splendid new Tioga Pass route through Yosemite Park. There are already eight other paved roads across the Sierra Nevada, three kept open the year round where possible.

Promoters of the proposed Minaret Summit Highway continue to insist that the route would support commercial truck traffic and provide access to skiing on Mammoth Mountain, despite findings by the California Highway Department to the contrary. These findings were confirmed by two of the largest trucking concerns, PIE and Delta, in statements indicating that no freight-rate benefits would occur if such a highway were built. Fifty miles of this route lie above the snow line—over 6,000 feet—in a portion of the Sierra known for its 7-month winters and very heavy snowfall.

The proposed area of 43,280 acres is suitable for wilderness classification. It has great beauty and wildness. Its virgin forests of red fir are broken by small

meadows, deep canyons, and sheer cliffs. It has native trout and abundant deer. It is spacious. It offers solitude, grandeur, and dramatic mountain scenery.

Most important of all, it is the needed link in the narrow chain of wilderness that follows the crest of the High Sierra.

SELF-EXAMINATION FOR ALL NEWS MEDIA

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the widespread public support for Vice President AGNEW's recent criticism of the mass media should be sufficient evidence of the need to have this admittedly controversial matter given a thorough public airing. In an unemotional and reflective editorial on November 18, 1969, the State Journal of Lansing, Mich., examined the Vice President's comments and concluded:

News media in general, instead of reacting with more invective or self-righteous postures, might well ponder the statements of AGNEW and others and attempt to review objectively their system of news gathering and presentation. That includes both the printed media and the broadcast industry.

Hopefully, this will be the positive result out of all the current fire and smoke that surrounds this controversy. I commend the editorial "Self-Examination for All News Media" to the attention of my colleagues:

SELF-EXAMINATION FOR ALL NEWS MEDIA

Vice President Spiro Agnew, to say the least, is not endearing himself to the liberals of the nation or the national news media. His recent speeches have caused a storm of reaction, charges and counter-charges.

But the one that really brought the roof down was in Des Moines last week where the vice president blasted the television news industry. Let it be noted here that this speech was preceded by an earlier Agnew blistering of the nation's newspapers in a national news magazine article.

Agnew criticized the larger newspapers in particular for what he called misinformation and misconceptions in news presentation and later slapped the national television networks for what he termed "instant analysis and querulous criticism" of President Nixon's Nov. 3 speech on Vietnam policy. He referred to network commentators who criticized Nixon's speech immediately after the President went off the air.

The vice president was later joined by George Romney, Secretary of Health, Education and Welfare, and others in the administration, in criticizing the news media in general.

Agnew, Romney and the others talked about lack of objectivity in news reporting. The vice president and Romney specifically alleged that the national media is dominated by a small group of newsmen who live and work in Washington, D.C., or New York City.

Sometimes it's called the "eastern establishment press."

Agnew in his Des Moines speech said:

"Both communities bask in their own provincialism, their own parochialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints."

The vice president charged that commentators who criticized Nixon's Vietnam policy speech on the same night that it was delivered to the nation, had made up their minds in advance and prepared rebuttals before listeners even had a chance to digest what the President said.

What Agnew seems clearly to be suggesting is that a relatively small but powerful segment of the American national news media—including newspapers, television and magazines—are doing a calculated hatchet job on the present occupant of the White House.

This is not the first time this charge has been made and it probably won't be the last. Similar accusations were made during the administrations of other American presidents, and with some validity.

We do not necessarily agree with every criticism Agnew has made of the news media or those who oppose administration policies. Neither do we agree that his comments can be dismissed as an attempt at suppression.

In our opinion certain of the so-called "eastern establishment" news media do seem to present a consistently one-sided or inbred view of national and international issues.

News media in general, instead of reacting with more invective or self-righteous postures, might well ponder the statements of Agnew and others and attempt to review objectively their system of news gathering and presentation. That includes both the printed media and the broadcast industry.

We accept, too, the responsibility of local components of the mass media to regularly evaluate news presentation, to be responsive to public attitudes and to resist the inbreeding of opinion which can result from talking only to ourselves.

Whatever he may have intended, this is the real message in Agnew's remarks from which all of us can profit.

SUPPORT GROWS FOR STUDENT ANTIVIOLENCE ACT

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. CRAMER. Mr. Speaker, I introduced the student antiviolence bill on June 2, 1969, with 19 cosponsors, and events since that time have shown such legislation is needed now more than ever.

The law-abiding student in America has the right to pursue a higher education without fear of violence or intimidation. This is his civil right—and it is academic freedom in its fullest sense.

Recognition that the law-abiding student must have the legal means to rid his campus of radicals is growing across the country.

The most recent expression of public support comes from radio station WJCM in Sebring, a small community in south-central Florida. The station reported that in a survey of listeners, 99 percent—or 4,500 persons—said they supported my student antiviolence bill, while only 1 percent—or 300 listeners—were against it.

The Benevolent and Protective Order of Elks at its convention in Dallas was so concerned about growing anarchy on America's campuses that the Elks adopted a strong resolution calling for a crackdown on those who interfere with the rights of law-abiding and conscientious students.

The time has come to serve notice to the campus revolutionaries that their days are numbered. The time to provide protection for the serious, conscientious student is now. I would urge prompt action on my student antiviolence bill.

BLOW TO AMERICAN FARM TRADE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. NELSEN. Mr. Speaker, the decision of the European Common Market to postpone an overhaul of its unreasonable farm program is a tragic blow to freer trade for American farmers. This decision, taken at a Council of Ministers meeting in Brussels earlier this week, means the barricades to U.S. agriculture will be raised higher. It means farmers the world over face depressed prices resulting from mountainous surpluses of European grain and dairy products brought on by a totally unrealistic farm price support system.

I take this time to suggest that the United States renew its protest of unfair trade treatment with Common Market officials in an attempt to get reconsideration. The outmoded farm system which a handful of European nations insist on maintaining has proved disastrous to world agricultural trade. It is contrary to the reciprocal trade agreements to which the Europeans as well as the Americans have committed themselves.

Today's Wall Street Journal carries an article describing in some detail the implications of the Common Market action, and I include it at this point in my remarks:

COMMON MARKET DELAYS A FARM OVERHAUL; HIGH COSTS AND SURPLUSES SEEN CONTINUING

BRUSSELS.—Common Market farm problems will be getting worse, which augurs world markets plagued by commodity surpluses.

Under heavy political pressure from farmers, Common Market ministers meeting here postponed a drastic overhaul of the European Economic Community's farm system. The net effect will be the present high cost, surplus-building farm system is likely to remain in effect at least through 1970.

And that decision may add to Britain's problems when a Common Market summit meeting is held Dec. 1–2 in the Hague to consider possible British entry into the six-nation group.

Currently, the community comprises France, Italy, Belgium, The Netherlands, West Germany and Luxembourg.

The latest Common Market action, taken at a Council of Ministers meeting here, provides more time for consideration of the proposed massive overhaul of the farm system. But, this is at the expense of retaining a system which most economists, Common Market authorities, and government sources say has already outlived its usefulness.

The present system maintains high prices for farm products within the communities by applying levies on agricultural imports. These levies bring the price of imports up to the high domestic price levels established to help farmers in the communities. The price levels have been set high under pressure from inefficient farmers in the six-country group. This has stimulated overproduction of dairy products, soft wheat, sugar and various other products.

In the 1969-1970 crop year, the Common Market farm program will pay out $2.6 billion, about a third higher than in the preceding year. About 95% of that money is used to finance price supports in the Common Market and to pay export subsidies aimed at trying to get rid of surpluses. Even dumping, however, hasn't been enough to eliminate the "butter mountain" which has reached a peak of about 450,000 metric tons (a metric ton is 1.1 U.S. tons). Meanwhile, the Common Market wheat surplus has helped upset an international wheat pricing agreement which had been laboriously drawn during the last major tariff-cutting round under the aegis of the General Agreement on Tariffs and Trade.

But the political clout of farmers in the six countries makes it difficult for Common Market ministers to curtail overproduction by slashing subsidies and price levels. Even as ministers met in Brussels, French farmers were spreading manure on highways in the Nantes area as a protest. Earlier demonstrations against the lot of farmers in France resulted in jailing of several of the leaders. Yesterday, farmers protested against the jailing.

In Germany, farmers are so incensed at the likelihood of lower prices, that they now are boycotting Common Market farm programs. "How can we introduce any program which cuts payments to our farmers when they believe they already are underpaid?" one German government official asked in Bonn.

At the Council of Ministers meeting, Jean Rey, president of the Common Market's executive commission, emphasized that the farm situation in the community is "sharply deteriorating as a result of the ever mounting financial burden it imposes on member countries."

In discussions, the Common Market countries agreed that a farm overhaul was overdue, but they failed to show the political will to follow commission suggestions for price slashes. By postponing the decision, it now will be left to top officials at the Hague meeting to recommend a solution. The Common Market Council of Ministers will meet again after the summit session in the Hague, hopefully to take further action before the end of the year. The consensus is that the likeliest action, however, merely will be continuation of the present program probably through 1970, while efforts are made to meet some of the political opposition to the farm overhaul.

Britain has an interest in the proceeding, because France has indicated that it wants a new farm financing program completed before it will support British entry. Under the present system, France draws considerably more out of the farm program than it puts into it. France wants to be sure that such a financing system will remain in effect, even if Britain does become the seventh member. Britain, however, may not be so interested in joining if that financing program puts a heavy burden on it.

The overhaul being considered by the Common Market basically provides for sharp reduction in payments to farmers, while diverting more funds to structural farm reforms, such as vocational training for other jobs, promotion of mechanization and land restructure.

QUERY: NEED MANKIND FOLLOW THE FLIGHT OF THE DODO?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ROBISON. Mr. Speaker, on October 29, it was my pleasure to be the keynote speaker at a conservation leaders' forum held at—and sponsored by—Cornell University at Ithaca, N.Y., in the district I am honored to serve.

There has subsequently been a flattering amount of constituent interest in my remarks on that occasion, and a number of suggestions that I ought to share them with my colleagues—which I am pleased to do for such value as they may have:

WHAT "THE PEOPLE" ARE SAYING—ABOUT THEIR ENVIRONMENT

One has to feel signally honored to be invited to "keynote" this important Conference—especially in light of the quality of the talent gathered here to focus on what is perhaps our most-serious, if still largely unrecognized as such, domestic problem.

It is not often that you find a politician—which vocation is, at least, my temporary calling—somewhat at a loss for words.

But I am!

For the full scope and true breadth of the environmental crisis we face is so difficult to really grasp, as the Congress has latterly been discovering, that I am uncertain where I should start.

Those who have put this program together have tried to be somewhat helpful by suggesting that I should tell you what "the people" have been saying to their legislators in Washington about the quality of their environment.

That's a good idea, I suppose—though it's not as easy to work out as I had thought at first.

For if, by "people," you meant my own constituents, while I am sure they are aware of our environmental problems, a brief check of my correspondence files indicates that, by and large and except when aroused by some specific situation, they are not yet articulating that concern to me as you might imagine they would be.

However, in every sampling of public opinion that I have seen reported upon—including those essayed recently by my Congressional colleagues, something I intend also to do again at the end of this year—the "people" clearly indicate their strong concern about their deteriorating environment, and give attention thereto a high Federal priority, as I certainly agree it should have.

And I suppose that the most-revealing of such samplings is still that rather recent Gallup Poll that reported 86 percent of our citizens so interviewed were "concerned"—and over 50 percent "deeply concerned"—about the condition of their natural environment; to back up which statement 3 out of every 4 so interviewed also said (whether they meant it or not) they would be willing to pay higher taxes to improve their environmental surroundings.

In any event, other "people" have addressed themselves significantly to this problem from time to time, some of the most-familiar lines being these:

"In the beginning God created the heaven and the earth.

And the earth was without form, and void; and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters. . . .

And God said, Let there be light; and there was light,

And the evening and the morning were the first day. . . .

And God saw that it was good.

And God said, Let us make man in our image, after our likeness. . . .

Male and female created He them. . . . (saying),

Be fruitful, and multiply, and replenish the earth, and *subdue* it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. . . .

And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul. . . .

And then (finally) the Lord God planted a garden eastward of Eden. . . ."

My friends, I do not know what the Supreme Court's attitude might be towards my reading these verses of scripture here, in a building maintained by this educational institution, but I suspect it is all right if I do so for illustrative purposes.

The illustration I would wish to draw therefrom being, of course, that hereupon was established one of the most significant trusteeships of all time—for it *was* as "trustees" that we were given dominion over this small—and from outer space still lovely—portion of God's universe.

From close up, it is—unfortunately—not so beautiful!

Indicating that, from nearly every angle, we have been poor managers—trustees who, in a court of law, would probably be found delinquent!

Arthur Godfrey, whose familiar radio voice has recently been raised loudly in support of stronger conservation practices, recently suggested that perhaps the reason for our failure was that we took only one portion of the foregoing scripture as "gospel"—that portion being God's order to us to "subdue" the earth.

And, for whatever reasons, I think it is true that we Americans have always been more or less at odds with our environment.

Originally, to many of our ancestors, their environment was a hostile thing to be conquered—and to be overcome like the maraudering Indians that, to them, probably seemed a part of it.

So we have had an historical impulse to overcome—the thought that from our early days the environment was like a third person to us—an object!

This fact may have made it easier for us, later, to abide the smells and the wastes of such as paper mills and tanneries—because, as someone once said, they "smelled like money!"

And of course, the fast-disappearing "elbow room" we used to enjoy made it easier for us to accept the idea that it was all right to dump our dirty water into the handiest stream so *we* could be both wealthy and clean, even though our downstream neighbors might thereby be rendered both poor and dirty.

But all these attitudes are rapidly changing—as we are learning to identify the land we devour—just like the waters we despoil and the air we pollute—*as part of ourselves!*

Learning, as Charles Ogburn, Jr., recently editorialized in "The Washington Post," that ". . . thanks to our vaulting technology, the fate of the continent . . . and of the life it supports, our own and that of the infinite variety of . . . plants and animals, is now largely in *our* hands."

And then he states—which is why I earlier turned to the Bible—"To the extent that we can desolate the earth or glorify it, we have displaced the rule of nature or, as Jefferson had it, 'nature's God'; and (at the very

least) . . . we have made ourselves the *surrogates* of the Supreme Power."

Precisely so, and then—as Ogburn concludes (and please listen carefully): "Along with attaining . . . *breathtaking* possibilities, we have shouldered *awful* possibilities. Supplant a king, and the functions of the king devolve upon you. Supplant a God and his, equally, are *yours* to discharge!"

Well—strong words, but true.

And it is thus now necessary, in such a fashion, to consider our collective responsibility for the fact that we continue to torture this once "good earth" by:

Pouring some 130 million tons of dangerous pollutants into the air each year, as a result of which—so I understand—we have been able (as if this were an accomplishment!) to raise the carbon-dioxide content of the entire earth's atmosphere by some 10 percent!

(Surely, there is some limit beyond which such a change, assuming it doesn't first choke us all to death, will alter the earth's climate, with unpredictable but distinctly unattractive possibilities to follow).

(And surely, while there is proper concern about the relationship between lung-cancer and cigarettes—and I'm no longer sure about my pipe!—there is also need for similar concern over the reputed fact that, simply by walking the streets of his city for a solid day, a New Yorker will breathe in the toxic equivalent of close to two packs of cigarettes!).

Continuing to savagely pollute almost all our major water systems, thus seriously threatening our Nation's supply of fresh water, and leaving many of our rivers systems and at least one of the Great Lakes, Lake Erie, denuded for all practical purposes of the free oxygen needed to support marine life.

(And did you ever think you would live long enough to hear of one of our Nation's rivers—the Cuyahoga, running through Cleveland into Lake Erie—so polluted that it is actually a "fire-hazard" in that it occasionally does catch fire!).

So polluting our environment with useful but, at the same time, harmful pesticides that, so I understand, the earth's biosphere—that thin, fragile envelope of air, water and land that sustains all life—is now laden with some 500 million pounds of DDT, a persistent and nearly-immortal pesticide!

(Certainly, we should have known more about the effects of such pesticides before using them in such quantities as we have!).

Throwing literally tons and tons of hot water from industrial cooling processes—along with residual radioactive particles as nuclear power-plants come into greater usage—into countless lakes, streams and estuaries, thereby upsetting that ecological balance upon which all living things depend in such an intricate, delicate state of interdependence that, seemingly, it could only ever have been ordered and devised by some Supreme Power!

And then, right here in America, by producing nearly five pounds of solid waste per person, per day—of paper, garbage, ashes, metal, glass, you name it!—some 360 billion pounds of non-biodegradables annually, for the Nation, so I am told!

(This veritable mountain of trash—that you and I help lug out to the curb on every refuse-collection day, marveling as we do so at where it all came from—stands as a monument to both our ingenuity and our affluence, and marks a far cry from that not-so-distant day when most American families ate everything that came from the corner grocery; for there were then no plastic containers, no aluminum-enclosed "TV" dinners, no cardboard bottles and, in fact, no "no return" bottles, and not even any beer cans—of which there must be a billion on the bottom of Cayuga Lake!—because everybody then so-inclined "rushed the growler" down at the corner saloon and carried his own "bucket of suds" home with him).

And then, finally, for no discussion of our worldwide environmental challenge would be complete without mention of this, by continuing to have babies—and then more babies—blessed things though they are, but heedless of the fact that man lives, as has been said, in a finite world which can support only a finite population, so that, eventually, population growth must equal zero!

(Of all the various aspects of the worldwide environmental challenge we face, this one is probably the most-difficult with which to deal—and for obvious reasons. But as Garrett Hardin states in his penetrating analysis, "How Freedom in a Commons Brings Tragedy," that I encourage you all to get and read, it is vitally necessary for mankind, if he is to achieve the greatest good per person, to also identify and achieve the optimum population this earth's resources can support).

(No society—unfortunately not even our own—has yet done this, and no progress will come in this direction unless and until man rejects the false hope that it will happen intuitively. Instead, as Hardin suggests, man must re-examine his supposed "freedoms", including his supposed right to "occupy the commons" with his off-spring—or, else, all the direct predictions of Malthus will surely come to pass, and man could be reduced to the pitiful role of scavenger, endlessly combing the litter of a ravaged biosphere in search of scraps overlooked in prior searches by vast hordes of fellow scavengers!).

(I have no desire to frighten anyone, but I strongly suspect it is true that, no matter how we might increase our resource-management efficiency, such an effort unaccompanied by internationally practiced birth-control could only still lead that species we call "man" rapidly down a one-way road to oblivion!).

(At least, here in this Nation, some progress is being made toward a free and open political discussion of this once-tabu subject; and I am glad to be able to tell you that I am one of the sponsors in this Congress of President Nixon's proposal to establish a "National Center for Population and Family-Planning," which is, at least, a place to begin; and the voice of "the people" in support of that measure would be welcome for Congress has yet to act!).

In such terms, then, can be defined our—and the world's—environmental challenge; one made up of numerous inter-related and disparate parts, but all of which can be summed up in this fashion, borrowing now the words of Professor Richard A. Falk, of the Center for Advanced Study in Behavioral Sciences:

"The planet and mankind," he wrote, "are in grave danger of irreversible catastrophe. . . . Man may be skeptical about following the flight of the dodo into extinction, but evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other area. . . . (And) the basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th Century (using "sovereign states" here in the sense of referring to all of our worldwide governmental institutions, of whatever nature.)!"

Where, then, do we go from here?

I can only speak with any authority at all about our own governmental institutions—and, specifically, for the United States Congress, a stubbornly sluggish and unwieldy body whose critics often charge is not responsive to the demands and needs of our time.

And, as to Congress—though "the people" as I have said are not as articulate as they might be about demanding solutions to our environmental crises—Congress *is surely* listening to the background noises that signal their developing concern.

Listening, especially, to the collective voice of "the people" that seems to be repeating, with respect to wherein may lie the blame for what we have done to our once "good earth," these marvelous lines from that comic-strip character, Pogo: *"We have met the enemy, and he is us!"*

For the most-hopeful sign I can see on the environmental horizon is that "the people" do seem to be recognizing that it will do no good to blame our factory-owners, our paper-mill operators, those utility companies who are trying somehow to meet a demand for electrical power that is doubling every ten years, their own "town fathers" or even the Congress and those who manufacture beer-cans, for what we have done to our environment—because the blame falls upon us, *all!*

And that only by *all* working together, in a more-enlightened manner than we have so far adopted towards most of our other problems, can our environmental problems be solved—and this great challenge met.

Where do we begin?

Well, we begin, I suppose, by unscrambling some of our national priorities that have become so badly distorted not so much, for the moment, because of the threat of "wars of mass destruction," as Professor Falk put it—though that is part of it—as by this miserable and so-mistaken war in Vietnam.

I have no desire, naturally enough, to resume the arguments pro and con about that war that took place on this campus two weeks ago, but I say to you—flatly—that this war *is* ending, the only question now being "when" and "under what circumstances!"

That eventuality will have several meanings—not the least of which is that there will be a "peace dividend," so-called, albeit of uncertain size, to add to what we normally think of as the more or less regular, Federal "growth dividend" in revenues that Congress may apply towards one or the other of our manifold domestic problems.

Once this "peace dividend" takes shape, I am sure that there will be a natural enough demand for some major portion of it to be used to give, especially, the over-burdened "middle-income" taxpayer some relief from his Federal tax share.

If—as Dr. Gallup suggested—3 out of every 4 Americans will, nevertheless, support higher—or *continued*, in this instance—taxes in order that something can be done about preserving and improving his environment, that is something that Congress ought to be hearing about from the "people."

Perhaps this Conference could explore possible public attitudes in this respect.

Where else might we begin?

Well, sorting out competing priorities is never an easy task—as I, as a member of the House Appropriations Committee, can surely attest to—but it might make sense for us to begin our attack on cleaning up our environment by concentrating on the need for cleaner *water*.

I do not say this is the most severe environmental problem we face, but I would like to suggest that it is the one best lending itself to the "systems-analysis" approach, under which our technical competence in solving industrial problems could be turned loose to see what it could do, here—further developing the problem of water pollution beyond the distance we have so far gone in rather helter-skelter fashion, identifying more positively pollution sources and responsibility, and making technical comparisons of alternative methods for solution.

Another reason for choosing this one aspect of our overall pollution problem as the beginning point for the kind of national commitment that will ultimately have to be made, is that—from a political standpoint—

there is already a good "head of steam" behind the public's desire for clean water; it is cause with which people easily identify, and one that Congress, itself, has willingly and rather fully embraced.

Evidence of this abounds almost everywhere—whether it be in the form of resolutions to Congressmen from local chapters of the League of Women Voters, public referendums such as established New York's "Pure Water Authority," or in popular attitudes such as pertain in Los Angeles where, to the man in the street, water is no longer a commodity but a religion!—and has been clearly reflected in Congress.

Besides which, a good working partnership has already been created in the water-resource field between our Federal, State and local governments—indicating that, here at least, Professor Falk's "sovereign states" *are* endeavoring to make up for their prior management inadequacies.

For whatever it may be worth, then, perhaps this Conference would be willing to explore the wisdom (or lack thereof!) behind this suggestion—it being my further thought that, once our society learned how to successfully deal with our water-resource problem, similar problems relating to air, solid-waste disposal, and possibly even noise and crowding (lest we forget to include those in the environmental picture), might then more easily be solved.

Now, there is a hazard—I must admit—in so dividing and separating environmental problems into categorical pigeon-holes. That hazard rests on the chance that, in so doing, we might lose sight of their interrelationship and their cumulative ecological effect. It would also be unwise, I think, to assume that soil and water management practices, for instance, can—or should—be separated one from the other; as unwise, for instance, as to assume that our so-called "urban problem" can—or should—be treated separately and without reference to the nature and pace of sprawling suburban growth taking place around our cities' central cores.

Thus, let us understand that, if we begin our national commitment to a better environment by concentrating on water-resource problems, we are thinking of "water-resources" in their broader sense.

In any event, we have to begin somewhere to *re-insert man into his environment*, as I like to think of it, in such a way that his manner of life from now on, and the use he makes of what Ogburn called his "vaulting technology," will make him once more a *part of nature*—and not the antagonist thereof!

For—contrary to what a few, pure anti-technologists seem to be suggesting—I do not believe it is possible for us to send our planet back whence it came, there to be refurbished into its original, pristine condition.

To do that, would seem to mean we would have to close down our factories, shut down our electric power-plants and turn off our lights, refrigerators, toasters, air-conditioners (or, now that that it is Fall once again, our electric blankets!), while meanwhile throwing away our electric toothbrushes, can-openers and hair-dryers.

It would mean discarding even our color TV sets—and, perish the thought, learning to talk with members of our family once again.

And how about our planes and buses—and even those outboard motors we use to putt-putt up and down such as Cayuga Lake out here, with nary a thought for the unhappy fact that outboard motors, by design, actually dump overboard, unburned, anywhere from 10 percent to one-third of the mixture of the fossil fuels on which they run, thus destroying with hydro-carbons the very environment their owners so dearly love?

And how about our automobiles?

Could we ever really learn to walk again?

And finally, will we ever have to learn not to use the bathroom, now that so many of us have finally stepped up to that ultimate luxury of having more than one such facility in our homes?

I do not believe it should be necessary to do any of these things—even provided the American people were willing to try.

For if it is true, as it is, that our ingenuity and affluence—working in conjunction with our growing technical competence—largely got us, and the world, into the environmental fix we have finally awaken to, it is not equally true that we can so use our same technical competence to find and then maintain a satisfactory and sensible *accommodation* between the demands of man on the one hand, and the equally urgent demands of nature on the other?

I think we have to believe that this is possible.

But, we had best get at it for we are fast running out of lead time!

We *are* in—as Professor Falk put it—"grace danger of irreversible catastrophe."

Let's not kid ourselves about that!

Man *could* follow the "flight of the dodo into extinction"—and, for far too long we *have* been heedlessly flying in that direction!

As President Nixon recently remarked, "Together we *have* damaged the environment"; but then he declared, "together we *can* improve it!"

And, together, I have to believe, we *can* take man off the list of *"endangered species."*

We *can*, if wish to do so—and there is a cause here we can all serve; one more permanent and far-reaching than any other issue of the day, including Vietnam and Black Power, and thus one that ought to be attractive to our young people who so often seem, to us, to be "marching to different drums" than we ever heard. For, through their enlistment in this cause, it could well be *their* generation that breaks the historical chain that has made it the lot of every succeeding generation since Cain and Abel to come into a world that could have been a paradise if the people over thirty hadn't spoiled it!

And, surely, we have to believe we can rise to the environmental challenge we face—monumental though it be—once "the people" of this planet willingly understand once again that they live on it not as possessors, but as tenants and trustees, and that they therefore have obligations towards the human race that go beyond their immediate acquaintance with it or their immediate concerns . . . and that there are things before which they should be humble!

DESIGNATE ILLINOIS HIGHWAY IN HONOR OF SENATOR EVERETT McKINLEY DIRKSEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. MICHEL. Mr. Speaker, it is my privilege today to join with our State's two Senators, Senator PERCY and Senator SMITH, in offering legislation that would designate that part of Interstate Highway 74 which runs through the State of Illinois as the "Everett McKinley Dirksen Highway."

From the east the highway enters our State at Danville, Ill. on the Indiana border, follows a diagonal course from the southeast to the northwest, leaving our State at the Iowa border in the Quad-Cities area. Following this path, the highway passes through the Peoria-Pekin area where Senator Dirksen was born and where he grew up.

The city council of my hometown, Peoria, Ill., has petitioned the State of Illinois to honor our dear friend and beloved colleague, the late Senate minority leader, and certainly I think it is most appropriate that travelers entering our State by automobile or bus from either the east or west should see the name of one of our most famous Illinois sons on the road signs as they enter our State.

He was indeed a national figure and to see his name will remind those passing through our State of his distinctive appearance, his magnificent voice, his unique style of oratory, his wonderful sense of humor and, most importantly of all, his massive contribution to the progress and welfare of our system of government over a 40-year period of public service. To be so reminded will make their trip through our State a pleasant journey, indeed, and will help keep alive the memory of this great man who was so loved and respected by millions of Americans.

ADVICE TO FAMILIES OF AMERICAN PRISONERS OF WAR IN VIETNAM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. PELLY. Mr. Speaker, my concern for American fighting men listed as missing in action or as prisoners of war in Vietnam continues to grow. I am cosponsor of House Concurrent Resolution 334, regarding treatment of prisoners by North Vietnam, and I have spoken out many times of my grave concern for our men.

But, another step that can be taken has come to my attention which might help these men. The Air Force Association has suggested writing the Ambassadors of nations which might influence Vietnam, and to newspapers. The following is the AFA's recommendation:

AMBASSADORS

Mr. Thay Sok, Charge d'Affairs, Embassy of Cambodia, 4500 Sixteenth Street, N.W., Washington, D.C. 20011.

His Excellency Charles Lucet, Embassy of France, 2535 Belmont Road, N.W., Washington 20008.

His Excellency Nawab Ali Yavar Jung, Embassy of India, 2107 Massachusetts Avenue, N.W., Washington 20008.

His Excellence Jerzy Michalowski, Embassy of Polish Peoples Republic, 2640 Sixteenth Street, N.W., Washington 20009.

His Excellency Corneliu Bogdan, Embassy of Socialist Republic of Romania, 1607 Twenty-third Street, N.W., Washington 20008.

His Excellency Hubert de Besche, Embassy of Sweden, 2249 R Street, N.W., Washington 20008.

His Excellency Anatoly F. Dobrynin, Embassy of USSR, 1125 Sixteenth Street, N.W., Washington 20036.

OTHERS AND COST OF AIR MAIL LETTER

Agence Khmere Presse, Ministry of Information, Phnom Pehn, Cambodia (25 cents).

Times of India, New Delhi 1, India (25 cents).

Pravda, Moscow A–47, U.S.S.R. (25 cents).

LeMonde, Paris 8, France (20 cents).

Zycie Warszawy, Warsaw, Poland (20 cents).

Romania Libera, Bucharest, Romania (20 cents).

Svenska Dagbladet, Stockholm, Sweden (20 cents).

Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris France (20 cents).

Now, what should be said in these letters? Ask that their nations intercede for proper treatment of our men. Ask that their governments use their influence with North Vietnam to live up to the Geneva Convention on prisoners of war. Point out that no American wants us to withdraw from Vietnam if it means leaving these men at the mercy of North Vietnam.

Say it in your own words. Keep it simple. Remember, the translators of these letters may not have large English vocabularies.

Pressure such as this, plus that from organizations such as the Reunite Our Families Groups now forming around the country, plus our prayers can only help in this struggle to obtain information on our missing and captured military men.

AGNEW HAS RIGHT TO OPINION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. MICHEL. Mr. Speaker, the reaction to Vice President AGNEW's recent speeches has been almost hysterical in some quarters of the news media and to balance that view I insert an editorial from the November 24, 1969, edition of the Peoria Journal Star in the RECORD at this point.

AGNEW TOO HAS RIGHT TO OPINION

(By C. L. Dancey)

Let it be known that we do not join in the attitude that characterizes Vice President Agnew's two recent speeches as "attacks on the press".

This approach whether by NBC, CBS, ABC, or the Associated Press, seems to us an oversensitivity that has greatly strained their journalistic judgment.

It has become increasingly clear that the vice president neither seeks "censorship" nor even anti-trust actions, and is not attacking the press but doing something the press has a great obligation to do itself—defend people's "right to know."

People do have a "right to know" that there are link-ups between "different" news media, TV-newspapers-newsmagazine, where such links exist. They have a right to know that they are getting the "same opinion" from several apparently different sources that are not really different in terms of the source of their policy.

In his first speech, Agnew asked, "Who are these people?" (The anonymous policy makers actually in charge of the production of TV news shows.)

SAME BOSS, SAME LINE

In his second speech, he was specific in pointing out some of these multi-ownerships of complementary media that are "peddling the same line" in several ways out of Washington and New York . . . because they have the same boss.

He made it abundantly clear that he does not propose anything resembling censorship, that he does not deny their right to an opinion, and indicated that his philosophy doesn't even lean toward pursuing the liberal thrust toward breaking up such combinations of ownership. (A thrust sometimes surprisingly feeble in regard to the networks on TV, compared to former movie networks.)

He simply insists on his right to criticize the critics, with facts, and the people's "right to know" about these combinations.

To over-react to the point of transforming this into "attacks on the press" and "threats' and "censorship" is to dodge the issue, or simply panic.

Throughout both talks, Mr. Agnew has been emphasizing the need for more information, not less—and for fairer and fuller treatment of all sides, not one side.

Far from seeking to restrict, he raises the real question of whether some of the restriction has already been overdone.

CRITICISM FAIR FOR ALL

We sympathize with him. We think the press is subject to the same criticism it so freely dishes out—and for a decade the "Forum" as well as news columns of this paper have borne this out very heavily.

We believe in "balance", and in addition to our news columns our editorial page commentators include a running mixture of "right wing," left liberals, and "uncommitteds."

We don't think this is such a frightful and terrible thing to ask of others. Neither is it terrible to ask for the best job humanly possible of separating news from editorial comment, and making it clear which is which.

The terrible fuss this creates in some areas is more damning in itself, than anything Spiro Agnew has said.

Immunity from criticism was never part of "freedom of the press," and being subject to criticism does not constitute an abridgment of that freedom.

This is the same absurd approach taken by some of the New Left who insist on their right to attack everything in sight, and protest that nobody can criticize them for it without "violating" their "Freedom of expression!"

Freedom cuts both ways.

We should be the last ones to protest that our freedom is so sacred it obliges other people, including the vice president, to keep his mouth shut about us.

As far as we're concerned, Spiro Agnew can go on "telling it like it is," getting down to the "nitty gritty," and standing up for his rights . . . and for our "right to know" more than what some of the "Eastern establishment" is putting out these days.

MARYLAND STATE BAR ASSOCIATION OPPOSES MURPHY AMENDMENT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. GUDE. Mr. Speaker, on November 6, 1969, the board of governors of the Maryland State Bar Association adopted a resolution opposing the Murphy amendment to the OEO authorization bill. That amendment would give State governors veto authority over OEO-financed legal services programs.

I know the outstanding job legal services attorneys are doing in Maryland and throughout the Nation. They are working diligently to provide equal justice for the poor. To reward their efforts with the ill-considered restriction proposed in the Murphy amendment would mean the end of the most successful program we have seen in the antipoverty effort.

I join the Maryland State Bar Association in opposing the Murphy amendment, and I will oppose any other amendment which might limit the right of legal services attorneys to give indigent clients the same vigorous and effective representation more fortunate citizens expect from the profession. The November 6, 1969, resolution adopted by the board of governors of the Maryland State Bar Association is herewith included in the RECORD for the attention of my colleagues:

RESOLUTION ADOPTED BY THE BOARD OF GOVERNORS OF THE MARYLAND STATE BAR ASSOCIATION, NOVEMBER 6, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity; and

Whereas, such veto power will permit state officials to circumscribe and to frustrate efforts of the Bar devoted towards providing full and effective legal services to the poor by providing full access to the independent professional services of a lawyer of integrity and competence; and

Whereas, such limitations will impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the client:

Now, therefore, be it resolved, that the Maryland State Bar Association is opposed to the "Murphy Amendment" to Senate Bill 3016.

VIETNAM INCIDENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ZWACH. Mr. Speaker, the reports of the Mylai massacre in South Vietnam, almost 2 years ago, are among the gravest charges ever made against America.

I urge a complete investigation of these charges.

In an emotion-charged situation such as this, it is important that we do not prejudge our country's actions nor the actions nor activities of our soldiers.

However, the stories out of Vietnam and here at home on this incident are so arresting and are so at variance with the traditions, principles, ideals, and philosophy of the American Government and the American people that every effort should be made to ferret out the true facts, being sure that we do not confuse propaganda on either side.

If our investigations point to the truth of these terrible allegations, we must admit our error and do whatever is necessary to see that we do not ever again do violence to our tradition, our principles and the philosophy that has made us a great nation.

We must constantly be on guard that we do not dehumanize our society.

There is no excuse in God's world for such a thing to have happened, but if it has, we must insist on justice being done to those responsible for this reprehensible act.

VETERANS DAY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KEITH. Mr. Speaker, this past Veterans Day saw thousands of speakers in every corner of the Nation rising in praise of the fighting men of this Nation, past and present. One of the most moving of these was given by Senator John Parker, minority leader of the General Court of Massachusetts.

John Parker spoke in the historic Hall of Flags, in the center of Boston's ancient statehouse. His message is so moving that I felt it was worth sharing with the readers of the RECORD.

It follows:

ADDRESS BY SENATE MINORITY LEADER, SENATOR JOHN F. PARKER, TAUNTON, STATEHOUSE, BOSTON, VETERANS DAY, NOVEMBER 11, 1969

December 22, 1865, was a long, long time ago—104 years, to be exact.

It was a cold, crisp day here in Boston, but along the sidewalks thousands and thousands of people huddled against the wind as it swept across Boston Common and they looked up at this great State House decorated with bunting from top to bottom, standing here majestically high on Beacon Hill, buzzing with activity as never before, its corridors crowded with citizens, officials, military men and others.

December 22d was a very special day for this Commonwealth, a day unlike any ever seen before or since. It was the long-awaited day when the battle flags came home here to safe harbor in the halls of this splendid old building.

It was the day when those who fought through more than four years of terrible Civil War marched proudly under their colors for the last time—eight months after Lee had surrendered at Appomattox. They had come here with their beloved Massachusetts regiments and other military units to mount these steps to Doric Hall and stand smartly at attention as the flags under which they had fought from Bull Run to Gettysburg, Cold Harbor, Richmond, Atlanta and beyond were returned to Governor John Andrew and the Commonwealth of Massachusetts.

No human being, either Union soldier or civilian, is still alive who remembers that magnificent day. But it is recorded that the awesome spectacle of more than 65 Massachusetts regiments—individual light and heavy artillery batteries, the cavalry, naval units, and the like—marching up Tremont Street into Park Street, up the hill to the State House to turn over their colors, left an impression that never could be matched.

The sheer emotion of that day, the drum beats, the stirring band music, could not be captured in the mere print of a newspaper, but it is a fact that for heart-tugging drama and the surge of patriotism, that brisk December day was the high point of this Commonwealth's military history.

One by one each unit swung along Tremont Street into Park Street, their regimental colors flying proudly in the breeze. And it was the wind that brought home to the assembled thousands what these battle flags had been through. As the colors whipped on their standards, the people saw the huge holes rent by shot and shell, the bloodstains, the rips and tears, the mud, dirt, and grime of combat, and the inscriptions on each regimental flag which conveyed the feelings and attitudes of those who carried them into battle—such inscriptions as "Fidelity to duty, whenever it may call . . . wherever it may lead. . . ." the motto of Co. G, 7th Bristol County Regiment from my home town.

Brevet-Colonel Francis N. Clarke, United States Mustering Officer, was in charge of proceedings that day. It was his duty to turn over the flags to Major General Darius N. Couch, artillery hero of the Civil War, from my home town of Taunton. He would accept the flags from the color bearers and in turn pass them along to Governor Andrew.

Colonel Clarke was brief, for it was no day for long speeches. He said simply to General Couch: "These colors become the property of the state to be placed in her archives . . . there to remain as emblems of victory and a re-established union to the fidelity of her Governor . . . and the courage, devotion and honor of her sons . . ."

General Couch was equally brief in accepting the colors. He responded in part: "It is with deep emotion that I receive from your hands these eloquent emblems of the bravery and patriotic devotion to their country of Massachusetts soldiers. The object for which they were first unfurled has been accomplished, and the principles they symbolize triumphantly underscored and the Union of States restored upon a firm and enduring basis. . . ."

You may notice above, the painting of Governor Andrew as he stands at the top of the stone steps leading to Doric Hall and accepts the flags of his beloved Massachusetts regiments. No more would these banners look down on the awful carnage of war, hear the agonizing cries of the dying, or soak up the blood of the fallen or be picked from the ground and raised on high as the heat of battle struck down color bearer after color bearer. These precious rallying points were home at last. They would now become silent sentinels here at the State House.

As Governor Andrew spoke, the vast throng stood in silence. He told of 146,000 men who went off to the Civil War, 13,000 of whom died, the loss of 16 million dollars in treasure to the state and, choking with emotion, he said: "I accept these flags in behalf of the people and the government. They will be preserved and cherished amid all the vicissitudes of the future as mementoes of brave men and noble actions. They represent proud memories of many fields, sweet memories alike of valor and friendship, of fallen brothers and sons. They will remain here as exultant memories of the great and final victories of our country, our Union, and the righteous cause."

Then Governor Andrew accepted one by one, the battered regimental colors. As all the emotion of four and one-half years of war reached its final moments, the people and the soldiers wept openly.

And the battle flags, the regimental colors, in all their grime and glory, they wept, too.

Now, as I stated in my opening remarks, all of this took place 104 years ago, December 22, 1865, and every single one of those who stood here at the State House that day, soldier and civilian alike, has gone from our midst. All that remains are these silent sentinels of days and nights of sacrifice and glory. They were joined by other flags from other conflicts, until now there are more than 300 priceless relics behind these glass enclosures, each weeping softly on this Veterans Day for the men who rallied to their splendor and who are gone from this earth.

They weep softly today, these flags, for past glories, to be sure, but in the midnight silence of this sacred Hall of Flags it must be that they weep more loudly and rustle their folds in despair at what they know is happening beyond these walls across this beloved land, yes, and across the world, and even no more than a stone's throw from this very Hall of Flags.

They weep, these banners, that dissent in many cases has now come license. The frenzy of unbridled dissent is polluting America with its defiance, bitterness, hatred, and floods of four-letter words that would make an old Civil War Sergeant cringe and shake his head.

Yes, they weep, these standards, at the thing called confrontation and the sad news that Americans burn, desecrate and stamp on American flags, caring nothing that the Stars and Stripes should be held in reverence second only to God. They become nauseated, these emblems, that the disgraceful spectacle of a North Vietnamese flag should dishonor the hallowed ground of Boston Common and Copley Square. Only in America could this happen and in the name of rights and protection of the law.

On this Veterans Day, the flags weep at the naivete of certain persons of all ages and certain of those in places of great political, intellectual, and academic responsibility who cry out that all will be well if we simply trust our enemies and stand naked before them, taking no stock of the age-old warning that eternal vigilance is the price one must pay for liberty. Is it any wonder the flags weep in this sacred chamber?

They weep on this Veterans Day for the awful blunders of Vietnam that involved this nation in a land war in Asia some eight years ago and which has dragged on mercilessly, longer than any conflict in our history.

They weep for the sincerely troubled and stable segments of our youth who deeply believe as commonsense Americans that this nation's foreign policy should not be based on pleasing only those who take to the streets.

They weep in appreciation and prayer for those who work to extricate America from its involvement in Vietnam, knowing that the answers are always easier on the street corners and on the sidelines than they are in the cold, hard realities men must face who are charged with the responsibilities of ending this war and who fervently wish to do so without dipping the American flag in abject surrender and humiliation, and with a guarantee that the whole security of this nation does not crumble in the bargain.

Beyond the tears, if these honored flags could but speak today, they would remind us that because we are Americans, we must look out upon the vast and beautiful resources which God has given us with a deep sense of appreciation for our heritage. They would remind us that we have enemies within and without who would deprive us of those treasures and spread ruin upon our cities and towns, destroy our churches and our institutions, make a shambles of our achievements and the ideals for which they went into battle.

They would tell us that we must believe in material, moral and spiritual strength and that they are inseparable, or we have no nation.

They would tell us to give thanks to Almighty God for the Blessings of the past and pray earnestly that we may be worthy to seek a continuation of His bounties for the future.

In this hour of terrible division in our nation, and as the line grows thinner between democracy and anarchy, these flags would remind us that they will continue to weep unless we, the vigilant and quiet Americans, give full support to our country, our people, and our government in the search for a lasting peace at home and abroad.

VIETNAM VETERAN RETURNS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Charles Harford, a fine young man

from Baltimore, Md., has just returned from Vietnam after 14½ months of service there. The 20-year-old soldier was stationed in Duc Pho. While in Vietnam he was awarded the Purple Heart, the Vietnam Service Medal and the Medal of the Vietnam Republic.

Charles Harford has completed his service obligation and will be entering the construction industry.

THE SMUT EXPLOSION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ASHBROOK. Mr. Speaker, the Baltimore News American in its issues of November carried a timely and useful series of three articles by Ralph Mahoney entitled "The Smut Explosion." Detailing the efforts of the organization, Morality in Media, a group which represents all religious faiths, professions, business, and industry, Mr. Mahoney's account is indeed encouraging that responsible measures are being taken to counter the proliferation of obscene and pornographic materials in this country.

Part 2 of the series reports on the efforts of the American Civil Liberties Union—ACLU—and the role it is playing in defending the smut peddlers and their constitutional rights. As I have observed in the past, the ACLU consistently fails to draw the line between liberty and license, and, as they state in their own publication the first amendment covers all forms of expression.

Morality in Media is headed by Father Morton A. Hill, S.J., who helped to organize a community effort to combat the smut threat under the title of "Operation Yorkville." Father Hill's experience in this field was largely responsible for his appointment to the President's Commission on Obscenity and Pornography which is presently exploring this problem. As I have also pointed out in the past, it hoped that the Commission produces worthwhile recommendations in its final report although the chairman and the legal council are members of the above-mentioned ACLU.

Accolades are in order to the Baltimore News American and particularly to Mr. Ralph Mahoney for making available to the public these three informative articles on the smut problem. To help further disseminate the series, I include it in the RECORD at this point:

[From the Baltimore News American, Nov. 16, 1969]

THE SMUT EXPLOSION—PART 1: FILTH PEDDLERS HIRE TOP ATTORNEYS

(By Ralph Mahoney)

NEW YORK.—From a cramped, walk-up office on New York's upper east side, an interfaith group is waging a determined attack on one of the major social problems of our times—the tidal wave of hard-core pornography flooding the nation's newsstands, book counters and theaters.

It is an uneven struggle.

The meager resources of the organization, Morality in Media Inc., are pitted against a smut industry estimated presently to gross in excess of $2 billion a year.

The filth peddlers can afford the best legal talent in the country and the American Civil Liberties Union is their constant friend in court.

On the other hand, Morality in Media is repeatedly disarmed by the courts which can not make up their minds over what, legally, constitutes obscenity. Their indecision, in turn, discourages law enforcement agencies from joining with the community in keeping the prurient trash from reaching the young.

Despite the setbacks Morality in Media has suffered over the years, the community group is working to expand its program across the nation. In time, MM hope to have regional offices on an approximate footing with its ubiquitous adversary—the CLU.

"We believe people are finally waking up to the terrible threat of obscene printed materials and films to the lives of our young people," said the Rev. Morton A. Hill, S.J., president of MM.

"There is no question in the minds of most of our law enforcement officials and behavioral scientists that smut, particularly the dreadful examples now being openly circulated, is inciting youth to violence, promiscuity, perversion and drug use."

Displaying a number of publications which, in photographs and print, advocated unbridled sexuality and perversion, Father Hill said:

"By no standards can this degrading material be construed as art or literature, whatever the courts might say about so-called redeeming social qualities. Between 75 and 90 percent of these publications find their way into the curious hands of children.

"Added to this is the new wave of 'underground' publications, specifically addressed to teenagers, which frankly encourage them in sexual and drug experimentation."

Father Hill, soft-spoken priest with crewcut white hair, has been active in the war on smut since 1962 when he helped organize a community group called "Operation Yorkville"—the forerunner of Morality in Media.

Operation Yorkville sought the co-operation of news and bookstore owners in halting the circulation of pornography among youths and children. With the opening of offices in commercial quarters in 1966, the group became the first full-time, professionally staffed organization of its kind.

Serving with Father Hill as executives of MM are Rabbi Julius G. Neumann, board chairman, the Revs. Constantine Volaitis and R. N. Usher-Wilson as vice-presidents, and the Rev. R. E. Wiltenburg, director. The 27-man board represents all faiths, professions, business and industry.

Father Hill defined MM as ". . . people . . . the community expressing its concern in order to inhibit the flow of obscene material to youth.

"All obscenity laws are based on community standards," he said, "and the voice of the community can make itself heard by law enforcement officials, in legislative chambers, by media makers and even by the courts—if it is a strong, continuous, reasoned voice."

In addition to keeping authorities posted on community opinion, MM maintains contact with the media, police and the district attorneys' offices and provides witnesses in court actions involving accused smut peddlers and publishers.

Father Hill made it clear, however, that MM is not permeated by any prudery which demands censorship of all references to the human anatomy or sexual functions.

"We do not believe in censorship or prior restraint," the priest said firmly. "We believe in free expression—in the free expression of all the people.

"We do not believe this freedom is the exclusive province of producers, publishers, authors and a handful of media makers. We believe it belongs also to viewers, readers, listeners—to the community.

"And we believe the ACLU is absolutely wrong in seeking to protect under the first amendment any and all writings that deal with sex, no matter in what manner portrayed.

"The willingness of the ACLU to come to the defense of even the professedly obscene makes them extremists like the very 'blue noses' they condemn.

"Reasonable men must find sanity somewhere in between."

The principal aim of MM, Father Hill insisted, is the protection of youth from the degradations openly exposed in the rank magazines, newspapers and films currently inundating the nation.

"Make no mistake about it," he said, "smut is big business.

"So big, in fact, that we understand that the Mafia is starting to move into the market.

"Our legal panel recently received reports that the Mafia is buying up huge quantities of pornographic books and films in Denmark—where there are no anti-smut laws—and unloading them in this country at fat profits.

The Mafia shrewdly discovered there is as much money to be made with this filth as with narcotics—and at a comparatively minimum risk of penalty."

[From the Baltimore News American, Nov. 17, 1969]

THE SMUT EXPLOSION—PART 2: ACLU DEFENDS FILTH PEDDLERS

(By Ralph Mahoney)

NEW YORK.—Almost any accused publisher or peddler of hard-core pornography who gets arrested in this country can count on the American Civil Liberties Union (ACLU) to send him a defense lawyer.

The Rev. Morton A. Hill, S.J., president of Morality in Media Inc., an interfaith group fighting the flow of obscene books and films to youth, said he feels this readiness to defend pornographers—and with such success—is speeding the undermining of authority so prevalent in the nation.

Over the past seven years that Father Hill has been prominently identified with the campaign against smut, he has tangled with the various units of the ACLU many times.

"With its tremendous financial resources, its regional and state offices, the ACLU can afford to exhaust every legal means of delaying, prolonging and appealing every smut case in which it is involved—to the detriment of the community and its youth," Father Hill said.

"The ACLU undertakes these cases with the avowed intention of protecting the rights of individuals and enforcing the free speech guarantees of the First Amendment. But in the light of our experience, it is pretty hard to reconcile such lofty aims with the results."

Father Hill noted that in addition to protecting the pornographer, and permitting him to go on his way of polluting the minds of youth, the ACLU often is found working in behalf of other individuals and causes that could contribute to the breakdown of legal authority.

Ticking off the issues supported by the ACLU over the years, Father Hill cited the defense of accused communists, draft card burners, and the advocacy of civilian-manned police review boards.

The Jesuit priest said the ACLU also has been in the forefront of moves to legalize abortion and homosexuality between consenting adults.

The inconsistency between the ACLU's announced aims and the type of litigation it pursues was the subject of a series of articles written for Barron's the financial newspaper, by Shirley Scheibla two years ago.

These articles, cited by Father Hill, noted that attorneys from ACLU units often represented individuals who sued officials for attempting to quell or prevent riots in the cities even though those disturbances resulted in death, injury and property destruction.

"The cases ACLU refuses to take are just as significant as those it does handle," Mrs. Scheibla wrote.

"It has refused to defend right-to-work laws. It also has turned down a request to protect the civil liberties of one group of Washington, D.C., merchants whose businesses were destroyed by riots.

"According to ACLU, holding federally funded 'Head Start' classes in churches and having Catholic nuns as teachers of such classes does not violate the constitutional separation of church and state.

"Yet it has argued in court that church-and-state separation is violated by inserting the phrase 'under God' in the oath of allegiance."

Mrs. Scheibla said the record shows ACLU clearly prefers to defend leftist causes.

But when it suits its purpose, ACLU will defend a radical rightist, she said. In one such case, the group defended the Ku Klux Klan against an attempt by the House Un-American Activities Committee to investigate it—because the ACLU opposed the committee and wanted it abolished.

Father Hill said that in pornography cases, the ACLU has maintained it must be proved there is a "clear and present danger" that the material will cause anti-social (criminal) conduct on the part of the persons who view or read it.

"Such a direct link is, of course, difficult to prove in a specific case and the ACLU knows it," Father Hill said. "It is a way of clouding the issue and confusing the court." In an explanation of its own position on obscenity, published in a pamphlet entitled "Obscenity and Censorship," the ACLU declared that the First Amendment "covers all forms of expression."

While recognizing the concern of parents, clergymen and the community about obscene material, the ACLU insisted the right of expression under the First Amendment is "too frequently abridged under the vague and uncertain standards of obscenity which now operate."

In one pornography case it defended, the ACLU argued: "The use of materials to advocate a change in 'public morality' should be constitutionally protected in order to prevent a far greater evil—the enforced imposition by society of conformity in thoughts and ideas."

On the other hand, Father Hill pointed out that law enforcement officers have found evidence that rapists, sex offenders and drug addicts have been influenced by pornographic books and films.

Arrests of such individuals invariably are followed by the discovery of virtual libraries of pornography squirreled away in the offenders' homes, he said.

To the argument of pornography's defenders that there is "no proof" of its connection with anti-social behavior, Father Hill quoted Dr. Max Levin, a noted psychiatrist and neurologist, who said:

"Can anyone imagine that healthy attitudes (can be) promoted in the youngster who devours the sadistic paperbacks in which the beautiful blonde is raped, stabbed and viciously dismembered?

"The gravest charge against pornography is not its connection . . . with rape or some other spectacular crime that reaches the headlines. The gravest charge is the damage it does to the youngster's image of sex.

"Pornography must be weighed in the scale of human values. Does it elevate, or does it degrade the human spirit? Does it enrich, or does it impoverish our society?"

[From the Baltimore News American, Nov. 18, 1969]

THE SMUT EXPLOSION—PART 3: PUBLIC PRESSING CONGRESS ON SMUT

(By Ralph Mahoney)

NEW YORK.—Emboldened by favorable court decisions and the general atmosphere of permissiveness, the smut peddlers are in a dizzying race to flood the country with wares even more shocking than their products of only a year ago.

Newsstands and book stores now abound with publications whose illustration and printed material go far beyond explicit nudity and sexuality to glorify the most execrable perversions, including sado-masochism.

So arrogant have the merchants of filth became that they are now bombarding homes with unsolicited brochures advertising their products—brochures displaying, in expensive color, samples of the books and films they are selling.

One effect of this lewd barrage has been to awaken people to a warning sounded seven years ago by the Rev. Morton A. Hill, S. J., president of Morality in Media, Inc.—that the smut peddler, like a dope pusher, spares nobody in his determination to degrade and corrupt the innocent, at a price.

Father Hill, whose war on the smut industry led to his appointment last year as a member of the presidential commission on obscenity and pornography, said:

"Scarely a day goes by without a letter from a concerned parent about obscene material being received in the mail."

And at a press conference last August, a visibly concerned President Nixon reported:

"American homes are being bombarded with the largest volume of sex-oriented mail in history . . . mothers and fathers are asking federal assistance to protect their children from exposure to erotic publications."

In September, Pope Paul VI called on Roman Catholics to combat eroticism which he said had reached epidemic proportions.

He told his weekly general audience that human dignity was being offended by "the very grave and insidious" threat of eroticism "which has become epidemic and aggressive, pushed to unbridled and repulsive expressions, public and advertised."

The avalanche of obscenity on the stage, in the films and in published works, even moved the brilliant and sophisticated essayist and author, Marya Mannes, to protest.

Writing in McCall's magazine in September, Miss Mannes wearily concluded:

"We have, in short, now reached a state in our society when anything goes, where all is permitted, and where no limits are placed on the appetites of the individual, on the gratification of his desires and fantasies . . .

"Sadistic pornography is an act of violence against sex. It is the violation and abuse of the body of a man or woman, totally foreign to the act of love. Obscenity for its own sake—or the sake of shock—is an act of violence against language. Both are perversions and diminutions of the human spirit. Both are ugly.

"Yet even if this is so—and I firmly believe it to be—it not only is much simpler but more popular in today's climate to champion freedom than to counsel restraint and much more difficult to define social good than individual liberty.

"What concerns me, in fact, is the virulence with which any talk of restraint is immediately equated with censorship, with which any reservations as to freedom of expression are damned as nice-nellyisms, the last gasp of the puritan ethos, or the first heralds of the police state."

And from a critic on England's Manchester Guardian came this observation:

"The imagination can not be made the private preserve of the arts and entertainment industry, exempt from moral scrutiny because moral consequences . . . do follow from imaginative acts."

Father Hill said the widespread revulsion finally being stirred by unbridled pornography is reflected in the demands now being made by Americans for action from their congressmen.

"At last count, about 150 anti-smut bills were reported under consideration by the House Judiciary Committee," Father Hill said. "There are at least 50 similar bills in the hoppers of other committees."

The rapidly swelling reaction to pornography is even beginning to sting the pornographers as evidenced by the savage and vicious attack leveled at Father Hill by a recent issue of a publication whose very title is so obscene that it can not be repeated here.

The attack on the priest branded him as "Nazi-oriented" and a "cowardly censorship lover."

Considering the source, Father Hill obviously felt no dismay over the name-calling.

The attack was clearly grounded on fear and that—for Father Hill—was a light at the end of a long, uphill tunnel.

ALBANIAN INDEPENDENCE DAY CELEBRATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. DERWINSKI. Mr. Speaker, I am pleased to insert into the RECORD an address delivered by our distinguished colleague WILLIAM S. BROOMFIELD, of Michigan, on Monday, November 24, in observance of Albanian Independence Day.

We recognize Congressman BILL BROOMFIELD to be one of the outstanding members of the House Foreign Affairs Committee. May I remind the Members of the House that BILL was privileged to serve as a delegate to the 1967 session of the U.N. General Assembly where he compiled an outstanding record.

In this address to the Detroit chapter of the Albanian National Front, Congressman BROOMFIELD demonstrates his tremendous grasp of the complex problems in foreign affairs. He further demonstrates the deep knowledge which he possesses of conditions affecting Albania and other Communist dominated areas.

The address follows:

SPEECH BY CONGRESSMAN WILLIAM S. BROOMFIELD AT ALBANIAN INDEPENDENCE DAY CELEBRATION

It is a privilege for me to join tonight with the members of the Detroit Chapter of the Albanian National Front, Balli Kombetar, and with your Secretary General and my good friend, Ekrem Bardha, to celebrate the anniversary of Albanian Independence.

It is a special pleasure because I am convinced that those of you in the Albanian-American community belong to a very special class of Americans.

As a Member of Congress, I have an opportunity to meet and speak with a broad cross-section of people from all walks of life, from diverse backgrounds, and with differing political and ideological beliefs.

Like many of you, I have been disturbed in recent years by the growing tendency on the part of some to take the greatness of this country for granted, and even to admit a sense of guilt about the prosperity we enjoy and the freedoms we possess.

Some of our young people, especially, seem to have lost sight of the relative greatness of America.

They complain that we are not a perfect society. Because we are not perfect, they somehow reason that we must destroy all that has been achieved.

That is a brand of logic I find difficult to understand.

You and I would be among the first to admit that despite 200 years of striving, we have not yet attained that ideal society. But we have made progress. And, measured against the long history of man's efforts to create a perfected society. We have come further than most.

The American system, imperfect as it is, offers a great deal to those who want to live in freedom, work at their jobs, and raise their families in peace.

But it offers even more that.

For those dissatisfied and impatient with its shortcomings, it provides a Government responsive to change with built-in procedures for evoking that change efficiently and peacefully.

To those mostly young, unsettled Americans who tell me that the system is controlled by the Establishment and that change cannot be affected unless you are part of that Establishment. I offer the example of my own experience.

My family certainly could not claim any such distinction.

As a matter of fact, I had no idea 25 years ago that I would ever have an opportunity for a political career of any sort. Much less one that would take me to the Congress of the United States.

My father, who was a dentist, gave me little in the way of material things to sustain me in life.

But he did instill in me a deep belief in some of the simple, fundamental values which, perhaps, are not stressed often enough or firmly enough today.

It is not fashionable these days to talk about the results that can be achieved by applying the timeless virtues of hard-work honesty, dedication to principle, and belief in the future.

Nevertheless, those were the fundamentals you and I were raised with and they have served us well over the years.

When I was a very young man, there were great opportunities. But I knew that I would have to devote my full energies and ambition to make the most of those opportunities. When I was 22, I went into business for myself—operating a small gas station.

I worked hard and put in long hours. Within a few years that small business had grown to a point where I had become involved in commercial property management.

Then, when I was 26 years old, I ran for a seat in the Michigan State Legislature and had the good fortune to be elected by 80 votes. That opportunity was due, at least in part, to the many kind people I served and came to know through my business.

The work in the Legislature was difficult and demanding, but it also contained opportunity. It led to the great responsibility of serving in the United States Congress, to acquaintances with Presidents and foreign heads of state, and eventually to service as our country's representative to the United Nations.

Those things have all happened to me in this great country. I am proud of the opportunities the American way of life has provided me and of the things I have been able to accomplish because of them.

A great many of you, I know, came to America and began building a career or a business much later in life. Yet, most of you attained success through the application of those same fundamental principles and the exercise of that same opportunity.

You represent a very special class of Americans because you have had first-hand experience with life under a totalitarian Communist government. More than that, you and your ancestors fought for more than five centuries to preserve your identity, your heritage, and your desire for independence in a country under almost continual oppression from the Ottoman Turks.

Because you have suffered under centuries of oppression in your homeland, you can better equate the price of freedom.

Because you have lived without the blessings of prosperity, you can better explain their value.

Because you have shouldered the twin-burdens of both Soviet and Chinese-oriented communism, you can better understand the virtues of American democracy.

It is that appreciation and understanding which this country needs so badly at this moment in history—a moment marked by division and self-doubt.

These are the great strengths that you in the Albanian-American community and other groups of newer Americans have to offer the rest of us.

If every American understood as well as those of you here tonight the bitter truths about life under Communist rule, we would have fewer Americans marching in the streets waving Communist banners.

Very few, if any, sons and daughters of Albanian-Americans have been found demonstrating in protest against the American way of life.

The convictions you hold with such certainty about the values of a free and open society are very much like the convictions on which this country was founded.

Two hundred years ago, there was little doubt in the minds of men such as Washington, Jefferson, and Franklin about their determination to build and maintain a free and open society.

They fought a long and bitter war to gain independence. Many of them died defending it.

But since then, Americans have had the good fortune to live with relatively few threats to their basic way of life.

With the exceptions of the War of 1812 and the Civil War, our involvement in armed conflict with other nations largely has occurred away from our shores. That especially has been true during the last one hundred years.

Americans require constant reminders, therefore, that the blessings of liberty, like all other blessings, are costly. We need to be impressed again and again that the challenges to our way of life must be faced squarely, if that way of life is not to be eroded.

The courage and toughness of newer Americans have sustained this country throughout its history during periods of stress. Those qualities, so much in evidence in the Albanian-American community, are needed desperately again today.

I wish more Americans were familiar with the long history of oppression of the Albanian people. It is a history in which the bright light of independence has shone only briefly since the pre-Roman era. Nevertheless, that light has never been permitted to flicker and die.

For doubtful Americans there is great inspiration to be found in the heroic and determined exploits of Albania's great hero Skan-der-beg.

The high value he placed upon honor, heroic death, and the virtues of a never-ending struggle against outside domination of his country can serve us well today.

Five-hundred years later, the same high qualities that characterized the life of SKAN-DER-BEG marked the deeds of the Albanian patroits who proclaimed their country's independence in the early years of this country.

That dedication to independence and persevering patriotism against great odds—the threads that run through all of Albania's long history—remain the great hope for the future.

It is a hope that history will see fulfilled again.

For the one certainty in the hectic century in which we live is change. And change in a shrinking world that more and more resembles a single, small village with each new decade means an end to diversity.

The stark distinctions which now divide the governments of the free world and those of the totalitarian world must inevitably give-way.

They cannot, forever, withstand the universal desire for freedom, peace, and prosperity held by people everywhere—people who, for the first time, are fused together by the miracles of new technology, abundance, and education.

One of the greatest Americans, Abraham Lincoln, made a similar prophecy about the United States just before the Civil War more than one hundred years ago.

"A House divided against itself," Lincoln said, "cannot stand. I believe this government cannot long endure half-slave and half-free. I do not expect the Union to be dissolved. I do not expect the House to fall. But I do expect that it will cease to be divided. It will become all one thing or all the other," he said.

What Lincoln said about the fate of America a century ago has meaning today in considering the future of the world.

The world cannot continue permanently "half-slave and half-free."

Freedom is stirring in every corner of the world—in Africa, in Latin America, in Asia, throughout Eastern Europe and within the Soviet Union and Red China.

Soviet tanks may crush those stirrings temporarily in Czechoslovakia as they did in Hungary a few years ago. But they cannot forever hold-off the surge of ideas and the explosion of technology which are sweeping the world.

That is why it is so important for you, working through organizations such as Bal-Li Kom-Be-Tar, to preserve your culture, maintain your ideals, and honor your heritage in preparation for the day when Albanian Independence will again be a reality.

That day will be hastened by the new global foreign policy launched during the past several months by President Nixon. It is a dramatically new policy which, as it unfolds during the coming years, will reveal a recognition and deep understanding of those forces of change now unleashed in the world.

American foreign policy is always a reelection of a combination of factors. They include the philosophy and temperament of the man who is President and the mood, pressures and requirements of the moment in history in which he leads the nation.

In the case of this Administration, and in international affairs particularly, the views and experience of President Nixon and the needs of the moment are especially well blended.

This is true for several reasons.

First, Mr. Nixon is a highly-trained and sophisticated foreign affairs expert, whose professional experience goes back for a quarter of a century.

He served, for example, on the Herter Committee, which developed the Marshall Plan. In the 16 years before he assumed the Presidency—eight of them as Vice President and eight more as a private citizen—he traveled extensively and became closely acquainted with many world leaders and their problems.

Moreover, the President's political support, so representative of the broad middle body of American thought, gives him a degree of flexibility in dealing with other nations that would be denied to a President who represented either political extreme.

Mr. Nixon himself observed recently that in the past American foreign policy has been content merely to react to events as they

occurred. We have lacked, the President said, the perspective and long-range view so essential to a viable and effective global policy.

We are now taking the offensive in foreign affairs, replacing years of defensive floundering with a clearly thought-out, pragmatic and flexible approach.

This new policy recognizes the diversity of our problems and the variety of nations to which we must relate. It is a policy which has differing objectives in different contexts.

President Nixon has said he wants to open the door to a new "era of Negotiation" with the major powers of the world rather than confrontation.

But he has been careful to define "negotiation" as a two-way street characterized by hard-headed bargaining rather than airy rhetoric.

In heading into this new era, the President has said that we are prepared to "take risks for peace—but calculated risks, not foolish risks.

We will not bargain away our security for vague improvements in the "international atmosphere."

Progress in East-West relations can only come out of hard bargaining on real issues. A detente that exists only in "atmosphere" without being related to specific improvements in the relationships between the great powers is worse than no improvement at all.

It tempts us to lower our readiness, while providing no really concrete basis for reduction of tensions.

If tensions are to be genuinely lowered, progress must come in the solution of outstanding issues of a concrete nature—issues such as access to Berlin and European security: a Middle East settlement; a permanent resolution of the war in Vietnam; or in the strategic arms limitation talks.

That is a fundamental part of the new Nixon policy. But there are other facets, as well.

The President's trip around the world last summer ending with a visit to Romania offered the first outlines of some of these parallel courses.

Independent of the progress of negotiations with the other big powers, we will continue to strengthen our relations with our Friends. This was a major objective in the President's visits to Asia as well as Europe and is related closely to the fulfillment of our treaty obligations.

In Europe, for example, he repeatedly assured our NATO allies that we view the alliance as an evolving partnership, one which is capable of growing to meet changed needs.

Another facet of this new policy affects our approach to governments behind the Iron Curtain. Our dealings with those governments will be marked by a new firmness. But President Nixon's visit to Romania showed clearly that he will not miss an opportunity to capitalize on the great affection of oppressed peoples for America.

No amount of Communist propaganda could hide the outpouring of warmth with which the Romanian people greeted the President during his visit to Bucharest.

It was in reality a demonstration of warmth and understanding from the people of Romania to the people of America. The President recognized this feeling in one of his speeches when he said:

"Of all the countries I have visited, none has been more memorable than Romania. This is true because of the wonderfully heartwarming welcome we have received from the people everywhere we have gone."

"I am convinced after this visit that regardless of the differences in policies between our governments, the peoples of the world are determined to be one."

It is that deep-rooted goodwill between the people of Eastern Europe and the people of this country that the President sought to cultivate. It remains the foundation on which our hopes for the future rest.

Maintaining that firm foundation is another reason it is so important for the United States to make good on its commitments throughout the world.

Vietnam is the immediate and crucial test of the integrity of our policy.

Many Americans, weary of the long war, question the importance of obligations incurred years ago. They point to our problems at home, problems which suffer because of resources diverted to Vietnam, and they ask why our national commitment is so important.

One answer lies in the hopes of oppressed people not only in Southeast Asia, but wherever they are in the world, including Eastern Europe.

If they are to retain their faith in the ideal of self-determination for all peoples, we must not abandon our commitment to support that ideal.

Firmness toward our commitments, realism toward change, and respect for other nations can be seen in varying combinations in all of the Administration's approaches to the problems of foreign policy.

I cannot emphasize strongly enough to you what a great difference the application of these principles of foreign policy might have had on the future of the world 25 years ago.

Had they been applied at Yalta, Stalin might not have been permitted the concessions which eventually awarded him most of Eastern Europe.

The application of these principles 25 years ago might have stirred the free world rather than allowing it to sit idly by as Stalin broke pledge after pledge made at Yalta and took over Poland and Romania as satellites.

It might have prevented an American military strategy that played into the hands of the Soviets by allowing the Russian Army to liberate Berlin and Prague.

It might not have sanctioned the overhasty withdrawal of the American armies from Europe, and the consequent creation of a power vacuum into which the Soviets moved quickly.

Such a policy might have done more than issue protests as religious leaders were persecuted, political prisoners executed, and Soviet darkness gradually enveloped Romania, Bulgaria, Albania, Hungry and Poland.

Finally, it might have handled differently the secret agreements, also drafted at Yalta, which led to the formation of the United Nations.

The concessions granted the Soviet Union in the new world organization at that conference coupled with the suspicious manner in which they were leaked to the world set the UN off on the wrong foot.

It was an unfortunate beginning from which the United Nations has never fully recovered.

For all of its shortcomings, the UN remains the boldest experiment in international organization yet attemptetd by man. In its 24th year, it still holds a great hope for the establishment of world order and peace and especially for the protection and preservation of small independent states.

As a principal delegate to the UN in 1967, I can confirm to you, however, that it remains a long way from attaining the ability to deal effectively with the world's problems.

One reason, as President Eisenhower warned at the opening of the 15th UN General Assembly, is that the world has failed to make a "historic decision" concerning its future.

Confronted with the development of terrifying new weapons, the opening of new frontiers in outer space, mounting difficulties in Southeast Asia, and the persistent problems of poverty, illiteracy, and disease, the President said in 1960 the world faced this urgent choice:

"We can strive to master these problems for narrow national advantage or we can begin at once to undertake a period of constructive action which will subordinate selfish interest to the general well-being of the international community.

"The United Nations," President Eisenhower continued, "Is available to mankind to create just such a true world community."

My experience in the 22nd General Assembly two years ago convinced me that as we approach the new decade of the 1970s and the world's problems continue to multiply, we still have not come to grips with that "historic decision" President Eisenhower described.

The UN continues to serve as a world forum for airing the misunderstandings and grievvances that threaten to fester and erupt into world conflict.

And, it remains a place where representatives of every nation can gather officially to attempt solution to delicate international problems.

But, to date, it has had little success in resolving those problems.

It has been an ineffective tool because we have put-off the decision to allow its full potential to be used as a powerful and serious instrument of world order.

We continue to approach international problems mainly from the standpoint of narrow national advantage.

This was demonstrated to me time and again in my assignment to represent the United States in debating the Communist-bloc nations' objections to the continued presence of UN troops in South Korea.

Day after day, I witnessed the deliberate and cynical use of that world forum for the purpose of personal verbal abuse and propaganda of the most primitive sort rather than for real bargaining and negotiation.

The UN is still young in terms of men's lives, younger still in comparison to the lifecycle of nations, and an infant in the long record of history.

But time is running out.

President John F. Kennedy shared President Eisenhower's deep feeling about the latent potential of the UN. But he cautioned in a speech to the General Assembly in 1961 that it was in danger of wasting that promise.

"The United Nations," President Kennedy said, "will either grow to meet the challenges of our age, or it will be gone with the wind, without influence, without force, without respect.

"Were we to let it die, to enfeeble its vigor, to cripple its powers, we would condemn our future.

"For in the development of this organization rests the only true alternative to war—and war appeals no longer as a rational alternative. Mankind must put an end to war or war will put an end to mankind."

Those words are an eloquent epitath to a great American no longer with us."

They provide a blueprint in the quest for peace which lies ahead.

But the world organization has so far had great difficulty in following that blueprint. There is no more graphic example of this failure than the UN's inability to deal effectively with the fundamental denial of human rights to whole nations of people in Eastern Europe.

It has now been more than a quarter of a century since the Soviets launched their expansion program to swallow-up the Baltic States—each of them a great nation with a long history of individual sovereignty, culture, and history.

Yet the oppressed peoples of these nations have been rebuffed time and again in efforts to bring the focus of world attention to bear through the United Nations on their ruthless suppression under Communist rule.

That burden, carried by all of the peoples

of Eastern Europe, has fallen heaviest on Albania. For the people of your homeland have suffered under the double yoke of first Soviet oppression and now Red Chinese-oriented Communism, most regressive and insidious kind of repression.

Under the Soviets, the Albanian people were transformed into a force of slave workers, driven to obey blindly the Communist Party Line at the penalty of instant death or, worse, starvation. The systematic destruction of your country's great, traditional social values followed.

But that unbearable situation was made worse for the people of Albania when its Communist rulers chose to aline with the Red Chinese.

For in doing so, they assured that the Albanian people would also be denied the benefits of the economic and scientific progress that is sweeping all of Europe and even sweeping into the Soviet-dominated regions of the East.

Despite a great deal of propaganda, there has been very little in the way of tangible expression of the relationship betwen Albania's Communist leaders and Red China.

Economic aid has been slow to materialize as have the technical experts promised by China to replace their Soviet counterparts. The result has been a mostly paper relationship with the Albanian people again bearing the burden of failure.

Probably the single most effective effort to call the attention of the world community to the great suffering and injustice that has become a part of the daily lives of the oppressed peoples of Europe was launched by President Eisenhower in 1959.

Mr. Eisenhower was at his best when he proclaimed Captive Nations Week urging the people of the world to "study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations."

Each year in the decade since that proclamation by President Eisenhower, an American President has issued a similar summons placing the spotlight of world attention squarely on the oppression of Eastern Europe.

During those years, as President Nixon observed during Captive Nations Week this past summer, "many things have changed in international affairs."

"The one thing," Mr. Nixon said, "that has not changed is the desire for national independence in Eastern Europe."

The hopes and dreams of the peoples of those nations, dashed temporarily by the Turks, World Wars, and now Communism, remain intact, rekindled and nourished by assurances from a sympathetic America.

Your task as members of the Albanian-American community must be to provide unified leadership to ensure that America never forgets the continuing, courageous struggle of your countrymen.

You have demonstrated that you not only understand that task but that you possess the ability and determination to carry it out very well, hastening the day when national independence and the full enjoyment of human rights and freedoms will again return to Albania. Thank you.

WOULD HAVE VOTED "YEA" ON INTEREST EQUALIZATION TAX EXTENSION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ROGERS of Florida. Mr. Speaker, I was late arriving in the Chamber November 18 due to a mechanical problem on the airplane in which I was traveling from Florida.

Had I been present during the vote on House Resolution 675, providing for agreeing to the conference requested by the Senate on H.R. 12829, to provide an extension of the interest equalization tax, I would have voted "yea."

CHINESE PROPAGANDA FOR ARAB TERRORISTS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. FARBSTEIN. Mr. Speaker, the Mao Tse-tung regime in Communist China is engaged in a very sinister propaganda campaign in the Middle East against the United States.

This regime is extolling the Arab guerrillas as fighters against the "aggression launched by U.S. imperialism and its lackey Israel in 1967."

An article in the summer 1969 issue of Prevent World War III published by the Society for the Prevention of World War III, Inc., of New York, an international research organization, deals with some aspects of this propaganda, much of which has never been adequately publicized.

Therefore, I include this material in the RECORD, as follows:

CHINESE PROPAGANDA FOR ARAB TERRORISTS

Mao Tse-Tung's regime in communist China has long attacked the United Nations as a "tool of imperialism and revisionism, controlled by the United States and the Soviet Union"—two powers that are the objects of Peking's most virulent dislike.

In the Middle East, Israel becomes—according to the Maoist idiom—"the stooge of U.S. imperialism," the U.S.S.R. is denounced for "consenting" to a UN ceasefire at the end of the 1967 war, and the Arab guerrillas of El Fatah are praised both for their rejection of any "political solution" that may be proposed by the Security Council and for their determination "never to lay down their arms."

POLITICS FROM A GUN BARREL

In short, Peking's foreign policy—as officially restated at the 9th Congress of the Communist Party of China in April, 1969—continues to be that "political power grows out of the barrel of a gun." The further application of this principle in the Middle East can only be likened to pumping gasoline into an already flaming building.

Within the past six months Mao Tse-Tung's government has made support of the Arab guerrillas a major theme for its propaganda. During this period no fewer than fifteen articles—plus innumerable short items—have appeared in *Peking Review*, the official English language weekly of the Peking regime, all devoted to attacks on Israel or the United States, and to praise of the Arab cause.

The April 25, 1969, issue features a story entitled "Mao Tse-tung Thought Inspires Arab People's Advance." *"More and more Arab people,"* we are told, *"through their struggle and especially through the war of aggression launched by the U.S. imperialism and its lackey Israel in 1967, have come to understand profoundly that invincible Marxism-Leninism-Mao Tse-tung Thought is the beacon light illuminating their road to liberation and their spiritual atom bomb in the struggle against U.S. imperialism."*

Then we are given a series of purported quotations from Arab guerrilla fighters who are supposed to have been "inspired" by the Red Chinese line.

For example:

"Munir, a heroic fighter who died gloriously in battle in February, had got a set of Selected Works of Mao Tse-tung in Arabic. He treasured it dearly. . . . He often told his comrades: 'China is the most reliable friend of the Palestinian people. . . . Only by persevering in a protracted people's war can the Palestinian revolution finally defeat Zionism, which is supported by U.S. imperialism."

And here is another example:

"A guerrilla fighter in Al Fatah told a Hsinhua (Chinese press) correspondent . . . with deep understanding, 'Our enemy Israeli Zionism, supported by U.S. imperialism, is powerful in appearance. But inspired by Chairman Mao's teaching that all reactionaries are paper tigers, we dare to struggle and win.' . . ."

In preceding months, *Peking Review* has featured articles with such titles as: "Arab People Combat the 'Political Solution' Plot," "Arab People Are Not to be Bullied," "Rising Anti-U.S. Strength," "Daring Palestinian Guerrillas: Ever More Brilliant Battle Results," "Palestinian Armed Struggle Grows From Strength to Strength," etc.

The last article summed up the El Fatah version of "victories" against Israel. "The bombs of the Guerrillas have struck fear into the reactionary regime in Tel Aviv," we are told. "On June 22, a bomb exploded in the main lobby of Jerusalem's Ambassador Hotel. On August 18, four explosions rocked Jerusalem, and on August 21 the U.S. consulate was bombed. . . ."

SPURIOUS "VICTORIES" CLAIMED

On January 17, 1969, an article praised the fourth anniversary of the Palestine Liberation Organization (Arab League financed guerrillas) and El Fatah, presenting in detail claims of "victories" against Israel. "El Fatah released a statistical report in Cairo on January 1," we are told, which said that "in the past four years a total of 3,650 Israeli soldiers and 44 officers were killed by commando forces. . . ."

Obviously, the Chinese propagandists, like the Arabs they support, are fine practitioners of the art of exaggeration—multiplying every figure at least ten-fold. Nevertheless, the guerrillas are a grave threat to the peace of the Middle East and to the security of Israel.

PEKING'S MID-EAST AMBITION

As all the world knows by this time, some of the armament used by the PLO and El Fatah has been supplied by the Chinese Communists, although most of it is Soviet-made, delivered by way of Egypt or other pro-Moscow governments.

The suddenly increased emphasis on the Middle East appearing in Chinese Communist propaganda obviously indicates that the Peking government has decided to enlarge its participation in Arab affairs. Two years ago, Peking was one of the first capitals to receive an official "ambassador" from the Palestine Liberation Organization—and he was immediately given a large segment of time on Radio Peking for the purpose of propagandizing East Asian peoples, in support of intransigent Arab nationalism. Radio Peking has since greatly stepped up its pro-Arab agitation in broadcasts aimed toward South Asia, the Middle East and Africa.

The flowery and emotional language of Peking propaganda, unfortunately, fits in all too well with the Arab temperament, and matches the exaggerated and romanticized language of many Arab politicians. Behind any typical Peking release is the old theme that "Israel is the tool of United Nations and American imperialism"—but the text is apt

to end up, as did one recent hand-out, with a poem by a Moroccan Arab guerrilla fighter that closed with the line "Glory to the fighters who stare death in the face!"

U.N. ATTACKED

The United Nations and Ambassador Jarring's mission come in for special attack. Jarring's function is said to be "to peddle the 'political solution' swindle," *"The Soviet Union, the U.S., France and Britain were planning to send troops into the Middle East under the banner of the U.S.,"* the Arabs are warned. But, the release concludes, *"El-Fatah resolutely opposes the 'political solution' scheme and rejects all formulas, above all, the U.N. Security Council 'resolution.'"*

It is highly doubtful that Peking can effectively support the guerrillas. Meanwhile, Peking propaganda unquestionably is helping to keep the present unofficial war in the Middle East stirred up, and it certainly does much to prevent several Asian and African governments from supporting plans for peaceful solution. It is also reflected in much of the "New Left" agitation in the United States and other countries, especially on college campuses. Advocates of peaceful solutions and supporters of the United Nations must inevitably regard these developments as deeply disturbing.

(NOTE.—Except where otherwise indicated, all quotations used in the above article are from the official text of the *Peking Review*.)

AGNEW AND THE NETWORKS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. GOODLING. Mr. Speaker, Vice President AGNEW's recent comments on the inadequacies of network TV news reporting have generated considerable response, some in agreement with and some opposed to the Vice President's views.

Two articles attributing a positive note to Mr. AGNEW's remarks appeared in the November 15 and 18, 1969, issues of the York Dispatch, a prominent daily newspaper in my congressional district. Because of the timeliness of these articles, I submit them to the CONGRESSIONAL RECORD:

[From the New York Dispatch, Nov. 15, 1969]

AGNEW AND THE NETWORKS

What Vice President Spiro T. Agnew had to say about the coloration of network TV news reporting has needed saying for a long time.

Selection of the news and pictures or film, clever inflection of voice, choice of nuance words—all these contribute to the "news" package.

Points of view on national issues are formed from the visual package. The choice of words in news handling is particularly important. For example, following President Nixon's speech on Vietnam earlier this month, the networks rounded up staffers to provide commentary.

Invariably, the word "failed" cropped up in their discussion. Nixon, it was said, "failed" to set a timetable for troop withdrawal. He "failed" to renounce the Saigon government.

Even one national news service, UPI, said he "failed" to do those things. The word was later changed to refused.

"Failed" whom? The expectations of peaceniks, or the desires of commentators trying to sway public opinion?

Before anybody gets carried away, the issue as we see it is not censorship, but more responsibility in TV news which, it seems, involves more the emotions than the intellect.

The problem with TV news is that it strikes the viewer, makes its impact and vanishes. It can't be slowed down, mulled over and compared to the public record. The average viewer has neither the time nor the facilities for this. Yet the formation of sound judgment on issues requires more study than so-called electronic journalism is capable of giving in its news forest.

TV news has got to be straight—without a point of view—because of its fleeting nature.

Even before Agnew raised the issue, it has been apparent that TV news is both a marvelous blessing and a deceptive curse in a society afflicted with controversy. The medium, strumming the emotions, can give more dimension to Apollo—and to a Stokely Carmichael, too.

[From the New York Dispatch, Nov. 18, 1969]

HATCHET JOB ON AGNEW?

If you watched the Huntley-Brinkley report on Nov. 14, the evening after Vice President Spiro T. Agnew's "network news" speech, you might have formed an impression about what he means by news power.

Let's take things in sequence.

Agnew delivered his speech after the Huntley-Brinkley report the evening of Nov. 13. Channel 8, an NBC outlet, carried the Agnew speech and later that night, the rebuttal by the president of NBC, Julian Goodman.

On Friday, Nov. 14 in the last segment of the Huntley-Brinkley report, Chet Huntley noted that Agnew had criticized network TV reporting, then dwelled on the mechanics of how Agnew happened to be invited to Des Moines to talk. Nothing about what he said. Nothing relevant to the issue. Then, lo and behold, Goodman appeared on the screen once again to deliver his full-length criticism of Agnew.

No self-respecting journalist could successfully maintain that the Huntley-Brinkley report in this instance was objective. It seemed like a pure hatchet job totally lacking finesse. And since David Brinkley's absence from the show was not explained, it's just possible he didn't show because he wanted no part of the clumsy effort.

TERMINAL CONTROL AREAS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. CONTE. Mr. Speaker, on November 15, 1969, the Federal Aviation Administration published notice 69–41, docket No. 9974 in the Federal Register. This FAA proposal would put all aircraft operating in designated airspace surrounding certain busy airports under active ground control. Such "terminal control areas" are designed to reduce the potential for midair and near midair collisions.

Since that time, the FAA has received and is considering literally hundreds of alternate proposals designed to achieve the same goal of lessening the probability of midair collisions. One such proposal, by the Massachusetts Aviation Trades Association, suggests the concept of air corridors similar to those used by the military.

Although I do not take a position on the issue at this time, I would like to include the proposal I mentioned in the RECORD at this point. It should be viewed for what it explicitly claims to be—an alternate proposal that would still achieve the FAA safety goals embodied in notice 69–41. It follows:

MASSACHUSETTS AVIATION TRADE ASSOCIATION,

Re proposal 69–41.

FEDERAL AVIATION ADMINISTRATION,
Office of The General Counsel,
Washington, D.C.

GENTLEMEN: This association has voted unanimously to oppose the concept of terminal control areas.

MATA is well aware of the grave need for positive control of air traffic in our "high density" air terminal areas. It is felt, however, that the circular designation of such vast areas of airspace around our terminal areas would result in a gross waste of otherwise useable airspace particularly when these restrictions might result in limited use of many of our much needed peripheral general aviation airports.

ALTERNATE PROPOSAL

This association suggests that FAA study the concept of air corridors, such as those used by the military for the pact decade, along with an extension of the present control zones to 7000'. An air corridor/extended control zone plan could incorporate a series of geographic corridors to separate turbine and piston aircraft along with "GATE" type points of entry and departure. Positive control could begin and end for arriving and departing traffic in the same manner as outlined in the terminal control area plan. Such a system might even work well enough to delay the eventual need for transponders in VFR aircraft.

CONCLUSION

The alternative air corridor/extended control zone concept would provide all of the safety features created by the terminal control area plan and, at the same time, establish a minimum of positively controlled airspace. This would allow most of the peripheral general aviation airports to continue normal operations without restrictions regarding altitudes, and VFR operations. MATA feels that continued encouragement by FAA to use peripheral general aviation airports is essential to the growth of the industry and to reduce the traffic loads on the primary airports. We also realize that there is a need for positive primary airport traffic control. We feel that the alternate air corridor/extended control concept would accomplish both goals.

Yours truly,

MELBOURNE S. DORR,
President.

INTER-AGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. EDWARDS of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN DON EDWARDS STATEMENT BEFORE THE SUBCOMMITTEE ON EXECUTIVE AND LEGISLATIVE REORGANIZATION

Mr. Chairman: The subject before this subcommittee is a vital one, for it addresses itself to a group of Americans, forgotten and long discriminated against in a manner alien to our best traditions. I am here in support

of H.R. 8416 to establish an Inter-Agency Committee on Mexican-American Affairs and similar legislation to establish a cabinet committee on opportunities for Spanish-speaking people, but more importantly to support broad based Federal legislative recognition of the unique heritage and problems of Spanish-speaking people.

Let me make clear certain facts of Mexican-American life. They have done everything possible to help themselves, and they have much to offer the Anglo society. It is their sweat, sometimes their tears and their blood, which have made the fields of California, and of the entire Southwest, bloom. They have retained their culture, and their family structure, enriching our society. Today they are working very hard to obtain what is every American's rights, but they are doing so in a manner designed to strengthen and enhance their own traditions.

The Spanish speaking people, the Mexican-American, did not ask to be made a part of the United States. They were made a part of this country by force of arms, followed by treaty. The United States has not fully fulfilled the obligations of that treaty, nor has it offered full and free opportunity to the Mexican-Americans. It is time we corrected the continuing mistakes of the past. They were here first, breaking the first ground, giving names to our cities including San Jose, Santa Clara and San Francisco. The problems of the Mexican-Americans are little understood. Sadly, they even are little understood in the areas in which they live, including my own Congressional District in California.

In the City of San Jose the Mexican-American population accounts for 12.5 per cent of the people living there. Recently, I checked on Vietnam casualty figures through April of 1969 for the City of San Jose. A total of 63 young men from San Jose had died in Vietnam, of those 21 were Mexican-Americans. In other words, Mexican-Americans from San Jose are dying at a rate of almost three times that of their Anglo brothers. I mention this figure because it is indicative of a number of little understood truths about Mexican-Americans. It should not be necessary to say that they have been, and are, brave and patriotic, but false and malicious racial myths still creep out from under the rocks of our society and so make this statement necessary. It shames me to have to make it. The Vietnam casualty figure also makes clear that while many white middle class youth escape the draft through college and other doors open to them, these opportunities are not available to most of our Mexican-American young men.

There are other truths about the Mexican-Americans of California, of the Ninth Congressional District, and of San Jose. They are crowded into slum housing. The schools have often ignored their needs and their culture, and necessary correctional steps are slow and timid. They even have been denied the right to press for their wages in the traditional American pattern of collective union-management bargaining. Governments have been slow to allow them representation in the councils which decide their fate.

This bill, and other similar measures, will help them, but these bills also recognize that American can only be strong and just if it responds to and protects all segments of what should be a rich and diverse society. We need far more than just cabinet recognition of Mexican-American hardships, discrimination and problems. We need special programs, geared to the children, who come to our schools from a dual language background. We need respect for cultures other than the rather narrow white middle class culture. We need housing, and we need to agree that every man has the right to a fair wage for the work he performs, especially if that work is in the fields which feed us.

I urge approval of this or similar legislation not because it is an end, but because it is a beginning.

THE PRICE OF UNREST

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KUYKENDALL. Mr. Speaker, my city of Memphis happily has ended a time of turmoil that has disrupted many of our schools and caused great suffering to teachers and children alike.

Lest someone might think that boycotting the public schools is an effective way to make a point, I would like to bring to the attention of my colleagues and other Americans the words of a young Memphis teacher, Mr. James Patrick. Mr. Patrick has seen what has happened and what can happen, and he had enough. He quit. His letter of resignation says, in part:

Riots, disorders, student gangs running through the halls and often into the rooms, goading students to follow, destruction of buildings, equipment, papers, books and records, destruction of efforts. I am exhausted by the frightened faces of well-meaning students and teachers, tired of reasoning with hoodlums holding bricks, of threats of operating all day behind a locked classroom door, of intimidation, of secondary insults, of having my car vandalized, my room broken into.

But most of all, I am tired of not being able to teach.

I came here not as a young idealist but certainly with hopes of exerting some positive influence. These hopes are completely depleted.

Nouns and objects of prepositions are just not relevant when a child has gone through a picket line to get into his school, been advised by adults to go home, and finally, threatened by his peers if he continues.

Lunch, even if the only hot meal of one's day, is not important if one is afraid to eat it.

This must not be read as an indictment of the Memphis system. I do not know what can be done, if anything, so I do not attempt to criticize . . . but I am convinced that I can accomplish nothing academically at Melrose . . . and therefore, I resign immediately and without notice.

I will police no more riots, I am out of patience with mob rule.

Lastly, and the saddest of all, I mention my kids. With the majority of my 90 charges, I had developed a rapport, a raceless, orderly and pleasant learning condition. That necessary condition for the learning process was destroyed several weeks ago. I hope those students do not feel too strongly that I, too, have abandoned them.

But they will have to stay, they are the victims and cannot quit as I can. And soon, unless some bigger man than I radically changes this atmosphere of unreason, they too will learn to scorn learning and rightness. They will learn to throw bricks.

Mr. Speaker, these remarks are not from an isolated voice. They represent a clarion warning that we should all heed.

SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. REID of New York. Mr. Speaker, on the first of this month, my colleague from New York (Mr. BINGHAM) and I, along with Mr. BRADEMAS, Mr. CONYERS, Mr. DIGGS, Mr. FRASER, Mr. MOSHER, Mr. O'NEILL of Massachusetts, and Mr. WHALEN, wrote letters to the presidents of 10 banks which had formed a consortium extending a $40 million annual line of credit to the Republic of South Africa.

The credit agreement was up for renewal and our purpose in writing was to urge that the banks not continue this financial assistance to a country whose apartheid policies are repugnant to all who love freedom.

The banks involved are Bank of America, Bankers Trust Co. of New York, Chase Manhattan Bank, Chemical Bank, First National Bank of Chicago, Irving Trust Co. of New York, Manufacturers Hanover Trust Co., Morgan Guaranty, Continental Illinois Bank & Trust Co. of Chicago, and First National City Bank of New York.

We pointed out in our letter that "the moral question raised by such a revolving credit arrangement to the racist government of South Africa is quite clear" and that the banks have helped "to strengthen the regime in South Africa and have not served to affect that government in any positive way." The full text of the letter will be inserted in the RECORD following my remarks.

Just yesterday, it was announced that the Government of the Republic of South Africa had requested that the line of credit not be renewed. The Finance Minister in Pretoria stated that "The Republic's strong gold and foreign exchange position" made the credit unnecessary, and that it had not, in fact, been used for the last 3 years.

Frankly, I consider the decision more a victory for civil rights and for the cause of justice and freedom everywhere. It is a clear indication that the continued and concerted efforts of private groups and committed public officials can make a difference in an action with enormous moral significance.

The American Committee on Africa and the executive council of the Episcopal Church are two of the groups which have applied pressure on the banks for at least 4 years to refrain from financial dealings which benefit the white-minority regime in the Republic of South Africa. In addition, Mr. BINGHAM'S efforts at mobilizing congressional opinion have been most valuable.

I am hopeful that these developments will be studied seriously in the White House and the State Department where a review of our policy toward Africa is now taking place.

In addition, I would hope that other private investors in South Africa will consider carefully the implications of their financial involvement in that coun-

try. In my view, financial institutions cannot be indifferent to the serious erosion of the rule of law in South Africa, the increasing denial of human rights, and the evermore rigorous enforcement of apartheid. Banks and other private investors are not, in short, absolved of responsibility for the conditions around them in South Africa.

In addition to the letter to the banks, I am inserting in the RECORD at this point a copy of the news story announcing this decision from today's New York Times:

SOUTH AFRICA DROPS BANK CREDIT IN UNITED STATES

(By Edward B. Fisk)

The Government of South Africa has disclosed that it will not renew a $40-million credit reserve provided by American banks. The credit has drawn widespread protest from civil rights advocates and is reported to have cost the banks millions of dollars in deposits.

Demonstration leaders hailed the decision as a victory for their four-year campaign against the credit arrangement, but Owen F. DeVilliers Booysen, the South African consul general here, said that it was terminated because it was no longer necessary.

He quoted Gerald W. Browne, the Finance Minister, as saying, "Because of the republic's strong gold and foreign exchange position, credit had not been used for some three years, and it was not deemed necessary to incur the expenses of extending it."

There was no immediate comment from the financial institutions involved. A spokesman for one, the Chase Manhattan Bank, said that it would be "improper" to issue a public statement on confidential dealings with a client.

The decision involved a $40-million revolving credit plan from 11 American banks and that expires Jan. 8. The arrangement, which has been subject to annual extensions, was initiated in December, 1949, with four banks at a figure of $10-million.

The arrangement has been the target of frequent criticism and demonstrations by churches, civil rights leaders, students and politicians. They charged that the banks were supporting and giving moral sanction to the system of apartheid, or racial separation, in South Africa.

It was defended by the banks, however, on the ground that support of South Africa's economic progress did not constitute endorsement of her racial policies.

In reply to a stockholder's question at an annual meeting in 1967, Thomas S. Gates, then president of Morgan Guaranty Trust Company, declared that withholding of credit from the country could "work a hardship" on all of its citizens.

In addition to Chase Manhattan and Morgan Guaranty, those involved in the consortium are the Bank of America, First National City Bank, Manufacturers Hanover Trust Co., Bankers Trust Co., Chemical Bank, Continental Illinois National Bank and Trust Co. of Chicago, First National Bank of Boston, First National Bank of Chicago and Irving Trust Co.

The Rev. George Houser, executive director of the American Committee on Africa, a 15-year old organization that has coordinated demonstrations against the credit arrangements, said yesterday that he had no direct evidence that the banks had put pressure on South Africa not to renew the credit arrangement.

He added, however, "I don't believe the Government of South Africa would have come to this decision without the pressure that was applied on the institutions themselves."

Representative Ogden Reid, Republican of Westchester, who joined Representative Jonathan B. Bingham, Democrat of the Bronx, and eight other Congressmen in sending a letter to the banks on Oct. 31 asking them to drop the credit arrangements, called the decision "a victory for civil rights."

Among those applying sanctions against the banks was the Executive Council of the Episcopal Church, which voted last spring to withdraw all funds under its control from participating institutions if the arrangement was renewed.

The Most Rev. John E. Hines, presiding bishop of the denomination, said last night that preliminary steps had been taken to shift accounts from three participating banks but that these efforts will now be abandoned.

Mr. Booysen, in quoting Mr. Browne's statement, emphasized that South Africa had not exercised its right to borrow the funds in the last three years.

TEXT OF LETTER BY REPRESENTATIVES OGDEN R. REID AND JONATHAN B. BINGHAM PLUS OTHER CONGRESSMEN TO PRESIDENTS OF 10 AMERICAN BANKS REGARDING $40 MILLION LINE OF CREDIT TO SOUTH AFRICA, NOVEMBER 1, 1969

We the undersigned, are writing to you as president of one of the ten banks comprising the consortium which has provided the government of South Africa with an annual $40 million line of credit.

At this time, when the agreement on the consortium loan is about to expire, we would like to join the growing number of American individuals and organizations who have been deeply concerned about this assistance to the Government of South Africa. We urge you to abstain from participation in any continuation of such a line of credit for the apartheid regime in South Africa.

First of all, the moral question raised by such a revolving credit arrangement to the racist government of South Africa is quite clear. The government of South Africa has been characterized by the International Commission of Jurists "as copying the worst features of the Stalinist regime and reducing the citizen's liberty to a degree not surpassed by the most extreme dictatorships of the Left or Right."

Second, your action has helped to strengthen the regime of South Africa (especially in 1961 and 62), and has not served to affect that government in any positive way. Since 1959, when the revolving loan was established, conditions inside South Africa have become worse. The recent General Laws Amendment, establishing a Bureau of State Security (BOSS), reflects the growing totalitarian and brutal nature of the South African regime.

Third, the assistance to South Africa by ten leading American banks is an unfortunate symbol of American collusion with apartheid to the independent, majority-ruled states of Africa. The involvement of American business and finance on the wrong side of the colour curtain in Africa will have grave consequences in the years to come with our relations with free Africa.

Fourth, the continuation of your consortium credit may tend further to alienate many Americans who find the racial policies of South Africa repugnant.

In our view, it is no answer that foreign policy is the responsibility of the United States Government and that it is not up to banks or other private institutions to act on the basis of moral judgments, when the United States Government has not asked them to do so. First we believe that any major national or international institution, albeit privately controlled, has a moral obligation to consider the implications of its actions, particularly bearing in mind the sensitivities of many of your depositors and at least some of your stockholders. Second, the United States Government does distinguish between South Africa and other countries in that it does not encourage trade, investment, or business activities in South Africa as it does elsewhere. This distinction, which is not without significance, was drawn by Asst. Secretary Joseph Palmer before the House Foreign Affairs Committee on July 10.

We would very much appreciate hearing your views on this whole question.

LETTER FROM VIETNAM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a letter from a young man from my district who is now serving his second tour of duty in Vietnam. This letter merits the reading by every Member of Congress and I encourage all readers of the RECORD to think about the warning in this young man's letter.

[From the Knoxville (Tenn.) News-Sentinel]

LETTER FROM VIETNAM: "WE'LL CONFRONT YOU," MARINE TELLS PROTESTERS

William Wynn, who wrote the letter below, is now on his second tour of duty in Vietnam, a matter of his own choice.

A native of Lenoir City, Wynn joined the Marine Corps in 1961 and served for three years. He re-enlisted in 1965 and served in South Vietnam from April 1966 to June 1967. He was wounded on Easter Sunday in 1967 during action near the Demilitarized Zone.

According to a member of his family, the Marine cannot disclose the nature of his present assignment in the war zone. His home address is P.O. Box 454, Lenoir City, Tenn., 37771.

Here is the letter:

"NOVEMBER 12, 1969.

"EDITOR,
"*Knoxville News-Sentinel,*
"*Knoxville, Tenn.*

"DEAR SIR: I am a Marine presently serving in Vietnam. Since I cannot personally contact the people who are "honoring" us with a moratorium, I would like to do it through this newspaper in an open "letter of appreciation."

"Although I take full responsibility for this letter, the opinions, thoughts and desires expressed herein have been gleaned from numerous bull sessions, reactions to radio/TV newscasts, letters from home informing us of what is happening, and from local newspapers forwarded by our families. They come from people I know, or have known, personally, from a captain with a degree in law to a private first class who is a high school dropout. The majority, however, are between 18 and 20 years old with a high school education and definite plans for the future, whether it be college, marriage, or just working to buy a new car, I think it would behoove the American people and news media to listen and take heed to what these men have to say. These are the credentials which make me think I have the first hand knowledge to write what we feel in the following 'letter of appreciation.'

"We, the servicemen fighting in Vietnam, wish to give our 'thanks' to those 'great patriots,' Abby Hoffman and David Dellinger, who are 'leading' our country in the streets and alleys as Hanoi's fifth column in the United States; to those illustrious statesmen, Senators Fulbright, McCarthy and McGovern, who 'back' our country and its fighting men 'to the hilt' in much the same way as did Caesar's friend, Brutus; to that college fraternity, the Students for a Democratic Society, which is doing so much to preserve our rights of free speech guaranteed under the Constitution, as clearly shown by their 'courteous' attitude when an opponent to their ideas is making a speech; and to all the other 'comrades' who are giving us so much 'loyal support,' wherever they may be.

"We have heard and seen many of the things you have done for our country and us. This letter is totally inadequate to tell you how we feel, but through 'your efforts' we may be able to soon give you our 'thanks' personally. Your words and deeds are burned into our minds and we will not forget.

"Some day we will be able to tell you 'how proud you made us' as you tore our Flag from its staff and dragged it through the streets to burn.

"Some day we will be there to listen as you tell of your 'efforts' and the 'hardships' you underwent to send your blood to North Vietnam while we wasted our blood on the soil of South Vietnam.

"Some day we will get to tell you just how 'brave we thought you were' as you stood up to the 'pigs', unarmed except for bricks, bottles and bags of human waste, to burn your draft cards.

"Some day we will be able to convey to you our 'feeling' for your battle cry, 'Hell No! We Won't Go!' which has replaced our battle cry of the past, 'I only regret that I have but one life to give for my country'.

"The name of your game is confrontation and we are coming home to confront you in the streets, in the universities, in the courts of law, in the voting booths, in Our Country. Everywhere we meet we will remember what you have done and give you our personal 'thanks.'

"Sincerely,

"WILLIAM D. WYNN,
"U.S. Marine Corps."

PINKVILLE MASSACRE—A MORATORIUM PROJECT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. RARICK. Mr. Speaker, the moratorium crowd continue their fifth column efforts to divide our people and disgrace our country.

The disgraceful spectacle of the news media parading our fighting men before the American people exceeds even the citizens revulsion of the alleged massacre at Pinkville. In order to gain a Communist victory in Vietnam, under the guise of peace, disloyal Americans lower themselves to any level—to make a profit or gain notoriety.

The interesting story of who, why, and how the so-called massacre has been projected into the sensitivity training project of the hour, to shock the American people against our Vietnam involvement should be of interest to those seeking answers.

The columnist, Mary McGrory, not a lukewarm supporter of the moratorium bunch, tells that the news hogging massacre story was broken by Seymour M. Hersh, a Washington freelance writer.

To subsidize his work in damaging U.S. military efforts, Mr. Hersh was able to secure a $1,000 grant from the Philip M. Stern Foundation to cover his expenses in running down the massacre witnesses. Hersh also happens to be with the radical underground antiwar news promotion service called Dispatch.

One Richard Barnet, who spent the November 15 moratorium day celebrating in Hanoi with his friends, also happens to be on the advisory board of Dispatch.

So again we find Hanoi calling the signals for its "dear American friends" in the United States. This time we find not only that our national news media is pushing the Hanoi propaganda but that they paid to buy the "news."

Hanoi has already showed its appreciation—more U.S. casualties, more propaganda, and more infiltration.

Mr. Speaker, I include clippings concerning Hersh, Barnet, and related news items:

[From the Washington Star, Nov. 25, 1969]

SILENCE GREETS VIET MASSACRES

(By Mary McGrory)

The reaction to reports of mass murder in a Vietnam village by American GIs has been outrage in London, silence in Washington and dismissal in Saigon.

* * * * *

The story was broken by Seymour M. Hersh, a 32-year-old Washington free-lance writer, who was brought up in Chicago's "Front Page" school of newspapering. Hersh, a fast-talking, fast-moving former Pentagon reporter, was briefly (blank) campaign press secretary, and is the author of a book about chemical and biological warfare.

Hersh is against the war, but resents a London newspaper's designation of him as a "left-wing nut." He first heard of "Pinkville" through the tip of an old friend in the Pentagon who told him early in October merely that "the Army has a man in court-martial at Fort Benning, and they have accused him of killing 75 Vietnamese civilians."

Hersh was "horrified," dropped work on a book about the Pentagon, "The Ultimate Corporation," and started out on the trail. He got the name of George W. Latimer, Calley's counsel, flew to Salt Lake City to talk to him.

He got no specifics from Latimer, only "a sense of the dimensions of the story." He applied for and got a $1,000 grant from the Philip M. Stern Foundation for investigative journalism and started flying around the country to find sources.

[From the Washington Star, Nov. 26, 1969]

TINY BUREAU'S BIG STORY: TWO MEN EXPOSED "MASSACRE"

(By Robert Walters)

Although David Obst and Seymour Hersh moved into their new office in the National Press Building two weeks ago, they still don't have any furniture. And at the rate they're preceeding, it probably will be quite a while before they're organized.

Obst and Hersh simply haven't had time for the luxury of setting up desks and chairs. Instead, they have been totally occupied with the task of almost singlehandedly investigating and publicizing one of the year's biggest news stories—the so-called "Pinkville massacre."

Hersh has been jet-hopping back and forth across the country to track down leads and piece together the story of the alleged murder of at least 109 Vietnamese in the village of My Lai by U.S. Army troops.

At the same time, Obst has been busy selling the story, telephoning newspapers in this country, Canada and England as well as hustling in and out of newspaper offices in the Press Building. He says that at one point he spent 18 consecutive hours on the telephone, talking with editors.

BACKGROUNDS SKETCHED

The backgrounds of the two young men are almost as improbable as the technique they have used to bring the story to the attention of the public—and to provoke a controversy which has spread across both the Atlantic and Pacific Oceans.

Obst, the 23-year-old son of a Los Angeles advertising man, dropped out of a California college several years ago and traveled to Taiwan to complete his undergraduate education "because I decided I wasn't learning anything in school in this country."

He spent the past year at the University of California studying Chinese.

Hersh, 32, is a Washington-based freelance writer who started his journalistic career as a police reporter with Chicago's City News Bureau, moved quickly through a string of newspaper and wire service jobs and has spent the last few years compaigning against chemical and biological warfare.

Today, Obst is general manager and Hersh the star writer for a newly established, play-it-by-ear news bureau known as the Dispatch News Service. Its principal assets are the money earned in the past two weeks from stories about the mass killing—and the enthusiasm of its employes.

SUCCESS UNIQUE

Dispatch's success is unique because almost all news stories presented to the public in this country are developed by long-established news gathering organizations—newspapers, radio and television stations, wire services, feature syndicates, magazines and other media.

The concept of two young men working for a new and unknown organization having such success in developing a major story without the knowledge of the other media and then selling the story to scores of newspapers is virtually without precedent.

How did they do it? Hersh, who has more Pentagon sources than most of the Defense Department correspondents employed by daily newspapers, got a tip about five or six weeks ago. "It was just simply a great story," he says. "I dropped everything else I was doing and started running it down."

EDITORS CALLED

Hersh, whose non-stop style overwhelms observers even when he isn't working on something important, began to criss-cross the country in search of witnesses to the alleged massacre. By Nov. 12, he had the story in hand and Obst was ready to begin a razzle-dazzle selling job on newspaper editors, who are leery of buying stories from people they don't know.

"I called the managing editor of every major newspaper in the country," says Obst, who recalls sprawling on the floor of the barren office with his shoes off and the phone to his face for 18 straight hours.

Out of 50 papers approached, 32 in this country and four in Canada agreed to buy the first story. The story caught on, other papers wanted follow-up material, the television networks became interested, and now two national news magazines are interviewing Hersh and Obst for possible stories on their operation.

"We started with very little," says Obst. "Now, we've established a news bureau. From here on out, we intend to be a clearinghoue for good investigative reporting in this country. We're already hearing from writers who say they've got good material they couldn't publish elsewhere."

Dispatch actually started in late 1968, when Obst and another American in Taiwan, former Dartmouth student Michael Morrow, decided that conventional reporting of the Vietnam war was "concentrated on the soldiers and the politicians but paid no attention to the people."

VIETNAM REPORTED

With Obst selling the material to a handful of papers back in this country from his base in Taiwan, Morrow began his in Vietnam. He was soon joined by Donald Luce, a member of the International Voluntary Services who quit his volunteer post because he thought his work was being corrupted to help perpetuate the war.

They have recently been joined by others.

Last weekend, Dispatch sold to 15 newspapers a series by Richard Barnet, who has just returned from a visit to Hanoi. Barnet is co-director of Washington's Institute for Policy Studies, a radically oriented "think tank."

And Columbia University Prof. Seymour M. Melman, a long-time critic of this country's military policies, will soon be writing for Dispatch, says Obst.

The youthful salesman acknowledges that Dispatch has a left-of-center, anti-war tone, but insists that "we're certainly not ideologues.

"We're no more an anti-war news agency than the Chicago Tribune is a pro-war news agency."

ARMY INFORMATION

Hersh, ironically, once served as a public information officer for the Army, during a six-month active duty stint at Ft. Riley, Kan., while a reservist. With a smile, he notes that he never even made it to private 1st class.

After he was discharged from the Army, Hersh worked on a Chicago suburban newspaper, then published a paper in the same area. In 1962, he joined United Press International in Pierre, S.D., but a year later switched to the Associated Press in Chicago.

In late 1966, the AP sent Hersh to Washington, where he covered the Pentagon until resigning in the summer of 1967 to work on a book: "Chemical and Biological Warfare: America's Hidden Arsenal."

Since that time, Hersh has written a dozen magazine articles on the dangers of CBW, and has been instrumental in providing material on the subject to numerous members of Congress, including the leading House opponent of CBW.

Hersh may well have readers in high places in government. In the middle of all the controversy yesterday about the incident at My Lai, President Nixon brought a virtual end to the young writer's earlier crusade by announcing an end to the use of bacteriological weapons and stringent new controls on the use of chemical weapons.

[From the Washington (D.C.) Post, Nov. 13, 1969]

BROADCAST PUTS AUTHOR BARNET AT HANOI TALKS

Hanoi Radio named Washington author and historian Richard J. Barnet yesterday as a participant in a meeting to register support of "massive (American) demonstrations against the U.S. aggression in Vietnam."

The meeting, in Hanoi Tuesday night, was held by the Vietnam Peace Committee and the Vietnam Committee For Solidarity With the American People. Hanoi Radio said the chairman of the latter group, identified as Prof. Hoang Minh Giam, "warmly hailed the planned massive antiwar demonstrations of the American people . . ."

Barnet, who served in the U.S. Arms Control and Disarmament Agency during the Kennedy administration, is co-director, with Marcus Raskin, of the Institute for Policy Studies here.

TO LEAVE FRIDAY

According to informed sources, Barnet arrived in North Vietnam last Friday, and is expected to leave there this Friday. Raskin said Barnet's mission is "to inform himself of the specific negotiating position of North Vietnam," and also to write about his trip there. Few Americans have been granted visas to enter North Vietnam in recent years.

Barnett is on the advisory board of a newly formed news agency named Dispatch, formed to provide "in-depth reporting on important issues and events for national newspapers and the collegiate press."

He has been highly critical, in writing and speaking, about U.S. policy in Vietnam. His latest book, The Economy of Death, is an analysis of U.S. defense spending and concepts.

REMARKS PARAPHRASED

The Hanoi broadcast identified Barnett and William Meyers (a New York attorney) as "the American lawyers delegation now visiting Vietnam." Their remarks at the meeting were reported only in paraphrased form.

Hanoi Radio said Barnett and Meyers "expressed the American people's solidarity with the juts struggle of the Vietnamese people and urged an immediate and complete withdrawal of U.S. troops from South Vietnam. They affirmed that the Vietnamese people's struggle against the U.S. war is in conformity with the aspiration and interests of the American people."

Neither Barnett's associates or family here could supply any independent account of the remarks attributed to him in Hanoi. Barnett is expected back in Washington early next week.

[From the Washington Post, Nov. 26, 1969]

EX-SOLDIER LOSES $100,000 DEAL ON MYLAI PHOTOS

(By Karl E. Meyer)

NEW YORK, November 25.—Whether former Army combat photographer Ronald Haeberle actually is legal owner of pictures he took of the alleged Pinkville massacre in South Vietnam last year is a question that the courts will have to settle.

But it was established today that the 28-year-old Haeberle tried to get upwards of $100,000 for his color photographs and then lost perhaps as much as $80,000 of it when newspapers decided last Friday that pictures taken by an Army photographer on duty were public property.

After this commercial loss, Haeberle was more subdued than indignant, according to those with whom he was bargaining. "Whatever happens," he reportedly said, "at least I'm glad the story is out."

Haeberle at one point was also seeking $25,000 for his eyewitness account of the alleged massacre—more than twice the $10,000 reportedly paid by CBS to the Dispatch News Service, a free-lance Washington agency, for information leading to an interview with another witness, disabled veteran Paul Meadlo.

In his negotiations here last week, Haeberle had a ready answer for those who asked why he had waited more than a year before approaching anybody with the pictures, and on what basis he could claim the photographs as his private property.

Haeberle is said to have maintained that he had taken four rolls of black-and-white film with his Army camera when the village of Sonmy was attacked in March, 1968. Then, Haeberle explained, he took 1½ rolls of color film on his own 35 mm. camera.

The black-and-white film was reportedly turned over to his Army superiors while Haeberle kept the color for himself. He is said to have insisted that he did not keep the photographs a secret, but actually, and incredibly, used the color slides in lectures on the war that he gave in his home town of Cleveland. It was not until the story surfaced that he became aware of the potential commercial value of the pictures, he told prospective buyers.

Haeberle could not be reached today for comment, and presumably he will give his own version of all this in the forthcoming issue of Life magazine, which has purchased his pictures for an estimated sum of more than $20,000.

However, it was possible to make this reconstruction of the photographer's singular odyssey by talking with media executives with whom Haeberle talked.

Haeberle turned up in Manhattan last Wednesday at the Gotham Hotel, accompanied by Joseph Eszterhas, a Cleveland Plain Dealer staff member who was acting as the photographer's agent and adviser.

The pair was interested in selling the world rights for both the pictures and Haeberle's eyewitness account, but found that Life was interested in only buying North American rights.

On Thursday, Haeberle and Eszterhas were approached by a foreign bidder, Associated Newspapers Ltd. of London, representing the Daily Mail, the Evening News, and Daily Sketch of London, as well as a group of British provincial papers.

The photographer and his agent are understood to have named $100,000 as a starting price for pictures and text, and on Thursday Associated Newspapers tried to put together a consortium to make an offer. German, French and Italian publications were among those understood to have put in firm bids.

But during the day the pair reportedly decided that the price was not high enough, and a new figure was mentioned—$125,000, of which $25,000 would be for the text and the rest for the photographers of dead Vietnamese.

Late Thursday, Haeberle and his associate were warned that they were pushing their luck, and overnight this admonition turned out to be true. Some of the pictures had been sold separately to the Cleveland Plain Dealer, copyrighted with Haeberle's name.

On Friday, The New York Post consulted its attorneys and decided that a combat picture taken by an Army photographer was public property. The Post along with other newspapers, challenged the copyright and published the picture—at which point, the consortium dissolved because foreign bidders were interested in exclusivity.

A free-for-all developed in which Haeberle found himself forced to do what he had sought to avoid, entering into a series of individual deals. An educated guess is that the pair received a total of about $45,000.

"Yet he wasn't angry," one prospective buyer said of Haeberle, "There was none of the indignation you might expect from someone who felt he had been wronged. 'Whatever happens,' he said, 'At least I'm glad the story is out.' "

As to the CBS interview with Paul Meadlo, network executives said that it was contrary to the television company's policy to pay persons appearing on news program interviews. In this case, CBS maintained, the money was paid to the Dispatch News Service, not to Meadlo himself, for an interview filmed in New York with Mike Wallace.

Asked if any of the fee—reported to be $10,000—was given by the news service to Meadlo, a CBS spokesman quoted a statement by the Washington free-lance agency saying, "The kid is getting absolutely zero."

Meadlo himself has been quoted as saying, "I've already told my story. I feel I should be getting something out of it." He could not be reached for further comment.

GI'S STILL BURNED VILLAGES IN PINKVILLE AREA LAST MONTH

CHU LAI, South Vietnam, Nov. 25—Troops of the Americal Division were burning down suspected Vietcong villages near Mylai, scene of the alleged U.S. massacre in 1968 as recently as last month.

"Within a matter of a week at the end of October, we destroyed 13 villages," said 2d Lt. Norman E. Cuttrell, 22, a platoon leader who arrived in Vietnam last month.

According to Lt. Col. Russ Whitla, the burning by "zippo squads," named after their cigarette lighters, is intended to "deny the villages to the Vietcong." It is part of the pacification program in Quangngai Province.

Before the villages are razed, the inhabitants are warned 24 hours in advance by leaflets and loudspeaker broadcasts from planes to leave their homes. They are placed in newly constructed resettlement villages that are often enclosed by barbed wire.

Members of Cuttrell's platoon described in detail how they perform their destruction.

First the zippo squads set fire to the thatched dwellings with their lighters. Sgt.

Steve Kohrt, 20, added, "When we found candles, some of us used candles. If we think it's really worth it, we throw a grenade in."

How long does it take to burn down a village?

"That really varies. It depends on the wind. It also depends on the size of the village," he said.

Cuttrell added, "What we try to do is to get all of the people out of the village before we start burning. Because of the psychological effect, of course, they don't want to go . . . that's their home and everything.

"So what we do is to get them all out of the village and out of sight before we burn it so they won't have to stand and watch their houses burn."

[From the Washington Star, Nov. 26, 1969]

HANOI INFILTRATION RATE IS BACK TO 1968 LEVEL

The infiltration of North Vietnamese troops into South Vietnam is back up to the level it reached last year, after a May to October decline, but the Nixon administration does not see any need so far to halt or reverse its troop withdrawal program.

Hanoi would have to send south a massive new force, composed of much of its army, before the administration would decide to increase the number of U.S. troops. Such a force is not now in the pipeline.

Officials here are watching to see whether Hanoi has increased infiltration to replace Communist losses over the summer. The infiltration level then was lower than the casualty level.

Officials also are wondering if a new Communist offensive is being prepared. Military men in Saigon have long been predicting one.

COULD AID TALKS

An offensive in January or February might mean, paradoxically, that the North Vietnamese were preparing for serious new negotiations, the administration believes, just as the 1968 Tet offensive led into Paris talks.

The talks are stalemated. There has been nothing since mid-August—before the death of President Ho Chi Minh—that remotely resembled real negotiations in Paris.

But the administration continues to believe that negotiating with the North Vietnamese is not like an Anglo-Saxon give-and-take negotiating process of moving toward agreement.

Hanoi is likely to be most implacable just before it is ready to make a settlement, officials think.

They compare the situation to two exhausted marathon runners staggering toward a finish line. The question is who will drop first.

Once Hanoi decides the time has come, perhaps because it thinks the United States is in the right psychological mood as a result of fighting in Vietnam and domestic anti-war activities, then working out a settlement could be fairly rapid.

Because of this, the administration plans to replace Henry Cabot Lodge as the chief U.S. negotiator in Paris sometime in the fairly immediate future. There is no indication of a plan to leave the post vacant indefinitely because the talks have been barren so far.

VIEWED AS SERIOUS

The administration views the renewed heavy infiltration by North Vietnamese troops as serious.

President Nixon said Nov. 3 that the withdrawal of U.S. troops was based partially on the reduced level of infiltration and the reduction of American casualties. He warned that if increased enemy action jeopardized remaining U.S. forces in Vietnam, he would "not hesitate to take strong and effective measures to deal with that situation."

Nixon deliberately did not spell out those measures.

The administration is now watching the infiltration rate closely to see if some measures are necessary. So far there has been no effect on the troop withdrawal program, but it could easily be slowed down.

WHITE HOUSE RAPS VIET "MASSACRE"

The White House today deplored the alleged massacre of South Vietnamese civilians in the village of My Lai.

In the first public reaction to the case, White House press secretary Ronald L. Zeigler said such an incident is "abhorrent to the conscience of all the American people."

"The secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct, as alleged, be dealt with in accordance with the strict rules of military justice."

Ziegler also said that "this incident should not be allowed to reflect on the some million and a quarter Americans who have now returned to the U.S. after having served in Vietnam with great courage and distinction."

Ziegler would not comment on facts in the case because the case is now moving through the military judicial process.

In response to questions about President Nixon's attitude regarding the massacre charges, Ziegler read a statement of his own which he said "conveys the over-all feeling of the White House, of the administration and therefore of the President."

The statement said:

"This alleged incident occurred some 10 months before this administration came into office, and as the secretary of defense said, did not reach his attention until April 1969. This delay is regrettable.

"As soon as the matter came to the secretary of defense's attention in April of 1969 a full investigation was launched by the Army.

"Both the investigation still underway, and the trial which has been announced, have been and will be conducted in strict accordance with the code of military justice.

"An incident such as that alleged in this case is in direct violation not only of U.S. military policy but is also abhorrent to the conscience of all the American people.

"The secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter Americans who have now returned to the United States having served in Vietnam with great courage and distinction.

"The alleged incident is now moving through the military judicial process and because of this fact it would be inappropriate for me to comment beyond the remarks which I have just given you."

Ziegler told newsmen that the President has been kept informed regarding the alleged incident "as the secretary of defense felt it appropriate, based on information that became available to him."

He said he did not know precisely when the secretary had first informed the President of the case, but believed it was several months ago.

SILENT MAJORITY RISES TO A CHALLENGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. HOGAN. Mr. Speaker, on November 4, I spoke before this body and urged that the "silent majority"—of whom President Nixon spoke in his televised Vietnam message—end their silence and begin to give tangible evidence that they support their President's policy.

I also pointed out that the news media play up the role of the vocal minority and, consequently, the views of the vast majority are never heard—an opinion which has since received much attention as a result of Vice President AGNEW's speeches on the subject.

Today, Mr. Speaker, I would like to speak in a more positive and reassuring manner. Today I would like to insert into the CONGRESSIONAL RECORD the names of more than 1,400 persons from one area of my congressional district who are proud to be counted as part of the "silent majority."

Not only am I pleased to record the names of these patriotic Americans in the annals of American history, but I would also like to commend the Courier, the newspaper published in Suitland, Md., which performed this public service, and its editor, Bill Hunter, for collecting and printing these names. The list follows:

HERE'S SOME MORE OF THE SILENT MAJORITY

Mr. Bernard T. Hardy, Chillum.
Bernard T. Hardy, Jr., Chillum.
Bernard T. Hardy, Sr., Chillum.
Mrs. Louise Sharer, Chillum.
George Bell, District Heights.
Stella Bell, District Heights.
Harry A. Leibrand, Washington.
Edith M. Leibrand, Washington.
John E. King, Oxon Hill.
Mrs. John E. King, Oxon Hill.
Marion E. Parks, Rose Valley,
Melva L. Parks, Rose Valley.
Edward C. May, District Heights.
Howard F. McClanahan, Oxon Hill.
Faye I. McClanahan, Oxon Hill.
Bertha C. Stratton, Greenbelt.
Mrs. Jacqueline White, Oxon Hill.
Stephen A. White, Oxon Hill.
Charles B. Hall, Upper Marlboro.
Virginia I. Hall, Upper Marlboro.
James T. Snyder, Accokeek.
Alice Rummler, Silver Hill.
Herman Rummler, Silver Hill.
Robert Allwine, Hillcrest Hgts.
Mrs. Robert Allwine, Hillcrest Hgts.
Barbara Flaherty, Silver Hill.
Kenneth Barnes, Brookmont, Md.
Roger Beach, Oxon Hill.
Mrs. Roger Beach, Oxon Hill.
Robert Beach, Oxon Hill.
Mrs. Robert Beach, Oxon Hill.
Richard Beach, College Park.
Mrs. Richard Beach, College Park.
Sp4 R. David Beach, Vietnam.
Ralph Beach, Thailand.
Ray Beach, Hillcrest Heights.
Mrs. Rita Collins, Washington.
Mr. Donald Burroughs, Oxon Hill.
James Hammrich, Glass Manor.
Mrs. James Hammrich, Glass Manor.
Joseph Spargo, Laurel.
Susan Spargo, Laurel.
Howard Staples, Camp Springs.
Madeline Staples, Camp Springs.
Mrs. George Hurst, Morningside.
Deborah Brooke, Beltsville.
Robert Murphy, Bethesda.
William D. Payne, Sumner.
Mary Jane Payne, Sumner.
Richard H. Hart, Hillcrest Heights.
Alma G. Hart, Hillcrest Heights.
Mrs. William A. Harris, Riverdale.
John D. Davies, Clinton.
Mary M. Williams, Suitland.
W. R. Williams, Suitland.
Bonnie Marsh, Oxon Hill.
Mark Evers, Oxon Hill.
Dianna Evers, Oxon Hill.

Alvin Jo Marsh, Jr., Oxon Hill.
Gregg Marsh, Oxon Hill.
Brenda Marsh, Oxon Hill.
Larry Evans, West Virginia.
Golden Evans, West Virginia.
Mottrom Burger, Mt. Rainier.
Mrs. Mottrom Burger, Mt. Rainier.
Joseph W. Brown, Oxon Hill.
Gwen Lee Brown, Oxon Hill.
Mrs. John Bathurst, Hillcrest Heights.
Karen Harvey, Fairfax.
W. Dawson Cave, Hillcrest Heights.
Mrs. W. Dawson Cave, Hillcrest Heights.
William Harris, Hyattsville.
G. W. Easton, II, Mt. Rainier.
Mrs. G. W. Easton, II, Mt. Rainier
Dale Shaner, Morningside.
Mrs. Dale Shaner, Morningside.
Reginald Carpenter, Oxon Hill.
Mrs. Reginald Carpenter, Oxon Hill.
Mrs. Lucy Sullivan, Oxon Hill.
Mrs. Nella Abernathy, Forestville.
Mary Lou Williams, Oxon Hill.
Marian Murphy, Upper NW.
Edward Smith, Suitland.
Jacqueline Smith, Suitland.
Linda Smith, Suitland.
Diane Smith, Suitland.
Dick Kravitz, Greenbelt.
Harriet Kravitz, Greenbelt.
Alice A. Adams, Hillcrest Heights.
Chuck Tooley, Rose Valley.
Bonnie Tooley, Rose Valley.
Lee R. Thompson, Forest Heights.
Richard Asmussen, Clinton.
Lois Asmussen, Clinton.
Michele Debari, Clinton.
John E. Butkowski, Anacostia.
Robbie Breeden, Forest Hills.
Mrs. Robbie Breeden, Forest Hills.
Mr. Martin Miller, Boulevard Heights.
Mrs. Lucille Miller, Boulevard Heights.
Michael Nitka, District Heights.
Curtis H. Dall, Brentwood.
Gerald Anderson, Alexandria.
Roy Rudderforth, Clinton.
Mrs. Roy Rudderforth, Clinton.
Louis Coumaris, Chillum.
Francis Puzak, Marlow Heights.
Dr. Peter Puzak, Marlow Heights.
Mrs. Sandra Locher, District Heights.
Donald Boyd, Silver Spring.
Rosita Fernandes, Suitland.
Dixie Barger, Forestville.
U.S. Rep. Lawrence Hogan, Landover.
Brian Hill, Upper Marlboro.
Janet Hill, Upper Marlboro.
Albert DeCline, Clinton.
Marie DeCline, Clinton.
Robert Tipton, Oxon Hill.
Mary Lee Mitchka, Clinton.
Elizabeth Frey, Hillcrest Heights.
Louis Lieb, Hyattsville.
Pauline Lieb, Hyattsville.
Walter Kelly, Oxon Hill.
Irene Kelly, Oxon Hill.
Alfred Cordero, Morningside.
William Dreos, Oxon Hill.
Sue Bridgely, Beltsville.
June O'Donnell, Forestville.
Ernest O'Donnell, Forestville.
Evelyn D. Brown, Hyattsville.
Lewis C. Brown, Hyattsville.
Robert Chavez, Chesapeake Beach.
Ken Leach, Hillcrest Heights.
Mr. Jack Printz, Forest Knolls.
Mrs. Jack Printz, Forest Knolls.
Martin L. Boyer, Hyattsville.
Jacqueline Parker, Hillcrest Heights.
Harold Dunbar, Camp Springs.
Mr. Thomas C. Walter, Roger Heights.
Bill R. Hunter, Bryantown.
Mrs. Marion Murphy, Upper Marboro.
Mr. Thomas Schoenboner, Oxon Hill.
Mrs. Thomas Schoenboner, Oxon Hill.
Mr. V. DiFrancis, Marlow Hgts.
Mrs. V. DiFrancis, Marlow Hgts.
Mrs. John N. Pappos, Suitland.
John N. Pappos, Suitland.
Mr. E. P. Stevenson, Takoma Park.
Mrs. E. P. Stevenson, Takoma Park.
Walter Stevenson, Takoma Park.
Mrs. Alice M. Weitzel, College City.
Raymond G. Kennerly, Hillcrest Hgts.
Cynthia K. Lassiter, Oxon Hill.
Mrs. Hilda Richstone, Hillcrest Hgts.
Lillian C. Wright, Forest Knolls.
Laurence C. Wright, Forest Knolls.
George P. Zevgolis, Oxon Hill.
Beda H. Zevgolis, Oxon Hill.
Alfred Chalmers, Oxon Hill.
David N. Chalmers, Oxon Hill.
Ruth Hilleary, Oxon Hill.
Cecil B. Weller, Camp Springs.
Ollon D. McCool, Park Land.
Alice M. McCool, Park Land.
Holland Bost, Camp Springs.
Reverand J. Ewalt, Blandensburg.
Fred Baumann, District Hgts.
Josphine Baumann, District Hgts.
James E. Marlarkey, Oxon Hill.
Anne Marlarkey, Oxon Hill.
Joseph A. Heberle, Southeast.
Elizabeth Heberle, Southeast.
Dr. Matthew Schrenk, Southeast.
Mrs. Matthew Schrenk, Southeast.
Mr. Thomas Evans, Temple Hills.
Mrs. Thomas Evans, Temple Hills.
Mr. Frank Esdle, Oxon Hill.
Mrs. Frank Esdle, Oxon Hill.
Jean Milliagan, Clinton.
Frances Maier, Hillcrest Heights.
Dixie Maier, Hillcrest Heights.
Mr. Carroll Hefner, Temple Hills.
Mrs. Carroll Hefner, Temple Hills.
Pryor Hefner, Temple Hills.
Neil S. Allen, Fort Washington Forest.
Patrishe N. Allen, Fort Washington Forest.
Adele Faust, Temple Hills.
Bertha Faust, Temple Hills.
Ervin M. Davis I, Forestville.
Dorothy Davis, Forestville.
Barbra Davis, Forestville.
Ervin M. Davis II, Forestville.
William Burr, Forestville.
Richard P. Malone, Camp Springs.
Mrs. Dorothy Burr, Forestville.
Lona Livengood, College Park.
Warren Livengood, College Park.
Robert L. Stoy, Washington.
Vernon J. Haslup, Suitland.
Stella Cossey, Clinton.
Augusta B. Decker, Washington.
Bessie M. Everegg, Arlington.
Fred Garber, Hillcrest Heights.
Sue Gibson, Tracy's Landing.
Penelope Norris, Waldorf.
Ila I. Sorrels, Hillside.
Mildred V. Watts, Washington.
Susie Bender, District Heights.
Jessie L. Messick, Washington.
Margarite B. Howard, Washington.
Michael G. Harring, Oxon Hill.
Mrs. Michael G. Harring, Oxon Hill.
Lewis Heller, Clinton.
Eileen Heller, Clinton.
S. F. Adams, Hillcrest Heights.
Raymond Shegogue Jr., Hillcrest Heights.
Mrs. Raymond Shegogue, Hillcrest Heights.
Michey Shegogue, Hillcrest Heights.
Mr. G. W. Easton III, Waynesboro, Va.
Mrs. G. W. Easton III, Waynesboro, Va.
Sp5 Marshall Dickerson, Shawsville, Va.
Mrs. Marshall Dickerson, Shawsville, Va.
Joe Townsend, District Heights.
Jo Anne Townsend, District Heights.
Mrs. William Harris, Hyattsville.
Goldie M. Dunbar, Riverdale.
Jane T. Williams, Hillcrest Heights.
Edward Haller, Temple Hills.
Thomas Schoenbauer, Oxon Hill.
Pam Gordon, Hillcrest Heights.
Mrs. Charles E. B. Gordon, Hillcrest Heights.
Charles E. B. Gordon, Hillcrest Heights.
Mrs. William A. Warren, Hyattsville.
Mrs. Marie Williford, Camp Springs.
George T. Williford, Camp Springs.
Mrs. Timothy Youngson, Oxon Run Hill.
Thomas Youngson, Mechanicsville.
Mrs. Thomas Youngson, Mechanicsville.
Jacqueline Tippett, Forestville.
Michael C. Tippett, Forestville.
Edward B. Adams Jr., Birchwood City.
Gertrude L. Adams, Birchwood City.
Lloyd Fredericks, Hillcrest Heights.
Mrs. Lloyd Fredericks, Hillcrest Heights.
Mrs. Catherine Beach, Hillcrest Heights.
Ronald Beach, Falls Church, Va.
Mrs. Ronald Beach, Falls Church, Va.
Richard M. Gemmill, Silver Spring.
Helen R. Cordero, Morningside.
Marine Cpl. Kenneth R. Anderson, Vietnam.
Gerald Bartholomew, Temple Hills.
Isabel Bartholomew, Temple Hills.
Robert P. Anderson, District Heights.
Claire M. Anderson, District Heights.
Robert L. Bolen, New Carrollton.
Margaret Burness, New Carrollton.
Pauline M. Schoenbauer, Camp Springs.
Mrs. Michael G. Harring, Oxon Hill.
Raymond W. Davis, Hillcrest Heights.
Beverly Davis, Hillcrest Heights.
James Geary, Oxon Hill.
Andree Geary, Oxon Hill.
Raymond Bourassa, Oxon Hill.
Jean Bourassa, Oxon Hill.
Denise Bourassa, Oxon Hill.
Richard Bourassa, Oxon Hill.
Mr. William Andre, Oxon Run.
Mrs. William Andre, Oxon Run.
Kathie Andre, Oxon Run.
Mrs. Sharon Hawk, Oxon Run.
Miss Mary Ray, Suitland.
George Beaver, College Park.
Mr. M. W. Lantz, Marlow Heights.
Mrs. M. W. Lantz, Marlow Heights.
Jack J. Nolan, Hillcrest Heights.
Anna E. Nolan, Hillcrest Heights.
Joseph P. Robson, Hyattsville.
Mr. James R. Smith, Forestville.
Mrs. James R. Smith, Forestville.
Clarence Bridges, Hillcrest Heights.
Mrs. Clarence Bridges, Hillcrest Heights.
Edgar Bridges, Hillcrest Heights.
Doris Lane, University Park.
Grady Lane, University Park.
H. W. Whitlock, University Park.
Jane Rudolph, Silver Spring.
Raymond Austin, Lanham.
Mrs. Raymond Austin, Lanham.
William Bertoni, Lanham.
Mrs. Hilda C. Lastner, Mayo.
Josephine Brewster, Washington.
Ray T. Sparks, Jr., Hillside.
Warren S. Woodward, Washington.
C. G. Sipes, Brentwood.
Sue Mills, Oxon Hill.
James Mills, Oxon Hill.
Betty Thorne, Clinton.
Joseph Thorne, Clinton.
Mrs. Jack Gwynn, Clinton.
Ernest Workman, Forestville.
Mrs. Ernest Workman, Forestville.
William Collins, District Heights.
Mrs. Wm. H. Collins, District Heights.
Mr. George Lowe, Chillum.
Mrs. George Lowe, Chillum.
Merlyn Soukup, Laurel.
Gail Soukup, Laurel.
Mr. Russell B. Swindler, Brentwood.
Mrs. Russell B. Swindler, Brentwood.
Mr. Tookie Catena, Chillum.
Mrs. Tookie Catena, Chillum.
Mr. Lester Flint, White Plains.
Mrs. Lester Flint, White Plains.
Ruth Flint, White Plains.
Miss Terese Vogelson, Forestville.
Raymond Wycoff, Morningside.
Kathleen Wycoff, Morningside.
Michael O'Brien, Oxon Hill.
Renee O'Brien, Oxon Hill.
Lauren O'Brien, Oxon Hill.
Mr. Benjamin Tubb, Oxon Hill.
Mrs. Benjamin Tubb, Oxon Hill.
Mr. Charles Kingley, Suitland.
Mrs. Charles Kingley, Suitland.
Mrs. Jacqueline Cosgrove, Washington, D.C.
Mr. Anthony J. Grado, Hillcrest Heights.
Mrs. Anthony J. Grado, Hillcrest Heights.
Mr. Raymond Lauver, Oxon Hill.
Mrs. Raymond Lauver, Oxon Hill.
Jack I. Resnicoff, Hyattsville.

Blanche Resnicoff, Hyattsville.
Ensign Arnold E. Resnicoff, Hyattsville.
Steven H. Resnicoff, Hyattsville.
Joel Resnicoff, Hyattsville.
Fred A. Greene, Jr., Lanham.
Mrs. Fred A. Greene, Jr., Lanham.
Mrs. Merritt P. Raymond, Beltsville.
Mr. Robert B. Herrmann, Hillcrest Heights.
Mrs. Robert B. Herrmann, Hillcrest Heights.
Mrs. Matthew Kerchbaum, Hillcrest Heights.
Mr. Matthew Kerchbaum, Hillcrest Heights.
Mary Lou Williams, Oxon Hill.
George A. Heitman, Lawrenceburg, Ind.
Eva A. Heitman, Lawrenceburg, Ind.
Sharon Douglas, Lawrenceburg, Ind.
James N. White, Tokyo, Japan.
Edward A. Sirlen, Spain.
Roberta Humphrey, Ontonagon, Mich.
National Society, Sons of the American Revolution, Washington.
Mrs. Reta Everhart, Mt. Rainer.
Mr. Victor Unruh, Riverdale.
Mr. Franny Catena, Chillum.
Victor Edward Unruh, Chillum.
Donald Willett, Silver Spring.
Teresa Willett, Silver Spring.
Charles Stover, Suitland.
Bonnie Stover, Suitland.
Dorothy Young, Marlow Heights.
Thelma Miller, Washington, D.C.
Agnes Goodwin, College Park.
Chester Goodwin, College Park.
Curtis Accipiter, Coral Hills.
Nancy Accipiter, Coral Hills.
Mrs. Bernice Louch, Bradbury Heights.
James Dillon, Camp Springs.
Margaret Dillon, Camp Springs.
Robert Beard, Camp Springs.
Faye Beard, Camp Springs.
Mr. Franklin West, Hillcrest Heights.
Mrs. Franklin West, Hillcrest Heights.
Abe Goldsmith, West Hyattsville.
Eva Goldsmith, West Hyattsville.
T. S. Hess, Suitland.
Kathryn Hess, Suitland.
P. J. Maglio, Suitland.
Ann R. Maglio, Forestville.
Lucile Soukup, Laurel.
Robert Wilson Jr., Morningside.
Rosalie Wilson, Morningside.
Ann Maria Wilson, Morningside.
Robert Wilson III, Morningside.
Henry Gregg, Suitland.
Mrs. Alfreda Howard, Suitland.
Joyce Schavey, Suitland.
Jean Barth, Suitland.
Harold Hess, Suitland.
Gerald Parker, Hillcrest Hgts.
Harold Lyon, Camp Springs.
Leola Lyon, Camp Springs.
Ronald E. Wright, Clinton.
Deloras L. Wright, Clinton.
Steve Bostic, Clinton.
Gordon C. Ridings, Clinton.
Mable V. Ridings, Clinton.
Mable V. Burgess, Clinton.
Clyde D. Walkup, Clinton.
David Walkup, Clinton.
Ruth Haynes, Clinton.
James Haynes, Clinton.
James Thompson, Clinton.
Joe Walkup, Clinton.
Carl F. Tolanio, Clinton.
John L. Garden, Brandywine.
Buthe L. Garden, Brandywine.
Elaine Bostic, Bladensburg.
Burl Bostic, Bladensburg.
Robert J. Spangler, Riverdale.
Patricia D. Gerard, Bowie.
Amn. Gerald A. Morrow, Andrews AFB.
Margaret I. Gerard, Bowie.
Gladys Smith, Clinton.
Wm. T. Smith, Clinton.
Mr. Edward J. Schreiber, Oxon Hill.
Mrs. Edward J. Schreiber, Oxon Hill.
Melvin D. Hill, Oxon Hill.
Joby Hill, Oxon Hill.
Mr. J. Harris Rogers, Aquasco.
Mrs. J. Harris Rogers, Aquasco.
Mr. Maylon Clark, Marlow Hgts.
Mrs. Dorothy Clark, Marlow Hgts.
Mr. Edmund E. McGuire, District Hgts.
Mrs. Edmund E. McGuire, District Hgts.
John A. Veit, Washington, D.C.
Mr. Joel R. Best, Suitland.
Mrs. Joel R. Best, Suitland.
Mr. W. Michael White, Temple Hills.
Mrs. W. Michael White, Temple Hills.
Walter J. Snellings, Oxon Hill.
Florence R. Snellings, Oxon Hill.
Jessie Miller, Hillcrest Hgts.
Marlene S. Hunter, Bryantown.
Mary Hukill, Clinton.
Joan Poland, Camp Springs.
Harold R. Morgan, Morningside.
Gwynn R. Morgan, Morningside.
Henry Block, Forestville.
Betty Block, Forestville.
Mr. Bill Bury, Oxon Hill.
Enian Block, Forestville.
Allen Block, Forestville.
Edward Mickiewicz, Forestville.
Adele Mickiewicz, Forestville.
Thomas Harrison, Arlington, Va.
Kathleen Harrison, Arlington, Va.
R. Edward Early, SE Washington.
Jean L. Skilton, Hyattsville.
Jerry S. Davis, Washington.
George T. Snow, Suitland.
Erma Snow, Suitland.
Louise McFall, SE Washington.
James W. Sullivan, Suitland.
Charlotte Sullivan, Suitland.
Clarence Cooley, Riverdale.
John J. Crothers, Hillcrest Hgts.
Robert J. Caho, University Hills.
Carlo Dinello, Clinton.
Maria-Eleana Dinello, Clinton.
Paul McDaniel, Hillcrest Gardens.
Mae F. McDaniel, Hillcrest Gardens.
Reba Reno, District Heights.
Lamar Gowland, Hillcrest Hgts.
Sherwood Martin, Forestville.
Dorothy Gowland, Hillcrest Hgts.
G. H. Knabenshue, Oxon Run.
William Brooke, Beltsville.
Eleanor Brooke, Beltsville.
Gary Gentile and family, Forestville.
Adele L. Scherchinger, Chillum Manor.
Robert West, Morningside.
Jean West, Morningside.
Mary Bieber, College Park.
Betty Harris, Oxon Hill.
Gerald Holcomb, Hyattsville.
William F. Ferguson, Rockville.
Mrs. Page E. Truesdell, District Heights.
Mr. John Reffatto, District Heights.
Mrs. John Reffatto, District Heights.
Alexander W. Hamilton, Riverdale.
Mr. Edward L. Forrest, Forest Heights.
Mrs. Edward L. Forrest, Forest Heights.
John W. Cassidy, Upper Marlboro.
Louis C. Cassidy, Upper Marlboro.
Walter Beke, Friendly.
Joyce Ervin, Upper Marlboro.
Wallace Daniel, Suitland.
Roy K. Heitman, Suitland.
Dena Heitman, Suitland.
Alice Weaver, Marlow Heights.
State Sen. Fred L. Wineland, Silesia.
George C. Moore, Oxon Hill.
Mrs. Eleanor J. Davis, Morningside.
Charles R. Tyler, Upper Marlboro.
Karen Kukuda, Oxon Hill.
C. Calvert Lancaster, Oxon Hill.
Mr. Oliver, Humble, Bladensburg.
William Benjamin, Bowie.
Mrs. Arthur Krites, Hyattsville.
Barbara Hutchinson, Hillcrest Heights.
Bob Hutchinson, Hillcrest Heights.
Richard Mazzella, Hillcrest Heights.
Mark Wright, Hillcrest Heights.
Catherine M. Merkle, Brentwood.
Steve Buick, Oxon Hill.
Linda Farley, Oxon Hill.
Mrs. Mary Guy, Hyattsville.
Kathlyn Freeman, Hyattsville.
Mr. Harold Freeman, Hyattsville.
Mrs. Harold Freeman, Hyattsville.
George Dyer, District Heights.
Mrs. Helen Whitlow, Riverdale.
Harold Wildfever, Forestville.
Bill Wildfever, Forestville.
Donald Taylor, Oxon Hill.
Betty Taylor, Oxon Hill.
George L. Plummer, Forestville.
Ruth M. Plummer, Forestville.
Mr. William L. Farley, Chillum.
Mr. Robert L. Swetz, District Heights.
Mrs. Robert L. Swetz, District Heights.
John Robinson, Langley Park.
Edward Sickels, Rockville.
Mrs. Louise Casca, Silesia.
Carl Foley, Suitland.
Mr. Charles F. Kosack, College Park.
Mrs. Charles F. Kosack, College Park.
Joseph A. Heberle, Jr., Friendly.
Jo Anne Heberle, Friendly.
Francis F. Miller, Silver Spring.
Mrs. Grace V. Miller, Silver Spring.
Ervin Davis II, Forestville.
Ruth Hilleary, Oxon Hill.
Mr. V. DiFrancis, Marlow Heights.
Mrs. V. DiFrancis, Marlow Heights.
Cecel B. Weller, Camp Springs.
Roma C. Weller, Camp Springs.
Ollon D. McCool, Park Land.
Alice M. McCool, Park Land.
William Chappell, Camp Springs.
John N. Pappas, Suitland.
John M. Pappas, Suitland.
Mr. E. P. Stevenson, Tacoma Park.
Mrs. E. P. Stevenson, Tacoma Park.
Walter Stevenson, Tacoma Park.
Fred Bawmann, District Heights.
Josephine Bawmann, District Heights.
Francis X. Jahn, Louhow.
Patrica Bile, Millersville.
Roy Chambers, Camp Springs.
Lois Chambers, Camp Springs.
Robert Chambers, Camp Springs.
David Chambers, Camp Springs.
Carolyn Chambers, Camp Springs.
Mary Ann Chambers, Camp Springs.
Thomas Chambers, Camp Springs.
Kenneth Chambers, Camp Springs.
Henry Moore, District Heights.
Kathryn B. Moore, District Heights.
Janice K. Moore, District Heights.
Brenda J. Moore, District Heights.
Sgt. Michael J. Tierney, Viet Nam.
A1C Michael B. Hartman, Viet Nam.
Mr. Lester Nevins, Viet Nam.
Margaret Flarerty Thompson, Silver Spring.
Edward M. Flaherty, Silver Spring.
George M. Thompson, Silver Spring.
Mrs. Myrtle Sabins, Silver Hill.
Mr. John Clarke, Jr., Hillcrest Heights.
Mrs. John Clarke, Jr., Hillcrest Heights.
Mrs. Kitty Sherland, Oxon Hill.
Mr. Joseph Sherland, Oxon Hill.
Truman Walrod, Oxon Hill.
Ann Walrod, Oxon Hill.
Winifred Manilli, Hillcrest Heights.
Paul Manilli, Hillcrest Heights.
Walter P. Whittington, Washington, D.C.
Harry E. Gibbons, Forest Heights.
Evelyn C. Gibbons, Forest Heights.
Hazel Whyman, Forest Heights.
Ninna M. Absher, Washington, D.C.
Mrs. Vernis Absher, Sr., Washington, D.C.
Mr. and Mrs. Lloyd V. Cryer, Oxon Hill.
William B. Patton, Hillcrest Heights.
Barbara G. Patton, Hillcrest Heights.
William E. Patton, Hillcrest Heights.
Robert B. Patton, Hillcrest Heights.
Mr. & Mrs. Marlin D. Smith, Camp Springs.
Mr. & Mrs. Otto D. Paugh, Camp Springs.
Mr. & Mrs. Paul F. Meyers, Hyattsville.
Anne C. Young, Hillcrest Heights.
William A. Young, Hillcrest Heights.
Mrs. C. J. Shughure.
Mrs. C. J. Shughure, Hillcrest Heights.
William Craddock, Clinton.
Mrs. William Craddock, Clinton.
Milo Walter, Hyattsville.
Mrs. Milo Walter, Hyattsville.
Mr. & Mrs. Frank Bowman, Glenn Dale.
Anthony Malonka, Deer Park Heights.

Mr. & Mrs. Donald M. Coakley, Temple Hills.
Linda Coakley, Temple Hills.
George Russell, Bowie.
Mrs. Russell A. Green, Landover Hills.
Frances Green, Landover Hills.
Donna Adams, Hillcrest Heights.
Donald Arvidson, District Heights.
Marie Taylor, Brandywine.
Oliver E. Taylor, Brandywine.
Nina Cole, Hyattsville.
Jean Loveless, Hyattsville.
Emil Loomis, District Heights.
Charles O'Malley, Ft. Washington.
Arnold Marcum, Temple Hills.
Rev. John Macon, Clinton.
Mr. & Mrs. John Wright, Fleischman's Village.
Mr. & Mrs. Norman Sanders, Hillcrest Heights.
James H. Crisp, Camp Springs.
Dorothy Crisp, Camp Springs.
Arthur C. Wheeler, Arlington, Va.
Mabel V. Wheeler, Arlington, Va.
Norris Westover, Camp Springs.
Louise Westover, Camp Springs.
Kathy Westover, Camp Springs.
Brenda Westover, Camp Springs.
Zoe Ann Vent, Temple Hills.
Mr. & Mrs. Esko E. Hallila, Hillcrest Heights.
E. G. Rose, Morningside.
Grace C. Rose, Morningside.
Ann Rose, Morningside.
Paul Rose, Morningside.
John Hurlburt, Hillcrest Heights.
Betty Drish, District Heights.
Frank Drish, District Heights.
Frederick Tizard, Oxon Hill.
Dorothy Tizard, Oxon Hill.
Arthur Dolinger, Alexandria.
Thelma Dolinger, Alexandria.
Mrs. Ellen Bell, Hillcrest Gardens.
Mrs. Ann Jones, Forest Heights.
Sharon Brown, Oxon Hill.
Danny Brown, Oxon Hill.
Pat Lawrence, Oxon Hill.
Cindy Hines, Silver Spring.
Henry Ruby, Temple Hills.
Mrs. Henry Ruby, Temple Hills.
Ben Lanier, Suitland.
Jonquil Lanier, Suitland.
James D. Atkins, Suitland.
Betty Sue Oertly.
Chas. J. and V. E. Mullican.
W. W. and Gladys Godsey.
George W. Taylor.
Elizabeth P. Taylor.
Mrs. Charlotte A. Foote, Accokeek.
Mr. James Caponiti, Oxon Hill.
Mrs. Lydia Caponiti, Oxon Hill.
Mr. Billie B. Shaddix, Oxon Hill.
Mrs. Lucy Shaddix, Oxon Hill.
Mrs. Joanne S. Morris, Oxon Hill.
Mr. Ralph W. Simmons Jr., Washington, D.C.
Mrs. Edna Simons, Washington, D.C.
Mr. Ralph W. Simons III, Washington, D.C.
Mrs. Thelma A. Cline, Mt. Rainier.
Mr. Wm. Przybyszewski, Oxon Hill.
Mrs. Lottie P. Veeder, Accokeek.
Mrs. Jeanne F. Tierney, Quantico.
Mrs. Jeanne F. Tierney, Quantico, Va.
Mr. James H. Veeder, Accokeek.
Mrs. Mildred Veeder, Accokeek.
Mr. Fred Veeder, Accokeek.
Mrs. Ethel F. Reigelman, Hillcrest Heights.
Mrs. Jessie L. Miller, Hillcrest Heights.
Mr. John M. Hartman, Sr., Camp Springs.
Mr. Edward Singer, Clinton.
Mrs. Mary Singer, Clinton.
Mrs. Bernice L. Baker, Suitland.
Mr. Charles Flynn, Clinton.
Mrs. Peggy K. Flynn, Clinton.
Mr. Denby O. Coon, Washington, D.C.
Mrs. Eleanora C. Coon, Washington, D.C.
Mr. C. Jimmie Vaccaro, Marlow Heights.
Mrs. Ruth M. Vaccaro, Marlow Heights.
Mr. Henry Brinton, Oxon Hill.
Mrs. Rose Brinton, Oxon Hill.
Mr. J. Walter Norris, Camp Springs.
Mrs. Christine E. Norris, Camp Springs.
Mr. J. Douglas Furr, College Park.
Mrs. Lois P. Furr, College Park.
Mrs. Grace H. Dyer, Washington, D.C.
Mr. Walter S. Johnson, Oxon Hill.
Mrs. Eleanora S. Johnson, Oxon Hill.
Reverend Henry Swain, Accokeek.
Mrs. LaRoca Swain, Accokeek.
Mr. Clyde Sowell, Accokeek.
Mrs. Elizabeth Sowell, Accokeek.
Mr. Carlton Hall, Accokeek.
Mrs. Ruth Hall, Accokeek.
Mr. Edward Munney, Accokeek.
Mrs. Sarah Munney, Accokeek.
Mr. John Nevins, Accokeek.
Mrs. Leitha Nevins, Accokeek.
Mr. Russell, Accokeek.
Mrs. Russell, Accokeek.
Mr. Ladd Gasparovick, Accokeek.
Mrs. Ladd Gasparovick, Accokeek.
Mr. Horace Thompson, Accokeek.
Mrs. Mildred Thompson, Accokeek.
Mrs. Virginia Corbett, Accokeek.
Mrs. Helen Storey, Accokeek.
Mrs. Lillie Mae Conley, Accokeek.
Mr. John Grace, Accokeek.
Mrs. Ruth Grace, Accokeek.
Mr. W. Ledru Koontz, Washington, D.C.
Nora Seidler, Oxon Hill.
Melvina Lewis, Oxon Hill.
Adrian Mohr, Oxon Hill.
Janine Mohr, Oxon Hill.
Leonard Brampton, Oxon Hill.
Velma Brampton, Oxon Hill.
Mr. Jack Worthington, Accokeek.
Mrs. Alva Worthington, Accokeek.
Mr. William Clements, Accokeek.
Mrs. Adele Clements, Accokeek.
Mr. Fred Morris, Accokeek.
Mrs. Grace Morris, Accokeek.
Mr. Ford L. Dean, St. Mary's County, Md.
Mrs. Linda Dean, St. Mary's County, Md.
Mary Lou Harris, Suitland.
Martha J. Pett, Suitland.
Ruby V. Barngrover, Suitland.
David L. Beall, Suitland.
Leonard Hampton, Suitland.
John J. Whelan, Suitland.
John Scherger, Suitland.
George H. Peacek, Suitland.
Gardner Lowman, Suitland.
John G. Hartung, Chillum.
Mrs. John G. Hartung, Chillum.
Joann Hartung, Chillum.
John F. Ingalls, Chillum.
Mrs. John F. Ingalls, Chillum.
O. J. Veyeau, Chillum.
Lorine K. Hartung, Chillum.
Thomas Dore, Chillum.
Mrs. Thomas Dore, Chillum.
Pasquale G. Romano, Chillum.
Mrs. Pasquale G. Romano, Chillum.
Frank Rewet, Chillum.
Mrs. Frank Rewet, Chillum.
John Schavey, Suitland.
Albert C. Tayman, SE Washington.
Bertha N. Tayman, SE Washington.
W. Crossley, Silver Hill.
Mr. and Mrs. Daniel J. Pascale, Cheverly.
Catherine E. Hutchison, Hillcrest Heights.
Sherwood Hutchison, Hillcrest Heights.
Louise Rossi, Hillcrest Heights.
Louis Rossi, Hillcrest Heights.
Mrs. G. Caparell, SE Washington.
Albert Smith, Temple Hills.
William Jubane, Forestville.
Penny Jubane, Forestville.
Mary Dencola, Upper Marlboro.
Thomas Dencola, Upper Marlboro.
Edward C. Gross, Camp Springs.
Anne Gross, Camp Springs.
Mrs. Thomas C. Walter, Roger Heights.
Mrs. Anne Taylor, Roger Heights.
Mary Lou Williams, Oxon Hill.
Mrs. May E. Bell, Hillcrest Heights.
Mr. Herbert M. Bell, Hillcrest Heights.
Roy T. Sparks, District Heights.
Marian H. Sparks, District Heights.
Aaron L. Lewis, Forestville.
Lorraine Lewis, Forestville.
Judson Lewis, Forestville.
Jacqueline Green, Oxon Hill.
Robert Green, Oxon Hill.
Carolyn Green, Oxon Hill.
Mrs. Edna Potts, Washington.
Joan Potts, Washington.
Mrs. Edith Small, Washington.
Mrs. John Meehan, Hillcrest Heights.
James E. Cosh, Washington.
Mrs. James E. Cosh, Washington.
Joseph Jones, Washington.
Mrs. Joseph Jones, Washington.
William Arnold, Washington.
Mrs. William Arnold, Washington.
Carl Lyle, Washington.
Mrs. Carl Lyle, Washington.
Ronald Brenneman, Camp Springs.
Anita Brenneman, Camp Springs.
James Giffen, Crofton.
Mrs. James Giffen, Crofton.
Harris Havard, Hillcrest Heights.
Mrs. Harris Havard, Hillcrest Heights.
G. M. Jordana, Hillcrest Heights.
Mrs. G. M. Jordana, Hillcrest Heights.
Doris Belfield, Temple Hills.
Joseph Belfield, Temple Hills.
Gino Ricci, Camp Springs.
Barbara Ricci, Camp Springs.
Flores Colon, Camp Springs.
Maria Colon, Camp Springs.
Andree Geary, Oxon Hill.
James Geary, Oxon Hill.
Miles Geary, Oxon Hill.
Sandra Geary, Oxon Hill.
Suzanne Clise, Oxon Hill.
Wayne Clise, Oxon Hill.
Lorraine E. Ryan, Camp Springs.
Louise Jacoby, Temple Hills.
Mildred Bennett, Washington.
Joseph M. Bennett, Washington.
Emily F. Bennett, Washington.
Douglas W. McIlvaine, Washington.
Louise Fitzgerald, Washington.
Debbie Green, Lanham.
Helen Black, Lanham.
Harvey Black, Lanham.
Charlie M. Hurd Sr., Brentwood.
Marilynn J. Hurd, Brentwood.
Richard Lynch, Temple Hills.
Mrs. Richard Lynch, Temple Hills.
Dave Barton, Suitland.
Helen Barton, Suitland.
Audrey Maynard, Camp Springs.
Frances Sullivan, Temple Hills.
V. F. Sullivan, Temple Hills.
Bonnie Sullivan, Temple Hills.
Eugene Dimmick, Temple Hills.
Mrs. Eugene Dimmick, Temple Hills.
William Newman, Washington.
Mrs. William Newman, Washington.
William Stenbinsky, Suitland.
Mrs. Wm. Stenbinsky, Suitland.
Don Every, Suitland.
Daria Every, Suitland.
Harold A. Steiner, Temple Hills.
Lemar Phillips, Oxon Hill.
Dorothy Phillips, Oxon Hill.
Larry Phillips, Oxon Hill.
Bonnie Phillips, Oxon Hill.
Robert Phillips, Oxon Hill.
Bryan K. Swartwood Jr., Forestville.
Mrs. Bryan K. Swartwood, Forestville.
Jules F. Morel, Oxon Hill.
Dorothy A. Morel, Oxon Hill.
Elaine Yobst, Oxon Hill.
Ernest H. Lung, District Heights.
John Moye, Hyattsville.
Robert Hermann, Lanham.
Joanne Hermann, Lanham.
William Struthers, Berwyn Heights.
Hugh Paull, Laurel.
Bernard Klein, Alexandria.
Chris Andersen, Oxen Hill.
Bernice Andersen, Oxon Hill.
Paul Rogers, Suitland.
Mrs. Paul Rogers, Suitland.
William Schlossen, Hillcrest Heights.
Mrs. Wm. Schlossen, Hillcrest Heights.
Sen. Edward T. Conroy, Bowie.
Mrs. Joseph Organ, Washington.

Edward M. Richardson, Washington.
Linda H. Amkill, Suitland.
Michael P. Nemchick, Oxon Hill.
Pearl Walsh, Washington, D.C.
Lelia Walsh, Washington, D.C.
Richard Walsh, Washington, D.C.
Dwayne Milstead, Indian Head.
Anthony Ciotti, Seat Pleasant.
Barbara Ciotti, Seat Pleasant.
Virginia Walsh, Washington, D.C.
Martin R. Kennard, Hyattsville.
Edgar C. Miller, Washington, D.C.
Mrs. Edgar Miller, Washington, D.C.
Glenn Hefner, Temple Hills.
Mrs. Glenn Hefner, Temple Hills.
Clinton L. Burnett, Mt. Rainer.
Amy E. Burnett, Mt. Rainier.
Mrs. Goldie Pimentel, Berkshire.
R. E. Knodle, Washington, D.C.
Mrs. R. E. Knodle, Washington, D.C.
Walter L. Ruscik, Hillcrest Heights.
Marie Ruscik, Hillcrest Heights.
Helen Carter, Hillcrest Heights.
Carlysle Stark, Oxon Hill.
Betty Stark, Oxon Hill.
Sonny Turlington, Bowie.
Allen P. Sears, New Carrollton.
Lillian M. Sears, New Carrollton.
Mary H. Heinly, New Carrollton.
Theodore Jaramillo, Greenbelt.
Mrs. Lillian V. Guthrie, Silver Hill.
O. H. Profitt, Edgewater.
Egmont Singer, Arlington.
Mrs. Egmont Singer, Arlington.
Bob Everhart, White Plains.
Grace C. Daly, Suitland.
Lou Ann Thomas, District Heights.
Beverly Rholand, Colesville.
William I. Thomas, District Heights.
Jewell Bragunier, Indian Head.
John Thomas, Bethesda.
Courtney Thomas, Bethesda.
Florence Thomas, Bethesda.
John H. Jessie, Hillcrest Heights.
Ruby J. Jessie, Hillcrest Heights.
Ruby Freeman, Hillcrest Heights.
Dr. N. J. Tavani, District Heights.
Naomi Tavani, District Heights.
Mary Trowbridge, Bradbury Heights.
Robert Trowbridge, Bradbury Heights.
Frank Miller, Bradbury Heights.
Shirley Miller, Bradbury Heights.
John H. McBride, Bradbury Heights.
Lynn Paxton, Bradbury Heights.
Linda McBride, Bradbury Heights.
Pat Smith, Bradbury Heights.
Pat Jones, Bradbury Heights.
Johnson W. Jones, Bradbury Heights.
Gladys C. Edelen, Bradbury Heights.
Jo McAuley, Bradbury Heights.
Paul E. Smith, Bradbury Heights.
Ralph Provenzone, Bradbury Heights.
Mrs. Ralph Provenzone, Bradbury Heights.
Richard Walsh, Bradbury Heights.
Joseph Lembo, Bradbury Heights.
Mrs. Joseph Lembo, Bradbury Heights.
Rudy Giacalone, Bradbury Heights.
Alice E. Smith, Bradbury Heights.
Donnie Lee Douglas, Bradbury Heights.
Pat Douglas, Bradbury Heights.
Paras S. Coleras, Bradbury Heights.
Aren M. Cleland, Bradbury Heights.
Frank S. Gatton, Bradbury Heights.
James Ramsey, Bradbury Heights.
Jessie Ramsey, Bradbury Heights.
Evelyn Buckner, Bradbury Heights.
Ruth M. Estep, Bradbury Heights.
Aubrey E. Estep, Bradbury Heights.
Doris Hall, Bradbury Heights.
Dennis Tash, Bradbury Heights.
Dorothy Talbert, Bradbury Heights.
Vinter Talbert, Bradbury Heights.
Martin Cebula, Bradbury Heights.
Frances Cebula, Bradbury Heights.
Erma H. Huffman, Bradbury Heights.
Helen M. Talbert, Bradbury Heights.
Lawrence M. Denison, Bradbury Heights.
Leo Lagana, Bradbury Heights.
Mary T. Lagana, Bradbury Heights.
Eva Matanone, Bradbury Heights.
Ignacio Matanane, Bradbury Heights.
Florence Griggs, Bradbury Heights.
Melvin Griggs, Sr., Bradbury Heights.
Lois V. Norton, Bradbury Heights.
Henry C. Norton, Bradbury Heights.
D. W. Jones, Bradbury Heights.
A. Francis Jones, Bradbury Heights.
Susan McBride, Bradbury Heights.
Juanita Goheens, Washington, D.C.
Bernard Goheens, Washington, D.C.
Gilbert L. Seelock, Boulevard Heights.
Nancy Sealock, Boulevard Heights.
Betsy Edelen, Boulevard Heights.
Audrey Day, Boulevard Heights.
Mrs. Kenneth Estep, Morningside.
Kenneth Estep, Morningside.
Thomas Morgan, Morningside.
Adrienne Estep, Morningside.
Capt. John A. MacDonald, Greenbelt.
Paul Pernecky, Silver Spring.
Elsie Pernecky, Silver Spring.
Maurine DiSilvestro, Silver Spring.
Ann DiSilvestro, Silver Spring.
H. T. Buckner, Washington, D.C.
Mrs. H. T. Buckner, Washington, D.C.
T. A. Knodle, Washington, D.C.
Mrs. T. A. Knodle, Washington, D.C.
L. R. Reno, Washington, D.C.
Mrs. L. R. Reno, Washington, D.C.
C. J. Williams, Washington, D.C.
Mrs. C. J. Williams, Washington, D.C.
John P. Wallerveiter, Hillside.
Elva D. Wallerveiter, Hillside.
Frances Ward, Washington, D.C.
Robert Ward, Washington, D.C.
J. Emory Ward, Washington, D.C.
William A. Hicky, Jr., Hyattsville.
Mrs. Charlotte E. Anders, Hyattsville.
Marion Robshaw, Hyattsville.
Hubert L. Baker, Oxon Hill.
Thelma J. Baker, Oxon Hill.
Cheryl J. Baker, Oxon Hill.
Danny L. Baker, Oxon Hill.
Randall Baker, Oxon Hill.
Patricia Baker, Oxon Hill.
Cindy Baker, Oxon Hill.
Kenneth Baker, Oxon Hill.
Marcy Baker, Oxon Hill.
Kenny Baker, Oxon Hill.
D. Bradford Damon, Hillcrest Heights.
Bertha F. Damon, Hillcrest Heights.
Milda M. Himmler, Oxon Hill.
John I. Meehan, Hillcrest Heights.
Kay Farmer, Washington, D.C.
Lyle Farmer, Washington, D.C.
Patti Farmer, Washington, D.C.
Kathi Farmer, Washington, D.C.
Michael Farmer, Washington, D.C.
Frank Friberg, Oxon Hill.
Mrs. Frank Friberg, Oxon Hill.
Linda Patteson, Kensington.
Mrs. Everett McConkey, Oxon Hill.
Everett McConkey, Oxon Hill.
Howard Dove, Laurel.
Sarah Dove, Laurel.
Sam Kirchner, Oxon Hill.
Jean Kirchner, Oxon Hill.
John Kirchner, Oxon Hill.
John R. Walsh, Washington, D.C.
Vicki Hamilton, Silver Spring.
Sharon Hamilton, Silver Spring.
Becky Hamilton, Silver Spring.
Leslie Moreland, Silver Spring.
Walter J. Hamilton, Silver Spring.
Evelyn Hamilton, Silver Spring.
William E. Gordon, Suitland.
James Wilson, Hillcrest Heights.
Calvin J. Foote, Waldorf.
Bobbie E. Larson, Suitland.
Charles E. Secrist, Jr., Hillcrest Heights.
Stan G. Cecil, Hillcrest Heights.
Bob Boteler, Hillcrest Heights.
James Harrison, Hillcrest Heights.
H. Johnson, Suitland.
Russell Ziebell, Hillcrest Heights.
Kenneth R. Clopper, Camp Springs.
Melvin W. Turner, Washington, D.C.
Chas. M. Brooks, Baltimore.
Jimmy Carter, Suitland.
Garry Robbison, Silver Park.
Robert B. Ross, Hillcrest Heights.
Bonnie Shafer, Temple Hills.
Tom Diggs, Hillcrest Heights.
Kathryn Sargent, New Carrollton.
Charles B. Lankford, Annandale, Va.
Ann Christie.
Bob Cooper.
Da Bracero.
Barbara L. Owens.
Catherine A. Goodwin.
Eleanor B. Peebles.
Wanda L. Meade.
Richard W. Dehmans.
Richard A. Beekwitt.
Sally P. Beekwith.
Linda D. Patten.
William N. Patten.
J. M. Chappelew.
Nancy E. Harris.
Nelvin J. Farrar.
Larry A. Harris.
John E. Gilmar.
Patricia A. Foley.
Walter W. Farrar.
Brenda E. Adams.
Mary L. Seules.
Dorothy Rice.
Beverly Barnes.
Vivian Bellamy.
Charles D. Kise, Jr.
George Demar.
Janet Spoerer.
Joyce Hitt.
Jeanne A. Sera.
Helen Rita Payne.
John C. Moron.
Richard L. Carver.
Frances Patrick.
Erma D. Waldroop.
Margaret E. Gilman.
Robert E. Booker.
Dottie L. Snow.
Mr. & Mrs. Carl Denekas.
Mr. Kenneth Denekas.
Mr. & Mrs. Emerson Meyers.
Mr. & Mrs. Everette C. Simmons.
Mr. & Mrs. Walter J. Spangler.
Mrs. Iva M. Glaviano.
Mr. & Mrs. Joseph O. Ockershausen.
Mr. & Mrs. Elbridge C. Narron, Jr.
Mr. & Mrs. Eugene J. Holland.
Robert Moltz.
Paul T. Nakansli.

OREGON'S GOVERNOR TOM McCALL SPEAKS TO THE COLLEGE GENERATION

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WYATT. Mr. Speaker, Oregon's very able Governor, Tom McCall, recently addressed the students and faculty in assembly at Oregon State University, Corvallis.

His remarks are very incisive, and responsive to the present communication problem between the generations. I am certain that you will find them very helpful as we all struggle to understand not only the younger generation, but our own as well, and seek to unite all sectors of our national ability to build a better America. Here is Governor McCall's message:

As we meet today to look into another century, it's appropriate that we honor towering figures in the fields of writing, politics, education and natural resources.

Our warmest congratulations go to the recipients of the Distinguished Service Awards . . . the brilliant debater who fought through so much valuable federal education in his 24 years in the Senate . . . the outstanding American novelist . . . the consum-

mate manager of fish and wildlife assets . . . and the great forester who later became the most powerful college president Oregon has ever known.

Oregon is a better state and Oregon State a stronger university because of their extraordinary efforts—and did you notice that, like almost any presentation for unusual service in Oregon, a goodly share of the awards were based on the recipient's commitment to the quality of the environment.

What's more, when we look together into your second century, we cannot escape the sobering thought that our greatest need will be to make our existence on this planet compatible with our environment. So massive is our degradation, so overwhelming our pollution, so intemperate our demands upon nature and nature's world which sustains us and makes our very life possible, that charting out our course is perhaps the No. 1 imperative of a dawning decade.

There is no leadership opportunity that is greater, no need more insistent, no problem area that is of more importance than balancing man's technological progress with the restorative powers of his environment.

Man himself may be the endangered specie. From our great universities, from the "Oregon States" of the nation, can come the combined voice of technical competence and social understanding to show the way.

This university has been of paramount importance in providing guidance and knowledge in improving man's lot by improving the bounty of the land and the forests and our livestock and wildlife. Accomplishments in your second century may dwarf all of this in the field of oceanography as you probe and reveal and open the treasure chest of the sea.

As magnificent as our space efforts have been, the frontier still open to man is on *this* planet, in using the abundance of the oceans for our betterment.

And let our stewardship of the resources of the oceans reflect our best efforts, free from our tragic ineptness in handling the resources of the land.

Our greatest challenge is to learn to live as part of nature's world, and to make nature part of our world. To this end we also look to you for leadership, as we meet at the fountainhead of Oregon State University's second century of service to man.

The growth and the deeds that came before this moment have gained unquestioned honor.

The vitality and promise of now are witnessed in every phase of this busy community of scholarship.

The future of this institution has every promise of continued greatness and growing excitement.

But in 1969, even a solid and praiseworthy past—even a dynamic present cannot offer guarantees of a future.

This is a time of great question—analysis—examination—and great diagnostic probing.

You couldn't have been young at a better time.

Of course we do not know precisely what the next century will offer. Of course you cannot know the pages of your own futures. But what great expectations are truly warranted as the entire world trembles on the edge of the universe!

Governments are changing; educational structures are revolving and evolving; lifestyles have never before plunged with such abandon into new lifestreams.

At a time when we all have so much invested in each other; at a time we are gaining such encouraging new insights, I find it foolish to think of us as entrenched and divisive generations, camped apart, and wary of each other's moods and moves.

Is there such a difference? And how about the common ground, isn't it strong and fertile and well-tilled? If we stand together in a new dawn, don't we owe it to each other to sustain the old accords just a bit longer?

We are involved in a time of sensitive significance. We all share this time and its pressures together. But, at moments when our tempers run high we should remember: What other nation has allowed such scope of public comment by all segments of the majority and all segments of the minority?

Woefully lacking in many virtues we may be; bitterly hypocritical and ignorant we often prove; but the outcry of voices has not been silenced.

As long as we can maintain this monumental clamor under one mutual roof, we have earned at the very least an abashment of history. Many shades of political thought have lived on this ground before us and many more will. There is scope here for idea and there is hope here of intelligent change through compromise and agreement.

Listen to a thought expressed in 1937 by Charles Evans Hughes: "The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly, in order to maintain the opportunity for free political discussion, *to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic,* the very foundation of constitutional government."

There is a real crisis at hand. And we are all involved in that crisis. We cannot, of course, eliminate the differences of age and experience and training; we cannot eliminate the real differences in point of view. We cannot even prevent the shock of unavoidable separation which years and change bring about. My generation suffers that affront now; yours will suffer it when you have been replaced on the evanescent throne of youth. This has always been so and probably will always be. It is part of the ground rules for living.

We share this crisis through propinquity. We all happened along in the same span of time—and here we are. Will we stone each other to death or will we set the guard, pool the rations, and light a council fire? Certainly, the fact that we are facing each other across some very dark fields in some very crucial moments has made both of our generations more important than they could have been ten years ago. So, again, here we are. Shall we—standing in this common spotlight—find common ground?

Yes, because from my point of view, I feel like an expert in knowing and caring about the young. First of all, I was there once myself. But—since leaving it—I have never been able to cut myself off from the arena of young lives, nor would I want to.

During the years of my life I have been thoroughly trained and experienced in dealing with youthful lifestyles and mindstyles—through having two sons, through nieces and nephews, through cousins, through the sons and daughters of my close personal friends.

In the lot of my own blood contacts, I've lived with both the Phi Beta Kappa and the dropout; with the decorated naval officer in Viet Nam and with the young man who took the Lompoc route away from the service; through family success and family failure; through the whole gamut of emotion and intellect. That's a lot of experience with youth. And it has kept me from growing an insulation between myself and the younger lives. It has helped stay in touch with the young mind and its exciting, fresh, robust point of view. It has made it possible for me to develop a deep personal love and concern for *all* of them—yes *all* of them—and a continuing sense of grateful responsibility for my part in helping them when I can. That's a lot of caring, and a lot of raw material for compassion, and I'm not about to back away from that much basic training.

"It's all the young can do for the old, to shock them and keep them up to date."

George Bernard Shaw made that observation. It would be illuminating if we could hear his reactions to the current uproar between youth and age. It is probable that the pithy playwright would be dazzingly frank, semantically exact, and completely without panic in facing the question. He was, as is the case with all great men, completely free of a false generation barrier. His lifetime was unfettered by a "generation gap."

"Generation Gap?" How often is that one heard? More often, even, than "viable" or "meaningful" or "fantastic." But what does it mean and how does it help anything or anybody? Could it be that—at least most of the time—it provides a handy cop-out phrase for the parent, teacher, or leader to disguise a deep lack of interest in or a dark fear of the young; and, balancing that, for the young to use an open-sesame for absolutely frivolous behavior or as an excuse for not listening?

Let's try to avoid making what appears to be an ancient and familiar twin mistake: abandoning reason for labels or cliches, at the same time we are replacing the search for difficult answers by the acceptance of easy and superficial stopgaps.

There is much for the elder to learn from the younger. Francis Bacon said "Young men are fitter to invent than to judge; fitter for execution than for counsel; and fitter for new projects than for settled business." Cooperative effort grows from that philosophy.

We have so much in common. The ideals of age are not so different from the ideals of youth. John Dryden felt there was century-spanning unity in the "the people's prayer, the glad diviner's theme, the young man's vision, and the old man's dream."

For a moment, look at that decrepit generation over 40. As a group, it rattled the cage loudly enough to gain incredible depression-inspired reforms, and without turning to Communism as a tool for social progress; it shattered history's most massive totalitarian war machine; it shed more blood and realized more treaty-gained curbs against aggression; it fought the widest range of economic battles; and it accomplished more legislation for the advancement of ethic and other minorities than any other generation in history.

And, of course, we botched up many projects, fumbled on many an occasion, and frequently looked the other way when the handwriting was appearing on the wall. We, as a group, can neither brag nor despair. We tried. We tried hard. We ask the same of today's youth. Our causes are remarkably wedded—and we hope you win where we failed.

Much must be reformed. This has always been true. But let's realize the reforms in the only way that any gained advantage can be assured—and that is action through the ballot box.

With every violent and mindless scourge of blood and fire, anarchy is brought ever nearer.

Every time a life is destroyed, a leader may have been lost.

Every time an institution is destroyed, a kernal of vital truth may have crumbled with it.

We cannot let violence or silence force us into a polarization of such cataclysmic potential.

And another point to consider: You may, with your extreme age-consciousness, be doing great damage to your own futures, let alone ours. I do not mean the much-discussed dreads of drugs, drinks, and dropouts. I mean the incredible chronology youth seems to have laid out. Youth speaks of an end-stop at age 30. That means, when you are 20, you have only 10 years left to live before the long, dark, nothingness of senility.

If you live past 30, what a dismal prospect for you. You will have no training for it and no taste for it. You will be shocked and hurt when the 20-year-olds behind you clam up and shun you. What—in the name of insmanship—will you do? Weep through a long and lonely medieval age? Retreat into the shades-drawn quiet of the recluse? Make fools of yourselves by tucking middle-aged spreads into tight jeans and miniskirts? Or will you make the unfavorable mistake which so many of you—now young—accuse your parents of making: that is, the futile attempt to relive your own youth by mercilessly invading and sharing the lives of your children.

It needn't happen. The gap is artificial. The ages of man are amalgamated through sharing, and so should it ever be.

Whatever the hazards ahead, somehow enthusiasm and hope must be protected and encouraged. And—beyond argument—both enthusiasm and hope leap highest in the hearts of the young.

We must seek the common ground and encourage all forms of liaison activity. We must preserve this remarkable system of democratic government while protecting all of its gaudy and glorious differences. And, certainly, one of the main motivations for concern is well and simply stated by Dr. Dale Corson, president of Cornell University: "To destroy the universities is the surest and quickest way to destroy mankind."

It is a time of bewildering paradox.

We roar in the streets for the subtle rights and the nuances of power—while there are millions in our society who can't even read what the issues are.

We campaign for curriculum detail—while one out of four students has significant reading deficiencies.

We hear that 60% of our high school students don't plan to go on to college—while most high school programs are planned solely for the college-bound student.

We hear of demonstrators demanding a voice on the podium—while denying it to others.

We hear of those who call for love, using hate to get it; who demand freedom, denying it to others; who revolt against rigidity, founding another strict format of their own.

We hear of dictums to end hypocrisy, stop wars, abolish hunger, elevate righteousness, and declare paradise.

These are excellent goals, but they will require the power of combined effort and coordinate cooperation. And they will require time.

Dr. Paul F. Lawrence, assistant commissioner in the U.S. Office of Education, San Francisco, sees no end to campus unrest in the near future.

"Though the goals and dimensions of demonstrations will undoubtedly change," he writes, "students understand—and rightly so—that our educational enterprises become repository of all sorts of hopes for curing ills that plague society, from crime and urban decay to foreign policy and Viet Nam."

Dr. Lawrence says this is the kind of response to problems that we should expect of students, and he urges those of us who are concerned about the problem to make a very real effort not only to learn more about what is upsetting the student mind—but to help see to it that the average citizen also gets with it. Perhaps Dr. Lawrence's most provocative point is this:

"Too often the primary question relates to the means which can be devised to eliminate, eradicate, or exterminate the phenomenon of student unrest. I wonder how long it will be until educated men begin to realize that the real problem is not unrest at all. *Student unrest is a reaction to*—not the cause of—problems, at least some of which have been created by failures of previous generations."

Strong, valuable words. There is no question that the time of change is upon us again—and that most Americans want humane and intelligent improvements in the family of man. The pertinent questions now are: Toward what are we moving? What precisely have been our failures and why? What are the nature and the demands of Now and Tomorrow?

Education—if it is to hold its eminent position in the affairs of man—must be geared to the changing times and to all of the stress and demand which flux will put upon the campus.

It is going to be a demanding and an exciting time.

We are privileged to have lived in such an age as this has been and is likely to be. Will Durant wrote that life has always presented problems and difficulties and that, by facing them in times of decision and stress we gain the nourishment we need to grow in stature and in competence: "Life is good, bad as it is, and so is man," he said.

My hope is that we in this group could find a steady ground of agreement over one issue. It's the issue of what academic freedom means as a phrase and what it is in practice. To me it means we must not *politicize the university*—not for any issue and not at any time and not for any individual or group.

If we allow the University body to take one, single, rigid point of view—no matter the cause—we are opening the way for that university body to be wielded like a sword in the battleground of power struggle.

When a whole university declares a firm policy in the government of men—and backs that philosophy with the force of action—then the free-flow forum of ideas has begun to close up shop on that campus.

A university should not present itself as *the cause;* it should maintain itself as the avenue of *causes;* the arena for all, the showcase of none; the opener of minds, not the closer of issues; the place where all things can begin—and where all things are possible—and where even the vitality of youth can exult without bumping against the walls.

We have a busy time ahead. I hope we can keep contact. I am certain that the coming crises would be best served by our cooperative effort. I know it will be a lot more interesting if we keep in touch.

We elders do find it hard sometimes to stand aside and play the role of "square-old-man." We think we have insights you might like to try. And we are so truly concerned with your future—with your world—and with the ultimate awareness of mankind—that we are willing to hazard your scorn.

What kind of children will you have, we wonder? What patterns will you teach them? What will you ask of them? How easily will you stand aside when your inheritors say "begone!"

May we part today—pointed toward this institution's second century and toward our several destinies—on a note of mutual anticipation and hope. The sinewy optimism of Carl Sandburg, perhaps, is right for singing on this October wind:

"Man is a long time coming.
Man will yet win.
Brother may yet line up with brother;
This old anvil laughs at many broken hammers.
There are men who can't be bought."

JACKSONVILLE JOURNAL CONGRATULATED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. BENNETT. Mr. Speaker, I want to congratulate the Jacksonville Journal for its editorial comments upon the tempest which has arisen in some areas about speeches made by the Vice President. While some of the press and news media have gnashed teeth about the Vice President's criticism of portions of the news media, the Jacksonville Journal has found it to be in keeping with fairplay for the Vice President to express his opinions, too. I include in the CONGRESSIONAL RECORD the editorial dated November 24, 1969.

JOINING THE DEBATE

Vice President Spiro Agnew shows no signs of relenting in his one-man crusade against what he considers to be biased reporting by some of the nation's news media.

Far from it; he has now expanded upon his original charges and extended them to include some previously unmentioned areas—newspapers and news magazines. His comments at first were restricted to television networks.

It is not at all improbable that the vice president has been greatly encouraged in this by the whirlwind generated among some of those targeted by his first remarks.

Agnew, in fact, may have stumbled onto the magic formula for winning television time and news space that some others before him have discovered: criticize them; wade into them; accuse them of discrimination. In their effort to prove—both to the public and to themselves—that they are honest, many of the victims will overreact, bestowing upon their accuser heaps of precious exposure.

This, of course, is a defense mechanism, and it works equally well with individuals or institutions. Accuse a man of being a bigot, and he will go out of his way to establish just how extremely tolerant he is.

At the same time, many react with intemperate attacks upon their attacker, which may then easily be shown to be the foolishness that they are, to the distinct advantage of the adversary.

This is what has happened in Agnew's case, and he seized upon the opportunity presented him in his Montgomery address Thursday night, citing such venomous, unreasoned attacks by his foes as the best evidence of just how one-sided they really are.

It is unresponsive, as the vice president himself gleefully pointed out, to say that the Des Moines speech that contained the original charges was "disgraceful, ignorant and base."

The vice president is none of these, and neither was his address. But even if it and he were all of those things, it would have nothing to do with judging the validity of the charges he made, that is, that much of the television reporting to which the nation is exposed is unfairly weighed in favor of one viewpoint to the disadvantage of a contending one.

And it is a gross misconstruction of what Agnew said to interpret it, as some have, as suggesting that the federal government take over control of the news media and censor any expressions it finds not to its liking.

The vice president has said no such thing. He has not even hinted at any such thing. He has gone out of his way on both occasions, in fact, to make it crystal clear that nothing could be less to his liking.

But this, again, is beside the point. What is at issue is whether it is true that there is bias in news reporting.

This is a legitimate question—one deserving of a close examination.

It is not, moreover, an entirely new one. It has been asked—is constantly being asked—by every conscientious practitioner of the news craft. And those who care for their own integrity and that of their profession will continue to ask it, of themselves and others.

Most of those who are well informed on the subject, we believe, would be willing to concede that some of the attitudes to which Agnew objects do exist here and there. But they are the exception; they are certainly not the rule. If the vice president believes otherwise, he is simply in error.

As far as we are concerned, however, he is completely welcome to join the discussion. So is anyone else. He is entitled to his viewpoint and he is entitled to express it, publicly or not, as he chooses.

But he must not think that we will remain silent. We also have a viewpoint and the right to express it. If this sometimes involves criticism of the vice president or of a position he has taken, so be it.

What we are saying, in effect, is that we are perfectly willing to accept the vice president's invitation to "enjoy the rough and tumble of the public debate," ivory tower or no ivory tower.

FOR EQUITABLE TREATMENT OF DISPLACED PERSONS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

With each passing year the accelerating demands for public services of all kinds and the attendant growth in population, particularly in urban areas, have had a shattering effect on people displaced from their homes, their neighborhoods and their businesses to make way for public projects.

The 1964 report of the Select Subcommittee on Real Property Acquisition of the House Public Works Committee documented the inequities and hardships suffered by people forced to pack up their possessions and relocate for the sake of projects intended to benefit the public as a whole.

Yet the problems persist. There are now more than 50 Federal programs which result in the condemnation of land and, literally, the bulldozing of hundreds of thousands of people from their homes and businesses each year. It is estimated that over 1 million families, 180,000 businesses and 40,000 farms will suffer displacement over the next 10 years.

A large number of these people are low-income families. They are elderly. They are small farmers and small businessmen. Most of their lives and economic well-being have centered around the property and neighborhoods which are being uprooted.

We know what we are doing to these people, but what are we doing for them? The record is clear. Nearly all federally assisted programs have differing and conflicting provisions for helping those displaced. When NASA, the Federal Highway Administration, and the Defense Department demolish homes and businesses, relocation assistance is provided. However, when the Post Office uproots families, no assistance is given. The only constant involved in the taking of property for public uses is the displacement of people.

The uprooting of an individual, his family, his business, or farm and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and even-handed administration consistent with protection of individual rights and community needs, no matter what agency is involved.

Much of this problem will be relieved by the present relocation and acquisition programs set forth in the 1968 Housing and Urban Development Act and the 1968 Federal Aid Highway Act. There still is lacking, however, a system for applying relocation assistance uniformly in all programs.

My bill seeks to achieve the desperately needed uniformity and equity of treatment for displaced persons. It provides that assurances must be given in advance that suitable housing will be available for relocation of families and individuals. It directs that advisory assistance be given to all displaced persons in finding new homes or places of business. It establishes schedules of relocation payments geared to the actual cost of moving and economic adjustment.

The legislation gives particular attention to the need for consistency and evenhandedness in dealings with property owners and displaced persons. It places responsibility for coordinating all Federal operations where it belongs—in the Executive Office of the President. To reduce conflict and confusion in the federally aided programs, the bill provides that one State or local agency may make relocation payments and provide relocation assistance for all federally connected programs causing displacements in the locality.

Mr. Speaker, the problems of America's own displaced persons have been documented in reports and in hearing after hearing. We must act now to assure uniform and equitable assistance for these displaced persons.

THE INEVITABLE SHAME OF WAR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. BINGHAM. Mr. Speaker, it is impossible not to feel shame for our country as the revelations of deliberate civilian killings in Vietnam accumulate. And we cannot escape the blame by castigating and punishing a few individual soldiers. We all have to share the responsibility for what happened and for the long coverup.

But what we also have to realize is that this kind of thing is inevitable in war, that the stresses and distortions of war can make monsters of decent human beings.

The only slight gleam of silver lining I can see in the dark cloud of our shame is that perhaps these sickening disclosures will help to bring home to the American people the nature of our involvement in Vietnam and to reinforce the growing desire to end it, even at some cost and at some risk.

The following is a thoughtful editorial on the subject which appeared in today's Washington Post:

MYLAI 4

"You have to have been there to know how it is," said an Army rifleman who was there at Mylai 4 hamlet in South Vietnam when it happened—when an undetermined number of civilians, old men, women, infants, perhaps as many at three or four hundred, were apparently shot to death by American troops in March of 1968. We who were not there can only absorb slowly, and perhaps partially, the full horror of it, let alone comprehend how this could happen. Our guess is that Peter Braestrup, who was also not at Mylai, but who has been there in Vietnam, covering the war the hard way, close up, for this newspaper, probably has it about right in a story in last Sunday's Washington Post:

"The tentative picture that emerges indicates that under stress, in a particularly vicious corner of the war, the officers of a tired, understrength rifle company, at the very least, allegedly failed to prevent many of their men from slaughtering hostile but unarmed peasants in revenge for the deaths of some of their comrades."

Stress? Particularly vicious corner of the war? Tired? Understrength? Revenge? Can these words, put together, explain the horror of American soldiers shooting helpless civilians, point-blank? The appalling account offered by Infantryman Paul Meadlo, one who was there, in an interview with Mike Wallace of CBS, suggests that, in a certain sense they can, that decent men can crack under the strain and the frustration of a brutal and brutalizing war. The Captain was there, Mr. Meadlo said "Why didn't he put a stop to it, he knew what was going . . . he was right there . . . at the time I felt like I was doing the right thing . . . I lost buddies . . . I lost a damn good buddy Bobby Wilson and it was on my conscience . . ."

Perhaps it can happen; perhaps it happens more than we know, though probably not on the scale of Mylai. It is hard to say because there is still so much we do not know. What seems clear, however, is that it will never be enough to understand Mylai if one ever can, for this is not simply a matter of a court-martial of one lieutenant, or of whatever number of men in his command who may be under investigation now. This is not just something to do with Company C, 1st Battalion, 20th Infantry, 11th Brigade, Americal Division. This, in the most extreme form, is the story of the Vietnam war, and it seems safe to say that when we know as much as we can know of this event the American public's perception of the war rightly or wrongly, will never be the same again.

For the questions that are going to have to be answered merely begin with Lt. William L. Calley Jr.'s guilt or innocence. There are more terrible questions that have to do with a system and a state of mind that can allow nearly 20 months to elapse before so monstrous an event is even brought to light, let alone to trial. We need to know how, in a system which positively thrives on operations reports and progress reports, no honest report of this "incident," as the Army calls it, apparently ever reached the high command. And how, according to reports in this newspaper, the regimental commander could develop strong suspicions that something had gone wrong and then make only the

most cursory investigation. The suspicion arises that the Army really didn't want to know, that somehow an atmosphere has developed in which the unthinkable atrocity is of no great matter—until some conscience-stricken enlisted man talks and it comes time to find a scapegoat well down the chain of command. This is what we need to know more about—the system and the state of mind. For Mylai even at best, cannot be written off as an exception that proves the rule, as some isolated aberration. For all its horror, in a certain sense it is part and parcel of the war, removed only in degree from what is known to be commonplace: the indiscriminate killing of South Vietnamese civilians by American saturation bombing, by American artillery fire, by isolated infantry skirmishing. So there is no way that it can be ignored, even without the worldwide uproar it has produced. We can perhaps weather that. What remains to be seen is whether we can withstand the outcry at home, for the massacre at Mylai 4 can only make more anguishing the central question of our capacity in good conscience to wage this war.

ORGANIZING—ANARCHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. RARICK. Mr. Speaker, yesterday in my remarks, "Anarchy Does Not Just Happen—It Is Planned," I commented on the subsidized agitation being provoked in our Nation to stir up the "have-nots" in the never-ending recruitment of an American proletariat to man the barricades for the long-sought class war in our country.

Today we learn that the administration plans to tap the wealthy foundations of our country to finance his White House Conference on Food, Nutrition, and Health with "tax-free" funds.

From New York City, we learn that Robert W. Sarnoff, president of RCA, disapproves of the time-honored and proven American concept of individual liberty and free enterprise. Like self-promoted leaders he seeks to promote his own comprehensive and systematic approach on how to ha rness taxpayers, funds to recruit and control the poor, the unfortunate, and the dissident.

As with all social schemes the grandiose share-the-wealth ideas remain always to be paid for out of other people's money.

Both programs will be thoroughly sold to the American taxpayers through the TV media—Mr. Sarnoff being the head of NBC and the President having announced his movement is to be publicized through WNET, the national educational television system.

In the meantime the vast overwhelming silent America, who pays the taxes and wonders where it will all end, grows more frustrated and intemperate in his attitude.

Too many remember the last utopian programs promising to make the Nation's Capital a model city—even the news media cannot hide the failure.

I include several news clippings:

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

WHITE HOUSE NUTRITION UNIT TAPS FOUNDATIONS FOR FUNDS

(By Judith Randal)

At a time when their tax-exempt status is being reviewed by Congress, three major foundations have been asked by the Nixon administration to underwrite the White House Conference on Food, Nutrition and Health at the Sheraton-Park Hotel next week.

The requests were made in letters dated Nov. 17 and 18 and signed by Dr. Jean Mayer, the President's consultant on nutrition who is organizing the conference.

They have resulted in awards of $500,000—$300,000 from the Ford Foundation and $100,000 each from the Rockefeller and Kellogg foundations. All three organizations have offices in New York City. The total cost of the conference is expected to exceed $850,0000.

Dr. George J. Harrar, president of the Rockefeller Foundation, in a statement yesterday said that "the Rockefeller Foundation is particularly privileged to assist in supporting the White House Conference on Food, Nutrition and Health, as its goals coincide with the foundation's ongoing work to overcome hunger and malnutrition in this country or wherever it exists."

BUNDY WITHHOLDS COMMENT

A spokesman for the Ford Foundation said that its president, McGeorge Bundy, wished to make no comment on its contribution to the conference. No immediate reaction was available from the Kellogg Foundation.

None of the money has yet been received here or is to be paid directly to the federal government.

Instead, it is to be funneled through a nonprofit corporation called Food, Nutrition and Health, Inc., which was chartered Oct. 28 in the District of Columbia and is headed by an attorney, Henry Roemer McPhee.

McPhee, a member of the White House staff during the Eisenhower administration and now a senior partner in Hamel, Morgan, Park and Saunders at 888 17th St. NW, said last night that he, too, has made proposals to the foundations involved on behalf of the forthcoming conference and that "we hope to see the money momentarily."

He stressed, however, that the nonprofit corporation which he heads was organized for "purposes . . . relating to the elimination of malnutrition and hunger wherever they may afflict United States citizens" and that it plans to pursue these aims long after the conference ends.

PURPOSE OF FUNDS

According to Mayer, most of the money to be provided by the foundations will be spent to enable about 500 poor people—some from as far away as California—to participate in the conference. They are being forwarded funds to cover their travel and hotel expenses and in some cases to pay for baby-sitters in their absence, he said last night.

Others who will be subsidized by the newly promised funds, according to Mayer, are students, ministers, and college instructors not yet at the level of professor who could not otherwise afford to come. In general, industry representatives and senior university faculty members will be expected to pay their own way, he said.

Not all the money supporting the conference, which run Tuesday through Thursday, is coming from foundations. The Department of Health, Education and Welfare is investing $250,000, the Department of Agriculture $100,000 and if a deficit develops, the Office of Economic Opportunity will be asked to contribute, too.

OEO SHARE CITED

OEO's share, Mayer said, will probably not exceed $100,000 and very possibly will be a good deal less.

Meanwhile, the Agriculture Department is paying the salaries of some of the conference staff, while OEO and HEW have assisted by temporarily assigning personnel to the White House.

In addition to paying the expenses directly connected with the conference, the funds contributed by foundations and the federal government will cover the costs of filming the proceedings by WNET, the National Educational Television.

Some money, too, will be needed, Mayer said, to support the staff which will be retained after the conference ends to help implement its recommendations. This staff is expected to be at work at least until June 30, the end of the fiscal year, he said.

[From the Washington (D.C.) Post, Nov. 21, 1969]

REVITALIZING DISTRICT OF COLUMBIA: RCA'S SARNOFF PROPOSES, HUGE DEMONSTRATION PROJECT HERE

(By Philip Greer)

NEW YORK, November 20.—Washington and the capital region should be used as a demonstration project in a massive test of computer technology for solving the urban crisis, Robert W. Sarnoff said today.

The president of RCA Corp., addressing the National Industrial Conference Board's fourth annual computer age conference, said that the national capital "belongs to all our people" and that a comprehensive effort to revitalize the city and its environs should evoke a nationwide response—"a response as broad and enthusiastic as that inspired by the Apollo moon landing."

Sarnoff said that "there is a growing awareness of the promise of systems planning as a social implement." He noted that the federal government has encouraged the use of computer technology in the model cities program. He said that the State of California has conducted studies of crime control, information processing, transportation and waste control and that New York City has the Rand Corp. working on systems studies of operations in the housing, health, police and fire departments.

"To date, however, such efforts have been too incomplete in concept, too limited in scope, to prove much beyond the fact that systems planning is a complicated and costly enterprise," he said. "We have yet to see a demonstration project of sufficient scale to create a critical mass for real social improvement.

"I propose a complete and systematic rehabilitation of Washington, D.C., and the national capital region as a most logical choice," he said.

Sarnoff said Washington was conceived as a planned city, "but has long since fallen heir to all the ills of our unplanned society." In recent years, he said, "more thought has been devoted to the physical planning of the capital—including a regional plan for the year 2000—than to any other American city.

"Thus," he said, "the capital not only faces the need but has laid some of the groundwork for a comprehensive and systematic approach to the urban crisis. It now stands ready for a large-scale program of regeneration that would go beyond physical planning and cut through the whole tangled maze of interacting problems in housing, transportation, race relations, employment, health, welfare, education, communications, law enforcement, air and water pollution. Such a project would draw on all the most advanced techniques of operations research, systems

analysis, model-building, simulation and long-range planning."

Sarnoff said the project could be given added emphasis if the first phase were scheduled for completion in 1976, to coincide with the country's 200th annversary.

Although he said the time needed for the project—and its cost—could be determined only after study, Sarnoff proposed that Congress allocate all the funds needed at the outset, and phase the funding over the years. The plan, he said, should be put under the administration of existing agencies, especially the National Capital Planning Commission and the Metropolitan Washington Council of Governments, which would draw on the services of managers and specialists from government, universities and industry.

DMSO REMAINS THE PERSECUTED DRUG

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WYATT. Mr. Speaker, for 5 long years I have fought for relaxation of restrictions on the use of the drug DMSO but thus far the Food and Drug Administration has refused to permit its use under a doctor's prescription despite the fact that it is a prescriptive item in Europe and has been for several years.

A brilliant Portland, Oreg., surgeon, Dr. Stanley W. Jacob, one of the discoverers of this wonder drug, discussed recent developments in connection with the drug. I am presenting to my colleagues herewith a news account of his report as published in the Portland Oregonian November 11, 1969:

SCAR TISSUE REDUCED: DOCTOR HAILS DMSO PROPERTIES

(By Ann Sullivan)

LOS ANGELES.—The lessening of scar tissue with dimethyl sulfoxide (DMSO) after artificially induced coronary attacks in rats was described here by the Portland surgeon, Dr. Stanley W. Jacob, who first noticed its medical properties in 1963.

Dr. Jacob, associate professor of surgery at the University of Oregon Medical School, told the Research to Prevent Blindness Inc. about several new therapeutic "leads" of DMSO.

The meeting, at the Beverly Hilton Hotel, was the third biennial session for science writers, and DMSO discussion came into the session because of its value in treating some kinds of eye diseases.

It was also of interest because the only major difficulty to come from use of the Crown Zellerbach Corp. drug, a solvent long used in industry, has been the finding of some lens myopia—nearsightedness—in rabbit and other lower animals' eyes.

But this was only with 10 times the dosage ever given humans, said Dr. Jacob, and it doesn't occur in primates—including monkeys and man.

The New York ophthalmologist who first tested DMSO on many hundreds of stubborn eye inflammations and other problems, Dr. Dan M. Gordon, of Cornell University, joined Dr. Jacob in declaring it safe. He found no evidences of toxicity.

"We know it does not cause increased interocular pressure in the human eye," said Dr. Gordon, "Nor do we have any evidence that it causes harm in humans. We could not prove it was anti-allergic, but it was anti-inflammatory in 157 eyes—before we were cut off (from using it) by the Food and Drug Administration."

Dr. Gordon said that in addition to reduction of eye inflammations, the two most important things he noted was "a dramatic lessening" of lesions of herpes zoster (shingles) on the face and body.

He also said he has observed dramatic reduction of corneal edema—"waterlogged cornea" in a dozen cases. He also found it gave excellent relief to swelling and hemorrhage caused by traumatic injuries to the eye.

STUDIES LIMITED

Dr. Jacob said that although American clinical studies on human beings are still hampered by FDA restrictions, they are continuing elsewhere, even in Russia. There have been more than 1,000 scientific papers on DMSO so far, he said, reflecting work on 15 different animal species, including monkeys, by every known method of application—injection, intramuscularly, on the skin, by mouth, in the bladder, etc.

Recounting results of the Walter Reed Medical Center study on rats, Dr. Jacob said that the scientists found DMSO was shown to have a medical benefit on the heart muscle scarring.

With chemical injections, all the rats were given "heart attacks." The heart muscle affected would ordinarily thicken and die.

One third of the rats received daily injections of water under the skin; one third received a DMSO solution; one third, the controls, nothing.

The animals were killed after three and 30 days and pathologists were given microscopic sections of the affected heart muscle, but not told which was which.

"The conclusion reached," said Dr. Jacob, "was that the administration of DMSO following heart attacks in rats resulted in distinctly less damage to the heart muscle and a reduced area of scar tissue in the heart muscle. The animals receiving DMSO showed neither rupture of the heart muscle nor any aneurysm formation within the heart muscle."

Dr. Jacob also revealed that chronic cystic and mastitis (painful but benign cysts in the breasts of women) also respond well to DMSO, according to findings in Germany.

Fifty women were evaluated with a placebo (dummy "medicine") and 50 with DMSO.

The disease is cyclic, believed to respond somewhat to hormone and menstrual changes. The German scientists, he said, found 16 of the 50 women receiving the placebo showed pain relief, and 10 had some reduction in size of the cyst when examined by the physician, and two had improvement on X-ray.

PAIN REDUCED

In the DMSO group of 50, 42 had diminution in pain, 43 had a reduction in size of the cyst on physical examination and 21 exhibited a reduction in size of the cyst on X-ray examination.

Dr. Jacob also recounted a new Polish study which revealed it required half the time—with use of DMSO—for patients to be free of symptoms from disc disease of the neck and lower back.

It continues to be an excellent treatment for sprains, bruises and bursitis, yet in the United States, clinical studies, with rare exceptions, are only permitted to use it for maximum of 14 days.

Because DMSO evaluations reveal it to be a new therapeutic principle, he said, "it may indeed be foreign to our way of thinking. This could be one of the major reasons DMSO has encountered problems.

"On the other hand, the potential benefit to mankind is such that it deserves the serious attention of basic scientists and physicians in every specialty of medicine."

CONGRESSMAN HORTON CITES MAJOR ACCOMPLISHMENTS OF NIXON ADMINISTRATION; ASKS ADHERENCE TO INAUGURAL PLEA FOR LOWERING OF VOICES SO PROGRESS CAN CONTINUE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WHALEN. Mr. Speaker, last week the Nixon administration ended its 10th month in office. In this relatively brief period of time, it has made many substantial accomplishments.

In an address last Friday, our colleague, the gentleman from New York (Mr. HORTON), offered what I believe is a fair appraisal of the accomplishments of this administration. Speaking to the Rochester, N.Y., Chapter of the National Tool and Die and Precision Machining Association, Congressman HORTON outlined an impressive list of administration achievements, both domestic and international.

Citing the advances that have been made since President Nixon's inaugural address on January 20, Congressman HORTON also points out that the President's plea for an end to the shouting and polarization in America has not been answered.

With your permission, Mr. Speaker, I share the full text of Congressman HORTON's November 21 address with our colleagues:

TEXT OF REMARKS OF CONGRESSMAN FRANK HORTON AT A DINNER IN HIS HONOR GIVEN BY THE NATIONAL TOOL AND DIE AND PRECISION MACHINING ASSOCIATION, SHERATON HOTEL, ROCHESTER, N.Y., FRIDAY, NOVEMBER 21, 1969

"We find ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord on earth.

"We are caught in war, wanting peace. We're torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.

"To a crisis of the spirit, we need an answer of the spirit.

"And to find that answer, we need only look within ourselves.

"When we listen to 'the better angels of our nature,' we find that they celebrate the simple things, the basic things—such as goodness, decency, love, kindness.

"Greatness comes in simple trappings.

"The simple things are the ones most needed today if we are to surmount what divides us and cement what unites us. To lower our voices would be a simple thing.

"In these difficult years, America has suffered from a fever of words: from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

"We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices.

"For its part, Government will listen. We will strive to listen in new ways—to the voices of quiet anguish, the voices that speak without words, the voices of the heart—to the injured voices, the anxious voices, the voices that have despaired of being heard.

"Those who have been left out we will try to bring in. Those left behind, we will help to catch up."

With these words, President Nixon in his inaugural address let us know that he was keenly aware of the single most serious threat to our Nation today—a polarized American people, communicating with each other only through confrontation and dissent.

On January 20, America was a haven of unsolved crises and uneased frustration for growing numbers of our people. We are still plodding uphill toward the solution of many of our problems, but I think a good start has been made.

In foreign affairs, the administration can boast a number of considerable accomplishments. A year ago, the Vietnam debate still raged over whether we should stay in Vietnam to the finish or withdraw. Today, the whole basis of debate has been transformed.

Now it concerns not whether, but how fast we should bring our ground troops home from Vietnam—whether we should pull out immediately or gradually, in order to leave a strengthened South Vietnam better able to defend itself.

Even more significant than the troop withdrawals and de-escalation in Vietnam is the announcement of the new Nixon Doctrine of foreign policy. In a television program I taped earlier this week for showing in Rochester Sunday, Counselor to the President, Bryce Harlow, said the President believes threatened countries should furnish their own manpower to wage these struggles, drawing on substantial economic help and military equipment from the United States where necessary.

Mr. Harlow said, and I quote: "The United States should not be furnishing combat manpower but should be furnishing these countries other kinds of help . . ."

This new doctrine means that continued containment of communism and other threats to free world countries can no longer and will no longer depend solely on the willingness of America to spill its blood on foreign shores.

It also means that while they can rely heavily on our dollar and equipment aid, our allies will have to prepare themselves to meet threats in their own regions of the world. To me, this updating of our post-World War II containment policy is long overdue, and I congratulate the President on his foresight and courage in announcing the Nixon Doctrine.

The list of accomplishments in foreign affairs goes on. At this moment, representatives of the world's two super-powers are meeting in Helsinki to work to end the headlong rush into new and expensive nuclear weapons and delivery systems that could be added to those now deployed, which already could destroy the world hundreds of times over. These talks are not designed to weaken one side and strengthen the other. Rather, we will try to mutually agree on a level of strategic strength which provides both sides an acceptable balance of power, without continuing the painful, dangerous and expensive process of inventing new tools of world terror. I pray that these Strategic Arms Limitation Talks (S.A.L.T.) will be successful. These talks are a direct result of President Nixon's pledge to change the basis of our foreign policy from one of confrontation, to one of negotiation from strength.

In addition to progress in Vietnam, the Nixon Doctrine and the SALT talks, the Administration, with the help of our own Governor Rockefeller, has begun to restructure our policy toward the vital nations of Latin America, and to replace the largely unsuccessful Alliance for Progress. Also, instead of goading the two nuclear-tipped giants of China and Russia into war with each other—a war whose literal and political fallout could ignite the world—the President has made deliberate but cautious moves toward reopening communications with the Red Chinese, as we have with the Russians.

I believe these steps constitute more progress in foreign policy than our nation has seen in any five year period since World War II—and all this has been done since January 20th.

There have also been some very promising, but less substantial accomplishments on the domestic front.

For years, the young people of America have lived under the yoke of an unfair and undemocratic system of military manpower procurement. Early in this decade, commissions and study groups were named to suggest draft changes. All of their reports have been gathering dust.

Finally, this year, President Nixon announced his support for establishing an all-Volunteer Army after Vietnam, and he named the first Presidential Commission on an All-Volunteer Army. But he emphasized that we could not wait for the post-Vietnam era to eliminate the worst injustices of the draft—so he proposed a series of reforms to the Congress which would enable him to set up a lottery and shorten the period of prime eligibility to one year, instead of eight years.

Two days ago, this draft reform bill cleared its last hurdle in Congress. It will be implemented in January. Despite the intolerable length of time it took to get any Congressional action on draft reform, we finally have some meaningful reform—and I must credit the President's efforts with winning the battle in Congress.

Victories against other serious domestic problems are still in the works—but they are further along than ever before in recent history.

Our intolerable welfare system, which breeds repeated generations of poverty and dependency and hopelessness, was the subject of a major Presidential address last August, and his bold family assistance program, which I have co-sponsored, is now being aired before the Ways and Means Committee along with reforms in our outdated Social Security System.

After public muttering about needed reforms in our electoral college system every four years for nearly a century, the President and congressional leaders this year announced support for sweeping electoral reforms, and the House has already sent a proposed constitutional amendment to the Senate for action.

The Federal income tax burden has fallen unfairly on the shoulders of middle-income and working Americans, including most small businessmen. The most sweeping, and most controversial tax reform bill in history was passed by the House last summer, and Senate action is likely early next year. There are some sticky provisions in the House bill, but the main thrust of the bill—to redistribute the tax burden on an equitable basis among all Americans—is a move that is long overdue.

American science and industry have completed this year a decade-long giant step into space exploration. Only a few hours ago, our fourth manned flight into lunar orbit, and second venture to the moon's surface, fired its engines to return to mother earth. We cannot even dream of all of the changes and the progress that this new knowledge will mean for man and his society. But every American can be proud of the precision and the courage of those who have helped accomplish this feat—including the contribution of our strong tool and die industry.

I have often spoken out on policies and crises where progress and accomplishment have been lacking. We are not fulfilling our promise of better schooling, better housing and better jobs for all those Americans who are in need of these opportunities. There can be no compromise with these goals—which I have put first on my list of Federal and national priorities. And I was very, very proud today to help you dedicate a very significant step forward in the field of vocational education and job development.

The Rochester Tool and Die and Precision Machining Institute is a model of cooperation between government and private industry in developing the skills we need to provide manpower for our technical industries. I am not only proud that this facility is in Rochester, but doubly proud as a member of the Small Business Committee, that a group of independent, small businessmen have banded together to provide this skills center for youth in our area.

We need to see repetition of this kind of project a thousand times over in America if we are to meet the crisis in skills and jobs. But this institute and its staff, its apprentices and its programs give me hope that we will get this job done.

I have spoken at length about accomplishments, about progress and about a lot of hard work that has been done in foreign and domestic policies since January 20th. Thinking back to the President's words on Inauguration Day, asking Americans to lower their voices so they can hear each other's words, one would think that these accomplishments woud help to narrow the polarization and division in our country.

You and I know that this has not happened. If anything, the gap between generations, between the races, between the conservative and the liberal, and between those who support and oppose our peace plans for Vietnam has grown dangerously wider since January 20th.

I have spent some time listening since January, and I have not sensed a lowering of voices or an end to the shouting of one group of Americans against another. If anything, the fever pitch of dissent, of charges, and of counter-charges is higher than it was last winter.

I will not add to the polarization by blaming only the hippies, the black militants and youthful protesters for this failure. For they must share the blame with government and the so-called establishment. Neither side has made any reasonable attempt to see the point of view of the other, or to lower its voice long enough to hear the *meanings* of both sides.

First, we must fault a large body of Americans who seem to be lying in wait for the Administration to make a mis-step—so they can pounce on a new slogan or symbol for the anti-establishment cause. The Administration has made its share of mis-steps, but the public reprimands have been characterized by over-reactions which have had the effect of deliberately widening the credibility gap beyond what it is.

An example is the President's ABM proposal. I, for one, felt that $6 billion or more was a lot of money to spend on an untried and possibly unnecessary new missile. I studied both sides carefully and finally decided to vote against the fiscal year 1970 appropriation for the ABM system. I do not deny that the Nixon ABM proposal is a considerable improvement and paring down over what the last President proposed—an anti-missile system that would have ringed many American cities with rocket sites. That proposal was provocative, not defensive, President Nixon offered this plan in the sincere belief that it was needed. I voted "no" in the sincere belief that its costs did not justify the prospects for its benefits or effectiveness.

But thinking through this decision was not an easy task in the midst of the shouting that both sides carried on. Opponents and potential opponents of the President immediately launched a frontal attack on the Administration, labeling the President and his advisers as militarists and warmongers. The inevitable slogans and bumper

stickers came out on both sides. One said, "ABM is an Edsel." Another boasted: "Missile Defense Makes Sense." Defenders of the Administration proposal somehow saw a need to join the shouting match full blast. They pronounced shadowy warnings of new Russian militarism. Some publications labeled ABM opponents as unpatriotic or even as "communist sympathizers" dangerously tampering with our national security.

None of this shouting from either side was necessary. All of it contributed to a new bandwagon of anti-establishment sentiment, and a new onslaught of opinion against all protesters.

The Vietnam debate is, of course, the center of the polarization in America. The cause of peace—defined as immediate and unilateral withdrawal—is one which unites many groups within American society which otherwise do not always agree. Young people want an immediate end to the war—at least the American portion of it—because they abhor killing and they cannot bear any further deaths of their classmates and friends—they do not want to have to fight for a policy which they see even the government is slowly closing down. They want it closed down before it involves them—Now. Blacks want the war to end because they know that needed federal funds for urban renewal, housing, education, jobs, health and new welfare programs will not be forthcoming in sufficient amount until the war is over. Those who see the impracticality of an outdated policy which has America policing the world want an end to the war. These people are not all young, or black or liberal. They just do not see Vietnam as a moral cause worth dying for. So together, these Americans, all sincere and all united in their cause, march against death and rally for immediate withdrawal in Washington.

I did not participate in the moratorium events, because I believe the President is on the right track in his fixed withdrawal timetable, designed to strengthen the South Vietnamese for the struggle that will continue after we leave. The process of Vietnamization has been going on for a year, and I do not think it should take another full year to complete this process and withdraw our ground combat troops.

Although I do not agree with those whose frustration with the war has grown to the point where they can ignore the consequences of total, immediate withdrawal, I see no need to belittle them, or to characterize them as something they are not. The demonstrations in Washington last weekend were by and large peaceful and sincere. Except for a few groups of hard-core anarchists who seek violence as a means of attracting attention and TV cameras, and as a means of destroying America, the hundreds of thousands of people who journeyed to the Capital were well-behaved. They came to express disagreement with government policies in a dignified way. Over 95 per cent of them did just that.

I was very disturbed to see attempts by Administration officials to downgrade the numbers and the behavior of the demonstrators. The government was right to prepare for the worst, and to insure the presence of sufficient manpower to handle a riot. It was wrong to deny the decorum of those who came in peace.

I agree fully with the President that policy decisions must not be made in the streets in our democracy, which has adequate channels for protest and reform of policies. But I do not think it was necessary to appear to ignore the voices of the peace marchers. That is the other extreme. When there are responsive channels of government—and I believe that there are in America—then decisions should be made through those channels: through Congress, through the White House, through orderly petitioning and in the voting booth. A peaceful demonstration designed to petition the government, and to influence its policies is at home in a democracy. But demands shouted from the sidewalks in disrespect of our system of government have no place here.

The result is more shouting, and a wider gulf between the demonstrators and their elected officials whose policies they wish to change.

You can no more characterize all of the marchers of the Moratorium as "impudent snobs" than you can call every public official or policeman a "fascist pig." Both are wrong. Both are provocative. Both contribute to division and polarization. Both widen the dangerous gulf which has Americans shouting at other Americans, instead of reasoning together.

I say, let us stop the shouting on both sides. If, truly, we are to follow the President's words on January 20, and if the government as well as the people is to follow them, we had better begin now.

The shouting has grown so thick and so loud that neither side can see that both share a common goal in Vietnam, a prompt end to the bloody and costly presence of American troops. The ABM is a subject about which reasonable men can differ—but the shouting prevents either side from hearing or recognizing anything reasonable about their adversaries.

I think the President has the first responsibility to implement his own words. If Administration attacks on demonstrators will soften and those Americans who delight in pouncing on the mistakes of their leaders will stop and think before they dream up a new bumper sticker, or a new slogan—then we can get down to the business of listening to each other. The only shouts that remain would be the shouts of the true anarchists, those who are really impudent enough to want to destroy America any way they can. If only we would isolate their shouts, I think we would see their apparent numbers shrink, and I think we could deal properly and forcefully with them.

We have a great deal to be proud of in America. I have listed what I think are the significant accomplishments of our Nation in the past 10 months.

We have much to be thankful for on Thanksgiving Day.

We must remember how far we have come as a Nation in the last 200 years, and in the last 300 days, and must work feverishly to build on our accomplishments. The building we dedicated today is one of which you should be proud. I hope that this accomplishment is given as much public attention as the unsolved problems are given this weekend.

The President paid a surprise visit to the Congress last week. He said one thing that I wish to leave you with tonight. He said we must remember that we are all Americans. Whatever our political, or racial, or economic differences—we are Americans. That is the most important fact about every one of us. With that thought, we are united in spirit, in purpose and in nationhood. Without it, we risk permanent polarization. As Lincoln said a century ago: "A house divided against itself cannot stand."

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Philadelphia Inquirer, the Somerset, Pa., American, the Pittsburgh Press, the Corry, Pa., Journal, and WSBA radio station editorial of September 9, 1969, in the State of Pennsylvania. The editorials follow:

[From the Philadelphia (Pa.) Inquirer, Sept. 7, 1969]

SAFETY AND BIGGER TRUCKS

The reported smiles on the faces of members of the House Public Works subcommittee who favor bigger, longer, wider, heavier trucks must have given Federal Highway Administrator F. C. Turner some inkling of what his "inability" to make a recommendation on the issue meant.

Mr. Turner said he did not have "sufficiently reliable evidence" to say whether interstate highway safety would be adversely affected by raising allowable truck weights from 73,280 pounds to 108,500 pounds; allowable width from eight feet to 8½, and setting the maximum length at 70 feet.

For obvious reasons, the trucking industry has long been advocating these increases—the big economy package gets bigger and more economical all the time, so far as their interests are concerned. And those smiling committee members seem to indicate the truckers may be on the way to having their way.

But it is also of some small interest to tax-paying motorists and the American Automobile Association has fought valiantly against letting trucks, which already clog many of the public's roads, be extended to infinity. We think the AAA has made a good case; trucks are already big enough, and the way truck lines whipsaw the states to gain advantages must seem to many drivers (even some truck drivers) to be close to the proportions of a scandal.

We know industry must move the goods, and the more pounds of cargo you can put in the hands of one team of drivers, the lower the unit costs.

But there has to be a limit or there will be nothing but trucks on our major highways. Though they pay more taxes individually, they certainly don't pay more than the mass of ordinary drivers—and even if they did, John Q. Public has never, that we know of, proposed to build roads exclusively for their use.

Although the legislation in question deals only with interstate highways, it is no secret that the supertrucks have to come down to state and local roads somewhere, so the legislation, in effect, is for smaller roads (and bridges and tunnels) too.

It seems to us the national legislation is desirable, but modest, rather than extreme, limits are required. We regret that the Highway Administrator has "copped out' 'on this question, but we hope Congress will have the intestinal fortitude to stand up to a formidable lobbying interest and set a "thus far and no farther" rule the journeying layman can live with, too.

[From the Somerset (Pa.) American, Sept. 17, 1969]

BIG TRUCK BILL

Legislation before Congress permitting bigger, heavier trucks on interstate highways should be run right off the road.

A similar type measure was killed last year and it is a tribute to the power of the trucking interests that a new bill of this type can be revived and built into a formidable threat in just a year's time.

The big truck bill now being considered would raise federal limits on the interstate system from 73,280 pounds to 108,500 pounds.

If the bill passes Congress and is signed into law it will be up to the states to determine what weights they will permit, up to the federal maximum. The spectacle in

Harrisburg as the lobbyists swing into action is not difficult to picture, providing Congress acts, which we hope it doesn't.

Testimony before the House Public Works Committee of George Kachlein of the American Automobile Association should be sufficient in itself to defeat the big truck bill.

According to Kachlein, a quarter of federally regulated inter-city trucks and more than half of inter-city buses were involved in accidents in fiscal 1967.

Kachlein used Federal Bureau of Motor Carrier safety reports and a truck accident study done in 1968 for the Automobile Manufacturers Association to show that most of those killed in truck-auto collisions were auto occupants.

The manufacturers' study showed there were 0.3 fatal injuries per 100 persons in collisions between autos and pickup trucks.

"The rate jumps to 7.1 per 100 when the collision is between a passenger car and a tractor-trailer combination," Kachlein said. When the collision is between a passenger car and a tractor-two-trailers combination, the rate increases to 13-3—A 173 per cent increase in severity.

Bigger, heavier trucks also constitute a threat to public property.

* * * has estimated that bigger trucks would add $8.5 billion in repair and construction costs to the interstate systems in 10 years.

[From the Pittsburgh Press, June 8, 1969]

BIGGER AND BIGGER?

Once again, Rep. Frank M. Clark has revealed himself as a champion of those who hope to burden our highways with giant trucks and giant buses.

Last year the Lawrence County Democrat was a co-sponsor of a bill which would have permitted almost a doubling of the 73,280-pound truck-weight limit on Interstate highways. Motorists became so enraged by this highway-boxcar proposal that the House wisely buried the bill.

Rep. Clark doesn't give up easily, however. Now he has introduced a bill which would authorize widening buses from 96 to 102 inches.

This measure, regarded as the opening shot in a new battle for bigger buses and bigger trucks, also would permit side-view mirrors on buses to extend outward without limit—even beyond the 102-inch width.

Although these elongated mirrors would protrude above auto roofs, some highway experts fear they could force oncoming trucks to swerve in order to avoid them. And if any autos should happen to be in the way then—well, that's just too bad.

After Mr. Clark got his big-vehicle steamroller under way, another bill was introduced by an Illinois Congressman with the enthusiastic endorsement of the American Trucking Assn. This measure would permit longer, wider and heavier rigs on Interstate Highways.

The proposed dimensions—70 feet long, 102 inches wide and 92,500 pounds would hardly contribute to highway safety. Trucks in Pennsylvania now are limited to a maximum length of 55 feet; width, 96 inches; weight, 73,280 pounds. And they are big enough!

It may be interesting to note that the so-called Truck Operators Non-Partisan Committee distributed thousands of dollars in campaign contributions between 1966 and 1968 to 15 members of the House Public Works Committee, which approved the ill-fated big-truck bill last year. Mr. Clark, a member of this committee, received $500 himself.

Now, according to records of the House clerk, a new group formed by bus operators—The Bus Industry Public Affairs Committee—has passed out several thousand dollars in contributions to key congressmen.

Mr. Clark was re-elected last year. He will be up for election again next year.

Perhaps it's time for his constituents in Beaver, Butler and Lawrence Counties who oppose Big Trucks and Big Buses to get ready to give Mr. Clark the Big Boot.

[From the Corry (Pa.) Journal, Sept. 20, 1969]

THE "BIG RIG" BILL SHOULD BE FLAGGED DOWN

Any Corry motorist who has tried in vain to pass a tractor-trailer rig on one of our lesser and thus more dangerous highways will frown on the bill now before Congress to allow an increase in the size of the behemoths.

We are doing our share of frowning too.

The big truck bill now being considered would raise federal limits on the Interstate system from 73,280 pounds to 108,500 pounds.

If the bill passes Congress and is signed into law it will be up to the states to determine what weights they will permit, up to the federal maximum. The spectacle in Harrisburg as the lobbyists swing into action is not difficult to picture, providing Congress acts, which we hope it doesn't.

Testimony before the House Public Works Committee of George Kachlein of the American Automobile Association should be sufficient in itself to defeat the big truck bill.

According to Kachlein, a quarter of federally regulated inter-city trucks and more than half of inter-city buses were involved in accidents in fiscal 1967.

Kachlein used Federal Bureau of Motor Carrier safety reports and a truck accident study done in 1968 for the Automobile Manufacturers Association to show that most of those killed in truck-auto collisions were auto occupants.

The manufacturers' study showed there were 0.3 fatal injuries per 100 persons in collisions between autos and pickup trucks.

"The rate jumps to 7.1 per 100 when the collision is between a passenger car and a tractor-trailer combination" Kachlein said. When the collision is between a passenger car and a tractor-two-trailers combination, the rate increases to 13.3—A 173 percent increase in severity.

Bigger, heavier trucks also constitute a threat to public property.

Experts have testified that the life expectancy of interstate highway pavements and bridges would be reduced by the weightier vehicles permitted under the bill now before Congress. The Bureau of Public Roads has estimated that bigger trucks would add $8.5 billion in repair and construction costs to the Interstate system in 10 years.

Congressmen Joseph P. Vigorito and Sens. Hugh Scott and Richard Schweiker should vote against the big truck bill.

[A WSBA radio editorial, Sept. 9, 1969]

THE RIGS ARE TOO BIG

Do you want bigger and heavier trucks on the highways? After all, in truck-car accidents, automobile occupants are the ones most likely to be killed. Research shows in these truck-car wrecks, only 2% of deaths were drivers of heavy trucks . . . while 98% were passenger car drivers and occupants! Would you like to see your odds in such accidents get worse? Then be sure to stand by while pending legislation, H.R. 11870, passes in Washington. This bill would permit the operation of bigger trucks on our roads. If enacted this legislation would guarantee premature cracking of pavements, causing expensive repairs, or worse—rebuilding entirely. And, guess who will pay the largest share for such repairs? If you enjoy paying these extra taxes then, by all means, see that house bill 11870 is enacted! If, on the other hand, you are fed up with the hazard of big trucks on the highways, and don't want even bigger rigs allowed—urge Congressmen Eshleman, Goodling and Schneebeli to vote against House bill 11870. If you're debating writing your man in Washington, ponder this sobering evidence . . . In a collision between a pickup truck and a passenger car, there are three-tenths fatal injuries per 100 persons. When you collide with a tractor-trailer, the rate goes up to 7.1. In wrecks with tractor-two-trailer outfits—rigs encouraged by House bill 11870—the death rate increases to 13.3 deaths per 100 people.

COOPERATION SPEEDS SOLUTION TO DESALINATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. JOHNSON of California. Mr. Speaker, it is estimated that during the next 30 years the water needs of this Nation will increase some 300 percent. Based on the most recent figures that I have available to me, this means that the water consumption throughout the Nation by the year 2000 will reach approximately 1 trillion gallons per day; or to bring this figure down to a more personal standpoint, the consumption of water for commerce, industry, irrigation, livestock, and simple drinking water will total nearly 5,000 gallons per day per person.

Where will we get this water? There are many answers, not the least of which is the augmentation of our natural sources of ground and surface water by the conversion of saline water.

I am pleased to advise that the Federal Government is looking today for ways of meeting this challenge. This goal can only be achieved by the close cooperation between Federal agencies and private industry. For this reason, it is most commendable that the Department of the Interior has embarked upon a program of Government and industry cooperation on saline water conversion.

On behalf of the Federal Government, this effort is being guided by the Honorable Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research. In view of this challenge which faces this Nation and the responsibility which this Congress has in meeting this challenge, I thought it appropriate that Assistant Secretary Klein's remarks before the Government-Industry Conference on Saline Water Conversion, October 29, 1969, be shared with my colleagues. Accordingly, I include his remarks at this point in the RECORD:

REMARKS BY THE HONORABLE CARL L. KLEIN

This Government-Industry Conference on Saline Water Conversion marks a fitting conclusion to a month of unprecedented activity by the Interior Department in leading this Nation toward improved water quality.

Just last Friday, we wound up a two-day conference of industry executives like yourselves who came to Washington to exchange views on what was being done by industry about water pollution abatement and to learn what the Government was doing to encourage their efforts.

Six of the top executives of this Nation and six from abroad presented their companies' plans. They revealed a growing aware-

ness of the pollution problems throughout the industrialized Western World. They also showed industry was accepting responsibility for cleaning up its own mess and for preventing or minimizing water pollution in the future.

This, perhaps, was the most rewarding aspect of the conference from the point of view of the Federal Government and the public interest. The recognition of responsibility for water pollution by executives from such industrial giants as United States Steel Corporation, du Pont de Nemours and Consolidated Edison Company of New York means that abatement efforts are at last getting the attention they deserve.

It also means that our children and grandchildren will have the chance after all to enjoy cleaner streams and lakes instead of facing the prospect of continually shrinking sources of quality water for drinking, fishing and recreational purposes.

The exchange of ideas which proved so mutually rewarding was shared by more than 750 representatives of a wide variety of industries. By helping to clear the air of uncertainty and to clarify the position of the Interior Department in the campaign for clean water, the conference established a framework for future cooperation in a struggle in which we can all be victors.

Earlier this month we held hearings on one of the most notorious pollution situations of our times—Lake Erie. On October 7 and 8 in Cleveland, and the following day in Toledo, our people met with municipal, state and industry officials to determine how we might speed up the pollution abatement programs that are needed to save Lake Erie from a premature death.

Secretary Hickel called these hearings "just a beginning" of this Department's efforts to identify major polluters all across the Nation and to set enforcement schedules for a prompt cleanup directed toward the complete elimination of pollution.

And the Secretary said at the time that if those found violating water quality standards have not taken steps to eliminate pollution within 180 days after hearings have been held, he has the authority to go directly to the Attorney General for the filing of court actions by the U.S. Justice Department.

We're just now in the process of announcing a follow-up meeting November 6 and 7 to examine the progress made during the first six months of the Potomac River cleanup program that was agreed to in May by Virginia, Maryland and the District of Columbia. Representatives of each of the water pollution control agencies involved will report on the activities now under way to comply with each of the 14 specific actions required by the program.

The Potomac situation naturally has a high priority because it concerns the Nation's River here in the Nation's Capital, and the people expect us to make sure the quality of its water meets national standards. Unfortunately, years of inadequate pollution abatement efforts have made it unsuitable for swimming and fishing and scarcely usable for boating.

We have a long way to go on the Potomac, but we've already come a long way—just in the past month.

On October 8, Secretary Hickel authorized an engineering study of a pollution control program for another river here in Washington—the Anacostia—which may help solve water problems faced by a number of other cities. The preliminary engineering plans foresee the creation of two 40-acre artificial lakes for recreational purposes which would also be used to halt pollution caused by overflows from combined storm and sanitary sewers.

If successful, this plan would not only provide swimming or boating facilities for thousands of District residents, but would also result in a major step toward cleaning up the Potomac.

The Anacostia is a tributary of the Potomac, and during heavy rains, combined outfall from storm and sanitary sewers in the Northeast section of the city are discharged directly into the river in order to avoid the risk of flooding waste treatment plants. According to the new plan, storm water overflows would be stored and treated in a 15-acre artificial lake before being discharged into the two proposed recreational lakes for community use.

There is nothing new in the concept of purifying waste water to such a degree that it can be used again for recreational purposes. But this is the first time such an approach has been applied to the problems of combined storm water discharges.

To speed the cleanup of the Potomac, a contract for almost $750,000 was announced October 12 for a pilot waste treatment project which promises to eliminate pollutants faster and more cheaply and reliably than any method previously employed. The physical-chemical plant now under construction at Blue Plains will treat 100,000 gallons of raw sewage a day and will remove 99 per cent of contaminants.

The process relies heavily on chemicals to remove impurities. Lime is added to remove solids, phosphorous and other waste material. And before the effluent is discharged into the river, it is stripped of its ammonia content, filtered through a combination of sand and coal, passed through activated carbon absorption units and, finally, chlorinated.

Still another milestone was reached by Interior just 10 days ago when the Federal Water Pollution Control Administration announced its intention to revise its regulations so municipalities and other agencies would have to provide secondary sewage treatment in order to qualify for Federal construction grants.

As you probably know, secondary treatment eliminates between 85 and 95 per cent of contaminants in effluent. At present, however, only primary treatment is required for a grant. Since primary removes only from 35 to 45 per cent of pollutants, it has long been considered inadequate by most health officials.

Our efforts to reduce and eliminate water pollution are by no means confined to pressing the states to crack down harder on their own offenders. Another step that was taken by Secretary Hickel this month was the initiation of an inquiry to determine the need for water quaity standards on non-Federal properties that are located on Federal lands.

There are a number of areas—notably Indian reservations, public lands, national parks and certain sections of seacoast—that are not now subject to the water standards of the states where they are located. It will be the aim of this study to make certain water quality standards are broadly applied in these places.

But today is your day. . . .

With all that has gone on already this month in the field of water quality, I believe that what you have assembled for here today may well prove the most significant occasion of the month.

That is because our expanding population and agricultural and industrial output will be placing the severest strain on our existing freshwater resources in the years ahead. And aside from developing methods to treat our waste water for eventual reuse, it appears almost certain that we will have to look to the sea to supplement our needs in this area.

It has been some time now since the Office of Saline Water and industry representatives teamed up for a series of exploratory meetings leading to this one here today. Out of these meetings came a decision to seek out areas of mutual interest to OSW and those of you in the desalting industry.

The areas which you will hear much more about later in this conference include: (1) the role of OSW and industry; (2) patents; (3) markets for desalting; (4) general contractual policies, procurement practices and procedures, and (5) dissemination of information.

For each of these areas, committees were assigned the job of refining the issues for future discussion—in open forum. The committees were made up of industry representatives active in the desalting field and familiar with its problems.

In all, more than 60 representatives of some 30 U.S. industries and institutions have given generously of their time and capabilities in preparing items for your consideration. The committee members, along with key personnel of OSW, worked long and hard to make these two days a success. And I want to thank each one of you for your devotion to this task . . . especially our new Director, Dr. Chung-ming Wong.

We already have under review some of the committee recommendations. At the conclusion of this conference, and after some study, we expect to implement those proposals which would help us achieve our mutual goal of low-cost fresh water from the sea.

At this point, though, I would like to talk about some of the recommendations made by the committee on the role of OSW and industry, and cover a few points that bear on policy.

The committee recommends the creation of a standing advisory group that would give considered views relative to master plans, future plans, programs and schedules. I agree with this to the point of a master plan review, but specific programs or task plans should be an in-house matter.

The major thrust of where we are going is a valid topic. But any lower-level cut may start to impinge on specific company interests, and we must keep ourselves flexible in such areas.

In regard to OSW's patent policy, it is my understanding that there has been considerable difficulty with many of our contractors and grantees in this matter. The result has been delays in contracting and prolonged patent negotiations.

I was pleased to see that the patent committee raised several questions about OSW's policy, and many of their points were well taken. We will work with the Solicitor to review present policies to determine if new interpretations can be developed under existing laws.

I have spoken of the desire for improved cooperation between OSW and industry in the future. In the past, OSW and industry team-work accounted for some outstanding advancements in desalting technology. Today I would like to discuss some of the more recent examples which you may or may not know about.

We have received preliminary results of a study (Aqua-Chem) that presents some exciting possibilities for the use of desalting. The study deals with the potential use of desalting equipment to recover valuable products from industrial wastes. It would reduce stream pollution and create a new market for desalination equipment. In fact, the proper application of this technology could provide hundreds of millions of dollars of business in food and other by-products.

The dairy industry offers just one example of the potential in this field. From about two gallons of milk, the dairy industry presently obtains about one pound of cheese and one pound of whey solids. About 70 per cent of the whey is now being wasted, imposing a severe added burden upon sewage treatment facilities if it is not being discharged directly into streams, rivers or lakes.

By treating whey with a combination of distillation and membrane desalting processes, the study shows a high protein food supplement can be produced which would have a market value of about 25 cents a pound. This represents a sales potential of more than $200 million per year for upgraded whey products.

The recovery and reuse of dairy wastes alone is believed capable of generating a U.S. market for desalting equipment of around $250 million. Just as important, it would remove a sizeable pollution problem on a profitable basis. You might say fighting pollution can make you rich.

The findings thus far show that some 8,000 industrial plants could use some form of desalting to recover commercially valuable contents in their liquid wastes. This is particularly true of certain metalplating plants using copper, cadmium, zinc or nickel. About 2,000 of these can use desalination units averaging 25,000 gallons per day and costing around $25,000 apiece, for a total market of $50 million.

These are impressive figures, and from them we can get an insight into what appears to be an unlimited and unending role for desalting in the not-too-distant future.

In the area of pollution abatement, there are a number of problems—and opportunities—involving salts. Remember that dissolved salts are pollutants, and that we must control their entry into our usable aquifers, streams and lakes.

The Colorado River is one of those being studied by OSW in connection with this problem. As you know, the salinity of this river is increasing, with detrimental results to water users. To develop data for further investigations, OSW is now testing reverse osmosis desalting processes at three sites on the river: Grand Junction, Colorado; La-Verkin Springs, Utah, and Las Vegas Wash in Nevada.

The tests are being conducted on three basic types of waters which are the main causes of the salinity problem. These are irrigation return flows, mineral springs and highly saline surface streams. With the information obtained from these tests, we will have a baseline from which we will be able to determine what part desalting may play in cleaning up our streams.

Also in Colorado, at Fort Morgan, OSW has been conducting intensive studies of the potential of desalting processes for improving the quality of a city's water supply. Fort Morgan's local water supply gradually has been increasing and now contains approximately 1800 parts of dissolved solids per million parts of water. Therefore, the problem is not one of being short of water, but simply of water quality.

More and more communities are learning that the salinity of their available water is increasing due to over-pumping or because man-made pollutants are finding their way into fresh water aquifers.

Several mobile brackish water pilot desalting plants were used for the test operations at Fort Morgan. Data from the tests is still being evaluated to determine the best solution to the specific water quality problems involved. This information is expected to be useful in assisting cities and other communities facing similar situations.

Another problem confronting the Interior Department is what to do about the pollution problem caused by the release—from the Solvay process—of calcium and sodium chloride into surface streams. OSW recently completed a preliminary study of this situation which found that basic desalting technology, combined with the use of commercial methods of crystallization, can result in the production of salts in solid form.

It also found that a significant portion of the waste water from this process could be recovered in distilled form. The reclaimed sodium chloride could then be reused in the process.

Since it may not be possible to market all the calcium chloride, the remainder—in solid form—could possibly be placed in depleted limestone galleries. The point is that you would not have to market a large percentage of the calcium chloride to pay off the investment in the solid waste process.

I have touched on only a few of the many activities which concern our Interior agencies, but we can pursue our goals as a cohesive group in a climate of understanding.

We have every expectation that the results of this meeting will be mutually beneficial. I can assure you that all of your recommendations will receive careful consideration. We want a dynamic saline water conversion program and we also want a strong desalting industry.

Cooperation is the key means of achieving this goal—and of hastening the day when desalination will provide mankind's supplementary source of water.

Conferences such as this will bring us all a lot closer to that reality in the shortest possible time.

I thank you all for providing the interest and imagination needed to achieve success that is demonstrated by your presence here today.

ANNIVERSARY OF PLYMOUTH AND PROVINCETOWN, MASS.

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KEITH. Mr. Speaker, I am today filing a bill to provide for the establishment of a special commission, to plan for the observance of the 350th anniversary of Plymouth and Provincetown, Mass.

This is an especially appropriate time, I feel, to introduce this measure, on the eve of Thanksgiving Day. For it was at Plymouth, 349 years ago, that the small band of intrepid Pilgrims first gathered together with their Indian neighbors to give thanks for their survival in a hostile, unknown land. This tradition has continued and spread, until tomorrow it will be celebrated in every corner of this Nation.

Three hundred fifty years have passed since the landing of the Pilgrims. In those years, the Nation they helped to found has become the leader of the free world. And much of what makes this Nation what it is today is a direct result of the heritage of the Pilgrim fathers.

Our tradition of religious freedom, almost unique in the world, is a natural outgrowth of the Pilgrim's search for a land where they could practice their religious beliefs without fear of persecution.

Our tradition of constitutional government can be traced in part to the Mayflower Compact, which established the principle that government exists at the consent of the governed. And the spirit of overcoming adversity and hardship that moved the Pilgrims has become a part of the American tradition, and their example is still an inspiration to us today.

So the Pilgrim legend is an integral part of the American heritage. And I think it altogether appropriate that the Congress should involve the resources and imagination of the entire Nation in the planning of this 350th anniversary celebration.

For this reason, I am joining the senior Senator from Massachusetts, Mr. KENNEDY, in filing this bill, which will create a 15-member commission for the purpose of developing suitable plans for the 1970 celebration.

It is my hope that both the House and the Senate will take swift action on this proposal, so that plans for this most significant celebration can begin in the near future.

DISTRICT OF COLUMBIA ENVIRONMENT—THE STRUGGLE TO ESCAPE A MODEL CITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. RARICK. Mr. Speaker, the schools of the District of Columbia now have 94.3 percent Negro students, an increase over last year.

The unelected bureaucrats of HEW and the Supreme Court must enjoy with a deep feeling of satisfaction their coercive efforts to overcome racial imbalance in Southern States while in their own bailiwick, here in the Nation's Capital, racial proportions continue to become more and more out of balance.

White parents, still having freedom to choose to do so, continue to escape. Regardless of the self-imposed blindness of the communications people and bureaucrats, the truth of the situation remains—the people are not buying socialism—not even when labeled "brotherhood," "charity," or "equality."

In neighboring Maryland, high schools are discontinuing football games because of violence. In another nearby community, white parents—many of whom have already suffered financial loss and experienced firsthand the bitterness of their lives being disrupted in having to relocate for the safety of their children—announce they will spend additional moneys from their own pockets to seek prohibitions against further injustices—sacrificial busing of their children as offerings to pacify the racial obsession of politicians and social experimenters.

Little do these hopeful parents realize that by living in Virginia or Maryland, they fall into a separate region of the United States governed by special edicts and guidelines which deny them full citizenship and are intended to compel them to accept the rigors of the unwholesome environment from which they have sought to escape.

I include several local news clippings:

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

DISTRICT OF COLUMBIA NEGRO ENROLLMENT IN SCHOOLS UP SLIGHTLY

(By John Mathews)

Student enrollment in Washington schools is virtually static this year, with small increases in the number of Negro students

balanced off by continued decreases in the number of white students.

The annual enrollment count by race taken Oct. 17 shows that city schools now have 94.3 percent Negro students, an increase of 0.8 percent over last year. The school system has 140,667 Negro students, 1,155 more than last year, and 8,449 white students, 1,102 less.

Over-all, the declining birthrate and the inability of local schools to increase significantly the number of pupils in preschool and kindergarten classes because of lack of funds and space resulted in a net gain of only 53 students over last year. At the elementary school level, there are 1,567 fewer students than last year.

WHITE DEPARTURE SLOWS

Of 190 schools in Washington, only nine elementary schools, plus Deal Junior High School and Wilson High School, all west of Rock Creek Park, have majority white enrollments. Only about a half dozen other schools have any meaningful racial integration.

In the dozen elementary schools west of the park, there was a sharp increase last year in the exodus of white students. This year the departure of white students has slowed with 170 fewer white students, compared to a 400-student decrease between October 1967 and 1968.

Deal Junior High and Wilson High, which three years ago had only a handfull of Negro students, both now have over 35 percent Negro enrollments.

RESULT OF WRIGHT RULING

The integration of schools west of the park was a direct result of the June 1967 de facto school segregation decision of Judge J. Skelly Wright. The judge ordered voluntary busing of Negro students from overcrowded schools to the below-capacity largely white schools.

The dozen elementary schools west of the park are about 80 percent white, the same percentage as last year. The number of white students, Negro students and the over-all enrollment has dropped in the schools.

In other areas of the city, integrated schools continue to become less integrated.

NEIGHBORS INC. AREA

Shepherd, Brightwood and Takoma Schools in the Neighbors Inc. area, a section of Northwest with active efforts to maintain residential integration, are still integrated, but continue to lose white children.

The Tri-School Project in the new Southwest area, which had a degree of integration three years ago, now has only 81 white children out of a total enrollment of 1,963 students.

On Capitol Hill, Brent Elementary School has gained some white children, but proportionately more black children since its new and larger building opened last year. The school has 85 white children and 289 Negro children.

Citywide elementary schools have 93,270 students; Junior high schools, 33,250; senior high schools, 19,571 and vocational high schools, 2,963. The Capitol Page School with 62 students, four of them Negro, is also counted with city schools.

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

COUNTY MAY END GAMES BETWEEN HIGH SCHOOLS

(By Thomas Love)

Athletic events between Prince Georges County public high schools may have to be eliminated because of violence at the games, the board of education was told yesterday.

Deputy Superintendent George A. Robinson raised the possibility of dropping all interschool athletics as he gave a report on a disturbance following a football game between two schools on Nov. 15.

He also criticized Hyattsville city police at the scene, they made no attempt to quell the trouble when it started at the Northwestern High School Stadium.

The fighting, during which he said white High Point High School students were beaten by unidentified black Northwestern High School supporters, was "a racial incident" without question, Robinson declared.

BOTH SCHOOLS INTEGRATED

Both schools are integrated, and both blacks and whites played on the High Point team, but only white students were attacked, he said.

Following his report to the board, he said that the incident was only the latest in a continuing series of violent disturbances following high school athletic events.

The Northwestern-High Point game, which Northwestern won 7–6, decided the county Class AA football championship, so emotions were unusually high, Robinson said.

EIGHT POLICEMEN HIRED

At halftime, he said, spectators from the Northwestern stands poured onto the field. He said that eight Hyattsville policemen, hired to keep order, made no attempt to stop them. They disrupted ceremonies and "monkeyed around with the goal posts," Robinson said.

After the game, spectators from the same stands "swarmed over the fence" onto the playing field "like a wave of water," he said.

"I don't know if the police could have done anything at this time," he said, "but they didn't even try."

As spectators were trying to leave the stadium through a single gate, he reported, "fists flew and a few people were hurt."

A mob set upon the High Point players with lead pipes, hoses and empty machine gun cartridge cases sharpened and swung at the end of leather thongs, Robinson said.

PRETTY BADLY BEATEN

Some of the students were "pretty badly beaten up," he told the board. One team member had his nose broken even though he was still wearing his football helmet with face guard.

Since the game, he said, some of the coaches who tried to help the visiting team have received threatening phone calls.

During the entire event, "the police just didn't seem to be around," he charged.

The violence continued as white High Point students who were leaving the stadium were pulled from their cars and beaten by blacks, he said.

Robinson told the board that "more things like this seem to happen at Northwestern," which uses the old County Memorial Stadium for games.

Many non-students take part in the trouble, Robinson said. He added that violence following athletic events is not limited to Northwestern.

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

CHEVERLY PARENTS BACK SUIT TO BAR PUPIL BUSING

(By Stephen Neary)

An all-white group of more than 200 Cheverly parents gave overwhelming endorsement last night to taking the Prince Georges County school desegregation plan into court.

After only about 45 minutes of discussion, almost all opposed to cross-district busing of white and black students, the group voted to send a delegate to the Coalition of Concerned Citizens "for the purpose of determining the legality of the . . . redistricting plan."

ONE "NO" VOTE

A statement by one parent, who said "I've got a daughter affected by this, and she'll never spend a day in Fairmont Heights, not even if I go to jail," won applause from the audience and a call from one member: "Well, it'll be full."

The meeting was called by the Cheverly Citizens Association. While only one member stood up to vote "no" on the resolution, only about two-thirds of the remaining audience stood up to approve it. The remaining third apparently abstained, or was made up of nonmembers.

Two other motions, on stating the association's opposition to busing of children just to achieve racial balance and another "advising" the Cheverly mayor and town council that they too should oppose it, also passed at the association's special meeting.

Association members working at the door to sign up newcomers told them they would not * * * members. They reported they enlisted 55 new members last night.

Association President Arthur Sands said the last regular meeting drew 36 persons.

OTHER GROUPS REPRESENTED

The large turnout for last night's meeting apparently was due at least partially to circulation of leaflets through the northern Prince Georges municipality by order of the association's executive board. No Negro residents (who live in the town's 4th Ward, attended the meeting).

In addition to the Coalition of Concerned Citizens an amalgam of established civic groups, representativs were present from the Citizens for Action, which has threatened to file suit against the desegregation plan and to petition the governor to throw out the plan and remove the five school board members who voted to pass it.

The board's plan, which has been accepted by the Department of Health, Education and Welfare, will integrate Fairmont Heights Senior and Mary Bethune Junior High Schools, both of which are all Negro, by busing about 700 students from the Bladensburg Senior and Kent Junior High schools.

AMERICAN EDUCATION WEEK

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHWENGEL. Mr. Speaker, during the week of November 9–15, we observed American Education Week in this country. Dr. Harold M. Kaiser, superintendent of the Davenport Community School District, wrote a guest editorial in the Davenport Times-Democrat to mark the occasion. I would like to share his excellent editorial with my colleagues:

BETTER EDUCATION: YOUR JOB

(EDITOR'S NOTE:—The following is by Dr. Harold M. Kaiser, superintendent of the Davenport Community School District, in connection with American Education week, which begins Sunday.)

The theme for American Education Week this year is "Better Education: Your Job." During this week, every parent or other interested person has a special invitation to visit the schools and to become better acquainted with the total school program.

The teachers and other school personnel welcome this opportunity to acquaint the parents with the school situation and to focus interest on the main objective of educational concern: The individual student and his welfare.

The week is an appropriate time to express appreciation for commendable factors at work in the total school situation. The community has a sincere interest in the welfare of the public schools. This was clearly demonstrated

recently in the successful bond issue for additional school facilities.

The Board of Education has shown high integrity and a real devotion to the cause of education. The staff members have demonstrated competence and skill in their individual fields, and most of all, a genuine interest in the welfare of young people.

Staff members have recently increased their efforts toward involving the community in school and community problems. Saturday parent coffee hours, joint efforts in the surveillance of problems of young people off school property, the formation of student and parent human relation committees are examples of these innovations.

In addition, staff members are active in efforts to provide an enriched program for our school. This program includes orchestra, band and choral concerts, science fairs, athletic events, plays, school parties and dances, field trips, art exhibits, speech contests, school newspapers and other related school activities.

The large majority of our students make good use of the opportunities offered by our schools and they stand high in scholastic achievement. In comparison with schools in other large cities, our schools have a small number of disciplinary problems. This is probably due to a cooperative effort by students, parents, school staff and other community agencies.

A few of our students need increased efforts to become better school citizens. Recently, parents and community leaders did respond to a request for more help in protection of the right of students going to and from school. As a result of this joint effort, the situation has improved.

There will still be increased efforts to continue to provide an atmosphere at school in which students can learn and increased efforts to protect the rights and safety of all individuals. Parents must continue to encourage students to work up to their ability and develop traits of good citizenship in school and in the community.

While there always is a "generation gap," certain standards should prevail for all generations. High moral values, good conduct, fairness and concern and respect for others—these never go "out of style."

Those of us who work with youth know that they have high ideals and want to have an opportunity to explore—to find new solutions to old problems.

The schools make a strong effort to provide means by which students, under faculty guidance, can direct their concerns into wholesome activities and outlets which should make a better community.

The community must continue to help youth find better jobs, to aspire to better living conditions, and to provide for education of the individual to the maximum of his potential.

It takes the total cooperation of the school, the community, the home, the church, civil authorities and other community agencies to provide youth the best education and opportunities for using skills and talents.

HOUSE OF REPRESENTATIVES—*Monday, December 1, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord will give strength unto His people; the Lord will bless His people with peace.—Psalm 29: 11.

O Thou whose mercy is everlasting and whose truth endureth forever, direct us, we pray Thee, as we face the duties of another week. Grant unto us the wisdom of Thy wise spirit and the confidence of Thy creative mind that we may eagerly seek the best and the noblest in all things. Help us to be courageous when courage is needed, strong when strength is demanded, patient when patience is necessary, and kind when kindness is essential.

Bless our President, our Speaker, Members of Congress, and all who work with them. May they be strengthened by the assurance that Thy hand supports them as they endeavor to lead our country in the paths of righteousness and peace.

In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, November 26, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior.

S. 497. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

S. 1678. An act for the relief of Robert C. Szabo; and

S. 3180. An act to adjust the salaries of judges in the government of the District of Columbia.

DISTRICT OF COLUMBIA CRIME PACKAGE

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, I want to talk today about one aspect of the administration's District of Columbia crime package—the proposed changes in the laws relating to juveniles.

The administration's basic court reorganization bill, which has been pending before this body for 3 months, would establish a new family division with jurisdiction, among other things, over delinquents. There would be no size limit to this division, as there is for the present juvenile court, so that the chief judge of the new superior court could assign as many judges as necessary to see that delinquents are tried promptly. This should take care of problems like the recent instance where four juveniles, still waiting for trial for armed robbery and out on release, committed another armed robbery while waiting for the juvenile court to act.

Even more important is the proposed change in the waiver law—useless under present court of appeals decisions. The new waiver provision would require the family division to waive any youth over 15 charged with a felony unless it affirmatively finds he can be rehabilitated in the juvenile system before the age of 21.

I am sure my colleagues are aware that juvenile crime is increasing throughout this country, but I wonder if they realize how bad it is in this city. In the last fiscal year there were 22 homicides committed by youths over 15 and 24 rapes. In the last 6 years robberies by those over 16 have increased 258 percent, grand larcenies by 106 percent, aggravated assaults by 91 percent. It is time we wake up to the fact that these are criminals, not children, and should be treated as such.

The problem is acute, Mr. Speaker. We must act in this session of Congress. We must pass the court reorganization and juvenile code now.

SWEARING IN OF MEMBER

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Mr. PHILIP M. CRANE, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRANE appeared at the bar of the House and took the oath of office.

NEW PROGRAM FOR STUDENT LOANS

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, today I am introducing a bill to amend the Higher Education Act of 1965, to increase the funds available to commercial lenders who make insured student loans under such act to students throughout the country.

A critical need for such loans has arisen, but the commercial lenders have been unable to meet this need because of the long-term nature of the loans. Under the present law, students can borrow from banks a limited sum to assist in their educational expense. After graduation, these loans are repaid.

The measure I propose would set up a central fund, created by the sale of bonds, from which banks may borrow up to 80 percent of the total amount of funds they have loaned to students under the insured student loan program of the Higher Education Act. The result would be twofold: First, it would make more money from more banks available to more de-

serving students; and second, it would enable the banks to manage such a program by providing the liquidity or "cash flow" needed to make it operate.

Repayment of insured student loans already issued has been excellent with the students having completed their education and entered into productive careers. This bill has the enthusiastic support of university and college administrators and lending institutions. It would solve a critical financial need for literally hundreds of thousands of students across the Nation without being a financial burden on the Federal treasury. It would be in the highest of public interest and service.

NO COMMENT NECESSARY

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, some statements of public figures need no editorial comment. Former Gov. George Wallace's assessment of the policies of the Nixon administration is one of these.

His remarks on NBC's "Meet the Press" were quoted in the December 1, 1969, Washington Post. I insert them at this point for the edification of my colleagues.

I wish I had copyrighted or patented my speeches. I would be drawing immense royalties from Mr. Nixon and especially from Mr. Agnew.

CALLING THE ROLL IN REVERSE ALPHABETICAL ORDER

(Mr. WIGGINS asked and was given permission to address the House for 1 minute.)

Mr. WIGGINS. Mr. Speaker, I am today introducing a House resolution to change a rule of the House which has worked to the detriment of certain Members.

The change is a simple one. It directs the Clerk to call the roll in reverse alphabetical order in the second session of every Congress. This change may appear to be unnecessary to our friends ABBITT, ABERNETHY, and ADAIR; but I assure you it is a meaningful one to our colleagues ZABLOCKI, ZION, and ZWACH.

There are too many instances when those of us who are doomed forever to the end of the alphabet must choose between making a rollcall or missing a plane. The change proposed will not correct this situation entirely, but it will spread the problem around more equitably.

The change is fair. It merits prompt consideration by the Rules Committee, and your support.

ATTACK ON CRIME UNDER THE SAFE STREETS ACT OF 1968

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, under the Omnibus Crime Control and Safe Streets Act of 1968 the Congress created a Law Enforcement Assistance Administration to administer grant programs to States and units of local government to strengthen and improve local law enforcement. The programs which will be funded by the Federal Government include efforts to combat organized crime and programs to prevent and control riots and other civil disorders. In addition, grants are authorized for research, education, and training of law-enforcement personnel.

Thus far, our investment in the Safe Streets Act has been modest and directed only toward launching the assistance program. But the safety and liberty of all our citizens depend on the excellence of State and local law enforcement.

The State of Ohio has received approximately $1,300,000 to help in its fight on crime. The programs covered include training personnel and equipment; developing a county-wide common radio network; a comprehensive criminal justice information system; a district crime lab; specialized training for institutional—correctional—personnel; a police-community relations unit and other programs. In addition, $226,634 was authorized during fiscal 1969 for riot prevention and control; $100,000 was awarded to the city of Cleveland to develop a neighborhood crime control detection and prevention program via a special 18-member police unit.

These efforts are commendable but much more needs to be done. If we want to increase the level and quality of public safety and criminal justice, we must pay for it. Existing legislation does not authorize appropriations beyond the present fiscal year. I today introduced legislation to authorize funding of this vital attack on crime program for fiscal 1971 and subsequent years.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

The Clerk called the bill (H.R. 14646) granting the consent of Congress to the Connecticut-New York Railroad passenger transportation compact.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURKE of Massachusetts. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk will call the next bill on the Consent Calendar.

AMENDING UNITED STATES CODE TO AUTHORIZE APPLICATION OF LOCAL LAW IN DETERMINING EFFECT OF CONTRIBUTORY NEGLIGENCE ON CLAIMS INVOLVING MEMBERS OF THE NATIONAL GUARD

The Clerk called the bill (H.R. 2751) to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard.

There being no objection, the Clerk read the bill, as follows:

H.R. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 715(b) of title 32 United States Code, is amended by striking out "; and" at the end of clause (4) and inserting in place thereof ", or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECLARING THAT THE UNITED STATES HOLDS LAND IN TRUST FOR THE SOUTHERN UTE TRIBE

The Clerk called the bill (H.R. 12785) to declare that the United States holds in trust for the Southern Ute Tribe approximately 213.37 acres of land.

There being no objection, the Clerk read the bill, as follows:

H.R. 12785

Be it enacted b the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the lands described below, which are excess to the needs of the Bureau of Indian Affairs, shall be held in trust for the Southern Ute Tribe subject to the laws and regulations that apply to other lands held in trust for the tribe:

(a) The portion of the east half west half northeast quarter, section 5, lying west of the Pine River; that portion of the east half northeast quarter, section 5, lying west of the Pine River; and that portion of the northwest quarter northwest quarter, section 4, lying west of the Pine River, all in township 33 north, range 7 west, New Mexico principal meridian, Colorado, containing 110 acres.

(b) That portion of the northeast quarter northwest quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata Count, Colorado, described as: Beginning at the northeast corner of the northwest quarter, section 5; thence running south 1,329 feet; thence turning on azimuth of 89 degrees 16 minutes right and running west 844 feet; thence turning on azimuth of 121 degrees 55 minutes right and running northeast 400 feet; thence turning on azimuth 6 degrees 21 minutes left and running northeast 379 feet; thence turning on azimuth of 1 degree 46 minutes left and running northeast 318 feet; thence turning on azimuth of 2 degrees 50 minutes left and running northeast 383 feet; thence turning on azimuth of 69 degrees 7 minutes right and running east 219.3 feet to the point of beginning, containing 15.37 acres, more or less.

(c) West half northwest quarter northeast quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata Count, Colorado; containing 20.00 acres more or less.

(d) West half southwest quarter northeast quarter, and the southeast quarter northwest quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado; containing 60 acres, more or less.

(e) That portion of the southwest quarter southeast quarter, section 14U described as: Beginning at the southwest corner of the southwest quarter of the southeast quarter of section 14U, township 34 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado; thence east 20 rods; thence north 64 rods; thence west 20 rods; thence south 64 rods to the point of beginning; containing eight acres, more or less; together with an equitable proportionate share of the water belonging to allotment numbered 172 in what is known as the Bent Ditch.

With the following committee amendments:

On page 1, line 5, after "held" insert "by the United States".

On page 2, line 24, insert a comma after the word "acres".

On page 3, line 5, reletter subsection (e) as subsection (f) and insert a new subsection (e) as follows:

"(e) That portion of the northwest quarter southwest quarter, section 5, township 33 north, range 7 west, New Mexico principal meridian, La Plata County, Colorado, described as: Beginning at a point 1,235 feet west of the northeast corner of the northwest quarter southwest quarter section 5, thence south 208 feet, thence west 208 feet, thence north 208 feet, thence east 208 feet, to the point of beginning, containing one acre, more or less, together with an easement of right-of-way for water pipeline purposes running east from the northeast corner of the one acre along the north line of the northwest quarter southwest quarter of section 5, 1,235 feet to the northeast corner of the northwest quarter southwest quarter, thence south 20 feet, thence west in a line parallel to the north line of the northwest quarter southwest quarter, 1,235 feet to the east line of the one-acre tract herein conveyed, thence north 20 feet to the point of beginning of the right-of-way for a pipeline to connect with the reservoir on the northeast quarter southeast quarter of section 5, all subject to the reservation of a right of the United States to use the property conveyed as long as the Secretary of the Interior deems necessary."

On page 3, after line 15, insert a new section 2 as follows:

"SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, this bill gives to the Southern Ute Tribe in Colorado, in trust, approximately 215 acres of land that are now excess to the needs of the Bureau of Indian Affairs, but which are needed by the tribe. The land is located within the reservation in an area which the tribe is trying to consolidate in Indian ownership. It is in a prospective development area that can provide jobs for a substantial number of Indians.

The land originally cost the United States $9,630 when acquired during the period 1908 to 1942. It is now worth about $39,250. Although the bill transfers the land without a consideration, the tribe has pending before the Indian Claims Commission a claim against the United States and the bill requires the Commission to consider the value of the land for setoff purposes if a judgment should be recovered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To declare that the United States holds in trust for the Southern Ute Tribe approximately 214.37 acres of land."

A motion to reconsider was laid on the table.

FURNISHING OF TRANSCRIPTS IN PROCEEDINGS UNDER THE CRIMINAL JUSTICE ACT

The Clerk called the bill (H.R. 4302) to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object—and I shall not object—I believe the furnishing of transcripts in proceedings under the Criminal Justice Act is essential, but I wonder about the statement in the committee report which says:

This bill authorizes no additional expenditures and will generate no increase in cost.

What is the basis for such a statement?

It would seem to me there would be obvious requisite costs for at least additional clerical help in the hands of the Justice Department and the judiciary in order to furnish these transcripts.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Colorado if he has information on that question.

Mr. ROGERS of Colorado. Mr. Speaker, as I understand it, the report says:

This bill authorizes no additional expenditures and will generate no increase in cost.

Mr. HALL. This is the very statement I am questioning. How can there be no additional cost when we are furnishing transcripts?

Mr. ROGERS of Colorado. The only thing this bill does is provide, once the man has been able to have appointed for him an attorney under the Criminal Justice Act, he does not have to make a showing every time—that is, a separate showing—in order to get the transcript. That is why it does not cost any more, because at the present time he is entitled to that.

Mr. HALL. Mr. Speaker, I understand that. I understand the question of indigency that is involved, but whereas in one portion of the bill it says, "the United States would pay the transcript fees without further showing of indigency," in another place in the same report prepared by the committee, it says that it "will generate no increases in cost." I just wonder about the basic soundness of these counter and opposing statements.

Mr. ROGERS of Colorado. I do not see anything counter opposing in these.

Mr. HALL. Mr. Speaker, with the gentleman's assurance, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 4302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (f) of section 753 of title 28 of the United States Code is amended by striking all of the third and fourth sentences of that paragraph and substituting therefor the following: "Fees for transcripts furnished in criminal or habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis or under the Criminal Justice Act (18 U.S.C. 3006A), shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis or under the Criminal Justice Act (18 U.S.C. 3006A), shall be paid by the United States out of moneys appropriated for those purposes if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal."

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That paragraph (f) of section 753 of title 28 of the United States Code is amended by striking all of the third sentence of that paragraph and substituting therefor the following: 'Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes.' "

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUMMONSES FOR JURY DUTY

The Clerk called the bill (H.R. 9677) to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served.

There being no objection, the Clerk read the bill, as follows:

H.R. 9677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1866(b) of title 28, United States Code, is amended to read as follows:

"When the court orders a grand or petit jury to be drawn, the clerk or jury commission or their duly designated deputies shall issue summonses for the required number of jurors.

"Each person drawn for jury service may be served personally, or by registered or certified mail addressed to such person at his usual residence or business address.

"If such service is made personally, the summons shall be delivered by the clerk or the jury commission or their duly designated

deputies to the marshal who shall make such service.

"If such service is made by registered or certified mail, the summons may be served by the clerk or jury commission or their duly designated deputies who shall make affidavit of service and shall file with such affidavit the addressee's receipt for the registered or certified summons. If such service is made by the marshal, he shall attach to his return the addressee's receipt for the registered or certified mail."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COUNTERFEITING OF POSTAGE METER STAMPS AND OTHER IMPROPER USES OF METERED MAIL SYSTEMS

The Clerk called the bill (H.R. 14485) to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object—and again, I shall not object—I believe this is a worthwhile enactment, but I just wonder if the Postal Department should not take a "leaf out of the book" of vending machines and perhaps put all stamps, which are the subject of many safe "peelings" by obviously organized gangs throughout the Nation seeking stamps, under a vending meter system. They—these safe robbers—would rather have the stamps than cash. We could let the stamps revert to the sectional center post offices for mass sales, and then we would not have so many robberies or so much unaccountable and undetected loss of postage stamps.

It would seem to me that if we would meter our stamps, instead of spending $20 million in the first-class post offices alone, to try to perfect the safes in which they store the stamps, which are robbed regularly, we would solve the problem. rather than facing the question in this manner. In one place in Missouri just this weekend over $1 million worth of stamps were taken from a post office safe, in one of the new safes designed to prevent this.

I am in favor of this bill as one step in the right direction. I believe we should make the additional long step by simply learning from those who satisfactorily vend, without loss of coinage or stamps or anything else, and put all the stamps in the sectional mailing centers and let them be purchased through meters, and take them out of the second-, third-, and fourth-class post offices. Then, it seems to me, we would be much better off.

I will yield to the gentleman, if he wishes. Mine is an observation and not a question.

Mr. ROGERS of Colorado. I am sure the gentleman agrees that some action should be taken to make it a crime to duplicate meter stamps.

As to the other matters, I am sure the Postmaster General would be happy to receive the gentleman's comments. If the Postmaster General has any suggestions on pieces of legislation to meet the problems the gentleman from Missouri has outlined, all he has to do is send them up here and we will do our best to enact them.

Mr. HALL. Mr. Speaker, again the gentleman's blessed assurance in this Christmas season is reassuring and rejuvenating, and I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 14485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of title 18, United States Code, is amended to read as follows:

"SEC. 501. Postage stamps, postage meter stamps, and postal cards.

"Whoever forges or counterfeits any postage stamp, postage meter stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving thereof; or

"Whoever makes or prints, or knowingly uses or sells, or possesses with intent to use or sell, any such forged or counterfeited postage stamp, postage meter stamp, stamped envelope, postal card, die, plate, or engraving; or

"Whoever makes, or knowingly uses or sells, or possesses with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, postage meter stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, without the special authority and direction of said department; or

"Whoever after such postage stamp, postage meter stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both."

SEC. 2. Section 504 of title 18, United States Code, is amended by adding at the end thereof the following:

"For the purposes of this section the term 'postage stamp' includes postage meter stamps."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO ADMINISTER OATHS

The Clerk called the bill (H.R. 4248) to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations.

There being no objection, the Clerk read the bill, as follows:

H.R. 4248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 of title 5, United States Code, is amended by inserting the designation "(a)" at the beginning of the text of the section and by adding the following new subsection:

"(b) An employee of the Department of Defense lawfully assigned to investigative duties may administer oaths to witnesses in connection with an official investigation."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR MUNICIPAL USE OF STORAGE WATER IN BENBROOK DAM, TEX.

The Clerk called the bill (H.R. 5278) to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the Benbrook Water and Sewer Authority for the use of water supply storage in the Benbrook Reservoir.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask some Member acquainted with this bill why there is no termination date for this water drawdown. If the Trinity River is ever to be made navigable—and I do not know what the situation is now—surely they will need this water at some future time.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. The gentleman is absolutely correct. They will need the water for navigation at such time as the requirement exists.

The law which this bill would amend grants to the city of Fort Worth standby emergency rights to use some of the water pending such time as that water is needed for navigation.

This amendment would merely extend that same right for a portion of those waters to the little city of Benbrook, which lies immediately adjacent to the reservoir itself.

So the parent law which this bill would amend does have a cutoff time, and that cutoff time definitely is the time when those waters are needed for navigation.

That requirement would definitely apply to this amendment to the earlier act as well as to the earlier act itself.

Mr. GROSS. What is the situation with respect to the Trinity River project? Has anything been done?

Mr. WRIGHT. If the gentleman will yield further?

Mr. GROSS. Yes.

Mr. WRIGHT. I earnestly wish that I could give the gentleman a definitive answer on that. Moneys were appropriated in the appropriation bill this year for engineering works leading up to the construction of the first phase of the navigation program, and that is where it stands at the present time.

Mr. GROSS. Does the gentleman think that it will be navigable up to Fort Worth and Dallas, Tex.?

Mr. WRIGHT. If the gentleman will yield, the gentleman from Texas is dedicated to the proposition that it shall.

Mr. GROSS. I would ask the gentleman another question. What is the

meaning of reasonable compensation to be paid by the city for the water that is to be drawn from the reservoir?

Mr. WRIGHT. Reasonable compensation is determined under the terms of the original act which this bill amends. The determination is made by the U.S. Corps of Army Engineers. The city of Fort Worth now does not receive water free but pays for what water it receives. Under the terms of this bill, if adopted, the same right would be extended to the city of Benbrook.

Mr. GROSS. But the gentleman has no estimate of what the return to the Government would be by reason of this legislation?

Mr. WRIGHT. I am sorry, but I do not know precisely how much water is being used or the exact rate that is being charged. It is what the Corps of Engineers determines to be a reasonable amount. If this legislation and its parents Act were not authorized, of course, there would be no return at all, because there would be no authorization for the Corps to market this water pending such time as it is needed for navigation.

Mr. GROSS. But this reservoir was originally constructed for the purpose of providing water for navigational purposes on the Trinity River. It was not built for the purpose of supplying Fort Worth and the city of Benbrook with water. Is the gentleman saying that under the guise of being built to impound waters for navigation, the reservoir was really designed to provide water for certain populated areas of Texas?

Mr. WRIGHT. If the gentleman will yield further, the gentleman is correct in saying that the original purposes were other than municipal supply. The reservoir was constructed in 1953 under an act which authorized it as a multipurpose reservoir. The primary purposes on which it was justified were navigation, flood control, and certain other residual benefits. In precise answer to the gentleman's question, he is correct that the initial authorization did not include municipal water uses. Since that time the policy of the Government itself and of the Congress and the Corps of Engineers has changed to the extent that the use for municipal purposes is now recognized as a compensable item in the determination of the benefit-cost ratio. It was not, however, so recognized at the time. The act which this bill would amend was passed during the time of a very severe drought in the Southwest. It permits the city of Fort Worth on a standby and emergency basis only to use these waters until such time as they are needed for navigation. This bill would simply permit some of the waters to be used not by the city of Fort Worth alone but by the town of Benbrook. Very little of the water has been used and that only in times of pressing need.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas", approved July 24, 1956 (70 Stat. 632), is amended by inserting immediately after "Fort Worth" the following: ", and with the Benbrook Water and Sewer Authority,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAHOE REGIONAL PLANNING COMPACT

The Clerk called the bill (S. 118) to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone if there is any cost to the Federal Government as a result of this legislation or any anticipated cost to the Government?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes.

Mr. KASTENMEIER. No; not under the compact. Although there will be agencies of the Federal Government involved—the Department of the Interior and the Department of Agriculture—they are only authorized to cooperate with this planning agency to the degree that it does deal with our U.S. forest lands in the area and with reference to the Interior Committee case, the Interior Department is concerned about protection and improvement of the Lake Tahoe region as a national resource. It is essentially a development and antipollution vehicle designed in the compact by the two States themselves.

Mr. GROSS. What is the reason for section 7 of the bill which states "the right to alter, amend or repeal this act is expressly reserved"? We do not often have that language in legislation of this type. What is the meaning of section 7?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield further——

Mr. GROSS. Yes.

Mr. KASTENMEIER. Under interstate compacts of this nature the House is disposed to have this language included for reasons arising out of some historically difficult problems which we have had in the past. The Senate also accedes to it because if either the House of Representatives or the Senate itself feels a need to either amend or repeal the act, it can do so and it is so understood by the parties concerned. We have not in recent times employed that provision, but it is a power reserved to us.

Mr. GROSS. Mr. Speaker, I would be very much surprised if this legislation does not result in additional demands upon the Federal Treasury. I am glad to have the gentleman's assurance that he does not feel that it will. But I am afraid this is probably what will result.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake, the consent of the Congress is hereby given to the Tahoe regional planning compact heretofore adopted by the States of California and Nevada, which compact reads as follows:

"TAHOE REGIONAL PLANNING COMPACT

"Article I. Findings and Declarations of Policy

"(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

"(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution, and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

"(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

"ARTICLE II. DEFINITIONS

"As used in this compact:

"(a) 'Region,' includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16, East M.D.B.&M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

"(b) 'Agency' means the Tahoe Regional Planning Agency.

"(c) 'Governing body' means the governing board of the Tahoe Regional Planning Agency.

"(d) 'Regional plan' shall mean the long-term general plan for the development of the region.

"(e) 'Interim plan' shall mean the interim regional plan adopted pending the adoption of the regional plan.

"(f) 'Planning commission' means the advisory planning commission appointed pursuant to paragraph (h) of Article III.

"ARTICLE III. ORGANIZATION

"(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

"The governing body of the agency shall be constituted as follows:

"One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Each member shall be a member of the city council or county board of supervisors which he represents and, in

the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

"One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

"(1) A member of the board which appoints him; and

"(2) a resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance. A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

"One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation; he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

"The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

"(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

"(c) The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years.

"(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as 'the first Monday of each month,' and shall not change such date oftener than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each country a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date, place and agenda at least 5 days prior to the meeting.

"(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

"(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

"(g) A majority of the members of the governing body from each state shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members present representing each state shall be required to take action with respect to any matter. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

"(h) An advisory planning commission shall be appointed by the agency, which shall consist of an equal number of members from each State. The commission shall include but shall not be limited to: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and the Counties of Douglas, Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee, the Chief of the Bureau of Environmental Health of the Health Division of Department of Health, Welfare and Rehabilitation of the State of Nevada or his designee, the executive officer of the Lahontan Regional Water Quality Control Board or his designee, the executive officer of the Tahoe Regional Planning Agency who shall act as chairman and at least four lay members each of whom shall be a resident of the region.

"(i) The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

"(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

"(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.

"ARTICLE IV. PERSONNEL

"(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

"(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the Civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency, and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

"(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

"ARTICLE V. PLANNING

"(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this paragraph shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

"The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this paragraph.

"If a request is made for the amendment of the regional plan by:

"(1) a political subdivision a part of whose territory would be affected by such amendment or

"(2) the owner or lessee of real property, which would be affected by such amendment.

the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency.

"TAHOE REGIONAL PLAN

"(b) Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards, and elements of the regional plan.

"The regional plan shall include the following correlated elements:

"(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities.

"(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

"(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural re-

sources within the basin, including but not limited, to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

"(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

"(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

"In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and civic groups and private individuals.

"(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

"TAHOE REGIONAL INTERIM PLAN

"(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

"(e) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

"(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.

"ARTICLE VI. AGENCY'S POWERS

"(a) The governing body shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the basin, and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective States, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan.

"Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the interim plan or the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

"Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

"Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the State in which it is located to be individually licensed by the State, if such business or establishment:

"(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

"(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.

"(b) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties, and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court. For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

"(c) Except as otherwise provided in paragraph (d), all public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

"(d) All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect, or may specifically apply, to the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

"(e) The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

"(f) Violation of any ordinance of the agency is a misdemeanor.

"(g) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

"(h) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

"(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the State in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

"(j) Every record of the agency, whether public or not, shall be open for examination to the Legislative Analyst of the State of California and the Fiscal Analyst of the State of Nevada.

"(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.

"ARTICLE VII. FINANCES

"(a) Except as provided in paragraph (e), on or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion not more than $150,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sums from its general fund or from any other moneys available therefor.

"(b) The agency may fix and collect reasonable fees for any services rendered by it.

"(c) The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

"(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds.

"(e) As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

"(1) For the remainder of the then-current fiscal year; and

"(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year. The agency shall then allot such amount

among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

"(f) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party States or any political subdivision thereof.

"ARTICLE VIII. MISCELLANEOUS

"(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in paragraph (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the remaining State and in full force and effect as to the State affected as to all severable matters.

"(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other.

"(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other State and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

"(d) No provision of this compact shall have any effect upon the allocation or distribution of interstate waters or upon any appropriative water right."

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized, upon request of the Tahoe Regional Planning Agency, to cooperate with said agency in all respects compatible with carrying out the normal duties of their Departments.

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the Tahoe regional planning governing board.

SEC. 4. Any additional powers conferred on the agency pursuant to article VIII(b) of the compact shall not be exercised unless consented to by the Congress.

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

With the following committee amendment:

On page 23, strike out all of lines 15 and 16 and insert in lieu thereof the following:

"SEC. 6. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee.

"SEC. 7. The right to alter, amend or repeal this Act is expressly reserved."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COPYRIGHT PROTECTION IN CERTAIN CASES

The Clerk called the Senate joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Wisconsin (Mr. KASTENMEIER) a question about this legislation.

Mr. Speaker, I would like to have my good friend explain briefly the functions of this legislation.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I would be delighted to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. The purpose of the legislation is merely to extend the term of the copyright in certain cases of existing copyrights. That is to say, those copyrighted materials for which the copyright would expire in the next calendar year 1970 but which would be preserved if this joint resolution is enacted.

I might further add that the background of this legislation is that the House first did this in the year 1962 for a term of 3 years in anticipation of the adoption of a copyright revision which was then and is now badly needed.

In 1965 the House again extended this term for 2 years. In 1967 and in 1968, however, for only 1 year each; that is, with reference to copyright materials presently copyrighted which would otherwise expire, the theory being that, if the Congress were to eventually adopt such revision the terms of these copyrights would be preserved for an additional period of years and this was part of the original thinking in dealing with the copyright revision.

Mr. DINGELL. I thank the gentleman for his reply, and I would also ask the gentleman how many more times are we going to fiind the House extending copyrights, and preventing countries from properly going into the public domain as the framers of copyright law intended. I believe it wrong that the Congress continues extending the law to permit copyrights to be extended to remain the property of the copyright holders. How long is the ultimate expectation of my good friend, the gentleman from Wisconsin, that we would continue extending the copyrights?

Mr. KASTENMEIER. If the gentleman from Michigan (Mr. DINGELL) will yield to me, I would be pleased to answer that.

I would say that the Librarian of Congress in his report to the House, which is part of our report, stated:

It is important that this fifth interim extension of subsisting copyright be the last of the series—

I can say personally, and I think I speak for the members of my subcommittee on this, that we expect this to be the last. I do not expect to again come back and ask for another one of these extensions. I can further say that it is our hopeful expectation and anticipation that in the second session of the 91st Congress the Congress will adopt comprehensive copyright revision, and it will not be necessary for an additional extension.

But even if it does not, it is not my expectation to come back again and ask the Congress for an additional extension.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I will be delighted to yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, I have asked the gentleman from Michigan to yield only to have the opportunity to underscore what the chairman of our subcommittee has so well said. It is indeed the feeling of, I believe, all those familiar with the copyright situation that this is the last time a request of this nature will be made.

Speaking on my own authority, and without attempting to speak on behalf of the other minority members on the subcommittee, this is the last time I expect to support and urge this body to pass an extension of the copyright terms. I take this position for the same reasons the chairman of the subcommittee has so clearly articulated, namely, because we feel that it is time that the entire complex of our archaic copyright laws was modernized. This body has already completed what I look upon as hallmark efforts in this area, and we are hopeful that in the next session of the Congress the other body will be able to complete work in this area.

But as the subcommittee chairman has said, once again, whether this modernization legislation is successful this year or not, as far as I am concerned this is the last time I expect to support such an extension.

Mr. DINGELL. Mr. Speaker, I thank my two good friends, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

There being no objection, the Clerk read the Senate joint resolution, as follows:

S.J. RES. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or by Public Law 90–416 (or by all or certain of said laws), would expire prior to December 31, 1970, such term is hereby continued until December 31, 1970.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING UNITED STATES CODE TO EXTEND TIME FOR FILING TORT ACTIONS BY PERSONS UNDER THE AGE OF 21, OR INSANE OR MENTALLY ILL, OR IMPRISONED ON A CRIMINAL CHARGE

The Clerk called the bill (H.R. 10124) to amend section 2401 of title 28, United States Code, to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I observe that the Department of Justice is opposed to this legislation, and without seeking to pass on its merits I would simply suggest that it should be considered on some different calendar, and not under the consent procedure where the legislative record is at best very short. Therefore, Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDING THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964

The Clerk called the bill (H.R.14571) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that there are two retirement systems in the CIA?

Mr. FISHER. Mr. Speaker, if the gentleman will yield, I will say to the gentleman from Iowa that he is correct.

Mr. GROSS. Does this deal with both, or to just one of the systems?

Mr. FISHER. It goes to the one, the people in the operations divisions. It is a relatively small group.

Mr. GROSS. Do I understand that this makes the retirement system, or one of the retirement systems in the CIA, comparable to the legislation that has been proposed for all other Federal employees?

Mr. FISHER. That is correct.

Mr. GROSS. Why do they have two systems in the CIA?

Mr. FISHER. In the history of the legislation that created this situation, the Congress has simply provided two systems, one following the FBI arrangement, which is a little different from the other, for their retirement.

Mr. GROSS. How are the employees divided? Are they divided on a field service basis? Not all employees in the Federal Bureau of Investigation are under this rather unusual retirement system—some of them are under the Federal civil service employees' retirement system.

Mr. FISHER. As I understand it, those who are included here, those referred to by the gentleman in his question, are engaged in a hazardous type occupation, something comparable to the FBI activities.

Mr. GROSS. This is only intended to make the retirement system for the bulk of the employees in the CIA comparable to that of legislation that has been approved by the House—I am not sure whether it has been passed by the other body—but to make it comparable to that legislation; is that right?

Mr. FISHER. The gentleman has described the situation precisely as it is. The legislation to which he refers has already been enacted into law.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 14571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 211(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is further amended by striking out "Six and one-half per centum" in the first sentence and inserting "Seven per centum".

SEC. 2. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended:

(a) by striking out in paragraph (a) "five consecutive years of service," and inserting "three consecutive years of service (or, in the case of an annuity computed under section 232 and based on less than three years, over the total service),";

(b) by striking out from the first sentence of paragraph (b) "or remarriage of such surviving wife or husband" and inserting "or upon remarriage prior to attaining age sixty of such surviving wife or husband";

(c) by striking out in paragraph (c) the items "40 per centum", "$600", "$1,800", "50 per centum", "$720", and "$2,160", and inserting "60 per centum", "$900", "$2,700", "75 per centum", "$1,080", and "$3,240";

(d) by adding new paragraph (g):

"(g) In the case of remarriage on or after age sixty an annuity shall be payable if remarriage has occurred on or after July 18, 1966, and if the surviving wife or husband, immediately before such remarriage, was receiving an annuity from the Central Intelligence Agency Retirement and Disability Fund. The annuity of a surviving spouse terminated as a result of remarriage which occurred prior to age sixty and on or after July 18, 1966, shall be restored at the same rate commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

"(1) the surviving spouse elects to receive this annuity instead of a survivor benefit to which he may be entitled, under this or another retirement system for Government employees, by reason of the remarriage; and

"(2) any lump sum paid on termination of the annuity is returned to the fund.

No annuity shall be paid by reason of this paragraph for any period prior to October 20, 1969. No annuity shall be terminated solely by reason of the enactment of this paragraph."; and

(e) by adding new paragraph (h):

"(h) In computing an annuity under this section the service credit of a participant who retires, except under section 231, on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by paragraph (a), the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average basic salary or annuity eligibility. The contribution specified in section 252 shall not be required for days of unused sick leave credited under this paragraph.".

SEC. 3. Section 231(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by striking", but this provision shall not increase the annuity of any survivor" from the last sentence.

SEC. 4. (a) Section 232(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended:

(1) by striking "five years" and inserting "eighteen months"

(2) by inserting after "221(a)", ", except that the computation of the annuity of the participant under such section shall be at least the smaller of (i) 40 per centum of the participant's average basic salary, or (ii) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between his age at the time of death and age sixty"; and

(3) by striking "remarriage of the widow or dependent widower" and inserting "upon remarriage prior to attaining age sixty of the widow or dependent widower (subject to the payment and restoration provisions of section 221(g))".

(b) Sections 232(c) and (d) are amended by striking "five years" and inserting "eighteen months".

SEC. 5. Section 291 of the Cenrtal Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended:

(a) by inserting "1 per centum plus" immediately after the word "by" in paragraph (a)(2); and

(b) by amending paragraphs (b)(2) and (b)(3) to read:

"(2) For the purpose of computing the annuity of a child under section 221(c) that commences after October 31, 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 221(c) shall be increased by the total per centum increases allowed and in force under this section on or after such day, and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in section 221(c) shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day.

"(3) The annuity of each surviving child receiving an annuity under section 221 immediately prior to November 1, 1969, shall be recomputed effective November 1, 1969, in accordance with paragraph (b)(2). No increase allowed and in force prior to such date under section 291 shall be included in the recomputation of any such annuity, and this paragraph shall not operate to reduce any annuity.".

SEC. 6. (a) The amendments made by section 1 shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

(b) The amendments made by sections 3, 4, and 2, with the exception of 2(c), shall become effective October 20, 1969.

(c) The amendments made by sections 2(c) and 5 shall become effective November 1, 1969.

(d) The amendments made by sections 2(a), 2(e), 3, and 4(a)(1)–(2) shall not apply in the cases of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCLUDING CERTAIN SERVICE FOR PURPOSES OF RESERVE RETIREMENT CREDIT

The Clerk called the bill (H.R. 3813) to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis.

There being no objection, the Clerk read the bill, as follows:

H.R. 3813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1331(c) of title 10, United States Code, is amended to read as follows:

"(c) No person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 1332(a)(1) of this title except a regular component, is eligible for retired pay under this chapter, unless he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947, or unless he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, or after August 13, 1961, and before June 1, 1963, or after August 4, 1964, and before the date designated by proclamation of the President or concurrent resolution of the Congress."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING NATIONAL GUARD AND RESERVE OFFICERS TO ACT AS INSPECTING OFFICERS

The Clerk called the bill (H.R. 6006) to permit National Guard officers to act as inspecting officers under section 710(f) of title 32, United States Code.

There being no objection, the Clerk read the bill, as follows:

H.R. 6006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 710(f) of title 32, United States Code, is amended to read as follows:

"(f) Instead of the procedure prescribed by subsections (b) through (d), property issued to the National Guard that becomes unserviceable through fair wear and tear in service may, under regulations to be prescribed by the Secretary concerned, be sold or otherwise disposed of after an inspection, and a finding of unserviceability because of that wear and tear, by a disinterested commissioned officer of the Regular Army or the Army National Guard, or of the Regular Air Force, or the Air National Guard, as the case may be, designated by the Secretary. The State or territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, is relieved of accountability for that property."

With the following committee amendment:

Strike all after the enacting clause and substitute in lieu thereof the following:

"That section 710(f) of title 32, United States Code, is amended to read as follows:

"'(f) Instead of the procedure prescribed by subsections (b)–(d), property issued to the National Guard that becomes unserviceable through fair wear and tear in service may, under regulations to be prescribed by the Secretary concerned, be sold or otherwise disposed of after an inspection, and a finding of unserviceability because of that wear and tear, by a disinterested commissioned officer—

"'(1) of the Army or Air Force who is on active duty for a period of more than 30 days; or

"'(2) of the Army National Guard or Air National Guard; as the case may be, designated by the Secretary. The State or territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, is relieved of accountability for that property.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "to amend section 710(f) of title 32, United States Code, to permit certain commissioned officers of the Army or Air Force, or National Guard, to act as inspecting officers."

A motion to reconsider was laid on the table.

FURNISHING HEADSTONES OR MARKERS AT GOVERNMENT EXPENSE TO MEDAL OF HONOR RECIPIENTS

The Clerk called the bill (H.R. 6265) to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient.

There being no objection, the Clerk read the bill, as follows:

H.R. 6265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948 (24 U.S.C. 279a), is amended by inserting immediately after paragraph (5) thereof the following new paragraph:

"(6) Persons awarded the Medal of Honor."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF UNIFORM ALLOWANCES TO CERTAIN MEMBERS OF THE UNIFORMED SERVICES

The Clerk called the bill (H.R. 8019) to amend title 37, United States Code, to provide for the payment of uniform allowances to certain persons originally appointed, temporarily or permanently, as commissioned or warrant officers in a Regular component of the Armed Forces.

There being no objection, the Clerk read the bill, as follows:

H.R. 8019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) Sections 415(a) and 416(b) are each amended by striking out the words "a reserve officer of an armed force, an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10" and inserting in place thereof "an officer of an armed force, other than an officer appointed under section 4353(b), 5573, or 9353(b) of title 10".

(2) Section 415(e) is repealed.

(3) Section 417(a) is amended by striking out "reserve components" and inserting "Armed Forces" in place thereof.

(4) Section 417(b) is amended by (A) striking out "a reserve" and inserting the word "an" in place thereof and (B) striking out "reserve component" and inserting "armed force" in place thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE INTERSERVICE TRANSFERS OF COAST GUARD OFFICERS

The Clerk called the bill (H.R. 9052) to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard.

There being no objection, the Clerk read the bill, as follows:

H.R. 9052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers between armed forces

"Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from his armed force to, and appoint him in, another armed force. The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments. An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before his transfer."

SEC. 2. The analysis of chapter 41 of title 10, United States Code, is amended by amending the item for section 716 to read as follows:

"716. Commissioned officers: transfers between armed forces."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING $10,000 LIMIT ON SAVINGS DEPOSIT PROGRAM FOR CERTAIN MEMBERS OF THE UNIFORMED SERVICES DURING THE VIETNAM CONFLICT

The Clerk called the bill (H.R. 9485) to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone about the meaning of the words "detained status"? Just who is covered by the words "in a detained status"?

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BRAY. This legislation is to take care of a special situation. A serviceman is given 10 percent interest on certain savings from what he saves from his military pay. The limit on the savings on which he draws this interest is $10,000. Persons who are being held as prisoners in Vietnam by this legislation are permitted to have more than this $10,000.

First the family of the serviceman is taken care of from his income. The surplus under directions from the Secretary deposits the balance in this 10-percent-interest account. There are now cases where savings of more than $10,000 have accumulated and there will be more of such cases. The proposed legislation is designed to take care of those who are now prisoners of war, detained by a foreign country, who cannot take care of their own financial affairs.

Mr. GROSS. I understand the reference to "missing-in-action personnel" and prisoners of war. But who is covered under the term "in detained status"?

Mr. BRAY. A good example is the crew of the *Pueblo*.

Mr. GROSS. I see.

Mr. BRAY. That was one very clear case. There may be others. But that was one we went into, and this legislation takes care of such cases.

Mr. GROSS. Does this bill provide for an increase in the amount above $10,000? It has been limited to $10,000 in the past, has it not?

Mr. BRAY. If you go beyond $10,000 in those cases, yes. The Secretary withholds that money and deposits it in the account until you get to 10 percent.

Mr. GROSS. I see. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 9485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1035(b) of title 10, United States Code, is amended (1) by inserting "(other than a member who is in a missing status, as defined in section 551(2) of title 37, during the Vietnam conflict)" after "member" in the second sentence, and (2) by adding at the end thereof the following: "For purposes of this subsection, the Vietnam conflict began February 28, 1961, and ends on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam."

With the following committee amendment:

Strike all after the enacting clause and substitute the following in lieu thereof:

"That section 1035(b) of title 10, United States Code, is amended as follows:

"(1) By inserting ', except that such limitation shall not apply to deposits made on or after September 1, 1966, in the case of those members in a missing status, as defined in section 551(2) of title 37, during the Vietnam conflict' after '$10,000' in the second sentence.

"(2) By adding the following new sentence at the end: 'For purposes of this subsection, the Vietnam conflict begins on February 28, 1961, and ends on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING A FAMILY SEPARATION ALLOWANCE FOR CERTAIN MEMBERS OF UNIFORMED SERVICES DURING THE VIETNAM CONFLICT

The Clerk called the bill (H.R. 9486) to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

There being no objection, the Clerk read the bill, as follows:

H.R. 9486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 427 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) A member of a uniformed service with dependents who is in a missing status (as defined in section 551(2) of this title) during the Vietnam conflict and is not entitled to an allowance under subsection (b) is entitled to a monthly allowance equal to $30. For purposes of this subsection, the Vietnam conflict began February 28, 1961, and ends on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam."

SEC. 2. The amendment made by the first section of this Act shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That, under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service with dependents who is in a missing status (as defined in section 551(2) of title 37, United States Code) during the Vietnam conflict and is not entitled to an allowance under section 427(b) of title 37 may be paid a monthly allowance equal to $30. For the purposes of this Act, the Vietnam conflict ends on the date designated by the President by Executive order as the date of the termination of combat activities in Vietnam.

"SEC. 2. This Act takes effect on the first day of the first month which begins after the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CREDITING OF AVIATION MIDSHIPMAN SERVICE FOR CERTAN PURPOSES

The Clerk called the bill (H.R. 11265) to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code.

There being no objection, the Clerk read the bill, as follows:

H.R. 11265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1332(b)(7) of title 10, United States Code, is amended by inserting "aviation midshipman," immediately after "flight officer,".

SEC. 2. Section 205(a)(1) of title 37, United States Code, is amended by inserting "aviation midshipman," immediately after "flight officer,".

(Mr. McFALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McFALL. Mr. Speaker, I rise in support of H.R. 11265, a bill before the House today, to authorize the crediting of aviation misdshipman service for pay and retirement purposes.

As was brought out during the hearings, a small group of men was covered by a 1946 act of Congress establishing the Navy aviation midshipman program providing for officer candidates serving 2 years in flight training, and then on flight duty in the status of midshipmen. Due to a legislative oversight, this small group was omitted from those whose periods of service could be credited for base pay and retirement.

The inequity is clear, and the Department of Defense sponsored the legislation to correct it. There is no opposition to its passage, and I hope that it can be enacted without delay, so that these worthy men, many of whom served in Korea, may be placed in the same position as others similarly situated, and be able to claim the pay they did not receive over the years as the result of this legislative oversight, as well as future benefits.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AMEND SECTION 213 OF THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the bill (H.R. 14118) to amend section 213 of the Immigration and Nationality Act, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 14118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 213 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1183) be amended to read as follows:

"ADMISSION OF CERTAIN ALIENS ON GIVING BOND

"SEC. 213. An alien excludable under paragraph (7) or (15) of section 212(a) may,

if otherwise admissible, be admitted in the discretion of the Attorney General upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States, and to all States, territories, counties, towns, municipalities, and districts thereof holding the United States and all States, territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. Such bond or undertaking shall terminate upon the permanent departure from the United States, the naturalization, or the death of such alien, and any sums or other security held to secure performance thereof, except to the extent forfeited for violation of the terms thereof, shall be returned to the person by whom furnished, or to his legal representatives. Suit may be brought thereon in the name and by the proper law officers of the United States for the use of the United States, or of any State, territory, district, county, town, or municipality in which such alien becomes a public charge."

SEC. 2. The Immigration and Nationality Act (66 Stat. 163; 8 U.S.C. 1101), as amended, is further amended by adding at the end of title II the following additional section:

"DEPOSIT OF AND INTEREST ON CASH RECEIVED TO SECURE IMMIGRATION BONDS

"SEC. 293. (a) Cash received by the Attorney General as security on an immigration bond shall be deposited in the Treasury of the United States in trust for the obligor on the bond, and shall bear interest payable at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States. Such interest shall accrue from date of deposit occurring after April 27, 1966, to and including date of withdrawal or date of breach of the immigration bond, whichever occurs first: *Provided*, That cash received by the Attorney General as security on an immigration bond, and deposited by him in the postal savings system prior to discontinuance of the system, shall accrue interest as provided in this section from the date such cash ceased to accrue interest under the system. Appropriations to the Treasury Department for interest on uninvested funds shall be available for payment of said interest.

"(b) The interest accruing on cash received by the Attorney General as security on an immigration bond shall be subject to the same disposition as prescribed for the principal cash, except that interest accruing to the date of breach of the immigration bond shall be paid to the obligor on the bond."

SEC. 3. (a) The table of contents of the Immigration and Nationality Act, is amended by changing the citation to section 213 to read as follows:

"Sec. 213. Admission of certain aliens on giving bond."

(b) The table of contents of the Immigration and Nationality Act, is further amended by adding after the reference to

"Sec. 292. Right to Counsel."

the following:

"Sec. 293. Deposit of and interest on cash received to secure immigration bonds."

With the following committee amendment:

On page 3 beginning on line 1, after the words "the Secretary of the Treasury," strike out the remainder of line 1, all of line 2, and the language on line 3 through the words "the United States.", and insert in lieu thereof the following: "except that in no case shall the interest rate exceed 3 per centum per annum."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, I would like to interrogate someone in the Committee on the Judiciary to find out whether or not this request has come from the residents of the islands themselves. The two main islands involved, of course, are Chichi Jima and also Iwo Jima, together with the smaller islands situated nearby.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to anyone who can supply the answer.

Mr. FEIGHAN. I am not sure I have the answer. However, this legislation was introduced in the 90th Congress, in both the House and the Senate, and the bill passed the Senate. It was introduced pursuant to an Executive communication. All I know is that the Departments of Justice, State, and Defense strongly endorsed this proposed legislation. As to whether any individual person in the islands was polled I do not know.

Mr. ASPINALL. I think we have a question here, because those of us who know these islands—and there are a few in this body who have been on these islands—know where these people came from and how they happened to become residents of the islands.

In fact, during the last world war they were taken from the island to Japan and after the war they were brought back again. Many of these people are descendants of New England whaling families who intermarried with natives and Japanese. When I was there, they seemed to be perfectly content to be within this area where they were living at that time.

At that time there were less than 150 as I recall. This legislation refers apparently to a considerable increase as far as the numbers are concerned.

Do I understand there are some of the people concerned in this legislation living on Iwo Jima?

Mr. FEIGHAN. This is strictly limited to the Bonin Islands.

Mr. ASPINALL. Iwo Jima is part of the Bonin Islands just as Chichi Jima is. Iwo is the one we took by active invasion. Chichi is one we left, we bypassed it.

I would like to know whether this legislation refers to the old residents of Chichi Island, who showed at the time of my visit no disposition to come to the territory of the United States, or whether this is purely a bureaucratic move to permit them to come back if they want to, or whether this is a move to bring them back if they want to or not.

Mr. FEIGHAN. If this legislation were approved, they would be permitted to come to the continental United States or territories of the United States.

Mr. ASPINALL. As I understand the provisions of the legislation, the people involved can only go to the United States or to Guam, Samoa, or to the Virgin Islands. They cannot go to the trust territory because they are barred from the trust territory at the present time.

It seems to me we should have some definite answers as to whether or not a majority of these people wish to come to a part of the United States. We should have these answers as we are considering this legislation, because after all we gave up these islands—we took them by conquest and gave them up voluntarily.

Mr. FEIGHAN. This would be voluntary. If approved, no one would be physically ejected from one of these islands. If they choose to exercise the privilege to leave, they could.

Mr. ASPINALL. I understand that. I can tell my friend from Ohio, that I understand they would not be physically ejected, because after all that would have to be a Japanese act.

What I want to know is how much pressure is going to be put on them to come or go to another part of the United States of America?

Mr. FEIGHAN. To my knowledge, there will be no pressure placed upon the inhabitants of the Bonin Islands. Their decision whether to come to the United States will be voluntary.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it seems to me there are several other questions that need to be answered. Among them: Why was this dissatisfaction on the part of these islanders not apparent or made known last year, or whenever it was that President Johnson entered into an agreement with Prime Minister Sato of Japan? Why did we not hear of this dissatisfaction then?

Moreover, where are these people going? Is this country going to establish a refugee camp for them?

Now comes Okinawa, to be returned to the Japanese. How many hundreds or even thousands of the Okinawans will not want to go back under the Japanese dominion? Is it possible we are now going to have to bring many Okinawans to the United States?

Mr. Speaker, this legislation needs real discussion.

Mr. ASPINALL. Mr. Speaker, may I answer my friend from Iowa this way? There are undoubtedly those who have been resident on these islands, Chichi Jima especially, who more than likely would like now to become residents of the United States inasmuch as the islands have been returned to Japan.

On the other hand, there is nothing in the legislation that I can see as to the number who would be affected. The number of 205 people would take all the people away from the island, because there surely cannot be more than 205 persons there at the present time—if there are that many. What bothers me is the method by which it is going to be done,

and so far there has shown to be no expression from the people of Chichi Jima—no expression at all from them.

This is what is bothering me at the present time. My friend from Ohio has not been able to give this background information.

Mr. FEIGHAN. I might point out that groups of islanders twice petitioned for U.S. citizenship in the 1950's.

Mr. GROSS. What are we going to do with these people when they come to this country?

Mr. ASPINALL. I will answer my friend from Iowa in this way: I believe a good many of these people have a right to come to the United States of America or to any of its territories. On the other hand, the method or procedures by which they come what is involved in this particular legislation.

At this time, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMENDING THE AMERICAN SERVICEMAN AND VETERAN OF VIETNAM FOR HIS EFFORTS AND SACRIFICES

The Clerk called House Resolution 661, commending the American serviceman and veteran of Vietnam for his efforts and sacrifices.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RYAN. Mr. Speaker, reserving the right to object, I question the appropriateness of bringing House Resolution 661 before the House today. Certainly at the time it was introduced in the House, its author and sponsors had the worthiest of motives. Nevertheless, in the light of the revelations which have been made concerning the actions of some American servicemen in Vietnam, particularly in the hamlet of Mylai IV, and the village of Songmy, it seems to me, instead of considering this resolution, we might well be considering a resolution expressing the anguish and dismay of the House of Representatives. The conscience of America should be outraged that this war has so brutalized and dehumanized American soldiers that any one of them could possibly have done the things with which one lieutenant is charged, and which others are alleged to have done.

To pass a resolution such as this, which states in its second resolved clause: "Resolved, That the House of Representatives commends each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative, and devotion to duty"; would be a disservice at this particular time, when we know that one serviceman faces court-martial charges for having engaged in acts contrary to the rules of war, and for having murdered children and women in Vietnam. As a lawyer, I am aware that the rights of the person already facing court-martial charges must be protected. At the same time for the House to act upon this resolution as though nothing had happened in Songmy would demonstrate an intolerable indifference to the atrocities and the erosion of principle involved.

As a combat veteran of World War II and another jungle war, I know something of the conditions under which our men are fighting and the stresses and strains which they are called upon to endure. They are engaged in a conflict which was never susceptible of a pure military solution, and it is a disheartening and frustrating experience for them. They are told that they are fighting to preserve for the people of South Vietnam the right of self-determination—a lofty principle which is degraded by the killing of civilians—women and children—either by individual infantrymen or by saturation bombing.

The events in Songmy raise fundamental questions about the policy in Vietnam—not simply the guilt or innocence of any individual—but the collective guilt of a nation which has intervened in Vietnam without a declaration of war.

This war must be ended.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the distinguished gentleman from Texas.

Mr. FISHER. Of course, I assume the gentleman understands there is nothing in this resolution that includes any of those either in this country or any other place who have violated any law. This refers to the men who are fighting and doing a good job for this country carrying out their duties in Vietnam.

Is there any particular language in this resolution to which the gentleman objects?

Mr. RYAN. Unfortunately, the resolution is before us under a procedure which permits no amendments. It is clear the resolution states—and I quote from the resolution—

> That the House of Representatives commends each serviceman and veteran of Vietnam.

I stress the word "each." At this point how can we commend each serviceman and veteran of Vietnam in view of the statements which have been made by witnesses to atrocities and in view of the admissions made by certain veterans who have served in Vietnam?

It seems to me particularly inappropriate at this time to bring this resolution before us. I know that, when it was introduced, these revelations were not known to the author of the resolution.

The committee report states, on page 2:

> All of the testimony and evidence available to the Committee on Armed Services has repeatedly indicated that the American servicemen in Vietnam are performing with a military professionalism unexcelled by any servicemen in our history.

Now, there is other evidence before the American people and before the Committee on Armed Services which flies in the face of the statement in the report, which was written before the atrocities at Songmy were reported in the press. At the very least "military professionalism" requires discipline, command responsibility, and infusing a sense of morality in the men under one's command—starting at the highest level.

There must be a thorough investigation of the events at Songmy and the reasons for the long delay by the Army in conducting a full inquiry of its own. This investigation should be conducted by a Presidential commission composed of outstanding citizens. Such an investigation will in no way reflect upon the patriotism and bravery of American servicemen who have served honorably and with dedication in this tragic war.

Mr. FISHER. Mr. Speaker, will the gentleman yield further?

Mr. RYAN. I am happy to yield to the gentleman.

Mr. FISHER. The gentleman from New York objects to a resolution which simply commends the American servicemen who are serving this country in Vietnam, and he has the privilege of lodging an objection against that if he so chooses. If so, of course, the resolution will go over.

Mr. RYAN. I am not in any way casting any disparagement upon the hundreds of thousands of American servicemen who have served honorably and bravely and with dedication in Vietnam. The gentleman knows that. They deserve the Nation's gratitude. Those who have sacrificed their lives or who have been wounded in combat are entitled to the highest tribute. The shocking misconduct of some will not diminish the respect and debt owed to most servicemen. However, the American people are confronted with revelations which should sear the conscience of this country. In view of that, it is inappropriate at this time, in my judgment, to consider this resolution.

Mr. LOWENSTEIN. Mr. Speaker, I cannot believe this is an appropriate time to consider this particular resolution, and I join my distinguished colleague, the gentleman from New York (Mr. RYAN), in asking that it be passed over without prejudice.

The heroism and sacrifice of most of the American troops in Vietnam has properly been noted many times in the past. We are now faced with the necessity of looking carefully into the behavior of a relatively small number. To praise equally "each serviceman and veteran" just as that inquiry is about to get underway is to risk tainting all servicemen and veterans with the misdeeds of a few. To do that would not bring credit to this House, or be fair to American servicemen generally.

Mr. RYAN. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPOSAL OF CADMIUM

The Clerk called the bill (H.R. 12941) to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile.

There being no objection, the Clerk read the bill, as follows:

H.R. 12941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Admin-

istrator of General Services is hereby authorized to dispose of approximately four million one hundred eighty thousand pounds of cadmium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 12941 would authorize the disposal of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile. The current stockpile objective for cadmium was increased to 6 million pounds by the Office of Emergency Preparedness in April 1969. The previous stockpile objective of 5,100,000 pounds was established February 8, 1964. As of October 31, 1969, the total inventory of cadmium held by the General Services Administration was approximately 10,180,000 pounds. There is presently an excess of 4,180,000 pounds in the stockpile. This amount is covered by H.R. 12941.

The average acquisition cost of the cadmium in the stockpile was $1.80 per pound. The present published market price is approximately $3.50 per pound.

The chief use of cadmium is as a pure metal in plating other metals, especially iron and steel, as a protection against wear and corrosion. A cadmium coating is given to a wide variety of small but vital machine parts, such as screws, nuts, and bolts in, for example, cars, aircraft, radio, and television sets.

The United States is the world's largest producer of cadmium. Cadmium is recovered almost entirely as a byproduct in processing zinc ores. Domestic production is about 32 percent of world output and well over half is obtained from materials of foreign origin.

Industrial demand for cadmium has been very strong since the last calendar quarter of 1968 causing a drawdown in industry stocks despite increased production, imports, and GSA sales. GSA sales of approximately 3,300,000 pounds of excess cadmium since July 1, 1968, have provided some relief to a tight supply situation, but the market continues to be tight.

The entire quantity of excess cadmium will be made available for disposal over a period of years, with offerings of 600,000 pounds each quarter.

Representatives of Government and industry testified they favor enactment of this legislation. The subcommittee and the full committee were convinced that there is a shortage of cadmium in the domestic market and recommended immediate action on this bill in order that further hardships may be alleviated.

In view of these urgent needs, I respectfully urge the House to take prompt, favorable action on H.R. 12941.

Mr. ARENDS. Mr. Speaker, I wish to concur in the remarks made by my distinguished colleague from Massachusetts (Mr. PHILBIN) who handled this matter before the Stockpile Subcommittee.

Witnesses who testified before the subcommitte strongly urged that this bill be acted upon as soon as possible in view of the shortage of cadmium in the current domestic market.

This bill was unanimously approved by the subcommittee and reported to the full committee. The full committee, in turn, acted favorably upon the subcommittee recommendation that the bill be favorably reported.

I strongly urge the House to take favorable action on H.R. 12941.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAKING UNIFORM THE LAWS CONCERNING RESPONSIBILITY FOR GOVERNMENT PROPERTY IN VARIOUS MILITARY DEPARTMENTS

The Clerk called the bill (H.R. 13756) to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 13756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Chapter 165 is amended—

(A) by adding the following new section:

"§ 2774. Property accountability and responsibility

"(a) The Secretary of a military department or the head of a Department of Defense agency may, under regulations approved by the Secretary of Defense which shall be uniformed, so far as practicable—

"(1) provide for the accounting, and fixing of responsibility, for real and personal property of the United States under his control;

"(2) provide that, when it is determined that property covered by clause (1) has been lost, damaged, or destroyed through the fault of a member of the Army, Navy, Air Force, or Marine Corps, the amount of the damage, or cost of repair or replacement, may be charged to him and deducted from his pay; and

"(3) designate any officer of the Army, Navy, Air Force, or Marine Corps to act upon reports of survey and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property covered by clause (1).

"(b) Any amounts obtained as a result of charges or deductions under subsection (a) (2), or reports of survey under section (a) (3), shall be credited to the current applicable appropriation available for repair or replacement of the lost or damaged property, including, in the case of damage to family housing, the Department of Defense family housing management account established under section 1594a–1 of title 42.

"(c) Actions taken by the Secretary of a military department or the head of a Department of Defense agency, or his designee, under this section are final.

"(d) This section does not amend or repeal section 4837, 6161, or 9837 of this title."; and

(B) by adding the following new item to the analysis:

"2774. Property accountability and responsibility."

(2) Chapters 453 and 953 are amended by repealing sections 4832, 4835, 4838, 4839, 4840, 9832, 9835, 9838, 9839, and 9840, and striking out the corresponding items in the analyses.

SEC. 2. Section 710 of title 32 United States Code, is amended as follows:

(1) Subsection (b) is amended by striking out "shall" in the first sentence and inserting in place thereof "may".

(2) Subsections (b) and (f) are each amended by striking out "Regular" wherever it appears.

(3) Subsection (c) is amended to read as follows:

"(c) The Secretary concerned may, under regulations approved by the Secretary of Defense which shall be uniform, so far as practicable—

"(1) provide for the accounting, and fixing of responsibility, for property issued to the National Guard; and

"(2) provide that, when property covered by clause (1) has been lost, damaged, or destroyed, the amount of the damage, or cost of repair or replacement, may be charged—

"(A) to the member determined to be at fault with respect to the loss, damage, or destruction, and deducted from his pay; or

"(B) to the State or territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, and paid from its or any non-Federal funds."

SEC. 3. Section 1007 (e) and (f) of title 37, United States Code, is repealed.

(Mr. PRICE of Illinois asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, the purpose of the proposed legislation is to make uniform the laws concerning responsibility for loss or damage to Government property in the various military departments and agencies. Presently the law is applicable only to the Departments of the Army and the Air Force and is predicated on simple negligence. This is a strict standard. The simple negligence test means that a soldier may be held pecuniarily liable for loss, damage, or destruction of a particular piece of equipment if there was the slightest deviation from the standard of reasonableness.

Of particular note is the fact that the Navy is not bound by the provisions of this statute.

Prior to 1963, the Departments of the Army and the Air Force applied the same strict simple negligence standard uniformly to all personnel with respect to all Government property. The Department of the Air Force made a study in 1962 which revealed that application of this simple negligence standard made the Report of Survey system more costly and complex than was necessary or desirable by causing a great number of expensive

surveys to be conducted. For example, during a typical year, the Department of the Air Force collected $228,000 for lost or damaged property while spending $1,078,000 to maintain the system. It was concluded that the effects of this system upon supply discipline are not sufficient to justify this expense. In addition, the threat of assessment of pecuniary liability was determined to have a demoralizing effect totally out of proportion to its advantage to supply discipline.

As a result of the 1962 study, the Army and the Air Force modified their implementing procedures and a system of responsibility based on the user's relationship to the property was established. The new system has succeeded in reducing costs and preserving morale without any sacrifice of supply discipline. However, this is as far as they can go under existing law.

The establishment of a uniform standard throughout the Government under which pecuniary liability is assessed only for loss of or damage to property resulting from gross negligence or willful misconduct would be consistent with long-standing commercial practices, in the case of those kinds of personal property which are ordinarily entrusted to employees. Generally, an employee is not charged for loss or damage occurring in the ordinary course of business; rather, administrative disciplinary action is used as a sanction.

As a practical matter, however, the use of corrective and disciplinary measures, coupled with permissive authority to assess pecuniary charges in appropriate situations varying from a standard of simple negligence to one of willful misconduct, is expected to result in better enforcement of property responsibility. It is expected that in the case, for example, of troop housing, including quarters, military family housing, and Government-owned contents in such quarters, standards of simple negligence would be established under regulations which would also establish procedures for inspections, assessments, and reviews. Experience with different standards administratively determined, for distinctive types of property, may well demonstrate the need for adjustment of the standards from time to time.

Passage of H.R. 13756 will accomplish the aims set forth above.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

FURTHER CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of November 25, 1969, I call up the joint resolution (H.J. Res. 1017) making further continuing appropriations for the fiscal year 1970, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1017

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of November 14, 1969 (Public Law 91–117), is hereby amended by striking out "December 6, 1969" and inserting in lieu thereof "the sine die adjournment of the first session of the Ninety-first Congress".

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is the third continuing resolution of the session.

The pending resolution would not change the resolution now in effect except in one particular. It merely extends the expiration date from December 6 to the sine die adjournment day of the present session. This would enable any department or agency of the Government whose annual appropriation bill for fiscal 1970 has not become law by December 6, to operate until sine die adjournment, which we, of course, expect to occur later this month.

Otherwise, there is no change.

Insofar as I know, there is no controversy about the pending resolution.

STATUS OF THE APPROPRIATION BILLS FOR 1970

There have been enacted into law for the current fiscal year four regular bills; namely, the Treasury-Post Office appropriation bill; the Interior appropriation bill; the independent offices and Housing and Urban Development appropriation bill; and the Agriculture appropriation bill.

The House has yet to consider three appropriation bills before adjournment; namely, Defense, which is scheduled to be on the floor next Monday, December 8; the foreign assistance bill, which we hope to have on the floor on December 9 or 10; and the final supplemental, which we hope to report late next week.

Three bills are now in conference. The public works appropriation bill, which is scheduled for conference tomorrow and which we expect to be disposed of this week; the legislative appropriation bill, on which we hope to confer tomorrow; and the State, Justice, Commerce, and Judiciary appropriation bill, on which we hope to confer early next week.

In the other body, action must be taken on the District of Columbia appropriation bill; the military construction appropriation bill; the Transportation appropriation bill; and the Labor and HEW appropriation bill; all of which are pending in the other body.

The other body must, of course, also process the three bills yet to be considered in the House.

Mr. Speaker, I believe there is no need to elaborate further on the pending resolution. It merely extends the present resolution to sine die adjournment day.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman for yielding. I am planning to support the resolution as it is presented, but I would ask the gentleman from Texas if he would speculate on what will happen if, for example, we are unable to conclude the appropriation bill conference on any one of the particular bills that are now pending?

Mr. MAHON. May I say in reply that I would prefer not to contemplate a thought of that kind at this time. I think what we need to do is to complete our appropriations work this month. I think we can do that. But if for any reason we do not complete our work on a bill the agencies and departments involved, if they have not been financed, would have to either close down their operations or we would have to provide a continuing resolution for them, which undoubtedly we would do.

Mr. COHELAN. Mr. Speaker, if the gentleman will yield further, may I ask my distinguished chairman this question: Does the gentleman not feel that we will be able to compete our work before sine die adjournment?

Mr. MAHON. Yes, I think we will be able to complete the appropriations work by sine die adjournment day. It is unfortunate that it could not have been completed weeks and in some cases months ago. But this has been a unique and a difficult year which we hope will not again occur.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I see the distinguished majority leader reveling in the colloquy that has taken place. Could we add to this resolution, after 91st Congress, December 19, 1969, as the date for sine die adjournment?

Mr. MAHON. I think that might not be quite the thing to do. My own guess, and I have not conferred with the leadership about this matter, is that we will probably adjourn on the night of December 20.

Mr. GROSS. That is Saturday night. On the farm that used to be "bath" night. I do not like to work on Saturday night.

Mr. MAHON. May I say that I would hope we could adjourn earlier, but I believe the best thing to do at this time is to provide sine die adjournment as the date for the pending resolution. This, of course, may require the President to act with considerable expedition on certain bills which might be presented to him relatively late.

Mr. Speaker, as I explained earlier, the pending resolution, House Joint Resolution 1017, merely extends the expiration date of the existing continuing resolution, House Joint Resolution 966. All other provisions of House Joint Resolution 966, which became Public Law 91–117 when the President signed it on November 14, remain unchanged and thus would continue for the additional time period provided in the pending resolution.

Under leave granted, I include the memorandum issued by the President when he signed House Joint Resolution 966.

THE PRESIDENT'S MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES UPON SIGNING A CONTINUING RESOLUTION ON APPROPRIATIONS. NOVEMBER 14, 1969

I have approved H.J. Res. 966, which provides temporary appropriations to finance governmental programs for which 1970 appropriations have not been enacted as of October 31, 1969.

This legislation is required for continued operation of our government. But I must express my deep concern with the particular terms which would permit some agencies, such as the Department of Health, Education, and Welfare, to commit the government to make expenditures at a rate inconsistent with our efforts to keep the budget under strict control and thereby restrain inflation.

I am fully aware of our needs in health, education, training, and other social areas, and have reflected those in my budget proposals as best I can. At the same time, I feel strongly that the soundness and stability of our economy demand stringent fiscal measures on all fronts, and that such stringency will better serve the long-run interests of all the American people.

I take this occasion, therefore, to reconfirm my statement of August 12, 1969, on the action by the House of Representatives that added $1.1 billion to the appropriations for the Department of Health, Education, and Welfare when I stated "my intention not to spend in this fiscal year any funds appropriated in excess of my budgetary estimates of April this year. No commitments will be made to spend these additional appropriations until the Congress has completed action on all appropriation bills and revenue measures."

Any increases in appropriations that permit spending beyond that level must be offset by equivalent reductions, either by the Congress or by the executive branch. Therefore, I direct you to make no commitments at this time which will lead to spending in excess of the 1970 outlay ceiling which the Director of the Bureau of the Budget communicated to you at my direction.

I expect your full cooperation in demonstrating our fiscal responsibility. It is imperative that this Administration do everything in its power to fight the inflationary pressures which are eroding the purchasing power of the American people.

RICHARD NIXON.

Mr. JONAS. Mr. Speaker, I move to strike the last three words.

Mr. Speaker, I think the gentleman from Texas will agree with me that it would have been better to extend this continuing resolution to 5 days subsequent to sine die adjournment. That was the action taken by the House on the previous resolution by rollcall vote on a motion to recommit. The other body changed that to a fixed date.

The gentleman from Texas has pointed out, by inference at least, why it would have been better to have extended this resolution beyond sine die adjournment.

It is now obvious that the President will have on his desk an accumulation of appropriation bills that will have just cleared both branches of the Congress in the closing days of this session, and he will need several days to consider and sign these bills into law. Although I am going along with this resolution, I do want to point out that in my opinion it would have been better to have given the Chief Executive 5 days in which to study and sign the appropriation bills.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I will be glad to yield to the gentleman.

Mr. MAHON. I agree with the gentleman that it might have been desirable to extend the time beyond the actual sine die adjournment day, but there are ways to deal with that. If we do not clear the bills early enough, we could put a so-called validating clause on the final supplemental bill. As the gentleman knows, we have done that on occasion.

Another consideration is that if within the next few days we clear several of these bills, which I believe we will, the President will not be confronted on sine die adjournment day with the signing of a large number of appropriation bills, because we would hope that most of them will be in his hands prior to that time.

Mr. JONAS. Mr. Speaker, I would like to include as a part of my comments on this resolution a quotation from the report of the other body when it enacted the House-passed continuing resolution with a the "Cohelan amendment" included in it. I quote from that report for the information of this body:

> The committee is very much concerned with the action of the House in providing what is in effect a separate appropriation for the Office of Education at a time when the regular annual appropriation bill for the Office of Education is pending in the Senate subcommittee. The committee has reluctantly agreed to go along with this resolution, but desires to make it abundantly clear that this is not a precedent and, in the future, the committee does not intend to report such a resolution.
>
> In addition, the committee wishes to make it clear that its action in reporting this resolution does not constitute an endorsement of the appropriations included in the House-passed Department of Labor and Health, Education, and Welfare appropriation bill, 1970 (H.R. 13111), for the programs administered by the Office of Education. The Bureau of the Budget and the Department of Health, Education and Welfare should exercise caution in utilizing the authority granted in this resolution in order not to jeopardize the integrity of the programs as they may be finally approved by the Congress.

I think it important to note that the Committee on Appropriations in the other body has specifically stated that it "does not intend to report such a resolution" in the future.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

FURTHER LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the House of an addition to the legislative program. The gentleman from New York (Mr. PIRNIE) has advised me that on tomorrow he will seek to call up by unanimous-consent request the bill H.R. 4296, to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

APPOINTMENT OF CONFEREES ON H.R. 14159, PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—civil—the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. DINGELL. Reserving the right to object, Mr. Speaker, I take this time in order to direct some questions to my good friend, the gentleman from Tennessee (Mr. EVINS) with regard to the conference and certain other related matters with respect to this legislation.

Mr. Speaker, I would like to call to the attention of the gentleman from Tennessee that when this matter was before the House, the House failed by only two votes to come to an appropriation of $1 billion for the funding of water pollution grants. The Senate by an overwhelming majority has voted to fund in full the authorization and to appropriate the sum of $1 billion for grants to municipalities for construction of waste treatment facilities.

I note now that my good friend has requested that conferees be appointed by this body to go to conference with the other body. I understand it is the practice that when this body goes to conference with the Senate, if the conferees are unable to come to an agreement, that they then come back to the House for instructions. Am I correct on that?

Mr. EVINS of Tennessee. I would say to my friend that that has been the customary procedure.

Mr. DINGELL. I would like then to ask my very dear friend, the gentleman from Tennessee, how long he figures it would take for the conferees or the managers on the part of the House, to reach a point where they would want to come back to this body for instructions with regard to whether they would go for the $600 million figure appropriated by this body or the $1 billion figure appropriated by the Senate.

Mr. EVINS of Tennessee. Of course, the conferees have not been named yet.

It is not customary to instruct the conferees prior to going to conference. I would hope they could reach a prompt agreement and settle the matter.

Mr. DINGELL. I would say to my good friend that I do have a motion to instruct the conferees in my pocket. I am most reluctant to utilize it. It was my hope that perhaps if the gentleman found, and the conferees on the part of the House found, that they were unable to arrive at a resolution with regard to the differences between House and the other body at an earlier time, they would agree to come back to the House for instructions. The matter could then be placed before the House and the House could have a clear vote on whether or not we are going to fund this program in full by the appropriation of $1 billion or whether we should go to the lesser figure that has been very narrowly decided upon by the House. As my friends recalls, the amendment to increase the appropriation to $1 billion failed by only two votes.

Mr. EVINS of Tennessee. I can only say to my friend that I hope the conferees can reach a speedy and early agreement and a resolution of the matter. We will do our best to come to an agreement in conference. If we cannot come to an agreement, the customary practice is to bring the matter back to the House for further instructions.

Mr. DINGELL. I would assume the gentleman would want come back at an early time since Christmas is coming and the time for adjournment is coming.

Mr. EVINS of Tennessee. We are trying to move as rapidly as possible and plan to have our first conference meeting tomorrow.

Mr. DINGELL. If you are not able to arrive at an early resolution, I hope the matter will be brought back to the House for a vote so the Members can have a full opportunity to express themselves on this important point.

Mr. EVINS of Tennessee. The gentleman has expressed himself eloquently.

Mr. DINGELL. I hope I have also expressed the thoughts of my dear friend, the gentleman from Tennessee, because this is the time to discuss it.

Mr. EVINS of Tennessee. I can only say to my friend that I have not even been named as a conferee yet. We must wait until conferees are named and have an opportunity to consider and confer on the matter.

Mr. DINGELL. I am aware of that but I am sure that my good friend, the gentleman from Tennessee, will be one of the conferees.

Mr. Speaker, I am most reluctant to object, but I cannot seem to get what I want from my good friend, that the committee is going to bring this matter back to the House for a vote. If I cannot get that kind of understanding, we are probably going to have to have this matter up under a rule from the Committee on Rules.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. RHODES. Mr. Speaker, I would like to say to my good friend, the gentleman from Michigan, that I am sure he is aware of the fact, because of his long membership in the House of Representatives, that the gentleman knows that after the conference is over, the House in an appropriation matter gets the papers and the first action on the conference report will be in the House. I am sure the gentleman also knows that at that time a motion to recommit, with or without instructions, would be in order.

Mr. DINGELL. I am perfectly aware of that.

Mr. RHODES. The gentleman's right to take whatever action he feels it is necessary to take on the matter in which he is interested will, I think, be abundantly preserved.

Mr. DINGELL. I am aware that that is the practice, and I am also aware of the fact that probably the ordinary Members of the House would not be recognized for the purpose of making a motion to recommit.

Mr. EVINS of Tennessee. Let me say, the gentleman is not an ordinary Member. He is an outstanding Member of this House.

Mr. DINGELL. Mr. Speaker, I am still trying to get an understanding on this matter from the gentleman from Tennessee.

Mr. EVINS of Tennessee. All I can say is that if the Senate and House conferees do not agree, we will bring the matter back to the House for action which, as I say, is the custom.

Mr. DINGELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee (Mr. EVINS)? The Chair hears none, and appoints the following conferees: Messrs. KIRWAN, EVINS of Tennessee, BOLAND, WHITTEN, ANDREWS of Alabama, MAHON, RHODES, DAVIS of Wisconsin, ROBISON and CEDERBERG.

JOINT FUNDING SIMPLIFICATION ACT OF 1969

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14517) to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes.

The Clerk read as follows:

H.R. 14517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Joint Funding Simplification Act of 1969."

PURPOSE

SEC. 2. The purpose of this Act is to enable States, local governments and other public or private organizations and agencies to use Federal assistance more effectively and efficiently, to adapt that assistance more readily to their particular needs through the wider use of projects drawing upon resources available from more than one Federal agency, program or appropriation and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is the further purpose of this Act to encourage Federal-State arrangements under which local governments and other public or private organizations and agencies may more effectively and efficiently combine State and Federal resources in support of projects of common interest to the governments, agencies, and organizations concerned.

BASIC RESPONSIBILITIES OF THE HEADS OF FEDERAL AGENCIES

SEC. 3. (a) Subject to such regulations as the President may prescribe, the heads of Federal agencies may take actions, by internal agency order or interagency agreement, including but not limited to:

(1) identification of related programs likely to be particularly suitable or appropriate for providing joint support for specific kinds of projects;

(2) development and promulgation of guidelines, model or illustrative projects, joint or common application forms, and other materials or guidance to assist in the planning and development of projects drawing support from different programs;

(3) review of administratively established program requirements in order to determine which of those requirements may impede joint support of projects and the extent to which these may be appropriately modified, and making modifications accordingly;

(4) establishment of common technical or administrative rules among related programs to assist in the joint use of funds in the support of specific projects or classes of projects; and

(5) creation of joint or common application processing and project supervision procedures or mechanisms including procedures for designating lead agencies to assume responsibilities for processing on behalf of several agencies and for designation of managing agencies to assume responsibilities for project supervision on behalf of several agencies.

(b) The head of each Federal agency shall be responsible for taking actions, to the maximum extent feasible under applicable law, which will further the purposes of this Act with respect to Federal assistance programs administered by his agency. Each Federal agency head shall also consult and cooperate with the heads of other Federal agencies in order similarly to promote the purpose of this Act with respect to Federal assistance programs of different agencies which may be used together or jointly in support of projects undertaken by State or local governments or other public or private agencies and organizations.

APPLICATION PROCESSING

SEC. 4. Actions taken by Federal agencies pursuant to this Act which relate to the processing of applications or requests for assistance under two or more Federal programs in support of any project shall be designed to assure, so far as reasonably possible (1) that all required reviews and approvals are handled expeditiously; (2) that full account is taken of any special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly funded project; (3) that the applicant is required to deal with a minimum number of Federal representatives, acting separately or as a common board or panel; (4) that the applicant is promptly informed of decisions with respect to his application and of any special problems or impediments which may affect the feasibility of Federal provision of assistance on a joint basis; and (5) that the applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency which could better and more appropriately be secured through direct communication among the Federal agencies involved.

SPECIAL AUTHORITIES—BASIC CONDITIONS

SEC. 5. Where appropriate to further the purposes of this Act, and subject to the conditions prescribed in this section, heads of Federal agencies may use the authorities described in sections 6, 7, and 8 (relating to the establishment of uniform technical or administrative requirements, delegation of powers and responsibilities, and establishment of joint management funds) with respect to projects assisted under more than one Federal assistance program. These authorities shall be exercised only pursuant to regulations prescribed by the President. Those regulations shall include criteria or procedures to assure the authorities are limited in use to problems that cannot be adequately dealt with through other actions pursuant to this Act or other applicable law; that they are applied only as necessary to promote expeditious processing or effective and efficient administration; and that they are applied consistent with the protection of the Federal interest and with program purposes or statutory requirements of a substantive nature.

ESTABLISHMENT OF UNIFORM TECHNICAL OR ADMINISTRATIVE REQUIREMENTS

SEC. 6. (a) In order to provide for projects which would otherwise be subject to varying or conflicting technical or administrative provisions of law, the heads of Federal agencies may adopt uniform provisions respecting:

(1) inconsistent or conflicting requirements relating to financial administration, including accounting, reporting and auditing, and maintaining separate bank accounts, but only to the extent consistent with the requirements of section 8;

(2) inconsistent or conflicting requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the project as a whole;

(3) inconsistent or conflicting requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

(4) inconsistent or conflicting requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the project as a whole; and

(5) other inconsistent or conflicting requirements of an administrative or technical nature, as defined in regulations of the President and subject to such conditions as he may prescribe.

(b) In order to permit processing of applications in accordance with the purposes of this Act, Federal agency heads may provide for review of proposals for projects by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law.

(c) In promoting the more effective and efficient use of Federal assistance resources, Federal agency heads may waive requirements that a single or specified public agency be utilized or designated to receive, supervise, or otherwise administer a part of the Federal assistance drawn upon by any jointly funded project to the extent that administration by another public agency is determined to be fully consistent with applicable State or local law and with the objectives of the Federal assistance program involved. This authority may be exercised only upon (1) request of the head of a unit of general government, with respect to agencies which he certifies to be under his jurisdiction, or (2) with the agreement of the several State or local public agencies concerned.

DELEGATION OF POWERS

SEC. 7. With the approval of the President, agency heads may delegate to other Federal agencies any powers relating to the approval, under this Act, of projects or classes of projects under a program if such delegation will promote the purposes of that program. Agency heads may also delegate to other Federal agencies powers and functions relating to the supervision of administration of Federal assistance, or otherwise arrange for other agencies to perform such activities, with respect to projects or classes of projects subject to this Act. Delegations under this section shall be made only on such conditions as may be appropriate to asure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions and policies.

FUNDING ARRANGEMENTS AND PROCEDURES

SEC. 8. (a) In order to provide for the more effective administration of funds drawn from more than one Federal program or appropriation in support of projects under this Act, there may be established joint management funds with respect to such projects. The total amount approved for such a project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation. There will be advanced to the joint management fund from each affected appropriation, from time to time, its proportionate share of amounts needed for payment to the grantee. Any amounts remaining in the hands of the grantee at the completion of the project shall be returned to the joint management fund.

(b) Any account in a joint management fund shall be subject to such agreements, not inconsistent with this section and other applicable law, as may be entered into by the Federal agencies concerned with respect to the discharge of the responsibilities of those agencies and shall assure the availability of necessary information to those agencies and to the Congress. These agreements shall also provide that the agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund; and may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to the participating Federal agencies in accordance with a formula mutually acceptable as providing an equitable distribution, and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

(c) For each project financed through a joint management fund established pursuant to this section, the recipients of moneys drawn from the fund shall keep such records as the head of the Federal agency responsible for administering the fund will prescribe. Such records shall, as a minimum, fully disclose the amount and disposition by such recipient of Federal assistance received, the total cost of the project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(d) The head of the Federal agency responsible for administering such joint management fund and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the moneys received from such fund.

(e) In the case of any project covered in a joint management fund, a single non-Federal share may be established according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the project account from each of those programs.

AUXILIARY PROVISIONS

SEC. 9. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for joint or common funding involving that program and any other Federal assistance program.

(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this Act or the administration of approved projects.

FEDERAL-STATE ASSISTANCE AND AGREEMENTS

SEC. 10. Subject to such regulations as the President may prescribe, Federal agencies may enter into agreements with States or State agencies as appropriate to extend the benefits of this Act to projects involving assistance from one or more Federal agencies and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions covering the establishment of uniform technical or administrative requirements, as authorized by this Act.

AUTHORITY OF THE PRESIDENT

SEC. 11. In addition to powers and authority otherwise conferred upon him by this Act or other law, the President may take such action, prescribe such procedures, and promulgate such rules as may be necessary or appropriate to assure that this Act is applied by all Federal agencies in a consistent manner and in accordance with its purposes. He may, for this purpose, require that Federal agencies adopt or prescribe procedures that will assure that applicants for assistance to projects under this Act make appropriate efforts (1) to secure the views and recommendations of non-Federal agencies that may be significantly affected by such projects, including units of general government, and (2) to resolve questions of common interest to those agencies prior to submission of any application. The President shall also, from time to time, make reports to the Congress on actions taken under this Act and make such recommendations for additional legislative actions as he may deem appropriate, including recommendations for the consolidation, simplification, and coordination of Federal assistance programs.

DEFINITIONS

SEC. 12. As used in this Act—

(1) "Federal assistance programs" are programs that provide assistance through grant or contractual arrangements, and include technical assistance programs or programs providing assistance in the form of loans, loan guarantees or insurance;

(2) "applicant" includes one or more State or local governments or other public or private agencies or organizations acting separately or together in seeking assistance with respect to a single project;

(3) "project" includes any undertaking, however characterized and whether of a temporary or continuing nature, which includes components proposed or approved for assistance under more than one Federal program, or one or more Federal and one or more State programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purposes;

(4) "Federal agency" includes any agency in the executive branch of the Government; and

(5) "State" means of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands and American Samoa.

EFFECTIVE DATE AND EXPIRATION

SEC. 13. This Act shall become effective one hundred and twenty days following the date of enactment and shall expire three years after it becomes effective, but its expiration shall not affect the administration of projects previously approved.

The SPEAKER. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Minnesota will be recognized for 20 minutes.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. BLATNIK. Mr. Speaker, I believe H.R. 14517 to be one of the most significant forward steps yet made in improving the administration of our numerous grant-in-aid programs, and in enabling States, local governments, and institutions to more readily take advantage of the benefits those programs provide.

WHY THIS BILL IS NEEDED

All of us have been inundated with complaints about the many offices which must be approached and the bureaucratic redtape that has to be unraveled in order to get the simplest Federal grant approved. More and more our localities and institutions are now moving toward the multipurpose project assisted by funds from several Federal grant programs. This appears to be a practical way to meet many local problems. The model cities program is just one example of congressional endorsement of this approach.

Since most of our existing grant programs are categorical and designed for single or closely related purposes, they can only with considerable difficulty be adopted to the "packaging" of multipurpose projects. The difficulty is enhanced when the needed Federal resources are administered by several departments and agencies with their various procedures and requirements. The logistical problem in getting applications prepared and justified for the several grantor agencies are difficult enough for the States, large cities and big institutions, but for our many small communities they may be overwhelming.

For example, the National League of Cities advised us:

A city may have comprehensive plans to lay a new sewer system and to construct a waste treatment plant. Under present law, a city must apply for assistance to build its sewer system to the Department of Housing and Urban Development under that Department's basic water and sewer facilities program . . . (and) the Secretary of the Interior must certify that any waste carried by the sewer facility will be adequately treated to meet applicable water quality standards before it is discharged into any public waterway in order to qualify the application. The city may not receive a grant from HUD for the construction of treatment works. Instead, it must make separate application to Interior under that department's sewage treatment facilities construction grant program. The whole process involves two separate applications, the inherent delay of processing and certification and the distinct possibility that one or the other of the applications could be rejected or deferred. Hence, the city's entire program is jeopardized by possible delay or fragmentation.

I could relate many similar experiences in pollution control and numerous other examples could be cited by every Member on this floor.

What we need is a procedure that will reduce the number of applications to file for a single project, cut down the excessive points of contact which must be made by the applicant and simplify the procedure for approving and supervising such a project. But this must be done without making substantive changes in the policy Congress has adopted for these programs or in relaxing necessary fiscal controls on the grant funds. We believe these aims can be realized by this legislation.

WHAT THE BILL WILL DO

The Joint Funding Simplification Act, in short, will first, permit a single application for a project that draws upon two or more Federal grant programs; second, authorize selection of a lead agency which will process the application and secure clearances from other agencies involved. The applicant in most cases should have to deal with only one agency; third, enable an application to be approved by a single panel jointly constituted by several agencies involved; fourth, allow designation of a single managing agency to supervise the project, after approval; and fifth, allow under strict accountability, creation of a joint management fund contributed from several appropriation accounts to support joint projects.

These steps will be accomplished under regulations prescribed by the President.

You will find on pages 12 and 13 of the committee report a chart which shows the present burdensome procedures which must be followed now when a project draws upon two or more Federal grant programs and a chart showing the simplified procedures under joint funding. The advantages speak for themselves.

WHAT THE BILL WILL NOT DO

The bill will not change basic requirements for eligibility or approval of grant funds. Each grantor agency will dispense its funds in the way Congress intended in the authorizing legislation for each program. This includes matching formulas and share ratios.

This is not grant consolidation. This legislation is under consideration by our Subcommittee on Intergovernmental Relations. Grant consolidation merges whole programs together. Under joint funding simplification, administrative arrangements will be made between programs and agencies to expedite the processing of applications which may require approval by two or more agencies.

This is not revenue sharing or a step toward bloc grants. These ideas require important policy decisions by the Congress. Such decisions are not being made here.

WHO SUPPORTS THE BILL

Joint funding simplification was proposed under the previous administration but has the strong support of the Nixon administration. This is a bipartisan measure and was reported unanimously by the committee. It has been endorsed by the Advisory Commission on Intergovernmental Relations, the National Governors' Conference, the U.S. Conference of Mayors, the National League of Cities, the American Council on Education, the National Education Association, the Association of American Medical Colleges, among others.

CAUTIONS AND LIMITATIONS

I am well aware that it will not be easy to put the simplified procedures called for here into practice. Hence, we consider this legislation to be experimental and should be implemented with great caution and, at first, with a limited number of carefully selected projects.

The legislation is temporary and expires in 3 years. During that period, the Committee on Government Operations and, I am sure, the other interested committees, will closely watch the manner in which the new procedures are carried out.

I expect, of course, that fiscal policies will be observed and that the laws of accountability and the integrity of appropriations will be strictly adhered to.

Our committee has been assured on these points by the Bureau of the Budget which will play an important role in administering the bill.

I believe that this legislation should ultimately reduce, to some extent, the cost in administering grant programs. Although no estimate is possible now, this is something we can look forward to.

In his March 17 message on the quality of American Government, the President instructed the Director of the Bureau of the Budget to develop a legislative proposal that would provide for the simplification of Federal grant-in-aid programs. This statement constitutes a brief summary of the problem and an outline of the proposal that has been developed in response to the President's directive.

PROBLEM

A number of Federal assistance programs which finance different activities could be brought together in a single project to support similar or directly related purposes. Such combinations of related programs would encourage a comprehensive approach to certain problems and enable State and local governments and other grantees to use Federal assistance more effectively and efficiently.

However, existing laws and regulations often make these combinations somewhat difficult to "package" and administer. Each Federal grant program may have different requirements in such matters as application forms, accounting procedures, advisory panels, reporting dates, and so forth. Further, the grantees often must work with several Federal agencies—or constituent elements of a single agency—each with its own distinct administrative practices.

The purpose of this proposal is to remove or simplify certain administrative and technical impediments which hamper or prevent the consideration, processing, approval, and administration of

projects which draw upon resources available from more than one Federal agency, program, or appropriation.

PROPOSAL

The Joint Funding Simplification Act of 1969 would achieve this objective by first authorizing the removal or modification of certain statutory requirements; second, authorizing agency heads to delegate the approval and administration of Federal assistance programs to other agencies; third, providing for a special fund in each agency to finance joint projects; fourth, describing the actions which Federal agency heads should take to further joint projects; and fifth, authorizing the President to establish standards and procedures to implement the act. Except as specifically provided, the act would not change substantive provisions of law relating to Federal assistance programs such as eligibility criteria, maintenance of effort, matching ratios, authorization levels, program availability, and so forth. Such questions will be the focus of a later study.

WAIVER

Federal agency heads would be authorized to waive or modify certain technical and administrative statutory provisions with respect to joint projects, for example, requirements relating to reporting and auditing, merit personnel systems—under certain conditions—the timing of Federal payments, and so forth. Agency heads could also waive the requirement that a single public agency be designated or utilized to administer a specific program when that program was part of a joint project but only with the agreement of the public agencies concerned. Such waivers would have to be consistent with applicable State or local law and with the objectives of the program involved.

DELEGATION

With the approval of the President, Federal agency heads would be authorized to delegate to other agencies powers or functions relating to the approval of programs of their agencies which were component parts of a joint project if such delegation was necessary to accomplish the purposes of the act. Such delegations would have to be exercised in full conformity with applicable statutory provisions. Authority to supervise the administration of projects could also be delegated.

FUNDING

Federal agency heads would be authorized to establish joint management funds to finance joint projects.

AGENCY ACTIONS

The head of each Federal agency would be responsible for taking actions to facilitate joint funding and to expedite the processing of applications for joint projects. Such actions might include development of common application forms, establishment of common administrative rules, designation of "project managers" in one agency to supervise joint projects, and so forth.

PRESIDENTIAL AUTHORITY

The President would be authorized to first, approve the agency delegation of powers and functions noted above; second, prescribe regulations, procedures and rules to assure that Federal agencies apply the provisions of this act in a uniform manner; and third, require that Federal agencies adopt procedures which assure that applicants for joint projects under this act make reasonable efforts to secure the views and recommendations of agencies that may be significantly affected by the project, including units of general local government to the fullest extent appropriate.

In summary, this proposal would enable Federal agencies and grantees more readily to package and administer a project whose constituent elements were funded under different assistance programs and to operate it as a single, integrated project with common requirements, funding and procedures.

PROPOSED ADMINISTRATIVE OPERATION

1. PRESIDENT

As noted above, the proposed legislation would grant the President broad authority to make rules and regulations for its implementation. Those rules and regulations might deal, for example, with the format and content of application forms for joint funding, the processing of such forms, procedures for determining lead-agency or project-manager assignments, conditions under which various waivers of statutory provisions would occur, and the manner in which joint funds will be obligated and accounted for. There would probably also have to be a Presidential effort to bring agency rules, regulations and procedures into line with the needs of the joint funding process.

The President would establish methods and procedures by which the representatives of the major grant-in-aid agencies and the Bureau of the Budget would assist him in carrying out his regulatory functions. The agencies would be expected to work cooperatively to harmonize their regulations, develop procedures for disseminating information about the joint funding approach and consider problems that develop in implementation of the concept.

2. AGENCIES

Each agency will have to develop certain new rules and regulations, or modify its existing rules and regulations as necessary to facilitate the joint funding concept. Its regulations will also have to be in harmony with those issued by the President.

As experience is gained and if patterns of applications for certain types of joint funding emerge, it is expected that agencies will enter into agreements involving specific joint application forms, the processing of those forms, lead-agency or project-manager assignments and possible delegations of approval authority and allocations of funds. If possible, typical grant packages will be identified, and certain highly desirable ones may be given priority treatment.

3. GRANT RECIPIENTS

Under the proposal, grantees will fall into two broad categories: first, any eligible grantee will be able to apply for joint funding of any or all grants for which he is otherwise eligible; and second, the head of a unit of general government—for example, a governor, mayor, or county chief executive—will be able to apply for joint funding of any or all grants for which the agencies and the unit of general government under his jurisdiction are eligible.

The grantee would be faced with several possibilities once he determines what sort of a joint funding proposal he wishes to make: First, in the simplest situation, in which his proposal involves only grants from one Federal agency for which he is directly eligible, the grantee would simply apply to, and deal with that agency; second, if his proposal involves grants from more than one Federal agency but only grants for which he is directly eligible, the grantee would probably apply initially to one of those agencies pursuant to instructions and regulations as to which agency had the lead role in processing the particular type of proposal; and third, if his proposal involves grants from Federal agencies for which he is both directly and indirectly eligible—for example, if a mayor's proposal involves both direct grants to his city and grants which are made to the State and then passed on by the State—the grantee would have to apply not only to the Federal lead agency but to the State or other jurisdiction involved. In any case—except as expressly provided otherwise in the bill—the proposal would have to meet the substantive requirements of each one of the grants involved in the package. That is, the planning, eligibility, and matching requirements of each one of the component grants in the package would have to be observed. In addition, the proposal would have to provide for separate accounting for construction and nonconstruction components. However, it could involve the waiver of certain technical and administrative provisions as described in the bill.

Under the draft bill it is also contemplated that a combined application by two or more eligible grantees could be made. Thus, a State having a direct federally funded community project might combine with a community also applying separately for a Federal grant in a related area for a multigrant project to be jointly funded by the Federal Government. Similarly, a county and a city might submit a combined project application for joint funding.

At the Federal level, several alternatives for handling applications for joint funding are possible. First, the agency receiving the application may simply send copies to the other agencies involved or to the various program units within its own jurisdiction for processing, approval and granting of necessary waivers with an effort to coordinate approval of the overall proposal. Second, pursuant to interagency agreements, the agency might establish a project manager for certain types of proposals who would play an active role in coordinating the processing of the proposal. Third, again pursuant to interagency agreements, the agency might have allocated to it certain funds from other agencies and be delegated the authortiy to obligate those funds for use in certain joint funding proposals.

A section-by-section analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 14517

Sec. 1. Short Title: Joint Funding Simplification Act of 1969.

Sec. 2. Cites the purpose of the Act to enable Governmental and private agencies to more effectively use Federal assistance.

Sec. 3. (a) Under regulations to be prescribed by the President, Federal Agency heads may take steps to identify related Federal assistance programs suitable for joint support; develop guidelines and materials to assist in planning such projects; determine existing requirements that impede joint support and modify such requirements; establish common rules among related programs; and create joint or common application processing and project supervision including procedures for designating lead agencies to process applications for several agencies and provide supervision.

Sec. 3. (b) Federal agency heads are held responsible for furthering the policy of joint funding simplification and for cooperating with other agency heads to this end.

Sec. 4. Federal agencies in processing applications for grants to projects involving two or more programs are to review and approve such applications expeditiously; take account of timing that would affect the feasibility of such projects; require the applicant to deal with a minimum number of Federal representatives; inform the applicant promptly of decisions; and obtain information from other Federal agencies thereby relieving the applicant of this responsibility.

Sec. 5. Heads of Federal agencies may use authorities provided in sections 6, 7 and 8 of the Act only pursuant to regulations adopted by the President. The regulations prescribed by the President are to include criteria or procedures to assure the authorities are limited in use to problems that cannot be adequately dealt with through other actions pursuant to this Act or other applicable law; that they are applied only as necessary to promote expeditious processing or effective and efficient administration; and that they are applied consistent with the protection of the Federal interest and with program purposes or statutory requirements of a substantive nature.

Sec. 6. (a) Heads of Federal agencies are authorized to adopt uniform provisions that would remedy existing inconsistent or conflicting requirements of different agencies in the administration of grant programs and thereby make easier the processing and supervision of jointly funded projects.

Sec. 6. (b) To further expedite the processing of applications for joint funding, single panels may be created to review project proposals instead of the panels for each agency now required.

Sec. 6. (c) Upon the request of the head of a State or local government with respect to agencies under his jurisdiction and with the agreement of the several State or local public agencies concerned, Federal agency heads may waive requirements that a single or specified public agency be utilized or designated to receive, supervise, or otherwise administer a part of the Federal assistance drawn upon by any jointly funded project to the extent that administration by another public agency is determined to be fully consistent with applicable State or local law and with the objectives of the Federal assistance program involved.

Sec. 7. Federal agency heads may delegate to other Federal agencies their power to approve or supervise jointly funded projects if this will promote the purposes of a particular grant program and provided that the delegations are exercised in full conformity with applicable statutory provisions and policies.

FUNDING ARRANGEMENTS

Sec. 8. (a) Joint management funds may be set up to support jointly funded projects and the total amount approved for a project may be accounted for through such Joint Management Fund as if the monies had been derived from a single Federal assistance program or appropriation. There will be advanced to the joint management fund from each affected appropriation, from time to time, its proportionate share of amounts needed for payment to the grantee. Any amounts remaining in the hands of the grantee at the completion of the project shall be returned to the joint management fund.

Sec. 8. (b) Any account in a joint management fund shall be subject to agreements, in accordance with applicable law, between the Federal agencies concerned and shall assure the availability of necessary information to those agencies and to the Congress. These agreements shall also provide that the agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund; and may include procedures for determining from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to the participating Federal agencies in accordance with a formula mutually acceptable as providing an equitable distribution, and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

Sec. 8. (c) Records shall be kept by the recipient of funds for each project financed through a joint management fund as the head of the administering agency will prescribe. Such records are to fully disclose the amount and dispositions of Federal assistance received, the total cost of the project, amounts supplied by other sources, and such other records as will facilitate an effective audit.

Sec. 8.(d) The head of the responsible Federal agency and the Comptroller General shall have access to any pertinent documents and records.

Sec. 8.(e) For projects covered by a joint management fund a single non-Federal share may be established according to the Federal share ratios applicable to the several Federal grant programs financing the project and the proportions of funds transferred to the project account from each of those programs. However, the Federal share ratios established by law for the applicable grant programs would not be changed.

Sec. 9.(a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for joint or common funding involving that program and any other Federal assistance program.

Sec. 9.(b) Personnel may be detailed from one agency to another to facilitate the processing of applications for joint funding and for administration of approved projects.

Sec. 10. Federal agencies may enter agreements with States or State agencies to extend benefits of this Act to projects requiring joint funding and involving one or more State agencies.

Sec. 11. The President is authorized to take such actions and promulgate such rules that the Act will be applied in a consistent manner by all Federal agencies. The President shall make reports and recommendations to Congress.

Sec. 12. Definitions

"Federal assistance programs" are programs that provide assistance through grant or contractual arrangements, and include technical assistance programs or programs providing assistance in the form of loans, loan guarantees or insurance;

"Applicant" includes one or more State or local governments or other public or private agencies or organizations acting separately or together in seeking assistance with respect to a single project;

"Project" includes any undertaking, however characterized and whether of a temporary or continuing nature, which includes components proposed or approved for assistance under more than one Federal program, or one or more Federal and one or more State program, if each of those components contributes materially to the accomplishment of a single purpose or closely related purposes;

"Federal agency" includes any agency in the executive branch of the Government; and

"State" means of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands and American Samoa.

Sec. 13. This Act shall become effective one hundred and twenty days following the date of enactment and shall expire three years after it becomes effective, but its expiration shall not affect the administration of projects previously approved

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what does the gentleman estimate this simplification business is going to cost by way of added personnel or other expenses?

Mr. BLATNIK. We have no estimates of added costs. Our information is that it will be kept almost to a minimum by utilizing existing personnel in these agencies and transferring from other agencies to give the lead agency such assistance as required. It is a rearranging or a shifting of some personnel, but largely of functions. So, as far as we know, there will be no new agency created and no new personnel will be required.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I would like to add to the explanation given to the gentleman from Iowa that if this works—and it is an experimental program—it gives authority only for 3 years. If it does work, I think it should actually save money in administration. Instead of having three or four agencies separately administering the grant-in-aid programs, they would be consolidated into one lead agency which could and should result in less cost to the agencies jointly for the administration of grant-in-aid programs.

This does not create a new agency or create new funding. The cost of the administration will be borne out of the present funds provided for the agencies, and it should ultimately save money not only for the recipient but also for the Federal Government and the agencies which are administering the grant-in-aid programs.

Mr. BLATNIK. Mr. Speaker, I thank the gentleman from Illinois for a very clear summary of the main objective of this legislation.

In our opinion, this will definitely save money in the sense that it will reduce

greatly the duplication of effort—not only to the Federal agencies, but also to the State agencies and municipalities. For instance, an application for a given project—for example, a vocational training school—instead of applying to four different agencies, the applicant would apply only to one, the "lead" agency; but the other three agencies would work together to keep the lead agency informed, and the four would share the funding for the separate functions of the project, but overall administration, supervision, review, funding, and accounting and auditing would be done by one agency and only one application would come in from that grantee or applicant, instead of four separate applications going to each of the four separate agencies, as now required.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I certainly favor anything that will provide simplification in getting information concerning various programs, and anything that will promote efficiency and economy. Certainly I am for that. But that will be the day when we get all authority that will accomplish this end, without that in itself spending a considerable amount of money—perhaps more than will be saved.

I was around here when the Defense Department was established. So far as I have been able to discover, that simply laid another really thick layer of fat on the various military establishments. I have never been able to ascertain where the office of Secretary of Defense Department saved this country any money or contributed to efficiency.

I am all for simplification, but I just do not want to see it blossom out into another layer of blubber that the taxpayers pay for one way or another—perhaps through blossoming additions in personnel in the various departments and agencies. If it is to be handled in-house, that is one thing. I hope that is the way it will be handled.

Mr. BLATNIK. Mr. Speaker, it is the intent of the committee and of the legislation to do just that. As I underestand it, I can almost say that in my judgment there will be no requests from any agency for additional personnel. What we really have is as you say, an in-house rearrangement of functions or responsibilities at the administrative and operational level to bring about true coordination, consolidation, and simplification in order to have a simpler and more efficient operation of those programs authorized by Congress.

This measure is bipartisan. It had unanimous support of the subcommittee and is coauthored by all subcommittee members. As I recall, it was also unanimously reported by the full committee.

The outside groups endorsing this legislation are: the Advisory Commission on Intergovernmental Relations, the National Governors' Conference, the U.S. Conference of Mayors, the National League of Cities, the American Council on Education, the National Education Association, and the Association of American Medical Colleges, among others.

Mr. GROSS. Does the gentleman from Minnesota state categorically that H.R. 14517 does not provide for additional personnel or authorize money for the creation of a management team, or whatever it may be called to provide for so-called simplification?

Mr. BLATNIK. The gentleman is correct. Nowhere in this bill is there any provision authorizing additional personnel or additional expenditures.

Mr. GROSS. I thank the gentleman.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

I believe the chairman of our subcommittee, the gentleman from Minnesota, has quite adequately described this bill.

I should like to point out its genesis really is from the Advisory Commission on Intergovernmental Relations.

The Bureau of the Budget of the last administration picked this title out and recommended its introduction as a separate bill, which was done. We held hearings at that time, but never took final action.

The bill was again introduced this year with the support of this administration. It truly has bipartisan support at the administrative level as well as bipartisan support here at the legislative level.

The bill will provide temporary authority in the nature of experimental authority over the next 3 years to see if this joint-funding concept will work.

I believe it has a potential of saving a good deal of money for the individual localities which have projects involving several grant-in-aid programs, where they will only have to make one application and deal with only one agency in the administration of the several grant-in-aid programs.

It has a potential of saving funds for the Federal Government in administrative costs, because it will avoid a duplication of effort in the handling by the agencies conducting the several grant-in-aid programs.

I believe it is a good move toward the desire of all of us to save funds and to simplify this grant-in-aid program proliferation.

I would only add, I would hope the Congress would act on another proposal for consolidation of grant-in-aid programs. We have varying estimates of from 500 to 1,200 Federal grant-in-aid programs providing funds for the municipalities and the States. Joint funding may help as to this problem of the proliferation of the grant-in-aid programs, but the real answer would be to reduce the number of grant-in-aid programs now existing.

I believe the other legislation now pending before our committee, calling for the consolidation of grant-in-aid programs, will help to make sense out of the vast number of conflicting and overlapping grant-in-aid programs we presently have.

I support this legislation.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to my colleague from Wisconsin.

Mr. REUSS. I want to commend the leadership of the gentleman from Illinois as I do the leadership of the gentleman from Minnesota (Mr. BLATNIK), and of the gentleman from California (Mr. HOLIFIELD), and others on this bill.

It is a good, albeit a small, first step toward trying to made federalism work. I agree specifically with what the gentleman from Illinois just said, that this must be a first step. There is much room for improvement elsewhere, including in the consolidation of our proliferated grant-in-aid programs. So I am proud to be associated with this bill. It does not do it all, but it is a good beginning, and the gentleman should take pride in his contribution to it.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mrs. DWYER. Mr. Speaker, the Congress as well as the general public are attracted in most instances to the glamour issues of Government—enactment of big money programs with fancy titles, grandiose projections, predictions and promises of success and achievements, and so forth. The humdrum of daily administration, the tedium of painstaking planning, negotiation, and execution, and the frustrations of failures and delay are too frequently ignored or downgraded. Yet, to anyone who has witnessed multimillion—even multibillion—dollar waste in program administration or who has confronted the hard facts of programs gone sour or who has observed at firsthand the disillusionment and hardening bitterness at unkept promises soon has the truth brought home loud and clear: more money, new programs, and increased bureaucracy cannot solve any of our problems unless we are prepared to accept the burden and responsibility for the effective and efficient administration of such Government programs.

Repeatedly in recent years, we have been confronted with the reality of a nation in crisis. This is no longer news or new. Urban decay, enviromental pollution, transportation breakdowns, crime, inadequate education, human disorientation, racial frictions—these and many other calamitous conditions face us daily. What is new is the increasing awareness that the people are no longer willing to sit still and accept second-class lives, second-rate treatment, second-class citizenship, or secondhand conditions.

Cries of concern are being met by chants of protest. Demands for action now are being confronted with voices of reaction. Appeals for a more equitable sharing of financial burdens are being offset by heated retorts of taxpayer rebellions.

We must face the fact that serious and troubling days lie ahead. America is not going to return to the comparatively peaceful times of the 1950's. Too much progress has been made—in equality and in human welfare—to turn back to yesterday. Because of this progress toward a more enlightened, free, and intelligent citizenry, I remain basically optimistic over the long run. But, all depends on whether we can solve the crises that presently surround us. Means must be found to transfer money from the re-

dundant or the routine to programs of a higher priority. Efforts must be made to continue the creation and implementation of new ideas and fresh approaches. Measures must be taken to evaluate existing programs effectively in order to weed out the unessential. Attention must be devoted to improving personnel selection and training, planning, information and data retrieval, and a number of other areas of management and administration.

No subject is more in need of immediate attention, however, than that of strengthening intergovernmental coordination and simplifying the funding and administration of grant-in-aid programs—still the principal means of Federal-State-local cooperation.

As I have stressed above, all the money in the world and all the brilliantly conceived plans will go for naught if we are unable to harness effectively our financial resources to the realization of program objectives. While we have become aware in recent years that Washington could solve few problems by itself, little effort has been made to commence the difficult task of rehabilitating and modernizing our federal system. But we have made a start.

In the past Congress, we helped to enact a breakthrough piece of legislation—the Intergovernmental Cooperation Act of 1968, Public Law 90–577. This act, in effect, represented one of the first creative efforts of the Government to salvage and repair our federal system.

Today, we are moving on. The Joint Funding Simplification Act, which I have introduced, can further advance intergovernmental cooperation, can further strengthen our federal system, can further rationalize the spending of the taxpayers' money, and can further extend our efforts to resolve the Nation's problems.

This bill would, in effect, enable a Government agency or department charged with the responsibility for administering two or more related grant-in-aid programs to join the funding and administration of such programs in a single package. Such a package arrangement would enable State and local governments, first, to reduce the time, money, and effort required to apply for and win approval of needed assistance; second, to ascertain more readily the most desirable combination of programs which are available for meeting special needs; and third, to administer grant assistance programs in ways that will enhance the chances of successfully carrying out the objectives of such programs.

Joint funding simplification would also authorize a similar type of joint management and funding arrangement for related types of grant programs which are under the jurisdiction of two or more departments and agencies. Such interdepartmental arrangements would be limited to a 3-year period of experimentation.

Twenty-five billion dollars is budgeted for fiscal year 1970 intergovernmental financial assistance. These funds are essential today if State and local governments are to meet the rising social welfare needs of their citizens—especially in areas of urban crisis.

For 1969, approximately 18 percent of total State-local revenues will be supplied through Federal financial assistance. This, in turn, will represent almost 24 percent of all Federal expenditures for civilian domestic programs. Of this grand total, close to $17 billion of the $25 billion will be spent in metropolitan and urban areas where two-thirds of the country's population now resides and where 80 percent of this decade's population growth has occurred. Yet, in spite of the increased growth and expended needs of metropolitan area residents, one must not lose sight of the fact that the country is divided overall into 50 States and 80,000 units of local government. Therefore, even though a majority of the population is heavily concentrated, the needs of the rural minority must also be adequately cared for, especially since some of our most severe poverty problems exist in these areas.

This is not the end of the maze, however. For, in addition to the large sums of money and the multiple units of government, grant-in-aid program administration is spread among more than 400 separate programs, operated by 20 or more separate departments and agencies and hundreds of subunits. The task of identifying and matching the special needs of each government to categorical program authorizations which are scattered among multidimensional strata and substrata of departments, agencies, bureaus and offices is almost beyond comprehension—especially for smaller units of government. Is there any wonder that we are facing a breakdown in the government's ability—Federal, State or local—to meet the needs of the people—especially when there is added to the above proliferation the fact that each program has a different form and a different requirement for matching formulas, planning, financial administration, merit personnel systems, and so forth? What the Report of President Nixon's Task Force on Education said in regard to the problems of education can easily be applied to all areas of Federal assistance programs:

> It is clear that the chief problems today in regard to the Federal Government's performance in education are the inadequacy of its mechanisms for policy formulation and for intra-Governmental coordination. The Federal effort has, indeed in recent years been characterized by a multiplicity of uncoordinated, and sometimes conflicting, initiatives from many different departments and agencies of the Executive Branch and from the Congress.

Congress has in the past sought to meet specific problems by fashioning particularized categorical grant programs. In many cases, this was necessary to permit an effective and early attack to be mounted upon a problem. As time goes on and as conditions change, there is a need to review and revise many categorical grants. Yet, the growth of parochial attachments and paternalistic guardianship has all too often prevented an effective administrative overhaul—all in the name of protecting program objectives and Congressional prerogatives.

It has become all too clear today that not only has the public welfare suffered from program proliferation and intergovernmental breakdown, but the intended program objectives as set down by Congress are being undermined through overlap, bewilderment, duplication, confusion, lack of coordination and every other horror of a burgeoning bureaucracy.

The people of our Nation are facing unprecedented trials and disturbances. Solutions will not be easy. The way to a better tomorrow may be long and difficult. But I remain an optimist, because I know that the American people are ready and able to turn adversity into strength and crises into growth. The proposed legislation before us today is admittedly limited in scope and restricted in application. Yet, through its enactment we in Congress will again demonstrate our intention to get on top of our pressing domestic problems which are so intimately intertwined with effective intergovernmental coordination. The momentum commenced last year by the enactment of the Intergovernmental Cooperation Act of 1968 can be ably carried forward in this Congress by enactment of the Joint Funding Simplification Act.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Minnesota that the House suspend the rules and pass the bill H.R. 14517.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 14517, which passed the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TOWARD PEACE WITH JUSTICE IN VIETNAM

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 722 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 722

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 613) toward peace with justice in Vietnam. After general debate, which shall be confined to the resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the resolution shall be considered as having been read for amendment. No amendment shall be in order to said resolution except amendments offered by direction of the Committee on Foreign Affairs, and such amendments shall not be subject to amendment. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and re-

port the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 293]

Abbitt	Flood	Mills
Anderson, Tenn.	Ford, William D.	Mollohan
Annunzio	Frelinghuysen	Moss
Ashley	Fulton, Tenn.	Nix
Barrett	Gallagher	O'Neal, Ga.
Bell, Calif.	Gettys	Passman
Betts	Giaimo	Patman
Bolling	Gibbons	Pepper
Bow	Goldwater	Pollock
Brasco	Gray	Powell
Brooks	Griffin	Preyer, N.C.
Burton, Utah	Hanna	Pryor, Ark.
Button	Hansen, Wash.	Railsback
Cabell	Harrington	Reifel
Cahill	Hastings	Rivers
Carey	Hébert	Roberts
Celler	Hosmer	Rostenkowski
Chisholm	Ichord	St Germain
Clay	Johnson, Pa.	St. Onge
Corbett	Jones, Ala.	Sandman
Cramer	Jones, Tenn.	Saylor
Daddario	Kirwan	Scheuer
Davis, Ga.	Kluczynski	Schwengel
Dawson	Landrum	Sisk
Delaney	Leggett	Skubitz
Denney	Lipscomb	Smith, Iowa
Dent	Long, La.	Stuckey
Diggs	Long, Md.	Teague, Calif.
Edwards, La.	McCarthy	Thompson, N.J.
Eilberg	Madden	Utt
Esch	Mathias	Weicker
Fascell	Meskill	Whalen
		Whalley

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TOWARD PEACE WITH JUSTICE IN VIETNAM

The SPEAKER pro tempore. The Clerk will continue the reading of the resolution.

The Clerk concluded the reading of the resolution.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority to the able and distinguished gentleman from California (Mr. SMITH), pending which I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, if we want to make a responsible contribution to the peaceful settlement of the war in Vietnam by the process of fair and honorable negotiation, then it is imperative that this rule be adopted and this resolution be passed by an overwhelming majority.

A reading of the transcripts of the Paris peace talks makes one fact clear: The adversary has refused any effort to negotiate in good faith because it actually believes that the United States is literally rent by disunity and on the verge of internal collapse. Only the U.S. Congress—and particularly this House which speaks most directly for the people—can effectively and credibly correct that fatal misimpression.

Certainly I do not contend that the resolution is impeccably perfect or beyond the possibility at least of improvement. But it does have the virtue of clarity. It is straightforward. Its message is profoundly direct and simple. And this obviously is the message which a substantial majority of the Members of this House wish to speak in behalf of the Nation. Otherwise the resolution would not have been independently introduced by nearly three-fourths of the membership.

Obviously it would be impossible to draft any set of words which would reflect precisely and in full all that every individual Member would desire to say on so complex a subject. The House is composed of 435 wordsmiths, each possessing a unique combination of convictions and verbal preferences. Some, no doubt, would like to change a word here or add a phrase there. And each such change which pleased one, no doubt, would displease another.

When I appeared before the Rules Committee, I said that I would have no personal objection to a completely open rule permitting every Member to offer whatever amendments he might choose. But the Rules Committee upon careful reflection determined otherwise. The Committee's reasons appear to be good.

First, the clearly established precedents in an unbroken chain for at least the past 15 years have brought foreign policy resolutions to the House on a closed rule. A well-intended though inadvertent phrase, or a mere slip in punctuation, could profoundly alter the meaning and unintentionally obfuscate the message.

Second, there was no fair way to permit one Member to offer an amendment while denying that privilege to others. To discuss in full and vote down every single amendment that might be offered could consume an entire week or more, and at this stage of the legislative session the demands of the congressional schedule made any such procedure absolutely prohibitive.

Third, and most important of all, there is an overriding need to speak now on this subject. Progress in the peace talks already has been too long delayed. Too long have the Vietcong and North Vietnamese leaders found comfort in their adversity, sanction for their ideology, reinforcement for their rigid and inflexible negotiating posture, and hope for our total ultimate capitulation in the publicly spoken words of a few Members of the Congress.

Too long have the talks been stalled by the gross misconception that Americans in the main do not support their President, that we are literally torn apart by dissension, and that the adversary therefore does not need to negotiate in good faith but simply await our imminent dissolution.

The time has come to demonstrate clearly that the vast majority of us do support the President in his negotiating efforts. And that we do support the principle of nonviolent electoral self-determination.

This is not a war resolution. It is a peace resolution. It does not threaten; it invites. It is an inducement to honest negotiation. It does not broaden any Executive powers. It is an initiative of the U.S. House of Representatives. It is not a statement of polarization. It is a statement of unity.

For my colleagues who so ardently cherish their right of dissent, I pledge to you my total defense of that right. That is part of what this struggle is all about. There is no such right in Hanoi. For the past months we have heard you extol your viewpoint at great length on the floor of this House.

And I simply plead with you now that—just as you cherish your right of individual dissent—you give to the majority of us in both our great political parties the privilege of expressing our affirmation of the efforts of the President of the United States to achieve a just and lasting peace in Vietnam—and that you join us in that expression.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my friend from Minnesota.

Mr. FRASER. I appreciate the gentleman's yielding. I am especially grateful because I was unable to get any time for myself.

Is this resolution an endorsement of the President's statement of November 3?

Mr. WRIGHT. It is a statement of policy rather than a comment on a speech as such. It is a statement concerning the President's efforts to negotiate a just peace. The resolution, in fact, was drafted prior to the President's speech of November 3.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. WRIGHT. May I have 1 additional minute to answer the question?

Mr. COLMER. No. I am sorry.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 722 provides for a closed rule, with 4 hours of debate for the consideration of House Resolution 613, which is directed toward peace with justice in Vietnam. Some 315 Members have cosponsored similar resolutions. The first 100 Members, 50 from each side of the aisle, joined in sponsoring resolutions in accordance with the rules of the House. Thus, Mr. Speaker, the subject being considered at this time is nonpartisan.

According to the report, the Committee on Foreign Affairs urges that House Resolution 613 be adopted by the House. The committee feels that such action will dispel current and generally widespread confusion which exists in many parts of the world as to whether the President, in his efforts to negotiate peace, truly speaks for the United States. It is apparent that such confusion has contributed to an intransigent attitude on the part of North Vietnamese spokesmen, de-

layed genuine negotiations, and thus tragically postponed the day of peace.

According to a "dear colleague" letter dated November 26 over the signature of the gentleman from Illinois (Mr. FINDLEY) he intends to request the House to vote down the previous question, so that he can offer an amendment. The amendment is to the effect that the House supports the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date. I think that we are all in favor of this being done. I think that we all want this war ended as soon as is possible. But, my concern is that if the previous question is voted down for the purpose of offering this amendment, that there will be many more amendments offered. My further concern is that some may be directed toward instructing the President as to the dates of withdrawal and the number of men to be withdrawn. This could be catastrophic and could defeat the entire purpose of the resolution. Accordingly, I sincerely hope that the previous question will be approved and that this resolution will be passed unanimously. The more overwhelmingly the resolution is approved, the stronger and more effective will be the resolution's inducement.

As stated by the gentleman from Texas (Mr. WRIGHT) in his "dear colleague" letter of November 24, to include some expression urging the President to withdraw American troops more rapidly would seriously dilute our message. As Commander in Chief, the President must make those decisions on the basis of current information available to him on a day-to-day basis. The House cannot presume foreknowledge of future military possibilities. The resolution does make approving reference to "numerous peaceful overtures which the United States has made in good faith." The House is not attempting herein to advise the President on military matters. It is expressing support for his efforts to negotiate peace.

In connection with this resolution coming to the floor of the House under a "closed rule," let us recall that this was the case with the Formosa resolution, the Middle East resolution, the Hungary resolution, the Berlin resolution, the Cuban resolution, the Southeast Asia—Gulf of Tonkin—resolution, and the United Nations resolutions. Thus this is not a precedent.

It is the belief of the President and his advisers in this area that North Vietnam will be more willing to negotiate a settlement of this war if its leaders are convinced that public opinion and the Congress are in back of the President; if its leaders are convinced that the President cannot be forced into precipitate withdrawal by the demands of a relatively small group of Americans.

A Gallup poll released last Thursday reported that four out of five Americans are opposed to such a withdrawal. Our support of this resolution will reinforce those findings and could have a significant effect on the North Vietnam leaders. The resolution was purposely drawn broadly enough so that there is room under it for divergent views on just how we are to reach an honorable settlement. Any attempt to narrow it or make it more specific could well defeat its purpose.

Mr. Speaker, it is especially important at this time that the world know that the President has the broad support of both the Congress and the people. For the sake of our country and for the sake of peace, I urge the adoption of House Resolution 722, which will provide a closed rule for the consideration of House Resolution 613 with 4 hours of debate. I hope further, that this body, the greatest legislative body in the world, will then pass House Resolution 613 unanimously to show that we are solidly in support of the President's efforts in Vietnam.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I rise in support of the rule. I intend to vote in the affirmative on the previous question. I intend to vote for resolution 613.

Mr. Speaker, I want to make is very clear that insofar as I am concerned I am confining my interpretation of what I am voting for to the resolution, House Resolutions 613 and 612, which is a similar one which I helped to sponsor as the original resolution.

I am not going to accept any charge that I am approving President Nixon's domestic policy or all of his international policies. That has nothing to do with the resolution that is before us.

This resolution sets forth certain very plain objectives. They are in line with supporting the President as we supported President Johnson in his attempt to negotiate a peace and his attempts to see that there are free elections in Vietnam and in every instance—if there is anyone who can rise and show something in this resolution which he cannot morally, spiritually, and patriotically accept, then I would yield the few seconds of my valued 3 minutes to him for that purpose.

Now, Mr. Speaker, there will be attempts to bring in all kinds of partisan and extraneous issues into this debate probably this afternoon. But I want again to reiterate that I am supporting the resolution and the principles contained in that resolution.

I supported them under President Kennedy, I supported them under President Johnson and I am going to support them under President Nixon. He is the President of the United States. The Constitution places upon him the negotiating power with foreign governments for peace. I believe he wants peace just as badly as President Johnson wanted peace. I believe he is going down the same route to try to get that peace. He is perservering in the deescalation of the bombing above the DMZ; he is prohibiting our troops from crossing that line. He is following the same principles that former President Johnson followed.

Therefore, I would be less than consistent and honest if I did not uphold his hands in the search for peace the same as I upheld President Johnson's hands.

Therefore, Mr. Speaker, I am going to support the rule and I am going to vote in the affirmative on the previous question and I am going to support the resolution.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, before we criticize young people for seeking escape by smoking pot we should take a look at ourselves.

After all, we have our own escape machine. In it we can waft dreamily through the stormiest clouds, never get struck by lightning, or even experience the slightest discomfort. In it we get a false sense of well-being and self-satisfaction.

Our own escape machine is, of course, the closed rule. With the cooperation of just eight members of the Rules Committee, it works flawlessly for the rest of us.

It is equal to the toughest assignment. Consider the rule now before us. It is a real tripper. It brings to the floor the first resolution in 5 years dealing with Vietnam policy, but it permits no amendments. It protects everyone from voting on anything politically sensitive, because it confines House action to policy over which there is no controversy. At the same time, it lets us appear to rise above partisanship to support the President against Hanoi.

Nevertheless I oppose the escape machine and implore my colleagues to vote down the previous question on the rule to permit amendment.

I do so realizing the odds against beating city hall, if I may be permitted the expression. City hall clearly wants the escape machine. The rule was secured in unusual circumstances. Although House Resolution 613 was ready for 6 days—plenty of time for the customary notice in the RECORD and the press—the rule was granted in a hastily arranged unpublicized meeting called at an unusual hour.

I do not abuse the Rules Committee. That gallant band generally does what most of us want done, taking the heat we ourselves do not want to take. After all, who can seriously question that the House of Representatives is badly hooked on its escape machine?

Nevertheless the issue involved here transcends the ordinary and fully justifies kicking the habit just this once.

The closed rule keeps us from fulfilling adequately our gravest constitutional responsibility. It keeps us from considering the most fundamental decision the President has made—his plan for troop withdrawal.

It therefore puts in question the very competence of this body.

It tends to confirm charges that this body is too cumbersome, too provincial, too ill-informed to deal with important war policy questions.

No one likes tough decisions. Admittedly, under an open rule amendments might be offered which would fix a precise deadline for troop withdrawal—going far beyond the amendment I wish to offer. Others might call for all-out attack on Hanoi. I, and most others, would oppose any of these extremes.

Nearly 3 years ago I made my earliest plea for the Congress to deal with the

fundamental question of war policy. One of the oldtimers on my side of the aisle came to me, shaking with emotion, and said, "FINDLEY, if you keep this up, one of these days you'll have us voting on whether to declare war or not." He added, "That's the last thing I want to do."

What a pity we never did face up to the fundamental question of war policy in Vietnam. We ducked it. We were afraid of it.

But neglect born of fear does not erase responsibility. As we contemplate the bloody events of the past 6 years, those who have been in the Congress must reserve a large measure of accountability to themselves.

We can partly atone for our sins of omission in the past by starting today to meet our responsibility. The President has made a momentous decision. He has announced a plan for the complete withdrawal of our ground combat forces.

Will we help the President by giving support to his plan and thus help unite the country behind it? Or, by our silence, will we let it be his decision alone?

To ride today in the escape machine, while a great lifesaving, war-ending plan needs our support is to turn our backs on our trust and worst of all on our men in battle.

If the previous question is voted down and I am recognized by the Speaker, I will seek to amend the rule to make in order for consideration the following amendment—and only this one—adding the following language "and supports the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date."

If adopted this would meet the problems posed by an earlier speaker, that is, a week or more of debate which he said is completely out of the question in this busy Christmas season. But it would permit consideration of an amendment dealing directly with the question of troop withdrawals, the "front" the President described as more promising than the diplomatic negotiations front.

Let us vote down the previous question and get on with the job the Constitution gives us.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Speaker, I am listed as one of the more than 300 cosponsors of House Resolution 613, and I assume I will be voting for it on final passage.

Nevertheless, I am troubled by certain aspects of the situation or mood in which the House will be discussing and interpreting this resolution. So much will depend on how popular opinion—in America as well as Saigon, Hanoi, Paris, and around the world—will interpret our support of this resolution. I submit it surely will be interpreted in various ways.

I now am troubled by the rather simplistic words of House Resolution 613; although at the time I agreed to be a cosponsor, the very simplicity seemed a probable virtue. I suspect general debate here in the House will reveal the resolution's ambiguities and the dangers of misinterpretation.

The big danger, as I see it, results not so much from what House Resolution 613 actually says. I accept at face value what it says. Rather, the big danger results from that which it leaves unsaid, and thus the various meanings that will be read into it—somewhat conflicting meanings, I fear.

Note again, Mr. Speaker, the amazing list of well over 300 cosponsors for this resolution, and consider the fundamental fact of which all of us are actually aware, that there are here today many honest and strong differences of opinion among us concerning the nature of the war in Vietnam, concerning our commitment there, and the various strategies by which we can best try to end the fighting and achieve a viable peace there.

Yes, I certainly assume that all of us profoundly wish for the fighting to end, but still we do disagree as to how, and how soon, that can be accomplished.

House Resolution 613, as I interpret it, puts us on record only in support of President Nixon's efforts to negotiate a just peace in terms of a political settlement of the war. I reemphasize my use of the word "only."

This resolution definitely does not speak one way or another, not even by implication, to any of the questions of military policy that may seem to be involved. Support of this resolution in the form introduced most certainly does not imply any support for a so-called military victory in Vietnam, nor on the other hand does it imply united support for any plan, strategy, or timetable for withdrawal of our military forces.

Personally, I wish the resolution did express our strong support for a much more rapid withdrawal from the fighting. Specifically, I would like at the very least to include by amendment, as proposed by the gentleman from Illinois (Mr. FINDLEY), the following phrase, to be added at the conclusion of House Resolution 613: "and supports the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date."

Therefore, I will oppose the motion for the previous question on the rule, in the hope that we can then approve an open rule, making House Resolution 613 open for amendment.

I submit, Mr. Speaker, there are absolutely no public policy questions facing us today, and few that have faced America throughout its history, that are so terribly, tragically crucial as are these Vietnam questions. But is not today really the first time in several years that this House has addressed itself in formal debate to any of the larger questions of our horrible dilemma in Southeast Asia?

And was not the consideration of House Resolution 613 in the Committee on Foreign Affairs rather brief and limited? The committee report, and especially the supplemental, additional, and minority views as appended to that report, indicate that much further consideration, clarification, and probably substantive amendments are warranted.

I repeat, therefore, I will vote for an open rule here today. I assert there is a desperate need for full and enlightened debate in the Congress on the broader spectrum of Vietnam issues, and on other policy alternatives.

I urgently suggest that one way the Congress could best reassert its somewhat neglected constitutional obligation and responsibility in the making of American foreign policy—and specifically reassert the congressional right to determine when this country is to engage in war—would be for this House to approve an amendment to the 1964 Gulf of Tonkin resolution, terminating the warmaking authority of that resolution no later than December 31, 1970. Several of us joined on October 23 in introducing House Concurrent Resolution 426 which would do just that. I suggest such action would be far more significant than we are contemplating here today, and would stimulate a more significant, revealing debate.

Many of us painfully remember the fact that in 1964 we voted for the Gulf of Tonkin resolution without adequate study or debate of its full meaning, blindly unaware that it would be accepted and interpreted as granting the President very broad and open-ended authority to commit vast American combat forces to a massive land war in Vietnam. Today, surely we do not want to be guilty again of delegating unrecognized new authority, by giving too hurried and too limited attention to House Resolution 613.

I do take some comfort in the assurance contained in the Committee on Foreign Affairs report accompanying House Resolution 613, page 7, where it states,

> The resolution does not give the President any authority whatsoever, either by reference or implication It is simply a formal expression by the House of Representatives in support of the President's efforts to negotiate a just peace in Vietnam.

House Resolution 613, as I read it, definitely does not speak to the larger issues or implications, especially not to the military matters, discussed by President Nixon in his nationally televised speech of November 3 on Vietnam policy. As I understand the facts, the original sponsor of House Resolution 613, the Gentleman from Texas (Mr. WRIGHT) prepared his resolution in advance of President Nixon's November 3 speech and without knowing the content of that speech. Some of the cosponsors were enlisted before November 3.

Thus, this resolution stands on its own and deserves to be considered at its own face value, without being interpreted as either directly supporting or opposing any of the broader content of the President's November 3 speech. That certainly is the sense in which most of us cosponsored it.

Also, I submit that House Resolution 613 does not speak either for or against any plan that may exist in some quarters to leave residual forces of some 100,000 to 200,000 American support troops in South Vietnam for an indefinite period of years to come, to bolster up the present Government of South Vietnam. At this point, my own attitude would be in opposition to any such proposal.

Nor does House Resolution 613, as I interpret it, say anything which implies support for the so-called domino theory

which was so long used by some to justify our massive American military presence in Southeast Asia, and which I believe now is a theory of very questionable validity.

Moreover, I do not interpret House Resolution 613 as speaking at all to questions of what the rate or timing of withdrawal of our military forces from Vietnam shall be. Specifically, it does not speak either in support of or in opposition to President Nixon's November 3 indication that his timetable for American withdrawal will be dependent on decisions and actions by the Vietnamese governments in Saigon and Hanoi. Frankly, I personally believe President Nixon is far more committed in his own mind to a definite and more rapid course of American withdrawal, independent of decisions and actions by Saigon and Hanoi, than he feels wise to admit publicly at this time. Or am I being too optimistic in that belief?

If there was any threat to reescalate the war in the President's November 3 remarks, I certainly do not read into House Resolution 613 any attitude toward such a threat one way or the other. My own vote for House Resolution 613 certainly will not indicate any support for such a threat.

As I interpret it, House Resolution 613, by its very welcome emphasis on the right of all the people of South Vietnam—presumably including the Vietcong—to participate in free elections, certainly does imply our support for a government in South Vietnam much broader based politically than the present government, and probably in fact for the creation of a nonalined coalition government. I have long been convinced that just such a step as that is one essential to achieving peace in Vietnam.

And I also strongly support the proposal in House Resolution 613 that the broader based Vietnam Government should be elected under international supervision. It seems imperative to me that the vacuum in Southeast Asia which will be created by our American military withdrawal must be at least partially filled during an indefinite transition period by some international authority there.

Mr. Speaker, my comments have been longer than first intended. But I have tried to straighten out some of the ambiguity inherent in House Resolution 613 and in the hurried way it has been brought to a vote. I have tried to outline more precisely what the resolution does say, and does not say, at least so far as my own vote for it may signify.

Of course, the American people and the Members of this House overwhelmingly want peace in Vietnam, and will support practically any effective way to end the fighting there; but unfortunately we still disagree as to how that should be accomplished.

An obviously hurried, stage-managed demonstration of "unity" here will not really help. The very essence of America's greatness and strength is found in our pluralism, in our respect for diversity of opinion, in our resilient capacity to accommodate and to change course when necessity requires it or when we have been wrong.

Obviously, the big change in our Vietnam policy that has been made thus far by the Nixon administration is the beginning of our withdrawal of combat troops, and the President's announced intention to withdraw them all. The resolution we are about to consider should recognize that, and encourage it; but as now worded, it neglects that. Therefore, it should be made open for amendment.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Speaker, I rise today in opposition to the granting of a closed rule on House Resolution 613 originally introduced by Congressman WRIGHT of Texas which provides for a sense-of-the-House resolution on the conflict in Vietnam. The effect of a closed rule will not only be to prevent any amendments by which the House can indicate its position on many aspects of the complex and difficult problems this Nation faces in Vietnam, but it will also prevent any use of the 5-minute rule normally available on amendments so that Members can fully develop all aspects of the subject. The proposed rule will place control of all time in the hands of the committee chairman and the ranking minority member, both of whom voted for the resolution and have indicated their support for it in its present form.

I am concerned as much for the integrity of our whole representative system, and particularly the House of Representatives, as I am about the ultimate meaning of the words in the resolution. There have been no hearings on this resolution. The total time spent in executive session in the committee was less than 2 hours. The total time under this rule will be 4 hours. The sponsors have repeatedly stated to me that the basis for this resolution is to produce unity in the country.

WILL THIS PROVIDE UNITY?

This type of resolution if it passes this body by unanimous vote will neither produce unity nor an appearance of unity. It is like placing wallpaper over a crack in the wall and stating that all is now corrected.

I do not say this lightly or from some personal feeling. I say it from the events I have experienced since February 15, 1965, when we started escalating our military involvement in Vietnam. I will give you one short, simple example:

On October 15, 1969, I returned to my district to work with those who were preparing a peaceful dissent in the form of a candlelight march on the University of Washington campus. I participated in this and the event occurred without violence, without signs, and in a very sincere manner. Those young people who may fight in Vietnam were pleading for help.

Another demonstration was planned for November 15 by the Student Mobilization Committee, a separate group from the Moratorium Committee. I indicated I did not intend to participate in the November 15 activity, and the more radical leaders who resented some of us trying to bridge the gap between old and young said the following, to quote Stephanie Coontz:

This illustrates why we don't have much trust in politicians. When people like Adams come to us and say "Stop demonstrating and trust me" we say "Trust us first."

THE AMENDMENTS I WOULD OFFER

The refusal of this House to hold hearings on a Vietnam resolution and then to refuse to allow amendments or discussion under the 5-minute rule plays directly into the hands of radicals who say "Trust us first." Whenever in parliamentary democracy we do not fully debate and continually face changes in our democratic processes, then we encourage those who would operate outside of our regular democratic system.

You may ask what differences any of us could have with this resolution if we could amend it. I have received a letter from Representative PAUL FINDLEY dated November 26, 1969, in which he indicates he would offer House Resolution 564 as an addition to the resolution. I signed this resolution with over 100 Members of this House, and we should at least have an opportunity to present it. Representative MINK has indicated she would offer House Resolution 730, and I would also support this amendment.

WHY AMENDMENT IS NECESSARY

There has been an exchange of correspondence between myself and Congressman WRIGHT, starting on November 17, 1969, when he urged me for a second time to sign his resolution. He indicates this would induce negotiations and that it is a peace resolution. I am including herewith three of these letters:

WASHINGTON, *D.C.*,
November 17, 1969.

Hon. BROCK ADAMS,
House of Representatives,
Washington, D.C.

DEAR BROCK: Please read carefully the enclosed copy of a Paris AP dispatch which came on the ticker Thursday. It provides the most indisputable reason why it is necessary to adopt a Vietnam resolution such as the one which 309 members (including a clear majority of all Democrats) now have joined in co-sponsoring.

The AP story makes it clear why there must be an affirmative statement of some sort to induce negotiations. Negotiation depends upon some willingness on both sides to make concessions. Otherwise, negotiation is impossible.

Absent the possibility of peaceful negotiation, what are the alternatives? Either reescalate and bomb Hanoi into submission, or bow to Hanoi's demands and get out—"on their terms" in the words of the AP dispatch. Obviously, neither is desirable—nor consistent with our basic ideals.

The resolution, then, attempts a middle ground peace offensive which—if it is to have a chance of being effective—must come as a decent, credible statement backed by a substantial show of unity.

It tells Hanoi that we are not on the verge of internal collapse and reminds Saigon that we are committed to solution by truly fair and free elections open to all South Vietnamese.

So please read the resolution carefully and see if it does not say what you honestly believe. As you know, I have been at pains not to pressure anyone to join me in this. I am writing to you now, Brock, because I like you and respect you and very much want to have your support.

Read the AP dispatch, and consider why this resolution must be passed if there is to be any chance for a negotiated settlement. Thanks, and fond personal regards.

Sincerely,

JIM WRIGHT.

PEACE TALKS

PARIS.—North Vietnam and the Viet Cong made it plain today they were counting on growing protests in the United States to speed the end of the Vietnam war on their terms.

U.S. Ambassador Henry Cabot Lodge told the North Vietnamese they were harboring "false expectations." He said "the great majority of the American people support president Nixon as he seeks a just peace."

This exchange took place at the 42nd weekly session of the Vietnam peace talks while opponents of the war in the United States marshalled their forces for a massive demonstration this weekend.

Nixon's November 3 broadcast was denounced by North Vietnamese ambassador Xuan Thuy.

He said Nixon's declaration "has aroused a strong wave of protest in American public opinion."

"It is certain the American people will oppose with increasing vigor the Nixon administration's policy of aggression," he continued.

In the meantime, Hanoi's man warned, North Vietnam will not modify its demand for a unilateral U.S. withdrawal from South Vietnam and the overthrow of the Saigon government. If Nixon refuses to comply he said, "the people of the world will certainly strengthen their solidarity with the Vietnamese people."

NOVEMBER 19, 1969.

Hon. JIM WRIGHT,
House of Representatives.

DEAR JIM: I have received your letter of November 17, 1969, in which you enclosed a copy of the Paris AP displatch and an additional copy of your resolution on Viet Nam.

I was very disturbed by the use that was made of your resolution by President Nixon. He not only used it to attack any alternative to his policies but indicated that it could well be used as a type of "Tonkin Gulf" resolution to say that Congress has approved his past positions in total and will support him in whatever he does in the future.

As you know, when I came to Congress in 1965 I supported President Johnson in his conduct of the Viet Nam war, and it was only after much soul-searching and a great many conversations with those who had been in Viet Nam both in the military and otherwise that I began to have doubts about whether the contained increase in number of U.S. troops would be effective. You will remember that many of us finally urged the President that the policy of aiding the Saigon Government by more and more American military might was not going to work because that government did not have a broad enough base and was not instigating the social, political and economic reforms that were necessary to bring the South Vietnamese peasants to the aid of the Saigon government.

This is a very deep and complex problem and I have taken the position with President Nixon that I refuse to simply listen to his rhetoric but believe that the Congress should take positions on what he does as his actions occur. I do not know from his November 3rd speech what he plans to do. Perhaps he has communicated this plan to Saigon or to some Members of the House of Representatives but the rest of us do not know whether he intends to continue an orderly withdrawal or if he intends to freeze our troops at the present level or some other slightly lower level or if he intends to escalate by placing more troops in Viet Nam if in his mind conditions warrant it.

I was greatly disturbed by his speech on the House floor which used your resolution to say that the Congress was in support of his policies and then seemed to say that his plan was to Vietnamize the war. Many of us advocated this many months ago in the hope that the Saigon Government would strengthen itself so that it could defend itself and the American troops could leave in an orderly manner. I no longer have confidence that the Saigon Government will be able to do this and that President Nixon may be deluding himself that he can "win the war" by a Vietnamese proxy rather than the use of American troops. The great danger in this thinking to all of us is that we may have a withdrawal of American troops continuing into the spring of next year and find that the South Vietnamese cannot defend themselves and hold the country, and at that point the President will face a decision of whether to replace American troops in Viet Nam or to face the fall of the Saigon Government.

The very deep constitutional issue involved in all of this to me concerns the integrity of the legislative branch. In World War I, World War II and the Korean War, the constitutional process of debate and declaration of war or granting of emergency powers to the President was passed by the legislative branch, and the whole country went to war. In the Viet Nam situation, we have the Presidential conduct of foreign affairs being stretched into something different without direct Congressional action but instead through a series of lightly-debated, indefinite resolutions, such as the Tonkin Gulf Resolution and your proposed "just peace" resolution. These resolutions can be supported by nearly everyone as general expressions of respect for the Presidency but can be used by the President as indicating complete support for specific policies which he may formulate in the future.

When we have nearly 500,000 men in physical combat required to go there through a draft, then we have a very different situation than the usual Presidential conduct of foreign affairs. You will find in America today that the draft is supported by the segments of society which are not involved in physical combat, and a great preponderance of the young people below 25 who are not represented in Congress and are not running the nation are opposed to it because they are doing the actual fighting.

I do not think we should polarize the country any further by resolutions which can be used to indicate support or rejection of future Presidential policies but that we in the House of Representatives should see what President Nixon does and either support or oppose his specific policies as they are proposed to us according to the individual conscience and constituency of each member. I think this deeply involves the integrity of the House.

I would not object to a resolution which would be similar to the one I have enclosed which indicates respect for the office of the Presidency but indicates that future policy decisions are to be presented to the Congress in the orderly manner provided for in the constitution and the traditions of the nation. I also believe the least we could do is to strike the words "affirms its support for the President in his efforts" and simply substitute "urges the President to negotiate" in the first part of the resolution.

I hope you are aware that a different set of letters was sent to the Republican members of the House than your letters to the Democratic members, and that these letters indicated the resolution had the approval of the White House and that it indicated support for the President's actions. This meant that a definite Republican partisan effort was going to be made to use the resolution as was done by the President when he visited the floor.

I am deeply concerned about this whole matter and I am not a "fluttering dove" who advocates immediate precipitous withdrawal, but neither am I one who wants to give up my responsibility as a United States Representative with a number of my constituents involved in physical combat in Viet Nam to whatever future policy the President may deem necessary to establish "free elections" or that I affirm whatever the President may have done to negotiate a just peace in Viet Nam (which carries by implication an approval of continuing the same efforts).

I am so deeply concerned about this that I am sending a copy of this letter to the Speaker and to the Majority Leader and I will discuss it with some other concerned members so that you understand why some of us are so deeply concerned about this resolution being presented on the floor in its present form next week.

Yours very truly,

BROCK ADAMS,
Member of Congress.

WASHINGTON, D.C.,
November 20, 1969.

Hon. BROCK ADAMS,
House of Representatives,
Washington, D.C.

DEAR BROCK: Thank you very much for your letter of November 19. Surely I recognize the depth of your convictions in this matter, Brock, and would not for one second question your sincerity.

The resolution which I have introduced, however, is clearly distinguishable from the Tonkin Gulf resolution on at least three counts.

(1) The thrust of *this* resolution is toward *peace*, not war. The Tonkin resolution, on the other hand, specifically referred to acts of military reprisal ("all necessary steps, including the use of armed force"). The present resolution, by contrast, explicitly supports and encourages the President in his efforts to negotiate peace. The *direction* is entirely different.

(2) The Tonkin resolution, by inference at least, seemed to broaden Presidential powers ("the United States is prepared, *if the President determines*, to take all necessary steps . . .") and ("this resolution shall expire when the President shall determine . . ."). Nothing in the present resolution could be in any way so construed. It does not broaden any Presidential powers.

(3) The Tonkin resolution implied approval for *future* acts by the Executive (". . . all necessary measures"). This resolution, by contrast, explicitly refers to acts already taken and positions already expressed.

For these reasons, Brock, a careful reading will reveal to you the clear difference between the two.

Thanks again, and very best wishes.

Sincerely,

JIM WRIGHT.

I have set forth in my letter to Mr. WRIGHT that this resolution apparently involved consultation by its sponsors with the President of the United States.

After the resolution sponsors passed 300 the President appeared in the House of Representatives on November 13, 1969, and said:

Yesterday I was informed by a bipartisan group from the House of Representatives that over 300 Members of the House had joined in sponsoring a resolution for a just peace in Vietnam along the lines of the proposals that I made in a speech on November 3, 1969.

The President went on to say:

But I do know that when the great issues are involved that in this House, that what happened yesterday with that announcement on the part of Members of both sides of the aisle are well over a majority supporting the policy of the President of the United States, I realized that that was in the great tradition of this country.

I do not know what the plan of the President of the United States is. In his November 3 speech he stated:

I have not and do not intend to announce the timetable for our program.

Further, the President said:

If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

I do not think this House should legislate by general resolutions such as the Gulf of Tonkin resolution nor by a fuzzy exchange between certain Members of the House and the President of the United States in public speeches. If we are to authorize a future course of action as indicated by the President in his speech to this House on November 13, then the Committee on Foreign Affairs should hold hearings and call the Secretary of State, the Secretary of Defense, and our negotiators in Paris to appear before that committee and determine what policy we are following. Then all of us might be informed of America's future plans and we could indicate support or opposition to those plans.

This war is different than World War I and World War II or the Korean war. In all of these actions the Congress of the United States issued either a declaration of war or a declaration of emergency powers after full debate, and thus the entire legislative and executive process of the United States indicated that this country was at war or in a national emergency. None of these things have been done in Vietnam and all decisions on our policy there have remained within the executive branch. I have supported many of these decisions. I may very well want to support President Nixon's policy, particularly if it involves an orderly withdrawal of our troops and a required broadening of the base of the Saigon government. I cannot tell at this date whether that will occur. If I have an opportunity in the general debate, I will certainly ask the sponsor of this resolution and the proponents on the Foreign Affairs Committee to tell me whether this resolution means that I am supporting all future policies of the United States, including first, a possible reescalation of our troop involvement if the President deems it necessary as he indicated on November 3, and second, whether this resolution states that I am approving of everything done in negotiations since January 21, 1969, including the acceptance of the resignation of our negotiators in Paris with no apparent replacements to be offered in the near future. I have other questions about future activities which I would also ask if time were available.

I hope this House will vote down the previous question so that we may have full debate, and if the Members should feel that the floor of the House is not a place to conduct a full-scale debate on Vietnam, then the rule should be defeated and the entire matter should be sent back to the Foreign Affairs Committee so the regular House procedures could be followed.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

Mr. OTTINGER. I commend the gentleman from Washington for his remarks. Many of us desire to limit the resolution by amendment so that it would not have any prospective implications. The authors say they would have no objection to that kind of limitation, that they do not intend the resolution to be an authorization for future action of any kind by the President. If that is really their intention, why do they not permit an amendment making the resolution's meaning clear? And why did they vote down such an amendment in committee? The only conclusion reachable is that they want to leave the resolution ambiguous on this question so that the President may at some future time use this resolution for any action he deems appropriate.

Mr. Speaker, regardless of how one may feel about the merits of House Resolution 613—and I am sure feelings in this House vary widely—I just do not see how we can support the procedure under which the resolution is coming before us.

In the first place, we are again confronted with a closed rule, prohibiting any amendments. In my view, such a limitation on a resolution dealing with the most vital issue facing this Nation, is unconscionable. It means that we must accept or reject, in toto, a resolution reported by the committee without any hearings and adopted after only 80 minutes of debate.

If this is not a gag rule, I have never seen one.

In addition, the rule divides the 4 hours of general debate equally between the chairman of the committee and the ranking minority member—both of whom are sponsors of this resolution. This too, in my view, is indefensible.

I would remind my colleagues that the procedure under which House Resolution 613 is being considered bears a striking similarity to the Gulf of Tonkin resolution passed by this House in 1964. Recriminations at this point would accomplish nothing; however, we should profit from our mistakes, not repeat them.

Just as the Congress had no way of knowing that passage of the Gulf of Tonkin resolution would be used by President Johnson as support for intensification and escalation of U.S. involvement in Vietnam, so do we have no way of determining how this resolution will be used by President Nixon.

I know that many of my colleagues interpret the resolution as endorsement of a policy of withdrawal from Vietnam, but I would point out that there is no mention of withdrawal in the resolution: the controlling phrase states that the House "affirms its support for the President in his efforts to negotiate a just peace in Vietnam." This could just as well be interpreted as support of the President's threat of reprisals, presumably increasing our military involvement, should Hanoi resume its offensive.

What does "support for the President in his efforts to negotiate a just peace" mean? How will it be used by the White House? President Johnson talked in April 1965 of "the path of peaceful settlement," and by the end of that year there were nearly 200,000 troops in Vietnam.

Let there be no mistake: there still are strong pressures on the President, from the military and from others, to step up our military pressure on North Vietnam and the Vietcong. The dream of a military victory is very much alive among the Joint Chiefs of Staff and in the Pentagon. And we should be alert to the possibility that someday the President might come to us and say: "The only way to achieve a just peace in Vietnam is to destroy the enemy's ability to continue the war." How would this resolution look then?

House Resolution 613 is entirely too broad, too vague, too subject to self-serving interpretation. It must be opened to amendment so that the will of the House may be made crystal clear. I therefore urge defeat of the closed rule so that we may proceed with consideration of the resolution under a fair and democratic procedure.

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I commend the gentleman for his statement and associate myself with his remarks. I ask the House to vote down the previous question and vote down the rule in order to give this House a chance to work its will with regard to this most important matter facing our Nation.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I commend the gentleman for his remarks and wish to associate myself with them. Millions of Americans will be watching to see if this House thinks it is worth more than 4 hours of our time every 5 years or so to debate a resolution about the war in Vietnam.

Members who support the proposed resolution tell us it is supposed to show that a united country supports the President. They keep asking what it is we disagree with in the resolution. That would seem a sensible question to raise and discuss, if the purpose of the proposed resolution is in fact as stated repeatedly by its sponsors. But as often as these questions are raised, there never seems time to listen to any effort to answer them, which when you think about it, is really rather a curious thing. Asking questions and refusing to allow them to be answered will not win new support for the resolution. It will not help persuade anyone to join in the show of unity that is supposed to be desired.

But proceeding under a rule that prohibits amendments and allots 30 seconds for discussion to each Member will have certain other effects. It casts doubt on the motives—or at least on the judgment—of those who profess to seek greater national unity. It will further antagonize those who already disagree with the President's policy. And it adds fuel to those who fire at our democratic institutions.

All this is very sad for the House, and for the country. The greatest representative body on earth ought not function with less freedom that most high school student councils would accept as a respectable minimum. We are becoming in-

creasingly what we treat ourselves as if we already were: second-class citizens with dwindling relevance to the awful events that surround and soon may engulf us.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Maine.

Mr. HATHAWAY. I rise to commend the gentleman in the well for his remarks and associate myself with him.

Mr. Speaker, I believe the President deserves broad bipartisan support in his efforts to reduce our military involvement in Vietnam. However, on such an important issue as this, the most hotly contested issue of this decade and one which is polarizing our society, hasty action is the last thing to which we should resort.

I view this resolution as a kind of Presidential overture to the Congress to join with him in the formulation of our foreign policy in Southeast Asia, and I welcome this invitation. The public debate on Vietnam which has been going on for the past few years has brought out many points, but the overriding manifestation of this debate is that the people should have a greater role in the formulation of our foreign policy. The Congress, as a forum of public opinion, has a deep obligation to the American people to examine the implications of this resolution and to clarify the commitment the Congress would be accepting if the resolution passed. Because no hearings were held on this measure, because the Foreign Affairs Committee deliberated only 1 hour and 20 minutes behind closed doors before transmitting the resolution to the Committee on Rules, and because the Rules Committee chose to send the resolution to the House floor under a closed rule, I am opposing this rule and urging that the resolution be sent back to the Foreign Affairs Committee where members can have the benefit of hearings on the resolution, its text and implications. I would welcome the opportunity to question administration officials and other experts regarding the facts of the situation in Vietnam and their views of the probable effects of various policies of disengagement. It is almost impossible to imagine Congress approving a tax program, an aid to education bill, or any other pending legislation without first fully examining its contents and implications. The same procedure should apply to any measure regarding Vietnam. Such an important issue deserves our most careful examination and considered judgment. Both "hawks" and "doves" have many questions to ask. For example:

What is the meaning of the "just peace" referred to in the resolution?

What is the meaning of "free elections" mentioned in the resolution? Does it include participation of the NLF?

Does the provision for "free elections" preclude the possibility of a national plebiscite for the unification of Vietnam?

Why does the resolution contain no mention of the withdrawal previously announced by the President?

Does the entire resolution give the President carte blanche to negotiate any kind of a "just peace"?

These are only some of the questions which should be answered on the resolution itself. When we consider the many ramifications of the resolution, a multitude of other questions pertaining to our whole foreign policy in southeast Asia should be answered.

Since peace in Vietnam is one of the most urgent tasks facing the Nation today I feel we must give our most careful and considered judgment to a resolution on this subject. Therefore, I urge the Members to reject the rule so that the matter can be sent back to the committee for hearings, or at least vote down the previous question so that rule can be amended to provide for an open rule that allows amendments to the Vietnam resolution to be considered.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, my friend from Washington who has just spoken has decried the fact that, without the 5-minute rule, we will not have the lengthy period of debate that he would like to see. I would say in reply to him and also to the gentleman from Illinois (Mr. FINDLEY), who spoke earlier, and who indicated that we were taking some kind of hashish or smoking pot or adopting an escape-hatch mechanism by adopting a closed rule that, with all due respect to these gentlemen, I think they have completely misapprehended the singular purpose and function which we try to serve here today by the adoption of this resolution.

We are not here trying to hammer out on the anvil of free debate, as we frequently are, a particular position with respect to Vietnam. That is not it at all. I think the gentleman from Texas has made it abundantly clear what we are trying to do is merely express our feeling of support for the efforts of the President of the United States to negotiate a just peace in Vietnam.

What in Heaven's name can be wrong with that?

We could have acted a little bit earlier under suspension of the rules to limit debate to 20 minutes on each side and, without any arguments being intended, we could have adopted this resolution overwhelmingly under the suspension of the rules provision of this House. Instead we have provided what I think an examination of the precedents will show is the longest period of debate that has been permitted on a foreign policy resolution of this kind in the last 15 years.

As to the charge that the Rules Committee met mysteriously under cover of half darkness and at an unusual hour, I do not think there is anything unusual about this committee trying to be responsive to the wishes of 320 Members. Again I ask, why should we not act with some dispatch in deference to the wishes of more than two-thirds of the Members of this body?

As a member of the Rules Committee, I voted for a closed rule despite the fact that I am usually inclined to grant an open rule and thus allow the House to work its will through the amendment process. I think I therefore do owe this body some explanation for my position on this particular resolution.

House Resolution 613 now has 320 cosponsors. It has been offered on a nonpartisan basis as a gesture of support for the President's Vietnam policy. It was introduced with the hope that we, as the people's Representatives, could present a united front to the Nation and the world in our sincere desire for peace in Vietnam and our unflagging support for the President's efforts to achieve that objective. The response in this body has been overwhelming and I think it accurately represents the response of the American people to the President's November 3 Vietnam pronouncement.

On November 13, President Nixon did us the unprecedented honor of coming before us and publicly thanking us for our firm support of a just peace in Vietnam. In the President's words:

> As I saw that resolution, I realized its great significance, its great significance from a historical standpoint and its great significance in terms of the effect it might—and I believe could—have in hastening the day that that just peace may come.

After reviewing the historical record of the Congress on matters of foreign policy, the President concluded:

> When the security of America is involved, when peace for America and for the world is involved, when the lives of our young men are involved, we are not Democrats, we are not Republicans, we are Americans.

Mr. Speaker, that is the spirit in which this resolution was offered, that is the spirit in which nearly three-fourths of our membership joined in cosponsorship, and that is the spirit which prevails as we consider this resolution on the floor of the House today. When we considered this in the Rules Committee it was my feeling that it would serve no useful purpose to open this resolution to amendments when such an overwhelming majority of Members support the resolution in its present form and when the major thrust of the resolution was in the direction of unity. I felt then as I feel now that if we opened this resolution to amendments we could severly jeopardize the spirit of unity that underlies this resolution. If we began to change this word and that word and make further concessions to this faction or that faction, we could well be risking an endless and heated debate that might never be resolved. We could well end up considering 435 separate resolutions since I am sure each of us has our own ideas as to how this resolution might be improved. I do not consider myself an exception.

But I for one do not want to risk losing a large number of cosponsors simply because I think I might have a better resolution in mind. The fact is the House has already displayed an impressive degree of unity, bipartisan unity, in support of the existing resolution. I think the resolution should therefore stand or fall on its merits, and I have no doubt, given the 320 cosponsors, that it will receive overwhelming approval.

The gentleman from Illinois says:

> Smoke a little bit of pot if you will, and have the escape mechanism by closing the rule, but open it up for me and let me get my language in, to which I am irrevocably wedded.

He says, I am sure with the very best of intentions in mind, that the President needs the encouragement of the adoption of his language supporting a policy of withdrawal. I heard the Secretary of State, Mr. Rogers, as recently as yesterday afternoon say that we in this administration are irrevocably committed to a policy of withdrawing troops from Vietnam. We are inflexible on that. So the President of the United States does not need the encouragement of that resolution or that language. He is going to pursue the policy of withdrawing from Vietnam.

Let me say this, that in the language of the majority report it is said this is an effort to escalate the peace effort. There is not a single operative clause in this resolution that gives the President any authority he does not now have. I challenge those gentlemen who say, as they do in their minority views, that this gives the President some great discretion that he does not now have.

I can appreciate—believe me, Mr. Speaker, as one who has been deeply scarred himself by the traumas of Vietnam—the reservations that Members may have, and they may feel we are somehow signing an open-ended and great big blank check to the President of the United States. That is not my intention, and I do not think it was the intention of the 320 Members who introduced this resolution, nor will it be the intention of the overwhelming majority who, today, will vote for the previous question and adapt the resolution and the language submitted by the gentleman from Texas.

We are rather showing that there does, even in a democracy, come a time when we have to show we can act with some moral certainty, that without the support of fanaticism or anything of that kind, we can act in a simple declaration to show that, as a people, we are united behind the efforts of the President of the United States to bring peace.

That is all this resolution means. Please do not try to read any occult interpretation into this language. There are not any booby traps, and there are not any hidden meanings. It is simply an effort to transmit—more than an expression of support to the President—a signal to Hanoi that this country is united behind its President.

Let me say in closing to those who are decrying the fact that the negotiations have not gotten anywhere, that in the New York Times on yesterday there was a very interesting article by Harrison Salisbury entitled "Talking: Search for a Break in the Impasse," in which he indicates:

> When the dust had settled both Washington and Hanoi seemed to have accomplished one thing. They had demonstrated to each other and the world that they wanted to keep on talking even though they may still be a long distance away from agreement.

I think this is a very crucial time in the whole Vietnam effort for us to register our emphatic support for the efforts of the President to bring about a negotiated peace in Vietnam.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Illinois for yielding. I think it is significant that the former Ambassador, who served in Paris under the previous administration, in response to a direct question the other day, said he would have liked very much to have had a resolution just like this when he was negotiating in Paris.

Mr. ANDERSON of Illinois. I thank the gentleman for his contribution.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I am glad to support the President in his search for a just peace in Vietnam. I was one of the sponsors of this resolution.

I rise urging a vote against the previous question, however, not so much because of the closed rule but because of the lack of an opportunity to polish up this resolution in the hearings which ordinarily would have been held by the Foreign Affairs Committee.

All of us are in agreement that the purpose of this resolution is to support the President's hand in Paris and hopefully to bring this terrible war to a close more quickly through a reasonable negotiating position on both sides.

I want to point out to the Republican Members of the House that this resolution can be misconstrued by those with whom we negotiate. If we read what the North Vietnamese have had to say over the years since they have fought for independence, since they achieved victory at Dienbienphu and fought for a unified country, they have always said that the real goal of the United States is to preserve a permanent and final division of Vietnam, North and South, and to preserve an American base in South Vietnam.

This resolution is susceptible of this misinterpretation.

I want to say that, if I am recognized, should the rule be opened, I will offer an amendment to lines 8 through 11, deleting the words "that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body," and replacing them with these words "that all parties should agree to observe the Geneva Accords of 1954, permitting an early reunification of Vietnam by means of free elections supervised by an impartial international body."

That is what the Geneva accords said, and that is what the President said on May 15 when he made his historic policy speech on Vietnam. The President said, and I quote:

> All parties should agree to observe the Geneva Accords of 1954.

That means a reunification of Vietnam.

In my judgment, Mr. Speaker, this resolution, representing the will of this body, the Congress of the United States, the body with the power to declare war and the power to continue to fund this war, should provide that this body go clearly on record that we will accept a peace based on the Geneva accords and reunification of Vietnam if this can be done by some fair and impartial process.

To merely say that the South Vietnamese are entitled to choose their own government by means of free elections is to continue the ambiguity of a position which the North Vietnamese construe as a demand on our part that South Vietnam be preserved as an independent nation in perpetuity.

Through bitter experience, we have learned that American foreign policy is wrong to seek to divide a country against the will of its inhabitants. The greatest potential sources of future wars lie in those countries so divided, Korea, Germany, Palestine, as well as Vietnam.

President Nixon recognized this by his reference to the Geneva accords in his May 15 speech, and I suggest that the Congress should likewise confirm this by appropriate amendment of the resolution before us today.

If the North Vietnamese are thus made certain of our willingness to accept the reunification of Vietnam, I believe it will assist the President's search for a just peace more than a congressional declaration which can be interpreted as demanding a permanent division of Vietnam.

So that the Members may have ready reference to the actual documents which comprise the Geneva accords of 1954, I will insert them in the Extensions of Remarks to today's RECORD.

I urge a "No" vote on the previous question.

Mr. WRIGHT. Mr. Speaker, will the gentleman from Mississippi yield for a unanimous-consent request?

Mr. COLMER. I yield to the gentleman from Texas for a unanimous-consent request.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD at this point telegrams which I received today; from Maxwell D. Taylor, former U.S. Ambassador to Vietnam; from Elbridge Durbrow, former Ambassador to South Vietnam; from Livingston T. Merchant, U.S. Executive Director for the World Bank; and others.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The telegrams are as follows:

DECEMBER 1, 1969.

Hon. JAMES C. WRIGHT, Jr.,
House of Representatives,
Washington, D.C.:

Sincerely hope your Vietnam resolution receives an overwhelming vote of approval. As evidence of American unity behind the policy of our Presidents, it is an important step toward a just peace.

MAXWELL D. TAYLOR,
Former U.S. Ambassador to Vietnam.

WASHINGTON, D.C.,
November 30, 1969.

Hon. JAMES C. WRIGHT,
House of Representatives,
Washington, D.C.:

Having been U.S. Ambassador to South Vietnam from 1957 to 1961 I have naturally followed very closely developments in that area ever since. I'm therefore most encouraged to hear about the efforts you and your patriotic colleagues are making for the adoption by the House of a strong bypartisan resolution giving firm and full backing to President Nixon's effort to unify behind him the vast majority of Americans who back his efforts to live up to our commitments and obtain an honorable and just peace in Viet-

nam and the rest of Southeast Asia. You have my full backing.

ELBRIDGE DURBROW.

DECEMBER 1969.

Congressman JAMES C. WRIGHT,
House Office Building,
Washington, D.C.:

I completely endorse your resolution supporting President Nixon's Vietnam policy.

LIVINGSTON T. MERCHANT,
U.S. Executive Director for World Bank.

NOVEMBER 30, 1969.

JAMES C. WRIGHT Jr.,
House of Representatives,
Washington, D.C.:

A large part of the American public is most grateful to you for introducing the Wright resolution. We are behind you in your effort to bring about a just peace. Best wishes.

ALFRED M. GRUENTHER,
General U.S. Army (Retired).

DECEMBER 1, 1969.

Congressman JAMES C. WRIGHT, Jr.,
House of Representatives,
Washington, D.C.:

Fully support your efforts to gain honorable peace in Vietnam by supporting efforts of President in this direction. Count on my support in any way.

JOHN W. HANES, Jr.,
Former Assistant Secretary of State.

DECEMBER 1, 1969.

Congressman JAMES C. WRIGHT,
House Office Building,
Washington, D.C.:

I understand that the Wright resolution supporting President Nixon's efforts to achieve a just peace in Vietnam will come before the House of Representatives today for debate and vote. I want you to know just how important I believe it is for this resolution to pass with a smashing majority. Not only does the President and his efforts to bring the war in Vietnam to an honorable conclusion deserve the support of both Houses of Congress but the opportunity to bring the North Vietnamese into meaningful negotiations very hopefully depends on their realization that the great silent majority of the American people and a large majority of the Congress are fully back of the President's efforts. Most of my friends here and throughout the country with whom I have discussed this question also support the President on this issue and would hope your resolution passes by a large majority.

WILLIAM H. DRAPER, Jr.,
Former Special U.S. Representative to Europe with rank of Ambassador

---

DECEMBER 1, 1969.

Hon. JAMES C. WRIGHT, Jr.,
House of Representatives,
Washington, D.C.:

I wish to express my strong endorsement of the Wright resolution expressing support for the President's policy on Vietnam. I wish you all success in your endeavor to secure its passage by the Congress.

H. CHAPMAN ROSE,
Former Under Secretary of the Treasury.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Speaker, I am afraid that this closed rule will prove counterproductive, because if this rule were open instead of 320 you might get 400, or perhaps even more than 400, votes for the rule.

There is no degree of urgency at all contained in the resolution.

I want to ask the gentleman from Illinois, when he says he is here to escalate the peace effort, why is that not in the resolution or a statement calling for an early withdrawal or peace settlement? Perhaps if either of those phrases were in the resolution you might get a number of votes you will not get now.

There is no question in my mind that the President wants to make peace. The question is when he wants to make peace? How soon? We have been in Vietnam too long already.

It would seem to me that if this rule were opened so that there could be contained therein some of the ideas that some of the men on the Committee on Foreign Affairs had at the time the resolution came before them, it might well be that the vote, instead of being 21 to 8, might have been unanimous.

I do not oppose the efforts of the President to achieve a just peace in Vietnam. I oppose the rule because it is a closed rule which is not open to amendment. I do it because this resolution was adopted after one session of the Foreign Affairs Committee. There were no hearings; there were no witnesses; and those of us who opposed the resolution as it is had only approximately 1 hour and 20 minutes to discuss the issue and amendments to the proposed resolution. Now we are confronted with a closed rule.

This is my basic objection to the granting of this rule. In committee there were some amendments offered which would have clarified the intent of the language contained in the resolution. Amendments that would have expressed the congressional desire that there be no escalation under the resolution were defeated. The resolution does not convey a sense of urgency on the part of the Congress that the U.S. involvement in Vietnam be terminated as soon as practicable, nor does the resolution mention the role that the South Vietnamese Government must play in bringing the war to an early end.

By denying the right to amend this resolution on the floor, the sponsors of the resolution have made it impossible for me and perhaps others in good conscience, to support a resolution that in my opinion is as openended as was the so-called Gulf of Tonkin resolution.

Mr. Speaker, the least that this body can do on a subject as important to the national security as is Vietnam is to defeat this rule. Then maybe we can all combine to adopt a meaningful resolution, one which will reflect the concerns that I have raised, and one which will not divide this House, but one under which we can all unite.

I urge defeat of the rule.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I rise in opposition to the previous question on the closed rule.

Mr. Speaker, the most burning issue before the Nation today is the war in Vietnam. This is the first time, except for supplemental Vietnam and other military authorization and appropriation bills, that the House has had the opportunity to deal with United States policy in Vietnam since 1964.

I strongly object to the proposed closed rule under which House Resolution 613 is to be considered.

The House Foreign Affairs Committee considered this important resolution for only 1 hour and 20 minutes. During that time it rejected two separate motions for hearings—one for open hearings and one for 2 days of closed hearings. It also rejected two amendments aimed at clarifying the language of the resolution.

Senator MANSFIELD, who introduced a modified version of the resolution in the Senate, expressed hope that the Senate Foreign Relations Committee would consider "the text thoroughly, very throughly, perhaps, as part of hearings on Vietnam."

I cannot understand how the House Foreign Affairs Committee could report House Resolution 613 without hearing testimony on President Nixon's Vietnam plans and whether these plans will lead to a rapid disengagement or a continued involvement in the war.

The resolution speaks of President Nixon's efforts to negotiate a "just peace" in Vietnam.

President Johnson justified the policy of escalation in terms of seeking such a peace; and untold death and destruction and cost has occurred in an attempt to achieve it; but peace has not been forthcoming. Neither administration has been willing to recognize the political realities in South Vietnam.

House Resolution 613 is aimed at showing congressional support for President Nixon's policy. The sponsors of the resolution argue that it in no way can be distorted the way the Gulf of Tonkin resolution was distorted. They argue that the resolution in no way broadens Presidential powers.

President Nixon believes that it is an endorsement of his Vietnam speech of November 3. Although the sponsors of the resolution claim it is not an endorsement of the speech, the President made an unprecedented visit to the House on November 13 to thank the cosponsors of the resolution. In his speech to the House, he said:

> Yesterday I was informed by a bipartisan group from the House of Representatives that over 300 Members of the House had joined in sponsoring a resolution for a just peace in Vietnam along the lines of the proposal that I made in a speech on November 3.

The President obviously feels that House Resolution 613 is a resolution in support of his November 3 speech. And although the resolution's sponsors may say this is not the case, the passage of this resolution will be taken by the President as support for his Vietnam policy in the past, now, and in the future.

I do not think the House can afford to pass, without significant debate, a resolution which supports a plan which the President himself has not spelled out.

According to the President's November 3 speech, his plan for Vietnamization of the war, that is the replacement of United States ground combat forces by South Vietnamese forces, depends upon three factors:

First, progress at the Paris talks;

Second, the level of enemy activity; and

Third, progress of the training program of the South Vietnamese forces.

In other words, it is open ended and to be determined not by us but by the government of North Vietnam and the Government of South Vietnam.

In addition, the President made it clear that he would not hesitate to take strong action if North Vietnam were to increase the violence.

Therefore, support of the President's November 3 speech through support of the resolution leaves open the possibility of a reescalation of the war.

The President's November 3 speech posed only two options—"precipitate" withdrawal or his Vietnamization plan.

The adoption of the previous question and the pending rule will put the House in the position of being able to vote only upon the Nixon plan. The consideration of any alternative will be foreclosed. It is a disservice to this parliamentary institution to prevent a full-scale debate on the administration's policy in Vietnam and an opportunity to consider various alternatives to its policy.

The millions of Americans who participated in the October 15 moratorium, the more than one-quarter million Americans who came to Washington on November 15, and millions more who quietly pray for peace in Vietnam want peace now. Their feelings and their voices should not be ignored. The House should not be denied the opportunity to vote on the question of immediate troop withdrawal from Vietnam.

I have sponsored along with 13 of my colleagues, House Concurrent Resolution 403 which expresses the sense of the Congress that all U.S. forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, and that the United States should assist in the provision of asylum in friendly countries for those Vietnamese who might be endangered by our disengagement.

If the previous question is defeated, and it is then possible to offer amendments, I intend to offer the substance of House Concurrent Resolution 403 as a substitute for House Resolution 613.

The House Rules Committee has seen fit to follow the lead of the Foreign Affairs Committee in its attempt to stifle a real debate on the administration's policy in Vietnam. Those who support the closed rule have suggested that an open rule might lead to a week of debate.

I think the issue of the war in Vietnam is worth a week of debate—and whatever time is necessary. The time has come for Congress, which alone has the constitutional power to declare war, to discuss a war that has been going on for over 5 years. The only way this can be accomplished is by a free and open debate of the war on the House floor.

All Americans, whether they belong to the so-called silent majority or the so-called vocal minority, are concerned about this war.

I urge the defeat of the previous question and, if it is moved, then the defeat of the rule, House Resolution 722.

Mr. ECKHARDT. Mr. Speaker, on November 4, House Resolution 612 by the gentleman from Texas (Mr. WRIGHT) and House Resolution 613 by the gentleman from Ohio (Mr. HAYS) were introduced in the House. Three hundred and ten Members of the House in these and identical resolutions affirmed "support for the President in his efforts to negotiate a just peace in Vietnam," approved and supported "the principles enunciated by the President," and supported the President "in his call upon the Government of North Vietnam to announce its willingness" to honor elections and resolve controversies in accordance with the President's proposals. My distinguished colleague, the gentleman from Texas (Mr. WRIGHT), who is my good friend has said that the resolutions were intended as general, nonpartisan support of the President in his "efforts to negotiate peace." Also see committee report, page 1.

But since the resolutions were introduced on the day after the President addressed the Nation, they were vulnerable to interpretation as a sweeping, prior endorsement of such policies, programs, and demands as might unfold in the present and future conduct of the foreign policy of the Nation. Exploiting such vulnerability, the President on November 13, in what he himself called "perhaps an unprecedented procedure," appeared before the House and embraced what had come to be called the Wright-Hays resolution—House Resolution 613. He stated that it went along the lines of a proposal made in a speech of November 3, and he characterized it as showing that "a majority were supporting the policy of the President of the United States."

Therefore the posture of the resolution in this political context is now changed. I am sure that many Members who had cosponsored it, along with those who had refrained from doing so, feel that certain basic points must be made to clarify their support. Such clarification could be made by amendment or by permitting every Member full debate had not the rule foreclosed amendment and debate. Within 48 hours after House Resolution 613's introduction, the House Foreign Affairs Committee, in an executive session, reported it out and the Rules Committee has submitted it to the floor under a closed rule.

I think we all entertain the fondest hope that the President will exert all "his efforts to negotiate a just peace in Vietnam," all hope that "free election open to all Vietnamese" will ultimately determine political control there, as it should in the rest of the world, and all favor, generally, the influence of "impartial and international" bodies in seeking such ends in Vietnam, as elsewhere in the world. Above all, we fervently desire that the "controversy be peacefully resolved in order that the war may be ended and peace be restored at last in Southeast Asia." Therefore many of us will, I am sure, vote "aye" on the resolution itself, but with deep concern about the process by which it has come to the House and with the same reservations as those voting "no." It would be far better to report this resolution out under an open rule. If the purpose is to unite us, why not try to find common ground on the basis of the usual debate and compromise? The major reason for opposing the resolution is that it contains a fundamental ambiguity:

First. House Resolution 613 may be construed as support of the Presidency as an institution, but second, it may also be construed as support of this President's continuously implemented policy.

One may agree with the first purpose, but not the second. The second is a Tonkin Gulf-type resolution.

Ultimate policy decisions respecting war and peace must continue to be the function of Congress, and it is the duty of Congress to maintain at all times its oversight and review of such policy decisions without delegating the same to any other authority. It is not appropriate nor is it consonant with the authority and dignity of Congress to give any general affirmation to an existing and continuing course of action of the Presidency so as to erode such role of Congress.

Because many feel that the resolution has an element of such general affirmation of an ill-formulated policy of the President, I think a large number of my colleagues may, for the very good reasons stated above, vote against the resolution.

I feel that the resolution is without much real substance and that it has been employed largely as a political gambit. I feel that Congress should take a more affirmative stand in its proper role as formulator of U.S. policy, both domestic and foreign. If we should amend the rule to permit amendment, I would support an amendment to the resolution urging first, efforts to reduce the level of violence in Vietnam; second, the broadening of the political base of the Saigon government; and, third, the immediate designation of a high-level replacement for retiring delegate Henry Cabot Lodge.

These are the reasons why I arise to oppose the closed rule.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I oppose the closed rule. I oppose it because with a closed rule this House will pass a second Gulf of Tonkin resolution.

I suggest that this House in its rubberstamping of the first Gulf of Tonkin resolution should have learned its lesson.

After its precipitous and unstudied passage President Johnson was able to carry that resolution in his hip pocket—able to wave it constantly as evidence of congressional support of the massive escalation of the Vietnam war.

Today's resolution, which also will undoubtedly be rubberstamped by the House, can be President Nixon's hip-pocket authority to do so as he pleases in Vietnam. We are likely to rue this day.

President Nixon outlined on November 3 his policy for peace in Vietnam. This resolution says the House of Representatives approves the policy 100 percent.

I respectfully suggest that my colleagues read again and with more care

the November 3 speech of President Nixon defending his Vietnam policy.

By approving this resolution the House accepts as true the President's fallacious conclusion that he has only two choices, Vietnamization or "precipitous withdrawal."

This, of course, is nonsense. There are many proposals to end the war before Congress, sponsored by both a Republican and Democrat.

In particular, let me point out that this resolution gives House approval to highly questionable portions of Mr. Nixon's plan.

You are approving Mr. Nixon's plan to achieve by Vietnamization and gradual withdrawal, exactly what would be achieved by military victory—preservation of the Saigon government.

Only U.S. combat forces are to be withdrawn. During this period, while we train and arm the South Vietnamese forces, the North Vietnamese and the Vietcong are expected to sit by and reduce their attacks.

At the same time, while we step up arms and support the Saigon army, Mr. Nixon reserves the right to reescalate U.S. action at any time.

By passing this resolution we are also adopting as our own Mr. Nixon's definition of a "just peace," one resulting from an election held by the present military Government of South Vietnam. I suggest we remember the last election run by this same government in September 1967. It was a farce, with Truong Dinh Dzu, the peace candidate who ran second, clapped in jail soon after the election, where he still languishes.

It is for these reasons that I must in good conscience vote "no," and instead urge support of House Resolution 704 which calls for withdrawal of U.S. forces in South Vietnam on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond U.S. control—to extend only over a period of time as would be necessary to: First, provide for the safety of U.S. forces; second, secure the release of American prisoners of war; third, assist any Vietnamese desiring asylum and fourth, enable the United States to make an orderly disposition of its facilities in South Vietnam.

This House and its Members do have a choice beyond the false choices presented by this resolution and by President Nixon. I would hope that we will have the courage to exercise them.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I had not intended to speak on the rule, but the gentleman who just preceded me made, I am sure inadvertently, several misstatements which I think need to be cleared up.

This resolution does not in any way whatever say anything about escalation of the war, directly or implied. This is a peace resolution. All you have to do is to read it. It says that the only thing we say we support the President on is this: It affirms its support of the President in his efforts to negotiate a just peace in Vietnam. That is what we support the President on. The rest of it calls attention to various things that have gone before. It calls attention to the fact that the Johnson administration made overtures to Hanoi, if you want to interpret that in there, because it says numerous peaceful overtures which the United States has made in good faith. I heard some of these same people who are here opposing this resolution today say over a year ago, "Oh, if we had only stopped the bombing; all we need to do is stop the bombing and we can have peace." Hanoi has not budged an inch since we stopped the bombing.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, the rule before us for consideration deals with "toward peace with justice in Vietnam." I think it is clear that all of us in this body support such a noble goal.

The problem is not, however—and President Nixon has consistently made this point—whether we want peace. We all want peace, and we all want it to be a fair and just peace.

The issue is how we can best, and most quickly, achieve that peace. This is indeed a matter about which reasonable men may differ.

The procedures followed by this body to date however, with regard to House Resolution 613 in no way recognize this simple but basic truth.

Mr. Speaker, we are asked by the proposed rule today to consider a resolution dealing with the most critical issue facing this Nation, without the opportunity for amendment or change.

We are asked to do this furthermore following the failure by the Foreign Affairs Committee to hold even one day's hearings with regard to the resolution.

In short, we, the elected representatives of some 200 million people, are to be limited to a quick and severely restricted yes or no vote regarding the one issue which has completely dominated this Nation and its people for more than 5 years.

I believe this to be blatantly unfair, improper and in the worst possible traditions of governmental and legislative process.

I, therefore, urge all of my colleagues to vote down the previous question and to open this resolution for the full consideration is so clearly demands.

Regarding House Resolution 613 itself, I do not quarrel with its general language, insofar as it goes. I support the President in his negotiation efforts. I believe that the future of South Vietnam must be decided by her people, and her people alone. I recognize that we have tried in good faith to settle our differences with North Vietnam. And of course, I share the hope of all our people for peace in Vietnam.

But I also believe there is the need for more specific commitments concerning U.S. withdrawal from Vietnam and regarding meaningful peace efforts to end this tragic conflict.

And I further believe that we must make the maximum effort possible to reduce the level of hostilities and violence in this war-torn and ravaged country.

In addition, this amendment as it stands now is capable of being interpreted as a blanket endorsement of present and future Vietnam policy.

Now this brings sharply to my mind something that I—and many of my colleagues—have lived to deeply regret. I refer of course to the infamous Gulf of Tonkin resolution of 1964.

Let me make clear that I have no reason whatsoever to believe that the present administration would misinterpret House Resolution 613 as the past administration did in the case of the Tonkin resolution.

But I believe we in Congress have our own legislative responsibilities to assure that this is not permitted to happen again.

Any resolution of the nature we are considering should be crystal clear in not giving blanket prospective approval to whatever the President may decide to do in Vietnam.

In conclusion, in the event we are unsuccessful in opening this resolution for amendment I intend to vote in favor of it. I will do so not because I believe it represents the complete position we in the House should be taking, but because its basic premise insofar as it goes, is the goal of peace, and our legislative expression here today is limited to a yes or no on this point.

But I want it to be absolutely clear that my vote today does not constitute any blanket prospective approval of administration policies in Vietnam. And I want it further understood that I believe there can be no justification whatsoever for the procedures and approach which the House has followed in the consideration of this vital matter of national interest.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I take this time to rise in opposition to a closed rule on House Resolution 613, which completely bars amendments or modification of language, and demeans the individual Member of the House. It reduces a Representative's power to that of rubberstamping "approval" or "disapproval" on the content of the resolution. It constitutes a "forced feeding" of position on a critical national policy.

Although there is historical and hysterical precedent for this kind of action, such precedent does not make it right. The closed rule constitutes a parliamentary strangulation of orderly legislative processes. The House of Representatives cannot attain a respectable stature as long as it permits rules which suppress amendment or even limited legislative options to better express the will of its Members.

The closed rule is based upon the falacious presumption that some Members of this body have qualifications to write legislation which are superior to that of their colleagues. The rule is designed to protect this draftsmanship from the general membership of the body, as if there were some reason to fear open deliberation.

This resolution is designed to meet a confrontation with dissent in America on the continuation of the war in Viet-

nam. Words, however artful, cannot substitute for the deeds and actions which can bring peace. The semantics of peace which could endorse a prolongation of the war are not acceptable.

This resolution could be easily made acceptable if it were to specify a program for peace and disengagement. In its present form, it is a blank check which could be construed to mean peace through more war. I cannot in good conscience endorse such a resolution or the rule which insures it.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I rise in opposition to the rule. I cannot understand why the Vietnam resolution must be brought to the floor under a closed rule. The reason given is that foreign policy resolutions have always been brought to the floor under a closed rule and therefore that is reason enough to do so in this case. Obviously, Mr. Speaker, that kind of reasoning is inadequate. A precedent that was wrong in its inception is wrong today. Bringing this resolution to the floor under a closed rule does not permit full expression of their views by Members of the House of Representatives.

It is bad enough when closed rules are employed for the consideration of tax bills and tariff bills when the purported justification is that the bills are so complex as to be beyond the grasp of the Members of the House. But that rationalization is not appropriate in connection with the resolution to be considered. The bill is certainly not technical, it is not complicated. The Vietnam resolution does not even have that faulty excuse to chop off, as it does, alternative suggestions which might be offered through amendments.

I had thought this House had learned its lesson from the Gulf of Tonkin resolution that we should not accept upon short notice, under a closed rule, important and complex foreign policy questions. How many Members of the House would like to have the opportunity to recall their vote on that resolution? In fact, two members of the President's party have filed a resolution to repeal it.

There are other constructive suggestions that have been made as alternatives to the proposed resolution, but if this rule is not opened up, the House will not be able to consider them, which I think is unfortunate and injurious not only to the prestige of the House but to the resolution itself.

For these reasons, Mr. Speaker, I shall vote against the closed rule.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Two minutes ago, Mr. Speaker, the distinguished gentleman from Ohio (Mr. HAYS) corrected the RECORD in remarks that had been made by a preceding speaker when he pointed out very emphatically that there was nothing in this resolution that was a legislative authorization for the President of the United States to escalate our military commitment in Vietnam.

I am fortunate to have the opportunity now to correct the RECORD as far as the gentleman from Ohio (Mr. VANIK) is concerned, the gentleman who just preceded me. There is nothing in this resolution that would lead to more war, as he says. That is a most ridiculous statement if you read the resolution. I am amazed that the gentleman would speak out in that way because the resolution itself is a peace resolution, and not one to legislate authority for the Chief Executive to undertake more war in Vietnam.

Let me say this, Mr. Speaker: The main thrust of this resolution is aimed at calling upon the South Vietnamese to have a government of their own choosing in free elections supervised by an impartial international body.

I have heard literally hundreds of speeches made in this body over the last 3 or 4 years calling for free elections, and insisting that the United States abide by those free elections. The President of the United States has said that our policy is that, and this resolution simply calls upon us in this body to support him in that regard. I think this is a proper course of action for this body at this time.

Some people would raise the question that this resolution is unique. Well, it is unique in one thing, it does not go as far as previous resolutions approved by this body in the last 15 years. We have had more than one experience in the last 15 years in this body where we gave to the Chief Executive far more authority to move ahead in one way or another militarily or otherwise. This resolution is rather limited. It is a peaceful resolution.

Some of these other resolutions, it could be argued, had war-like authority, or at least gave to the Chief Executive far more liberty than this one does.

Let us go back in 1955—under President Eisenhower, with a Democratic Congress, we approved the Formosan resolution. It was a closed rule. I do not recall anybody fighting the closed rule at that time and trying to open it up. It was needed and necessary to support the President in our problems in Southeast Asia, and the House of Representatives approved it.

Mr. FRASER. Mr. Speaker, would the gentleman yield on that point?

Mr. GERALD R. FORD. I will yield to the gentleman if I have time at the end.

In 1957 we had the Middle East resolution before us in this body. President Eisenhower was our Chief Executive. The resolution came from the House Committee on Foreign Affairs with a closed rule. I do not remember any of these great speeches we have heard this afternoon in reference to that awful process or parliamentary procedure. That resolution went through. No question about its propriety.

Then in 1962 we had President Kennedy's problem of Berlin. We had a Democratic Congress. The Committee on Foreign Affairs approved the resolution with a closed rule. I do not recall any great speeches about the House being strangled, prevented from proper consideration of the proposal. I do not recall any arguments being made that the House was not given a chance to work its will.

Then in 1962, President Kennedy was still our Chief Executive, and we had the Cuban resolution coming from the House Committee on Foreign Affairs, with a closed rule. I do not recall any great protest being made at that time for the House to work its will by opening up the closed rule.

The truth is that in every one of the resolutions I have mentioned there was less debate authorized under the rule than there is under this rule.

In 1964 when President Johnson was the occupant of the White House and the 88th Congress, again a Democratic Congress, the House Committee on Foreign Affairs authorized the so-called Tonkin Gulf resolution. On that resolution the House considered the matter under a closed rule and there was no protest.

As a matter of fact, there was a voice vote on the rule, which was a closed rule. Where were all the protests at that time? That resolution gave to the then Chief Executive far more operational authority than this resolution does by any stretch of the imagination. Where were all the voices who are now so concerned at this time, when that resolution came before the House of Representatives?

Mr. FINDLEY. I was one of those voices.

Mr. GERALD R. FORD. I did not yield, Mr. Speaker.

But the gentleman from Illinois did not ask for a rollcall vote on the rule.

Mr. FINDLEY. We have learned something since then, I hope.

Mr. GERALD R. FORD. The rule went through unanimously and no rollcall vote was asked for. Now, as a matter of fact, on that vote the vote was 414 to 1, with one of our colleagues voting "present," the gentleman from New York (Mr. POWELL).

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Please let me go on and finish, if I might.

Mr. Speaker, if this rule is opened, let me say as a practical matter there will be literally scores of amendments offered.

I have a lot of faith in the capability of this body to discern what is a bona fide amendment. I have a great deal of faith in the wisdom of this body to maintain intact a resolution which has as its author a distinguished gentleman on the Democratic side of the aisle. I am convinced that this body could work its will in a responsible manner. But it seems to me, if we are to achieve the objective that is sought by this resolution sponsored by a Democrat and supported by the leadership on both sides of the aisle, it is far wiser for us to take this vehicle—a resolution for peace and approve it as it has been recommended.

Therefore, Mr. Speaker, I urge that we vote for the previous question and support the rule.

The SPEAKER. The time of the gentleman from Michigan has expired.

The gentleman from California (Mr. SMITH) has 1 minute remaining, and the

gentleman from Mississippi has 11 minutes remaining.

Mr. SMITH of California. Mr. Speaker, I yield myself the final minute simply to state that the resolution we are considering (H. Res. 613) has the names of 25 Members on it. They are all Democratic Members. That is all we can have under the rules of the House—25 names.

There are three more resolutions that are set forth on pages 2 and 3 of the report, one with Democratic Members and two with Members on the Republican side. So as I originally said, there were 50 on each side of the aisle sponsoring the original resolution.

So if you are questioned later on, when you go home as to whether your resolution passed—they are all identical and they are set forth on page 2 and 3 of the report.

The SPEAKER. The time of the gentleman from California has expired.

GENERAL LEAVE

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may insert their remarks in the body of the RECORD during the discussion on the rule.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASHLEY. Mr. Speaker, 6 weeks ago—on the occasion of the first Vietnam moratorium—I said in a floor speech that hindsight may well confirm that our involvement in Vietnam was a result of misreading the history of the area, misjudgment of the political viability of South Vietnam, and mistaken reliance on military and intelligence advice that has been found wanting in accuracy and reliability from the very start.

At that time, I also suggested we should remember that in the early years of the struggle our Nation largely supported the proposition that small, underdeveloped nations should have an opportunity to shape their own political, social and economic institutions, and that failure to thwart aggression in some circumstances can lead to larger, often catastrophic confrontations.

Today, more than a decade later, with no military resolution of the conflict and little progress toward a political solution, we find ourselves engaged in a searching reappraisal of the national purposes and objectives for which 40,000 Americans have died in Vietnam.

I still believe, Mr. Speaker, that it is quite possible to compound mistakes of the past with mistakes of the present. If it was bad judgment to get involved in Vietnam, let us not insist on equally bad judgment in the means we choose to terminate our presence there.

The Nixon administration is pursuing a policy of gradual demilitarization and troop withdrawal in an effort to persuade Hanoi of our good faith and genuine desire to end the conflict. At best this is a difficult policy to pursue because, as we have seen to date, its effect may be to encourage continued stalemate of negotiations and insistence by Hanoi on further and further compromise on the part of the United States.

In the final analysis, responsibility for mapping a strategy for peace rests with the President of the United States. We must look at him to terminate the U.S. presence in Vietnam at the earliest possible moment, not as an end in itself, but as a means of achieving conditions upon which permanent peace can be predicated.

Mr. Speaker, as one of the original sponsors of the Vietnam Resolution being considered in the House of Representatives today, I shall of course vote in favor of the measure, with the qualifications which I shall amplify upon later.

I take this time, Mr. Speaker, only to state for the record that I am opposed to a closed rule prohibiting any amendment whatever. I recognize that the drafting of a resolution of the character of the one under consideration is a delicate and difficult task and that it is a considerable feat to have accomplished this to the apparent satisfaction of the more than 300 Members of the House who joined in its sponsorship.

I am far from satisfied, however, that perfection has been achieved or that debate on proposed amendments would serve no useful purpose, whether the amendments be adopted or not. The issues involved in the Vietnam conflict are real and serious; they should not and cannot be avoided by recourse to a parliamentary device which makes it necessary, in the absence of proposed changes, to either vote the measure up or down.

Mr. GILBERT. Mr. Chairman, I intend to vote against the previous question. If the previous question is not ordered, the Vietnam resolution will then be open for debate and amendments, as it should be. I see no reason for a closed rule. This is a resolution on foreign policy of such importance, it should be on the House floor under an open rule. A matter of such vital concern to all of us as individuals and to our country should not be a hand-tailored product that we either accept or reject. I am hopeful the previous question is defeated, thus opening the resolution for discussion and amendment.

Mr. Chairman, I shall also vote against the resolution. I intend to make a statement on the resolution and why I can not support it, but at this moment I simply want to announce how I intend to vote, and why, on the previous question.

Mr. HANLEY. Mr. Speaker, the House of Representatives is presently engaged in the consideration of a resolution which affirms House support for the policy of the President with regard to Vietnam.

This debate is being acted out under a cloud. Those of us who have been spending many hours each week in committee hearings and executive sessions on legislation pending before the House are concerned at the rapidity of the Foreign Affairs Committee consideration of this resolution. I am disappointed that no hearings were held to gather views from the Members with regard to the specific language of the resolution. The failure to hold formal hearings should be explained, particularly because of the mounting controversy over exactly what the resolution means and what its purposes are.

The fact that no hearings were held on the resolution reinforces my opposition to the closed rule under which the resolution is to be debated. The closed rule adds an air of sterility to this debate which cannot be lost on observers of this scene, including the North Vietnamese delegation at Paris, for whom this resolution is intended, according to the Foreign Affairs Committee. I shall vote against this rule.

It would have been better for the Foreign Affairs Committee to present us with a resolution which defines the President's policy, which we are rushing to endorse. I support the President's policy, to the extent that I have an understanding of what that policy is. There is considerable misunderstanding and confusion surrounding this policy, and our resolution adds to this situation by not defining in exact terms what it is we are called on to endorse.

For example, I feel that the central consideration in the President's program is his intention to withdraw American troops in an orderly and gradual manner and to turn the war and the future of Vietnam back into the hands of the Vietnamese people. This policy is not even mentioned in the resolution pending before us today. It should be the central theme so that no one can mistake our understanding of U.S. policy. The President has stated that he is embarked on a policy of taking America out of the war in Vietnam in an orderly fashion and this is the policy I endorse. It is regrettable that it is not clearly expressed in the resolution.

Also, this resolution should not be interpreted as advance approval for future decisions on Vietnam. In all probability, I will be voting to approve the resolution on final passage should a rule be granted but I do not want my vote interpreted as anything but support for the announced intention of the United States to conduct an orderly withdrawal from Vietnam. Only if future decisions implement this policy can House Resolution 613 be considered as an endorsement of those decisions.

Mr. WALDIE. I support the President in his efforts thus far to withdraw American troops from Vietnam. I condemn the enemy for their intransigence at the Paris Peace Conference. I condemn the South Vietnamese for their half-hearted efforts to build a nation and to fight an aggressor. I would urge the President to escalate his withdrawal policies and not to condition them on the willingness of South Vietnam to begin that which she has not done for 10 or more years; namely, defend herself.

Yet, this resolution forecloses me from expressing these views. The closed rule, adopted, we are told, after White House intervention, prohibits amendments. The policy of the President, then, must be as expressed in the resolution and if we wish clarification of its meaning, we are denied that opportunity. There appears to be great fear in the White House and among the congressional leadership to permit full debate and amendment on this policy. They seek to construct a

manufactured unity which does not exist in this country. Their desperate effort to avoid debate or examination of the President's policy only indicates their fear of the results of such examination. The policy, as stated in this foolish, meaningless resolution, is incapable of such scrutiny. That incapability cannot be construed as unity no matter how convoluted or anxious the efforts might be to present a charade of support.

Mr. KARTH. Mr. Speaker, I rise in support of an open rule for House Resolution 613, "Toward Peace With Justice in Vietnam."

I do so for several reasons. First, irrespective of what the authors contend, the resolution endorses President Nixon's past, present, and future Vietnam policy.

The President's past policy is questionable since it has produced no meaningful results. His present policy is questionable because I have been unable to ascertain its direction. His future policy is unknown because in his November 3 televised speech he said he could not publicly divulge it.

Everyone wants peace. Everyone urges the President to continue pursuit of a just peace in the negotiations now in progress. In fact I and more than a dozen other members introduced House Resolution 730 which urges him to do just that. But I cannot endorse his actions in a resolution on the Vietnam war when I do not know what his actions will be.

Congress should remain a distinctly separate entity in this and all other matters of war and peace. In retrospect, it was a sad day that an earlier Congress passed the Tonkin Gulf resolution thereby providing a "blank check" to a previous administration. I remember, all too well, how subsequently when some of us protested that we did not intend to authorize a deeper involvement in Vietnam we were sharply reminded of our support of the Tonkin Gulf resolution.

Mr. Speaker, I for one intend to learn this lesson of history and not to repeat it. I support the defeat of the closed rule so that we can adopt the language of House Resolution 730.

Mr. PODELL. Mr. Speaker, House Resolution 613, "Toward Peace With Justice in Vietnam," while undoubtedly a sincere effort fails in purpose because it is accompanied by a calculated effort to stifle debate. No mention is made of troop withdrawals, Vietnamization and other terribly significant issues. Instead, with solemn protestations of bipartisanship, some seek to influence events which have already passed this House completely by. For these and other reasons, I oppose this resolution as well as the rule. Nothing this Congress says in terms of peace with justice is going to have the slightest influence upon the course of the Paris negotiations.

It is patently obvious they have trailed off into bitter stalemate, offering us nothing save a totally blank wall. How can we even begin to pretend we can walk right through it with some lush metaphors and hollow phrases? Only substance will do, and substance is just what is lacking. Vietnam is a disaster for our country—morally, physically, militarily, and economically we are wasting our substance. All efforts at a negotiated peace have failed. The Saigon regime is an even worse cropper than our policy, yet we continue to whistle our way past the cemetery, hoping against hope grim reality will turn into the stuff dreams are made of. Never have we indulged in greater self-delusion.

Instead of making the Saigon Government reflect all elements in Vietnamese life, we have offered this legislative kiss of a resolution. Instead of inexorably eliminating our presence there, the atmosphere here is filled with thunder about honor, unity, and bipartisanship. Of late the air has been filled with political statements of the rankest sort by highly placed members of our Armed Forces. One Marine officer even had the temerity to state that internal national unity would have ended the war there a year ago.

More recently, a war hero has been publicly intimating that those who oppose the war are guilty of something approaching treason or sedition. Our ruling clique shouts of patriotism constantly, implying that those who believe this war to be ultimate folly are helping prolong it. Such exercises in political chicanery and posturing render no aid to any cause save their own personal one.

No matter what the state of dissent is in America, the war will go on. Our enemies in the field welcome disagreement here for their own reasons, which does nothing to detract from the logic of that same dissent. So as our frustration and involvement have deepened and lengthened, increasingly we have turned upon one another, seeking excuses and whipping boys rather than solutions. Now we have this resolution, closed to real debate and amendment, which signifies nothing. What will it be next month? Another tin cannon filled with talcum powder, to go off with a loud bang and bright flash, as millions cheer and thousands die? This war is corroding the very soul of our land. In addition to the Green Berets and schools for assassins, which have already been revealed, other horrors are surfacing. The Pinkville case seems to be the ultimate revelation. Is it? Are there others, past and future?

How then, can we bellow about our Nation fighting in Vietnam in defense of moral principles, especially the right of self-determination, when the latest case heaves national morality in our teeth? It is like a person who has murdered his parents asking for the court's mercy on the grounds that he is an orphan. If we countenance such atrocities, how can we pose as defenders of morality? In the face of such revelations, this resolution is a grotesque, macabre play on words and principles supposedly sacred to America.

Mr. Speaker, there are Members here, I am sure, who have vivid memories of World War I and the Battle of Paschendaele. There the British, refusing to admit to the reality of defensive warfare, lost several hundred thousand men over a period of months—destroyed in blind attacks against fortified trench lines. On and on they came, until all England moaned in agony and grief. Finally, through sheer weight of casualties, they won through; a nation united behind military leaders who pressed the onslaught. When it was over, speeches ended and graves filled in—what had Britain won? A blasted heath. A wasteland of destruction. A few square miles of devastation, covered with water-filled shellholes stinking of death, decay, and pestilence. Even today the very name of the place is a stench in British nostrils. And there was always the next line of ridges. We can all draw our own conclusions about this war, its effect on America now and for years to come, the campaign waged against dissent and this present resolution; "Toward Peace With Justice in Vietnam."

What does peace mean to the dead and crippled? What does justice mean to the civilians of Pinksville? What does honor mean to the hungry and sick? And morality? How about morality? Tell it at the graveside of William Terry of Birmingham, Ala., who was killed in action in Vietnam and buried in a segregated, "blacks only" cemetery, because another burial ground in his home town will not have his body. But that city turned out the biggest Loyalty Day parade in the land. That is morality, is it not?

Let us hear these cheers for truth, honor, justice, and morality. Loud and clear. Let us hear them. Let us hear them for House Resolution 613, "Toward Peace With Justice in Vietnam." Hip, hip, hurray.

Mr. PELLY. Mr. Speaker, I support this rule and I intend to vote in the affirmative on the previous question which, of course, would preclude amendments. It is all very well to talk about the greatest legislative body in the world, but we all know that each Member of Congress has his individual ideas and would welcome the opportunity to amend this resolution in some respect. And, I am sure many such amendments would suit me, but in general it is not advisable to draft legislation on the floor. I am fearful some amendments might pass of which I do not approve, and I do not want to disapprove of this legislation. I want to register support for peace.

Mr. Speaker, I support everything in House Concurrent Resolution 613 as it is now before the House. I want to support the President in his attempt to obtain a just peace. This resolution expresses the hope for peace. It approves the principles expressed by the President that the people of South Vietnam are entitled to their own government determined by free elections and impartially supervised by an international body.

It states that this Nation is willing to abide by the results of such an election, and it supports the President's call upon North Vietnam to state its willingness to honor such an election and to allow the issues to be peacefully resolved in order that we may end this war and peace may be restored.

So, Mr. Speaker, as a sponsor of this resolution, I do not want it changed and especially I do not want to dictate when and how the President is to withdraw American troops. I am confident he will do this on the basis of the facts, and in this regard, he is better informed than Members of the Congress.

I am mindful that closed rules are not popular, but certainly precedence exists for closed rules in the consideration of foreign policy resolutions in the House.

So, I say, Mr. Speaker, I support the rule and oppose any attempt to vote down the previous question.

Mr. SYMINGTON. Mr. Speaker, what America's enemies, America's friends, and Americans themselves should never be encouraged to do is mistake democracy for weakness. We here should be the last to provide such encouragement. For my own part the resolution as drawn is sufficiently unexceptionable to survive intact the close and varied examination of the patriotic men and women who serve here. And there are no other kind.

The President surely wants the support of this House for his reasonable initiatives to conclude hostilities in Vietnam. But what President would prefer the endorsement of a muffled House to that of a free-speaking one? Certainly not one who has in fact called upon the silent majority to speak. We do not represent a mere majority of the silent and the talkative in this country. We represent them all. The single phenomenon which history may emphasize concerning this period is the illumination it provides of a great nation seeking limited ends with almost unlimited power, and doing so under the demanding requirements of representative government. We may disappoint ourselves and history in some respects. Let us not in this.

We are urged to proceed with a closed rule for three reasons: it saves needed time for legislation remaining to be handled in this session; it would illustrate our overwhelming support for a negotiated peace; and it would follow at least 15 years of precedent whereby foreign policy resolutions have been brought out with a closed rule. Taking these points in order:

One, it is wrong to save time at the cost of shared judgment. We are here to help save lives, not time; peace, not convenience. If the greatest deliberative body on earth does not have the time to deliberate over a problem, the problem can wait until it has such time. Two, a simple headcount of previous statements both on and off the floor, would reveal clearly the majority sentiment of members generally favoring the President's course, so that even in the absence of further resolutions to that effect there should be no confusion in the minds of friend or foe. Three, the 15 years of precedent cannot be said to constitute this House's proudest contribution. Indeed, if anything emerges from public commentary on the action of Congress it is that we have too often stood aside and refrained from playing a creative role in the formulation as well as approval of foreign policy. It is said that the President broke precedent by requesting an opportunity to address the House on the war and associate the resolution with his policy. Precedent should be no bar to proper innovation by any branch of Government.

Should the resolution be offered under a closed rule I will support it, because I consider any reservations I might have concerning its assumptions or its future application secondary to inferences that would be drawn in certain quarters from its rejection.

I am mindful of the President's interpretation put upon this resolution 2 weeks ago. So it seems to me that an administration which faces the foe unflinchingly could face this House in the same way.

Mr. BOLAND. Mr. Speaker, I am opposed—strongly opposed—to bringing up this legislation under a closed rule. The resolution, a vague and muddled document that says virtually nothing about the administration's policies in Vietnam, should be open to amendment. Consciously contrived to elicit as much support as possible, the resolution speaks only of the desirability of a just peace. Certainly, Mr. Speaker, no rational man can dispute that goal. Nor can any rational man deny support to President Nixon in his efforts to achieve that goal. But many men—many Members of Congress, as a matter of fact—challenge the administration's means of reaching a peace settlement in Vietnam.

The resolution says nothing—nothing, quite literally—of those means. It does not say how quickly combat forces will be withdrawn from Vietnam. It does not say what kind of South Vietnamese government would be politically palatable to the administration once hostilities do eventually cease. It does not say how—or even whether, for that matter—the administration is seeking common ground with North Vietnam for a cease-fire agreement. And, even more astonishingly, it does not allude even in the most remote and tenuous way to the celebrated policy speech Mr. Nixon delivered over nationwide television.

Yet the administration has been stridently trumpeting this resolution as support for that speech. The resolution itself was drafted—and its sponsors recruited—even before the President made the November 3 speech. The most cursory glance at the text of this resolution makes clear it is not a statement of support for the policies Mr. Nixon enunciated the first of last month. A terse document that shuns any topic the administration deems nettlesome or controversial, the resolution simply urges the President to continue his efforts to achieve an honorable settlement. I do not object to such a resolution. Indeed, the goals set forth in it are highly laudable.

But I do object to the administration's attempt to make the resolution appear to be a kind of blanket endorsement of its policies. It is no such thing. It does not give Mr. Nixon carte blanche in this country's Vietnam policy, furnishing him with prior approval of any future decisions he may reach. One further fact should be made plain: the resolution most emphatically is not another Gulf of Tonkin resolution.

I feel the resolution should be amended to speak clearly and explicitly about the means of achieving peace. Revising its text, I think, would dispel the confusion over the meaning of the resolution.

Again, I oppose a closed rule.

Mrs. MINK. Mr. Speaker, I rise in opposition to the rule and urge this House to vote against it that we might have an opportunity to fully debate the matter of our policy in Vietnam. This is the first such resolution to come before the House since I have been privileged to serve as a Member. Yet it comes to us under a closed rule which prevents the offering of any amendments. The resolution itself was subject to only 90 minutes of discussion in the House Committee on Foreign Affairs, and no hearings were held. From the explanations that I have heard, and more particularly from the news articles that I have read about this resolution, it is being represented as an endorsement of President Nixon's policy as stated in his November 3 speech. President Nixon himself stated as much when he made his unprecedented appearance before the House on November 13.

On November 3 President Nixon told this Nation:

> We have offered the complete withdrawal of all outside forces within one year. We have proposed a cease-fire under international supervision.

But House Resolution 613 does not make a single mention of this offer of complete withdrawal; nor does it make any reference to the proposal of cease-fire under international supervision. By this glaring omission, does this House fail to support the President in this regard? I believe it does leave this impression, and therefore its adoption without these two important provisions contributes nothing materially toward our present drive for peace.

House Resolution 613 speaks only of supporting the President in his efforts to negotiate a just peace in Vietnam, acknowledges our peaceful overtures, supports the principles of free elections by the people of South Vietnam and our willingness to abide by them, and urges the Government of North Vietnam to do the same.

President Johnson in the joint declaration of Honolulu on February 8, 1966, stated our "commitment to the search for just and stable peace." That declaration said:

> The United States is pledged to the principles of the self-determination of peoples, and of government by the consent of the governed. It therefore gives its full support to the purpose of free elections proclaimed by the Government of South Vietnam.

On September 29, 1967, in a speech before the National Legislative Conference at San Antonio, Tex., President Johnson reiterated his willingness to negotiate a settlement by saying:

> We and our South Vietnamese allies are wholly prepared to negotiate tonight. I am ready to talk with Ho Chi Minh, and other chiefs of state concerned, tomorrow. I am ready to have Secretary Rusk meet with their Foreign Minister tomorrow. I am ready to send a trusted representative of America to any spot on this earth to talk in public or private with a spokesman of Hanoi.

On March 31, 1968, President Johnson said:

> We are prepared to move immediately toward peace through negotiations. So, tonight, in the hope that this action will lead to early talks, I am taking the first step to de-escalate the conflict. We are reducing—substantially reducing—the present level of hostilities. And we are doing so unilterally, and at once.

On October 31, 1968, President Johnson discussed the progress of talks in Paris, and said:

Now, as a result of all of these developments, I have now ordered that all air, naval and artillery bombardment of North Vietnam cease as of 8 a.m. Washington time, Friday morning. I have reached this decision on the basis of the developments in the Paris talks. And I have reached it in the belief that this action can lead to progress toward a peaceful settlement of the Vietnamese war.

My point in setting forth the statements of our policy by President Johnson is to show that House Resolution 613 which is now before us is nothing more than an affirmation of the policy of the former administration. Had the House had an opportunity to vote its approval of President Johnson's efforts on October 31, 1968, in a resolution identical to House Resolution 613, I would have welcomed the opportunity to vote for it.

But it comes now a year too late. It comes at a time when we have a new administration with new directions indicated by the very words of the President in his speech of November 3, 1969.

Words in a resolution which reflect only policies of the past administration serve no purpose and degrade the new steps which have been taken which, I believe, are important and which chart for us new initiatives for peace. We cannot fail in this opportunity to clearly state our support for a systematic withdrawal of all our troops. The President told us in his speech of November 3 that such an offer had been made. How can we say we support the President if we adopt a resolution which makes no mention of our support of the orderly withdrawal of our troops?

I hope this House will vote down the previous question so that amendments can be offered. Without the changes that I have suggested, without new substantive statements of our present policy, it reflects nothing of this new administration and is devoid of meaning. I hope this House does not demean its image as the greatest deliberative body in the world by refusing to allow for a meaningful debate which could lead to the formulation of a resolution which is supportive of our new initiatives for peace.

Mr. BINGHAM. Mr. Speaker, as I indicated on the floor last Wednesday, I believe the closed rule procedure is totally inappropriate in this case. There may be some reason for not permitting amendments to be offered when the House has before it a complicated tax bill, but I can see no logical reason whatever for it in the case of a short resolution on foreign policy like the one before us.

Precedents are cited, but as the gentleman from Minnesota (Mr. FRASER) has brought out, in those cases at least hearings were had by the House Foreign Affairs Committee. And as my colleague from New York (Mr. ROSENTHAL) has said, eight wrongs do not make a right. If the procedure was wrong before, let us correct it.

It seems to me an insult to those millions of people around the country who are disturbed about our Vietnam policy that the House should allow this first resolution on the subject of our policies in Vietnam in 5 years to be brought before us without possibility of amendment.

What are sponsors of the amendment afraid of, in supporting a closed rule? Do they fear that their brainchild is so feeble that it would not be able to withstand suggestions for change or improvement? If they were really seeking unity instead of polarization, they might well have garnered additional support for their resolution by permitting a few well-worded changes.

But the juggernaut is rolling and it probably will not be derailed.

Clearly the cause of peace in Vietnam will not be served by this ruthlessness on the part of the Rules Committee and the leadership on both sides, supported by a docile majority of this House. But the reputation and the dignity of this House, and therefore its effectiveness, will not be served either.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Speaker, the distinguished gentleman from Michigan, the minority leader, has suggested that we adopt a program—a philosophy—of eight wrongs make a right.

I might suggest to my colleagues that many of us feel we should not become simply a stamping ground for resolutions that have great impact. The fact we have done that in the past seems to me a good reason for us to call a halt now.

The time has come for us to assert ourselves, the world's greatest deliberative body. I do not know how in Heaven's name anyone can ever stand up and face an audience in their district and suggest that we belong to the world's greatest deliberative body when on the first Vietnam resolution the House Committee on Foreign Affairs has considered in 5 years, we spent 1 hour and 21 minutes in executive session. We had a dozen amendments offered and rejected. We urged the committee on that Thursday morning to hold 1 day of closed hearings—1 day, the following Friday—but the juggernaut rode through and said, "No hearings, no discussion: Just pass it."

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, the problem with the precedents of the past—the Formosa resolution, the Middle East resolution, the Berlin resolution, and the Cuban resolution, all of which had closed rules—is that in every single case the resolution came out of the committee with a legislative history consisting of testimony by witnesses as to the meaning of the resolution and the need for it—every single case.

There is no such record here, not a word of testimony. We made to separate motions in the House Foreign Affairs Committee to have hearings, either closed or open, and they were both voted down, essentially by a combination of those who are prepared to support the rule on the floor today.

I personally do not regard this resolution as having much significance one way or the other. It deals only with a very small piece in a very complicated and tragic situation. The difficulty I have is with the interpretation that has been given to the resolution by the press and by the President. The President has indicated in his speech of November 3 that he may escalate the war again if the other side proves intransigent or if it should choose to step up the level of warfare. He claims this resolution gives him general support for his Vietnam policies.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield myself such time as I may consume, not to exceed the amount of time remaining.

The SPEAKER. The gentleman from Mississippi is recognized for 9 minutes.

Mr. COLMER. Mr. Speaker, we have gone through the usual process here when a closed rule is brought out of the Rules Committee that this House has set up. Those who oppose the subject matter that is brought to the floor by the rule see fit to use the old Rules Committee as a good whipping boy. Let me say to those of you who feel that way about it that the Committee on Rules is now in the process of writing a reorganization bill under the chairmanship of the very able and broadminded gentleman from California (Mr. SISK). Those of you who want to amend the rules to provide for open rules and to abolish closed rules will find an open forum up there, and you might find the chairman of this beleaguered Rules Committee in accord with your objective. So much for that.

There is nothing unusual about this. This is the traditional way that these resolutions are handled, as has been pointed out here repeatedly by other Members who have preceded me.

Let us see what is involved here for a moment. What is there in this resolution that you are opposed to?

Last night I took the resolution and broke down its sentences and clauses. It states—

Resolved, That the House of Representatives affirms its support for the President in its efforts to negotiate a just peace in Vietnam.

Is anybody in this House opposed to that?

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I have to under the circumstances, but I do not want to set a precedent because of the limitation of my time. I yield to the gentleman from New York.

Mr. OTTINGER. How can we be assured, if the President thinks a negotiated peace can only be secured by increasing the war effort, that he will not use that as a justification?

Mr. COLMER. I do not think that is a suitable question under the circumstances. There is nothing in this resolution that would authorize escalation.

The second question, and I ask the question again and Members can answer it—not to me now under the limited time of this rule, but answer it when they go back home—when they go back to their electorate and tell them why they opposed this resolution for a just peace and for the other provisions. And do not forget for one moment, sirs, that

the boys over there who are wading through the rice paddies want a just peace. And do not forget, sirs, that they and their parents, when a Member's name appears on that ticket next year, will remember whether a Member sat here and voted to say he was against a just peace in Vietnam and supported the President in his efforts to end this war honorably.

The resolution goes on to say: "expresses the earnest hope of the people of the United States for such a peace"—is there anything wrong with that? Who is opposed to that language?

The resolution continues: "calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam"—is there anything wrong with that? Did not President Eisenhower and President Kennedy and President Johnson, as well as President Nixon, seek that objective? Is this resolution not along the same line, I ask Members who would like to oppose it—but I would advise them not to—with what the previous President, President Johnson, was advocating and enunciating? What is wrong with that?

It also provides: "approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government"—who is opposed to that?

The resolution further reads: "that the United States is willing to abide by the results of such elections"—who is opposed to that?

It goes on: "and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved."

Who can honestly oppose this provision?

My friends, never in the history of this proud young Republic has the President of the United States, whoever he was, bowed, as it were, almost to his knees and begged North Vietnam to come to the peace table and negotiate in good faith for peace. Every conceivable effort has been made. We have humbled ourselves as a great powerful nation to this third-rate group over there. And what do they do? They say: "We will discuss only one thing and that is that you withdraw completely."

I have been a hawk. I would prefer the term eagle. But I have come reluctantly to the conclusion that we have to get out of Vietnam. So has the President, so let us give him a little applause too. So did President Johnson.

But why have I come to that conclusion? I have come to it simply because we have made the mistake under all the administrations that have been in power since this war started, of following the old appeasement policy. We have been permitting the other side to call the signals, and we have been running the defensive play. We cannot win a war that way. We cannot win a diplomatic peace that way anymore than a football game can win under such rules of the game. The people of this country became wearied of the war under this "no win" policy, as was inevitable.

Finally, now that it is apparent that the President, the Congress and the people want to see this war brought to a speedy but honorable conclusion. And, now that the President, who inherited this war, and is apparently as interested as anyone in seeing our forces withdrawn, I would ask those who oppose this resolution, what it is they want. The President has already begun withdrawing our troops. Are these opponents asking that he withdraw them overnight? Is it possible that such precipitous action could be taken without running the risk of one of the greatest bloodbaths in history, with both our South Vietnam allies and our own troops doing the bloodletting. Surely, reasonable Members must realize that he is following the only practical conclusion under the unfortunate circumstances in which he, as the constitutional Commander in Chief and foreign policymaker, can sensibly follow.

With all deference to the dissenters, permit me to warn you that a defeat of or a substantial vote against this resolution will serve only to further the mistaken view of Hanoi that this country is divided and does not support the President of the United States.

We could have won this war if we had been united in the beginning and stayed united and gone out to win, rather than trying to appease some foreign power, to wit, Russia or China.

Russia wants war no more than we want war.

China wants war no more than we want war.

I call attention to the fact the neither one of them has ever committed a single man to fire a gun, but they have used other people to do their fighting.

I ask the Members to support this resolution and to send the word over there that we are backing the President of the United States in his effort to withdraw our forces in an orderly manner and win a just peace.

The SPEAKER. The time of the gentleman from Mississippi has expired. All time has expired.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 225, nays 132, not voting 76, as follows:

[Roll No. 294]

YEAS—225

Abernethy	Anderson, Tenn.	Annunzio
Adair	Andrews, Ala.	Arends
Albert	Andrews, N. Dak.	Aspinall
Alexander	Ashley	Ayres
Anderson, Ill.	Ashmore	Baring
Barrett	Gubser	Philbin
Beall, Md.	Hagan	Pickle
Belcher	Haley	Pirnie
Bennett	Hall	Poage
Berry	Hammer-schmidt	Poff
Bevill	Hansen, Idaho	Price, Ill.
Blackburn	Harsha	Price, Tex.
Blanton	Harvey	Purcell
Boggs	Hays	Quillen
Bray	Henderson	Randall
Brinkley	Hogan	Reid, Ill.
Broomfield	Holifield	Rhodes
Brotzman	Hull	Rogers, Fla.
Brown, Mich.	Hunt	Rooney, N.Y.
Brown, Ohio	Hutchinson	Rooney, Pa.
Broyhill, N.C.	Ichord	Roth
Broyhill, Va.	Jarman	Roudebush
Buchanan	Johnson, Calif.	Ruth
Burke, Fla.	Jonas	Satterfield
Burleson, Tex.	Jones, Ala.	Schadeberg
Burton, Utah	Jones, N.C.	Scherle
Bush	Kazen	Schneebeli
Byrnes, Wis.	Kee	Scott
Caffery	King	Sebelius
Camp	Kleppe	Shipley
Casey	Kluczynski	Shriver
Cederberg	Kuykendall	Sikes
Chamberlain	Kyl	Sisk
Chappell	Landgrebe	Skubitz
Clancy	Langen	Slack
Clark	Latta	Smith, Calif.
Clausen, Don H.	Lennon	Smith, N.Y.
Clawson, Del	Lloyd	Snyder
Collier	Lujan	Springer
Collins	Lukens	Staggers
Colmer	McClory	Stanton
Conable	McClure	Steed
Corbett	McCulloch	Steiger, Ariz.
Cowger	McDonald, Mich.	Steiger, Wis.
Crane	McEwen	Stephens
Cunningham	McFall	Stratton
Daniel, Va.	McKneally	Stubblefield
Davis, Wis.	McMillan	Taft
Dennis	Mahon	Talcott
Devine	Mailliard	Taylor
Dickinson	Mann	Teague, Tex.
Dorn	Marsh	Thompson, Ga.
Dowdy	Martin	Thomson, Wis.
Downing	May	Waggonner
Duncan	Mayne	Wampler
Edmondson	Michel	Watkins
Edwards, Ala.	Miller, Calif.	Watson
Erlenborn	Miller, Ohio	Watts
Eshleman	Minshall	White
Evins, Tenn.	Mize	Whitehurst
Fallon	Mizell	Whitten
Feighan	Monagan	Widnall
Fish	Montgomery	Wiggins
Fisher	Morgan	Williams
Flowers	Morton	Wilson, Bob
Flynt	Murphy, Ill.	Wilson, Charles H.
Ford, Gerald R.	Murphy, N.Y.	Winn
Foreman	Myers	Wold
Fountain	Nelsen	Wright
Frelinghuysen	Nichols	Wyatt
Frey	O'Konski	Wylie
Fuqua	Passman	Wyman
Galifianakis	Pelly	Yatron
Garmatz	Perkins	Young
Gray	Pettis	Zablocki
Green, Oreg.	Poage	Zion
Grover	Poff	

NAYS—132

Adams	Derwinski	Hicks
Addabbo	Diggs	Horton
Anderson, Calif.	Dingell	Howard
Ashbrook	Donohue	Hungate
Biaggi	Dulski	Jacobs
Biester	Dwyer	Karth
Bingham	Eckhardt	Kastenmeier
Blatnik	Edwards, Calif.	Keith
Boland	Evans, Colo.	Koch
Brademas	Farbstein	Kyros
Brock	Findley	Lowenstein
Brown, Calif.	Foley	McCloskey
Burke, Mass.	Fraser	McDade
Burlison, Mo.	Friedel	Macdonald, Mass.
Burton, Calif.	Fulton, Pa.	MacGregor
Byrne, Pa.	Gaydos	Matsunaga
Carter	Gilbert	Meeds
Celler	Gonzalez	Melcher
Clay	Green, Pa.	Mikva
Cleveland	Griffiths	Minish
Cohelan	Gross	Mink
Conte	Gude	Moorhead
Conyers	Halpern	Morse
Corman	Hamilton	Mosher
Coughlin	Hanley	Natcher
Culver	Harrington	Nedzi
Daddario	Hathaway	Nix
Daniels, N.J.	Hawkins	Obey
de la Garza	Hechler, W. Va.	O'Hara
Dellenback	Heckler, Mass.	Olsen
	Helstoski	

O'Neill, Mass.	Roe	Tunney
Ottinger	Rogers, Colo.	Udall
Patten	Rosenthal	Ullman
Pike	Roybal	Van Deerlin
Podell	Ruppe	Vander Jagt
Pucinski	Ryan	Vanik
Quie	St Germain	Vigorito
Rarick	St. Onge	Waldie
Rees	Scheuer	Whalen
Reid, N.Y.	Stafford	Wolff
Reuss	Stokes	Wydler
Riegle	Sullivan	Yates
Robison	Symington	Zwach
Rodino	Tiernan	

NOT VOTING—76

Abbitt	Fulton, Tenn.	Moss
Ashley	Gallagher	O'Neal, Ga.
Barrett	Gettys	Patman
Bell, Calif.	Giaimo	Pepper
Betts	Gibbons	Pollock
Bolling	Goldwater	Powell
Bow	Goodling	Preyer, N.C.
Brasco	Griffin	Pryor, Ark.
Brooks	Hanna	Railsback
Button	Hansen, Wash.	Reifel
Cabell	Hastings	Rivers
Cahill	Hébert	Roberts
Carey	Hosmer	Rostenkowski
Chisholm	Johnson, Pa.	Sandman
Cramer	Jones, Tenn.	Saylor
Davis, Ga.	Kirwan	Schwengel
Dawson	Landrum	Smith, Iowa
Delaney	Leggett	Stuckey
Denney	Lipscomb	Teague, Calif.
Dent	Long, La.	Thompson, N.J.
Edwards, La.	Long, Md.	Utt
Eilberg	McCarthy	Weicker
Esch	Madden	Whalley
Fascell	Mathias	
Flood	Meskill	
Ford, William D.	Mills	
	Mollohan	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Thompson of New Jersey against.

Mr. Lipscomb for, with Mr. Ashley against.

Mr. Dent for, with Mrs. Chisholm against.

Mr. Saylor for, with Mr. McCarthy against.

Mr. Mollohan for, with Mr. Powell against.

Mr. Edwards of Louisiana for, with Mr. Brasco against.

Mr. Pollock for, with Mr. William D. Ford against.

Until further notice:

Mr. Barrett with Mr. Weicker.

Mr. Leggett with Mr. Teague of California.

Mr. Rostenkowski with Mr. Button.

Mr. Abbitt with Mr. Utt.

Mr. Madden with Mr. Betts.

Mr. Mills with Mr. Bow.

Mr. Carey with Mr. Cahill.

Mr. Smith of Iowa with Mr. Denney.

Mr. Moss with Mr. Goldwater.

Mr. Fascell with Mr. Cramer.

Mr. Brooks with Mr. Goodling.

Mr. Cabell with Mr. Esch.

Mr. Pepper with Mr. Reifel.

Mr. Patman with Mr. Mathias.

Mr. Flood with Mr. Johnson of Pennsylvania.

Mr. Rivers with Mr. Hosmer.

Mr. Delaney with Mr. Meskill.

Mr. Giaimo with Mr. Hastings.

Mr. Gallagher with Mr. Sandman.

Mr. Roberts with Mr. Railsback.

Mr. Jones of Tennessee with Mr. Schwengel.

Mr. Davis of Georgia with Mr. Whalley.

Mr. Hanna with Mr. Bell of California.

Mr. Preyer of North Carolina with Mr. Eilberg.

Mr. Fulton of Tennessee with Mr. Gettys.

Mrs. Hansen of Washington with Mr. Griffin.

Mr. Gibbons with Mr. Long of Louisiana.

Mr. Kirwan with Mr. Long of Maryland.

Mr. Landrum with Mr. Pryor of Arkansas.

Mr. Stuckey with Mr. O'Neal of Georgia.

Mr. FRIEDEL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

Mr. FRASER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 252, nays 100, not voting 81, as follows:

[Roll No. 295]

YEAS—252

Abernethy	Flynt	Nichols
Adair	Ford, Gerald R.	O'Konski
Albert	Foreman	Passman
Alexander	Fountain	Patten
Anderson, Ill.	Frelinghuysen	Pelly
Anderson, Tenn.	Frey	Perkins
Andrews, Ala.	Friedel	Pettis
Andrews, N. Dak.	Fulton, Pa.	Philbin
Annunzio	Fuqua	Pickle
Arends	Galifianakis	Pirnie
Aspinall	Garmatz	Poage
Ayres	Gray	Poff
Baring	Green, Oreg.	Price, Ill.
Beall, Md.	Grover	Pucinski
Belcher	Gubser	Purcell
Bennett	Hagan	Quie
Berry	Haley	Quillen
Bevill	Hall	Randall
Biaggi	Hammer-schmidt	Reid, Ill.
Biester	Hansen, Idaho	Rhodes
Blackburn	Harsha	Robison
Blanton	Harvey	Rogers, Colo.
Boggs	Hays	Rogers, Fla.
Bray	Henderson	Rooney, N.Y.
Brinkley	Hogan	Rooney, Pa.
Brock	Holifield	Roth
Broomfield	Horton	Roudebush
Brotzman	Hull	Ruppe
Brown, Mich.	Hunt	Ruth
Brown, Ohio	Hutchinson	Satterfield
Broyhill, Va.	Ichord	Schadeberg
Buchanan	Jarman	Scherle
Burke, Fla.	Johnson, Calif.	Schneebeli
Burleson, Tex.	Jonas	Scott
Burton, Utah	Jones, Ala.	Sebelius
Byrne, Pa.	Jones, N.C.	Shipley
Byrnes, Wis.	Kazen	Shriver
Caffery	Kee	Sikes
Camp	King	Sisk
Carter	Kleppe	Skubitz
Casey	Kluczynski	Slack
Cederberg	Kuykendall	Smith, Calif.
Celler	Kyl	Smith, N.Y.
Chamberlain	Landgrebe	Snyder
Chappell	Langen	Springer
Clancy	Latta	Stafford
Clark	Lennon	Staggers
Clausen, Don H.	Lloyd	Stanton
Clawson, Del	Lujan	Steed
Cleveland	Lukens	Steiger, Ariz.
Collier	McClory	Steiger, Wis.
Collins	McClure	Stratton
Colmer	McCulloch	Stubblefield
Conable	McDade	Taft
Corbett	McDonald, Mich.	Talcott
Coughlin	McEwen	Taylor
Cowger	McFall	Teague, Tex.
Crane	McKneally	Thompson, Ga.
Cunningham	McMillan	Thomson, Wis.
Daniel, Va.	MacGregor	Ullman
Daniels, N.J.	Madden	Vander Jagt
Davis, Wis.	Mahon	Waggonner
de la Garza	Mailliard	Wampler
Dellenback	Mann	Watkins
Dennis	Marsh	Watson
Derwinski	Martin	Watts
Devine	Matsunaga	White
Dickinson	May	Whitehurst
Dorn	Mayne	Whitten
Dowdy	Michel	Widnall
Downing	Miller, Calif.	Wiggins
Duncan	Miller, Ohio	Williams
Dwyer	Minshall	Wilson, Bob
Edmondson	Mize	Wilson, Charles H.
Edwards, Ala.	Monagan	Winn
Erlenborn	Montgomery	Wold
Eshleman	Morgan	Wright
Evins, Tenn.	Morton	Wyatt
Fallon	Mosher	Wylie
Feighan	Murphy, Ill.	Wyman
Fish	Murphy, N.Y.	Yatron
Fisher	Myers	Young
Flowers	Natcher	Zablocki
	Nelsen	Zion
		Zwach

NAYS—100

Adams	Griffiths	Obey
Addabbo	Gross	O'Hara
Anderson, Calif.	Gude	Olsen
Ashbrook	Halpern	O'Neill, Mass.
Bingham	Hamilton	Ottinger
Boland	Hanley	Pike
Brademas	Harrington	Podell
Brown, Calif.	Hathaway	Rarick
Burke, Mass.	Hawkins	Rees
Burlison, Mo.	Hechler, W. Va.	Reid, N.Y.
Burton, Calif.	Heckler, Mass.	Reuss
Clay	Helstoski	Riegle
Cohelan	Hicks	Rodino
Conte	Howard	Roe
Conyers	Hungate	Rosenthal
Corman	Jacobs	Roybal
Culver	Karth	Ryan
Daddario	Kastenmeier	St Germain
Diggs	Keith	St. Onge
Dingell	Koch	Scheuer
Donohue	Kyros	Stokes
Dulski	Lowenstein	Sullivan
Eckhardt	McCloskey	Symington
Edwards, Calif.	Macdonald, Mass.	Tiernan
Evans, Colo.	Meeds	Tunney
Farbstein	Melcher	Udall
Findley	Mikva	Van Deerlin
Foley	Minish	Vanik
Fraser	Mink	Vigorito
Gaydos	Moorhead	Waldie
Gilbert	Morse	Whalen
Gonzalez	Nedzi	Wolff
Green, Pa.	Nix	Wydler
		Yates

NOT VOTING—81

Abbitt	Ford, William D.	Mizell
Ashley	Fulton, Tenn.	Mollohan
Barrett	Gallagher	Moss
Bell, Calif.	Gettys	O'Neal, Ga.
Betts	Giaimo	Patman
Blatnik	Gibbons	Pepper
Bolling	Goldwater	Pollock
Bow	Goodling	Powell
Brasco	Griffin	Preyer, N.C.
Brooks	Hanna	Price, Tex.
Broyhill, N.C.	Hansen, Wash.	Pryor, Ark.
Bush	Hastings	Railsback
Button	Hébert	Reifel
Cabell	Hosmer	Rivers
Cahill	Johnson, Pa.	Roberts
Carey	Jones, Tenn.	Rostenkowski
Chisholm	Kirwan	Sandman
Cramer	Landrum	Saylor
Davis, Ga.	Leggett	Schwengel
Dawson	Lipscomb	Smith, Iowa
Delaney	Long, La.	Stephens
Denney	Long, Md.	Stuckey
Dent	McCarthy	Teague, Calif.
Edwards, La.	Mathias	Thompson, N.J.
Eilberg	Meskill	Utt
Esch	Mills	Weicker
Fascell		Whalley
Flood		

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Ashley against.

Mr. Railsback for, with Mr. Thompson of New Jersey against.

Mr. Gallagher for, with Mrs. Chisholm against.

Mr. Button for, with Mr. Powell against.

Mr. Denney for, with Mr. Brasco against.

Mr. Delaney for, with Mr. William D. Ford against.

Mr. Cramer for, with Mr. McCarthy against.

Until further notice:

Mr. Moss with Mr. Lipscomb.

Mr. Barrett with Mr. Saylor.

Mr. Carey with Mr. Sandman.

Mr. Brooks with Mr. Cahill.

Mr. Fascell with Mr. Johnson of Pennsylvania.

Mr. Leggett with Mr. Hosmer.

Mr. Gibbons with Mr. Bush.

Mr. Blatnik with Mr. Pollock.

Mr. Rostenkowski with Mr. Hastings.

Mr. Cabell with Mr. Schwengel.

Mr. Fulton of Tennessee with Mr. Reifel.

Mr. Mollohan with Mr. Whalley.

Mr. Davis of Georgia with Mr. Betts.

Mr. Flood with Mr. Goodling.

Mr. Mills with Mr. Bow.
Mr. Gettys with Mr. Goldwater.
Mr. Griffin with Mr. Broyhill of North Carolina.
Mr. Kirwan with Mr. Esch.
Mr. Eilberg with Mr. Bell of California.
Mr. Giaimo with Mr. Weicker.
Mrs. Hansen of Washington with Mr. Teague of California.
Mr. Hanna with Mr. Utt.
Mr. Dent with Mr. Meskill.
Mr. Patman with Mr. Mathias.
Mr. Edwards of Louisiana with Mr. Price of Texas.
Mr. Roberts with Mr. Mizell.
Mr. Smith of Iowa with Mr. Long of Louisiana.
Mr. O'Neal of Georgia with Mr. Long of Maryland.
Mr. Jones of Tennessee with Mr. Abbitt.
Mr. Landrum with Mr. Pepper.
Mr. Preyer of North Carolina with Mr. Stephens.
Mr. Stuckey with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 613.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 613, with Mr. FLYNT in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Ohio (Mr. HAYS) will be recognized for 2 hours and the gentleman from Indiana (Mr. ADAIR) will be recognized for 2 hours.

Mr. HAYS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. WRIGHT), one of the authors of the resolution.

Mr. WRIGHT. Mr. Chairman, when my father was in his twenties he went to France as a member of the American Expeditionary Force. Inspired by the magnificent idealism of Woodrow Wilson, my father felt that he was helping to make the world safe for democracy in what his generation grandly dreamed might be a war to end wars.

The war was won, but the peace was lost—largely through our precipitate haste to wash our hands of the whole sordid mess, to be done with the world and its mundane miseries. They called it isolationism. And, true to President Wilson's prophecy, war came again.

In my 20th year, I was awarded a commission in the Army Air Corps and flew missions against the Japanese in the Southwest Pacific. Hating war and its gory panoply—not hating the Japanese—I nonetheless knew that aggression must not be tolerated. I took comfort in Franklin Roosevelt's four freedoms and in the hope that their promise might be extended to all mankind.

My desire to come to Congress was born of a yearning to make some decent contribution to the arranging of a sane and orderly world in which men, coming to look upon one another as fallible brothers, might learn to compose their differences by the rule of reason, and from which the threatening damoclean sword of war which had hung so menacingly over two generations might be removed forever. And that was my dream.

Two weeks ago, my son returned from his second tour of duty in Vietnam.

This grim and haunting spectacle, intensely personal though it is, is mirrored in many thousands of families throughout this land. It brings us face to face with a deeply philosophical question:

Must each generation make this quest anew merely to find at the end of its rainbow neither golden peace nor holy grail, but only another pot of bitter disillusionment? Is the human race doomed to repeat Lady Macbeth's nightmare, ad infinitum, through tomorrow and tomorrow and tomorrow to no other end than dusty death?

Must we perforce abandon hope, and wash our hands and quit?

Or is there still in the mind and innate purpose of civilized man the hope to keep trying—to search until we find the way to settle our conflicts in peace? I am committed to the proposition that there still can be the hope and the faith to keep trying. I believe that President Nixon earnestly shares that hope and that commitment.

In Paris our negotiators seek—so far with little result—to find a basis on which the Vietnam war may be ended without deserting reason or doing violence to justice.

A careful reading of the transcripts of the Paris peace talks lifts one central fact into bold relief and indisputable clarity. U.S. negotiators have been consistently conciliatory, reasonably ameliatory, and responsibly flexible in their sincere search for avenues of possible agreement; the North Vietnamese and Vietcong representatives have been doggedly dogmatic and intractably unyielding in their intransigent insistence upon a wholly one-sided settlement embodying their rigid and unrealistic demands which include the immediate and total withdrawal of all U.S. military presence and the forced overthrow of the elected South Vietnamese Government prior even to the discussion of any other matters.

One cannot study this transcript with any objectivity and escape the conclusion that the adversary fully anticipates our total capitulation to its terms and bases this expectation upon the tragic misconception that the American public and the American Congress do not support the President in his efforts to achieve a just settlement and in fact oppose the basic principles upon which our negotiating posture has been based.

The North Vietnamese Government clearly expects that the people and the Congress in short time will insist upon our official abandonment of the principle of nonviolent local self-determination, through the electoral process and will acquiesce instead in supine submission to a forced imposition upon South Vietnam of an appointed coalition government in the nature of that which was forced upon China some 23 years ago and which quickly succumbed through internal intrigue to the monolithic government of Mao Tse-tung.

That is the inescapable conclusion one must draw from a study of the transcripts of the Paris peace talks.

Given this inflexible position of the adversary and the misconception of American opinion upon which it is based, what are our alternatives?

If we should forsake all hope for a negotiated end to the war, we would have two major basic choices:

We could sharply escalate our military response, bring to bear our most awesome weaponry in a total military commitment, reduce North Vietnam to a ruin of cinders and charred rubble—and in so doing risk the possibility of world war III.

Or we could submit to the terms demanded by Hanoi, abandon the people of South Vietnam to whatever fate may befall them, withdraw our forces and thus desert the basic principle for which we already have sacrificed so much.

Neither of the aforestated courses would be consonant with the American character or with our most profound historic convictions. Neither would leave us with a clear conscience.

The only real alternative is a just and fair negotiated peace.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes. I am sorry I did not have an opportunity to answer the gentleman's question more fully in the debate on the rule.

Mr. FRASER. Mr. Chairman, the gentleman says there are only two alternatives.

Mr. WRIGHT. If the gentleman will yield, I said there are these two major alternatives if we simply abandon hope of a negotiated settlement. There may be others, and various shades and gradations of these two.

Mr. FRASER. The only reason I raise the question is because the principal alternative the President discusses is neither of those two. What he talks about is Vietnamization of the war, a concept which does not contemplate settlement or capitulation.

Mr. WRIGHT. Mr. Chairman, I would certainly take issue with the gentleman on his statement that the President does not anticipate a negotiated settlement. I think the President definitely does. He has said repeatedly that this is a quick way out of the war.

Mr. Chairman, I do want to answer a bit more fully the question raised by the gentleman earlier. I think it is a fair question, and it deserves a fair answer. The gentleman asked earlier, if I remember correctly, whether or not I interpreted the passage of this resolution to be an endorsement of everything that was said by the President in his November 3 speech.

Of course, the resolution was drafted prior to the November 3 speech. I do not suppose it should be taken so much as an endorsement of a speech as it is an endorsement of a policy, and I think the policy is extremely clear in the resolution itself.

In answer to those who ask what is its intent, the intent is clearly stated in the words of the resolution. There is no hidden meaning. It means exactly what it says. It affirms the efforts of our President in his search for a just peace and in his efforts to negotiate such a peace. I want to affirm that support. I believe most of the membership so desires.

Beyond this, the resolution calls attention to the numerous peaceful overtures that the United States has made in good faith toward the Government of North Vietnam. Those certainly include the reduction of forces initiated by President Nixon as well as the cessation of bombing ordered by President Johnson.

But principally it makes this great thrust, that the people of South Vietnam are entitled to choose their own Government by means of free elections. President Nixon has said that the one essential ingredient to a just peace is that the people of South Vietnam are entitled to choose their own future. I emphatically agree with that. The South Vietnamese Government itself, attacked and criticized as it has been by a few Members of the House and others, has publicly embraced the idea of free elections in which all the political parties and groups, including the Vietcong, which is now bearing arms against the Government, can freely participate.

I am quoting from the words of President Thieu:

> If they pledge themselves to accept the results of the elections, an electoral commission could be set up, in which all political parties and groups, including the NLF, now fighting against us, could be represented. The electoral commission will assure equal opportunities in the campaigning to all candidates.

It truly seems to me some of our people have been to great pains to find fault with the Saigon Government which, after all, is an elected government. Composed of mortal creatures, that government no doubt has faults. Perhaps it is not an immaculate paragon of virtue. I do not know how many governments in the world are. But it clearly does have one honest credential of having been chosen in an election. As for the Government in Hanoi, it was not elected by anybody.

We can stand all day and in good conscience on the principle of local nonviolent self-determination, first enunciated by Woodrow Wilson. I believe that is in historic harmony with every civilizing act of progress since the signing of the Magna Carta.

If we would negotiate a peace, there must be certain clear purposes upon which our negotiating posture is based. The President has declared that the one basic principle to which we commit ourselves is that the future of South Vietnam shall be determined by the people of South Vietnam—through elections open to all South Vietnamese, including the Vietcong, and supervised by an impartial international agency.

The President has affirmed our willingness to let the people speak and then to abide by their decision. Could there possibly be a fairer basis for settlement? Could we in good conscience settle for less? This resolution affirms that position.

Much has been said about the worldwide ferment of ideas and about the revolution of nationalistic aspirations among underdeveloped countries. Some see in this the hope of the future. Very well. But must the revolutions be bloody? Must they of necessity be determined by the clash of arms? Must the victory inevitably go to him who can raise the largest army or employ the most diabolical tactics of terror? Is not the only logical alternative to be found in establishing orderly processes for democratic change, in the peaceful electoral method of ascertaining and assuring the public will? Does not our hope—and that of mankind itself—lie in the substitution of ballots for bullets?

This is the heart of the matter. This is the thorn upon which the negotiations are stalled. The adversary thus far has scorned the possibiilty of elections. It holds out instead for a coalition government—appointed, not elected—imposed from the outside by the negotiators. And this is the direct antithesis of all in which we believe.

We have said that we are there not to impose upon the Vietnamese a government of our choice but to protect their right to a government of their choice. This is a sacred principle. This is the principle for which nearly 40,000 brave American men have died. This is the principle which this resolution affirms.

I do not see how we could settle for less than that.

It seems to me we are saying to Hanoi, to the Vietcong, "Yes, we want peace. Yes, we want a fair negotiated peace. Yes, we are willing to talk about any of those possibilities which might open up avenues of agreement. The only thing we would regard as a fundamental and indispensable foundation for that peace is that the people of South Vietnam themselves should have an opportunity to say what kind of a government and what kind of a future they will have."

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Minnesota.

Mr. FRASER. Just on the question of the meaning of the resolution, does the resolution, as the gentleman understands it, give approval to the policy of Vietnamization which the President enunciated on November 3?

Mr. WRIGHT. I certainly would think so, by inference at least, because I believe it may be a part of what we refer to when we say "peaceful overtures," those acts and overtures of good will. Certainly the resolution does not, by either word or inference, take issue against this initiative of President Nixon.

The Vietnamization of the war certainly I embrace. I believe the rate and speed of the Vietnamization of the war is a thing which the President must in his own good sense determine. As Commander in Chief, the President must make those decisions on the basis of current information available to him on a day-to-day basis. The House cannot presume foreknowledge of future military possibilities. The resolution does make approving reference to "numerous peaceful overtures which the United States has made in good faith." As I have said, these obviously include the cessation of bombing ordered by President Johnson and the systematic troop reductions initiated by President Nixon. The House is not attempting herein to advise the President on military matters. It is expressing support for his efforts to negotiate peace.

The CHAIRMAN. The gentleman from Texas has consumed 10 minutes.

Mr. ADAIR. Mr. Chairman, if the gentleman would like, I should be glad to yield 5 minutes to the gentleman.

Mr. WRIGHT. I would be very happy if the gentleman would.

The CHAIRMAN. The gentleman from Texas is recognized for an additional 5 minutes.

Mr. WRIGHT. Mr. Chairman, it seems to me there is in all this yet one other thing involved.

We have spoken of the international principle—whether or not we support the President in his call, his essential call, for a government determined by the people of South Vietnam. If we agree to that, I do not see how anybody could find anything in this resolution that would be distasteful to him.

Then it seems to me there is one other question, and a very proper question, involved, and that is not an international question so much as it is a domestic question.

More than a decade ago, Walter Lippmann posed the question in his book, "The Public Philosophy." We wondered aloud whether a nation such as ours, depending as it does upon public support for major international policies, could survive the stresses and strains of a world grown suddenly small and keenly demanding.

Is representative democracy still workable? We face what has been variously called a crisis of the institution and a crisis of confidence. Is policy capable of being made by the duly chosen representatives of the people, meeting in deliberative assembly? Is it to be determined by newscasters? Or is it to be set by him who can shout the loudest, or raise the largest crowd in the streets, or threaten the greatest disruption if his whim is not obeyed?

And this largely domestic question has a bearing on and must be seen as part and parcel of the broader international principle involved—whether all of our tomorrows must be stained as dark with blood as our yesterdays; or whether so sublime a sacrifice as has been made may help to usher in a new day in which reason may replace riot, negotiation may replace gunfire, and ballots may supplant bullets as instruments of self-determination.

Each of these questions is deeply involved in the resolution presently before you. For my part I have no doubt as to the outcome and no fear for the future. We—and the system we represent—shall prove equal to the challenge.

I do not believe that anything less than this minimum resolution could be em-

braced in good conscience by the Members of this House. It seems to me this is the least we could do. It is in the tradition of responsible foreign policy, and it seems to me it is our clear obligation as Members of the Congress of the United States to uphold a responsible, bipartisan foreign policy and to uphold the President, who, under our Constitution is the one person charged with the responsibility of executing international negotiations for the Nation.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Washington.

Mr. ADAMS. One of the concerns we have is that the Secretary of State has not testified. The Secretary of Defense has not testified. None of the negotiators have testified. There is no record on which we can base the legislative action.

In the President's speech of November 3—and you indicated your support of the policy of Vietnamization, and that is all we have to go on—he says:

> If I conclude that increased enemy action jeopardizes our forces in South Vietnam, I would not hesitate to take strong, effective measures to deal with that situation.

What we want to know from the gentleman in the well is if in the spring or in the summer the South Vietnamese forces collapsed—as one Member of this House has said, you do not get victory by proxy—then does that mean we will go back in with additional troops and reescalate the war and go back to what it was 2 years ago? Maybe that is what we should do. I do not know.

Mr. WRIGHT. First let me comment on the gentleman's statement that there was no formal testimony on this resolution by people from the executive branch of Government. This resolution is not an expression of the executive branch. This is an expression of the House. There is no reason why we should seek advice or testimony from outside sources. Among the resolution's cosponsors are 25 members of the House Foreign Affairs Committee. After all the months of our concern with this issue and the literally millions of words that have been spoken on the floor of the House, surely every Member knows how he feels on a question so basic as this. If any Member of the House still has no opinion, it is doubtful that lengthy hearings would help him arrive at one.

And now with respect to the gentleman's hypothetical question. The gentleman from Washington wants me to tell him what I would do—or what the President would do—or what all of us should do—if unaccountably the South Vietnamese forces should suddenly collapse. How on earth could I be expected to answer such a question as that? Of course, the resolution does not anticipate any such contingency. It would be ridiculous and unreasonable in the extreme to expect it to do so. All the evidence points in the other direction. There is no indication whatever that the South Vietnamese forces are about to collapse.

Merely to raise such a question at this point, or to expect me to address myself to it with some all-wise finality, is surely unwise and wholly beside the point of this resolution. To anticipate such a contingency is to assume that our negotiating effort will fail, and that our military effort will fail, and that our Vietnamization effort also will fail. To make such an assumption quite obviously would be to do an injustice to our negotiators and to make their task still more difficult. It also would be an injustice to the brave American men and the dedicated South Vietnamese men engaged in our military effort, and for us to assume such an outcome would be to make their task more difficult. So of course I am not going to indulge any such presumption.

Mr. ADAMS. Will the gentleman yield?

Mr. WRIGHT. I do not yield further. I cannot yield further. I would like to answer the gentleman's questions if I can. I am not trying to be harsh. Please forgive me if I appear to be. The gentleman from Washington is my friend, and I respect him fully.

It simply seems to me that we would do a very great injustice to our men in the field if we were to make an assumption such as the one the gentleman desires for me to make—or if we in the House were to say by the action we take, as Senator GOODELL has suggested, that we demand all of our troops be withdrawn as of a certain date. To do so would be a grave injustice to the President. It would severely undermine our negotiators.

To do that would be to say very plainly to Hanoi and the Vietcong: "You don't need to make any concessions at all. You don't need to make any effort to come to terms with us. Just stay there and keep fighting us and keep your troops there on the ground as long as you can—because we promise you we will be out entirely as of a certain fixed date, and if you can just hold on until then you will arrive at your desired end without having even to discuss the situation with us."

So of course this resolution does not take off at any such tangent as that. I cannot imagine anyone desiring that it should unless he simply wanted to make things difficult for the President, or unless he were just intent on trying to embarrass the President, and I cannot understand how anyone would want to do that at this point.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. HAYS. It seems to me that the resolution states two things very clearly. It states that we support the President in his search to negotiate a just peace and to see that there are free elections. If the contingency that the gentleman from Washington is talking about, that our troops will remain there next summer, should arise and if they are jeopardized, I do not see anything in this resolution which says the President will escalate the war.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Nor is there anything in the resolution that says he should do anything about it. That is a problem that would have to be faced at the time. If those people who are vociferous now and want us to abandon our troops who are in Vietnam if they are placed in jeopardy and pull out and leave them to their fate, they can advocate that if they like. I am against that alternative.

This resolution is a resolution for peace. There are no contingencies about escalation. And there should not be.

Mr. WRIGHT. I quite fully agree with that.

Mr. ADAMS. Mr. Chairman, if the gentleman will yield, all we have is the fact that the President after the resolution was adopted came to the floor of the House, and I have read the paragraphs previously that adopted this. What some of us are saying is not that we do anything on this, but wait and let the President bring in his programs and then, as a deliberative body, decide pro or con and not rush forward into it.

Mr. WRIGHT. I would say to the gentleman that I believe the President already has done his best to state to the American people what his program is while still leaving himself the basic irreducible options which any President would have to have. I think we can do no less than to grant him this opportunity to carry forward his negotiating effort with the clear showing that the House overwhelmingly supports his undertaking to bring a just peace. Let us demonstrate by our action on this resolution that we still are in harmony with that basic principle enunciated by John F. Kennedy in October of 1962. President Kennedy said:

> Our goal is not the victory of might, but the vindication of right—not peace at the expense of freedom, but both peace and freedom, here in this hemisphere and—around the world. God willing, that goal will be achieved.

Mr. HAYS. I would like to recommend to the gentleman from Washington that he read a little history of the War Between the States. There is a biography of Thaddeus Stevens on this subject which is an illustration of what happened when the House of Representatives and the Senate tried to run that war, item by item and law by law from here. That war was right across the river. It took Mr. Lincoln about 2½ years to find out he had better be the Commander in Chief and leave the House of Representatives and the Senate out of it.

The President of the United States cannot bring his program up here item by item and time by time and say when he intends to bring home that division or this division.

We are saying we want peace, we want a just peace, nothing more and nothing less.

Mr. WRIGHT. I fully agree with the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ADAMS. Mr. Chairman, will the gentleman yield further?

Mr. WRIGHT. Yes, I yield further to the gentleman from Washington.

Mr. ADAMS. I do not think any one of us is trying to establish certain programs. All I can say to the gentleman

from Ohio is that we are saying that the House of Representatives has gone through with a series of Presidents running the war, and the President will continue to do so. We are worried about resolutions like the Gulf of Tonkin resolution or the earlier ones giving authority beyond which we had no intention of going and we have to try to clarify this on the floor of the House because we have no other history behind us.

I certainly think this body is not running the war day by day and I do not think it has attempted to do so and I do not believe that the gentleman intended that it should.

Mr. WRIGHT. Concerning the gentleman's last stated apprehension, this resolution is clearly distinguishable from the Gulf of Tonkin resolution on at least three counts: First, its thrust is entirely toward peace, not war. The Tonkin resolution specifically refers to acts of military reprisal—"all necessary steps, including the use of armed force." The present resolution explicitly supports and encourages the President in his efforts to negotiate peace.

Second, the Tonkin resolution, by inference at least, seemed to broaden Presidential powers—"the United States is prepared, as the President determines, to take all necessary steps." Nothing in the present resolution could be in any way so construed.

Third, the Tonkin resolution implied approval for future acts by the Executive—"all necessary measures." This resolution, by contrast, explicitly refers to actions already taken and positions already expressed. It is not "open ended." It endorses positions the President already has taken.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, I want one thing clearly understood. I support the President of the United States in his efforts to bring peace to Vietnam. I am completely convinced that the President wants an honorable peace. The statements that he made as a candidate, his major addresses of May 14, 1969, and November 3, 1969, and all reported pronouncements, public and private, suggest President Nixon is searching for a way to end this vicious and divisive conflict.

Why then am I going to vote against House Resolution 613 and other related resolutions? My reasons are:

First. In a totally unprecedented fashion the House Foreign Affairs Committee reported House Resolution 613 out of committee without so much as an hour of hearings and only 2 days after it had been introduced in the House. This is the first resolution on the war in Vietnam to be considered by the Foreign Affairs Commitee since the Gulf of Tonkin resolution. The Tonkin resolution was the congressional stamp of approval that the Johnson administration used to constitutionally justify the enlargement of our commitment to Vietnam from 23,000 "advisers" to almost 550,000 combatants. Few, if any, Congressmen voting for the Gulf of Tonkin resolution had any inkling that they were voting for such an extraordinary increase in American involvement in the war. House Resolution 613 offers the House a unique opportunity to review the history of our presence in Vietnam, to analyze our original objectives in light of present policies, to study the social, political, and economic impact of the war upon the United States, and to evaluate what alternatives are open to our Government to bring an end to the war.

The precipitous action which the House is about to take on House Resolution 613 serves only to emphasize the fact that this body is abdicating its constitutional responsibilities in reviewing the application of military-oriented foreign policy and will serve instead as a mere cheering section for the Chief Executive. Quick, reflexive response on one resolution dealing with the Vietnam war is enough. I, for one, do not want to be a glutton for punishment. The Congress has a second chance, let us use it.

Second. A second reason for voting against this resolution is that it appears before this House with a closed rule and no opportunity for amending it. If it is, as its sponsors suggest, an affirmation of congressional support for the President in his attempts to achieve peace, a much simpler format could have been devised. A resolution could have been drafted stating, "Be it resolved that the House of Representatives affirms its support of the President in his efforts to bring peace in Vietnam." Although any resolution on Vietnam which is offered to the House without hearings suffers from the intrinsic defect of congressional disinvolvement, a concise, lucid declaration of support is far superior to the ambiguous specifics contained in House Resolution 613.

Third. A major problem which is posed by a vote in favor of House Resolution 613 is that many people, including a substantial majority of the press and the President himself, assume that the resolution represents an endorsement of everything the President has done to date in managing the war and most particularly represents support of the positions he enunciated in his November 3, 1969, speech to the Nation.

As I have stated, I am convinced that the President is sincere in his quest for peace, but that does not mean that I believe that every action he has taken to date has been the most effective possible action.

To give a proper perspective to my viewpoint, I want to publicly commend the President for his troop reductions, for his proposal of free elections organized by joint commissions under our international supervisory body, acceptable to both sides, and for his attempts to work out arrangements for the release of prisoners of war on both sides at the earliest possible time.

I think, however, that there have been missed opportunities. The administration has not placed enough pressure on the Thieu-Ky government to make them broaden their regime to include political figures who are not necessarily in league with the Saigon generals. This would include Buddhist, Catholic, Cao Dai, Hoa Hoa, and labor representatives. Recently with the removal of Tran Van Huong and his replacement by Gen. Tran Thien Khiem the government actually contracted its power base. The administration apparently accepted this as part and parcel of the Byzantine nature of Saigon politics.

There is reflected in President Nixon's November 3 speech a fundamental misunderstanding of the nature of the war and what it is going to take to extricate the United States. The President said that "Regardless of what happens on the negotiating front" he plans to put into effect another plan which will end the war. He calls it the "Vietnamization plan" whereby the United States trains South Vietnamese troops and American troops are withdrawn as the South Vietnamese are able to take over the fighting. If the enemy steps up the fighting the President warns of "strong and effective measures to deal with the situation. One must assume that the President means we will escalate the fighting on our side.

This is not a prescription for peace but a plan for prolongation of the war. It assumes that the South Vietnamese alone can do that which the United States, with 550,000 superbly trained soldiers, and Saigon together have been unable to do for the past 5 years—that is, win a military victory. There is actually a disincentive on the part of the Saigon generals to take over all the fighting because they know that when they do, we will leave and they will be exposed to their own people. They are rewarded for failure—if they fail we stay.

I cannot accept such a stratagem. The time has come to stop allowing either the Communist Vietnamese or the Saigon generals to call the shots for the United States. In the words of former Secretary of Defense, Clark Clifford, it is necessary that we set a chronological limit on our Vietnamese involvement. We must make it clear that we are withdrawing our ground forces within 12 to 18 months in such a way that at any point in time those troops remaining receive the ultimate in protection from the enemy. We could continue to supply arms, ammunition, and other war material to Saigon after we have withdrawn.

The advantage of a chronological withdrawal is that it would force the Saigon generals to make accommodations with the diverse social groupings in their own country in order to achieve the sense of national purpose necessary to insure survival. No longer would they be able to contemplate with satisfaction their guaranteed security behind a phalanx of dedicated young Americans.

Fourth. A further reason why I cannot vote for House Resolution 613 is that its wording is in one respect so specific and in another so vague as to constitute a blank check to the President to negotiate the peace. It is an open-ended endorsement of anything the President may do over any period of time to achieve a "just peace" and to provide "free elections open to all South Vietnamese and supervised by an impartial international body."

There is an implication by way of specific reference that the United States ought to stay in Vietnam until there are

"free elections." What if Saigon will not allow free elections to be effectuated. What if the South Vietnamese Army is incapable of taking over the fighting? Does this mean the House of Representatives is endorsing a permanent commitment of troops to Vietnam. One should remember that on April 7, 1968, President Johnson said:

> The only path . . . is the path of peaceful settlement.

By the end of 1968 we had 549,000 troops in Vietnam.

The search for a "just peace" could take 5, 10, 15 years or more. I cannot support any policy which assumes the possibility of an indefinite commitment to further fighting. We must remember that our original goals in Vietnam were limited. They were to prevent the imminent subjugation of the South Vietnamese Government by Hanoi and to give to the people of South Vietnam an opportunity to choose their own form of government.

Five years have elapsed since we prevented a Communist takeover. During that period of time the Vietnamese Army has been in control of the government. The generals have made only perfunctory attempts to bring into positions of power representatives of other nationalistic groups in the country. To hold now that America's commitment to Vietnam is to perpetuate forever the power of the Saigon generals is clearly a tragic-comic distortion of our original goals.

We must set an end point to American combat involvement. Unfortunately H.R. 613 makes no attempt to do so.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. TUNNEY. Yes, I yield to the gentleman from Ohio.

Mr. HAYS. There is a difference between this resolution and others. I think this point has not yet been made. The other resolutions came up here from downtown. This is a House-drafted resolution. We did not need the Secretary of State or the Secretary of Defense to tell us what to put in the resolution, because they did not draw it. We did. We will tell you what we think it means and, in my opinion, this forum, which is public, is the proper place to do it. However, I do not believe and I would say to the gentleman that closed hearings in the House Foreign Affairs Committee where we talk to each other would not really have done as much good. That is why we asked for 4 hours of general debate and that is why we are debating it today and will continue the debate tomorrow.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. TUNNEY. I thank the gentleman very much. I appreciate the gentleman's kindness.

I understand the reason for the resolution, and I am very sympathetic in many ways to it.

But if it is the purpose of the House to go on record affirming its support of the President in his efforts to make peace, I do not know why we did not come up with a much simpler resolution, one that stated simply:

> Be it resolved that the House of Representatives affirms its support for the President in his efforts to bring peace in Vietnam.

What I consider to be the difficulty in this particular resolution is that it goes into certain specifics which are also ambiguous. It talks about a just peace, and in addition it talks about free elections.

Does this mean that we are going to be affirming our support for the President to keep troops indefinitely in Vietnam until we have free elections, or until we have a "just peace?"

Mr. McCORMACK. Mr. Chairman, would the gentleman yield?

Mr. TUNNEY. I yield to our Speaker.

Mr. McCORMACK. Would the gentleman mean by peace an imposed coalition government upon the people of South Vietnam?

Mr. TUNNEY. I would say to our Speaker that my plan for Vietnam would be on a calendar basis, to remove all our troops from within 12 to 18 months, to put an end to our effort, because I do not think that the Saigon generals are going to make any effort whatsoever to make accommodations with their own people until such time as we make it very clear to them that we are not there indefinitely to protect them from their own people.

Mr. McCORMACK. My question was a simple one: Does the gentleman believe in an imposed Communist coalition government?

Mr. TUNNEY. We are talking about semantics, I would say to our Speaker. I would assume that there is a possibility for a coalition government, definitely.

Mr. McCORMACK. I understand there are two types of coalition governments. I want my friend, the gentleman from California, to realize what is in my mind, and that is that there could be a coalition of non-Communists, made up of non-Communist elements. I am talking about an imposed coalition of a Communist coalition government.

Mr. TUNNEY. Is our Speaker assuming that the United States would impose it on the South Vietnamese?

Mr. McCORMACK. Correct.

Mr. TUNNEY. I am saying that the South Vietnamese ought to have the opportunity to decide for themselves what they want, and that is the reason that I am saying we should have a withdrawal on a calendar basis, so that they can decide that matter for themselves.

Mr. McCORMACK. I find myself in agreement with the gentleman from California that that is a matter for the people of South Vietnam. In other words, my friend, the gentleman from California, as I take it, would look with disfavor upon an imposed Communist coalition government upon the people of South Vietnam.

Mr. TUNNEY. That the United States directed?

Mr. McCORMACK. By the United States.

Mr. TUNNEY. Yes.

Mr. McCORMACK. I thank the gentleman.

Mr. TUNNEY. But, Mr. Chairman, I think that we ought to withdraw on a calender basis so that the South Vietnamese can decide that matter for themselves. I am convinced that they are not going to decide it for themselves. And that is one of the reasons I cannot give an openhanded endorsement to what the President has done, in that in his speech of November 3 the President assumes in the Vietnamization of the war that the Vietnamese are going to be able to do what the United States in Vietnam has not been able to do for the last 5 years, which is simply just to win a military victory.

The CHAIRMAN. The time of the gentleman from California has expired.

(Mr. CHARLES H. WILSON (at the request of Mr. HAYS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CHARLES H. WILSON. Mr. Chairman, as a sponsor of House Resolution 613, I am quite disturbed by the attempts being made by the administration to turn an originally bipartisan resolution expressing America's hopes for peace in Vietnam into a political device to be utilized by the President to allow him to continue without dissent, his secret plans and strategies concerning the war. While I personally feel that Mr. Nixon is moving too slowly in withdrawing U.S. troops from the area and while I also feel that he has not taken advantage of several opportunities to help bring an end to the war, I do not doubt that Mr. Nixon would like to see the conflict halted.

However, my cosponsoring of this resolution does not and should not be taken to indicate my support for the President's November 3 speech. My cosponsorship also does not indicate my willingness to sit back and allow the President to pursue whatever course he chooses in handling negotiations and other related peace activities. It does, however, express my support for our country's continuing efforts to negotiate a just settlement in Vietnam. It enunciates the principle that the people of South Vietnam are entitled to choose their own form of government through internationally supervised free elections and that the United States will abide by the results. Furthermore, it calls upon the Government of North Vietnam to announce its willingness to honor such elections and abide by them.

These principles cannot be challenged by either hawks or doves and consequently the resolution received a tremendous amount of support from both sides of the aisle. However, the administration has sought to identify this resolution with its own policy, a policy which, as I indicated, is based on secret plans, unannounced principles and questionable rationales. Often it is not what you say but what people think you say that will have impact. Consequently, the American people may be misled to believe that the President's war policy has greater support in Congress than in reality exists. The people of this country want peace. I, too, want peace. As a result of this desire on my part and on the part of my constituents, I will support all measures that bring us closer to accomplishing our goal. I cannot, however, allow a misinterpretation to exist concerning the reasoning behind my support of House Resolution 613. This resolution does not give carte blanche ap-

proval to the President's future decisions on Vietnam and should not be allowed to do so. This resolution does not endorse everything said by the President in his November 3 statement and should not be so publicized.

I personally urge Mr. Nixon to pursue efforts to reduce the level of violence in Vietnam, to seek a broadening of the political base of the Saigon government and to designate immediately a high-level replacement for retiring delegate Henry Cabot Lodge. While I cast my vote in favor of House Resolution 613 because the principles contained in it are worthwhile, I cast my lot with my colleagues who feel as I do, that an end to the killing as quickly as possible should be the President's primary motivation for his Vietnam actions.

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina (Mr. MIZELL) and the gentleman from Illinois (Mr. MICHEL) may extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MIZELL. Mr. Chairman, I rise to support the House Resolution 613 and to give my full endorsement of the President's efforts to bring an honorable end to the Vietnam war.

As we express our opinions here in Washington, there are hundreds of thousands of American patriots who have more of a right to have their feelings expressed than we do. These patriots are our servicemen who are risking their lives as they fight to preserve the free world.

There has been much comment in recent weeks as to the attitudes of the American servicemen who are fighting in Vietnam. We hear the unpatriotic opinions of a select few veterans who in no way express the feelings of the majority of our fighting men, and the wrong impression is sometimes given. As the minorities take to the streets of America in protest, the patriots don the uniforms in defense of our Nation. While the demands of the minority make the headlines, the feelings of these patriots are sometimes disregarded. Many of these brave young men desire very much to have their feelings expressed. I would like to share with my colleagues two letters written to the editor of a newspaper in my district. Both give the serviceman's view of the President's Vietnam policy. They were published in the Mount Airy Times in Mount Airy, N.C. One was written by a Vietnam veteran; the other by a young marine on his way to the war zone for the first time.

I ask you to take the time to read what my heroes have to say about the President's policy in Vietnam:

MARINE GIVES HIS REACTION TO VIETNAM SPEECH

A young 18-year-old Marine, who has received orders to go to Vietnam, has written his family his reaction to the recent speech by President Nixon on the U.S. commitment to the struggle in Vietnam. Following is the letter of Beau Bowman, son of Mr. and Mrs. Jake Bowman of Greenville, S.C., and formerly of Mount Airy. The letter reads: Dear Family:

I've just heard President Nixon's speech. I'm afraid that it's not exactly what you were hoping for, but I believe that he has made the right decision. We can't let all of the past fighting Americans and their families feel as though they have been through so much hell for nothing.

If I were to die in Vietnam I wouldn't want any of you to feel that it was in vain. And I don't think that it would be. I don't think that the President of the United States or the majority of the American people would let our deaths be for nothing. I think that they will see this thing to the end, so that America can keep its great pride which all of the Americans before us have earned.

I realize that my generation is different from any others, and that a small minority has chosen to be different and rebel against society. That is what it is, a small minority. Because I have belief that Americans are as patriotic as their ancestors before them, they will do their best to see this war end, and in a way that America can keep its pride, and in a way which will also leave the people in South Vietnam hope and assurance that they can live in a democratic society such as we live in.

Everyone wants us out of Vietnam and I am one of them, but I don't want us to leave as defeated people who just said to hell with the South Vietnamese feelings and hopes.

Because it wasn't too very long ago that we were fighting for our freedom from England. And if we had listened to the small minority that thought it was useless then, we wouldn't have the greatest country in the world as we do now.

I think that it is wonderful that South Vietnam and other small countries in the world want to be free and be as much like America as possible. And the good thing about it is, we don't force it on them like other countries are trying to throw communism on them. They are begging us for our help to achieve world freedom. I think that our fighting is well worth it, if it achieves it.

I realize that in a few days I will be leaving for a strange country maybe never to return, but for the first time in my life I feel a pride that I never felt before. And I want you all to share in my pride with me.

Signed: Beau.

MARINE GIVES HIS REACTION TO NIXON TALK

The "flower children" in the news in the United States have failed to register approval with at least some of the servicemen who are currently in South Vietnam.

Sergeant Larry Britt Scott, 22, Air Force serviceman currently stationed at Bien Hoa Air Base in South Vietnam, wrote his parents about the reaction of himself and the men of Barracks 2954 at the air base. The reactions of the airmen was expressed in a poem, which reads:

Now that death is constantly near,
'Tis being dead that I no longer fear,
Nor am I worried of failure or scorn,
But what kind of men this war has borne,
What of the men with hair so long,
Who burn their cards and chant their songs,
Who abuse the flag we hold so dear.
Can it be death that these men fear?
What of the men with spines so weak
Who haven't been there but choose to speak?
I know, I've been there, so I can say,
You're a sad excuse for a man of today!

Sgt. Scott is the son of Mr. and Mrs. E. D. Scott of 1312 Park Drive, Mount Airy. He has been in the Air Force for three years, the past three months of which have been in Vietnam.

Mr. MICHEL. Mr. Chairman, I am firmly convinced that the war in Vietnam would have ended a long time ago if it had not been unduly prolonged by the fifth column here on the home front. The seditious, treasonable, and anarchistic conduct of a small minority has, by encouraging our enemies, enabled them to continue the struggle for many months, if not for several years. The so-called moratorium will undoubtedly delay the day when the last American fighting man will return to his homeland and his loved ones.

Regardless of whether the war was declared or undeclared, we are in it and several hundred thousand of our finest young men have gone to Vietnam. Tens of thousands of them have made the supreme sacrifice. Those here at home who march and demonstrate and obstruct the war effort give renewed hope to the Vietcong, put the end of the war further into the future, and make the casualty lists longer and longer.

Over half of the Members of this body have served their country on foreign soil, during the two World Wars and the Korean war. It was but a few months ago that the last veteran of the Spanish-American War to serve in Congress departed from this Chamber. It is true that there was opposition to our entry into those conflicts, but it was, for the most part, expressed before we went to war. Once the decision was made to fight, the American people closed ranks and everyone did his or her bit.

Although World War II created deep divisions between interventionists and noninterventionists, the Japanese attack on Pearl Harbor unified the Nation and the challenge from the National Socialists of Germany and the Fascists of Italy was accepted. Millions, including many of those who had bitterly opposed our involvement in the affairs of the Old World, donned uniforms, while others accepted food rationing, travel restrictions, and other curtailments of their normal routines, most of which were slight inconveniences compared to the sacrifices made by those who fought on fronts all over the globe. Even those who refused to salute the flag took jobs in the war plants and the accompanying time-and-a-half for overtime.

During World War II, the American people had no patience with demonstrators, draft obstructors, purveyors of enemy lies, and flag-burners. No correspondents of metropolitan newspapers journeyed to Berlin to interview Adolf Hitler.

Much has been made of the fact that the war in Vietnam is an undeclared one. The same was true of the war in Korea, but once the people of the United States accepted the fact that we were engaged in hostilities, they looked forward to victory over our enemies. Congress backed the President by providing the men, the materials, and the money.

While Congress did not declare war against North Vietnam, it did, on August 7, 1964, overwhelmingly approve the Gulf of Tonkin resolution, which gave the President power to "take all necessary measures to repel any armed attack against the forces of the United States

and to prevent further aggression." The vote in this body was unanimous, 416 to 0. In the other body the vote was 88 to 2.

Since then, the body representing the people and the body representing the States have both voted for whatever authorizations and appropriations have been deemed necessary for the proper support of our fighting men. These sums have been huge, Mr. Chairman, and the advocates of more and greater spending are licking their chops in anticipation of the day when these billions will become available for their pet programs.

Mr. Chairman, I too, am looking forward to the day when the money of our taxpayers can be spent on domestic programs or, better yet, left in the States and cities so that the local governments can solve their own problems with their own money, or, even better yet, left in the hands of the taxpayers who are, after all, more capable of spending their own money than the bureaucracy in faraway Washington. That is one of the reasons I sponsored the resolution we are now considering. The main reason I sponsored it, however, is that I want to strengthen the hands of the President as he endeavors to bring about a just peace in Vietnam so that our young men can return home.

We can best bring about an honorable peace, not through marches on the Nation's Capital, not through demonstrations against lawfully constituted authority, and not through obstruction of the war effort, but through the use of the proper political and diplomatic agencies. Let us listen, for a change, to the voice of the majority, the overwhelming majority which would like to exercise its right of assent. I believe it is for this overwhelming majority that the President spoke on November 3.

There is room in our country for honest dissent, but there is no room in America for sedition, treason, and anarchy. There is no room in America for the overeducated fool in the classroom who would welcome a victory by our enemies. There is no room in America for the wolf in sheep's clothing who dishonors the pulpit by slandering our fighting men. There is no room in America for the politician who weeps bitter tears for those who would destroy us.

"Who lets his country die lets all things die, and all things dying curse him.

"Who lets his country live lets all things live, and all things living bless him."

Mr. Chairman, let us adopt the resolution before us, unanimously if we can, but, if we cannot adopt it unanimously, let us at least stand up and be counted!

Mr. ADAIR. Mr. Chairman, I rise today in strong support of the House resolution supporting the President's valiant efforts to achieve a just peace in Vietnam.

As members of the committee know, I was one of the original sponsors of this resolution—a bipartisan resolution that in my strong opinion represents the views of the great majority of the American public. This resolution was developed by a bipartisan group of concerned Americans in the House. Contrary to certain allegations, it was not developed as a result of White House participation or pressure.

I am proud that over 300 Members of the House have joined in sponsoring this resolution, the language of which should appeal to all who want peace with justice in Vietnam. This resolution calls for a peace that will enable the people of South Vietnam to choose their own Government by means of free elections open to all South Vietnamese and supervised by an impartial international body, a peace that will discourage so-called wars of liberation by the Communists so that the sons and younger brothers of those fighting in Vietnam will not 2, 3, or 4 years from now be called upon to fight against aggression in another "Vietnam" closer to home.

War is hell, as those of us know who have served in the Armed Forces during a time of armed conflict. It brings devastation to the cities and the countryside, civilians suffer and are victims of the tragedies of war, as has happened in all wars—World War I, World War II, and Korea. So, like other Members of the House, I hate war and I long for peace—a real peace. Let us not forget that there can be a real peace in Vietnam the minute the Communists decide to stop their aggression against the people of South Vietnam. There can be a real peace when the Soviet Union and Communist China decide to stop supplying arms and supplies to North Vietnam.

Yet, despite President Nixon's many concessions and his efforts to negotiate a just peace, we have had no meaningful response from Hanoi. Instead, from all too many sources here in our own country, we have had a call for more initiatives by the President—meaning more concessions to the Communists. Why should Hanoi negotiate if prominent people in our own country say we should make all the concessions? Why should Moscow put pressure on Hanoi to negotiate if they are told by a militant minority that if they just wait a little longer the American people will undercut their own President's efforts for peace?

This resolution, sponsored by an overwhelming majority of the House, makes clear to all the world that our great Nation does in fact support the President's efforts to obtain a just peace in Vietnam. The House, through its action today, should send the message loud and clear to Hanoi and Moscow that the time has come for a positive response to the President's efforts to negotiate a just peace—that the time has come for an end to Communist aggression and killing in Vietnam—that the time has come for a just peace. So that this message may go forth, I urge my colleagues to support the resolution when it comes to a vote.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I commend the gentleman for his work and for the contribution he has made toward an understanding by the Congress and the White House in this matter.

I would like to read three sentences to the gentleman from the debate on the Gulf of Tonkin resolution.

Those three sentences are simply this:

> Mr. Speaker, this resolution neither gives nor takes from the President any authority already delegated to him to act in an emergency or crisis.
>
> Neither is it to declare war and it is in the nature of an after-the-fact sense resolution endorsing an action already taken by the President.

That statement was made by the gentleman from Iowa (Mr. GROSS) during the Gulf of Tonkin debate.

I know what the words of this resolution are saying with the exception of one ambiguous phrase, "just peace." I would like to ask the gentleman in the well to make a specific definition of the term just peace, and further to assure the House that the words of the resolution mean no more than what they say, and that we will not have to look back 5 or 4 years from now, or less, and find out that a statement that this resolution does not authorize the escalation of the war proved not to be true; or that sometime this President or some other President in the future might use it as authority to escalate the war.

Mr. ADAIR. With respect to the gentleman's question as to what just peace might mean, of course, one cannot deal in specifics because one does not know what the circumstances will be at the time peace is reached. But certainly the term "just peace" and that also is very difficult to define in specific terms, gives us a clue that it must be a peace which is equitable to all of the parties involved. That must be a matter of judgment by the President and those negotiating the peace at that time.

With reference to the other question that the gentleman raised, the debate that took place at the time of the so-called Gulf of Tonkin resolution—in reviewing that recently, I find that there was at that time some concern expressed as to the exact meaning of that resolution. But it seems to me we are moving really, or attempting to move, at least in the case of this resolution, in diametrically opposite directions.

In that case we were saying, rather bluntly, that we were supporting the President in the efforts that he took to protect our naval vessels in the Gulf of Tonkin.

In this case we are saying in my opinion, that we are giving support to the President in his efforts to secure peace.

So to my mind, I would say to my friend, the gentleman from Indiana, that these resolutions move in opposite directions.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. JACOBS. Is it the gentleman's opinion that this resolution does not even deal with the question, let alone authorize the stationing of U.S. Armed Forces in South Vietnam until one of two events should occur?

First. The ability of the South Vietnamese regime, militarily, to be victorious in the South; or

Second. The implementation of internationally supervised free elections for all parties in South Vietnam to participate in?

Does the resolution authorize the sta-

tioning of U.S. Armed Forces in Vietnam until one of those two events occurs?

Mr. ADAIR. The resolution does not deal with that subject at all. The matter of stationing Armed Forces, as has been pointed out by previous speakers, the whole idea of many of the cosponsors, possibly all of them, is that we can continue to reduce the number of American troops there. But the resolution is silent upon that point.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman from Indiana (Mr. JACOBS) has asked for someone to tell him what a just peace is, or what sort of peace we envision to be just as we consider this resolution. I think we can take the President's own words and answer the question in a very satisfactory way. Certainly it satisfies me. On November 3, when the President addressed the Nation, he said:

> A nation cannot remain great if it betrays its Allies and lets down its friends. Our defeat and humiliation in South Vietnam without question would promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest. It would not bring peace. It would bring more war.

I want, and I believe the President was saying that he wants a peace in which the United States will not betray our allies or let down our friends. I think the President was saying that a just peace could not come if we, the United States, were defeated and humiliated in South Vietnam. I think the President was saying a just peace was one which would not promote recklessness in the councils of those great powers that still look for conquest and have their goal of world conquest ever before them. And I think the President was saying a just peace was one which would truly bring peace and not more war.

To me that is a satisfactory explanation by the President himself of a just peace, and to me it is a sensible way out.

Mr. ADAIR. I thank the gentleman for his contribution.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield now to the chairman of the committee.

Mr. MORGAN. I hope we do not forget that this is only a House resolution. It does not, and it cannot, give the President any power or authority, nor does it make any commitments. It does not have the force of law, as would a joint resolution. It requires neither the approval of the Senate nor the signature of the President. This, however, does not detract from its timely nature and major importance, because here, in 170 words, in one sentence, it affirms the support of the House of Representatives at a most critical period in the President's efforts to negotiate a just peace in South Vietnam.

Mr. ADAIR. The chairman of the committee certainly states the issue accurately.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

After listening to the definition of a just peace stated by the gentleman from Louisiana (Mr. WAGGONNER), I am still somewhat confused. I wonder if the gentleman from Louisiana would say, after spending 40,000 lives and $100 billion, a just peace would be the result if the elections that are called for here brought about a takeover by the Communists in South Vietnam.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Is the gentleman asking me that if the Communists took over South Vietnam that there would be a just peace?

Mr. WOLFF. Yes; that is, if the people held a free election and the Communists were victorious and took over South Vietnam, would we then have what we have been fighting for?

Mr. WAGGONNER. It seems to me the gentleman is asking a question about something that might happen after we get a just peace.

Mr. WOLFF. In the resolution we call for free elections and say that we will abide by the results of the elections. The resolution specifically states that the United States is willing to abide by the results of such elections.

Mr. WAGGONNER. Would you have us do otherwise?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Ohio.

Mr. HAYS. That is what the resolution says. If free elections indicated that the majority of the people of South Vietnam wanted a Communist government, we would abide by the decision, according to the terms of the resolution. I do not think that would be the outcome. One of the opponents of this resolution in a private conversation said he would not be for free elections because the Vietcong could not win them. Now, if you want us to stand up here and say we are going to rig an election so the Communists win, not at all.

The resolution is not ambiguous. It is as clear as a bell. We want free, supervised elections, not supervised by them, not supervised by us, and we will abide by the results. How much clearer could I make it?

Mr. WOLFF. We have been fighting there to prevent the intrusion of communism into the South.

I am just wondering whether or not we would, as the resolution says, consider that this is the just peace that we have been fighting for.

Mr. HAYS. If the people vote for that, we would; but don't worry, that would be like the Austrians, with about 5 percent voting for the Communists and the other 95 percent voting against them.

Mr. ADAIR. Mr. Chairman, I yield now to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I thank the gentleman for yielding. I was going to ask the same question that was just answered by the gentleman from Ohio, and I presume the gentleman from Indiana would give the same answer, as an author of the resolution.

Mr. ADAIR. I do subscribe to that.

Mr. WALDIE. That if the Communist government is elected, this House will go on record as supporting that?

Mr. ADAIR. I want to make it clear that I do not think for an instant there is a probability of that, but if the people vote for that, we have said we would acquiesce.

Mr. WALDIE. But regardless of the unlikelihood of that occurrence, if that does occur, it is the sentiment of this House with the passage of this resolution that it is an acceptable resolution of the problem in South Vietnam.

Mr. ADAIR. We have said we would abide by the result of an election.

Mr. WALDIE. May I ask the gentleman a further question?

Just last week the South Vietnamese Government imprisoned a number of South Vietnamese because they have been collaborating with the Communists. Do I gather that those people who have been imprisoned by the present Government of South Vietnam for collaborating with the Communists will be permitted to vote in the elections that are proposed by this resolution?

Mr. ADAIR. That is a matter on which I would not want to comment. The qualifications of voters of any country ought to be determined by that country; we ought not to impose our determination of voter qualifications on others.

Mr. WALDIE. That is the core of this resolution. If I understand the wording of the resolution, and the discussion by a previous speaker who was quoting President Thieu, the NLF would be permitted to participate in those elections.

Those are people who are fighting for the Communists, with guns, shooting American men, and they would be permitted to vote in the elections under this resolution. Surely if they are permitted to vote in the elections called for in this resolution, that would mean that dedicated Communists shooting at American men—but not those who are in prison for collaborating with the Communists—would be permitted to participate.

Mr. ADAIR. We may assume that they are imprisoned for sufficient reasons, but in my opinion we cannot, at this distance, be sure about the validity of those reasons. I would be reluctant to impose my judgment upon the Government there.

Mr. WALDIE. May I address this question then to whomever will answer it?

Will the present NLF, who are at present Communists shooting at American men, be permitted to vote in the elections called for in this resolution?

Mr. HAYS. Mr. Chairman, If the gentleman will yield, it would be my assumption that if the ground rules were set up by an impartial neutral group, they would make this decision, and any citizen of South Vietnam who was not in jail would be allowed to vote regardless of whom he shot at or did not shoot at. But I do not want to split hairs about a half dozen people who are in jail, because nobody in the penitentiaries in this country gets to vote in elections in this country.

Mr. WALDIE. But the NLF are Communists shooting at American soldiers, and they will be permitted to vote in the election to determine who will run the country.

Mr. HAYS. Any citizen of South Viet-

nam, as I read the resolution, under the rules laid down by a neutral would be permitted to vote. We let Communists vote in this country, God only knows, and I do not know why we should not let them vote over there.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I think it may have been largely missed by some of those who read the news, that President Thieu himself has declared a willingness to permit any of those members of the NLF, including those who have made war against the government of Saigon, to vote so long as those people agree to abide by the results of the elections in a peaceful way and renounce terror.

It seems to me any government would make that demand.

I am not in a position nor am I sure is the gentleman from Ohio or the gentleman from Indiana, both sponsors of the resolution, to dictate all the precise terms. I think we have said in the resolution what we believe in the House. I do not think any purpose is to be served by our anticipating all sorts of minutiae. However, I do believe that the principle involved of amnesty and of permission to all citizens of South Vietnam—and that by definition includes the Communists who may be citizens—to participate in free elections supervised by an impartial international agency is adequate.

I believe that is sufficient. I believe that is clear. I believe that is fair. I do not see how the gentleman could find fault with it.

Mr. WALDIE. Mr. Chairman, will the gentleman yield further?

Mr. ADAIR. I am sorry, but I have consumed a considerable amount of time and I must conclude.

The House through its action on this resolution should send the message loud and clear to Hanoi and to Moscow that the time has come for a positive response to the President's efforts to negotiate a just peace, that the time has come for an end to Communist aggression and killing in Vietnam. So that this message may go forth, I urge my colleagues to support the resolution when it comes to a vote.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, this is not a stellar day in the history of the House of Representatives.

The distinguished gentleman from Indiana (Mr. ADAIR) said just moments ago that there should be a loud and clear signal from the House of Representatives to peoples around the world that we are united in our support of the President. At this very moment there are about 15 Members of his President's party on the floor listening to this exciting, scintillating debate. There are about 20 or 25 Members of my party on the floor. About 10 percent of the membership of the House of Representatives is listening to and participating in this debate at this moment. This debate will, I expect, culminate in the passage of a resolution, of which no one knows the meaning, and which shall become some kind of a distorted signal around the world that some 350 Members have varying views on a resolution but were perfectly willing to pass it.

During the debate on the rule the minority leader and others suggested that we passed other kinds of resolutions; unilaterally, unknowingly, with no hearings, no debate, by unanimous consent, or by any other kinds of quick action.

This will become known, I suspect, in history as the quick passage resolution. It has 4 hours of debate under a closed rule. And its consideration follows a period of careful preparation by the administration which I must cite.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. GROSS. Mr. Chairman, the gentleman from New York makes a good suggestion. I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 296]

Abbitt	Evins, Tenn.	Mollohan
Anderson, Tenn.	Fallon	Morton
Arends	Fascell	Moss
Ashley	Flood	O'Neal, Ga.
Ayres	Ford, Gerald R.	Patman
Baring	Ford, William D.	Pepper
Barrett	Fulton, Tenn.	Perkins
Bell, Calif.	Gallagher	Podell
Betts	Gettys	Poff
Blackburn	Gibbons	Pollock
Boland	Goldwater	Powell
Bolling	Griffin	Preyer, N.C.
Bow	Hammer-schmidt	Price, Tex.
Brasco	Hanna	Pryor, Ark.
Brooks	Hansen, Wash.	Purcell
Broomfield	Hébert	Quie
Brown, Calif.	Heckler, Mass.	Railsback
Broyhill, N.C.	Horton	Reifel
Button	Hosmer	Rivers
Byrne, Pa.	Jacobs	Roberts
Cabell	Jarman	Rostenkowski
Cahill	Johnson, Pa.	St Germain
Carey	Jones, Ala.	Sandman
Celler	Jones, Tenn.	Saylor
Chisholm	King	Schwengel
Clark	Kirwan	Shipley
Clay	Kuykendall	Sisk
Corbett	Landrum	Smith, Calif.
Cramer	Leggett	Smith, Iowa
Cunningham	Lipscomb	Stephens
Davis, Ga.	Long, La.	Stuckey
Dawson	Long, Md.	Teague, Calif.
Delaney	Lukens	Teague, Tex.
Denney	McCarthy	Thompson, N.J.
Dent	McDonald, Mich.	Tunney
Devine	McMillan	Utt
Diggs	Mathias	Weicker
Dingell	Meskill	Whalley
Edwards, Calif.	Mills	Wilson, Bob
Edwards, La.	Mizell	Wilson, Charles H.
Eilberg		
Esch		

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 613, and finding itself without a quorum, he had directed the roll to be called, when 311 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New York had consumed 1 minute of the 5 minutes yielded to him. The gentleman from New York has 4 minutes remaining.

The Chair recognizes the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, at the time the quorum call proceedings commenced, I noted that on this very urgent and important resolution we had only about 15 members of the President's own party on the floor. I believe, now that time has passed and we have had the benefit of a quorum call, we have about 18 or 19.

I want to review what has happened since November 3 so that we can judge better the meaning of today's debate.

Mr. Chairman, we have witnessed in the 4 weeks since the President's Vietnam speech, an amazing public relations barrage against the opponents of the war. I sometimes think back, with nostalgia, to those days not so long ago, when we were hardly noticed.

After the President spoke to the Nation on every major radio and television network, and with words reported in every major newspaper, the Vice President proceeded to attack these mass media for not supporting the President's plan thoroughly enough.

Then the Justice Department began and executed a systematic attack against those who long before had planned a peaceful demonstration against the war in Washington. Then the Postmaster General used all the prestige of his office to speak out on the war's opponents and their divisive role in America. Next came the Secretary of Transportation, who suggested Communist influence in the planning of the November 15 peace demonstrations.

Today, Members of the House of Representatives find quotations from the North Vietnamese delegation in Paris on their desks, circulated by one of the originators of the resolution we consider today. The quotations show that American opponents of the war—including Members of Congress—"are used to embarrass and harass our U.S. negotiators and to delay progress toward a settlement."

Presumably the answer to this situation is for everyone in Congress to say the same thing about Vietnam. Presumably the thing to be said is that we all support the President.

This concerted and direct attack against the war's opponents and—since the President is increasingly willing to accept the war as his own—against the President's war policy is a most serious development. In its attempt to quiet opposition to the war both on the streets and within the legislative branch, this policy is subversive of the process of democratic government. It attempts to equate quiescence with approval, and silence with harmony.

There is neither approval nor harmony within the country for our present role in Vietnam. And nothing could be more myopic than seeking unanimity where none exists, or should exist.

The President has asked the country—including Congress—to come along with him on Vietnam. If everything

works out, he tells us, this is what will happen:

At some unspecified time in the future, American forces will leave Vietnam;

By the time our forces leave Vietnam, the South Vietnamese will be in full charge of their war effort, at least as far as manpower is concerned;

These events—departure of American troops and their replacement by South Vietnamese soldiers—will convince the Vietcong and their North Vietnamese allies that war does not pay and that elections and other democratic approaches to government should be pursued.

To implement this plan, the President tells us, we should start withdrawing our troops—the process being already underway—on a schedule which will depend on:

Progress in the Paris negotiations;

The level of enemy activity;

Progress of the South Vietnamese training program.

Two of these factors depend on actions of the Vietcong and the North Vietnamese. The third depends on the South Vietnamese. Collectively, these conditions make American policy a prisoner of Vietnamese events indefinitely.

In all military history, I can find no parallel for the President's prescription. Having announced a policy of withdrawal—which is fully justified—the President seeks to control that withdrawal to gain goals which arms could not deliver. What motivation have either the North or South Vietnamese for fulfilling the conditions imposed?

The North Vietnamese know, as every American knows, that this country is fed up to here, as the President might say, with this war. The South Vietnamese Government, propped up by our involvement, has even less incentive to seek an early departure of American troops.

These obvious shortcomings should provoke a vigorous and spirited debate throughout this land. The President, if he is to succeed in his role as a democratic leader, must initiate a thoughtful and constructive debate on Vietnam from which we could all emerge stronger and wiser. But instead his prescription suggests, and precedes, an authoritarian defense of policy which would be distasteful even if we had not already endured nearly 4 years of a similar approach under his predecessor.

If the President on November 3 had frankly and fully discussed our initial involvement in Vietnam, the country might be better prepared for a sensible prescription: Withdrawal of all American forces on a fixed and orderly schedule which is dependent on neither North nor South Vietnamese cooperation. But the President started his story in the middle so that no explanation and no policy based on such explanation, could make sense.

By starting modern Vietnamese history in 1954 with our first economic and military aid, the President ignored the war for independence which the Vietnamese had fought against the French from 1945. That war ended in military victory for the rebels and with the Geneva accord which called for a single country under one government chosen by election. The United States rejected that decision and instead sided with a South Vietnamese government which was the predecessor of the Thieu-Ky government which rules today.

We attempted to step in where the French had failed. It is of greatest regret that we sided with a government under conditions which make our present call for elections and self-determination seem hollow. We pursued this very serious error by supporting a separate South Vietnamese Government and by committing an increasing number of American advisers, troops, and resources.

Our total investment in Vietnam, as we end this decade, is over 45,000 American dead, several hundred thousand other casualties, and well over $100 billion in direct war costs. The damage to our true priorities at home and to our prestige abroad is beyond calculation.

Mr. Chairman, the President needs the guidance and interest of the Congress in what is now our established policy of withdrawal from Vietnam. But there is no way that the President or the legislative branch can make good what is not good. There is no way to make withdrawal seem like a victory.

But there is much merit in an honest analysis of our role in Vietnam so that we can prevent another misguided involvement. The best we in Congress can do toward this analysis is to contribute our political and moral sensibilities to understand both how we arrived in Vietnam and how we can leave most honorably. But we cannot either understand or leave until we admit we erred and until we recognize that no series of Presidential speeches and no number of supporting statements from the Cabinet or from colleagues here can remake history.

And no orchestrated support for the President's policy and no lock-step unity can end the need for constructive debate—on the Vietnam tragedy.

This is indeed a momentous occasion, and one during which I believe every Member of Congress in one way or another should show his view for the administration policy. Naturally, with the constitutional prerogatives we have, each Member shows his own feelings either by his vote or by participation in the debate.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a comment?

Mr. ROSENTHAL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I believe it would be safe to assume that when the voting time comes the Members will be here and will speak loud enough for everybody to hear.

Mr. ROSENTHAL. That is precisely the point I want to make. Indeed they will vote.

They will vote without any hearings by the Foreign Affairs Committee.

They will vote without any opinions by the Secretary of State or any learned outside participants.

They will vote without hearing 90 percent of the debate in which the discussion of this was had.

The point I want to make, Mr. Chairman, is this: Some 300 plus Members of this House will vote for this resolution. I would suspect that if one asked each of them individually—without consultation with their colleagues—to please tell what this resolution means, one would get approximately 299 differences.

We might get three or four in agreement, those of the people who helped draft this resolution with the assistance of the White House.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield for a correction?

Mr. ROSENTHAL. I yield to the gentleman from Texas.

Mr. WRIGHT. The resolution was not drafted with the assistance of the White House.

Mr. ROSENTHAL. Was the White House consulted at any time in these proceedings?

Mr. WRIGHT. In answer to the gentleman, the White House was not consulted except that a copy of the resolution was sent to the White House after it was drafted. The White House made no request for any changes. Not one word in this resolution was suggested by any person at the White House initiative.

Does not the gentleman feel that the Members of this House, after all these many months of agonizing debate and consideration, pretty well know how they feel about this? Does the gentleman feel the Members of the House need any outside help?

Mr. ROSENTHAL. I decline to yield further.

The Members know how they will vote because either of personal convictions or political commitment or deep regard for the future of this country.

The point I want to make is this on this resolution: There will be 300 different interpretations as to what this resolution means. It seems to me the wording of the resolution in and of itself is not particularly offensive. It became offensive to me when it was tied in explicitly to support the President's speech, with which I have considerable differences.

If this were an expression of the House of Representatives after a prolonged discussion and debate in which each Member could satisfy his conscience that he had heard all the experts on the subject, that he had listened to the evidence, that he had weighed the arguments, I would be perfectly satisfied. Then this would be a proper memento in the history of the House of Representatives.

It seems to me a sacrilegious effort for us to vote on a resolution on which no two Members here tonight can tell us what it means. It seems to me beneath the dignity of the House of Representatives.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield? Does the gentleman mean to imply 318 Members who have introduced and who have cosponsored this resolution now under consideration do not know what they introduced? I think that the gentleman is blind to something and certainly questions the integrity and the intelligence of the membership.

Mr. ROSENTHAL. I want to say that our committee, which has had no action for 5 years on the question of American

policy in Southeast Asia, really renders no service to the House if they do not present to the membership some relevant comment, some expert views and the dignity of full and measured consideration of a matter so important to both the country and to our role in the world.

The CHAIRMAN. The time of the gentleman from New York has expired.

(Messrs. WOLD, BROTZMAN, DON H. CLAUSEN, CLEVELAND, and Mrs. MAY (at the request of Mr. ADAIR) were granted permission to extend their remarks as this point in the RECORD.)

Mr. WOLD. Mr. Chairman, I rise in support of House Resolution 613 because I feel the time is long past for the Congress to follow the lead of the Nation in supporting the President's policy in Vietnam.

We have heard compelling statements from every side—hawk and dove, moderate and radical—of the imperative need to end the war in Vietnam on an honorable basis as quickly as possible. What constitutes an honorable basis is argued but I believe the President's policies offer the best solution to the hope of a quick end to the death and bloodshed of Vietnam.

In my opinion, the dissenters, well-intentioned or not, only prolong the agony and frustration of Vietnam. Just how painful is the war is only now beginning to sink into the American consciousness. And whatever the final outcome of the Mylai investigation, it can only focus more sharply the Nation's consciousness of that war.

This then is the reason why it is imperative that the House give as great an expression of support as possible to the President in his efforts to negotiate a just peace in Vietnam.

In his speech last month, the President outlined what steps he has taken to end the war. It is self-evident that the United States has bent every effort to come to an agreement with Hanoi for an end to the War.

There are many reasons for the intransigence of Hanoi but one of the most clear and compelling reasons for their unwillingness to negotiate is their belief that the United States is divided and that they can have victory simply by waiting for it to be handed them by a loud minority of Americans.

Swift and overwhelming passage of this resolution will make clear to Hanoi and to the world that our desire to end the war on a quick and honorable basis crosses party lines and geographic regions. If our will is clear I believe Hanoi will feel that meaningful negotiation is the only way out.

Over 300 Members of this body have cosponsored this resolution. They represent by far the vast majority of Americans. I would hope however, that this body would see fit to pass this resolution unanimously.

There could be no clearer indication of where America stands.

Mr. BROTZMAN. Mr. Chairman, I am pleased to rise in support of the peace with justice in Vietnam resolution. On November 4, 1969, I joined with a majority of the Members of the House in introducing this resolution which affirms our support for the President in his efforts to negotiate a just peace in Vietnam.

The President's November 3 message on Vietnam was a candid, forthright statement to the American people on the situation in Southeast Asia. He stated the extent of our efforts to secure peace, and the cruel result which could be expected from a precipitate withdrawal—but he also gave us hope that there is now a plan to effect our withdrawal.

In addition to thoroughly informing the American people, the President had a special message for Hanoi, and I think that message was clear: the United States will continue to withdraw its troops as long as the tempo of the war continues to decline. This is the heart of the grid plan, which I have advocated since 1967, and which I am convinced will work if given sufficient public support.

If we are to expect Hanoi to take the President's message to heart; if we are to convince Hanoi that the best hope for peace lies in negotiation and not anticipation of a precipitate American withdrawal, I think it is important that we make clear our resolve to support the President in his efforts to secure peace with justice.

Mr. Chairman, this resolution is directed toward peace; it does nothing to broaden the warmaking powers of the President; and it could in no way be considered as another Gulf of Tonkin resolution. Cynics may claim that this resolution will do nothing toward securing peace in Vietnam, however it seems to me that the overwhelming passage of this resolution can help move the Paris negotiations off dead center.

Mr. CLEVELAND. Mr. Chairman, as one of the original sponsors of the resolution expressing our support of the President's efforts to achieve peace with justice in Vietnam. I paid tribute—pages 34082–34083 of the RECORD of November 13—to the leadership of the gentleman from Texas (Mr. WRIGHT) and I repeat that tribute now. In a spirit of true Americanism, wholly bipartisan, this distinguished Democrat helped initiate and lead this soon to be successful effort to support a Republican President in his efforts to end a terrible war.

His efforts underscore once more that Americans unite and band together without regard to partisan politics when the whole Nation is gravely concerned. We will continue to work together for the general good of this Nation and to support our President who is working so tirelessly in the same bipartisan way for true peace with true justice.

Mrs. MAY. Mr. Chairman, I rise in earnest support of House Resolution 613.

There has never been any doubt in my mind that the people of the United States are unified in desiring peace in Southeast Asia. There has never been any doubt in my mind that, with the exception of what might be termed a vociferous minority, the people of the United States are unified behind the President in his efforts to bring about a just peace through negotiations at the conference table.

I am a cosponsor of this resolution, toward peace with justice in Vietnam, because this is a way in which I can stand with my colleagues to demonstrate the basic unity of purpose in the United States. I further believe that the strong approval of this resolution by the House of Representatives should prove to Hanoi's leaders that their refusal to negotiate is prolonging the war and that any further lack of positive action on their part will gain them nothing.

I am both glad and proud to stand with my colleagues today and to make this declaration: We in the United States are not divided; we are united in support of the basic position expressed by President Nixon on Vietnam. I am hopeful that Hanoi is listening.

Mr. HAYS. Mr. Chairman, I yield such time as he may use to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, the last resolution passed by this House concerning Vietnam was the Tonkin Gulf resolution on August 7, 1964. The vote was 416 to 0. I was not a Member of the House at that time, but if I had been so privileged, the probabilities are that I, ilke those Members then here, would have voted in favor of the resolution too. The urgings were the same—rally around the President—trust him.

Very few foresaw the extent to which that resolution would be used by the executive branch to escalate U.S. involvement in Vietnam. Surely, we can agree that the congressional intent in August of 1964 was not to involve this country in a major land war in Asia—and that in support of a corrupt, undemocratic regime, itself involved in a civil war.

Now, 5 years later—after the death of more than 40,000 American men and the expenditure of more than 100 billion tax dollars—this House has another resolution concerning Vietnam.

This resolution, like the last, is intended to support the President. This resolution, like the last, has imprecise and inoffensive language that gives it the color of bipartisan support. This resolution, like the last, is hurriedly debated. We are denied the right to change a single word or add language which would reflect what some of us believe is the desire of millions of our fellow citizens, namely the immediate termination of the bloodletting with a call for a cease-fire. And this resolution, like the last, will undoubtedly be passed by overwhelming vote.

I, too, will wholeheartedly support any action of the President to end the killing in Vietnam and to withdraw American troops. But like the President, I was elected last November to use my best efforts and office in bringing an end to the war in Vietnam. I will not abdicate my legislative responsibility and defer to the President's secret plans and timetables. When, in my judgment, his actions deserve support, I will support them unhesitatingly; however, when in that same judgment, I do not agree, I will speak out in opposition to those actions or lack of action.

Whatever opinion one has now about our involvement in Vietnam and I believe we should never have become involved in that internecine slaughter—the precedent and consequences of the Tonkin Gulf resolution obviously calls

into question the wisdom of passing this resolution. The passage of this resolution will only further polarize this Nation already so divided—and does nothing to further the cause of peace. It is action on the part of the President not resolutions of endorsement by this Congress that will end the war in Vietnam or at least terminate our involvment in that war.

The constitutional obligations of this House are to the American people and on the issues of war and peace that obligation will be best fulfilled by maintaining our independence and the right and indeed the duty to constructively criticize the actions of the Chief Executive and reserve ever to ourselves to determine what funds for the prosecution of this war should or should not be appropriated. Congress would be exercising its duty most effectively if it denied the Pentagon the billions it annually requires for the continued prosecution of this war.

Hindsight is 20/20. With that hindsight now available there are, I am certain, Members of this House who, had they to do it over, would never again vote for the Tonkin Gulf resolution and view their past action now with regret. I do not intend to view with similar regret my action today and I will therefore not vote the President a blank check to be filled in as he deems fit. For these reasons, I shall cast a nay vote on this resolution.

Mr. HAYS. Mr. Chairman, I yield such time as he may use to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I rise in support of House Resolution 613. It was my privilege to be one of the 100 original sponsors of this resolution—50 Democrats and 50 Republicans—pledging support to the President as he seeks a just and honorable peace in Vietnam.

The purpose of the resolution is to strengthen the President's hand in Paris by showing strong unified support. It should serve to escalate the peace efforts and to hasten the war's end. The fact that 318 of the Members of the House have now joined in the resolution does show strong bipartisan and unified support.

We have all been disturbed by the war in Vietnam, with its heartbreaking casualty list. The American people want peace, not surrender, not defeat, because such would lay the groundwork for further Communist aggression and perhaps world war III. They want a just peace. They want a peace that will last and that will insure that future young Americans will not be called upon to fight a strengthened international Communist army closer to our own shores. It has been my thinking down through the years that this war should be turned over to the military authorities with instructions to take such action as necessary to win, short of the use of atomic weapons.

It is apparent now that these efforts are not being made and are not going to be made. This being the case, I believe that we should support the President in his program to gradually withdraw American troops and put the South Vietnamese Army in position to defend its homeland. We have only one President at a time, and he must be our leader. I gave similar assurances of support to President Johnson.

Millions of people today are looking to America for leadership sufficient to stop communism, preserve freedom, and secure world peace.

To achieve these objectives, we must promote the strongest possible program of national defense, we must work for peace, but from a position of strength. It is the irony of our times that the preservation of peace is dependent upon the preparation of war. I believe that our safest road to peace is to become and to remain so strong militarily that the Communists will know that they will lose any war, conventional or nuclear, that they start.

During the last half century we have learned in tragic fashion that men cannot afford to fight and then forget about new challenges to peace and freedom. Freedom is never permanently secure. Each generation must make its own contribution.

Before World War II we, the nations of the free world, stood by while Italy took Ethiopia and while Hitler took Austria and Czechoslovakia and Poland. We learned that appeasement and inaction in the face of aggression leads to a world war.

It was with this lesson in mind that President Harry Truman took a firm stand in Korea and that our country has stated that the Communists of North Vietnam shall not take South Vietnam by force.

(Mr. HANNA (at the request of Mr. HAYS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. HANNA. Mr. Chairman, as a prolog to my remarks I should like to proclaim clearly, sincerely, and thoroughly I am for peace and against war. By training and instinct I have always entertained an aversion to violence and I earlier concluded that war is the least intelligent form and most destructive mode of violence. I never let my honest and sincere feelings of patriotism for my country include a romantic or heroic assessment of war. My own experience as a member of an evacuation squadron operating in the Pacific undergirded by experience my original aversions. Carrying wounded marines from the beaches of invasions of the Gilbert islands, the Marshalls, Saipan, and Iwo Jima, as well as in the assaults to recapture the Philippines gave a grim and realistic reading of the toll of arms and legs and lives that some of our finest young men gave in those conflicts. Not a pretty sight and not a pleasant memory. If the question is one simply of peace as against war put me on the side of peace.

Unfortunately, as much as that may be a part of the Vietnam question for some it is not the question for this body. The complex question we must examine is what to do given the existing circumstances about our involvement in Vietnam and our presence in the Pacific. This is not a question Members of Congress can approach abstractly. It is not one we can approach disregarding harsh realities impressed by the attitudes, the actions and the aims of others.

It strikes me that given the complexity of the question, a closed rule on the subject is a cruel hoax. Remember no less than four Presidents with all the powers their office could summon have agonized over this involvement. If it was a single matter would it not now be resolved? Analysis has been done by volumes and it affords a variety of views and approaches. The President, the press, and the peace demonstrators have each managed to reduce the Vietnam issue to its simplest and most emotional components. This in turn has generated an increasing polarization.

The President is for peace but he does not intend to preside over an American defeat. President Nixon announces he has his own time schedule for withdrawal of troops and Vietnamization of the war. He refers vaguely to international "realities" reminiscent of the Dulles stance in the early 1950's.

The demonstrators take a dogmatic adversary approach. Their answer is simply to withdraw at once all troops and effect instant disengagement. The media reflecting the debate reports to the people only a narrow band of alternatives and a very sparse development of the complexities that restrict our choices and dictate the unappetizing side effects of our choice.

If our long range interests in Southeast Asia are to be served the present dangerously divisive debate must be deescalated. I cannot say that the Nixon administration has shown in the statements of the Vice President, the Attorney General, or several other assorted spokesmen any impressive ability in this direction. Where there is heat, we should provide light. Commonsense rather than complicated logic would help. Let us see if we can unwrap this involved package one layer at a time.

The Vietnam conflict can best be described as a war within a war within a war. Look at the three-leveled monster one level at a time. First, in Southeast Asia as in Europe we have had a continuing confrontation between the contesting great powers, that is, the Chinese and Soviet powers of Communist East and the American power of the Western non-Communists. This confrontation predated Vietnam and will antedate it in all probability. In Vietnam we are reliving the unhappy experience of the Spanish Civil War where the confrontation between Fascist Germany and Communist Russia intervened and intensified and magnified the brutality of what would have been an internal agony between factions of Spanish citizens.

Events as they shaped up following the disruptions of World War II and the revolutionizing drive of communism dictated our "presence" in Southeast Asia for stability and for a balance of power. This provided the confrontation stance which was an easy translation from our European postwar experience. Second, the Hanoi centered North Vietnamese following an arduous and unnatural separation affected by an internationally determined stabilizing division of the country, opted to intervene in a smaller "civil war" in the south which pitted the Vietcong against the established government in Saigon. Now

not only did Hanoi get involved but it cleverly involved the Chinese and Russian super powers on the plea, I am sure, that our State Department already had its fingerprints showing in Saigon. Third, the bottom layer, of course, was the originally rather limited conflict between the two weak elements within South Vietnam. Absent the involvement of China and Russia via Hanoi and the United States via Saigon this would have been resolved long ago or would have persisted at a level and in a climate which would have interested very few outside that unhappy domain. The super powers by their involvement have brutilized and extended this little conflict to unimaginable proportions.

Our problem then is this: Our interests are at stake in the confrontation in Southeast Asia. The present and future require our presence to work out constructive involvements without a power vacuum which would invite revolutionary exploitation by remaining powers without any regard for constructive involvement—U.S. interests in a Hanoi-Saigon confrontation is questionable if we could affect a disengagement of the other super powers. This question is appropriately one for the international body that determined the division in the first place. Finally, the United States should have no interest and pursue no involvement in the civil disputes arising between factions within a given country. History provides that ironic circumstance in Spain where the Facists supported the winning faction of Franco only to see Spain join the allies against Hitler in World War II. There is no profit in projecting one's self into a family dispute. This is a truism each of us could find example for in our own experience.

Now let us examine what the President appears to be saying about unwinding this three-leveled conflict. First he made clear that he believes the total confrontation in Vietnam is very much a part of our national interest. Since he does not distinguish the three levels of our involvement one is left to conclude he believes our interests extend equally at all three levels. Second, he has assured Saigon and the Theiu government that logistical troops and military assistance will be provided over an indefinite period of time. Third, a diplomatic solution will be deemphasized because Hanoi refuses to get down to our definition of serious negotiations. Finally, a difficult to predict Vietnamization of the war. All this appears to be a solution styled in a Dulles architectural model for Korea with a resultant indefinite period for x number of American military personnel to be kept in the country.

The President's outline raises some important questions. First, what is the best projection as to the number of troops that will indefinitely be stationed in Vietnam. Korea now has 50,000 U.S. fighting men and support personnel. Second, based on our experience in Korea what is the best estimate for continuing costs for Vietnam assuming a best obtainable level of Vietnamization. Third, is our military interest just in Vietnam or does it extend to all or other mini-states of the Indochina Peninsula? Fourth, will the troops remaining in South Vietnam and South Korea require a future massive intervention if their northern neighbors choose to wind up the level of conflict once more? If not, what is our proposed response stance to be? These questions point out that the United States is running the risk of placing its policy at risk to the mini-state diplomacy of the area. They point up as well that we desperately need some clearer articulation of intentions in terms of the political and economic stability of the area to which our country and its resources are committed.

I submit that an adversary stance predicated on anticommunism will not do. This puts us in jeopardy with the follies and foibles of any regime in these countries which will bargain their questionable allegiance for our involvement in a narrow power base interest. We should be in a grander role than that of the cat who pulls the monkey's chestnuts from the fire. Our requirements for "limited support" should rest on a demonstrated ability and an active commitment to solving the problems of the country and the people. The President should reconsider an alternative he has chosen to de-emphasize. I refer to the American presence which pursues what Eugene Black has called "programed development."

We need this new and constructive thrust in our policy for Southeast Asia and our disengagement from the adversary confrontation based on anticommunism must be phased with a positive movement for competitive and cooperative development in the area. Vietnam could be a cornerstone in this thrust. Within its borders lies a large portion of the Mekong River Valley and its rich delta. An area admirably suited to a program for development and much of the preliminary work is already accomplished. This policy should rest on three principles:

First, a shift from a current policy of "crisis management" and clumsy reactions to an adversary power to a new policy of development assistance in programed projects with provable problem solving potentials.

Second, this policy should invite, encourage, and induce multi-international participation and cooperative involvement by neighboring countries.

Third, increasingly important constructive roles particularly at present for Japan and ultimately for an emerging China.

Such a new emphasis is designed to serve our long-range goals rather than to ameliorate short-term expediencies. It can be developed in the language of economics which is far better understood and is less dangerously emotional than anticommunism. Our goals in Southeast Asia should include: military disengagement from all nations but a firm military stance in our own jurisdictions in the area; reduction of tensions; increase in economic growth; political stability resting ultimately on a satisfactory performance of the government rather than its military controls; increasingly important roles for Asian powers in the area and finally the United States in the role of a partner of Pacific development not the policeman for Asian confrontation.

The President has said we are getting out of Vietnam but he has not said how much or where else we are going in our continuing presence in that area. These are the matters we should fully discuss. It is not as simple as "Peace Versus War" or "Support the President" or "Unify America." Our task is tougher. Where are we now? Where should we be? How do we get there from here? This is what the American people are literally dying to know—and we are faced with a "closed rule."

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I consider it significant and reassuring that this House, created under a Constitution which encourages freedom of expression, should openly examine its conscience in the tortuous controversy surrounding our Nation's participation in efforts to insure freedom of choice for the people of South Vietnam. Significant because at a time when that freedom of expression is being exercised in the form of widespread demonstrations of dissent against our present policy, and at a time when these demonstrations, notably the mobilization of November 15, are fresh upon the minds of Americans and also upon the minds of untold millions throughout both the free choice and one choice worlds, we deliberately openly examine, rather than suppress, the merits of that dissent; and reassuring because this congressional examination, open to all the world, is testimony to the fact that a free people develop the moral fiber and stamina to be strong enough to continue to encourage those basic conditions which make dissent possible. Also reassuring because this action is evidence that there is existing, in the United States of America, a basic moral commitment to individual freedom and to the dignity and worth of the individual human spirit which makes it right for free men to offer their lives in defense of the honest efforts of a country so committed.

The resolution before us today supports this administration's policy in Vietnam, and efforts to achieve peace. It makes no reference to the circumstances which involved us in the first place. It makes no reference to the mechanics or mathematics of withdrawal yet current history is very clear that withdrawal is our goal. That being our goal, there are today, three principal alternatives which are advanced. Most publicized leaders of the mobilization on November 15 proposed immediate withdrawal consistent with logistical practicality. Others have proposed withdrawal tied to the specifics of an advertised timetable. The President has announced reduction of troops in Vietnam accompanied by Vietnamization of the war and withdrawal accompanied by agreement by North Vietnam to agree to free elections in the South under supervision of an international body with the proviso that all parties would agree to abide by such results. This resolution endorses this alternative proposed and adopted by the President, in preference to the other two.

There is little attraction to outright and immediate withdrawal, and to that alternative we are now in December

1969, really seriously turning our attention. The main source of strength for this proposal today is the report that the brutality and bestiality of war has resulted in American servicemen being guilty of the indiscriminate killing of women and children in Mylai. At this time we do not know what all the evidence will reveal. But this I believe. War is brutal. It is bestial. It may cause the individual aberrations now charged, but it will never become our Nation's policy. With Secretary Melvin Laird, I feel shocked and sickened at the reports. But this I also believe. This Nation is committed irrevocably to peace, and in the pursuit of that commitment we must face the realities of securing that peace by refusing to surrender to an aggressor so fully committed today to the doctrine of force rather than free choice.

There is, however, an attraction to the concept of withdrawal according to a timetable. It puts South Vietnam on clear notice. It presumably allows us to shift our gears and to plan ahead on a new schedule of priorities. It is meant to clear our conscience that we are not walking out on the job without giving our partner time to try to get his affairs in order. And we would make a handsome financial concession to take the edge off our going. These are obvious and attractive pluses. But to shift to another metaphor, we would be giving the opposing side our signals, and not only our signals but our entire game plan. Under such circumstances, not only would it be virtually impossible for us to make a score, it would be some sort of a miracle if we even made a first down.

My support of the position indorsed by the President does not rely too heavily on the concept of a continuing commitment. Based simply on a contractual commitment under the SEATO language, I as one individual think it could be said now in December 1969, that we have honored that commitment and would be justified in withdrawal. For more than 5 years we have paid dearly in blood and treasure and other parties to the contract have not performed in equal measure. Who is there, including the people of South Vietnam who could say we have not met our commitment to others? But now we also have a commitment to ourselves, to our own casualties, to our own investment and to our own dedication to help to make a better world where the flames of human freedom will not be smothered by aggression.

Pertinent to our decision in Vietnam is our experience in Korea. There are those who say our efforts in Korea ended in failure. I believe those of you who have been to Korea would not agree. The Republic of Korea is a rapidly developing society of free people, a strong ally of the United States and the conditions which helped make this possible were created by the sacrifices of the people of the United States. While I do not subscribe to a step by step, premeditated and planned domino theory, it is my belief that if we submit to surrender in South Vietnam, our successes in Korea will be exposed to new and withering attack as the free people of the Republic of Korea are pressed under accelerated aggression from the North.

What would then be true in Korea would be reflected throughout Southeast Asia and throughout the world.

It is said we cannot be policeman for the world, and I agree. Yet there are countless millions of freedom-loving people who need encouragement in being their own policeman against aggression, and in an age when men walk on the moon, we cannot, as a civilized Nation, be an island unto ourselves.

This resolution calls upon Hanoi to bargain in good faith. The negotiations in Paris have been fruitless, at least according to most surface indications. There has been no encouraging bargaining. There has been only the ultimatum from Hanoi that we must first withdraw from South Vietnam and leave the people of that country without support. The President has not submitted to that ultimatum and this resolution, an indication of the will of the people of the United States, supports his resolve.

Mr. Chairman, last week from the small city of Cedar City in my Second Utah Congressional District, I received on a roll of plain butcher paper the names of more than 3,000 citizens of that community, pledging support of our President following his address of November 3. This was no door-to-door solicitation. The citizens came voluntarily to a downtown location and in 3½ days, more than 70 percent of those of high school age and older came to sign this scroll which it was my honor to present at the White House. And so in declaring today not only my own support of the President's policy in Vietnam as evidenced by the resolution before us, I am certain that from my mail, from my meetings and conversations and from the voluntary outpouring of the citizens, I also speak the will of the clear majority of the citizens of my District, in urging support of this resolution.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I rise to urge prompt and overwhelming adoption of the resolution now before the House.

As is well known, this resolution is a strong bipartisan expression of support for President Nixon's policies for ending the war in Vietnam. Policies espoused by former Presidents Eisenhower, Kennedy, and Johnson. Their efforts included frequent and repeated diplomatic initiatives to bring the Vietnam war to a just and honorable conclusion.

It numbers among its sponsors and cosponsors, both Democrat and Republicans. It was supported in the House Foreign Affairs Committee by members of both parties.

Thus, this resolution is a continuation of the tradition of bipartisanship which has guided our Nation's foreign policy since the end of World War II.

We in Congress may have vastly differing views on matters of domestic policy, but—in general—differences stop at the water's edge. In the international conduct of our foreign policy, a united front has been our strength.

In a time of war, as this time is, the need for such unity is even greater. We have seen how the enemy in Vietnam has consistently tried to exploit the internal dissents which have arisen in our country over the conduct of the conflict.

The adoption of this resolution will show Hanoi that such tactics go only so far—and no further.

The essential consensus of the American people that the war in Vietnam must be ended honorably has not been fractured. Our people stand united against suggestions to "cut and run."

This belief of the American people is given expression in the words of the resolution before the House today.

It is a statement of solidarity to the enemy in Vietnam and to the world, of solidarity behind our Chief Executive as he seeks to forge a just and lasting peace in Southeast Asia.

The resolution, when adopted, will declare to our friends and foes alike that despite internal differences, despite differing points of view on specific issues in the Vietnam conflict, despite differences in party labels, we in the House of Representatives are firmly behind the moves toward peace being undertaken by President Nixon.

Critics have attacked this resolution as giving the President "a blank check" to work his will. It does not. In fact, the resolution is specific in its intent, "that the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam."

It declares that the people of South Vietnam are entitled to choose their own Government by means of free elections of all South Vietnamese.

Are the critics opposed to free elections?

The resolution further declares that the elections should be supervised by an impartial international body, possibly the United Nations.

Are the critics quarreling about impartial supervision of the elections?

Further, the resolution expresses the willingness of the United States to abide by the results of free and supervised elections.

Are the critics implying that the United States would not—or should not—abide by the results of free elections?

Truly, Mr. Chairman, it is difficult to know what the concern and shouting about this resolution is all about. It says what it means and means what it says.

It gives no authority to the President to escalate the conflict by reintroducing numbers of troops or by resuming the bombing of North Vietnam.

No. It specifically declares that the issues in controversy be resolved peacefully, not through continued war and bloodshed.

We are clear in our desire for a peaceful solution in Vietnam. It is the other side which requires convincing.

It is North Vietnam and its leaders who have continued to infiltrate their troops into South Vietnam;

It is North Vietnam and its leaders who have continued the terror raids on cities and civilian populations;

It is North Vietnam which refuses to discuss peace terms with the United States and our allies at the Paris conference.

We know that, in some ways at least, the masters of Hanoi are conscious of

and sensitive to American public opinion. By passing this resolution today, we give them strong indication that despite the street demonstrations, despite the campus unrest, despite the antics of a few hard-core dissidents like the Weathermen and the Yippies—despite them, the American center is holding firm to a just and honorable peace in Vietnam.

That is what this resolution today represents—and no more.

I am hopeful that Hanoi, seeing the unity which will be displayed on the floor of the House of Representatives today, will review their policies of obstruction and intransigence and begin to negotiate in earnest an end to the conflict.

As a first sign of their good faith, I fervently hope that they will make a humanitarian gesture with regard to the American prisoners of war now in their possession.

As you know, Mr. Chairman, the Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, recently held hearings on resolutions introduced into the House calling on the North Vietnamese and the National Liberation Front to abide by the 1949 Geneva Convention on the treatment of prisoners—a treaty which Hanoi signed in 1957.

To date, the masters of Hanoi have flouted virtually every provision of that convention. The plight of our prisoners and of their loved ones here at home is indeed a heart-rending one.

I urge my colleagues to read the hearings and report on the POW resolution. Members of Congress, representatives of the executive branch, the Red Cross, and others have contributed ample evidence of Hanoi's refusal to abide by international law regarding prisoner treatment.

I am hopeful that the resolution on prisoners of war which was reported by the subcommittee will be approved by the House Foreign Affairs Committee and will be adopted by the House before the Christmas holidays.

Today, however, I urge North Vietnam and the National Liberation Front to act now in easing the burden of the families of those American servicemen missing in action by releasing a list of those men whom they have in their possession.

This is the very least which Hanoi can do to ameliorate the suffering which the current situation is inflicting on the innocent, on the wives and children and parents who daily wait word of their loved ones.

The continuing failure of North Vietnam and the National Liberation Front to make available such a list is a reminder to all of the attitude and lack of humane outlook of the enemy.

Hanoi is determined to remain utterly hostile and obdurate on every issue in this conflict, hoping that eventually the United States will precipitiously pull out and leave the whole of the Indo-China Peninsula to the Communists.

The resolution we are considering today makes it very clear that we stand united against hasty withdrawal and for a peaceful resolution of the conflict on a just and honorable basis. The next step is up to the other side.

Some sincere action on the part of Hanoi, long overdue, can indeed lead to an end of the conflict. Such action on the part of Hanoi, I submit, will be prompted by an overwhelming vote of support for this resolution.

(Mrs. GREEN of Oregon (at the request of Mr. HAYS) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. GREEN of Oregon. Mr. Chairman, in rising to voice my support for the resolution voicing approval by this House "for the President in his efforts to negotiate a just peace in Vietnam," I do so after long consideration of its importance to the Nation and of its significance to me.

The circumstances are markedly changed from that day in May of 1965 when I joined with six other colleagues in voting against a supplemental appropriations bill for the military which—the White House had let it be known—was a positive vote in support and would be accepted by the then Chief Executive as an endorsement of his escalatory policy in Vietnam which was then gaining its full momentum. This was referred to as a "Little Gulf of Tonkin Resolution," if you will, for approval by this House. It seemed to me then that the intent of that bill was clearly for widening the war. It seems to me that the intent of this resolution is to be an expression for de-escalating the violence as rapidly as possible, a sentiment that I am pleased to note is gathering more momentum day by day.

Just as I could not back in May of 1965 vote in good conscience for what had been requested, I cannot today in good conscience deny my warmest support to this resolution supporting peace efforts. The fact that the White House has let it be known that this resolution has found favor with the President makes me suspicious not at all. In its straightforward language espousing peace, the fact that the President of the United States gives his endorsement demands all the more my prompt response in kind, and I am pleased to give it willingly, and wholeheartedly.

If I must go outside the simple language of the resolution and read hidden motives and intent, my reading of the signs of the times coupled with the undeniable political astuteness of President Nixon convinces me that he recognizes the absolute necessity of winding up our tragic involvement in this pitiless war as soon as possible—or face certain defeat at the polls in 1972, and again I am pleased to dispense with merely partisan concerns and give my unhesitating support to this resolution.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I rise in support of House Resolution 613, which would put the House of Representatives of the United States on record as affirming "support for the President in his efforts to negotiate a just peace in Vietnam."

This resolution points toward a goal, not toward a personality. Let us be clear about that. This is not an endorsement of one particular President's policies, or the condemnation of another's. This is a plain, simple statement of what every American wants and what must be the preeminent task of our national leadership—a just peace in Vietnam.

Let us not get tangled up in the politics of the situation. Whether you like Mr. Nixon or not, whether you support or oppose his views on health, welfare, and employment, whether you vote for or against the measures he recommends, remember he is our President. He holds the office, and he holds the responsibility for bringing this war to an honorable end. In our political system there is only one President, and that is where, as Harry Truman used to say, "the buck stops."

This House of Congress, under the Constitution, has high and solemn responsibilities. In conjunction with the other body it raises the revenues, authorizes the programs, enacts the appropriations to carry out the necessary purposes of government. But this House, despite the eagerness and ambitions of some of its Members, cannot go out and negotiate a peace with North Vietnam. That is an executive function, that is the President's responsibility, and the least we can do is give the President our support and our prayers for the success of his efforts to achieve an honorable peace.

I say, give the President a chance. Give him your support. Do the right thing and the sensible thing. It takes two sides to negotiate. And if the other side refuses, we cannot simply surrender without risking massive slaughter of South Vietnamese citizens. Withdrawal must be carefully planned and timed to the changing war situation and the developing capabilities of the South Vietnamese forces to protect themselves against Communist slaughter.

There is time enough, and opportunity enough, if the President does not measure up to expectations, to register the attitude of this House. There will be authorization bills and appropriations bills and other legislation involving Vietnam. This resolution enacts no law, commits no funds, changes no basic policy, it is merely a statement of moral support toward a just peace. It stands for agreement on the end we seek, not necessarily on every particular means to achieve it.

The resolution is simple enough in its wording, but that does not diminish its importance.

The people are confused and divided. Shall we add to the confusion and widen the division by refusing to stand behind the President as he grapples with the momentous problems of orderly withdrawal and disengagement from Vietnam? Shall we be irresponsible? Or shall we let the Nation and the world know that our Government, at least, is united in this aim, dedicated to the pursuit of peace with honor and justice?

House Resolution 613 is a resolution of support for the President for "his efforts to negotiate a just peace in Vietnam," not for everything the President says or does on the domestic or international scene. With that goal there should be no quarrel. Now the resolution has some other expressions associated with

the goal of a just peace. Let us look at them one by one.

It "expresses the earnest hope of the people of the United States for such a peace." Again, there should be no quarrel with that. The American people are for peace and a just peace.

It "calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam." Surely these overtures have been made—by every President who was involved, by every means public and private. As President Johnson said in his historic address of March 31, 1968:

> For years, representatives of our Government and others have traveled the world—seeking to find a basis for peace talks.

The adversary challenges our good faith, but history will record that the United States sought long and earnestly to reach out to Hanoi, pleading for a meaningful response, working so that both sides could sit down together and come to a meeting of the minds.

The resolution "approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections." We can agree with that statement. It bespeaks confidence in the outcome of elections that are free. We will take our chance on fair ballots in place of hard bullets.

Finally, the resolution "supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and abide by such results and to allow the issues in controversy to be peacefully resolved in order that the war may be ended and peace may be restored in Southeast Asia." This statement is related to the preceding one. There would be no point in an election unless North Vietnam agreed to accept the results. We are willing to take our chances on the outcome of free elections, Saigon is pledged to the same, but what about Hanoi? Their faith is in force not in the free and peaceful exercise of the vote.

Today, the majority of people in South Vietnam do not want to be under a Communist regime. They are fighting against Communist domination, and we are helping them. It was always understood, and mutually declared by the two Governments, by President Thieu and Johnson at the Honolulu conference and elsewhere, that we would withdraw as the South Vietnamese gained enough strength to take over the job of defending their own country. The President has stated that the war has reached a stage where withdrawals can be affected. President Nixon is trying to carry out a policy of orderly withdrawal, as any responsible President would.

President Nixon is advocating the same principles which were followed by President Johnson. Those principles were:

First, continued formal negotiations and informal contacts with representatives of Hanoi to obtain an honorable peace;

Second, military activity based on a scale proportionate to the aggressive military action of the North Vietnamese against the South Vietnamese;

Third, training of South Vietnamese citizens for their own self-defense—the so-called Vietnamization program;

Fourth, deescalation of the war through cessation of bombing and prohibition against invasion of U.S. forces north of the DMZ line; and

Fifth, free elections without coercion from any source within or without South Vietnam.

These principles are just and in accord with our goal for an honorable peace. Let us speak reason. Let us have understanding and sympathy. Let us enact House Resolution 613.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. MILLER of California. Mr. Chairman, I want to congratulate the gentleman on his very statesmanlike statement and I would like to associate myself with him.

Mr. HOLIFIELD. I thank my colleague.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. OTTINGER. Does the gentleman interpret the resolution as supporting the President in whatever he may do in the name of peace?

Mr. HOLIFIELD. I do not. I have given my interpretation of it in the words I have said.

I recognize that lawyers can quibble over the meaning of words, and I have already had some approach me and quibble with me on the meaning of the words. I have told what I believe this resolution means and the reason I am supporting it. I see nothing in this resolution that any person who will study it cannot support. If he does see something, then he should vote against it.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, can a Democratic Congressman tender his support for a Republican President of the United States without fear of invective? Can a Democratic Congressman back the foreign policies of the United States without fear of discrimination or retaliation? These questions seems to be at the crux of today's Vietnam debate.

I say a loyal, lifelong Democrat can offer support to his President. I say that the conduct of foreign policy, which falls principally in the domain of the President, has historically merited bipartisan support. History has proven it imprudent for Americans to try and legislate their foreign policy. This, in no way, represents a Democrat giving a Republican President a blank check, as some have charged. Nor does it frustrate those who would dissent from this view. For dissent is one of this Nation's most priceless values.

The confrontation, conflict and varying degrees of civil strife, evident in this country for some time over racial and economic issues, has today polarized around a single issue—Vietnam.

And this polarization, unfortunately, will continue so long as the war in that narrow, crescent-shaped strip of Southeast Asian land continues.

Everyone wants peace—the President, the Congress, the students, the parents, the teachers, the silent majority and the vocal minority—everyone, that is, except the Communists. Peace has been kicked around almost as much as the weather. Everyone talks about it, but.

A lot of people also talk about morality in war. They also jabber about why we are there and why we should get out—and when. Trillions of words have been spewed forth on both sides, until they fall at last on mute ears.

Yes, Mr. Chairman, the reasons have been overstated, pounded home by four Presidents. But with all this eloquence, the swords have yet to be turned into plowshares.

Were I to reiterate the reasons for our involvement, I would merely be playing an old saw. As I said earlier, actions of the past no longer fit present reality. In the new phraseology: It is a whole new ballgame. Where do we go from here?

How do we stop the killing of another American boy—your husband, your son? When will Asian boys fight Asian boy's wars?

Today I join 318 of my colleagues in the House of Representatives in signing this bipartisan resolution supporting the President of the United States "in his efforts to negotiate a just peace in Vietnam."

The resolution expressed the earnest hope of the American people for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, and approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own Government by means of free elections.

I firmly believe that the best interests of the United States require an early and honorable end to the war. I firmly believe that the most expeditious way to end that war is to support the President of the United States. I firmly believe that he is doing everything humanly possible to bring about a peace with justice. He can succeed with our support; without it, he cannot.

In an age of polarization by race, age, economic circumstances and political philosophy, Vietnam has become the catalyst, the big issue fetish. This polarization will continue and intensify so long as we permit the war to divide us. Solutions to any single issue will not be achieved unless there is unity in our quest for peace in Southeast Asia.

The United States is in Vietnam in the name of peace. A recent Presidential speech on the war used the word 39 times. So at least we have some seeds of unity there. And what the United States needs now is unity, not unanimity. We do not need peace at any price. Yet, how often have we heard that it takes two to make peace?

Repeatedly, in harsh, unyielding terms,

Hanoi has steadfastly repudiated every overture for peace—from bombing halts to Paris palaces. Ironically, some of these are the very overtures that were advocated by war protestors in this country—not the enemy—and which were adopted and tried by Presidents Johnson and Nixon.

Can there really be any serious debate about our desire to negotiate a just solution to a dirty, tough, mean guerrilla war? Dozens and dozens of suggestions have been made to Hanoi through all sorts of channels, with all sorts of formula, and Hanoi has categorically rejected all of them. We are all exhausted by rehashes of these efforts, so I will not review them here.

Neither will I rehash the more virulent attacks against the sincere desires for peace of some of the peace groups. But it is not relevant that on the day the latest demonstrations began last month, North Vietnam made plain that it is counting on growing protests in the United States to speed the end of the Vietnam war on Hanoi's terms. What could be plainer than the statement made by the North Vietnamese Ambassador as the Paris talkathon then rolled into its 43d week.

Can there be any doubt that these demonstrations stymie the President's moves in trying to achieve an honorable peace? Can there be any doubt that these demonstrations rekindle North Vietnam's aborted efforts to totally subjugate South Vietnam? Can there be any doubt that these demonstrations prolong a war that is costing the lives of your sons, your brothers, when all anyone—except the Communists—really wants is peace?

Can anyone in their right mind still parade the banner of peace when Hanoi has rejected categorically every overture for peace?

In Asia, communism still acts in the belief that there is more profit in war than peace. And passion in the peace movement at home has been allowed to boomerang.

Certainly, not all those who march are conscience-stricken over the war. Demonstrating in the streets is an outlet for other frustrations, real and imagined—a snake dance for easy riders and midnight cowboys.

There is an old adage: you do not cure a dog of fleas, by drowning the dog. It holds true for Vietnam. A pullout will not end the fighting in Southeast Asia. Instead it will insure the subjugation of the people of South Vietnam and further the cause of Chinese domination of that vital area of the world.

Whatever the mistakes of the past, we dare not allow the rights we defend in South Vietnam to go by default.

But we can look to the future—a future with no more Vietnam's. The President is working toward that end, and that is why he needs our support. The President has set broad outlines for the withdrawal of American forces from Vietnam. This is based, in part, on a new optimism among previous official skeptics that South Vietnam is at last ready to carry the ball alone. The timetable for U.S. disengagement has not, of course, been revealed. But is this not, in effect, the end we all seek?

We are not ourselves embarked upon an ideological campaign to destroy anybody who disagrees with us. Aggressors nominate themselves, we do not choose them. But when aggressors strike, then those who are genuinely interested in peace have a problem on their hands, and sometimes it gets tough, and sometimes we are tested, and we find out what kind of people we are.

I, for one, support the President of the United States in his quest for a just and honorable peace in Vietnam. I would advise some others that the right to dissent is sometimes the right not to dissent.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Ohio.

Mr. HAYS. I merely wish to compliment the gentleman for a very courageous and well-thought-out statement. I think it is one of the best statements that I have heard in this whole debate, and I compliment him very much on it.

Mr. MURPHY of New York. I thank the gentleman.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Texas.

Mr. WRIGHT. I, too, wish to say I am much impressed by the statement the gentleman from New York has made.

Mr. MURPHY of New York. I thank the gentleman.

Mr. REUSS. Mr. Chairman, I cannot vote for this resolution.

It is said that all the resolution does is to proclaim our support for the principle of free elections in Vietnam. Let us stipulate, once and for all, that all Members of this body favor the principle of free elections in Vietnam, as well as in the hundred other countries of the world that do not allow free elections—from the Soviet Union to Greece, from Poland to Brazil. Whether we want to send half a million troops, and bring all the horrors of war, to any area where free elections are denied is another matter—but that does not seem to be involved in the resolution.

If all the resolution does is to come out strong for free elections, why oppose it? The answer is a very simple one. The answer is that President Nixon in his Vietnam speech in the House repeatedly referred to the resolution as supporting his policies and proposals concerning Vietnam.

Those policies and proposals, so far as I can make them out, are to climb down the ladder of escalation about halfway—from our present half million troops to around half that many. Not having been able to achieve our objective with 500,000 troops, we will now try to do so with 250,000. Even this partial withdrawal is to have two conditions attached to it—that Hanoi does not step up the fighting, and that Saigon agrees that it is ready to take over.

These conditions assure that our policy will be made in Hanoi and Saigon, rather than in Washington.

These policies and proposals do not seem like a very apt way of extricating ourselves from Vietnam.

I have had some experiences in the past with voting blank check resolutions of approval. In 1957, I voted for a Middle East resolution affirming our support for countries attacked by Communist-dominated countries. The next year, we thrust 15,000 American troops into Lebanon, which was subject to an internal political upheaval but not to Communist aggression from without, with the State Department solemnly pointing to the blank check it said Congress had just given it. Back in 1964, I voted for the Tonkin Gulf resolution, sold as support for American naval vessels wantonly attacked on the high seas to fire back. Then I found the Tonkin Gulf resolution used as justification for dispatching half a million Americans to Vietnam.

Now, for a third time, I am asked to give the President a blank check. That is not what my constituents sent me here to do.

I do not lightly oppose President Nixon's Vietnam policies and proposals. I introduce no resolution condemning them.

But when I am asked to give my support for things seen and things unseen, my answer is simple: No.

Mr. RIVERS. Mr. Chairman, I would like to take this opportunity to announce my wholehearted support of House Resolution 613. I hope the House will overwhelmingly support this resolution which will demonstrate to the world our support of President Nixon's efforts to negotiate a just peace in Vietnam.

The entire Nation, I am confident, fully supports the President in his goal to bring about a reasonable, acceptable, and sound solution to the problems of Vietnam.

I stand 100 percent behind President Nixon in his endeavors, and I fully support the principles that the President of the United States has enunciated concerning free elections in South Vietnam and our willingness to abide by the results. We are negotiating in good faith with the North Vietnamese—I only wish they were doing the same.

The free world must certainly be aware of our sincerity and our patience. It is unfortunate that the same sincerity which we have demonstrated over and over again in Paris, does not seem to be understood or reciprocated by the North Vietnamese.

Mr. WRIGHT. Mr. Chairman, I include at this point in the RECORD a telegram from Gen. Lucius D. Clay, former Commander in Chief of the U.S. forces in Europe, and a telegram from James B. Conant, the former president of Harvard University, former U.S. High Commissioner in Germany and former U.S. Ambassador to Germany:

I believe that your resolution will help the President in his efforts to secure an honorable peace in Vietnam and hope sincerely it receives a favorable vote.

LUCIUS D. CLAY,
Former Commander in Chief of U.S. forces in Europe.

NEW YORK, N.Y.

Congressman JAMES WRIGHT,
House of Representatives,
Washington, D.C.:

I strongly support your Vietnam resolution and hope that it will be overwhelmingly approved.

JAMES B. CONANT,
Former president of Harvard, Former U.S. High Commissioner in Germany, and Former Ambassador to Germany.

Mr. HAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 613, toward peace with justice in Vietnam, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Resolution 613.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

NATION'S NO. 1 FOOTBALL TEAM—NORTH DAKOTA STATE UNIVERSITY

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of North Dakota. Mr. Speaker, I wish to call the attention of my colleagues to the record—the remarkable record of the Nation's No. 1 college division football team: North Dakota State University.

Here is a football team that has charted an exciting, rather fantastic course in its pursuit of excellence. The achievements over the past few seasons of the nationally rated Bison are legion. Let me cite some of the accomplishments of NDSU's thundering herd:

Coach Ron Erhardt's Bison 3 weeks ago completed their third consecutive unbeaten regular season. On November 10 they were invited to play in the Camellia Bowl football game December 13 in Sacramento, Calif. The Bison thus became the first college division team in the Nation, for the third straight season, to receive a postseason bid from the National Collegiate Athletic Association—NCAA.

Last week, both national wire services—Associated Press and United Press International—named North Dakota State University the 1969 college division national football champion. It is the 5th straight year the Bison have been ranked high in these polls, the third time they have been named AP national champion, and the second time UPI national champion.

North Dakota State University has won 19 straight football games, has won 28 straight on its home turf at Dacotah Field in Fargo, N. Dak., has won 18 in a row in the North Central Conference—one of the most respected leagues in the Nation, and one of the toughest—has won an unprecedented six straight conference championships, and has won 57 of its last 61 football games.

Coach Erhardt has a gaudy record of 36 wins and three losses and has an amazing 28 victories in his last 29 games. Ten of Coach Erhardt's 1969 players earned first-team berths on the all-conference team.

We North Dakotans are proud of NDSU's total program—both academic and athletic—and are elated with the challenges it has met and the success it has achieved in football. The Bison have represented the University, the city of Fargo, and the State of North Dakota in bowl competitions in Missouri and Texas and now we are certain they will continue to represent us in winning fashion against neighboring University of Montana in the December bowl battle in California.

Let those who would label this a "political football" produce similar credentials for their alma mater's grid team, and I shall personally request equal time and space for that lucky Representative. I am elated to be able to make these comments about my old school and to extend to its administration, faculty, student body, and alumni my best wishes and my confident prediction that it will retain ownership of that proud title—No. 1.

REPORT OF THE DEPARTMENT OF LABOR ON THE UNITED MINE WORKERS OF AMERICA

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the analysis released by the U.S. Department of Labor on Friday clearly indicates that President W. A. Boyle of the United Mine Workers of America has been plundering and squandering union dues for the benefit of a few top officials and their "sisters and cousins and their aunts." This official report confirms the truth of what Ralph Nader, Joseph A. Yablonski, and several other individuals have been stating for several months.

Obviously, only the tip of the iceberg has been revealed in this report. It confirms the immediate need for a full-scale congressional investigation of the United Mine Workers of America. Such an investigation should also extend to the multimillion-dollar United Mine Workers welfare and retirement fund which has bilked thousands of retired miners and widows out of pension and medical benefits through arbitrary rules changes, gross mismanagement of funds, payments to noncoal miners, and other abuses.

I commend Secretary of Labor George Shultz for officially reporting on the financial mismanagement, nepotism, padded expense accounts, and other evidences of hanky-panky practiced by UMWA President W. A. Boyle. I hope that my colleagues in Congress will urge Secretary Shultz not to be deterred or intimidated by the charges of Mr. Boyle that these facts constitute "a smear job and open union busting." Mr. Boyle has not denied the factual basis of the Department of Labor report, but has only in the tradition of the ancients attacked the bearer of bad news. As a matter of fact, nothing would contribute more toward strengthening free trade unionism than a cleaning out of the very corruption which President Boyle has fostered and condoned and now tries to defend and perpetuate.

In calling for a congressional investigation of illegal practices, I urge that my colleagues re-read section 501(a) of the Labor-Management Reporting and Disclosure Act of 1959, for which I voted and which now constitutes 29 U.S.C. 501(a):

> The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolution of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization.

The analysis follows:

> MEMORANDUM OF U.S. DEPARTMENT OF LABOR, OFFICE OF LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS, WASHINGTON, D.C., NOVEMBER 26, 1969
>
> To Mr. W. J. Usery, Jr., Assistant Secretary of Labor.
>
> From Leonard J. Lurie, Acting Director.
>
> Subject Summary Report of Financial Investigation United Mine Workers of America, Ind. LM–000063.

On March 4, 1969, the Labor Department's Office of Labor-Management and Welfare-Pension Reports, herein called the LMWP, opened an investigation of the financial affairs of the United Mine Workers of America, Ind., herein called UMWA.

The investigation was initiated pursuant to Section 601 of the Labor-Management Reporting and Disclosure Act, herein called the Act, which authorizes the Secretary of Labor, when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of the Act to make an investigation and furnish the results to interested persons or officials.

LMWP regularly conducts financial audits of national and international unions and other parent bodies, intermediate organizations and local unions.

The investigation of the UMWA disclosed the following:

The Constitution of the UMWA contains the following provisions: Article X, Section 1:

"The salary of the President shall be $50,000 per annum; Vice President, $40,000 per annum; Secretary-Treasurer, $40,000 per annum; International Executive Board Members, $1,000 per month; Tellers and Auditors, $25.00 per day when employed. Each of the above mentioned officers shall receive, in addition to their salaries, such additional sums for additional service rendered as may be authorized and approved by the President; together with all legitimate expenses when employed by the Organization away from their places of residence."

Article X, Section 2: "The salaries of other employees shall be fixed by the International Executive Board."

Article IX, Section 7: "He [the President] shall interpret the meaning of the International Constitution but his interpretation shall be subject to repeal by the International Executive Board. Between sessions of

the International Executive Board he shall have full power to direct the workings of the Organization and shall report his acts to the International Executive Board for its approval."

Article IX, Section 12: "He [the President] shall devote all his time to the affairs of the Organization, executing the instructions of the International Executive Board and exercising general supervision over the field and office work of the International Union."

Article IX, Section 25: "The International Executive Board shall execute the instructions of International Conventions and between Conventions shall have full power to direct the workings of the Organization."

The investigation disclosed that the International President has raised salaries and made grants of additional salaries to employees other than the officials listed in Article X, Section 1. Not only have these increases and grants been made without prior approval or subsequent ratification by the International Executive Board, but also the minutes of the International Executive Board reflect that no reports of these actions were ever made to the International Executive Board for its approval.

There are no instructions issued by the International Union which can be documented to establish criteria to be used by officials or employees of the union as to what expenses they were entitled to claim as reimbursement, the basis for claiming reimbursement or the method of claiming reimbursement. Some officials have claimed reimbursement for hotel expenses during periods when they were at their places of residence, some have claimed expenses for hotels and travel for practically every day of the year, and some have claimed identical amounts for hotel expenses and automobile travel for every day spent in travel. An official, by his own admission has spent varying periods of time on vacation and claimed expenses of $20 a day for his entire vacation. Although the records were checked for only 1967 and 1968, the official said that this practice has been followed for many years.

The International Union does not require its officials or employees who travel to submit any receipts or any other evidence of the travel performed or money expended. Whatever vouchers are submitted are paid without question.

Another item disclosed by the investigation relates to an account described as the "Agency Fund". In 1960 the top officers of the union transferred $850,000 from the general funds of the union to establish a retirement fund to pay the three officers of the union their full salaries annually upon retirement after at least 10 years of service in office. At the present time this fund has approximately $1.5 million. This fund has never been adequately disclosed in the annual financial report submitted to the Department of Labor.

The annual financial reports filed with the Department of Labor for the years 1967 and 1968 show improper reporting of a Loan Receivable of $1.4 million from Lewmurken, Inc., a Delaware corporation wholly owned by the union. The major asset of Lewmurken consists of ownership of approximately 30% of the stock of Rocky Mountain Fuel Company, located in Denver, Colorado. The 1968 value of this 30% ownership was $146,906, based on the financial statement submitted by the company to the State of Colorado.

The records of the United Mine Workers for 1967 reflect the following payments to officials of the union and members of their families:

Name and address	Title	Annual salary	Expenses	Total	Relationship
W. A. Boyle, 4422 35th St. N.W, Washington.	International President	$50,000	$11,630.84	$61,630.84	Father.
R. J. Boyle, 3015 Lohof Dr., Billings, Mont.	President, District 27 international board member.	25,000	8,974.91	33,974.91	Brother.
Miss Antoinette Boyle, 1048 Ave. F, Billings, Mont.	Attorney	40,000	3,287.94	43,287.94	Daughter.
John Owens, 821 Clark St., Cambridge, Ohio.	International Secretary-Treasurer.	40,000	4,945.58	44,945.58	Father.
R. C. Owens, 2460 Southway Dr., Columbus, Ohio.	Secretary-Treasurer, District 6, Special International Representative.	25,000	3,110.98	28,110.98	Son.
Willard P. Owens Route 3, Box 139A, Gaithersburg, Md.	Attorney-Legal	40,000	4,866.37	54,866.37	Son.
	Department Grant	10,000			
Harrison Combs, Sr., 3309 Brooklawn Terrace, Chevy Chase, Md.	Assistant Director	40,000	8,178,24	53,178.24	Father.
	Legal Department Grant	5,000			
Harrison Combs, Jr., 11004 Schuylkill Road, Rockville, Md.	Legislative Representative Labor's Nonpartisan League.	11,000	2,486.85	13,486.85	Son.
Mrs. Joy-Ann Combs, 3732 Bel Pre Rd., Silver Spring, Md.	Secretary-Legal (Mr. Combs).	7,200	0	7,200	Daughter-in-law.
Kenneth Combs, 811 Gloucester Ave., Middleboro, Ky.	Assistant secretary-treasurer, district 19.	11,000	2,762.54	13,762.54	Son.
Matt Combs, P.O. Box 2203, Pikesville, Ky.	Secretary-treasurer, district 30.	17,000	7,398.58	24,398.58	Son.
Lloyd Baker, 2400 Scepter La., Birmingham, Ala.	Secretary-treasurer, district 20.	14,600	5,888.28	20,488.28	Son-in-law.

The union also pays the rent for a hotel suite in Washington, D.C., for the use of Secretary-Treasurer John Owens. In 1967 this amounted to $11,500 which was not shown as an expense payment to Mr. Owens.

A PLETHORA OF VIOLIN PLAYERS AND A DEARTH OF LEGISLATORS

(Mr. BRAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRAY. Mr. Speaker, recently, the respected columnists, Roscoe and Goeffrey Drummond, commented on the activities of this Congress. They have discovered we have a plethora of violin players and a dearth of legislators.

I call attention to what some at least think of the performance of both:

CONGRESS FIDDLES: UNITED STATES BURNS

(By Roscoe and Geoffrey Drummond)

Congress has been fiddling for nine months while the nation burns. It is failing to do its job—failing badly. Not in this century—not even Truman's whipping-boy, "do-nothing" Congress of the 1948 campaign—has the Congress shown itself so sterile, so incompetent, so irresponsible as today. It is simply not transacting the public business. Its failure is little short of criminal because it comes at a time when such neglect of the crisis problems puts democracy itself in peril.

The record should dismay, infuriate and galvanize voters to see that something is done about it. Since this democratically controlled Congress convened last January, it has neglected nearly everything and produced almost nothing. This is no overstatement. Here are the facts which support it:

Fiscal Irresponsibility: the greatest power of Congress is giving or withholding money. The greatest weakness of this Congress is that it doesn't manage the appropriations bills carefully or competently. The government entered the new fiscal year last June 30 without a single appropriation being authorized and now, five months past that date, Congress has acted upon only a small part of the appropriations. This is Congress at its worst. It is heading to a point where the government may not be able to finance itself at all.

Stalled on Crime: Richard Nixon, Hubert Humphrey and George Wallace, as well as nearly every candidate for Congress who ran for election last year, pledged to deal with "crime in the streets." But Congress is failing to do so. The Democrats are presently refusing to enact the President's proposals, are not enacting their own and the outlook for anything at all is dim.

Stalled on the Draft: The President is pleading with Congress to approve a more just and more equitable military draft prior to the time when it can be ended. The merit of draft reform is hardly questioned at all. Passing it would do much to take the steam out of campus unrest and to deny the militants one of their favorite issues. Congress delays and dallies. Sen. Edward Kennedy has been dragging out his hearings and only when college presidents started to plead for action did the Democrats begin to show signs of approving limited reform.

Stalled on Other Urgent Issues: The argument that President Nixon hasn't given Congress anything to do is untrue. He has given Congress a good agenda of innovative proposals and Congress has just yawned and gone back to talking. A detailed blueprint for sweeping reform of the welfare system has been before Congress for weeks, plus proposals for wage supplements, revenue sharing, manpower reform, Social Security reform and grants-in-aid reform. Congress says maybe tomorrow, not now.

Stalled on Ethics: Congress likes to reform everybody but itself. The Christian Science Monitor does not put it too strongly when it reports that "this year the U.S. Congress has done a lot of shouting about ethics—for somebody else; when it comes to improving ethical standards for itself—silence." More than silence. It ignores its own conflicts of interest and it rejects mounting demands that its members make public annual disclosures of outside income. Congress demands that judges do so. It fairly criticizes Judge Clement Haynsworth for "ethical insensitivity" but usually looks the other way when anybody asks: What about you? Congress better start facing the mirror before it faces the voters next year.

H.R. 14646

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I join today with the distinguished gentleman from Massachusetts (Mr. BURKE) in objecting to unanimous consent for H.R. 14646. I do so because I am awaiting a report from the Governor of Rhode Island as to the possible long-range effect this compact could have on rail passenger service beyond New Haven. I do so because the compact leaves the long haul service to Rhode Island and Massachusetts with an uncertain future. I do so because it would seem that satisfactory short haul and long haul passenger needs must be met concurrently.

Finally, Mr. Speaker, I feel that the Committee on Interstate and Foreign Commerce should be given the opportunity to have this unique proposal brought before it. If the Congress is going to deal successfully with our massive transportation problems, then it ought to so in a comprehensive way. Every aspect of this bill should be full known and every possible consequence be fully weighed before it is enacted into law. Hasty legislative action today without recourse to a full public airing could well give us problems of consequence in the future.

COMMODITY EXCHANGE ACT AMENDMENT

The SPEAKER pro tempore (Mr. ALBERT). Under a previous order of the House, the gentleman from Texas (Mr. PRICE), is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise today to introduce, for appropriate reference, a needed amendment to the Commodity Exchange Act. This amendment is the product of much thought and deliberation on the part of many individuals within and without the Federal Government.

The amendment I am proposing would exempt livestock and poultry producers from the speculative trading and position limits presently established under the Commodity Exchange Act. As a result, contract markets would better serve the needs of the Nation's larger livestock and poultry feeder concerns.

Mr. Speaker, inasmuch as my amendment is a technical one, I think the problems it is designed to remedy can be best understood in terms of a historical perspective.

Contract markets, more often called boards of trades or mercantile exchanges are not new in the United States. For more than a century, the Chicago Board of Trade has provided facilities whereby those storing grains and certain other products could avoid some portion of the uncertainty normally associated with doing business in futures markets.

The regulation of futures markets has varied through the years. Initially, transactions in the market were loosely governed by State law. This practice was the object of widespread criticism. The criticism reached a crescendo following World War I, when the bottom fell out of the agriculture price structure. In many quarters, the severe drop in prices was blamed on "gamblers," "speculators," and the Chicago Board of Trade.

In response to the hue and cry for reform, Congress, in the early twenties, began to regulate the futures market. In 1921, Congress enacted the ill-fated Futures Trading Act. In the following year, however, the act was declared partly unconstitutional. Its legislative successor was the Grain Futures Act of 1922, which laid the statutory foundation for Federal regulation of the futures market. In 1936 Congress enacted the Commodity Exchange Act, which with certain amendments added by the 90th Congress, provides the present regulatory framework of the futures market.

There is common agreement that the ordinary course of business in the futures market has been greatly facilitated by Federal regulation. Many questionable practices have been eliminated; including excessive speculation, use of fraudulent or misleading contracts, wash sales, cross trades, fictitious sales, and dealings by unregistered future commission merchants or unregistered brokers. In addition, the regulations have been expanded to include commodities other than grains. At present, 33 commodities including livestock and livestock products come under Federal regulation.

The fundamental purpose of Federal regulation in contract markets is to preserve the hedging and price-basing services of the commodity futures market. These services are widely used by farmers, merchandisers, and food processors. They also effect the retail food prices paid by the consumer. It is with regard to these services that my amendment is directed.

A real need for amending the Commodity Exchange Act has arisen due to the growth of the poultry and cattle-feeding industries. As the same economic problems are created for both industries by the present terms of the Commodity Exchange Act, I shall for illustrative purposes, limit my remarks to the cattle-feeding industry.

The cattle-feeding industry has experienced an astounding surge of growth in the last 5 years. This surge reflects the fact that we have become a Nation of beefeaters, demanding larger and larger quantities of high-quality red meat, and willing to pay generally higher prices. Before this boom in consumer demand, most feedlots were organized as individual proprietorships or partnerships, and were operated as small businesses in terms of the number of head handled. With rising demand levels, however, the incentive to industrialize has been increased. As a result, huge commercial feedlots have sprung up in the Great Plains, the Southwest, and other cattle producing areas of the country.

Commercial feedlots are big business in the finest sense of the word. Sophisticated commercial techniques and the economies of scale have been relied on heavily. Computers calculate feed rations and figure lowest cost alternatives. Teletypes funnel in market information from around the country. Buyers jet from one feeder source to another in search of replacements and best buys. Corps of health specialists and nutritionists are on call. As a direct result, some feedlots have up to a 100,000-head capacity.

Of late commercial feedlots have enjoyed substantial financial success, the formula for which has been a fundamental one; namely, start with a product that people like, improve the product, and then produce the product in volume at a cost which generates its own demand. Beef feeders have used this formula to great advantage. They have combined agriculture's two biggest "raw materials"—cattle and grain—"manufactured" them into the favorite food of the world—red meat—and produced it in such quantity that our daily national per capita consumption of beef averages 5 ounces.

Many commercial feedlots custom feed; that is, finish cattle for other owners. These "cattle hotels" may feed cattle for more than 50 customers during the year. In a typical custom contract, the cattle owner pays feed costs plus a daily yardage charge and veterinary fees.

In business organization, most of the big feeding operations are corporations, with the stock being held primarily by farmers and ranchers. A few feedlots have recently "gone public," and looking toward further expansion, others plan like moves.

The rapid physical expansion of the feedlot business has been built on a firm financial foundation. A recent survey of commercial banks—the primary source of feedlot operating capital—produced a consensus of a "good' to "excellent" rating. One basic reason for this rating is the ready availability of future markets for both feed and cattle. This means that cattle feeders can hedge against price fluctuations.

Astute commercial feedlot managers obtain, through the use of computers or other devices, precise information on operating costs. Armed with this knowledge, they attempt to assure a profit margin, even before the first steer is fed. They do so by trading in futures markets. At present, however, their ability to facilitate operations is retarded due to the 2 million bushel limit that the Commodity Exchange Act places on speculative trading and positions in grains.

In order for a commercial feedlot to operate at a profit, large amounts of feed grains must be purchased during the course of a year. The purchases must, however, fall within the 2-million-bushel limitation. Accordingly, the quantities of grains purchased vary as a function of both the price level and product availability. In addition to creating a storage problem, this ties up a large amount of capital. Furthermore, neither the lender nor the feedlot operator wishes to assume the additional risk of holding the large amounts of necessary feed grains on an unhedged basis.

The amendment I am proposing would remove the 2-million limitation for livestock and poultry producers. This exemption is not without precedent. The 1968 amendments make provisions for grain producers and processors to operate as hedgers; my amendment would merely afford the same allowance for the equally deserving livestock and poultry producers.

ESSENTIAL RAIL PASSENGER SERVICE ON THE NEW HAVEN DIVISION OF THE PENN CENTRAL RAILROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. WEICKER) is recognized for 5 minutes.

Mr. WEICKER. Mr. Speaker, New York State and my State of Connecticut have acted concurrently in adopting legislation to authorize cooperative and joint measures to provide continuation and improvement of essential rail passenger service on the New Haven Division of the Penn Central Railroad.

The other body has given consent to this Connecticut-New York Railroad Passenger Transportation Compact and I urge the House to take similar action.

Under this compact, Connecticut and

New York pledge bi-State operation of rail service over the former New Haven rail line which is now known as the West-end Division of the Penn Central.

New York and Connecticut have pledged $28.4 million for a modernization program to provide new equipment and upgrading of the railroad to provide safe, speedy, and efficient service. The Federal Government has pledged an additional $28.4 million to the program.

Over the years minimal maintenance by the bankrupt New Haven Railroad has resulted in deplorable conditions on this vital rail link between New England and the metropolitan New York area.

Equipment was strained to the point of maximum endurance. Railroad tracks, signals, and overhead electrical wires were neglected and taxed by continued service and wear. When the Penn Central took over the railroad earlier this year, it was estimated that if a crash maintenance program were not undertaken, the line would be forced to discontinue service within a 30-day period.

This is what the more than 20,000 commuters from my district face daily. The cars are dingy and dirty. In the rush hours, insufficient equipment causes crowding and further discomfort. Breakdowns are frequent, which is the rule rather than the exception. Trains run late or are canceled.

In this day and age when we can send men to the moon and bring them back to earth within 3 miles of a given target, we cannot get a train from Fairfield County, Conn. to New York without breakdowns and delays.

If any of my colleagues feel that this is an exaggeration, I invite you to read the thousands of letters I have received commenting on equipment and service on this major rail link.

By approving the Connecticut-New York Railroad Passenger Compact, the Congress will set the stage to eliminate these deplorable travel conditions and provide relief for the long-suffering commuters.

At the same time the Congress will show its concern for a mode of transportation that has been the stepchild of the industry in recent years.

The railroad is still the best means of transporting large numbers of people short distances with efficiency, speed, and safety. Yet despite these qualifications, State governments and the Federal Government have paid comparatively little attention to the plight and condition of our railroads as our national attention is transfixed on the highway and the airplane.

I am not advocating that we now revert our attention to the railroad and forget about these other modes of transportation. I feel that we need a balance in our thinking about our national transportation system.

Over the years, we have had thousands of transportation happenings, but we do not have transportation systems. We must have coordination of our modes of transportation so that each complements and supplements each other.

In the Northeast, we need immediate improvement and further development of rail service to supplement the vast highway network that pours cars, with all the traffic problems, into the urban centers. We need rail and urban mass transit links to airports to complement the highway network.

To do this, we must bring our rail transportation systems up to a standard so that they can fulfill their roles in a coordinated transit system. The Connecticut-New York Railroad passenger transportation compact sets the stage for this needed rail link improvement.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, there were 1,749 daily newspapers in operation in the United States in 1967, more than twice the number as in any other nation. The U.S. daily newspapers had a combined circulation of 61,560,000 in 1967.

ADDRESS BY PATRICK CARDINAL O'BOYLE AT ANNUAL JOINT MEETING OF ROTARY CLUB OF WASHINGTON AND DOWNTOWN KIWANIS CLUB

(Mr. McCORMACK asked and was given permission to insert his remarks at this point in the RECORD and to include an address by Patrick Cardinal O'Boyle.)

Mr. McCORMACK. Mr. Speaker, in my remarks, I include an address delivered by His Eminence, Patrick Cardinal O'Boyle, archbishop of Washington, at the annual joint meeting of Rotary Club of Washington and the Downtown Kiwanis Club, on November 26, 1969.

In his address, Archbishop O'Boyle spoke with logic, eloquence, effectiveness, and as he always does, with frankness, in expressing his views and discussing what His Eminence termed "one of the issues confronting the American Society today," and I might observe, a very important issue.

The address of Cardinal O'Boyle, based upon his lifetime of dedication to God, mankind, and country, is worthy of deep consideration:

Tomorrow, our nation will be celebrating a feast, Thanksgiving Day, the philosophy of which goes back to biblical times. In fact, so generally accepted has this wholesome practice become that it is hard to remember that it was not always so. In 1621, the Pilgrims set aside a day of Thanksgiving for the successful harvest of that year. It was not until 1630, however, that the Massachusetts Bay Colony followed suit. During the War for Independence the Continental Congress set aside one or two days each year to thank God for His blessings.

George Washington and James Madison issued similar proclamations during their terms of office, and recommended that the several States do likewise. Finally, in 1864, President Abraham Lincoln officially proclaimed the fourth Thursday of November as a day of Thanksgiving, and so recommended it to the States. And so it has been ever since.

I thought it might be helpful on this occasion to mention one of the issues confronting American Society today. If you are concerned about teenage crime (and who is not?), the rise in juvenile delinquency, the growth of a spirit of revolt among the young, drug addiction among children, the upswing in venereal disease rates among youth, and the breakdown in patriotism and morality among younger people, may I respectfully make these comments, which are applicable throughout our nation:

First, while all of these matters directly involve only a minority of our young people, they indirectly affect great numbers of our young people. These people are the coming body politic of the nation, and when a part of any body is ailing, the whole person is affected. I am not here to criticize the younger generation. Instead, I speak out of compassion for these, our children. Many people have pointed out that our younger people act as they do, because of the terrible state which older generations have left the world in. But the state of the world has always been bad. It was not any better a century ago when the nation had gutted itself with Civil War and was virtually sinking under financial and political crises. It was not any better when I was a young man and World War I was devouring millions of young lives in the most terrible slaughter of all times. It was not any better thirty years ago when Hitler began his campaigns of aggression. No—the problem of the young is not the state of the world, but the state of themselves as they face the world. For many, that is a state which I must describe as "rootless."

By this I mean that, in contrast with young people of former generations, great numbers of our present crop of teenagers and people in their twenties today no longer seem to have a grip on basic verities which, to a greater or lesser extent, it was the fortune of past generations to have had. Our young people talk about "rights," but many are not able to say what they think the ultimate source of "rights" to be. Since the vast majority of American children attend the public schools, it is important to realize that, over the long generations and up to relatively recent times, the public schools were able to give at least some kind of picture of the true source of "rights." In our public schools of an older day, it was possible to teach that God exists, and that God is the source of all rights. In the public schools of an older day, there used to be affirmative teaching based upon the great statement of our Founding Fathers in the Declaration of Independence:

"We hold these *truths* to be self-evident: that all men are *created* equal, that they are endowed by their *Creator* with certain unalienable *rights*; that among these are life, liberty and the pursuit of happiness."

That was standard doctrine taught in the public schools for decades. It taught the child that he has a Creator, that people have rights, but that God (the Creator) is the source of all human rights. It taught that some rights are what the Founders called "unalienable"—rights that no man, no government, no dictator, no majority can take away. This teaching gave the child some "root" certainty. If he believed *that* teaching, he could never support any kind of wanton violence, any communist or fascist dictatorship movement and—if he really thought about it—any kind of discrimination against any human being on account of race or religion. This view of "rights" is very different from the mentality being produced in many of the schools today, in which belief in any ultimate value has been discouraged. Naturally, therefore, many young people today, having no fixed idea as to the source of human rights are easily moved by highly motivated adults who seek to win them to violent movements destructive of all human rights.

Far more basic, however, to the "rootlessness" of many of our young people is the fact that personal belief in God, traditional concepts of morality based upon the Ten Commandments, and the habit of prayer have been washed out of their lives. This has come about because decisions of our Supreme Court appear to have effectually barred the teaching of the reality of God, inculcation of the Ten Commandments, and outward prayer in the public schools. It is not my

desire, in this address, to attempt any analysis or any criticism of these decisions. I desire merely to point out that they have caused the obliteration of what *now* increasingly appears to have been a very important and basic element in our society. I believe that we are going to find out—find out very painfully—the tremendous difference between the man who—even though he may not be a regular churchgoer—believes in God, the truths of the Ten Commandments, and has occasional recourse to prayer, and the man who is familiar with none of these things. We have all too easily assumed that the parents of great masses of our people would be able to impart these religious values to their children, even though we must have realized that children are with their schoolteachers for a greater part of the average day than they are with their parents. We have all too easily assumed that a general spirit of "good will," or "faith in democracy" or other such vague moral concepts would carry us along very nicely—without our having to get down to the brass tacks of teaching the young the reality of God, of teaching the young the Ten Commandments, of teaching the young to pray.

If we presently reap a world not unlike the world of Rome in the period of its decay—a luxurious, disorderly, cruel and disintegrating society—we should not be surprised. In spite of all the indignities which were heaped upon the Catholic immigrants who came to this country by the older Americans who feared them, may I say that it is a tragedy today that the Christian morality and outlook which characterized our traditionally Protestant-oriented public school is no longer with us. The old Protestant insistance which we found in the public schools of earlier times—teaching the reality of God, the importance of the Commandments and the importance of prayer—has given place to a vague secular humanism proving incapable of meeting the demands of a sound social order and—indeed—meeting the deep inner need of so many of our young people for basic roots.

What is to be done? You will pardon me if I say that I believe—more than ever today—that the parochial school is one answer. Believers, of many faiths, are more and more coming to appreciate the fact that it is possible for a child to get a good secular education at the same time he receives teaching of a religious nature, and that schools which provide both have been very successful and have in no way caused divisiveness in our pluralistic society. It is to be hoped that more people will come to see the value of such education, which can, in no sense weaken the general effort to support public education.

Now, let me say with all sincerity that parochial school education, with its emphasis on religious courses, does not guarantee that some of the pupils will not be numbered among those who are juvenile delinquents. However, they have less cause and less reason to become delinquents because they have been taught that there is a God and that they are responsible to Him for the violation of His laws and the laws of the land.

As to public education, which undoubtedly a large number of Americans will still desire as the schooling for their children, a good many people undoubtedly feel that an impasse has been reached. These people feel that it is not possible to give a full *education* in which all manner of knowledge is taught as being *true* but in which the teacher may not *affirm* that a man has a soul, may not *teach* that God exists, may not *exhort* children to follow the great truths of the Ten Commandments, and may not *provide* real opportunity for prayer. You can scarcely blame a child for thinking that all of these matters are unimportant—or for not thinking about them at all—where the central teacher in his life—namely, the school—regards them either as unimportant or forbidden. I understand that up in New Jersey the effort is being made to create the opportunity for silent prayer. But this, as you know, is already being fought by the pressure groups which have been largely responsible for getting religious observances thrown out of the public schools already. It seems to me that the Supreme Court of the United States, one of these days, is going to have to take another look at its decision on this subject. As our national social crisis deepens (and it appears indeed to be deepening), I predict that more of our people are going to be turning to God for guidance. As they do so, they are not going to permit their religious aspirations to be dammed up. Not only will they revive the practice of religion in their homes, but they will demand that the schools give at least minimal recognition to religion. It is very possible, then, that our Supreme Court will see fit to reverse its original ruling in the *McCollum* case which held that it was unconstitutional to have teachers of various religious faiths coming to public school premises to offer instruction to children of that faith, while excusing all other children. It is very possible that our Supreme Court will take a hard look at secularist teaching being carried on in public schools and rule that, if the schools cannot teach theistic religion, neither may they teach non-theistic religion to children. It is possible that our Court, looking at strongly revived religious aspirations of the people, will *liberalize* its views respecting religious worship and practices in the public schools, finding ways in which, without embarrassing children of a particular faith or who are non-believers, *other children* are given the opportunity to enjoy the rights of their religious heritage. It seems to me that, in any sensible and peaceable society, we should be able to work out compromises which give scope to the liberty of *all parents* and children—and by that I mean the children of *believers* as well as children of non-believers.

"God helps those who help themselves," said Ben Franklin almost two centuries ago. If we truly desire a future of peace and plenty and justice for our people, we who believe will work very hard to bring religion back to our education—and then we will find that God will not withhold His Grace from us in our efforts to do His Will.

In conclusion, may I wish you all a blessed and a happy Thanksgiving as we thank God for this beloved country of ours and for all the blessings He has given to each one of us.

SOCIAL SECURITY BENEFITS

(Mr. BYRNE of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BYRNE of Pennsylvania. Mr. Speaker, on November 21, 1969, I was privileged to speak at the dedication of the Social Security Office, 7959 Bustleton Avenue, Philadelphia, Pa. I would like to include in my remarks the speech I delivered at that time:

REMARKS OF CONGRESSMAN JAMES A. BYRNE AT DEDICATION OF SOCIAL SECURITY OFFICE, PHILADELPHIA, PA.

Mr. Chairman, Reverend Clergy, distinguished guests, ladies and gentlemen:

I am honored to have the opportunity of participating in an event of such importance in the life of a large segment of our population.

You know, it's become fashionable lately to attack our Social Security System. I know the reason for many of these attacks—and that reason is ignorance; ignorance of what Social Security really is and what it stands for. Social Security is not an annuity or an endowment insurance policy; nor is it a savings account where you put so much in and get out your money plus interest after a certain amount of time.

As you folks all know, this is not what Social Security was designed for and it is not the way Social Security works. The purposes of Social Security are, pure and simple: to insure that those eligible do not starve; to provide at least minimum and dignified assistance to the elderly, the disabled and the orphaned.

No one ever got rich on Social Security. But I would like some of these complainers about Social Security to sit in this office, or even my office, and meet some of the people who are benefitted by Social Security.

I'd like them to talk to the young widow and her two infant children, whose father was cut down in the prime of life. It is Social Security benefits which will permit this family to live in dignity—mind you, not luxury, but dignity—during their growing-up years.

Or they may talk to the man who is confined to a wheel chair by multiple sclerosis; completely disabled and unable to work, whose sole source of income is his Social Security benefits. The whole concept of Social Security, as I see it and expect you do too, is that those of us working today are making a modest contribution to a general fund to insure that those who cannot work or those who have reached a certain age will receive a minimum of comfort and subsistence.

And in this way, when those who are paying Social Security today no longer work, it will be the workers of their day who will be paying for them.

Let it not be misunderstood that I am perfectly satisfied with Social Security as it stands today. On the contrary, I am a loud and persistent complainer. But my complaint is: Not enough for Social Security recipients. I think there are many ways in which Social Security can and should be improved. Higher basic payments is one way. I honestly do not think in our day of inflationary prices that beneficiaries are getting enough. I don't think the proposed 7 percent increase is enough or even 10 percent. I'm fighting for a more realistic adjustment. I would likewise want to see Medicare benefits improved. I want to see broader Medicare coverage—especially coverage of those people under 65 who are now receiving disability payments. I would also like to see Medicare coverage for children whose subsistence depends upon Social Security survivorship benefits.

I would like to see prescription drugs completely covered by Medicare as well. As people get older, you know how much more their lives and health depend upon drugs—many of them expensive. Is this too much to ask? We pride ourselves in being the richest country in the world. Is it too much to ask that the richest country share its wealth with its own citizens who are old, who are disabled and who are without a head of the family?

I think not. I hope you agree.

Thank you.

PRETHANKSGIVING POSTSPLASHDOWN TRIBUTE TO APOLLO 12 ASTRONAUTS

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK. Mr. Speaker, it was a great pleasure for Congressman GEORGE P. MILLER of California and I to cohost a pre-Thanksgiving post-splashdown tribute to our Apollo 12 astronauts on November 25 in the Rayburn Building. Stouffer Foods, a division of Litton Industries, which is in my congressional district, was chief contractor for the superb foods which are being served to

our Apollo 12 astronauts while they are in the Lunar Receiving Laboratory in Houston.

Our whole community is proud of Stouffer Foods participation in this vital program.

The following are the remarks that were made during the luncheon by my distinguished colleague, Congressman GEORGE P. MILLER and by my constituent, Mr. James Bigger, president of Stouffer Foods. The remarks are as follows:

Congressman MILLER. It is one of the characteristics of the space program that its timing is fantastic.

The countdowns proceed into launches on the minute set, and the moon landing of Apollo 12 was not only precise as to time, but within 600 feet of the pre-selected landing area. And now, Apollo 12 has come back with its astronauts in time for them to join with us on earth in the traditional celebration of feast and Thanksgiving.

The feast is very appropriate as food is not un-important in space, even though we tend to think of space as the province of scientists, engineers and heroes. If it has been true in the past that the way to a man's heart is through his stomach, it is not less true that the way to the solar system lies in the same general direction.

In 1927 when Charles Lindbergh flew the Atlantic, he took on board the Spirit of St. Louis some cold sandwiches. Later, in the John Glenn orbital flight, he confessed to a great hunger for a supplemental ham sandwich. And in Apollo 12 we were treated to some interesting space debate on the subject of whether a can of tuna should be eaten or thrown away. Each of these reflected simply that man still orients himself on the next meal, and that he likes to have with him what he likes, no matter how adequately food arrangements have been made for him.

Now the Apollo 12 crew—as Apollo 11's trio before them—are enroute to the lunar receiving laboratory of the NASA's Manned Spacecraft Center in Houston. The adventure is behind them, and now the hard, or dull portion begins—isolation and quarantine. The reason for the quarantine is for them to be checked against the possibility that hostile organisms may have returned with them from the moon. But, in a way, it gives them a simulated taste of what long duration space flights, or occupation of space stations may require of future astronauts. Perhaps in such future events and explorations, the only thing astronauts will really have to look forward to will be the next meal. It will be the break with dullness and boredom, the only calendar or clock which means anything, and the most contributory factor to arrest the onset of a kind of cosmic cabin fever.

In wishing you all a Happy Thanksgiving, and in this atmosphere of special celebration for the achievements of the National Aeronautics and Space Administration to date, I ask you to look at this food before you today and eat it knowing what important and special meaning the field of food technology is now assuming as we reach for greater depths of space.

And now, back to my co-host, Congressman Vanik of Ohio:

Congressman VANIK. Thank you, Congressman Miller. I have just had a telegram from Dr. Charles Berry, who is called the astronauts doctor, and who is at the NASA Manned Spacecraft Center in Houston. It says: "Deeply sorry that the mission requirements including debriefing and quarantine preparations preclude my attendance at your post splashdown luncheon. These activities also preclude the attendance of Drs. Kemmerer, Rambaut, Smith, Mr. Mason, Miss Rapp whom you so kindly invited. We are proud of our inflight and post flight food program and the team, including the contractors, who have helped achieve the current standard of excellence. Food is very important as a morale factor for our flight crews. Please express our gratitude to those assembled and our regrets for being unable to celebrate with you."

Knowing how pressed they must now be in Houston, their absences . . . however regrettable . . . are understandable. From NASA headquarters here in Washington, we do have Dr. Homer Newell, George Lowe, and Robert Allnutt.

It's a matter of considerable pride to me as a northern Ohio Congressman that one of the major providers of menus for the NASA Manned Spacecraft Center's lunar receiving laboratory is a name which has long been and still is associated with good eating in my constituency. It has since ranged well beyond my district and is still going and growing. It is the Stouffer Foods Division of Litton Industries, and its president, James A. Biggar, lives in my district. He is here with us today with some members of his staff who worked on the actual Apollo menus. It was to this team that the NASA Manned Spacecraft Center turned for substantial assistance for this exotic institutional feeding program for the most unusual adventurers of this century. The Stouffer people met and surpassed every one of the rigid high standards for food selection . . . including the taste tests of the astronauts themselves. I'd like to have you meet James A. Biggar, president, Stouffer Foods Division of Litton Industries:

Mr. JAMES BIGGAR. I would like very much to have you all meet the ladies who really do all the work in preparation of the Stouffer Foods portion of the astronauts' menus. They are Mrs. Doris Centini, our manager of research and development, and her two able assistants, Sandra Hess and Julia Stewart. And they are not alone responsible for the astronauts, as they work on all the preparations which are available in all the stores which carry our products all over the country. When we suggest that all America "match menus with the astronauts", these girls have set the standards which make it possible for any family to do just that. Many thanks to you, Congressmen . . . Miller and Vanik, and I wish to say especially of Mr. Vanik that this has given me a grand opportunity to see my congressman in action. He represents us very well here in Washington.

Congressman VANIK. Many thanks to you all for coming, to Litton Industries, of California, and Stouffer Foods of Cleveland, for making this luncheon possible. Back to work, everybody.

STATEMENT BY THE STATE OF HAWAII BEFORE THE PRESIDENT'S CABINET TASK FORCE ON OIL IMPORT CONTROL

(Mrs. MINK asked and was given permission to revise and extend her remarks at this point in the RECORD, and to include extraneous material.)

Mrs. MINK. Mr. Speaker, the statement by the State of Hawaii on the mandatory oil import quota system, presented on November 24 by Mr. Myron B. Thompson, administrative director, Office of the Governor, contains abundant justification for removing Hawaii from this system. This was presented before the Cabinet Task Force on Oil Import Control.

As the statement points out, the punitive cost to consumers in Hawaii is at least $14 million a year, and Americans pay an estimated $3.4 billion annually. The system is especially unfair to Hawaii, the only State without land access to sources of oil, since it forces Hawaii to pay import prices for all of its fuel. This is a key factor in our excessively high cost of living.

As the State of Hawaii statement also shows, Hawaii is also penalized by being barred from shipping in crude from Alaska or other nations which could be refined for use in the State at lower cost. The statement by the State of Hawaii urges that the Jones Act be amended to correct this, as would be provided by my bill, H.R. 11038.

Justifying a change in the Jones Act, the State of Hawaii statement says:

We would also like to comment on the recent large discovery of crude oil in Alaska, a State that is part of District V. We feel that even if Alaskan crude may be competitive in price to foreign crude, Hawaii will not benefit from such price since we are required to use high cost U.S. Flag carriers under the Jones Act. Changes to the Jones Act should be made as it applies to noncontiguous States.

My bill would allow American firms using American labor on ships of American registry, built in other nations, to bring crude oil from Alaska for refinement in Hawaii. This would produce lower priced fuel, gasoline, and oil products for the people of Hawaii as well as increase employment. I am pleased to insert the State of Hawaii statement at this point in the RECORD.

STATEMENT OF THE STATE OF HAWAII ON THE MANDATORY OIL IMPORT QUOTA PROGRAM

It is a privilege to appear before this Committee on behalf of the State of Hawaii. The people of our State appreciate the opportunity this Task Force has provided to present their position on the Mandatory Oil Import Program.

It is the position of the State of Hawaii that alternatives to the present Mandatory Oil Import Quota Program, for the purpose of securing a petroleum supply in the interest of national defense and security, be considered seriously. (Answer to question #1 Governor Burns' statement dated July 10, 1969.) Crude oil is a natural resource which once diminished cannot be replaced. Emphasis should be placed on protecting and preserving crude oil for future use instead of setting artificial import barriers on the assumption that this will provide incentive for exploration of new sources of supply and encourage use of such sources of supply. The present Mandatory Oil Import Quota Program seems to unduly punish the citizens of this nation in the interest of national security. The use of higher priced domestic crude when cheap foreign crude is available is costing citizens of the United States an estimated $3.4 billion annually. (Sen. Proxmire estimate in March this year.) It is costing the citizens of Hawaii in excess of $14,000,000 annually. (Answer to question #38 statement of Governor Burns dated July 10, 1969, in Governor's rebuttal dated August 13, 1969.)

Should the Task Force decide to continue the Mandatory Oil Import Quota Program, it is the position of the State of Hawaii to request that it be removed from District V on grounds that the regulations imposed on District V cannot, in fairness, be imposed on Hawaii since conditions exist which do not apply to any other State. (Answers question #76 & 77, Governor's statement dated July 10, 1969.)

It is recommended that Hawaii be completely exempted from the Oil Import Quota Program because the rationale of national defense has no bearing on the State of Hawaii. Oil, whether it comes from foreign sources or from the continental United States must be transported over 2,200 miles

of international waters, making it subject to attack in times of national emergency.

If total exemption is not possible, Hawaii should, at the minimum, be made a separate district in recognition of its unique circumstances in the same manner as Puerto Rico.

Presidential Proclamation No. 3279, as amended, which established the Mandatory Oil Import Quota Program, clearly recognizes differences between geographic areas of the country with respect to oil production and inter-area flow of oil.

District V included in addition to Hawaii, the states of Arizona, Nevada, California, Oregon, Washington and Alaska. These states are recognized oil deficient areas where limited imports of foreign oil are necessary to meet demand. Foreign imports to the district are, therefore, limited to an amount which, when added to domestic production and supply, would approximate total demand in the district. It should be noted that California and Alaska have some domestic production and all of them have access to overland supply of exempted oil produced in Canada or Mexico. (Covered in introductory statement by Governor, July 10, 1969.) Placement of Hawaii in this district is not appropriate. Hawaii lacks an indigenous source of fuel and therefore does not produce any oil on its own. Oil and its products are critical to our sustenance since we have no access to other soures of energy. Further, Hawaii cannot benefit from the exemption provided in the Import Quota Program for oil transported overland from Canada or Mexico.

At the same time, the Proclamation says of Puerto Rico:

"Whereas I find and declare that the Commonwealth of Puerto Rico largely depends upon imported crude oil, unfinished oils and finished products and that any system for the adjustment of imports of such commodities permit imports into Puerto Rico adequate for the purposes of local consumption . . ."

Hawaii and Puerto Rico similarily constitute non-contiguous areas which are critically dependent upon imported crude oil for economic development.

History has shown that areas lacking indigenous mineral resources, such as England, Japan, or Switzerland, and I include Hawaii, must use considerable ingenuity to overcome environmental deficiencies and survive economically.

Except for building materials sufficient only for local use, Hawaii's only mineral resources are soil and groundwater. Since 1778 our people have shown both skill and ingenuity in using these resources and the geography of the islands to participate in varying capacities in a changing world economy. From an initially way station trading economy we have passed through successive phases including emphasis on commerce, then agriculture, then defense mobilization and expanding into a service, largely tourist oriented economy.

The estimated resident population of Hawaii is in the neighborhood of 800,000. This represents an increase of over 40% since 1960. Our labor force is increasing at an annual rate of 4%. Population pressure will be heavy on the Hawaiian economy and it shows no sign of abatement. In order to maintain tolerable unemployment levels, present basic industries will have to be maintained or expended whenever possible and newer industries created.

Currently, Hawaii depends largely on military expenditures—amounting to $606 million last year, tourism—$460 million last year and sugar and pineapple—$328 million, for its economic well being.

They form a strong yet unpredictable base. Military expenditures are dependent on the world situation and public opinion. Tourism is subject to the influence of a variety of factors such as disposable income, competition from other areas and level of customer satisfaction. (Answer to question #77 in statement of Governor Burns dated July 10, 1969.) Sugar and pineapple, bulwarks of the past, have been steadily declining in relative importance. So it is that Hawaii must seek for ways to stabilize its economic base and make it less susceptible to fluctuation.

One of the ways to stabilize this base is to take advantage of Hawaii's mid-Pacific location and its unique natural assets to become a center for economic activity. Because of its geographic location and, to some extent, its unique ethnic composition, Hawaii is already playing an important role in bringing together buyers and sellers from East and West, assisting in their financial arrangements and providing them with display and exhibition facilities.

Manufacturing in Hawaii, hampered as it is by its inaccessibility to material and markets, currently plays a relatively minor role in the State's economic life, $310 million last year. A strong manufacturing industry would be more independent of external forces than either military expenditures or tourism. But to achieve that position of strength, the adverse effects of the vast distances between material and market must be overcome through reductions in cost.

The most critical item of cost affecting both manufacturing and East-West trade is the high cost of energy in Hawaii. It is vital and just that Hawaii be allowed access to material at the lowest possible cost to offset higher transportation costs. Fuels, petroleum in this case, are the foundation of any economy. Lower cost energy will reduce production costs and place Hawaii in a more competitive position thus increasing exports and encouraging new enterprises.

Hawaii presently suffers from one of the highest costs of living in the United States. In fact, many of our people in dire need are unable to benefit from federal programs because national poverty guidelines do not recognize the cost of living differential. The general consumer interest will be served by the lower energy costs which would result from Oil Import Quota elimination. We can anticipate a lower cost of electricity and other utilities and all goods and services which prices reflect the cost of energy, in addition to the lower gasoline and oil products.

The Mandatory Oil Import Quota has been extremely expensive for Hawaii's citizens. The state presently sustains one oil refinery which processes some 33,000 barrels of oil per day, of which 97% is foreign crude. Under the Oil Import Quota system, the Hawaiian refinery is granted a quota of only 1,500 barrels. The remaining portion of the foreign oil is received under "exchange agreements" with other quota licensees on a 1 to 1 ration, under Section 17(b)(3) of the OIA rules.

Therefore, the operator has stated that they must charge consumers of the State of Hawaii as if high priced domestic crude were used. The differential between domestic oil and foreign oil landed in Hawaii is approximately 70¢ to 95¢ per barrel. The resultant $14–20 million difference may not be a large amount for other states, but for Hawaii, it is a tremendous burden on its small population and economy. (See Exhibits A and B attached hereto.)

As another example of the effect of this program on our citizens is gasoline prices. We have been informed by one of the major oil companies that their tank wagon price to dealers in Honolulu is a stable 18.4¢ per gallon. They have indicated that in some areas such as Los Angeles, they have gone as low as 12.94¢ per gallon in response to competition. (See Exhibit C attached hereto.) (Governor's statement July 10, 1969, Introductory statement and answers to questions 1 and 28. Also rebuttal statement dated August 13, 1969.)

We would like to state in passing, that Hawaii has applied for a foreign trade subzone refinery that would process approximately 29,000 barrels per day. U.S. Customs statistics for 1968 show that 11 million barrels of jet fuel and fuel oil, having a total import value of $34 million, was brought into the State of Hawaii "in bond" from foreign sources. The proposed foreign trade sub-zone refinery would not endanger the import quota program but, in fact, would enhance the nation's security by enhancing our national balance of payments. Hawaii would like to displace in part the foreign "in bond" fuel by processing relatively low cost foreign crude oil in the sub-zone. (See answer to question #31 in Governor's statement July 10, 1969. Also rebuttal dated August 13, 1969.)

We would also like to comment on the recent large discovery of crude oil in Alaska, a state that is part of District V. We feel that even if Alaskan crude may be competitive in price to foreign crude, Hawaii will not benefit from such prices since we are required to use high cost U.S. flag carriers under the Jones Act. Changes to the Jones Act should be made as it applies to noncontiguous states. (Jones Act covered in Governor Burns' answer to question #27 in statement dated July 10, 1969.)

To summarize then, in light of the unique geographic position of Hawaii, the uncertain future of some basic industries; the fast growing population; plus the vast distances between material and markets—we hold that the present position of the State of Hawaii in the mandatory oil import program places undue burdens upon the people and economy of the State.

EXHIBIT A.—HAWAII RECEIPTS AND SHIPMENTS OF PETROLEUM PRODUCTS, DOMESTIC AND FOREIGN, CALENDAR YEAR 1967

[In barrels]

Product	Domestic [1]		Foreign [2]	
	Receipts	Shipments	Imports	Exports
Gasoline, n.e.c	2,557,432	1,706,904		74,976
Jet fuel	1,214,939	923,304	8,146,703	
Kerosene	1,106,757	793,472		114,193
Distillate fuel oils	5,524,982	380,031		269,730
Residual fuel oils	1,885,145			40,947
Lubricating oils and greases	113,565			
Asphalt, tars, and pitches	103,147	6		
Naphtha and petroleum solvents	50,413			
Asphalt building materials	222,264	395		
Petroleum and coal products, n.e.c	52,219	3,453		
Crude oil	288,509	238,446	12,295,398	
Fuel oil			2,890,438	

[1] Short-ton data from U.S. Army Corps of Engineers; conversion of short tons to barrels using conversion factors supplied by Honolulu Gas Co.

[2] U.S. Customs Bureau, computer printouts from the Hawaii field office.

EXHIBIT B.—IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS INTO HAWAII BY COUNTRY OF ORIGIN, CALENDAR YEAR 1968

TSUSA number	Product	Country of origin	General imports: Net quantity (barrels)	General imports: Value (dollars)
4751010	Crude oil	Iran	4,648,573	8,850,669
		Saudi Arabia	4,172,149	8,321,052
		Indonesia	3,060,768	5,384,641
		Bahrain	413,908	1,030,631
		Total	12,295,398	23,586,993
4750550	Fuel oil	Saudi Arabia	2,058,056	5,124,556
		Bahrain	832,382	2,072,631
		Total	2,890,438	7,197,187
475240	Jet fuel	West Indies	4,455,632	14,352,614
		Venezuela	3,204,424	10,093,961
		Iran	259,472	982,179
		Saudi Arabia	163,071	621,916
		Bahrain	64,104	239,621
		Total	8,146,703	26,290,291

EXHIBIT C.—CHEVRON GASOLINE, NET PRICE (EX. TAX) TO DEALERS REALIZED AT HONOLULU AND AT WEST COAST POINTS

1967	Honolulu	San Francisco	Los Angeles	San Diego	Portland	Seattle
January	18.4	16.4	15.60	15.95	16.28	15.38
February	18.4	16.4	13.45	15.89	15.24	15.86
March	18.4	16.4	14.46	15.86	13.89	15.54
1st quarter	18.4	16.4	14.53	15.91	15.09	15.59
April	18.4	16.4	16.37	15.68	16.45	15.45
May	18.4	16.4	16.30	15.85	16.37	15.89
June	18.4	16.4	15.54	16.09	16.04	15.75
6 months	18.4	16.4	15.32	15.89	15.72	15.65
July	18.4	16.4	15.37	16.26	16.24	15.57
August	18.4	16.4	13.29	16.19	14.76	15.10
September	18.4	16.4	16.02	16.40	16.06	15.47
9 months	18.4	16.4	15.17	16.02	15.71	15.55
October	18.4	16.4	12.94	15.98	16.20	14.44
November	18.4	16.4	15.29	15.72	15.50	15.20
December	18.4	16.4	13.93	16.05	15.94	15.47
Total, year	18.4	16.4	14.86	16.00	15.75	15.42

THE NIXON WAR: A GROWING DANGER

(Mrs. MINK asked and was given permission to revise and extend her remarks at this point in the RECORD, and to include extraneous material.)

Mrs. MINK. Mr. Speaker, the administration's blatant efforts to intimidate the press coupled with the current drive to smother congressional criticism by a call for patriotism and unity stand as direct threats to our constitutional liberties. This frenzied, unthinking attack on free speech and debate marks a turning point in an administration which promised to "bring us together" and which pledged to "lower our voices." Now the theme is that all who have different views are "liberal Communists," making them all traitors; and those who remain silent, agree with the President, and are the only true patriots. I shudder to think what else might be discussed at the breakfast table of our Attorney General. We had better hurry up and repeal title II of the Internal Security Act or the use of detention camps might again become the passion of the day as in World War II.

I call to the attention of my colleagues an editorial in the November 18 issue of the Honolulu Advertiser, titled "A Growing Danger," which reads as follows:

A GROWING DANGER

Moratorium II has come and gone, leaving the country just where it was on Vietnam.

Although a separate band of extremists did perpetrate some violence in Washington, the march activities in the capital did not bear out the Justice Department's apprehensions.

On the whole, the march was orderly, decorous, restrained.

President Nixon, meantime, went to elaborate lengths to publicize that the White House was operating "normally"—unmoved by the activity in the street outside.

The President is banking on the "silent majority" to support his approach to ending the Vietnam war, and there is evidence that the support is substantial.

As we have said earlier, the activists who demand immediate withdrawal would be well advised to take note of what appears to be growing sentiment behind the President.

That sentiment may be based in part on increasing impatience with the demands and demonstrations of the activists and their failure to show the slightest sympathy for the President's difficulties.

The country faces the danger of greater and greater polarization and, along with it, hostility. The activists are contributing to this—but so, unhappily, is the Administration.

The activists have a responsibility to try to reverse this trend. But so does the President, precisely because he is the President—one who entered office pledging to unify the nation.

It is natural and expected for any President to defend and advocate the policies he deems best for the country. And President Nixon is correct that foreign policy cannot be made in the streets.

American policy can and must be shaped by popular sentiment in its broad form—and this is certainly what has happened. The anti-war elements have long since won the argument; this country is going to get out of Vietnam as quickly as it can.

Where the activists err is that they now insist on dictating the details—in this case, immediate withdrawal—and the President rightly resists them.

It is not the President's attitude toward the peace demonstrations that disturbs us but the ways in which that attitude is being manifested by Administration spokesmen.

The hard-line statements from the Justice Department and the series of intemperate comments by Vice President Agnew are the most discouraging examples.

The inevitable consequence of such an approach is to solidify and further embitter the opposition—and to more deeply split the nation.

Despite the administration's strong-arm operation and cursory reports of national polls there is evidence that the silent majority is not backing a policy of maintaining semipermanent U.S. force in Vietnam as the President's program suggests. According to public opinion expert Louis Harris, in a speech made in Hawaii on November 17, 1969, 81 percent of the American people agree that the questions raised by the antiwar demonstrators ought to be discussed and answered—a public demand in direct opposition to the Nixon-Agnew approach of silencing the opposition with no debate or answer to their questions.

The Honolulu Advertiser on November 19 and the Honolulu Star-Bulletin on November 18 both reported Mr. Harris' speech which I commend to the attention of my colleagues and insert in the RECORD at this point:

[From the Honolulu Star-Bulletin, Nov. 18, 1969]

POLLSTER HARRIS SAYS AMERICANS WANT HONORABLE END TO THE WAR

America's people are "sorely troubled and taxed emotionally by a war they didn't ask for, but one they would like to see end on relatively honorable terms."

This is the conclusion of Louis Harris, who conducts the syndicated Harris Poll, and who has spent a lifetime as a reporter of public opinion and as a working journalist.

Harris, speaking yesterday to the National Wholesale Druggists' Association convention at the Hilton Hawaiian Village Hotel, painted a grim picture of life in America today.

He said the Vietnam war has deeply divided the country and "All but made a shambles of national unity."

Americans find it intolerable as a people, he said, to expend our blood or treasure in a war without end, a war that will likely end in a stalemate.

He said 81 percent of the American people agree that the antiwar demonstrators may not be entirely right, but the questions they raise ought to be discussed and answered.

He said a majority of the people feel uneasy that Hanoi finds comfort in antiwar demonstrations, but a majority also believes the President was wrong to see he would pay no attention to the protests.

President Nixon's plan for gradual troop withdrawal from Vietnam has the support of "a big majority," Harris said. But a majority of the people also have no faith the "Vietnamization" part of the Nixon plan will work.

"They would like the war to end on honorable terms—which means simply not a Communist takeover," Harris said.

"We are sharply and deeply divided as a nation," he warned.

Two new coalitions are shaping up, he said. One is for "no change," and it draws its chief strength from whites in the Deep South, conservatives, and lower middle income whites from the industrial North.

The coalition "for change" is made up of

blacks, Spanish-speaking people, the young and the college-educated, he said.

He outlined the issues which are likely to be with us through the next decade.

Our role as a superpower in the world, and what the limits of that power should be—

The question of race.

The ability of society to cope with nonconformity in manners, styles and taste.

He said the coalition "for change" should be in the majority in 1976—but the question is not whether there are more people "for change" or more people "against change" in manners, morals and mores.

"The challenge . . . is how America can survive and how the quality of life in this country and throughout the world can be made better," he said.

He said we must learn how to control war—how to bring population growth and food into proper balance—how to share our wealth—how to bring justice and equality to black and Spanish-speaking people "who will soon be over one in every four Americans."

"A generation from now they will ask of all of us—where were you in this great turning period?" he concluded.

And he said the answer cannot be taken for granted, nor can the obligation of every man.

"Tomorrow may be too late."

[From the Honolulu Advertiser, Nov. 19, 1969]

PROTEST FOES HELD NOT NECESSARILY PROWAR

If you don't like demonstrations against the Vietnam war, does that make you part of a "silent majority" in support of the war?

Nothing of the sort, says the man who earned his reputation tapping the opinions of Americans.

"All of this might make headline rhetoric, but it is not likely to wash with the real majority of Americans," pollster Louis Harris told a meeting of the National Wholesale Druggists' Association at the Hilton Hawaiian Village Monday.

Harris made his remarks against the background of the antiwar moratoriam of Oct. 15 and the past weekend, and President Nixon's speech earlier this month appealing to the support of the "silent majority."

"An important distinction had best be made here and now," he said. "At a time when no more than 30 per cent of the public credited Lyndon Johnson with positive marks on his handling of the war, 84 per cent also wanted to see the anti-Vietnam protesters cracked down on by the government.

"How could this discrepancy exist? If people were so down on protesters, why weren't they in favor of the government's policy on that war?

"The fact is that after 20 years involvement in a Cold War that grew hot in Korea and again in Vietnam, the American people have become more sophisticated than much of the elected leadership of both political parties gives them credit for."

Harris said the Washington demonstrators had no right to expect people who feel the war is morally wrong to follow or support their "violent or irresponsible acts."

Also, the Nixon Administration will be "making a serious mistake if it equates opposition to the extremist protesters with support of its stand on Vietnam."

Harris said that a recent poll he took for Time magazine showed that 80 per cent of the "silent majority" said they were "fed up and tired of the war," and that over 60 per cent expected no early end to the American involvement in the war.

Moreover, Harris said, Americans by a 2 to 1 margin hold the view that the war is unlikely to end in a negotiated settlement, and that "pluralities of the public as well as the leadership of the country favor a unilateral ceasefire." They also believe Vietnam was headed for a Communist government no matter what the U.S. did, he said.

"Taken at their face value, these results hardly add up to a waiting and eager 'silent majority' ready to spring to support of a policy designed to continue American involvement in the fighting," Harris said.

Harris said that Nixon "won kind of a Scotch decision" by not shooting for a negotiated settlement. The majority of Americans never felt the war could be ended by negotiations, he said.

"He has abandoned a course people never did have much faith in," Harris said.

Referring to Nixon's recent policy speech, Harris said the withdrawal portion meets with approval of 73 per cent of Americans.

"Furthermore, two out of three people are happy to have a phased withdrawal, a 'winding down' of the war over a period of time, but not too long. Six in ten Americans now oppose a precipitate withdrawal," Harris said.

But the second major element of Nixon's speech—the "Vietnamization" of the war—guns against the grain of American opinion, he said.

"No more than 22 per cent of the American people have any real faith in the ability of the ARVN (government troops) to hold up their end as U.S. combat replacements. By 2 to 1 margin, a majority, largely silent up to now, believes that if the U.S. withdraws its fighting troops, the Communists will win the war."

Harris said that most Americans do not believe that the Thieu-Ky government is backed by popular support. They also doubt whether the Communists have that backing.

But a majority of Americans feel that the Communists are most likely to survive. Yet, in his Time-poll, Harris found that eight in 10 Americans would hold it against Nixon "if the Communists took over there.

"The people are, therefore, also opposed to a coalition with the Communists as a settlement, although the leadership group in the country is not," Harris said.

"So, on the Nixon plan to wind down American involvement in Vietnam, a big majority supports the withdrawal of U.S. troops, but a majority also has virtually no faith that the Vietnamization part of the bargain will really work.

"The plain truth is that the vast bulk of the American people would like to get out of Vietnam, but they would like the war to end on honorable terms—which means simply not a Communist takeover," Harris said.

Harris said that government decisions should lead, not follow, the views of the majority.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HANNA (at the request of Mr. ALBERT), for December 1 and December 2, on account of official business.

Mr. MONTGOMERY (at the request of Mr. JONES of Tennessee), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MYERS) and to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 5 minutes, today.

Mr. WEICKER, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. ROE) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. KOCH, for 60 minutes, on December 2.

Mr. OTTINGER, for 60 minutes, on December 2.

Mr. MIKVA, for 60 minutes, on December 3.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Extensions of Remarks of the RECORD, or to revise and extend remarks was granted to:

Mr. HOLIFIELD and to include extraneous matter.

Mr. MICHEL and to include extraneous matter.

Mr. JONAS during the consideration of House Joint Resolution 1017, today, and to include extraneous matter.

Mr. MAHON during consideration of House Joint Resolution 1017, today, and to include extraneous matter.

Mr. COHELAN during consideration of House Joint Resolution 1017, today, and to include extraneous matter.

Mr. RIVERS (at the request of Mr. ARENDS) to extend his remarks in the RECORD at the close of the debate today on House Resolution 613.

Mr. FINDLEY, today and tomorrow, during consideration of House Resolution 613 and to include extraneous material.

Mr. WRIGHT to include telegram from James B. Conant, and telegram from Gen. Lucius D. Clay.

Mr. MIZELL (at the request of Mr. ADAIR) to include extraneous material with remarks made on House Resolution 613.

(The following Members (at the request of Mr. MYERS) and to include extraneous matter:)

Mr. MINSHALL in two instances.
Mr. PELLY.
Mr. DERWINSKI in two instances.
Mr. HOGAN in three instances.
Mr. BEALL of Maryland.
Mr. BIESTER.
Mr. TAFT in two instances.
Mr. BERRY.
Mr. BURKE of Florida.
Mr. HALL.
Mr. MICHEL.
Mr. FREY.
Mr. POLLOCK.
Mr. HORTON.
Mr. ASHBROOK.
Mr. SHRIVER in two instances.
Mr. SCHNEEBELI.
Mr. WYMAN in two instances.
Mr. PRICE of Texas.
Mr. HARVEY.
Mr. STEIGER of Wisconsin in two instances.
Mr. MIZELL.
Mr. MILLER of Ohio.
Mr. DELLENBACK.
Mr. SCHWENGEL in two instances.
Mr. MCCLOSKEY.
Mr. SCOTT.

(The following Members (at the re-

quest of Mr. ROE) and to include extraneous matter:)

Mr. MAHON in two instances.
Mr. ROSENTHAL in five instances.
Mr. CORMAN in five instances.
Mr. FRASER in three instances.
Mr. POWELL in three instances.
Mr. HAMILTON in 10 instances.
Mr. ADAMS.
Mr. RARICK in three instances.
Mr. KARTH.
Mr. HICKS in two instances.
Mr. PATTEN.
Mr. BINGHAM in two instances.
Mr. WOLFF in two instances.
Mr. VANIK in three instances.
Mr. O'HARA.
Mr. DANIEL of Virginia.
Mr. VAN DEERLIN.
Mr. FRIEDEL in two instances.
Mr. REES.
Mr. KASTENMEIER.
Mr. MANN in two instances.
Mr. ULLMAN in six instances.
Mr. GONZALEZ in two instances.
Mr. MINISH in two instances.
Mr. FLOWERS in three instances.
Mr. MONAGAN in two instances.
Mr. OLSEN in two instances.
Mr. BRADEMAS in six instances.
Mr. HATHAWAY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; to the Committee on the Judiciary.

S. 497. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired); to the Committee on the Judiciary.

S. 1678. An act for the relief of Robert C. Szabo; to the Committee on the Judiciary.

S. 3180. An act to adjust the salaries of judges in the government of the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas; and

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rates permitted on U.S. savings bonds.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas; and

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds.

ADJOURNMENT

Mr. ROE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 2, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1363. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Federal National Mortgage Association for fiscal year 1968, Department of Housing and Urban Development (H. Doc. No. 91-200); to the Committee on Government Operations and ordered to be printed.

1364. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1365. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard, together with notification that certain projects previously included in letters of notification have been cancelled, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1366. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting a quarterly report on the programing and obligation of contingency funds for the first quarter of fiscal year 1970, pursuant to the provisions of section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1367. A letter from the Comptroller General of the United States, transmitting a report on the questionable need for overtime at selected installations of the Army, Navy, and Air Force; to the Committee on Government Operations.

1368. A letter from the Comptroller General of the United States, transmitting a report of a survey of the Nike-X antiballistic missile development program, indicating a need for management improvements, Department of the Army; to the Committee on Government Operations.

1369. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1370. A letter from the Chairman, John F. Kennedy Center for the Performing Arts, transmitting the annual status and financial report on the Center for fiscal year 1969, pursuant to the provisions of Public Law 85-874; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 15021. A bill to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. BROTZMAN:

H.R. 15022. A bill to amend the National Guard Technicians Act of 1968 to extend certain benefits thereunder to certain technicians involuntarily separated without cause from technician positions before January 1, 1969, and for other purposes; to the Committee on Armed Services.

By Mr. BURTON of Utah:

H.R. 15023. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELS of New Jersey (for himself and Mr. DULSKI (by request)):

H.R. 15024. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 15025. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

By Mr. FEIGHAN:

H.R. 15026. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 15027. A bill to amend the Higher Education Act of 1965 to increase the funds available to commercial lenders who make insured student loans under such act; to the Committee on Education and Labor.

By Mr. KEE:

H.R. 15028. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 15029. A bill to extend and improve the Commodity Exchange Act of 1936; to the Committee on Agriculture.

By Mr. RYAN:

H.R. 15030. A bill to amend the Military Selective Service Act of 1967 to prohibit the assignment of any person inducted under such act to active duty in Vietnam unless he consents to such assignment; to the Committee on Armed Services.

H.R. 15031. A bill to amend the Education Professions Development Act to permit training of school board members; to the Committee on Education and Labor.

By Mr. CHARLES H. WILSON:

H.R. 15032. A bill to restrict the mailing of credit cards; to the Committee on the Judiciary.

By Mr. GUDE (for himself, Mr. BROYHILL of Virginia, Mr. HOGAN, and Mr. SCOTT):

H.R. 15033. A bill to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; to the Committee on the District of Columbia.

By Mr. HOGAN:

H.R. 15034. A bill to prohibit the use of the name of any certain deceased servicemen unless consent to so use the name is given by the next-of-kin of the serviceman; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 1017. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes; to the Committee on Appropriations.

By Mr. FRASER:

H.J. Res. 1018. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.J. Res. 1019. Joint resolution proposing an amendment to the Constitution of the United States to grant to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H. Con. Res. 458. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. STEIGER of Wisconsin:

H. Con. Res. 459. Concurrent resolution protesting the treatment of American servicemen held prisoner by the Government of North Vietnam and backing the administration in its efforts on behalf of these servicemen held captive by the North Vietnamese Government; to the Committee on Foreign Affairs.

By Mr. BROYHILL of Virginia:

H. Res. 731. Resolution for appointment of select committee to investigate alleged "Pinkville Massacre"; to the Committee on Rules.

By Mr. WIGGINS:

H. Res. 732. Resolution proposing an amendment to rule XV, Rules of the House of Representatives relating to calls of the roll and House; to the Committee on Rules.

By Mr. ZABLOCKI:

H. Res. 733. Resolution concerning U.S. policies on chemical and biological warfare; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 15035. A bill for the relief of Boyd L. Schultz; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 15036. A bill for the relief of Maria Buhmann; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

344. By the SPEAKER: Petition of the City Council, City and County of Honolulu, Hawaii, relative to funding for cancer research; to the Committee on Appropriations.

345. Also, petition of the Club 100, Honolulu, Hawaii, relative to repeal of subtitle II of the Internal Security Act of 1950 (The Emergency Detention Act); to the Committee on Internal Security.

346. Also, petition of Henry Stoner, York, Pa., relative to taxation of oil production; to the Committee on Ways and Means.

SENATE—*Monday, December 1, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"Not alone for mighty empire, stretching
far o'er land and sea;
Not alone for bounteous harvests, lift
we up our hearts to Thee.
Standing in the living present, memory
and hope between,
Lord, we would with deep thanksgiving,
praise Thee most for things unseen."

—WILLIAM P. MERRILL.

As we praise Thee, Lord, for things unseen, we ask Thy presence with us in the daily duties which are seen. Make us apt and able for this day. When we are weak, make us strong. When we have fear, give us courage. When we are lonely, be our companion. And enable us so to work and live that we may be used by Thee for the making of a better Nation and the establishment of Thy kingdom among all men. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 26, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN INVOLVEMENT IN THE PHILIPPINES

Mr. FULBRIGHT. Mr. President, Senator SYMINGTON's subcommittee recently completed a series of hearings concerning American involvement in the Philippines. Although substantial portions of those hearings were deleted by the Department of Defense for security purposes, there still is a tremendous amount of new information now being made public for the first time.

Ward Just, of the Washington Post, did a brief summary of some of the more interesting parts of the subcommittee hearings, and it was published in the Washington Post of Sunday, November 30.

I hope my colleagues will read this article and that it will encourage other members of the press to take a more careful look at the published hearings of the Symington subcommittee.

Mr. President, I ask unanimous consent that the Ward Just article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR AFFAIR WITH THE PHILIPPINES

(By Ward Just)

In the fall of 1966, to a certain amount of fanfare in the United States, the Philippines sent a detachment of 2,200 men to South Vietnam to fight the war. The unit was known as PHILCAG—Philippines Civic Action Group—and was cited by the Johnson administration as yet another example of the support the American position had from "the free world" on the rim of Asia. At the time, President Johnson expressed his "deep satisfaction" and *that of the American people* at the evidence of Filipino support. President Ferdinand Marcos, addressing a Joint Session of Congress in Washington, proposed an American defensive shield for non-Communist Asia. He told the Congress: "Our object must be to hold the line in Vietnam and at least to roll back Communist power behind the 17th parallel."

To anyone who looked closely at it (and there were a few who did), the Marcos position seemed a speck contradictory. If he felt so strongly about rolling back Communist power, why was he committing only 2,200 troops to South Vietnam, and noncombatants at that? Why were Americans not using Clark Air Base to fly bombing missions against South Vietnam?

Well, now we have some of the answers from Senator Symington's Subcommittee on United States Security Agreements and Commitments Abroad, whose report on the Philippines was made public last week (reports on Thailand, Taiwan, and Laos will follow). It is an extraordinary document, mined with wonderful ironies and absurdities all of which combine to throw the United States into a lover's embrace with a country whose people probably don't want us around at all, and a government whose principal preoccupation is cash. And PHILCAG? The short

answer is that the Johnson administration bought it lock, stock and barrel for payments totaling about $38 million. But that is only the tip of the iceberg.

The testimony shows that the U.S. is bound to the Phillipines in a cat's cradle of alliance. Some of this is based on the SEATO treaty, some of it bilateral, related to (1) the maintenance of our own bases and (2) the supposed threat from China or the Soviet Union; other parts are based on the internal problems caused by the half-Communist, half-gangster apparatus of the Huks; still others appear to be obligations relating to PHILCAG. It is extremely difficult to sort out which threat relates to which commitment, and vice versa. Is the air base at Mactan (maintained at $4 million a year, it has six sorties a day by U.S. aircraft, but is used by Philippine commercial airlines) kept as an auxiliary in case of Communist attack, as a payoff for Clark and Subic Bay, as a quid pro quo for PHILCAG, or merely because it is there? Similarly, the Huks. There was this exchange between Senator Symington and Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military assistance and sales:

Warren: (The U.S. aid) is also to help the Filipino forces to physically protect American forces (in the Philippines).

Symington: From whom?

Warren: Internally, sir; to maintain internal security and stability and, thereby, make our own activities over there more secure.

Symington: In other words we are paying the Philippine government to protect us from the Philippine people who do not agree with the policies of the government or who do not like Americans?

Warren: To a degree, yes, sir.

That U.S. aid included payment for a battalion of Philippine troops whose casualties in pursuit of the dreaded Huks have been less than a dozen, and many of those in nonwar-related activities.

The Americans had supplied the Marcos government with a squadron of 22 F–5 fighter aircraft (cost: $15 million), and the rationale for that was that the Philippines would then be able to defend itself against attack. There was this exchange between Symington and Lt. Gen. Francis G. Gideon, commander of the American 13th Air Force at Clark Air Base:

Symington: . . . Who would attack the Philippines from the air?

Gideon: The current principal threats are the Chicom air force and the U.S.S.R.

Symington: Where would the Soviet planes come from . . . ?

Gideon: Well, there are five or six bases . . .

Symington: What type plane would they use? They would have to use Bears or Bisons (two types of Soviet long-range aircraft).

Gideon: Yes, sir.

Symington: That is a pretty theoretical danger. That plane is comparable to the old B–36. I imagine that danger scares you all pretty bad. What would you do as they went by places like Okinawa? Wave at them?

What emerges from this hearing is that the United States is paying the Philippines for the privilege of defending it against attack. Apart from the $38 million for PHILCAG, there is $22.5 million a year for military assistance, and beyond that the very considerable boost to the Philippine economy from the American bases—air force bases at Clark, Mactan, and John Hay, and naval bases at Subic, Sangley and San Miguel, among others. In all, there are 20 American military stations in the Philippines, which pump an estimated $150 million a year into the economy. This is what has resulted from a treaty in 1947 which said that the two countries would act to meet outside threats "in accordance with its constitutional processes." By 1964, the language had escalated to a point where an attack on the Philippines would be considered by the United States as an attack upon itself and, as such, "instantly repelled." The bases grew along with the language, each keeping pace with the other and none of it reviewed by the Congress—which should have.

That would seem to be the point of PHILCAG. As Senator Fulbright put it: "My own feeling is that all we did was go out and hire the soldiers in order to support our then-administration's view that so many people were in sympathy with our war in Vietnam, and we paid a very high price for it." What is not generally understood about the Symington hearings is that an extraordinary amount of spadework has been needed to pry out what facts there are about our commitment to the Philippines. As it is, there are about two dozen blank pages in the report with only the word [deleted] to indicate what they contain. In fact, they are investigative summaries of theft, assault, murder and homicide around the American bases.

The Philippine commitment acquired a momentum of its own, of a depth and variety out of all proportion to the need—as the military witnesses before the committee candidly conceded. State Department officials with a stake in past policy, military officials with their hardware to deploy—all of them collaborated in the lover's embrace which costs the taxpayer upwards of—what?—$30 million a year, $50 million?

And what of PHILCAG?

An American official with wide experience in South Vietnam was queried on the matter the other day, and replied, "Oh yes, PHILCAG. They operated in Tay Ninh Province. They, ah, built one Potemkin village, which was largely to impress VIPs. They were very active in the PX. I think they built some roads . . ."

The official might have added that in three years, the unit lost 8 killed and 17 wounded in an area considered hostile. Only recently, apparently anticipating the Symington Committee report, President Marcos announced that the unit was being withdrawn. He also said that there were no American payments for the maintenance of the unit in South Vietnam. Someone ought to look into that. Where did the $38 million go?

THE SONG MY INCIDENT

Mr. FULBRIGHT. Mr. President, Miss Mary McGrory, one of the best commentators in Washington, has written two perceptive and sensitive articles about the massacres of Song My.

One article is entitled "Silence Greets Viet Massacres." The silence is, I believe, temporary, and is due to the revulsion, the horror, with which most Americans regard this ominous reversion to primitive savagery.

I am confident that the vast majority of our people are revolted by this occurrence and will use their influence to bring this tragic conflict to an early termination.

I ask unanimous consent to have the articles printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SILENCE GREETS VIET MASSACRES

The reaction to reports of mass murder in a Vietnam village by American GIs has been outrage in London, silence in Washington and dismissal in Saigon.

In Britain, the alleged atrocities have created a government crisis and Harold Wilson summoned Ambassador John Freeman home to help him avert a debate on U.S. Vietnam policy in the House of Commons.

The Army announced that Lt. William J. Calley Jr. will face court-martial on charges of killing "109 Oriental human beings, occupants of the village of My Lai." The South Vietnamese government repeated its contention that "no massacre occurred."

The President gave out three Medals of Honor, and chatted with the returned astronauts. The Senate debated the tax bill and the House of Representatives talked about a subway system for the District of Columbia.

Two requests have been made for investigations by military committees of Congress. The public, busy writing letters in support of Vice President Agnew's attack on the press, has not been heard from.

The grisly story is being told in bits and pieces, as GIs around the country stand up to tell what they know about an event that was kept secret by the Army for 20 months.

Last night, a former GI named Paul Meadlo told a CBS audience that he had shot "about 15 or 20 villagers—and babies" under specific orders from Lt. Calley. He felt it was the right thing at the time because he had lost "a damned good buddy, Bobby Wilson," but later felt, after he had stepped on a land mine that God had punished him. It has been on his conscience.

The country's conscience, so far, has not been touched, by these and other recitals. The indignation is all imported. It could be a case of "all passion spent." The last weeks have brought the President's speech, the peace demonstrations, the hardening of attitudes. Is the public resigned, callous or indifferent, to an incident that has been compared in the European press to the Nazi savagery at Lidice? Is it an inability or a refusal to believe that American GIs would kill women and children in cold blood?

Even the bare charges against Lt. Calley do some damage to the President's contention that our continued presence is imperative to avert a "bloodbath." Already the Sept. 26 boast that "we have reversed world public opinion" is eroded.

The Pentagon has withheld comment "to avoid prejudicing the lieutenant's case. But it withheld publication of the incident since March 1968. Its first investigation led to the current Saigon conclusion that it was artillery fire. Its second was precipitated by the personal inquiry of Richard Ridenhour, a Vietnam veteran now studying at California's Claremont College. Neither a participant nor a witness, Ridenhour interviewed other GIs who knew about "Pinkville" and reported his findings in letters to high government officials, including Defense Secretary Melvin R. Laird.

The story was broken by Seymour M. Hersh, a 32-year-old Washington free-lance writer, who was brought up in Chicago's "Front Page" school of newspapering. Hersh, a fast-talking, fast-moving former Pentagon reporter with the Associated Press, was briefly Sen. Eugene McCarthy's campaign press secretary, and is the author of a book about chemical and biological warfare.

Hersh is against the war, but resents a London newspaper's designation of him as a "left-wing nut." He first heard of "Pinkville" through the tip of an old friend in the Pentagon who told him early in October merely that "the Army has a man in court-martial at Fort Benning, and they have accused him of killing 75 Vietnamese civilians."

Hersh was "horrified," dropped work on a book about the Pentagon, "The Ultimate Corporation," and started out on the trail. He got the name of George W. Latimer, Calley's counsel, flew to Salt Lake City to talk to him.

He got no specifics from Latimer, only "a sense of the dimensions of the story." He applied for and got a $1,000 grant from the Philip M. Stern Foundation for investigative journalism and started flying around the country to find sources.

He went to Fort Benning and trudged around for two days before he found Lt. Calley, who in a lengthy talk told him, "I'm for the Army." He wrote his first account on Nov. 13. The next day, Ridenhour called the Los Angeles Times and told them he had much more information. Ridenhour had offered his story to Life and Newsweek which had turned it down. Hersh dashed to Los Angeles to talk to Ridenhour, who gave him the names of the GI's he had interviewed.

Meantime, Hersh also visited hawks on military committees on Capitol Hill—"doves are never told anything." They had heard of Pinkville and believed it, but advised him not to write anything because "it won't do much good for the Army."

Hersh had, from his Pentagon days, no trouble believing that the "Army could know about a case like this and was proceeding to do nothing about it."

"They were shipping nerve gas around like it was going out of style, running it through the countryside without telling people, at night, through cities. I thought it was an unspeakable act."

Hersh thinks that the country is suffering a delayed reaction to the horrors now unfolding, partly due to the official denials.

"But this is so clear," he says, "we're doing exactly the things we went into the war to stop."

WHERE OUR CONSCIENCE DIED

Song My has revealed the full devastation of the war. Song My has told us not only what Americans have done to Vietnam but what Vietnam has done to Americans. The country's conscience, apparently, died in that Asian village with the old men, the women and the children.

The reaction to the reports of mass murder by American soldiers has been not horror at what happened, but rage at the messengers who are bringing the news.

The South Vietnamese government, anxious to save the American presence, says it never happened. And, until today, the American government, anxious to save the war, had said nothing.

An administration which fulminated at length against even the prospect of violence on Pennsylvania Avenue during the recent peace march, seemed reluctant to comment about slaughter in Song My.

Before today, the one expression from an administration official was given behind closed doors. Secretary of Defense Melvin R. Laird, testifying in secret session before the Senate Foreign Relations Committee, said he was "shocked and sick" at the allegations, long suppressed by the Army.

In the Senate, two members rose up, one to inveigh against the Army for bringing charges against an officer for "a mistake in judgment . . . under pressure of combat"; the other to condemn the CBS's television network for bringing to the home screen a young ex-GI who said he thought he had shot 15 or 20 people under orders from his lieutenant.

The interviewer, Mike Wallace, was inundated by abusive phone calls. Of 110, all but two berated him for "giving that boy a hard time." The network received many messages, a typical one saying, "Agnew was right. Wallace is pimping for the protestors."

Americans, who once united to protest against the Nazis, do not want to hear about atrocities committed by Americans, who like themselves, have become moral casualties of the war.

The war first was presented to them by a previous administration as necessary to avert another Munich, by this one as a struggle for survival. The country has suffered three assassinations, countless riots. And now, it seems the moral standards of a small, fanatical, underdeveloped country have been adopted as our own.

After all, it is said, look what the Communists did at Hue. They destroyed 3,000 "Oriental human beings," to borrow from the terms of the indictment of Lt. Calley. The death toll at Song My is not known, but surely less and the blame reduced proportionately. The quantitative standard is almost certain to prevail in a war where the only known measure for progress, and oft-proclaimed, imminent success was the body count. They were "gooks" to the young soldier who helped shoot them, and Communist gooks besides, even the babies, presumably.

The President understands that Americans do not want to hear bad things about other Americans who are helping to save a gallant little nation from a savage invader. The day after the shame of Song My was proclaimed by the court-martial announcement, President Nixon held a levee for the press. America was abandoning germ warfare and would never strike first with lethal chemical weapons.

He not only told Americans what he had done but what they should think about it. "By the examples we set today, we hope to contribute to an atmosphere of peace and understanding between nations and among men," he said.

The image of a high-minded humanitarian nation was thus restored, by an action delayed 44 years, which the White House says is in no way related to the sick story of Song My.

Once before the administration overcame a report that laid bare the brutalization of Americans by the war. In September it was revealed that Marines had been tortured in the brig of Camp Pendleton, a Marine base that abuts the summer White House in San Clemente.

Four days later, Henry Cabot Lodge stood up and made a 49-minute speech about the inhumane treatment accorded American prisoners by their North Vietnamese captors, blanketing a simultaneous admission by the commandant of Pendleton that there had been mistreatment.

Since then, Americans have been conditioned to equate support of the war with patriotism and protest with president-breaking.

Song My cannot be so easily bypassed. It is here to stay, a reminder to America that it is really not different from any other country.

A distraught young Wilmington, Del., church worker called this newspaper to say that, after reading the transcript of the GI interview, he thought the only way he could register his revulsion, guilt and frustration was to renounce his citizenship.

"I read this sign on cars that say 'America, love it or leave it.' How can I love it when it does these things?"

SHIRER AND THE MUNICH SYNDROME

Mr. FULBRIGHT. Mr. President, in the Saturday Review of November 8, 1969, appeared a most interesting and perceptive article by Mr. David Schoenbrun, entitled "Shirer and the Munich Syndrome." I believe that the Members of this body will be interested in what one of the best informed commentators in this country has to say about this subject. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHIRER AND THE MUNICH SYNDROME

(By David Schoenbrun)

Once upon a time, in the golden summer of 1925, France reigned supreme in the world, supreme in arms and arts and joy of living. The nightmare of the German threat had receded, with Germany forbidden by the Versailles Treaty to build warplanes, tanks, heavy guns, submarines or battleships, and saddled with reparations. Britain, the island empire, saw her colonies clamoring for independence. Russia was still staggering from the shock of the Bolshevik Revolution and years of civil war. The United States, weak, unarmed, isolationist, had turned its back on the League of Nations. France was a great power on the continent of Europe and in the world, with an empire sprawling over four and one half million miles of Africa, the Near East, and Asia, containing a population of 100 million and vast wealth in raw materials.

France's military power was matched and surpassed by the brilliance of her culture, which radiated around the world like a beacon, drawing the most creative talents to Paris from all corners of the earth. In Tokyo Seritzawa wrote a best-seller entitled *I Want to Die in Paris*, while Nagai composed his modern Japanese classic, *Tales of France*. Chinese scholars and young revolutionaries came to study in Paris, capital of two masters of philosophy, Lu and Man—the Chinese pronunciation of the names Rousseau and Montesquieu. Picasso, a Spaniard, and Modigliani, an Italian, followed in the path of Van Gogh the Dutchman to make the Ecole de Paris the greatest since the Renaissance.

Above all, fleeing the arid régimes of Harding and Coolidge, Americans flocked to Paris. From the Right Bank haunts of Hemingway and Fitzgerald—the Ritz and Harry's New York Bar—to the Luxembourg Garden home of Gertrude Stein on the Left Bank and Isadora Duncan's Montparnasse studio with its all-night parties, one could orbit through an extraordinary galaxy of stars; James Joyce, John Dos Passos, John Steinbeck, E. E. Cummings, W. B. Yeats, Kay Boyle, Ezra Pound, Djuna Barnes, Glenway Wescott, and Eugene Jolas, editor of *transition*, which proclaimed "revolution of the word." Sinclair Lewis, Santayana, and Sherwood Anderson joined with Valéry, Claudel, and Gide to discuss the works of Marcel Proust, who had died in 1922 and whose novels, finished just before his death, were published posthumously, the last in 1951. Even funerals were inspiring events; one of the greatest cortèges in history was offered as a hero's tribute to Anatole France when he died in 1924.

Among the great, the near-great, and the to-be-great who lived, loved, and worked in that golden age of Paris was a quiet, sober, earnest young man who arrived, new diploma in hand, to seek a job on the Paris *Herald*. His name was William L. Shirer. He did more listening than talking, and painstakingly recorded everything he heard, saw, or read. Decades later his voluminous diaries would bring him fame and fortune and provide historians with invaluable source material, as Shirer himself developed from journalist to historian of twentieth-century Germany and France.

In *The Rise and Fall of the Third Reich* Shirer compiled a monumental history of the Nazi nightmare. He seemed to have been everywhere when anything important was happening. He deepened and broadened his eye-witness record by burrowing through mountains of archives, secret reports, and captured Nazi documents. Perhaps less brilliant and less creative than his contemporaries of the Twenties, Shirer offered total recall, dogged perseverance, and massive research in place of word-paintings and poetry.

But Shirer's contribution to an understanding of our time may yet prove no less valuable and enduring than the creative efforts of more gifted men. His reputation as a contemporary historian, launched by his study of the Third Reich, has now been solidly confirmed by an equally massive work on France, *The Collapse of the Third Republic*. Modestly subtitled "An Inquiry Into the Fall of France in 1940," it is in fact much more than an "inquiry." It is a typical Shirer

monument of personal observation over more than thirty years, drawn from his inexhaustible diaries plus ten years of concentrated research in Paris. Shirer plowed through archives public and secret, conducted hundreds of interviews with the actors, principal and minor, in the rise and fall of the Third Republic of France, from the dazzling zenith of the 1920s to the degradation of the Thirties. Shirer describes in detail the almost unbelievable process of deterioration from June 1925 to the day in June 1940 when Hitler danced a jig on the Chaillot Heights overlooking the Eiffel Tower:

When, in 1925, fresh out of college, I had first come to live and work in Paris in the midst of a summer as lovely as the one just fifteen years later which would see its fall, France was the greatest power on the continent of Europe. Her hegemony, though frowned upon by her two principal allies, Great Britain and the United States, was acknowledged by all the nations. Her army, far superior to any other, stood watch on the Rhine . . . No other country on the Continent could challenge France's supremacy . . . Supreme in Europe, powerful in the world—such was the France in those days of the mid-Twenties. But that was not all. Paris again bloomed as the cultural capital of the world. . . . To all appearances France, despite her terrible blood-letting and the destruction of her richest *départements* in the north and northeast, had made a remarkable comeback. . . . Production, which had fallen in 1919 to 57 per cent of the 1913 level, had begun to mount. By 1923 it had risen to 88 per cent, surpassing the prewar level the next year and soaring to 126 per cent in 1926. The country was prosperous, the people relaxed, the Continent at last at peace . . . All of Europe relaxed in the new spirit of Locarno. Everywhere, and above all in France, there was a growing confidence in the League and even a feeling that its new member, Germany, was at last mending its ways, won over finally to the merits of democracy and a durable peace . . . A troublesome ultranationalist agitator in Bavaria, named Adolf Hitler, who had thundered that France, like Carthage, must be destroyed, had been imprisoned and then silenced by the government, and his party banned . . . From 1926, the year after I arrived, until the worldwide depression began to be seriously felt in 1931, there was a period of five years that later was remembered by French historians and memoirists as one of the happiest times of the Third Republic. Not since Napoleon, and before him Louis XIV, had France enjoyed such well-being. And in the last golden years of the 1920s the well-being was more equitably distributed than before. Even a young foreigner like myself felt he was living in as much of a paradise as coud be found on this imperfect earth. Civilization seemed to have reached a shining peak here.

Having painted the picture of a French Garden of Eden, Shirer goes on to look deeply beneath the surface bloom to find the snakes that would poison the political and economic health of France. The Bolshevik Revolution in Russia spawned the French Communist Party in 1920, so frightening the French upper and middle classes that the bourgeoisie began to regard French workers as more dangerous than the Germans. Political conflicts between Right and Left weakened the political structure, and Cabinets began to fall on an average of every ninety days. There was no French government in office when Hitler came to power, and none when the Nazis marched into the Rhineland. The political paralysis that was to freeze French action in all crises began in the golden decade.

France's wartime allies, Britain and America, opposed French demands for war reparations as excessive. Then the United States poured limitless loans into Germany while demanding the repayment of war debts by France, although the war had devastated France, not Germany. America, it seems, loves defeated enemies but cannot tolerate successful friends. The war had cost France 134 billion gold francs in goods and property, while one out of ten Frenchmen had been killed at the front. Shirer points out that "the youth, on whom the future of any nation depends, had been decimated most. Three out of ten of them between eighteen and twenty-eight had been snuffed out." Shirer enumerates the losses:

The intellectuals, so vital to the life of a country, had suffered the next heaviest casualties. Twenty-three out of every hundred men who had belonged to the liberal professions had perished in the trenches. Of 4,266,000 men wounded, a million and a half remained permanently maimed . . . Nearly a million and a half war dead, more than two million fewer births—this was the price of victory . . . France emerged from the conflict with a population of 39 millions. It faced a Germany with 63 million. And soon the Germans would be increasing in number at twice the rate of the French.

Shirer conducts an autopsy on the death of France with surgical precision, cutting through the beautiful body to expose the cancers within: the senility of the generals; the blind greed of the middle classes, who refused to pay taxes and sent their capital for investment abroad; the betrayal of France by the British, who negotiated with Hitler and Mussolini behind France's back and would not support any action to stop the Nazi aggressor. Perhaps the most important data in this exhaustive history is Shirer's description and analysis of the defeatism and appeasement that blinded and paralyzed the British and the French, who could have stopped Hitler in the Rhineland and later in the Sudetenland without even firing a shot. The story of Munich is well known, but Shirer brings to it a mass of new source materials and a gift for narrative that surmounts even the density of the documentation.

History can be a valuable guide to the present and the future, but it is not automatically reliable. Its lessons are no more enlightening than the wisdom of those who interpret them. History can be a trap as well as a guide, particularly the history of this period that has so marked the men who lived through it to become the leaders of the Western world in the Fifties and Sixties. They all suffer a deep-rooted Munich syndrome. It could be argued that the United States would never have become involved in Vietnam if men like Truman, Acheson, Dulles, Rusk, Johnson, and Nixon had not in their youth been so traumatized by the appeasement of Hitler that they vowed they would never make that mistake.

A generation of American historians, political scientists, and political leaders have remembered Munich and heeded the warning of Santayana that he who does not know history is condemned to relive it. This aphorism is true enough, but it is not an excuse for failing to distinguish between circumstances of the past and of the present. Another aphorism might be coined, the opposite of Santayana's, yet equally true: he who looks constantly backward will fall on his face.

That some leaders have been guilty of applying past lessons to a different set of present events is every day revealed. Rusk confused Ho Chi Minh, who sought national independence for a subject people in a small, weak country, with Hitler, head of a powerful nation seeking dominion over Europe. Even more recently we had a fresh and startling example of a man marked by the past, when Speaker of the House John W. McCormack urged Congress to vote for a huge military appropriations bill. McCormack said: "I wonder how many of you realize how close we came to losing World War II? I don't want to take a chance again."

The New York Times commented October 5 on McCormack's statement:

"Such references to the nation's tragic unpreparedness at the time of Pearl Harbor makes a strong, emotional appeal to those older Americans whose ideas on defense were formed—and fixed—by World War II experience. But they do not offer a rationale for judging security requirements in the 1970s. . . . In their common search for a more secure America in a peaceful world, ordinary citizens and their representatives in Congress have an obligation to cast off the simplistic illusions of a bygone era and come to grips with the complex realities of a more perilous age".

Shirer's history teaches us that isolationism is a defeatist policy and that dictators who seek vast dominion cannot be appeased out of their ambitions. But this does not mean that every adversary is Hitler, or that all revolutions are identical, or that the alternative to total isolationism is total interventionism. Surely there must be something in between—an enlightened internationalism, an understanding of common destinies and also of the limitations of national power that impose priorities even on the mightiest.

Shirer's studies of the rise and fall of the Third Republic and the Third Reich together give us new insights into one of the most tragic periods of man's history. These stories are interesting in and of themselves, but they are not sure charts to the future unless the future exactly replays the past—a very rare occurrence. Among the few constants in human affairs are man's capacity for self-destruction and the fallibility of experts. If there is any lesson to be drawn from the history of French decline from the peak to the pit in only fifteen years, it might be found in the contrasting rise in Germany and Japan, now that they have divested themselves of empires and the ambition for world dominion. The will to dominate has destroyed all great powers throughout history.

PUBLIC RELATIONS IN THE DEPARTMENT OF DEFENSE

Mr. FULBRIGHT. Mr. President, last week, the Vice President gave us his critical view of a "small group of men" who—in Mr. AGNEW'S world—unbeknownst to most of us, help shape public opinion by deciding "what 40 to 50 million Americans will learn of the day's events in the Nation and in the world." Today, and for the next few days, I want to discuss another group of men who are working to shape public opinion. This group is perhaps not as small as that attacked by the Vice President—it is made up of approximately 2,800 men—but it is a group that is even lesser known to the public since its members are never seen or heard directly.

What is more important, however, is that this group of publicists is made up of Government employees and military men on active duty using Government equipment and facilities and all financed with taxpayers' money.

I am speaking of the vast apparatus that has quietly grown up over the past years to handle public relations and public information—and thus shape favorable public opinion toward the Department of Defense and the individual military services.

It is a group that obediently serves the administration aims and thus may not concern the Vice President, whose quest for objectivity appears to be directed at

administration critics rather than supporters. But its existence should concern all those interested in preserving our democratic system and the traditions of the free press.

Ten years ago, Congress for the last time placed a limitation on the amount which the Department of Defense could spend on public relations and public information. The limit at that time was set at $2,755,000—a substantial sum nonetheless which could be used to promote what was then a $43 billion defense establishment.

In the years intervening between fiscal 1959 and this past fiscal year, the overall defense budget has almost doubled to more than $76 billion, including supplementals.

During that same time, the Defense Department public relations funds lacking any legislative restraint by limitation, had soared by last year to at least $27,953,000, according to figures supplied me by the Office of Secretary of Defense and the three military services. That represents a tenfold increase over 10 years ago and provides Defense with a fund of taxpayers' money that compares favorably to advertising budgets of large corporations in business to sell products to the public.

I would like to note that I believe the figures supplied me are conservative—they often leave out the cost of using military aircraft and many overhead costs to that activity; not only military aircraft but also aircraft carriers, destroyers, and many other extremely important investments of the Defense Department—and thus it would be fair to suggest the real total figure—if these other facilities were included—would be much larger.

It is one thing for the Defense Department to have employees available to provide—quickly and responsively—factual information both to the public and the press—upon request.

It is quite another when that Department and the individual military services use taxpayers' money to generate and promote public support for military weapons and military programs.

Some of us in the Senate who this year and in the past questioned one aspect or another of military spending have oftentimes been amazed at the rapidity with which the Pentagon can respond to get out its side of the story. And those of us sensitive to the feelings of constituents are frequently surprised at the widespread and sometimes adverse response from home that is quickly generated by something we have said that is critical of some weapons system or Pentagon policy.

In the past I have been satisfied to chalk these happenings up to promotional activities of the public relations men of defense-oriented corporations, the veterans groups, and what I thought until recently was a handful of Pentagon press men.

The disclosure during the recent ABM debate of the Starbird memorandum—drawn up by Pentagon officials—which depicted an ambitious, coordinated public relations program to promote that weapons system caused me to take a closer look at just what the Department of Defense was doing in this field.

The results of my inquiry convince me that the Senate and the public have little knowledge of the extent to which the Pentagon has been staffed and armed to promote itself through shaping public opinion using a varied arsenal of public relations weapons.

It also convinced me that an effort should be made to remove the public relations—as against public information—capability and reinstate the dollar limitation that was dropped ten years ago.

But before moving to take such a step on the upcoming Defense appropriations bill, I thought it only reasonable to lay before my colleagues and the public the facts I have been able to gather and thus stimulate public discussion well before the proposed legislation comes to the floor.

Vice President AGNEW's remarks only served to reconfirm my fears that an administration that actively desires to use the tremendous power and prestige of its high office to control the media in our free society can do great damage to our traditions. He spoke as part of an administration effort to stifle dissent. I am speaking of an administration program designed actively to promote support. And based on a recent book on the television aspects of last year's election, neither this President nor this administration can be considered unsophisticated in the use of the media.

Today I shall discuss the public relations activities of the Office of the Secretary of Defense. In the coming days I will deal with the individual services—each of which has its own substantial public relations program. Finally, I shall discuss what I hope to see done in this area—both through legislation and public discussion.

As of September 1, 1969, 200 military and civilian employees worked for the Assistant Secretary of Defense for Public Affairs or on OSD public affairs matters. Their activities cost $3,697,000 for fiscal 1969.

I ask unanimous consent to have printed in the RECORD a letter which I received from Mr. Daniel Z. Henkin, Assistant Secretary of Defense, Public Affairs, and its attached memorandum dealing with public information principles, signed by the Secretary of Defense, Melvin R. Laird.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 3, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your letter of July 21 asking for information concerning the activities of my office.

The primary assigned responsibility of my office and the information offices of the Military Departments is to provide the American people with maximum information about the Department of Defense consistent with national security.

This primary responsibility was re-emphasized on March 4 in a memorandum from Secretary Laird, a copy of which is attached. The Secretary stated his intentions that the Department would conduct its activities in an open manner, that nothing would be classified solely to prevent criticism of the Department, and that propaganda has no place in DoD public information programs.

I wholeheartedly support the Secretary in these affirmations.

Another aspect of my responsibility involves the inter-relationships of the Office of the Secretary of Defense (OSD), Military Departments, the Joint Staff, and the Unified and Specified Commands, and, of course, close coordination is essential with the White House and State Department in national security public affairs matters. Some activities common to the Armed Forces are consolidated in my office; others are decentralized with broad policy guidance provided by my office. Our objective is to insure that public information efforts complement, but do not duplicate, each other to the maximum extent possible.

This office also is charged with the responsibility to provide public affairs policy guidance to the Unified and Specified Commands, to conduct seat-of-government coordination, and to perform public affairs functions for the JCS, which has no public affairs organization.

This office will continue to review its functions and organizational structure with the goal of enhancing our operational efficiency while achieving economies. I have effected a seven percent reduction in manpower spaces allocated to OASD(PA) since 1 July 1969. These reductions are reflected in the appropriate Tabs. Additional reductions are planned, such as the transfer of the Defense Industry Bulletin with three spaces to the Defense Supply Agency effective 1 October.

In direct response to your letter, the following paragraphs follow the sequence of the specific questions asked:

1. The approximate basic overall cost for FY 69, as provided by the Office of the Assistant Secretary of Defense (Administration), which is responsible for fiscal matters relating to my office and other OSD activities is as follows:

a. Civilian personnel	$1,340,900
b. Military personnel	2,091,000
c. Travel	83,800
d. Central service account	133,800
e. Printing defense industry bulletin	47,500
Total	3,697,000

2. Number of personnel (30 June 1969), (1 Sept 1969):

a. Military, officers	95	86
b. Military, enlisted	24	23
c. Civilian	95	91
Total	214	200

3. The answers to the questions in paragraph 3 of your letter are attached as Enclosure 1, tabbed to correspond to your subparagraphs.

I understand the Assistant Secretary of Defense for Manpower and Reserve Affairs has responded to your questions regarding the Office of Information for the Armed Forces, for which he is responsible.

I would be pleased to discuss with you or members of your staff any particular matters related to my responsibilities. If I can be of further assistance, please let me know.

Sincerely,

DANIEL Z. HENKIN.

THE SECRETARY OF DEFENSE,
Washington, D.C., March 4, 1969.

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Director of Defense Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, Directors of the Defense Agencies.

Subject: Public Information Principles.

To assure that the American people are fully informed about matters of national de-

fense, I intend that the Department of Defense shall conduct its activities in an open manner, consistent with the need for security. This means that unclassified information, other than that exempted by the Freedom of Information Act, must be readily accessible to the public and the press. Because of the importance I attach to this matter, I want to state certain principles which I expect to be followed in the conduct of public affairs activities of this Department.

1. Our first concern must be the security of the United States and the safety of our Armed Forces. Therefore, information which would adversely affect the security of our country or endanger our men should not be disclosed.

2. The provisions of the Freedom of Information Act (5 USC 552) will be supported in both letter and spirit.

3. No information will be classified solely because disclosure might result in criticism of the Department of Defense. To avoid abuse of classified procedures, we must adhere strictly to the criteria set forth in Executive Order 10–501.

4. Our obligation to provide the public with accurate, timely information on major Department of Defense programs will require, in some instances, detailed public information planning and coordination within the Department and with other government agencies. However, I want to emphasize that the sole purpose of such planning and coordination will be to expedite the flow of information to the public. *Propaganda has no place in Department of Defense public information programs.*

Therefore, I direct that each addressee review all pertinent directives, policies and public information plans to insure prompt and complete compliance with these principles. Those which do not meet the foregoing criteria will be revised or rescinded.

The Assistant Secretary of Defense (Public Affairs) is responsible for advising and assisting me in the fulfillment of these public information principles throughout the Department of Defense.

MELVIN R. LAIRD.

Mr. FULBRIGHT. Mr. President, in scope these public affairs activities range from:

First. A special office of seven persons responsible for coordinating Southeast Asian public affairs activity and briefing the Washington press and other groups on the Vietnam war;

Second. To another office which sponsored—with the State Department and USIA—tours of foreign journalists in the United States;

Third. To another which serves as a contact point for all media requests for film and videotape and, conversely, the distribution point for release of service-generated material to the media. On this point I would note that according to information supplied me, official film produced by the military departments and released last year to the media totaled 35,420 feet and was included in 284 separate news-film stories.

One Pentagon service intrigued me. According to information supplied, the Audio-Visual News Branch of the Office of Public Affairs produces something called Spotmaster, which is described as similar to Dial-the-Weather—and provides the latest Defense Department news release in audio form to anyone dialing Oxford 5–6201, a Pentagon number in Washington.

I ask unanimous consent to have printed in the RECORD the brief summaries provided me on other activities carried on through the Office of Secretary of Defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAB A TO ENCL 1 (SPECIAL ASSISTANT FOR SOUTHEAT ASIA)

As originally established, the Office of the Special Assistant for Southeast Asia is responsible for providing policy advice to the Assistant Secretary of Defense (Public Affairs) on public affairs matters concerning and related to Southeast Asia. In performing this function, it is essential for the members of the SEA staff to maintain expertise on all aspects of the Vietnam war and to establish close coordination with the Chief of Information at Headquarters Military Assistance Command, Vietnam to be fully aware of public affairs actions taken by that headquarters. In addition, close liaison is maintained with the State Department and White House to insure close coordination on public affairs matters concerning SEA. Each agency informs the others concerning public affairs aspects of activities properly in their particular area of responsibility.

In addition to the coordinating and policy considerations, the office also is responsible for providing briefings on the current Vietnam situation and historical aspects of the Vietnam war to press correspondents and to various groups qualified to receive DoD briefings on an unclassified basis. Background material is provided to the press on a continuing basis on request to permit them to adequately report and/or interpret the current situation in Vietnam.

As a result of a recent reorganization in the Office of the Assistant Secretary of Defense (Public Affairs), the Office of the Special Assistant for Southeast Asia was assigned full responsibility for replying to all press queries concerning SEA. This included responsibility for casualty reporting. This function was previously executed by the Director for Defense Information who coordinated all releases with the Special Assistant for Southeast Asia. The transfer of responsibilities not only improved coordination and consolidated related responsibilities but resulted in the elimination of three officer spaces and one enlisted space.

Personnel currently authorized for the Office of the Special Assistant for Southeast Asia are:

Officers, 3.

Enlisted, 2.

Civilian, 2—1 Secretary, 1 Clerk/Information Specialist, Casualty Section.

TAB B TO ENCL 1 (MEDIA ACCREDITATION AND TOURS STAFF)

On 1 August this staff was disbanded as a separate entity. Certain activities have been abolished, and others divided between the Directorates for Defense Information and Community Relations. The following is a description of the activities prior to the change.

Conducts, in coordination with the White House, State Department, and USIA, tours to the U.S. for members of foreign news media. DoD is withdrawing from this program after one more tour, which was already in the planning stage before the decision was made to withdraw.

Conducts military phase of programming for certain foreign visitors to the U.S. under sponsorship of State Department. Assists individual representatives of news media, foreign and domestic, in accomplishing sponsored or unsponsored travel to U.S. military installations or facilities world-wide. Approves travel in military carriers of news media representatives and other non-DoD personnel for public affairs purposes. Plans, implements and controls Joint Civilian Orientation Conference and high-level NATO conferences.

Detailed Reports on Tours conducted in past three years are attached:

Tab B1—Foreign Journalist Tours.

Tab B2—U.S.-based Foreign Journalists Tour.

Tab B3—NATO Television Tours.

Tab B4—Western European Union Parliamentarians' Tour.

Tab B5—Joint Civilian Orientation Conference.

TAB B1 (INTER-AGENCY FOREIGN JOURNALISTS PROGRAM)

DoD is withdrawing from this program after one more tour, which was already in the planning stage before the decision was made to withdraw.

The program was jointly sponsored by the White House, the Department of State, the Department of Defense and the United States Information Agency. Each tour involved twenty journalists who were invited for a 30-day program designed by the sponsoring agencies. In the past three years newsmen from three areas have participated: Europe, Africa and East Asia and the Pacific.

The purpose of this program was to increase mutual understanding between the people of the United States and the people of other countries. By combining the resources of four government agencies, the mutual information objectives of each was advanced at a cost considerably lower than that required for an equal number of international visitors sponsored in other ways.

Further details of the tours carried out in the past three years are included in the attached document. The name of each participant is included with his affiliation. The costs to DoD for each tour is also included. The costs were for commercial travel for the journalists from their homes to the U.S. and back, and per diem for the DoD escort. Travel within the U.S. was by military aircraft on MAC assigned missions.

TAB B2 (U.S.-BASED FOREIGN JOURNALISTS PROGRAM)

This program is jointly sponsored by the Department of Defense and the United States Information Agency. Foreign journalists who are stationed in Washington and New York are invited to participate in a ten-day program designed to familiarize them with significant aspects of the United States' Defense programs and operations that are not ordinarily available to them. Transportation and escorts are provided by Defense. All other expenses are paid by the journalists themselves. The program content is about 80 per cent military. In the past three years one of these projects was undertaken. Nine newsmen from New York and nine from Washington, representing press, radio and television services to 15 countries participated.

Selection of the journalists and the programming are administered jointly by Defense and USIA's Foreign Correspondents Centers in New York and Washington. The purpose of these tours is to promote a broader and more objective reporting of the United States.

19–28 AUGUST 1967—FOREIGN JOURNALISTS TOUR OF ALASKA

Cost to DoD: $500.00—Staff per diem only. Travel was by military aircraft on MAC assigned missions.

Participants: Peter Barnett—Australian Broadcasting Corporation—Australia.

Mehmet Biber—Aksam Gazetesi—Turkey.

Jeffrey Blyth—London Daily Mail—England.

Maarten Bolle—Het Vrije Volk—Netherlands and Het Volk—Belgium.

Eric Britter—London Times—England.

Dong-Won Cho—Donghwa News Agency—Korea.

Santiago Ferrari—La Nacion—Argentina.

Joaquin Frances—EFE News Agency—Spain.

Jean Paul Freyss—Agence France Presse—France.
Heiner Gautschy—Swiss Broadcasting—Switzerland.
Bjorn Heimar—Aftenposten—Norway.
Hans J. Hoefer—Deutsche Presse Agentur—Germany.
Hiroshi Ishizuka—Kyodo News Service—Japan.
Li Chiang-kwang—Central News Agency of China—China.
Henk Ohnesorge—Springer Foreign News Service—Germany.
Pasi Rutanen—Finnish Broadcasting—Finland.
George Venizelos—Akropolis—Greece.

INTER-AGENCY FOREIGN JOURNALISTS TOURS—ATTACHMENT COST AND LIST OF PARTICIPANTS

September–October 1966—Asian Journalists Tour: Cost to DOD: $18,733.65.

PARTICIPANTS

Robert MacDonald—Chief of Staff, Brisbane Sunday Mail—Australia.
Reginald Gordon Heyzer—Features subeditor, Ceylon Observer—Ceylon.
John Kingston Stone—Associate Editor—Fiji Times & Herald, Ltd. (Suva).
William Hui—Chief Editorial Writer, Sing Tao Daily News—Hong Kong.
Narayan Damodar Prabhu—News Editor, Press Trust of India—Bombay.
V. P. Ramchandran—Special Correspondent, United News Of India—New Delhi.
Akira Nagata—Associate Foreign Editor, Japan Economic Press.
Jeon Young-Hak—Assistant Managing Editor, Korean Herald—Seoul.
Kim Buyng-Dae—Editor Reference & Research Dep., Pusan Ilbo—Korea.
S. J. Tilak—Representative, Penang Daily & Straits Echo—Malaysia.
Ramesh Nath Pendey—Publisher & Editor, Naya Sandesh—Nepal.
Lindsay Reid Shelton—Duty Editor, New Zealand Broadcasting Company.
Chosei Kiyoshi Kabira—Exec. Producer, News Director, Ryuku Broad. Corp.
Tesoro G. deGuzman—Military reporter, Daily Mirror—Philippines.
Jason S. Cheng—Assoc. Managing Editor, Taiwan Daily News.
Keon Siew Tong—Acting Head, News Section Broad. Division—Singapore.
Watt Kachapanand—Chief Technical Div. & Asst. Chief News Div.—Thailand.
Amnuey Sukcharoen—Assistant Editor, Bangkok World.
Nguyen Viet Khanh—Editor in Chief, Vietnam Press.
Tran Tu Huyen, Wire Service Editor, Quyet Tien—Vietnam.

October–November 1966—European Journalists Tour: Cost to DOD: $9,466.38.

PARTICIPANTS

Raimund Ernst Heller—Senior News Editor, Austrian Television.
Walter P. M. Cabus—Chief Foreign Editor, Het Volk—Belgium.
David Carey Spurgeon—Science & Educ. Reporter, Toronto Globe & Mail.
Alexander Michael Efthyvoulos—Correspondent, Assoc. Press—Cyprus.
Borge Mors—Foreign Editor, Aalborg Stiftstidende—Denmark.
Pentii Olavi Heimolainen—Senior Reporter, Uusi Suomi—Finland.
Jacques Amalric—Journalist, Le Monde—France.
Freiherr Dr. Volker Von Hagen—Chief Political & Current Events, Second German Television—Germany.
Robert James Finigan—Senior Producer, Current Affairs, British Broadcasting Corporation—England.
Charalambos Bousbourellis—Political/Diplomatic Correspondent, To Vima—Greece.
Arni Gunnarsson—Radio Reporter, State Radio—Reykjavik, Iceland.
Timothy Patrick Coogan—Deputy Editor, Evening Press—Ireland.
Dr. Orazio Mazzoni—Chief City Editor, Il Mattino—Italy.
Emile Jacques Burggraff—Reporter/Editorialist, Luxembourger Wort.
Johannes W. Martinot—Editor in Chief, Algemeen Nederlands—Netherlands.
Jahn Otto Johansen—Foreign Editor, Television Branch, Norweigan Broadcasting Service—Norway.
Fernando Manuel Pereira Moutinho—International News Commentator, Empresa Nacional de Publicidade—Portugal.
Rafael Herrera Mulero—Special Assignments Reporter, El Alcazar, Spain.
Clas Johnson—Political Editor, Conservative Press News Service—Sweden.
Francois Landgraf—Foreign Editor, Gazette de Lausanne, Switzerland.
Mehmet Ali Birand—Asst. Foreign News Editor, Milliyet—Turkey.
Stevan Tatic—Editor & International Affairs Commentator, Vecernje Novosti—Yugoslavia.

April–May 1967—East Asia and Pacific Journalists Tour: Cost to DOD: $16,272.86

Participants: Brian Francis Johns—Editorial & Special Writer, Sydney Morning Herald.
Michael Jean Maurice Anglade—Editor in Chief, Depeche de Tahiti.
Wong Sek-Yeung—Chief Reporter and Photo Editor, Overseas Chinese Daily News—Hong Kong.
Albert V. Korompis—Managing Editor, Armed Forces Daily Mail—Indonesia.
Amir Daud—Freelance Journalist—Indonesia.
Ryoichi Amano—Editorial Writer, Mainichi Press—Japan.
Yuichiro Hayashi—Staff Writer, Foreign News, Kyodo News Agency—Japan.
Han Nae-bok—Editorial Writer, Korea Times.
Chung To-hyun—Political-Economic Editor, Shina Ilbo—Korea.
Jeffrey Francis—News Editor, Malay Mail—Malaysia.
Musa Scully—Senior Staff Reporter, Eastern Sun—Malaysia.
Desmond James Fitzgerald—Chief Parliamentary Reporter, Evening Post, New Zealand.
Minoru Matayoshi—Editor, Weekly Okinawa Times.
Peary G. Aleonar—Editor, Cebu Advocate—Philippines.
Lawrence Ng—Columnist, Manila Chronicle—Philippines.
Andrew Shen—Reporter, Central News Agency—Republic of China.
Uthai Xunhachandana—Chief News Division, Thai Radio—Thailand.
Prasong Wittaya—Bureau Manager, United Press International—Thailand.
Le Van Hung—Managing Editor, Saigon Daily News.
Vu Thuy Hoang—Foreign News Editor, Chinh Luan—Vietnam.

November–December 1967—European Journalists Tour: Cost to DOD: $11,052.30.

Participants: Harald Brainin—Foreign Editor, Kurier—Austria.
Jacques Franck—Foreign Affairs Editor, La Libre Belgique, Belgium.
Francis Unwin—Foreign Affairs Editor, Le Soir—Belgium.
Ole Smith—Foreign Policy Editor, Aktuelt—Denmark.
Bent Norgaard—Military Aviation Writer, Berlingske Tidende—Denmark.
Carl Fredrik Sandelin—Foreign News Editor, Suomen Tietotoimisto—Finland.
Claude Bonjean—Chief Foreign News Service, Radio Luxembourg—France.
Klaus Boelling—Editor in Chief, Norddeutscher Rundfunk—Germany.
Armin Halle—Commentator & Correspondent, Sueddeutsche Zeitung—Germany.
Michael Whinery Wall—Script Writer & Interviewer, Granada Television Network, Limited—England.
Patrick Kenneth Wheare—Deputy Editor, Oxford Mail—England.
Franco Biancacci—Foreign Affairs Journalist, Radiotelevisione Italiana.
Johannes W. Martinot—Editor in Chief, Algemeen Nederlands Persbureau—Netherlands.
Herman A. Wigbold—Chief, News Department, Vara Television—Netherlands.
Ivan Kristoffersen—Sub-Editor & Editor, News Service Dep., Nordlys—Norway.
Jose Mensurado—Commentator & Producer, Radio Televisao Portuguesa—Portugal.
Manuel Bueno Montoya—Chief Editor, Special Projects, Pueblo—Spain.
Nils Ake Malmstroem—Chief Parliamentary Staff, Tidningarnas Telegrambyra—Sweden.
Claude Monnier—Chief Foreign Service, Journal de Geneve—Switzerland.
Vilko Tezak—Foreign Affairs Specialist, Vecernji List—Yugoslavia.

March–April 1968—East Asia and Pacific Journalists Tour: Cost to DOD: $17,364.33.

Participants: Mark Day—Senior Political Writer, The News—Australia.
Herschel Hurst—Chief Canberra Bureau, Sun News Pictorial—Australia.
Comet K. M. Shih—Diplomatic Reporter, United Daily News—China.
Devakar Prasad—Roving Reporter, Radio Fiji.
Koo Tim Shing—Reporter, South China Morning Post—Hong Kong.
Fahmi Mu'thi—Managing Editor, Djakarta Times—Indonesia.
Lt. Colonel R. Sugiarso Surojo—Managing Editor, Harian Angkatan Bersendjata—Indonesia.
Yoshika Hidaka—Staff Writer, Foreign News Division, Japan Broadcasting Corporation—Japan.
Naoki Ogino—Political Reporter, Yomiuri Shimbun—Japan.
Cho Kyu-Ha—Political Reporter, Dong A Ilbo—Korea.
Cho Young-Kou—Chief News Room, Korean Broadcasting System—Korea.
Chang Chin Hwa—Staff Reporter, China Press—Malaysia.
Francis Desmond Early—Parliamentary Reporter, Auckland Star—New Zealand.
Michael Bryant Forbes—Assistant Editor, Christchurch Star—New Zealand.
Kenzo Inafuku—Managing News Division, Ryukyu Broadcasting Corporation—Okinawa.
Harry A. Gasser—Reporter and Production Director, Radio Station DZHP—Philippines.
Manolo B. Jara—News Editor, Evening News—Philippines.
Liew Yung Ho—Deputy Editor in Chief, Nanyang Siang Pao—Singapore.
Danai Sriyaphai—Chief Home Broadcasting Division, Radio Thailand.
Samuel Krishniah—Managing Editor, Bangkok World.

August–September 1968—East Asia and Pacific Journalists Tour: Cost to DOD: $17,193.92.

Participants: Jonathan J. Gaul—Political Correspondent, The Canberra Times—Australia.
Brian White—Editor, Macquarie News Service—Australia.
George Yeh—Military & Foreign Affairs Reporter, Independence Evening Post—China.
John Carter—News Editor, Fiji Times.
Ho Chang Pong—Head Public Affairs Department, Hong Kong Television.
Aristides Katoppo—Editorial Writer, Sinar Harapan—Indonesia.
Gunawan Mohamad—Staff Writer, Kami—Indonesia.
Masahiro Kameda—Foreign News Reporter, Sankei Shimbun—Japan.
Kaname Matsumoto—Assistant Make-up Editor, Tokyo Shimbun.
Chu Young-Kwan—Editorial Writer, Seoul Shinmun—Korea.
Yim Sei-Chang—Foreign News Editor, Hankuk Munhwa Broadcasting Corp.—Korea.

Felix Abishegenaden—News Editor, Straits Times Press—Malaysia.

John Samuel Guiney—Senior Journalist, The Evening Post—New Zealand.

Seiko Matayoshi—Chief of Political & Economic Desk & Editorial Writer, Ryukyu Shimpo, Okinawa.

Antonio R. Tecson—Head Motion Picture/News Department DZTM–TV Philippines.

Alberto K. Corvera—News Editor, Philippines Herald.

Wong Szu—Editor in Chief, Sin Chew Jit Poh—Singapore.

Major Sonthi Promekanond—Chief, Programming & News Analysis Station 909, Thailand.

Nguyen Dinh Tu—Assistant Editor, Chinh Luan Daily News—Vietnam.

October–November 1968—African Journalists Tour: Cost to DOD: $9,955.52.

Participants: Daniel Mongoue—Editor in Chief & Director, La Semaine Camerounaise—Cameroon.

Joaquim Da Silva—Program Director and Journalist, Radio Central Africa—Central African Republic.

Maurice Bosquet—Reporter & Editor, Radion Tchad—Chad.

Kifle Selassie Beseat—Co-Editor, Addis Soir—Ethiopia.

Yacob Wolde-Mariam—Editor, Voice of Ethiopia.

Mohammadou N'Jie—Information Officer, Government of Gambia.

Sam Burndam—Foreign News Editor, Ghanaian Times—Ghana.

Eugene Forson—Foreign News Editor, Ghana News Agency.

Fode Cisse—Director-General Guinean National Broadcasting Co.—Guinea.

Emmanuel Sika—Radio Journalist, Ivorian Radio Service—Ivory Coast.

Pius George Okoth—Reporter, East African Standard—Kenya.

Percy Mangoaela—Assistant Program Director, Radio Lesotho—Lesotho.

Afroman Canada—Assistant Editor, Liberian Star—Liberia.

Rashad Bashir El Huni—Editor-Director, Al Hakika & Libyan Times—Libya.

Emile Rakotonirainy—Managing Director & Director of Publication Madagascar Press—Malagasy Republic.

Fabala Diallo—Director, Mali National News Agency—Mali.

James Percy McGraw—Head of News, Mauritius Broadcasting Company—Mauritius.

Mehdi Bennouna—Director General, Maghreb Arabe Presse—Morocco.

Benedict Eke—News Editor, Morning Post—Nigeria.

Djibril Ba—Editor of News Programs, Radio Senegal.

Ismail Mohamed Aly—Director, Somali National News Agency—Somalia.

Kouassi Georges Hegbor—Journalist, Togo-Presse—Togo.

Tahar Bourkhis—Political Editor, L'Action—Tunisia.

Moncef Dlimi—Editor in Chief, Radio & Television News—Tunisia.

John Bagenda-Mpima—Senior Reporter, The People—Uganda.

Paul Yugbare—Press Attache to the President of Upper Volta.

Naphital Misheck Nyalugwe—Head of News, Radio Zambia.

Guy Sitbon—Staff Writer, Jeune Afrique.

March–April 1969—European Journalists Tour: Cost to DOD: $10,024.22.

Participants: Emil Portisch—Managing Editor, Chief Foreign Affairs Editor, Suedost Tagespost—Austria.

Henri Van Moll—Foreign Editor, De Standaard—Belgium.

Pierre C. O'Neil—Parliamentary Correspondent, Le Devoir—Canada.

Frank Osvald Stein—Columnist, Information; Commentator, TV Avisen—Denmark.

Ronald S. Payne—Diplomatic Correspondent & Senior Roving Correspondent, Sunday Telegraph—England.

Peter M. O. Strafford—Brussels Correspondent, The Times—England.

Simo P. Nortamo—Sunday Edition Editor, Helsingin Sanomat—Finland.

Georges Bortoli—Head Foreign News Department, Television, Office de Radiodiffusion Television Francaise—France.

Bodo Pipping—Editor, Foreign Desk, Die Welt—Germany.

Eyjolfur Konrad Jonsson—Editor, Morgunbladid—Iceland.

Arthur J. Noonan—Political Correspondent, Irish Independent—Ireland.

Fernand Rau—Chief Economic Department, Luxemburger Wort.

Harry Hagedorn—Director News Feature Programs, Nederlandse Televisie Stichting—Netherlands.

Finn Fostervoll—Foreign Affairs Commentator, Arbeiderbladet—Norway.

Francisco Mata—Editor, Seculo Ilustrado—Portugal.

Antonio Sanchez-Gijon—Head International Affairs Section, Madrid—Spain.

Henry Christensson—Foreign News Editor, Sveriges Radio/TV—Sweden.

Jonas Magnus Faxen—Foreign News Editor, Sveriges Radio—Sweden.

Hans Lang—Chief Foreign Editor, Radio der Deutschen und Taetoromanischen Schweiz—Switzerland.

Predrag S. Vukovic—Foreign Editor, Borba—Yugoslavia.

NATO Television Tour

From October 1–16, 1966, a one-time North Atlantic Treaty Organization Television Tour was conducted under the joint sponsorship of the U.S. Department of Defense and NATO. Tour participants included 15 European network television correspondents and a five member NATO television film team, for a total of 20. The purpose of the tour was to allow the correspondents from NATO member countries to obtain greater understanding and documentation of the United States commitment to NATO, under the theme: "This is U.S.A.—Your NATO Partner." The tour included visits to four military installations and the Pentagon, as well as New York City and Cleveland.

The Department of Defense was responsible for programming the tour and for providing air transportation within the United States. Cost to DOD: $765.00.

Participants: Henry Sandoz—Director, Film Crew—NATO.

Jacques Curtis—Senior Cameraman—NATO.

Ruggero Dentici—Cameraman—NATO.

Jean Louis Richet—Sound Engineer—NATO.

Bernard Henri Dartigues—Cameraman—NATO.

Keith Kyle—Reporter—British Broadcasting Corporation BBC.

Barry Sales—Director—BBC.

Max Sannet—Cameraman—BBC.

Don Martin—Sound Recorder—BBC.

Jacques Riffiet—Correspondent-Radio Television—Belge RTB.

Jacques Chapus—Correspondent—Tele Lux.

Christian Detter—Cameraman—Tele Lux.

Gaston Detter—Cameraman—Tele Lux.

Carl Erik Goosman—Reporter-Director—Denmark Radio/TV.

Paolo Bolis—Correspondent—Radio Audizioni Italiane RAI.

Umerto Romano—Cameraman—RAI.

Luigi Tassoni—Soundman—RAI.

Ehrenfried Klauer—Commentator-Director—Zweites Deutsches Fernsehen ZDF.

Helmer Hosch—Cameraman—ZDF.

Fritz Adam—Soundman—ZDF.

North Atlantic Assembly (NATO Parliamentarians) Tours

The North Atlantic Assembly (formerly known as the NATO Parliamentarians) conducts a biennial tour of military installations in the United States. Tour members are also members of the legislative bodies of NATO member nations. At the request of Congress and in coordination with the Department of State, the Department of Defense provides support for these tours. Defense support consists of complete programming of the tours, military airlift for the tour, funding for a limited number of official receptions and dinners, and provision of a Department of Defense escort officer (the Department of State provides three escort officers and the North Atlantic Assembly Secretariat provides one).

September 6–18, 1966—NATO Parliamentarians' Conference: Cost to DOD: $2,194.11.

Participants: Andre Dua—Senator—Social Christian Party—Belgium.

Raoul Hicguet—Socialist Party—Belgium.

Jean-Eudes Dube—Liberal Party—Canada.

James McNulty—Liberal Party—Canada.

Eric Stefanson—Progressive Conservative Party—Canada.

Orla Moller—Social Democrat Party—Denmark.

H. C. Toft—Conservative Party—Denmark.

Coude du Foresto—France.

M. Y. Guena—UNR/UDT Party—France.

Josef Felder—Social Democratic Party—Germany.

Hans Karl Filbinger—C.D.U. Party—Germany.

Hermann Schmidt—Social Democratic Party—Germany.

Athanasius C. Tsaldaris—National Radical Union—Greece.

Jean G. Zighdis—Central Union—Greece.

Girolamo Messeri—Christian Democrat Party—Italy.

Pietro Micara—Christian Democrat Party—Italy.

J. A. W. Burger—Labour Party—Netherlands.

Dr. N. G. Geelkerken—Anti-Revolutionary Party—Netherlands.

Th. E. Westerterp—Catholic People's Party—Netherlands.

Nils Nonsvald—Labour Party—Norway.

Otto Lyng—Conservative Party—Norway.

Alberto Henriques de Araujo—Portugal.

Fernando Alberto De Oliveira—Portugal.

Kasim Gulek—Independent Party—Turkey.

Ronald Brown, M.P.—Labour Party—United Kingdom.

Victor Goodhew, M.P.—Conservative Party—United Kingdom.

Sir Fitzroy MacLean, C.B.E.—Conservative Party—United Kingdom.

September 4–14, 1968—North Atlantic Assembly: Cost to DOD: $2,235.86.

Participants: Joseph Ph. A. Chabert—Social Christian Party—Belgium.

Fernand Marcel Parmentier—Liberty and Progress Party—Belgium.

Francis A. A. J. Tanghe—Belgium.

Mr. Van Ackere—Belgium.

Helge Neisen—Denmark.

Marcel Fortier—France.

Professor Georges Portmann—France.

Senator Billiemaz—France.

Detlef Haase—Federal Republic of Germany.

Dr. Bruno Merk—Federal Republic of Germany.

Dr. Friedrich Zimmermann—Federal Republic of Germany.

Georges Wagner—Luxembourg.

Fernandus A. A. M. Fievez—Catholic Popular Party—Netherlands.

Gerard Koudijs—Libert Party—Netherlands.

Colonel W. Wierda—Labour Party—Netherlands.

Egil Endresen—Conservative—Norway.

Kare Stokkeland—Conservative—Norway.

Carlos Monteiro Do Amaral Netto— Portugal.

Manuel de Sousa Menezes—Portugal.

Philip Goodhart—United Kingodm.

Albert James Murray—Labour Party—United Kingdom.

WESTERN EUROPEAN UNION PARLIAMENTARIANS TOUR

Periodic tours of selected military installations in the U.S. are conducted for key members of the Western European Union (WEU) Assembly, representing the United Kingdom, France, Germany, Italy, Belgium, Luxembourg and the Netherlands. These tours are conducted in response to requests by the WEU, and are coordinated with and supported by the Department of State. Parliamentarians participating in the tours are equivalent in rank to U.S. Senators and Congressmen.

The last Western European Union Parliamentarians Tour was conducted from March 24 to April 7, 1968, in response to a request from the Space and Defense Committees of the WEU to inspect various modern equipment items of all services and to visit specific military installations. Cost to DOD: $1,117.50.

Participants: Frans J. Goedhart—Vice Chairman of the Committee on Defense Questions and Armaments—Netherlands.

Ronald Brown—Vice-Chairman of the Committee on Scientific, Technological and Aerospace Questions—United Kingdom.

Andre Beauguitte—Deputy—Independent Republican—France.

Jean-Louis Tinaud—Senator—Independent—France.

Heinrich Draeger—Christian Democrat Union—Germany.

Gerhard Flamig—S.D.P.—Germany.

Franz Lenze—Christian Democrat Union—Germany.

Frankie L. Hansen—Deputy—Socialist Workers Party—Luxembourg.

Douglas Dodds-Parker—Conservative—United Kingdom.

G. Huigens—Counsellor WEU.

TAB C TO ENCL 1 (SPECIAL PROJECT OFFICERS)

The "Special Projects Office" is composed of three senior civilian employees assigned to specific and diverse activities. They do not function as a single working unit on "projects," but are utilized on individual bases as special assistants on detailed assignments by the ASD(PA) and his two Deputies.

Basically, these men work in high levels in the Department on activities which the ASD(PA) and his deputies must give close cognizance but which, because of the many demands on their time, cannot always have their personal attention.

Some typical activities of these officers are:

Reviewing DoD-proposed legislation and providing information and assistance as requested to Congressional inquiries and Committees.

Monitoring public affairs activities relative to Federal involvement in civil disturbances.

Concluding arrangements with sponsors when the Secretary of Defense or Deputy Secretary of Defense accept official invitations.

Acting for the ASD(PA) in high level audio-visual matters to include obtaining prisoners of war visual materials, maintaining contact with senior personnel of the networks and wire services, and arranging audio requirements for events such as the Presidential Inaugural and the Eisenhower funeral.

TAB D TO ENCL 1 (DIRECTORATE FOR DEFENSE INFORMATION)

As of August 1, 1969, there were 57 military and civilian professional and clerical personnel assigned to the Directorate for Defense Information, OASD(PA). Included in this figure are four civilian information officers and one civilian information assistant assigned to the Defense News Branch and six military information officers and two civilian information assistants assigned to the Armed Forces News Branch.

In FY 1969 the Press Division issued 1,604 releases pertaining to the Military Departments and the Office of the Secretary of Defense and Defense Agencies and responded to some 10,000 formal queries and approximately 25,000 informal questions (or queries) from news media representatives and from Members of Congress.

In addition to the above, the Press Division handles approximately 200 interviews a year, processes and releases approximately 300 speeches, a considerable volume of testimony before the Congress and handles approximately 1800 coordination actions per year on releases for other government agencies as well as agencies within the Defense Department.

TAB E TO ENCL 1 (MAGAZINE AND BOOK BRANCH)

One of the changes mentioned in the covering letter was to delegate to the Military Departments most of the activities of the Magazine and Book Branch, along with the associated manpower spaces. This change was made as experience has proved that the majority of magazine articles and books are concerned with only one Service.

The mission of the Magazine and Book Branch is to help magazine and book media representatives and free lance writers obtain information about the Department of Defense in accordance with the provisions of the Freedom of Information Act (5 USC 552). Specifically this includes assisting media representatives in gathering historical data; arranging interviews with key Defense officials about plans, policies, programs and operations of the Department of Defense; arranging briefings on these same subjects; advising and arranging for access to classified files for scholarly research, and responding to inquiries. The branch also provides policy guidance to the Military Departments on magazine and book matters, coordinates those matters that involve more than one service and acts as initial point of contact at the seat of government with all national media representatives.

Attached is a list of some of the authors we assisted during the last three years, indicating name of book and the publishing house. The support provided falls into the following specific categories:

(a) When requested, providing any and all types of unclassified facts about military events that have or are presently occurring.

(b) At the request of media representatives arranging interviews with knowledgeable Defense officials who discuss "on going" policies, programs, and activities of the Department of Defense.

(c) As requested, arranging for access to both classified (Executive Order 10816 implemented by Paragraph X, B, DOD Directive 5200.1) and unclassified files by authors and researchers who are developing chronologies of official historical events.

(d) Providing publishers and editors of encyclopedias, almanacs and yearbooks factual data about the Department of Defense.

TAB F TO ENCL 1 (AUDIO-VISUAL DIVISION)

The Audio-Visual Division, in its present organizational structure, was authorized by Deputy Secretary of Defense Cyrus Vance on March 14, 1966. On May 1, this Division was formed and assumed all of the functions previously handled by the four Military Services in relation to working with the national media.

The Audio-Visual Division develops audio-visual public information policy to be followed by the Military Departments, and serves as the single contact point for all requests from the media and for the release of all Service-generated material to the media.

The Military Departments complement and support the Department of Defense by:

1. Providing guidance to and supervising the activities of subordinate elements.

2. Supervising and cordinating the acquisition of material for intra-departmental use.

3. Providing staff advice and assistance to the Service Secretary and Chief of Staff.

4. Reviewing, evaluating and recommending Service positions on projects and materials.

The 1966 consolidation improved the flow of information to the public by decreasing duplication, reducing costs and generally simplifying operations in this field.

Descriptions of the activities of the Technical Services Staff, Audio-Visual News Branch, Audio-Visual Motion Picture Production Branch, and the Television Production Branch are contained in Tab F1.

Costs of Audio-Visual operations in salaries are contained elsewhere in the Public Affairs report; however, Tab F2 lists those funds required for operation wherein services, equipment or expendable supplies are required.

Tab F3 lists completed films, newsfilms, video tapes, tapes and still photos either released to the public or cleared for public release.

TAB F1 (MOTION PICTURE PRODUCTIONS BRANCH)

The Motion Picture Productions Branch has two main activities. It receives and staffs requests for Department of Defense assistance when such requests are submitted by motion picture producers, and it is the action agency when the Military Departments requests that films and video tapes they have produced be approved for public release.

The Branch also is responsible for producing films for the Office of Public Affairs. During the period July 1968 through June 1969 no productions were undertaken.

A List of Selected Films is published by this Branch. A new one has been prepared and publication is pending. It is estimated that 5,000 copies of this catalogue will cost approximately $500. These funds come from the general DoD printing budget.

TAB F1 (RADIO-TELEVISION PRODUCTION BRANCH)

The Radio-Television Production Branch produces no materials for public release. Activities are limited to assistance to the commercial media in the production of documentary or entertainment television programs. Assistance involves authorization of and arrangements for (1) access to military facilities and/or personnel for research and photographic purposes, and (2) access to military film depositories for the selection and purchase of stock footage pertinent to the subject being covered. All photography is accomplished by commercial film crews at the company's expense, and all stock footage is purchased by the company at rates established by DOD Instruction 7230.7, "User Charges."

Details of assistance granted in the past were included in our earlier report to Senator Fulbright on July 9, 1969.

TAB F1 (AUDIO-VISUAL NEWS BRANCH)

Responsible for the preparation of all newsfilm and photo releases issued by the Department of Defense; provides assistance to radio, television and newsfilm representatives in arranging coverage of major news events; assists in arranging media interviews with key Defense officials.

Assistance provided varies in scope from providing military stock footage to the complex task for coordinating efforts involved with television news production. In addition, static facilities are provided for television, radio and motion picture media in the coverage of news conferences, speeches and special events. The Branch also prepares and distributes still photo releases issued by the Department of Defense in Washington; provides

pictorial coverage of special events; researches archives for photographic illustrations; and assists commercial photographic agencies and services in covering news events.

Maintains a small photographic studio and laboratory, plus sound recording facilities to service internal requirements (DoD and other Government agencies) and non-government audio-visual agencies, as appropriate.

The photo laboratory, consisting of one civilian and one serviceman, performs a myriad of assignments. These two men document the activities of the Office of the Secretary of Defense, when such activities are not covered by the media, and operate a small laboratory to provide the photo material for release. In addition, these photographers cover special feature stories on military activities within the Washington area for release to the public.

In the pursuit of these efforts 740 assignments were accomplished during the last fiscal year. These assignments produced 24,500 photo prints for distribution to various media.

TAB F2 (MISCELLANEOUS CONTRACTS)

DEPARTMENT OF DEFENSE NEWSFILM CONTRACT (V-SERIES)

A contract to process, screen, edit and distribute to national TV-news-film media military sound-on-film stories occurring in Southeast Asia. Cost for FY 69: $87,386.48.

These production costs cover only the Stateside expenditures necessary for transport of film, film processing, editing, release printing, and necessary management details to accomplish the foregoing.

The input of sync-sound newsfilm is generated by five Service-supported camera teams in Vietnam. These teams are under the direct supervision of MACV and indirectly of OASD(PA). These teams were approved by Deputy Secretary Vance on 12 November 1965 and established by April-June 1966. The purpose of these teams is to document, for release to national television, the feature aspects of the military participation in Southeast Asia often ignored or bypassed by national media film crews because of the pressure of hard news events. They are not in competition with the civilian media. Rather, they supplement the coverage by major networks. The high usage of the material produced by these teams is indicative of the effectiveness of their efforts.

MOTION PICTURE FILM PROCESSING

Motion picture news film exposed by DoD cameraman requiring urgent handling is processed under a contract arrangement with the Department of Agriculture. Cost for FY 69: $3,061.64.

ARMY PHOTOGRAPHIC AGENCY

This Agency provides multiple services which include tape coverage of network newscasts from which Defense Department excerpts can be extracted, reproduced and shown to interested Defense agencies. Extensive use is made of this facility. Cost for FY 69: $43,265.40.

MAIL EARLY FOR CHRISTMAS PROJECT

This project produces a professional package of spot announcements, film clips and color slides sent to over 5,000 radio and 600 television stations urging the public to mail Christmas packages and cards to servicemen overseas in time for delivery prior to Christmas Day. The program is conducted in conjunction with the Post Office Department. Contract cost: $9,642.55. These funds do not come out of OASD(PA) budget. They are a part of the general printing fund maintained by OSD.

TAB H TO ENCL 1 (PROJECTS DIVISION)

1. AERIAL EVENTS

a. The Projects Division schedules and coordinates all appearances by the aerial demonstration teams: Thunderbirds (Air Force), Blue Angels (Navy), and Golden Knights (Army). This includes review of liability insurance policies required by the sponsor to protect the Government and insuring that sponsors pay associated costs such as per diem costs for team members. The teams performed a total of 289 times throughout the country during FY 1969.

b. All flyovers in the public domain are authorized by this office to insure compliance with policy. There were 217 of these during FY 1969.

c. This Division also authorized static display of aircraft in 102 air shows and fairs during FY 1969.

2. SURFACE EVENTS

This Division authorized military support (musical and troop) for approximately 4,800 events in the Washington area and approximately 1,400 national events elsewhere during FY 1969. While a complete listing of these would be difficult to compile, a list of some of the major events during this period is attached together with military participations authorized (Tab H 1).

3. DEFENSE INDUSTRY BULLETIN

This publication provides logistical information on Department of Defense for agencies of the Department as well as subscribers in industry upon request. Of the 25,000 copies printed each month, 15,309 are sent to outside subscribers with the remainder being distributed within the Department. The cost of the publication is approximately $47,500 annually and is budgeted with the overall Defense printing costs. A proposal to transfer this publication to the Defense Supply Agency is currently being staffed.

4. SPEAKERS BUREAU

The Projects Division received a total of 894 requests for DOD speakers during FY 1969 and provided 492.

a. These requests were filled by asking agencies within the Office of the Secretary of Defense, Office of the Joint Chiefs of Staff, the Defense Agencies, the Unified and Specified Commands, and the Military Services to fill specific requests.

b. An effort is made to fill speakers requests with speakers stationed nearby to minimize travel costs except for forums which are national in scope. It would be virtually impossible to estimate the cost of speakers' travel. In many cases the sponsor provides transportation, housing and meals. Where travel costs are paid by the government they are paid from travel funds available to the agency providing the speaker.

c. Attached are copies of schedules of major speaking engagements by DOD speakers during FY 1969 (Tab H 2).

Note: Except for speakers, all of the units committed to programs are assigned to one of the Services. Also, the Services provided many of the speakers to fill requests received by this Directorate.

TAB 1 TO ENCL 1 (ORGANIZATIONS DIVISION)

The Organizations Division performs that portion of the Directorate mission of maintaining liaison and serving as the single office of public information liaison between DoD components and national organizations and groups. The Division has contact with about 500 organizations ranging all the way from an action once a year to almost daily contact with defense oriented groups such as the major veterans organizations.

Much of the activity of this Division consists of responding to verbal and written queries for information from or on behalf of organizations. During FY 1969, 6,284 items of routine correspondence were handled. In addition 355 written queries from the White House and members of Congress on behalf of organizations were answered. This correspondence covered a wide range of defense subjects, examples of which are:

1. Requests for statements by the President or the Secretary of Defense for conventions, meetings, and commemoration of anniversaries and other special events.

2. Requests for the President or the Secretary of Defense to address or attend conventions and meetings.

3. Requests for information on obtaining ceremonial rifles and surplus uniforms by veterans organizations.

4. Requests from veterans and civic groups concerning procedure for obtaining surplus equipment for monumental purposes.

5. Queries from groups of all types on flag usage.

6. Requests for information on sending gifts and providing other support for our troops in Vietnam.

7. Requests for speakers, musical support and briefings for meetings of organizations and groups.

8. Requests for information from organizations and groups on DoD programs and activities of current interest, such as ROTC, all volunteer force and Project 100,000.

This Division mails Department of Defense material of interest to outside organizations to a total of 287 organizations which have indicated an interest in receipt of this material. These organizations are queried annually to determine if they desire to continue receiving such material. Material mailed consists of significant speeches by the Secretary of Defense and other high officials. It also includes items of current interest such as the annual Secretary of Defense posture statement, announcement of award of the Medal of Honor, casualty reports and fact sheets on support of our troops overseas. Mailing of material is done on a selective basis to those organizations having particular interest in specific material. For example a speech on ROTC would be mailed to veterans groups and other defense oriented organizations and to educational organizations.

The Division provides briefings and tours in the Pentagon on request from organizations. These briefings cover a wide variety of defense subjects as requested. During FY 1969 over 5,000 persons attended briefings arranged and coordinated by the Division.

Specific examples of assistance provided to organizations of various types during FY 1969 include the following:

1. Support for the Senate Youth Program sponsored jointly by the United States Senate and the William Randolph Hearst Foundation. This included providing military officers as escorts for the participants, providing a half day briefing at the Pentagon on the organization and functions of DoD, arranging visits to the Tomb of the Unknown Soldiers and the Kennedy Grave, and providing patriotic programs by military musical groups for banquets for the group.

2. Coordinating the visit of the new national commander of the Veterans of Foreign Wars to the Pacific including Vietnam. Assistance included arranging military briefings as desired. All travel and accomodations were arranged by and paid for by the organization.

3. Providing Pentagon military briefings for a series of groups of business executives attending seminars sponsored by the Brookings Institution on Federal Government operations.

4. Providing a Pentagon briefing for the Voice of Democracy winners in the annual briefing sponsored by the Veterans of Foreign Wars.

5. Providing Pentagon briefings for the American Legion Boys Nation and the American Legion Auxiliary Girls Nation.

6. Providing convention support for the American Legion national convention. This included bands, marching units and color guards from the Services for the convention parade; providing General Westmoreland, Army Chief of Staff, as a convention speaker; coordinating Air Force briefings for the organization's National Security Commission (done on a rotational basis among the Serv-

ices each year); and providing briefings for the National Security Commission as requested on other military subjects of particular interest at the time.

7. Arranged for a group from the Young Presidents Organization to attend Brass Strike exercise at Fort Bragg at their expense.

8. Arranged for the Secretary of Defense to address the National Security Industrial Association's annual dinner.

9. Provided DoD briefings for groups sponsored by the Presidential Classroom for Young Americans.

10. Assisted the American Legion, the Veterans of Foreign Wars, United States Jaycees and Lions International in establishing a veterans assistance program.

11. Provided the DoD portion of the D.C. Urban Service Corps program, Widening Horizons, which is designed to provide summer orientation activities for school children of the District of Columbia. This consisted of a weekly visit to a military installation in the Washington area for an average of 300 children.

Note: As noted in the activities of the Projects Division there will undoubtedly be duplication in the reports submitted by the Services. In addition to troop and speaker support the Organizations Division queries the Service concerned to provide information concerning that Service to answer queries from organizations.

TAB J TO ENCL 1 (DIRECTORATE FOR PLANS AND PROGRAMS)

The Directorate for Plans and Programs is divided organizationally into three groups whose activities are described below:

1. Director's Group—Acts as the principal assistant and advisor to the ASD(PA) in the area of planning and programming worldwide public affairs activities. Proposes new or revised public affairs policies when required. Supervises and directs other members of the Directorate and monitors and controls all correspondence to and from the Directorate.

2. Programs and Studies Group—Formulates broad and continuing public affairs program and policy guidance applicable to DoD components and insures that such guidance is fully coordinated with other appropriate government agencies. Maintains liaison with appropriate elements of OSD, JCS, Military Departments, and other agencies of the government to develop information about planned activities with public affairs implimations and to determine—or formulate when none exists—government policy on public affairs matters involving DoD and the Military Services. Monitors currency of OSD public affairs issuances and prepares changes or new issuances as appropriate. Assists unified and specified command public affairs officers by keeping them informed of all seat-of-government matters that may affect public affairs in their areas. Assists unified and specified commanders on manning requirements in their public affairs offices. Arranges OSD conferences of unified and specified command public affairs officers in Washington, and monitors annual staff visits to the commands by OASD(PA) staff team.

3. Plans Group—Maintains liaison with public affairs offices in the unified and specified commands and monitors their implementation of policies and guidances issued by the ASD(PA). Reviews public affairs portions of contingence, field exercise, and operation plans of the unified and specified commands and formulates or approves guidance after securing complete and careful coordination with State and other interested government agencies. Stays abreast of developments within assigned command areas by reviewing all State and Defense message traffic referring to the area; identifies potential public affairs problems and develops and coordinates courses of action to solve them; insures that other OASD(PA) and Service information offices are provided copies of such traffic in a timely fashion. Participates in staff visits to unified and specified commands. Monitors the operation of the Defense Information School. Serves as point of contact for respective single-Service matters and develops ASD(PA) position on single-Service public affairs problems.

The planning function in this Directorate is not normally accomplished by the formal preparation of plans. It is more a matter of developing, in conjunction with other DoD elements and other agencies of the government, public affairs courses of action in connection with the situations—actual or potential—that may require some action to be taken. A large part of the activity consists of telephone and cable traffic and direct, personal liaison with State Department public affairs officers and officials of the USIA. Only two actual public affairs plans have been produced in the past year:

1. Civil Disturbance Public Affairs Plan, 31 October 1968.

2. Public Affairs Plan for NATO's 20th Anniversary Year, 4 April 1968.

[From the Washington Star, Nov. 12, 1969]

DEFENSE CHIEFS CARRY MESSAGE TO CITIZENRY

(By Orr Kelly)

While President Nixon has been seeking support for his efforts to end the Vietnam war, high ranking Pentagon officers have been out giving the word to the "silent majority."

In an almost steady stream, they have been speaking to Rotary Clubs, to Reserve Officers meetings, at ship launchings and almost anywhere a responsive audience might be expected to gather.

Frequently they have taken a tough line—using language more forceful then that of the President and even outdoing Vice President Spiro T. Agnew on occasion according to a spot check of speeches delivered over the last two months.

Speaking to the Association of the U.S. Army here on Oct. 15, for example, General Earle G. Wheeler, chairman of the Joint Chiefs of staff, referred caustically to "groups of interminably vocal youngsters, strangers alike to soap and reason . . ."

GENERAL FATIGUED

"For my part, I must confess to a bit of fatigue on this score when new words are produced, most often by the 'academic-journalistic complex,' which describe vaccilation as being flexible and nervousness as being compassionate."

But the occasion which Wheeler spoke clearly implies a distinction between various forms of dissent. He was speaking in honor of Cyrus R. Vance, former U.S. negotiater in Paris and now a prominent critic of American policy in Vietnam.

By far the most prolific speechmaker is Gen. Lewis Walt, assistant commandant of the Marine Corps, who delivers a slightly modified version of the same basic speech and average of better then twice a week to such groups as the Rotary Club of Pensacola, Fla., (Oct. 21) and the Florida State convention of the American Red Cross (Oct. 10).

"In the past year, over 10,000 Americans have been killed in Vietnam," he told the Red Cross. "Those who dissent may not have fired the rifle or thrown the grenade. But they must bear a part of the responsibility for the losses of those gallant Americans.

'BACKBONE' HAILED

"Our young Americans in Vietnam may not be a part of our nation's loose tongue—but they certainly have proven themselves to be a vital part of our strong backbone."

In his Pensacola speech, he phrased it slightly differently:

"There is an old saying that 'talk is cheap.' Well, this past year over 10,000 Americans have been killed in Vietnam. That loss is the price of irresponsible talk and I can tell you that it isn't cheap."

On Nov. 6, speaking to the Annapolis Rotary Club, Walt, who commanded the Marines in Vietnam for two years, reflected the themes of the President's speech three days before—and added to it.

"Those who are in positions of authority know the potential cost of a premature pull-out," he said. "They know that the blood of millions of Vietnamese would be on their hands . . ."

"Our premature, withdrawal from Vietnam would become a major victory for the forces of international communism."

On Oct. 14, Gen. Leonard F. Chapman Jr., commandant of the Marine Corps, spoke to the Rotary Club of Memphis.

He drew a line between the "doves—gentle people who have never seen war, or terror," and the "anti-everything organizations who . . . have waved the flag of the enemy, burned our own flag, practiced violence, and preached their own war as a means to destroy our present society."

In general, the professional military men tend to see the threat of communism as somewhat more menacing than many political leaders.

Speaking at the launching of a destroyer named for his father, Adm. John S. McCain Jr., commander of the Pacific command, said Sept. 6 at the Philadelphia Navy Yard:

"What we do here today is related to a subject that should be of direct concern to every American. That topic is the threat of aggressive communism as it affects the peace of the world in American national security.

THREAT RAISED

"We must be aware of the continuing threat which our country faces from the ambitions, goals and activities of the Communist world. This is a real threat and a stark truth that we must recognize if there is to be peace."

The message that all the speeches have been trying to convey was probably summed up by Walt in his talk to the Annapolis Rotarians:

"The fact of the matter is that all is being done to bring the war to a just and honorable conclusion. A conclusion which will let the South Vietnamese decide their own future—a conclusion which will allow us to withdraw our troops—a conclusion which will bring home all our prisoners of war.

"We need your support in our effort. We need your patience. We need your perseverance. We need to hear your voices speak out on behalf of our President."

Mr. FULBRIGHT. There are three public relations programs which I believe deserve special concern.

The Defense Department has extraordinary resources that permit it with ease to transport and entertain visitors at various installations around the country. By going out into the community, picking local leadership personnel, flying them to military facilities and briefing them on specific, chosen activities, the Defense Department is able to propagandize, and influence attitudes toward their activities.

Each service has its own civilian tour program, but the most prestigious of them is the Joint Civilian Orientation Conference—an 8-day cross country tour for 70 civilians—run by the Office of Secretary of Defense.

I ask unanimous consent to have printed in the RECORD the Department's description of this program; its recorded costs—although I note transportation charges for the past 2 years have been dropped since military transportation is

used; and the list of participants during the last 3 years.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

THE JOINT CIVILIAN ORIENTATION CONFERENCE

The Joint Civilian Orientation Conference is an annual program of the Secretary of Defense which serves as a report to the nation on how the mission of the Department of Defense is being discharged, and responds to the desire and need of the American people to be informed about how the Department of Defense is operated. The Conference makes it possible for key professional men to study the accomplishments and problems of the Armed Forces, with the objectives of making as much information as possible available to Americans. Once a year, a group of approximately 70 business, industrial and professional men are invited to visit representative military installations during this eight-day travelling conference.

The participants are selected from all geographical areas of the country and from a broad spectrum of occupations. They are briefed, shown training demonstrations, and engage in discussions with men from all ranks of the Armed Forces. The Joint Civilian Orientation Conference accomplishes the following objectives: it opens the Department of Defense to public inspection; it responds to the desire of key Americans to maintain an interest in and understanding of their federal government; it provides members of the Armed Forces and private citizens an opportunity to know and understand each other better; it offers a medium for the exchange of ideas; and it helps to explain the disposition of the Defense dollar.

Cost tabulations and lists of participants, by conference, are attached. Participants pay all their own expenses, including food, lodging and entertainment.

JOINT CIVILIAN ORIENTATION CONFERENCE—COST TABULATIONS

October 12–19, 1967, JCOC 37—Cost to DoD:

Per Diem	$ 1,200
Commercial airline charter	19,157
Total cost	20,357

April 24-May 2, 1968, JCOC 38—Cost to DoD: $1,264.98 Per Diem.

May 14-May 22, 1969, JCOC 39—Cost to DoD: $2,110.15 Per Diem.

Total Cost for Three-Year Period: $23,732.13.

LIST OF PARTICIPANTS, JOINT CIVILIAN ORIENTATION CONFERENCE 37, OCTOBER 12–19, 1967

Mr. Norman S. Altman, Lawyer, Krooth & Altman, 1001 15th Street, N.W., Washington, D.C.

Mr. Robert E. Arras, President, Chrysler of Peru, Panamericana Norte Km. 6½, Lima, Peru.

Mr. George N. Badran, Owner, George N. Badran Realty Co., 2400 E. Little Creek Road, Norfolk, Virginia.

Mr. Henry E. Billingsley, President, Urban Systems, Inc., 1815 H Street, N.W., Washington, D.C.

Mr. Gerald W. Blakeley, Jr., President, Cabot, Cabot & Forbes Co., 60 State Street, Boston, Mass.

Reverend Chester L. Brown, Minister, Hampton Baptist Church, 40 N. King Street, Hampton, Virginia.

Mr. H. French Brown, Jr., Secretary-Treasurer & Manager, Brooks Realty Co., 128 Eglin Parkway, N.E., Ft. Walton Beach, Florida.

Mr. John F. Burditt, Chairman of the Board, ACF Industries, Inc., 750 Third Avenue., New York, N.Y.

Mr. Lawrence C. Burman, Manager, Nuclear Department, Engelhard Industries, Inc., 113 Astor Street, Newark, New Jersey.

Mr. James W. Bushong, President, The Kamehameha Schools, Honolulu, Hawaii.

Mr. Clifford T. Butler, Asst. Gen. Manager, Hercules Powder Company, 910 Market Street, Wilmington, Delaware.

Mr. Fred E. Byrum, Vice President, Globe Incorporated, 2124 Bank of the Southwest Bldg., Houston, Texas.

Mr. John H. Campbell, President and Director, Mutual Building & Loan, P.O. Box 937, Las Cruces, New Mexico.

Mr. James W. Cantey, President, The Citizens & Southern Nat'l Bank, 1200 Washington Street, Columbia, S.C.

Mr. Edward M. Carpenter, Jr., Attorney, Best, Best and Krieger, 4200 Orange Street, Riverside, California.

Mr. Henry G. Catucci, Vice President, Western Union, International, 521 12th Street, N.W., Washington, D.C.

Mr. Hung Wai Ching, General Partner, Oahu Homes, Suite 219, 33 S. King Street, Honolulu, Hawaii.

Mr. Charles H. Church, Jr., President, Hickman Mills Bank, 11702 Hickman Mills Drive, Kansas City, Mo.

Mr. Wendell S. Clough, Product Manager, ITT Industries, 190 Strand, London W.C. 2, England.

Mr. James H. Cooper, Vice President, Harry Cooper Supply Co., 605 Sherman Avenue, Springfield, Mo.

Mr. Oliver R. Crawford, Vice President, Eastex Incorporated, 229 N. Bowie Street, Jasper, Texas.

Mr. Kenneth H. Dahlberg, President, Dahlberg Electronics, Inc., 7731 6th Avenue, North, Minneapolis, Minn.

Mr. John E. David., President, Fiberite Corporation, Winona, Minn.

Mr. Gerard R. Davis, Sales Representative, V. H. Blackinton & Co., Inc., 140 Commonwealth Avenue, Attleboro Falls, Mass.

Mr. Almon H. Dean, Jr., President, Western S.D. Development Co., 223 American Nat'l Bank Bldg., Rapid City, South Dakota.

Mr. Lewis Dollinger, Jr., President, Dollinger Corporation, 11 Centre Park, Rochester, N.Y.

Mr. George M. Douglas, Asst. Vice President-Operations, Mountain States Telephone Co., 931 14th Street, Denver, Colorado.

Mr. James T. Dresher, Senior Vice Pres. & Gen. Manager, Fairchild-Hiller, Hagerstown, Maryland.

Mr. Austin C. Drukker, Vice President & Treasurer, The Passaic Daily News, 988 Main Avenue, Passaic, New Jersey.

Mr. William Dwight, Editor & Publisher, Holyoke Transcript Telegram, 180 High Street, Holyoke, Mass.

Mr. Jeremy M. Ets-Hokin, President, Ets-Hokin Corporation, 551 Mission Street, San Francisco, California.

Mr. Laurence F. Farrell, Director, Customer Relations, ITT Defense Space Group, 500 Washington Avenue, Nutley, New Jersey.

Mr. John P. Fredrich, Chairman of the Board, Dirilyte Co. of America, 1142 South Main, Kokomo, Indiana.

Mr. Kedrick G. Freyschlag, Vice President, Exchange Nat'l Bank, Pikes Peak Ave. & Tejon, Colorado Springs, Colorado.

Mr. Arthur W. Grafton, Partner, Wyatt, Grafton & Sloss, 300 M.E. Taylor Bldg., Louisville, Kentucky.

Mr. Edward D. Gray, Managing Director, Potter Instrument Co., Ltd., McGray Hill House, Maidenhead Berkshire, England.

Mr. Gilbert M. Grosvenor, Vice President & Associate Editor, National Geographic Society, 17th & M Street, N.W., Washington, D.C.

Mr. Douglas S. Guild, President, Hawaiian Telephone Company, P.O. Box 2200, Honolulu, Hawaii.

Mr. Richard W. Haase, president, Sears, Roebuck & Co. S. A., Apartado 4374, Panama, R.P.

Dr. John W. Hard, Physician, Rainwater-Workman Clinic, 527 6th Street, Blytheville, Arkansas.

Mr. Lamartine G. Hardman, President, Chairman & Director, First National Bank of Commerce, Commerce, Georgia.

Mr. C. Allen Harlan, President, Harlan Electric Company, 24000 Telegraph Road, Southfield, Michigan.

Mr. Gates M. Helms, Vice President, Bowne & Company, Inc., 345 Hudson Street, New York, N.Y.

Dr. Walter D. Jacobs, Associate Professor, University of Maryland, University Boulevard, College Park, Maryland.

Mr. Truman R. Johnson, Chairman of the Board, Emeritus, Sterling Savings & Loan Assoc., 3855 Market Street, Riverside, California.

Bishop Harry S. Kennedy, Bishop of Honolulu, St. Andrews Cathedral, Queen Emma Square, Honolulu, Hawaii.

Mr. Paul W. Kruse, Staff Scientist, Honeywell, Inc., 500 Washington Avenue South, Hopkins, Minnesota.

Mr. Herbert Kunzel, President, Solar Div. Int'l Harvester, 2201 Harbor Drive San Diego, California.

Mr. Arthur L. Lowe, General Manager, Corvallis Gazette-Times, 310 Jefferson Street, Corvallis, Oregon.

Dr. Daniel F. Lynch, Oral Surgeon, 2520 L Street, N.W., Washington, D.C.

Mr. John P. McCardle, Vice President & European Mgr., Honeywell Corporation, Theodor Heuss Allee 112, Frankfurt/Main, Germany.

Mr. Edward M. Naughton, President & General Manager, Utah Power & Light Company, 1407 West North 6 Temple, Salt Lake City, Utah.

Mr. Dennis O'Rourke, Chairman & Chief Exec. Officer, Holly Sugar Corporation, Holly Sugar Bldg., P.O. Box 1052, Colorado Springs, Colorado.

Mr. Frank M. Parker, Executive Vice President, Jinks Lumber Company, 707 West 11th Street, Panama City, Florida.

Mr. H. Lawrence Parker, Partner, Morgan Stanley & Company, 140 Broadway, New York, N.Y.

Mr. Albert J. Pinder, Managing Editor, Grinnel Herald-Register, 813 Fifth Avenue, Grinnell, Iowa.

Mr. Lacy E. Rankin, Jr., President & General Manager, Newport Electric Company, 159 Thames Street, Newport, R.I.

Mr. Prezell R. Robinson, President, Saint Augustine's College, 1315 Oakwood Avenue, Raleigh, North Carolina.

Mr. John W. Sawyer, Vice President, Transit Mix Concrete Company, 444 East Costilla, Colorado Springs, Colorado.

Mr. Pat Sheehan, Attorney, Sheehan & Duhigg, 522 Marquette Avenue, N.W., Albuquerque, New Mexico.

Mr. Stuart Shumate, President, RF&P Railroad Company, Broad Street Station, Richmond, Virginia.

Mr. Robert E. Simon, Jr., President, Simon Enterprises, Inc., 595 Madison Avenue, New York, N.Y.

Mr. Asa T. Spaulding, President, North Carolina Mutual Life Ins. Co., NCM Plaza Durham, North Carolina.

Mr. Tad Stanwick, President & Chairman, The Stanwick Corporation, 1735 K Street, N.W., Washington, D.C.

Mr. Harold L. Suttle, Vice President, Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, N.J.

Mr. Thomas H. Thompson, Editor, Globe-News Publishing Co., 900 Harrison, Amarillo, Texas.

Mr. Leonard R. Viner, President, Leed Enterprises, Inc., 3152 Bladensburg Road, N.E., Washington, D.C.

Mr. Kenneth L. Vore, Vice President, Traffic & Transp., U.S. Steel Corporation, 525 William Penn Place, Pittsburgh, Pennsylvania.

Mr. Alfred L. Whitman, Vice President, White & Company, Inc., 100 North Main Building, Memphis, Tennessee.

Mr. George H. Williams, Executive Vice President, New York University, Washington Square, New York, N.Y.

Mr. H. Clifton Wilson, President, Panama Light & Power Co., Via Espana "Avesa", Panama, R.P.

Mr. J. Clinton Youle, Financial Consultant, White Thorn Road, Wayne, Illinois.

Mr. Louis B. Young, Vice President-Aerospace Marketing, The Bendix Corporation, 1104 Fisher Building, Detroit, Michigan.

PARTICIPANTS, JOINT CIVILIAN ORIENTATION CONFERENCE 38, APRIL 24 TO MAY 2, 1968

Mr. Gustave G. Amsterdam, President, Bankers Securities Corp., 1315 Walnut Street, Philadelphia, Pa. 19107.

Dr. John D. Baldeschwieler, Professor of Chemistry, Stanford University, Dept. of Chemistry, Stanford, Calif. 94305.

Mr. Glenn J. Barber, Barber, Kirby and Golden, 137 West Houston Street, P.O. Box 29, Jasper, Texas 75951.

Mr. W. Bruce Beckley, President, Greater Las Vegas Chamber of Commerce, 1010 First Nat. Bank Bldg., 302 E. Carson Avenue, Las Vegas, Nevada 89101.

Mr. William C. Bennett, Jr., General Tax Attorney, Southern Railway Company, 915 15th Street, N.W., Washington, D.C. 20005.

Mr. Melvin J. Berman, M. J. Berman Enterprises, P.O. Box 86, Laurel, Maryland 20810.

Mr. James W. Brakebill, President, J. W. Brakebill Agency, Inc., 2108 First National Bank Bldg., Memphis, Tenn 38103.

Mr. Stanton H. Brightman, President, First National Bank, 106 S. Main Street, Akron, Ohio 44308.

Mr. William D. Buck, President, International Association of Fire fighters, AFL–CIO, 905 16th Street, N.W., Washington, D.C. 20005.

Mr. Thomas A. Campobasso, Vice President, Government Sales, Collins Radio Company, 1611 North Kent Street, Arlington, Virginia 22209.

Mr. Lorenzo A. Chavez, Attorney, 1314 Bank of New Mexico Building, Albuquerque, New Mexico 87101.

Dr. J. Desmond Coughlin, Physician, 1 Doctors Park, Biltmore Avenue, Asheville, North Carolina 28801.

Dr. Julius G. Cox, Associate Dean of Engineering, Auburn University, Auburn, Alabama 36830.

Dr. C. Thomas Dean, Dean, School of Applied Arts and Sciences, California State College, Long Beach, 6101 E. 7th, Long Beach, California 90801.

Dr. Homer R. Denius, Chairman of the Board, Radiation Incorporated, P.O. Box 37, Melbourne, Florida 32901.

Dr. Willis E. Dugan, Executive Director, American Personnel and Guidance Association, 1607 New Hampshire Ave., N.W., Washington, D.C. 20009.

Mr. W. Howard Emrich, Vice-President, Smartt-Ingels and Associates, Inc., 2502 East Bijou (Box 4006), Colorado Springs, Colorado 80909.

Dr. Edward B. Espenshade, Professor of Geography, Northwestern University, Clark Street, Evanston, Illinois 60201.

Mr. George M. Ferris, Jr., Managing Partner, Ferris and Co., 611 15th Street, N.W., Washington, D.C. 20005.

Mr. John P. Foster, President, Foster Bell Co., 1001 E. 14th Street, Sioux Falls, South Dakota 57101.

Dr. Harvey R. Fraser, President, South Dakota School of Mines and Technology, St. Joe, Rapid City, South Dakota 57201.

Mr. Joseph J. Gancie, Vice President, ITT World Communications and Director of Government Relations for the International Communication Operations Group, ITT World Communications, Inc., Suite 250, 1707 L Street, N.W., Washington, D.C. 20036.

Mr. Wilbur E. Garrett, Assistant Editor, National Geographic Magazine, 17th and M Streets, N.W., Washington, D.C. 20036.

Dr. James J. Giganti, James J. Giganti, M.D., 6710 W. North Avenue, Chicago, Illinois 60635.

Mr. John P. Gover, President, National Bank of Commerce, 124 W. Commerce, Altus, Oklahoma 73521.

Mr. Arthur W. Grafton, Senior Partner, Wyatt, Grafton & Sloss, 300 M. E. Taylor Bldg., Louisville, Kentucky 40202.

Mr. Cornelius J. Griffin, Executive Vice President, Creole Petroleum Corp., Av. Leonardo Da Vinci, L. Chaguaramos, Caracas, Venezuela.

Dr. Christopher J. Hamre, Director, Special Air Force Programs, University of North Dakota, Grand Forks, North Dakota 58201.

Mr. Henry E. Hartzell, Consulting Director, Hercules Powder Company, Ltd., 1 Gt. Cumberland Place, London, W. 1.

Mr. John G. Hayes, President, Inland Empire Coca-Cola Bottling Company, 901 No. Monroe, Spokane, Washington 99201.

Mr. John C. Higdon, Chairman, Business Men's Assurance Co., 31st and South Trafficway, P.O. Box 458, Kansas City, Missouri 64141.

Mr. Don Horn, President, Don Horn Company, 2777 Winchester Road, Memphis, Tennessee 38130.

Mr. Oliver W. Howard, President, The Citizens National Bank, 402 Cypress Street, P.O. Box 1251, Abilene, Texas 79604.

Mr. George H. Jones, Jr., Register, Circuit Court, Montgomery County, 142 Washington Avenue, Montgomery, Alabama 36104.

Dr. Alfred Kaspau, Manager, Applied Surfaces Sciences Department, Hughes Research Laboratories, 3011 South Malibu Canyon Road, Malibu, California 90265.

Dr. C. L. Kay, Assistant President, Lubbock Christian College, 5601 W. 19th Street, Lubbock, Texas 79407.

Mr. Edward F. Krieg, Director of Government Information, IBM Corporation, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Mr. Robert G. Langenwalter, President, Wichita State Bank, 711 W. Douglas, Wichita, Kansas 67213.

Mr. Fred R. Little, President and Publisher, Northern New York Publishing Co., 308–312 Isabella Street, Ogdensburg, New York 13669.

Mr. James W. Madison, Vice President, Lehman-Roberts Co., Inc., 1098 Wilson Street, P.O. Box 2550, Memphis, Tennessee 38102.

Mr. Francis O. Mahery, President, Athens Stove Works, Inc., P.O. Box 10, Athens, Tennessee 37303.

Mr. Frank A. Mapel, President, Durango Coca-Cola Bottling Co., 248 Korber Building, Albuquerque, New Mexico 87101.

Dr. Raymond R. McAuley, Executive Vice-President, Marquette University, 615 North 11th Street, Milwaukee, Wisconsin 53233.

Mr. George W. Mumford, Jr., Vice President, First and Merchants Nat'l Bank, 2715 Washington Avenue, Newport News, Virginia 23607.

Dr. Harry T. Overby, Physician in Private Practice (Internal Medicine), 33 S.E. 8th Street, Boca Raton, Florida 33432.

Mr. Thomas P. Phelan, President, Pacific Coast Stock Exchange, 301 Pine Street, San Francisco, California 94104.

Mr. Daniel J. Piliero, General Manager, Chevron Oil Italiana, C. Colombo 149, Rome, Italy.

Mr. Jesse E. Porter, President, West Helena Furniture Co., 133 Plaza, West Helena, Arkansas 72390.

Mr. John F. Redding, President, Pinehurst Textiles, 120 E. Pritchard St., Asheboro, North Carolina 27203.

Dr. Ralph M. Rotty, Dean of Engineering, Old Dominion College, School of Engineering, Norfolk, Virginia 23508.

Mr. Anthony C. Sabatine, Vice President, Oil, Chemical and Atomic Workers Int'l Union, P.O. Box 2812, Denver, Colorado 80201.

Mr. Joseph A. Scerra, Commander-in-Chief, VFW, Veterans of Foreign Wars of the United States, Broadway and 34th Streets, Kansas City, Missouri 64111.

Mr. Walter T. Schimmel, Sr., President, Lassen Motor Hotel, 155 No. Market, Wichita, Kansas 67202.

Mr. John R. Sears, Jr., President, Home Federal Savings and Loan Association, 700 Boush Street, Norfolk, Virginia 23510.

Mr. William H. Smith, Vice-President, Valley National Bank, 2 E. Congress, Tucson, Arizona 85701.

Mr. Eliot I. Snider, President and Treasurer, Massachusetts Lumber Company, 400 Portland Street, Cambridge, Massachusetts 02114.

Mr. Jacob Swartz, Partner, Dryden, Harrington and Swartz, Suite 703, One Wilshire Building, Los Angeles, California 90017.

Dr. Urho A. Uotila, Doctor, Department of Geodetic Science, The Ohio State University, 164 W. Nineteenth Avenue, Columbus, Ohio 43210.

Dr. William W. Watkins, 1331, Union Avenue, Suite 909, Memphis, Tennessee 38104.

Mr. Robert S. Webb, Jr., Vice President, R. Stanford Webb Agency, 14 Church Street, Asheville, North Carolina 28802.

Mr. Harvey White, President, Puritan Aerosol Corp., Martin Street, Berkeley, Rhode Island 02805.

Dr. Charles E. Whittle, Jr., Dean of the Faculty, Centre College, Danville, Kentucky 40422.

Mr. Kenneth P. Wilson, President, First Jacksonville Bank, 600 W. Main Street, Jacksonville, Arkansas 72076.

Mr. Hugh deN. Wynne, President, Esso Standard Libya Inc., P.O. Box 385, Tripoli, Libya.

PARTICIPANTS, JOINT CIVILIAN ORIENTATION CONFERENCE 39, MAY 14–22, 1969

Mr. Peter F. Albi, Executive Vice President, El Mundo Inc., 383 F. D. Roosevelt Avenue, Hato Rey, Puerto Rico 00918.

Mr. Billie B. Armstrong, Managing Partner, Armstrong & Armstrong, P.O. Box 1873, Roswell, New Mexico 88201.

Mr. Francis H. Beattie, Jr., President, Lompoc Valley Chamber of Commerce, 119 East Cypress, Lompoc, California 93436.

Mr. Albert V. Becker, Jr., President, Canteen Service of Northern Wisconsin, 2409 N. Third Street, Wausau, Wisconsin 54401.

Mr. Leslie Boney, Jr., Partner, Leslie & Boney Architects, 120 South 5th Avenue, Wilmington, North Carolina 28401.

Mr. Clayton H. Brace, General Manager, KOGO–TV, Box 628, San Diego, California 92112.

Mr. Vincent J. Buck, President, Moline Construction, Inc., Box 1458, Jamestown, North Dakota 58401.

Mr. Marvin E. Burke, President, Sportcaster Company, Seattle, Washington 98104.

Mr. Joseph W. Burris, President, Burris Manufacturing Company, Inc., P.O. Box 698, Lincolnton, North Carolina 28092.

Mr. Alfred E. Busch, President, Keuffel & Esser Company, 20 Whippany Road, Morristown, New Jersey 07960.

Mr. Thomas C. Butler, Chairman of the Board and Chief Executive Officer, The Grand Union Company, 100 Broadway, East Paterson, New Jersey 07514.

Mr. Newell J. Carman, Secretary & Treasurer, International Union of Operating Engineers, 1125 17th Street, N.W., Washington, D.C. 20036.

Mr. Sloan K. Childers, Vice President/Manager, Phillips Petroleum (Nederland), N. V., Buitenhof 46–48, The Hague, Netherlands.

Mr. Rowland H. Coleman, President & General Manager, Remington Arms Company, 939 Barnum Avenue, Bridgeport, Connecticut 06602.

Mr. Fred Dickensen, King Features Syndicate, 235 East 45th Street, New York, N.Y. 10017.

Mr. Charles G. Dorsey, Owner, Santa Maria

Travel Center, 215 East Main Street, Santa Maria, California 93454.

Mr. Francis G. Dwyer, President, Newport County Chamber of Commerce, 35 Touro Street, Newport, Rhode Island 02840.

Mr. F. Richards Ford, III, Senior Vice President, The State National Bank of Connecticut, 2834 Fairfield Avenue, Bridgeport, Connecticut 06605.

Mr. William E. Fredenberger, President, International Brotherhood of Firemen and Oilers, 200 Maryland Avenue, N.E., Washington, D.C. 20002.

Mr. Charles C. Gates, Jr., President, Gates Rubber Company, 999 South Broadway, Denver, Colorado 80209.

Dr. Nicholas Gotten, 220 South Claybrook, Memphis, Tennessee 38104.

Mr. John H. Goy, Vice President & General Manager, Bank of American, NT&SA (San Francisco Main Office), 485 California Street, San Francisco, California 94120.

Mr. John Gray, President, National Asphalt Pavement Assoc. 6715 Kenilworth Avenue, Riverdale, Maryland 20840.

Mr. Ralph E. Grimm, Vice President & Manager, CEI Division, Watkins Johnson Co., 6006 Executive Boulevard, Rockville, Maryland 20852.

Mr. William E. Haines, Vice President, H. K. Porter Company, Inc., 1001 Connecticut Avenue, N.W., Washington, D.C. 20036.

Mr. J. Rogers Hall, Owner, Hall Farms, 1206 College Street, Cleveland, Mississippi 38732.

Mr. Joseph H. Harrington, General Manager, Pfizer Corporation, Panama, Republic of Panama.

Mr. John H. Heaton, President, Inorp, South America, Monte 5917, Buenos Aires, Argentina.

Mr. George M. Ivey, Jr., President, J. B. Ivey & Company, Charlotte, North Carolina 28202.

Mr. John C. Jacobs, Senior Vice President, Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Texas 77001.

Mr. Thomas F. Jennings, Casting Director, Music Corporation of America, Inc., 100 Universal City Plaza, Universal City, California 91608.

Mr. Morris B. Jobe, President, Goodyear Aerospace Corporation, 1210 Massillon Road, Akron, Ohio 44315.

Mr. Mark W. Johnston, Vice Chairman, Union Bank & Trust Company, 100 Commerce Street, Montgomery, Alabama 36104.

Dr. Thomas J. Kelley, Orthodontist, 170 Oak Street, Holyoke, Massachusetts 01040.

Mr. Joe W. Kingsbury, General Manager, Government Communications, AT&T Co., 2055 L Street, N.W., Washington, D.C. 20036.

Mr. Martin B. Kramer, Vice President, Kramer Brothers, Inc., 112 West 34th Street, New York, N.Y. 10001.

Mr. Arthur F. Kroeger, Partner, A & H Kroeger Corporation, 535 Fifth Avenue, New York, N.Y. 10017.

Mr. Emmett G. Lenihan, Senior Partner, Lenihan and Ivers, 1114 Norton Building, Seattle, Washington 98104.

Mr. Harry Charles Levy, Chairman Military/Civilian Council, Levy Real Estate, 2839 West Sahara Avenue, Las Vegas, Nevada 89102.

Mr. Ross W. Lynn, Headmaster, Memphis University School, Memphis, Tennessee 38111.

Mr. Edward L. McFarland, Ed McFarland & Company, 1100 Shell Building, Tulsa, Oklahoma 74119.

Mr. Robert H. Malott, Executive Vice President, FMC Corporation, 633 Third Avenue, New York, N.Y. 10017.

Mr. Daniel M. Manfull, Executive Vice President, Killeen Chamber of Commerce, Cowhouse Hotel, North Gray Street & Avenue A, Killeen, Texas 76541.

Mr. Clarence M. Mendenhall, Assistant Vice President, Mountain States Telephone & Telegraph Company, 931 14th Street, Denver, Colorado 80202.

Mr. M. Clare Miller, President, San Ore Construction Co., Inc., 320 North Baer Street, McPherson, Kansas 67460.

Mr. Enoch T. Nix, President, Bossier Bank & Trust Company, P.O. Box 5667, Bossier City, Louisiana 71010.

Mr. Robert T. Person, President, Public Service Company of Colorado, 550 15th Street, Denver, Colorado 80202.

Mr. Martin M. Philipsborn, Consultant, University Patents, Inc., 30 Monroe Street, Chicago, Illinois 60603.

Mr. Donald C. Powell, Finance Director, Champion Cellulose, South America, Rua Liberio 501, Sao Paulo, Brazil.

Mr. William J. Reals, Pathologist & Director of Laboratories, St. Joseph Hospital, 3400 Grand Avenue, Wichita, Kansas 67218.

Mr. Walter T. Reveley, President, Hampden-Sydney College, Hampden-Sidney, Virginia 23943.

Mr. Michael C. Sayer, President, Missoula First Federal Savings and Loan and Sayer Agency, Missoula First Federal Building, Box 1016, Missoula, Montana 59801.

Mr. Albert E. Schwabacher, Jr., Senior Partner, Schwabacher and Company, 100 Montgomery Street, San Francisco, California 94104.

Mr. Wayne L. Sheirbon, National Commander, Disabled America Veterans, P.O. Box 14301, Cincinnati, Ohio 45214.

Mr. Thomas W. Shoop, Chairman of the Board, Aircraft Mechanics, Inc., 3 South Tejon, Colorado Springs, Colorado 80901.

Mr. Earnest P. Slaughter, National Commander, Military Order of the Purple Heart, 1444 Rhode Island Avenue, N.W., Washington, D.C. 20005.

Mr. Charles S. Spooner, Principal Scientist, Raytheon Company/Autometric Operation, 4217 Wheeler Avenue, Alexandria, Virginia 22304.

Mr. James E. Stokes, President, Stokes and Company, 333 Logan Street, Denver, Colorado 80203.

Mr. Edward Frank Stoltz, President, Dependable Auto Sales, 2845 North Cicero Avenue, Chicago, Illinois 60641.

Mr. Robert J. Strasenburgh, President, Strasenburgh Laboratories, P.O. Box 1710, Rochester, New York 14603.

Mr. Andrew E. Svenson, Author and Partner, Stratemeyer Syndicate, 519 Main Street, East Orange, New Jersey 07018.

Mr. Wesley A. Taylor, Secretary-Treasurer, International Brotherhood of Bookbinders, 1612 K. Street NW., Washington, D.C. 20006.

Mr. Lyman M. Tondel, Jr., President, New York State Bar Association, 52 Wall Street, New York, N.Y. 10005.

Mr. Joseph Varga, Director of Advertising, Army Times Publishing Company, 475 School Street, SW., Washington, D.C. 20024.

Mr. William S. Waldrip, Jr., Vice President, CA. EXWA, Aptdo 5338, Caracas, Venezuela.

Mr. Charles B. West, President, West Lumber Company, 1491 Piedmont Avenue, NE., Atlanta, Georgia 30309.

Mr. Vernon B. Williams, Jr., Community Relations Manager, Illinois Bell Telephone Company, 225 N. Randolph Street, Chicago, Illinois 60606.

Mr. J. Albert Woll, General Counsel, AFL–CIO, 815 16th Street, NW., Washington, D.C. 20005.

Mr. FULBRIGHT. A good number of the conference members, from their job titles alone, would appear to be already familiar with Defense activities and no doubt assist in influencing the views of their fellow participants.

A second program which I believe needs to be singled out is the speakers, particularly military men, supplied by the Defense Department to public meetings. Again, because of the transportation facilities available to them, the military services can provide speakers easily if they so desire—and those speakers can have great influence in promoting a military point of view. At this point as an example I ask unanimous consent to have printed in the RECORD a list of the extensive speaking tours made by Gen. William C. Westmoreland beginning August 7, 1968, and running through May of this year, which totaled 59 separate engagements. This is quite a schedule for a professional soldier whose mission was to act as Chief of Staff of the Army. I also would like to insert a recent story in the Washington Star which describes the organization and direction of this speechmaking.

There being no objection, the list and story were ordered to be printed in the RECORD, as follows:

SPEECHES MADE BY GENERAL WESTMORELAND AUGUST 1968–MAY 1969

Army War College, Carlisle Barracks, Pa., August 7, 1968.

Command Chaplains Conference, Ft. McNair, D.C., August 12, 1968.

VFW Convention, Detroit, Mich., August 19, 1968.

AMVETS Convention, New Orleans, La., August 24, 1968.

American Legion, New Orleans, La., September 10, 1968.

Conference of American Armies, Rio de Janeiro, Brazil, September 22, 1968.

Naval War College, Newport, R.I., October 3, 1968.

Judge Advocate Generals Conference, Charlottesville, Va., October 7, 1968.

National Guard Association Annual Meeting, Hot Springs, Ark., October 10, 1968.

Industrial Advisory Council, Washington, D.C., October 12, 1968.

Army Scientific Advisory Panel, Rock Island, Ill., October 21, 1968.

Harvard Business Club, Washington, D.C., October 23, 1968.

Marine Corps Command and Staff College, Washington, D.C., October 24, 1968.

AUSA, Washington, D.C., October 29, 1968.

Army Aviation Association of America, Washington, D.C., November 1, 1968.

Army War College, Carlisle, Pa., November 4, 1968.

Armed Forces Staff College, Norfolk, Va., November 7, 1968.

Army Officers, serving outside of DA in a Joint Assignment, Washington, D.C., November 9, 1968.

Veterans Day Homecoming, Spartanburg, S.C., November 11, 1968.

Veterans Day Homecoming, Columbia, S.C., November 11, 1968.

United Daughters of the Confederacy, Richmond, Va., November 13, 1968.

Society of the Cincinnati, Richmond, Va., November 16, 1968.

American Ordnance Association, Cleveland, Ohio, November 18, 1968.

Holland Society of New York, New York, N.Y., November 19, 1968.

Army Advisory Panel or ROTC Affairs, Washington, D.C. (Pentagon), November 21, 1968.

Union League, Philadelphia, Pa., November 26, 1968.

Army Commanders Conference, Washington, D.C. (Pentagon), December 2–4, 1968.

Order of Lafayette, New York, N.Y., December 9, 1968.

National War College & Industrial College of the Armed Forces, Ft. McNair, D.C., December 19, 1968.

Franklin Award, National Printing Week, New York, N.Y., January 14, 1969.

Chamber of Commerce, Midland, Tex., January 25, 1969.

Chamber of Commerce, San Francisco, Calif., January 27, 1969.

Chamber of Commerce, Nashville, Tenn., February 13, 1969.

Rotary Club, Portland, Oreg., January 28, 1969.

American Association of School Administrators, Atlantic City, N.J., February 15, 1969.

Army Scientific Advisory Panel Edgewood Arsenal, Md., February 17, 1969.

Reserve Officers Association Mid-Winter Council Meeting, Army Section, Washington, D.C., February 20, 1969.

Freedom Studies Center, Boston, Va., February 27, 1969.

University Club of New York, New York, March 8, 1969.

Army War College, Carlisle, Pa., March 11, 1969.

Peninsula Chapter of AUSA, Fort Eustis, Va., March 18, 1969.

Washington Citadel Club, Washington, D.C., March 21, 1969.

Joint Meeting, Fort Sheridan-Chicago AUSA & Chicago Association of Commerce & Industry, Chicago, Ill., March 24, 1969.

AUSA, Reno, Nev., March 25 1969.

Nevada Legislature, Carson City, Nev., March 26, 1969.

State National Guard Association Albu querque, N. Mex., March 29, 1969.

Kansas State University, Manhattan, Kans., April 9, 1969.

PROJECT CONCERN, Worcester, Mass., April 13, 1969.

"Old Guard" Luncheon, Ft. Myer, Va., April 17, 1969.

Vietnam Veterans Dinner, Auburn, N.Y., April 18, 1969.

Military Government Association, Philadelphia, Pa., April 26, 1969.

Air War College, Montgomery, Ala., April 29, 1969.

Armed Forces Day Parade Activities, New York, N.Y., May 16, 1969.

Valley Forge Military Academy, Valley Forge, Pa., May 18, 1969.

Armed Forces Staff College, Norfolk, Va., May 21, 1969.

BSA National Meeting, Boston, Mass., May 22, 1969.

Norwich University, ROTC Graduation, Northfield, Vt., May 24, 1969.

Order of Lafayette, New York, N.Y., May 24, 1969.

Mr. FULBRIGHT. In the same category as speechmaking, but handled in a slightly different form are the films produced by the various Defense agencies and made available to the public. These have a propaganda value of their own and are so used. A recent issue of the Armed Force Journal carried an item saying the Air Force has available for distribution a 30-minute film on the C–5A. For years they have been making available for public showing films on Vietnam and communism, which in order to support the administration or the Military Establishment's point of view at the time usually distort key facts. This is not something new with this administration. It is something that had been going on with a high degree of development prior to this administration. I ask unanimous consent to place in the RECORD at the end of this statement a list of Armed Forces films available to the public.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF AVAILABLE FILMS

AMERICA'S CRITICS ABROAD

(AFIF–137, MD–6962eh, 20 minutes)

This film—a dramatic, amusing series of vignettes—shows how U.S. personnel overseas can counter criticism of, and answer questions about, the United States. Supplemented by Film Information Guide.

GERMANY, POSTWAR

(AFIF–104, MD–6962da, 25 minutes)

This forceful documentary contrasts the prosperity and freedom in the Federal Republic of Germany since 1945 with the drabness of Soviet-controlled East Germany. 1960.

GERMANY, YOUR LEGAL STATUS IN THE FEDERAL REPUBLIC OF

(AFIF–92, MD–6962co, 50 minutes)

Concerns the rights, obligations, and conduct of members of a foreign force in the Federal Republic of Germany. 1959.

KOREA: BATTLEGROUND FOR LIBERTY

(AFIF–106, MD–6962dc, 50 minutes—color)

A preview of the duty they may expect in the Land of the Morning Calm is offered U.S. servicemen en route to Korea. Supplemented by Film Information Guide. 1961.

LATIN AMERICA

(AFIF–113, MD–6962dj, 25 minutes)

Examines the exotic and turbulent lands south of our border—and the dynamic changes taking place in them. Reviews the geographical, economic, and political factors that affect the lives of the 200 million citizens of the 20 countries. Shows the role of the United States in developing these nations, and Communist infiltration attempts. 1961.

SPAIN, YOU IN

(AFIF, MD–6962cq, 27 minutes)

This filmed tour of colorful Spain acquaints viewers with the country and its people. Major Air Force and Navy bases are visited for a look into homes, shops, and recreation facilities. 1960.

TAIWAN: ISLAND OF FREEDOM

(AFIF–103, MD–6962ca, 28 minutes—color)

This portrait of Taiwan, narrated by Glenn Ford, presents the people and their way of life and shows the importance of the Republic of China as a bulwark of freedom in Asia. Supplemented by Film Information Guide. 1960.

THAILAND

(AFIF–162, MD–6962fg, 20 minutes)

Produced to orient members of the Armed Forces on the modern history, military forces, treaty agreements, economic problems, and geographic areas of Thailand. Also depicts Communist attempts against the freedom of Thailand, and the military help this country receives from members of the SEATO organization. Supplemented by Film Information Guide. 1967.

AGGRESSION, THE ANATOMY OF

(AFIF–108, MD–6962de, 28 minutes)

Shows specific examples of Communist aggression since World War II and measures by the United States to counter these moves. 1961.

COMMUNIST EUROPE

(AFIF–107, MD–6962dd, 18 minutes)

Examines Communist countries of Europe—Poland, Czechoslovakia, Hungary, Rumania, Albania, Bulgaria, East Germany, and Yugoslavia—and shows their similarities and differences, 1961.

COMMUNIST TARGET—YOUTH

(AFIF–116, MD–6962dm, 31 minutes)

Lt. Gen. Joseph F. Carroll, Director, Defense Intelligence Agency, narrates this film, which concerns the Red design for youth, both within and beyond Soviet borders. Shows Communist training techniques, which start at an early age. 1962.

RED CHINA

(AFIF–133, MD–6962ed, 21 minutes)

The film is the sequel to AFIF–97, also titled "Red China." It provides a more recent look at Communist China—its economy, culture, position as a new atomic power, and relations with the Soviet Union, through scenes photographed by a camera team from India. Supplemented by Film Information Guide. 1965.

RED CHINESE BATTLE PLAN

(AFIF–158, 20 minutes)

This timely documentary film traces the history of China from ancient days to modern times. Particular stress is placed on the sequence of events and the techniques of the Communist takeover of mainland China. Supplemented by Film Information Guide 1967.

ROAD TO THE WALL

(AFIF–119, MD–6962dp, 33 minutes)

James Cagney narrates this documentary on modern communism. The film traces the bloody events that brought communism to power in Russia and other countries, suppressing liberty with a wall of communism. 1962.

U.S.S.R., A STUDY OF THE

(AFIF–105, MD–6962db, 30 minutes)

Explores the Soviet Union in depth—its history and expansion, culture and philosophy, and advances in science and education. 1960.

ASIA: THE CRUCIAL ARENA

(AFIF–161, MD–6962ff, 20 minutes)

Explores U.S. policy in Asia. Supplemented by Film Information Guide. 1966.

BERLIN DUTY

(AFMR–631, 10 minutes)

Shows American and other NATO forces going about their duties of protecting the security of Berlin. A parade of American, British, and French units signifies the determination of the West not to yield to Soviet pressures. 1964.

CHALLENGE OF IDEAS, THE

(AFIF–98, MD–6962cu, 31 minutes)

The ideological struggle between the Free World and the Communist bloc is discussed by the late Edward R. Murrow, narrator, with Lowell Thomas, Helen Hayes, and others. 1961.

COMMUNISM

(AFIF–165, MD–6962fj, 30 minutes)

The purpose of this film is to present a *basic orientation* as to the origins, objectives, strengths, and weaknesses of the system we know as communism. Supplemented by Film Information Guide. 1967.

FREEDOM'S FRONTIER

(AFMR–671, MD–7281gb, 7 minutes)

A look at Korea today—our military posture and the troops who still man the demilitarized zone that separates North and South Korea. 1966.

JUNK NAVY

(AFMR–652, MD–7281fl, 10 minutes)

The story of the junk patrol of the coastal waters off Vietnam by U.S. Navy advisers and Vietnamese crews. 1966.

KOREAN ARMISTICE

(AFIF–96, MD–6962cs, 23 minutes)

Explains the Korean armistice terms, showing in detail what is required of us and the responsibilities of the U.N. Command. The film will help those who serve in Korea understand our mission there and give all Service people a clear picture of a unique situation. 1961.

LINE IS DRAWN, THE

(AFMR–642, MD–7281ey, 20 minutes)

This inspiring story of Capt. James P. Spruill, USA, who was killed while on duty in Vietnam, is based on his letters home. It covers his experiences in Vietnam and his view of the issues at stake there. Supplemented by Film Information Guide. 1965.

MONTAGNARD

(AFMR–638, MD–7281 eu, 10 minutes)

Provides a glimpse of Vietnam's mountain people and shows their role in the current struggle. American efforts to enlist them as fighters are depicted as the story unfolds. 1965.

NATION BUILDS UNDER FIRE, A

(AFIF–160, MD–6962fe, 32 minutes)

Report on the nonmilitary struggle in South Vietnam—to build a modern, democratic nation even while resisting aggression. Narrated by John Wayne. Supplemented by Film Information Guide. 1966.

RED NIGHTMARE

(AFIF–142, MD–6962em, 25 minutes)

An adaptation of the film, "Freedom and You," this deals with the nightmare situation of an American citizen who finds himself in a Communist village and is rudely awakened to his civic responsibilities. 1965.

THIRD CHALLENGE: UNCONVENTIONAL WARFARE, THE

(AFIF–123, MD–6962dt, 45 minutes—color)

Insurgency and America's capability to counter it are examined closely in this hard-hitting film which also touches on our capability of waging nuclear and conventional warfare. 1963.

UNIQUE WAR, THE

(AFIF–153, MD–6962ex, 30 minutes)

Deals with a unique aspect of the war in Vietnam—the necessity for the forces defending South Vietnam to win the support of the people of the countryside as a part of their tactical operations. Supplemented by Film Information Guide. 1966.

WAR AND ADVICE

(AFMR–624, MD–7281eg, 20 minutes)

Concerns the guerrilla warfare in Vietnam and the role of the U.S. forces engaged with Vietnamese troops as observers and instructors. Supplemented by Film Information Guide. 1964.

WHY VIETNAM

(AFIF–149, MD–6962et, 32 minutes)

Outlines U.S. policy with respect to Vietnam as stated to the Nation and world by the President. Shows how our commitment has expanded—from providing supplies to military advisers to combat forces—in response to the growing challenge of the Communists. Supplemented by Film Information Guide. 1965.

KEEPING INFORMED

(AFIF–112, MD–6962di, 20 minutes)

This brief story of how our Armed Forces have been kept informed includes the early views of Tom Paine and General Washington and traces the history of troop information from its beginning in the Civil War to the present time. 1962.

MILITARY ASSISTANCE IN CIVIL DISASTERS

(AFIF–89, MD–6962cl, 30 minutes)

Shows how the military acts when disaster strikes a civilian community—in this case, Cummings City. Briefly reviews the role of the Army, Navy, Air Force, and Marine Corps in natural disasters. 1958.

NOT FOR CONQUEST

(AFMR–660, MD–7281fg, 10 minutes)

This film gives an overview of the role the Department of Defense plays in acting as a power for peace. The general makeup of all Service components in terms of their readiness to respond to any worldwide situation is graphically shown. 1967.

ONE FORCE

(AFIF–136, MD–6962eg, 20 minutes)

Shows how men and women in the military Services with different ethnic origins are welded into one force dedicated to the defense and security of the Nation. Supplemented by Film Information Guide. 1964.

PARTNERS IN FREEDOM

(AFIF–135, MD–6962ef, 22 minutes)

Shows members of the U.S. Armed Forces doing their jobs in many parts of the world during 1963. Includes shots of Operation Big Lift, the fleets at sea, mercy missions, and scenes in Vietnam, Korea, and Berlin. Supplemented by Film Information Guide. 1964.

UNITED STATES STRIKE COMMAND, THE

(AFIF–164, MD–6962fi, 20 minutes—color)

Stresses the importance to the Nation's defense structure of the United States Strike Command (USSTRICOM). Supplemented by Film Information Guide. 1967.

ARCHITECTS OF PEACE

(AFIF–109, MD–6962df, 28 minutes)

Examines the role of the Department of State, particularly its growing scope and impact in international diplomacy. Opening with a statetment by Secretary of State Dean Rusk, the film shows how State Department offices and diplomats around the world are working toward a peaceful settlement of international issues. 1961.

SOUTHEAST ASIA, BACKGROUND

(AFIF–121, MD–6962dr, 28 minutes)

Against the background of events since World War II, the film portrays the present military and political situation of Thailand, Laos, and South Vietnam. 1962.

SOUTHEAST ASIA, OUTLOOK

(AFIF–169, 20 minutes)

A capsule look at the nations that form the Southeast Asia complex; their problems, their aspirations, and their hopes for the future. Supplemented by Film Information Guide, 1967.

Mr. FULBRIGHT. Mr. President, finally, I would like to discuss what I consider the most disturbing of the Office of Secretary of Defense's public affairs programs—the V-series newsfilms.

The Defense Department has had five service-supported camera crews in Vietnam since 1966 whose job—according to the Department—"is to document, for release to national television, the feature aspects of the military participation in Southeast Asia often ignored or bypassed by national media film crews because of the pressure of hard news events. They are not in competition with the civilian media. Rather, they supplement the coverage by major networks. The high usage of the material produced by these teams is indicative of the effectiveness of their efforts."

What justification or legal authority is there for the Defense Department to go into the business of putting out newsfilm on the "feature aspects of the military participation in Southeast Asia"?

Why should MACV have control over five military camera crews in Vietnam—a number I am told that equals that of at least one major network—to put out film stories for home consumption that "supplement the coverage by major networks?"

Just how much usage is "high usage?"

I ask these questions here and at the same time I have forwarded them by letter to the Secretary of Defense. Perhaps Vice President Agnew, who last week appealed to the networks to put on different commentators, has not felt the necessity to complann about the TV coverage from Vietnam because he knows that at least a portion of it was emanating directly from administration sources in Vietnam. In all fairness I should note that this program was begun under the previous administration. I bring it to the special attention of the public today, however, because it complements so well the thrust of the Vice President's recent remarks.

What sort of stories are being produced by Defense Department film crews in Vietnam that are "ignored or bypassed" by the network film crews? How accurately do they present the Vietnam story?

According to information I received, some 118 were turned out last year. I have summaries of three of these which I ask unanimous consent to have printed in the RECORD. As I view them, all have a propaganda rather than a journalistic thrust.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

THAI MEDICAL COMPANY TRAINS FOR VIETNAM DUTY

(Official U.S. Army Film Released by the Department of Defense)

July 1, 1969

Footage: 129' 16mm Color Master

Time: 3:35

Since mid-April of this year, A Company of the Royal Thai Army Volunteer Force (RTAVF) Division Medical Battalion has been training to replace a sister company presently on operations with Thailand's "Black Panther" Division in the Republic of Vietnam.

During a field training exercise held June 4–6, 1969, the company supported an RTAVF infantry battalion engaged in simulated combat near Kanchanaburi, Thailand, approximately 125 miles northeast of Bangkok.

The medical unit's mission during the exercise was to provide emergency medical treatment to all types of simulated casualties.

Most of the 78 men of the medical company had little or no prior medical training before April. The non-commissioned officers, four doctors and American advisors are teaching the enlisted men to be medical assistants, operating room specialists, medical aidmen and litter bearers.

As the "casualties" are brought in from the battle area of the exercise, the medical personnel examine the patients and determine the extent of the wounds. Those who need immediate life-saving treatment receive it at the field installation. They are eventually transferred to a mobile or fixed field hospital further to the rear.

Medical Civic Action Program (MEDCAP) training is also undertaken by the unit.

In areas around Kanchanaburi, civilians needing or desiring medical attention look forward to the visit of the MEDCAP team.

The doctor with the team diagnoses and treats many illnesses and injuries during the short visit to the village.

Medicines are distributed by medical assistants who are part of the MEDCAP team.

This training, along with the combat preparedness the unit has undergone for the past few months, will qualify the men for Vietnam duty later this year.

SEQUENCES

Footage and video

7 (a) Jeep ambulance brings simulated casualties to field clearing station.

16 (b) Medics carry "casualty" into hospital on stretcher.
26 (c) Medics in clearing station examine and treat "casualties."
19 (d) "Patient" evacuated by ambulance to rear hospital.
10 (e) Civilian woman brings child for treatment by MEDCAP team.
2 (f) Patients await turn to be examined by doctor.
12 (g) Doctor examining child.
3 (h) Women waiting to see doctor.
3 (i) Doctor examining women.
3 (j) Patients waiting to see doctor.
9 (k) Old man examined by doctor.
8 (l) Doctor examining old woman.
11 (m) Medical assistants preparing prescriptions.

Note to editors: Please credit Department of Defense in title or commentary.

This motion film released to NBC–TV is for duplication and distribution to interested TV and newsreel pool members. It is to be forwarded within 72 hours to: Deluxe Laboratories, 850 Tenth Ave., New York City 10019, telephone CIrcle 7–3320, where it will be available to non-pool members and other authorized agencies which make satisfactory financial arrangements with Deluxe Laboratories. The original release film must not be cut in any manner.

U.S. ARMY'S 2ND BRIGADE, 9TH INFANTRY DIVISION, CONDUCTS OPERATION IN MEKONG DELTA OF SOUTH VIETNAM

(Official U.S. Army Film Released by the Department of Defense)

June 25, 1969
Footage: 72' 16mm Color Master
Time: 2:00

It was recently announced that the U.S. Army's 2nd Brigade, 9th Infantry Division, would be one of the first American units to leave South Vietnam as a result of the 25,000-man troop redeployment ordered by President Nixon.

This film shows a unit of the 2nd Brigade conducting a typical operation last month in the Mekong Delta region south of Saigon.

The unit is part of the Mobile Riverine Force which operated aboard U.S. Navy river assault boats in the waterways of the delta. Sometimes, they utilize helicopters instead of boats during their rapid movements.

Once the 9th Division soldiers are put into an area, they patrol and search for any sign of the enemy.

During this operation, the patrol discovered a wounded Vietnamese man who turned out to be an executive officer of a Viet Cong battalion which was operating in the area.

The enemy soldier was treated for his wounds and was evacuated to a rear area for further medical attention and interrogation.

When the 9th Infantry Division's brigade is pulled out of the Mekong Delta in July, the ARVN (Army of the Republic of Vietnam) will assume the area of responsibility vacated by the American unit.

SEQUENCES

Footage and Video

5 (a) Troops on river assault boats.
2 (b) Assault boat moving down river.
3 (c) Man steering boat.
2 (d) Troops on patrol.
4 (e) Soldier crossing footbridge.
4 (f) Patrol moving through wooded area.
3 (g) Man on radio looking at map.
3 (h) Troop-carrying helicopters in flight.
7 (i) Helicopter gunner firing machine-gun.
7 (j) Helicopters landing in landing zone.
2 (k) Troops on ground as helicopters leave.
9 (l) Patrol moving through woods.
3 (m) Patrol leader talking on radio.
2 (n) Patrol continuing through wooded area.
2 (o) Wounded VC found.
2 (p) Prisoner being treated for wounds.
1 (q) American looking through prisoner's effects.
11 (r) Prisoner being carried on stretcher.

Note to editors: Please credit Department of Defense in title or commentary.

This motion film released to CBS–TV is for duplication and distribution to interested TV and newsreel pool members. It is to be forwarded within 72 hours to: DeLuxe Laboratories, 850 Tenth Ave., New York City 10019, telephone CIrcle 7–3220, where it will be available to non-pool members and other authorized agencies which make satisfactory financial arrangements with DeLuxe Laboratories. The original release film must not be cut in any manner.

U.S. ARMY HOSPITAL IN SOUTH VIETNAM TREATS PRISONERS OF WAR

(Official U.S. Army Film Released by the Department of Defense)

June 20, 1969
Footage: 96' 16mm Color Master
Time: 2:40

The U.S. Army's 74th Field Hospital at Long Binh, South Vietnam, has a unique group of patients. They are wounded or injured Viet Cong and North Vietnamese soldiers who have been captured or detained by the Allied Forces throughout the III and IV Corps Tactical Zones of South Vietnam.

The hospital, averaging approximately 200 patients per day, provides medical treatment for the many types of wounds the prisoners have sustained, such as gunshot, shrapnel, and burn injuries. These enemy prisoners of war are completely recovered before they are transferred to ARVN (Army of the Republic of Vietnam) prisoner of war compounds.

More than 200 major and 400 minor surgical operations have been performed by the hospital staff. Many of these were of a life-saving nature.

The patients, while convalescing, help the other prisoners in the hospital by giving haircuts and assisting in the serving of the food to the bed-ridden.

During their free time, the prisoners relax by playing games such as checkers or cards.

When they are completely recovered from their wounds or injuries, the prisoners are transferred to the control of the government of Vietnam at the III Corps ARVN Prisoner of War Camp at Bien Hoa.

SEQUENCES

Footage and video

12 (a) Medic putting bandage on patient's leg.
4 (b) Doctor stitching up wound on patient's head.
9 (c) Medic removing cast from patient.
11 (d) Newly arrived patient being scrubbed down with soap.
21 (e) Young prisoner being x-rayed for shoulder injury.
10 (f) Patient giving another patient a haircut.
9 (g) Patients unloading food from truck.
7 (h) Patients in ward playing checkers.
13 (i) Patients playing cards on bed in ward.

Note to editors: Please credit Department of Defense in title or commentary.

This motion film released to CBS–TV is for duplication and distribution to interested TV and newsreel pool members. It is to be forwarded within 72 hours to: DeLuxe Laboratories, 850 Tenth Ave., New York City 10019, telephone CIrcle 7–3220, where it will be available to non-pool members and other authorized agencies which make satisfactory financial arrangements with DeLuxe Laboratories. The original release film must not be cut in any manner.

Mr. FULBRIGHT. Mr. President, two in particular stress the medical attention being paid to prisoners we take among Vietcong. Another promotes the Thais. I am asking the Secretary for the release data on all the V-series films.

The cost for fiscal 1969 of the contract to process, screen, edit, and distribute to national TV newsfilm media sound and film stories was $87,386.48. I will seek to strike this entire program, including the money to support the five camera crews in Vietnam from the military appropriations budget.

There is enough administration propaganda on Vietnam being provided the American public through speeches and statements without providing this additional outlet in the guise of "objective" newsfilm stories.

This concludes my first statement on this subject. Tomorrow I will discuss the public relations activities of the Navy as each department has its own fully recognized public relations program.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 548, S. 3169.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3169) to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection 153h. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1974."

SEC. 2. Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out "imprisonment for not more than five years" and inserting in lieu thereof "imprisonment for not more than ten years".

SEC. 3. (a) Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or by imprisonment for not more than twenty years, or both" and inserting in lieu thereof "imprisonment for life, or by imprisonment for any term of years or a fine of not more than $20,000 or both".

(b) Sections 224, 225, and 226 of the Atomic Energy Act of 1954, as amended, are each amended by striking out "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than twenty years, or both" and inserting in lieu thereof "imprisonment for life, or by imprisonment for any term of years or a fine of not more than $20,000 or both".

SEC. 4. Chapter 18 of the Atomic Energy

Act of 1954, as amended, is amended by adding at the end thereof the following new section:

"SEC. 234. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF LICENSING REQUIREMENTS.—

"a. Any person who (1) violates and licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed $5,000 for each such violation: *Provided,* That in no event shall the total penalty payable by any person exceed $25,000 for all violations by such person occurring within any period of thirty consecutive days. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Commission shall have the power to compromise, mitigate, or remit such penalties.

"b. Whenever the Commission has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing (1) setting forth the date, facts, and nature of each act or omission with which the person is charged, (2) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or license involved in the violation, and (3) advising of each penalty which the Commission proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Commission to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Commission, if any, the penalty may be collected by civil action.

"c. On the request of the Commission, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection."

SEC. 5. Subsection 221 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commisison with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 222, 223, 224, 225 or 226 except by the express direction of the Attorney General: *And provided further,* That nothing in this subsection shall be construed as applying to administrative action taken by the Commission."

SEC. 6. Section 223 of the Atomic Energy Act of 1954, as amended, is amended by adding the word "criminal" before the word "penalty".

SEC. 7. The amendments contained in sections 2 and 3 of this Act shall apply only to offenses under sections 222, 224, 225, and 226 which are committed on or after the date of enactment of this Act. Nothing in section 2 or 3 of this Act shall affect penalties authorized under existing law for offenses under section 222, 224, 225, or 226 of the Atomic Energy Act of 1954, as amended, committed prior to the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-553), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

Section 1 of the bill would amend section 153 h. of the Atomic Energy Act of 1954, as amended, by extending for an additional 5 years the Atomic Energy Commission's authority to require the licensing of atomic energy patents. The amendment would extend the authority to September 1, 1974.

Section 2 of the bill would amend section 222 of the act to increase the maximum criminal penalties for unauthorized diversion of special nuclear material and related offenses to imprisonment for 10 years and a fine of $10,000, when the offense is committed without intent to injure the United States or secure an advantage to any foreign nation. The maximum penalty currently provided for such a violation is imprisonment for 5 years and a fine of $10,000.

Section 3 of the bill would amend sections 222, 224, 225, and 226 of the act by deleting authority to impose the death penalty and by further deleting the requirement for a recommendation by the jury for imposition of life imprisonment before such penalty could be imposed. Section 3 also would amend these sections of the act to eliminate any question as to possible limitations on the authority of the courts to impose a prison term for a fixed term of years less than life imprisonment.

Section 4 of the bill would add a new section 234 to the act to confer upon the Atomic Energy Commission statutory authority to levy civil monetary penalties on persons who violate certain licensing provisions of the act or any rule, regulation, order, or license issued thereunder.

Sections 5 and 6 of the bill are essentially technical amendments necessitated primarily by revisions in the act to be made by certain of the foregoing sections. Specifically, section 5 would amend section 221 c. of the act to make clear that "action" as stated in that section does not include administrative action initiated by the Commission, including such actions under the proposed new section 234. Section 6 would amend section 223 of the act by adding the word "criminal" before the word "penalty" to clarify that the penalties referred to in the latter section do not include civil monetary penalties imposed under proposed new section 234.

Section 7 of the bill is in the nature of a "saving" provision, and provides that the amendments in sections 2 and 3 of the bill apply only to offenses committed on or after the date of enactment of this bill; and further that the penalties authorized under sections 222, 224, 225, and 226 of the present law shall continue to apply to offenses committed before that date.

A more complete explanation of the provisions of this bill is contained in the portions of this report entitled "Committee Comments" and "Section-by-Section Analysis."

BACKGROUND

On January 10, 1969, the Atomic Energy Commission transmitted to the Congress proposed legislation to amend various sections of the Atomic Energy Act of 1954, as amended, to delete the death penalty as potential punishment for certain offenses under the act and to remove the prerequisite of a jury recommendation for imposition of life imprisonment for such offenses. The proposed legislation further provided for an increase in the maximum punishment for unauthorized diversion of special nuclear materials and related offenses where such offenses are committed without the intent to injure the United States or to secure an advantage to any foreign nation. The proposed bill was introduced on March 27, 1969, by Chairman Chet Holifield (by request) as H.R. 9644 and on April 18, 1960, by Vice Chairman John O. Pastore (by request) as S. 1879.

On January 17, 1969, the AEC transmitted to the Congress proposed legislation to authorize the Commission to levy civil monetary penalties for violations of regulations, orders, and license conditions by licensees. The proposed legislation further proposed to clarify section 221 c. of the act by providing that this section does not require the approval of the Attorney General prior to the initiation of administrative actions by the Commission, not only with respect to the imposition of civil penalties but also for any other enforcement action the Commission is now authorized to take. The proposed bill was introduced on March 27, 1969, by Chairman Holifield (by request) as H.R. 9648 and on April 18, 1969, by Vice Chairman Pastore (by request) as S. 1882.

On April 18, 1969, Senator Pastore also introduced S. 1878, a bill identical to S. 3958 introduced by Senator Pastore in the 90th Congress on August 1, 1968, but on which no final action was taken by the Joint Committee during that Congress. The bill would amend sections 222, 224, 225, and 226 of the act to delete the capital punishment penalty and the requirement for a specific recommendation by the jury before the maximum penalty prescribed may be imposed on an offender (the life imprisonment penalty presently provided in these sections would be retained); amend section 222 to increase the criminal penalties which could be imposed for unauthorized diversion of special nuclear material and for certain related offenses in the absence of intent to injure the United States or to secure an advantage to any foreign nation; and amend the act to confer on the AEC authority to impose civil monetary penalties in addition to the AEC's present authority to modify, suspend, or revoke a license for violations of health and safety regulatory requirements.

On June 12, 1969, the AEC transmitted to the Congress proposed legislation to extend until September 1, 1974, the compulsory patent licensing authority of the Commission set forth in section 153 of the act. Presently section 153 covers patents the applications for which were filed prior to September 1, 1969. The proposed bill was introduced on July 9, 1969, by Chairman Holifield (by request), for himself and Representative Price of Illinois, as H.R. 12697.

Hearings concerning the foregoing legislative proposals were held by the full Joint Committee on September 12, 1969, as summarized in the next section of this report.

On September 12, the committee met in executive session to consider various aspects of the proposed legislation. On November 18, 1969, the committee convened again in executive session at which time it voted to incorporate the foregoing bills, with certain amendments, in "clean bills" which were introduced by November 20, 1969, by Chairman Holifield (for himself, Representative Price of Illinois, and Representative Hosmer) as H.R. 14925 and on November 21, 1969, by Vice Chairman Pastore as S. 3169. On November 24, 1969, the committee voted to approve the reporting of the "clean bills" favorably without amendment and adopted this committee report.

HEARINGS

The full committee held a hearing on the various measures referred to above on September 12, 1969. Joseph F. Hennessey, General Counsel of the Atomic Energy Commission, was the principal executive branch witness and provided the committee with the views of the Commission on the various provisions of the several bills before the committee.

The views of the Department of Justice on all of the bills under consideration dealing with criminal and civil penalties were re-

ceived in writing and made a part of the hearing record. Written comments on certain of the bills also were received from the Washington office of the American Civil Liberties Union and from the Yankee Atomic Electric Co. of Boston, Mass. These two were included in the hearing record.

The foregoing hearings together with related background materials were published by the Joint Committee under the title "AEC Omnibus Legislation, 1969."

COMMITTEE COMMENTS

It has been the standard practice of the Atomic Energy Commission to recommend bills to the Congress from time to time in order to effectuate necessary clarifying or corrective amendments to the Atomic Energy Act of 1954 as well as to maintain a current statutory framework for a rapidly evolving program. In the interest of efficiency, such recommendations generally have been incorporated into "omnibus" bills for consolidated Joint Committee and congressional consideration. In this way, the Congress is able to assure that the legislative framework for the national energy program keeps pace with the times.

The committee believes that the amendments proposed in this bill are in keeping with the objectives set forth above, and accordingly recommends enactment of the bill in the form reported by the committee. Comments concerning the rationale as to each section of the bill are set forth below.

Section 1. Extension of compulsory patent licensing authority

Section 153 of the Atomic Energy Act of 1954, as amended, authorizes the Commission, after giving the patent owner an opportunity for a hearing, to declare any patent filed before September 1, 1969, to be affected with the public interest if, among other things, (1) the invention covered by the patent is of "primary importance" in the production or utilization of special nuclear material or atomic energy and (2) the licensing of such invention is of "primary importance" to effectuate the policies and purposes of the act. After such a determination has been made, the Commission may use the invention in performing any of its powers under the act. It may also issue a non-exclusive license to a particular applicant if it finds that his proposed use is of "primary importance to the conduct of an activity by such person authorized under this act." In either event the owner of the patent is entitled to a reasonable royalty fee for any use of his invention licensed pursuant to the act.

The authority to compel the licensing of certain patents was included in the Atomic Energy Act of 1954 because, in the words of then President Eisenhower, "considerations of fairness require some mechanism to assure that the limited number of companies which as Government contractors now have access to the program, cannot build a patent monopoly which would exclude others desiring to enter the field." The authority was initially limited to those patents for which applications were filed prior to September 1, 1959. However, in 1959, and again in 1964, section 153 was extended for additional 5-year periods by the Congress.

Although the Commission has not exercised this power to date, it believes that the reasons which justifies the extension of section 153 in 1959 and 1964 are still valid. The Joint Committee shares this view. Although the atomic energy industrial base is broader than it was in earlier years, it is still relatively limited. Moreover, certain fields of atomic energy appear to be concentrated in relatively few companies. In addition, important new developments in atomic energy—for example, those associated with the high priority national breeder reactor program—are only now emerging from the research phase. For these reasons, and for the additional reason that the mere existence of the authority may have a salutary effect, the committee recommends extension of this authority for an additional 5 years. The conditions and procedures surrounding the exercise of this authority are so restricted that it could only be used in comparatively rare and compelling cases. However, the committee believes that the availability of such authority for invocation in such rare cases affords a desirable degree of insurance for the growth of the industry unimpeded by restrictive or overly costly uses of fundamental technology.

As noted above, existing law provides for the applicability of the compulsory patent licensing authority to all patents the applications for which were filed prior to September 1, 1969. Due to a delay in receiving the new administration's views as to whether this authority should be extended for an additional 5 years, and due also to the press of other committee business in the time since such views were received, congressional extension of section 153 from September 1, 1969, to September 1, 1974, will not occur until after September 1, 1969. This initially raised a question in minds of the committee members as to whether enactment of extension legislation after, rather than before, September 1, 1969, would affect section 153's applicability to patent applications filed in the interim between September 1 and the enactment of the amendment recommended herewith. However, since the amendment provides that the compulsory patent licensing authority shall apply to any patent the application for which shall have been filed prior to September 1, 1974, it is clear that there will be no exception for patents for which applications may be filed between September 1, 1969, and the effective date of the extension amendment. The General Counsel of the Atomic Energy Commission has expressed a similar view in a legal opinion provided to the committee at its request (set forth in an appendix hereto).

Section 2. Increased criminal penalties for unauthorized diversion of special nuclear material

Section 222 of the Atomic Energy Act provides criminal sanctions for violations of section 57 (prohibiting possession of or dealing in special nuclear material without a general or specific license issued by the Commission), section 92 (prohibiting the unauthorized possession, manufacture, or transfer of an atomic weapon), and section 101 (requiring a Commission license for the possession, manufacture, or transfer of a production or utilization facility). Section 222 also provides criminal sanctions for anyone unlawfully interfering with the Commission's recapture of special nuclear material or entry into any plant or facility under section 108, which authorizes the Commission, when a state of war or national emergency exists, to order the recapture of special nuclear material or the operation of any licensed facility and to enter any plant or facility to carry out these orders. In the absence of intent to injure the United States or secure an advantage to any foreign nation, the maximum penalty for a violation of section 222 is imprisonment for 5 years and a fine of $10,000.

One of the most significant crimes punishable under section 222 is unauthorized diversion of special nuclear material, which, as noted above, is a violation of section 57. Special nuclear material, as defined in section 11aa. of the act, is the principal ingredient in nuclear and thermonuclear weapons. However, if a willful diversion of this material were committed by a person in this country under circumstances where the Government was unable to prove that the person charged specifically intended to injure the United States or to secure an advantage to any foreign nation, the maximum penalty which could be imposed under present section 222 would be a fine of $10,000 and imprisonment for 5 years. Thus, a thief, a terrorist, an insurrectionist, or a criminal group might commit such a diversion and, in the absence of proof of the requisite intent, would be subject to a maximum penalty under section 222 of imprisonment for 5 years and a $10,000 fine. For example, if the diversion were made for financially rewarding criminal purposes rather than out of political motivation, or if the unlawful sale were to the agent of an undisclosed principal and the unidentified principal was a foreign nation, the specific intent to injure the United States or secure an advantage to a foreign power might be found to be lacking.

Section 2 of the bill reported favorably herewith would amend section 222 to increase from 5 to 10 years the maximum imprisonment for such willful violations of the section. No increase in the maximum fine appears necessary. Because of the intrinsic value of special nuclear material, imprisonment would seem to be a more suitable deterrent than a fine.

The 1967 report of the Ad Hoc Advisory Panel on Safeguarding Special Nuclear Material appointed by the Atomic Energy Commission pointed up the weakness of the act in this regard and recommended that it be amended to increase the penalties for unauthorized diversion of such material. The Panel noted that the maximum penalties presently provided for "* * * may not be a sufficient deterrent to illicit transactions involving materials valued in excess of millions of dollars * * *" and observed, "The threat of detection and more severe criminal penalties should help deter organizations and individuals from attempting to divert materials to unauthorized uses."

The recommendations of this panel and of the executive branch for an increase in such penalties seem particularly cogent at this time because the growth of the nuclear industry, with all of its benefits to the public and the economy of the Nation, has necessarily resulted in an increase in the number of people knowledgeable in the field, the overall accessibility of special nuclear material, and the commercial market therefor. While most of the uranium moving in commerce generally is enriched only in the range of about 2 to 4 percent, and therefore is far below what is required for military purposes, and while all nuclear materials in the private segment of the economy having strategic importance are subject to comprehensive AEC safeguard sand accountability protection, the committee believes that the overall safeguards system can be further strengthened by increasing the penalty which would be available in the event of a conviction involving the diversion of special nuclear material. The increase in the maximum penalty for a violation of section 222 recommended herewith should serve to increase the deterrent effect on the potential diverter. The committee would also note in passing that increased maximum penalties for unauthorized diversion of these materials would make them more nearly comparable to those for crimes of similar gravity, such as theft of Government property (10 years' imprisonment and a $10,000 fine) and theft of property in interstate commerce (10 years' imprisonment and a $5,000 fine).

Section 3. Modification of criminal provisions relating to capital punishment and life imprisonment

The purpose of section 3 of the bill is to correct certain shortcomings in sections 222, 224a., 225, and 226 of the Atomic Energy Act of 1954 brought to light by the April 8, 1968, decision of the U.S. Supreme Court in *United States* v. *Jackson*, 390 U.S. 570. It was there held that the death penalty provision of the Federal Kidnaping Act is unconstitutional because in permitting imposition of the death penalty only upon defendants who

assert their right to be tried by a jury, it discourages assertion of, and thereby imposes an impermissible burden upon the exercise of, a constitutional right. That decision was followed on June 17, 1968, in *Pope* v. *United States*, 392 U.S. 651, which held a similar provision of the Federal Bank Robbery Act unconstitutional.

These decisions would appear to hold significant implications for, and raise very substantial questions about, somewhat similar provisions in the sections of the Atomic Energy Act of 1954 referenced above. The criminal offenses covered by section 222 are set forth in the immediately preceding section of this report. Sections 224a., 225, and 226 provide criminal penalties, respectively, for the unlawful communication of restricted data, the unlawful acquisition of restricted data, and removal or concealment of or tampering with restricted data. These sections provide that where there is a violation thereof with intent to injure the United States or to secure an advantage to a foreign nation, there may be imposed punishment by a fine or not more than $20,000 or imprisonment for not more than 20 years, or both, or, upon the recommendation of a jury, life imprisonment or death.

These penalty provisions of the Atomic Energy Act and the death penalty provision of the Federal Kidnaping Act operate in the same manner; therefore, the effect of the *Jackson* decision on the former would appear to be similar to its effect on the latter. Indeed, in certain respects the decision has more far-reaching effects on the Atomic Energy Act inasmuch as both the life imprisonment penalty and the death penalty provided for therein are contingent upon a jury recommendation, whereas only the death penalty provision of the Federal Kidnaping Act was affected by the *Jackson* decision. Both the Department of Justice and the Atomic Energy Commission have advised the Joint Committee that the provisions for death and life imprisonment in the Atomic Energy Act are very likely unconstitutional in their present form. This leaves as the maximum punishment for violations of these sections of the act, including transmitting highly sensitive restricted data to a foreign power, a fine of $20,000 or 20 years' imprisonment, or both.

H.R. 9644 and S. 1879, the legislation submitted to the Congress by the AEC, and S. 1878, the bill introduced by Senator Pastore, propose amendments to sections 222, 224a, 225, and 226 of the act which would have the effect of retaining the life imprisonment penalty in the affected sections, but delete the requirement for a specific recommendation by the jury before the maximum penalty prescribed may be imposed upon an offender. The bills would delete the capital punishment penalty presently provided for in these sections. In recommending abolition of the death penalty under the Atomic Energy Act, the AEC expressed the view that "a maximum penalty of life imprisonment is sufficiently severe, in view of the trend of opinion away from the use of capital punishment, doubt whether the death penalty serves as a substantial deterrent, the very small number of executions for any crimes in the United States during the past decade, and the views of some legal scholars and penologists that capital punishment has a harmful effect upon the administration of justice." Senator Pastore voiced substantially similar views when he originally introduced his measure in the 90th Congress.

The Department of Justice, in commenting on these bills, expressed no objection to deletion of the capital punishment provisions from the Atomic Energy Act. The Department did call the committee's attention to the fact that the National Commission on Reform of Federal Criminal Laws is currently performing an exhaustive study under its mandate "to make recommendations for revision and recodification of the criminal laws of the United States, including * * * changes in the penalty structure * * *," and on the basis of this development suggested that the committee might wish to defer final action on this legislation to await the report of that Commission.

However, the Joint Committee does not believe that necessary corrections to sections of the Atomic Energy Act dealing with penalties for offenses committed with intent to injure the United States or with intent to secure an advantage to a foreign nation should await the report of this Commission. The committee does not know with certainty when the Commission's study will be completed, and in any event cannot be sure what if any reforms in Federal criminal law will eventuate as a result of it. Nor does the committee believe that it should await the possible enactment of legislation presently pending before other appropriate committees of the Congress which would abolish the death penalty for Federal crimes generally. Final congressional action on such measures may itself be deferred pending completion of the aforementioned Commission study.

Moreover, the fact that an adequate penalty currently exists under section 794 of title 18, United States Code (a section of the Espionage and Sabotage Act of 1954) for certain serious crimes otherwise punishable under the relevant—and presently partially defective—sections of the Atomic Energy Act does not convince the committee that further delay in effecting corrections to these sections of the act is warranted. 18 U.S.C. section 794 prohibits the gathering or delivery of defense information to aid a foreign government, and carries substantial criminal sanctions for violation thereof. However, it is not at all clear to the committee that all of the various—and very serious—offense punishable under the sections of the Atomic Energy Act in question are covered under the Espionage and Sabotage Act. It would appear, therefore, that a hiatus in the more severe criminal sanctions against certain acts specifically intended to injure the United States or to aid a foreign power in an area vital to the national security would continue to exist if the relevant enforcement provisions of the Atomic Energy Act are not corrected at this time.

For these reasons, the committee has concluded that it should not delay in recommending necessary corrective amendments to the relevant sections of the Atomic Energy Act. To this end, the committee has included section 3 in the bill reported herewith. Section 3 of the bill would amend sections 222, 224, 225, and 226 of the act by striking out the provision authorizing the imposition of the death penalty for offenses committed with intent to injure the United States or to secure an advantage to a foreign nation. The bill would have the effect of substituting life imprisonment as the maximum penalty which may be imposed under these sections; however, the bill would delete from these sections the present requirement for a recommendation by the jury as a prerequisite to the imposition of the life imprisonment penalty (as well as the death penalty). The committee believes these recommended modifications in the law reflect both the changing mores of the Nation and recent interpretation of our constitutional law.

Statistics available for recent years evidence a decline in the number of executions carried out in the United States, notwithstanding the considerable number of persons inhabiting the "death rows" of the Nation's prisons. State chief executives are more frequently commuting death sentences to life imprisonment. A number of States have legislatively abolished the taking of human life as a price society may exact for violation of its tenets. Legislation which would abolish the death penalty for all Federal crimes is now pending before the Congress. A number of reasons explain this trend, most significant of which is the realization that the death penalty has been unsuccessful in its primary function: that of a deterrent to the commission of offenses for which it may be imposed.

The committee further recommends, in accordance with the recommendations of the AEC and the Department of Justice, that the sections in question be amended to provide the courts with greater flexibility in cases where they believe the facts warrant imposition of a sentence less than life imprisonment. Presently these sections authorize, as an alternative to imposition of the more extreme penalties, imposition of a fine of not more than $20,000 or imprisonment for not more than 20 years, or both. The committee bill proposes to delete the reference to imprisonment for 20 years and to substitute therefor authority to impose a sentence for any term of years; the authority to impose a fine of not more than $20,000 in lieu of or in addition to such prison term would be retained. The committee believes this change will afford the courts greater flexibility in sentencing and eliminate any question as to possible limitations on the authority to impose imprisonment for a fixed term of years.

Section 4. Civil monetary penalties

Section 4 of the bill reported herewith would amend the Atomic Energy Act by adding a new section 234 authorizing the Atomic Energy Commission to levy civil monetary penalties on persons who violate the licensing provisions of the act or any rule, regulation, order, or license issued thereunder. Substantially the same remedial authority has been conferred by statute upon other regulatory agencies, such as the Federal Communications Commission, the Federal Aviation Agency, and the Federal Trade Commission, to assist them in carrying out their regulatory functions. Such authority is civil only and would not bar criminal prosecution where appropriate.

Presently, the AEC in the exercise of its regulatory responsibilities has authority to suspend, modify, and revoke licenses and to issue "cease and desist" orders. The Commission also is empowered under section 232 of the act to enforce these orders and obtain any other appropriate relief by injunctions from Federal district courts if necessary. However, application of these enforcement remedies may not always be in the public interest. In some instances, for example, the revocation of a license or suspension thereof may be too harsh a penalty under the circumstances. Moreover, in certain cases suspension may penalize the licensee's employees through loss of income without having any significant impact on the licensee itself. At the present time, the AEC in such cases essentially must choose between issuing a revocation or suspension order, on the one hand, or, on the other, issuing a cease and desist order. The latter normally directs a licensee to refrain from specified objectionable conduct under threat of imposition of an authorized penalty, but does not itself impose any penalty. As noted, injunctions may also be sought in appropriate cases, but here again the enforcement action may be out of proportion to the infraction.

For these reasons the committee is of the view that the authority to impose civil penalties would materially assist the Commission in carrying out its program to protect public health and safety and assure the common defense and security. Conferring on the AEC the authority to impose civil monetary penalties, in addition to the Commission's existing authority to impose more severe sanctions either in lieu of or in addition to such monetary penalties, should afford the Commission ample flexibility to deal with infractions of varying severity.

Thus, for example, the Commission could, among other things, levy a civil monetary penalty where suspension or revocation of a license is not required, without depriving a licensee of his means of livelihood or without requiring cessation of an authorized activity which might be of material benefit to the public.

However, the committee would hasten to add that in recommending this legislation not the slightest suggestion is intended that serious violations of the Atomic Energy Act or of rules, regulations, orders, or licenses issued thereunder are to be penalized by a mere civil penalty. The committee particularly does not mean to suggest this where the violation is one that seriously threatens the health or safety of an employee or a member of the public. The measure is primarily intended for application in circumstances where utilization of the other and generally stronger regulatory tools available to the Commission would be tantamount to swatting a fly with a sledge hammer. The committee would note in this connection that the AEC has had relatively few cases involving violations of regulations or license conditions by AEC licensees which have been significant. As a matter of fact, the safety record established under the regulatory program of the AEC continues to be outstanding. In the nuclear reactor field, the AEC has licensed the operation of 114 reactors of all types since the beginning of the regulatory program in 1954. These 114 power, research, and testing reactors have accumulated a total of over 820 reactor years of operation without a radiation fatality or serious radiation exposure.

The record of safety in the handling of the various atomic energy materials has also been good. For example, in 1968 the Commission's Division of Compliance performed 2,016 inspection of materials licensees. Of the violations found in these inspections, it was necessary to issue notices of violation in only 40 cases and orders in only two. Of the latter, one ordered the licensee to cease and desist from further use of special nuclear material and to decontaminate its facilities. The second ordered a licensee to cease and desist operations which had not been authorized under the license in two areas of its plant. In all, AEC licensees in 1968 experienced a total of 20 radiation incidents of the four general types defined in part 20 of the Commission's regulations; only 12 of these involved exposure of personnel, all of whom were employees. It is apparent from this record that industry appreciates the need for careful compliance with the AEC's safety requirements.

During its consideration of this legislation the committee had before it two somewhat different legislative proposals on civil monetary penalties—that submitted by the AEC (H.R. 9648, S. 1882) and that introduced by Senator Pastore (S. 1878). The committee has drawn from what it considered to be the best features of both of these proposals in formulating the proposed new section 234 entitled "Civil Monetary Penalties for Violations of Licensing Requirements" reflected in section 4 of the bill reported favorably by the committee.

Specifically, this section would authorize the Commission to impose on any person civil penalties of not to exceed $5,000 for each single violation of any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act, as amended, or of any rule, regulation, order, or license issued under such sections. The section fixes a $25,000 limitation on the total monetary penalty which could be imposed on a person for violations occurring within any period of 30 consecutive days. The section further provides that if a violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. Procedural safeguards, including requirements that written notice be given by the AEC to the alleged violator of each act or omission with which he is charged and that an opportunity be provided for such person to show in writing why the proposed penalty should not be imposed, are specifically spelled out in the proposed legislation. In addition, basic authority provided in section 161 of the Atomic Energy Act and in the Administrative Procedure Act would permit the Commission to provide a full administrative hearing to any person charged with violation if such person so requested. The Commission assured the committee during public testimony that it would always provide such a full administrative hearing, if requested, prior to determining that a civil penalty should be imposed.

Should the Commission, following the completion of such procedures, determine that a penalty should be imposed, and should the violator fail to pay the amount assessed, the matter would be referred to the Attorney General. The Attorney General would be authorized, but not required, to institute a civil action in a court of competent jurisdiction to collect the penalty. While the bill would confer on the Commission the power of compromise, mitigation, and remission of penalties, such power would reside exclusively with the Attorney General under the bill with respect to such civil penalties as are referred by the AEC to him for collection.

Several points concerning the bill as reported are worthy of special note. For one thing, this new authority of the AEC to impose civil monetary penalties would not be confined to AEC licensees. Any person, whether or not an AEC licensee, would be subject to such a penalty if he committed a violation of the type covered by this legislation. ("Person" is defined by section 11 s. of the act to include virtually every individual or entity other than the AEC.) The committee believes that the authority to impose civil penalties on persons not possessing an AEC license, as well as on licensees, is necessary if the legislation is to achieve its full purpose. Otherwise it would be possible, for example, for a person who neglected to obtain a license, or who once had a license but allowed it to expire, to be immune to any penalty under the legislation. Of course, such person might be liable to criminal penalties authorized under the Atomic Energy Act, but in some circumstances those penalties might not be fully appropriate under all the relevant facts.

The committee also deemed it desirable to establish an overall maximum on the amount of the penalty which could be imposed for violations occurring within any 30-day timespan. While the legislation proposed by the AEC would have fixed a ceiling of not to exceed $10,000 for continuing violations occurring within any period of 30 consecutive days, no maximum was proposed on the penalties which could be imposed for a series of individual violations within such timespan. It occurred to the committee that in a particular case the continuing violation of one person could be considerably more serious than several violations by another person, yet the latter could be subject to a greater penalty than the former, since only the continuing violation would be subject to the proposed $10,000 maximum penalty. On the other hand, while S. 1878, Senator Pastore's bill, would have set an overall maximum of $7,500 on the amount of penalties which could be imposed, the committee agreed that in some cases—for example, involving an individual or firm with substantial financial resources—imposition of a penalty of this limited amount might have little significant impact on the violator.

For these reasons the committee has recommended a limitation on liability, but has fixed such limit at the more substantial sum of $25,000. Moreover, in recognition of the generally more serious nature of a continuing violation of licensing requirements, the bill as reported contains a provision providing that each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty.

The committee also has accepted the recommendation of the AEC and Justice Department that the legislation provide discretion to the Department, after the matter has been referred to it by the Commission, to determine whether a civil action should be instituted, since that Department would have basic responsibility for that action. S. 1878 proposed imposition of a duty on the Department in this regard.

As noted in the next section of the report, a related amendment to section 221 c. of the act is recommended in order to make it clear that approval of the Attorney General is not required prior to the initiation of administrative action by the Commission, not only with respect to the imposition of civil penalties, but also with respect to other regulatory enforcement action the Commission is presently authorized to bring.

Sections 5 and 6. Miscellaneous technical amendments

Sections 5 and 6 of the bill are essentially technical amendments to the Atomic Energy Act necessitated primarily by revisions in the act to be made by certain of the proposed amendments described above. Sections 5 and 6 would amend section 221 c. and 223 of the act, respectively, as indicated below.

Section 221 c. of the act presently provides:

"No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States. * * *"

Section 5 of the bill would add a clarifying provision to section 221 c. to make it clear that the section does not require the approval of the Attorney General prior to the initiation of administrative action by the Commission. The proviso would apply not only to actions instituted under the new civil penalties authority contained in proposed section 234, but also to any other enforcement action the Commission is now authorized to take. The legislative history of the act indicates that "action" within the purview of section 221 c. means "court action" and does not apply to administrative action by the Commission. The proposed amendment to section 221 c. will prevent any possible misinterpretation of the scope of the Commission's authority to take appropriate administrative action. The AEC supports this amendment and the Justice Department voiced no objection to its enactment.

Section 6 of the bill would amend section 223 of the act by adding the word "criminal" before the word "penalty" to make it absolutely clear that the penalties referred to in the latter section do not include civil monetary penalties imposed under proposed new section 234. Section 223 of the act authorizes the imposition of penalties on persons who willfully violate, attempt to violate, or conspire to violate any provision of the act for which no penalty is specifically provided by the act, or any regulation or order prescribed or issued under certain specified sections of the act. Section 223 further provides that any person convicted thereunder shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both, except that whoever commits such an offense with intent to injure the

United States or with intent to secure an advantage to any foreign nation shall be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

Clearly the violations covered by section 223, and the penalties therefor prescribed by that section are punitive, i.e., criminal in nature. However, the section does not specifically characterize the penalties as "criminal"; the section simply refers to violations "for which no penalty is specifically provided. * * *" Heretofore there has been no need to distinguish between criminal and civil penalties under the act, because the only type of penalty that could be imposed was criminal in nature; utilization by the Commission of its authority to revoke, suspend, or modify a license is considered to be remedial in nature and not punitive. However, with conferral upon the AEC by section 4 of the bill of authority to impose civil monetary penalties, the need to make such a distinction arises. Insertion of the word "criminal" before the word "penalty" in section 223 will achieve this distinction and remove any possible suggestion that the penalties there referred to include civil penalties provided under the proposed new section 234.

Section 7. Effect of amendments to sections 222, 224, 225, and 226 on prior violations

Section 7 of the bill is in the nature of a "savings" provision, and specifically provides and emphasizes that the penalties presently provided under sections 222, 224, 225 and 226 of the act shall in no way be affected by the amendments thereto provided for in sections 2 and 3 of the bill insofar as offenses thereunder which occurred prior to the effective date of such amendments are concerned. The amended penalty provisions apply only to offenses committed on or after that date. The purpose of section 7 is twofold: first, it eliminates any suggestion that the revised criminal penalties in sections 222, 224, 225, and 226 are to have any retroactive effect upon offenses covered by those sections and committed prior to the effective date of the amendments but prosecuted thereafter; and second, it eliminates any possible suggestion that the existing penalties cannot be imposed, even after the effective date of the amendments thereto, for offenses committed prior to the effective date of such amendments. In the latter regard, it is the committee's intent that insofar as the various criminal penalties provided under existing sections 222, 224, 225, and 226 are free from constitutional or other defect, they shall be fully applicable in their present form to any person convicted of an offense for which those sections authorize penalties committed prior to the date of revision by the amendment reported herewith.

ORDER FOR SENATE TO CONVENE AT 10 A.M. TUESDAY THROUGH SATURDAY OF THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate convene at 10 a.m. on Tuesday, Wednesday, Thursday, Friday, and Saturday of this week.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 292—SUBMISSION OF A SENATE RESOLUTION RELATING TO SUBSTANTIAL REDUCTION OF U.S. FORCES PERMANENTLY STATIONED IN EUROPE

Mr. MANSFIELD. Mr. President, at this time this country has 429 major bases overseas and 2,297 lesser bases. These bases cover 4,000 square miles and are located in 30 countries. Stationed on these bases are 1,750,000 servicemen, families, and foreign employees, and the cost for maintaining these bases is approximately $4.8 billion a year.

Mr. President, I would like to discuss one area in which we have a large number of bases and an extraordinarily large number of troops, namely, Western Europe.

On January 19, 1967, I submitted Senate Resolution 49 which expressed the sense of the Senate that "a substantial resolution of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I wish to introduce an identical resolution again today and ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks and that the resolution be referred to both the Committee on Foreign Relations and the Armed Services Committee.

The PRESIDING OFFICER. The resolution will be received and referred to the Committee on Foreign Relations and the Armed Services Committee; and, without objection, the resolution will be printed in the RECORD.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, we have had several hundred thousand men in uniform stationed in Europe since 1951 when President Truman, responding to the then existing situation and to a Senate sense resolution of that day, announced the first substantial post-World War II increase in U.S. forces there. When Senate Resolution 49 was introduced 2 years ago there were about 372,000 military personnel in Europe, including Turkey, Spain, and the 6th Fleet in the Mediterranean; this force was accompanied by some 240,000 dependents, a grand total of 612,000. There are now about 315,000 men—a good reduction—and they are accompanied by 235,000 dependents—not a good enough reduction—and 14,000 civilians employed by the U.S. Government. Thus, there are over 550,000 Americans in Europe today who are either in military service or associated with the military, and maintained wholly or largely by the Government of the United States.

We now have, overall, about 3.5 million men under arms. Of this total, about 1.2 million are stationed outside the United States, according to figures provided by the Department of Defense. In addition to those in Europe, there is a force of about 479,500 in Vietnam.

May I say, parenthetically, that as of last Thursday, this is 4,500 in excess of the 60,000 announced withdrawal by the President of the United States, a withdrawal which was to be met by December 15, 1969. Thus, I congratulate the President for going beyond the 60,000 mark. I hope that this is a continuation of a policy which, perhaps, may not be announced but which will be continued in effect, to the end that more and more troops can be withdrawn as appropriately as possible from Vietnam and all of Southeast Asia.

There are 129,000 in the fleets abroad, 58,000 in Korea, 45,000 in Thailand, 42,000 on Okinawa, another 40,000 in Japan, 28,000 in the Philippines, 24,000 in Latin America, 10,000 in North Africa and the Middle East, and another 10,000 in Canada, Greenland, and Iceland.

This commitment of men abroad obviously represents an enormous cost to the people of the United States. It is reflected in a military budget of some $80 billion and in the tax rates. It is also reflected in a balance-of-payments deficit which amounted to $1.3 billion in the first quarter of this year.

Our net foreign exchange gap with Germany alone is now running at about $965 million per annum. This is the highest figure to date. In 1968, the figure was $887.4 million. It had been between $700 and $800 million in the period 1963 through 1967, and under $700 million in the years before 1963.

In the past, part of this exchange gap has been covered through various agreements with the West German Government. In fiscal years 1962 through 1965 these so-called offset agreements consisted simply of commitments by the West German Government to procure military equipment in the United States. The agreement for fiscal years 1966 and 1967 provided for military procurement plus the prepayment of a West German debt. The fiscal year 1968 agreement provided for military procurement plus purchase of special medium-term U.S. Treasury securities by the West German Government. In fiscal year 1969 the agreement provided for military procurement plus the purchase of special U.S. Treasury securities by the West German Government, plus additional purchases of U.S. Treasury securities by West German banks plus an agreement by Lufthansa to finance purchases of aircraft.

I have had the Library of Congress draw up a table showing the terms of these so-called offset agreements between the United States and West Germany in fiscal years 1962 through 1969 and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. Mr. President, agreement was reached with the West German Government on July 9 covering fiscal years 1970 and 1971. The agreement provides for an inflow of foreign exchange in the amount of $1.52 billion over the next 2 years. In addition to military procurement in the United States, the agreement provides for a West German Government loan, plus retention in the United States for 2 years of interest earned by West Germany on U.S. Treasury deposits, plus the purchase by West Germany of U.S. Export-Import Bank and Marshall plan loans, plus West German civil procurement in the United States, plus payment to a fund in the

United States for encouraging German investment plus advance transfers for debt repayment by the West German Government to the United States. A concessional interest rate of 3.5 percent will apply to the West German Government loan and to certain deposits in the U.S. Treasury for military procurement. I ask unanimous consent that the text of a press release issued by the Department of State on July 9, giving the terms of the agreement, be printed in the RECORD at this point.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESS STATEMENT

The U.S. and German delegations announced today the conclusion of a new agreement for offsetting foreign exchange costs of American forces in Germany for U.S. Fiscal Years 1970 and 1971. The delegations have been conferring in Washington this week on the third and concluding round of their talks.

The agreement provides for an inflow of foreign exchange to the U.S. in the amount of 1.52 billion dollars. These inflows will be achieved by $925 million of procurement of U.S. goods and services (61% of total agreement) and $595 million of financial measures (39% of total).

Details are as follows:

[In millions of dollars]

Military procurement in the United States	800.00
Federal Republic of Germany loan to the U.S. (repayable after ten years)	250.00
Purchase by Federal Republic of Germany of loans held in portfolio of Eximbank and of outstanding Marshall Plan loans	118.75
Civil procurement in the United States by Federal Republic of Germany	125.00
Creation of fund in U.S. by Federal Republic of Germany to encourage German investment in United States	150.00
Advance transfers by the Federal Republic of Germany for debt repayment to the United States	43.75
Retention in the United States of interest earned by the Federal Republic of Germany on U.S. Treasury deposits	32.50
Total	1,520.00

It was agreed that the interest rate which would apply to the inter-government loan and to certain Federal Republic of Germany deposits in the U.S. Treasury for procurement would be 3.5 percent.

The Export-Import Bank and Marshall Plan loans purchased by the Federal Republic of Germany would bear, on the average, a rate of interest at four percent with respect to certain loans and five percent with respect to others.

The U.S. delegation was led by Deputy Under Secretary of State Nathaniel Samuels; the German delegation was headed by State Secretary Guenther Harkort of the Foreign Office.

Mr. MANSFIELD. Mr. President, I would like to make several comments on the agreement. Before doing so, I should note that the Department of State apparently believes that this agreement represents a considerable improvement over previous agreements. To be sure, the amount of the military procurement is greater than last year, or the previous years. The borrowing by the United States is for a longer period than in the past and a concessional rate will apply to the West German Government's loan. The total amount is higher than ever before and the agreement is for 2 years instead of only one.

In those respects there has been "improvement." It would be well to bear in mind, however, that there is another side of the coin. While the amount of foreign exchange inflow involved is higher, so is the foreign exchange gap because it becomes more expensive every year to keep our forces in Germany. With the reevaluation of the Germany mark, moreover, this expense stated in dollars will increase again, and, possibly, more drastically than in the past. Furthermore, the agreement represents only about 80 percent of the foreign exchange outflow from the United States to Germany in the coming 2 fiscal years. And, while the West German Government loan to the United States will carry a concessional interest rate of 3.5 percent, nevertheless it represents an obligation of the United States which must be renewed or redeemed; the interest will result in some annual capital outflow and the capital of the loan itself must be regarded as, eventually, a large item of outflow. Finally, since the agreement is for a 2-year period, it may imply a commitment on our part to retain substantially the present level of U.S. forces in Germany for the next 2 years whether or not that should prove desirable or in accord with our national needs now or a year from now. In fact, the new West German Chancellor said in an interview in the November 14 issue of Time magazine that there was "an understanding on both sides," when agreement was reached on an offset arrangement for the next 2 years, that there would be no "substantial changes" in the level of U.S. forces during this period.

No matter how the current agreement is regarded, there is no escaping the fact that the assignment of U.S. military forces in Germany and Europe is a voracious consumer of U.S. resources, a source of inflation and, in present circumstances, a factor in the reduction in the international strength of the dollar.

It is a cliche to say that the United States is a rich and powerful country. After the long drain of Vietnam, however, it may be wise to take another look at that glib assertion. In terms of surplus for necessary national purposes at home and abroad, we are beginning to scrape the bottom of the barrel.

Other nations have come to realize that if they are to accomplish the essential tasks at home, it may be necessary to concentrate on only the essential tasks abroad. In my judgment, it is long past time for us to face the facts of our situation and reach the same conclusion. In this connection, I welcome the President's July 9 order to reduce the number of military men based abroad by 14,900—also his most recent order of a day or so ago in which approximately another 14,000, almost all in the Pacific area, will be reduced insofar as our Armed Forces are concerned—although in my judgment it is regrettable that the reduction is so limited and that the forces committed to NATO have been completely exempted from this cut in military forces overseas.

On April 15, I had printed in the RECORD the defense policy statement made by the Canadian Prime Minister on April 3. In that statement, Prime Minister Trudeau said:

NATO itself is continuously reassessing the role it plays in the light of changing world conditions. Perhaps the major development affecting NATO in Europe since the organization was founded is the magnificent recovery of the economic strength of Western Europe. There has been a very great change in the ability of European countries themselves to provide necessary conventional defense forces and armaments to be deployed by the alliance in Europe.

It was, therefore, in our view entirely appropriate for Canada to review and re-examine the necessity in present circumstances for maintaining Canadian forces in Western Europe. Canadian forces are now committed to NATO until the end of the present year. The Canadian force commitment for deployment with NATO in Europe beyond this period will be discussed with our allies at the Defense Planning Committee meeting in May. The Canadian Government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian forces in Europe.

According to press reports, which I understand to be accurate, the present plan is to reduce the number of the Canadian contingent of about 10,000 in Western Germany to about 4,000. This is a small reduction in numbers but a large reduction in percentage and would seem to represent, in effect, a change in the Canadian estimate of the situation in Europe, as well as a revision of policy on the part of the Canadian Government. I would hope this Nation would study the Canadian action most carefully. To me, it seems an adjustment which looks to the future instead of to the past.

Last year at this time, we, too, appeared to be on the verge of moving in the same direction. There was widespread support in the Senate for a proposal by the distinguished Senator from Missouri (Mr. SYMINGTON) which would have had the effect of lowering substantially the level of our forces in Europe. Most regrettably, there was the occupation of Czechoslovakia on August 20 by 400,000 Soviet and other Warsaw Pact forces. The time was one of extreme uncertainty, with various obscure troop movements in Eastern Europe. It was far from clear that the relatively bloodless coup in Czechoslovakia would mark the culmination of this activity. There was fear that the difficulties in Eastern Europe might spread throughout Europe.

As I stated at that time, a substantial reduction in U.S. Forces in Europe in those circumstances could have been subject to misinterpretation in the East, and brought grave uncertainty in the West. I added, however, that, in my judgment, it remained desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offered reasonable assurance that developments there were not going to spill over into Western Europe. It seems to me that that time has now arrived. The Soviet Union faces serious problems in Czechoslovakia and elsewhere in Eastern Europe. If that were not enough, there is a difficult situation to the East

on the Soviet-Chinese border. Soviet troops in Czechoslovakia, moreover, have been cut from several hundred thousand to about 70,000. While it is regrettable that the internal political life of that enlightened nation is again dictated by a foreign power, certain realities as they bear upon our military presence in Europe must be faced. What transpired in Czechoslovakia was not controllable in any fashion by NATO and bears no direct relationship to the question of the size of American forces assigned in Europe to that organization. Had there been only one or two divisions or, for that matter, seven or eight or 18 divisions of Americans in Western Germany, instead of four or five, would they have had any different effect on the situation as it developed in Czechoslovakia last year? I can find no basis for any such contention. Events within Eastern Europe are, as they have been since the Hungarian interlude made apparent for all to see more than a decade ago, beyond the direct reach of the North Atlantic Treaty and the military structure of NATO.

Nevertheless, it will be argued, as it is always argued, that the time is not right to make a substantial reduction of our forces in Europe. But it seems that the time is never right. I am aware of the recent press reports, for example, implying that NATO may be on the point of making a proposal to the Soviet Union and its Warsaw Pact allies for negotiations on reducing conventional forces in Europe. I would like to point out, however, that NATO has been studying the subject of balanced force reductions for years. My understanding is that there is still no agreed NATO proposal for balanced force reductions and it is not planned that there will be one until at least early in the summer. Even then, there is no reason to assume that discussions, much less full negotiations, will begin, for there has been no indication, direct or indirect, that the Soviet Union is interested in such discussions.

It will also be argued, as it is always argued, that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is not possible to reduce the number of men under arms because of the need to meet our NATO and other overseas commitments. This endless circle leading, in the end, to fiscal exhaustion can and must be broken.

I am not now advocating, and I have not in the past advocated, that all U.S. troops be removed from Europe. Our vital interest in what transpires in Europe remains and a U.S. presence should remain. In this day and age an armed attack on Western Europe will certainly involve us almost from the outset. It is to our interest, therefore, that we are present before the outset. That need can be met, in my judgment, and should be met with a much smaller military force.

At the same time, a substantial reduction of our forces in Europe would have certain immediately beneficial effects on this Nation. In the first place, the balance of payments should soon reflect a sharp decrease in outflow for military purposes, even as it becomes possible to bring about a reduction in the National military budget. In the second place, a reduction in U.S. forces in Western Europe might provide some impetus for Western Europeans to develop their own defense efforts in line with their needs and to work together more closely in doing so. Integrated defense is supposed to be what NATO is all about. To the extent that we have continued to overparticipate in the defense of Europe, it follows that there has been far less interest in bearing the burdens of that defense among the Europeans themselves.

Finally, a substantial reduction of American forces would help to correct what I regard as a distorted relationship between Europe and the United States. The Soviet Union maintains half a million soldiers in Eastern Europe. While the Russians may ascribe this presence to a threat from the West, the fact is that the Soviet presence is also a significant factor in maintaining communist governments in power, as Czechoslovakia has so clearly illustrated. The democracies have no need of U.S. forces in order to maintain themselves within the nations of Western Europe; yet, that most significant political fact is disguised by our military presence in such great magnitude.

In my judgment, it is not a desirable situation for a foreign power either in Eastern Europe or Western Europe to keep somewhere in the neighborhood of a million men in these two camps, a quarter of a century after the events which initially put them there. Both contingents are somewhat anachronistic, to say the least. Yet the continuing presence of the one has become the principal basis for the continuing presence of the other. The persistence of the anachronism leads not only to a distortion of political relationships, but to a distortion of economic relationships. Indeed, the annual offset negotiation with the West German Government is a case very much in point. West Germany is, in effect, becoming a major banker for this Nation in order that we may pay for the continued maintenance of U.S. forces in Germany at this Nation's expense.

In short, the presence of American forces in Europe in such large numbers, in my judgment, has vestiges, if not of empire in a 19th century sense, then of military occupation and of the costly cold war and of the one-time complete preeminence of the dollar in international finance. Yet the age of empire, the era of occupation, the period of the cold war and one-sided financial preeminence are of the past. The persistence of these vestiges in present policies involves, in my judgment, a wasteful and dangerous use of our available fiscal resources. It acts to debilitate this Nation's capacity, both at home and abroad, to deal with the urgent problems of the contemporary era.

EXHIBIT 1

S. RES. 292

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the United States, in implementing these principles, has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since large contingents of forces were deployed; and

Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

(2) S. Res. 99, adopted in the Senate April 4, 1951, is amended to contain the provisions of this resolution and, where the resolutions may conflict, the present resolution is controlling as to the sense of the Senate.

Terms of offset agreements between the United States and Western Germany, fiscal 1962–1969

[In millions of dollars]

Fiscal years and terms agreed by Western Germany:	*Agreed target payments*
1962–1963, Military procurement by West Germany from the United States	1,375
1964–1965, Military procurement by West Germany from the United States	1,375
1966–1967, Military procurement by West Germany from the United States plus prepayment of West German debt to the United States in the amount of $192 million	1,350
1968, Military procurement by West Germany from the United States	100
1968, Purchase by West Germany of special U.S. Treasury securities	500
Total	600

Terms of offset agreements between the United States and Western Germany, fiscal 1962–1969—Continued

[In millions of dollars]

Fiscal years and terms agreed by Western Germany—Con.	*Agreed target payments*
1968, West Germany agreed that the Bundesbank would continue its practice of not converting dollars into gold.	
1969, Military procurement by West Germany from the United States	100
1969, Purchase by West Germany of special U.S. Treasury securities	500
1969, Purchase of U.S. Treasury securities by West German banks	125
Total	725
1969, Lufthansa agreed to finance $60 million purchase of aircraft in West Germany rather than U.S. market.	

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. I think the speech which has just been delivered by the distinguished majority leader is of very great significance. I support it wholeheartedly. There is no question in my mind, from having given speeches similar to the one just given in my own State and elsewhere in this country, that there is overwhelming support for that position.

As I understand the argument of the distinguished majority leader, he is not asking that we withdraw entirely from Europe, or anything of the kind; he is asking that we withdraw some of our troops from Europe and recommending that some of the affluent countries there, which have enjoyed a tremendous increase in their standard of living and personal income, provide the necessary military manpower themselves.

When you look at the overall situation, and recognize that Western Europe has in fact, in the aggregate, more manpower than the Soviet Union, more skilled personnel, far greater production and economic resources, and far greater military resources, there is no reason why, a generation after World War II, as the Senator from Montana has stated so well, we should have to have our troops stationed there. Of course, we all recognize we are going to continue to provide a nuclear umbrella and naval and air support. But the Senator has stated well the answer to the argument we run into again and again by those who say that Europe is paying for these troops by buying obligations of the U.S. Treasury. As the Senator has stated, they shave the interest a little—3½ percent interest—but the U.S. taxpayer is still paying the cost and the interest. The German taxpayer is not paying it.

The President of the United States has announced some very modest troop reductions. However, they are so modest, when we recognize our enormous commitment in Europe, that I hope the distinguished majority leader's very logical and convincing position can be taken up by this body and, at long last, pressed to a reasonably early conclusion. As I have stated, a substantial majority of Senators have, in the past, supported the notion of our withdrawing troops from Europe. I hope that the speech given by the majority leader this morning is a real signal that we can move ahead and, within the next few months, act to begin a withdrawal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I ask unanimous consent to have 1 additional minute, to make one final point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I think the country is in general agreement that we should Vietnamize the Vietnam conflict, that it is time that we withdraw. Almost all of us agree with that. The only dispute is in the timing. At the same time, I think it is time that we provide for Europeanization of the defense of Europe. As I say, Europe has the manpower, the resources, and the ability to do it. Why should not Europe defend itself, with our assistance, but certainly without the commitment of 300,000 American troops and hundreds of thousands of additional personnel?

I thank the majority leader for a most significant statement.

Mr. GORE and Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, once again the majority leader has focused the attention of the Senate on an issue of grave importance to the well-being of the Nation. It is also characteristic of the thoughtful and considerate manner in which he functions that he has introduced his resolution in sufficient time to enable the Senate to give to the matter the careful and unhurried consideration it demands.

This time factor is important, perhaps critical. If I were confronted with the necessity of voting on this issue today, or within the next weeks, I would have to cast my vote in the negative. I fully share the concern of my esteemed colleague for the impact which the cost of maintaining our troops overseas has on our domestic programs and on our balance-of-payments position. I also understand that if the fabric of our national security is to be durable, it must be woven from a pattern which involves much more than the threads of U.S. forces deployed around the world. Because the issues involved are so complex, affecting not only our national security but in many important respects the well-being of the individual citizen, I believe it important that this body recognize at the outset that time will be required to consider this subject in its proper perspective and in all of its ramifications.

One obvious factor is the recently inaugurated negotiation with the U.S.S.R. in Helsinki. We do not know where those negotiations will lead but they could have an important impact on our security and that of our allies in Western Europe. Another factor of considerable importance is the psychological impact of the presence of our troops in Western Europe—and of a debate in this body on the reduction of such forces—on our allies as well as on the Soviets. Twenty-five years after World War II this body is moved to discuss whether the danger of aggression in Europe has not substantially receded; 25 years after World War I the world was engaged in World War II. The mind immediately jumps to the question as to how significant is the role of American troops in this contrast. Again, the significance must be measured in terms of the individual well-being of our citizens as well as in broader terms of national security.

One last thought. No one in this Chamber, nor I, would trust in the Nation at large, will think for one moment that either the distinguished majority leader or I are influenced by partisan considerations in this matter. I think that it is important to mention that in conducting his election campaign the President placed much emphasis on the importance he attaches to negotiating with the Soviets with a view to reducing the tensions that beset the world and in some measure are the cause of U.S. troop deployments abroad. It is logical and fair to assume that in electing President Nixon the people were in some measure motivated by the conviction that he is the right man to conduct those negotiations. The negotiations, or what we hope are the preliminaries to negotiations are underway. This is not the time for this body, with its very considerable responsibilities in the field of foreign relations, to send its own signals abroad or to take other steps which hinder or complicate the task of the President in this crucial role.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. SCOTT. I am happy to yield.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished Republican leader not only had the opportunity to listen to my remarks, such as they were, but also to spend some time reading the speech which had been prepared. I compliment him on the temperate tone which he has used and the understanding which he has indicated.

He is correct when he says this is not a partisan matter. He is correct when he says that the present President, Mr. Nixon, has placed a great deal of emphasis on our relations with Western Europe. But I think we ought also to point out that the man who was the first commander of NATO, and who was the last Republican President prior to Mr. Nixon, General Eisenhower, was one of those who advocated, even while he was in office, and certainly most emphatically after he left office voluntarily, that there should be a substantial reduction of U.S. forces in Europe. He felt that we had too many divisions there, and too many dependents, that it was too much of a strain on our resources, and that it conveyed the wrong impression and the wrong image as far as we were concerned.

I would point out to my distinguished friend across the aisle that it was a sense of the Senate resolution which sent four additional U.S. divisions to Europe in 1951. What I have introduced today on my own behalf—though I hope some other Senators will join with me—is another sense of the Senate resolution, indicating just how the Senate now feels about this matter. If a sense of the Senate resolution was good enough to get them in, I think it is good enough to get

them out. A sense of the Senate resolution places on the President the responsibility for defining just what "a substantial reduction" means. This gives him a great deal of flexibility which he does not possess at the present time, and which, I think, would place him in a stronger bargaining position with our allies, so that he may get them to do what they have promised to do time and time again, but which none of them—not a single one; not a single ally other than Canada—has done in living up to the commitments which they promised to undertake.

There is Western Europe, on the front line. Why should they not take the primary responsibility in their own area to look after their own defense? Most of those countries are better off economically and financially than we are. They can afford it. We are paying the West Germans to allow us to maintain our forces in West Germany, and we are doing it through the sale of bonds at a special concessional rate of 3.5 percent. They should be paying us for what we are doing over there. This is one of the basic reasons why we have such difficulties in the balance of payments and in the gold outflow, both of which have had a deleterious effect on the economic affairs of this Nation.

Mr. SCOTT. Mr. President, I yield myself 2 additional minutes.

I thank the distinguished majority leader. I think we both want to make clear that this is not a discussion in which one Senator proposes that troops be withdrawn from Europe, and another Senator opposes it. This is a resolution to consider the desirability of withdrawal of some troops, to which my reply is simply a statement that I hope we will, and I am glad that there is time in which we may, consider all of the arguments pro and con before we come to a conclusion. I state further that if I had to vote now, my vote would be negative. If I were able to vote later, and certain other developments had occurred, I would hope it could be an affirmative vote.

My reason for the comment I made is grounded primarily upon the talks in Helsinki. That is because I do not want it to appear to world opinion or to those people in Helsinki who are watching these SALT talks that we in the Senate are at this moment proposing action which might itself be the subject of negotiation. That is what I am getting at.

I agree with the distinguished majority leader that other nations ought to be doing more. We are paying heavily and through the nose for having kept our commitments and obligations and responsibilities in accordance with the very Senate resolution the majority leader refers to, which pertains to the sending of four divisions to Europe.

I wish it were possible for other nations to see their responsibilities in the same light. I suppose they feel relatively safe and entirely smug in allowing the United States to carry a major part of the burden. This is not true of all the nations. However, I am pleading for the Senate to consider the matter in such an atmosphere of time and reasoned deliberation as not to interfere with the negotiations in Helsinki.

Mr. MANSFIELD. Mr. President, I certainly have no desire, and never have had any desire, to interfere with the negotiations in Helsinki—negotiations that are at long last underway.

I do not see any connection at all between balanced force reductions and what is going on in Helsinki.

It is a little difficult for me to comprehend the situation which affects our relations with Germany vis-a-vis our five divisions stationed there.

I intended to submit the resolution some months ago. I did not do so because of the West German elections. Then I thought that with the change in government, the new government ought to have an opportunity to get its feet wet, so to speak, in administering affairs in West Germany.

Then there was the meeting of the NATO Deputy Foreign Ministers. I held back again on account of that. Then, after I had released the facts in the press, I found there was going to be a meeting of the NATO Foreign Defense and Finance Ministers. It seems to me that there is something going on in NATO every other week or so but not a great deal is being accomplished in bringing about the integration of forces, or balanced force reductions or any other similar achievement.

I commend the Republican leader for the stand he has taken. I understand it perfectly.

The distinguished Senator is correct in stating that the matter should be given serious consideration. And it will be given serious consideration by the two committees most concerned.

However, when I talk about the gold outflow and our balance of payments, what I am really getting at—and it is sometimes difficult for people to think that a politician is concerned with this—is a matter of principle when we get right down to it.

Over 500,000 military personnel and dependents, over a quarter of century after the war is over, are still in Western Europe. They were sent there to help these countries recover and to help them against a possible invasion from the east. These countries now tell us that they are getting along well with the Soviet Union and Eastern Europe.

West Germany is carrying on contracts with the Soviet Union and Eastern Europe and as far away as China. However, when someone raises the question of a reduction in forces, they create a straw man, a bogeyman, and tell us how difficult it is and how much they need us.

Canada is reducing its forces by 60 percent. French forces are out entirely. They told us 3 years ahead of time. We would not believe them.

Great Britain has done away with conscription. The Low Countries and other countries are reducing conscription.

We have not done away with conscription. We have not reduced our forces to any great extent. We have kept our commitments, our pledges, and our promises.

I think it is about time that our allies did the same.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the remarks of the distinguished minority leader (Mr. SCOTT). The distinguished majority leader (Mr. MANSFIELD) has focused this morning upon a subject which is central to the security of the United States and, indeed, of the entire free world.

I join with the distinguished majority leader to the extent of welcoming a review of the question whether the level of United States forces in Europe should be reduced.

Along with the majority leader, I have had the opportunity to serve as a member of the Canadian-United States Interparliamentary Group, and to hear representatives of the Canadian Government explain their attitude and position with respect to troop levels in Europe.

It seems to me, as we approach this subject, that we must be very conscious of the fact that the level of our troop strength in particular is a vital element in maintaining a credible NATO deterrent.

While I can support the majority leader in his insistence upon an appropriate balance insofar as our troop commitments are concerned, I underscore the importance of making sure that we do not weaken NATO and that we do not take steps which would weaken our ability to negotiate with the Soviet Union.

I interpret and understand the remarks of the majority leader as indicating no intention on his part to cast doubt upon our commitment to the defense of NATO Europe or that the review contemplated by his resolution would do so.

As I understand it, the concern of the distinguished majority leader relates to the appropriate level of U.S. forces in Europe, and is not directed at NATO itself or at the security system which has been so important in helping to provide two decades of relative peace in Europe.

I stress this point because as we enter an "era of negotiation," and particularly as we undertake very serious talks with the U.S.S.R. on strategic arms limitation, I believe it is essential to make clear that in this day and age we recognize that the security of Western Europe is inseparable from the security of the United States.

Mr. MANSFIELD. Mr. President, I agree with the last statement made by the distinguished acting Republican leader, that our security is intermingled, that it is integrated. However, I point out that these countries should assume a good deal more of the share of the burden in defense of their own area.

I appreciate the remarks made by the acting Republican leader.

Mr. PROXMIRE subsequently said: Mr. President, I wish to make a brief statement in support of the statement of the distinguished majority leader in connection with withdrawing some of our troops from Western Europe. I think we should recognize the enormous cost of having these troops in Europe. The cost is billions and billions of dollars a year, at a time when we are debating at great length cutting back on our educational expenditures, and spending to meet hunger and health needs. The administration is recommending cutbacks in these areas. Billions spent on our troops in Europe represents an area

where we could save an immense amount of money and provide a salutary result. Once we withdraw our troops, Europe will know we mean business, and until that time they will not provide the troops they can and should provide.

Mr. DOMINICK subsequently said: Mr. President, I wish to associate myself with the Senator from Wisconsin and the Senator from Montana in connection with the withdrawal of our troops from Western Europe. I do not often find myself in agreement totally with these two Senators, but I am in agreement with them on this point. I have been making speeches on this matter for the past 4 or 5 years.

It seems to me incomprehensible that 25 years after World War II we have over 315,000 troops in Europe, while at the same time our allies fail to meet their obligation. We are doing this at the same time we are having trouble in our balance of payments.

Mr. PEARSON subsequently said: Mr. President, today, for the third time in as many years, a resolution has been introduced expressing the sense of the Senate that a substantial reduction in the size of the American military commitment to NATO is now justifiable and desirable. As on previous occasions, I join as a cosponsor of this resolution which Senator MANSFIELD has introduced and I want to associate myself with the remarks of the distinguished majority leader and to salute him for the leadership he has demonstrated on this issue.

This resolution would replace Senate Resolution 99 adopted in 1951, which expressed the sense of the Senate that given the conditions then prevailing it was necessary to substantially expand the size of the U.S. commitment to NATO. The resolution introduced today asserts the proposition that current conditions are so different from conditions of the early 1950's that such a large contingent is no longer necessary or desirable. The contrasts between the early 1950's and the late 1960's are considerable.

At that time the threat of a direct Soviet conventional force assault against Western Europe was a distinct possibility. Today this is highly unlikely.

At that time the possibility of internal communistic revolution was very real in several Western European countries but today such a prospect is most improbable.

At that time the economies of the Western European nations were weak and unstable and only just beginning to emerge from the chaos and destruction of World War II. Today, these economies are strong and expanding.

At that time there was a need for a large American presence to help ease the way for the emergence of the German Federal Republic as a stable, acceptable partner in the European community. Today, most of the difficulties and uncertainties associated with the West German role in Western Europe have been removed.

Mr. President, no one suggests that East-West relations have become so cordial that we need no longer give serious attention to the defense of Western Europe, but on the other hand few seriously believe that a large scale of conventional war in Western Europe is likely. Certainly there is little evidence that Western Europeans themselves hold such a view.

But if a large-scale conventional conflict in Europe is unlikely the prospects for local and limited skirmishes remain high. Thus the primary function of NATO conventional forces is to contain limited Soviet actions such as a new move against the communication lines of Berlin or a probing border incident. If NATO forces are not of a size and effectiveness to meet such contingencies then we will be trapped into the type of situation where our options will be so restricted that we will be forced to engage in nuclear brinksmanship. In other words, it is absolutely essential that the American nuclear defensive umbrella over Europe be supplemented by a credible conventional force, thus maintaining a symmetry of defensive power.

Given this function of NATO conventional forces, the key question then is whether or not an American force of the present size is necessary. I believe that the answer is definitely in the negative. We should remember that today's ground force level is substantially the same as that which was established in the early 1950's—at a time when major conventional warfare had to be considered a distinct possibility and at a time when Western European countries were not economically strong enough to maintain a credible conventional deterrent.

When we built up the American contingent in the early 1950's political leadership on both sides of the Atlantic assumed that this would be temporary. For a number of years now the real question has been when and how a reduction should take place rather than whether or not a reduction should occur.

Unfortunately, we never seem to get beyond this general proposition. Whenever it is suggested that a phased reduction should be initiated, advocates of the status quo always respond by saying this is not the time.

Each year we find some reason to delay the initiation of serious discussions designed to pave the way for a reduction. Today, the Czechoslovakian situation is cited as the reason why we cannot initiate such discussions. Certainly the invasion of Czechoslovakia last August is dramatic evidence of the determination of the present Soviet leadership to keep its Eastern European satellites in line. The Brezhnev doctrine, which says that the Soviet Union has the right to interfere with the internal affairs of the Eastern European countries, is not a mere paper construction but a harsh reality; the Soviet leadership is quite willing to use brute force to suffocate the faintest breath of independence.

However, the fact that the Warsaw Pact armies were ordered into Czechoslovakia does not signal an increased likelihood that the Kremlin leaders will order these same armies into Western Europe. It would not, of course, have been advisable for the United States to announce a troop reduction at the time of the invasion. However, when all things are considered, the Czech situation does not really alter the question of whether or not the American conventional force in Western Europe should be maintained at its present level.

Those who endorse the resolution introduced today do not suggest that we should immediately reduce the American force but we do believe that this Government should immediately notify the Western European capitals of our determination to bring about such a reduction at the earliest possible date. We must stop putting off the date for making such a declaration of intention hoping that next year or the year after or the year after that will somehow be more auspicious.

Actually there are a number of reasons why this aftermath period of the Czechoslovakian invasion is an appropriate time for the U.S. Senate to adopt this resolution. The Czech incident had the effect of jarring the Western European powers out of their complacency. Prior to last August most observers were talking about the decline of NATO and many were predicting its ultimate demise. Today, NATO has a new sense of purpose, a new unity, a renewed strength. Thus planned reductions in the manpower commitments by Belgium, the Netherlands, West Germany, and Britain have been canceled and other steps have been taken to add to NATO's military strength.

Thus, hopefully there is a new sense of responsibility and determination among the nations of Western Europe to more effectively provide for their own defense. It may well be then that this is precisely the time that we should begin to seriously plan for a reduction in our commitment.

Given the fact that the defense of Europe rests ultimately on the American nuclear deterrent and unless we were to have a situation where the West Europeans are to abdicate all their responsibility to NATO the difference between an American ground force of, say, two divisions and the present five- to six-division force is not of great military significance. However, it has taken on exaggerated psychological significance. In the minds of many, too many, a reduction of the American force would be seen as a wavering in our pledge to defend Western Europe and a sign of our desire to withdraw from the Atlantic community.

Mr. President, I reject the argument that these psychological-political factors are sufficient to require the maintenance of such a large U.S. force in Western Europe. If the credibility of our pledge to defend Western Europe and to participate fully in the Atlantic community is not yet established it never will be. In short, I suggest that America is being asked to pay too high a price to prove what should already be obvious.

Mr. President, one of the most troublesome burdens of our troop commitment to NATO is that it continues to be a major cause of our balance-of-payments deficit. During the 9-year period from fiscal 1961 through fiscal 1969—estimated—the net dollar drain associated with the maintenance of the American force in Western Europe totaled $6.7 billion. During this period our total

worldwide balance of payments was $22.3 billion. Thus over the past 9 years our commitment to NATO has caused about 30 percent of our balance-of-payment deficit. And the net dollar drain associated with our Western European commitment has been increasing rather than decreasing. For example, for the 4 years from fiscal 1962 through fiscal 1965 the average net dollar drain was just over $500 million, but for the 4 years from fiscal 1966 through fiscal 1969 the yearly average was $800 million.

If the deficit were of no serious economic concern then this would be no problem. But, of course, this is not the case, for in recent years our balance-of-payments deficit has become a problem of pressing importance not only for us but for the West's entire international financial structure.

Mr. President, withdrawing American troops from Europe will not necessarily result in a saving to the U.S. taxpayer. This would occur only if the units in question were deactivated. And whether or not they, or their equivalents should be deactivated must be treated as a separate question. However, it is quite clear that so long as we maintain this large commitment to NATO we will find it extremely difficult to reduce our overall troop levels.

Mr. President. our defense effort costs us the equivalent of over $350 per capita per year. And defense expenditures run from 9 to 10 percent of our gross national product. In contrast, the defense expenditures of our NATO partners run less—in some cases considerably less—than 5 percent of the respective gross national products. On a per capita basis, our defense burden is 5 to 7 times as great as theirs.

I do not in any way suggest that they should be matching our expenditures proportionately. I do suggest that they are quite capable of providing effective replacements for the American forces which should be withdrawn.

In conclusion, I would assert once again that we must break out of that line of argument which equates discussion of troop reduction with a signal that the United States intends to turn its back on Europe; a line of argument which has given an aura of permanence to that which initially was to have been temporary. Considering our own needs and problems and in view of the economic capacity of the West Europeans to carry their rightful share of the burden for their own defense, I submit that the troop reduction must be reopened. We must reconsider the attitudes of the 1950's which, unfortunately, have become our blinders in the 1960's.

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. PACKWOOD. Mr. President, the alleged massacre of South Vietnamese civilians by our soldiers has only served to heighten our fears and our apprehensions about our involvement in a controversial war. The massacre, indeed if it did occur, is a sad commentary on our times. Today we are searching for world peace. But it is instances such as this which undermine the very faith and confidence of our own people—not to mention peoples of the rest of the world. The report is most untimely because it comes almost 2 years after the event is alleged to have occurred. The military is digging its own grave with this kind of coverup system.

I think it is time that General Westmoreland laid the cards on the table. What is the military policy on combat field operations? Do we send our soldiers out with orders to bring back no captives or with as many captives as possible? Do we take the word of the South Vietnamese Government and do they take ours without any questions asked? General Westmoreland should state succinctly our present policy and he should likewise say if and how that policy has changed during the years of our involvement in Vietnam.

I want to emphasize that I am not prejudging the individuals accused of committing these alleged atrocities. Under our system of law, they are innocent until proven guilty. But is this an isolated incident?

If there are other events where the facts may prove to be less than pleasant to the military, that is no reason to keep them from the American people. The American citizen, already tired of this war, is growing weary. Weary from a war where the policy is often misunderstood because of instances such as this.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas; and

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO THE CHUGACH ELECTRIC ASSOCIATION, INC.

A letter from the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, transmitting, pursuant to law, a report on the approval of a loan to the Chugach Electric Association, Inc., of Anchorage, Alaska, for the financing of certain transmission facilities and the completion of previously loaned generation facilities (with an accompanying report); to the Committee on Appropriations.

REPORT ON PROPOSED MILITARY CONSTRUCTION, AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard (with an accompanying report); to the Committee on Armed Services.

REPORTS OF COMPTOLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the questionable need for overtime at selected installations of the Army, Navy, and Air Force dated November 28, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an examination of financial statements of the Federal National Mortgage Association for fiscal year 1968, Department of Housing and Urban Development, dated November 26, 1969, (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a survey of the Nike X anti-ballistic-missile development program which indicates a need for management improvements, Department of the Army, dated November 28, 1969 (with an accompanying report); to the Committee on Government Operations.

ADMISSION INTO THE UNITED STATE OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

RECOMMENDATIONS AND RESOLUTIONS ADOPTED BY THE NORTH ATLANTIC ASSEMBLY

A letter from the Secretary General, North Atlantic Assembly, transmitting, for the information of the Senate, a copy of the texts of the various resolutions and recommendations adopted by the Assembly at the conclusion of its 15th annual session (with an accompanying document); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Kalamazoo County Board of Supervisors, Kalamazoo, Mich., praying for the enactment of legislation relating to the sharing of Federal revenues; to the Committee on Finance.

A resolution adopted by the Texas Municipal League, Austin, Tex., remonstrating against any limitation on the tax exempt status of interest paid on municipal bonds; to the Committee on Finance.

A resolution adopted by the Legion of Estonian Liberation, Inc., New York, N.Y., relating to the strengthening of Voice of America broadcasts in the Estonian, Latvian, and Lithuanian languages; to the Committee on Foreign Relations.

A concurrent resolution of the New Hampshire General Court; to the Committee on the Judiciary:

"Concurrent resolution requesting Congress to convene a constitutional convention for the purpose of amending the constitution to make adequate provisions for federal-state revenue sharing

"Whereas, all levels of government jointly bear the responsibility to safeguard the quality of American life; and

"Whereas, state and local communities have and must retain primary responsibility for providing a major portion of domestic public services and facilities. To fulfill these commitments the states and their political subdivisions must have access to an equitable share of national fiscal resources which

Congress now commands an influence through the federal tax system; and

"Whereas, the federalization of the federal income tax will increase local government initiative and effectiveness by helping states, cities and counties to finance their own programs and set their own priorities with respect to solving unique and crucial local problems; now therefore be it

"Resolved, that the House of Representatives and the Senate of the State of New Hampshire in General Court convened, in accordance with Article V of the United States Constitution, hereby apply to Congress for the calling of a constitutional convention for the purpose of amending the Constitution to make adequate provision for federal-state revenue sharing; be it further

"Resolved, that signed copies of this resolution be certified by the Secretary of State and sent to the President of the United States Senate and the Speaker of the United States House of Representatives.

"ARTHUR TUFTS,
"President of the Senate.
"MARSHALL COBLEIGH,
"Speaker of the House of Representatives.

"CONCORD, N.H., *July 15, 1969.*

"I Robert L. Stark, Secretary of State of the State of New Hampshire, do hereby certify that the above Concurrent Resolution was passed by the General Court of the State of New Hampshire on June 27th nineteen hundred and sixty-nine.

"ROBERT L. STARK,
"Secretary of State."

A resolution adopted by the Club 100, Honolulu, Hawaii, praying for repeal of subtitle II of the Internal Security Act of 1950; to the Committee on the Judiciary.

A petition, signed by LeRoy Elvis, and sundry other citizens, of Conway S.C., protesting the prohibition of prayer and Bible reading in the public schools; to the Committee on the Judiciary.

A resolution adopted by the Board of Selectment, Ipswich, Mass., remonstrating against the issuance of a license to permit the dredging away of the sandbar at Sandy Point, Mass.; to the Committee on Public Works.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN:

S. 3188. A bill to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses, and who are no longer subject to trial by court-martial; and

S. 3189. A bill to provide for compliance with constitutional requirements in the trials of persons who, while accompanying the Armed Forces outside the United States, commit certain offenses against the United States; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK:

S. 3190. A bill providing for the Secretary of Health, Education, and Welfare, after consultation with the Surgeon General, to report annually to the Congress concerning the health consequences of using marihuana; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. MURPHY):

S. 3191. A bill to withdraw various lands in the counties of Mono and Inyo, Calif., from appropriations under the public land law, release certain lands in the counties of Mono and Inyo from withdrawal, acquire various lands owned by the city of Los Angeles, Calif., grant to the city of Los Angeles various land and water rights, modify the act of March 4, 1931, Executive Order No. 5843 (dated April 28, 1932) and Executive Order No. 6206 (dated July 19, 1933) and repeal the act of June 23, 1936, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 3192. A bill to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock; to the Committee on Public Works.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BAYH:

S. 3193. A bill for the relief of Graeme Ronald Houghton; to the Committee on the Judiciary.

S. 3188 AND S. 3189—INTRODUCTION OF BILLS RELATING TO THE TRIAL OF FORMER SERVICEMEN, U.S. EMPLOYEES STATIONED OVERSEAS, AND MILITARY DEPENDENTS

Mr. ERVIN. Mr. President. Recent disclosures of the alleged killing of Vietnamese civilians by American forces in the village of My Lai have brought to public attention once more a serious problem of jurisdiction which has existed since 1955. At present, there is no apparent jurisdiction in any American court, either State, Federal, or military, to try offenses committed by former U.S. servicemen while they were in military status.

This gap in jurisdiction stems from the Supreme Court case of *Toth* v. *Quarles*, 350 U.S. 11, decided in 1955. In that case, the Supreme Court ruled that section 3(a) of the Uniform Code of Military Justice was unconstitutional because it gave court-martial jurisdiction over persons who were not at the time of trial subject to military jurisdiction.

This problem has concerned the Constitutional Rights Subcommittee for over a decade. My distinguished predecessor as chairman of the Constitutional Rights Subcommittee, the late Senator Thomas Hennings of Missouri, introduced a bill in 1957 designed to give jurisdiction to Federal district courts over these cases. In the years since then, I have in turn introduced similar legislation, most recently in the 90th Congress.

In the past the proposals have been referred to the Judiciary Committee, and to the Constitutional Rights Subcommittee. The Subcommittee has wrestled with this exceedingly difficult constitutional problem all these years without success. Together with the Department of Defense, the Department of Justice, and the Department of State, we have tried to fashion a satisfactory legislative solution. The problem was considered by the subcommittee in its hearings on military justice in 1962 and again in 1966. Because of the many unresolved problems inherent in this issue, and because there has not in past years been any pressing circumstance which might require enactment of the legislation, I did not reintroduce the proposed legislation in this Congress.

Now it is again apparent that the issue is very critical. The My Lai incident poses this problem in glaring terms. I have written the Department of Defense, and will today write to the Departments of Justice and State, to obtain their present thinking on the issue. In the meantime, I believe it is essential that the Congress have before it once again one proposed solution to this gap in jurisdiction. For that reason, I introduce for appropriate reference the two bills which have been before the Constitutional Rights Subcommittee in past years. These bills confer jurisdiction on Federal district courts over two classes of persons—former servicemen accused of offenses committed before they were released from service, and civilians who are dependents of servicemen, or who are defense employees, stationed with the military overseas. This proposal follows a suggestion made by Justice Black in his opinion in the Toth case. The bills are identical to those which were last introduced in the 90th Congress, with but one exception. I have omitted the limitation which made the legislation effective only as to offenses committed after the enactment of the bills. Whether the legislation, if enacted, should or properly could be made retroactive to cover prior offenses is only one of the many very difficult questions which must be resolved.

I hasten to state, as I have each time I introduced this legislation in the past, that I am not committed to them either in form or approach. This is a most difficult and controversial problem, as the subcommittee long ago discovered. The issue is made no easier by the disclosures of the past few days.

For the guidance of the Senate, I ask unanimous consent that the bills, plus explanatory matter relating to them, excerpted from the subcommittee's hearings in 1966, be printed in full in the RECORD at this point.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and excerpt will be printed in the RECORD.

The bills (S. 3188) to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses, and who are no longer subject to trial by court-martial; and (S. 3189) to provide for compliance with constitutional requirements in the trials of persons who, while accompanying the armed forces outside the United States, commit certain offenses against the United States, introduced by Mr. ERVIN, were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3188

A bill to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses, and who are no longer subject to trial by court-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 803 (article 3) of title 10, United States Code, is amended to read as follows:

"(a) Subject to section 843 of this title (article 43), any person not subject to trial by court-martial who is charged with having committed, while in a status in which he was subject to trial by court-martial, an offense against this chapter punishable by confinement for five years or more, and who, while in such status, was not tried for such offense may be tried upon indictment for such offense—

"(1) in the United States district court for any judicial district in which any act or omission constituting an element of such offense was committed, if such offense was committed in the United States, or

"(2) in the United States district court for the judicial district in which such person is found or into which he is first brought, if such offense was committed outside the United States or on the high seas. No person may be tried in any district court for any such offense if (1) the offense is one for which such person could not be tried by court-martial without his consent if he were in a status subject to trial by court-martial, or (2) such person has been previously tried in a State court for substantially the same offense. For the purpose of all proceedings for or ancillary to the trial of any person for any such offense in any district court of the United States, such offense shall be considered to be an offense prohibited by and punishable under the provisions of title 18, United States Code.

S. 3189

A bill to provide for compliance with constitutional requirements in the trials of persons who, while accompanying the armed forces outside the United States, commit certain offenses against the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended by adding after chapter 47 a new chapter as follows:

"CHAPTER 48.—TRIAL OF CERTAIN PERSONS WHO ACCOMPANY THE ARMED FORCES OUTSIDE THE UNITED STATES

"Sec.

"951. Persons subject to trial; jurisdiction of United States district courts; offenses for which persons may be tried.

"952. Statute of limitations; maximum punishment; general provisions.

"§ 951. Persons subject to trial; jurisdiction of United States district courts; offenses for which persons may be tried

"(a) Any citizen, national, or other person owing allegiance to the United States who commits any offense referred to in subsection (b) of this section while serving with, employed by, or accompanying the armed forces outside the United States shall be guilty of an offense against the United States and shall be tried for such offense in the United States district court for the judicial district in which such person is found or into which he is first brought.

"(b) The offenses for which any person described in subsection (a) of this section may be tried in a United States district court are those offenses specified in—

"(1) sections 877 through 881 of this title (articles 77–81) insofar as such sections relate to offenses referred to in clauses (2) through (5) of this subsection;

"(2) section 882 of this title (article 82);

"(3) sections 907 through 911 of this title (articles 107–111);

"(4) sections 913, 914, and 916 of this title (articles 113, 114, and 116); and

"(5) section 934 of this title (article 134) to the extent of crimes and offenses not capital.

"§ 952. Statute of limitations; maximum punishment; general provisions

"(a) An indictment may be found at any time without limitation with respect to any offense referred to in section 951(b) of this title for which the death penalty may be imposed. Except as provided in section 843(f) of this title (article 43(f)), no person shall be prosecuted, tried, or punished under this chapter for any offense, not capital, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed. No person may be tried under this chapter for any offense if such person has been tried for substantially the same offense in a foreign country pursuant to a treaty or agreement to which the United States is a party.

"(b) The maximum punishment which may be imposed in the case of any person tried for an offense pursuant to this chapter shall be the same as that applicable to persons subject to trial by courts-martial for the same offense, but the provisions of chapter 47 of this title relating to the forfeiture of pay and allowances shall not be applicable in the case of any person tried under authority of this chapter.

"(c) Any offense for which a person is indicted and tried under authority of this chapter shall, for the purpose of all proceedings for or ancillary to the trial of such person, be considered to be an offense prohibited by and punishable under the provisions of title 18, United States Code.

"(d) Nothing in this chapter shall be construed as depriving courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or law of war may be tried by courts-martial, military commissions, provost courts, or military tribunals.

"(e) As used in this chapter, the term 'outside the United States' means outside the several States, Commonwealth of Puerto Rico, Virgin Islands, Canal Zone, and the special maritime and territorial jurisdiction of the United States."

SEC. 2. (a) The table of chapters at the beginning of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice.. 801"

the following:

"48. Trial of Certain Persons Who Accompany the Armed Forces Outside the United States..... 951"

(b) The table of chapters preceding chapter 31 of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice.. 801"

the following

"48. Trial of Certain Persons Who Accompany the Armed Forces Outside the United States..... 951"

The material presented by Mr. ERVIN is as follows:

S. 761 (BILL NO. 1)

SUMMARY OF BILLS

S. 761 would provide that persons who are charged with having committed certain offenses while subject to trial by courts-martial, but who were not tried for such offense by a court-martial and who are no longer subject to such jurisdiction, may be tried upon indictment in the U.S. district court into which he is first brought, if the offense was committed outside the United States, or in any U.S. district court in which an element of the offense was committed, if the offense was committed within the United States. This jurisdiction is authorized for crimes punishable by the uniform code of military justice by confinement for 5 years or more. Persons who have been tried for the offense in a State court, or whose consent would have been needed for trial by court-martial, are not subject to this bill.

Reason the bill is proposed

Prior to the enactment of the uniform code of military justice, there was no American forum for the trial of ex-servicemen who committed crimes while in uniform which were not discovered until after the serviceman had left the service. The uniform code, in article 3, closed this jurisdictional gap by granting courts-martial jurisdiction. However, in the case of *Toth* v. *Quarles,* 350 U.S. 11, the Supreme Court said that this provision was unconstitutional. Accordingly, there is no American tribunal available for such cases.

The Supreme Court, in the *Toth* case, did not preclude congressional authorization of jurisdiction to a Federal court. Accordingly, S. 761 gives such jurisdiction to the Federal district courts. At the present time, of course, various Status of Forces treaties give to foreign countries the right to try Americans for crimes committed while in military status, in certain instances. However, this might require extradition in the case of ex-servicemen, and would subject them to criminal procedure which might not contain adequate safeguards for their rights, and, in any case, which would be unfamiliar to them.

Departmental views

The Department states that it is opposed to S. 761 because the enactment of such legislation would create burdensome administrative problems. The Department recommends that action be delayed on this proposal pending further study by various concerned Executive offices.

[S. 761, 89TH CONG., 1ST SESS.]

A bill to provide for complaince with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses, and who are no longer subject to trial by court-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 803 (article 3) of title 10, United States Code, is amended to read as follows:

(a) Subject to section 843 of this title (article 43), any person not subject to trial by court-martial who is charged with having committed, while in a status in which he was subject to trial by court-martial, an offense against this chapter punishable by confinement for five years or more, and who, while in such status, was not tried for such offense may be tried upon indictment for such offense—

"(1) in the United States district court for any judicial district in which any act or omission constituting an element of such offense was committed, if such offense was committed in the United States, or

"(2) in the United States district court for the judicial district in which such person is found or into which he is first brought, if such offense was committed outside the United States or on the high seas. No person may be tried in any district court for any such offense if (1) the offense is one for which such person could not be tried by court-martial without his consent if he were in a status subject to trial by court-martial, or (2) such person has been previously tried in a State court for substantially the same offense. For the purpose

of all proceedings for or ancillary to the trial of any person for any such offense in any district court of the United States, such offense shall be considered to be an offense prohibited by and punishable under the provisions of title 18, United States Code."

SEC. 2. The amendments made by the first section of this Act shall be effective with respect to any offense committed on or after the date of enactment of this Act.

The memorandum accompanying Senate bill 761 is as follows:

Proposed bill to provide an American forum, subject to the U.S. Constitution, for trial of serious offenses by persons who have been separated from the armed services

Background memorandum: Under the articles of war no American forum existed to prosecute offenses against those articles by a serviceman who was discharged before charges had been preferred against him. As a result, World War II produced several incidents where persons who allegedly had committed serious crimes were immune from trial because they had been discharged and were no longer subject to trial by court-martial and also were not subject to trial in any American civil court. Congress attempted to close this jurisdictional loophole by enacting article 3 of the Uniform Code of Military Justice; but the Supreme Court, in the famous case of *Toth* v. *Quarles*, 350 U.S. 11, held this provision unconstitutional. In light of the *Toth* case, courts-martial lack jurisdiction to try a serviceman for predischarge violations of the Uniform Code, however serious they may be (unless the ex-serviceman later reenlists); and so frequently there is no American court which can try the accused for his crime. Of course, if the crime was committed overseas in a foreign country and if the accused either has remained there or can be extradited to that country, prosecution may still be possible; but in that event the ex-serviceman is brought to trial in a foreign court, which is not subject to the U.S. Constitution and may not furnish some of the procedural safeguards with which we are familiar.

In light of these circumstances and of the fact that the Supreme Court did not say in the *Toth* case that jurisdiction could not be granted to prosecute persons like Toth in a Federal civil court, the best solution would appear to be through amendment of article 3 to authorize trial in Federal district courts of ex-servicemen whose crimes were committed while they were in the Armed Forces and who would not otherwise be subject to trial for the offense in a State or Federal court. In this manner the jurisdictional hole can be plugged; but trial can take place in an American tribunal, where every constitutional safeguard will be present. Furthermore, in instances where the alleged crime occurred overseas, there will be considerably less occasion to deliver or extradite the ex-serviceman to a foreign court for trial, since an American court would also have the power to try for the same misconduct. On the other hand, under present laws trial by an American court is impossible; and therefore foreign prosecution is the only alternative to condoning the crime.

The armed services have been interested in the problem and legislation was studied after the *Toth* decision to help meet the problem created there. (See subcommittee hearings at 852, 910, 946.) However, somewhere along the line action apparently has bogged down.

To implement this proposal, it would seem desirable to:

(a) Amend article 3(a) of the Uniform Code to provide that, subject to the provisions of article 43 (which is the statute of limitations), any person charged with having committed, while in a status in which he was subject to the code, an offense against the Uniform Code, which, under the code and the regulations prescribed by the President and in effect at the time of the alleged offense, would be punishable by confinement of 5 years or more and for which that person cannot otherwise be tried in the courts of the United States or any State or territory thereof or the District of Columbia, shall be subject to trial for that offense in a Federal district court. If the offense occurred within the United States, then venue to try the offense shall be in any district where there occurred any of the acts or omissions complained of. If the acts or omissions all occurred on the high seas or outside the United States, then venue shall lie in the district where the defendant first comes or is brought back to the United States (the intent here being to conform the venue requirements under this article to the general venue requirements of the United States Code.) Trial by a State court for substantially the same act or omission which it is proposed to try under this article shall preclude trial under this article by a Federal district court. (This is designed to clarify that a person who already has been tried by a State court cannot be tried under this article in a Federal district court; this may be especially important because of the wide scope of art. 134.)

S. 762 (BILL NO. 2)

SUMMARY OF BILL

S. 762 would provide that any person serving with, employed by or accompanying the Armed Forces outside the United States, who commits certain specified offenses, shall be tried in the U.S. district court where he is found or first brought. The statute of limitations for offenses not involving the death penalty shall be 3 years. The maximum appropriate sentence is that authorized by the Uniform Code of Military Justice for the same offense. The provisions of title 18, United States Code, shall apply with respect to the proceedings of such trial.

Reason the bill is proposed

With the end of World War II, the United States, for the first time, stationed large forces on the soil of foreign countries for an extended period of time. Accompanying these forces are large numbers of civilians, whether as employees or dependents of the armed forces. With minor exceptions, there is no American tribunal available to try offenses committed overseas by members of this large American civilian community. To provide such a forum, article 2(11) of the Uniform Code authorized trial by courts-martial offenses committed by these persons. However, the Supreme Court in a number of decisions, notably that of *Kinsella* v. *Singleton*, 361 U.S. 234, ruled that the forum for such trial cannot be a court-martial.

To close this jurisdictional gap, S. 762 confers jurisdiction upon Federal district courts for such trials. It incorporates the maximum punishments set forth in the Uniform Code, and the procedural rules generally applicable in Federal criminal trials.

Departmental views

The Department states that it is opposed to S. 762 because the enactment of this legislation would create burdensome administrative problems. The Department recommends that action be delayed on this proposal pending further study by various concerned Executive offices.

(SEC. 762, 89TH CONG., 1ST SESS.)

A bill to provide for compliance with constitutional requirements in the trials of persons who, while accompanying the armed forces outside the United States, commit certain offenses against the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended by adding after chapter 47 a new chapter as follows:

"CHAPTER 48.—TRIAL OF CERTAIN PERSONS WHO ACCOMPANY THE ARMED FORCES OUTSIDE THE UNITED STATES

"Sec.

"951. Persons subject to trial; jurisdiction of United States district courts; offenses for which persons may be tried.

"952. Statute of limitations; maximum punishment; general provisions.

"§ 951. Persons subject to trial; jurisdiction of United States district courts; offenses for which persons may be tried.

"(a) Any citizen, national, or other person owing allegiance to the United States who commits any offense referred to in subsection (b) of this section while serving with, employed by, or accompanying the armed forces outside the United States shall be guilty of an offense against the United States and shall be tried for such offense in the United States district court for the judicial district in which such person is found or into which he is first brought.

"(b) The offenses for which any person described in subsection (a) of this section may be tried in a United States district court are those offenses specified in—

"(1) sections 877 through 881 of this title (articles 77–81) insofar as such sections relate to offenses referred to in clauses (2) through (5) of this subsection;

"(2) section 882 of this title (article 82);

"(3) sections 907 through 911 of this title (articles 107–111);

"(4) sections 913, 914, and 916 of this title (articles 113, 114, and 116); and

"(5) section 934 of this title (article 134) to the extent of crimes and offenses not capital.

"§ 952. Statute of limitations; maximum punishment; general provisions

"(a) An indictment may be found at any time without limitation with respect to any offense referred to in section 951(b) of this title for which the death penalty may be imposed. Except as provided in section 843(f) of this title (article 43(f)), no person shall be prosecuted, tried, or punished under this chapter for any offense, not capital, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed. No person may be tried under this chapter for any offense if such person has been tried for substantially the same offense in a foreign country pursuant to a treaty or agreement to which the United States is a party.

"(b) The maximum punishment which may be imposed in the case of any person tried for an offense pursuant to this chapter shall be the same as that applicable to persons subject to trial by courts-martial for the same offense, but the provisions of chapter 47 of this title relating to the forfeiture of pay and allowances shall not be applicable in the case of any person tried under authority of this chapter.

"(c) Any offense for which a person is indicted and tried under authority of this chapter shall, for the purpose of all proceedings for or ancillary to the trial of such person, be considered to be an offense prohibited by and punishable under the provisions of title 18, United States Code.

"(d) Nothing in this chapter shall be construed as depriving court-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or law of war may be tried by courts-martial, military commissions, provost courts, or military tribunals.

"(e) As used in this chapter, the term 'outside the United States' means outside the several States, Commonwealth of Puerto Rico, Virgin Islands, Canal Zone, and the special maritime and territorial jurisdiction of the United States."

SEC. 2. (a) The table of chapters at the beginning of title 10, United States Codes, is amended by inserting immediately below "47. Uniform Code of Military Justice-- 801" the following:

"48. Trial of Certain Persons Who Accompany the Armed Forces Outside the United States---------- 951"

(b) The table of chapters preceding chapter 31 of title 10, United States Code, is amended by inserting immediately below. "47. Uniform Code of Military Justice-- 801" the following:

"48. Trial of Certain Persons Who Accompany the Armed Forces Outside the United States---------- 591"

The memorandum accompanying Senate Bill 762 is as follows:

Proposed bill to provide an American forum, with full constitutional safeguards, to try persons accompanying the Armed forces outside the United States.

Background memorandum: Until the present century, the United States had no large forces operating overseas, and so, with a few exceptions, American civil courts were available to try any crimes that might be committed by civilians who were employed by, serving with, or otherwise accompanying the Armed Forces. On the other hand, the United States now maintains large military contingents overseas, where no American civil courts are available to try American civilian dependents or employees who may commit serious crimes. In a few instances, provisions of the Federal Crimnial Code could be invoked as a basis for prosecuting the conduct of Americans outside the country; but, generally speaking, Federal criminal statutes were not intended to apply extraterritorially.

In order to provide an American forum for trial of civilian employees and dependents with our Armed Forces overseas, Congress enacted article 2(11) of the Uniform Code of Military Justice, which subjected to the code 'all persons serving with, employed by, or accompanying the Armed Forces without the continental limits of the United States and without certain territories.' Thus, civilian employees and dependents of the Armed Forces overseas were made subject to trial by court-martial. Ultimately, article 2 (11) was invalidated by the Supreme Court, with the result that, in most instances, there is now no American court, either military or civil, that has jurisdiction to try serious crimes committed by American civilian employees or dependents overseas. Therefore, the only courts which can prosecute those offenses are foreign courts, which are not subject to the U.S. Constitution and may not provide the safeguards available in American courts. There is no indication that the foreign courts are anxious in most instances to try crimes committed by American civilian employees or dependents overseas, but the only alternative is to let the crime go completely unpunished.

The relationship of the conduct of civilian employees and dependents to the maintenance of discipline and morale in the armed services is great enough to give considerable support to the argument made by several dissenters in the Supreme Court that article 2(11) was constitutional under Congress' power to 'make Rules for the Government and Regulation of the land and naval Forces.' Because of this relationship it seems important to provide a forum for trial of crimes committed by civilian employees and dependents overseas. If this forum is a foreign court, the civilian accused loses the benefit of the safeguards provided by the U.S. Constitution. The Supreme Court has held that this forum cannot be a court-martial. *Kinsella* v. *Singleton*, 361 U.S. 234; *Grisham* v. *Hogan*, 361 U.S. 278; *McElroy* v. *Guagliardo*, 361 U.S. 281. Therefore, virtually by a process of elimination, the Federal district courts seem to be the proper forum for the trial of such misconduct.

Prior to its hearings in 1962, the Subcommittee on Constitutional Rights was informed that the Department of Defense had prepared draft legislation to deal with this problem (hearings 848–51, 910, 946). However, this draft legislation has apparently bogged down somewhere between the Pentagon and the Department of Justice.

If jurisdiction is to be given the Federal district courts with respect to serious crimes committed overseas by civilian dependents and employees, it would seem desirable to apply the usual venue provisions governing Federal trials of offenses committed outside the United States or on the high seas. Also, since a serviceman cannot be prosecuted in a court-martial after trial by a foreign court in a country which is a party to the NATO Status of Forces Agreement, the civilian employee or dependent should receive the same protection and not be subject to trial in a Federal civil court after trial in a foreign court. Articles 107–132 of the Uniform Code of Military Justice prohibit certain acts which might be committed by a civilian employee or dependent and perhaps with disastrous consequences; in article 134 of the code there is a prohibition of 'crimes and offenses not capital' which serves to incorporate by reference the Federal Criminal Code. Accordingly, it would seem to suffice to make a civilian employee or dependent punishable in an American district court if he committed an act or is guilty of an omission for which a member of the Armed Forces, who did the same thing could be punished under articles 107–132 of the Uniform Code or under the 'crimes and offenses' provision of article 134.

To implement this proposal it seems necessary to:

(a) Amend article 2(11)—or enact a separate article—to provide that all persons serving with, employed by, or accompanying the Armed Forces without the United States, the Canal Zone, Puerto Rico, and the Virgin Islands' shall be subject to trial by a Federal district court for all acts or omissions which, on the part of a member of the Armed Forces would constitute a violation of articles 107 through 132 or 'crimes and offences not capital' within the meaning of article 134.

(b) Provide that the statute of limitations which would apply to the prosecution of a member of the armed forces under article 43 shall apply to misconduct by a civilian prosecuted in a Federal district court under this article and the maximum punishment authorized shall be that which would be authorized for the same act or omission if committed at the same time by a member of the Armed Forces.

(c) Provide that venue shall be the same as for offenses committed outside the United States under the venue provisions of the Criminal Code (18 U.S.C. 8231–8243 and especially 18 U.S.C. 8238).

(d) Provide that it shall be a defense to prosecution if the defendant has been tried for the same act or omission by the courts of a foreign country and with respect to acts or omissions which allegedly took place within the boundaries of that foreign country.

S. 3190—INTRODUCTION OF MARIHUANA AND HEALTH REPORTING ACT

Mr. DOMINICK. Mr. President, a total of $10.7 million in Federal money was marked primarily for marihuana research projects active during the 3 fiscal years 1968–70.

Nevertheless, whether we speak of it as pot, grass, weed, Mary Jane, hashish, Acapulco Gold, or by some other name, no drug is more at the focal point of controversy in the country—from a legal standpoint or from a health standpoint.

It is the latter issue—health effect—and related questions of rehabilitation and education which have been the subject of investigations by your Subcommittee on Alcoholism and Narcotics. The investigation is broad, covering alcoholism, narcotics, and all the dangerous drugs. It is not complete.

As regards marihuana, however, evidence to date resoundingly leads to one conclusion.

There is a great public need for an authoritative report on the health consequences of using marihuana. Substantial unknowns and potential health risks are evident, but depend on a number of variables.

Today, I am introducing the Marihuana and Health Reporting Act, legislation patterned after the law requiring annual reports on the health consequences of smoking cigarettes. My bill would require the Secretary of Health, Education, and Welfare, after consultation with the Surgeon General, to report annually on recent research developments concerning the health consequences of using marihuana. Because I believe this is a matter of prime urgency, a preliminary report would be required by March 31, 1970.

My bill is limited to marihuana for two reasons: First, the phenomenal surge in usage as compared to other drugs, and second, unlike other drugs, marihuana has no known use in modern medicine.

Before turning to the results of our investigation thus far, I ask unanimous consent that the Marihuana and Health Reporting Act and a list of the 67 federally financed marihuana research projects be printed at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the list of projects will be printed in the RECORD.

(See exhibits 1 and 2.)

EXTENT OF USE

Mr. DOMINICK. Mr. President, estimates of the number of people in the United States who have used marihuana at least once range from a "conservative" figure of 5 million to as high as 20 million. Current information received from the Nixon administration is that 8 to 10 million have at least experimented with the drug.

The sheer numbers are surprising, but so is the age and social background of the users.

High school and college use was discussed by the Director of the National Institute of Mental Health as follows:

In recent years there is clear evidence that there has been a dramatic and continuing increase in the use of marihuana, particularly among urban and suburban middle-class youth. It is estimated that nationwide, 20 to 40 percent of high-school and college students have tried marihuana at least once. In the past year or two, use has begun to spread to junior high school and grade school students. It is believed that large numbers of middle-class adults are also involved in marihuana smoking.

Of all those who have tried marihuana, about 65 percent are experimenting, trying the drug from one to ten times, and then discontinuing its use. Some 25 percent are social users, smoking marihuana on occasion when it is available, usually in a group context. Ten percent can be considered chronic users who devote significant portions of their time to obtaining and using the drug.

One of the field hearings of our subcommittee this fall was in Colorado. The subcommittee was told by Stanley Johnson, district attorney for Boulder, home of the University of Colorado:

Narcotics traffic, particularly involving marihuana and hashish, is the single greatest criminal activity in the Boulder area. . . . It is believed that approximately 50% of the high school students in the County of Boulder have either used or experimented with marihuana, while approximately 60% of university students have done so.

Many have assumed marihuana is solely a problem with "those students" in high schools and colleges. Actually, it extends into the age spectrum in both directions.

A teacher at Gove Junior High School in Denver, Mrs. Nancy Raddatz, testified:

We found that our kids had a great deal of knowledge, much more than what the teacher and I had concerning this. Lots of the kids knew people who had taken LSD. Some of the kids themselves experimented with it. They certainly experimented with marihuana. This is junior high level.

Lt. Jerry Kennedy, director of the Prevention Bureau of the Delinquency Control Division at the Denver Police Department, reported:

Twelve and thirteen-year old boys and girls are reported to my Bureau every week as drug users. Sometimes their parents bring them in to us, along with the kid's hashish pipe or the pot he got in the mail.

Just days ago, Life magazine carried pictures of a group of middle-aged business and professional people in Boston "lighting up" after dinner, and a "garden pot party" at a fashionable location in New Orleans. A newspaper series this year by Cal Queal, of the Denver Post, contained comments from several people who had tried marihuana—among them, a lawyer, a clergyman, a housewife, a newspaperman.

Uninformed use or experimentation is, most unfortunately, permeating through our society.

MARIHUANA—PILLAR OF UNCERTAINTY

For a drug that has been with man for thousands of years, surprisingly little is known about its nature and effect.

The principal active ingredient consists of a number of compounds called tetrahydrocannabinols—THC. The pharmacologic potency of any mixture of marihuana—from mild forms to the purest and most concentrated extract called hashish—depends upon the amount of THC which it contains.

To listen to some of the public debate today, one would be inclined to believe there is just one form of marihuana passing from hand to hand in all its purity and simplicity.

View it as good fortune or ill, marihuana does not come labeled "Made in United States of America" with the THC content carefully marked across the bottom.

Look at some of the variables which affect potency:

Location where grown.

Growing conditions such as temperature, humidity, and soil composition.

Methods of cultivation.

Methods of preparation for use.

Methods of storage.

But there are also variables in reaction, dependent on the user. The Director of the National Institute of Mental Health reported after a survey of high school and college use that 50 percent of those who tried marihuana experienced no effects. His explanation:

This finding *may* be a function of at least four factors: (1) the agent may not have been potent, (2) frequently effects are seen only after repeated use, (3) the expectation of the user has a significant effect on what he experiences, (4) the social setting in which use takes place has an effect on the response.

The information submitted to our subcommittee by NIMH lists the following as one of the few proven facts about marihuana:

Individuals react very differently to this drug, which is why you hear stories of extreme reactions, and stories of no reactions.

Let me dwell for a moment on one particular factor, the location where marihuana is grown. Evidence before the subcommittee indicates marihuana grown within the United States is generally of the relatively mild type. But this homegrown pot is not the stuff being circulated for use.

President Nixon's Task Force on Narcotics, Marihuana, and Dangerous Drugs concluded in June 1969, that most of the marihuana sold and consumed in the United States is grown in Mexico. How much THC did it contain? We do not know, but we do know it is characterized as high potency.

This was amplified in our subcommittee hearings this fall when Wayland Speer, the regional director of the Bureau of Narcotics and Dangerous Drugs for a 5-State area—Arizona, Colorado, New Mexico, Utah, and Wyoming—testified:

We have had a few large seizures from the Midwest, uncultivated marihuana harvested in Iowa and Nebraska. That is a small part of it. The main traffic, is 99% of the marihuana in this country, comes from Mexico.

A medical doctor, Gerald Starkey, Jr., medical coordinator, Denver Department of Health and Hospitals, put it this way:

Where the confusion lies is in the testing of different plants grown in different endemic areas with different soil and climate conditions . . .

Today, hashish, is plentiful in our metropolitan city and in potency ranges up to 40 times as potent as our locally grown marihuana. . . . Comparing a drug like hashish to locally grown marihuana is like comparing a firecracker to a stick of dynamite! Intoxicants as strong as hashish can and do cause panic reactions, acute anxiety states, and in those who have a borderline mental problem it can cause a frank psychosis. There are many questions unanswered about the drug we call marihuana.

Mr. President, as if there were not already enough variables facing the user, I must report there is another. Marihuana not only will vary in its own potency, it may be fixed in an unrecognizable fashion with even more dangerous drugs, as shown by this exchange:

Senator DOMINICK. Dr. Starkey, how does a young person who is being asked to experiment with drugs know what kind of marihuana is going to be given to him?

Dr. STARKEY. The young person doesn't know whether he is getting DMT (a dangerous hallucinogen) mixed with marihuana or is getting hashish or a local grass.

According to the American Medical Association:

The strength of marihuana sold in this country varies widely. It is almost always "cut" with tobacco or some other substance. Sometimes other more potent drugs are added. It is impossible to know exactly what is being sold under the name of marihuana; there is no quality control in the illegal drug business. This, plus uncertainty about one's own psychological reaction to it, makes marihuana experimentation risky.

In fact, there are so many variables affecting potency and reaction that marihuana research was severely hampered until synthetic THC was discovered in 1966. In other words, a consistent and precise quality of the natural drug was unavailable even to scientists.

I want to emphasize we have been listening in our hearings to people who have approached the drug problem from all sides, including users. We have visited Synanon in California, and listened to former users now in Cenikor, a nonprofit organization for rehabilitation of drugs abusers. The following exchange of Senator HUGHES with one user is representative of the responses we have had:

Senator HUGHES. What would you say to any young adult or young person who is tempted at this point to smoke their first marihuana cigarette?

Mr. LEVY. I would say, "Don't do it."

Personal experiences vary, but with odds like those noted above, one must ask whether the casual experimenter as well as the regular user, is taking an unnecessary and substantial health risk.

CONTRADICTIONS—OR ARE THEY?

Later in this statement, I will comment on what I call "the health unknowns" about marihuana. First, it is appropriate to review what we know about marihuana and health, and some of the conflicting statements that have been made.

What we know would not take long, for it is my considered judgment the "unknowns" far exceed the "knows."

As mentioned before, we know potency varies with THC content, and reaction varies with the user.

We know a small, low potency dose may produce a mild euphoria.

We know a relatively high potency dose may produce severe reactions, sometimes a psychotic-like one similar to those associated with LSD use.

Between these two extremes, there is a vast range of unknowns.

We know marihuana does not cause physical—as distinguished from psychological—dependence, nor does withdrawal cause physical sickness.

More information about known physical effects is set out in four excellent items produced by the National Institute of Mental Health, and I ask unanimous consent they be printed in the

RECORD at the conclusion of my remarks. They are as follows: First, a March 1969 pamphlet entitled "Marihuana—Some Questions and Answers"; second, a poster entitled "A Pot Primer for Parents"; third, a poster entitled "When Are They Going to Legalize Pot"; and fourth, a 60-second TV spot entitled "The Truth About Marihuana."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3, 4, 5, and 6.)

Mr. DOMINICK. Mr. President, marihuana is designated in medicine, but not in law, as a hallucinogen. Whether it is "mild" depends on the mix of all the factors I have described, and perhaps more.

When one is aware of these variables, but only then, is it more readily understood how seemingly contradictory "findings" are announced here and there around the country on the impact of marihuana use on health.

Unless the research took place since 1966 with synthetic THC, the researchers may well have been working on differing samples. On the other hand, their conclusions may be the result of an honest difference of opinion as to interpretation.

Three brief examples illustrate what I mean.

First, an Associated Press story carried in a Fort Collins, Colo., newspaper, June 6, 1969, was emblazoned with the headline "Science Foundation Reports Marihuana Not Harmful." The article then describes testimony of Dr. Phillip Handler, board chairman of the National Science Foundation, before a House appropriations subcommittee.

Contrast this to testimony we received in Los Angeles from Dr. Joel Fort, author of the widely distributed article "Pot—A Rational Approach." Dr. Fort is an effective advocate for a considerably different approach to marihuana than we have in present law, and he has been doing research on this drug for 13 years. Yet, even he stated:

> Now I would add that marihuana can sometimes produce an acute psychotic reaction. I have seen that myself. It is one of the reasons why I stress that no drug, including marihuana, is totally harmless.

Our subcommittee also received testimony from Dr. Henry Brill, chairman of the American Medical Association Committee on Alcoholism and Drug Dependence. That committee, along with AMA's Council on Mental Health and the Committee on Problems of Drug Dependence of the National Research Council, National Academy of Sciencies, reviewed available information and in 1968 concluded in a joint statement:

> Cannabis (marihuana) is a dangerous drug and as such, is a public health concern.

Second, the subcommittee received conflicting evidence as to other effects of marihuana—for example, any change in ability to drive an automobile or impairment of reflexes.

Research material from the Director of NIMH reads:

> The muscular incoordination and the distortion of space and time preception commonly associated with marihuana use are potentially hazardous *since the drug adversely affects one's ability to drive an automobile or perform other skilled tasks.*

While he testified he personally would recommend against driving an automobile, Dr. Fort informed our subcommittee of a University of Washington Medical School study which concluded that even "the sophisticated marihuana user, the person who had used it at least occasionally over a period of time, had no impairment whatsoever with the driving ability." In his own right, Dr. Fort testified, "The occasional use of marihuana—does not produce any measurable impairment of the individual functioning."

Third, a definite interpretation problem arose in a case cited by the President's Task Force:

> Recently a group of some 1500 psychiatrists, psychiatric residents, internists, general practitioners and psychologists in the Los Angeles area reported that they had seen almost 1900 "adverse reactions" to marihuana. It is difficult to interpret this finding since "adverse reaction" was poorly defined, and there has been no follow-up to define just what the reactions to the drug were. However, there have been reports of increased numbers of hospitalizations following the use of marihuana.

With the present situation, is it any wonder Americans are confused about marihuana?

THE HEALTH UNKNOWNS

Frankly, I believe our position today is wrapped up in a capsule by the testimony of Dr. Robert Weiland, special education department, of Colorado's Jefferson County school system. After describing a drug information program conducted in a school, he stated:

> One of the parents came to me after this had started and said, "I had a beautiful relationship with my daughter until you people put on that seminar. Now she is questioning me and my attitudes toward marihuana."
>
> Now parents feel very uncomfortable when kids challenge, and they challenge in an area where parents really aren't sure of themselves.

The fact of the matter is while there are some things we know about marihuana—and this information is available to parents—there is a great deal of uncertainty, a myriad of "unknowns."

If I may be allowed a pun on a pun: To put it mildly, the health consequences of using marihuana are not cut and dried by a long shot.

I want to emphasize in the strongest sense the following caution issued by the National Institute of Mental Health this year:

> Statements being reported by students that the use of marihuana is "medically safe" are not supported by scientific evidence. It is hoped that research now underway may add to the little currently known about the effects of the use of marihuana.

To that, add these statements from the same source:

> To be honest, scientists still don't know everything about the specific effects of marihuana . . .
>
> Today, research scientists are studying marihuana's effects on the brain, the nervous system, on chromosomes, and on various organs of the body. They're trying to find out why different people have different reactions to it. . . . Maybe it will turn out that there's no reason for it to be illegal. But nobody can be sure until all the facts are in. And until they are, it's a pretty bum risk.

Dr. James Goddard, former Commissioner of the Food and Drug Administration, appeared before the subcommittee. He lists the following health unknowns of marihuana:

> Does it affect the reproductive processes?
>
> Does it affect human chromosomes?
>
> Does long-term usage have harmful effects?
>
> What type of treatment will be most effective in rehabilitating chronic users?
>
> What conditions favor continuation of marihuana use as opposed to moving to hard drugs?

I have already placed in the CONGRESSIONAL RECORD the summary provided to me by the Library of Congress of federally financed research projects concerning marihuana. Some of those projects included marihuana only as a part of a larger study.

It is interesting to note, however, the testimony last month before a House Committee of the Surgeon General-designate, Dr. Jesse Steinfeld, on behalf of Dr. Egeberg, Assistant Secretary of HEW for Health and Scientific Affairs.

> With respect specifically to marihuana, NIMH activities have been substantially expanded with the past few years in recognition of the rapidly increasing seriousness of the marihuana problem. This increase is reflected in the amount of funds obligated by NIMH for research grants and contracts in this field. In FY 1967, NIMH obligated $786,000 for marihuana research grants and contracts. Comparable figures for 1968 and 1969 respectively were $1,239,000 and $1,330,000.
>
> In FY 1970, if funds are available, the Institute proposes to obligate $2,550,000 to support grant and contract studies of marihuana, which means that there will have been a more than three-fold increase for support of these studies in the last four years. In addition, of course, the Institute conducts its own intramural research programs on marihuana.

Mr. President, there is no question but that more research—extensive and intensive—is imperative.

Witness these comments from citizens seeking definitive answers about the drug.

From Dr. Walter Armistead, a high school principal:

> Medical research has been challenged and found wanting, in the area of definitive findings concerning marihuana.

From Dr. E. P. Sylvester, a botanist at Iowa State University:

> We've got to have some good, scientific information on marihuana.

CONCLUSION

Mr. President, there is a desperate need to bring a sense of order to the marihuana debate.

As one of our witnesses so aptly noted regarding the many studies underway about marihuana:

> Most of us know only that they exist, but don't know which one is in favor and which one is against this, that or the other thing.

He is not alone, members of our subcommittee probably share the same feeling. I do.

There is a compelling need for factual, scientific information.

A regular compilation and judgment on the state of health knowledge from private and publicly financed research is an absolute necessity.

Proposals have been made in the Congress for a Presidential Commission on Marihuana or some form of committee to study the problems for 1 or 2 years and make recommendations. How do you convince 8 to 12 million people to stop using marihuana and wait for 2 years for a decision? The one-shot approach is not adequate.

I keep remembering this statement before a House committee by Dr. Yolles, Director of NIMH:

There are few fields in which there have been so many competent and thorough investigations by committees and commissions over the years as there have been in the area of narcotics and dangerous drugs.

I see no need to establish another committee or commission to study marihuana.

In contrast to establishment of another commission, I would favor provisions to direct NIMH to conduct research and make a basic determination on marihuana.

Medicine, as lawyers are fond of noting, is not an exact science. Opinions differ and research moves forward.

What I am asking for is an authoritative decision—regularly updated—or whether marihuana can be given a clean bill of health.

The Secretary of HEW and Surgeon General would be required to give us a report on the current state of knowledge in 4 months—March 31, 1970.

Each of us must feel a deep sense of responsibility when we read about:

First. A Virginia youth now serving a 20-year sentence for marihuana violations. It was reported he went to a medical school library to read about the drug, and "finally convinced it wouldn't harm his body or his head, Frank tried marihuana and liked it."

Second. A 19-year-old Colorado youth now serving an indeterminate sentence for marihuana possession who concluded, "I know—the kids know—that marihuana's OK."

In my judgment, the evidence before our subcommittee points up too many variables, too many unknowns, too many risks.

We do not need a "scare the bejeebers out of them" approach. We need cold, hard scientific facts.

Until we get more facts, do not play Russian roulette with your health.

A word to the citizen about to try marihuana—whether he or she contemplates a once-only experiment or regular use—I am reminded of a current vogue expression: "Think About It."

The bill (S. 3190) providing for the Secretary of Health, Education, and Welfare, after consultation with the Surgeon General, to report annually to Congress concerning the health consequences of using marihuana, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the use of marihuana is increasing in the United States, especially among the young people thereof, and that there is need for a better understanding of the health consequences of using marihuana. The Congress further finds that, notwithstanding the various studies carried out, and research engaged in, with respect to the use of marihuana, there is a lack of an authoritative source for obtaining information involving the health consequences of using marihuana.

SEC. 2. The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971, and annually thereafter, concerning (1) current information on the health consequences of using marihuana, and (2) such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning such information and recommendations on or before March 31, 1970.

SEC. 3. This Act may be cited as the "Marihuana and Health Reporting Act".

EXHIBIT 2

MARIHUANA RESEARCH SUPPORTED BY VARIOUS NIMH PROGRAMS, ACTIVE DURING FISCAL YEARS 1968, 1969, AND 1970

(Fiscal information)

SECTION I: CENTER FOR STUDIES OF NARCOTIC AND DRUG ABUSE

A. Surveys of drug use; psycho-sociological research

Total Thru 69, $1,564,000.
Only 69, $536,000.
Only 70, $70,000.

B. Legal aspects of drug use

Total Thru 69, $8,000.
Only 69, —.
Only 70, —.

C. Drug effects; human studies

Total Thru 69, $21,000.
Only 69, $4,000.
Only 70, $21,000.

D. Experimental animal studies; chemical and biochemical research

Total Thru 69, $1,035,000.
Only 69, $270,000.
Only 70, $255,000.

E. Determination of drugs in body fluids

Total Thru 69, $370,000.
Only 69, $48,000.
Only 70, $39,000.

F. Prevention and education

Total Thru 69, $510,000.
Only 69, —.
Only 70, —.

G. Grants approved June 1969 council—to be paid in FY 70

1. Surveys and psycho-sociological research: FY 70, $284,000.
2. Experimental animal studies; chemical and biochemical research: FY 70, $64,000.
3. Prevention and education: FY 70, $39,000.

SECTION II: PSYCHOPHARMACOLOGY RESEARCH BRANCH

A. Clinical research

Total Thru 69, $1,739,000.
Only 69, $240,000.
Only 70, $255,000.

B. Experimental animal and biochemical research

Total Thru 69, $2,116,000.
Only 69, $486,000.
Only 70, —.

SECTION III: APPLIED RESEARCH BRANCH

Total Thru 69, $97,000.

SECTION IV: ADDICTION RESEARCH CENTER—LEXINGTON, KY.

Total Thru 69 (Approx), $150,000.
Only 69 (Approx), $50,000.
Only 70 (Approx), $50,000.

SECTION V: COMPLETED RESEARCH—PRIOR TO 1968

Total Thru 69, $28,000.

SECTION VI: TRAINING GRANTS

Total Thru 69, $1,843,000.
Only 69, $233,000.
Only 70, $204,000.

TOTAL MONEYS: MARIHUANA RESEARCH

Total Thru 69, $9,481,000.
Only 69, $1,867,000.
Only 70, $1,281,000.

SECTION I. CENTER FOR STUDIES OF NARCOTIC & DRUG ABUSE

A. Surveys; psycho-sociological studies

RO1–MH–12286 (3/66–2/68); Blum, Richard H., Stanford Univ., Stanford, Calif., Drug Use Among College Students, Total Pd, $98,000.

Completed research. See 2-volume book for research results: Blum, Richard H., & Associates. *Society and drugs. Social & cultural observations.* (Drugs I) 400 p. *Students and drugs, College and high school observations.* (Drugs II) 399p. San Francisco: Jossey-Bass, 1969.

Determined by survey methods, the patterns of drug use & abuse among West Coast college and high school students. Info on their socioeconomic background, religious & political participation, etc.

RO1–MH–13484 (2/67–7/69); Cohen, Nathan E., USLA, Inst of Govt & Pub Affairs, Los Angeles, Calif., Survey of Hallucinogenic Drug Abuse, Total Pd, $142,000, FY 69, $3,000.

To determine the prevalence of continuing LSD use in a sample of 300 persons out of a known population of 1400 persons in Los Angeles area who were given LSD by several physicians prior to 1962 for either research or therapeutic purposes. To distinguish continuers (of LSD use) from non-continuers. For continuers, patterns of use, motivations, & effects to be explored in detail. Detailed info on LSD & marihuana use; some info on other drugs of abuse including tobacco and alcohol.

RO3–MH–14130 (5/67–7/68); Pearlman, Samuel, Brooklyn Coll of the City of N.Y., Brooklyn, N.Y., Patterns of Student Drug Use and Abuse in Urban Universities, Total Pd, $4,000.

Students of 5 NYC universities will be given a questionnaire to study current patterns of student drug use, prevalence of drug abuse, and attitudes about drug use.

RO3–MH–14157 (1/68–12/68) (Continued as MH–17196); Grupp, Stanley E., Ill. State Univ., Normal, Ill., Marihuana Use and Emergent Drug Use Patterns, Total Pd, $4,000.

To study conditions necessary for sustaining a marihuana-use pattern as opposed to those necessary for the movement from marihuana use to hard drug use.

RO1–MH–14464 (5/68–4/71); Cohen, Melvin, Hillside, Hosp., Glen Oaks, N.Y., Drug Use in Psychiatric Patients, Pd Thru FY 69, $173, FY 69, $99,000, FY 70, $56,000.

Longitudinal study to determine the relationship of social, psychological, and psychiatric factors to the frequent use of potentially habituating drugs among a middle class psychiatric population (under age 26) and their siblings.

RO1–MH–14943 (6/66–8/69); Speck, Ross V., Hahnemann Med Coll., Philadelphia, Pa., Psychosocial Networks of Young Drug Users, Pd Thru FY 69, $163,000, FY 69, $57,000.

To study the social network of the adolescent "dangerous drug" user, including the pattern of contagion to their peers.

RO1–MH–15080 (6/67–8/68); Hollander, Charles, US Natl Student Assn., Washington, D.C., Regional College Studies of Student Drug Use, Total Pd, $61,000.

NSA to hold 3 regional conferences to study campus drug abuse and evaluate ways in which the university might respond to the rising incidence of campus drug abuse.

RO1–MH–15436 (5/68–9/69); Meyers, Frederick H., Univ of Calif Med Ctr., San Fran-

cisco, Calif., Drug Practices in the Haight-Ashbury Sub-Culture, Total Pd, $37,000.

To define patterns of drug use in Haight-Ashbury subculture and relate these to social, demographic, etc. variables; evaluate techniques of treatment.

RO3-MH-15659 (1/68-9/69); Goode, Erich B., Res Fdn of State Univ of N.Y., Albany, N.Y., A Sociological Study of Marihuana Users, Total Pd, $4,000.

Sociological study of 200 US urban resident marihuana users, studying initiation to use, motivation, communication, possible community, and use of other drugs.

RO1-MH-15737 (6/68-5/70); Wallerstein, Robert S., Pittel, Stephen M., Mt Zion Hosp & Med Ctr., San Francisco, Calif., Psychosocial Factors in Drug Abuse, Total Pd, $251,000, FY 69, $124,000.

To study and describe the social and psychological characteristics of the drug-based "hippie" community of San Francisco's Haight-Ashbury area.

RO3-MH-15805 (5/68-4/69); Goldstein, Joel W., Carnegie-Mellon Univ., Pittsburgh, Pa., Extent and Patterns of College Student Drug Use, Total Pd, $5,000.

A campus survey of drug usage, using a mailed questionnaire. Focus on what types of students use which drugs, under what conditions & with what perceived effects. Will measure students' drug information & misinformation. Pilot study for future research into personality differences between users & non-users and the conditions of beginning use and terminating use among students.

R01-MH-16054 (6/68-8/70); Kirk, Jerome R., Univ. of Calif., Irvine, Calif., Adolescent Users of Psychedelic Drugs, Pd Thru FY 69, $70,000, FY 70, $14,000.

To study the careers and role changes of a group of adolescent users of psychedelic drugs.

R01-MH-16161 (6/68-5/70); Holmes, Douglas, Assoc YM-YWHAs of Greater N.Y., New York, N.Y., Drug Use in Matched Groups of Hippies and Non-Hippies, Total Pd, $150,000, FY 69, $72,000.

To study the nature of drug use and of drug users among members of community centers and among a matched group of hippies in the metropolitan NYC area.

R01-MH-16224 (6/68-8/69); Steffenhagen, Ronald A., Univ. of Vt., Burlington, Vt., Group Therapy and Student Use, Total Pd, $74,000.

To study the personality and social characteristics of college student drug users as compared to non-users. University sponsored group therapy for student drug users at their request will provide good climate for data collection.

1 R01-MH-16536-01 (6/69-5/70); Rossi, Peter H., Johns Hopkins Univ., Baltimore, Md., National Survey of Drug Use on College Campuses, Total Pd, $113,000, FY 69, $113,000.

Nation-wide survey to make estimates of the prevalence of usage of psychoactive drugs and alcohol in the college and university population of the US; to investigate the personal and social concomitants of such use; to investigate the role of institutional factors (e.g. type of school, law enforcement policies, etc.).

1 R01-MH-16755-01 (6/69-5/70); McGlothlin, Wm. H., Univ. of Calif.—Dept. of Psychol., Los Angeles, Calif., Drug Use and Social Policy: Especially re Cannabis, Total Pd, $62,000, FY 69, $62,000.

A systematic and critical evaluation of the worldwide literature on cannabis, with special emphasis on the effects of use on the individual and society. Foreign language material to be translated or abstracted, depending on quality. Material to be rated on adequacy of scientific methodology and objectivity, as well as having content coded by topic.

R03-MH-17196 (5/69-4/70); Grupp, Stanley E., Ill. State Univ., Normal, Ill., Marihuana Use and Emergent Drug-Use Patterns, Total Pd, $6,000, FY 69, $6,000.

A continuation of MH-14157. A study of the conditions necessary and sufficient for movement from a marihuana use pattern to a hard drug use pattern. Subjects will now include bohemnians as well as college students, prison inmates, and persons from lower socio-economic strata.

PH-43-67-660 (8/67-2/69); Am Inst for Scientific Communications, Albertson, N.Y., Investigate Psychoactive Drug Use Among High School Students, Total, $63,000.

To develop a survey instrument & methodology for gathering data on drug use among the high school student population; to explore preventive education approaches; to gather data based on a probability sample of all high school students in a given community using methodology developed.

PH-43-68-664 (6/66-7/68); Friends of Psychiatric Res Inc., Baltimore, Md., Pilot Study on Illegal Drug Abuse in Maryland, Total Pd, $119,000.

To assess the feasibility of collecting data on drug abuse from various community agencies, other than police, and once collected, to interpret these data and evaluate their potential usefulness in helping community agencies (training schools, correctional, social, health, & educational agencies) to understand the various dimensions of the drug abuse problem.

PH-43-68-754 (FY68); Brotman, Richard, New York Med Coll., New York, N.Y., To Prepare a Position Paper on Marihuana, Total Pd, $18,000.

To produce a manuscript on marihuana. Includes cannabis and its history; the American experience with marihuana; and research strategies (public health, law, macrosociology, deviance, personality, economics).

B. Legal aspects

RO3-MH-14274 (6/67-8/68); Stone, Christopher D., Law Center, Univ of Southern Calif., Los Angeles, Calif., Legal Significance of Hallucinogenic Drug Research, Total Pd, $4,000.

To review existing knowledge about the hallucinogens and to survey the legal controls now in effect; explore alternative types of legal control systems.

RO3-MH-15714 (1/68-6/68); Maxwell, Richard, Univ of Calif., Los Angeles, Calif., Review of Marihuana Law Enforcement, Total Pd, $4,000.

Completed. See following publication: Kaplan, John. Project. Marihuana laws: An empirical study of enforcement and administration in Los Angeles County. *UCLA Law Review*, 15(5): 1499-1586, Sept. 1968.

C. Drug effects: Human studies

RO1-MH-15842 (6/68-8/70); Jones, Reese T. Langley Porter Neuropsychiatric Inst., San Francisco, Calif., Effects of Marihuana on Perception aid Cognition, Pd Thru FY 69, $17,000, FY 70, $21,000.

To study the effects of cannabis sativa on perceptual and cognitive functioning in human subjects.

RO3-MH-16810 (6/69-5/70); Tart, Chas. T., Univ. of Calif., Davis, Calif., Reported Quantities of Marihuana Intoxication, Total Pd, $4,000, FY 69, $4,000.

Using a 220 item questionnaire (already mailed out), investigator to study subjective effects of marihuana intoxication; to relate the patterns of effects reported to respondents various background factors such as use of other psychedelic drugs, length of marihuana use, educational level, etc.

D. Experimental animal studies; chemical and biochemical research

RO1-MH-4230 (9/60-8/71); Boyd, Eugene S., Univ. of Rochester—Sch. of Med., Rochester, N.Y., Neuropharmacological Effects of a Tetrahydrocannabinol, Pd. Thru FY 69, $253,000. Fy 69, $56,000, FY 70, $38,000.

Effects of 3 tetrahydrocannabinols to be compared with the effects of other psychotropic agents on 4 learned patterns of behavior in the white rat; elucidating mechanisms whereby THC derivatives produce their effects in the central nervous system.

RO1-MH-12608 (3/67-2/69); Miras, Constandings J., Univ. of Athens, Athens, Greece, Marihuana C14 Metbolism in Animals. Total Pd., $27,000.

To analyze existing supply of marihuana C14 by THC to separate and isolate working quantities of THC-C14; attempt to improve the specific activtiy of this material by improvement in growing methods; to investigate uniformity of the radioactive tag in the THC molecule.

RO1-MH-13180 (3/67-4/72); Mechoulam, Raphael, Hebrew Univ., Jerusalem, Israel, Marihuana Constituents. Pd. Thru FY 69, $73,000, FY 69, $23,000, FY 70, $33,000.

To study the chemical constituents of marihuana, to synthesize them, and to study their psychopharmacological activity. Essentially chemical research.

RO1-MH-14112 (6/67-8/70); Pickens, Roy W., Univ of Minn., Minneapolis, Minn., Behavioral Dependence on Non-narcotic Drugs, Thru FY 69, $87,000, FY 69, $41,000, FY 70, $41,000.

To develop procedures for evaluating behavioral dependence liability of non-narcotic drugs, and to explore environmental factors controlling the probability of such behavioral dependence in infrahuman subjects. Ss: male albino rats; monkeys. Drugs: LSD, THC, chlordiazepoxide, amphetamines, barbiturates, chlorpromazine.

RO1-MH-16051 (6/68-8/70); Burstein, Sumner H., Worcester Fdn for Exp Bio Inc., Shrewsbury, Mass., Metabolism of Marihuana-I H^{3}THC, Pd Thru FY 69, $22,000, FY 70, $25,000.

To study the metabolic transformations THC undergoes in vivo.

RO3-MH-16488 (3/69-2/70); Schlant, Robert C., Emory Univ., Atlanta, Ga., Effects of Marihuana and LSD Upon the Heart, Total Pd, $4,000, FY 69, $4,000.

To determine the effects of marihuana upon the heart & circulatory system of anesthetized dogs by studying the effects of inhaled crude marihuana smoke of known THC content; the effects of the IV injection of TCH will also be examined. To examine the effects of LSD upon the contractility and myocardial function in anesthetized dogs.

RO3-MH-16655 (3/69-2/70); Geber, William F., Med Coll of Ga., Augusta, Ga., Teratogenic Potential of Marihuana, Total Pd, $5,000, FY 69, $5,000.

To inject pregnant rats, hamsters, mice & rabbits with marihuana resin. After 5 days the animals will be sacrificed & their fetuses will be examined for possible malformations. It is also proposed to examine the fetuses of animals that have received marihuana extract over a period of 3 successive days.

RO1-MH-16663 (6/69-5/70); Best, Jay Boyd, Colorado State Univ., Fort Collins, Colo., Mechanism Action of Marihuana, Total Pd, $41,000. FY 69, $41,000.

A study of 1) the kinetics of absorption, transport, distribution & final disposition of THC following its inhalation as a vapor—to include ultracentrifugation of natural particles & the effects of THC on binding, & 2) the effect of THC upon experimentally induced aggressive behavior in animals. (Developing techniques for measuring the rate of THC absorption & distribution & some of the behavioral effects of marihuana administered by inhalation.)

RO1-MH-16990 (6/69-5/72); Pace, Henry B., Univ of Miss, University, Miss., Reproductive-Developmental Toxiocology of Marihuana, Pd. Thru FY 69, $52,000, FY 69, $52,000. FY 70, $67,000.

To examine the effects of marihuana preparations & synthetic cannabinols, administered repeatedly prior to or during the gestation period, on the mammalian reproductive processes. Possible effects of interest: altered fertility of either sex, failure of nor-

mal prenatal & postnatal development or reduced viability of the offspring, altered neurological or behavioral characteristics of the offspring. Effect on various aspects of reproduction through as many as 4 successive generations.

RO1–MH–17001 (6/69–5/74); Harris, Louis S., Univ of N Car., Chapel Hill, N.C. PHARMACOLOGY of (—)–Δ8 & 9–TRANS–THC, Pd Thru FY 69, $48,000, FY 69, $48,000, FY 70, $51,000.

To study the effects on 2 of the active marihuana principles on the CNS, the cardiovascular system & on the biochemical interactions with various enzyme systems & biogenic amines. Effects on spontaneous motor activity, interaction with reserpine & barbiturates, tests for amphetamine-like properies & a battery of behavioral procedures, etc.

PH–43–68–1307 (6/68–6/69); Univ. of Miss., Sch of Pharm., University, Miss., Cultivation and Extraction of Cannabis Sativa L., Pd Thru FY 69, $115,000.

To grow and harvest marihuana; extract "red oil"; study effects of environment, age of plants and harvesting procedures upon quantity of resins and quality of active components in resin; develop suitable analytic procedures for components of resin.

PH–43–68–1338 (6/68–5/69); Battelle Memorial Inst., Columbus, Ohio, Bioanalytical Studies of Cannabis Smoking (using smoking machine), Pd Thru FY 69, $107,000.

Using a smoking machine, determine what compounds of the cannabinoid class gets into the system of the marihuana user; metabolic study of cannabinoid compounds in marihuana and marihuana smoke; bioassay procedure.

PH–43–68–1339 (6/68–11/68); A D Little, Cambridge, Mass., Synthesis of THC (To produce Δ^8 & Δ^9 THC). Pd Thru FY 69, $65,-000.

To produce between 2.5 and 3 kilograms each of Δ^8 and Δ^9 THC.

PH–43–68–1340 (6/68–9/68); A D Little, Cambridge, Mass., Synthesis Methods of (To examine method), Pd Thru FY 69, $10,000.

To examine the method of synthesis of Δ^8 and Δ^9 trans-tetrahydrocannabinols as published by Petrzilka and compare it with approach for preparation of large quantities of THC compounds.

PH–43–68–1451 (6/68–6/69); Research Triangle Inst., Research Triangle, N.C., Preparation of a Representative "Red Oil" Fraction From Marihuana, Pd Thru FY 69, $19,000.

Extraction of "red oil" from plant material available from FBN; "red oil" to be freed from as much non-cannabinol types of materials as possible without destroying the THC content. Experience to be used as guide for extracting freshly grown material.

PH–43–68–1452 (6/68–6/69); Research Triangle Inst., Research Triangle Park, N.C., Synthesis of Radiolabelled Compounds (—)-Δ8 & (—)-Δ9 *trans*-THC, Pd Thru FY 69, $85,000.

To conduct the exploratory examination of the Petrzailka method of synthesizing THC; prepare radiolabeled compounds: carbon-14 labeled Δ8 THC and Δ9 THC; Titium labeled Δ8 THC and Δ9 THC; anticipated yield: 1 to 5 grams; components purified.

PH–43–68–1454 (6/68–6/69); Research Triangle Inst., Research Triangle Park, N.C., Isolation of Cannabinol Diacetate From Stored Marihuana, Pd Thru FY 69, $22,000.

To extract cannabinol and purify it as its crystalline acetate.

E. Determination of drugs in body fluids

RO1–MH–12959 (6/67–5/70); McIssac, William M. Tex Res Inst of Ment Sci., Houston, Texas, Drug Abuse, Total Pd, $143,000, FY 69, $48,000.

To develop methods for rapid detection of narcotics, barbiturates, amphetamines, phenothiazines, marihuana and hallcucinogens in biologic fluids using TLC and gas chromatography.

RO1–MH–13748 (1/67–12/70); Jaffe, Jerome H., Univ. of Chi., Chicago, Ill., Mechanisms of Tolerance and Physical Dependence, Total Pd, $44,000.

Studies on development of tolerance to and physical dependence on chronically administered drugs. Drugs: Opiates, barbiturates, scopolamine, cannabis, BOL, methsergide, nitrous oxide, etc. Ss: cats, rabbits, mice, rats, monkeys.

RO1–MH–14321 (6/67–11/71); Craig, John C., Sch. of Pharmacy, Univ. of Calif., San Francisco, Calif., Microgram Identification of Psychotropic Drugs (Particularly hallucinogens), Pd Thru FY 69, $112,000, FY 70, $39,000.

To develop methods for the identification of microgram quantities of psychotropic drugs (in particular, hallucinogenic drugs of abuse) by a combination of techniques using TLC, gas-liquid chromatography, infrared spectroscopy, and mass spectometry.

PH–43–64–931 (3/67–2/68); Hine Laboratories, San Francisco, Calif., Provide for Continuation of Study of Methods for Determining Narcotic Usage (marihuana, heroin, codein, etc.), Pd Thru FY 69, $71,000.

Compare existing methods for determining narcotic and drug abuse; pilot study on marihuana to identify in urine; evaluate length of time during which the urine and pupil tests remain positive (heroin & codein).

F. Prevention & education

PH–43–68–1322 (5/68–5/69); Grey Advertising Inc., New York, N.Y., Public Education Campaign on Drug Abuse, Pd Thru FY 69, $287,000.

To plan & develop a nat'l advertising campaign on drug abuse. To develop TV & radio commercials, newspaper & posted ads, brochures, etc. To provide consultation to NIMH in use of mass media for public educ in narcotics & drug abuse.

PH–43–68–1376 (6/68–11/68); National Education Assn., Washington, D.C., Insert for Inclusion in NEA Journal, Pd Thru FY 69, $23,000.

Completed. See the following publication: Students and drug abuse. *Today's Education* (NEA Journal), 58(3):35–50, March 1969. Circulation approx 1,400,000—teachers, principals, counselors, etc.

PH–43–68–1471 (6/68–6/69); American Assn for Hlth., Phy Ed & Recreation, Washington, D.C., Drug Abuse Education Development Program, Pd Thru FY 69, $200,000.

To develop guidelines for teacher education workshops on drug abuse & to develop "insturctional units"—materials to be used in Jr & Sr High school classrooms. Materials to be ready by Fall 1969.

G. Grants approved June '69 council to be funded in FY 1970

1. Surveys and Psycho-Sociological Research

RO1–MH–17383 (7/69–6/70); Myers, Peter L., Encounter, Inc., New York, N.Y., A Study of the Pre-Addict Personality, FY 70, $47,000.

To evaluate the efficacy of the Encounter program (similar to Daytop & Synanon) in dealing with the young middle class drug abuser. To investigate (1) the difference in social & personality characteristics between the pre-addict and the young non-drug user; (2) to discover the background & personality characteristics which predict whether a non-heroin user will succeed in this type program; (3) to determine what happens to people who leave the program. Detailed interviews with young drug and non-drug users; MMPI, etc; follow-up to determine long-term efficacy of treatment methods employed.

RO1–MH–17589 (7/69–6/71); Elinson, Jack, Columbia Univ., New York, N.Y. A Study of Teen-Age Drug Behavior, FY 70, $128,000.

To collect data, thru use of self-administered questionnaires, on the drug using behavior & attitudes of jr & sr high school students in order to devise more effective methods of intervention & education in drug abuse. Both longitudinal & trend data. Major areas covered in survey: 1) perception of drugs & their affects; 2) personal experience with drugs; 3) health; 4) family life; & 5) personal characteristics. Emphasis on relationship between drug use and achievement. (N=40,000)

ROI–MH–17642 (9/69–8/75); Manheimer, Dean I., Langley Porter Neuropsychiat Inst., San Francisco, Calif., Drug Use Related to College and Career Achievement, FY 70, $103,-000.

To study the relation of drug use during college to objective indicators of academic & career achievement & to subjective feeling of self-fulfillment using personal interviews & questionnaires. Involves 3 samples of men; 1) longitudinal panel of men graduating in 1971, N=1600; 2) a longitudinal sample entering as freshmen in 1970, N=1250; & 3) a cross-section who entered as freshmen in 1967, incl. drop-outs & transfers, N=1800.

RO3–MH–17647 (7/69–6/70); Rozynko, Vitali V., Mendocino State Hosp., Talmage, Calif., Typology of Drug Users, FY 70, $6,000.

To provide typology of drug abusers, will interview & administer psychological tests to a sample of 200 M admissions to the Mendocino State Hosp Drug Abuse Treatment Prgm, isolate discrete variables, both from the interviews & the test scores; then use multivariate techniques to perform cluster analyses in an attempt to discover meaningful dimensions of drug abuse. Population includes many methedrine users.

2. Exp. Animal Studies; Chem and Biochem Research

RO1–MH–15864 (7/69–6/70); Forney, Robt B., Indiana Univ Fdn., Bloomington, Ind., Isolation and Toxicology of THC, FY 70, $30,000.

Natural THC will be extracted from marihuana. The purified product will be compared to synthetic THC. More rapid & specific extraction procedures will be sought. The CNS effects will be further explored. Absorption, distribution, excretion & metabolism of THC & derivatives will be studied in animals (dogs, rats, mice). Human paid volunteers to be used to study effects of marihuana alone & in combination with other drugs.

RO1–MH–17478 (9/68–8/72); De Ropp, Robt S., Univ. of San Francisco, San Francisco, Calif., Effects of Smoke on Cannabis Sative on Mice, FY 70, $34,000.

Study of the effect of smoking marihuana on the behavior, emzymes and biogenic amine brain levels in mice as well as the carcinogenic & teratogenic effects. Specific measurements will be made of the amount of smoke necessary to produce discernible behavioral changes, the nature of the changes producd by either fraction, the incidence of cancer, effects on longevity, fetal absorption, abnormal fetal development, relative activities of certain brain enzymes and changes in brain serotonin of catecholamine levels.

Prevention and Education

RO1–MH–17527 (7/69–6/70); Drucker, Paula K., Westchester Reg Educ Ctr., White Plains, N.Y., Study of Drug Use and Abuse, FY 70, $39,000.

To initiate and test newly developed health education materials (with particular emphasis on drugs) in 4 Westchester high schools, representing a range of SESs. Student leaders and teachers, who will lead the drug educ classes will receive a weekend of sensitivity training before classes begin. Classes of ½ hr of formal presentation of material, with 1 hr of small grp discussion will be led by trained leaders. Initial target grp will be 100 10th grade students who will attend these sessions once a week for 20 weeks. Methods of presentation will vary (students alone; teachers alone; students and teachers interacting) and the effects of the varying methods will be evaluated. 2nd test group will be 7th graders.

SECTION II: PSYCHOPHARMACOLOGY RESEARCH BRANCH

Clinical research

RO1–MH–3030 PY–C (4/59–5/73); Hollister, Leo E., Stanford Univ., Stanford, Calif., Improved Clinical Screening of Phrenotropic Drugs, Pd Thru FY 69, $727,000; FY 69+$94; FY 70, $103,000.

See publications: Hollister, Leo E., Richards, Richard K., and Gillespie, H. K. Comparison of THC and synhexyl in Man. *Clinical Pharmacology and Therapeutics,* 9(6):783–792, Nov–Dec 1968. Hollister, Leo E. Steroids and moods: Correlations in schizophrenics and subjects treated with LSD, mescaline, THC, and synhexyl. *Journal of Clinical Pharmacology,* 9(1):24–30, Jan–Feb 1969.

R10–MH–4669 PY–C (1/61–2/72); Gershon, Samuel, NY Univ Med Ctr., New York, N.Y., Controlled Drug Evaluations, Pd Thru FY 69, $1,012,000, FY 69, $146,000, FY 70, $152,000.

See publication: Hekimian, Leon J., and Gershon, Samuel. Characteristics of drug abusers admitted to a psychiatric hospital. *JAMA,* 205(3):125–130, July 15, 1968.

B. Experimental animal and biochemical research

R10–MH–10990 PY–P (4/65–11/69); Irwin, Samuel, Univ of Oregon Med Sch., Portland, Oreg., Pre-Clinical Drug Evaluation and Methods Development, Total pd, $304,000.

Part of grant: Research program in psychopharmacology—Chronic studies with drugs that are abused. To investigate the similarities and differences in behavioral effects of several members (short and long-acting) of each class of drugs abused, using observational procedures. For cannabis class, THC to be studied.

R10–MH–11468 PY–P (6/65–5/70); Bass, Allan D., Vanderbilt Univ Sch of Med., Nashville, Tenn., Psychopharmacology Research Center, Pd Thru FY 69, $1,095,000, FY 69, $261,000.

Drug metabolism and biochemical pharmacology. Relationship between the CNS stimulating agents and catecholamines storage, secretion and metabolism. Recently undertaken study of actions of tetrahydrocannabinol.

R01–MH–11752 PY–P (6/65–8/69); (Formerly MH–3229), Weiss, Bernard, Univ of Rochester, Rochester, N.Y., Effects of Psychopharmacologic Agents on Behavior, Pd Thru FY 69, $303,000, FY 69, $75,000 more recommended.

To relate specific behavioral processes to specific neuropharmacological actions and to provide the basis of such correlations. (Monkeys) Part of research: studies on the effect of THC isomers (added to cigarettes) on various behavioral parameter in monkeys.

RO1–MH–11846 PY–P (6/66–8/69); Domino, Edward F., Univ of Mich., Ann Arbor, Mich., Michigan Neuropsychopharmacology Research Program, Pd Thru FY 69, $240,000, FY 69, $83,000.

Effects of psychoactive drugs & neurotransmitter mechanisms. Interactions of cholinergic, adrenergic, serotonergic & histaminergic systems in the rain in regard to arousal-sleep, self-stimulation and escape behavior. Interaction of marihuana & its derivatives being investigated on these phenomena.

RO1–MH–13186 PY–P (9/66–8/72); Freedman, Daniel X., Univ of Chi., Chicago, Ill., Psychogenic Procedures and Brain Neurohumors, Pd Thru FY 69, $174,000, FY 69, $67,000, (Formerly MH–3363).

Psychopharmacology of LSD & various forms of stress, & the effects of LSD on the "binding", metabolism & turnover of brain amines, particularly 5–HT & NE. Effects of the active THC isomer from marihuana on brain amine levels. See following publication: Holtzman, David, Lovell, Richard A., Jaffe, Jerome H., & Freedman, Daniel X. 1–Δ9–tetrahydrocannabinol: Neurochemical and behavioral effects in the mouse. *Science,* 163 (3874):1464–1467, March 28, 1969.

SECTION III: APPLIED RESEARCH BRANCH

MH–10903 (AP–S) (9/65–8/68); Hoffman, Martin, Mt Zion Hosp & Med Ctr., San Francisco, Calif., Identity and Information Control in Social Deviants, Total Pd, $97,000.

To study 2 types of deviant persons—marihuana smokers & homosexuals. Emphasis on those who lead conventional lives (not extremists). Techniques, informational control, & attitudes of deviant career to be analyzed. Life-style & deviant subculture to be described & analyzed.

SECTION IV: ADDICTION RESEARCH CENTER—LEXINGTON, KY.

M–AR–2; Isbell, Harris, NIMH Addiction Res Ctr., Lexington, Ky., Acute and Chronic Intoxication with Drugs Other Than Analgesics, Barbiturates, and Alcohol (LSD, Marihuana) Approx.

See publications: Isbell, H., Gorodetzsky, C. W., Jasinski, D., Claussen, U., Spulak, F., & Korte, F. Effects of (−) 9-trans-tetrahydrocannabinol in man. *Psychopharmacologia (Berl.)* 11(2):184–188, June 1967, Isbell, H., Jasinski, D. R., & Garodetzky, C. W. Studies on tetrahydrocannabinol I. Method of assay in human subjects and results with crude extracts, purified tetrahydrocannabinols and synthetic compounds. In: *Bulletin, Problems of Drug Dependence,* Wash., DC, 1967. App. 4, pp. 4832–4846.

SECTION V: COMPLETED RESEARCH—PRIOR TO 1968

RO1–MH–10105 (9/64–8/66; Dolby, Lloyd J., Univ of Oregon, Eugene, Oreg., The Synthesis of Tetrahydrocannabinol, Total Pd, $28,000.

A biogenetic-type synthesis of THC starting with citronellal. Dolby examined the reaction conditions that were successful for the synthesis THC but did not obtain adequate samples for biological testing and as another lab had completed this type research, Dolby switched to the study of indole alkaloids.

SECTION VI: TRAINING GRANTS

TO1–6177 (PI) (56–6/70); Cameron, John L., Chestnut Lodge Res Inst., Rockville, Md., Psychiatry—Psychotherapy of the Psychoses, Pd Thru 69, $308,000, FY 69, $32,000, FY 70, —.

Hospital is increasingly dealing with a younger age group whose illnesses may be described as a serious character disorder or marked disabling psychoneurosis. Dabbling with drugs (including marihuana LSD, & hashish) is one of the problems.

TO1–6300 (PT) (57–6/73); Offenkrantz, Wm C., Univ of Chicago, Chicago, Ill., Psychiatry (Basic Residency Training), Pd Thru 69, $1,535,000, FY 69, $201,000, FY 70, $204,000.

Drug Abuse Prgm under Dr. Jerome Jaffe, basic actions in animals, toxicology and drug detection. Neurochemical & Psychopharmacological Prgm under Daniel X. Freedman. Behavioral lab under Dr. James Appel—behavioral pharmacology of LSD and marihuana. Studies of the aversive control of behavior and the role of punishment in conditioning procedures. Dr. Richard Lovell in charge of Neurochem Lab—study of psychoactive drugs & brain amines.

EXHIBIT 3

[Public Health Service Publication No. 1829]

MARIHUANA—SOME QUESTIONS AND ANSWERS

WHAT IS MARIHUANA?

Marihuana is a drug found in the flowering tops and leaves of the Indian hemp plant, *cannabis sativa.* The plant grows in mild climates in countries around the world, especially in Mexico, Africa, India, and the Middle East. It also grows in the United States, where the drug is known as pot, tea, grass, weed, Mary Jane, and by other names.

For use as a drug, the leaves and flowers of the plant are dried and crushed or chopped into small pieces. This green product is usually rolled and smoked in short cigarettes or in pipes, or it can be taken in food. The cigarettes are commonly known as reefers, joints, and sticks. The smoke from marihuana is harsh, and smells like burnt rope or dried grasses. Its sweetish odor is easily recognized.

The strength of the drug differs from place to place, depending on where and how it is grown, how it is prepared for use, and how it is stored. The marihuana available in the United States is much weaker than the kind grown in Asia, Africa, or the Near East.

WHAT IS ITS USE?

Although it has been known to man for nearly 5,000 years, marihuana is one of the least understood of all natural drugs. In China, very early in history, it was given to relieve pain during surgery and, in India, as a medicine. Unlike other drugs, it has no known use in modern medicine. It is used mainly for its intoxicating effects. According to a United Nations survey, it has been most widely used in Asia and Africa.

Traffic in and use of drugs from the cannabis plant is now legally restricted in nearly every civilized country in the world, including countries where marihuana is used in religious ceremonies or as a native medicine.

HOW WIDELY IS IT USED IN THE UNITED STATES?

The use of marihuana as an intoxicating drug was introduced in the United States in 1920. In 1937, its general use was outlawed by the Federal Marihuana Tax Act, followed by strict laws and enforcement in every State. In the mid-1960's, authorities reported a sharp increase in the use of marihuana. Arrests on marihuana charges have more than doubled since 1960, according to the President's Commission on Crime.

The exact extent of marihuana use in the United States is not known. Some health authorities believe that 4 to 5 million Americans may have used the drug at least once in their lives. Other estimates are as high as 20 million. Research studies are underway to determine more precisely just how widely the drug is used.

HOW DOES THE DRUG WORK?

When smoked, marihuana quickly enters the bloodstream and acts on the brain and nervous system. It affects the user's mood and thinking. Its pathway into the brain is not yet understood. Some scientists report that the drug accumulates in the liver. Because it may cause hallucinations when taken in very large doses, it is classed as a mild "hallucinogen." Just how the drug works in the body and how it produces its effects has not yet been discovered by medical science.

WHAT ARE ITS PHYSICAL EFFECTS?

The long-term physical effects of taking marihuana are not yet known. The kind of research needed to learn the results of chronic use has not yet been done.

The more obvious physical reactions include rapid heart beat, lowering of body temperature, and sometimes reddening of the eyes. The drug also changes blood sugar levels, stimulates the appetite, and dehydrates the body. Users may get talkative, loud, unsteady, or drowsy, and find it hard to coordinate their movements.

WHAT ARE ITS OTHER EFFECTS?

The drug's effects on the emotions and senses vary widely, depending on the amount and strength of the marihuana used. The social setting in which it is taken and what the user expects also influence his reaction to the drug.

Usually, when it is smoked, marihuana's effect is felt quickly, in about 15 minutes. Its effects can last from 2 to 4 hours. The range of effects can vary from depression to a feeling of excitement. Some users, however, experience no change of mood at all. The sense

of time and distance of many users frequently becomes distorted. A minute may seem like an hour. Something near may seem far away.

HOW DOES MARIHUANA AFFECT JUDGMENT?

A person using marihuana finds it harder to make decisions that require clear thinking. And he finds himself more easily open to other people's suggestions. Doing any task that takes good reflexes and thinking is affected by the drug. For this reason it is dangerous to drive while under the influence of the drug.

WHAT ARE THE LATEST FINDINGS ABOUT THE DRUG?

Working with man-made tetrahydrocannabinol, one of the active ingredients of marihuana, a leading scientist recently found that high dosages of the drug brought on severe reactions in every person tested. The National Institute of Mental Health study also showed that psychotic reactions sometimes occur, for unknown reasons, in some individuals who take smaller amounts.

The scientist observed that a dose equal to one cigarette of the United States type can make the smoker feel excited, gay, or silly. After an amount equal to four, the user notices changes in what he can perceive. He reports that colors seem brighter, his sense of hearing keener. After a dose equal to 10 cigarettes, other reactions set in. He experiences visual hallucinations (seeing things that are not there), illusions (seeing or imagining shapes in objects that are not there), or delusions (beliefs not based in reality). His mood may swing from great joy to extreme anxiety. He may become deeply depressed, or have feelings of uneasiness, panic, or fear.

IS MARIHUANA ADDICTING?

Authorities now think in terms of drug "dependence" rather than "addiction." Marihuana, which is not a narcotic, does not cause physical dependence as do heroin and other narcotics. This means that the body does not become dependent on continuing use of the drug. The body probably does not develop a tolerance to the drug, either, which would make larger and larger doses necessary to get the same effects. Withdrawal from marihuana does not produce physical sickness.

A number of scientists think the drug can cause psychological dependence, however, if its users take it regularly. All researchers agree that more knowledge of the physical, personal, and social consequence of marihuana use is needed before more factual statements can be made.

DOES IT LEAD TO USE OF NARCOTICS?

A 1967 study of narcotic addicts from city areas showed that more than 80 percent had previously used marihuana. Of the much larger number of persons who use marihuana, scientists agree that few go on to use morphine and heroin. No direct cause-and-effect link between the use of marihuana and narcotics has been found. Researchers point out, however, a person predisposed to abuse one drug may be likely to abuse other, stronger drugs. Also, users of one illicit drug may be exposed to a variety of them through contacts with drug sellers and other users.

WHAT ARE THE LAWS DEALING WITH MARIHUANA?

Under Federal law, to have, give or sell marihuana in the United States is a felony, which is a serious crime. Federal and many State laws deal with the drug as severely as if it were a narcotic.

The Federal penalty for possessing the drug is 2 to 10 years imprisonment for the first offense, 5 to 20 years for the second offense, and 10 to 40 years for further offenses. Fines of up to $20,000 for the first or subsequent offenses may be imposed. State laws also control the illicit use of these drugs. For transfer or sale of the drug, the first offense may bring a 5- to 20-year sentence and a fine of up to $20,000; two or more offenses, 10 to 40 years in prison. If a person over 18 sells to a minor under 18 years of age, he is subject to a fine of up to $20,000 and/or 10 to 40 years in prison for the first offense, with no suspension of sentence, probation, or parole.

WHAT ARE THE SPECIAL RISKS FOR YOUNG USERS?

Breaking the laws dealing with marihuana can have serious effects on the lives of young people. They may find their education interrupted and their future shadowed or altered by having a police record. An arrest or conviction for a felony can complicate their life and plans at many turns. For example, in many States, a person with a police record must meet special conditions to obtain or renew a driver's license. Conviction can prevent a person from being able to enter a profession such as medicine, law, or teaching. It can make it difficult for him to get a responsible position in business or industry. Special hearings are necessary before he can hold a government job. Before a student tries marihuana, he should be aware of the social and legal facts about getting involved with the drug.

Other risks are pointed out by experts on human growth and development. They say that a more subtle result of drug abuse on the young person is its effect on his personality growth and development. For young people to experiment with drugs at a time when they are going through a period of many changes in their transition to adulthood is a seriously questionable practice.

"It can be especially disturbing to a young person who is already having enough of a task getting adjusted to life and establishing his values," says an NIMH scientist engaged in studies of young marihuana users.

Another reason for caution: Statements being reported by students that the use of marihuana is "medically safe," are not supported by scientific evidence. It is hoped that research now underway may add to the little currently known about the effects of the use of marihuana.

WHY IS SO LITTLE KNOWN ABOUT THE DRUG?

Medical science does not yet know enough about the effects of marihuana use because its active ingredient—*tetrahydrocannabinol*—was produced in pure form only recently. In the summer of 1966 the chemical, first synthesized by an NIMH-supported scientist in Israel, was made available for research purposes. Now for the first time researchers can accurately measure the drug's effects and study its short- and long-term action on the body.

WHAT RESEARCH IS BEING DONE?

The National Institute of Mental Health, an agency of the Public Health Service, is responsible for supporting and conducting research to learn more about marihuana and to present this knowledge to the public.

The program of the NIMH Center for Studies of Narcotic and Drug Abuse includes surveys of how people get the drug, how widely students and others use it, and what effects different amounts and periods of use have upon people, physically and psychologically. With NIMH support, scientists are now studying the special drug qualities of marihuana, and its physical effects on the body.

The NIMH Addiction Research Center in Lexington, Kentucky, plans research to discover exactly how marihuana affects memory, perception (or awareness), mood, and physical movement. Other studies are planned to learn more about the drug's long-range effects on the body and mind.

EXHIBIT 4

A POT PRIMER FOR PARENTS

Know enough basic facts about marihuana to talk to your son and daughter about it.

As a parent, you're concerned. You read that college, high school, even junior students smoke marihuana. What about your own son or daughter? Have they tried it? Would they tell you? Do you just keep quiet and hope—do you talk?

Your youngsters may joke about grass, tea, joint, roach, head—words that mean something different to you. They seem to know more about drugs than you do—that's their side of the generation gap. But not all their "facts" may be facts.

Can you talk frankly to your child about pot?

As frankly as about other important matters, with tact and mutual respect. It may be easier to start by discussing marihuana experiences he's heard of from his friends. You won't want to come across as accusing or angry—it's as risky to assume he does "turn on" as to assume he doesn't. Keep it simple, direct. And make sure your concern for him, and what happens to him, shows.

Who uses pot, and why?

More boys than girls. Girls are likelier to try if their boyfriends smoke it. A majority of young people have not tried it, and have enough self-assurance to resist trying it. A number have tried it once or twice out of curiosity or boredom. A smaller number "turn on" just on weekends. A small percentage become "heads"—their lives centered around marihuana or other drugs, with very little interest in anything else.

What proven facts about marihuana can you tell him?

1. Individuals react very differently to this drug, which is why you hear stories of extreme reactions, and stories of no reaction.

2. Reactions vary according to setting, expectation, pattern of use, and the strength of the marihuana (which varies greatly).

3. Because of all these variables, little has been proven conclusively about specific effects of marihuana on the mind and body. This does not mean there *are* no ill effects, but that they cannot be catalogued and predicted exactly.

4. Involvement with this drug during the years while the young personality is finding and shaping itself, and learning how to deal with life's problems, is an intangible danger to try to measure, but of deep importance. That's a hard fact for the young to understand.

5. The possession of marihuana is illegal under local laws. In many states, it is a felony, equivalent to the possession of heroin. The laws provide severe penalties. Even being in the company of someone who possesses marihuana may make your child liable for arrest.

Easy answers to hard questions.

There aren't any. If your children ask, "What about parents' drinking and smoking?" a partial answer is that *your* body and personality have matured. Once anyone becomes dependent on any drug, including alcohol and cigarettes, it can be difficult to stop. Even if you're convinced they're harmful.

"Why do adults say marihuana leads to stronger drugs when that hasn't happened to my friends?" A teen-ager's experience is limited; it *has* happened. While marihuana itself does not lead to other drug use, association with "dealers" and drug users may be the first step to experimenting with LSD, speed and even heroin. And these drugs are far more than a stronger form of pot.

"What about the people who say pot is OK?" To be honest, scientists still don't know everything about the specific effects of marihuana. But certainly, the "authorities" your children quote, know even less. No expert is saying today that pot should be legal.

It boils down to this. Marihuana is a risk nobody *has* to take. Least of all somebody you care about.

For more detailed facts about marihuana and other drugs, write for free booklets to: National Institute of Mental Health, Box 1080, Washington, D.C. 20013.

EXHIBIT 5

WHEN ARE THEY GOING TO LEGALIZE POT?

A lot of people these days are going around saying it's only a matter of months until Acapulco Gold is available over the counter in menthol and king-size lengths.

Which is an indication of how little people know about marihuana. The real fact of the matter is that marihuana is a drug. Like all drugs, it affects the human body and the human brain. Like all drugs, it has side effects.

Today, research scientists are studying marihuana's effects on the brain, the nervous system, on chromosomes, and on various organs of the body. They're trying to find out why different people have different reactions to it.

They're studying its effects after one or two cigarettes, and they're trying to find out what happens with long term use.

Maybe it will turn out that there's no reason for it to be illegal. But nobody can be sure until all the facts are in. And until they all are, it's a pretty bum risk.

For more facts about drugs, write for free drug booklets to: National Institute of Mental Health, Box 1080, Washington, D.C. 20013.

EXHIBIT 6

THE TRUTH ABOUT MARIHUANA

(Marihuana: 60 Secs.)

Open on hands: Anncr: (VO).

They roll a "joint": Why doesn't anyone tell the truth about marihuana?

Man: (VO).

Smoke pot. . . . and you wind up hooked on heroin!

Young, Hip Man: (VO).

Man, it's cleaner than alcohol!

Woman: (VO).

It's the first step right into the psycho ward.

Man: (young) (VO).

There's just no reason to keep it illegal!

Anncr: (VO).

Today, not one of those statements is true. Because to date, not one is based upon scientific fact. Millions of dollars are being spent this year on research to get these facts.

Hand takes it out of frame, smoke enters frame.

But there's one fact you should know now, possession of marihuana in the United States is a felony. Don't treat that fact lightly! Conviction, even with a suspended sentence, can, in some states, prevent you from getting a driver's license, furthering your education, landing a government job, or working in a profession.

Pan to license, pan to employment application, pan to doctor's license, pan to "joint," still burning, move in on smoke, N.I.M.H. logo.

With marihuana, some things that may be important to you in the future, can go up in smoke.

And that is the truth!

S. 3191—INTRODUCTION OF A BILL RELATING TO STATUS OF CERTAIN LANDS IN CALIFORNIA

Mr. CRANSTON. Mr. President, on behalf of myself and my colleague, the senior Senator from California (Mr. MURPHY), I introduce for appropriate reference a bill to affect the status of various lands in Inyo and Mono Counties in the State of California. This bill has evolved through discussions among the appropriate Federal agencies, the city of Los Angeles, and the counties of Inyo and Mono. It represents, I believe, a satisfactory resolution to needed changes in the pattern of land use in the Owens Valley area.

The best summary of this somewhat complicated legislative proposal is a statement prepared by the staff at the Los Angeles Water and Power Commission. I ask unanimous consent that the statement be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3191) to withdraw various lands in the counties of Mono and Inyo, Calif., from appropriations under the public land law, release certain lands in the counties of Mono and Inyo from withdrawal, acquire various lands owned by the city of Los Angeles, Calif., grant to the city of Los Angeles various land and water rights, modify the act of March 4, 1931, Executive Order No. 5843, dated April 28, 1932—and Executive Order No. 6206—dated July 19, 1933—and repeal the act of June 23, 1936, and for other purposes, introduced by Mr. CRANSTON (for himself and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The statement, presented by Mr. CRANSTON, is as follows:

INTRODUCTION OF INYO-MONO PUBLIC LAND LEGISLATION

The purpose of this bill is to provide for the use and control of public land in Mono and Inyo Counties, California, so as to achieve maximum public benefits through multiple use of the lands and at the same time protect the water supply of Los Angeles residents. This area supplies more than two-thirds of the water needs of the approximately three million citizens of the City of Los Angeles.

There can be no question that the public lands involved in the bill are a great national resource for recreational uses. Passage of this bill will enhance their development.

The public lands involved in this bill are in the Owens River watershed and the Mono Basin watershed, and it is not the intent of this bill to affect any lands or water rights other than in these watersheds.

The Owens River watershed is formed by the elongated Owens Valley on the east side of the Sierra Nevada mountains. It is about 120 miles long, from 15 to 30 miles wide and is a hydrologically closed basin with internal drainage to Owens Lake, which as a result is highly saline. The Owens River rises in Mono County near the divide between the Owens River and Mono Basin watersheds to the north. It flows southerly through Long Valley, where Lake Crowley has been created by the City of Los Angeles Long Valley dam onto the valley floor and is fed by tributary streams from the Sierra Nevada mountains to the west and, to a lesser extent, the Inyo and White Mountains to the east.

The Mono Basin watershed is also a closed basin hydrologically, draining into the saline Mono Lake. The Inyo National Forest encloses much of the area.

In 1904, it was apparent that the water supply of the Los Angeles River would not sustain the growth of Los Angeles. Surveys showed that other water resources in Southern California already were committed. The concept that water of the Owens River, then flowing into the highly saline Owens Lake and evaporating, could be diverted to Los Angeles was investigated and found to be feasible. The Water Department of the City then acquired land and water rights in the southerly end of the valley above Owens Lake, which would permit the diversion.

The Congress, in support of the City's diversion of water, adopted an Act approved by President Theodore Roosevelt on June 30, 1906, by which the necessary rights-of-way for the project were granted the City of Los Angeles. A 240-mile, 440-cubic feet-per-second capacity aqueduct was constructed between 1908 and 1913.

For a few years, the aqueduct served its purpose well. By 1920 the mean annual diversion reached the level of 260 cfs. However, the population in Los Angeles was increasing at a rate beyond expectations. At the same time, increasing diversions upstream and a period of drought in the early '20s combined to reduce the flow of the Owens River available to the aqueduct.

To ensure future capacity operation of the aqueduct system, it became essential that rights to Owens River waters be expanded by purchases of additional private lands in the Owens River watershed. By the end of 1934, approximately 234,000 acres of land had been purchased by the Department of Water and Power through negotiation with the owners. No lands were taken by condemnation. These lands constituted most of the patented lands in the Owens River watershed.

In 1930, the Department of Water and Power began an extension of the City's aqueduct system into the Mono Basin watershed and acquired by purchase 59,000 acres of privately-owned land and the water rights which would be affected by the diversion. This extension was completed in 1940.

Many of the public lands affected by this bill lay between the lands purchased by the Department of Water and Power on the valley floor of the Owens River watershed and the U.S. Forest Reserve in the surrounding mountains. While the lands were not suited for farming, the public lands were open for entry, and the possibility that entry could be made on them was a threat to the water supply of the City.

Congress recognized this possibility and enacted legislation, approved March 4, 1931, withdrawing from entry 367,637.87 acres of public land along the sides of the Owens Valley between the City-owned lands and the lands of the Inyo National Forest. On April 28, 1932, Executive Order No. 5843 withdrew from entry 261,025 acres of public land north of Mono Lake and east to Chalfant Valley. On July 16, 1933, Executive Order No. 6206 withdrew from entry 209,505 acres of public land below and around Owens Lake. On June 23, 1936, an Act of Congress was approved (Public Law 769–74) which granted land and rights-of-way in Mono County to the City for water supply and electrical generation purposes.

The above Acts and Executive Orders evidence the support the United States has given in protecting the water supply of the City. The Department of Water and Power of the City now has an investment of more than $200,000,000 in its water and power system in the area.

This bill will affect the some 838,168 acres of public land which has been withdrawn above. It will release from withdrawal for the protection of the water supply of the City approximately 603,000 acres of public land and make them available for classification under the land laws of the United States. It will authorize conveyances of City-owned land to the United States and public land to the City which appear desirable to agencies of the United States, to the Counties of Inyo and Mono, California, and to the City. It will modify the Act of March 4, 1931, Executive Orders 5843 and 6206 and will repeal the Act of June 23, 1936.

The rest of the land, approximately 226,000 acres, will remain withdrawn. The bill constitutes a contract between the United States and the City wherein it is agreed that as long as the City maintains in each County works and facilities used for the supply of water or electric energy for municipal purposes, these lands will not be patented to others. This provision will preclude the possibility that littoral or riparian rights may arise under state law in the event these lands

were to pass into private ownership. In consideration of this agreement, and of the other rights and interests granted under the bill, the City will pay $100,000 and grant City-owned lands to the United States.

Of the lands to be withdrawn as part of the agreement, 9,843 acres are littoral to Mono Lake and Owens Lake. The bill grants the City the right to raise and lower the surface and underground water levels in these lands. As to the remainder, the bill grants the City the right to vary the underground water table by taking or failing to take water from either of the two watersheds. In addition, since the ground water table under approximately 325,000 acres of the land to be released from withdrawal will be affected by the amount of water diverted by the City, the right to vary the underground water table in these lands is granted. This will prevent possible claims of damage should some of these lands be patented to private owners.

The City also is granted the right to spread water on the withdrawn lands. During abnormal runoffs the available water exceeds aqueduct capacity. With this right the City may spread the excess waters on these lands as well as its own land and thus recharge underground basins. Water thus stored is available for use during drought. Easements to enter the withdrawn lands to control the flow also are granted; however, no right is granted to pump water on the withdrawn public land.

Easements for structures and improvements of the City in existence at the time the bill is approved both on lands in the forest and in the withdrawn lands are granted, and in addition, the bill provides the City may select easements for future structures and improvements for the period of ten years. The total of these easements may not exceed 5,000 acres. Provision is made for payment of just compensation if use of a selected easement should cause physical damage to any structure or improvement which is lawfully in place at the time the easement is selected. No future easements are granted in forest land, and any easements which may be required in the national forest will be obtained under the land laws.

Uses of the public land and uses of the forest lands by the City will be subject to such conditions as are reasonable and necessary in the judgment of the Secretary of the Interior or the Secretary of Agriculture, respectively, to protect the interests of the United States in the management of the public land or national forests.

As stated above, lands will be conveyed to the City by this Act, and the City will convey lands to the United States. The lands to be conveyed to the United States include land desired by the Bureau of Land Management and the U.S. Forest Service. For instance, the 1,673, acre Moffitt Ranch owned by the City is desired by the Bureau for inclusion in the Alabama Hills recreational development. Parcels of 485 acres on Tuttle Creek and 366 acres on Lone Pine Creek are desired for campground development. The Forest Service wishes to acquire 520 acres at Horseshoe Meadows for its Trail Peak ski development.

In addition, lands are to be conveyed to the United States for the benefit of the towns in the Counties of Mono and Inyo. As part of its land acquisition program, the City purchased most of the land around the towns in both watersheds, and it is proposed that, as part of the benefits accruing under the bill, the City convey to the United States parcels of land outside Lone Pine, Independence and Big Pine in Inyo County and Lee Vining in Mono County for disposal by the United States for the orderly growth and development of these Counties.

Most of the lands to be conveyed to the City are in two categories: (1) isolated parcels of land surrounded by City-owned lands and (2) lands underlying reservoirs of the City. Conveyance of the first category of lands will simplify management of the public lands, and conveyance of the second category will aid the City in management of its reservoirs.

The bill provides that future exchanges of land between the United States and the City may be made if desired.

Lands to be withdrawn will be available for mining under the mining laws according to regulations to be established by the Secretary of the Interior. Also, under appropriate regulations, the Secretary may pemit hunting, fishing, camping and other recreational uses, stock watering and stock grazing upon the lands, provided, if lands are to be used for residential purposes, the consent of the City is obtained.

Any private rights hereafter acquired in the withdrawn lands are to be subject to the rights granted the City under this bill, but it is provided that any rights granted shall not affect any existing right nor any valid claim previously initiated.

All interests granted to the City of Los Angeles with the exception of the lands granted in fee, are to be held for purposes of municipal water and power supply of the City. Assignment of rights is prohibited except with consent of the chief officer of the Federal Department controlling the public lands concerned. All interests, other than lands granted in fee, are to terminate if the City does not, for a continuous period of one year, maintain works for a municipal water or electric supply in this area.

The bill specifically disclaims any intent to interfere with the laws of the State of California regarding land and water rights or with any right, power or privilege of the State of California in its sovereign capacity or in its proprietary capacity.

The bill provides for the repeal of the Act of June 23, 1936, entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights-of-way over public lands and reserve lands to the city of Los Angeles, in Mono County in the State of California." It also provides that upon acceptance of the Act by the City, as passed by the Congress, the Act of March 4, 1931, referred to above, shall not apply to lands released from withdrawal for the protection of the water supply of the City by the bill.

In conclusion, this bill provides benefits of value to the United States, to the counties in which those public lands are located and to the City. It will provide the City with all that it needs to protect its operations in the area from adverse and speculative claims which might arise as a result of some future private acquisition of public lands. The contract in this bill merely prohibits the United States from disposing of the public lands withdrawn by the bill. Recreational uses, mining uses and stock grazing and stock watering uses will be permitted. It will simplify management of the public lands, and the United States will acquire City-owned lands which can be developed into recreational areas. It also will make available land in which the towns in the Counties of Inyo and Mono, California, may grow.

S. 3192—INTRODUCTION OF A BILL TO HAVE AN UNNAMED LOCK IN THE PORT OF SACRAMENTO PROJECT DESIGNATED AS THE WILLIAM G. STONE NAVIGATION LOCK

Mr. MURPHY. Mr. President, today, in behalf of my distinguished colleague, Senator CRANSTON, and myself, I introduce proposed legislation to have an unnamed lock in the Port of Sacramento project designated as the William G. Stone navigation lock.

The appropriateness of such a designation was recognized recently in resolutions, which were almost identical except for the names of the groups taking the action, which were passed by the board of supervisors of the county of Sacramento, the board of supervisors of the county of Yolo, and the port commission of the Sacramento-Yolo Port District.

Since the text of these resolutions is so close, I would like to read one of them into the RECORD. It is as follows:

Whereas, death has taken William G. Stone who served as the first Port Director of the Port of Sacramento for a period of over sixteen years; and

Whereas, William G. Stone spent the greater part of his working life actively working for the creation of the Port of Sacramento; and

Whereas, William G. Stone was held in exceptionally high esteem by all who knew him for his integrity and dedication; and

Whereas, the said Port of Sacramento project includes a navigation lock which does not bear an official name;

Now, therefore, be it resolved that the Board of Supervisors of the County of Sacramento, State of California, wishing to memorialize the efforts of William G. Stone, does respectfully urge that the lock be officially named the William G. Stone Navigation Lock.

I ask unanimous consent, Mr. President, that a news item and an editorial published in the Sacramento Bee following Mr. Stone's death be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the article and editorial will be printed in the RECORD.

The bill (S. 3192) to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock, introduced by Mr. MURPHY (for himself and Mr. CRANSTON), was received, read twice by its title, and referred to the Committee on Public Works.

The article and editorial, presented by Mr. MURPHY, are as follows:

RETIRED PORT DIRECTOR STONE DIES AT 84 AFTER HEART ATTACK

William G. Stone, the man regarded as responsible perhaps more than anyone for the Port of Sacramento, died late yesterday in the Sutter General Hospital.

Stone, who was 84, entered the hospital Saturday after he suffered a mild heart attack. A member of his family said he had a previous attack last month.

A native of Potomac, Ill., Stone had been a resident of Sacramento for 63 years and he had more than 60 years experience in the transportation industry.

He came to California as a youth in 1903 and began his career loading oranges aboard freight cars in a Southern California packing house.

He worked for the Southern Pacific Co., was chief inspector for the Transcontinental Freight Bureau in Sacramento and for 20 years he served as traffic manager for the Thomson-Diggs Co., a wholesale hardware concern.

For 16 years, Stone was manager of the Sacramento Chamber of Commerce's Transportation and Industrial Department and the last 15 years of his active career were spent as director of the Port of Sacramento.

PORT OPENED IN 1963

He began crusading for construction of the port in 1932 shortly after he was hired by

the Chamber of Commerce and he never stopped his efforts in its behalf until he saw the port opened for the first oceangoing vessel in 1963. He retired shortly thereafter.

The Sacramento-Yolo Port District was created in 1947 after six years of effort in which the Chamber of Commerce, under Stone's guidance, raised $100,000 for research and promotional purposes.

It was largely through Stone's efforts that congressional committees were convinced of the future of the port and voted funds to begin construction of the port of the Sacramento Deep Water Channel.

REVIVED PROJECT

During the Korean War, the port's detractors insisted the project was dead, but Stone was determined and each year for four years he kept knocking on doors of congressmen until he succeded in reviving funding for the project.

In 1955, a token appropriation of $500,000 was made and construction of the deep water channel resumed in 1956.

Stone's credentials in the transportation industry were voluminous. He was a charter member of many transportation organizations, served as a Western regional director of the National Rivers and Harbors Congress, and often was called upon for advice in transportation and maritime matters.

ELDER IN CHURCH

He and his wife Myrtle, a school teacher who died last year, were active in the affairs of the Westminster Presbyterian Church of which he was an elder.

He held membership in the Sacramento Rotary Club, the Sacramento Chapter of Delta Nu Alpha transportation fraternity and the Sacramento Valley Transportation Club of which he was a charter member. He also was a member of the Sacramento Camellia Society and a charter member of the American Camellia Society.

He is survived by a son, William H., of San Mateo; a daughter, Mrs. Carolyn Howe of Sacramento; three grandchildren, Mrs. Marilyn Whitney and Gordon and Ronald Howe, all of Sacramento, and two great-grandchildren.

Funeral services will be conducted Friday at 2 p.m. in the Andrews and Greilich Chapel, 3939 Fruitridge Road, and private entombment in East Lawn Cemetery will follow. The family requests any remembrances be sent to the Westminister Presbyterian Church memorial fund.

SACRAMENTO'S DEBT TO "BILL" STONE

In every civic undertaking there always has to be a so-called "spark plug" who ignites the community effort and keeps it going.

Many contributed to the completion of the highly successful Sacramento deep Water Channel.

But the driving force behind it was W. G. "Bill" Stone who served as director of the Sacramento-Yolo Port District for 15 years before his retirement and who now is dead at the age of 84 after a long and fruitful career of dedicated public and civic service.

It was Stone, as manager of the Sacramento Chamber of Commerce's Transportation and Industrial Department, who began pushing the project in 1932.

He never rested in his efforts to bring oceangoing ships to Sacramento, despite discouraging setbacks in obtaining funds from the federal government. He finally saw his dream realized in 1963.

His combination of energy and enthusiasm which went with a "soft sell" approach convinced many a skeptic of the need for the facility.

And before Bill retired he had the foresight to recruit a team to carry on the port's successful operation.

Truly, Stone earned the title of "Mr. Port" as he was called affectionately by his coworkers and his many friends.

ADDITIONAL COSPONSORS OF BILLS

S. 2004

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3055

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 3055, to authorize the use of excess Government-owned foreign currencies to finance the establishment abroad of binational foundations for educational and scientific purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3147

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Washington (Mr. JACKSON) be added as a cosponsor of S. 3147, to amend the act relating to indemnity payments to dairy farmers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 292—SUBMISSION OF A RESOLUTION RELATING TO TROOP DEPLOYMENT IN EUROPE

Mr. MANSFIELD submitted a resolution (S. Res. 292) to express the sense of the Senate with respect to troop deployment in Europe, which, by unanimous consent was referred to the Committees on Armed Services and Foreign Relations, jointly.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear earlier in the RECORD under the appropriate heading.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 316

Mr. CURTIS submitted amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 318

Mr. ALLOTT submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. ALLOTT when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 319

Mr. INOUYE. Mr. President, I submit an amendment, intended to be proposed by me, to H.R. 13270, and I ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. INOUYE. Mr. President, today I am submitting an amendment to H.R. 13270 which will delete section 515 of the Senate Finance Committee version of the Tax Reform Act.

Section 515 of the Senate bill would have the following effects: First, lump sum distributions to employees would be taxed at ordinary income rates upon distribution in an amount equal to employer contributions after 1969; second, employers' contributions after 1969 toward the purchase of the employers' securities would be taxed at ordinary income rates upon distribution to the employee in an amount equal to the cost basis of contributions; and third, it establishes a special 5-year "forward" averaging method for the ordinary income part of a lump-sum distribution. I believe that these provisions would destroy valuable incentives upon which our business firms and their employees rely, and I urge that the Senate strike out this entire section of the bill.

Under present law, an employer who establishes a qualified employee pension, profit-sharing, stock bonus, or annuity plan is permitted to deduct his contributions to the trust. Moreover, income earned by the trust is exempt from tax if the employee trust is exempt. Upon retirement the employee who receives annual benefit payments is taxed at ordinary income rates. The exception to this rule is the payment of the benefits in a lump-sum distribution from the plan, in which case the payment is taxed as a long-term capital gain. I am particularly concerned that this highly successful feature of profit-sharing plans will be adversely affected by the changes in section 515.

The Finance Committee decided during its deliberations to deny such favorable capital gains treatment to lump-sum distributions on the grounds that they are in reality deferred compensation at more favorable tax rates than other compensation received for similar services. It was noted in the committee report that taxpayers with adjusted gross incomes in excess of $50,000 gain more and that there have been a number of distributions of over $800,000.

It cannot be denied that there probably are individuals who receive large distributions at favorable rates. However, it must be noted that tax-exempt profit-sharing plans are not inequitable. All profits are distributed on a nondiscriminatory basis—from janitor to president—because of the regulations which govern qualification as a tax-exempt profit-sharing plan. Furthermore, a survey made in 1968 showed that 90 percent of the lump-sum distributions made involved distributions of less than $30,000 and that almost 70 percent fell in the range of from $500 to $10,000. Far from being a device for the rich, lump-sum

distributions affect millions of members in all income groups.

Since 1942, when the provision giving long-term capital gains treatment to lump-sum distributions was added to the code, over 80,000 companies have adopted deferred tax-qualified profit-sharing programs, covering over 5 million employees. Over 10,000 of these plans were established in 1968 alone. Clearly profit-sharing plans are popular with both employers and employees, and their continued growth is a clear affirmation of their success.

It has been alleged that distributions are actually deferred compensation and ought to be treated as ordinary income. However, this is not usually the case. Most corporations consider profit sharing as additional incentive and make their distributions in addition to ordinary compensation and benefits. Article II, section 1 of the Constitution and bylaws of the Council of Profit-Sharing Industries makes it clear that its concept of profit sharing is a procedure for payment in addition to prevailing rates of pay.

Lump-sum distributions from qualifying profit-sharing plans are further distinguished from simple "deferred compensation," or ordinary income, by the fact that it is risk capital. After the employer makes his contribution, it is the employee alone who is affected by changes in the investment of the contribution. Thus any number of factors, including inflation and bad stock or bond markets, could severely reduce the amount an employee would ultimately receive. Since the individual employee has no direct control over the investment of the funds, it would be erroneous to call it deferred compensation. Rather, the contributions have been invested in a manner that would ordinarily yield capital gains treatment.

Furthermore, the proposed change is defective because the distributions represent "bunched income" which has accumulated over a period of years, perhaps an entire working lifetime. The committee's answer is a complex amendment permitting averaging the gross "ordinary income" less the amount received during the year as compensation and less the capital gains. This method ignores the fact that averaging could push an elderly employee into a tax bracket higher than the level at which the contributions were originally made.

Apart from the claims of equity, there is another compelling reason why we should not tamper with the tax treatment of profit-sharing plans. Three decades ago a subcommittee of the Committee on Finance found that profit sharing contributes to harmonious labor-management relations and to labor peace and contentment. This astute observation is no less true today. Profit sharing enables employees to share in the fruits of the corporations for which they work. Where equity participation is not possible because the business is a partnership or close corporation, profit sharing gives employees a valuable and substantive stake in the soundness of the business. Through profit sharing an employee is afforded an opportunity to share in the benefits of ownership and to accumulate funds for his retirement or his beneficiaries. It is, I believe, an intelligent response of the free-enterprise system to demands for participation in the profits of one's business.

I fear that any changes in the status of employer contributions may retard the further growth of plans. Taxation of lump-sum distributions at ordinary rates may diminish the attractiveness of these plans and discourage further participation in them. I believe that profit sharing is a valuable financial incentive that must be preserved. I urge my colleagues who share my interest in the continued viability of profit-sharing plans to join me in this amendment to strike out section 515 of the tax reform bill.

AMENDMENT NO. 320

Mr. MURPHY submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 321

Mr. MILLER (for himself, Mr. MUNDT, Mr. PEARSON, Mr. DOLE, Mr. ALLEN, Mr. METCALF, Mr. MCGEE, and Mr. HUGHES) submitted amendments intended to be proposed by them, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 322

Mr. GRIFFIN submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 323

Mr. CURTIS submitted amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 324 THROUGH 326

Mr. HARTKE submitted three amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 327

Mr. FANNIN submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 328

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 317

Mr. ALLEN. Mr. President, I submit at this time an amendment intended to be proposed by me to the appropriation bill for the Departments of Labor and Health, Education, and Welfare. This amendment provides for the appropriation of $2,500,000 to fund the State advisory councils on vocational education.

It was not my privilege to serve in the U.S. Senate when the 1968 Vocational Education Amendments were approved. However, I have studied the language of that act, and I am tremendously interested in the provisions that created a National Advisory Council on Vocational Education and advisory councils in all the 50 States.

The State councils are broadly representative of the various interests in vocational education. Included among the membership are persons familiar with the vocational education needs and problems of management and labor; persons representing State industrial and economic development agencies; representatives of community and junior colleges and area vocational schools; persons familiar with the administration of State and local vocational education programs; persons from educational agencies and school boards; representatives from manpower and vocational education agencies, and persons who have special knowledge in educating the disadvantaged and the handicapped; and persons representative of the general public.

The purpose of the State council is to advise the State board for vocational education on policy matters in developing a comprehensive plan for vocational education; to evaluate vocational education programs, services, and activities assisted under the 1968 act; and to prepare and submit to the Commissioner of Education, and the National Advisory Council, an annual evaluation report. This report is to be accompanied by comments from the State board on the evaluation, and may contain recommended changes as may be warranted by the evaluations.

I think it is highly desirable that these State councils become involved in matters pertaining to vocational education. Those who serve as members can greatly assist by bringing to vocational education the information, advice, and counsel that is necessary in order for this program to serve the career and occupational needs of all citizens. Likewise, these councils can promote the economic and industrial potential of all the States through orderly planning for meeting the manpower needs of the economy. These councils are an excellent device for citizen participation in the process of education.

Because of their importance, and because of their potential for improving and expanding vocational-technical education, I am convinced that these councils should, at the very least, be funded at the minimum level. As a matter of fact, the language is apparently mandatory for it states, in regard to funding of State councils, that—

Such amount shall not exceed $150,000 and *shall not be less than $50,000.*

In the bill approved by the House of Representatives, H.R. 13111, the funds for State advisory councils were approved at the level of $1,680,000 as recommended by the Budget Bureau. My amendment would increase the House approved measure by $820,000. This will enable the State councils to be funded at the minimum level of $50,000 per State.

Mr. President, if the Congress is at all serious about the purposes and duties of these State councils, we must provide funds for them to perform their duties and accept their important responsibilities. It would seem the better part of wisdom to fund these councils at least at the minimum level, or not at all. How can we honestly expect the councils to be responsible when we do not provide the necessary resources?

In terms of the total budget, $820,000 is a small percentage; in terms of the potential for achieving much good, I believe that the Senate could not make an appropriation that is any more important. The State advisory councils should be made fully operational, not half operational as would be the case under the appropriation bill approved in the other body.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 317) was referred to the Committee on Appropriations.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 313

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. RIBICOFF, Mr. GOODELL, and Mr. HARTKE, I ask unanimous consent that, at the next printing of amendment No. 313 to H.R. 13270, to reform the income tax laws, and for other purposes, which I submitted last Wednesday, the names of the Senator from Colorado (Mr. ALLOTT), the Senator from Nevada (Mr. BIBLE), the Senator from Alaska (Mr. GRAVEL), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Washington (Mr. JACKSON), be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the order of Wednesday, November 26, 1969, the transaction of morning business is limited to 1 hour. That time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, I regret that it is necessary for me to rise once more and call the attention of Congress and the country to the failure of the Interstate Commerce Commission.

Last week I pointed out that there was an estimated 40 million bushels of grain on the ground in Nebraska alone. It is placed on the ground because the elevators are filled. The elevators remain full because no boxcars are available.

The midwestern and western railroads build considerable numbers of boxcars. They are loaded with the products of our area and sent east and south. They are not returned promptly. Another railroad will find it cheaper to pay the daily charge for someone else's boxcars, and a shipper will find it to his advantage to keep the car because it is cheaper to pay the daily charge than to build boxcars or to build storage.

About 2 years ago, Congress passed an act and was informed at that time that that act, which was signed by President Johnson, would give the Interstate Commerce Commission the tools necessary to regulate boxcars and see that justice is done to the agricultural areas of our country.

Were the members of the Interstate Commerce Commission kidding us at that time in causing Congress to believe that the legislation enacted would enable them to compel offending railroads to return cars? Or are they deliberately failing to do the job now?

Mr. President, why should we have an Interstate Commerce Commission if it has neither the will nor the courage to regulate in the public interest?

Today I was informed that 70 percent of the boxcars owned by the Burlington Railroad are not in their possession on their lines. Why does not the Interstate Commerce Commission act?

THE FOOD STAMP PROGRAM

Mr. MILLER. Mr. President, over the weekend, on national television and in the national press, the junior Senator from South Dakota undertook to assail the President of the United States and other administration officials for opposing a Senate-passed bill containing his amendment to increase the authorization for the food stamp program to $1.25 billion for fiscal 1970, to $2 billion for fiscal 1971, to $2.5 billion for fiscal 1972. This compares to a $610 million appropriation already made for this program for fiscal 1970—more than double the $280 million appropriated for fiscal 1969.

The administration, by its support of the $610 million appropriation for fiscal 1970, is clearly on record in support of very large increases in the food stamp program—to the extent that such increases can be well administered and financed. But it has made it clear that where additional increases cannot be well administered because of the limitations on trained personnel needed to administer a greatly expanded program, or where the fight against inflation would be seriously set back by spending more money than the Treasury would have available, further expansion of the program must be held to $610 million for the current fiscal year, which, as I have pointed out, is more than double the amount for the last fiscal year.

The unreasonableness of the criticism of the President and his administration on this point is highlighted by the recent rollcall vote on the so-called Allen amendment which would have increased the personal exemption, for income tax purposes, from $600 to $1,200, at an estimated cost of $18 billion to the Treasury. This would also have meant that wealthy taxpayers in a 70 percent income tax bracket would have received an $840 tax break for each exemption; whereas taxpayers in a 20-percent tax bracket would have received only a $240 tax break for each exemption.

It is significant, I believe, that the junior Senator from South Dakota and several other members of the Senate who voted for, were paired for, or positioned for the amendment to increase the authorization for the food stamp program to $2.5 billion by 1972 also voted for the Allen amendment. In other words, they put an $18 billion income tax reduction, with the inflation and high interest rates this would promote through budget deficits, on the same level of priority as feeding the hungry.

There has been a lot of talk around Washington about the need to establish priorities, and this does not mean establishing equal priorities, but putting first things first. Negative criticism of the President and his administration should not be permitted to draw the public's attention away from rollcall votes of the critics which would preclude the spending for programs they advocate.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DOLE. Mr. President, I did not hear all the remarks of the Senator, and he may have pointed out there will be a White House Conference on Food, Nutrition and Health starting tomorrow. It appears there may be an effort on the part of some to deliberately undercut the purpose of this conference. I speak specifically of John R. Kramer, Executive Director of the National Council on Hunger and Malnutrition in the United States. He appeared before our Committee on Agriculture and Forestry earlier this year. I asked him, frankly, if his statement had been prepared by the Democratic National Committee, because it was nothing more than an indictment of this administration, which at that time had been in power only 5 or 6 months.

I would hope that Mr. Kramer and others who find it so easy to criticize would recognize just what progress has been made by this administration in a few short months.

I hope even more we never reach the point that malnutrition becomes a partisan political matter.

I certainly share the view of the Senator from Iowa that the President and the administration are on the right track.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Mr. President, I ask unanimous consent that the morning hour be extended for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Only the Senator's time has expired. The time for the transaction of morning business has been extended to 11:15 a.m.

Mr. MILLER. I ask unanimous consent that only my time be extended for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. There are those, Mr. Kra-

mer and others, who have attacked Members of the other body and members of the House Committee on Agriculture, Republicans and Democrats. I believe there are Members of the House and the Senate who are concerned about hunger now and have been for many years. They are concerned about malnutrition but the problem will not be solved by making it a partisan political issue or by making irresponsible statements.

I am not certain whether yesterday's "Face the Nation" program was timed to undercut the White House Conference on Food, Nutrition, and Health, but point out that months ago CBS had a documentary on hunger in America. After the documentary they set out to prove that it was accurate, because many inaccuracies were discovered.

Mr. MILLER. I thank the Senator from Kansas for his comments. I share his concern that the subject of hunger and malnutrition not be placed in the partisan political arena.

The point I was trying to develop in my comments was that negative criticism of the President by critics whose rollcall votes in the Senate would strap the Treasury so that it could not pay for those programs is not well taken.

If there is a discussion in the White House conference about funding of an expanded program to feed the hungry, I think it had better be in a responsible frame, making clear that this is a first priority and that taking money out of the Treasury through amendments to the tax bill is not the way to handle this kind of priority. Once that is gotten across to the people, perhaps such criticism will be placed in proper perspective.

Mr. DOLE. The chairman of the White House conference is Dr. Jean Mayer, considered by almost everyone to be the leading nutritionist in America. He has a great record, and he is not involved in any partisanship, as has been charged by Mr. Kramer. Dr. Mayer is concerned about the problem, and in trying to solve it and to emphasize what needs to be done in America.

I am inclined to believe that on the CBS program yesterday there may have been an effort, wittingly or unwittingly, to undercut the real purpose of this conference, when considering who the panelists were, the questions, and who the guest was, and to me this is unfortunate.

Mr. MILLER. That program, which I did not see, seems to fit into the pattern of criticism voiced on national television by the junior Senator from South Dakota, which I think is most unfortunate at this time, just as this conference is going to get underway. If we want to keep this matter in a nonpartisan political framework I think criticism at the very beginning of the White House conference is not timely at all, and, of course, it is very irresponsible to level such criticism when the critics themselves have been voting for amendments to the tax bill to cut out the programs they say they advocate.

Mr. DOLE. Mr. President, yesterday our colleague, the junior Senator from South Dakota (Mr. McGOVERN), attacked the record of President Nixon in dealing with hunger and malnutrition. He accused the administration of "double talk" and "double action." And he accused the administration of blocking hunger legislation in the House of Representatives.

These charges are not true. In fact, the Nixon administration has launched the most far-reaching attack on the problems of hunger and malnutrition in our country's history. The President has accepted the responsibility of eliminating hunger in America for all time. He has proposed major amendments to the food stamp program that will allow that program to provide participants with a nutritionally adequate diet at a cost they can afford. President Nixon has proposed that free food stamps should be available for the very poorest families. The President has gone further and authorized his Secretary of Agriculture to begin a pilot free stamp program in Jasper and Beaufort Counties in South Carolina.

These reforms are not being blocked by the administration. They are being blocked, if at all by a Democrat-controlled Congress.

When fully implemented the President's food stamp program will cost $2.5 billion per year. It will combine with the new assistance available to the poor under the President's family assistance plan as part of the most extensive and basic attack on hard-core hunger and poverty ever proposed.

The record of the present administration in the war on hunger and malnutrition is one we can be proud of. It should not be subject to unfair and misdirected attacks.

The President has made a full commitment to eliminate these serious threats to the health of the Nation. As far back as last June, after very serious and thorough study, the administration proposed legislation to transform the food stamp program into an enlarged and effective weapon against poverty-induced hunger and malnutrition. The budget request for the 1969–70 fiscal year was sharply increased to over $600 million. When fully implemented over the country, this proposal envisioned a program costing about $2.5 billion annually.

Senator McGOVERN's bill, which recently passed the Senate, is simply an enlargement of the administration's bill. Its basic purpose is to provide authority to make major modifications in the present food stamp program. The same purpose and concepts are embodied in the administration's bill. It should not therefore be construed that the administration is less interested in eliminating hunger and malnutrition than is Senator McGOVERN. It does not help, in the final analysis to attack every measure to help the poor simply on the basis that it is inadequate. Rather it is time we got together on a constructive effort to pass the legislation and vote the funds that are needed.

The Senator from South Dakota criticizes the President for not supporting a $2.5 billion food stamp program. The President has proposed such a program. The Senator's own legislation would authorize expenditures of only $2.5 billion on a food stamp program that would cost nearly $6 billion with only two-thirds of the eligible families participating. Is this intended to be a 6-month food stamp program? I just do not know.

The administration has proposed a $2.5 billion food stamp program that will combine with family assistance to attack not only hunger, but the root of hunger—that is poverty. As additional resources become available, family assistance will provide a vehicle for expanding this attack with cash assistance that will not only meet the needs of the poor, but do so with a measure of dignity.

THE PASTORE BROADCASTING BILL

Mr. KENNEDY. Mr. President, S. 2004, popularly known as the Pastore bill, now before the Subcommittee on Communications of the Committee on Commerce, presents one of the most difficult and sensitive problems before any committee of the 91st Congress. The purpose and effect of the bill and its potential for radically changing the nature of the broadcasting industry in the United States are matters on which that subcommittee will be focusing during the coming weeks and months. Whether or not a bill is reported by the subcommittee and then by the committee, the questions involved deserve the attention of every Member of the Senate. A great deal of light is thrown on these questions in an exchange of articles published in the current issue of the New Republic. Prof. Louis L. Jaffe, a professor of law at Harvard and one of the most eminent administrative law experts in the Nation, has written a piece entitled "We Need the Pastore Bill." A response entitled "No, We Don't" has been written by one of the most imaginative, energetic, and intelligent men ever to serve as a member of the Federal Communications Commission, Nicholas Johnson. Since I believe that the articles are worthwhile reading for all Senators and for Members of the House, as well, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New Republic, Dec. 6, 1969]

WE NEED THE PASTORE BILL

(By Louis L. Jaffe)

The critics of the Federal Communications Commission have been checkmated by Spiro Agnew. Now that he has appropriated their concepts and their terminology—for example, that irrelevance, "the public's airwaves"—they may be compelled to consider the implications of their thinking. For years they have refused to face the problems involved in their demand for government regulation of the *quality* of broadcasting. They have simply ignored the arguments against it and the procedural proposals for implementing it.

The most recent example is their hosannas for the fatuous decision of an FCC rump (three out of seven commissioners voting affirmative and one negative) in the Boston WHDH case and their outraged denunciations of the Pastore bill.

In WHDH the Commission, overturning its practice of decades—a practice upon which the economics of the broadcasting industry has been built—decided that a broadcaster's license would be up for grabs every three years! It is true that the Communication

Act of 1934 as it was drafted would support such a reading—licenses are renewable every three years. But the understanding of Congress manifested in many ways and the consistent practice of the Commission has been that if a licensee behaved itself it would be renewed. In WHDH there was no finding that the licensee had misbehaved or that its programs were deficient; simply a determination that a competing applicant was preferable because WHDH was owned by a newspaper and it was not. The objective of diversifying the media is absolutely sound, and in an initial contest for a license there is a valid basis for preferring an independent to a newspaper-owned applicant. (WHDH could have been decided on the basis that it was in fact an initial licensing proceeding. The Commission has since indicated that the case is a special one not to be taken broadly. Arguably, this makes the Pastore bill unnecessary.) But to license a newspaper-owned broadcaster and then after the investment is made to forfeit it to a newcomer is inexcusable. It is inequitable and functionally unsound. The obvious riposte was the Pastore bill, which provides that if a licensee has fulfilled its obligations it is entitled to be renewed.

Yet *The New York Times* and *The New Republic* ("Pastore's Pet," October 25, 1969) have denounced the Pastore bill. They have resorted to the amazing analogy of an election for public office. An officer must run for reelection, they ask, why not a broadcaster? And why not the *New York Times* or *The New Republic*? Scribners? the theaters? the moving picture houses? Oh, but the broadcasters are using the "public airwaves." Well, *The New Republic* is using the public's mail with its second-class mailing privilege. However, the whole argument is irrelevant. The function of broadcasting is communication and the question is whether a communication industry financed by private capital can be run on a three-year basis. Once the question is asked it appears to be almost rhetorical.

We may have to face the irony that *what we now need is precisely something like the Pastore bill.* That bill forbids the Commission to consider new applicants unless it first finds that the present licensee has failed to measure up to its responsibilities; the Commission is required to pinpoint the licensee's failures. Without such a bill, the licensee must compete with new applicants, so that he can be defeated on a merely comparative basis. His rival may freely improvise what is needed to establish that his future performance will be superior. Thus, the Commission would have an easy opening for censoring the licensee and keeping him in constant terror.

But there still remains the question whether whatever the sanctions, the *quality* of broadcasting can and should be controlled by government. For example, Thomas Hoving, chairman of the National Citizens Committee for Broadcasting, has agreed WHDH as an entré for improving the quality of television. It may be possible to isolate cases of particularly outrageous exploitation of sex and violence. A trial examiner of the FCC has indeed recently refused to recommend the renewal of a Los Angeles station. That station day after day has shown motion pictures of the most nauseating character deliberately beamed to the whole family. Yet we are all aware of the basic difficulties of judgment in this area, and of the near impossibility of developing objective standards, particularly of positive quality. And Mr. Agnew's performance should help those who to date have chosen to ignore the problem, to face up to it. Do they really want the bureaucrats of the FCC judging programs?

Is there then no role for government in the improvement of broadcasting? Possibly not a great role but there is a role, and it is better to understand what it may be, rather than to demand what is dangerous or impossible.

Spiro Agnew and FCC Commissioner Nicholas Johnson are agreed on one thing—the high degree of control in the broadcasting industry. Much of this is unavoidable as long as the networks serve significant and valuable functions in newsgathering and expensive entertainment formats. But there are possible ways of reducing network power and of reducing multiple ownerships of the broadcast licenses. We can encourage CATV—the present policy of the FCC is moving in that direction—and of other technical innovations. CATV may solve the scarcity problem; it brings signals into the home by cable rather than over the air and thus could expand enormously the number of channels available. We can maintain competition in these developing areas. We can, in short, seek to promote more competition and more voices in the communications industry.

What about programming responsibility? We cannot do much about quality but we can lay down rules requiring stated minimum amounts of public service programming. Professor Hyman Goldin is proposing a requirement of a certain amount per week, in prime time, of public service programs by the networks. A recent proposal suggests that advertising during children's programs be severely limited. More generally, maximum advertising standards could be established and perhaps the FCC could devise and police a more general definition of excessive commercialism.

This does not exhaust the potentialities of useful government control. But beyond government regulation, we can subject broadcasters to continuous surveillance and criticism. We can encourage the local publics to participate in renewal proceedings, as indeed some of them, particularly the blacks, are now doing. But ultimately there is a limit. We have committed broadcasting to an industry financed by advertising. It is, then, an essentially popular, mass-audience medium. CATV, public and educational broadcasting can provide something for elite audiences as commercial broadcasting does now in its news, sports, occasional public service programs and sometimes high-level entertainment (*vide, Midsummer Night's* Dream, Vladimir Horowitz). It is encouraging that recently public and educational television is substantially increasing its appeal; polls show that four out of every 10 households watch it. Anthony Lewis recently noted that even in England—half commercial, half public TV—programming is becoming more and more "popular." As long as the masses support TV by taxes or advertising revenue, it is idle to expect it to be much different from what it is today. We should strive for improvement and for diversification within the limits of the possible.

NO, WE DON'T

(By Nicholas Johnson)

Few men have contributed as much scholarship and creativity to the field of administrative law as my friend and former colleague in this vineyard, Professor Louis L. Jaffe. It is, therefore, with considerable hesitation that I respond to *The New Republic's* request that I "answer" his article.

There is much in Professor's Jaffe's argument with which I agree. I agree that there is a "role for government in the improvement of broadcasting"; that "the objective of diversifying the media is absolutely sound"; that "there are possible ways of reducing network power and of reducing multiple ownerships of the broadcast licenses." I agree that "we can encourage CATV . . . [and] promote more competition and more voices." I of course agree that "we should strive for improvement and for diversification within the limits of the possible." I agree that "we cannot do much about quality," that we do not "want the bureaucrats of the FCC judging programs," but that "we can lay down rules requiring stated minimum amounts of public service programming"—including network "prime time . . . public service programs." I agree that "public and educational broadcasting can provide something" in addition to commercial fare. I agree that "maximum advertising standards could be established," and that "advertising during children's programs [should] be severely limited." I agree that "local publics" should be permitted (he says "encouraged") to participate in renewal proceedings."

I most emphatically disagree, however, that *"what we now need is precisely something like the Pastore Bill."* Let's begin with a few basics.

Virtually every country in the world treats broadcasting as an activity possessed of unique public responsibilities. In many places—Scandinavia among them—all stations are owned and programmed by an agency of government or a public corporation. Other countries have supplemented their public broadcasting facilities with the competition of privately owned, commercial stations (subject to government regulation). Japan is an example. When England supplemented its world-famous BBC service with "Independent Television," the new stations continued to be publicly owned. They are merely programmed, during portions of the week, by various programming companies licensed for fixed terms by the Independent Television Authority (ITA). (Unlike the Federal Communications Commission, the ITA has been quite freely encouraging competition by refusing to renew some companies' authority.)

These special responsibilities of broadcasters are based upon a number of considerations. (1) Only one broadcast signal can operate on a given frequency, at a fixed time and place; some rules are necessary. (2) Presumably the rules could have been evolved by courts (as we regulate the use of air space for buildings and other purposes); but it has been generally conceded that administrative regulation of some kind seems to have worked better. (3) There tends to be a much greater demand for broadcast stations than the supply. This is due in part to the technological limits upon the number of stations in a given advertising market, and the resultant opportunity for monopoly or oligopoly profits. (4) Most countries have concluded that it is inappropriate to permit the "homesteading" of this public resource through ownership from use. They have, instead, utilized public licensing when private use is permitted at all. (5) They also recognize the awesome potential of such a powerful instrument of enlightenment or propaganda to do a nation's people good or ill. They recognize that in any country in which public opinion is relevant to public policy the power of those who control the mass media is far greater than that of elected officials. (6) Most countries have not limited profits, or exacted significant fees, for the use of frequencies. They have, instead, established some minimal standards of fair play and insisted that the public be repaid through public service programming; service above and beyond what profit-maximizing in the marketplace would produce.

Such concerns and standards have their analog in the history of broadcast regulation in the United States. During the debates on the Radio Act of 1927, and the Communications Act of 1934, fears were often expressed that (as Congressman Johnson put it in 1927) "American thought and American politics will be largely at the mercy of those who operate these stations." A six-month license term was originally specified.

Later (as the industry gained political power) this was extended to one year and then three years. (Recently the industry has been urging—and former FCC Chairman Hyde supported—a five year term.) Even the National Association of Broadcasters acknowledged in the early years that: "It is the manifest duty of the licensing authority in passing upon applications for licenses or the renewal thereof, to determine whether or not the applicant is rendering or can render an adequate public service. Such service necessarily includes broadcasting of a considerable proportion of programs devoted to education, religion, labor, agricultural, and similar activities concerned with human betterment." The FCC was established as the people's representative to see to it that the licensees would, indeed, "render adequate public service."

For a variety of reasons the system hasn't worked. As in so many other instances of government "regulation" of an industry, the FCC has performed as the ally of the broadcasters in every light skirmish with the public. The FCC once decided that a radio station with more than 30 minutes of commercials per hour was serving the public interest. It approved the renewal of a station that quite candidly reported it proposed to program no news, and no public affairs. It first refused public participation, and then ignored protests about racist programming from a station in Mississippi—only to be roundly reversed, repeatedly, by the United States Court of Appeals. Seldom has the FCC found even the most exclusive monopoly control of the mass media to violate the public interest—notwithstanding the vigorous protests of the Antitrust Division of the United States Department of Justice. It examined the record of a station guilty of bilking advertisers out of $6000 in fraudulent transactions—while on a one-year, probationary status for similar offenses earlier—and found that the station had, nonetheless, "minimally met the public interest standard." And recently the Commission showed its reluctance to enforce even its technical and business standards, when it refused to consider license revocation for a licensee who had been charged with not paying his employees, stealing news, ordering his engineer to make fraudulent entries in the station's logbook, operating with an improperly licensed engineer and 87 other technical violations over a three-year period. Despite the questions raised about technical operation, the extent of licensee control, and financial qualifications, the Commission decided to keep the licensee in business.

The broadcasters, meanwhile, look at this record of FCC performance and are concerned that the standards have been too onerous. They certainly have never, to my knowledge, complained that the kind of intellectually corrupt decisions just mentioned are as much of a disservice to the industry as to the public—as I believe to be the case. The industry has for decades deluded itself into believing, as National Association of Broadcasters Chairman Willard Walbridge put it on "Face the Nation" the other day, that "the public says that the programming is fine . . . that they like broadcasting pretty much he way it is."

This refusal to face facts has been, in my judgment, the greatest single handicap broadcasters confront. It is a blind spot that has been created and purveyed to the great profit of the broadcasting subgovernment in Washington (*Broadcasting* magazine's full page ads and collection of downtown real estate; the NAB's rising dues, lobbying funds, handsome expense accounts, and new multi-million-dollar building). But it has led the broadcasters themselves—jovial, prosperous, martini in hand—down a jungle road into the largest ambush from an outraged citizenry ever confronted by an American industry.

I have been warning broadcasters since I came on the Commission in 1966 that they were going to pay a very severe price for ignoring the rising chorus of complaints from their audience. A growing minority of responsible broadcasters have responded. They recognize their obligations, and their problems, and are trying to reform. But an uncomfortably large number still practice haughty, arrogant disregard of public, critics, government, professional standards—everything, indeed, but ever-escalating profits.

Virtually every aspect of television is under attack from some quarter. Television does to your mind what cotton candy does to your body. It attracts your attention, makes you want it, and then leaves you with nothing but an empty feeling and a toothache. The resulting frustration and anger are manifest in many ways. Some people are concerned about the violence on television. (They include the Eisenhower Commission on Violence; the chairman of the Senate Subcommittee on Communications, Senator Pastore; the Surgeon General; and the National Institute of Mental Health—along with thousands of scholars and parents.) Some complain about television's impact upon our moral values, the obscenity, and so forth. Some believe the newsmen are biased—either for the establishment (Abbie Hoffman) or against it (Vice President Agnew). Blacks complain about the failure of the media to serve their needs and interests (picket signs read, "Soul Music Is Not Enough"), and to employ qualified minority group members (the industry's record is one of the worst in American business—the Department of Justice, the Equal Employment Opportunity Commission and the Community Relations Service are all concerned). Mothers are angered by the lack (or impact) of children's programming and commercials. (Action for Children's Television recently picketed WHDH in Boston for cancelling part of "Captain Kangeroo.") Action on Smoking and Health is attempting to enforce the fairness doctrine requirement that stations carry anti-smoking spots—something the FCC refuses to do. (Broadcasters argued to the Supreme Court that the requirement violated their First Amendment "right" to keep information about health hazards from their audience. They did not prevail.) Local groups in Atlanta, Chicago and Seattle protested the loss of classical music from radio. My mail comes from all age groups, all educational and economic levels, all sections of the country, and all positions on the political spectrum. That television needs some improvement, and that the profiteers of the public airwaves are not living up to their responsibilities, are propositions for which Agnew's army and the "effete intellectual snobs" march arm in arm.

What the people have discovered during the past few years is that writing letters—to advertisers, networks, stations, and FCC—while helpful, is not enough. Looking about for alternative remedies—short of bombing the RCA building—they have seized upon "the fairness doctrine" and the license renewal process.

The requirements of the fairness doctrine are loose. It does not require the presentation of any particular spokesman. It only requires that a broadcaster be "fair" in his presentation of all points of view on controversial issues of public importance. If not, any citizen can file a "fairness complaint" with the FCC. The complaint must be acted upon. If it is accepted, the broadcaster—and all others like him—must present the omitted point of view. If rejected, the complaining citizen can appeal to the United States Court of Appeals and ask that the FCC ruling be reversed.

But many complaints are not covered by the fairness doctrine: minimal quantities of local programming, excessive commercialization, failure to carry network documentaries, and so forth. And citizens unwilling to have their legitimate protests treated like junk mail soon found relief in the FCC's licenses renewal process.

In 1927 and 1934 the Congress purposefully provided that an FCC license would only be "for the use . . . but not the ownership" of the assigned frequency. The license would be for a term. After that term the FCC could refuse to renew; it could grant the license to another party. The licensee's relation to the government was to be very much like that of a highway contractor—he is free to bid against others for an extension of the profitable relationship, but he is not entitled to an additional term as of right. The US Court of Appeals has said he must, like a public official, literally "run on his record"—an analogy Professor Jaffe professes to find "amazing."

All that is different today from thirty years ago is that citizens' groups all across the country have dusted off this old legal machinery, found the "push-to-start" button, and have begun to make it work as Congress intended. License renewal challenges are now pending in New York, Los Angeles, Boston—and other cities. It is not, as Professor Jaffe says, that the Commission has recently come up with a whimsical decision "that a broadcaster's license would be up for grabs every three years!" It is rather, as he goes on to explain, "that the Communications Act of 1934 as it was drafted would support such a reading."

The broadcasting industry's response has been to say, in effect, that "all these public rights were acceptable so long as no one knew about them or used them; now that they do we must have some protection." It is rather like a businessman supporting the theory of small claims court until claims are filed against him.

In fact the broadcasting industry, and Professor Jaffe, are premature in their concern. For all the talk, the FCC has yet to transfer a single license from a broadcaster to a protesting group because of poor programming performance. (WHDH is easily distinguishable, as the Commission pointed out in a subsequent opinion, and as Professor Jaffe knows. KHJ has not yet been decided by the Commission. WLBT is still on remand from the court. The other cases are in various stages of development.)

There are 7500 stations in this country. All the licenses in a given state come up for renewal at the same time. With three-year terms, this means roughly 2500 a year. Even if the FCC were to take away two or three licenses a year—something it has yet to do during its 42-year history—we would still be providing rubber stamp renewals to 99.9 percent of the stations. Professor Jaffe poses the question "whether a communication industry financed by private capital can be run on a three-year basis." Given an industry-wide average 100 percent rate of return annually on depreciated tangible investment, and a 99.9 percent (or better) probability of license renewal, I would agree with Professor Jaffe that "once the question is asked it appears to be almost rhetorical." At the least, it is scarcely grounds for Professor Jaffe's concern that the "Commission will have an easy opening for censoring the licensee and keeping him in constant terror." (The Commission has repeatedly made clear its unanimous position that it will not second-guess its licensee's programming content, whether Democrats complain about coverage of the 1968 Convention, or Republicans complain about comments following Persident Nixon November 3 Vietnam speech.)

The Pastore bill is a three sentence bill. It provides, in pertinent part, that ". . . the Commission . . . may not consider the application of any other person for the facilities for which renewal is sought. . . . If the Commission determines . . . that a grant . . . would not be in the public interest . . . applications . . . by other parties may then be accepted. . . ." In short, the Commission would be precluded by law from accepting the assistance of the people with the greatest incentive to evaluate whether "a

grant . . . would not be in the public interest"—namely, those who stand to gain economically by obtaining the station if they can convince the FCC the broadcaster's license should not be renewed.

Let us assume for a moment that there may be a kernel of legitimate concern buried beneath the broadcasting industry's pile of propaganda, irresponsibility, public relations, arrogance, greed, political power, and general confusion. Let us assume that there are responsible broadcasters with a spectacular record of local and public-service programming who are frightened because any disgruntled member of their audience can throw them into a burdensome and expensive hearing. Let's say they believe that during that hearing their performance will be measured against standards that have never been articulated.

In the first place, the outstanding broadcaster has little to fear. He knows the people of his community and they know him. He heads off legitimate complaints before they become serious. He is seeking out representatives from all segments of his audience, including potential protestors, even more than they are looking for him. He knows such an approach is just good, audience-building business—as well as public service. Any group seriously looking for a license to challenge is going to go after the station with the lousiest record in town, not his station. In the second place, there is no reason why the FCC need hold long, useless, harassing hearings. Administrative practice is flexible enough to permit the FCC to draft hearing issues tightly, and to use informal pre-hearing procedures, to enable the frivolous cases to be disposed of quickly. (In fact, the most innovative current development has been the negotiated "settlements" in Texarkana and Rochester between outraged citizens and local broadcasters. Renewal hearings were contemplated, and then dropped, in exchange for concessions by the stations. This innovative means of self help involved little burden on the broadcaster.) Finally, if anyone in or out of the industry is seriously interested in helping to draft standards for the comparative evaluation of stations' license renewal their contribution will be most welcome. So far Commissioner Cox and I have been unable to pick up a single additional vote for the proposition that stations proposing less than one percent public affairs programming ought to be asked why they believe that serves the interests of their local community! We have followed that with our book-length studies; and proposed standards, in the Oklahoma, New York, and now Mid-Atlantic renewals. Some standards were suggested by Professor Jaffe (which we have been using for some time in slightly altered form). As he quite correctly points out, the fact that it is virtually impossible to evaluate quantitatively the quality of a given program does not mean that it is impossible to evaluate the programming performance of a broadcaster.

We can all look forward with Professor Jaffe, to a day when there is greater diversity and competition in the audio and visual programming product. The Public Broadcasting Corporation, subscription television, cable television, direct satellite-to-home broadcasting, common carrier channels, standards for "public access" to the mass media in accordance with the Supreme Court's *Red Lion* decision, FM and UHF station development, more educational stations, community supported stations like Pacifica, home access to audio and video libraries of programs, home video recorders, and tape and disc players—all these developments, and more hold out hope for the future. If the totality of the broadcasters' product were truly offered to the audience as magazines are today—subscriptions, newsstand sales, and libraries—much, if not all, of the need for program performance regulation would vanish. But that day it not yet here. It is not even near. And until it is we are left with the contrast between the intention of the drafters of the 1927 and 1934 Acts and the current practice of the FCC and the broadcasting industry.

The FCC has demonstrated conclusively, for all to see, its inability to serve the public interest without the active participation of public groups. Chief Justice Burger knew this, and said as much is the first *United Church of Christ* case (involving WLBT in Jackson, Mississippi). The broadcasters knew it; they are much more comfortable with their friends at the FCC than when confronting their hostile audience. Senator Pastore and Professor Jaffe ought to know it.

The broadcasting lobbyists, Senator Pastore, Professor Jaffe, and other supporters of S. 2004 ought to know that, after the rhetoric is cut away, the net effect of the Pastore Bill will be to remove from the people the only thin small reed to which they now cling in their self-defense struggle against the combined force of the broadcasting industry and the FCC. They ought to know that its passage will leave a frustrated people with no recourse, except to engage in more violent protests and other actions that serve the interests of no one.

NEW DIRECTIONS IN THE PACIFIC AREA

Mr. MANSFIELD. Mr. President, on November 5 the junior Senator from Washington (Mr. JACKSON) made an important speech in Seattle urging that U.S. policy toward mainland China be put on "a less rigid, more sensible footing."

Senator JACKSON proposes two immediate steps: First, renewal of the invitation to the Peking regime to join in the 25-nation arms control meetings in Geneva; and second, active pressing of Peking for the reopening of the bilateral United States-China ambassadorial talks, either in Warsaw or at another agreed site. Among other agenda items for the renewed talks, Senator JACKSON proposes greater United States-Chinese people-to-people exchanges including reporters, scholars, scientists, and cultural performers.

Senator JACKSON recognizes that we cannot guarantee a favorable response by Peking to these initiatives, but he argues that a less rigid U.S. policy, which while respecting American treaty obligations in the area, leaves open the way for a positive Chinese response, should increase the chances of more normal relations between our two Governments if not in the immediate future, at least over the longer term.

I recommend this address to all Senators.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS IN THE PACIFIC AREA

(By Senator HENRY M. JACKSON before the Rotary Club of Seattle, Nov. 5, 1969)

I am delighted to be with you this noon and I am honored to share in this program.

Three times in the past generation the United States has found itself involved in costly wars in the Pacific area. If this painful experience has any lesson for us today, it is that peace and stability in that area depend very heavily on what the great powers do, and notably on the coherence and rationality of our own foreign policies.

In the Pacific Northwest, we have always felt close ties to the countries of the Western Pacific. Our economic and cultural relationships have special significance.

At a time when much of our policy in the Pacific is in a state of flux, I am persuaded that we can make a contribution in attempting to think, and think hard, about our policies, and develop new, forward-looking approaches for the years ahead.

I believe it would contribute to peace and stability in the Western Pacific if Communist China, comprising over seven hundred million people, could begin to re-enter the international community and place its international relations on a more normal, stable plane.

Whether the Peking leadership is seeking opportunities to move in this direction remains an open question.

The Peking regime a few weeks ago commemorated its twentieth anniversary. At present the Chinese people appear to have weathered the worst of the Great Proletarian Cultural Revolution. The Red Guard excesses and the chaos that characterized the period from mid-1966 to late 1968 have given way to some modicum of internal order and stability, albeit under military control. While the Peking regime has continuously aided and abetted Hanoi in South Vietnam, there is evidence that the regime's own military policies remain cautious and of a low risk nature: the refrain is constantly reiterated, "We shall not attack unless we are attacked."

Also, there are some indicators of a new preoccupation in Peking with its diplomatic posture. The Chinese have recently entered into discussion with the Soviet Union regarding the border issue that only a few months ago was leading toward a major Sino-Soviet confrontation—and which may yet end up that way. As for its attitude toward the United States, the Mainland government has evidenced some downgrading in its estimate of the nature of the so-called "threat" from America. Hints persist of a revived interest on the part of the Chinese in reopening the bilateral Ambassadorial talks with us, which Peking broke off in February this year.

Meanwhile, there is the continued progress of the Chinese in developing a nuclear-missile capability. The Chinese detonated two nuclear devices in late September—one underground and one above ground. In fact, Peking's decision to develop nuclear weapons may well be proving counterproductive in that it has encouraged some other governments in the area to consider the indigenous development of nuclear weapons and has made public acceptance of such weapons more tolerable. These are not developments which would be welcomed by any leadership in Peking. Time may well see a changing attitude on its part toward arms control arrangements. It is pretty obvious that sometime, somehow, the Mainland Chinese regime will have to join in the negotiations on arms control if it and the rest of the world are going to have peace and security.

In any event, as far as United States policy toward Mainland China is concerned I believe we should get it on a less-rigid, more-sensible footing.

The U.S. Government has already taken a few hesitant steps to ease exchanges between the Chinese and American peoples. But more are possible, and these may in turn contribute to a more substantive exchange between our respective governments. We cannot guarantee that a favorable response will be the case; we cannot predict how Mao Tse-tung or his successors will respond to U.S. overtures. But a new U.S. policy, which while respecting American treaty obligations in the area, leaves open the way for a positive Chinese response, should increase the chances of more normal relations between our two governments if not in the immediate future, at least over the longer term.

I propose that we take two steps immediately:

1. We should renew the invitation to the Peking regime to join in the 25-nation arms control meetings in Geneva. Negotiations on arms control are going to be long and difficult. This isn't the sort of thing that can be negotiated in a month or six months or a year. But we shouldn't have to waste any time talking about the desirability of Mainland China's participation in such efforts.

2. We should press Peking for the reopening of the bilateral U.S.-China Ambassadorial talks, either in Warsaw or at another agreed site. At the reopening of the Ambassadorial talks the United States ought to be prepared to make constructive suggestions for discussion and negotiation. As I see it these suggestions should include:

The start of mutual U.S.-Chinese exchanges of reporters, scholars, scientists and cultural performers.

The regularization of postal and telecommunication problems.

The improvement of trade relations between U.S. and Mainland China, including the mutual reduction of barriers to trade.

The subject of Mainland Chinese participation in the United Nations and other international bodies on terms that would not exclude the Republic of China on Formosa.

The approach I am proposing is in the interest of the United States. But it is also in the interest of Mainland China. It is time that both the Americans and the Mainland Chinese recognized that they have a mutual interest in, and a mutual responsibility for, peace and stability in the Western Pacific area.

Furthermore, I believe this approach would have a broad appeal internationally and would be supported by our allies and others in the Asia-Pacific area. In effect, we would be signaling the United States willingness to explore with Mainland China directly and with greater concreteness than before the possibilities for peace and stability in the Western Pacific.

In recent months, significant steps have been taken to start winding down the Vietnam war and to reduce American casualties. We are all intensely concerned that progress toward peace in Vietnam be continued in the months ahead. The question at issue in the debate over Vietnam is not whether to end the Vietnam war. Everyone I know wants to do that. The question is *how* to do it?

Many Americans are now preoccupied with the problem of getting out of Vietnam. But we have to be concerned with more than that. We have to be concerned with the kind of world we will be living in after we have withdrawn and with the effect of *how* we withdraw on our ability to deal with the problems of the post-Vietnam world.

As I see it, American disengagement from Vietnam must be phased and orderly, or our foreign policy problems will become more difficult and more unmanageable than ever.

A precipitous withdrawal, a disorganized and haphazard retreat in the face of the recalcitrance we have met at the negotiating table in Paris, would have fateful consequences for the future of this nation and of individual liberty. President Nixon described those consequences in his speech this week. Our adversaries would figure they have us on the run, and they would not hesitate to take advantage of it by pushing their luck in other trouble spots in Asia, in the Middle East, and in Europe. A hasty retreat in Vietnam would disconcert and destabilize other countries to which we have made commitments— for example, South Korea, the Philippines, Japan, not to mention our partners in NATO. And a disorderly withdrawal would not bring peace in Vietnam. Fighting, doubtless bloodier than we have yet seen, would go on and on.

The key to peace in Vietnam is a careful, deliberate and phased replacement of U.S. troops by those in the Army of the Republic of Vietnam. If the South Vietnamese are better prepared today to defend themselves, it is because we have secured for them time in which to build a trained and organized and equipped self-defense force with which to meet the challenge from the North.

In spite of our best efforts, of course, we cannot, from the other side of the world, guarantee the future of the people of South Vietnam. What we can and should do is everything possible consistent with our national interest to leave in the hands of the South Vietnamese the capacity to determine their own future, in short, self-determination.

IDAHO NEWSPAPERS ARE NOT SILENT ABOUT OUR VIETNAM POLICY

Mr. CHURCH. Mr. President, on November 3 of this year, the President introduced a new entity into American politics. By invoking the silent majority—a group which would, presumably, disappear in the very act of asserting itself—the President sought acceptance for his policy of "Vietnamizing" the war.

A number of Idaho newspapers have commented editorially on the President's speech. I ask unanimous consent that three highly perceptive editorials from the Idaho press be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Emmett (Idaho) Messenger-Index Nov. 6, 1969]

DUNKIRK

An unprecedented publicity buildup extending over several weeks in advance of President Nixon's Vietnam speech Monday night had created a sense of high anticipation throughout the nation and throughout the world. People had come to believe, or half hope and half believe, that the President would come up with some master stroke of genius that would point the way out of the long and weary war.

The President in essence said three things, all of which have been said before.

1. He said all efforts at negotiation—public, private and secret—have been completely fruitless. He indicated little confidence in future negotiations.

2. He said the United States will not make precipitate withdrawal, leaving South Vietnam and the Saigon government defenseless against the blood bath that would be sure to follow.

3. He said the United States will withdraw on an orderly and flexible, but unannounced, timetable as the South Vietnamese become strong enough to defend themselves. The timetable, he indicated, will be controlled in part by the level of enemy activity and by the rapidity with which the South Vietnamese can be trained and equipped to do their own fighting.

That, said President Nixon, is the solution for ending the war. He said it will work.

It was a great speech, both in delivery and in clarification of official U.S. policy.

By implication, it eloquently expressed three additional points.

1. That the United States has no plan and no hope for defeating the Viet Cong and North Vietnam in battle.

2. That the United States has no intention of abandoning or forcing a change in the corrupt Thieu-Ky regime in Saigon.

3. That the process of disengagement might be very slow and costly, running an indeterminate number of years into the future. The President was very careful in references to withdrawal of ground combat forces, with no reference to support troops of naval and air power.

Another major point was expressed by implication more eloquently than ever before and that is the extreme difficulty and complexity of disengaging from a war that the nation cannot win and will not lose.

For all its eloquence, however, the President's speech omitted the overriding, controlling element in the war. That is the viewpoint of the Viet Cong and North Vietnam and the world powers friendly to them.

That viewpoint is that the war is an internal struggle of liberation that eventually will be won, at any cost necessary, and that the United States is the foreign aggressor. The President and his advisers have spoken brilliantly of what the United States will, and will not, do. They have failed miserably in their unspoken analysis of what the enemy will do.

They have underestimated tragically the tenacity of an enemy that will fight endlessly against all odds for what they believe is right and just. They have underestimated the continuing exploitation by Russia and China of an unparalleled opportunity to embarrass and hurt the United States. It is naive indeed to think that Russia will let the South Vietnamese win when and if the United States completes the phased withdrawal promised by the President.

So President Nixon's much-heralded speech in the end will please none except North Vietnam and Russia, who can bide their time until their day will come. It will displease those who persist in the belief that this nation can and should win its war in Vietnam. It will displease those who believe the United States was wrong in ever going to Vietnam in the first place and compounds the wrong every day it remains there.

The very least the President could have done in his speech would be to pledge aid and support for the establishment of a representative government in South Vietnam. The Thieu-Ky regime is the enemy of the South Vietnamese people no less than the Viet Cong, as were the military dictatorships we sponsored and supported before it.

So what indeed will the VC, North Vietnam and Russia do now that the United States is definitely committed to pull out at some unspecified time in the future?

Two immediate options are open to them.

They can sustain and perhaps even intensify the military pressure in the hope that the unceasing cost and highest possible American casualties will spawn really serious disorders in the United States.

Or more probably, they can reduce the level of hostilities, thus hastening the American disengagement while they gather their forces and plan for the takeover of South Vietnam at an appropriate time.

The eventual outcome will be the same. The unknown is when.

When this era is studied in the history books of the future, it will be recorded that the United States destroyed South Vietnam, and perhaps other areas of southeast Asia as well, by sending hundreds of thousands of troops to their defense—by making an American war on the Asian mainland. No more tragic blunder has ever befallen this nation.

As was proved in Indonesia, and as would be proved in Thailand and Malaysia if left to their own devices, these nations could work out their own destinies were it not for the pauperization of spirit imposed by a foreign power assuming their own responsibilities.

President Nixon did not start the Vietnam war, but he and most other Americans supported it from the start. It is the President's personal tragedy, and the nation's tragedy as well, that there is no really satisfactory way to end it.

Americanization of the Vietnam struggle was a mistake from the start, a terrible mistake. It still is. The damage is irrevocable. The wounds cannot begin to heal until it is over and done.

President Nixon should withdraw unconditionally and immediately. It is the only

way to salvage national pride and pave the way for greater world order. The withdrawal should be as rapid as logistics and the physical protection of the last contingents to leave will permit.

[From the Intermountain-Observer, Nov. 8, 1969]

NIXON SPEAKS FROM JOHNSON'S SCRIPT

The failure of Lyndon Johnson as President was a failure to be honest with his constituents. There are complex and elaborate reasons for that failure, but the point is that he did fail in this respect and that as a consequence the nation became divided and severe damage was done.

Richard Nixon is probably acting for different reasons, but he is acting in the same way; he is being less than candid, less than honest, with his constituents. The results cannot be good.

In his much-anticipated speech of November 3, the President fell back on the bankrupt excuses of the Johnson years—the claim that we cannot let people down by being defeated in Vietnam. In point of fact we have been defeated in Vietnam, if defeat is defined as a failure to obtain our objectives; the smart move now is to cut our losses, get out before much more blood is shed.

We agree with the President that a precipitate withdrawal would cause more bloodshed than it would prevent, and so a certain amount of delay is acceptable, provided the delay is not indefinite and the withdrawal continues at a rapid rate. There is little if any excuse to still be in Vietnam when 1971 begins.

We are convinced that President Nixon made up his mind as long ago as last spring to withdraw all our forces step by step. His mistake was that he did not announce this intention to the world. If he now continues this plan, it will appear that he was pushed into it by the Vietnam Moratorium demonstrators, and the reaction will be bad. And if he comes to believe his own rhetoric and fails to withdraw, the meaningless violence will go on and on, and the division in America will become worse and worse.

Mr. Nixon not only read from one of LBJ's old speeches; he also fell back on one of his own worst old vices: he talked out of both sides of his mouth. At one point he could say that he would not break faith with "the silent majority" which supports his policy of letting the war drag on. Yet at another point he could say that the easy political course would have been to withdraw immediately when he first became President. He did not explain how immediate withdrawal and continued war can both be the will of the people—nor did he say why it is dishonorable to follow the popular course in January, but honorable to follow the popular course in November.

For the sake of peace, Mr. Nixon should probably be permitted his secrecy, his doubletalk, and his pretense, just so long as he gets the troops out of the war. But it would be useful if he could and would do something along the way to heal the national split; if he could, for example, more forcefully and in his own name acknowledge the efforts of the Moratorium backers are making for peace. President Nixon pulled the rug out from under his Secretary of Health, Education and Welfare in order to please a pressure group as small as the American Medical Association. Surely he could do the same thing to a lesser man—Spiro Agnew—in order to please a larger and more responsible group—the Moratorium demonstrators.

[From the Lewiston (Idaho) Morning Tribune, Nov. 4, 1969]

A JINGOISTIC UNILATERAL WITHDRAWAL

President Nixon's address to the nation last night on the Vietnam war produced little more than a restatement of his existing plan for ending the conflict on his own time schedule.

There were no breakthroughs, no surprises and no hope for a dramatic and sudden conclusion. But the speech was a masterful and probably successful political performance calculated to invigorate American faith in his role as commander-in-chief, regain control of the nation and snatch the initiative from those who would have peace tomorrow at any price. He may have bought some time.

Domestically, his remarks were a mixture of the responsible and the irresponsible.

The address was responsible to the extent that it laid out coherently what his policy is. It communicated. Some of the speakers who addressed Moratorium Day audiences across the nation Oct. 15 criticized the President for not taking steps he had already taken. The blame for those incidents must be shared by the speakers in question and by Mr. Nixon for failing to make his position clear enough to compromise the credibility of critics who don't do their homework.

After his address of last night there can now be no mistaking the President's position. Agree or not, it is clear what Mr. Nixon intends to do. He should report to the people more often.

But the President courted a rash response in calling for a specific strain of emotional support that can only intensify, rather than quiet, the screaming of political factions and parochial generations against one another.

In one breath he differed with his immoderate vice president in conceding the integrity and national devotion of his critics. Mr. Nixon acknowledged that "honest and patriotic Americans" have differed with administration policy. He even declared his respect for the "idealism" of the young who have led the attack on his war posture.

But in the next breath he urged Americans to be united for peace and "against defeat." He said "only Americans" can defeat and humiliate this nation, not the North Vietnamese or the Viet Cong. And he called for "the silent majority" to help win the peace and avert the defeat by making their sentiments known.

The tone was temperate. The message was inflammatory. It amounted to an invitation to the nuts on the right to meet the nuts on the left in the streets. The President cannot have failed to realize that his remarks amount to urging simultaneous counterdemonstrations against the second Moratorium Nov. 14–15.

It's a free country, and everyone can speak his mind for or against the war, but the juxtaposition of Mr. Nixon's words invite a specific response to a specific opinion on a specific day. The President is not a man who would knowingly foster political street battles, but in asking "the silent majority" to make their sentiments known, he naively set the stage for a Nov. 14–15 conflict.

Since the speech covered no new ground, its style and strategy seem more significant than its reiterated message. But the message, though repetitive, was plain for the first time. And while the hawks are girding for the opportunity to put the peacemakers in their place, the doves should not lose sight of one encouraging aspect of the policy Mr. Nixon enunciated last night more clearly than he has before:

Whether it is fast enough or based on sound reasons, the fact is that the President is ending the war in Vietnam. While there was some vague threats of counterescalation, the President said, virtually, that he will end the war no matter what the other side does. He described a blank wall on the diplomatic front, offered no hope that Hanoi will become more reasonable and still went on to say that he will bring the war to an end "regardless of what happens on the diplomatic front."

He described the operation in jingoistic euphemisms, but what his plan amounts to is turning the war over to the South Vietnamese whether the South Vietnamese want it or not. Only the pace of American withdrawal, not the intention, can be affected by developments at the peace table and on the battlefield.

It is one thing for the doves to complain that Mr. Nixon clings to the domino-theory slogans of the Johnson administration; it is another to contend inaccurately that his approach is the same as Mr. Johnson's.

Clearly his policy is to extract America soon from the war and call it a victory. That differs only semantically and in pace from the dove position of extracting Americans from the war immediately and calling it a sobering experience. Unlike Mr. Johnson, Mr. Nixon is ending the war, albeit at a speed consistent with his own political image and with occasional overtones of the Old Nixon.

Mr. Nixon is steadfastly following a policy of unilateral withdrawal while calling it by other names and pretending to reject that course.

Ending the war is the correct course, it is what his critics wants and it will conclude this bloody business quite soon. Nothing can alter the course if the peace movement can exercise the good sense not to give Mr. Nixon too many Agnewish lumps as he grimly leads this nation to something finer than meddling in the internal affairs of a corrupt land whose most sinister elements never were a real threat to the United States.

YOUNG DETROIT MUSICIAN WINS ACCLAIM IN ITALY

Mr. GRIFFIN. Mr. President, I am pleased to invite attention to the latest chapter in the success story of a remarkable young Detroiter.

Mr. James Frazier, though still not 30 years of age, has won international acclaim for his contributions in the field of fine music.

Two weeks ago, this brilliant young man became the first American to win the coveted Cantelli prize at the La Scala Opera House in Milan, Italy. The prize, which is awarded to promising conductors of symphonic music, was established in the name of a protege of Toscanini, Guido Cantelli, who died in a 1956 airplane crash.

Mr. Frazier's achievement is notable from many standpoints, one of which is that he is an American who happens to be black.

America has good reason to be proud of this young maestro.

I am sure we will be hearing much more of him as time goes on.

Mr. President, an article about Mr. Frazier, written by John Askins, was published in the Detroit Free Press of Sunday, November 23, 1969. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACK MAESTRO ENDS LONG TREK TO PODIUM

(By John Askins)

The workers at Milana La Scala called out in Italian, "Good morning, Maestro," and bowed deferentially. It puzzled the handful of American tourists standing around.

Why were the doormen and so forth being so, you know, emotional about this young black guy, they asked each other.

It didn't bother James Frazier though. Hardly anybody knew even who he was in Detroit, his home town; he certainly didn't expect Americans to recognize him now in another country.

Besides, he had just won the Cantelli

Prize the day before, and nothing could get under his skin. And tomorrow night, he would be standing at the La Scala podium, his baton upraised, an expectant hush behind him, and he had a lot to think about. La Scala audiences are among the toughest in the world.

So he smiled and said, "Buon giorno" in his broken Italian and went in to rehearse the orchestra. One thing at a time.

When Frazier made his debut with the Detroit Symphony in 1964, he gave himself five years to get somewhere in the music world.

"If I hadn't made it by the time I was 30," he says now, "I was gonna go back to medical school. I didn't want to be 35, 40, 50 and still, you know, making it."

Last week, at 29½, he won the prestigious Cantelli Prize and the important agents began taking a serious interest in him for the first time. It won't be automatic, but his future looks bright.

"It was just a combination of fortuitous circumstances," he said later in his quiet, polite way. Then he broke into a wide grin. "But I just got in under the wire, didn't I? I'll be 30 in May."

Frazier started his music career at the age of 5 ,when he began taking piano lessons at the Detroit Conservatory.

He performed at school and in churches around Detroit all during his childhood and at 14 took over as choir director at People's Community Church. After graduating from Northwestern High School he enrolled at the University of Michigan, planning to get a degree in music.

But he became discouraged about his future as a serious black musician in the mostly white world of classical music, so he decided to become a physician. He graduated from Wayne State with a chemistry degree, applied to Howard Medical University School and was accepted.

Fortunately, before he left for Howard one of his former music teachers came down from Ann Arbor to hear a performance at People's Community Church featuring the great black singer William Warfield, with Frazier directing the orchestra.

The teacher urged Frazier to reconsider his decision to abandon music and convinced him to enter a conducting competition in Liverpool, England. Frazier didn't win but he received a special award aimed at encouraging him to continue his training.

When he returned to America, the teacher got him accepted at the Interlochen summer music camp, where he worked with an assistant to Eugene Ormandy, conductor of the Philadelphia Symphony Orchestra.

The assistant sent him to Ormandy, who listened to him conduct and then sat down and wrote a letter praising Frazier's ability, a rare gesture.

The award and the letter, coupled with a good deal of persuading by People's Community Church fathers, convinced the Detroit Symphony to give Frazier a chance. But his debut came during the 1964 newspaper strike and attracted little public notice.

Frazier went back to the University of Michigan and got a master's degree in music. He taught for a couple of years, waiting for something to happen. He attempted international competitions from time to time with only modest success.

"I had all these hangups that were bothering me," he explains. "I was very reluctant to go into the Milan competition because I felt, 'Well, maybe I don't have the ability.' But I finally decided it was the hangups that were inhibiting me, and so I put them out of my mind and went to Milan. Fortunately, I won."

But it was more than good luck. There were 42 contestants for the Cantelli Prize, established in the name of a brilliant young composer and conductor, Guido Cantelli, who died in 1956 airplane crash flying from Italy to New York to conduct the New York Philharmonic. Cantelli was a protege of Arturo Toscanini.

Frazier and 11 others were picked as semi-finalists. The semi-final competition required each contestant to rehearse and direct the La Scala orchestra in any one of the eight movements from two Beethoven symphonies.

As one of three who survived that trial, Frazier was put to a two-part test: First, conduct Brahm's "Tragic Overture;" second, conduct any one of four works chosen by the judging committee. Frazier picked Ravel's "Daphnis and Chloe," a personal favorite.

His victory was a combination of talent, exhaustive preparation and careful strategy. He went over the music in advance until he knew every piece by heart. "Just like studying for a test," he explained blithely.

He tried to anticipate parts of the scores that would be likely to cause orchestral problems—and he tried to "psyche" the judges. "I knew they would be looking for someone who could make the audience respond, so I thought I would make my fortes LOUD, for instance."

The orchestra members voted for him 76–9. The orchestra gets only one vote in the judging, but its favorite obviously has a bit of an edge. After a prolonged debate (one of the judges was strongly pro-Italy, and the other two finalists were Italian), Frazier was named Il Vincitore, the winner.

He believes his work with the Brahms symphony made the difference. "A lot of times there were places where the woodwinds had important parts and I made them play contrary to what the score said. The score would say 'soft,' meaning soft for everybody, but a flute can't be soft and be heard against 20 violins playing soft, so you have to tell them to play loud.

"I don't call things like that innovations, just things that are rarely done by a large number of conductors. The average conductor underplays a lot of times."

Frazier is not reluctant to talk about the special problems of a black conductor, but he is not bitter about them—now.

"The big problem is that there's such a schism between the black and white communities. When I was 11 or 12 I was playing in a lot of the churches around Detroit and a lot of Negroes knew it but not many whites.

"At the same time there were white kids who played piano—some not as well, some better probably—and they got more exposure, got chances to play with the symphony when they were 13 or 14, mainly because they were known in the white community. I was an unknown quantity until my early 20s.

"Then I think you have to prove yourself more than the average white conductor. People wonder, 'What kind of a musician is he, is he all talent and emotion?' They refuse to accept the possibility that you may be quite scholarly, because we as a people are not accepted as being intellectually astute.

"The big difficulty is getting your foot in the door so you can prove yourself. It's difficult for white conductors too, but it's more difficult for Negroes, I think."

He says he would like to help create more opportunities for black people in music. "I wouldn't have made it this far without the support of the black community," he declares.

The next step for Frazier will be building a reputation by making a lot of appearances as a guest conductor around the country. With the Cantelli Prize and a top agent, that should be no problem.

As the winner of the competition, Frazier was required to conduct before a live audience at La Scala two days later. How did he feel, just before raising his baton for the opening notes of Beethoven's Seventh?

"Well, my first night in Milano, the orchestra was performing. I knew I would be conducting this orchestra in the competition, so I thought I'd go hear them. I went up in the last gallery and listened."

"So when I walked out on the stage, I thought, 'A week ago tonight I was sitting up there in the last gallery and now here I am on the podium.' And I just felt all of a sudden as if I had grown wings and flown down, somehow, with no time in between.

"I didn't have any fear; those bugs were out of me a long time ago.

"And despite what I call my disappointments, I've had a lot of dreams come true. So I was thinking, 'God, how many people ever live to see their dreams realized?' I sorta think now that even if nothing else ever happens, I wouldn't feel so badily. But maybe I don't mean that, maybe I'm just talking."

That should be the least of his worries. During the La Scala performance, the audience began breaking into applause between movements, which is unheard of. At the end there were nine curtain calls and shouts of "Bis! Bis!", which means "More!"

But Frazier didn't know that much Italian—he thought they would be shouting, "Encore," like Americans, if they wanted more—so there were no encores.

NORTH DAKOTA STATE UNIVERSITY IS NO. 1

Mr. BURDICK. Mr. President, on December 13, the No. 1 small college team in the Nation, the North Dakota State University Bison, will meet the University of Montana in the Camellia Bowl at Sacramento, Calif. The majority leader had something to say about the game as reported in an article by Ed Kolpack of the Forum, published in Fargo, N. Dak.

Mr. President, I ask unanimous consent that the article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEAR SENATOR BURDICK, YOUNG; NDSU IN BOWL GAME TOO

(By Ed Kolpack)

An open letter to Quentin N. Burdick and Milton R. Young, North Dakota senators in Washington:

Gentlemen, the State of North Dakota and North Dakota State University's football team are taking a beating from one of your peers. Mike Mansfield, the senator from Montana, may not be the Democratic whip but he is sure whipping up a lot of propaganda about the Montana Grizzlies.

As you know, the NDSU Bison will play Montana Dec. 13 in the Camellia Bowl at Sacramento, Calif. And you must be aware by this time that NDSU is the No. 1 College Division football team in the nation. Montana is only No. 2.

Last week Mr. Mansfield made the national news wires when he asked for Montana's scores this season so he could tell the whole Senate how great the Grizzlies are.

I didn't notice either of you gentlemen asking for equal time so the Senate would know that the Bison have been unbeaten the last three seasons, have 19 straight victories, won six straight North Central Conference championships and are playing in their fifth bowl game in the last six years. Stuff like that.

I know you fellows have been busy with taxes and the draft and Judge Haynsworth.

But what really hurt was the report Wednesday that Mr. Mansfield had invited President Nixon to the Camellia Bowl. My question, Mr. Young, is this: How come a Democrat senator (from Montana yet) gets to invite a Republican president to a bowl game to be held in a state headed by a Republican governor?

Mr. BURDICK. Now, Mr. Kolpack, you cannot criticize our distinguished majority leader for trying. When you are No. 2, you have to try. Notwithstanding, Mr. MANSFIELD is whistling in the dark, because North Dakota State University has one of the greatest teams of all times, and I predict that the University of Montana will emerge from the Camellia Bowl no better than No. 2, and our beloved MIKE MANSFIELD will have tried in vain.

IMPROVEMENT OF THE ADMINISTRATIVE PROCESS

Mr. KENNEDY. Mr. President, the Administrative Conference of the United States met in October to consider a number of proposals relating to improvement of the administrative process. A brief glance at the recommendations of the conference yields some suggestion of the breadth of its activities, ranging from abolition of the sovereign immunity doctrine to updating the subject indexes in the Code of Federal Regulations.

The Subcommittee on Administrative Practice and Procedure has a specific mandate to consider recommendations of the conference "with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective" operation of the administrative process. The subcommittee will certainly examine these recommendations in light of that mandate. I ask unanimous consent that the full text of the recommendations be printed in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS ADOPTED BY THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES AT ITS THIRD PLENARY SESSION, OCTOBER 21–22, 1969, WASHINGTON, D.C.

RECOMMENDATION NO. 9—STATUTORY REFORM OF THE SOVEREIGN IMMUNITY DOCTRINE

The technical legal defense of sovereign immunity, which the Government may still use in some instances to block suits against it by its citizens regardless of the merit of their claims, has become in large measure unacceptable. Many years ago the United States by statute accepted legal responsibility for contractual liability and for various types of misconduct by its employees. The "doctrine of sovereign immunity" should be similarly limited where it blocks the right of citizens to challenge in courts the legality of acts of governmental administrators. To this end the Administrative Procedure Act should be amended.

Recommendation

1. Section 702 of title 5, United States Code (formerly section 10(a) of the Administrative Procedure Act), should be amended by adding the following at the end of the section:

"An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought."

2. Section 703 of title 5, United States Code (formerly section 10(b) of the Administrative Procedure Act), should be amended by adding the following sentence after the first full sentence:

"If no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer."

RECOMMENDATION NO. 10—JUDICIAL ENFORCEMENT OF ORDERS OF THE NATIONAL LABOR RELATIONS BOARD

Recommendation

The orders of most major independent regulatory agencies normally become enforceable automatically unless challenged in court. The statutory requirement that an order of the NLRB can be made effective only by affirmative action to obtain judicial confirmation of its terms, even when its validity is wholly uncontested, is contrary to efficient law enforcement. The Administrative Conference of 1961–62 urged that NLRB orders be treated, for purposes of judicial review, like those of the other major independent administrative agencies. That recommendation remains as sound today as when it was first made. The present practice burdens the courts with unnecessary proceedings whose only product is delay rather than added protection against ill-founded action. In the absence of any challenge after due notice to the parties, NLRB orders should be enforceable by the U.S. Courts of Appeals without further intermediate steps.

RECOMMENDATION NO. 11—PUBLICATION OF A "GUIDE TO FEDERAL REPORTING REQUIREMENTS."

Popular demand for the official index-digest entitled "Guide to Record Retention Requirements" indicates that a companion piece covering the matter of Federal reporting requirements would serve a public need.

Recommendation

1. Each agency subject to Chapter 35, title 44, United States Code, entitled Coordination of Federal Reporting Services, should make separate digests of and citations to each statutory provision and each regulatory provision relied upon by the agency for the solicitation of information as contemplated by Chapter 35.

2. After consultation with the Bureau of the Budget, the Director of the Federal Register should prescribe the style, coverage, and submission of such digests, and should publish the overall "Guide to Federal Reporting Requirements" in the Federal Register in the same manner used for the publication of the "Guide to Record Retention Requirements."

RECOMMENDATION NO. 12—ANALYTICAL SUBJECT-INDEXES TO SELECTED VOLUMES OF THE CODE OF FEDERAL REGULATIONS

Currently the Code of Federal Regulations is updated annually by the issuance of some 112 revised books. Many of these books are self-indexing. The usefulness of some books may be greatly impaired by the lack of an analytical subject index.

Recommendation

1. Each agency contributing substantially to the CFR should review its materials and (a) determine what books should include an analytical subject index, and (b) arrange for the preparation and publication of requisite indexes.

2. The Office of the Federal Register should review proffered indexes and arrange for the publication of those that appear to be professionally adequate.

RECOMMENDATION NO. 13—ELIMINATION OF DUPLICATIVE HEARINGS IN FAA SAFETY DECERTIFICATION CASES

Recommendation

The Federal Aviation Administrator has authority to revoke or suspend the licenses of aviation personnel and training facilities, airworthiness certificates, and other permits related to the operation of aircraft. Present procedures contemplate a full trial-type hearing, if one is desired by the respondent, before the Administrator issues an order of suspension or revocation. If an appeal is taken from that order, a second full hearing is afforded by the National Transportation Safety Board. This is wasteful of time and personnel, and is unnecessary as a protection of affected parties.

In order to expedite proceedings bearing directly on public safety, without sacrificing the interests of individual respondents, the Federal Aviation Administrator should discontinue providing hearings in the nature of trials in "certificate actions." This will not result in "punishment before trial," since the effective date of a certificate action order is invariably postponed, except in emergency situations, pending the outcome of proceedings before the National Transportation Safety Board.

RECOMMENDATION NO. 14—COMPILATION OF STATISTICS ON ADMINISTRATIVE PROCEEDINGS BY FEDERAL DEPARTMENTS AND AGENCIES

Government agencies which conduct formal or informal rulemaking proceedings or cases of adjudication which directly fix the rights and obligations of private persons (hereafter referred to as "proceedings")[1] owe a special duty to the individuals affected and to the general public to manage their caseloads as efficiently as possible, to eliminate inordinate delays in the conduct of proceedings, and to work continuously toward improving the fairness, effectiveness, and economy of their procedures. The present volume of Federal administrative proceedings is so great that much of the basic information needed in these efforts can be developed in intelligible and useful form only through statistical study. The compilation and publication of comprehensive statistics on Federal agency proceedings, at regular intervals would—

Provide each agency with information concerning its business which would enable it to manage its caseload more effectively.

Augment generally the information concerning its activities which each agency must furnish to the President, the Congress, and the public.

Afford affected parties and their counsel a better understanding of the administrative processes which determine their rights and obligations, and

Provide a basis for specific study of particular agency procedures by the agency itself, by committees of Congress, the Administrative Conference of the United States, the organized bar, research scholars, and other individuals and organizations, public and private, interested in improving the Federal administrative process.

Recommendation

1. To the extent deemed useful to advance the purposes of this recommendation, each Federal administrative agency which conducts proceedings (as defined above) affect-

[1] The agency compilations proposed by this recommendation should not be limited to formal proceedings, or indeed to "proceedings" as that term has been employed in gathering statistics for past conferences or Congressional groups. Rather, agency figures should report all matters directly fixing the rights, privileges, and obligations of private interests, including the routine handling of applications and claims.

ing private persons' rights, privileges or obligations, should prepare annual statistical data pertaining to those proceedings, to be compiled in such manner and presented in such publications as the agency considers appropriate.

2. These statistical compilations should list the kinds of proceedings pending during the year, with a concise yet meaningful description of the nature and purpose of each kind of proceeding and citations for the statutory authority under which the proceedings are conducted, and the sections of the Code of Federal Regulations which set forth the rules of practice governing each kind of proceeding.

3. For the purpose of agency efforts that may be made in cooperation with the Chairman of the Administrative Conference of the United States, to lessen delays in administrative proceedings, the statistical compilation should show the number of days which elapsed during each significant step of the proceedings which were concluded during the year.

4. In designing each agency's compilation, the following information, together with the time-study data referred to in 3 above, should be considered minimal:

a. the number of proceedings of each kind pending at the beginning of the year;

b. the number of new proceedings filed or otherwise commenced during the year;

c. the number of proceedings concluded during the year and the manner of their disposition (i.e., by settlement, dismissal on procedural grounds, decision on the merits without hearing, final decision by agency after hearing, and an examiner's initial decision, etc.);

d. the number of proceedings remaining at the end of the year; and

e. the number of proceedings concluded during the year which were appealed to the courts.

5. Each agency should periodically analyse all of the information thus compiled and should develop improved techniques fitted to its particular needs to reduce delays and expense and otherwise to improve its administrative processes. A copy of this analysis should be submitted to the Administrative Conference of the United States.

6. In presenting its statistical compilation, each agency should summarize this analysis and describe the specific steps it has taken toward the ends referred to in 5 above.

7. Each agency, in its subsequent compilations, should follow a pattern that makes possible a comparison of data with corresponding data for earlier periods, thus reflecting changes in backlogs, volumes, and elapsed times and providing a measure of the agency's experience following the specific actions referred to in 6 above.

RECOMMENDATION NO. 15—CONSIDERATION OF ALTERNATIVES IN LICENSING PROCEDURES

Court decisions, notably *Scenic Hudson Preservation Conference* v. *FPC*,[2] have emphasized that in licensing cases the Federal Power Commission must explore and give proper consideration to possible alternatives to the specific plan proposed by the applicant. This principle may in the future be applied to other licensing agencies. Since the range of possible alternatives in any case can be extensive and in some cases virtually unbounded, ways must be sought to control the scope and duration of licensing proceedings within manageable limits while meeting the requirements of the law.

Recommendation

Each agency which issues licenses, permits, or other forms of authorization, should seek to create procedures fitting its particular circumstances which will assure appropriate consideration of alternatives, where necessary, and at the same time will permit effective administration of that agency's licensing functions.

Because the various agencies must deal in their licensing procedures with many diverse subject matters, the Administrative Conference cannot specify a single rule and procedure for achieving this objective. Procedural techniques which experience has shown useful in analogous situations and which an agency might consider include: (1) guidelines embodying a rule of reason concerning the number and character of alternatives to be considered in particular types of cases; (2) rules providing a point in time beyond which the issues in a proceeding will not be expanded to include additional alternatives except under compelling circumstances; (3) techniques, such as prehearing conferences and the filing of testimony in written form before trial, which tend to promote early identification of interested parties and important alternatives; and (4) placing responsibility upon the party or other person proposing an alternative to the applicant's proposal to make an appropriate threshold showing that the alternative deserves the agency's consideration.

RECOMMENDATION NO. 16—ELIMINATION OF CERTAIN EXEMPTIONS FROM THE APA RULEMAKING REQUIREMENTS

Recommendation

In order to assure that Federal agencies will have the benefit of the information and opinion that can be supplied by persons whom regulations will affect, the Administrative Procedure Act requires that the public must have opportunity to participate in rulemaking proceeding. The procedures to assure this opportunity are not required by law, however, when rules are promulgated in relation to "public property, loans, grants, benefits, or contracts." These types of rules may nevertheless bear heavily upon nongovernmental interests. Exempting them from generally applicable procedural requirements is unwise. The present law should therefore be amended to discontinue the exemptions to strengthen procedures that will make for fair, informed exercise of rulemaking authority in these as in other areas.

Removing these statutory exemptions would not diminish the power of the agencies to omit the prescribed rulemaking procedures whenever their observances were found to be impracticable, unnecessary, or contrary to the public interest. A finding to that effect can be made, and published in the Federal Register, as to an entire subject matter concerning which rules may be promulgated. Each finding of this type should be no broader than essential and should include a statement of underlying reasons rather than a merely conclusory recital.

Wholly without statutory amendment, agencies already have the authority to utilize the generally applicable procedural methods even when formulating rules of the exempt types now under discussion. They are urged to utilize their existing powers to employ the rulemaking procedures provided by the Administrative Procedure Act, whenever appropriate, without awaiting a legislative command to do so.

RECOMMENDATION NO. 17—RECRUITMENT AND SELECTION OF HEARING EXAMINERS; CONTINUING TRAINING FOR GOVERNMENT ATTORNEYS AND HEARING EXAMINERS; CREATION OF A CENTER FOR CONTINUING LEGAL EDUCATION IN GOVERNMENT

Recommendation

A. Recruitment and selection of hearing examiners

1. The Civil Service Commission should enlarge the base of recruitment and the number of qualified candidates available for appointment to hearing examiner positions by recognizing trial experience as one basis for qualification.

2. The Civil Service Commission should depart experimentally from the selective certification system as now practiced in the appointment of hearing examiners. Instead, it should develop a system under which the number of candidates qualified for hearing examiner positions is enlarged through the use of a general register for all agencies, with additional credit for specific relevant professional experience or selective certification for those agencies which demonstrate to the Civil Service Commission's satisfaction a current need for personnel possessing a specific background. The purpose of this experiment should be to permit meaningful comparative evaluation with the system now in effect. A report should be made to the Administrative Conference after three years of experience.

To aid the Civil Service Commission in effectuating the objective of this part of the recommendation, the Chairman of the Administrative Conference should appoint special committees from time to time to evaluate the standards of specific relevant professional experience proposed to the Civil Service Commission by any agency as being required for its work. Present selective certification agreements should continue until new standards have been adopted by the Civil Service Commission.

3. The Civil Service Commission should study and, if practicable, should institute an experimental intern program to supplement the direct appointment of hearing examiners from the Register. Without finally deciding the issue, the Conference urges the Commission to consider anew whether successful interns should automatically be placed in hearing examiner positions.

4. The Veterans Preference Act should be amended to permit the selection of examiners for each vacancy from the top ten available persons then appearing on the Register, determined on the basis of examination and ranking without reference to veterans preference.

B. Continuing Training for Government Attorneys and Examiners

1. Agencies employing attorneys and hearing examiners should encourage their participation in programs of continuing legal education. Budgets should include adequate funds for personnel so that attorneys and examiners may be released for reasonable periods of time to accomplish added training. Agencies should take all suitable steps to assure wide knowledge of training opportunities.

2. Agencies should also explore ways in which they can support the professional training activities of the Federal Trial Examiners Conference, bar associations, foundations, the Civil Service Commission, law schools, the individual agencies with parallel legal interests and other institutions offering appropriate training for attorneys and examiners.

3. The feasibility of short-term exchange assignments of experienced attorneys in higher grades among agencies should be considered, in order to enhance the insight and effectiveness of government lawyers by exposing them to varied aspects of legal problems with which they may deal.

C. Creation of a Center for Continuing Legal Education in Government

1. A center should be established in the Washington area for the continuing legal education of Government lawyers, hearing examiners, and private attorneys practicing before Government agencies. The center should also promote coordinated programs within the Government and with specialized segments of the organized bar; stimulate and engage in the preparation of manuals, research materials, and other publications in support of such continuing legal education; and provide a mechanism for the exchange of information concerning professional problems of Government attorneys.

[2] 354 F. 2d 608 (2d Cir. 1965), *cert denied*, 384 U.S. 941 (1966). See also *Udall* v. *FPC*, 387 U.S. 428 (1967).

The center, under the direction of lawyers, should be oriented toward applied legal problems. The Civil Service Commission should make available to it the benefit of the Commission's experience in establishing and operating Federal Executive Institutes and Centers. The Federal Administrative Justice Center proposed by the American Bar Association in a resolution adopted by the American Bar Association's House of Delegates in January 1969, as an example, would serve the purpose of the present recommendation.

2. The establishment of the Center should not diminish each agency's present responsibility to provide continuing legal education for its own lawyers through "in-house" training programs, but the Center should support and assist all agencies in maintaining these programs at a high level of effectiveness.

ASPIRA

Mr. JAVITS. Mr. President, on Saturday, November 29, 1969, the New York Times published an article entitled "Puerto Rican Hopes Lifted." It describes the work of an organization I have known well for some years—"Aspira." Aspira—the Spanish word for aspire—is a self-help organization of Americans of Puerto Rican descent who have banded together to make sure that their children will aspire to reach for the American dream, and that they will have the education to succeed.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUERTO RICAN HOPES LIFTED

(By Alfonso A. Narvaez)

In Puerto Rico el pitirre is a small bird, noted for its ability to soar high over the tallest trees on the island.

But for an increasing number of the 1.5 million Puerto Ricans in the United States mainland it is a symbol used by Aspira, a Puerto Rican self-help organization, to show confidence, self-reliance and the determination to overcome adversity.

Last week, 49 teen-age boys and girls—some black-skinned, with slicked-down hair, others brown-skinned with Afro haircuts, and still others white-skinned with soft flowing hair—stood under the dimmed lights in the main reading room of Philadelphia's Free Library on Girard Avenue and took an oath.

The youths—all Puerto Ricans—were being initiated into seven new Aspira Clubs formed in the high schools there and by their oath were pledging to finish school, continue on to college and return as professionals to their communities to help in leadership roles.

However, for these youngsters, as well as for the thousands of other Puerto Ricans youths who join Aspira (Spanish for aspire) Clubs in New York, Chicago, Newark and San Juan, the main concern today is a search for who they are—for an identity.

For petite 16-year-old Maria Rosa, a senior at William Penn High School in Philadelphia, the Aspira Club means a chance "to learn about my community and race."

"I hope it will help me learn more about myself," she said.

For Robbert Baez, 16 and a junior at Mastbaum High School, Philadelphia, the club would help prepare him for college and "teach me how to deal with people."

Tall and proud, he added, "Maybe I'll get a better understanding of who and what I am."

This search for an identity, with its cultural values, is consuming many Puerto Rican youths in Philadelphia and other parts of the country. Some find it and move ahead. Others don't, and either rebel and lash out at society or lose confidence in themselves and give up.

In 1966, it opened offices in Brooklyn, the Bronx and Manhattan, and this year—with a Ford Foundation grant—in Newark, Chicago and San Juan.

Aspira's organizers found that while Puerto Rican youngsters were making up an increasing proportion of the city's school population only a handful were going on to college.

In 1963 there were more than 14,000 Puerto Rican youngsters enrolled in academic high schools, but only 331 received academic diplomas, the usual prerequisite for colleges. Through Aspira's efforts the number has been constantly increasing.

Louis Nuñez, national executive director, said that although in 1963 only 27 youngsters went on to college through the agency's efforts, last September 901 Aspira students were accepted into colleges throughout the country.

Some of the students who have graduated from college have returned to the agency to work as counselors, passing on some of the benefits they received from the agency.

While much of Aspira's budget comes from Federal sources—such as the Office of Economic Opportunity and Health, Education and Welfare—the organization has been able to build a growing awareness on the part of foundations and corporations of the needs of Puerto Rican youngsters.

A growing proportion of funds have been coming in from corporations on the island and on the mainland. Last year, more than $67,000 was received from corporations.

It is through the clubs with 4,500 members that Aspira has been able to reach Puerto Rican youngsters in the New York City school system. The agency has been able to do a counseling job that, according to Mr. Nuñez, is almost nonexistent in the city's schools.

SENATOR JAVITS: CHAMPION OF THE HUNGRY

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Hunger in America," written by the distinguished senior Senator from New York (Mr. JAVITS), to be published in next month's issue of Playboy magazine. The article is without question one of the best that I have read on this problem which so troubles the country's conscience.

It should surprise no one that the article is so comprehensive and heartfelt. Senator JAVITS is among the select few in the country who have pioneered and carried on the fight against letting American citizens go without adequate nutrition. He was one of the original four members of the Subcommittee on Poverty which journeyed to Mississippi several years ago and found, as he writes, "conditions of malnutrition and hunger that were thought to exist only in parts of India, Africa, and Asia." He is also, of course, the ranking minority member of the Select Committee on Nutrition and Human Needs, of which I am chairman, and I can testify personally to his enormous contribution to the crusade against hunger this year. It is my belief that the passage of a strong food assistance bill in the Senate last September would not have been possible without the brilliant leadership of Senator JAVITS.

The New York Senator recounts the full history of the crusade, beginning in Mississippi, picking up steam with the issuance of the "Hunger, U.S.A." and the CBS documentary on hunger, the initial findings of the national nutrition survey, the work of the select committee, and the declaration by the President last May to end hunger in America for all time. The Senator modestly does not mention what I know to be a fact—that he played a key role in convincing the President that the time had come to issue that declaration.

Senator JAVITS also mentions that the Senate took the historic action in September of passing a food stamp reform bill supported by a bipartisan coalition of the select committee but that the House has not yet passed a reform measure. He voices the hope that in the year ahead we will make even greater progress in the battle against poverty and hunger and ill health because there is a "bipartisan determination to surge ahead." I join him in that hope, and I am sure that with his continuing concern and support it is a hope that will come true.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNGER IN AMERICA

(By U.S. Senator JACOB JAVITS)

(NOTE.—The senior senator from New York describes the feast-and-famine malaise that is abroad in the land and prescribes a cure.)

I first came face to face with the hidden shame of hunger in America when I visited Mississippi in the spring of 1967. I was one of four members of the Senate Subcommittee on Employment, Manpower and Poverty, and we traveled to Jackson to "examine the War on Poverty." We went to Mississippi because we were anxious to see how such Federal programs as Head Start and the one-dollar-per-hour minimum wage for farm workers were faring in the poorest state in the nation.

It frankly never occurred to me nor, I believe, to the other Senators on that trip—the late Senator Robert F. Kennedy and Senators Joseph Clark and George Murphy—that the ravages of American poverty could produce conditions of malnutrition and hunger that were thought to exist only in parts of India, Africa and Asia. Looking back now to that trip made just two and a half years ago, I still find it difficult to understand how we Senators—and the nation at large—could not have been more aware that poverty breeds malnutrition just as surely as poverty breeds unemployment, bad housing, crime and illiteracy.

Had the bread lines of the Thirties been so easily forgotten? Were we so complacent as to assume that simply because the Department of Agriculture offered surplus foods—and food stamps (at a price)—to the poor, the poor automatically received all the nourishment needed to keep body and soul together? Somehow, we had not made the connection between poverty and hunger, and it took the nightmare of Mississippi to awaken us to the reality of millions of people who simply do not get enough to eat—not only in the rural South but also in the urban ghettos of the North, the Indian reservations of the Southwest, the mining towns of Appalachia and in migrant-worker camps throughout the nation.

Even today, two and a half years after that conscience-searing trip to Mississippi, the full facts on hunger in the United States are not yet in. A national nutrition survey is presently under way, but the chief investigator, Dr. Arnold E. Schaefer of the Department of Health, Education, and Welfare, already reports that a disturbing picture of hidden hunger is emerging: "We have found more malnutrition than I ever expected to see in a society described as the best fed in the world."

Dr. Schaefer found, for example, that 92 percent of the children in one preschool Head Start program had such extreme vitamin-A deficiencies that they could go blind at any moment—a condition that could be prevented at the cost of one candy bar per child per year.

Dr. Schaffer produced the startling information that until the fall of 1968, the Department of Agriculture distributed nonfat dry milk lacking vitamins A and D as part of its commodities program for the poor, while at the same time, since 1965, nonfat dry milk fortified with vitamins A and D was shipped to six foreign countries by the same department.

The nutrition survey has already confirmed other reports that goiter, rickets and hookworm infestation, thought to have been eradicated decades ago, are still afflicting the poor. One third of the children examined thus far in the survey are anemic. Ninety-six percent of the children require immediate dental treatment involving an average of five decayed teeth. Ten percent of the children show growth retardation and evidence of the related problem of mental retardation.

These preliminary findings have been reinforced by other medical reports from across the nation—disturbing indications of a direct link between malnutrition, especially insufficient protein, in pregnant women, infants and children and brain damage. It now appears that three quarters of mental retardation is found in big-city slums and rural poverty areas.

In "Hunger, U.S.A.," an exhaustive survey of malnutrition across the country conducted by a distinguished group of private individuals who joined together as the Citizens Board of Inquiry, there is further unsettling documentation of the nutrition needs of the poor. In Baltimore, the hemoglobin level of slum children was found to be lower than that of infants in rural Pakistan. In Seattle, half to three quarters of all poverty infants between 6 and 36 months of age were found to be suffering from nutritional-deficiency anemia. In Boston, one out of five children admitted to the wards of Boston City Hospital has nutritional anemia. In posh Palm Beach County, Florida, 97 percent of migrant-worker families failed to consume minimum recommended amounts of milk or milk products and 63 percent ate no green or yellow vegetables.

What makes these reports even more alarming is the fact that the Federal food-assistance programs still reach only 6,000,000 of the nation's 30,000,000 poor—those citizens earning less than $3000 a year. And the situation appears to be stagnant, at best, because the programs now reach approximately the same number of people reached eight years ago.

These Federal food efforts take two basic forms. There is the commodities-distribution program, which distributes specific food items free to needy families; and there is the food-stamp program, in which needy families buy coupons redeemable at retail stores for food products only, at a value in excess of the purchase price of the coupons. Communities may have either program—food distribution or food stamps—or none at all, but never both.

Under the commodities-distribution program, the Department of Agriculture gives away such foods as corn meal, grits, flour, nonfat dry milk, peanut butter, rice and rolled wheat—all surpluses that have been purchased to help support farm prices. The selection from the 22 basic commodities available varies from month to month, depending on what is in surplus. One of the most flagrant shortcomings of the program, therefore, is that these foods are not chosen for their nutritional value nor to provide a poor family with a balanced diet. Rather—by the Department of Agriculture's own admission—commodities merely supplement the family's diet. Unfortunately, many families look to the commodities program for their sole source of food.

On the other hand, the flaw in the food-stamp program is that many families cannot afford the price of the stamps themselves, even when graduated downward, depending on family income. When this happens, they have no source of emergency rations, because commodities are not available in communities where food stamps are sold.

The hard and undeniable fact is that we have a food-assistance system that fails to reach the vast majority of the desperately poor people who need it and fails to meet the needs of those few who are reached.

Perhaps our awakening to this fact took place in Mississippi because hunger, and the awful conditions of disease, filth and hopelessness connected with it, is easier to spot in the ramshackle shanties of the delta than in the stifling tenements of the big cities. Perhaps it all began in Mississippi because in that state and in other states of the Deep South, there are areas that have allowed themselves to become stereotypes of poverty aggravated by the blatant disinterest of local officials. To be frank, it is easy to kick Mississippi in the pants—to tell it to do something about the awful conditions of human degradation that exist within its borders. But it is quite another thing to take stock of what we see in Mississippi and to come away with a lesson that hunger in that state is simply an extreme version of what we can find within walking distance of the U.S. Capitol—or of your own homes. The challenge, then, based on the lesson of Mississippi, is to look for hunger and root it out wherever we find it, with whatever means and at whatever cost required of the Federal Government to do the job.

The committee learned that the most common hunger situation in Mississippi involved an abandoned middle-aged black mother living in a cramped two-room shack and caring for from four to fifteen children. Sometimes the father traveled North to find work and sent checks home periodically to support the family. Often the children were illegitimate offspring of several fathers; and if some of the older children were daughters, one or two of them may have had two or three children of their own, and no husband in the home. Sometimes an elderly man, usually a grandfather who was unable to work, lived with the family.

The diet of such a family consisted of a breakfast of grits, molasses and biscuits. The adults often ate nothing for lunch, while the children at home were given a piece of bread and some Kool-Aid or water. At night, the family ate boiled beans and corn bread, sometimes supplemented with boiled rice, dry peanut butter or a little can of meat from the Federal commodities program. Usually, there was no electricity nor refrigeration. The surplus commodities were stored in brown-paper bags that were infested with rats and insects.

A few of the shacks had running water, but almost none had toilet facilities. Often there were no outhouses, either; only open sewers and stagnant pools of water surrounded the dwellings. The shacks, worth possibly $35 as firewood, were usually windowless and inundated with the odor of urine that emanated from cracks in the floors and walls. There was usually no table and the little food available was eaten by hand out of a bowl or from a newspaper on the floor. There was also the almost unbearable stench of decomposed food in the cracks of the creaking floor.

Most of the children did not have shoes or adequate clothing to attend school. In one situation brought to the committee's attention, five out of the nine children in a family were too filthy to get near or to touch. They had gone unwashed for so long that their arms and legs were a blue-gray claylike color. Kenneth L. Dean, executive director of the Mississippi Council on Human Relations, who described some of the family circumstances to us, said: "This family is actually too poor to participate in a poverty program. This type of situation represents hunger at its worst."

The adults in these families, Mr. Dean said, often "are of such a destroyed mental, physical and emotional state that they are incapable of caring for either themselves or their offspring. They are barely communicative. Some of these people have been destroyed to the extent that they fluctuate between the human and the subhuman level." Mr. Dean, like other community workers the committee heard in Mississippi, attributed these conditions in large part to the many years in which Negroes were considered by many whites to be "just a shade below the human level."

"It is this kind of past," Mr. Dean testified, "that has produced this middle-aged Negro woman, whose only pleasure is found in those brief moments of free expression in sex relations with a partially destroyed male who also has a pattern of behavior that has developed outside the norms of society. This woman, having her intellectual, emotional and social dimensions of personality denied development, has been reduced to the condition of primitive man and cannot be condemned for failing to appreciate or recognize the social norms of the community."

The hearing in Mississippi also provided me with substantial evidence that the combination of state welfare programs and Federal food programs had made little headway against extreme conditions of deprivation and backwardness. The average monthly welfare benefit to a fatherless family of four in Mississippi, we learned, was between $50 and $60. Out of this, the mother would have to pay all family costs, including rent, utilities (if there were any), medical bills (if a doctor could be found to care for her family), transportation (if any public transit serviced her area) and clothing. Rarely was there enough money left over to provide the family with sufficient food for a full and balanced diet.

Mississippi was—and still is—the only state in the nation to have a Federal food-assistance program in every county. But the severe hardships faced by the poor were, nevertheless, compounded, because most of the counties had switched, or were in the process of switching, from the free commodities to the pay-as-you-go food-stamp program.

This led me to ask one of the key witnesses, Miss Marian Wright, a black lawyer who was working in Mississippi as counsel to the NAACP Legal Defense Fund, this question: "Is there any feeling that counties have switched to food stamps in order to pressure the very Negroes who needed free food the most?" Miss Wright replied: "That's right, Senator Javits. And many people do feel, too, that it's part of an over-all state policy to not respond to the overwhelming need in the delta in order to force these Negroes out because they don't want them here." She said there was a drastic drop in the number of food-assistance recipients as a result of switches from commodities to food stamps. She gave as an example Jones County, in which 17,500 people had been getting commodities but only 4,700 were getting food stamps—a decrease of nearly 13,000—after the county switched programs. The reasons for the sharp drop, she said, were either that needy families could not scrape enough money together to purchase all the stamps, once a month as required, or that state welfare officials had made it extremely difficult, if not impossible, to qualify for eligibility.

Echoing statements the committee was to hear from community representatives across the country, Miss Wright said: "People are not treated with dignity when they go into the welfare office, and they are not allowed to be people, and they are investigated and they are threatened, and this is a terrible kind of thing that has to be stopped."

I came away from that Mississippi hearing with several impressions and conclusions that were to shape my thinking on the hunger problem in the months to come. First of all, needy people were not getting enough to eat, because the Federal food programs were not reaching them. The problem seemed to be a combination of local disinterest and Federal lethargy—a combination that might have been tolerable as just another bureaucratic muddle if people were not starving in the process.

Furthermore, from a practical standpoint, food stamps were beyond the means of destitute families, and those who could afford them usually ran out of food before the end of the month. On the average, six dollars in stamps buys ten dollars worth of food, but the value of a month's supply of stamps never approaches the $120 that the Department of Agriculture says is the minimum a family of four must spend each month to achieve a balanced diet. As far as commodities were concerned, not only did the $22.20 worth of food a month for a family of four fail to provide a balanced diet but commodities, like the food purchased with stamps, did not last a month. Also, the month's supply of commodities was too heavy for most families to carry from distribution centers, so families either had to hire or borrow transportation or do without all the food to which they were entitled.

It was clear, then, that some quick Federal remedies were needed in Mississippi that would also apply to other areas of the nation that faced problems of hunger. There was a dire need for free food stamps for those families that didn't have the money to pay for any. There was also a need to get commodities into those areas where people, for whatever reason, had no food. In other words, the law had to be changed to permit distribution of stamps and commodities at the same time in the same area. Also, Federal authorities had to be authorized to bypass local government when it became clear that people were not getting food because local officials were not cooperating with the Federal programs. Finally, there was a real question as to whether the food-assistance programs would ever meet the nutritional needs of the poor if they continued to be administered by the Department of Agriculture, whose main concern is with farm surpluses, land utilization and supporting farm prices. Obviously, if Mississippi taught us anything, it taught us that the Federal food programs were a matter of life and death—not simply a means of helping the Government dispose of farm surpluses.

If there were any lingering doubts of the seriousness of the conditions in Mississippi, and what it implied for other impoverished areas of the nation, they were dispelled by the report of six prominent doctors, who, after examining children in rural Mississippi, wrote: "We found it hard to believe we were examining American children of the 20th Century." In their report, "Children in Mississippi," they cited case after case of children suffering mental and physical retardation because they came from the wombs of mothers who were unable to provide them with nourishing foods.

The doctors reported "obvious evidence of severe malnutrition, with injury to the body's tissues—its muscles, bones and skin, as well as an associated psychological state of fatigue, listlessness and exhaustion." They related a horror story of anemic, diseased, parasite-ridden children—who cried in pain at the gentle touch of a physician's hand, who moved their arms and legs with agonized effort, of a 70-year old man suffering from crippling arthritis and who were beyond medical assistance because they did not get enough to eat. The doctors reported finding not malnutrition but children suffering and dying from hunger and disease that they said "is exactly what 'starvation' means." In conclusion, they declared: "It is unbelievable to us that a nation as rich as ours, with all its technical and scientific resources, has to permit thousands and thousands of children to go hungry, go sick and die grim and premature deaths."

Even then-Secretary of Agriculture Orville Freeman sent the committee a departmental memo that reported evidence of malnutrition and hunger, of families without jobs who could not buy food stamps because they had no income, and of the need for better certification procedures for food recipients. He said that massive layoffs of cotton fieldworkers, resulting from rapid mechanization by landowners who balked at paying the new one-dollar minimum wage, had resulted in 40,000 to 60,000 people unemployed in the delta.

But Secretary Freeman's response to demands by me and other subcommittee members for immediate remedial action in Mississippi served only to point up the Department of Agriculture's traditional inability to recognize or react to the emergency of unchecked hunger. This became painfully clear at a subcommittee hearing nearly three months after our trip to Mississippi. Responding to some heated and persistent questioning by me, Secretary Freeman doggedly refused to declare an emergency in Mississippi, insisting that this action "would make no difference as such and would not authorize the Secretary of Agriculture to do anything he cannot do now in Mississippi and that is not being done now in Mississippi."

Contrary to the legal opinion of the subcommittee, Secretary Freeman contended that his emergency powers under the law did not permit him to issue free food stamps. He ordered instead that the minimum price of the stamps be reduced in Mississippi from two dollars to 50 cents per person, even though he conceded that some families were so destitute that they would not be able to find money even to pay so low a price—they just had no cash at all.

The tragic implications of the Department of Agriculture's position under Secretary Freeman became clear last March, when the Nixon Administration's new Secretary of Agriculture, Clifford Hardin, simply signed an order for the issuance of free food stamps in two impoverished rural counties in South Carolina. Mr. Hardin, who also has made important strides in initiating food-stamp programs in counties that still offered no food programs and in establishing supplemental feeding programs in areas where food stamps have proved insufficient, shows every sign of not being a traditionalist.

His main problems are the same as those of the department under Secretary Freeman: lack of sufficient funds to bring Federal food programs to all the nation's poor and an unwieldly departmental bureaucracy that gives such priority to management of the nation's food surpluses that the fortifying and distribution of these surpluses to the poor may be suffering in the process.

The Nixon Administration at first seemed content merely to place a high priority on initiatives to get current programs to operate more efficiently. There was an apparent reluctance—even among some of the closest advisors of the President—to spend the large sums needed to get these programs to the poor and to educate them on the basics of a balanced diet. The Nixon budget followed precedent by providing more than three billion dollars for farm price-support programs and only $739,000,000 for family food programs—or, as *The New York Times* so aptly put it—"more than four times as much to make food scarce as to make it available."

But then in May, the President, in a historic humanitarian action, announced that he planned to wage an aggressive campaign against hunger, a campaign that would cost an additional one billion dollars a year.

Under President Nixon's plan, there would be $610,000,000 spent the first year and one billion dollars each year thereafter, to augment and improve the present food-assistance programs. I, and other Senators long concerned with the hunger problem, still had to express doubt that even these additional funds would be adequate to guarantee every poor family, no matter how modest its means, a diet that meets the minimum Federal nutritional standards. The Senate lost little time in following up on the Administration's action by voting to boost the authorization for the food-stamp program to $750,000,000 in the coming fiscal year—more than double last year's $340,000,000 and $140,000,000 more than asked by the Nixon Administration.

But money is only one of the answers to how to establish an effective nationwide food-assistance program. If the Federal Government is to continue using local officials to administer its programs, there must be a major effort to ensure that those officials are concerned with the needs and the problems of the poor and will exercise their authority as contemplated by Federal Law and policy. It is not only in Mississippi that you find local officials who resist these programs more than they administer them.

The CBS television report *Hunger in America*, which did so much to arouse public concern when it was broadcast in May 1968, showed San Antonio, Texas, County Commissioner A. J. Plock being asked about hunger in his community. Plock replied: "Well, why are they not getting enough food? Because the father won't work and I mean won't work. If they won't work, do you expect the taxpayer to raise all the kids? First, let's do something with their daddies and then, yes, take care of the kids." Commissioner Plock is just one of thousands of public officials across the country who feel that way. It is incredible that innocent children are to be held responsible for the "sins" of their fathers.

Referring to the migrant workers who live in squalid shacks rivaling those I saw in Mississippi, one Collier County, Florida, official told the committee: "They're not Collier County people. They're Federal people." Apparently, the fact that these outsiders made it possible for the county to harvest its $40,000,000 citrus crop did not earn them recognition, much less a living wage.

Even in Washington, D.C., I heard food-stamp applicants complain about the difficulty in getting certified. But the complaints at the certification center I visited did not deal with any hostility or abusiveness on the part of officials involved but, rather, with long delays. When I arrived at ten a.m., there were more than 100 applicants waiting to be processed by six clerks—a process that involves a 45-minute interview. Many people were resigned to coming back the next day. There is really no excuse for such delays, especially in Washington, where even now the food-stamp program fails to serve three quarters of 122,000 persons eligible for assistance.

And let there be no mistake that hunger stalks the ghettos of Washington, just as it does in New York City's Harlem, Chicago's West Side, Los Angeles' Watts and Boston's Roxbury. Not the blatant, bizarre sort of hunger that you find in the putrid wastes of rural poverty areas; but it is still the insidious malnutrition that is bred of the hopelessness of poverty amid plenty, the malnutrition that saps the energy and ambition of adults and leaves children listless.

On a tour through tenements in the Columbia Road section of Washington, where one of the nation's worst urban riots raged only a year earlier, after the assassination of the Reverend Martin Luther King, I visited the cramped, stuffy, rat-plagued apartment of Mrs. Florence Spain. She had four children and a disabled husband, and

her only source of income was a $131-a-month welfare check. Out of that $131, Mrs. Spain was supposed to pay $80 a month rent and $40 for food stamps that entitled her to $78 worth of groceries. That left her $11 to pay for her husband's medicines, the electric and gas bills, clothing and shoes for her children and the monthly installment on the 12-inch television set that no one was watching in the living room. That month, however, Mrs. Spain did not have enough cash left over to buy food stamps.

I asked Mrs. Spain what she had for breakfast.

"Had no breakfast," she replied.

I asked what she'd had for lunch.

"Had no lunch," she replied.

"How about dinner?" I asked.

She replied: "Don't know about dinner. Maybe some neck bones, potatoes and grits." She said her childen get lunch at school under the Federal school-lunch program. She told me that the family table hadn't seen beef in eight or nine months, pork chops in a year.

"It's really hard, you know," Mrs. Spain said.

The fight against hunger has presented the Nixon Administration with an opportunity to win a dramatic battle in the War on Poverty. Happily, the Administration appears to have seized the opportunity, and the shame of hunger may yet provide the catalyst for waging a vigorous war on poverty on all fronts.

The Administration has already taken a major step toward reforming the overall welfare system. In his address to the nation last summer, the President began the difficult process of moving away from the present inequitable and degrading system. In his subsequent message to Congress, he charted a course for the Federal Government to adopt minimum welfare standards throughout the nation and to pay a share of the resulting higher payments in states that truly cannot afford them. Clearly, the minimums are only a beginning and are still inadequate to meet the human needs of the nation's poor and the fiscal needs of the states and localities that carry the greatest burdens.

Indeed, the proposed Federal minimum of $1600 annually for a family of four would barely cover the food budgets of the poorest families, leaving little—if anything at all—to cover other such basic costs of shelter, clothing and transportation. The President's plan now favors the states doing the least on their own and penalizes the states, such as New York, that are doing more than their share to help the poor. But with adequate funding by Congress, the President's proposal for establishing national minimum welfare standards would go a long way toward ending the exodus of the poor from rural areas where welfare payments are shockingly low to the cities where assistance is generally maintained at more enlightened levels.

The new Administration has shown itself bold enough to overcome the the vicious and degrading stereotypes of poverty. Its welfare proposal, for example, requires that assistance programs be available to all impoverished families, including those that have a man in the house. No longer would able-bodied men be encouraged or compelled to abandon their families so that their wives and children could qualify for welfare assistance. No longer would families be disqualified from receiving assistance if the head of the house were able to find work and yet were unable to maintain the family at a subsistence level.

Ultimately, there must be an assured minimum income for the poor—either through a reverse income tax or through income maintenance by family allowance—but always with incentives to work, to educate oneself, to lift oneself out of the degradation and hopelessness of poverty. Such a drastic step cannot be taken in a vacuum. There must, at the same time, be an all-out effort to provide adequate and effective vocational training, to provide Federal incentives for improving education in our ghettos and rural poverty areas and to provide sufficient day-care centers so that welfare mothers—nearly 1,000,000 of them without husbands to provide for them—can have the opportunity to work while their children are properly supervised.

Such a multifaceted Federal drive to eliminate poverty should not be hampered by state laws and regulations that might inhibit its effectiveness. For poverty is truly national in scope and no one region should be so blind as to selfishly dispose of its poor as it sees fit, at the expense of other areas of the nation.

Another essential ingredient in the drive to eliminate poverty is to bring adequate health care within the reach of all Americans—including those now on Medicare and Medicaid—through a universal health-insurance system. America's capacity for the cure and prevention of illness and disease has never been greater. Yet, our ability to deliver needed health services at a reasonable cost and to provide for the most basic physical needs has never been more in doubt. This crisis is evidence by skyrocketing health costs, by marked shortages of doctors and other health personnel and by seriously inadequate, obsolete and outmoded health facilities.

In a bill I am preparing for introduction this year, I propose a universal health-insurance system that ultimately would replace Medicare and Medicaid. The medical costs of indigent and dependent persons would be covered by Federal, state and local governments, but the costs of the vast majority of Americans would be financed by employer-employee contributions. There would be freedom of choice among competing plans but participation in a plan would be compulsory. At the very heart of the system would be the requirement that each plan provide complete health care and that each plan submit itself to realistic cost controls overseen by government health agencies. Thus, everyone, regardless of how much he earns or where he lives, would be entitled to adequate medical care.

The ultimate elimination of poverty—and I am convinced that it can be eliminated—will cost billions of dollars. But for a meaningful and productive start, the Bureau of the Budget has estimated that for an additional one and one half billion to two billion dollars a year, all the nation's poor could be quickly reached by the Federal food-assistance programs. This is considerably more than the three quarters of a billion dollars now being spent on food efforts; but it is a fraction of the 80-billion-dollar defense budget and even less than the four billion dollars now set aside for the space program.

What I am suggesting now is that a new set of national priorities is called for—one that balances internal needs with the requirements of its external security.

At the very least, we must move ahead to provide free food stamps to the poorest of our nation's poor and to lower the price of stamps for those who can barely afford them now. There can be no justification in continuing to compel the poor to pay half to three quarters of their income for food, while the average family in our nation pays less than a fifth. Furthermore, the value of the stamps should be increased to permit at least the minimum level of buying that the Department of Agriculture says a family must do to keep all its members well nourished. Also, extra value should be given to stamps that are used to buy special enriched foods. The cost of this program would be under two billion dollars—a small price for our nation to pay to eliminate the hunger in its midst.

To make such a program work efficiently, and in a manner that upholds the human dignity of the recipient, there must be some basic reforms in the food-stamp program. There should be, for example, a computerized system of preparing and mailing the food-stamp coupons, in much the same way that Social Security and welfare checks are now distributed. There simply is no excuse for continuing the demeaning practice of requiring food-stamp recipients to report each month, often at relatively great travel cost, for what must seem to many a dole grudgingly handed out by an insensitive bureaucrat. Also, the use of food stamps should be extended to permit the purchase of such essential nonfood products as soap, toilet tissue and other items for home and personal hygiene.

It is also essential to provide Federal incentives—including demonstration grants—for developing nutrition-education curriculums and techniques to make clear to parents and children alike what goes into a balanced diet. But education is not enough for expectant mothers. They must also have milk, fortified foods and vitamins, to ensure against mental retardation in their offspring. And the supply of these nutrients must be extended to the newborn as well. For school children from poverty areas, there should be a free school-lunch program to replace the pay-as-you-go program that now reaches mostly children in middle-class neighborhoods and affluent suburbs.

It is important to stress that the attack on hunger should not be limited to the Governmental sphere. Food companies, for example, should be stimulated—with Federal subsidies, if necessary—to produce, package and merchandise fortified foods in new forms—fortified soft drinks, for example—to make them especially appealing to the poor.

There is much more, also, that the medical profession can do in fighting the rigors of hunger. One of the most startling and disturbing revelations before the Senator hunger hearings thus far was that there is a shortage of doctors trained to identify and treat malnutrition. Behind this shortage is a failure of the nation's medical schools to make courses on nutrition an integral part of their curriculum or to encourage students to make field studies of malnutrition in surrounding poverty areas.

All these proposals are contained either in my bill—the so-called Health, Nutrition and Human Needs Bill—or in bills of my Senate colleagues.

Last year, the best that Congress could provide was an extra $55,000,000 for the school-lunch program. This year, Congress plans to authorize $750,000,000 for food stamps alone.

I was particularly gratified that, as this issue went to press, the Senate took the initiative in enacting meaningful hunger reform by rejecting the Food Stamp Bill of the Senate Agriculture Committee in favor of a more ambitious bill cosponsored by Senator George McGovern and me. Our bill, which was passed by a comfortable 54-to-40 margin, would permit the issuing of free food stamps to families earning less than $60 a month. It also would permit the simultaneous issuing of food stamps and commodities in communities that are shifting from commodities to food stamps or establishing food stamps as their first food-assistance program.

The McGovern-Javits Bill also gives the Federal Government power to bypass local authorities who refuse to establish a program and run it adequately; at present, there is no national standard. And finally—recognizing that poor families should not have to spend a greater percentage for food than better-off families—the bill establishes that no family would be required to spend more than one quarter of its income on food stamps.

This was a truly historic action by the

Senate—but one that still must be duplicated in the House, where resistance by the tradition-oriented House Agriculture Committee poses a major obstacle.

But there is hope for meaningful action in 1970. There is a bipartisan determination to surge ahead—represented by Senator McGovern, chairman of the so-called Hunger Committee, by me as its ranking Republican member and by the President himself. Most important, the public has been aroused as never before by the specter of starving Americans. A recent national poll attests to this, showing seven out of ten Americans favoring free food stamps for the nation's most impoverished citizens. With this sort of momentum, hunger in the United States may soon be just another conquered American frontier, leading the way toward the final goal of equal rights and equal opportunity for each citizen to his share of the great American dream.

DEATH OF E. M. "TED" DEALEY

Mr. TOWER. Mr. President, it was with deep and sincere regret that I noted the death, the day before Thanksgiving, of E. M. "Ted" Dealey, publisher of the Dallas Morning News; a man who devoted his entire lifetime to development and achievement within his city and of the State of Texas and whose work enabled his newspaper to become known by many as the leading publication in the Southwest.

The first issue of the Dallas Morning News was published October 1, 1885, after George Bannerman Dealey, father of Ted Dealey and for whom Dealey Plaza in Dallas is named, recommended Dallas to Col. A. H. Belo, publisher of the Galveston News, as a site for a second newspaper. Later the publishing corporation which now carries the Belo name, sold the Galveston News and moved its headquarters to Dallas.

In March of 1926, G. B. Dealey and his two sons, Walter A. Dealey and E. M. "Ted" Dealey, announced the Dealey family had purchased the Belo Corp.

Ted followed his father as publisher of the Dallas Morning News. He received a bachelor's degree at the University of Texas, a master's degree at Harvard, and joined the staff of the News as a reporter in 1920. He became a member of the board of directors when the Dealey family purchased the corporation in 1926.

Ted Dealey never forgot that a newspaper's basic responsibility is to inform its readers accurately of the facts and he continued his own reporting efforts even into his last years of life.

Carved in the stone front of the Dallas Morning News building in large enough letters to be read a block or more away, is that statement which stands at once as a pledge to readers and a charge to employees:

Build The News upon the rock of truth and righteousness. Conduct it always upon the lines of fairness and integrity. Acknowledge the right of the people to get from the newspaper both sides of every important question.

Those were the words of G. B. Dealey. His son Ted lived by those words, and he demanded that his newspaper live by them.

His biggest story was probably his reporting of the Japanese surrender aboard the U.S.S. *Missouri* in Tokyo Bay in 1945. His dispatches were later published in a book called "Sunset in the East."

Mr. President, we are living in a time when the foundation of mass communications, the daily newspaper, is facing every increasing competition due to scientific and technological advancement which now makes it possible for millions of Americans to see events instantaneously as they occur from as far away as the moon.

Ted Dealey was born into a world that did not even know of the existence of radio signals. The main communications problem of those days was not how to get the information to the people first, but how to get it to them at all.

In the past several years, problems of economics have forced many newspapers to link themselves together or to resign themselves to either failure or continuing mediocrity. The Dallas Morning News was fortunate to have been located in one of our Nation's fastest growing communities; but the fact that the News has continued to improve itself, has remained a communications leader in the Southwest and has avoided outside financial control is indeed a tribute to the man who has provided it with executive leadership for more than 40 years, Mr. E. M. "Ted" Dealey.

The city of Dallas and the State of Texas will miss him.

Personally, I have lost a friend that I esteemed infinitely as a man.

SEYMOUR MELMAN DESCRIBES A MAJOR MILITARY BUDGET CUT

Mr. McGOVERN. Mr. President, one of the most provocative and incisive minds in the Nation today is that of Prof. Seymour Melman, professor of industrial engineering at Columbia University. He is the author of several important books, including "Our Depleted Society," "The Peace Race," and the forthcoming "Pentagon Capitalism."

Recently, he has described the formula that could be used to reduce our massive military budget from approximately $80 billion to $26 billion. I ask unanimous consent that his article, entitled "How To Cut the Military Budget by $54 Billion," and published in Commonweal magazine for November 28, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO CUT THE MILITARY BUDGET BY $54 BILLION

(By Seymour Melman)

In the name of defense, the government of the United States has constructed the most formidable military establishment in the world. It includes 3.5 million uniformed personnel and 1.2 million civilians; 18 army divisions; 35,000 aircraft; 347 warships; over $200 billion in physical assets; 29 million acres of U.S. land; over 2,000 foreign bases and military locations; 10's of thousands of nuclear warheads; and 4,200 deliverable nuclear warheads mounted in vehicles (missiles and planes) of intercontinental range.

The effect of this military power includes a capability for killing any other society many times over. With only 156 Soviet cities with populations of 100,000 or more, the U.S. clearly wields overkill power of staggering, even if unknown, dimension. It is meaningless to determine whether this dimension is two, twenty, two hundred or two thousand.

Nevertheless, the one thing that the Department of Defense cannot deliver is the defense of the United States, in the elemental sense of shielding the nation.

In the nuclear era they can destroy us, we can destroy them and it doesn't matter who moves first.

Furthermore, this destruction can now be carried out by multiple means. There is overkill in nuclear weapons. There is overkill in biological weapons. There is overkill in chemical weapons. A hundred million doses of nerve gas are stockpiled in steel containers in the Army's Chemical Warfare branch outside Denver. Since the Kennedy Administration, the United States has been mass-producing biological warfare materials. There are multiple delivering systems for nuclear warheads: missiles, planes, mines, balloons, rockets, torpedoes and demolition kits; as well as for bacterial and other weapons.

I shall outline here a set of proposals that have been sent to each Member of the Congress. These proposals would reduce the overkill system so that, before any disarmament agreements, there would remain an armed force of 2.3 million, a nuclear delivery system of staggering dimension and naval and other forces of enormous size. Therefore, let no one call the consequence of what I am about to outline "disarmament" or "unilateral disarmament." I shall also outline a series of budget reductions totaling $54 billion. The purpose of the budget reductions is: first, to improve the military security of the United States, for reduction of military tension systems would achieve this effect; and second, to emphasize that this is the essential step for making funds available for serving the requirements of life in this and other societies.

We should appreciate where we stand. Even though the United States has a Gross National Product of $900 billion for 200 million people, $4,500 of GNP per person, we are a depleted society. What is a depleted society?

40.7 percent of the young men examined by the Selective Service in the last recorded year were rejected on grounds of being physically or educationally incompetent. That is a depleted society.

The United States ranks 18th among nations in the world in infant mortality rates. Sweden ranks the lowest at 12/1,000 compared to the United States' 23/1,000. The difference is 40,000 infant fatalities a year. That is a depleted society.

In 1950 there were 105 M.D.'s in private practice for each 100,000 citizens. There are now 98. That is a depleted society.

An average of 25 percent of the nursing posts budgeted in our hospitals stand vacant. That is a depleted society.

Ten million Americans live with hunger as a sustaining condition. That is a depleted society.

The American College of Surgeons warns that half of the emergency ambulances in the United States are operated by morticians. That is a depleted society.

Half of the school buildings in New York City are in violation of the city's own building code. That is a depleted society.

64 percent of the basic metalworking machinery used in American industry is ten years old or over, giving the United States the distinction of operating the oldest stock of metalworking machinery of any major industrial country in the world. That is a depleted society.

The steel industry, the machine tool industry, the civilian electronics industry and the shipbuilding industry are incompetent as producers of ordinary products able to hold their place even in domestic, let alone world, markets. That is a depleted society.

REASONS

Why do we have such depletion with a Gross National Product of $4,500 per person? Because an important part of that $4,500 consists of parasitic rather than productive growth. Productive growth means goods and services that are part of the level of living that can be used for further production. Parasitic growth means goods and services, however well paid for, that are not part of the level of living and cannot be used for further production. Military and allied activity are parasitic economic growth. They absorb a lion's share of the technical brains of this society. Lacking this stock of skilled manpower imposes pervasive shortages on the rest of the productive capability of the American economic system.

We have spent over $1,000 billion for military purposes since the Second World War, but have not purchased security. However, since 1961 we *have* purchased a state management system that has replaced the so-called military-industrial complex. The state management, owing to the energies of Kennedy, Johnson and McNamara, is like the central administrative organization of large multidivision firms. This central office, staffed with about 55,000 persons, operating out of Washington, D.C., dominates the largest network of submanagement and industrial resources in the world. As in most modern corporations, this management does not own the underlying facilities. The state management in the Pentagon exercises control and that is sufficient.

The operations of the state management and its normal institutionalized intensity for extending its decision power explain many things. For instance, although the continued piling up of nuclear and other overkill is militarily irrational and humanly meaningless, it is eminently serviceable to a management striving to sustain or enlarge its industrial sway. No industrial management operates to diminish its decision power, and this is no exception. There is another consideration that tells of tension within the United States. That can be summarized as an issue of economic development or race war.

The under-classes of American society, the impoverished whites, blacks, Spanish Americans, Indians and others now understand that economic underdevelopment need not be their lot. The combination of higher mortality rate and limited life span, high incidence of certain diseases through life, limited education, limited literacy, limited productivity and limited income is called economic underdevelopment everywhere in the world. To change this requires economic development and investment in what economists call human capital. Human capital means investment in the capability and opportunity for productive employment. Allowing for approximately 7½ million economically underdeveloped equivalent family units, each needing an average outlay of $50,000 over a 10 year period, the total requirement for economic development is $375 billion, or an annual average of $37 billion. Such an operation is unfeasible at the present time. Even if the Congress were to vote the funds, the hands and brains needed to carry out the requisite work are occupied elsewhere.

The pressure for more equality along racial and economic lines in the United States can only be met by making economic development possible. Otherwise this pressure leads to a collision course in many facets of life. How are the universities to greatly enlarge admissions? How can they make up for backwardness induced by poor public and secondary schools? With present resources, the admission of blacks and Spanish Americans on a large scale may only be effected by limiting the white admissions. Then we will be on the road to race confrontation even in the universities.

The same pattern prevails elsewhere, 48 percent of white America is in white collar occupations, while only 22 percent of nonwhite Americans is so engaged. In order to equalize economic opportunity, 26 percent of the nonwhites gainfully employed must move into white collar occupations. The workable issue is not how to divide up the present economic pie, but dividing up a larger pie *so that the gain for one need not be the loss for another.* In fact, the gain for one would be a gain for all. In order to have that option, instead of race confrontation, there must be a process of general economic development. However, that is thoroughly checkmated today by the priority given to military and related activity in this society.

Since 1961 the design of U.S. Armed Forces has been oriented to fighting three wars at once: a war (nuclear) in the NATO area, a war in the China area and a lesser military action in Latin America. This war plan does not constitute the defense of the United States. Rather, it is a basis for world-wide political hegemony by wielding military force.

At President Nixon's first press conference he suggested that what the nation needed in the sphere of defense was "sufficiency." Very well—what is "sufficiency?" In my view this should mean: (1) before disarmament is agreed, operation of a strategic deterrent force; (2) guarding the shores of the United States; and (3) capability for participating in international peace-keeping efforts. However, these criteria for military security exclude the following: (1) building up a nuclear first-strike capability against the Soviet Union or any other nation—it is precisely that capability which is being built up by enlarging the present nuclear delivery system as much as tenfold with a multiple warhead program called MIRV (Multiple Independently-Targetable Reentry Vehicles): and (2) the objective of conducting a program of Vietnam type wars. I judge these latter goals as contrary to the security of the United States. It is emphasized that after the substantial reductions recommended here are made, each for reason of merit, the Armed Forces of the United States would still consist of 2.3 million men operating masses of missile aircraft and naval forces of staggering power.

Incremental costs of the Vietnam war. A military expenditure of 20 billion per year pays for the *incremental* cost of the Vietnam war, that includes the additional ammunition, fuel matérial, etc. used up in fighting it. The Congress would instruct the President and the Department of Defense to terminate this war if they reduced the budget by this amount. (*$20,000 mill.*)

Reducing additions to strategic overkill. It is clear that no present or foreseeable research effort will make it possible for the armed forces of the United States, or any other nation, to destroy a person or a community more than once. Nevertheless, the nuclear forces and delivery systems of the United States have been built up with multiples of overkill. With present capability for delivering 11,000 nuclear warheads (of these 4,200 by intercontinental vehicles) and only 156 Soviet cities with populations of 100,000 or more, continuing the buildup of these forces is absurd.

New nuclear weapons production. The proposed budget for the Atomic Energy Commission includes funds for further production of nuclear materials and weapons which should be stopped as being militarily and humanly unreasonable. (*$1,518 mill.*)

Research, development, test and evaluation. A major part of new military research activity is oriented to new strategic weapons delivery systems, which adds to the proliferation of overkill forces. (*$5,000 mill.*)

Poseidon and Minuteman III. These "new generation" intercontinental missiles (with MIRV) would enlarge the U.S. stock of nuclear warheads by a factor of about 10, and perhaps allow for an increased calculated accuracy for a few hundred yards closer to target. This is bound to be perceived through Soviet eyes as an intended first-strike threat to their missile systems. (*$1,000 mill.*)

ABM. The proposed antiballistic missile system has been the subject of exhaustive debate. The technical workability of the system is under grave doubt on the grounds of complexity and the experience with an unsuccessful attempt to build an antiaircraft defense system. Although the antiaircraft system is much simpler, we know from a principal designer of this system (Dr. Jerome Wiesner of MIT) that it has failed. There is the further prospect that the construction of an ABM system will serve to escalate fear among nations and hence drive forward an already irrational arms race. (*$904 mill.*)

Chemical and Biological warfare. Since 1961 the United States has been producing and stockpiling increasing quantities of lethal chemical and biological warfare materials. This mass production means more overkill weapons systems. In addition, the very existence of these materials, in quantities, exposes the people of the United States to grave hazards because of possible accidents in the handling of lethal, self-propagating organisms. (*$350 mill.*)

Advanced Manned Strategic Aircraft. In the face of already existing massive overkill capability, the proposal to build additional and new highspeed bombers seems to be only another example of organizational and industrial empire-building. (*$102 mill.*)

Bomber defense system (SAGE). It has long been understood that the Soviets do not have meaningful long-range bomber capability. When this is coupled with the known defects in functioning of the SAGE-type system, there is no reason for incurring the large cost that operating it would involve, especially as it would add little to the defense of the United States. (*$1,000 mill.*)

Surface to air missiles. Former Pentagon staff have indicated that substantial savings could be made by holding back on major spending for ineffective antiaircraft missiles, and deferring production on apparently inadequate designs. (*$850 mill.*)

Overkill also exists in other than strategic or nuclear forms. The Federal Budget includes many items which add to our overkill capability in conventional wars. These items, some of which I shall enumerate below, must also undergo reductions in order to prevent waste and contain the proliferation of the military.

Vietnam war manpower. The Vietnam war uses about 639,000 soldiers, sailors and airmen, at an annual cost of $10,000 per man. As the Congress instructs the Department of Defense and the President to refrain from operating wars of intervention, these 639,000 men would not be required. (*$6,390 mill.*)

Surplus military manpower. Analysts in the Department of Defense have reported that substantial savings could be made in all the services by a 10 percent cut in "support" forces, which have been unjustifiably large compared with other armies of the world. In addition, manpower savings could be effected by reducing the large category of "transient" personnel. The result of these two reductions is $4.2 billion, using the $10,000 per man year figure. (*$4,200 mill.*)

Tactical aircraft programs. Specialists in the aviation field have indicated that elimination of overly elaborate and impractical electronic systems, and concentration on simpler (hence, more reliable) aircraft would make possible savings on a large scale. (*$1,800 mill.*)

Attack carriers. The United States now operates 15 attack carrier forces. Their justification is based on the 3-wars-at-once pol-

icy. Even a beginning of reasonable economy in the use of these forces permits substantial operating budget reductions. (*$360 mill.*)

Antisubmarine carrier forces. According to Pentagon specialists, these forces are known to have severely limited capability in their military function, casting grave doubt on the worth of continuing them. (*$400 mill.*)

Amphibious forces and Fast Deployment Logistics Ships (FDL). The amphibious forces are grossly overbuilt and presumably oriented to a Western hemisphere interventionist war mission. The FDL's are part of an expanded Vietnam wars program, and could be eliminated without reducing a massive military capability. (*$500 mill.*)

C5–A jet transport. Further production of this plane, which has been specifically designed to transport large numbers of troops for the Pentagon's worldwide policing and Vietnam wars program, should be dropped. (*$500 mill.*)

Military assistance. For some time it has been apparent that the U.S. military assistance program has been a major factor in encouraging and sustaining dictatorial and backward regimes in many countries. This outlay has no demonstrable relation to the defense of the United States. (*$610 mill.*)

New naval ship construction. We are informed in the federal budget for fiscal year 1970 that "The largest single 1970 increase proposed for General Purpose Forces is for a new ship construction program for our naval forces of $2.4 billion total obligational authority." Such enormous expenditures for naval forces are justifiable only in terms of the 3-wars-at-once military perspective. (*$2,400 mill.*)

Economies in training. A former Pentagon staffer (Office of Comptroller) recommended changes in training methods that would reduce costs appreciably. (*$50 mill.*)

Improved buying procedures. A series of straightforward steps can apparently produce major savings in Pentagon buying—by curtailing the expensive pattern of cost-overruns. (*$2,700 mill.*)

U.S. NATO forces. Pentagon staff indicate the feasibility of reducing forces in Europe by 125,000 and their backup by 50,000 men (at 10,000 per man year). (*$1,750 mill.*)

I would like to mention two more areas in which budget reductions should be effected—that is, military construction and the F–14 aircraft.

Military construction. The Budget for FY 1970 schedules diverse projects which require new military construction. Secretary of Defense Laird proposed a reduction of the $1,948 million military construction item by $634 million, leaving $1,314 million. This should be further reduced in order to limit the continued over-expansion of unnecessary military forces within the United States and abroad. (*$1,000 mill.*)

F–14 aircraft. Funds have been budgeted for the Navy's program for constructing a new class of fighter planes to be carried by its major aircraft carriers. These aircraft are of doubtful worth since there is no opposing force with comparable fleets of carriers against which they might operate. In addition, the enlargement of the carrier aircraft force involves a major addition to preparations for further Vietnam-type wars. This alone is the issue with respect to this aircraft (not whether the design is right, or the contractor competent). (*$834 mill.*)

IN CONCLUSION

I have now reviewed many items in the military budget for Fiscal Year 1970. I have shown how each one can be reduced or eliminated in order to sustain our military "sufficiency" without adding to our over-kill forces or continuing wasteful practices. These recommendations make possible savings of *$54,200 million*, leaving a still-immense military budget of $27 billion for a sufficiency U.S. defense force before disarmament. The difference between $27 and $81 billion is the overkill and the Vietnam war program, and the continued expansion of the Pentagon's decision-power. That is the issue.

CENTENNIAL YEAR FOR PURDUE UNIVERSITY

Mr. BAYH. Mr. President, 1969 marks the 100th year of the founding of Purdue University, one of our Nation's largest and finest institutions of higher education. Established as a land-grant college in 1869 by an act of the Indiana legislature, Purdue has grown during the past century until it now enrolls approximately 25,000 students on its home campus and more than 12,000 others at four regional campuses throughout the State.

Today, Purdue University is widely recognized for its major contributions to and leadership in many fields. To mention only a few, it is noted for outstanding educational and research programs in such diverse areas as agriculture, engineering, basic science, industrial management, pharmacology, and home economics.

An excellent description of the significant role played by Purdue University in higher education was published in the October issue of Indiana Business and Industry. In the article, appropriate and deserved credit is paid to Dr. Frederick L. Hovde, president of Purdue for nearly 25 years, and under whose direction the university has made tremendous strides. As a tribute to the truly remarkable achievements made by this fine institution during its 100 years of history, I ask unanimous consent that the article entitled "Purdue—Its Heritage Is Strength, Stability for Indiana," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PURDUE—ITS HERITAGE IS STRENGTH, STABILITY FOR INDIANA

Purdue University's red-brick campus spreads out broadly over the 650 acres of a flat bluff against which the storied Wabash River nestles in its meander west and southward. The geometric ruggedness of its more than 115 principal buildings rises as single symbol of strength and stability from the fertile Hoosier soil.

Strength and stability loom centrally in the 100-year-old heritage of the state's land-grant institution. Founded at West Lafayette by act of the 1869 General Assembly—but really made possible through the largess of Lafayette businessman John Purdue, who gave his land, his money and his name—Purdue University is one of the solid rocks on which Indiana has been able to build, grow and prosper economically, socially and educationally.

Though you could list scores of individual Purdue accomplishments of direct value to the economic and social welfare of the state, nation and world, Purdue's principal product is an intangible one; Brainpower. Its continuing mission is just as intangible: Enlightenment and the preparation of people for life, socially as well as vocationally.

No one articulates the intangibles of a university as well as the man who has spent nearly one quarter of the university's first century as its president. Frederick L. Hovde, a smalltown North Dakotan who played football and studied chemical engineering at the University of Minnesota.

Excelling at both, he won a Rhodes scholarship and earned a master's degree at Oxford—and a small place in athletic history as the first American to make the Oxford rugby team. He already was embarked on a successful and distinguished career as an educator and scientist when in 1945, at age 37, he was picked as Purdue's seventh president.

Since, he has guided the university's growth and expansion through the crowded years of the GI Bill veterans of World War II, through the tumult and change in attitude and methodology wrought by the near-panic of Sputnik, and now through the perilous waters roiled by youthful impatience for social and political change on the campus.

"The purpose of the university," the president said in a recent commencement address, "is to educate. The purpose of the student is to learn. If both achieve their purposes, the result is an 'educated man' in so far as the process of formal instruction can produce such a man." Then, he said, ". . . during the next 25 years, if you pass the tests of experience and professional performance in your work, you may qualify as an educated man . . . (who) must be and is a man capable of the self-discipline required for the lifelong growth, development and refinement of the total being—mind, spirit and body."

The benefactors of the "educated man" defined by President Hovde have been the world generally and Indiana specifically. But there are tangible contributions to be mentioned, including a few obvious and historic ones: Purdue's early steam locomotive testing; development and research in which Purdue scientists transmitted an early, if not the earliest, TV picture; its cooperative work in network analysis with the Hoosier and other midwestern electric utilities; the work of one of its physicists, Dr. Karl Lark-Horovitz, whose research into the properties of germanium crystals led directly to the development of the transistor—and thus changed forever the scope of man's scientific horizons and his ability to investigate them; the generations of work by Purdue agriculturists helped revolutionize farming and gave mankind the technological ability to once and for all defeat world hunger.

The ways in which Purdue contributes usefulness to the world are countless and difficult to measure. Measure—if you can—the contribution of the university which produced the leader of man's first expedition to the moon, Neil A. Armstrong.

At the age of 100, Purdue, now with about 25,000 students at its West Lafayette campus and nearly 13,000 at four regional campuses, having graduated about 100,000 in its first century, finds itself unexcelled in its traditional educational missions.

Witness its School of Agriculture, which is second to none in the nation and which has made invaluable contributions to Hoosier farming and agri-business.

Witness the fact that Purdue still ranks first nationally in numbers of undergraduate engineers it trains.

Witness the fact that nowhere in the world on any given day are as many people involved in the study of the basic sciences as at West Lafayette.

Witness the fact that Purdue's School of Pharmacy and Pharmacal Sciences, the only offering of its kind at a state-supported institution in Indiana, has the largest graduate enrollment in the United States.

Beyond the somewhat philosophical impacts, Puurdue University exerts a tremendous impact on the economy generally. In the 12-county Greater Lafayette region it qualifies as the largest employer, but its dollar impact is a contribution of more than $72 million, including net payroll, student spending, purchase of university supplies and residence hall food, rents and so forth.

Some of the indirect effects of this economic contribution include donations of more than $100,000 annually to the United Fund by university employees. Purdue educational conferences which bring 100,000 persons each year to the Lafayette community, and athletic events which this year will bring nearly 500,000 others to the campus.

And the university's affiliate, the Purdue Research Foundation, has contributions all of its own. One of the top Tippecanoe County property taxpayers, it also has been instrumental in helping to finance utility installations and school buildings and providing land for several West Lafayette recreation areas.

And PRF's development of the Purdue University Industrial Research Park on the north edge of West Lafayette has brought nearly 20 firms employing about 1,500.

Most significant has been a more than 50% growth over the last five years by way of dollars added to the economy—and Purdue officials see a healthy continuing growth rate, all to the good of the Greater Lafayette area if, indeed, not for all of Indiana.

Direct and specific contributions by the university of interest to Indiana business and industry can be cited in this way:

CONTINUING EDUCATION

Many programs have been developed exclusively for business and industry and perhaps the best known are the supervision programs offered by the School of Technology's Department of Industrial Supervision headed by Prof. Thomas F. Hull. The programs are led by industrial educators and are tailored for supervisory personnel of individual industries to develop supervisors who not only know their trade or occupation but how to successfully supervise others at it.

A glance at the university calendar of the Division of Conferences and Continuation Services produces other examples of the university's direct service to business and industry: The annual air pollution control conference, the annual conference of the Industrial Communication Council, workshop for the industrial engineer in practice, the metal fabricating institute, dairy fieldman's conference, industrial coal conference, roofing superintendent conference—and the list goes on.

And this does not include the year-around programs of the Life Insurance Marketing Institute directed by Prof. Hal L. Nutt. LIMI began in the early 1940s as a unique Purdue program and is now nationally known for the education of trained life underwriters.

SCHOOL OF TECHNOLOGY

Founded in 1964, the School of Technology was given the mission of providing two-year—and now four-year graduate directly oriented to the manpower needs of Indiana and Midwest industry. Its programs in the engineering technologies, aviation technology and nursing have gone a long way toward meeting serious trained manpower shortages. An agency established in the school at its founding, the Office of Manpower Studies, directed by Prof. J. P. Lisack, may be the university's most viable link for dialogue between the academic community and Hoosier business and industry. Conducting his surveys with the clock-work efficiency and thoroughness that he learned as an Air Force colonel, Lisack time and again has produced the hard-to-get facts upon which the university can develop undergraduate programs to meet specific industrial manpower needs. Notable among his surveys of business and industry have been those which showed the critical need at all levels for trained data processing manpower, especially in Indiana metropolitan areas where the computers are outstripping the men needed to run them. Lisack also did an interesting study which told the medium-sized business or industry that careful analysis of profitable use should precede any stampede towards computerization.

More recently, the Office of Manpower Studies came up with the figures which dramatically illustrated one of America's real commercial air traffic hang-ups: A critical shortage of qualified air controllers and air traffic specialists and the need for college-level training in this field to insure a continuing supply of highly trained professionals. The result may be a new air traffic controller school at Purdue under the direction of the school's famed Department of Aviation Technology.

Another Lisack study on the need of foundry technicians was the basis for a joint industry-faculty committee which developed a new two-year foundry technology curricula in which graduates are awarded the associate of applied science degree. The program was a classic case of "interface" between representatives of industry and representatives of Purdue to develop curricula relevant to industry manpower needs.

SCHOOL OF INDUSTRIAL MANAGEMENT

Though it's only 11 years old, Purdue's School of Industrial Management, along with its young (7 years old) partner, the Krannert Graduate School of Industrial Administration, is ranked among the best business schools in the country. Frequent visitors from overseas attest to the fact that the school's heavy emphasis on quantitative methods and use of computers has won attention around the world.

Instead of emphasizing specialization in business areas such as accounting, both schools aim at cultivating students' background in broad management and economic concepts to leave them free to rise in the world of business in directions in which their talents and opportunities happen to mesh. The schools combine the case study methods of Harvard with the quantitative methods emphasis of such other schools like M.I.T. Purdue's pairing of management and economics in a business school is rare among American universities.

Along with this broad-base education for future executives, the schools' faculty is making notable contributions to the state and nation in terms of public service and new knowledge from significant research.

Perhaps no service has had more widespread effect than that of Prof. Robert W. Johnson, one of the country's leading experts on consumer credit. Along with his imaginative teaching as a senior professor of finance, Johnson worked with Federal Reserve Board officials in drafting Regulation Z to implement the new "truth in lending" act, which became effective July 1. Then he wrote a booklet, "The Truth About Credit," in easily understood form, to help consumers learn what protections the new law provides for them. Previously, he served five years as reporter-economist in drafting a uniform consumer credit code, being recommended to state legislatures as a solution to a hodgepodge of credit regulations among the states.

In the Krannert School, and earlier in Chicago, Prof. Joseph C. Ullman has made extensive surveys of such labor problems as hiring costs, unemployment and displacement. One study indicated displaced persons more readily accept a different type of job by talking out their problems with workers in the same boat. He's spending this year in Washington helping evaluate programs of the Department of Labor.

Ullman also was a leader among half a dozen Krannert School professors who dug into their own pockets for initial financing of a new Business Opportunity Program for ghetto boys who wouldn't ordinarily go on to college. Now in its second year, BOP gives these boys from working class families special aids, financial and academic, along with special encouragement and counseling. The program now receives financial support from a number of Indiana industries.

As an extension of the BOP venture, the Krannert faculty is moving toward expanded opportunities for graduate study by black students in such areas as industrial relations.

The chronic battle between water pollution and health hazards for humans and wildlife is being tackled in a research project headed by Prof. Andrew B. Whinston. Using engineers' data on stream flow and waste discharge in the west fork of the White River, Whinston will attempt, through mathematical models, to determine optimal arrangements for waste treatment—or even long-distance piping of wastes to better use the self-cleansing capabilities of rivers.

A new study of natural gas regulations directed by Prof. Keith C. Brown will eventually given President Nixon's science advisors guidelines for a new energy policy. And Prof. Eugene E. Cominskey is probing the thickets of reports to stockholders to demonstrate how various accounting procedures can yield a wide disparity in reported earnings. Pressure from independent auditors, he thinks, could narrow the allowable spread and give stockholders more readily comparable figures. Prof. William J. Breen has programmed computers to make investment decisions.

Prof. George Horwich was one of a small group of leading economists called to Washington to brief Treasury Secretary David Kennedy on the interaction of interest rates and funds.

HUMANITIES HELP BRIDGE SOME GAPS

Purdue's rapidly growing School of Humanities, Social Science and Education may be considered by some a deviation away from the traditional agriculture-engineering-science missions, but the humanities are making direct and valuable contributions to the Indiana economy.

For decades, Purdue has been considered a mecca for the study of industrial psychology, and modern industrial personnel practices in Indiana and elsewhere have their bases in work done by Purdue. It is true of other areas, too.

PURDUE'S COMMUNICATION

Research Center aims at helping management bridge communications gaps. Each year, the center, which is part of the Department of Communication, sends out copies of current research bulletins and other publications. The center works with businesses and other organizations on academic research programs, contract, research projects, and consulting assignments, according to Prof. W. Charles Redding, director.

Since it was formed in 1951, "the Communication Research Center has been in the forefront of academic research directly and explicitly concerned with human communication in business and industry in the United States," Redding says.

A new program begun last summer opens Purdue University's libraries to Hoosier businessmen and manufacturers. The program is intended to help the small businessman or manufacturer get the kinds of information that executives of larger firms get from their research staffs or consultants. Engineering, accounting and advertising are examples of the kinds of information which can be provided in response to executives' requests.

The Purdue University Placement Service does a lot more than arrange interviews between students and employers.

Each fall, the placement service conducts a college recruiting workshop. Beginning recruiters learn now to conduct interviews to gauge the worth of a student to their companies. Recruiters even get opportunities to polish their interviewing techniques by practicing with Purdue students.

Engineering—The smooth-running wheels of Indiana industry have been greased and cared for for many years by Purdue engineers. The reason is simple:

Purdue has been teaching engineering for more than 90 years—before the invention of the adding machine, the airplane, the electric lamp, even before the high-speed internal combustion engine.

So it boggles the mind to compare the one student registered in civil engineering in the fall of 1876 with the 7,500 young men and women today seeking degrees in nine diverse engineering disciplines now offered by Purdue.

Ninety years ago one student was awarded a degree in civil engineering—for all practical purposes comparable to a certificate for a 1969 short course. Today, the interests of students range from geosciences to nucleonics, astronautics to soil mechanics, thermodynamics to materials handling, heat transfer to stochastics.

Since a subject like stochastics—a study involving random mathematical probabilities—wasn't even developed as recently as 10 years ago, it is simply not possible to compare Purdue's engineering offerings, even as late as World War II, to today's program of education; nor the graduates of yesteryear with the present.

The problem is, as always, not keeping up with the needs of technologically based society, but staying ahead of them if possible. Thus, research and development—the production of new and useful knowledge—is also a part of the Purdue engineering scheme.

Do you know that Purdue developed a model road numbering system which has been adopted by hundreds of counties and townships across the nation? Probably not, but fire truck and ambulance drivers can quickly reach any intersection in these areas today because of this grid system.

The list of developments is virtually endless—by the time the most recent is reported, another demands attention:

Professors in fluid mechanics are building models of human organs to find out how they work; sanitary engineers are developing a harmless radioactive bombardment to kill pollutants in environmental wastes; highway planners are utilizing plastic foam to prevent frost heave in pavement; engineers are pooling their knowledge with animal scientists to learn the best living conditions for farm stock; other engineers, working side by side with audiologists, are helping the deaf to communicate.

From these random examples, it is evident that an increasing number of contributions from the Schools of Engineering are both people-oriented as well as thing-oriented. This reflects the high regard Purdue holds in producing engineers with a greater awareness of the socio-economic responsibilities involved in practicing their profession.

THE THERMOPHYSICAL

Properties Research Center (TPRC) at Purdue provides data of some 16 thermophysical properties of more than 50,000 different substances. Information is also available from exhaustive publications produced by this center. It is quite possible that refinements and increased efficiency of electric range ovens and surface elements could be traced to data supplied manufacturers by TPRC.

Information on file at TPRC can tell the scientist and engineer what substances are best for shielding spacecraft re-entering the earth's atmosphere, or what materials will keep hotcakes from sticking to the frypan.

Unique in Indiana is the R. W. Herrick Laboratories, where researchers in engineering and life sciences work together. They research the effects of climate and environment on diet, growth rate, fertility and blood chemistry in the study of husbandry, and the engineering application of the machines to environmental control in the home and industry. Psychologists, too, are called upon to investigate the effects of climate control on the health and comfort of humans.

And out of Purdue's School of Industrial Engineering come graduates, research and knowledge of direct use for industry. One of its faculty, Prof. Ruddell Reed, is considered a foremost authority in a field now receiving renewed and important attention from all quarters of the economy—materials handling. Reed's and Purdue's contribution in this specialty are highly sought.

Holding a high priority this year is the study of noise, listed along with water and air pollution as factors directly affecting man's environment, at home as well as at work. The work ranges from basic studies in understanding the mechanisms of sound generation to designing means of reducing the irritating and debilitating noise in everyday life.

Virtually everything that's noisy is of interest to engineers in the Herrick Laboratories—fans, compressors, sump pumps, furnaces, air-conditioners, refrigerators. They are equally interested in devices to dampen sound—mufflers, acoustical materials, shields, insulators. If you have noticed over the years that motors in the home or factory have become less noisy, it isn't because you have become conditioned; engineers have found ways to quiet them.

Research not only spins off services to Indiana and the nation, but serves the double purpose of keep professors at the cutting edge of new knowledge which, in turn, is displayed and demonstrated in the classroom. The oft-repeated phrase, "The best teacher is also a student," is a truism in higher education, because this is what it is all about—particularly at Purdue.

SCHOOL OF HOME ECONOMICS

With the rising costs of food and labor, it's no wonder the check that seems high to the patron barely covers a restaurant manager's overhead these days.

The problem, however, is not insoluble as evidenced by hundreds of successful restaurants and motel-hotel operations in Indiana.

These problems—all involving the customer—have in fact given rise to Purdue University's new approach to educating food-management people, and it's paying off for some Hoosiers.

Said one Holiday Inn representative: "The graduates we have hired have been outstanding and are doing an excellent job." Others concur, saying they need management people who can improve skills and instill a sense of pride in those whom they supervise.

"But then training of food service people is not a one-way street," says Dean Eva L. Goble of Purdue's School of Home Economics. As she points out, "The restaurateurs work closely with Purdue, visiting annually with students, telling them of the complexities of business as well as the opportunities."

The school's Institutional Management Department, where men outnumber women three to one, relies heavily on industry representatives and alumni, who are now in jobs of responsibility, to keep them informed.

And as requests for advice and information from industry have increased, the department now provides a staff member whose responsibility is to offer direction and counsel to schools, hospitals and commercial restaurants.

SCHOOL OF PHARMACY

"The pharmacist has become the last available health professional for many people," Dean Varro E. Tyler, of the Purdue School of Pharmacy and Pharmacal Sciences, says.

"Not only does he prepare and dispense drugs, but he also is a counselor to the public on their safe and effective use He may advise a client to see a physician, and he keeps records of family medication—to see if the patient is taking other drugs which might conflict."

Established in 1884, the Purdue school is entering a new era this fall, with the completion of the new Pharmacy Building scheduled for mid-winter. The new $6.8 million facility, the largest pharmacy facility of its kind in the nation, will provide 148,000 square feet of floor space. In a state which ranks near the top in drug manufacture, Purdue's interest is typical.

During the last 85 years, the Purdue Pharmacy School has achieved an enviable reputation. More than 3,700 students have graduated, and Purdue ranks first in the country in graduate school enrollment, with about 165 students in the graduate program this fall. Approximately 460 undergraduates are enrolled.

With 80 colleges of pharmacy in the U.S. and Canada, 11% of their full time staff members received advanced degrees from Purdue and 15% of the 80 deans are Purdue graduates. For the six Canadian schools, 17% of the staff and 33% of the deans did their advanced work at Purdue.

Not only will the new building permit academic expansion, it will also consolidate under one roof pharmacy activities now conducted in six locations on campus.

"With the new building and its provisions for heretofore unavailable facilities here at Purdue, we expect to gain even greater advances in the fields of scientific education and research," Dean Tyler says. "We expect our graduates to assume an even larger leadership role in research, industry and education."

During the past year, some 15 per cent of all Indiana pharmacists were reached by closed circuit TV programs over the Purdue network to 10 viewing locations throughout the state. Frequent conferences and seminars are another phase of the continuing education program for practicing pharmacists in a field which changes so rapidly that most of the drugs in use today were unknown 10 years ago.

So great were the advances in pharmacy following World War II that Purdue expanded the curriculum to five years, in 1960, to qualify students for a B.S. degree. Freshmen normally enroll in a pre-pharmacy option in the School of Science.

SCHOOL OF SCIENCE

One of the Purdue plusses for business and industry is its School of Science, where no one academic department has all pure scientists or all applied researchers. Each has some primarily interested in basic research and others in applying the research results.

In the Purdue Department of Physics, staff work at opposite ends of the basic-applied spectrum is exemplified by those who examine what happens to atomic particles in the university's new 20 mev particle accelerator and those who investigate the properties of materials.

In the school's Mathematics Division, there are both the pure mathematician and the computer scientist. The IBM 7094 and CDC 6500 together comprise the largest computer capability in the state and are the heart of the Indiana Regional Computer Network, making available the benefits of this huge computer complex to seven other colleges and universities and four local high schools. A more recent link-up was between the 6500 and satellite computers at Purdue's four regional campuses at Hammond, Fort Wayne, Indianapolis and Westville.

Purdue believes that the intermingling of applied and basic scientists in the various departments is a vital factor in shortening the time gap between discovery and application. Dean Felix Haas notes that having both types of scientists in the same department is the ideal situation to profit from discovery.

SCHOOL OF VETERINARY SCIENCE

Indiana's agribusiness complex and the animal agriculture segment are served in many ways, by the Purdue Veterinary School.

Of the school's 326 graduates (the first class was graduated in 1963) 111 practice veterinary medicine in Indiana.

Purdue-graduated doctors of veterinary medicine—

Assist in the prevention and treatment of disease of food-producing animals and are responsible in Indiana for meat inspection at the state and federal level.

Serve urban residents in treating companion animals.

Work in the pharmaceutical industry in both human and animal biological production fields.

Aid in solving disease problems for the large feed-producing concerns in Indiana.

Are employed by municipal zoos in the larger Indiana metropolitan areas.

Regulate livestock movement and control animal disease for the Indiana Animal Health Board and the Federal Animal Health Division.

Those DVM's who go on to earn M.S. and Ph. D. degrees from the Purdue veterinary school conduct animal disease research beneficial to both livestock and companion animals. These people have key research posts with the federal government and such pharmaceutical firms as Eli Lilly, Dow Chemical, Commercial Solvents and Mead-Johnson.

Research at the veterinary school tackles applied problems which relate directly to the consumer or animal owner and is part of the school's continuing program.

And Purdue, through the Agricultural Experiment Station and the veterinary school, operates two animal disease diagnostic laboratories, the main one at West Lafayette and the branch, opened in September, on Purdue's Southern Indiana Forage Farm near Jasper.

PHILANTHROPIC FOUNDATIONS IN THE UNITED STATES

Mr. McINTYRE. Mr. President, one of the vitally important sections of the tax reform bill now under consideration is that portion dealing with the treatment of private foundations and charitable institutions. Though the existence of abuses in the present system cannot be denied, we must, however, exercise extreme caution to insure that these organizations can continue their efforts which have vastly enriched the quality of life throughout our country's history.

A brief and concise explanation of the activities of our Nation's private foundations is set forth in a booklet entitled "Philanthropic Foundations in the United States." I ask unanimous consent that the pamphlet be printed in the RECORD.

There being no objection, the pamphlet ordered to be printed in the RECORD, as follows:

PHILANTHROPIC FOUNDATIONS IN THE UNITED STATES

PRIVATE GIVING FOR THE PUBLIC WELFARE

The following contributions to the quality of American life have one thing in common. They have all received crucial support from philanthropic foundations.

Thoroughgoing reform of medical education.

Free public libraries.

Scholarship programs to help talented students get a college education.

Control of yellow fever.

Robert H. Goddard's pioneering experiments in rocketry.

A pension system for college and university faculties.

Nationwide drive against loan-shark practices.

Legal aid and defense for the poor.

Greater educational and economic opportunity for Negroes.

Public television and the use of television as an educational tool.

Discovery of the "genetic code" mechanism that shapes all plant and animal cells.

Foundations are nonprofit, nongovernmental organizations set up as corporations or trusts, usually under state laws, to receive and distribute funds for the advancement of human welfare. Their funds typically come from the investment of their principal, or corpus, which consists of the gifts and bequests of their founders. They do not normally solicit contributions from the public. (There are some fund-raising organizations that use the name "foundation," but these are not foundations in the strict sense.)

Foundations are, therefore, instruments whereby private wealth becomes, in effect, a public endowment. The income they earn on their principal funds is given away each year for the support of worthwhile organizations, programs, and projects. Often they spend part of their capital as well. The specific sums given by foundations are known as grants, and most foundations are "grant-making" institutions. A few, however, use their funds for the support of programs of research and service that they themselves administer. These are known as "operating foundations."

While the philanthropic foundation has many special features, it is fundamentally an outgrowth of a deep-seated American tradition which John W. Gardner has called "private initiative for the public good." America has been notable for its reliance on voluntary, nongovernmental efforts to promote the general welfare.

Foundations are one component in the broader philanthropic enterprise. Voluntary contributions provide essential support for the nation's colleges and universities, its hospitals, museums, symphony orchestras, and virtually all religious institutions. Thousands of local agencies throughout the country concerned with recreational programs, care of the elderly, family service, and civic betterment also depend on private funds. The donations of millions of individual citizens sustain the work of such national organizations as the Boy Scouts and Girl Scouts, the 4–H Clubs, the Red Cross, the Y.M.C.A., Y.W.C.A., and Y.M.H.A., as well as organizations devoted to the conquest of disease—the American Heart Association, the American Cancer Society, and others.

In 1968, voluntary giving in the United States totaled $15.8 billion. Of this amount, $12.1 billion, or nearly 77 percent, came from individual givers, and the rest from foundations (9 percent), charitable bequests (8 percent), and business corporations (6 percent).[1]

Governmental expenditures in traditional fields of philanthropy—education, health, and social welfare—are growing, but so is private giving for the public good. In 1968 the American people reached the highest level of contributions ever achieved anywhere in the world. If to this is added the *time* that over 50 million citizens contributed to voluntary agencies in their communities, the record is even more remarkable.

RATIONALE OF PHILANTHROPY

Neither a rising standard of living nor expanded governmental services has reduced the need for private giving. Educational, recreational, and health programs are still not properly supported. The arts are undernourished. Widespread poverty persists. Automation and expanding technology have brought new problems as well as advantages in their wake. Looking beyond their own shores, Americans also want to help the poorer countries in their economic and social development and their struggle to reduce population growth and increase food supply.

But the justification for volutary effort goes beyond the need for adequate financial support. Theoretically it would be possible for government to provide all the funds now supplied by private donors. That approach has been adopted in many parts of the world, particularly in the totalitarian countries. Americans, however, have cherished the values of diversity and pluralism. They have not wanted total governmental control of such fields as education, welfare, health, and the arts. Private effort in these fields makes for greater freedom of choice and healthy competition in ideas and policies. As De Tocqueville pointed out, the reliance on voluntary organizations is one of the most important feature of the American tradition.

Privately supported organizations enhance the public welfare by their broad freedom to innovate. They can readily try out new ideas and adopt improved techniques and standards that become models for other institutions, governmental and private. For instance, several foundations led the way in providing better education for both the disadvantaged and the academically talented. Organizations financed with private funds frequently help governmental agencies improve their performance. Hundreds of private colleges and universities, for example, are providing in-service training for public school teachers in their areas; and in many cities voluntary, nonprofit agencies have been set up to assist municipal departments and agencies—the schools and public health, welfare, and police departments—to provide comprehensive attacks on the social problems of blighted neighborhoods.

In addition, leaders from the private sector often serve on independent study groups, financed by foundations and appointed to make recommendations on subjects of vital importance to the public. Recent examples are the Carnegie Commission on Educational Television and the National Commission on Community Health Services, which was supported by four foundations.

LEGAL INCENTIVES

Since the Colonial period, public policy in the United States has supported the conviction that private, as well as governmental, institutions should participate in defining and helping to meet social needs and problems. Thus "public service" in America does not always mean "governmental" service. American society bolsters this principle in two ways.

First, it provides tax incentives to individuals and business organizations to encourage them to contribute funds to private, nonprofit institutions and voluntary agencies. Individual and corporate gifts for charitable, religious, and educational purposes are deductible on tax returns. Inheritance and estate tax laws also encourage giving for philanthropic purposes.

Second, through their elected representatives, Americans have provided legislative incentives for the organization and growth of private, nonprofit institutions serving the public welfare, such as universities, hospitals, foundations, and research organizations. Nonprofit charitable, religious, and educational institutions are granted tax exemption because they serve the common good.

The laws, administrative rulings, and judicial decisions supporting these incentives are based on the principle that private institutions devoted to the public welfare relieve the government of burdens it would otherwise have to assume or, equally important, perform functions that government cannot or should not perform. Professor Milton Katz, of the Harvard Law School, has explained the tax exemption of foundations as follows:

[1] *Giving U.S.A.* (New York: American Association of Fund-Raising Counsel, Inc., 1969), p. 10.

The key to the modern philanthropic foundation is its nature as both a public and a private institution. The public-private amalgam is the key to the performance and promise of the philanthropic foundation. . . .

Some might ascribe the public component in the dual nature of the general philanthropic foundation to its enjoyment of tax exemption. To do so would mistake an effect for a cause. The foundation has been accorded tax exemption in recognition of its public-private nature. Its nature would remain unchanged even if tax exemption were withdrawn. The foundation is public because it devotes all its resources exclusively to educational, scientific, religious, charitable or other public purposes and applies none of its resources to the pecuniary advantage of any person (other than regular compensation for services rendered). It is private in the sense that it is nongovernmental and derives its resources from gifts by private donors (or income from the investment of such gifts). It is a privately organized public institution.[2]

HISTORY AND SCOPE OF FOUNDATIONS

Organized philanthropy has roots going back to pre-Christian times, and the legal basis of philanthropy in the United States can be traced to the English Statute of Charitable Uses, enacted in 1601. However, the pattern of the modern foundation may be attributed primarily to Andrew Carnegie and John D. Rockefeller, who developed the idea at the beginning of the twentieth century. The first major foundation was the General Education Board, established by Mr. Rockefeller in 1902. This was followed by the Carnegie Foundation for the Advancement of Teaching in 1905, Russell Sage Foundation in 1907, Carnegie Corporation of New York in 1911, and the Rockefeller Foundation in 1913.

By 1930 the essential characteristics of this new institution had been fairly well defined. The foundation in its purest form has substantial endowment, its governed by a board of trustees composed of men and women selected for their judgment and vision, has a competent professional staff, and sees its task as that of devising programs of grants addressed to the solution of basic problems. Heavy emphasis is placed on research, experimentation, and demonstration.

From the modest beginnings of the first decade of this century, the number of foundations has now increased to about 22,000, with estimated total assets of $20.5 billion, at market value, and annual expenditures of approximately $1.5 billion. Since foundations are required by law to disburse their income within a reasonable period after it is received and may not accumulate it, the funds spent by foundations represent virtually all of their income and some principal. As has been mentioned, foundation grants account for about 9 percent of voluntary giving in the United States.

Most foundations are small, but 29 have assets exceeding $100 million each. About 250 have resources of over $10 million and are classified as large foundations. Over 1,200 hold assets of $1 million to $10 million.

It is interesting to consider the size of the foundation enterprise in terms of economic yardsticks. The total annual grants of foundations amount to about 2/10 of 1 percent of Gross National Product. They are only 6/10 of 1 percent of the expenditures of government in the United States. According to a recent Securities and Exchange Commission report, foundations own 2.1 percent of common and preferred stock as compared, for example, with 66.5 percent held by individuals. While foundations have been growing in numbers and assets, the population has been increasing apace. So also have the nation's needs in health and education which amounted, to mention only two fields, to about $112 billion (13 percent of Gross National Product) in 1968.[3]

Thus in the perspective of overall public and private investment in the human development of a large and changing society, it is clear that the foundations have modest financial resources. Their importance lies not in their size but in their independence and in certain other advantages they possess as a special kind of institution.

DISTINCTIVE ROLE OF FOUNDATIONS

As independent organizations, foundations have broad freedom of judgment and decision within the limits set by law. They can formulate long-term objectives for their grant-making programs based on thorough studies of community and national problems. They can direct their work toward an intensive examination of the underlying *causes* of these problems in the hope that broad-scale action by other organizations and agencies will result.

The ability of foundations to perform this function rests on the following:

They can be selective, limiting their support to a few problem areas at a time and choosing the persons and institutions within them that show the most promise of making important advances.

They are free to pioneer in new fields and approaches. Through exploratory studies, experiments, and pilot ventures, they can exercise leadership in discovery and innovation.

They have flexibility, because their funds are relatively uncommitted. They do not have large payrolls and operating programs that have a first claim on their income. They can move rapidly into new fields, respond quickly to new needs, and act with precision. They are capable of what Gordon N. Ray, President of John Simon Guggenheim Memorial Foundation, has called "fine tuning." They can leave a given field when it is clear that other sources of support have become available.

They have the ability to persevere. Foundations are often referred to as *organized* philanthropy. More readily than other forms of philanthropy, they can plan their giving on a long-term basis. They can stay with a problem for a long period, placing their grants with utmost care to build on each advance.

These advantages enable well-administered foundations to achieve large results with modest funds. In an increasingly bureaucratic society, foundations can be centers of objective evaluation, of creativity, of flexibility of leadership based on ideas.

TYPES OF FOUNDATIONS

Foundations are such a diverse group of organizations that it is not easy to define the term "foundation." The most widely accepted definition is that followed by *The Foundation Directory*. A philanthropic foundation is defined there as a "nongovernmental, nonprofit organization having a principal fund of its own, managed by its own trustees or directors, and established to maintain or aid social, educational, charitable, religious, or other activities serving the common welfare." [4]

Foundations have traditionally been classified into five principal groups: general purpose, special purpose, company-sponsored, community, and family. These groups overlap to some extent, but they provide a rough framework by which to distinguish organizations that have rather different characteristics.

Most of the larger, well-known foundations are classified as *general purpose*. The approximately 370 foundations of this type operate under broad charters, usually have large endowments, are governed by distinguished boards of trustees, are administered by trained professional staffs, and address themselves to the basic problems of the fields in which they operate. Their interests are national and international. They hold about two-thirds of the assets of all foundations and account for more than half of the total amount of grants. They are also sometimes called "independent foundations," because they are not closely associated with a particular family or company or community. Most of the statements in this booklet about the distinctive purposes and role of foundations are made with the general-purpose or independent foundations in mind. In a sense they are the model or prototype of the modern foundation.

Examples are Carnegie Corporation, the Commonwealth Fund, the Danforth Foundation, the Field Foundation, the Ford Foundation, W. K. Kellogg Foundation, Charles F. Kettering Foundation, Russell Sage Foundation, the Rockefeller Foundation, Alfred P. Sloan Foundation, and Twentieth Century Fund.

Some 500 foundations, with about 10 percent of the assets, are *special purpose*. Many of them were created by will or trust instrument rather than by incorporation. They have very specialized objectives. Welder Wildlife Foundation, Sinton, Texas; Edwards Scholarship Fund, Boston; and Vera Institute of Justice and Milbank Memorial Fund, both of New York, are illustrations of this type. Many of the special-purpose foundations have made notable contributions.

There are about 1,500 *company-sponsored* foundations of significant size. Controlling approximately 6 percent of all foundation assets, they are closely associated with business and industrial corporations. Typically they receive annual appropriations from their sponsoring companies and are not heavily endowed. Often their programs of grants are directed primarily to communities in which the company has plants or offices. United community funds, higher education, hospitals, and more recently urban affairs receive special attention from most of the foundations of this type. Alcoa Foundation, Esso Education Foundation, the Sears-Roebuck Foundation, and United States Steel Foundation are among the larger company-sponsored foundations.

Some general-purpose foundations—Kellogg, Ford, and Lilly, for example—bear names identified with companies but are not company-sponsored foundations. In these cases the names come from the families that endowed them. They receive no contributions from the companies, though they may own company stock.

The *community* foundations are a small but important group. Some of them have exercised remarkable leadership in the improvement of their immediate geographical areas through surveys and experimental projects and in the support of essential community services. There are about 200 foundations in this class, representing some 3 percent of foundation assets. The larger of them are set up as trusts rather than corporations and are in effect clusters of small and medium-sized philanthropies under unified management. They are directed by committees broadly representative of their communities. They are closely associated with local banks and trust companies that handle their investments. Many of their funds are designated for quite specific purposes. The Cleveland Foundation is the oldest and largest of the community foundations; other well-known philanthropies of this type are the Chicago Community Trust, the New York Community Trust, the Permanent Charity

[2] Milton Katz, *The Modern Foundation: Its Dual Character, Public and Private* (New York: The Foundation Center, 1968), p. 10.

[3] *Giving U.S.A.*, pp. 40 and 50.

[4] Marianna O. Lewis, ed., *The Foundation Directory*, 3rd ed. (New York: Published for the Foundation Center by Russell Sage Foundation, 1967), p. 7.

Fund of Boston, and the San Francisco Foundation.

About 15,000 of the 22,000 foundations in the United States are of the *family* type. That is, they receive their funds, either in the form of endowment or annual gifts, from an individual donor or members of his family who continue to be active in the management of the foundation. The great majority of these foundations are very small, operate quite informally, and have no professional staff. They account for about 15 percent of foundation assets. Their grants are typically made to well-established institutions and organizations in which the donors have a personal interest. Mary Reynolds Babcock Foundation, Winston-Salem, North Carolina; Louis W. and Maud Hill Family Foundation, St. Paul, Minnesota; the Kresge Foundation, Detroit, Michigan; Lilly Endowment, Indianapolis, Indiana; Richard King Mellon Foundation, Pittsburgh, Pennsylvania; the Moody Foundation, Galveston, Texas; Charles Stewart Mott Foundation, Flint, Michigan; and Woods Charitable Fund, Chicago, Illinois, and Lincoln, Nebraska, are among the larger family foundations.

Most of the general-purpose or independent foundations began as family foundations, and the line between the two groups is not sharp.

MANAGEMENT OF INDEPENDENT FOUNDATIONS

In view of the importance of the large general-purpose or independent foundations, some additional description of their organization and administration may be useful. As has been mentioned, they are governed by boards of trustees in much the same way as a university. The board is typically composed of leaders, elected for specified terms, from business, law, education, and similar fields. The trustees formulate the policies of a foundation; appoint its staff or at least the senior administrative officer (usually called the president or executive director); decide on the areas in which the foundation will make grants; and meet at regular intervals to review the program and authorize grants. A clearly defined program is essential if the foundation is to work effectively toward the objectives set by the trustees. Under state law the board has overall responsibility for management. It must in addition see that the foundation meets the requirements of federal law.

The trustees are also responsible for the sound investment and protection of the foundation's endowment or capital funds. The aim is to obtain as high a yield from investments as is consistent with safety and growth of principal. The foundation is, after all, a spending institution, and it is the business of the trustees to see that the investment policies provide adequate funds to carry out the program plans. Many foundations expend in grants more than their investment income; they dip into principal.

Often the donor makes his gift to the foundation in the form of stock in a single business of which he is an owner. The trustees will usually try to diversify the investment portfolio over a period of years, disposing of the original stock and investing funds in a broader range of securities.

The professional staff, who are typically experts in the fields in which the foundation works, investigate the grant applications that are received; study the possibilities of other types of grants that would be constructive; and make recommendations to the board. They travel widely, seeking out talented people, promising ideas, and forward-looking organizations in the foundation's fields of interest.

It is the responsibility of the staff to provide the board with all the information required by the trustees to assure themselves that the foundation is meeting the requirements of the law and using its funds efficiently in the public interest.

It is improper, both legally and morally, to use foundation funds to advance the business interests of the founders, trustees, or staff. Under the present laws governing the conduct of tax-exempt institutions, most such abuses can be corrected. In addition, foundation leaders have strongly supported proposed legislation aimed at eliminating the remaining financial abuses and insuring full public disclosure of foundation activities. Thus, foundation spokesmen have urged passage of legislation that would prohibit questionable business dealings between a foundation and its donor or donor-related parties; would require foundations to distribute their investment income within a reasonable period of time; and would prevent the preoccupation of foundations with business interests.

PUBLIC ACCOUNTABILITY

In common with other nonprofit organizations, foundations have both private and public characteristics. They are private in their right to independent initiative and decision-making, but they have legal and moral obligations to act explicitly and solely in the public interest. They are accountable to the public for their performance.

Annual foundation information returns (Form 990–A), filed with the Internal Revenue Service, include data on officers, grants, administrative expenses, income, capital, and investments, and are open to public inspection. Many foundations go far beyond this requirement. They publish comprehensive annual reports on their objectives and operations including detailed financial data, statements of policies, and descriptions of grants. A number of foundations issue reports and announce grants more frequently. Full public disclosure of information is perhaps the best way to assure that foundations are operating in the public interest.

Finally, foundations are open to examination by appropriate governmental authorities. The state attorneys general have supervisory powers, and Congress makes studies of foundations from time to time. Their activities are also subject to the scrutiny of the press. Their performance undergoes continuing evaluation by the academic and community institutions with which they work closely. Thus, colleges and universities, churches, social agencies, hospitals, cultural institutions, professional and research organizations, and a host of other nonprofit bodies are in constant touch with foundations and offer suggestions to them. These institutions are probably the best informed judges of the worth and effectiveness of foundation programs and ideas.

It has been said that philanthropy is an act of trust. It involves three parties—the giver, the receiver, and the public. The giver trusts the integrity and purpose of the receiver. The receiver, in turn, trusts the giver's obligation to respect his independence. And, lastly, the public trusts that this transaction is motivated solely by the desire to serve the common welfare.

FOUNDATION RECORD

Highlights of the contributions of foundations to human well-being in this century include the following:

They have been instrumental in establishing modern public health institutions and practices and have played a major part in the prevention of hookworm, malaria, yellow fever, and other endemic diseases, not only in the United States but throughout the world.

They took the lead in calling attention to the need for reform in medical education and have followed through by assisting in the development of the finest medical schools and medical research centers in the world. Foundation funds aided in the discovery of insulin, penicillin, and polio vaccines, and are providing continuing support for work on such diseases as cancer, heart disease, and arthritis.

They have helped to advance scientific agriculture. Beginning with demonstration farms to introduce better farming practices, they have subsequently financed work in plant genetics, plant pathology, and other sciences that have vastly increased crop yields. Foundations are also supporting agricultural research and extension in many of the world's less-developed countries, where farming is the main source of income.

Long before governments took official notice of the world population crisis, foundations began laying the groundwork for scientific and policy efforts toward birth control and are now a major source of support for domestic and worldwide biological and demographic research and for action programs aimed at regulating population growth.

In education, they have contributed broadly at all levels, from prekindergarten to postdoctoral study. In the early part of the century, they encouraged the establishment and expansion of elementary schools for children of all races, particularly in the rural South, and helped the nation achieve a system of universal secondary education.

They have strengthened the professional education of teachers, the development of educational testing, and research in child development and educational psychology.

In higher education, foundations have helped develop centers of excellence in all regions of the country. And to strengthen college teaching as a career, they began a system of faculty pensions, have assisted in the raising of salaries, and are financing thousands of graduate fellowships for prospective teachers.

In the post-World War II readjustment of the educational system to a period of exploding knowledge and soaring enrollments, foundations have helped carry out improvements in the recruitment and education of school and college faculty. They have helped improve the use of teachers' time and talent, particularly through the adoption of such modern techniques as instructional television and team teaching.

Individual student opportunity has long been a foundation goal. Foundations have expanded opportunities for the intellectually gifted to make the most of their talents and for those from deprived families to surmount motivational and cultural handicaps that limit their ability to learn.

Besides their efforts to improve the quality of the educational system, foundations have devoted large funds to fellowships and the advancement of knowledge. Individual scholars, university departments, and research agencies have received grants and fellowships for research and training in all branches of learning—not only in the medical and biological sciences but also in the physical and mathematical sciences, the social and behavioral sciences, the humanities, and such professional fields as law, business management, and engineering.

In addition to providing funds to strengthen university departments and schools, foundations support the work of such national organizations as the Social Science Research Council, the National Merit Scholarship Corporation, the Population Council, the Center for Advanced Study in the Behavioral Sciences, the American Council of Learned Societies, the National Bureau of Economic Research, Resources for the Future, and the Brookings Institution.

In the cultural field, foundations have contributed vastly to the growth of libraries and library science. Artistic institutions and groups—fine arts, museums, symphony orchestras, theater and opera companies—have also benefited from foundation support, as have many individual artists. Education in the arts has been aided, both at the profes-

sional level and as an aspect of general education.

Foundations have long been engaged in furthering adult education and in supporting programs to enable citizens to extend their knowledge of public affairs, including international relations.

Noncommercial television has developed as a new cultural resource largely through foundation support.

In social welfare, foundations have made a special impact by stressing ways to prevent social breakdown rather than merely alleviating its consequences. Through social research, social work education, and experiments to test out new ideas and approaches, they have helped public and private agencies to deal more effectively with the acute human problems of deprived urban and rural areas. Much recent state and national legislation concerned with delinquency, job training and counseling, and the attack on poverty at its source has taken account of foundation-supported experiments. Another area of social action spurred by foundation funds is the search for better ways to meet the needs of the nation's growing number of older citizens.

Foundations have pioneered in the advancement of legal rights for both the indigent and the consumer.

They have assisted major national and local civil-rights organizations and sympathetic religious, business, labor, and community groups in the effort to enable racial minorities to acquire social and economic opportunity and dignity in the mainstream of American life.

Finally, foundations have extended the American philanthropic tradition to other countries by helping their peoples develop the knowledge and skills to combat sickness, hunger, and ignorance. They are assisting the world's poorer countries in agriculture, medicine, health, public administration, technical training, family planning, and training in economics, business, and law. At the same time, particularly through grants to American colleges and universities for area studies of Asia, Africa, and Latin America, foundations are helping the United States obtain the knowledge of world affairs essential to its own international responsibilities.

ALLEGED ATROCITIES BY AMERICAN SOLDIERS IN VIETNAM

Mr. MONDALE. Mr. President, a shocked, dismayed, and confused public has been told of an incident at Song My Village in South Vietnam where American soldiers may have deliberately slaughtered innocent civilians—including women, children, and infants.

In the wake of such a revelation, filled with rumors and contradictory statements, we must be extraordinarily careful lest the accused be denied their rights of a firm and impartial trial. We cannot allow American soldiers to become a scapegoat for general rage and frustration over the war itself.

We must also be careful that we do not wrongfully implicate the vast majority of American servicemen for the criminal acts of a relative few. Although I strongly oppose this war and our current policies, I still maintain a great respect for the decency and morality of the American serviceman.

Having stated these warnings, however, I must add my voice to those who are calling for the fullest possible investigation into this and any other similar incident.

It would be easy and not without some truth to blame these acts upon the senseless and horrible war. But responsibility for acts during wartime must still lie with individuals.

Whatever justification we may have for this war—and I happen to believe that very little remains—must be based on principles of justice, morality, decency, and respect for the worth of individuals. Without such principles there can be absolutely no basis for our involvement in any nation at any time. Only a full investigation and just disposition of the charges now being made can affirm these principles and restore some credibility to American policy both at home and abroad.

I ask unanimous consent to have printed in the RECORD a most timely and forthright editorial published in the Minneapolis Tribune, commenting upon this shocking incident.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MASSACRE IN SONG MY VILLAGE

Although much remains to be learned about the massacre in Song My village in South Vietnam by American soldiers, the evidence so far indicates that a horrible atrocity did occur on March 16, 1968. The latest evidence was the chilling statement of an ex-GI who told of firing into mothers hugging their children and begging to be spared.

Today, as we Americans celebrate another great feat in space and prepare for a traditional holiday in honor of America's bounties and goodness, we must also ponder the meaning of an event little different from the Communist atrocities at Hue. We ask ourselves how could we generous, peace-loving, God-fearing Americans—who recoiled in horror when the Nazis, on June 10, 1942, wiped out the Czech village of Lidice—commit an atrocity of similar proportions? Perhaps some of the answers can be found in the column by Anthony Lewis on today's editorial page.

The events in Song My—if published accounts are accurate—are a betrayal of what America stands for, betrayal of the good works so many thousands of Americans have undertaken in Vietnam. The events, if true, are a violation of the Geneva war conventions, as well as being a war crime under the Charter of the International Military Tribunal by which Nazi war criminals were brought to trial at Nuremberg.

Painful as the disclosures may be to all of us, the investigation of Song My must be pushed through to a conclusion, so that guilt or innocence of Song My participants may be determined, and so that, if guilty is the verdict, all Americans may learn how some Americans have acted in Vietnam. Many journalists and other observers have cited other atrocities by Americans in Vietnam, but never on the scale approaching Song My.

The killing of civilians long has been suspected as a prime cause for the high enemy body count reported weekly by the U.S. command in Vietnam. In any given period, say six months or a year, body count figures have always been much greater than changes in official estimates of enemy troop strength (even allowing for infiltration of fresh troops).

A review of our files shows this Associated Press account of the Song My action on the day it occurred: "SAIGON (AP)—U.S. infantrymen, in a hide-and-seek fight through the rice paddies and sand dunes along the central coast, killed 128 Viet Cong guerrillas today, the U.S. command said. A spokesmen said a company of the 11th Light Infantry Brigade, sweeping into an area that had been bombarded minutes earlier, tangled with guerrillas this morning. . . . A U.S. spokesman reported American casualties as two men killed and 10 wounded."

If the recent accounts of Americans present at Song My are correct, the account of the U.S. command was false. The dead at Song My were women, children and old men who were herded together—not guerrillas running through the rice paddies.

A few days later, the U.S. command reported 3,070 enemy deaths for the week that included Song My, then shortly thereafter "updated" the total to 3,642. How much of this total was made up of old men, women and children? How honest are U.S. military reports of lopsided victories in one-sided battles? Are some of them really more Song Mys?

Some of the public's reaction to Song My may turn into additional criticism of President Nixon's efforts to wind down the war. It should be noted, however, that Song My occurred under President Johnson and Gen. Westmoreland, then commander in Vietnam. His successor, Gen. Abrams, appears to have changed strategy and emphasis away from the kind of policies that may have caused Song My. We hope he has.

We believe America's combat involvement in Vietnam was a mistake. Song My is a tragic and shameful consequence of that mistake. The job is to extricate ourselves from that mistake, a job which now is in the hands of President Nixon. We believe most Americans will support a more rapid withdrawal from Vietnam, and we hope our President makes the decision to do this.

DEPARTMENT OF DEFENSE RESEARCH

Mr. FULBRIGHT. Mr. President, section 203 of the recently passed Military Procurement Authorization Act states:

None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function.

This provision was initiated by the distinguished majority leader and adopted by the Senate as a part of my amendment to cut back on several categories of Defense research. Subsequently, the amendment was adopted by the House Committee on Armed Services, so the item was not in dispute in conference.

Both the majority leader and I felt that the enactment of this provision would have a significant impact on the Department of Defense policies in support of non-mission-oriented research, for which some $400 million was spent last year. The purpose of the amendment was to get the Department of Defense out of the business of supporting academic research that is not directly related to military requirements, and break the trend toward greater reliance by university scientists on the largesse of the military. The increasing reliance by scientists for financial aid from the Defense Department is not healthy for the scientists, their universities, or our society. The Senator from Montana has suggested that a reasonable goal for carrying out section 203 would be to reduce Defense funding of academic research to "no more than 25 percent of that funded

by the National Science Foundation by the end of fiscal year 1971." I agree.

But the Department of Defense has different ideas. It has decided to ignore the intent of Congress in enacting this provision. On October 8, following the publication of a news report about a Defense-financed research project to train birds to wage war, I wrote the Defense Department to ask for a report on the action it planned to take in response to section 203, and, specifically, how it viewed the bird project in the light of the intent of that provision.

The reply I received from Dr. John S. Foster, Jr., Director of Defense Research and Engineering, stated:

It has long been DOD policy to support only research which is relevant to military functions and operations. Most of our projects in the research and exploratory development budget categories (from which comes most of our university funding) are, in fact, relevant to *many* military operations. . . . I do not expect, therefore, that implementation of these sections will entail any new type of review or selection.

I ask unanimous consent to have this exchange of letters printed in the RECORD following my remarks.

It is unfortunate that Dr. Foster has chosen to flout the intent of Congress. I had hoped that the Defense Department would take steps to drastically reduce this type of research. It is now up to the Appropriations Committees to insure that the fiscal 1970 Defense research program is in keeping with the intent of section 203. I hope that the chairman of the Senate Committee on Appropriations, the senior Senator from Georgia (Mr. RUSSELL), will have his committee take a very careful look at this program and insure that appropriate reductions are made.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., November 3, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for sending me the Washington Post article of 8 October 1969 concerning the Project Themis research at the University of Mississippi in the area of Biocontrol Systems.

Historically, animals have been used to perform a variety of tasks. For example: dogs and rescue operations in the Swiss Alps; geese for sentry duty (dates back to the Roman Legions); the carrier pigeons and porpoises to assist in undersea operations. More recently pigeons have been trained to cull out defective items from pharmaceutical and electronic small component inspection lines. Dogs have been trained to perform a variety of tasks that have proved helpful to our military personnel in Vietnam. Dogs can detect buried and above ground mines, booby traps and trip wires and warn of the presence of these devices. All of these applications have utilized some unique animal capacity to enhance man's operational capability or to save lives. It is our purpose in this research to extend and exploit such capabilities for use when our forces are exposed to situations such as those they now face. We believe that the potential of utilizing the unique capabilities of certain animals and birds should be investigated if by doing so human lives may be saved. I hope you will agree that this line of applied research has a direct relationship to specific military functions and operations.

We have been giving considerable thought to the implementation of Sections 203 of the House authorization bill and 205 of the Senate authorization bill which require that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." The research programs of the military departments and Defense agencies are under continual review by elements of DoD and receive, in addition, the critical scrutiny of my office. It has long been DoD policy to support only research which is relevant to military functions and operations. Most of our projects in the research and exploratory development budget categories (from which comes most of our university funding) are, in fact, relevant to *many* military operations. From time to time however, we eliminate support for research fields which are no longer relevant to DoD needs; high energy physics is a recent example. I do not expect, therefore, that implementation of these sections will entail any new type of review or selection. Nevertheless, Secretary Laird, Secretary Packard, and I have been instituting a number of new management approaches which will provide a basis for more coherent and explicit presentations to the Congress about the basis of our budget requests.
quests.

Sincerely,

G. L. TUCKER,
(For John S. Foster, Jr.)

OCTOBER 8, 1969.

Dr. JOHN S. FOSTER, Jr.,
Director, Defense Research and Engineering, Department of Defense, Washington, D.C.

DEAR DR. FOSTER: I noted the enclosed article in this morning's *Washington Post* concerning a contract with the University of Mississippi under Project Themis.

As you know, both the House and the Senate have added a provision to the military procurement bill which requires that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." I am interested in having your views on how this amendment will be implemented by the Department after it becomes law, along with some estimate of the types of contracts, and the amounts in dollars, that may be cut out in carrying out the intent of the Congress. I would also like to know if in your view the contract described in this article would be possible under the terms of the amendment.

Sincerely yours,

J. W. FULBRIGHT.

FLYING OFF TO COMBAT? BIRDS ALERTED FOR WAR

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks, chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the $600,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat flying.

"Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding, the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 to 20 years."

The project is supported by a three-year "Project Themis" contract, at $200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

VANDERBILT UNIVERSITY PROJECT OF RECORDING DAILY TELEVISION NEWSCASTS

Mr. BAKER. Mr. President, recently the Vice President of the United States initiated a national debate on the power of network television over the views and opinions of the American people. This debate can and should be a healthy and continuing one and should not be construed as an attempt to impose governmental censorship, directly or indirectly, upon the news media.

Today the Library of Congress keeps on file copies or microfilm of every daily edition of all the great newspapers in the United States. No such record is being kept of what appears nightly to 40 million Americans on the network news. I propose that this enormous vacuum be filled.

On August 5, 1968, Vanderbilt University in Nashville, Tenn., began compiling videotapes of the Monday through Friday 30-minute evening newscasts of the three major television networks. In addition, the university is also taping occasional special programs, such as the Republican and Democratic National Conventions. Vanderbilt began the project at the instigation of Mr. Paul Simpson, an alumnus and resident of Nashville, who became concerned because there is at present no preservation any-

where in the country of these news broadcasts, not even by the networks themselves.

This project was begun after a committee appointed by University Chancellor Alexander Heard realized the widespread impact that these programs have on the American people and determined that the country was losing forever a unique record of the historical events of our time as well as a prime source for research by psychologists, sociologists, political scientists, and economists. The university believes that for a history-making and history-conscious nation the present oversight is an anachronism of almost inconceivable proportions.

In short, Vanderbilt has undertaken this project because the university believes it to be in the pubic interest that a permanent record of this information be maintained. A primary objective of Vanderbilt, which cannot incur the cost of this program indefinitely, is to demonstrate that a national agency could and should take over the task.

To this end, I believe that Congress should direct the Library of Congress to maintain an up-to-date file of tapes of every morning and evening network news show. These tapes could be obtained from the networks and then returned after being copied so that the burden of expense would be borne by the Government and not by the networks. Once master tapes of news broadcasts are secured, the Library of Congress could then produce "subject matter tapes" from them and make them available at cost to libraries and other interested parties around the country. This process would permit a scholarly investigation, for example, of developments with regard to the war in Vietnam or what effects television had on a third party presidential candidate.

As I mentioned, currently every great newspaper in America files editions with the Library of Congress. It is long past time that similar procedures were established for filing the tapes of network news—which is having an ever-increasing impact on American public opinion.

As the Vice President pointed out in his speech, it is through the medium of television that many great issues have been brought before the American people, and it is on the network news that the great debates of our time are being carried out.

Much of the cost of this project can be offset by providing "subject matter tapes" to libraries at cost. The remainder of the burden should be small; and it rightly should be borne by the National Government. We have already allowed too much of this important material to be lost through years of simple neglect.

APPEARANCE OF HON. GEORGE C. WALLACE ON "MEET THE PRESS" PROGRAM

Mr. ALLEN. Mr. President, George C. Wallace, former Governor of Alabama and more recently a formidable candidate for the office of President of the United States, appeared on the nationally televised "Meet the Press" program on Sunday, November 30, 1969.

Mr. President, Governor Wallace enjoys a rare distinction, shared with such notables as Thomas Jefferson, Abraham Lincoln, and Teddy Roosevelt, each of whom led significant new national political party movements in our Nation. The impact of the Wallace departure from traditional two party arrangements can be measured by his initial success in gaining a ballot position in every State of the Union and by the fact that Governor Wallace attracted nearly 10 million votes. Both of these accomplishments are all the more significant in the light of the overwhelming forces arrayed against Governor Wallace some of which are documented in Theodore White's 1968 version of "The Making of the President."

Mr. President, the political history of our Nation is replete with examples clearly indicating that when popular dissatisfaction with existing national party arrangements reaches the magnitude represented by the Wallace movement, then one of the existing parties must either accommodate to the principles of the disaffected or else it will disappear from the scene and share the fate of other once powerful but now almost forgotten national political parties.

Mr. President, the views and opinions on important national issues of one who heads a historic party reappraisal in our Nation deserves the thoughtful consideration of Senators and the public in general. With this object in mind, I ask unanimous consent that a transcript of the "Meet the Press" program be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

MEET THE PRESS, NOVEMBER 30, 1969

Produced by Lawrence E. Spivak.

Guest: George C. Wallace, former Governor of Alabama.

Moderator: Edwin Newman, NBC News.

Panel: James J. Kilpatrick, Washington Star Syndicate; Robert Semple, Jr., the New York Times; John Chancellor, NBC News; Lawrence E. Spivak, regular panel member.

Mr. NEWMAN. Our guest today on Meet the Press is George C. Wallace, former Governor of Alabama and a Presidential candidate in 1968. Mr. Wallace has just returned from his first visit to South Vietnam and a number of other Asian countries.

Mr. SPIVAK. Governor Wallace, before you left you said this was going to be a "fact-finding trip." What facts did you learn about the war that you hadn't already known before you left?

Mr. WALLACE. I found after talking to Asian and American military leaders and those in the civilian branch of the government that the war is winnable, that this war can be won in Vietnam, and if it is not won in Vietnam, then in my judgment all Southeast Asia is going Communist.

I also found that—to those who say we must get out that there is no way for the American troops to get out unless we do win the war.

Mr. SPIVAK. Governor, as you know the President has begun to withdraw troops and the stories are that that will be escalated as we go along.

Are you in favor of further troop withdrawal based on what you saw and heard there?

Mr. WALLACE. I agree with the President's speech. The President said we would not abandon our allies in Asia. He said if the North Vietnamese escalate the conflict, he would respond in kind, which left some options. Exactly how this plan will be implemented has not been made known to the public.

I did find in Vietnam among the military and those in civilian capacities, those in Governmental capacities, that the war is winnable, that they feel that they can win the war. They worry about political reaction in this country. The Vietnamization of the war, which is a term applied by President Nixon, which means, of course, turning the ground combat over to the Vietnamese. In that part of the world they are thinking about three to five years. In this country I think they are thinking about one year.

But Vietnamization of the war is not going to end the fighting because we are fighting in South Vietnam. There the civilian population has attacked each other every day, and so the North Vietnamese go to bed each night perfectly free from rocketing, assasination attempts. So in withdrawing the troops and the Vietnamization of the war, it means that the war is going to continue to go on.

Mr. SPIVAK. Governor, based on what you saw and heard in South Vietnam and throughout Asia, do you think it is going to be wise or even possible to withdraw all our combat forces by the end of 1970?

Mr. WALLACE. There is going to be no way to withdraw combat forces until the enemy is crushed. They are not going to let you withdraw while they are in force in South Vietnam and while they are heavily armed, so it would take less casualties, observers tell me, to win the war, than to withdraw. If they are still in force, we will withdraw sort of as we did at Dunkirk in World War II and not only suffer the humiliation of a defeat, but at the same time lose our Asian friends, probably Europe would become neutralist, and we would lose the Mid-East.

Mr. SPIVAK. Do I take it then based on what you say that you are against a planned withdrawal by the end of 1970, as things are today?

Mr. WALLACE. No, sir, I am not against a withdrawal——

Mr. SPIVAK. All combat forces by the end of 1970?

Mr. WALLACE. No, sir, I am not against the withdrawal of all combat forces by 1970, but I say before the combat forces can be withdrawn, the enemy must be defeated.

Mr. KILPATRICK. Governor Wallace, we notice that the Post Office Box number of the Wallace Campaign in Montgomery has been changed from P.O. Box 1968 to P.O. Box 1972. What significance should we read into that?

Mr. WALLACE. A member of my staff made that change. I don't know what significance it has other than to say that our movement continues and if necessary will be involved in 1972. I am not sure at this time. It will all depend upon the events that transpire between now and 1972 and whether this Administration carries out the commitments they made to the American people. It depends upon whether or not the war is concluded successfully in Vietnam, the restoration of local democratic institutions of the people of the states, a reduction in taxes on the low and middle income people of our country and the restoration of law and order.

Mr. KILPATRICK. Governor, what is your general appraisal of Mr. Nixon's Administration after its first 11 months in these areas or other areas?

Mr. WALLACE. Mr. Nixon, of course, has been in just about a year, which is not enough time to judge whether or not you would be a candidate in 1972. I do know that this Administration is saying and taking some positions that we took in the campaign in '68. I wish that I had copyrighted, got a patent on

my speeches in 1968. If I had done so, I would be drawing some immense royalties from Mr. Nixon and especially Mr. Agnew.

Mr. KILPATRICK. Do you feel this is an effort on their part especially to curry favor in the South and among the constituency that you had?

Mr. WALLACE. Yes, sir; and I am glad to say that the movement that originated in Alabama is making it possible for them to adopt what they call a "southern strategy." But at the moment it is mostly talk. The next is action. We like the talk, some of the things that have been said. Mr. Agnew says he is against bussing school children, for instance, and yet bussing continues. We find they still talk about the plight of the low and middle income wage earner in the country. Yet high taxes still continue, and inflation continues to spiral upwardly. So, some of the things they say sound all right, but they must replace some of their talk with action, and I hope that that is the case.

Mr. SEMPLE. Governor, back in early September you urged the parents of Alabama to defy school desegregation orders and enroll their children wherever they chose.

That was before the recent Supreme Court decision making instant integration, in effect, the law of the land. How would you address your followers on the subject of the Supreme Court decision at this time?

Mr. WALLACE. Mr. Semple, I did not advocate that anyone disobey the law. I said that the 1968 Appropriations Act in the Congress, Educational Appropriation Act, said that no part of this Act should be implied—gave the right to close any school, to bus any pupil, to bring about racial balance. It violated the 1964 Civil Rights Act.

I said that you should exercise freedom of choice which had been upheld by the federal courts, but of course the federal courts then destroyed freedom of choice. I only advocated that parents take advantage of what the courts had upheld in the past, the right of a parent to choose the school that their child attended. But of course that has been stricken down by the Nixon Administration.

I was against the imposition of even freedom of choice upon the school systems of the states, because I felt it was no concern of the federal government—regarding the policies of any school system in any state. But since they upheld freedom of choice and the people had accepted it so to speak, then they said they didn't choose properly and they struck it down. They closed hundreds of schools, they bussed children across states and counties. The point I am making is that this is disrupting the public school system not only in Alabama but throughout the country, and unless this ceases and unless there is turned back to the people of Alabama and the states the right to control the public school systems of their states, then that will bear upon whether I become a candidate in 1972.

Mr. SEMPLE. Part of my original question was, what options are open to you now, to local and state officials, now that the Supreme Court has stricken all freedom of choice and has forced even this Administration to move much faster?

Mr. WALLACE. Since the President himself, I understood in the campaign, advocated freedom of choice, since Mr. Agnew advocated freedom of choice, then this Administration, to carry out its commitment to the people can support the Constitutional Amendment that has been introduced by Senator Jim Allen and others of Alabama in the Congress. They can support Congressional action to turn back the public school system to the states.

Mr. CHANCELLOR. Governor, I'd like to ask you a couple of questions on Vietnam based on some of the things you have said here. You say that the feeling in this country is that the Vietnamization policy might take only a year or so but that in Vietnam someone told you that three to five years was a sort of an accurate time frame. Were those Vietnamese or Americans who told you that?

Mr. WALLACE. The impression that I received from people in this government, in the military of the United States and of our Asian allies, was that it is going to take longer than one year to Vietnamize the war, and even then they say that would not stop the fighting.

I heard servicemen from the private up say that this war could be won. This war can be won and the only way we are going to get out is to win the war.

In other words, if we withdraw all the combat ground forces then unless the enemy's will to carry on the war has been destroyed, unless his staging areas have been destroyed, unless his source of supply has been destroyed, then he is going to continue his destruction of American and Asian lives, who are our allies. I have found there is no way to get out of Vietnam unless you win the war, and that the war can be won.

Mr. CHANCELLOR. We know you are not a military expert, Governor, but how long do you suppose it would take? If Vietnamization is going to take three to five years, how long would it take to win the war?

Mr. WALLACE. As you say, I am not a military expert, but the military people who talked to me say it could be won in a lot less time than we have been there already, and they feel that—I got the impression that within the next year, if they were allowed to use conventional forces against the source of supply of the enemy, that they could destroy the effectiveness of the North Vietnamese armed forces and destroy the supply of material to the Viet Cong in South Vietnam.

Mr. CHANCELLOR. Does that mean bombing Haiphong? Does that mean going into Cambodia?

Mr. WALLACE. Of course, Cambodia and Laos are part of old French Indochina, and it is all the same war. So I would say you are going to have to destroy the enemy in Cambodia and in Laos because those countries have been unable to keep them out. There are about 40,000 of the North Vietnamese regulars, I understand, in Cambodia and also in Laos.

So I would say, let the military decide that. We have tried every other plan under the sun, but we still have fighting and killing. I was told that the most merciful way to end this war is to destroy the North Vietnamese source of supply, which means less North Vietnamese would be killed and less Americans would be killed.

Mr. CHANCELLOR. Then given these two plans of slow Vietnamization or fast victory, do you believe that the war is going to be an issue in the '72 campaign?

Mr. WALLACE. Do I believe it will be an issue in the '72 campaign? I am sure that this would probably be an issue in the '72 campaign. If Mr. Nixon can win this war with honor and not desert our Asian allies, as he has said, then, of course, that is to his credit.

But if this war ends after having lost 40,000 American servicemen and thousands wounded and maimed and all the treasure we have spent, not counting the lives of our allies, then I am sure it will be an issue in that regard.

Again, let me emphasize what I heard, that if we were to withdraw, we would lose about as many men or just as many withdrawing as we would winning the war. Because as long as they are in force, you cannot withdraw because they will be shooting at the last boatload. How can you get out if they are there in sufficient numbers and force to destroy you when you start to leave?

So if we are going to have anyone killed, I would rather for them to be killed defeating the enemy than running away from the enemy.

Mr. SPIVAK. Governor, you have made it clear that you are for winning the war. What do you mean by "winning the war"?

Mr. WALLACE. Destroying the effectiveness of the North Vietnamese armed forces and destroying their ability to make war, isolating the battlefield, so to speak, and having them unable to carry on an effective, aggressive military campaign against the people of South Vietnam and the American armed forces.

Mr. SPIVAK. You mean actually defeat the enemy on the military field?

Mr. WALLACE. That is correct.

Mr. SPIVAK. Governor, may I take you to Alabama for a minute. When he was in Alabama recently, Vice President Agnew praised Governor Brewer and said that Alabama is—in his words—"fortunate to have him as Governor."

What do you think about the job Governor Brewer has done? You know that job pretty well. What do you think?

Mr. WALLACE. I am sure Governor Brewer is doing a good job. I would say if you are getting around to the point of whether I am going to run for Governor or not, let me say that the people in 1966 in electing my wife did so for the purpose of making it possible for me to run in '68, in order to try to throw the Federal Government off our backs and to get some relief from centralized federal control of our everyday lives. She was elected; I ran. As a consequence of our movement, we find Mr. Agnew coming to Alabama with Postmaster General Blount. We find the Humphrey-Muskie supporters in Alabama, including Dr. Cashion, the head of the Democratic Committee in Alabama, and some politicians in our state and some of our big businessmen in the State, already meeting these diverse elements and groups saying, "We must destroy Governor Wallace's political future; if he runs for governor, we must defeat him."

I didn't realize that this country boy from Alabama was going to have these strong forces arrayed against me in case I decided to become involved, so they have offered a challenge. If I were to run for Governor and win, it would mean that Mr. Nixon and Mr. Agnew must put into action some of the statements they are making. In other words, they could not just continue to talk, they must act. If I lost, they could continue to talk and wouldn't have to act, because our movement would be dead.

And Mr. Nixon cannot win the next presidential race unless he carries our part of the country and he cannot carry our part of the country unless those criteria I mentioned a moment ago: taxes, law, and order, local democratic institutions and a solution to the war in Viet Nam. I pray and hope he is successful in all regards because it would be good for our country.

Mr. SPIVAK. Governor, on the basis of what he has done so far, could you support Governor Brewer for re-election?

Mr. WALLACE. On the basis—it will all depend upon whether I become a candidate.

Mr. SPIVAK. If you had to decide today? If you had to decide, today, and you knew what the governor had done and you knew what the state of the country was, you knew what Nixon had done, what would your decision be?

Mr. WALLACE. Oh, yes, I could decide to support him. I could decide to support any number of people.

Mr. SPIVAK. Would you decide to run yourself as things are today?

Mr. WALLACE. If I decide to run for governor, I am not going to be running against anybody. I am going to be running to carry

on a movement because the people of our state wanted to utilize the governor's office in 1968 to help throw them off our backs, as I said a moment ago. And if we ran again, it would be the people wanting, in my judgment, to use that office to get some relief from centralized control over our lives in Alabama, a reduction of taxes, a conclusion of the war in Viet Nam and a restoration of law and order.

Mr. KILPATRICK. To return to Vietnam for just a moment, Mr. Governor, in his speech of May 14 President Nixon said of Vietnam, "We have ruled out attempting to impose a purely military solution on the battlefield." Do I understand you to say that you want to rule that back in?

Mr. WALLACE. Mr. Nixon made some very strong statements prior to the election which indicated he wanted a military victory, and I think that is one reason that the people of our country got very disenchanted about the war. They couldn't negotiate it to conclusion, and now they have said we are not looking for a military victory. But I think he recouped in his speech of November 3rd when he said, "If they escalate, we will respond."

I say that the only way to get out of Vietnam is to win the war in Vietnam. It can be won with the loss of less lives than to continue this war of attrition that we cannot continue long at.

Mr. KILPATRICK. By that you mean a military solution?

Mr. WALLACE. Yes, a military solution.

Mr. KILPATRICK. And do we understand that this was the recommendation that you gleaned from high-ranking American military officials in South Vietnam?

Mr. WALLACE. Every high-ranking American military official and government official, and Asian, also, that discussed the matter with me—all of them didn't discuss it, so I am going to leave—all of them didn't discuss it in that context.

Mr. KILPATRICK. But those who did, urged a reescalation?

Mr. WALLACE. Those who did—and they were the overwhelming majority of those that I talked to said, this war is winnable. They talk "win" in that part of the world, but they talk "no win" in this part of the world.

Mr. KILPATRICK. Could you identify some of the officers who made that——

Mr. WALLACE. No, sir, I would rather not identify them. As you newsmen say, I would like not to reveal my sources of information, but they talked very frankly to me.

Mr. SEMPLE. Governor, the President seems to be having enough trouble keeping the public behind his plan for gradual disengagement from Vietnam. Do you seriously think that the public would support a reescalation of the war?

Mr. WALLACE. Of course one reason the public has been disenchanged with the war is that we have been there so long. We couldn't negotiate it to conclusion, and they didn't bring it to a military conclusion. So they said, "What are we doing there; we are not going to continue to expend lives and money for a non-winnable war."

When you say escalation, you are going to have escalate to get out, so I'd rather escalate to win than to escalate to get out.

Mr. NEWMAN. About four minutes left, gentlemen.

Mr. SEMPLE. Turning to another subject, Governor, I'd like to ask you about some of the specific criteria by which you would judge the Nixon Administration's performance in office. Take taxes, for example: Do you approve of what he has done on tax reform so far?

Mr. WALLACE. On the tax reform so far?

Mr. SEMPLE. Yes.

Mr. WALLACE. Of course the Tax Reform Bill is very complicated, but in my judgment it is not too much. Each taxpayer should be given a $1,200 exemption instead of a $600, and the multi-billion and multi-million dollar tax exempt foundations ought to be taxed. There are so many inequities in the tax structure that leave the multi-rich free and tax the average businessman and farmer and working man that it is just almost unbearable. There is tax revolt in the air, and I am not satisfied with that, no.

Mr. CHANCELLOR. Governor, what would you have done last year if neither Hubert Humphrey nor Richard Nixon had won a majority of the votes in the Electoral College and the election had gone in the House of Representatives?

Mr. WALLACE. It would never have gone in the House of Representatives in my judgment. We would have settled it in the Electoral College.

Mr. CHANCELLOR. How would you have done that?

Mr. WALLACE. I am not sure exactly how the vote would have gone. I was very much against Mr. Humphrey, but that is a very hypothetical question. I can say that whoever became President under those circumstances would have been a better President.

Mr. CHANCELLOR. Can we infer then, Governor, that had it come to that, you would have thrown your support to Mr. Nixon and not to Mr. Humphrey? You have just about said that.

Mr. WALLACE. You can infer anything you would like to infer under that limited question, but I can say whoever became President would have been a better President.

Mr. CHANCELLOR. Will you be speaking for candidates around the country in the 1970 elections?

Mr. WALLACE. No, sir, I will not be speaking for candidates around the country. I could be a candidate myself, although I am not sure whether that is necessary to continue our movement or not. But if I decide that it is, of course I would be involved myself.

Mr. NEWMAN. Two minutes.

Mr. SPIVAK. I am curious about this. You didn't think it was necessary to take a trip to Vietnam when you were running for President and discussing the issues in 1968.

Mr. WALLACE. Yes, I did think——

Mr. SPIVAK. Well, you didn't go.

Mr. WALLACE. You know my wife was very ill with cancer and died in May of 1968, and then we had to make ballot position in the states. I had planned a trip prior to that, but because of her illness, I was unable to go, and that is the reason that I have made the trip this time. I think anybody in public life, national or statewide, should be interested in closehand observation in our heavy involvement there.

There is another point that I want to make, that we ought to make Japan and the members of the free world help us at least monetarily in this involvement in Southeast Asia, because Japan is getting rich while we are doing the fighting in that part of the world.

Mr. SPIVAK. Governor, it seems pretty clear that our negotiations in Paris on Vietnam and the war are stalemated. If you were President, what would you do today about the Paris negotiations?

Mr. WALLACE. I probably would have a negotiator there, but in my judgment the negotiations are fraudulent. The North Vietnamese never intended to negotiate, and so I wouldn't pay much attention to the negotiations since they have gone this long. I would try to win the war militarily.

Mr. KILPATRICK. In his best selling book, Kevin Phillips says your constituents are mostly Democrats on their way into the Republican Party, and he denies that your party or your movement is a permanent entrant on the national scene. Do you expect your American Independent Party to be a permanent part of the American political scene?

Mr. WALLACE. If this Administration does not comply to the criteria I mentioned a moment ago, it will be permanent.

Mr. NEWMAN. At this point I must interrupt. Our time is up.

Thank you, Mr. Wallace, for being with us today on "Meet the Press."

AN AMERICAN COMBAT PLATOON CALLS FOR PEACE IN VIETNAM

Mr. McGOVERN. Mr. President, in recent weeks we have been subjected to an unprecedented barrage of claims purporting to show that the American people really do support our continued presence in Vietnam. To an unfortunate extent, public debate has focused on the popularity of our present course, or the unpopularity of dissent rather than the merit of our policy.

Not only have claims been made as to the shape of American public opinion, but members of the administration have said again and again that it is the soldiers fighting in Vietnam who are most injured by our efforts to secure peace in that tragic land.

Most recently, an American officer who served in Vietnam has been paraded about Capitol Hill questioning the patriotism of some Senators and indicating that members of the Armed Forces support our continued adventure in Southeast Asia.

I simply wish to read a letter signed by 31 members of an Army airborne platoon, now serving in combat in Vietnam. The members of 3d platoon, Company D, 2d battalion, 502d Regiment, 1st Brigade of the 101st Airborne Division has asked me to read this letter in the Senate, a letter in which they say "We are tired of listening to empty and unfilled promises to end the war." "We want peace," they say, "and we want it now."

This letter, I submit, shows that men in Vietnam as well as Americans at home, understand the futility of our course in Southeast Asia.

The letter arrived with a covering letter from Pfc. Ted Mowrer which I shall first read:

NOVEMBER 6, 1969.

DEAR SENATOR MCGOVERN: I am a member of the platoon that is sending you the enclosed letter. For quite some time I have been wanting to write to one of the Senators who is working to get us out of Viet Nam. But I hesitated, feeling that a letter from only one person would not have the impact and effect that was necessary. Then I decided to write one letter and have members of my platoon sign it. The one we sent you is the result. Not surprisingly, to me at least, everyone in the platoon, excluding the platoon leader, a second lieutenant, has signed it. I feel that probably the whole company, and even a great majority of our battalion, would have signed a similar letter.

I chose you to send the letter to because I know that for a long time you have been trying to convince your fellow senators and the Administration that we should get out of Viet Nam.

We would appreciate it if you could read

our letter in the Senate so that the other senators and the whole nation would know how we feel. Too many rumors are being circulated to the effect that the efforts to get us out of Viet Nam and the peace demonstrations are disappointing the G.I.'s. This is not true and we want America to know that it is not. However, we realize that it may not be possible for you to read the letter in the Senate. Please do what you feel is best.

Please reply as soon as possible and let us know of developments to end the war, and if there is anything else we can do to help.

Thank you very much.

Sincerely,

TED H. MOWRER.

OCTOBER 28, 1969.

Hon. GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

OUR DEAR SENATOR MCGOVERN, CONGRESSMEN, AND FELLOW AMERICANS: The third platoon asks you to give audience and consideration to the opinions and attitudes of some front-line G.I.'s here in Viet Nam. We invite you to listen to us who are fighting the war which is causing so much debate in America. We are decidedly and entirely in favor of peace in Viet Nam and systematic and rapid withdrawal of American troops from this country. We support and appreciate the tireless efforts of those who strive so diligently to advance the cause of peace. We were especially heartened by the Moratorium Day observance this month. We are pleased that the force against the war has reached this extent on such a wide base of public opinion. We were not disappointed and disillusioned, as some have claimed, by this demonstration of disenchantment with U.S. policy in Viet Nam and those who perpetuate this policy. We, in fact, would like you to consider this letter as our contribution in observance of the Moratorium.

We are sick of bloodshed, tired of body counts and lists of war dead and casualties. We are tired of listening to empty and unfulfilled promises to end the war. We want peace, and we want it now. America has been in Viet Nam too long; it is time to leave. We hope that President Nixon and our national leaders will hear and consider our plea to end the war.

These are our feelings; now America knows how one group of men feels on the other side of the Pacific. And we are sure there are many more who feel the same way. We want to encourage those of you who are working for peace to continue your efforts. We thank you for what you have done in the past.

Thank you for listening to us.

With hope for peace for all men in the very near future, we are

Peacefully yours,

Third Platoon: Pfc. Ted H. Mowrer, Sp4. John A. von Mertschinsky, Pfc. Kenneth C. McKim, Pfc. John O. Mendey, Jr., Pfc. Carl M. Morris, Pfc. Mark W. Trace, Pfc. Bruce W. Shaw, Sp4. David B. Patterson, Pfc Edward Dickout.

Sp4. James E. Shetler, Pfc. Juan A. Trevino, Pfc. Larry C. Howerd, Pfc. Roger Harris, Pfc. Albert Martell, Jr., Pfc. Ernesto Perez, Pfc. Jaime Lopez, Pfc. Asdrubal Trujillo Diaz, Sp4. Robert D. Winders, Pfc. Fred Seniours, Pfc. Roland W. Blair.

Pfc. Rickey J. Shelton, Sgt. Alberta Cummings, Sp4. Danny W. Witt, Pfc. Gary L. Wagner, Pfc. Curtis Ross, Sgt. Robert J. Boland, Sp4. Daniel J. Pike, Pfc. Gary W. Mendoza, Sp4. Thomas Turling, Sp4. Patrick E. Harmon, Sp4. Ron L. Sanders.

REDUCTION OF FUNDS FOR EDUCATION

Mr. CRANSTON. Mr. President, last spring, the administration recommended an Office of Education budget of $3,180,278,000 for fiscal 1970. That is $437,122,000 less than the amount appropriated by Congress in fiscal 1969. For California, this reduction represents a loss of $101,118,271 or one-third of our Federal share in fiscal 1969.

In July, the House of Representatives spurned the administration's recommendations and restored most of the proposed cuts, when it passed H.R. 13111, the appropriations bill for the Department of Health, Education, and Welfare. That measure is still pending before the Senate Committee on Appropriations.

In the meantime, funds for the Office of Education have been provided by joint resolutions continuing appropriations. The first joint resolution, which expired on October 31, provided funds on the basis of either the appropriation level for fiscal 1969 or the administration's budget recommendations, whichever was lower. Consequently, from July 1 to October 31, education programs for which the administration recommended a lower budget operated at the lower level, and programs for which it made no budget recommendation were, in effect, repealed. On October 28, the House again showed its concern over the low priority assigned to federally assisted education programs. On that day, by an overwhelming vote the House approved House Joint Resolution 966, a second joint resolution continuing appropriations which incorporates the provisions of H.R. 13111, insofar as they relate to the Office of Education. On November 13, the Senate joined the House in its concern when it passed the House measure by a voice vote. It was signed into law on November 14.

Mr. President, one would think that the enactment of this measure would provide immediate relief to school districts which had endured severe financial hardships under the terms of the first joint resolution. However, I am distressed to learn that this is not the case, for, despite the clear intent of Congress, the Bureau of the Budget has directed the Office of Education to limit expenditures to those authorized by the restrictive provisions of the first joint resolution.

I have written President Nixon, urging him to overturn the erroneous decision of the Bureau of the Budget and to implement the will of the Congress. I ask unanimous consent that my letter to him be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 25, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am distressed to learn that the Bureau of the Budget has directed the Office of Education not to spend the additional funds provided by P.L. 91–117, the current joint resolution continuing appropriations for the Department of Health, Education, and Welfare and other agencies.

In approving this measure, Congress took the unusual step of incorporating into this legislation the provisions of H.R. 13111, insofar as these relate to the Office of Education. H.R. 13111, which is pending before the Senate Appropriations Committee, substantially increases appropriations for federally assisted education programs over the amounts you recommended last April. Congress was prompted to take this step by the urgent need to provide immediate relief to school districts which have come to depend upon federal funds to meet increasing education costs. These funds are essential both for our children and for the individual property owner who is staggering under the constantly growing burden of supporting our schools.

Despite clear Congressional intent to the contrary, the Bureau of the Budget has taken the position that Office of Education expenditures must be limited to those authorized under the previous joint resolution which expired on October 31. It bases this contention on language contained in Senate Report No. 91–529 which admonishes the Bureau of the Budget to exercise caution in utilizing the authority granted in P.L. 91–117 in order not to jeopardize the integrity of federally assisted education programs as they may be finally approved by Congress.

This language, however, in no way supports the Bureau's position. Had Congress wanted federal aid to education to remain at the low level provided by the previous joint resolution, it merely would have extended that resolution. Congress, however, decided otherwise and took the unusual step of approving a rate of obligation for the Office of Education equal to the amount provided in H.R. 13111 as it passed the House of Representatives in July. It specifically and deliberately chose not to continue funds for federal education programs at the lowest of several rates of obligation, as is normally the practice.

Mr. President, I need not emphasize the importance of federal aid to education. You recognized this much when you stated last fall that "when we talk about cutting the expenses of government—either federal, state, or local—the one area we can't shortchange is education."

The reason for your commitment is readily apparent. You stated it most eloquently when you said: "When I look at American education, I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping."

Mr. President, the Congress concurs in this judgment. It is precisely for this reason that I urge you to exercise your authority to overturn this arrogant and erroneous decision of the Bureau of the Budget and to implement the will of Congress.

Sincerely,

ALAN CRANSTON.

NEED FOR INCREASED FEDERAL FUNDING FOR EDUCATION AND TRAINING OF PERSONNEL

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made today before a subcommittee of the Committee on Appropriations presided over by the Senator from Washington on the need for increased Federal funding for education and the training of teachers as

well as for restoration of cutbacks for the training of medical personnel.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

VOCATIONAL EDUCATION AND TEACHER TRAINING NEED INCREASED FUNDS

(By Senator MARK HATFIELD)

I know your hearings have been long and arduous and you are anxious to mark up the bill. However, I want to make several points which I hope you will give some weight to in your determination of priorities for extra money in this appropriations bill particularly as it applies to the needs of education.

I supported the continuing resolution to allow the Office of Education to spend an extra billion for education, not because I felt this was the best and most orderly way to conduct the business of the Congress. It is not.

I supported it to point up to the Administration that it was the will of the majority of Congress that these funds be spent. We are making a tragic mistake in not funding these education programs at much higher levels of appropriations. To cut back education in the name of fighting inflation is folly.

I will confine myself to just two areas—the need for doubling the Administration's budget figure on vocational education, and the need to increase the amount for the training of teachers, not only for vocational skills but all down the line. These are neglected areas for federal funding.

We spend much more for remedial and rehabilitation efforts, for welfare and for custodial care in juvenile homes and prisons per person than these preventive programs. For instance, Job Corps (a fine program and I support it) was funded at a level higher than vocational education in 1969, and it cost upwards of $6400 a boy or girl for a maximum of about 35,000 youngsters. Custodial care is around $4800. Yet we are losing young people from the junior and senior high schools (almost a million a year) because we are not educating them for jobs.

Why should there be a doubling of appropriations for vocational education? Let me read you an excerpt from the 1969 National Advisory Council report on Vocational Education.

I concur with the conclusions of this Council. I have seen conditions in the city schools of Washington, D.C. and have talked with Principals (Percy Ellis, Shaw Junior High) struggling against overwhelming odds. We have similar problems in the Northwest, in Seattle and Portland.

I quote:

"The violence that wracks our cities has its roots in unemployment and unequal opportunity. Those who have no jobs in an affluent community lash out in anger and frustration . . . racial unrest, violence and the unemployment of youth have their roots in inadequate education.

"Each year the ranks of the school dropouts increase by three-quarters of a million young men and women. They enter the job market without the skills and attitudes employers require. They and the millions of others who are underemployed—among these the students who are graduates of our high schools, but who are inadequately prepared for anything—these are tragic evidence of the present inadequacy of our educational system."

"The failure of our schools to educate to the level of adequate employability nearly 25% of the young men and women who turn 18 each year is a waste of money, as well as human resources. The Nation supports a galaxy of remedial programs, some of which have cost as much as $12,000 for every man or woman placed on a job. Those who remain unemployed may cost us $4,000 or more per year in welfare support for themselves and their children who will repeat the dreary costly cycle."

"We believe that the reform of American schools the Nation so desperately needs will not come about if the Federal government continues to invest nearly $4 in remedial manpower programs for each $1 it invests in preventive vocational programs."

"(The Government also invests $14 in its universities for every $1 in vocational education.)

"If the Federal Government will substantially support the additional initial cost of educating youth for employment, we believe that the financial, personal and social costs of unemployment can be dramatically reduced."

The Council recommends, Mr. Chairman, that substantial federal funds be allocated to support curriculum development, teacher training and pilot programs in vocational education. I agree with them that no federal investment will bring a higher return on our tax dollars.

The State of Oregon is bestirring itself to make this a reality for the majority of our young people who graduate from high school without job skills and who do not go on to college. I should like to attach a newspaper article for the record which describes a new method of job training in an opportunities skills center outside Portland in which the students from 3 high schools learn a wide variety of trade and technical skills needed to meet the demands of the space age.

Over a three-year period my State needs at least $30 million to carry out its plans for such skills centers, for revamping vocational education in the high schools and for post-secondary education in the community colleges. The Federal Government spends only $2½ million for vocational education to help Oregon meet its need to drastically reform its methods of job training.

Our Superintendent of Public Instruction in Oregon says the figure should be $10 million. (The State itself is spending about $6 million and the localities $4 million for operating expenses and $7.5 million for capital expenditures).

Under the Administration 1970 budget, Oregon would receive $3 million for vocational education. But if the Senate concurs in the House action to allow extra appropriations, Oregon would receive $4.4 million. This would at least come close to meeting half the State's federal funding needs.

Last year Congress authorized for fiscal 1970 over $500 million for basic grants for vocational education (and over $700,000,000 total) which clearly expressed the will of Congress for vocational education spending.

Yet the Administration's total vocational education budget was only $279, requested for 1970—less than the rehabilitative Job Corps budget. The House Appropriations Committee raised this inadequate figure to $357 million. Then on July 31st the House increased the amount to $488 million, which is more nearly in line with the will of Congress, although still underfunded if one considers the overwhelming needs.

In 1968 $265 million was appropriated for vocational education with almost $10 million included for work-study. These funds are necessary for on-the-job training for thousands of youngsters who will stay in school only if they are given an opportunity to work and study at the same time. Funds should be available in this bill for work-study.

Let me quote Dr. Dale Parnell, Oregon's Superintendent of Public Instruction as an added incentive to increase these funds for vocational education:

"We still treat high school kids as if they were all going into one of the 5000 college-degree oriented occupations . . . There are 5000 occupations which require a college degree and 20,000 which do not."

"Most vocational education courses are conducted with federal funds," he said, "and it is never possible to predict how much money will be available. We must take the pressure off the property taxpayer." I agree.

Property taxpayers all across this country are in revolt. We were threatened with at least one school closing in Oregon, and bond issues were repeatedly turned down. I note from the papers that schools are threatened with closings in Pennsylvania, and it has already happened elsewhere. This needs federal attention.

May I urge that you gentlemen be generous with this funding—it is needed in every corner of this Nation.

May I urge, as well that you be generous with funds for teacher training—the Education Professions Development Act—funding which concentrates on the need for training pre-school and elementary and secondary education teachers, as well as vocational education teachers.

We have up to this point in time been most beneficient with our tax dollars with research grants to the colleges and universities and their individual professors.

We need to concentrate more money now on training the teachers in areas of greatest need. I recommend that, instead of allowing only $80 million for these training programs, that you increase the funds. I further urge the committee to add the extra $20 million which Senator George Murphy is recommending for vocational education teacher training. I may also support other amendments as well to raise this teacher training section to higher amounts.

I truly deplore the Administration action in making heavy cutbacks in this Office of Education budget, not only for vocational education and teacher training, but for library books as well. And to do it in the name of "fighting inflation" is heartbreaking when you realize that all our young people will suffer from these cuts, middle income, lower income and especially the poverty stricken.

I do not "wholeheartedly support this priority" of the Administration as Commissioner Allen does. We should be cutting into the military budget. We should have had more than nine votes in this body against the military procurement bill, which authorized $20 billion for weaponry—money which could be diverted, at least part of it, to meet this Nation's education needs.

We have thousands upon thousands of youngsters dropping out of school and into a life of drug addiction and crime, and you cannot convince me that the total answer is more police on the streets and bigger and better jails.

I have Oregon parents, service people living in Southeast Washington whose children are the victims of these "outsiders", the dropouts from schools. It is a major crisis and a city-wide scandal, and the teachers and parents are demanding armed guards in the schools. This is happening all over this country in every major city—even my own city of Portland—and the answer surely is not just police protection. Is not part of the answer to provide decent education for all the young people—dropouts as well?

I believe that this crisis in the city and rural schools is a grave internal threat to this country's security, and we in the Congress are being challenged as never before

to provide the means for local school authorities and leaders to answer that challenge.

In a November 11th Senate speech, I cited evidence in wires and letters from Oregon educators, proving the need for at least double the amounts of federal funding for everything from pre-school training to community college needs to grants and loans for college students. Since property taxpayers are telling State and Federal politicians across the land that they have borne the burden of supporting the schools for too long, we in Congress should pick it up. For the most part, the local communities in Oregon have done a most noble and commendable job.

Lest you believe that I think by granting this extra billion for education's needs in the 1970 budget this will be adequate, let me hasten to say we should, in truth, be funding at levels far beyond it.

There are hints coming from Commissioner Allen that education will see great things in the 1971 budget. I pray that this is so; but we need the money now.

It seems to me that we in the Congress should be preparing ourvelves to vote substantial sums of money for education over and above the $4.2 billion for the Office of Education in 1970.

We should be thinking in terms of persuading the Administration to accept legislation similar to that proposed by the National Education Association. This would provide a basic grant of $100 per school age child, or about $5.25 billion a year, (plus $2 billion more for the poorer areas). This money could be used by the school districts for increasing teachers' salaries, for needed early childhood education, for lowering class size curriculum changes, and so on.

Listen to George Fischer, President of NEA. It carries a warning we and the Administration should heed:

"Voter approval of only 25.7 percent of the money requested in bond issues during the second quarter of 1969 has created a situation where the affluent, in ever-increasing numbers are removing their children to private schools, leaving the middle and lower-income students in the public schools.

"If this practice continues, we will soon have a class society that is inimical to American tradition."

You know well that this is happening in these city schools across the Nation, and it must be stopped if we are to prevent more violence and unrest in this land.

We have taken a lot of pride in our educational system, and we should. Down through the years we have asked the schools to educate, not only an elite, but the great masses. It was a great day in our history when we established the concept of a free basic public education for all.

As Commissioner of Education Allen said in a recent speech: "When we anticipated the need for greater effort to feed our rapidly expanding population, we established a network of State agricultural colleges. When, during World War I, we faced a shortage of skilled labor, we asked our schools to train young people in vocational subjects."

"Then when it appeared that the Soviets might be pulling ahead of us in technology, we established new priorities for training engineers and scientists. On the whole, our educational system has served our Nation well . . ."

I agree with the Commissioner that we need to increase our attention to the education of the poor, particularly the minority groups. We ought also to concentrate our efforts on the needs of the ordinary youngster, 60% of them, who graduate from high school without the necessary skills they need to compete in this world.

We have answered the challenge in the past; we must do it again.

A $4.2 billion budget will not do the job, but perhaps it's all we can hope for with this war-budget right now. I trust you gentlemen will support the higher figure, and use your best persuasive powers to convince a reluctant Administration to spend the extra money.

Mr. Chairman: In his November 14 memorandum to the Heads of Executive Departments and Agencies, President Nixon expressed his concern that certain agencies, specifically the Department of Health, Education, and Welfare, would ". . . commit the government to make expenditures at a rate inconsistent with our . . . efforts . . . to restrict inflation." He also stated that his Administration was committed to do ". . . everything within its power to fight the . . . pressures which are eroding the purchasing power of the American people." Prior to that, on July 11, the President, supported by HEW Secretary Finch, recognized an equally pressing problem as he warned the nation of an "impending . . . major crisis in health care unless something is done about it immediately."

I believe each of these positions is sound, but each must be implemented in an entirely different way. On one hand, we need trained health professionals to respond to our national demand for health care. On the other, we contribute to inflationary tendencies if we appropriate the large sums needed to educate and train these people.

Faced with these problems, I feel that we can best solve the perplexities presented by at least a partial re-alignment and re-evaluation of our expenditures in terms of national priorities. I urge that a particularly high value be assigned to the right of an individual to receive medical attention.

The Administration maintains, and rightly so, that excessive federal spending can only contribute to the cause of inflation. Yet the demand for medical personnel and facilities increases, and the basically inelastic supply of health services forces the cost of such services higher and higher. This increase in prices most dramatically affects our Nation's poor and middle income who find it increasingly difficult to obtain proper medical attention for any more than emergency needs.

It is, then, precisely the inflationary pressures on the economy which have precipitated the imminent crisis in health care. The major question really is this: If the decrease in financial support for our national health programs increases our health crisis, is this more serious than exacerbating inflation? I think it is.

In 1960, for example, the nation boasted 245,000 active non-federal physicians, a ratio of 1 to every 734 population. In 1968, the number of physicians had increased to 285,000, and the ratio had decreased to 1 to every 708 population. The trend is encouraging but with the advent of Medicare and Medicaid, the need for more doctors—particularly in rural areas—is becoming acute.

In 1960, we had a total of 82,000 dentists, or 1 to every 2,195 population. In 1968, the number of dentists had increased to 92,000, and the ratio had dropped to rate of 1 to every 2,186 population.

The inflationary tendency during this period is even more remarkable. In 1960, an average day in a hospital cost $32.23. In 1969, however, this figure has exploded to $70.00 per day, or well over twice the cost of nine years ago. This figure surely substantiates the President's fear of inflation. But it also warns us that the availability of medical services has not kept pace with the increased demand for such services. We cannot neglect this problem.

Since the prime factor in delivering health services to those who need medical attention is health manpower, I find it extremely difficult to understand why, in his budget for Public Law 9490 (The Health Manpower Act of 1968), the President has cut 83 million from the 322 million authorized for fiscal 1970. This Act, incorporating the Health Professions Educational Improvement Program of 1963, provides the matrix for operating grants, construction grants, and loans for medical students which are offered by the Federal Government. If we deny this type of assistance to our medical institutions, we can expect an even greater decrease in the number of medical professionals available, and a concomitant ratio decrease in the number of facilities available to our people.

There are already serious indications that many promising students have become disenchanted with the total elasticity of federal aid to their education. Many who rely on the Federal Government for financial assistance may now find themselves in the untenable position of entering their second, third, or fourth year of medical study without the prospect of sufficient funds to finish their education.

This is not aided by the Administration's proposal to cut 20 million from the health professions student loans. And the high 8.5 percent prime interest rate makes it increasingly difficult for students to obtain commercial loans even at the authorized government-guaranteed rate of 7 percent. The total impact of this action could well be that of forcing a number of students to withdraw from their medical education programs. We simply cannot afford this.

Quite simply, a lack of congressional response to these students' requirements will do more harm to the national health crisis than it will good to brake inflation. In fact, inflation in the coming decade will be increased by it.

This point is dramatically illustrated by Professor John E. Baldwin from the University of Oregon. Professor Baldwin states:

"Without support, we have been faced with the hard financial necessity of dismantling the skilled core of scientific capability and the momentum or productive work we have gathered and attained since 1966. I have had to fire my two most senior research collaborators and turn down requests from new graduate students asking me to serve as their thesis research advisor; my graduate students are continuing experimental work with chemicals paid for through selling selections from our glassware stock. We're living on and dissipating our material and human capital."

Dr. Robert A. Campbell, Associate Professor of Pediatrics at the University of Oregon Medical School, places a moral value on the lack of federal consistency in funding student research:

"I would be most appreciative if you would take the time to make it clear to those whose serve on committees related to health research fields that there are many of us who cannot honorably recruit young people for careers in these fields if periodically their economic livelihood is in jeopardy due to budgetary changes in our federal spending. The kinds or work most of these young people are doing is the slow, painstaking, useless kind of work that Ben Franklin talked about when he said, "There is nothing more useless than a baby.' They are caring for the infant science of human biology and are going to nature it so long as we give them adequate support and recognition for their capabilities and dedication."

I would like to draw the Committee's attention to another section of the Health Manpower Act which, if not properly funded, may place many of our medical institutions in an embarrassing and precarious position. Sec-

tions 771a(1) and 771b(1) require that any institution which received an educational improvement grant in fiscal 1969 *must* increase its first year-new student enrollment by either 2½% or 5 students, whichever is larger, in order to qualify for a continued grant in fiscal 1970. With an increased enrollment, it would seem that the guaranteed federal funding should be increased accordingly. But this is not the case.

Dr. Louis G. Terkla, Dean of the University of Oregon Dental School, cogently points out the disaster which can hit an institution which has fulfilled this requirement:

"These Acts (Health Manpower Act) appropriated construction and educational improvement monies for health professional schools, and awards were made to institutions that agreed to increase their entering class sizes. The University of Oregon Dental School holds such an award, granted in 1966 and continued through 1969. To qualify, we increased our entering freshman class from 80 to 85 students beginning in the fall of 1969. The award provided funds for 12.5 full-time equivalent faculty, some equipment, and $8,000 per year in travel, and for remodeling of the facility to accommodate the additional students. The school was designed for 80 students per class. When the Health Manpower Act of 1968 was passed, it legislated that those schools with an educational improvement grant award must *once again* increase the entering class by 2½% or five students, whichever is larger, in order to qualify for continuation of the award in 1970. However, they can only guarantee an award in 1970 that will be no less than the award in 1969. Discussion with the National Institutes of Health staff has convinced us that we have been forced into the position of enrolling more students without receiving additional money to teach them, to make space for them, and to equip their work stations. Requests for waiver will be looked upon unfavorably and if denied, the institution will lose its grant award for that year. Since our program is geared to the first 5-student increase and we are dependent upon the award to pay the salaries of 12.5 full-time equivalents, our back is to the wall. In effect, it is a form of blackmail—either to increase our enrollment a second time at no extra cost to the government, or lose the financial support that we are now dependent upon. This dilemma is bad enough in terms of dollars, but it is compounded by the fact that additional students must be admitted against a slashed financial aid program.

"Unless the appropriations are increased, the Health Professions Educational Assistance Program has the potential of (1) creating serious fiscal problems for health professional schools, (2) causing deterioration in the quality of educational programs that will be reflected in poorer health care for the public, and (3) defeating the major purposes for which the legislation was created. Frankly, if State funds were available, this institution would retrench and cut its enrollment back to the original 80 students per entering class."

Mr. Chairman, many schools with increased enrollment are relying on the outcome of this appropriations bill. Should we fail to provide the increased funds in deference to military and space programs, which, in terms of expenditures, certainly tend to be more inflationary that the public health programs, we will have done a grave injustice to the problem of medical education in this country.

The most disturbing aspect of a possible decrease in medical funding programs seems to me the reversion to the antedeluvian principle that money will be the final criterion in deciding whether or not an individual will obtain medical attention. If we continue to allow the cost of medical attention to rise by decreasing the number of medical facilities, we shall only exclude the poorer segments of the population from the treatment which is their right, not their privilege.

I most strongly urge each member of this Committee to consider the national exercise of this right as his personal responsibility. I submit that, at this stage of our national development, programs which contribute to the national good should be given the highest priority, and programs which benefit the average citizen peripherally at best, such as military expansion and space exploration, should be subjected to a more realistic scrutiny by members of Congress and by the Administration. I request each member of this Committee to carefully consider the values at stake, and to appropriate a maximum and realistic sum to provide for the continued support of our medical institutions.

At this point, I should like to include in the RECORD several letters received from Oregon medical institutions. I also feel that each of us here will find distinct parallels between the plight faced by the medical schools in my State, and the problem faced throughout the country.

THE RENUNCIATION OF BACTERIOLOGICAL WARFARE: A STEP TOWARD ARMS LIMITATION

Mr. DODD. Mr. President, last week President Nixon announced that this Nation will never engage in germ warfare, that it will unilaterally destroy its stockpile of bacteriological weapons, and that it will henceforth limit its research in this field to defensive measures.

President Nixon must be given credit for a wise decision and for one of the most significant initiatives ever taken by the head of a great power toward reducing the arsenal of weapons of mass destruction.

This was certainly not an easy decision to make.

Other Presidents have wrestled with the same problems. Like all of us, they found the mere prospect of bacteriological warfare repugnant, even as a retaliatory measure. But in the absence of any assurance from the other side that they were prepared to stop stockpiling such weapons and to destroy existing stockpiles, no former President was prepared to take the risk of unilateral renunciation.

President Nixon has now decided to take that risk in the interest of peace.

We can afford to take this risk, because the Soviets know, just as we do, that a deadly epidemic unleased in any major nation might ultimately spread throughout the world.

Furthermore, we can afford to take this risk because we would always reserve the option to reply to such an attack by using other weapons in our arsenal.

It is encouraging that in the President's call for the ratification of the Geneva Protocol on Chemical and Biological Warfare, he has reserved our right to employ nondeadly chemicals, as we are now doing in Vietnam.

In dealing with domestic disturbances, law enforcement authorities in many nations employ tear gas as a minimum force weapon.

If tear gas were not used, if guns and clubs were employed instead, domestic disturbances would result in a greater number of casualties and casualties far more serious than occur in such incidents today.

If tear gas can be used in military situations instead of guns, it is in the interest of humanity to do so. I fail to understand the reasoning of those who, in the name of humanitarianism, want us to renounce military use of nonlethal gases which are used in every modern nation for riot control.

It is my hope that, in response to the President's request, the Committee on Foreign Relations and the Senate as a whole will move to ratify the Geneva protocol as expeditiously as possible. This ratification will be a milestone in America's search for peace.

DENIAL OF TAX-EXEMPT STATUS TO CERTAIN ORGANIZATIONS

Mr. FANNIN. Mr. President, I recently introduced a bill to deny tax-exempt status to organizations which would otherwise be tax exempt where they engage in activities in support of a political party or any candidate for public office or to carry on any voter registration.

Labor organizations have made the claim that no such measure as this is necessary because this area is already covered by the Corrupt Practices Act.

Mr. President, the Congressional Quarterly recently commented on "Loopholes in the Corrupt Practices Act of 1925." The article points out the ineffectiveness of this act in curbing political activities.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOPHOLES IN THE CORRUPT PRACTICES ACT OF 1925

With the exception of some of the introductory material in this report, all the campaign receipts and expenditure figures are based on reports filed in accordance with the Corrupt Practices Act of 1925—a law filled with loopholes.

First, the Corrupt Practices Act does not require reports of contributions or expenditures in either Presidential or Congressional primary campaigns, or in connection with campaigns for a party's Presidential nomination—even though these efforts involve millions of dollars of expenses.

Secondly, though the law requires Senate and House candidates to report all spending made with their "knowledge or consent," most candidates interpret this to cover only their so-called "personal" campaign expenditures. Many candidates report they had absolutely no expenditures whatever, or spent just a few hundred dollars on their campaigns, only a fraction of what any observer knew their real campaign costs were.

Having reported no spending or just nominal sums as their personal spending, the great majority of candidates take refuge in the legal fiction that the committees working in their behalf did so without their "knowledge or consent." Those committees, in turn, are not required to file because the Corrupt Practices Act specifically excludes political committees which work within a single state.

Thirdly, national-level political committees can hide their transfers of campaign money to candidates by simply reporting transfers of gross sums to state committees

which are allied with the national group. The state committees, in turn, transfer the money to individual candidates, but the names of the recipients never appear on the nationally filed reports. This practice is traditional for labor union political funds and has more recently been adopted by groups like the American Medical Political Action Committee.

Fourth, political committees can hide the actual purposes of their reported expenditures by simply listing the purpose as "payment for professional services" or a similarly meaningless phrase.

Fifth, the actual identity of contributors can often be hidden by failing to give full names or giving addresses so incomplete that they make positive identification of the givers impossible.

Even with its loopholes, the Corrupt Practices Act is not enforced. The Act stipulates fines of up to $10,000 and/or two years in prison for willful noncompliance. Yet there has never been a single prosecution for failure to comply with the reporting requirements of the Corrupt Practices Act. The stated policy of the Justice Department, last spelled out by Attorney General Herbert Brownell in 1954 and confirmed by the Justice Department in a 1963 letter to *Congressional Quarterly* (which had inquired about failure to prosecute 54 U.S. House candidates who failed to file any reports whatever in 1962), is "not to institute investigations into possible violations of (the Act) in the absence of a request from the Clerk of the House of Representatives or Secretary of the Senate." Neither the Clerk nor the Secretary (both elected officials of their respective bodies) ever have referred any possible violations to the Justice Department.

In 1966 and again in 1967, President Johnson proposed wide-ranging campaign spending reform bills. An even more comprehensive measure was written in the House Administration Committee. (*For 1966 action, see 1966 Almanac p. 484; for current status, 1967 Weekly Report p. 1155.*)

REGULATION OF THE OCEAN FLOOR

Mr. PELL. Mr. President, I invite the attention of Senators to the lead editorial in this morning's New York Times, entitled "Regulating the Ocean Floor."

The editorial comment points up the current negotiations now underway in the United Nations with respect to developing a legal framework for the exploitation of the seabed and deep ocean floor, and it contains the observation—correctly, I believe—

There is a growing danger that a race for universal riches on or below the ocean floor may precipitate a new era of colonial competition and that unregulated claims to deep seabed territory may compromise territorial rights of all nations to freedom of the sea.

To underscore these very real and interrelated dangers, the Times editorial then outlines the inadequacies of existing international law of the sea, particularly the Geneva Convention on the Continental Shelf, and urges the United States to support the resolution aimed at ascertaining the views of the members of the United Nations with regard to a new international conference on the Continental Shelf question.

In this connection, I am sure that Senators will recall that on Wednesday last I submitted a sense-of-the-Senate resolution calling upon the President to make a formal request to the Secretary General of the United Nations that the Shelf Convention be reopened in accordance with article XIII. I should hope that the resolution would be read in conjunction with the Times editorial, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REGULATING THE OCEAN FLOOR

The United Nations will vote tomorrow on a number of proposals concerning the peaceful uses of the seabed. This is a matter of urgent international concern because rapid technological development is making it possible to exploit an ever-increasing portion of the two-thirds of the earth's surface over which there is no clear national or international jurisdiction.

There is growing danger that a race for mineral riches on or below the ocean floor may precipitate a new era of colonial competition and that uregulated claims to deep seabed territory may compromise traditional rights of all nations to freedom of the sea. There is also a strong feeling among developing countries that the wealth of the sea floor should be shared and not left entirely to the more advanced nations that are best able to extract these untapped resources.

Although American spokesmen have endorsed the broad concept of international control over the deep seabed and the sharing of its benefits, the United States has not come forward with specific proposals to achieve these goals. Despite the urgency of the problem, Washington has supported a go-slow policy in U.N. deliberations on this subject. The current resolution delays development of an international rule of law and it may lead to a *de facto* situation contrary to over-all American interest.

Under the Geneva Convention of 1958 on the continental shelf, coastal states have exclusive rights to the resources of the seabed out to a depth of 200 meters (656 feet) or, beyond that limit, "to where the depth of the superjacent waters admits of the exploitation of the natural resources." Now technology, apparently unanticipated in 1958, now permits exploitation far beyond the 200-meter mark and thus renders the 1958 boundary limitless.

American oil interests, already drilling at 1,300 feet, are well satisfied with this ambiguous situation. But legal experts, such as Columbia University's Louis Henkin, have pointed out that unlimited claims to sovereignty over its offshore seabed by the United States could lead to similar claims by others to the seas above the ocean floor off their coasts. This certainly would not be compatible with American naval and maritime interests, nor with those of American fishermen who drag in foreign waters—off Peru, for example.

It would be appropriate for the United States to support a Maltese resolution which calls on the Secretary General to initiate discussions pointing to a new international conference to update the 1958 Geneva Convention on the continental shelf. In addition, we believe the United States should support any action by the current General Assembly that would speed up the development of at least a minimal international regime to supervise the orderly exploitation of seabed resources beyond whatever national limits may be set.

TESTIMONY OF SGT. ALBERT CHANG

Mr. FONG. Mr. President, Sgt. Albert Chang, one of my constituents, whose home is in Kaneohe, Hawaii, recently appeared before the Senate Government Operations Permanent Subcommittee on Investigations. He testified concerning his experiences in the money changing black market in Vietnam.

Although I was not present to hear his testimony, I am told by the subcommittee that Sergeant Chang's presentation was extremely frank and open and that he was very helpful.

In my opinion, he did a courageous thing in coming from Fort Shafter, Honolulu, where he is at present assigned, to testify in Washington on this matter.

His life has been threatened. I feel it is lamentable, indeed, that for such an act of service to his country he now lives in fear of his life.

Mr. President, Sergeant Chang's action is something of which to be proud and I hope it will win the respect and appreciation of his fellow citizens. I believe his testimony should be brought to public attention; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ALBERT CHANG

My name is Albert Chang. I am a Sergeant First Class in the United States Army. I am a photographer presently assigned to the U.S. Army Pacific at Fort Shafter, Hawaii.

I am 47 years old. I am a native of the Island of Maui in Hawaii.

I have been in the Army a total of 24 years. I served as a soldier in World War Two and as a combat photographer in the Korean War and in Vietnam.

My decorations include the Bronze Star, the Army Commendation Medal with four clusters, the Purple Heart, the Good Conduct Medal with five loops, the American Defense Medal, Pacific Asiatic Theater Medal, the World War Two Victory Medal, the Army of Occupation Medal (Korea and Japan), the National Defense Service Medal, Korean Wharang Distinguished Service Medal with Gold Star, Korean Service Medal with five campaign stars, United Nations Service Medal, Vietnamese Campaign Medal with two campaign stars, the Vietnamese Service Medal and the Unit Citation medal with one cluster.

My remarks today relate to my service and work in Vietnam.

I was first assigned to Vietnam in January of 1962. I was a combat photographer with the Pacific Mission of Stars and Stripes. My work took me to all combat areas of Vietnam. I was later to be wounded four times, twice very seriously.

In December 1962, my tour was concluded and I returned to the U.S. Army Pacific headquarters at Fort Shafter.

I volunteered to return to Vietnam and was assigned to Vietnam in July 1964. This time I was working out of the MACV Public Information Office as a combat photographer.

I returned to Hawaii in December of 1964. I was about to complete my 20 years of service and had decided to retire from the Army. I retired in March of 1965.

I worked for National Geographic Magazine as a combat photographer in Vietnam for about six months, from April 1965 to November 1965.

Then I went to work for the Associated Press as a combat photographer in Vietnam.

The dates of my employment with the AP in Vietnam were from November 1965 to August 1968.

The Vietnam offices of the AP are in the Eden Building located on the Le Loi Street near the Rex Hotel in downtown Saigon.

Our offices were on the fourth floor.

On the second floor of the Eden Building was an Indian money changer. He used the name "Dima." I don't think that was his real name.

Dima was about 40 years old, a good looking man, always well dressed. He spoke excellent English and was very courteous to his clients.

His office was tastefully furnished and he made no effort to present himself as something other than what he was. He was a money changer and nothing else. Two other men, whom Dima described as his brothers, worked for him.

"Bank of India" was a nickname that Dima's American customers gave him and his office.

My work required that I be away from Saigon and in combat areas most of the time. However, I would be able to return to Saigon for short periods—usually for a day or two—three or four times a month, sometimes more.

During these brief visits, I observed the Dima operation. I found it distressing.

The Indians were making thousands—possibly millions—of dollars in their money changing transactions while many of my friends were getting shot at and killed in combat. The whole thing was upsetting and I made up my mind to try to do something about it.

My first move was to win the confidence of Dima and his associates. I had a friend—an American newsman who engaged in the black market through Dima—introduce me to him and vouch for my reliability. Dima accepted me and I began signing over checks to him of about $100 or $200, on an average of once a month.

The dates of my transactions with Dima were approximately January 1967 through August 1968.

During that period, I wrote Dima about 18 checks.

I will briefly describe the system of currency manipulation which Dima used.

I would write him a personal check for $100 or $200 to be drawn on my account at the First National City Bank in New York. That is where the AP deposited my payroll checks.

I would leave the payee line blank as per Dima's instructions.

Dima did not vary from that system in all my transactions with him. Nor did I ever hear from other persons doing business with him that he varied from that system.

Dima never seemed concerned about the risk involved in his transactions. He would tell us, "Don't worry about getting caught. I have people who will make certain we are not caught."

The profits I would receive from Dima on my investment would vary. It would depend on what the black market was for piasters on the day I negotiated with him.

During most of my dealings with Dima, the official rate, piasters to U.S. dollars, was 118 to one. That is, had I cashed checks at, say, the Chase Manhattan Bank, Saigon Branch, I would have received 118 piasters for every dollar. That was the legal rate.

However, by cashing my checks with Dima, I would receive anywhere from 135 piasters to the dollar to as much as 190. It all depended on what the black market in dollars was on the day I went to Dima.

Anyway, I would give Dima a $100 or $200 check with the payee line left blank. He would immediately repay me in piasters at the black market rate.

I entered into these transactions with Dima so that I could ultimately expose his operations. I did not profit personally from any of these activities. After Dima would pay me, I would take for myself the piasters which I was entitled to under the official rate of 118 piasters to one dollar and give the remainder to charitable organizations in Saigon. One of the organizations I frequently gave these black market piasters to was the Bo Dap Orphanage in the Gia Dinh sector of Saigon.

Actually, the profit on a $100 or $200 check was not much money no matter how lucrative the market for dollars was that day. I was a smalltime operator.

But there were many of us so-called small time operators—hundreds of them—doing business with Dima. I believed that there were many so-called big time spenders doing business with Dima too.

I would go down to Dima's office some days and talk with him and watch the people come in and change their money with him. Dima was always every evasive with me. It was difficult to pin him down on anything specific. I did conclude, though, that his clientele was large and it included many persons, both civilian contractors and military officers, in high places. It was because of his powerful customers that he felt he was immune from the Vietnamese law.

Because of these conversations with Dima and because I was one of his regular customers, he and I became friendly. He trusted me. So I had achieved my first goal in exposing him. I had won his confidence.

I did not go to the Vietnamese Customs office, which had charge of policing currency violators, or to the U.S. Army CID because I was afraid to. It was common knowledge that Dima was being protected by people in high places—but I didn't know who was protecting him. Therefore, I wasn't sure what authorities I could trust.

Frankly, I was afraid for my life. There was no doubt in my mind that had Dima known I was spying on him—or that I might turn him in—he would have had me murdered. You can have someone killed in Vietnam for as little as $50 and Dima, I felt, was not above having it done. After all, he was the only illegal money changer in Saigon that I knew about who never got raided by Vietnamese Customs. The papers were full of stories about Indian money changers being raided. But never Dima. I do not think this was a coincidence.

I wanted to expose Dima—but I wanted to do it right, to make sure he was put out of business for good. At the same time, I wanted to stay healthy myself. So I waited, hoping that the opportunity would present itself for me to give my evidence and information to authorities who would crack down on him.

In the meantime—this would have been in March of 1968—I was hit in the chest by shrapnel in a battle I was covering at the 25th Div. It was the fourth time I had been wounded in Vietnam and I decided it would, hopefully, be my last. I had been through three wars. I decided to leave war zones for good. But I still wanted to get Dima.

I told him I was returning to Hawaii soon. Dima asked me to check in with him just before I left. He wanted me to do him a favor.

The favor he wanted me to do turned out to be this: He asked me to smuggle about five large envelopes of checks to Hawaii and to mail them from Hawaii. The envelopes were addressed to the Marine Midland Grace T. of New York, Marine Midland Building, 140 Broadway, New York, New York 10015; and to Manfra, Tordella and Brooks, Inc., 44 Whitehall Street, New York, New York 10004.

I said I would take the envelopes to Hawaii and mail them for him. This was the evidence I was waiting for. Once I arrived in Hawaii, I wrote a letter to the Commanding General, Headquarters, MACV, J–1 Division, and included with it the envelopes Dima had given me containing the checks.

I did not sign my name to the letter or put a return address on the envelopes.

In the letter, I explained who Dima was, how his operation worked, and other information about his illegal activities in currency manipulation.

I felt that with this letter and with the checks as evidence, Dima could be arrested and then put out of business.

I did not mail four of the checks to the U.S. Army; however, I kept them for another purpose I will discuss later.

I have since learned that my letter and the checks arrived in Saigon September 14, 1968. I do not know what action was taken because of this information since I have not returned to Vietnam.

I terminated my employment with the AP in August in Saigon shortly before I left for Hawaii.

Upon arriving, I went to work as a photographer with the Honolulu Advertiser, a daily newspaper there.

I stayed with the Advertiser four months. Then I asked the Army to recall me into the service. I felt guilty about not being with the troops at the front lines in Vietnam. The knowledge that they were fighting and I was back in the states—in civilian life—depressed me. I was making a poor adjustment to civilian life and I wanted to be back in the Army.

Added to this was the fact that my son, an Army Captain, was in Vietnam, serving with the 25th Division.

In November of 1968—while with the Advertiser—a handcarried letter from Dima was delivered to me. It was carried by a newspaper friend of mine from Saigon.

In the letter, Dima indicated he knew I had not mailed the envelopes to the New York financial establishments. He urged me to mail the envelopes back to him in Saigon. That was all the letter said.

I did not answer the letter.

Then, in December of 1968, a second letter from Dima arrived. This letter was postmarked Hong Kong and arrived through the regular mail.

In this second letter, Dima indicated he knew I had given detailed information of his activities to the government and that I had also turned over the black market checks to the authorities.

Dima said he would "get me" no matter how long it would take. He did not use the word murder or kill. But there was no doubt that's what he meant. I was worried, of course. I destroyed that letter along with the first letter.

The four checks I had kept from the original envelopes I brought back from Saigon amounted to $4,000.

I took those checks and deposited them in my account. My purpose was to donate that $4,000 to funds at the 25th and 1st Divisions. The funds are for college scholarships for the children of men killed in action.

As a photographer covering the 25th and 1st Divisions, I had done some promotional work for these scholarship funds and I felt great compassion for the children of Americans who had died in this war.

Additionally, I wanted to get back—if that is the right word—at Dima and those people making money from the black market. My taking $4,000 for the scholarship funds from their pockets was a way to punish them, I guess, for their illegal activity.

But later I had second thoughts. I sent the money back to Dima by bank draft. I sent two checks for $2,000 each.

I sent the first check in December of 1968 or January of 1969. The second check was sent in March of 1969. I cannot find the first

cancelled check. But I have the second. I have it here.

I felt bad about having taken this $4,000. It was for a good cause—the scholarship fund. Yet it was a form of stealing—even though it was stealing from a lawbreaker, Dima.

But it was still theft and I had never done anything like that before.

I have not heard from Dima directly since the second letter, the one that arrived in December.

In July of 1969, I was interviewed in Hawaii by Mr. Duffy of the Subcommittee staff. I told him what I have just told the Subcommittee.

Shortly after my interview with Mr. Duffy, I received a telephone call—it was a local call, placed in Honolulu—from an American whose voice I could not identify.

I don't know how this caller got my home phone number since my number is unlisted. Anyway, the caller seemed to be speaking for Dima. He told me basically what Dima had said in the December letter.

He said they would "get me." He did not say murder or kill. But that's what he meant.

In August of this year, CID investigators interviewed me in Hawaii. I told them what I had told Mr. Duffy and what I have told you today.

I have not heard from Dima or anyone else involving these matters since then—except for my conversation with Mr. Duffy.

SENATOR BYRD OF WEST VIRGINIA REVEALS REVERSAL OF U.S. RHODESIAN POLICY

Mr. BYRD of West Virginia. Mr. President, on November 26, 1969, I made a statement for West Virginia radio stations concerning the need for changing this country's foreign policy on Rhodesia.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

RHODESIAN SANCTIONS

Some time ago I said in a speech that the United States needs to review and update its foreign policies in the 1970's in every part of the world. I believe that one of the first subjects for such a review should be our position regarding Rhodesia.

Last month, the people of Rhodesia marked the fourth anniversary of their independence from Great Britain.

Next month will mark the end of the third year of United States' economic sanctions against Rhodesia with no let-up in sight.

The irony of those sanctions—which were supposed to bring the Rhodesian "rebels" to their knees—is that the United States stands virtually alone in honoring the sanctions.

The sanctions—promulgated by the United Nations ostensibly because Rhodesia posed a threat to international peace—actually represent an unsuccessful power play on the part of Great Britain to topple the government of Ian Smith and restore British political prerogatives in Rhodesia.

I think that former Secretary of State Dean Acheson summed up our Rhodesian policy pretty well last year when he said . . . and I quote . . . "the United States is engaged in an international conspiracy, instigated by Britain and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one."

And so, my fellow West Virginians, I feel that the fact of the matter is that Rhodesia is being made to suffer because it suits the purposes of our ally, Great Britain, and because certain nations take issue with Rhodesia's internal racial policies. In the latter regard, the United States is hardly in a position to throw stones.

The power play against Rhodesia has failed miserably. Rhodesia's economy is healthy today, perhaps even booming. The nation's gross national product in 1965, the year of its independence, was $986 million. This year, it is expected to reach $1.2 billion. Although other UN nations aren't supposed to be trading with Rhodesia, it is reported that foreign goods, from Japanese radios to European cars, are in abundant supply.

In continuing to honor the sanctions against Rhodesia, the United States is, in a manner of speaking, cutting off its own nose. Whereas we used to turn to Rhodesia for a large share of high-grade chromite ore at $25 a ton, we now buy the same ore from Soviet Russia at nearly twice the price. There is reliable evidence to indicate that some of the ore the Russians sell to us at a profit is bought by the Russians themselves from Rhodesia.

It is bad enough from an economic and strategic standpoint that we should have to depend on Russia for this chromite ore which is needed in production of steel and other militarily and industrially vital materials.

It is worse from a moral standpoint to depend on Russia. For if we become a party to punishing Rhodesia because of that country's internal racial policies (which are none of our business), then it is hypocritical for us to continue to trade with the totalitarian Soviet Union which has virtually enslaved entire populations.

It was recently pointed out that there is no such thing as majority rule in other African countries such as Kenya, Zambia, Ethiopia, Somalia, and Tanzania.

Yet, we do not impose economic sanctions against any of those nations. I do not suggest that we have any right to meddle in the internal affairs of those countries. But, by the same token, I do not think that we should continue our single-handed crusade against Rhodesia. It is a crusade that we agreed to in order to please our friends in Britain, even though our British friends continued their trade with North Vietnam notwithstanding the war in which Hanoi has long been engaged against us. We never should have gotten into such a hypocritical position to start with. Now that we stand alone, we should make a speedy reversal of our Rhodesian policy and make certain that we don't get ourselves into such a foolish position again.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous order the period for the transaction of routine morning business expires at 11:15 a.m. and the unfinished business is to be laid before the Senate.

Mr. DOLE. Mr. President, I ask unanimous consent that the morning hour be extended for 10 additional minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I wonder if we might proceed to lay the unfinished business before the Senate and then yield time to the Senator from the controlled time.

The PRESIDING OFFICER. Does the Senator from Kansas withdraw his request?

Mr. DOLE. I withdraw my request.

TAX REFORM ACT OF 1969

The PRESIDING OFFICER. Under the order of Wednesday, November 26, 1969, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

The question is on agreeing to the amendment offered by the Senator from Louisiana (Mr. ELLENDER).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield, on behalf of the Senator from Louisiana (Mr. ELLENDER), 5 minutes to the Senator from Kansas, and it is my understanding that the able minority whip will likewise yield 5 minutes to the Senator.

Mr. GRIFFIN. Mr. President, I wish to ask how much time the Senator from Kansas would like to have.

Mr. DOLE. About 5 minutes.

Mr. BYRD of West Virginia. Mr. President, it was my understanding that the Senator wanted 10 minutes, but I yield 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas for not to exceed 10 minutes, the time to be charged equally to both sides.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING THE DIGNITY OF AMERICAN FIGHTING MEN

Mr. DOLE. Mr. President, one of the regrettable developments resulted from the efforts of some individuals who wish to exploit the Mylai tragedy of March 1968, is that it has evolved into an attack on the dignity of the U.S. armed services.

There is an effort by some to imply that violent attacks similar to the isolated incident which took place at Mylai, frequently occur in those areas in Vietnam occupied by U.S. military forces. The Mylai issue has become the latest tool for those strongly opposed to the administration's Vietnam policy and its program to terminate the war. It appears to be the intention of these individuals to represent the Mylai tragedy as a symbol of all present and future acts undertaken by the administration in Vietnam.

Statements given through the news media tell the public that U.S. forces are indiscriminately slaughtering the innocent and guilty alike in conducting their military operations. I consider such statements not only careless but injurious to the character of the American fighting man.

I, in no way, condone or rationalize the willful slaughter of civilian noncombatants, and if the accused in the Mylai

affair are found guilty, they should be dealt with as prescribed by law.

Rather than concern for prosecution and punishment of the guilty there appears to be a calculated attempt to utilize the Mylai affair to insinuate that it represents the norm in the daily conduct of U.S. military operations in Vietnam.

Mr. President, I know this insinuation to be untrue. A member of my staff requested and received a briefing from the Office of the U.S. Army Planning and Operations Division. He was particularly interested in the education and training of U.S. military procedures to assure the proper humane treatment and handling of civilians and prisoners of war in Vietnam. A synopsis of this briefing contained the following highlights:

All U.S. military personnel receive indoctrination as to the aforementioned subject prior to and after their arrival in Vietnam. They are reminded that the Vietcong can capitalize on examples of bad conduct by U.S. military personnel, and that the defeat of the enemy can be enhanced through an understanding and generosity displayed toward the people of South Vietnam.

Every member of the U.S. Forces in Vietnam personally receives instructions as to the treatment of civilians and prisoners of war and in addition, is instructed as to what constitutes a war crime. For example, in regard to prisoners the articles each member of the U.S. Armed Forces receives contain these highlights:

1. In the disarming, searching, and guarding of prisoners of war, military law requires that the prisoners be treated humanely;

2. Injury inflicted upon a captive is a criminal offense;

3. A sick and wounded captive must receive the best treatment available;

4. All suspects, civilians and other persons detained must be protected against violence, insults, and reprisals of any kind.

BASIS OF CURRENT U.S. MILITARY LAW ON WAR CRIMES

Mr. President, in regard to matters pertaining to the definition and investigation of war crimes, current U.S. military legal services are based upon six sources: First, the Geneva conventions of 1949; second, the Hague conventions of 1907; third, the Uniform Code of Military Justice; fourth, FM27–10; fifth, MACV directive 20–4 (0); and sixth, MACV directive 190–3.

It is inconceivable that anyone should regard what took place in the village of Mylai in March of 1968, as in any way representative of the general conduct of American forces in South Vietnam. The general conduct of the American serviceman in Vietnam, participating in an unpopular war and in the face of extreme hardships and frustrations, which have characterized this protracted, bloody conflict, has been notably outstanding.

Mr. President, I wish to make these additional comments concerning developments surrounding the Mylai incident.

There is the possibility that this incident will result in further disunity among the American people, especially if the incident is successfully applied to be representative of American policy in Vietnam. The Mylai incident must not be extended beyond its proper perspective and applied to other areas for partisan or personal pursuits. It is not the function of the Senate of the United States, at this point in the course of events concerning the incident, to provide judgment in any respect. Recent statements by the news media offer continued evidence of a lack of concern for individuals accused of crimes to be afforded a fair trial unprejudiced by prejudgment.

Mr. GRIFFIN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. I wish to commend the Senator from Kansas for his statement, which provides some important and valuable information for the RECORD. It is information of which all of us should be aware.

In particular, I wish to underscore the Senator's comments that the Mylai incident, as it has been reported, is by no means typical of the conduct of U.S. troops.

In May of 1966 I had the opportunity to visit South Vietnam for about a week. I recall a number of instances when I was particularly impressed by the attitude of American troops toward Vietnamese civilians.

For example, I recall being with a Marine outfit and visiting a hospital which the members of this unit had set up in the field.

At great sacrifice to themselves, these marines and doctors who were assigned primarily to care for U.S. troops, were spending their spare time treating Vietnamese civilians, and particularly children who were brought from considerable distances for treatment of injuries and diseases of all kinds.

Finally, it was a moving experience to see the attitude, the kindness, and the humaneness with which our American troops were treating the Vietnamese civilians.

I hope and pray that the news media will put the Mylai incident in perspective; that they will make sure the American people realize this was an isolated incident which is not at all typical of the general conduct of our troops in Vietnam.

Again, I commend the distinguished Senator from Kansas for making what I consider to be a very important statement.

Mr. DOLE. The Senator from Michigan has put his finger on the heart of the matter. The Mylai incident is a rare exception. It is not the norm. The norm is, as the Senator has pointed out, in the good deeds our American soldiers have rendered everywhere in the world, not just in Vietnam. That has been the symbol of the American fighting man for as long as I can remember. For as long as I can remember, it has been the outstanding generosity of the American fighting man which has exemplified his spirit. Thus, I would hope that we would not capitalize on what might be a rare exception in American history.

Let us punish those who are guilty, but let us not prejudge them.

Mr. HANSEN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. HANSEN. I, too, would like to compliment the distinguished Senator from Kansas for the contribution he has made this morning.

In listening to the radio and television and reading the newspapers, I gathered that there has been worldwide distress and infuriation expressed over this incident, but it is not all directed toward the servicemen who have been involved in it. Part of that distress and infuriation is directed at the news media for the way they have handled the situation.

It does seem to me that there is some reason to agree with those who express indignation over the handling of this incident by the news media, which have been insensitive to the feelings of the viewing and reading public.

Things do happen which none of us condones. Certainly no one in the Army condones this incident.

Every effort will be made, as the distinguished Senator from Kansas has pointed out, to see that whatever the facts are, they will be brought before the court and will be handled according to law.

Mr. DOLE. I thank the Senator from Wyoming. I would only say there are some who feel that the only news is bad news, which is not true, of course.

TRIBUTE TO REPRESENTATIVE RICHARD D. McCARTHY—THE VALUE OF PERSEVERANCE

Mr. PROXMIRE. Mr. President, President Nixon's momentous decision last week to ask the Senate to ratify the 1925 Geneva accord that prohibits its signers from first using poison gas attests to the value of perseverance for the Democratic Representative from New York, RICHARD D. McCARTHY. McCARTHY's untiring efforts to turn this Nation away from the madness of chemical and biological warfare have been, at last, somewhat recognized by President Nixon's announcement.

For those of us who have labored for those things we consider important and in the best interest of this Nation, Congressman McCARTHY's efforts and success are a light at the end of the tunnel. His statement on these recent developments is one we should all pay attention to:

I think this proves that we can achieve necessary change within the American system. It just requires accuracy but basically perseverance.

Bravo to Congressman McCARTHY's perseverance. May we all take a lesson from his experience.

I ask unanimous consent that the article from Sunday's Washington Post be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAN ON GERM WAR PLEASES OPPONENT

(By Robert A. Hunt)

"I think this proves that we can achieve necessary change within the American system. It just requires accuracy but basically perseverance."

The speaker was Rep. Richard Dean McCarthy, a 42-year-old New York Democrat who, spurred by a "quite horrified" wife, launched a congressional drive last February against germ and gas warfare.

He was jubilant over President Nixon's order last Tuesday to destroy existing stockpiles of bacteriological weapons, as well as over Mr. Nixon's pledge that this country would not engage in germ warfare, will confine research to defensive measures and the President's call for Senate ratification of a 1925 treaty to ban initial use of gas or germs as weapons of war.

McCarthy still harbors reservations that Mr. Nixon didn't rule out tear gas and herbicides that the United States has been using in Vietnam. While feeling the tear gas issue poses a threat to Senate ratification of the protocol, "I don't think it is insoluble."

INTERPRETATION NEEDED

The one-time Buffalo Evening News reporter, in an interview, suggested that some international understanding and uniform interpretation is needed "on just what the Geneva protocol prohibits, because there is ambiguity."

It was this 1925 agreement, which the United States played a major role in shaping but which the Senate never acted upon, that bans first use of "asphyxiating, poisonous or other gases and of bacteriological methods of warfare."

Senate Democratic leaders have pledged action on the protocol in a month.

"I believe the U.S. should not attempt to exclude tear gas from the coverage of the protocol," McCarthy said, "and I don't think we should be destroying food supplies with herbicides."

McCarthy said, however, "I think the issues can be resolved if the proper spirit is shown. We should approach them with a positive frame of mind."

In 1930, McCarthy said, a dozen signatory nations to the protocol said they felt tear gas was covered under the prohibitions.

And in a speech earlier this month at Johns Hopkins University, Baltimore, McCarthy said a GI's letter described how tear gas was used to drive the North Vietnamese into the open where a number then were killed.

CITES TV PROGRAM

How did McCarthy's interest in the chemical and biological warfare—CBW—subject start?

"Last Feb. 4 we were watching an NBC television program devoted to germ and gas warfare," he said. "It showed dead sheep in Utah, experiments with gas, and was pretty horrifying. My wife sent the five kids to bed because she didn't want them to see it. She was quite horrified, turned to me and said: 'You're a congressman. What do you know about this?' I told her I knew nothing but the next day I began to find out."

McCarthy set up plans for an Army briefing on the CBW issue for members of Congress on March 4. He kept on working.

"They refused to admit staff people without a secret clearance on file at the Defense Department," he recalled.

However, McCarthy said: "They told us very little we didn't know already and actually used it as a pitch for more money on CBW."

Then McCarthy drew up a series of questions, sent them off to the Defense and State Departments among others.

"I got them back in April and they were a mass of contradictions," McCarthy said.

At about this point, McCarthy called for U.S. ratification of the Geneva protocol as well as the British convention which bans all germ warfare, more restrictions on transportation, testing and disposal of such materials, and an end to secrecy surrounding the program.

Congress then wrote in requirements that the Defense Department find that open-air testing of gas weapons is necessary in the interests of national security, that governors be given particulars of such tests, plus certain requirements on transporting the deadly articles.

With mail coming in to back up his position, McCarthy made a series of speeches around the country on gern warfare.

TARGET OF CRITICISM

"At first there was a lot of criticism and I was accused of backing unilateral disarmament," he said. "There was some skepticism, including the White House, but I think the President's announcement vindicates our basic approach."

McCarthy's office got an advance indication that a presidential announcement was on the way while he was in London taking part in an international CBW conference.

The official verification came while he and his wife, Gail, were over the Atlantic on the way home.

"The plane captain came looking for me. He had a message saying the President was to submit the protocol to the Senate. My wife and I were ecstatic," he said.

McCarthy, who served in the South Pacific in the Navy from 1945–46 and in the Far East with the Army in 1950–52, also got an added bonus on the timing of the Nixon decision. His germ warfare book, "The Ultimate Folly," was published the next day.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the time to be equally divided and charged against both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself such time as may be necessary to make my opening remarks.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

ADDITIONAL COSPONSOR

Mr. ELLENDER. Mr. President, before I proceed, I would like to add, by unanimous consent, the name of the senior Senator from Alaska (Mr. STEVENS) as a cosponsor of the amendment now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I regret that there are so few Senators present to listen to this important debate. I think it is vital that we permit the law regarding the percentage-depletion allowance to remain as is.

We have been debating one of the broadest reaching tax reform measures in the history of this country.

In order to make certain that we do not make erroneous decisions on issues which are both highly controversial in the political sense and highly significant in an economic sense, we should try to dissect each issue in terms not only of its immediate impact upon the tax take of the U.S. Treasury or upon any particular class of taxpayers, but also in terms of its long-range impact on the American taxpayer and the economic balance of the entire nation.

The first issue before us today is one of crucial importance to the State I represent. It is of no less importance to the Nation as a whole, even to States that do not produce oil and gas, and as such it demands very careful and dispassionate study. The issue is that of the percentage depletion allowance, as it affects the taxability of income from the production of petroleum.

In brief, percentage depletion allows both the landowner and the producer to deduct 27½ percent of gross income from net income before computing Federal Income taxes. Since the deduction cannot exceed 50 percent of net income, however, it can never of itself remove all tax liability. In effect, it does no more than to cause the income from mineral production to be treated like income from capital gains.

In the case of petroleum, the theory is that the deduction returns to the owner the value of the oil in the ground—much as provisions for "depreciation" return to other groups of taxpayers the value of machinery which is used or worn out in the course of a business operation.

In other industries, Mr. President, when we apply depreciation to equipment and to buildings at so much per year, the total depreciation can replace the building or the machine on which the depreciation is taken; and in the case of a God-given resource such as oil, which we cannot replace, the same logic should apply. That is why I wish more Senators who oppose this amendment were present to listen to the discussion. Actually, there is considerable weight of evidence that the 27½-percent rate is too low to achieve the stated purpose and vis-a-vis the landowner should be increased rather than decreased.

As it applies to the producer, percentage depletion works as follows: If the company's gross income from a well during a given calendar year is $100,000 and its production costs are $40,000, it net income is $60,000. The percentage depletion allows him to subtract 27½ percent of the gross income, in this case $27,500, from the $60,000 net income figure. Taxable income would be $32,500 rather than

$60,000. In no event could it fall below 50 percent of the net income—in this case, taxable income could not fall below $30,000.

ECONOMIC INCENTIVE NECESSARY

This economic incentive is geared to help overcome the fact that only one exploratory well in nine finds any oil, and only one in 46 finds a commercially profitable accumulation.

In other words, Mr. President, the operator must drill 10 wells to find one that will produce. Only one of 46 or 47 drillings will repay all costs to the owner. Those are things that should be thought through, particularly, as I shall point out later, when the Department of the Interior states that within the next 10 years we are going to need 5 million more barrels of oil per day than we are now producing.

For at least two major reasons, the tendency will be to find less rather than more productive wells. First, extensive exploration over the past several decades has left fewer and fewer fields to be found in the United States. The gamble or the risk factor involved in finding any production becomes higher and higher. Second, the cost of finding and developing petroleum is becoming greater and greater, not only because of the scarcity of the product, but because of constantly rising costs of labor and machinery.

Only by providing realistic incentives can we hope to prevent what is an increasingly bad situation from becoming an intolerable one in terms of the desirable levels of domestic production and in terms of our long-range need for petroleum reserves.

OTHER MINERALS AFFECTED

It should be remembered that this means of providing a financial incentive as an encouragement to an active search for and production of oil and gas is not peculiar to this mineral. As a matter of fact, income realized from the production of almost all minerals is similarly treated.

The only difference is one of degree. Because of its strategic importance and because it is literally the fuel on which the major portion of our economy runs, petroleum enjoys a slightly preferred status vis-a-vis other minerals to the amount of depletion allowances it is accorded.

I have offered the pending amendment, No. 290, which would preserve the law as it now reads, and as it has read for over 40 years. As I shall try to explain, my amendment seeks to avoid a removal of proper incentives at a time when the interests of the American economy and the American consumer demand more, not less, encouragement to the oil industry in its search for new reserves—both of oil and natural gas.

The committee amendment to H.R. 13270 proposes to reduce the depletion allowance as it affects petroleum from 27½ to 23 percent. Over the strenuous objections of its distinguished chairman, my colleague, Senator RUSSELL LONG, the committee also recommended reduction in the percentage depletion allowances of most if not all other minerals.

Although my amendment merely seeks to preserve the present status of the law as it applies to petroleum, I hope to support and to vote for similar amendments which seek to preserve proper incentives for the continued discovery and development of other minerals upon which this country's economic and strategic posture depends.

LIBERALS VERSUS CONSERVATIVES: A FALSE ISSUE

Unfortunately, this issue, like many others, has become in the minds of too many Senators, a proper battleground on which to wage the fight of liberal versus conservative.

As the Wall Street Journal of September 5 quotes a staff aide of one of my colleagues who wants the depletion allowance substantially reduced:

> The oil industry no longer has Bob Kerr, Sam Rayburn and Lyndon Johnson in Washington to help it. The Senate Liberals are itching to get the oil industry this year.

It is not put in terms of facts and figures, or of long-range consequences on Joe Taxpayer and to the economy as a whole. It is not put in terms of its effects on the balance of payments or of the impact it might have on the strength of the dollar. It is put in terms of who will "get" whom.

In recent years, I have seen this unhealthy factor cloud the minds of lawmakers in such a way that they either consciously refuse to consider, or subconsciously are unable to weigh the real, the truly pertinent factors which ought to be taken into account.

Rather than decide an issue on its merits, too many of us tend to fall into line on one side or the other of a controversy by reason of the "Liberal" or "Conservative" labels which have been ascribed by the press, by the political parties or by an endless number of pressure groups and influence peddlers.

It becomes a political sin for a "liberal" Senator to vote the "conservative" line on any major issue. Similarly, the conservative lawmaker is bound by influences of image and pressure politics to avoid voting "liberal" on issues once that position has been so classified.

In too many instances—and I myself am certainly not guiltless—we become so wrapped up in the entanglements of a particular political philosophy, or sometimes a pseudo-philosophy, that we view proponents of the other point of view with a vicious sort of contempt. This is an attitude not born of an honest difference in interpretation of the same basic facts. Rather, it is born of an increasing inability to talk calmly in terms of facts, or even to agree on what the facts are that should be considered and interpreted.

The result is a narrow-minded attitude which causes us either consciously or subconsciously to view any member pleading his case under the opposing banner as a heretic, a bigot, a Communist, a dunce, or a nobody. Certainly, we say to ourselves, there is no need to listen to the arguments of that other fellow. If he is not in my philosophical "camp" on this issue, his arguments certainly cannot bear much logic; his "facts" must be fabrication; his motives must surely be dangerous.

Of course, as I have said, none of us are free of guilt in this regard. I certainly am not. May I point out, however, as my colleagues well know, I have on several issues become a maverick to my generally conservative philosophy when my observations have shown me that that point of view would result in a vote out of step with the best interests of my constituents and of the country, and in contradiction of the facts. Essentially, I suppose that is what I am looking for today; a handful of colleagues who, for good and sound reasons, will become mavericks to the "liberal" strings which bind them to a false cause—or who at least will not take part in a movement whose cause has been proven erroneous.

Some elements of the press and most active proponents of a reduction in the depletion allowance have created the image that this is a "'liberal" cause and that it is a progressive, constructive, and equitable thing to do. Since big businesses and big taxpayers appear to be the ones who will be immediately hurt, the bill is viewed as a good way to undercut the conservatives.

DANGEROUS CONSEQUENCES IGNORED

The effort to reduce the depletion allowance has become a "sock it to the rich" movement and too few of the proponents seem willing—much less anxious—to consider the possibility that the long-range effects of their holy crusade might be to "sock it to all of us"—the middle class, the poor, the economy as a whole.

They seem to ignore the possibility that in their overzealous efforts to slay the dragon, they might be trampling to death the damsel in distress—that is, the American consumer.

A handful of examples have been cited which describe millionaires who, partly by reason of the depletion allowance, pay little or no Federal income tax. These are the dragons who must be slain.

On the other hand, little or no attention is accorded the long list of repugnant consequences which might result from a substantial limitation of the incentives which provided the oil and gas industry in the form of the depletion allowance.

Of course, no major economic decision, or its repercussions take place in a vacuum. Since there are bound to be effects of some sort in an economy which is geared to rules of supply and demand, we should ask ourselves a basic question: Of what benefits and of what elements of security will we be depriving ourselves—as consumers—by claiming for ourselves—as a government—those dollars which are now being given the oil industry in economic incentives via the depletion allowance?

At the risk of offending some of our more modern thinkers and avant garde economists, I contend that the basic rule still prevails which says that, "You don't get nothin' for nothin'." Let me put the fundamental question another way: What price and what consequences are

we going to pay for trading away to the U.S. Treasury a crucial economic incentive of our most strategic industry in order to "kill a few dragons" and to increase our tax take by a small fraction of 1 percent per year?

The exchange cannot be made without consequences. It will either result in a specific benefit to the Nation or it will backfire and damage the Nation. We had, therefore, better look to the rules of cause and effect, of supply and demand, of action and reaction to make certain what benefits—or injuries—this major change in economic policy might bring.

In this case, it should be made clear that the proposed reduction in the depletion allowance from 27½ percent to 23, 20, 17, or some other figure, would represent a very large relative alteration in the economics of the industry in question.

Reduction of the tax incentive of any industry by as much as 20, 30, or even 45 percent, as one Senator proposes, is bound to have tremendous repercussions, not only within the industry but across the whole Nation—particularly in the case of an industry whose impact is so great on the overall economy.

How will such a change affect the consuming public? Do not the proponents of drastic change have the specific and positive burden of proof that the change will not harm the public? In this case how will it affect the average wage earner, the average farmer, the average commuter, the average traveler, who has to buy gasoline for his automobile two or three times a week?

The $400 to $500 million tax expected to be realized by the reduction from 27½ to 20 percent—or a lesser amount to be realized from a lesser reduction—may prove to be an outrageously expensive tax to collect if its impact, both domestically and internationally ends up costing the American consumer and the overall economy several times that amount in terms of unwanted and even disastrous economic consequences.

AMERICA'S DEPENDENCE ON PETROLEUM

It should be realized that we are dealing here with one of the most crucial of industries. The petroleum industry in one form or another is closer to the American public than any other.

Petroleum, natural gas and their by-products are today and will remain for many years our primary fuel because of their relative low-cost and their great convenience, as compared to other fuels. Petroleum and its by products now provide three-fourths of the energy consumed in this country.

This percentage has been increasing rather than decreasing. It was only 64 percent 15 years ago. Now it is 75 percent.

American industry relies very heavily on petroleum as a direct source of power.

Nine out of 10 American households are heated by oil or gas, or by electricity generated from oil or gas.

Commercial transportation is fueled almost totally by the petroleum industry.

A considerable amount of our electric power, about 30 percent is generated by oil or gas.

Almost all American workers go to work in vehicles which are powered directly or indirectly by oil—82 percent of them in private cars.

These statistics are cited in an effort to impress upon consumer-oriented Senators the fact that they should pay closer attention to the consumer impact of what they propose to do.

It is my contention that some of my liberal colleagues have blinded themselves to the woeful consequences which might, and possibly will, befall the American consumer as a result of disrupting the economic incentives by which the oil industry is able to supply on a reasonable basis vast amounts of a vital product at a reasonable price without undue reliance on foreign sources.

I ask my colleagues to notice that I have mentioned at least three essential elements of the valuable service for which we are paying as a nation when we provide the incentives contained in the depletion allowance. The industry must supply this admittedly vital, essential product in vast amounts, at low cost, mainly from domestic sources.

If any one of these three factors is disrupted or denied, the American consumer and the American economy will suffer greatly, either from lack of energy, from excessive and inflationary costs, from the unreliability of foreign sources in times of crisis, or from the effects of an unfavorable balance of payments.

What if, as a result of the drastically altered tax structure which some Senators propose, the farmer, the workingman, the white collar commuter, the countless numbers of industrial users, the maritime industry, and everyone else ends up paying 3 or 4 or 5 cents more per gallon for gasoline and for diesel fuel? Then they, the proponents, will have done a great disservice to the very people in whose best interests they are pretending to act.

BALANCE OF PAYMENTS

What if, as a result of prejudicial attitudes and of that powerful urge to vote in terms of labels and images rather than facts, the Senate fails to devote proper attention to the long-range question of balance of payments? If the domestic industry loses its incentive and thus its ability to keep domestic production at a high level and at a reasonable price, obviously we will have to turn to imports.

Greatly expanded imports will mean a further imbalance on our trade posture and, eventually, a further disruption in the value of the dollar. All of this bodes great danger to the American laboring man, the American businessman, the American consumer and to the whole competitive posture of our economy in years to come.

Even now we are importing a billion dollars worth of petroleum products a year and the trend, unfortunately, is toward higher levels—at the expense of a healthy balance-of-payments posture.

Again the proponents, in the name of justice and equity and tax reform, will have brought havoc upon the people and the economy in whose behalf they are—in good faith, I am sure—pretending to act.

BURDEN OF PROOF

It seems to me, therefore, that those few Senators who actively propose this change in the law bear toward the rest of us a most serious burden of proof that this change will not result in any such destructive effects on the consumer or the economy, or both.

If such a burden of proof does not properly rest on the shoulders of the proponents of a reduction of the percentage depletion allowance, they have not yet made a credible attempt to support it with convincing facts and figures.

Where are the economic studies from objective sources which offer reasonable assurance that the proposed change will not result in higher prices to the consumer for gasoline, for heating oil, for natural gas?

Where are the economic studies which assure the Senator who is not an expert on this subject that the economy and the dollar could stand the balance-of-payments impact of vastly increased imports which would be necessary if decreased domestic supplies threatened to drive consumer prices up?

Where are the statistical studies which tell that the status of domestic exploration, production and reserves are on a favorable trend vis-a-vis consumption estimates for the next decade or two?

Where are the engineering studies which indicate that we can pipe in natural gas from South America or from the Middle East when our own reserves shrink to the point where it is either unavailable to homeowners or is far more expensive to them than it is today?

Where are the financial studies which assure us that capital investment will not flee the petroleum industry in search of a better return, thereby depriving this vital industry of the $70 billion in capital investments it is expected to require during the next decade to keep pace with consumer demands?

Where are the evidences of an international climate that is predictable enough and stable enough to afford us a guaranteed source of supply from foreign reserves?

LACK OF PROOF

Mr. President, I suggest that no such evidence has been presented to the Senate. No such assurances can possibly be offered because all the answers to the pertinent questions seem to indicate the need for more, not less, encouragement to the industry to beef up its posture relative to the demands which will be made on it by the consumer and by the economy in the years to come.

If the oil industry as a whole were booming beyond control, and if oil and gas reserves were increasing in such a way as to require no encouragement and no incentives to continue a healthy growth, those who seek a reduction in the depletion allowance might have a valid point in suggesting a reduction in the depletion allowance.

DANGEROUS TRENDS OF THE 1960'S

However, statistics of the industry indicate otherwise. For instance, although the industry completed an all-time high of 58,000 wells in 1956, it completed about only half that many, 31,000, last year. Although this particular comparison tends to show the picture in a particularly gloomy light as far as new completions is concerned, I have made it in order to impress on my colleagues the seriousness of what can and most certainly will happen if we remove the proper incentives from those parts of the petroleum industry which explore for oil. If this startling trend is able to take place in spite of the incentives offered, what further backslide can we expect to occur when these incentives are removed?

More realistically, perhaps we should compare total well completions for the decade of the 1950's to total well completions of the 1960's. We see that it is 508,494 during the 1950's and only 407,-325 during the 1960's. This represents a decline of about 20 percent despite the fact that the search and discovery expenditures during this decade have been greater than during the decade of the fifties.

A highly significant factor within these total figures on well completions is the number of so-called rank wildcat wells drilled in an attempt to find new fields. This category does not include "field wildcat" wells which are drilled in the vicinity of known fields. These are dry holes in an area where oil has already been discovered.

During the decade of the fifties there were 71,324 such wells drilled, and during the decade of the sixties that figure slipped to 62,150.

Thus we find a decrease of about 15 percent in that particular kind of exploratory activity which is geared to discovering brandnew areas of production. The same general situation—slightly worse, in fact—is evident when we compare the combined number of rank and field wildcat wells completed during the 1950's—108,455—to those completed in the 1960's—91,925—the latter figure including a recent estimate for 1969. Here we find a decrease in completions of about 18 percent.

Mr. President, I wish Senators would listen to these facts. There are now three Senators in the Chamber—four Senators, including the Presiding Officer.

For the past 9 consecutive years, the domestic crude oil production has exceeded additions to the reserves; and last year natural gas production exceeded additions to the reserves for the first time in our history. In other words, prior to last year annual additions to our reserves were higher than the annual amounts we consumed, but now even gas fields are petering out; that is, the amount annually consumed is greater than the amount of reserves we find from year to year.

This is a frightening trend which must be reversed. Yet there are many among us who charge headlong in support of a tax measure which will tend to accentuate rather than to cure this trend.

CONSUMPTION ESTIMATES

In the light of these developments and as a result of an exhaustive study on the subject, the Department of the Interior has called for stepped-up explorations, increased completions, and expanded reserves to meet the projected consumption estimates of the next decade. The Department expects consumption to increase from the present 13.8 million barrels a day to 19 million barrels a day in 1980—a growth factor of almost 40 percent.

Although these estimates for 1980 call for at least 5 million additional barrels per day, it should be noted that last year existing wells in the United States had the capacity to produce about 3 million more barrels a day than was actually permitted to be produced.

In other words, if we let the wells go their full capacity we could barely meet our present domestic requirements.

In my opinion this is not a secure position in which to be. If our production capacity does no better than to stay 3 million barrels a day ahead of domestic consumption, we will soon not be able to meet our domestic needs from domestic production—even in a time of crisis. It is obvious that if the industry does not expand upon that capacity, we will have to rely on massive imports whether we like it or not.

In effect, the Department of the Interior says that the oil industry needs to discover about 70 billion barrels of new reserves by 1980 in order to maintain a satisfactory posture of reserves versus production. The magnitude of this assignment can be understood only if one stops to realize that since 1960 only about 35 billion barrels have been added to our reserves.

How then can the Congress vote to decrease the tax incentive of the industry by a factor of 20, 30, or 40 percent while the administrative branch is telling the same industry that it must find double the reserves in the next 10 years as it has been able to locate in the past 10?

THE QUESTION OF "EQUITY"

Finally, Mr. President, if the petroleum industry were obviously and indisputably not paying its fair share of taxes as compared to other American industry, there might be legitimate cause for concern—in the name of "equity," let us say. However, it seems that the petroleum industry does, indeed, pay its fair share.

There are, of course, several theories as to how the oil industry's tax burden should be compared to the tax burden of other industries. Proponents of reduction in the depletion allowance take the narrow and self-serving view that we should consider only Federal income taxes and only as a percent of net income.

They contend that other taxes paid by the industry just should not be counted. Exactly what such a narrow, restrictive notion has to do with the concept of equity, I do not know. There are several other broader means of drawing comparisons, which by their very nature are more "equitable."

Under proponents' computations it turns out that the oil industry pays 24 percent of net income in Federal income taxes, as compared to 40 percent for all U.S. industry and 42 percent for all manufacturing industry.

However, as a staff study of the Senate Finance Committee shows, the oil industry's burden jumps to 42.9 percent of net income if we include foreign, severance, property, and production taxes. It seems only "equitable" that these taxes to which the petroleum industry is particularly—and often uniquely—vulnerable should be considered in our comparisons. If we do weigh this total tax load as a percent of net income, the petroleum industry is paying taxes at a rate of at least equal to other American industry.

RETURN ON CAPITAL INVESTMENT: A GOOD GAGE

The same result is apparent if we consider the oil industry's earnings as a percent of net assets, that is, as a percent return on invested capital. Here we find that for the 2-year period 1967–68 the oil industry earned 12.8 percent, and all U.S. manufacturing paid, at the same level, 12.8 percent. Last year, earnings were 12.9 percent, just under the 13.1 percent earned by its capital investment by all U.S. industry. Under still another method, considering all taxes other than motor fuel and excise taxes, we find that in the latest year for which statistics are available, 1966, the oil industry paid an amount equal to 5.8 percent of its gross domestic revenues, compared to the average of only 4.8 percent for all manufacturing industries. In 1965 the figures were 4.8 percent for oil to 4.3 percent for all manufacturing. In 1964 it was 5.4 percent to 4.6 percent, again indicating a heavier tax burden upon the petroleum industry.

So, Mr. President, we find that under four of the five methods logically possible, the oil industry endures a tax burden equal to or heavier than the average for all U.S. manufacturers. The one method which does not show that result is the narrow overly restrictive and totally inequitable concept that we should consider only Federal income taxes only as a percent of net income.

Proponents of this reduction in the depletion allowance speak in terms of tax "equity," which implies a weighing of the broadest possible economic considerations as a means of coming up with a fair result. I certainly do not see this element in proponents' arbitrary plan to weigh only one type of taxation against only the net part of the oil industry's income.

NEED FOR MORE INCENTIVE, NOT LESS

Earlier, Mr. President, I pointed out that the petroleum industry will have to find at least twice as much oil during the next decade as it did in the last decade to maintain a satisfactory ratio of reserves to production. The trends in well drillings, well completions, additions to reserves all seem to indicate that the industry needs more, not less, economic incentives to accomplish this feat.

Mr. President, the overtones and the consequences of a reduction in the depletion allowance run very deep. I urge my

colleagues to support my amendment, which would merely preserve the law as it has existed for many years and protect the consuming public and the economy from the damaging effects of denying the petroleum industry the incentives to do its job properly.

Mr. President, as I pointed out earlier, if the House action is followed—that is, if we change the figure from 27½ percent to 20 percent—the additional tax that would be paid by the oil industry would amount to $400 million to $500 million.

But one thing the proponents of such a change fail to say is that the oil industry is spending $4.3 billion in exploration and development of oil and gas. What would that mean to labor and to the machine maker? The oil workers are paid pretty high wages all over the country. The machines are also produced by workers who get high wages. The loss of income taxes from those who work in the petroleum industry and from those who work in supporting industries which produce the necessary equipment to explore for oil might well equal the $400 or $500 million that the Government would take in additional income taxes.

Let us not forget that our economy today is in bad shape. For the first time in our history we have been importing more than we export. We are going down the scale. If we have to embark on vastly expanded purchases of foreign oils in order to supply the demands of our economy, it will be a great blow to our posture regarding balance of payments.

Today we consume about 13.8 million barrels of oil a day. Of that amount 10.8 million barrels are produced in our country. The rest, about 3 million barrels, is imported.

As the Department of the Interior has estimated, we must find 5 million more barrels per day for the next decade. Where are we going to get it, except from abroad, unless the oil and gas industry is permitted not only to continue to explore but to expand its exploratory activities for these vital resources to our economy? If we looked at the problem from that standpoint, instead of trying to beat down a few people who might get by without paying a fair share of taxes, I think we would be able to debate the issue without so much emotionalism. As to the few in the oil industry who evade taxes, the bill as now drafted will take care of that situation.

As I pointed out in my main statement, the depletion allowance cannot exceed 50 percent of the net income. That is another way by which the producers must pay taxes. In other words, the producer cannot escape taxes altogether.

I am very hopeful that Senators will pay close attention to what I have said, in the hope that the present depletion allowance can be maintained.

Mr. President, I should like to reemphasize this point about production—and these production figures are for various areas throughout the country: In the decade of the 1950's, 71,324 rank wildcat wells were drilled, as against 62,150 for the present decade. The number dropped 15 percent. The number of rank and file wildcat wells completed during the decade of the 1950's was 108,455, as compared to 91,000 for the present decade, or a drop of 18 percent. Similarly, total completions slipped about 20 percent from 508,494 to 407,325.

Mr. President, how can we hope to meet our needs unless the incentive is there to stimulate the production of our own oil in our own country? I repeat, Mr. President, I am very hopeful that the Senate will sustain my amendment.

Mr. LONG. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield for a question.

Mr. LONG. The Senator knows, does he not, that during the past 50 years, from 1919 up to the present day, the price of retail gasoline, excluding the excise taxes that Federal, State and local governments have levied on the product, in terms of constant dollars, has dropped so that it now is less than one-half of what it was 50 years ago. In other words, the price of the product, excluding the excise tax on gasoline sold at the pump, is actually pretty much the same as it was 50 years ago—very nearly the same—although the price of everything else has more than doubled.

Now the price of gasoline could not have been kept that way had there not been adequate incentives for someone to go out and find the gas and oil and develop it so that it would be available to all.

I should also like to direct the Senator's attention to the fact that there is a study available to me—I have it here—made by the Chase Manhattan Bank, of 28 oil companies with a combined gross income of $60,311,000,000 which shows that after they get through paying taxes to the Federal Government, to State and local governments, and to foreign governments, their total tax bill is $14,250,000,000.

Then when one sees how much the shareholders have left after they have paid their taxes, it is $1,870,000,000. So, on gross revenue, these companies are only making about 3 cents on the dollar for the benefit of their shareholders. They are paying out in taxes almost $10 for every dollar that the shareholders are permitted to keep. In the last analysis, a company has not made money just because it shows a figure on its profit and loss statement. The money has not been made until it declares a dividend to get something to the person who owns the company and who hopes to make some profit out of it as a result of the investment.

When one takes 10 times as much in taxes from an industry as it permits the industry to keep after taxes, he should be very grateful to that industry particularly when it has managed to keep the price of its product down when the price of everything else has more than doubled.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG. I congratulate my senior colleague on the very fine presentation he has made here today. In the committee, I voted for the same position the Senator advocates now.

It is unfortunate that some people seek to represent the oil industry as one which is not paying its fair share of taxes, because, as a practical matter, the oil and gas industry pays more taxes at the State and local level, by far, than the average manufacturing industry. If we take into account the production taxes and property taxes that this industry pays, and make the same allowance for other industries, it works out that the oil and gas industry, pays in production taxes, State, and local taxes, and Federal income taxes, all taken together, more than the average for all manufacturing industries. If you add the burden that the product must carry—that is, the excise tax on the product sold at the pump—then the total burden borne by this industry is even more substantial. Although some may wish to discount that factor I do not think that industries in other States would be willing to bear the same type of excise tax that this industry bears in Louisiana, where there is a tax of roughly 9 percent of value on production as well as a rather high excise tax on the product sold at the pump. No one in the electrical business or the heavy machine tool industry, or any other manufacturing industry, wants to carry that kind of a tax burden on his production, which amounts to about 50 percent of the value of the product.

So, if one considers the excise tax burden on the product in addition to the other taxes, he finds that gasoline carries a heavier tax burden—which the manufacturers must add to the cost of their product and pass on to the consumer if they are to make a profit—than that borne by any other products except tobacco and alcohol. With regard to both of those products, as the Senator knows, there is a health or a moral consideration which does not exist with regard to oil and gas products, which are something we must have in order to continue to exist as a nation. It is something we have to have in order to enjoy all the other blessings of this great country of ours.

So here is an essential commodity, one required for our national survival, one of our most important strategic commodities—in many respects the most important—something that is a necessity. The price increase of it over the last 50 years has been kept to one-half the average price increase on all other commodities in terms of constant dollars. In other words, it is selling today for half the price it was selling for 50 years ago, not counting the excise tax added to the product since that time, so that, on balance, as the Senator has so well pointed out, there is no real case for further increasing the tax on this product or this industry.

Mr. ELLENDER. What bothers me more than anything else, I must say to my colleague, is this estimate that was made by the Department of the Interior. We are now consuming about 14 million barrels of oil per day, and 3 million barrels of that come from abroad. The esti-

mate for 1980 is 19 million barrels a day. There is a difference there of 5 million barrels. Where will that oil come from, unless we produce it here or buy it abroad? That is what I am bothered about. If we have to purchase 5 million additional barrels of oil per day in the future to take care of our requirements, just imagine the effect that will have on our balance of payments and the labor situation here in our own country.

As I have pointed out, if the House figures are accepted, the additional tax realized by the Government will be between $400 million and $500 million; and, as I have pointed out, the amount of money spent to develop more oil fields and conduct the necessary research for them, to the companies, is in excess of $4 billion a year. I contend that the income tax to be derived from that expenditure balances off the $400 million or $500 million that we can hope to gain by cutting back the allowance from 27.5 percent to 20 percent. I say it is just shortsightedness. We do not want to become dependent on foreign oil, if we can help it.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DOLE. While I concur generally in what the Senator from Louisiana has said, I would point out that Kansas is also a great oil-producing State. I believe most of those in the oil industry realize that if we are going to have tax reform, it will be painful to those who are reformed. I believe most of those in the oil industry in my State would probably agree, though reluctantly, that some change in the depletion allowance will occur before this bill is finally enacted.

I would guess, if we look at the entire tax reform package realistically, there are other provisions in the Senate version and in the House version of the bill which are more damaging to the oil industry than raising or lowering the depletion allowance. I am certain that the Senator from Louisiana is aware of that.

There is one specific provision that adds an additional tax on intangible drilling costs, which is much more harmful to the oil industry, or at least I am so informed, than would be keeping the depletion allowance at 23 percent. In fact, if there were some assurance that we could keep the Senate bill at 23 percent on the depletion allowance, and strike out the 5-percent additional tax on special tax privileges, which includes the depletion allowance, I think most people in the oil industry, while they would not be satisfied, would accept what we did.

I hope we can also proceed to look at some of the other provisions in the bill where we might obtain some relief.

Mr. ELLENDER. Well, I expect to, and of course I have, but we are dealing now with the 27.5 percent depletion. As I have stated, I think it ought to be maintained, for the reasons I have stated.

Mr. DOLE. But I do not think it is a conservative or liberal issue. I think it depends on where you live in America.

Mr. ELLENDER. I agree that it is not a liberal or a conservative issue. I regret deeply that the press and some of the activist proponents of a reduction in the allowance have attempted to make it so. This has been done, I suppose, to make it initially impossible for a Senator who considers himself a "liberal" to support my amendment. I agree with the Senator from Kansas that it is a false issue. But, as I have stated, whether we are considering a State that does not produce oil or gas, or one that does, either the consumer of oil and gas will suffer by having to pay higher prices or the whole economy will suffer by having to depend on foreign imports. That is one thing that we must take into consideration.

Mr. DOLE. I thank the Senator from Louisiana.

Mr. PROXMIRE. Mr. President, will the Senator from Delaware yield me 20 minutes?

Mr. WILLIAMS of Delaware. I yield 20 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I rise to speak in opposition to the Ellender amendment. This is one of the most complex tax bills the Congress has ever drafted. There is no question that much of it is not understood. It is not understood by many of the tax experts. It is not understood fully even by well-informed Members of Congress. It is not understood by economic experts, and it is certainly not widely understood by the millions of American citizens who comprise the general public.

But there is one section of this bill that the general taxpaying public does understand, and understand well.

If we should ask the first hundred people we met on the street in downtown Milwaukee or Wilmington, Del., or Sioux City, Iowa, or even in New Orleans, to name the most notorious loophole—the least justifiable loophole in our tax law, 85 to 90 would promptly say: the oil depletion allowance.

The 27½-percent oil depletion allowance—rightly or wrongly, fairly or unfairly, has become a symbol of privilege and inequity in our tax laws.

Even the magazine recognized as spokesman for big business, Fortune, has called it the most notorious loophole in our tax laws.

Now, of course, there is a difference of opinion on the equity or inequity of this provision and that is what this debate is all about.

But no one can gainsay that this single provision has become the heart of the controversy—the living, breathing symbol of the need for tax reform for a great majority of the American people.

The fact is, Mr. President, if this body should pass the Ellender amendment, if we should knock out the Finance Committee's reduction of the depletion allowance, this bill would be considered a mockery, and I mean just that—mockery—a hypocritical, meaningless mockery by most Americans.

I can hear it now in Union Halls, in Kiwanis meetings, at women's clubs, party rallies, anywhere a Senator meets his constituents—the cry—if we should pass this amendment:

"What do you mean a tax reform bill? Did you Senators not keep the oil depletion allowance right up there at 27½ percent?"

My point is not simply that the passage of this amendment would be an inequitable act. My point is whether you may think the amendment is right or wrong. The American people will not agree that we have passed a tax reform bill if we refuse to reduce the depletion allowance. They would believe that this bill is a phony, a fake, a pretense.

And Mr. President, why should they not believe exactly that? After all what is the taxpayers' revolt?

It was a reaction that began after Treasury Secretary Joe Barr—who had only about 20 days in office—appeared before our Joint Economic Committee last January and told us that there were Americans with immense incomes, incomes over a million dollars a year, who paid no income taxes.

Secretary Barr documented that charge. It shocked the American people. Our taxpayers are recognized as the most honest in the world, and they are hit with what is close to the stiffest income tax in the world.

They pay it because they know this is the price of a free country. They pay it because they believe everyone who earns a significant income must share in the support of this country. They pay it because they generally believe in the principle of ability-to-pay.

So it is not hard to understand that when they see others not paying, they are enraged.

Mr. President, consider that the Ellender amendment, by pushing the depletion allowance back up to 27.5 percent, would reduce the revenues provided in the bill by $175 million. That is $175 million less tax relief or $175 million less for education or for health.

Consider that the lowest tax bracket for individuals who earn a mere $600 a year in taxable income is 14 percent. Yet, the largest oil companies with earnings in the billions of dollars a year paid an average of 7.7 percent in 1968 to the Federal Government, about half the income tax rate of the man struggling at the poverty level.

Mr. President, that is a disgrace. We have heard all the rhetoric about how important the oil industry is to the United States and how vital it is to our national security. Yet, when the facts are examined we find that our present tax handouts to the oil industry are probably the most inefficient way to encourage this new exploration and development we are supposedly trying to encourage.

Mr. President, I will go into that a bit in a few minutes. However, I think it is a fundamental answer to the very strong argument made by the Senators from Louisiana that we need more production and need more oil.

We have had this fantastic tax bonanza which has been granted to the industry. It was supposed to encourage production. That was its excuse. Everyone recognizes this loophole as being notorious. It has been in effect since 1926.

But what have been the production results of this bonanza? Are we getting the kind of oil production we need? No. Why? Because this is not the way in which to do it. Every expert agrees that it is not the right way in which to secure more effective oil exploration.

It is costing us now $10 in tax reduction for every $1 of oil reserves that have been developed because of the depletion allowance.

First, our present tax structure gives greater incentives to explore abroad than here at home. If national security is really a justification, how can we justify that situation, particularly when we erect a barrier to the importation of all this cheap foreign oil we have encouraged our companies to develop. This is probably the most ironic anomalies created by the Federal Government at the behest of a special interest group. On the one hand, the ordinary taxpayer subsidizes the major oil companies by paying taxes that should be paid by the oil industry and, then, on the other hand, rather than let the consumer have the benefit of this cheap oil he has paid for we prevent this oil from reaching him by erecting an import barrier.

Let us examine the extent of these tax benefits enjoyed by the oil industry. After examining the tax structure of the oil industry, one of the Nation's leading economists, estimated that the oil industry enjoyed an absolute subsidy in the form of tax privileges. It would be cheaper he said for the Federal Government to allow the oil industry to completely expense all its costs than to continue the present tax subsidies. For example, the average well in the United States costs about $260,000. This generates the following tax deductions:

Currently expensed capital expenditures	$161,160
Depreciation deductions	32,840
Depletion deductions	83,000
Total	277,000

In other words, those who invest $260,000 in an oil well, get back $277,000 in tax benefits. That means even without making any money from selling the oil, the investor is going to make $17,000 on his investment in the well. Amazing? Yes. Unfair? Yes. Unjustified? Yes, emphatically.

Even assuming for the sake of argument that the oil industry does need special incentives to explore for oil and thus protect our national security, the present system is one of the most inefficient means that could be devised.

The figure I gave a minute ago that it cost $10 in tax benefits for every $1 of proven oil reserves developed is from CONSAD, a report commissioned by the Treasury.

The CONSAD report commissioned by the Treasury Department pointed out that our tax laws were costing the American taxpayer over $10 for every $1 of additional reserves of oil and gas, even at the inflated American price for oil. The CONSAD report which was presented to the Ways and Means Committee and the Finance Committee was the first unbiased economic analysis of our oil tax laws. Although it has been attacked by the oil companies, those who have a pocketbook interest in denying its findings, its conclusions still remain unchallenged.

Mr. President, how can we justify paying the oil companies $10 for every $1 of additional reserves they discover? We cannot. How can we justify using up our expensive domestic oil in the name of national security when there is so much cheap foreign oil available?

That is another argument that always puzzles me. The oil people always argue that we must not bring the oil from abroad, but that we have to use our oil. Now our oil is a limited finite resource. If we use it up, we deplete our supply. We use it up in perpetuity. How can we justify a system imposing an income tax of 14 percent on individuals earning a mere $600 when oil companies who earned over $8 billion in 1968 paid less than 8 percent of their income in Federal income taxes. We cannot. We cannot.

The oil depletion allowance is the most conspicuous example of tax favoritism. It is widely known and widely condemned as an unjustifiable tax loophole benefiting the very wealthy at the expense of the average taxpayer. A cut in the depletion rate for oil and gas to 20 percent is a very moderate proposal.

Mr. President, the Finance Committee's cut in the oil depletion allowance to 23 percent is not enough. It will only raise an additional $175 million a year in revenue. A cut to 20 percent, on the other hand, will raise over $400 million a year.

But even a cut to 20 percent in the oil depletion allowance is but a drop in the bucket. If just the largest oil companies with their gigantic profits paid the same percentage of their income in Federal income taxes as other manufacturing concerns, 43 percent, we would get about $3.5 billion in new revenue.

Mr. President, this puts into perspective the significance of the Ellender amendment that would deny even this slight reduction in the immense tax bonanza, this loophole, this giveaway enjoyed by oil.

Mr. President, let me answer the distinguished Senator from Louisiana who says that we do not have a competent study of how this would affect the capacity of oil companies to earn money.

Merrill Lynch, the biggest brokerage concern in the country, which certainly is not a liberal concern with an ax to grind, has made a careful study of the effect of reducing the oil depletion allowance from 27½ percent to 20 percent. They found that in the case of Sohio, which is one of the big companies, the reduction in profits would be approximately 2 percent. Esso and Texaco would take a reduction of 3 to 4 percent. Atlantic's earnings would fall by 8 percent. That is the firm that paid almost no income taxes for 5 years recently, although they were making over $100 million each year. Gulf's earnings would go down 4¼ percent, Mobil's 4¼ percent, Shell Oil's 7½ percent, and so forth.

Less than 1 year's growth of earnings at recent rates seems to be involved for each company. These companies have been increasing their earnings very sharply, record earnings, each year.

Furthermore, there is no reason to suspect that there is going to be any increase in prices to the consumer by rejecting this amendment and adopting the Williams amendment. That depends entirely on how we handle the oil import program. At present, this matter is being studied by the Rules Committee. We expect recommendations to come from that committee, and the tentative recommendation of that committee is that we modify the oil import program sharply, with the result that it will have a substantial beneficial effect in reducing the price of oil and gas to the consumer, regardless of how we act on the depletion allowance today.

Mr. President, it is interesting to consider the cutback in production which the Senator from Louisiana has charged will follow depletion allowance reduction. He has argued that if the Williams amendment is adopted, it will result in a prompt and serious reduction in production.

I should like to quote not a dispassionate economist but one of the Nation's top oil men, Mr. Emilio G. Collado, the executive vice president of Standard Oil Co. of New Jersey, who has estimated that there will be no effect whatever in oil production by a 20-percent depletion allowance until 1974, and then the cutback will be very small. In fact, in my view, it will be close to insignificant.

Furthermore, there are many other methods, one of which I presented to the Committee on Finance, of providing a far more efficient way to encourage oil production than to rely on the oil depletion allowance, which is costing the general American taxpayers $10 for every $1 of oil reserves brought in.

With respect to the argument of the Senator from Louisiana that the industry is not booming, the fact is that the combined net profit of the 12 largest oil companies in 1968 was a fraction under $5 billion. Each of the 12 companies set new profit records in each of the last 4 years. Think of that Mr. President. Is this an industry that would be hurt by a slight reduction in their net income? Just 4 years ago, the profits of those 12 companies totaled $3.7 billion; so they have enjoyed an increase of $1.3 billion, or 33½ percent, in the last 4 years. I could go into more detail on that, but I think the argument is overwhelming that this is a booming industry and is enjoying enormous profits.

With respect to the argument of the distinguished Senator from Louisiana that we must not reduce the oil depletion allowance when we need reserves, I have indicated one finding by CONSAD, the Treasury Department commissioned study. Let me point out the argument given by the Treasury Department in its report to the Committee on Finance. It had this to say on the percentage depletion:

> Percentage depletion is a relatively inefficient method of encouraging exploration and the resultant discovery of new domestic reserves of liquid petroleum. This is in part due to the low sensitivity of desired reserve

levels to the price subsidy represented by percentage depletion, and in part to the inefficiency of the allowance for this purpose, since over 40% of it paid for foreign production and non-operating interests in domestic production.

It should be remembered that the Treasury Department is the Nixon Treasury, appointed by President Nixon, who has indicated that he favors a high depletion allowance. Nobody can argue that they are biased at the top against the oil industry or against a tax depletion allowance for the oil industry.

I quote further:

The investigations reviewed during the course of the study were in substantial agreement that the current situation was one of economic inefficiency, and that any changes—

Meaning any reduction in the depletion allowance—

were almost certain to be beneficial to the economy in the long run.

This is from the CONSAD report.

Mr. President, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 10 minutes.

Mr. President, I hope that the Ellender amendment will be rejected.

For the past 12 months we have heard many wonderful speeches in the Senate about the interest of the Members of the Senate in tax reform, and I have been looking forward to the time when we would have a bill before the Senate dealing with this subject. I have expressed the hope many times that the enthusiasm for tax reform would carry over until such time as we call the roll. Today we are going to start voting, and we will soon know to what extent these speeches will develop into votes.

As the Senator from Wisconsin has pointed out, the question of reducing the depletion allowance is the number one question in the minds of the American people that will determine whether or not we are really going to have some tax reform.

It has been pointed out that the 27½-percent depletion allowance has been in effect for 40 years. It has been in effect for 40 years, but I point out that 40 years ago, when the 27½-percent depletion rate was first approved by Congress, the top rate for corporations and individuals was around 15 percent. Certainly there is a bigger difference in the 27½-percent depletion rate for oil or any mineral when you have a 14-percentage rate than there is when the rates run up as high as 50 percent on corporations and as high as 70 or 77 percent under today's rules for individuals. Certainly this is one inequity which needs to be dealt with.

The argument has been made about the billions that already have been paid in taxes by the oil industry. I call the attention of those who have made that argument to the fact that most of those so-called billions paid by the oil industry are not really paid by the oil industry. They represent collections by the oil industry as taxes on the gasoline that is sold to consumers in the various States. It is a Federal gas tax, and that tax is paid by the consumers of gas and oil, just the same as withholding taxes collected by the oil companies are actually paid by their employees.

I do not give any industry credit for taxes it collects from someone else. But when we consider the tax it pays on its own earned income, as the Senator from Wisconsin pointed out earlier, the average rate falls back to around 8 percent, which is about all they are paying under existing rates.

Certainly at a time when all Americans are being asked to shoulder their proportionate part of the cost of operating the Government it is not unreasonable to expect the oil industry to pay its proportionate part.

I respect the oil industry. It is one of the most respectable industries in the country, and it is also a prosperous one. But I do not think that under the existing tax structure the oil industry is paying its proportionate part of the cost of supporting the Government. Approximately one-half—40 percent, at least—of the cost of operating the Government today, which approaches around $190 billion, goes for the defense of the country. To the extent that any industry or any individual has investments, he owns a fixed percentage of the assets of the country, whether it be an investment in oil or wealth of any other kind. Government revenues goes to support not only the lives of 200 million people but also their property. Billions of dollars are appropriated and paid every year by the American taxpayers to support and protect the industries of the country, including the oil industry. The time is long past when the oil industry should pay its proportionate part of the cost of supporting and defending our Government, both at home and abroad.

The difference in approving the amendment of the Senator from Louisiana (Mr. ELLENDER) and in approving the section of the bill as passed by the House is a little more than $400 million. Under present law the depreciation allowance is 27½ percent. The proposal of the Senator from Louisiana is to keep the present law. The House provision would roll back the percentage to 20 percent. The Committee on Finance changed the amount to 23 percent; however, an effort will be made later to hold the percentage to the 20 percent, as proposed in the House bill.

We are now dealing with the question of whether we shall accept the House provision of 20 percent or retain the 27½ percent in the existing law, a difference which amounts to $400 million.

If we expect to obtain any tax reform at all we shall have to start somewhere, and certainly this is the place to start. In my opinion, if we fail to reject the Ellender amendment and if we fail to reduce the percentage of oil depletion allowance we might just as well tell the American people, flatly, that there will be no tax reform so far as this Congress is concerned. What we do now will set the pattern as to what will happen to many other so-called reform provisions in the bill.

We cannot get away from the fact that when we speak of tax reform we are correcting inequities that some group has been enjoying, and this raises the tax for someone. When we refer to a reduction in the oil depletion allowance as a tax reform proposal it means that we are raising the taxes of the oil industry. That is true of every feature in the bill. When we speak of reforming the existing tax law by eliminating what some of us think are inequities in the tax laws it means that we are taking away benefits which this group or that group may have been enjoying but which we do not think they should have. If we are going to make the tax structure more equitable it means an increase for some and perhaps a reduction for others.

Mr. President, certainly this industry has been enjoying special benefits for a long time. As the former Secretary of the Treasury, Mr. Barr, said there are around 200 people with incomes of $200,000 a year who pay no income taxes. Many of those people would still escape taxes in the amendment which is now before us.

To reduce this depletion rate is a step in the right direction. It will not correct all of the situation, but it will be a major step toward correcting some of those inequities and imposing a tax on those persons who for many years have not been paying any taxes whatever. However, if the amendment of the Senator from Louisiana (Mr. ELLENDER) is agreed to and we retain the existing law we shall not be closing that loophole nor shall we be placing any tax on many of those individuals with incomes of around $1 million a year. Certainly we cannot allow them to continue paying no tax.

I hope the Senate overwhelmingly rejects the amendment of the Senator from Louisiana.

Mr. President, in conclusion, I wish to point out that the action by the House committee in reducing the rate to 20 percent has the support of the Treasury Department of the Nixon administration. In testimony before our committee the Secretary of the Treasury, Mr. Kennedy, said his Department supported the 20-percent provision in the House bill. I hope that, with their support, we can retain the House provision holding the rate to 20 percent and reject the amendment of the Senator from Louisiana.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 15 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the oil and gas industry is today under the most severe political attack in its history. The double-barreled proposals would take away tax incentives and, at the same time, force the domestic industry to lower its price and profit levels to compete with cheaply produced foreign oil—much of it from unfriendly sources. I refer here to the import threat because the questions of national security and domestic self-sufficiency are both dependent on the ability of the domestic industry to maintain an exploration and development program adequate to maintain a reserve sufficient to fill those needs. A cut in percentage depletion or other oil and gas tax incentives will seriously af-

fect the rate of exploration and development as will any substantial increase in imports.

The two issues go hand in hand as do the discovery and development of oil and gas and that is why I mention imports here in connection with the oil and gas depletion allowance.

It seems imperative to me that we have a full realization of the nature of this attack.

Very early in the development of our tax laws it was generally recognized, as it has been ever since, that oil and other minerals in the ground represent a wasting asset. These assets can only be discovered—they cannot be created or manufactured. Our entire economy and our national security depend upon having available to us large and balanced quantities of all of these basic minerals. Realizing that oil, once discovered, inevitably will be depleted, and that the oil taken out of the ground cannot be replaced, it became an early cornerstone of our tax laws to recognize this fact and to provide the depletion allowance.

In recognition of the capital asset used up in production of petroleum, Congress in 1926 replaced earlier methods of computing depletion by establishing a depletion deduction of 27½ percent of the gross sum received from sale of crude petroleum. In no case, however, can depletion exceed 50 percent of net income from the mineral property after all expenses.

In applying this depletion rate, Congress intended, among other things, that it approximate the diminution of the value of the capital assets used up each time a barrel of oil is removed from the ground. In reality, the 27½ percent rate today falls far short of permitting full recovery of the "capital value" of assets exhausted through production of oil.

Now we are told that this basic principle of tax law represents a "loophole" which should be eliminated. Elimination of this feature of our tax laws and of other well-established principles affecting mineral production and operation would not benefit the public since any additional tax revenues would almost certainly be offset by a rise in the cost of gasoline and other basic commodities. Thus, the so-called tax saving would simply be passed on to the consumer and be payable by those who are perhaps the least able to bear this additional tax burden; namely, the average working man, the farmer, and the rancher who must operate an automobile, a pickup, or a truck in connection with his business. The problem, however, is much more basic than a mere shifting of the tax burden. Making such a basic change in our tax laws would have, I submit, far-reaching and serious consequences to our Nation and to our economy as a whole.

The United States is already dependent on foreign oil for 21 percent of its requirements. Domestic producers spent $44 billion over the past 10 years in their efforts to find oil and gas reserves in the United States.

To maintain the Nation's current level of self-sufficiency, the domestic industry must spend twice that amount over the next 10 years.

But if punitive tax measures are adopted, these capital expenditures will not be made in the United States, and these reserves will not be found or this measure of self-sufficiency maintained. Among all of the other consequences of such an approach would be a crushing blow to our already desperate efforts to maintain our balance of payments and a favorable balance of trade. Foreign operations of American oil companies now account for a favorable U.S. balance of $2 billion a year, and this is certainly something we cannot afford to lose, in view of our declining world trade position.

In the face of all of these considerations, it seems almost incredible that the Congress of the United States would seriously be considering taking action which could quite conceivably seriously cripple America's most successful and important basic national industry.

With percentage depletion, the industry has traditionally generated the great bulk of its own capital funds—somewhere around 90 percent. In the past few years, however, the squeeze on earnings and other cash flow in relation to rising capital requirements has forced oil companies to go to other capital markets for an increasing proportion of their funds—last year they went outside for 26 percent of such funds. The question is how long will the oil industry be able to continue this borrowing.

It is true that there has been a recent discovery on the North Slope of Alaska which will do much to shore up potential reserves of the United States, but already some $7.5 billion has been spent to find these existing oil reserves. This does not take into account the recent State lease sale in Alaska just for the right to explore. Oil companies paid more than $900 million for that privilege.

The significant thing about the North Slope discovery, as the Presiding Officer (Mr. GRAVEL) knows, is that in all likelihood the North Slope would never have been explored without the assistance of tax incentives prevalent to the U.S. tax structure. It is going to take billions of dollars to develop the North Slope and to move the oil to markets and most of that money has to come from oil company earnings. It is also important to note that every 10 billion barrels of oil that may be discovered on the North Slope or anywhere else represents only about 2 years demand in the United States. This means we have to find a lot more oil in the North Slope and in a good many other places if we are to avoid the dangerous degree of dependence on other countries for our prime source of energy.

By 1980 the United States will need some 270 billion gallons of oil per year. This is 70 billion gallons more than present requirements of the United States. It is also significant to note that the United States will require some 50 percent more in natural gas reserves.

Since 1956 gas consumption has more than doubled while drilling by producers has declined sharply. Wildcat drilling, geophysical activity, and total wells drilled have dropped 40, 56, and 43 percent respectively.

The Department of Defense has stated:

> U.S. domestic petroleum capability must be available to meet military need in case of the denial of normal foreign sources.

The Interior Department and the Federal Power Commission have warned that discovery and development activities have been inadequate to meet natural gas demands in the immediate future and oil requirement in the near future. These agencies recognize the need to encourage domestic exploration and development of both oil and gas in the interests of national security and the consuming public.

The Department of Defense was, also, emphatic in a statement to the Cabinet Task Force on Oil Imports as to future dependence on foreign oil:

> U.S. domestic petroleum capacity must be available to meet military needs in case normal foreign sources are denied. These denials can take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of that source by enemy action.

Our national security is directly related to the United States having unquestioned access to oil sufficient to satisfy its needs. In Southeast Asia today, according to the Department of Defense, about 50 percent of military tonnage consists of petroleum products—we must maintain a capability in the United States to supply our war needs in case foreign sources are denied. The DOD report notes that our interests will best be served by expanding oil development by areas in the following order of priority: First, the continental United States; second, the Western Hemisphere; and, third, other free world areas. Elimination of foreign percentage depletion will bring only temporary Treasury benefits, completely disappearing within 2 or 3 years, will discourage U.S. ownership and development of foreign fields and hurt U.S. balance of payments.

Those who attack depletion allowance also allege that import controls result in higher prices to consumers and argue that the consumer price of petroleum products, primarily motor fuels and home heating oils, could be sharply reduced by eliminating the quota system.

The wide variation in these hypothetical estimates attests to the fact that they are highly speculative but one point none of the advocates of more imports have mentioned is the effect of the Nation's gas supply.

Oil and gas development are inseparately related and a large part of all gas production comes from wells that were drilled primarily in a search for oil. These wells produce both oil and gas.

Therefore, any reduction in tax incentives that undoubtedly will lower the rate of exploration for oil will have the same effect on gas supplies. And while we could import all of our requirements for oil—at the pleasure of the producing countries and the expense of the domestic oil industry—we have not yet arrived at that point in technology to bring in the needed supplies of natural gas.

A Federal Power Commissioner said recently that the Government would soon have to provide added induce-

ments—probably in the form of price increases—for company research for new natural gas supplies.

Rates on natural gas are set by the FPC, and for the past decade, the commission has deliberately reduced prices.

But the problem, as outlined here, is that the Nation is no longer locating enough new reserves to replace its new annual consumption. Last year, for the first time, the Nation's known reserves actually declined by 2 percent, according to a study by the American Gas Association.

FPC Commissioner Lawrence J. O'Connor, Jr. thinks the industry has a supply problem and a serious one. He emphasizes that most customers are not likely to feel the effects of the current reserve decline in the near future. The problem, O'Connor asserts, is to insure the longrun supply of natural gas.

Recently, FPC published a study that concluded that "the supply of natural gas is diminishing to critical levels in relation to demands." By 1973, the report predicted, the ratio of known reserves to annual production will have declined to 10.2 from the current level of 14.6.

At the same time, the report emphasized that ample supplies of gas exist—though the exact locations are unknown—to meet future demand.

Although he avoided directly advocating a price increase, O'Connor spoke of developing a better economic climate for drillers and seemed to rule out any prospect of rate reductions.

Dr. Richard J. Gonzolas, a noted Houston petroleum economist says that proponents of increased crude oil imports are completely overlooking the role of natural gas in the Nation's energy markets and that we cannot continue to supply cheap natural gas unless the customer is willing to take domestic crude oil as well, because the domestic petroleum industry supplies both crude oil and natural gas.

The equivalent energy cost of gas at its current average price of 20 cents per thousand cubic feet is $1.20 a barrel. Combine this with the average of $3 a barrel for domestic crude oil, and we get an average realization by producers supplying domestic petroleum energy of $2.10 a barrel; $3+$1.20÷2. This price is about as cheap as foreign oil can be delivered in the United States. Dr. Gonzolas also says that if domestic crude oil production is cut in half by greater dependence on imported oil, or cut in half by decreased tax incentives, we must correspondingly cut in half natural gas production, because the two are associated in wells. If mass production is cut, this Nation would have to seek alternative methods of acquiring gas such as synthesis from coal or importing it in liquid form. This would cost between 50 and 60 cents a thousand cubic feet compared to current average price of 20 cents a thousand cubic feet. This rise in price of 250 to 300 percent would mean increased prices to all consumers of gas in the Nation. In this case, we are talking about almost every American citizen.

John N. Nassikas, Chairman of the Federal Power Commission, stated before the Senate Interior Committee investigating natural gas supplies in the United States:

> The FPC has pointed out to the President's Task Force on Oil Imports that you really can't separate gas and oil. It is a definite inter-relationship which affects not only discoveries but basically the type of capital commitment, total capital commitment, and incentive for an industry.

In recent testimony before Senator Moss' Subcommittee on Minerals, Materials, and Fuels, Assistant Secretary of Interior for Mineral Resources, Hollis Dole, said that a shortage of natural gas already exists.

According to Dole, the supply-demand situation indicates that there will be "general deficiencies of gas for certain new service around 1972."

Dole said those shortages will affect prospective new customers for industrial-type lower cost service presently and in the future.

Dole warned that the longer term gas outlook is that "serious deficiencies of natural gas supplies will develop after 1975 if current demand trends persist and immediate corrective action is not taken."

He pointed out that concern about air pollution could increase requirements for gas as a substitute fuel. This, and other gas uses, he said, will force up demand through 1975 by about one trillion feet a year.

Dole said:

> The issue, is not that gas supply will falter and then begin a decline within the next decade; it is simply that it cannot grow fast enough under present conditions to satisfy the demands of new customers who will have to turn elsewhere to satisfy their needs.

He warned that the costs associated with new gas exploration will be "substantially higher than those that have led to the current price structure."

DOLE told the subcommittee, however, that there are large additional reserves of gas that can be discovered and developed, given an economic price, and added that a reduction in the depletion allowance would have the immediate result of a substantial reduction in exploration. Any increase in the cost of doing business is going to very definitely have a reflection on the amount of exploratory work, on the amount of money that would be available. There is no question in his mind that the amount of depletion allowance which is set by Congress very definitely has an effect on the development and the exploration for the finding of new deposits of gas.

Gas is ranked as the second largest source of our primary energy needs and now accounts for one-third of total U.S. energy needs. Crude petroleum products are the largest source of our primary energy needs. Together they account for 75 percent of our energy consumption in the United States. It should be obvious from these figures that a dependable domestic source to meet these energy needs is vital to our national security.

Federal Power Commission Chairman John N. Nassikas said that if the depletion allowance is lowered there would automatically be created an increased cost to both independent producers and integrated oil companies in exploring for gas. To the extent of that increased cost there is less operating margin available for further exploration in development unless the price happens to be increased.

Nassikas said:

> It must be emphasized that the Commission's jurisdiction in this area is over rates; the Commission does not have jurisdiction over production. It cannot order producers to sell or look for gas.
>
> Historically, independent producers have been the most aggressive entrepreneurial force in the finding of new gas fields. In 1966, for example, this group found approximately 80 per cent of the new oil and gas fields discovered in the interior oil and gas basins of the United States from the Gulf Coast to the Canadian Border.

But it is a fact that the independent operator as we have known him, and who has been responsible for finding so much oil in the past ,is fast becoming an anchronism because he cannot survive under the harsh economic facts of life of present-day conditions.

It is a fact that almost every country in the world provides direct or indirect incentives, either through its tax laws or otherwise, to encourage and to stimulate the discovery and development of its own natural resources. Almost universally, even in Communist countries, it is considered a matter of overriding national policy to encourage in every way possible the development of oil and other minerals. West Germany is currently making direct cash contributions out of the national treasury to private petroleum companies to stimulate the development of foreign reserves by such companies.

As we pass judgment here today on a matter of such far-reaching consequences, I believe we should consider another very probable effect of any cutback in the depletion rate and that is the tendency toward merger and consolidation in an industry that is still highly competitive.

One of the main reasons the industry is under attack is that, as one of its chief executives puts it, the oil business is probably the world's largest unknown industry. The industry has done too little to tell its story, he said, and has taken public support for granted.

The public has been exposed for years, especially in this part of the country, to a determined and persistent drumbeat by certain columnists, commentators, cartoonists, and news editors. This chorus of criticism has smeared the petroleum industry as a privileged segment of the economy enjoying a bonanza of tax benefits not enjoyed by other business or industry. Its leaders have been caricatured as the greedy oil and gas moguls and possibly a few of them may have been greedy. But by and large, the petroleum industry, a basically American industry, has done a remarkable job in providing the goods and services required by the people of this country and the world. In fact, the great abundance of oil in other parts of the world—the great flood of foreign oil that is now available—has been almost totally discovered and developed by American enterprise, know-how, and capital.

In recent antitrust hearings before a subcommittee of this body, advocates of doing away with oil import controls

pointed to the huge savings that consumers would enjoy from cheaper imported oil. As the name of the committee implies, antitrust and monopoly go hand in hand. I fail to see, because of the nature of the oil industry, how the twin threats of reduced tax incentives and/or additional oil imports can do anything but lessen competition in the industry and force on it further consolidations into a handful of huge utility-type corporations.

The highly technological nature of the oil business makes it one of the most capital intensive industries in the world. One major company, which is probably a typical example, has total assets per employee of $88,000.

Another difficulty—from the viewpoint of public understanding—is that the industry's earnings reach record highs year after year. But the industry plows about half of its earnings back into the business each year in order to meet the rising demand—and also to develop new technology to produce better products at relatively lower prices.

As an example, the net earnings of a typical major oil company average about a cent and a half for each gallon of petroleum products sold. That figure is based on all of the various functions an oil company performs—finding and producing the oil, transporting and storing it, turning it into useful products, and bringing it to the marketplace.

What about the special tax advantages oil is supposed to have? The distortion that has been so widely implanted in the public mind ignores two key elements in the overall tax picture.

First, many oil companies earn a large share of their profits abroad and, quite properly, pay very large income and other taxes to the governments of the countries in which those profits are earned.

This is not unique in oil but also applies to all U.S. international business. To avoid double taxation of income from foreign sources, the U.S. tax law permits foreign income taxes to be taken as a credit against U.S. Federal income taxes, thereby obviously but fairly reducing U.S. taxes.

Second, the distortion ignores the very large State and local taxes that oil companies pay. As an example, in my own State of Wyoming, the fifth largest oil producing State, the 1968 assessed value of oil and gas production was 29.4 percent of the total valuation in the State, and the industry paid 26.5 percent of the total State property taxes and almost a third of the county taxes—in some counties the industry paid as much as one-half of all taxes.

But this is not all. The industry this year will pay a 1 percent severance tax to the State on the value of oil and gas produced that will add another $4 million plus to State revenues—and to the oil companies' cost of doing business.

In addition, Federal royalties, returned to the State from oil production on public lands in Wyoming for 1968, amounted to almost $16 million. This was out of royalties paid to the Federal Government of some $309 million.

Rentals and royalties from oil and gas operations on State and Federal lands account for more than half of the Wyoming common school land income fund and almost all of the funds for the permanent land fund. Both are dedicated to the support of public schools, construction and maintenance of roads, and other public service institutions.

Aside from the obviously adverse impact such tax changes would certainly have on Wyoming, I am convinced that the effects would be serious in numerous other States in which the industry is a major tax contributor and employer. In a State of only 300,000 population, employment of 7,500 is an important factor.

Here we have a unique industry, one that is peculiarly and essentially American and one which has not only powered the technological revolution in America but has been a vital part of it. It is one that has fulfilled its responsibility to the American consumer in furnishing abundant supplies of gasoline, home heating oil and natural gas, and the other petroleum products he wants.

The industry has powered the U.S. defense and military effort and stands ready for any emergency, as it has proved time and again, even to fulfilling the needs of Europe when Middle East oil was denied them.

So it seems to me that we should today be offering some credit to one of the most vital segments of our industrial economy rather than lessening in any way its ability and willingness to continue to serve the American consumer at reasonable prices.

Any reduction in present Federal tax incentives to the oil and gas industry could only add to the critical long-range outlook of the Nation for its vitally essential energy sources.

Mr. ELLENDER. Mr. President, I yield 15 minutes to the distinguished Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. The Senator from Louisiana has only 14 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I had agreed to yield 30 minutes of my time to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I support the Ellender amendment with reservations. The majority of those engaged in the oil industry recognize that meaningful tax reform will and perhaps should result in some reduction of the present depletion allowance.

In addition, there are other features of the tax reform bill which would have graver consequences on the industry. If the intangible drilling cost deduction could be eliminated from the 5-percent minimum tax, most segments of the industry would readily accept the committee's judgment in fixing the depletion rate at 23 percent.

As we consider the pending tax bill, H.R. 13270, as adopted by the House and amended by the Senate Finance Committee, I am hopeful that this body will weigh the many provisions contained therein in light of all the facts and implications which are inherent in any major change in the tax laws which are now on the books. There is more than adequate evidence calling for a real and effective overhaul of the Nation's tax laws as they affect all segments of our economy and society as a whole.

Mr. President, in carrying out this particular review of our tax policies and detailed provisions, I am hopeful and confident that this body, in contrast to the other House in which I served 8 years, will weigh each and every major tax policy before making any drastic change therein.

In this regard, I wish to call to the attention of my colleagues some of the major changes in the pending bill which would adversely affect a vital and indispensable industry to this Nation's economic welfare and national security.

As each Member of the Senate knows, the bill as passed by the House reduced the percentage depletion rate for oil and gas production from 27½ percent to 20 percent. The Senate Finance Committee, by a tie vote of 8 to 8, failed in its effort to amend the House bill to restore the rate to 27½ percent. The Finance Committee, of course, did vote to set the rate for oil and gas production at 23 percent.

Mr. President, my main purpose in calling this action to the attention of my colleagues is an attempt to show each of them the need to look before we leap. I wish to urge each Member to thoroughly consider whatever action this body takes on the basic issue of how this Nation changes existing tax policies affecting the mineral producing industries—particularly the proposed changes with respect to the domestic oil and gas producing industries.

I could spend much of the Senate's time in outlining the need to continue as well as to improve the existing tax provisions that apply to oil and gas producers. However, I feel most of my colleagues have some basic knowledge concerning them.

However, Mr. President, I would like to briefly point out for the record, and for my colleagues in the Senate who are new to this body, as am I, some basics with respect to the origin, need for, and merits of the concept and rate of 27½-percent depletion for oil and gas production.

In 1926, Congress authorized a percentage depletion rate of 27½ percent of gross income—limited to 50 percent of net income—for the petroleum producing industry. This percentage depletion rate has remained unchanged during the past 43 years, although Congress has reviewed and examined this important tax provision many times during this period.

Each time percentage depletion has been considered by the Senate, it has been reaffirmed by a strong majority. In 1958, the vote was 58 to 31 and 63 to 26; in 1959, 54 to 21; 1960, 56 to 30; 1962, 50 to 23 and 57 to 30; 1964, 57 to 35 and 61 to 33.

History has provided us with an abundance of evidence of the practical results of this tax provision as follows:

First, an ample supply of petroleum in peace and war, at reasonable consumer prices.

Second, a broad base for Federal, State, and local taxation.

Third, an industry which has paid its fair share of taxes, Federal, State, and local.

Fourth, an industry which has not

made an unreasonable or inordinate profit.

Percentage depletion for petroleum was adopted as a means of encouraging the search for and development of needed petroleum reserves. It was also designed to serve as a practical method of avoiding the taxation of capital as income.

Due in large part to this tax provision, this Nation has had available ample supplies for our military and peacetime requirements. As a result, we have enjoyed the highest standard of living of any Nation in the world.

The United States is the only major free world power which has within its own borders an adequate national security base in petroleum. Percentage depletion has played a large and important role in making this possible.

Today, with the ever-increasing demand for petroleum to meet our current and future needs, and the ever-increasing expenditures required to replace depleted reserves, it would be shortsighted and folly to adversely change this tax provision which has served our Nation and consuming public so well.

A study of the results of the operation of percentage depletion for petroleum during the past 43 years shows, first, that the chief benefactor of percentage depletion is the consumer of petroleum products; second, that the profits of this important industry are low relative to other industries; and third, that the industry provides a broad base for governmental taxation and pays its fair share of taxes.

Mr. President, I have covered this important matter in very general terms, except to say that thus far the existing mineral tax provisions, which have been in the law for 43 years, have well served the purpose for which each was enacted into law.

However, I must point out that even with these tax policies—which were designed, among other goals to offer an incentive to men to take part in the highly risky business of searching for new oil and gas reserves—this Nation is fast becoming a have-not Nation with respect to petroleum reserves.

To bear out my point, Mr. President, I wish to refer to portions of the recent testimony, before a subcommittee of the Senate Interior and Insular Affairs Committee, of Mr. Robert E. Mead, president of the Independent Petroleum Association of America, in which he declared in part:

> The foreseeable future of the petroleum industry—that is, whether or not it will be able to supply the requirements for both oil and natural gas needed to satisfy our expanding economy—will depend in our opinion on the governmental policies pertaining to the industry.

In the main governmental policies as to oil and gas have been wisely conceived and proven by long experience to be effective in serving the national interest. Federal tax provisions—in effect for more than 40 years—the Federal public land laws—for more than 50 years—State conservation programs—for more than 30 years—and the mandatory oil import program—for more than 10 years—all have a common objective: To maintain an economic climate that will encourage expanding development of domestic petroleum resources. The record of the industry shows that this objective has been attained to date. Increasing domestic supplies have been available to satisfy all consumer needs, with vital reserve capacities for use in times of emergency.

Yet, today, for the first time in our history, we face an uncertain future. But in our view, there is no need for this Nation to become short in petroleum supplies or to become dependent upon increased imports of oil or liquefied natural gas—LNG. U.S. consumers will suffer shortages in supply or become dependent upon insecure foreign sources only if ordained by unwise governmental policies.

The root cause of the threatened shortages in natural gas facing us today is the fact that for more than 10 years there has been insufficient exploratory effort by the petroleum industry.

In considering this matter, it should be kept in mind that the production of oil and the production of natural gas are performed by one industry—namely, the petroleum industry. The complaints which produce large quantities of oil also produce large quantities of natural gas. Those which explore for oil also explore for natural gas. The availability of funds to the industry will affect the level of exploratory activity for both oil and natural gas. Any basic economic factors or governmental tax policies or policy changes, or trends which affect one, also affect the other. The exploration of oil and the exploration for natural gas, therefore, in the main, are inseparable.

An examination of the essential activities in the search for new reserves of petroleum show that since 1956 the activities have markedly declined. During this period, the demand for oil has increased 52 percent; and the demand for natural gas has increased 94 percent.

Facts show that: First, oil and gas geophysical activity is down 56 percent; second, oil and gas leasing are down 22 percent; and third, wildcat drilling is down 40 percent.

The effect of these declines would have been greater, but fortunately they have been offset, but only in part, by advances in scientific and technological methods and increased expenditures in such new provinces as the Continental Shelf.

The sharp decline in the search for new petroleum reserves has been accompanied by a shrinkage in the overall activity of the oil and gas producing industry. First, the total number of active rotary drilling rigs has been more than cut in half. This, however, tells only part of the story. More important than the statistics, equipment has been cannibalized and highly trained employees have left the industry for better opportunities. Today, there is a very critical manpower shortage in the drilling segment of the industry. The decrease in active rigs has been accompanied by fewer total wells drilled, which declined by 40 percent since 1956. It should be recognized that part of these decreases can be attributed to wider well spacing and increased efficiencies in all phases of drilling and production operations.

A third measure of the overall decline is that of employment. For the producing industry as a whole, total employment has suffered a decrease of more than 60,000 workers, or almost 20 percent, since 1956.

Let me conclude as I started, by indicating my support of the Ellender amendment primarily to gain some leverage in the House-Senate conference. As stated there are other provisions in the bill which will adversely affect the oil industry unless appropriate changes are made. I shall offer an amendment at the appropriate time, either for myself or in cooperation with other Senators, to eliminate the 5-percent minimum tax on intangible drilling cost deductions.

I yield back the remainder of my time.

Mr. ELLENDER. Mr. President, I yield 15 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, prior to the final vote on the pending amendment, I want to make a few comments in order to clarify my position on the matter. I recognize the fact that the magic phrase "oil depletion allowance" has been the lightning rod of controversy here in the Congress for many years. It has provided the impetus for hours of debate in congressional committees and on the floor of both the House and the Senate, fed the typewriters of columnists anxious to exploit the inequities of the ever constant specter of tax loopholes, and created tax "experts" of the authors of books and articles appearing in periodicals.

The pending Ellender amendment to retain the present depletion allowance for oil and gas at 27.5 percent places the responsibility squarely upon us to recognize the consequences of reducing this depletion allowance as it pertains to both the oil industry and the Nation's consumer interests.

Mr. President, previous to today our discussions on the wisdom of retaining the present depletion rate for oil and gas have been confined to the ramifications of the specific question involved. Today, however, we all understand that the country and the Congress are caught up in the compelling need for tax reform. It is difficult, under these circumstances, to confine our discussion to this specific issue while the momentum for tax justice is running at high tide.

But I ask my colleagues to pause and reflect for a moment on the overall question now presented.

We all recognize that the oil depletion allowance is only one part of the broad issue of tax incentives for the nation's natural resource industry characterized in the Internal Revenue Code as mineral depletions. The mineral depletion provisions of the Code cover over 100 different minerals found and produced in this country. The reason for these provisions in the Code is a recognition of the fact that these minerals are not inexhaustible and that each and every one of them contributes in various ways to the energy requirements and general economic development of this country.

We cannot overlook the fact that this country is particularly vulnerable to the existence of a healthy and predictable

energy resource industry. Without these resources we cannot continue to provide the kinds of goods and services necessary to sustain our historically unmatched national domestic growth nor can we continue to be sure that we will be master of our own helm in times of international crises.

Mr. President, I need not point out that our present proven reserves of energy resources cannot guarantee fulfillment of our energy demands forever. Back in 1962 the National Fuels and Energy Study Group prepared an excellent report for our Senate Interior and Insular Affairs Committee. This report contained the following statement on page 23:

> The economy of the United States rests upon a small base of energy. National income originating in the energy industries is only about 4% of the total national income.

These figures may be slightly changed today. But the essential fact remains constant: the American people are getting a tremendous bargain from the energy resources of this country.

For a moment, let me briefly review the ways in which the present 27.5-percent depletion allowance has contributed to the need for assuring that our energy resources stay ahead of our energy demands.

First, the present rate of depletion allowance has successfully enabled petroleum producers to meet the rapidly rising demands in times of peace and times of national crisis. I think the present rate of depletion allowance for oil and gas has significantly contributed to the present ratio between proved oil reserves to production.

However, I must point out, that our proved petroleum resources have dropped from a 12-year supply in 1960 to a 10-year supply in 1968. Our oil reserve position has been likened to a checking account. Reserves proved up during the year are the deposits; production, the withdrawals. The difference between the two reflects the changing condition of the bank account or reserve position. For many years prior to 1965 our bank account of reserves grew at a rate in excess of production, which was growing at a rate of about 3.5 percent each year. In 1965, however, we took out more than we added. Since then, our deposits have only been about equal to our withdrawals.

I hasten to point out that the North Slope discovery is not yet sustained by any geological and engineering data to be placed within the proved reserve category. Even if the North Slope reserves should be on the order of 10 billion barrels, this just barely makes up for the deficit at which reserves failed to grow these past 10 years.

Mr. President, I think it is also incumbent upon us to look to the future as well as to the past before arriving at a decision with regard to the merits of the pending Ellender amendment. At the turn of the century petroleum—crude and natural gas—represented only about 6 percent of the total U.S. energy market. Today it represents 75 percent of this market, and the Department of the Interior has estimated that by 1980 there will be a 50-percent increase in our total energy requirements.

Because our economy is based on energy producing resources—with oil and gas supplying three-fourths of that energy—percentage depletion is essential if the industry is to meet the anticipated tremendous future demand for petroleum.

Mr. President, a great deal of discussion has already ensued about the nature of that industry which is going to be called upon to provide more and more of the essential energy resources of this country. A favorite target of columnists and cartoonists, the oil industry is projected upon the national scene as a "fat cat" group of entrepreneurs who are benefiting from an inequitable tax loophole embodied in the phrase "oil depletion allowance."

Authoritative studies, however, demonstrate the fact that the petroleum industry pays its fair share of domestic taxes—exactly the same percentage of its revenue as other industries. In fact, if one uses profit in its generally accepted sense of being net income after all deductions for taxes and the cost of doing business, one can well see that the rate of return on net assets for the petroleum industry is only within the medium range of profits during the 1959 to 1968 decade. According to figures compiled by the First National City Bank of New York, the petroleum producing and refining companies earned 11.5 percent on net assets, which is slightly less than the 12.1 percent average rate on return on net assets earned by all other manufacturing industries during this decade. The 1968 figures, the most recent available, indicate that the petroleum producing and refining companies earned 12.9 percent while all other manufacturing industries earned 13.1 percent on net assets.

Mr. President, these figures dramatize the essential fact that the present 27.5 percent depletion rate has not produced fabulous profits for the petroleum industry. I hope these figures also lay to rest the chronic suspicion which afflicts some people that the present rate is a bonanza for this industry as a whole.

I think it is also important to point out that the price of gasoline, excluding State and Federal taxes, has only increased 2 percent during the decade 1957 to 1967. The price of gasoline to the motorist, exclusive of these taxes, has only increased from 22.11 cents per gallon to 22.55 cents during this time frame. During this same period, State and Federal taxes have increased by 20 percent. Even with these tax increases, during the same 10-year period the price of gasoline to the average motorist has only increased 7.1 percent while retail prices in general have increased 18.5 percent.

I use these figures, Mr. President, to demonstrate what I believe will be the true repercussions of inequitably reducing the oil depletion allowance. In light of the history of the matter of providing low-cost consumer fuel, and in light of the future requirements for finding new reserves, I believe that the impact of a change will be to increase the cost of gasoline to the consumer and decrease the amount which investors in oil companies are willing to provide for new reserve discovery.

In light of this, it may well be that those who argue most ardently for depletion of the present rate in accordance, for example, with that recommended by the Senate Finance Committee, will be most disappointed in the results. It seems to me, Mr. President, that we must weigh very carefully the consequences of this action. At the present time the oil industry realizes, according to Treasury Department estimates, about $1.4 billion from its Federal income tax bill through the operation of the 27.5-percent depletion provision. We must recognize the fact that the greatest proportion of this amount, plus another $4 billion each year, is reinvested by the oil and gas companies in search for and in development of new reserves. The development of new reserves is, of course, exploration.

In conclusion, Mr. President, we cannot consider this reduction of the present oil depletion allowance in a vacuum. Every one of us knows that the Senate Finance Committee recommended other changes in the basic impact of the Federal tax law upon the oil industry. One of the most important of these is the so-called 5-percent minimum tax which is added on in addition to the regular individual income tax or regular corporation income tax. Under the committee provision, explained on page 113 of the Senate Finance Committee report, individuals and corporations are to total their tax preference income, subtract an exemption of $30,000, and apply a 5-percent rate to find the minimum tax. Included in this, of course, is the mineral depletion allowance including the present percentage for oil and gas depletion. Standing alone, therefore, the present rate would be effectively reduced if the 5-percent minimum add-on tax as contained in the Senate bill is enacted by Congress.

As Senators know, the Finance Committee recommendation to reduce the present rate of depletion to 23 percent is estimated to increase Federal revenues by $155 million. However, the minimum tax on preference income is estimated to generate Federal revenues of $650 million in 1970 and up to $700 million over the long run. This particular provision substantially affects the effective depletion rate and intangible and drilling costs within the petroleum industry and may very well be more onerous over the long haul than the specific issue of the rate of repletion allowance.

Mr. President, I have tried to review carefully the economic realities of the situation, because I am deeply concerned that the present question before us may otherwise be determined on the basis of emotion rather than reason on this important issue.

For these reasons, Mr. President, I have previously advised my constituents in Colorado that I would support the present rate of depletion allowance for oil and gas. I believe the Ellender amendment, taken in light of the economic realities which confront the oil and gas industry, should be favorably adopted at this time.

I think, considering the alternatives, in view of the profit situation, the increased prices in the cost of gasoline and fuel to the American people, and the need for an increase in exploration for the future, which can come only out of profits in the oil industry, we would be well advised to agree to the amendment.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 318

Mr. ALLOTT. Mr. President, on another matter, I send to the desk for printing an amendment to the pending bill.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

THE ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, on November 20, the Subcommittee on Criminal Laws and Procedures completed its consideration of S. 30, the Organized Crime Control Act of 1969, and reported the bill favorably to the Judiciary Committee. This action was the culmination of a year of detailed study, hearings, and consultations, and resulted from one of the most thoroughly bipartisan efforts in which I have had the pleasure of participating.

The process began early this year, when I introduced S. 30, and continued through the introduction of four other bills—S. 1861, S. 2022, S. 2122, and S. 2292—aimed at organized crime that now appear, with revisions, in various titles of S. 30 as reported by the subcommittee. Senators EASTLAND (S. 2022), MUNDT (S. 2022), ERVIN (S. 30 and S. 2122), HRUSKA (S. 30, S. 1623, S. 1861, S. 2022, S. 2122, and S. 2292), and TYDINGS (S. 975 and S. 976), and the late Senator Dirksen (S. 2022), joined me in introducing some of these measures or introduced other bills that are now reflected in S. 30 as reworked by the subcommittee. Hearings on the bills were begun in March, and gradually the various bills were worked into S. 30 to form a comprehensive and unified measure against organized crime.

President Nixon added impetus to the effort to develop effective organized crime legislation by his message to the Congress of April 23, in which he called for prompt congressional action and stated:

> As a matter of national "public policy," I must warn our citizens that the threat of organized crime cannot be ignored or tolerated any longer. It will not be eliminated by loud voices and good intentions. It will be eliminated by carefully conceived, well-funded and well-executed action plans. . . . Success also will require the help of Congress. (H.R. Doc. No. 91–105, 91st Cong., 1st Sess. 2 (1969).)

The subcommittee held further hearings, obtained the views of experts and interested organizations, and worked very closely with the Department of Justice. The Department made a great many valuable suggestions which have been incorporated in the bill, and the Department now supports each title of S. 30 as reworked and reported by the subcommittee.

Mr. President, I am convinced that this painstaking and thorough process has produced a bill which guarantees protection of individual rights. At the same time, the bill promises to implement almost every significant organized crime recommendation made by the President's Crime Commission, the National Counsel on Crime and Delinquency, and others. Thus, Mr. President, I am confident that S. 30 will make a major contribution to the effectiveness of the Federal effort against organized crime. It may still be, of course, possible to improve or augment the provisions of S. 30, and I look forward to its thorough examination by the Judiciary Committee and on the floor. I only say now that we should turn our best efforts to the consideration of this bill—let us begin our consideration of it promptly and conclude it as rapidly as mature judgment permits—and let us give our approval to a truly effective legislation program designed to combat the organized crime menace.

Mr. President, I hope that the Judiciary Committee will be able to act on S. 30 soon, and that the bill will be before the Senate in the near future. In view of the fact that the bill will be coming up for a full committee vote soon, I was most gratified to learn that the national executive board of the National Chamber of Commerce, at their meeting on November 13, 1969, endorsed in principle several of the major provisions of S. 30.

I am particularly pleased to have the support of the national chamber for the principles embodied in S. 30 in view of the extensive research they have recently completed in the area of organized crime. Earlier this year the chamber published for public distribution a "Deskbook on Organized Crime." This concise but exhaustive study on organized crime was designed to alert the businessman to the growing exploitation of legitimate business by organized crime. Although directed at the businessman, the handbook discusses all phases of organized crime from loan sharking to bankruptcy fraud as well as the connection of organized crime to street crime. A reading of the handbook will indicate its thoroughness and the expertise of the numerous individuals and organizations who contributed to its publication. As chairman of the subcommittee, I hope that we can live up to public expectation reflected in action by organizations such as the chamber and have a bill ready for floor action before Christmas.

I ask unanimous consent to have the resolution expressing the chamber's endorsement printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

COMBATING ORGANIZED CRIME

To strengthen Federal efforts to combat organized crime, the National Chamber supports legislation providing for:

1. Extension of the grand jury system allowing the issuance of a presentment or report on misfeasance, non-feasance or corruption of public officials or their institutions.

2. Increasing investigatory and prosecutorial tools by implementing a Federal immunity provision, allowing taking depositions of witnesses, permitting introduction into evidence of declaration of co-conspirators, and codifying existing civil contempt proceedings.

3. Improving the system for protecting witnesses through Federal financial and other assistance.

4. Strengthening the Federal Government's authority to eliminate organized crime's economic power base by combating interstate gambling operations and the infiltration of legitimate business; and by creating a Federal study commission to examine the extent and effects of gambling upon society and the economy.

Support of the foregoing principles is with the understanding that such legislation will provide appropriate protection to the rights of the individual under the Constitution, and that specific provisions of any bill that deals with the Internal Revenue code will be referred to appropriate Chamber committees.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, that is good news which the distinguished senior Senator from Arkansas has just announced to the Senate, that his subcommittee has reported to the full committee a bill on the control of crime and that, hopefully, action will be taken shortly.

May I express the hope that at the same time proposed legislation covering the control of narcotics and the control of pornographic material, which I understand also has been reported by a Judiciary Subcommittee, is ready for the consideration of the full committee.

If the committee could report the proposed legislation having to do with pornography, with the control of narcotics, and with the control of crime, I think we should make every effort to pass it before Christmas, to get it on the books as soon as possible, so that we can face up to the difficulty which confronts this Nation in those three areas which, unfortunately, are not getting any better with the passage of time.

I commend the distinguished Senator for his action in regard to the crime control bill.

Mr. McCLELLAN. I thank the distinguished majority leader.

I might say that S. 30, the bill to which I have referred, includes five other bills that were introduced and which have been inserted in this bill as new titles.

Mr. MANSFIELD. Do they concern narcotics and pornography?

Mr. McCLELLAN. No. Those are in other areas. Those are separate bills. They are in addition to the narcotics and pornography bills.

I may say, further, that in S. 30, into which we have worked the other bills by adding new titles, we cover substantially the recommendations of the President's Commission on Crime. We follow many of those recommendations substantially.

This bill should have and I think does have the backing of the Justice Department and many organizations throughout the country. I think it is a bill that can be passed in a day or two. I do not think there are any tremendous complications in it. Once we get it to the floor, I think we can act on it promptly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the

joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases.

The message also announced that the House had passed a joint resolution (H.J. Res. 1017) making further continuing appropriations for the fiscal year 1970, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commission for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KIRWAN, Mr. EVINS of Tennessee, Mr. BOLAND, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. MAHON, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr. ROBISON, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1017) making further continuing appropriations for the fiscal year 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER (Mr. DOLE in the chair). Who yields time?

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I yield 15 minutes to the distinguished Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. I thank the Senator.

Mr. President, the matter before the Senate today is extremely important not only to the economy and the security of the United States, but also to my State. I am sure that anyone who is familiar with current magazine and newspaper articles realizes that the north slope development in Alaska is one of tremendous importance insofar as the future of oil and gas production in the United States is concerned.

I am pleased to have my name added as a cosponsor of the pending amendment which provides for returning the depletion allowance to 27½ percent. I do so in the real hope that this amendment will be adopted.

To me, the depletion allowance is part of the economic fabric of the oil industry, and without the depletion allowance at its present rate, the discoveries that have been made in Alaska may well be reduced in their importance. I say this because the pricing of the petroleum product on the American scene today reflects the 27½ percent depletion allowance.

If the 27½-percent oil depletion allowance is to be reduced, the amount of tax free cash that can flow into this development on the north slope would be drastically reduced, and it is my understanding this will amount to at least $600 million a year. That means the oil industry is going to have to go out into a tight money market and borrow the money, and when it borrows the money, the cost is going to be passed on to the consumer of petroleum products in this country. I do not see how the reduction of the depletion allowance could do anything other than increase the cost of gasoline to the American consumer. It will not decrease the needs for petroleum products from my State. That need will remain; and it will increase.

I think that at the time Alaskan petroleum enters the U.S. market in quantities sufficient to have an impact, and that has not occurred yet, there will be a reduction in the price to consumers. But that reduction in the price to consumers will not occur if we reduce the depletion allowance.

The Tax Reform Act of 1969 is, by its own terms, a reform measure designed to correct inequities in our present income tax laws. Its main targets are the so-called "loopholes." A loophole, to me, is a special tax benefit originally enacted to provide relief or incentive to a class of taxpayers who Congress felt were being treated unfairly under the income tax laws, but which is now being used by another class of taxpayers to escape paying their fair share of taxes contrary to Congress' intention. Under this definition, the depletion allowance is not a loophole. It was enacted in 1926 to recognize the fact that normal cost deduction methods work to the substantial disadvantage of depletable resource industries. That fact is still a fact. And, the depletion allowance is not now being used by an unintended class of taxpayers for the purpose of escaping fair taxation. It is still being used by the same industry for the same purpose Congress originally intended. It has been an integral part of the economic fabric of the petroleum industry for over 40 years. It is imperative that we recognize that a reduction of the depletion allowance is not a correction of a tax loophole; it is a change in our national policy toward the petroleum industry, a change that will have far-reaching effects both on our economy and our national security.

This amendment deals with a policy decision, not a tax decision. It is apparent that, before voting on this amendment, we must examine the industry which this policy decision affects. We need to answer two questions here: First, what will our future needs from the petroleum industry be, and, second, how would the lowering of the depletion allowance affect the ability of this industry to meet those needs.

I would like to point just a few things as far as the so-called "oil play" in Alaska is concerned. One of them is that the recent sale brought in $900 million to the State. That was deemed to be the value of the privilege to explore for oil on these State lands.

In bidding this amount, the industries involved were both U.S. oil industry companies and international companies such as British Petroleum were involved in the bidding.

However, the reduction in the depletion allowance, either the version of the committee in the Senate which reported the bill, or the House version of 20 percent, would reduce the amount of cash available to domestic companies, U.S. companies, to compete with the companies involved in the world play as far as future exploration in my State is concerned.

If these companies had not had the money to explore in my State, there would be more of Alaskan oil potential moving to international companies. I welcome them in Alaska, but I do not see why we should give them the upper hand, so to speak, by making it easier for them to compete.

The depletion allowance is the thing that makes it possible for our domestic companies to compete with Federal tax free cash in the development and exploration of our oil potential of Alaska.

I would like to refer to a couple of items in connection with Alaskan development. According to the American Petroleum Institute, the productive capacity of the United States as of January 1, 1969, was 12.005 million barrels a day—a decline of 234,000 barrels per day over the previous estimate made a year before. Over the next 6 years, the United States will require an additional 400,000 to 600,000 barrels per day every year, or 2.4 to 3.6 million barrels per day in increased productive capacity by 1975. If this rate of increase continues to 1980, our productive capacity would have to be double what it is now in order to meet the demand. Stated another way, proven reserves aggregating 55 to 60 billion barrels must be discovered in the next 10 years. My study indicates it will require $70 billion in exploration and production costs to find and produce that much oil.

This fantastic sum of money must come from either or both of two sources: return on capital within the oil industry and the money market. Look first at the second source, the money market. Capital is attracted into one industry in preference to another because the security of the investment and the rate of return are greater. The risk of an investment in oil exploration is known to be high. Only one well in 50 is successful. With this high risk factor, the oil industry's rate of return to investors has not been as good as the average for other industries in recent years. Already, the money market is tight, with corpo-

rate and government borrowing both reaching the 8 percent level. We will be fortunate to hold this rate where it is.

But, Mr. President, think what is going to happen if we force the oil industry out into the money market to find money to develop even the vast potential of the north slope.

Additionally, the power industries, of which the petroleum industry is the major segment, are all capital intensive industries and thus are all in competition in the money market. The outlook for raising much of this $70 billion figure from the money market is not at all hopeful, particularly if this Congress changes the economic fabric of this industry at the very time when more incentives, not less, are needed to generate the capital for this vast exploration and production task.

That leaves us with the first source I mentioned—return of invested capital. In the past, the depletion allowance has been the tool by which the oil industry retained an adequate amount of its capital for continuing the necessary exploration and development programs to supply this nation's petroleum needs. A reduction in the depletion allowance will simultaneously reduce the amount of capital the industry can generate internally and reduce the overall return on invested capital, thus worsening the industry's already unfavorable opportunities to raise capital from the money market.

The effects of this inability to raise capital that would plague the oil industry are easy to see. The amount of exploration that will be carried out would have to be curtailed.

We are dealing with an industry with a delicate balance. The inability to raise sufficient capital to continue exploration at a rate great enough to ensure the finding of adequate new reserves has an acceleration factor in it. As reserves are brought into production, they return capital which is used to find new reserves. If this capital is not obtained, then the reserves decline, leaving less oil to be brought into production which in turn produces less capital and so forth. Eventually, we have no reserves and no capital. This is precisely what happens when an industry does not set aside adequate funds to replace depreciating assets. As the assets' productivity declines, there is even less ability to replace them and the industry collapses until the services it once provided can no longer be supplied without direct government assistance. The $10 billion Urban Mass Transit Act is an example of the type of action that can become necessary when policies prevent the proper retention of capital in an industry.

Proponents of the reduced depletion allowance point out that U.S. producers would not need to bring these additional reserves into production if we adjusted our import quota program to allow sufficient imports to take up the slack. Because less capital is required to produce oil in foreign countries, the loss of capital in the domestic industry would not result in failure of the industry to provide the necessary oil for our society to continue functioning.

I see three very serious problems with this policy. First, with so much of our oil supply subject to the whims of international politics, our foreign policy and national security could be seriously impaired. It is estimated that as much as 58 percent of our oil could be coming from foreign sources by 1980 if the import quota program were eliminated. If just half that supply is jeopardized either by conflict in the Middle East or by a civil war in Latin America—certainly very possible military action would protect our security. Is this what the proponents of the cut in the depletion allowance really want? Our flexible foreign policy concepts would be seriously affected insofar as oil producing nations were concerned. Another Vietnam-type situation is a definite possibility. Expropriation of any further American oil producing properties in foreign countries could only produce an undesirable and precipitous action on our part if we do not retain the present balance in our domestic producing capability vis-a-vis foreign imports. Clearly, this is not a desirable position in which to place our Nation.

There is an answer, and the answer is to develop the Alaskan oil and gas potential as rapidly as possible, but how can it be developed when at the very time it is in its infancy, Congress wants to change the depletion allowance and the administration wants to change the oil import quota. By the time we get through with both of these matters, the price of Alaskan oil to the consumer is going to be outside the range consumers can afford, or we will have to find a way for a subsidy for the development of this resource in my State. I do not think that is contemplated seriously by anyone in Congress.

The second serious consequence of the change in the depletion allowance is the effect on our already deteriorating balance of trade and balance-of-payments position. Because of the necessity to develop lower cost foreign oil reserves, an increasing amount of the capital recovered under the reduced depletion allowance would flow out of our economy to foreign treasuries. A significant portion of every dollar spent for power or fuel in this country would go out of our economy. The petroleum industry has invested an average of $4.5 billion annually over the past 10 years to discover and develop domestic reserves. If the depletion allowance is reduced, a proportionate amount of this money will go into foreign investment. This will occur because those will be the reserves developed by an industry which must seek the lowest cost of production to pass it on to the consumer. The United States can hardly afford this additional burden on its already unfavorable balance of payments.

The third serious consequence relates to my earlier discussion concerning capital. Assume that a sudden loss of international supply was not recoverable by military action. Domestic producers would then be called upon to accelerate a reduction to make up the difference. This would require either a direct Government subsidy or a dramatic increase in consumer prices to provide the needed capital to rapidly expand production. So the consumer through increased prices will pay for any crash program of development in the oil industry. In other words, if we fool around with the economic fabric of this industry, we will create a boom, then bust, then boom-type economy in the oil industry instead of the continuous even operation we now enjoy.

To me, this is foolish economy, to force the oil industry into a position of reliance upon foreign imports and then get into a position where we know that domestic production will have to be restored if there is any change in the foreign picture so far as production is concerned.

Every person who supports the proposed reduction in depletion allowances must be intellectually honest. This reduction will increase the revenue to the Treasury but it will also drastically affect consumer prices. It will be the consumer who pays for this and the consumer will pay a great deal more than the increased revenues.

Those who support the reduction, I hope, will realize that this change in the depletion allowance will bring about a greater reliance upon foreign sources for our petroleum needs. This is being done despite the fact that in my State we have reserves sufficient to meet the needs, if we can retain the economic tools which have been given to every other deposit of petroleum in this country—and every other deposit has been developed on the basis of the depletion allowance as we have known it over the years. Thus, it is completely astounding to me that, at the time we find the greatest single known deposits in the United States, the depletion allowance is to be reduced so that this discovery cannot be developed in time to meet our needs.

Too many people talk of the depletion allowance in terms of the incentive needed to find reserves. I think it should be referred to more in terms of the incentive needed to prove out the reserves. We know that in my State it will cost $1 billion just to build one pipeline 800 miles long. Ten times that amount of pipe will be needed in gathering pipelines throughout the fields on the north slope.

Where is the money going to come from to build the facilities to take this oil to market? Where will it come from to drill the wells necessary to prove out the reserves? If we reduce the depletion allowance, we will take away the incentive and force the industry in my State to borrow money on the tight capital market. The result will be disastrous and will very drastically affect our State in the future.

And this analysis does not take into account the fact that there simply may not be enough proven reserves left at the time we need to increase production to meet our needs. When we finally recognize that we need a domestic industry, the industry may have to explore for

several years to find the necessary oil. And what do we do in the meantime? Invade some oil-rich country to get what we need?

Mr. President, it is certainly possible that in the future an American President may face that question, if we refuse to examine the proposed reduction of the depletion allowance as a question of policy rather than tax reform.

The depletion allowance has been part of the economic fabric of the oil industry for 43 years. Alaska has been part of that industry for only a few short years. Our production has barely started. Yet just when our production really has the potential to develop, the depletion allowance is to be reduced. The oil industry has indicated, during the several months of hearings on this bill, what the consequences would be if this ill-advised step is taken in the name of tax reform. All of us are under pressure to reduce taxes, to reform taxes, to make everyone pay his fair share of our Government services. This bill provides many reforms to accomplish that end. It is heralded as the largest package of tax amendments since the 1954 code was enacted. But the attack on the depletion allowance is an attack on our national security, our oil and gas system, our capital markets, and, indeed, the foreign policy of this Nation. The reduction of the depletion allowance is not a reform measure, it is a total change in our policy toward the fossil fuel industry. It is an unwise change with dire consequences.

Viewed in that light and considered on its merits, I find it an unsupportable change and urge the Senate to retain the present policy and the present level of depletion allowance which is an integral part of it.

Mr. TOWER. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. TOWER. I commend the distinguished Senator from Alaska for a very stirring and impressive presentation.

At a time when the United States of America is spending billions of dollars to help develop the underdeveloped areas of the world, I think it would be tragic if we denied the opportunity for development of oil to the great State of Alaska, which has a tremendous potential yet untapped, which should be tapped, and for us to discourage the flow of capital into the State of Alaska for the development of so much in the way of untapped resources, much of which we do not even know about.

I think that the Senator from Alaska has made an extremely good point. It is one that Senators should observe and take to heart.

Mr. STEVENS. I thank the Senator from Texas for his comments.

Mr. DOMINICK. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. DOMINICK. Let me reiterate what the Senator from Texas has just said, that I think the remarks of the Senator from Alaska are illuminating and indicate once again, as has been proved over and over again, how thoroughly the Senator from Alaska is making sure that the interests of his State and his people are protected in this body.

The Senator has spoken in an extraordinarily effective manner on the problem as it relates between national policy and national concern and I want to congratulate the Senator on a cogent and able speech.

Mr. STEVENS. I thank the Senator from Colorado.

Mr. President, what will happen, if we are compelled to go on to the money market to get the $1 billion or the $1½ billion a year in order to develop the Alaska potential? This does not have anything to do with refinery costs or the total cost of production. We have the ultimate reserves of this country, and they should be developed under the same economic fabric as was the rest of the industry.

Mr. McGEE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. McGEE. Mr. President, the 27.5-percent oil-depletion allowance has become, as one of its most ardent opponents was quoted as saying in Sunday's papers, "the symbol of tax reform." I could not agree more. It has been made the symbol by its opponents in the press, in the Congress, and in other facets of our national life who have fixed upon this one article of our tax laws. Indeed, the oil industry, because of this campaign, is threatened with becoming the scapegoat of tax reform this year. But let me say that a reduction in the oil-depletion allowance is not in itself tax reform. There are just those who would have us believe that. They are many. They have great influence. And they have not mounted this campaign all of a sudden. It has gone on for years, but never has it seemed so likely of success as it does in this unhappy year of 1969. As one of Wyoming's leading newspapers, the Casper Star-Tribune, recently observed:

> The 27.5 depletion allowance for the oil industry has long been a whipping boy for the tax reformers. With the assistance of writers and politicians who have other interests at heart, the industry is made to appear as a robber baron filling his own pockets at the expense of the average taxpayer.

Those of us who are going to stand up today in defense of the 27.5-percent depletion allowance will be termed by some tools of a special interest, Mr. President. I do not doubt that. But in the case of this Senator, I can state unequivocally that the special interest I am serving is the State of Wyoming. My objection to the antidepletion campaign is based on the realistic aspects of the situation; on how it would affect the economy of my State.

To those of us who live in Wyoming, the oil industry is vitally important. It is our heavy industry. It is our answer to the shoe industry in New England, the textile mills of the Southeast, and the timber and fishing industries of the far Northwest. Crude petroleum is our principal product, representing a full three-fourths of Wyoming's mineral industry, providing jobs for 6,877 men at last count, if only crude oil and natural gas production is concerned. If all aspects of the industry, from transportation to refining and marketing are considered, the industry employs nearly 12,000 Wyoming people. And that is a very significant total in a State with little more than 300,000 population.

It is a significant facet in the overall economy of a State which has, over the past decade, suffered some economic reverses which have resulted in a loss of population. We need the work, the dollars, and the activity generated by the oil industry. Last year there was a total of 1,293 wells drilled in Wyoming, and of that total 471 were new field wildcat wells which together added measurably to the known reserves of oil and natural gas in the United States. Most of those wells in Wyoming run deep, Mr. President. Without the 27.5-percent depletion allowance. I think it is fair to predict that fewer, far fewer, of these 15,000-foot wildcats will be drilled. They cost in the neighborhood of three-fourths of a million dollars each.

Generally, one can figure there are nine dry holes drilled for each new commercial well. In fact, in 1968, the dry holes turned up 86.5 percent when all wells are taken into account. Thus, the risk is high, and hardly acceptably without the existence of some economic stimulus. For Wyoming at least, that stimulus has been the oil depletion allowance.

I cannot predict that, given a reduction in the depletion allowance, Wyoming will see only 46 or 57 rotary rigs active on the average day in 1970, in place of the 76 operating rigs in 1968. Nor can I predict that employment in the oil patch will fall by 1,000, 1,500, or 2,000 men. I do not know just what would happen, Mr. President, but at this point I do not care to find out, because Wyoming cannot afford the losses, no matter what they may be. And I would like to add that this interest encompasses primarily the independent company of limited resources which is willing to stake its venture capital on the discovery of a new field which, if proven, adds to the national wealth of the United States and to this country's very security. If the financial encouragement for such activity is to be lessened, it is obvious that wildcatting also will be curtailed, and at the expense of my State.

The national interest itself calls for a strong oil and gas industry. Thirty-two States are involved in the production of oil and gas, an industry which directly employs more than 275,000 Americans and provides the basic fuel for so much of our economy. Yet, in 1968, we produced 4 million barrels per day less petroleum than we consumed. The total of our known reserves of liquid petroleum declined last year. In itself, this is not alarming, perhaps. But it is not a desirable state, either. Our reserves should be maintained in as high a level as possible in the interest of national security. This requires that exploration continue unceasingly, Mr. President, for we are a people who use massive quantities of oil and gas in the course of our normal activities. And we use huge quantities of natural gas as well. Indeed, the position

of the natural gas portion of this industry is less enviable than most of us could guess, for reserves are dwindling here, too, by more than 5 trillion cubic feet last year. And natural gas is not easily imported.

So it is not just in Wyoming's interests that I defend the 27.5-percent depletion allowance, though, if it were, that would be enough. A good case is made, I believe, for leaving this policy of 43 years' duration on the books, Mr. President. Some may profit. But I am convinced that we all do. Certainly, my own State does. I urge acceptance of the Senator from Louisiana's amendment to retain the 27.5-percent depletion allowance. I think the importance of this vital tax provision can be summed up by saying percentage depletion has helped to establish and maintain the United States as the world's greatest producer and user of petroleum products. Reduction in the effectiveness of this time-tested tax provision would weaken the petroleum industry and result in an impairment of our national security and add increased burdens on the consuming public through increased prices.

I understand that the Senate is operating under limited time between now and the agreed-upon time to vote. I hope that Members of the Senate would not jump in a precipitate way into a search for some substitute for the problem by hanging it around a single phrase or a single term, namely "depletion."

I thank the Senator from Louisiana for yielding to me. May I ask if there is any additional time on this question?

Mr. ELLENDER. There is not.

Mr. McGEE. I thank the Senator very much for yielding the time.

Mr. TOWER. Mr. President, will the Senator from Delaware yield me some time?

Mr. WILLIAMS of Delaware. Mr. President, may I inquire about the time situation?

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The Senator from Delaware has all the remaining time from now until the vote at 3 o'clock.

Mr. WILLIAMS of Delaware. I shall yield to my friend from Texas in just a moment, but first I yield myself 3 minutes.

Mr. President, much has been said in the last few minutes about the Ellender amendment. The argument seems to be made that the oil companies have an inherent right to the 27.5-percent depletion allowance because it was something that was passed 40 years ago, something that is sacred and that we should not touch or change.

I call to the attention of my colleagues the fact that during those 40 years on numerous occasions we have raised the tax rates for all other Americans. The corporate rate has moved from 14 percent to 53 percent at the present time, including the surtax. Individual rates go as high as 77 percent, as compared with a top rate of 15 percent 40 years ago.

So I do not think that the oil industry, much as I respect it—and I do respect it—has any inherent right to this special allowance or that it should be regarded as a sacred group which cannot be touched. This industry is paying an average of only about 8 percent as the corporate rate.

It was pointed out that some foreign companies were recent bidders for the oil leases in Alaska. I remind my colleagues that very few foreign companies have any depletion allowance. It is only in this country that the oil companies have had a depletion allowance of 27.5 percent before they compute tax obligation. So I do not see that that is an argument for retaining that depletion allowance. Quite the contrary, it is an argument for putting that industry on more equal footing with all other American industry.

Much has been said in Congress in the last 12 months about tax reform, and nearly every Member of this body has said how much tax reform is needed. Yet every Member of this body knew when he was talking about tax reform that he was talking about raising taxes for some particular group that was getting a special tax advantage. When we get down to the votes it seems everybody is willing to reform every other form of industry except the one in which he or his State is interested.

I think the issue before us on this amendment is very clear: Do we or do we not want tax reform? If we do we are going to have to start voting to change existing tax structure. Certainly this is one industry that is not paying its proportionate part of the cost of operating the Government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 additional minutes.

Mr. WILLIAMS of Delaware. By all means, the Senate should at least stand by the action of the House, which rolled the depletion allowance back to 20 percent.

Mr. President, I understand that the Senator from Louisiana has used up such time as he had

How much time do I have left?

The PRESIDING OFFICER. The Senator from Delaware has 24 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I shall yield 5 minutes to the Senator from Louisiana and 5 minutes to the Senator from Texas.

Mr. MONTOYA. Mr. President, will the Senator from Delaware yield to me?

Mr. WILLIAMS of Delaware. I will try to take care of the Senator from New Mexico later, but I will have to withhold for the moment.

The PRESIDING OFFICER. To whom does the Senator from Delaware yield first?

Mr. WILLIAMS of Delaware. I yield 5 minutes to the Senator from Texas, and then I will yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Texas (Mr. TOWER) is yielded 5 minutes, after which the Senator from Louisiana (Mr. ELLENDER) will be yielded 5 minutes.

Mr. TOWER. I thank the Senator from Delaware. He is very generous with one who believes 180 degrees opposite from what he believes in this matter. It is very kind of him to yield under those circumstances.

I should like to offer my thanks to the distinguished Senator from Louisiana (Mr. ELLENDER) my neighbor to the east, who has offered, I think, a very constructive amendment. The action on this amendment will indicate whether this body is taking rational and economically sound approach to tax reform or whether it is following a "vengence be mine" formula for tax changes. I greatly hope that the amendment is approved, for I have no desire to participate in a vendetta against the oil industry even though it is cloaked in the guise of tax reform.

According to the best estimates of the Treasury Department, lowering the depletion allowance to 20 percent will bring in an additional $360 million of tax revenue. There is ample testimony that such a reduction would force the major oil companies to raise the retail price of gasoline 1 cent per gallon. Last year there were some 84 billion gallons of gasoline sold in the United States. If each of these gallons cost 1 cent more in 1970, the consumer will pay $840 million more for gasoline. If we take away the $360 million of increased tax revenues from the $840 million of increased cost to the consumer, we find that our so-called tax reform results in a net cost increase to the consumer of $480 million.

The man who has to pay extra for his petroleum products will not be interested in whatever fine labels we put on it. All he knows is that as a direct result of this body's action, he will be faced with a higher cost of living. He is not going to be happy about that. If after all the fine words and great promises, he still has less money after necessities, he will be much more inclined to join a "taxpayers' revolt" than he was before the "reform" speeches were made.

We need tax reform, but we need real tax reform, not a sham. That reform must be based on economic realities, not on an effort to strike back at some segment of the economy that has been made the villain in the press and a scapegoat in Congress.

I am just a little tired of this approach. By and large, the American oil man is a risk-taking entrepreneur in the finest tradition of the free enterprise system. If he is successful, it is often because he ventures to go where others have feared to go. He creates jobs and wealth for others in the process.

And there are many oil men who are not successful. The oil business is not an easy road to sure riches. If it were, a great many more people would be out looking for oil.

I think it is time that Congress abandon any negative attitude toward oil men and begin to appreciate the vital contribution they make to this Nation. It is time to quit trying to punish success and begin rewarding intelligence and hard

work, and, I might say also, a venturesome spirit.

If we do not, Mr. President, we may see the problems of the "great natural gas fiasco" repeated on a larger and even more dangerous scale.

Let me take a moment to share the reasons for the "great natural gas fiasco." Some time ago, the Federal Government decided that it would save the American consumer some money by stepping in and regulating the price of natural gas. Without going into great detail, let me simply say that the FPC pricing policy has brought about a situation where—

First. The Northeastern States will experience some shortages of natural gas for this winter and continue to suffer increasing shortages for some time to come.

Second. The price of natural gas, held at an artificially low level over past years, will have to be dramatically increased in order to induce the discovery and production of enough natural gas to meet demand.

Third. At a time when we are exhausting our discovered reserves, Federal Government policy has caused a 10-year slump in drilling of some 32 percent; 32,000 wells were drilled in 1968 versus 47,000 in 1958.

In short, Government intervention designed to assist the consumer in the short run has resulted in net long-term cost increases to the consumer. Paul MacAvoy, a leading economist at MIT, described Federal regulation of natural gas prices as bringing about social benefits of $10 million at a net social cost of $100 million.

Even if we call this arithmetic consumer protection, it still does not add up to good economic commonsense.

And, if we compound this fiasco by reducing an incentive absolutely necessary to induce exploration for petroleum products, it still will not add up, even if we call it tax reform this time.

The oil depletion allowance is an economically justifiable, needed incentive. Let us not act to reduce it at a time when its justification was never greater and the need for it never stronger.

Mr. WILLIAMS of Delaware. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

Mr. McINTYRE. I need 5, at the very least.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. McINTYRE. Mr. President, it is simply amazing what handouts the oil industry has won from our elected governments. They are of three basic types, and each of them serves to reinforce the others.

The first type of handout is the series of production controls established and enforced by our main oil-producing States, such as Texas and Louisiana. The purpose of these controls is simple—to limit the amount of oil produced to keep prices high. They work as follows: Buyers of crude oil estimate each month to State regulatory agencies the amount of oil they plan to buy in the State during the following month. These State agencies then "pro rate" the State's oilfields, curbing their production so that it never exceeds the expected demand. It is through this market control mechanism that our oil-producing States first create and then maintain rigged petroleum prices.

These prices are close to 200 percent higher than the east coast delivered price of totally comparable foreign-produced oil. In a free-market environment one would expect this low-cost foreign oil to capture a large share of our domestic market. In fact, that is what was starting to happen in the 1950's, until oil's secret government won another of its handouts.

This handout, known officially as the mandatory oil import control program, was initiated by President Eisenhower in 1959. It limits the foreign-produced oil imported into the United States to only 12.2 percent of our own domestic production. It has produced rising crude-oil prices at home, even as crude-oil prices abroad have fallen sharply over the last decade. It has cost American consumers more than $6 billion a year.

Moreover, the program has discriminated harshly against New England. There are, at latest count, 284 refineries in the United States. None of these are in New England, and the reason is very simple. There are no indigenous oil supplies in the region and because of import controls enough foreign oil to run a refinery cannot be imported. The main source of oil for a New England refinery would therefore have to be the gulf coast and it is simply too costly to ship high-priced domestic oil that far to be refined.

Because there are no refineries in New England, the major oil companies headquartered elsewhere have the market to themselves. It is the market power of these companies—preserved by the oil import control program and now being expanded into the wholesale end of the industry—which has made New England home heating costs the highest in the country.

And on top of these two handouts there is yet a third—the elaborate system of tax loopholes which allow the oil industry to keep the vast profits made possible in the first place by State prorationing and import controls.

The oil depletion allowance is by far the best known of these many tax loopholes. It permits tax-free treatment of 27.5 percent of an oil company's revenues, up to 50 percent of its net profits. The official purpose of this loophole, which has been in effect for over 40 years, is the encouragement of oil exploration at home. Yet it is applied in full, not only to domestic oil, but to all oil produced by American companies abroad.

This depletion allowance does not stand alone. Oil companies, for example, can "expense" their intangible drilling costs instead of amortizing them over a period of years like most other industries. And they can deduct from their U.S. tax bills the "tax" payments they make to foreign governments, even when these payments are nothing more than royalties which bear no resemblance to the income they actually earn from foreign operations. These and other loopholes too complicated to mention together provide the oil industry with even more tax-free income than does the depletion allowance.

With loopholes like this it is really no wonder that oil companies end up paying Federal income taxes many times lower than those of most corporations. In 1968, for example, the average corporation had a 40-percent tax rate while the average oil company had a 7.7-percent rate. Sinclair actually paid no taxes at all on profits of over $100 million, while Gulf, with profits of almost $1 billion, had a rate less than 1 percent.

State prorationing, import quotas, and tax loopholes—these are the three types of handouts won in the past by the oil industry.

This day has been set aside for the consideration of amendments designed to revise our policies in the third of the three areas I have just discussed, amendments to revise the tax treatment of our domestic oil industry. In my own mind, there is not the slightest doubt that such revision is urgently needed. Any tax system which requires 2.2 million people under the poverty level to pay Federal income taxes, yet allows Atlantic Richfield to earn over $465 million between 1964 and 1967 without paying a single cent in such taxes clearly requires revision.

According to data which the Treasury Department has submitted to Congress, the percentage depletion allowance for oil and gas cost the American taxpayer $1.3 billion in revenues in 1968. And the oil industry received another $300 million benefit last year due to intangible expensing. This $1.6 billion is an awful lot of money.

It is three times what was budgeted in fiscal 1969 for Federal law enforcement; 15 times as much as the cost of running our Federal judicial system; three times the budgeted amount for school lunch and food stamp programs; five times as much as was budgeted for low-rent public housing; and four times the allotment for the Alliance for Progress.

In light of these facts, I think it is imperative that the Senate act today to rectify this situation at least in a small way. At the very least, we must follow the action of the House in reducing the depletion allowance on oil and gas from 27½ to 20 percent and we must put an end to the system by which international oil companies receive credits against U.S. taxes for royalty payments to foreign governments.

The oil companies have told us that if we approve such changes the result will be higher prices for American consumers. Any such price hike would be quite unjustified. More important, it could be prevented by sound governmental action. If our oil import program is revised in such a way that larger amount of cheap foreign oil are allowed into this country, the domestic oil companies will not be able to raise their prices. They will have to hold the line or else be driven out of the market by oil produced abroad.

Recent press reports indicate that a substantial liberalization of the oil import program may be forthcoming in the near future. Mr. President, if this is the

case and if the Senate today acts to revise the tax treatment of the oil industry, American consumers will soon have some much needed relief which is certainly long overdue.

I thank the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. WILLIAMS of Delaware. I yield 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the statements made on this floor today in behalf of the pending amendment have been, first, that if we do not agree to the Ellender amendment, and if we do agree to the Williams amendment, it will have an adverse effect on the finding of oil reserves and the production of oil.

Mr. President, we do not have to take the word of the proponents or opponents of the amendment on that matter. We can go to the report commissioned by the Treasury Department, prepared by Consad, and see what their finding is.

Their finding is that the oil depletion allowance is one of the most inefficient ways of encouraging exploration for oil, and that, for every $10 of tax reduction, you get only $1 of crude reserves. That simply is not the efficient way to do it.

In the second place, Mr. Collado, the executive vice president of the Standard Oil Co. of New Jersey, and recognized by everyone as an oil expert, has pointed out that it will be 1974, in his view, before there is any reduction whatsoever in the production of oil because of the reduction in the oil depletion allowance, and even after that, the decrease will be moderate.

In the third place, the argument has been made that to reduce the depletion allowance will reduce the income of the oil companies, and therefore, the Senator from Alaska pointed out, make it harder for them to raise money.

The firm of Merrill Lynch has made a study, and found that the effect on the profits of oil companies will be a decrease of only between 2 and 8 percent, averaging around a 4- or 5-percent reduction in net profits. This is less than their recent average increase in profits for 1 year. They have averaged an increase of 8 to 10 percent in profits each year for the last 4 years. So the adverse effect on profits would be very modest indeed. The effect on the money market would be insignificant.

Finally, the argument has been made that after all, the consumer is going to pay more. Obviously, if production is not going to be reduced, there is no reason why the consumer should pay more for the product. Furthermore, if the profits of the companies are going to be reduced, as Merrill Lynch's study shows they will, that would mean that the difference would not come out of the pockets of the consumers.

Finally, Mr. President, the argument, it seems to me, is well met by recognition that the reserve of oil in this country is supplied by imports of oil. The Shultz committee, appointed by President Nixon, has made a recommendation on the oil import program. They have recommended that, instead of having an oil import quota, we have a tariff. Their recommendations would result in increasing the supply of oil, decreasing the price to the consumer, and compensating for any adverse effect on the supply of oil that could result from a decrease in the depletion allowance.

So on all these scores, on the reduction in the income of the oil companies, the consumer paying more, or the reduced supply, it is clear that this oil depletion allowance reduction could accomplish tax reform and greater equity without any significant adverse effect.

Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

Mr. President, in his opening remarks earlier today the distinguished Senator from Wisconsin stated that the oil industry stands as a symbol of tax evasion and tax loopholes and that unless Congress acts, no one believes we will be able to close the tax loopholes.

As I pointed out in the main part of my speech this afternoon, tax evasion is not accomplished through the depletion process, because the depletion provision provides that not more than 50 percent of net income can be deducted. In other words the producer pays taxes at about the same rate as others pay on income from capital gains.

Mr. President, I dread what will happen if the depletion allowance is reduced. The Department of the Interior stated that for the next decade, from 1970 to 1980, we must find reserves amounting to 70 billion barrels of oil, despite the fact that during the last 10 years we have been able to find only 35 billion barrels of oil.

The decrease in wildcatting for oil has been enormous. In the decade from 1950 to 1960, the number of wildcat oil wells was 108,455, in contrast to 91,925 for the present decade.

In relation to all of these wildcat wells, there is nothing involved but expenses. They do not really produce oil. They simply seek it.

As I pointed out earlier today, out of every 10 wells discovered, only one is productive. The others are dry holes. And of 46 wells drilled only one finds enough oil to be truly profitable.

I believe sincerely, therefore, that we should keep the depletion allowance at least at the current level in order to provide funds so that companies can finance the discovery of more badly needed oil. As I have said, we are using 14 million barrels of oil per day at the moment. In the next 10 years, we will be using 19 million barrels of oil per day. We have to have reserves with which to meet this challenge.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, I concur wholeheartedly with the senior Senator from Louisiana. I think we should concern ourselves with all the ramifications that might come about because of the action we take today.

I am personally very concerned about what our action might do to the fiscal structure of the State of New Mexico.

I call to the attention of the Senate what oil and gas production means revenuewise in the State of New Mexico.

We talk about a 27.5-percent depletion allowance. We talk about loopholes. We talk about the bonanza that the oil industry is deriving from the 27.5-percent depletion allowance. However, we in New Mexico are deeply concerned over what the lack of exploration is doing to our revenue structure.

In 1968, the total sales value of oil and gas in New Mexico was $528 million. It is the sixth largest producer of oil and the fourth largest producer of gas.

From this amount we deducted the Federal, State, and Indian royalty which amounted to $52,781,279.

The taxes from the oil and gas production industry are as follows: The oil and gas emergency school tax is $12,090,386. The oil and gas severance tax is $11,853,320. The oil and gas ad valorem tax is $6,780,099. The oil and gas conservation tax was $633,786 .The other ad valorem taxes are $5,750,000. The other excise taxes are $6,250,000.

Mr. President, we then have the other revenue from oil and gas.

The State oil and gas lease rental and bonus amounted to $6,078,678.

The State oil and gas royalty amounted to $26,339,817.

The permanent fund earnings, oil and gas portion—97 percent—amounted to $15,213,198.

The Federal mineral leasing return, oil and gas portion, amounted to $10,201,438.

So, altogether we derived total taxes and other revenue of $101,220,722 for 1968.

We are now building a permanent school fund out of oil and gas royalties and rentals. Our permanent school fund now amounts to $365 million.

The earnings from this permanent school fund are used for administrative expenses in our school systems in the State.

To try to discourage exploration now by virtue of a reduction in the depletion allowance, in my State, at least, would be to discourage further investment in our school fiscal structure.

It is a healthy thing to maintain a 27.5 percent depletion allowance in view of the paucity of the oil reserves we have in this country.

Mr. President, I thank the Senator from Delaware and the Senator from Louisiana for yielding to me.

Mr. WILLIAMS of Delaware. Mr. President, Congress established the oil depletion rate of 27.5 percent 40 years ago. At that time the top rate of corporate tax was 14 percent, and the top rate for individuals was around 15 percent.

Since that time there have been many increases in the tax structures.

This year corporations are paying

around 52.8 percent when we consider the surtax being added to the 48 percent, and the individual is paying as high as 77 percent.

Certainly this industry, which we all respect, is not paying its proportionate part of the cost of operating the Government today.

The average rate paid by the corporations operating in the oil industry is around 8 percent compared with a rate of better than 50 percent for all other American industry.

Certainly, the time is long overdue when this industry, which has been one of the most prosperous industries of our Nation, should pay its proportionate part of the taxes.

Much has been said about the amount of taxes they are already paying. Much of that tax amount is represented by taxes collected by the oil industry from the consumers of gas and gasoline as well as by withholding taxes on the payroll of its employees.

I do not give them credit for those taxes. They are merely acting as the collector, the same as other industries.

It costs us nearly $200 billion a year to run the Government today, 40 percent of which is for the defense of our country. This oil industry should be willing—in fact, should be more than willing—to pay its proportionate part of the cost.

The amendment of the Senator from Louisiana should be rejected. The House bill would reduce the oil depletion allowance to 20 percent. The Ellender amendment would retain the oil depletion allowance at 27.5 percent as is written in the existing law. The difference between the two rates involves an amount of around $400 million.

During the past few months much has been said about tax reform. I believe that practically every Member of the Senate has made a speech for tax reform.

We are going to call the roll now. Let us use our votes to support those speeches which we have been making for the past few months.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by the distinguished Senator from Louisiana. In many respects, the 27½-percent depletion allowance for oil and gas is the single most flagrant loophole in our entire tax system.

Indeed, I believe that one of the most significant achievements of the taxpayers' revolution this year has been its extraordinary success in focusing the spotlight of public opinion on this special tax preference that is available to the oil and gas industries. For the first time in many years, there is a real likelihood that the cause of reform will prevail, and that this notorious tax loophole will be closed.

For too long we have failed to recognize that the Nation's economy is paying an enormous public subsidy to the petroleum industry. The depletion allowance is a tax subsidy that is far out of line with the economic and tax realities of other industries. The value of 27½ percent for the allowance came into the Revenue Code more than 40 years ago, when a Senate-House conference split the difference between the 30-percent figure proposed by one House and the 25-percent figure proposed by the other. The year was 1927, a time when tax rates were far lower than they are today, and the tax benefits were correspondingly smaller.

Extensive economic studies have shown that the existence of the 27½-percent depletion allowance contributes only a marginal amount to the Nation's petroleum reserves. Instead, it encourages excessive drilling and inefficient production methods, and discourages research into other potential fuel sources. The percentage depletion allowance now causes an annual revenue loss of about $1.5 billion. Yet, as the 1968 Treasury study and the recent CONSAD report make clear, this enormous tax subsidy generates only about $150 million dollars' worth of new oil reserves each year, or about $1 of new reserves for each $10 worth of subsidy. Surely, this is a false economy that none of us would maintain in his own private economic decisions.

The facts surrounding the depletion allowance have been amply demonstrated during the current debate. I am confident that a majority of the Senate will agree that current allowances are excessive, and that the cause of reform will prevail.

Mr. EASTLAND. Mr. President, I rise to lend my support to the amendment proposed by the Senator from Louisiana.

The 27½-percent oil depletion allowance is justified in the national interest.

In this day of steadily increasing prices, the cost of oil exploration continues to spiral. In recent years, the tremendous costs faced by those in oil exploration has skyrocketed manyfold. Today, these people are facing almost impossible costs in their businesses, and this trend shows no signs of abating in the coming months. Thus, the petroleum industry faces a future of rising costs in its efforts to search for oil.

Mr. President, I maintain that the oil depletion allowance does not cost—it pays. It pays because the petroleum industry is a vital segment of our economy. Without it, America would indeed face an uncertain and unpredictable future.

The effect of the oil depletion allowance has not been to take funds from the national Treasury. But, it has had the reverse effect—to add to our national income. This is brought about because the allowance enables petroleum exploration to continue and the end result is lower prices to the American consumer.

At a time when our country faces an uncertain economic future because of continuing inflation, it is necessary that we do everything in our power to maintain a strong economy in every aspect. In my opinion, the oil depletion allowance is a very important factor in keeping consumer prices in line—not only petroleum prices, but consumer costs in nearly all segments of our economy.

No one denies that oil is essential to the American defense effort. It is used to keep our country strong in times of peace—and it is indispensable in times of world crisis.

The United States cannot depend solely on foreign sources for oil.

This is a lesson we learned in graphic proportions during World War II, when we faced the problems of gas rationing and the threat of the severe crippling of our war effort because of the German submarine fleet's menace to our shipping lanes.

Today we face an even greater threat. The Middle East, day in and day out, stands on the brink of war. These vital oilfields that contribute so much to world production are in danger of being embroiled in a war that we did not want and a war we cannot stop.

The specter of the Soviet Union is an ever-present threat. The Russians are daily increasing their worldwide naval armada and their fleets ride the high seas around the globe. No one can guarantee that we can control the sealanes against the menace of the Russian submarine fleet.

Yes, Mr. President, petroleum is vital to America in many ways.

This Nation's economy depends upon petroleum in plentiful supply. In reality, our livelihood and our standard of living depend largely upon a ready supply of petroleum.

I strongly and vigorously advocate that the Senate meet the challenge today. I think it is in the interest of this country—and it is best for the American people—that we continue the oil depletion allowance in its present form.

It is necessary, I maintain, for the oil industry to continue to furnish a supply of oil for the safety, the protection and the well-being of the American people.

Mr. MONTOYA. Mr. President, I rise in support of Senator ELLENDER'S amendment which would delete the provision in the committee amendment which reduces the oil depletion allowance from 27½ percent under present law to 23 percent.

Mr. President, much has been said during the past few months—and much has been said here today—about the need to reduce the oil depletion allowance in order to symbolically demonstrate to taxpayers of this Nation that this Congress truly meant to provide for tax reform. Somehow, the advocates of tax reform have equivocated tax reform with a reduction in the oil depletion allowance. This is greatly disturbing to me. It is disturbing to me because I, too, have long advocated tax reform. I have been one of those voices calling for a lessening of the tax burden on the low and moderate income wage earners. I, too, have proposed several measures which would help to better distribute the tax burden among rich and poor alike. But, I cannot agree with those of my colleagues who would cut the oil depletion allowance just for the sake of whatever symbolic value such action would produce.

Mr. President, permit me if I may to recount for my colleagues what the oil and gas industry means for my own State of New Mexico and why I oppose any efforts to cut the depletion allowance. In 1968, for example, New Mexico ranked as the sixth largest oil producing State in the Nation, producing 349,000 barrels of oil daily. Also in 1968, New Mexico ranked as the fourth largest gas producing State in the Nation, producing over 3 billion cubic feet per day.

What has this industry meant to my home State of New Mexico? For 1968 it has meant the payment of taxes from the industry to the State of New Mexico in the amount of over $43 million. It has meant nearly $58 million in other revenue to the State of New Mexico for a total revenue of over $101 million. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a table giving a breakdown of these statistics, as well as additional data.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRODUCTION OF OIL AND GAS IN NEW MEXICO

INTRODUCTION

Production of oil and gas in New Mexico has played a very important part in its economic development for the past 40 years, and will continue to be a major factor for many years to come.

This booklet is for the purpose of helping those who are interested in the future of New Mexico to better understand the oil and gas production business, how it operates, its relative position in the whole energy picture of the world and nation, its internal economics, and its economic meaning to New Mexico.

Better communication of governmental and economic affairs is necessary for the continuing advancement of our society. We, the people of the oil and gas business, are a part of and actively interested in all phases of the social structure and we wish to meet our full responsibility at all times.

The New Mexico Oil and Gas Association was formed more than 40 years ago to play a part in the overall communications picture. It serves as a liaison between the oil and gas producers and all levels of government. The officers and staff of the Association welcome anyone to visit and discuss any matter with us.

What, who is the oil and gas production industry?

The industry is people working and participating in the production of the world's leading energy source which is in the backbone of our modern industrial civilization. There are over 700 oil and gas operators in New Mexico alone. Over 10,000 New Mexico residents are employed in some phase of the industry. There are the royalty owners—that is, those people who own the land from which oil and gas is produced. The State and Federal Governments own the land from which 75% of our oil and gas is produced, so the government is a very real part of the industry. There are innumerable oil company stockholders, many of them living in New Mexico.

Enclosed for your convenience is a copy of the Oil and Gas Map of North America (not printed in RECORD) which shows how New Mexico fits into the big picture. This, together with the New Mexico oil and gas statistical sheets attached will, we hope, help you understand the industry and what New Mexico means to it and what it means to New Mexico.

Santa Fe., N. Mex., May 1969.

THE WORLD ENERGY PICTURE

The rapid advancement of civilization is based mainly on utilization of energy for transportation, power and heat.

Availability of fuels to supply this energy is a paramount consideration in any broad economic study. World energy consumption has doubled in the last 17 years and is expected to double again in the next ten.

Oil is the world's primary fuel with 41% of the market—coal is second with 37% and natural gas is next at 16%.

Known world reserves of what are called "fossil fuels" are sufficient to meet mankind's requirements for generations to come. Coal leads the list, with shale oil, tar sand, oil and natural gas following. However, sufficiency is not enough to guarantee sales. Competitive economic factors determine which kind of fuel will be used.

Other energy sources will enter the picture in the years to come. Atomic energy is most often mentioned but it appears that it will be several years before it fills even one percent of the world's energy needs. Water power to produce electricity is an important feature of the grand proposals to redistribute the earth's fresh water resources. Solar energy, geothermal, and even the energy of the wind may have an important place in the future.

Conventional oil—that is the oil found and produced in a liquid state—now leads as the world energy source; however, these oil reserves do have a limit. There are vast deposits of shale oil and tar sands which are not nearly as easy to recover but as the needs demand, and technology advances, these sources may be tapped.

All things considered, the experts agree that mankind's energy requirements for the foreseeable future can be met, and this is all that can be planned on. We cannot plan or worry about energy a hundred years from now any more than the people of Abraham Lincoln's time could have foreseen or planned energy requirements or sources of today.

Peace and free trade among nations will be important factors in continued economic progress which depends on sea transportation of oil. Highly industrialized Western Europe is heavily dependent on imported petroleum. North America is also an area that consumes more than it produces.

NEW MEXICO OIL AND GAS

New Mexico is an oil and gas exporting state. Approximately 4% of the nation's crude oil and 5½% of the nation's gas is produced in New Mexico.

History

Discovery of good oil and gas pools in Lea and Eddy Counties firmly established the production business in New Mexico by the early thirties. By that time, oil pipelines from the east extended into the State, and El Paso Natural Gas Company was operating a gas line to El Paso, Mexico and Arizona.

Exploration and development of New Mexico's oil and gas resources progressed steadily through about 1957 when a peak was reached. Activity has declined since then, as can be seen on the well drilling table enclosed.

Gross sales value of oi land gas levelled off in about 1961 for a spell, but resumed its normal increase pattern again by 1964. Maintenance of this increase pattern is partly due to the increase in waterflooding secondary recovery operations, and also higher natural gas sales.

From the earlier years, production of New Mexico's oil and gas resources has been done on an orderly, conservation-minded basis. The Oil Conservation Commission was formed in the middle thirties to administer one of the earliest and finest conservation laws in the nation. The Commission controls all phases of the industry. Permission is required to drill a well, to produce oil and gas, and any other action concerning production of oil and gas. Cooperation between the industry and the Commission has always been excellent.

The future of the oil and gas production industry for New Mexico is a matter of opinion. There are those who are pessimistic and say there are no more good pools to be found, that the peak has been reached—it's downhill from here on. They point to the experience of other States, and when they had their peak years—Texas, 1956—Oklahoma, 1927—Kansas, 1956—California, 1953—Pennsylvania 1891.

But we tend to agree with those who are more optimistic. Demand will stay high, waterflooding will increase, new discoveries will be made, prices will improve.

All in all, it seems safe to say that the total dollar volume of New Mexico's oil and gas production will remain level, or maybe a little better than level for at least the next 15–20 years, provided that the economic climate of the State so allows.

OIL AND GAS PRODUCTION ECONOMICS

The first step is to find the oil and gas deposits. Every year, innumerable millions of dollars are spent on geological and geophysical exploration. Some ten thousand exploratory wells are drilled in the United States annually. This is very expensive work, but it together with improved methods of ultimate economical recovery of known sources are the only ways for the producer to replace depleting stocks. Petroleum deposits are the result of geological phenomena which occurred millions of years ago—and they are scarce and scattered on this earth. Even with modern theories and methods, they are very difficult to pin point. Exploration investment is a necessary part of the oil and gas production business.

In the world-wide petroleum source-consumer picture, we observe that the known locations of substantial petroleum deposits are generally far from the concentrated consumer centers, so the oil must be moved great distances to be used. Transportation is a main factor and economic consideration in the petroleum energy business.

The basic factor in oil pricing, of course, is what the consumer market will bear within the general economy and competing energy sources. Therefore, local exploration, production and transportation costs must be held within the general oil price structure and allow a profit margin. The oil operator seeks the areas where his costs will be lowest because he has no control over crude oil prices.

Considering the United States and New Mexico and the above basic oil pricing factors, please observe on the oil and gas map of North America that the two main producing areas of the country are the Gulf Coast and the great arc shaped Mid-Continent producing area extending from Kansas to New Mexico. Most of the oil from the Gulf Coast-Mid-Continent area is transported to consumers in the northeast of the nation. New Mexico's oil fields, obviously are farthest from the eastern consumer area.

Particular elements of oil production costs cannot be meaningfully compared, one area to another, because it is only the total that is meaningful. Depth of the source, distance from market, exploration costs, labor availability and wages, volume of the product, taxation, regulation, and many other segments of cost are all variable and must be considered as a whole. For instance, an oil field located near a huge refining center will have a low transportation cost element and may well be able to carry a higher tax burden than an oil field located several hundred miles away.

Nationwide, field prices for oil have remained practically level for the past ten years. Yet, during this period costs in almost all phases of the business have risen. The producer has had to initiate automation and economize in every way possible to make ends meet.

Many independent oil producers and smaller companies have not been able to maintain a competitive position and have sold their business to the large companies whose volumes enable them to keep unit costs down.

But still, industry-wide, the cost-price squeeze is at a critical point today.

The economic situation of the oil business today is so critical that localized cost factors definitely have an effect on the future of oil and gas exploration and production in any area. Investments for exploration and development will gravitate where combined production costs are lowest, and can be expected with some confidence to stay that way.

Those interested in a continuing prosperous oil and gas production business in New Mexico must keep the basic economic realities explained herein in mind. New Mexico

does not have a sufficiently large volume of oil or gas to affect the overall price structure. New Mexico's production costs must be kept down to assure that exploring for and producing oil and gas will continue to be a profitable venture.

There are already economic drawbacks in New Mexico's oil production—specifically: Many of the State's good oil pools have yielded as much oil as can reasonably be pumped from them, so the expensive secondary recovery process of waterflooding is being used to recover as much of the remaining oil as possible. Also, disposal of salt water which is produced with oil is a growing problem—installation of safe water disposal systems is an added cost of production. Taxation has also increased—in 1963 the Oil and Gas Emergency School tax was increased 50%—this increase was absorbed by the producer. The average field price for New Mexico crude oil did not go up with the tax increase.

Participation in New Mexico governmental economy, summary, calendar year 1968

Total sales value, oil and gas	$528,427,160
Less Federal, State and Indian royalty	52,781,279
Industry owned value	475,645,881

TAXES FROM OIL AND GAS PRODUCTION INDUSTRY

Oil and gas emergency school tax	$12,090,386
Oil and gas severance tax	11,853,320
Oil and gas ad valorem tax	6,780,099
Oil and gas conservation tax	663,786
Other ad valorem tax—estimate	5,750,000
Other excise tax—estimate	6,250,000
Total	43,387,591

These taxes amount to 9.1% of Industry owned value.

OTHER REVENUE FROM OIL AND GAS

State oil and gas lease rental and bonus	6,078,678
State oil and gas royalty	26,339,817
Permanent fund earnings, oil and gas portion (97%)	15,213,198
Federal mineral leasing return, oil and gas portion	10,201,438
Total	57,833,131
Total taxes and other revenue	101,220,722

NOTE.—The above items are detailed in the following paragraphs.

PARTICIPATION IN NEW MEXICO GOVERNMENTAL ECONOMY

In calendar year 1968, total New Mexico crude oil and natural gas sales at the wellhead amounted to over $528 million. Of this figure, $376 million was for oil and $152 million for gas. This is big business. It amounts to about $1.4 million gross sales per day.

In addition to this, over $80 million was spent last year in New Mexico just drilling wells, plus untold millions in pipeline and other construction, and related business. Some ten thousand employees in New Mexico work in some phase of oil and gas production, processing and transportation, for an annual payroll of more than $60 million.

How does the Government of New Mexico share in this money? What is the direct financial benefit to the State of New Mexico, the schools, counties and municipalities? The direct financial benefits come in two categories: 1. Public land oil and gas leases. 2. Taxation.

Public land oil and gas leases

State lands, general: During territorial times, and upon statehood, Congress granted four sections of each township in New Mexico to the State's Common Schools, plus specific acreage to the universities and other institutions. These lands, (over 11 million acres) are held in trust by the Commissioner of Public Lands, and administered by him. Any income from these lands is credited to the "beneficiary" i.e., the Common Schools, or State Institutions. Recurring income, like rental, is credited to the current funds of the beneficiaries. Non-recurring income, sales or royalties is credited to the permanent Fund, which is invested by the State Investment Council and only the earnings on these investments are transferred to the current funds of the beneficiaries. For a detailed explanation of New Mexico's beneficiary lands, see the Annual Report of the Commissioner of Public Lands, 1967–1968.

The largest source of income from State Lands has been from oil and gas. The State Land Office offers oil and gas leases monthly for competitive bid. The competitive bid is called a "bonus". After the initial bonus payment to the State, a fixed rental sum is paid annually.

State oil and gas lease bonuses and rentals: These monies are paid by the lessee direct to the State Land Office and transferred to the beneficiaries for current use. In 1968 receipts from this source amounted to $6,078,678.

State oil and gas royalties: Approximately 40% of the oil and gas production in New Mexico is from State oil and gas leases. The State's one-eighth share of this production is paid directly to the State in cash—one-eighth of the sales value. These receipts are not for current use but are deposited to in the State Permanent Fund where they can never be diminished. In 1968, these State oil and gas royalty payments amounted to $26,339,817.

State Permanent Fund: This fund, which belongs to the beneficiary schools and institutions, now amounts to about a third of a billion dollars, 97% of which came from oil and gas royalties. The State Investment Council invests these funds, and the earnings from the investments are credited to the beneficiaries for current expenses. This fund assures a good, steady source of income for the schools and institutions forever. Last year, the oil and gas portion of these earnings was $15,213,198.

Federal Lands: Approximately 36% of the oil and gas production in New Mexico is produced from lands owned by the United States. The Federal Government receives its one-eighth share of the sales value of oil and gas in cash in addition to lease rentals. The Federal law provides 37½% of these monies to be transferred to the State. The money is used for public schools, free textbooks, and $100,000 per year for the New Mexico Institute of Mining and Technology. In 1968, receipts from this source are calculated at $10,201,438.

Taxation

There are four production taxes paid on the full sales value of all oil and gas not owned by the State or Federal Government (one-eighth royalty on State and Federal leases). The only deduction allowed is the cost of trucking oil from an isolated area. This trucking deduction encourages production, sales and resulting royalties and taxes as soon as possible after drilling a productive well.

The taxes on production are collected by the Oil and Gas Accounting Commission. New Mexico has a modern, efficient system of collecting oil and gas taxes and State Royalty. The laws on all taxes applying to production are uniform. They are all reported and paid, along with State Royalty, on one form monthly to the Oil and Gas Accounting Commission. This system is so efficient that tax collection and administration costs are less than ½ of one percent of receipts. The four production taxes are explained as follows:

Oil and Gas Emergency School Tax rate is 2.55% of full value. Proceeds are deposited in the State General Fund. Collections during 1968 were $12,090,386.

Oil and gas severance tax rate is 2.5% of full value. This money is used partly to pay severance tax bonds for public works, the balance to the general fund. Receipts during 1968 were $11,853,320.

Oil and gas ad valorem tax is shared by the State, counties and school districts. Oil and gas production is placed on the tax roll at 50% of its wellhead sales value. The local levy rate, which varies in each taxing district is applied. 1968 tax payments totaled $6,780,099.

Oil and gas conservation tax is used to support the Oil Conservation Commission which regulates all phases of the production of New Mexico's oil and gas resources. The rate is 14/100% of full value. During 1968 it brought in $663,786.

Other taxes of a direct nature on the oil and gas production business are impossible to figure exactly but estimates are shown below:

Ad valorem taxes paid on all pipelines, oil and gas wells, equipment, tanks, pumps, building materials and supply inventories, refineries, processing plants, buildings, and other corporate and locally assessed properties. At least $5,750,000.

State excise taxes on the general business of the industry—gross receipts and compensating tax on purchases and contracts for exploration, drilling, construction, field services, legal fees, engineering, and oil and gas manufacturer's privilege tax. At least $6,250,000.

Top 10 oil producing States, 1968

[In thousands of barrels daily]

1.	Texas	3,124
2.	Louisiana	2,225
3.	California	1,027
4.	Oklahoma	617
5.	Wyoming	390
6.	New Mexico	349
7.	Kansas	260
8.	Alaska	182
9.	Illinois	159
10.	Mississippi	161

Top 10 gas producing States, 1968

[In millions of cubic feet per day]

1.	Texas	20,611
2.	Louisiana	17,523
3.	Oklahoma	3,825
4.	New Mexico	3,100
5.	Kansas	2,372
6.	California	1,870
7.	Wyoming	666
8.	West Virginia	581

Top 10 gas producting States, 1968—Con.

[In millions of cubic feet per day]

9.	Mississippi	371
10.	Arkansas	352

NEW MEXICO'S OIL AND GAS WELLS

	Number of wells	Increase	Percent increase
Year:			
1952	7,769	962	14
1953	8,959	1,190	15
1954	10,249	1,290	14
1955	11,617	1,368	13
1956	13,208	1,591	14
1957	15,199	1,991	15
1958	17,020	1,821	12
1959	18,751	1,731	10
1960	20,333	1,582	8
1961	21,786	1,453	7
1962	23,069	1,283	6
1963	24,126	1,057	5
1964	25,222	1,096	5
1965	26,010	788	3
1966	26,737	727	3
1967	27,534	797	3
1968	28,057	523	2

OIL AND GAS WELL DRILLING IN NEW MEXICO

	Total wells drilled	Productive wells	Dry holes	Percent dry	Total footage	Average depth	Estimated cost at $13.50 per foot
Year:							
1952	1,053	844	209	19	5,833,000	5,539	$78,745,500
1953	1,418	1,175	243	17	8,017,000	5,653	108,229,500
1954	1,126	888	238	21	6,161,000	5,471	83,173,500
1955	1,663	1,423	240	14	7,046,000	4,236	95,121,000
1956	1,904	1,535	369	19	8,458,000	4,442	114,183,000
1957	2,129	1,821	408	19	9,980,000	4,687	134,730,000
1958	1,910	1,530	380	19	8,869,000	4,644	119,731,500
1959	2,077	1,663	441	21	8,684,000	4,181	117,234,000
1960	1,850	1,449	401	21	9,226,000	4,897	124,551,000
Year—Continued							
1961	1,820	1,359	461	25	9,367,000	5,147	$126,454,500
1962	1,666	1,213	453	27	8,585,000	5,153	115,897,500
1963	1,282	896	386	30	6,795,000	5,300	91,732,500
1964	1,501	1,098	403	26	8,167,000	5,442	110,254,500
1965	1,137	823	314	27	6,726,000	5,916	90,801,000
1966	1,255	921	334	26	6,582,000	5,244	88,857,000
1967	1,115	875	240	21	6,025,000	5,403	81,337,500
1968	992	753	239	24	6,361,308	6,412	86,562,000

NEW MEXICO'S MARKETED OIL AND GAS AND SALES VALUE

	Marketed barrels oil	Sales value oil	Marketed gas (thousand cubic feet)	Sales value gas	Total sales value, oil and gas
Year:					
1951	53,173,406	$129,381,870	289,992,113	$12,244,305	$141,626,175
1952	62,847,937	144,002,463	352,783,341	17,680,987	161,683,450
1953	72,312,378	185,816,883	479,317,280	25,718,975	211,535,858
1954	74,910,729	205,145,184	461,204,716	38,345,605	243,490,789
1955	82,365,307	226,410,987	520,209,292	45,458,159	271,869,146
1956	88,037,229	240,781,633	640,536,825	54,814,643	295,596,276
1957	98,852,355	279,664,935	678,129,131	64,731,277	344,396,212
1958	98,192,662	290,558,505	714,708,700	66,682,729	357,241,234
1959	104,764,795	299,627,314	716,949,645	78,864,460	378,491,774
1960	107,388,303	$307,130,547	792,540,990	$87,179,508	$394,310,055
1961	112,433,677	321,560,316	757,068,265	84,866,584	406,426,900
1962	110,993,100	316,330,465	772,490,255	88,640,356	404,970,824
1963	108,348,800	308,794,158	758,874,359	87,830,679	396,624,837
1964	111,641,370	318,177,928	814,858,129	97,339,109	415,517,048
1965	115,421,900	328,952,596	887,780,440	110,103,878	439,056,474
1966	118,982,000	339,098,805	939,110,556	119,388,154	458,486,959
1967	123,582,095	358,388,076	1,055,972,174	134,828,111	493,024,483
1968 (est.)	127,680,322	376,473,289	1,138,185,814	151,953,865	528,427,160

NEW MEXICO REVENUE FROM PUBLIC LAND OIL AND GAS LEASES

	State oil and gas lease rental and bonus	State royalty	Oil and gas permanent fund earnings	Federal mineral leasing return	Total
Year:					
1951	$5,459,514	$5,870,135	$985,818	$1,783,050	$14,098,517
1952	8,364,722	6,766,425	1,299,640	2,600,080	19,030,867
1953	8,099,801	8,597,363	1,399,805	2,386,474	20,483,443
1954	10,532,610	11,354,200	1,662,792	3,074,355	26,623,957
1955	8,379,902	12,318,606	1,636,945	3,485,991	25,821,444
1956	10,548,442	13,765,359	2,501,315	3,701,443	30,516,559
1957	9,009,455	16,307,480	2,764,490	4,635,573	32,716,998
1958	8,461,342	16,983,162	3,279,503	5,540,823	34,264,830
1959	7,871,462	16,283,622	3,791,435	5,546,493	33,493,012
1960	$6,525,532	$15,752,473	$4,489,160	$6,601,640	$33,368,805
1961	5,731,124	17,087,015	5,647,218	7,287,149	35,752,506
1962	5,623,868	17,328,726	6,779,976	8,497,442	38,230,012
1963	6,410,045	17,666,014	7,891,918	8,003,982	39,971,959
1964	7,677,169	19,132,604	8,751,912	8,199,386	43,761,071
1965	7,752,672	21,010,633	10,554,727	9,113,154	48,431,186
1966	7,551,795	21,494,819	11,414,614	9,368,289	49,829,517
1967	4,981,513	23,612,316	12,825,849	10,838,179	52,257,857
1968 (cal.)	6,078,678	26,339,817	15,213,198	10,201,438	57,833,131

NEW MEXICO REVENUE FROM OIL AND GAS PRODUCTION INDUSTRY TAXES

	Oil and gas emergency school tax	Oil and gas severance tax	Oil and gas ad valorem tax	Oil and gas conservation tax	Other ad valorem tax (estimated)	Other excise tax (estimated)	Total
Year:							
1951	$2,235,662	$2,406,152	$1,577,421	$135,723	$1,500,000	$2,000,000	$9,854,958
1952	2,548,232	4,711,495	1,873,702	167,804	1,750,000	2,250,000	13,301,233
1953	3,333,526	4,235,380	2,451,122	197,179	2,000,000	2,500,000	14,717,207
1954	3,832,878	5,345,824	3,043,757	289,571	2,250,000	2,750,000	17,512,030
1955	4,271,419	5,993,223	3,517,642	286,492	2,500,000	3,000,000	19,568,776
1956	4,613,815	6,451,284	4,196,851	467,646	2,750,000	3,250,000	21,729,596
1957	5,366,921	7,167,564	4,425,932	506,091	3,000,000	3,500,000	23,966,508
1958	5,557,410	8,172,662	4,586,092	561,767	3,250,000	3,750,000	25,877,931
1959	5,591,351	8,222,575	4,692,324	459,236	3,500,000	4,000,000	26,465,486
1960	5,606,044	8,218,655	4,984,000	505,649	3,750,000	4,250,000	27,314,348
1961	6,059,039	8,984,920	5,017,675	502,988	4,000,000	4,500,000	29,064,622
1962	6,186,606	9,153,125	5,038,462	512,552	4,250,000	4,750,000	29,890,745
1963	6,121,225	9,044,584	4,958,011	506,204	4,500,000	5,000,000	30,130,024
1964	9,524,609	9,344,715	5,100,336	523,818	4,750,000	5,250,000	34,493,478
1965	10,208,297	10,006,860	5,141,943	559,686	5,000,000	5,500,000	36,416,786
1966	10,522,646	10,319,327	5,340,018	577,794	5,250,000	5,750,000	37,759,785
1967	11,336,328	11,114,661	6,159,221	622,246	5,500,000	6,000,000	40,732,456
1968 (cal.)	12,090,386	11,853,320	6,780,099	663,786	5,750,000	6,250,000	43,387,591

NEW MEXICO'S OIL AND GAS PRODUCTION

Ownership of land from which produced:	Percent
State	40
Federal	36
Fee	20
Indian	5
County from which produced:	
Lea	59
San Juan	15
Eddy	14
Rio Arriba	5
Chaves	4
Roosevelt	3

[From the Oil & Gas Journal, Apr. 8, 1968]

U.S. RESERVES WILL CONTINUE TO MELT AWAY—UNLESS

Implications of the latest API report on this nation's hydrocarbon reserves are grim but clear. Demand for crude oil and natural gas gradually is creeping up on the domestic industry's ability to supply them.

It is important that this message comes through loud and clear to that group of economists and politicians which contends that the oil industry operates from an economic sanctuary.

The figures, detailed beginning on Page 34 of this issue of the Journal, mean that at present rates of use, known oil reserves will last for 10.3 years. This is a drop from 11.1 years for this ratio since last year. The figure for natural gas is 15.9 years against 16.4 a year ago.

None, of course, contends that this country will run out of oil in 10 years or natural gas in 16. More oil and gas will be

discovered. Development drilling plus new or improved technology will allow the industry to produce more than currently figured from fields already discovered.

Under present trends, however, the expected discoveries won't radically change the picture. The new supply will be gobbled up by the steady and substantial growth in demand. Only a dramatic turnaround in exploration will give the nation a larger margin of safety in reserves.

The current low state of domestic exploration offers slight hope of any early turnaround.

Figures again tell that story quickly. Active rotary rigs in the U.S. slightly exceeded 1,000 in late March. Average for rigs working in 1967 was 1,134 units. This is less than half of the 2,429 working 10 years ago.

Reason for this inactivity is plain. Operators are just drilling less. Only 33,558 wells were completed in 1967 against 55,024 in 1957. And well completions are headed still lower in the first quarter of this year.

The domestic industry must start drilling at a much higher rate if it is to find the new reserves needed for the nation's security.

What's the answer? Operators simply need more incentives to take the risks of hunting for oil in a country where oil is tougher to find. Several factors would help provide these incentives. Among them:

Higher prices. Average price for crude last year was $2.91/bbl against $3.09 a decade ago. Gas prices are under tight controls. Cost of everything the producer buys has gone up but his prices have not.

Chance to produce at rates that will provide the operator a quicker payout on his initial investment.

Preservation of such incentives as percentage depletion, expensing of certain exploration costs, and stable controls on crude imports.

Unless incentives for drilling are maintained and increased, domestic reserves will continue to melt under the pressure of demand. That's the message the industry must get across to friends and critics alike.

Mr. MONTOYA. Mr. President, in New Mexico, where we have a meager tax base every tax dollar counts. This is especially true when it comes to the financing of our children's education. We have in New Mexico what we refer to as the permanent fund. This fund is presently approaching $365 million and is growing at the rate of $2.5 million each month, according to the New Mexico State Investment Council. Over 95 percent of the fund is derived from oil and gas royalties produced on State-owned lands. Of the earnings from the permanent fund, the schools of New Mexico receive approximately 80 percent. Thus, every dollar contributed by the oil and gas industry in New Mexico represents funds that the citizens of New Mexico will not have to pay by way of taxes to support the schools of our State. And we all know about the financial crisis that our schools find themselves in these days. To take away this one source of operating capital from our State's schools would mean a further deterioration of the quality of education our children would receive or an added tax burden for our citizens.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter I received from the New Mexico State Investment Council, dated May 12, 1969, bringing these details to my attention.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE INVESTMENT COUNCIL,
Santa Fe, N. Mex., May 12, 1969.

Hon. JOSEPH M. MONTOYA,
Senate Office Building,
Washington, D.C.

DEAR JOE: The State Investment Council of New Mexico, trustees of the Permanent Fund, believes the current attack on the federal tax structure applicable to oil and gas production is not justified on the basis of the industry's contributions to New Mexico and the nation.

The Permanent Fund of New Mexico is approaching $365 million and is growing at the rate of $2.5 million each month. More than 95 percent of the Fund is derived from oil and gas royalties produced on State-owned lands. The Common Schools of New Mexico receive about 80 percent of the earnings from the Permanent Fund. Nineteen other institutions or agencies receive the 20 percent balance. In this period of increased tax pressures, it is important to remember that every dollar earned by our Permanent Fund represents $1.00 less which must be raised by New Mexico taxpayers.

At a time when many major oil companies are turning away from New Mexico and spending exploration dollars in Alaska, in offshore and in foreign countries, the Council submits that it would be inadvisable to disturb a tax structure of 40 years standing and thereby discourage the future development of New Mexico's dwindling and sometimes marginal deposits of oil and gas.

At its regular meeting on May 9, the State Investment Council authorized me to ask you to diligently resist proposed changes in the tax laws affecting the oil and gas industry. These laws, especially in the area of the 27½ percent depletion and the intangible write off provision, have encouraged a vigorous oil and gas industry in New Mexico and elsewhere in the nation. They need to be preserved.

Enclosed is a copy of an Analysis Of The Relationship Of The Permanent Fund To The General Finances Of The State which I recently prepared for the Investment Council. Information on page 5 of this report shows the importance of a vigorous oil and gas industry in New Mexico.

Respectfully,

ED HARTMAN,
Chairman, Investment Council.

Mr. MONTOYA. Mr. President, for the above reasons, Mr. President, I support the amendment being offered by my good friend from Louisiana, Senator ELLENDER, that would maintain the oil depletion allowance at the present 27½ percent.

I am for tax reform, Mr. President, but I do not agree that a cut in the depletion allowance would be in the best interests of our national security and national interests when all things are balanced out. Rather, I would propose that we reduce Federal expenditures in order to offset tax losses that will come as a result of other tax reforms. For example, let us cut the billions of dollars that might be appropriated for an unproven ABM system. Let us bring an end to the conflict in Vietnam and make expenditure reductions there. Let us make our Federal structure a more efficient one and abolish overlapping jurisdiction among Federal agencies and thus abolish waste. There are so many obvious areas where reductions can be made Mr. President, without doing harm to an industry that contributed so much to States such as New Mexico and thus to the welfare of this country.

I urge my colleagues to support the Ellender amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired, the question is on agreeing to the amendment of the Senator from Louisiana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Will the Chair please state the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. ALLOTT. And a "yea" vote is for the retention of the 27.5 percent depletion allowance?

The PRESIDING OFFICER. That is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRAVEL (after having voted in the affirmative). On this vote I have a pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

On this vote, the Senator from New Mexico (Mr. ANDERSON) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Illinois would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from New Mexico (Mr. ANDERSON). If present and voting, the Senator from Illinois would vote "nay," and the Senator from New Mexico would vote "yea."

The result was announced—yeas 30, nays 62, as follows:

[No. 161 Leg.]

YEAS—30

Allott	Ellender	McGee
Bellmon	Fannin	Montoya
Bennett	Fulbright	Murphy
Bible	Gurney	Pearson
Burdick	Hansen	Stennis
Cotton	Harris	Stevens
Curtis	Hruska	Thurmond
Dole	Long	Tower
Dominick	Mansfield	Yarborough
Eastland	McClellan	Young, N. Dak.

NAYS—62

Aiken	Hart	Nelson
Allen	Hartke	Packwood
Baker	Hatfield	Pastore
Bayh	Holland	Pell
Boggs	Hughes	Prouty
Brooke	Inouye	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Javits	Ribicoff
Cannon	Jordan, N.C.	Russell
Case	Jordan, Idaho	Saxbe
Church	Kennedy	Schweiker
Cook	Magnuson	Scott
Cooper	Mathias	Smith, Maine
Cranston	McCarthy	Sparkman
Dodd	McGovern	Spong
Eagleton	McIntyre	Talmadge
Ervin	Metcalf	Tydings
Fong	Miller	Williams, N.J.
Goodell	Mondale	Williams, Del.
Gore	Moss	Young, Ohio
Griffin	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Gravel, for.

NOT VOTING—7

Anderson	Mundt	Symington
Goldwater	Percy	
Hollings	Smith, Ill.	

So Mr. ELLENDER's amendment (No. 290) was rejected.

AMENDMENT NO. 291

The PRESIDING OFFICER. The Senate will now turn to the consideration of amendment No. 291 offered by the Senator from Delaware (Mr. WILLIAMS). Under the previous agreement, the time of 1 hour is to be equally divided.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 335, line 10 of the committee amendment strike out "23 percent" and insert "20 percent".

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes.

Mr. RUSSELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask that all staff personnel be asked to take seats or to leave the Chamber.

Mr. YOUNG of Ohio. Mr. President, a point of order. Attachés are standing around. Does the Senator from West Virginia mean that his request will be in order all afternoon?

I ask that the Chamber be cleared of all clerical personnel for the remainder of the day.

Mr. LONG. Mr. President, I must object to that request. I do not know precisely who is on the floor but I would venture the assertion that there is not one Member in the Chamber, including me, who can tell everybody everything contained in this 500-page bill. We are more in need of technical assistance on this bill than on any other bill that will come before the Senate this year.

Some Senators have some of their committee assistants here. They are very much needed to help on this matter because they have expertise in this field beyond that which Senators have. We must have help from the joint committee as well as our staff committee. I have one assistant here. However, any Senator who has an amendment which he regards important might very well need assistance which the rules intended when they state a Senator can have his assistant here.

I do not know of anyone from the committee staff or the joint committee who is on the floor and who is not needed. I would assume that any Senator who has an assistant here has him here because he is needed. If the assistant of any Senator is here merely because he wants to see what is going on or to observe, I do wish he would take a seat in the gallery.

We have an unusually large number of assistants here because they are needed. I believe that most conversation has not been by staff members but by Senators, and in most cases I am sure it has been because Senators said something to them.

The PRESIDING OFFICER. It is the responsibility of the Chair to maintain decorum in the Chamber. All staff personnel not immediately needed will leave the Chamber and those who are needed may remain. This policy will be observed for the remainder of the day.

Mr. YOUNG of Ohio. Mr. President, of course, any assistants of the chairman of the Committee on Finance who is handling the bill and any assistants from his committee that he feels should be on the floor would be excepted. Of course, I did not mean to include them in my request. All assistants who are here out of curiosity should be seated or leave the Chamber.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate, the pending amendment is offered on behalf of the Senator from Vermont (Mr. AIKEN), the Senator from Maine (Mrs. SMITH), the Senator from Wisconsin (Mr. PROXMIRE), and myself. The purpose of the amendment is to strike from the committee bill the 23-percent depletion allowance and to go back to the House figure, which is 20 percent. The House of Representatives cut the depletion allowance from 27.5 percent to 20 percent and by so doing, raised revenue by about $400 million.

The same argument made for defeat of the Ellender amendment could be made in support of this amendment. Personally, I see no need to repeat all of the argument, and therefore I shall withhold the remainder of my time. Perhaps we can proceed to vote quickly.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. YOUNG of Ohio. Mr. President, I strongly support the pending amendment. Meaningful income tax reform is of the utmost necessity. Of course, that means plugging tax loopholes such as the notorious oil depletion allowance of 27.5 percent, which was enacted many years ago.

Mr. President, 20 years ago, as a member of the taxwriting Ways and Means Committee of the House of Representatives, I remember distinctly that we were debating in committee a proposed reduction of the oil depletion allowance. That was 20 years ago, when the average family in this country was not so heavily burdened with income taxes as it is at the present time. At that time, Jere Cooper, a Representative from Tennessee, who was later chairman of the Ways and Means Committee, and one of the most outstanding Members of Congress of that day, proposed to reduce the 27.5 percent oil depletion allowance to 20 percent.

I was one of the minority on the committee who joined with him in that proposal and voted in committee to reduce the 27½ percent depletion allowance on oil and gas production. Our efforts in committee failed. A Democratic colleague on the Ways and Means Committee who opposed us—I recall distinctly that he was from the State of California—at at time stated, in denouncing our proposal, that there would be a man on the moon before the committee would vote to cut that depletion allowance.

Well, Mr. President, 2 days after Neil Armstrong walked on the moon, the Ways and Means Committee of the House of Representatives recommended reducing the oil depletion allowance from 27½ to 20 percent.

Very definitely, Mr. President, I believe that the amendment offered by the Senator from Delaware is a much-needed amendment and should be carried today. The oil depletion allowance would then be reduced to 20 percent. Personally, as a Member of this body several years ago, I voted to reduce the oil depletion allowance to 15 percent, which I still believe to be a more realistic figure.

Very definitely, the thing for us to do today is to adopt the pending amendment and then place this section of the tax reform bill back in the same form in which it came to us from the House of Representatives.

Mr. President, what we need in this country today is real tax reform. It happens that as an owner of some thousands of shares of stock in Atlantic Richfield Oil Co., Tenneco, Inc., Occidental Oil, Continental Oil, and other oil producing companies, I am in a position to know that in one recent year, at a time when American families with incomes of from $4,000 to $12,000 a year were bearing a tremendously heavy tax burden, an oil company, of which I am a stockholder paid no income taxes whatever.

The Atlantic Richfield Co. is one of the great oil producing companies in America. It paid approximately 6 percent of its net earnings to the Federal Government in income taxes in 1967.

Like other owners of oil stocks, almost invariably, especially in recent months, my stock dividend was accompanied with an admonition and an urgent request to write my Congressman and tell him to retain the 27.5-percent oil depletion allowance.

Well, Mr. President, I am not about to do that. I am going to vote for the amendment of the Senator from Delaware. I hope that the majority of Senators will also vote in favor of this meritorious and much-needed amendment.

Mr. RIBICOFF. Mr. President, will the Senator from Delaware yield to me for the purpose of asking him a few questions?

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. Let me say first, that I do not believe there is another Senator in this Chamber who is more aware of the intricacies of this complicated bill than the distinguished Senator from Delaware (Mr. WILLIAMS).

I would be willing to state that almost any bill or amendment recommended by him would probably be as fair as any tax bill that this body could come up with on final passage.

It seems to me that we have a reform tax bill with one tax loophole in it which has become the symbol of all tax loopholes; namely, the oil depletion allowance; is that not correct?

Mr. WILLIAMS of Delaware. That is correct. That was the reason the House made it No. 1 on their agenda with which to deal. I think they dealt with it fairly when they reduced the rate to 20 percent.

Mr. RIBICOFF. No matter what we come up with finally, if we do not make a substantial reduction in the oil depletion allowance, so far as the American public is concerned, the Finance Committee and this Congress will really not have acted on tax reform; is that not correct?

Mr. WILLIAMS of Delaware. There is no question about it. Former Secretary of the Treasury Barr pointed out that there were a number of people with sizable incomes in excess of $200,000 who paid no income taxes whatever. I think there were 21 of them with incomes in excess of $1 million who paid no tax. Many of them were escaping taxes through the particular provision of law, which allowed the 27½ percent depletion for oil and gas.

Unless Congress does deal with this rate the oil industry will not be paying its proportionate part of the taxes.

Mr. RIBICOFF. Last year, the Treasury Department authorized what is called the Consad study. That study claims that oil depletion and other related loopholes constitute a substantial subsidy to the oil industry. When one studies that study, "substantial" is hardly the word, because the study indicates that the subsidy to the oil industry amounts to $1½ billion to $2 billion annually. Is that correct?

Mr. WILLIAMS of Delaware. That is correct as to the depletion allowance, yes.

Mr. RIBICOFF. I wonder if the Senator from Delaware would verify some statistics I have noted. Without the surtax the corporate tax rate is 48 percent, is it not?

Mr. WILLIAMS of Delaware. That is correct.

Mr. RIBICOFF. But am I not correct in stating that the petroleum industry has an effective tax rate of 21.1 percent?

Mr. WILLIAMS of Delaware. Yes. As to many companies, the rate drops as low as 8 percent.

Mr. RIBICOFF. Along that line, one of the most interesting studies has been made by the knowledgeable Senator from Wisconsin (Mr. PROXMIRE). I should like to list his statistics, which I have checked. They show that Atlantic Richfield paid no income taxes from 1964 to 1967 on earnings of around $467 million.

Consider other top-flight companies. In 1967 Standard Oil of California paid 1.2 percent; Texaco, 1.9 percent; Mobil, 4.5 percent; Gulf, 7.8 percent; and Standard Oil Co. of New Jersey, 7.9 percent of net income.

When we consider that the statistics indicate that the overall industry average in the United States was 37.5 percent, it means that American industry of all kinds is taking on the burden of supporting the great expenditures made by the Government of the country, but the oil industry certainly is not bearing its fair share.

Mr. WILLIAMS of Delaware. That is the point I was making earlier today. The oil industry is a respected industry. It is an industry that is essential to our economy, but we have many other equally essential industries. With the corporate tax rate having moved from about 14 percent 40 years ago to 52.8 percent and the individual tax rate having advanced from 15 percent to 77 percent, in the last 44 years an oil depletion rate of 27½ percent means that the oil industry is not paying its proportionate part of the cost of operating the Government under today's conditions. I should think the oil industry would be well-advised to support the proposal we have before us now so that it could be removed from the criticism that it is not paying its share.

This is not punitive legislation. It is introduced only for the purpose of creating some equity in our tax structure, so as to distribute the tax load in order that the oil industry may pay its proportionate part.

Mr. RIBICOFF. The Internal Revenue Service says that, on the average, 97 percent of corporate net income is taxable. However, the petroleum industry is taxed on only 48 percent of its net income. In fact, the depletion allowance alone accounts for seven-eighths of this reduction, is that true?

Mr. WILLIAMS of Delaware. That is correct.

Mr. RIBICOFF. I wish to ask the Senator from Delaware if it is not true that this depletion allowance allows a company to write off the cost of a producing well on the average of between 10 and 20 times.

Mr. WILLIAMS of Delaware. There is no limit to the number of times the cost of a well can be recovered. If it costs $120,000 and the company has an annual production income of $1 million the company would get a tax credit of $275,000 year after year. It is true that some of the wells are dry holes, but the companies are allowed to write them off, and that, too, is a deduction. So we are not talking about a case of allowing the companies to write off exploration costs, nor are we proposing to close off writing off the cost of drilling a well; but I do not see why an oil company should be permitted to write it off 15 or 20 times.

Mr. RIBICOFF. It has been pointed out that the action by the Finance Committee will add $175 million to overall revenues. I wonder if the Senator from Delaware would inform the Senator from Connecticut as to the additional amount that would be added to our revenues if the 20 percent depletion allowance were adopted.

Mr. WILLIAMS of Delaware. About $170 million more—that is by reducing the rate from 23 to 20 percent.

Mr. RIBICOFF. In other words, is it fair to expect the oil industry to make this small contribution to the overall burden of operating the Government of the United States?

Mr. WILLIAMS of Delaware. I think the oil industry, with its large earnings, can certainly pay these additional taxes without being disrupted at all. Certainly it is going to mean higher taxes for the industry. When we speak of tax reform—and we have all been speaking of it—we must remember that tax reform means raising taxes for some particular group that has not been paying its proportionate part. We cannot escape that fact. There are going to be some higher taxes for the oil industry. That is true of every other feature of this bill, whether it is the banking industry, foundations, capital gains, or whatever else is spoken of in this bill. When we correct an inequity in the law we are changing it to produce additional revenue.

In all these areas the committee bill proposes to raise $6 billion annually. Certainly the $400 million proposed in this particular section for the oil industry is not at all unreasonable from an industry that is as prosperous as this particular industry is.

The American people expect us to deal with this subject. I hope the amendment will be approved.

Mr. RIBICOFF. Mr. President, may I conclude with this comment? I do not know what the result of the vote will be. In my 7 years on the Finance Committee, I have been filled with admiration for the consistent fight that the distinguished Senator from Delaware and the distinguished Senator from Tennessee have made at each opportunity to try to close this loophole.

As one studies the whole problem of taxes, however, I am convinced that without major reform in the oil depletion al-

lowance, not only the Senate, but the oil industry itself, will be doing itself inestimable harm. My prediction is that unless there is substantial reform of this major loophole, the oil industry will become a political football. The oil industry will stand naked as the one industry that has received special treatment by the Congress of the United States.

When we try to close some of the loopholes in the present tax bill, it is my belief that the Finance Committee has treated most generously, of all the industries, the oil industry.

We have the symbol of tax loopholes right here before us. To try to close this loophole even partially, by providing a depletion allowance of 20 percent, still leaves the oil industry with a very substantial bonanza. I believe the Senator from Delaware is being more than fair in trying to reduce the oil depletion allowance to 20 percent, which still leaves the oil industry with a substantial boon and windfall.

The amendment of the Senator from Delaware deserves support. I shall vote for it. I hope a majority of the Senate will support the fight of the Senator from Delaware.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 5 minutes.

Mr. McGEE. Mr. President, will the Senator yield briefly to me?

Mr. LONG. I yield.

Mr. McGEE. Mr. President, I had something to say extensively earlier today on the oil depletion question. I strongly oppose the pending amendment.

Mr. President, the point has been made here today that the oil and gas industry will suffer a reduction in its depletion allowance. The industry, and those States such as Wyoming which are highly dependent upon it, are going to have to live with this decision. It will cost them, as I am sure it will end up costing the American people in more ways than one. But let us not compound the effect by going any further along this course. The Finance Committee, in its wisdom, recommended a depletion allowance of 23 percent instead of 27.5 percent, which I had hoped to maintain.

To go beyond the committee recommendation would be an error. It would not gravely injure the largest companies, the biggest operators, maybe, but it would do grievous harm to the independent companies of relatively small means and to the operators who produce about 16 percent of the U.S. crude output from stripper wells.

The House has voted a depletion allowance of only 20 percent. So the matter is going to be considered further, no matter what we do here today. The Senate has voted once today to stand behind the Finance Committee, and I would suggest that we now do so again.

Mr. LONG. Mr. President, the vote on keeping the depletion allowance at 27½ percent was close in the committee. But that was not the case with respect to the proposal to place the depletion allowance at 20 percent with respect to oil companies. The vote was rather overwhelmingly opposed to that.

The reason for the overwhelming rejection was that the committee felt that this mineral, being a strategic mineral, could well be placed in the category of other minerals in section 613 of the Internal Revenue Code. Under that section there are listed, at 23 percent, silver, uranium, manganese, mercury, nickel, platinum, zinc, and others, 39 in number, which are regarded as being strategic minerals and which, it was felt in years gone by, were not as strategic and essential to this country as oil, being the fuel needed to move all our economy in wartime and in peace.

A chart which I have had prepared is at the rear of the Chamber. It shows in red what the profits of the petroleum industry have been since 1960, on an investment basis. That completely disallows depletion and all other costs. It is simply based on how much is made in an industry. It shows that the petroleum industry is no more profitable on an average than all others in this country.

Reference was made to other industries carrying a much heavier tax burden than the oil industry. I ask that the chart to which I have just referred be removed, and that the other chart be shown.

Mr. President, the chart gives an indication of whether other industries are supporting the petroleum industry or not. The computation shows how much, on a per dollar of gross revenue basis, the petroleum industry pays in taxes in relation to mining and manufacturing and all business corporations.

The fact is that while the oil industry is a relatively low-tax payer with regard to Federal income tax, on other taxes the oil industry is a high-tax payer, particularly taxes at the State and local level. Production taxes, revenue taxes, and property taxes on this industry are much higher than on others, particularly since this industry has difficulty locating in places where taxes are low. The wells must be located where the oil may be found, and the refineries where conditions are favorable for the refining of oil.

That does not include the excise tax on the product, which is about a 50-percent tax on the product itself. So this product, at the consumer level, is the most heavily taxed product there is in the American economy, with the exception of cigarettes and alcohol, both of which have an adverse connotation either with regard to health or in some other respect.

It might be well to see how this industry has managed to bear these taxes, which are heavier than for any other, considering how the price of this product actually compares with that of others. I ask that the aides turn over to the next chart.

Mr. RIBICOFF. Mr. President, will the distinguished chairman yield for a question before the chart is changed?

Mr. LONG. I yield.

Mr. RIBICOFF. Would the staff please put the last chart back on the stand?

I wonder if the distinguished chairman would inform the Senate where the figure in the third column, the 6.03, comes from. I have difficulty determining where that figure comes from.

Mr. LONG. I have here, and I ask unanimous consent that it be printed in the RECORD, excerpts from a study showing the amounts of taxes that are paid in production taxes, property taxes, and State income taxes, industry by industry, relating that to the revenues of those industries.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

[From the Tax Burden on the Domestic Oil and Gas Industry, 1964–66, by the Petroleum, Industry Research Foundation, Inc.]

DETERMINATION OF THE TAX BURDEN

In order to ascertain the tax burden on the domestic oil and gas industry we had to develop two sets of data, neither of which is readily available from official sources: the industry's total gross domestic revenues and its total tax payments by type of tax. To obtain the revenue data we had to seek special cooperation from the oil industry, since most companies publish only world-wide gross revenue data which in a number of cases vary considerably from domestic revenues. We obtained the cooperation of twenty-seven large companies which together account for nearly 65% of total domestic crude oil production, 85% of domestic refining operations and over 80% of U.S. foreign oil revenues. At our request these companies reported their revenues by foreign and domestic source to the Tulsa office of the international public accounting firm, Arthur Young & Company. This was done in order to maintain the confidentiality of each reporting company's figures. Arthur Young & Company submitted to us and composite summary of the twenty-seven companies' foreign and domestic revenues. This composite figure was used in our computation of the oil industry's domestic tax burden, as described below.

The required tax data was obtained from the 10–K forms which publicly owned corporations are required to file annually with the Securities and Exchange Commission. We collected this data for the same twenty-seven companies for which we had received the composite gross domestic revenue data.

For comparative purposes we obtained similar data on gross revenues and total tax payments for all U.S. mining and manufacturing corporations and for all U.S. business corporations (excluding oil in both cases) from the Internal Revenue Service publication, *Statistics of Income—Corporate Income Tax Returns for the Fiscal Years 1963–64 and 1964–65.*

To measure the relative tax burden on oil and on other industries we computed ratios of total domestic tax payments to total domestic gross revenue. The use of this particular ratio avoids the problems of comparability normally encountered when comparing one industry with another. The concept of gross revenues differs less from industry to industry than that of net income or other bases. The relating of taxes to gross revenues rather than net income (before income tax) permits us to ignore the inter-industrial differences in the treatment of inventories and depreciation which have a varying impact on net income. The use of gross revenues therefore provides the most reliable yardstick available to measure the tax burden on a comparable inter-industry basis.

All types of domestic taxes—federal, state and local (with the exception of excise and sales taxes which are treated separately)—were taken into account in computing our tax burden. These taxes were considered collectively on the assumption that regardless of whether, when and to what extent they are shifted forward in the form of higher prices or backward in the form of lower royalties or other payments, initially they represent a burden on the tax paying firm, much like any other cost item.

Thus, our procedure ignores the question of the ultimate incidence of the tax—what part is shifted by the initial tax payer and to whom it is shifted. This omission is deliberate in view of the very limited and contradictory knowledge in economic theory of the incidence of tax shifting. For our purposes we may assume that while business firms generally attempt to shift all taxes—primarily by incorporating them in their prices—companies are invariably restricted in this endeavor by competitive factors as well as the response of consumers to price changes. Furthermore, tax shifting depends in part also on the type of tax paid. For instance, unit taxes are more easily shifted than income taxes. Since, as we shall see, unit taxes tend to play a relatively larger part and income taxes a correspondingly smaller part in the oil industry than in other industries, the degree of shifting may possibly be somewhat larger in the oil industry than in U.S. industry in general. However, we have no statistical or other factual evidence of this behavior.

FINDINGS OF THIS STUDY

The total domestic tax payments of the twenty-seven U.S. oil companies listed in Appendix, page 32, amounted to $1.92 billion in 1966, $1.57 billion in 1965 and $1.31 billion in 1964, as the following table indicates.

TABLE 1.—DOMESTIC TAXES OF THE 27 PETROLEUM COMPANIES

[In millions of dollars]

Taxes	1966	1965	1964
Federal income	658	433	263
State income	58	46	34
Severance and production	354	331	297
Property and ad valorem	433	398	354
Payroll	185	141	133
Pipeline [1]	41	50	45
Miscellaneous	193	174	183
Total	1,922	1,573	1,309

[1] Only the taxes and revenues of the pipeline companies owned by but not consolidated on the income statements of these 27 oil companies were included.

When we expand the domestic tax payments of these twenty-seven companies to the entire oil industry on the basis of the companies composite share in total U.S. crude oil production and refinery runs, we arrive at the following estimates:

DOMESTIC TAXES OF THE U.S. OIL AND GAS INDUSTRY

[In millions of dollars]

	1966	1965	1964
Federal income taxes	775	510	310
All other taxes (except excise and sales)	1,685	1,520	1,445
Total domestic tax payments	2,460	2,030	1,725

As can be seen, federal income taxes have taken an increasingly larger share of the oil industry's total tax payments. In 1964 federal income tax payments of the twenty-seven companies amounted to 20% of their total tax payments; in 1965 and again in 1966 the share of federal income taxes increased to 27% and 34% respectively.

TABLE II.—SHARE OF DOMESTIC OIL COMPANY TAXES, 27 COMPANIES

[In percent]

Taxes	1966	1965	1964
Federal income	34.2	27.5	20.1
State income	3.0	2.9	2.6
Severance and production	18.4	21.1	22.7
Property and ad valorem	22.6	25.3	27.1
Payroll	9.6	9.0	10.1
Pipeline	2.1	3.2	3.4
Miscellaneous	10.1	11.0	14.0
Total	100.0	100.0	100.0

The distribution of taxes in the petroleum industry, as shown in Table II, differs distinctly from that of U.S. industry in general. Approximately half of the total U.S. corporate tax payments and nearly 60% of the total tax payments of U.S. mining and manufacturing industries were federal income tax payments for the fiscal periods 1964 and 1965, compared with the aforementioned 20% and 27% for our twenty-seven major oil companies. It is this relatively lower effective federal income tax rate in the petroleum sector than in U.S. industry in general that has given rise to the question of the equity of the oil industry's tax burden. However, as was pointed out, all taxes initially are a burden on the tax payer. Hence, the fact that taxes paid to state and local authorities are proportionately larger for the oil industry than for other industry cannot be ignored in answering the question about the industry's tax equity.

The bulk of these other taxes was levied on the production of oil and gas in the form of severance and production taxes, mainly at the state level, and local taxes, consisting mainly of property taxes levied by communities and counties on oil refineries, terminals, bulk plants, inventories as well as on oil and gas deposits in the ground. In fact, severance, production and property taxes have accounted for nearly 46% of the total tax payments of the twenty-seven oil companies for the three-year period. This places the oil industry among the largest industrial tax payers on the state and local level.

The difference in the tax distribution pattern between oil and other industries is due to a number of special factors, including two provisions in the federal income tax statutes applicable to mineral industries only, namely percentage depletion and the treatment of intangible drilling and development expenditures. Percentage depletion is designed to enable oil and gas producers to recover the value of their depleting deposits by allowing a deduction up to 27.5% of the gross value of production (restricted by the 50% net income limitation); producers also have the option of either capitalizing or writing off immediately the bulk of their drilling expenditures.

Both these factors tend to reduce the petroleum industry's federal income tax burden as defined in this study. However, they apply only to the producing sector of the industry. It is this sector which also bears most of the industry's severance, production and property taxes. Therefore, a determination of whether the petroleum industry pays an equitable* share of taxes must take into account these other taxes too. Having determined the total domestic tax payments of the twenty-seven companies, we can now proceed to establish their tax burden by relating the tax payments to the companies' overall economic performance, or, more precisely, by computing a ratio between tax payments and gross revenues, as shown in Table III.

*The term "equitable" is used in this context to imply an equal total tax burden for all businesses in relation to their economic performance.

TABLE III—THE DOMESTIC TAX BURDEN**—27 MAJOR OIL COMPANIES

[Dollars in millions]

	1966	1965	1964
Domestic gross revenues	$31,885	$29,957	$27,130
Total domestic taxes	$1,922	$1,573	$1,309
Tax burden: tax/revenue ratio (percent)	6.03	5.43	4.82

**Includes the nonconsolidated pipeline revenues and taxes of these 27 companies.

Thus, in 1966 for each dollar of domestic revenue these twenty-seven companies paid out 6.03¢ in domestic taxes. The average for the three-year period 1964–66 was 5.5¢ per dollar of revenue (exclusive of excise and sales taxes). Of interest is the steady increase in the tax burden during the three years. The principal reason for this is the increase in federal taxes, as shown in Tables I and II. These taxes have increased much more rapidly than domestic gross revenues.

Our final step in seeking to determine the equity of the oil industry's tax burden is to compare it with the tax burden on all mining and manufacturing corporations* and on all business corporations* in general. Since the data for the fiscal period 1965/1966 is not yet available in workable form from the Internal Revenue Service, our computations will be restricted to the fiscal periods 1963/64 and 1964/65. This corresponds approximately to our petroleum industry for the years 1964 and 1965.

Mr. RIBICOFF. But this is not the burden of Federal taxation. The Senator is taking into account the tax burden levied by a municipality or a State for property taxes, or whatever other taxes there are, but there is no indication of what the Federal income tax burden might be in relation to earnings, in comparison with any other industry in this Nation.

Mr. LONG. This relates the tax the industry pays both the State and local governments on production or property taxes, as well as the income tax it pays the Federal Government.

The PRESIDING OFFICER (Mr. COOK in the chair). The Senator's 5 minutes have expired.

Mr. LONG. I yield myself 5 additional minutes.

This does not include the burden that the product bears, on the product itself—the excise tax—which, as I say, is the highest of any product. It is a 50-percent tax, roughly, at the pump, which is higher than the taxes on anything except alcohol and tobacco.

So when one talks about an industry carrying its fair share, this industry carries a heavier overall tax burden, if you add its property taxes, its production taxes, on the State and local level, and its Federal income tax—than the average for mining and manufacturing and other corporate business. I shall be happy to provide for the RECORD the figures which I supplied on May 16 on this issue.

I ask unanimous consent to include a tabulation from that speech in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Exclusive of petroleum as well as other industries—For details see Appendix, page 23.

TABLE 1.—SELECTED BALANCE SHEET AND INCOME STATEMENT ITEMS, BY MAJOR INDUSTRY

[Amounts in thousands of dollars]

Item	Major industry													
			Mining						Manufacturing					
	All industries	Agriculture, forestry, and fisheries	Total mining	Metal mining	Coal mining	Crude petroleum and natural gas	Nonmetallic minerals (except fuels) mining	Contract construction	Total manufacturing	Food and kindred products	Tobacco manufactures	Textile mill products	Apparel and other fabricated textile products	Lumber and wood products except furniture
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1. Number of returns, total	1,475,859	28,098	15,039	901	2,367	8,034	3,737	112,470	188,863	18,941	105	5,851	17,579	8,811
2. With net income	945,775	16,677	7,363	277	1,063	3,663	2,360	70,470	134,683	13,069	101	4,260	12,970	5,874
3 Without net income	530,084	11,421	7,676	624	1,304	4,371	1,377	42,000	54,180	5,872	----------	1,591	4,609	2,937
4 Total receipts	1,332,442,658	8,962,642	15,095,315	3,143,124	3,436,928	5,751,433	2,763,830	64,749,496	578,680,223	86,267,396	6,978,370	19,430,331	20,243,388	10,563,351
5 Business receipts	1,249,067,218	8,543,543	14,344,848	2,981,876	3,281,289	5,433,774	2,647,909	63,551,388	565,116,210	85,252,853	6,941,191	19,154,371	20,065,441	10,104,820
6 Net long-term capital gain reduced by net short-term capital loss	6,100,504	105,037	152,928	32,442	41,480	58,402	20,604	123,650	2,027,303	123,126	421	24,523	9,934	272,950
7 Net gain, noncapital assets	3,141,660	15,878	30,696	544	6,332	17,533	6,287	61,792	258,635	29,660	1,691	7,201	3,562	18,402
8 Dividends, domestic corporations	4,520,874	17,064	89,758	39,657	23,018	22,607	4,476	24,193	1,189,292	46,714	2,451	12,335	10,328	5,091
9 Dividends, foreign corporations	1,702,331	599	29,932	27,430	55	1,439	1,008	13,387	1,428,297	79,389	5,409	7,429	1,543	2,016
10 Receipts not specified above	67,910,071	280,521	447,153	61,175	83,754	217,678	83,546	975,086	8,660,486	735,654	27,207	224,472	152,580	160,072
11 Total deductions	1,250,538,318	8,657,674	13,385,693	2,592,812	3,334,352	4,835,138	2,623,391	63,299,721	535,232,102	83,023,497	6,175,853	18,372,401	19,527,866	10,130,651
12 Cost of sales and operations	885,178,916	6,159,526	8,488,619	1,788,428	2,421,181	2,685,179	1,593,831	53,363,454	396,578,368	65,660,030	3,635,890	15,103,615	15,474,252	7,778,165
13 Amortization	215,997	717	11,172	8,118	1,038	484	1,532	6,214	83,057	6,224	444	715	1,277	350
14 Depreciation	37,918,333	327,985	953,737	157,196	217,735	362,459	216,347	1,154,306	16,401,277	1,574,591	71,653	501,249	160,392	335,590
15 Depletion	5,215,912	13,083	1,056,800	219,098	82,756	643,274	111,672	15,369	3,302,372	11,494	----------	13,283	343	276,814
16 Pension, profit sharing, stock bonus, annuity plans	8,324,771	18,365	66,375	16,056	10,195	23,965	16,159	205,598	4,833,308	312,018	54,681	101,226	68,225	38,262
17 Other employee benefit plans	4,593,177	11,569	105,794	7,031	83,187	6,453	9,123	217,379	3,028,212	244,246	14,587	44,424	101,255	15,157
18 Net loss, noncapital assets	1,129,322	9,462	26,239	5,374	1,242	17,775	1,848	15,959	166,438	41,432	7	8,720	13,512	3,110
19 Deductions not specified above	307,961,890	2,116,967	2,676,957	391,511	517,018	1,095,549	672,879	8,321,442	110,839,070	15,173,462	2,398,591	2,599,169	3,708,610	1,683,203
20 Total receipts less total deductions	81,904,340	304,968	1,709,622	550,312	102,576	916,295	140,439	1,449,775	43,448,121	3,243,899	802,517	1,057,930	715,522	432,700
21 Net income (less deficit)	81,218,022	306,856	1,723,534	557,525	101,532	924,841	139,636	1,467,844	44,526,763	3,346,047	806,917	1,058,849	714,975	441,834
22 Net income	88,764,164	486,569	2,113,572	633,433	158,512	1,126,820	194,807	2,043,126	46,402,490	3,626,234	809,730	1,144,746	808,997	551,275
23 Deficit	7,546,142	179,713	390,038	75,908	56,980	201,979	55,171	575,282	1,875,727	280,187	----------	85,897	94,022	109,441
24 Income subject to tax	77,992,067	335,800	1,819,512	497,863	121,784	1,063,475	136,390	1,657,565	43,845,695	3,452,797	806,944	1,098,214	701,960	519,090
Income tax:														
25 Number of returns	719,878	10,533	5,164	135	844	2,494	1,691	50,482	107,840	10,216	100	3,662	9,788	4,760
26 Amount	34,836,995	124,423	845,123	232,568	57,965	496,799	57,791	638,192	20,233,929	1,596,427	387,114	509,262	305,203	176,235
27 Investment credit	2,018,757	8,837	32,979	9,468	7,343	8,096	8,072	44,038	1,153,239	94,312	5,123	43,965	9,020	19,621
28 Foreign tax credit	2,830,242	12,590	564,998	130,232	227	429,495	5,044	17,334	1,959,450	123,102	5,714	5,012	3,532	5,416
29 Net income (less deficit) after tax (21 minus 26 plus 27)	48,399,784	191,270	911,390	334,425	50,910	436,138	89,917	873,690	25,446,073	1,843,932	424,926	593,552	418,792	285,220
30 Net income after tax	55,949,650	371,147	1,301,547	410,333	107,902	638,222	145,090	1,449,286	27,322,837	1,124,272	427,739	679,518	512,817	394,768
Distributions to stockholders:														
31 Cash and property except own stock	27,882,546	94,825	1,099,647	255,578	59,985	707,180	76,904	199,534	12,875,585	934,420	281,569	205,894	134,685	123,950
32 Corporation's own stock	2,741,574	11,998	79,371	44,137	4,625	26,207	4,402	46,472	1,196,572	49,255	96	35,701	15,193	31,260
33 Total assets	1,877,003,506	7,647,343	18,434,235	4,668,488	2,748,372	7,688,902	3,328,473	29,568,889	410,721,409	35,985,565	5,383,772	12,318,811	8,694,464	7,672,520
34 Inventories	144,569,526	1,013,595	928,589	377,899	82,045	236,965	231,680	3,788,637	88,002,515	8,177,684	3,267,889	3,419,917	3,246,460	1,567,979

TABLE 1.—SELECTED BALANCE SHEET AND INCOME ITEMS, BY MAJOR INDUSTRY—Continued

[Amounts in thousands of dollars]

Item	Major industry: Manufacturing — Furniture and fixtures (15)	Paper and allied products (16)	Printing, publishing and allied industries (17)	Chemicals and allied products (18)	Petroleum refining and related industries (19)	Rubber and miscellaneous plastics products (20)	Leather and leather products (21)	Stone, clay, and glass products (22)	Primary metal industries (23)	Fabricated metal products, except machinery and transportation equipment (24)	Machinery, except electrical (25)	Electrical machinery, equipment, and supplies (26)	Motor vehicles and motor vehicle equipment (27)	Transportation equipment, except motor vehicles (28)
1 Number of returns, total	6,838	3,379	23,319	10,569	1,121	4,869	2,963	8,530	5,422	21,295	20,878	8,847	2,174	2,849
2 With net income	4,626	2,637	15,823	7,040	782	3,151	2,310	5,521	4,404	16,654	16,381	5,659	1,632	1,772
3 Without net income	2,212	742	7,496	3,529	339	1,718	653	3,009	1,018	4,641	4,497	3,188	542	1,077
4 Total receipts	7,699,073	16,943,667	21,398,995	44,524,072	55,908,569	11,542,533	5,668,631	13,712,696	42,456,230	32,595,654	46,517,121	41,094,737	50,848,200	25,389,232
5 Business receipts	7,607,805	16,557,252	20,672,622	43,436,350	52,120,124	11,339,317	5,612,256	13,388,514	41,774,221	32,143,762	44,870,791	40,489,491	49,985,158	25,100,056
6 Net long-term capital gain reduced by net short-term capital loss	14,122	170,980	60,099	84,355	446,024	14,481	4,212	28,072	60,947	58,482	508,170	44,532	39,828	23,503
7 Net gain, noncapita assets	1,399	5,457	14,207	21,038	46,652	5,724	2,969	10,074	5,253	15,402	26,323	9,235	12,965	6,292
8 Dividends, domestic corporations	2,521	24,621	58,916	99,054	600,817	15,023	7,274	28,502	160,866	15,467	35,943	13,541	28,575	10,017
9 Dividends, foreign corporations	280	19,331	16,955	181,416	456,927	22,130	338	51,256	56,102	45,018	72,918	79,329	279,604	8,094
10 Receipts not specified above	72,946	166,026	576,196	701,859	2,238,025	145,858	41,582	206,551	397,841	317,523	1,002,976	458,609	502,071	241,170
11 Total deductions	7,274,917	15,549,122	19,480,485	39,452,210	52,299,775	10,793,167	5,417,758	12,745,437	38,972,008	30,173,130	41,466,350	37,876,990	45,503,700	24,021,919
12 Cost of sales and operations	5,539,165	11,256,473	13,262,477	25,903,967	34,878,848	6,616,058	4,289,160	8,802,236	29,930,886	22,953,115	29,222,227	28,211,348	36,361,450	19,354,851
13 Amortization	729	3,069	3,272	9,687	6,692	650	222	2,541	5,571	5,354	7,197	16,546	5,210	2,917
14 Depreciation	113,118	761,288	526,033	1,880,960	2,223,886	362,563	62,639	695,365	1,832,948	727,551	1,406,356	914,674	1,211,591	519,556
15 Depletion	33	62,928	3,011	128,707	2,410,274	1,239	1,996	85,285	282,133	3,323	3,599	442	1,630	13,500
16 Pens on, profit sharing, stock bonus, annuity plans	40,056	107,984	177,578	481,203	334,289	113,747	27,288	116,047	434,827	262,700	501,962	359,318	688,015	414,449
17 Other employee benefit plans	31,552	70,106	80,700	160,022	127,383	61,550	21,391	79,842	354,481	151,951	315,481	213,533	695,162	165,425
18 Net loss, noncapital assets	1,031	5,842	5,841	5,475	5,398	2,870	380	15,995	10,317	11,761	6,266	6,082	14,963	4,935
19 Deduct ons not specified above	1,549,233	3,281,432	5,421,573	10,882,189	12,313,005	2,634,490	1,014,682	2,948,486	6,120,845	6,057,375	10,003,262	8,155,047	6,525,679	3,546,286
20 Total receipts less total deductions	424,156	1,394,545	1,918,510	5,071,862	3,608,749	749,366	250,873	967,532	3,484,222	2,422,524	5,050,771	3,217,747	5,344,500	1,367,313
21 Net income (less deficit)	421,673	1,411,430	1,922,446	5,282,170	3,729,720	798,745	249,091	1,006,166	3,489,027	2,452,424	5,274,062	3,278,311	5,523,168	1,369,092
22 Net income	473,055	1,454,383	2,027,573	5,374,658	3,763,110	851,928	265,677	1,126,571	3,553,399	2,578,256	5,396,263	3,466,761	5,589,421	1,441,745
23 Deficit	51,382	42,953	105,127	92,488	33,390	53,183	16,586	120,405	64,372	125,832	122,201	188,450	66,253	72,653
24 Income subject to tax	448,830	1,404,972	1,838,597	5,179,796	3,099,921	805,250	237,993	1,069,448	3,255,874	2,417,196	5,195,146	3,367,399	5,510,020	1,404,965
Income tax:														
25 Number of returns	3,540	2,190	12,134	5,867	727	2,683	1,778	4,447	3,731	13,584	13,550	4,382	1,314	1,413
26 Amount	200,182	627,346	835,991	2,452,540	1,384,183	373,945	106,840	493,515	1,535,336	1,093,699	2,324,864	1,591,354	2,632,386	665,350
27 Investment credit	7,185	57,741	37,043	155,415	131,151	28,690	3,775	39,946	143,992	54,944	79,842	67,716	99,217	42,024
28 Foreign tax credit	373	24,682	16,859	234,030	679,040	36,577	355	49,634	124,421	45,748	182,071	106,262	258,650	11,629
29 Net income (less deficit) after tax (21 minus 26 plus 27)	228,676	841,825	1,123,498	2,985,045	2,476,688	453,490	146,026	552,597	2,097,683	1,413,669	3,029,040	1,754,673	2,989,999	745,766
30 Net income after tax	280,058	884,851	1,228,631	3,077,687	2,510,138	506,686	162,664	673,119	2,162,098	1,539,568	3,151,256	1,943,155	3,056,253	818,441
Distribution to stockholders:														
31 Cash and property except own stock	55,695	412,319	394,056	1,726,739	2,382,808	199,445	51,460	345,496	932,505	423,444	948,282	739,518	1,882,642	290,200
32 Corporation's own stock	24,426	37,105	112,055	123,064	281,333	12,222	13,896	15,104	49,640	89,657	113,725	108,728	16,259	20,109
33 Total assets	3,882,828	15,016,539	14,885,980	36,997,303	59,951,235	8,256,231	2,788,174	12,812,884	37,099,433	19,248,215	34,477,714	26,711,487	38,690,513	16,156,576
34 Inventories	1,191,627	2,081,953	1,804,481	6,608,058	4,258,308	2,030,210	891,815	1,918,446	7,358,183	5,274,891	10,209,525	8,114,827	6,561,148	6,346,884

Mr. RIBICOFF. What confuses me is the fact that in 1965, the latest figure available, I note Federal income taxes, as a percentage of net income, were 37.5 percent for all industry, and 21.1 percent for petroleum. So, basically, it becomes very obvious that when it comes as a percentage of net income, the petroleum industry is nowhere near the national average, which causes great confusion, because here we are talking about Federal income taxes. We are trying to reform our income tax laws, and yet we have this question of the petroleum industry carrying this large burden of State and local taxes. But certainly, when it comes to the Federal Government, they are not carrying anywhere near the burden of taxes that other American industries are carrying.

Mr. LONG. If you are talking about the Federal Government alone, the Senator's statement would be correct, unless one wishes to give that industry some recognition for the fact that it is carrying a heavier overall tax burden than any industry with the exception of alcohol and tobacco. There is also a 50-percent tax on the product when delivered to the consumer. If the Senator thinks the consumer is paying all of that tax, then I suggest that the Senator contact any industry in his State and ask if that industry would be happy to accept a 50-percent tax burden on its product.

Mr. RIBICOFF. May I say to the distinguished Senator, the difference is this: When you and I go to the gasoline pump and pay our bill, we might pay 10 or 11 or 12 cents a gallon tax on the gasoline for filling up our tank, but we pay it, and not the major oil companies.

That is not the case with other businesses. So, basically, when we talk about the tax burden, it is the consumer that is paying this tax burden, and not the producers of oil.

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. LONG. Mr. President, every industry is going to pass along every tax to the consumer if it can, because if it does not pass the tax along, it is not making money. So even the income tax is one it is going to pass along, if it can, to the consumer, as part of the price of its product.

But if the Senator wants to revert to the chart I have previously shown him, after we take all these facts into consideration, we find this industry is not making as much net profit as the average, or at least not more than the average, for all manufacturing, and it is going to be making less as a result of these major increases in taxes the committee has voted. The Senator should bear in mind that the committee has not only voted to reduce the depletion allowance to 23 percent, but has put a 5-percent tax on benefits from the depletion, and also a 5-percent tax on the intangible drilling costs.

Mr. RIBICOFF. Will the Senator yield at that point?

Mr. LONG. I yield.

Mr. RIBICOFF. That 5 percent, however, is a burden not only put upon the oil industry, but is an additional tax that will be placed on every individual or corporation having a tax sheltered income of any kind. So we are not picking out the oil industry for that 5-percent additional burden.

Mr. LONG. If you want to call it a tax shelter. But the point is that most industries have the benefit of depreciation. You buy a piece of equipment, and depreciate it over the life of the equipment and are able to replace it when it is fully depreciated. But with regard to one seeking oil and gas, when he drills for it, the chances are 42 to 1 that it will not be a very good oil well, and the chances are 9 to 1 that he will not find anything worth producing. So it is an entirely different problem than simply depreciating something one manufactures.

The fact of the matter is that the CONSAD report, which Mr. Stanley Surrey wanted made. We have heard a lot of discussion about the conclusion of this report—that percentage depletion is an inefficient way of encouraging people to produce.

The fact of the matter is that the CONSAD report is rated by economists who understand the oil industry as being so erroneous that there is really not much point in getting into it.

I have here a memorandum from one of the experts over in the Department of the Interior, who said that in his judgment, there were 70 editorial mistakes in that report. I do not have time to go into all the fallacious and unrealistic assumptions in that report. For example, just to show how completely unreliable that CONSAD report is, they proceed on the assumption that we will find more reserves by making it unprofitable for someone to find reserves. The reverse side of that coin would be that if it were not profitable for someone to go out and find the oil and gas, he would do it even though he were losing money, which is pretty ridiculous, on the face of it.

I ask unanimous consent that the initial criticism of that report, together with the Proxmire comment and the response to it, be printed in the RECORD at this point, so that one can read both the criticism and the response, and the response to the response, and see who they think is correct.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows:

ANALYSIS AND COMMENT RELATING TO THE CONSAD REPORT ON THE INFLUENCE OF U.S. PETROLEUM TAXATION ON THE LEVEL OF RESERVES, APRIL 25, 1969

(By the Mid-Continent Oil and Gas Association, Washington, D.C.)

SUMMARY

The conclusions of the CONSAD report can be given no credence because:

I. The mathematical formula (an "economic model") from which the conclusions are drawn is conceptually inappropriate for the purpose.

II. CONSAD, itself, issues repeated warnings about the pitfalls of its model-building. The combined impact of these cautions is a clear signal that CONSAD should have rejected this model, as it did two other models—and as it did *this* one for natural gas.

III. The quality of the data used in the formula is questionable, as is the method of manipulation.

IV. There are factual errors in the report.

V. The study proceeds from a number of doubtful premises about the economics of the petroleum industry.

I. Inappropriateness of the CONSAD formula

The CONSAD study employed mathematical methods to predict the change in petroleum reserves that would result from elimination of percentage depletion. A fundamental error was made by using a formula that cannot answer this question. It was assumed that *production would not change* in the event of an increase in petroleum taxation, and the formula was designed to determine the level of reserves that would be required to accommodate the assumed fixed level of production.

Once it made the assumption that output is fixed regardless of profitability, it was inevitable that CONSAD would find that there would be little change in the desired level of reserves, since the required level of reserves is technologically determined by the level of production. It is indisputable, owing to the nature of petroleum deposits, that any given level of production requires a supporting amount of reserves which is a multiple of production—as CONSAD acknowledges on page 7.3 of the report. (To produce one barrel of oil annually, there must be about ten barrels of supporting reserves in the ground.)

CONSAD actually ignored the *real* problem, which is how the long-run level of output would change in reaction to a decrease in profitability resulting from increased taxation. Instead, CONSAD indefensibly assumed that the desired level of production is independent of the level of profitability of the industry.

Indeed, the CONSAD model makes no provision for unprofitability (except at a zero price of crude oil). The mathematical model is so formulated that it tells us that the industry would find and develop reserves even if price were less than cost. Any model which states that businessmen desire to invest when price is less than cost is indefensible because no firm desires to invest at a loss.

II. CONSAD cautions

CONSAD raised such an extended and serious list of objections to its own procedures that the reader should be convinced of the mathematical formula's lack of merit without further independent inquiry.

The formula was developed for use in describing the behavior of individual firms in manufacturing. CONSAD questioned whether the formula would be reliable if extended to the petroleum industry—see page 6.31.

CONSAD also questioned whether the historical data employed can be used to predict the future—see pages 6.12 and 6.13. In the report, it was said that "If the quantity of reserves necessary to support a certain level of output has changed during the period of the study, it will cause errors" in the estimates—page 6.13. (In fact, the ratio of proved reserves to production actually *has* declined steadily since 1960.)

CONSAD warns that reliable economic models require reliable data. In addition to the problem of finding reliable figures, it was recognized that there are massive problems in using the data. Perhaps the best example is finding costs, "the most ambiguous area in the data in this study"—page 6.16. Computing industry finding costs involves multiple difficulties, e.g., (a) the impossibility of determining from industry data when the exploration dollars for a given year's discoveries were actually spent; (b) the difficulty of estimating how much has been found until a number of years after discovery; and (c) the random variability of the amount spent per barrel found from year to year.

III. Statistical problems

The CONSAD report points out that there are "many missing links" in the quantitative data available for making a reliable economic study—page B.1. It nevertheless

proceeded with the study on the basis of estimated data and often relied on doubtful stand-in data to estimate the effects of important items for which it could not obtain direct information. Moreover, the data were used to predict the effect of a change in industry taxation for which there is no historical precedent. Such an extrapolation beyond the range of historical experience violates fundamental statistical principles.

IV. Incorrect information

The report contains factually incorrect statements. Some involve data—even matters as basic as the current level of U.S. crude oil production. Others refer to petroleum tax provisions which do not exist.

If a research company is so unfamiliar with the petroleum industry as to err on basic data and tax provisions, it is unlikely to have sufficient knowledge of the industry to be able to develop accurate complex mathematical models for analyzing industry behavior.

V. Doubtful petroleum economics

Some of the premises of the CONSAD study are, in our opinion, based on unreliable assumptions about the economics of the industry. A notable example of these propositions asserts that Canadian crude reserves can "substitute" for United States reserves. However, the amount of crude oil imports from Canada is limited by agreement between the two governments. Since crude oil imports from Canada are controlled, Canadian reserves—like overseas reserves—are not substitutes for U.S. reserves. Thus, CONSAD should not have aggregated Canadian and U.S. reserves in its economic model. And drawing conclusions from this model entailed the error of assuming that changes in the U.S. tax law would have the same effect on Canadian reserves as on domestic reserves.

CONCLUSION

No useful conclusions can be drawn from the CONSAD study because the mathematical model and the data are defective and because some of the basic premises are not appropriate. Indeed, it was predestined that CONSAD's exercise would be futile because CONSAD assumed that production would not change in the event of an increase in petroleum taxation.

Furthermore, we firmly believe that *no* aggregative mathematical model of the oil industry—no matter how sophisticated—can be used as a guide to estimating the effects of eliminating percentage depletion. Two of the most important reasons for this are:

(1) Part of the period upon which such a model must be based (the 1950's and 1960's) was one of industry readjustment to excess capacity, a readjustment now well on the way to completion.

Sound statistical theory holds that projection of a past period assumes that any changes that occurred in the base period will be repeated in the future. Since further significant adjustment to excess capacity is not likely, the 1950's and 1960's cannot be used as a base period for forecasting the future.

(2) The largest year-to-year crude oil price change since 1950 was +30¢ per barrel (1956 to 1957). Elimination of percentage depletion would be equivalent to a price reduction of about 75¢ per barrel. Thus, any prediction of the results of such a tax change based on a model reflecting the 1950's and 1960's would require extrapolation far beyond the limits of the base period data.

Sound statistical theory holds that such extrapolation is invalid because there is simply no historical basis for evaluating how firms would react to changes so far beyond the range of experience.

CONSAD admitted the existence of these problems, but it proceeded undeterred.

Our criticism is not so much that CONSAD's exercise predictably proved futile, as that CONSAD drew serious public policy conclusions from its mathematical model despite the obvious and admitted statistical problems involved in constructing any such model. The model used is especially subject to criticism because it is based on the improper assumption that industry exploration and development expenditures are not dependent on an adequate rate of return.

INTRODUCTION AND CONCLUSIONS

This paper is a review of the recently released CONSAD Research Corporation Report on *The Economic Factors Affecting the Level of Domestic Petroleum Reserves*. This report has been widely quoted as concluding that elimination of percentage depletion would cause the firms in the industry to reduce the total desired level of proved crude oil reserves by only 3%, while elimination of percentage depletion and the right to deduct intangible drilling costs in the year of drilling would, together, reduce the desired level of reserves by only 7%.

The CONSAD conclusions are based on an economic model which is inappropriate for evaluating the effect of a tax increase on desired reserve holdings. This model was estimated and applied using old and doubtful data and generally questionable techniques. Furthermore, the study contains a number of statements which can be shown to be factually incorrect, as well as a number of questionable statements on the economics of the petroleum industry. In fact, the study is not even internally consistent in several places. Given these various problems, documented in detail below, the CONSAD conclusions can be given no credence.

CONSAD set out to evaluate three models:

(1) A so-called "neoclassical" model purporting to relate the desired level of reserves in the long run to production, price, and cost;

(2) An industry "behavioral simulation" attempting to relate exploration and development expenditures to some general measure of industry performance such as rate of return; and

(3) An individual firm simulation model attempting to determine mathematically how an integrated or non-integrated producer might react to changes in petroleum taxation.

The second model "could not be developed" (3.5)[1] because of CONSAD's inability to find a "significant relationship between the rate-of-return measures and expenditures for exploration and development". (6.51) "Consequently the development of a model of this type was determined to be infeasible at this time." (6.52)

The third model was developed, and we are told at the beginning of the report that the results are "mutually supportive" (3.5) of the results of the first model. Later in the report, however, CONSAD admits the "lack of quantitative significance of the firm model" which is "due in part to the lack of data on which to base it." (6.53) "The outputs of this model cannot serve as quantitative estimates of the effects of tax policy changes on total reserve levels . . ." (6.52) If this model cannot provide quantitative estimates, it is clear that CONSAD has no basis for alleging that it supports the results of the first model.

In short, the whole CONSAD result depends on the theoretical and statistical viability of the (first) model which attempts to relate the desired level of reserves to price, cost, and output. This report's purpose is to appraise this model. We shall, in turn, discuss:

(1) The theoretical invalidity and general non-applicability of the so-called neoclassical model, and CONSAD's failure to consider the relevant policy questions;

(2) The warnings which CONSAD itself issues about the difficulties of formulating such a model for the petroleum industry;

(3) Problems in CONSAD's statistical analysis;

(4) Apparent factual errors in the CONSAD report; and

(5) Certain doubtful propositions which CONSAD develops about the economics of the industry.

The general conclusion of our appraisal is that CONSAD analysis is conceptually unsatisfactory and statistically unsound. Thus, as is made abundantly clear in numerous statements in the report itself, it simply cannot provide reliable predictions of the likely reaction of petroleum firms to a substantial and unprecedented change in the basic economics of the industry. Consequently, it cannot serve as even a "base point" in the formulation or reformulation of public policy in this vitally important area.

I. THE "NEOCLASSICAL" MODEL

The source of CONSAD's conclusions, the Reserve-Reaction Forecasting or Neoclassical model, is based on arguments that were developed by Professor Dale W. Jorgenson of the University of California (Berkeley). Jorgenson's research, as reported in a series of recent papers, centered upon his attempt to apply what he has called a "neoclassical" approach to the problem of forecasting *short-term* changes in the level of investment spending. In the CONSAD report, one part of Jorgenson's model is used for the rather different problem of predicting the volume of petroleum reserves that petroleum producers will want to hold in the *long run* under different conditions.

This chapter first examines the model and its applicability to petroleum production. In the second part, emphasis is placed on those aspects of the model that are especially inappropriate in the CONSAD application. The final part covers published academic criticism of those of Jorgenson's assumptions which are both common and critical to the CONSAD analysis.

A. CONSAD's question

The question which CONSAD seeks to answer is this: If petroleum taxes were raised, how much reserves would the industry desire to hold at various levels of output, *assuming that those levels of output would be produced*. Specifically, in drawing its conclusions, CONSAD asked how much reserves the industry would have liked to hold in order to produce a particular level of output (the level produced in 1966): (1) with present taxation and (2) with increased taxation.

This question is almost trivial, and CONSAD itself provides an adequate answer on the very page on which it presents its basic model:

"There is a definite technological relationship (represented by the MER[2]) between the stocks held and the level of production. This limits the amount that can be produced from a given level of stocks, and requires a producer to maintain certain levels of stock to meet certain levels of production. Due to the MER, no more than a certain percentage of the total reserves can be produced during a year. (7.3)"

Thus, the level of reserves required for a given output is technologically determined. *Assuming that the output will be produced come what may*, the answer to CONSAD's question is a function of the technology of the industry. As will be shown below (p. 32), U.S. crude reserves in 1968 were ten times production. Allowing for some excess capacity, this is the answer to CONSAD's question.

It is not surprising that CONSAD found little responsiveness of desired levels of reserve to price changes, since it assumed that the 1966 level of output *would* be produced—profitable or not. With output fixed, the level of reserves *should* remain un-

Footnotes at end of article.

changed. Thus, CONSAD's question is basically trivial and is not the question that is relevant for public policy.

The question of real public policy significance is one having two parts. First, what quantity of output would firms want to produce at various prices? And second, what level of reserves is implied by those levels of output? Put this way, the question allows for the possibility of a zero answer if production becomes unprofitable. Put CONSAD's way, a level of output (and by implication, effort to add to reserves) is assumed *regardless of profitability;* and the elaborate CONSAD procedure merely attempts to determine the amount of reserves compatible with the output—something already technologically determined.

B. The basic model

In its simplest terms, the CONSAD argument is that the amount of "desired reserves" which petroleum producers will want to hold in long-run equilibrium is equal to the expected level of production multiplied by the ratio of the price of output to the cost of reserves.

Desired Reserves equals production times Price of Output divided by Cost of Reserves times Technological Constant.[3]

The problem with this formulation can be seen by asking what happens to desired reserves if price falls so much relative to cost that the industry becomes unprofitable. If expected production remains constant, as CONSAD *assumes,* the formula indicates that desired reserves would decline and that firms in the industry would want to abandon (draw down without replacement) some, *but not all,* of their reserves. This is clearly an unrealistic result; for as long as investment is unprofitable, firms will not want to hold *any* reserves in the long run. But this theoretically inappropriate formula tells us that firms in the industry would want to develop and hold some amount of reserves at any price greater than zero—even if that price were less than cost. Only if price is *zero* can this multiplicative formula give a zero reserve answer. But any rational description of long-run economic behavior must indicate zero net investment *whenever investment is unprofitable,* not simply when price is zero. (Price less than cost is no mere academic issue here, since the price which CONSAD uses to arrive at its final conclusion *is* below cost, based on its cost data.)

Probably the main reason why the CONSAD model gives this irrational answer is that it is *incomplete.* It considers only one of the many relationships that would determine the long-run equilibrium of an industry; and, in particular, it does not explain the level of production of the industry. However, it is the level of production of the industry which determines the desired level of reserves. If the industry becomes unprofitable, firms would cease to produce and therefore would cease to invest in new reserves. The CONSAD model is unable to account for this possibility.

The formulation actually used in the CONSAD analysis is somewhat more complex than the basic relationship discussed above, but it is still subject to the same fundamental criticism. The CONSAD model requires a number of highly restrictive and unrealistic assumptions some of which are discussed below.

C. Specific objections to the CONSAD model

Specific objections to the CONSAD model as it is applied to the petroleum industry relate to the formulation of the model and to the various assumptions. The assumptions which are most objectionable include (1) the "Production Function" on which the model is based; (2) the assumption of perfect extensibility beyond the range of available observations; (3) the assumption of perfect knowledge; and (4) the assumption that aggregation problems are minimal.

(1) The "Production Function" on which the Model is Based

The basic CONSAD model rests on the assumption that competitive firms will want to add to their holdings of capital (in this case, reserves) as long as the value of the output attributable to an additional unit of capital is greater than the cost of acquiring the unit. According to economic theory, the same relationship must hold for all factors of production (land, labor, capital, etc.), so that in long-run competitive equilibrium, the value of output attributable to the last unit of each factor will be equal to the cost of its acquisition.

With this as a basis, the CONSAD "neoclassical" approach assumes that we can determine the amount of capital that an industry will want to hold simply by determining how the value of the output attributable to additional units of capital varies with the amount held. This, in turn, is determined by manipulating what economists generally refer to as a "production function," a device which describes the technologically feasible alternative combinations of factor inputs which will result in various levels of output.

In an analysis such as CONSAD's, the specification of the production function is a matter of critical importance. In fact, the choice of a production function really determines the results that will be "found." For this reason, it is notable that the choice of a production function in the CONSAD analysis is essentially arbitrary with absolutely no basis in industry characteristics or technology. Thus, we are told:

"The exact relationship to be expected depends on the form of the production function which applies to the industry, and on this there is comparatively little evidence. Due to lack of strong evidence to the contrary, a first-degree constant elasticity of substitution production function was assumed . . . (7.7)"

With no evidence supposedly available, a particular function was simply *"assumed."* Actually however, the production function which is used for most of the computations involves a further—but no less arbitrary—assumption:

"It should be noted that although the assumption of a CES (constant elasticity of substitution) production function is common in the literature, and is reasonable on its face, the explicit assumption of constant returns (to scale) is not supported (nor made suspect) by any empirical evidence. Consequently it seemed appropriate to calibrate a CES function of degree greater than one . . . (7.7)"

Again, with no empirical evidence, it *"seemed appropriate."* In our opinion, there *is* convincing evidence on the nature of the production function for oil and gas; and an understanding of the inappropriateness of CONSAD's arbitrarily assumed production function is vital in evaluating CONSAD's work.

CONSAD's production function assumes that labor can be substituted for capital (in this case oil reserves) to produce a particular level of output. To us, this is not a realistic description of the oil industry. With a given state of technology, the ultimate recoverable output of a field cannot be increased by applying more labor to it. With MER production, the only way to get more output of oil is to find more oil pools. Labor is not a substitute for oil in producing oil. As CONSAD itself tells us, the required amount of reserves for a given annual output is fixed by MER, which is technologically determined (see the quote from (7.3) on page 4 above).

Thus, the appropriate production function for petroleum is one allowing no substitution between labor and capital. The proper formulation of the equation explaining desired reserves should be:

Desired Reserves = Production x Technological Constant. Since labor cannot be substituted for capital, CONSAD's assumption that production will remain constant *requires* that reserves remain constant. This formulation indicates clearly the triviality of CONSAD's question.

Another questionable property of CONSAD's production function is the assumption of increasing returns to scale—i.e., as more labor *and* capital are used to increase the scale of operations, progressively larger increments in output result. The implication is that the minerals industry uses the best deposits *last.* On the contrary, to the extent to which the quality of deposits is known (and the very significant problem of uncertainty is ignored in the CONSAD analysis), the minerals industry would logically use the best deposits first; that is, the production function would show decreasing returns to scale.

(2) The Assumption of Perfect Extensibility

Another fundamental problem with the CONSAD analysis is the assumption that relationships observed over a particular range of historical data necessarily will hold outside that range at some point in the future. This is the assumption that allows CONSAD to predict the effect of eliminating the percentage depletion allowance (equivalent to 75 to 80¢ per barrel before taxes) on the basis of the observed reactions to changes in price that were no larger than 30¢ during the sample period.

In discussing this point CONSAD observes that—

Since some of the possible tax policy changes evaluated are of greater magnitude than any past changes, it may well be that the adjustment of the industry to changes of this magnitude may not be completed for a period of years. (3.2)

In truth, when projecting beyond the range for which there is information and when using the projected results for public policy recommendations, the speed of adjustment—while important—is probably the *least* important concern. In fact, the dangers of extrapolation are so basic, one is led to wonder why "speed of adjustment" is stressed, while the truly significant problems are not discussed.

As soon as we attempt to go beyond the range of the available data, the *statistical* validity of any results declines precipitously. Beyond the range of observed variation there is absolutely no way to guarantee that the observed relationships will continue to hold. In fact, if one is to predict the petroleum industry's response to a change in (effective) price that is 2½ times greater than any observed in the past, he must first refute a presumption that the actual response would be totally different. In this case, predictions from a statistical model alone are not sufficient. Clearly, little information is available to support the validity of the fitted equation or even its general form, once one ventures outside the range of sample data. These problems cannot be dismissed merely with a reference to possible delays in adjustment. Given the limited range of observations and given the presumption that the industry response would be quantitatively and qualitatively quite different, the more logical reaction would have been to dismiss the results.

(3) Perfect Knowledge

The assumption of perfect knowledge or complete certainty is fairly common in econometric analyses. The reason is generally one of convenience rather than "common sense or casual observation." For a small manufacturing firm renting capital *services* in a perfectly competitive capital market, the assumption may be tolerable, especially when

Footnotes at end of article.

compared to the other assumptions that are required for econometric studies. However, such an assumption is totally inappropriate where investment means searching for petroleum.

Over the years, the fundamental uncertainty of petroleum exploration has been amply documented in the public record. Additional evidence can be drawn from the record of lease bid ranges (as originally proposed by Professor James W. McKie in 1960). Lease bids in particular auctions reflect different companies' valuations of the same properties. Since in the typical sale, each company is free to explore and study the property in question, complete certainty would suggest that the variation in bids would be small. However, as illustrated by the results in the table below, taken from public records, it is not uncommon for the winning bid in a patricular sale to be many times the low bid and even double or triple the second highest. These wide variations in bids from companies with similar access to pre-bids information make it clear that the actual circumstances of oil and gas exploration are anything but perfectly certain as assumed in the CONSAD report.

LEASE BID RANGES, SELECTED AUCTIONS

	Companies	Bid per acre	Percentage of winning bid
Navajo Sale No. 90, Window Rock, Ariz. (1968)	Pan Am	$250.13	100
	Gulf	123.72	49
	Corine Grace	31.84	13
	Humble	31.10	12
	Kerr McGee	26.66	11
	Depco	17.03	7
	George Hunker	12.19	5
	Champlin	10.10	4
	Union of California	7.25	3
Corpus Christi Bay, Nueces County (1968)	King Resources	100.10	100
	J. B. Clark	61.42	61
	Tenneco	53.11	53
	Atlantic	40.31	40
Lafourche Parish (1966)	Texaco	216.68	100
	Union of California	117.00	54
	Union Prod. Co	60.49	28

(4) The Assumption that Aggregation Problems are Minimal

Another fundamental problem is the assumption that the activities of thousands of petroleum producers can be lumped together, explained, and predicted in a simple three-variable model based on industry aggregate data.

One aspect of the problem is that the basic "neoclassical" or "desired capital" model is really applicable only for an individual firm. The importance of this particular problem is difficult to judge; but it may be worth noting that after a series of attempts to apply his version of the neoclassical model to aggregate investment expenditures, Jorgenson's most recent work deals with individual firms.

Another aspect of the aggregation problem noted by CONSAD is that: "In dealing with average figures for a number of firms, *little information is usually available about the* distribution. (6.5)" In truth, however, there is enough information in the case of the petroleum industry to make questionable any conclusions that are drawn from an analysis of aggregate industry data. Evidence in the distribution of most of the factors which CONSAD lumps together is readily available from public sources, e.g., U.S. and Canadian reserves. Moreover, a convincing demonstration of the significance of CONSAD's problem is provided by the econometric work of Professor Edward Erickson. Erickson's study (cited by the Treasury but not by CONSAD) shows that petroleum prices and the volume of exploration activity are closely related but only when the econometrician gives proper recognition to regional differences in exploration condtions and differences in the size or type of firms undertaking the exploration. Failure to take account of regional and firm differences in reserves, prices, access to capital, etc., would have restricted the usefulness of the CONSAD analysis even if the model had been somehow appropriate.

D. Academic criticism of the "neoclassical" model

Before examining CONSAD's own reservations about its work, it will be of interest to inquire into what other economists have said about the "neoclassical" approach.

Jorgenson's "neoclassical" approach to investment forecasting has been the subject of considerable critical comment in the professional economic literature. Since the CONSAD formulation is too recent to have received comment and since many of the principal assumptions are the same in both, it is important to take note of the published views of some prominent economists on Jorgenson's studies.

First, on the lack of realism and the general restrictiveness of Jorgenson's assumptions, Professor Roger F. Miller of the University of Wisconsin has observed:

"I strongly doubt that the prominent neoclassicists, were they alive and well read today, would find much interest in a model which assumes away uncertainty with regard to the future, lags in adjustment, difficulties in aggregation and composition, discontinuities, etc.[4]"

A more detailed listing of Jorgenson's assumptions, is provided by Professor James Tobin of Yale University. Citation of Tobin's list is appropriate not only because the assumptions are unrealistic but also because the complete list is never presented in the basic CONSAD document:

"In Jorgenson's world of perfect competition and perfect knowledge . . .

"(Jorgenson's firm) purchases capital *services* at a market rental, just as it purchases labor at a market wage. There is a perfect market in capital goods; capital is homogeneous in quality regardless of its vintage, and capital evaporates exponentially, so that future depreciation is also independent of vintage. Thus, any surviving capital can always be sold at the prevailing price of new capital." [5]

Additional questions relate to the assumption of equilibrium and to the restrictions which this places on the types of problems that can be addressed. This point was best expressed by Professor Zvi Griliches of the University of Chicago:

"In the Jorgenson model, one cannot answer the question of what happens to the rate of investment if the rate of interest or other prices *shift* to a new permanent level in one move or if a change occurs in depreciation rules. A discontinuous jump to a new accumulation path is not admissible." [6]

Note, however, that it is just such a shift in tax policy which is the problem addressed by CONSAD.

Professor Griliches has asked further:

"Are the desired capital change variables significant because they are largely equal to the change in sales or output, or does the specific 'neoclassical' deflation of these changes by the elaborate 'user' cost of capital concept really do the trick?" [7]

Professor Griliches never answers these questions, but the recent publications of Professor Eisner of Northwestern University provide some indications:

"In most critical instances, it will be found that empirical tests contradict Jorgenson's assumptions and with them the deductively derived conclusions." [8]

These criticisms of the "Neoclassical" model of investment behavior are in the literature. Surely CONSAD should have taken them into consideration and stated its reasons for believing that these criticisms do not vitiate the appropriateness of the CONSAD model.

II. CONSAD CAUTIONS

CONSAD goes to great length to point out the multiple problems associated with attempting to set up any mathematical model describing the response of petroleum exploration to changes in economic factors affecting the industry. Our only basic quarrel with these cautionary passages in the report is that the authors did not take them to heart. Rather, they elected to move ahead undeterred and use the mathematical derivation described in the prior chapter as a basis for drawing major public policy conclusions about an industry whose continued growth is vital to the military and economic security of the nation.

CONSAD expresses three general reservations about mathematical evaluation of the responsiveness of petroleum exploration to increased taxation:

"(1) Whether investment analysis developed for manufacturing firms can validly be applied to petroleum;

"(2) Whether appropriate quantitative estimates of a Jorgenson-type 'neoclassical' model are feasible, based on historical data; and

"(3) Whether the data used for the four principal variables in the total industry formula (reserves, price, cost, and production) were reliable and appropriate."

A. Applicability to Petroleum of Investment Analysis Developed for Manufacturing Firms

CONSAD warns that—

"Investment analysis, as developed for manufacturing is best applied with caution to the oil industry. (6.3)"

CONSAD lists three reasons for this caution: (1) the industry is assumed to be "neither growing very rapidly nor declining;" (2) the theory applies to "a single firm;" and (3) "the oil industry does not invest in quite the same way as other industries do." (6.3 and 6.5)

(1) Static Industry

CONSAD states:

"The oil industry, and particularly its exploration sector, has so far as it is possible to tell from the sparse financial data available, been passing from a period of high and increasing demand and high profits to a period of more stable demand and lower profits. (6.3)"

Where there has been a change in a fundamental factor during the base period for an historical economic model, use of that model to forecast the future implicitly assumes that the change will continue as it did in the base period. Hence, the model will give invalid results if the change has, in fact, been a transition which is complete. We agree with CONSAD that—

"The immediate past may well have been a period of readjustment for the industry . . . ; and extrapolation from this period may thus not be entirely relevant to the future of the industry. (6.4–6.5)"

Footnotes at end of article.

We shall address this point in more detail later.

(2) Individual Firm Decisions

CONSAD then states:

"The behavior of an entire industry is more difficult to explain than that of a single firm, particularly since. . . . Industry aggregate data may obscure some of the underlying behavior of the individual firms. (6.5 and 6.7)"

This reservation about the validity of attempting to estimate the reaction to a petroleum tax increase by observing past industry aggregates rather than by examining the economics of individual firm investment decisions was what led CONSAD to attempt to develop the individual firm simulation model mentioned in the Introduction to this report—a model which "lacked quantitative significance" once it was completed.

(3) Capital Investment Process

CONSAD argues that the process of capital formation in oil differs from manufacturing in that a good part of the investment base is immediately deductible for tax purposes (the losses are literally sunk capital):

"This may be be taken to indicate that capital has been relatively more free to move in and out of exploration and can, therefore, be sensitive to expected profit; or it may suggest that, since it is easier to 'pull out,' there is less need to be sensitive to small fluctuations in expected profits as measured by realized profits in the previous period. (6.6)"

We read this to say that petroleum explorers will probably not react quickly to small changes in profits, but that they can—and will—react significantly if a profit change persists. This reaction will either be to pull out or to increase expenditures, as the case may be. The lag between profit change and reaction will be long; but the reaction will occur if the profit change proves to be other than transitory. The length of the lag will also be difficult to predict because industry reactions are the sum of individual reactions; and various firms will undoubtedly react differently to a given change.

How could a research organization which can so accurately appraise the process of petroleum capital formation in qualitative terms permit itself to fall into the trap of believing quantitative results which are, on their face, patently unreasonable?

B. Quantitative reliability of models based on historical data

CONSAD also lists three reasons for caution on this point: (1) rational businessmen base decisions on "expectations of future values" which may not be accurately represented by historical observations; (2) historical observations "may represent transient, rather than equilibrium, conditions;" and (3) historical observations may be distorted by technological change during the base period. (6.12–6.13). The second of these is the same as the first caution in (A) above.

(1) Expectations

CONSAD states:

"First, and perhaps most important, rational operators are basing decisions not on past values of variables but on their expectations of future values. (6.12)"

Of course, past experience is relevant in estimating future expectations. However, in trying to develop quantitative results, one must explicitly consider just how these expectations might be formed. (6.12) . . . Obtaining data on current expectations is fraught with problems, and obtaining historical data on expectations was essentially impossible. (7.12)

CONSAD recognizes that one must consider how expectations might be formed and that it was impossible to obtain any historical data on expectations. Yet CONSAD proceeded with estimating the "neoclassical" model. How? By using "some variable for which data was available and which might reasonably be assumed to reflect the expectations which existed at the time . . ." (7.12) The result was that producers' expectations were represented by: first-order exponentially weighted moving averages of costs (7.20); second-order exponential moving averages of production (7.25); and actual prices.

The matter of explorers' expectations is of critical importance in any model which seeks to predict the effect of eliminating the percentage depletion allowance. The allowance is worth 75 to 80¢ per barrel before taxes; and the largest year-to-year price change since 1950 was +30¢ (that change was largely eroded within two years). Thus:

"One of the objectives of the study was to predict the effects of changes which exceeded the range of the calibration data. (7.8)"

How explorers will react to a 75¢ equivalent price decrease is impossible to predict from their reactions to very small price changes. The effect on their expectations for the future of the industry could be catastrophic, especially since the change would come via repeal of a tax provision which originated a half century ago during the formative years of the corporate income tax.

(2) Transient Conditions in the Base Period

CONSAD observes that there will be problems in utilizing the base period data if they reflect transient conditions rather than equilibrium. We have seen that this is crucially important in evaluating the reliability of a mathematical model of reactions to increased petroleum taxes.

In the first place, as CONSAD recognizes, the industry was reacting to excess capacity during the base years:

"There is clear evidence that excess capacity existed during the entire period studied . . . (7.10)"

Surely a base period when firms in the industry were reacting to substantial excess capacity is of dubious value for forecasting industry reactions in long-run equilibrium.

Next, CONSAD is impressed by industry structural changes as firms reacted to excess capacity, particularly after the first Suez crisis of 1956–1957: "The industry structure and pattern of expenditures changed in 1957 or thereabouts, with one pattern being exhibited prior to this time, and a second totally different pattern . . . exhibited after 1957. (6.25)"

This change "will make it hazardous to use the past behavior of the total industry (over the last twenty years) to judge possible behavior of the industry in the future. (6.24–6.25)"

Rather, "It is the more recent years which should be most closely modeled because of the apparent period of adjustment during the 1950's and because the later years are the only period indicating any sensitivity of expenditures to rate of return. (6.46)"

Having recognized the "hazards" and the need for restricting the model to "later years," CONSAD proceeded to base its "neoclassical" model on the period 1951–1965. Not only does this model carry the figures back into a period CONSAD itself rejects, it cuts off 1966 and 1967.

(3) Technological Change

CONSAD states: "The final major problem in this approach, . . . is the question of the stability of technology during the period studied. If, in fact, the quantity of reserves technologically necessary to support a certain level of output has changed during the period of the study, it will cause errors in the quantitative relationships estimated. (6.13)"

There can be no question that the ratio of reserves to production has, in fact, changed. Chart A [not printed in the RECORD] shows that the ratio may have trended up slightly until 1960 and then began a persistent decline.

Early in the report, CONSAD itself quotes a 1968 Department of the Interior statement that the ratio had dropped to 10.4:1 (2.7). However, this point is ignored in estimating the model, where the use of 12:1 is qualified only by the following remark:

"While there is evidence that such a change occurred, there exists some evidence as to the direction and magnitude of that change, thus making it possible to at least estimate its effect on the relationships. (6.13)"

CONSAD clearly knew of the technological change, witness its own reference to the Department of the Interior study:

"This large increase in well productivity . . . implies that the reserves needed to support a given level of production on a technological basis have declined by 36% since the period 1944 to 1948. The economic significance of this point is stated in a Department of the Interior report: (2.7)"

Then, quoting Interior:

"In view of this fact, it no longer appears necessary to maintain a ratio of proved reserves to production in the vicinity of 12 to 1 to insure the producibility of reserves at required rates. (2.7)"

In short, even though it called the reader's attention to the fact that errors "will" be caused by a reduction in the ratio, CONSAD apparently made no modification of its results to reflect the technological change.

There are other examples of technological change which occurred during the base period and which cannot be expected to continue at the same pace, e.g., a rapid increase in the use of fluid injection for secondary recovery and fracturing of certain formations to increase recoverable reserves.

C. Reliability of petroleum data

CONSAD warns us of serious limitations in the data used to calibrate the model. We use two of these as examples.

(1) Finding Costs

"Finding" costs as used in the study are actually finding *and* development costs. According to CONSAD:

"The definition of finding cost is perhaps the most ambiguous area in the data in this study. (6.16)"

There are three reasons for this (6.17):

(a) How to measure what is found;

(b) "Relatively poor data available on actual costs of exploration and development activity"; and

(c) "Discovery is . . . a random event."

The problem is this: First, one does not know how much he has found with any degree of certainty for many years after the discovery. This is a particularly serious problem when the measure of discoveries proved reserves, since reserves only appear in these data when they are actually put in the working inventory. The time lag can be quite long. Furthermore, it is impossible to determine from aggregate industry data when the exploration dollars for a given year's discoveries were actually spent. And the amount spent per barrel found will vary considerably from year to year on a purely random basis as discoveries vary.

CONSAD finally relied on total expenditures for exploration and development divided by gross annual additions to proved reserves of oil and gas (gas converted to liquid equivalent on something like a value basis). This measure is also sometimes used in the industry. However, the measure is used *only* as a rough measure of capital requirements, not as a precise input to a mathematical model—and certainly not as a precise measure of the cost of new discoveries. Very little of the money spent in a given year is associated with the oil actually found in that year, and gross additions are *not* "discoveries," as mis-labeled by CONSAD (A.37). Gross additions are composed of extensions, revisions, and conservative first-year estimates of new discoveries. The proportions of these components change over time (see Chart B) [Not printed in the RECORD] and the new discovery component is quite small.

(2) Price

CONSAD states:

"Because of the unique nature of petroleum and natural gas reserves, the appropriate measure of price is particularly difficult to determine. (7.14)"

Why?

"A price decline would be expected to lead in the long run to *lower* reserve stocks."* (7:15)"

"In the short run, however, it might result in a cutback in production which would *increase* reserve stocks above planned levels, since the planned depletion of reserves would not occur. (Italics added.) (7.15)"

In other words, observing the historical relationship between price and reserves can lead to an exactly opposite conclusion from that appropriate to a long-run model, since history is composed of a series of short-runs.

(3) Summary on Data

There were also problems with all other data used to calibrate the model. (At various points in the report, three different methods were used to estimate lifting costs—see 6.34; 8.3; and 9.13.) Using finding costs and price as examples, finding costs were "ambiguous;" and an appropriate price was "particularly difficult to determine." Yet CONSAD was not deterred from applying the "neoclassical" model to oil—even though data problems caused it to reject the other two models. And CONSAD even rejected a "neoclassical" model for natural gas because of data problems.

III. STATISTICAL PROBLEMS

This chapter deals with statistical aspects of the CONSAD report. Attention is directed to the quality of the statistical analysis including the appropriateness of the data inputs and the success of the statistical manipulations.

A. Data

As with most parts of the analysis, a critical discussion of the data inputs can best begin with CONSAD's own qualifications and cautions. Thus, in a section on problems of data collection, CONSAD states that—

"Throughout this study there have been substantial difficulties in obtaining data which would have broadened the analysis undertaken. *There are so many missing links in the quantitative evidence available that it is difficult to know which to rank first.* (B.1)"

To overcome these "missing links" CONSAD has tailored its analysis to fit the data which are available, even when this does violence to the underlying logic:

"The purpose of this study required that the investment hypotheses chosen meet two criteria—first, that data be available to calibrate it, and, second, that it include as determining variables the magnitude which would change with changes in tax provisions. (6.3)"

Both criteria are necessary, but neither should be allowed to take precedence over logic where the analysis is to form the basis for public policy.

More specific examples of this tailoring include the following:

"The approach taken here is somewhat different for two reasons. One is that the data for most of the variables of interest is available only on an annual basis. The other is that the primary objective of the study is an estimation of the long run effects of certain policy changes, and in view of the paucity of the data available, it seems advisable not to attempt the estimation of an excessive number of parameters. (7.4–7.5)"

And—

"The choice of a single-equation model over a multiple-equation model was based on the paucity of data available for model calibration . . . (7.9)"

A second technique employed to compensate for "missing links in the quantitative evidence" is the use of "proxy" variables—variables which stand in for the quantities actually desired. For example well head price plus the after-tax value of percentage depletion was used as a proxy for price minus income tax. Objections could be raised to each of CONSAD's proxy variables. An obvious and not atypical example, however, is the interest rate which forms one element in the important "user" cost formulation. Without explanation, CONSAD uses what purports to be the Aaa corporate bond rate (4.5% *before* taxes for 1966—actual average was 5.13%, now 7.5%). Apparently the rationale for this is that the Aaa rate is used by Robert M. Coen, the source of CONSAD's "user" cost formulation. But if this is the case, it is important to take note of the comments presented by Coen:

"Choosing an appropriate measure of 'the interest rate' raises many problems regarding the definition and measure of the cost of funds to firms. (Miller and Modigliani) have found that for the electric utility industry the Aaa bond yield is far superior to a weighted average yield on bonds and equities in predicting both the level of, and magnitude of changes in, the cost of funds. Whether or not this is also true in the manufacturing sector is unknown, since research in this important area is just beginning." [9]

If we are to be expected to accept the Aaa corporate bond rate as a reasonable reflection of what petroleum producers expect for their cost of capital, something more convincing is needed than a reference to Modigliani and Miller's admittedly distinguished work with electric utilities, particularly when one considers that only six companies in the oil industry have the Aaa rating. Of course, no one borrows for exploration (unless the loan is secured by other income or assets). Hence, the cost of capital for exploration must be the long-run return to equity in the United States (say, 10% *after* taxes) plus a substantial risk premium to compensate for exploration uncertainties. CONSAD, itself, uses 9% after taxes elsewhere in the report (4.30).

B. Problems of estimation

It is characteristic of the model which CONSAD attempts to estimate, that once the particular form is specified, the regression analysis is not terribly important. The reason, quite simply, is that the values of the coefficients are so constrained that whatever values are indicated in the regression analysis are of marginal significance. With this as background, one could probably ignore the regression analysis on the ground that it is unimportant, were it not for the fact that the analysis itself contains some fundamental and important errors.

The principal problem in the multiple regression analysis is the problem of interrelated independent variables, or as it is called by the econometricians, "multicollinearity." This problem is described by CONSAD as follows:

"For the model here, the question is whether any of the independent variables in the capital stock equation are in fact dependent on the other variables in the system. It might be proposed for example, that the observed production values are functions of price, or that the current cost of new capital stock is a function of the existing quantity of capital stock. If this is true, then the single-equation model will produce biased estimates of the parameters. (7.10)"

CONSAD devotes considerable effort to arguing that the independent variables in their regression, price/cost and production, are not highly correlated. At no point, however, do they provide the only suitable evidence, *the set of correlation coefficients.*

Our computation and analysis of these coefficients using the basic CONSAD data shows that the two independent variables, the price/cost ratio and lagged production, *are* highly correlated. In a situation such as this, the statistical validity of any multiple regression results accordingly must be highly suspect.

Just how suspect CONSAD's results may be can be seen if we attempt to duplicate their results using U.S. data instead of aggregated U.S. and Canadian data. Using CONSAD's data sources and model, a series of regressions was computed to relate U.S. prove reserves to the price/cost ratio and to U.S. production. As in the CONSAD analysis, the two independent variables were highly correlated, but the effect of the multicollinearity in this case was to leave the coefficient for the production variable in the multiple regression analysis statistically insignificant. This kind of result is only to be expected where multicollinearity is a problem.

C. Problems of application

The principal problem with CONSAD's application of the model is the problem of extensibility. As explained above it is simply not legitimate to use historical data to predict how firms might react to a fundamental and unprecedented change in the basic economics of the industry—especially when the base period is atypical and when serious public policy matters are at issue.

Other problems of application suggest the pervasiveness of the theoretical and statistical problems. In this regard, it must be considered curious that in estimating and applying the model, lifting costs are never mentioned except where they are used to calculate income taxes.[10] If this version of the neoclassical model permits us to disregard labor and other costs even though these *must* affect the profitability of the industry, this point should be noted and explained. Jorgenson's original formulation had a separate equation for labor inputs—not used by CONSAD.

Equally curious is CONSAD's use of a formula to measure the cost of reserves that was designed to measure the cost of the annual services of a machine. Since this approach leads CONSAD to compare the price of a *full* barrel of reserves with the cost of only a *fraction* of a barrel, some explanation is required as to how the formula is applicable. Unfortunately, none is offered.

D. General appraisal

Given the problems with the data inputs and given the problem of multicollinearity, the general appraisal can be brief. The essential point is that made by Professor Eisner when confronted with similar evidence in earlier Jorgenson models.

All in all, there appears to be scant *empirical* support for the usefulness of "the neoclassical model of capital accumulation." [11]

IV. APPARENTLY INCORRECT INFORMATION

In our opinion, the following statements are factually incorrect:

CONSAD statement 1: the United States is a net importer of foreign oil . . . the quantity is restricted to 12.2% of domestic demand . . . (4.4)

Fact: 1968 Domestic Demand, 13,016 MB/D.

Fact: 1968 Total Imports . . . 2,857 MB/D.

Total Imports divided by Domestic Demand equals 21.9%.

CONSAD statement 2: import restrictions . . . effectively limit crude imports to 12.2% of domestic crude production. (6.15)

Fact: 1968 Domestic Crude Production, 8,648 MB/D.

Fact: 1968 Crude Imports . . . 1,273 MB/D.

Crude Imports divided by Domestic Production equals 14.7%.

CONSAD statement 3: The IOCC estimate . . . is the only available estimate of oil originally in place in known fields . . . 346.2 billion barrels [1962] . . . (4.18)

Fact: The Department of the Interior has estimated 387 billion barrels for 1965.

Footnotes at end of article.

CONSAD statement 4: The current output of crude oil is approximately 7 million barrels a day. (4.22)

Fact: 1968 production: 8.65 million barrels per day.

CONSAD statement 5: The ratio of reserves to production has remained consistently in the region of 12:1. (4.23)

Fact: 1–1–1968 Reserves equals 31.4 billion barrels.

1968 Crude Production equals 3.17 billion barrels.

Reserves divided by Production equals 9.9 billion barrels.

The ratio of proved reserves to production has remained virtually constant at 1:12 (sic) for 20 years. (5.12)

Fact: (See Chart A, page 22) [Not printed in RECORD.]

CONSAD statement 6: Crude oil and natural gas are bound together. (4.24)

Fact: 76% of U.S. gas reserves are in non-associated reservoirs (part of the remaining 24% is from non-dissolved gas caps over oil deposits).

CONSAD statement 7: Depletion is calculated for each property separately, or in certain cases, on specified aggregations. (4.38)

The small producer . . . has not the benefit of property aggregation to spread his deductions and avoid the net income limitation. (8.9)

Fact: Since 1963, aggregation has been prohibited (except within an individual lease), regardless of the size of the producer.

CONSAD statement 8: Alternatively, a recent provision (1956) permits capitalized and accumulated intangible costs to be deferred and expensed over the five years following the discovery of the well. This may allow the net income limitation to be avoided altogether. (4.40)

Fact: We know of no such provision.

CONSAD statement 9: Foreign . . . depletion . . . amounted to a total of $655,000,000 in 1960. . . . This represents 23% of all depletion claimed. (5.19)

Fact: Most of this "claimed" depletion was not effective because foreign tax credits prevented payment of U.S. tax on foreign production.

CONSAD statement 10: There are no direct import restrictions on natural gas. (6.16)

Fact: Federal Power Commission approval is required for all such imports.

CONSAD statement 11: Since assets result from past expenditures, an initial estimate of the assets committed to crude oil production activity was obtained by summing three years' expenditures for exploration and development (the past two years' and the present year's). . . . using [this base] . . . a rate of return was computed. (6.34)

Fact: Present cash flow comes from sale of reserves developed over a period of many years, not just the last three. Thus, the rates of return on Chart 6.5 are far too high.

CONSAD statement 12: Some firms operating abroad pay up to approximately 70% in royalties. The standard domestic royalty is ⅛ although many are higher. (8.9)

Fact: In general, royalties in foreign producing countries are approximately the same as in the United States.

CONSAD statement 13: The integrated major producers . . . [may have] economic power . . . great enough to enable them to force independent producers to bear the burden of the increased taxes, by reducing field prices and thus increasing the profitability of refining operations.

Fact: Even if it had the economic power (which no producer does), an integrated company would hardly do this. Why? The action would reduce only the cost of that fraction of its crude which is purchased. However, a crude price cut would reduce the cost of *all* crude refined by its nonintegrated competitors, thereby leaving the integrated company at a competitive disadvantage in refining.

If a research company is so unfamiliar with the petroleum industry as to err on basic data and tax provisions, can it possibly have sufficient knowledge of the industry to be able to develop accurate complex mathematical models for analyzing industry behavior?

V. DOUBTFUL PETROLEUM ECONOMICS

The CONSAD report takes a number of positions on key petroleum economics issues which we believe to be wholly inadequate. These positions lead us to wonder whether the authors have relied on the intensive direct appraisal which should be a prerequisite to suggestions of public policy changes in any industry.

Ten examples of what are, in our view, serious misconceptions about the economics of the industry are:

(1) The substitutability which CONSAD assumes to exist between United States and Canadian reserves.

(2) The allegedly adverse resource allocation effects of petroleum taxation.

(3) The supposed insensitivity of exploratory activity to rate of return. CONSAD concluded on the basis of a defective measure of rate of return (see page 34 above) that there is no relationship between rate of return and exploration, except a weak relationship for larger companies during the period 1957–1965, (6.51).

(4) The adequacy of A.P.I. proved reserves data for use in evaluating exploratory results (see page 24 above).

(5) The picture of an industry operating as a monolith or as two groups (large and small companies) rather than as a large number of individual firms making individual decisions in reaction to price and cost.

(6) The picture of an industry "satisfied" with a modest return reflecting lackadaisical operation rather than an industry pursuing vigorous technological improvement programs designed to improve profits. A realistic picture of the actual situation is provided in the National Petroleum Council Volume, *Impact of New Technology on the U.S. Petroleum Industry 1946–1965.*

(7) The industry's supposed ability to *"double"* the recoverability of oil in place (4.18). The Department of the Interior predicts only a one-fourth increase between 1965 and 1980, and that is very likely optimistic.

(8) The concept of wildcat "success" used in the report. CONSAD correctly states that "discovery value on a successful well is many times higher than actual outlays made for that particular well" (4.37) but then takes the position that one wildcat in ten is "successful"—whereas the number is more like one in fifty.

(9) The attempt to apply overseas development patterns to United States reservoirs in order to determine how many excess wells have been drilled here.

(10) The conflicting statements on the alleged economic power of large producers who are said to control a "large share of production" (2.5) and are then said to operate in an industry "which is not highly concentrated" and where the top five producers account for only "20% of the output." (4.3)

In order to illustrate the problems involved with these CONSAD positions, we shall discuss our objections to the first two in some detail.

A. Substitutability of U.S. and Canadian reserves

In estimating its "neoclassical" model, CONSAD combined United States and Canadian reserves. CONSAD's stated rationale for this surprising treatment of the data is:

"Examination of the United States-only reserve/production ratio indicates that it has been gradually declining, while the Canada-only ratio has been rising. (6.14)"

From this, CONSAD reasons:

"For both of these to be due to rational decisions on the part of firms, either the expectation must be that Canadian production will be rising much more rapidly than United States production, or the firms involved consider the United States and Canada as a single market. (6.14)"

CONSAD concludes that the "latter seems intuitively more plausible." (6.14) Notwithstanding CONSAD's intuition, the truth most likely is that the rise in Canadian reserves reflects normal variations in success, which is highly random in the petroleum industry, as CONSAD recognizes elsewhere. (6.17) CONSAD also recognizes elsewhere that the decline in the United States ratio reflects technological change. (2.7)

CONSAD acknowledges that foreign oil cannot ordinarily be considered a substitute for domestic oil in the United States because foreign imports are restricted. (6.15) However, "Canadian (and Mexican) crude is exempt from allocation and licensing requirements of the Oil Import Program and, consequently, can serve as a substitute for domestic reserves for the individual producer. (6.15–6.16)."

This comment is typical of the misconceptions about the economics of an industry which can arise from a cursory examination of its institutional constraints. The premise is technically correct, but the conclusion does not follow.

It has long been common knowledge that the amount of Canadian oil exports to the United States is limited by agreement between the two governments. Prime Minister Trudeau recently described this agreement:

"We have a continental oil policy of sorts that was set up in the past . . . essentially it means that Canadian oil producers sell to Western Canada and sell to the United States an amount roughly equivalent to the amount of oil that Eastern Canada purchases overseas and notably from the Venezuelan producers. It's a deal between the American Government and the Canadian Government which is cost-saving and for both parties. (*New York Times,* March 26, 1969, p. 14)"

Canadian exports to the United States are, in fact, controlled. Hence, Canadian reserves are not substitutes for U.S. reserves; and CONSAD's mathematical conclusions accordingly derive from inappropriately combined reserve data.

The importance of non-substitutability becomes apparent when CONSAD tries to decide how much of a change in reserves to allocate to each country:

"The relative decline in each country would depend on whether the tax changes implemented in Canada were the same as those implemented in the United States. (8.11)"

What CONSAD does not say is that tax treatment is *already* materially different in the two countries; hence, Canadian and United States reserves cannot be perfect substitutes. Indeed, how could CONSAD validly compute the effect of a U.S. tax change on total reserves in the two countries when U.S. tax treatment does not apply in Canada? When tax treatment differs to start with, one cannot possibly have the "same" changes in the two jurisdictions.

B. Un-neutrality of the corporate income tax

In its study, CONSAD takes the position that percentage depletion is an economically wasteful tax subsidy which leads to a misallocation of resources by encouraging overinvestment in oil. CONSAD gives only five lines of text to the extensive discussion in the economics literature of the non-neutrality of a flat-rate corporate income tax, e.g., the work of Professor McDonald "who holds that a standard rate of corporation tax is not necessarily neutral in its effects on resource allocation and that . . . the depletion

allowance may be found to be a neutralizing rather than a non-neutralizing factor. (5.33)"

In our opinion, taxation of petroleum exploration and production at the standard rate would cause an un-neutral and eccnomically wasteful shift of resources away from this industry—an industry vital to the economic and military security of the nation. Tax provisions which counter the non-neutral effects of a flat-rate corporate income tax on a vital industry are not "tax subsidies"; they are justifiable provisions which prevent what would otherwise be economic inequities.[12]

Why do we believe that application of the standard corporate income tax rate to petroleum would cause an un-neutral mis-allocation of resources? A flat-rate corporation income tax changes the relative attractiveness of different investments depending on risk and uncertainty, asset lives, and leveraging power. Investments in oil and gas exploration are characterized by high uncertainty, long asset lives, and low leveraging power. Thus, in the absence of mitigating provisions one would expect that imposition of a flat-rate corporate income tax would divert resources away from petroleum exploration to other industries or to liquid investments.

Consider the following example of the un-neutral effect of a corporation income tax levied at the same rate on two industries, "A" and "B." A is more uncertain than B, and we assume that investors demand twice as much cash generation to invest in A as in B, where the expected return is, say 10 percent in the absence of an income tax. This extra profit requirement in the event of success in A is compensation for the greater likelihood of failure in A. In each industry, we assume $100, 10-year investments yielding a constant annual cash flow which is reinvested in that industry.

The following tabulation summarizes the effect of a 50 percent corporate income tax on the relative attractiveness of the two investments (first two columns):

CUMULATIVE CASH ON HAND AFTER 10 YEARS[1]

	No tax	With 50 percent income tax	With 50 percent income tax and percentage depletion at 50 percent of net income for A
A	$518	$250	$311
B	$259	$170	$170
Ratio A to B	2.0	1.5	1.8

[1] Includes earnings on project cash flow assuming it is reinvested in the same industry at the same rate of return.

The flat-rate income tax reduces the ratio of A to B from 2.0 to 1.5, thereby making A relatively much less attractive than B. Investors would, therefore, place their funds in B rather than A *because of the flat-rate tax.*

Since this mal-allocation of resources results from the tax, it is appropriate to correct it through the tax. The third column shows what would happen if A were entitled to percentage depletion at 50% of net income. The relative deterioration in its position would be mitigated, with the ratio at 1.8. Complete restoration of the original relative profit position could be achieved by also permitting A to accelerate the write-off of part of its $100 investment.

A third possible use of funds is liquidity. If returns are not high enough relative to liquidity, investors need not invest in uncertain projects at all. The following tabulation compares "A" with liquidity, e.g., leaving the $100 in a safe deposit box:

CUMULATIVE CASH ON HAND AFTER 10 YEARS[1]

	No tax	With 50 percent income tax	With 50 percent income tax and percentage depletion for A at 50 percent of net income
A	$518	$250	$311
Liquidity	$100	$100	$100
Ratio A, to liquidity	5.2	2.5	3.1

Note: In this case, a substantial accelerated depreciation allowance would be required to reestablish the pretax ratio of 5.2.

[1] Includes earnings on project cash flow assuming it is reinvested in the same industry at the same rate of return.

It is apparent that the outcomes in the real world will vary with project lives, required relative profit ratios, leveraging power of the industries, etc. A recent extensive study using typical manufacturing and petroleum examples has shown that with *both* percentage depletion and the expensing of intangibles allowed to petroleum, the present corporate income tax results in roughly equivalent after-tax and pre-tax ratios.[13] Hence, these petroleum tax provisions tend to offset the otherwise un-neutral effects of a flat-rate corporate income tax.

Why does the flat-rate corporation income tax discriminate in this way against high-return investments? What matters in project profitability evaluation is the net cash which flows from operations (that is, gross receipts less operating exepnses). *The flat-rate corporate income tax reduces this cash flow by a greater perecntage in the case of the project with the higher cash flow.* The following tabulation shows the effect of a 50% corporate income tax on the annual cash flows required to achieve the stated profitability levels of A and B in the absence of a tax:

	A	B
Annual cash flow without tax	$22.3	$16.3
Less, annual depreciation	10.0	10.0
Taxable income	12.3	6.3
Tax, at 50 percent	6.2	3.2
Annual cash flow after tax	16.1	13.1
Percentage change in annual cash flow	−28	−19

Note.—These −28 and −19 percent tax-induced changes are minimal indications of the discriminatory effect of the tax, since the loss of future (compounded) earnings on the reinvested funds would also be larger for A.

FOOTNOTES

[1] Figures in parenthesis in this report are page numbers in the CONSAD report, which uses chapter-by-chapter pagination.

[2] MER is the maximum efficient rate at which a field can be produced.

[3] See the equation on page 7.3. The technological constant is omitted in the text, we believe inadvertently. It appears earlier and later.

[4] Roger F. Miller, "Comment on Jorgenson" in Robert Ferber, ed., *Determinants of Investment Behavior* New York: NBER, c. 1967, p. 164.

[5] James Tobin, "Comment on Crockett-Friend and Jorgenson," in Robert Ferber, ed., *op. cit.*, p. 156.

[6] Zvi Griliches, "Comment on Crockett-Friend and Jorgenson," in Robert Ferber, *op. cit.* p. 161.

[7] Zvi Griliches, "The Brookings Model Volume: A Review Article" *The Review of Economics and Statistics,* Vol. 1, (May 1968), p. 216.

[8] Robert Eisner and M. I. Nadri "Investment Behavior and Neo-Classical Theory" *The Review of Economics and Statistics,* Vol. L, (August 1968), p. 370.

[9] Robert M. Coen, "Effects of Tax Policy on Investment in Manufacturing," *American Economic Review,* May, 1968, p. 204.

[10] "Lifting costs" are current well operating expenses, e.g., labor, maintenance, power, etc.

[11] Eisner, *op. cit.*, p. 375.

[12] Percentage depletion is not, of course, a subsidy in any event because it is not a direct cash payment from the U.S. Treasury.

[13] See Robert F. Rooney, *Tax Treatment and Regulation of the Domestic Crude Oil Industry,* unpublished doctoral dissertation, Stanford University, 1965.

OIL TAXES—INCENTIVE OR SUBSIDY?

Mr. PROXMIRE. Mr. President, there is a debate as to whether the special tax treatment enjoyed by the oil industry is a subsidy or an incentive for additional exploration.

The CONSAD Research Corp. has prepared a thorough economic analysis of the oil industry's tax structure and how well these special tax provisions worked as an incentive.

Their findings are remarkable. They found that under the most favorable assumptions the American taxpayer was spending over $10 for each $1 worth of oil that would not have been found but for the "tax incentives." In other words, the American taxpayer was spending $10 to discover $1 worth of oil.

Naturally, the oil industry moved to attack these findings. The Mid-Continent Oil & Gas Association spearheaded the attack by delivering an alleged critique of the report to the Ways and Means Committee.

Because this Mid-Continent response has gotten wide publicity I think that CONSAD's rebuttal also ought to be be given a hearing and thus ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

If the Mid-Continent response is the best the oil industry can do, Congress is under an affirmative obligation to change the tax laws to eliminate all these special favors at the expense of the ordinary taxpayer.

I ask unanimous consent that the attached CONSAD report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

"COMMENTS ON MID-CONTINENT (MC) OIL AND GAS ASSOCIATION CRITIQUE

"I. Introduction

"The critique and evaluation of the CONSAD report entitled, "The Economic Factors Affecting the Level of Domestic Petroleum Reserves," by the Mid-Continent Oil and Gas Association is so replete with inconsistencies and out-of-context references that it appears to be an outright attempt to obfuscate, confuse, and mislead.

"The MC report is notably lacking in *constructive* criticism. At no point does the report indicate how the CONSAD model might be improved, how the data might be improved, or what alternative methods and models, might be used for analysis to develop more accurate estimates of the effects of the special tax provisions. This suggests that perhaps the authors prefer to have no analysis made.

"The inability of the MC report to find any serious fault with the CONSAD report conclusions after apparently concerted study only serves to increase the credibility of these conclusions.

"The covering letter contains a glaring inconsistency, which is repeated in the body of the report. In paragraph three, the MC cover letter implies that the CONSAD model is erroneous because when extrapolated to below-cost prices it indicates that firms would continue to find and develop reserves. In paragraph five, the CONSAD report is deprecated for extrapolating a considerably smaller amount. Thus, the MC report indi-

cates that extrapolation beyond the range of the data is justification for placing no credence on the results, then proceeds to extrapolate even further to illustrate the 'inappropriateness' of the CONSAD model. The MC report also seriously overstates the amount of CONSAD's extrapolation. The price change equivalent to the elimination of percentage depletion is about 35 cents (not *75 cents* as stated in the MC report) which is a comparatively small extrapolation—the largest year-to-year price change in the data was 30 cents.

"II. Objectives of CONSAD study

"The CONSAD study was designed to evaluate the efficiency of the special tax provisions in encouraging petroleum producers to maintain reserves *above* those necessary to support current production. The primary justification voiced in recent years in defense of the special tax provisions regarding the petroleum industry was the necessity of encouraging a large reserve level to insure adequate supplies of oil in time of a sudden increase in demand due to a national emergency.

"Although the MC statement of a fixed technology relationship between reserves and production is not supported by available data, the existence of such a relationship would not prevent producers from maintaining excess reserve stocks if economic incentives were offered to encourage this. The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing oil reserves *above* those levels needed solely to support production.

"The conclusions of the study that the special tax provisions were inefficient means for achieving such an objective remains a valid conclusion. Throughout the study, CONSAD took pains to *inflate* the effectiveness of the special tax provisions as an incentive for holding reserves. Consequently, if better data became available, its analysis would probably show that these tax provisions were even less efficient than is concluded by the CONSAD report.

"If the intent of the special tax provisions is to encourage consumption of petroleum products by keeping prices below their free market levels, the CONSAD study offers no evidence as to the effectiveness of the tax provisions.

"It is very possible that petroleum production will decrease if the special tax benefits are reduced or eliminated. Such a decrease would take place if the producers passed the added tax burden on to consumers and consumers then reduced their consumption. A decrease might also occur if producers were currently producing at the limit of available capacity, since the tax increase would make marginal wells unprofitable to operate. Such a producer-initiated decrease might not occur if production restrictions, such as allowable production days, or relaxed, allowing more efficient production from existing wells.

"III. Specific comments on the MC report

"Examination of many of the allegations made in the MC report leads only to the conclusion that the authors of this report either (a) did not read the CONSAD report, (b) did not understand the CONSAD report or the economic theory on which it is based, or (c) both. The concluding statement in the summary says that 'The model used is especially subject to criticism because it is based on the improper assumption that industry exploration and development expenditures are not dependent on an adequate rate of return.' No such assumption is either explicit or implicit in the CONSAD models, and such a statement implies a rathe xtreme lack of knowledge of the contents of the CONSAD report.

"The technique of quote-out-of-context is used on page two of the MC report to attempt to invalidate the supportive evidence of CONSAD's third model. What the CONSAD report actually stated was that the quantitative estimates obtained from the model of the individual firm could not be used as estimates of industry reaction, since all the various types of firms in the industry were not represented in the model.

"The CONSAD report stated that the third model would substantiate the first model if the indicated reserve changes were of the same order of magnitude, and were changes in the same direction. The results obtained from the third model *did* substantiate the results of the first (or neoclassical) model.

"Surprisingly enough, after indicating that only the first CONSAD model was worthy of comment, much of the MC report is devoted to specific criticisms of minor points concerning the other models discussed in the CONSAD report.

"On the question of uncertainty, the MC report is somewhat erroneous in stating that the CONSAD report assumes perfect knowledge. The report does not assume this, nor is such an assumption implicit in the methodology.

"Another out-of-context quote is provided on page 15, where Eisner's objections to Jorgensen's model are noted. The remainder of Eisner's article goes on to propose modifications in Jorgensen's model similar to those used by CONSAD (the CONSAD model is credited to the Eisner article quoted in the MC report).

"The MC report appears completely confused on page 21, where the CONSAD report is taken to task for using a 12:1 reserve ratio in the model. The 12:1 reserve ratio figure is not, of course, used anywhere in the model. It is mentioned as historical background, but the data used in the model were actual reported reserves and production.

"The MC report seems confused again on page 31 when it indicates that 'this approach leads CONSAD to compare the price of a *full* barrel of reserves with the cost of only a *fraction* of a barrel.' This is not true, but as the MC report offers no explanation of its statement, no comment can be made.

"There are two important points to be made concerning the 'apparently incorrect information,' cited in the MC report (Section IV). The first of these is that careful reading of the report would make it quite clear that all of the items cited were presented as background information in the study and do not form the basis for any results derived therein. The second of these is that, with one exception, the statements in the CONSAD report were true when the data was being collected and the report was being written. The use of 1968 data, which were obviously not available when the report was written, (the study involved over a year of continuous effort) to illustrate the 'incorrectness' of statements in the CONSAD report cannot be interpreted in any other way than as an obvious attempt to discredit the CONSAD report, since anyone with any knowledge of the petroleum industry would be aware of the basic sources of the CONSAD statements.

"Most of the discussions in Section V, *Doubtful Petroleum Economics*, is replete with the same sort of out-of-context quoting of the rest of the MC report. The only relevant information presented here is that in reference to Professor McDonald's work on the non-neutrality of a flat-rate corporate income tax. It is interesting to note the omission from the MC report of Professor McDonald's conclusion that a percentage depletion rate of 14% would provide the desired neutrality.

"Professor McDonald's work, however, does not examine the *efficiency* of percentage depletion as a method for compensating the non-neutrality of the flat-rate corporate income tax. It is certainly possible, and a subject worthy of further study, that some more direct method of compensating investors for the risk elements in petroleum investments would provide the desired neutrality at a much lower cost to the economy.

"IV. Conclusion

"CONSAD would welcome some meaningful critiques of its work, with the ultimate objective of imposing the reliability of the conclusions. Unfortunately, the Mid-Continent report is totally useless for this purpose."

CRITIQUE OF CONSAD'S REBUTTAL

The Senior Senator from Wisconsin inserted in the November 13th *Congressional Record* a reply by the CONSAD Research Corporation to a critique by the Mid-Continental Oil and Gas Association of an earlier CONSAD report. He seemed to think that the CONSAD rebuttal was a definitive response negating the value of the Mid-Continent criticism. On the contrary, the CONSAD response *confirmed* the basic thrust of the industry's criticism of CONSAD. I am submitting for the record at the conclusion of my remarks a point-by-point analysis of the CONSAD rebuttal.

Before inserting this analysis, I would like to comment briefly on the main thrust of the Mid-Continent critique and CONSAD's reply thereto. Mid-Continent said that CONSAD actually answered the following question: "In the event that percentage depletion were eliminated, what would happen to the level of reserves desired for a given level of production, *assuming that this level of production would continue?*" Here is what the CONSAD rebuttal says on this crucial point:

"The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing the reserves *above those levels needed solely to support production.*" (Emphasis added)

The CONSAD study simply purports to tell us whether percentage depletion stimulates the holding of any additional reserves over those technologically needed to support a particular level of production—and never mind whether it is economic for the industry to produce that level of output. Their study does not *attempt* to tell us what would happen to the level of United States petroleum production and reserves after the full effect of elimination of percentage depletion were felt. CONSAD has, therefore, admitted the truth of the basic Mid-Continent argument.

In my opinion, CONSAD's question is trivial. As has been amply demonstrated in the hearings of the Committee on Finance, the petroleum industry earns a below-average rate of return. Under these conditions, it is a matter of simple economic logic that an increase in tax cannot be absorbed by the industry in the long run. Hence, a tax increase will ultimately lead to a reduction in the level of production (and, accordingly, in the level of reserves)—provided, of course, that the tax increase is not offset by a price increase. (CONSAD assumed that there would be no price increase.) Thus, by assuming no change in production, CONSAD has given us an answer to a highly hypothetical question which has little, if any, relevance in the real world.

Mr. President, the question of real significance to the national interest is not whether, at a particular level of output, somewhat less reserves would be held without depletion than with. The real question is *how much less would be produced* without depletion than with. How much would the overall level of activity in the industry ultimately decline if percentage depletion were eliminated? (We can measure activity either

by annual production or by the level of reserves required to support that amount of production.)

I should like to call to the attention of the Senate two studies which *did* attempt to answer this kind of question. One was by Professor Edward Erickson, who appraised past response of oil discoveries to changes in price. A recently updated version of his study estimated—on the basis of *past* response—that supply in the industry would ultimately change in proportion to a change in price. That is, a 27.5% decrease in price would ultimately cause a 27.5% decrease in production and reserves.

In testimony before the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary, the Board Chairman of an American oil company revealed the results of a study by their geologists of future drilling prospects in the United States. The geologists estimated that supply in the industry would ultimately change considerably more than a change in price—about two thirds more. Thus, a 27.5% decrease in price would ultimately cause about a 46% decrease in production and reserves.

It is not surprising that both of these answers far exceed the 3% reduction in desired reserves which CONSAD estimated for a particular level of output if that output were produced, since CONSAD did *not* attempt to determine how much would be produced.

Let me sum up, Mr. President. CONSAD did not evaluate the question they are widely believed to have evaluated, namely the ultimate long run effect on the industry of eliminating percentage depletion. Professor Brickson's independent study of the *past* shows a percentage decline in production equal to a percentage decrease in price. An exhaustive study of the *future* by experts from the petroleum industry shows an even larger decline based on an economic appraisal of the prospects expected to be available.

Mr. President, I hope that my review of the situation will put this controversy to rest once and for all. At this point I will place in the record my comments on the CONSAD rebuttal to which I referred in my opening remarks. My analysis is presented setting forth statements made in the CONSAD rebuttal with relevant observations based on the Mid-Continent Oil and Gas Association critique of the original CONSAD report.

ANALYSIS OF CONSAD REBUTTAL OF CRITICISM OF EARLIER CONSAD REPORT PREPARED BY MID-CONTINENT OIL AND GAS ASSOCIATION

CONSAD statement 1: "The MC report is notably lacking in constructive criticism."

Comment 1: The MC report was constructive in that it attempted to point out the question that is relevant for public policy in this area. Beyond this it attempted to point out the problems inherent in using the available industry data for scholarly empirical research. Under the circumstances, suggestions as to how to improve an analysis that was directed towards answering an irrelevant question could hardly be considered constructive.

CONSAD statement 2: "The inability of the MC report to find any serious fault with the CONSAD report conclusions after apparently concerted study only serves to increase the credibility of these conclusions."

Comment 2: At the time, it seemed sufficient to point out that whatever CONSAD's conclusions they were irrelevant since they answered an irrelevant question. Since that time, however, a number of researchers have addressed the relevant question and in general, their findings support the industry view that a significant change in percentage depletion would produce a substantial reduction in production and reserves.

CONSAD statement 3: ". . . the MC report indicates that extrapolation beyond the range of the data is justification for placing no credence in the results, then proceeds to extrapolate even further to illustrate the "inappropriateness" of CONSAD's model."

Comment 3: Extrapolation affects primarily the statistician's confidence in his results. Since CONSAD's analysis required it to extrapolate far beyond the range of historical data, there can be little statistical confidence in its precise statistical results. The question of the appropriateness of CONSAD's model has its roots in the logical structure of that model. Totally apart from questions of data, the model that CONSAD tested is inappropriate in part because it is not designed to exclude the possibility that the industry will want to hold reserves in the long run even if price is less than cost.

CONSAD statement 4: "The price change equivalent to the elimination of percentage depletion is about 35 cents (not 75 cents as stated in the MC report) which is a comparatively small extrapolation—the largest year-to-year price change in the data was 30 cents."

Comment 4: 27½% of $2.93 (CONSAD's assumed wellhead price) is $.81, but the net effect of percentage depletion is reduced somewhat by the 50% of net limitation and by the loss of cost depletion when percentage depletion is taken. Hence, about $.75 is correct.

CONSAD statement 5: "The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing reserves above those levels needed solely to support production . . . If the intent of the special tax provisions is to encourage consumption of petroleum products by keeping prices below their free market levels, the CONSAD study offers no evidence as to the effectiveness of the tax provisions."

Comment 5: The principal point of the MC critique was that CONSAD's question, the question of the effect of depletion on the quantity of reserves the industry would want to hold for a given level of production, assuming that that level of production would be produced, is "basically trivial and is not the question that is relevant for public policy."

As noted in the MC report "The question of real public policy significance is one having two parts. First, what quantity of output would firms want to produce at various prices? And second, what level of reserves is implied by those levels of output?"

These questions have been addressed in a number of responsible studies. As CONSAD's statement implies, they were not addressed nor can they be addressed using the CONSAD methodology.

CONSAD statement 6: "The concluding statement in the summary says that 'The model used is especially subject to criticism because it is based on the improper assumption that industry exploration and development expenditures are not dependent on an adequate rate of return.' No such assumption is either explicit or implicit in the CONSAD models and such a statement implies a rather extreme lack of knowledge of the CONSAD report."

Comment 6: CONSAD's failure to recognize the rate of return implications of a model that allows for continued long run production even though price is less than cost implies a "rather extreme lack of knowledge" of (a) its model, (b) fundamental economic principles or (c) the real world.

CONSAD statement 7: "The results obtained from (CONSAD's) third model *did* substantiate the results of the first (or neoclassical) model."

Comment 7: Several comments are possible on this point: First, the neoclassical model (inadequately) answers an irrelevant question. If the third model substantiates the first it is not clear that CONSAD's case is advanced.

Second, even if the neoclassical model had been directed toward the relevant question, there is no escaping the fact that the magnitude, rather than the direction of the response is the significant consideration. Since the third model is not statistically significant, it can offer nothing in the way of verification for the magnitudes shown by the first.

CONSAD statement 8: ". . . much of the MC report is devoted to specific criticisms of minor points concerning the other models discussed in the CONSAD report."

Comment 8: If a defense of thoroughness is necessary, the reason why the second and third models were criticized is that both appear to offer far more promise than the one which CONSAD used for its conclusions—and both received extensive treatment in the CONSAD report.

CONSAD statement 9: ". . . the MC report is somewhat erroneous in stating that the CONSAD report assumes perfect knowledge. The report does not assume this . . ."

Comment 9: Not only does the CONSAD neoclassical model assume perfect knowledge it assumes that all petroleum reserves are homogeneous and that new reserves can be added simply by going to a warehouse and taking them down from the shelf.

CONSAD statement 10: "(the CONSAD model is credited to the Eisner article quoted in the MC report)."

Comment 10: The CONSAD neoclassical model adopts only Eisner's version of the production function. Additional problems common to the Jorgenson and Eisner studies are embodied and exacerbated in the CONSAD formulation.

CONSAD statement 11: "The MC report appears confused . . . where the CONSAD report is taken to task for using a 12:1 reserve ratio in the model."

Comment 11: The MC point was that since the CONSAD methodology was sensitive to technological change, and since CONSAD was (or should have been) aware that technology was changing, as evidenced by its references to changing reserve production ratios, CONSAD should have made some attempt to take changing technology into account or to qualify its conclusions accordingly.

CONSAD statement 12: "The MC report seems confused again on page 31 when it indicates that 'this approach leads CONSAD to compare the price of a full barrel of reserves with the cost of only a fraction of a barrel.'"

Comment 12: The MC critique noted that CONSAD appeared to have compared the price of a full barrel of reserves with the "user cost" of that same barrel spread out over the life of the well. CONSAD has yet to offer an explanation or justification for its strange and, in our view, inappropriate formulation.

CONSAD statement 13: "The use of 1968 data, which were obviously not available when the report was written . . . to illustrate the incorrectness of statements in the CONSAD report cannot be interpreted in any other way than as an obvious attempt to discredit the CONSAD report . . ."

Comment 13: Viewed somewhat less defensively, the use of 1968 data can indeed be used to "illustrate the incorrectness of statements in the CONSAD report . . ." In the first place, the CONSAD model assumes that the industry is in long-run equilibrium. If the 1968 data differ substantially from the 1966 data used in the CONSAD report, then clearly the industry was not in long-run equilibrium and CONSAD's model is inappropriate. In the second place, even if the model were somehow appropriate, the fact that the 1968 data differ from the 1966 data

implies that the results, if valid for 1966, would not be valid for 1968, 1969, or for the 1970's—the period that is relevant for public policy. In short, conditions in the industry have changed dramatically since the CON SAD base years; hence, those years are of doubtful value for predicting the future.

Mr. LONG. I personally think that the economists and the experts in the Interior Department and other petroleum economists who feel that the report is completely unsound and who feel that the logic is so completely discredited that the report does not deserve our consideration should have their side of the matter printed as well as the side of those who would like to place most emphasis upon the report.

I point out that Mr. Collado's letter has been used by the Senator from Wisconsin in a fashion in which he would not want to have it used.

The Senator noted only one aspect of the matter. He noted that Mr. Collado was not referring to the factors which one could call collateral in any respect at all.

He pointed out that there would be a reduction in production if the depletion allowance were cut, but that certainly a company could be expected to continue to produce from its present reserves and the discoveries it had already made. However, the reduction that would occur over a period extending to the year 1985 would cause this Nation to be producing 1,400,000 barrels a day less, or more than 20 billion gallons a year less, than we would be producing otherwise.

Second, Mr. Collado in that same statement pointed out that there are a lot of other factors that we really could not get precise estimates on, factors such as the effect of a reduction in cash flow on the incentive to invest and produce.

One thought was that we could not really estimate what the effect of it would be, but that anyone could tell us that, if we tax an industry to the extent that it is not profitable to explore for more oil, there will be less exploration for oil. And that will probably result in a major reduction of drilling and of the discovery of new production in this country.

Mr. President, I ask unanimous consent that the memorandums I have prepared in this connection be printed at this point in the RECORD.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

MEMORANDUM ON MISINTERPRETATION OF MR. COLLADO'S LETTER TO MR. AREEDA

Mr. President, I would like to point out to the distinguished gentleman from Wisconsin that he has misunderstood Mr. Collado's projections and that an incorrect conclusion is being drawn from them.

First, the projection shows that if percentage depletion were cut to 20%, domestic crude oil production is 1985 would be 1,400,000 barrels a day lower than if depletion were maintained at 27½%. This is not a trivial reduction; it amounts to over half a billion barrels or 20 billion gallons a year.

This drop of over 10% in domestic production would have a serious impact on the economies of domestic producing areas but, of more importance, it would increase our dependence on the Middle East. The simple fact is that only the Middle East has the capacity to make up a shortage of the magnitude that such a cut in depletion would entail. I, for one, think it would be sheer folly to expose further our economic health—indeed, our national security—to political developments in that volatile area. The added tax revenues—if there would be any in the long run—would simply be inadequate to justify such additional risk.

Secondly, Mr. President, I would like to note that Mr. Collado's projections have been interpreted without consideration of the qualifications indicated by him in prefacing his remarks.

In the explanation of his projections, Mr. Collado stated that no weight was given to the resulting reduction of cash within the industry, or the loss of interest by prospective investors, which would follow any reduction in the depletion rate. The reason no weight was given to these losses of investment capital was because, while they are sure to happen, a determination of the exact amount is highly speculative. His projections were limited to numbers which can be obtained from production economies. He merely called to the attention of the task force the resulting danger of capital losses normally flowing into the exploratory branch of oil operations so that they might use their own judgment as to its magnitude.

In my personal judgment, Mr. President, the impact of reduced cash flow and loss of investor confidence would have a greater impact on exploration and production than would the change in the producing economics to which Mr. Collado limited his observations.

Finally, Mr. President, it has been pointed out that the figures show that a cut in depletion would not lead to lower production until 1974. This situation is purely fortuitous, and comes about for two simple reasons.

One is that there is some spare producing capacity today—spare capacity which has proved valuable during periods of supply disruption. This spare capacity will ultimately disappear, but if depletion is cut, it will disappear more rapidly. But, for a few years, we can live on this spare if we choose to pay no heed to the future.

Another important factor is the recent discovery of new reserves in Alaska. This field, now that it has been discovered, will probably be developed whether depletion is reduced or not. But the important fact is, Mr. President, that without depletion you can be sure that the industry would never have undertaken such an extremely expensive search for oil in the hostile Alaskan environment.

The cut in depletion which is being proposed now—and erroneously justified by faulty interpretation of Mr. Collado's projections—will surely result in declining exploration and the loss to us of possible future finds like Alaska.

Mr. LONG. Mr. President, furthermore the statement was made that other countries do not have depletion allowances. I point out that they have incentives which exceed those that we have. And they have incentives of various degrees to encourage people to go into the business of producing their essential requirements.

I ask unanimous consent that there be printed at this point in the RECORD the material appearing on page 4451 through the middle of 4454 to indicate what other countries are doing to find their requirements for oil and gas in those countries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF INCENTIVES GRANTED BY FOREIGN GOVERNMENTS IN REGARD TO THE PRODUCTION OF OIL AND GAS UNDER PETROLEUM AND/OR TAX LAWS

ARGENTINA

Immediate deduction is allowed for exploration costs as well as amortization thereof. And option is available to deduct exploration expenses and normal depreciation on capital assets against non-petroleum activities.

AUSTRALIA

Recovery of expenditures.—A taxpayer is permitted to recover allowable capital expenditures in regard to exploration and producing activities before any production income becomes subject to income tax. This provision accumulates expenditures for formation, exploration/development and production as deductions against future income from the sale of petroleum production. Income tax is thus postponed until the deductions have been fully offset against producing sales. A petroleum exploration company is allowed to transfer the tax deduction for any producing or exploration expenditures from itself to its shareholders. In this way, the shareholder can claim the deduction for the stock investment in a petroleum exploration company against current taxable income and the deferred deduction of the exploration company is correspondingly reduced.

Partial additional deduction for investment.—A deduction for ⅓ of the "calls" on shares to the stockholder investing in the exploration venture is allowed. Since the exploration company may claim a tax deduction for its expenditures, this will result in an aggregate deduction of 133⅓% between the company and its shareholders.

Direct subsidies.—Subsidies are also used to create favorable conditions for petroleum exploration activities. Originally limited to a subsidy of ½ the cost of a company's approved-stratigraphic drilling program; now extended to include off structure drilling, detailed structure drilling, borehole surveys, and geophysical surveys employing magnetic, seismic, gravimetric or other physical methods of obtaining petroleum exploration information. Both past and future subsidies are not taxable, but the taxpayer's deduction for exploration expenditures has to be reduced by the amount of subsidy received. The government now pays up to 30% of the cost of all geophysical surveys and test drilling operations. In the case of stratigraphic drilling the limit is 40%.

BELGIUM

Allows producers a tax-free reserve limited to 50% of the taxable profits from production. Such reserves must be reinvested within 5 years.

BRITISH HONDURAS

Allows percentage depletion of 27½% of gross income limited to 50% of net petroleum income after royalties but before depletion. Intangible drilling costs are deductible when incurred, limited to 50% of net petroleum after royalties but before depletion.

CANADA

Allows percentage depletion at 33⅓% of overall profits. All drilling, exploration and general operating costs on a company-wide basis must be deducted before depletion is computed.

COLOMBIA

Allows normal percentage depletion of 10% of the gross value of production less any royalties or participations, limited to 35% of net income before depletion. In addition, a special depletion allowance, computed on the same base, of 18% in the East and Southeast Region, and 15% in the rest of the country, is also allowed. The total of normal and special depletion is limited to 50% of net taxa-

ble income in the East and Southeast Region and to 45% in the rest of the country. Amounts allowed as special depletion must be reinvested within three years in petroleum related facilities. Failure to reinvest results in their restoration to taxable income, but over-investment may be carried forward to apply against future reinvestment obligations.

FRANCE

Allows producers a reserve equal to 27½% of the gross value at the wellhead of the crude oil extracted. This reserve is limited to 50% of the net profit from production and from the first stage of processing in the producer's own refineries. For the tax exemption to be retained such amounts must be reinvested within 5 years, either in the way of fixed assets or research work for new discoveries of oil or gas, or by making investments in certain companies approved by the government. If not reinvested within this time limit, the reserve is required to be restored to the taxable profits of the fiscal year during which such 5-year period expires, and taxed as ordinary income.

GERMANY

German (domestic) oil companies operating outside Germany could obtain through December 31, 1968 low interest loans in amounts of up to 75% of the costs of exploration. Such loans were repayable only when commercial production was obtained. Exploration for or production of oil during the years 1959 to 1962 was a prerequisite. There is a new government incentive for foreign operations which was signed on July 7, 1969, effective for the years 1969 through 1974. Under the new proposal a total of DM 575 million will be allocated under a loan scheme. Loans will be granted up to 75% of exploration expenditures and if there is no discovery, no repayment will be required. Even with discovery, up to 50% of the loan can be waived under certain circumstances. If the financial situation warrants it, the plan contemplates a non-repayable contribution of up to 30% of the costs of acquiring a productive field or shares in a producing company. To be eligible under this new plan, the company must be domiciled in Germany and have produced petroleum in Germany or been processing petroleum within Germany prior to January 1, 1969. Loans will not be granted if the enterprise can reasonably be expected to finance itself. However, it is expected that if a group of the major German-controlled companies form a new company to explore overseas, this new company will not be considered able to finance itself. Until January 1, 1970, oil and gas companies are permitted to write off drilling costs, geological and geophysical expenditures, dry holes, etc., immediately against other income, whether a branch or subsidiary is used. An oil company can also write down its investment in a foreign subsidiary. When production is achieved the investment must be restored, but this restoration can be written off on a very liberal basis. Presumably this legislation will be extended.

GUATEMALA

Allow percentage depletion of 27½% of gross income, limited to 50% of net income. Exploration and intangible drilling costs can be expensed. Losses can be carried forward indefinitely.

GUYANA

Allows percentage depletion and deduction of intangible drilling costs at a "reasonable" level as established by the Commissioner.

HONDURAS

Allows percentage depletion of 25% of gross production, limited to 50% of net taxable profits. Exploration expenses as well as intangible drilling costs can be expensed. Losses can be carried forward for ten years.

ISRAEL

Allows percentage depletion of 27½% of gross income, limited to 50% of net income.

JAPAN

Allows percentage depletion for companies conducting petroleum exploration, subject to a recapture to the extent that, within a 3-year period, an amount equivalent to the deduction has not been invested in further exploration. The amount is 15% of sales revenue, limited to 50% of net income. A current deduction of intangible drilling and development costs for unsuccessful wells is also provided. These incentives apply to both domestic and overseas exploration.

Overseas incentive.—The government has organized the Petroleum Development Public Corporation (PDPC) as a government-owned entity for the purpose of channeling government funds into exploration and production in order to promote the development of petroleum resources and to ensure stabilized supplies of petroleum.

The PDPC accomplishes these objectives by:

(1) Making investments and loans necessary for petroleum exploration in overseas areas,

(2) Guaranteeing debt resulting from loans necessary for overseas petroleum exploration and production,

(3) Leasing equipment required for oil exploration, and

(4) Giving technological guidance on oil exploration and production.

The loans referred to in (1) are extended on favorable terms and repayment is required only if the venture financed is successful. Loans amounts may be as high as 50% of the cost of the undertaking, and joint exploration ventures by Japanese and foreign companies, in which the Japanese interest is at least 50%, may also receive these benefits. To date, the PDPC has committed itself to extend financial support to exploration ventures in Alaska, Southeast Asia, and the Persian gulf.

Domestic incentives.—Presently, the government is in the process of developing a policy to actively encourage development of domestic oil and gas reserves. There is in effect a duty rebate system for certain offtakers of indigenous crude. There has been pressure on the government to extend the above PDPC incentives to domestic production, consequently, the government is now reviewing this possibility.

NICARAGUA

Allows percentage depletion of 27½% of wellhead value less royalties, limited to 50% of net taxable income before depletion. Intangible drilling costs and dry hole costs are deductible once production is attained. Losses may be carried forward ten years.

NIGERIA

Exploration losses, intangible drilling costs and dry holes can be expensed. Losses may be carried forward indefinitely.

NORWAY

The govenrment may grant companies engaged in the exploration and exploitation of offshore oil and gas deposits the right to carry losses forward over a 15-year period rather than the normal 10-year period.

PAKISTAN

Allows percentage depletion at the rate of 15% of the wellhead value, subject to a maximum of 50% of net income.

PERU

Allows percentage depletion from 15% to 27½% of the gross value of production (adjusted for transportation in certain areas) depending on whether a national or foreign company is involved and the region in which production is located. A foreign company with production in the Coastal Region is limited to 50% of net profit after deducting depletion and the 20% minimum advance payment of income tax. All others are limited to 50% of net profit before deduction of depletion and the advance payment of income tax. Deduction for intangible drilling costs is also allowable.

PHILIPPINE REPUBLIC

Allows percentage depletion of 27½% based on gross income, after an amount equal to any rents or royalties paid or incurred in respect to the property has been deducted.

SABAH

Allows percentage depletion at rates deemed reasonable by the Commissioner.

SPAIN

Allows percentage depletion of 25% of the field value of production less royalties, but limited to 40% of the net profit before deducting depletion: Similar rules apply in the Spanish Sahara.

ST. MAARTEN

Allows percentage depletion at rates deemed reasonable by the Commissioner.

TRINIDAD AND TOBAGO

Allows percentage depletion of 20% of the gross value of production of submarine wells limited to 40% of income without the deduction of certain specified allowances.

TURKEY

Allows percentage depletion of 27½% of the gross income from production after deducting rentals and royalties, limited to 50% of net income before deduction of depletion.

UNITED KINGDOM

Cash grants of 20% (40% in certain onshore areas) for oil and gas operations onshore and offshore are available generally as follows:

(1) Geological and geophysical expenses are usually eligible for grant except for the cost of general surveys to determine whether or not to begin exploration in an area.

(2) Lease acquisition costs are not eligible.

(3) Exploration, evaluation and production drilling costs qualify.

(4) Production equipment, certain pipelines and drilling platforms including overheads qualify.

In effect all exploration and drilling expenses (not in excess of investment grants) incurred prior to proving reserves may be expensed. Thereafter until production is achieved, both tangible and intangible drilling costs are capitalized and amortized on a unit of production basis. After production is achieved, tangible costs are still capitalized and amortized, but intangible costs are expensed. Losses may be carried forward for an unlimited number of years. All of the foregoing items that require capitalization must be so treated because only an item that is capitalized is eligible for an investment grant. If for any reason an investment grant is not received, such items may be expensed.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MILLER. Mr. President, I listened with great interest to the colloquy between the Senator from Louisiana and the Senator from Connecticut. I point out that the Senator from Connecticut remembers that in the presidential election of last fall, Vice President Humphrey was asked whether he favored a reduction in the 27.5 percent depletion. And his answer was "No." His reason was that if this depletion allowance were reduced very materially, it would certainly mean increased consumer costs. And with all due deference to my friend, the Senator from Connecticut, I do not believe anyone is more consumer minded than Vice President Humphrey.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, it becomes very obvious, with all due respect to former Vice President Humphrey, that he was running for election. And he was seeking the votes of the oil States in the same way that President Nixon was seeking the votes of the oil States. Without question, the oil industry is a powerful lobby.

The distinguished chairman, for whom I have the highest respect, made some slighting remarks concerning the CONSAD report. However, this report comes under the auspices of the Committee on Ways and Means and the Committee on Finance.

In that report it says that the elimination of the depletion allowance would reduce the Nation's oil reserve by only 7 percent.

The report continued by saying that only $150 million of oil is found each year which would not be discovered if we abolished the depletion allowance.

In other words the percentage depletion allowance, which costs about $1.6 billion annually returns only $150 million in new reserves.

Furthermore, I cannot understand—and I have the highest respect for the chairman of the Committee and for the Senator from Iowa—when we are talking about closing loopholes, why, Atlantic Richfield between 1964 and 1967 did not pay a single penny of Federal income taxes on earnings of $465 million.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. Mr. President, will the Senator yield me 1 minute?

Mr. WILLIAMS of Delaware. Mr. President, I yield 1 minute to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I think this shows what is wrong with the oil depletion tax rules and regulations. What we are trying to do and what we are supposed to do is write a tax reform bill, and we are not doing it.

Mr. MILLER. Mr. President, will the Senator yield me 1 minute?

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. LONG. Mr. President, I yield myself such time as I require at the moment.

With regard to the so-called CONSAD report, that was a report from some private research group commissioned by someone in the Treasury Department. It has nothing to do with the Committee on Finance.

This Congress authorized that the document be printed. I had not even seen the document. I do not know anyone in the Finance Committee who is familiar with the report. It is a document that someone had compiled. Since that time, it has been studied. And the people in the Department of the Interior think that it is fallacious, erroneous, and unreliable.

The people in the oil and gas industry point out a great many reasons why they think it is wrong.

One of the responsible experts in the Department of the Interior notes that there are more than 70 editorial discrepancies in the document.

I have a statement provided by the Department of the Interior, a Department in which the people are supposed to know something about this matter, rather than a statement coming from the outside, from an independent research group that is studying something that they know very little about.

The statement says in part:

> The present report is something of an intellectual and verbal jungle that requires intense study if any meaning is to be extracted. We find the CONSAD study unsatisfactory.

It all winds up with the same conclusion, that the findings of this report are wrong.

A memorandum I have inserted in the RECORD points out some of the glaring errors in the report. When the report makes mistakes that are very striking, it becomes noncredulous and meaningless. I have listed 13 of those striking errors that no one can argue about.

So, if they are wrong on 13 of their basic assumptions and wind up anywhere near the target, it would be an accident such as Columbus discovering a new world thinking that he had discovered India.

One would not know whether it was right or wrong, because so many things are obviously wrong about it.

Someone said something about Atlantic Richfield making money and paying no taxes. I would assume that most of that money was made from overseas development and that they were entitled to a tax credit for it.

Someone said, "Let us eliminate foreign tax credit." The Treasury Department estimated how much we would make out of that. We would make very little money. The foreign governments would make money. And hopefully, we would make $2 million for our Government in the first year. After that, the other governments would raise their taxes and keep the money for their treasuries. We would not get anything.

We would lose a lot of money, including the taxes that Americans pay on oil development overseas.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, I had promised to yield 3 minutes to the Senator from Oklahoma. I yield first to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I have been very interested in the comments about the amount of taxes oil companies pay.

I have the figures for my State of Oklahoma. In my State only the oil industry pays a gross reduction tax. We get no gross reduction tax from other industry.

But the oil companies—the oil industry—pay to the State of Oklahoma $44.8 million of gross production taxes every year. This is the largest single source of income to our State's general fund, and if we do not get this sort of income from the oil companies, it simply means that the State of Oklahoma will not be able to meet its responsibilities and will have to turn more to the Federal Government for help, as has already happened in too many cases.

This is only one of the very small cases showing that the oil industry does meet its responsibilities; and even though it may not pay as much Federal income tax as other industries, it is paying more than its share, as the chart shown by the distinguished Senator from Louisiana has demonstrated.

About 2 weeks ago, at a meeting of the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, the Federal Power Commission testified that a decrease in the depletion allowance from 27½ to 23 percent would mean that the Federal Power Commission would immediately be required, by its rules and the laws under which it operates, to order an increase in the cost of natural gas to consumers in the amount of 4 cents per thousand cubic feet.

The FPC is required to set a price that will give the companies a sufficient income to continue in business and to make a reasonable profit.

When we talk about cutting back on the depletion allowance, we are simply talking about raising the cost of the product to the consumer, and I believe we should not overlook that fact as we vote today.

To me, the significant point here is that even though the companies raise their price of the product—which they are certain to do and in this way continue to be profitable, as they must be if they are going to continue in business—there is no assurance that the funds they receive from these increased product prices will go into oil exploration; whereas, because of the 27½ percent depletion allowance, the companies and individuals who invest in the oil industry have been encouraged to continue exploring reserves for the future.

Senators must keep in mind that when we talk about changing what is not a loophole or any kind of tax escape but rather an incentive, we are talking about decreasing the incentive for the continuation of oil exploration, and we are talking about reducing the country's oil reserves for the future.

I believe sincerely that the 27½ percent depletion allowance has served a good purpose. I believe that, in the long run, it is going to be in the best interests of this country to see it maintained. If it is cut to 20 percent, as the Senator from Delaware proposes to do, it is going to weaken the industry irreparably.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 11 minutes remaining.

Mr. WILLIAMS of Delaware. I yield 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator.

Mr. President, it seems to me that we have met all the other arguments against

reducing the oil depletion allowance. But the Senator from Louisiana now comes up with a series of charts that purport to show the oil industry is paying higher taxes than other manufacturing industries as a whole.

I have tried my best, and my staff people have tried, to find out the source of that information. One of the important things in these debates, when we use this information, is to find out who provided it. I asked the staff of the distinguished Senator from Louisiana, and they did not know. I understand the oil industry itself may have supplied this information. We have tried to get details on this information. We have been told, when we have tried, that this information is not for public record, that it is not going to be fully disclosed.

I should like to tell the Members of the Senate—and I have the charts if they would like to see them——

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. LONG. That information is in the record, and I will make it available to the Senator before the day is out.

Mr. PROXMIRE. What is the source? The petroleum industry?

Mr. LONG. I will find the source for the Senator.

Mr. PROXMIRE. I thank the Senator.

Mr. LONG. The Senator has never challenged it before, and he and I debated this matter before, as he knows.

Mr. PROXMIRE. The SEC does have a record of the percent of taxes—Federal taxes, State taxes, foreign taxes—paid by the oil companies in the country as a percentage of their income. I have that right here. It is true that they have to say "some of the taxes," because the oil companies do not disclose all the taxes when they file with the SEC. But on the basis of the only official governmental source we can get—and this is all the big oil companies in the country—I submit that they pay, on the average, 10, 12, and in some years as much as 15 percent of their income in State, Federal, local, and foreign taxes all together. I have this information available, if anyone wishes to check it.

Furthermore, my staff did make a study of the one company which the Senator from Louisiana's people were able to make available to my staff—Atlantic Richfield—to find out how large a tax they paid as a percentage of their income. In terms of Federal taxes, they paid none; State and foreign taxes, 8.6 percent; severance, production, and property taxes, 18.5 percent. When that is added up, it totals approximately 27.1 percent of their net income. This is less than the percentage that nonoil companies, the other companies, paid to the Federal Government in Federal income taxes alone.

When we reflect on it, we know that every manufacturing concern pays not only Federal taxes but also State taxes, local taxes, including property taxes.

So that the argument made by those who are opposed to reducing the oil depletion allowance does not stand up when we get the only official source of information that seems to be available.

I would be delighted to hear at any time from the Senator from Louisiana as to what his source is.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield, if I have time.

Mr. RIBICOFF. In 1968, the major refiners and producers paid an average of 7.7 percent of their net income in Federal taxes. The lowest individual income tax bracket is 14 percent. Does the Senator from Wisconsin think it is fair for a person who works as a laborer or as a clerk to pay a minimum tax of 14 percent when these large oil companies have an average income tax of 7.7 percent?

Mr. PROXMIRE. This dramatizes why this is a notorious loophole. Just think of that: A man making $600 of taxable income has to pay 14 percent. But the big oil companies, making hundreds of millions of dollars and in some cases billions of dollars in net profits, pay an average of 7.7 percent, or half of what the poorest income taxpayers in this country pay.

Mr. RIBICOFF. I have another statistic for the Senator's comment: In 1968, manufacturing corporations paid 40.8 percent of pretax earnings in Federal taxes. The oil corporations paid 11 percent.

Mr. PROXMIRE. Again, this dramatizes the point I have been trying to make.

Mr. RIBICOFF. Mr. President, if there is to be tax reform this year—reform in deed as well as words—the excessive tax favors granted to the oil industry must be ended.

No other step will so effectively demonstrate the desire of Congress to close off tax loopholes.

The sheltered oil industry has long been the symbol of tax inequity.

Today, in this year of reform, it remains the symbol of special privilege in the tax code.

There is something wrong with our sense of fair play when our laws permit a single oil company to escape all taxation on nearly half a billion dollars of net income.

The provisions in the tax code which favor the oil industry are now familiar. Oil's unparalleled position has been established by: First, percentage depletion; second, "intangible" costs deduction; and third, foreign tax credits. Percentage depletion is a deduction of 27.5 percent of gross revenues not to exceed 50 percent of net income from a property. "Intangible" costs are all those associated with drilling other than the machinery itself. The foreign tax credit is a dollar-for-dollar write-off for all taxes paid to a foreign government.

The goal of encouraging exploration and development of petroleum reserves is a worthy object of national policy. It should be achieved, however, in a manner consistent with the tax treatment afforded other industries.

Percentage depletion enables the cost of some operations to be deducted 20 times. In effect, it gives 27.5 percent of gross revenues full immunity from Federal taxation.

"Intangibles" include any item with no salvage value—for example, expenditures related to drilling, clearing, preparing the land, or constructing the physical plant. This sum equals 75 percent of the cost of an oil well. The difference, of course, is deductible over the life of the asset.

Many companies have elected to deduct "intangibles" immediately and to take percentage depletion over the life of the facility.

These two tax devices are not merely cost recovery mechanisms. Rather, they constitute what the authoritative Treasury Department Study of 1969 calls "a substantial subsidy to the oil industry."

Substantial is hardly the word for it. This subsidy amounts to $1.6 billion annually.

The statistics are revealing.

The Federal corporate tax rate is 48 percent.

Only 44 percent to 51 percent of actual profit for the oil industry, as compared to 97 percent for other manufacturing companies, is considered taxable income.

In 1965, actual Federal income taxes as a percentage of net income was 37.5 for all industries and 21.1 for petroleum.

In 1968, the major refiners and producers paid an average of 7.7 percent of net income in Federal taxes. The lowest individual income tax bracket is 14 percent.

In 1968, manufacturing corporations paid 40.8 percent of pretax earnings in Federal taxes; oil corporations paid 11 percent.

Atlantic Richfield paid no Federal income taxes between 1964 and 1967 on earnings of $465 million. Consider the top five companies in 1967: Standard Oil of California paid 1.2 percent; Texaco, 1.9 percent; Mobil, 4.5 percent; Gulf, 7.8 percent; and Standard Oil of New Jersey, 7.9 percent of net income.

Between the depletion allowance and related loopholes, the oil import quota system, and State market proration laws, the American taxpayer is paying a subsidy in excess of $7 billion per year to the oil industry.

The oil industry has advanced one basic argument on behalf of percentage depletion: The incentives of the market place are insufficient to encourage exploration and development necessary to maintain a level of reserves adequate to potential emergencies.

However, the most recent survey shows that elimination of the depletion allowance would reduce our known reserves by only 7 percent. Further, only $150 million worth of oil would not otherwise have been discovered in a year. The Federal subsidy program which costs $1.6 billion returns $150 million in product.

Gross revenue is a most inefficient basis for an incentive to explore and develop. It emphasizes production, not search. It rewards the nonoperator as well as the operator. It favors a few companies over the rest of the industry—8.5 percent of the companies collected 99 percent of the depletion allowance in 1966.

If there must be a depletion allowance, it should be a cost depletion deduction. It should apply to those who actually explore and drill. It should also en-

courage the perfection of new techniques for finding and extracting petroleum.

The recent discoveries on the North Slope in Alaska have greatly increased the Nation's potential oil supply. While exact figures are unavailable at this date, the Alaskan discoveries have insured a greater reserve of petroleum products for domestic use than could have been envisioned only a few years ago.

Additionally, our known reserves of oil shale contain over half a trillion barrels of oil—or a supply for 100 years. The Secretary of the Interior has estimated that the expenditure of far less than the amount lost to the Federal Treasury in 1 year through percentage depletion would finance a successful research and development program enabling us to tap this rich supply.

While proponents of depletion claim its value toward promoting national security by encouraging domestic exploration and development, the fact is that 40 percent of percentage depletion is claimed either for interests in foreign oil or nonoperating interests in domestic wells. Thus, almost half of this Federal subsidy is not directed toward the extensive exploration which is claimed to be its justification.

The foreign tax credit also permits the oil industry to receive a special break.

The tax credit permits a company to write off each dollar of taxes paid to a foreign country directly against dollars owed in taxes to the United States. Foreign taxes are often merely a disguise for royalty payments to the host nation where the oil operations are situated. Thus, what is normally considered an ordinary cost of doing business is treated not as a simple deduction from gross income, but a direct offset against Federal taxes.

Mr. President, the present oil depletion allowance is unjustified.

Congress must end its reluctance to consider this particular provision on its merits.

Depletion is little more than a direct subsidy to a powerful interest group.

Economically, it is unnecessary; socially, it is undesirable.

Our taxes are the means by which this society sustains itself. The tax laws reflect many of this Nation's most fundamental values.

It is time Congress terminated instances of special favoritism in the tax code.

I shall support amendments which would reduce the percentage depletion allowance for oil.

Mr. PROXMIRE. If we take the argument relied upon by those who oppose the reduction of the depletion allowance—that is, that the oil companies pay more in taxes—if we consider State, local, and Federal, we still find, even adding all that in, that they pay less in total taxes than other corporations pay to the Federal Government, because the 40-percent figure which the Senator from Connecticut has given us is higher than the total taxes of all kinds paid by the oil industry.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield whatever time I have remaining.

Mr. MILLER. The Senator from Connecticut and the Senator from Wisconsin talk about a certain percentage of pretax earnings. I think the record should show exactly how they computed those pretax earnings. Did they take into account the deductions for intangible drilling and development costs? Did they take into account the net operating loss carryovers?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. The figures I have came from the SEC. The SEC has done its best to make these figures comparable.

The PRESIDING OFFICER. Who yields time? Each side has 5 minutes remaining.

Mr. LONG. Mr. President, the Senator from Wisconsin asked about sources of information.

I ask unanimous consent to have pages 4454 through 4464 of the hearing record printed at this point in the RECORD. Some of this is by an oil company witness, but he makes reference to the sources upon which he is relying. Some of this is from the Chase Manhattan Bank.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT G. DUNLOP, PRESIDENT SUN OIL COMPANY, PHILADELPHIA, PA., AMERICAN PETROLEUM INSTITUTE; MID-CONTINENT OIL & GAS ASSOCIATION; AND WESTERN OIL AND GAS ASSOCIATION

SUMMARY

1. The United States economy is heavily dependent upon petroleum energy; oil and gas today provide nearly three-fourths of all energy consumed in this country.

2. Assured supplies of petroleum are vital to the national security of the United States.

3. With present tax incentives, the domestic petroleum industry has met this country's essential petroleum needs.

4. Present tax and other incentives have enabled the industry to develop a reserve producing capacity amounting to 3,000,000 barrels daily in 1968.

5. Similarly, the United States today has a spare producing capacity—producible and deliverable with existing facilities—of 1,000,000 barrels daily, which is available to meet emergency needs of this country and its Allies.

6. With existing tax incentives, the industry has made oil and gas available to consumers at reasonable prices.

7. Since it is based on production, the depletion provision is a particularly effective incentive for research leading to technological improvement; as such it has contributed significantly to broadening the nation's petroleum resource base.

8. Existing tax incentives have contributed significantly to improving the international payments balance of the United States and to world economic progress.

9. Tax incentives have contributed to the conservation of natural resources by encouraging the use of marginal oil.

10. The petroleum industry earns only average profits on investment.

11. The petroleum industry carries an overall tax burden equivalent to or exceeding that borne by other industries.

12. The combination of sharply rising costs and modestly rising prices is limiting funds available for investment; reserves of oil and gas declined both relatively and absolutely in 1968.

13. Federal control of natural gas well-head prices is partially offsetting the effect of tax incentives and creating a serious supply problem for the future.

14. Increased taxes would likely result either in higher petroleum prices or in reduced investment; neither alternative is desirable.

15. Complete elimination of tax incentives would make the United States heavily dependent on foreign oil; that dependency would range up to 48 to 58 percent of supplies.

16. This dependency could very well involve this country in a Middle East conflict, through our attempting to insure stability in the area.

17. Contrary to popular notions today, the United States is not running out of oil. Neither is it indicated that Alaska will produce enough additional oil to meet our future needs.

STATEMENT

I am Robert G. Dunlop, president of Sun Oil Company, Philadelphia, Pa. My appearance today is on behalf of the American Petroleum Institute, the Mid-Continent Oil and Gas Association, the Rocky Mountain Oil and Gas Association and the Western Oil and Gas Association.

I will attempt to give you an over-view of the present petroleum situation in the United States and of the likely impact of proposed tax changes on that situation. Appearing with me are Mr. William Spencer, executive vice president of the First National City Bank of New York, who will discuss future petroleum requirements and capital investment needs; Mr. George V. Myers, executive vice president, Standard Oil Company (Indiana), who will evaluate the impact of the proposed tax changes on domestic operations; and Mr. Emilio G. Collado, executive vice president of Standard Oil Company (New Jersey) who will close our presentation with a discussion of the tax treatment of foreign petroleum operations.

My colleagues and I appreciate this opportunity to present the petroleum industry's views on proposed tax changes for oil and natural gas. We feel strongly that this Committee's decisions on petroleum tax policies will significantly affect the Nation's future economic progress and its security. Accordingly, we feel that it is vitally important that the Committee's decisions be based on a comprehensive review of the effect of the proposed changes on our Nation and all of its citizens. It is our intent to contribute to this review by providing you with pertinent background information on the present petroleum situation and how it would be affected by the tax changes now under consideration.

In providing an over-view, I will attempt to define the role of tax incentives in the Nation's petroleum progress; to place the industry's tax payments, prices and profits into perspective; to discuss the relevance of petroleum tax policy to national security; to describe the present status of the industry; and to look at the impact of the tax proposals on the United States petroleum supply position.

First, however, I would like to state the industry's basic position on proposed changes in tax policy. It is this. Our experiences as oil men demonstrates that the tax incentives provided by the Congress in present law have very effectively achieved the purpose for which they were created: to provide an incentive for development of our petroleum resources. That our resources have, in fact, been effectively developed is a matter of record—a record of which we in the industry are indeed proud.

We observe two kinds of pressure being applied for a reduction in petroleum tax incentives. One is the pressure of emotional argument for boosting taxes on oil companies, come what may. The second is a more reasoned approach, recognizing the need for incentives but questioning whether the present level is necessary.

The facts of the situation appear to be of little interest to those who have been ad-

vancing the emotional arguments. But we are hopeful that the facts will be of paramount importance to those who are sincerely interested in reaching tax policy decisions that will be in the long-run best interests of the people of the United States.

We seek to be open-minded. We are not blindly opposed to change. If petroleum tax policy changes can be demonstrated to be in the best interests of the American public, we will surely not oppose them. But we strongly oppose change based on emotion rather than reason—change which is inimical to the progress of this Nation and to its security.

PETROLEUM ENERGY IN THE UNITED STATES

Against that background, I want first to look with you at the role of petroleum energy in the United States today. I submit that it would not be overstating the case to say that petroleum is the virtual lifeblood of this country. The Department of the Interior has aptly summed up the Nation's heavy dependence upon oil and natural gas in these words:

"The importance of petroleum to the national life of the United States at this particular moment in history is abundantly in evidence. It supplies nearly three-fourths of all energy consumed. Virtually all movement of goods and people depend on it. The Armed Forces would be immobilized without it. Countless industrial processes employ it exclusively, and nine-tenths of all space-heating is provided by it. And quite apart from its use as a fuel, petroleum forms the base for 88 percent of all organic chemicals manufactured in the United States."

I have taken a moment to include that quotation because I feel that it points up sharply why we are here today. Petroleum is vital to our country—so vital that the Nation could not exist today as we know it without adequate supplies of oil and natural gas.

The industrial revolution which is at the base of our prosperity could just as accurately be characterized as an energy revolution. Our ability to substitute inanimate energy for muscle power has made possible the tremendous increase in per capita production which is the essential measure of economic development.

The correlation between energy consumption and income is one of the significant facts of modern life. (See Exhibit I.) [Graphs not printed in RECORD.]

Petroleum is also essential to our defense capability, although in this age of nuclear weapons some observers seriously challenge this view. I would remind those challengers that, fortunately, the nations of the world have so far avoided nuclear war as a means of solving differences. And we all live in the hope that they will continue to do so. Conventional warfare, on the other hand, is likely to be with us for the foreseeable future. So petroleum is now, and will continue to be, vital to our national security.

Although surprising to many, the truth is that petroleum is becoming increasingly important to our defense capability. In 1968, defense procurement of petroleum per man under arms *was twice the peak World War II level*—even though the fighting in progress last year was restricted to a very limited geographic area.

The Department of Defense has put it this way:

"The part that oil plays in the defense posture of the United States is vitally important. It is a strategic material and one of the few items that is absolutely essential and foremost in the minds of military commanders. Along with weapons and ammunition, the needs of petroleum get the most attention."

In my view, these facts add to an inescapable conclusion: The future of the United States as we know it is vitally dependent upon assured supplies of oil. Realistically, we have only two routes to travel in obtaining oil:

(1) maintaining a strong domestic industry capable of meeting our essential needs, or

(2) turning increasingly to foreign supplies and, ultimately, becoming dependent upon those less secure foreign sources.

PETROLEUM DEVELOPMENT UNDER EXISTING TAX POLICIES

Up through the present day we have chosen to travel the first route, seeking to provide the incentives necessary to assure the continuance of a strong domestic petroleum industry capable of meeting the essential oil and gas needs of the Nation.

Was this a wise course of action?

Petroleum needs fully met

The record affirms that it was. For under past and present policies the United States petroleum industry has historically met the petroleum supply needs of this Nation and at the same time contributed immeasurably to the needs of our friends and allies. I need not recount to this Committee the major supply crises we have successfully met in the past.

It would perhaps be of interest and value, however, to show by example how petroleum tax incentives, working in conjunction with other incentives, have contributed to the development of our petroleum resources.

At the close of World War II, the heavy war-time drain on United States petroleum supplies had resulted in a situation where productive capacity was barely equal to demand.

The tax incentives, together with the thrust of rising prices during the late 1940's enabled the industry steadily to improve the supply situation. By 1955, as shown in Exhibit II, [graphs not printed in RECORD] we had reserve capacity of more than 2,000,000 barrels daily. In 1968, reserve capacity was 3,000,000 barrels daily.

I suggest that this is a dramatic demonstration of the role played by the depletion provision and other incentives in helping to assure adequate supplies of petroleum for the United States.

To carry the discussion one step further, we might with profit examine our present available spare producing capacity in the light of potential requirements. I am referring now to deliverable capacity—that capacity which can be produced and transported with existing facilities.

I can best demonstrate this by posing a hypothetical situation. Assume for a moment a Middle East war in which the United States, Canada, Western Europe and Japan would be denied Arab bloc oil—that is, all oil from North Africa and the Middle East with the exception of Iran.

Assume also that the United States, Canada, Latin America and Iran choose to supply oil to the maximum of their ability to Western Europe and Japan, which are heavily dependent on Arab bloc oil.

First, what would be the oil supply position of the United States and Canada in this hypothetical situation? And, second, what would be the combined position of the United States, Canada, Western Europe and Japan?

A table demonstrating the supplies that could be made available in relation to requirements is attached as Exhibit III.

In response to question one, the figures show that the United States and Canada would lose 400,000 barrels daily of supply from the Arab Bloc. However, our country and Canada have a combined spare capacity of some 1,200,000 barrels daily, and could cover that loss.

EXHIBIT III.—EFFECT OF LOSS OF ARAB BLOC SOURCES OF CRUDE OIL FOR THE UNITED STATES, WESTERN EUROPE, AND JAPAN

[In thousands of barrels per day]

	United States and Canada	Western Europe and Japan	Combined
1968 requirements	14,700	12,700	27,400
Available from—			
Domestic production	11,700	400	12,100
Present production from non-Arab sources	2,600	3,000	5,600
Spare capacity:			
United States	200	800	1,000
Canada	200		200
Iran and Latin America		1,100	1,100
Total available sources	14,700	5,300	20,000
Shortage		[1] 7,400	7,400
Total	14,700	12,700	27,400
1968 imports from Arab sources	400	9,300	9,700

[1] If the United States were to share the burden, there would be a shortage in the United States and a correspondingly lower shortage in Western Europe and Japan.

In regard to question two, by making the best possible use of existing pipeline connections between the U.S. and Canada, we would have, together, remaining spare capacity of only 800,000 barrels daily. Assuming that we made this oil available, and that Latin America and Iran similarly made their spare capacity available, Western Europe and Japan would then be short 7,400,000 barrels daily, or 58 per cent of their needs. If the U.S. were to share this burden, there would then be a shortage in the U.S. and a correspondingly smaller shortage in Western Europe and Japan.

This example clearly demonstrates two important points. First, the United States, with its total deliverable capacity of 10,000,000 barrels daily, is the bulwark of Western oil supply. And, second, even with the spare capacity now available in the United States, there is a significant gap between oil supply and normal requirements in the West. We can permit that gap to continue to grow only at our peril.

Petroleum Provided at Reasonable Prices

In addition to stimulating the development of adequate supplies of petroleum to meet our domestic needs, existing tax policies have helped to make that oil and gas available at reasonable prices to consumers. In terms of real purchasing power, the average price of crude oil has declined in the neighborhood of 20 per cent since 1926. Price comparisons over a more recent period show that since 1957–59 the wholesale price index for crude oil has risen just five per cent while the index for all commodities has increased by 13 per cent.

Gasoline prices, excluding direct taxes, are up only 10 per cent, or approximately two cents per gallon, since 1926. Over the same period, the consumer price index has doubled. Again, over a more recent period, the price of gasoline has advanced approximately 10 per cent since 1957–59 while consumer prices generally went up some 28 per cent. (See Exhibit IV.) [Not printed in the RECORD.]

Technological advances benefit the Nation

I also want to point out that tax incentives have helped to create benefits for the Nation over and above the development of adequate supplies of petroleum at favorable prices.

The depletion provision, for example, through encouraging investment in the industry and helping to keep it strong, has spurred technological advances in finding and recovering America's oil and gas. The economic impact of these advances has been substantial.

It should be emphasized that percentage depletion is a particularly effective incentive for research leading to technological improvement, since it is based on production. A direct subsidy to exploratory drilling might stimulate that activity, but percentage depletion stimulates *both* exploration and technological advance after discovery. Percentage depletion rewards the successful explorer in proportion to the amount of oil he finds and produces—and hence in proportion to his contribution to the national interest. After successful exploration, it rewards successful research designed to increase producibility of the reserves discovered. It applies in neither case in the event of failure because it becomes effective only when oil is produced. In contrast, a subsidy applies regardless of failure or success.

In exploration technology, improved drilling capabilities have enabled the industry to recover oil and gas at depths that were formerly impossible to drill. In 1930, the deepest well yet drilled went down only slightly more than 9,200 feet. Today the industry is drilling below 25,000 feet.

On another front, offshore drilling in the United States was negligible until the latter half of the 1940's. Today, in contrast, offshore production accounts for some 10 per cent of oil output and 12 per cent of gas output, and the offshore search is one of our brightest prospects for the future. Again, improved technology was the key.

To cite one more example, improved exploratory and drilling know-how is playing an important role in tapping the tremendous reserves of the Alaskan Arctic.

Technological advance is also opening many new horizons in older fields once thought to be nearly depleted. Before World War II, production was limited to primary recovery—pumping out the oil until the flow became so small as to be uneconomic. This procedure left five or six times more oil in the ground than was recovered, with only 15 to 20 per cent of the oil in place actually produced.

The development of waterflood and other secondary stimulants changed this picture sharply. By upping recovery to 30 to 35 percent of the oil in place, the new techniques have essentially doubled the Nation's recoverable reserves.

I repeat, technology has doubled recoverable reserves. It has increased the estimated ultimate recovery of crude oil from proved reservoirs by almost 60 billion barrels—20 times current annual production.

In the future, the industry should continue to increase cumulative recoverability through broader application of existing techniques and the development of new techniques.

In brief, invention and innovation encouraged in part by tax incentives have substantially augmented our recoverable reserves and in doing so have contributed importantly to the goal of strengthening the domestic supply position of the United States.

Other economic benefits attributable to tax incentives

Finally, existing petroleum tax policies have contributed significantly to improving the international payments balance of the United States and to world economic progress which has in turn been beneficial to this country.

In regard to international payments, the key plus factor has been the substantial inflow of earnings from past investments abroad.

These same investments have also played a major role in the economic progress of developing nations. Revenues generated by petroleum development projects have provided these nations with the foreign exchanges so essential to economic development, and have contributed to secondary benefits such as the creation of modern transportation and communication systems.

Tax incentives have likewise made a contribution to the conservation of natural resources by encouraging the use of marginal oil rather than abandoning this oil. To leave oil of marginal value in the ground is an inexcusable waste of an exhaustible, non-replaceable natural resource. If a marginal well it shut down, the likelihood of its again producing is remote. If it is reopened, it will only be at a considerably higher price for its output. If the production is lost, the country is the poorer.

Incentives provided are not excessive

All of these benefits—adequate oil supplies, favorable oil prices, technological progress—have been achieved with the aid of incentives which are not excessive.

If the percentage depletion rate were excessive, for example, this should be reflected in petroleum industry profit performance considerably better than that of other industries. This is not the case. Rather, figures compiled by the First National City Bank of New York demonstrate that the petroleum industry earns only average profits. In 1968, 99 petroleum producing and refining companies earned a 12.9 per cent return on net assets compared with an average return of 13.1 per cent for all manufacturing companies. In fact, the rate of return on net assets for the petroleum industry was higher than the average for all manufacturing companies in only two of the last 10 years. (See Exhibit V). [Not printed in the RECORD.]

The May 15, 1969 issue of *Fortune* magazine published 1968 financial data of the 500 largest industrial companies in the United States. These data show that, of the 25 largest companies (determined on the basis of sales), seven were oil companies. From a profitability standpoint, however, the record is quite different. Only one of those seven oil companies that rank in the top 25 on the basis of sales was even in the top 100 when ranked on the basis of return on invested capital—and that company ranked only 99th. The companies in the *Fortune* study included 27 oil companies, whose weighted average rate of return on invested capital was 12.0 per cent compared to 12.3 per cent for the other companies.

Similarly, the petroleum industry carries an overall direct tax burden exceeding that borne by other industries, even though its federal income tax bill is reduced by the depletion provision. Lower income taxes are offset by the heavier burden of other direct taxes such as severance and property taxes. As a result, studies have shown that total taxes paid by the petroleum industry, exclusive of motor fuel and excise taxes, in 1966 were equivalent to 6.0 per cent of revenues. (See Exhibit VI). Mining and manufacturing corporations paid direct taxes equivalent to 5.8 per cent of revenues in that year, and all business corporations paid taxes equal to 4.8 per cent of revenues.

EXHIBIT VI.—*The domestic tax burden—1966 exclusive of excise taxes*

[Cents per dollar of gross revenue]

Petroleum	6.03
Mining and manufacturing	5.84
All business corporations	4.75

Current problems and future prospects

Against that background of past experience, I would like now to direct your attention to the petroleum industry's present situation and to its future prospects.

Very frankly, the industry today is eyeball to eyeball with some very serious problems. Steady and substantial increases in petroleum demand have collided head-on with sharply-rising oil finding and development costs, with the result that reserves relative to requirements have been declining. Last year the decline was not only relative, but absolute. Proved petroleum reserves dropped across-the-board during 1968, with the life index of crude oil reserves falling to under 10 years and that of natural gas reserves decreasing to less than 15 years. This does not include the new Alaska reserves which are still being evaluated.

The industry's capability to respond successfully to this challenge could well be determined by the decisions made by this Committee. For this reason I will take a few moments to delineate our major difficulties.

First, the domestic industry is caught squarely between sharply rising costs and moderately rising prices. As I noted earlier, the price of crude oil has risen considerably less than the wholesale price index over the past decade. On the other hand, inflation has boosted exploration costs sharply, and, more significantly, unit costs have been rising because fewer giant fields are being discovered. This upward trend in unit costs is likely to continue since the major new successes are occurring in offshore areas and in Alaska where per well costs are several times higher than onshore ventures in the "lower 48." Parenthetically, it should be recognized that in the long run the cost of crude from Alaska's North Slope will likely average substantially above the unit cost of the enormous field initially discovered.

While improvements in exploration technology have helped to offset rising unit costs a gap continues to exist, particularly in onshore areas where economic exploration ventures are becoming increasingly scarce. A similar problem exists in regard to recovery technology. The most attractive opportunities have already been developed, and further expansion will be dependent upon improved economics based on new technology and the continuance of effective tax incentives.

The natural gas problem differs somewhat from that of crude oil in that the federal government has provided incentives with one hand and taken them away with the other. In other words, the positive effect of tax incentives has been offset by Federal Power Commission regulation of well-head natural gas prices. Under regulation, natural gas sold in interstate commerce is priced below its free market value. In carrying out its gas regulatory responsibilities, the Commission has unfortunately focused its efforts on costs at the expense of supply. It has attempted to apply regulatory techniques developed for public utilities to an intensely competitive industry where survival depends on not investing in low or negative return areas. As a result, only the most favorable natural gas prospects warrant investment in an exploratory venture today.

The serious nature of the present situation was pointed up recently by Federal Power Commissioner Albert B. Brooke, Jr., who declared that the gas industry today faces a "crisis situation." He said that the most obvious, urgent and pressing problems is that of gas supply, and that the next five years "may well prove to be the crucial years." Estimating that demand would grow at a 5 to 7 per cent annual rate, he added that it was unquestionably certain that eliminating or modifying any of the provisions of the tax incentive package would lead to higher consumer prices or more restricted supplies.

In spite of the gas industry experience, it appears that some observers would like to see the crude producing sector of the petroleum business follow the same course as that mandated for gas—to produce at minimum

short-run costs regardless of the effect on supply and long-run costs to consumers. If we had followed this advice in the past, the giant fields where our reserve productive capacity is concentrated would be largely depleted, and encouraging new discoveries offshore and in Alaska would probably not have been made. As a result, we would have no reserve capacity today and we would be unduly dependent on foreign oil. In contrast, I believe that proposals for modification of the incentive structure should be directed toward increasing the efficiency of resource development in the long run.

Problems exist also for United States oil companies operating abroad. First, economic factors have led to a deterioration in return on investment. Second, host governments, to further improve their positions, are establishing national oil companies and demanding participatory shares in the development and sale of their crude oil. At the same time, crude deficient countries are establishing their own oil companies to discover and develop new supplies. As a result, United States firms find the going increasingly difficult. They must compete with nationally supported companies to obtain the right to explore and develop new areas, and then, having done so, must compete with national producing companies in selling their crude in foreign markets.

In the financial area, sharply increased capital requirements pose additional problems for the industry. I will mention just two points for your consideration. First, there has been a substantial increase in the debt to equity ratio of the larger oil companies. Since this trend cannot, of course, continue indefinitely, any further reduction in internally generated funds must necessarily lead to reduced expenditures on petroleum exploration. And, second, present tax proposals that would reduce the availability of funds to independent operators will immediately and directly reduce their exploratory activities.

As I noted earlier, the petroleum industry is not excessively profitable. To the extent that tax change proposals are geared to the assumption that it is, they are off base, indeed.

In brief, our present petroleum situation suggests that the industry today requires increased rather than reduced incentives.

THE IMPACT OF HIGHER TAXES ON PETROLEUM

Now, in the light of the current petroleum situation and the problems faced, what would be the impact of higher taxes on the industry?

Increased taxes, in the absence of any remedial action, must affect either profits and investment or prices. The alternative effects would be (1) reduced earnings and consequent reduction in capital invested in petroleum exploration and development; (2) increased product prices; or (3) some combination of the two.

Since the petroleum industry at present earns only average profits, a decline in profitability due to higher taxes would impair its earnings position relative to that of other industries. Since added tax costs cannot reasonably be expected to be absorbed, a tax increase would mean a reduction in the rate of investment by the industry. However, decreased investment in the face of a declining reserve trend and a steady increase in petroleum requirements is an unacceptable alternative if we are to continue our present policy of maintaining a strong domestic industry capable of meeting essential petroleum requirements.

The second alternative would be to shift the increased tax costs to consumers through product price increases. Because of the relative price of competitive fuels for other uses, price increases would probably be limited to fuels supplying transportation energy, such as jet fuel, diesel fuel and gasoline.

To the extent these products are used in business endeavors, the added cost would simply shift the deduction from one industry to another with no net gain to the Federal revenues, or shift the impact further along the line through succeeding price increases. The Federal Government, as the largest single consumer of petroleum products, would bear a significant portion of any price increase Only to the extent such additional costs were borne by individuals in non-business pursuits can it be assumed that, in the short run, the federal revenues would benefit.

An examination of this phenomenon discloses the effect to be regressive. A recent study indicates expenditures for gasoline per dollar of income are greater for the low income group than for middle and high income groups. The lowest income group, with earnings of less than $3,000 annually, spends an average of 6.2 cents of every dollar of income on gasoline, compared to only 1.5 cents per dollar in the group earning $15,000 or more. Because much of the driving of the low income group is work-oriented, their demand is relatively fixed, according to this study. Hence, the impact of an increase in gasoline prices would be four times greater on the lowest income group than on the highest income group.

Thus, a price increase to offset a tax increase would bear more heavily on the federal government and on low income households. It is by no means clear to me that this would be a net social gain.

Before leaving this topic, I would like to present some background information indicating the effect on the industry of complete elimination of tax incentives. In my view, these data point up very sharply the importance of present petroleum tax provisions to our national security.

Elimination of all petroleum tax incentives would have approximately the same impact on the domestic industry as the elimination of import controls, which would reduce revenues per barrel by about one-third. In the view of most industry respondents to the questionnaire issued by the Cabinet Task Force on Oil Import Control, the key effect of a one-third drop in revenue per barrel would be the "virtual cessation" of exploratory drilling. According to one company, elimination of the import control program or an equivalent decrease in revenue would result in an 85 per cent drop in the volume of exploratory drilling. According to another, the resulting reduction in industry cash flow would mean a "sharply curtailed" exploration program with a resultant permanent loss of "supporting industries, technology and trained people."

What this reduction in exploratory drilling might mean for future reserves was examined by another respondent. According to this estimate, "the amount of oil not discovered—which otherwise would be discovered—might approximate 1 to 2 billion barrels *each year* in the established older exploration provinces." This would amount to some 10 to 20 billion barrels lost over the next decade, *not* including the unknown amount which "otherwise would be discovered" in newer or future geologic provinces. The same respondent estimated the loss in reserves in existing developed fields at 6 to 10 billion barrels. The loss in reserves in fields which have been discovered but not developed was estimated at 5 billion barrels.

Six companies estimated that by 1980 the United States would be dependent on foreign sources for one-half to two-thirds of its petroleum supplies if oil import controls were eliminated. (See Exhibit VII). The average of these forecasts was 57 per cent dependency on foreign oil. And this allows for remaining production from reserves already discovered today, including the prolific discovery on the North Slope of Alaska, which has not yet been produced. The estimates made by these companies are in close agreement with projections made by the United States Department of the Interior, which predicted 48 percent (optimistic) to 58 per cent (pessimistic) dependency on foreign oil by 1980 if oil import controls were eliminated.

EXHIBIT VII.—*1980 percentage dependency on foreign oil in the absence of oil import controls during the 1970's*

Respondent:	*Percent*
Cities Service	68
Gulf	54
Humble	49
Marathon	61
Phillips	57
Sohio	54
Average	57
Department of the Interior	48–58

Source: Computed from data in submissions in July 1969 to the Cabinet Task Force on Oil Import Control.

Earlier, I indicated that the only alternative to maintaining a strong domestic industry was increased reliance on foreign oil. The above data clearly indicate how heavy that reliance would be if all petroleum tax incentives were eliminated.

In respect to the security aspect of these foreign supplies, I would like to quote from the summary of a recent API statement on this subject:

"Interference with foreign petroleum supplies can come from any of three sources: (1) military action during war; (2) shutdown (or sabotage) for political reasons; or (3) shutdown for economic reasons. The first of these is most important in general wars. Even in the absence of general war, however, there can be serious petroleum security problems in all three categories. Since World War II, there have been *eight* noteworthy interruptions of overseas petroleum supply—all in the prolific Middle East and African producing areas.

"None of these interruptions has succeeded in obtaining economic or political concessions from the United States or its allies—primarily because there has been a large, viable North American oil industry on which to rely in the event of emergency.

"If the United States were to adopt public policies which would make further exploration in North America generally unattractive, the United States would then have to turn to the Middle East-North Africa region for the bulk of its petroleum supplies because 86 per cent of overseas reserves are concentrated in this area (Venezuela currently accounts for 17 per cent of production but has only 4 per cent of reserves—See Exhibit VIII.) While no single overseas producing country has a sufficiently large share of reserves to be able to dominate the international oil market, *groups* of countries having common interests do have large shares.

EXHIBIT VIII.—*Share of 1968 free world crude oil reserves outside North America*

Areas:	*Percent*
Persian Gulf countries	75
North African countries	11
Subtotal	86
Venezuela	4
Indonesia	3
All other	7
Total	100
Groups:	
OPEC [1]	85
Arab nations	71

[1] Organization of Petroleum Exporting Countries.

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, one of the factors that I think deserves serious

consideration by all Americans today as we consider the tax reform proposal is what effect lowering of the depletion allowance from 27.5 percent to 20 percent would have upon the production of natural gas. One-third of all the energy this Nation has at its command today comes from natural gas. Natural gas heats a large percentage of the homes in America.

As the Assistant Secretary of the Interior for Mineral Resources, Mr. Hollis Dole, testified, as Mr. John Nassikas, Chairman of the Federal Power Commission, testified, and as has been testified to by John Carver, of the Federal Power Commission, and others appearing before the committee, gas is found in combination with petroleum today. We could make domestic petroleum production so unprofitable as to discourage the production of natural gas. That is what we have been doing, because the ratio has decreased from 20 to 1 to 14.6 to 1, where it is today, and within the next 4 to 6 years we probably will get down to a ratio of 10 to 1, which is a critical point for this country. If we get up to that point our entire economy is going to suffer.

More than that, the thrust this country is making today in order to clear up the air would be set back because no fuel supplies energy with as little pollution to the environment as does the production of energy through the burning of natural gas.

I suggest that before we further cripple the oil industry we consider very closely what will happen if we have a cutback on natural gas.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, I understand the theory of the Senator from Wisconsin but I believe there is a misunderstanding when they use the term "earnings" without showing us how those earnings are computed.

The Senator from Connecticut talked about Atlantic Richfield with millions of dollars earned and not paying a tax. How were those earnings computed? Were they computed taking a deduction for the net loss operating carryover? I do not know.

However, we are talking about an amendment to the percentage depletion and the law makes clear the percentage depletion cannot exceed 50 percent of net income. So, in my judgment, Atlantic Richfield would have had to pay a tax on one-half of its net income if that were the only thing we are talking about. As I understand it, Atlantic Richfield decided to plow everything they could into discovering new resources and that is how they happened to pay no tax, and this is how we ended up with the Alaska strike which will benefit all of this country.

Mr. LONG. Mr. President, I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I wish to be heard in opposition to the pending amendment, which would reduce the percentage depletion allowance to 20 percent rather than the 23-percent figure approved by the Finance Committee.

Mr. President, in the Committee on Finance I sponsored and supported a minimum income tax bill and an allocation of deductions provision which would have applied to intangible drilling costs as well as the depletion allowance, among other things. Those provisions would have raised some $1.5 billion. There was insufficient support for these proposals, and I thereafter supported the 5-percent minimum tax provision eventually adopted. Thus, I have made clear by my actions that the oil industry should not be singled out for exclusion from general tax reform. But neither do I believe that any industry should be singled out for more than its share of the impact of tax reform.

A recent report published by the Department of the Interior indicates that our need for domestic crude in 1980 will be 54 percent greater than the 2.7 billion barrels produced in 1965, and implies a total production requirement of 52 billion barrels over the 15 years between 1965 and 1980. This figure is rather impressive when it is realized, as set forth in the report:

> This is half again the amount of crude oil produced over the immediately preceding 15-year period, and nearly half the total additions to proved reserves that have been made since 1859.

The projected demand for natural gas by 1980 also shows a significant increase over present demands in the Department of the Interior report it is stated:

> If domestic production of natural gas were exactly balanced by additions to proved reserves, the reserves to production ratio at the end of 1980 would be 11.9 to 1. This appears to be too low.

Our concern for 1980, however, is somewhat overshadowed by what appears to be a current shortage of gas reserves and supply. Recently Mr. Ivan Nassikas, head of the Federal Power Commission, expressed his concern over our dwindling gas reserves and indicated that the supply-demand curves will intersect much sooner than 10 years from now, unless the present supply trend is reversed.

As appealing as it may appear to some, dependence on foreign energy supply is unwise. The disruptions of world petroleum supply and transportation in 1951, 1956, and 1967 are examples of what could happen if we relied primarily on foreign sources. During the 1967 disruption, over two-thirds of the oil supply of Western Europe was interrupted while only 3 percent of the oil supply of the United States was affected.

Of course, due to the difficulties of transporting gas long distances, we must depend almost entirely on our domestic reserves for our natural gas supply.

Under these circumstances, I think it is imperative that we maintain a strong domestic petroleum industry. This does not mean, nor do I intend to imply, that in maintaining a strong domestic petroleum industry we unduly favor this industry. But it should be realized that the petroleum industry's return on its average invested capital in 1966 was 12.6 percent as compared with 11.2 percent for all other industries and that since 1957 the petroleum industry returns have fluctuated between 13.5 percent and 9.9 percent while the industry aggregate has moved within a range of 11.2 percent to 8.6 percent.

Tax incentives available to the oil industry must be placed in a proper context—a context which recognizes that in only 20 to 30 percent of all exploratory wells drilled was oil or gas located.

Taking all these matters into consideration, I am concerned over the effect of any drastic reduction of present tax incentives to the petroleum industry. The projected needs of 1980 clearly indicate a need to encourage further exploration and development.

At the present time a great percentage of the exploratory wells are drilled by independents. In my home State, Oklahoma, 86.5 percent of the exploratory wells are drilled by independents.

A survey conducted by the Bureau for Business and Economic Research of the University of Oklahoma, indicated that the effective percentage depletion rate for major oil companies was around 23 percent and the effective rate for independents was approximately 21 percent. A reduction of the percentage depletion allowance to 23 percent would reduce the effective rate of percentage depletion to approximately 18 percent. A reduction to 20 percent would be even more serious and could result in the curtailment of much of the exploration being accomplished by our small producers.

Our future needs suggest we proceed with great caution before we drastically reduce tax incentives upon which those engaged in exploration so heavily depend. In the report of the Department of the Interior, the following comment concerning tax incentives is made:

> They are an integral part of the petroleum industry's structure of income and expense, and the available evidence suggests that any substantial change in them would have a direct and significant effect upon the future availability and cost of oil and natural gas.

I therefore oppose the pending amendment.

Mr. McGOVERN. Mr. President, I do not think we need to be reminded that our actions today will tell the American people whether the Congress is really serious about tax reform. No tax privilege in recent years has evoked such universal indignation as the percentage depletion allowance applied to income from mineral properties. That subsidy is the symbol of tax inequity in the public mind. It should be corrected in our present efforts at tax reform.

Designed as an offset for the exhaustion of natural deposits, the depletion allowance was originally limited to the recovery of cost. But percentage depletion, introduced in 1926, bore no relation to cost and permitted tax-free recovery vastly in excess of actual investment outlays. And the size of the depletion allowance—27½ percent—was the product not of precise actuarial calculations on the exhaustion rate of domestic petroleum deposits; it was rather a political compromise between the 25-percent rate suggested by one House of Congress and the 30-percent rate suggested by the other.

Mr. President, there are no arguments

left to support this continued tax preference in its present form for investments in oil and gas. In 1950, President Truman said that no tax loophole was "so inequitable as the oil depletion allowance." He proposed cutting the allowance to 15 percent—and he renewed that request in 1951. Since then, Congress has considered a great variety of amendments to reduce the allowance. But in 1958, 1960, 1962, and 1964, the Senate rejected proposals to close off or reduce the depletion loophole.

We cannot follow that old script again in 1969. The Senate must prove itself finally able to honor a clear public mandate for tax reform. The percentage depletion allowance for oil and gas should be reduced to the House-approved level of 20 percent; and the allowance for other minerals should be lessened proportionately.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. Mr. President, I yield 1 minute to the Senator from Mississippi.

PETROLEUM AND NATIONAL SECURITY

Mr. STENNIS. Mr. President, I am concerned about the serious impact the reduction in oil and gas depletion will have on this important Mississippi industry. I am convinced that the 27½ percent allowance has been a major factor in the growth and expansion of the petroleum industry in my State. Petroleum is Mississippi's most important mineral resource. Last year the Mississippi petroleum industry produced over 60 million barrels valued at $190 million. However, as chairman of the Armed Services Committee, I am also concerned about the impact the reduction will have on the security of our Nation and our people. And it is this concern that is the subject of my remarks today.

Most think of national security in terms of the military and the need to preserve the order and freedom of our country from foreign aggression. And while that is correct, it is not quite complete. The economy of a nation as technologically developed as the United States must also be assured stability and order if it is to continue to function and grow. And the two are interrelated. An effective military protects the economy. An efficient economy is necessary to support the military. Although our nuclear armaments are vital to our security, their only realistic role is to prevent an all-out nuclear or nonnuclear attack.

Thus, today, the military is built upon the concept of flexible response. Mobility is the key to conventional military defenses. In the last decade, mechanized army units have more than doubled their requirements for tanks and trucks. Look how important the helicopter is tactically in Vietnam. The need for the strategic movement of troops has greatly expanded our airlift capabilities. In fact, military consumption of petroleum products per man is now twice what it was during World War II. Over 80 percent of the supplies shipped into Vietnam are petroleum fuels. According to the Department of Defense:

> Oil is a strategic material and one of the few items that is absolutely essential and foremost in the minds of military commanders. Along with weapons and ammunition, the needs of petroleum get the most attention.

Obviously, then, a growing and stable supply of petroleum will be needed to meet military requirements.

From the standpoint of our economy, the U.S. industry produces one-third of the entire world's goods and services. We have achieved this with only 6 percent of the world's population but with one-third of the total world production of energy. These are impressive facts. They demonstrate how technologically oriented our Nation is and technology means more and more fuel. But these facts should also be a warning. Our progress in the years ahead hinges upon a dependable source of energy. Since petroleum provides three-fourths of our Nation's energy, our future economic security will be no stronger than our future supply of oil and gas.

At this point, let me pose a few questions. First, without an adequate domestic supply, where could the United States get its oil? The Federal Power Commission has expressed grave concern over the possible shortage of natural gas in the 1970's. The Department of the Interior has expressed concern over our declining oil reserves. If the tax incentives are changed beyond the Finance Committee recommendations, we could find ourselves having to depend on imports for more than 50 percent of our petroleum needs by 1980. That would be about 10 million barrels a day. At the present and for the foreseeable future, there is only one place where that much oil is available. And that is the Middle East—and I include in the Middle East, North Africa. No other existing or potential area could possibly meet the vast energy needs of our Nation. More than 86 percent of the free world's proved petroleum reserves outside the North American Continent are there. But how reliable a source is the Middle East? Can the United States depend on it for its future petroleum needs? Before answering these questions, let us take a close look at what has been going on in that area.

In the 1956 crisis, Egypt closed the Suez Canal attempting to exert political pressure by stopping the flow of oil to Europe. In June 1967, at the start of the Six Day War, the Suez was closed again and it is still closed. The Trans Arabian Pipe Line was also shut down for a time. This pipe line has been sabotaged three times during 1969. For 3 months, Saudi Arabia, Kuwait, Iraq, and Libya prohibited the export of oil to the United States, United Kingdom, and Germany. Nonetheless, by increasing production in the United States and other countries with spare productive capacity, by rescheduling tankers and shipping oil from the Persian Gulf around Africa, by judiciously drawing on inventories, the oil and gas industry managed to keep both of these crises from attaining any greater proportions.

I dread to imagine what the consequences might have been if the United States had itself been dependent on Middle East oil.

Against that background, let us consider present petroleum supplies in North America, Western Europe, and Japan. As I see it, the situation is already perilous. Western Europe and Japan are heavily dependent on Middle East oil. If another full-scale war were to erupt in the Middle East, all shipments of Middle East oil would stop—with the possible exception of Iran. With our present spare capacity, we in the United States could cover our Mid-East imports. Together with Canada we could export 800,000 barrels a day to Western Europe or Japan. Spare capacity in Latin America and Iran could supply them with another 1.1 million. But that would still leave our allies in Western Europe and Japan approximately 7.5 milliion barrels a day short. That is about 60 percent of their demand.

I am convinced that we cannot depend on the Middle East to supply our petroleum needs and that it would be under present circumstances pure folly to do so.

President Nixon has spoken several times about the need to defuse the Middle East area. That is a good metaphor, because the area is explosive. Historically, the United States has always had the flexibility of being independent of Middle East oil and making our allies likewise independent. Weaken the domestic industry and we sacrifice that independence and the flexibility it gives our foreign policy, now, when we need it most. We would be lighting the fuse we should be extracting.

Mr. President, a reduction in percentage depletion below 23 percent would be an unfortunate mistake which would seriously curb the incentive for oil and gas exploration, thereby reducing domestic petroleum reserves. The Senate Finance Committee has reduced tax incentives for the petroleum industry in several areas and a further reduction of any of these provisions will have a devastating impact on domestic producers and would be a serious threat to our national security.

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, I think one or two points may have been overlooked in this debate. We are not talking about only the depletion allowance in this bill. In addition there is the 5 percent tax on intangibles over $30,000. In addition to the cut we had in the Committee on Finance from 27.5 to 23 percent, there is an additional tax of 5 percent on intangible cost, so we are really dealing with a big cut in terms of the amount of tax free expenses on income, which is far greater than just the amount of the depletion we are talking about. This should be taken into account in determining whether or not we are

going to agree to the amendment of the Senator from Delaware.

I am strongly against it. I think it is a punitive measure.

Mr. WILLIAMS of Delaware. Mr. President, when the figure of 27.5 percent was first arrived at, corporate and individual tax rates were about 15 percent. Since then the rate has increased on every type of taxpayer, with corporate taxes going as high as 52.8 percent and individuals as high as 77 percent.

Mr. President, this is an industry which heretofore has not been paying its proportionate part of the operating costs of Government. The average tax rate being paid by this industry is now 8 percent on their income. The time is long overdue when we should correct this inequity and let this industry pay more nearly its proportionate share.

I hope the amendment is agreed to as a minimum step in this direction.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT (after having voted in the negative). On this vote I have a pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. GRIFFIN (after having voted in the affirmative). On this vote I have a pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The pair of the Senator from Illinois (Mr. SMITH) has been previously announced.

The result was announced—yeas 38, nays 52, as follows:

[No. 162 Leg.]

YEAS—38

Aiken	Case	Hart
Bayh	Cooper	Hartke
Boggs	Eagleton	Hatfield
Brooke	Goodell	Hughes
Byrd, W. Va.	Gore	Inouye
Jackson	Mondale	Russell
Javits	Muskie	Smith, Maine
Kennedy	Nelson	Spong
Magnuson	Pastore	Tydings
McCarthy	Pell	Williams, N.J.
McGovern	Prouty	Williams, Del.
McIntyre	Proxmire	Young, Ohio
Metcalf	Ribicoff	

NAYS—52

Allen	Ervin	Moss
Allott	Fannin	Murphy
Bellmon	Fong	Packwood
Bennett	Gravel	Pearson
Bible	Gurney	Randolph
Burdick	Hansen	Saxbe
Byrd, Va.	Harris	Schweiker
Cannon	Holland	Scott
Church	Hruska	Sparkman
Cook	Jordan, N.C.	Stennis
Cotton	Jordan, Idaho	Stevens
Cranston	Long	Talmadge
Curtis	Mansfield	Thurmond
Dodd	Mathias	Tower
Dole	McClellan	Yarborough
Dominick	McGee	Young, N. Dak.
Eastland	Miller	
Ellender	Montoya	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Fulbright, against
Griffin, for

NOT VOTING—8

Anderson	Hollings	Smith, Ill.
Baker	Mundt	Symington
Goldwater	Percy	

So the amendment of Mr. WILLIAMS of Delaware was rejected.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I will explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE's amendment is as follows:

On page 350, line 23, insert the following:

"DRAFT OF TREASURY FOREIGN TAX CREDIT RECOMMENDATION TAX REFORM ACT OF 1969

"SEC. 508. FOREIGN TAX CREDIT WITH RESPECT TO CERTAIN MINERAL INCOME

"(a) LIMITATION ON AMOUNT OF FOREIGN TAXES ALLOWED.—Section 901 (relating to taxes of foreign countries and possessions of the United States) is amended—

"(1) by redesignating subsection (e) as subsection (f), and

"(2) by inserting after subsection (d) the following new subsection:

"'(e) FOREIGN TAXES ON MINERAL INCOME.—

"'(1) REDUCTION IN AMOUNT ALLOWED.—Notwithstanding subsection (b), the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession, which would (but for this paragraph) be allowed under such subsection shall be reduced by the amount (if any) by which—

"'(A) the amount of such taxes (or, if smaller, the amount of the tax which would be computed under this chapter with respect to such income determined without the deduction allowed under section 613), exceeds

"'(B) the amount of the tax computed under this chapter with respect to such income.

"'(2) FOREIGN MINERAL INCOME DEFINED.—For purposes of paragarph (1), the term "foreign mineral income" means taxable income from mines, wells, and other natural deposits within any foreign country or possession of the United States, to the extent such taxable income constitutes taxable income from the property within the meaning of section 613. Such term includes, but is not limited to—

"'(A) dividends received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income, and

"'(B) that portion of the taxpayer's distributive share of the income of partnerships attributable to foreign mineral income.'"

"(b) Election of overall limitation.—Section 904 (b) (relating to election of overall limitation) is amended—

"(1) by striking out 'with the consent of the Secretary or his delegate with respect to any taxable year' in paragraph (1) and inserting in lieu thereof '(A) with the consent of the Secretary or his delegate with respect to any taxable year or (B) for the taxpayer's first taxable year beginning after December 31, 1969', and

"(2) by striking out 'If a taxpayer' in paragraph (2) and inserting in lieu thereof 'Except in a case to which paragraph (1) (B) applies, if the taxpayer'.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1969.

"DRAFT OF TREASURY FOREIGN TAX CREDIT RECOMMENDATION TAX REFORM ACT OF 1969

"SEC. 509. FOREIGN TAX CREDIT REDUCTION IN CASE OF FOREIGN LOSSES

"(a) Reduction in Foreign Tax Credit Limitation.—Section 904 (a) (relating to alternative limitations on foreign tax credit) is amended by adding at the end thereof the following new paragraph:

"'(3) Reduction in limitation.—

"'(A) Deduction of foreign losses.—In determining under paragraph (1) or (2) the taxable income for the taxable year from sources within a foreign country or possession of the United States or the taxable income for the taxable year from sources without the United States, as the case may be, there shall be deducted an amount equal to (i) the foreign loss carryovers to such year plus (ii) the foreign loss carrybacks to such year.

"'(B) FOREIGN LOSS CARRYBACKS AND CARRYOVERS.—For purposes of this paragraph—

"'(i) A foreign loss for any taxable year (hereinafter in this subparagraph referred to as the "loss year") shall be a foreign loss carryback to each of the 2 taxable years preceding the loss year and a foreign loss carryover to each of the 10 taxable years following the loss year. A foreign loss shall not be carried to a taxable year beginning before January 1, 1970. A foreign loss shall not be carried to a taxable year for which the taxpayer does not take the benefits of this subpart, but the number of taxable years to which such loss must otherwise be carried over under the preceding sentence shall be increased by the number of taxable years to which the loss must otherwise be carried which are years for which the taxpayer does not take the benefits of this subpart.

"'(ii) The entire amount of the foreign loss for the loss year shall be carried to the earliest of the taxable years to which such loss must be carried. The portion of such loss which shall be carried to each of the other taxable years to which such loss must be carried shall be the excess, if any, of the amount of such loss over the sum of the taxable income from sources within the same foreign country or possession of the United States in which the foreign loss occurred or the sum of the taxable income from sources without the United States, as the case may

be, for each of the prior taxable years to which such loss must be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year from sources within a foreign country or possession or from sources without the United States shall be computed without regard to the foreign loss for the loss year or any taxable year thereafter and without regard to section 172(b) (relating to net operating loss carrybacks and carryovers) and section 1212 (a)(1) (relating to capital loss carrybacks and carryovers of corporations).

"'(iii) The Secretary or his delegate shall by regulations prescribe the manner for carrying a foreign loss from sources within a foreign country or possession of the United States for a taxable year to another taxable year to which the limitation provided by paragraph (2) applies, or for carrying a foreign loss from sources without the United States for a taxable year to another taxable year to which the limitation provided by paragraph (1) applies.

"'(C) Foreign loss defined.—For purposes of this paragraph, the term 'foreign loss' means a loss sustained in any taxable year which is from sources within a foreign country or possession of the United States or from sources without the United States, as the case may be. For such purposes, a loss shall be the amount (determined without regard to section 172(b) and 1212 (a) (1)) by which the gross income from sources within a foreign country or possession of the United States or from sources without the United States, as the case may be, is exceeded by the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. If the taxpayer does not take the benefits of this subpart in a taxable year, the amount of his loss, if any, shall be determined as if the limitation provided by paragraph (2) applied.

"(b) Conforming Amendment.—Section 6501 (i) (relating to limitations on assessments and collection in case of foreign tax carrybacks) is amended—

"(1) by striking out 'Tax' in the heading and inserting in lieu thereof 'Loss or Tax',

"(2) by striking out 'carryback under' and inserting in lieu thereof 'carryback under section 904(a)(3)(B) (relating to foreign loss carrybacks and carryovers) or', and

"(3) by striking out 'of the excess taxes described in section 904(d) which result' and inserting in lieu thereof 'of the foreign loss, or of the excess tax described in section 904(d), which results'.

"(c) Effective Date.—The amendments made by this section shall apply with respect to losses sustained in taxable years beginning after December 31, 1969."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from Delaware (Mr. WILLIAMS), I ask unanimous consent that there be an hour's limitation on the amendment, the time to be equally divided between the Senator from Wisconsin and the Republican leader, or whoever he may designate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, reserving the right to object to the unanimous-consent request, may we know what the amendment is all about?

Mr. PROXMIRE. This is the foreign tax credit amendment. It is very similar to, but not exactly the same as, the printed amendment. A summary of the amendment is on the desk of each Senator. It is one that was before the Finance Committee, as the Senator from Nebraska is aware. It is similar to what the Treasury Department proposed to the Finance Committee. In fact, I asked the Department to draft an amendment to conform with the recommendation it made to the Finance Committee.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. What is the unanimous-consent request?

The PRESIDING OFFICER. A limitation of 1 hour, one-half hour to each side. The proposal has already been agreed to by unanimous consent.

Who yields time?

Mr. SCOTT. Mr. President, will the Senator from Louisiana yield one-half minute to me?

Mr. LONG. I yield.

Mr. SCOTT. Mr. President, as I understand, the time is to be equally divided between the Senator from Wisconsin and the minority leader.

The PRESIDING OFFICER. Between the Senator from Wisconsin and the minority leader.

Mr. SCOTT. Mr. President, I yield my time in opposition to the Senator from Louisiana.

Mr. TOWER. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I ask unanimous consent that I may suggest the absence of a quorum without the time being taken out of either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be allowed to withdraw my amendment. I expect to offer it at a later date, but, to accommodate the leadership, I withdraw it at this time.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Is there objection? Without objection, the amendment is withdrawn.

AMENDMENT NO. 292

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. WILLIAMS of Delaware. Mr. President, I call up my amendment No. 292.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to waive the reading of the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 292) is as follows:

On page 350, after line 22, insert the following new section:

"SEC. 508. PERCENTAGE DEPLETION RATES ON HARD MINERALS

"(a) CHANGE IN RATES.—Section 613(b) (relating to percentage depletion rates) is amended by striking out paragraphs (2), (3), (4), (5), (6), and (7) and inserting in lieu thereof the following new paragraphs:

"'(2) 17 percent—

"'(A) sulfur and uranium; and

"'(B) if from deposits in the United States—anorthosite, clay, laterite, and nepheline syenite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, beryllium, bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, nickel, platinum and platinum group metals, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

"'(3) 15 percent—if the mines or deposits are located in the United States—

"'(A) gold, silver, copper, and iron ore mines, and

"'(B) oil shale.

"'(4) 11 percent—

"'(A) metal mines (if paragraph (2)(8) or (3) (A) do not apply), rock asphalt, and vermiculite; and

"'(B) if neither paragraph (2)(B), (6), or (7)(B) applies, ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

"'(5) 7 percent—asbestos (if paragraph (2)(B) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

"'(6) 5 percent—clay and shale used or sold for use in the manufacture of sewer pipe or brick, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

"'(7) 4 percent—

"'(A) gravel, peat, pumice, sand, scoria, shale (except shale described in paragraphs (3)(B) and (6)), and stone (except stone described in paragraph (8));

"'(B) clay used, or sold for use, in the manufacture of drainage and roofing tile, flower pots, and kindred products; and

"'(C) if from brine wells—bromine, calcium chloride, and magnesium chloride.

"'(8) 11 percent—all other minerals (including, but not limited to, aplite, barite, borax, calcium carbonates, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, mollusk shells (including clam shells and oyster shells), phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (2)(B) does not apply) bauxite, flake graphite, fluorspar, lepidolite, mica, spodumene, and talc (including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (4), the percentage shall be 4 percent for any such other mineral (other than slate to which paragraph (6) applies) when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble,

concrete aggregates, or for similar purposes. For purposes of this paragraph, the term 'all other minerals' does not include—

"'(A) soil, sod, dirt, turf, water, or mosses;

"'(B) minerals from sea water, the air, or similar inexhaustible sources; or

"'(C) oil and gas wells.'

"(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1969."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, on the same understanding, I ask unanimous consent that there be a limitation of 1 hour on this amendment, the time to be equally divided between the Senator from Delaware and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, I do not think I want to object, but I would like to have at least enough time to find out what the basis of the amendment is.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Montana withhold his request?

Mr. MANSFIELD. I will withhold my request.

Mr. WILLIAMS of Delaware. The House bill would have cut the depletion allowance on all minerals by an average of 25 percent. This amendment does not deal with oil or gas but with all other minerals. The House cut the depletion allowance an average of 25 percent on all minerals except gold, silver, and copper. That reduction was rejected by the Senate committee. My amendment would reinstate the provisions of the House bill.

Mr. HRUSKA. Mr. President, I did not understand that there was a time limitation request pending, and I had registered a suggestion that I would like to be notified when such a request was made.

Mr. MANSFIELD. I did not know about it. We had one 5 minutes ago, on an amendment that the Senator from Wisconsin offered, to which the Senator's colleague from Nebraska demurred.

Mr. HRUSKA. Mr. President, last week I took exception to the fashion in which this legislation is being considered. This bill goes deeply into the economic, fiscal, and monetary life of this country, but we are going about it as if it were a matter of very routine degree. I do not think that is at all in keeping with the fashion in which a bill of this nature and this importance should be handled.

I know there is thinking on both sides that these matters are important. They are vital; they are complicated; they are intricate, and yet we take them up on the basis of limited debate, so that we are scarcely able to get into the matter of determining what they are and what the arguments are pro and con.

I suggested last week that I would be constrained to enter an objection to any limitation of debate. Unfortunately, the leadership did not find it possible to locate me at the time, so it was asserted. I was on the premises. Now we have a repetition of it. I would suggest that either the request for the limited debate be withdrawn, or that, if it has been granted, that we reconsider the request at this time.

The PRESIDING OFFICER. It has been granted.

Mr. MANSFIELD. Mr. President, this is the second time that we have been caught tonight; the first time was by the colleague of the Senator from Nebraska (Mr. CURTIS). After we had the yeas and nays ordered and a time limitation agreed to, then, as a courtesy to him, since he stated he would like a little more time, and a few other Senators agreed, the Senator from Wisconsin withdrew his amendment.

All concerned understood that the Senator from Delaware (Mr. WILLIAMS) would call up an amendment having to do with the depletion allowance for metals only, and we are faced with this situation.

If there is anyone in this body in whom I have the utmost confidence as far as matters financial and economic are concerned, it is the distinguished Senator from Delaware, the watchdog of this body. Certainly no one is more interested in the economic well-being of this country and its financial standing than is the Senator from Delaware.

In view of the fact that this situation has developed, and despite the fact that the leadership would like to have the matter disposed of in a reasonable length of time—and may I say, before I make my request, that surely everyone understands what an increase from 23 to 27.5 percent in the oil and gas allowance is; anyone can understand what a decrease to 20 percent is; and anyone can understand what an increase in the exemption from $600 to $1,200 is; so I do not think that the Senate has been wasting its time. I think we have been facing up to our responsibilities, staying on the job. The attendance at present is well in excess of 90, despite the fact that at least two of our Members are in the hospital at this time.

We have six appropriation bills to contend with. We will have to face them somehow, sometime this year, if it takes all year; and if we cannot finish them, they will have to go into the next year.

Mr. President, I ask unanimous consent that the unanimous-consent agreement for a time limitation on the amendment offered by the distinguished Senator from Delaware—and I do this reluctantly—be vacated. Does the Senator from Delaware agree?

Mr. WILLIAMS of Delaware. I agree.

The PRESIDING OFFICER. That it be withdrawn?

Mr. MANSFIELD. That the time limitation be vacated.

The PRESIDING OFFICER. Is there objection to vacating the 1-hour limitation? If there is no objection, the order for the time limitation is vacated.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate I shall be very brief, and we can still vote tonight.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator from Delaware yield for that purpose?

Mr. WILLIAMS of Delaware. I yield.

Mr. TOWER. It is my understanding that the controlled time situation was vacated.

The PRESIDING OFFICER. It was vacated.

Mr. TOWER. So there is no controlled time?

Mr. MANSFIELD. That is correct, but the Senator from Delaware has the floor.

Mr. TOWER. Yes.

Mr. WILLIAMS of Delaware. I shall be very brief, and I hope we can vote on this amendment tonight.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, in the House bill they cut the depletion allowance on all minerals except gold, silver, and copper an average of about 25 percent. The Senate Finance Committee, in acting on those reductions, rescinded the House action and restored the depletion allowance on all of those minerals to the rates in present law.

Mr. DOMINICK. Mr. President, I cannot hear a word. The amendment deals with an extremely important subject.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. The Senate committee rescinded the House action and struck that section from the bill, with the result that they thereby restored the depletion rates to those under the existing law.

For example, under the existing law and under the Finance Committee bill, sulfur, uranium, and certain specified minerals from domestic deposits are listed at 23 percent. The House bill would reduce it to 17 percent, and my amendment would restore this House figure of 17 percent.

Gold, silver, copper, iron ore, and oil shale were not changed from 15 percent by the House bill, and those are left at 15 percent in this amendment.

The remaining minerals now rated at 15 percent under existing law are dropped to 11 percent under both the House bill and my amendment.

Asbestos, coal, sodium chloride, and so forth, were reduced from 10 percent to 7 percent, while clay and shale for use in the manufacture of sewer pipe or brick, and clay, shale, and slate for use as sintered or burned lightweight aggregates were reduced from 7½ percent to 5 percent.

Gravel, peat, shale, and certain other minerals which are now at 5 percent would be reduced to 4 percent.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. If I understand correctly, what the Senator is seeking to do is take the House language with regard to all other minerals, other than oil and gas?

Mr. WILLIAMS of Delaware. That is correct. We have acted on oil and gas already. Our vote on this amendment merely decides whether or not we want to stand by the House provisions for reductions on other minerals or retain the

existing law. There is approximately $55 million new revenue involved in this amendment.

Mr. President, as far as I am concerned, I am ready to vote.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOMINICK. Do I understand that the House language on gold, silver, copper, and iron ore is 15 percent, that the report of the Senate committee recommends 15 percent, and the Senator from Delaware would leave it at 15 percent?

Mr. WILLIAMS of Delaware. That is correct.

Mr. DOMINICK. So there is no change with respect to subparagraph (3) of the bill?

Mr. WILLIAMS of Delaware. No change from what the House did.

Mr. DOMINICK. And is there any change from what the Senate Finance Committee did?

Mr. WILLIAMS of Delaware. No.

Mr. DOMINICK. So everything is changed except subparagraph (3) on page 2; is that correct?

Mr. WILLIAMS of Delaware. That is correct.

Mr. DOMINICK. I thank the Senator.

Mr. LONG. Mr. President, the majority on the Senate committee felt that the House reduction in depletion allowances on minerals other than oil was a 27.5-percent reduction on all of them, with the exception of the three the Senator has mentioned, and it was felt that that 27.5-percent reduction on these other minerals was an arbitrary judgment, for the reason that, since the oil depletion allowance was reduced by the House of Representatives by 27.5 percent, therefore they would reduce all other minerals by 27.5 percent, and there was really no more logic to it than that.

It is my understanding that all the cost of depletion allowances, if you want to look at how much money is involved, all the other minerals put together involve 20 percent, as a matter of fact, in terms of dollar value, as much as does the depletion allowance on oil.

In other words, oil and gas in dollar figures account for about 90 percent of the total depletion allowance. And all the other minerals put together account for about 10 percent of the depletion allowance. So that, in terms of dollars, not a great deal is involved.

The Senator pointed out that it is $55 million. However, that amount covers a great many minerals. The Senator is talking about almost 100 minerals.

The committee's feeling was that the case was made with respect to oil and gas and that the entire House case was made on one industry and there was an across-the-board cut in the same percentage figure on all others.

We did not feel that the other minerals should be cut on the basis of the case that had been made and in view of the fact that in terms of dollars and cents, only a 10 percent depletion allowance is involved with respect to all other minerals. The others should not be reduced on that basis.

The committee voted that it would reduce the depletion on oil and gas, but not with respect to the other minerals.

Mr. President, if other Senators wish to debate the matter further, they may do so. However, I personally hope that the amendment will be rejected. That is all I care to say.

Does the Senator from Alaska wish to discuss the matter?

Mr. STEVENS. Mr. President, as I go home through the Yukon territory and the British territory, I see the mines in Canada thriving.

When we look into the matter and consider why their mines are thriving and all of the Alaskan mines are closing down, we find that Canadian mines have been offered new incentives with reference to hard rock minerals at the very time when our mining industry is sick, and there is no other way in which to describe it.

There is an intention here to reduce the amount of incentives given through tax deduction to our mine operations. With all due respect to my friend, the Senator from Delaware, I cannot understand why this is proposed.

I sometimes wonder if we were able to add up the amount of income taxes that the unemployed miners would pay if they were employed and we had a viable policy for our mining industry, what these miners would then pay in taxes. At the present time we have our heads in the sand and are shutting off economic development. Unless we wake up and realize that demand is increasing, productive capacity is declining, and we are getting more and more dependent upon foreign sources for oils, minerals, and raw materials, we will find ourselves in a position one of these days in which we will have to fight for these vital resources because we will not have our own.

I cannot understand this. I think that instead of reducing the allowance, we should try to increase it. I could understand it if we were to say that we need to give greater incentives to the mining industry for development, because 15 percent of nothing is nothing, and the 11-percent depletion allowance for all other minerals is not understandable.

The way by which to get more mineral production is to give incentives for production somehow and then to restore their potential. This would eliminate the paradox of the United States, one of the richest nations in the world in terms of mineral reserves, watching its mineral stockpiles dwindle dangerously low.

I hope that we can at least hold to the present depletion allowance provisions.

Mr. WILLIAMS of Delaware. Mr. President, every time we talk about changing the depletion allowance rates on any mineral we hear arugments that we are trying to wreck the whole economy.

How is a 5-percent depletion on sand and gravel justified when it is a natural resource and it is not being depleted?

We have more coal than we can ever use, yet the present law allows a 10-percent depletion allowance on coal.

There is no argument but that this is a special tax provision which cannot be justified.

The one question that needs to be answered is, Do we want some tax reform? That is what we have all been talking about. If the Senate does want it then vote against these amendments. Let us recognize that tax reform means that we must eliminate some of the inequities in our tax laws and raise the taxes on some industries that have not been paying their proportionate part of the taxes.

Everything that we do here will affect some State, but we are dealing with the United States of America.

If we are going to eliminate everything that affects a constituent of our own States then we may as well fold our hands, strike out all the tax reform provisions of the bill, and just write a flowery speech describing this as tax reform in name only, putting in a few tears and passing it on to the American people.

If we want tax reform let us vote for it. If not let us stop talking about it.

Mr. DOMINICK. Mr. President, I have listened with great interest to my great friend the Senator from Delaware. He is a great friend and hopefully will remain so.

I cannot understand his argument. We have been told by every authority that we will have a population as high as 300 million by the year 2000. Inflation is on the rise, and we have to do something about it.

One reason that inflation is on the increase is that natural resources are in hard supply and we cannot get them at reasonable prices.

If we cannot develop them, mine them, and put them into the construction of ordinary houses and buildings, we will not be able to hold down the rising prices.

I look at the matter and think of what we need for the development of the natural resources of this country. We are cutting down on the incentives at the very time when industry is not making any money and is not getting any depletion allowance because they have very little net earned income on which they can exercise their depletion allowances.

If we are trying to do something to help out in the home construction industry and in the industrial construction with the idea of constructing new housing cheaply and well, we ought to give an incentive to people to produce that housing and get the economy on a stable basis once again.

I cannot understand why, if we want extra revenue for the Government, we increase the tax burden so that the consumer has to pay more for everything in sight.

Mr. WILLIAMS of Delaware. Mr. President, it is a fact that under the present law with its high depletion rates, the cost of living has gone to the highest level in the history of our country and inflation is out of hand. We are told that we should continue with this if we are to control both the cost of living and inflation.

I ask if the Senator did not contradict himself slightly.

Mr. DOMINICK. I did not contradict myself. I did not say that. I said that we are trying to control it now and that this would not control it but would make it worse.

Mr. WILLIAMS of Delaware. Mr. President, of course, I disagree with my good friend, the Senator from Colorado.

I think that this is the time when we should make some correction.

As I said before, why do we need a 10-percent depletion allowance on coal? We have more coal than we need or can use.

The same is true with respect to sodium chloride, slate, clay, gravel, and sand. These depletion allowances are tax credits. The question is whether we want to continue them at the high rates?

I am ready to vote.

Mr. DOMINICK. Mr. President, one of the items in extremely short supply is sulfur. Once again we propose to cut this in the pending amendment by some 6 percent.

I cannot understand why we would do it when the mineral is in short supply.

Mr. TALMADGE. Mr. President, I hope that the Senate rejects the amendment of the Senator from Delaware.

Our distinguished chairman of the Finance Committee correctly stated the view of the committee.

The Ways and Means Committee sustained their depletion allowance by arbitrarily reducing the depletion allowance for every other mineral in America in the same proportion.

A great many of these minerals are in short supply. Some of the companies have difficulty in staying in business.

There was no sentiment in the Finance Committee in support of the views of the Senator from Delaware. The views of the committee were overwhelmingly adopted.

I think that it would be the height of folly if we were, at one fell swoop on the floor of the Senate, to overrule the Finance Committee, which gave the matter mature consideration for some 8 weeks or more.

I hope this amendment will be rejected. Most of these provisions have been in our Internal Revenue Code for a great many years. I think it would be foolhardy to overrule them just because the Ways and Means Committee did so in the House.

Mr. SCHWEIKER. Mr. President, because of the appearance of conflict of interest or the possibility of a conflict of interest, due to my personal and my family's stockholdings, which I have previously reported in the RECORD, and which directly relate to several of the minerals affected by the pending amendment, I ask unanimous consent that I be permitted to vote "present" on the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLOTT. Mr. President, I should like to direct a parliamentary inquiry to the Chair upon the pending amendment.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Earlier this afternoon, I sent to the desk an amendment to section 508 which would raise the percentage upon molybdenum from 15 to 23 percent. As it is now in the bill, it is 15 percent. I suggested this amendment in the Finance Committee at the time the Finance Committee was meeting. This would reinsert molybdenum in section 508(a) after mercury, placing it at the same place in the bill as the other ferro alloys.

I ask this question of the Chair: If the pending amendment is adopted or rejected, will this prevent the suggestion of the amendment I filed this afternoon with respect to molybdenum?

The PRESIDING OFFICER. The Chair announces that this would have to be studied. If the amendment is agreed to, then any amendment touching only specific language inserted by that amendment would not be in order. But if the amendment is rejected, then, of course, any amendment would be in order.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. WILLIAMS of Delaware. Mr. President, it was not my intention to preclude the Senator from Colorado from the opportunity to offer his amendment. If it is all right, I ask unanimous consent that the adoption of my amendment not preclude him from offering his amendment at a later date.

The PRESIDING OFFICER. Is there objection? The Chairs hears none, and it is so ordered.

Mr. ALLOTT. I thank the distinguished Senator very much, because this is a very great inequity which has been occurring for some time—at least, in the minds of some of us. Based upon the outcome of this vote, either way, I can offer my amendment at a subsequent time.

Mr. WILLIAMS of Delaware. I am not sure that I would support the Senator's amendment, but I think he has a right to offer it and to get a vote on it, and this would take care of it.

Mr. ALLOTT. I thank the Senator.

Mr. JORDAN of Idaho. Mr. President, I hope the amendment offered by the distinguished Senator from Delaware will be rejected.

Demand for hard rock minerals in the United States is expected to increase to four times the present level by the year 2000. Worldwide demand will increase even more. Since mineral production in the United States is not expected to increase nearly as much, we must also increasingly rely on foreign sources for minerals.

The mining industry will require tremendous amounts of capital investment to meet the future demand. Mining now requires more capital per employee than any other industry and its ability to attract capital will depend upon the after-tax rate of return. If the industry is to generate the capital to meet the increased demands of the future, then the present depletion rates should not be cut.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHWEIKER (when his name was called). Present.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 25, nays 64, as follows:

[No. 163 Leg.]

YEAS—25

Bayh	Hughes	Proxmire
Brooke	Jackson	Ribicoff
Case	Kennedy	Smith, Maine
Cooper	Magnuson	Tydings
Cranston	Mondale	Williams, N.J.
Goodell	Nelson	Williams, Del.
Gore	Packwood	Young, Ohio
Griffin	Pastore	
Hart	Pell	

NAYS—64

Aiken	Fong	Montoya
Allen	Fulbright	Moss
Allott	Gravel	Murphy
Bellmon	Gurney	Muskie
Bennett	Hansen	Pearson
Bible	Harris	Percy
Burdick	Hartke	Prouty
Byrd, Va.	Hatfield	Randolph
Byrd, W. Va.	Holland	Russell
Cannon	Hruska	Saxbe
Church	Inouye	Scott
Cook	Jordan, N.C.	Sparkman
Cotton	Jordan, Idaho	Spong
Curtis	Long	Stennis
Dodd	Mansfield	Stevens
Dole	Mathias	Talmadge
Dominick	McCarthy	Thurmond
Eagleton	McClellan	Tower
Eastland	McGee	Yarborough
Ellender	McIntyre	Young, N. Dak.
Ervin	Metcalf	
Fannin	Miller	

ANSWERED "PRESENT"—1

Schweiker

NOT VOTING—10

Anderson	Hollings	Smith, Ill.
Baker	Javits	Symington
Boggs	McGovern	
Goldwater	Mundt	

So the amendment (No. 292) of the Senator from Delaware (Mr. WILLIAMS) was rejected.

RECOGNITION OF SENATOR DOMINICK FOR 20 MINUTES ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and disposition of the reading of the Journal on tomorrow, the able Senator from

Colorado (Mr. DOMINICK) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following the prayer and disposition of the reading of the Journal, the time for the transaction of routine morning business not extend beyond 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

AMENDMENT NO. 304

Mr. GORE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GORE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. GORE is as follows:

In the committee amendment at page 454, beginning with line 5, strike out all through page 497, and in lieu thereof insert the following:

"SEC. 801. PERSONAL EXEMPTIONS.

"(a) INCREASE TO $700 FOR 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$700'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$700', and by striking out '$1,200' wherever appearing therein and inserting in lieu thereof '$1,400'.

"(b) INCREASE TO $800 FOR 1971.—Effective with respect to taxable years beginning after December 31, 1970, and before January 1, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$700' wherever appearing therein and inserting in lieu thereof '$800'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$700' wherever appearing therein and inserting in lieu thereof '$800', and by striking out '$1,400' wherever appearing therein and inserting in lieu thereof '$1,600'.

"(c) INCREASE TO $900 FOR 1972.—Effective with respect to taxable years beginning after December 31, 1971, and before January 1, 1973—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$800' wherever appearing therein and inserting in lieu thereof '$900'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$800' wherever appearing therein and inserting in lieu thereof '$900', and by striking out '$1,600' wherever appearing therein and inserting in lieu thereof '$1,800',

"(d) INCREASE TO $1,000 FOR 1973 AND SUBSEQUENT YEARS.—Effective with respect to taxable years beginning after December 31, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$900' wherever appearing therein and inserting in lieu thereof '$1,000'; and

"(2) section 6013(b)(3)(A) (relating to assesment and collection in case of certain returns of husband and wife) is amended by striking out '$900' wherever appearing therein and inserting in lieu thereof '$1,000' and by striking out '$1,800' wherever appearing therein and inserting in lieu thereof '$2,000'.

"SEC. 802. STANDARD DEDUCTION.

"(a) MINIMUM STANDARD DEDUCTION FOR TAXABLE YEARS BEGINNING IN 1970, 1971, AND 1972.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1973, section 141(c) (relating to the minimum standard deduction) is amended to read as follows:

"'(c) MINIMUM STANDARD DEDUCTION.—The minimum standard deduction is an amount equal to $1,000 ($500, in the case of a separate return by a married individual), reduced, in the case of a taxable year beginning in 1970, 1971, or 1972, by an amount equal to one-fourth of the amount by which—

"'(1) the adjusted gross income for the taxable year, exceeds

"'(2) the sum of—

"'(A) $1,000 ($500, in the case of a separate return by a married individual), plus

"'(B) the amount of each personal exemption provided by section 151 for the taxable year, multiplied by the number of such exemptions for the taxable year'.

"(b) STANDARD DEDUCTION FOR TAXABLE YEARS BEGINNING AFTER 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 141 (relating to the standard deduction) is amended to read as follows:

"'SEC. 141. STANDARD DEDUCTION.

"'The standard deduction referred to in this title is $1,000 ($500, in the case of a separate return by a married individual)'.

"(c) DETERMINATION OF MARITAL STATUS.—Section 143 (relating to determination of marital status) is amended—

"(1) by striking out 'For purposes of this part—' and inserting in lieu thereof '(a) GENERAL RULE.—For purposes of this part—'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, if—

"'(1) an individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

"'(2) such individual furnishes over half of the cost of maintaining such household during the taxable year, and

"'(3) during the entire taxable year such individual's spouse is not a member of such household,

such individual shall not be considered as married'.

"(d) TECHNICAL AND CONFORMING AMENDMENTS.—

"(1) Section 4(a) (relating to number of exemptions) is amended to read as follows:

"'(a) NUMBER OF EXEMPTIONS.—For purposes of the tables prescribed by the Secretary or his delegate pursuant to section 3, the term "number of exemptions" means the number of exemptions allowed under section 151 as deductions in computing taxable income'.

"(2) Section 4(c) (relating to married individuals filing separate returns) is amended to read as follow:

"'(c) HUSBAND OR WIFE FILING SEPARATE RETURN.—

"'(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

"'(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return for a taxable year beginning before January 1, 1973, the tax imposed by section 3 shall be the lesser of the tax shown in—

"'(A) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the 10-percent standard deduction, or

"'(B) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the minimum standard deduction.

"'(3) The table referred to in paragraph (2)(B) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in the table referred to in paragraph (2)(B) in lieu of the tax shown in the table referred to in paragraph (2)(A). For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

"'(4) For purposes of this subsection, determination of marital status shall be made under section 143'."

"(3) Paragraph (4) of section 4(f) is amended to read as follows:

"'(4) For computation of tax by Secretary or his delegate, see section 6014'.

"(4) Section 1304(c)(5) (relating to special rules for income averaging) is amended by striking out 'section 143' and inserting in lieu thereof 'section 143(a)'."

"(e) EFFECTIVE DATE.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 1969.

"SEC. 803. TAX RATES FOR SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLD; OPTIONAL TAX.

"(a) HEADS OF HOUSEHOLD.—Section 1(b)(1) (relating to rates of tax on heads of household) is amended to read as follows:

"'(1) RATES OF TAX.—There is hereby imposed on the taxable income of every individual who is a head of a household a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000.	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000.	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000.	$660, plus 19% of excess over $4,000.

"'If the taxable income is: The tax is:

Over $6,000 but not over $8,000.	$1,040, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000.	$1,480, plus 23% of excess over $8,000.
Over $10,000 but not over $12,000.	$1,940, plus 25% of excess over $10,000.
Over $12,000 but not over $14,000.	$2,440, plus 27% of excess over $12,000.
Over $14,000 but not over $16,000.	$2,980, plus 28% of excess over $14,000.
Over $16,000 but not over $18,000.	$3,540, plus 31% of excess over $16,000.
Over $18,000 but not over $20,000.	$4,160, plus 32% of excess over $18,000.
Over $20,000 but not over $22,000.	$4,800, plus 35% of excess over $20,000.
Over $22,000 but not over $24,000.	$5,500, plus 36% of excess over $22,000.
Over $24,000 but not over $26,000.	$6,220, plus 38% of excess over $24,000.
Over $26,000 but not over $28,000.	$6,980, plus 41% of excess over $26,000.
Over $28,000 but not over $32,000.	$7,800, plus 42% of excess over $28,000.
Over $32,000 but not over $36,000.	$9,480, plus 45% of excess over $32,000.
Over $36,000 but not over $38,000.	$11,800, plus 48% of excess over $36,000.
Over $38,000 but not over $40,000.	$12,240, plus 51% of excess over $38,000.
Over $40,000 but not over $44,000.	$13,260, plus 52% of excess over $40,000.
Over $44,000 but not over $50,000.	$15,340, plus 55% of excess over $44,000.
Over $50,000 but not over $52,000.	$18,640, plus 56% of excess over $50,000.
Over $52,000 but not over $64,000.	$19,760, plus 58% of excess over $52,000.
Over $64,000 but not over $70,000.	$26,720, plus 59% of excess over $64,000.
Over $70,000 but not over $76,000.	$30,260, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000.	$33,920, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000.	$36,400, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000.	$41,440, plus 64% of excess over $88,000.
Over $100,000 but not over $120,000.	$49,120, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000.	$62,320, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000.	$75,720, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000.	$89,320, plus 69% of excess over $160,000.
Over $180,000------	$103,120, plus 70% of excess over $180,000'.

"(b) SINGLE INDIVIDUALS.—

"(1) IN GENERAL.—Section 1 (relating to tax on individuals) is amended by redesignating subsection (c) and (d) as (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"'(c) UNMARRIED INDIVIDUALS.—There is hereby imposed on the taxable income of every individual (other than a surviving spouse or a head of a household) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"'If the taxable income is: The tax is:

Not over $500----	14% of the taxable income.
Over $500 but not over $1,000.	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500.	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000.	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000.	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000.	$690, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000.	$1,110, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000.	$1,590, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000.	$2,090, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000.	$2,630, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000.	$3,210, plus 31% of excess over $14,000.
Over $16,000 but not over $18,000.	$3,830, plus 34% of excess over $16,000.
Over $18,000 but not over $20,000.	$4,510, plus 36% of excess over $18,000.
Over $20,000 but not over $22,000.	$5,230, plus 38% of excess over $20,000.
Over $22,000 but not over $26,000.	$5,990, plus 40% of excess over $22,000.
Over $26,000 but not over $32,000.	$7,590, plus 45% of excess over $26,000.
Over $32,000 but not over $38,000.	$10,290, plus 50% of $32,000.
Over $38,000 but not over $44,000.	$13,290, plus 55% of excess over $38,000.
Over $44,000 but not over $50,000.	$16,590, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000.	$20,190, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000.	$26,390, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000.	$32,790, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000.	$39,390, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000.	$46,190, plus 69% of excess over $90,000.
Over $100,000----	$53,090, plus 70% of excess over $100,000.

"(2) CONFORMING AMENDMENT.—Section 1(a) (relating to rates of tax on individuals) is amended by striking out so much of such section as precedes the table in paragraph (2) and inserting in lieu thereof the following:

"'(a) GENERAL RULES.—There is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies and an unmarried individual to whom subsection (c) applies) a tax determined in accordance with the following table:'.

"(c) OPTIONAL TAX TABLES FOR INDIVIDUALS.—Section 3 (relating to optional tax if adjusted gross income is less than $5,000) is amended to read as follows:

"'SEC. 3. OPTIONAL TAX TABLES FOR INDIVIDUALS.

"'In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $7,500 (or such higher amount, less than $10,000, as may be prescribed by the Secretary or his delegate by regulations) and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1'.

"(d) CONFORMING AMENDMENTS.—

"(1) Section 6014(a) (relating to election by taxpayer) is amended—

"(A) by striking out '$5,000' in the first sentence, and inserting in lieu thereof '$7,500', and

"(B) by striking out the last two sentences.

(2) Section 1304(b)(1) (relating to special rules) is amended by striking out 'if adjusted gross income is less than $5,000'.

"(e) Section 21(d) (relating to changes in rates during a taxable year) is amended to read as follows:

"'(d) CHANGES MADE BY TAX REFORM ACT OF 1969 IN CASE OF INDIVIDUALS.—In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV of subchapter B for purposes of the determination of taxable income shall be treated as a change in the rate of tax.'

"(f) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply to taxable years beginning after December 31, 1970. The amendments made by subsections (c) and (d) of this section shall apply to taxable years beginning after December 31, 1969.

"SEC. 804. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

"(a) REQUIREMENT OF WITHHOLDING.—Section 3402(a) (relating to requirement of withholding) is amended to read as follows:

"'(a) REQUIREMENT OF WITHHOLDING.—In the case of wages paid after December 31, 1969, or the 15th day after the date of the enactment of the Tax Reform Act of 1969 (whichever is later), every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with tables prescribed by the Secretary or his delegate. Such tables shall correspond in form to the tables in effect under this subsection on December 31, 1969. For purposes of applying such tables, the term "amount of wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b)(1)'.

"(b) PERCENTAGE METHOD OF WITHHOLDING.—

"(1) WAGES PAID IN 1970.—Effective with respect to wages paid during 1970, the table contained in section 3402(b)(1) is amended to read as follows:

"'Percentage Method Withholding Table

"'Payroll period	Amount of one withholding exemption:
Weekly	$13.50
Biweekly	27.00
Semimonthly	29.00
Monthly	58.00
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day of such period)	1.80.'

"(2) WAGES PAID IN 1971.—Effective with respect to wages paid during 1971, the table contained in section 3402(b)(1) is amended to read as follows:

"'Percentage Method Withholding Table

"'Payroll period	Amount of one withholding exemption:
Weekly	$15.00
Biweekly	30.00
Semimonthly	33.50
Monthly	67.00
Quarterly	200.00
Semiannual	400.00
Annual	800.00
Daily or miscellaneous (per day of such period)	2.10.'

"(3) WAGES PAID IN 1972.—Effective with respect to wages paid during 1972, the table contained in section 3402(b)(1) is amended to read as follows:

"'Percentage Method Withholding Table

"'Payroll period	Amount of one withholding exemption:
Weekly	$17.00
Biweekly	34.00
Semimonthly	37.50
Monthly	75.00
Quarterly	225.00
Semiannual	450.00
Annual	900.00
Daily or miscellaneous (per day of such period)	2.40.'

"(4) WAGES PAID AFTER 1972.—Effective with respect to wages paid after December 31, 1972, the table contained in section 3402(b)(1) is amended to read as follows:

"'Percentage Method Withholding Table

"'Payroll period	Amount of one withholding exemption:
Weekly	$19.00
Biweekly	38.00
Semimonthly	42.00
Monthly	84.00
Quarterly	250.00
Semiannual	500.00
Annual	1,000.00
Daily or miscellaneous (per day of such period)	2.70'."

Page 549, line 17, strike out "$600" and insert "$700".

Page 550, lines 1, 9, and 11, strike out "$2,300" and insert "$2,400".

Page 550, line 12, strike out "$600" and insert "$700".

Page 550, lines 21 and 22, strike out "this section" and insert "subsections (a) and (b)".

Page 550, after line 23, insert the following:

"(d) TAXABLE YEARS AFTER 1970.—

"(1) TAXABLE YEARS BEGINNING IN 1971.—Effective with respect to taxable years beginning in 1971, section 6012(a)(1) is amended—

"(A) by striking out '$700' each place it appears therein and inserting in lieu thereof '$800';

"(B) by striking out '$1,700' each place it appears and inserting in lieu thereof '$1,800'; and

"(C) by striking out '$2,400' each place it appears and inserting in lieu thereof '$2,600'.

"(2) TAXABLE YEARS BEGINNING IN 1972.—Effective with respect to taxable years beginning in 1972, section 6012(a)(1) is amended—

"(A) by striking out '$800' each place it appears therein and inserting in lieu thereof '$900';

"(B) by striking out '$1,800' each place it appears and inserting in lieu thereof '$1,900'; and

"(C) by striking out '$2,600' each place it appears and inserting in lieu thereof '$2,800'.

"(3) TAXABLE YEARS BEGINNING AFTER 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 6012(a)(1) is amended—

"(A) by striking out '$900' each place it appears therein and inserting in lieu thereof '$1,000';

"(B) by striking out '$1,900' each place it appears and inserting in lieu thereof '$2,000'; and

"(C) by striking out '$2,800' each place it appears and inserting in lieu thereof '$3,000'."

Mr. ALLOTT. Mr. President, in the temporary absence of the leadership, I should like to address a question to the distinguished Senator from Tennessee (Mr. GORE) or the chairman of the committee as to whether any more votes are contemplated today.

Mr. LONG. The answer is "No"; none tonight.

Mr. ALLOTT. That is as succinct as I could hope for. I thank the Senator very much.

Mr. GORE. Mr. President, let it be said that some Members have requested that a vote on my amendment not come before 4 p.m. tomorrow.

I think that Senators may well expect a vote some time near 4 o'clock or 5 o'clock tomorrow afternoon on the pending amendment.

Mr. ALLOTT. Mr. President, will the Senator from Tennessee yield further, so that I could ask for the yeas and nays on the amendment?

Mr. GORE. I yield for that purpose.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORE. Mr. President, the pending amendment, on which it is hoped the Senate may be able to reach a conclusion tomorrow, will provide for the Senate a clear-cut choice in providing tax relief.

The pending bill provides tax relief for individual income-tax payers by way of changing the Federal income tax rates.

The pending amendment which I have called up on behalf of myself and several other Senators is proposed as a substitute for the rate changes. This is a fundamental choice. The choice will be very meaningful. The proposal is simple. It is easily understood but will be quickly effective.

The amendment would increase the personal exemption for each taxpayer and each dependent from $600 to $700 next year, to $800 the following year, to $900 the following year, and to $1,000 in 1973 and thereafter.

It would appear unnecessary, Mr. President, that I discuss the amendment at this time in detail because the day on which the Senate last met, last Wednesday, I discussed and engaged in extended colloquy on the amendment with the distinguished chairman of the committee.

Senators will find that debate, beginning on page 35929 of the RECORD; thus, instead of taking a great deal of time now and burdening the RECORD with repetition, I invite attention to that RECORD.

Mr. President, I do desire to have printed in the RECORD a table which makes a comparison between the tax reduction provided by the pending bill and the tax reduction to various income level taxpayers provided by the amendment which I offer as a substitute for the tax rate changes. The table shows, Mr. President, that, for a typical taxpayer with three dependents and with an adjusted gross income of $10,000, the pending bill would provide a tax reduction of $56. That is all. My amendment would provide a tax reduction for this same taxpayer of $304.

Let us take another taxpayer. For a typical taxpayer with an adjusted gross income of $5,000 and three dependents, the pending bill would provide a tax reduction of $30. Mr. President, what can a man with a wife and two children do with $30? My amendment would provide a tax reduction for this same taxpayer of $230. Frankly, a family of four, with the cost of living going up every month, cannot do much with $230, but at least $230 is $200 better than $30.

Let us take another example, a typical taxpayer with a wife and two children earning $7,500 per year. The bill would give him a tax reduction of $36. My amendment would give him a tax reduction of $262.

Let us go to another. For a typical taxpayer with an adjusted gross income of $12,500, again with three dependents, the pending bill would provide a tax reduction of $76. My amendment would provide a tax reduction of $304.

For a typical taxpayer, again with three dependents and an adjusted gross income of $20,000, the pending bill would provide a tax reduction of $152. My amendment would provide a tax reduction of $400.

Mr. President, it is when you get into the high brackets that the big differences between the bill and my amendment appear. A typical taxpayer with an adjusted gross income of $100,000 and three dependents would receive a tax reduction under the bill of $2,256. By my amendment he would receive a tax reduction of $928.

Beyond this point, the differences grow. For a taxpayer with an adjusted gross income of $500,000 and three dependents, the pending bill would provide a tax reduction of $22,656. My amendment would give him a tax reduction of $1,120.

And thus it goes.

Mr. President, both the pending bill and my amendment would provide tax reduction liberally for the low-income groups. The differences between the bill and my amendment appear with respect to the tax treatment of people in the middle-income groups and in the high-income groups.

I submit, Mr. President, that people in the lower-middle-income group are the most hard pressed. They are being pressed from the bottom and the top of the economic spectrum.

In order to show the effect of the bill

and the amendment, I ask unanimous consent to have printed at this point in the RECORD a table which, as I have said, compares tax reduction from present law under the bill before the Senate and under the personal exemption increase which I propose.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—COMPARISON OF TAX REDUCTION FROM PRESENT LAW UNDER PERSONAL EXEMPTION PROPOSAL AND H.R. 13270

TAX REDUCTION FOR TYPICAL FAMILY OF 4

[Assumes nonbusiness deductions equals 20 percent of income]

AGI	Tax under present law	Tax reduction under H.R. 13270	Percentage decrease under H.R. 13270 [1]	Tax reduction under Gore amendment [1]	Percentage decrease under Gore amendment
$3,000	0	0	0	0	0
$3,500	$56	$56	100.0	$56	100.0
$4,000	112	47	42.0	112	100.0
$5,000	230	30	13.0	230	100.0
$7,500	552	36	6.7	262	47.5
$10,000	924	56	6.6	304	32.9
$12,500	1,304	76	5.8	304	23.3
$15,000	1,732	96	5.5	352	20.3
$17,500	2,172	116	5.3	352	16.2
$20,000	2,660	152	5.7	400	15.0
$25,000	3,708	216	5.8	448	12.0
$50,000	11,060	608	5.5	720	6.5
$100,000	31,948	2,256	7.1	928	2.9
$500,000	249,300	22,656	9.1	1,120	.5

[1] Provisions as effective for taxable years beginning in 1973.

Mr. GORE. Mr. President, I submit two other tables, which I ask unanimous consent be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 2.—COMPARISON OF TAX REDUCTION FROM PRESENT LAW UNDER PERSONAL EXEMPTION PROPOSAL AND H.R. 13270

TAX REDUCTION FOR TYPICAL MARRIED COUPLE WITH NO DEPENDENTS

[Assumes nonbusiness deductions equal to 20 percent of income]

AGI	Tax under present law	Tax reduction under H.R. 13270	Percentage decrease under H.R. 13270	Tax reduction under Gore amendment [1]	Percentage decrease under Gore amendment
$2,300	$87	$87	100.0	$87	100.0
$3,000	170	79	46.7	170	100.0
$4,000	290	62	21.4	150	51.0
$5,000	418	43	10.3	128	30.6
$7,500	772	48	6.2	152	19.7
$10,000	1,152	68	5.9	152	13.2
$12,500	1,556	88	5.6	176	11.3
$15,000	1,996	108	5.4	176	8.8
$17,500	2,460	136	5.5	200	8.1
$20,000	2,960	176	5.9	200	6.8
$25,000	4,044	228	5.6	224	5.5
$50,000	11,600	644	5.6	360	3.1
$100,000	32,644	2,328	7.1	464	1.4

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 3.—COMPARISON OF TAX REDUCTION FROM PRESENT LAW UNDER PERSONAL EXEMPTION PROPOSAL AND H.R. 13270

TAX REDUCTION FOR TYPICAL SINGLE PERSON [1]

[Assumes nonbusiness deductions equal to 20 percent of income]

AGI	Tax under present law	Tax reduction under H.R. 13270 [1]	Percentage decrease under H.R. 13270	Tax reduction under Gore amendment [1]	Percentage decrease under Gore amendment
$900	0	0	0	0	0
$1,700	$109	$109	100.0	$109	100.0
$3,000	276	96	34.8	131	47.4
$4,000	424	80	18.9	114	26.9
$5,000	576	52	9.0	76	13.2
$7,500	998	68	6.9	98	9.8
$10,000	1,480	122	8.2	130	8.8
$12,500	2,022	196	9.7	182	9.0
$15,000	2,638	304	11.5	278	10.5
$17,500	3,334	452	13.6	414	12.4
$20,000	4,096	626	15.3	576	14.1
$25,000	5,800	1,034	17.8	930	16.0
$50,000	16,322	3,104	19.0	2,482	15.2
$100,000	41,394	5,104	12.3	2,664	6.4

[1] Provisions as effective for taxable years beginning in 1973.

Mr. GORE. Mr. President, on tomorrow I shall once again discuss in some detail what I regard as the merits of the pending bill, but since I cited for the RECORD a lengthy discussion the last day the Senate was in session, I shall close by asking unanimous consent to have printed at this point in the RECORD, an analysis prepared by the staff of the Finance Committee of the amendment which I and other Senators have submitted. A copy has been distributed to the desk of each Senator, but, for the benefit of the RECORD, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMENDMENT 304, GORE AND OTHERS

TAXATION OF INDIVIDUALS

This amendment is a substitute for that part of the Committee amendment which relates to the low-income allowance, increase in the standard deduction, and reduction in tax rates. It would provide the following:

INCREASE IN PERSONAL EXEMPTION

The personal exemption of $600 under existing law would be increased as follows:

Year:	*Amount*
1970	$700
1971	800
1972	900
1973 and thereafter	1,000

STANDARD DEDUCTION—LOW INCOME ALLOWANCE

In lieu of the standard deduction and the minimum standard deduction provisions in present law and the low income allowance in the Committee amendment, this amendment would provide a flat $1,000 allowance for all taxpayers after 1972 unless their itemized deductions are larger ($500 for married couples filing separate returns.) A special feature (also contained in the Committee amendment) permits an abandoned spouse to claim the full $1,000 allowance where there are dependent children in the household.

SINGLE PERSONS

The amendment adopts the formula in the Committee amendment for reducing the tax burden on single persons. However, the rates are modified to relate to the rate schedules for married persons in existing law rather than the lower rate schedules in the Committee amendment.

Mr. LONG. Mr. President, I shall discuss the Senator's amendment tomorrow at an appropriate time. Meanwhile, I invited the Treasury to express its views with regard to the amendment, and I have received a letter from the Assistant Secretary of the Treasury, Mr. Edwin S. Cohen, which reflects the Treasury's strong opposition to the amendment.

It will be noted that the Treasury opposed it on the fiscal ground that the revenue loss is something the Government cannot stand without running a substantial deficit. In addition, the Treasury favors the concept agreed to by the committee and voted by the House of Representatives—that, assuming one had the amount of revenue involved available for tax reduction, the approach pursued by the bill before the Senate, agreed to by both the House committee and the Senate committee and voted favorably by the House of Representatives, is the better approach to use.

I ask unanimous consent that the Treasury letter appear in the RECORD at this point.

Mr. GORE. Mr. President, reserving the right to object—which I shall not

do—I wonder if Secretary Cohen took into consideration the announcement that appeared today from the Department of Labor that the poverty level had been officially increased. I ask this question because at the time the committee was considering the matter, the distinguished Assistant Secretary cited the statistics of the Department of Health, Education, and Welfare to the effect that one could not warrant an exemption beyond $600.

The Labor Department has now raised the poverty level estimates. For example, the poverty level for an urban family of four is now considered by the Department of Labor to be $3,600. Since my amendment would provide an exemption from Federal income tax of $3,800 for a family of four in 1970, it seems that my amendment is more realistic in light of the new estimates of the Department of Labor than the proposal of the Treasury Department. That is why I ask the question.

Mr. LONG. My understanding is that the earlier poverty level figures of HEW for 1966 were adjusted to take into account the rise in the cost of living from 1966 through 1968.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Louisiana?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 1, 1969.

HON. RUSSELL B. LONG,
Chairman, Senate Finance Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with your request, we are writing to summarize the results of our studies of the proposals of Senator Gore for an increase in the personal exemption and a flat $1,000 standard deduction in lieu of the larger standard deductions and the rate reductions provided in the bill as reported by the Committee on Finance.

We join with the Senate Finance Committee in preferring the provisions of the pending bill to the amendment proposed by Senator Gore. The analyses and computer studies which lead us to agree with the conclusions you yourself reached in your eloquent address to the Senate upon the opening of debate on the bill may be briefly stated as follows:

1. *Fiscal Considerations.* Senator Gore's first proposal is for a $1,000 personal exemption and a flat standard deduction of $1,000 (hereinafter called the Gore $1,000 plan). Adoption of such an amendment would increase the net long-term revenue loss from $2.3 billion under the Committee bill to $8.1 billion a year. We have already expressed serious concern about the $2.3 billion long-term annual revenue loss under the bill in its present form; such a large further increase could not be countenanced.

Senator Gore's alternate plan involving a personal exemption of $900 would produce a long-term annual revenue loss of $5.3 billion. This would be $3 billion more than the Committee bill—again a loss that could not be countenanced.

Senator Gore's further alternate proposal for a personal exemption of $800 (hereinafter called the Gore $800 plan) would produce a net revenue loss in the long run substantially the same as that under the Committee bill. However, for the calendar years 1970 and 1971 the Gore $800 plan would lose approximately $4.8 billion in revenue as contrasted with the Committee bill. This loss would be reflected in fiscal years as follows:

Year ended:	*Loss in revenue in billions*
June 30, 1970	$0.9
June 30, 1971	2.5
June 30, 1972	1.4
Total	4.8

In view of current budget restrictions and the intense need for fiscal restraint to combat inflation, we believe such a large loss would be most unwise.

2. *Basic Concept of the Personal Exemption.* In preparing the Administration's proposal for a Low Income Allowance, we adopted the concept that through the standard deduction and the personal exemption the income tax law should impose no tax on persons whose income is below the poverty level. We found that by current HEW standards the minimum income needed to support a single person is approximately $1,700 and that the minimum additional income needed for additional persons in the family rises about $600 per person. This is what the Committee bill allows—$1,700 income without tax for a single person, $2,300 for a married couple without children, $2,900 for a married couple with one child, etc., rising $600 for each additional child. These are the levels at which the tax is zero under the Committee bill.

It is true without doubt that most persons will spend more than $600 on the maintenance of each additional member of the family. But when incomes rise above the minimum level we believe it is then appropriate for the persons involved to begin to contribute something to the cost of maintaining the Federal Government. Present law imposes a high tax rate upon the incomes above the exempt minimum. We believe that efforts should be concentrated, through increases in the standard deduction and through reduction in the tax rates, upon reducing the tax payments required upon incomes above the exempt minimum. The Committee bill proceeds on this theory and we believe that it is sound and desirable policy.

Senator Gore's proposal would exempt from tax an amount per person that substantially exceeds the minimum amount needed to sustain each individual. This would require foregoing increases in the standard deduction above $1,000 and foregoing rate reductions, thus imposing a greater tax burden on incomes above the levels set under his proposals. We believe it is fairer and sounder policy to exempt only the amounts needed as a minimum living standard and to reduce the burdens on amounts above the minimum.

3. *Shift in Tax Burden to Single Persons and Smaller Families.* Senator Gore's $800 plan would significantly shift the tax burden from large families to single persons and smaller families. Under that plan—

(a) Persons with three or fewer exemptions (single persons and married couples with no children or one dependent child) would pay additional taxes of $1.2 billion.

(b) Persons with four exemptions (generally married persons with two dependent children) would have their taxes reduced by $0.2 billion.

(c) Persons with five or more exemptions (generally married persons with three or more dependent children) would obtain tax reductions of almost $1.0 billion.

Thus the burden of supporting children above the minimum HEW standards would be shifted from the large families which have the children to the single persons and smaller families. Through appropriations for education and other purposes the costs of raising large families is already borne to a considerable extent by those who did not beget the children. We believe the Committee has acted wisely in lowering the burden on all taxpayers whose incomes are above the minimum HEW levels, particularly upon those whose incomes are modestly above such levels, rather than distributing the tax relief by size of families.

The average additional tax payable by persons with less than four exemptions under the Gore proposal as compared with the Committee bill would be:

Adjusted gross income	Percent of additional tax: Single persons	Married, no children	Married, 1 child
$5,000	+2.7	(1)	(1)
$7,000	+4.1	(1)	(1)
$10,000	+11.7	+7.8	+4.5
$12,500	+11.9	+9.0	+6.4
$15,000	+8.9	+6.7	+4.6
$17,500	+5.6	+4.8	+2.6
$20,000	+3.4	+2.9	+1.5
$25,000	+4.3	+3.0	+1.4

[1] Less tax under the Gore proposal. The table is based upon personal deductions of 10 percent of adjusted gross income

4. *Loss in Simplification of the Tax System.* The Committee bill through the low income allowance removes 5.6 million persons from the tax rolls and through the standard deduction increases permits 11.6 million persons to shift from itemizing personal deductions to the simple standard deduction. This raises the percentage of total taxable returns that can be filed on the simplified standard deduction basis from 58 percent to 74 percent.

The Gore $800 plan removes 8.4 million persons from the tax rolls but permits only 4.4. million taxable persons to shift from itemizing deductions to the standard deduction. Thus the Gore plan forfeits the benefit of simplification for a large number of taxpayers and for the Internal Revenue Service.

5. *Reduction in the Tax Base.* The Committee bill, primarily through the low income allowance, reduces the taxable income base to which the specified rates of tax are applied from a present aggregate of $372 billion at present to $350 billion. The tax rate reduction in the bill does not lower the taxable income base.

The Gore $800 plan, by confining the relief to the standard deduction and the personal exemption, would reduce the taxable income base to $327 billion, some $23 billion below the Committee bill level and $45 billion below the current level. This further reduction would seriously affect our fiscal flexibility. If for any reason tax increases should become necessary in the future, the smaller tax base would make larger increases in tax rates necessary to raise the same amount of additional revenue. The effect would be to shift more of the burden of any future tax increases to the middle income groups, where the bulk of the taxable income base is concentrated. We believe that greater flexibility for future changes in the tax structure can be provided if only the minimum sustenance levels are removed from the tax base.

6. *Overall Impact of the Bill and the Gore $800 Plan.* Taking into account both the reform and the relief provisions, the Committee bill reduces the existing tax burden by about 66 percent on persons with incomes below $3,000 and grants decreasing percentage reductions as income levels rise until it increases the tax by 2.6 percent on incomes above $100,000. Senator Gore's $800 plan would generally follow the same pattern, but with somewhat further reductions in income levels below $10,000 and lesser reductions above the $15,000 level, and a 10.3 percent

increase on incomes above $100,000. The overall impact of the Committee bill and Senator Gore's proposal is shown below:

Adjusted gross income class	Committee bill increase or decrease from present law (percent)	Gore $800 plan increase or decrease from present law (percent)
0 to $3,000	−66.1	−72.5
$3,000 to $5,000	−30.3	−36.2
$5,000 to $7,000	−17.0	−23.0
$7,000 to $10,000	−10.9	−16.2
$10,000 to $15,000	−10.3	−10.5
$15,000 to $20,000	−8.6	−7.5
$20,000 to $50,000	−7.2	−5.0
$50,000 to $100,000	−4.8	−.6
$100,000 and over	+2.6	+10.3
Total	−10.1	−10.0

We believe that the Committee bill allocates the overall relief with proper emphasis on incomes below $10,000. Senator Gore's proposal would not be significantly different in overall effect except in its impact on persons with above $50,000. In that category the Committee bill has taken important action to close loopholes and reduce or eliminate tax preferences in the upper brackets, and we believe that having done so it is appropriate for the bill to allocate some part of the tax relief to persons in the higher levels. This was done in the Revenue Act of 1964 and earlier laws when the tax burden was significantly reduced, and we believe it would be unfair and unwise to alter that course in the present bill.

Our studies lead us to conclude that the Committee bill avoids the added fiscal problems of Senator Gore's proposal; proceeds upon a sounder theory in exempting entirely from tax only the income needed to maintain living standards; avoids shifting the burden of tax from larger families to single persons and small families; achieves greater simplification of the tax system; avoids an unwarranted narrowing of the tax base and achieves a more equitable and sounder allocation of the tax relief.

For these reasons the Treasury strongly supports the provisions of the Committee bill in preference to Senator Gore's proposals.

Sincerely yours,

EDWIN S. COHEN,
Assistant Secretary

Mr. LONG. Mr. President, on Thursday, November 27, there was published in the Washington Post an editorial entitled "Senator GORE's Tax Bonanza," opposing the pending amendment. I ask unanimous consent that that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR GORE'S TAX BONANZA

The major fight on the tax bill now before the Senate is likely to center on Senator Gore's proposed amendments. The Senator from Tennessee has devised a seemingly attractive substitute for the chief tax reduction provisions of the bill passed by the House and the version approved by the Senate Finance Committee. But acceptance of his formula by the Senate might seriously complicate the essential compromise between the House and Senate versions and jeopardize enactment of the tax-reform bill.

The Gore substitute features a proposed increase in the personal exemption granted every taxpayer from $600 to $1,000. Combined with a low-income allowance and a lower rate scale for single persons, it is said that this would take more than 11 million taxpayers off the rolls. Undoubtedly this generous gesture will have a wide appeal for beleaguered taxpayers throughout the land, but that is scarcely the test which a responsible Congress will have to apply. Mr. Gore himself concedes that the revenue loss from his bill would be $7.7 billion in 1971, when its terms would be only 50 per cent effective. Estimates of its cost to the Treasury when its goodies would come into full bloom in 1973 run as high as $14 billion.

Just what is there in the present economic outlook with the war in Vietnam still in progress, with mammoth social needs still unmet at home and with inflationary pressure still running strong, to warrant the extension of such a bonanza to taxpayers? Senator Gore seems to be living in a dream world where it is possible for people to eat their cake and have it too. Regardless of how pleasant it is to muse about tax relief on this scale, every thinking citizen must realize that only an irresponsible Congress could actually vote it.

Substantial tax reductions have been included, of course, in both the House and the Finance Committee bills. This is part of the original concept of passing on to hard-pressed taxpayers the savings from the closing of tax-escape valves. Actually the spread between the new revenue to be realized and the reductions to be granted by both bills is causing a good deal of concern, although the short-fall is far below that of the Gore proposals. To meet the criticism of fiscal irresponsibility Senator Gore has suggested additional reforms which he says would produce more than $5 billion in revenue, but there is no indication that these are likely to be enacted.

The Senate's emphatic rejection of Senator Allen's proposed $1,200 personal exemption and its approval of the scaled-down surtax for the first half of 1970 suggest that it may well deal realistically with the Gore substitute. But the major test is yet to come, and every senator will need to remember that revenue to meet the nation's urgent national needs is no less essential to a secure future than fair and equitable division of the burden.

IN SUPPORT OF SENATOR GORE'S TAX AMENDMENTS

Mr. MONDALE. Mr. President, half a loaf may be better than none at all, but it is still not good enough.

The tax bill which has come out of committee is just that—half a loaf.

It is not an insignificant bill. In any other year, I would probably applaud its provisions for reform and relief. Surely, they go far beyond anything we have had for years.

But this year we have made promises to the American people. We have exposed our current tax laws for what they are—riddled with loopholes for the rich and placing an ever-greater burden on the average wage earner. We have talked reform and we have talked relief.

Now we are faced with the question: "Can we put our legislation where our talk has been?" Can we give the people a tax system which is both reasonable and equitable? Can we, in short, keep the promises which we have been making to the taxpayers since last spring?

As I said, the bill before the Senate is at least half a loaf:

It does provide some relief, particularly for those below the poverty level.

It reduces some of the discrimination upon single taxpayers.

It narrows a few of the worst loopholes such as hobby farms, multiple corporations, unlimited charitable deductions.

It makes an attempt to see that no American escapes taxes altogether.

And it even takes a faint swipe at one of the worst loopholes of them all—the oil depletion allowance.

But there are still innumerable loopholes through which the wealthy taxpayer can escape. And more important, the average taxpayer continues to be caught in the viscous squeeze between a soaring cost of living, and a tax burden which is swollen with huge military and space expenditures along with the cost of paying for the rich man's loopholes.

With inflation and taxes, the average American must run to stay in the same place. A minimal urban family budget—only the bare necessities—has been estimated by the Bureau of Labor Statistics to be about $6,000—a minimal "decent" budget at about $9,000. Yet the average blue collar worker today makes less in real purchasing power than a year ago.

Part of this is the tax burden which the average American must bear to pay for what the rich and the corporations may avoid.

Everyone has heard of those 155 returns in 1967 showing incomes in excess of $200,000 and paying no taxes. But even the millionaires who do pay taxes pay only at an average of 25 percent. And the 20 largest oil companies paid all of 8½ percent on their profits.

I do not wish at this time to go over the all-too-familiar list of perversions and inequities. You know them all too well. Rather, I wish to point out the dual nature of our mission: reform and relief—a more equitable tax system and a lighter load for the average American. These are the inseparable parts of our promise to the American people.

The tax bill we have before us in the Senate falls short of this promise. Almost 25 percent of the tax relief goes to taxpayers in the top 5 percent of the tax bracket.

While the committee's tax bill would rightly and sensibly remove some 5 million of our poorest from the tax rolls altogether, it does far less for those whose incomes fall between $3,000 and $15,000

To bring meaningful relief to this broad range of wage earners and salaried workers, I strongly support the proposals put forth by Senator GORE.

Senator GORE, who serves on the Finance Committee and who has a thorough grasp of both the strengths and the weaknesses of this current bill, has given us a series of proposals to bring about this relief.

The key feature is raising the personal exemptions—that portion of income for one's self and one's dependents set aside to be free of all taxation.

In 1948, this exemption was set at $600 per person. It is still $600. In over two decades of rising prices and eroding dollars, the family of four still gets to exclude only $2,400 before it must begin paying Federal income taxes.

An exemption ought to reflect in some way what it costs to feed, clothe, raise and educate a child.

Since 1948, when the exemption was

set at $600, the basic cost of living has gone up almost 50 percent.

The cost of public higher education has risen by almost 75 percent.

And the cost of a private college education has gone up well over 90 percent.

A personal exemption of $600 simply makes no sense in 1969. Raising this to some reasonable figure—such as the $1,000 suggested by Senator GORE—would be a way to bring relief to each and every taxpayer.

There have been objections to using the personal exemption as a vehicle for tax reform. Opponents of this tactic have pointed out that an increased exemption is worth far more to the individual in the higher brackets than to those in the lower brackets, who would not have paid as much as on that income anyway.

This would be a valid objection to a simple increase in the personal exemption. But a combinaton of adjustments in the personal exemption, and on the standard deduction, with changes in the basic rate structure in the committee bill can easily overcome this problem.

Senator GORE'S proposals, starting with a $1,000 personal exemption and a $1,000 minimum stardard deduction, for example, would provide significantly greater relief than would the committee's bill for all individuals with incomes below $20,000. Particularly noticeable relief would be felt by those with incomes of $10,000 and under. Senator GORE'S amendment would cut taxes by 98 percent on incomes below $3,000; by 47 percent on incomes from $3,000 to $5,000; by 36 percent on incomes from $5,000 to $7,000; by 29 percent on incomes from $7,000 to $10,000; and by 20 percent on incomes from $10,000 to $15,000.

It is important to note, however, that this device is not just a procedure for more relief; it is also a procedure for a more equitable distribution of relief. For example, combining increased exemptions of $800 and an increased minimum standard deduction of $1,100 would, under Senator GORE'S approach provide the same total dollar relief as the current tax package reported by the Finance Committee. Yet, the distribution of this relief would be shifted toward the middle income taxpayer, giving significantly greater relief to all taxpayers up through those with adjusted gross income of $15,000.

Increasing personal exemption, then, can be a device for achieving greater equity in our tax system. It is a break for the average taxpayer, and it follows common sense of adjusting to the changing economic realities of the last decade.

Some may ask the reasonable question: "Where is the money for relief to come from?" How do we finance the over $5 billion additional cost of the Gore proposal—especially when many of us are urging expanded programs elsewhere in the Federal budget.

I submit that it is both philosophically consistent and fiscally responsible to urge more spending upon education and human programs and, at the same time, press for tax relief for the average American.

Both of these changes—tax relief and expanded human programs—can be funded from two sources: tax reforms, and a restructuring of spending priorities.

The Senate bill before you raises $6.5 billion largely through closing of loopholes. There is more where that comes from. Former Senator Paul Douglas has estimated a potential $12.5 billion in reforms, and Philip Stern back in 1962 suggested a possible $50 billion from tax reform. We must continue to quest for further reforms which can be translated into relief for the average American.

The other source, of course, is to cut from our incredible defense budget. Look at what happens to every $100 collected in taxes by the Federal Government: We spend $4 on education; we spend $1.85 on housing and community development; $1.25 goes to the preservation and utilization of our natural resources; and we spend $66 for wars—past, present, and future.

We seem to find $600,000 to give to the University of Mississippi to find out how to make birds into soldiers, and we are asked to make cuts in education and other human programs.

We manage to get to the moon—an admirable goal—but achieved without reference to its cost. On our last jaunt to that moon, we left behind $67 million worth of junked equipment including boots at $4,000 a pair, $70,000 worth of cameras, backpacks at $300,000 apiece, and hammers and chisels worth $45,000.

The irresponsibility lies not with those of us who seek to combine tax relief with a restored sense of priorities. It must lie with those who are content with half a loaf of tax reform and with the perpetuation of a Federal budget which places wars and things above people.

SCHOOL ENROLLMENTS IN WASHINGTON, D.C.

Mr. STENNIS. Mr. President, according to IBM data, from HEW's official files, based on the 1968–69 elementary and secondary school enrollment, Washington, D.C., has a total enrollment of 148,725 students in 188 schools, of which 139,006—or 93.4 percent—are Negro students, 8,280—or 5.5 percent—are white, and the remaining 1,439—or 1.1 percent—are made up of orientals, Spanish Americans, and American Indians.

There are 3,636, or 43 percent of the 8,280 white students, attending majority Negro school; only 1,253—or 0.9 percent—of the Negro students are attending majority white schools. There are 56 schools with 41,109 students that are 100 percent Negro. There are another 57 schools that have 99 to 99.9 percent Negro students, which makes an aggregate of 113 schools with enrollments totaling 96,518 which are 99 to 100 percent Negro. Another 16 schools are 98 to 99 percent Negro. Another 13 schools are 97 to 98 percent Negro, and another 10 schools have Negro enrollments of 95 to 97 percent—making a total of 152 schools with total enrollment of 125,158 that are 95 to 100 percent Negro. In a great percentage of these schools which have enrollments of from 1,000 to 2,000 students, there are only one, two, or three students listed as white.

Of the 188 schools in Washington, D.C., there are only 18 that have a majority white enrollment. These range from the Capitol Page School with an enrollment of 41, of which 7.1 percent are Negroes, to an elementary school of 253, which is 43.1 percent Negro.

In other words, it would be difficult to find any school district that is more segregated than the public schools of Washington, D.C., and perhaps there is significance in the manner in which, and the speed with which, this has occurred.

The District of Columbia, by law, formerly had a dual school system based upon race. According to information set forth in the case of *U.S.* v. *Jefferson County Board of Education* (372 Fed. 2d 836, 1966), at page 904, the District of Columbia desegregated following the Supreme Court decision of 1954, at a faster rate than did the South, along with some other border States, and by the 1961–62 school year had more than half of its school enrollment attending desegregated schools. At page 905, information is set out with respect to enrollment and percentage of Negroes in white schools in southern and border States, and it is reported that the District of Columbia had 109,270, or 84.81 percent, of its Negro student enrollment in schools with whites.

Senate hearings on H.R. 8569, District of Columbia appropriations, 90th Congress, first session, fiscal year 1968, part I, at page 693, et seq., set forth the pupil membership of the Washington, D.C., schools by school and race for the school years 1954–55 and 1966–67. The school year 1954–55 was the first following the 1954 Supreme Court decision. These tabulations reflected that in the 1954–55 school year, there was a total of 102,920 students, 40,313—or 39 percent—of whom were white and 62,607—or 61 percent—of whom were Negroes. The 1966–67 school year figures reflect a total enrollment of 145,933, of which 12,678—or 8.7 percent—were white and 133,273—or 91.3 percent—were Negroes. As previously indicated, the 1968–69 Washington school enrollment totaled 148,725, of which 8,280—or 5.5 percent—were white, 93.4 percent were Negroes, and 0.9 percent consisted of other minority groups.

I ask unanimous consent that a table entitled "Summary of Pupil Membership by School and Race" for the Washington, D.C., schools for the school year 1954–55 and the school year 1966–67, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., SUMMARY OF PUPIL MEMBERSHIP BY SCHOOL AND RACE

	White	Negro	Total
SCHOOL YEAR 1954–55			
Elementary	24,445	41,390	65,835
Junior high school	8,830	13,573	22,403
High school	6,066	6,263	12,329
Vocational high school	972	1,381	2,353
	40,313	62,607	102,920
Percentage of total	39.2	61	100

WASHINGTON, D.C., SUMMARY OF PUPIL MEMBERSHIP BY SCHOOL AND RACE—Continued

	White	Negro	Total
SCHOOL YEAR 1966-67			
Elementary	7,379	86,871	94,250
Junior High School	2,656	27,113	29,769
High School	2,502	16,533	19,035
Vocational High School	141	2,756	2,897
	12,678	133,273	145,933
Percentage of total	8.7	91.3	100

Mr. STENNIS. Mr. President, I present these official figures as a part of the picture of enforced school integration being followed by a natural resegregation when parents act on their own rather than through compulsion. Testimony has been given by Health, Education, and Welfare that after they attain integration of students in the desired proportion in a school, either through administrative action or a court order, that they will then withdraw their surveillance and leave the school district on its own. As testified, Health, Education and Welfare's further position is that should the board of education engage in any discriminatory action, Health, Education, and Welfare would reenter the case. Thus all school districts can expect perpetual surveillance and police action. If the parents are left free to act, there will be a resegregation of the schools in large part.

Mr. President, these figures speak for themselves. I shall refer to them again in further presentations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

CAPITOL GUIDE SERVICE

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Montana (Mr. MANSFIELD) and I have a bill pending, the purpose of which is to provide for free guide service for tourists and schoolchildren visiting the Nation's Capitol. On research, we found that the Capitol of the United States is about the only capitol in the Western World which does not furnish free guide service. Even the schoolchildren have to pay to get a tour of our Capitol.

The same measure has been passed by the Senate at least once, and possibly twice; however, it has not been acted upon by the House.

I have discussed the matter with the majority leader and with the chairman of the committee. I ask the chairman of the committee if we could not include the measure in the pending bill. I realize that it is not germane to the pending bill; however, I ask if the chairman will be willing to take to conference the bill as an amendment to the pending bill.

Mr. LONG. Mr. President, I ask unanimous consent that the Senator be permitted to offer his amendment at this time.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment we dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD reads as follows:

At the end of the act add the following new section:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Capitol Guides Act".

"ESTABLISHMENT AND PURPOSES

"SEC. 2. (a) There is hereby established, within the Congress of the United States, an organization to be known as the Capitol Guide Service, which shall provide, without charge, guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public. The Service shall be under the direction, control, and supervision of the Capitol Police Board (hereafter referred to as the 'Board').

"(b) The Board may also detail guides to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

"GUIDES

"SEC. 3. (a) (1) There shall be appointed to the Capitol Guide Service such guides as may be necessary, including a chief guide, to carry out effectively and efficiently the activities of the Service. The chief guide shall be appointed by the Board, and one-half of all other guides shall be selected for appointment by the Board by the Sergeant at Arms of the Senate and the other one-half selected for appointment by the Board by the Sergeant at Arms of the House of Representatives.

"(2) The annual (gross) rate of pay of the chief guide shall be $9,417, and the annual (gross) rate of pay of any other guide shall be $8,322.

"(3) Section 106(a) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60; (a)), is amended by adding at the end thereof the following new clause: '(8) Guides of the Capitol Guide Service.'

"(b) No guide of the Capitol Guide Service shall charge or accept any fee, or accept any gratuity, for or on account of his official services.

"(c) Section 2107 of title 5, United States Code, relating to the definition of 'congressional employee', is amended—

"(1) by striking out the word 'and' at the end of paragraph (7);

"(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word 'and'; and

"(3) by adding at the end thereof the following new paragraph:

"'(9) a guide of the Capitol Guide Service.'.

"(d) Section 8332(b) of title 5, United States Code, relating to creditable service for retirement purposes, is amended—

"(1) by striking out the word 'and' at the end of paragraph (5);

"(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word 'and';

"(3) by adding immediately after paragraph (6) the following new paragraph:

"'(7) subject to sections 8334(c) and 8339 (h) of this title, service performed on and after February 19, 1929, and prior to the effective date of the Capitol Guides Act, as a United States Capitol guide."; and

"(4) by inserting at the end thereof the following sentence: 'The Civil Service Commission shall accept the certification of the Capitol Police Board concerning service and rates of pay for the purpose of this subchapter of the type described in paragraph (7) of this subsection and performed by a guide.'

"(e) Notwithstanding the other provisions of this section, the Board and the Sergeants at Arms of the two Houses shall afford, to each person who is a member of the United States Capitol Guides immediately prior to the effective date of this Act, the opportunity to be appointed under this Act to the Capitol Guide Service. For the purposes of the initial appointments of such persons, the appointments and number of such persons shall be considered to have been authorized and approved for the Capitol Guide Service under subsection (a)(1) of this section.

"POWERS OF THE BOARD

"SEC. 4. (a) The Board is authorized—

"(1) to prescribe the duties and responsibilities of the guides;

"(2) to prescribe a uniform dress, including approprate insignia, which shall be worn by such guides when on duty;

"(3) from time to time as may be necessary, to procure and furnish, without charge, such uniforms to such guides;

"(4) to enter into contracts or other arrangements, or modifications thereof, to carry out the purposes of this Act; and

"(5) to take such actions and make such expenditures as may be necessary to carry out the purposes of this Act.

"(b) The Board may take appropriate disciplinary action, including suspension or removal, against any guide who violates any provision of this Act or any regulation prescribed by the Board pursuant to this Act, except that a guide may not be suspended from duty without pay, demoted, removed, or have his pay reduced unless (1) in the case of the chief guide, a majority of the members of the Board so decides, and (2) in the case of any other guide, the Sergeant at Arms who appointed that guide consents.

"(c) All expenses and salaries of the Capitol Guide Service shall be disbursed by the Secretary of the Senate, upon vouchers approved by the Chairman of the Board, out of funds appropriated for the Service.

"TRANSFER PROVISIONS

"SEC. 5. (a) On the effective date of this Act, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date, are transferred to the Capitol Guide Service.

"(b) As soon as practicable after the effective date of this Act, but not later than the close of the sixtieth day after such effective date, the Board shall, out of the assets and property belonging to the United States Capitol Guides immediately prior to such

date, on the basis of a special audit which shall be conducted by the General Accounting Office—

"(1) settle and pay any outstanding accounts payable of the United States Capitol Guides;

"(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused); and

"(3) otherwise wind up the affairs of the United States Capitol Guides;

which exist immediately prior to such effective date. The Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this Act, with respect to disposal of monetary surpluses.

"EFFECTIVE DATE

"SEC. 6. The provisions of this Act shall become effective on the first day of the first month which begins after the thirtieth day after the date of enactment of this Act."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent, on behalf of the Senator from Montana (Mr. MANSFIELD) and myself that a statement explaining the amendment be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE FREE GUIDE SERVICE AMENDMENT

This amendment would establish a Capital Guide Service that would offer the public guided tours of the Capitol building without charge.

The guides will be under the jurisdiction of the Capitol Police Board and will be given the same status in all respects as the present "trained" Capitol Police Force. For example, salaries will be equivalent to trained police salaries, selection will be made—one-half from the Senate, one-half from the House—by the respective Sergeants-at-Arms as they now are for the Police Force, and the guides are brought under the legislative retirement, health and insurance programs.

It will be recalled that on March 7, 1967, the Senate adopted an amendment to the Legislative Reorganization measure that established a free Capitol guide service. With minor changes, that proposal approved by a Senate vote of 74 to 8, is identical to the provisions of this amendment.

ORDER OF BUSINESS

Mr. LONG. Mr. President, is not the Gore amendment to be the pending business when the Senate meets tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned until Tuesday, December 2, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 1, 1969:

OFFICE OF ECONOMIC OPPORTUNITY

William R. Ford, of Michigan, to be an Assistant Director of the Office of Economic Opportunity, vice William H. Crook.

U.S. ATTORNEY

Samuel C. Palmer, III of California to be U.S. attorney for the central district of California for the term of 4 years vice William M. Byrne, Jr.

U.S. MARSHAL

Kenneth M. Link, Sr. of Missouri to be U.S. marshal for the eastern district of Missouri for the term of 4 years vice Olin N. Bell, Sr.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

Abbey, James Robert
Abel, Warren Robert
Ackerman, William Crandall
Adams, Joseph Harvey
Addicott, Raymond Walter
Agnew, Alfred Howard
Ahlborn, Edward Richard, Jr.
Akerson, Arthur Carl, Jr.
Alden, John Henry
Alemian, Haig Sarkis
Allen, Arnold Charles
Allen, Edmond Lemar
Allison, Warner Lee
Althouse, Thomas Stephenson
Ames, Richard Earl
Andersen, Kenneth Eugene
Anderson, David Carl
Anderson, Ira Boling
Anderson, Richard Glenn
Anderson, Thomas Harry
Anderssen, Arthur Harald
Andress, William Dozier, Jr.
Andrews, Michael Keeney
Angelosante, Carmen
Anton, Andrew Joseph
Applegate, Terry Bruce
Armstrong, Jesse Watson
Arnaud, Antoine Jean Albert
Arnold, David Phillips
Arnold, Robert Judd
Arthur, John Robert
Asher, Charles Eugene
Astleford, Nathan Leo
Atherholt, William Bradshaw
Auer, James Edward
Austin, Michael Gaylord
Bacanskas, Alger Vladas
Bacon, Barton Elijah, III
Badgett, Robert Samuel
Bagby, James Lovelace, Jr.
Bailey, Eugene Ridgeway
Bailey, James Lindsey
Bailey, Ralph Gurdon
Baird, Don Wilson
Baker, Harry John
Baker, John Lee
Baker, Ronald Carol
Baldwin, Richard Charles
Ballard, Duane Clare
Bannach, Leroy Robert
Barbour, Richard Elwood
Barfield, Henry Jackson, Jr.
Barker, Edward Phillips
Barnes, Edward Thomas
Barr, John Garman
Barr, Thomas Hammond
Barrett, Robert William
Barta, Arnold Francis
Bartholomew, Charles Arnett
Abel, Jon Frederick
Abrahamsen, David Lloyd
Adams, John Robert
Adams, William Victor, Jr.
Adler, Jay Burns
Afdahl, Darwin Frank
Ahern, David Gaynor
Ainlay, Benjamin John
Albright, Robert Ernest
Aldinger, Robert Waugh
Alexander, Edward Harrison, Jr.
Allen, Benjamin Earl, Jr.
Allen, Robert John
Almasi, George Raymond
Alvarado, Robert Joseph, Jr.
Amundsen, Rickard Oliver, Jr.
Andersen, Robert Thomas
Anderson, Gerald Lee
Anderson, Raymond Charles
Anderson, Richard Oscar
Anderson, Varro Dee
Andrasko, Michael Basil
Andrews, Larry Joe
Andridge, Phillip Carl
Ansley, James Henry
Antrim, Benjamin Franklin, III
Arkin, William Eugene
Armstrong, William Edward
Arnest, Charles Sherman
Arnold, John Conrad
Arnold, William Knowles, Jr.
Asbell, William Edward
Asher, John Wilson, III
Athanas, Philip William
Aubuchon, Robert George
Aurell, Donald Leon
Ayre, Donald
Backlund, Robert Alfred
Badger, Patrick Matthew, Jr.
Baer, Robert Dale
Bailey, David Leroy
Bailey, Ian McDonald
Bailey, Larry Wayne
Bailey, Thomas Fitzgerald
Baker, Curtis Lee
Baker, James Walter
Baker, John Sherman
Baldwin, John Milton, III
Baldwin, William Earl
Baloga, Stephen Joseph
Bansemer, Ronald William
Bardeschewski, Walter Paul
Barker, Charles Milton
Barnes, Charles Loyd
Barnes, William George
Barr, Robert Kenney, Jr.
Barrett, Harold Clark
Barrs, James Milton
Barthold, Todd Alan
Barton, Harry Leroy
Barton, William Robert
Bates, William Roger
Batts, Charles Jackson
Beall, David Albert
Bearse, Laurence McKenzie
Beaton, John Hudson
Beck, Brian Kay
Becker, Robert Edward
Beech, Henry Dee
Beem, James Noel
Bekkedahl, Douglas Lloyd
Bell, Charles Fettes
Bell, James Howard
Bell, Ronald Kenneth
Belmore Richard Kenneth
Bender, Thomas Jacob
Benford, Eddie
Bennett, Andrew Joseph
Bennett, Paul Lawrence
Bennett, Thomas Guy
Benshop, Edwin Charles
Benter, Harry William, Jr.
Berg, John Stoddard
Berkey, Thomas Joe
Bern, Russell Harry
Berry, Russell Elliott, Jr.
Best, James Bruce
Bezrutch, Rudolph Art
Bickel, Michael David
Bieraugel, Eugene Edwin
Bigelow, Grant Leroy
Billue, Sidney Kent
Bishop, Joseph Brooke
Bissonnette, Laurence Arthur
Bjorkner, Arthur Charles
Black, Jerry Hall
Black, Norman Twining
Blackmon, Thomas Lester
Blakeley, James Harold
Bland, Charles Warren
Blankinship, John Hamilton
Bledsoe, Robert Dennis
Bliss, Robert Bruce, II
Bloom, John Lester
Blundell, Thomas Edward
Bodenner, George Earle
Boehnke, Donald Florence
Boggess, Randolph Cowan
Bonds, John Bledsoe
Boorda, Jeremy Michael
Booth, Albert James
Bornholdt, Robert Alan
Bouchard, Michael Lora
Boufford, Francis William
Bowdoin, Bernarr McFadden
Bower, Johns Hollis, Jr.
Bowlby, Carl Albert
Boyd, John Theodore
Boyes, Allen Dale
Brackin, Charles Albert
Bradick, Andrew Albert
Bradshaw, Wilton Drexel
Braendle, John Edward
Braham, Donald Francis
Brannan, John Joseph
Breece, James Philip

Bremner, Bruce Barton
Brent, Gerald Page
Brewer, Vincent Eugene
Briggs, Steven Russell
Brinkley, Joseph William
Brittingham, Edward Michael
Bronson, Marshall Wilkes
Brooks, Kenneth Montgomery
Bartolomei, Marino James
Barton, Max Nolan
Bates, Robert Carroll
Batie Howard Franklin
Bauer, Maurice Dean
Bealle, William Edgar
Beasley, Fenn Coffin
Beaulieu, Eugene Leo
Beck, Gary Laurence
Beckham, Robert Frederick
Beedle, Ralph Eugene
Beguin, Larry William
Belford, Ralph Wynn
Bell, Denis Joseph William
Bell, Marlin Gene
Bell, Ronald Irving
Belton, David Calvin
Benepe, John Wesley
Benge, Albert Houston
Bennett, John Faber, Jr.
Bennett, Robert Gordon
Bennitt, Brent Martin
Benson, George Martin
Bently, Donald Keith
Berger, Thomas Joseph
Berkowitz, Ross
Berry, Charles Henry
Berry, Niles Walter
Beyer, Dean Harder
Bianco, John August
Bieber, Gene Leroy
Bierig, Frederick Arthur
Bigsby, Charles Floyd
Bingham, John Hamilton Lewis
Bishop, William Richard
Bivins, Howard Vernon
Black, Herbert Eugene
Black, John William
Blackburn, John Ogburn
Blaha, Douglas Dean
Blakeley, William Robert
Blankenship, Thomas Carey
Bleakly, Edward William
Blesch, Jerry Morgan
Blizzard, William Elmer
Blumberg, Lawrence Bertram
Bobb, Kenneth Ray
Bodiford, Larry Joe
Boer, Westinus, II
Bole, Robert Fulton, Jr.
Bonham, Charlie Leonard
Boose, Donald Edwin
Borkert, Robert Lester
Boss, Ronald Arthur
Boucher, Charles Eugene
Boughton, Louis Charles
Bowen, Alfred George
Bowes, William Charles
Boyd, James Sherwood
Boyer, John Edward
Boyle, Francis Joseph
Braden, Morse Shelton
Bradley, Michael David
Brady, Carl Owen
Bragg, Thomas Perkins
Branch, Thomas Allen, Jr.
Bransom, Frank Harper
Bregenzer, Karl Edward
Brennan, William John
Breslin, Michael Joseph
Brierley, Roc Michael
Brimmage, Kirby Lesley
Britt, Joel Hobart
Brodehl, Richard Brian
Brooks, Charles Edwin
Brown, Carrol Dean
Brown, David Charles
Brown, George Ronald
Brown, Harold Eugene
Brown, Lorin W.
Brown, Robert Hadley
Brucato, Philip Edward
Brugman, Thomas Cletus
Brunelle, William Thomas
Bruno, Marco Joseph
Bryant, James Culver
Bryson, William MacLean
Buck, Duane Eugene
Buckley, Henry Timothy Jr.
Bulkley, Peter George
Bunch, Harold Anderson Jr.
Burdett, Lawrence Paul
Burges, Rufus Thurman Jr.
Burke, Charles Russell
Burke, Kevin James
Burn, Reed Robert
Burris, Richard Earl
Burton, John George
Butler, Phillip Neal
Butz, Will Alan
Bygler, Kenneth
Cahill, Allen Lewis
Calhoun, Ronald Joel
Callahan, Joseph Edward
Cameron, David Duncan Jr.
Campbell, Theodore Richard
Canady, Paul Allen
Capie, Donald James
Cargill, Lee Bruellman
Carlson, John Algot
Carney, James Allen
Carruthers, David Glenn
Carswell, Herschell Ronald
Casavant, Douglas Donald
Cassels, Bertrand Beasley Jr.
Castellano, William Joseph
Catchings, Thomas Jackson
Catlett, William Jackson, III
Chace, Alden Buffington, Jr.
Chafin, Thomas Lee
Challender, Jack Lee
Chapel, Gary Moore
Chappell, George Charles
Chasko, Gerald Joseph
Chauncey, Gregory Arthur
Chesbrough, Geoffrey Lynn
Chestnutt, Billy
Chinnes, Bennie Allen
Chrans, Larry J.
Churbuck, James Forrest
Clarey, Stephen Scott
Clark, Daniel Burrell
Clark, Frank Elwood
Clark, Vady Robert
Clark, Walter Thomas
Clarke, John Charles
Cleary, Francis Paul
Clements, Steven Dale
Cleveland, Donald George
Cline, Donald Lee
Clow, Wallace Gilbert Jr.
Coday, Harold Lee
Coffee, Desmond Thomas
Cohen, Steven Robert
Colavito, Thomas Joseph
Cole, Isaiah Clawson
Collins, Dan Earl
Collins, John Joseph
Coltrin, William Andre
Colvert, Lundy Ray
Brown, Barry Lewis
Brown, Charles Duane
Brown, Edward Ernest
Brown, George Elliott, Jr.
Brown, Joseph Zachariah
Brown, Noel Warren
Brown, Roger Donald
Brueggeman, John Lyle
Brummersted, David Anthony
Brunnworth, Rolland Henry
Bryan, Jon Jasper
Bryant, James Howard
Buck, Arthur Edwin, Jr.
Buckel, Jerome
Buckley, Thomas Daniel
Bunce, Ronald Lynn
Bunnell, Robert Terrell
Burger, Joseph John
Burgess, Donald Elliot
Burke, Gary Leigh
Burkette, Jerry Wayne
Burrell, Donald Overton
Burritt, James Graham
Butler, John Harrison
Butler, Warner Lewis
Byers, John Arthur
Cablk, Steven Richard
Cahill, Joseph Patrick
Callahan, James Francis
Callahan, Paul Lawrence
Campbell, Guy Reeder, III
Canaday, Carlton Weaver
Cantus, Howard Hollister
Carder, Noah Robert
Carlsen, Kenneth Leroy
Carnell, Thomas E.
Carns, Neil Sherman
Carson, Harold Raymond
Caruso, Sam Joseph
Cass, Dudley Eugene
Casseri, Aldo Jerome
Cataldo, John
Cathey, Carl Darrell
Cerruti, E. Richard Joseph
Chadwick, Stephen Kent
Chalecki, Stanley Joseph
Champlain, John Galloway
Chapin, Robert Williams, Jr.
Chase, Malcolm Withington
Chasteen, Robert Wayne
Chelton, Edward Ernest
Chesser, Marvin Brooks, Jr.
Chinn, Donald Morton
Chipchak, Robert Frank
Christensen, Edward Louis
Clair, Robert Arthur
Clark, Arthur
Clark, David George
Clark, Rolf Hans
Clark, Vernon
Clarke, Edward Joseph
Clausen, Carl Charles
Cleater, John Francis
Clemenger, John William
Cleveland, Richard Kenneth
Cline, Robert Neil
Cobb, John Hale
Coen, Ira Hearst, Jr.
Cogswell, Thomas Milon
Cohen, Paul Lewis
Cole, Edward Fiscus, Jr.
Cole, Kennard Ernest
Collins, Jerry Carlos
Collman, Charles Bonham
Colucci, Anthony Robert
Compton, Andrew Jerome
Condon, John Robert
Connell, James Joseph
Conrey, Thomas Rolland
Conwell, Douglas Meriwether
Cooper, George Thomas
Copeland, Aaron Clifford
Copes, Raymond Francis, III
Copple, Jerald Allen
Corbin, Floyd Eugene
Cornett, Richard Rex
Costello, Robert Graham
Cousins, Belmont William
Covert Dana Paul
Covington, William Ellerbe, III
Cowart, John Michael
Cowen, Wayne Edward
Cox, Charles Claude
Cox, Joseph Wesley
Crabbs, Edward Hamilton, Jr.
Craig, Edward Coleman
Chaiglow, Leo Harvey, Jr.
Craven, John Alan
Creed, William Kermit
Creps, Stephen George
Croll, Larry Richard
Crooks, Stephen Chapman
Crow, Hugh Enos
Crumly, Jerry Maclean
Culbertson, Richard Wesley
Culler, David Allen
Curley, Everett Patrick, Jr.
Currey, John Michael
Curtin, Peter Maxime
Curtiss, Daniel James
Cybul, Harvey John
Dalberg, Richard Leo, Jr.
Dalton, Gerard Holbrook
Dalzell, William John
Danielson, Harvey
Danner, John Christian
Daughters, Milo Philip, II
Davies, William Emmett, Jr.
Davis, Henry Hooper, Jr.
Davis, John Paul, Jr.
Davis, Milton Edwin, Jr.
Davis, Robert Thompson, II
Dean, Arthur Lee, Jr.
Dean, Peter Lewis
Decker, Wilbur Leon
Dehler, Richard Frank
Dekker, Jon Karel
Delgaizo, Theodore John
Demech, Fred Ralph, Jr.
Denike, Daniel Joseph, Jr.
Deputy, Robert William
Desens, Robert Bruce
Dewalt Ralph Frederick.
Dewinn, Donald Albert
Dias, Gerald Freitas
Dickey, Riley Webb, Jr.
Diehl, Robert Walter Johns
Digiovanni, Armand Frank, Jr.
Dinning, Donald McPherson
Ditmore, George Walter, II
Dobrosky, John
Doll, Robert James
Dommers, Richard Walter
Dooley, William James
Dorfer, Jay Phillip
Doswell, Eugene Varnon
Doty, Wells Blakeslee
Dougherty, Francis Joseph
Douglas, Carlysle Arden
Doyle, John Francis
Comfort, Richard Lawrence
Conaway, Larry Joseph
Conley, Dennis Ronald
Connolly, Michael Brian
Conway, Frank Mark, III
Cook, Walter Talbot
Cooper, Robert Weatherby, Jr.
Copeland, Walter Edwin
Copley, David Ronald
Corbaley, Leonard Howard
Corcoran, Joseph Francis
Cornforth, Clarence Michael
Coupe, Jay, Jr.
Covell, Michael Averill
Covey, Robert Wesley
Coward, Jimmie K
Cowell, James Parker
Cowperthwaite, Franklin Clair
Cox, John Hannan
Crabbe Douglas Vincent, Jr.
Craddock, John Raymond
Craig, Kenneth Grant
Cramer, Thomas Herbert
Crawford, Charles Wells
Creighton, Charles Benson
Criswell, Paul Earl
Crombie, Kenneth Michael
Crossland, Clifford Thomas
Crowley, Edward Joseph
Csernelabics, Richard Charles
Cullen, Richard Columbus
Culver, John Bergen, III
Currey, Carl Wilhelm
Currie, Daniel Lee, Jr.
Curtis, Jon Edward
Cuttitta, Joseph Stanle
Dahl, Dennis Kay
Dalton, Clem Edward
Dalzell, Fredric Samuel
Damon, William Edward
Dannaker, Robert Paul
Dattilo, Frank, III
Davies, Robert Leston
Davis, Edward Anthony
Davis, James David
Davis, Martin Dorner
Davis, Richard Clinton
Dawson, David Lee
Dean, David Thomas
Decker, Joel Porter Wallace
Deevy, Thomas Joseph
Dehn, William Silas, Jr.
Dekshenieks, Vidvuds
Delvecchio, John Richard
Denault, Donald Raymond
Denis, Robert Richard
Derf, Tad Arlen
Desha, Ernest Larry
Dewhirst, George Harness
Diamond, Quensel King
Dickey, Edwin Harvin, Jr.

Dickinson, Robert Scott
Diggs, Bernard Wesley, Jr.
Dill, Donald Lloyd
Ditchey, Robert Louis
Dizor, Carl Adair, Jr.
Dodd, James Havercroft, Jr.
Dollard, John Anthony
Donaldson, William Jay
Dootson, Eugene
Dorman, Craig Emery
Dothard, Joseph Robert
Dougherty, Dennis Vincent
Dougherty, Robert Joseph
Downs, Charles Patrick
Driscoll, Allen Aiden
Drustrup, John Michael
Drylie, Herbert Dick, Jr.
Dubois, Dorse Howard II
Duda, Daniel Martin
Duff, Robert Dwayne
Duffy, Michael Don
Dufresne, Michael Paul, Jr.
Duich, Stephen James
Duke, Thomas Edward
Dulin, Robert Oliver, Jr.
Duncan, Duane Stewart, Jr.
Duncan, Thomas John
Dunkle, Robert Alexander
Dunn, Gerald Leo
Dunstan, Richard Alan
Durbin, James Lanius, Jr.
Durgin, Herbert Penley
Durkee, Leroy Ralph
Dwyer, David Stephen
Dyer, Edward Harvey, III
Earle, Joseph Todd
Eddins, Charles Wade
Edleson, Stuart Kaufmann, Jr.
Edwards, David Richard
Efird, William Alexander
Eldred, William Alexander
Eller, John Christian
Ellis, George Jeremiah
Ellis, Willie Carl
Ellis, Wright Hoover
Emarine, Larry Lee
Emmerich, William Stanley
Engman, Lee Mathew
Epstein, Joseph Lawrence
Erdei, Elmer Alexander
Ernest, Charles Lee
Esposito, Richard Michael
Evans, Ralph Edward
Ewing, Donald Ralph
Famme, Joseph Bortner
Fanning, George Francis
Fantin, Jonnie Ronald
Farber, Frederick Albert
Farnan, George Francis
Farrell, Charles Augustus, Jr.
Fedor, John David
Fellis, Richard Thomas
Ferbrache, Ray Leroy
Ferguson, Michael Blackburn
Ferrier, Thomas Lee
Fijak, Theodore Jr.
Findlay, James Roy
Firebaugh, Millard Sherwood
Fischer, Ernest Collis
Fisher, Gordon Everett
Fitch, Kenneth Ray
Flanagan, Alan Brian
Flescher, Elbert Eugene, Jr.
Flores, Arthur Jerome
Flynn, Robert James
Folsom, John Harold
Ford, John Fletcher
Forthman, Ernest Almer
Foster, Brent Dean
Fox, William Clement
Francis, William Charles
Franz, David
Frazer, Paul David
Fred, Robert Henry
Freeman, Joseph Harry Jr.
Frelich, Alan Wencil
Frew, John Archibald
Frick, Frederick Mark
Friedsam, Bruce Alexander
Doyle, Thomas Francis, Jr.
Droste, James Bentley
Dryden, Victor Duane
Dubois, Denis Robert
Duchesne, Robert Edward
Duff, Franklin Duane
Duffy, Denis Charles, Jr.
Duffy, Philip Frederick
Dugan, Timothy Parks, Jr.
Dukat, Frank
Duley, Donald Gordon
Duling, Martin Lee
Duncan, John Wesley
Dunham, Donald Tolbert
Dunlap Calvin Ray, III
Dunn, Willmatthis, Jr.
Dunton, Lewis Warren, III
Durfee, Gerald Armand
Durham, Dan Wilson
Dvornick, Eugene Steven
Dyer, Arland Raye
Dyke, Conrad Scott
Eckert, Thomas Richard
Edgar, James Raun, Jr.
Edson, Darrell Willis
Edwards, L. Vernon, Jr.
Ehret, Howard Charles
Elkins, Frank Callihan
Elliott, Jon Knox
Ellis, John Richard
Ellis, Winford Gerald
Ells, Marvin Ruell
Emerson, Norman Perry
English, Charles Robert
Ennis, James David
Erchul, Ronald Anton
Erickson, Lawrence Einar
Esau, Anthony Christopher
Estell, William Andrew, Jr.
Ewert, Lawrence Edward
Fachinger, Joseph Allan
Fang, George Weiming
Fant, Robert St. Clair, Jr.
Farber, Donald Joseph
Farmer, Michael O'Brien
Farnan, Robert Leo
Farren, Manus Gerard
Feeney, Harry Joseph III
Fenno, Ted Perley
Ference, Robert Joseph
Ferrier, Donald Robert
Ferriter, Nicholas Mark
Finch, Parker Thomas, Jr.
Finn, Edward Stephen
Firnbach, James Donald
Fisher, George Garthwaite
Fisher, Thomas Mark
Fitrell, Stuart James
Flanagan, Walter Brian
Fliegel, Robert Aalbu
Flower, Roger Paul
Folse, Ronald Leo
Ford, James Iru
Forster, Robert Douglas
Forys, Michael George
Fox, Loyd Otis, Jr.
Frame, Lee Hudson, Jr.
Frank, Allen Jesten
Frawley, William David
Frazier, Lowell Dennis
Frederick William Edmund
Freiheit, James Edward
French, Thomas Penn, Jr.
Frick, Dean Earl
Friedrichsen, Lewis Johnson, Jr.
Fromholtz, Richard John
Fry, Michael Scott
Fuchs, Robert Edwin
Fuller, Robert Davis
Fulton, William James
Fuscaldo, Robert Patrick
Futch, George Wiley
Gabriel, Thomas Oscar
Gache, Marius Anthony
Gaedecke, Walter Richard
Gaines, William Andrew
Galbraith, Elmer Joseph, Jr.
Gambacorta, Francis Michael, Jr.
Gander, John Peter, Jr.
Garmon, Gerald Sutherland
Garrett, Roger Allen
Gaskell, Lawrence Charles
Gaul, James Howard
Geck, Robert Lee
Geeding, Robert William
Gensler, Robert Lewis
George, Harold Wayne
Germany, Holmes Billy
Getz, Sidney Louis
Giannotti, Sterling Maurice, Jr.
Gibney, William James, Jr.
Gilhuly, John Francis
Gill, Gary Edward
Gill, James Edward
Gilleece, Peter Gerard
Gilson, James Donald
Gipson, Jack Donald
Gladwin, Harold Russell
Glasier, Peter Keith
Glenn, Walter Lewis, Jr.
Glover, Robert Patrick
Gluck, John Milton
Goggins, John Joseph, Jr.
Goldman, Dan Edgar, Jr.
Gomez, Luis Vilas
Goodman, Jerry Edward
Googins, Bruce Russell
Gordon, Richard Scott
Gormly, Robert Anthony
Goubeaux, Richard Francis
Graf, Karl Rockwell
Graham, David Bruce
Graham, Ernest Aubrey
Graham, Walter Harry
Graustein, Robert Stewart
Gray, Gordon Lee
Green, Norman Richard, Jr.
Green, William Jennings, Jr.
Greene, Paul Edward
Greeson, Tommy Darell
Gregory, William Herbert
Grice, John David
Griffin, Harold Craven, Jr.
Grigg, Lewis Wallace
Grimes, Elmer Ray
Groff, Jon Philip
Groman, Alphonse Winslow, Jr.
Grosfils, Eric Francis
Grotenhjis, John Henry
Grunwald, Gerald Max
Gubbins, Philip Stanley
Guertin, Gerald Andre
Gurnee, William Theodore
Guter, Richard Joseph
Haddick, John Richard
Hall, James Benjamin
Hall, Thomas Forrest
Hallman, Lee Allen
Halperin, Mark Israel
Hamilton, Jack Edward
Froehlich, Edward William, Jr.
Frothingham, John Carey
Fryman, Wayne Edward
Fuller, John Paul
Fulton, Stephen Howard
Fulton, William Lawrence, II
Futch, Charles Abbott
Gabriel, Edward Michael
Gabryelski, Richard Marion
Gadsby, Donald Francis
Gagliano, Sam Joseph
Galanti, Paul Edward
Gallamore, John Cliff
Gamboa, Jose Carlos
Garden, Leon Bernard
Garrett, Loren Elwood
Garritson, Grant Richard
Gastrock, Barry Allen
Gaynor, Cornelius William
Gee, George Nicholas
Geiger, William Arthur
Gentry, Donald Gunn
Germain, Russell Felix
Gesswein, Paul Schofield, Jr.
Ghrer, Grady Francis
Giauque, Larry Lee
Giersch, George Joseph
Gill, Donald Lee
Gill, Henry Aloysius, Jr.
Gill, Thomas Edward, II
Gillen, Robert Francis
Gingras, Peter Southworth
Giuffreda, Robert Noel
Glasier, John Milton
Glaspell, Grayson McGuire
Glivings, Rudolph
Glover, William Ferguson Hu, III
Goebel, David Maxwell
Gold, Bennett Alan
Goldman, Robert Barry
Goode, Sanchez
Goodman, Ronald Maxwell
Gordon, Milford Inmon
Gordon, Robert Henry
Gottschalk, Gary Ward
Gowers, Fred Lewis
Graffman, Joel Ross
Graham, Edward Mary
Graham, Robert Lewis
Grantham, Frank Holmes
Gravley, Thomas Wayne
Gray, Myron Paul
Green, Robert Leonard
Greene, David Lockwood
Greenman, Robert Pruyn
Gregor, Richard Allen
Greninger, John Jefferson
Griffin, Charles Donald, Jr.
Griffis, William Willard
Griggs, Stanley David
Grinnell, Donald Prescott
Groggett, Richard Walton, Jr.
Gros, Joseph Edward, Jr.
Gross, Robert Bascum, Jr.
Grove, Frank Henry
Grzymala, Thomas Chester
Gudmunson, Charles Edward
Gullett, Fred Wayne
Gustafson, Kurt Allen
Hackett, Douglas Myron
Hadley, Allan William
Hall, James Wayne
Hall, William Ervin
Hallmark, John Bobby
Hambright, Thomas Leroy
Hamilton, Ted Allen
Hancock, John Bruce
Hansen, Richard Carl
Hanson, Claude Lee
Hardesty, Michael Alfred
Hardy, James Cecil Clayborn
Harless, Charles William
Harnadek, Joseph John
Harper, Don Spence, Jr.
Harrell, Richard Earl
Harriman, Robert Barbour
Harris, Jon Richard
Harrison, Edward James, Jr.
Hart, Robert Martin
Hartman, Gary Walton
Hartman, William Albert
Haselman, Eugene Albert
Haskins, Toner Charles, Jr.
Hauck, Frederick Hamilton
Hauhart, James Norval
Haungs, Richard Elmer
Hawley, John Garland
Hayes, Richard James
Hays, George Elden, Jr.
Heald, David Blair
Heath, William John
Heck, Jerome Ronald
Heidt, John Harry
Heinz, Michael Kasper
Helbig, Raymond Allan
Hellyer, James Andrew
Helms, Hugh William
Henderson, Hugh Curtis
Henderson, Lee Herman
Hendren, Edward Dale
Hendry, John Alexander
Henrizi, John Taylor
Hensgen, Richard Harold
Heppard, William Edgar
Hering, Frederick Shriver
Herrmann, John Severin
Hewitt, Fred Lincoln, III
Hewlett, Harold Eugene
Hickey, Edward Francis
Hicks, Gerald Dennis
Hicks, Robert Louis
Hightower, Charles Vernon

Hill, Alan Curtis
Hill, William Joseph
Hillyard, William Franklin
Hinchy, Frank Thomas
Hinman, Kendall Goddard, Jr.
Hinton, Thomas Evans
Hitch, William Lee
Hixson, Richard Michael
Hoag, Robert Wyman, II
Hodge, Henderson Alison, III
Hoernlein, Russell Paul
Hoffman, Paul Mylton
Hofford, Robert Francis
Holben, Neil Edward
Holifield, Allison James, Jr.
Holly, Richard Warren
Holmes, John Anderson
Holmes, Stacy Vernon
Holt, Richard Harold
Holton, Wilbur Earl
Hood, J V
Hopper, John Ford
Horn, Frank Gordon
Hougton, David Ralph
House, Thomas Vann
Howard, James Willoughby
Howard, Lee Francis
Howell, Norman Brice
Hamilton, Leonard Anderson
Hammer, John Levering, III
Hand, William Edward
Hansen, Robert Raymond
Hanson, Robert Clyde
Hardison, Robert Payne, Jr.
Hargon, John Bentley
Harlett, John Charles
Harold, Douglas Walker, Jr.
Harrell, Gary Wayne
Harrelson, Allan Miller
Harris, James Partsch
Harris, Robert Harlan
Hart, Harvey Hicks, Jr.
Hartman, Charles William, III
Hartman, Richard Henry
Harward, Charles Leonard
Haskins, John Bryant
Hatfield, Philip Neal
Haugen, Ronald Gilbert
Haukereid, Arvin Lawrence
Havey, Brian Joseph
Hayes, Raymond Rhelist
Hayne, William John
Hays, Jimmie Deloyd
Healy, Patrick Robert
Hechtman, Robert William
Heckman, Robert James
Heins, Roger John
Heinz, William John
Helle, Frederick Allan
Helmann, Jack Eldred
Hemmer, John Kenneth
Henderson, Jimmy Don
Henderson, Willie B., Jr.
Hendrick, William Smith
Hennessy, William Joseph, Jr.
Henry, Russell Jones
Henson, Jarrell Neal
Herbert, Robert William
Herriott, Jack Adair
Hertzler, Gerald Ray
Hewitt, John Francis
Heying, Ernest Henry
Hickox, Oscar Jonathan, Jr.
Hicks, Jack Andrew, Jr.
Hicks, William Lloyd
Hill, Almo Walfred, Jr.
Hill, Ronald Vernon
Hillis, Robert J.
Hilty, David Allen
Hinkle, John Calvin
Hinson, Thomas Paul
Hipper, Ira Mark
Hitchborn, James Brian
Hoag, David Wesley, Jr.
Hodge, Stephen Andrew
Hoecker, Richard George
Hoffman, David Wesley
Hoffman, William St Clair
Hogan, James Joseph, III
Holcomb, Charles Edward
Holliday, James David
Holmes, Ephraim Paul, Jr.
Holmes, Milburn Jasper
Holt, Philip Nelson
Holtel, Kenneth Paul
Homer, James Joseph
Hooper, Harold Danny
Hopper, Robert Allison
Hosko, John, Jr.
Houk, Donald Richard
Houtchens, Horace Paul
Howard, John Richard
Howell, James Dorn
Howerton, Norman Julius
Hubbard, Orrin Everett
Huber, Raymond James
Hughes, Faust Francis, Jr.
Hughes, Michael Bryant
Hughes, William Allen
Hulbert, Bruce Wheelon
Humphrey, William Brownell
Hunt, Paul Delton, Jr.
Hunter, Jack Edmund
Hupp, Arnold Jay
Hurley, Robert Francis, Jr.
Hurvitz, Sheldon Phillip
Hux, Edgar Douglas
Hyland, John Joseph III
Ibach, James Sewell
Ingram, Isom Irvin
Irvine, Kenneth Michael
Isaksen, George Albert
Jacanin, John Andrew
Jackson, James Barrett
Jackson, Warren Barnett, Jr.
Jacobs, Philip Roberts
James, Franklin Wilson
Jampoler, Andrew Christophe
Jensen, Jack James
Jensen, Richard Morton
Jiannas, John Stergos Emman
Johniken, Teddy Atlee
Johnson, Alfred Earl
Johnson, Arne Edward
Johnson, Clayton Allen
Johnson, John David
Johnson, John Robert
Johnson, Kenneth Maine
Johnson, Raymond
Johnson, Terry Lowell
Johnson, Thomas Buford
Johnston, Daniel Francis
Johnston, Thomas Franklyn
Jones, David Lynn
Jones, Kenneth Earl
Jones, Robert Morris
Jones, Robert Eugene
Jones, Thesle Robert
Jones, Winslow David
Jordan, Wesley Earl, Jr.
Judson, William Harry
Kagy, Virgil Clarence
Kalenowski, John Edward
Kallusch, Herbert William
Karcher, Victor Anthony
Karst, Allen Wayne
Katz, Alfred Charles
Kay, Norman Bruce
Keefer, James Francis
Kehrli, Lynn Clifford
Keleher, John Allen
Kelley, Alfred Samuel
Kelly, Jessie Henry
Kelly, Robert Francis, Jr.
Kennedy, Jared Prescott
Kennedy, Joseph Alfred
Kenney, Lawrence Harold
Kerns, Lyle Keith
Kerr, Howard J., Jr.
Kesler, Kenneth Lowell
Kidd, George, Norman
Kiess, Dean William
Kile, Thomas Joseph
Kilpatrick, Arthur Lawrence
King, John Barry
Kinney, Dennis Martin
Kinsey, David Lawrence
Kirchner, John
Howell, Robert Lawrence
Howson, Richard Ira
Hubbard, Richard Gene
Huchthausen, Peter Anthony
Hughes, Frank Weber
Hughes, Roy John
Huke, George Edwin
Huling, John McKee, Jr.
Hunt, Donald Bayard
Hunt, Paul Dean
Hunter, William Patterson
Hurd, Michael Fuller
Hurst, Paul Drake
Hutton, Joseph John, Jr.
Hyatt, Charles Sidney
Hynes, William Richard
Ingram, Alan Falconer
Innes, Henry Edgar
Isaacson, Robert Theodore
Ison, William Bredley, Jr.
Jackson, Grady Lee
Jackson, Samuel Lee
Jacobs, Eldon Elton
James, Stephen Robert
James, Ronald Edward
Jenkins, Frederick Peter
Jensen, James Leroy, Jr.
Jessel, David George
Johannes, Richard Nelson
Johns, James Edward
Johnson, Allan Leroy
Johnson, Bradley
Johnson, Iver Raymond
Johnson, John Lewis
Johnson, Kenneth Albin
Johnson, Ralph Borkland, Jr.
Johnson, Stephen, Jr.
Johnson, Thomas Alvin
Johnson, William Spencer
Johnston, Lowell Timothy
Johnstone, Richard Ober
Jones, Frank Alfred, Jr.
Jones, Milton Haddon
Jones, Robert Charles
Jones, Robert John
Jones, Thomas Price, Jr.
Jordan, James Francis
Joyner, James Dietrich
Kaempfer, Frederick William
Kaiser, Theodore Joseph, III
Kalleres, Michael Peter
Kapocius, Algirdas Kazimier
Karns, Norman Milton, Jr.
Kasales, Joseph Anthony
Kaupas, Thomas Richard
Keating, Arthur Louis
Keen, Walter Robert
Keithley, Charles Leon, Jr.
Keller, Douglas George
Kelley, Thomas Gunning
Kelly, John Patrick
Kennedy, Edward Elvis
Kennedy, John Richard
Kennedy, Joseph Thomas
Kenney, John Joseph, III
Kerr, Frank Leigh
Kerr, James Earl
Kesler, Walter Wilson
Kiely, Richard Krake
Kilby, Kent Thomas
Killen, Kenneth Brent
Kime, Steve Francis
King, William Henry, Jr.
Kinney, Richard Warren, Jr.
Kiraly, Joseph Stephen
Kirkman, David Clair
Kisiel, Roger Walter
Klee, Charles William, Jr.
Kleyn, Frederick Gilbert, III
Klinger, David Calvin
Klippert, Richard Hobdell, Jr.
Knapp, Edwin Jackie
Knight, Daniel
Knight, Euodias Falcon, Jr.
Knostman, Paul Brayton
Knudtson, Vernon Leroy
Koch, Frank Charles
Kochert, Gary Lee
Koehler, Thomas Clinton
Kolb, William Wister
Komarek, Jon Perry
Kordalski, Robert Edward
Kortge, Bernard William
Kotchka, Jerry Allen
Kozlowski, Stanley Clare
Kramer, John Frederick, Jr.
Krause, David Robert
Kroner, Frank Robert, Jr.
Kronzer, James Edward
Krupp, Marvin Mack
Kuhhirte, William Fred
Kulesz, James John
Kumpf, Thomas Lewis
Kunsky, David Allen
Kurrus, John Britton
Laack, Dennis Raymond
Labyak, Peter Stephen
Laidlaw, Charles Edward
Lair, James Anthony
Lamb, Dennis Wayne
Lamb, Stanton Bruce
Lambert, Richard Ellis
Lamont, Robert Fulton
Lamporte, Richard Arthur
Lane, Glynn Quinton, Jr.
Lange, Peter Saunders
Lapean, James William
Large, Elwyn Ferris
Larkin, Robert Rene, Jr.
Lash, Franklin Bruce
Laterza, Louis Michael
Laufer, William Harvey
Lawrence, Richard Wayne
Layton, David Ralph
Lebedeker, Michael David
Lee, James Stanley
Lee, Lawrence Lloyd
Lee, Richard Henry
Lefebvre, Edward Joseph
Lehnus, Ronald Karl
Leming, Billy Joe
Lenbergs, Harold Edvin
Leonard, William John
Lesh, Vincent Edward
Lesuer, Wallace Tompkins
Levangie, James Clement
Levin, Frederick Wylie
Lewis, Ernest Lamar
Lewis, Jerry Allen
Lierman, John Stephen
Lillis, Jack Warner
Limstrom, Kenneth Rodger
Lindsey, Billie Franklin
Little, Edwards Sanford
Livesey, James Eugene
Lloyd, Robert Collins
Lockhart, Theodore Charles
Lodge, Charles David
Loebel, Leonard Francis
Logan, James Lawrence, Jr.
Kirk, Francis Marion, Jr.
Kiseljack, Charles
Kizer, Clyde Richard
Klein, Donald Craig
Kline, Robert Leroy
Klintworth, Philip George
Knabb, Kenneth Keith, Jr.
Knepell, Thomas George Williams
Knight, Dennis Ray
Knight, William Eugene
Knubel, John Albert, Jr.
Knutz, James Evert
Koch, Larry Neil
Koeber, Charles John
Kogler, Robert Albert
Kolodziej John Saverio
Koneval, Kenneth George
Korsmo, Thomas Brock
Korzensky, George Joseph, Jr.
Kouba, George Edward Jr.
Krall, John James
Kramer, Lawrence Joseph
Krommenhoek, Jeffrey Martin
Kronz, James Cyril
Krueger, Dan William
Kuester, Arland Wilmer
Kuhlman, William
Kull, John Nelson, Jr.
Kundrat, Reginald
Kunz, James Charles
Kurz, Robert
Laboone, John Alfred, Jr.
Lacey, John Stephen, Jr.
Laine, Lawrence Leroy
Lamasters, Edward Reid
Lamb, Donald Keith
Lambach, Carl Ernest
Lamey, Paul Emile
Lampert, Donald Wessley
Land, Clinton Dale
Lane, Howard Francis, Jr.
Lantzer, Lawrence Arthur
Laplante, John Baptiste
Larison, Donald Eddie

Larsen, Lawrence Monroe
Lasko, Paul Gilbert
Latham, Peter Richard
Law, James Lawrence
Lawton, Roy Elwood
Leardi, Paul Louis
Lee, Charles Richard
Lee, Joe Ramon
Lee, Richard Neyman
Lee, William Joseph
Lehardy, Frank Ackerman, Jr.
Lemaster, James Lebert
Lemoyne, Irve Charles
Leonard, Edwin Walter
Lepak, Ronald Roman
Lester, Edwin Thatcher
Letourneau, Charles Edward
Levi, George Elston
Levings, William Headington, III
Lewis, Frederick Lance
Lewis, Robert Joseph
Life, Richard Aaron
Limbaugh, John Robert
Lind, Carl Victor, Jr.
Lippincott, Richard Jay
Litzinger, Richard Fuller
Livingston, Ira Eugene
Lockett, Joseph Louis, III
Lockie, William Edward, Jr.
Lodge, Raymond Francis
Loftus, John Bernard, Jr.
Lombardo, Stephen William
Long, Herman James, Jr.
Long, William Camielle
Loomis, Michael Francis
Lord, Norman Craig
Loving, Howard Hayden, Jr.
Lowe, Robert Wayne
Lowry, Bernard Franklin, Jr.
Loy, Michael Howard
Lucas, James Dorsey, Jr.
Luellen, Lawrence Horst
Lugo, Frank John
Lundquist, Dallas Earl
Lutz, Gilbert Martin
Lynch, Edward Thomas, Jr.
Lynch, James Richard
Lynch, Thomas Charles
MacDonald, William Robert
MacGregor, John Andrew
Mackaman, Bert James
Macomber, David Blair
Maddocks, Donald James
Magee, John Joseph
Maheu, John Chaisson
Main, Christopher Avery
Malkus, Kenneth Charles
Malloy, Charles Joseph, Jr.
Maness, Anthony Ray
Mann, Edward Bonner, Jr.
Mannarino, Mario Raffaele
March, Daniel Peter
Marlin, Richard Earl
Marquis, Richard Irving
Marsh, Frank Joseph, Jr.
Marshall, James Allen
Martin Edward Francis, III
Martin, Harold Vaughn
Martin, Walter Potts
Mason, Henry Boyd
Mason, John Allen
Masters, David William
Matheny, James Tim
Mathews, Michael Frawley
Mathis, William Walter
Mattis, James Bertrand
Maurer, John Howard, Jr.
Maybach, Alfred Allen, Jr.
Mayer, Roderick Lewis
Mazzan, Carl Anthony, Jr.
McAulay, Michael Lewis
McBride, James John
McBride, William Richard
McCann, James Thomas
McCarthy, Robert John
McCarton, Joseph Francis
McClelland, Michael Dwight
McClernon, Thomas Francis, Jr.
McClung, Lonny Kay
McCormick, John Hubert Charles
McCullough, Donald Charles
McDaniel, John Richard
McDavitt, Frederick Harry
McDevitt, Michael Allen
McElhiney, Ivan Gerard
McGee, Wyatt Hudson
McGinnis, Fon Cleo, Jr.
McGlone, Hugh Francis, Jr.
McGovern, Lawrence Edwin
McGrath, Milton Alonzo
McGuire, James Robert
McGuire, Thomas Patrick
McHugh, Richard Gregory
McIntire, Lloyd Gilman
McKechnie, Thomas William
McKimens, Robert Bruce
Lojko, Boley Alfred
Long, Harry Russell
Long, Joseph
Longfellow, Dennis Ray
Loonam, Bernard Joseph
Love, George Paul, III
Lowack, Frederick John
Lowman, Richard Whitmore
Lowry, J. E.
Lubbs, Larry Lee
Lucey, John Francis
Luenser, Kenneth Herbert
Luke, John Davidson
Lunneberg, Thomas Alvin
Lyman, Relle Lewis
Lynch, Frederick Wintley McDon
Lynch, Thomas John
Mabery, Lester Richard, Jr.
MacDougall, Donald Gerrad
Mack, Jacob Arthur, III
Mackay, William Robert, III
Madden, Michael John
Madison, Russell Lee
Magruder, Peyton Marshall, Jr.
Mahoney, John Timothy
Makela, Toivo Wilmer
Mallen, Frank Harshman
Malopy, Lawrence Richard
Manicke, Harold Valjean
Mann, Robert
Mantei, Thomas Joseph
Markworth, John Allan
Marnane, Joseph Peter
Marrical, Anthony Rolland
Marsh, Larry Roy
Martin, David Arthur
Martin, Harold Pierce
Martin, Owen Carmin, Jr.
Martinsen, Glenn Tracy
Mason, James Burrus
Massey, Scott Spencer, Jr.
Matechak, John
Mathews, Drexel Loy
Mathhiowetz, Donald Ray
Matthews, John Garrett
Mau, Gary Wilbur
Maxey, Fred, Jr.
Mayer, Luke Ferdinand, Jr.
Mays, George Glennon
McAbee, John Tolbert
McAuley, John Anthony, Jr.
McBride, Michael Andrew
McCammon, Peter Leverich
McCann, Wilford Dale
McCarthy, William Patrick
McCleary, Paul Eugene
McClement, Charles Christop
McCloskey, Henry Francis
McColgan, John Francis
McCormick, James Thomas
McCulloch, David Hamilton
McDaneil, Vernon Dale
McDermott, Michael Nash
McDiarmid, James Edward
McElmurry, Joe Allen
McGinley, Edward Stillman II
McGinty, Patrick Eugene
McGoldrick, Henry Joseph
McGrath, John Michael
McGraw, Thomas Michael
McGuire, John Francis
McHenry, John Walter
McHugh, Vincent Joseph
McKay, John Douglas
McKeown, Ronald Eugene
McKinnon, Clark Davis
McLaurin, John Coleman, Jr.
McCleod, Samuel Dell, Jr.
McManis, Robert Bruce
McNair, Morris Luther, Jr.
McNamara, John Joseph
McNeill, Corbi Asahel, Jr.
McNeill, Robert Davis
McColgan, Jerry Max
McRae, David Albert
McWhinney, John Loren
Meeks, William Ellis
Melampy, Ronald Francis
Melton, Jack Leroy
Mensch George Herbert
Mercer, Benjamin Franklin, III
Merchant, Steven Lee
Merrill, Hugh Anthony
Meston, Stanley Sercomb
Metzler, Charles Paul, Jr.
Meyers, John Moberg
Micalchuck, David Peter
Michaux, Richard Wehunt
Middleton, David Dean
Millard, John Warren
Miller, Everett Ray
Miller, Ralph Rillman, III
Miller, Stephen Kurt
Miller, William Charles
Mills, Melvin Walter
Mims, William Jackson
Mirkin, Howard Benjamin
Mitchell, Eugene Francis
Mitchell, Richard Floyd
Mock, Sanford Norman
Moffett, Peter Voland
Momm, John Albert
Monroe, Harry, III
Montgomery Robert Creel
Moore, Lawrence Boyd
Moore, Ronald Cullen
Moore, William Ronald
Moran, Robert Colin
More, Alan Robert
Morgan, Ronald Dennis
Morin, Thomas Eugene
Morris, John Elsworth
Morrison, Harlan Langtry
Morrison, Richard
Morse, Carl Samuel
Morton, Norman Lee
Moseley, Leo Otto, Jr.
Mosser, John Henry
Moulson, John Alfred
Mount, Donald Lee
Moynahan, Michael Joseph
Mueller, Joseph Brien
Mulkerrin, Joseph Martin
Mullen, James Joseph
Mullins, William Edward
Munroe, Frank Asbury, III
Murphy, James Andrew
Murphy, Thomas Francis
Murray, Francis Henry
Murray, Tom Reed, II
Myers, Thomas Andrew
Nakayama, Homer Shiro
Narciso, John Anthony
Nash, Michael Arthur
Neal, John Stephen
Needham, William Ray
Nelson, Jack Paul
Nelson, Thomas Lane
Nerup, Robert Kent
Neuberger, Douglas Francis
McKinney, Donald Lee
McLaughlin, Thomas Earl
McLean, Robert
McMahan, Jonh Peter
McMillan, John Hammack
McNally, Eugene Floyd
McNeer, William Paul, Jr.
McNeill, Donald Ray
McNicholas, Thomas Michael, Jr.
McPhail, Eugene Bates
McTighe, John Terence
Medaglia, Cornelius Peter
Meese, Harry Evan
Melander, Errol Norman
Meno, Timothy Deming Barron
Mercado, Carlos Edward
Mercer, Thomas Alexander
Mermagen, Peter Julian
Merz, Vincent Paul
Metcalf, Robert Edward
Meyer, Victor Alan
Mezmalis, Andrejs Modris
Michalski, Louis, Jr.
Middents, Paul Willby
Mikolajcyk, Ronald Joseph
Miller, Andrew Pickens, Jr.
Miller, Leon Robert
Miller, Raymond Paul
Miller, Thomas Leroy
Milliken, John Neely, Jr.
Mills, Robert Charles
Minick, William Edgar
Misuna, Charles Wallace
Mitchell, Martin Ralph
Mixon, Tracy Roland
Moessner, Paul Carl
Moir, Weston Gavin
Mommsen, Durward Belmont, Jr.
Montgomery, Robert Andrew
Moore, Guy Carroll, Jr.
Moore, Robert Lord
Moore, Warwick Breckinridge
Moot, Zane Arthur
Moraway, Michael Robert
Morgan, Richard Alan
Morgan, Thomas Leeroy
Moritz, Carl Arthur, Jr.
Morris, John Karl
Morrison, Karl Fisher
Morrison, Vance Hallam
Morse, John Palmer
Moscoe, Loren Joseph
Moses, Paul Davis
Mosteller, William Leidy
Mouns, Albert Lebeau
Mowery, Gary Willis
Moynihan, Brian George
Mulford, Michael Linden
Mullarky, Jon Irving
Mullins, David Lynn
Mullins, Willice Ralph, II
Munsee, Stewart Frederick
Murphy, Jerome Thomas
Murray, Allan Walter
Murray, Jack Lee
Mustin, Thomas Morton
Nagel, James Ronald
Nale, James Franklin
Nash, John Mitchell
Naughton, Robert John
Needham, William Peter
Neergaard, Richard William
Nelson, Stuart Nels Mandus
Nelson, William Jerome, Jr.
Nesbitt, Donald Lee

Newby, Richard Eugene
Newman, William Edward
Newton, Eugene Dexter
Niccum, Leonard Galen
Nichols, Christopher Owen
Nickerson, Charles Arthur
Niederstadt, Robert Grant
Nielsen, Donald Reay
Njus, Ingmar Joel
Norfleet, Ashley Curtis II
Norris, Kay Leroy
Norton, Jack Trask, Jr.
Nowatzki, Richard Joseph
Nunez, Samuel
Oakes, Charles White
Oates, Anthony Brent
O'Brien, James Edward
O'Claray, Daniel George
O'Connell, Robert Leo
O'Connor, Michael Bernard, Jr.
Oetinger, Mark
Oldham, George Roberts
Oliver, David Rogers, Jr.
Olsen, Glenn Ray
Olson, Carl Gordon
Olson, Jerrold, Elwood
Olzinski, Stephen James
Orejuela, Henry
Orluck, James Emmanuel
Orth, Nelson Edward
Osborough, Harry Richard
Otto, Paul Eugene
Owen, Bruce William
Owen, Robert Harrison
Owens, Robert Harper
Pafias, James Ellis
Painter, Clarence Melvin, Jr.
Paleologos, Nicholas Christos
Palma, Richard John
Palmer, Robert Earl
Paquin, James Edward
Parent, Donn Valentine
Parker, James Thomas
Parker, William Henry
Parnell, Charles Lavelle
Parsley, William Vernon
Partlow, Robert Greider
Pastre, Robert Leslie
Patrick, Roger David
Patterson, Ronald Gilbert
Paul, Vernon Bennett
Pavlik, Michael Dennis
Pearce, James William
Pearson, Dale Quimby
Pedisich, John Anton, Jr.
Peebles, Robert Graham, Jr.
Pellett, David Andrew
Pelton, Joseph Earnest
Pendleton, Alan Ray
Pennington, Donald Earl
Penrose, William Dennis
Perisho, Gordon Samuel
Perkins, Robert Caldwell, Jr.
Perry, Eugene Edward
Persell, Robert Alexander, Jr.
Petersen, Jack Eskield
Peterson, Ralph Duane
Pettit, William Edgar
Pettyjohn, James Robert
Pfeiffer, John Jacob
Pfister, William Campbell
Phillips, Robert William
Phimister, Stephen
Picard, Joseph Charles Eugene
Pierce, Sidney Robert
Neuman, Dennis Earl
Newman, Roger Lee
Newmister, Ronald Duane
Newton, Roy Irwin
Nichols, Charles Lloyd
Nichols, John Robert
Nicklas, Charles
Niederer, Robert Alexander
Nipper, Collin Daryl
Nolan, Donald Edward
Norman, William Stanley
Northrup, Paul William
Norton, Lafayette Ferguson
Nowotny, Lionel Jerome
Nystrom, Stephen Curtis
Oakes, Dudley Glen
O'Brien, Edward James III
O'Brien, Joseph Richard
O'Connell, Michael Joseph
O'Connor, Kip
O'Connor, Thomas Francis, II
Okeson, James Clifford
Olds, Harry Max
Oliver, Herndon Albert, III
Olsen, Robert Anker
Olson, Donald Arvid
Olson, Phillip Roger
Onorati, Roger Peter
Orlovich, Peter
Orriss, David Anthony
Osborne, Ronald Drake
Ostrander, Gary Lyle
Overstreet, John Wesley, Jr.
Owen, Kenneth Joseph
Owens, Edward Lee
Owens, William Arthur
Page, Earl Daniel
Painter, Floyd Charles
Palm, Peter Elmer
Palmer, George Mathison, III
Pancoast, Patrick Albert
Parchen, William Robert
Park, John Prentiss
Parker, John Eugene
Parkhurst, James Chappell
Parry, Ira Eustace, Jr.
Partington, James Wood
Passarella, Anthony Harold
Patacsil, Peter Espejo
Patterson, David Rufus
Paul, Ronald Victor
Paulus, John Francis
Payne, Joseph Carroll
Pearl, John Mitchell
Pearson, John Davis
Pedisich, Paul Everett
Pelkey, Frank Dixon
Pelot, Kent Barry
Pence, Thomas Howard
Penn, Buddie Joe
Penny, Douglas Corrigan
Pentz, Louis Ellsworth
Perkins, Ernest Della, II
Perkins, Thomas Millard
Perry, Lonnie James
Peters, Joseph Paschall
Petersen, Louis Harold
Peterson, Robert William
Petrucci, Richard Joseph
Pfau, Zeno J., Jr.
Pfingstag, William Carl
Phillips, Joseph Larry
Phillippi, Frederick Eugene, Jr.
Phoebus, Charles Richard
Pichel, Marcelino Raymond
Piper, James Stanley
Plath, Richard Neil
Pless, Michael Talmadge
Poellnitz, Walter Durand, III
Pope, Rex Arvis
Porter, Donald Ray
Porter, Philip Edward
Porter, Robert Law
Post, Warren Lee
Potente, Estelito Nocon
Power, Francis Rawley
Pratt, Thomas Rolla
Presnell, Lawrence David
Preston, Joe Wayne
Primmer, Stanley Leslie
Pryzby, Stanley John
Pullinger, William Aquilla
Purcell, William Clarence
Quarterman, John Maye, Jr.
Quinn, Michael Edward
Raggett, Michael Mark
Raines, Paul Eugene
Ramsay, Ian William
Randolph, William Lewis
Rasley, Roger William
Rattan, James Dow
Rauth, James Arthur
Ray, Donald Joseph
Reader, Robert James
Reaves, Curtis Felton
Rechterman, Marlin Edward
Reed, Gary Allen
Reeves, Robert Dulaney, II
Rehrig, Gerald Jon
Reilly, George Vincent Jr.
Reinhardt, David Starr
Remillard, Raymond Arthur
Repsher, Boyd Francis
Reust, Earl Daniel
Rhea, Kennedy J.
Rhodes, Edwin Olliff
Rice, Michael Gerard
Richards, Stewart Whitney
Richard, Raymond
Ricketts, David Lynn
Ridgel, Randolph Maurice
Riker, Robert Townsend
Ring, Henry Mark
Ristad, Arnold Clifford
Rivers, Laroyce Franklin Jr.
Roark, David Leroy
Roberson, Bernard Gordon
Robertson, Charles Leonard
Robinson, David Brooks
Robinson, Regneld Dwaine
Rochells, Andrew Jerome
Rodgers, James Claude, Jr.
Rogers, Elmer Earl, II
Rogers, Louis Anthony
Rogerson, Henry Porter
Rohles, Gerald Bernard
Rollins, David John
Roome, Jack Verne
Roper, James Edward
Rose, Michael Andrew
Ross, James Andrew
Rossi, Joseph Lewis
Roth, Michael Charles
Rothschild, Robert Edward
Roton, James Richard
Rowe, Arthur Earl, Jr.
Rowley, Thomas John, Jr.
Ruck, Merrill Wythe
Ruff, Paul Gray, III
Rupprecht, Robert Philip
Pigeon, Norman Brown
Pirofalo, Philip Mathew
Plaugher, Charles Edward
Poe, John Raymond
Poole, Richard James
Pope, William Henry
Porter, Ethan Oliver, Jr.
Porter, Richard Thilo
Post, Jerry Lee
Posthumus, Robert Kenneth
Potter, Robert Allen
Pozzi, Robert John
Prehn, Robert Lloyd
Preston, Gerry Lee
Price, Lawrence Howe
Procopio, Joseph Guydon
Pugh, Rex Andries
Purcell, Darrell William
Putnam, William Marvin
Quast, Philip Michael
Raetzman, Donald Patrick
Raiford, John Frank, Jr.
Rambo, Vinton Arnold
Randall, Edward James
Ranson, William Martin
Rathjen, Arthur David
Rau, Morton David
Rawls, Hugh Miller, Jr.
Raymond, Henry Alfred
Reagan, Daniel Adelbert
Reber, Peter Michael
Redmond, Robert Mize
Reese, Richard Lynn
Regan, John Thomas
Reilly, Errol Francis
Reilly, John Thomas
Reistetter, Emery Andrew
Replogle, Hugh Butler
Resweber, Owen Joseph, Jr.
Reynolds, Franklin Eugene
Rheinhart, Eugene Otis
Rhodes, William Alfred
Rich, James Earl
Richardson, James Clarke, Jr.
Richno, Carl Edward
Riddell, Richard Anderson
Riess, Joseph Raymond, Jr.
Rikli, Albert Frank
Ringelberg, John Michael
Ritt, Dayton William
Rixse, John Henry, III
Robbins, Christopher Brooks
Roberts, Lawrence William
Robertson, Thomas James
Robinson, Lesley Thompson
Robison, Kenneth Gerald
Rochholz, Lyle Dean
Rodriguez, William Joseph
Rogers, Kenneth Eugene
Rogers, Theodore Fleming, Jr.
Rohdenburg, Kurt Amandus
Roller, Donald Gordon
Romanelli, John Neil
Rooney, Philip James
Roper, Lidge B.
Ross, Ernest Earl
Ross, Robert Joseph
Rosson, Vernon Lee
Rothert, William Carl
Roton, Cyrus William
Rouse, William Arnold
Rowley, Charles Dana
Roy, Bill
Ruff, John Crawford
Ruliffson, James Howard
Rust, Robert Stanley
Rutherford, Paul Findlay
Ryan, Bruce Anthony
Ryan, Thomas David
Salopek, Raymond
Sammons, Charles Eugene
Sanders, David James
Sandlin, John Paul
Santi, Ralph Louis
Sargeant, Harry, Jr.
Schaefer, Lyle Howard
Schaus, Richard Harris
Schiffer, John Richard, Jr.
Schin, Robert Paul
Schlegelmilch, Charles Robert
Schmidt, Charles Thomas
Schmidt, Henry, Jr.
Schneider, Clinton Dunn
Schrader, John Yale, Jr.
Schroeder, Arthur Frederick, Jr.
Schropp, John Warren
Schuette, Richard Walter
Schufeldt, Coral Vance
Schwartz, Henry William
Scobee, Charles Russell, Jr.
Scott, Gordon Earl
Seeley, Howard George
Seiberling, Ronald Keith
Sellgren, Charles Alan
Seufert, Robert Joseph
Seymour, John Gregory
Sharp, David Robert
Sharp, John Berlin, Jr.
Sharp, Walter Henry
Shaw, Frederick Albert
Shea, Richard Francis, Jr.
Sheffield, George Albert
Sheridan, Joseph Lawrance
Sheridan, Thomas Russell
Shewchuk, Jon Dennis
Shillingsburg, John William
Shoemaker, Brian Hall
Shoop, Robin Dexter, Jr.
Shortal, Terence Michael
Shower, Albert Joseph, Jr.
Shufelt, William, John, Jr.
Sibold, Robert Donald
Siemer, John Robert
Sigmund, Jay G, II
Silvey, Frank Joseph
Simmons, Douglas William
Simpson, Frank Thomas
Singleton, J Arthur
Sisson, Robert Harsha
Skjod, Chester James
Slot, James Walter, Jr.
Smith, Eugene Thomas
Smith, Franklin Jerome, III
Smith, Gerald Lewis
Smith, Lynn Holmes
Smith, John Alan
Smith, Raleigh Merritt
Smith, Reid Hessey
Smith, Robert Seaward
Smith, Vance Griffin
Smith, William Richard Hawe
Smyth, Lorne Herbert
Snyder, Donald Marshall
Snyder, Wallace Hutton
Sollenberger, Robert Neil

Sootkoos, Donald Richard
Soupiset, Robert Ihl, Jr.
Spane, Robert Johnson
Spencer, William Dean
Sprouse, Donald Hugh
Rust, Gregory Bedell
Ruth, Paul Arthur
Rutkiewicz, Richard Clemens
Ryan, James Henry
Rybarczyk, Anthony Mark
Samford, Jack Wallis
Sampson, Neil Elwood
Sandidge, Edward Dabney
Sands, Robert John
Sarepera, Hillar
Sayles, Paul Herman
Schardt, Delvin Leroy
Schenck, William Herman
Schiller, Frederick Conrad
Schippel, Edwin Lyle
Schmeling, Leslie Lynn
Schmidt, Clemens Edward
Schmidt, Robert Henry
Schottle, Howard Thomas
Schrader, Paul Roger
Schroeder, David Donald
Schrupp, Manfred Sheldon
Schuetz, Laurence Noel
Schultz, Peter Hutchisson
Sclichter, Edward Franklin
Scott, Gerald Dean
Seeber, Lauren
Segerblom,, Ronald Lage
Sekula, Basil, Jr.
Seneff, Gerald Neal
Seyfarth, Robert Ernst
Shaftoe, Lyndon Robert
Sharp, David Dean
Sharp, John James
Sharpe, Raymond Alexander, Jr.
Shea, Jerome
Sheafer, Edward David, Jr.
Sherer, Robert Wallace
Sheridan, Robert Emmett
Sherman, Bradford Crosby
Shields, Donald Kent
Shirmer, Dan Armstrong
Shoemaker, William Bruce, Jr.
Short, Travis Earl
Shoup, Linn Tyler
Shrum, John Lemmon
Shutt, John Jay
Siegfried, Douglas Sherwood
Sienicki, Edward Francis
Silseth, David Franklin
Simer, Murice Marlin
Simmons, Vernon Pitkin
Singer, Edward Anthony, Jr.
Sirmans, James Stanley
Skinner, Garland Frederick
Sloan, Dean Elliott
Small, Selden Matthew
Smith, Dan Howard
Smith, Fred William
Smith, Glen Walter
Smith, Jerome Frost, Jr.
Smith, Leighton Warren, Jr.
Smith, Raymond Nelson
Smith, Robert Cortland
Smith, Roger Walter
Smith, Wayne John
Smyth, Gregory Stephen
Snotherly, Everrette Verne, Jr.
Snyder, Robert William
Soles, Thomas Edwin
Soluri, Elroy Anthony
Sorensen, Ronald Niels
Soverel, Peter Wolcott
Spaugy, Donald Arthur
Spofford, Barry Andrew
Srite, David Alan
Stackhouse, Charles David
Standish, Allen Joseph
Stanley, Maurice Dudley, Jr.
Stark, John Wayne
Staton, Billy Eugene
Stave, John Alan
Stegina, Robert Francis
Steinbruck, Charles George, Jr.
Stender, Richard Henry
Stephenson, Robert Franklin
Stepp, William Edward
Stevens, Jackie Lee
Stevens, Orville Lynn
Stevens, Stanley Lincoln
Stewart, Glendale Phillip
Stickelberger, Robert William
Stinson, William Albrecht
St. Laurent, Charles Manfred
Stodulski, Richard Walter
Stolgitis, William Charles
Story, Douglas Edward
Stoufer, Donald Andrew
Strand, Richard Charles
Strasser, Joseph Charles
Straud, John Homer
Striedel, Henry Chris
Strobach, Walter Frederick
Struck, Gerald Loren Victor
Stryker, Phillips Cook, Jr.
Stuart, Frederick Bruce
Stuart, Walter Allen
Stubbs, William Olan, Jr.
Stuckemeyer, John Andrew
Sturvist, Gerald Hilding
Sullivan, Dennis Allan
Sullivan, Raymond Francis, Jr.
Sushka, Peter William, Jr.
Svenson, Stanley Roy
Swift, James Kenneth
Sydow, Kenneth Robert
Tahaney, Hubert Francis, Jr.
Taylor, B. J., Jr.
Taylor, Frank Harry
Taylor, Herbert Wayne
Taylor, James Richard
Taylor, Paul Frederick
Terry, William Edward
Therrien, Edward Louis
Thiel, Alphonse August, Jr.
Thomas, Edward Curtis, Jr.
Thomas, John Bernard
Thomas, Peter William
Thompson, Allan Medley
Thompson, Gayle Robert
Thompson, James Eli, Jr.
Thorell, Charles Scott
Tiernan, Michael Connolly
Tindal, Ralph Lawrence, II
Tobergte, Paul Edwin
Tobolski, Donald Michael
Toland, James Clinton
Tomlin, Joseph Mayhew
Tompkins, Paul Stuart
Tonkin, Charles Thomas, III
Toone, John Pierce
Torkelson, Thomas Gerald
Trainor, Walter Clement
Treanor, Thomas Stanley, Jr.
Trigg, Beldon Hart
Triplett, Thomas Terrence
Triptow, Earl Leon, II
Trumbauer, David Sidney
Tullis, Robert Daniel
Turman, Thomas Wilson
Sprouse, Haywood Galbraith
Stack, Efird Mills
Stahl, Dale Stough, Jr.
Standley, John Robert
Stansbury, Frederick Alexan
Stark, Marshall McCune
Stauts, Frank Lynn
Steele, Boyden Tracy
Stegman, Thomas
Stender, Charles Frederick
Stephens, Kensel Edward
Stephenson, Gary Phillip
Sterner, George Rudolph
Stevens, John Bradford
Stevens, Paul Louis
Stewart, Charles Lockman
Stewart, Jake William, Jr.
Stilwell, William Carter
St Jean, Russell Joseph
Stoddard, Howard Sanford
Stokes, Thomas Michael
Stone, Thomas Edward
Story, William Ferguson
Straight, William David
Strasser, Edward John, Jr.
Stratton, Craig Arthur
Strickland, Richard James
Stringer, Thomas Chester, Jr.
Strole, Douglas Luther
Stryker, David Heaslip
Strysick, Richard Bert
Stuart, Thomas Edward
Stubbs, Darryl Anthony
Stubsten, Eugene Merrill
Studeman, William Oliver
Sullivan, Daniel Joseph
Sullivan, Michael Edward
Supersano, Raphael Thomas
Sutton, Gwynn Richard, Jr.
Swavely, David Lee
Syck, James Marvin
Syverson, Maurice Scott
Tansey, Philip Michael
Taylor, Bruce Andrew, Jr.
Taylor, Herbert William, Jr.
Taylor, James Samuel
Taylor, John Francis
Taylor, Robert Monard
Thaxton, David Reuben
Thesing, Kenneth Lee
Thienes, Harold Alphonse
Thomas, Frank Hughes, Jr.
Thomas, Lonny Lurelle
Thomassy, Louis Edward, Jr.
Thompson, David Stratford
Thompson, Giles Morris
Thomson, John Alexander
Thorstad, Harvey Lyle
Tillotson, Perry Sanford
Tisdale, Jesse Wilbur
Tobin, Byron Eugene, Jr.
Todd, Terrence Stephen
Tollefsen, Thomas Severt
Tomlin, Kit Pearson
Tonelli, Video Vincent
Tonti, Louis George
Torbit, Jerry Bert
Tortora, Carmine
Travis, David Timothy
Tredick, William Heulings
Triggs, Frederick, III
Tripp, Richard Willis, Jr.
Trotman, George Jr.
Tuchscherer, Richard Daniel
Tulodieski, John Frank, Jr.
Turner, David Andrew
Tylee, James Gordon
Uber, Thomas Edward
Umberger, Paul Jay
Ungemach, Seibert Arthur
Unruh, Jerry Lee
Usborne, Roger Way
Vallin, Richard Thomas
Vanbrackle, Vernon Lamar, Jr.
Vance, Richard Moon
Vandergrift, Ronald William
Vanderwolf, Peter John
Vanhoy, William Lester, Jr.
Vanmetre, Robert Brian
Vanpelt, Sterley Branson, II
Vansickle, Kenneth Lee
Varga, George
Vawter, Vernon James
Verd, George Harris
Verona, Francis Michael
Vickers, Robert Irving
Visted, Frank Alexander
Volk, John Stanley, II
Waer, Richard Dean
Wagner, Frank
Wagner, James Andrew
Waldron, James Leroy
Walker, James Robert
Walker, Ronald Wallace
Wallace, Ernest Larry
Wallin, Steven Russell
Walsh, Kirk Thomas
Walters, Claude Justine
Walters, Richard Ralph
Wann, Charles Billy
Warrington, Robert George
Wasson, Charles David
Watford, Jennings Clement, Jr.
Watkins, Richard Smith
Watson, Randolph Grant
Watts, Donald William
Weaver, James Edward, Jr.
Wegele, Edward
Weiermann, Donald Hans
Welch, Robert Horton
Wells, Elwood Gordon
Wenn, Lloyd Edwin
Werhan, Kenneth Raymond
Werlock, Stephen Thomas
West, Frederick John
Westbrook, Richard Evans
Westover, Richard Leland
Wheeler, John Rutherford
Whisler, Glenn Edward, Jr.
Whitaker, Roger Brent
White, Bernard Grove
White, Marshall Neil
White, Ronal Lee
Whitley, William Robert
Whitsett, John Boyd
Whitton, Jon Walter
Wier, Ward Wane
Wilbur, Gene Leo
Wilkes, Gilbert Vanburen, III
Wilkinson, Robert Bailey, Jr.
Williams, Bryce Wood
Williams, David Lee
Williams, Jack Rieber
Williams, Kenneth Hoyt
Willmon, Carl Edward
Wilson, David Carl
Wilson, Laurence Woodford
Wilson, Richard Alexander
Wilson, Robert Lawrence
Wilson, Waldo Wayne
Turner, Alfred Rogers, Jr.
Turner, Steven Lloyd, Jr.
Tyson, James Paul
Uffmann, George William
Underhill, Ross Hamock
Unger, Maurice Henry
Urice, Ronel Morgan
Vail, Robert Cornell, Jr.
Vanallman, Alfred Christ
Vance, Benjamin Lee
Vandenbroeck, Thomas August
Vandersip, Clifton Judson
Van Fleet, James Laurence
Van Hyning, Carl Walter
Van Pelt, Albert Murle
Van Saun, Arthur
Van Slyke, James Corbett, Jr.
Varner, Dale Nevin
Veith, Dennis Alan
Vernallis, Samuel Larry
Vester, James Allen, Jr.
Vincent, William Lansing
Vogel, Raymond William, III
Vollmar, Frederick Joseph, Jr.
Waggoner, Mark Harvey
Wagner, George Francis Adolf
Wainscott, Robert Phillip
Walker, Henry Edwin, Jr.
Walker, Jon William

Wall, Thomas Earl
Wallace, Roy Neil
Wallis, Walter James
Walsh, Raymond Michael
Walters, Edward Crist
Walton, Harold Alexander
Ward, John David
Warthin, Jonathan Carver
Waterman, George Russell
Watkins, Donald Edward
Watrous, Timothy Bennett
Watterson, Rodney Keith
Weatherspoon, Joseph Ragsdale
Weegar, Carl Allen
Wehner, James Roy
Welch, John Michael
Welch, William Charles, Jr.
Wells, Richard Paul
Wentworth, David Clive
Werlock, James Peter
West, Bernard Hyland
West, Karl Grove
Westfall, Robert Edmond
Wheeler, Donald Coughlin
Wheeler, Sidney Earl
Whitaker, Edson
Whitaker, William Drake
White, John Dwyer, II
White, Robin John
Whitehurst, Byron Paul
Whitney, Richard Merrill, Jr.
Whittington, William James
Wicklund, Robert Montgomery
Wiese, Richard Judson
Wileen, Gordon Charles
Wilkinson, John Glenn, Jr.
Willetts, Leo Joseph, Jr.
Williams, David Arthur
Williams, David Daniel
Williams, John Henry, Jr.
Willimon, Henry Pack, Jr.
Willoz, Clifford Paul, Jr.
Wilson, Edward Allyn
Wilson, Raymond Joseph
Wilson, Robert James
Wilson, Robert Clair
Winant, Thomas Clinton
Winstead, Shelby Dennis
Wise, Donald Rae
Witman, William Paul
Wolfe, James Bryant
Wolfram, Charles Barrett
Woltersdorf, Leonard Oscar
Wood, Forrest Kent
Woodka, Thomas Kenny
Woodruff, Robert Bruce
Woods, Paul Franklin
Woodworth, George Prebble, Jr.
Wright, David Winsor
Wright, George Frederick
Wright, Lawrence Thomas
Wunderly, William Louis, Jr.
Wyckoff, Roger David
Wyman, Richard Ernest
Wittenbach, Richard Harring
Yanovsky, Allen John
Yeatts, Thomas Reynolds
Yonkers, David Peter
Youmans, Richard Walter
Young, Stephen Grant
Youngberg, Guy Milton
Zalkan, Robert Libman
Zlatoper, Ronald Joseph
Zumwalde, Richard Theodore
Wiltamuth, Richard Ernest
Winn, Robert Monte
Wirth, Gerard Herbert
Wisely, Hugh Dennis
Wolf, Rexford Elwood
Wolfgang, Paul Webster, Jr.
Wolniewicz, James Simon
Womack, Thomas Folts
Wood, James Erastus, III
Woodruff, Peter Bayard
Woods, James Raney, Jr.
Woodward, William Jasper, Jr.
Worthington, George Rhodes
Wright, Donald Jay
Wright, Jerry Leonard
Wright Timothy Wayne
Wurts, Edward Vanuxem, III
Wylie, Walter Jay
Wynn, Alvin Don
Yakubek, Paul Marsik
Yarborough, Jerry Olin
Yeck, Richard Charles
York, Thomas Andrew, Jr.
Young, Bruce Albert
Young, Robert Wilson, Jr.
Yufer, Kenneth Lee
Zettler, Thomas Richard
Zucca, Gary Joseph
Zurich, Richard Warren

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Amann, Lorraine F.
Ayres, Marlene L.
Beale, Carolyn B.
Beats, Linda M.
Blackburn, Marianne M.
Brown, Barbara J.
Byerly, Kathleen D.
Christensen, Willine E.
Coker, Barbara K.
Demarest, Paula A.
Dieter, Janet M.
Emery, Yolanda
Evans, Alice E.
Gabbrielli, Laura S.
Gabryshak, Betty J.
Grayson, Deidra L.
Greiner, Ann C.
Haase, Carol A.
Hatch, Marilyn J.
Haynes, Edith E.
Herley, Martha S.
Hitch, Linda L.
Hudson, Agnes S.
Huttenbrauck, Gail E.
Jurkowski, Nancy J.
Kazanowska, Maria
Kilmer, Joyce E.
Kummer, Sandra I.
Lawrence, Sheryl M.
Lee, Patricia A.
Lyons, Dorothy E.
Maguire, Jean F.
McMunn, Mary K.
Morris, Sara J.
Nagle, Janice
O'Brien, Kathleen M.
Pope, Diane J.
Powers, Mary E.
Prose, Dorothy A.
Reid, Heather M.
Reilly, Christine M.
Reinke, Sharon F.
Rodney, Donne M.
Roney, Patricia M.
Sewall, Terry J.
Shaw, Christela A.
Smith, Donna H.
Todaro, Jeannie K.
Todd, Charlotte D.
Trussell, Ellen A.
Urban, Deanna I.
Voos, Sybil A.
Williams, Mary L.
Yont, Mary P.
Young, Cecilia A.
Zalesky, Sarah A.

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–4):

John F. Ailes
Edward A. Anaszewicz
Maynard K. Baird, Jr.
Oliver W. Bailey, Jr.
Robert Bayer, Jr.
Henry A. Bookhardt
Clarence A. Bowers
Albert J. Brouillard
George J. Buccieri
Clarence J. Buck
Jesse E. Campbell
John J. Connolly
Robert W. Dancey
Joseph A. Drewyor
Arthur C. Farrington
Glen M. Hayes
Charles E. Hofmann
Emil D. Johnson
James E. Johnson
Ervin L. Kazmerzak
Edwin H. Lampi
Jesse N. McClendon, Jr.
Daniel M. O'Callaghan
William T. Potter
Leslie Rhynard
Edward S. Rust
Edward A. Scharlach
Frederick D. Scroggins
Max Stein
John E. Tinsley
John E. Trowbridge
Leslie T. Twomey, Jr.
Joseph V. Vismont
Fowler S. Williams

The following named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–3):

Russell R. Allen, Jr.
Glen R. Anderson
Joseph C. Anderson
Robert A. Baer
George W. Baker
Robert C. Baker
William L. Bangs
Frank E. Barthold
Eldon L. Baumwart
Eugene A. Bodree
Henry E. Bowen, Jr.
Edward J. Brennan
Verle E. Burch
Kenneth R. Burns
Ronald F. Byrnes
Howard L. Callahan
Henry C. Campbell
Harold E. Cantrell, Jr.
William J. Carpenter
Oscar L. Caudill
Maurice A. Charles
James S. Chastain
Robert L. Chen
John F. Chesnick
Lawrence J. Chytka
John L. Collins
Robert A. Connly, Jr.
Charles L. Cooper
Orval J. Corriveau
Robert D. Cox
Jerry L. Crouch
Howard W. Crowell
Richard D. Cusick
Ronald B. Darou
Raymond A. Davis
William N. Dickerman, Jr.
John C. Dixon
Arnold H. Dow
Joseph C. Drawdy
Henry R. Eller
Bruce W. Ellis
William E. Eubank
Guy R. Fairchild
Charles H. Feaselman
Ronald F. Fisher
William E. Flournoy
Hamilton P. Freburger Jr.
John W. Frederick, Jr.
Peter E. Freeman
Eugene A. Galvin
James D. Garner
William F. Garvey, Jr.
Hardy D. Gates
Frank J. Ghia, Jr.
Harold E. Gore
Walter W. Gustin
James A. Hall
James G. Hallet, Jr.
Richard A. Hardie
Billy M. Harris
William T. Hartigan
Donald E. Hartman
Lawrence D. Hawkes
Joe M. Head
John F. Heath
Lawrence N. Helber
Jack R. Henderson
Roger E. Hershey
Roger D. High
William P. Hill
Edward F. Hodgins, Jr.
Paul L. Holt, Jr.
Edward A. Hufnagel, Jr.
Jimmie E. Janke
Donald C. Jarvin
Marcellus J. Kaczinski
Richard S. Keller
William D. Kelly
Howard E. Kerr
Roy C. Keyes
Henry C. Kimmey
Gary L. Kindler
Charles Knox, Jr.
William L. Kobel
William C. Kohler
Wanj Komsi
Charles E. Labby, Jr.
Earl R. Lackey
Keary L. Lane
Joseph M. Magaldi, Jr.
Gerald E. Marcheso
George L. Marcum
Joseph Marzioli
Robert L. Maynes
John T. McAlister
John E. McCallum
Benjamin D. McCauley
Raymond B. McClure
Larry E. McKee
Melvin E. McPeak
Donald E. Meisner
Raymond A. Mendoza
Jimmy M. Merritt
Anthony Miranda
William L. Mitchels
William T. Moore, Jr.
Stanley S. Morris, Jr.
Peter J. Murray
Charles A. Newell
Thomas M. O'Brien
Donn L. O'Neil
Mathew Pallo, Jr.
Louis V. Panicali
James S. Paulk
Richard C. Pederson
Bruce M. Phillips
Charles G. Pierce, Jr.
Donald L. Pratt
Gerald K. Rainwater
Morris E. Ransom
Malcolm S. Rawlins
Erwin O. Raymer
Doyle R. Reed
Charles Riggs
Dean R. Ringler
James H. Rosenthal
Ivan R. Sable
Stephen H. Sanderson
Charles L. Sands
Howard D. Sansom
Harry E. Sawyer, Jr.
Neil H. Scarborough
Roger H. Schneider
Edward W. Schultze
William A. Schulze, Jr.
Charles F. Schwab
Frank H. Schwarz, Jr.
Albert L. Selleck, Jr.
Mann Shoffner, Jr.
Clarke J. Simcox
Frank J. Simons, Jr.
Alexander F. Sirpis
Stanley C. Skrobialowski
Darrell M. Smith
David M. Smith
Harold W. Smith, Jr.
James G. Smith, Jr.
William C. Smith
Bruce W. Snyder
Raymond J. Spiliane
Donald E. Stafford
Jerome E. Stevens
Raymon E. Stoner
Kenneth E. Strayhorn
Frederick H. Striker
Robert T. Taylor
Kenneth C. Terhorst
James W. Thomason
Robert L. Tracey
Roland L. Turner
David E. Vanamburg
Kenneth R. Vance
Nicholas C. Vanderdoes
Rex F. Vanderhoof
Dorothy L. Vollmer
Bethel A. Voss
Irwin F. Waldvogel
George E. Walker
William B. Walls
Lowell B. Walter
Frank W. Washam
William H. Welch, Jr.
William J. Wilbur
Cecil R. Williaford
Robert F. Williams
Donald T. Wilson
James F. Wolfe, Jr.
William H. Wood, Jr.

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–2):

Richard W. Adams
William T. Adams
William E. Anderson
Donald F. Andrus
Gerald P. Aragon
Billy T. Arnold
Harry K. Azarian
Raymond O. Babineau, Jr.
Charlie E. Bailey
Sam R. Baker II
Harold J. Barber, Jr.
Robert J. Barnes
James W. Barotti
James M. Barry
Eugene R. Benjamin
Thomas F. Bingham
Richard J. Bishop
John L. Blount, Jr.
George P. Bond
Theo I. Brooks
Edward H. Brown, Jr.
Herbert D. Brown
William J. Buhl
Raymond J. Cady
Joseph J. Campbell
Ronald B. Camper
Joseph A. Canonico
Henry P. Capdepon, Jr.
Floyd A. Carlson, Jr.
George Carnako
John P. Clelland, Jr.
Gerald R. Clifford
Paul B. Clontz
Keith E. Cohenour
Joe R. Collins II
Ronald K. Coulter
Gordon N. Crane
Keith D. Creech
Daniel E. Crockett
Edward J. Croghan III
Robert Crosby
John F. Curran
Wayne R. Dale
Larry R. Davidson
Richard Deaver
James W. Defrank
James N. Deitrich
Vaughan E. Delk
Kenneth R. Diana
Donald L. Dickerson
Robert J. Dolman
Walter Domke
Mary E. Donahue
Charles L. Drew
John F. Drivick III
Harvey Dunn

James A. Dunn
Monte W. Eagle, Jr.
Rex T. Eckley
William A. Eichholz
Robert C. Farrand
Donald R. Farrington
James E. Feryan
Bobby J. Fields
Johnny M. Floyd
Nicholas A. Foley
Donald H. Fritz
Daine L. Fulton
Buddy R. Furber
Richard S. Galang, Jr.
Arthur Garcia
Charles D. Garrett
Joe D. Garrett
Horace M. Giles
Elbert R. Goodall
Charles R. Griffin, Jr.
Francis E. Gross
Richard H. Grunwald
James D. Guerin, Sr.
Charles K. Haley
Jesse B. Hall, Jr.
Roland L. Hamel
Thomas E. Hamic
William M. Hamilton
Charles T. Hanen, Jr.
Richard M. Harden
Donald N. Hartman
Jerrald J. Hawkinson
Richard D. Heald
Cecil D. Henninger
John M. Herzog
Edward Q. Hicks
Charles R. Hoffman
James D. Holmes
William C. Howey
James W. Huffman, Jr.
William C. Hutsler
Larry N. Israel
James W. Ivey
James E. Ivy
Kaye E. Jackson
James W. Jackson
Joseph J. Janis
Dan C. Johnson
Dennis W. Johnson
Paul C. Johnson
Allen L. Jones
Earnest J. Jones
Robert E. Joyce
Leonard P. Juck
Eugene J. Kaus
David R. Keene
Richard M. Kelly
Bruce A. Kemp
Richard J. Kerch
Raymond E. Kiemel
John D. Kimberl
Harold D. Klein
Coleman R. Knowles, Jr.
John S. Kociolek
Julius W. Kucinski
Ivan A. Laing
Everett E. Lamczyk
Benny W. Lane
Billy B. Lane
Gerald S. Lane
Joseph V. Larkin
John H. Larson
Jerry L. Lastovica
William H. Leach
Lendith Lee
Larry G. Lephart
Eugene S. Lewandowski
John M. Lilley
Albert J. Listwan
Garland A. Longhouser, Jr.
Frank W. Lukasiewicz
Allen J. Lum
Maxwell C. Luxemburger
Gerald Macky
Gerald E. Martin
Paul S. Martin
Michael P. Mastroberti
Kenneth N. May
George J. McConnell
Edward F. McCourt, Jr.
Billy R. McCulloch
Ronald R. McElvain
Mack L. McGlumphy
Jack McKee, Jr.
Donald G. McWhorter
Walter M. Mielnicki
Earl W. Mitchell
Robert E. Moe
Aurelio Mora
Freddie M. Morgan
Allen W. Morrison
Robert L. Mull
Ted L. Munday
David E. Nelson
Cecil Netherly
Alfred W. Oroark
Bobby L. Osborne
Stanley M. Osenkoski
Melvin J. Oubre
Herbert M. Page, Jr.
Robert T. Paris
Patrick A. Pearce
Maxwell R. Peters
Sterling R. Peters
Carl E. Peterson
James M. Phelan
Douglas R. Phelps
Kenneth W. Phipps
John F. Pierce
Troy J. Pigeon
Lawrence D. Poling
John A. Prelgovisk
Charles F. Purvis
Robert E. Redlinger
William A. Reitmeister
Robert H. Rempel
Luther L. Renfroe, Jr.
Junior G. Reynaud
Oren C. Reynolds
Lewis E. Rice
Edward T. Richards
Harold L. Richardson
Clarence J. Ricker
Harry F. Roberts
Thomas G. Roberts
Warren H. Rooks
John Sandoval, Jr.
Jimmy M. Scarboro
Theodore W. Schauer
Robert L. Schlott
Michael E. Schmidt
Donald W. Schwanke
Martin A. Selby
Robert M. Slater
James J. Smith
Charles R. Soldner
Billy R. Sparks
Roger V. Speeg
Robert R. Spitze
James E. Stant, Jr.
Gordon P. Stirling, Jr.
Douglas D. Street
Carl R. Swanstrom
Thomas E. Swindell
Bobby A. Templeton
Jack T. Terrell
John H. Thomas
Richard E. Toepfer
Eugene M. Trippleton
Robert E. Veigel
Francis E. Verbanic
Maurice G. Waitt
William D. Walkup, Jr.
Thomas R. Ward
John M. Weathersby
James E. Weber
James W. Wells
Jacky I. White
Robert L. White
William A. Whiting
Henry E. Wilhide
Irving D. Williams
Samuel G. Williams, Jr.
John C. Wilson
Kenneth L. Wilson
Michael J. Witsell
Edmund W. Woodland
Billy J. Wright

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–4):

Dewey E. Amick
Richard J. Bernier
Robert M. Black
Myron J. Bowen
Alexander L. Bressler, Jr.
John D. Buckley, Jr.
Talmadge Clark
Paul E. Clausen
Robert L. Clay
Raymond W. Condon
Eugene L. Conroy
Burton D. Currier
Kenneth L. Davis
Raymond J. Delacqua
Guy L. Ditty
Charles H. Dowling
Arthur M. Duer, Jr.
Edward J. Duerr
Julius Farkas
Robert F. Flynn
James R. Forman
Elaine G. Freeman
Berle Garris
Doyle D. Gracey, Jr.
Robert W. Groom
Roy K. Harris
Frederick R. Hasler
Earle Hattaway
John L. Haynes
Philip N. Healey, Jr.
William J. Hill
Forrest B. Holdridge
Horace E. Holman
Billy D. Ivey
Clarence E. Jenkins
Carl Johansen, Jr.
Stephen J. Johnson, Jr.
Samuel J. Jones
Thomas E. Jordan
Joseph J. Karrer
Charles R. Kilborn
Lawrence E. Kozain
Charles E. Losey
Stanley W. Main
William K. Maximin
William J. McCarthy
John F. McGrory
Terrence W. McGuire, Jr.
William W. McMillan, Jr.
George E. Meshke
Stephen J. Mihalak
Stephen M. Myorski
William Nagy
George R. Nestor
Casey R. Nix
Henry E. Noonkester
William B. Norris
John J. Norton
Joseph J. Paige
Lawrence Parretti
Edwin A. Pluger
Hal E. Pope
Richard T. Powell, Jr.
Richard E. Pryor
Robert E. Shea
Albert J. Smith
Edward J. Spahr
Joe R. Sutton
Thomas F. Swearengen
Robert M. Thacher
Hubert Tinsley
Willie R. Tucker
Henry J. Waller
George O. Walls
James O. Watson
Glenn T. Wells
Leonard A. Whelchel
Henry Wildfang
John Willis
Duane L. Woodson
Robert G. Work
Neil E. Wynant

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–3):

George L. Armitage
James M. Barnes
Timothy C. Bell
William A. Biggers
Delmar G. Booze
Norman D. Braden
Shella R. Bray, Jr.
Lionel H. Bridges
Edwin J. Brown
William L. Buck, III
Kenneth F. Burris
Donald R. Cameron
Wilbur M. Carlson
James J. Castonguay
Wayland D. Chavers
William J. Clancy, Jr.
Jessie R. Clark
Jack N. Clow
Donald E. Collier
Roger J. Combs
Allen D. Crosier
Ralph W. Deaver
Charles F. Denison, Jr.
Roland A. Desjarlais
James H. Divis
Peter Dobon, Jr.
Paul J. Donley
John Doyle
William E. Duke
Roger A. Essi
Thomas E. Evans
Gerald D. Fabricius
James P. Fleming
Harry A. Florence, Jr.
Billy R. Freeman
Bernard C. Glinka
Donald W. Gregory
Glenn R. Hammond
Robert H. Hanevik
Herbert G. Hase
Charles H. Henderson, Jr.
Guy M. Howard
Jack R. Hoy
Theodore R. Jacobson
Henderson B. Jones
William Kasten
Robert E. Katz
Ronald R. Kendall
James J. Knocke
Donald C. Lanson
William P. Lepore, Jr.
Willard R. Lewis
Robert L. Lord
Carl K. Lunn
Enrique L. Machado
Harry B. Malnicof
Edmund J. Mazzei
Paul O. McAvoy, Jr.
Roger A. McIntosh
John L. Myers
Jacques L. Miller
Dorne A. Millis
Robert J. Mocny
Richard C. Moran
Charles L. Morrow
William E. Muirhead
Richard A. Nailor
Monte V. Nelson
Donald D. Nimmow
Billy W. Owens
Porter G. Pallett
Charles D. Parker
Fred R. Parry
Leonard J. Patchin
Dean C. Pedlar
George A. Pelletier
Billy E. Perry
Robert G. Pontillas
Richard L. Porter
Joseph C. Raymond
Donald D. Redmond
Carroll J. Riley
Robert D. Rogers
Robert J. Romano
Roger L. Runkle
Arthur I. Swanson, Jr.
Gary R. Thompson
Charles G. True
Morton Vaserberg
Alan E. Wickens
Jack A. Wilder
Sydney M. Wire
William C. Wright
Robert H. Yoder
David A. Zeferjohn
James H. Zimmerman

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–2):

Charles W. Adams
George L. Anderson
Sam R. Baker II
Charles M. Banks
Robert Barber, Jr.
John E. Baughman
Thomas J. Berryhill
Richard J. Bishop
Roy H. Bixler
George P. Bond
Donald R. Book
Clyde P. Boudreaux
Lawrence C. Brinkman
James J. Brisson
William C. Brown Jr.
Walter J. Bruderer
Joseph A. Bryant
Dudley L. Burgess
Christopher P. Butler
Gary G. Carley
James T. Chaffee
Marion L. Cotten
Patrick C. Coulter
Raymond L. Dedual
Oscar Delagarza, Jr.
Acie N. Derossett
Joe H. Driver
Donald R. Farrington
Orlando Fernandez
Franklin A. Field III
Donald H. Finley
Carl J. Fisher
Richard F. Fleming, Jr.
Robert W. Forsberg
Rose J. Franco
John A. Frank
John B. Funk
Samuel M. Garland
Carl H. Gassoway
Louis P. Glassburner
Robert K. Gorning
James W. Gray
James A. Grebas
Johann Haferkamp
Cecil D. Henninger
Franklin R. Hester
Louis A. Hoch, Jr.
Michael P. Hudson
William J. Janning
Leonard P. Juck
Charles J. Julian
John J. Keenan, Jr.
John S. Keene
Robert J. Keller
Floyd M. Kennedy
Albert Lane, Jr.
Enrique Lariosa, Jr.
Ronald J. Lauzon
Bernard L. Lee
Gary A. Lucus
John G. Lyle Jr.
Michael T. Mallick
Thomas H. Marino
Gerald E. Martin
Larry A. Martin
Jack L. Matlack
Raymond C. Matthias
Charles A. McCartney
Jerome M. McGuire
Benjamin H. McNutt
Kenneth H. Medeiros
John M. Miller
Jimmy Miranda
Robert E. Moe
Patrick J. Mongoven
William R. Moody
David D. Moore
Freddie M. Morgan
John V. Morris
James E. Mulloy, Jr.
Louis N. Panchy
Roger L. Peterson
Carl W. Polk
Raymond G. Prefontaine
Ivan D. Puett
Wade A. Robinson, Jr.
Alfred R. Rocheleau
Gerald L. Rodden
Mack I. Rogers
Tommie D. Rose
William H. Rosser
Jimmie L. Russell
Frederick W. Schaffer
Arthur W. Seabury, Jr.
Coburn L. Sergent
John R. Shultz, Jr.
Henry L. Singer
Billy W. Smith
Charles L. Staigle
John A. Steward, Jr.
Thomas E. Swindell
Richard A. Teeter
Raymond D. Tevis
Richard J. Tyler
John E. Upah, Jr.
Bruce W. Vance
Cullen R. Vinson
William J. Walker
Frederick M. Waller
Napoleon K. Weaver
Willis D. White
Dennis Wilczewski
Nathaniel C. Wilson
Larry L. Wine
James W. Wofford, Jr.
Rudolph E. Woltner, Jr.
Frank C. Zubiate

EXTENSIONS OF REMARKS

HUBERT F. LEE, EDITOR OF DIXIE BUSINESS MAGAZINE, WAS ONCE IN ARMY BALLOON CORPS

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. TALMADGE. Mr. President, an article entitled "Hubert F. Lee, Reporter, Editor of Dixie Business Was Once In Army Balloon Corps," written by Fran Fossett, and published in the Decatur-DeKalb News, states that Mr. Lee may have been the only man in history to serve accidentally in the Army Balloon Corps.

I ask unanimous consent that this interesting account be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUBERT F. LEE—REPORTER, EDITOR OF DIXIE BUSINESS WAS ONCE IN ARMY BALLOON CORPS

(By Fran Fossett)

DeKalb's Hubert F. Lee may be the only man in history to have served accidentally in the Army Balloon Corps. Not too many men in history, as well as can be determined, served in the Balloon Corps even on purpose.

"Back in July, 1919," Mr. Lee tells us, "I enlisted in the Army in Cleveland, Ohio, to go to Russia and fight the Bolsheviks. They said they needed some troops for Russian service. Well, instead they sent us to balloon school, first at Camp Knox, Kentucky and then the one next to Camp Eustis, Virginia." Mr. Lee never got to Russia, and everybody knows how the Bolsheviks made out.

"Balloons were used for observation purposes," Mr. Lee says, "much as helicopters are used now, except of course the balloons couldn't do all the other things that helicopters can. I suppose the helicopter dealt the last blow to the use of balloons in the services."

Mr. Lee's main function was being, in his words, a human sandbag. "The balloons were inflated with hydrogen gas from cylinders," he explains, "and it was quite a job getting them launched right. While the balloon was still in its hangar, we would hook it up to a four-wheel-drive truck with a huge winch.

"Then we'd have men all the way around the balloon holding onto ropes (these men were the sandbags) and once it was out of the hangar we'd ease it off hand over hand." Mr. Lee's balloons were the sort that remained attached to a base point on the ground; as far as he recalls none ever broke loose and floated off into the ever after. This was just as well, since there were a couple of men who would have floated off also.

"Ordinarily," says Mr. Lee, "the balloons would carry two men in the basket, to take pictures or send back information. I had an electrical engineering course at the Virginia school, and helped install radios in the balloons as part of my duties."

Having survived the hazards of peacetime ballooning, Mr. Lee left the Army in the summer of 1921, in favor of the more down-to-earth job of news reporting. "I'd been writing for the Columbus, Georgia paper, and my boss there wrote the Atlanta Constitution and told them I had a 'nose for news.'

"So I went to work as a cub reporter for the Constitution. After a while at that I did advertising supplement writing, then went with United Press for a couple of years, and then to LaGrange for the LaGrange Reporter."

With a capital investment of $15, Mr. Lee started Dixie Business magazine which he edits and publishes out of his Covington Road home and offices. Dixie Business is best known for its annual Man of the South award, which has gone to prominent southerners since 1946, and for its Hall of Fame for Living, comprised of distinguished living Americans.

Mrs. Lee assists her husband with the managing and editing of Dixie Business, and with keeping track of the voluminous stores of books, magazines and clippings that overflow every corner of the house. The Lees have two sons and a daughter who live in California, New York and Texas, but come visiting whenever they can with the four grandchildren.

Asked which branch of service he would choose if he were entering today, Mr. Lee said "the Air Force," without a moment's hesitation. Even if they don't always assign everyone as planned, Mr. Lee believes the air-minded people offer the best chance for adventure.

RESPONSIBLE VIEWS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. DANIEL of Virginia. Mr. Speaker, the distinguished senior Senator from Virginia, HARRY F. BYRD, JR., has expressed sound views on many timely subjects throughout the State of Virginia in the last 2 months.

These are responsible views on topics that are important to every American citizen and deserve wide distribution.

I submit for inclusion the following excerpts in the RECORD:

VIEWS—IN BRIEF

LEXINGTON.—Senator Byrd called for a "balanced view" of the American military establishment in a speech here at the dedication of a new alumni hall at Virginia Military Institute.

The notion that the nation's defense is run by "bloodthirsty generals" backed by an insidious military-industrial complex is refuted by the careers of men like Dwight D. Eisenhower and VMI's George C. Marshall, Byrd said.

Byrd cautioned against flying to an opposite extreme and assuming that the military is above criticism. "Responsible criticism of the military is both healthy and democratic," he said.

"What is needed," he declared, "is a balanced view—skepticism without hostility, loyalty without blindness."

MARINE SCIENCE

GLOUCESTER POINT.—While probing outer space, the United States should devote more resources and energies to exploring the seas which cover 80 per cent of the earth's surface.

That was Senator Byrd's message at the dedication of a marine science building here. The building named for the Senator's uncle, the late Admiral Richard E. Byrd, is part of the Virginia Institute of Marine Science.

"America cannot much longer afford to mark time in oceanography," Byrd warned.

DRAFT REFORM

BLACKSBURG.—Draft reforms urged by President Nixon won endorsement from Senator Byrd in a speech before the Chamber of Commerce here.

Byrd pointed out he had suggested to former President Johnson changes in the draft similar to those now advocated by Nixon.

The reforms included calling 19-year-olds first, virtually eliminating their chance of later callup except in time of war, temporary educational deferments and a lottery system for choosing among those eligible.

TWO VICTORIES

RICHMOND.—The American Revolution and the exploration of the moon have something in common. Senator Byrd said at a Knights of Columbus banquet here.

"The one was a victory of the spirit, the other a victory of technology," he said. "But both show the force behind our total commitment to a goal."

PROPER PROTEST

PETERSBURG.—Anti-war demonstrators should protest Hanoi's treatment of U.S. prisoners, Senator Byrd said here at an American Legion Veterans Day observance.

"In time of war," he said, "we must present a united front."

Byrd pointed out that North Vietnam bars Red Cross visits to prisoners, will not permit letters to be written home or received and refuses to release the names of captives.

"I cannot imagine anything more cruel and inhumane," he said.

HOME RULE FOR SCHOOLS

HAMPTON.—"All of us should work together to get Washington's finger out of the local school board's pie," Senator Byrd told a meeting of the Virginia School Boards Association here.

"Those who serve on our school boards have a heavy responsibility. I admire you, but I do not envy you," Byrd said.

"I know that you spend weeks and months putting together programs you consider beneficial," he said, "only to get the last-minute word that your scheme doesn't jibe with the policy of the month at the Department of Health, Education, and Welfare."

"Under the present system, school districts often find dollars available for frills while basic needs go unmet for lack of funds," the Senator said.

AID AND TAXES

WEST POINT.—Eliminating or substantially reducing foreign economic aid would remove the need for the income tax surcharge beyond 1969, Senator Byrd said here at a meeting of the King William Forestry Club.

Byrd pointed out that the foreign economic aid budget of $2.2 billion is almost double last year's. "I do not believe the American people should be called upon to pay a surtax to finance this kind of increase," he said.

A total of about $5.2 billion in foreign economic aid money has been carried over from previous years and could take care of contingencies, the Senator said.

Later in the Senate, Byrd introduced amendments to halt the surtax at the end of 1969.

CONSUMER BILL

ARLINGTON.—The best consumer legislation is that which fights inflation, Senator Byrd told the Arlington Business and Professional Women's Club. "Inflation is eating heavily into the housewife's dollar," he said.

AFTER THE FLOOD

LOVINGSTON.—Senator Byrd saluted the "courage and generosity" of citizens who came to the aid of their neighbors in the

section of Virginia stricken by severe floods on August 19.

He spoke at the annual dinner of the Chamber of Commerce of Nelson County, the hardest hit subdivision in the state.

The "strong spirit" of the flood victims is proof that the devastated areas will be rebuilt, the Senator said.

FOREIGN POLICY

STAUNTON.—The Senate must re-assert its constitutional role in foreign policy, Senator Byrd said here at the 46th annual banquet of Shenandoah Valley, Inc.

He presented the Shenandoah Bowl for service to the valley to E. Lewis Knowles, retired managing editor of the Staunton Leader and former mayor of Staunton.

SPEAKING OUT

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. FANNIN. Mr. President, last week I received from the Reverend James F. Hughes a reprint of a Memorial Day address delivered by the Reverend John J. Atwell, an Episcopalian clergyman at Apache Junction, Ariz. His address was reprinted in the Phillips County News in Malta, Mont.

The Reverend Mr. Hughes is himself a former combat infantryman who fought in Italy in World War II with Gen. Mark Clark.

Mr. President, I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO THE DISSIDENTS

(By John J. Atwell, May, 1969)

Where were YOU when Washington fought in the rain, snow, and ice at Valley Forge?
YOU were not there.
Where were YOU when the shot which was heard around the world was shot at Concord Bridge?
YOU were not there.
Where were YOU when brave men fought, bled, and died at Bunker Hill, and at Bull Run?
YOU were not there.
Where were YOU when Washington needed strong men to cross the icy Delaware?
YOU were not there.
Where were YOU when YOU were needed at Yorktown, and at the Alamo?
YOU were not there.
Where were YOU at the signing of the Declaration of Independence, at the writing of the Constitution of these United States, at the writing of the Bill of Rights, at the composing of the Star Spangled Banner, and the sewing of the American flag?
YOU were not there.
Where were YOU during the Battle of New Orleans, and San Juan Hill?
YOU were not there.
Where were YOU at the battles of the Philippines, and in the Argonne Forest?
YOU were not there.
Where were YOU when the United States armed forces marched under the Arch of Victory in France?
YOU were not there.
Where were YOU at the fall of Corregidor, and at the liberation of the Philippines?
YOU were not there.
Where were YOU when brave Americans stormed the beaches of Iwo Jima and Normandy and Utah on D-Day?
YOU were not there.
Where were YOU at the time of the Johnstown Flood, at the Chicago fire, at the San Francisco earthquake, and Texas City?
YOU were not there.
Where were YOU when YOU were needed for the Korean conflict, in Vietnam, and on Hamburger Hill?
YOU were not there.
I never saw YOU at any of the battles, nor any other place where brave and valiant men fought and died. And I cannot be wrong because there were many millions of faithful Americans with me, and they never saw YOU either.
Where were YOU when this country needed strong arms, clear minds, and valiant spirits and proud defenders of her principles and honor?
YOU were not there.
Where were YOU during the time of peace?
I know where YOU were. YOU were demonstrating. YOU were making trouble and destroying our beautiful cities. YOU were wrecking our colleges and universities. YOU were burning your draft cards, and defaming the Flag of these United States of America.
For three long, difficult centuries YOU have had thousands of opportunities to serve, to defend, and to honor this country.
BUT YOU were NEVER there when and where YOU were needed.
YOU know very well WHO has been the custodian of the peace, the security, the honor, the liberty, the freedom, and the wealth YOU have enjoyed. He's the Armed Forces of the United States of America and over two hundred millions of faithful and patriotic Americans who have fought, died, and labored long, tedious hours to be free people.
And YOU were not there.
And YOU have the gall to say "I have rights"?
May I ask YOU "What rights do YOU have that you really deserve?"
When YOU have done absolutely nothing to deserve them?
YOU were not with Washington at Valley Forge, nor at any of the battles, nor at any other place which I have named, when YOU were needed, and where YOU were needed. And YOU still insist "I have rights".
YOU have neither fought, nor died for the rights you speak of, nor have YOU even tried to live for those rights, nor have you honored the principles of this great republic.
I merely call YOU friend, because I cannot consider YOU to be an American, because an American is always there when HE is needed.
YOU have "rights" but only those that are delegated and given to YOU by those who have deserved them, who have died, and live for them.
Rights, liberty and freedom belong only to those who are ready and willing to die, and moreover to live for their beloved country, for her honor and for her principles and ideals.
YOU are living by the blood of honorable, faithful, and true Americans. And not until YOU are ready and willing to follow their fine examples have YOU any "rights" of which YOU speak.
Where will YOU be when the diplomas are handed out this year?
Will you be there in your cap and gown?
Where will YOU be when YOUR country calls YOU to fight for her honor, for her "rights," her liberty, and her freedom?
Will YOU proudly volunteer YOUR services?
IF YOU are NOT ready and willing to be there and do YOUR part when YOU are needed, don't tell me about YOUR "rights".
What about the "rights" of those who died to make us free?
I was with Washington at Valley Forge. I was proud to die for the country that gave me life, freedom, and wealth.
I will always be ready and willing to die for my countrymen, and for their freedom as well as for my own. I have been in all of the battles of this Republic, I have been every place, every time I was needed and where I was needed, and I have been at every important event that has taken place in American history. I will always be there waiting for her call to do my part for her sacred honor.
YOU or no one else have any "rights" until YOU have made some effort to secure and obtain them for others as well as for yourself.
WHO am I? I am only one of over two hundred million of Americans who enjoy the "rights" we live by and for every day.
I don't believe that my service which I have given for my country has been in vain.
Neither do I believe that my fellowmen who have made the supreme sacrifice have wasted their precious lives, because we Americans are still free.

THE PRICE OF FUN

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BERRY. Mr. Speaker, one of the very interesting columns which appeared this past week was printed in the December 1 issue of Newsweek. It is the column of Stewart Alsop, a well-known writer which is most appropriate to be inserted in the RECORD today as the House considers the Vietnam resolution.

The column is as follows:

THE PRICE OF FUN

(By Stewart Alsop)

WASHINGTON.—Wandering about this city, during the weekend of the "peace march," I made a profound politico-sociological observation. "The kids" were having a lot of fun.

The political implications of this startling discovery are clear. The kids will want to have a lot of fun again. Even if Mr. Nixon orders all U.S. troops home from Vietnam tomorrow, and asks for the nationalization of all defense industries the day after, the kids will have their fun. This conclusion was confirmed by The Washington Post's Nicholas von Hoffman, this city's chief kidologist.

"These enormous scenes of communion and contact will continue," he wrote. "They love the coming together, the touching and sharing of food and bodies; they love the improvising of crash pads . . . they love getting high on each other and they dig the feeling that they are part of something very large . . ."

The touching and sharing process was widely visible during the speechmaking on Saturday afternoon. The slopes below the Washington Monument were dotted with un-

dulating caterpillar tents made of blankets, into or out of which boys or girls would pop from time to time. It was clear that there was a good deal of touching and sharing going on, and it was also clear that the motivations which brought the kids to the blankets were not wholly political. It certainly looked like great fun.

EXCITING GAME

There is another kind of fun which these "scenes of communion and contact" provide. This is the game of Cops and Kids, which is a lineal descendant of the childhood game of Cops and Robbers. It is much more exciting and hardly any more dangerous.

One player of the game, supported by a pretty girl with blond hair, was walking slowly, with tragic gait, across Dupont Circle late Friday night. The boy had a handkerchief across his mouth, and his eyes were streaming—he had obviously had a good whiff of tear gas. His girl looked up at him adoringly, as they walked together across the circle and down Connecticut Avenue, no doubt to some improvised crash pad. The scene could have been cut from one of the more sentimental old war movies—the wounded hero consoled by his lady love.

A man would have to be very old indeed with a very poor memory indeed, not to understand how much fun that particular kid was having, despite the streaming eyes. The cops-and-kids game gives the kids a chance to be heroes to their lady loves without any danger at all of being badly hurt, much less killed, which is why it is such a popular game and quite certain to continue, no matter what President Nixon does about Vietnam.

Even the cops seem to enjoy the game, although under the current rules a lot more cops than kids get hurt, in proportion to their numbers. In the aftermath of the kids' attack on the South Vietnamese Embassy, I got my car wedged in between two police command cars in a back street behind the embassy. There was nothing to do but roll up the windows against the gas and watch the show.

ENJOYING IT

Every once in a while a little group of shadowy figures would appear, and there would be shouts of "pigs" or "Fascists," and a cop would hurl a canister, and the kids would run off into the night. The young cops were joking with each other as they went about the business of adjusting their masks or arming themselves with more canisters. It was obvious that they were enjoying the game too, not in any sinister way, but because it was a good game.

The game was invented during the Chicago convention last year, and it was played pretty roughly there. But even in Chicago, nobody got killed or even permanently injured, and in Washington, there were hardly any bloody heads or bloody noses at all. As the rules of the game have developed, the cops lose the game if a picture appears on television showing a kid—especially a pretty girl—being hit by a cop. Under the Washington rules, clubs used to push, not club, and crowds are dispersed with tear gas, not billy sticks.

Certain rituals have developed. One ritual which I first witnessed in Chicago's Grant Park last year, I saw again in front of the Justice Department. This is the lowering of the American flag by the kids, and the raising or attempted raising of the Viet Cong flag, followed by the reverse process by the cops. This ritual is a sort of kick-off—it got the game really going both at Grant Park and at the Justice Department.

The kids are undoubtedly "sincere," as their admirers say. They sincerely detest the war in Vietnam, for the very good reason, among others, that theirs is the generation which must fight it. But the non-kids who detest the kids—and the polls show that they constitute a large majority of the population—are sincere too.

This emotion may not have wholly political origins either. "Your generation is just mad at us because we get away with so much stuff you never got away with," one kid (who happens to be a blood relation) sagely remarked. Making the non-kids mad is part of the fun.

The kids do not stop with long hair and peculiar costumes in their efforts to make the non-kids mad. For example, when the Viet Cong flag was raised in front of the Justice Department, before an audience of around 10,000 kids, there were a lot of cheers and no boos at all. When the American flag was raised in its place by the cops, there were a lot of boos and no cheers at all.

RIGHT-WING REACTION

At the main show, around the Washington Monument, there were at least ten Viet Cong flags to every American flag—and a lot of the American flags were worn, derisively, upside down. Anyone who supposes that this sort of thing doesn't make the non-kid majority mad is a victim of self-hypnosis. By every measure, moreover, the kids represent a tiny minority, even of their own generation. It would be interesting, for example, to know just how many holders of union cards there were in the vast crowd around the Washington Monument. Perhaps a dozen?

Any adult who can remember what it is like to be young should be able to understand why "these enormous scenes of contact and communion" are so much fun, and even feel a twinge of generational jealousy. The trouble is that there is a political price to be paid for the fun. The kids already have one major political feat to their credit—the election of Richard M. Nixon, which was ensured by their performance at Chicago. A few mere "enormous scenes" could ensure a right-wing reaction in this country so ferocious that not even Mr. Nixon could control it.

ANOTHER TRIBUTE TO IDAHO'S 116TH

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. CHURCH. Mr. President, several weeks ago I had the privilege of participating in ceremonies honoring the 116th Combat Engineer Battalion of the Idaho National Guard on its return from serving in Vietnam.

The outstanding job performed by this unit was the basis of an article published in Army Digest of November 1969. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LONGEST WEEKEND

(By Lt. Col. Harvey L. Latham)

They were called "NGs" and "Weekend Warriors." They came from little towns like Rixby, Idaho, and Weston, Vt. They were the National Guardsmen who attended weekend drills and summer camps, until one day their units received orders for deployment to Southeast Asia—and their weekends became a long one.

"They" were some 1,000 National Guardsmen of the 116th Engineer Battalion (Combat) and the 131st Engineer Company (Light Equipment). Today, these two Engineer National Guard units are back in the States, with a proud record of nation-building in the Republic of Vietnam to look back upon.

The "Green Mountain Mountain Movers" of the 131st were mobilized at their home station in Burlington, Vt., on May 13, 1968. While located in Dar Lac Province, the Vermont Engineers were a long way from Vermont's cool, green mountains, sugar maples, and famous Morgan horses. Still, there was always a touch of Vermont present at "Camp Swampy" where the 131st made its home. It was the "V" sign, standing not only for victory but for Vermont. It could be seen anywhere the Engineers were working.

The 131st was responsible for surfacing some 50 miles of National Highway 21, of which 20 miles required upgrading. This long ribbon of the highway is the only route the villagers can use to get their goods to the coast of Nha Trang for export.

The success of the economy of another area fell to the National Guardsmen of the 116th Engineers Battalion (Combat). Then the largest single National Guard unit serving in Vietnam, the Idaho Engineers helped restore National Highway 20 from Bao Loc to the II Corps Tactical Zone border.

Not only does this section of highway serve as an outlet for the tea and other produce of that area, but it also is an important lifeline to Lam Dong province, in importing more than 1,000 tons of rice each month to feed the local population. Highway 20 is the only link between the abundant vegetable crops of Dalat and the Saigon markets.

CIVIC ACTION

Lending a helping hand to the local population, the 131st inaugurated its civic action work program only one day after arriving at its base camp. The main thrust of this program was to consolidate and relocate a number of isolated Montagnard villages into a single, secure area under the protection of their own Regional or Popular Force military units.

A new village of Cu Kirk was formed by consolidating 17 separate villages into a single housing development under the leadership of village chiefs. The Vermont Engineers cleared and leveled a squaremile area, constructed streets and drainage ditches, and inclosed the new village by a rugged security fence.

Civic action was also a big concern around Bao Loc, then the main base camp for the 116th Engineer Battalion.

At B'Sar, Alfa and Charlie companies provided water to the outlying Montagnard villages. The local dysentery rate in that area was slashed by 75 per cent. Other volunteer projects included drainage and landscaping for churches, schools and orphanages.

The weekends were indeed long for the Engineer National Guardsmen in Vietnam as they counted the days until they could return to their families and jobs. But now that day has passed, and the Engineers of the 131st and the 116th can look back on their vital contribution to the building of a nation.

THE CRISIS IN HEALTH CARE

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ADAMS. Mr. Speaker, in a speech delivered to the Industrial Union Conference, November 13, 1969, George Meany, president of the AFL–CIO, addresses his remarks to "The Crisis in Health Care."

Mr. Meany points out that the unions are interested in three things:

First. To prevent unnecessary illness.

Second. To have the best possible treatment for workers, their families, and all Americans.

Third. To keep the cost of medical care at a reasonable level so that people are not denied needed care simply because they cannot afford it.

He goes on to examine how well we are meeting these objectives. He points out that while we spend a larger percentage of our gross national product for health care—nearly 7 percent—in 1960 we had fallen from the sixth ranking country to the 11th and according to the latest figures, we have dropped to 18th in infant mortality. Our life expectancy has also dropped considerably which would indicate that "our record is getting worse instead of better."

Mr. Meany believes the solution to providing good medical care at a reasonable cost is through a national health insurance program. This is a position which the labor movement has promoted for several years.

Mr. Speaker, I think this speech explains the union position on health care and its reason for such a position. I am inserting it in the RECORD:

THE CRISIS IN HEALTH CARE

I want to congratulate President Abel and the Officers of the Industrial Union Department for convening this conference on "The Crisis in Health Care." This meeting, along with the recent IUD meeting on Occupational Safety and Health, shows that this Department is vitally concerned with the well-being of workers in some of the most important aspects of their lives.

This question of the health of our members and their families is something the labor movement has been concerned with for a long time.

We are not doctors and we don't pretend to be. We are perfectly willing to leave the treatment of illness to the members of the medical profession. That's their business. That's what they are trained to do—for long years and usually at considerable expense.

While we think that medical treatment is the doctor's business, the health of Americans is the nation's business. And, more specifically, the health of workers is a major concern of the trade union movement.

Now there's a very simple reason why we in the labor movement are interested in health care. We are interested in health care because our members and their families get sick and they have to pay to stay well, or to get well when they become sick.

We are mainly interested in three things:

1. To prevent unnecessary illness.

2. To have the best possible treatment for workers and their families—and for all Americans for that matter—when they are sick so that they will recover quickly and completely.

3. To keep the cost of medical care at a reasonable level so that people are not denied needed care simply because they can't afford it.

Now let's see how well we have been doing in meeting these simple objectives.

One way of analyzing how America has been doing in health care is to compare its record in recent years with the record of other advanced industrial countries.

You will often hear it said that the United States has the best medical care in the world. Well, we ought to have the best because we are paying the most for it.

We are now paying more than $60 billion a year for health care. That is nearly 7 percent of our Gross National Product. It is, of course, a lot of money in actual dollars. But we are also spending a large percentage of our GNP for health care than any other country in the world.

Now let's see how our health record compares with these other countries. There are certain figures that are usually cited to make this comparison and, frankly, we don't look too good. Let me cite a few of these figures.

In infant mortality in 1950 the U.S. was the sixth ranking country in the world. By 1960 we had fallen to 11th and, according to the latest figures, we have dropped to 18th.

Now let's look at how long people live. From 1959 to 1965, the latest date for which we have data, we dropped from 13th to 22nd place in life expectancy at birth for males. Women did a little better. Their life expectancy, as compared with other countries, dropped from 7th to 10th place.

So, as compared with other countries, our record is getting worse instead of better. Yet we are devoting to health care more money and a larger proportion of our resources than any other country.

And this is something which bothers us in the AFL–CIO. We don't like the idea of paying a tremendous amount of money for less than adequate health care.

When union people have a problem, they try to deal with it through the best mechanism we in the labor movement have. I am referring, of course, to collective bargaining. For twenty years or more now, we have been trying to meet the health care needs of our members through negotiated health and welfare plans. Some unions have done very well—but many have not.

In fact, many unions have found that they have been on some sort of treadmill. Most of you at this conference know only too well what has been happening. Just as fast as we could negotiate money to provide more and better health services for our members, the doctors raised their fees and the hospitals boosted their charges.

That meant that our members were still paying, *after we had negotiated for more health care funds,* just as much or even more out of their own pockets as they had before.

Thus, in health care, we have had a very unusual situation which we don't like at all. When we negotiate in collective bargaining, the result is ordinarily to make our members better off. That's the basic purpose of collective bargaining—to improve the conditions of workers.

Now, what's been happening in our negotiations related to health care? We have had a pretty good record in collective bargaining of getting more money for health care. But instead of making our members and their families better off through more comprehensive health services, we have simply been making more money for doctors.

Our members are being priced out of the medical care market by the sky-high, ever-mounting charges of doctors, hospitals and other providers of medical care.

Look at what has been happening. Medical costs have been going up faster than any other item in the Consumer Price Index. You all know that the cost of a visit to a doctor has doubled, and even tripled in many cases, in the past few years.

Hospital care is the most expensive medical care. That's why it costs a lot less money to prevent illness or to treat it before it becomes serious than to have to cure the patient after he gets into a hospital.

Hospital charges have been rising so fast that it's hard to even keep track of them. Daily hospital rates have been soaring at 15 percent or more a year. According to the American Hospital Association, which certainly ought to know, hospital charges will soon *average* $100 a day. They are already at that figure in some of the better hospitals in large metropolitan areas.

Some people try to blame increased hospital costs on the rise in wages of hospital employees. Let me tell you something. The labor movement fought to bring hospital workers under the minimum wage and we are proud of it. Our unions have fought to get wage increases and better conditions for hospital workers and we are proud of that too.

Hospital workers were—and all too often still are—among the lowest paid and most exploited workers in America. In fact, before they were covered under the Fair Labor Standards Act, over half of the 1.8 million hospital employees were getting less than $1.25 an hour. Even now, after substantial wage increases, their wages still lag considerably behind other workers.

So we have no apologies for what the labor movement has done to increase the wages and better the working conditions of hospital workers.

But the fact is that rising wages of hospital workers have not been the main reason for rising hospital costs. Again the American Hospital Association is the source of my information.

From 1963 to 1968, the daily expense of so-called community hospitals went up by 59 percent. During the same five-year period, the average annual salary of employees in those hospitals went up only 35 percent. So the wages were rising at only a little more than half as fast as the total costs of the hospitals.

We must look to other explanations for the tremendous increase in hospital rates. Hospital bills are now largely paid by so-called "third parties"—private organizations such as Blue Cross and the insurance companies and government programs such as Medicare and Medicaid. They are called "third parties" because they are a fiscal agent between the actual consumers of medical care and the providers.

These third party organizations generally pay the hospitals on the cost-plus basis that we remember from World War II. The hospitals figure out what their costs are and then they are paid something over that. You can see that under this cost-plus system, the hospitals haven't the slightest incentive to increase their efficiency or to hold down their costs.

Most doctors are paid on another basis which isn't good from the consumer's viewpoint either. This is the fee-for-service system. Under this system the doctor gets a certain amount for every office visit or other type of treatment. This is a piece-rate system in which the doctor determines the number of pieces of service as well as the price per piece.

Now we have no objection to people making a decent income—doctors or anyone else. How could we object? It is the very purpose of the labor movement to try to obtain decent incomes for as many people as possible. So we think that doctors deserve to get an adequate income commensurate with their talents and their services.

But we think there is something indecent about a small group of people making a lot of money out of the misery of other people. And I am afraid that is what is happening in America today. This indefensible escalation of medical costs is depriving millions of Americans of the health care they need.

This profiteering by the providers of medical care has had its worst effects in Medicare and Medicaid. Labor fought hard for the establishment of these two programs. Although they are somewhat different, they both have a single goal—to provide needed medical care to people who cannot afford to pay for it themselves.

But what has been happening? Some doctors and other health practitioners have pounced on these programs as if they had been legislated as get-rich-schemes for the medical profession. And instead of controls being placed on fees and charges paid under these programs, the burden has fallen on the

disadvantaged people the programs were supposed to help.

The monthly premium older people must pay under Medicare has gone from $3 at the start of the program to $4 and next year it will be over $5 a month for a single person and more than $10 for an elderly couple.

The response to soaring Medicaid costs has been to remove poor people from eligibility altogether and for those still covered to cut back on services.

Yet before Medicaid and Medicare, doctors were either getting nothing at all or reduced fees from their patients now covered by these programs.

Well, what are we going to do about this situation? Is there an answer? Can we get good medical care for all Americans at a reasonable cost?

There is an answer. It is one the labor movement has advanced for many years, but we are more determined to achieve it today than ever before.

That answer is national health insurance, a program that would provide comprehensive health care for every American.

This comprehensive health care would include every kind of treatment that is necessary to maintain or restore good health. I'm talking about preventive services, all types of physicians' services, hospital and nursing home care, home health services, rehabilitation—in fact, the whole spectrum of health care.

It would be financed like Social Security, on social insurance principles but with a government contribution, as we are now advocating for Social Security itself. Since we think that every American is entitled to decent health care, the poor should be exempt from any payment but should be eligible for the same service as anyone else.

Doctors would continue to practice medicine without any interference. But we would expect the national health insurance system to encourage the highest quality of medical care, improvements in the efficiency of its delivery and effective controls on its cost.

For example, this would mean stimulating the development of prepaid group practice plans such as Kaiser Permanente, the Health Insurance Plan of New York and the Group Health Association here in Washington. I know you will be discussing these plans at your conference. I will only say now that we have been impressed by their record of high-quality health care at lower costs than the usual fee-for-service arrangement of doctors in solo practice. That is why the AFL–CIO is cooperating with Group Health Association of America in trying to get such plans underway in a number of cities across the country.

Can we afford National Health Insurance? I say we cannot afford *not* to have national health insurance. It is the only system that will provide truly adequate health care to all Americans.

First of all, more people would get health care and, in addition, people who today get some care, would get even more care.

Our Social Security Department has made some initial estimates of the cost of national health insurance. Even with the increases in health services under national health insurance, we could probably finance the program for no more and probably less than what we are now spending for medical care.

It is no secret that the trade union movement is for national health insurance. We have been saying that for a long time. But not so many people know that the majority of the American people are for a national health insurance system.

In January 1967, the Louis Harris poll asked the question: "Do you favor or oppose a Federal plan such as Medicare for older people which would cover all members of your family?" Of the 90 percent of respondents who had an opinion, a substantial majority said "yes." This is all the more remarkable when you consider that at that time the issue had not been in the public eye for more than a decade.

The AFL–CIO is convinced that with national health insurance, Americans would have the best health care in the world. The American people deserve no less. We will do everything we can to obtain enactment of national health insurance at the earliest possible date.

And conferences like this will do much to help bring that day nearer.

OLIVER FIELD DEDICATED AT CULVER MILITARY ACADEMY

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. BAYH. Mr. President, during impressive ceremonies at its homecoming football game this fall, Culver Military Academy in Indiana honored its longtime head coach, Russell Oliver, by naming its gridiron "Oliver Field." An outstanding athlete in his own right, not only in his prep years but also as one of the few nine-letter men in the history of the University of Michigan, Russ Oliver achieved a remarkable record at Culver as a winning coach for nearly three decades in all major sports.

But it is not only because of athletic ability or coaching success that this recognition was accorded Russ Oliver. He has earned the respect and admiration of thousands of students, alumni, and faculty with whom he has associated through the years because of qualities of character, leadership, and devotion to duty. Their attitude toward this remarkable man is well-expressed in the following sentence which is inscribed on the plaque dedicating Oliver Field:

An ingenious coach, a fierce competitor, a demanding teacher—a friend and inspiration for the one thousand Culver boys who grew to men under his guidance.

Mr. President, as a further tribute to the outstanding career of Russell Oliver, I ask unanimous consent that a brief article from the "Culver in Brief" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEDICATION OF OLIVER FIELD HIGHLIGHTS HOMECOMING

Russ Oliver's 1000 "boys" honored their coach at homecoming by naming the gridiron "Oliver Field." Many of Oliver's former athletes were on hand for the ceremony at half-time of the traditional Culver-St. John's Military Academy game and for a banquet that evening.

Oliver coached Culver football 29 seasons, achieving a 138–80–2 record. He was head basketball mentor 23 seasons and scored 211 wins against 137 losses. As head coach of baseball 21 seasons he won 105 games and lost 76. He also served many years as athletic director.

Oliver N'28, '31G retired from coaching last year but remains at Culver as fulltime alumni secretary. He was one of the Academy's most outstanding athletes and his skill was once described in Grantland Rice's syndicated column as "about as close to a 'natural' as they come." He was named Culver's best all-around athlete and most valuable player in football and he captained both the basketball and baseball teams. In Naval School he won the heavyweight boxing championship.

From Culver he went on to the University of Michigan where he became the fifth man to win nine varsity letters. He played fullback on Harry Kipke's football squad, guard in basketball and first base and catcher in baseball. While he was on the football team, Michigan won two Big Ten championships.

After graduation, Oliver returned to Culver to coach. His long career was interrupted only by World War II during which he served four years and left as an Army major.

Oliver's football coaching years, in particular, were marked with innovations. As early as 1947, Culver was using the double pass before any other high school had thought of it. "The Oliver Twist"—a wild offense including all kinds of laterals, quadruple passes and fakes—was a famous play for Culver in 1952.

Oliver had a hand in three of Culver's five undefeated football seasons—in 1930 when he was a player on coach Bob Peck's team and in 1936 and 1958 when he himself was coaching.

Oliver also played for Culver in a famous game with St. John's in 1930 in Chicago's Soldier Field. Culver cadets whipped the Wisconsin school 19–0 in that charity game.

And this homecoming Coach Dave Nelson's Eagles did it again—49 to 0—on "Russ Oliver Day." Besides the plaque to be installed on the field, Oliver's boys presented him and his wife Myra with a color television set, an electric golf cart and an all-expenses-paid vacation to Hawaii.

At a testimonial banquet that evening, Russ Oliver paid tribute to the coaches who had influenced his life—including one of his predecessors at Culver, Bob Peck, who was recently named to Sports Illustrated's All-Century Team, the best 11 players in the first 100 years of college football.

RESOLUTION FROM THE CITY OF WINTER PARK, FLA.

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FREY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to present the resolution passed by the City Commission of Winter Park, Fla., on November 12, 1969, supporting President Nixon in his efforts to obtain a just and lasting peace in Vietnam:

RESOLUTION NO. 967 OF THE CITY OF WINTER PARK OF ORANGE COUNTY, FLA.

Whereas, the United States of America is presently engaged in a military conflict in Viet Nam that has caused widespread dissension among the citizens of this nation, and

Whereas, the President of the United States has announced his intention to seek an honorable conclusion to this military conflict, and

Whereas, in times past the citizens of this nation have always united when conditions of peril and danger have confronted us, and

Now, therefore, be it resolved by the city commission of the city of Winter Park, Florida:

1. That the City of Winter Park supports the President of the United States in his endeavor to effect an honorable conclusion to the Viet-Namese conflict.

2. That the City Commission of the City of Winter Park urges all of its citizens to support the President in his effort to seek

peace and by so doing display to all, our unity in these perilous times.

Adopted at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida, this 12th day of November, 1969.

DANIEL M. LUNSEN,
Mayor-Commissioner.

Attest:

R. S. WATTS, *City Clerk.*

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1969

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MAHON. Mr. Speaker, under leave granted earlier today, I include a release highlighting the October 1969 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

MONTHLY REPORT ON FEDERAL PERSONNEL AND PAY FOR OCTOBER 1969

Executive agencies of the Federal Government reported civilian employment in the month of October totaling 2,938,388. This was a net decrease of 19,998 as compared with employment reported in the preceding month of September.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1970, which began July 1, 1969 follows:

Month	Employment	Increase	Decrease
1969:			
July	3,062,319	9,276	
August	3,028,521		33,798
September	2,958,386		70,135
October	2,938,388		19,998

Total federal employment in civilian agencies for the month of October was 1,653,141, a decrease of 8,847 as compared with the September total of 1,661,988. Total civilian employment in the military agencies in October was 1,285,247, a decrease of 11,151 as compared with 1,296,398 in September.

Civilian agencies reporting the largest decreases were Agriculture Department with 4,408, Department of Health, Education and Welfare with 3,161, Treasury Department with 1,985 and Interior Department with 1,101. Commerce Dept. reported a net increase of 2,393, due to build up in temporary decennial census employment.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,282, Navy with 4,019 and Air Force with 2,404.

Total employment inside the United States in October was 2,692,600, a decrease of 17,540 as compared with September. Total employment outside the United States in October was 245,788, a decrease of 2,458 as compared with September. Industrial employment by federal agencies in October was 578,204, a decrease of 7,418 as compared with September.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

FULL-TIME PERMANENT EMPLOYMENT

The total of 2,938,388 civilian employees reported for the month of October 1969 includes 2,620,337 full-time employees in permanent positions. This represents a decrease of 12,949 in full-time permanent employment from the preceding month of September. These figures are shown in the appendix (p. 17) of the accompanying report.

FOREIGN NATIONALS

The total of 2,938,388 civilian employees certified to the Committee by federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 111,344 foreign national working for U.S. agencies overseas during October who were not counted in the usual personnel reports. The number in September was 112,217.

(NOTE.—The monthly report has been distributed, but a limited supply is usually available at the Committee, room 329, Old Senate Office Building.)

POLITICS DEEP IN OIL IMPORTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. VANIK. Mr. Speaker, the November 23 issue of the Cleveland Plain Dealer contains an excellent article by Donald L. Barlett entitled "Politics Deep in Oil Imports." The article describes the pressures and often hidden influences at work to protect oil profits and to maintain the oil import program. Under particular pressure is the Oil Import Task Force, which is reviewing this oil subsidy program that yearly costs the American consumer about $7 billion.

I would like to include in the RECORD at this point a letter which Congressman SILVIO CONTE and I, as well as 90 others, have sent to the Oil Import Task Force urging a strong public and consumer interest report by the task force. In addition, I would like to include Mr. Barlett's article from the Plain Dealer:

NOVEMBER 19, 1969.

Hon. GEORGE P. SHULTZ,
Chairman, Task Force on Oil Import Control, Washington, D.C.

DEAR MR. SECRETARY: As your distinguished Task Force nears the time for completion of its report to the President, we want you to know that we, and the millions of American consumers we represent, are deeply committed to the position that the oil quota system should be substantially liberalized if not abolished.

This is not the time to reiterate the reasons why reform must come. We are satisfied that your Task Force has more than ample evidence in support of our position.

Our purpose here is simply to remind you that, in addition to the logical and historical evidence against the present system, there is nationwide popular demand for this change.

There has reportedly been of late a concentrated effort on the part of major oil companies and their representatives to persuade you to support the status quo.

While these advocates are certainly entitled to be heard, we want to be sure you know that the millions of American consumers we represent are no longer willing to pay the artificially high prices imposed upon them by this system, particularly since this high cost is imposed upon them without the usual budgetary review.

We are confident that you will hear their voices and hopeful that we can all look forward to a rational national oil policy.

Sincerely,

EDWARD W. BROOKE,
U.S. Senate.
WILLIAM PROXMIRE,
U.S. Senate.
SILVIO O. CONTE,
Member of Congress.
CHARLES A. VANIK,
Member of Congress.

NOTE.—There is attached a list of the signatories to this letter from both the U.S. Senate and the House of Representatives.

POLITICS DEEP IN OIL IMPORTS

(This article on the political implications of a cabinet-level study of the nation's mandatory oil import control program is one in a series of Plain Dealer reports on the oil industry—its unique federal income tax allowances and governmental subsidies.)

(By Donald L. Barlett)

WASHINGTON.—The oil industry is dipping deep into its bag of legendary political tricks to perpetuate the nation's costly mandatory oil import control program.

So far the bag has yielded an assortment of politicians with vested interests in oil and oilmen with influence throughout the federal government—including the White House.

The government's import quota policies—worth billions of dollars annually to oil companies—are undergoing an extended examination by a cabinet-level task force.

The study was ordered last February by President Richard M. Nixon as the result of a controversial proposal to establish a foreign trade zone at Machiasport, Maine.

Now, nine months later, with the political implications looming ever larger, the task force nearing a decision on its recommendations, Nixon is locked into the bitter intra-industry dispute over imports.

On one side are long-time friends of the President who are either oilmen or have ties to the industry.

On the other side is the silent majority and reform-minded congressmen, who earlier this year spurred the House of Representatives into passing legislation overhauling the federal income tax laws.

Creation of a foreign trade zone at Machiasport would enable a company to import cheap foreign crude oil without the usual quota restrictions, refine it and sell it at prices below those of competitors using more expensive domestic crude.

The quota program, which limits the amount of foreign oil that may be brought into the country, costs the American consumer from $4 to $7.2 billion a year in higher prices on oil and gas products.

Import quotas, when coupled with the 27½% depletion allowance, production payments and an array of other subsidies and loopholes, provide oil companies with multi-million dollar profits each year that are tax-free.

Nixon's task force is taking a broad look at the quota system—focusing particular attention on foreign trade zones and Machiasport—to determine what changes, if any, should be made in the 10-year-old program.

The interwoven interests of oilmen and politicians involved in the task force inquiry offer a classic textbook study of the politics of oil, a Plain Dealer investigation has disclosed.

For example:

Item. Before taking office, Nixon and his law firm, Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell, represented one of the principals in the Machiasport affair, John M. Shaheen, a wealthy oil promoter and president of Shaheen Natural Resources Co., Inc. of New York.

Any decision the President makes on future import quota policies will affect Shaheen's companies.

Shaheen, who also is president and chief executive officer of Macmillian Ring-Free Oil Co., Inc., is a personal friend of the President.

He was a Republican Party fund raiser in 1968 and, according to congressional records, contributed at least $13,000 to Nixon's campaign.

Item. U.S. Commerce Secretary Maurice H. Stans is a member of the oil import task force and also heads a three-member board

that must approve applications for foreign trade zones.

The Plain Dealer revealed last July that Stans—another Republican fund raiser and Nixon friend—was involved in various oil dealings that date back to the early 1950s.

From 1963 until his appointment as Commerce secretary last January, Stans was a stockholder and director of the Fluor Corp., a California contractor that builds refineries and services American oil companies around the world.

Two weeks ago, the Fluor Corp. pleaded guilty in U.S. District Court in Los Angeles and was fined $10,000 for making illegal political campaign contributions in 1964 and 1966.

The company's contributions totaled $30,000 with $25,000 going to an unnamed presidential aspirant in 1964.

The other $5,000 went to congressional candidates in Georgia, Texas and California in 1966.

The Federal Corrupt Practices Act bars political contributions by corporations and labor unions in federal elections.

Item. Walter J. Hickel, a Republican, also is a member of the six-man oil import task force and as U.S. secretary of the Interior is responsible for allocating import quotas to oil companies.

A decision by the task force to sharply increase quotas or phase them out could slow down Alaska's oil boom.

Similarly, a recommendation to continue the present system or reduce quotas would insure further development of the state's oil industry.

Hickel's oil holdings were valued at about $1 million when he was appointed Interior secretary. While governor of Alaska, he was linked closely to oilmen in that state and speculated in oil and gas leases.

Six months after taking office, Hickel sold his oil stocks at a substantial profit.

Item. Robert O. Anderson, Republican, is chairman of the board and chief executive officer of Atlantic Richfield Co., another company that figures prominently in the Machiasport controversy.

Atlantic Richfield says it is studying the possibility of building a refinery at Machiasport—but it doesn't want a foreign trade zone.

Anderson was a major contributor to Nixon's presidential campaign and generally is credited with having recommended Hickel to the president for the interior department post.

Item. Occidental Petroleum Corp. of Los Angeles, headed by Dr. Armand Hammer, advanced the Machiasport foreign trade zone proposal last year.

Occidental wants the trade zone and a special import license to go with it. The company has huge oil fields overseas, but is unable to market the oil in the United States because of the restrictive quotas.

Last spring W. Marvin Watson was appointed president and Tim M. Babcock executive vice president of Occidental International Corp., a subsidiary set up to handle Occidental's foreign operations.

Watson, a Democrat, was postmaster general and special assistant to President Lyndon B. Johnson. Babcock, a Republican, is a former governor of Montana.

Item. Governors of four oil-producing states met two weeks ago with several task force members—including Stans and Hickel—to express their support of continued import controls.

The governors got together with the study group in the White House office of Peter M. Flanigan, a special assistant to Nixon.

Another Nixon fund raiser, Flanigan was a vice president of Dillon, Read & Co., an investment house, before joining the President's staff.

Dillon, Read is an underwriter for oil companies. Flanigan's father, Horace C. Flanigan, was a director of the Union Oil Co. of California.

Item. About the same time the governors met with the task force representatives, Michael L. Haider chatted privately with Nixon.

Haider is the retired chairman and chief executive officer of Standard Oil Co. (New Jersey), the world's largest and most powerful oil company.

He observed that Nixon had a good grasp of the mandatory oil import control program. Haider said that he was confident the task force study would be favorable to the oil industry.

None of this is to say that payoffs—either direct or indirect—have been made to persons associated with the task force or the Machiasport project.

But the web of intricate interrelationships suggests a built-in prejudice in favor of the oil industry and guarantees a sympathetic hearing for oilmen and their political allies.

The group with the most at stake, the taxpayer and consumer who foots the bill, has little or no voice in the matter.

The situation is not unique. Over the years the petroleum industry has had easy access to Washington politicians and key federal officeholders, many of whom have had personal oil holdings.

Congressional critics say this intermingling of oil and political interests has produced the preferred federal income tax status of the industry.

The Plain Dealer learned that before the governors of Texas, Wyoming, Illinois and Kansas met with task force personnel, they huddled with Frank Ikard.

A former Texas congressman, Ikard, is president of the American Petroleum Institute (API), the chief lobbying and information arm of the petroleum industry.

Haider, the former Standard Oil Co. chief executive, is chairman of the API board.

The separate White House meetings of the governors and Haider brought the oil import study full circle.

For it was Haider and Ikard who last February urged Nixon to appoint a cabinet-level committee to study and reevaluate the quota system.

They made the recommendation in a five-page memorandum to Dr. Arthur F. Burns, an economist and special counselor to the President.

A cover letter was signed by Ikard and dated Feb. 5. Two weeks later, on Feb. 20, Nixon ordered a "full review" of oil import policies.

The request for the study came as pressure began to mount on the Nixon administration to approve Occidental Petroleum Corp's plan for a foreign trade zone at Machiasport.

The project had the bipartisan backing of New England governors, congressmen and senators and the support of the business community in the Northeast.

It was opposed by just about every other oil company in the country, including Standard Oil Co. (New Jersey), and the API.

Occidental said it would build a 300,000-barrel-a-day refinery if the federal government OK'd requests for the free trade zone and a special import license.

The special license would mean a sharply increased quota for Occidental, well above the average oil company's allotment.

In return, the company promised New Englanders—who pay more for fuel oil than homeowners in any other section of the nation—a 10% reduction in prices.

Other companies and oil-producing states like Texas and Louisiana viewed the Occidental proposal as an attempt to undermine the rigid restrictions on imports of low-cost foreign crude oil.

After Occidental made its bid, Shaheen Natural Resources Co., Inc., announced that it too, would build a 300,000-barrel-a-day refinery at Machiasport if the government created a foreign trade zone.

Unlike Occidental, though, Shaheen said it would not seek a special import license—unless the interior department granted one to another company.

When the cabinet task force inquiry was well underway, Atlantic Richfield said it was studying the possibility of building a 100,000-barrel-a-day refinery at Machiasport—without seeking either a trade zone or import license.

The entry of Shaheen and Atlantic Richfield into the great Machiasport refinery race added a new dimension to the import dispute—and another layer of interlocking oil and political interests.

For example:

Atlantic Richfield says it does not need a special import license because it would process crude oil from the company's vast new Prudhoe Bay field in Alaska.

Hickel, one of the task force members, was governor of Alaska until last January and has strong ties to the state. He played a major role in attracting industry to Alaska.

An Occidental refinery at Machiasport could give the company a competitive edge in some markets over a Shaheen refinery already under construction at Come-by-Chance, Newfoundland, Shaheen worked out an agreement, described as "a sweet deal," by his Canadian critics, to build and operate the Newfoundland refinery—along with a petrochemical and pulp and paper mill complex—after a bitter political battle in Canada.

Shaheen's lawyer for the project was Nixon.

When oilmen Haider and Ikard asked the President for a review of the mandatory oil import control program, they referred specifically to foreign trade zones.

In their memorandum to Burns, they cited 10 subject areas for the task force to examine, including "foreign trade zones as a device to secure privileged quotas."

The API spokesmen, in an indirect reference to the pending trade zone application for Machiasport, declared:

"Due to the obvious security, economic and political implications of the program, it is critical that a review be undertaken immediately before further changes or exceptions are made."

For more than six months now, the task force staff, headed by Phillip Areeda, a member of the Harvard University Law School faculty, has been assembling data on the quota system.

Oil companies, public officials and special interest groups have submitted to the panel scores of reports outlining their arguments for retaining, modifying or abandoning the quota program.

As the material started pouring in, congressional oil experts told The Plain Dealer, there was a growing concern in the petroleum industry that the staff might recommend substantial changes in import quota policies.

This has resulted, industry critics say, in a series of last-minute visits to federal offices by oil lobbyists and oil-oriented politicians.

Said one observer: "They are talking to anyone they think might be able to help them."

Opponents of the import program are worried about the meeting. An aide to Gov. Kenneth M. Curtis of Maine told The Plain Dealer:

"Our understanding was the task force was to take statements of fact. We're very concerned about these meetings."

TRIBUTE TO OHIO STATE'S REX KERN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MILLER of Ohio. Mr. Speaker, in this 100th anniversary year of college

football, we from the State of Ohio are especially proud of the accomplishments of the Ohio State team, coached by Woody Hayes and led by their outstanding field general, quarterback Rex Kern from Lancaster, Ohio.

Rex exemplifies the highest standards of sportsmanship and good citizenship both on and off the playing field. He achieved the rare honor of being chosen Ohio High School All-State in three sports—football, basketball, and baseball. While starring for one of the strongest college football teams in the country for the past 2 years, he has also been an active participant in the Fellowship of Christian Athletes. One of the prime candidates for the 1970 Heisman trophy should be Ohio State's Rex Kern.

PATIENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MICHEL. Mr. Speaker, the December edition of Reader's Digest has an unusual editorial appropriately entitled "Patience!" It deals with why we are fighting in Vietnam.

I would like to read just a section of this editorial since it is pertinent to what we are discussing here today. I quote:

Vietnam has come to be a crisis point. If America and its allies in South Vietnam were to fail, the cause of freedom would fail and the area of freedom would be diminished. The lesson would be clear for all to read. *Defeat lies in store for those who put their trust in the United States. Freedom is a dead dream; the future belongs to the enslaver.*

If the world were to witness such a defeat, the United States, leader of the free world, overnight would lose the respect of the world and would lose its self-respect. In a test of will, the United States would have been found wanting. In a test of conscience, the United States would have been found to have no conscience. In a test of strength, the United States would have been found to have not strength enough.

Did 39,000 American boys die for this? Has America forgotten the stuff it is made of, its purpose in this world?

Mr. Speaker, I commend this entire editorial to my colleagues and insert it in the RECORD at this point:

PATIENCE

For nearly five long years our nation has been immersed in a bloody, baffling and undeclared war 12,000 miles from our shores. The immediate aim of the United States in this effort is to prevent the enforced communist domination of a people who ask only to be allowed to live in freedom. Seldom if ever in our history have we endured a more frustrating and traumatic experience.

Into the deltas and jungles of South Vietnam we have poured some 95 billions of dollars of our treasure. We have seen nearly 40,000 of our young men go to their graves. The American objective in this war has been clear and carefully limited. We seek no territory. We seek only to give the people of South Vietnam an opportunity to determine their own destiny. Our immutable, bedrock position is that the communist enslavement of the nations of Southeast Asia must stop at the 17th parallel.

Four American Presidents have committed our nation to this position—in the belief that the defense of South Vietnam is a defense not only of one country but of all of Asia.

Despite the dimensions of the threat, the United States has conducted the most restrained war that any nation has ever fought. Now, at last, we begin to see the successful end to our efforts. The American and South Vietnamese troops, as well as the troops of other nations who have fought, bled and died in this cause, have brought the war to a point where it is impossible for the enemy to win it by force of arms.

As the following article by Joseph Alsop points out, the enemy is in serious trouble. The Vietcong guerrillas control less and less of the countryside, and the North Vietnamese armies are feeling the heavy drain on their manpower. That the United States is able to order the withdrawal of 60,000 troops from Vietnam—with more to come—shows that our position is increasingly strong. The leaders of the communist world know that time is no longer on their side.

Why, then, do they continue to hold out? Where do they look for hope of victory? As they survey the scene of battle, the North Vietnamese leaders and their Soviet and Chinese allies do not yet despair, for they know there still remains one resource that can tip the scale in their favor.

The enemy's greatest hope lies in the division that he has created in public opinion in the United States. This is why the enemy fights on. This is why the Soviet Union has continued to support him in Vietnam. This is why Hanoi holds out in Paris. This is why the enemy refuses concession after concession offered him at the conference table. He clings to the belief that the American patience will run out, that sooner or later the American people will persuade their President to run up the white flag of ignominious surrender.

This is the hope that keeps the enemy going. Were it not for this, the war would have ended before this. No one will ever know how many American boys have gone to their death because the enemy holds on, watching for signs that American resolve is weakening.

To the enemy the constant outcries in the United States must sound like so many bombs being dropped against our troops in South Vietnam. The anti-war speeches in Congress, the campus protests from students and faculty, the barrage of defeatist editorials in some of the most powerful newspapers, these are worth regiments and whole divisions to the enemy. He reads his newspaper, hears the broadcasts, rubs his hands and once more refuses to talk in Paris, refuses to call his invaders back from South Vietnam.

Were it not for his belief that the American patience will crack, the enemy would lose his reason to keep on fighting. It is a monstrous irony that the louder the protest is raised against the war, the longer the war will continue.

Most of those who oppose the war sincerely believe that they are somehow helping to save the United States from error. But against that minority belief must be weighed the cost to the nation. For these are the voices that are listened to in Hanoi—and these are the voices that prolong the months of battle. In the interests of peace, they shonuld now be lowered.

The President of the United States has said that he will not be shaken from his resolve to honor our nation's commitment—and our dead—in Vietnam. In this resolve, he is neither blind nor willful. No matter how loud the clamor from critics in Congress becomes, he will hold his course. He knows the nature of the enemy, the nature of the enemy's designs in Asia and the world. Most of all, he knows the consequences of a craven act of surrender on our part in South Vietnam. The results would haunt us for years to come.

The first consequence would be a blood bath for our friends—the certain slaughter of tens of thousands of South Vietnamese whose only mistake was to have trusted the word and will of the United States. The communists would deal swiftly and unmercifully with these as they butchered their way to power. Lest there be any doubt about this, we have only to look at what happened in Hue, where several thousand South Vietnamese were shot or buried alive during the brief communist occupation of the city during the 1968 Tet offensive.

The next to suffer from our betrayal would be the nearby countries of Cambodia, Laos, Thailand and Malaysia. They could not hope to remain free once the South Vietnamese roadblock to communism had been removed. The communist domination of Southeast Asia would shake countries even farther away—such as Indonesia, India, Japan.

Vietnam has come to be a crisis point. If America and its allies in South Vietnam were to fail, the cause of freedom would fail and the area of freedom would be diminished. The lesson would be clear for all to read. *Defeat lies in store for those who put their trust in the United States. Freedom is a dead dream; the future belongs to the enslaver.*

If the world were to witness such a defeat, the United States, leader of the free world, overnight would lose the respect of the world and would lose its self-respect. In a test of will, the United States would have been found wanting. In a test of conscience, the United States would have been found to have no conscience. In a test of strength, the United States would have been found to have not strength enough.

Did 39,000 American boys die for this? Has America forgotten the stuff it is made of, its purpose in the world?

If one listened only to the cries of those who urge peace at any price, one would have cause to question—as Hanoi must question—the essential fiber of this nation. But the cries for a dishonorable end to the war do not reflect the will of anything like the majority of the American people. Nor do many of those who urge withdrawal really mean that they would accept peace on the enemy's terms. They simply want—as who does not?—an end to the war.

It is easy for the enemy to underestimate this country. In waiting for us to surrender, he hears the shrill protests and misses the true, patient heartbeat of America. This country has never lost a war; it has never surrendered to an enemy. And it is not about to do so now.

The need today, when an honorable end to the war is within sight, is for courage and patience, in the best American tradition. When their country is in trouble the American people close ranks and stand together. Together, we have brought our country through many storms.

We are now in the midst of a storm, and we will see it through. If the enemy is counting on this nation to falter, he is wrong. The heart of America is as strong as ever, and its patience will endure. Our enemy need not question it. Our allies need not doubt it. Our President need not wonder.

THE NEED TO HONOR AMERICA

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BURKE of Florida. Mr. Speaker, not long ago, I received a letter from Mr.

Charles W. Wiley, executive director of the National Committee for Responsible Patriotism asking me to endorse the week of November 10 to 16 as "Honor America Week."

I, of course, was delighted to join with the millions of other Americans across the United States in our showing devotion to our Nation.

In a brochure sent to me by Mr. Wiley, the group claims support from President Nixon, former Vice President Humphrey, the late President Dwight D. Eisenhower, and many, many other national leaders.

I am sure several of my colleagues received a similar plea to support this most worthy cause and each of us will attempt to honor America in some way of our own choosing.

I had the honor to be the speaker at a number of Veterans Day ceremonies within my district and as I traveled throughout Central and South Broward and North Dade, Fla., I know now what the President meant by the silent majority.

When I stood in a cemetery on Veterans Day listening to our veterans and others give praise to our country and fighting men past and present, I asked silently why do we need a National Committee for Responsible Patriotism? and Why do we need an Honor America Week?

It seemed to me that each citizen should be so proud to be an American that each day would be an "Honor America Day." But, unfortunately, I am taking the liberty of being too idealistic for we all know full well that this isn't the situation in America today for there are too many individuals and groups intent on ridiculing our Nation and her proud past.

As I thought further about the need for a committee to promote patriotism, I truly felt deeply concerned that our country, which has given so much to so many should need to urge its citizens to honor her, and as I reflected further I concluded that we really do need to promote patriotism by reminding those who prefer to forget the goodness of America and its people.

Thus it appears to me that today there is even a stronger reason for groups to counter the ever-increasing voices who though ill advised are nevertheless rapidly mobilizing forces to work against the America most of us have learned to love.

Surely by now, most of us know these radicals by sight and their sounds. We see them on television and hear their divisive words. They are no longer secret since they are now quite vocal in their aims, which are simply to destroy the United States.

Ironically, as I glanced through the Veterans Day edition of the Washington Post, I noticed a glaring headline that read, "Dr. Levy Says Che Is His Hero."

Who is Dr. Howard Levy? He is the New York doctor who was jailed 2 years ago for refusing to teach medical skills to green berets while serving in the U.S. Army and is now released on appeal bond from Federal prison.

The doctor, who is now working for some group called the Health Policy Advisory Center in New York City, told the American Public Health Association at a meeting last Monday that Ernesto "Che" Guevara was his model hero. He states that:

> A true revolutionary is motivated by feelings of love. Three or four years ago I was a budding practitioner ready to make my $50,000 a year. Now I'm a radical.

This so-called American further challenged the liberals in the group to decide whether they want to support the revolutionaries or the Government of the United States, which has the power which he and the other radicals want. He then said:

> They've got the power, but we're going to get it, and no one is going to stand in our way.

Although the news story indicated that he received only mild applause, yet there were in the audience a few who jumped to their feet and displayed the revolutionary symbol of the clenched fist.

This incident and other similar incidents graphically brought home to me the need for the patriotic forces in our society to stand up and be counted for America before the likes of Dr. Levy and other radicals count them out.

Yes, Dr. Levy was a man who was provided with all the education needed in the United States to earn an excellent income and do good for many, but who now wants to overturn the Government which gave him his golden opportunity.

I can only say then that we need prayer and hope that our veteran organizations, the National Committee for Responsible Patriotism and other similar groups continue to grow in size and prestige and that more and more Americans will take part in the crusade to keep America great.

There is no doubt that we are today fighting a battle of the minds and whether we are called the silent majority or by some other name we all have a role to play in drowning out the voices of the rising radicalism.

The time is now. Awake America, we have slumbered too long and if we wait much longer perhaps very soon we may awake to the sounds of military boots and gunshots under the direction of some Communist or Fascist dictator.

Let us have faith in each other and love and support the America we know.

Yes, I am for "honoring America" this week and each day and week hereafter because your country and my country needs us now more than ever.

PEOPLE'S REPUBLIC OF SOUTH YEMEN INDEPENDENCE DAY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. POWELL. Mr. Speaker, I would like to pause today to pay tribute to the People's Republic of South Yemen whose second anniversary of independence will be celebrated on November 30. The new nation of Yemen is composed of the port of Aden and desert territory in southwestern Arabia as well as the islands of Perim and Kamaran. Most of the people of Southern Yemen are Moslems.

Preceding its independence, the land which is now Southern Yemen was composed of Aden, a British crown colony, and the protectorate states which were members of the Federation of South Arabia. This area of Arabia has a long history dating back to the beginning of recorded time. Many have suggested that Aden is the original Eden of the Bible. The earliest known mention of the area and its people is in the Biblical reference in Ezekiel to the blue robed spice merchants of Aden. According to the legend of South Arabia, history began with the great flood and the building of a boat by Nuh—Noah. The receding waters shaped the wadis, valleys, and mountains of the region and left the land in the hands of a race of giants, the least of whom became the predecessors of today's Bedouin inhabitants.

Aside from the important port of Aden, the country's economy is dependent on farming, sheep and goat herding, and fishing. Aden is one of the busiest ports in the world and the site of a large oil refinery. The current closure of the Suez Canal, however, has had a negative impact upon Southern Yemen's economic welfare.

The United States was among the first nations to recognize the new People's Republic of Southern Yemen. On December 14, 1967, under the sponsorship of Great Britain, Southern Yemen became the 123d member of the United Nations. This new nation is also a member of the Arab League.

Thus, on the second anniversary of its independence, I call upon my colleagues to join with me in wishing this new nation a peaceful and prosperous future.

INVOCATION BY REV. THOMAS L. DEPA, PASTOR OF ST. STANSLAUS CHURCH, TERRE COUPEE, NEW CARLISLE, IND., AT DEDICATION OF THE BENDIX WOODS RECREATIONAL PARK, ST. JOSEPH COUNTY, IND., OCTOBER 19, 1970

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BRADEMAS. Mr. Speaker, recently I had the privilege of participating in the dedication of the Bendix Woods Recreational Park in my home county of St. Joseph in Indiana.

On this occasion, I was much moved by an eloquent invocation delivered by the Reverend Thomas L. Depa, pastor of St. Stanslaus Church, New Carlisle, Ind.

I am inserting in the RECORD the text of Father Depa's invocation:

INVOCATION BY REV. THOMAS L. DEPA

We are grateful to Thee God Almighty for the department of parks and recreation, for establishing this facility for the benefit of

our bodies, our souls and for the preservation of Your created beauty.

However, dear God, we have one complaint, we lament the unreasonableness of some of our citizenry, who in the name of progress are destroying nature's capital three F's; namely; Fur, Feather and Fish. Instead of relying on their own natural locomotion in hunting and fishing, they are using snowmobiles and swamp buggies to invade the nesting and birth places of Fur, Feather and Fish, thereby speeding up their eventual extermination.

Oh God, we deplore the lack of foresight of some of our officials, who again, in the name of progress and the almighty dollar are destroying the forest, polluting the air and streams; and draining our swamp lands.

My God, in the name of progress we are depleting the precious minerals You have stored in the bowls of the earth for the use of future generations, while billions of tons of metals are rusting away in junk yards.

We beg You, dear Lord, to forgive us for all our sins committed against your created beauty. Inspire our citizenry and officials, to preserve Your irreplaceable beauty and resources. Amen.

REPRESENTATIVE TAFT SUPPORTS COMMEMORATIVE STAMP IN HONOR OF ERNIE PYLE—PRAISES EFFORTS OF CLEVELANDER

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TAFT. Mr. Speaker, it is my understanding that the Citizens Stamp Advisory Committee has under consideration the possibility of issuing a stamp in honor of Ernie Pyle.

The drive for this stamp has been spearheaded in large measure by Mr. Nunzio R. Calvo, of Cleveland, Ohio. Mr. Calvo, who serves as commissioner of soldiers relief for Cuyahoga County, and is president-elect of the Greater Cleveland Veterans Council, believes that a commemorative stamp would be a fitting way to mark the 25th anniversary of Mr. Pyle's death, in 1970.

I am pleased to join Mr. Calvo in this regard and to urge my friends and colleagues to support the issuance of this stamp.

The following articles describe some of the effort involved in Mr. Calvo's 3-year campaign for the special Ernie Pyle Stamp:

[From the Christian Science Monitor, Nov. 1, 1969]

COMMEMORATIVE STAMP

To the CHRISTIAN SCIENCE MONITOR:

On April 18, 1970, it will be 25 years since one of America's greatest and most beloved personalities was lost. Ernie Pyle has not only won a permanent place in the hearts of Americans as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Ernie Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Ernie Pyle was responsible in World War II for combat infantrymen and medics receiving an extra $10 a month in pay—he was responsible for the wearing of overseas bars on the left sleeve of uniforms. He was beloved by the men in-combat, as well as the people back home.

The late General Eisenhower said of Ernie Pyle, "we have lost one of our best and most understanding friends," and in the words of President Truman, "no man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen." These remarks are a lasting tribute for a great person.

Ernie Pyle still has our gratitude, and next April will be the month to remember him. What better way could this be done than to have a commemorative stamp issued to honor this outstanding individual? Next year will be the 25th anniversary of his death. This would be the ideal time to pay homage to him. All former GIs who knew him and served with him, as well as those back home to whom he reported, should entreat the Post Office Department and the Citizens Stamp Advisory Committee in Washington now to authorize the issuance of a commemorative stamp for Ernie Pyle.

N. R. CALVO.

CLEVELAND.

ERNIE PYLE COMMEMORATIVE STAMP BOOSTED BY NUNZIO CALVO

CLEVELAND, OHIO.—An all-out effort is underway for the issuance of a commemorative stamp for Ernie Pyle. The project is spearheaded by Nunzio Calvo of Cleveland, Ohio, a member of Avanti Amerita Lodge No. 133.

Bills have been introduced in Congress to provide for the issuance of the stamp to honor the World War II correspondent. Having been referred to the committee on Post Office and Civil Services, one of the bills calls for date of issuance on April 18, 1970, the 25th anniversary of the death of Ernie Pyle. On that date, it will be twenty-five years that one of America's greatest and most beloved personalities was lost. Ernie Pyle has not only won a permanent place in the hearts of Americans as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Ernie Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Ernie Pyle was responsible in World War II for combat infantrymen and medics receiving an extra $10 a month in pay—he was responsible for the wearing of overseas bars on the left sleeve of uniforms. He was beloved by the men in combat, as well as the people back home.

The late General Eisenhower said of Ernie Pyle, "we have lost one of our best and most understanding friends," and in the words of President Truman, "no man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen." These remarks are a lasting tribute to a great person.

Ernie Pyle still has our gratitude, and next April will be the month to remember him. What better way could this be done than to have a commemorative stamp issued to honor this outstanding individual? Next year will be the 25th anniversary of his death. This would be the ideal time to pay homage to him.

The original proposal for the stamp was the idea of Nunzio Calvo of Cleveland, he himself a veteran of World War II. He has contacted members of the House and Senate in Washington, and received written approval of the idea from several, two of which introduced the legislation. He has received some national publicity on the project and received enthusiastic replies from individuals throughout the country. Postmaster General Winton W. Blount has also been contacted. The proposal has been placed on the agenda for consideration by the Citizens' Stamp Advisory Committee.

Calvo is urging all former GIs who knew Ernie Pyle and served with him, as well as "those back home" to whom he reported, to contact the Post Office Department and the Citizens' Stamp Advisory Committee in Washington by letter now to authorize the issuance of a commemorative stamp for Ernie Pyle.

Nunzio Calvo serves as commissioner of Soldiers Relief for Cuyahoga County in Cleveland, Ohio, where he is active in veteran affairs and a member of veteran organizations.

[From the Ohio VFW News, October 1969]

ERNIE PYLE STAMP CONSIDERED

Veterans organizations are being asked to support a proposal which has lead to bills being introduced in Congress to provide for the issuance of a commemorative stamp honoring World War II correspondent Ernie Pyle.

Having been referred to the committee on Post Office and Civil Services, one of the bills calls for date of issuance on April 18, 1970, the 25th anniversary of the death of Ernie Pyle.

Pyle has not only won a permanent place in the hearts of Americans, as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Pyle was responsible in World War II for combat infantrymen and medics receiving an extra $10 a month in pay and he was responsible for the wearing of overseas bars on the left sleeve of uniforms.

The late General Eisenhower said of Pyle, "We have lost one of our best and most understanding friends," and in the words of President Truman, "No man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen."

The original proposal for the stamp was the idea of N. R. Calvo of Cleveland—a veteran of World War II. He has contacted members of the House and Senate in Washington, and received written approval from several. Postmaster Gen. Winton M. Blount also has been contacted. The proposal has been placed on the agenda for consideration by the Citizens' Stamp Advisory Committee.

Calvo is urging veterans organizations and all former GIs who knew Pyle and served with him, as well as "those back home" to whom he reported, to contact the Post Office Department and the Citizens' Stamp Advisory Committee in Washington to authorize the issuance of the commemorative stamp.

Calvo is a life member of VFW Post 5799 of Cleveland, and serves as commissioner of Soldiers Relief for Cuyahoga County in that city. He is active in veterans affairs and a member of other veterans organizations.

PUBLIC LAW 90–505

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. POLLOCK. Mr. Speaker, I wish to call to my colleagues' attention a matter of grave concern. I am greatly troubled by the proposed Resolution 23–374 of the Federal Home Loan Bank Board, which would compel all members of the savings and loan industry to sell all Government bonds with a maturity of more than 5 years at a substantial loss.

This loss is so substantial that it would remove hundreds of millions of dollars from the members of the Federal Home Loan Bank throughout the country and actually throw this money away. The resulting loss can only mean that the associations could make less home loans for our constituents. It seems obvious that we want to avoid this.

This loss would be so substantial that it could cause many of these associations to go into bankruptcy or at the very least, deep indebtedness. This amount of money going down the drain would remove an equal amount of money from the liquidity reserves of these associations and force them to somehow furnish additional money for liquidity, thus taking many more millions of dollars from its intended purpose of helping homeowners acquire and keep their homes.

Is it not true that long-term bonds can be sold and converted into cash in exactly the same time that it takes to sell short-term bonds? Of course that is true. Accordingly, the money invested in long-term bonds is as readily available for liquidity purposes as short-term bonds would be. Then why does the Home Loan Bank Board wish to enact, promulgate, and enforce such a harmful regulation?

When the savings and loan industry was required to furnish liquidity, the individual associations were told that liquidity would be carried on their books at cost price until sold or until maturity. Any deviation from this promise would be very close to bad faith with the members of the savings and loan industry.

Any losses taken on the sale of these bonds would be wasting the money at a time when cash is so vitally necessary to the country and to the industry.

We should each make it or business to check on this situation and vigorously protest what appears to be a ridiculous and dangerous board decision. It would be very simple, I believe, for the Federal Home Loan Bank Board to provide any addition to liquidity to be in the form of short-term maturities, and in a few years the old bonds would have matured. Accordingly, the problem, if any, will have been solved without this terrific wasting of reserves and traumatic damage to the associations of the industry.

This resolution also provides, in conformity with Public Law 90–505, that liquidity be required also on the amount of short-term borrowings by the savings and loan industry, and "short-term borrowings" is defined as "notes due in 5 years or less."

Of course, we all have some responsibility for passing Public Law 90–505, yet, it would seem to me that we might have been a little hasty. Certainly there is no reason whatsoever for a 4- to 8-percent liquidity on borrowed money. If a person wishes to make collection on borrowed money, he does not want to collect 4 to 8 percent of this money; he wants to collect 100 percent to this money. Four to eight percent is not a "drop in the bucket" toward paying off borrowed money.

I am giving some thought to the possibility of our changing Public Law 90–505 and eliminating liquidity against borrowed money. Somehow, liquidity does not seem to be necessary. Resolution No. 23–377 is also being considered by the Federal Home Loan Bank Board, and this resolution, simply stated, would encourage the savings and loan industry, after it has "thrown this money down the sink," to carry this wasted and lost money as an asset on their statement for 10 years, charging off 10 percent every year. I do not believe that it is healthy for the industry to offer to the public a statement which comprises as assets moneys which have long since become substantial liabilities.

I have personally written to the Federal Home Loan Bank Board with reference to these matters, and upon receipt of their reply I will be in a better position to discuss it with each and every one of you. Meanwhile, I will deeply appreciate any attention and assistance you, my fellow Congressmen, can give to this most tragic situation.

MOUNT CARMEL, PA., AREA HIGH SCHOOL BAND

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SCHNEEBELI. Mr. Speaker, during recent years a young but extremely talented group of musicians has been distinguishing itself as a high school band—namely, the Mount Carmel, Pa., Area High School Band, more popularly known as the "Mounties." Under the expert direction of Mr. Paul Semicek, the Mounties have performed around the United States and Canada, bringing fame and publicity to their home community. Recently they performed at half time at the NFL football game between the Atlanta Falcons and the Chicago Bears, and were lauded by CBS television sports for their performance, which brought the football fans to a standing ovation. On November 25, the proud and appreciative citizens of Mount Carmel honored the Mounties by celebrating Mounties Day. The following excerpt from the Shamokin News-Item of November 24, will point up the high esteem in which this outstanding high school band is held and the fine reputation they have earned. I should like to join in saluting all of the Mounties and their director, Mr. Semicek:

Congratulations are still being received by the Mounties on their excellent showing in Atlanta where they put on a half-time show at the NFL football game between the Atlanta Falcons and Chicago Bears.

Typical of the greetings was one received by Paul Semicek, high school band director, from Howard Reifsnyder, producer of CBS television sports. The letter said:

"Dear Paul:

"Half time show featuring the Mounties of Mount Carmel Area High School for the Chicago vs. Atlanta telecast on November 16, 1969, was by far the best show I have seen this year and one of the best I have ever seen. The music was great as was the visual presentation.

"Thanks for all your cooperation and it was good seeing you again.

"Regards,

"Howard Reifsnyder."

The Mounties received a standing ovation from the 53,000 fans in attendance at the game. It was the first time such an honor had ever been accorded to a visiting outfit in the Atlanta stadium.

Semicek noted that Robert Beierschmitt, leader of the Mounties, was shown on NFL television network program on Saturday and Sunday. Beierschmitt, one of the most colorful scholastic band leaders in the East, was caught in action as he led the Mounties in Atlanta.

An appreciative community is planning to make it a big day for the Mounties tomorrow.

A TRULY GREAT HUMANITARIAN CAMPAIGN: THE COMMITTEE TO HELP BIAFRAN CHILDREN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. PATTEN. Mr. Speaker, the starvation of Biafran children is one of the most shocking and appalling tragedies in the modern history of mankind.

When an Associated Press story reported in late October 1969, that "over 300 Biafran children die every day of starvation." Jack Ellery, who does a popular morning show on radio station WCTC, of New Brunswick, N.J., decided to do something about it. He started a truly great humanitarian campaign.

Jack Ellery asked his radio listeners to write the words, "End the Starvation" on a post card and send it to WCTC. The response has been fantastic. With the help of Jack Sutton, a bank executive, and Peter Sears, of the Bound Brook Chronicle, Jack Ellery organized "The Committee To Help Biafran Children," Post Office Box FOOD, Somerset, N.J.

More than 400 letters a day are being received and the number is increasing every day.

Mr. Speaker, the Biafran war is now 30 months old and the human toll is unbelievable. Thousands of children have died from starvation and thousands more will die unless something is done to help them. Jack Ellery, a young man of deep compassion for people and great love for children, believes that if the post card campaign produces 1 million cards or letters and they are delivered to the U.S. Senate, the pressure of public opinion will become so great, that there is a good chance action will be taken to finally stop the starvation of children in Biafra.

This is not a campaign that is seeking money. Only post cards or letters are needed with the words "End the Starvation" and the sender's name and address included.

Mr. Speaker, when many of us think of childhood, we often think of Samuel Woodworth's poem:

How dear to this heart are the scenes of my childhood,
When fond recollection recalls them to view.
The orchard, the meadow, the deep-tangled wildwood,
And every loved spot which my infancy knew.

There will be no "fond recollection" for the children of Biafra, because they

probably will not live long—unless enough people care about their terrible plight—starvation, despair, and almost inevitable death.

Yet, Mr. Speaker, I have faith in the natural goodness of the American people. I believe they will respond and help the children of Biafra. I hope that every person who reads the CONGRESSIONAL RECORD will send a post card or letter with the words "End the Starvation" to: Post Office Box FOOD, Somerset, N.J.

I also want to insert a story from New Brunswick, N.J., the Home News: "Simple Plea Snowballs To Aid Biafran Kids." It touches my heart and I hope it will touch the heart of every reader:

The article follows:

SIMPLE PLEA SNOWBALLS TO AID BIAFRAN KIDS

If the fact that one Biafran child dies every five minutes doesn't provoke some action from the nation's leaders, maybe a million imploring letters on the Senate floor will.

Jack Ellery, who does the morning show for WCTC radio station in New Brunswick, had that idea in mind last Thursday when he launched a write-in campaign that he hopes will snowball into a nationwide expression of sympathy and concern for the war-torn people of Biafra.

Ellery reacted to an Associated Press report last Thursday that claimed that "over 300 Biafran children die every day of starvation." On his show the following morning he asked his listeners to write the words "end the starvation" on a post card and send it in to WCTC.

"We got a fantastic response," Ellery said later.

Jack Sutton, a Franklin State Bank executive, and Pete Sears of the Bound Brook Chronicle volunteered to help form a committee with Ellery to organize the campaign.

The Biafran Children Committee has now established a post office box, dubbed "FOOD," in Franklin. Over 400 letters a day stream into the box, and the number increases daily, according to Ellery.

"Letters are starting to come in from New York and from Massachusetts, where we have our sister stations," Ellery added. "Our slogan is, 'Will you invest six cents of your money and five minutes of your time to save a life?' "

"We're not political, we take no sides," Ellery explained. "We have no money and we seek no money. Some of our secretaries at WCTC and some listeners have volunteered to handle and sort the mail."

Ellery said he thought of advertising to help publicize his campaign, but that it was impossible since "New York radio stations are asking $180 per minute and the New York Times wants $7,800 for a full page ad."

He has contacted a special representative from Biafra to the U.S., who labelled Americans as "apathetic to the most tragic situation since Nazi Germany."

According to Ellery, only the French Red Cross has been successful recently in sneaking food past Nigeria's Russian Migs, but that even the nightly haul of 180 tons of food falls short of requirements. "The minimum starvation rate in Biafra is 2,100 tons of food a night," Ellery said.

Ellery's volunteer staff sorts the mail geographically, and will eventually mail each letter to the proper senator.

"If I walk into the U.S. Senate with a million letters, someone's going to do something about it," Ellery promised.

ENVIRONMENTAL POLLUTION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. PRICE of Texas. Mr. Speaker, I wholeheartedly support the international biological program—IBP—and I am pleased that the Congress also express its support. I trust all Federal agencies and interested organizations will assist the IBP in its activities.

As a member of the House Science and Astronautics Committee, the committee which provided the primary legislative review of IBP, I am familiar with its organization, its operation, and its goals.

The international biological program is a worldwide effort by more than 50 nations to provide a truly international basis for managing the environment and preventing its further deterioration.

At present, U.S. involvement with IBP is limited. Through joining in certain of its activities, we are attempting to achieve a better understanding of the impact of: The population explosion, the effect of population increases on nature, and the effects that any changes in the balance of nature would have on mankind.

Mr. Speaker, while our present involvement with IBP is an important one, I believe we should expand it to include the entire spectrum of environmental control. Pollution is a lethal menace to all mankind, and its eradication can best be accomplished if the world works together. Pollution cannot be stopped on a nation-by-nation trial and error basis. The nations of the world must work together; the stakes are too high for any other approach.

The responsibility of the United States for environmental control is great. As a nation and as people, we have carelessly and thoughtlessly set in motion forces that threaten to ruin the air we breathe and the water we drink. In our Nation's cities, the menace is particularly deadly. In New York, for example, badly polluted air frequently causes 10 to 20 deaths a day. In Buffalo, the number of children hospitalized with asthma and skin inflammation increases significantly when the air is particularly dirty.

Environmental contamination is growing worse all the time. Our cities are becoming more smog-filled. Our streams are becoming more ridden with pollutants. Our air carries ever increasing amounts of chemical and industrial waste.

Unfortunately, as a people, we seem to have adopted a wait-and-see policy. However, I fail to see what we are waiting for. Are we waiting until the streets are littered with corpses before the general public is mobilized in defense of human health and survival? I certainly hope this is not the case.

Fortunately, certain Members of Congress, with the encouragement of interested private and public organizations have spoken out on the issue, and introduced various legislative proposals to combat environmental pollution. In my view, many of these proposals, although motivated by high purpose, have been hastily conceived and poorly drawn. As a result, the Congress stands in sore need of coherent thinking and careful guidance on this issue.

I have discussed my concern with President Nixon. He has advised me that he is preparing a comprehensive legislative program to combat pollution. In concept, his program will provide the operating continuity which many of the present attacks on pollution so clearly lack. In addition, it provides a funding mechanism which will enable our Nation to conduct a long-term fight against this lethal menace in a reasonable manner.

Mr. Speaker, I am looking forward to the President's environmental quality control program with great anticipation, and I know many of my colleagues share in my enthusiasm. While we are waiting for the President's program, I urge all my colleagues to lend their support to the IBP and to both public and private appropriate domestic efforts that have as their goal, the restoration of a quality environment for all mankind.

THE STRATEGIC ARMS RACE

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FLOWERS. Mr. Speaker, the total amount of all goods and services produced by the entire world in the year 1900 was less than military spending alone in the year 1968. Of the $173.4 billion spent on the world's military in 1968, the United States accounted for $79.6 billion and the Soviet Union $39.8 billion, or a combined total of about 70 percent of it all. Mr. Speaker, I am informed further that the rate of such spending has been accelerating drastically in the last 3 years due to the increasing costs of sophisticated and highly technical modern equipment.

Therefore, Mr. Speaker, as the United States and the Soviet Union opened their arms control talks in Helsinki on November 17, there was understandably great hope on the part of people everywhere that real progress would be forthcoming. For the first time since the advent of the cold war and the arms race, there seems to be at least a near meeting of the minds of the great powers to cope finally with this challenging problem. Failing this, the specter of the strategic arms race could overshadow the national life of both nations for years to come. It is indeed encouraging that the first of these preliminary meetings has not set a stage for the usual gesturing and desk pounding by the Soviets. Each side has seemed genuinely eager to get down to the essen-

tials of the long bargaining bound to precede any arms agreement. Although more time will undoubtedly be spent by each side in testing the intentions of the other before thorough appraisals can be made, it is hoped that the substantive talks might begin in early 1970.

Mr. Speaker, there have already been over 3 years of preparation and mostly unnecessary delay in getting these talks started. Under the guise of displeasure over our Nation's policy in Vietnam, the Soviet Union first delayed its endorsement. After their approval was finally given and plans were in the works, then came the Soviet invasion of Czechoslovakia in August 1968, forcing cancellation by our Government. The new administration then delayed until June of this year while it reviewed U.S. policy and our bargaining position. And on October 25, the Soviet Union finally agreed to the present preliminary talks.

Early this year, the head of the U.S. Arms Control and Disarmament Agency, Mr. William C. Foster, said:

> The technological stars and planets are now in favorable conjunction, so to speak—and they will not stay that way for long.

I think it can safely be said that the arsenals of the United States and the Soviet Union are in somewhat of a state of balance at this time, although in different areas one country or the other is dominant. This relative balance causes concern by those who feel that we should have a clear-cut arms superiority, but the present status may be the "favorable conjunction" that provides the conducive climate for arms talks.

Mr. Speaker, perhaps the most encouraging factor of the new found interest of the Soviet Union in looking for a solution or alternative to the arms race is the suggestion that the voice of the people of Russia is being heard over the hard line Communists. The situation, in my opinion, has gotten entirely too critical for either nation "to keep on keeping on" as we have been doing. I know that many citizens of the Fifth District of Alabama, that I have the privilege of representing, join in the hope and prayer that these preliminary talks will be the solid beginning of productive negotiations at an early date.

REASONED WORDS OF GOOD COUNSEL

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HARVEY. Mr. Speaker, at a time when this House is again considering vital legislation to proclaim its collective viewpoints as to the absolute need of unity in behalf and for our country in its involvement in South Vietnam, it is my privilege to bring to the attention of all Members an excellent speech delivered recently by our colleague, the Honorable F. BRADFORD MORSE, of Massachusetts.

My remarks are somewhat slanted inasmuch as I have long admired and respected Congressman MORSE's good judgment and sound thinking. I think, when you read over and study his remarks made on November 13, 1969, at the Lowell Memorial Auditorium, Lowell, Mass., you will agree that he has masterfully clarified the hopes of all Americans—peace in Vietnam.

He has, I believe, narrowed and eliminated false differences among Americans as to our Nation's hopes and desires. We all seek peace; we all want peace. The difference now is by what means do we achieve that goal. Congressman MORSE's remarks follow:

REMARKS OF CONGRESSMAN F. BRADFORD MORSE, LOWELL MEMORIAL AUDITORIUM, NOVEMBER 13, 1969

I come here tonight filled with respect—for you whose convictions about our involvement in Vietnam over the past several years have demonstrably hastened the pace toward peace—for others like those to whose memory this building is dedicated who died in battles not of their own choosing, for ideals which they may not fully have understood—who gave their lives for a cause to which all men of goodwill, of all times, have aspired.

And I bring a growing measure of respect for a country—our country—whose national processes have been capable of changing the direction of our involvement in a tragic and ill-advised war in but a few months—a country strong enough, confident enough, indeed good enough to insure that the voices of those who disagree with national policy may be raised and indeed may be heard.

I speak to you, not with any sense of chauvinism—for that concept had relevance only in an earlier, less complicated day.

I do not urge unity for its own sake, for that unity would deprive our nation of the vitality that has given it strength in other difficult moments.

I seek with you only rationality rather than irrationality; I plead only for thoughtfulness rather than passion; I search for reasoned counsel which will lead to peace, rather than exercises which may delay—even thwart—its achievement.

And I address my entreaty not only to those who are gathered tonight in this place and to the thousands of other like-minded Americans, with whom I have proudly identified, who have sought for years to explain the error of our involvement in the war and have sought to correct it, but also to those other highly motivated people in our land who have supported the national leadership throughout the days of escalation and support it now in these days of de-escalation.

I trust that my comments will not be construed as a defense of the present Administration, which has been organized by my party according to the slim mandate of the American people a year ago, nor as a condemnation of any previous Administration.

For the hour is too late for partisanship. The storm is too near the horizon for anything less than an objective assessment of where we are and where we are going.

The time is upon us when we must realize that the issue at stake is not Vietnam, but the United States. The time is approaching when the issue shall not be—in spite of anyone's rhetoric—the integrity of Vietnam, but rather, the integrity of America.

To deny that polarization has been taking place in our society would be to deny that today is Thursday, November 13, 1969.

To assign responsibility for that polarization in this heated moment would be an exercise in destructive futility. But to fail to recognize that that polarization can paralyze our society and have shattering effects on the hopes of people throughout he world who have found meaning in the basic values shared by all Americans, young and old, black and white, rich and poor, would be irresponsible myopic.

The time is upon us when we must recognize and reject demagogic posturings—be they the postures of the left or the right, of the hawks or the doves.

The time has come when we must recognize that the differences among Amercans about Vietnam are today more illusory than real, in large measure because of the efforts of devoted Americans like you.

You seek an end to the war—so does your government.

You seek a withdrawal of American combat troops from Vietnam—so does your government.

You seek an end to *any* American military presence in Vietnam—so does your government.

You seek no American bases in Vietnam—nor does your government seek any.

You want the people of South Vietnam to have the opportunity to choose their own leaders and to reject the leadership of the present regime if they so choose—so does your government.

You want the casualties to cease, be they American, North Vietnamese or South Vietnamese—so does your government.

You want our national attention and our national resources devoted, not to war, but to improving the quality of our own society—so does your government.

You seek peace—and so does your government.

So there is little division on goals; only the means to achieve those goals are the subject of debate.

Let us therefore recognize that upon which our people agree. Let us all contribute to the attainment of peace—not by angry name-calling, nor by simplistic sloganeering, not by efforts that may frustrate and weaken the only institutions through which peace can be achieved. Instead, let us apply intellect, creativity and practical idealism to find those steps by which the common objectives may be *earliest* achieved.

For free men to do otherwise would be a denial of their freedom—for compassionate human beings who cherish human life to do otherwise would be a denial of their compassion.

It is my privilege to represent the five hundred thousand people who reside in the Fifth Massachusetts District in the Congress of the United States. You are among them. I ask of you, and the other Americans who have given me this trust, for reasoned counsel and thoughtful advice. I pledge to all of you that your voices shall be heard and your voices shall be heeded.

SCHOOL INTEGRATION HAS ITS LIMITS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. DERWINSKI. Mr. Speaker, one of the difficulties discussing an issue as emotional and complex as school integration is that the gap between theory and facts is rarely bridged by the proponents of artificial integration.

An editorial in the Monday, November 24, Chicago Tribune objectively states views which should be reviewed and properly calls attention to the inherent limitations of school integration.

The editorial follows:

SCHOOL INTEGRATION HAS ITS LIMITS

The futility of court decrees and administrative plans for racially balanced public schools in cities with large concentrations of Negroes has been demonstrated by experience. Accumulating evidence to this effect includes the board of education's 1969 racial headcount of students in the Chicago public schools.

Residential movements in Chicago, as shown by the 1969 and previous headcounts, tend to integrate all-white schools and then resegregate them as all-black schools in a few years.

Chicago's public school enrollment of 580,292 is 53.9 per cent black, 41 per cent white, 4.3 per cent Puerto Rican, and 0.8 per cent others. In 1968, the black enrollment was 52.9 and the white was 42.2 per cent.

Theoretically, this racial division would permit city-wide integration according to the board's definition of an integrated school, one with between 10 and 90 per cent enrollment for each race. Actually, in spite of the board's integration efforts, only 10.3 per cent of the city's black elementary school pupils and 26.9 per cent of its black high school students are enrolled in schools defined as integrated. Thus Chicago's schools are more segregated than those of the south as a whole. The best available estimate is that thruout the south this year between 30 and 40 per cent of the Negro students attend formerly all-white schools.

In the south, of course, the schools were segregated by state laws, which the United States Supreme court declared unconstitutional in 1954, whereas Chicago's "de facto" segregation is the result of housing patterns. The federal government, however, has suits pending in half a dozen northern cities to end de facto segregation, and the government's position has been upheld by federal District Judge Julius J. Hoffman in an order for the integration of schools in district 151, comprising most of Phoenix and South Holland and part of Harvey.

Judge Hoffman held that segregation, regardless of its cause, has the effect of stigmatizing Negro pupils and retarding their education, a conclusion that is disputed by many competent authorities, including Negro educators. Hoffman ordered district 151 to restructure its grade organization and to bus about 55 per cent of its total enrollment to achieve racial balance.

District 151 has appealed from this decision to the 7th United States Circuit Court of Appeals, which ruled in a similar case involving the schools of Gary, Ind., in 1963, that nothing in the Supreme court's decisions or the Constitution itself requires racial mixing. The appellate court held that the Constitution "does not require integration, it merely forbids racial discrimination," and the Supreme court refused to review the case.

On Oct. 29, in a case involving 33 school districts in Mississippi, the Supreme court said "the obligation of every school district is to terminate the dual school systems at once and to operate now and hereafter only unitary schools." The court has not said, however, whether de facto segregation is a dual or a unitary system, or what if anything can be done about it.

In its 1954 decision, the Supreme Court held that segregation by law denies Negro children the "equal protection of the laws" in violation of the 14th amendment. But de facto segregation is a result of the facts of life, not of the laws. Racial discrimination is unconstitutional, under the Supreme court's ruling but it does not follow that racial integration is compulsory or even possible.

If children are assigned and transported involuntarily to schools far from their homes, solely on account of their race, black or white, they too are denied the equal protection of the laws. A Constitution that is color blind protects not only the right of blacks to move into a neighborhood but also the right of whites to move out. Enrollment in the public schools of Washington, D.C., before the Supreme court's 1954 decision was only 40 per cent black; now it is 95 per cent. Drastic measures to integrate the schools of Chicago could produce the same results.

WHO SHOULD PAY FOR CONSERVATION

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HALL. Mr. Speaker, at various times during the past few years, I have presented to the House of Representatives Committee on Agriculture, a proposal designed to elevate the economy of this Nation's farmer, while at the same time, doing much toward giving him more freedom in running his own farm operation.

The proposal called, the cropland and water restoration bill, has as one of its key features the proper care and management of our precious topsoil.

A recent article, "Who Should Pay for Conservation?" which appeared in a magazine called The Furrow, details in a most interesting way, some of the problems caused by poor soil management.

The article follows:

WHO SHOULD PAY FOR CONSERVATION?

Soil erosion is bad for farmers, but with modern fertilizers it's not the horror it used to be. Rich, black dirt is still precious but no longer priceless on much of North America's deep-soil farmland. At the same time, from the standpoint of the population in general, soil erosion is becoming ever more serious and costly.

Sedimentation of rivers is a problem that will worsen even if levels of sediment don't increase. That's because of ever-greater and more-intense use of our available water. The cost of muddy water is already staggering. It includes direct cash outlays of $250 million per year in the U.S. to dredge harbors, lakes, and rivers. Every year silt displaces about a million acre-feet of storage space in reservoirs—space that costs at least $100 per acre-foot to build. Add to this the cost of removing silt from water for municipal and industrial use and you get an idea of the cash price everybody pays for dirty water. But there's more: many soils contain durable pesticides that cling to soil particles. As soil erodes these enter into streams, rivers, and lakes, polluting the waters. Perhaps the biggest cost of dirty water is the immeasurable loss of aesthetic value in terms of natural beauty, fish, fowl, and wildlife.

When soil erodes everybody loses, and when soil stays on the farm everybody gains. This is a key point because it appears that farmers are now expected to pay more than their share of the cost of preventing siltation of waters.

Under modern farming systems (which are necessary if we are to feed ourselves), some erosion is inevitable. This loss can be greatly reduced, however, through such practices as strip cropping, contour plowing, and maintaining year-round cover, along with use of grassed waterways, terraces, water channels, and check dams to store water. All these cost a farmer something in time, effort, convenience, and money, and they don't necessarily increase profit.

Government funds have long been used in a cost-sharing arrangement to stimulate soil conservation. For certain erosion-control practices in the "preferred" category, the stated U.S. government share is 60 percent. But it never quite works out that way and farmers usually end up paying about half the cost. For some projects, farmers are quick to see the benefits to their business and glad to pay a 50-percent share. Other worthy projects go begging because farmers can scarcely be expected to spend hard-earned cash if the main beneficiaries are several hundred thousand guys downstream.

What's needed is a rebirth of the soil conservation fervor of 25 years ago, along with recognition of this new reality: farmers have relatively less to gain now, so they should *bear a relatively smaller share* of the cost of soil conservation. A cost-sharing formula that doesn't take this into account isn't likely to solve the problem of muddy waters in our rivers and streams.

CITY OF SANTA FE SPRINGS—BEST SISTER CITY AWARD

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOLIFIELD. Mr. Speaker, it gives me great pleasure to call the attention of my colleagues to the splendid achievements of the officials and citizens of one of the cities in the 19th Congressional District of California, which I am proud to represent. I am speaking of the city of Santa Fe Springs which has won the Reader's Digest Foundation Award for the best single sister city project for a city under 25,000 population in the United States, 2 years in a row.

In 1968, as a result of the vigor and cooperation of its officials and citizens, Santa Fe Springs was awarded a prize for the donation of a badly needed fire truck and fire hose to its sister city, Navojoa, Sonora, Mexico.

In 1969, Santa Fe Springs was awarded the prize for the previous year's work in designing and building the international trophy winning float for the 1969 Pasadena Tournament of Roses parade. This float, requiring many long hours of planning and work, was in honor of the city of Santa Fe Springs' sister city, Mersin, Turkey. This float, based upon the theme, "Hands Across the Sea," viewed by millions of people on television, was an admirable action helping to cement the bonds of international friendship.

I would like to have the text of the Santa Fe Springs award submittal printed in the CONGRESSIONAL RECORD:

1969 READER'S DIGEST AWARD SUBMITTAL

As part of the Santa Fe Springs Sister City Committee objective of planning and conducting projects which will foster mutual understanding and goodwill not only between our citizens and those of our sister cities but between people of all the world, the Santa Fe Springs Sister City Committee undertook, in conjunction with the City of Mersin, Turkey, the Honorable Talat Kulay, Consul General of Turkey, and members of the community to plan and construct a float to be entered in the 1969 Pasadena Tournament of Roses Parade.

The parade, which is viewed by millions of people around the world, would be, we felt, an appropriate vehicle for expressing our regard not only for our Sister City of Mersin, but for the entire Sister City program. It was

our hope that this float would help us express to these millions of people the bonds of friendship which can be developed through a Sister City affiliation.

During 1968 many long nights were spent in conjunction with the Consul General of Turkey, the Santa Fe Springs Sister City Committee, and members of the community who compose the Santa Fe Springs Rose Float Association, in planning this award-winning entry. After overcoming many obstacles and pitfalls the committee was able to successfully, steadily, and rapidly progress in planning and designing the float.

Early in the planning stages the theme "Hands Across the Sea" was decided upon. From that point the float seemed to logically grow into an expressive form.

After many months of planning and hard work, the laborious efforts of the citizens of Santa Fe Springs and others, including the Consul General and the Turkish-American Club, which formed part of our liaison with Mersin, culminated on January 1, 1969, when our float was entered in the parade. Work progressed up until the very final moment prior to the starting of the parade due to the many delicate flowers utilized in the construction.

Our float won the coveted International Trophy at the Pasadena Tournament of Roses Association. This trophy has never before been won by a city of our size. Historically, it has gone to cities in the population category of Mexico City which has a population of 7 million.

I commend Mayor Betty Wilson and the officials and citizens of the All American City of Santa Fe Springs on their outstanding accomplishment.

VICE PRESIDENT'S COMMENTS ON THE NEWS MEDIA

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BEALL of Maryland. Mr. Speaker, one of my constitutents sent me the editorial, reprinted below, from the Central Maryland News of November 27, 1969. It comments on the two recent speeches made by the Vice President wherein he commented on the news media. I think it is certainly interesting that many members of the news media have looked closely at the Vice President's statements and find value in them. I recommend to my colleagues this perceptive commentary:

AGNEW HAS THE SAW . . .

The hysterical reactions of the press to Vice President Agnew's recent speeches dealing with unfair and one-sided news coverage is the clearest indication of the correctness of his charges.

There are literally millions of Americans who sit by in silence day after day watching the press conduct a national dialogue which is not only totally out of contact with their points of view, but which also bears little relation to the realities of the American social and political situation. At least for those millions there is now an articulate spokesman.

The national networks and many of the nation's largest news chains have not only rejected out of hand the Vice President's call for badly needed self-analysis, they have evidenced a form of paranoia and collective fear which itself indicates how unqualified they have become to carry out their self-appointed tasks. The dealers in criticism cannot stand to be criticized; the analyzers cannot tolerate analysis.

They have accused Mr. Agnew of everything from McCarthyism to Fascism. They have screamed about a coming age of censorship, when there is clearly no evidence of such a threat. And most inexplicably, they were taken totally by surprise by the Vice President's criticism of them. They cannot believe that anyone would have the nerve to strike back at them in their ivory towers.

But why should they be surprised? Their unbridled and irresponsible attacks on Mr. Agnew, laced with dripping innuendos and slurs against his personality, have been continuing daily since Mr. Agnew was first nominated for Vice President. If they thought he would take it all lying down, they knew even less about him than their comments have indicated.

The Vice President has nothing to lose. He knows the attacks of the liberal establishment could scarcely be any worse without becoming hysterical. What Agnew has done is to articulately undermine these attacks and identify them for what they are. Now when the commentators and columnists direct their all-knowing diatribes, from their Buddha-like seats on high, they run the risk of proving the truth of what their favorite whipping boy has said about them.

The press, in fact, is way out on a limb and Agnew has the saw. They have been so irresponsible that they can neither retreat or intensify, without danger. To be sure, they have regurgitated his comments and tried to use them against him, but it is he, not they, who has the public's ear.

In a Democratic society, an informed public is of the utmost importance. For several years the press has ignored its responsibility to that public, by indulging itself in a more and more irrelevant discussion of the national situation. Now there is a spokesman to point this out and the members of the national press who have so bitterly attacked him, having thrown their best blows, have only impotent defense against his counter punches. It's time the press paid its bill and took its medicine.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HICKS. Mr. Speaker, the following is a report on South Vietnam written by Mr. Frank Herbert as a part of a series on the subject in the Seattle Post-Intelligencer.

VIETNAM—PULLOUT WILL HURT

(By Frank Herbert)

Despite the high probability that political pressures at home will force a heavy withdrawal of United States military from Vietnam over the next 18 months, there is virtually no planning to ease there the economic shock certain to follow such a move.

More than 500,000 South Vietnamese depend today on income from the U.S. international development mission (USAID), a fact admitted by top officials in Saigon.

These same officials, however, say they can see no serious economic or job displacement attending U.S. withdrawal.

We have shipped more than $800 million a year in commodity imports to buoy the South Vietnamees economy. USAID spends some 300 times more for assistance programs in Vietnam than we spend for similar programs in all of Africa.

HALVED

Present estimates on withdrawal shock say these figures will be slashed more than half.

These are facts which frighten every Vietnamese official with whom I discussed them, yet U.S. counterparts meet all questions with bland non-answers.

"We have a total economic assistance program of $476 million here this year."

How much of this is being used for postwar planning?

"We don't have the exact figures, but it's in the works."

(The South Vietnamese Labor Ministry says none of our economic assistance in going into postwar planning.)

Donald MacDonald, head of USAID in Saigon, finally tried to divert these questions by admitting, "We've made a bare beginning." He argued that I was trying to get "the complete script from a book with missing chapters."

He estimated a 15 percent annual turnover of South Vietnnamese employed by the U.S., saying most of those who leave are going into private industry. He added:

"We're replacing third-country nationals with Vietnamese wherever possible."

How many people are involved in this decision?

"We don't have the exact figures, but it's in the works."

Is a job placement program being developed?

"That's being worked out with the Ministry of Labor."

STALLED

The Ministry of Labor says such a program has been discussed with U.S. experts, but it's stalled by lack of Vietnamese cadre.

MACDONALD: "You understand that the requirements for farm labor will absorb part of the unemployment."

What percentage of the unemployed will be moved onto the farms?

"We don't have the exact figures, but . . . etc."

What about plans for vocational training and retraining of workers made jobless by a U.S. withdrawal?

"We've helped build some damn fine schools in Vietnam."

Is there a specific job-retraining program sufficient to take care of massive unemployment?

"It's in the pipeline."

How many people could you accommodate?

"We don't have the . . . etc."

The truth is that our planning program to fill the vacuum sure to be created by U.S. withdrawal runs the full gamut from A to B. When USAID asked $240 million from Congress to finance imports for this fiscal year, it did not assume withdrawal.

In the present mood of Congress, no more than $180 million may be provided. Vietnamese officials say none of the funds thus generated are earmarked for planning to soften the effect of U.S. withdrawal.

The U.S. military is spending some $30 billion a year in Vietnam.

Pressed about inconsistencies in his planning story, MacDonald finally brought up the Lilienthal report which he called "our major planning effort to insure there will be no economic shock."

This refers to the Joint Development Group, a planning team hired by the Saigon government to plot post-war development for South Vietnam. It was headed my David E. Lilienthal, former chief of the Tennessee Valley Authority.

LEVEES

The team came up with a plan whose chief aspect is a massive levee system for the Mekong Delta, a project taking ten years and costing $2.5 billion.

One of the major arguments in the Lilienthal report is that South Vietnam needs extensive mechanization of its farm economy. To accommodate this, the report does not want fragmentation of farm lands which would be difficult to undo later.

In effect, this means the Lilienthal Report

is against land reform, a program which would parcel South Vietnam's rich farm lands into the hands of the tillers.

Despite the fact that land reform has proved to be a major political stabilizer wherever it has been applied, Lilenthal hews to his report's finding.

Let's take a good look at this report then through the eyes of senior US project engineers in South Vietnam, men who would have to carry it out.

Every one of these men with whom I discussed the report attacked it bitterly, calling it such things as "shoddy" and "ill conceived." Not even MacDonald would defend it when Istarted asking about specific applications to ease prospective economic shocks.

ATTACKS

The engineers, however, were not hesitant in their attacks. They made these points:

There were no basic engineering feasibility studies to implement the plan.

The report envisions a coordinated levee system for the entire Mekong Delta with levees of a specific type requiring several kinds of fill, including rock.

There were no studies on where this fill could be obtained or how it could be transported to the Delta sites.

No test bores were made to determine the nature of the land on which levees would be built.

Despite the fact that every village in the plan area is built on the bank of a canal or river, no factors were introduced on cost or means of relocating these villages.

This could be an extremely costly and time-consuming effect because it would encounter serious objections from a people always unwilling to leave the bones of their ancestors.

Even if the cemeteries associated with these villages were moved, such moves would involve complex religious preparations and much more upset than would similar moves in a Western society.

Finally, extensive mechanization of South Vietnam's rice farming would bring about a massive shift of population from the rural to the urban areas.

With the cities already overcrowded by people displaced by the war, with the apparent lack of planning for unemployment, this certainly would create a brand new stew for the communists to exploit.

CUSHION

You will recall, also, that MacDonald envisions farm employment as one of the cushions for postwar job displacement. How does this square with the massive unemployment which always accompanies agricultural mechanization?

It doesn't, of course.

MacDonald is being inconsistent. His aides farther down the bureaucratic ladder are more candid. They say:

"We have never sat back and examined the requirements for a postwar environment in South Vietnam."

What conclusions can we draw from this lack of planning?

One certainly is that U.S. officials do not believe we are going to undertake a large withdrawal of troops and supporting forces.

It is a fact that U.S. Ambassador Ellsworth Bunker and Gen. Creighton Abrams, our military commander in Vietnam, have advised the White House to play a waiting game. They argue that time is on the U.S. side.

There is physical evidence in Vietnam—stockpiling of arms, continued long-range commitment planning—indicating our officials there are digging in for a much longer war than the people in the U.S. expect.

Certainly, the communists are reacting as though they expect a much longer war, conserving their own forces, shifting to small-unit guerrilla actions, continued intransigence in Paris.

And here's a final fact for you to take home to bed with you tonight: Ambassador Samuel Berger, our No. 2 man in the Saigon Embassy, has been at pains to tell many Vietnamese officials that President Nixon said he "hoped" to beat Clark Clifford's troop withdrawal rate (200,000 over the next 18 months), not that he would beat it.

PUBLIC PARKING FACILITIES

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BIESTER. Mr. Speaker, following is an article from the October 21, 1969 issue of the Daily Intelligencer, Doylestown, Pa., which tells how the Doylestown merchants took the initiative in helping the local government provide much needed parking facilities. It is noteworthy in this time of increasing dependence on the government to see private citizens take the necessary action to solve a local problem.

I would like to compliment the merchants of Doylestown and bring this article to the attention of my colleagues:

TO ACQUIRE PARKING FACILITY—BOND BIDS RECEIVED

(By Judy McCann)

The Doylestown National Bank and Trust Company was the low bidder at 3.85 per cent interest for the $250,000 bond issue for Doylestown borough to acquire additional parking facilities.

"Here again, a local institution has had enough faith in the borough to do this," said Borough Council President John F. Mason after the bids were opened at the meeting Monday night.

"The bank has saved the borough $35,000," said Mason. He based his statement on the amount of the difference between the bid of Kidder, Peabody and Company and the Doylestown National Bank.

NEXT BIDDER

The Industrial Valley Bank was the second lowest bidder with 5.40 per cent or a net interest cost of $72,500. The net interest of the Doylestown National Bank was listed as $52,937.50.

The borough council was presented with a check for $50,275 from the Doylestown Merchants Association, which has been pledged by the merchants and businessmen of downtown Doylestown to get the additional parking facilities underway a couple of months ago.

"You have made me the happiest man in Doylestown," Mason told Mrs. John Foster and Carter Gardy, members of the association who presented the check to Mason.

PEOPLE HELP

Mason told the 50 residents present, "I don't accept this on behalf of borough council, but on behalf of the taxpayers of Doylestown. The people have come to help the government.

"This is the second time this has happened in Doylestown. Maybe it's just a pebble in the ocean, but maybe the ripples will spread to other towns and cities throughout the country," said Mason

Mason went on to say that the first time the people came to the aid of the borough government was for Operation '64 when Urban Renewal was turned down.

"They've done it again, and I hope that history has been made in local government," said Mason.

Councilman Walter G. Klumpp said that the parking committee has spent the past nine months working on additional parking and part of the final stages of the plan was the presentation of the check from the Merchants Association.

There were no comments from the residents attending the meeting regarding the bond issue, but there was a round of applause after the presentation of the check.

The seven companies who submitted bids for the bonds were Girard Trust Company at 5.997 per cent; Yarnall, Biddle and Company, 6.179 per cent; Philadelphia National Bank, 6.117 per cent; and Cunningham and Schmertz 5.918 per cent.

The council adopted a resolution approving the statement of indebtedness and summary of the borrowing capacity of the borough; a resolution awarding the bonds; enacted an ordinance increasing the debt of the borough by $250,000 for the bond issue and enacted an ordinance authorizing the sale of $2,500 in $100 denomination term bonds. The council also adopted a resolution accepting the bid for the printing of the bonds.

Negotiations are still under way for the purchase of parking lot sites. They are the Kolbe property on West State and Hamilton Streets, and the William F. Fretz and Son office and warehouse on Hamilton Street and West Oakland Avenue.

HIGHWAY TRAGEDIES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BRAY. Mr. Speaker, probably one of the most tragic and senseless and shocking domestic problems faced is that of highway fatalities. The following article from the National Road Traveler, printed in Cambridge City, Ind., for October 8, 1969, by Bob Gray, Sr., stresses the need for positive and immediate action:

ANOTHER SIDE OF THE NEWS

(By Bob Gray, Sr.)

Big black headlines—Twenty-nine Hoosiers die in traffic over a single week end. Six of them were young people from neighboring New Castle.

Everyday grieving families bury their traffic victim dead in our lonesome graveyards. Others huddle nervously in hospital lobbies as loved ones linger between life and death upstairs somewhere.

The dread specter of death, like the fourth seal horse described over in Revelation chapter six, roves our highways around the clock, finding many victims. Sometimes they are from our own Cambridge City community. The grim harvest is sorrow, widows, orphans and untold material damage.

All this is now so normal that most of us are only mildly shocked until tragedy strikes our family.

We are a nation on wheels—on the move—as no other nation in the world live and die in automobiles as we do. Going from here to there is our biggest business and we own 100 million cars.

Almost everybody has heard the frightening screech of tires and shattering glass as cars smash together. All too often a mangled body lies under a bloody blanket awaiting ambulance or police. Here in Indiana we are so expert in killing each other that the year's death total is already 1,200, with plenty of time to reach 1,600 or more with the more hazardous winter months of driving ahead of us.

Does all this madness symbolize the hysteria of our times? Is it because we are such a nervous people as typified by the tons of tranquilizers we swallow each year? Are we

so afraid of tomorrow that we must live so dangerously today? Are we a different person entirely when our foot is on the accelerator?

Any assumption that little or nothing can be done about such appalling death, injury, and heartache is wrong—dead wrong. Since human error is responsible for most accidents, we must continue to stress sane driving behavior, police patrons, warnings, slogans, etc. But the gruesome record shows that these are not enough.

More one way roads, maybe even different color pavement might help. Above all, engineers must design cars which by radar and Laser beam principles will repel each other before crash.

This column can fully share the grief of traffic victim families. Earlier this year our telephone rang sharply in the middle of the night to say that our 17-year-old Bob-Tom had been killed at a poorly marked intersection. To compound the tragedy the girl in the other car died too.

There are no words to express such despair or any remedy for such no-warning, heartache. Memories come back in long, floor walking nights when sleep won't come. If God sees a sparrow fall, why is He a million miles away hiding from us? Merciful time on way to eternity finally eases some pain, but the hurting never stops. One only learns to endure it.

To keep from falling apart, we adjust to existing reality and thank God for loaning us this fine boy to love for a little while. We solace ourselves that he compensated for the brevity of life by the zeal in which he lived it.

Multiplying this burden of sorrow by 1,200 Hoosiers should motivate everybody reading these lines to join a crusade against such senseless human slaughter.

Silent concern is not enough. Thousands of Hoosiers should write Governor Whitcomb urging that State Government, science, industry, labor and safety officials mobilize every resource to halt the awesome momentum.

Even our pre-schoolers have more to fear from traffic than from disease. One of every two Hoosiers alive today have already, or will be, involved in a crippling or fatal accident.

Serious enough for both thought and action? It surely is.

AGNEW MAKES A POINT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SCOTT. Mr. Speaker, there was an editorial November 20 in the Fairfax County Journal-Standard, a weekly newspaper serving my district, supporting Vice President AGNEW's recent address condemning the practice of "instant analysis" of major public issues by "a small band of TV network commentators and self-appointed analysts." This is a matter in which I believe my colleagues will be interested, and I insert it in the RECORD in full below:

AGNEW MAKES A POINT

Vice President Agnew has opened public discussion of a major issue that has been simmering a long time with his attack on "a small band of TV network commentators and self-appointed analysts."

For years, newsmen both inside and outside of broadcasting have expressed exactly the same concerns the Vice President has brought forward. Now the issues are getting close attention at the grassroots level.

In his specific charges, Mr. Agnew is perfectly correct. President Nixon delivered a carefully prepared half hour speech, the product of many hours of work and the result of classified information available only to the President.

Fifteen seconds after he finished, TV network analysts, completely without access to the background information, began an off-the-cuff job of comment. From what we saw, they either damned him with faint praise or praised him with faint damns or just plain damned him. Nationwide, of course.

There are three things which need saying about this situation.

First, no newsman is capable of really intelligent reaction in 15 seconds. There is no time for even the best commentator to collect his thoughts. This calls into serious question the validity of what the man says, the practice of "instant analysis" itself. If a man has time only to reveal his own prejudice, then why is he put in that position?

Second, the impact of truly national media needs a good deal of attention from the best minds that both government and communications can muster. America always has prided itself on the diversity of its viewpoints and the multiplicity of the voices which are free to speak to the issues. This diversity is a precious treasure, and it is slipping away.

Network television has produced a three-voice system. Too often, the three voices speak in the same vein. While the government forbids anyone to own and operate more than five VHF–TC stations, probably 80 per cent of the major stations devote their prime hours to these three network voices. Station owners have no opportunity to localize or edit or adjust the network news output to fit their own ideas or their own local needs. It comes through with the straight New York or Washington slant.

In pre-TV days, the great national and international news services, United Press and Associated Press, distributed news over vast areas and they still do, but each local newspaper or broadcasting station selected its own news, edited it, and even had the opportunity to ask questions about it. No such opportunity exists in the network TV system.

A few years ago, the major networks tried bringing in top local station news directors as executives in their network news operations, but the good boys from the hinterland were soon overpowered by the weight of the network operation and the "star system" of television news.

The third part of the problem needs all the devotion that dedicated newsmen can give it, and it is perhaps the most serious. It should be understood that individual TV stations are licensed by the Federal Communications Commission in the public "interest, convenience and necessity," but networks are not. There is no standard of performance they are required to meet, no sort of federal accountability.

Of course, no individual station could afford to produce a major entertainment series, or even a top-flight special. And it is here the networks perform highly useful functions for stations and for viewers. News often has been a losing proposition in the entertainment—oriented world of broadcasting, and news professionals have waged a long fight for air time, staff and facilities.

Too often, to the network brass, news is still "a show." What is sought is the best rating, not the best information or most responsible presentation. The late Edward R. Murrow infuriated his network bosses with his blunt assessments of broadcast news. Since his day, the situation is both better and worse. It is better because there are more good newsmen in television. It is worse because the damage a bad news job can do is greater.

Mr. Agnew has raised a point of major importance. And he framed it correctly when he said, "no nation depends more on the intelligent judgment of its citizens." The Vice-President is right.

THINGS ARE GETTING WORSE FOR SOVIET MAN-IN-THE-STREET

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. DERWINSKI. Mr. Speaker, it is not often that a practical report on a situation in the Soviet Union or any other part of the Soviet empire is effectively covered in the free world press due to the restrictions imposed by the Soviets.

An extremely astute commentary by the distinguished Dumitru Danielpol of the Copley News Service writing in the November 4 Aurora, Ill., Beacon-News provides us with a timely insight into the conditions facing the average Soviet citizen.

The commentary follows:

[From the Aurora (Ill.) Beacon-News, Nov. 4, 1969]

DUMITRU DANIELPOL COMMENTS: THINGS ARE GETTING WORSE FOR SOVIET MAN-IN-THE-STREET

WASHINGTON.—The woes of the Soviet man-in-the-street, the fellow at the bottom of the ladder are getting worse.

Not only doesn't he get what he wants when he wants it, but the consumer has to pay exorbitant prices for shoddy goods.

The queues before stores that are customary spectacles in all Communist cities are evidently beginning to bother the Kremlin "planners."

"The population wastes an enormous amount of time shopping—almost 30 billion hours a year," writes Ya Orlov, an expert on retail trading. "This is equivalent to the annual labor of 15 million workers."

With goods in short supply, pilfering, cheating and profiteering are widespread. Sales personnel have become expert at setting aside goods for themselves, their friends or influential customers. The ordinary man is short changed and cheated with merchandise falsely marked, watered down or thinned out.

Producers are systematically swindled by consumer cooperatives or distribution centers. They are paid for lower quality merchandise and often underweighed. The goods are subsequently sold at higher value leaving a "profit" in the books of the enterprise.

Inspections carried out by the Ministry of Agriculture have found that this type of swindling is widespread.

One example cited in the Kirov area involves 273 tons of potatoes that were paid for at the rate of "poor quality" and resold to the consumer as "standard quality."

The same applied to meat, leather products, wool, pelts, eggs etc.

By such manipulations, millions of rubles remain in the registers of consumer operatives, booked as "profit" and rewarded as "over-fulfillment of the plan."

Kremlin attempts to stamp out the practice have failed because of the solidarity among the personnel who benefit from the "profits" shown by the enterprise.

Of those brought before the courts, only a small percentage have been punished. The problem has grown to such proportions that even Moscow no longer tries to hide it.

"The study of consumer demand, the collation, transmission and processing of eco-

nomic information is only of a formal nature," complained Izvestia recently. "Up to now there is not a single scientifically based system for studying the interplay of economic forces or a method for determining the demand for goods . . .

"Consequently, unmarketable goods pile up at depots and warehouses, while on the other hand, some other extremely important product is in short supply, although everything necessary for its production is available in the country."

The culprit is of course central planning by a top-heavy bureaucracy, bogged down by red tape, which is incapable of change. Even the limited attempts of "liberalization"—the Lieberman system—adopted during the Khrushchev era—encountered stiff opposition and have finally fizzled.

Can the system be saved? Not as long as the bureaucrats stay in power, and they don't seem anxious to commit political suicide.

APPRAISAL OF THE COURTS FROM A JUROR'S VIEW

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOGAN. Mr. Speaker, the continuing debate over the cause of crime and its prevention also includes the question of our judicial system. I recently received a letter from a citizen, who served on jury duty.

From that vantage point, he offers a different view of our courts. These observations are worthy of note.

His letter is submitted for the RECORD and I call the attention of my colleagues to its contents. Here is the letter:

OCTOBER 15, 1969.

Hon. LAWRENCE J. HOGAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR LARRY: I want to thank you very much for your thoughtfulness in sending me the Congressional Record of October 3, 1969, containing your timely and excellent statement before the House regarding the District of Columbia Courts. Recently I served a jury duty tour of one month in the Court of General Sessions which provided me with some insight on the operations of our courts.

While all the actions summarized in your statement of October third are applauded, the following suggestions are submitted as additional actions which could be taken to speed up the court calendars, to reduce the costs and to reduce the intolerable crime rate in the District of Columbia:

a. Establish a system which would insure efficient prosecution of the accused. Too often the jurors, after completing a case, would comment, "We had to render a not guilty verdict even though all of us felt the accused was guilty". This would be followed by the statement, "It's too bad the prosecuting attorneys don't seem to know enough about how to prosecute the case or they don't seem to care or maybe they don't have enough time to prepare the cases".

b. Reduce to a minimum the amount of wasted time. Too often, after all the endless and necessary evolutions have been completed to bring the accused before the bench, the case is endlessly delayed or rescheduled due to one reason or another. The defense attorneys too often gave the impression that their first encounter with the accused is when he is brought into court for his trial. Very frequently the judges, and this is no criticism of the judges, had to take time, either openly or at the bench, to instruct or correct the attorneys as to how to handle their cases.

c. During the period of my serving on the jury, August 5–September 2, there were approximately 170 jurors. Each non-government juror received $20.00 per day and most of his time was spent in the jurors lounge commenting that this was a bore and a waste of time and money. From my observations it would seem that a lot of people's time could be spared and considerable amount of taxpayers' money could be saved (and it shouldn't take a million dollar research contract) if a more efficient administration of the jury panel was introduced.

Personally, this was my first service as juror and, while it was a good experience, I shall go to all limits to avoid serving again under the same conditions.

With my best wishes,

Sincerely,

R. A. KOTRLA.

WHAT LIFE HAS TAUGHT ME

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, while looking through a magazine section of one of our many papers in this country, I ran across an article entitled "What Life Has Taught Me" written by Dr. Werner Von Braun which I would like to share with the other Members of this body. I found it very interesting reading and I am sure that others will also:

[From Grit, Nov. 9, 1969]

WHAT LIFE HAS TAUGHT ME

(By Dr. Werner Von Braun)

Discussions about religion and philosophy put me always a little ill at ease. I am trained to think as a scientist; I'm far more at home talking about rocket thrust than prayer. I wouldn't even say that I'd always had an interest in religion. The only thing I've always cared about is space exploration.

When I was growing up in Germany, it was the tradition of parents to give their children a rather spendid gift when they were confirmed. Every boy in town, it seemed, asked for a pair of long pants and a watch. Except me. The other boys went to church in long trousers, and every one of them needed to know what time it was every few steps. But I didn't care. I got my telescope.

I guess I have always daydreamed about space flight. When I was in my early teens, I used to slip off to an old First World War munitions dump and pick up odd parts to use in my homemade rockets. I'd try out the rockets in a field near our house.

I would kneel down at a safe distance and dream that I was sending another Braun Super Space Ship out to a far-away galaxy, and then I'd push the ignition button. Usually, the rockets wobbled a little way into the air and fell back again. They were really just a lot of smoke and noise. My dreams were not very practical.

I would always pray when I knelt down to push the ignition button. A kind of last-minute, hope-against-hope prayer. "Please let this one go," I'd say.

Shortly after I turned 18, I learned that an old hero of mine, a famous German scientist, had written a paper claiming that we could get to the moon with rockets. I couldn't wait to get that paper. But when it came, my heart sank. The paper had almost no text to it. It was one long, complicated, mathematical equation.

The trouble was, I didn't like math. I'd failed the subject in school. But this was what it took to get a rocket into space—not romantic stories, not daydreams, but math. When I found that I'd have to learn math if I wanted to put a rocket into space, I learned math. And with it, I eventually got rockets that could probe space too. But first came months, years of hard, unromantic work.

I think prayer is often the hardest kind of work, if in work you include the ideas of discipline, regularity, effort, sacrifice.

I had been reared in nazi Germany. There were many beautiful and old churches in Germany, of course, and a few of them remained strong even under the nazis; but mostly they were empty shells.

Then I came to America. I was sent by the government to Fort Bliss, Tex., to carry on experiments with rockets.

One day a neighbor called and asked if I'd like to go to church with him. I accepted, because I was anxious to see if an American church was just a religious country club, as I'd been led to expect.

When we drove up, the small, white, frame building stood out in the hot Texas sun on a browned-grass lot. Outside, several little groups of people were waiting. Before long, I heard a screeching of brakes as up to this church drove an old, battered bus. The door opened, and perhaps 50 people climbed out until only the driver was left. Then he too climbed down, and my host walked up to him.

"Dr. Von Braun," he said, "I'd like you to meet our minister."

It was the minister who drove that bus. Each Sunday, this man drove for more than 40 miles picking up his parishioners who didn't have cars. Together these people made up a live, vibrant community. They worked together, prayed together, gave each other support. The congregation was trying to raise funds for a new Sunday school, and many of these people gave far more than their budgets should have allowed.

This was the first time I really understood that religion was not a cathedral inherited from the past, or a quick prayer at the last minute. To be effective, religion has to be backed up by discipline and effort.

Gradually, I came to feel that in order to be realistic, my prayers, too, needed to move into a new dimension. I began to pray daily, hourly, instead of, on occasion, "Pushing the button and hoping." I took long rides out into the desert where I could be alone at prayer. I prayed with my wife in the evening. As I tried to understand my problems, I tried to find God's will in acting on them.

In this age of space flight and nuclear fission, to use power wisely calls for a moral and ethical climate that—quite frankly—I do not think we now possess. We can achieve it only through many hours of the deep concentration we call prayer.

Are we willing to do this, I wonder? It will take effort. Prayer can be the hardest kind of work—but it is certainly the most important work we now can do.

CENSORSHIP OF THE BROADCAST MEDIA

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HATHAWAY. Mr. Speaker, Commissioner Nicholas Johnson of the Federal Communications Commission has never been known as a spokesman for the

broadcasting industry. But I have always known him to be fair. So I was not surprised to find him as the FCC Commissioner recently expressing the most outspoken criticism to the possibility of Government censorship of the broadcast media. On November 17, in Iowa City, he said:

It is a part of my responsibility as an FCC Commissioner to work for a free and open television system that will operate in the public interest. In the past I have written of the dangers of censorship by the large corporations that own the nation's broadcast facilities. I believe my responsibility today requires a few words about government censorship.

Vice President Agnew's Des Moines speech has rocketed into public consciousness many questions about the significance of television in our society. Such dialogue and awareness could be quite healthy.

Unfortunately, he has also frightened network executives and newsmen in ways that may cause serious and permanent harm to independent journalism and free speech in America.

This was a most significant and timely statement, and was followed, on November 20, by a unanimous FCC ruling regarding the networks' commentary following President Nixon's November 3 speech. The FCC held:

The issue which was here involved—Vietnam—is one to which the networks have devoted, and continue to devote, substantial amounts of time for contrasting viewpoints. Indeed, that was the case as to the broadcast in question. The fairness doctrine requires no more.

One would expect the industry to appreciate Commissioner Johnson's leadership on this occasion.

I was quite surprised, therefore, to find that the industry has chosen this, of all times, to continue its assault on this fine, young public servant.

It has recently come to my attention that the "Television Information Office"—a network-funded, industry public relations effort affiliated with the National Association of Broadcasters—has recently circulated 35,000 copies of a blistering attack on Commissioner Johnson.

This attack is in the form of a reprint of an article by CBS news president, Richard S. Salant, entitled "He Has Exercised His Right—To Be Wrong," TV Guide, September 20, 1969, page 10.

Those receiving the reprint must be somewhat confused by its contents, because it is obviously a reply to an article they were not sent: Commissioner Johnson's article entitled, "The Silent Screen," TV Guide, July 5, 1969, page 6.

I believe it would be useful for the Members to know not only of the tactics of this industry attack upon Commissioner Johnson, but also of the merits of his observations about the industry's performance.

His thesis, in short, is that our country is endangered as much, or more, by what television fails to tell us as by the threat of its domination by Government censorship. During these days when the performance of the mass media is undergoing close scrutiny, I believe that he has raised concerns well worth wider distribution and discussion. Accordingly, I am inserting in the RECORD the full context of his debate with Mr. Salant. First, Johnson, "The Silent Screen," TV Guide, July 5, 1969, page 6. Second, Salant, "He Has Exercised His Right—To Be Wrong," TV Guide, September 20, 1969, page 10. Third, Johnson, "Letter," TV Guide, September 27, 1969, page A–2. Fourth, and, finally, Commissioner Johnson's reply in the form of a speech to the international conference of the Radio-Television News Directors Association, September 26, 1969.

The materials follow:

[Reprinted from the July 5, 1969 issue of TV Guide magazine]

THE SILENT SCREEN

Julian Goodman, president of NBC, believes that television "is now under threat of restriction and control." Frank Stanton, president of CBS, says that "attempts are being made to block us." Elmer Lower, president of ABC News, thinks he may "face the prospect of some form of censorship."

I agree. Censorship *is* a serious problem in our country. My only dispute with these network officials involves just *who* is doing the censoring. They apparently believe it's the Government. I disagree.

NBC recently cut Robert Montgomery's statements off the air when, during the Johnny Carson show, he mentioned a CBS station being investigated by the Federal Communications Commission. Folk singer Joan Baez was silenced by CBS when she wished to express her views about the Selective Service System on the Smothers Brothers show. Now, of course, the entire show has been canceled—notwithstanding the high ratings and its writers' recent Emmy. Sure there's censorship. But let's not be fooled into mistaking its source.

For at the same time that network officials are keeping off your television screens anything they find inconsistent with their corporate profits or personal philosophies, the FCC has been repeatedly defending their First Amendment rights against Government censorship. Just recently, for example, the FCC ruled—over strong protests—that the networks' coverage of the Chicago Democratic convention was protected by the Constitution's "freedom of the press" clause. In other decisions, the Commission refused to penalize radio station WBAI in New York for broadcasting an allegedly anti-Semitic poem, or a CBS-owned station for televising a "pot party."

Many broadcasters are fighting, not for *free* speech, but for *profitable* speech. In the WBAI case, for example, one of the industry's leading spokesmen, Broadcasting magazine, actually urged that WBAI be *punished* by the FCC—and on the same editorial page professed outrage that stations might not have an unlimited right to broadcast profitable commercials for cigarettes which may result in illness or death.

This country is a great experiment. For close to 200 years we have been testing whether it is possible for an educated and informed people to govern themselves. All considered, the experiment has worked pretty well. We've had our frustrations and disappointments as a Nation, but no one has been able to come up with a better system, and most of the newer nations still look to us as a model.

Central to our system, however, is the concept of an educated and an informed people. As Thomas Jefferson said, "The way to prevent error is to give the people full information of their affairs." Our founding fathers were familiar with censorship by the King of England. They were going to replace a king with a representative Congress. But they were concerned lest any American institution become powerful enough to impede the flow of information to the people. So they provided in the First Amendment that "Congress shall make no law . . . abridging the freedom of speech. . . ." Why "Congress"? I believe they assumed Congress would be the only body powerful enough to abridge free speech. They were wrong.

A lot has happened to the creation and control of information in this country since 1789. That was an age of town meetings and handbills. Today most information comes from the three broadcasting networks, ABC, CBS and NBC, and the two wire services, Associated Press and United Press International. As Professor John Kenneth Galbraith has reminded us in "The New Industrial State," 70 years ago the large corporation confined itself to mass production in heavy industry. "Now," he writes, "it also sells groceries, mills grain, publishes newspapers and provides public entertainment, all activities that were once the province of the individual proprietor or the insignificant firm."

It is easy for us to forget how large, profitable and politically powerful some corporations have become. In 1948 about half of all manufacturing assets in the United States were controlled by 200 corporations; today a mere 100 corporations hold that power. A single corporation such as American Telephone & Telegraph (one of the FCC's many regulated companies) controls the wages and working conditions of 870,000 employees, purchases each year some $3.5 billion in goods and services, has assets of $37 billion, and has annual gross revenues in excess of $14 billion. This gross revenue is several times larger than the combined budgets of all the Federal regulatory commissions, the Federal court system, and the U.S. Congress; larger than the budget of each of the 50 states; a larger operation, indeed, than all but very few foreign governments.

I am not suggesting that large corporations are inherently evil. Not at all. They have created much of our wealth. I am merely urging that we be aware of the fact that large corporations have both the incentive and the power to control the information reaching the citizenry of our free society.

Sometimes corporate pressures to control what you see on television are just plain silly. For example, in his book "TV—The Big Picture," Stan Opotowsky reports that "Ford deleted a shot of the New York skyline because it showed the Chrysler building. . . . A breakfast-food sponsor deleted the line 'She eats too much" from a play because, as far as the breakfast-food company was concerned, nobody could ever eat too much." Often, however, corporate tampering with the product of honest and capable journalists and creative writers and performers can be quite serious. Sometimes there is a deliberate alteration of content; sometimes needed information is squeezed out by more profitable "entertainment" programming.

On Feb. 10, 1966, the Senate was conducting hearings on the Vietnam war. Fred Friendly, who was president of CBS News at the time, wanted you to be able to watch those hearings. His network management did not permit you to watch. If you were watching CBS that day you saw, instead of George Kennan's views opposing the Vietnam war, the fifth CBS rerun of I Love Lucy. Fred Friendly quit CBS because of this decision, and subsequently wrote "Due to Circumstances Beyond Our Control" to tell the story. He began his book with the quotation, "What the American people don't know can kill them." Indeed it can. In Vietnam, about 35,000 so far. We have been shown miles of film from Vietnam, it's true. But how much has television told you about the multibillion-dollar corporate profits from that war?

There are many other situations in which censorship exists side-by-side with large profits—and disease or death. The tobacco industry spends about $250 million a year on radio and television commercials designed to associate cigarette smoking, especially by the young, with fishing, football, the fresh air of the great outdoors, sexual prowess, and all other desirable attributes of a fun-packed

adult world. In exchange for this investment, the industry sells on the order of $9 billion worth of cigarettes a year. Would it really surprise you to learn that the broadcasting industry has been less than eager to tell you about the health hazards of cigarette smoking? It shouldn't. Just recently, for example, a United States congressman alleged that the president of the National Association of Broadcasters had suppressed from Congress and the American public revealing information about the "substantial appeal to youth" of radio and television cigarette commercials. The relation of this forgetfulness to profits is clear: cigarette advertising provides the largest single source of television's revenue, about 8 percent.

The FCC has ruled that broadcasters can't present one point of view on a controversial issue and censor all others just to serve their own beliefs and profits. The "Fairness Doctrine" requires that all viewpoints be presented. The FCC applied this doctrine to cigarette commercials. And what was the response of the brodcasting industry? It fought the decision with all the economic and political strength at its command. It has finally gone all the way to the Supreme Court to argue that a doctrine which limits its power to keep *all* information about the health hazards of cigarette smoking from the American people is a violation of broadcasters' First Amendment rights!

Or how about the 50,000 people who die each year on our highways? Their deaths are due to many causes, of course, including their own intoxication and carelessness. But how many television stations told you—either before or after Ralph Nader came along—that most auto-safety engineers agree virtually *all* those lives could be saved if our cars were designed properly? Nader, in "Unsafe at Any Speed," speculates about "the impact which the massive sums spent ($361,006,000 in 1964 on auto advertising alone) have on the communication media's attention to vehicle safety design."

Television certainly didn't take the lead in telling us about unfit meat, fish and poultry. (Chet Huntley was found to have been editorializing *against* the Wholesome Meat Act at a time when he and his business partners were heavy investors in the cattle and meat business!) Bryce Rucker, in "The First Freedom," notes that:

"Networks generally have underplayed or ignored events and statements unfavorable to food processors and soap manufacturers. Recent examples are the short shrift given Senate subcommittee hearings on, and comments favorable to, the 1966 'truth in packaging' bill and the high cost of food processing. Could it be that such behavior reflects concern for the best interests of, say, the top-50 grocery-products advertisers, who spent $1,314,893,000 in TV in 1965, 52.3 percent of TV's total advertising income?"

What could be more essential than information about potentially harmful food and drugs?

All Americans are concerned about "the crime problem." Have you ever stopped to wonder why the only crimes most of us hear about are, in the words of the Presidential Commission on Law and Enforcement and Administration of Justice, "the crimes that are the easiest for the poor and the disadvantaged to commit . . ."? What we haven't been told is that much of the crime in the United States is "white-collar" crime; that the rich steal as much or more than the poor. As the Crime Commission report defined it:

"The 'white-collar' criminal is the broker who distributes fraudulent securities, the builder who deliberately uses defective material, the corporation executive who conspires to fix prices, the legislator who peddles his influence and vote for private gain, or the banker who misappropriates funds . . ."

Did you ever find out from television, for example, that a *single* recent price-fixing case involved a "robbery" from the American people of more money than was taken in *all* the country's robberies, burglaries and larcenies during the years of that criminal price fixing? The crime commission declared that "it is essential that the public becomes aware of the seriousness of business crime." Why is it the news media do not tell you about *these* threats to "law and order"?

One could go on and on. The inherent dangers in cyclamates (the artificial sweeteners in soft drinks) have been so widely discussed in Sweden that the government is considering prohibiting their use. The danger is scarcely known to the average American. Most of the Nation's 160,000 coal miners have "black lung" disease (the disintegration of the lung from coal dust) in one form or another. Mine operators may refuse to pay for fresh-air masks—or support workmen's compensation legislation. Some television stations in coal-mining areas have, until recently, refused to televise programs offered them by doctors about this serious health hazard. Reports differ, and no one knows for sure, but one current sampling showed that 20 percent of the color-TV sets studied were emitting excess X-ray radiation. Natural-gas pipelines are exploding as predicted. And did you know that the life expectancy of the average American adult male has been *declining* in recent years? The list goes on almost without end.

Note what each of these items has in common: (1) human death, disease, dismemberment or degradation, (2) great profit for manufacturers, advertisers and broadcasters, and (3) the deliberate withholding of needed information from the public.

Many pressures produce such censorship. Some are deliberate, some come about through default. But all have come, not from Government, but from private corporations with something to sell. Charles Tower, chairman of the National Association of Broadcasters Television Board, recently wrote a letter to The New York Times, criticizing its attack on CBS for "censoring" the social commentary on the Smothers Brothers show. He said:

"There is a world of difference between the deletion of program material by Government command and the deletion by a private party [such as a broadcaster]. . . . Deletion by Government command is censorship. . . . Deletion of material by private parties . . . is not censorship."

Another Times reader wrote in answer to Mr. Tower:

"Mr. Tower's distinction . . . is spurious. The essence of censorship is the suppression of a particular point of view . . . over the channels of the mass media, and the question of who does the censoring is one of form only. . . ."

He's right. The results *are* the same. You and I are equally kept in ignorance, ill-prepared to "prevent error," and to engage in the process of self-governing which Thomas Jefferson envisioned—regardless of *who* does the censoring.

A number of talented people *within* the broadcasting industry recognize its failings. One of the Nation's leading black announcers told me of his first job as a disc jockey. He was handed a stock of records, but forbidden to read any news over the air. Said his boss: "You're not going to educate the Negroes of this community at my expense." A high ABC network executive was recently quoted in the pages of TV GUIDE as saying, "There are many vital issues that we won't go near. We censor ourselves." Eric Sevareid has said of the pressures involved in putting together a network news show: "The ultimate sensation is that of being bitten to death by ducks." And the executive editor of the San Francisco Chroncile has warned: "The press is in danger. Not the exciting kind of Hollywood danger, but of dissolving into a gray mass of nonideas." For it is also a form of censorship to so completely clog the public's airwaves with tasteless gruel that there is no time left for quality entertainment and social commentary, no time "to give the people full information of their affairs." Mason Williams, the multitalented one-time writer for the Smothers Brothers, has left television in disgust and written a poem about his experiences with "The Censor," who, he says in conclusion: Snips out, the rough talk, the unpopular opinion, or anything with teeth, and renders, a pattern of ideas, full of holes, a doily, and for your mind.

Your mind. My mind. The mind of America.

The Rolling Stones said it long ago:

"When I'm drivin' in my car,
When the man comes on the radio,
He's tellin' me more and more
About some useless information . . .
Supposed to fire my imagination? . . .
I can't get no satisfaction!"

Many Americans are trying to *say* something to each other. But the media haven't been listening. And you haven't been told. So some have turned to violence as a means of being heard. All you've been shown are the dramatic pictures; you know there's "something happening." But, like the Everyman of Bob Dylan's song, "You don't know what it is, do you, Mr. Jones?" The "Silent Screen" of television has left you in ignorance as to what it's all about.

The time may soon come when the media will have to listen. From many directions come suggestions for change. Law professor Jerome Barron says the courts should recognize a "public right of access to the mass media." Free speech in this age of television, he believes, requires that citizens with something to say be permitted to say it over radio and television. Suppose you approach a television station with a "commercial" you have prepared either supporting or protesting the President's conduct of the Vietnamese war. It may no longer be sufficient for the station to say to you, "Sorry, we don't like your views, so we won't broadcast your announcement"—as a San Francisco station did last year to those trying to express their point of view regarding a *ballot proposition!* As the U.S. Supreme Court said a few days ago in the Red Lion case, upholding the constitutionality of the FCC's Fairness Doctrine:

"There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all. Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests."

It is too early to know the full, ultimate impact of this decision.

In Holland, any group that can get 15,000 persons to support its list of proposed programs is awarded free time on the Dutch Television Network for a monthly program. There is even an organization for tiny and often eccentric splinter groups without 15,000 supporters. If a similar experiment were conducted in this country, groups interested in electronic music, drag racing, handicrafts, camping, as well as the League of Women Voters, the National Association for the Advancement of Colored People, local school boards, theater and drama associations, the Young Republicans (and, who knows, even the Smothers Brothers), could obtain television time to broadcast programs prepared under their supervision.

Or each network might devote a full one-third of its prime time (6 P.M. to 11 P.M.) programming to something other than entertainment or sports. It could be nonsponsored cultural, educational and public-affairs programming. If the networks were required to stagger such fare, then at any given time during the 6 P.M. to 11 P.M. period of greatest audiences the American viewer would have an alternative, a *choice*. There would still be at all times *two* networks with the commercial-laden, lowest-common-denominator mass entertainment of situation comedies,

Westerns, quiz shows and old movies. The third, however, would have something else.

It would be wholly inappropriate for me as an FCC Commissioner to insist that broadcasters present only the information, ideas and entertainment that I personally find compatible. The FCC does not have, and would not want, the responsibility for selecting your television programs. But it would be equally irresponsible for me to sit idly by and watch the corporate censors keep from your TV screen the full range of needs, tastes and interests of the American people.

The television-station owner, not the network, has ultimate responsibility for his programming. But somebody has to select his programs, you say, nobody's perfect. You're right. And all I'm urging is that, when in doubt, all of us—audience, networks and Government—ought to listen a little more carefully to the talented voices of those who are crying out to be heard. In short, I would far rather leave the heady responsibility for the inventory in America's "marketplace of ideas" to talented and uncensored *individuals*—creative writers, performers and journalists from *all* sections of this great country—than to the *committees* of frightened financiers in New York City. Wouldn't you? I think so.

I am delighted the networks have raised the issue of censorship in America. I hope they will permit us to discuss it fully.

[From the TV Guide, Sept. 20, 1969]

HE HAS EXERCISED HIS RIGHT—TO BE WRONG

(By Richard S. Salant)

Federal Communications Commissioner Nicholas Johnson's article in TV GUIDE ("The Silent Screen," July 5, 1969) is shocking, if true. It is just as shocking if it is not true. And as it relates to CBS News, it mostly certainly is *not* true.

Commissioner Johnson claims that, for economic reasons, broadcasters withhold information and suppress discussion of issues vital to Americans. Therefore, he concludes, broadcasters are hypocritically concerned about Government censorship, since the real evil is self-censorship arising out of broadcaster timidity and economic self-protection.

Much of Commissioner Johnson's article relates to broadcast journalism. To the extent that Commissioner Johnson deals with entertainment, I will leave to those responsible for that programming the task of examining Commissioner Johnson's accuracy, although the inaccuracy of his charges against television journalism raises serious questions about the rest of his charges.

But I can speak only in respect of broadcast journalism—and only for CBS News. And for CBS News, I state flatly that Commissioner Johnson is totally completely, 100 percent wrong—on all counts.

Let me start with the most general aspect of Commissioner Johnson's frightening world of fantasy.

In the 11 years I was a CBS corporate officer and in the six years, that I have been president of CBS News, to my knowledge there is no issue, no topic, no story which CBS News has ever been forbidden, or instructed directly or indirectly, to cover or not to cover, by corporate management. Corporate management at CBS has scrupulously observed that vital doctrine of separation of powers without which honest journalism cannot thrive—the separation between the corporation and an autonomous news organization.

Second, the separation between CBS News and the sales departments of the CBS radio and television networks and their advertisers has been complete. CBS News has no sales department. Its function is to choose the topics and stories and to prepare the broadcasts; the sales departments and the advertisers play no part in that process. No topic has ever been selected or omitted and no treatment has ever been affected, by the imagined or expressed wishes of an advertiser. Long since, the policy has been established that CBS News makes the broadcasts, and the advertiser makes and sells his products, and never the twain shall meet.

Third, there has been no self-censorship: I—and, to the best of my knowledge, my associates at CBS News—have never avoided a topic or altered treatment to protect, or to avoid displeasing, corporate management or any advertiser. As I have stated, anybody in the organization who avoided a topic or distorted his normal judgments in the treatment of a topic in order to avoid offending the economic interests of any advertisers, or to please CBS management, would thereby betray his professional heritage and would disqualify himself from working with CBS News.

"HIS BATTING AVERAGE TURNS OUT TO BE .000"

So much for the general principles. As far as I have gone to this point, the issue between Commissioner Johnson and me is, to the outsider, bound to be inconclusive: it is his word against mine, and I would not blame any third party who knows neither of us for giving the nod to the Commissioner, since I have a personal stake in my own reputation and the reputation of my CBS News associates and he at least appears to be a responsible, neutral Government official with the public interest at heart. So let us turn to each of the specific charges of suppression and avoidance which Commissioner Johnson advances to prove his general thesis. Taking them one at a time, the record shows he is wrong all along the line. His batting average turns out to be .000. At most, he proves himself to be a pitcher with more speed than control, rather than a hitter.

ITEM. Commissioner Johnson writes that "We have been shown miles of film from Vietnam, it is true. But how much has television told you about the multibillion-dollar corporate profits from that war?"

Plenty. We have included in our broadcasts the stories of Vietnamese corruption, of the operations of American business firms in Vietnam, and of war contractor costs. Example: Congressman Pike's disclosure of the sale to the Defense Department of $210 worth of generator knobs for $33,000. Example: a two-part report in June 1969 on Pentagon waste and overruns.

ITEM. Commissioner Johnson, stating that cigarette advertising "provides the largest single source of television's revenue," asks, "Would it really surprise you to learn that the broadcasting industry has been less than eager to tell you about the health hazards of cigarette smoking?"

"LONG BEFORE THE SURGEON GENERAL"

Well, if it did surprise you, it would only be because you have not been watching CBS News. We have dealt continuously and in depth with the health hazards of cigarette smoking, long before the Surgeon General got around to his report and long before Commissioner Johnson publicly decided to become concerned about the problem. We started 14 years ago, in 1955, in a two-part *See It Now* report. We broadcast a *CBS Reports:* "The Teen-Age Smoker" in 1962 and a special on Jan. 11, 1964, "On Smoking and Health," the day the Surgeon General's report was issued. On April 15, 1964, we broadcast *CBS Reports:* "A Collision of Interests," a detailed review of the issues raised by cigarette smoking. In our national health tests broadcast early in 1966, we again dealt with the hazards of smoking. We did another special hour-long broadcast in the beginning of 1968, "National Smoking Test" (about which Newsday's television critic commented: "It took courage on CBS's part to show the way. Especially since, as the program mentioned, the cigarette manufacturers are TV's largest advertisers. Viewers are in the network's debt"). We came back to the subject in *The 21st Century* series, in a broadcast entitled "The Wild Cell" (Feb. 2, 1969). We included stories in many of our other regularly scheduled broadcasts—for example, in *Calendar* on lung cancer and smoking in April 1962—and repeatedly we have covered in our regular news broadcasts all the developments—up to and including an interview on Thursday, July 3, with the current Surgeon General on cigarette advertising and the hazards of smoking. Since June 1963, our regularly scheduled news broadcasts have included 84 special film stories on cigarettes (including the showing of the American Cancer Society's antismoking film—in January 1967; and the attack by E. William Henry, then Chairman of the FCC, on television cigarette advertising—in March 1966).

ITEM. Commissioner Johnson refers to the "50,000 people who die each year on our highways" and then asks ". . . how many television stations told you—either before or after Ralph Nader came along—that most auto-safety engineers agree virtually all those lives could be saved if our cars were designed properly?"

I do not have a nose count of the number of stations. But, again, before the issue became very fashionable to discuss, CBS News did a one-hour preemptive, prime-time special May 13, 1966, "Crash Project—The Search for a Safer Car"—featuring Ralph Nader. If Commissioner Johnson's extremely selective perception has excluded that broadcast from his mind, I call to his attention this excerpt from a review in Variety, May 18, 1966:

"Of more significance, however, than the arguments pro and con on car design was CBS's lack of inhibition in confronting one of the giants of advertising and letting the chips fall where they may. Thus a direct comparison of two competitive makes was shown with a tester from Consumers Union detailing the faults in one car and extolling the virtues of another while identifying both by name. This is indeed strong stuff and certainly more than most of the newspapers of the country would do under similar circumstances."

And on auto safety, CBS News did not hit and run: we have gone back to the subject not only in our "National Drivers' Test" broadcasts but in 44 different reports in the *Morning News* and the *Evening News* since April 1965—dealing with the charges against the automobile industry and with the callbacks, including a demonstration of exactly what some of the defects leading to the callbacks were.

ITEM. Commission Johnson quotes Bryce Rucker as stating that "Networks generally have underplayed or ignored events and statements unfavorable to food processors and soap manufacturers. Recent examples are the short shift given Senate subcommittee hearings on, and comments favorable to, the 1966 'truth in packaging' bill and the high cost of food processing."

Wrong again—in our news broadcasts, we covered those hearings and included statements of consumer representatives and witnesses in support of the bill. We have reported stories relating to alleged abuses in food processing. Just a few examples: On March 24, 1969, in the *Evening News with Walter Cronkite*, we reported the FTC allegation that the Campbell Soup Company had been putting clear glass marbles in bowls to make its soup look thicker in television commercials. And we reported the story of the dangers involved in pesticides contaminating cranberry sauce; the story about the dangers of botulism in canned tuna fish and the mass recall of canned tuna; the unfit meat story as it developed; Ralph Nader's testimony attacking the standards of intrastate meat packers; and the Government action against the Colgate-Palmolive sandpaper commercial.

ITEM. Commissioner Johnson asks, "What could be more essential than information about potentially harmful . . . drugs?"

He just asks, he doesn't say that we didn't cover it. He was lucky because if he had said it, he would have been wrong. Time and time again, we have reported such stories as the thalidomide story, the FTC allegations relating to aspirin and Bufferin, the Government action against drug price fixing, the hearings on the excessive cost of drugs, including Italian cut-rating and American profiteering in Latin America, the charges relating to dangerous side effects of the birth-control pill, the FTC action against Geritol and Tums—both heavy advertisers with CBS. On July 9, 1969 (after Commissioner Johnson's article), we reported briefly on the recent reports of the National Academy of Sciences on the ineffectiveness of drugs and pharmaceuticals; we dealt with the subject in more detail two days later, on July 11.

ITEM. Commissioner Johnson states that television fails to report on corporate crimes, and he makes specific reference, although not by name, to an important case of price fixing.

If I can guess what price-fixing case Commissioner Johnson is talking about, we most certainly reported it.

ITEM. Commissioner Johnson writes about "the inherent dangers in cyclamates (the artificial sweeteners in soft drinks)" and implies that television's failure to cover that story results in the danger being "scarcely known to the average American."

Wrong again. On the *Morning News* of April 11, 1969, we did a piece, running 7½ minutes, concerning cyclamates, and we also reported the story in the *Evening News*.

"WE DID NOT IGNORE THE STORY"

ITEM. Commissioner Johnson seems to say (sometimes his pen is quicker than the eye) that we ignored the "black lung" disease story—the dangers to miners' lungs resulting from coal dust. The pattern is familiar: he is wrong; we did not ignore the story. We covered it in reporting the hearings in Washington and in West Virginia on the issue, and in a special broadcast on Feb. 11, 1969, entitled "Danger! Mines."

ITEM. Commissioner Johnson refers to the face that "one current sampling showed that 20 percent of the color-TV sets studied were emitting excess X-ray radiation." Again, he doesn't say so, but the implication is that we didn't cover it.

Wrong again: we did—as long ago as August 1967, when we reported that the Surgeon General called for action on such radiation.

ITEM. Commissioner Johnson states broadly that we avoid stories of "human death, disease, dismemberment or degradation."

Let him drop into my office some time and see the viewers' mail that comes across my desk complaining that that is all we ever talk about, and criticizing us bitterly for not emphasizing more good news. Was Commissioner Johnson otherwise occupied during our almost nightly Vietnam coverage, or when we broadcast such documentaries as "Harvest of Shame," "The Silent Spring of Rachel Carson," "The Tenement," "Christmas in El Barrio," "The Poisoned Air," "Men in Cages," "Hunger in America"? And our continuing series on one street in a Washington, D.C. ghetto, Columbia Road, on the *CBS Morning News*?

"HE IS WRONG ON EVERY ONE OF HIS SPECIFICS"

Commissioner Johnson finds it easy to make out a case by simply ignoring what we have done. His implication is that, in deference to advertisers, we stay away from any news unfavorable to consumer products. As we have just seen, he is wrong on every one of his specifics; we have covered each of the cases he mentions. And we have done other consumer stories as well which involved industry and network advertisers: for example, the housewives' boycott of supermarkets, protesting high prices; the gas-station game-and-prize practices; the dangers of flammable toys and clothing; toy guns and other warlike toys; the trading-stamp story; lumber-industry activities in the forests; the dangers of pesticides, automobile-insurance practices involving racial discrimination and arbitrary cancellation of policies; retail-credit abuses; automobile-warranty abuses; the dangers of cholesterol as a cause of heart and other diseases, caused by meat fats, butter fat, margarines and other shortenings and vegetable spreads.

And, of course, implicit in Commissioner Johnson's thesis is the charge that about the last thing we would ever do is report stories unfavorable to CBS or CBS News itself. But again, the facts are to the contrary: for example, we have reported the charges against television for its alleged violence and effect on juvenile delinquency. We reported the charges that CBS "staged" a pot party. We reported former Secretary of Agriculture Freeman's attack on the accuracy of the CBS News documentary "Hunger in America." And as to Commissioner Johnson's favorite subject, the Smothers Brothers, it was CBS News which, last fall, even before the storm broke, did a segment of 60 Minutes with the Smothers Brothers expressing their viewpoints about their role in television and their relationship to CBS; and it was CBS News which, on the day after their contract was canceled, included the only network interview with Tommy Smothers reacting to the CBS action.

As Commissioner Johnson says in his article, "One could go on and on." And the *facts*—about which one could go on and on—destroy the fantasy about which he goes on and on.

Others—perhaps more scholarly and careful than Commissioner Johnson—have examined the question of television news' integrity and independence, and have come to quite different conclusions. Thus, Herbert J. Gans, a sociologist who is making a long-range study of the mass media, stated (New Yorker, Aug. 3, 1968, page 55):

"Despite the old stereotype that media employees report the news as their owners and advertisers see fit, this is not true of national television and magazines, however true it may be of the local press. People who work in the media I have studied so far are surprisingly free from outside interference on the part of nonprofessionals and business executives, and can decide on their own what to cover and how to cover it."

It may well be that the Commissioner is too busy attending to his official duties, and making speeches, and writing articles, to permit him to know what really goes over the air. But Commissioner Johnson shows signs of not only that he has no time to *look*, but he also has no time or inclination to *read*. For one of his lowest and—most mistaken blows—comes in his invocation of Eric Sevareid as a witness to support his thesis. In a paragraph explicitly devoted to management and advertising interference and pressures, Commission Johnson states that Eric Sevareid "has said of the pressures involved in putting together a network news show: 'The ultimate sensation is that of being bitten to death by ducks.'"

Never underestimate the carelessness or the disingenuity of Commissioner Johnson. Eric Sevareid indeed said exactly that several years ago. But Commissioner Johnson could have seen from the Sevareid statement itself, or from checking with Eric directly, that Eric (see his letter to TV GUIDE, July 19) simply was not talking about management or advertising interference or pressures. Eric was talking about what plagues us all in television journalism and for which not even Commissioner Johnson can supply a solution: the cumbersome apparatus of television journalism, with all its cameras and lights and technicians and layers of personnel which are inherent in the complex nature of our method of transmission. Eric was contrasing this with the simplicity of a reporter or a writer for print who can sit in a corner by himself, type out his story and send it in. All Commissioner Johnson had to do was to read Eric's statement.

"THE ULTIMATE ISSUES—ARE IMPORTANT INDEED"

The ultimate issues which Commissioner Johnson raises are important indeed. They involve the independence and integrity of broadcast journalism, free of management interference and advertising pressures—and free too from Government dictation or coercive suggestion. I happen to think that Commissioner Johnson has some esoteric and erroneous notions about the First Amendment. (Incidentally, the credit he bestows upon himself and his associates as the champions of the First Amendment in the Commission's handling of the complaints concerning our political-convention coverage is not quite justified. The Commission's *actions* in that case were rather less noble and rather less sensitive to the First Amendment than its belated words. After all, the Commission transmitted *every* complaint that it received and required us to address ourselves to them—including hundreds that, only months later, it announced were not within its permissible authority.)

I also happen to think that the spirit, if not the letter, of the First Amendment would, at the very least, compel a man in his position—a Government agent who, through his licensing power, has the power of life and death over broadcasters—to be exceedingly careful and accurate when he undertakes public statements about what broadcast news does and does not do and what it ought and ought not do.

But, as I have stated elsewhere, the First Amendment includes the right to be wrong. Commissioner Johnson has certainly exercised that right.

[From the TV Guide, Sept. 27, 1969]

COMMISSIONER JOHNSON REPLIES

Let anyone who has watched prime time network television decide for himself. As Mr. Salant ["He Has Exercised His Right—To Be Wrong," Sept. 20] knows little of it is "news." As for TV news, it's not that it's done nothing; it's just too little too late. Walter Cronkite says, "We have barely dipped our toe into investigative reporting." Ed Murrow said, "(Corporate management) makes the final and crucial decisions having to do with news and public affairs." Many former TV newsmen agree. [See, e.g., book by Salant's predecessor in office: Fred Friendly, "Due to Circumstances Beyond Our Control."] Let's hope for equivalent candor from a future, noncorporate Dick Salant.

NICHOLAS JOHNSON,
Federal Communications Commissioner.

IS THERE A SALANT IN TV NEWS?

(By Nicholas Johnson)

I would like to address you as my friends—in this part of the business at least.

The fact is, I've tried to be helpful to television in every way I can. Tommy Smothers came to Washington and wanted to talk to some public officials and I agreed to see him. By the time he got back to Hollywood, the "Smothers Brothers Comedy Hour" had been cancelled. Dick Cavett asked me to come on his show, and I did, and now it's been cancelled. Then George Herman asked me to come on "Face the Nation," and after I did that the Louisiana Association of Broadcasters asked for equal time and five other state associations asked President Nixon to impeach me. So with such a demonstrated record as an adviser and performer in this business some are beginning to question my qualifications as a critic as well.

A few people think I've been critical of CBS news, but I haven't. If you look very carefully, I never said that they have a "salant" to their news. Their TV Guide articles maybe, but not their news.

Actually I thought it was kind of amusing that Big Television decided to send the president of CBS News to answer my article in TV Guide. Johnson, "The Silent Screen," TV Guide, July 5, 1969, p. 6; Salant, "He Has Exercised His Right—To Be Wrong," TV Guide, September 20, 1969, p. 10; Johnson, "Letter to the Editor," TV Guide, September 27, 1969, p. A–2. I've always thought that the news department is to television what the Senate Chaplain is to the Congress. And having CBS News recite from its newscasts as an answer to my charge that Big Television hasn't been doing its job seemed to me rather like sending out the Senate Chaplain to read from his opening prayers in answer to a charge that the Congress hasn't been providing adequate moral leadership.

I said that I consider myself a friend of broadcast journalism. I would like to read to you from a statement that I made to the Violence Commission in December, 1968—because it wasn't very widely covered in Broadcasting Magazine and you may very well not have heard about it. This was long before Dick Salant and I started slinging articles at each other and shortly after the Chicago Democratic Convention.

"News and public affairs is, by common agreement, American television's finest contribution. The men who run it are generally professional, able, honorable and hard-working. To the extent the American people know what is going on in the world, much of the credit must go to the networks' news teams. It's a tough and often thankless job. Eric Severeid has said of trying to do network news that the ultimate sensation is that of being eaten to death by ducks. These men have fought a good many battles for all of us with network management, advertisers, government officials, and news sources generally. We are thankful. And by and large I think we ought to stay out of their business—with the exception, perhaps, of providing them protection from physical assault. I would not for a moment suggest that either your Commission, or mine, ought to be providing standards for what is reported as 'news.' "

I stand behind that today. Let me just say that 90 percent of what I am complaining about is that television is *not* news—at least it's not when people watch, which is between 7:30 and 11:00 p.m., prime time. That's the problem. That's the censorship. And that's most of what I'm talking about. The rest of this is really shop talk about the problems in news, and the interference from management that there has been. Remember that the principal thing I'm talking about is that there is virtually nothing on in the evening that gives people the kind of information they need to understand what's going on in their world and in their lives.

Having put forth 90 percent of my case, let's spend the rest of the time in shop talk about electronic journalism.

There are many difficulties that you confront in trying to do your jobs, but one of the things I have been writing about is editorial and censorship control by management. This takes a variety of forms. The most important is the curtailment of the time that you're permitted to have. You simply cannot discuss major issues adequately in terms of minute-and-a-half clips on the evening news. And the question is: How much time are you getting for documentaries during the evening? How much time are you given to really probe the issues? Do you have enough men to really do the kind of job you'd like to do? And how much interference is there in the reporter's product on the part of editors who may be thousands of miles away with no first-hand knowledge of the story?

My thesis is a very modest and simple one. Management has the power. If it wishes to exercise it, to abuse the use of this medium by serving its own economic interests and the economic interests of its friends; it has the incentive to want to do this; and it has on occasion, done it.

Because there has been some disagreement about this seemingly obvious proposition, however, it seemed to me worthwhile to lay my cards on the table once again on this occasion.

Let me first say a word about sources. I didn't come into the FCC knowing anything about this business. I was the first to acknowledge that. What I know about abuses in the news business I know because you have told me, usually in confidence, sometimes in letters, more often in conversation. Some who have left the business have written books which I have read and quoted. There are some Congressional and FCC hearings and decisions. What other sources *could* I have than the people within the industry? So I'm not telling you what *I* think. To emphasize that point I am going to do quite a bit of quoting.

Let's start off with some general observations about the importance of what you do, because I have a commitment to the role of journalism in a free society. I have great confidence in the people of this country to govern themselves—once they are educated and informed. And I have seen the power that you have to inform the people.

One instance of this power that occurs to me just now is the black lung problem. If you go into the coal mines and breathe coal dust every day your lungs disintegrate, and you're not capable of doing much work by the time you reach your middle years. Coal miners, by and large, didn't know what was the matter with them, and they weren't getting any workman's compensation benefits. Programs had been offered to television stations in coal mining districts about black lung which they refused to show. One station did show one. It was cut off the cable television system carrying that station while the program was being shown. I commented on these omissions during my testimony before the Violence Commission. For whatever reason within a month or two thereafter, there was some coverage of the black lung problem on network television and local television. About two weeks after that coverage some 30,000 coal miners came out of the ground and organized, for about the first time in their lives, because the Union had not been doing as enthusiastic a job as it might have in representing their interests in this regard. About a month after that the West Virginia Legislature passed one of the first workmen's compensation benefit programs for miners who suffer from this disease. One of the networks bragged a little bit publicly—and rightfully so, I think—about its impact upon this piece of legislation. The point is, that's the power you have. I've seen policies in Washington change overnight because of a 90-second item on the evening news. You can take pride in what happens after you put such items on the air. But then you must also assume responsibility for what *fails* to happen when you omit such coverage for months or years.

Here's Lippmann writing in 1922: "It is because they [a self-governing people] are compelled to act without a reliable picture of the world, that governments, schools . . . and churches make such small headway against the more obvious failings of democracy, against violent prejudice, apathy, preference for the curious trivial as against the dull important, and the hunger for sideshows and three-legged calves. This is the primary defect of popular government, a defect inherent in its tradition, and all of its other defects can, I believe, be traced to this one."

This is Edward R. Murrow in his speech to you in 1958: "We are currently wealthy, fat, comfortable and complacent. We have currently a built-in allergy to unpleasant or disturbing information. Our mass media reflects this. But unless we get up off our fat surpluses and recognize that television in the main is being used to distract, delude, amuse and insulate us, then television and those who finance it, those who look at it and those who work at it, may see a totally different picture too late."

This is Jim Kunen in *The Strawberry Statement:* "I am of the opinion that the United States is involved in a controversial war in southeast Asia and that the country has other problems, too. I think people ought to at least think about these things. But I have noticed that the radio medium is a tremendous airy goofball, which anesthetizes everyone who listens. I'm curious about the motivation of people whose 50,000 watt pump pours such crap into the already polluted air." That's what one of the spokesmen for today's young people is saying about the industry. What's the answer? What *is* the motivation?

Let's look for the answer in this story told me by one of the leading black disc jockeys in this country. In one of his early jobs, going into a black-oriented station, the manager handed him the top 40 records and said, "Here, boy spin these." And he said, "Well, I'd like to put out a little news on the hour if you don't mind." And the manager turned around and said: "You're not gonna educate the nigras of this community at my expense." Maybe that's still management's motivation in some instances. I would never say it was in all. But the point is that the effect is precisely the same as if it were.

Edward R. Murrow thought the American people were capable of taking a great deal more than television provided them. I think so too. There are now some seven million young Americans in colleges and universities, nearly as many as all of the people in this country with college degrees. There are ten to twenty million Americans taking adult education courses. The federal government's own program has increased tenfold over the past five years. Book sales have doubled in the last ten years, to $2.5 billion last year, equivalent to the revenue of the very profitable television industry.

I have received hundreds of letters in the last few years, commenting about television. This is a handwritten letter from a lady in Kentucky: "I guess I'm what the TV companies might call the 'average housewive.' I'm not an intellectual, I'm not rich, I have children. I do my own washing and cooking. I suppose they feel that the kind of rubbish which is put out over the air is satisfying. It's repugnant for the most part."

Here is a letter from a couple out in California: "My husband and I . . . keep . . . hoping that programming will become more meaningful and worthwhile. We are not political activists, fanatics, crusaders, or even avid letter writers. We are just responsible Americans trying to live a meaningful life and do our best to raise the next generation to do the same. We realize the potential of the airways to bring us important information about our country's political, social, and international status, and also to bring our children learning opportunities, but are woefully disappointed with the efforts being made in these directions." And that's a theme that runs through thousands of letters that I have in my office.

Now we've been told recently that management has never involved itself in matters of news and public affairs. Let's see what some of you have had to say about this: Again Edward R. Murrow: "The top management of the networks, with a few notable exceptions, has been trained in advertising, research, sales or show business. But by the nature of the corporate structure they also make the final and crucial decisions having to do with news and public affairs. Frequently they have neither the time nor competence to do this." I don't know, but that's

what Ed Murrow said. Howard K. Smith: "[I]f as many people listen to me on ABC as used to edit my copy on CBS, we'll have a large audience to build on." H. V. Kaltenborn: "Each time I criticized a Federal Judge . . . a labor leader (who supervised the company's labor contracts), or a Washington official (whose influence counted in the issue of a broadcasting license), one of the vice-presidents became frightened and protested."

Here's the Crosley case involving WLW Newsman Norman Corwin who was fired ultimately over this instance. This is an internal management memorandum to him: "No reference to strikes is to be made on any news bulletin broadcast over our stations." A couple of days later another one: "Our news broadcasts . . . will not include mention of any strikes. This also includes student strikes and school walkouts." He raised the question of whether this wasn't going to look a little funny to the people who read the newspapers, knew what was happening, and knew that radio wasn't mentioning it. They informed him at that point they could do without his services, although they had expressed great pleasure with him prior to that.

Or, how about the Richards case in Los Angeles? The fellow who owned KMPC there, WJR in Detroit, and WGAR in Cleveland set out on an abortive effort to elect General Douglas MacArthur as President. He fired Clete Roberts, his news director, because he referred to the age of the General, which the owner felt might detract from his political appeal. The FCC was besieged thereafter with a package of affidavits from numerous radio newsmen about Richard's instructions to slant, to distort, and to falsify the news. At this time Chet Huntley was heading the newsmen's organization out on the West Coast.

We learned quite a lesson from the ABC–ITT hearing about the attitude of large corporate management toward the integrity of the news. One of the questions in that hearing was: Would ITT ever try to interfere with ABC's news judgment? ITT professed great purity in this regard. And yet, while a hearing was being conducted on this issue, the Wall Street Journal broke the story of the pressure that ITT was putting on the reporters covering that very hearing. An AP and UPI reporter testified to several phone calls to their homes by ITT public relations men asking them to change their stories and to make inquiries for ITT with regard to stories by other reporters, and to use their influence as members of the press to obtain confidential information for ITT from the Department of Justice regarding its intentions. A New York Times reporter was asked by a senior vice president of ITT whether she'd been following the stock prices of ABC–ITT, and whether she did not feel a responsibility to the shareholders who might lose money as a result of what she wrote. He also implied that she had an obligation to pass information on to her management because, since The New York Times owns radio station WQXR they would, of course, want to serve their own economic interests in the reports that she put in the paper. This was, for me, a very unsettling experience.

All we had written in the first ABC–ITT dissenting opinion was that there was still a possibility that something like this might happen. We never dreamed that it could happen in that very case. It seemed to me ITT had demonstrated an abrasive self-righteousness in dealing with the press, an insensitivity to its independence and integrity, a willingness to spread false stories in furtherance of self-interest, contempt for government officials as well as the press, and an assumption that even as prestigious a news medium as The New York Times would, as a matter of course, want to present the news so as to serve its own economic interests as well as the economic interests of other business corporations. The Columbia Journalism Review subsequently reported: "ITT harassed reporters covering Washington hearings on the merger; ABC News often sounded as if its stories about the merger were dictated by management. Journalism can be relieved that two such managements did not get together." (Let me say I do not personally share this interpretation of the ABC News' stories, but we must all be impressed that it was the conclusion of this very professional and prestigious journal.)

There are a number of examples of instances in which radio and television have not given fair treatment to issues involving management's own interests in matters such as cable television and pay television. There was a fairness complaint in 1965 involving a station's coverage of a local CATV issue, and the "Fairness Primer" makes reference to unfair treatment of the pay television issue on one of the networks.

One of the things you have to recognize is the economic value of being able to control the news. How do you put a price tag on it? One of the things you can look at is how much people are willing to pay to kill stories. In 1871 Boss Tweed went to The New York Times in an effort to suppress an expose of the Tweed gang, and offered them $5 million to kill the story. Since then there's been a little inflation. If it was worth $5 million to kill a single story in 1871 it might very well be worth $20 million to buy a single station now—particularly if it can return a 100 percent return on depreciated capital every year.

A network official on the news side has stated publicly, "We've gone after the common denominator. There are many vital issues that we won't go near. We censor ourselves." That was from an article. This is from a confidential letter. I get a number of these examples from you newsmen, complaining about what's happening to you in the business. I think that this letter is worth reading. After going through many, many examples of Vietnam coverage, coverage of Nixon and other officials, this newsman concludes his three-page single-spaced letter: "These are but a few of the examples that I know of personally. There are many more. Some "Censorship" may, of course, result from honest differences of opinion between correspondent and producer on what is news and the proper way to present it. But it would be stretching credulity to the breaking point to suggest that much of what we see (at least at [his network]) is not simply pusillanimous self-censorship aimed at keeping 'news' programs sufficiently bland so that no one is offended . . . and certainly not disturbed."

This is the Chairman of the Senate Commerce Committee writing in 1956: "Broadcasting stations should not be simply house organs grinding out the tune of big business interests which own them—and there is some evidence that this is a real danger today." This is Edward P. Morgan: "It is one thing to mourn Yates' death in gallant pursuit of duty in the highest tradition of the fourth estate. It is quite another to admit how unkempt those traditions have become through neglect, and the pursuit of profit more than the pursuit of truth. Ted Yates did not duck and he lost his life. The freest and most profitable press in the world, every major facet of it, not only ducks, but pulls its punches to save a supermarket of commercialism or shield an ugly prejudice and is putting the life of the republic in jeopardy thereby."

Another report from the *Columbia Journalism Review:* "in radio and television there is even less candor on consumer topics than in magazines." And I will say in credit to CBS, they go on to say: "CBS is far ahead of the field in tackling sensitive consumer topics. But even the CBS list is not very long."

This is from Senator Phil Hart in a statement to the Cooperative League of the USA, later published in the January 1965 issue of Consumer Reports. Senator Hart told of the cancellation of his scheduled appearances on television to discuss truth-in-packaging legislation. As he stated: "I was told advertisers had objected."

Professor Harry Skornia has alleged: "In case after case it appears that the broadcast industry itself has firmly blocked release to the public of certain facts. Although this blockage sometimes has been on behalf of the political party in power, or the military, with which large corporations are closely allied, most of it seems related to the financial and profit interests of corporations controlling broadcasting, either as station or network operators, sponsors, or a part of the business community generally, as opposed to the over-all national interest."

Here's another comment from Mr. Skornia: "The press might render . . . a great service . . . if it let the public know how things stand between say, the copper companies and Central America. Or the oil companies and the Middle East. In the broadcast area, questions might be raised regarding the pressures exerted on the United States government by fruit, oil, sugar, tobacco, and other companies with investments in Cuba since Castro's rise to power. Why are these enormous problems so little discussed in view of the overwhelming importance they have in making United States foreign policy?"

Here's another confidential letter to me from a correspondent who is presently employed by a network: "My story on what was then the largest operation of the war . . . came back to me minus references to evident ineffectiveness of bombing raids [which were] later admitted by military officials."

This is from the Cornell Law Review: "Broadcasters, both individually and in court, have traditionally avoided controversial programming because sponsors are hesitant to become even subliminally associated with opinions disagreeable to potential purchasers." And the *Review* refers to "mercenary self-censorship by the broadcasting industry."

Here's an article by a man who's still in the business: "I heard on the grapevine that producers at all three networks were working up plans for a major series on "The Cities." Had the news department suddenly gotten religion? Of course not. The Institute of Life Insurance, the public relations arm of the insurance companies in America were—under pressure from President Johnson—investing one billion dollars in the nation's slums. An excellent way to bring this fact to the public, of course, was through sponsorship of a television documentary on the problem. All three networks were asked for 'treatments.' "

A current issue of *Variety* magazine told how one major sponsor was given the opportunity of selecting which documentaries he would like to be associated with. A list of 120 was made up and from that a list of 30 was presented to him. A process of self-censorship is at work even in the selection of the titles presented to the company involved. Such items as, "Revolution in Sex Education," and "Whatever Happened to Privacy?" had the potential of developing into forthright controversial shows if given the chance by the sponsors. Predictably, however, those two were not to its taste. While the sponsor accepted the idea of a show on railroads, the title "Death of the Iron Horse" was changed because the sponsor did not want to take "a negative point of view." The new working title was "Golden Age of Railroads," expressing the more positive approach desired by the sponsor. And the sponsor not only altered the title but the program concept as well by this change.

Here's another quote from one of your members: "The television documentary producer must fight . . . the pressures from ad-

vertisers and sales departments. More often than not, he has been fighting a losing battle." This is Jack Gould: "Television, to be blunt about it, is basically a medium with a mind closed to the swiftly moving currents of tomorrow. The networks and stations have erected an electronic wall around the status quo." Alexander Kendrick: ". . . [T]he television industry is more than a fortunate sector of the free enterprise system. Because it deals in ideas and images as well as in cosmetics and cigarettes, it is wittingly or unwittingly an instrument of the Establishment, that complex of governmental, political, economic and psychological forces that, even when some enlightenment intrudes, is dedicated to the preservation of the status quo. . . ."

More examples? This again from Skornia. "In late 1963 the American Civil Liberties Union noted that CBS excluded a song satirizing the John Birch Society from the Ed Sullivan program because it would have been, 'too controversial,' [a problem that was recently echoed with the controversy over the Smothers show]. In 1964, NBC vetoed a program on venereal disease that had been carefully prepared for the *Mr. Novak* series to help the nation recognize this tragic and dangerous threat to the youth of the world." Edward R. Murrow: "I invite your attention to the television schedules of all networks between the hours of 8:00 and 11:00 p.m. Eastern time. Here you will find only fleeting and spasmodic reference to the fact that this nation is in mortal danger." And some comments by Alexander Kendrick: "Gaugin in Tahiti, the re-creation of the voyages of Ulysses, or essays on women, doors and bridges—even driving, boating and science tests—merely underline the fact that commercial television has failed to treat adequately such questions as the Vietnam war, America's policy in Asia, pacifism, the worldwide traffic in arms, Church versus State, the right of dissent, the police use of force, Congressional ethics, the New Economics, stock market speculation, or a dozen other important matters which would have been standard operating procedure for Murrow and Friendly with *See It Now* and *CBS Reports*. In the 1968 election year, the electoral system itself, obviously in crisis, was discussed in no serious way on any network."

Alexander Kendrick further writes, "During a two month period in 1967 . . . the three commercial networks had three 'prime time' documentaries, *An Essay on Women, The Royal Palaces of Britain*, and *Thoroughbred, A Stud Farm Chronicle*. In this same period, newspapers and magazines dealt in depth with the fall of Congressman Adam Clayton Powell, the row about the Manchester book about the assassination of President Kennedy, the conviction of Bobby Baker . . . and the dispute about new Federal safety rules for manufacturers. Even prior publication in the *New York Times* provided no warranty for such stories on television. They were kissed off with brief daily reports in the evening newscasts."

This is from one of the judges of the Emmy Awards who watched all of the news documentaries that were presented by the networks. These were, presumably, the cream of the cream, the best that the networks were capable of presenting. He watched them for two full days, and he wrote: "Yet for all the Vietnam films, the riots, the politics, how little we had seen of the world in twenty-two hours. There was nothing about American or foreign education, nothing about de Gaulle or France, nothing about Franco's Spain, about gold and money, Cuba and South America, the Communist Bloc, Sino-Russian relations, nothing about drugs and sex. Everything was made with a high degree of technical competence; nothing was boring; but how little we had learned, how infrequently I had been moved."

And let's consider that early show on the hazards of cigarette smoking, which Mr. Salant mentioned with such pride in his *TV Guide* article. Fred Friendly says that CBS and the sponsor, Alcoa, became upset because the tobacco industry buys air time and aluminum foil, and that these controversies as well as others were the cause of the death of "See It Now."

Take some of these issues that are very close to the television industry right now and ask yourself how many documentaries you have seen or are likely to see on these subjects: The Pastore bill which would in effect give lifetime licenses to broadcasters; the questions surrounding news staging; the standards of broadcast programming that are applied; the quality of the new fall shows; the impact of television on children or adults; documentaries about the quality of advertising, and about deceptive advertising; documentaries on broadcast station license challenges by public groups around the country; the importance of accurate reporting to a democratic society; the process of election of public officials and the role of media and the funds that are needed to make that possible and therefore the political power of this industry; the process by which you put together a news program; or the TV set radiation hazards.

Ed Morgan again: "Let's face it, we in the trade use this power more frequently to fix a traffic ticket or to get a ticket to a ball game than to keep the doors of an open society open and swinging, by encouraging honest controversy, or, if you'll pardon the term, crusading for truth and justice. There is enough wrong in this republic to merit a full-scale expose daily, if not every hour on the hour. But newspapers run prize contests to lure readers or keep the ones they have. Broadcasting is driving thoughtful citizens away in droves by fertilizing the wastelands of the airwaves with the manure of utter mediocrity. The situation is so bad that the commercials, even in their saturation, are often better than the programs they support."

Here is an advertisement from a network. I won't identify it. It's very proud of what it's putting out next fall. Well in the back, as one would suspect, is the section on news specials. What are we promised as we look into the fall of 1969 and early 1970? What leadership, what information, are we going to get from this network? And remember, this was not written by Jack Gould. It was written by the advertising agency servicing the network. The West of Charles Russell's artistic genius, presented in all its rousing color, fury, grandeur, and simple humanity." You'll have to wait until January 7th at 10:00 p.m. for that one. "Eskimos: A Report on the Eskimos Ancient Traditions." No date has yet been fixed for that one. Finally, the one they lead with—that they are most proud of. Here in a way is television's attempt to report on the "vast wasteland." It is called, simply, "Sahara." "Shifting and changing yet constant and enduring—this is the vast, searing Sahara Desert. Journey along with us as a modern-day caravan travels across these ancient sands to discover the Sahara's many moods and intriguing secrets. 7:30 p.m., December 19th."

I put it to you. Do you really feel in your hearts that those are the three most important issues that the American people need to know about this next year? If so, I really have made a big mistake and I'll go home. No, I think you kind of feel with me that management could have given you a little more time to deal with a few other subjects than these.

Here's another comment from Ed Morgan, who seems to feel the same way, "The honestly concerned citizens, right, left and center are the nuclei, not of black power or white power but positive power which can make representative government work. But their power has not been sufficiently turned on because the press has been too busy neuterizing the news to clear comfortable, non-controversial space for the full-page ads and the singing commercials."

Now we come to the question of what the industry does, what management does, what the Washington representatives do, to help out the news people when they have problems. Do they really fight the free speech battle? I say the answer to that is no.

Alexander Kendrick: "There is nothing novel in the fact that networks should be subject to pressures. What is distressing, as Murrow found out in his time, is that they should so often yield to them. . . . [T]he networks have called wolf many times before, and have too often stigmatized as 'thought control' the attempts to get them to redeem their public service obligations. They have equated freedom of speech with freedom from criticism." Ed Murrow said: "One of the minor tragedies of television news and information is that the networks will not even defend their vital interests."

For some examples, let's talk about the Pacifica cases. I think they're as good an illustration as any. When the license renewal for the California stations came up, in FCC Chairman Henry's time, a real First Amendment issue was posed because there were people who objected to the content of what Pacifica was putting out. There was a real question as to whether their licenses were going to be renewed or revoked because of that controversy. There was not a single voice raised on Pacifica's behalf. Not a single resolution from the state associations, not a single speech, not a single amicus brief filed by counsel. Where were they?

Last December it came up again, and that great spokesman for First Amendment freedom, *Broadcasting Magazine*, ran a little item pointing out that Pacifica's Los Angeles station, KPFK, in the early morning had broadcast a song that had an allegedly profane line in it, and suggesting that the license really ought to be held up. And it was, while that charge was investigated. Or how about the protests in New York over the reading of an alleged anti-Semitic poem over WBAI? *Broadcasting Magazine* this time editorialized against WBAI. It had gone beyond its First Amendment protective freedom; it should be punished by the FCC. On the same page it editorialized about the First Amendment rights of the broadcasters to run cigarette commercials unrelieved of any information to the American people about the health hazards of cigarette smoking. That's how management stands behind the First Amendment. It seems considerably more interested in profitable speech than free speech.

In the "Pot Party" case which CBS was involved in, I thought there was some language in the FCC's opinion that befuddled rather than helped in understanding and dealing with the problem of staged news events. I felt that you were entitled to a straighter and better statement of what was going on. I said in my opinion that we're going to test right now how much the industry cares, because if it cares, it can easily appeal this case. We'll watch and see if it will. It didn't. *Variety* has written: "It has been made clear here, in a number of ways that the ordinary broadcaster—the publisher of the airways—is willing to surrender still more of his First Amendment freedom for the promise of perpetual license to do business. At gunpoint, and given the choice of "your money or your life" the ordinary citizen promptly yields up his money. Not so the broadcaster."

Dick Salant answered my charges of "corporate censorship" with a personal assault and a catalog of news items and documentaries over the past decade or so. I was given about 100 words in which to answer his six page article. For once I really knew how television newsmen feel when they're told to describe the problems of the world in anything up to forty-five seconds. Here's what I wrote:

"Let anyone who has watched prime time

network television decide for himself. As Mr. Salant ["He Has Exercised His Right—To Be Wrong," Sept. 20] knows, little of it is "news." As for TV news, it's not that it's done nothing; it's just too little too late. Walter Cronkite says, "We have barely dipped our toe into investigative reporting." Ed Murrow said, "(Corporate management) makes the final and crucial decisions having to do with news and public affairs." Many former TV newsmen agree. [See, e.g., book by Salant's predecessor in office: Fred Friendly, "Due to Circumstances Beyond Our Control."] Let's hope for equivalent candor from a future, noncorporate Dick Salant."

This statement is an effort to elaborate a bit on that letter. It is deliberately long, filled with examples, and dependent upon the statements of those in broadcast journalism who seemingly disagree with Mr. Salant. I think their observations, opinions and experiences are entitled to greater weight than my own.

These comments are not intended as a criticism of television journalism. I repeat, as I said at the beginning, that I believe it to be televisions finest hour—or perhaps I should say half hour. The principal problem with "television" in America is that so little of it is devoted to news—or anything else that matters—not that the little that deals with reality is done poorly. The faults that I do find with television journalism I believe to be more the responsibility of management than of working newsmen. But these faults do exist. And we can never promote the improvements that we all seek in this profession—you as much or more than I—so long as Big Television management is unwilling to be candid enough to acknowledge what those of you who work in this business have repeatedly said are the facts.

PREVENTIVE DETENTION I: OR STANDING ROOM ONLY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MIKVA. Mr. Speaker, the Honorable Tim Murphy, Judge of the D.C. court of general sessions, testified before the Judiciary Subcommittee considering preventive detention. He contended that if full-scale pretrial hearings were held in all cases involving "dangerous defendants," as provided for in the administration's preventive detention bill, even the D.C. court reform bill might not provide enough judges to handle the additional workload. I believe that preventive detention will be no boon to justice—only a boon to the population of already overcrowded jails and overloaded court dockets.

Judge Murphy's observation deserves the attention of my colleagues. Preventive detention is not something to blithely accept as a solution to pretrial crime control. The possibility that such schemes would both violate the cardinal principle of Anglo-Saxon jurisprudence—innocent until proven guilty—and overburden an already overburdened criminal court system should end the applause for preventive detention and stimulate hard thinking.

One who has thought hard about criminal justice is Mr. Geoffrey C. Hazard, Jr., the executive director of the American Bar Association and a professor of law at the University of Chicago Law School. In an aticle entitled "Epilogue to the Criminal Justice Survey," Professor Hazard outlines the failures of our criminal justice system, as determined by the American Bar Foundation's survey of the administration of criminal justice. The foundation, located on the campus of the University of Chicago, has just completed an impressive review of criminal law administration in three major cities.

One problem he cites is the lack of professional involvement in the average case, where total time spent by police officer, prosecutor, magistrate, and probation officer is probably less than 5 hours—and, the hearing in court less than 5 minutes.

Professor Hazard also makes sense out of the problem of "law and order," which he properly says "is not so much an anarchistic conspiracy as an accumulation of public neglect. As soon as we can abandon the search for a scapegoat—whether the police, the Supreme Court, youth unrest or the black man—we may get down to the serious business or organizing a system for the prevention of violence that will work over the long pull."

Mr. Speaker, the serious business of safeguarding the community against the allegedly dangerous accused is providing speedy trials—not slowing down trials with preventive detention. The prevention of violent crimes by the accused will be achieved by swiftly trying the accused and surely punishing the guilty—not by incarcerating the accused and teaching him the tools of the criminal trade.

Because Professor Hazard cuts through much of the loose talk about criminal justice, I commend his article to my colleagues.

The article, "Epilogue to the Criminal Justice Survey," which appeared in the November 1969 issues of the American Bar Association Journal, follows:

EPILOGUE TO THE CRIMINAL JUSTICE SURVEY

(By Geoffrey C. Hazard, Jr.)

The American Bar Foundation's Survey of the Administration of Criminal Justice will be completed next month with the publication of Professor Frank Miller's *Prosecution: The Decision To Charge a Suspect with a Crime*, to be published by Little, Brown & Company. This volume and its four companions[1] report and analyze information gathered in a field study of criminal law administration in three major cities. Although the primary data are ten years old, continued monitoring and more recent studies show that the basic problems remain mostly unchanged.

No study of such a complex subject can be "definitive" in the sense of exhausting the subject. The main findings of the survey, nevertheless, are quite clear. These include:

The wide discretion officials have in enforcing the criminal law, raising questions about the premises and objectives involved in their exercise of discretion.

The ambitious goals of our criminal law (including public security and private civil liberty, uniformity and individualization, bodily safety and purity of morals), raising questions about community purpose.

The autonomy of law enforcement agencies, raising questions about the identity and responsibility of law enforcement "authority" itself.

The fact that achieving a high *conviction* rate is not necessarily the central aim of criminal law administration, raising questions as to its other purposes.

These findings generally correspond to those made thirty-five years ago by the Wickersham Commission and two years ago by the President's Commission on Law Enforcement and Administration of Justice, which says how difficult it is to bring about fundamental improvement in so important a legal institution. The Foundation survey, however, made a special contribution in describing the administration of criminal justice as an interrelated system. However disjointed, the various institutions that were the subject of the survey have systemlike attributes. Common to all of them is the offender—the man and his file that move through the maze. Common also is a recognition by the official participants that their activities are interrelated. Every operative in the system—policeman, prosecutor, judge, correction officer—one way or another takes into account the probable response of others in the system to whatever action or decision he undertakes.

A SYSTEM COMPOSED OF BALKANIZED AGENCIES

Recognizing that the agencies of criminal law are a system is one thing; putting the lesson into practice is another. The agencies of criminal justice are still balkanized, sealed off from each other by boundaries of legal jurisdiction, political allegiance and budgetary responsibility. There is an almost complete lack of over-all management or coordination.[2] At the same time, performance specifications are pursued or imposed in one part of the system without reference to their impact on other parts. The due process explosion emanating from the Supreme Court is a much-debated illustration—the police are required to increase the procedural quality of their performance without being provided the resources to do so. But the police insistence that the "clearance rate" is the relevant measure of their performance reflects a similarly incomplete analysis. The public is not served by a high *solution* rate simply on crimes that the police *know* about.

In broader perspective, the efforts to deal with the problem of crime are hampered by the tendency of each agency to pursue its own ends oblivious of the interests of other agencies and of the aggregate effect on criminal law administration. Now that Congress at last has interested itself seriously in the problem of criminal law administration, we see it making the same kind of mistake. The Omnibus Crime Control and Safe Streets Act of 1968 contemplates massive augmentation of police resources without corresponding increases in the capacity of prosecution offices, criminal courts and corrections agencies to handle the new "business" increased police forces presumably will generate. These kinks sooner or later may be ironed out, but there will be a good deal of distress and confusion before that goal is realized.

The survey also permits us to see that the administration of criminal justice is a "system" from the point of view of its "customers"—the criminal offender, the potential

[1] LA FAVE, ARREST: THE DECISION TO TAKE A SUSPECT INTO CUSTODY (1965); NEWMAN CONVICTION: THE DETERMINATION OF GUILT OR INNOCENCE WITHOUT TRIAL (1966); TIFFANY, MCINTYRE & ROTTENBERG, DETECTION OF CRIME: STOPPING AND QUESTIONING, SEARCH AND SEIZURE, ENCOURAGEMENT AND ENTRAPMENT (1967); and DAWSON, SENTENCING: THE DECISION AS TO TYPE, LENGTH AND CONDITIONS OF SENTENCE (1969). All were published by Little, Brown & Company, 34 Beacon Street, Boston, Massachusetts 02106.

[2] In a few localities, specifically Los Angeles, some real advances have been made toward remedying this situation, but such efforts are exceptional.

criminal offender and the public-at-large. The aim of the criminal law is to protect society from serious domestic evils. This goal is achieved in part by the moral condemnation implicit in criminal prohibitions and in part by punishing those who violate the prohibitions. But beyond these measures there is an educational and demonstrative function of the criminal law system. Law enforcement officials are models—and in this sense teachers—of what proper behavior ought to be. This is the simple, but profoundly important basis for responsible concern about "police brutality". Each unnecessary use of the billy-club, each racial slur, each instance of officiousness is a lesson of some kind to someone. The lesson to be learned from this official miscreancy is surely not one that we want taught.

At the time the survey data were collected, there seemed to be little overt official brutality in the communities studied, testimony to the efforts of the agencies to do a professional job. That probably was true in most parts of the country at the time and, again with some important qualifications, appears to be substantially true today. However, the incidence of what might be called "psychic" brutality is widespread. A good deal of this is attributable to the personal and educational characteristics of people who are drawn into law enforcement work, and some of the callousness is no doubt the consequence of the abrasions they suffer while performing tough and exasperating jobs. But the survey indicated something else for which society has to take responsibility. At dozens of points, with a repetitiveness that settled into monotony, the system was ignorant, indifferent or abrupt with the people with whom it was dealing simply because there were too many cases, involving too many people, being handled by too few officials with too little time to do a decent job.

It is not merely that the police, the prosecutors and the magistrates have to make rapid decisions on the basis of inadequate information and insufficient reflection. Even when the objective circumstances would have permitted some kind of pause, the resources were not available to make use of it. It is now notorious that the policeman's arrest decision is a complicated choice made on the spur of the moment. But the same problem exists in the prosecutor's office, where the files whiz by the hasty perusal of a junior deputy and go past a senior deputy at an even faster rate. It repeats itself again in court, where the cases are served up to an overworked magistrate for drumhead treatment. What kind of a system of justice is it in which the aggregate professional involvement in the average case, including police, prosecutor, magistrate and probation officer, is probably less than five hours and the final judgment that society makes—the hearing in court—takes less than five minutes? And what shall we say of antiriot procedures that pit police against crowds too large for them to handle with low-key techniques?

In light of these facts, the "breakdown of law and order" is not so much an anarchistic conspiracy as an accumulation of public neglect. As soon as we can abandon the search for a scapegoat—whether the police, the Supreme Court, youth unrest or the black man—we may get down to the serious business of organizing a system for the prevention of violence that will work over the long pull.

The Foundation survey has helped the legal profession become more aware of the weaknesses in criminal justice—the law's central institution. The criminal law is the pillar of the administration of justice, representing the most serious of society's legal concerns and the most sensitive of its legal processes. The legal profession has always claimed a special responsibility for it. What the survey has told the legal profession is what Justice Jackson, who inspired the study, had suspected it would: that the real significance of the criminal law is not so much its doctrinal refinement but its "delivered value"—its practical reality, day-on-day, year-on-year, at the level of enforcement.[3]

In this perspective, the processes of statutory reform and judicial law making appear as guidelines for social action rather than action itself. Having propounded a criminal law to which we say we are committed, are we prepared to take the public action that will make it a reality? It pleases us to moralize through the medium of the criminal law. It may be more appropriate, however, for us to ask what kind of social protection is worth having. Let us hope the legal profession can help our society confront that question.

[3] See Jackson, *Criminal Justice: The Vital Problems of the Future*, 39 A.B.A.J. 743 (1953).

A HEALTHY STEEL INDUSTRY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. REES. Mr. Speaker, there has been a great deal of interest these past two sessions in the legislating of a steel import quota. Most of the speeches have discussed the terrible plight of the steel industry—its sinking sales and profits, and high unemployment.

I would like to have included in the RECORD the following statement concerning United States Steel which reports the best 3d quarter improvement, a record 41.6-percent profit gain on an 8.8-percent advance in sales.

My hope is that those who wish to legislate quotas will read the following report carefully:

[From the Wall Street Journal, Oct. 29, 1969]

UNITED STATES STEEL NET SPURTED 41.6 PERCENT IN THIRD PERIOD—IMPROVEMENT IS BEST SO FAR REPORTED BY MAJOR MILLS—SALES HAD 8.8 PERCENT ADVANCE—POOR 1968 QUARTER NOTED

PITTSBURGH.—U.S. Steel Corp. turned in the best third quarter earnings improvement so far reported by a major steelmaker, racking up a 41.6% profit gain on an 8.8% advance in sales.

The nation's largest steel producer earned $46.8 million, or 87 cents a share, in the September quarter, up from a restated $33 million, or 61 cents a share, a year earlier. Sales rose to $1.17 billion from $1.07 billion. The 1968 net income figure is restated to reflect the change to straight-line depreciation accounting from accelerated accounting. The change raised the figures from the earlier-reported $11 million, or 21 cents a share.

The steelmaker's third quarter results benefited from comparison with a 1968 quarter in which steel operations and sales plummeted following the 1968 labor contract agreement of last August. Customers who had built up steel stockpiles in anticipation of a strike, cut buying sharply in August and September last year.

The earnings also benefited to some extent from the major price increases that U.S. Steel initiated and competitors followed early in August this year. However, the company said the September quarter "for the most part" didn't reflect those price increases. The company explained that the price boosts weren't effective for the whole quarter and some, in fact, aren't effective yet.

The third quarter results also reflected what steel men say was one of the strongest summer sales seasons in years, lacking the normal sharp slump. U.S. Steel said its steel mill shipments in the period totaled 5.5 million tons, up from 4.9 million tons in the 1968 quarter.

U.S. Steel's third quarter profit increase topped those posted by major competitors. Fourth-largest National Steel Corp. scored a 25% gain in September quarter earnings; No. 3-ranked Republic Steel Corp. had a 24% increase; Armco Steel Corp. registered a 17% advance and Inland Steel suffered a 32% decline. Jones & Laughlin Steel Corp., a unit of Ling-Temco-Vought, Inc., had a freakish six-fold profit increase from the extremely depressed 1968 quarter. However, it still termed its earnings poorer than earlier expected.

The industry's second-largest producer, Bethlehem Steel Corp., is expected to report third quarter earnings today.

The improved third quarter helped U.S. Steel cut its year-to-year lag in profit for the nine-months. Nine-months net income was $150.9 million, or $2.79 a share, off 26.6% from the year-earlier restated $205.6 million, or $3.80 a share. Nine-month sales fell 2.5% to $3.52 billion from $3.61 billion. U.S. Steel's first-half profit fell almost 40% from the 1968 half.

Robert C. Tyson, chairman of the finance committee, said the lower nine-month earnings were due to reduced shipments; a "substantial increase" in hourly-employment costs under the industry's labor contract; higher prices on purchased goods and services; higher interest charges and increased state and local taxes.

"Shortages of skilled labor in certain areas, compounded by the need for summer-vacation coverage, and the impact of our vast facility modernization program moving through expected costly initial stages of production also were contributing factors," Mr. Tyson added.

The big steelmaker said its nine-month production totaled 16.6 million tons, down from 17.8 million tons in the year-earlier period.

Giving evidence of a slowdown in capital spending, U.S. Steel said outlays for plant and equipment in the September quarter were $153 million, down from $222 million a year earlier. Outlays in the nine months dropped to $460 million from $504 million. As of Sept. 30, authorized projects yet to be completed totaled another $965 million.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Providence Journal in the State of Rhode Island. The editorial follows:

POTPOURRI

The American Automobile Association and other passenger-car oriented groups are voicing concern about efforts by the trucking industry to get wider, longer, and heavier trucks on the nation's highways. A relaxation of federal controls, it is felt, will lead to relaxation of state controls—with unhappy results for passenger car drivers.

It's not our point to get into the merits of the case for bigger trucks. But perhaps the AAA could kill two birds with one stone by urging Washington to pave the right-of-ways of major railroads and give trucks of all sizes exclusive use of the new roads—with the understanding that trucks would not use existing major highways. Anyone listening?

SENATE—*Tuesday, December 2, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, keep us this day inwardly in our souls and outwardly in our actions, in tune with infinite and eternal values. Make us to be of good courage, to hold fast that which is good, to render no man evil for evil, to strengthen the faint hearted, support the weak, help the afflicted, honor all men, and ever to love and serve Thee. Lead us by Thy wisdom and when the evening comes and our work is done, grant us the rest of the just. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 1, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Chair now recognizes the Senator from Colorado (Mr. DOMINICK).

Mr. KENNEDY. Mr. President, will the Senator from Colorado yield for some very brief unanimous-consent requests, with the understanding that he will not lose his right to the floor?

Mr. DOMINICK. I yield.

Mr. KENNEDY. I thank the Senator.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes, and that the morning business not exceed 1 hour.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado is recognized for 20 minutes.

THE SONGMY INCIDENT—TRIAL BY PRESS

Mr. DOMINICK. Mr. President, I am taking the floor today—and I appreciate the courtesy of the leadership in giving me this time—to raise once again the issue of fair trial versus trial by press.

The first amendment to the Constitution does not allow trial by press. The denial of the basic right of any person, whether in or out of uniform, to a fair trial is a right guaranteed under our Constitution.

I spoke last week of the possibility of prejudice or bias which could result from publication of interviews of prospective witnesses in the so-called Songmy massacre. I am speaking now of evidence presented in the form of statements of alleged witnesses or participants and photographs and judgments by the press. I am speaking of trial by press in a most explosive, emotional, alleged atrocity in Vietnam.

Mr. President, only a handful of events in our Nation's history, because of their national significance or sensational aspects, have received such extensive coverage. Only a few of these cases have subjected our legal system to the strain present in the Mylai case. The shock of the alleged atrocities struck at me and at the very conscience, I am sure, of every American, and another tragedy may be at hand.

Life magazine published yesterday a story, complete with alleged eyewitnesses, headlines, full-page color photographs, and a judgment. Newsweek and Time followed suit, and ended a weekend in which this country was deluged, through the major newspapers and TV broadcasts, by recaps, repeats, and republication of every statement made to date by almost everyone.

The Life magazine article—through pictures and selective statements from almost every witness—presents a case and decides. It renders a judgment of what happened and who was involved. It should be clearly pointed out at this point that none of these statements was made under oath, no cross-examination took place, and there has been no legal identification of the photographs, either as to location or as to the actual people who were supposed to have committed the crimes which were evident in the photographs. The pictures, in fact, not only may be inflammatory, but also, they otherwise may be inadmissible at the trial. So there is no due process in this article, but there certainly is judgment.

Other pictures were published and other interviews reported. The Cleveland Plain Dealer was credited along with others in the Life article, for one; but the Life article was the most sensational and renders a specific judgment on what happened. Life conducted a trial by press within its own covers. The net effect of other publications approaches this ultimate prejudice, but none was quite so blatant.

Mr. President, coming so late, this article serves no purpose, so far as I can see, of furthering justice or fixing legal responsibility for the alleged atrocities. It serves no public need to know nor any watchdog philosophy of the press. Its only apparent value is to retrieve a return of Life's investment of some $40,000 paid or to be paid to a former Army photographer who put the pictures up to the highest bidder.

I might add, Mr. President, that this photographer, so far as I can understand, was an official photographer, was on duty, turned over black and white photographs, but did not turn over the colored photographs. These were not processed in Vietnam, so far as anybody can determine, and there has been no legal identification of those pictures with any of the persons who have been charged—at least, up to date.

What has been the result of this? I have received a great deal of mail, and I am happy to say that a good deal of it has been very favorable. But I also have received a great deal of mail arising out of the speeches I made last week, in which people have already prejudged the events. People say, "Punish them. Don't do anything about a fair trial. Punish them. Put them to death."

What kind of an explosive atmosphere have we created, under our legal system, with this type of trial by press? What they have said about me is of minor importance. The general feeling, however, seems to be, in most of these "anti" letters—I say they are not a majority, but there are a substantial number—that I was trying to cover up something, simply because I was asking the press to let our judicial system work and not to prejudice the case by further activities than they have published already.

I have referred to the $40,000 paid by Life for these pictures, and I must say that I am appalled by the profiteering going on by at least some of the individuals intent only on cashing in on a hot story before it cools. According to Mr. Haeberle, himself, he received an offer to sell these pictures on an exclusive basis overseas for $100,000, and then he decided he wanted more than that, when they were actually the property of the Army and should have been there for trial purposes when identified. It is my understanding that he got approximately $40,000 or $45,000.

Other money has been paid—$20,000, we were told, by CBS to Dispatch News for the so-called exclusive interview. Just yesterday, a member of my staff was called by Dispatch News with reference to asking me to write an article, under my name, for a Sunday package to be peddled on a 60–40 commission basis. I do not know whether I was to get the 60 or he was to get the 60. But all I can say is that this is the kind of "garbage" I referred to in my statements last week.

The December 5 issue of Time states as follows:

> Inevitably, there were those who, while not denying the deed, felt it would be better left untold. After a G.I. witness described on television what he had seen at My Lai, Colorado Senator Peter Dominick asked: "What kind of country do we have when that kind of garbage gets put on the air?"

My statement was, of course, taken out of context, and the garbage I was referring to was the sensationalism that was building up in the news media with-

out regard to the need and right for fair trial. Thus sensationalism bloomed in full flower this weekend and yesterday.

Time magazine, by quoting me out of context, implied I wanted the incident left untold. To the contrary, it is because of the gravity of this incident and my concern that the full story be told that I spoke out. I attacked the airing of interviews with prospective witnesses with no apparent concern for their rights. I objected to reporting that goes beyond news reporting and exploits sensationalism to outsell its competition. I object strongly to trial by press. I had hoped by speaking out last week that the media would cease publication of extrajudicial statements by potential witnesses. I had hoped that trial by press would not occur, that a fair trial could be held as required under our legal system, and that the news media, including the broadcast segment, would undertake to follow this course on their own responsibility and exercise their own balancing of values in this case.

But it seems every story must be more sensational than the last. Only a few news services, newspapers, magazines, and individuals will realize a profit. The people of this country may be the real losers.

The trial court last week tried to halt this trend of the press so that a fair trial could be held. One can look at the statement of the court as a plea or a threat but the comments take on added significance today. It would appear that the confidence of the court that the news media would police themselves to insure the fairness of the proceedings seems poorly misplaced after just 6 days. The court stated:

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

On the other hand, I am reluctant to issue any show cause order immediately to prohibit publicizing the testimony of potential witnesses. I believe the responsible news media are capable of policing their own activity and will self-impose the necessary sanctions to insure that the fairness of these proceedings are not jeopardized. Therefore, I am declining the request of counsel today to issue a show cause order. A reasonable time will be granted the news media to act in a responsible legal manner. And, I am confident you will find that witnesses will not be contacted further by any responsible news agency. The issue will be held in abeyance at this time. with leave to counsel to re-petition this court for relief at any later time.

Mr. President, that was in reply to a petition from the defense counsel and the prosecuting attorney. It is one of the few times in my life, in a murder case I have ever heard of both sides petitioning the judge to ask the media to be more objective and to tone down their own disclosures.

What has happened after 6 days? Yesterday, for the second time, the trial counsel and defense counsel jointly petitioned the U.S. Military Court of Appeals for an injunction against the media from further publication of statements of witnesses and prejudicial materials. A unique case has been presented to this appellate court. It is certainly one of first impression. A decision is to be rendered today. There are certainly problems of jurisdiction. Beyond the mere problem of enforcing such an order across the country, basic constitutional issues are involved. To my knowledge, no such order of such scope has ever been entered. But then only a handful of cases in our history have received this type and extent of exposure. And I repeat freedom of the press does not permit trial by press. The line is drawn there.

Mr. President, the New York Times published an article yesterday reporting on the appeal that I referred to before the U.S. Military Court of Appeals. They asked for an injunction against CBS, NBC, ABC, the New York Times, the Washington Post, the Atlanta Constitution, the Atlanta Journal, the Columbus (Ga.) Ledger, the Columbus Enquirer, Time-Life Corp., Newsweek magazine, United Press International, the Associated Press, and Dispatch News Service.

This indicates the scope of the re-publication and sensationalism which they felt was prejudicing the right of a fair trial. It is particularly pertinent to note that it is the State of Georgia itself that they asked the media to be enjoined because that is where the panel of jurors is located which will be determining the fate of the individuals charged. That panel is as much subject to influence and prejudice as anyone else in this country, be they man, woman, or child, be they in the military, or be they ordinary civilians.

Mr. President, I ask unanimous consent to have the article referred to printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, it would be my guess, and all I am doing is guessing, that the military court will reject this request and the issue will be taken to the Supreme Court.

The concern of the trial court last week was simple. This was an attempt to regain a rational atmosphere so that a fair trial could be held. This was my only concern last week. I am not critical of the press for reporting news, but they go too far when interviews of potential witnesses are carried on nationwide TV, when these interviews are re-published in newspapers all across the country over and over, and when a nationwide magazine publishes photographs of a highly inflammatory, and, I might add, revolting nature, most likely inadmissable at trial.

We are heaping one tragedy on top of another. It seems that when the story is this big only the press is big enough to try it. We seem to say our legal system cannot be trusted to develop the facts. I want to make myself very clear. I do not want to be misunderstood, even out of context. I want even Time magazine to be able to get it right. This story could have been reported without eyewitness statements, unverified photographs and sensationalism. A fair trial could have been held and this matter investigated thereafter by any congressional committee, special commission, or any other group, in case the people thought all the facts had not been brought out.

It is not necessary to emasculate the rights of individuals charged with serious crime or those who might be charged in this incident.

It seems to me this country is one of the few, if not the only country in the world which would in effect put itself on trial. We actually filed charges against our own servicemen before the news media entered the case.

As a matter of fact, the Army published a release, which was picked up by the AP on September 6, pointing out that Lieutenant Calley had been charged with murder. This was over 2 months before the press started going and they said the military was trying to hide it under a rug. This seemed self-evidently false to me.

That trial would be in a courtroom based on evidence and facts. The trial would be public. The basic constitutional rights of the defendants would be protected. We may now be unable to have that trial because of the very fairness and impartiality we require under our Constitution. In that event, we not only will have failed to protect the rights of individuals charged with crimes, we will have allowed our legal system to fail in its duty to protect the freedoms of all the people. That is the second tragedy.

In the name of "free press" we may doom this incident to unproven rumors and infamy, leaving our political bones, for those who chose, to pick over.

It will not appease our national conscience if we fail to make our system work now. It could then be said that our system of government cannot function under severe stress. We may find we have established that in a case of extreme national significance, the courts and our judicial system have no role to play. The right of fair trial and due process must give way to the overriding freedom of the press, even when that freedom is exercised to usurp the functions of our courts. I do not believe that. Our system is strong. It can function properly. But it has no defense against sensationalism by the media in a case like this. We have faced moral crises in the past. We must do so this time. We must each shoulder our responsibilities—including the press.

This event marks a tragic and unfortunate chapter in the history of this Nation. We can only hope that its ending is not so dismal as its beginning and the last few days. It has called into question the character of our people, our Government, the press and, finally, our belief in freedom and justice for all people.

Mr. President, I ask, once again, that the press begin to exercise some restraint so that we can get at the true facts, so that we can develop them in a trial, and so that those charged will have their constitutional rights defended and we

can determine and fix responsibility for what seems to be a horrendous and horrible tragedy for the Nation as a whole.

EXHIBIT 1

BOTH SIDES IN CALLEY TRIAL ASK SONGMY PUBLICITY BAN

(By E. W. Kenworthy)

WASHINGTON, December 1.—The prosecution and the defense in the pending court-martial of First Lieut. William L. Calley Jr. asked the United States Court of Military Appeals today to ban all further pre-trial publication and broadcast of statements and photographs concerning the alleged massacre at Songmy, South Vietnam, on March 16, 1968.

The court took the petition under advisement.

In the opinion of lawyers interviewed here tonight, such a total nationwide ban on the publication of any statement concerning an alleged eyewitnesses or any other person, would be without precedent.

Some lawyers expressed doubt that the court, if it is guided by recent rulings of the Supreme Court in relevant cases, would grant such a blanket injunction.

In their petition to the three-judge civilian court, Maj. Kenneth A. Raby, who is Lieutenant Calley's military defense counsel, and Capt. Aubrey M. Daniel 3d, who is the trial counsel, or prosecutor, asked that the requested injunction remain effective until the first witness testifies at the court-martial.

The decision to court-martial the lieutenant was announced a week ago by Maj. Gen. Orwin C. Talbott, commanding general at Fort Benning, Ga., where Lieutenant Calley is stationed. The lieutenant will be tried on six specifications charging him with murder of 109 men, women and children "without justification or excuse." The date of the court-martial has not been set.

Maj. Raby and Captain Daniel asked that the injunction sought against pretrial discussion of the case be extended "to all radio and television networks and stations, newswire services, newspapers and magazines operating or otherwise doing business in the United States."

But the two attorneys specifically asked the enjoining of the Columbia Broadcasting System, the National Broadcasting Company, The New York Times, The Washington Post, The Atlanta Constitution, The Atlanta Journal, The Columbus (Ga.) Ledger, The Columbus Enquirer, the Time-Life Corporation, Newsweek magazine, United Press International, The Associated Press, and Dispatch News Service.

The last-named, a small service handling free-lance journalists, distributed one of the first stories of the alleged massacre.

CLIPPINGS AND TRANSCRIPTS

In support of their argument that such an injunction was necessary "to protect the constitutional rights" of Lieutenant Cally, the prosecution and defense attorneys submitted to the court two thick loose-leaf books in which has been pasted clippings from newspapers and magazines.

The lawyers read only one clipping to the court—from a Chicago paper. But they showed the judges copies of this week's Life magazine, which contains nine photographs—eight color and one black-and-white—allegedly taken at Songmy on March 16 by Ronald L. Haeberle, who had been a staff photographer attached to Company C, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade.

Several of these photographs had been shown to the Senate and House Armed Services Committees last Wednesday by Secretary of the Army Stanley R. Resor.

Included in the two books of clippings were nine articles and columns from The New York Times plus two articles by Times reporters and one by a Times columnist that appeared in other papers subscribing to The New York Times News Service.

The first article from The New York Times was a four-paragraph Associated Press dispatch from Fort Benning last September, quoting the announcement of post authorities that Lieutenant Calley had been charged with murder in the deaths of an unspecified number of persons. That report was based on a news release issued by the post information officer.

THREE ORDERS SOUGHT EARLIER

Last Tuesday, November 25, Major Raby and Captain Daniel asked Lieut. Col. Reid W. Kennedy, the military judge at Fort Benning, for three orders.

The first would have prohibited prospective witnesses from pretrial disclosures of their prospective testimony. The second would have directed the named military jurors not intentionally to read or listen to news accounts of the alleged murders. The third would have prohibited the news media from further publication of statements by any individual purportedly connected with the alleged massacre, or the reproduction of pictures of the alleged massacre.

The judge complied with the first two requests but held in abeyance the request for an order to the news media, saying that this raised constitutional questions of freedom of the press. The media, the colonel said, should be given a "reasonable" time to show that they could "act responsibly."

Last Friday, Nov. 28, the judge held a closed meeting with opposing counsel, at which time, according to their petition today, they again requested an order to the news media. The lawyers buttressed their argument with "additional evidence," they said.

At that time, according to the two lawyers, Colonel Kennedy "concluded that the spirit of his order to potential witnesses were being wilfully violated by local and national news media," and entered certain findings.

The first of these, the lawyers said in their petition today, was that "the possibility of prejudice to the defendant's constitutional right of a fair trial is real and apparent."

WITHDRAWAL FROM VIETNAM

Mr. MANSFIELD. Mr. President, an interesting commentary was published in the Boston Globe on November 28, 1969, written by Robert Healy, entitled "A Case for Withdrawal." It refers to the Song My situation.

There is a great deal of food for thought in Mr. Healy's comments. I invite the attention of the Senate to his last sentence:

Those soldiers who squeezed the triggers do not bear all the blame.

Mr. President, truer words were never written.

Mr. President, I ask unanimous consent to have the commentary by Mr. Healy printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CASE FOR WITHDRAWAL

(By Robert Healy)

There never was a better argument for getting out of Vietnam than Song My village. It tells it all.

It tells about the problems of the United States getting mixed up in Vietnamese civil war.

It tells about the difficulties of the United States soldier operating under this set of circumstances.

It tells of the fear of the American G.I. who must operate where men hoeing the rice fields of the Mekong Delta in the daylight hours are the Viet Cong terrorists and the enemy when the sun goes down.

It tells about the innocents—the women, the children, the old. In the areas which are exchanged weekly and monthly between the Viet Cong and the South Vietnam government units, they must survive. And the massacre of Song My shows that, for them, even survival is difficult.

One must understand, to begin with, that there are really two kinds of war being fought in Vietnam. In the northern part of South Vietnam near the Demilitarized Zone and along the Cambodian border, it is a war to stop infiltration of men and supplies from the north. This war is fought largely in jungle terrain. It is a war where the U.S. military is pitted against the guerrilla units.

But the war in the Mekong Delta is another thing. The Mekong is the breadbasket of all Vietnam. It produces from its fields large quantities of rice. The people here are mostly farmers. They live in the small villages or on their land.

Here in the Mekong, South Vietnam rebels—the Viet Cong—have operated against the government of Saigon for years. They have held certain villages all of that time. Saigon's appointed province chiefs have learned to do business with the Viet Cong leaders. Even now, for instance, reporters have been told in Vietnam that to travel to the village of Song My would be dangerous because it is considered enemy territory.

The farmers in the Delta area are in no position to protect themselves. And neither the regular South Vietnam ARVN troops nor the U.S. troops can secure this area from the Viet Cong.

The reason goes back to the man behind the hoe in the rice fields by day, who goes out at night to collect taxes and bounty in the villages for the Viet Cong. Is the American soldier to gun him down during the day, or is he to wait until night where the guerrilla soldier has the advantage and where it takes three or four and possibly more regular soldiers to operate against him effectively? Song My, as terrible as it may sound, is the military solution to Vietnam. Then there is nothing for the victor or the vanquished. And a military solution to Vietnam cannot be tolerated. The American conscience will tolerate no more Song Mys.

There is public debate both at home and at the congressional level about soldiers involved in this massacre. One senator even condemns those who have brought Song My to the Attention of the American public.

But Song My should be discussed and clearly understood by everyone in the United States because it is the microcosm of the whole Vietnam war.

The government and the military should be concerned with what happened at Song My. But they should be more concerned even with the cause of Song My.

It is not enough for our leaders to say that we are in Vietnam and we must accept it. We should not accept it. If there was error in the first commitment then that must be corrected.

And it should be corrected quickly before there is any more involvement of United States soldiers in another Song My.

Those soldiers who squeezed the triggers do not bear all the blame.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL MOTOR VEHICLE SAFETY ACT AUTHORIZATION, 1970–72

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 554, H.R. 10105.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 10105, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 1, line 8, after "1970,", strike out "$35,000,000" and insert "and $40,000,000"; in line 9, after the word "year", strike out "1971, and $35,000,000 for the fiscal year 1972.'" and insert "1971. Of the sums appropriated for fiscal year 1970 pursuant to the preceding sentence, $2,800,000 shall be available only for the employment of additional personnel for service in the National Highway Safety Bureau to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966."; on page 2, after line 5, strike out:

SEC. 2. Section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(4)) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and any protective helmet or headgear manufactured, offered for sale, or sold for use by drivers of, and passengers on or in, motor vehicles."

And, in lieu thereof, insert:

SEC. 2. Section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(4)) is amended to read as follows:

"(4) 'Motor vehicle equipment' means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly licensed practitioner), which is manufactured, sold, delivered, offered, or intended for use wholly or in part to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death."

On page 3, line 9, after the word "Act", insert "in the following manner—"; in line 12, after the word "resale" insert "at each location where any such manufacturer's vehicles or items of motor vehicle equipment are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship in an appropriate manner which may include, but is not limited to, printed matter (A) available for retention by such prospective purchaser and (B) sent by mail to such prospective purchaser upon his request;"; in line 23, after the word "purchase," insert "in printed matter placed in the motor vehicle or attached to or accompanying the item of motor vehicle equipment."; on page 4, after line 4, insert:

(b) Section 113(c) of such Act is amended to read as follows:

"(c) The notification required by subsection (c) or (e) shall contain a clear description of such failure to comply with applicable motor vehicle safety standards or defect, an evaluation of the risk to traffic safety reasonably related to such defect, a statement of the measures to be taken to repair such failure or defect, and the commitment of such manufacturer to cause such failure or defect to be remedied without charge."

At the beginning of line 15, strike out "(b)" and insert "(c)"; at the beginning of line 19, strike out "(c)" and insert "(b)"; on page 5, line 1, after the word "records," insert "including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection which will not affect the obligation of manufacturers under this subsection."; after line 15, insert:

"(g) If—

"(1) any motor vehicle (including any item of original motor vehicle equipment) or tire is determined by the manufacturer under subsection (a) to contain a defect which relates to motor vehicle safety; or

"(2) any motor vehicle or item of motor vehicle equipment is determined by the Secretary under subsection (e) to contain a failure to comply with applicable motor vehicle safety standards prescribed under this title or a defect which relates to motor vehicle safety;

and the notification specified in subsection (c) is required to be furnished on account of such failure or defect, then—

"(A) the manufacturer of each such motor vehicle presented for remedy pursuant to such notice shall cause such failure or defect in such motor vehicle (including any item of original motor vehicle equipment) to be remedied without charge; or

"(B) the manufacturer of each such other item of motor vehicle equipment presented for remedy pursuant to such notice shall cause such failure or defect in such item of motor vehicle equipment to be remedied without charge. If a manufacturer can establish to the satisfaction of the Secretary that a failure to comply with an applicable motor vehicle safety standard is of such an inconsequential nature that the purposes of this title and the public interest would not be served by requiring the applicable manufacturer to remedy such noncompliance, the Secretary may, upon publication of his reasons for such finding, exempt such manufacturer from the requirements of this subsection with respect to such failure.

On page 6, at the beginning of line 20, strike out "(g)" and insert "(h)"; at the beginning of line 23, strike out "(d)" and insert "(e)"; in the same line, after the word "subsection," strike out "(b)" and insert "(c)"; in line 25, after the word "subsections," strike out "(a) and (c)" and insert "(a), (b), and (d)"; on page 7, line 23, after the word "be," strike out "retarded" and insert "retreaded"; at the top of page 8, strike out:

SEC. 7. Title III of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"TITLE III RESEARCH AND TEST FACILITIES

"SEC. 301. (a) The Secretary of Transportation is authorized to plan, design, and construct (including the alteration of existing facilities) facilities suitable to conduct research, development, and compliance and other testing in traffic safety (including highway safety and motor vehicle safety), except that no appropriation shall be made for any such planning, designing, or construction involving an expenditure in excess of $100,000 if such planning, designing, or construction has not been approved by resolutions adopted in substantially the same form by the Committees on Interstate and Foreign Commerce and on Public Works of the House of Representatives, and by the Committees on Commerce and on Public Works of the Senate. For the purpose of securing consideration of such approval the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

"(1) a brief description of the facility to be planned, designed, or constructed;

"(2) the location of the facility, and an estimate of the maximum cost of the facility;

"(3) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

"(4) a statement of justification of the need for such facility.

"(b) The estimated maximum cost of any facility approved under this section as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost."

And, in lieu thereof, insert:

SEC. 7. (a) Title III of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"SEC. 304. The Secretary of Transportation is authorized to plan, design, construct, and operate facilities suitable for conducting testing of motor vehicles and items of motor vehicle equipment necessary to determine (1) whether such motor vehicles and items of motor vehicle equipment are in compliance with applicable motor vehicle safety standards established under this Act, and (2) whether such motor vehicles and items of motor vehicle equipment contain any defect which relates to motor vehicle safety.

"SEC. 305. (a) There is hereby authorized to be appropriated $10,000,000, to remain available until expended, for planning and design of traffic safety (including but not limited to motor vehicle and highway safety) research and test facilities, including engineering studies and site surveys.

"(b) There is authorized to be appropriated not to exceed $8,200,000, to remain available until expended, to plan, design, and construct facilities authorized by section 304 of the National Traffic and Motor Vehicle Act of 1966. There is authorized to be appropriated for the operation of the facilities authorized by section 304 of such Act not to exceed $3,500,000, for the fiscal year ending June 30, 1971 and $3,500,000, for the fiscal year ending June 30, 1972, of which not to exceed $1,500,000 shall be available in each fiscal year for the purchase of motor vehicles and items of motor vehicle equipment to be used in the operation of such facilities."

(b) The heading of such title is amended to read as follows:

"TITLE III—RESEARCH AND COMPLIANCE TESTING FACILITIES".

On page 10, line 20, after the word "Transportation", insert "(hereinafter referred to as the "Secretary")"; in line 22, after the word "than", strike out "April 1, 1970," and insert "January 1,

1971,"; on page 11, after line 21, strike out:

(c) In order to facilitate the prompt completion of this report, officials of other Federal departments or agencies shall make available to the Secretary, upon his request, any data or information in their possession relating to agricultural tractor accidents and shall otherwise provide assistance.

And, in lieu thereof, insert:

(c) In order to facilitate the prompt completion of such report, the Secretary of Agriculture, with the assistance of officials of other Federal departments or agencies possessing data or information concerning agricultural tractor operations and accidents, shall submit to the Secretary by June 30, 1970, his findings and recommendations with respect to the report required by this section. Such findings and recommendations shall be considered by the Secretary and incorporated where appropriate in his report to the Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–559), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 10105, as amended, would authorize the appropriation of $23 million for fiscal 1970, of which $2,800,000 is to be available only for the employment of additional personnel, and $40 million for fiscal 1971, for the implementation of the National Traffic and Motor Vehicle Safety Act of 1966. It would also amend the act in several respects. A summary of these changes follows:

(1) The bill would broaden the definition of "motor vehicle equipment" presently contained in the act in order to enable the Secretary of Transportation to set minimum safety standards for the manufacture of wearing apparel and other devices which are not a part of a motor vehicle, but which are intended for use to safeguard motor vehicles, drivers, passengers, and other highway users from the risk of accident, injury, or death.

(2) It would make clear that the Secretary of Transportation has the authority to require a motor vehicle manufacturer to provide performance and technical data to prospective purchasers of motor vehicles or items of motor vehicle equipment at each location where such manufacturer's vehicles or items of motor vehicle equipment are offered for sale.

(3) It would amend the defect notification provisions of the act in order to place manufacturers of tires under an obligation to provide notification to purchasers of tires which are found to contain a safety-related defect or which fail to comply with applicable motor vehicle safety standards. Tire manufacturers, therefore, will assume a legal responsibility which is comparable to that which presently exists for manufacturers of motor vehicles.

(4) The bill would provide that whenever notification is required to be furnished because of a failure to comply with applicable motor vehicle safety standards or because of a defect which relates to motor vehicle safety, the manufacturer of each motor vehicle (including any item of original motor vehicle equipment) or each other item of motor vehicle equipment presented for remedy pursuant to such notice shall cause such failure or defect to be remedied without charge. It would further provide, however, that if a manufacturer can establish that a failure to comply with an applicable motor vehicle safety standard is of such an inconsequential nature that the public interest would not be served by requiring the applicable manufacturer to remedy such noncompliance, the Secretary of Transportation may exempt such manufacturer from the compulsory remedy requirement with respect to such failure.

(5) It would add to the annual report provisions of the present act an additional requirement that the Secretary of Transportation include in his annual report a statement of enforcement actions including judicial decisions, settlements, or pending litigation which arose under the National Traffic and Motor Vehicle Safety Act during the period covered by the report.

(6) The bill would require the Secretary of Transportation to establish safety standards setting maximum limits on the age of tire carcasses which can be retreaded.

(7) It would authorize the Secretary of Transportation to plan, design, construct and operate a compliance test facility, and it would authorize the appropriation of $8,200,000 for this purpose. The bill would also authorize the appropriation of $3,500,000 for fiscal 1971 and 1972 for the operation of the compliance facility and the purchase of motor vehicles and items of motor vehicle equipment for testing purposes.

(8) The bill would authorize the appropriation of $10 million for the planning and design of traffic safety (including but not limited to motor vehicle and the highway safety) research and test facilities, including engineering studies and site surveys.

In addition, the bill would authorize the Secretary of Transportation to conduct a study and to submit a report to the Congress by January 1, 1971, on the causes and means of prevention of agricultural tractor accidents on both public roads and farms.

NEED

Motor vehicle accidents are one of the major causes of death in the United States today. In 1938, over 55,000 Americans died on our Nation's highways—more than have lost their lives in the entire Vietnam war. In addition, an estimated 2 million persons are seriously injured each year in motor vehicle collisions. The total direct cost due to injury and property damage resulting from motor vehicle accidents has been estimated by the National Safety Council to exceed $11 billion annually.

These additional grim statistics forcefully demonstrate that in motor vehicle deaths this country faces a destructive problem equal in size and complexity to other social ills such as crime, disease, and poverty;

Highway injuries exceed by 10 times all violent criminal acts combined, including homicides, armed robbery, rape, riot, and assault.

Motor vehicle crashes rob society of nearly as many productive working years as heart disease and of more than are lost to cancer and strokes. Only about 1 out of 5 man-years of life lost to heart disease is in the age interval between 20 and 65; in contrast, 7 out of 10 man-years of life lost in motor vehicle accidents are in the productive years between 20 and 65.

It was in response to statistics such as these that Congress in 1966 enacted the comprehensive traffic safety program which is incorporated in the Highway Safety Act of 1966 (Public Law 89–563) and the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–564). And, notwithstanding the overwhelming loss of life still being sustained on our highways, the effectiveness of these programs for improving motor vehicle crash survivability and highway safety is already demonstrable. In the 5 years preceding the passage of the two safety laws, highway deaths were increasing at an average rate of 6.9 percent each year. This has been reduced to 2.3 percent in the past 2 years, a significant accomplishment in the face of increasing total mileage, increased average speeds, and increases in the number of vehicles and young drivers (leaders in high fatality rate) on the road. Had the previous average rate of increase in highway fatalities continued, the 1968 death figure would have been 5,000 individuals higher.

More detailed evidence is being gathered through in-depth accident investigation and the analysis of mass accident data which indicates that the injury reducing devices required by existing motor vehicle safety standards, such as energy absorbing steering columns, high penetration resistant windshields, and safety belts, may already be paying a significant return in the reduction of fatalities and the severity of injuries. For example, several independent studies have measured the effectiveness of safety belts (even with their low rate of usage) in preventing fatalities. When applied to the national statistics, these studies indicate an estimated saving of 2,500 to 3,000 lives in 1968. Similarly, the energy absorbing steering column, which is designed to reduce driver injury in crashes that cause the driver's chest and head to hit the steering assembly, has apparently reduced fatalities in certain types of crashes by as much as 70 percent.

Although these examples indicate that the potential reduction in highway deaths and injuries which will result from improved motor vehicle safety feature is great, the impact of the new effort to reduce nationwide casualty statistics may be slower than originally hoped. In 1968 relatively few automobiles were equipped with the new safety features. Even in 1975, almost 60 percent of the pre-1968 automobile population—automobiles that have not been subject to any new car safety standards—will still be in use. Moreover, unless the Federal Government begins giving greater priority to the funding and personnel requirements of the motor vehicle safety program, even the newer model vehicles will fail to provide the full measure of safety which can reasonably be demanded of them.

At the present time the National Highway Safety Bureau has a 3- to 4-year backlog in rulemaking actions. Major safety improvements such as the air bag restraint system, increased side impact protection, roof strengtheners, energy absorbing front ends, functional bumpers, and improved rear lighting systems are all still in the discussion stage. Statutory dates for the establishment of a uniform quality grading system for tires and the issuance of used car safety standards have already passed with no action. But still the legitimate staffing needs of this vital safety program continue to be neglected.

In the amended version of H.R. 10105, the committee, by increasing the House authorization for the motor vehicle safety program for fiscal 1971 by $5 million, and by earmarking $2,800,000 of the sums appropriated in fiscal 1970 for the employment of additional personnel in the National Highway Safety Bureau, has stressed the importance of giving greater budgetary emphasis to our traffic safety program. In addition, through the other amendments to the original act incorporated in this bill, the committee has attempted to strengthen the Department of Transportation's enforcement capability, to take the first steps toward providing the Department with an independent and substantial motor vehicle research capability, and to eliminate disparities and close gaps which exist in the act's present provisions.

PROVISIONS

There follows a section-by-section summary of the provisions of H.R. 10105 and a discussion of the committee's interpretation of these various provisions and the need for them where appropriate.

Section 1.—Section 1 of the bill would au-

thorize the appropriation to the Department of Transportation of $23 million for fiscal year 1970, and $40 million for fiscal year 1971, for the implementation of the National Traffic and Motor Vehicle Safety Act of 1966. In addition this section would provide that of the sums appropriated for fiscal year 1970, $2,800,000 shall be available only for the employment of additional personnel for service in the Highway Safety Bureau. It is the committee's understanding that this amount of money should be sufficient to hire 150 new employees.

The amendments incorporated in this section—rising the authorization for fiscal 1971 by $5 million, and earmarking $2,800,000 of the sums appropriated during fiscal 1970 for the employment of additional personnel—reflect the committee's deep concern that the critical motor vehicle safety program has been receiving inadequate priority in both past and present budget proposals. The committee cites the following examples for consideration by the Appropriations Committee as indications of the urgent need for additional funding and personnel for the National Highway Safety Bureau:

1. Since the initial new vehicle safety standards were issued in 1967 there has been only one major new car safety standard issued each year during 1968 and 1969.

2. The uniform tire quality grading system required under title II of the act to be established by September 9, 1968, is still at least 1 year away from completion.

3. The experimental safety car program authorized under section 106 of the act is limping along with only two professional employees. The first vehicle is still at least 2 years away from competion.

4. Only one professional employee is presently assigned to develop used motor vehicle safety standards. No used car standards have been issued to date, even though the act specifies that the initial standards were to be issued prior to last June.

5. Only nine engineers are monitoring the entire defect notification program in which 14 million vehicle owners have been notified of safety related defects over the past 3 years. There are over 50 pending investigations of vehicles which may contain safety related defects or failures to comply with the safety standards.

6. Only one professional employee is assigned full-time to school bus safety programs.

7. Only one professional employee is assigned to the field testing of the highly promising air-bag restraint system.

These examples are not exhaustive. They are merely indicative of the disturbing lack of emphasis that has been given to a program that could undoubtedly return a spectacular payoff in the saving of lives, the reduction of injuries, and the lessening of property damage. The committee amendments in section 1, while modest, indicate its conviction that stronger steps must be taken to reverse the highway death trend. Now programs must be started and present programs accelerated. This can occur only if additional funds are appropriated and additional personnel are hired as quickly as possible.

Unlike the House, the committee has limited the authorization contained in section 1 to a 2-year period. Since the administration had requested a 2-year authorization and had no budget projections for fiscal 1972, and since the committee believed that it would be valuable to review again the operation and effectiveness of the safety program within the next 2 years, it deleted the provision in the House passed bill which would authorize the appropriation of $35 million for fiscal 1972.

Section 2.—Section 2 of the bill would amend the definition of "motor vehicle equipment" which is presently contained in section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 in order to enable the Secretary of Transportation to set minimum safety standards for the manufacture of any device, article, or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly licensed practitioner) which is manufactured, sold, delivered, offered, or intended for use wholly or in part to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death.

Both the present and prior administrations had requested a broad definition of the term "motor vehicle equipment" which is comparable to that which is contained in this bill. The House narrowed the proposed expansion of the definition, however, so that it would be extended to additionally cover only motorcycle helmets, in part because the Department of Transportation had not indicated any intention to set standards for other types of motor vehicle equipment. Since then, however, the Department has indicated that it would prefer the broader language so that it can subsequently set standards for other types of equipment such as motorcycle goggles, tire repair equipment vehicle safety testing equipment, and tire inflation equipment if the establishment of such standards should prove necessary. The committee agreed that it would be desirable to delegate the broader authority to the Secretary so that he can move quickly to set standards as the need is demonstrated without further resort to legislative action for each item, but in so doing, it specifically excluded medicines and eyeglasses prescribed by a physician or other duly licensed practitioner from the definition in order to make sure that this expanded language would not be construed too broadly.

Although section 103 of the National Traffic and Motor Vehicle Safety Act requires the Secretary to establish appropriate Federal motor vehicle safety standards, the committee would emphasize that the decision to set a minimum safety standard for the manufacture of any particular item of motor vehicle equipment is discretionary. It would not expect the Secretary to set minimum safety standards for any of the items of motor vehicle equipment mentioned in this report, for example, unless he is satisfied that a need for such minimum standards actually exists.

Section 3.—Subsection 112(d) of the present law authorizes the Secretary of Transportation to require a manufacturer of motor vehicles or motor vehicle equipment to give to the first purchaser who buys a new motor vehicle or item of motor vehicle equipment for his own use such performance and technical data as the Secretary determines is necessary to carry out the purposes of the act. The House, recognizing the importance of giving similar technical and performance data to prospective purchasers of motor vehicles or items of motor vehicle equipment so that such persons may make rational and informed purchasing decisions, amended this section to make clear that the Secretary of Transportation has the authority to require that this data also be given to prospective purchasers.

Because certain manufacturers feared, however, that the broad House language might be read to require a detailed statement of this information in their print and broadcast advertising, the committee amended this section to provide for notification to prospective purchasers at each location where a manufacturer's vehicles or items of motor vehicle equipment are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship. The committee further indicated that this notification could include printed matter which would be available for retention by the prospective purchaser or sent by mail to him upon his request. As in the House version, the committee retained the notification requirement for the first purchaser, but it limited the manner of notification to printed matter placed in the motor vehicle or attached to or accompanying the item of motor vehicle equipment. The committee envisions, of course, that under the general rulemaking authority contained in section 119 of the act, the Secretary will issue regulations to clarify further the nature of the manufacturer's responsibility under this subsection.

In making these amendments, the committee intends that the manufacturer need have available at the location where its motor vehicles or items of motor vehicle equipment are being sold, only the performance and technical data which relate to the particular products which are being sold, advertised, or otherwise promoted or offered for sale at that location. It would also point out that although the requirement that printed matter be furnished is optional with the Secretary, if it is required, it should be both available at the dealership for retention by the prospective purchaser or sent by mail to such person upon his request. The committee intends, however, that if an individual actually appears at a dealer's showroom, since the technical and performance data will be available to him there, it need not also be sent to that prospective purchaser, even if he specifically requests that it be mailed.

The mail requirement was included principally to cover the situation, particularly common in certain rural areas, where a person does his initial shopping for a new motor vehicle without actually going to a dealership. If he requests a manufacturer or dealer to furnish technical and performance data on certain motor vehicles or items of motor vehicle equipment which he is considering buying, the manufacturer would be responsible for seeing that it was mailed to him. The committee does not anticipate that this mail requirement will impose any significant burden on either the manufacturer or the dealer, but it would hope that an equitable arrangement for bearing this cost could be worked out between the parties.

Section 4.—Section 4 of the bill would make two basic changes in the defect notification section (section 113) of the National Traffic and Motor Vehicle Safety Act of 1966. First, it would amend that section in order to require manufacturers of tires to provide notification to persons who have purchased tires which the manufacturer determines contain a safety related defect. In addition, by requiring the manufacturer to keep more detailed records of the names and addresses of tire purchasers, it will improve the effectiveness of a recall campaign whenever the manufacturer or the Secretary of Transportation determine that certain tires contain a safety related defect or fail to comply with applicable motor vehicle safety standards. These changes are accomplished by the amendments made by subsections 4(a) and 4(c) and by the addition of the new subsections 113(f) and 113(h) to the act which are contained in subsection 4(d) of the bill.

Second, section 4 would provide that whenever a defect notification is required to be furnished because of a failure to comply with an applicable motor vehicle safety standard or because of a defect which relates to motor vehicle safety, the manufacturer of each motor vehicle (including any item of original motor vehicle equipment) or each other item of motor vehicle equipment presented for remedy pursuant to such notice, shall cause such failure or defect to be remedied without charge. This change is accomplished by the amendment in subsection 4(b) and by the addition of a new subsection 113(g) to the act which is contained in subsection 4(d).

Under subsection 113(a) of the present law, the manufacturer of a motor vehicle is required to notify new vehicle purchasers of any safety related defect it discovers in the vehicle, including any defect in an item of original motor vehicle equipment—a term which includes original equipment tires.

However, the act imposes no parallel obligation on the tire manufacturer to notify tire purchasers of defects it discovers in its own products which it sells directly to the public. Subsection 4(a) would therefore amend subsection 113(a) of the traffic safety act to impose a duty on tire manufacturers to notify purchasers of any tires which they discover contain a defect which relates to motor vehicle safety.

This is an extremely significant amendment to the National Traffic and Motor Vehicle Safety Act, for by far the largest proportion of tires manufactured in the United States are sold by the tire companies as replacements to the original ones supplied with the vehicle. Last year more than 225 million motor vehicle tires were produced but less than 58 million of these were delivered as original equipment. Obviously this amendment will close a serious gap in the safety protection afforded by the present act.

Under subsection 113(e) of the present act, if the Secretary of Transportation determines that a motor vehicle or an item of motor vehicle equipment fails to comply with applicable motor vehicle safety standards or contains a defect which relates to motor vehicle safety, he can require the manufacturer of such motor vehicle or item of motor vehicle equipment to notify purchasers of the failure or defect. Particularly in the case of tires, however, notification of purchasers has been difficult to effectuate because of the failure of manufacturers to maintain complete records of the names and addresses of their purchasers. As a result this bill would add a new subsection (f) to section 113 which would require the manufacturers of motor vehicles or tires to maintain records of the names and addresses of the first purchaser (other than a dealer or distributor) of motor vehicles or tires produced by that manufacturer. This requirement should facilitate the prompt notification of purchasers after a defect or failure is discovered under either the amended subsection 113(a) or subsection 113(e).

The committee has retained the provision, included in the House bill, which states that when a tire is marketed under a brand name not owned by the manufacturer of the tire, the brand-name owner shall maintain the records required by the new subsection. The committee intends, however, that this language should not be interpreted to preclude a brand-name owner, if he so desires, from contracting or otherwise arranging with the manufacturer to keep the records (without shifting the legal responsibility). Since the manufacturer will be required to establish a recordkeeping system for its own tires, private-brand customers may want to utilize, or at least tie in with, the manufacturer's recordkeeping system. This would be especially true for the smaller brand-name owners who may not have the necessary facilities for adequate recordkeeping. However, whether large or small, there is a possibility of significant economies in per-unit record cost if the manufacturer could utilize his system for keeping private-brand customers' records, as long as both parties so agree. In addition, it is the understanding of the committee that in establishing recordkeeping procedures, the Secretary is not bound to adopt a single set of procedures that would be uniformly applicable to all manufacturers, large or small.

Instead, the committee intends that he may use his discretion to permit different procedures if he is satisfied that such procedures will assure the establishment of effective recall systems. This understanding could avoid unnecessary hardship and expense for companies with small sales volume.

The one change which the committee has made in the proposed subsection 113(f) is to include a provision which would authorize the Secretary to establish procedures to be followed by distributors and dealers to assist the manufacturers in securing the information required by the subsection, as long as these procedures do not affect the basic obligation of the manufacturer to keep the records. Tire manufacturers have stated that with a specific congressional directive to the tire dealers and distributors to assist in the recordkeeping, they are more likely to secure effective cooperation. The committee is eager to secure this cooperation and has agreed to include this directive with the understanding that it should not obscure in any way the fact that the fundamental obligation to maintain the records will remain with the manufacturer.

The committee recognizes that it would be practically impossible for the Secretary of Transportation to police the many thousands of motor vehicle or tire dealers and distributors in the United States in order to secure compliance with a recordkeeping requirement. As a result, it does not wish to dilute the legal obligation which the House bill would place on the manufacturer. If the penalties for failure to keep adequate records are assessed against the manufacturer, he will have an incentive to make sure the dealers provide the necessary information. Should the expression of congressional desire for dealer cooperation prove inadequate, then specific terms in the contract between the manufacturer and dealer may be necessary. But regardless of the method used to secure cooperation, the result should be that records will be well kept. Thus in a recall campaign the manufacturer will be more likely to remove successfully a large percentage of the defective or noncomplying vehicles or tires from the highway.

The second basic change in the National Traffic and Motor Vehicle Safety Act incorporated in section 4 of the bill—and this is a change in the House-passed measure as well—would provide that whenever a notification is required to be furnished because of a determination under subsection 113(a) or (e) that a motor vehicle (including any item of original motor vehicle equipment) or an item of motor vehicle equipment (a term which includes tires) contained a defect which relates to motor vehicle safety or a failure to comply with applicable motor vehicle safety standards, the manufacturer of each such motor vehicle (including any item of original motor vehicle equipment) or each such other item of motor vehicle equipment presented for remedy pursuant to such notice shall cause such failure or defect to be remedied without charge.

The committee has no doubt that the present defect notification provisions in the law have been of great value. During the first 3 years since the law was enacted in September 1966, the four major domestic manufacturers of motor vehicles have provided notification of safety related defects to the owners of over 12 million vehicles in some 375 safety defect campaigns. In contrast, in the 5½ years from the start of the 1960 model year in September 1959, through May of 1966, the four major American companies conducted some 425 recall campaigns involving approximately 9 million vehicles, and these figures include many recalls which were not directly safety related. Thus, since the enactment of the safety legislation just 3 years ago, the average annual number of "Big Four" vehicles involved in safety defect notification campaigns increased about 250 percent over the average number involved in safety and non-safety campaigns during the 5½ years prior to enactment. In total, since enactment of the act, some 14 million vehicles have been subject to safety defect notification. Unquestionably, this provision of the law has provided substantial benefit to the American consumer in alerting him to safety problems in vehicles on the highway.

In most past instances the defect notification has been accompanied by a recall of the vehicle or item of motor vehicle equipment for correction without expense to the owner. Unfortunately, however, there have been some occasions where this has not been the case. Moreover, in instances where there has been a disagreement between the manufacturer and the Secretary under subsection 113(e) of the act over the existence of a safety related defect, a difficult situation has been created. Under the present section 113, the Secretary can only direct the manufacturer to send letters to the vehicle or vehicle equipment purchasers notifying them of the defect. He cannot require the manufacturer to remedy the defect without charge. But as the National Highway Safety Bureau has learned from experience, unless notification of the safety related defect is accompanied by an offer to correct the defect without expense to the owner, the response to a recall campaign falls off dramatically. As a result the Secretary could be placed in an awkward position. In some instances he might be forced to settle for much less than the full recall campaign which he believes safety considerations should demand in order to secure the manufacturer's agreement to remedy without charge the most seriously defective vehicles or equipment. Otherwise he could not be sure that the most dangerous vehicles or items of equipment would be removed from the road immediately.

It was because of considerations such as these that the committee adopted the amendment which would add a new subsection (g) to section 113 to set forth the manufacturer's obligation to remedy safety related defects or failures to comply with applicable motor vehicle safety standards without charge. The committee, of course, intends that this obligation to remedy a defect or noncompliance extends not only to the complete cost of providing a replacement part, but includes the cost of any labor required to repair the defect or failure or to install the replacement part.

The automotive manufacturers, pointing out that the expenditure of significant sums of money could flow from a secretarial determination requiring a recall campaign, suggested that they should receive additional protection to make sure that the Secretary does not make his determinations under subsection 113(e) casually or arbitrarily. They suggested that that section should be amended so that the Secretary's recall determination would be based upon substantial evidence. The committee considered the suggestion, but found it unnecessary. As pointed out in a letter dated November 11, 1969, from the Chief Counsel of the Federal Highway Administration, a copy of which appears as appendix B of this report, the Secretary's recall determinations are not self-executing. Enforcement can only be compelled by judicial proceedings in which a manufacturer is free to challenge the validity of the Secretary's determination.

Moreover, such proceedings will be tried de novo in the district courts, and subsection 10(e) of the Administrative Procedure Act expressly provides that the court, in such a trial de novo, may set aside administrative determinations where it finds them to be unwarranted by the facts (5 U.S.C. 706). In view of the safeguards against arbitrary or unreasonable determinations by the Secretary which are not factually supported, the committee did not find it necessary to amend the procedures established in subsection 113(e).

The manufacturers also expressed concern over the possible economic cost which might be involved under the new subsection 113(g) if all cases of noncompliance with applicable motor vehicle standards were to be remedied without charge. However, it is not intended that every instance of failure to comply with safety standards will require a recall campaign and remedy by the manufacturer. As

Under Secretary Beggs advised the committee in a letter dated November 3, 1969, a copy of which appears as appendix A of this report, the Department, under the provisions of existing law, "does not require the sending of notification letters for inconsequential violations of safety standards which do not substantially affect motor vehicle safety. To do so would not be reasonable administration of the act."

This policy will continue under the provisions of the new subsection which expressly provides that the Secretary may, upon publication of his reasons for such findings, exempt manufacturers from the compulsory remedy provision when the manufacturers can establish to the Secretary's satisfaction that a failure to comply with a standard is of such an inconsequential nature that the purposes of the act and the public interest would not be served by requiring the manufacturer to remedy the noncompliance. Examples of the kinds of noncompliance which the Secretary might exempt under this provision include such things as the failure of a label to comply with size and type of print requirements or the failure to meet other requirements which do not affect strength or utility (such as a requirement that seat belts be resistant to strain. Slight shortfalls in meeting strength, load, and other performance requirements may be more difficult to deal with, but the committee would expect the Secretary to exercise his judgment in considering whether the failure to comply was not significant enough to require remedy. It would expect the Secretary to take into account the danger to the public which would exist if the noncompliance were not remedied and also the cost to the manufacturer of providing a remedy. The committee would also stress, however, that although this provision may be invoked to save the manufacturer from incurring the expense of an extensive recall campaign for an inconsequential violation of a standard, it is not intended to have any bearing on a manufacturers possible liability in a private damage suit where the failure to comply with a standard is at issue.

The committee would anticipate that to clarify a manufacturer's responsibilities under this section, the Secretary would utilize the general rulemaking authority provided in section 119 of the act. For example, it might be necessary for the Secretary to adopt regulations to spell out that a vehicle or vehicle equipment owner would not have to present his motor vehicle or item or motor vehicle equipment for remedy under the new subsection (g) at a distant or unreasonable location.

In view of the addition of the new subsection (g) to section 113, the committee also made some conforming amendments in subsection 113(c) which deals with the form of the manufacturer's notification. These changes appear in subsection 4(b) of the bill. The amendments include a reference to subsection 113(e) and a mention that notification may refer to a failure to comply with a standard—both of which were inadvertently omitted in the original act—and also include a requirement that the notification refer to the commitment of the manufacturer to remedy the failure or defect without charge.

Subsection 4(e) of the bill provides that the amendment which the bill makes to subsection 113(d) of the act—adding a requirement that the manufacturers of tires must file copies of their defect notification letters with the Secretary of Transportation—will become effective immediately. It further provides that the other amendments to section 113 made by this section of the bill will become effective 180 days after enactment, unless the Secretary of Transportation finds, for good cause shown, that a later effective date, not more than 1 year after the date of enactment of this act, is in the public interest and publishes his reasons for such finding. In the interim, however, the committee expects that manufacturers of motor vehicles and motor vehicle equipment will continue to voluntarily remedy without charge any motor vehicle or item of motor vehicle equipment which is determined to contain a safety related defect or failure to comply with a standard. And the committee of course anticipates that once the remedy without charge provision becomes effective, it will apply in all recall campaigns, regardless of the date of manufacture of the vehicles or vehicle equipment which is involved.

Section 5.—The existing subsection 120(a) of the act requires the Secretary of Transportation to submit an annual report to the Congress concerning his administration of the National Traffic and Motor Vehicle Safety Act. He also is required to submit an annual report concerning his administration of the Highway Safety Act. The reporting requirements with respect to the Highway Safety Act, however, include notification to Congress in the report of any enforcement actions including judicial decisions, settlements, and pending litigation. The committee believes that a similar requirement should be applicable to the annual report concerning the administration of the National Traffic and Motor Vehicle Safety Act, so it has included this amendment in section 5 of the bill.

When the committee discussed H.R. 10105, it also considered an amendment which would authorize the Secretary of Transportation to examine, inspect, or temporarily impound motor vehicles which have been involved in motor vehicle accidents. It was argued that this authority would assist him in studying the behavior of various types of motor vehicles and items of motor vehicle equipment involved in motor vehicle accidents, in gathering information for the purpose of identifying design failures or defects in motor vehicles and motor vehicle equipment, and in collecting data to assist in the preparation of new and used car safety standards.

The committee decided that it would be premature to include such a provision in the bill at this time without greater discussion of its need and possible ramifications. The committee was disturbed, however, by reports that present research teams, operating under contract with the National Highway Safety Bureau, are sometimes finding it difficult to obtain data on vehicle accidents because of their inability to get permission to inspect the vehicle or because of the refusal of drivers to answer questions relating to the accident. As a result the committee resolved to urge the States to do their utmost to cooperate with the Department of Transportation in developing statistical data and information about automobile accidents. In addition, the committee requests the Secretary of Transportation to include in his annual report to Congress a description of any difficulties the Department has had in investigating motor vehicle accidents, as well as his recommendations for any legislation in this area which would help the Department to carry out its responsibilities fully.

Section 6.—Section 6 of the bill amends title II of the National Traffic and Motor Vehicle Safety Act of 1966 by adding a new section 206 which would require the Secretary of Transportation, not later than 1 year after the date of enactment of this bill, to establish safety standards setting limits on the age of tire carcasses which can be retreaded. This section further directs the Secretary, in setting such standards, to establish varying age limits for carcasses which can be retreaded, based on the extent to which the carcass was designed and constructed to be retreaded, the rate of deterioration of the materials in the tire, and such other factors as he determines are necessary to carry out the purposes of the act.

Section 7.—Section 7 of the bill would amend title III of the National Traffic and Motor Vehicle Safety Act by adding two new sections at the end of the present title. The first, section 304, would authorize the Secretary of Transportation to plan, design, construct, and operate facilities suitable for conducting testing of motor vehicles and items of motor vehicle equipment (a term which includes tires) in order to determine whether such motor vehicles and items of motor vehicle equipment are in compliance with applicable motor vehicle safety standards or contain defects which relate to motor vehicle safety. The new subsection 305(b) would authorize the appropriation of $8,200,000, to remain available until expended, for the design and construction of the compliance test facility and the purchase of testing equipment. It would also authorize the appropriation of $3,500,000 for fiscal 1971 and 1972 for the operation of the compliance facility, but it specifies that not more than $1,500,000 of the sums authorized in either year is to be available for the purchase of motor vehicles or items of motor vehicle equipment for testing purposes.

The new subsection 305(a) would authorize the appropriation of $10 million, to remain available until expended, for planning and design of traffic safety (including but not limited to motor vehicle and highway safety) research and test facilities, including engineering studies and site surveys.

One of the keys to a successful motor vehicle safety program is an adequate compliance testing program. Without such testing, there can not be vigorous prosecution of failures to meet the minimum safety standards which are established in the act. And without adequate enforcement, there will not be the same incentive to make certain that a motor vehicle or item of motor vehicle equipment exceeds the minimum safety standards. Failure to provide an adequate compliance program would materially weaken the protection afforded by the act.

Thus far, in the absence of its own compliance testing facilities, the Department of Transportation has been contracting with testing laboratories throughout the country to conduct its compliance tests. In fiscal year 1968 the Congress appropriated $1,200,000 for this aspect of the safety program. With these funds the Department was able to purchase only 73 vehicles and 6,043 pieces of equipment to be tested against only 13 of the 22 standards effective in 1968. This number is an insignificant sample of the 10 million vehicles sold each year in some 500 different make/model combinations. Yet despite the small size of this random sample, the Department found an average failure rate for vehicles of 11.5 percent and for equipment of 10 percent. The failures covered such critical safety areas as hydraulic service and parking brakes—14 percent; tires and rims—12 percent; seat belt assembly anchorages—11 percent; and fuel tanks—29 percent.

Because the Department does not itself conduct the compliance testing, it cannot automatically act on the test results. After the test reports from the testing contractors are received by the Department, the failure cases are thoroughly analyzed to determine, whether a detailed investigation should be made of the problems. In the absence of error by the contractor, an investigation is initiated for each failure. In some cases this involves conducting one or more additional tests to confirm the original failure. But because staffing levels are inadequate to handle the investigative work and the subsequent followthrough with the manufacturers, many of the 1968 investigations are still in progress. By the time they are completed, the vehicles under investigation will have been on the highway for more than 2 years.

The Department's fiscal year 1969 test program is now in progress. Although the ap-

propriation was the same as in 1968, in order to continue the investigations which are required because of the many failures found during the 1968 program, it has been necessary to use some fiscal 1969 money. This has left enough for the purchase and testing of only 20 vehicles and 7,500 pieces of equipment during 1969.

In commenting on the compliance testing program in testimony before the committee, a Department representative stated:

"Based upon the experience to date, the Bureau fully recognizes that it has as yet hardly scratched the surface of what an adequate compliance program should entail in an effective regulatory program. The fact that significant numbers of potential noncompliance indications have already emerged with this extremely modest effort only serves to emphasize that additional resources will be required in future years if a Federal enforcement program of more adequate scope and depth is to be achieved. Especially serious, is the lack of [a] Government facility where tests can be conducted to insure compliance with safety standards. Without a Government facility, the Bureau * * * has no recourse other than to continue to utilize independent testing laboratories. Apart from the fact that even these laboratories in some cases have to use makeshift arrangements to conduct many of the corroborative tests, the more serious situation is that to stay in business they have other clients in addition to the Federal Government.

"The testing conducted by these laboratories for the Government has been largely satisfactory to date, but the possibilities of at least appearance of conflict of interest must be recognized as long as these firms are also conducting standards testing for industrial clients. Therefore, the importance of a Government-owned or at least a fully Government controlled compliance facility cannot be overstated; such a facility must be provided as soon as possible for the Bureau to meet its regulatory responsibilities properly."

The committee agrees that immediate action should be taken by the Department to design and construct its own compliance facility and to conduct a more intensive compliance program. Since the Department has not been able to request an appropriation for this purpose as part of its regular fiscal 1970 budget. However, due to the late date of this authorization, the committee hopes the Department will submit a supplemental request for funds which could be expended this year in order to expedite the completion of the facility.

Section 7 of the bill also contains the authorization of $10 million for planning and design of traffic safety research and test facilities, including engineering studies and site surveys. It should be noted that the authorizing language contains a parenthetical clause indicating that the facility is to be used for traffic safety purposes which include but is not limited to motor vehicle and highway safety. This clause is in the bill to clearly indicate that while the primary purpose of the facility is to conduct research and testing in motor vehicle and highway safety, the committee anticipates that other closely related safety work might also be carried out, particularly work which relates to the programs of other modal elements in the Department of Transportation.

The committee views the research and test facility as being of particular importance if the Department of Transportation is to acquire the technical expertise to enable it to develop increasingly complex engineering, technical, and behavioral data on which to base future vehicle and highway safety performance standards and to develop other programs designed to reduce highway deaths and injuries. The committee recognized the importance of this research capability when it first reported the motor vehicle safety legislation to the Senate over 3 years ago. In its report, the committee stated:

"The Federal Government must develop a major independent technical capacity sufficient to perform comprehensive basic research on accident and injury prevention, adequate to test and contribute to the quality of the industry's safety performance; a technical capacity capable of initiating innovation in safety design and engineering and of serving as a yardstick against which the performance of private industry can be measured; and, finally, a technical capacity capable of developing and implementing meaningful standards for automotive safety."

The committee hopes that now that the Department has conducted a detailed study and submitted an extensive report justifying construction of this facility, initial planning and design can commence. The need is even greater today, than it was 3 years ago.

Under the plans recently submitted to the committee by the Department, a copy of which appears as appendix C to this report, the research facility will consist of seven different units: a driving simulation laboratory to measure operator response to a variety of different highway situations; a vehicle and highway safety proving ground to test the behavior of vehicles in various types of driving and crash situations and to experiment with new types of vehicle and highway designs; a bioengineering laboratory to conduct tests on the physiological damage to vehicular occupants and pedestrians resulting from deceleration, collision, second collision, and overturning; an applied research laboratory to conduct testing associated with the improvement and updating of design standards for highways, traffic control devices, and other features of the highway environment; a human performance laboratory to increase understanding of human capabilities, behavior, and attitudes as they relate to the driving environment; a vehicle performance laboratory to develop procedures for testing and evaluating vehicles; and an injury research/treatment facility to generate improvements in the speed and adequacy of the post-accident response of emergency personnel.

The authorization for the research and test facility contained in section 7 differs from the House-passed bill which authorized the Secretary to plan, design and construct research, development and compliance testing facilities, but provided that no appropriation should be made for any such work in excess of $100,000 unless it had been approved in substantially equivalent resolutions adopted by the House and Senate Commerce and Public Works Committees.

The committee carefully considered the procedure set forth in the House bill, but it felt that agreement by the four different committees on specific construction plans within any 2-year period would be extremely unlikely. The result could be a serious relay in the planning and construction of the research and test facility which the committee views as essential to the future of the traffic safety program. As a result it decided to authorize the full $10 million requested in the budgets for fiscal 1970 submitted by both the present and prior administrations.

Because the amendments to title III made by this bill would include authorization for a compliance test facility, subsection 7(b) would amend the title of title III to read "title III—Research and Compliance Testing Facilities." Moreover, the committee did not delete the present sections 301–303 of title III from the act, as the House-passed bill would do, because it understands that these sections have not yet been fully implemented. Section 301, for example, authorizes the Secretary to study the need for a facility to conduct research, development, and testing relating to the safety of machinery used on highways or in connection with the maintenance of highways (with particular emphasis on tractor safety). To the committee's knowledge, this study has not yet been conducted, and since the report on that study has therefore not been filed either, it is necessary to retain the report requirement presently contained in section 302. Finally, the committee has preserved the authorization contained in section 303, for it understands that the full sums authorized under that section have not yet been expended.

Section 8.—Section 8 of the bill would authorize the Secretary of Transportation to conduct a study and submit to the Congress, not later than January 1, 1971, a report on the extent, causes and means of prevention of agricultural tractor accidents on both public roads and farms. This section further directs the Secretary to make such legislative proposals as he determines are needed, and it specifically directs him to give careful consideration to the advisability of establishing uniform Federal safety standards for the design and manufacture of all agricultural tractors sold in interstate commerce.

Over the past 8 years, more than 1,000 persons have died annually in farm tractor accidents and over five times this number are injured. Because of this surprisingly high rate of death and injury the committee agreed with the House that it would be desirable to authorize a study of tractor accidents in order to determine whether there were feasible methods of improving the safety characteristics of tractors. The committee would suggest, however, that the Secretary couple this tractor study with the study of the safety of tractors and other highway maintenance machinery which is required under section 301 of the act.

The committee has made two substantive amendments in the House language authorizing the tractor study. First, it has extended the report date from April 1, 1970, to January 1, 1971. In view of the late date at which this bill may finally be enacted, the committee decided that April 1 was an unreasonably early date for completion of the study. Since a report submitted after only 3 to 4 months study would be subject to criticism on the grounds that it is based on insufficient research, and since it is unlikely that any recommendations would be acted upon before the 92d Congress, the committee decided that a January 1, 1971, report date would be more reasonable.

In addition, the committee believed that it would be useful to draw more heavily upon the expertise of the Department of Agriculture in the preparation of the report. As a result, in the second substantive change to section 8, it has amended subsection 8(c) to require that the Secretary of Agriculture transmit his findings and recommendations with respect to the tractor study to the Secretary of Transportation by June 30, 1970. These findings and recommendations are then to be considered by the Secretary of Transportation and incorporated, where appropriate, in his report to Congress. The committee would also hope, however, that these findings and recommendations in their entirety would be transmitted as an appendix to the Secretary's report, so that the Congress would have the full benefit of the Department of Agriculture's thinking when reviewing this study.

The committee also understands that several other agencies, such as the Department of Health, Education and Welfare's injury control program, may have valuable data or information concerning agricultural tractor operations and accidents. The committee expects that these agencies will cooperate fully with both the Secretary of Agriculture and the Secretary of Transportation in developing the data on which the tractor study report is to be based.

In deliberating over H.R. 10105, the committee also considered adopting an amendment to the National Traffic and Motor Vehicle Safety Act which would prohibit the tampering with motor vehicle odometers and which would require the Secretary of Transportation to develop standards for odometers which, so far as is practicable, are tamperproof. The committee recognized that resetting a vehicle's odometer so as to understate

the number of miles it has traveled is a common practice among certain persons who desire to deceive car buyers with respect to the age and condition of a vehicle which is being offered for sale. It agreed that strong action should be taken to prevent this deceptive practice, but it expressed the belief that enforcement might better be handled on the State level.

As a result the committee would encourage the States to adopt legislation to prohibit tampering with motor vehicle odometers. In addition, it would suggest that the States consider including in their certificates of title for motor vehicles, or on any other evidence of vehicle ownership which is required by State law, a blank space where the vehicle's mileage can be recorded at the time of a transfer of ownership. The committee believes that such an arrangement could greatly facilitate effective enforcement of an antitampering statute by enabling law enforcement officers to verify the discrepancies between a vehicle's mileage and actual condition merely by examining the vehicle's title history at the State registry of motor vehicles. The committee would also encourage the Secretary of Transportation, under the general standard setting authority contained in section 103 of the act, to develop standards for odometers which, so far as is practicable, are tamperproof. Should these recommendations be implemented, the committee believes that there would be a significant reduction in the frequency with which used car buyers are deceived over the condition of motor vehicles which are being offered for sale.

COSTS

The bill would authorize the appropriation to the Department of Transportation of $23 million in fiscal 1970, and $40 million in fiscal 1971, for the implementation of the National Traffic and Motor Vehicle Safety Act of 1966. In addition, it would authorize the appropriation to the Department of $10 million, to remain available until expended, for the planning and design of traffic safety research and test facilities, and $8,200,000, to remain available until expended for planning, design, and construction of a compliance test facility. The bill would also authorize the appropriation of $3,500,000 in both fiscal 1971 and fiscal 1972, for the operation of the compliance test facility and the purchase of motor vehicles and items of motor vehicle equipment for testing purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10105) was read the third time and passed.

The title was amended, so as to read: "An act to amend the National Traffic and Motor Vehicle Safety Act of 1966, to authorize appropriations for fiscal years 1970 and 1971, and for other purposes."

NATIONAL CAPITAL TRANSPORTATION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2185.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2185) to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324) which was to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Capital Transportation Act of 1969".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) The term "Adopted Regional System" means that system described in the Transit Authority's report entitled "Adopted Regional Rapid Rail Transit Plan and Program, March 1, 1968 (revised February 7, 1969)", as that system may hereafter be altered, revised, or amended in accordance with the Compact.

(2) The term "Compact" means the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774; 80 Stat. 1324).

(3) The term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under article III of the Compact.

AUTHORIZATION OF FEDERAL CONTRIBUTIONS

SEC. 3. (a) To provide the Federal share of the cost of the Adopted Regional System, which system supersedes that heretofor authorized by the Congress in the National Capital Transportation Act of 1965 (Public Law 89-173; 79 Stat. 663), the Secretary of Transportation is authorized to make annual contributions to the Transit Authority in amounts sufficient to finance in part the cost of the Adopted Regional System; except that the aggregate amount of Federal contributions for the Adopted Regional System, including the $100,000,000 authorized to be appropriated by section 5(a)(1) of the National Capital Transportation Act of 1965, shall not exceed the lower amount of $1,147,-044,000 or two-thirds of the net project cost of the Adopted Regional System.

(b) Federal contributions for the Adopted Regional System shall be subject to the following limitations and conditions:

(1) The work for which contributions are authorized shall be subject to the provisions of the Compact and shall be carried out substantially in accordance with the plans and schedules for the Adopted Regional System.

(2) The aggregate amount of such Federal contributions on or prior to the last day of any given fiscal year shall be matched by the local participating governments by payment of the local share of capital contributions required for the period ending with the last day of such year in a total amount not less than 50 per centum of the amount of such Federal contributions.

(c) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $1,047,-044,000 to carry out the purposes of this section. The appropriations authorized by this subsection shall be in addition to the appropriations authorized by section 5(a)(1) of the National Capital Transportation Act of 1965.

AUTHORIZATION OF DISTRICT OF COLUMBIA CONTRIBUTIONS

SEC. 4. (a) To provide the District of Columbia share of the cost of the Adopted Regional System, the Commissioner of the District of Columbia is authorized to contract with the Transit Authority to make annual capital contributions aggregating not to exceed $216,500,000. To carry out the purposes of this section there is authorized to be appropriated out of the general fund of the District of Columbia, without fiscal year limitation, not to exceed $166,500,000.

(b) The last sentence of paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b)(3)), is amended by striking out "$50,000,000 of the principal amount of the loans authorized to be made to the Commissioners under this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1965 (D.C. Code, secs. 1-1404, 1-1421-1-1426); and" and inserting in lieu thereof "$216,500,000 of the principal amount of the loans authorized to be made to the Commissioner under this subsection shall be utilized to make the contributions authorized by section 4 of the National Capital Transportation Act of 1969. To such extent, not exceeding $166,500,000, as may be necessary for this purpose, the District of Columbia may exceed the limitation on aggregate indebtedness established pursuant to this subsection."

(c) The appropriations authorized by subsection (a) of this section shall be in addition to the appropriations authorized on behalf of the District of Columbia by section 5(a)(2) of the National Capital Transportation Act of 1965.

(d) The Commissioner of the District of Columbia is further authorized to contract with the Transit Authority and to pay in accordance with the terms thereof for the service to be provided to the District of Columbia by the Adopted Regional System.

CONSTRUCTION APPROVALS

SEC. 5. (a) No portion of the Adopted Regional System shall be constructed within the United States Capitol Grounds except upon approval of the Commission for Extension of the United States Capitol.

(b) Construction of the Adopted Regional System in, or, under, or over public space in the District of Columbia under the jurisdiction of the Commissioner of the District of Columbia shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon between the Transit Authority and the Commissioner, to the end that such construction work will be coordinated with other construction work in such public space; and the Commissioner shall so exercise his jurisdiction and control over such public space as to facilitate the Transit Authority's use and occupation thereof for construction of the Adopted Regional System.

REPAYMENT FROM EXCESS REVENUES

SEC. 6. To the extent that revenues or other receipts derived from or in connection with the ownership or operation of the Adopted Regional System (other than service payments under transit service agreements executed between the Transit Authority and local political subdivisions, the proceeds of bonds or other evidences of indebtedness issued by the Transit Authority and capital contributions received by the Transit Authority) are excess to the amounts necessary to make all payments, including debt service, operating and maintenance expenses, and deposits in reserves required or permitted by the terms of any contract of the Transit Authority with or for the benefit of holders of its bonds, notes, or other evidences of indebtedness issued for any purpose relating to the Adopted Regional System, other than extensions thereof, two-thirds of such excess revenues shall, at the end of each fiscal year, beginning with the fiscal year in which the Adopted Regional System (exclusive of extensions) is first put into substantially full revenue service, be paid into the Treasury of the United States as miscellaneous receipts.

STUDY OF DULLES AIRPORT EXTENSION

SEC. 7. (a) The Secretary of Transportation is authorized to contract with the Transit

Authority for a comprehensive study of the feasibility, including preliminary engineering, of extending a transit line in the median of the Dulles Airport Road from the vicinity of Virginia Route 7 on the I–66 Route of the Adopted Regional System to the Dulles International Airport.

(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein at a cost not in excess of $150,000; and there is authorized to be appropriated not to exceed $150,000 to carry out the purposes of this section.

REPEAL AND AMENDMENT OF EXISTING LAWS

SEC. 8. (a) The following provisions of law are repealed:

(1) The National Capital Transportation Act of 1960 (Public Law 86–669; 74 Stat. 537).

(2) Sections 3 and 4 of the National Capital Transportation Act of 1965 (Public Law 89–173; 79 Stat. 664–665).

(b) Section 5(a) of the National Capital Transportation Act of 1965 is amended by striking out "authorized in section 3 hereof" and inserting in lieu thereof the following: "of the Adopted Regional System (as defined in section 2(1) of the National Capital Transportation Act of 1969)".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. TYDINGS. Mr. President, with the passage of S. 2185 today, the Senate has given final congressional authorization for the long delayed, urgently needed 98-mile rapid mass transit system for the Washington metropolitan area.

Congressional action on this bill has been prompt, efficient, and overwhelmingly favorable. President Nixon submitted the bill to Congress on May 16. The House and Senate District of Columbia Committees met in unusual joint session to conduct hearings on the bill on June 10 and 11. The Senate passed the bill July 8 without a single dissenting vote. The House took final action last Monday, approving the bill by a vote of 12 to 1, 285 to 23. Today, the Senate has cleared the bill for the President's signature.

While congressional action has been swift, we had no time to lose. The entire financial plan on which the transit system depends has been jeopardized by the passage of time and inflation. Three times in this decade Congress has enacted legislation to authorize this transit system. Actual construction has been delayed for 2 years, however, while the freeway controversy has been ironed out. During these delays, inflation has driven transit construction costs up at a rate of a quarter of a million dollars a day, eroding the transit financial plan to the peril point.

Now that the controversies and delays are past history, it is time to go full speed toward completion of the full 98-mile system at the earliest possible date.

The House of Representatives has voted to appropriate the full amounts necessary to move forward with the subway plan at the maximum speed economic and fiscal prudence dictate. I hope Congress can agree on this full level of appropriations so that the triumph of 10 years' effort will not slip away.

Further delay for the transit system spells financial disaster. The final congressional hurdle for the Washington Metropolitan Area Transit System is Senate action on the appropriations.

I urge my colleagues to continue their 10-year support of this vital transit program by supporting full appropriations this session.

AMERICAN TAXPAYERS PAID FILIPINO MERCENARIES

Mr. YOUNG of Ohio. Mr. President, when we consider that billions of dollars of taxpayers' money have been spent since 1961 in maintaining an undeclared war in Vietnam, one begins sorrowfully and thoughtfully to wonder when and how we Americans can find the resources for needed projects in our own country. One wonders how we can raise the standard of living of our own people, provide adequate housing for millions of Americans undergoing privation in miserable slums, and end starvation in our country which should all along have had top priority.

Mr. President, 30 million of our neighbors, most of them women and children, are living below the poverty level. Little children in every State of our Union go to bed hungry every night. It is sad that in this the wealthiest country in the world, blessed by the Almighty with abundance, millions live in abject poverty, denied adequate schooling with many youngsters denied even the oportunity to attend school but for a few years or to obtain any job training to enable them to live like human beings should live in decency and with dignity.

Yet, during these years we have poured our resources by the billions of dollars into an undeclared war in Vietnam. Beyond all that, the cost of priceless lives of Americans serving in our Armed Forces has exceeded 50,000 with approximately 260,000 men wounded, many of them maimed for life. All this, by reason of President Johnson and now President Nixon yielding to the demands of the generals of our Joint Chiefs of Staff and the CIA. They have prevailed by their false statements and persuasive propaganda in causing first President Johnson and now President Nixon to maintain half a million fighting men at one time throughout these years in an undeclared, immoral, and unpopular war in Vietnam. They have involved us in a civil war in South Vietnam where we now support the Saigon government of militarists headed by 10 generals, nine of whom were born and reared in what has been termed North Vietnam since the Geneva Agreement of 1954.

President Thieu and Vice President Ky and seven of the eight other generals who govern in Saigon by force and violence all came from North Vietnam. Ky and others of the present leaders of the Saigon regime fought with the French against their own fellow countrymen seeking national liberation from 1946 to 1954 when the French sought to reestablish their lush Indochinese empire.

Now, Americans learn that President Ferdinand Marcos of the Philippine Republic having been safely reelected for a 4-year term has scornfully recalled from Vietnam the noncombat force of 1,500 Filipino engineers who were conveyed to Vietnam from the Philippines by American ships and planes. Now, even this token force is recalled.

The Philippine Republic owes its existence to the United States. In World War II American soldiers invaded the Japanese-held islands and many gave their lives to free the Filipinos. The 37th Infantry of my State of Ohio was in the forefront of that invasion. Many young men from Ohio were killed and wounded in combat in driving the Japanese from those islands. Since 1899, Americans have given lives and treasures which in the end created the Philippine Republic. Yet, the utmost President Johnson had forthcoming from the Philippine Government was not one combat soldier but simply 1,500 noncombat engineers. Now, after Ferdinand Marcos has been reelected, these are being withdrawn.

The American public at last knows that the United States paid the Philippine Government more than $39 million for those nonfighting troops. It must be startling to Americans to know that they equipped those noncombat engineers, and that they provided the entire pay of the noncombat engineers of the Philippine Republic at a cost ranging from $33 a month for each private to $210 a month for Filipino officers. Those noncombat engineers of the Philippine Republic were mercenaries. Unfortunately, that is not all.

The U.S. Government under treaty arrangements with the Philippine Republic maintains Clark Air Force Base about 60 miles from Manila. At this base we have hospitals where severely wounded and maimed soldiers are flown from Vietnam. Many lives have been saved by our Army and Navy surgeons working around the clock at our hospitals there. Also, American aircraft and crews are based there. Americans are entitled to know that there has been an insurrection raging against the government of Ferdinand Marcos for many months and without any act of Congress nor congressional authority whatever our combat planes on many occasions have bombed and strafed outposts of Huk guerrillas waging an insurrection against the present government.

It is not generally known, but in the event of an armed attack on the Philippine Republic, the United States is explicitly committed to a pledge that any such attacks would be instantly repelled. President Eisenhower in 1958 and President Johnson in 1964 publicly used the "instantly repel" language in joint communiques with Philippine leaders. This pledge was also formally included in a moratorium of agreement between the American ambassador and the Philippine foreign secretary. This blanket commitment to the Philippines was made without congressional approval. It is in direct conflict with our formal obligations under the SEATO Treaty.

Despite this commitment, despite more than $1 billion given in two decades to the Philippine Republic, President Johnson had to hire a noncombatant Filipino construction battalion to go to Vietnam

at a cost to American taxpayers of approximately $39 million. Now, even that paltry contribution is being withdrawn by President Marcos.

Pentagon officials requested an appropriation of $5,200 million to supply ammunition to GI's and marines fighting in that immoral, undeclared war in Vietnam. Therefore, more than $21,000 would be spent for ammunition to shoot at each Vietcong or North Vietnamese soldier. At the same time, the administration has requested only $3,200 million for aid to education for the 58 million schoolchildren and college students of our Nation. The philosophy of this administration is clearly revealed in the fact that it is willing to spend $55 for education for each American child and $21,666.67 to shoot at each Vietcong and North Vietnamese.

Mr. President, we Americans have every reason to marvel that notwithstanding the madness and in fact national insanity on the part of leaders who have involved us in Vietnam and other areas of Southeast Asia, our Government remains solvent. It is true that all Americans bear a heavy tax burden. Here is how some of the taxpayers' money is spent and all without any authorization of the representatives of our people.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

REPORT ON THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

A letter from the Chairman, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report on the Center for the period July 1, 1968, through June 30, 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A petition, signed by Scott G. Reed, and sundry other citizens of Rio de Janeiro, Brazil, in support of the Vietnam moratorium; to the Committee on Foreign Relations.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 3194. A bill for the relief of Mrs. Theodosia E. Daley; to the Committee on the Judiciary.

By Mr. SPONG:

S. 3195. A bill to provide a 5-percent increase in certain annuities payable from the Civil Service Retirement and Disability Fund; to the Committee on Post Office and Civil Service.

(The remarks of Mr. SPONG when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3195—INTRODUCTION OF A BILL PROVIDING A 5-PERCENT INCREASE IN CERTAIN ANNUITIES PAYABLE FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Mr. SPONG. Mr. President, on October 20, the President signed H.R. 9825, the bill amending the Civil Service Retirement Act. That bill included a provision for a 5 percent cost-of-living increase to those retired by October 31, 1969. On October 29, just 9 days after the bill was approved and just 2 days before the increase provision expired, the Secretary of Defense announced extensive reductions in many Defense installations throughout the Nation. Although the total effect of these reductions is not yet known and probably will not be known for several months, it is conceivable that, faced with the prospect of a reduction in grade resulting from a reduction in force, a number of employees would find it advantageous to retire now.

Also, I have received reports that a number of longtime career employees, both female clerical and secretarial and male journeymen employees, are considering retirement because they have been informed they will be required, in addition to their regular duties and outside their regular working hours, to perform custodial services.

It seems probable that a number of individuals eligible for retirement faced with these alternatives may retire and thereby eliminate at least some of those separations making it unnecessary to separate other career employees not now eligible for retirement.

In the light of this, I am today introducing a bill to extend the time during which individuals may qualify for the 5-percent increase until May.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3195) to provide a 5-percent increase in certain annuities payable from the civil service retirement and disability fund, introduced by Mr. SPONG, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2919

Mr. GRIFFIN. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. CASE), and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of S. 2919, the Criminal Offender Rehabilitation and Crime Prevention Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2920

Mr. GRIFFIN. Mr. President on behalf of the Senator from New York (Mr. GOODELL) I ask unanimous consent that, at the next printing the names of the Senator from Nevada (Mr. BIBLE) and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of S. 2920, to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MCCARTHY), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 285

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. PROXMIRE) I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of Senate Resolution 285, to authorize a study by the Foreign Relations Committee, pursuant to its jurisdiction in matters relating to the relations of the United States with foreign nations generally and to the United Nations organization, of the possibilities for international cooperation and cost sharing in the exploration of space.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 329 AND 330

Mr. HARTKE submitted two amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 331

Mr. MONDALE. Mr. President, on behalf of myself, Mr. CURTIS, Mr. HOLLINGS, and Mr. PERCY, I submit an amendment intended to be proposed by us, jointly, to the section of the Tax Reform Act dealing with private foundations, which would delete the "40 Year Rule" (section 507(b)(2)).

What follows is an outline—to be amplified later—of the basic reasons why we have joined in this amendment.

First, we believe that an arbitrary limitation on the life of foundations runs counter to the intent of the Tax Reform Act and would create a bad precedent.

We strongly support the provisions of the Finance Committee bill designed to correct abuses in the operations of foundations. The Finance Committee has adopted a number of such commendable reforms. However, the 40-year rule contributes neither to reform nor to the correction of abuses.

We do not believe that it is good policy or good law to reform an institution and at the same time act to destroy it. It makes little sense to call for capital punishment—after 40 years probation.

If the Congress this year legislates a time limit on the tax-exempt status of foundations, it might, with equal logic, legislate a time limit on the tax-exempt status of hospitals, labor unions, schools, churches, and trade associations.

Second, there is general agreement by all who have investigated the subject that most foundations have done a first-rate job in bringing private initiative and diverse approaches to the solution of our Nation's problems. The list of foundation accomplishments is heartening and long. Among the dramatic achievements of foundations have been: fantastic improvement of wheat and rice yields; prevention of hookworm, malaria, and yellow fever; early research in rocketry; discovery of insulin, penicillin, and polio vaccines; and preservation of invaluable open space for public recreation. Population planning, public television, educational reform, scholarly research, adult education, criminal justice, voter registration, and the arts and humanities have also received great contributions from private foundations.

The list of foundation abuses is notably short, and for the most part, can be traced to a small group of institutions which would be reformed, or lose their tax-exempt status, under the committee's bill. Yet the 40-year rule makes no distinction between nonoperating foundations which have made vital contributions to the Nation and to our society and those which serve individuals as tax shelters only. The 40-year rule would simply destroy them all.

If foundations are fundamentally bad, we should legislate them out of existence; if they are fundamentally good—as we believe them to be—their abuses should be curbed and their charitable work encouraged and sustained.

Third, the 40-year rule disregards the fact that older foundations are often as effective and worthwhile as the younger ones; indeed the older foundations are among the most responsive, independent, and professional private philanthropic institutions in our society, perhaps for the very reason that they have gained experience with age.

Fourth, foundations are not controlled by the "dead hand" of the past. Most of their charters are broad, and outdated trust instruments can be changed under existing laws. Moreover, they are directed by living, responsible trustees—men of distinction and leadership, including some who have served or are serving in this body. The ironical fact is that foundations are more frequently charged with being too innovative and venturesome than with being too hidebound and tradition-minded.

Fifth, foundations do not—as some have alleged—hold an increasing share of the Nation's wealth. The facts are that although the absolute value of assets held by foundations has increased over the years, the total of their assets today represents a smaller portion of the Nation's wealth than 10 years ago. In 1969, some 22,000 foundations, together hold less than seven-tenths of 1 percent of the Nation's wealth.

Sixth, the perpetual existence accorded foundations is not unique. In 43 States businesses may be incorporated in perpetuity. Most nonprofit tax-exempt institutions such as churches, labor unions, schools, social welfare organizations, trade associations, and hospitals are not subject to an arbitrarily determined expiration date. We agree that the tax-exempt status of individual foundations which no longer serve charitable purposes should be terminated—but this can be done under present law. It would be wrong to destroy all foundations—good and bad—at an arbitrary time.

And it would be clearly discriminatory to single out foundations—from among all tax-exempt institutions—for such treatment.

Seventh, Treasury and others who have systematically examined this question have rejected an arbitrary limitation. In its 1965 report, under the Johnson administration, the Treasury opposed the idea of a death sentence. Two months ago, under the Nixon administration, the Treasury accepted and reaffirmed that position before the Finance Committee. The Peterson Commission on Foundations and the House Ways and Means Committee have also rejected it.

Eighth, an arbitrary 40-year life would be extremely harmful to the operations of foundations. Recent Treasury testimony has made clear the extraordinary staffing difficulties which foundations would confront, especially in later years. Precipitous and wasteful disbursement of capital would be encouraged. Creation of new foundations would be discouraged.

Mr. President, in sum, we believe the "death sentence" is unwise policy and bad law.

It is a clear case of "overkill" under the guise of reform.

It strikes at the root of private initiative and the private sector.

It is a blow against private philanthropy and charitable purposes.

We urge its deletion.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 332

Mr. YARBOROUGH (for himself, Mr. SCOTT, Mr. HARRIS, Mr. HARTKE, Mr. MONDALE, Mr. JACKSON, Mr. HUGHES, Mr. CHURCH, Mr. METCALF, Mr. INOUYE, Mr. HART, Mr. YOUNG of Ohio, Mr. CRANSTON, Mr. TYDINGS, Mr. BAYH, Mr. PROXMIRE, Mr. RIBICOFF, Mr. MUSKIE, Mr. MCINTYRE, Mr. EAGLETON, Mr. MCCARTHY, Mr. NELSON, Mr. PELL, Mr. GRAVEL, Mr. FULBRIGHT, Mr. MCGEE, Mr. CASE, Mr. BROOKE, Mr. GOODELL, Mr. PERCY, Mr. COOK, Mr. SCHWEIKER, and Mr. JAVITS) submitted amendments, intended to be proposed by them, jointly, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. YARBOROUGH when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 333

THE BIG TAX LOOPHOLE: ASSETS TRANSFERRED AT DEATH

Mr. TYDINGS. I am submitting an amendment intended to be proposed by me to the pending tax bill which will close perhaps the largest single loophole in our tax system. This is the present treatment of unrealized appreciation of assets transferred at death.

My amendment will correct an injustice against the average taxpayer more onerous than even an excessive oil and mineral depletion allowance.

It will accomplish real, long-term reform in the pending tax bill by ultimately recovering an estimated $2.5 billion in annual revenue.

It will bring within the Federal tax system each year an estimated $20 billion of appreciated wealth which now forever escapes taxation.

I testified before the Finance Committee this fall to urge adoption of this amendment. I believe the final form of the Senate Finance Committee's reported bill makes adoption of my amendment necessary as a matter of fiscal responsibility.

THE PROBLEM

Under present law, when an individual sells a capital asset—stocks, real estate, et cetera—which has increased in value the appreciation is subject to a capital gains tax based on the difference between cost and sale price. However, if appreciated property is held until the owner dies, the appreciation escapes capital gains taxation completely. The heir receives a tax free stepup in basis, that is, he is only responsible for an increase in value realized from the time he inherits the property until the time he sells it.

The result is a tremendous loophole in our Federal tax system which permits $15 to $20 billion a year in capital gains to escape taxation, and costs the Treasury an estimated $2.5 billion a year in potential revenue.

Compare, for a rough demonstration, the present tax loophole for assets transferred at death with the present gift tax. If Mr. A, for example, gives his heir a gift of stock worth $5 million which he purchased 10 years ago for $1 million, the entire $4 million of appreciated value is subject to taxation. But if Mr. A. dies and leaves this same stock to his heirs through his estate, the same $4 million of appreciated value is—except for estate taxes—forever exempted from taxation.

The Tydings amendment would close this loophole by keeping the original cost of an asset as the basis for determining a capital gains tax when the asset is eventually sold, even though the asset passed through an estate. Importantly, however, the amendment would add to the original cost, as the basis for a capital gains tax, the amount of the estate tax paid on the asset when it passed through the estate.

In other words, when an heir sold ap-

preciated property, he would have to pay a capital gains tax on the entire increase in the property's value including that which occurred when the decedent held the property as well as on, as is now the case, the increase in value which occurred while the heir held it.

However, to avoid the problem of double taxation, the amendment would diminish the amount on which an heir would have to pay a capital gains tax when he sold the property by the amount of estate tax paid on the asset when inherited. This would be accomplished by increasing the basis carried over at death by the amount of the estate tax paid on the asset when it passed through the estate.

In addition to its injustice to the average taxpayer, this loophole also produces an undesirable economic side effect of distorting investment decisionmaking. Older investors who would normally sell assets and reinvest the proceeds hold on to them, knowing that, at death, neither their estates nor their heirs will ever have to pay the capital gains tax on the appreciated value. Capital which would otherwise be free to flow into sound and productive investments is locked in.

A third important point is that the amendment would restore long-term fiscal balance to the tax bill before the Senate. As you know, the current tax proposal is expected to yield a long-term fiscal deficit of roughly $2.5 billion—by 1979. When this amendment is fully effective, the Treasury estimates it would provide an additional $2 to $2.5 billion a year in revenue—precisely the amount needed to balance the tax reform bill.

Therefore, enacting this amendment would: First, eliminate a major inequity in our tax system which favors a chosen few; second, help remove an incentive to hold on to investments that market conditions dictate ought to be sold; and third, restore long-term fiscal balance to the tax proposal currently before the Senate.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 334

Mr. McCARTHY (for himself and Mr. HARTKE) submitted amendments, intended to be proposed by them, jointly, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 335

Mr. McINTYRE submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 336

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 337

Mr. GORE (for himself, Mr. BURDICK, Mr. CANNON, Mr. HARTKE, Mr. KENNEDY, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. PROXMIRE, Mr. RIBICOFF, Mr. YARBOROUGH, Mr. YOUNG of Ohio, Mr. PASTORE, and Mr. McCLELLAN) proposed amendments to House bill 13270, which were ordered to be printed.

(The remarks of Mr. GORE when he proposed the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 338

Mr. PERCY proposed amendments to House bill 13270, supra, which were ordered to be printed.

(The remarks of Mr. PERCY when he proposed the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENT NO 339

Mr. BIBLE. Mr. President, on behalf of myself, Mr. SPARKMAN, Mr. McGOVERN, Mr. BURDICK, Mr. HARTKE, and Mr. McINTYRE I submit a further amendment to be proposed to H.R. 13270, the tax reform bill. I ask that the amendment be printed and lie on the table.

This is one of a number of small business amendments that have been proposed, and it is my hope that the Members of the Senate will give them their careful consideration and support.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 340

Mr. JAVITS (for himself and Mr. CASE) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the period for transaction of routine morning business has been concluded, the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

PENTAGON PROPAGANDA

Mr. FULBRIGHT. Mr. President, I noted in this morning's New York Times story about my statement yesterday that Assistant Secretary of Defense for Public Affairs Daniel Z. Henkin said that the five military service television crews that have been turning out newsfilm for Vietnam since mid-1966 were considered "an experiment that would be reviewed for its effectiveness."

I welcome the fact that this experiment is being reviewed after 3 years and look forward to its cancellation either by Executive action or the amendment I plan to place on the Defense appropriation bill.

I ask unanimous consent that the New York Times article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1969]

PENTAGON "PROPAGANDA" IS ASSAILED BY FULBRIGHT

(By Warren Weaver)

WASHINGTON, December 1.—Senator J. W. Fulbright charged today that the Defense Department was spending millions of dollars on "public relations" programs that promote military activity rather than merely furnish information about it.

The Arkansas Democrat said he would move to strike from the defense appropriation bill all financing for five television camera crews working in Vietnam and producing film with "A propaganda rather than a journalistic thrust."

"It is one thing," the Senator said in a floor speech, "for the Defense Department to have employes available to provide quickly and responsively—factual information to both the public and the press, upon request.

"It is quite another when that department and the individual military services use taxpayers' money to generate and promote public support to military weapons and military programs."

CITES COST FIGURES

Senator Fulbright said conservative estimates indicated that the Pentagon was now spending $27.9-million for public relations, compared to $2.8-million ten years ago. He said he thought "the real total figure is much larger."

Today's was the first of four speeches that Mr. Fulbright will give this week on the public relations activities of the military. In the others he will discuss specific promotional activities of the Navy, Air Force and Army.

Mr. Fulbright, chairman of the Senate Foreign Relations Committee, indicated that he would move to impose a dollar ceiling on Pentagon public relations spending and restrict it to information rather than propaganda when the defense appropriation bill reaches the floor later this month.

In response, the Assistant Secretary of Defense for public affairs, Daniel Z. Henkin, said he was operating on instructions from Defense Secretary Melvin R. Laird that "propaganda has no place in the Defense Department public information program."

Promising that the department would give the Fulbright speeches "careful study," Mr. Henkin said the television crews in Vietnam were "an experiment" that would be reviewed for its effectiveness.

BUDGET CUT

The assistant secretary noted that he had already cut the $3.7-million budget of his own public affairs office by $338,000 this year.

Senator Fulbright singled out for "special concern" these aspects of Defense Department public relations work:

Cross-country tours for selected community leaders to a variety of defense installations, by which "the Defense Department is able to propagandize and influence attitudes toward their activities."

A program of providing military leaders as speakers had made 59 such appearances from August, 1968, to May, 1969 * * * professional soldier whose mission was to act as Chief of Staff of the Army."

Production of films made available to the public on subjects like Vietnam and Communism, "which, in order to support the Administration or the military establishment's point of view at the time, usually distort key facts."

LEGAL POSITION QUESTIONED

Senator Fulbright questioned the justification or legal authority for the Defense Department's producing newsfilm on what it called "feature aspects of the military participation in Southeast Asia."

Perhaps Vice President Agnew, who last week appealed to the networks to put on different commentators, has not felt the necessity to complain about the TV coverage from

Vietnam because he knows that at least a portion of it was emanating directly from Administration sources in Vietnam," Mr. Fulbright declared.

The Senator concluded that "there is enough Administration propaganda on Vietnam being provided the American public through speeches and statements, without providing this additional outlet in the guise of 'objective' newsfilm stories."

THE NAVY PUBLIC AFFAIRS PROGRAM

Mr. FULBRIGHT. Mr. President, shortly after assuming office, Secretary of Defense Laird told the Defense Establishment that "Propaganda has no place in the Department of Defense public information programs." There is a narrow line between "information" and "propaganda." Secretary Laird apparently meant that the information programs of the Department should not be used for propaganda purposes, defined by Webster as the "dissemination of ideas, information, gossip, or the like, for the purpose of helping or injuring a person, an institution, a cause, etc." The military services do not seem to appreciate the distinction; each service's public affairs program is not aimed at providing the public with unvarnished facts, but at persuading it that the programs and weapons systems of the Army, Navy, or Air Force—as the case may be—should have the first claim on public funds and are the key to peace. The Navy's public affairs effort typifies the competition within the military services for the public's affections.

Mr. President, I digress for a moment to refer to a story published in this morning's newspaper in which it is estimated that the weapons system now under construction, I suppose one would say, through the Pentagon, are now estimated to run $20 billion over the estimates.

This is the largest figure I have seen. We have seen various figures for the Minuteman and the C–5A. However, the accumulative figures published in this morning's newspaper reveal that it is now estimated that the costs will be $20 billion more than the original estimates.

The Secretary of the Navy, setting forth the 1969 objectives for Navy public relations, stated that "Public affairs activities should be directed toward gaining the understanding and support of American citizens through active public information and community relations programs." Among the items to be emphasized in 1969 public affairs activities were:

(1) "The need for modern ships, aircraft, and equipment throughout the Navy"; and to justify the billions required for those "ships, aircraft, and equipment" the public would be duly warned of:

(2) "The challenge of the continued growth of Soviet sea power and its expanding worldwide operations."

I ask unanimous consent that a memorandum dealing with the Navy public affairs plan be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[SECNAV Notice 5720]

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., February 24, 1969.

From: Secretary of the Navy.
To: All Ships and Stations.
Subj.: Department of the Navy Public Affairs Plan, 1969 (NPAP 1–69) Planning Directive.
Ref.: (a) U.S. Navy Public Affairs Regulations (NAVSO 9–1035).

1. Purpose: To promulgate public affairs planning guidance and the Department of the Navy specific public affairs objectives for calendar year 1969.

2. Background: The Navy and Marine Corps (the Naval Service) must have the support of the American people in order to attract high caliber personnel and obtain modern ships, aircraft and equipment needed to be an effective element of the United States defense forces.

(a) Public affairs activities should be directed toward gaining the understanding and support of American citizens through active public information and community relations programs.

(b) The public affairs mission and basic objectives, set forth in reference (a), are intended to form a common basis for planning and coordination of command efforts so as to support each other and uniformly address major matters.

(c) Guidance and responsibilities for developing specific public affairs plans and programs by individual commands are contained in reference (a).

3. Specific public affairs objectives: The following specific public affairs objectives will be emphasized in the coming year:

(a) The combat and support roles of the Navy and Marine Corps in Southeast Asia.

(b) Recognition of the individual accomplishments of men and women of the Navy and Marine Corps.

(c) The need for modern ships, aircraft, and equipment throughout the Naval Service.

(d) The challenge of the continued growth of Soviet sea power and its expanding worldwide operations.

(e) The equal opportunity for members of all racial and ethnic groups within the Naval Service.

(f) The Marine Corps' Air-Ground Team and its role as the Nation's Amphibious Force-in-Readiness.

(g) Recognition of the increasing importance of Navy Oceanography for its vital role in national security and the benefits that accrue to the national welfare.

(h) The understanding of the Marine Corps' special capabilities for limited war.

4. Action: Public affairs planning by all commands will be in support of the basic Department of the Navy objectives and those special objectives listed above.

5. Cancellation: This Notice is cancelled on 31 December 1969.

JOHN W. WARNER,
Under Secretary of the Navy.

[SECNAVNOTE 5720]

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., April 17, 1969.

From: Secretary of the Navy.
To: All Ships and Stations.
Subj: Department of the Navy Public Affairs Plan, 1968 (NPAP 1–68).
Ref: (a) U.S. Navy Public Affairs Regulations (NAVSO P–1035).
Encl: (1) Department of the Navy Public Affairs Plan, 1968 (NPAP 1–68).
(2) Reporting Format.

1. Purpose: To promulgate the Department of the Navy Public Affairs Plan, 1968 (NPAP 1–68).

2. Background:

(a) The requirement for a Department of the Navy Public Affairs Plan is contained in paragraph A–1006 of reference (a), and was originally established by a SECNAV Notice in 1965 to ensure an effective and highly coordinated annual public affairs program for the Navy and the Marine Corps.

(b) Guidance and responsibilities for development of specific public affairs plans and programs by individual commands and methodology are included in reference (a) and enclosure (1).

3. Action: Action addressees will furnish the Chief of Information their public affairs plans implementing the Department of the Navy Public Affairs Plan for calendar year 1968 within 30 days following the receipt of this plan. The Chief of Information is directed to coordinate addressees' efforts for the Secretary of the Navy to ensure effective and coordinated Navy and Marine Corps public affairs activities for calendar 1968.

4. Reports: Action addresses will report quarterly to the Chief of Information, beginning 30 June 1968, and each three months thereafter, in the format contained in enclosure (2), on their cumulative efforts to implement the Navy Department Public Affairs Plan. Reports Control symbol CHINFO 5720–3 is assigned this report which should reach the Chief of Information by the 15th of the month following each quarter to enable action addresses to consolidate the reporting data.

5. Cancellation: This Notice is canceled 31 December 1968.

CHARLES F. BAIRD,
Under Secretary of the Navy.

DEPARTMENT OF THE NAVY PUBLIC AFFAIRS PLAN, 1968

1. Situation:

(a) The Navy and Marine Corps have vital roles in the national security. To fulfill them, each must have the best-trained personnel, the most modern equipment, and the necessary logistic support to establish and maintain a state of constantly high readiness.

(b) This readiness is attained only with the full support from the people of the United States and their Congress.

(c) Keeping the people and the Congress constantly informed in this area is, in large measure, the responsibility of the Office of Information of the Department of the Navy.

2. Mission: The public affairs mission of the Department of the Navy is to inform the public and the Naval Service about the Navy and Marine Corps as instruments of national policy, their operations, responsibilities and achievements of the men and women in the Navy and Marine Corps.

3. Basic Objectives:

(a) The basic public affairs objectives of the Department of the Navy in 1968 are to gain public understanding and support of:

(1) The combat and support roles of the Navy and Marine Corps in Vietnam.

(2) The importance of seapower in the nuclear age and the predominant role of the Navy in the field of nuclear propulsion.

(3) The need for an adequate, well-trained and well-equipped Naval Service together with the crucial need for qualified officers and enlisted men to keep it operating.

(4) The career advantages in the regular and reserve Naval Service.

(5) The predominant role of the Naval Service in ocean sciences, together with its activities in other scientific research.

(b) To make the public aware of the importance and high priority which Soviet Russia attaches to a significant seapower of its own.

4. Specific Objectives: U.S. Navy Public Affairs Regulations state:

"Certain aspects and programs of the Navy are of greater public interest than others and require greater support from the public, if they are to be effective. Some of

these will be of a continuing nature; others are of short-term interest. Periodically a priority list of these is compiled. It constitutes the specific public affairs objectives of the Navy."

5. Execution: (a) The list that follows is in the priority which will be effective with publication of this Notice. Action addresses will tailor their 1968 public affairs programs within the broad limits of the following objectives:

(1) Vietnam:

(a) The Navy and Marines—primarily in Vietnam, but with no less emphasis wherever they may be.

(b) Construction by SEABEES in Vietnam and their general civic action role.

(2) Importance of the naval supply and logistical efforts and the need for a strong merchant marine.

(3) Recognition of individual officers and men of the Navy and Marine Corps.

(4) Drama of naval research and development, and its role in providing new and better equipment and weapons systems.

(a) POSEIDON and the FBM weapons system.

(b) Potential of the SABMIS weapons system.

(5) The Navy and Marine Corps as careers.

(6) Contributions of the Navy and Marine Corps Reserve components, including the exploits of the more than 100,000 reservists on active duty.

(7) Special events including Navy Day, Armed Forces Day, the commissioning of JOHN F. KENNEDY (CVA–67), the recommissioning of NEW JERSEY (BB–62), and SEALAB III.

(8) Role of the Naval Service in United States diplomacy and in maintaining the freedom of the seas.

(9) Growth of the Soviet Navy and its expanding operations.

(b) It should be recognized that "spot news", interesting events that cannot be foreseen—combat operations, rescues, deeds of valor, deeds of compassion, awards, "newsworthy" incidents afloat and ashore, and similar accounts of the Navy and Marine Corps and their personnel always have a top priority; and, that invitations from groups outside the service for speakers, visits, displays and similar events rate closer to "spot news" in importance as a means of focusing public attention on the Naval Service.

(c) A series of annexes and appendices to the Department of the Navy Public Affairs Plan is included. Annex A, the basic OPNAV Plan, sets forth specific Navy public affairs objectives. Annex B provides a public affairs plan in support of Marine Corps objectives.

6. Reports: Action addressees will submit reports in accordance with paragraph 4 of the transmittal Notice.

ANNEX A (OPNAN)

1. World-wide Naval Operations and Versatility:

(a) The Navy's effort in Vietnam is a classic portrayal of the effectiveness and flexibility of seapower. The ability of the Navy to project national policy will be exploited for public affairs value. The spectrum of the Navy's capabilities will be publicized, including strategic deterrence provided by Carrier Striking Forces and Fleet Ballistic Missile Submarines; security against the submarine threat provided by Hunter Killer Groups, will be emphasized along with the world-wide ambassadorial and public relations roles fulfilled by visiting Navymen.

(b) The Navy's mobility, readiness and versatility will be emphasized. The Navy's quick reaction time will be stressed whether in response to requests for naval gunfire/airborne support, international crises, or search and rescue missions.

(c) Major efforts will be devoted to maintaining public awareness of the deterrence of the Fleet Ballistic Missile Submarine, 'round-the-clock operations of the numbered fleets, and enhancement of western hemisphere solidarity achieved by UNITAS. Antarctic operations, the Navy Navigation Satellite System and Deep Submergence Systems Project provide excellent material to demonstrate the scope of Navy interest in national security and to scientific objectives.

(d) The FDL concept, meanwhile, is designed to provide high-speed military sealift and improve significantly our rapid military deployment capabilities. Together with airlift and land-based prepositioning of Army equipment, FDL will be an integral part of a U.S. national, rapid deployment system.

2. Freedom of the Seas and Diplomacy: World-wide naval operations and their versatility continue to demonstrate a necessity for the Navy to inform others of the danger to all free nations from encroachment on the high seas. About 98 per cent of all military equipment and supplies to support the United States in Southeast Asia is provided by sealift. The ability of the Navy to retain unrestricted use of the sea is vital.

3. Nuclear Power:

(a) There are now four nuclear-powered surface ships in commission. The commissioning of Will Rogers, the Navy's 41st Polaris-launching submarine, marked completion of the Fleet Ballistic Missile Submarine construction program. Construction is scheduled to begin this year on the Nimitz (CVA(N)–68). Over 25 nuclear attack submarines are currently under construction. The advantages of nuclear power will continue to be stressed. The Navy seeks continuing introduction to the fleet of additional nuclear-powered ships, concentrating on ships where return in effectiveness is greatest.

(b) An associated area is the requirement for an educational program leading to acceptance of nuclear-powered ships in harbors throughout the world. Engineering reliability and the safety record of the Navy's nuclear ships over the past 13 years are a matter of great pride.

(c) Continuing day-to-day safe operation of nuclear-powered ships and land-based nuclear-powered facilities will help gain public acceptance of atomic energy.

4. Growth and Expanding Operations of the Soviet Navy:

(a) Events indicate the Soviet Navy, increasing in number and quality of ships, plans to deploy more fleet units beyond its coastal sea areas.

(b) It is necessary to develop public understanding of the nature of this change in its sea-power from a largely continental one, with naval operations in coastal waters, to one not limited to the Eurasian continent. Its activities now include more widespread operations, including operations adjacent to the territorial waters of the United States.

5. Anti-submarine Warfare:

(a) Continued growth and wider operating capabilities of the Soviet Navy require renewed public affairs activity relating to developments in anti-submarine warfare.

(b) Despite public focus on Southeast Asia, the importance and the role of ASW will continue to be emphasized. Efforts will be directed to the significance of the role of ASW forces in the Vietnam War, as well as to describe the total world-wide underseas threat and the important mission of the carrier-airplane combination in offensive anti-submarine warfare. Priority emphasis will be directed toward naval personnel to keep them informed and conversant in the ASW area—an area recognized as vital to the security of the United States.

6. The Navy/Marine Corps Team: Operations in Vietnam will continue to be emphasized to enhance public understanding of the effectiveness of seapower in modern war. Carrier and amphibious operations, gunfire support missions, logistic support to *all* services, support of Vietnamese River Assault Groups, the construction effort in Vietnam, Marine Corps operations and Riverine Warfare will be emphasized to promote respect for the effort of the Naval Service in Southeast Asia. (Annex B deals in more detail with Marine Corps areas of interest.)

7. Personnel (See Appendices III and VI):

(a) In a free society, public support of almost every endeavor depends on the esteem in which it is held. This involves knowledge and senses of value, honor, pride and respect.

(b) Navy public affairs programs for 1968 will assume wider identification with life at sea and wider recognition for the problems, responsibilities and the rewards of the Naval Service and command at sea. Greater recognition will be given to personnel in the Navy, and the outstanding job they are doing.

(c) Youth, its contribution to our current manning efforts, as well as its influence in the family of the American public today, must be recognized (see Appendix VI).

8. Retention and Internal Information (see Appendix III):

(a) Maximum exposure will continue to be given to implementation of Retention Task Force recommendations as they occur, and the Family Information Branch of the Office of Information will be given wide latitude in the communication of internal information to all personnel and their dependents.

(b) Use of Armed Forces Radio and Television will be expanded for internal news of interest and concern to Navy personnel and their families.

(c) Use of the seapower film series and seapower presentation to internal and external information media will be utilized to insure that Navy personnel and their families as well as other "publics" appreciate the Navy's role in maritime national defense.

9. Naval Logistics and the American Merchant Marine:

(a) Some 98 per cent of U.S. supplies move by sea to Southeast Asia, and it is obvious that worldwide military sealift (MSTS) operated by the Navy and backed by a Merchant Marine of modern, fast cargo ships, is indispensable to successful deployment and support of all United States services overseas in peace and war. This is especially important in maintaining the flexible response of Marine Corps landing teams.

(b) The need for modernization (qualitative and quantitative) of the United States Merchant Marine will be pressed vigorously. The United States now has about 90 privately-owned active ships engaged in oceanborne commerce. Of the 600 engaged in foreign trade, about 60 tankers have speeds of about 15 knots and about 116 dry cargo ships in operation or building have speeds over 20 knots.

(c) The Navy's capacity to respond to mission requirements and emergency needs is dependent on the quality of its logistics operations. United States naval power today includes guided missiles, nuclear-powered vessels and complex electronic systems as well as many ships and types of equipment of earlier design. All of these systems work under constant threat of malfunction, making it imperative that components and repair items be constantly stocked and readily provided where they are needed.

(d) The Navy Supply system is a global, computerized system—comprised of inventory control points, supply centers, supply depots and ships' and shore activities' supply departments. Shore stations ranging from Southeast Asia to Iceland, and ships operating around the world are constantly being supplied and provisioned.

10. Construction:

(a) Awareness of the Navy role as the construction agent for the Department of Defense in Southeast Asia will be stressed.

(b) The Naval Facilities Engineering Command is responsible for all civilian contracts construction in Southeast Asia, now totaling $1.5 billion, the single greatest construction program in world history.

(c) Direct Seabee military construction continues to expand. All battalions are committed to Vietnam, and more than one-half the battalions in-country are increasingly engaged in providing tactical construction support to U.S. and allied troops under fire.

(d) Seabee Teams, especially selected, trained and equipped to teach construction skills to villagers, are effectively forwarding the U.S. civic action mission in Vietnam and Thailand, gaining respect and affection of local people toward the United States.

11. Research and Development:

(a) All scientific discoveries contain elements of drama and are potential sources of news. The following is a list of major areas to be emphasized: Contributions of Navy Laboratories; Advanced Electronics in the Navy; Computers in the Navy; Oceanography—Man in the Sea; the Modern Missile Navy; Navy Experience in Desalinization; Navy's Basic Point Defense Surface Missile; the All Weather Carrier Landing System; Counterinsurgency; Arctic Research Laboratory; the Navy in Space; Air and Water Pollution; computer-aided education technology; deep submergence and medical developments.

(b) Automatic Data Processing (ADP) has become more and more a daily function of Navy administration. The use of ADP will be publicized to promote the Navy's interest in administrative efficiency and economy.

12. Strike Force:

(a) The worth of our sea-based tactical air force (CVAs/CVA(N)s) has been validated in Vietnam. Attack Carriers and embarked Air Wings have furnished almost half of the total tactical air effort in that theater.

(b) It must be assured that Attack Carriers (CVAs) are modern and able effectively to support increasingly sophisticated tactical (VF/VA) aircraft. The John F. Kennedy (CVA–67) will complete construction and join the fleet in 1968. A second nuclear-powered carrier, the Chester W. Nimitz (CVA(N)–68), is currently under construction and scheduled to join the fleet in FY 1972.

(c) Strike Warfare operations, spearheaded by attack carrier task forces, will continue to be emphasized to enhance public understanding of seapower as an instrument of national policy.

13. Oceanography (see Appendix V): The President's Science Advisory Committee Report on "Effective Use of the Sea" sets forth far-reaching implications on the oceans' importance to national security. The committee recommended that a national ocean program concern "effective use of the sea for all purposes currently considered for terrestrial environment: commerce, industry, recreation and settlement; as well as for knowledge and understanding". There is nothing in the science of oceanography which does not affect the Navy, and our efforts and potential in this area must be exploited.

14. The Naval Reserve (see Appendix VII):

(a) Internal and external information programs will include emphasis on providing a two-way flow of information designed to educate the public on the need for and the importance of the Naval Reserve—why it exists, how it works and what it does. As a corollary, the Navy's internal information program will keep the inactive Naval Reserve abreast of current operations and the contributions of the Navy and its active duty forces.

(b) More than 100,000 Naval Reservists are serving with the Navy's active duty forces either voluntarily or in the performance of their two-year obligation. Approximately 13 per cent of personnel manning ships and stations throughout the world are Naval Reservists, and Naval Reservists provide the backup force of men with the training and skills needed in the event of mobilization.

APPENDIX I—NAVAL MATERIAL

1. Purpose: To formulate the Naval Material Command public information plan in support of the Department of the Navy Public Affairs Plan, 1968.

2. Objective: To attain increasing public awareness, understanding and support of the Navy's many achievements in the fields of science and technology and the major role played by the Naval Material Command in the support of the Navy and Marine Corps.

3. Programs: (a) Public Affairs Program Highlights for calendar year 1968 under cognizance of the Chief of Naval Material and supported by the various and specific subordinate commands are listed below. Additional Public Affairs Programs are listed in Tab A and are maintained in the Naval Material Command Public Affairs Officers' Future Book.

(1) Ocean Science and Engineering-Research Development Test and Evaluation focused on deep ocean engineering, involving ocean-bottom studies, effects of submergence on materials, personnel existence in ocean depths, search, rescue and salvage vehicles and systems.

(2) Laboratory and Management Personnel. To highlight laboratory accomplishments and the caliber of personnel in the field of management.

(3) Naval Material Command Magazine—Target late in CY–68.

(4) Ship Acquisition Programs.

(a) DX/DXG Program. To provide vitally-needed escort ships for the Navy of the 1970's. This program is scheduled to go into contract definition phase.

(b) LHA Program. To provide the Navy with a new ship type for amphibious warfare incorporating features of the LPH, LPD, LSD and AKA. This program is in the contract definition phase. Subsequent to evaluation of contractor proposals, development and production contracts for the LHA will be awarded.

(c) FDL Program. A new procurement plan for the FDL ships has been approved by the Secretary of Defense and the program is to be resubmitted to Congress. The new procurement plan has retained as many advantages of the Total Package Contract as possible.

(5) Automatic Carrier Landing Systems (ACLS)—continued test and evaluation of the SPN–41 on board CV with latest Navy jet aircraft.

(6) Resource Management at station (base) level to design, develop, test and evaluate a Resources Management System.

(7) F–111B Aircraft. Limited field and carrier trials.

(8) A–7A (CORSAIR II). The return of the Navy's newest operational aircraft from its first combat tour.

(9) Accelerated Strike Aircraft Program (ASAPR). The dynamic processes involved in the production and rework of current fleet aircraft.

(10) Air-to-Surface Missiles. To pay tribute to the Navy Industry team of ordnance developers whose foresight made possible the nigh percentage of weaponry now available to the operating forces.

(11) CH–53. Explain the role, mission and features of the latest and most capable helicopter available to Navy and Marine Corps today.

(12) VANS. The unique forward area avionics workshops, prepared by Naval Air Rework Facilities now being deployed to remote areas on short notice to serve aviation units of the Atlantic and Pacific Fleets.

(13) Re-establishment of the 16-inch gun capability of the NEW JERSEY.

4. Industry Indoctrination: Indoctrination of industry in the procedures for clearing industry-originated material for release to the public and efforts to expedite the present clearance review system within the Naval Material Command.

5. Implementation: Continued emphasis will be placed on publicizing programs listed in paragraph 3 and Tab A, through employment of accepted public information practices. These include, but are not limited to news media, technical publications, Navy films, TV and radio.

TAB A—OTHER PUBLIC AFFAIRS PROGRAMS TO BE DEVELOPED

Other public affairs programs to be developed during the year include:

(a) Dedication of Conical Shock Tube Test Facility.

(b) Naval Weapons Laboratory, Dahlgren, Va. 1968—50th Anniversary.

(c) Navy's Natural Resources Conservation Program.

(d) Study of Radioisotope Devices.

(e) Seabee Battalion military construction in Republic of Vietnam.

(f) Naval Hospital Construction; Oakland, California.

(g) C–3 (Poseidon) Testing.

(h) Advanced Planning Briefings for Industry.

(i) NMC Laboratory Accomplishments.

(j) Phoenix Missile Program.

(k) Shipbuilding and Conversion Program; Apollo Ship Conversion.

(l) Hydrofoil Research Vessel.

(m) General Ship Related Programs.

(n) Talk quick/Autosevocom-Interim secure-voice system.

(o) Microelectronics in the Navy.

(p) Satellite Communications (SATCOM).

(q) Development and use of weaponry for riverine warfare.

(r) Advanced missile programs.

(s) Mine and undersea warfare.

(t) New developments in guns and projectiles for future ships.

APPENDIX II—BUMED

1. The basic purposes of the Bureau of Medicine and Surgery's Public Affairs Program are to:

(a) Create an awareness of the variety and scope of the Navy Medical Department's responsibilities and activities.

(b) To publicize accomplishments.

(c) To point up further objectives.

(d) To establish and justify the requirements necessary for achieving these goals.

2. The program is addressed to those entitled to medical service as well as to the general public. A proper image of the Navy Medical Department is essential if understanding and support by both the internal and external publics, is to be achieved and maintained.

3. The agenda for accomplishing the public affairs plan is presented under the following categories:

(a) Medical Support to Military Operations in Southeast Asia.

(1) Medical support to forces in the Vietnam area:

(a) Seventh Fleet.

(b) III MAF.

(c) USS RESPOSE, USS SANCTUARY.

(d) Station hospital—Danang.

(e) Naval hospitals—Guam, Yokosuka, and Subic Bay.

(f) River Assault Groups.

(g) Market Time.

(h) Game Warden.

(i) SEABEES.

(j) Dental support in Vietnam.

(k) Training of a flight surgeon as a parachutist and assignment to a Para-medical Team at Cubi Point.

(2) Preventive Medicine in Vietnam:

(a) Preventive Medicine Program.

(b) Vector Control Program.

(3) Other Medical Programs:

(a) Civic Action Programs.

(b) Military Provincial Hospital Assistance Program (MILPHAP).

(c) Dental Contributions to Civic Action Programs.

(b) Other Operational Medicine.

(1) Medical support to NASA-manned space flight operations (surgical teams to recovery fleet, naval hospital recovery teams, medical specialty teams, port medical liaison teams, flight surgeon medical monitors and pre- and post-flight medical evaluators).

(2) Aeromedical team visits to operating units (evaluate fatigue and morale factors).

(3) Medical Aspects of Man-in-the-Sea.

(4) Control of insects by aerial spraying from helicopters.

(5) Medical aspects of Operation "Deep Freeze".

(6) Preventive Medicine Unit services, including epidemiologic investigations, to units ashore and afloat.

(7) Assignment of a flight surgeon to Manned Orbiting Laboratory, Naval Space Systems Activity, Los Angeles, California.

(8) Assignment of a flight surgeon as scientist/astronaut.

(c) Clinical Medicine and Patient Care (excluding Southeast Asia).

(1) Progress of construction at Naval Hospitals, Oakland and Jacksonville.

(2) Availability of medical facilities and services both ashore and afloat.

(3) Doctor-patient relations: continue to foster mutual understanding and appreciation.

(4) Continuing critical review of suggestions, complaints and congratulations.

(5) Plans and legislation for improvements and expansion of medical care facilities and services.

(6) Intensified program for education of dependents and their sponsors' problems in providing medical care.

(7) Expanded dependents medical care, retired members and their dependents care of Military Medical Benefits Amendment.

(8) Family planning services for dependents of Active Duty and Retired Members.

(9) Preventive Dentistry.

(10) Establishment of Naval Hospital, Orlando, Florida.

(11) Approval by Congress for U.S. Naval Hospital, Roosevelt Roads, Puerto Rico.

(12) Audio-Visual Training film "LSD", discussing the dangers of personal, illicit experimentation with the drug.

(13) Audio-Visual Training in Mental Health Series "Trip to Where" depicting dangers (personal and career-wise) of usage of illicit drugs (LSD, marijuana, amphetamines, barbiturates).

(d) Training Facilities and Programs:

(1) Training as inducement for career in Navy medicine (medical student program, intern programs, residency training, subspecialty training).

(a) Medical Student Program.

(b) Naval Intern Program.

(c) Residency Training Program.

(2) U.S. Naval Dental Corps Dental Officer Education Program.

(3) U.S. Naval Dental Corps Continuing Education Courses.

(4) Training as career incentive for retention of Medical Service Corps officers.

(5) "Flight Surgeon Handbook"

(6) Continuing review of training facilities and educational programs.

(7) Training as inducement for a career in Navy Nursing.

(8) Training as career incentive for retention of enlisted Hospital Corpsmen.

(9) Global Medicine Series—To acquaint medical personnel with tropical diseases and other illnesses not common to the United States.

(10) MILPHAP Team Orientation—Training in tropical medicine, physical conditioning and Vietnamese language.

(11) Computer-programmed course of instruction for laboratory diagnosis of malaria.

(e) Research:

(1) Medical Research directly related to Vietnam operations.

(a) Use of frozen blood under combat conditions.

(b) Shock studies of combat wounded.

(c) Combat surgery.

(d) Combat performance prediction.

(e) Immersion foot prophylaxis study.

(f) Diarrheal and infectious disease; epidemiology, control and prevention.

(2) Medical Research related to other military operations.

(a) Control and prevention of Meningococcal infection.

(b) Underwater medical research.

(1) SEALAB III.

(2) Other oceanographic application.

(c) Human Effectiveness:

MarCorps Enlisted personnel.

Aviation personnel.

Submarine personnel.

(d) Assault Swimmer and Seal Team disease, casualty prediction and control.

(3) Other Medical Research.

(a) Study methods to improve training and education of Medical Department personnel.

(f) Recruiting and Retention Matters:

(1) Training as incentive for Navy medical service:

(a) Early commissioning program (Ensign medical and dental).

(b) Senior Medical Student Program.

(c) Naval Medical Intern Program.

(d) Service in Navy Medical Corps at selected schools.

(e) Navy Flight Surgeon.

(f) "Your Career in the U.S. Naval Dental Corps."

(g) Opporunities for careers as dietitians, occupational therapists and physical therapists.

(h) Annual Professional Meetings.

(i) Opportunities for careers in Navy Medical Service Corps.

(2) Student AMA Meeting in Chicago.

(3) Rekindle interest in Naval Medical Reserve.

(4) Active duty for Training for Reserve Officers.

(5) Military medical training program (MC, MSC, NC, USNR).

(6) Nursing Symposium (NC, USNR).

(7) Hospital Corpsmen Awards and Decorations.

(8) Continuous Review of Hospital Corpsmen Resource utilization.

(9) Retention of Nurse Corps officers on active duty.

(g) International Professional Activities:

(1) Navy assistance to foreign countries.

APPENDIX III—BUREAU OF NAVAL PERSONNEL

1. The major aim of public affairs activity by the Bureau of Naval Personnel in 1968 will be to gain recognition for individual Navymen and their accomplishments. The objectives of such a program are to contribute to high morale by fostering a favorable Navy image in the eyes of Navymen, to educe from the general public respect and admiration for Navymen and the Navy to foster, in the youth of America, the concept that a naval career is a challenging, rewarding, respectable and honorable profession.

2. Internal information programs will be aimed at two publics; Navymen and dependents/next of kin of Navymen.

(a) To this end, greater utilization of the facilities services of the Armed Forces News Bureau and Armed Forces Radio and Television networks is anticipated for the release of news of personnel policies, educational opportunities and other programs that benefit a Navy career.

(b) Continued support will be given to the Navy Wifeline's effort to keep Navy families informed in those areas that directly affect them.

(c) The role the Navyman plays in the Vietnam war will continue to be publicized.

3. External information programs and public affairs activities will include the following:

(a) Recruiting.

(b) First anniversary of the Master Chief Petty Officer of the Navy.

(c) The commissioning of the Naval Training Center, Orlando, Florida.

(d) Additional units of the Junior NROTC.

(e) Establishment of Surface Combatant Officers School.

(f) First graduates of Immediate Master's Degree Program.

(g) Establishment of Hotel/Motel service in Washington area.

(h) Accomplishments of minority group members who are Navy personnel.

(i) Navy participation in Project 100,000.

(j) Navy participation in Project Transition.

(k) Dedication of Michelson Hall, U.S. Naval Academy.

(l) Significant Personnel assignment.

(m) Chief of Chaplains News Conference.

(n) Special Medals and Awards.

APPENDIX IV—RESEARCH & DEVELOPMENT

1. Scientific discoveries are news, and media recognize and continually seek such material. The aim of the public affairs program of the Office of Naval Research is to present this material to the public through various news media in an organized manner. This program is divided into the following basic elements:

(a) News releases.

(b) Exhibits.

(c) Scientific symposia and professional meetings.

(d) Scientific publications (such as Naval Research Reviews).

(e) Visual aids.

(f) Speeches.

(g) Other special programs.

2. News events likely to be of public interest during 1968 (but are not limited to):

(a) Exhibits at:

(1) American Institute of Aeronautics & Astronautics annual meeting.

(2) State of Science Exposition.

(3) Society of Naval Architects and Marine Engineers conference.

(4) American Institute of Biological Sciences meeting.

(5) Instrument Society of America conference.

(6) American Association for the Advancement of Science conference.

(7) ONR exhibits during Engineers' Week, Navy Day, Armed Forces Day and at the Pentagon.

(b) Navy Science Cruiser Program:

(1) Approximately 220 youths, both boys and girls, will be selected at regional science fairs to participate in the annual one-week Navy Science Cruise/Tour at the East Coast or West Coast Navy facility.

(2) At the International Science Fair, which in 1968 will be held in Detroit 15–18 May, ten grand winners and ten alternates will be selected to receive offers of summer employment at Navy laboratories. One of this group will also serve as the Navy representative in the Department of Defense delegation which visits the Annual Japanese Science Fair in Tokyo.

(c) Two prototypes of the "Monster Buoy" Ocean Data System, which is designed to collect and transmit oceanographic data over distances of 2,500 miles while moored in deep water unattended for up to one year, will begin operation in 1968 as part of a broad oceanographic survey of the North Central Pacific.

(d) The prototype of an exoskeleton device known as HARDIMAN, which will augment a man's strength and endurance, will be completed in 1968.

(e) ALVIN, the Navy's first deep-diving

research at depths down to 6,000 feet. Two new ALVIN-type vehicles will be completed in the latter half of 1968.

(f) "Rotor-Wing"—rotates to provide an aircraft with lift and hover capabilities of a helicopter, then is stopped and fixed in place to convert to high-speed, fixed-wing aircraft—is undergoing exploratory development.

(g) Development of Navy's computer-aided instruction system—computers instruct students both in academic subjects and how to operate and maintain complicated equipment.

(h) Development of frozen blood bank systems in supplementing standard system in combat areas.

(i) Dedication of new Space Science building at Naval Research Laboratory and groundbreaking for new Chemistry Laboratory building in Spring of 1968.

(j) Deep Freeze 1968, the Navy's annual Antarctic operation, involves over 2,500 men of the Navy, Coast Guard, Army and Air Force, plus over a dozen ships and aircraft. The major mission of these forces is to provide logistic support for civilian scientists who are prosecuting more than 60 scientific projects.

(k) SEALAB III is the third of a continuing series of ocean experiments designed to develop methods for men to live in the ocean for extended periods. Success of SEALAB projects will hasten the development of major engineering activities on the continental shelves.

(l) AUTEC, Atlantic Undersea Test and Evaluation Center, is located in the "Tongue of the Ocean" off Andres Island in the Bahamas. Commissioned in February 1967 the Ocean-bottomed instrumentation areas and island-based computer facilities will help the Navy assess effectiveness of sensors and determine ways of more silently operating warships and submarines.

APPENDIX V—OCEANOGRAPHY

1. Exploration and use of the deep oceans has become increasingly practicable and important to national and Free World defense. Various military, political and economic factors tend to merge into a realm of total national interest where traditional dividing lines between strictly civilian and military pursuits may no longer be distinguishable.

(a) The growing involvement of the Navy's oceanographic program with the scientific, educational and industrial communities indicates the need for direct information channels to these areas. Special literature should be made available and questions should be answered promptly.

(b) It should be noted also that Navy and Navy-sponsored oceanographers already produce a considerable amount of scientific and technical literature suitable for publication in academic and institutional periodicals.

2. The Oceanographer's Public Affairs program 1968 will be carried out under his supervision with the cooperation of all Navy Offices, bureaus and activities having a direct interest in oceanography.

(a) The program will put appropriate emphasis on each of the major fields of oceanography, ocean engineering and development and oceanographic operations in support of the Fleet.

(b) Support of the Office of the Chief of Information is available and all important contacts with the national media will be through that Office and the Office of the Assistant Secretary of Defense (Public Affairs).

3. Therefore 1968 public affairs objectives of the Oceanographer of the Navy will include stress on:

(a) The vital importance of oceanography to national defense, particularly in the fields of antisubmarine and undersea warfare.

(b) Social and economic benefits to the United States of the Navy's sharing of oceanographic data and techniques with other government agencies and private industry.

(c) Career opportunities in oceanography and ocean engineering.

(d) The economic opportunities oceanography offers to assist emerging nations in their searches for minerals and food.

(e) Special Oceanographic events 1968.

APPENDIX VI—YOUTH PROGRAMS

1. Several public service organizations sponsor and direct youth programs of interest to the Navy which merit its attention and support. Commands at every level should seek to insure their success. Some typical organizations and the programs they sponsor are:

(a) The Navy League:

(1) The Navy League Cadet Corps, for boys 12 and 13 years of age, is an indoctrinational program for the U.S. Naval Sea Cadet Corps.

(2) The U.S. Naval Sea Cadet Corps, for boys 14 through 17 years of age, is a Federally chartered corporation jointly sponsored by the Navy Department and the Navy League.

(3) Both Navy League youth programs aim to develop the skills of basic seamanship and the traits of self-reliance, courage and patriotism. Both are committed to Navy training, including the teachings of seapower and naval customs, traditions and usage.

(4) Shipmate is a program designed to interest high-caliber, well-motivated high school students, 12 to 18 years of age, in a naval career, and to acquaint them with the traditions, purposes and role of the Navy as part of our national defense organization.

(b) Boy Scouts of America:

(1) The objectives of the naval program of cooperation with the Boy Scouts of America are:

(a) To familiarize the nation's youth with the objectives, customs and traditions of the Navy and Marine Corps.

(b) To encourage voluntary participation by naval personnel in programs sponsored by the Boy Scouts of America.

(c) Explorer Scouts—boys 15 to 18 years of age. (The Explorer Service will receive the most extensive support, due to the more mature age level of Explorers. Cooperation with the Boy Scouts will best be achieved at the local level. However, the Chief of Information maintains contact with the National Council of the Boy Scouts of America.)

(c) Newspaper Carrier Boys:

(1) the Navy Department also honors the request of newspaper executives to establish tours and host newspaper carrier salesmen at various naval installations. The support provided by the Navy to groups of this nature is not as broad in scope as the support provided to Federally-chartered youth groups and is normally limited to group visits to naval ships and installations.

(2) Newspaper carrier salesmen can also be incorporated into the Navy League Shipmate Program or the Boy Scouts.

(d) Amateur Scientific Groups:

(1) Commanding officers, in dealing with youth science groups, will stress the importance of formal basic scientific training to provide leadership for future technological progress.

(2) Typical forms of cooperation:

(a) Speakers.

(b) Films.

(c) Instructional and informational materials.

(d) Demonstrations, exhibits and displays of military hardware of scientific interest.

(e) Tours, visits to ships and briefings.

(e) Aerospace Education Workshops: (1) The Aerospace Education Workshop Program is designed by teacher-training institutes to give university, college and secondary school educators a comprehensive background in the field of aviation.

APPENDIX VII—NAVAL RESERVE PUBLIC AFFAIRS COMPANIES

1. Naval Reserve Public Affairs Companies (NRPAC) are organized to provide a source of trained public affairs personnel in the event of mobilization and to provide District Commandants and their subordinate commands with public affairs assistance. They also assist the Chief of Information in the implementation of the overall public affairs program of the Navy and Marine Corps which is designed to gain support of the Navy from the American public.

2. To achieve this support, the following procedures will be followed:

(a) Each year a list of public affairs projects will be prepared by CHINFO which will support the Department of the Navy Public Affairs Plan and will be included as a part of that plan. Each NRPAC will submit within 30 days, a plan to accomplish selected projects after they receive the annual plan. NRPAC plans should include specific dates, targets, titles of projects and name of personnel assigned to the project. Plans should be forwarded to the appropriate district commandant and the Chief of Information (OI–420).

(b) Each NRPAC will continue to submit the standard project report (CHINFO 5725–2).

3. Listed below are projects for which support is desirable during calendar year 1968. These projects are intended as examples of the type of support desired from NRPA companies. It is not expected that each company will attempt to accomplish every project. However, it is expected that every company, large and small, will establish and vigorously promote a Navy speaker/seapower presentation program, maintain direct and frequent contact and cooperation with other local Navy commands and Navy-oriented groups, maintain a vigorous recruiting program and pursue a training program which will strengthen the professional qualifications of company members.

(a) Contact local naval activities in respective areas to offer assistance and to assist in publicity for human interest Navy stories about local personnel (re-enlistments, serving aboard ship, assisting in a civic project, awards, returning veterans of Vietnam war.)

(b) Contact Naval District Commandants who maintain Navy films available for public showing. Canvass local civic groups and organizations concerned with welfare and recreation of young men, e.g., PTA, school boards and church groups, with the purpose in mind of selling Navy as a future career for young men. Use films as background. There are loads of them.

(c) Arrange for interviews by local newspapers, radio and TV with personnel returning from Vietnam. Arrange appropriate ceremonies to support and honor these personnel.

(d) Arrange news conferences for visiting Navy VIPs. If schedule permits, suggest they address a local civic group.

(e) Promote flying the American Flag on all national, local holidays and Navy Day.

(f) Assist naval hospitals in exposing the general public to the fact that the serviceman is receiving the best medical care available, but that patients here can use and appreciate receiving personal comfort items such as books, stationery and toilet articles. Sponsor a drive to make the public aware that these men would appreciate visits and help, if physically unable, in writing letters, etc. They may need legal or other help for their families or themselves.

(g) Prepare regular radio shows for broadcast by cooperating stations, for example, a five-minute weekly show about the Navy at a local station.

(h) Visit (by appointment) daily newspapers, radio and TV stations to see firsthand how media operate. Establish closer working

ties with the media and identify the NRPAC as the Navy's voice in the community. In communities where the Navy has large installations, identify the NRPAC as an official assisting agency in continuing the flow of the Navy's information to the American public.

(i) Coordinate publicity for or sponsor such touring Navy groups as the Naval Air Cadet Choir, Naval Academy Glee Club, Naval Air Training Command Flag Pageant, Blue Jackets Choir, Blue Angels, Sea Chanters and the Marine Corps Drum and Bugle Corps, etc. The Commandant's public affairs office receives all notices of this type.

(j) Suggest feature story or documentary possibilities to local media on various naval activities. The SEABEES and medical personnel, for instance, often are involved in projects that suggest feature treatment.

(k) Assist in publicizing naval ship launchings and commissionings. These should get more publicity than they get at present.

(l) Sponsor annual "Day in the Navy" for high school journalists at Training Centers or other naval activities in the area.

(m) Establish a definite schedule of meetings with the Commandant or principal naval command in your area. If other than the Commandant, keep him informed.

(n) Have a systematic release of stories to local media, particularly neighborhood papers, about individual reservists who enlist, re-enlist, go on training duty or are promoted. (Large dailies ordinarily won't run this kind of story, but smaller suburban and neighborhood papers often do.)

(o) Establish a local Navy Speaker's Bureau in coordination with the commandant as a systematic means to promote, encourage and coordinate the dissemination of the "Navy's story" throughout the community. Use the Speech Bureau in the Office of Information as a source of material and assistance with speeches. Use the seapower presentation and other command presentations plus films to tell the Navy story.

(p) Promote local Navy Science Day to emphasize the Navy's research and development activities and capabilities. Sponsor an appropriate event (a Science Day dinner for community leaders together with outstanding high school science students). Coordinate Navy Science Day with Office of Naval Research and Director of Navy Laboratories, Office of Naval Material. Get local high school and college professors to judge the science exhibits.

(q) Cooperate with local Navy League, NRA and other Navy/Marine Corps-oriented organizations and newspapers to sponsor newsboys' visits to historic sites, naval station, training centers, ships, etc.

(r) Assist reserve units, including NROS, ROC and NROTC, in charting publicity and community relations programs that will spur recruitment and retention.

(s) Make a continuing, vigorous effort to replace NRPAC personnel lost because of attrition, promotion, transfer, retirement, etc. Further efforts to augment NRPACs through persistent recruiting, especially through the direct commission program for 1655 officers. We must get young talent into the program.

(t) Plan and make field trips to installations for briefings on the latest scientific, technological and military developments as a means to stay abreast of changes, improvements and new techniques. A story has to be known before it can be told. Schedule through the Commandant.

(u) Maintain closer support relationships with the District PAO to promote speed, efficiency, accuracy and coordination of district-wide public affairs efforts.

(v) Organize a program to bring entertainers, politicians, sports figures and other celebrities to naval hospitals.

(w) Have a systematic release program for localized Navy news photography through the unit's Press Officer.

(x) Plan special cruises aboard Navy ships for media representatives to:

(1) Demonstrate air and surface ASW techniques.

(2) Stress Navy's role in scientific and technological research and development.

(3) Show Polaris deterrent.

(y) Nominate top media executives for two yearly trips to Hawaii (15 per trip) on an aircraft carrier and return via Navy air to the West Coast.

(z) News releases to papers and spot announcements to radio stations on reserve enlistment opportunities, aimed mainly at bringing skilled personnel into Reserve Units. The Navy's advanced pay grade program (formerly special rating program) is one example of how a NRPAC can assist individual units in recruiting enlisted personnel with special skills.

(aa) Contact other Reserve Units in area to establish a Public Affairs Liaison Representative to:

(1) Gain a closer working relationship between the other Reserve Units and the NRPAC.

(2) Keep the NRPAC informed about newsworthy projects and events of the Reserve Units.

(3) Coordinate reserve public affairs activities in the area.

(bb) Place Navy display material in airports and other appropriate areas.

(cc) Create professional training workshops for PAOs to teach them the methods of preparing and disseminating news releases, techniques of community relations, and principles and guidelines of Navy public affairs.

(dd) Investigate the local area for museums and other accommodations suitable for exhibiting Navy Combat Art and other exhibits.

(ee) Nominate to CHINFO, through the Commandant, outstanding leaders of the area for the Global Strategy Discussion at the Naval War College, VIP cruises and other special orientation cruises.

(ff) Sponsor practical training for PAOs, JOs, and PH/JOs at local newspapers, radio and TV stations.

(gg) Contact Navy Recruiters in the area, Presidents of Navy League Councils, NRA Chapters, ROA Chapters (Navy Element), CHINFO Branch Officers (L.A.-Chicago-N.Y.) and NRTC units for mutual support and help.

(hh) Help the CHINFO Branch Officers and recruiters to get Navy film series on local TV stations.

(ii) Identify new TV outlets, especially educational, and notify CHINFO Branch Offices and the Commandants for possible placement of Navy educational, training and public information films.

(jj) Assist local Navy-oriented organizations to celebrate Navy Day in appropriate fashion.

(kk) Promote the showing of Navy-oriented films; i.e., the Enterprise story, through local business circles.

(ll) If local radio, TV and newspapers are favorable to Navy news call them up from time to time and tell them how much people appreciate getting the Navy news.

(mm) If the news is devoid of Navy activity, call the media and ask the simple question, "Where is the Navy news today?".

(nn) Promote the playing and singing of the Navy Hymn in local churches.

(oo) Help NRA and Navy League promote Navy Sabbath during Navy Day Week.

(pp) To enhance the Navy educational image, promote:

(1) Naval officers and enlisted men speaking at their high school or college graduation exercises.

(2) Sponsor Honorary Degrees for naval personnel from their respective colleges.

ANNEX B—MARINE CORPS

1. The Marine Corps and its responsibilities in National Defense remain of historic and continuing importance to the public. To this end, the following areas should be noted in 1968: the conflict in Vietnam, covering all areas of Corps involvement; the individual Marine and the factors affecting his morale, welfare and well-being; the training of Marines, officer and enlisted, to include formal schooling as well as physical training; personnel procurement, officer and enlisted, regular and reserve; the Marine Corps Reserve as a ready backup force and delivery of new weapons and equipment.

2. This Annex provides for a public affairs plan in support of, and based on, the mission of the Marine Corps. Its aim is to keep the American public informed concerning:

(a) Marine Corps missions, organization and performance.

(b) Activities of the Marine Corps compatible with military security.

3. Objectives of the Marine Corps public affairs plan are to enlighten the public in the:

(a) Understanding of the Marine Corps' role as an integral part of the Nation's "Amphibious Force-in-Readiness", and the Navy/Marine Corps Team.

(b) Understanding of the balanced fleet concept and the role of Fleet Marine Forces in seapower.

(c) Understanding of the Marine Corps' special capabilities for limited war.

(d) Awareness of the capabilities of the Marine Corps' integrated airground team.

(e) Recognition of the Marine Corps' emphasis on the development of physical fitness.

(f) Acceptance of the Marine Corps for career service.

(g) Support of a strong Marine Corps Reserve.

4. The following are opportunities to be emphasized during the year:

(a) The Marine Corps' role in Vietnam.

(b) The individual Marine and the factors affecting his morale, welfare and well-being.

(c) The training of Marines, officer and enlisted, to include military education, citizenship and moral leadership as well as physical training.

(d) The total personnel procurement effort, officer and enlisted, regular and reserve.

(e) The Marine Corps Reserve as the Corps' ready backup force.

(f) The delivery of new weapons and equipment.

(g) The 25th Anniversary of Women Marines; continuous, unbroken service since February 1943.

(h) Development and implementation of Command, Control and Management systems within the Marine Corps.

(i) The Marine Corps Youth Physical Fitness Program; primarily directed at high school males, with the goal of raising the general level of physical fitness of the Nation's youth.

5. Methods of communicating with the public will include:

(a) Speakers, other public appearances and pronouncements, news conferences and personal interviews.

(b) News releases, filmed, taped and written, for use by radio, television, magazine and house organs, as well as newspapers.

(c) Community relations programs at all levels.

(d) Support to veterans and service-oriented civilian organizations.

(e) Appearances of musical units and troop units at appropriate occasions in the civilian community.

(f) A Command Visit Program for prominent civilians and media representatives to observe the Marine Corps in action.

(g) Development and exploitation of a Combat Art Program.

From:
To: Secretary of the Navy (Attn: Chief of Information)
Subj: Quarterly Report of Implementation of Navy Public Affairs Plan, 1968 (NPAP 1–68) Report Symbol CHINFO 5702–3
Ref: (a) SECNAVNOTE 5720 of (b) NAVSO P–1035

1. The following data support reference (a):

(a) General news releases (Total) _____
(1) Radio/television _____
(2) Newspapers/Magazines _____
(b) Photographic news releases (Total) _____
(c) Cruises (Less SECNAV Guest Cruise) (Total) _____
(1) Media _____
(2) Dependents [1] _____
(3) Other * _____
(d) Community Relations (Total number of events) _____
(1) Locations of events (List) _____
(2) Types and numbers of events (Open Houses, General Visiting, Workshops, Displays, etc.) _____
(3) Numbers of participants by types (Boy Scouts, businessmen, teachers, etc.) _____
(e) News inquiries received (Total) _____
(1) Radio _____
(2) Television _____
(3) Newspapers/Magazines _____
(4) Photographs _____
(f) Youth Activities (Total) _____
(1) Locations of events (List) _____
(2) Boy Scouts _____
(3) Girl Scouts _____
(4) Navy League _____
(5) Other (List by types of organizations)
(g) Speeches (Total) _____
(1) Locations (List) _____
(2) Audiences (Types: Business or social groups; public service organizations, etc.) _____

[1] If media embarked, so indicate by types (Radio, newspapermen, etc.)

Mr. FULBRIGHT. In order to gain the understanding and support of American citizens of the need for modern ships, aircraft, and equipment the Navy, in fiscal year 1969, maintained a public relations apparatus consisting of a full-time staff of 1,086, plus 1,600 to 1,800 more working at it part time on ships and in other installations. The Navy's identifiable costs last year for public relations were $9,901,000.

I ask unanimous consent that a report relating to the staff and cost of the Navy's public affairs program be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

1. What is the basic overall cost of these public affairs programs? Please include within that your estimate of personnel as well as operations costs.

The only information available Navy-wide for public affairs programs is for those in the public information and community relations fields. (I.e. activity involving preparation of materials for release to the public via the mass communication news media and activity involving direct contact with the public via response to individual inquiries about Navy subjects, and response to private and civic group requests for exhibits, speakers, etc.) (Internal relations programs—passing the word within the Navy—are so integrated with normal command and administrative functions that it would be extremely difficult, if not impossible to separate). Information in the table below is based on a Navy-wide survey made in November–December 1968. [These figures also include personnel costs for military and civilian personnel attached to the Office of Information, Navy Department who are involved in the execution, supervision and planning of these programs.]

Navy-wide personnel and other costs of public information and community relations activities conducted incident to Navy public affairs programs.

[In thousands of dollars]

	Military pay	Civilian pay	Other costs	Total costs
Fiscal year 1966	3,818	1,984	1,062	7,864
Fiscal year 1967	5,020	2,576	1,397	8,993
Fiscal year 1968	5,227	2,941	1,037	9,205
Fiscal year 1969	5,635	3,128	1,138	9,901

2. Please estimate the number of officers, enlisted men and civilians, both full and part-time, who are part of the Navy's public affairs program.

The table below reports personnel involved full-time in the programs costed in paragraph 1. (i.e. public information and community relations) [This includes the numbers of CHINFO personnel involved as noted for paragraph 1.] On board practically all ships in the Navy, the duties of public affairs officer are assigned to one officer as a collateral duty. Usually, an extremely small percentage of his time is spent on this collateral duty. Any paperwork generated by him would be handled by a ship's yeoman in the course of his regular duty as time permits. Based on the number of ships in the Navy, this would mean on the order of 800–900 officers and a similar number of enlisted men, primarily yeomen, engaged part time (to a very small degree) in these programs.

	Officers	Enlisted	Civilian	Total
Fiscal year 1966	191	492	288	971
Fiscal year 1967	207	493	363	1,063
Fiscal year 1968	214	499	374	1,087
Fiscal year 1969	215	493	378	1,086

3. With regard to the Office of Information, please supply information about the following:

(a) How many officers, enlisted men and civilians are working for the Office of Information in Washington? Elsewhere?

The Office of Information consists of the departmental staff in the Pentagon plus field activities as follows:

U.S. Navy/Marine Corps Exhibit Center Washington Navy Yard, Washington, D.C.

Fleet Home Town News Center/High School News Service Great Lakes, Illinois.

Public Affairs Office East Coast New York City.

Public Affairs Office Mid-West Chicago, Illinois.

Public Affairs Office West Coast Los Angeles, California.

3a. Personnel Involved.

	Officers	Enlisted	Civilians	Total
Fiscal year 1966:				
Departmental	42	32	19	93
Field activities	13	60	34	107
Grand total				200
Fiscal year 1967:				
Departmental	37	32	38	107
Field activities	14	48	56	118
Grand total				225
Fiscal year 1968:				
Departmental	47	36	56	139
Field activities	20	47	52	119
Grand total				258
Fiscal year 1969:				
Departmental	54	35	58	147
Field activities	18	50	56	127
Grand total				272

(3(b) What is the approximate cost, including personnel costs, for this outfit?

FUNDS INVOLVED

[In thousands of dollars]

	Military pay	Civilian pay	Other costs	Total
Fiscal year 1966:				
Departmental	851	122	79	1,052
Field activities	526	208	383	1,117
Grand total				2,169
Fiscal year 1967:				
Departmental	811	245	177	1,233
Field activities	536	319	653	1,508
Grand total				2,741
Fiscal year 1968:				
Departmental	997	406	128	1,531
Field activities	557	376	245	1,178
Grand total				2,709
Fiscal year 1969:				
Departmental	1,135	481	129	1,745
Field activities	640	432	333	1,405
Grand total				3,150

Note: As indicated in the response to question No. 1, full costs for public affairs activities Navy-wide are not available. Only costs for public information and community relations activities were obtained in the 1968 survey referred to. This table, on the other hand, shows total costs for operation of the Office of Information (departmental) and its associated field activities.

Mr. FULBRIGHT. Mr. President, I emphasize that these figures are based upon the figures supplied to the committee by the Pentagon itself. These are not my estimates. These are based upon as solid facts as we can get. Overall direction of the campaign is through the Navy's Office of Information, manned by a Washington staff of 147, operating with a budget of $1,745,000. Parkinson's Law has found fertile ground in the Navy's public affairs program; the overall budget has gone up to 25 percent in the last 3 years; and the Washington operation is up 57 percent in staff and 65 percent in cost. These figures are only for programs aimed at the public. They do not include the costs of the Navy's internal information and education programs.

In addition to this public affairs effort, the Navy message is spread by 31 Naval Reserve Public Affairs companies consisting of 409 officers and 6 enlisted men, and located throughout the country. Each company must submit an annual project plan to the Navy's Chief of Information detailing the ways it will sell the Navy locally in the coming year.

I ask unanimous consent that the Annual Plan for the Chicago Naval Reserve Public Affairs Company be printed in the RECORD a this point.

There being no objection, the annual plan was ordered to be printed in the RECORD, as follows:

ANNUAL PLAN FOR CHICAGO NAVAL RESERVE PUBLIC AFFAIRS COMPANY

From: Commanding Officer, NRPAC 9–2, Chicago.
To: Chief of Information, Navy Department.
Via: Commandant, Ninth Naval District.
Subject: Annual Public Affairs Plan.
Reference: SECNAV Note, 5720.
cc: Commander, Group Command 9–2, Chicago.
Commander, Naval Reserve Training, Omaha, Nebraska.

1. *Background:* In accordance with the reference cited, the following plan is submitted

by NRPAC 9–2. It details this unit's activities which are targeted to help implement the overall Navy public affairs plan for fiscal year 1969. Many of the listed projects and activities have been completed or are currently in process. The combined plan is designed to meet Navy and Naval Reserve public affairs goals nationally and locally.

2. *Purpose:* This plan is not intended as a precise operating schedule. As with most public affairs plans which span a year's activities, it will serve as a general guideline with appropriate objectives, and plans to meet these objectives. However, flexibility must be maintained to take advantage of unforeseen opportunities that will arise as the year progresses. Therefore, this plan outlines the types of activities that will be used to reach the objectives and indicates the communications tools to be applied to specific goals.

3. *Organization:* NRPAC 9–2 is the largest Navy Reserve Public Affairs unit, and, as such, it is uniquely suited through size, geographical location and membership background to carry out Navy-oriented public affairs activities in the fertile and important midwest area.

4. *Public Affairs Plan:*

a. Objectives:

1. Increase awareness of need for keeping a powerful Navy, both for wartime and peaceful purposes.

2. Communicate traditions, opportunities and desirability of Navy career, active or reserve, to appropriate audiences.

3. Broaden the concept of the carrier strike force.

4. Increase support for expansion of nuclear fleet.

5. Publicize Navy-Marine Corps efforts in Viet Nam.

6. Increase awareness of active and reserve Navy forces in the Chicago area.

b. Audiences:

1. The general public within a 500 mile radius of Chicago.

2. The business community, and other civic, government and religious leaders including Navy League.

3. Young men and women of high school age, and above as potential active and reserve recruits.

4. Media representatives.

5. Active duty Navy and other military personnel.

6. Active and retired reservists, Navy and other services.

c. Media: It is the plan of NRPAC 9–2 to use every available communications medium to bring the story of the Navy and Navy reserve to the targeted audiences. This includes: print media, newspapers, trade magazines, Sunday supplements; direct mail; personal contact; broadcast, TV and radio; advertising; brochures; outdoor billboards and electronic devices; and others.

d. Projects and activities:

Following is a list of projects and areas of activity that will be (or are being) employed to meet the objectives of this program:

1. Expanded unit speaker's bureau from six to 20 people with the goal of giving at least 60 speeches before civic, fraternal, business, education and other groups during the current fiscal year.

2. Improve drill schedule to include more media and top Navy personnel as speakers.

3. Increase number of 9–2 personnel taking correspondence courses by 50 per cent during the fiscal year.

4. Increase number of 9–2 personnel going on ACDUTRA by 20 percent.

5. Establish special committee to promote and publicize 9–2 activities and personnel.

6. Appoint special Viet Nam officer within unit and provide committee to keep unit abreast of current Navy activities in Viet Nam. Publicize returning veterans of the Navy through "Heroes of Khe San" project.

7. Recruit 10 additional members for 9–2 during current year.

8. Increase the showing of Navy films in Chicago area by 20 per cent.

9. Produce special Navy film clip on Chicagoans who as Navy Reservists are "Twice a Citizen."

10. Increase number of Navy-oriented VIP visits to Chicago area that will produce media interests. Publicize each, including visits from VADM Martin, RADM Geis, etc.

11. Publicize the Navy/Air Force Football game, related visiting dignitaries, midshipmen and Naval Academy Choir through special project with City of Chicago.

12. Publicize Navy Day and Navy Sabbath by arranging for Navy Hymn to be sung in 4,000 area churches and through promotion of open houses.

13. Increase 9-2 attendance at annual NRPAC seminar to be held at GLAKES November 2–3.

14. Establish special project to improve use of Navy display materials in Chicago area. Set up four showings of Navy displays, in Chicago during year. Arrange for permanent display of 9–2 accumulated trophies in local bank.

15. Establish special project in conjunction with Chicago Tribune to give special attention and award to those people and organizations displaying American flag.

16. Establish project to provide entertainment personalities, books, VIP visits and other items to veterans in area Navy hospitals.

17. Complete at least one "Day In The Navy" project to take area high school and college editors, especially from minority group schools, to local Navy facilities. Objective is to gain publicity in area media and school media.

18. Produce 13-week Navy radio show in conjunction with NAS Glenview for WGN Radio, Chicago.

19. Obtain publicity on local Navy and Naval Reserve facilities, such as departure of USS SILVERSIDES (reserve submarine), Naval armory, local reserve units, Navy ball, Northwestern ROTC Ball, Marine Corps Ball, Desron in area.

20. Publicize local entries in Navy Science Day.

21. Gain publicity for 9–2 members in company house organs.

22. Suggest 10 candidates from area for SECNAV guest cruise program.

23. Set up and publicize cruise by local media representatives (member of Chicago Press Club) on Navy ships in Great Lakes.

24. Establish semi-monthly 9–2 newsletter ("The Captain Speaking") to improve communications, interest and morale within unit.

25. Set up project committee to arrange Lake Michigan cruise for members and families of 9–2. Publicize cruise.

26. Establish project and provide people for active duty for training to help organize, write and publish a special Naval Academy supplement for distribution through Chicago Sun-Times.

27. Set up permanent Feature Articles Officer in 9–2 to work on ideas for area trade, consumer, supplemental and other publications to publicize area Navy Reservists and their activities.

28. Work with other local commands to set up standard neighborhood release procedure for each unit's personnel as they go on ACDUTRA, get promoted and so forth.

29. Sponsor special program to take local newsboys aboard Navy facilities for a visit. Publicize visit.

30. Increase unit visits to local military and media facilities. (Three drills to each type of facility during year.)

31. Establish project based on search for sunken German Submarine in Lake Michigan to publicize Great Lakes Navy ships.

32. Provide aid, assistance and ideas for planning program to improve the Navy image nationwide. (National Navy League request).

33. Promote and publicize need for improved merchant marine fleet. Also produce special slide presentation telling this story in economic terms adding in the value of seapower.

34. Establish project to encourage area Reserve officers and men to speak at high school or college graduation exercises and promote honorary degrees for area Navy and Marine personnel.

35. Reactivate project to bring active duty Navy public affairs officers to Chicago area for seminar on how professional civilian communications organizations operate, how planning and market research is done.

36. Set up project to increase visits of general public and special groups to special Navy exhibit in Chicago's Museum of Science and Industry.

37. Publicize public affairs direct commission program to encourage greater participation in reserve by communicators, especially members of minority groups.

38. Establish project to create special Great Lakes Training center displays for Midway and O'Hare airports with cooperation from TDI.

39. Suggest five area media representatives for media cruise to Hawaii.

40. Encourage unit members to attend next Navy Speaker's Seminar, the first one of which was attended this year by CO, NRPAC 9–2.

41. Set up project to aid "Hands Across The Sea" program by providing six tons of chewing gum from The Wrigley Company for the Navy to distribute in Spanish speaking countries. Publicize movement and distribution of gum.

42. Promote sale and distribution of book "John F. Kennedy; Man of the Sea" through consumer media, within the Navy and other outlets.

Other project opportunities will no doubt arise in the course of implementing the above plan. These projects will be factored into the plan as appropriate.

Very respectfully submitted,

Cdr. A. L. CONRAD,
USNR–R, Commanding Officer,
NRPAC 9–2, Chicago, Ill.

Mr. FULBRIGHT. What does the Navy buy with the nearly $10 million it spends to persuade the public? Let me list a few examples of last year's effort:

One thousand one hundred and thirty-six news releases prepared by the Office of Information's News Branch;

Thirty-nine thousand photos distributed to news media;

Forty-nine news film releases prepared for TV use, on subjects ranging from the appearance of Russian trawlers off Virginia to the retirement of a Navy seaplane;

Fifty-five 1-minute TV "news featurettes" on subjects such as civic action in Vietnam and joint naval operations in Latin America;

Navy assistance in production of about 12 commercial films a year;

Assistance in producing some 100 noncommercial films, primarily for Navy contractors;

Operated a speakers bureau of top civilian and military personnel which filled 251 speaking engagements across the country;

At this point I ask unanimous consent that the list of speeches made by senior Navy officials in fiscal year 1969 be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

EXHIBIT III

SENIOR SPEAKERS OF THE NAVY PROVIDED BY NAVY DEPARTMENT SPEECH BUREAU, JULY 1968 THROUGH JULY 1969, FISCAL YEAR 1969

The Office of Information does not "program" Navy speakers. Rather, speakers are provided in response to specific requests made to or referred to the Office. The attached list reflects speaking engagements filled by Navy Flag Officers and Senior Civilian Officials of the Navy in response to such requests. This list is not all inclusive, Navy-wide, but only for those speaking engagements coordinated through the Navy Department Speech Bureau.

July 1 68, Hon C. F. Baird, Commissioning of Naval Training Center, Orlando, Florida.

July 1 68, Radm A. B. Gralla, USN, Dedication of Inert Diluent Plant, Naval Ordnance Station, Indian Head, Md.

July 1 68, Radm R. R. Speck, USN, Kiwanis Club Luncheon, Columbus, Ohio.

July 3 68, Radm O. S. Morrison, USN, Kiwanis Club Luncheon, Memphis, Tennessee.

July 9 68, Hon P. R. Ignatius, Marine Corps General Officers, Symposium, Washington, D.C.

July 11 68, Adm T. H. Moorer, USN, Marine Corps General Officers' Symposium, Washington, D.C.

July 12 68, Hon. R. A. Frosch, Marine Resources Symposium, Newport, Rhode Island.

July 14 68, Hon C. F. Baird, Senior Officer Executive Management Course Meeting, Newport, Rhode Island.

July 15 68, Hon C. A. Bowsher, Armed Forces Management Association Meeting, Atlanta, Georgia.

July 15 68, Radm E. J. Fahy, USN, Share Design Automation Seminar Meeting, Washington, D.C.

July 17 68, Vadm R. Needham, USN, Launching USS M. T. Hood, Sparrows Pt., Md.

July 17 68, Hon C. F. Baird, Seniors Management Course, Naval Post Graduate School, Monterey, California.

July 20, 68, Radm R. A. MacPherson, USN. Launching, USS Cannole, Los Angeles, California.

Aug. 3, 68, Adm. T. H. Moorer, USN, Wing Officer Management Seminar Meeting, Newport, Rhode Island.

Aug. 8, 68, Radm. H. R. Renken, USN, NROTC Unit Seminar, University of Colorado, Boulder, Colorado.

Aug. 8, 68, Radm. H. R. Renken, USN, Kiwanis Club Luncheon, Boulder, Colorado.

Aug. 9, 68, Adm. T. H. Moorer, USN, Industrial College of the Armed Forces, Washington, D.C.

Aug. 12, 68, Radm. B. H. Bieri, Jr., USN, Food Service Executives Assn., Hollywood Florida.

Aug. 14, 68, Radm. H. L. Miller, USN, NROTC Seminar Meeting, Boulder, Colorado.

Aug. 15, 68, Radm. E. B. Hooper, USN, Management Club Meeting, Tulsa, Oklahoma.

Aug. 17, 68, Vadm. E. W. Grenfell, USN (Ret.), Commissioning USS Dolphin, Portsmouth, N.H.

Aug. 17, 68, Radm. L. R. Bernard, USN, Commissioning USS Tautog, Pascagoula, Mississippi.

Aug. 20, 68, Adm. T. H. Moorer, USN, National War College, Washington, D.C.

Aug. 22, 68, Vadm. C. M. Duncan, USN, National Navy Mother's Club Convention, Denver, Colorado.

Aug. 23, 68, Radm. R. R. Crutchfield, USN, Chief Petty Officers' Meeting and Luncheon, Washington, D.C.

Aug. 31, 68, Adm. T. H. Moorer, USN, Commissioning USS John F. Kennedy, Norfolk, Virginia.

Aug. 31, 68, Adm. T. H. Moorer, USN, Mississippi National Guard, Jackson, Mississippi.

Sept. 3, 68, Adm B. A. Clarey, USN, Armed Forces Staff College, Norfolk, Virginia.

Sept. 5, 68, Hon R. A. Frosch, Laboratory Advisory Board for Naval Ships, Annapolis, Maryland.

Sept. 5, 68, Adm. I. J. Galantin, USN, Armed Forces Staff College, Norfolk, Virginia.

Sept. 5, 68, Vadm R. L. Shifley, USN, Armed Forces Staff College, Norfolk, Virginia.

Sept. 7, 68, Radm R. S. Benson, USN, USS MT VERNON Assn Reunion, Boston, Mass.

Sept. 7, 68, Vadm T. F. Caldwell, USN, National Security Commission, American Legion, New Orleans, Louisiana.

Sept. 11–12, 68, Hon C. A. Bowsher, Colorado Society of Certified Public Accountants, Denver, Colorado.

Sept. 11, 68, Adm T. H. Moorer, USN, American Legion Convention, New Orleans, Lousiana.

Sept. 13, 68, Vadm B. M. Strean, USN, 6th Regional Navy League Convention, Mobile, Alabama.

Sept. 12–14, 68, Mr. N. J. Ream, Institute of Management Sciences Meeting, Cleveland, Ohio.

Sept. 17, 68, Hon P. R. Ignatius, 27th Marines' Homecoming, San Diego, California.

Sept. 18, 68, Vadm B. M. Strean, USN, Pompano Beach Council, Navy League Meeting, Pompano Beach, Florida.

Sept. 18, 68, Hon B. J. Shillito, Shipbuilders' Council, Washington, D.C.

Sept. 18, 68, Radm R. J. Stroh, USN, Monthly Dinner Meeting Navy League Council, Ft. Lauderdale, Florida.

Sept. 19, 68, Radm A. R. Gralla, USN, Institute of Electrical and Electronics Engineers, Los Angeles, California.

Sept. 19, 68, Adm T. H. Moorer, USN, Reader's Digest Assn., Mt. Pleasant, New York.

Sept. 21, 68, Adm T. H. Moorer, USN, "Tailhook" Reunion, Las Vegas, Nevada.

Sept. 24, 68, Hon C. F. Baird, Naval District Commandants' Conference, Washington, D.C.

Sept. 24, 68, Adm I. J. Galantin, USN, Naval District Commandants' Conference, Washington, D.C.

Sept. 26, 68, Adm. T. H. Moorer, USN, Navy League's "Naval Reserve" Luncheon, Washington, D.C.

Sept. 27, 68, Adm T. H. Moorer, USN, Defense Orientation Conference Association, Washington, D.C.

Sept. 28, 68, Adm T. H. Moorer, USN, Naval Academy Alumni Association Meeting, Annapolis, Maryland.

Oct. 1, 68, Hon R. A. Frosch, 1968 Government Microcircuit Applications Conference, Gaithersburg, Maryland.

Oct. 2, 68, Adm I. J. Galantin, USN, Project Management Class, Naval War College, Newport, Rhode Island.

Oct. 3, 68, Radm D. W. Cooper, USN, Military Order of World Wars Luncheon, Philadelphia, Pa.

Oct. 5, 68, Adm T. H. Moorer, USN, 15th Naval Reserve Association National Conference, Kansas City, Missouri.

Oct. 7–8, 68, Hon. C. A. Bowsher, Federal Government Accountant Association Meeting, Philadelphia, Pa.

Oct. 9, 68, Hon C. F. Baird, Port-of-St. Louis Propellor Club, St. Louis, Missouri.

Oct. 14, 68, Hon. B. J. Shillito, USMC Facilities Management Conference, Quantico, Virginia.

Oct. 18, 68, Hon. C. F. Baird, National Association of Supervisors, DOD; Pensacola Chapter, Pensacola, Florida.

Oct. 18, 68, Radm R. L. Townsend, USN, Military Affairs Committee Luncheon, Chamber of Commerce, Houston, Texas.

Oct. 21, 68, Hon. B. J. Shillito, National Contract Management Association, Dallas, Texas.

Oct. 21, 68, Radm L. B. McCuddin, USN, Joint "Navy Day" Luncheon, Navy League Council and Kiwanis Club, Oakland, California.

Oct. 21, 68, Adm E. P. Holmes, USN, Joint "Navy Day" Luncheon, Navy League Council and Kiwanis Club, Richmond, Virginia.

Oct. 22, 68, Radm G. R. Muse, USN, "Navy Day", Navy League Council, Sioux Falls, South Dakota.

Oct. 22, 68, Mgen C. Duchein, USMCR, "Navy Day" Dinner, Navy League Council, Annapolis, Maryland.

Oct. 23, 68, Radm C. A. Karaberis, USN, "Navy Day" Luncheon, Rotary Club, Long Beach, California.

Oct. 23, 68, Vadm A. McB. Jackson, USN, "Navy Day", Navy League Council, Bridgeport, Conn.

Oct. 23, 68, Radm R. J. Stroh, USN, "Navy Day" Luncheon, Rotary Club, Jacksonville, Florida.

Oct. 23, 68, Mgen C. Duchein, USMCR, "Navy Day" Dinner, Navy League Council, Harrisburg, Pennslvania.

Oct. 23, 68, Mgen C. Duchein, USMCR, "Navy Day" Luncheon, Navy League Council, Willow Grove, NAS, Pa.

Oct. 23, 68, Radm J. C. Dempsey, USN, "Navy Day" Luncheon, Williamsburg Council of Navy League, Yorktown, Virginia.

Oct. 23, 68, Radm E. P. Aurand, USN, "Navy Day" Dinner, Navy League Council, Houston, Texas.

Oct. 24, 68, Adm T. H. Moorer, USN, "Navy Day" Dinner, Navy League Council, Hampton Roads, Virginia.

Oct. 24, 68, Radm W. C. Hushing, USN, "Navy Day" Navy League Council, Portsmouth, N.H.

Oct. 24, 68, Lgen V. H. Krulak, USMC, (ret) "Navy Day" Luncheon, Navy League Council, Lemoore, California.

Oct. 24, 68, Lgen V. H. Krulak, USMC, (ret) "Navy Day" Dinner, Kings County Council of Navy League, Hanford, California.

Oct. 24, 68, Vadm J. V. Smith, USN, "Navy Day" Banquet, Navy League Council, Denver, Colorado.

Oct. 24, 68, Mgen C. Duchein, USMCR, "Navy Day" Luncheon, Baltimore, Maryland.

Oct. 24, 68, Mgen C. Duchein, USMCR, "Navy Day" Dinner, Navy League Council, Baltimore, Maryland.

Oct. 24, 68, Vadm W. I. Martin, USN, "Navy Day", Navy League Council, St. Louis, Missouri.

Oct. 25, 68, Gen L. F. Chapman, USMC, "Navy Day", Luncheon Navy, New Orleans, Louisiana.

Oct. 25, 68, Radm G. R. Muse, USN, Joint "Navy Day" Luncheon, Navy League Council and Rotary Club, Phoenix, Arizona.

Oct. 25, 68, Radm H. J. Kossler, USN, "Navy Day" Navy League Council, Orlando, Florida.

Oct. 25, 68, Lgen V. H. Krulak, USMC (ret), "Navy Day" Navy League Council, San Francisco, California.

Oct 25, 68, Hon R. S. Driver, "Navy Day" Navy League Council, Detroit, Michigan.

Oct 25, 68, Radm G. Cassell, USN, "Navy Day" Navy League Council, Dallas, Texas.

Oct 25, 68, Vadm W. I. Martin, USN, "Navy Day" Navy League Council, Chicago, Illinois.

Oct 25–27, 68, Hon B. J. Shillito, "Navy Day" Navy League Council, Dayton, Ohio.

Oct 26, 68, Hon. P. R. Ignatius, "Navy Day" Dinner, Navy League Council, McAlester, Oklahoma.

Oct 26, 68, Vadm B. M. Strean, USN, "Navy Day" Banquet and Ball, Navy League Council, Ft. Lauderdale, Florida.

Oct 26, 68, Adm W. F. A. Wendt, USN, "Navy Day" Dinner and Dance, Navy League Council, London, England.

Oct 26, 68, Radm R. J. Brush, USN, "Navy Day" Luncheon, Navy League Council, Hollywood, Florida.

Oct 26, 68, Radm R. W. McNitt, USN, "Navy Day" Dinner and Ball, Navy League Council, Perth Amboy, N.J.

Oct 26, 68, Mgen C. Duchein, USMCR, "Navy Day" Jersey Shore Council of Navy League, Seaside Park, N.J.

Oct 27, 68, Radm H. H. Ffeffler, SC, USN, "Navy Day" Navy League Council, Aurora, Illinois.

Oct 28, 68, Hon C. F. Baird, "Navy Day" Dinner, Navy League Council, San Diego, California.

Oct 28, 68, Radm H. L. Miller, USN, "Navy Day" Navy League Council, Trenton, N.J.

Oct 28, 68, Radm F. Massey, USN, "Navy Day" Dinner, Casco Bay Council of Navy League, Brunswick, Maine.

Oct 29, 68, Hon R. A. Frosch, "Navy Day" Dinner, Navy League Council, New Brunswick, N.J.

Oct. 30, 68, Radm H. J. Kossler, USN, "Navy Day", Military Order of World Wars, Savannah, Georgia.

Oct. 30, 68, Radm H. A. Renken, USN, "Navy Day", Navy League Council, Lincoln, Nebraska.

Oct. 30, 68, Adm E. P. Holmes, USN, "Navy Day", Luncheon and Dinner, Boston, Mass.

Nov. 2, 68, Adm E. P. Holmes, USN, Forrestal Trophy Presentation, Greenville, South Carolina.

Nov. 2, 68, Radm T. B. Owen, USN, "Engineers Day", University of Virginia, Charlottesville, Virginia.

Nov. 2, 68, Radm F. E. Brush, USN, "Navy Day", Ceremony, Hollywood, Florida.

Nov. 4, 68, Adm T. H. Moorer, USN, Armed Forces Audio-Visual Conference, Washington, D.C.

Nov. 4, 68, Radm M. W. Woods, USN, American Ordnance Association, Cumberland, Maryland.

Nov. 4, 68, Radm B. H. Bieri, Jr., SC, USN, Supply Officers' Conference, Pensacola Florida.

Nov. 6, 68, Adm T. H. Moorer, USN, Foreign Service Institute, Washington, D.C.

Nov. 6, 68, Radm G. E. Moore, SC, USN, Supply Officers' Conference, San Diego, California.

Nov. 10, 68, Hon. B. J. Shillito, Government Procurement Relations, Electronics Industry Association, Key Biscayne, Florida.

Nov. 7, 68, Gen. L. F. Chapman, Jr., USMC, Marine Officers' Overseas Wives Club, Washington, D.C.

Nov. 7, 68, Vadm T. F. Caldwell, USN, Veterans' Day Ceremony, Sacramento, California.

Nov. 11, 68, Adm T. H. Moorer, USN, Veterans' Day Luncheon and Ceremony, Birmingham, Alabama.

Nov. 11, 68, Radm T. J. Walker, III, USN, Veterans' Day Ceremony, Daytona Beach, Florida.

Nov. 11, 68, Radm W. M. Enger, CEC, USN, Veterans' Day Ceremony, Gulfport, Mississippi.

Nov. 11, 68, Radm J. W. Kelly, CHC, USN, Veterans' Day Ceremony, Pittsburgh, Pennsylvania.

Nov. 11, 68, Lgen L. W. Walt, USMC, Vietnam Veterans' Appreciation Banquet, Lawrence, Texas.

Nov. 12, 68, Hon. B. J. Shillito, Institute of Electrical and Electronic Engineers, St. Louis, Missouri.

Nov. 12, 68, Radm G. E. Moore, SC, USN, Supply Officers' Conference, Long Beach, California.

Nov. 14, 68, Hon. B. J. Shillito, Federal Government Accounting Association, Washington, D.C.

Nov. 14, 68, Bgen J. R. Chasson, USMC, Retired Officers' Association, Clearwater, Florida.

Nov. 14, 68, Radm G. E. Moore, SC, USN, Supply Officers' Conference, Oakland, California.

Nov. 16, 68, Radm G. R. Muse, USN, Naval Reserve Presentation, Winfield Trophy, San Diego, California.

Nov. 16, 68, Radm E. J. Zimmermann, USNR, Naval Reserve Presentation, Halsey Trophy, Huntsville, Alabama.

Nov. 18, 68, Adm T. H. Moorer, USN, 6th Inter-American Naval Conference, Lima, Peru.

Nov. 18, 68, Radm. G. E. Moore, SC, USN, Supply Officers' Conference, Bremerton, Washington.

Nov. 19, 68, Adm I. J. Galantin, USN, Training Device Industry Conference, Orlando, Florida.

Nov. 19, 68, Vadm A. F. Schade, USN, Naval Reserve Presentation, Nimitz Trophy, Philadelphia, Pennsylvania.

Nov. 19, 68, Radm O. D. Waters, Jr., USN, Sales Executive Club, New York, New York.

Nov. 21, 68, Hon. C. A. Bowsher, American Society of Military Comptrollers, Washington, D.C.

Nov. 21, 68, Hon. B. J. Shillito, National Contract Management Association, Baltimore, Maryland.

Nov. 21, 68, Adm. T. H. Moorer, USN, Propeller Club, Washington, D.C.

Nov. 21, 68, Radm. L. R. Geis, USN, Navy League Council, Altoona, Pa.

Nov. 22, 68, Radm. H. J. Trum, III, USN, Idaho State Eagle Scout Honor Ceremony, Idaho Falls, Idaho.

Nov. 23, 68, Radm. E. J. Zimmermann, USNR, Naval Reserve Presentation, J. T. Manning Trophy, Tucson, Arizona.

Nov. 26, 68, Hon. B. J. Shillito, Graduation Address, Supply Corps School, Athens, Georgia.

Nov. 27, 68, Radm. B. W. Sarver, USN, Commissioning USS *Concord*, Long Beach, California.

Nov. 30, 68, Adm. T. H. Moorer, USN, Recruit Graduation Class, Naval Training Center, Orlando, Florida.

Dec. 6, 68, Radm. R. L. Townsend, USN, Navy League Luncheon, Rochester, New York.

Dec. 6, 68, Radm. W. L. Small, Jr., USN, Commissioning USS *Gunard*, Vallejo, California.

Dec. 7, 68, Radm. G. R. Larocque, USN, Pearl Harbor Survivors Association, Toledo, Ohio.

Dec. 7, 68, Hon. C. W. Bowsher, Launching USS *Badger*, San Pedro, California.

Dec. 7, 68, Hon. C. F. Baird, Launching USS *Finback*, Newport News, Virginia.

Dec. 7, 68, Radm. E. E. Christensen, USN, Pearl Harbor Survivors' Association, Memphis, Tennessee.

Dec. 10, 68, Radm T. B. Owen, USN, Naval Academy Alumni Association, Boston, Mass.

Dec 11, 68, Adm E. P. Holmes, USN, Naval Reserve Presentation, Forrestal Trophy, Greenville, South Carolina.

Dec 12, 68, Hon. P. R. Ignatius, Calvin Bullock, Forum, New York, New York.

Dec. 13, 68, Adm T. H. Moorer, USN, Southwest Commandery, Naval Order of U. S., Palm Springs, Calif.

Dec 14, 68, Vadm L. C. Heinz, USN, Commissioning USS *Charleston*, Portsmouth, Virginia.

Dec 14, 68, Radm J. M. James, USN, Annual Inspection, Naval Air Reserves, Memphis, Tennessee.

Dec 18, 68, Radm L. R. Geis, USN, Destroyer Squadron Commander's and C. O.'s Meeting, Norfolk, Virginia.

Dec 19, 68, Radm B. H. Bieri, Jr., SC, USN, Supply Corps School Meeting, Athens, Georgia.

Jan 4, 69, Radm R. A. Macpherson, Launching USS *W. S. Sims*, Westwego, Louisiana.

Jan 6, 69, Radm L. R. Geis, USN, Navy League Meeting, Atlanta, Georgia.

Jan 8, 69, Radm L. R. Geis, USN, SECNAV Guest Cruise Fellowship, New York, New York.

Jan 11, 69, Vadm B. M. Strean, USN, Wright Day, Greater Kansas City Aero Club, Kansas City, Missouri.

Jan 13, 69, Radm B. H. Bieri, Jr., SC, USN, Supply Corps Conference, Hawaii.

Jan 14, 69 Adm T. H. Moorer, USN, Navy League Dinner, Ft. Lauderdale, Florida.

Jan 15, 69, Adm T. H. Moorer, USN, Industrial College of Armed Forces/National War College, Washington, D.C.

Jan. 16, 69, Radm L. R. Geis, USN, Navy League and International Relations Group Meeting, Chicago, Illinois.

Jan. 17, 69, Radm B. H. Bieri, Jr., SC, USN, Supply Corps Conference, Viet Nam.

Jan. 17, 69, Radm T. D. Davies, USN, Naval Academy Alumni Association, Hartford, Conn.

Jan. 17, 69, Radm J. T. Burke, Jr., USN, Military Affairs Committee, Chamber of Commerce, Houston, Texas.

Jan. 18, 69, Radm L. R. Geis, USN, Santa Fe Trail Chapter, Naval Reserve Association, Kansas City, Missouri.

Jan. 22, 69, Radm K. L. Veth, USN, Tri-Cities Navy League Council, Charter Ceremonies, Lancaster, Ohio.

Jan. 25, 69, Hon R. A. Frosch, Launching NR–1, Groton, Conn.

Jan. 25, 69, Adm T. H. Moorer, USN, American Bar Foundation, Chicago, Illinois.

Jan. 25, 69, Radm A. R. Gralla, USN, 12th Annual Quality Control Conference, Pomona, California.

Jan. 26, 69, Radm B. H. Bieri, Jr., SC, USN, Supply Conference, Subic Bay, Philippines.

Jan. 28, 69, Adm T. H. Moorer, USN, Command and Staff College, Ft. Leavenworth, Kansas.

Jan. 29, 69, Radm B. H. Bieri, Jr., SC, USN, Supply Conference, Okinawa.

Jan. 31, 69, Radm B. H. Bieri, Jr., SC, USN Supply Conference, Okinawa, Hawaii.

Feb. 2, 69, Radm B. H. Bieri, Jr., SC USN, Supply Conference, Japan.

Feb. 4, 69, Adm I. J. Galantin, USN, Naval Material Command Wives Club, Washington, D.C.

Feb. 4, 69, Adm T. H. Moorer, USN, Naval Aviation Shore/Field Activities Conference, Washington, D.C.

Feb. 4, 69, Radm. G. E. Moore, II, SC, USN, Naval War College/Naval Supply Center, Newport, Rhode Island.

Feb. 4, 69, Radm. E. E. Christensen, USN, Lions Club Luncheon, Louisville, Kentucky.

Feb. 5, 69, Radm. G. E. Moore, II, SC, USN, Boston Navy Yard, Boston, Mass.

Feb. 8, 69, Radm. P. B. Armstrong, USN, National Security Forum, American Legion Auxiliary, Durham, Conn.

Feb. 10, 69, Hon. C. A. Bowsher, Institute of Internal Auditors, Philadelphia, Pa.

Feb. 13, 69, Radm. R. M. Isaman, USN, National Academy of Sciences; USNR Research Company 5–8, Washington, D.C.

Feb. 13, 69, Radm. O. D. Waters, Jr., USN, Department of State, Diplomatic and Counsular Officers, Washington, D.C.

Feb. 17, 69, Adm. B. A. Clarey, USN, Armed Forces Staff College, Norfolk, Virginia.

Feb. 22, 69, Radm. F. T. Norris, MC, USN, Shriner's Dinner, Asheville, North Carolina.

Feb. 22, 69, Radm. J. C. Wylie, USN, Algonquin Club, Boston, Mass.

Feb. 22, 69, Radm. J. B. Osborn, USN, Commissioning USS ASPRO, Pascagoula, Mississippi.

Feb. 23, 69, Adm. T. H. Moorer, USN, Military Ball, Dallas, Texas.

Feb. 24, 69, Radm. O. D. Waters, USN, American Management Association, New York, New York.

Feb. 24, 69, Radm. J. L. Holloway, USN, Air University, Navy Week, Maxwell AFB, Alabama.

Feb. 24, 69, Radm. A. R. Gralla, USN, American Ordnance Association, Washington, D.C.

Feb. 25, 69, Hon. C. A. Bowsher, George Washington University, Washington, D.C.

Feb. 25, 69, Adm. T. H. Moorer, USN, Navy League Seapower Symposium, Washington, D.C.

Feb. 25, 69, Radm H. J. Trum, III, USN, Kiwanis Club Luncheon, Seattle, Washington.

Feb. 26, 69, Adm I. J. Galantin, USN, Navy League Seapower Symposium, Washington, D.C.

Feb. 6, 69, Radm L. R. Geis, USN, NACAL Art Presentation, Los Angeles, California.

Feb. 28, 69, Radm O. D. Waters, USN, Commonwealth Club of California, San Francisco, California.

Mar. 1, 69, Adm T. H. Moorer, USN, Navy/Marine Corps Council, Washington, D.C.

Mar. 3, 69, Adm B. A. Clarey, USN, VFW "Voice of Democracy" Conference, Washington, D.C.

Mar. 13, 69, Adm T. H. Moorer, USN, American League Security, Washington, D.C.

Mar. 15, 69, Mgen N. K. Anderson, Commissioning USS ANCHORAGE, Portsmouth, Virginia.

Mar. 17, 69, Adm I. J. Galatin, USN, Coast Research Symposium, Gaithersburg, Maryland.

Mar. 18, 69, Adm T. H. Moorer, USN, Armed Forces Staff College, Norfolk, Virginia.

Mar. 20, 69, Radm E. E. Christensen, USN, Navy League Council, Glynco, Georgia.

Mar. 21, 69, Adm. T. H. Moorer, USN, Naval Academy Alumni, New York, New York.

Mar. 24, 69, Radm W. F. Schlech, USN, Tulane University Institute of Foreign Transportation and Port Operations, New Orleans, Louisiana.

Mar. 25, 69, Hon. J. H. Chafee, Freedom Seminar, San Diego, California.

Mar. 27, 69, Radm H. J. Kossler, USN, Navy League Council, Columbus, South Carolina.

Mar. 27, 69, Radm L. R. Geis, USN, Aviation Schools Command, Pensacola, Florida.

Mar. 28, 69, Radm L. R. Geis, USN, Navy League Dinner, Pensacola, Florida.

Mar. 28, 69, Radm L. R. Geis, USN, Graduation Class, NAS, Pensacola, Pensacola, Florida.

Apr. 2, 69, Radm L. R. Geis, USN, Navy League Luncheon, Altoona, Pennsylvania.

Apr. 12, 69, Hon. F. Sanders, Launching USS HAWKBILL, Vallejo, California.

Apr. 16, 69, Radm L. R. Geis, USN, Navy League Luncheon, Ft. Lauderdale, Florida.

Apr. 18, 69, Radm L. R. Geis, USN, Southeast Florida Rotarians District Conference, Palm Beach, Florida.

Apr. 25, 69, Radm S. H. Kinney, USN, New York Yacht Club, New York, New York.

Apr. 25, 69, Radm L. R. Geis, USN, Graduation Class, Naval Training Center, Orlando, Florida.

May 2, 69, Hon. C. A. Bowsher, Launching USS RATHBURNE, Seattle, Washington.

May 3, 69, Radm N. M. Harnish, Launching USS PATTERSON, Westwego, Louisiana.

May 3, 69, Radm J. L. Holloway, III, USN, U.S. Naval Academy Alumni, San Francisco, California.

May 8, 69, Radm O. D. Waters, Jr., USN, Conference of Southwestern Foundations, Oklahoma City, Oklahoma.

May 15–16, 69, Hon. J. D. Hittle, Armed Forces Day, Vallejo, California.

May 16, 69, Vadm F. J. Blouin, USN, Armed Forces Day Luncheon, Los Angeles, California.

May 16, 69, Vadm B. M. Strean, USN, Armed Forces Day, Corpus Christi, Texas.

May 16, 69, Radm L. H. Sell, USN, Armed Forces Day Luncheon, Knoxville, Tennessee.

May 16, 69, Radm D. W. Cooper, USN, Naval Reserve Company, Weekly Meeting, Washington, D.C.

May 16, 69, Radm T. R. Weschler, USN, Armed Forces Day, Scranton, Pennsylvania.

May 16, 69, Radm T. R. Weschler, USN, Navy League Dinner, Reading, Pennsylvania.

May 16–17, 1969, Radm H. V. Bird, USN, Armed Forces Day, McAlester, Oklahoma.

May 17, 1969, Adm T. H. Moorer, USN, Armed Forces Day Dinner, Louisville, Kentucky.

May 17, 1969, Adm I. J. Galantin, Launching USS Flying Fish, Groton, Conn.

May 17, 1969, Vadm L. C. Heinz, USN, Armed Forces Day, Virginia Beach, Virginia.

May 23–24, 1969, Radm B. H. Bieri, Jr., SC USN, Navy Exchange Service Center, San Diego, California.

May 24, 1969, Gen L. Chapman, Launching USS Inchon, Pascagoula, Mississippi.

May 24, 1969, Radm G. R. Larocque, USN, Navy League Council, Miami, Florida.

May 24, 1969, Radm R. R. Crutchfield, USN, Navy League Meeting, Crane, Indiana.

May 24, 1969, Radm F. B. Voris, MC, USN, Navy League Council, Miami, Florida.

May 26, 1969, Vadm F. J. Blouin, USN, USS Massachusetts, Memorial Day Ceremonies, Fall River, Mass.

May 26, 1969, Radm L. J. O'Brien, Jr., USN, Naval Reserve Company Weekly Meeting, Washington, D.C.

May 27, 1969, Adm T. H. Moorer, USN, Union Club, Philadelphia, Pa.

May 29, 1969, Radm C. E. Bell, USN, USO Dinner, Dallas, Texas.

May 30, 1969, Hon J. D. Hittle, Memorial Day Ceremonies, Paris, France.

May 30, 1969, Radm L. B. McDonald, USN, Memorial Day Ceremonies, Wilkes-Barre, Pa.

May 30, 1969, Radm D. H. Bagley, USN, Memorial Day Ceremonies, Portland, Oregon.

May 30, 1969, Radm J. C. Donaldson, Jr., USN, Memorial Day Ceremonies, Washington, D.C.

May 30, 1969, Radm F. J. Harlfinger, II, USN, Centennial Day, Nassau, New York.

May 30, 1969, Radm G. R. Muse, USN, Memorial Day Ceremonies, Fort Omaha, Nebraska.

May 30, 1969, Radm H. Ewart, DC, USNR–R, Memorial Day Ceremonies, Dearborn, Michigan.

June 12, 1969, Radm J. Osborne, USN, Flag Day, Kiwanis, Nashville, Tennessee.

June 13, 1969, Adm T. H. Moorer, Commissioning USS Bergall, Groton, Conn.

June 14, 1969, Radm L. R. Geis, USN, Navy League Council, Wichita, Kansas.

June 17, 1969, Radm L. R. Geis, USN, Reserve Flag Officers, Washington, D.C.

June 21, 1969, Vadm T. F. Caldwell, USN, Military Ball, Kansas City, Missouri.

Mr. FULBRIGHT. Lastly:

Publication of a monthly magazine, "Direction", for Navy public affairs officers, and periodic publication of three items for Navy ghost writers and speakers—"Navy Speakers Guide", "Outstanding Navy Speeches", and "Quotable Navy Quotes."

The list could go on but I wish to discuss in more detail two programs which, I think, illustrate the pervasiveness of the Navy's efforts to win friends and influence in the news media and the public. Twice a year the Navy invites a group of newsmen to spend a few days aboard ship, watching their Navy in action. One of the responsibilities assigned to the 31 Naval Reserve Public Affairs companies, according to an instruction issued last year by the Secretary of the Navy, is to "Nominate top media executives for two yearly trips to Hawaii (15 per trip) on an aircraft carrier and return via Navy air to the West Coast." The manner of selecting the local newsmen was made plain in this item from the annual public affairs plan for the Sioux City, Iowa, Reserve company which called for: Contact with media personnel and selection of those most closely cooperating." "Cooperating" obviously means thumping the Navy's tub. Last year the Navy Secretary's instructions to local Reserve public affairs companies told them:

If the news is devoid of Navy activity, call the media and ask the simple question, "Where is the Navy news today?"

But the news media were not alone in receiving the Navy's favors. In the last 2 years, 188 VIP's from throughout the country have enjoyed the Navy's hospitality on 13 cruises, most of them destined for Hawaii. The occupations listed for the guests ranged from sheep rancher, to steel magnate, to labor leader. One guest, Bertrand Harding, then director of the Office of Economic Opportunity, apparently liked his September 1968 trip to Hawaii on the U.S.S. *Coral Sea* so much he went back again in March of this year aboard another aircraft carrier. I think it would be safe to assume that the guests received a thorough exposure to the Navy's power potential—and requirements—en route to and at Pearl Harbor under the most favorable circumstances.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, in a somewhat similar public relations category, the Navy each year invites a varied list of civilians to attend a global strategy discussion at the Naval War College. Again, as in the case of news media and VIP cruises, Naval Reserve Public Affairs companies are expected to nominate for invitation "outstanding leaders of the area." The list for the 1968 meeting is a varied one, ranging from the board chairman of Washington's Woodward and Lothrop department store to the president of the Defense Department-financed Hudson Institute. But the flavor of the invitation list is distinctly that of a board meeting of the military-industrial complex. Some of the defense contractors represented were: Raytheon, Litton Industries, Curtis-Wright, North American Rockwell, Sikorsky, Lockheed, Bendix, Sperry Rand, General Electric, Aerojet-General Western Electric, Martin Marietta, and so on. Thus, I imagine that the Navy War College's message on the importance of seapower falls on somewhat sympathetic ears.

I ask unanimous consent that the lists of guests of the Navy and participants in the global strategy discussion be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXHIBIT IV

LISTS OF SECRETARY OF THE NAVY CRUISE GUESTS (MEDIA)

Enclosed are lists of civilian news media representatives who have participated in a Navy cruise since 1967. These cruises for media representatives are administered in the same fashion as the Secretary of the Navy Guest Cruise Program at no additional cost to the government. Guests provide their own transportation to the port of embarkation and pay for all meals and incidentals during the afloat and ashore phases of the cruise.

GUEST LIST FOR U.S.S. NEW JERSEY, SEPTEMBER 5–9, 1968

Mr. Jeremy Dole, Senior Editor, Readers Digest, Pleasantville, New York.

Mr. William Grayson, Executive Vice President, Johnson Publishing Co. (Ebony, Jet), New York, New York.

Mr. John P. McGoff, President, PANAX Corp., East Lansing, Michigan.

Mr. Cruise Palmer, Managing Editor, Kansas City Star, Kansas City, Missouri.

Mr. Maurice Webster, Vice President (Development), Columbia Broadcasting System, Inc., New York, New York.

Mr. Roland Dopson, Assistant Managing Editor, Miami Herald, Miami, Florida.

Mr. John McCambridge, Vice President, The Minneapolis Star & Tribune Co., Minneapolis, Minnesota.

Mr. Bruce Myers, Managing Editor, The Corvallis Gazette-Times, Corvallis, Oregon.

Mr. Thomas H. Thompson, Editor, Amarillo Globe-Times, Amarillo, Texas.

GUEST LIST FOR MEDIA CRUISE TO PEARL ONBOARD ENTERPRISE, JANUARY 3–10, 1968

A. L. Alford, Jr., General Manager, Lewiston Morning Tribune, P.O. Box 602, Lewiston, Idaho 83501.

Michael Dann, Senior Vice President, Programs, CBS Network Division, Columbia Broadcasting Systems, Inc., 51 West 52nd Street, New York, New York 10019.

William Dwight, President, Holyoke Transcript, Telegram Publishing Company, 180 High Street, Holyoke, Massachusetts 01040.

Harry Hoth, President, Pikes Peak Broadcasting Company, 399 South Eighth Street, Colorado Springs, Colorado 80901.

Henry B. Jameson, Publisher, Abilene Reflector-Chronicle, P.O. Box 238, Abilene, Kansas 67410.

Robert Lemon, Regional Vice President, NBC, Merchandise Mart, Chicago, Illinois 60654.

Walter McKinney, General Manager, Hillsboro Argus, P.O. Box 29, Hillsboro, Oregon 97123.

Richard G. Steel, Publisher, Telegram and Gazette, 20 Franklin Street, Worcester, Massachusetts 01608.

George A. Whitney, General Manager, KFMB–TV, 1405 5th Avenue, San Diego, Cal. 9210.

Matt Gople, Copy Editor, Kansas City Star, Kansas City, Missouri 64108.

Carlton Beal, BTA Oil Producers, 104 South Pecos, Midland, Texas 79701.

John C. Dowd, Sr., President, John C. Dowd, Inc. 212 Park Square Bldg., Boston, Massachusetts 02116.

Jack H. Harris, Executive Director, Virginia Beach Sun, P.O. Box 657, Virginia Beach, Virginia 23451.

Robert C. Ingalls, Publisher, Corvallis Gazette-Times, Corvallis, Oregon 97330.

Gerald T. Latham, General Manager, Medford Mail-Tribune, Medford, Oregon 97501.

Varl W. Schoss, Executive Vice President, Desert Sun Publishing Co., 611 South Palm Canyon Drive, Palm Springs, California 92262.

Jackson W. Tarver, President, Atlanta Newspapers Inc., 10 Forsyth Street, Atlanta. Georgia 30303.

CORAL SEA CRUISE FROM ALAMEDA, CALIFORNIA TO PEARL HARBOR, HAWAII ON JULY 23—AUGUST 3, 1967

1. Mr. James Bassett, The Los Angeles Times, Times Mirror Square, Los Angeles, California 90053, 213–625–2345.

2. Mr. Cass Canfield, Chairman of the Executive Committee, Harper & Row Publishers, 49 East 33rd Street, New York, New York 10016 212–889–7500.

3. Mr. Kenneth L. Fox, Associate Editor, Editorial Department, The Kansas City Star, 1729 Green Avenue, Kansas City, Missouri 64108 816–HA1–1200.

4. Mr. Ian K. Harrower, Program and Production Manager, WWJ–TV, 622 Lafayette Boulevard, Detroit, Michigan 48226 313–222–2000.

5. Mr. Harry Hill, Assistant Managing Editor, Milwaukee Journal, 333 W. State Street, Milwaukee, Wisconsin 50203 444–271–6000.

6. Mr. James J. Kilpatrick, The Richmond News Leader, 905 G. Street, S.E., Washington, D.C. 20003 202–547–6454.

7. Mr. Thatcher Longstreth, Greater Philadelphia Chamber of Commerce, 121 S. Broad Street, Philadelphia, Pennsylvania 19107 215–PE5–9320.

8. Mr. Frank Price, Producer, Universal Studio, Universal City, California 91608 213–985–4321.

9. Mr. Lloyd Sigmon, Executive Vice President, Golden West Broadcasters, 5800 Sunset Boulevard, Hollywood, California 90028 213–469–5341.

10. Mr. Richard L. Strout, Christian Science Monitor, 1293 National Press Building, Washington, D.C. 20004 202–RE7–7555.

11. Mr. Bruce Washburn, Program Director, KVOO–TV, 3701 South Peoria Street, Tulsa, Oklahoma 74105 918–RI2–5561.

12. Mr. Warren Wright, Program Manager, WFBM–TV, 1330 North Meridian Street, Indianapolis, Indiana 46202 317–635–9326.

EXHIBIT V

VIP AND OTHER SPECIAL ORIENTATION CRUISES

FIRST FLEET CRUISE ONBOARD KITTY HAWK, OCTOBER 7–11, 1968

Principals

1. Louis A. Beecherl, Jr., Chairman of the Board & President, Texas Oil and Gas Corp., Dallas, Texas.

2. Charles M. Beeghly, Chairman of the Board, Jones & Laughlin Steel Corp., Pittsburgh, Pennsylvania.

3. William K. Coors, President, Adolph Coors, Co., Golden, Colorado.

4. George S. Craft, Chairman of the Board, Trust Co. of Georgia, Atlanta, Georgia.

5. Alexander G. Hardy, Chairman of the Board, Aviation Employees Corp., Bethesda, Maryland.

6. Walton M. Jarman, President, General Shoe Corp., Nashville, Tennessee.

7. Paul F. Lorenz, Vice President (Marketing), Ford Motor Co, Dearborn, Michigan.

8. Lorin L. Moench, Sheep Rancher, Salt Lake City, Utah.

9. John R. Moore, Executive Vice President, North American Aviation, El Segundo, California.

10. James Dennis North, Vice President (Marketing), General Food Corp., White Plains, New York.

11. Mosses J. Newsom, Executive Editor, Afro-American Newspapers, Baltimore, Maryland.

12. Commissioner Kenneth E. Raschke, Commissioner of North Dakota Board of Higher Education, Bismarck, North Dakota.

13. Dr. Marvin Schorr, President, Technical Operations, Inc., Burlington, Massachusetts.

14. Roy Siemiller, President, International Association of Machinists, Des Plains, Illinois.

15. Richard E. Terrell, Vice President (Frigidaire), General Motors Corp., Detroit, Michigan.

PEARL HARBOR CRUISE ONBOARD RANGER, 26 OCT.–1 NOV. 1968

Principals

1. Dr. W. Montague Cobb, M.D., Editor, Journal of the National Medical Association, Washington, D.C.

2. Charles W. Engelhard, Chairman of the Board, Engelhard Minerals & Chemicals Corp., Newark, New Jersey.

3. John D. Gray, President, Hart, Schaffner & Marx, Chicago, Illinois.

4. Walter Haas, Jr., President, Levi Strauss, San Francisco, California.

5. Henry W. Jones, Vice President (Employee & PR), Atlantic Richfield Co., Philadelphia, Pennsylvania.

6. Stephen F. Keating, President, Honeywell, Inc., Minneapolis, Minnesota.

7. Harding L. Lawrence, President, Braniff Airways, Inc., Dallas, Texas.

8. Dr. Laurel Loftsgard, President, North Dakota State University, Fargo, North Dakota.

9. Sanford N. McDonnell, President, McDonnell Aircraft Co., St. Louis, Missouri.

10. John B. Naughton, Vice President, Ford Motor Co., Dearborn, Michigan.

11. Rudolph A. Peterson, President, Bank of America, San Francisco, California.

12. Walter P. Reuther, President, Automobile, Aerospace & Agricultural Implement Workers of America, Detroit, Michigan.

13. George M. Steinbrenner, President, The American Ship Building Co., Lorain, Ohio.

14. George H. Weyerhaeuser, President, Weyerhaeuser Co., Tacoma, Washington.

15. Samuel H. Wolcott, Jr., Director, Big Sandy Co., Boston, Massachusetts.

GUEST LIST FOR JULY 15–19 FIRST FLEET SECRETARY OF THE NAVY CRUISE, 1968

1. Mr. Norman S. Altman, Partner, Krooth and Altman, 1001 15th Street N.W., Washington, D.C. 20005.

2. Dr. John S. Atwater, Senior Partner, Internal Medicine Group of Atlanta, Suite 207, Doctors Building, 478 Peachtree St., Atlanta, Georgia 30308.

3. Mr. N. Preston Breed, Senior Vice President, State Street Bank and Trust Company, 225 Franklin Street, Boston, Mass. 02110.

4. Dr. John E. Champion, President, Florida State University, Tallahassee, Florida 32306.

5. Mr. David Cochran, Manager, Engine Field Operations, Defense Programs Division, General Electric Company, 777 14th Street N.W., Washington, D.C. 20005.

6. Dr. William Duhamel, Vice President, Duhamel Broadcast Enterprises, P.O. Box 1752, Rapid City, S.D. 57702.

7. Mr. Frederick Farrar, Chairman of the Board, First National Bank, Pueblo, Colo.

8. Mr. Lamartine G. Hardman, Jr., President, Harmony Grove Mills Inc., Commerce, Georgia 30529.

9. Mr. Vivian T. Kidd, President, Global Moving and Storage Company, 15 South Spokane Street, Seattle, Washington 98134.

10. Mr. A. Ray McChord, Vice President, Texas Instruments Inc., 13500 North Central Expressway, Dallas, Texas 75231.

11. Mr. Cruse W. Moss, Executive Vice President, Kaiser Jeep Company, 940 North Cove Blvd., Toledo, Ohio 43601.

13. Mr. Charles J. Redmon, President, Intercoastal Aircraft Inc., 8167 Perimeter Road, Seattle, Washington 98108.

14. Dr. Jeston T. Tatum, President, Mississippi State Heart Fund, Rush Medical Group, Meridian, Mississippi 39301.

15. Mr. David F. Williams, Methods and Standards Manager, General Telephone and Electronics Service Corp., 730 Third Ave., New York, New York 10017.

COMMANDANT FIRST FLEET SECRETARY OF NAVY GUEST, FEBRUARY 9–14, 1969 IN SAN DIEGO

Mr. Burke D. Adams, Vice President, Batten, Barton, Durstine & Osborne, Inc., 1720 Peachtree Road N.W., Atlanta, Georgia 30309.

Mr. Cameron Argetsinger, Executive Director, Watkins Glen Grand Prix Corp., Watkins Glen, New York, N.Y. 14891.

Mr. John Henry Campbell, President, The Mutual Building and Loan, Association of Las Cruces, 510 South Main. Las Cruces, New Mexico 88001.

Mr. H. Dave Collins, H. D. Collins Gas & Oil Co., 304 Philtower Building, Tulsa, Oklahoma 74103.

Mr. Albert J. Forte, Owner, A. J. Forte Associates, 1816 Jefferson Place N.W., Washington, D.C. 20036.

Mr. Fred Harris, Owner, Nevada Ranch Service, Box 871, Elko, Nevada 89801.

Mr. Frank Hattori, President, Hattori Realty, 1314 South Jackson St., Seattle, Washington 98144.

Mr. Oliver H. Hughes, President, Citizens National Bank and Trust Co., Emporia, Kansas 66801.

Mr. Pierce Lively, Partner, Lively & Rodes (Attorneys at Law), 120 North Third St., Danville, Kentucky 40422.

Mr. Frank R. Stevenson, President, Vermont Marble Company, 61 Main St., Proctor, Vermont 05765.

Mr. Pat Taggart, Publisher & President, Newspapers, Inc., 900 Franklin Ave., Waco, Texas 76703.

FIRST FLEET CRUISE, SEPTEMBER 1969

Dr. Conrad Briner, Professor & Chairman, Graduate Faculty in Education, Claremont Graduate School, Harper 200, Claremont, California 91711.

Mr. Robert S. Davis, President, R. L. Bryan Co., P.O. Box 368, Columbia, South Carolina 29402.

Mr. John C. Holley, Vice President, Director of Sales, Holley Carburetor Co., 11955 East Nine Mile Road, Warren, Michigan 48089.

Mr. Hugh H. Crawford, Executive Secretary, Optimist International, 4494 Lindell Boulevard, St. Louis, Missouri 63108.

Mr. Frank Venner, President, Venner Associates, Inc., 109 West 38th Street, New York, N.Y. 10018.

Dr. Merk Hobson, Chancellor, University of Nebraska, Room 308, Administration Bldg., Lincoln, Nebraska 68500.

Mr. Drew Hartnett, Attorney, Planters Bank Arcade, Salina, Kansas 67410.

Mr. George Nessebrode, Vice President, Southeastern Public Services Corporation, 800 West 49th St., John Hancock Bldg., Kansas City, Mo. 64112.

Mr. Joseph D. MiTigue, General Manager, Northwestern Mutual Life Insurance, 1968 Johnson Drive, Shawnee Mission, Kansas 66205.

Mr. Aton Brabik, Principal Marine Surveyor, 350 West Jackson Bldg., Chicago, Illinois 60606.

Dr. David E. Molyneaux, Pastor, First Presbyterian Church, 746 South Saginaw Street, Flint, Michigan 48502.

Mr. Robert Rhodes, Commissioner, Motor Vehicle Department, Concord, New Hampshire 03301.

Mr. Robert Maitour, Vice President, A. G. Spalding & Brothers, Inc., Meadow Street, Chicoppe, Massachusetts 01013.

LIST OF GUESTS PARTICIPATING IN SECRETARY OF NAVY GUEST CRUISE ABOARD U.S.S. CONSTELLATION TO PEARL HARBOR, MAY 28–JUNE 7, 1969

1. Mr. Neilson Brown, Vice Chairman of the Board, Selective Life Insurance Company, 830 North Central Avenue, Phoenix, Arizona.

2. Mr. Randell Cooper, Executive Director, Chicago Central Area Committee, 111 West Washington Street, Chicago, Illinois.

3. Mr. William Crook, Director, VISTA, 1111 18th Street, N.W., Washington, D.C.

4. Mr. Charles Dolston, President, Delta Air Lines, Atlanta, Georgia.

5. Mr. William Foshay, Senior Partner, Sullivan and Cromwell, New York, N.Y.

6. The Honorable Howard P. Jones, Dean, East-West Center, University of Hawaii, Honolulu, Hawaii.

7. Mr. Paul King, Director, Program Developments, CBS Television City, 7800 Beverly Boulevard, Los Angeles, California.

8. Mr. John N. Leedom, President, Wholesale Electronics Supply, Dallas, Texas.

9. Mr. Guy Main, Executive Vice President, Midwest Television, Inc., Champaign, Illinois.

10. Mr. John P. Maloney, Corporate Research Director, The Readers Digest, 200 Park Avenue, New York, N.Y.

11. Mr. Frederick Moore, Peat, Marwick, Mitchell and Company, Suite 1500, 11 West Monroe Street, Chicago, Illinois.

12. Mr. Clifford M. Roberts, Jr., Vice President, Cargill Company, Cargill Building, Minneapolis, Minnesota.

13. Mr. Guy Stillman, Past President, Board of Visitors to the U.S. Naval Academy, 300 West Osborn Road, Phoenix, Arizona.

14. Mr. Arthur W. Vienna, President, California Spring Company, 8401 East Slauson, Pico River, California.

LIST OF GUESTS PARTICIPATING IN SECRETARY OF THE NAVY GUEST CRUISE ABOARD U.S.S. RANGER TO PEARL HARBOR, OCTOBER 31–NOVEMBER 2, 1968

1. Dr. W. Montague Cobb, Editor, Journal of the National Medical Association, 1219 Girard Street, N.W. Washington, D.C. 20009.

2. Mr. Sam F. Davis, President, Tampa Ship Repair & Drydock Co., P.O. Box 1277, Tampa, Florida 33601.

3. Mr. G. I. Kogelschatz, Vice President, Columbia Ribbon & Carbon MFGR Co., 600 Broadmoor, Blytheville, Arkansas 72315.

4. Mr. John A. Kuneau, Vice President, Grey Advertising, Inc., 777 Third Avenue, New York, New York 10017.

5. Dr. Laurel Loftsgard, President, North Dakota State University, State College Station, Fargo, North Dakota 58102.

7. Mr. R. B. O'Rielly, President, O'Rielly Motor Company, 6100 East Broadway, Tucson, Arizona 85711.

8. Mr. Sherrill A. Parsons, President, Counselors-To-Management, Inc., 843 Mason Street, San Francisco, California 94108.

9. Chief Justice William C. Perry, Supreme Court of Oregon, Supreme Court Building, Salem, Oregon 97310.

10. Mr. Louis A. Petri, 615 Montgomery Street, San Francisco, California 94111.

11. Mr. Gene E. Roark, President, Husky Oil Company, P.O. Box 380, Cody, Wyoming 82414.

12. Dr. William G. Shepherd, Vice President Academics, University of Minnesota, 213 Morrill Hall, Minneapolis, Minnesota 55455.

13. Mr. Harold Wandesford, Vice President, Title Insurance and Trust Co., 309 South Third, Las Vegas, Nevada 89104.

15. Mr. Samuel H. Wolcott Jr., President, Consolidated Investment Trust, 35 Congress Street, Boston, Massachusetts 02109.

LIST OF GUESTS PARTICIPATING IN SECNAV GUEST CRUISE ABOARD U.S.S. CORAL SEA TO PEARL HARBOR, SEPTEMBER 11–14, 1968

1. Mr. Harold L. Coons, Advertising Manager, Keystone Steel & Wire Co., 7000 South Adams Street, Peoria, Ill. 61607.

2. Mr. Joe M. Dealey, President, A. H. Belo Corp, Dallas, Tex. 75222. (Newspaper publishing.)

3. Mr. Jeremy Dole, Senior Editor, The Readers Digest, Pleasantville, N.Y. 10570.

4. Mr. Lewis W. Dymond, Chairman and President, Frontier Airlines, Inc., 5900 East 39th Avenue, Denver, Colorado 80207.

5. Mr. Bertrand M. Harding, Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20036.

6. Mr. Frank M. Hunt, Secretary-Treasurer, Hunt Brothers, Inc. Box 631, Lake Wales, Fla. (Citrus fruit producers and shippers).

7. Mr. Brooks J. Keogh, Past President, National Cattlemen's Assn., Keene, North Dakota 58847.

8. Honorable Gerald S. Levin, Presiding Judge, Superior Court, State of California, 1080 Chestnut Street, San Francisco, Calif. 94102.

9. Mr. F. A. Mechling, Executive Vice President, A. L. Mechling Barge Lines, Inc., 51 North DesPlaines Street, Joliet, Ill. 60431.

10. Mr. William G. Mennen, Jr., Executive Vice President, The Mennen Company, Morristown, N.J.

11. Mr. Albert A. Morey, Chairman of the Board, Marsh & McLennan, Inc., 231 S. LaSalle Street, Chicago, Ill. 60604.

12. Dr. Prezell R. Robinson, Ed. D, President, St. Augustine's College, Raleigh, N.C. 27610.

13. Mr. Walton B. Sommer, Chairman and President, Keystone Steel & Wire Co., 7000 South Adams Street, Peoria, Ill. 61607.

14. Mr. James W. Steckel, President, Torco Termite & Pest Control 113–115 W. Rich Street, Columbus, Ohio 42315.

15. Mr. Andrew Wick, President, Wick Construction Co., 720 North Street, Seattle, Washington 98103.

16. Mr. Morris B. Zale, Chairman of the Board, Zale Corporation, 512 South Akard Street, Dallas, Texas 75202. (Retail jewelers.)

SECRETARY OF THE NAVY GUEST CRUISE U.S.S. "ORISKANY" (CVA–34) APRIL 15–26, 1969

1. Mr. John A. Blum, Senior Vice President, Macy's Inc., Herald Square, New York, N.Y. 10001.

2. Mr. Francis X. Carroll, President, Virginia Iron, Coal & Coke Co., 325 W. Campbell Ave., Roanoke, Virginia 24011.

3. Mr. Carson Cowherd, President, Town & Country Estates, 4601 Madison Avenue, Kansas City, Missouri 64112.

4. Mr. E. Thomas Drennan, President, Sioux City & New Orelans, Barge Lines, Inc., 7745 Carondelet, Clayton, Missouri 63105.

5. Dr. Alfred C. Emery, Provost, University of Utah, 202 Park Building, Salt Lake City, Utah 84112.

6. Mr. John P. Guerin, Jr., Managing Partner, J. P. Guerin & Company, 618 South Spring Street, Los Angeles, California 90014.

7. Mr. G. J. Hoselton, Executive Vice President, Metz Baking Company, 1500 U.S. Highway 75, Sioux City, Iowa 51105.

8. Mr. Phillip C. Kidd, Jr., President, First National Bank & Trust Co., 116 S. Peters, Norman, Oklahoma 73069.

9. Dr. Edward Craig Mazique, Past President, National Medical Association, 180 Ninth St. N.W., Washington, D.C. 20001.

10. Mr. Stephen G. Moore, Executive Vice President, Howard National Bank & Trust Co., 111 Main S., Burlington, Vermont 05401.

11. Mr. J. W. Morton, Estimator, T. L. James & Co., P.O. Box 0, Ruston, Louisiana 71270.

12. Dr. Joseph A. Norton, Partner, Radiology Associates, Suite 101, 500 South University, Donaghey Building, Little Rock, Arkansas 72201.

13. Rabbi Levi A. Olan, D.D., Temple Emanu El, 850 Hillcrest Ave., Dallas, Texas 75225.

14. Mr. Carl L. Shelton, Owner, Sheltons Jewelers, P.O. Box 387, Lake Wales, Florida 33853.

15. Mr. Edward J. Walsh, Jr., Investments, 318 A. North Euclid Ave., St. Louis, Missouri 63108.

LIST OF GUESTS PARTICIPATING IN SECRETARY OF THE NAVY GUEST CRUISE ABOARD USS "ENTERPRISE" CVA(N)–65 TO PEARL HARBOR, JANUARY 11–15, 1969

1. Mr. Joseph F. Bon Tempo, President, Joseph F. Bon Tempo and Associates, P.O. Box 111, Rochester, Pennsylvania 15074.

2. Mr. Marvin E. Burke, President, Sportcaster Company, 160 S. Jackson Street, Seattle, Washington 98104.

3. Mr. Ben H. Eaton, Executive Vice President, Dean, Witter and Company, 632 S. Spring Street, Los Angeles, California 90014.

4. Dr. Neal H. Ingram, DDS, 520 Stimson Building, Seattle, Washington 98101.

5. Mr. Otis Lamson, President, Lamson Products Company, 1128 Popler Place South, Seattle, Washington 98144.

6. Mr. Edward R. Larson, President, Bob Larson Real Estate, Incorporated, 26 East Haskell Street, Winnemucca, Nevada 98445.

7. Mr. Louis Levy, Executive Assistant, Henry Crown and Company,, 300 W. Washington Street, Chicago, Illinois 60606.

8. LTJG Michael Kasun, Public Affairs Officer, Commander in Chief, U.S. Pacific Fleet.

9. CDR H.E. Padgett, Public Affairs Officer, West Coast.

10. Mr. Jack Paller, Director and Executive Vice President, Monarch Enterprises Corp. 3117 Hopkinson House, Washington Square South, Philadelphia, Pennsylvania.

11. Mr. Ernest P. Powlesland, President, Better Homes Realty and Investment Company, 10532 Greenwood Avenue North, Seattle, Washington 98133.

12. Mr. Edgar J. Quinn, Publications Supervisor, New York Telephone Company, 140 West Street, New York, New York 10007.

13. Mr. Morris Schwab, Treasurer, D & H Distribution Company, 2525 North 7th Street, Harrisburg, Pennsylvania 17105.

14. Mr. Wade Terrell, President Texas Chamber of Commerce, Managers Association, McAllen Chamber of Commerce, McAllen, Texas 78501.

15. Mr. Paul Trousdale, Chairman of the Board, Trousdale Construction Company, 650 N. Sepulveda Boulevard, Los Angeles, California 90049.

LIST OF GUESTS PARTICIPATING IN SECRETARY OF THE NAVY GUEST CRUISE ABOARD U.S.S. BON HOMME RICHARD (CVA–31) TO PEARL HARBOR, MARCH 18–27, 1969

1. Mr. George Cates, 2114 Southwick Dr., Houston, Texas 77055.

2. Mr. John E. Corette, Chairman of the Board, Montana Power Company, 40 East Broadway, Butte, Montana 59701.

3. Mr. Gordon Ellis, President, Fairmount Food Company, 3201 Farnam Street, Omaha, Nebraska 68101.

4. Mr. Nelson W. Freeman, President, Tenneco, Inc., Tennessee Building, Houston, Texas 77002.

5. Mr. Nelson H. Futch, Vice President & Promotion, HMH Publishing Company, 919 North Michigan Ave., Chicago, Illinois 60611.

6. Mr. Ben Hill Griffin, Jr., President, Ben Hill Griffin, Inc., P.O. Box 368, Frostproof, Florida 33843.

7. Mr. Bertrand M. Harding, Director, Office of Economic Opportunity, 1200 19th Street N.W., Washington D.C. 20036.

8. Mr. Jerome S. Hardy, Publisher, Life Magazine, Rockefeller Center, New York, New York 10020.

9. Mr. Joseph M. Long, President, Long's Drug Stores, Inc., 5238 Claremont Avenue, Oakland, California 94618.

10. Mr. Douglas W. Love, President, Utah-Idaho Sugar Company, P.O. Box 2010, Salt Lake City, Utah 84110.

11. Donald R. Mallett, PH. D., Vice President, Purdue University, West Lafayette, Indiana 47906.

12. Mr. Hans Massaquoi, Assistant Managing Editor, Ebony Magazine, 1820 South Michigan Avenue, Chicago, Illinois 60616.

13. Mr. John B. Naughton, Vice President, Ford Motor Company, Rotunda And Southfield, Dearborn, Michigan 48124.

14. Alvin Thomas, PH. D., President, Prairie View A&M College, Prairie View, Texas 77445.

15. Mr. John Trottier, Director, North Dakota Turkey Federation, P.O. Box 392, Devils Lake, North Dakota 58301.

ACCEPTANCES FOR RANGER CRUISE TO PEARL, NOVEMBER 4–13, 1967

Mr. James O'Donald, President, First National Bank, Wheeling, West Virginia 26003.

Mr. Edward Aborn, President, TENCO Company (Beverages), Box 15, Linden, New Jersey 07036.

Mr. Charles S. Lowry, President, South Puerto Rico Sugar Company, 5 Hanover Square, New York, New York 10004.

Mr. Charles W. Aiken, President and Founder, Boys Home of the South, Box 1904–226 Pendleton Street, Greenville, South Carolina 29601.

Mr. Gale B. Aydelott, President, Denver and Rio Grande Railroad, 1531 Stout Street, Denver, Colorado 02802.

Mr. William R. Crook, Director, VISTA, Washington, D.C. 20006.

Dr. Ernest E. Sechler, Executive Officer, Firestone Flight Sciences Laboratory, California Institute of Technology, Pasadena, California 91109.

Mr. Howard Chase, Chairman, Howard Chase Associates (Management Consultant & Pub. Rel. Firm), 1270 Avenue of the Americas, New York, New York 10013.

Mr. Howard P. Jones, Dean—East-West Center, University of Hawaii, Honolulu, Hawaii 96822.

Mr. George L. Green, Vice President/General Manager, Pullman-Standard (Railway freight & pass. cars & parts), 200 South Michigan Avenue, Chicago, Illinois 60604.

Mr. James P. Newell, President, Trailer Train Company (Supplies flat cars for transp. of hwy. trailers), 1819 Kennedy Boulevard, Philadelphia, Pennsylvania 19103.

Mr. Valdemar Knudsen, Poipu Ranch Company, 2443 Makiki Heights Drive, Honolulu, Hawaii.

Mr. Trygve S. Vik, Vik Construction Company (Comm. & Industrial Bldg. contractors), 160 Madison Avenue, Eugene, Oregon 97402.

Mr. Walter Hogan, California Blowpipe & Steel Company (Sheet metal & steel fabrication), First and Coley Streets, Escalon, California 95320.

Mr. Fred Bailey, Barfield Industries, Inc. (Military weapons systems), 4730 Encino Avenue, Encino, California 91316.

Mr. William R. Breuner, John Breuner Company (Retail home furnishings), 2201 Broadway, Oakland, California.

Mr. Ned P. Clyde, President, Woodward, Clyde, Sherard & Assoc. (Soil engineers & foundations consultants), 2811 Aeline Street, Oakland, California 94608.

Mr. George S. Hawn (Investment business and Independent oil operator), 200 Hawn Building, Corpus Christi, Texas 78401.

Mr. Anthony J. Labarba, President, American Wine & Importing Company, 2937 South Haskell Avenue, Dallas, Texas 75223.

Mr. Frank S. Canio, President, First National Bank of Woodsboro (Also, managing partner of La Roosa Ranch in Texas), Woodsboro, Texas 78393.

LIST OF SECRETARY OF THE NAVY GUEST CRUISE IN U.S.S. "CONSTELLATION" (CVA–64), SAN DIEGO TO PEARL HARBOR, APRIL 29–MAY 8, 1968

Mr. William P. Clements, Jr., President, Southeastern Drilling, Inc., First National Bank Building, Dallas, Texas 75202.

Mr. Richard S. Colley, P.O. Box 2807, Corpus Christi, Texas 78403.

Mr. Henry A. Dudley, McNutt, Dudley and Easterwood Co., Barr Building, Washington, D.C. 20006.

Mr. Neal Gilliatt, Chairman, Interpublic, Inc., 1271 Avenue of the Americas, Rockefeller Center, New York, New York 10020.

Mr. Harold H. Helm, Chairman of the Executive Committee, Chemical Bank New York Trust Company, 277 Park Avenue, New York, New York 10017.

Mr. George P. Jenkins, Chairman, Finance Committee, Metropolitan Life Insurance Co., 1 Madison Avenue, New York, New York 10010.

Mr. Louis F. Laun, President, Celenese Fibers Marketing Co., 522 Fifth Avenue, Manhattan, New York 10036.

Mr. Herman Lemke, President, Lemke and Company, Room 206, 714 Ala Moana Boulevard, Honolulu, Hawaii 96814.

Dr. Herbert D. Longenecker, President, Tulane University, New Orleans, Louisiana 70118.

Mr. Charles D. Lowry, President and Chief Executive Officer, South Puerto Rico Sugar Company, 5 Hanover Square, New York, New York 10004.

Mr. Ivor D. Sims, Executive Vice President and Director, Bethlehem Steel Corporation, 701 E. Third Street, Bethlehem, Pennsylvania 18015.

Mr. Andrew W. Tarkington, President, Continental Oil Company, 30 Rockefeller Plaza, New York, New York 10020.

Mr. Louis L. Ward, Chairman and President, Russell Stover Candies, Inc., 1221 Baltimore, Kansas City, Missouri 64105.

The Very Reverend Monsignor Vincent Yzermans, Director, Bureau of Information, National Catholic Welfare Conference, 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005.

EXHIBIT VI

NAVAL WAR COLLEGE, GLOBAL STRATEGY DISCUSSION, 1968, CIVILIAN PARTICIPANTS

Mr. Charles F. Adams, Chm. Raytheon Co., 141 Spring St., Lexington, Mass. 02173.

Prof. James C. Aller, Operations Evaluation GP., Office of the CNO–OPO3EG, Navy Department, Washington, D.C., 20350.

John C. Allred, Ph. D., Vice Pres., Dean of Faculties, Univ. of Houston, Houston, Texas 77004.

Mr. Alton D. Anderson, Pres., Amecom Div., Litton Ind. Inc. 1140 East-West H'wy., Silver Springs, Maryland 20910.

Mr. Manuel R. Angulo, Partner, Curtis, Mallet-Prevost, Colt & Mosle, 63 Wall St., New York, N.Y., 1000.

Mr. John C. Ausland, Dir. Comb. Policy Office of Politico-Military Affairs, Dept. of State, Washington, D.C. 20520.

Radm. R. W. Bates, USN, Ret., 12 Mt. Vernon St., Newport, Rhode Island 02840.

Mr. Carlton Beal, BTA Oil Producers, 104 South Pecos, Midland, Texas 70704.

Louis Berger, Ph.D., Pres. Louis Berger, Inc., 177 Oakwood Ave., East Orange, N.J. 07012.

Mr. T. Roland Berner, Chmn. & Pres., Curtis Wright Corp., 1 Passaic St., Woodridge, New Jersey 07075.

George I. Blankstein, Ph.D., Prof. of Political Science, Northwestern Univ., Evanston, Illinois 60201.

Mr. Thos. E. Blount, Sr. Rep., A&S Group-N. Am. Rockwell Corp. Inter., 11006 Ralston Rd., Rockville, Maryland 20852.

Mr. C. W. Borklund, Pub. Armed Forces Mgmt., 1001 Vermont Ave., N.W., Washington, D.C. 20005.

Mr. Herbert Stanton Brown, Jr., Chief of Adv. Plng., Sikorsky Acft. Div. United Acft. Corp., Stratford, Conn. 06497.

Dr. S. H. Browne, Director of Planning, Wash. Area, Lockheed Aircraft Corp., 900 17th St. N.W., Wash. D.C.

Mr. Paul F. Bubendey, Senior VPres, Intl. Chem. Bank, N.Y. Trust Co., 20 Pine St., N.Y., N.Y. 10015.

Dr. H. Busignies, Sr. Vice Pres. & Chief Scientist, Int. Tel & Tel Corp., 320 Park Ave., N.Y., N.Y. 10022.

The Hon. David Chavez, Jr., Chief Justice, Supreme Court of New Mexico, Supreme Court Bldg., Santa Fe, New Mexico 87501.

The Hon. W. E. Chilton, III, Publ., the Charleston Gazette, the State Newspaper, Charleston, W. Va. 25330.

Adm. Joseph J. Clark, USN (Ret), Chmn, Hegeman-Harris Co., Inc., 1 Rockefeller Plaza, New York, N.Y. 10020.

Mr. Emilio G. Collado, 30 Rockefeller Plaza, New York, New York 10020.

Mr. Daniel E. Conway, Pres., American Bakery & Conf. Workers, Intnl. Union, AFL–CIO, 1120 Conn. Ave., Wash. D.C. 20036.

Mr. Ransom M. Cook, Chmn of Bd., Wells Fargo Bank, 464 California St., San Francisco, Calif. 94120.

Mr. Harold Bryan Crosby, Pres., Univ. of West Florida, Pensacola, Florida 32504.

Mr. Wm. M. Crowe, Publisher, Dos Palos Star, P.O. Box 97, Dos Palos, Calif. 93620.

Mr. Howard G. Cushing, the Ledges, Ocean Ave., Newport, R.I. 02840.

William C. Decker, LL.D, Director, Corning Glass Works, Corning, N.Y. 14830.

Mr. Chas. S. Dewey, Jr., 111 East 59th St., New York, N.Y. 10022.

Mr Henry B Dewey, Partner, Bowditch, Gowetz & Lane, 340 Main St, Worcester, Mass. 01608.

John S. Dickey, LL.D. President, Dartmouth College, Hanover, N.H. 03755.

The Rev. Edward J. Duncan, S.T.D. Dir., Newman Found., Univ. of Ill., 604 East Armory Ave, Champaign, Ill.

Rear Adm. Henry E. Eccles, USN, RET., 101 Washington St., Newport, R.I. 02840.

Mr. Oscar B. Ferebee, Jr., V. Pres., Goodman-Seegar-Hogan Residential Sales Corp., 4139 Granby St., Norfolk, Va. 23509.

Malcolm P. Ferguson, D.SC., c/o *Bendix* Corp., 1104 Fisher Bldg., Detroit, Mich., 48202.

Mr. Walter Fitch, III, 519 Ocean Blvd., Coronado, Calif. 92118.

The Honorable Dulany Foster, Chief Judge, Supreme Ct. Bench, Baltimore City, Court House, Baltimore, Md. 21212.

Mr. Richard B. Foster, Spec. Asst. for Natl. Sec. Res., Stanford Res. Inst., 1000 Connecticut Ave. N.W., Wash., D.C. 20036.

Carl A. Frische, Ph.D., Vice Pres., Sperry Rand Corp., Great Neck, Long Island, N.Y. 11020.

Mr. Robert A. Fuhrman, Vice Pres., Lockheed Missiles & Space Co., P.O. Box 504, Sunnyvale, Calif. 94088.

Philip Gamble, Ph.D., Professor of Economics, Univ. of Mass., Amherst, Mass. 01002.

Mr. Henry Gemmill, Assoc. Ed., Wall Street

Journal, 1015 14th St., Washington, D.C. 20005.

Capt. Leonard F. Genz, USNR, Vice Pres. & Sec., Gen. Foods Corp., White Plains, New York 10605.

Mr. William A. Gillen, Pres., Ins. Workers Intl. Union, AFL–CIO, 1027 12th St., N.W., Washintgon, DC. 20006.

Mr. Henry W. Gottfried, Jr, Mgr., Contract Devel, Clevite Corp., Ordnance Div., 1629 K St., N.W., Washington, D.C. 20006.

Mr. Elmer S. Groo, Vice Pres., IBM World Trade Corp., Subs., Intl. Bus. Mach. Corp. 821 United Nat. Plaza, N.Y. 10017.

Maj. Gen. H. S. Hansell, Jr., USAF-Ret., Consultant, General Electric Co., 777 14th St. NW., Washington, D.C. 20005.

Ernest W. Hartung, Ph.D., Pres., Univ. of Idaho, Moscow, Idaho 83844.

Bgen. R. W. Hayward, USMC-Ret., Aerojet-General Corp., 1120 Conn. Ave. N.W., Wash. D.C. 20036

Mr. George H. Hearn, Comm., Federal Maritime Comm., 1321 H St., N.W., Washington, D.C. 20573.

Ray L. Heffner, Ph. D., President, Brown Univ., Providence, R.I. 02912.

Mr. Edward Hidalgo, Cahill, Gordon, Sonnett, Reindel & Ohl, 52 Ave. Des Champs, Elysees, Paris, France.

Mr. Wm. P. Hobby, Jr.,, Pres. & Exec. Editor, Houston Post Co., 2410 Polk, Houston, Tex., 77001.

Maj. Gen. Leonard Holland, Adjutant General, State of R.I. Prov. Plantations, 1051 N. Main St., Providence, R.I., 02901.

Mr. Forrest E. Houston, Instr., Lab. M.I.T., 49 Albany St., Cambridge, Mass. 02139.

C. C. Humphreys, Ph. D., Pres. Memphis State Univ., Southern Ave., Memphis, Tenn. 38111.

Mr. G. Carleton Hunt, Pres. Deluxe Lab. Inc., 850 Tenth Ave., New York, N.Y. 10019.

Mr. Delmar Wm. Karger, Prof. & Dean Sch. of Mngt., Rensselaer Polytechnic Institute, Troy, N.Y. 12180.

B. C. Keeney, Ph. D., Chmn. Natl. End. Humanities, 1800 G. St. N.W., Washington, D.C. 20506.

The Honorable George F. Kennan, Institute for Advanced Study, Princeton, N.J. 08540.

Dr. Stephen D. Kertesz, Prof. of Govt. & Intnl. Studies, Univ. of Notre Dame, Notre Dame, Ind. 46556.

Peter King, Ph. D., Deputy & Chief Scientist, Office of Naval Research, Washington, D.C. 20390.

Mr. George Kisling, Pres. & Exec. Off. Retail Clerks Union, 1288–265 N. Fresno St., Fresno, California 93701.

Mr. James W. Knowles, Dir. Research, Jt. Ec. Comm., U.S. Congress, U.S. Capitol, Washington, D.C. 20002.

The Hon. Bert T. Kobayashi, Attorney Gen., State of Hawaii, Honolulu, Hawaii 96813.

Mr. John A. Lang, Jr., Admin. Asst. to Sec. of Air Force, Washington, D.C. 20330.

Mr. William B. Lanier, Milt. Editor, Longbeach Indep. Press Telegram, P.O. Box 230, Long Beach, California 90801.

Ernest Warren Lefever, Ph.D., Sr. Fel. For. Pol., Brookings Inst., 1775 Mass. Ave. N.W., Washington, D.C. 20036.

Mr. Alvin Lothrop Luttrell, Ch. Bd., Woodward & Lothrop, 11th & F & G Sts. N.W., Washington, D.C. 20013.

Mr. William P. Maddox Ph.D., Consul General Retired, Pratt Institute, Brooklyn, New York 11205.

Mr. Irwin Maier, Pres., The Journal Co., Journal Square, Milwaukee, Wisconsin 53201.

Mr. Cecil Dalton May, Cecil D. May Law Offices, 308 Broad St., New Bern, North Carolina 28560.

Mr. W. Clarke S. Mays, Jr., Pres. & Chief Exec. Officer, Mays Mfg. Co., P.O. Box 328, Warwick, Rhode Island 02887.

Mr. S. M. McAshan Jr., Chmn. of Bd., Clayton & Co. Inc., Tennessee Bldg., Houston, Texas 77002.

Mr. Robert McDonald, Pres. Univac Div. Sperry Rand Corp., P.O. Box 8100, Phil., Penn. 19104.

Radm. G. McLintock, USMM, Supt. U.S. Merchant Marine Acdmy., Kings Point, Long Island, New York. 11024.

Radm. States Mead, USNR, Pres. Int. Dept. Head Off., Chase Manhattan Bank, 1 Chase Manhattan Plaza, N.Y., N.Y. 10015.

Mr. M. Budd Mittleman, V. Pres. Dev. Armour Pharm. Co., 401 North Wabash, Chicago, Illinois. 60611.

Mr. H. S. Morgan, Partner, Morgan Stanley & Co., 140 Broadway, New York, New York. 10005.

Mr. Granville A. Morse, Ch. Bd. Industrial Electronics Assoc. Inc., 312 Royal Palm Way, Palm Beach, Florida. 33482.

Mr. John Hallett Mulliken, Jr., Pent. Corp. Time Mag. Wash. Bureau, 1120 Conn. Ave. N.W., Washington, D.C. 20036.

Mr. T. J. Murrin, Grp.V.P.A.D.&M. West. Elec. Corp., 3 Gateway Center, Box 2278, Pittsburgh, Penn. 19523.

Mr. C. Aubrey Nicklas, Dir. Military Sales, Eskimo Pie, Div. of Reynolds Metal Co., Box 1536, Richmond, Va. 23212.

Luke, Ralph O. Cone, Ph.D., Grp. Leader Penn Salt Chem. Corp. 900 1st. Ave., King of Prussia, Penn. 19406.

Mr. Patrick J. Ogden, Jr., Partner, Ogden, Coyle & Voltz, 1820 Jefferson Place, N.W., Washington, D.C. 20036.

Mr. Edward A. O'Neill, Vice Pres. Ins. C.I.T. Fin. Corp., 650 Madison Ave., New York, New York. 10022.

LCol. P. D. Orcutt, USAFR–Ret, 42 Bowdoin St., Cambridge, Mass. 02138.

Mr. Benjamin Parran, Mngp. Adv. Syst. & Req. Operations, General Elec. Co., P.O. Box 1122, Syracuse, New York 13201.

Mr. James R. Patton, Jr., Manag. Part., Patton, Blow-1200 17th St., N.W., Washington, D.C. 20036.

Mr. P. William Perdriau, Group Vice Pres., B. F. Goodrich Co., 500 South Main St., Akron, Ohio 44311.

Mr. Bertram Lucius Perkins, Exec. Vice Pres., Morrison-Knudsen Co., P.O. Box 450, Boise, Idaho 83701.

Reginald H. Phelps, Ph.D., Assoc. Dean, Grad. Sch. Art & Sciences, Harvard Univ., 827 Holyoke Cntr., Cambridge, Mass. 02138.

W. H. Pickering, Ph.D., Dir. Jet Propulsion Lab., 4800 Oak Grove Drive, Pasadena, Calif. 91103.

Rafael Pico., Ph.D., Vice Chmn of Bd., Banco Popular, De Puerto Rico, Box 2703, GPO San Juan, Puerto Rico 00936.

The Hon. John C. Pool, Asst. Prof. Lec. Pol. Sci. Intl. Affairs at G.W. Univ., 20290, N.W. Wash., D.C. 20006.

Mr. Wm. Parsons Porter, II, Sales Admin., G.E. Co., Min. Lamp Div., 219 East 42nd St., New York, New York 10017.

Mr. L. Edgar Prina, Copley News Service, 1629 K St., N.W., Washington, D.C. 2006.

Dr. Edward W. Proctor, Deputy, Directorate for Intell., Central Intelligence Agency, 2430 E. St. N.W., Washington, D.C. 20505.

James F. Reagan, Ph.D., Vice Pres.-Missiles-N. Amer. Av. Inc., 4300 East 5th. Ave., Columbus, Ohio 43216.

Mr. John F. Rice, Dir., Mark & Pro. Sup., Bendix Corp., Elec. Div., 11600 Sherman Way, North Hollywood, Calif. 91605.

H. W. Ritchey, Ph.D., Pres., Thiokol Chem. Corp., Bristol, Pennsylvania 19007.

Mr. James S. Rockefeller, Ch. Bd., First Natl. City Bank, 399 Park Ave., New York, N.Y. 10015.

Isadore G. Schaffer, D.D.S., 77 Catherine St., Newport, Rhode Island 02840.

Mr. Herbert H. Schiff, Pres., Shoe Corp. of America, 35 North 4th. St., Columbus, Ohio 43215.

Dr. Edward H. Seymour, Dir. of Adv. Tech., Thiokol Chemical Corp., Bristol, Penn. 19007.

Mr. William Shea, Shea, Gallop, Climenko & Gould, 330 Madison Ave., New York, New York 10017.

Mr. Max Singer, President, Hudson Institute, Quaker Ridge Rd., Croton-on-Hudson, New York 10520.

Mr. Raymond Slaney, Asst. Dir.-Plan. & Cont.-TRW Systems Gp., One Space Park, Redondo Beach, Calif. 90278.

Mr. John Slinkman, Editor, Navy Times, 475 School St. SW., Wash., D.C.

Mr. John J. Slocum, Off. of Policy and Res., USIA, 1675 34th St. NW., Washington, D.C. 20007.

Mr. George E. Smith, 07970, Vice Pres. and Gen. Mgr. Martin Marietta Corp., P.O. Box 5837, Orlando, Florida 32805.

Robert Strausz-Hupe, Ph.D., 01236, Dir. for Pol. Research, Inst., Univ. of Penn. Rm. 102–133, South 36th St., Phila., Pa. 19104.

Mr. Theodore C. Sturtevant, 07685, 101 Indian Ave., Middletown, Rhode Island 02843.

Maurice F. Tauber, Ph.D. 08176, Melvil Dewey, Prof. Sch. of Lib. Sev., Columbia Univ., Broadway and West 116th St., N.Y., N.Y. 10027.

Mr. R. W. Tharrinton, 07191, Vice. Pres. Gen. Mgr. Boeing Co., Vertrol Div. Mail Stop P3101–01, Morton, Penn. 19070.

The Rev. Canon, D. W. Tildesley, St. Michael's Episcopal Church, 399 Hope St., Bristol, R.I. 02809.

Mr. Filo H. Turner, Jr., Pensacola Buggy Works, Intendenica St., Pensacola, Florida 32501.

Mr. F. Hamilton Veach, 07987, West Reg. V. Pres. and Dir., Montgomery Ward & Co., 2825 East 14th St., Oakland, Calif. 94616.

Maj. Gen. C. F. Von Kann, USA-Ret-Vice Pres. Operations and Eng. of America, 1000 Conn. Ave., N.W. Wash., D.C.

Mr. Jones Webb, Webb & Fowler Law Firm, P.O. Box 27, Lawrenceville, Georgia 30245.

Mr. Wm. Hall Wendel, Sr., 14302, Pres. Carborundum Co., P.O. Box 337, Niagara Falls, New York, N.Y.

Mr. Haydon Williams, Ph.D., Pres. The Asia Foundation, 550 Kearney St. 01557, San Francisco, Calif., 94103.

Mr. Claude Witze, Sr. Ed. Air Force & Space Digest, 1750 Penn. Ave. N.W., Wash., D.C. 20006.

Mr. Morris B. Zale, Chmn, Zale Corp., 512 South Akard St., Dallas, Texas 75202.

Mr. William E. Zisch, Vice Chmn. of Bd. Aerojet-Gen. Corp., 9100 East Flair Dr., El Monte, California 91731.

GLOBAL STRATEGY DISCUSSION 1968–69, FLAG OFFICERS

RAdm. Jackson D. Arnold, USN, Vice Chief, Nav. Material, Hqs, Naval Material Command, Navy Dept., Wash., D.C. 20360.

VAdm. F. L. Ashworth, USN, Dep. CINCLANTFLT & Ch. Staff, CINCLANT-CINCLANTFLT-CINCWESLANT, Norfolk, Virginia 23511.

RAdm. Evan P. Aurand, USN, R. Long Range Obj. Grp. OPNav, Navy Dept., Wash., D.C. 20305.

RAdm. Roy S. Benson, USN, Commandant, First Naval Dist., 495 Summer St., Boston, Mass. 02110.

BGen. W. H. Birdsong, Jr., USA, Chief, Joint War Games Agency, Office of the Joint Ch. of Stf., Washington, D.C. 20301.

RAdm. E. E. Christensen, USN, Ch. NavAir-TechTrng, Naval Air Station, Memphis, Tennessee 38115.

MGen. Don Darrow, USAF, Chief of Staff, TAC, Langley AFB, Virginia 23365.

RAdm. Arthur B. Engel, USCG, Supt., USCG Academy, New London, Conn. 06320.

VAdm. Noel A. M. Gayler, USN, Dep. Dir. Joint Strategic Target Planning Staff, Offutt AFB, Nebraska 68113.

BGen. M. J. L. Greene, USA, DepComdt, USA War College, Carlisle Barracks, Penn. 17013.

RAdm. D. H. Guinn, USN, ChNavAir Base Trng, NAS, Pensacola, Florida 32508.

RAdm. P. A. Holmberg, USN, Asst Cmdr for Research & Tech., Naval Air Systems Command, Bailey's Crossroads, Va. 22041.

Vadm A. McB. Jackson, Jr., USN, Vice Chmn, U.S. Delegation, UN, Mil Staff Comm-Comeastseafron, 90 Church St., N.Y., N.Y. 10007.

Radm Means Johnston, Jr., USN, Comcrudesflot 10, FPO New York 09501.

Radm Shelton H. Kinney, USN, Comcrudesflot 11, FPO San Francisco 96601.

Radm Harry C. Mason, USN, Vice Cmdr Navelecsyscom, Bailey's Crossroads, Virginia. 22041.

Radm Forsyth Massey, USN, Cmdr Fleet Air Quonset, NAS, Quonset Point, R.I. 02819.

Radm Douglas C. Plate, USN, Comcrudesflot 2, FPO New York 09501.

Bgen William O. Quirey, USA, Dir. of Studies, Off. of Asst. Vice Chief of Staff, USA, Washington, D.C. 20310.

Lt. Gen. R. K. Rottet, USMC, Dept. Ch. of Staff for Plns & Prog, Hqs. U.S. Marine Corps, Washington, D.C. 20380.

Bgen M. P. Ryan, USMC, Dir Command & Staff College, Marine Corps Dev&Ed Command, Quantico, Virginia 21134.

Radm Ben W. Sarver, USN, Comsernforlant, Norfolk, Virginia 23511.

Radm F. H. Schneider, Jr., USN, Dir Strategic Plans Div Opnav, Navy Dept. Wash., D.C. 20350.

Radm Clyde J. Van Arsdall, Jr., USN, Commcrudesatlflt, Newport, Rhode Island 02840.

Radm J. P. Weinel, USN, Commander, Carrier Division 3, FPO San Francisco 96601.

Mr. FULBRIGHT. Each of the armed services maintains a vast inventory of motion pictures for internal training purposes—and for indoctrinating the public on the merits of their particular service. The Navy's catalog of films available for public use lists some 850 subjects—ranging from "Why Vietnam," a historically false, blatant piece of propaganda in support of a discredited policy, to "Hand Dishwashing and General Scullery Practices." Last year, 12 new films, produced at a cost of $294,000, were released to the public. The narrators of some of the films listed are the top stars of television and the movies—Chet Huntley, Henry Fonda, Jack Webb, Glenn Ford, Walter Cronkite, and others.

I ask unanimous consent that the lists of Navy films available to the public be printed in the RECORD at this point.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

EXHIBIT VII

DEPARTMENT OF THE NAVY,
OFFICE OF INFORMATION,
Washington, D.C., January 14, 1969.

CHINFO INSTRUCTION 5728.2B

From: Chief of Information
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)
Subject: Navy films cleared for public and television showings; revised listing of
Enclosure: (1) List of films cleared for public and television showings
(2) Synopsis of films of general public interest
(3) List of Naval Districts

1. Purpose. To provide an up-to-date list of Navy films cleared for public and television showings, and to present a list of films considered suitable for general public and television showings. It is the purpose of this Instruction to assist local naval film distribution centers, public affairs offices, and recruiting activities to prepare film catalogues which best suit their individual requirements.

2. Cancellation. This instruction cancels and supersedes CHINFO Instruction 5728.2A of 27 September 1967.

3. Definition of terms and symbols:

a. Public Showings: Film screening before any groups other than audiences solely consisting of U.S. military personnel, U.S. Government employees, or U.S. Government contractors or agents with a need to know.

b. Television Showings: Public service film screenings on television.

c. Navy Film Serial Numbers are used to identify all films distributed within the Navy, regardless of their source. For example, in the serial number MN–1000C:

(1) "M" identifies the film as a motion picture. (An "F" would show that it is a filmagraph, a film made by photographing still pictures, drawings, and paintings; "K" would show that it is a kinescope motion picture.)

(2) "N" indicates the film was produced by the Navy, or under a Navy contract; other source abbreviations include "A" for Army, "C" for commercial, "D" for Department of Defense, "G" for other Government agencies, and "H" for Marine Corps.

(3) "1000" is the sequential number assigned to the film by the Naval Air Systems Command.

(4) "C" indicates that the film is part of a series on the same subject, and is the third film in that series.

4. Special Film Categories:

a. Victory at Sea. This series of 26 half-hour films (MN–7308 A–Z) is *not* cleared for public or television showings because of a special agreement made with the National Broadcasting Company at the time the series was produced. However, NBC has given permission for the Navy to show this series internally and before *school groups only.*

b. Medical Films. Requests for medical films not shown in the enclosures (1) and (2) should be referred to the Bureau of Medicine and Surgery (Code 3166).

c. Training Films. All training films cleared for public showing are included in enclosures (1) and (2).

d. General Interest and Information Films. All Navy information, recruiting, and general interest films cleared for public release are listed in enclosures (1) and (2). Those not cleared for television will have "(No TV)" in the description line.

e. Films of Professional Interest. Films listed with "(Professional use only)" following their descriptions are cleared for showing before professional groups only and are not to be shown to the general public.

5. Instructions for Obtaining Films:

a. Films listed in enclosures (1) and (2) may be obtained on a limited free-loan basis from the nearest Naval district Public Affairs Office (see enclosure (3)).

b. Films cleared for sale may be purchased from the DuArt Film Laboratories, Inc., 245 West 55th Street, New York, New York 10019. Requests should be forwarded to the Chief of Information for approval.

L. R. GEIS.

Distribution: SNDL Parts 1 and 2.
Stocked: Supply and Fiscal Depart. (Code 514.32), Naval Station, Washington, D.C.

LIST OF NAVY FILMS CLEARED FOR PUBLIC RELEASE

MN–42A, The Diesel Engine 28-min B&W 1942 (No TV).

MN–42B, The Diesel Engine—Scavenging and Supercharging Diesel Engines 16-min B&W 1943.

MN–43, The Construction of Diesel Engines 15-min B&W 1942.

MN–44A, Diesel Engine Governors—Part 1—Woodward Governors 12 min B&W 1942 (No TV).

MN–44B, Diesel Engine Governors—GM series 71—Limiting Speed Mechanical Governors 12-min B&W 1943 (No TV).

MN–45A, Diesel Lubrication and Cooling Systems 9-min B&W 1942 (No TV).

MN–45B, Lubrication of the GM–71 series Engines 12-min B&W 1943 (No TV).

MN–46A, Diesel Engine Fuel Systems 40-min B&W 1942 (No TV).

MN–47, Marine Diesel Engines for Power Boats 16-min B&W 1942 (No TV).

MN–83A, Navigation—The Earth 20-min B&W 1942 (No TV).

MN–83B—Charts 18-min B&W 1942 (No TV).

MN–83C, Navigation—Nautical Astronomy 23-min B&W 1942 (No TV).

MN–83D, Navigation—The Astronomical Triangle—Parts 1 & 2 37-min B&W 1942 (No TV).

MN–83E, Navigation—Time—Parts 1, 2 & 3 57-min B&W 1943 (No TV).

MN–83F, Navigation—Star Identification—16-min B&W 1943 (No TV).

MN–83G, Dead Reckoning, Plotting, and Celestial Lines of Position (2 parts) 40-min B&W (No TV).

MN–83H, Navigation—Piloting (Surface)—Parts 1 & 2 33-min B&W 1943 (No TV).

MN–83J, Navigation—Dead Reckoning (Air) 34-min B&W 1944 (No TV).

MN–83U, Navigation—Night Piloting (Surface) 18-min B&W 1944 (No TV).

MN–83X, Navigation—The Link Sextant (Air) 17-min B&W 1943 (No TV).

MN–83Y, Navigation (Air)—Relative Movement and Interception 14-min B&W 1944 (No TV).

MN–83Z, Navigation—Relative Movement—Part 2—Out and In Search—Relative Wind 12-min B&W 1944 (No TV).

MN–105B, Deep Sea Diving—The Diving Dress 32-min B&W 1944 (No TV).

MN–105C, Deep Sea Diving—The Technique of Diving 24-min B&W 1944 (No TV).

MN–119L, Weather and Radar 17-min B&W 1953.

MN–201A, Close Order Drill—The Squad 23-min B&W 1942 (No. TV).

MN–201B, Close Order Drill—The Platoon 26-min B&W 1942 (No TV).

MN–201C, Close Order Drill—The Manual of Arms 28-min B&W 1942 (No TV).

MN–202A, Rules of the Nautical Road—The Halifax Incident 26-min B&W 1942 (No TV).

MN–202B, Rules of the Nautical Road—Introduction—Parts 1 & 2 22-min B&W 1942 (No TV).

MN–202C, Rules of The Nautical Road—Lights, Running & Anchor 17-min Color 1942 (No TV).

MN–202D, Rules of the Nautical Road—"City of Rome" Incident 5-min Color 1942 (No TV).

MN–202E, Rules of the Nautical Road—Towing Lights 8-min Color 1943 (No TV).

MN–202F, Rules of the Nautical Road—Lights—Vessels Being Towed 10-min Color 1943 (No TV).

MN–202G, Rules of the Nautical Road—Special Lights 29-min Color 1943 (No TV).

MN–202I, Rules of the Nautical Road—Visual Day Signals 13-min Color 1943 (No TV).

MN–202J, Rules of the Nautical Road—Whistle Signals for Approaching Steam Vessels 17-min Color 1943 (No TV).

MN–202K, Rules of the Nautical Road—Meeting Steam Vessels 17-min B&W 1943 (No TV).

MN–202M, Rules of the Nautical Road—Meeting at Night 20-min Color 1943 (No TV).

MN–202N, Rules of the Nautical Road—Overtaking Situation 15-min B&W 1943 (No TV).

MN–202Q, Rules of the Nautical Road—The "Varanger"—"Dora Weems" incident 5-min B&W 1943 (No TV).

MN–202P, Rules of the Nautical Road—The "Taurus"—"Gulf Trade" Incident 3-min B&W 1943 (No TV).

MN–202Q, Rules of the Nautical Road—Overtaking at Night 15-min Color 1943 (No TV).

MN–202R, Rules of the Nautical Road—Crossing Steam Vessels 15-min B&W 1943 (No TV).

MN–202T, Rules of the Nautical Road—The "Svea"—"Newport" Incident 5-min B&W 1943 (No TV).

MN–202U, Rules of the Nautical Road—Crossing at Night 19-min Color 1943 (No TV).

MN–202V, Rules of the Nautical Road—Rules in Fog—Parts 1 & 2 16-min B&W 1943 (No TV).

MN–202X, Rules of the Nautical Road—Special Circumstances 14-min B&W 1943 (No TV).

MN–202Y, Rules of the Nautical Road—The "Beaver"—"Selja" incident 5-min 1943 B&W (No TV).

MN–202Z, Rules of the Nautical Road—Special Steering and Sailing Rules 14-min B&W 1943 (No TV).

MN–202AA, Aids to Navigation—Lighthouses and Lightships 9-min Color 1944 (No TV).

MN–202AB, Aids to Navigation—Buoys and Beacons 9-min Color 1944 (No TV).

MN–202AC, Aids to Navigation—How to use Navigational Aids 7-min Color 1944 (No TV).

MN–209A, Progressive Maintenance Diesel Propulsion Engine Disassembly of the 8–268A Engine 27-min B&W 1942 (No TV).

MN–209B, Progressive Maintenance Diesel Propulsion Engine Reassembly of the 8–268A Engine 36-min B&W 1943 (No TV).

MN–209C, Progressive Maintenance Diesel Propulsion Engine Bench Work—8–268A Engine 16-min B&W 1943 (No TV).

MN–209D, Progressive Maintenance Diesel Propulsion Engine Bearing Removal and Inspection—8–268A Engine 17-min B&W 1943 (No TV).

MN–1053, Treatment of Jaw Fractures 25-min Color 1943 (No TV).

MN–1145, Abandon Ship 32-min B&W 1943 (No TV).

MN–1374, First Impressions 21-min B & W 1942 (No TV).

MN–1511N, Care of the Sick and Injured by Hospital Corpsmen—Lumbar Puncture 13-min B&W 1944 (No TV).

MN–1511R, Care of the Sick and Injured by Hospital Corpsmen—the N.P. Patient 27-min B&W 1944 (No TV).

MN–1511S, Care of the Sick and Injured by Hospital Corpsmen—Surgical Dressings 12-min B&W 1944 (No TV).

MN–1511V, Care of the Sick and Injured by Hospital Corpsmen—Enemas 20-min B&W 1944 (No TV).

MN–1511W, Care of the Sick and Injured by Hospital Corpsmen—Catheterizing the Male Patient 16-min B&W 1944 (No TV).

MN–1512D, Advanced Typing—Duplicating and Manuscript 25-min B&W 1943 (No TV).

MN–1540A, Radio Technician Training—Capacitance—Parts 1 & 2 15-min each part B&W 1943 (No TV).

MN–1540B, Radio Technician Training—Inductance—Parts 1 & 2 18-min each part B&W 1943 (No TV).

MN–1540C, Radio Technician Training—RCL—Resistance, Capacitance—Parts 1 & 2 15-min part 1—21-min part 2 B&W 1943 (No TV).

MN–1540E, Radio Technician Training—Radio Shop Techniques 37-min B&W 1943 (No TV).

MN–1540I, Radio Technician Training—Oscillators 13-min B&W 1945 (No TV).

MN–1540K, Radio Technician Training—Standing Waves on Transmission lines 23-min B&W (No TV).

MN–1540M, Radio Technician Training—Rectangular Coordinates 13-min B&W 1944 (No TV).

MN–1540N, Radio Technician Training—Vectors 12-min B&W 1945 (No TV).

MN–1540O, Radio Technician Training—Periodic Functions 18-min B&W 1945 (No TV).

MN–1540P, Radio Technician Training—Tube Tester Operation 9-min B&W 1944 (No TV).

MN–1540Q, Radio Technician Training—Signal Generator Operation 9-min B&W 1945 (No TV).

MN–1540R, Radio Technician Training—Audio Oscillator Operation, 9-min B&W 1945 (No TV).

MN–1540S, Radio Technician Training—Voltohmmeter Operation, 15-min B&W 1944 (No TV).

MN–1540T, Radio Technician Training—Elementary Electricity—Current and Electromotive Force, 11-min B&W 1945 (No TV).

MN–1540U, Radio Technician Training—Elementary Electricity—Amperes, Volts, and Ohms, 8-min B&W 1945 (No TV).

MN–1540V, Radio Technician Training—Elementary Electricity—Series and Parallel Circuits, 7-min B&W 1945 (No TV).

MN–1540W, Radio Technician Training—Synchro Systems—Part 1, 15-min 1944 (No TV).

MN–1540X, Radio Technician Training—Synchro Systems—Part 2, 13-min B&W 1944 (No TV).

MN–1562C, Take a Letter, Please, 21-min B&W 1943 (No TV).

MN–1724A, Skeletal Fixation by the Stader Splint—Fracture of the Tibia, 22-min B&W 1943 (No TV).

MN–1724B, Skeletal Fixation by the Stader Splint—Fracture of the Oscalsis, 10-min B&W 1943 (No TV).

MN–1730A, Elementary Hydraulics—Part 1—Derivation of Pascal's Law, 16-min B&W 1943 (No TV).

MN–1730B, Elementary Hydraulics—Part 2—Derivation of Pascal's Law, 16-min B&W 1943 (No TV).

MN–1730C, Elementary Hydraulics—Part 1—Application of Pascal's Law, 12-min B&W 1943 (No TV).

MN–1730D, Elementary Hydraulics—Part 2—Application of Pascal's Law, 14-min B&W 1943 (No TV).

MN–1792C, The Gyro Compass—The Gyroscope and Gravitation, 12-min B&W 1944 (No TV).

MN–1729E, The Gyro Compass—The Compass System, 16-min B&W 1944 (No TV).

MN–1921F, To Live in Darkness, 14-min B&W 1944 (No TV).

MN1965, Clinical Malaria, 28-min B&W 1944 (No TV).

MN–1966, Sciatic Pain and the Intervertebral Disk, 34-min Color 1945 (No TV).

MN–2104A, The Cathode Ray Tube—How it Works, 15-min B&W 1943 (No TV).

MN–2230B, Neurosurgery—Surgical Management of Spinal Cord Injuries 11-min Color 1946 (No TV).

MN–2230E, Neurosurgery—Facial Neuralgia 13-min Color 1946 (No TV).

MN–2246A, Mechanical Refrigeration—How it Works 21-min B&W 1944 (No TV).

MN–2334A, Shipbuilding Skills—Nomenclature of Ships—Fundamental Lines and Sections 20-min B&W 1943 (No TV).

MN–2334B, Shipbuilding Skills—Nomenclature of Ships—Location of Decks and compartments 17-min B&W 1944 (No TV).

MN–2335A, Shipbuilding Skills—Ship's Blueprints—Basic 21-min B&W 1944 (No TV).

MN–2337A, Shipbuilding Skills—Pipefitting Removing a Section of Piping Aboard Ship 13-min B&W 1943 (No TV).

MN–2337B, Shipbuilding Skills—Pipefitting Making a Wire Template 19-min B&W 1944 (No TV).

MN–2337C, Shipbuilding Skills—Pipefitting Making a Hot Bend 15-min B&W 1944 (No TV).

MN–2337D, Shipbuilding Skills—Pipefitting and Installing a Section of Pipe Aboard Ship 20-min B&W 1944 (No TV).

MN–2338A, Shipbuilding—The Shipfitter—Lifting Templates for a Foundation 23-min B&W 1944 (No TV).

MN–2338B, Shipbuilding Skills—The Shipfitter—Simple Foundation Part 1 Layout 28-min B&W 1944 (No TV).

MN–2338C, Shipbuilding Skills—The Shipfitter—Simple Foundation Part 2 Duplication and Fabrication 16-min B&W 1944 (No TV).

MN–2338D, Shipbuilding Skills—The Shipfitter—Simple Foundation Part 3 Assembly & Installation 23-min B&W 1944 (No TV).

MN–2339A, Shipbuilding Skills—Sheet Metal Work—Vaned Elbow Layout and Fabrications 29-min B&W 1944 (No TV).

MN–2339B, Shipbuilding Skills—Sheet Metal Work—Watertight Covers—Part 1—Layout and Fabrication 13-min B&W 1944 (No TV).

MN–2339C, Shipbuilding Skills—Sheet Metal Work—Watertight Covers—Part 2—18-min B&W 1944 (No TV).

MN–2339D, Shipbuilding Skills—Sheet Metal Work—Transition Piece; Square to Round—Layout & Fabrication 17-min B&W 1944 (No TV).

MN–2340A, Shipbuilding Skills—Rigging—Use and Care of Wire Rope 18-min B&W 1944 (No TV).

MN–2340B, Shipbuilding Skills—Rigging—Use and Care of Fibre Rope 20-min B&W 1945 (No TV).

MN–2340C, Shipbuilding Skills—Rigging—Rigid and Swinging Staging 17-min B&W 1944 (No TV).

MN–2340D, Shipbuilding Skills—Rigging—Slinging Load 17-min B&W 1944 (No TV).

MN–2340G, Shipbuilding Skills—Wire Rope Terminal Connections—Parts 1 & 2 31-min B&W 1944 (No TV).

MN–2340H, Shipbuilding Skills—Rigging—Blocks 10-min B&W 1944 (No TV).

MN–2341A, Shipbuilding Skills—Stern Launching—Fore Poppets & Internal Shoring Construction 26-min B&W 1944 (No TV).

MN–2341B, Shipbuilding Skills—Preparation for Sterm Launching—Fitting & Installing Packing 9-min B&W 1944 (No TV).

MN–2341C, Shipbuilding Skills—Preparation for Stern Launching—Ground Ways 21-min B&W 1945 (No TV).

MN–2341D, Shipbuilding Skills—Preparation for Stern Launching—Placing Sliding Ways 19-min B&W 1944 (No TV).

MN–2343B, Shipbuilding Skills—Sailmaking—Hatch canopy—Part 1—Measuring and Drawing 21-min B&W 1944 (No TV).

MN–2343C, Shipbuilding Skills—Sailmaking—Hatch canopy—Part 2—Layout 25-min B&W 1944 (No TV).

MN–2343D, Shipbuilding Skills—Sailmaking—Hatch canopy—Part 3—Matching and Finishing Off 21-min B&W 1944 (No TV).

MN–2345A, Shipbuilding Skills—Establishing Construction Lines—Part 1—15-min B&W 1944 (No TV).

MN–2345B, Shipbuilding Skills—Establishing Construction Lines—Part 2 16-min B&W 1945 (No TV).

MN–2346A, Shipbuilding Skills—The Coppersmith—Flaring and Reducing 18-min B&W 1942 (No TV).

MN–2346B, Shipbuilding Skills—The Coppersmith—Working out Branches from a Line 22-min B&W 1944 (No TV).

MN–2348A, Shipbuilding Skills—Outside Machinist—Reciprocating Pump—Opening for Inspection 24-min B&W 1943 (No TV).

MN–2348B, Shipbuilding Skills—Outside Machinists—Reconditioning a Cylinder with a Portable Boring Bar 36-min B&W 1944 (No TV).

MN–2348C, Shipbuilding Skills—Outside Machinist—Milling a Foundation 21-min B&W 1944 (No TV).

MN–2350A, Shipbuilding Skills—Blacksmith Calculating & Bending Rings & Links 21-min B&W 1944 (No TV).

MN–2350B, Shipbuilding Skills—The Blacksmith—Calculating and Forging a Deck Socket Wrench 19-min B&W 1944 (No TV).

MN–2351A, Shipbuilding Skills—Preparation for Stern Launching—DD445 Class 25-min B&W 1944 (No TV).

MN–2351B, Shipbuilding Skills—Stern Launching—DD445 Class 20-min B&W 1944 (No TV).

MN–2352A, Shipbuilding Skills—Preparation for Docking with Keel & Bilge Blocks 15-min B&W 1944 (No TV).

MN–2352B, Shipbuilding Skills—Docking with Keel & Bilge Blocks 15-min B&W 1944 (No TV).

MN–2364A, Cooper Bessemer Diesel Engine Maintenance—Disassembly—Part 1 15-min B&W 1944 (No TV).

MN–2364B, Cooper Bessemer Diesel Engine Maintenance—Disassembly—Part 2 14-min B&W 1944 (No TV).

MN–2364C, Cooper Bessemer Diesel Engine Maintenance—Bearing Disassembly and Inspection 17-min B&W 1944 (No TV).

MN–2364D, Cooper Bessemer Diesel Engine Maintenance—Bearing Reassembly 11-min B&W 1943 (No TV).

MN–2364E, Cooper Bessemer Diesel Engine Maintenance—Bench Work—Part 1—Cylinder Head & Piston 20-min B&W 1943 (No TV).

MN–2364F, Cooper Bessemer Diesel Engine Maintenance—Bench Work—Part 2—Inspection of Piston 10-min B&W 1943 (No TV).

MN–2364G, Cooper Bessemer Diesel Engine Maintenance—Bench Work—Part 3—Reassembly of Piston 10-min. B&W 1943 (No TV).

MN–2364H, Cooper Bessemer Diesel Engine Maintenance—Bench Work—Part 4—Cylinder Head 11-min B&W 1943 (No TV).

MN–2364I, Cooper Bessemer Diesel Engine Maintenance—Bench Work—Part 5—Reassembly of Cylinder Head 14-min B&W 1944 (No TV).

MN–2364J, Cooper Bessemer Diesel Engine Maintenance—Engine Reassembly Part 1 15-min B&W 1944 (No TV).

MN–2364K, Cooper Bessemer Diesel Engine Maintenance—Engine Reassembly Part 2 18-min B&W 1944 (No TV).

MN–2364L, Cooper Bessemer Diesel Engine Maintenance—Engine Reassembly Part 3 16-min B&W 1944 (No TV).

MN–2364M, Cooper Bessemer Diesel Engine Maintenance—Fuel System—Part 1—Injector Block Removal and Disassembly 14-min B&W 1944 (No TV).

MN–2364N, Cooper Bessemer Diesel Engine Maintenance—Fuel System—Part 2—Injector Block Reconditioning and Reassembly 17-min B&W 1944 (No TV).

MN–2364O, Cooper Bessemer Diesel Engine Maintenance—Fuel System—Part 3—Injector Block Replacement and Timing 13-min M&W 1944 (No TV).

MN–2364P, Cooper Bessemer Diesel Engine Maintenance—Fuel System—Part 4—Fuel Pump Disassembly 14-min B&W 1944 (No TV).

MN–2364Q, Cooper Bessemer Diesel Engine Maintenance—Fuel Pump Reconditioning and Reassembly 23-min B&W 1944 (No TV).

MN–2449A, Optical Craftsmanship—Introduction to Optics 17-min B&W 1945 (No TV).

MN2449D, Optical Craftsmanship—Rough Grinding with a Curvature Generator Spherical Surfaces 19-min B&W 1944 (No TV).

MN–2449E, Optical Craftsmanship—Rough Grinding—Flat Surfaces 30-min B&W 1944 (No TV).

MN–2449F, Optical Craftsmanship—Rough Grinding with Vertical Surface Grinder 26-min B&W 1944 (No TV).

MN–2449G, Optical Craftsmanship—Beveling, Grooving, and Rounding 28-min B&W 1944 (No TV).

MN–2449K, Optical Craftsmanship—Fine Grinding and Polishing—Flat surfaces 30-min B&W 1944 (No TV).

MN–2449M, Optical Craftsmanship—Inspection Methods—Part 1 28-min B&W 1944 (No. TV).

MN–2449N, Optical Craftsmanship—Inspection Methods—Part 2 19-min B&W 1944 (No TV).

MN–2449O, Optical Craftsmanship—Production Methods 31-min B&W 1944 (No TV).

MN–2477A, Eye Surgery—Treatment for Paresis of the Superior Oblique 7-min Color 1943 (No TV).

MN–2477B, Eye Surgery—Removal of Intraocular Foreign Bodies 20-min Color 1945 (No TV).

MN–2477C, Eye Surgery—Field Management of Eye Injuries 20-min Color 1945 (No TV).

MN–2505, Mechanical Packing Aboard Ship 30-min B&W 1945 (No TV)

MN–2598A, Diesel Engine Governors—Marquette Governor—Part 1—Basic Hydraulic Governor 17-min B&W 1943 (No TV).

MN–2598B, Diesel Engine Governors—Marquette Governor—Part 2—Speed Drops 5-min B&W 1943 (No TV).

MN–2598C, Diesel Engine Governors—Marquette Hydraulic Governor—Part 3—BMEP Limiter 10-min B&W 1943 (No TV).

MN–2598D, Diesel Engine Governors—Marquette Hydraulic Governor—Part 4—Power Head 5-min B&W 1943 (No TV).

MN–2613, Routine X-Ray Procedures 18-min Color 1945 (No TV).

MN–2617, Life Cycle of Endamoeba Histolytica in Dysenteric and Non-dysenteric Amoebiasis 15-min Color 1943 (No TV).

MN–2621A, Radio Operator Training—The Radio Man Fights 7-min B&W 1944 (No TV).

MN–2621B, Radio Operator Training—The Technique of Hand Sending 9-min B&W 1944 (No TV).

MN–2621C, Radio Operator Training—Rhythm, Speed and Accuracy in Hand Sending 11-min B&W 1944 (No TV).

MN–2621D, Radio Operator Training—Transmission Security 19-min B&W 1944 (No TV).

MN–2651, Physical Fitness for WAVES—Make up from the Neck Down 19-min B&W 1944 (No TV).

MN–2652B, Physical Fitness Training—Navy Standard Swimming Tests and Abandoning Ship Drills 18-min B&W 1944 (No TV).

MN–2715A, Early Care of Plastic Surgical Cases—Wounds of the Hands 14-min Color 1945 (No TV).

MN–2715B, Early Care of Plastic Surgical Cases—Wounds of the Face & Jaw 20-min Color 1945 (No TV).

MN–2722A, L.T.A. History—Balloons 26-min B&W 1944 (No TV).

MN–2769A, General Motors Diesel Engine—Unit Injector—Maintenance 18-min B&W 1944 (No TV).

MN–2769B, General Motors Diesel Engine—Unit Injectors—Disassembly & Reassembly Model 27B 18-min B&W 1944 (No TV).

MN–3425C, Supervision—Developing Cooperation 15-min B&W 1945 (No TV).

MN–3428A, Introduction to Combat Fatigue—Patient's Version 31-min B&W 1944 (No TV).

MN–3428B, Introduction to Combat Fatigue—Doctor's Version 31-min B&W 1944 (No TV).

MN–3428D, Combat Fatigue—Assignment Home 25-min B&W 1945 (No TV).

MN–3428E, Combat Fatigue—Insomnia 19-min B&W 1945 (No TV).

MN–3429A, Amputations—Part 1—Guillotine Amputations of the Lower Extremity 12-min Color 1944 (No TV).

MN–3429B, Amputations—Part 2—Revision and Reamputations of Lower Extremity 27-min Color 1945 (No TV).

MN–3429C, Amputations—Part 3—Upper Extremity 16-min Color 1944 (No TV).

MN–3446, The ABC of G 19-min Color 1944 (No TV).

MN–3691A, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Inspection and Preparatory Steps 7-min B&W 1944 (No TV).

MN–3691B, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Removal of Injection Nozzles, Etc. 5-min B&W 1944 (No TV).

MN–3691C, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Removal of Pistons 22-min B&W 1944 (No TV).

MN–3691D, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Removal and Replacement of Main Bearings 23-min B&W 1944 (No TV).

MN-3691E, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P. Replacement of Pistons 20-min B&W 1944 (No TV).

MN–3691F, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Replacement of Injection Nozzles, Etc. 6-min B&W 1944 (No TV).

MN–3691G, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Bench Work—Air Start Check Valve, Cylinder Relief Valve and Indicator Cock 13-min B&W 1944 (No TV).

MN–3691H, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P.—Bench Work—Injection Nozzle 10-min B&W 1944 (No TV).

MN–3691I, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P. Bench Work—Pistons and Rods 17-min B&W 1944 (No TV).

MN–3691J, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P. Removal of Cylinder Liner 27-min B&W 1944 (No TV).

MN–3691K, Fairbanks Morse Diesel Engine Maintenance—Model 38D8, 1/8 O.P. Replacement of Cylinder Liner 27-min B&W 1944 (No TV).

MN–3706A, Distilling Plants—Low Pressure Type (Griscom-Russell)—How it works—Part 1—13-min B&W 1944 (No TV).

MN–3706B, Distilling Plants—Low Pressure Type (Griscom-Russell)—How it works—Part 2—18-min B&W 1944 (No TV).

MN–3707A, General Motors 12–278A Diesel Engine—Disassembly 31-min B&W 1945 (No TV).

MN–3707B, General Motors 16–278A Diesel Engine—Bearings 10-min B&W 1945 (No TV).

MN–3707C, General Motors 16–278A Diesel Engine—Part 1—Reassembly 23-min B&W 1945 (No TV).

MN–3707D, General Motors 16–278A Diesel Engine—Part 2—Reassembly—Head—27-min B&W 1945 (No TV).

MN–3707E, General Motors 16–2278A Diesel Engine—Part 1—Bench Work—12-min B&W 1945 (No TV).

MN–3707F, General Motors 16–278A Diesel Engine—Part 2—Bench Work 20-min B&W 1945 (No TV).

MN–3707G, General Motors 16–278A Diesel Engine—Part 3—Bench Work 12-min B&W 1945 (No TV).

MN–3707H, General Motors 16–278A Diesel Engine—Part 4—Bench Work 26-min B&W 1945 (No TV).

MN–3708A, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Disassembly—Cylinder Head Removal 22-min B&W 1945 (No TV).

MN–3708B, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Disassembly—Piston and Liner Removal 12-min B&W 1945 (No TV).

MN–3708C, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Disassembly—Bearings 9-min B&W 1945 (No TV).

MN–3708D, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Reassembly—Installation of Liner and Piston 23-min B&W 1945 (No TV).

MN–3708 E, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Reassembly—Installation of Cylinder Head 23-min B&W 1945 (No TV).

MN–3708 F, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Bench Work—Installation of Cylinder Head 23-min B&W 1945 (No TV).

MN–3708G, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Bench Work—Reconditioning the Fuel Pump 17-min B&W 1945 (No TV).

MN–3708H, Progressive Maintenance on the General Motors 12–567A Diesel Engine—Bench Work—Liner and Piston 20-min B&W 1945 (No TV).

MN–3726B, Medicine in Action—Release No. 2—Typhus in Naples 11-min Color 1944 (No TV).

MN–3726C, Medicine in Action—Release No. 3—Breakbone Fever—"Dengue" 8-min Color 1944 (No TV).

MN–3726D, Medicine in Action—Release No. 4—Soft Tissue Wounds 10-min Color 1944 (No TV).

MN–3726F, Medicine in Action—Release No. 6—Trench Foot 11-min Color 1945 (No TV).

MN–3726H, Medicine in Action—Release No. 8—Head Injury—Report of a Battle Casualty 10-min Color 1945 (No TV).

MN–4049, Plague Control 21-min Color 1945.

MN–4330A, Rehabilitation—Voyage to Recovery 30-min Color 1945.

MN–4352C, Immediate Maxillary Anterior Acryclic Fixed Bridge—Variations 5-min Color 1945.

MN–4353P, Flight Safety—Hazards in Ground Operation of Jet Aircraft 5-min Color 1950.

MN–4353R, Flight Safety—Bailing Out 9-min Color 1950.

MN–5028, Asiatic Schistosomiasis, 23-min Color 1946.

MN–5041A, Tsutsugamushi — Prevention 27-min B&W 1945.

MN–5311, Physiology of High Altitude Flying 15-min Color 1948.

MN–5321C, For Which We Stand—To Be Held In Honor 21-min B&W 1951 (No TV).

MN–5321G, For Which We Stand—The Golden Moment 23-min B&W 1954.

MN–5328B, Shipboard Training—Learning By Doing 13-min B&W 1949.

MN–5344A, Descriptive Geometry—Finding the Line of Intersection of Two Solids 22-min B&W 1947.

MN–5348C, Navy Photography in Science 27-min Color 1948.

MN–5348D, Navy Photography in Intelligence 18-min B&W 1948.

MN–5369B, Operative Dentistry—Part 2—Preparation of Cavity 10-min Color 1948.

MN–5369C, Operative Dentistry—Part 3—Matrix 6-min Color 1948.

MN–5369D, Operative Dentistry—Part 4—Amalgam Restoration 12-min Color 1948.

MN–5371, Acrylic Jacket Crown Construction 25-min Color 1948 (No TV).

MN–5383, Fundamentals of Photography—The Basic Camera 15-min B&W 1948 (No TV).

MN–5384, Fundamentals of Photography—Elementary Optics in Photograhpy 18-min B&W 1948 (No TV).

MN–5385, Fundamentals of Photography—Light Sensitive Materials 20-min Color 1948 (No TV).

MN–5386, Fundamentals of Photography—Developing the Negative 20-min B&W 1948 (No TV).

MN–5395B, Jets Aboard—Operation of Jet Aircraft Aboard Carriers 27-min B&W 1951.

MN–5396A, Operation of Jet Aircraft Engines 21-min B&W 1949.

MN–5802, Fleet That Came to Stay 20-min B&W 1944.

MN–6124, Seapower in the Pacific 30-min B&W 1946.

MN–6128A, Plastic Surgery of the Hand 12-min Color 1945 (No TV).

MN–6128B, Plastic and Reconstruction Surgery of the Head 34-min Color 1946 (No TV).

MN–6485, Plastic Repair of a Cheek and Lip 10-min B&W 1946 (No TV).

MN–6613A, Integrated Landing Aids Systems—Part 1 23-min Color 1949 (No TV).

MN–6613B, Integrated Landing Aids—Part 2 26-min Color 1949 (No TV).

MN–6658, The Navy and Science 13-min B&W 1951.

MN–6689A, Navy Tank Cleaning Procedures—Maintenance Tank Cleaning—Butterworth Method 31-min B&W 1950.

MN–6689B, Navy Tank Cleaning Procedures—Conversion from Black Oil to Diesel Fuel—Navy Improved Method 24-min B&W 1950.

MN–6689C, Navy Tank Cleaning Procedures—Conversion from Black Oil to Gasoline—Navy Chemical Method 26-min B&W 1950.

MN–6694, Ground Controlled Approach of Aircraft—Operational Procedures 38-min B&W 1950.

MN–6719A, Building Techniques—Foundations and Concrete 26-min B&W 1950.

MN–6719B, Building Techniques—Framing, Floor Joists, and Walls 25-min B&W 1950.

MN–6719C, Building Techniques—Framing, Rafter Principles, and Common Rafters 15-min B&W 1950.

MN–6719D, Building Techniques—Framing; Hip and Valley Rafters 25-min B&W 1950.

MN–6719E, Building Techniques—Interior and Exterior Trim 12-min B&W 1950.

MN–6719F. Building Techniques—Fundamentals of Stair Layout 11-min B&W 1950.

MN–6720, Complete Dentures—Alginate impressions 15-min Color 1951.

MN–6721, Partial Dentures—Biomechanics 15-min Color 1951.

MN–6722, Complicated Exodontia—Introduction 17-min Color 1951.

MN–6723, Dental First Aid 20-min Color 1952.

MN–6725A, Reserve Fleet Activation—Introduction 20-min B&W 1950.

MN–6732A, Naval Steam Turbines—The Steam Cycle 17-min B&W 1951 (No TV).

MN–6732B, Naval Steam Turbines—How Turbines Work 17-min B&W 1951 (No TV)

MN–6732C, Naval Steam Turbines—Turbine Casualties 18-min B&W 1950 (No TV).

FN–6733, Maintenance and Repair of Steam Condensers—Circulating Water Side 23-min B&W 1952.

FN–6734, Bending Oak Techniques, 17-min B&W 1950.

MN–6742B, Day's Work of a Navigator—At Sea 15-min B&W 1951.

MN–6742C, Day's Work of a Navigator—In Pilot Waters 13-min B&W 1950.

MN–6753A, Training Aids—Selection and Planning 16-min B&W 1950.

MN–6753B, Training Aids—Classroom Utilization 15-min B&W 1950.

MN–6753C, Training Aids—Slides, Large Drawings and Transparencies 17-min B&W 1951.

MN–6754, Safety Precautions for Electronics Personnel—Introduction 15-min B&W 1951.

MN–6755A, Hydrographic Surveying Operations of the Navy—Establishing Primary Survey Control Points 20-min Color 1950.

MN–6755B, Hydrographic Surveying Operations of the Navy—Secondary Survey, Control Points and Hydrographic Developments 20-min Color 1950.

MN–6766, Navy Civil Engineers, 15-min B&W 1951.

MN–6773A, Flight Through Instruments—Basic Instrument Flying 22-min B&W 1951.

MN–6817, Operation Crossroads 26-min Color 1949.

MN–6824, Small Boat Disaster Prevention 20-min B&W 1951.

MN–6833B, Military Oceanography—Occupying on Oceangraphic Station 29-min Color 1950.

MN–6839, African Trypansosomiasis (Sleeping Sickness), 16-min Color 1951.

MN–6841, Seabees Can Do Plus 15-min B&W 1950.

MN–6896, An Object Lesson Fire Prevention 20-min B&W 1950.

MN–6914, Visual Flight Rules 21-min Color 1951.

MN–6915A, High Altitude, High Speed, Flight Problems, Physiological Effects 23-min Color 1952.

MN–6919B, Preventive Psychiatry—Role of the Junior Officer—Part I (Professional Use Only).

MN–6825C, Ground Aids to Air Navigation—Ship to Shore 20-min B&W 1951.

MN–6939, Accident Prevention Aboard Ship Lubrication of Electronic Equipment 8-min B&W 1953 (No TV).

FN–6843A, History of the United States Navy-War of Independence (1775–1783) 21-min Color 1952.

FN–6934B, History of the United States Navy—The Naval Wars with France and Tripoli (1798–1805) 26-min Color 1953.

FN–6943C, History of the United States Navy—The War of 1812 20-min Color 1956.

FN–6943D, History of the United States Navy—World Wide Naval Operations in Peace and War (1815–1860) 23-min Color 1956.

FN–6943EF, History of the United States Navy—The Civil War—Parts 1 & 2 19-min Color 1958.

FN–6943G, History of the United States Navy—Navy Decline, the New Navy and the War with Spain (1865–1893) 20-min Color 1958.

MD–6962CG, History of the Korean War 58-min B&W 1958.

MD–6962CH, Story of the Navy Uniform 19-min B&W 1958.

MD–6962CL, Military Assistance in Civil Disaster 35-min B&W 1958.

MD–6962CB, Code, The 29-min B&W 1959.

MD–6962CV, Old Glory 28-min Color 1960.

MD–6962ET, Why Vietnam? 32-min B&W 1965.

MN–6992C, The Naval Establishment—Bureau of Yards and Docks 23-min B&W 1953.

MN–7283, The Fighting Lady Speaks 10-min B&W 1950.

MN–7285B, Materials Handling Equipment Operation—Gantry Truck and Warehouse Cranes 21-min B&W 1953 (No TV).

MN–7306A, Helicopter Orientation—Introduction to Rotary Wing Flight 20-min B&W 1952.

MN–7306B, Helicopter Orientation—Operation of the Single Main Rotary Helicopter 20-min B&W 1952.

MN–7306C, Helicopter Orientation—The Basic Anatomy of the Helicopter 18-min B&W 1952.

MN–7308A–Z, *This series, listed below, is cleared for showings before school groups but not for general public or TV showings.*

MN–7308A, Victory at Sea—Design for War 30-min B&W 1953.

MN–7308B, Victory at Sea—The Pacific Boils Over 30-min B&W 1953.

MN–7308C, Victory at Sea—Sealing the Breach 30-min B&W 1953.

MN–7308D, Victory at Sea—Midway is East 30-min B&W 1953.

MN–7308E, Victory at Sea—Mediterranean Mosaic 30-min B&W 1953.

MN–7308F, Victory at Sea—Guadalcanal 30-min B&W 1953.

MN–7308G, Victory at Sea—Rings Around Rabaul 30-min B&W 1953.

MN–7308H, Victory at Sea—Mare Nostrum 30-min B&W 1953.

MN–7308I, Victory at Sea—Sea and Sand 30-min B&W 1953.

MN–7308J, Victory at Sea—Beneath the Southern Cross 30-min B&W 1953.

MN–7308K, Victory at Sea—Magnetic North 30-min B&W 1953.

MN–7308L, Victory at Sea—The Conquest of Micronesia 30-min B&W 1953.

MN–7308M, Victory at Sea—Melanesian Nightmare 30-min B&W 1953.

MN–7308N, Victory at Sea—Roman Renaissance (Sicily, Italy) (Southern France) 30-min B&W 1953.

MN–7308Q, Victory at Sea—D–Day 30-min B&W 1953.

MN–7308P, Victory at Sea—Killers & the Kill 30-min B&W 1953.

MN–7308Q, Victory at Sea—The Turkey Shoot 30-min B&W 1953.

MN–7308R, Victory at Sea—Two if by Sea 30-min B&W 1953.

MN–7308S, Victory at Sea—The Battle for Leyte 30-min. B&W 1953.

MN–7308T, Victory at Sea—Return of the Allies 30-min B&W 1953.

MN–7308U, Victory at Sea—Full Fathom Five 30-min B&W 1953.

MN–7308V, Victory at Sea—The Fate of Europe 30-min B&W 1953.

MN–7308W, Victory at Sea—Target Suribachi 30-min B&W 1953.

MN–7308X, Victory at Sea—The Road to Normandy 30-min B&W 1953.

MN–7308Y, Victory at Sea—Suicide for Glory 30-min B&W 1953.

MN–7308Z, Victory at Sea—Design for Peace 30-min B&W 1953.

MN–7314, With the Marines—Chosen to Hungnam 24-min B&W 1951.

MN–7319A, The Uniform Code of Military Justice—The Code and You 24-min B&W 1952.

MN–7319C, The Uniform Code of Military Justice—Summary Court Martial 46-min B&W 1952.

MN–7329, Clergymen in Uniform 12-min Color 1952.

MN–7335, Use of Whole Blood, Blood Plasma and Concentrated Serum Albumin (With Special Reference to Shock) 14-min Color 1952 (No TV).

MN–7336. Icebreaker 14-min B&W 1952.

MN–7337A, Hydrography for Charting—Part 1—Position Fixing 11-min Color 1951.

MN–7337B, Hydrography for Charting—Part 2—Sounding and Dragging 10-min Color 1951.

MN–7340, Equilibration of Occlusion 20-min Color 1952.

MN–7360, Interviewing Principles and Techniques 23-min B&W 1951.

MN–7361, Demonstrations in Perception 25-min B&W 1951.

MN–7370, Navy Relief Society 15-min B&W 1951.

MN–7372, Memorial Day 20-min B&W 1952.

MN–7397B, Maintaining the HUP Helicopter—Rotor Systems and Related Controls 16-min B&W 1952.

MN–7398A, Flight Training—Before you Fly 13-min B&W 1953.

MN–7398B, Flight Training—Takeoffs, Approaches and Landings 14-min B&W 1953.

MN–7398C, Flight Training—Crosswind Approaches, Landings and Takeoffs 8-min B&W 1953.

MN–7398D, Flight Training—Emergencies 9-min B&W 1953.

MN—7398E, Flight Training—Small Fields 10-min B&W 1953.

MN–7398F, Flight Training—Wingovers and Chandelles 12-min B&W 1953.

MN–7398G, Flight Training—The Wingover Roll 10-min B&W 1954.

MN–7398H, Flight Training—The Barrel Roll 9-min B&W 1954.

MN–7398I Flight Training—Fundamentals of Formation Flying 3 and 4 Plane 24-min B&W 1953.

MN–7400, Dear Boss 25-min B&W 1952.

MN–7407A, Marine Gas Turbine Engine—Principles of Operation 18-min Color 1952.

MN–7407B, Marine Gas Turbine Engine—Trouble Shooting 16-min Color 1954.

MN–7407C, Marine Gas Turbine Engine—The Solar T–45 Engine 23-min Color 1960.

MN–7407D, Marine Gas Turbine Engine—The Boeing 502–10C Engine 22-min Color 1960.

MN–7409A, Aerology (Thunderstorms)—Part 1—Formation and Structure of Thunderstorms 15-min B&W 1953.

MN–7409B, Aerology (Thunderstorms)—Part 2—Flight Techniques With Respect to Thunderstorms 15-min B&W 1953.

MN–7410A, Shipboard Helicopter Operations—Landing and Takeoffs at Sea 8-min Color 1954.

MN–7410B, Shipboard Helicopter Operations-Functions 7-min Color 1954.

MN–7411A, Landbased Helicopter Operations—Functions 10-min B&W 1953.

MN–7411B, Landbased Helicopter Operations—Precautions 11-min B&W 1953.

MN–7413, Waves At Work 17-min Color 1953.

MN–7419A, Ships, Men and Ice 18-min Color 1953.

MN–7419B, Operations in Sea-Ice—Identification of Sea-Ice 13-min Color 1953.

MN–7419C, Operations in Sea-Ice—Convoy Operations in Sea-Ice 22-min Color 1954.

MN–7424, Who's Too Old? 15-min B&W 1952.

MN–7437, Armed Forces Information Film No. 41—About Rumors 14-min Color 1953.

MN–7438, Building Construction—Advanced Base Type 20-min B&W 1952.

MN–7439, Cruising the Northern Seas 12-min Color 1953.

MN–7445, Ready for Sea 15-min B&W 1952.

MN–7459A, Command of the Seas—Arctic 15-min Color 1952.

MN–7459B, Command of the Seas—Pacific 15-min Color 1952.

MN–7459C, Command of the Seas—Atlantic 17-min Color 1952.

MN–7459D, Command of the Seas—United States 17-min Color 1952.

MN–7460B, Electronic Functional Modules, 17-min Color 1960.

MN–7461A, Hand Dishwashing and General Scullery Practices 10-min B&W 1953.

MN–7467A, TT–47/UG Teletypewriter—General Principles and Operation 16-min B&W 1953 (No TV).

FN–7467B, TT–47/UG Teletypwriter—Installation and Performance Tests 14-min B&W 1953 (No TV).

FN–7467C, TT–47/UG Teletypewriter—Preventive Maintenance 5-min B&W 1953 (No TV).

FN–7468, Laboratory Technique for Darkfield Microscopy 16-min B&W 1953 (No TV).

MN–7469, Cricothyroidotomy 9-min Color 1953 (No TV).

MN–7470, Penetrating Wounds of the Abdomen 13-min Color 1953 (No TV).

MN–7477, Sucking Wounds of the Chest 14-min Color 1953 (No TV).

MN–7478, Ski Jump II 22-min Color 1953.

MN–7479, Naval Shipyards Serve the Fleet 13-min Color 1953.

MN–7488A, Advance Base Waterfront Construction—Timber Piers 17-min B&W 1953.

MN–7489A, Water Purification—Introduction 10-min Color 1953.

MN–7489B, Water Purification—Diatomite Filter System Installation, Operation and Maintenance 12-min Color 1953.

MN–7489C, Water Purification—Vapor Compression Distillation 14-min Color 1953.

MN–7498A, Industrial Hygiene and Safety—Breathe and Live 18-min Color 1953 (No TV).

MN–7499A, Combat Psychiatry—The Battalion Medical Officer 36-min B&W 1954 (No TV).

MN–7499B, Combat Psychiatry—the Division Psychiatrist 29-min B&W 1954 (No TV).

MN–7831A, Care and Use of Hand Tools—Part I—An Introduction to Hand Tools 10-min B&W 1954.

MN–7831B, Care and Use of Hand Tools—Part 2—Basic Layout Tools 6-min B&W 1954.

MN–7831C, Care and Use of Hand Tools—Part 3—Hacksaws 5-min B&W 1954.

MN–7831D, Care and Use of Hand Tools—Part 4—Files and Filing 5-min B&W 1954.

MN–7831E, Care and Use of Hand Tools—Part 5—Twist Drills 6-min B&W 1954.

MN–7831F, Care and Use of Hand Tools—Part 6—Metal Cutting Chisels 4-min B&W 1954.

MN–7831G, Care and Use of Hand Tools—Part 7—Threading Taps and Dies 14-min B&W 1954.

MN–7832A, The Military Sea Transportation Service—Introduction 18-min B&W 1953.

MN–7832B, The Military Sea Transportation Service—Troop Transportation 19-min 1955 B&W.

MN–7832C, The Military Sea Transportation Service—Cabin Passengers 19-min B&W 1955.

MN–7834 Floating Fortress 14-min B&W 1952.

MN–7835A, Lifeboats under Gravity Davits—Launching Boats 25-min B&W 1954.

MN–7835B, Lifeboats under Gravity Davits—Recovering Boats 14-min B&W 1954.

MN–7837, The Engineered Performance Standards Program 16-mm B&W 1953.

MN–7838, Seapower for Freedom 30-min B&W 1953.

MN–7855A, This is the Code—Absence Offenses 10-min B&W 1953.

MN–7855B, This is the Code—Disrespect, Disobedience and Improper Performance of Duty 15-min B&W 1953.

MN–7855C, This is the Code—Conduct before the Enemy 10-min B&W 1953.

MN–7855D, This is the Code—Crimes Against Persons and Property 17-min B&W 1953 (No TV).

MN–7855E, This is the Code—Procedural Articles 15-min B&W 1953 (No TV).

MN–7855F, This is the Code—General Criminal Articles 8-min B&W 1953 (No TV).

MN–7861A, Boiler Repair—Water Side—Introduction 9-min B&W 1954 (No TV).

MN–7861B, Boiler Repair—Water Side—Removing Boiler Tubes 10-min B&W 1954 (No TV).

MN–7861C, Boiler Repair—Water Side—Replacing Boiler Tubes 7-min B&W 1954 (No TV).

MN–7861D, Boiler Repair—Water Side—Closing the Boiler 9-Min B&W 1954 (No TV).

MN–7862A, Boiler Repairs—Fire Side—Building Walls and Floors 13-min B&W 1954 (No TV).

MN–7862B, Boiler Repairs—Fire Side—Installing Plastic Fire Brick 7-Min B&W 1954 (No TV).

MN–7862C, Boiler Repairs—Fire Side—Installing Plastic Chrome Ore 5-min B&W 1954 (No TV).

MN–7862D, Boiler Repairs—Fire Side—High Temperature Castable Refractories 14-min B&W 1954 (No TV).

MN–7893, Fighter Photo-Eyes of the Fleet 26-min Color 1953.

MN–7894A, Atmospheric Stability and Instability—Existing Temperature Distribution 15-min Color 1953.

MN–7894B, Atmospheric Stability and Instability—Adiabatic Process 13-min Color 1953.

MN–7894C, Atmospheric Stability and Instabilty—Thermal Convection 10-min Color 1953.

MN–7894D, Atmospheric Stability and Instability—Stability and the Weather 8-min Color 1953.

MN–7929A, Naval Medical Research—A Survey—Part I 25-min Color 1955.

MN–7929B, Naval Medical Research—A Survey—Part 2 25-min. Color 1955.

MN–7930, Aseptic Procedure in Oral Surgery 18-min Color 1955 (No TV).

MN–7946, Importance of Military Packaging 8-min B&W 1953.

MN–7969, The Story of Naval Aviation 27-min B&W 1954.

MN–7977A, Carbide Woodworking Tools—Care and Grinding 13-min B&W 1954.

MN–7977B, Carbide Woodworking Tools—How to Use 15-min B&W 1954.

MN–7984C, ABC warfare Defense Ashore-Detection of Contaminated Areas in Biological and Chemical Warfare 13-min B&W 1954.

MN–7984D, ABC Warfare Defense Ashore—Protective Clothing for Decontamination Personnel 11-min B&W 1954.

MN–7984E, ABC Warfare Defense Ashore—Biological Warfare Decontamination: Personnel 9-min B&W 1954.

MN–7984F, ABC Warfare Defense Ashore—Biological Warfare Decontamination: Interiors 6-min B&W 1954.

MN–7984G, ABC Warfare Defense Ashore—Biological and Chemical Decontamination: Exteriors 13-min B&W 1954.

MN–7984H, ABC Warfare Defense Ashore—Biological Warfare Decontamination: Personal Equipment 8-min B&W 1954.

MN–7984I, ABC Warfare Defense Ashore—Chemical Warfare Decontamination: Personnel 13-min B&W 1954.

MN–7984J, ABC Warfare Defense Ashore—Survey of Disaster 12-min B&W 1955.

MN–7984K, ABC Warfare Defense Ashore—Rescue Operations; lifting devices, shoring 16-min B&W 1954.

MN–7984L, ABC Warfare Defense Ashore—Rescue Operations; Rigging, Breaching Walls, Tunneling 17-min B&W 1954.

MN–8016A, Basic Electricity—The Electron Theory 5-min B&W 1954.

MN–8016B, Basic Electricity—How Magnets Produce Electricity 3-min B&W 1954.

MN–8016C, Basic Electricity—Current Flow—What it is 3-min B&W 1954.

MN–8016D, Basic Electricity—Electromagnets 2-min B&W 1954.

MN–8016E, Basic Electricity—Basic DC Meter Movement 3-min B&W 1954.

MN–8016F, Basic Electricity—What Causes Current Flow: EMF 3-min B&W 1954.

MN–8016G, Basic Electricity—What Controls Current Flow—Resistance 3-min B&W 1954.

MN–8018A, Basic Electricity—Inductance in AC Circuits 7-min B&W 1959

MN–8018B, Basic Electricity—Capacitance in AC Circuits 5-min B&W 1959.

MN–8018C, Basic Electricity—AC Series Circuits 4-min B&W 1959.

MN–8018D, Basic Electricity—AC Parallel Circuits 5-min B&W 1959.

MN–8050, Functional Teaching in Electricity and Electronics 16-min B&W 1953.

MN–8076A, Crane Operations—Floating Cranes 16-min B&W 1955.

MH–8076B, Crane Operations—Safety Precautions 14-min B&W 1955.

MN–8078, The Seventh Fleet 12-min B&W 1957.

MN–8079, Service to the Fleet 14-min B&W 1955.

MN–8084, Standardization 17-min B&W 1955 (No TV).

MN–8084B, Standardization—Engineering Planning 13-min Color 1959.

MN–8087, USS Forrestal (CVA–59) 21-min B&W 1955.

MN–8091, Waiting on Table at Sea.

MN–8103, Origins of the Motion Picture 20-min B&W 1955.

FN–8112, Public Information Objectives of the Navy 14-min Color 1956.

MN–8131A, Public Works and Public Utilities—Controlled Maintenance 20-min B&W 1956.

MN–8131D, Public Works and Public Utilities—Part IV—Work Improvement in Maintenance 18-min Color 1960.

MN–8131E, Public Works and Public Utilities 20-min Color 1960.

MN–8131F, Public Works and Public Utilities—Painting Structures Ashore 20-min Color 1960.

MN–8131G, Public Works and Public Utilities—Fuel Storage Tank Cleaning 32-min B&W 1960.

FN–8135, History of the U.S. Navy Supply Corps 14-min Color 1955.

MN–8137, HSS Automatic Stabilization Equipment 17-min B&W 1956.

MN–8167A, Wood Preservation—Inspection for Wood Destroying Organisms 19-min Color 1956.

MN–8167B, Wood Preservation—Control of Wood Destroying Organisms 24-min Color 1956.

MN–8167C, Wood Preservation—Effects of Marine Organisms 20-min Color 1959.

MN–8182, First Aid for Bleeding 20-min Color 1957.

MN–8184A, First Aid for Fractures—Introduction 14-min Color 1955.

MN–8184B, First Aid for Fractures—Skull, Spine and Pelvis 10-min Color 1955.

MN–8184C, First Aid for Fractures—The Triangular Arm Splint 6-min Color 1955.

MN–8184D, First Aid for Fractures—The Universal Leg Splint 4-min Color 1956.

MN–8184E, First Aid for Fractures—The Thomas Leg Splint 8-min Color 1956.

MN–1886, First Aid for Heat Stroke and Heat Exhaustion 19-min Color 1957.

MN–8187A, First Aid Handling and Transporting of the Injured-Introduction 13-min B&W 1956.

MN–8187B, First Aid Handling and Transporting of the Injured—Mastering Basic Techniques 26-min B&W 1956.

MN–8187C, First Aid Handling and Transporting of the Injured—Lifelines, Improvised Stretchers and Carriers 12-min B&W 1956.

MN–8188A, First Aid for All Hands—Introduction 12-min B&W 1958 (No TV).

MN–8188B, First Aid for All Hands—Asphyxia 14-min B&W 1958 (No TV).

MN–8188C, First Aid for All Hands—Bleeding 14-min B&W 1956 (No TV).

MN–8188D, First Aid for All Hands—Fractures 24-min B&W 1958 (No TV).

MN–8188E, First Aid for All Hands—Burns 11-min B&W 1958 (No TV).

MN–8188F, First Aid for All Hands—Handling and Transportation 12-min B&W 1958 (No TV).

MN–8209, Conservation Planning for National Security 20-min Color 1956.

MN–8211A, Vital Signs—Part 1—Cardinal Symptoms 19-min B&W 1956.

MN–8211B, Vital Signs—Part 2—Taking Temperature, Pulse and Respiration 20-min B&W 1956.

MN–8211C, Vital Signs—Part 3—Taking Blood Pressure 11-min B&W 1956.

MN–8224, Heart of the Navy 13-min B&W 1956.

MN–8238A, Shipboard Inspection by Medical Department Personnel—Water Supply 21-min B&W 1958.

MN–8238B, Shipboard Inspection by Medical Department Personnel—Living and Working Spaces 20-min B&W 1958.

MN–8238C, Shipboard Inspection by Medical Department Personnel—Food Storage 13-min B&W 1958.

MN–8238D, Shipboard Inspection by Medical Department Personnel—Food Preparation 26-min B&W 1958.

MN–8238E, Shipboard Inspection by Medical Department Personnel—Food Serving 13-min B&W 1958.

MN–8246, Color Vision Deficiency—Definition and Evaluation 20–min B&W 1957.

MN–8264A, Vapor Compression Distilling Units—How They Work 22-min B&W 1958.

MN–8264B, Vapor Compression Distilling Units—Chemical 10-min B&W 1958.

MN–8265, The Medical Officer Aboard Ship 19-min B&W 1957 (No TV).

MN–8267, Navy Men 28-min B&W 1956.

FN–8300, History of the U.S. Navy Hydrographic Office 16-min Color 1955.

MN–8328, The Navy Frogmen 28-min B&W 1957.

MN–8330A, Fire Prevention—The Nature of Fire 13-min Color 1958.

MN–8330B, Fire Prevention—Know Your Fire Hazards 18-min Color 1958.

MN–8339, Hurricane Hunters 14-min B&W 1956.

MN–8344, Admiral Burke Takes Command 12-min B&W 1955.

MN–8387, Damage Control—Civilian Manned Ships 20-min B&W 1957.

MC–8393A, Navy Log—The Pirate and the Pledge 29-min B&W 1957 (No TV).

MC–8393D, Navy Log—Home is the Sailor 29-min B&W 1957 (No TV).

MC–8393E, Navy Log—Blue Angels 29-min B&W 1957 (No TV).

MC–8393F, Navy Log—The Sky Pilot 29-min B&W 1957 (No TV).

MC–8393G, Navy Log—Operation Three-in-one 29-min B&W 1957 (No TV).

MC–8393H, Navy Log—The Family Specials 29-min B&W 1957 (No TV).

MC–8393I, Navy Log—Captain's Choice 29-min B&W 1957 (No TV).

MC–8393M, Navy Log—The Pollywog of YOSU 29-min B&W 1957 (No TV).

MC–8393P, Navy Log—Caution and Courage 29-min B&W 1957 (No TV).

MC–8393R, Navy Log—Operation Typewriter 29-min B&W 1957 (No TV).

MC–8393S, Navy Log—The Gimmick 29-min B&W 1957 (No TV).

MC–8393T, Navy Log—Demos the Greek 29-min B&W 1957 (No TV).

MC–8393X, Navy Log—The Helium Umbrella 29-min B&W 1957 (No TV).

MC–8393Z, Navy Log—The Fatal Crest 29-min B&W 1957 (No TV).

MC–8393AF, Navy Log—Rocks Break Scissors 29-min B&W 1957 (No TV).

MC–8393AL, Navy Log—The Long Weekend 29-min B&W 1957 (No TV).

MC–8393AM, Navy Log—LST–799 29-min B&W 1957 (No TV).

MC–8393AU, Navy Log—Formosa 29-min B&W 1957 (No TV).

MC–8393BF, Navy Log—Operation Hideout 29-min B&W 1957 (No TV).

MC–8393BG, Navy Log—Nightmare 29-min B&W 1957 (No TV).

MC–8393BH, Navy Log—Nautilus 29-min B&W 1957 (No TV).

MC–8393BI, Navy Log—The Star 29-min B&W 1957 (No TV).

MC–8393BJ, Navy Log—Tazzoli 29-min B&W 1957 (No TV).

MC–8393BK, Navy Log—Lady and the Atom 29-min B&W 1957 (No TV).

MN–8406, "MD USN" 43-min B&W 1957.

MN–8409, European Cruise 28-min Color 1956.

MN–8414A, Naval Aviation—A Personal History—The Weapon is Conceived 30-min B&W 1961.

MN–8414B, Naval Aviation—A Personal History—The Weapon is Tested 28-min B&W 1960.

MN–8414C, Naval Aviation—A Personal History—The Weapon is developed 29-min B&W 1962.

MN–8479A, Transistors—P–N Junction Fundamentals 11-min B&W 1967.

MN–8479B, Transistors—Triode Fundamentals 10-min B&W 1957.

MN–8479C, Transistors—Minority Carriers 10-min B&W 1959.

MN–8479D, Transistors—Low Frequency Amplifiers 10-min B&W 1958.

MN–8479E, Transistors—High Frequency Operation Amplifiers and Oscillators 14-min B&W 1959.

MN–8479F, Transistors—Switching 14-min B&W 1959.

MN–8479G, Transistors—Servicing Techniques 17-min B&W 1960.

MN–8480A, Ground Controlled Approach Equipment—Sitting 11-min B&W 1958.

MN8480B, Ground Controlled Approach Equipment—Alignment of AN/CPN–4A 13-min B&W 1958.

MN–8488, Value Engineering—More Ships for Less Money 13-min Color 1957.

MN–8489A, Piping Fabrication for Shipboard High Temperature Steam Systems—Introduction 13-min B&W 1958.

MN–8489B, Piping Fabrication for Shipboard High Temperature Systems (Steam) Bending and Installing 10-min B&W 1958.

MN–8489C, Piping Fabrication for Shipboard High Temperature Steam System—Welding 13-min B&W 1958.

MN–8500, Operation Deepfreeze I 22-min Color 1957.

MN–8509, Your Navy School of Music 13½-min B&W 1957.

FN–8511, Challenge in Naval Research 31-min Color 1957.

MN–8538, Sea Power—Supply, the Lifeblood of Seapower 15-min Color 1959.

MN–8546, NATO Seapower for Peach 28-min B&W 1957.

MN–8564A3, Navy Wings of Gold 28-min Color 1966.

MN–8566A, Endodontics Diagnosis and Case Selection 13-min Color 1958.

MN–8566B, Endodontics—Preparation of the Root Canal 16-min Color 1958.

MN–8566C, Endodontics—Filling the Root Canal 14-min Color 1958.

MN–8567, The Navy Dental Corps 27-min Color 1959.

MN–8568A, Military Immunization—General Procedures 23-min B&W 1959.

MN–8568B, Military Immunization—Smallpox Vaccination 12-min Color 1959.

MN–8576A, Basic Nursing—Making an Unoccupied Bed 14-min B&W 1957.

MN–8576B, Basic Nursing Care—Making a Recovery Bed 9-min B&W 1957.

MN–8576C, Basic Nursing Care—Making the Occupied Bed 15-min B&W 1957.

MN–8576D, Basic Nursing Care—The Bed Bath 18-min B&W 1957.

MN–8576E, Basic Nursing Care—Intravenous Administration of Fluids 18-min B&W 1959.

MN–8576F, Basic Nursing Care—Preoperative Care 16-min B&W 1959.

MN–8576G, Basic Nursing Care—Postoperative Care 14-min B&W 1959.

MN–8576H, Basic Nursing Care—Eye Treatments 13-min B&W 1959.

MN–8576I, Basic Nursing Care—Ear, Nose and Throat 14-min B&W 1959.

MN–8576J, Basic Nursing Care—Oral Administration of Medications 13-min B&W 1959.

MN–8576K, Basic Nursing Care—Isolation Techniques 24-min B&W 1960 (No TV).

MN–8592, Theory of the Lead-Acid Storage Battery 25-min B&W 1959.

MN–8594A, Direct Generators—Theory of Operation 16-min B&W 1959.

MN–8594B, Direct Current Motors—Theory of Operation 10-min B&W 1959.

MN–8597A, Reinforced Plastics—Introduction 20-min B&W 1957.

MN–8597B, Reinforced Plastics—Inspection and Quality Control 20-min B&W 1957.

MN–8597C, Reinforced Plastics—Repair of Single Skin Failures 18-min B&W 1957.

MN–8610, Ship Design for Tomorrow 25-min Color 1959.

MN–8613, The U.S. Naval Test Pilot School 13-min Color 1959.

MN–8614, Electromagnetic Cathode Ray Tube-Theory of Operation 20-min B&W 1958.

MN–8617, Slow-speed Flight Characteristics of Swept-wing Aircraft 18-min B&W 1957.

MN–8639, Safety-on-the-job at Sea 16-min B&W 1957.

MN–8647A, MSTS Arctic Operations 19-min Color 1958.

MN–8647B, Arctic Shipping—MSTS Arctic Operations 31-min Color 1958.

MN–8659, Mrs. United States Navy 4-min B&W 1957.

MN–8665A, Seabees in the Antarctic—Base Construction and Equipment Operation 19-min Color 1958.

MN–8679, The Growler Story 22-min Color 1958.

MN–8681A, Environmental Factors Affecting Reliability of Electronic Equipment 17-min B&W 1956 (No TV).

MN–8681B, Vibration Problems in the Design of Shipboard Electronic Equipment 19-min B&W 1956 (No TV).

MN–8697, MSTS Arctic Operations—1956 46-min Color 1957.

MN–8707, Stay in School and Graduate 14-min Color 1958.

MN–8725, Management Improvement—Its Your Business 26-min Color 1959.

MN–8749A, Medical Aspects of Diving (Part I) 28-min Color 1962 (No TV).

MN–8749B, Medical Aspects of Diving (Part 2) 28-min Color 1962 (No TV).

MN–8751A, The Navy Goes to Church—Thine is the Power 20-min B&W 1958.

MN–8751B, The Navy Goes to Church—Rig for Church 20-min B&W 1960.

MN–8759, Buoyant Ascent 15-min Color 1957.

MN–8760A, Helicopter Rescue at Sea 21-min Color 1959.

MN–8770A, Reliability—Fundamental Concepts—Part 1 30-min Color 1961.

MN–8770B, Reliability—Fundamental Concepts—Part 2 27-min Color 1961.

MN–8770C, Reliability—Statistical Concepts 25-min Color 1961.

MN–8770D, Reliability Engineering—Reliability Testing 30-min Color 1961.

MN–8770E, Reliability Testing 28-min Color 1962.

MN–8771A, International Naval Review 14½-min Color 1958.

MN–8775, Air Operations in the Antarctic 16-min Color 1960.

MN–8794, Navy Wives 27-min Color 1959.

MN–8800, The U.S. Naval Civil Engineering Laboratory 17-min Color 1959.

MN–8807, Civil Engineers of the Navy 18-min B&W 1959 (No TV).

MN–8812A, Turboprop/Turboshaft Engines: Introduction 13-min Color 1959.

MN–8817A, Aircraft Familiarization—T2J–1 Buckeye Aircraft Systems 13-min Color 1960.

MN–8817B, Aircraft Familiarization—T2J–1 Buckeye Emergency Procedures 10-min Color 1960.

MN–8817C, Aircraft Familiarization—T2J–1 Buckeye Operating Procedures 22-min Color 1960.

MN–8817D, Aircraft Familiarization—T2J–1 Buckeye Field Carrier Landing Procedures 11-min Color 1960.

MN–8817E, Aircraft Familiarization—T2J–1 Buckeye Carrier Procedures 10-min Color 1960.

MN–8829L, Effective Naval Leadership—Naval Heritage—Part 2—The Farragut Story 27-min Color 1962.

MN–8848, Missiles of the Navy 19-min Color 1958.

MN–8857, Introduction to Underwater Sound 19-min B&W 1959.

MC–8863, Navy's Blue Angels 29-min Color 1958 (No TV).

MN–8864, Security Through Seapower 11-min Color 1958.

MN–8865, The Naval Research Laboratory Reactor 21-min Color 1959.

FN–8874, The Statistical Design of Experiments (Fundamental Concepts) 20 min Color 1960.

MN–8879, The Pacific Missile Range 14½-min Color 1960.

FN–8909, Danger—Stacked Deck Carrier OPS 20 min Color 1960.

MN–8913, The Dental Assistant: Operative (Professional Use Only).

MN–8917, Low Level Air Navigation 22-min Color 1960.

MN–8923, Radiological Defense in Civilian Manned Ships 25-min B&W 1960.

MN–8936, USS NAUTILUS—Operation Sunshine 14-min Color 1959.

MH–8940, The Salute 15-min B&W 1960.

MN–8942, Portrait of Antarctica, 28-min Color 1961.

MN–8951, Tuberculin Testing 10-min Color 1959 (No TV).

MN–8953, Five Ladders to the Bridge 28-min Color 1961.

MN–8958, Search for Silence 15-min B&W 1960.

MN–8965, Prevention of Heat Casualties 24-min Color 1960.

MN–8969A, Digital Computer Techniques—Introduction 20-min Color 1962.

MN–8969B, Digital Computer Techniques—Computer Logic 20-min Color 1962.

MN–8969C, Digital Computer Techniques—Logic Symbology 15-min Color 1962.

MN–8969E2, Digital Computer Techniques—Logic Element Circuits 18-min Color 1962.

MN–8969D, Digital Computer Techniques—Computer Units 24-min Color 1962.

MN–8969F, Digital Computer Techniques—Programming 14-min Color 1962.

MN–8970, Seapower 14-min Color 1959.

MN–8981, Denison Hydraulic Pumps and Motors, Disassembly and Reassembly 24-min B&W 1961.

MN–8982, Summer Incident—Lebanon crisis—27-min Color 1959.

MN–8984N, Navy Screen Highlights Oct–March 14-min B&W 1963.

MN–8984O, Navy Screen Highlights Apr–Jun 14-min B&W 1963.

MN–8984P, Navy Screen Highlights Jul–Sep 14-min B&W 1963.

MN–8984Q, Navy Screen Highlights Aug–Dec 14-min B&W 1963.

MN–8984R, Navy Screen Highlights Jan–Mar 14-min B&W 1964.

MN–8984S, Navy Screen Highlights Apr–Jun 14-min B&W 1964.

MN–8984T, Navy Screen Highlights, Jul–Sep 14-min B&W 1964.

MN–8984U, Navy Screen Highlights—Assault at Huelva 14-min Color 1965.

MN–8984V, Navy Screen Highlights—Twice a Citizen 14-min Color 1965.

MN–8984W, Navy Screen Highlights—Strike From the Sea 14-min Color 1966.

MN–8984X, Navy Screen Highlights—Vietnam: The Navy Ashore 14-min Color 1966.

MN–8984Y, Navy Screen Highlights—Search and Rescue—Vietnam (1968) 15-min Color.

MN–8990, 115 Volts—Deadly Shipmate 19-min Color 1960.

MC–8997, Jet Carrier 28-min B&W 1959 (No TV).

MN–9026, U.S. Navy Armored Life Jacket 7-min B&W 1945 (No TV).

MN–9031, U.S. Navy Report—Away Boarders 19-min B&W 1945.

MN–9032, Floating Drydocks—The Combat Dock for Fleet Repairs 40-min B&W 1945.

MN–9042, Floating Drydocks—Careening the YFD–6 15-min B&W 1946.

MN–9045, Fury in the Pacific 20-min B&W 1945 (No TV).

MN–9153, Naval Chapels in the Pacific 12-min Color 1948.

MN–9165, Naval Ordnance Laboratory—The N-O-L Story 20-min Color 1951.

MN–9180A, Shipboard Vibrations—Part 1—Fundamental Principles of Vibrating Systems (Single Mass) 22-min B&W 1953 (No TV).

MN–9180B, Shipboard Vibrations—Part 2—Multi-Mass Systems 21-min B&W 1953 (No TV).

MN–9180C, Shipboard Vibrations—Part 3—Vibration—Excitation and Response 17-min B&W 1953 (No TV).

MN–9180D, Shipboard Vibrations—Part 4—Service Problems and Field Investigation 13-min B&W 1953 (No TV).

MN–9183, Cold Weather Seabee 14-min B&W 1950.

MN–9198, Swimming for Survival 17-min B&W 1954.

MN–9225A, Nursing Service in the Navy—The Nursing Service Supervisor 21-min B&W 1954.

MN-9225B, Nursing Service in the Navy—The Chief of Nursing Service 11-min B&W 1954.

MN-9225C, Nursing Service in the Navy—The Ward Nurse 16-min B&W 1954.

MN-9229, Naval Aviation and You 24-min Color 1954.

MN-9237A, Mechanical Operation of the Model 28 Teletypewriter-Keyboard Transmitting Mechanism 12-min B&W 1954.

MN-9237B, Mechanical Operation of the Model 28 Teletypewriter—Automatic Typer Selecting Mechanism 11-min B&W 1954.

MN-9237C, Mechanical Operation of the Model 28 Teletypewriter—Type Box Positioning Mechanism 18-mm B&W 1954.

MN-9237D, Mechanical Operation of the Model 28 Teletypewriter—Function Mechanism 13-min B&W 1954.

MN-9243, The Chaplain Comes Aboard 15-min Color 1954.

MN-9272, Carrier Action off Korea 13-min B&W 1954.

MN-9294, Take 'Er Down Submarine History 13-min B&W 1954.

MN-9302B, Rules of the Road—International—Vessels Crossing—Daytime 21-min Color 1956.

MN-9302C, Rules of the Road—International—Vessels Overtaking—Daytime 19-min Color 1955.

MN-9302D, Rules of the Road—International—Special Daytime Situations 11-min Color 1955.

MN-9302G, Rules of the Road—International—Restricted Visibility Situations 17-min Color 1955.

MN-9315, Flying in a Pressure Cabin 20-min Color 1954.

MN-9318A, Medical Aspects of High Intensity Noise—General Effects 20-min B&W 1956 (No TV).

MN-9318C, Medical Aspects of High Intensity Noise—Ear Defense 20-min B&W 1955 (No TV).

MN-9319A, Bandaging for Hospital Corpsman—Triangular Bandage—Head 1-min 18-sec B&W 1953.

MN-9319B, Bandaging for Hospital Corpsman—Triangular Bandage—Chest or Back 1-min 19-sec B&W 1953.

MN-9319C, Bandaging for Hospital Corpsman—Triangular Bandage—Shoulder 1-min 32-sec B&W 1953.

MN-9319D, Bandaging for Hospital Corpsman—Triangular Bandage—Hip 47-sec B&W 1953.

MN-9319E, Bandaging for Hospital Corpsman—Triangular Bandage—Foot 50-sec B&W 1953.

MN-9319F, Bandaging for Hospital Corpsman—Roller Bandage—Foot and Ankle 1-min 47-sec B&W 1953.

MN-9319G, Bandaging for Hospital Corpsman—Roller Bandage—Palm of Hand 53-sec B&W 1953.

MN-9319H, Bandaging for Hospital Corpsman—Roller Bandage—Back of Hand 1-min 45-sec B&W 1953.

MN-9319I, Bandaging for Hospital Corpsman—Roller Bandage—Finger 1-min 38-sec B&W 1953.

MN-9319J, Bandaging for Hospital Corpsman—Roller Bandage—Eyes 48-sec B&W 1953.

MN-9319K, Bandaging for Hospital Corpsman—Roller Bandage—Jaw (Barton) 1-min 6-sec B&W 1953.

MN-9319L, Bandaging for Hospital Corpsman—Roller Bandage—Jaw (Modified Barton) 1-min 1-sec B&W 1953.

MN-9319M, Bandaging for Hospital Corpsman—Roller Bandage—Hip (Spica) 1-min 4-sec B&W 1953.

MN-9319N, Bandaging for Hospital Corpsman—Roller Bandage—Shoulder 1-min 10-sec B&W 1953.

MN-9319O, Bandaging for Hospital Corpsman—Roller Bandage—Spiral Reverse Arm 1-min 20-sec B&W 1953.

MN-9319P, Bandaging for Hospital Corpsman—Roller Bandage—Figure Eight Elbow 1-min B&W 1953.

MN-9319Q, Bandaging for Hospital Corpsman—Roller Bandage—Recurrent Head 2-min 37-sec B&W 1953.

MN-9346, The Rubber Dam in Dentistry 18-min Color 1955.

MN-9375A, Medical Laboratory Techniques—Hematological Technique—Collecting Blood Samples 7-min Color 1954. (No TV).

MN-9375B, Medical Laboratory Techniques—Hematological Techniques for Charging the Hemocytometer 6-min Color 1954 (No TV).

MN-9375C, Medical Laboratory Techniques—Serological Technique Venipuncture 7-min Color 1954 (No TV).

MN-9375D, Medical Laboratory Techniques—Histopathological Technique—Processing a Gross Specimen 10-min Color 1954 (No TV).

MN-9375E, Medical Laboratory Techniques—Chemical Techniques—Measurement of Total Iron in Whole Blood—Preparation of Reagents 13-min Color 1955.

MN-9375F, Medical Laboratory Techniques—Measurement of Total Iron in Whole Blood—Preparation of a Calibration Curve 12-min Color 1955.

MN-9375G, Medical Laboratory Techniques—Measurement of Total Iron in Whole Blood—Estimation of Iron 14-min Color 1955.

MN-9375H, Medical Laboratory Techniques—Oxyhemoglobin Method for Measuring Hemoglobin 5-min Color 1955.

MN-9375J, Medical Laboratory Techniques—Basic Techniques of Pipetting 5-min Color 1957.

MN-9375K, Medical Laboratory Techniques—Transfer Pipets 3-min Color 1955.

MN-9375L, Medical Laboratory Techniques—Blow-out Pipets 2-min Color 1957.

MN-9375M, Medical Laboratory Techniques—Special Pipets 5-min Color 1955.

MN-9375N, Medical Laboratory Techniques—Pipettors 5-min Color 1957.

MN-9375O, Medical Laboratory Techniques—Burettes 8-min Color 1955.

MN-9375P, Medical Laboratory Techniques—Volumetric Flasks 4-min Color 1955.

MN-9375Q, Medical Laboratory Techniques—Folding a Filter Paper 3-min Color 1956.

MN-9375R, Medical Laboratory Techniques—Protein-free Filtrate (Folin-Wu Method) 5-min Color 1956.

MN-9375S, Medical Laboratory Techniques—Protein-free Filtrate (Somogyi Method) 4-min Color 1956.

MN-9375T, Medical Laboratory Techniques—Protein-free Filtrate (Tungstic Acid Method) 5-min Color 1956.

MN-9375U, Medical Laboratory Techniques—Estimation of Blood Glucose (Folin-Wu and Somogyi Methods) 12-min Color 1956.

MN-9375V, Medical Laboratory Techniques—Estimation of Blood Glucose (Sunderman-Fuller) 5-min Color 1956.

MN-9376, Complete Dentures—Remount Procedures 20-min Color 1956.

MN-9400B, Man and the FBM 28-min Color 1960.

MH-9409, Leatherneck Ambassadors 15-min Color 1961.

MH-9411, Aerodynamics—Fundamentals of Roll-Divergence 122-min B&W 1960.

MN-9419, Radiation Protection in Nuclear Medicine (Professional Use Only).

MN-9422, Hurricane Hunters 21-min B&W 1961.

FN-9433A, Principles of Paperwork Management 13-min Color 1960.

FN-9433B, Principles of Paperwork Management—Moving the Mail 14-min Color 1960.

FN-9433C, Principles of Paperwork Management—Better Correspondence Management 11-min Color 1960.

FN-9433D, Principles of Paperwork Management—Managing Your Forms 17-min Color 1960.

FN-9433E, Principles of Paperwork Management—Managing Your Reports 11-min Color 1961.

FN-9433F, Principles of Paperwork Management—Records Disposal 15-min Color 1961.

MN-9439, Silent Sentinel Polaris Missile Program 14-min Color 1960.

MN-9442, Polaris To Poseidon 14-min Color 1966.

MN-9443, The Unknown Fleet MSTS Operations 19-min Color 1963.

MN-9454, Beneath Navy Wings 28-min Color 1961.

MN-9460, The Supply Manager's Dilemma 19-min Color 1960.

MN-9480A, Vision in Military Aviation: Sense of Sight 24½ min Color 1962.

MN-9480B, Vision in Military Aviation: Illusions 32-min Color 1963.

MN-9483, Mr. Push-a-Button 28-min Color 1961.

MN-9487A, Meteorology—Ice Formation on Aircraft (1961) 21-min Color.

MN-9487B, Meteorology—Fog and Low Ceiling Clouds—Ground Fog and Advection Fog (1961) 23-min Color.

MN-9487C, Meteorology—Fog and Low Ceiling Clouds—Upslope Fog and Frontal Fog 9-Min Color 1961.

MN-9487D, Meteorology—The Cold Front 14-Min Color 1961.

MN-9487E, Meteorology—The Warm Front 17-Min Color 1961.

MN-9515, Ready for Sea 28-Min Color 1961.

MN-9539, Vertical Assault 16-min Color 1960.

MN-9541, Naval Preparatory School 12-min Color 1962.

MN-9546B, SELF—The Mobile Airfield 14-min Color 1961.

MH-9552, Force in Readiness 28-min Color 1961.

MC-9556A3, Ring of Valor-Story of Midshipmen 29-min Color 1966.

MC-9561, Year of Polaris 55-min B&W 1960 (No TV).

MN-9587, Yankee Do-Attack Carrier Operations 28-min Color 1962.

MN-9594, The Second Seat—Naval Aviation Officer 29-min Color 1964.

MN-9606, Pacific Frontier 28-min Color 1964.

MC-9607, Operation Top Gun—Naval Air Weapons Meet—15-min Color 1960.

MC-9613, Beyond Magellan—USS Triton Submerged Trip Around World 28-min Color 1961.

MC-9614, Sub Killers — Anti-Submarine Operations 28-min B&W 1960 (No TV).

MN-9616, Aircraft Pressure Refueling 8-min Color 1962 (No TV).

MC-9631, Hot Run—Navy Research 29-min Color 1961.

MN-9633, The Story of Naval Aviation, 1911–1961 27-min B&W 1961.

MN-9665, Introduction to Environmental Engineering 22-min Color 1962.

MN-9666, Removable Partial Dentures: The Wax-up (Professional Use Only).

MN-9667, Waiting for the Robert E. Lee—Submarine Operations 28-min Color 1963.

MN-9680, Adventures in Inner Space 28-min Color 1965.

MN-9688, A Salute to Arleigh Burke 22-min B&W 1962.

MN-9692, The Dental Assistant: Outpatient Surgery (Professional Use Only).

MN-9704A, PERT Milestone System 27-min Color 1962.

MN-9704B, PERT Cost 29-min Color 1964.

MN-9726, Greyhounds of the Sea—Destroyer History and Operations 26-min B&W 1967.

MN-9730, Who Needs You, Buchanan—Destroyer Operations 28-min Color 1964.

MN-9756, Polaris, Blue and Gold-Op. Polaris Submarines 10-min Color 1962.

MC–9777, Detect and Destroy-Anti-Submarine Operations 14-min Color 1962.

MN–9783, Cold War Call-up—The Navy's Selected Reserve 28-min B&W 1962.

MN–9789, Project Lana—Bendix Air Races 7-min Color 1961.

MN–9797, An Answer (Visit of President Kennedy to Fleet) 28-min Color 1962.

MN–9835, Oceanography—Science for Survival 42-min Color 1964.

MN–9835A2, Oceanography — Science for Survival (Short Version) 27-min Color 1964.

MG–9874, John Glenn Story 28-min Color 1963.

MN–9907, Seapower 28-min Color 1964.

MC–9925, Polaris Submarine: Journal of an Undersea Voyage 56-min Color 1963 (No TV).

MC–9927, Power for Continent Seven Antarctica 30-min Color 1963.

MN–9928, United States Arriving—President Kennedy's visit to Pacific Fleet 28-min Color 1963.

MC–9934, Story of a Carrier Pilot 28-min B&W 1963 (No TV).

MC–9937, Biography of Admiral Nimitz 28-min B&W 1963 (No TV).

MC–9938, Goblin on the Doorstep—Documentary on ASW 28-min Color 1963.

MA–9944, Salute to the Navy (History) 28-min B&W 1962.

MN–9960, Mechanical Impedance: Concepts Applicable to Ship Silencing 28-min B&W 1966.

MN–10006B, Partners at Sea—Unitas Operations—28-min Color 1966.

MN–10019, Seapower-Plymouth Rock to Polaris 28-min Color 1965.

MN–10021, Challenge of the Seas (Oceanography) 1963.

MN–10046, Operative Dentistry 38-min Color 1966.

MN–10063, Careers in Oceanography 28-min Color 1966.

MN–10064, Water Masses of the Ocean 46-min Color 1967.

MN–10066A, Oceanographer of the Navy Reports 28-min Color 1965 (No TV).

MN–10068, Campus to Command OCS Training 28-min Color 1966.

KN–10079, Project Definition Phase 33-min B&W 1964.

MN–10100, SEALAB I (Oceanography) 28-min Color 1965.

MN–10100B, SEALAB II (Oceanography) 28-min Color 1966.

MN–10101, The Nuclear Navy 28-min Color 1967.

MN–10105, Why Calibrate (Navy Calibration Program) 16-min Color 1966.

MN–10117, It Started With Muybridge (Photography) 12½-min Color 1962.

MN–10145, Mission: Oceanography 28-min Color 1966.

MN–10152, A Time-lapse-Photographic Study of Antarctic Icefloes and Currents 22-min Color 1962.

MC–10153, The Missile Navy 26-min Color 1964.

MN–10161, Poultry Cookery 21-min Color 1965.

MN–10167, Oceanographic Prediction Systems 30-min Color 1967.

MC–10191, Mission Mediterranean (US Sixth Fleet) 28-min Color 1964.

MN–10193A, Hydrographic Survey Operations: Hydrographic Control and Sounding Operations 17-min Color 1967.

MN–10193C, Hydrographic Survey Operations· Hydrographic Control and Sounding Operations 17-min Color 1967.

MN–10198, Hygiene for Men 19-min Color 1967.

MN–10199, The Dolphins That Joined the Navy (Research) 27-min Color 1964.

MN–10203, Modern Geodetic Surveying (1967) 18-min Color.

MN–10220B, Nursing Care: Evening and Morning Care 15-min Color 1967 (Professional Use Only).

MN–10220C, Nursing Care: The Diabetic Patient 28-min Color 1967 (Professional Use Only).

MN–10220D, Nursing Care: The Cardiac Patient 23-min Color 1967 (Professional Use Only).

MN–10226, Land the Landing Force 28-min Color 1967.

MN–10227, The Submariners 28-min Color 1967.

MN–10228, Face of a Nation (Carrier Operations) 28-min Color 1967.

MN–10232A, Dash—History and Development of ASW during World War I and II 30-min Color 1965.

MN–10232A3, Dash (Antisubmarine) 28-min Color 1967.

MN–10236, The Lonely Warriors (UDT & Seal Team Operations) 28-min Color 1967.

MC–10269, Mark (U.S. Naval Academy) 28-min Color 1965.

MN–10276, American Navy in Vietnam 26-min Color 1967.

MN–10314, Footprints in the Sea (Oceanography) 26-min Color 1966.

MN–10316, Come Sail With Me (Technical Training for Navy Missile Technicians) 27-min Color 1966.

MN–10317, Nature of Sea Water (Oceanography) 28-min Color 1967.

MN–10330, Weaponeers of the Deep (Submarine Training) 28-min Color 1967.

MN–10334, The Junction Transister (Transisters & Diode Action. Electron Flow.) 28–min Color 1967.

MN–10359, Seafood Cookery 20-min Color 1966.

MN–10363, Oceanographic Research With the Cousteau Diving Saucer 26-min Color 1966.

MN–10356E, Seapower—Traditions Old—Traditions New 28-min Color 1968.

MC–10376, Ready on Arrival (Carrier Operations) 28-min Color 1967.

MN–10387, Small Boat Navy (Role of Small Boats in Vietnam) 28-min Color 1968.

MN–10388, Gentle Hand, The (Naval Medical Corps) 28-min Color 1968.

MC–10392, To Catch a Shadow (ASW Operations) 28-min Color 1966.

MN–10393, Seabee Teams 30-min Color 1966.

MC–10414, First in Command (Story of a Navy Captain) 28-min Color 1968.

MC–10415, Fifty Years After (History of Naval Air Reserve) 29-min Color 1966.

MN–10428, The Hospital Ship—An Appreciation 28-min Color 1968.

MN–10438, River Patrol (South Vietnam Delta Operations) 28-min Color 1968.

MN–10466, Mission of Point Mugu—Weapons That Work 28-min Color 1967.

MN–10490, Beans, Bullets and Black Oil (Replenishment at Sea Operations) 28-min Color 1968.

MN–10493, Eye of the Dragon (Navy Advisors in Vietnam) 28-min Color 1968.

MN–10494, A Trip to Where (Drug Abuse) 50-min Color 1968.

MN–10507, LSD (Drug Abuse) 37-min Color 1967 (Short version is 28-min).

MN–10519, American Dreadnaught, The (USS New Jersey Returned to Duty) 28-min Color 1968.

MN–10552, The Quiet Warrior (Story of Naval Air Reserve—Week-end Warriors) 28-min Color 1968.

MN–10581, Spirit of Freedom (American History with the U.S. Navy Band) 28-min Color 1968.

SYNOPSIS OF FILMS OF GENERAL PUBLIC INTEREST

This enclosure lists alphabetically and describes Navy films recommended for public information purposes.

Adventures in Inner Space, MN–9680, 28-min., Color, 1965: The life and training of a nuclear submariner from recruitment through assignment.

American Dreadnaught, The, MN–10519, 28-min., Color, 1968: A nostalgic presentation of the return of the battleship New Jersey to active duty with the U.S. fleet. Martin Gabel narrates.

American Navy in Vietnam, MN–10276, 28-min., Color, 1967: Narrated by Chet Huntley, this film illustrates the Navy's commitments in Vietnam including bombing and missile strikes, a river assault landing, and civic action.

An Answer, MN–9797, 28-min., Color, 1962: President Kennedy visits the Second Fleet and 2nd Marine Division to view exercises involving air, sea, and amphibious operations.

A Trip to Where, MN–10494, 50-min., Color, 1968: This film illustrates the harmful effects of the misuse of drugs such as barbiturates, amphetamines, marijuna and LSD.

Beans, Bullets and Black Oil, 28-min., Color, 1968, MN–10490: Narrated by Henry Fonda, this film shows the highlights of replenishment at sea while the ships maintain their duties on the line. The supply line from American producers to Navy consumers is traced with illustration of ship-to-ship and helicopter transfer of goods at sea.

Beyond Magellan, MC–9613, 28-min., Color, 1961: A documentary of the submerged round-the-world cruise of the nuclear submarine Triton.

Biography of Admiral Nimitz, MC–9937, 28-min, B&W, 1963: Documentary of the life of Fleet Admiral Chester W. Nimitz. Includes dramatic action footage from World War II. Produced by Wolper Productions for their TV series "Biography." (No TV).

Campus to Command, MN–10068, 28-min, Color., 1966: The story of Officer Candidate School.

Careers in Oceanography, MN–10063, 28-min.: A documentary presentation to encourage college students to plan careers in oceanography. The film presents the challenge and adventure of oceanography and its vital importance to defense and to the economy.

Carrier Action Off Korea, MN–9272, 13-min., B&W, 1954: Illustrates the effectiveness and importance of naval aviation to the Korean War.

Code, The, MD–6962CM, 29-min., B&W, 1959: Narrated by Jack Webb, this visual presentation of the U.S. Fighting Man's Code covers the main themes of surrender, capture, escape, and conduct as a prisoner of war.

Cold War Call-Up—The Navy's Selected Reserve, MN–9783, 28-min., B&W, 1962: A documentary on members of the Navy's Selected Reserve who were recalled to active duty in connection with the Berlin Crisis. Covers many of their activities while on active duty from October 1961 to August 1962.

Come Sail With Me, MN–10316, 27½-min., Color, 1966: The Navy's Missile Technician is followed from boot camp to billet on board a modern missile ship. Excellent color photography and launching of Tartar, Terrier, and Talos missiles highlight this informative film.

Dash, MN–10232A3, 30-min., Color, 1965: A history of antisubmarine weapons, featuring the Dash drone helicopter.

Detect and Destroy, MC–9777, 14-min., Color, 1962: Shows the evaluation given an SH–3A (HSS–2) helicopter by the Navy before its introduction into the Fleet. Depicts aircraft trials at the U.S. Naval Air Test Center, Patuxent River, Md.

Dolphins That Joined the Navy, The, MN–10199, 26½-min., Color, 1964: Glenn Ford is the on-camera narrator for this film which shows the Navy's extensive research with dolphins and discusses future applications of the researchers' findings.

Eye of the Dragon, MN–10493, 28-min., Color, 1968: The story of the American Navy Advisors to Vietnamese junk forces told in a panoramic style using a montage of sequences, native music and the Kipling theme of "East is East" and "West is West".

Face of a Nation, MN–10228, 28-min., Color, 1967: Illustrates the role Navy men on at-

tack carriers play in keeping the peace around the world.

Fifty Years After, MC–10415, 29-min., Color, 1966: Commemorates the 50th Anniversary of the Navy Air Reserve by telling the story of the original Yale unit. Documentary produced by WCBS–TV, New York. (TV by CHINFO permission only.)

Fighting Lady Speaks, The MN–7283, 10-min., B&W, 1950: Dramatizes a typical day's activities aboard an aircraft carrier off Korea in 1950. Includes combat scenes of Navy fighters and bombers on missions over Korea.

First in Command, MN–10414, 28-min., Color, 1968: A realistic view of the authority and responsibilities of the Commanding Officer of a Navy ship. Narrated by Richard Boone, the film documents the Captain's role on the bridge, in the wardroom, on the mess deck, at Captain's Mast, and at General Quarters.

Fleet That Came To Stay, The, MN–5802, 22-min., B&W, 1945: Dramatic combat scenes from the Okinawa campaign. The pre-invasion shore bombardment and Kamikaze attacks on our ships off Okinawa are shown.

Floating Fortress, MN–7834, 14-min., B&W, 1952: Tells the story of the battleship's mission in Korea. Includes scenes of life aboard ship.

Footprints in the Sea, MN–10314, 26-min., Color, 1966: An exciting report on the latest deep submersible maneuverable craft being tested and used by the Navy. Over 50 percent of the film is made up of new underwater photography, including scenes of SouCoupe, Deep Jeep, Morey, and CURV.

Force In Readiness, MH–9552, 28-min., Color, 1961: Shows the Navy-Marine Corps team in operation, featuring the value of trained manpower, while pointing up the many modern weapons available to the team.

Fury in the Pacific, MN–9045, 20-min, B&W, 1945: Dramatic pictures filmed during invasion of Palau Islands. Bombardment by Fleet, landing of Marines, and the struggle to oust the Japanese from Bloody Nose Ridge are portrayed in grim realism. (No TV)

Gentle Hand, The, MN–10388, 28-min. Color, 1968: This is the story of American Navy Surgeons giving medical aid and instructions to South Vietnamese patriots in the picturesque village of Rach Gia, Republic of Vietnam.

Goblin on the Doorstep, MC–9938, 28-min., Color, 1963: Antisubmarine warfare, equipment and techniques are explained in this excellent film. Shows how the hunter-killer group works as a team to combat an enemy submarine.

Greyhounds of the Sea, MN–9726, 26-min., B&W, 1967: Narrated by Jack Webb, this film documents the development of the destroyer from the earliest types through to modern nuclear missile destroyers.

Growler Story, The, MN–8679, 22-min., Color, 1958: This is the story of one of the most famed acts of heroism of WWII. A vivid account of the submarine USS Growler's departure from Pearl Harbor on war patrol, climaxed by Commander Gilmore's last command from his submarine's embattled bridge. John Ford directed this dramatic film.

Heart of the Navy, MN–8224, 13-min., B&W, 1956: Shows how the Navy provided help in the Berlin Blockade, the winter storms of January 1949, the earthquakes in the Greek Ionian Islands of August 1953, the Vietnam Evacuation of August 1954, the Mexico flood of October 1954 and to Korean Orphans in 1953.

History of the Korean War, MD–6962CG, 58-min., B&W, 1958: Documentary film recounts Korean war events from the first gunfire on June 25, 1950 to the armistice on July 27, 1953. Provides a firsthand look at combat troops and their equipment, terrain, and problems of weather and supply.

Hospital Ship, The—An Appreciation, MN–10428, 28-min., Color, 1968: The story of the hospital ship and its role in treating and caring for Americans and Vietnamese people suffering from disease and injuries resulting from the conflict.

Hot Run, MC–9631, 29-min., Color, 1961: Shows how one of the nation's young amateur rocketeers is encouraged and guided by the Minneapolis-Honeywell Company and the U.S. Navy in the research, development and firing of a successful missile.

Hurricane Hunters, MN–9422, 21-min., B&W, 1961:

Shows the mission and operating techniques of the "Hurricane Hunters" of Airborne Early Warning Squadron Four. Shows how the squadron's planes seek out tropical disturbances and fly through them to determine their behavior.

Jet Carrier, MC–8997, 28-min., B&W, 1960: Narrated by Walter Cronkite, this CBS film shows the mission of the modern carrier task force. Air operations aboard the USS Saratoga are shown (No TV)

Land the Landing Force, MN–10226, 28-min. Color, 1967: An overall view of the history and tactical deployment of Amphibious forces.

Lonely Warriors, The, MN–10236, 28-min., B&W, 1967: Dramatic action film depicting the many fascinating jobs of Navy underwater demolition teams, as they perform reconnaissance missions and plant explosives to clear enemy beaches for amphibious landings.

LSD, MN–10507, 37-min., Color, 1967 (Short Version is 28-min.): This film features Walter Miner, LCDR, MC, outlining how LSD was discovered, the dangers of its misuse, and its effects on the brain and body.

Man and the FBM, MN–9400B, 28-in., Color, 1960: The story of the Polaris Fleet Ballistic Missile submarine and of the recruitment and training of the personnel who operate the Navy's Polaris weapons system.

Man in the Sea (Story of SEALAB II.) MN–10100B, 28-min., Color, 1966: Film story of Sea Lab II experiment under the sea in 1965. Features outstanding underwater photography inside Sea Lab and in the sea around the vehicle.

Mark, MC–10269, 28-min., Color, 1965: A new concept in Navy information-recruiting films with all music sound track. Follows a young boy on a tour of the Naval Academy. In addition to the fine sound track, there is dramatic original photography of historic Annapolis, Md.

Missile Navy, MC–10153, 28-min, color, 1964: About the history of rocket and missile development in the Navy. It illustrates every type in some phase of development and demonstrates operational aspects of present day missiles in the Fleet. The film includes excellent historical and new photography and is narrated by Chet Huntley.

Mission Mediterranean, MC–10191, 28½-min, color, 1964: About the U.S. Sixth Fleet and its operations in the Mediterranean area. The film details the various missions of the Fleet and illustrates how various naval operations, including amphibious assaults, would be employed in an actual war situation.

Mission: Oceanography, MN–10145, 28-min, color, 1966: A dramatic history of the development of oceanography as a science and its importance to the mission of the Navy today.

Mr. Push-A-Button, MN–9483, 28-min, color, 1961: Shows the importance of the individual man in this day of automatic equipment and so-called "push-button" warfare.

Naval Aviation—a Personal History—the Weapon Is Conceived, MN–8414A, 30-min, B&W, 1961: Depicts the development of Naval Aviation from its inception up to World War I. Pioneers of naval aviation discuss their problems in getting aircraft recognized as a useful weapon in naval warfare.

Naval Aviation—a Personal History—the Weapon Is Tested, MN–8414B, 29-min, B&W, 1962: Contains a series of interviews and pioneers of naval aviation, and shows the development of naval aviation during the period 1918–1930.

Naval Preparatory School, MN–9541, 12-min, color, 1962: This documentary film on the Naval Preparatory School in Bainbridge, Md., depicts the instructional program and extracurricular activities at the school, which prepares enlisted men for entrance to the Naval Academy.

Navy Frogman, The, MN–8328, 28-min., B&W, 1957: This documentary includes the rigorous training and "Hell Week" at Little Creek, Va. Includes scenes of an underwater training tank and of advanced training at St. Thomas, Virgin Islands. Many underwater scenes are included.

Navy Screen Highlights—Assault at Huelva, MN–8984U, 14-min., Color, 1964: Marine landing, "Operation Steel Pike" at Huelva, Spain.

Navy Screen Highlights—Twice a Citizen, MN–8984V, 14-min., B&W, 1965: Reserve training and duty in the active Navy.

Navy Screen Highlights—Strike From the Sea, MN–8984W, 14-min., Color, 1966: First Navy report on operations off the coast of Vietnam since bombing of North Vietnam began. Shows Navy gunfire support missions, carrier strikes over North Vietnam, Operation "Market Time" and amphibious warfare.

Navy Screen Highlights—Vietnam; The Navy Ashore, MN–8984X, 14-min., Color, 1966: Illustration of Navy civil assistance programs on Vietnam.

Navy Screen Highlights—Search and Rescue, MN–8984Y, 14-min., Color, 1968: Depicts the role played by ships and aircraft of the Navy's search and rescue forces in authentic photography of a rescue of a downed pilot near enemy-held territory.

Navy Wings of Gold, MN–8564A2, 28-min., Color, 1966: Story of the Navy pilot from early training where he earns his Navy air "wings" to become a combat pilot on a carrier on the line.

Nuclear Navy, The, MN–10101, 28-min., Color, 1967: Story of the Navy's development of nuclear power and its application in long-range submarines and the growing nuclear surface force. Narrated by Frank Blair.

Oceanographer of the Navy Reports, MN–10066A, 28-min, Color, 1965: Report on the latest developments in the field of oceanography.

Oceanography—Science for Survival, MN–9835, 42-min., Color, 1964.

Oceanography—Science for Survival, MN–9835A2, 28-min., Color, 1964: Shows the roles of the Navy within the framework of the Interagency Committee on Oceanography's numerous projects on oceanography.

Old Glory, MD–6962CV, 28-min., Color, 1960: Describes the evolution of the American flag from 1607 to the new 50-star flag of 1960.

Pacific Frontier, MN–9606, 28½-min., Color, 1965: Depicts naval operations throughout the Pacific area. This film, narrated by Alexander Scourby, shows every aspect of Pacific and Seventh Fleet Operations from ASW to goodwill activities ashore and includes Navy activity in Vietnam. The film contains excellent photography and a fine original music score.

Pacific Missile Range, The, MN–8879, 14½-min., Color, 1960: Shows the operation and mission of the Navy-operated Pacific Missile Range at Point Mugu, California.

Partners at Sea, MN–10006B, 28-min., Color, 1966: Story of Unitas VI—ASW exercise with Latin American Countries.

Polaris, Blue and Gold, MN–9756, 10-min., 1962: Film takes the audience aboard a typical Polaris submarine and shows the vital role each man plays in its operation.

Polaris Submarine: Journal of an Undersea Voyage, MC–9925, 56-min., Color 1963: Martin Agronsky and an NBC camera crew accompany USS George Washington on a patrol in Atlantic waters and observe a Polaris test firing. Produced by NBC, this is an outstanding documentary presentation of life on board a typical Fleet Ballistic Missile submarine. (No TV).

Polaris to Poseidon, MN–9442, 14½-min., Color, 1966: A colorful story of one of the Navy's major contributions to world peace, the Polaris missile submarine and the men who operate her. You're taken on a quick trip to see the men train to be Polaris Submariners, then into the submarine itself with the crew for a practice launch with all the tension of the real thing. The film is an insight to what makes the man and his powerful machine tick.

Portrait of Antarctica, MN–8942, 28-min, Color, 1962: Film of the Navy's support of scientific efforts being conducted in the Antarctic during Operation Deepfreeze. Shows logistic support operations, scientific surveys, and activities of the traverse and wintering over parties on the icebound continent.

Power for Continent Seven, MC–9927, 30-min, Color, 1963: Depicts the scientific effort in the Antarctic, the installation of the nuclear power unit, and the Navy's work in support of the national Antarctic research effort.

Quiet Warrior, The, MN–10552, 28-min, Color, 1968: The story of a Naval Air Reserve Squadron and how these reservist-citizens keep in readiness by training on weekends.

Ready for Sea, MN–9515, 29-min, Color, 1966: Story of the preparation of Navy supply officers through OCS and the Naval Supply Officer School at Athens, Georgia, ending with shipboard assignments showing the application of their training.

Ready on Arrival, MC–10376, 28-min, Color, 1967: Portrays life aboard an attack aircraft carrier as its crew trains for and then conducts air strikes off the coast of Vietnam; with stirring scenes of flight deck operations. Produced by Grumman Aircraft Company.

Ring of Valor, MC–9556A3, 29-min., Color, 1963: Depicts the life of a Midshipman in his four years at the Naval Academy. Explains the meaning of his graduation ring as a symbol of the responsibility he will assume as a naval officer. Shows the academic, military, athletic, and social life at the academy.

River Patrol, MN–10438, 28-min., Color, 1968: The story of one aspect of the American Navy's operations in the Mekong Delta, South Vietnam.

Salute to the Navy, MA–9944, 28-min., B&W, 1962: Produced as a sequence in the Army TV series, "The Big Picture," this film reviews the role of the Navy and Marine Corps. It shows the role of the Navy fighting ships from "Old Ironsides" through today's nuclear powered combatants. Scenes from WWII show shore bombardments, amphibious landings, carrier strikes, and Kamikaze attacks on our ships off Okinawa, Naval operations in Korea are also shown.

Seabees Can Do Plus, MN–6841, 15-min., B&W, 1950: Depicts the work performed by the Seabees in World War II.

Seabee Teams, MN–10393, 30-min., Color, 1966: Story of Navy "STAT" teams training Vietnamese to build roads, homes, and schools in South Vietnam.

Sealab I, MN–10100, 28-min., Color, 1965: Navy's exploratory attempt to apply laboratory studies of man's ability to live and work in an artificial atmosphere at a depth of 200 feet for prolonged periods.

Seapower, MN–9907, 28-min., Color, 1964: Film is produced by Warner Brothers and narrated by Glenn Ford. Illustrates the tasks and mission of the Navy in protecting the sea lanes and the security of the free world. It shows how a strong Navy should stress our Nation's reliance on maritime trade and the necessity for development of the wealth of undersea resources. Seapower realistically portrays the practical application of versatile naval strength in contributing to the solution of the 1962 Cuban Crisis.

Seapower in the Pacific, MN–6124, 30-min, B&W, 1946: Points up the vital part played by United States seapower in World War II. Covers loss of our ships at Pearl Harbor, the steady growth of the Fleet, widening of our sea lanes, the liberation of Manila, and the final victory.

Seapower—Plymouth Rock to Polaris, MN–10019, 28-min, Color, 1965: Shows the history and growth of American naval power and its importance.

Second Seat, The, MN–9594, Color, 1964: Shows the training and actual work of the Naval Air Observer. There is much excellent aerial photography.

Service to the Fleet, MN–8079, 14-min, B&W, 1955: Edward R. Murrow describes how the fighting fleet is supplied for continuous operations at sea by the Service Forces.

Small Boat Navy, MN–10387, 28-min, Color, 1968: Raymond Burr narrates this up-to-date report on the operations of the U.S. Navy's small boats in Vietnam. Uniquely designed to meet the challenges of riverine and coastal warfare, these boats along with helicopters are depicted on coastal or river patrols under enemy fire or spearheading invasions in enemy held river territory.

Spirit of Freedom, MN–10581, 28-min, Color, 1968: With opening and closing on screen narration by Senator Everett Dirksen, this film depicts the heritage of our freedom with colorful music and song by the U.S. Navy Band and Sea Chanters.

Stay in School and Graduate, MN–8707, 14-min, Color, 1958: This film demonstrates to prospective enlistees the importance of having a high school diploma, and shows the opportunities offered by the Navy to graduates.

Story of a Carrier Pilot, MC–9934, 28-min., B&W, 1963: Follows a young naval aviator through qualifications in F4B Phantoms, ending with his squadron on board the USS *Ranger*. Excellent documentation of one individual's mental and physical reactions as he prepares to qualify in this record-breaking, carrier-based aircraft (No TV).

Story of Naval Aviation, The, MN–9633, 27-min., B&W, 1961: The development of U.S. Naval aviation is traced from its earliest days to its modern day role as the primary striking weapon of the fleet. The first Trans-Atlantic flight and the first U.S. carrier landing are also depicted.

Story of the Navy Uniform, The, MD–6962CH, 19-min., B&W, 1958: Story of the evolution of the U.S. Navy enlisted man's uniform from "Jack Tars to White Hats."

Sub Killers, MC–9614, 28-min., B&W, 1960: Walter Cronkite narrates the story of an antisubmarine task force. Produced by CBS for the "20th Century" series, this fast-moving film shows the hunter-killer group in a coordinated anti-submarine attack (No TV).

Submarines, The, MN–10227, 28-min., Color, 1967: Story of the men who qualify to operate the modern nuclear attack submarines; their specialized skills, duties, and responsibilities which keep them prepared to battle another submarine, anytime, under any condition.

Summer Incident, MN–8982, 27-min., Color, 1959: Using the Lebanon crisis as an example, this film emphasizes the importance of being able to react quickly to continuous world crises and small war situations. Shows the important role played by the Navy and Marine Corps in supporting the foreign policy of the United States. The SIXTH Fleet is featured in this film.

Tak'er Down, MN–9294, 13-min., B&W, 1954: A brief history of the U.S. submarines from 1900 until 1954. Includes the launching and commissioning of USS NAUTILUS, the Navy's first nuclear powered ship.

To Catch a Shadow, MC–10392, 28-min., Color, 1967: Demonstrates the antisubmarine warfare capabilities of the Navy's modern hunter-killer force. Produced by Lockheed California Company. (NO TV)

United States Arriving, MN–9928, 28-min., Color, 1963: Follows the visit, in June 1963, of John F. Kennedy, late President of the United States, to the First Fleet, Point Mugu, NOTS China Lake, and the Marine Corps Recruit Depot, San Diego. This film is an outstanding narrative of the historic relationship between the President's Fleet visit and the history and traditions of the Sea Services.

U.S. Naval Test Pilot School, The, MN–8613, 13-min., Color, 1959: Follows a test pilot through the school at the Patuxent River Naval Air Station, showing the school's academic and flying curriculum.

USS *Forrestal* (CVA–59), MN–8087, 21min., B&W, 1955: A documentary on the construction of a modern aircraft carrier. Shows building phases from keel laying to sea trials and final commissioning.

USS *Nautilus*—Operation Sunshine, MN–8936, 14-min., Color, 1959: Shows events leading up to and the actual polar passage of the nuclear submarine USS *Nautilus*. Concludes with the triumphant arrival of SSN–571 in New York.

Water Masses of the Ocean, MN–10064, 45-min., Color, 1967: A scientific film study of the locations and dynamic movements of the major water masses of the oceans.

Weaponeers of the Deep, MN–10330, 28-min., Color, 1967: To acquaint members of selected civic organizations and personnel at Navy recruit training centers with the educational and career opportunities of serving as an FBM weaponeer in the Polaris submarine fleet.

Why Vietnam, MD–6962ET, 32-min., B&W, 1965: Outlines U.S. Policy as stated by President Johnson. Also appearing in the film are Secretary of State Dean Rusk and Secretary of Defense Robert McNamara.

Yankee Do, MN–9587, 28-min., Color, 1962: Illustrates the importance of the attack carrier as the backbone of the fast carrier task force as seen through the eyes of a Canadian Naval Aviator. Shows how the men of the Navy maintain and operate these carriers.

Year of the Polaris, MC–9561, 55-min., B&W, 1960: Story of the development of the Polaris weapons system and the Fleet Ballistic Missile submarine. Narrated by Edward R. Murrow, this CBS-produced film includes extensive interiors and exteriors of the USS George Washington, and includes Polaris missile firing. (No TV).

TO OBTAIN NAVY FILMS

Requests for the loan of Navy motion pictures should be addressed to the Commandant of the appropriate Naval District, Attn: Public Affairs Officer, as listed below:

First Naval District, 495 Summer Street, Boston, Massachusetts 02000.

Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Third Naval District, 90 Church Street, New York, New York 10007.

Connecticut, New Jersey (northern half), and New York.

Fourth Naval District, U.S. Naval Base, Philadelphia, Pennsylvania 19112.

Delaware, New Jersey (southern half), Ohio, and Pennsylvania.

Fifth Naval District, U.S. Naval Base, Norfolk, Virginia 23511.

Kentucky, Maryland, Virginia, and West Virginia.

Sixth Naval District, U.S. Naval Base, Charleston, South Carolina 29408.

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Eighth Naval District, U.S. Naval Base, New Orleans, Louisiana 70140.

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Ninth Naval District, U.S. Naval Training Center, Bldg. L, Great Lakes, Illinois 60088.

Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

Eleventh Naval District, 937 Harbor Drive, San Diego, California 92130.

Arizona, and California (southern half).

Twelfth Naval District, Building 450, Treasure Island, San Francisco, California 94130.

California (northern half), Nevada, and Utah.

Thirteenth Naval District, U.S. Naval Station, Seattle, Washington 98115.

Idaho, Montana, Oregon, and Washington.

Fourteenth Naval District, Pearl Harbor, Hawaii 96818.

Hawaii.

Seventeenth Naval District, Kodiak, Alaska 99615.

Alaska.

Naval District Washington, Building 200, Navy Yard Annex, U.S. Naval Station, Washington, D.C. 20390.

District of Columbia.

EXHIBIT VIII.—NAVY FILMS COMPLETED IN FISCAL YEAR 1969 RELEASED TO THE PUBLIC

Title	Length (minutes)	Prints	Cost
Flight to the South Pole (MN-10489)	28½	263	$10,000
Spirit of Freedom (MN-10581)	28½	241	15,000
The American Dreadnought (MN-10519)	28½	221	45,000
Navy Bobsledders (MN-10672)	14½	158	5,000
First in Command (MN-10414)	28½	450	63,987
Christmas in the Navy (MN-10532)	28½	450	69,274
Seapower	20	30	20,600
A Piece of the Action	15	30	21,744
The Navy Team	10	30	14,300
A Tradition in Music (MN-10679)	28½	142	10,000
Men With Green Faces (MN-10585)	28½	240	15,000
Yuletide Reflections (MN-10696)	14½	169	4,000

Mr. FULBRIGHT. Mr. President, at least 240 prints of each films, the number depending on public demand, are readily available for public use at naval offices throughout the country. All Navy units are expected to promote the public showing of Navy films. "Experience has shown," the Navy stated, "that many films in the Naval District film libraries are in constant demand by private citizens and civilian organizations. Additionally, most television stations served by the three branch offices regularly schedule Navy information films in their public service spots." Two recent Navy films on the drug problem, "LSD," and "Trip to Nowhere" have been seen by 75 million people, the Navy estimated.

I question whether it is a proper function of the armed services to prepare and promote public circulation of films on the drug problem, or on the foreign policy of this country. I thought that public information on the drug problem was a responsibility of the Department of Health, Education, and Welfare, and the Department of Justice. And that, if the public was to be indoctrinated on foreign policy issues at all, the Department of State was the proper agency to do it.

Mr. President, I do not want my remarks to be construed as condemnation of the personnel of the Navy Department who plan and carry out these programs to mold public attitudes to the Navy point of view. They are only doing what they are told to do and what is to be expected of all supporters of an organization, plan, or idea, commanding ample financial resources and unrestrained by superior authority. It should come as no surprise to Congress that the public affairs budget for the Department of Defense has gone up 1,000 percent in the 10 years since the congressional limitation on public relations spending was dropped. Parkinson's law operates most effectively in a vacuum. The Navy public affairs organization has only been doing what comes naturally—trying to win public support for the Navy which, in turn, will be reflected in congressional support for the "modern ships, aircraft, and equipment" referred to in the Secretary of the Navy's 1969 public affairs plan.

But there is something basically unwise and undemocratic about a system which taxes the public to finance a propaganda campaign aimed at persuading the same taxpayers that they must spend more tax dollars to subvert their independent judgment. I am reminded of W. C. Fields' admonition: "Never give a sucker an even break." With the three services and the Department of Defense, and their allies in industry, academia, and labor, all working at convincing the taxpayer that he must shell out more for military purposes, John Q. Public does not stand a chance—unless his representatives in Congress bring the public relations apparatus under control. Only Congress can give the public an even break. I hope it will take steps to do so this session.

Mr. President, this concludes my second statement on this subject. Thursday, I will discuss the public relations activities of the Air Force.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the unanimous consent agreement, the time for the transaction of routine morning business has expired.

Mr. LONG. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended by an additional 20 minutes.

The ACTING PRESIDENT pro tempore. The time for the transaction of routine morning business will be extended, by unanimous consent, for an additional 20 minutes.

ABOMINABLE ATROCITY AT MY LAI

Mr. YOUNG of Ohio. Mr. President, it is evident to me that Lt. Col. Reid Kennedy, who has been designated by the commanding officer at Fort Benning, Ga., to serve as military judge in the court martial of 1st Lt. William L. Calley, Jr., in his so-called ruling threatening former GI's who were in our Armed Forces in Vietnam at the time of the slaughter of hundreds of women, children, babies, and old men at My Lai is acting much too big for his britches.

It is true that he is a lieutenant colonel in our Armed Forces. In my opinion, that is a high rank. He is deserving of my respect. It happens that I have served as a private in our Army in the time of war. Also, in March of 1946 following 37 months service, most of that time in North Africa and Italy, I was discharged as a lieutenant colonel. In 1943 while with the 5th Army in Naples directly following the day of liberation, October 1, 1943, I served as the sole trial judge presiding over numerous cases wherein Italian civilians were charged with intercepting electricity from the Fifth Army. I also heard a number of cases involving various offenses from military curfew violations to serious crimes. Also, later in Rome and in the Anzio beachhead I served as one of three military judges presiding over spy cases.

No one, but no one, Mr. President, termed me a judge because of this service. Yet, in this Chamber and in the newspapers time and again we read of some pronouncement of Lieutenant Colonel Kennedy at Fort Benning referring to him as Judge Kennedy. For example, this so-called judge who evidently is ignorant of the criminal laws of our country has directed that officials of news media must not talk with and therefore must not quote witnesses who at the time of the My Lai massacre were in the Army and witnessed the murders or participated in them. "Upon what meat doth this our Caesar feed that he is grown so great?" This lieutenant colonel even issued a statement, "I am confident you will find that witnesses will not be contacted further by any responsible news agency."

This so-called judge is only a military court judge in the two separate murder cases wherein Lt. William L. Calley, Jr., will be tried by court martial.

Mr. President, Paul Meadlo, a native of my neighboring State, Indiana, was a GI who was present as a member of the platoon under the command of Lieutenant Calley and of the company commanded by Capt. Ernest Medina. Paul Meadlo has been honorably discharged from our Armed Forces. He is a civilian. He is back home in Indiana with his wife. They have two little children now. Paul Meadlo states that after talking with his wife and with his father he felt he had to purge his mind of the horror he had participated in. He has made a complete and frank statement of the facts he witnessed at the time some hundreds of Vietnamese old men, women, children, and babies living in the hamlet of Mylai were methodically murdered.

Regardless of what may be stated by anyone in this Chamber or in the other body or by this military judge at Fort Benning, who may be an execellent lieutenant colonel but appears to be a poor lawyer, I know as he should know that he has no authority whatever over Paul Meadlo or any of the other men who were in the Army at the time of the massacre but who are now out of the Army.

Mr. President, I have served, as I stated, as a military judge in spy and other cases in World War II. The fact is that before World War II in private life I was chief criminal prosecuting attorney of Cuyahoga County, Ohio. As such I prosecuted over the years many, many felony cases including more than 100

homicide cases. Then, as a trial lawyer following World War II, I have defended many men and women charged with first degree murder and other crimes. Incidentally, Mr. President, I have been president of two bar associations.

I know that the United States has no extradition treaty with the Government of South Vietnam. I know that Paul Meadlo and other former GI's now in civilian life in our country not only cannot be extradited to Vietnam and placed on trial for murder, but they cannot be placed on trial in the United States for murder or any other offense relating to the horrible murderous atrocities perpetrated by our officers and soldiers at Mylai as the venue of the crime was in South Vietnam. This so-called judge who is a lieutenant colonel at Fort Benning is too big for his britches. He has no authority whatever over news media nor over former GI's who are now civilians. He has the effrontery to make a claim that he could exercise jurisdiction and try civilians. Of course, that is absurd. Were he to take any action of this sort, any U.S. judge of the district where the former GI lived would certainly enjoin this lieutenant colonel and put him in his proper place immediately upon the request of the lawyer representing the former GI.

Ronald Haeberle, of Cleveland, Ohio, then a sergeant, and an Army public information staff member attached to C Company, 1st Battalion, 20th Infantry Regiment, 11th Light Infantry Brigade, was with the troops at Mylai. With his own color camera and with the camera provided by the Army he took numerous pictures of this atrocity. Ronald Haeberle, a fine young man, is now an industrial supervisor for a company in my home city, Cleveland. Before accepting this important position he was drafted in 1966 at a time when he was completing his third year at Ohio University. He has since graduated from that university. His assignment in Vietnam was as a combat photographer. He went on numerous combat missions. He states that what he saw in the little village of Mylai on March 16, 1968, was forever imprinted on his memory. No doubt this lieutenant colonel who some of our colleagues have tried to dignify by terming him judge is aggravated because Ronald Haeberle stated:

> I intend to tell my story because there is a greater truth here which must be told.

The pictures he took of GI's who had the hamlet known as Mylai surrounded were sickening to Secretary of the Army Resor and to members of the Senate Armed Services Committee, many of whom are combat veterans who saw the slides and listened to the testimony of Secretary of the Army Resor.

In his description of this horrible atrocity Ronald Haeberle has stated:

> There was a little boy walking toward us in a daze. He'd been shot in the arm and leg. He wasn't crying or making any noise. The GI fired three shots into the child. The first knocked him back, the second shot lifted him into the air. The third shot put him down and the body fluids came out. The GI simply . . . walked away.

Vernardo Simpson, another former GI, now a civilian, who was present at the massacre, stated:

> We went out that morning and our platoon was the second platoon in. We had orders to search and destroy everything and we came upon the huts and if there was anything in there, well, we was to destroy it and everything. As I came up there was a woman, a man and a child, running away toward the huts, So I told them to stop in their language and everything, and then they didn't, and I had orders to shoot them down and I did this. I shot them, the lady and the little boy. The little boy was about 2 years old. I was following a direct order and if I didn't do this, with that order, when I get back, I could stand court martial for not following a direct order. Afterward our platoon sergeant told us not to mention this thing, what went on and everything. That was all. I guess he had orders from somewhere else.

Charles Gruver, a 24-year-old former GI recently honorably discharged from the Army, stated:

> Everything and everybody was wiped out . . . men, women . . . children . . . Only the chickens were left alive . . . We'd never been ordered to wipe out everybody before. Most of the guys didn't dig it at all. When it was all over, they were almost sick.

The ACTING PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. LONG. Mr. President, I have no objection, provided the morning hour is extended by that time because I also have a statement to make.

Mr. YOUNG of Ohio. I shall not take more than 2 minutes.

Mr. LONG. Mr. President, I ask unanimous consent that the morning hour be extended by 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, the period for the transaction of routine morning business will be extended by 3 minutes.

Mr. YOUNG of Ohio. Mr. President, Charles Gruver said that just before the attack was launched, he heard a single pistol shot behind a tree and went over to investigate. He reported:

> A guy had deliberately shot himself in the foot.
>
> He told me he just couldn't take it—the attack on the village. He said, "I gotta get out. I can't stand this."

Mr. President, I saw a picture of the incident. That young veteran from Tulsa, Okla., is now in civilian life. He is no longer in the armed services. Let this so-called judge try to shut him up or try to arrest him and there will be some lawyer from Oklahoma before a Federal judge there, and they will stop this arrogant fellow from Fort Benning who does not understand the law although he is to be a trial officer in a court-martial.

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "Tulsa Veteran Recalls Song My."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TULSA VETERAN RECALLS SONG MY

TULSA, OKLA.—"Everything and everybody was wiped out . . . men, women . . . children . . . Only the chickens were left alive."

Thus did an Oklahoma Vietnam veteran describe in an interview yesterday the alleged massacre at the Vietnamese village of Song My on March 16, 1968.

Charles Gruver, 24, of Tulsa, said his outfit, C Company, 20th Infantry Regiment, was told the village was a Viet Cong stronghold and was ordered to destroy it completely.

The Army has charged 1st Lt. William L. Calley Jr., 26, of Waynesville, N.C., with "the premeditated murder of approximately 100 Vietnamese civilians."

"We'd never been ordered to wipe out everybody before," he said. "Most of the guys didn't dig it at all. When it was all over, they were almost sick."

"In the last week or so we'd lost about half our company to snipers and mine fields, and the guys were really fired up when we started the attack. As we entered, we drew fire from some of the huts, and then a lot of the guys sort of went crazy."

Gruver was a private first class and carried an M79 grenade launcher.

"I walked through the village after it was all over . . . all around were bodies of women and children, all shot up."

Gruver said that just before the attack was launched, he heard a single pistol shot behind a tree and went over to investigate.

"A guy had deliberately shot himself in the foot," he said.

"He told me he just couldn't take it—the attack on the village. He said, 'I gotta get out. I can't stand this.'"

Gruver said there was no doubt in his mind that the village was a stronghold of units of the North Vietnamese regular army.

"We confiscated several weapons and took a few prisoners," he said, "and later they found an underground military hospital in the village."

The prisoners were the only persons left alive in the village, he stated.

Gruver said Lt. Calley was intensely disliked by the men because he "did a few unnecessary things."

He said he doubted that Lt. Calley would be prosecuted in the case. "They can't blame him for the whole thing. He got our orders from Capt. Ernest Medina, the company commander."

Mr. YOUNG of Ohio. Mr. President, this Lt. Col. Reid Kennedy should read the sixth amendment to the Constitution of our country and then cool off a whole lot. Amendment VI provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

This lieutenant colonel may be ignorant of the fact that the United States has no extradition treaty whatever with the government of South Vietnam. Furthermore, he should know there is no real judge, let alone the law officer in a court martial, who can overrule the guarantees given to Americans in the fifth amendment of our Constitution which provides that:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces . . . when in actual service in time of War.

CREEPING EXPROPRIATION

Mr. LONG. Mr. President, in the past several months many of us here in the Senate have been shocked and deeply concerned over the highhanded methods of our neighbors to the South in expropriating U.S. property located in their countries. Much has been written about the expropriation of U.S. businesses located in Bolivia and Peru. Today, however, I would like to advise the Senate of the little-known and little-publicized actions of our closest neighbor, the Republic of Mexico, in its dealings with American sulfur interests located in that country. Mexico, unlike its South American neighbors, has not marched in and publicly taken over American property. Mexico's approach is much more subtle but just as devastating to American interests and could be characterized as "creeping expropriation."

A little more than 4 years ago, I made a speech on the floor of the Senate and recounted to this body certain facts about what the Mexican Government was doing to an American company, Gulf Sulphur Corp., in regard to its operations in Mexico. At that time the Mexican Government was using its power to so control the exportation of sulfur as to effectively make it infeasible for them to continue their sulfur operations there. The apparent reason for this action was to force Gulf Sulphur and another American company, Pan American Sulphur, out of business in Mexico. Possibly as a result of my speech the Mexican Government relaxed its export quota system and the American companies continued in business. However, since that time, there have been continued attempts on the part of the Mexican Government to Mexicanize sulfur operations under the guise of protecting natural resources. I, of course, can understand any country's desire to protect its resources, but it should not be done at the expense of American companies who have expended millions of dollars in the development of these resources.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG. Mr. President, as a result of substantial and illegal pressures by the Mexican Government which began early this year, Gulf Sulphur, which is now Gulf Resources and Chemical Corp., was forced to go along with this Mexicanization and after long and expensive negotiations arranged for a sale of its Mexican subsidiary to Mexican nationals for approximately $24,000,000. According to what Gulf Resources had been led to believe this was exactly what the Mexican Government desired. In fact, the Mexican Government on several occasions has expressed its approval of the sale. Now we are told that the Government of Mexico is not satisfied and has refused to approve the sale. There appears to be no valid reason for this attitude of the Mexican Government other than the fact that it wants Gulf Resources out of Mexico and does not want it to receive fair compensation for the properties which it leaves there. In other words, we have here an attempt to confiscate property without direct intervention as the following facts will clearly show.

About 2 years ago, Gulf Resources' largest competitor in Mexico, Pan American Sulphur, was Mexicanized. Sitting on the board of that new Mexican company are high-ranking officials of the Mexican Government, including the Secretary of the Treasury and the Secretary of Patriminio. These people know that if the Mexican Government can prevent a sale by Gulf Resources at this time, the price will drop and its Mexican operations can be Mexicanized for a price far less than their true value. At that time, the Mexican Government can sit back and say, "We did not expropriate; we did not confiscate; we bought the company. We are not like Peru and Bolivia."

By doing business this way Mexico may feel that the United States will continue to look upon it as a "good" neighbor. However, the situation which I have just described does not bear out this facade and it is high time that our Government stops sitting back and allowing those countries which we have financially assisted in our trade and aid policies to expropriate American properties, irrespective of whether that expropriation is done by force of arms or by the subtle method of refusing to negotiate in good faith.

As in 1964, I intend to inquire of the State Department whether this neoconfiscation to which I have referred comes within the Hickenlooper amendment. Also, as I stated then on the floor of the Senate, I intend to take whatever action necessary to demonstrate that people who engage in this kind of irresponsible conduct will have reason to regret it. This includes the use of my best efforts as chairman of the Senate Finance Committee to insure that those nations that confiscate our investments will not sell the United States sugar at premium prices. We should and must be able to make certain that Americans who have made good-faith investments based upon the encouragement of their own Government and the recipient nation will not have their investments stolen directly or indirectly.

Mr. President, along this line and in support of my argument, I ask unanimous consent to have printed in the RECORD two articles which appeared in the Wall Street Journal on November 13, 1969, and December 1, 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 13, 1969]

GULF RESOURCES SAYS MEXICO IS ATTEMPTING TO GRAB PROPERTIES—EXECUTIVE CONTENDS AUTHORITIES ARE BLOCKING CONCERN'S EFFORTS TO SELL ITS SULPHUR SUBSIDIARY

HOUSTON—Gulf Resources & Chemical Corp. charged that the Mexican government is attempting to confiscate the company's sulphur properties in Mexico.

Robert H. Allen, Gulf Resources president, told Houston financial analysts that Mexican authorities are blocking all efforts of the company to sell its sulphur subsidiary and that if continued restrictions are imposed on the sulphur operations, Gulf Resources will seek redress in Mexico's courts.

The company previously agreed to sell its Mexican sulphur operations to a Mexican corporation. Inversiones Azufreras S.A.

Despite repeated attempts, Gulf Resources has had "practically no communication with the Mexican government" for more than nine months, Mr. Allen said, adding: "There are no indications now that the Mexican government intends to permit us to close the sale of our properties there, and rather than Mexicanization there are now indications that what amounts to confiscation is now being considered."

MARKETING POSTURE DESTROYED

Because of pressures and restrictions previously imposed on the sulphur unit, Mr. Allen continued, "Our marketing posture in the sulphur market has been destroyed. We've lost most of our quality customers." As a result, he said, operating losses in sulphur have depressed earnings for Gulf Resources this year.

But, he added, "regardless of developments in Mexico in 1970, we will have a considerable increase in earnings per share" for Gulf Resources. Improvements are expected in earnings of other operations of the company, including Lithium Corp. of America and Bunker Hill Co. "There is every indication that earnings from other than sulphur will be improved by substantial margins in 1970; we see extremely attractive growth for the future without the sulphur operation," Mr. Allen said.

In another development yesterday, Gulf Resources said it agreed in principle to acquire C&K Coal Co., Clarion, Pa., for common stock valued at more than $6 million.

The proposal calls for Gulf Resources to exchange 500,000 to 560,000 common shares for all outstanding stock of C&K, which is closely held. The exact number would depend on the average closing price of Gulf Resources common on the New York Stock Exchange for a period yet to be determined. It closed yesterday at $12.50, down $1.625.

The transaction is subject to the approval of a definitive agreement by C&K holders and Gulf Resources directors. C&K owns coal reserves of about 18 million tons in west central Pennsylvania.

As previously reported, Gulf Resources had a 63% decline in operating net income in the first nine months, to $1.6 million, or 26 cents a share, from year-earlier operating profit of $4.4 million, or $1.01 a share. For the nine months, the company reported a loss of $515,900 from the sulphur operations; in 1968, those operations resulted in a net gain of $1.8 million.

CLOSING DATE DELAYED

Last August, Gulf Resources signed a purchase agreement with Inversiones Azufreras for the sale by Sept. 2 of its sulphur operations for $24 million in cash and notes. Earlier this week, Gulf Resources disclosed that the closing date of the sale had been delayed to Dec. 1 because a number of rulings pertinent to the completion of the transaction hadn't been received from several Mexican government ministries.

In his talk to Houston analysts, Mr. Allen charged that several of the Mexican officials whose approval is needed are stockholders and directors of another Mexican group that owns two-thirds of Azufrera Panamericana S.A., an affiliate of Pan American Sulphur Co. Their aim, he suggested, is to force Gulf Resources into a distress sale of its sulphur properties, which then would be combined with those of Azufrera Panamericana.

Gulf Resources wouldn't object to such a combination if it were to receive an adequate price for its sulphur subsidiary, Mr. Allen said. In fact, he added, Gulf Resources has been approached on several occasions by Mexican representatives of Azufrera Panamericana. "Each time we told them that we were interested," he said.

PRODUCTION RESTRICTIONS

Gulf Resources' troubles in Mexico date back to early this year, shortly after it had been granted, in December, a license to export 416,000 tons of sulphur in 1970. But in January, the company was notified by the Mexican government that production would be restricted to 250,000 tons in 1969 and that 150,000 tons of that amount would have to be sold to consumers in Mexico.

Because of these factors, Mr. Allen said, Gulf Resources produced only 176,000 tons in the first nine months and sold only 141,000 tons. In the first nine months of 1968, Gulf Resources produced 238,000 tons of sulphur selling 192,000 tons.

[From the Wall Street Journal, Dec. 1, 1969]

GULF RESOURCES TO HALT SULPHUR OPERATIONS IN MEXICO IN 1970; PLANNED SALE TERMINATED

HOUSTON.—Gulf Resources & Chemical Corp. will suspend sulphur operations in Mexico after Jan. 1.

Robert H. Allen, president, said the move is being made because the Mexican government won't grant "the necessary rulings and assurances required to permit the proposed purchase of Gulf Resources' Mexican subsidiaries by Inversiones Azufreras S.A."

Mr. Allen added that Nacional Financiera S.A., the Mexican government development bank, has informed the intended purchaser of the Gulf Resources properties that the rulings wouldn't be forthcoming. As a result, he said, Inversiones Azufreras has given Gulf Resources notice of termination of the purchase agreement signed last August, which called for closing of the transaction today.

Inversiones Azufreras, a company formed for the acquisition of the Gulf Resources properties, is associated with a diversified financial and industrial group headed by Alberto Bailleres of Mexico City.

PRESSURES TO "MEXICANIZE"

Gulf Resources was going to sell the properties to the Mexican group because of pressures to "Mexicanize." Mr. Allen said the restrictions imposed on sulphur production and sales beginning last January "were clearly intended to encourage Mexicanization."

In Mexico City, sources close to the government disputed Mr. Allen's charges that the Mexican government was responsible for canceling the planned sale. They claimed that Gulf Resources is seeking to blame Mexican government officials for its failure to negotiate the sale of its surphur properties under favorable terms.

Industry sources in Mexico City added that the continuing depressed state of sulphur demand and prices was a factor in making the Inversiones Azufreras group less anxious to complete the purchase of the Gulf Resources properties.

The Mexico City sources also said Nacional Financiera had been asked to act as the guarantor of the purchase. The development bank refused to do this unless the purchase terms and conditions were of a nature that "would satisfy the standards used by any responsible bank," one observer said.

In his announcement of the pending closedown of operations in Mexico, Mr. Allen said that at the time the agreement for sale of Gulf Resources' properties was signed he had been informed that Nacional Financiera would receive approximately 40% of the stock in Inversiones Azufreras on completion of the transaction.

Mr. Allen continued that restrictions imposed last January by the Mexican government on Gulf Resources' production and sales of sulphur had resulted in a severe economic loss to Gulf Resources. As a result, he added, "Gulf has been unable to protect its position in the sulphur market."

He said also that because of this and falling sulphur prices the company could only expect higher losses in the future if sulphur operations were continued. "Operation of the sulphur subsidiaries at their current level requires the expenditure of approximately $500,000" a month which must be provided "through sale of sulphur or through advances from Gulf," Mr. Allen said.

INVESTMENT TO BE PROTECTED

In view of the Mexican government's refusal to issue rulings that would enable the sale to take place, Mr. Allen said, the company couldn't permit the operations in Mexico to continue to affect profit and interfere with Gulf Resources' growth in the U.S.

Although operations will be suspended, "All steps required to keep the concession agreement in force and to protect the company's investment in Mexico will be taken," Mr. Allen said.

He added that Gulf Resources will provide a reserve by an extraordinary charge to income during 1969 to cover the estimated costs of termination pay required under Mexican laws, of closing the facilities and of maintaining the facilities in idle condition for the next several years. The charge, he said, will be shown as an increase in the loss of sulphur operations for 1969. Costs incurred in future years as a result of suspension of operations will be charged to the reserve and won't affect earnings of Gulf Resources, he added.

Mr. LONG. Mr. President, in order to complete the history of this matter, it might be well to reprint in the RECORD at this time the speech I made on May 14, 1965, about the proposed outrage at that time which I believe was headed off as a result of that speech. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE OUTRAGE IN MEXICO

Mr. LONG of Louisiana. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, with the crisis which arose in the Dominican Republic, it may very well be that many of my colleagues and other American citizens may have overlooked the recent action taken by another Latin American neighbor, Mexico, respecting American sulfur interests. Under what appears to be the pretext of protecting its natural resources in the form of sulfur reserves, the Mexican Government has announced that it will limit exports under a formula which very well may prevent the two American companies operating in Mexico—Gulf Sulphur Corp. and Pan American Sulphur Co.—from exporting sulfur produced there. This action on the part of the Mexican Government is tantamount to expropriation since Mexico is unable to consume sulfur in quantities nearly sufficient to make it financially feasible for Pan American and Gulf Sulphur to continue their mining operations.

This being the case, the only alternative would be for these American-owned companies to make some arrangement to sell or otherwise dispose of their investment in Mexico. Since American investors certainly would not risk putting dollars into an industry which has been deprived of its basic markets, the only alternative would seem to be a forced sale to the Mexican Government or to local nationals selected by Mexico. Although the Mexican Government probably will argue that they have not taken over the sulfur industry, the fact remains that what they are doing will have that result, the only difference being that it will be shrouded in a veil of respectability under the name of conservation. Instead of directly taking over the American sulfur interests, Mexico is simply forcing them out of business.

As has been advocated in the Senate before, it is high time that the American Government take some steps toward preventing the loss of American dollars abroad through expropriation, especially in the case of those countries to whom we give great sums in economic aid. Mexico is one of those countries. Why should we, as a country, support the economic program of a nation which in turn imposes economic sanctions against our citizens? In the case of the American sulfur industry in Mexico, we are not talking about so-called robber barons who have exploited for huge profits the resources and people of an underprivileged or economically depressed nation. If this were the situation there might be some merit, or at least an excuse, for forcing out American industry. However, let us look at the facts with respect to one of the companies which may stand to lose its entire investment in Mexico. Gulf Sulphur Corp. is a relatively small company which completed construction of mine facilities early in 1956 at a cost of $10 million and began operations in May of that year. The company employs 500 people, only 17 of whom are U.S. citizens. Most of these employees work in Salinas, which is a town of 3,500 people, located in the semi-tropical State of Vera Cruz. Before the sulfur company came to Salinas, the people depended upon river water in its unpurified state for drinking and cooking, but they are now receiving potable water from the mining operations. The nearest hospital was an hour and a half away by boat, but the mining company now maintains a well-equipped hospital with two doctors and four nurses who treat the villagers. The company gave to the union to which its employees belong a school that the town theretofore had been unable to afford. Four years ago only 45 pupils were enrolled in the school's 6 grades, while today there are 375 attending a modern 10-classroom school, well staffed with qualified teachers. In addition, its students who wish to continue their education through high school at a distant town are provided transportation expenses and through a full scholarship program some students will go on to one of Mexico's colleges or universities. Gulf Sulphur Corp. also has a project underway for building 118 houses and a large community building in Salinas, which will cost approximately $260,000. This project, of course, will have to be abandoned in the event that it must give up its operations due to the action of the Mexican Government.

What I have outlined here clearly shows that this company, rather than trying to exploit the citizens of Mexico, has given to them benefits far and above those which could be provided by their own government. This is not a case of an American company reaping the riches of a depressed country by using low labor costs to extract its natural resources solely for the personal gain of its investors. Since 1956, expenditures by Gulf

Sulphur Corp. in Mexico, in the form of royalties, taxes, salaries, wages, profitsharing, medical, and social benefits to employees, and other expenses have totaled approximately 600 million pesos. Currently 80 percent of each peso generated from sulfur sales is being left in Mexico. The balance, or 20 percent of each peso, has been used to pay freight on sulfur shipments from Mexico, construct liquid sulful terminals in the United States, service debt created in the United States, and for general and administrative costs. To date, the stockholders of the company have not been paid dividends.

The tragedy of this irresponsible action of the Mexican Government, therefore, lies not only with the loss of investment by American citizens, but also by the loss of jobs and benefits to the Mexican citizens, as well as the destruction of advantages accruing to the Mexican nation itself.

It may also be asked: Just who are these American investors who stand to lose their money. In the case of Gulf Sulphur Corp., there are about 5,000 stockholders, all of whom are U.S. citizens with the exception of 18 who are Mexican nationals, and most of whom can ill afford such a loss. Actually, these shareholders have already suffered a substantial decrease in their stock's value as a result of the announcement by the Government of Mexico of its intent to limit exports of sulfur. On April 25, 1965, when Mexico made its announcement, Gulf Sulphur stock was selling on the American Stock Exchange at $12.50 a share, and it is presently selling for around $7. It takes no economic expert to see that a great deal of harm has already been done.

It is, of course, not within the power of the Congress of the United States to prevent the Government of Mexico from taking such action as it may desire with respect to its internal affairs, but it is within our power to see that any government which by means of expropriation of American property or economic sanctions having the same effect, is not subsidized by us in these efforts. That is exactly what we do when we send millions of dollars to these countries in an attempt to help build up their economy and they in turn confiscate U.S. investments, undermining the Alliance for Progress, and scaring American capital away from all of Latin America. When we help friendly governments to improve the conditions of their people, we should make it law that our help stops the moment their officials start robbing us.

Several years ago I was successful in persuading the Foreign Relations Committee to accept an amendment forbidding foreign aid to nations that confiscate American investments. Subsequently the Senator from Iowa [Mr. HICKENLOOPER] perfected my proposal to make it apply to schemes of this nature which are, in fact, a subtle form of confiscation, although the prompter of the steal pretends otherwise. The perfected legislation has come to be known as the Hickenlooper amendment.

I am, therefore, inquiring of the State Department whether the neoconfiscation to which I have referred comes within the Hickenlooper amendment. If not, then I intend to offer an amendment to the foreign aid bill to see that foreign aid is denied to perpetrators of this sort of steal.

It was the efforts of the junior Senator from Louisiana which were responsible for amending the language in the Sugar Act, to make certain that the United States would not pay a bonus for sugar to countries which are in the process of confiscating American investments. The amendment to that act does not have the refinements of the Hickenlooper amendment, so that act may need an additional amendment. As the Senator who managed the sugar bill in the Senate some years ago, and who has been a constant advocate of sugar legislation for the benefit of both our own sugar producers and our friends abroad, I intend to exert my best efforts to perfect the language I insisted on when the amendment to the Sugar Act was before us, to make certain that nations that confiscate our investments will not sell us sugar at premium prices. If I have anything to say about it, they will not sell us any sugar.

It is only by demonstrating to people who have this kind of scheme in mind that their nations will suffer by such actions that we shall be able to make certain that Americans who in good faith invest their money, on the encouragement both of their own Government and the recipient nation, will have an opportunity to develop resources on a basis which will be good both for us and for those who receive benefits from the investments, without having the investments stolen from them after a company has made a success of them.

Mr. President, along this line, and in support of my argument, I ask unanimous consent to have printed in the RECORD an article entitled "Robbing the Gringo; the Outrage in Mexican Sulphur Turns Back the Clock," published in Barron's National Business & Financial Weekly for May 3, 1965.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"ROBBING THE GRINGO—THE OUTRAGE IN MEXICAN SULFUR TURNS BACK THE CLOCK

"Successful investing, as the financial community will cheerfully attest, requires hard work, judgment and nerve. Now and then, however, luck takes a hand in the game. In 'Reminiscences of a Stock Operator,' a fascinating account of Wall Street 50 years ago, the author tells of dropping into his broker's office one Friday morning in the spring of 1906, and, merely on a hunch, selling short several thousand shares of Union Pacific Railroad. Over the weekend came word of the San Francisco earthquake. On the other side of the ledger, brokers still shudder at the fate of their ill-starred colleague who, shortly before the collapse of the fats and oil empire of Tino De Angelis, became a partner in the doomed firm of Ira Haupt & Co. Ten days ago one of the ablest investment advisers in the business fell afoul of fortune. When Pan American Sulfur Co. common, which sold as high as 59 in early April, recently declined to 50, this old pro viewed the move as an 'exceptional buying opportunity.' Thus he took his position in the stock—and told the world about it—just before the bottom dropped out.

"In his misery over Pan Am Sulfur (or Pasco, as it is known), the unlucky expert today has plenty of company. Except in a major bear market, few securities have suffered so drastic or abrupt a decline: since reaching the high less than a month ago, the shares have lost more than 40 percent of their value. Hence the plunge caught a good many knowledgeable Wall Streeters long. Several brokerage firms and advisory services recently recommended the stock. Chartists projected a clear-cut uptrend. Institutional investors at latest reckoning owned over 400,000 shares, or roughly one-fifth of the total equity.

"Their confidence rested on apparently solid ground; until mid-April, Pan American Sulfur had all the earmarks of a growth company in a resurgent industry. Virtually overnight, however, its glowing prospects have dimmed. For the Government of Mexico (where its properties lie) arbitrarily has imposed export restrictions which have hampered its day-to-day operations and will halt its long-term expansion. The new decrees are designed to conserve Mexico's supply of a vital raw material. They will have other, less palatable results. For one thing, they are likely to create a new privileged class of local entrepreneur with close, and doubtless mutually profitable, connections with officialdom. What is worse, the episode is bound to jeopardize the inflow of foreign capital. For a quarter-century Mexico has sought, with considerable success of late, to live down its ill-advised expropriation of United States and British oil interests. Last month, the Government suddenly acted like a reformed bandit who cannot give up his old tricks. Robbing the gringo, as everyone south of the Rio Grande should have learned by now, is no way to get rich.

"In Mexico, as in other parts of the world, highway robbery today may go cloaked in legality. As the Pan American Sulfur Co. carefully noted in its listing application, its operations are subject to inspection, study and regulation by the Mexican Government; production and exports are subject to limitation, and, in order to export sulfur from Mexico, a permit from the Mexican Government is required * * *. After years of bureaucratic routine, the authorities last month suddenly invoked their powers. Without explanation or warning, they held up one of Pasco's shipments. After several days of painful uncertainty, they finally disclosed their purpose. Mexico has imposed export quotas on Pan American Sulfur and a smaller competitor, Gulf Sulfur. Under the new conidtions, both U.S.-owned producers this year may ship without hindrance half of last year's volume; the other half, as well as all future quotas, will hinge on their discovery of fresh reserves (10 percent of which may be exported). In no event may either company exceed last year's total sales abroad.

"The new restrictions, so the Secretary of the National Patrimony has avered, aim to protect Mexico's supply of sulfur, which otherwise soon might run out. The quaintly named official surely knows better. While traces of the mineral turned up a half-century ago, Mexico for all practical purposes had no reserves until a handful of daring U.S. promoters, financed by American capital, launched programs of exploration and development after World War II. Ten years ago the country produced less than 100,000 tons; last year, in striking contrast, output approached 2 million. Since the Government estimates current proven reserves at nearly 16 million tons—a figure which other sources regard as far too low—fears of future shortage, even at the recent recordbreaking rate of shipment, hardly can account for the abrupt flexing of bureaucratic muscle. A likelier explanation, in our own jaundiced view, is the striking shift in the marketplace, which has transformed sulfur, after years of oversupply, into a relatively scarce, highly profitable commodity, a prize which local interests have grown greedy to share. Heads we win, the Mexicans have told the U.S. producers in legal language, tails you lose.

"The new rules faithfully embody what might be called the looter's code. For they bestow valuable privileges on one group (seven prospective entries, all of which boast majority control by local interests, already have applied for sulfur concessions) at the expense of another; i.e., the industry's pioneers. Both Pan American and Gulf, as the stock market belatedly has realized, will suffer in various ways. Much sulfur is sold on long-term contracts, which, in view of the massive uncertainties surrounding exports after January 1, henceforth will be hard to come by. Any business enterprise must plan for the future; in the case of both Pan American and Gulf, however, production and sales schedules apparently will hinge on the unpredictable discovery and proof of fresh reserves. Perhaps the worst of all, by making last year's results the ceiling, the authorities have slapped a lid on further growth.

"To one of the most inspiring pages in the annals of postwar capitalism, the dead hand

of Government thus threatens a sorry end. On the industrial map of the world, the Isthmus of Tehuantepec represents quite an achievement. To put it there, men took enormous financial risks. Despite the backing of the Export-Import Bank, one venture, the Mexican Gulf Sulfur Co., went broke when its reserves petered out; Gulf Sulfur in its early years piled up a staggering deficit. Once in operation, the fledgling producers plunged into competition with such powerful rivals as Texas Gulf Sulfur and Freeport, thereby shattering one of the most lucrative and longest-lived cartels in history. (Shares of both concerns, which will benefit from Mexico's folly, shot up last week.) Far from exploiting the hapless natives, finally, the two producers have made a major contribution to the nation's economic life. Mexico collects a 15-percent royalty on every ton of sulfur mined, as well as nearly half the producer's pretax profits. Pasco last year accounted for $21 million of the gross national product; all told, since it was organized, the company has bought and paid for nearly $150 million worth of local goods and services. Against such a record of achievement, official concern over the 'national patrimony' adds insult to injury.

"On the latter score, thanks to the Mexican authorities, U.S. investors are out-of-pocket over $50 million. In the end, however, Mexico is apt to be the biggest loser. Nearly 30 years ago President Cardenas, with a stroke of the pen, destroyed his country's credit and set back its development. Those who refuse to learn from history are doomed to repeat it."

ELIMINATION OF THE MENACE OF LEAD-BASED PAINT POISONING OF CHILDREN

Mr. KENNEDY. Mr. President, in the years before World War II, lead poisoning was a common-enough occurence to warrant a vigorous attack against its causes. Cases of lead intoxication among adults are rare today, even in lead processing and lead-using industries where the possibility of overexposure seems greatest.

These improvements are the direct result of broadly increased knowledge about the physiological effects of lead as well as extended research on ways to protect against lead poisoning hazards.

One insidiously damaging problem area still remains a threat to the health of thousands of children, lead-based paint poisoning.

Generally, buildings constructed more than 30 years ago are the prime source of lead-based paint poisoning today. Particularly in big city slum areas is this danger highest. Chips of peeling paint from radiators and flaking paint from deteriorating walls create the major source of this hazard because young children have a natural tendency to place objects in their mouths. Flaking paint chips seem to be a particularly appealing item to children with pica, which is a condition of abnormal appetite that makes children want to eat nonfood items.

Children also fall victim to lead intoxication by chewing on lead-painted windowsills, baseboards, or other surfaces.

Major sources of present-day contamination with lead, aside from deteriorating housing, include solder, food processing, gasoline engine exhaust, and industrial waste.

Lead poisoning or plumbism, in our contemporary urbanizing society, is one of society's defects that lie just below the surface. To the lay community and even to a major part of the medical community, this problem exists much like an iceberg; only a small part of its enormity is visible on the surface. But, since lead poisoning is an entirely preventable disease, it is appropriate that the public and the medical community be made aware of the problem.

New York City once averaged 500 cases of lead poisoning a year; the city health department now estimates that a "silent epidemic" of lead contamination may be affecting as many as 25,000 slum children.

In 1965, the board of health in Chicago termed the city's 12 reported lead poisoning deaths to be of "epidemic proportions" and launched a screening program to detect victims of poisoning. Through September 1966, tests on 30,000 youngsters turned up 700 youngsters for treatment of lead poisoning.

Rochester, N.Y., reports show about 7 percent of that city's preschool slum children poisoned by lead. In Baltimore, the incidence is reported at 7 percent and in Cleveland it is 6 percent.

Children's Hospital in Boston estimates the incidence of the disease in the slum areas of that community include 5 to 10 percent of the children from 1 to 5 years of age. Other evidence shows that the incidence in the newer suburbs built after World War II is less than 1 in 1,000.

In the summer of 1968, of 800 children screened in one high risk area of Boston, 98 had evidence of lead poisoning and required treatment.

Across the Nation reports show that children between 1 and 3 years of age are the sufferers in 85 percent of all reported cases. Two-year-olds account for more than 50 percent of the deaths attributable to lead poisoning. About 200 children die from lead poisoning every year. Estimates of the number of children that may be poisoned by lead each year ranges as high as 400,000. Between 12,000 and 16,000 are treated and survive. Half of those who receive treatment are left mentally retarded. Only about one case in 25 of these is treated.

Although the rate of deaths directly attributable to lead poisoning has dropped in recent years and there is an almost certain chance of saving children who are diagnosed as lead victims, for many of those who survive, the outlook remains grim. Brain damage and damage to the central nervous system looms as one of the most tragic consequences of high lead levels. In one study of youngsters who were followed 6 months to 10 years after treatment for plumbism, there were cases of recurrent seizures, cerebral palsy, eye disorders, and mental retardation. The exact incidence of lead poisoning as a cause of mental retardation is not known. Yet there is considerable evidence that victims of lead poisoning show unsatisfactory school progress because of intellectual defects. Many other children have been found to experience a marked drop in IQ.

Mr. President, it is alarming to learn that even after treatment, many of these young survivors have a substantial chance of suffering brain damage, and many of these tiny victims simply become complete vegetables. Once a child has been poisoned by lead, he is very likely to be poisoned again. After returning home from treatment children often resume their paint eating habits, and if they again come down with lead poisoning, the risk of permanent brain damage increases to "virtually 100 percent."

We know that lead poisoning affects black and Puerto Rican children more frequently that it strikes white children. It is most likely to strike children in the same family.

During his lifetime, a severely retarded child can cost health agencies $250,000 in caretaking expenses. Yet, we can prevent and cure the disease for less than $1,000 per child.

In past years, when six or seven cases of polio were reported, alarms and frantic reactions spread wildly through our cities. But cases of lead poisoning are known to be more than 10 times those of polio and nobody notices them. That is the cruelest and most ironic part of this tragedy—a poorly informed public.

Many parents are not aware of the danger associated with the consequence of paint ingestion. Even when parents know a child is eating paint, they often do not know that this is a hazardous habit. Unfortunately, the medical community is not usually aware of this hazard either. Treatment of lead poisoning necessarily involves making the diagnosis first. That is not a usually considered diagnosis because the symptoms are very much like those caused by other maladies. Moreover, most physicians generally are as unaware as laymen that this threat is a common one in some communities of our society.

It seems to me that an informed community can be a rational and effective deterrent to plumbism in children. Families that know about the danger of peeling paints will bring their children to clinics for screening and therapy. Those same families will be more likely to report deteriorating housing conditions to the proper authorities. Finally, community education through publicity, public warnings, and programs to screen high-risk areas for victims helps to insure an informed public.

Mr. President, I have personally joined the battle against childhood lead intoxication by stressing the need for education and awareness of the problem—both in the general public and in the medical community. I recently asked the Secretary of Health, Education, and Welfare for advice on ways to increase the availability of information of this dread disease. The Department's very informative publication, "Lead Poisoning in Children" should be in the hands of every family and landowner in the high-risk areas of our big cities. Perhaps with posters, bilingual broadcasts, periodic statistical reports, and community meetings, we may be able to alert families to the dangers of this menace.

In addition, I am prepared to introduce legislation that is designed to erase

the hazards of lead-based paint poisoning from our urban neighborhoods.

Last March Representative WILLIAM RYAN of New York responded to the need for legislation in this crucial area by introducing in the House of Representatives a package of reforms "aimed at combating this silent epidemic." That package realistically meets the three fundamental needs that must be attacked in the assault on childhood lead poisoning. Because I fully endorse BILL RYAN'S approach to the problem, I am prepared to introduce similar legislation in the Senate.

In remarks included in the RECORD of the Senate on November 13, I listed the three basic requirements for eliminating lead paint poisoning as a hazard to our Nation's children. For the sake of emphasis, today I would like to repeat the three fundamental steps we must take to get rid of lead poisoning.

They are: First, to identify and treat lead poisoning victims; second, to seek out the presence of lead-based paints and require property owners and landlords to remove such paints from all wall surfaces; and third, we must prevent lead poisoning from spreading through our cities' neighborhoods by enforcing existing housing codes.

Mr. President, I am preparing a bill that will reach these goals by insuring communities that an active, vigorous campaign will eradicate the menace of lead-based paint poisoning. My bill provides Federal moneys to help cities carry out programs to identify those youngsters who are affected by lead-based paint poisoning. It will insure for cities and communities the procedures and techniques that will seek out those youngsters who are currently afflicted with high lead levels. Health officials have found that when they go out looking for cases they find them, and the more they look the more they find.

The Children's Hospital Medical Center in Boston dramatically demonstrated the value of that kind of screening program in the summer of 1968. In a group of 800 youngsters believed to be highly susceptible to the lead hazard, doctors found 98 cases of poisoning and provided therapy for them. Louis Kapito, Randolph Byers, and Harry Shwachman of Boston's Children's Hospital have found that tests on samples of children's hair are a revealing indication of high lead levels. They particularly note that the ready availability of hair as a specimen, the ease with which it can be collected, sorted, and transported are the outstanding features that favor it as a screening device for lead poisoning. This kind of testing, coupled with programs used in other cities can be used to detect victims in other communities. In every community that has launched a screening program the number of reported cases of lead intoxication has climbed sharply.

My bill also provides for financial assistance to cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning. Every community that has old homes with interior painted walls containing lead is a potential high-risk area for this dread disease. Plumbism is a recurrent disease by the very nature of the social and economic conditions which foster its existence. It is not necessarily limited to the ghetto. Older, currently affluent residential communities in the center core cities such as Park Avenue, Cambridge, and Georgetown await deterioration and the creation of a slum in which lead poisoning can prevail.

Therefore, my bill will provide money to use such present methods for preventing the disease as covering walls and ceilings with a plaster board, removing the old paint and covering old flaking walls and ceiling with a tough plastic spray layer which can be coated with lead-free paints.

Finally, in recognition of the need to insure that the rehabilitation or renovation of housing shall include plans for eliminating the causes of lead-based paint poisoning, my bill provides for Federal assistance to communities to carry out such rehabilitation only on the condition that the community also carry out an effective plan for getting rid of the causes of lead-based paint poisoning. In too many instances, the enforcement of existing housing and health codes becomes buried in a bureaucratic morass. Local health departments look at the problem as a housing agency responsibility, and local housing authorities are known to have insisted that lead poisoning is the sole responsibility of the health department. Still, in other instances it is financially expedient for landlords to pay a fine or abandon buildings because of the high cost of rehabilitation.

I am hopeful that through the three provisions of my bill we can easily take advantage of new techniques, an enlightened populace, and readily available medicines to rid American cities of childhood lead poisoning.

Lead poisoning sickens at least 225,000 children a year in the United States. It is a needless cause of mental retardation and death in young children. Lead intoxication is a manmade disease. It is subject to complete control. In cases that are not too severe it can be completely cured with no aftereffects. It is not one of those social or medical ills that requires intensive study to search out its cause, or thorough research to find its cure. We know that it is caused when young children swallow bits and chips of lead-based paints peeling from deteriorating walls—usually in the homes of our Nation's poorest citizens.

We also know what can cure youngsters of this disease. Once a lead poisoning case is detected, the child is usually hospitalized for several days and treated with chelating agents—chemicals that bind that lead and remove it from body tissue. Before chelation therapy was developed, 66 percent of severe lead poisoning cases were fatal. With early detection and treatment, this figure has probably dropped to less than 5 percent.

Thus, I am enthusiastic about the legislative thrust of Congressman RYAN'S package and the proposals in my bill because they do not endorse the usual call for study and contemplation. Instead, my bill authorizes a direct, forthright approach to this debilitating hazard.

The principal obstacle we face will be instilling in the public's eye the urgency for immediate action. Landlords will protest when they have to panel or strip their buildings. They will say they cannot afford it, and some of them will not be able to. Dr. Rene Dubos, who won a Pulitzer prize for his book, "So Human an Animal," likens the elimination of lead poisoning in the slums to the pasteurization of milk. At one time, the dairy people insisted there was no way to market milk that was guaranteed not to give tuberculosis. The public demanded, and it was done. Dr. Dubos says the same must be done with lead. He believes this problem is so well defined that it may provide an occasion to introduce a kind of social accounting.

If we do not act in a ruthless manner on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions or improving our total environment. If we, with all our technological means, are not willing to make the effort that would be demanded to get rid of lead poisoning, then our society deserves all the disasters that may come to it.

The cost of lead poisoning is borne by the whole community in terms of wasted human resources, institutionalization of victims, and the resulting burdens on municipal health facilities and finances. The benefits accrue only to those owners of slum property who find it unprofitable to keep their properties in good repair.

The need to eliminate this hazard from the list of the many hazards that affect our Nation's children is very clear. My efforts will be designed to meet that need.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

RETIREMENT OF DR. GEORGE E. MUELLER FROM NASA

Mrs. SMITH of Maine. Mr. President, when Dr. George E. Mueller leaves the National Aeronautics and Space Administration on December 10, 1969, an era of the space age will have come to an end. It might be called the end of the beginning—the end of the beginning of the amazingly successful man-on-the-moon program.

For Dr. Mueller has been in charge of the Apollo program, and to him must go the primary recognition for the tremendous achievement of that program. It was probably the greatest sustained scientific achievement in the history of mankind.

But its great value to our Nation and to our people goes far beyond the scientific achievement. Like nothing else before, our putting a man on the moon and returning him safely has done more to raise the prestige of the United States than any other preceding achievement.

More than that, at a time when the U.S. Government has been the buffeted target of vilification, not only through-

out the world, but as well from within our own Nation, our placing a man on the moon and returning him—and doing it openly on worldwide television—has not only thrilled the people of the entire world but has created immeasurable goodwill and friendliness for us.

We have spent billions upon billions of dollars in foreign aid and in mutual security assistance trying to buy the friendship of the people of the world. But for the greater part, we have not been able to purchase friendship and support through the billions spent on foreign aid and mutual security.

To the contrary, instead of harvesting friendship, respect, and support from these multibillion-dollar programs, we have too often and to too great a degree reaped enmity, resentment and contempt. Even those Western European nations, like France, which we saved through the Marshall plan, have repeatedly given us the back of their hands economically and in the United Nations—after their rise from economic chaos to such economic affluence as to regard the United States too often with arrogance and treat us with contempt.

What we have not been able to accomplish with the billions we spent for foreign aid and mutual security, we have accomplished to a high degree with our truly inspirational success on the Apollo program.

And for that we owe a very, very grateful thanks to Dr. George E. Mueller on his stewardship of the Apollo program. The United States and its people are in deep debt to Dr. George E. Mueller.

He has been the inspirational leader of a team of over 400,000 people from government, industry, and universities. Unrelentingly, he has driven toward the goal of the program that has raised the United States again to preeminence—and after the state of shock in the late fifties when our space failures made us a second-rate national power on space exploration.

Dr. Mueller had a rare knack for translating and relating the high technical and scientific space program into words and phrases and presentations that even we nontechnicians and nonscientists on the Senate aeronautical and Space Sciences Committee could understand. He could make even me understand.

So I am going to miss Dr. Mueller very much in the work of the committee. Just as I do not think anyone will ever be able to fill the shoes of James Webb as the Administrator of the National Aeronautics and Space Administration, I really do not think that anyone will be able to fill the shoes of Dr. Mueller.

NOMINATION OF HENRY J. TASCA AS AMBASSADOR TO GREECE

Mr. PELL. Mr. President, Henry J. Tasca, originally of Providence, R.I., who has been nominated by President Nixon as our Ambassador to Athens, is a competent and able American Foreign Service officer. He has been well and favorably known to me for 25 years.

Unfortunately, at this time his nomination is caught in the fiery cross winds of American-Greek relations. Actually, his nomination would fare better if our administration had a clear and strong policy vis-a-vis Greece. Unfortunately, this is not the case today.

As far as I can ascertain, the Defense Department, which too often calls our foreign policy tunes, approves of the present regime. On the other hand, the State Department seems to disapprove of it, although it is not willing to express its views publicly, although it has privately.

In my view, our administration should recognize the fact that the present best thing for Greece would be the early restoration of some form of democracy or government that would reflect the wishes of the independent and individualistic Greeks. And our State Department should express itself accordingly.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD following my remarks an article entitled "Tough Job for Mr. Tasca," written by Ian Vorres, and published in the Providence Journal of November 30, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVOY TO GREECE: TOUGH JOB FOR MR. TASCA

(By Ian Vorres)

ATHENS, GREECE.—Of all postwar American ambassadors to Greece, none is faced with a more difficult and thankless mission than Providence-born Henry J. Tasca, the new American ambassador to Greece.

A leading economist and scholar, Mr. Tasca has held many important positions in Washington and abroad. He was awarded the Medal of Freedom. A U.S. Navy commander during World War II, he has served as U.S. Treasury representative and economic adviser of the American Embassy in Rome.

Mr. Tasca was until recently U.S. ambassador to Morocco. He is expected to arrive in Athens before Christmas. Although he has yet to set foot on Greek soil, he is in the unenviable position of being already the center of controversy, drawing upon himself the ire both of the supporters and the opponents of Greece's army-backed regime.

"He is a sitting duck for all the political tempers of Greece which are currently spilling over. I would hate to be in his shoes just now," commented a Western ambassador in Athens recently.

Political observers in Athens anticipate that Mr. Tasca's relations with Greece's revolutionary regime will be cool and formal especially if, as it is rumored, he is arriving from Washington with definite instructions to "be tough." The Greek military brass, meanwhile, is well entrenched, ruling the country by decree.

Government circles in Athens are increasingly incensed over the refusal of the United States to ship heavy military hardware to the Greek army which is in dire need of it. Premier George Papadopoulos, it is expected, will express in no uncertain terms the resentment of his government to the new U.S. envoy. The heavy arms embargo had been adopted both by the Johnson and Nixon administrations as a way of exerting pressure on the Greek regime to return the country to full democracy promptly.

Another sore point with the Athens regime has been the delay in appointing a new U.S. ambassador. Mr. Tasca succeeds Phillips Talbot who resigned last December. The Athens post has been vacant since. The absence of a U.S. ambassador for so long was taken as a snub from Washington and proved a continuous embarrassment to the Greek regime.

To complicate matters, Mr. Tasca's recent statements before the Senate Foreign Relations Committee in Washington have not exactly helped him gain popularity with the present rulers of Greece. Mr. Tasca in his testimony said that the exchange of ambassadors does not necessarily imply approval of the Greek government. Mr. Tasca also said that he "would like to see Greece evolve to a more representative form of government" and that he would use whatever influence he has to that end.

Ironically enough, Mr. Tasca has also come under heavy fire from opposition groups in Greece who see his appointment as U.S. endorsement of the Athens regime. Even King Constantine, exiled in Rome, has been reported concerned over the appointment. Authoritative sources confirm that he even discussed the matter with Greek Foreign Minister Panayotis Pipinelis when the latter was recuperating in Switzerland recently. It is known that the King wants Mr. Tasca to call on him before proceeding to Athens. This would show publicly that the United States still considers Constantine the lawful ruler of Greece.

Greek resistance groups, meanwhile, have openly warned U.S. servicemen, businessmen and diplomatic personnel in Greece that they plan reprisals against them over the Tasca appointment. A group even threatened Americans with kidnapping and possible execution. Some Athenians believe that fanatical opponents of the regime might even try to kidnap Ambassador Tasca the way U.S. Ambassador C. Burke Elbrick was kidnapped on a Rio de Janeiro street last September.

Greek officials are not particularly worried. They feel they have the situation well in hand. Athens security police recently rounded up more than 50 persons who were exploding plastic bombs around the city. The consequent trials before military courts revealed a sadly disheartened underground, lacking in coherence, organization and public support.

Athens police are confident that they have broken the backbone of the underground movement. Greek security, however, is not taking any chances. Neither does the U.S. Embassy in Athens. Besides tackling the toughest job a U.S. ambassador ever faced in Greece, Mr. Tasca already may claim the heaviest police protection ever accorded a U.S. envoy on Greek soil.

THE MEDIA

Mr. DOLE. Mr. President, I was impressed by reading an article written by Richard Wilson and published in the Evening Star of December 1, 1969. It expresses the opinion of many Americans and I would assume many of their elected representatives in both parties in the House and Senate.

While no one is suggesting censorship, the radio-TV executives have certainly missed the point in the thoughtful and well reasoned remarks made by Vice President SPIRO T. AGNEW in Des Moines, Iowa, and again in Montgomery, Ala. The points he raised were valid; however, the responses from those referred to in his remarks have been less than enlightening.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TV MISSES PUBLIC'S RESPONSE TO AGNEW SPEECH

(By Richard Wilson)

The available evidence suggests that Vice President Spiro T. Agnew's criticism of bias

in the mass media struck a responsive chord among the general public. There is nothing to suggest, however, that the tonal gradations of the responsive chord have penetrated deeply into the hushed chambers where radio-TV network policy is made.

A tonal deafness seems to have developed on what it was Agnew was talking about, with the network moguls all professing to see a dangerous frontal challenge to freedom of speech in their government licensed medium.

The radio-TV executives, therefore, may well ask themselves why it is that as many as three out of four persons think Agnew has a valid point.

The answer to that question could prove to be quite disconcerting. It may merely involve the simple conclusion of a great many people that the commentators now practicing are not qualified by background, information and depth of thought to share equal time with the President of the United States. This is the equivalent of heresy in the broadcasting business. It is unthinkable that some handsome, well-spoken broadcaster with five or 10 years experience should not be entitled to go on the air with his authoritative analysis and be listened to with the same attention and respect as the President or whomever it is the broadcaster is analyzing and judging.

Dr. Frank Stanton, president of Columbia Broadcasting System, Inc. expounds the current thought in the industry on the point. He attributes to these instant analyzers the ability to call "attention to emphases, omissions, unexpected matters of substance, long anticipated attitudes, changes of views, methods of advocacy or any other aspect of the speech." The analyzers function as critics, in other words, judging this omission or that change of attitude as it seems to strike them in the spirit of guiding and instructing the public on what they ought to think about the speech they have just heard.

In the case of the President's speech on Vietnam, Dr. Stanton points out that the text was handed out to the press and to radio-TV analyzers two hours in advance of delivery. He adds, "If a professional reporter could not arrive at some meaningful observations under those circumstances, we would question his competence." Two hours is enough, it is judged, to permit these highly skilled professionals to gather their thoughts for airing to an audience which assembled before their television sets to hear the President make a major announcement after weeks of study. Otherwise they had better look for work elsewhere than CBS.

It is at this point that a great many TV viewers turn off their sets and turn off Dr. Stanton. They are simply not convinced that the analyzers are professional enough, informed enough or profound enough to share time with the President on major U.S. policy. In the case of Nixon's speech, two hours of deep thought was not enough to reveal to the analyzers that four out of five of the listeners they were instructing would approve of Nixon's stated views on Vietnam.

The TV moguls, in their profound concerns for the right of analyzers to say anything that occurs to them after their gruelling two hours of thought, have simply missed the central point that a vast host of TV watchers do not share the respect with which the analyzers view themselves.

This would be as hard for a TV commentator to accept as for a newspaper columnist, the difference really being that many newspapers give their readers a wider choice of opinion which they can usually adequately sample by reading the first and last paragraphs and thus turn off before they become too deeply involved.

Analysis and interpretation is a great art which only a few, such as Eric Sevareid, have wholly mastered. As Sevareid handles his art, it is to explore a subject rather than to arrive at conclusions on it, and in this way to open his own mind and the minds of listeners to various inherent possibilities. This seems too inconclusive to others whose two hours of thought leads them toward conclusions they would not think so irrefutable if they could hear the concurrent comment of their listeners.

The listeners, who likes comment, wishes along with it at least the versimilitude of fairness and wisdom, and it is perhaps the shortage of this quality in TV commentary which has caused the great majority to agree, in principle at least, with Agnew. The TV business would do better to examine itself a little further while warning of the baleful potential of government repression.

ALLEGED MASSACRE AT MYLAI

Mr. INOUYE. Mr. President, as the story of the alleged massacre at Mylai (4) in Songmy village, or "Pinkville," has unfolded in the press and on TV, I have been much disturbed. Several concerns come to mind. One relates to the rights of the accused and to our legitimate concern that these soldiers and former military personnel not be tried in the public media, that their right to due process not be jeopardized by pretrial publicity. Hopefully this has not and will not occur. The warning of the judge assigned to the case of Lt. William Calley, is timely and should be heeded.

Deep as is this concern for the rights of the accused, I have become increasingly distressed with other aspects as each new edition of the newspapers these past days has brought to my attention further aspects of this and other incidents in Vietnam. I have been shocked and horrified at the stories recounted.

War is not exactly a stranger to me nor are the stresses and strains of combat. I am well aware of the incomplete nature of President Theodore Roosevelt's remark that war brings out all the best in man. It also seems to bring out the worst, as well. Far too often I have witnessed the bestiality of war. The atrocity pictured and recounted here will now go down in history as the Mylai massacre and take its place along with Lidice, Katyn Forest, and Malmédy.

The concern of some that these disclosures will have a most damaging effect upon our effort in Southeast Asia is, I fear fully justified. However, this concern cannot permit us as a nation to close our eyes to what has occurred. Nor must it prevent us from seeking answers as to why this happened.

For the Nation which took the lead in attempting to establish an international code of morality in warfare at the Nuremberg trials to attempt now to sweep under the rug this flagrant violation of our most solemn principles would but compound the tragedy.

If any way is to be out of this national disgrace, it is to be found only through the prompt, complete, and public investigation of what has occurred, the proper punishment of those responsible, and through every effort to determine why Mylai happened. Let no one minimize the importance of this affair.

A number of questions must be answered:

Is what happened at Mylai (4) only worse in degree than what occurs every day in a war where friend, foe, and neutral are indistinguishable one from the other?

Can we condemn the men charged in this matter and at the same time justify a policy of indescriminate bombing and artillery attacks on inhabited villages and hamlets?

Can we entertain any hopes for success in a guerrilla type war if we fail to distinguish clearly between friend and foe in the punishment we impose?

Are the 2,000 to 3,000 civilians killed by the Vietcong during Tet in Hue to be equated now as justification for the 100 to 200 annihilated by our forces at Mylai in March?

Is our current practice of paying a set price to surviving relatives for each noncombatant Vietnamese man, woman, or child inadvertently or accidently killed by our forces, and to the owner for each water buffalo similarly killed, symbolic of our regard. Have we so cheapened our concept of the sanctity of human life that we can now measure it on the same scale as water buffalo?

Is American training which permits common reference to the Vietnamese as "Gooks," "Dinks," or "Slopes" at fault? Are racist overtones at work here?

And the bigger question: Can we bring self-government to a people with friendship for the United States where attitudes such as these permeate our speech and our actions? Can there be any hope of winning the war in Vietnam under these circumstances?

If our answer to this last question is negative what then should be our course of action?

A few months ago I read a lead article in Esquire magazine entitled "An American Atrocity" by Normand Poirier. As a result, what happened at Mylai did not come as such a surprise. Last August 14 I wrote to the Department of the Navy expressing my concern over the apparent laxity in the handling of this affair. I drew attention to the sentences imposed. Of the 10 Marines involved in what was a planned and organized murder and rape of civilians, one has since been promoted, six are back in civilian life, and only three are in prison of whom two are serving out short sentences. As I said then, the punishment was in sharp contrast to that meted out for incidents such as the "mutiny" at the Presidio.

I have been assured that this marine atrocity which occurred in 1966 has resulted in changed training and indoctrination procedures being adopted by the Marine Corps to prevent a repetition. It is to be hoped that such is the case, but apparently the Army's training and indoctrination procedures have not been effective.

As Private Meadlo's mother said:

I raised my boy to be a good boy.

I think this is a statement every mother with a son in Vietnam would make. Let us hope they will be given no further cause to fear that this war has so changed their sons.

Much as these revelations distress me,

I now see some glimmer of hope. During my time, three wars have transpired, but there may be some progress toward a higher morality. In world war II there were only enemy atrocities. Censorship and sentiment—not unrelated—were such that our brutal bombing of Dresden, or the second atomic bomb at Nagasaki, were questioned by few—at least, not until after the conflict was over. In the Korean war, the atrocities of friend and foe were recounted without recrimination.

Should this Mylai massacre now trigger a national self-examination to seek out flaws in our character previously rationalized or ignored, this can be the beginning of a new day which can draw us together with those who have questioned our involvement and our priorities. Should it result merely in a search for scapegoats, we will have but compromised our ideals further.

For the lessons of Mylai and elsewhere are lessons for all of us to ponder. They are a part of the ongoing national debate over our commitment, our course, and our goals.

As we seek to interpret and explain Mylai we need remind ourselves of our attack on those nations which in the past have adopted a national policy of the ends justifying the means. And we must rededicate our efforts to assure that such a policy never becomes our national epitaph. A shrug of the shoulders and a Sherman-like statement of the evils of war will not suffice. If the American character is to be deserving of special acclaim, it must in this case come from our willingness to engage publicly in critical self-examination and to take corrective measures. If we are truly to atone for such acts, it must come through our increased dedication to join with other nations in efforts to find alternatives to war for settling disputes among men.

FIRST NATIONAL INDIAN EDUCATION CONFERENCE

Mr. KENNEDY. Mr. President, on November 20 the distinguished junior Senator from Minnesota (Mr. MONDALE) addressed the first National Indian Education Conference in Minneapolis. The conference brought together the Nation's leaders in Indian education for 2 days of intensive workshops, aimed at reforming the ways in which we educate Indian children.

Senator MONDALE's remarks at that conference focused on the recently released final report of the Subcommittee on Indian Education, which I had the honor to serve as chairman. The Senator succinctly summarized the major findings and recommendations of the subcommittee, and made the report an object of much considered discussion at the conference. I am convinced that through such dissemination and discussion will come the understanding and action needed to bring about the changes recommended in the report.

I might say that as we worked to write that report, no one member of the subcommittee worked harder or with greater understanding than did my good friend from Minnesota. He carried much of the burden and deserves a large share of the credit.

I ask unanimous consent that Senator MONDALE's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WALTER F. MONDALE

No conference is ever complete without an address by a noted author in the field under discussion. I see that your conference planners took care of this matter in grand style, providing not only Dr. John Bryde of the University of South Dakota, but also the Pulitzer Prize-winning Indian, Mr. N. Scott Momaday.

Will Antell undoubtedly thought the authors were already taken care of when he invited me to speak here this morning. A politician, you know, is supposed to know how to speak, but not necessarily how to write. Speaking supposedly comes naturally. But as for writing and editing, those are things we are supposed to leave to the experts and literary stylists.

At risk of disappointing Mr. Antell and the rest of you who have been eagerly awaiting a political address, I'd like to step briefly out of my U.S. Senator's role and talk to you as an author—the author of a newly-published book.

I'm afraid the title of this book lacks both the intrigue of Mr. Momaday's "House Made of Dawn," and the intellectualness of Dr. Bryde's "Accultural Psychology" or "Modern Indian Psychology." In fact, my title has all the sexiness of a used Volkswagen. It is called "Senate Report No. 91–501."

I agree that isn't the kind of title which would lead a book to the top of the best-seller list. I can frankly admit that no Hollywood studio has been beating down my door seeking movie rights to it. Yet this book has had the makings of a spectacular because its theme is spectacular—the spectacular failure of our nation to provide its Indian citizens with an equal educational opportunity.

I am a co-author of this book, along with the other eight Senators who comprised the Senate Indian Education Subcommittee. The report is the culmination of more than two years of hearings, interviews and field investigations into the manner in which the American Indian is educated—non-educated may be a better word—in both public and federally-operate schools.

The report, which was released last week, is formally known as "Senate Report No. 91–501." But its theme is more accurately reflected in its subtitle, "Indian Education: A National Tragedy—A National Challenge."

I am not very proud of this report.

Despite the fact that it is the culmination of the most comprehensive study of Indian education ever conducted, I am not proud of this report.

There is little to be proud about a system which sends an Alaskan child 6,000 miles from his home to a boarding school in Oklahoma.

There is little to be proud about a system in which 25 per cent of the teachers of Indian students admit they prefer not to teach Indians.

There is little to be proud about a system which ignores the Indian half the time and demeans him the rest.

The statistics give us some idea of the magnitude of the problem: 50 per cent of all Indian students never complete high school; 40,000 Navajo Indians are functionally illiterate in English; the average educational level for all Indians under federal supervision is 5 school years; Indian graduates of federal schools are academically at least two years behind the average non-Indian high school graduate in the United States.

I could go on and on, but you have heard them all before. In fact, that might be part of the problem. We have heard them so often and for so long that they have lost their meanings.

We can look at a statistic, and two minutes later, have forgotten it. But one cannot forget the loneliness of a 5-year old Navajo boy—a boy who barely came up to my knee—who must live in a boarding school, away from his parents, away from his home. Or the Alaskan children huddled in a small classroom, struggling to understand what their "Dick and Jane" readers mean by "a cow", "a farm", or "green grass". Or the repressive military atmosphere of a Bureau of Indian Affairs boarding school where the principal asked me to look at a passing column of Indian children and "see how happy they are."

I looked at the vacant, expressionless faces. I saw how happy they were. Those are the things one remembers—not the statistics.

It mattered little if we were in BIA schools or public schools. Our findings were basically the same: culturally-insensitive teaching materials; a sometimes well-meant but condescending attitude toward Indians by faculty and administrators; little, if any, influence or control by Indians over the education of their children; and a serious lack of funding for Indian education programs. All these items pointed to one conclusion: Whether being educated in Bureau of Indian Affairs schools or public schools, Indian children were not receiving the same educational opportunities as other students.

We analyzed the problems, consulted with Indians and other outside consultants and discussed the situation amongst ourselves. The result was a report of 60 recommendations—many of them suggested by the Indian people themselves. These are 60 recommendations, which, if implemented, would radically improve American Indian education.

Each of the recommendations is a necessary, essential step if the goal of the Subcommittee—a national policy of educational excellence for the American Indian—is to be achieved. Yet I can't help but feel embarrassed over making these recommendations—embarrassed that in this day of moonwalks and lunar-landings the recommendations we make have to be made at all.

The problems we found were identified years ago.

In 1928 the Meriam Report noted the lack of Indian control over their own affairs and the poor quality of services, particularly in education, available to Indians. The Meriam Report recommended such changes as: the end of taking children from their parents and placing them in off-reservation boarding schools; the development of curriculum materials relevant to the needs and backgrounds of the students; the development of bilingual materials; participation by Indians in school policymaking.

Forty years later these same recommendations run through the Indian Education Subcommittee's report. Forty years after the Meriam study, the situation remains the same.

To those unfamiliar with the manner in which we educate Indian children, some of the recommendations may seem absurd, simply because they are so fundamental to any effective educational program.

We recommend, for example, that locally-elected school boards be established for federal Indian schools so that Indian parents will have some control over the education of their children. This is a concept basic to public school education in the United States, but foreign to the paternalistic Bureau of Indian Affairs.

We recommend that financial need be the major determinant of a student's eligibility for BIA scholarships. To me, that would seem only reasonable. But to the BIA, the nearness of a student's residence to a reservation is the determining factor.

Another "bold" recommendation is that

Johnson O'Malley money—money which is directed by law to be used to service the needs of Indian students in public schools—be used for programs for Indian students. All we are demanding here is that the law be followed. Yet the BIA dispenses these funds indiscriminately, and many public schools use them indiscriminately.

We recommend a National Indian Board of Indian Education to supervise the federal Indian school system in the same way a State Board of Education oversees a State's public schools. We recommend the immediate development of curriculum materials with which the Indian child can identify. We recommend the use of educational approaches, such as bilingual methods, which meet student needs. And most of all, we recommend funding levels appropriate to the need.

These are hardly radical recommendations. But their implementation can radically change the course of Indian education.

I would like to single out one recommendation because of its particular importance.

To many persons, the thought of a Select Committee on the Human Needs of the American Indian immediately raises their hackles. Aha, they say, another study by the white man. Another study in futility.

Well, a Select Committee could be that. But it could be much more.

It could take our shotgun approach to Indian human resource programming and weave education, health, and economics together into a unified policy. These elements cannot be adequately dealt with separately. Each is interdependent upon the other.

In the Indian Education Subcommittee we tried to limit ourselves to our Congressional mandate—Indian education. But we found it impossible to look at the basic problems in education without also touching upon mental health, hunger and malnutrition, unemployment, poverty, etc.

There are presently 86 different statutes which have specific provisions under which Indians can receive federal assistance. This proliferation of programs has led to confusion, overlapping responsibilities, programs working at cross-purposes and a general lack of coordination which can only work to the detriment of the Indian. A Select Committee is needed to give definite direction to a national Indian policy.

Such a Committee would serve significantly as a forum for the Indian people. It would be a place at which their problems would be assured of receiving nationwide attention. The Indian Education Subcommittee has served superbly in this function. No Congressional Committee has probably ever solicited Indian opinion more. Our job was merely to turn those Indian opinions into recommendations.

The Senate Select Committee on Nutrition and Human Needs provides a good example of what can be accomplished with a concerted effort. A Select Committee on the Human Needs of the American Indian can do just as well.

Now that the Report has been published and the recommendations made, the question can be legitimately asked, What is to keep this report from going the way of all other Indian studies? What is to keep this report from serving primarily as a dust-catcher on the shelf of the public library or as a handy source for a high school student's term paper?

The answer to that question lies in the hands of the Congress, the educational institutions and—most of all—the white society which dominates Indian education.

One of the major reasons Indian education is a national disgrace is because the U.S. Congress has failed the Indian population. Time and time again the Congress has acted irresponsibly and insensititively in its dealings with the American Indian. Its policy toward Indians has varied from extermination to assimilation to isolation to termination. It continually places a higher priority on land and resource policies than it does on the human need programs of Indians.

Our priorities as a nation are confused. Not only does the military establishment drain funds from much-needed domestic programs, but some domestic programs drain funds from human programs. For example, I believe our nation needs a highway beautification effort, but there is something wrong when we can authorize $15 million for pilot programs to find ways to remove abandoned billboards, and yet only appropriate half that amount—just $7.5 million—to develop bilingual programs for Indians, Mexican-Americans and other children who fall behind in school because they do not speak English.

I wish I could promise a dramatic change in the way in which Congress responds to the needs of Indians, but I cannot. But I can promise an effort, a strong effort, to bring about change.

The Indian Education final report has been out a week now, and already we are beginning to see action. Last week the Senate Education Subcommittee accepted two amendments to the Elementary and Secondary Education Act which were offered by Senator Kennedy, Senator Dominick and myself. One is Recommendation 39 of our Report, a change in the law to increase the number of Teacher Corps personnel permitted in BIA schools. The other is Recommendation 46, a change in the priorities of Public Law 815 so that federally-impacted public schools educating Indians will receive priority in school construction funds. Because of their low priority under the existing law, such schools haven't had construction applications filled for almost three years.

These two amendments may not be giant strides, but they are a start. And more Congressional action is coming.

In the near future I will co-sponsor legislation to give two more recommendations the force of law. One bill will authorize the Senate Select Committee on the Human Needs of the American Indian. The other will authorize an Indian-organized and Indian-conducted White House Conference on Indian Affairs. Out of this conference would come detailed policy, legislative and program recommendations which could serve as the blueprint for reform and change over the next generation. It would also give Indians the opportunity themselves to decide if and how the Bureau of Indian Affairs should be reorganized or relocated within the federal structure in order to better meet Indian needs.

The Subcommittee examined this question in depth, and concluded it is an issue the Indian people themselves must decide. We recommend some changes in BIA structure, such as raising the Commissioner to Assistant Secretary of Interior status, but the greater question of whether or not the Bureau should continue within the Department of Interior was left unresolved. A White House Conference of Indians could settle this issue once and for all.

The Congress can therefore make some changes, especially in regard to the Bureau of Indian Affairs. But for the two-thirds of all Indian children who attend public schools, reform is going to have to come at the local level. The federal government can supply money for some programs, but the local institutions will have to take the initiative in making their programs responsive to Indian needs.

Testifying before the Subcommittee, William Penseno of the National Indian Youth Council explained it this way:

"The problem is not with the Indians. They merely react. The problem is with the institutions that service Indians. . . . The institutions that serve Indians were created by man. The Indians were created by God. Surely the institutions are more amenable to change than the people."

You'd never guess that was true judging by the way we educate Indian children.

We somehow have adopted the notion that the purpose of an educational institution is to change the Indian, to have him lose his Indianness and adopt the culture and values of the dominant society. For 400 years we have tried to do this. For 400 years we have failed. The Indian still is an Indian.

We never stopped to ask if maybe our institutions, rather than the Indians, required changing.

"We must stop blaming the Navajo and other Indian children for their failure in education," Senator Robert Kennedy once said. "We must realize it is the educational system we have created that is at fault."

An Indian child enters school already well-nurtured in the language, culture and values of his tribe. He encounters a teacher who knows little about his heritage and less about his language. He is told to disregard his family's teachings and adopt the Great White Way of doing things. Teachers, textbooks and curricula are all programmed to this end.

According to anthropologist Anne Smith: "At home he has learned to be cooperative; at school competitiveness is demanded. At home the value of good inter-personal relations is highly prized; at school individual success above everything is the goal.

"Is it therefore surprising that the Indian student becomes confused?"

The language problem alone is enough to make a child feel like an unwanted alien in a new country.

Dr. Bruce Gaarder, formerly chief of the U.S. Office of Education's modern foreign language section, says:

"The official language policy has kept the Indians in the primitive status of non-literate peoples, and the constant effort to eliminate the differences, forcing each child, in greater or lesser degree, to choose between his own people and the outside world, is nothing less than attempted assimilation by alienation. The language and alienation policies together have effectively prevented the formation of an Indian intelligentsia and have systematically cut away from the tribes most of their potential leaders. The overall result has tended to keep the Indians in a condition of unleavened peasantry."

It becomes the task of educators then, to build upon the cultural strengths a child brings into the classroom, to cultivate in that child a pride in his ancestry and to reinforce, not destroy, the language he natively speaks. The child must be given that sense of personal identification so essential to his social maturation, so essential to his growth in learning.

In all my travels with the Subcommittee there was only one school that seems to be accomplishing this: The Rough Rock Demonstration School on the Navajo Reservation. There an all-Navajo school board supervises an operation which encourages the "Navajoness" of the students. Culturally-sensitive curriculum materials prepared by the Navajos themselves are in use. Bilingual teaching techniques are in operation. Navajo teachers and Navajo aides dominate the school.

It is a rare instance of Indians completely controlling the education of their children. It is a rare ray of hope in the field of Indian education.

There's no reason why there has to be just one Rough Rock. The innovations of Rough Rock can just as well become the standard fare for Chilocco Boarding School or Chemawa or for the Cherokee students of Oklahoma public schools or the Chippewas and Sioux of Minnesota. But it will take a commitment by educators and administrators to stop changing the Indian and begin changing the institution.

Once the dominant society quits treating the Indian condescendingly and paternalistically, once the dominant society cleanses

its mind of Indian stereotypes and recognizes the Indian as a human being deserving of a role in school policymaking, once the dominant society stops trying to remake the Indian in the mold of the white man, then progress will begin. Only then will we begin achieving educational excellence for the American Indian.

A lot of time has been lost already. A lot of damage to human beings has already been done. But it is not too late. It's not too late if we listen and believe and commit ourselves to the philopohy which Miss Margaret Nick, a beautiful and articulate Alaskan native, expressed so compellingly to the Subcommittee in Fairbanks, Alaska.

"One thing I know," she said: "is that if my children are proud, if my children have identity, if my children know who they are and if they're proud to be who they are, they'll be able to encounter anything in life. I think this is what education means. Some people say that a man without education might as well be dead. I say, a man without identity, if a man doesn't know who he is, he might as well be dead. This is why it's a must that we include our history and our culture in our schools before we lose it all. We've lost way too much already. We have to move now."

THEY LOWERED THEIR VOICES AND RAISED THEIR STANDARDS

Mr. HANSEN. Mr. President, all indications were that the Poor People's March on Washington was not as successful as some participants had hoped for.

But an article by the Associated Press from Los Angeles, published in last Sunday's Washington Post, indicates that at least some people profited from their experiences in Washintgon.

The article recounts how a group from the Watts-Willowbrook district of Los Angeles got an idea just from seeing what was called Resurrection City. On the way home from Washington, the people decided to clean up their own neighborhood. And the AP article says this decision has led to success.

The people of the Los Angeles neighborhood had help, in the form of donations of paint and equipment, but the chief ingredients for the success of their project were their own elbow grease and desire for self-improvement.

According to the article, these people made the decision for "no more noise-action." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIZES SPUR PAINTING, RENOVATING—RESIDENTS CLEANING UP WATTS

LOS ANGELES.—One day last June the Rev. James Mims and 27 other persons rode a rickety bus home to the Watts-Willowbrook district of Los Angeles from the Poor People's March on Washington.

"An idea was born inside that bus," the 37-year-old Negro minister said. "Or maybe it was more like a dream.

"After seeing 'Resurrection City,' we decided to come back home and brighten the corner where we are. No more noise-action."

Mims and his followers joined forces with the TRY Foundation—a white group founded last May by some prominent members of the Los Angeles cultural community who wanted to improve the area that had been devastated by rioting in August 1965.

Plans were announced for a "Clean-Up, Paint-Up Campaign" in Watts-Willowbrook. Widely distributed circulars promised cash prizes for the best achievements.

The Rev. Mr. Mims, who heads the nondenominational Household of God church, housed in what once was a bookie joint and liquor store, said Watts residents were doubtful at first. "They didn't believe it," he said. "They wondered, 'What's the gimmick?' "

A paint company donated paint for 50 houses. TRY furnished more, along with brushes and rollers, through anonymous contributions.

The morning a truck rolled up with the free paint, people began to believe it, said the Rev. Mr. Mims. "The next day you couldn't drive down the streets—they were filled with junk and stuff the people cleaned out of alleys and garages and yards.

"The whole neighborhood was swinging. Three women painted a two-story house all by themselves. Kids and dads painted while their mothers washed windows. One family painted until 4 a.m. racing other TRY houses on the block."

So far, in less than a month, 90 homes have been painted, trees have been trimmed, blacktop poured for a playground, a garage renovated for a teen center, and plans made for a child care facility and a fund-raising thrift shop.

Prizes are to be distributed in December, when the competition ends.

Said a member of TRY: "We're down there to help and we're down there on a permanent basis. We seek not only money for this work but donations of time, labor and knowledge."

Said the Rev. Mr. Mims: "Each person must have a dream. Then he can have motivation. You have to want to be better. You can't love anybody as long as you hate yourself."

MISUNDERSTANDING OF AMERICA'S FOREIGN AID PROGRAM

Mr. McGEE. Mr. President, as a believer in America's foreign aid program, I have often been distressed by the misunderstanding, often purposely pursued by those who oppose the program, which has beclouded this country's efforts to assist other nations in need of help in the name of peace.

In yesterday's Evening Star, columnist David Lawrence wrote of this problem and of the views of Secretary of State William Rogers, who recently appeared before the Foreign Relations Committee to testify on the subject of foreign assistance. Foreign aid is justified, as Mr. Lawrence quotes the Secretary, not only for moral and humanitarian reasons, but also because it is a very important factor in our foreign policy.

Mr. President, I ask unanimous consent that Mr. Lawrence's column, which puts forth the position of Secretary Rogers and goes far toward explaining the whole purpose of our foreign assistance program, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN AID ESSENTIAL PART OF POLICY

(By David Lawrence)

"Foreign aid" has become an unpopular phrase in America largely because its critics have spread the wrong impression—that the program is bigger than it really is and that the United States could better use the money at home. But Secretary of State William Rogers points out that the program, in effect, pays for itself many times over.

The administration asked Congress for an appropriation of $2.6 billion. The House cut it by $466 million. The Senate is being asked to restore this sum to the measure. Actually, the amount requested for the entire "foreign aid" program is less than one-fourth of 1 percent of the gross national product of the United States at present. Secretary Rogers feels that such a percentage is only a small part of America's capacity to befriend two-thirds of the peoples of the world.

"Foreign aid" is justified by the secretary of state not only for "moral" and "humanitarian" reasons but because it is "a very important factor in our foreign policy."

He declares that the cut will be viewed abroad as a backward step by America and will lead to a belief that the United States is beginning to turn away from aid programs for the underdeveloped countries.

He says that the effects would be felt in the next few years and that the American aid could have a lot to do with whether "the peaceful revolution in economic and social development now taking place in most regions of the world maintains a satisfactory momentum or not."

It so happens, incidentally, that much of the "foreign aid" given by the United States consists of products or services that are purchased from American companies. The net result, however, is to stimulate ways of building stronger economic systems in each of the countries aided.

The United States is regarded everywhere as a rich country and one able to help the underprivileged. No step has ever been taken in international relations which has won more acclaim for the American people than the "foreign aid" projects. Under the Marshall Plan, which was developed during the Truman administration, the countries hurt in World War II were given a chance to rehabilitate themselves through the use of American funds.

The record of the United States in canceling most of the loans made to the allied powers after both wars and in coming to the rescue even of former enemy countries is unsurpassed in world history.

It is most unfortunate that the same policy was not followed immediately after World War I. Instead, the German people were neglected and they became the victims of Hitler's fascism—an ideology that took advantage of the frustration of the people.

Today the situation is in many respects more acute. The Soviet Union has quietly been using a "foreign aid" device of its own, with large sums spent for military equipment given to North Vietnam as well as the Arabs. There has been some penetration, too, in Africa.

Of course, the example of a Communist-dominated Cuba, with bases for missiles made available to the Soviets, is a not-to-be-forgotten illustration of what can be done by our own potential enemies through the use of their kind of "foreign aid."

It's time the "foreign aid" rendered by the United States was explained fully so that American citizens will not be applauding those members of Congress who want to wreck it but will be warning them instead that the whole project is essential to the carrying out of a successful foreign policy.

The United States has a mission to perform in assisting the countries of Latin America, Africa and Asia to improve their economic facilities so as to be able to handle an ever-increasing population. America can certainly afford more than a quarter of 1 percent of the money taken in by all kinds of businesses and financial operations in what is known as "the gross national product."

Above all, "foreign aid" is a practical policy that could help to prevent another world war by aligning America with other nations everywhere which not only are free but may become strong enough to do their part in preserving world peace.

NO SMOKING, PLEASE

Mr. GOLDWATER. Mr. President, a persuasive, straight-talking article has come to my attention concerning the dangers inherent in smoking cigarettes.

The author of this piece is Dr. James E. Crane of Stamford, Conn., who is an eminent specialist in aviation medicine.

Dr. Crane's short paper contains the most concise description I have read of what the consequences of smoking can be. His arguments as to why people should not smoke are all too convincing when one considers the fact that most smokers have not yet given up the habit.

The unusual quality of this article, however, is that it also seeks to help the reader understand why he smokes and how he can stop. In order to allow this instructive paper to receive the wide audience which it deserves, I ask unanimous consent that the article, entitled "No Smoking, Please," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO SMOKING, PLEASE

(By James E. Crane, M.D.)

Thanks to the press, radio and TV, we're all well aware of the dangers inherent in smoking cigarettes. Of course not every person who smokes will contract chronic bronchitis or lung cancer or have a heart attack. We've all known heavy smokers who have lived to a ripe old age, none the worse for the habit, and non-smokers whose lives were cut short by coronaries at an early age. But evidence has piled up which shows that the habitual use of tobacco can shorten our lives. "The Health Consequences of Smoking," published by the Public Health Service, reports that a person who smokes two packs or better a day can expect to live 8 years less than a non-smoker, while those who limit their smoking to half a pack daily can lose 4.6 years of their lives.

Although sales of cigarettes in this country have dropped off in recent months, for the first time in many years, as reported in the New York Times, scare psychology has not been enough to convince most people—particularly women and teenagers—that the time to stop smoking is *now!* Why? Because the problem is being approached from the wrong angle. Isn't it too much to expect people to give up something they find pleasurable—and all too often downright necessary to their sense of well-being—simply out of fear over what may happen to them some time in the future? Not until they realize what the consequences of smoking can be, and understand why they smoke and why they *should not,* is there any chance of convincing them that continuing the habit may substantially shorten their life span.

WHAT HAPPENS

We're all familiar with the phrase, "Have You Thought About What Happens When You Smoke a Cigarette?" That question really should be "Do You *Know* What Happens?" For example, did you know that—

Coronary artery disease is the chief contributor to the excess number of deaths of cigarette smokers over non-smokers?

An association exists between cancer of the esophagus, cancer of the bladder, peptic ulcers and cirrhosis of the liver, pulmonary emphysema and cigarette smoking?

Cigarette smoking is the most important cause of chronic bronchitis and a significant factor in the causation of laryngeal cancer?

The causal relationship of smoking a pipe to the development of cancer of the lip has been established?

Amblyopia (dimness of vision) is related to smoking?

Coughing and the production of sputum are more frequent among smokers?

Smokers are far more likely to suffer from gum disease and loss of teeth than are non-smokers?

You don't have to smoke many cigarettes for a very long time before harmful effects show up? As reported in the Boston Herald, a study involving students at San Fernando State College revealed that there were measurable changes in the heart and lungs of the young and healthy student smokers. Also, their blood was found to clot faster. A second study made at the University of California at Santa Barbara disclosed abnormal lung cells suspected of being precancerous in 14.3 percent of the students who smoked.

A close relationship between habitual cigarette smoking and the presence of wrinkled facial skin has been noted by H. W. Daniell, M.D. He finds this a powerful argument in persuading his women patients to give up the habit.

There is a large body of knowledge that should be understood by all smokers. To begin with, in arterio-sclerosis (hardening of the arteries), the blood vessel wall becomes calcified and its calibre diminished. This usually begins at about thirty years of age and may progress slowly or rapidly. If the coronary (heart) vessels are involved, the narrowing of the calibre sets up the pathological state of angina. If there is a total obstruction, coronary thrombosis (heart attack) occurs.

When a cigarette is smoked and inhaled, ½ milligram of nicotine is absorbed into the general circulation. This, in turn, releases a hormone called Serotonin, which constricts the arteries and the veins and dilates the capillaries. Consequently, an obstructive disorder can result which is capable of producing death to the heart muscle due to the loss of blood supply. In addition, a chronic state may develop due to the inability of the heart to pump enough blood to satisfy the needs of the body. Also, sudden death from cardiac arrest or ventricular fibrillation (convulsion of the heart muscle) can take place.

In some people, there is a significant inherited tendency to coronary artery disease. There are also the coronary prone personalities, people who are aggressive and competitive. These are the heavy cigarette smokers who work long hours, take on too many jobs, fight deadlines, seldom exercise or take adequate vacations, and who are obsessed by the lack of time for the performance of their work.

BRONCHITIS AND EMPHYSEMA

Chronic bronchitis and emphysema are non-malignant, non-cancerous diseases of the lungs that disable large numbers of people of working age. Both contribute directly towards premature death. These two diseases frequently coexist, although one can be present without the other.

Chronic bronchitis is a clinical disorder that affects the bronchi (tubes of the lungs). It is characterized by the presence of excessive mucus secretions and a chronic, productive cough. Emphysema, on the other hand, is a disease that affects the air spaces where the gaseous exchange takes place between oxygen and carbon dioxide. Cigarette smoking is the most important cause of chronic bronchitis, and there is a definite relationship between pulmonary emphysema and the consumption of tobacco.

The clinical manifestations of chronic bronchitis consist of (1) cough; and (2) expectoration of mucus. A superimposed infection may also exist and if this is the case, there will also be wheezing.

A knowledge of pulmonary hygiene is necessary in order to recognize the chronic productive cough. In the lining of the airways there are two types of cells. The first are those that continually secrete mucus, so that a carpet of viscous material completely lines the breathing apparatus. It is in this media that foreign particles and the products of cigarette smoke are lodged and enmeshed. The second type are cells with cilia (hair) whose function it is to drive the mucus with its trapped particles upward toward the larynx (voice box) and into the throat.

Cigarette smoke produces alterations in both these types of cells, but particularly in the area endowed with cilia. There is a decrease in the number of ciliated cells, and a shortening in the length of the hair. The failure of the ciliary function to provide a constantly moving stream of mucus enables the foreign particles that are irritant to reach the epithelial lining or cells. The presence of such a constant irritant could produce cancer.

Respiration is the exchange of gas between the air and the blood which takes place in a small pocket of the lung. This pocket is called the alveolus. It has a very thin wall, lined by small blood vessels and supported by connective tissue. It is through this thin wall that the actual exchange of gases takes place. Alteration of the lung, characterized by an abnormal enlargement of the air spaces and destructive changes of the alveolor walls, is known as emphysema. The condition is usually described as an excessive expansion of the "gas exchange area" because of a chronic, increased pressure within the lungs. This expansion crushes the adjacent gas exchanging area and thus diminishes the exchange media. There is also a destruction and loss of the elastic tissue of the lungs which normally forces air out. Consequently, there is an abnormal accumulation of stale air in the lungs.

The symptoms of emphysema consist of shortness of breath, at first only following exertion. Later there are episodes of difficulty in breathing which occur at rest, accompanied by a respiratory infection, due perhaps to exposure to dust, smoke, cold air or damp weather. At night there is apt to be shortness of breath due to the pooling of secretions. This is relieved by cough and expectoration. As the disease progresses, the cough becomes chronic and productive and there are repetitious infections. The victim has a chest that is barrel-like; his/her complexion is bluish and the fingers are clubbed. X-ray of the chest does not always correlate with the clinical state. Forced ventilation may be so impaired that the victim is unable to blow out a lighted match held at close range to the mouth.

CANCER

Cancer of the esophagus, presumed to be due to swallowing smoke which incites irritation, is definitely related to the use of tobacco. It is a known fact that cigarette smoke has immediate as well as long term adverse biological effects on the lungs, blood vessels, central nervous system, esophagus, etc. Volatile factions in the smoke are cytotoxic (poisonous to the cells). Malignant disease of the esophagus is rarely diagnosed early because difficulty in swallowing, pain and loss of weight are late manifestations. The vague, early symptoms such as heartburn are often ignored by either the doctor or the patient and labeled as due to nerves or tension.

Cancer of the lung is a malignant tumor which arises from the bronchial tubes. This form of the disease is increasing more rapidly than other forms. It usually appears in a 55 year old male, a heavy smoker, who complains of cough, spitting of blood, chest pain and weight loss. By the time all of these symptoms are present, it is usually too late. Surgical removal of all tumor-bearing tissue is the only cure for lung cancer, and unfortunately, only 8% of the people who

undergo surgery for this disease are alive at the end of 5 years.

Cancer of the larynx is usually seen in males, in their sixties, who have irritated the "voice box" with too much tobacco, too much alcohol and too much talk. The symptoms consist of hoarseness, a sensation of discomfort, tickling or a "lump" in the throat, or pain on swallowing or talking. Later there is halitosis, cough, wheezing, shortness of breath and difficulty in raising secretions. Finally, there are enlarged nodes, and a mass, which is the secondary spread of cancer from the original site (larynx).

There is definitely an association between cigarette smoking and cancer of the urinary bladder. Protein in our food, when ingested, is broken down by the digestive juices and enzymes into amino acids, which are then absorbed in the general circulation. The ultimate fate of proteins and amino acids is disintegration into waste products which are excreted in the urine. There is an amino acid called Tryptophane which, when mixed with the inhaled ingredients of tobacco smoke, is blocked in its ultimate conversion and disintegration into a harmless waste product. At a particular stage or site of blockage, Tryptophane is known to be orthoaminophenal, a cancer-causing metabolite. The Surgeon General's Advisory Committee on Smoking and Health has cited a marked increase in this cancer-causing agent in the urine of cigarette smokers. The Report pointed out that when non-smokers took up the habit, and when smokers who had stopped smoking resumed, there was an average increase of 37% of Ortho-aminophenal in the urine. In some cases, it was as high as 64%. The collection of cancer-causing metabolites in the bladder urine causes an irritation to the lining with the ultimate development of cancer. The symptoms and signs of cancer of the bladder consist of Hematuria (blood in the urine), frequency of urination, urgency and burning. There may also be difficulty in starting the stream. It depends on the type and site of the cancer, whether or not infection is present, and whether or not there are clots of blood in the bladder.

THE HABIT

You know—or you've been told—that you smoke too much and it isn't doing you any good. Your doctor has no doubt suggested that you stop or at least cut down. But you keep right on reaching for a cigarette. Why? You can get a clue from the following motivating or driving forces which *Patient Care* Magazine lists as being behind the habit.

1. *Stimulation.* Tobacco in this category keeps you from slowing down. It's a stimulant—a mood elevator.

2. *Satisfaction.* The cigarette gives simple gratification, both objective and subjective, when rolled between the fingers or shifted to various parts of the mouth.

3. *Crutch.* The smoker in this category leans heavily on cigarettes during a personal crisis, when he is angry or blue, or under pressure or uncomfortable. In the intervening periods of calm, he feels a negligible call for tobacco.

4. *Habit.* This smoker no longer enjoys tobacco. He lights up frequently, often without realizing he has done so.

5. *Psychological Addiction.* This smoker is in serious trouble. He lights a cigarette in the morning as soon as his feet hit the floor, and each one thereafter sets off a cycle of craving for the next one. His body's physical demand is probably less important than the psychologic demand which builds up.

In the writer's personal experience, there are several other psychological factors involved. In addition to being a mood elevator, tobacco causes a pharmacological reaction in which there is an increase in the threshold of cerebral irritability. Smoking a cigarette causes irritation of the mucus membranes. The rolling, rhythmic movement of the facial muscles is soothing and satisfying. In essence, the act of smoking is a conditioned reflex. While some people do smoke for relaxation or merely for the pleasant taste, they are few and far between.

NICOTINE

A cigarette, when inhaled, will invigorate or stimulate as alcohol. Nicotine is the principal alkaloid of tobacco, but its proportion has no connection with the taste of tobacco when smoked. Actually, nicotine is a powerful, rapidly acting poison as we know from its use in agricultural sprays. An overdose may produce giddiness, nausea, vomiting, weakness, rapid pulse, clammy skin, muscle tremors and shortness of breath. These same complaints are often found in heavy smokers.

The physiological action of nicotine is primarily stimulation of the nervous system. If the dose is excessive, there is depression in which every bodily function is involved. The most striking changes are those which take place in the circulatory and digestive organs. The blood pressure rises. Inhibition of hunger contraction occurs, with consequent loss of appetite. (This is the reason why the reformed smoker tends to gain weight). Many of the effects produced by nicotine are similar to those produced by epinephrine (adrenalin). When the dose of nicotine is large enough, it causes a depression, with a fall in blood pressure, rapid pulse, irregular respirations and paralysis of secretions.

MOTIVATION

To better understand the forces that cause you to smoke, answer honestly the following questions which are based on a list published in *Patient Care* Magazine. How long you've smoked and how much can forecast possible longevity.

1. At what age did you begin to smoke? _____ (Longevity).

2. How many packs of cigarettes do you smoke per day? _____ (Longevity).

3. Do you smoke to keep yourself stimulated? Yes _____ No _____ (Stimulation).

4. Do you smoke for the sense of satisfaction in handling something or of having something in your mouth? Yes _____ No _____ (Handling).

5. Do you smoke only during a personal crisis? Yes _____ No _____ (Crutch).

6. When you run out of cigarettes, is it all but unbearable until you get one? Yes _____ No _____ (Psychological addiction).

7. Are you aware of the fact that you are not smoking? Yes _____ No _____ (Psychological addiction).

8. Do you have a growing hunger for a cigarette when you haven't smoked for awhile? Yes_____ No_____ (Psychological addiction).

9. Do you smoke in the morning before getting out of bed or before you have breakfast? Yes_____ No_____ (Psychological addiction).

10. Do you smoke automatically, without even being aware of it? Yes_____ No_____ (Habit).

11. Do you light a cigarette without realizing you still have one burning in the ashtray? Yes_____ No_____ (Habit).

12. Have you ever found a cigarette in your mouth but can't remember putting it there? Yes_____ No_____ (Habit).

HOW TO TAPER OFF

It's not easy to stop smoking, except for those people who only light up occasionally over coffee or cocktails. No one pretends that it is. It takes will power and sometimes professional help to break the habit.

When you decide to stop, there will be plenty of free advice from well-wishers, some of which you can discount. The non-smokers—except for those who've succeeded in quitting—who tell you, "There's nothing to it—just don't buy any more cigarettes," have no idea what you're up against. If it were that easy, you'd have probably stopped long ago. Also, it's all well and good to get rid of the ashtrays, but your friends may not be as strong-minded as you intend to be and the ashes have to go somewhere.

There are, however, a number of things that anyone can do to give the will power a lift and make the process a little less difficult. Here are a few suggestions, some of which are drawn from the *Patient Care* article.

1. Taper off. Few people can quit cold turkey. For example, as a start, limit your smoking to alternate half-hours, then gradually lengthen the period to one, two and finally three hours.

2. Allot yourself half the number of cigarettes you're accustomed to smoking per day, and try to leave some unsmoked by bedtime. Then cut to a third and a quarter.

3. Ask yourself, "Do I really want this cigarette?" and put it down; "Why did I light this one?" and put it out.

4. Change your method of smoking. The risk of lung cancer increases with the number of puffs and the time taken to smoke a cigarette. The smoker who puffs rapidly at the end of the smoke is more apt to contract lung cancer than the one who takes several quick puffs when he first lights up. The reason? The shorter the cigarette, the higher the temperature and the higher the concentration of nicotine and tar.

5. When you go out in the car or shopping or for a walk, leave your cigarettes home.

6. Ease up on the amount of coffee and liquor you consume. Both stimulate a desire to smoke.

7. Fight that sudden craving for a cigarette by drinking water, chewing gum or sucking on a piece of hard candy (but watch the calories.) The craving often disappears after 10 minutes or so.

8. Shift from your own brand to one you dislike.

9. Get out of doors and exercise as much as you can—within reason, of course. When your hands are busy gardening, or indulging in some sport or hobby, you can't smoke.

10. Spend as much time as you can in places where smoking is not permitted—museums, movies, etc.

11. Make a bet with someone that you can stop, and put up enough money so that losing will hurt.

12. Visit a chronic lung disease clinic one day, sit in the waiting room and watch the respiratory cripples fight for breath. Yes, it *could* happen to you.

Inhaling is one of the pleasures of smoking. This can be replaced, at least partially, according to Dr. Ejrupls, by deep breathing. Fill your lungs to capacity and then slowly empty them by keeping the lips partly closed as you exhale. If you are a chain smoker, you probably have an unconscious habit when breathing of hypoventilating or underbreathing. This makes you tense and uncomfortable. You can be retrained in your breathing habits, says Dr. Kaufman, by a simple exercise which consists of first exhaling and then inhaling rhythmically, 16 times per minute. This should be practiced for three minutes, eight or 10 times a day.

For those who have great difficulty in stopping or cutting down on the use of tobacco, try as they will, a doctor can prescribe a variety of drugs that will help during the period of withdrawal. These include Librium (5 mg) to be taken 3 times a day; a combination of Lobeline (5 mg) and Amphetamine (8 mg); or 10 mg. of Methamphetamine HcL, plus 60 Mg. Pentobarbital. There are also several products which can be purchased in a drugstore without prescription, which have proved helpful to many people during this period. And, believe it or not, tobacco may aid in breaking the smoking habit. The variety is Indian (Lobella inflata) Tobacco,

sometimes called "asthma weed." The alkaloids from this plant are used as aids to people who wish to stop smoking according to researchers at the University of Mississippi's Institute of Pharmaceutical Sciences.

The psychologically addicted smoker who finds it impossible to stop, but who must stop for reasons of health, may have to be treated in a hospital and placed on heavy sedation or tranquilizers for a period of days or weeks until he is able to cope with the situation himself.

When you come right down to bedrock, it makes very little sense to indulge oneself today without even thinking about what could happen tomorrow. This holds true for overeating, overdrinking, oversmoking—overanything that is potentially harmful to that remarkable machine: the human body. And even if you should be lucky enough to escape all the serious consequences of cigarette smoking, why continue a habit that increases fatigue and nervous tension, and that is known to impair mental efficiency (most school dropouts are smokers, incidentally), memory, muscular power and even sexual capability.

Why not join the "Unhooked Crowd?" You'll look better, feel better and probably live longer. And just think of all the money you'll save!

ADDRESS BY SENATOR EAGLETON

Mr. CRANSTON. Mr. President, the distinguished Senator from Missouri (Mr. EAGLETON) has just made a timely and an important speech in San Francisco. It states clearly and forcefully a concern which many Senators have expressed in the last few weeks. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR THOMAS F. EAGLETON BEFORE THE DEMOCRATIC STATE CHAIRMAN'S ADVISORY COMMITTEE LUNCHEON, SAN FRANCISCO, CALIF., NOVEMBER 24, 1969

Last fall, in one of the most poignant scenes of the Presidential campaign, Mr. Nixon noticed a sign held up by a young girl in a train-side crowd in Deshler, Ohio. It said simply, "Bring Us Together."

Mr. Nixon recognized this slogan as an expression of the hopes and desires of a divided nation. It became the theme of his victory speech and his inaugural address—the "great objective" of his Administration.

It is so obvious that the Administration which announced its intention to "bring us together" has decided, as a matter of calculated strategy, to bring *some* of us together . . . and isolate the rest.

A consistent pattern of statements and events during the last few weeks suggests that the Administration intends to use the force of government not just to rally a majority in support of its policies, but to exclude or suppress the views of those who dissent.

The Administration has resorted to demagogic tactics designed to frighten dissenters from dissenting and, much more dangerous, to whip up fears and hatreds against those who dare to disagree—fears and hatreds that lie very close to the surface in some of our people.

Unable to win dissenters over to its side, the Administration has not merely written them off. It has apparently determined to separate them, if possible, so thoroughly from other Americans . . . to discredit them so profoundly . . . and to frighten them so badly that only one viewpoint will get an airing—the Administration's.

An effort to restrict divergent ideas is dangerous enough in any democracy at any time. But in our own society today, already on edge from the tensions and frustrations of a fast-changing era, a policy of further polarization and division is a tragic betrayal of the responsibilities of leadership.

To encourage political polarization in an attempt to silence dissent is probably more dangerous today than ever before because advances in technology and education have changed the dynamics of dissent. Today public policy is more deeply, more intelligently, and, in most cases, more rationally questioned than at any time in our history—and probably by more people. And attempts to stifle dissent could well lead to turmoil rather than tranquility.

Unless this policy of polarization is recognized and firmly resisted now, we run the risk of slipping into another McCarthy era, this time with the full faith and credit of the U.S. government behind it.

Consider, for example, the transformation in the image of Vice President Agnew. The name-calling—like the "soft-on-communism" charges—which seemed to embarrass both him and the President during last year's campaign, now earns him accolades from Mr. Nixon as a "great" Vice President.

The Vice President's references to "effete snobs" and masochists, and his charge that Senator Edmund Muskie was playing "Russian roulette with U.S. security" when he suggested a six-month suspension of U.S. MIRV testing, were probably spontaneous. But they struck a responsive chord in certain quarters of our society, and the important point is that this kind of talk now clearly has White House approval.

The Vice President's rhetoric is surely no worse than the ranting hyperbole we have heard from some radical quarters during the 1960s. Words like "racist," "imperialist," and "fascist" have seriously degraded American political discourse, even in very sophisticated circles. Perhaps it is not surprising that there should now be a rhetorical reaction in kind. But when such a reaction is officially condoned by the White House, then the entire nation is degraded in proportion.

If Spiro T. Agnew goes down in history as the Great Polarizer, let it be said that he had plenty of help—from above.

The President's November 3 speech on Vietnam, while ostensibly an appeal for unity, presented the people of this nation with a simplistic pair of alternatives: You are either for "peace with honor," which was clearly meant to be equated with whatever President Nixon decides to do, or for a sell-out.

The President said nothing, for example, about the idea that we can only achieve a peace with honor if the Thieu-Ky regime is encouraged to broaden its base enough to earn the support of the South Vietnamese. This is my position, but the President wants me either for or against, and no back-talk.

The President was entirely within his rights in trying to mobilize and demonstrate support for his viewpoint. Certainly, he was entitled to publicize the 58,000 telegrams he received from the "silent majority," even if, from a purely statistical point of view, they compare unfavorably with the 250,000 marchers who came to Washington a week and a half later.

What was troubling, though, was the implicit effort to isolate those who were not for him *100* per cent.

Then there was the Justice Department effort to wrap the recent moratorium marches in violence. There *was* prior evidence that the Weathermen and others did mean to perpetrate riots at the South Vietnam Embassy and at the Justice Department. Some of the organizers *were* communists.

But it was also well known that the vast majority of the organizers and the demonstrators intended to march peacefully. To many observers, including this one, Secretary Volpe's November 10 assertion that a "majority" of the organizers were "communists or communist inspired," and the Justice Department's early predications of mass violence, plus the initial refusal to issue a parade permit for Pennsylvania Avenue, looked like calculated attempts to frighten off as many people as possible. This tactic, of course, would not, and did not, discourage those bent on violence. If it kept anyone home, it was those who didn't want violence, were not Communists, but sincerely disagreed with Administration policy.

Two despicable and criminal acts of violence did in fact occur, as the Justice Department's intelligence had predicted. They were committed by a comparative few not connected with the main body of marchers.

Yet the Attorney General announced that the demonstrations as a whole could not be considered non-violent, a statement that was clearly meant to invite the conclusion that all the protesters had contributed to a riot.

Vice President Agnew's attack in Des Moines on the television network news commentators is probably the best example of the effort not just to isolate but also to foment ill-will towards those who disagree with the President. The timing, just before the moratorium . . . the witch-hunt rhetoric . . . the admitted White House participation in its preparation all suggest that it was planned not only to support the President but to still his critics.

The speech contained some truth—as demogoguery must to be effective. The Vice President said that the networks have enormous power over public opinion . . . that commentators sometimes make flash judgments which are wrong . . . that they should make greater efforts to provide balanced coverage . . . and that their viewers ought to let them know it.

Fair enough. Had the Vice President gone only this far, he would have been well within the bounds of legitimate free expression, and deserved credit for having the courage to bite the hand that made him a household word.

But the Vice President did not just criticize the media people; he also tried to *discredit them generally* to prove that those who criticized the President's speech must ipso facto be wrong.

He held up the network people as a "little group" in New York and Washington—a group apart from and different from the rest of America, irresponsible, sinister, conspiratorial, maybe even un-American.

Not satisfied to single out a body of critics—and remember that they are not *all* critics and their reporting is not *all* slanted—the Vice President resorted to the classic tactic of using a single individual as his scapegoat, Ambassador Averell Harriman.

Consider what the Vice President said:

"To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. Mr Harriman recited perfectly."

"Trotted" him out . . . Is Mr. Harriman a studio prop at the network to be used to advance its own theories?

"Waited in the wings . . ." When he had been America's chief negotiator in Paris? . . When he had made his position known repeatedly and privately to the State Department and to the President's advisers?

"Recited perfectly . . ." Recited what? The network line? the Communist line? Perhaps just the truth?

The Vice President went on: "He told a little anecdote about a 'very, very responsible' fellow he had met in the North Vietnamese Delegation." Guilt by association? Is the Vice President suggesting that, as chief U.S. negotiator, Ambassador Harriman should not have met with members of the North Vietnamese delegation? . . . Because they were Communists? What were we doing in Paris, then?

Then he said: "A word about Mr. Harriman. For ten months he was America's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table." What concessions? The bombing halt, which had begun some months previously? Did he make these concessions on instructions from our government, on his own? Or, if the bombing halt was wrong or improper, is the Vice President advocating that we renew our bombing?

Let's face it. This was demagoguery, designed not to achieve support for a policy on its merits, but to do it by scapegoating—by isolating and discrediting those who disagree. Perhaps it wasn't the blatant, "Kick 'em in the teeth" demagoguery of Joe McCarthy, but however polished up, however sanitized—it was demagoguery nonetheless.

This tactic assumes a solid majority and an expendable minority. It assumes a country divided can indeed endure.

We can do no better now than to repeat the noble sentiments of the President's inaugural address.

He said we had endured "a long night of the American spirit," and that "to a crisis of the spirit, we need an answer of the spirit."

"To find that answer, we need only look within ourselves.

"When we listen to the 'better angels of our nature,' we find they celebrate the simple things, the basic things—such as goodness, decency, love and kindness. . . ."

To lower our voices would be a simple thing.

"In these difficult years, America has suffered from a fever of words; from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

"We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

At this point the transcript reads "Applause"—applause which surely reflected the sentiments of the vast majority of Americans—Forgotten, Silent, or otherwise.

Now, ten months later, we find Mr. Nixon's own Administration speaking not to the "better angels of our nature," but to the evil ones . . . not to "goodness, decency, love and kindness" but to fear and hatred . . . not with lowered voice but with the shrillness of the demagogue . . . not in the measured terms of reasoned and compassionate statesmanship, but in the "angry rhetoric that fans discontents into hatreds" which the President himself so rightly condemned.

We find the Administration opening the gates to a tide of unreasoned anger and frustration—the kind of tide that could turn so rapidly into an uncontrollable flood that even the White House won't be able to call it back.

Why the 180 degree change in these ten months? It sounds as if the Administration has lost its nerve . . . lost faith in its original purpose . . . lost faith in the American people.

Whatever the cause, only Mr. Nixon can correct this course. It is time to get on with the difficult work of governing in a democratic context.

STUDENT SEMINARS ON POLLUTION CONTROL

Mr. BOGGS. Mr. President, the Federal Water Pollution Control Administration is sponsoring on December 29 and 30 a series of student seminars on the problems of pollution and our environment. I congratulate the FWPCA and the Department of the Interior for this most significant effort to involve our youth in the struggle to prevent the contamination of our environment.

Each 7-hour seminar, featuring speakers and participants from FWPCA regional offices, will focus on what is being done and what remains to be done in our national effort to combat water pollution. As Secretary Hickel explains:

We want to tap the enthusiasm, vigor, and fresh ideas of our country's high school and college youth in this battle to protect and preserve our precious and irreplaceable water resources.

The Department has put together a program that involves much more than just a discussion. It also has a plan for the election of regional student advisory groups and a National Student Council on Pollution and the Environment—SCOPE. I am confident that this effort will bring our young people into an active role in the protection of the environment they shall inherit.

Seminars are scheduled on December 29 in Boston, Cincinnati, Chicago, Atlanta, Dallas, and San Francisco. The following day seminars will be held in Richmond, Va., Kansas City, Mo., and Portland, Oreg. I hope each will attract a capacity gathering.

Increasingly, the students and young people of our Nation are picking up the cause of environmental enhancment. This trend, I believe, is a most significant and hopeful one. On their enthusiasm alone, we should go far toward a better environment in which to prosper.

This interesting trend, Mr. President, was also discussed at length in a report published recently in the New York Times. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENT MAY ECLIPSE VIETNAM AS COLLEGE ISSUE

(By Gladwin Hill)

LOS ANGELES, November 29—"We want to stop the war, end pollution—and beat Stanford!" yelled a Berkeley pep leader at last weekend's big football rally.

The mention of pollution brought a roar of approval from a University of California crowd of 5,000 that almost drowned out the reference to the big game.

Rising concern about the environmental crisis" is sweeping the nation's campuses with an intensity that may be on its way to eclipsing student discontent over the war in Vietnam.

This is indicated by interviews with students and faculty members from many campuses and with leading conservation authorities around the country.

There is a strong feeling on the campuses that the war will be liquidated in due course. Meanwhile, it is physically remote. And, in the wake of the big protest marches, many students feel Vietnam offers only limited scope for student action.

But the deterioration of the nation's "quality of life" is a pervasive, here-and-now, long-term problem that students of all political shadings can sink their teeth and energies into. And they are doing it.

A national day of observance of environmental problems, analogous to the mass demonstrations on Vietnam, is being planned for next spring, with Congressional backing.

From Maine to Hawaii, students are seizing on the environmental ills from water pollution to the global population problem, campaigning against them, and pitching in to do something about them.

"A ground swell of concern is starting, on everything from population and food supply to the preservation of natural areas," commented Dr. Edward Clebsch, assistant professor of botany at the University of Tennessee.

"I've been floored by the intensity of their actions and feelings," said Dr. Vincent Arp, a Bureau of Standards physicist close to the University of Colorado at Boulder. "The student group is going like a bomb."

"They can see it, they can feel it, they can smell it. And they think they can change it," said William E. Felling, a program officer of the Ford Foundation, which contributes to many conservation activities.

In Los Angeles a fortnight ago, a student bloc stole the spotlight from 1,000 older participants in a gubernatorial environmental conference. Last week in San Francisco, at a meeting of the United States National Commission for UNESCO, something similar happened.

WORDS AND DEEDS

In Massachusetts last week, Boston University students put on a two-day campaign of public education in ecology. In Seattle, the University of Washington Committee on The Environmental Crisis was staging a similar "learn-in".

Words are only the surface of the iceberg. University of Minnesota students, fresh from a mock funeral demonstration against the fume-belching automobile engine, were planning to dump 26,000 cans on the lawn of a beverage manufacturer to protest use of such packaging. Northwestern University students were campaigning against a controversial regulatory proposal of the Chicago Sanitary District, and against the waste discharges of a big drug manufacturer.

At Stanford and the University of Texas, law students were researching new courtroom stratagems against despoilers of the environment. University of Arizona students in semisecrecy, were collecting data on the fume emissions of copper smelting operations.

EFFORTS GET RESULTS

Already the student environmental front can point to many accomplishments. Student activists had significant roles in the campaign to "save" San Francisco Bay and the northern California redwoods, and to block new dams on the Colorado River.

The University of Wisconsin's Ecology Student Association was active in the campaign against the recently truncated Project Sanguine, the Navy's high-power communications development; and provided important logistical support for the Environmental Defense Fund in the months-long Madison hearings on DDT.

At the University of Illinois at Champaign-Urbana, Students for Environmental Control sallied forth in freezing weather 10 days ago and extracted six tons of refuse from nearby Boneyard Creek. They persuaded city officials to follow up the effort, and are working on a beautification plan for the creek.

A University of Texas student is launching a state environmental newsletter. University of Washington students, on their own time, are preparing an 80-page report on ecological problems of Puget Sound. At the California institute of technology, students organized an intercollegiate summer research project in environmental problems that already has attracted nearly $100,000 in foundation financing.

On some campuses—Vassar, the University of Oklahoma, and the University of Nebraska are examples—there are no evidences of organized environmental concern. But they are far outweighed by the ferment elsewhere.

On the University of Texas campus at Austin there are at least six environmental groups, with interests ranging from water pollution to conservation law. One group, in the College of Engineering, has filed 58 for-

mal complaints against the University itself for pollution of a nearby creek. At the University of Hawaii, there are close to two dozen groups, each organized around a particular cause.

ACTION IS KEYNOTE

Some groups, like Boston University's Ecology Coalition have as few as a dozen members. Others have hundreds. But with causes on every hand, mass membership and parliamentary formalities mean less than action, which can be initiated by a handful of people. Then the causes gather their own following.

A few groups cherish the designation of "radical" and are indirect offshoots of the leftist movements like the Students for a Democratic Society and California's Peace and Freedom Party.

"Capitalism is predicated on money and growth, and when you're only interested to maximize profits, you maximize pollution. We need a system that takes maximum care of the earth," said Cliff Humphrey, the 32-year-old leader of Ecology Action, one of several groups at Berkeley.

But generally the aura of the environmental "new wave" is conservative, with coats and ties as conspicuous as beards and blue jeans. "There's a role for everybody in ecology," said Keith Lampe, a cofounder of the Yippie movement, who puts out an environment-oriented newsletter from Berkeley. "People with widely different styles and politics can talk to each other with no more tension than a Presbyterian talks with a Methodist."

FEW "ANARCHISTS"

"I doubt if you'll find many anarchist ecologists," commented Steve Berwick, a 28-year-old Yale environmentalist. "Ecology is a system, and anarchy goes against that."

A typical group is Boston University's Ecology Action, whose 75 members are led by Bruce Tissney, a 20-year-old junior geology major. Edwardian rather than hippie in appearance, he has a trimmed red beard, wire-rimmed spectacles, and affects such sartorial accoutrements as a blue plaid vest and matching bow-tie, white shirt, and gold watch and chain.

Ecology Action's two-day educational program last week included "friendly" picketing of the state capitol, a pollution film festival, pamphleteering and lectures, and a mock award of a pollution prize to a local power company. The group has been conferring with state water pollution officials about doing spare time "watchdog" work, and is planning to set up dust-catching devices to monitor air pollution.

There have, across the country, been incidents, but mostly minor—such as the arrest last month of 26 University of Texas students who tried to block the felling of some trees for a campus building extension.

LOCAL ORIENTATION

Some of the campus groups are branches of national organizations such as the Sierra Club (which has just installed a campus coordinator at its San Francisco headquarters), the Wildlife Federation, and the newly established Friends of the Earth. But most of them are spontaneous local movements. Many tend to shun the established national organizations as being dedicated to old-line "conservation" rather than the environmental crisis. They also feel the older groups are wary of "direct action" for fear of losing the tax-exempt status that is their financial base. Ad hoc student groups don't have this problem.

"We don't want to be labeled as 'conservationists' or 'antipollution'," said Wes Fisher, a 26-year-old ecology student at the University of Minnesota. "Pollution and overpopulation are like a web, and pollution is just the symptom."

The students are employing the gamut of communications and political-pressure techniques—meetings, lectures, rallies, picketing, research, pamphleteering, letter-writing, petitions, legislative testimony, collaboration with public agencies and contacts with politicians.

Last month, Illinois' representative William Springer, Republican, felt student heat when conservationists from the University of Illinois picketed a testimonial dinner for him because he backed a controversial dam project.

IMPETUS IS RECENT

The environmental "new wave" gathered in California as far back as 1965, when Berkeley students staged a sitdown protest against a freeway and Stanford students became involved in campaigns for San Francisco Bay, the redwoods, and Point Reyes National Seashore.

But most of the organizing is recent, and is proceeding unabated. A Boston University group was sparked by a recent Ramparts magazine article by Stanford's Dr. Paul Ehrlich, the "population bomb" crusader. San Francisco State College students were galvanized by a speaker from the Planned Parenthood organization. Bob Hertz, an organizer of the University of Minnesota's Students for Environmental Defense, said his inspiration came from Zen Buddhism and its emphasis on the interrelationship of man and nature. A student group gathering strength at Ohio State was motivated by concern over the Army Engineers' Clear Creek Dam project in southern Ohio, which threatened to flood a pristine natural area used by science students.

In more instances than not, students are welcoming faculty collaboration and counsel. In some places, faculty members have taken the lead. At the University of Arizona in Tucson, a philosophy professor, David Yetman, and a recent law graduate, William Risner, organized "GASP" (Group Against Smelter Pollution) to do battle with the copper companies. The group now includes students and townspeople.

ACADEMIC GROWTH

A University of Illinois engineering instructor, Bruce Hannon, has been a leader of the Committee on Allerton Park, opposing a $70-million Army Engineers dam project near Decatur. Students joined in a campaign that lead to the University's commissioning of an engineering firm to produce an alternative plan.

The environmental ferment caused Ohio State to establish a School of Natural Resources last year. Its original involvement of 180 has grown quickly to 300. An introductory conservation course that had 147 students last fall had 210 this fall. The college's perennial Biologists Forum, which used to draw 20 persons to its meetings, has been attracting hundreds. The University of Tennessee reports an enthusiastic reception for a new course in "Biology and Human Affairs." Colby College in Waterville, Me., has organized two special seminars in January and February on pollution problems and conservation law.

Students are taking the initiative in some environmental teaching. At Stanford, Jeff Bauman, a 22-year-old senior majoring in biology, this fall has been attracting 20 to 40 students to an informal after-dinner dormitory seminar.

OVERSHADOWING VIETNAM

There are differing indications on the campuses about how soon environment may overshadow Vietnam in student interest, but the trend is evident.

"A lot of people are becoming disenchanted with the antiwar movement," said Boston University's Bruce Tiffney. "People who are frustrated with disillusioned are starting to turn to ecology."

"I think environment is a bigger issue than the war, and I think people are beginning to sense its urgency," said Robert Benner, a 22-year-old geology student in the University of Colorado conservation movement.

"The country is tired of S.D.S. and ready to see someone like us come to the forefront," remarked Alan Tucker, a member of Ecology Activists at San Francisco State.

"Environmental problems will obviously replace other major issues of today," said Terry Cornelius, president of the University of Washington's committee on the environmental crises. "The is not just a social movement for Biafra or Vietnam, but for everybody and our closed system, Earth."

"Environment will replace Vietnam as a major issue with the students as the Vietnam phase-out proceeds," commented A. Bruce Etherington, chairman of the University of Hawaii's architecture department. "And it will not be just a political lever to be used by radicals."

Many of the over-30 environmentalists see the student movement as the catalyst, if not the main driving force, that will get environmenal improvement rolling, and overcome the older generation's tacit resignation to the status quo.

"These kids are really remarkable in their understanding and maturity," said 52-year-old Dr. Barry Commoner, the prominent Washington University ecologist who has been addressing many student groups.

Campuses are seen as representing a greatly broadened base for the "conservation constituency" needed to jog bureaucrats and support the politicians through whom environmental reforms generally must clear."

Conservation lawyers look to campuses for the scientific expertise vital in pressing environmental battles in the courts, and for the energy necessary to raise funds for the usually expensive legal proceedings.

Indications are that coming months will see the student conservation tide swelling and manifesting itself in an arresting variety of ways.

Already students are looking forward to the first "D–Day" of the movement, next April 22—when a nationwide environmental "teach-in", being coordinated from the office of Senator Gaylord Nelson, Wisconsin Democrat, is planned, to involve both college campuses and communities.

Given the present rising pitch of interest, some supporters think, it could be a bigger and more meaningful event than the anti-Vietnam demonstrations.

FOOD AND DRUG ADMINISTRATION MISTAKES

Mr. McINTYRE. Mr. President, an article written recently by the distinguished Washington Post Reporter Morton Mintz discloses that the Food and Drug Administration is now in the position of certifying as safe and effective a very large number of drugs which, it admits, can cause injuries and death. These drugs include a large number of widely prescribed antibotic combinations which the National Research Council of the National Academy of Sciences, as a result of a 2-year study for the FDA, recommended be taken off the market in late 1968. Yet, 1 year later, these drugs are still on the market and are still being used widely.

With respect to Panalba, one of the 200 most prescribed drugs in this country, FDA Commissioner Ley told Health, Education, and Welfare Secretary Finch in a memorandum inserted in the hearing record of the Fountain subcommittee of the House that he "cannot certify this drug as safe and effective." The product "has been judged by very competent people not to be effective and to be a hazard to the public health."

The FDA Commissioner said:

We have the right and the obligation to protect the public by requiring its removal from the market and by requiring an appropriate warning to be issued to the doctors of this nation.

Despite the FDA's obligation to protect the public, and although, as Dr. Ley testified, this drug "needlessly injured hundreds of thousands of persons annually and, along with the pen-streps contributed to the possibility of staph epidemics, this agency continues to certify Panalba as safe and effective. In addition, the FDA has not even issued a direct warning to the physicians of our country.

What is especially disconcerting about this whole affair is the political interference by Secretary Finch in matters dealing with the health and welfare of our people. Mr. Mintz describes in detail the unprecedented efforts on behalf of the drug industry by Secretary Finch and Under Secretary Veneman, as documented in the hearing record of the Fountain subcommittee, not only to keep on the market dangerous and ineffective drugs but also to prevent the public and medical profession from finding out about the dangers involved.

I ask unanimous consent that two articles written by Mr. Mintz be printed in the RECORD. I hope that Senators will have an opportunity to read them carefully, because they show how naked and unprotected the public can be when a regulatory agency loses sight, even for a moment, of its function as a protector of the public interest.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 23, 1969]

PUBLIC SWALLOWS FDA'S MISTAKES

(By Morton Mintz)

Despite a lot of tough talk, the Food and Drug Administration continues to approve the sale of about 90 widely prescribed antibiotic combinations that, it says, cause needless massive injury and even death.

FDA Commissioner Herbert L. Ley Jr., solidly backed by the National Academy of Sciences-National Research Council, has ruled the medicines unsafe. With full NAS–NRC support, he has also ruled the products ineffective as fixed-ratio combinations. In such combinations, the components are mixed in proportions determined by recipe rather than the individual needs of patients.

Yet month after month, under a court order he has failed to resist, Dr. Ley goes on certifying new batches of the combinations as safe and effective, thus permitting them to remain on sale.

Dr. Ley, himself a specialist in the use of antibiotics to treat infections, has testified on Capitol Hill that one of the mixtures, Panalba, alone causes hundreds of thousands of injuries—a few of them lethal—every year. Other specialists are alarmed at the possibility that widespread, needless use of the combinations may bring worldwide epidemics of infections resistant to treatment.

Yet there is no assured end to the "conflict between commercial and therapeutic goals," as Dr. Ley once described it, in which he goes on certifying the combinations.

A CHARGE OF FEAR

This extraordinary situation has many roots—in the FDA's approach to the broad problem of ineffective medicines, in a series of agency responses to resistance from the drug industry and in attitudes of the medical profession.

But according to two former FDA scientists, the period of transition between the lame duck Johnson administration and the incoming Nixon administration was crucial to FDA treatment of the case. There was, the scientists say, an intuitive fear that if agency leaders took strong action against the combinations, it would bring retaliation from a business-oriented White House.

Dr. Robert S. McCleery, who was Commissioner Ley's special assistant for communications, says bluntly that the commissioner "wanted to keep his job," in which he serves at the pleasure of the President.

Dr. McCleery and Dr. B. Harvey Minchew, who was acting director of the FDA's Bureau of Medicine, were interviewed during an investigation by The Washington Post that turned up hitherto secret aspects of the agency's decision-making processes

They say that a second factor inhibiting the FDA in its treatment of the antibiotic combinations was an uneasy recognition that such a move would focus attention on failures within the FDA itself—starting with a medically unjustified decision a dozen years ago to let the mixtures enter the market.

Thus, Drs. McCleery and Minchew argue, fear abetted by coverup joined to obstruct the FDA from protecting the health and pocketbooks of a vast number of patients.

Dr. Ley and another key figure in the case, J. Kenneth Kirk, associate commissioner for compliance, heatedly deny the charges of fear and cover-up. Kirk concedes, however, that he delayed action on the antibiotics in order to obtain figures on their sales volume (probably $100 million or more a year at wholesale). That was "my idea," he says.

And FDA's counsel, William W. Goodrich, acknowledges in retrospect that had the agency invoked one simple word in the drug law, the subsequent problems might have been substantially minimized if not avoided. The law allows action against drugs posing "an imminent hazard to public health." The agency balked at the word "imminent."

"SHOTGUN" THERAPY

The antibiotic combinations are among the so-called "ethical" drugs, which means that they can be sold only by prescription and cannot be advertised to lay audiences. Their names, therefore, are hardly household words. But in medical channels, including journals distributed free to physicians, they have been long and heavily promoted.

They began entering the market in the 1950s. The FDA released them even though—then as now—specialists in the antibiotic treatment of disease almost universally opposed them.

The main argument in favor of the mixtures has been convenience. This appeal has been especially strong to doctors who wish to be spared the need to make precise diagnoses.

Dr. William L. Hewitt, professor of medicine at the University of California at Los Angeles and chairman of a National Academy of Sciences-National Research Council panel to review drugs, told Sen. Gaylord Nelson's Senate Monopoly Subcommittee last May that the person responsible for FDA's initial approval of antibiotic combinations was Henry Welch, a bacteriologist who in the 1950s headed the agency's Division of Antibiotics.

Dr. Hewitt recalled that Welch had staged symposiums and had engaged in other efforts with an FDA imprimatur to popularize the combinations. This "very bad policy" encouraged "a shotgun approach to the treatment of undiagnosed disease," Dr. Hewitt testified, and he denounced it as "pharmaceutical quackery."

The late Sen. Estes Kefauver developed evidence that Welch got $287,000 from antibiotics producers in an eight-year period, mainly by collecting "honorariums" from two journals whose existence depended upon the antibiotics companies. Welch resigned after the situation was exposed.

However they got on the market, the antibiotic combinations took up an increasing share. Many have been among the 200 most-prescribed medicines. Last year, sales of Panalba—the combination involved in FDA's test case—ran at a rate of $1.5 million a month and accounted for 12 per cent of the domestic gross of the manufacturer, the Upjohn Co.

CASE AGAINST COMBINATIONS

Almost without exception, specialists in the treatment of infectious diseases denounce the use of combinations. They say that the use of two antibiotics when one will do at least doubles the risk of adverse reactions. They also say that fixed ratios prevent a physician from increasing the dose of one component without increasing the dose of the second, thus ruling out treatment tailored to the needs of individual patients.

Panalba, for example, combines two effective antibiotics—novobiocin and and tetracycline. But Dr. Ley has said that novobiocin contributes little but risk to patients receiving tetracycline.

In addition, tests sponsored by the Upjohn firm about a decade ago (but not disclosed until an FDA inspector discovered them in company files this year) showed that the components of Panalba were "antagonistic." That is, novobiocin and tetracycline acted against each other, making one less effective than either would be if used alone.

UCLA's Dr. Hewitt told the Nelson subcommittee that all sales of Panalba thus become "a net theft from the public."

A primary worry among 30 specialists in infectious diseases—members of five panels that reviewed combinations of anti-infective drugs for the National Academy of Sciences-National Research Council—was that the products allow resistant strains of bacteria to proliferate, creating the possibility of epidemics of infections that resist treatment. They recall with dread, for example, staphylococcus epidemics of the 1950s that were nurtured by over-use of sulfonamides and the early penicillins.

Testifying about one group of mixtures, Dr. Calvin M. Kunin, chairman of one of the NAS–NRC panels, told the Senate Monopoly Subcommittee that "widespread" and "indiscriminate" use "has almost led to disaster" by threatening not merely the individuals receiving the drugs but—because of possible epidemics of resistant infections—"all society."

Dr. Kunin, who is chairman of the department of preventive medicine at the University of Virginia, was speaking about 16 combinations of penicillin with streptomycin (pen-streps). The latter antibiotic can cause deafness, particularly in children. An additional 32 products also contain penicillin but mix it with sulfonamides (pen-sulfas).

THE PANELS' VERDICT

Until 1962, the Food and Drug Administration was empowered to get prescription drugs off the market only if they were unsafe. But in that year, Congress passed the Kefauver-Harris amendments, which added regulatory weapons against ineffective drugs as well. Aften seven years, no drug with significant sales has been removed.

The National Academy of Sciences-National Research Council entered the picture in 1966, when the FDA made a contract with it to review the efficacy of the approximately 4,000 formulations marketed in the period before 1962 when safety alone had to be demonstrated before marketing.

Last year, NAS–NRC review panels concluded that the pen-streps and the pen-sulfas were not only unsafe but also ineffective as fixed combinations because none was more efficacious than a component used alone. As to Panalba, the initial conclusion

was that it was ineffective and "has no place in rational therapeutics."

Last Christmas Eve the FDA moved formally to take Panalba off the market. The reason given was that the company had not submitted the substantial evidence of efficacy required by the 1962 drug legislation. The agency failed, as had the NAS–NRC panels, to cite a lack of safety.

That failure was surprising. For one thing, the FDA for several years had approved a labeling for the novobiocin component of Panalba warning that it can cause serious and even fatal blood diseases, serious liver damage and allergic or hypersensitivity reactions "in a significant percentage of patients."

FDA Commissioner Ley told Sen. Nelson's subcommittee last May that because of novobiocin, about one out of five patients on Panalba is expected to suffer a "reaction that, most often, is merely irritating . . . you can't sleep for several nights or a week, or you may break out in a very unpleasant, uncomfortable rash."

The FDA's formal notice last December gave Upjohn 30 days to file comments, after which the company could request a hearing.

At roughly the same time, the FDA was working to produce positions on two other major classifications of the antibiotic combinations—the pen-streps and the pen-sulfas—which the review panels had found both hazardous and ineffective.

Testimony before Rep. L. H. Fountain's House Intergovernmental Relations Subcommittee last spring established that a document declaring the agency's intention to remove the pen-streps from the market reached the office of Associate Commissioner J. Kenneth Kirk last Dec. 3, and that a similar document relating to the pen-sulfas reached the same office Jan. 10. Both would have been effective upon publication in the Federal Register, and that in turn would have triggered publication in a medical journal of a "white paper" by two NAS–NRC review panel chairmen warning of the hazards of pen-streps and pen-sulfas. Both documents were in final form—awaiting Commissioner Ley's signature—on Jan. 15.

A FINE SENSITIVITY

On that day, Robert S. McCleery remembers, he had a chance encounter with Associate Commissioner Kirk at FDA headquarters in the Crystal Plaza in Arlington. Then Commissioner Ley's special assistant for communications, Dr. McCleery acquired a reputation for tough-minded regulation during his six years at the agency. He holds FDA's award of merit and the distinguished service medal of the parent Department of Health, Education and Welfare.

He was under pressure at the time from the NAS–NRC panels, which wanted to alert the medical profession to the hazards of the pen-streps and pen-sulfas. Since release of the "white paper" designed to do so depended on publication of the Federal Register documents, "Dr. McCleery was on my back," Kirk recalls.

In the Jan. 15 meeting with Kirk, Dr. McCleery recalls inquiring about the regulatory documents involving the pen-streps and pen-sulfas that had been prepared for the signature of Commissioner Ley. Kirk told him, Dr. McCleery says, "I have advised him [the commissioner] not to sign the papers, because he would be fired by the Nixon administration when it comes in next week."

Although there was no evidence that anything of the kind might happen, Dr. McCleery says, there was in the FDA a finely tuned sensitivity to such signals as Mr. Nixon's campaign stance against tough regulation by the Securities and Exchange Commission and to the incoming President's well publicized friendship with Elmer W. Bobst, the "honorary chairman" of a pharmaceutical firm—not, by the way, one involved in the antibiotics combination controversy.

Kirk "categorically" denies making the statement about administration retaliation, and Dr. Ley says Kirk never told him he might be fired by the Nixon administration. Kirk does say that he told Dr. McCleery that the regulatory papers should not go to the office of the HEW Secretary without a prior determination of the sales volume of the questioned antibiotic combination.

THE ECONOMIC IMPACT

Later the same day, Dr. McCleery says, he met with Dr. Ley in his office. Saying nothing about the conversation with Kirk, Dr. McCleery asked the commissioner if he had signed the papers. Dr. Ley said that he had not yet seen them. Later he was to tell the Fountain subcommittee that he had the documents on Jan. 21, the day after the Nixon administration took office.

Eight days later, there was a meeting at the FDA about the possibility of setting up an advisory committee on antibiotics. Dr. McCleery, who says he was "bird-dogging" the matter, requested Dr. B. Harvey Minchew to check on the status of the papers. Dr. Minchew put the question to Deputy Commissioner Winton B. Rankin, the FDA's No. 2 man.

"His answer, in essence, was that we were not going to act on it until the whole potential impact of the antibiotics was brought to the Secretary's attention," Dr. Minchew says. By "impact," he says, Rankin meant "economic impact—the fact that they were best-selling drugs. Anticipating industry resistance, they did not want to implement the action until the Secretary's office had concurred."

At a later date, says Dr. Minchew, Dr. Ley told him "substantially the same thing."

"I can't see that the agency should concern itself . . . with how much is being sold in terms of the medical issues involved," Dr. Minchew says. "It was a disappointment."

Kirk says he is "sorry that Harvey was disappointed." But, the associate commissioner says, there is a long-standing rule that the Secretary's office be alerted to any regulatory action with a potentially great impact.

The Commissioner signed the Federal Register papers on April 2—2½ months after the day when, according to his testimony, they were in his office ready for signature. Publicly, he has never given a clear explanation for the delay. Nor has Kirk given a clear explanation as to how the computation of financial effect could have accounted for the delay.

THE PANALBA DELAY

The Panalba case was undergoing a parallel delay. When he signed the initial notice of intention to take the drug off the market last December, Dr. Ley had given the Upjohn Co. 30 days to file comments. But in January, he extended that deadline to give the firm an additional 120 days. That had the effect of ensuring that any possible decisive action would be taken under the Nixon administration.

Dr. Ley has acknowledged that the extension was "a mistake" because it was used by Upjohn not to supply substantial evidence of Panalba's efficacy but for a campaign to deluge the FDA with testimonials from physicians. An estimated 23,000 doctors have prescribed a reported 750 million doses of Panalba since it went on sale in 1957.

Not all the effects of the delay were in the drug company's favor, however. For by March, Dr. Minchew, as acting director of FDA's Bureau of Medicine, was becoming increasingly disturbed about one of Panalba's components, novobiocin.

In a memo to Dr. Ley, Dr. Minchew cited multiple and serious health hazards of this antibiotic that had been noted by an NAS–NRC panel that recommended its removal from the market. (Dr. Ley had overruled the recommendation, choosing instead to try to restrict novobiocin's use drastically with new warnings to doctors.)

The Minchew memo threatened a crisis for the Upjohn firm. So long as efficacy has been the sole issue raised by the FDA, sales of Panalba could continue unabated while an administrative hearing was sought and held and then litigated in the courts. That would probably take years. But with safety an issue, Upjohn had to face the possibility that sales would be halted immediately.

At the FDA, the Minchew memo became the basis for a crisis of a different kind. After all, the agency had been certifying Panalba as safe and effective for 12 years, batch by batch and month by month.

But Dr. Ley himself—in a draft letter of April 29 to the Upjohn firm—discussed Panalba's "clearly evident imminent hazards . . ." And he testified that it needlessly injured hundreds of thousands of persons annually and, along with the pen-streps, contributed to the possibility of staph epidemics.

How, then, could he fail to take the "imminent hazard" route—a route that, in hindsight, FDA counsel Goodrich says "would have been better?"

Commissioner Ley now concedes that the case for an "imminent hazard" decision might have been made on the basis of serious or fatal blood diseases attributed to Panalba. He contends, however, that the FDA would have faced a severe court challenge because of a lack of records showing that skin and allergic reactions were as prevalent as the agency claimed.

Differing from counsel Goodrich, Dr. Ley insists that, overall, the public health probably was better served by his decision to follow an "intermediate" course. This was to declare Panalba a "serious" or "significant" hazard to patients.

In choosing such a middle ground, Dr. Ley says he was trying to come down between "the Rankins and the Kirks" on the one hand—a reference to the two high-ranking FDA officials who rose from the ranks of agency inspectors and who are known for their bureaucratic caution—and the "Don Quixotes" on the other.

Before Dr. Ley's newly contrived weapon could be tested in court, the commissioner had a struggle within HEW that indicated he could not count on the kind of unequivocal support from Secretary Robert H. Finch that his predecessor, Dr. James L. Goddard, had received from former Secretary John W. Gardner.

The struggle began when Dr. Ley called in the Upjohn firm to say that he was going to announce several decisions. These included halting certification of Panalba as effective and safe, recalling existing stocks and requiring the company to distribute a warning letter to physicians.

Through the intervention of Rep. Garry E. Brown (R-Mich.), whose district includes Upjohn's home city of Kalamazoo, the firm met with Finch and Under Secretary John G. Veneman. The result was that on the day of the meeting, May 5, Veneman took an action without known precedent in the history of antibiotic regulation.

In a phone call to Deputy Commissioner Rankin, Veneman asked the FDA to consider resolving the dispute by taking certain alternative steps. These, it turned out, were the very proposals that Upjohn had made. They included a ban on publicity about Panalba, no recall of existing supplies and an administrative hearing that would allow Panalba to remain on the market without interruption.

The next day, Dr. Ley responded in a memo addressed to Finch that, along with other key documents, was aired by the Fountain subcommittee of the House. Dr. Ley said that he "cannot" certify Panalba as safe and

effective. The product "has been judged by very competent people not to be effective . . . and to be a hazard to the public health," Dr. Ley's memo said.

"We have the right and the obligation to move to protect the public by requiring its removal from the market and by requiring an appropriate warning to be issued to the doctors of this nation," Dr. Ley said.

"I recommend that the department endorse and support the action initiated by FDA," he continued. "If the department is unable to accept this recommendation, I request your instructions as to the departmental position that I should follow."

On May 9, three days later, the "departmental position" was relayed to the FDA: to do what Upjohn had asked. But as it happened, that was the very same day that the Fountain subcommittee, preparing for a hearing that was to begin the next week, asked to see FDA files on combination antibiotics.

This request set off a chain of events that included a briefing of Finch by FDA counsel Goodrich. Late in the day, Secretary Finch reversed himself and backed Dr. Ley.

THE UNUSED WORD

With this development, Upjohn moved on May 27 to put Dr. Ley's concept of a "serious" or "significant" hazard to a court test. The firm filed a petition in federal court in Kalamazoo that was intended to keep Panalba on sale through the device of an administrative hearing.

On June 19, the eve of oral arguments before Judge W. Wallace Kent, W. Donald Gray of the Fountain subcommittee staff asked FDA counsel Goodrich in a phone conversation why he was not asserting that an "imminent hazard" existed. Goodrich assured Gray that he had the legal weaponry he needed without that one.

In court on June 20, the Washington lawyer opposing Goodrich—Stanley L. Temko of Covington and Burling for Upjohn; Lloyd N. Cutler of Wilmer, Cutler & Pickering for the Pharmaceutical Manufacturers Association—emphasized repeatedly that the FDA had not claimed an "imminent hazard."

FDA's Goodrich, using phrases about Panalba that are nowhere in the statute ("unwarranted hazard," "substantial hazard," "unacceptable risk"), argued that the agency had not deemed it necessary to invoke "imminent hazard."

He contended that the FDA had traveled the correct legal route when it first required Upjohn to submit substantial evidence of Panalba's efficacy and then, when such evidence was not forthcoming, refused to certify the product as safe and effective.

Even though Goodrich produced affidavits showing 11 fatalities among Panalba users, Judge Kent was clearly unimpressed. His concern, he said, had to be with legal issues, not issues of safety and efficacy.

In July, Judge Kent held that there was not serious threat to the public health. But, he found, there was a threat of another kind—of irreparable injury to the Upjohn company.

He granted an injunction requiring Commissioner Ley to go on certifying Panalba until 30 days after whatever date he disposed of company objections to the FDA's refusal to grant a hearing.

Sensing a clear industry victory, the American Home Products Corp., whose Wyeth Laboratories division is a major producer of pen-streps and pen-sulfas, swiftly went into federal court in Wilmington, Del., where, on the basis of Kent's ruling, it asked for and got an injunction requiring continued certification of those antibiotic combinations as safe and effective.

The ruling was a shattering setback to the FDA's seemingly interminable efforts to stop the sales of unsafe and ineffective drugs.

By the time Judge Kent ruled, Dr. McCleery had left the FDA to join Rep. Fountain's House Intergovernmental Relations Subcommittee as a consultant. After the ruling, he and staff member Donald Gray had a three-way phone conversation with Goodrich. Again the question was, why had the FDA counsel not invoked "imminent hazard?"

As Dr. McCleery and Gray recall the conversation, Goodrich said he still believed he had been on solid legal ground in deciding it was unnecessary to cite the phrase. But, they add, Goodrich also alluded to the tortured record of the FDA in the Panalba case—including the 120-day extension granted by Dr. Ley for Upjohn to file substantial evidence of Panalba's efficacy—and asked, "How could I go into court and charge an 'imminent hazard'?"

Judge Kent's order to continue certifying Panalba posed for Dr. Ley what Dr. McCleery calls "one of the greatest moral challenges" ever faced by a public official.

As a physician and scientist, how could Dr. Ley certify as safe and effective what he had fervently pronounced unsafe and ineffective? As an official of the government, how could Commissioner Ley refuse to obey a court order?

"Above all else," Dr. McCleery argues, Dr. Ley should not have signed certifications for Panalba—"even if it meant resigning." But there was, he points out, an honorable third course: appeal Judge Kent's decision.

Asked why he didn't take it, Dr. Ley says, "I can't really answer this . . . I'm not really sure this course was open to us at this time."

The commissioner adds that he relied on William Goodrich because "I trust Billy as much as I've trusted anyone in my life." He is sure that if an appeal had been "an attractive course, I'm sure I would have followed it."

But Goodrich says he rejected the idea of appealing in favor of what he deemed to be "the shortest and surest way" of getting unsafe antibiotic combinations off the market—ruling on Upjohn's objections to decertification without a hearing. So long as these objections were pending in FDA, Goodrich contends, the chances of a successful appeal would be "not good."

MIDDLE GROUND AGAIN

Commissioner Ley formally ruled that the objections filed by Upjohn offered neither substantial evidence that Panalba was either safe or effective (as a fixed combination) nor reasonable grounds for an evidentiary hearing. "Such a hearing would serve no purpose other than delay," he said in a statement in the Federal Register.

Had Dr. Ley left it at that, he could have stopped certifying Panalba 30 days later as stipulated by Judge Kent. Then the company, if it wished, could appeal. Once again, however, Dr. Ley procrastinated on an invented middle ground.

First, while denying an "evidentiary hearing," he gave Upjohn an opportunity "to make an oral presentation to the commissioner." Second, contrary even to the FDA's own press release, he did not start the clock running on the 30-day moratorium on decertification.

The "oral presentation"—which was as much of a legal novelty as was the "serious," "significant" and "unwarranted" hazard—was held Aug. 13. Five weeks went by in which the FDA continued to certify Panalba—and the pen-streps and pen-sulfas, as well—as safe and effective.

On Sept. 19, Dr. Ley, ruling that nothing in Upjohn's "oral presentation" had changed his judgment, signed a "final order" to take Panalba off the market. But, reversing the position he had taken in May, he did not propose to decertify existing stocks. With this action, the 30-day clock at last began to run.

The Upjohn firm then stopped the clock by filing an appeal in Cincinnati. The FDA "voluntarily agreed to suspend any action against the [Panalba] products pending a decision by the court," The Pharmaceutical Manufacturers Association Newsletter reported. "The court further noted that the government had not found any 'imminent hazard' to health requiring immediate prohibition of the products' sale, and that in the past these products had been repeatedly certified as 'safe and efficacious' by the FDA."

"INEPT" IS TOO KIND

Sometime in December, the appellate court will hear oral argument on issues that it has termed "very significant both to the public and the drug industry." Sometime after that, the court will rule. Sometime after that, an appeal probably will be taken by the losing party—the FDA or Upjohn—to the Supreme Court. And for an indefinite time to come, the FDA commissioner will go on certifying as safe and effective products that he believes to be neither.

It was with more than a premonition of these events that Dr. McCleery went to Dr. Ley last February to tell him he was leaving.

"I told him I couldn't agree with his kind of regulatory philosophy," Dr. McCleery recalls. "I told him I was seeing evidence that he was handling matters so as to take into account political and economic factors.

"Dr. Ley asked me to stay, to reconsider to take a couple of weeks vacation to think it over," Dr. McCleery says. "I refused."

Dr. McCleery then was retained as a consultant by the Fountain subcommittee, which at the time was preparing for hearings in April and May on how the FDA had been fulfilling its mandate from Congress to halt the sale of ineffective drugs. The hearings showed, Dr. McCleery says, "that the FDA is not upholding the provisions of the law."

After the hearings, Rep. Fountain characterized the FDA's performance as "inept." Dr. McCleery finds that a "complimentary" adjective. As Dr. McCleery sees it, the consequences for the public of the mishandling of the antibiotics will reach far beyond these drugs to vast numbers of ineffective medicines of all types which were marketed before 1962 but which remain among those most often prescribed today.

"How well have the leaders of the FDA served the nation with only the law to protect it in this confrontation with industry self-interest?" he asks. Yet "in these serious and deadly matters, the FDA is our sole agent for the use of law in the protection of public health. If the law can be so misused by some against the government and the public interest, then the law should be employed by others against the government but in the public interest."

Dr. McCleery recently left the Fountain subcommittee to join consumer advocate Ralph Nader.

Another of the FDA's "Don Quixotes," Dr. Minchew, resigned in May to join the Johns Hopkins Hospital unit in Columbia, Md. "The Rankins and the Kirks," of course, are still there.

In a speech a few months ago, FDA Commissioner Ley defined "the real 'gut' issues of the antibiotic combination controversy" this way:

"Are we in this country dedicated to a rational, scientific basis of antibiotic therapy or are we dedicated to contributing unnecessarily to the 1.5 million hospital admissions annually attributed to adverse reactions to drugs?"

A speech given a few days ago by Dr. Lester Breslow, president of the American Public Health Association, contained a sentence that reads as if it were tailored to give Dr. Ley his answer. In the Panalba case, Dr. Breslow said, "The administrative and judicial action to assure continuing sale was clearly designed to protect the interests of the drug manufacturer, not to avoid the hazard to patients taking the drug."

[From Science, Aug. 29, 1969]

FDA AND PANALBA: A CONFLICT OF COMMERCIAL, THERAPEUTIC GOALS?

(By Morton Mintz)[1]

Last month the National Academy of Sciences–National Research Council sent a final report to the Food and Drug Administration (FDA) on its review of the therapeutic claims made for 80 percent of the medicines Americans use. The review—carried out by 30 NAS–NRC panels, each responsible for particular categories of disease—concluded that manufacturers were unable to provide substantial evidence to back up one or more claims made for a significant proportion of the preparations.

Five NAS–NRC panels reviewed anti-infective agents that combine one antibiotic with another in fixed ratios, or an antibiotic with one or more sulfonamides. In addition to finding about 40 such products to be ineffective, by reason of being no more effective than their components used singly, the panels judged at least 50 combinations to be dangerous. The hazard was said to be not merely to the individual user, but to the public at large, because these agents can permit resistant strains of bacteria to proliferate. The mixtures held to be hazardous as well as inefficacious are the "pen-streps" (penicillin and streptomycin), the "pen-sulfas" (penicillin and sulfa), and Panalba (tetracycline and novobiocin).

Panalba is one of the most popular items manufactured by the Upjohn Company of Kalamazoo, Michigan, a prominent member of the Pharmaceutical Manufacturers Association (PMA). It was expected that the FDA, which received the NAS–NRC judgment on Panalba well before the final report on the entire efficacy review was released, would move to take it off the market; and it was predicted by Commissioner Herbert L. Ley, Jr., in testimony on Capitol Hill, that such a move would face a prolonged legal challenge. The FDA *did* move to take Panalba off the market, and Upjohn *did* file a lawsuit, in federal court in Kalamazoo.

The Panalba case is significant not only because of its impact on the continued sale of a drug termed hazardous in the NAS–NRC study but because it raises much deeper issues bearing on the "rights" of drug companies, physicians, the government, and patients. The case and congressional criticism have also highlighted what a U.S. senator called "serious ethical questions" on the part of the drug company, a conflict of interest within the American Medical Association, a remarkable flip-flop in FDA enforcement attitudes, and an abortive, late-hour intervention by HEW Secretary Robert H. Finch on behalf of the drug company.

The narrow issue before Judge W. Wallace Kent was whether to grant the petition of the company—which was supported by PMA—for an injunction against the Food and Drug Administration to force the agency to grant an administrative hearing. For Upjohn, the overriding point was its "right" to such an administrative hearing—a procedure which would allow Panalba to remain on the market while the hearing was conducted and the matter perhaps litigated in the courts—and also the "right" of physicians to prescribe as they wish. As for PMA, the lawyer acting in its behalf argued that the FDA had to be prevented from making "an authoritarian official determination of what is good for medicine." He called the Panalba action "truly a test case" both for "the doctors in this country and the drug industry."

[1] Morton Mintz, a reporter for the Washington Post, is author of The Therapeutic Nightmare. For his reporting on thalidomide in 1962 he was awarded the Heywood Broun, Raymond Clapper, and George Polk memorial awards.

The government saw things differently. In court a Department of Health, Education, and Welfare lawyer argued that the case will control "the future of patient care in the United States." And FDA Commissioner Ley said in congressional testimony that the struggle over hazardous and ineffective combinations of antibiotics was at bottom a "conflict between commercial and therapeutic goals."

Judge Kent ruled on 11 July. On the crucial issue of an administrative hearing he held that the company was not entitled to one "as a matter of right." But this defeat for Upjohn—and the industry—was considerably softened. To take one example, the judge said that the FDA could not now stop sales of Panalba (which, in the United States alone, were running at a rate of $1.5 million a month in 1968). Instead, he said, the agency first must act on objections filed by Upjohn to the decision of the commissioner to refuse to certify Panalba as safe and effective. Once the commissioner had acted on the objections (he rejected them on 9 August), he still would be barred from decertifying Panalba for 30 days (after which, presumably, the company could carry the case to a court of appeals that would have to decide whether to allow sales to continue).

The public-interest forces involved in the Panalba struggle were unusually formidable. They included an unbroken rank of medical scientists specializing in the treatment of patients with infections; a strong law that Congress enacted without audible dissent; an agency determined—albeit belatedly—to enforce the law; the NAS–NRC verdict; and the chairman of two actively concerned congressional subcommittees, Representative L. H. Fountain (D-N.C.) and Senator Gaylord Nelson (D-Wis.).

The counterforces also were unusually formidable. Predictably they included the PMA, whose members make 95 percent of the prescription drugs sold—and consistently enjoy profit rates higher than those of any other industry, according to Federal Trade Commission records; the American Medical Association, which derives almost half of its income from drug advertising in its Journal; and two leading Washington law firms. Covington & Burling, representing Upjohn, and Wilmer, Cutler & Pickering, representing the PMA. But there was also in the Panalba case the intervention, on the company side, of Robert H. Finch, Secretary of HEW, which was triggered by Representative Garry E. Brown (R-Mich.), of Kalamazoo, and—odd as it may seem, and up to a certain point in time—of the FDA itself.

In defending Panalba the Upjohn Company has ignored invitatons to testify before the interested congressional subcommittees. It preferred a day in court, where lawyer Stanley L. Temko of Covington & Burling warned that a halt in the sale of Panalba would inflict "irreparable injury" on Upjohn. The drug accounts for 12 percent of the firm's domestic gross income.

The PMA had a broader concern: If the sale of Panalba could be halted without the years of delay that might accompany a grant of a hearing, the FDA would have a clear legal track to stop the sale of the pen-streps and the pen-sulfas. In addition, there would be ominous implications for other drugs that, even if not shown to be actually hazardous, had never been shown to be effective—but that nonetheless produce hundreds of millions of dollars a year for the companies that manufacture them.

For many physicians—Upjohn says that 23,000 regularly prescribe Panalba—the stakes were of a different order, having to do with the claim to an unrestricted "right" to prescribe, even if that "right" is founded on advertising, promotion, and other forms of nonscience. Panalba, Temko told Judge Kent, is one of the medicines most often prescribed, and since it entered the market in 1957, he said, 750 million doses have been administered. Indeed, fixed-ratio combinations of one kind or another—including Panalba and the pen-streps and the pen-sulfas—account for 83 (more than 40 percent) of the 200 most popular prescription products.

For patients, the important issues were not profits, wounded egos, or even high prices (Panalba is not sold under a generic name) but a risk of adverse reactions that is at least doubled by the use of two antibiotics when one suffices. "The real 'gut' issues of the antibiotic combination controversy are exceedingly simple," Commissioner Ley said in a speech in February. "Are we in this country dedicated to a rational, scientific basis of antibiotic therapy or are we dedicated to contributing unnecessarily to the 1,500,000 hospital admissions annually attributed to adverse reactions to drugs?" This view was solidly supported in the medical-scientific community. Five NAS–NRC panels, appointed at FDA's request to review all available evidence on the efficacy of anti-infective agents, concluded that mixtures are ineffective as fixed-ratio combinations because none is more effective than its components used separately. In fact, all 30 members of the panels concluded unanimously that these products "no longer belong in the therapeutic armamentarium" and should be removed from the market. The panel chairmen and Dr. Louis Weinstein, author of the "Microbial Diseases" section of the authoritative *Pharmacological Basis of Therapeutics*, in affidavits filed with Judge Kent, said that scientific literature contains no adequate, well-controlled studies to support the claims made for antibiotic combinations. This is the position held "without exception by the outstanding experts in the antibiotic field," said panel chairman William M. M. Kirby, a professor of medicine at the University of Washington. According to another panel chairman, Dr. Heinz F. Eichenwald of the University of Texas, Dallas, "There are few instances in medicine when so many experts have agreed unanimously and without reservation." None of this was any surprise, because the experts had been denouncing fixed-ratio antibiotic products from the time the FDA allowed them to enter the market, starting almost two decades ago. The combinations, of course, have the appeal of "convenience" to practitioners who prefer "shotgun" therapy to painstaking diagnosis. But such alleged advantages come at the price of preventable injury to patients who get an antibiotic they do not need, or who cannot get enough of a component they do need without also getting more of another potent agent they do not need.

The issues raised by the antibiotic combinations have, with extraordinary clarity, exposed a conflict between profit and principle in the American Medical Association. For at least a dozen years AMA's respected Council on Drugs has condemned fixed-ratio preparations as "irrational." On 16 May, by unanimous vote, the Council endorsed the stand of the NAS–NRC. In 1960 a former chairman of the Council, Dr. Harry F. Dowling of the University of Illinois, told an AMA meeting that none of the antibiotic combinations "is justified." Even as he spoke, the *Journal of the American Medical Association* (*JAMA*) was carrying 18 full pages of advertising for antibiotic combinations. In 1961 Dr. Ernest B. Howard, now executive vice president of the AMA, assured the late Senator Estes Kefauver that the Board of Trustees "has reached a decision that the mixtures . . . will be gradually withdrawn from the *Journal*, during the next two to three years." Although 8 years have gone by, such ads remain abundant in *JAMA*. At a hearing on 6 May, Senator Nelson wondered if the reason was "that advertising these drugs provides an important source

of revenue." Kirby took pains to display two recent full-page ads in *JAMA* for Panalba, which, he said, are fortified by the "implied endorsement" of the AMA. Early this year, the AMA, which was seeking tax-reform legislation to exempt profits from its ads on the ground that they are "educational," had a choice before it: to continue to run ads that, as Nelson put it, "promote bad medical practice," or to publish a unique "white paper" signed by all five chairmen of the NAS–NRC panels. They were so concerned about their findings that they wanted the medical profession to be alerted by *JAMA* because of its wide circulation. However, the request to *JAMA*—made by Duke C. Trexler, executive secretary of the NRC—was, he said, refused "bluntly, flatly," and without explanation by Dr. John H. Talbott, editor of *JAMA*. The refusal was "indefensible," Dr. John Adriani of New Orleans, chairman of the Council on Drugs, told Senator Nelson. "It boils down to this," he said. "They need every dollar they can get." The *New England Journal of Medicine* was offered the "white paper" and, on 22 May, published it.

Congressional committees have continued to play a pivotal role in drug politics, particularly by putting pressure on federal agencies. Last March, for example, Roy D. Sanberg, an inspector for the Food and Drug Administration, went to Kalamazoo to search Upjohn's files in the Panalba case. He discovered a series of controlled studies which the company had sponsored in 1960 and earlier. FDA regulations required submission of materials such as these in 1964 and 1966. Nothing was known of Sanberg's discovery until 13 May, when an analysis of them by the FDA's Dr. McQueen was put into the record of a hearing by Representative L. H. Fountain's House Intergovernmental Relations Subcommittee. At a hearing of the Senate Subcommittee on Monopoly, Senator Gaylord Nelson said that Upjohn's failure to offer the studies raised "very serious ethical questions." William Goodrich, the FDA counsel, testified that there was a possibility of "regulatory action of a criminal nature." Upjohn's explanation was that "no valid conclusions could be drawn" from the studies.

One of the studies, conducted by Dr. Bennett W. Billow, was a double-blind trial of 50 persons who were moderately to severely ill with pneumonia treatable with tetracycline. Dr. Billow found that Panalba was no more effective that its tetracycline component used alone. Dr. E. L. Foltz conducted four in vitro crossover studies to compare efficacy by measuring blood levels after use of Panalba, novobiocin alone, and tetracycline alone. For Panalba, the results were unfavorable. They showed, Dr. McQueen said, that Panalba produced "lower blood serum levels for both novobiocin and tetracycline than the levels attained by the use of either used alone."

In earlier hearings, Fountain was critical of Dr. Ley, who, on 1 July 1968, was promoted from director of the Bureau of Medicine to FDA Commissioner. The subcommittee probed Dr. Ley's handling of chloramphenicol sodium succinate, the injectable form of the antibiotic most commonly known by the Parke-Davis trade name of Chloromycetin. Fountain was appalled by the FDA's "lack of vigor in protecting the public, and especially children," against the continued marketing of a drug with a labeling recommending sites for injection, the efficacy of which had not been established and which could result in irreparable harm and even death. He told Dr. Ley that his performance in this case "appears to border on indifference." The commissioner has said privately that the hearings turned him into a hard-liner on efficacy, not only because of the sting in the Fountain charge but also because of sharp work by the subcommittee staff that exposed weaknesses in his executive echelons, of which he has been insufficiently aware.

Dr. Ley's performance in the early stages of the antibiotic combination controversy also drew congressional fire. For one thing, despite the urgency felt by the five NAS–NRC panel chairmen about the need to get the "white paper" swiftly before the medical profession, Ley had sat on it for 6 weeks. This period, it must be noted, was one of tense uncertainty because of the transition to the Nixon Administration. For another thing, in what Ley later told me was "a mistake," he granted Upjohn and E. R. Squibb, producer of Mysteclin-F, which, simultaneously with Panalba, had been declared ineffective as a fixed-ratio antibiotic combination, a period of 120 days stop an original 30 to submit "substantial evidence" of efficacy (this was before the safety issue also was raised). The companies used the extra time to solicit almost 3500 letters of support—"testimonials." Ley called them—from the profession. Some of the letters picked up verbatim phrasing suggested by the companies. A number of letters from doctors at the Oak Forest Hospital in Oak Forest, Illinois, were identical to letters from doctors at the Chicago State Hospital. The Maine Medical Association circularized its membership with a paraphrased list of guidelines for letters that had been prepared by Squibb. On 28 January, J. C. Gauntlett, a vice president and director of Upjohn, sent an appeal to doctors to protest to the FDA on the ground that it was violating the physician's right to prescribe." Dr. Hewitt of the University of California, in his appearance before Senator Nelson, denounced Upjohn's "Dear Doctor" letter as an "ill founded, confusing, threatening, and dangerous" method for deciding a scientific issue; as "bold, unscrupulous and selfish"; as "insulting to the intellectual and scientific training of physicians"; and as "detrimental . . . to the practice of medicine as well as to the necessary efforts of regulatory agencies to protect the public from truly unscrupulous promoters." But it may tell us something about the state of the profession to note the number of letters of support the FDA got in comparison with the 3500 "testimonials." The number was ten.

POLITICAL OVERTONES

The controversy had other political overtones. Since January 1967, the Third Congressional District of Michigan, which includes Kalamazoo, has been represented by Garry E. Brown. On 15 May he voluntarily presented himself before the House Intergovernmental Relations Subcommittee as a "Congressman-ombudsman" summoned by high duty to protect any constituent—personal or business—that becomes "a victim of the impersonal, remote and awesome structure of the Federal Government." [2] It was in this role of "Congressman-ombudsman," Brown testified, that he had arranged a meeting between a delegation from Upjohn, including its president, Ray T. Parfet, Jr., and its Washington counsel, Stanley Temko, and Robert H. Finch, Secretary of HEW. Finch's involvement had been a surprise disclosure when the hearings opened 2 days earlier.

On 26 March, the Bureau of Medicine formally recommended to Ley that FDA stop certifying Panalba as safe and effective because its novobiocin component created serious risks without commensurate benefits. On 30 April, the commissioner said in a memo to Finch that, at a meeting the next day, he would (and he did) tell Upjohn that FDA was discontinuing certification of Panalba, which would make further distribution illegal; that all outstanding stocks were being decertified and had to be recalled by the company, and that Upjohn would have to send a "Dear Doctor" warning letter about novobiocin and Panalba. The memo was routed through Surgeon General William H. Stewart, Acting Assistant Secretary for Health and Scientific Affairs; whether it reached Finch, who declined to testify, was not established. At the 1 May meeting, Temko attacked FDA's plans as "drastic and shocking." The same day, Ley sent a memo on the meeting to the Secretary.

On 5 May, thanks to the intervention of Representative Brown, the Upjohn forces met with Finch and Under Secretary John G. Veneman. The company's proposals, repeated later in the day to the FDA, were that there be no publicity about the Panalba matter, that a "Dear Doctor" letter not be sent, that certification of Panalba be resumed promptly and that a hearing be granted without interruption to sales of Panalba. Later the same day, Veneman phoned Deputy Commissioner Rankin with an instruction: to "consider" a "possible resolution" that turned out to be identical to Upjohn's own proposals.

"The basic question before us," Ley said the next day, 6 May, in a memo to Dr. Stewart (the commissioner meanwhile had been instructed to stop addressing memos to Finch), "is whether the Government is prepared to move promptly and effectively to stop the use of a hazardous drug when the available facts and the national drug law show clearly Panalba represents serious hazards to patients who take it which are not balanced by any benefit to be expected." The commissioner said that the evidence made it impossible for him to certify Panalba to be safe and effective. He said he could not suppress publicity, as Upjohn had requested, particularly because Senator Nelson and Representative Fountain had scheduled public hearings and "are insisting that when public interest must be weighed against private interest the former should take precedence." As for FDA holding an administrative hearing, Ley said he would grant one, with sales of the drug in question continuing, if the issue is efficacy alone; but in a case such as Panalba's, he said, a hearing would be considered, with certification stopped, only if Upjohn could supply reasonable grounds for holding one— meaning "substantial evidence" of efficacy. If HEW is unable to back him, Ley concluded, "I request your instructions as to the Departmental position that I should follow."

FINCH INTERVENES

The Finch episode came to a climax—or a series of climaxes—3 days later, on Friday, 9 May. At 9:15 a.m., C. C. Johnson, who is Administrator of the Consumer Protection and Environmental Health Service, is Ley's boss in HEW, phoned the commissioner to report that Stewart had approved his recommendations for the course of drastic action against Panalba. Fifteen minutes later, however, William Goodrich, the assistant HEW counsel, phoned with a contradictory message: "The Secretary said we must have a hearing." Although Finch wanted it to be convened "with all possible dispatch," it could take 4 months even to get a hearing under way. Goodrich, who testified that he had acted at the request of Robert Mardian, general counsel of HEW, told the subcommittee that at this point Finch had not seen the 6 May memo in which Ley said that he could not in conscience certify Panalba to be safe and effective.

An hour later, at 10:30 a.m., W. Donald Gray, an investigator for the subcommittee, who was unaware of the events of the preceding 75 minutes, notified the FDA that he wanted to examine its files on antibiotic combinations. He was told the files would be

---

[2] In the proceedings before Judge Kent, local counsel for Upjohn was Henry Ford, Jr., of the Kalamazoo firm of Ford, Kriekrad, Brown & Staton. "Brown" is the congressman. However, he says he left the firm when he entered the House 2½ years ago. He received at least $1000 from the law firm in 1968, as disclosed in his filing, with the House Committee on Standards of Official Conduct, but he says this was entirely in settlement of his severance.

ready for him within an hour. Shortly, however, the FDA informed Gray that there would be a delay because, it was disclosed, Finch had "an unwritten policy that requests from congressional committees regarding 'potentially explosive situations' were to be called to the Secretary's attention." Was President Nixon invoking "Executive privileges," the subcommittee inquired. No such claim was being made. Assistant Secretary Creed Black said—but he was unable to cite a legal basis for refusing to open the files. After lunch, Goodrich testified, Finch was briefed on the situation. The Secretary authorized that the files be opened. Goodrich phoned at 3 p.m. to tell Ley of the decision.

Once the files were examined, subcommittee chairman Fountain told the hearing, it was "apparent that the decision with respect to the marketing status of this drug [Panalba] was made by the Secretary, rather than the Commissioner." This was unprecedented: In the approximately 15 years during which a succession of Secretaries had delegated their power over antibiotic certification to the FDA, none had ever been known to try to prevent a commissioner from acting to protect patients from a serious hazard.

PLANS ENDORSED

At 3:10 p.m., soon after Finch knew that the documents revealing his involvement would be discovered by the subcommittee, he rescinded his earlier order to FDA to leave Panalba on the market while a hearing was being held and endorsed the commissioner's plans for Panalba.

(Finch's defenders claim that he was misled, at the meeting with Upjohn executives and counsel, into believing that the FDA had inexcusably reneged on a promise to hold a hearing. Such a hearing, of course, is available so long as the issue is efficacy alone. But efficacy had been the sole issue in the Panalba case only for a time.)

On 27 May, the Upjohn Company responded by asking Judge W. Wallace Kent for a temporary restraining order and an injunction to stop the Food and Drug Administration from decertifying Panalba without a hearing. In granting the order (after a discussion in chambers) and the injunction the judge constructed a legal structure whose intricacy awed students of food and drug litigation. A primary question was how *any* court could assume jurisdiction in a case in which the FDA had pending before it, and was required to rule on within 30 days of filing, the company's objections to the agency's declared intention to stop certifying Panalba as safe and effective. Judge Kent answered the question simply by holding that, in issuing the decertification order, the FDA in fact had completed final administrative action. But the Food, Drug, and Cosmetic Act of 1938 says that, when administrative action is completed, a company may carry a grievance to a court of appeals; how, then, could a lower court in Kalamazoo take jurisdiction?

The judge met this situation with a finding that Upjohn was entitled to the extraordinary relief of a preliminary injunction. This finding, in turn, required the company to show that it probably would prevail in the administrative process or on the merits in a judicial review. However, the judge held that the company did *not* have to show a strong likelihood of success in an administrative process. The basis for this holding was the statement he made repeatedly to counsel, when the case was argued on 29 June, that he was not at all concerned with the issues of safety and efficacy, only with the legal issues. Thus, as the FDA summed up Judge Kent's ruling in a brief filed later in another injunction case, he "refused to recognize" that Upjohn "had been wholly unable to produce" adequate and well-controlled studies to demonstrate the efficacy of a potent drug it had sold for 13 years, and that his injunction would allow the firm to continue to make claims of efficacy which it had not documented. While ignoring the commissioner's explicit finding that Panalba created an unwarranted hazard, and the documentation of unnecessary fatalities in the affidavits, the court was able to hold that an injunction would in no way seriously threaten the public health—but was necessary to avert irreparable injury to Upjohn. Upjohn, the judge said, was entitled to interim relief because it had been placed in "an extremely awkward position" by the refusal of the FDA to divulge the names of the NAS–NRC panelists—"faceless judges." Upjohn lawyer Stanley Temko had called them. The judge rejected the FDA's explanation that NAS–NRC had insisted on anonymity "so to avoid pressures from commercial sources" (8 July, in its final report, NAS–NRC listed the 180 members of all 30 panels). He also said that the commissioner had placed complete reliance on the anonymous NAS–NRC panelists—even though the commissioner said the panel reports were advisory and the final decisions were his alone.

On challenged, intricate legal grounds, a federal judge in Upjohn's home city assumed jurisdiction and allowed the company to go on for more than 3 months selling a product that the NAS-NRC and the FDA found to be a serious hazard and ineffective. In mid-August, it was disclosed that the judge is the unpaid chairman of the Kalamazoo Science Foundation, a charitable organization, half of whose trustees are connected with Upjohn.

It will be recalled that the commissioner, Dr. Herbert L. Ley, Jr., said the conflict over the combination antibiotics was "between commercial and therapeutic goals." If he is correct, the Panalba case reaches a great question of our time: In a struggle between public interest and special interest in which the stakes are needless exploitation, injury, and even death to helpless patients, can American institutions function reliably to protect the public?

NAS-NRC VERDICT ON THE BENEFIT-RISK RATIO OF "COMBINATIONS"

Panalba, the drug at issue in the Kalamazoo court case, is one of the fixed ratio combinations criticized by the NAS-NRC review. The tetracycline component of Panalba is effective against a broad spectrum of infections. The other ingredient, novobiocin, has a spectrum of antibacterial activity conceded by Upjohn to be covered by several other safer and more efficacious drugs. Indeed, a review panel of the NAS–NRC found the benefit-to-risk ratio so lopsided that it recommended removal of novobiocin from the market. The vote on the injectable form was 6 to 0, and on the oral form, 5 to 1. Although the panel said that oral therapy is not indicated in serious infections, the FDA, in May, decided to let novobiocin remain on sale "for those serious infections where other less toxic drugs are ineffective or contraindicated." This new, severely restricted labeling is in a special, boxed warning emphasizing "the rapid and frequent emergence of resistant strains, especially staphylococci," as a risk in the use of novobiocin.

That the same dread threat of "staph" epidemic exists with the "pen-streps" has been emphasized by Dr. Calvin M. Kunin, an NAS–NRC panel chairman who heads the Department of Preventive Medicine at the University of Virginia. The "widespread" and "indiscriminate" use of the pen-streps, he told Senator Gaylord Nelson's Senate Subcommittee on Monopoly, has caused a proliferation of resistant organisms throughout the world and "has almost led to disaster," thus threatening injury "not merely to the individuals receiving such combinations, but to all society." [3]

[3] The NAS–NRC panel on the fixed-ratio penicillin-sulfonamide combinations ("pen-sulfas") said, "Reactions to these drugs are common, and . . . can be severe and even fatal. . . . Another troublesome aspect . . . is that it is difficult to detect the drug causing an untoward reaction when multiple drugs are used." In addition, the panel warned that the pen-sulfas often *decrease* antimicrobial effectiveness because of antagonism among the components, a problem averted by their separate use as determined by the need of the individual patient.

The boxed warning for novobiocin also warns, on the basis of NAS–NRC findings and FDA's own studies, but with Upjohn's concurrence, of "the high frequency of adverse reactions, including hepatic dysfunction and rashes." In testimony on 27 May, FDA commissioner Ley told the Subcommittee on Monopoly, "Approximately one out of every five patients who receives the novobiocin component of Panalba is expected" to have an allergic or hypersensitivity type of reaction. Most such reactions are "merely irritating," he continued. "You can't sleep for several nights or a week, or you may break out in a very unpleasant, uncomfortable rash." There "must be literally hundreds of thousands" of such reactions a year, Ley estimated. In addition, a "smaller proportion" of Panalba patients "experience temporary but very severe liver damage as a result of the novobiocin component." Finally, he said, "a still smaller number" suffer blood disorders. These accounted for 11 of the 12 fatalities among Panalba users that Upjohn has reported to the FDA. But the agency emphasizes that adverse reactions to all drugs "are grossly under-reported." In the case of the pen-streps, yet another NAS–NRC panel chairman, Dr. William L. Hewitt, professor of medicine at the University of California, Los Angeles, said that, in addition to occasional reports of "dramatic streptomycin toxicity, there are, more importantly, "possible countless instances" of a cumulative, hidden threat to the hair cells in the ear, and thus to the sense of hearing.

Are the hazards posed by Panalba and the penicillin combinations offset by therapeutic advantages? The FDA and the NAS–NRC say they are not. This is all the more troubling because of a report—which first emerged on 13 May in a hearing of the House Intergovernmental Relations Subcommittee—that the amount of novobiocin in Panalba is sufficient to do harm but insufficient to do good. The report was made by Dr. Max B. McQueen who, as a medical officer in the FDA's Division of Anti-Infective Drugs, analyzed a series of studies of Panalba that Upjohn itself sponsored but failed to submit to the FDA as required by law, and which were discovered in its files by an agency inspector.

These studies showed that the amount of novobiocin that becomes available in the bloodstream is not only a subtherapeutic dose but is occasionally even zero. McQueen's report was included in an affidavit filed with the federal court in Kalamazoo. In another affidavit, Winton B. Rankin, Deputy Commissioner of the FDA, told of a meeting on 1 May at which Dr. Fenimore T. Johnson, director of product research for Upjohn, admitted—despite the company's claims that Panalba was superior to its components used separately—that the company "had substantiated evidence of the efficacy of novobiocin but not of the combinations."

AFTER KEFAUVER, DRUG CLAIMS TESTED

Until the late 1930's, a manufacturer could market a drug without first being required to demonstrate that it was safe and effective in the uses for which it was labeled. The death of 107 people in the Elixir of Sulfanilamide disaster in 1937 led to the passage of the Food, Drug, and Cosmetic Act of 1938. Now, for the first time, manufacturers were required to present premarketing evidence of safety. In 1959, Senator Estes Kefauver, then chairman of the Senate Subcommittee on

Antitrust and Monopoly, began 2½ years of hearings that produced overwhelming evidence of the need for reform legislation, including a requirement for a premarketing demonstration of efficacy. President Kennedy agreed. In March 1962, in his message on Consumer Protection, he said that, of the new single entities listed since 1956 by the American Medical Association's Council on Drugs (which does not list combinations at all), more than 20 percent "were found, upon being tested, to be incapable of sustaining one or more of their sponsor's claims regarding their therapeutic effect. There is no way," he said, "of measuring the needless suffering, the money innocently squandered, and the protraction of illness resulting from the use of such ineffective drugs."

The thalidomide catastrophe rescued Kefauver's reform proposals from oblivion, and, in the fall of 1962, propelled them, as the Kefauver-Harris Amendments, through Congress without a dissent being heard. The efficacy provisions require the sponsor of a drug to provide "substantial evidence," which the law itself defines as consisting of "adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved." Although the efficacy provisions took effect forthwith for new medicines, a 2-year period of grace was granted for the 1938–1962 products. These include most of the drugs prescribed today—approximately 4000 formulations sold by 237 companies. The FDA directed manufacturers to search their files and report, by September 1964, if these contained information showing that any claim—whether for efficacy or safety—was not warranted by actual experience, and if promotional materials failed to disclose any necessary warning or contraindicated use, along with any side effects or untoward reactions that may have appeared after marketing had begun. In July 1966, with an order published in the *Federal Register*, the FDA required manufacturers to submit any materials in their files bearing on efficacy to the National Academy of Sciences—National Research Council (NAS–NRC), which, under a contract initiated by the then Commissioner James L. Goddard, was beginning a survey of the effectiveness of the 1938–1962 drugs. Essentially, Goddard felt that only by enlisting the NAS–NRC could he get the job done. His resources within the FDA were extremely limited, whereas, he believed, the NAS–NRC could offer the help of the country's top scientific talent.

THE MEDIA

Mr. DOLE. Mr. President, I have received a clipping dated January 23, 1967, from the Jackson, Miss., Daily News quoting David Brinkley of NBC Huntley-Brinkley fame.

The story indicates, in some small way, Mr. Brinkley's philosophy and might offer some insight on how difficult it is for the liberal commentators to be objective when "they report the news."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL TV GIVEN ITS SHARE OF BLAME

GREENVILLE, MISS.—David Brinkley—nationally-known television news commentator—told an integrated audience Saturday night that Mississippi had received some bad publicity "and that television is as much to blame as the so-called northern press."

The statement came in a question and answer session following Brinkley's address to about a thousand persons attending the 51st annual Chamber of Commerce membership meeting.

The newsman was asked his opinion of the state's national image. In a humorous tone he replied that the best law in Mississippi had been changed. "Liquor wasn't on the market, so the prohibitionists were happy. Those who wanted liquor could buy it, and the state got the taxes, and I call that ingenuity," Brinkley said.

On a more serious note he said that Mississippi had been hurt in the last four or five years "but that its image was improving."

He said that it was not just Mississippi that was suffering from racial confusion, but the whole southern quarter of the United States.

"Mississippi has received some unfair publicity and television is as much to blame as the so-called northern press, but in the last couple of years it has become obvious that not only the southern states have not solved the racial problem, but the entire country has not solved it," Brinkley said.

In his address Brinkley said there were people in Washington dedicated to creating a Utopia, a society of perfect peace and prosperity. He said President Johnson is convinced he can bring this about.

Brinkley, an admitted liberal who makes only three or four addresses a year, said "The government can provide a floor and four walls, but you cannot buy equality and happiness, and it cannot be legislated."

At worst, he said, this Utopia would be a dictatorship, and at best it would be dull. "It would be a good place to visit, but you wouldn't want to live there."

The Chamber dinner marked the beginning of many new activities, reorganization, new officers, and the implementation of a newly developed work program "Project 80."

PROGRESS IN PREVENTION OF AIR CARGO THEFT

Mr. BIBLE. Mr. President, for the past year, as chairman of the Select Committee on Small Business, I have been extremely concerned about the serious and growing problem of theft and pilferage of goods in air commerce. On May 22 and 23 and on July 22, I conducted a full series of hearings on the economic impact of such loss and theft on the small businessman, the major shipper of goods in air commerce. In the very near future, the Small Business Committee will release a report detailing recommendations to assist in combating this type of crime.

During these hearings, it was repeatedly called to the attention of the Small Business Committee that the carriers were delinquent in undertaking even minimal precautions to insure safety of air cargo, and their cooperation with the local police authorities was less than adequate. Today I wish to provide for the RECORD an example of what can be accomplished when an air carrier, Pan American World Airways, and a police department, the New York Port Authority Police, work together to prevent theft and pilferage.

It is significant to note that Pan American World Airways was cited, in testimony before the committee on July 23 by the American Watch Association, as being delinquent in its cargo security. In its defense, Pan Am advised the committee that it was undertaking an extensive review of its security system in order to combat whatever inadequacies that might exist.

I am pleased to report that it appears that Pan American's efforts are paying off. I hope to report soon that improved security by the air carrier industry will not be an isolated example, but universal throughout all airports in the country.

I ask unanimous consent to have printed in the RECORD an article reviewing Pan Am's success in detail, published in the New York Times of November 27, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREE ARRAIGNED IN PLOT TO STEAL WATCHES FROM AIRLINE HERE

Three men were arraigned here yesterday, on charges of trying to steal watches at Kennedy International Airport.

Port of New York Authority policemen arrested them Tuesday while they were trying, the police said, to steal watches and parts valued at $14,000 from a Pan American World Airways cargo shipment.

The men were identified as Heinz Wabnik, 39 years old, of 1681 St. Mark's Avenue, Merrick, L.I.; Michael Sampayo, 45, of 922 Barretto Street, the Bronx, and Jose M. Sanza, 38, of 390 Jackson Avenue, the Bronx.

Because attempted theft in international commerce is a Federal offense, the Port Authority turned the suspects over to the Federal Bureau of Investigation.

The three men were released on their own recognizances after appearing before the United States Commissioner in Brooklyn, pending appearance in Federal Court there.

Mario T. Noto, executive director of Airport Security Council, formed in June, 1968, to help reduce cargo thefts, issued a statement hailing the arrests.

"This is an example of the type of alertness by the Port of New York Authority Police which is helping rid JFK Airport of the stealing and pilferage which is being committed against air cargo," he said.

Mr. Noto held a special meeting June 9 of Government and industry officials to find ways of coping with the increasing theft of imported watches at the airport. He estimated at that time that the value of stolen watches from January to June was $100,000. He noted that watch packages were small and "the smaller the package the more vulnerable it becomes to pilferage."

RETIREMENT OF DWIGHT J. PINION, LEGISLATIVE COUNSEL OF THE SENATE

Mr. GOLDWATER. Mr. President, it is my wish to invite the attention of the Senate to the fact that one of our most skilled professional employees has retired after serving a distinguished career of 27 years in the Office of Legislative Counsel.

Of course, I am referring to Dwight J. Pinion who retired from his position as head of the Senate's legal office on October 31. Some of the new Senators might have missed the opportunity to work with Dwight personally, but I know that word of his excellent reputation has carried to all of us.

When I entered upon my first term as a Senator in the 83d Congress, Dwight Pinion had already been here 11 years. During the 1950's, Senators still made it a usual practice to deal directly with the attorneys in the Senate's Legislative Council, and I can remember that it gave me a great deal of confidence to learn that I could call on the service of professionals such as Dwight Pinion who

had many more years of experience in the Senate than I myself did.

This quality of continuity in the service of attorneys is the hallmark of the Senate's legislative drafting office. When Dwight Pinion retired, the average length of service of the 11 attorneys in the office exceeded 16 years. Eight lawyers had been with the office for more than 17 years and five of these individuals had served the Senate for over 21 years.

Mr. President, my major purpose at this time is to commend Dwight Pinion for his outstanding record of aid and advice to individual Senators and several committees. But in so doing, it is impossible to separate the work Dwight performed from the work of the office in which he served. Everything that Dwight Pinion did was done according to his high conception of the role expected of him as a member of the Senate's legislative office.

When he met with requests from nine or 10 Senators at the same time, he handled each politely, competently, and swiftly. We all know that Senators do not want to wait once they have decided to introduce a bill or offer an amendment. Dwight knew this, too, and he respected our right to ask for a measure immediately. He never hesitated by making excuses. He just did the job as soon as he could, which often was the very same day that he was asked to do it.

If this meant that Dwight had to stay at his desk until 10 or 11 at night, or drive in to the office for work on Saturdays and Sundays, then that was what he did.

The point that I am raising is that Dwight Pinion dedicated his mind and skills to serving the Senate in the very best way that he could. His personal standards were extremely high and he fulfilled them in every respect.

Although much of his work had to be done swiftly, it was never rushed. His colleagues tell me that Dwight read and reread all his drafting work, two, three, and more times before letting it go out.

He was constantly guided by the thought of protecting each Senator and the Senate, and the public at large, against any unfortunate applications or interpretations of the bill or amendment which he was asked to write.

Dwight Pinion was a reliable, brilliant, and effective technician. He got the job done when it was needed. He performed his tasks in a dignified, friendly manner. He always made you feel he was eager to help you and enjoyed turning out a professional product. I am told that he was an excellent teacher of the younger attorneys, too, looking to the day when they would have to carry the entire burden of a major field, such as labor law or civil service laws, by themselves.

Mr. President, I believe that I can pay no higher tribute to Dwight Pinion than to say that he exemplified by his career the perfect nonpartisan professional assistant which the Senate had in mind when it created the Office of Legislative Counsel.

The office was established just 50 years ago last February for the purpose of providing the Senate with its own independent staff of lawyers who would possess the highest special competence in the art of drafting and advising on Federal legislation.

Dwight Pinion filled to a tee all the exacting responsibilities which the Senate intended for its legislatve attorneys. His standards and his performance will serve as the model for all lawyers in his office for many, many years to come.

Mr. President, I want to convey my wish—and I am confident that I speak for all Senators—that Dwight Pinion and his wife, Kathryn, will enjoy a long and happy retirement. Blessed as they are with a wonderful family of three daughters and a young grandchild, this should be the easiest chore he has encountered in a long time.

Mr. President, I wish also to express my congratulations to the newly appointed Legislative Counsel, John Herberg. He has assumed this position after a career of 31 years as a Government attorney—the last 22 of which he has been in the Office of Legislative Counsel.

In taking over the reins of the office when it is entering upon the second half-century of its existence, he has quite a challenge facing him. The amount of work done by this small office has grown by leaps and bounds. For example, during the short period of time from the 88th Congress to the 90th Congress, its caseload jumped by 23 percent.

The total number of bills, resolutions, and amendments prepared by Legislative Counsel during the 90th Congress reached an amazing 4,500 pieces of proposed legislation. This is an imposing achievement for a law office consisting of 11 attorneys, and I think it deserves our attention and recognition.

Consequently, I want to extend to John Herberg and the entire staff of Legislative Counsel my best wishes on the occasion of the 50th anniversary of their office and to express my highest commendations for the record of excellence the office has built up over the last five decades. If each member of the office will continue to display the same sense of selfless dedication that marked the career of Dwight Pinion, I know they will be able to handle any challenge that the future may bring.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM

Mr. CRANSTON. Mr. President, between Saturday, November 22, 1969, and Friday, November 28, 1969, the Pentagon has notified seven more California families of the death of a loved one in Vietnam.

Those killed were:

Sgt. Johnny L. Buriss, son of Mr. Frank A. Buriss, of Oakland.

Sp4c. Barry J. Bedard, son of Mr. and Mrs. Walter M. Bedard, of Canoga Park.

Sp4c. Rory W. Hunter, son of Mr. Virgil W. Hunter, of Covina.

Pfc. William F. Lease, son of Mr. and Mrs. Edward O. Lease, of Montclair.

Sp4c. Robert M. Newberg, son of Mr. and Mrs. Frank Pontello, of Long Beach.

Cpl. Dennis L. Stevens, nephew of Mr. and Mrs. James E. Stevens, of Vallejo.

L. Cpl. Charles D. Yllan, son of Mr. Charles Yllan, of San Jose.

They bring tc 3,891 the total number of Californians killed in the Vietnam war.

POLICY POSITIONS ADOPTED BY THE NATIONAL GOVERNORS' CONFERENCE ON EXECUTIVE MANAGEMENT AND FISCAL AFFAIRS

Mr. BAKER. Mr. President, at the 61st annual meeting of the National Governors' Conference recently, the Nation's Governors discussed and adopted policy positions developed by their six committees concerning the many areas of interest to the States. The Committee on Executive Management and Fiscal Affairs, whose chairman was Gov. Daniel J. Evans, of the State of Washington, recommended policy positions on important issues now being considered by this Congress. Among these are revenue sharing and the taxation of industrial development bonds, subjects of particular concern to me and on which I have introduced proposed legislation.

Other policy positions important to State governments were taken on the taxation of State and local bonds, the interstate taxation of business, the taxation of national banks, and intergovernmental cooperation. These policy positions were unanimously adopted by the Nation's Governors.

I commend Governor Evans for his leadership as chairman of the National Governors' Conference Committee on Executive Management and Fiscal Affairs. Because of the timeliness and importance of these policy positions, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the policy positions were ordered to be printed in the RECORD, as follows:

POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE

REVENUE SHARING

The National Governors' Conference went on record in 1965 in support of the principle that the federal government share a portion of its revenue with the states, unfettered as to functions for which it is to be used. The Conference reiterates its stand on this matter, and further recommends, consistent with the criteria approved by the Conference in 1968, that a revenue sharing plan be formulated on the following basis:

(1) Congressional appropriations for revenue sharing should be made on the basis of the federal individual income tax base.

(2) Congressional appropriations for revenue sharing should be made to a trust fund established in the Treasury of the United States.

(3) The sums appropriated should be allocated among the states, based primarily on population adjusted by relative state and local tax effort. The relationship between the taxing ability and the percentage of federally-held and administered land acreage in each state should also be considered.

(4) Congress in its appropriations to the states should specify a pass-through formula

to local governments. Eighty percent of the monies which are for distribution to local governments should be passed through automatically according to formula to eligible local governments; twenty percent should be passed through to eligible local governments on application of these units to the state, and should be available for programs at the local level which encourage cooperative or joint efforts of local governmental units to solve a common problem.

(5) The federal pass-through formula should provide for sharing revenue only with general purpose units of government.

(6) The allocation by formula should be made to relatively populous cities and counties based on population and the ratio between the total receipts from all taxes imposed by eligible cities or counties and the total receipts from all taxes imposed by the state and its political subdivisions. The portion of any state's allocation which would be available for local governments within the state would depend upon the portion of total tax revenue raised by the state and that raised by the eligible local units in the state. An alternative state allocation plan of distribution should be accepted if (a) each city and county receive an amount equal to or greater than that allocated by formula, or (b) city and county councils or governing bodies representing fifty percent of those entities entitled to receive at least fifty percent of payments by formula concur in the state's alternative plan.

(7) No functions should be excluded from expenditures made from shared funds.

TAXATION OF STATE AND LOCAL BONDS

The National Governors' Conference affirms the basic constitutional principle that neither the federal nor state governments without mutual agreement have the authority to tax the other. The Conference therefore asserts that state and local bonds issued for general governmental purposes must remain tax exempt. The Conference also strongly opposes those aspects of the House-passed Tax Reform Act of 1969 (H.R. 13270) which would adversely affect the marketability of state and local securities and thus the provisions of needed public services and facilities.

INTERSTATE TAXATION OF BUSINESS

For a number of years the National Governors' Conference has expressed opposition to federal legislation which would restrict the taxing jurisdiction of the state and provide preferential tax immunity to favored multistate businesses, and has expressed full support for legislation which would give congressional approval to the enactment of the Multistate Tax Compact by the states.

This conference now goes one step further in supporting an expanded and/or specific version of a congressional consent bill for the Multistate Tax Compact to allay expressions of concern in the Congress that the original consent bill set out only a broad statement of purpose, and to counter claims that the states were seeking a sort of blank check in the area of multistate taxation.

The Conference therefore urges Congress to enact legislation, drafted by the Advisory Commission on Intergovernmental Relations in collaboration with the Council of State Governments, which incorporates the Multistate Tax Compact and expresses congressional consent to enactment by the states of a compact substantially the same thereto, plus the following additional provisions:

(1) The three-factor formula (Uniform Division of Income for Tax Purposes Act) developed by the National Conference of Commissioners on Uniform State laws is made mandatory for net income taxes upon States which have not enacted the Compact by July 1, 1971;

(2) States are given jurisdiction to require collection of sales tax by sellers making interstate deliveries into a state if the seller makes regular household deliveries there; and

(3) Income taxes may be imposed on congressional salaries only by the district and state represented by the Congressman.

TAXATION OF INDUSTRIAL DEVELOPMENT BONDS

The Conference recognizes that so-called industrial development bonds have been used for non-governmental purposes. Unfortunately federal legislation adopted in 1968 to remove the tax-exempt status of industrial development bonds erroneously included in its definition some traditional governmental functions and thus made them taxable under this legislation. The Conference reiterates its 1968 resolution urging legislation properly to redefine industrial development bonds.

TAXATION OF NATIONAL BANKS

The National Governors' Conference reiterates its concern, expressed in a policy statement adopted in February, 1969, that action be taken to counteract the effects of court decisions giving an unfair tax advantage to national banks. The Conference urges the adoption of Representative Patman's bill, as amended and reported out of committee (H.R. 7491, Report 91-290), which would allow states to treat national banks the same as state banks for state and local tax purposes.

FEDERAL ROLE IN STATE PLANNING

Planning has always been a vital element in the decision-making process, and in recent years much effort has been made at the federal and state levels to improve the methods by which it is done. The federal government has shown its concern and interest by many programs of assistance to state and local governments for planning. However, many problems have arisen: a multiplicity of planning grants with different federal requirements; uncertain funding; and no integration of plans, especially at the federal level.

The National Governors' Conference urges that:

The Congress and the Administration should take immediate action to correct the confusing, contradictory, duplicative and overlapping mass of federal requirements and definitions concerning both long-range and annual operational plans. Federal agencies should recognize the Governor as the chief state policymaker and planner responsible for the coordination of all statewide and multi-jurisdictional sub-state planning. The elected heads of local government should be recognized in the same capacity for all state and federal programs operating within their jurisdictions.

An appropriate share of the funds of each functional federal grant program should be made available to the Governor for the purpose of relating functional plans to each other, to statewide goals and policies and to local development policies. This effort should begin with HEW which has thirty-nine programs, each requiring a statewide long-range or annual operating plan.

Major federal planning assistance programs should provide for forward funding on a two or three-year basis; minimum annual funding for each state; interprogram service agreements; evaluation machinery; technical assistance, training and tuition fees as eligible project costs; and minimum standardization and coordination of federal planning definitions and requirements.

INTERGOVERNMENTAL COOPERATION

The National Governors' Conference commends the Congress for passage of the Intergovernmental Cooperation Act of 1968, which among other things, provides for keeping Governors and legislatures informed of federal grant-in-aid rules and regulations, provides a means to obtain flexibility in administration of the "single state agency" requirement, provides flexibility in state banking of federal funds, authorizes federal agencies to render technical assistance and training services to state and local governments on a reimbursable basis, and provides for federal coordination with local authorities regarding land use.

The Conference urges Congress now to extend the principles of intergovernmental cooperation by enacting legislation which would establish procedures to allow the simplification of accounting, auditing and reporting of federal assistance funds; authorize the President, subject to congressional veto, to consolidate federal assistance programs within agencies; allow joint funding simplification for the packaging of grants for the same or related programs; and provide for periodic congressional and executive review of grant programs to determine their effectiveness.

TRAINING

The growing complexity of state government programs, and of the many intergovernmental programs in which states are involved, is placing an enormous burden upon state officials and employees responsible for the over-all management and unity of state operations. Training is a necessary part of equipping these officials and these employees to carry their burdens.

The National Governors' Conference commends the Council of State Governments for strengthening its training activities: the Conference notes the successful seminar held last December for newly-elected Governors and their aides, the continuing work of the Council and the National Association of State Budget Officers in providing policy-oriented training for budget personnel, the newly established training program for legislators and legislative staff, the recent collaboration with organizations of local officials to provide training on matters of intergovernmental concern, and the scheduled seminar for Governors' aides. The Conference urges further intensification of these efforts.

The Intergovernmental Personnel Act now before Congress should help to strengthen state and local training programs. The Conference endorses the objectives of this Act.

CLEARINGHOUSE FOR STATE CONSULTING HELP

All Governors have on occasion needed the temporary assistance of persons from outside their state governments to bring a different perspective to policy issues as well as to bring to bear technical knowledge and experience in various fields of state government. Although private consulting firms and universities have been used to help provide this assistance, a major reservoir of talent, largely untapped, is the state governments of the Nation. The use of this talent would be of benefit both to the state receiving help and, through broadening the experience of the personnel involved, to the state supplying the expertise.

The National Governors' Conference requests that its Secretariat establish a clearinghouse to enable states to draw upon the experience and talents in the state governments by helping states define their problems with precision and clarity, and identifying employees in state governments who are qualified to provide effective assistance.

HEALTH BUDGET CUTS

Mr. YARBOROUGH. Mr. President, on a number of occasions over the last several months, I have denounced the tragic reductions by the Nixon administration in vital health programs. I will continue to speak out and plan to fight these cuts in the Senate. We need more funds in this area, not less.

One of the more recent announcements by the administration was its decision to terminate the chronic disease programs next year, involving cancer, respiratory

ailments, diabetes, arthritis, heart, and stroke, and neurological and sensory disorders.

An example of the tragic implications of this decision which will cause the closings of 19 clinical research centers was brought to light in an article written by Miriam Kass and published in the Houston Post of November 6. One of the 19 clinical research centers which will be closed is the center at the Texas Children's Hospital in Houston.

The story points out that 3-year-old Jamie Cook has been receiving specialized treatment at the center. His mother, Mrs. June Cook, has written to the President:

Mr. President, his life may very well be literally in your hands.

Jamie Cook has biliary atresia, and it is fatal in 95 percent of the cases.

She hopes the President will change his mind about the Federal budget cuts he has proposed, so that Jamie may still be treated at the center. She has my support, and I will fight to reverse this and other health budget cuts.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Houston Post, Nov. 6, 1969]

MOTHER PROTESTS HOSPITAL AID CUT—HER SON WAS SAVED

(By Miriam Kass)

Jamie Cook was born with yellow skin.

"It will probably go away soon," the doctor said.

"A month later, when he explained that Jamie might have biliary atresia and it's fatal in 95 per cent of cases—I kind of felt like—like sinking through the floor," says June Cook, his mother.

Yet she was prepared for that moment.

I was 38 when Jamie was born. He's the first child I've given birth to. The doctor said I had about a 20 per cent chance of carrying him.

I would ask myself, What will you do if something is wrong with him?' "

Mrs. Cook, who lives with her family off a country road in Wharton, prayed for her boy.

Now, Mrs. Cook, who believes in action as well as prayer, has written to the President of the United States about Jamie.

"Mr. President," she said, "his life may very well be literally in your hands."

Not that she expects President Nixon to turn healer.

She asks only that he change his mind about federal budget cuts he has proposed. The cuts threaten the existence of Texas Children's Hospital's clinical research center, where Jamie is being treated.

On the day Jamie was 3 months old, doctors at the center examined the delicate insides of the small boy as he lay on the operating table.

"They confirmed the biliary atresia. They told us there was nothing they could do to help, and we could expect Jamie to live probably another four to five months."

Biliary atresia is the absence or closing of ducts that normally drain bile from the liver. "The liver manufactures bile continuously," explains Mrs. Cook, now expert on the subject.

"If there are no ducts, the bile can't get out. It creates pressure. The liver is destroyed."

At surgery it was found Jamie's liver was already half destroyed. The yellow of his skin had deepened, stained by the pigment of bile that could not get out of his body.

Not only did Jamie seem to have no working bile ducts; the surgeon also found there was no connection between his liver and his gall bladder, which normally stores bile for the intestines.

Before he closed up the little body, he did two things. He connected the gall bladder to the liver. And he ran plastic tubes from the liver through an opening made in Jamie's side.

The doctors had no illusion that they would help Jamie's basic problem. At best they figured the tubes would provide the drainage generally needed after any surgery.

But a strange thing happened.

"When Jamie's intestines started functioning after surgery, there was bile in his bowel movement for the first time. It was also coming through the drain in his side.

"He began improving immediately."

Deliberate attempts to create bile drainage in similar cases had failed in the past. Yet here, where doctors had not dreamed they would affect the liver disease, suddenly the liver was draining bile.

To the Cooks it was a miracle.

To the doctors at the clinical research center it was a challenge.

They had a clue.

Microscopic study of a sample of Jamie's liver had shown the liver to be inflamed, infected.

And another clue:

"About the time I got pregnant with Jamie I got a real bad virus," Mrs. Cook recalled.

Usually it is assumed that biliary atresia means the baby is born with no ducts, one doctor says. But in this case, could there have been ducts after all—ducts clogged by infection?

Could that infection have passed into the liver of the developing fetus before his mother even knew he existed?

By chance or by miracle the tubes in Jamie's side may have provided drainage for the infection, allowing the ducts to open, the doctor suggests.

By chance or by miracle those tubes may have been put in just the right place also to carry off the bile from the liver's own ducts.

It's a theory. The doctors at the clinical research center are trying to check it out or to find other explanations for Jamie's apparent escape from death—explanations that might help more babies.

But now the whole biliary atresia study and many others are threatened.

Mrs. Cook admits that "the most active part I've ever taken in government is to vote." Yet she is leading a letter writing campaign to urge the President and congressmen to restore clinical research center funds to the President's budget.

Since his surgery, her baby has had his ups and downs. He is draining a normal amount of bile—half through his side and half through the gall bladder to the bowel.

What will happen tomorrow, no one knows.

Jamie is now 13 months old. He is small, but growing normally, a blue-eyed flirt with sandy hair that stands on end and a big stretch bandage around his middle to secure the dressing over the holes in his side.

And his skin is pink.

WOR–TV ELECTION DAY SPECIAL IN NEW YORK

Mr. JAVITS. Mr. President, much is being said about "what's wrong" and "what's right with television in our country today. I am pleased to call to the attention of my colleagues and the Nation the 18½-hour election day special presented by a local television station in New York—WOR–TV—as an example of "what's right."

WOR–TV performed a special public service. The station preempted all its programing on Monday, November 3—the eve of election day—and made it available at no cost, for the exclusive broadcast use of the qualified candidates for the offices of mayor of New York City and Governor of New Jersey.

This donation of a full day, 18½ hours—7 a.m. November 3 to 1:30 a.m. November 4—of broadcast time, so that all the candidates and the issues could be made available to the public view, was clearly responsive to the people's need for full, frank, and open discussion and represented a giant step forward to provide programing "in the public interest."

In our society, it is imperative that the electorate have an opportunity to meet the various candidates and to understand their policies. Yet as the populations of our cities and states grow larger and the costs of campaigning continue their upward spiral, it becomes increasingly difficult for candidates to reach all the electorate during a campaign. I believe the unique and important public service offered by WOR–TV should stand as an important example for other local stations as well as for the networks. Such public-service broadcasting is bound to encourage enlightened voting and to permit qualified candidates to seek public office despite limited financial resources.

I wish to record my congratulations to the management of WOR–TV for a fine public service—and for unbiased concern for the important issues of our day. I ask unanimous consent that a press release by WOR–TV as well as an article in the New York Times of November 4, 1969, which describe the special programing, be printed in the RECORD.

There being no objection, the press release and article were ordered to be printed in the RECORD, as follows:

WOR/TV TO PROVIDE FREE TIME TO TOP OFFICE CANDIDATES

WOR/TV (New York 9) in an unprecedented public service move, announced today that it will preempt all programming on Monday, November 3 (the eve of Election Day), and made it available at no cost, for the exclusive broadcast use of the qualified candidates for the offices of Mayor of New York City and Governor of New Jersey.

The announcement was made by Edward A. Warren, General Manager of the RKO-General Flagship Station, who has extended an invitation to the candidates by telegram.

The donation of a full day, 18½ hours (7:00 am November 3 to 1:30 am November 4) of broadcast time, in order that the men and the issues be clearly in the public view, said Mr. Warren in making the announcement.

Invitations have been sent to the following four qualified candidates seeking the mayoralty of New York City: Mario Procaccino (Democratic Party: Non Partisan Party: Civil Service Ind.), John V. Lindsay (Liberal: Independent), John Marchi (Republican: Conservative), and Rasheed Storey (Communist Party), John Emanuel (Socialist Labor Party) and Paul Boutelle (Socialist Workers' Party) have been invited to participate on the condition that they become legal candidates for Mayor.

Also, the following seven candidates for Governor of the State of New Jersey have been invited: Robert B. Meyner (Democratic Party), William T. Cahill (Republican Party), James E. Johnson (Independent Party), Jack D. Alvino (Independent Candidate), Julius Levine (Socialist Labor Party), Winfred O. Perry (National Conservative Party), and Louis Vander Plate (Independent).

According to Director of Programming, Mel Baily, the broadcast day will begin at 7:00 a.m. when Ed Warren, as General Manager of WOR/TV, will deliver an introductory explanation of the entire broadcast day. In addition, members of the station's news staff will provide initial commentary as to the forthcoming day's broadcast. The remainder of the day will follow the format below (all times are approximate and subject to change):

(a) 7:30–9:15 a.m. 1¾ hours will be divided equally among the qualified candidates for mayor of New York City.

(b) 9:15–9:30 a.m. The station's reporters will discuss and deliver a wrap-up of the preceding broadcasts by the mayoralty candidates.

(c) 9:30–9:45 a.m. The station's staff, in conjunction with the League of Women Voters and other organizations will present pertinent voting information in both English and Spanish, including the hours of balloting, candidates for various offices and use of the voting machine.

(d) 9:45–11:30 a.m. The next 1¾ hour period will be divided equally among the candidates for Governor of the State of New Jersey.

(e) 11:30–11:45 a.m. Wrap-up of the gubernatorial broadcasts by the station's reporters.

(f) 11:45–12:00 noon. Repeat of explanations of essential voter information and excerpts of the General Manager's opening remarks.

The foregoing schedule is approximately one-quarter of the broadcasting day, the rest of which will be presented in three similarly scheduled segments. In each of the four segments, all of the candidates for both of the offices will receive equal live airtime. Although the public will not be present in the studios, direct telephone lines will be set up for questions to the candidates, to be used at the discretion of the candidates. WOR/TV will provide transportation for all candidates to their studios as well as office and phone facilities for the day at the studios.

This is the first unconditional offer of free airtime by a New York television station in this major political campaign.

The FCC has been advised of this proposal in order to ensure WOR/TV compliance with political broadcast rules.

[From the New York Times, Nov. 4, 1969]

WOR–TV DEVOTES DAY TO APPEARANCE BY CANDIDATES

(By Fred Ferretti)

In an unusual excursion into political public service, WOR–TV suspended its regular 19-hour daily program schedule yesterday to permit 13 New York City and New Jersey candidates four free television appearances each.

On the day-long program on Channel 9, "Before You Vote," the six candidates for Mayor of New York—four on the ballot and two write-in candidates—and the seven men running for Governor of New Jersey competed for votes, attacked one another, repeated old charges and made some new ones, were sedate and inflammatory, factual and demagogic.

There was only one interruption in the day-long presentation on local politics, when WOR carried President Nixon's address on Vietnam.

WOR's Times Square studios became a motel for the day. Candidates were quartered in various executive rooms and because of their number there was some doubling up. Among the more interesting roommate combinations was that of Rasheed Storey, the Communist party candidate for Mayor, and Jack Alvino, an independent candidate for Governor of New Jersey.

It was a pairing that had the station management a bit apprehensive. Mr. Storey, a Negro, went on at 9 A.M. and asked New Yorkers to "vote for an alternative, for radical change . . . for an end to racism" and for community control of schools.

He finished, went back to his assigned room and pastered the wall around the doorway with Communist party posters. He left, presumably for some breakfast, at about the time Mr. Alvino came in.

The New Jersey independent went before the cameras and said: "Right now the problem were facing is caused by the black man. I am for the colored American, and I said American, 100 per cent. But they must clean up their own race. . . .If the colored want to live like Americans I will hold my hand out to them.

"But if they want to listen to the militants, if they want to live like savages, then they should return to their homeland: Africa—back to the jungles where savages belong."

ROOMMATES DON'T MEET

There are no Storey-Alvino meeting. Mr. Storey came back for three more live appearances. Mr. Alvino let his statement be repeated on tape.

Mayor Lindsay's appearance was smooth and professional. He began his 16½-minute segment with four of his campaign commercials, then he made an appeal for unity. "Of course I care whether I am re-elected," he said, looking into a Teleprompter, "but you have given me something far more gratifying. You have listened.

"It is far more important for a Mayor to be taught by criticism than to be gratified by praise."

Mayor Lindsay, who is seeking re-election on the Liberal and Independent tickets, was given the office of the station's general manager, Edward Warren, for a headquarter.

Controller Mario A. Procaccino, the Democratic and Non-Partisan mayoral candidate, was also subdued. He repeated his several cirticisms of the Mayor in a low voice and said he had "done the best I could to get the message across, even though I couldn't afford Madison Avenue men and television ads." The Controller spoke from cue cards.

State Senator John J. Marchi, the Republican and Conservative mayoral candidate, called Mr. Procaccino a "highly implausible, improbable candidate for Mayor" and said Mayor Lindsay had run a "highly computerized campaign for re-election." Twice Mr. Marchi walked in front of live television cameras, blocking off the Channel 9 commenators, so he could shake hands with the Mayor.

John Emanuel, the Socialist Labor party candidate for Mayor, and Paul Boutelle, the Socialist Workers party candidate, used several of their four rounds for live appearances.

Mr. Emanuel and Mr. Boutelle were on the ballot early in the campaign, but they were forced off when representatives of Mayor Lindsay challenged the validity of their petitions. Both men have been running as write-in candidates since being dropped from the ballot.

Mr. Emanuel said the only solution to the city's social ills lay in voting out capitalism, which he called "out-moded and decadent."

Mr. Boutelle brought guests from the Harlem Community Coalition who described how opposition to the proposed state office building on 125th street has been mobilized.

JERSEY RIVALS APPEAR

Representative William T. Cahill, the Republican candidate for Governor of New Jersey, brought Senator Clifford P. Case with him. Mr. Case said mass transportation in New Jersey was dreadful. Mr. Cahill said he'd improve it.

Robert B. Meyner, the Democratic candidate for Governor, was interviewed in his first appearance by two reporters. The second time around he brought Mrs. Meyner with him as well as Mrs. Richard J. Hughes, the wife of the current Governor of New Jersey.

Mr. Warren, the station manager, estimated that WOR–TV lost $50,000 in commercials for the day, plus whatever the bill comes to for a two-member make-up team, three associate producers, several cameramen, directors and floor managers, and coffee and sandwiches for candidates and lookers-on.

A PLEA FOR RATIFICATION

Mr. PROXMIRE. Mr. President, this month the Senate will consider, and hopefully approve, the 1925 Geneva accord that prohibits its signers from first using poison gas in warfare. I urge this body to ratify this accord outlawing on an international level the "first strike" use of these most destructive weapons.

The record of this Nation on this issue has not been exemplary. As far back as 1899, this Nation refused to sign the declaration on the prohibition of gas weapons adopted at the Hague Conference. The use of poison gas by both sides in World War I caused a revulsion in world opinion and many governments sought to outlaw its use in future conflicts. The United States took the initiative in proposing the inclusion of clauses prohibiting the use in war of poisonous gases in the Treaty of Washington in 1922. The treaty was signed and ratified by the United States, but it did not enter into force because France did not ratify. In 1925, the United States proposed to the Geneva Conference on Traffic in Arms, the inclusion of a convention banning the use of gas in warfare. The resulting protocol, which also contained a prohibition on the use of "bacteriological methods of warfare," was signed by the United States. The U.S. proposal had been approved by Army and Navy officials and ratification was recommended by the Senate Foreign Relations Committee. But after debate on the Senate floor, which revealed strong opposition by veterans organizations and chemical manufacturers, the treaty was referred back to the committee. In 1947 President Truman withdrew it as one of a group of treaties which had become obsolete.

Let all of us in this Chamber see to it that this time the Geneva accord is ratified. Let all of us see to it that a future President does not find it his responsibility to withdraw this accord since it had become "obsolete."

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. GOODELL. Mr. President, the conference committee on the Housing and Urban Development Act of 1969, S. 2864 and H.R. 13827, will begin tomorrow. My distinguished and able colleagues on the Housing and Urban Affairs Subcommittee of the Banking and Currency Committee, the chairman, Mr. SPARKMAN, and ranking minority member, Mr. TOWER, together with Messrs. PROXMIRE, WILLIAMS of New Jersey, MUSKIE, BENNETT, and BROOKE will serve as conferees.

One of the issues extensively considered in the committee hearings on the 1969 housing legislation was the unrealistically low statutory cost limits on Government housing programs. These have caused a delay, and indeed, a halt

of Government-subsidized housing construction in many major metropolitan areas of this country.

During the floor debate, I successfully offered amendments to the committee bill which would apply a sliding scale construction cost index to the statutory cost limits of the public housing program and the section 235–236 programs. The committee reported out a provision which applied a base year of 1965 to this construction cost index. Unfortunately, the increase in limits predicated on this base year would have been insufficient to meet the rising construction costs in many of our cities including New York City, Detroit, Boston, Newark, New Orleans, and San Francisco.

My amendments applied the construction cost index from a base year of 1965. This formula will produce adequate cost limits which will reflect actual constructions costs and experience, particularly in our Nation's cities.

At the time these amendments were accepted, concern was expressed by Chairman SPARKMAN and Senator TOWER that the application of the index might itself contribute to rising costs.

I offered to submit additional information on this subject which I did earlier this week in a letter to the chairman. For the benefit of my colleagues, I ask that the text of this letter, which demonstrates the national need for revised cost limits, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 1969.

HON. JOHN J. SPARKMAN,
Chairman, Senate Committee on Banking and Currency, New Senate Office Building, Washington, D.C.

DEAR JOHN: During the Floor debate on S. 2864, the Housing and Urban Development Act of 1969, we participated in a colloquy concerning my amendments which applied a sliding construction cost index (CCI) from a base year of 1965, to statutory room cost and mortgage limits in public housing and FHA-subsidized Section 236–235 housing.

I sincerely appreciated your acceptance of these amendments subject to further clarification that the application of the CCI would reflect the rising cost of housing rather than contribute to inflation and increasing costs.

It is my concern, as it is yours, that the cost of housing be maintained at a level which will be within the financial reach of low and middle income families.

Inflation and rising prices have greatly increased the cost of housing and construction. The Bureau of the Census "Sale Price Index for One Family Homes," which measures the inflationary factors in home building, lists the following increases in construction costs:

	Percent
1964–1965	2.0
1965–1966	2.9
1966–1967	3.6
1967–1968	7.0
Total increase	16.0

The Bureau estimates that yearly percentages will increase 2–33 percentage points in following years, barring any drastic change in monetary policy. Conservative estimates for increases for 1968–1969 and 1969–1970 thus would be 9% and 11%, respectively.

For construction of multi-family dwellings and apartments, E. Boeckh and Associates supplies a construction cost index for apartments, hotels, and office buildings. This index shows the following increases:

	Percent
1964–1965	4.0
1965–1966	4.7
1966–1967	7.5
1967–1968	9.2
Total increase	25.4

It has been projected by the Economics Division of the Library of Congress that the index will rise between 2–3 percentage points annually. Thus, the estimates for 1968–1969 and 1970–1971 would be 11.2% and 13.7% respectively.

Cost limits for public housing and Section 236 housing programs are based on 1964 cost statistics. In view of the national increase in construction costs over the past five years, statutory room cost and mortgage limits have made the programs unworkable in our nation's cities, where the greatest increases in construction costs have been experienced.

My amendments, by applying a sale price index to the mortgage limits in the Section 236 program and a nationally recognized construction cost index to the room cost limits in public housing—using a 1965 base year—will make the statutory cost limits reflect construction cost increases.

The House proposal, which would increase these limits by only 10%, is clearly unrealistic. From 1964 to 1968, construction costs have risen on a national basis by 16% for one-family homes and almost 26% for apartment dwellings. By the end of 1969, it can be assumed that these percentages will be at least 18% and 28% respectively, making the 10% increase still more out of date as months pass. The House proposal provides no flexibility for these annual increases in construction costs.

The Committee bill as reported used a 1967 base year for the sliding scale cost limits. In view of the fact that existing cost limits are based on 1964 cost figures, using a 1967 base year would fail to take into account the cost increases that took place during 1965 and 1966. During these two years, costs for one-family homes rose by about 5% and those for multi-family dwellings and apartments rose by almost 9%. Thus using the 1967 base year will fail to recognize about *one-third* of the cost increases that have taken place since 1964.

I am enclosing for your information a letter I have received from Mayor John V. Lindsay of New York City. In this letter, he points out:

(1) That under existing cost limits, construction of public housing and Section 236 housing is virtually stopped;

(2) That under the Senate bill's cost limits, using the 1965 base year, the City can proceed with its plans to build 6,000 new public housing units and 8,700 Section 236 units;

(3) That under the Committee bill's cost limits, using the 1967 base year, only 1,000 of these public housing units and 3,000 of these Section 236 units would be built.

I do not believe the increases as proposed in my amendments will cause inflation; rather the index will *reflect* changes in construction costs. Under the sliding scale formula, the Secretary of the Department of Housing and Urban Development is authorized to adjust the cost limits by the percentage increase in the previous year. Therefore, the adjustment in 1970 will be based on the average construction cost index for 1969. The formula will reflect the changes of the previous year, and there will be a year's lag between actual cost experience and adjustment of cost limits by the Secretary.

Concern has been expressed that increased cost limits will become "floors" rather than "ceilings" and that subsequently, lower and middle income families will be unable to afford the increased cost of housing.

The plain fact is that, with existing cost limits, housing cannot be built in the numbers necessary to fill the demand.

I have already detailed the problem that the existing cost limits present for New York City. Similar problems are found to exist in cities throughout the nation.

In a study sponsored by the National Association of Housing and Redevelopment Officials, HUD regional officials reported that over 80 cities are encountering difficulties in the construction of public housing under present cost limits.

Detroit, Michigan, which has experienced a 50% construction cost increase since 1965, has been unable to build any low income units since 1953. In March of 1967, bids for 140 units were submitted, totalling $3,519,890 while the statutory limit called for a total of $2,116,501.

Memphis, Tennessee, which is not a HUD high cost area, recently had to reject a bid for a 183 unit high rise apartment building because the sum was 15% over the allowable cost limits.

Dallas, Texas, which has experienced a cost increase of 819% over the past year, was unable to build two high rise projects for elderly because the bids submitted were 12.7% over the allowable limit.

York, Pennsylvania, is unable to construct public housing due to a 31% increase in bid estimates between June, 1968, and April, 1969.

It has been pointed out that, in the case of Section 236 projects, construction cost increases may lead to rent increases. This can be true. By refusing to adjust outmoded cost limits, however, we do not solve this problem. We only prevent 236 housing from being built.

I would point out that it is the public housing and Section 236 programs—not the Section 235 program and conventional FHA mortgage programs—that have been facing the most severe problems with existing cost limits.

The sliding scale provisions as adopted by the Senate using the 1965 base year now apply not only to public housing and Section 236 housing, but also to Section 235 and conventional FHA-insured mortgages. *I would consider it acceptable, if you think this to be desirable, to restrict the application of the sliding scale using the 1965 base year to public housing and Section 236 programs.*

Section 15(5) of the U.S. Housing Act of 1937 sets forth two criteria which must be satisfied if the Secretary is to apply an additional increase of 45% to public housing room cost limits in high cost areas. They are:

(1) That is it not feasible under cost limits to construct projects without sacrifice of sound standards of construction, design and livability;

(2) That there is an acute need for housing in the area.

It might be desirable to add a provision requiring the Secretary of HUD to apply the same criteria in exercising his authority under the Senate bill to increase cost limits on the basis of cost increases.

It is my hope that this information will be helpful to you in the conference committee next week. My staff is at your disposal should you have further questions.

Sincerely,

CHARLES E. GOODELL.

THE DRIVE FOR EQUAL RIGHTS—ADDRESS BY LEON E. PANETTA

Mr. CASE. Mr. President, as a Senator who is firmly and unequivocally committed to our national goal of equal opportunity for all Americans, I was glad

to note a similar commitment in a recent statement by an administration spokesman in the area of civil rights.

In a speech before the National Civil Liberties Clearing House last month, Leon Panetta, Director of the Office for Civil Rights at the Department of Health, Education, and Welfare, said:

Desegregation is right, desegregation under law is necessary, and desegregation is a current imperative job—for every single agency of the United States Government . . .

Mr. President, I believe that Mr. Panetta's remarks should be of interest to all Senators. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE DRIVE FOR EQUAL RIGHTS: YESTERDAY, TODAY—AND TOMORROW?

(By Leon E. Panetta, Director, Office for Civil Rights, Department of Health, Education, and Welfare)

I must tell you that it is an honor to be asked to speak before so many who have done so much in the struggle to bring equal opportunities to all Americans. Although I am a relative newcomer to the arena, I have had the opportunity to work with many of you in the battles fought on the Hill and on the plains of Pennsylvania Avenue. In spite of the title of my talk, I realized so well before I came here that you are the ones who are most familiar with yesterday, and it would be a presumption for me to dwell on it.

Instead, I intend to talk more about the current product of the practices of the past, some of the steps forward that have been taken, and the urgent need for a revival of the civil rights spirit today. For although the laws are now on the books, the spirit of the law remains to be implemented. Most of all, I want to tell you some of what I see coming or threatened in the next year or two, and my hopes for your help in coping with tomorrow.

If government has learned one lesson today, it is that the Federal government cannot shirk its duty to all citizens as dictated by the Bill of Rights and the 14th Amendment, as well as by decency and by the inherent duty of government. I feel that my agency and sister Washington agencies have definite obligations, and I shall enumerate some of them. You have some excellent opportunities to carry forward your work, and I may mention some new areas in which I will need your assistance.

One public figure who played a large role in developing my beliefs on civil rights and whom I believe many of you may know was told by his principal campaign advisor last year that "civil rights is dead." The campaign manager meant, of course, that nobody was talking about civil rights in 1968, that it was a moribund if not stone-cold dead issue, and that anybody who dwelt on the subject would be considered irrelevant if not foolhardy, and would certainly lose an election. Well, that public figure was proud of his civil rights record, he talked about it, and he did lose.

Did that prove that civil rights was dead? No, it did not. It proved that the subject had been eclipsed in 1968 by the war, by the fear of riots, by crime statistics and by economic advancement, as opposed to social or other progress of minority groups. Civil rights was not a popular subject, but it was not dead. Surely, the passage of the Equal Housing Law was proof enough of that fact.

But, in 1969, it seems to me, civil rights has become again an issue of profound concern to millions of Americans. It is of profound concern to you and to me, and I would like to see where we can move together to advance the cause.

In discussing the past briefly, it is only necessary to mention the recent ruling by the Supreme Court, to evoke a capsule history of the forward movement of civil rights under law. As it unanimously stated last week, the standard of allowing "all deliberate speed" for desegregation is, in the words of the Court, "no longer permissible."

"Deliberate speed," when coupled with the historic 1954 Supreme Court Decision outlawing so-called separate but equal school facilities, turned out to be a password for delay. It held forth a promise and a hope, it inspired numerous and sometimes successful civil rights efforts, but it also permitted delays and disappointments which seem inexcusable to most of us today. School desegregation cases in many cities of the South which were filed over ten years ago are continuing today, as glaring examples.

Finally, in 1964, Congress passed the Civil Rights Act which declared in part that no Federal funds would go to school districts and other organizations or activities which continued to discriminate. Then it took the 1965 Elementary and Secondary Education Act to provide the massive Federal school aid, which convinced many school districts that they had good reason to begin doing what the Supreme Court ordered 11 years earlier, in order to acquire and retain these funds.

And now, the Supreme Court has spoken again, and, where the state-imposed dual school system is concerned, we hope decisively and finally. The order of October 29 settled for once and for all the question of timing and the need to eliminate all vestiges of the dual school system.

It has given our office additional capacity to achieve compliance, and we have carefully laid our plans in order to reflect the Court's decision in our dealings wtih school districts under HEW jurisdiction.

It suffices to say for the moment that our action will not only reflect the Court's action, but will also reflect Secretary Finch's October 30 statement that we should not "tolerate any further delays in abolishing the vestiges of the dual school system."

At this point, let me sound one note of caution: The greatest time for vigilance is now—a court order is fine but the product is finer. A Court ruling by itself will not accomplish the task. There is a tragic lesson to be learned from 15 years of delay. In 1957, a new dawn appeared but so did a thousand new black schools. In 1964, another new dawn appeared in the Civil Rights Act but so did free choice and a hundred other methods of delay. Today, we talk of "finality" and there are those who still talk of fighting this decision to the death. The combined voices of civil rights groups, the constant campaign in the halls of Congress and in State houses and city halls must continue and must be effective, if this job is to be done once and for all. Because the court has spoken, is no reason to let down the guard and consider the struggle done. Your role is as great as ever and the Nation's need for your voice and your vigilance is as great as it ever was.

Where does this leave us today, assuming that significant new strides can be made in this school year toward unitary school systems? Schools, of course, are only part of the battle for equal rights. My jurisdiction alone extends to colleges, hospitals, and even fair employment practices on Federal education and health contracts. But schools provide us with perhaps the best example of civil rights progress and the lack of it.

History, I believe, will record our ability to deal with the problem of race relations largely by how we deal with the problem of providing equal educational opportunities. For it is what we do today in schools that will determine whether millions of minority group children are divided forever from the opportunities of our society or whether they are permitted to share that society with those they must learn to live with.

It is a deep belief of mine that we stand to lose the hard-fought years of social progress we have seen in recent years, and to polarize society almost beyond reconciliation, if we do not recognize and act on the segregation-desegregation crisis we face today in public education.

The rhetoric has changed, the alternatives are more stark, but the civil rights community is still equipped to cope.

The "in" phrases of today, "community control," "decentralization," "educational parks," and "relevant education" are born of the same universe as those emotion-packed phrases, "busing," "neighborhood schools," "separatism," and "student boycott." The sooner we recognize and act on the relationship between those two sets of slogans, the sooner we will save the best of education and move on to better days.

There is a trade-off, although it is not always as simply seen as I state it, between the call for "separatism" and the need for "equal" education. I think it is not too late to exercise that trade-off, although it can become too late if we do not do something about it this year.

We have seen the challenge all too clearly this year at both the public college and the public elementary and secondary school level, as we try to undo racially dual systems of education.

Negroes are looking for assurances that the burden of integration will be shared by white and black alike. The unspoken—and sometimes articulated—exchange for such assurances is a lessened need for separatism.

The black community is saying, in many instances, "So far, integration is seriously flawed in both attitude and execution, and we are being forced to make the best of what you have left us; make integration work for us, and we are with you." It is an understandable outlook, one which the majority community of this nation, white, richer and better educated, must accept as its challenge.

If our experience at the Office for Civil Rights does not convey some deep sense of urgency, the message of the National Advisory Commission on Civil Disorders—the Kerner Commission—should do so.

In February of 1968, the basic conclusion of this distinguished panel was that "Our nation is moving toward two societies, one black, one white—separate and unequal." This past February, John Gardner, President of the Urban Coalition, which participated in a "year-after" appraisal of what the Kerner report had studied, said, "We are a year closer to being two societies, black and white, increasingly separate and scarcely less unequal."

The Kerner Commission, after estimating that the number of Negroes in the 15 to 24-year old age group will rise 40% by 1975, compared with only a 23% growth rate among whites in this age group, makes this observation:

"This rapid increase in the young Negro population has important implications for the country. This group has the highest unemployment rate in the nation, commits a relatively high proportion of all crimes, and plays the most significant role in civil disorders. By the same token, it is a great reservoir of underused human resources which are vital to the nation."

What is not mentioned is that the 20-year-old of today was the five year old of 1954 and that the 20-year-old of 1975 is today's 14-year-old, and that his younger brothers and sisters are as likely as not to follow in the very same footsteps, for better or worse. School is his all, today.

Does anyone really think that we can keep this youth isolated by race in school and then expect him to take his place in a society which promises equal treatment of all men? A child, sensitized only to one color and one set of attitudes does not emerge to cope successfully with a world his parents never made. This cycle must end.

And it is not only because desegregation will help make our society one but because desegregation is quality education for a minority that has been discriminated against in what is virtually a "second school system." All of the evidence gathered before or since 1954 indicates that it is true that the segregated individual receives an inferior education to the integrated individual.

The Coleman report was commissioned under the 1964 Civil Rights Act to study the equality of equal educational opportunity—or more precisely, the lack of such opportunity—in every section of the country.

Probably the best single test of the value of integration lies in comparing Negro children in totally segregated school situations with those in majority white school situations.

The Coleman report showed that test scores rose among Negro students in classes with 50% or more white students, compared with those Negroes in totally segregated classes. What seemed more important was that, as Coleman said, "Those students who first entered desegregated schools in the early grades generally show slightly higher average scores than the students who first came to desegregated schools in later grades."

If there is one thing the Coleman Report—the second largest social science survey in history—seems to prove, it is that where Federal effort in equalizing education is concerned, the slight changes which have marked most compensatory programs seem to have relatively little effect on disadvantaged pupils. Far more important, implies the report, is the family and socioeconomic background of the child and that of his classmates.

Not only was a disadvantaged child of any race likely to achieve much more in a school full of middle-class pupils than he would in a school full of other disadvantaged youngsters, but—and here is where we take a big swipe at one of the big myths abounding today—the middle-class youngster was *not* likely to suffer from the integrated situation.

It is not hard to take the one necessary next step and say that because most disadvantaged youngsters are from racial minority groups, and most middle-class youngsters are from the white majority population, we may argue that racial integration in schools would do more to lift the educational level of the disadvantaged thousands of children in America today, than any quantity of financial aid directed at schools which maintain the racial status quo.

Recognizing the importance of this process, what are the barriers to progress in desegregation? Certainly, one of the biggest blockades is frustration. Yesterday, the frustration of the white community brought us up short; today, whites are joined by a growing number of Negro citizens whose justified frustration hinders the advancement of desegregation.

To many who have been involved in the civil rights movement, inside or outside the government, the stereotype of resistance to desegregation is the white parent who fears what he calls "mixing," of Negro and white children. That element remains, of course, but there are other barriers as well as the old community attitudes of the white parent. One of these barriers is the frustrated feeling of the white citizen that he is not being supported even when he agrees to cooperate. Too often, a school superintendent, convinced he should go along with the law, agrees to an integration plan, only to see a neighbor school district get away with little or no integration under a Federal court order. Too often, white board members and parents of good will see their effort undermined by a small group out to set up a private school, and thereby evade the requirements of the law. Too often, there appears no support, or worse, local political opposition, to the school board member within his own community, so that the man of courage is actually hurt by his law-abiding actions.

In the North, the disaffection and feeling of frustration of the white man where race relations are concerned, are becoming the subject of entire books. He is the 'forgotten American." He moves his family two doors away from a school, only to find his children bused to a school in another neighborhood. Every frustration, whether it is that of a fatter pay envelope because of inflation, that of his everyday traffic jam, or that of a rise in the crime rate which he cannot control, is translated into racial terms, and has its focus in such an emotional subject as desegregation and any proposal to transport children to achieve that end. He is unhappy, and he is going to let us know it. He is standing in our way today as his Southern counterpart did when the call comes to desegregate.

And the black community is more impatient with this resistance than ever before. The new awareness of self, the new feeling of impatience, has combined to give us at times a less than cooperative Negro community, a community which does not automatically open the door when we say "We want to help you." They have not seen enough benefit from the help in education that was promised 15 years ago in the Supreme Court decision which said that separate but equal schools weren't equal after all.

The frustration of the slowness of desegregation, the lack of strong and consistent support to those who have led the way, the frustration of seeing racial separation increase in the cities instead of diminish, the more subtle but no less cruel forms of racial discrimination in the North, and the failure to meet promise with production throughout the Nation, have led many black and white to follow the path to new forms of separatism—to greater polarization that threatens to tear our society apart.

How do we meet the challenges that each of these resistant groups pose to the law as set forth in Title VI of the 1964 Civil Rights Act, the Supreme Court, and the policy that I believe in?

My obligation in the first instance seems pretty clear, and that is to offer the utmost support to the white school superintendents who are courageous enough to stand up to the fire and obey civil rights law. And the clearest way is to remain consistent within our own program and to enlist the aid of other Federal agencies, from the Justice Department which goes into the courts, to the Model Cities program of HUD, to the Extension Service at Agriculture and others to support the requirements of the 1964 Civil Rights Act when they deal with any and all school districts.

Where the northern white community is concerned, I think there is a lot more education needed, as to what the law requires and how we are going to enforce it. Some of the old myths of what constitutes de facto segregation and what constitutes illegal discriminatory segregation, need drastic revision and more realistic and enlightened attitudes and policies brought to bear.

Where the opposition by the frustrated in the black community is concerned, I think a lot can be done by indeed showing good faith in action, rather than words. I think we have to show that we are willing to wade in where political heat prevails against us, that we are able to achieve results in terms of number of children helped through desegregation.

Bu⁺ that is not all that we must do by the Negro community and its frustration. We will have to understand and react to the cry for more dignity, more attention to the burden which he has borne, not only before 1964, but since then, in the desegregation effort. We should seek a way to desegregate, not close, black schools, to protect not fire black teachers when a system desegregates, to provide curricula which meet the needs of the black community as well as the white and to otherwise realize that the society is pluralistic, not all white, and not all closed up.

The young of all minorities—Indian children, Mexican American children and Negro children—who have been, in effect, put aside by school establishments through the years, must have their even break in a racially heterogeneous classroom.

Much progress has been made—but despite the blood that has been spilled, the battle for equal rights is still young. Although the Office for Civil Rights directed the implementation of over 340 desegregation plans in September, over 156 districts remain untouched by administrative action. Although we have urged districts not to close good facilities, they continue to do so. Although we are now successfully using our Executive Order tool to protect black teachers, complaints continue to come in. Although we have notified five college systems that they must desegregate, few have presented effective plans.

And what of our northern effort? It has become clear to me that the old bugaboo of keeping Federal hands off northern school systems because they are only "de facto" segregated, instead of "de jure" segregated as the result of some official act, is a fraud. There are few if any pure "de facto" situations. Lift the rock of de facto, and all too frequently something ugly and discriminatory crawls out from under it. Sometimes it was years ago that discrimination occurred, but the minority children have suffered since, and that should be undone. Sure, racial housing patterns may coincide with school attendance patterns by race, but which came first and how was the school boundary drawn? What role, if any, did pre-1949 racial covenants in FHA-loan housing play in these housing patterns? There are many avenues which have not been fully explored that I promise you will be, before any northern school system we examine can be called truly "de facto." And despite those who believe the legal requirements are the same, it still takes a lot longer to make an effective case for fund cut-off or successful negotiation for a desegregation plan in the North, but we are going to take the time where necessary. We have been in over 50 districts in the North, and over 12 are now being considered for administrative action. As a result of a 1968–69 National Survey, over 500 northern districts have been targeted as possible problem areas for future investigation. We are beginning a full field review of San Francisco, the first city over 500,000 in population where we expect to stay on the job until we determine that the city school system either is or is not in compliance with Title VI.

Before I try to explore areas of common action with you, let me briefly mention one more aspect of civil rights enforcement in the Federal government which distresses me considerably. I refer, of course, to the seeming unawareness of any civil rights responsibility by any program agency which does not have the words "civil rights" or "equal opportunity" in its title. We have agencies like the Office for Civil Rights and the Equal Employment Opportunities Commission, but they cannot carry the entire burden of human rights within government. Some have suggested that the Federal government would be more effective in its approach to civil rights if it created a separate Department of

Human Rights, or something along that line. Such a move may indeed be necessary if program agencies do not get off the hook and recognize the importance of not subsidizing discrimination via the Federal pork barrel.

By any standard applied, it is up to individual program officers within agencies to take upon themselves the responsibility to see what the consequences of their particular program or grant will be, where school integration or any other human rights is concerned.

It is at this point that you—members of the private and quasi-public organization dedicated to equal rights—can play an extremely useful role. For you not only have concern, but the power to transform that concern into political influence. You have become the conscience of our government in the area of equal rights and your responsibilities are greater today than ever before. You must search out agencies which are acting in ways to promote segregation or separatism by race, whether by design or by default, and exert your influence to bring about change. You must seek out the hidden issues—like academic testing for class assignment or college entrance and tax exemption for segregated private schools—and make them the causes that some have already begun to make them for the wrong reasons and for the wrong ends.

Perhaps most difficult, but most needed by all communities in the Nation today and in the coming immediate months and years, you and this government must have the courage to insist upon official and unofficial action at the local level which unifies the community across racial lines instead of dividing it. It is increasingly easier and more popular to condone or promote separatism by and for minorities instead of finding and promoting an equally beneficial integrated alternative. We have made enough progress in civil rights to build on that progress instead of turning our back on it.

There are today from 1 to 4 million Negroes in the United States who hold attitudes indicating "a depth of estrangement and bitterness unique in American history," says Gary T. Marx, a noted student of Negro opinion who just updated an analysis he made two years ago. He reports that in these past two years, the number of bitter black citizens "is growing and increases noticeably among the young and those in the North."

But the real kicker, it seems to me, is that, contrary to much of the talk today about the desire for black separatism, Mr. Marx reports that "Much of the anger which exists remains directed toward inclusion in the system," and that 1967 findings that most Negroes favor integration "would seem still to hold in 1969, if perhaps not as strongly."

The question, then leaps out at us: How much longer can we expect this building anger to have integration as a trade-off element? How much longer before it is not just the small but vocal militant group, but another million and then still another million of the increasingly angry who say the Hell with it, the Hell with your integration and the Hell with your lousy society? As Mr. Marx says:

"Many of the interracial differences with respect to ideas about the treatment of blacks; the amount of progress; the worth of demonstration; integrated schools and housing; the cause, meaning and consequences of riots; and the type of ameliorative action required, are astounding and can lead to deeply pessimistic conclusions.

"They indicate a profound lack of communication and the absence of understanding or compassion among a very large portion of the white public."

It is my strong belief that the Federal government has a clear legal obligation under the Constitution, a moral obligation as a servant of all citizens, white and black alike, to do more than merely mirror the white thinking on the subject of race relations and equal opportunity. It is certainly not our duty to adopt wholesale the black thinking on the racial subject, either, especially when that thinking may be contrary to the Constitution. But it is our duty, affirmatively and aggressively, to make certain that no group of citizens is systematically ostracized from society merely because the majority wishes it so.

This is the foundation of my urgency and the outline of my philosophy. This is why I try to convince any audience I talk to, that desegregation is right, desegregation under law is necessary, and desegregation is a current imperative job—for every single agency of the United States Government, for the education community overall, and for groups such as those you represent. This is the tomorrow we must work hand in hand to achieve or there will be no tomorrow at all.

FEDERAL INTERFERENCE IN EDUCATION

Mr. ALLEN. Mr. President, the junior chamber of commerce in Alabama enjoys a well-earned reputation for getting things done. The members of this organization are primarily junior executives and include among its members some of the most intelligent, energetic, and conscientious young men in our State. The people of Alabama admire and respect the junior chamber of commerce and listen attentively to its points of view on all public issues.

Mr. President, the Forum is the official publication of the Mobile, Ala., Jaycees. The November 1969 issue, contains an article entitled "A Jaycee Speaks Out on Federal Interference In Public Education," written by Charles Steiner III. The article suggests that there are many steps that can be taken to restore local control of local public schools. Support of my proposed amendment to the Constitution to effect a return of local control is mentioned as one such step.

Mr. President, I commend this thoughtful article to the consideration of Senators and the public as an indication of a deeply held conviction on the part of responsible leadership in the State of Alabama. The issues presented are, of course, nationwide in scope, and I think that the public generally would profit by the persuasive arguments presented for local control of educational institutions. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A JAYCEE SPEAKS OUT ON FEDERAL INTERFERENCE IN PUBLIC EDUCATION

(By Charles Steiner)

The people of Alabama, the South and throughout the Nation have always preferred to raise the level of their children's education through their own local and state school boards without dependency upon the U.S. Department of Education or the Federal Government itself. When it comes to public education, we of America feel that complete authority over the enrollment and assignment of children in public schools and/or on school buses should lie in the hands of the duly elected county and city school boards which are the truly elected representatives of the states, counties, and cities. We must not permit the U.S. Supreme Court, the HEW or any other federal power to usurp the authority of our elected school officials and make pawns of the American school children. The school board is conscientiously and sincerely trying to solve their problems. To force them to do the impossible would do and is doing nothing but creating chaos and wrecking our total public education system.

The federal government must recognize and respect the vote of the people and give those elected officials the chance to provide the best leadership and public administration possible in public education as well as in law enforcement, welfare programs and hospital administration without federal interference. The real intentions of the federal government, but not that of the American people, is to eliminate all vestiges of a dual school system by closing schools, massive busing of children from their neighborhoods, equalizing student achievements, integrating the races across any boundaries, and making the schools an important agency for solving social problems of the slums. The intention of the people of this country is for "Freedom of Choice" in our schools and for the public to vote on those issues that affect our public education system rather than trust the Supreme Court, HEW, or other federal offices to determine what is best for the people.

We have a responsibility as citizens of America to see that our rights are not violated but are honored according to those laws set down by the Bill of Rights, the U.S. Constitution and the Declaration of Independence. We should not sit idly by, but defend our constitutional system of government and its cherished freedoms to reverse the flow of this destruction of our states rights and of our public education system. Through our heritage, we believe that the right to self-government is based on the inherent right and highest duty of a free people to preserve and protect their God-given freedoms that are enjoyed in America. As Americans, we also believe that the best education for us and our children is one free of political control or government domination. There is no need for central or regional control of our public education system. Its deficiencies can best be understood locally where the people and the elected officials of a community have the best opportunity to judge the problems and progress of its students.

Only through a free public education system can we produce citizens worthy of America who will use their knowledge to better the democratic principles of this nation and who will better their own lives so that future generations may enjoy the freedoms of this country. We, both the federal government and citizens, must have confidence that the people can be trusted to govern themselves, that they are able to provide adequate education for all students and that they can provide the leadership necessary to guide this nation forward. If it takes a constitutional amendment to assure our rights to govern ourselves and administer our schools locally, then we should act now to see that such a step is taken. Thus we will make certain that the people, themselves, and not the federal government or the courts have the final voice in the administration of our cities and of our public school systems. Until we continue to safeguard our cherished rights, we will lose our rights to live as free Americans.

We must not lose patience with our court systems or with the procedure of laws but we must use this system to right the wrongs that unjust laws and decrees have done to destroy our school system and weaken our governments. There are many steps that can be taken. One of them is to seek the support nationwide for the passage of an amendment to the Constitution by U.S. Senator James Allen that relates to powers reserved to the several States. It states that each state shall have the sole and exclusive jurisdiction of the organization and administration of all

public schools and public school systems within the State and that no officer or court of the United States shall have the power to impair or infringe any right so reserved to the States. The free voice of the people should be heard, and the best way is through their votes and the courts to protect their rights as Americans.

What better way can the Jaycees serve their fellow man than through the protection of the rights of all and also to see that our public education system remains the responsibility of the local school boards. This is a choice that has to be made by us if our country is ever to remain free, democratic and independent and if the rights of our citizens are to remain sacred.

DRAFT REFORM

Mr. KENNEDY. Mr. President, in the past week there have been rapid and diverse developments in the general field of draft reform. The National Commission on the Causes and Prevention of Violence published a report which included in it a call for broad reforms; the President signed his draft reform bill and issued an Executive order establishing a lottery; and the Selective Service System last night actually conducted the lottery itself.

Because many Members of Congress were not in Washington over the Thanksgiving holiday and may have missed various of the significant elements of these developments, I have assembled the relevant pieces of information for printing in the RECORD. They are:

Exhibit 1. Excerpt from report of the Commission on the Causes and Prevention of Violence.

Exhibit 2. Statement by President Nixon on signing the bill.

Exhibit 3. Executive Order 11497.

Exhibit 4. White House fact sheet.

Exhibit 5. Department of Defense fact sheet.

Exhibit 6. Newspaper articles.

I ask unanimous consent that these exhibits be printed in the RECORD.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

EXCERPT FROM REPORT OF COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

A significant focal point of dissent by the young has been the issue of draft reform. To many, the draft symbolizes the inflexibility of our institutions and all that is wrong with the government's treatment of the young. Further, the inequities of the system have been set in sharp relief by the reality of the on-going war that many youth believe to be immoral and futile. The "oldest-first" order of draft calls produces a period of prolonged uncertainty for young men that profoundly affects their education, career and marriage decisions—a condition which is made more unacceptable by the lack of uniform deferment and exemption standards and by the wide variation in the exercise of discretion by local boards. Draft reform will not take the sting out of student anti-war protest or other manifestations of student discontent, but it could go far to reduce the tensions and frustrations that now lead some young men to seek refuge abroad and others to destroy Selective Service records, burn draft cards, or disrupt induction centers.

A random lottery system which would subject all to equal treatment at age nineteen, would take the youngest rather than the oldest first, and would reduce the period of prime draft vulnerability from the present seven years to one year, appears to be the fairest and most promising alternative to the existing draft system. Undergraduate deferments would be continued, but with the understanding that the year of maximum vulnerability would come whenever the deferment expired. It would be far less disruptive in the lives of young men while fully consistent with national security needs. The President has recommended such a proposal to the Congress. We are pleased to note that the Congress has approved the random lottery feature.

We also strongly endorse the balance of President Nixon's proposals for reform of the draft system, which are similar to that recommended in 1967 by the Marshall Commission and the Clark Panel.[1] To the extent these proposals require further legislation, we urge the Congress to enact it.

Assuming the enactment of random selection system, however, the area of discretion for local draft boards is enormous and is likely to remain so.

We therefore urge that renewed attention be given to the recommendations of the Marshall Commission for building a greater measure of due process into the exercise of draft board discretion.

Youth should also be given a role on local draft boards.

We therefore recommend that in exercising his power to appoint the members of local draft boards, the President name at least one person under 30 years of age to each local board.[2]

At present, the Selective Service System calls only about a third of the eligible young men for the draft each year. Reform of the system will not alter this, but by taking the youngest first and by reducing the period of uncertainty from seven years to one, it will free many young men to make firm decisions about their futures. The federal government should do much more to provide these young men, as well as other young men and women in all walks of life, with the opportunities for service to their communities and the nation. As the Peace Corps and VISTA experiences bear out, many young people are eager to assist the less fortunate to achieve social justice and willing to devote a part of their lives to tasks for which the major reward is the satisfaction of helping others.

We do not suggest that voluntary service of this kind should be an alternative to military service. Rather, we suggest that public service opportunities be made available, regardless of military service, to young men and young women, high school and college graduates, inner city, suburban, and rural youth—as justified by the nation's needs.

We are convinced that youth will grasp meaningful opportunities for attacking constructively the problems and injustices that, too often, now drive them to attacks aimed at the destruction of useful institutions, rather than at their reform. But we recognize their skepticism of government-sponsored programs and their increasing unwillingness to become involved in social action programs in which they have no voice. Consequently, we believe that a new and flexible approach to youth service opportunities is required, one that is tailored to individual talents and desires.

We urge the President to seek legislation to expand the opportunities for youth to engage in both full-time and part-time public service, by providing federal financial support to young people who wish to engage in voluntary, non-military service to their communities and to the nation.

We do not suggest the creation of another federally-administered program, or set of programs, comparable to the Peace Corps or VISTA. Instead we suggest that a large number of full- and part-time public service options be opened to youth—opportunities which the youths themselves can be expected to seek out and to improve upon, and which can be filled and administered at the local level if federal financial support is made available. We have in mind such possibilities as teaching and reading assistants, tutors and counselors in the elementary and secondary schools; hospital orderlies and nurses' aides; personnel for neighborhood service and recreation centers; auxiliary aides to local law enforcement and social service agencies; and many others.

The service opportunities would be approved by a central federal agency. The authorizing statute should set general standards of agency approval, eligibility, and levels of compensation. The choice of the particular public service opportunity from the large approved list of public and private institutions and groups should be left to the volunteers, and the initiative, direction and control of the activities would remain entirely with the approved local entity.[3]

The program might be launched to recruit 100,000 young people each year for four or five years, as experience was accumulated. The eventual goal might be as high as 1,000,000 active youth volunteers in service at any given time, depending upon experience and developing national needs. As is now true for Peace Corps and similar existing programs, the compensation to be paid should be set at a student subsistence level and should not be financially competitive with other employment opportunities. As a special inducement, however, we recommend that completion of two years of full-time public service entitle the participant to educational assistance comparable to that available to veterans under the GI Bill of Rights, with lesser amounts of assistance for service periods between six months and two years.[4]

Voluntary public service could contribute to reduction of the large backlog of unmet social needs, and thus could be an important step toward a more humane reordering of national priorities. And youth service could

---

[1] *In Pursuit of Equity: Who Serves When Not All Serves?*, Report of the National Advisory Commission on Selective Service (Washington, D.C.: Government Printing Office, 1967); U.S., Congress, Senate, *Report of the Civilian Advisory Panel on Military Manpower Procurement*, H. Doc. 374, 90th Cong., 2d Sess., 1968. Our recommendations, of course, refer only to the present draft system and are intended to apply only so long as it continues. The question of whether the draft should be replaced for the long term by a form of volunteer service in the armed forces is now under consideration by another Presidential commission.

[2] As suggested by Joseph A. Califano, Jr., in his book *The Student Revolution*, W. W. Norton & Co., Inc., New York 1970. The Marshall Commission found that the average aged local board members was 58. One fifth of all the nearly 17,000 board members were over 70. While twelve were over 90, only one was under 30.

[3] One considerable virtue of the approach to youth service suggested here is that it involves a "market strategy" rather than a "monopoly service" strategy: the multitude of public and private agencies would have to compete for the services of the federally-supported youth workers by offering them meaningful, satisfying opportunities for achievement of desired goals; less successful, unrewarding programs would fail to attract volunteers and hence would not waste the public funds being committed to youth service. *Cf.* the discussion of the importance of market-type incentives for success in public programs in Moynihan, "Toward a National Urban Policy," *The Public Interest* (No. 17, Fall 1969).

[4] Depending on the availability of funds, educational assistance could be limited on the basis of demonstrated need.

signify to the young that our nation is committed to the achievement of social justice, as well as to military security.

EXHIBIT 2

[From the office of the White House Press Secretary, Nov. 26, 1969]

REMARKS OF THE PRESIDENT AT SIGNING OF H.R. 14001, AN ACT TO AMEND THE MILITARY SELECTIVE SERVICES ACT OF 1967

Mr. Secretary, Members of the Senate and House, and Members of the Youth Advisory Committee who are present here today:

I am here for the purpose of signing the draft reform bill, which has been passed by the House and the Senate.

In signing this bill, I think it might be well to refer to a statement that was made over 100 years ago by General Grant with regard to the draft that was then in effect.

He said that the agony of suspense is worse than the effect of the law itself.

As far as this draft reform bill is concerned, it does not remove all of the inequity of the draft, because there will be inequity as long as any of our young men have to serve when others do not have to serve. But the agony of suspense and uncertainty which has hung over our younger generation for seven years can now be reduced to one year, and other very needed reforms in the draft can be made by Executive Order.

In signing the bill, I want to impress upon everybody here that while the Administration took the initiative through the Secretary of Defense's recommendation in sending this bill to the Congress, it could not be here for signature by the President had it not had strong bipartisan support by Members of the Democratic Party in the House and Senate, as well as Members of the Republican Party. This is truly a bipartisan measure and the credit should be taken by both parties as the bill signing occurs.

Finally, I would say that looking to the future, while this measure will remove a great number of inequities and particularly remove the uncertainty to which I refer, we shall not be satisfied until we finally can have the system which I advocated during the campaign of a completely volunteer armed forces. We cannot move to that now because of the requirements for armed services. That is, however, our ultimate goal.

Now I will sign the measure.

EXHIBIT 3

EXECUTIVE ORDER NO. 11497—AMENDING THE SELECTIVE SERVICE REGULATIONS TO PRESCRIBE RANDOM SELECTION

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10659 of February 15, 1956, No. 10735 of October 17, 1957, No. 10984 of January 5, 1962, No. 11098 of March 14, 1963, No. 11119 of September 10, 1963, No. 11241 of August 26, 1965, No. 11360 of June 30, 1967, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1631.4, *Calls by the Secretary of Defense,* is amended by revoking paragraphs (b) and (c) and redesignating paragraph (d) as (b).

2. Section 1631.5, *Calls by the Director of Selective Service,* is amended by adding a new paragraph (d), to read as follows:

"(d) The Director of Selective Service shall establish a random selection sequence for induction. Such random selection sequence shall be determined as the President may direct, and shall be applied nationwide. The first sequence shall determine the order of selection of registrants (other than delinquents or volunteers) who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970. The random sequence number determined for any registrant shall apply to him so long as he remains subject to random selection. A random sequence number established for a registrant shall be equivalent, for purposes of selection, to the same random sequence number established for other registrants in other drawings."

3. Paragraphs (a) and (b) of Section 1631.7, *Action by Local Board Upon Receipt of Notice of Call,* are revoked, paragraph (c) is redesignated as paragraph (b), and a new paragraph (a) is prescribed to read as follows:

"(a) When a call is received by a Notice of Call on Local Board (SSS Form 201) from the State Director of Selective Service for a specified number of men to be delivered for induction, or for a specified number of men in a medical, dental, or allied specialist category to be delivered for induction, the Executive Secretary or clerk, if so authorized, or a local board member shall select and issue orders to report for induction to the number of men required to fill the call from among its registrants who have been classified in Class I-A or Class I-A-O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed at least 21 days before the date fixed for induction: *Provided,* That any registrant classified in Class I-A or Class I-A-O who is subject to random selection as herein provided, whose random sequence number has been reached, and who would have been ordered to report for induction except for delays due to a pending personal appearance, appeal, preinduction examination, reclassification, or otherwise, shall if and when found acceptable and when such delay is concluded, be ordered to report for induction next after delinquents and volunteers even if the year in which he otherwise would have been ordered to report has ended and even if (in cases of extended liability) he has attained his twenty-sixth birthday: *Provided further,* That a registrant classified in Class I-A or Class I-A-O who has volunteered for induction or who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him. Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:

"(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

"(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

"(3)(i) *1970.* In the calendar year 1970, non-volunteers born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth, in the order of their random sequence numbers established by random selection procedures prescribed in accordance with paragraph (d) of section 1631.5. The non-volunteers thus subject to selection are designated the 1970 Selection Group and constitute category (3) for 1970. Members of the 1970 Selection Group on December 31, 1970, whose random sequence numbers have not been reached by that date, shall be assigned to the priority group which is immediately below the First Priority Selection Group for 1971.

"(ii) *1971 and Later Years.* For calendar year 1971, and for each subsequent year, a new First Priority Selection Group and lower priority groups shall be established which together will constitute category (3) for that year. The First Priority Selection Group shall consist (A) of nonvolunteers in Class I-A and Class I-A-O who prior to January 1 of each such calendar year have attained the age of 19 years but not of 20 years, and (B) of nonvolunteers who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years and who during that year are classified into Class I-A or class I-A-O following expiration of their deferments or exemptions or otherwise. Members of each such First Priority Selection Group, who have not attained the 26th anniversary of the dates of their birth, shall be selected in the order of their random sequence numbers. Members of each such First Priority Selection Group on December 31 of the respective calendar year whose random sequence numbers are not reached by that date shall be assigned to successively lower priority groups, so that those who were in the 1970 Selection Group and who move into a lower priority group at the end of 1970 as herein provided will be in the lowest such group, those who were in the 1971 First Priority Selection Group will be in the next to the lowest such group, and so forth. Any registrant who was subject to selection in the 1970 Selection Group or in the First Priority Selection Group for any subsequent year, who thereafter is assigned to a lower priority group in category (3), who while in such a lower priority group receives a deferment or exemption, and who subsequently is reclassified into Class I-A or Class I-A-O, shall be reassigned to the priority group in which he would have been if he had not received such deferment or exemption.

"(iii) *Certain Registrants Married Before August 27, 1965.* Within each group in category (3) there shall be a subgroup consisting of registrants who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes. Registrants in any such subgroup shall be in all respects subject to this paragraph, except that they shall be selected after other registrants in the group of which that subgroup is a part.

"(4) Nonvolunteers who attain the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.

"(5) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

"(6) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first."

RICHARD NIXON.

THE WHITE HOUSE, *November 26, 1969.*

EXHIBIT 4

[From the office of the White House Press Secretary]

NEW DRAFT SELECTION SYSTEM FACT SHEET

This fact sheet describes the major revisions in the draft selection procedures placed into effect by President Nixon under the authority of Public Law 91-124, November 26, 1969. It describes how this new system will work and presents information on the draft outlook for young men in 1970 under this system.

MAJOR CHANGES

The new program accomplishes the following major improvements in draft selection procedures:

1. It reduces the period of prime draft vulnerability, and the uncertainty that accompanies it, from up to 7 years, under the previous system, to only 1 year.

2. It establishes this vulnerability for a fixed time in each young man's life, which will be much less disruptive to him in terms of his personal planning.

3. It establishes a fair and easily understandable method of random selection among such young men, if they are found by their local boards to be available and qualified for service.

4. It undertakes to establish as soon as possible procedures under which a Selective Service registrant may request an Armed Forces examination so that he can know if he is physically and mentally qualified for military service.

These changes are presented in greater detail below.

1. Limited vulnerability

Under the previous draft procedure a young man began his time of maximum vulnerability to the draft at age 19 and, if he did not volunteer for service, remained in that status until he was drafted or reached his 26th birthday. Selection among men in this age group who were found "available and qualified" for service by their draft boards was on an oldest-first basis. Under recent conditions of relatively high draft calls the age of involuntary induction has been low, averaging about 20½ years. However, when draft calls were much smaller, as they had been during the early 1960's, the average draft age had reached nearly 24 years. This had created a long period of uncertainty for young men and had handicapped many of them in attempting to get jobs or training, and made it difficult for them to plan their lives intelligently.

Under the revised system a "First Priority Selection Group" is established which will normally constitute the only group from which men will be called involuntarily into service, other than those delinquent in their obligations under the law, or medical, dental, and allied specialists (who are subject to special calls after they complete their professional training.) Those registrants who are not selected for induction during their 12-month period of exposure will then be placed into a lower priority category and will normally not be vulnerable for induction except under the unlikely circumstances that the First Priority Group is completely exhausted. Thus, under normal conditions a young man will receive an earlier and more decisive answer to his question, "Where do I stand with the draft?" and will be able to plan his life accordingly.

2. The new order of call

Under the new system, as under the previous procedure, the first priorities for induction in any draft board will consist of registrants who are delinquent in their responsibilities under the law and of those volunteering for induction. The principal, or "First Priority Selection Group" for involuntary induction will, however, be limited after 1970 (the initial transitional year) to draft eligible men in their 19th year of age at the beginning of the year and to those men between the ages of 19 and 26 whose deferments expired during the year upon completion of school or for other reasons. The new procedure thus establishes a "youngest first" rather than "oldest first" priority for induction. This will result in a stable and predictable draft age period for each young man—either in the year following his attainment of age 19 or in the year after he leaves school or otherwise ceases to be deferred.

However, in 1970, beginning with the draft call to be filled in January 1970, this First Priority Group will also include all draft eligible men who are in the ages 20 through 25 at the beginning of the year, so that no individual eligible for induction under the previous rules will escape vulnerability simply because of the change to the new system.

3. Random selection

Since more men are classified as available for service each year than are required to fill current or expected draft calls, a fair and understandable procedure is needed to determine whom to call first, whom to call second, and whom not to call at all. Under the authority of the recent amendment to the draft law (P.L. 91–124, November 26, 1969) President Nixon has authorized the Director of Selective Service to place into effect a simple random selection procedure for this purpose, based upon a random sequence of the 365 or 366 days of each year. An initial drawing to be held on December 1, 1969 will establish this random listing of birth dates for individuals who will be in ages 19 through 25 years on December 31, 1969. This sequence will apply nationally to the order of induction to be followed by each local draft board this coming year. Thus, if June 21 is the first day drawn then those in the first priority group, available for induction, whose birthdays are June 21, will be the first to be ordered for induction involuntarily in January 1970 following delinquents and volunteers. If January 12 is the next date drawn, individuals with that birthday would be second in order of call in their respective draft boards.

In the event that two or more men have the same birth date within a local board their sequence of induction will be determined by the first letter of their names (last name and, if necessary, first name) which will be arranged in a random sequence to be established by a supplemental drawing also to be conducted on December 1. Draft eligibles in the "first priority" age group whose numbers have not been reached at the end of the year, will be placed in a lower order of call next year and will be vulnerable for induction only if the First Priority Group of next year is exhausted.

4. Voluntary armed forces examination

The President has directed the Secretary of Defense and the Director of the Selective Service to establish procedures under which registrants of the Selective Service System may request of their Local Board an armed forces qualifying examinations at the earliest feasible time. Local Boards will schedule such examination to be held at an Armed Forces Examining and Entrance Station.

Random selection and this new opportunity of a registrant to have a qualifying examination will reduce uncertainty and make it more possible for young men to plan their lives.

THE DRAFT OUTLOOK FOR 1970

Young men who will be vulnerable for induction next year will want to know: Once the birthdate drawing has taken place, and a random sequence has been set, what are my chances of being drafted next year?

The actual chances of being reached for induction for draft-eligible men with a given position on the birthdate list will depend upon many factors, particularly upon future military strength requirements as we progress in our efforts to Vietnamize the war and upon the rate of voluntary enlistments and re-enlistments. Any possible changes in draft deferment policies or procedures, resulting from the current reviews within the Administration or from Congressional reviews scheduled for next year could also affect this outlook.

The Department of Defense has, however, prepared certain estimates based upon the best available information at this time. These esimates show the projected military manpower requirements from the pool of men, age 19–25 years, who will be available for induction during 1970. This pool is estimated at 850,000, including about 500,000 19–25 year olds who would be immediately available at the beginning of the year, if fully examined and processed, and an additional 350,000 who will become available during 1970 when their deferments expire. The DOD has further estimated that a total of 550,000, or 64% of this group, will be required for military service either as volunteers or inductees. This is based on the currently planned military end strength of about 3.2 million in June 1970 and on an assumption that this strength level will be maintained during the period July–December 1970. Based on past experience it is expected that 290,000 of the total number required from this group will volunteer for either active or reserve service. The remaining requirement of about 250,000 would, therefore, have to be met through induction. This represents approximately 45% of the residual manpower pool in 1970, excluding those who will have volunteered for service.

In view of the many uncertainties involved in these estimates, our best judgment at this time is that registrants whose birth dates will appear in the top one-third of the random birth date sequence will have a high probability of being drafted; those in the middle one-third, an average probability of being drafted, and those in the bottom one-third, a relatively low probability of being reached for induction.

EXHIBIT 5

DEPARTMENT OF DEFENSE FACT SHEET ON SELECTIVE SERVICE MANPOWER POOL PROJECTIONS FOR CALENDER YEAR 1970, NOVEMBER 20, 1969

In Secretary Laird's testimony before the Senate Armed Services Committee on H.R. 14001, November 14, 1969, statistics based on the attached table (Table 1) were provided to the Committee.

Secretary Laird emphasized in his testimony that the projections of inductions appearing on this table were derived from the following assumptions:

(1) That the military end strength for the current fiscal year ending on June 30, 1970 would be approximately 3.2 million (based on current budget plans) and

(2) that this strength would be maintained during the period July–December 1970.

Secretary Laird further noted that he considered the resulting draft call estimate a maximum estimate of next year's draft calls.

Based on these assumptions, the attached table shows the projected military manpower requirements from the pool of men aged 19–25 years, who will be available for induction during 1970. These estimates indicate that, of the 850,000 Selective Service registrants in this age group who will be available and qualified for service, a total of 540,000 or 64% will be required for military service, either as volunteers or inductees. It is estimated that about 290,000 of this group will volunteer for service, including 190,000 regular enlistees and 100,000 reserve enlistees. Of the remaining group of 560,000 available for induction, 250,000 or 45% would be required for induction.

Also attached is an additional table (Table 2) showing the estimated status of the total age group of young men who will be age 19 as of January 1, 1970.

TABLE 1.—*Selective Service manpower pool projections for 1970 under random selection system*

1. Estimated selective service manpower pool, ages 19–25, as of Jan. 1, 1970	500,000
(Age 19)	290,000
(Ages 20–25)	210,000
2. Net entrants into pool during 1970 (deferments expiring)	350,000
3. Total pool available for service during 1970 (lines 1 and 2)	850,000
4. Less: estimated volunteers from pool during 1970, total	290,000
Active duty enlistments	190,000
Reserve enlistments	100,000

TABLE 1.—*Selective Service manpower pool projections for 1970 under random selection system*—Continued

5. Pool available for induction during 1970 (line 3–line 4)	560,000
6. Estimated inductions from pool during 1970	250,000
7. Not required for induction, placed in lower priority category on Jan. 1, 1971	310,000
8. Total military accessions as percentage of total pool (lines 4 and 6, as percent of line 3)	64
9. Inductions as percentage of pool available for induction	45

EXPLANATORY NOTES

Selective Service Manpower Pool (line 1). Estimated number of registrants in Class I–A, Available for Service, who would be found qualified for service if fully examined. Excludes I–A registrants whose reclassifications or appeals are pending.

Net Entrants into Pool (line 2). Former students and other registrants reclassified from a deferred status to Class I–A during 1970, less registrants reclassified from I–A to a deferred or exempt status.

Volunteers from Pool. Includes regular enlistments for active service, officer candidate enlistments and enlistments into reserve or National Guard units from Selective Service pool. Excludes voluntary entries into service of individuals below age 19 as of January 1, 1970, as well as accessions into active service of individuals, ages 19–25, who were in a deferred status at time of entry, e.g., ROTC graduates.

TABLE 2.—*Estimated military service status of 19-year-old male population as of January 1, 1970*

[In thousands]

1. Total male population aged 19 (born in 1950)	1,890
2. Less: Not qualified for military service	590
3. Estimated qualified for service (line 1—line 2)	1,300
4. Full-time students and other deferments	700
5. Entered service prior to January 1, 1970	310
6. Available for service as of January 1, 1970 (Line 3—lines 4 and 5)	290

EXHIBIT 6

[From the Washington Post, Nov. 27, 1969]

DRAFT BILL SIGNED, LOTTERY STARTS JANUARY 1

President Nixon yesterday signed the draft lottery bill he pushed through a reluctant Congress and immediately ordered the institution of a new lottery system, effective Jan. 1.

The President said the new plan would end "the agony of suspense" that has afflicted young men from 19 to 26 and that beginning in 1971 19-year-olds would be drafted first.

In all probability they would be the only ones subject to the draft, except those whose deferments expire.

Declaring that the reform would not end all inequities, Mr. Nixon said he would not be satisfied until "we have a completely volunteer armed force."

Some experts have predicted that drafted men would not be sent to Vietnam after next year.

Next Monday, the Selective Service System will hold a drawing to determine the order of induction. It will place in a bowl the dates for the 365 days of the year. Fifty young men, one from each state, will be invited to do the drawing.

The White House explained that if June 21 is drawn first, those whose birthday is June 21 will be the first ordered for induction in January. If Jan. 12 is the next date drawn, those whose birthday falls on that date will be inducted next.

Since about 850,000 young men will be in the 1970 draft pool and only about 250,000 will be drafted, it is estimated that those whose birthdays are among the first third of the dates drawn will certainly be drafted, those in the second third will have "an average probability of being drafted" and those in the bottom third a low probability.

The President directed Selective Service to permit a registrant to request a physical examination in advance so that he may know whether he is physically and mentally qualified for service.

The "youngest first" plan, where only 19-year-olds will be eligible unless there is a major emergency, will not begin until 1971.

In 1970, all those between 19 and 26 on Dec. 3, 1969, will be eligible for induction under the previous rules will escape vulnerability because of the change to the new system," the White House said.

The drawing Monday at Selective Service will be public. Immediately after the drawing the order of the 1970 calls by birthdays will be known.

There will be a new drawing each year to determine the order in the future.

A drawing also will be held to determine the order in the event of two or more men within a local board have the same birthday.

Letters of the alphabet will be drawn to determine the order. Thus a person whose last name begins with S might be drawn ahead of a man whose last name begins with A, even if they have the same birthdays.

College deferments will continue for undergraduates. But when an individual's exemption expires he will be classified as a 19-year-old and will have the same chance of being drafted as a 19-year-old.

When the President first requested the lottery and 19-year-old-first plan it appeared that he had little chance of winning congressional approval. But after a long fight the essence of his proposal was approved.

When he signed the bill, he praised Democrats and Republicans for their cooperation and said that the bill would not have passed without bipartisan support.

Another fight on draft reform will be waged next year. The President has ordered a study by the National Security Council on draft reform for the future and the study is expected to be completed this year, Secretary of Defense Melvin R. Laird said yesterday.

The all-volunteer army, which Mr. Nixon promised to work for in last year's campaign, is predicated on an end of the Vietnam war. He said yesterday, "We cannot move to that now because of the requirements of our armed services. That is, however, our ultimate goal."

[From the Washington Post, Nov. 27, 1969]

NEW LOTTERY SYSTEM MAY PROVIDE LEGAL WAY TO ESCAPE DRAFT

(By Stan Benjamin)

President Nixon's draft lottery system may give many deferment holders a perfectly legal way to duck the draft entirely, a White House aide acknowledged yesterday.

Peter Flanigan, Nixon's staff expert on the draft plan, conceded in an interview that a deferred draft registrant could choose the year he wants to be most exposed to the draft by deliberately timing the loss of his deferment—by dropping out of school or quitting a job, for example.

And he could do it, Flanigan said, near the end of a year in which it is already apparent his number is not likely to be called.

The result: a loophole big enough to drive a truckload of college students through.

The student could give himself four years to choose from by starting college and his deferment at age 19—when his draft liability begins. If, during one of those four years, it appears from the lottery his number will be bypassed, he could simply drop out of school or fail his courses, join the 1–A pool, and wait out the year for the draft notice he is pretty certain won't come.

CHANCES DIMINISH

When the year runs out, so does his biggest chance of being drafted. For all practical purposes, he's in the clear unless the draft pool is swept by unexpectedly massive draft calls.

An occupational deferment could be managed the same way.

Theoretically, anyone with a deferment has the same opportunity, but only to the extent he can control the circumstances.

Just such a possibility was pointed out to Flanigan last May after Nixon first outlined his draft proposal, and Flanigan commented then. "Those are damn good questions. We haven't got all the details worked out yet."

Asked yesterday if this loophole in the lottery might be abused by registrants seeking to escape the draft, Flanigan replied, "I guess it could."

The plan signed into law by Mr. Nixon yesterday directs the establishment of an order of draft-call each year by scrambling dates and alphabet letters—the dates signifying birthdays, the alphabet, names.

Once a man gets a number that way for any particular year, it determines his place in line for future years as well.

OTHERS BYPASSED

Depending on the size of the draft pool and the size of the draft calls, some portion of those eligible for draft will actually be called each year, while the others will be bypassed and will become progressively less liable in future years as new registrants step forward.

The hitch arises when a man who is deferred loses his deferment and rejoins the 1-A pool. He brings with him the place-in-line number he drew in the year he turned 19—no matter how many years, or new scrambled lists, have gone by.

No matter how late in the year he loses his deferment said Flanigan, he rejoins that year's pool—in effect, his draft exposure became largely retroactive.

A man with a low number probably could not escape the draft unless calls were cut sharply.

But a deferred man with a number higher than, say, the first one-third of the list, could simply wait until late in the year and then drop out of school or quit his job in time for his draft board to reclassify him 1-A, once he knows his number won't come up.

[From the Washington (D.C.) Daily News, Nov. 28, 1969]

THE LOTTERY IS LAW

It is a shame, of course, that a military draft is necessary in any nation. But the shape of the world (or the misshape of it) compels most countries, and the United States in particular, to maintain a high degree of military force.

This is essential not only for our own safety, but as a deterrent to another global slaughter.

Since this is the case, men of combat age have to be recruited for the armed services. Up to now, the only workable system has been conscription.

But since the armed services didn't need, and couldn't use, all of the men of combat age, many in the nation (and The Washington Daily News and other Scripps-Howard Newspapers especially) long have believed a fairer system of deciding who should go and who should not was seriously needed.

The most practical answer to that problem was a lottery—a device by which those to be called would be chosen at random; so

that every young man at least took the same risk of being inducted.

That system now has been adopted, thanks to President Nixon and a change of mind among the military affairs leaders of Congress. Months and years were wasted getting to this decision, but President Nixon was able to sign the new law Wednesday.

This, combined with the President's decision to call up 19-year-olds first, eliminates much of the hardship, inequity and uncertainty which has prevailed in the draft. It was a simple, small step—but it will mean a lot to the men and families who have to face this problem.

[From the New York Post, Nov. 18, 1969]

DRAFT LOTTERY SET TO GO

WASHINGTON.—The 12,500 young men in the January draft call will be inducted according to "the luck of the draw."

This measure will be the result of a measure, signed by President Nixon, which establishes the first congressionally-authorized draft lottery since March 17, 1942.

Under the lottery plan, there will be two drastic changes affecting millions of young Americans:

¶ The draftees will be called up from each year's group of 19-year-olds.

¶ The order in which eligible 19-year-olds will be called up will be determined by "random selection" or lottery.

All of the student deferments presently in force will be continued. These include student deferments, hardship deferments and occupational deferments (industrial farming, teaching, police force).

The 4000 local draft boards will still continue to provide their quotas of men toward the over-all requirements sent out by Selective Service headquarters, after the manpower need is stated by the Defense Dept.

Instead of drafting the oldest first, however, as they did till now, they will be required to draft only 19-year-olds—with the exception of this first year of the lottery.

HOW IT WORKS

If the new plan works as intended, a youth will be vulnerable to the chance of being called up for only one year. Till now he was vulnerable for seven years, from 18 through 25. Under the new plan, if he is not drafted during his one year of exposure, he will not be called up unless there is a major war.

Under the old plan of drafting the oldest first, the majority of the draftees were 20 and 21.

There will be at least two drawings made in the Selective Service headquarters a few blocks from the White House. The first drawing, called the "birthday lottery" will scramble the sequence of the calendar. There will be 366 capsules—one for each day of the year plus one for Feb. 29—and inside each capsule will be a date.

The first capsule drawn might contain the date of June 1. If it does, every youth who turns 19 on June 1 will be drafted unless he has a deferment, or is unqualified because of physical, mental or moral standards. The 366th capsule drawn might contain the date of, say, Feb. 1. If it does, every boy who becomes 19 on that date knows that he will not be called up unless there is a world war.

This is because the men required for the draft, under a limited war such as in Vietnam, can be supplied by the first 100 or so numbers of the priority sequence. Only about 250,000 are expected to be drafted in 1970 out of a draft pool estimated at 850,000.

The second drawing at Selective Service headquarters will be of 26 capsules, each one containing a letter of the alphabet.

This will scramble the alphabet and establish a new priority sequence to establish the order of call within each birthday group. The priority will be determined by the first letter of a man's last name.

[From the Washington Post, Nov. 29, 1969]

LOOPHOLE IN THE DRAFT LOTTERY?

President Nixon acknowledged in signing the bill to permit a Selective Service lottery, that some inequities will remain when the new system is in operation. No law which compels some to render military service and relieves others of that obligation can be entirely fair. The best that can be done, so long as compulsion is necessary, is to make the system operate without favoritism, and use of the combined birthday-alphabet lottery appears to be an appropriate means to that end.

Great care will have to be taken, however, to see that unnecessary inequities do not creep back into the draft. The plan for drafting 19-year-olds first, which will go into effect in 1971, is complicated by the fact that education and job deferments will be granted, and young men who escape inclusion in the prime draft pool at 19 for these reasons will have to face the possibility of being drafted at a later date. Equity demands that after their deferment expires they be exposed to the draft in the so-called prime pool for one year as if they were still 19.

This is the intent of the new arrangement. A question has been raised, however, as to whether deferments can be manipulated so as to grant virtual immunity to the draft. Deferred students and employees will go into the prime draft pool when they lose their deferment. Peter Flanigan of the White House staff dealing with this problem has acknowledged in an interview with the Associated Press that this arrangement may make it possible for a draft-shy student to choose the time of his exposure so as to minimize his liability. In other words, a student, after he learns that his number has been bypassed, could flunk or drop out of college and take his period of exposure to the draft when the chance of his being drafted would be almost nil.

If abuses of this sort should develop under the new system, it could fall into even greater disrepute than its predecessor which is now being discarded. One way of eliminating that risk would be to abolish all deferments for the duration of the war. If that is deemed too drastic it should be possible to require the young man seeking a deferment to specify at that time the year which he would spend in the prime draft pool. Congress will need to take a careful look at this problem when it seeks wider draft reforms next year in accord with the promise of the Senate Armed Services Committee.

[From the Washington Star, Nov. 29, 1969]

DRAFT LOTTERY SET TOMORROW

(By Stan Benjamin)

Tom, Dick and Harry grew up together, went to school together, graduated in the same year—but they may go very separate ways under President Nixon's new draft lottery system.

Tomorrow night the first draft lottery drawing in 27 years will be held; a new drawing will take place every year while this system remains in effect.

Each year a new group of young men will await that drawing, and each year, as the capsules are drawn from the jar, they'll wonder: "What does this do to my future?"

OUTLINES CLEAR

The answer will depend on individual circumstances and a complex of regulations but the general outlines are clear.

Tom, Dick and Harry start out with at least one thing in common: They all must register with their local draft board when they reach the age of 18. What they tell the draft board about themselves will help determine whether they are classified 1–A—"available for military service"—or in one of 16 other classifications of men considered not immediately available.

Let's say Tom and Dick have got jobs, and have nobody to support but themselves. The draft board finds them 1–A.

HARRY IS DEFERRED

Harry, however, is deferred. The draft board is convinced there is good reason not to draft him—at least as long as that reason lasts. Of endless possibilities, the reason may be that he has enrolled in college; perhaps he has a job essential to national security; perhaps he is the sole support of a parent; perhaps he has a trick knee.

The following year, all three youths turn 19. Some time late in that year the Selective Service System in Washington holds the lottery that will affect them.

Each date of the year, including Leap Year's Feb. 29, is written on a slip of paper and placed in a plastic capsule. These 366 capsules are mixed in a large glass jar and then drawn out, one by one.

The first date pulled is labeled number one. The second date pulled becomes number two, and so on up to number 366.

When the new year rolls around, the local draft board starts using this numbered list of dates: all 1–A men whose birthday was drawn first will be the first ones called for service. Then the board goes on to the men whose birthday was drawn second, and so on.

HALFWAY THROUGH LIST

The way draft calls have been adding up in recent years. Most draft boards will probably get all the men they need by the time they are roughly halfway through the list.

Suppose Tom's birthday—a day, for example, in November—is the third or fourth one drawn out of the bowl.

That tells Tom he'd better not make any long-range plans. He's virtually certain to be drafted unless the Army finds something wrong with him when he shows up for his physical.

Dick, on the other hand, has a higher number: let's say, 187, meaning that his birthday was the 187th to come out of the lottery bowl.

Tom is sure to be drafted, and a lot of guys far up the list with numbers in the 200s and 300s probably won't have to go.

WHO WILL BE FIRST?

But Dick is right in the middle. All he can do is sweat out the whole year and see whether the draft calls in his own local board reach his number.

As they climb higher throughout the year, Dick may take a close look and find there are a couple of other guys sharing his birthday and thus his number in line. If it gets that close, who will be the first to go?

That's already decided, too. Selective Service will already have scrambled up alphabet letters, just as it did dates.

NEW GROUP IN FRONT RANK

If necessary, it will use the scrambled alphabet list to decide which man goes first when birthdays coincide, by matching the letters drawn with the initials of the men's last names.

But let's give Dick a break and suppose the draft board gets all its men without reaching him.

Tom and Dick have now faced their "priority" year of exposure to the draft. Tom got drafted. But Dick did not, and the next year a new group of 19-year-olds with their birthdays scrambled in a new lottery will be in the front rank of exposure to the draft.

Dick will then still be legally subject to the draft, but it can't take him unless it first takes all of the new "priority" group, and that's pretty unlikely, short of a huge national mobilization.

Dick can relax and start making long-range plans from then on; he's probably safe from the draft.

He remains subject to it until he reaches the age of 26, but his chance of being called gets smaller each year.

Now what about Harry, the guy who was deferred?

Harry turned 19 the same year as the other two, so he was subject to the same lottery and he, too, got a place-in-line number when his birthday was drawn out of the jar.

But because he is deferred, he does not face the draft when the other two do. He faces it if and when he loses that deferment: when he graduates or drops out of college; loses his "essential" occupation; loses the dependent he had to support; gets his trick knee fixed . . .

When that happens, his draft board may reclassify him 1–A.

Harry then drops into the middle of a "priority" year and is fully exposed to the draft. He drops in, however, with the place in line given to him by the lottery held when he was 19.

If his number then was, for example, 153, he enters the 1–A line at number 153, even several years later.

If that number is reached in the year he re-enters the 1-A pool, Harry gets drafted.

FIRST YEAR DIFFERENT

The Nixon plan is to give every Tom, Dick and Harry his "priority" draft exposure in the year after he turns 19—unless, like Harry, he postpones that exposure through a deferment.

This year, the first lottery year, is a little different because men are eligible for the draft from 19 to 26, and the administration wants today's 20-to-26 group to get its exposure just like the 19-to-20 group.

Thus the first drawing—at 8 p.m. tomorrow—covers every man who reaches 19, but not 26, by or on Dec. 31, 1969.

The draft boards won't start calling men by the lottery list until January, but by late tomorrow night, Tom, Dick and Harry will have a pretty good idea where they stand in 1970.

[From the National Journal, Nov. 29, 1969]

FURTHER DRAFT DEBATE EXPECTED AS PRESIDENT SIGNS REVISIONS

(By Donald May)

The series of steps which President Nixon has taken to revise the draft has not ended the national debate on that subject.

More major national decisions on the draft are yet to be made. The President himself reflected this in signing a draft lottery bill Nov. 26 when he commented:

"While this measure will remove a great number of inequities . . . We will not be satisfied until we can have what I advocated during the campaign, volunteer armed forces."

So far the President has:

Cut draft calls by 50,000 in the final quarter of this year and announced that the call of 35,000 men planned for January will be reduced to 12,500.

Signed—also on Nov. 26—an executive order designed to cut the seven years of draft uncertainty, which men now face under the oldest-first system, to one year by calling 19-year-olds first beginning in January.

Coaxed and prodded through Congress an amendment permitting selection of 19-year-olds by lottery.

Announced that Lieut. Gen. Lewis B. Hershey, who has headed the Selective Service System since 1941, will give up that post Feb. 16.

But these steps left draft critics in both houses of Congress calling for more. Sen. Alan Cranston, D-Calif., urged "total revision." In the House, Rep. Leonard Farbstein, D–N.Y., said "a host of other inequities" remained unsolved, the greatest of which he said was "the draft itself."

Further inquiry: Two Administration studies related to the draft are now in progress:

The President's Commission on an All-Volunteer Armed Force, named in March, and headed by former Defense Secretary Thomas S. Gates, plans a January report on the possibility of a volunteer force to replace the draft.

A continuing Defense Department study called Project Volunteer, is looking into ways of gradually decreasing reliance on the draft by improving pay, recruiting systems, living accommodations and education opportunities for volunteers.

Divided Congress: The Administration found that it is no easy task obtaining draft legislation from a Congress split between those who want major revision and those who want little or none.

On May 13 the President asked Congress for six-point legislation including the youngest-first system, a lottery and deferment changes.

What happened next varies with the telling. Draft reformers say the measure was blocked by the chairmen of the two Armed Services Committees, Sen. John C. Stennis, D-Miss., and Rep. L. Mendel Rivers, D-S.C. The Stennis-Rivers forces say they didn't want the draft thrown open to helter-skelter revision on the floors of Congress, without full hearings, and while emotions on the draft, Vietnam and the military were running high.

Rivers, who had written much of the existing 1967 draft law which banned a lottery, told the Administration it could make its main changes by executive order without need of legislation.

On Sept. 19 the President yielded to this, announcing that he would handle five of his six points by executive decree, and would ask Congress only for one amendment—to remove the 1967 prohibition against a lottery.

Even getting this much to a vote seems to have taken some Presidential persuasion, as evidenced by the following remark of House Republican Leader Gerald R. Ford: "This bill . . . is here only because the distinguished chairman of this committee (Rivers) sat down with the President of the United States and at his request agreed to hold hearings on this proposal and to bring it to the floor, if that was the will of the committee . . ."

On Oct. 13 the President sent a message to Congress outlining legislative priorities and calling for draft legislation "now."

On Oct. 30 the lottery bill reached the House floor under a rule preventing amendment on the floor. Sources said this rule was an essential condition for a vote. The bill passed 382–13.

Enter Sen. Kennedy: Then it almost foundered in the Senate. Under Senate procedure there could be no rule against floor amendment, only a gentlemen's agreement. But Sen. Edward M. Kennedy, D-Mass., wanted to launch a debate on major draft revision.

According to opponents, Sen. Stennis took the position that in that case there could be no bill. Sen. Mike Mansfield, D-Mont., the majority leader, reported on the Senate floor that it appeared the bill could not come up this year for lack of an agreement on limiting amendments.

President Nixon then turned on the heat, and he turned it on Mansfield. "I deeply regret the announced decision of the Democratic leadership to deny the United States Senate an opportunity to consider draft reform until next year," the President said.

There followed a series of Kennedy-Stennis meetings. Yale President Kingman Brewster Jr. attempted—during a hearing—to mediate. He suggested a compromise involving an earlier expiration of the draft law. It was not accepted, but it drew public attention to the need for compromise.

Finally, Kennedy agreed not to start his debate. Stennis agreed to hold draft hearings by Feb. 15. The lottery bill passed the Senate by voice vote Nov. 19.

Revision pressure: The renewed debate, when it comes, is likely to be extensive. This year a dozen draft revision bills were introduced in the Senate. They included a lottery, an extensive revision proposed by Sen. Kennedy, and an all-volunteer force proposed by Sen. Mark O. Hatfield, R-Ore. In the House there were at least 42 draft bills.

Draft reform mail to legislators is reported heavy, and this may have been a factor in decisions in both houses to pass the lottery bill.

Significance: Two million young men reach draft age each year. More than a quarter million are being called this year. Draftees represent 35 per cent of Army forces in Vietnam.

The draft issue is bound up in and has fueled the campus revolt, the Vietnam protest movement and it has touched on the racial issue. There have been charges that the draft discriminates against the poor and blacks. Some have attacked the idea of an all-volunteer force on the grounds it would be heavily black, a premise which proponents do not concede.

For President Nixon the draft is a top priority problem, but one for which proposed solutions run into harsh realities of Pentagon manpower needs and budgets. Soon after he took office, Defense Secretary Melvin R. Laird, decided an all-volunteer force was too costly to be more than a long-range goal.

One social dimension is a ten-fold increase (from 341 to more than 3,000) in the number of men charged with criminal violations of the draft act between 1965 and 1969. Many are men with otherwise clean records who were influenced by campus protests.

Court cases: The U.S. Supreme Court has several draft cases on its docket raising issues such as:

The constitutionality of "punitive" reclassification of a man to 1–A for failure to carry his draft card—specifically, for turning it in as a form of protest. (No. 71 Gutnecht v US; No. 65 Breen v Selective Service Board No. 16.)

Whether a man who opposes the Vietnam war on non-religious grounds can qualify as a conscientious objector. (No. 305 US v Sisson.)

Draft groups: The increase in draft calls during the Vietnam war has caused rapid expansion of a social phenomenon known as "draft counseling"—similar to tax advice and considered by the Selective Service System as just as legal when properly done.

The Central Committee for conscientious objectors handles between 900 and 1,200 consultations with draft age men per month by mail, phone and interview at its Philadelphia headquarters. It has branches in Chicago and San Francisco.

The interest of a wide variety of groups is shown by a partial list of those which presented information to the Gates commission: American Legion, Veterans of Foreign Wars, National Student Association, Young Americans for Freedom, National Council of Churches, Air Force Association, Council to Repeal the Draft.

Outlook: Among other issues unaffected by the President's actions so far are charges that the more than 4,000 local draft boards operate without uniform criteria and with inadequate judicial review; that men have been drafted as punishment for protest, and that the area of conscientious objection has not been adequately defined.

When the issues next come up in Congress there will be one important difference—1970 will be a Congressional election year.

[From the Boston Globe, Nov. 30, 1969]

HERE'S HOW DRAFT WILL WORK

WASHINGTON.—Tomorrow night the first draft lottery drawing in 27 years will be held. Here's how it will work:

Between 8 p.m. and 10 p.m. at Selective Service headquarters in Washington, a person or persons yet unidentified will draw slips or tags from a new glass bowl. The slips will be numbered from 1 through 366, one for each day of the year, including leap year's Feb. 29.

The order of the drawing will determine the order of induction for young men, found physically and mentally qualified, who were born from Jan. 1, 1944 through Dec. 31, 1950—ages 19 through 25.

Thus if No. 300 is the first number drawn, then all men whose birthdays fall on the 300th day of the year—Oct. 26—will be first to be called for induction. If No. 5 is the second drawn, all men whose birthday is Jan. 5 would be next to be drafted.

Because of the total number of men in the draft pool, it is likely that men whose birthdays are not drawn in the first half of the listing will escape service.

The order of induction established tomorrow night will be valid for one year. The next drawing will be held around Dec. 1, 1970.

Next year, however, after Dec. 1, 1970, only the 19-year-olds or those who become 19 during the year will be placed in the eligible pool, where they will remain for one year only.

College deferments for undergraduate work will still be granted, but when a deferment is ended by dropout or graduation, the deferred student—regardless of age—will enter the 19-year-old eligible group for one year.

When the drawing by calendar days is completed tomorrow night, officials will stage a second drawing from a scrambled list of the 26 letters of the alphabet.

The alphabet sequence thus established will be used by local boards to determine the order of induction within the list of those men having the same birthday. If the first calendar day drawn is 366, and the first letter drawn is B, then the first men to be drafted will be those whose names begin with B who were born on Dec. 31.

Draft boards will then use the first letter of the last name of the inductee at first. But where there is duplication, the boards will then go to the first letter of the first name.

Local boards will continue to register, classify, and defer men at the age of 18. Each month, the boards will notify the state board of the number of men examined and qualified as 1–A, and this total will then be submitted to the national headquarters.

When the Defense Department submits a monthly call to Selective Service headquarters, this request is pro-rated to the states, which in turn pro-rate the quotas to local boards. The national headquarters allows credit to the states for men in service in assigning quotas and, similarly, state boards make such an allowance in fixing quotas for local boards.

[From the New York Times, Nov. 30, 1969]

DRAFT: NOW THE LOTTERY BUT IS IT ENOUGH?

(By Senator EDWARD M. KENNEDY)

WASHINGTON.—On Tuesday the National Commission on the Causes and Prevention of Violence urged the adoption of broad draft reforms to help "reduce the tensions and frustrations that now lead some young men" to violence. The draft, the commission statement said, is "a significant focal point of dissent" and "symbolizes the inflexibility of our institutions."

On Wednesday, President Nixon took two important steps towards draft reform:

(1) He signed into law a one-sentence bill giving him the authority to establish any sequence he desires for inducting young men into the armed forces; and

(2) He issued an executive order establishing a lottery to determine this sequence, and limiting exposure to the draft to one year (instead of seven years as under the present system).

And tomorrow, the Selective Service System will actually conduct the lottery. It will be the nation's first lottery since World War I, and will determine the order in which 250,000 young men in 1970 will receive Uncle Sam's "greetings."

The lottery is an important reform. It sets up an objective procedure for choosing some few men to be inducted, from among a large group of men all equally eligible. The Department of Defense estimates that 850,000 men will be eligible in 1970, but that it will need to draft only 250,000, or 29 per cent. Since the lottery is inherently objective, it will choose this 29 per cent without regard to race, income, connections or education.

But nearly two million young men turn 19 each year. Why is it that only 850,000 are eligible? First, only 63 per cent of this nearly two million will be able to pass the medical, mental and moral tests. In other words, 32 per cent of our annual crop of 19-year-olds simply do not qualify for military service even if they volunteer. (It is interesting to note that 66 per cent of Negro draftees in Mississippi failed these tests, and 65 per cent in New Jersey and 69 per cent in Oregon; the comparable figures for whites are 40 per cent; 44 per cent; and 44 per cent.)

Thus some 1.4 million men will theoretically be eligible in 1970, from which to choose the necessary 250,000. But for those affluent or clever enough, or well enough advised, to win them, there are deferments—for college, for occupation, for fatherhood, for agriculture, for hardship and so on. Deferments are good insulation against the draft, and one deferment can often be parlayed into another to become a virtual exemption. If only 850,000 are eligible for the draft next year, instead of 1.4 million, it is principally because of the various deferments.

Yet there are no uniform guidelines for most deferments. Instead, each of the nearly 4,100 local boards uses its own interpretation of "community needs" to decide which boys are deferred and which are drafted. Furthermore, if a boy is not rich and clever, there is no due process protection of his interests in the decision-making of the Selective Service System.

Consequently, those who favor a reformed draft urge that these further steps be taken:

Eliminate occupational deferments. The National Security Council and the previous Secretary of Labor have both said there was no national interest requirement in continuing them.

Establish uniform guidelines. Since local boards have virtually no substantive guidelines for their decisions, it is not surprising that variability between the boards is the rule rather than the exception.

Provide due process. The protections so much a part of a democratic society—personal appearance, written opinion, right to counsel, right to call witnesses—are simply unavailable in an appeal of a local board decision. This is shocking and must be reversed.

There are other important reforms many feel are badly needed—streamlining the structure of the draft system, naming members of local boards under 30 years of age, and bringing an end to college deferments in times of war.

There is also the problem of closing the loophole opened by the President's executive order. Under its provisions, a young man with a deferment can choose which year to terminate the deferment and enter the draft pool. He will, in all likelihood, choose a year in which the lottery has made the odds strongly against his being called. Because he can choose which year to terminate his deferment, he can beat the draft, but not everyone can win a deferment.

It would be comfortable if there were no draft, and the manpower needs of the armed forces were met through voluntary enlistments. It is entirely possible, furthermore, to construct a system after Vietnam in which draftees are not necessary, and manpower needs are filled by volunteers.

But there are a number of grave questions about an all-volunteer army.

Would it be an army of professional mercenaries, as such armies are called in other countries?

Would it be all-black and all-poor, as the army induced volunteers through higher pay, and as re-enlistment statistics suggest?

Would it cost from $4- to $17-billion additional each year, as Defense Department studies indicate, and is it worth that allocation of our scarce resources?

Would it act as a stimulus to undertake foreign military adventures, as its leadership cadre sought to give effect to its military training and experience?

Would we lose an important constraint on foreign policy decisions because civilians would not then have to run the risk of involvement in limited military efforts?

Would it widen the gulf between the civilian and the military, as it lost the leaven of being a citizen's army?

And ultimately, how would such an army react in Songmy? How would it react *after* Songmy?

The draft is important not only because it collides with the life of every young man in this country. It is important not only because one out of every three army deaths in Vietnam is a draftee. Its ultimate importance lies in its compulsory nature, which is an abridgement of the traditional democratic freedoms.

If a democracy's citizens are convinced such an abridgement is necessary, then they will tolerate it if it is equitable. But when its necessity rests on an unpopular war, and when it is unfair and discriminatory in application, then it is almost surprising the nation has not seen a repetition of the draft riots which paralyzed New York City for three days just over 100 years ago.

Or have we?

HOW IT WILL WORK

When the Selective Service System conducts its lottery tomorrow, it will pick in random sequence both the days of the year and the letters of the alphabet.

The list it publishes for the days of the year will no longer run straight through Jan. 1 to Dec. 31. Instead the 365 days will appear in random sequence. Similarly, the alphabet will not appear from A to Z, but will also be in random sequence.

These two sequences will determine the order in which eligible men are inducted until the draft requirements for the year are filled. Thus those far down on the list are unlikely to be called at all. If two men from the same local draftboard have the same birthday, but only one is needed, then the random alphabetical sequence controls, calling up the one whose first letter of his last name is listed higher.

Through 1970, the eligible men aged 19 through 25 will be subject to the lottery. Beginning in 1971, only 19-year-olds will be subject to the lottery, plus those whose deferments have expired. Eligibility is limited to one twelve-month period.

[From the Washington (D.C.) Post, Dec. 1, 1969]

NEW DRAFT LOTTERY TO START MONDAY

(By George Lardner Jr.)

The shiny plastic capsules look like little containers full of charms that used to sell for a nickel in candy store coin machines.

For some, they promise civilian clothes for life. For others, they mean duty in Vietnam; for still others, a year-long guessing game.

The military draft is going back to the

"fishbowl" lotteries reminiscent of World War I and World War II.

The lottery will start Monday night when 366 blue capsules are dumped into a big glass bowl at the Selective Service System's national headquarters here.

Each will contain a gummed sticker with a date on it, including a Feb. 29 slip for leap year. One by one, they will be plucked out for posting—in the order drawn—on a light blue tote board.

The Nixon administration calls it "the Random Selection sequence" and it has been designed to reduce the period of uncertainty about the draft from seven years to a single year.

The drawing itself will be simple enough. Officials expect it to take only two hours. But the picking order that it establishes can be complicated. In fact, it does not appear to have been entirely settled.

The first steps, however, are clear enough. The dates represent birthdays, and Monday night's lottery will affect some 850,000 young men in the 19-to-26 age group.

Under the new setup, the drawing should determine approximately when they can expect their induction notices, if at all.

If March 3, for example, is the first date drawn, draft-age youth born on that day will be called up first.

Should a local draft board have more than enough men to fill its quota, the lottery will again decide which ones are to be drafted. Once the glass bowl is empty of dates, another 26 capsules—each with a letter of the alphabet—will be dropped into it, stirred with an old butter paddle, and drawn out.

If the first letter is, say, "D," the local draft board's John Doe with a March 3 birthday will be at the top of his draft board's call list for the year 1970.

He may not be called, though, because of a deferment—for college or some other reason. But if the deferment expires before his 26th birthday, he will still be subject to the draft—during the year he becomes 1–A again—before anyone else at his local board because of his ranking in the lottery drawing during his first year of eligibility.

So it will go down the line—birthday by birthday, letter by letter. Those born on the last date scooped out of the glass bowl won't be called unless military requirements rise astronomically over next year's expected draft of 250,000 men.

WAITING IT OUT

But suppose March 3 is pulled out when the bowl is half empty. It is assigned No. 183 on the call list. Without a deferment, all John Doe can do is wait it out for the year and see what happens.

If he gets through the year without a notice from his draft board, he can probably forget about military service. For 1970, his chances are about even. Officials suggest that current draft needs should be exhausted when they get about halfway down the call list.

Monday's drawing, according to one reported breakdown, will fix the order of call for some 400,000 young men who turned 19 this year; another 250,000 between 20 and 26 who have no deferments, and about 200,000 in the same age bracket who do have deferments.

NEW LOTTERY EACH YEAR

After this, the administration plans to hold a new lottery each year for those who turned 19 the year before. Their so-called "priority" exposure to the draft (an unforeseen war could change it all) will last for a year, and no longer, unless they put it off with a deferment.

Each lottery, of course, will establish a fresh priority list of birthdays for that year's draft calls. Those who become 19 during 1970 will get their number in a drawing next fall. Local boards will put primary reliance on that for draft calls in 1971 when 19-year-olds are to be inducted first.

This is where some of the complications come in. Say Aug. 10 is the first date drawn at the lottery for 1971. What happens to those with March 3 birthdays, fixed as No. 1 in the first drawing, whose deferments expire in 1971? Selective Service boards across the country could wind up with an escalating number of No. 1 dates, No. 2 dates, and so forth.

"That's one of the things we are going to have to get straightened out," Capt. William S. Pascoe, Selective Service information chief, said yesterday. "It's a good question. I'm going to write the General (Selective Service Director Lewis B. Hershey) a note about it."

OTHER ISSUES UNSETTLED

Other issues remain unsettled, too. According to an Associated Press dispatch, quoting White House staff expert Peter Flanigan, a draft-age youth with a college or occupational deferment could wait until the waning months of a calendar year when it is apparent his number will not come up.

The youngster could then drop out of school or quit his job, and end his draft liability within a month or two, Flanigan acknowledged.

But Selective Service officials apparently disagree, contending that the "exposure" is supposed to last a full 12 months, no matter when it starts. "That's another thing we're going to have to get straightened out," Pascoe said.

The problems, however, appear to lie primarily in the years ahead rather than Monday's lottery for 1970. Local draft boards will start calling men by the list it sets Jan. 1.

Should those with top-priority birthdays be passed by in January's call because their local board has more than enough men on the list, they will still be subject to the quotas in the months ahead—until the year is done, Pascoe said.

The drawing itself will be done entirely by young men and women representing the Selective Service Youth Advisory Groups recently organized at President Nixon's behest.

The Illinois contingent, however, is reportedly boycotting the lottery and urging their counterparts in other states and draft regions, such as the District of Columbia, to follow suit.

The 13-member Illinois youth committee was said to feel that Mr. Nixon was trying to compromise their status as gadflies for a better system.

TRADITION STARTED IN 1917

Earlier draft lotteries were launched by high government officials. Secretary of War Newton D. Baker started the tradition in 1917 when he was led blindfolded to a glass container in the old Senate Office Building to pick the first of thousands of draftees for World War I.

The drawing took longer, but it was more clearcut. Officials and some chosen students, simply plucked out gelatin capsules containing the individual draft numbers of men who had just been registered with their local boards.

Two more drawings were held before the war came to an end and the ceremonial bowl was shipped to Independence Hall in Philadelphia until it was called back for another tour of duty.

That began in 1940 with the first peacetime draft in the nation's history. President Franklin D. Roosevelt looked on as Secretary of War Henry L. Stimson hauled out the first number on the stage of the Labor Department's big auditorium.

Two more "fishbowl" drawings were held, in 1941 and again in 1942, before the manpower demands of World War II became so great that the lottery was abandoned.

President Nixon ordered it back into vogue last Wednesday when he signed the law authorizing it and set the stage for Monday's production. It may be the only one that could result in duty in Vietnam for those at the top of the list. Some experts have predicted that drafted men would not be sent there after next year.

As a general rule of thumb, it is estimated that those whose birthdays are among the first third to be drawn will definitely be drafted, those in the next third have "an average probability" of being called, and those in the final third, a low probability.

Gen. Hershey, the controversial, 76-year-old draft director who will be leaving the post in February, ordered a new glass bowl for the occasion. Two feet tall and 16 inches in diameter, it looks like a water cooler without a top. The old "fishbowl" will sit outside in the glass case that now houses it at the Selective Service building here.

Hershey, a spokesman said, didn't want to use it again because it was a symbol of the past.

"The old one was used at the start of wars," the aide explained. "We hope this one is going to be used for the end of war."

[From the New York Times, Dec. 1, 1969]

DRAWING TONIGHT WILL DETERMINE WHO IS DRAFTED

First Lottery Since '42 Set for 8 P.M. in Washington—Affects Calls in '70—Induction by Chance—Men Between 19 and 26 to Be Chosen or Spared by Luck of Their Birthday

(By David E. Rosenbaum)

WASHINGTON, November 30.—A chance drawing tomorrow night will determine which young men of hundreds of thousands will be drafted into military service and which, by luck of birthday, will be left free to work, study and lead uninterrupted civilian lives.

When the lottery is completed late tomorrow night, every man between the ages of 19 and 26 will have a general, though not precise, idea of whether or not he will be drafted.

The lottery, the first since 1942, will begin at 8 P.M. in the small auditorium of the Selective Service System's national headquarters at 1724 F Street in Washington.

On a table at the front of the room will sit a cylindrical glass bowl—looking something like a water-cooler—containing 366 capsules. In each capsule will be a piece of sticky paper with a date written on it.

DATES TO BE POSTED

As the capsules are drawn, the dates will be removed and posted on a board in the order in which they are picked next to a series of numbers ranging from 1 to 366 Potential draftees will be chosen, starting in January, in the order in which their birthdays were drawn.

As an example, if the first date drawn is March 20, every man between 19 and 26 whose birthday is March 20 will be given No. 1, and each draft board will choose all men with No. 1 (who are not deferred or exempt from the draft) before it chooses a man with No. 2.

Administration officials say that, as a general rule for the first lottery, men drawing the lowest third of the numbers—roughly 1 through 122—can be certain that they will be drafted. Men drawing the highest third of the numbers—roughly 244 through 366—can be assured that they will be passed by. For those in the middle, there will be a year of uncertainty.

In addition to the drawing of the 366 dates, the 26 letters of the alphabet will be chosen at random to determine the order of call within a given birthday.

The lottery does not affect deferments or exemptions at all. A man who now has a deferment—because he is a student, because he has a critical occupation, or whatever—can retain his deferment. But he will be assigned a number in tomorrow's lottery, and the number he gets will stay with him. When his deferment lapses, his draft board will be required to select him before it takes a man with a higher number.

SECOND LOTTERY NEXT FALL

Next fall, the birthdays will be reshuffled, and there will be another lottery for 1971. Next year's drawing will affect only men whose 19th birthday is in 1970—in other words, only men born in 1951.

Tomorrow's lottery affects every man born between Jan. 1, 1944, and Dec. 31, 1950. The Government estimates there are 850,000 of these men who are not deferred or exempt from the draft. About 250,000 will be drafted next year. The rest will be free from the draft forever, unless there is a national emergency, or if the law is changed to affect them, which is unlikely.

Tomorrow night, the capsules will be drawn by more than 50 representatives of the Selective Service System's Youth Advisory Councils. At the urging of President Nixon, Selective Service set up the councils this year in each state and territory. The councils consist of youths of draft age. Officials expect the lottery to be finished within two hours.

Officials of the television and radio networks said today that they would not decide until tomorrow how much, if any, of the drawing would be broadcast. A spokesman for the Columbia Broadcasting System said the tentative plans were to break into regular television programs with short announcements on the progress of the lottery.

HOW DEFERMENTS WORK

To show how deferments work under the lottery system, take, for example, the case of John Doe, a college undergraduate with a student deferment and Sept. 12 as a birthday.

If Sept. 12 is the 100th number drawn tomorrow night, John Doe will be assigned No. 100. As long as he retains his deferment—it cannot be done past the age of 24 under the current law affecting student deferments—he will not be drafted, even though all eligible men with No. 100 are taken.

Men in future lotteries with Sept. 12 as a birthday will be assigned another number, maybe higher or maybe lower than 100. But this makes no difference to John Doe. He will always have No. 100, and, in whichever year his deferment lapses, he will be considered with all other men with No. 100.

If John Doe loses his deferment in the middle of the year, it still makes no difference, for in the next draft call after he loses the deferment, his draft board will take him if No. 100 has been reached or passed and not draft him if No. 100 has not been reached in the sequences.

It will still be possible, however, for a man to keep a job deferment—many young men receive them for teaching—until his 26th birthday and avoid the draft entirely.

A POSSIBLE LOOPHOLE

A possible loophole that arises has been discussed in depth within the Government in recent days. A man with a borderline number—one that might be reached in some years and not in others, depending on the size of draft calls—could retain his deferment until late in the year.

If it appears, say in October, that his number was going to be reached, he would retain his deferment and hope that the number was not reached in a subsequent year. If, the next year, it appeared late in the year that his number was not going to be called, he could give up his student or job deferment and enter the draft pool. If the number was not called, he would be free.

Government experts believe, however, that this is really not a loophole. They feel, first of all, that it could only affect a very small number of men, those who had numbers that were likely to be called in some years and not in others.

Secondly, they say, it often takes several months for a draft board to process a man's request that his deferment be dropped and that he be reclassified. By the time it became apparent that his number was not going to be called in a given year, it would probably be too late in the year for him to enter the draftable pool.

If the lottery system of chance seems unfair, it is generally agreed that the random system is more equitable than the old system. Its primary advantage is that it limits to one year the period in which a person is liable to be drafted and it makes that year the one in which his 20th birthday occurs, a time when most men are not set in their careers. If a person wishes, through deferments, to shift his year of liability to a later year, it is by his own choice.

Under the old method, men were susceptible to the draft up to the age of 26, with the oldest men drafted first. Since, in theory, every man at some point became the oldest 25-year-old, every man without a deferment or an exemption was likely to be drafted. Frequently, he was not called until he approached his 26th birthday, a time when his career could be seriously interrupted. And the period of uncertainty lasted for seven years, from his 19th birthday to his 26th.

The National Advisory Commission on Selective Service, appointed by President Johnson in 1966 and headed by Burke G. Marshall, an Assistant Attorney General in the Kennedy Administration, strongly recommended a random selection system. President Johnson endorsed the lottery system in a message to Congress in 1967.

Congress, especially the House Armed Services Committee, was cool to the lottery proposal, however. The main argument was that it would hurt officer procurement. In other words, if a person survived the lottery when he was 19, he would be unlikely to be interested in becoming an officer when he left college.

KENNEDY IN VANGUARD

To keep President Johnson from instituting the lottery by executive action, Congress included in the 1967 draft extension bill a sentence that prohibited the President from establishing a random system without prior Congressional approval.

But pressure for the lottery continued. The drive was led in Congress by Senator Edward M. Kennedy, Democrat of Massachusetts. Gradually, the military decided that a lottery would not severely damage officer programs, and the military saw an advantage in drafting 19- and 20-year-old men, rather than older men whom it considers more difficult to train.

During his election campaign, President Nixon repeatedly advocated an all-volunteer army. Observing that the needs of the Vietnam war made the draft a necessity, he proposed major draft reform legislation—including a lottery—early in his administration.

APPEAL BY NIXON

Since the over-all reform bill was going nowhere in the Armed Services Committees, Mr. Nixon asked Congress in September to pass a bill that would remove the prohibition against the establishment of a lottery on his own.

While there was general support of this legislation from Senator John C. Stennis, Democrat of Mississippi, and Representative L. Mendel Rivers, Democrat of South Carolina, who are chairmen of the two Armed Services Committees, supporters of a wider reform opposed the new bill. Led by Senator Kennedy, they argued that passage of the lottery this year would preclude substantial reforms of the system next year.

A turning point came early this month when Kingman Brewster, Jr., the president of Yale University, testified before the Senate committee. He said: "I think this bright, cynical generation of students is not going to appreciate the fact that the opportunity for meaningful reform fell by the wayside because of a desire to do more than could be realistically done this session."

Senator Kennedy was apparently convinced. He obtained an agreement from Senator Stennis to hold extensive draft hearings next year, and the bill easily passed the House and Senate. President Nixon signed the legislation last Wednesday and issued an executive order implementing the lottery.

A lottery draft system is not something new in American history. In 1917, shortly after the United States entered World War I, draftees were chosen by lot. Again in 1940, through 1942, draftees were chosen by means of a lottery.

In both World War I and World War II, the random selection system was abandoned when military needs became so great that all eligible men were inducted into the service.

[From the Boston Evening Globe, Dec. 1, 1969]

DRAFT LOTTERY BEGINS TONIGHT AT 8; 56 YOUTHS TO DRAW

WASHINGTON.—At 8 p.m. tonight, a young man will step up to a glass jar at Selective Service headquarters, stick his hand down among 366 plastic capsules and draw one out to begin the nation's first draft lottery since the dark days of World War II.

It will be a picture from the history books—like the one showing War Secretary Henry L. Stimson pulling a green capsule from a "fishbowl" in 1940—or the one depicting a blindfolded War Secretary Newton D. Baker reaching into the same fishbowl in 1917.

But there will be an important difference. Tonight's scene, in more or less the same form, will be repeated every year from now on, unless the law is changed or President Nixon fulfills his announced desire for an all-volunteer army.

And the concept of tonight's drawing is unlike all the previous in an attempt to come up with as fair a lottery as has been devised.

There will be 56 youth representatives at the drawing. They will draw, and continue drawing, until all 366 capsules have been opened. Each capsule contains a date of the year, including Feb. 29 even if there is no Feb. 29 in the year's calendar. The dates are placed on a list in the order drawn, and men will be called for induction in the order that the date of their birth falls on that list.

Thus if Feb. 8 is the first date drawn, all men whose birthdates are Feb. 8 will be at the top of the heap for callup during 1970. Those whose birthdates fall in the middle of the list will face uncertainty as to whether they will be called, and those at the bottom will be almost assured they will not be called up.

Those affected by tonight's drawing are all nondeferred men who will have turned 19 by the end of 1969, up to and including all who will still be aged 25 when the year ends. Those who turn 19 or lose deferment by, for example, graduating from college, at any time during 1970, will have to wait for the lottery at the end of that year to enter the pool.

From 1971 onward, the lottery pool will include only those who turned 19 the year before, or those whose deferments have been removed.

Although the change in selection is a new one, the draft is an old practice in the United States. In colonial times villages were authorized to force men of the towns to train for defense against the Indians. And the first Federal draft, imposed by President Abraham Lincoln during the Civil War, produced riots among the poor because the rich were allowed to buy their way out.

World War I brought the first national draft system, with each man from the ages of 21 to 30 assigned a draft number. It was from among 10,500 such numbers that the blindfolded Baker pulled the first one, No. 258.

A similar assigned number system was used when Stimson reached into the jar on Oct. 29, 1940, and pulled out No. 158. That drawing lasted 17 hours and was followed by two others, the last one on March 7, 1942.

[From the Washington Post, Dec. 1, 1969]

DRAFT LOTTERY: AREA'S ELIGIBLE MEN PONDER THEIR FUTURE

(By B. D. Colen)

For 850,000 young American males, 8 p.m. tonight is the hour of decision.

At that hour, their weeks, months, and for some, years of indecision about and evasion of the Selective Service System will come to a head.

Tonight is the night when, one by one, 366 clear plastic capsules, each containing a slip of paper with a date on it, will be drawn from a large glass jar. The order in which the dates are drawn will determine a young man's chances of being drafted during his years of eligibility. Those whose birthdays are drawn first will be first eligible.

For Robert Gill, a 21-year-old George Washington University senior, tonight presents special problems. He has a student deferment from his Lyons, Kansas, draft board, but he is considering enlisting in the Army. His luck in the draw tonight may help him make up his mind.

"I'm still thinking about enlisting," he said as he sat studying yesterday afternoon in the GW library reading room. "I'd like to get into a program like the Army foreign language school."

Gill is opposed to the war in Vietnam and marched during the Oct. 15 Moratorium but he doesn't agree with those who say "that all war is bad or the military per se is evil." The draft lottery, he said, "is quite a bit better than the old system," because it lets a person know where he stands.

Tom Costello, a 21-year-old waiter at Apple Pie, a Georgetown restaurant, was sitting in a Wisconsin Avenue bar yesterday afternoon talking to friends.

A Georgetown University graduate with a 1-A draft classification, Costello said he was "evading the draft" when asked what he does for a living. "I've put my physical off four times," he said. "I applied for a job with the D.C. police as a deferment, but I made the mistake of telling them that I smoked grass once. I shouldn't have been so honest."

Though the drawing means a great deal to him, the dark-haired young man was unaware of the fact that the drawing is taking place tonight. "They pick them tomorrow?" he asked, his face registering surprise. "I feel much better now. My problems might be solved tomorrow. But of course they might be multiplied."

Mike Ester, a GW senior whose deferment from his Alameda County, Calif., draft board expires in June, discussed the new lottery system as he stood with a friend, Sandra Altman, in front of the reserve desk in GW's library.

"I'm a big fan of the lottery," he said with a smile. "It's almost like a quiz show. It's different." Ester said he wasn't particularly nervous about tonight's event. His future, he said, "is up for grabs, but it (the lottery) gives you a certain amount of time to play with. There's a degree of certainty."

But Ester is not completely happy with the lottery system. It is comparable, he said, to the lottery described by Shirley Jackson in her short story of the same name. In "The Lottery," villagers drew lots each year to see which one of their fellows they would stone to death as a sacrifice.

Sandra Altman, Ester's friend, called the draft lottery "freaky It's this whole probability thing," she said. "It can determine your life or death."

But Ester was thinking about the outcome. And that outcome, he said, may involve a move to Canada.

[From the Boston Globe, Dec. 2, 1969]

LUCK-OF-THE-DRAW DRAFT PLAN BEGINS; 2 WEEKS TO SET UP NEW PLAN HERE

(By Matthew V. Storin)

WASHINGTON.—The nation initiated its new draft lottery last night which determined that young men born on Sept. 14 in the years 1944 through 1950 will be the first called to military service next year.

Rep. Alexander Pirnie (R-New York) reached into a huge glass beaker and drew the first birthdate in a ceremony at Selective Service Headquarters here.

The new system, established by Congressional action and a presidential order this year, is designed to draft 19-year-olds first. The present system first takes the oldest available men below age 26.

Selective Service Director Lewis B. Hershey, who will leave his post next February, presided over the ceremony in a small conference room jammed with newsmen, cameras, microphones and Selective Service employees.

After the selection of the first birthdate, subsequent dates were drawn to determine the priority for drafting all eligible young men between the ages of 19 and 26 in 1970.

The event was not without the protest that has marked the history of military conscription in this country.

Fourteen members of the Youth Advisory Committee signed a statement expressing "deep concern" over handling of the drawing.

Larry McKibben of Iowa, held up the proceedings to read the statement, which protested the "total exclusion of two individuals who did not wish to actually draw numbers." The delegates from Michigan and Alaska were not among the advisory members who drew.

Rep. Pirnie was chosen to draw the first birthdate because he is senior Republican member of a House subcommittee on the draft. He had not been listed on the program for the ceremony and his appearance was a surprise to some middle-echelon Selective Service officials.

The glass beaker, which rested upon a small stool from one of the filing rooms in the headquarters, contained 366 blue plastic capsules. Each capsule enclosed a date, including Feb. 29 for leap years.

Those born within the first third of the birthdates drawn last night will almost certainly be called to the service in 1970.

If an individual qualifies for a temporary deferment he will be liable to the draft when the deferment ends. He will retain the priority number which was drawn for his birthdate last night.

Young people who will not become 19 until 1971, however, will have their draft status determined by another draw next year.

Those whose birthdates were in the middle third drawn last night, will retain some chance of being called, depending on the available manpower within their own draft boards, officials said.

Those drawn in the last third can be reasonably sure they will not be called. Under the new system, if a man is not called in his first year of eligibility, his name goes to the bottom of the Selective Service, where it would only be called up in times of national emergency.

The order of call for eligible men having the same birthdate was determined by a drawing of the alphabet last night.

The ceremony began at 8:02 p.m. after Gen. Hershey asked for silence in the crowded room. After a brief invocation by Marine Col. Robert H. Rankin, Gen. Hershey introduced Pirnie. Without saying a word, the lawmaker from Utica, N.Y., reached in for the first blue capsule.

There were no smiles from the participants. Col. Daniel O. Omer called out the results, "Sept. 14."

The draw proceeded rapidly thereafter. The remainder of the dates were drawn by 51 members of the Youth Advisory Committee from throughout the nation.

Massachusetts was represented by Lawrence DiCara, 20, a junior at Harvard. He was the 38th member of the committee to draw. It was likely that those having the birthdates drawn by DiCara would not be called. Before the ceremony, DiCara said: "It makes me feel good that I'm drawing near the end."

But the Dorchester resident said he was not particularly anxious about the drawing because, "the numbers are going to be picked anyway, whether I do it or not."

The representatives of Michigan and Alaska were said by fellow advisory members to have refused to participate after arriving here earlier Monday. The two youths who were not identified by Selective Service officials, reportedly had not been aware of the role they would play in the lottery.

DiCara said some of the participants were concerned that their "hands would be dirty" after drawing capsules that would decide the futures of hundreds of thousands of fellow young people.

The Massachusetts representative said he is against the war in Vietnam and would like to see the pace of troop withdrawals speeded up.

"But I was brought up to believe that when you agree to do something, then you go ahead and do it," DiCara said.

DiCara's birthdate, Apr. 30, was the 208th drawn, which left him likely to be called when his student deferment expires.

When David L. Fowler of Washington came to the lottery beaker to draw his capsules, he said he could not take part and walked on.

John R. Lyne of Kentucky flashed the "V" sign for peace as he drew each of his capsules.

THE LIST: ORDER OF DATES CHOSEN IN LOTTERY

Here's how you stand in the draft for 1970.

Find the date of your birth. Look at the number beside it. That's your position in the draft call.

A number from 1 to 122 means you'll probably be called. A number from 123 to 244 means you may or may not be called. A number from 245 to 366 means you are unlikely to be called.

January 1	305th
January 2	159th
January 3	251st
January 4	215th
January 5	101st
January 6	224th
January 7	306th
January 8	199th
January 9	194th
January 10	325th
January 11	329th
January 12	221st
January 13	318th
January 14	238th
January 15	17th
January 16	121st
January 17	235th
January 18	140th
January 19	58th
January 20	280th
January 21	186th
January 22	337th
January 23	118th
January 24	59th
January 25	52d
January 26	92d
January 27	355th
January 28	77th
January 29	349th
January 30	164th
January 31	211th
February 1	86th
February 2	144th
February 3	297th
February 4	210th
February 5	214th
February 6	347th
February 7	91st

February 8	181st	May 8	321st	August 7	168th
February 9	338th	May 9	197th	August 8	48th
February 10	216th	May 10	65th	August 9	106th
February 11	150th	May 11	37th	August 10	21st
February 12	68th	May 12	133d	August 11	324th
February 13	152d	May 13	295th	August 12	142d
February 14	4th	May 14	178th	August 13	307th
February 15	89th	May 15	130th	August 14	198th
February 16	212th	May 16	55th	August 15	102d
February 17	189th	May 17	112th	August 16	44th
February 18	292d	May 18	278th	August 17	154th
February 19	25th	May 19	75th	August 18	141st
February 20	302d	May 20	183d	August 19	311th
February 21	363d	May 21	250th	August 20	344th
February 22	290th	May 22	326th	August 21	291st
February 23	57th	May 23	319th	August 22	339th
February 24	236th	May 24	31st	August 23	116th
February 25	179th	May 25	361st	August 24	36th
February 26	365th	May 26	357th	August 25	286th
February 27	205th	May 27	296th	August 26	245th
February 28	299th	May 28	308th	August 27	352d
February 29	285th	May 29	226th	August 28	67th
March 1	108th	May 30	103d	August 29	61st
March 2	29th	May 31	313th	August 30	333d
March 3	267th	June 1	249th	August 31	11th
March 4	275th	June 2	228th	September 1	225th
March 5	293d	June 3	301st	September 2	161st
March 6	139th	June 4	20th	September 3	49th
March 7	122d	June 5	28th	September 4	232d
March 8	213th	June 6	110th	September 5	82d
March 9	317th	June 7	85th	September 6	6th
March 10	323d	June 8	366th	September 7	8th
March 11	136th	June 9	335th	September 8	184th
March 12	300th	June 10	206th	September 9	263d
March 13	259th	June 11	134th	September 10	71st
March 14	354th	June 12	272d	September 11	158th
March 15	169th	June 13	69th	September 12	242d
March 16	166th	June 14	356th	September 13	175th
March 17	33d	June 15	180th	September 14	1st
March 18	332d	June 16	274th	September 15	113th
March 19	200th	June 17	73d	September 16	207th
March 20	239th	June 18	341st	September 17	255th
March 21	334th	June 19	104th	September 18	246th
March 22	265th	June 20	360th	September 19	177th
March 23	256th	June 21	60th	September 20	63d
March 24	258th	June 22	247th	September 21	204th
March 25	343d	June 23	109th	September 22	160th
March 26	170th	June 24	358th	September 23	119th
March 27	268th	June 25	137th	September 24	195th
March 28	223d	June 26	22d	September 25	149th
March 29	362d	June 27	64th	September 26	18th
March 30	217th	June 28	222d	September 27	233d
March 31	30th	June 29	353d	September 28	257th
April 1	32d	June 30	209th	September 29	151st
April 2	271st	July 1	93d	September 30	315th
April 3	83d	July 2	350th	October 1	359th
April 4	81st	July 3	115th	October 2	125th
April 5	269th	July 4	279th	October 3	244th
April 6	253d	July 5	188th	October 4	202d
April 7	147th	July 6	327th	October 5	24th
April 8	312th	July 7	50th	Ocotber 6	87th
April 9	219th	July 8	13th	October 7	234th
April 10	218th	July 9	277th	October 8	283d
April 11	14th	July 10	284th	October 9	342d
April 12	346th	July 11	248th	October 10	220th
April 13	124th	July 12	15th	October 11	237th
April 14	231st	July 13	42d	October 12	72d
April 15	273d	July 14	331st	October 13	138th
April 16	148th	July 15	322d	October 14	294th
April 17	260th	July 16	120th	October 15	171st
April 18	90th	July 17	98th	October 16	254th
April 19	336th	July 18	190th	October 17	288th
April 20	345th	July 19	227th	October 18	5th
April 21	62d	July 20	187th	October 19	241st
April 22	316th	July 21	27th	October 20	192d
April 23	252d	July 22	153d	October 21	243d
April 24	2d	July 23	172d	October 22	117th
April 25	351st	July 24	23d	October 23	201st
April 26	340th	July 25	67th	October 24	196th
April 27	74th	July 26	303d	October 25	176th
April 28	262d	July 27	289th	October 26	7th
April 29	191st	July 28	88th	October 27	246th
April 30	208th	July 29	270th	October 28	94th
May 1	330th	July 30	287th	October 29	229th
May 2	298th	July 31	193d	October 30	38th
May 3	40th	August 1	111th	October 31	79th
May 4	276th	August 2	45th	November 1	19th
May 5	364th	August 3	261st	November 2	34th
May 6	155th	August 4	145th	November 3	348th
May 7	35th	August 5	54th	November 4	266th
		August 6	114th	November 5	310th

November 6	76th
November 7	51st
November 8	97th
November 9	80th
November 10	282d
November 11	46th
November 12	66th
November 13	126th
November 14	127th
November 15	131st
November 16	107th
November 17	143d
November 18	146th
November 19	203d
November 20	185th
November 21	156th
November 22	9th
November 23	182d
November 24	230th
November 25	132d
November 26	309th
November 27	47th
November 28	281st
November 29	99th
November 30	174th
December 1	129th
December 2	328th
December 3	157th
December 4	165th
December 5	56th
December 6	10th
December 7	12th
December 8	105th
December 9	43d
December 10	41st
December 11	39th
December 12	314th
December 13	163d
December 14	26th
December 15	320th
December 16	96th
December 17	304th
December 18	128th
December 19	240th
December 20	135th
December 21	70th
December 22	53d
December 23	162d
December 24	95th
December 25	84th
December 26	173d
December 27	78th
December 28	123d
December 29	16th
December 30	3d
December 31	100th

ORDER OF INITIALS

If two or more men registered with any local draft board have the same birthday, they will be subject to call in an order determined by a second lottery held last night, in which letters of the alphabet were drawn.

Here is the order:

1. J; 2. G; 3. D; 4. X; 5. N; 6. O; 7. Z; 8. T; 9. W.

10. P; 11. Q; 12. Y; 13. U; 14. C; 15. F; 16. I; 17. K; 18. H.

19. S; 20. L; 21. M; 22. A; 23. R; 24. E; 25. B; 26. V.

WHAT YOUR DRAFT CHANCES ARE

WASHINGTON.—The birthday lottery drawing involves you if you were born between Jan. 1, 1944, and Dec. 31, 1950.

If your birthday was drawn in the first 122 numbers and you have no deferment it is almost certain you will be called in 1970.

If your birthday was drawn between number 123 through 244, the odds are 50–50 that you'll receive your draft notice. There are varying factors, such as the quotas assigned to your local board, deferments, and your birthday comes high or low on this middle grouping.

If your birthday is drawn in the bottom third, from 245 through 366, there is small likelihood you will be summoned in the draft and you can probably plan your life and career in the knowledge you will have no military service requirement barring national emergencies.

If you are temporarily deferred because of college, your exempt status continues but the priority level in which your birthday falls in the drawing will be effective for the year in which your exemption expires.

Thus, if you should graduate or drop out of college in 1973, if your birthday was the 15th number drawn in yesterday's lottery, you would be placed in the 15th level of call-ups in 1974 even though a different birthday was drawn 15th for that year.

YOUNG MEN LISTEN—FUTURES IN BOWL

(By William A. Davis)

Not since television took over American living rooms 20 years ago has a radio program had so rapt an audience as last night's "lottery show."

The listeners, mostly males between the ages of 19 and 26, sat frozen to their radios waiting for their birthdays to be called and their numbers to come up.

A Brighton man, Timothy Koster, 20, of Sutherland road, didn't have very long to wait.

His birthdate, Sept. 14, was the first one plucked from the "fishbowl" by Cong. Alexander Pirnie (R-N.Y.) and assigned to the callup number: "001."

A freshman at Boston University's College of Business Administration, Koster says he lacks sufficient credits to receive a student deferment and will be eligible for the draft in January.

"I will refuse induction," he said. "I've been against violence all my life and against war in general." Koster said he had planned to apply for a conscientious objector deferment. "I don't think there is much chance of getting one now," he said last night.

Koster said he had also considered emigrating to Canada but rejected the idea of permanent exile. Told that the average sentence for refusing induction is now two to three years, he said: "Maybe Canada would not be so bad."

Listening to the lottery broadcast with Koster was his older brother, Allan, 22, a senior at BU.

"When they pulled my brother's number—I had to laugh," he said, "anybody who came up number one is a loser."

Allan didn't laugh for long.

His own birthdate, June 27, was the 64th called. Since anyone whose number was in the first third of the 366 called is almost certain to be drafted he expects to be called up when he graduates in June.

"I consider myself just as much of a loser as my brother," the older Koster said, "although I'm not drafted yet."

"My brother is totally non-violent—but I'm not," he said, "I could never morally refuse on the grounds of non-violence like my brother . . . it's a hard decision. I'll really have to think about it."

All around Boston, young men settled down in front of radio when the lottery—which was not televised—began at 8 p.m. (With a prayer by a former Marine Corps chaplain.)

At BU's George Sherman Student Union, knots of students sat in the corridors and listened to the drawing, which was piped over the loudspeaker system by the campus radio station, WBOR.

The earlier numbers provoked groans and cries of "Oh, No"—the later ones gleeful shouts of "Whoopee."

"I guess it beats the election returns," said John Cogar of College Park, Md.

Neal Stillman of Portland, Me., paced up and down as the list of numbers droned on. "I can't listen to this, it make me sick," he said as he walked away—to return seconds later.

"Are you worried?" he was asked. "Damn right I'm worried," he growled.

A Harvard junior, Howe McCarthy of San Francisco, Calif. found out that he has the luckiest birthday of them all, June 8—the very last number called.

McCarthy's interest in the lottery was only curiosity since he's not likely to be drafted. An Army veteran, he spent a year as a first lieutenant with the 9th Infantry Division in Vietnam.

SEGREGATION IN THE SCHOOL DISTRICTS OF NEW JERSEY

Mr. STENNIS. Mr. President, in order to put before the Senate all the facts necessary for full consideration of amendments I intend to offer to the Health, Education, and Welfare appropriations bill, I present today information relative to the school system of the State of New Jersey.

These facts show there is segregation in the public schools of New Jersey that equals, if not surpasses, segregation in many of the schools that are now under the most demanding orders of HEW and the courts in the South.

I emphasize that if segregation is wrong in the public schools of the South, it is wrong in the public schools of all other States.

This opinion is shared by Mr. Leon Panetta, Director, Office for Civil Rights of HEW.

In testimony before the House Appropriations Committee on April 30—page 1061, House Appropriations Committee hearings, HEW 1970—Mr. Panetta made the following statement:

> I talked with a number of people who feel that the Civil Rights Act only aims at the dual school structure and that it really only aims at the Southern situation. It does not say that and I think it talks in terms of discrimination per se, which can occur anywhere regardless of geographic boundaries.

However, Mr. Panetta also said of civil rights enforcement in northern public schools, "there never really was a northern program until the last year."

I emphasize this, Mr. President, and also point out that even within the last year little, if anything, has been done to effectively remove segregation in the North.

For instance, since the civil rights law was passed as of October 16 of this year, in the North only 46 of 7,015 compliance agreements filed have been given a preliminary check by HEW.

In the South, 2,994 districts have filed form 441 and all have been checked, 100 percent. That is according to the records; that is not an estimate. It is according to the records; 1,107 districts have filed form 441–B outlining a voluntary desegregation plan.

In the North only, six out of 7,015 total districts of the North have been sent letters of noncompliance.

In the South, 568 out of 1,107 school districts of the South have been sent letters of noncompliance.

In the North and West, only one out of 7,015 school districts have been the subject of administrative action by HEW.

The tragedy of this so-called crusade against discrimination on a sectional basis is that it is within itself discrimination against a geographical section of the United States.

It might be claimed that segregation in New Jersey is accidental and not the result of official State and local government action. Such, however, is not the case as it has been made clear by the

Civil Rights Commission and their report on racial isolation, 1967, at page 42.

According to the Civil Rights Commission, the official policy that had the effect of law in the State of New Jersey as late as 1930 was to operate separate but equal schools when, in the judgment of the board of education, it was best to do so.

In New Jersey, separate schools for Negroes were maintained well into the 20th century despite an 1881 statute prohibiting the exclusion of children from schools on the basis of race. In 1923, the State commissioner of education ruled that local school authorities could provide special schools for Negroes in their residential areas, and allow the transfer of white students from these schools to white schools. The ruling was reaffirmed in 1930. As late as 1940, there were at least 70 separate schools for Negroes in New Jersey.

NEW JERSEY

In New Jersey, according to the 1968–69 HEW school survey, there was a total of 1,234,470 students in the elementary and secondary schools. Of this total, 986,448, or 79 percent, of total enrollment were white, 200,117, or 16 percent, were Negro, and the remaining 5 percent was made up of other minority groups.

HEW's IBM data reflects that there are 24 cities or townships in New Jersey which have one or more schools where Negro students make up 80 percent or more of the total school enrollment, and in these 24 school districts are enrolled 78.7 percent of the total Negro student enrollment in the State of New Jersey. In these 24 cities or school districts, there are 162 schools where the Negro student enrollment is 80 to 100 percent. There are 90,966 Negro students, or 45.4 percent of all Negro students in the State of New Jersey, in these 162 schools. There are 87,645—or 43.8 percent—of the Negro students in the State of New Jersey in 115 schools that are 90 to 100 percent segregated, and there are 68,184—or 34 percent of New Jersey's Negro student population—in 83 schools which are 95 to 100 percent segregated.

For example, Atlantic City has a total school enrollment of 8,605 students, of which 5,357, or 62.3 percent are Negro, and 3,064, or 35.6 percent are white. Atlantic City has five schools with a total enrollment of 2,888, which are practically 100 percent Negro, with 2,883 Negro students and five Spanish Americans. In other words, 53.8 percent of Atlantic City's Negro student population are segregated in five all-Negro schools. There are another four schools, with a total enrollment of 1,829, which are majority Negro schools—from 68.3 to 75.7 percent. There are five majority white schools with a total enrollment of 3,888, of which 2,600 are white, which is 84.8 percent of the total white enrollment. In other words, approximately 15 percent of the white students in Atlantic City attend majority Negro schools, 23.3 percent of the total Negro enrollment attend majority white schools. This would appear to be a rather segregated situation.

The Camden, N.J., school district has a total enrollment of 20,236 in 31 schools, of which 11,909, or 58.9 percent are Negro students; 6,420, or 31.7 percent are white; and 1,907, or 9.4 percent come from other minority groups. Two schools with a total enrollment 835 have a total minority group enrollment—765 Negroes, 69 Spanish Americans, and one American Indian. There are another seven schools with a total enrollment of 4,300, of which 3,765 are Negroes, 427 are Spanish Americans, 98 are white students—1.5 percent of the total white student enrollment in Camden—and 10 are Oriental students. These seven schools are made up of 95.3 to 98.5 percent minority enrollment. There are another five schools in the 90–95-percent minority enrollment bracket, which have a total enrollment of 3,831 students, of which 2,806 are Negroes, 750 are Spanish Americans, 269—4.2 percent of total white enrollment—are white, four are Orientals, and two are American Indians. There are eight additional majority Negro schools with a total enrollment of 4,784, 3,575 of which are Negroes, 848 are white—3.2 percent of total white enrollment—359 are Spanish Americans, and two are Orientals in these eight schools.

In total there are 22 Negro majority schools with a total enrollment of 13,750, and 1,215 white students—18.9 percent of total white student enrollment—attend these Negro schools in Camden.

There are nine majority white schools with a total enrollment of 6,486, of which 5,205 are white, 998 are Negroes, 274 are listed as Spanish Americans, and nine are from other minority groups.

Overall, 8.3 percent of the Negro students in Camden attend majority white schools and 91.7 percent attend majority Negro schools. 81.1 percent of the total white students attend schools that are majority white and 18.9 percent attend schools where the minority groups are in the majority.

Newark, N.J., is the largest city in the State. It has a total school enrollment of 75,960 in 80 schools, of which 55,057—or 72.5 percent—are Negro students, 13,716—or 18.1 percent—are white, and 7,187—or 9.4 percent—are made up of other minorities, classified by HEW as Spanish Americans, Orientals, and American Indians.

There are 10 schools with a total enrollment of 10,963, which are 100 percent minority segregated—10,607 Negro students and 356 Spanish American. There are 13 schools with a total enrollment of 21,360 that are 99 to 99.9 percent minority segregated. These 13 schools are made up of 20,577 Negro students, 682 Spanish Americans, 94 whites—0.6 percent of total white enrollment—and seven other minority group students. Accordingly, 31,184, or 56.6 percent of the total Negro enrollment are in 23 schools which are 99 percent and 100 percent segregated. There are an additional 15 schools with a total enrollment of 11,712 which are 95.9 to 98.9 percent minority enrollment. There are 10,262 Negro students and 363 white students—2.6 percent of the total white student enrollment—in these schools. It follows that 41,446, or 75.2 percent of total Negro enrollment are in 38 schools that are 95.9 to 100 percent segregated. There are six schools with an aggregate enrollment of 7,194 which are 91.4 to 94.9 percent segregated, there being 5,385 Negro students and 504 white students—3.6 percent of total white student enrollment—with the balance being made up of other minority group students. There are six schools with a total enrollment of 2,410 in the 80- to 90-percent segregated bracket. There are 361 white students in these six schools, 1,555 Negro students, and 487 Spanish Americans. There is a total enrollment of 12,189 students in the remaining 15 majority Negro schools, ranging between 50.2 percent and 79.2 percent minority enrollment.

In all, 53,583, or 97.3 percent of the total Negro student enrollment are in 65 majority Negro schools.

There are 10 majority white schools with a total enrollment of 9,832, of which 8,111 are white, 1,174 are Negro, 516 are Spanish American, and 31 are Orientals. On the basis of these IBM figures, 2.1 percent of the total Negro student enrollment go to majority white schools and 97.3 percent attend majority Negro schools; 59.1 percent of the total white student enrollment attend majority white schools which are 94.1 percent to 65 percent white.

Trenton, the capital of New Jersey, has a total school enrollment of 16,865, of which 11,143, or 66.1 percent are Negro, 4,881, or 28.9 percent, are white, and 5 percent are made up of other minority groups.

In the Negro majority schools there are two schools with a total enrollment of 1,320 that are 99.5 percent and 98.2 percent minority segregated; three schools with a total enrollment of 2,341 that are 95.2 to 97.5 percent minority segregated; seven schools with a total enrollment of 4,442 that are from 80.3 to 94.9 percent minority segregated; and four schools with a total enrollment of 6,492 that are from 52 to 73.1 percent minority segregated.

In the majority white schools, there are five schools with a total enrollment of 2,270, of which 1,789 are white, 357 are Negro, 122 are Spanish American, and two are from other minority groups. The 357 Negro students attending majority white schools represent 3.2 percent of the total Negro enrollment, and the 1,789 white students attending majority white schools represent 36.7 percent of the total white enrollment, with the balance attending majority black schools.

In New Jersey there are a number of smaller cities or towns which have a predominantly white population but have one or two schools that are 90- to 100-percent Negro. For example, the school district of the township of Union, N.J., has a total public school student population of 8,719, of which 7,718 or 88.5 percent are white and 986 or 11.3 percent are Negro students, yet there is one public school of 390 students which is 94.9-percent Negro. It is my understanding that this is the only school district in New Jersey in which the Department of HEW has conducted a thorough survey and negotiated desegregation, and I think this may demonstrate the timidity with which HEW has approached the business of desegregating schools in the North. It is my further understanding that there were indications of gerrymandering in this district but the HEW, after over a year's investigation and

negotiation, gave the school district permission to desegregate in two steps over a 2-year period.

I ask unanimous consent to have printed in the RECORD information relative to New Jersey.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT

NEW JERSEY STATE TOTAL

DISTRICT: ATLANTIC CITY PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: ATLANTIC CITY. COUNTY: 1 ATLANTIC COUNTY. ASSURANCE: 441

	Students—							Weight:	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	2	5,357	15	167	5,541	3,064	8,605		0	143	0	0	143	208	351
Percent	0.0	62.3	0.2	1.9	64.4	35.6	100.0		0.0	40.7	0.0	0.0	40.7	59.3	100.0
West side (14)	0	211	0	0	211	0	211	011110000000000 (100.0)	0	7	0	0	7	0	7
New Jersey Avenue School (10).	0	766	0	0	766	0	766	011111110000001 (100.0)	0	23	0	0	23	5	28
Pennsylvania Avenue School (11).	0	235	0	0	235	0	235	011111000000000 (100.0)	0	7	0	0	7	1	8
Indiana Avenue School (7).	0	1,078	0	5	1,083	0	1,083	011111110000001 (100.0)	0	30	0	0	30	6	36
Madison Avenue School (8).	0	593	0	0	593	0	593	011111100000000 (100.0)	0	17	0	0	17	3	20
Central Junior High School (4).	0	414	0	4	418	134	552	000000000100001 (75.7)	0	12	0	0	12	20	32
Chelsea Junior High School (3).	0	356	2	10	368	126	494	000000001000000 (74.5)	0	6	0	0	6	15	21
Massachusetts Avenue School (9).	0	428	0	123	551	191	742	011111110000001 (74.3)	0	10	0	0	10	14	24
Children's Seashore House (5).	0	25	0	3	28	13	41	000000000000001 (68.3)	0	1	0	0	1	5	6
Venice Park School (13).	0	45	0	1	46	71	117	011111110000000 (39.3)	0	1	0	0	1	3	4
Atlantic City High School (1).	2	1,087	6	11	1,106	1,825	2,931	000000000011110 (37.7)	0	22	0	0	22	110	132
Chelsea Heights School (6).	0	30	0	5	35	135	170	011111110000000 (20.6)	0	1	0	0	1	6	7
Brighton Avenue School (2).	0	65	7	5	77	371	448	011111110000001 (17.2)	0	4	0	0	4	12	16
Richmond Avenue School (12).	0	24	0	0	24	198	222	011111110000001 (10.8)	0	2	0	0	2	8	10

DISTRICT: ENGLEWOOD PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 8. REPRESENTING: 8. CITY: ENGLEWOOD. COUNTY: 2 BERGEN

Number	1	1,921	12	94	2,028	2,107	4,135		0	44	0	3	47	179	226
Percent	0.0	46.5	0.3	2.3	49.0	51.0	100.0		0.0	19.5	0.0	1.3	20.8	79.2	100.0
Liberty School (5)	0	31	0	0	31	3	34	000001111000000 (91.2)	0	2	0	0	2	4	6
Cleveland (4)	0	274	0	16	290	230	520	011111000000001 (55.8)	0	8	0	0	8	19	27
Engle School (3)	0	164	0	4	168	146	314	000000100000000 (53.5)	0	6	0	0	6	6	12
Englewood Middle School (2).	0	418	4	15	437	389	826	000000011100000 (52.9)	0	8	0	2	10	43	53
Lincoln Early School (6).	0	246	0	15	261	254	515	111110000000001 (50.7)	0	6	0	0	6	13	19
Donald A. Quarles (7)	1	147	1	4	153	172	325	011111000000001 (47.1)	0	3	0	0	3	13	16
Roosevelt Elementary School (8).	0	175	2	7	184	241	425	011111000000001 (43.3)	0	2	0	0	2	15	17
Dwight Morrow High School (1).	0	466	5	33	504	672	1,176	000000000011110 (42.9)	0	9	0	1	10	66	76

DISTRICT: HACKENSACK PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 7. REPRESENTING: 7. CITY: HACKENSACK. COUNTY: 2.

Number	9	1,416	20	266	1,711	4,277	5,988		0	17	0	6	23	291	314
Percent	0.2	23.6	0.3	4.4	28.6	71.4	100.0		0.0	5.4	0.0	1.9	7.3	92.7	100.0
Beach Street School (2).	0	202	0	5	207	8	215	111000000000000 (96.3)	0	1	0	0	1	8	9
Broadway School (1)	0	190	0	84	274	272	546	111111100000001 (50.2)	0	1	0	0	1	28	29
Hackensack Middle School (6).	0	277	6	71	354	735	1,089	000000011100001 (32.5)	0	7	0	2	9	57	66
Fanny Meyer Hillers (5).	0	166	1	15	182	509	691	111111100000000 (26.3)	0	0	0	0	0	25	25
Fairmount School (3)	3	205	1	12	221	643	864	111111100000000 (25.6)	0	2	0	0	2	30	32
Jackson Avenue No. 6 (4).	0	31	0	4	35	152	187	111111100000001 (18.7)	0	2	0	0	2	15	17
Hackensack High School (7).	6	345	12	75	438	1,958	2,396	000000000011111 (18.3)	0	4	0	4	8	128	136

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: CAMDEN CITY PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 31. REPRESENTING: 31. CITY: CAMDEN. COUNTY: 4 CAMDEN

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	6	11,909	22	1,879	13,816	6,420	20,236		1	355	3	5	364	477	841
Percent	0.0	58.9	0.1	9.3	68.3	31.7	100.0		0.1	42.2	0.4	0.6	43.3	56.7	100.0
Charles Sumner (27)	0	647	0	1	648	0	648	011111110000001 (100.0)	0	19	0	0	19	6	25
J. S. Read School (24)	1	118	0	68	187	0	187	011110000000000 (100.0)	0	4	1	0	5	2	7
John Greenleaf Whittier (29).	0	646	0	3	649	10	659	011111111100000 (98.5)	0	19	0	0	19	7	26
Powell School (23)	0	280	0	10	290	5	295	011111110000000 (98.3)	0	9	0	0	9	3	12
Parkside Elementary School (22).	0	718	0	0	718	13	731	011111110000000 (98.2)	0	13	0	0	13	11	24
Broadway Elementary School (9).	0	429	6	41	476	9	485	011111110000001 (98.1)	0	15	0	0	15	3	18
Lanning Square School (17).	0	547	0	277	824	20	844	011111110000000 (97.6)	0	21	0	1	22	8	30
Bergen Square Elementary School (7)	0	767	4	91	862	22	884	011111110000000 (97.5)	0	11	0	0	11	20	31
Richard Fetters (16)	0	378	0	5	383	19	402	011111110000000 (95.3)	0	16	0	0	16	2	18
Northeast (21)	0	202	0	113	315	18	333	010111000000001 (94.6)	0	6	0	0	6	6	12
Pyne Poynt Junior High School (5)	0	908	2	316	1,226	73	1,299	000000111110001 (94.4)	0	29	0	1	30	34	64
William J. Sewell (25)	0	257	0	99	356	24	380	010111000000001 (93.7)	0	7	0	0	7	6	13
Cooper B. Hatch Junior High School (4).	2	928	2	13	945	75	1,020	000000111110000 (92.6)	0	19	0	0	19	26	45
Coopers Poynt (13)	0	511	0	209	720	79	799	011111110000001 (90.1)	0	14	0	1	15	16	31
Camden High School (1).	0	1,441	2	91	1,534	177	1,711	000000000011110 (89.7)	0	29	0	1	30	64	94
Lincoln Elementary (18).	0	315	0	11	326	42	368	011111100000000 (88.6)	0	5	0	0	5	7	12
Cooper-Grant School (12).	0	203	0	204	407	55	462	011111110000001 (88.1)	0	11	0	1	12	9	21
Camden Junior Vocational (10).	0	148	0	9	157	30	187	000000000000001 (84.0)	0	10	1	0	11	2	13
H. L. Bonsall (8)	0	565	0	6	571	132	703	011111111100001 (81.2)	0	15	0	0	15	14	29
J. W. Mickle (20)	0	484	0	13	497	143	640	011111111100000 (77.7)	1	12	0	0	13	11	24
H. B. Wilson Elementary School (30).	0	385	0	24	409	242	651	011111110000000 (62.8)	0	9	0	0	9	15	24
Catto Opportunity (11)	0	34	0	1	35	27	62	000000000000001 (56.5)	0	4	0	0	4	4	8
Cramer Elementary School (14).	1	240	1	38	280	468	748	011111110000000 (37.4)	0	9	1	0	10	12	22
Woodrow Wilson High School (2).	0	339	5	88	432	1,076	1,508	000000000011110 (28.6)	0	13	0	0	13	71	84
Thomas H. Dudley (15)	0	84	0	31	115	336	451	011111000000000 (25.5)	0	7	0	0	7	8	15
Washington Elementary (28).	1	50	0	36	87	326	413	011111000000000 (21.1)	0	5	0	0	5	9	14
Davis School (3)	0	129	0	17	146	851	997	011111111100001 (14.6)	0	12	0	0	12	27	39
Francis X McGraw (19)	0	44	0	16	60	386	446	011111110000001 (13.5)	0	2	0	0	2	13	15
Veterans Memorial Junior High School (6).	0	49	0	28	77	627	704	000000111110000 (10.9)	0	5	0	0	5	25	30
Yorkship (31)	1	62	0	9	72	604	676	011111111100001 (10.7)	0	3	0	0	3	21	24
H. C. Sharp (26)	0	1	0	11	12	531	543	011111110000000 (2.2)	0	2	0	0	2	15	17

DISTRICT: VINELAND CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 20. REPRESENTING: 20. CITY: VINELAND. COUNTY: 6 CUMBERLAND.

Number	3	888	3	1,200	2,094	7,485	9,579		1	20	1	1	23	349	372
Percent	0.0	9.3	0.0	12.5	21.9	78.1	100.0		0.3	5.4	0.3	0.3	6.2	93.8	100.0
Dr. William Mennies (13).	0	28	0	170	198	24	222	011111000000000 (89.2)	0	3	0	0	3	5	8
Maurice Fels School (11).	0	5	0	104	109	14	123	011110000000000 (88.6)	0	0	1	0	1	3	4
Chestnut and West (6)	0	6	0	15	21	11	32	000000000000001 (65.6)	0	0	0	0	0	2	2
H. L. Reber (16)	0	142	0	158	300	188	488	011111110000000 (61.5)	0	0	0	0	1	17	18

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: VINELAND CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 20. REPRESENTING: 20. CITY: VINELAND. COUNTY: 6 CUMBERLAND—Continued

	Students—								Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
South Vineland (17)	0	20	0	29	49	33	82	000000000000001 (59.8)	0	0	0	0	0	5	5
Spring Road School (18)	0	8	0	7	15	12	27	000000000000001 (55.6)	0	0	0	0	0	2	2
Max Leuchter (12)	0	54	0	40	94	140	234	011111000000000 (40.2)	0	0	0	0	0	9	9
Park and East (15)	0	12	0	35	47	77	124	011110000000000 (37.9)	0	0	0	0	0	4	4
Dr. George Cunningham School (7)	0	35	0	173	208	460	668	011111110000000 (31.1)	0	3	0	0	3	17	20
Solve E. D'Ippolito School (8)	0	161	0	76	237	678	915	011111110000000 (25.9)	0	2	0	0	2	28	30
Dr. John H. Winslow Annex (20)	0	1	0	7	8	23	31	000000000000001 (25.8)	0	0	0	0	0	3	3
Landis Junior High School (2)	0	87	0	159	246	714	960	000000001110001 (25.6)	0	4	0	1	5	40	45
Dane Barse (4)	0	50	0	66	116	620	736	011111110000000 (15.8)	0	0	0	0	0	23	23
Vineland Senior High School (1)	3	200	3	84	290	1,958	2,248	000000000001111 (12.9)	1	5	0	0	6	101	107
Memorial Junior High School (3)	0	48	0	43	91	944	1,035	000000001110001 (8.8)	0	0	0	0	0	42	42
East Vineland School (9)	0	3	0	7	10	131	141	011110000000000 (7.1)	0	0	0	0	0	4	4
Oak and Main (14)	0	3	0	5	8	179	187	011111000000000 (4.3)	0	0	0	0	0	6	6
Edward R. Johnstone School (10)	0	10	0	11	21	512	533	011111110000000 (3.9)	0	1	0	0	1	15	16
Dr. John H. Winslow Elementary School (19)	0	15	0	11	26	635	661	011111110000000 (3.9)	0	1	0	0	1	19	20
Butler Avenue (5)	0	0	0	0	0	132	132	011110000000000 (0.0)	0	0	0	0	0	4	4

DISTRICT: EAST ORANGE PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: EAST ORANGE. COUNTY: 7 ESSEX.

Number	1	8,769	34	65	8,869	2,273	11,142		0	126	4	0	130	412	542
Percent	0.0	78.7	0.3	0.6	79.6	20.4	100.0		0.0	23.2	0.7	0.0	24.0	76.0	100.0
Henry E. Kentopp (7)	0	931	2	5	938	7	945	011110000000000 (99.3)	0	11	0	0	11	19	30
Stockton (11)	0	356	2	1	359	4	363	000001100000000 (98.9)	0	7	0	0	7	8	15
Rutledge Avenue Project (13)	0	74	0	0	74	1	75	000000100000001 (98.7)	0	9	0	0	9	4	13
Lincoln (9)	0	648	0	0	648	16	664	011111110000001 (97.6)	0	12	0	0	12	29	41
Vernon L. Davey Junior High School (2)	0	745	1	2	748	26	774	000000001100000 (96.6)	0	17	1	0	18	20	38
Intermediate School (8)	0	177	0	1	178	7	185	000000001100000 (96.2)	0	5	0	0	5	18	23
Nassau (10)	0	549	0	5	554	37	591	011111110000000 (93.7)	0	4	0	0	4	15	19
Elmwood School (5)	0	784	4	0	788	59	847	011111110000000 (93.0)	0	7	0	0	7	24	31
East Orange High School (1)	0	1,878	8	9	1,895	144	2,039	000000000011111 (92.9)	0	25	1	0	26	99	125
Washington (12)	0	458	1	5	464	77	541	011111110000001 (85.8)	0	5	0	0	5	20	25
Ashland (3)	0	848	2	5	855	172	1,027	011111111100000 (83.3)	0	15	1	0	16	32	48
Columbian (4)	0	803	1	15	819	425	1,244	011111111100000 (65.8)	0	4	0	0	4	41	45
Clifford J. Scott High School (14)	1	259	2	8	270	629	899	000000000011111 (30.0)	0	3	1	0	4	44	48
Franklin (6)	0	259	11	9	279	669	948	011111111100000 (29.4)	0	2	0	0	2	39	41

DISTRICT: ESSEX COUNTY VOCATIONAL SCHOOLS. NUMBER OF SCHOOLS: 5. REPRESENTING: 7. CITY: EAST ORANGE. COUNTY: 7 ESSEX. WEIGHT 1.3

Number	0	1,043	2	141	1,186	1,474	2,660	Teachers	0	15	0	0	15	128	143
Percent	0.0	39.2	0.1	5.3	44.6	55.4	100.0	Percent	0.0	10.5	0.0	0.0	10.5	89.5	100.0
Essex County Vocational-Technical High School (3)	0	478	0	43	521	61	582	000000000011111 (89.5)	0	6	0	0	6	30	36
Essex County Adult Technical School (5)	0	25	0	4	29	19	48	000000000000001 (60.4)	0	1	0	0	1	2	3
Essex County Vocational-Technical (Irvington) (4)	0	202	0	34	236	305	541	000000000011110 (43.6)	0	1	0	0	1	29	30

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: ESSEX COUNTY VOCATIONAL SCHOOLS. NUMBER OF SCHOOLS: 5. REPRESENTING: 7. CITY: EAST ORANGE COUNTY: 7 ESSEX. WEIGHT 1.3—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Essex County Vocational-Technical High School (1).	0	290	2	25	317	594	911	000000000011111 (34.8)	0	4	0	0	4	41	45
Essex County Vocational-Technical High School (2).	0	48	0	35	83	495	578	000000000011111 (14.4)	0	3	0	0	3	26	29

DISTRICT: THE MONTCLAIR PULBIC SCHOOLS. NUMBER OF SCHOOLS: 13. REPRESENTING: 13. CITY: MONTCLAIR. COUNTY: 7 ESSEX

Number	3	2,847	24	3	2,877	5,039	7,916		0	42	0	3	45	320	365
Percent	0.0	36.0	0.3	0.0	36.3	63.7	100.0		0.0	11.5	0.0	0.8	12.3	87.7	100.0
Glenfield (3)	0	538	0	0	538	25	563	111111110000001 (95.6)	0	9	0	0	9	12	21
Nishuane (9)	0	503	4	0	507	208	715	011111110000000 (70.9)	0	2	0	0	2	27	29
Minnie A. Lucey School (7).	0	24	0	0	24	14	38	000000000000001 (63.2)	0	1	0	0	1	3	4
Rand (11)	0	92	1	0	93	145	238	010000110000000 (39.1)	0	1	0	0	1	10	11
Montclair High School (5).	3	808	5	1	817	1,450	2,267	000000000011111 (36.0)	0	11	0	2	13	108	121
Hillside (6)	0	335	6	0	341	644	985	011111111100001 (6.34)	0	8	0	1	9	43	52
Grove St. (4)	0	115	0	0	115	235	350	011111110000000 (32.9)	0	1	0	0	1	13	14
Watchung (13)	0	114	1	0	115	383	498	011111000000000 (23.1)	0	2	0	0	2	17	19
Southwest (12)	0	44	0	0	44	150	194	011111000000000 (22.7)	0	1	0	0	1	7	8
Mt. Hebron (8)	0	191	2	0	193	691	884	0 1111111100000 (21.8)	0	3	0	0	3	38	41
Edgemont (2)	0	76	5	2	83	342	425	011111000000000 (19.5)	0	2	0	0	2	14	16
Bradford (1)	0	5	0	0	5	345	350	011111110000001 (1.4)	0	0	0	0	0	14	14
Northeast (10)	0	2	0	0	2	407	409	011111110000000 (0.5)	0	1	0	0	1	14	15

DISTRICT: NEWARK NEW JERSEY PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 80. REPRESENTING: 80. CITY: NEWARK. COUNTY: 7 ESSEX COUNTY

Number	1	54,757	140	7,046	62,244	13,716	75,960		0	1,024	6	12	1,042	2,145	3,187
Percent	0.0	72.5	0.2	9.3	81.9	18.1	100.0		0.0	32.1	0.2	0.4	32.7	67.3	100.0
Morton Street School (49).	0	1,069	0	24	1,093	0	1,093	011111110000001 (100.0)	0	23	0	0	23	17	40
Woodland Avenue (79)	0	75	0	1	76	0	76	000000000000001 (100.0)	0	6	0	0	6	0	6
Central High School (3)	0	1,323	1	48	1,372	0	1,372	000000000011110 (100.0)	0	22	0	1	23	48	71
Waverly Avenue School (66).	0	646	0	15	661	0	661	011111110000000 (100.0)	0	13	0	0	13	10	23
Belmont Runyon School (19).	0	913	0	60	973	0	973	011111000000000 (100.0)	0	15	0	0	15	15	30
Avon Avenues (18)	0	1,276	0	6	1,282	0	1,282	011111110000001 (100.0)	0	13	0	0	13	27	40
Quitman Street School. (54)	0	1,903	0	131	2,034	0	2,034	011111110000000 (100.0)	0	34	0	0	34	32	66
Central Accredited Evening High School. (9)	0	84	0	0	84	0	84	000000000000001 (100.0)	0	2	0	0	2	1	3
Madison (44)	0	1,600	0	30	1,630	0	1,630	011111110000000 (100.0)	0	16	0	0	16	53	69
Bergen Street (20)	0	1,718	0	40	1,758	0	1,758	011111100000000 (100.0)	0	13	0	0	13	38	51
Clinton Place Junior High School. (11)	0	1,551	0	19	1,570	1	1,571	000000001110000 (99.9)	0	32	0	0	32	49	81
Camden Street School. (25)	0	1,459	0	61	1,520	2	1,522	111111110000000 (99.9)	0	37	1	1	39	26	65
7th Avenue Junior High School. (12)	0	712	0	15	727	1	728	000000001110001 (99.9)	0	26	0	0	26	15	41
Cleveland School experimental (29).	0	1,115	0	9	1,124	2	1,126	111111110000000 (99.8)	0	28	0	0	28	13	41
18th Ave (32)	0	1,091	0	5	1,096	2	1,098	011111110000001 (99.8)	0	20	0	0	20	25	45
Newton St. 580 (51)	0	781	4	34	819	2	821	011111111100001 (99.8)	0	11	0	0	11	24	35
Robert Treat School (56).	0	1,150	0	20	1,170	3	1,173	011111111000001 (99.7)	0	35	0	0	35	9	44
Peshine Ave School (53).	0	1,676	0	6	1,682	5	1,687	011110111100001 (99.7)	0	23	0	0	23	34	57

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: NEWARK, NEW JERSEY PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 80: REPRESENTING: 80. CITY: NEWARK. COUNTY: ESSEX COUNTY—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Hawthorne Ave. School (40).	1	1,360	0	43	1,404	5	1,409	011111111100000 (99.6)	0	16	0	0	16	28	44
West Kinney Junior High (14).	0	1,339	0	55	1,394	5	1,399	000000001110001 (99.6)	0	38	0	0	38	33	71
Miller St. School (48)	0	1,491	0	150	1,641	8	1,649	011111111100000 (99.5)	0	31	1	0	32	43	75
Charlton St. (28)	0	1,209	0	4	1,213	6	1,219	011111111100001 (99.5)	0	26	0	0	26	19	45
Clinton Ave Annex (30)	0	197	0	1	198	1	199	0000010000000000 (99.5)	0	3	0	0	3	7	10
14th Ave School (36)	0	826	0	93	919	5	924	011111111100000 (99.5)	0	0	0	0	0	30	30
South Side High School (5).	0	1,594	0	15	1,609	12	1,621	000000000011110 (99.3)	0	18	0	0	18	68	86
15th Ave School (34)	0	1,580	0	86	1,666	15	1,681	011111101100000 (99.1)	0	12	0	0	12	49	61
Bragaw Ave (21)	0	1,197	2	48	1,247	13	1,260	011111111100001 (99.0)	0	19	0	0	19	30	49
Warren St School (65)	0	549	0	18	567	6	573	011111110000000 (99.0)	0	12	0	0	12	9	21
Wickliffe St (78)	0	84	0	3	87	1	88	0000000000000001 (98.9)	0	2	0	0	2	4	6
S. 10th St School (61)	0	662	0	105	767	10	777	011111100000000 (98.7)	0	17	0	0	17	9	26
South Market St (77)	0	113	1	12	126	2	128	0000000000000001 (98.4)	0	1	0	0	1	3	4
Hudson Street School (41).	0	420	0	19	439	12	451	000000110000000 (97.3)	0	7	0	0	7	9	16
Roseville Avenue (57)	0	385	1	16	402	11	413	011111110000000 (97.3)	0	7	0	0	7	5	12
Burnet Street School (24).	0	638	4	119	761	22	783	001111111100000 (97.2)	0	11	0	1	12	18	30
Montgomery Pre-vocational (75).	0	652	0	36	688	20	708	0000000000000001 (97.2)	0	27	0	0	27	30	57
Central Avenue Elementary School (26).	0	475	0	123	598	18	616	011111111100000 (97.1)	0	13	0	1	14	15	29
South 8th Street (59)	0	1,962	7	52	2,021	61	2,082	011111111100001 (97.1)	0	39	0	0	39	54	93
Sussex Avenue (64)	0	1,018	0	64	1,082	35	1,117	011111111100000 (96.9)	0	16	0	0	16	24	40
Maple Avenue School (45).	0	1,062	0	17	1,079	38	1,117	011001111100000 (96.6)	0	12	0	0	12	24	36
Broadway Elementary (23).	0	584	1	419	1,004	39	1,043	011111110000001 (96.3)	0	7	1	2	10	25	35
Bragaw Avenue Annex (22).	0	222	0	6	228	9	237	000000110000000 (96.2)	0	5	0	0	5	3	8
West Side High School (8).	0	1,520	1	76	1,597	65	1,662	000000000011110 (96.1)	0	18	0	0	18	69	87
Maple Avenue Annex (46).	0	465	0	5	470	20	490	000111000000000 (95.9)	0	3	1	0	4	13	17
Girls Trade School (74).	0	177	0	10	187	10	197	0000000000000001 (94.9)	0	12	0	0	12	3	15
Weequahic High (7)	0	2,192	8	0	2,200	149	2,349	000000000011110 (93.7)	0	29	0	0	29	102	131
Chancellor Avenue School (27).	0	1,225	10	23	1,258	90	1,348	011111111100001 (93.3)	0	12	0	0	12	35	47
South 17th Street School (60).	0	1,069	6	221	1,296	93	1,389	011111110000000 (93.3)	0	10	1	0	11	35	46
South Street School (58).	0	198	4	123	325	28	353	011111000000000 (92.1)	0	8	0	0	8	6	14
McKinley School (47)	0	524	4	896	1,424	1	1,558	011111110000001 (91.4)	0	9	0	0	9	38	47
Boylan Street (70)	0	77	0	12	89	10	99	001111111100001 (89.9)	0	3	0	0	3	9	12
Arlington Avenue (69)	0	70	0	22	92	14	106	000000000000001 (86.8)	0	3	0	0	3	5	8
Dayton Street (31)	0	733	0	416	1,149	182	1,331	011111111100001 (86.3)	0	17	0	0	17	30	47
Education Center for Youth (80).	0	65	0	20	85	15	100	0000000000000001 (85.0)	0	2	0	0	2	5	7
Arts High School (1)	0	573	7	15	595	131	726	000000000011110 (82.0)	0	6	0	0	6	35	41
Alyea Street (68)	0	37	0	2	39	9	48	0000000000000001 (81.3)	0	2	0	0	2	8	10
Abington Avenue School (15).	0	568	0	33	601	158	759	011111111100000 (79.2)	0	4	0	0	4	27	31
Speedway Avenue School (62).	0	163	0	8	171	45	216	011110000000001 (79.2)	0	1	0	0	1	8	9
Elliott Street Visually Handicapped (73).	0	30	0	8	38	11	49	0000000000000001 (77.6)	0	3	0	0	3	4	7
South Eleventh Street School (76).	0	154	0	26	180	56	236	0000000000000001 (76.3)	0	9	0	0	9	18	27

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: NEWARK, NEW JERSEY PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 80: REPRESENTING: 80. CITY: NEWARK. COUNTY: ESSEX COUNTY—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Summer Avenue School (63).	0	340	6	453	799	335	1,134	011111110000000 (70.5)	0	3	0	0	3	37	40
Garfield (38)	0	647	2	128	777	360	1,137	011111111100001 (68.3)	0	11	0	0	11	30	41
Franklin (37)	0	377	0	329	706	362	1,068	011111110000001 (66.1)	0	8	0	0	8	33	41
Hawkins Street (39)	0	494	0	204	698	359	1,057	011111111100000 (66.0.	0	13	0	0	13	20	33
Lafayette Street (42)	0	120	16	700	836	436	1,272	011111111100001 (65.7)	0	8	0	0	8	12	40
Broadway Junior High (10).	0	371	4	268	643	382	1,025	000000001110000 (62.7)	0	15	0	0	15	45	60
Barringer High School (2).	0	1,250	9	214	1,473	887	2,360	000000000011110 (62.4)	0	20	0	0	20	123	143
Branch Brook School (71).	0	63	0	16	79	57	136	011111111111110 (58.1)	0	0	0	0	0	9	9
Bruce Street School (72).	0	43	0	16	59	48	107	111111111100001 (55.1)	0	3	0	0	3	13	16
Oliver Street School (52).	0	394	0	116	510	454	964	011111111100001 (52.9)	0	14	0	0	14	21	35
Webster Junior High School (13).	0	183	11	142	336	333	669	000000001110000 (50.2)	0	7	0	1	8	29	37
Elliott Street (33)	0	57	2	131	190	353	543	011111110000001 (35.0)	0	4	0	0	4	19	23
Ann Street School (17)	0	108	0	146	254	789	1,043	011111111100001 (24.4)	0	5	0	0	5	32	37
East Side High School (4).	0	369	0	102	471	1,510	1,981	000000000011110 (23.8)	0	12	0	5	17	86	103
Mount Vernon (50)	0	170	11	8	189	872	1,061	011111111100001 (17.8)	0	7	0	0	7	29	36
Vailsburg High (6)	0	195	7	28	230	1,190	1,420	000000000011110 (16.2)	0	10	0	0	10	69	79
Wilson Avenue School (67).	0	86	2	25	113	784	897	011111111100001 (12.6)	0	7	0	0	7	24	31
Alexander Street School (16).		94	7	19	120	858	978	011111111100000 (12.3)	0	7	0	0	7	21	28
First Avenue (35)	0	42	0	18	60	542	602	011111111100000 (10.0)	0	3	0	0	3	17	20
Ridge Street (55)	0	14	1	34	49	490	539	011111110000000 (9.1)	0	4	0	0	4	13	17
Lincoln (43)	0	39	1	5	45	723	768	011111111100000 (5.9)	0	4	1	0	5	18	23

DISTRICT: ORANGE CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 9. REPRESENTING: 9. CITY: ORANGE. COUNTY: 7

Number	4	2,808	19	25	2,856	1,477	4,333		0	35	0	0	35	147	182
Percent	0.1	64.8	0.4	0.6	65.9	34.1	100.0		0	19.2	0	0	19.2	80.8	100.0
Oakwood Avenue School (6).	0	177	0	0	177	2	179	011100000000000 (98.9)	0	2	0	0	2	5	7
Forest Street School (3).	0	292	2	9	303	35	338	011111110000000 (89.6)	0	3	0	0	3	8	11
Lincoln Avenue School (4).	0	541	0	0	541	193	734	011111110000001 (73.7)	0	5	0	0	5	28	33
Central (7)	0	257	4	3	264	102	366	000000001100000 (72.1)	0	2	0	0	2	12	14
Park Avenue (1)	0	343	3	0	346	155	501	011111100000000 (69.1)	0	5	0	0	5	12	17
Tremont Avenue (9)	2	141	1	3	147	84	231	000000011100000 (63.6)	0	2	0	0	2	6	8
Orange High School (8)	2	566	5	9	582	395	977	000000000011111 (59.6)	0	6	0	0	6	52	58
Heywood Avenue School (5).	0	211	4	1	216	202	418	011111110000000 (51.7)	0	4	0	0	4	10	14
Cleveland Street School (2).	0	280	0	0	280	309	589	011111110000000 (47.5)	0	6	0	0	6	14	20

DISTRICT: JERSEY CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 36. REPRESENTING: 36. CITY: JERSEY CITY. COUNTY: 9 HUDSON

Number	10	15,998	97	4,521	20,626	16,457	37,083		1	191	2	0	194	1,300	1,494
Percent	0.0	43.1	0.3	12.2	55.6	44.4	100.0		0.1	12.8	0.1	0.0	13.0	87.0	100.0
School No. 14 (13)	0	990	0	1	991	0	991	011111111100000 (100.0)	0	17	0	0	17	21	38
School No. 29 (25)	0	922	0	3	925	4	929	011111111100000 (99.6)	0	1	0	0	1	29	30
School No. 22 (19)	0	1,833	0	66	1,899	27	1,926	011111111100000 (98.6)	0	33	0	0	33	47	80
Kennedy School No. 9 (10).	0	793	0	457	1,250	49	1,299	011111111100000 (96.2)	0	10	0	0	10	47	57
School No. 3 (7)	0	328	2	622	952	39	991	011111111100000 (96.1)	0	6	0	0	6	28	34

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: JERSEY CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 36. REPRESENTING: 36. CITY: JERSEY CITY. COUNTY: 9 HUDSON—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
School No. 2 (6)	0	76	0	360	436	18	454	011111000000000 (96.0)	0	5	0	0	5	10	15
School No. 12 (12)	0	794	0	23	817	36	853	011111111100000 (95.8)	0	10	0	0	10	24	34
School No. 15 (14)	0	1,052	0	21	1,073	55	1,128	011111111100000 (95.1)	0	4	0	0	4	42	46
School No. 41 (35)	1	1,033	2	21	1,057	64	1,121	011111111100000 (94.3)	1	7	0	0	8	30	38
Cornelia F. Bradford School No. 16 (15)	0	174	1	239	414	32	446	011111111100000 (92.8)	0	1	0	0	1	19	20
School No. 37 (31)	0	368	0	785	1,153	134	1,287	011111111100001 (89.6)	0	16	0	0	16	36	52
School No. 35 (30)	0	257	0	17	274	96	370	011110000000000 (74.1)	0	1	0	0	1	9	10
School No. 24 (11)	0	932	8	19	959	339	1,298	011111111100000 (73.9)	0	6	1	0	7	38	45
Lincoln High School (2)	0	1,091	3	32	1,126	422	1,548	000000000011110 (72.7)	0	8	1	0	9	66	75
School No. 18 (17)	0	175	4	23	202	76	278	011110000000000 (72.7)	0	1	0	0	1	9	10
School No. 5 (8)	0	183	0	271	454	192	646	011111111100001 (70.3)	0	2	0	0	2	28	30
Dr. Charles P. DeFuccio School No. 39 (33)	1	508	9	166	684	325	1,009	011111111100001 (67.8)	0	8	0	0	8	33	41
James J. Ferris High School (3)	1	384	2	507	894	572	1,466	000000000011110 (61.0)	0	7	0	0	7	70	77
School No. 34 (29)	0	611	5	39	655	422	1,077	011111111100000 (60.8)	0	3	0	0	3	34	37
School No. 23 (20)	1	471	2	197	671	573	1,244	011111111100001 (53.9)	0	6	0	0	6	43	49
School No. 31 (27)	0	58	0	21	79	86	165	000000000000001 (47.9)	0	0	0	0	0	18	18
Alexander D. Sullivan School No. 30 (26)	0	346	0	18	364	409	773	011111111100001 (47.1)	0	5	0	0	5	26	31
Henry Snyder High School (4)	1	1,013	9	38	1,061	1,809	2,870	000000000011110 (37.0)	0	7	0	0	7	131	138
School No. 20 (18)	0	287	6	12	305	556	861	011111111100000 (35.4)	0	1	0	0	1	28	29
School No. 11 (11)	0	130	8	54	192	382	574	011111111100000 (33.4)	0	2	0	0	2	23	25
School No. 38 James F. Murray School (32)	0	326	0	11	337	710	1,047	011111111100000 (32.2)	0	1	0	0	1	35	36
Ezra L. Nolan School No. 40 (34)	0	335	6	44	385	840	1,225	011111111100001 (31.4)	0	5	0	0	5	38	43
Joseph H. Brensinger School No. 17 (16)	2	131	5	44	182	491	673	011111111100000 (27.0)	0	1	0	0	1	23	24
School No. 33 (28)	1	75	4	20	100	343	443	011111100000000 (22.6)	0	0	0	0	0	12	12
Jotham W. Wakeman School No. 6 (36)	1	81	6	99	187	969	1,156	011111111100001 (16.2)	0	2	0	0	2	45	47
William L. Dickinson High School (1)	1	212	12	90	315	2,776	3,091	000000000011110 (10.2)	0	8	0	0	8	131	139
School No. 8 (9)	0	13	0	106	119	1,125	1,244	011111111100000 (9.6)	0	4	0	0	4	40	44
Bureau of Special Services. (5)	0	2	0	0	2	24	26	000000000000001 (7.7)	0	0	0	0	0	4	46
School No. 27 (23)	0	4	0	48	52	814	866	011111111100000 (6.0)	0	2	0	0	2	26	28
School No. 28 (24)	0	5	3	26	34	744	788	011111111100000 (4.4)	0	1	0	0	1	24	25
School No. 25 (22)	0	5	0	21	26	904	930	011111111100000 (2.8)	0	0	0	0	0	33	33

DISTRICT: TRENTON PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 21. REPRESENTING: 21. CITY: TRENTON. COUNTY: 11 MERCER.

Number	8	11,143	13	820	11,984	4,881	16,865		0	206	2	1	209	577	786
Percent	0.0	66.1	0.1	4.9	71.1	28.9	100.0		0.0	26.2	0.3	0.1	26.6	73.4	100.0
Monument School (15)	0	419	0	8	427	2	429	011111110000001 (99.5)	0	10	0	0	10	8	18
Junior No. 5 (6)	2	778	0	95	875	16	891	011111111110001 (98.2)	0	33	0	0	33	20	53
Cook (9)	0	448	0	24	472	12	484	011111000000001 (97.5)	0	6	0	0	6	12	18
Grant (11)	0	817	2	110	929	45	974	111111110000001 (95.4)	0	16	0	0	16	20	36
Jefferson (14)	0	810	1	30	841	42	883	011111110000000 (95.2)	0	17	0	0	17	15	32
Parker (17)	3	601	1	107	712	38	750	011111110000001 (94.9)	0	11	0	0	11	21	32
Cadwalder (7)	0	462	0	33	495	29	524	011111100000000 (94.5)	0	4	0	0	4	17	21
Woodrow Wilson (21)	0	354	0	18	372	26	398	011111110000000 (93.5)	0	5	0	0	5	11	16
Junior School No. 1 (2)	0	902	1	20	923	65	988	000000011110000 (93.4)	0	34	0	0	34	24	58
Gregory (12)	0	493	0	26	519	81	600	011111110000000 (86.5)	0	1	0	0	1	18	19

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: TRENTON PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 21. REPRESENTING: 21. CITY: TRENTON. COUNTY: 11 MERCER—Continued

	Students—							Weight:	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Columbus (8)	0	362	0	7	369	87	456	011111110000001 (80.9)	0	11	0	0	11	12	23
Stokes (19)	0	559	0	24	583	143	726	011111110000000 (80.3)	0	6	0	0	6	22	28
Junior No. 3 (4)	1	836	4	30	871	321	1,192	000000001110001 (73.1)	0	8	0	1	9	48	57
Robbins (18)	0	384	1	52	437	224	661	011111110000001 (66.1)	0	6	0	0	6	18	24
Trenton Central High and Vocational (1).	1	1,776	0	76	1,853	1,198	3,051	000000000001111 (60.7)	0	19	0	0	19	144	163
Junior No. 2 (3)	0	785	2	38	825	763	1,588	011111111110000 (52.0)	0	6	0	0	6	63	6
Mott (16)	0	51	0	74	125	226	351	011111110000001 (35.6)	0	1	0	0	1	13	14
Junior High School No. 4 (5).	1	221	1	33	256	563	819	000000001110001 (31.3)	0	7	2	0	9	45	54
Franklin (10)	0	66	0	1	67	394	461	011111110000001 (14.5)	0	3	0	0	3	20	23
Harrison (13)	0	5	0	13	18	262	280	011111110000001 (6.4)	0	1	0	0	1	8	9
Washington (20)	0	14	0	1	15	344	359	011111110000000 (4.2)	0	1	0	0	1	18	19

DISTRICT: NEW BRUNSWICK PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 11. REPRESENTING: 11. CITY: NEW BRUNSWICK. COUNTY: 12 MIDDLESEX COUNTY

Number	0	2,675	29	516	3,220	3,432	6,652		0	42	1	2	45	263	308
Percent	0	40.2	0.4	7.8	48.4	51.6	100.0		0	13.6	0.3	0.6	14.6	85.4	100.0
Lord Stirling (4)	0	396	0	61	457	26	483	111111100000001 (94.6)	0	8	0	0	8	13	21
Bayard (2)	0	126	0	101	227	13	240	111111100000001 (94.6)	0	4	0	0	4	6	10
Nathan Hale Elementary School (6).	0	428	0	44	472	43	515	111111100000001 (91.7)	0	3	0	0	3	17	20
McKinley School (5)	0	179	0	4	183	26	209	111100000000000 (87.6)	0	1	0	0	1	8	9
Roosevelt Intermediate School (9).	0	390	3	69	462	354	816	000000011000001 (56.6)	0	10	0	0	10	23	33
Washington School (7)	0	127	4	79	210	171	381	011111100000001 (55.1)		0	0	0	0	17	17
New Brunswick Junior High School (10).	0	360	2	57	419	467	886	000000000110000 (47.3)	0	7	0	1	8	47	55
Livingston School (1)	0	146	4	41	191	295	486	011111100000000 (39.3)	0	3	0	0	3	14	17
Lincoln School (3)	0	130	1	22	153	251	404	011111100000001 (37.9)	0	1	0	0	1	18	19
New Brunswick Senior High School (11).	0	393	15	38	446	1,576	2,022	000000000001110 (22.1)	0	4	1	1	6	92	98
Woodrow Wilson (8)	0	0	0	0	0	210	210	011111100000000 (0.0)	0	1	0	0	1	8	9

DISTRICT: PERTH AMBOY PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 11. REPRESENTING: 11. CITY: PERTH AMBOY. COUNTY: 12 MIDDLESEX.

Number	0	771	10	2,061	2,842	3,633	6,475		0	3	0	3	6	289	295
Percent	0.0	11.9	0.2	31.8	43.9	56.1	100.0		0.0	1.0	0.0	1.0	2.0	98.0	100.0
School No. 5 (3)	0	60	0	233	293	53	346	011111100000000 (84.7)	0	1	0	0	1	12	13
School No. 10 (7)	0	125	1	361	487	227	714	011111100000001 (68.2)	0	0		1	1	28	29
School No. 2 (2)	0	21	2	127	150	71	221	011111100000000 (67.9)	0	0		0	0	11	11
School No. 1 (1)	0	34	0	115	149	115	264	011111100000000 (56.4)	0	1	0	0	1	10	11
School No. 9 (6)	0	83	0	110	193	155	348	011111100000000 (55.5)	0	0	0	0	0	14	14
Grammar School (8)	0	79	0	306	385	321	706	000000011100001 (54.5)	0	0	0	2	2	31	33
Samuel E. Shull School (9).	0	117	1	249	367	644	1,011	011111111100001 (36.3)	0	1	0	0	1	53	54
James J. Flynn School (10).	0	50	0	91	141	250	391	011111100000001 (36.1)	0	0	0	0	0	18	18
Perth Amboy High School (11).	0	181	5	353	539	1,323	1,862	000000000011110 (28.9)	0	0	0	0	0	85	85
School No. 7 (4)	0	11	1	70	82	204	286	011111100000000 (28.7)	0	0	0	0	0	12	12
School No. 8 (5)	0	10	0	46	56	270	326	011111110000001 (17.2)	0	0	0	0	0	15	15

DISTRICT: ASBURY PARK CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 4. REPRESENTING: 4. CITY: ASBURY PARK. COUNTY: 13 MONMOUTH COUNTY

Bangs Avenue Elementary School (3).	0	941	0	20	961	13	974	011110001100001 (98.7)	0	29	0	0	29	19	48
Bradley Elementary School (1).	0	344	0	16	360	233	593	011111111100000 (60.7)	0	2	0	0	2	20	22

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: ASBURY PARK CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 4. RERESENTING: 4. CITY: ASBURY PARK. COUNTY: 13 MONMOUTH COUNTY—Continued

	Students—								Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Bond Street Elementary School (2).	0	321	3	54	378	259	637	011111111100001 (59.3)	0	11	0	0	11	18	29
Asbury Park High School (4).	0	546	0	24	570	766	1,336	000000000011110 (42.7)	0	6	0	0	6	68	74

DISTRICT: LONG BRANCH PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 11. REPRESENTING: 11. CITY: LONG BRANCH. COUNTY: 13 MONMOUTH

Number	6	1,538	52	290	1,886	3,755	5,641		0	23	0	0	23	236	259
Percent	0.1	27.3	0.9	5.1	33.4	66.6	100.0		0.0	8.9	0.0	0.0	8.9	91.1	100.0
Liberty Street School (8).	0	201	0	29	230	23	253	011111000000000 (90.9)	0	2	0	0	2	9	11
Garfield (5)	0	233	8	88	329	204	533	011111110000000 (61.7)	0	4	0	0	4	21	2
Gregory (10)	0	264	7	13	284	214	498	011111110000000 (57.0)	0	3	0	0	3	17	20
North Long Branch (6)	0	109	4	1	114	128	242	000011110000000 (47.1)	0	0	0	0	0	0	9
Lenna W. Conrow (7)	0	102	1	5	108	137	245	011100000000000 (44.1)	0	0	0	0	0	9	9
Morris Avenue (3)	0	76	0	28	104	244	348	011111111000001 (29.9)	0	4	0	0	4	11	15
Long Branch Junior High School (2).	6	274	8	43	331	925	1,256	000000001110001 (26.4)	0	4	0	0	4	63	67
Long Branch High School (1).	0	246	3	35	284	934	1,218	000000000001111 (23.3)	0	2	0	0	2	62	64
Broadway (4)	0	14	8	36	58	259	317	011111110000001 (18.3)	0	2	0	0	2	10	12
West End School (9)	0	19	9	10	38	355	393	011111110000000 (9.7)	0	1	0	0	1	13	14
Elberon Elementary (11).	0	0	4	2	6	332	338	011111110000000 (1.8)	0	1	0	0	1	12	13

DISTRICT: TOWNSHIP OF NEPTUNE PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 11. REPRESENTING: 11. CITY: NEPTUNE. COUNTY: 13 MONMOUTH

Number	0	2,544	10	82	2,636	4,914	7,550		0	51	0	0	51	274	325
Percent	0.0	33.7	0.1	1.1	34.9	65.1	100.0		0.0	15.7	0.0	0.0	15.7	84.3	100.0
Whitesville (7)	0	183	0	1	184	4	188	011111000000000 (97.9)	0	5	0	0	5	3	8
Bradley Park (10)	0	216	0	27	243	177	420	011111000000000 (57.9)	0	6	0	0	6	12	18
Ridge Avenue Middle (4).	0	268	1	6	275	283	558	010000110000000 (49.3)	0	6	0	0	6	13	19
Gables Elementary School (5).	0	107	0	0	107	156	263	011111000000001 (40.7)	0	5	0	0	5	8	13
Green Grove (11)	0	220	5	7	232	442	674	011111000000000 (34.4)	0	4	0	0	4	20	24
Neptune Senior High School (1).	0	490	2	7	499	1,054	1,553	000000000001111 (32.1)	0	3	0	0	3	80	83
Neptune Junior High School (2).	0	553	1	17	571	1,234	1,805	000000001110000 (31.6)	0	10	0	0	10	77	87
Ocean Grove Middle School (3).	0	192	1	14	207	451	658	000000110000000 (31.5)	0	5	0	0	5	18	23
Summerfield (8)	0	215	0	0	215	539	754	011111000000000 (28.5)	0	5	0	0	5	21	26
Ocean Grove School (6).	0	39	0	3	42	119	161	011111000000000 (26.1)	0	0	0	0	0	5	5
Shark River Hills School (9).	0	61	0	0	61	455	516	011111000000000 (11.8)	0	2	0	0	2	17	19

DISTRICT: PASSAIC PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 11. REPRESENTING: 11. CITY: PASSAIC. COUNTY: 16 PASSAIC

Number	1	2,632	30	1,833	4,496	4,055	8,551		0	52	0	0	52	286	338
Percent	0.0	30.8	0.4	21.4	52.6	47.4	100.0		0.0	15.4	0.0	0.0	15.4	84.6	100.0
Lafayette School No. 6 (5).	0	289	0	210	499	30	529	011111100000000 (94.3)	0	5	0	0	5	12	17
Pulaski School No. 8 (7).	0	335	0	321	656	55	711	011111110000000 (92.3)	0	6	0	0	6	16	22
Grant School No. 7 (6)	0	200	0	22	222	30	252	011110000000001 (88.1)	0	1	0	0	1	7	8
Memorial School No. 11 (10).	1	651	10	377	1,039	367	1,406	011111111100001 (73.9)	0	11	0	0	11	38	49
Columbia School No. (8)	0	159	0	124	283	106	389	011111110000000 (72.8)	0	3	0	0	3	13	16
Roosevelt School No. 10 (9)	0	218	2	257	477	239	716	011111110000001 (66.6)	0	2	0	0	2	27	29

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: PASSAIC PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 11. REPRESENTING: 11. CITY: PASSAIC. COUNTY: 16 PASSAIC—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Wilson Junior High School No. 12 (11)	0	272	0	246	518	269	787	0000000011100001 (65.8)	0	9	0	0	9	23	32
Senior High School (1)	0	359	4	174	537	1,203	1,740	000000000000111 (30.9)	0	6	0	0	6	76	82
Thomas Jefferson School No. 1 (2)	0	53	2	56	111	456	567	011111110000001 (19.6)	0	3	0	0	3	22	25
Lincoln Junior High School No. 4 (4)	0	72	4	31	107	663	770	0000000011100001 (13.9)	0	0	0	0	0	33	33
Franklin School No. 3 (3)	0	24	8	15	47	637	684	011111110000001 (6.9)	0	6	0	0	6	19	25

DISTRICT: PATERSON BOARD OF EDUCATION. NUMBER OF SCHOOLS: 29. REPRESENTING: 29. CITY: PATERSON. COUNTY: 16.

Number	0	11,479	28	4,240	15,747	9,740	25,487		0	271	1	5	277	812	1,089
Percent	0.0	45.0	0.1	16.6	61.8	38.2	100.0		0.0	24.9	0.1	0.5	25.4	74.6	100.0
School No. 6 (8)	0	1,179	0	86	1,265	12	1,277	011111111100000 (99.1)	0	23	0	0	23	30	53
Public school No. 11 (13)	0	291	0	305	596	11	607	011111110000000 (98.2)	0	7	0	1	8	11	19
No. 28 (29)	0	643	0	74	717	18	735	011111111100000 (97.6)	0	22	0	0	22	18	40
No. 4 (6)	0	736	1	115	852	37	889	011111111000000 (95.8)	0	21	0	0	21	20	41
School No. 10 (12)	0	1,009	0	165	1,174	104	1,278	011111111100000 (91.9)	0	22	0	1	23	27	50
Number 15 (17)	0	536	7	532	1,075	108	1,183	011111111100001 (90.9)	0	8	0	0	8	47	55
No. 3 (5)	0	187	0	368	555	58	613	011111000000001 (90.5)	0	9	1	1	11	15	26
No. 13 (15)	0	540	0	176	716	128	844	011111111100000 (84.8)	0	8	0	0	8	26	34
Martin Luther King School (3).	0	759	0	197	956	227	1,183	000000001100000 (80.8)	0	8	0	0	8	26	34
Public School No. 12 (14).	0	789	0	95	884	218	1,102	011111111100000 (80.2)	0	16	0	0	16	26	42
No. 8 (10)	0	244	0	304	548	140	688	011111111100000 (79.7)	0	9	0	0	9	21	30
School No. 22 (24)	0	100	0	12	112	31	143	000000000000001 (78.3)	0	9	0	0	9	8	17
Public School No. 2 (4)	0	115	6	350	471	133	604	011111111100000 (78.0)	0	11	0	0	11	25	36
School No. 21 (23)	0	632	1	133	766	250	1,016	010000000100000 (75.4)	0	9	0	0	9	34	43
Public School No. 24 (25).	0	249	1	183	433	247	680	011111111100000 (63.7)	0	2	0	0	2	20	22
Eastside High School (2).	0	983	2	147	1,132	1,029	2,161	000000000011111 (52.4)	0	19	0	1	20	93	113
Public School No. 25 (26).	0	312	1	97	410	390	800	011111111100000 (51.3)	0	4	0	0	4	31	35
No. 14 (16)	0	120	0	23	143	177	320	011111000000000 (44.7)	0	1	0	0	1	11	12
John F. Kennedy High School (1).	0	766	0	294	1,060	1,329	2,389	000000000011111 (44.4)	0	21	0	1	22	110	132
School No. 26 (27)	0	250	2	50	302	397	699	011111111100000 (43.2)	0	2	0	0	2	24	26
No. 17 210 (19)	0	115	0	18	133	182	315	011110000000000 (42.2)	0	2	0	0	2	8	10
No. 20 (22)	0	259	4	76	339	487	826	011111111100000 (41.0)	0	4	0	0	4	26	30
No. 16 (18)	0	51	3	57	111	167	278	011111100000000 (39.9)	0	6	0	0	6	5	11
No. 18 (20)	0	173	0	130	303	639	942	011111111100000 (32.2)	0	5	0	0	5	30	35
No. 5 (7)	0	276	0	80	356	848	1,204	011111111100000 (29.6)	0	6	0	0	6	43	49
School No. 7 (9)	0	90	0	37	127	381	508	011111111100001 (25.0)	0	4	0	0	4	14	18
No. 9 (11)	0	33	0	125	158	731	889	011111111100001 (17.8)	0	8	0	0	8	23	31
Public School No. 9 (21).	0	39	0	4	43	444	487	011111110000000 (8.8)	0	3	0	0	3	15	18
Public School No. 27 (28).	0	3	0	7	10	817	827	011111111100001 (1.2)	0	2	0	0	2	25	27

DISTRICT: ELIZABETH PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 25. REPRESENTING: 25. CITY: ELIZABETH. COUNTY: 20 UNION.

Number	3	5,357	46	1,838	7,244	8,179	15,423		0	113	0	0	113	549	662
Percent	0.0	34.7	0.3	11.9	47.0	53.0	100.0		0.0	17.1	0.0	0.0	17.1	82.9	100.0
John Marshall School No. 20 (15).	0	520	0	30	550	23	573	111111110000000 (96.0)	0	5	0	0	5	17	22
Winfield Scott School No. 2 (2).	0	447	1	45	493	25	518	111111110000000 (95.2)	0	7	0	0	7	11	18

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: ELIZABETH PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 25. REPRESENTING: 25. CITY: ELIZABETH. COUNTY: 20 UNION—Continued

	Students—								Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Benjamin Franklin No. 13 (8).	0	427	1	141	569	29	598	011111110000000 (95.2)	0	5	0	0	5	18	23
George Washington School No. 1 (1).	0	561	0	190	751	112	863	111111110000000 (87.0)	0	6	0	0	6	23	29
Elias Boudinot School No. 9 (5).	0	296	0	20	316	64	380	011111110000000 (83.2)	0	4	0	0	4	10	14
Continental School No. 3 (3).	0	224	0	117	341	105	446	011111110000001 (76.5)	0	3	0	0	3	15	18
Marquis de Lafayette School No. 6 (4).	0	377	7	65	449	161	610	011111000000001 (73.6)	0	6	0	0	6	15	21
William Penn School No. 11 (6).	0	117	0	81	198	82	280	011111110000001 (70.7)	0	2	0	0	2	9	11
Grover Cleveland Junior High School No. 1 (19).	0	669	1	154	824	407	1,231	000000001110001 (66.9)	0	14	0	0	14	56	70
Marquis de Lafayette Junior High School No. 3 (21).	2	256	4	78	340	273	613	000000001110001 (55.5)	0	11	0	0	11	24	35
William F. Halloran School No. 22 (17).	0	149	0	24	173	156	329	000111110000001 (52.6)	0	2	0	0	2	12	14
Christopher Columbus School No. 15 (10).	0	109	0	80	189	226	415	011111110000001 (45.5)	0	1	0	0	1	18	19
Nicholas Murray Butler School No. 23 (18).	0	101	5	38	144	285	429	011111110000000 (33.6)	0	0	0	0	0	14	14
Madison-Monroe School No. 16 (11).	0	43	2	108	153	303	456	011111110000000 (33.6)	0	1	0	0	1	13	14
Battin Senior High School (24).	1	329	6	162	498	1,025	1,523	000000000001111 (32.7)	0	9	0	0	9	55	64
Thomas Jefferson Senior High School (23).	0	269	8	125	402	831	1,233	000000000001111 (32.6)	0	13	0	0	13	47	60
Thomas A. Edison Vocational and Technical High (25).	0	143	0	64	207	452	659	000000000001110 (31.4)	0	4	0	0	4	32	6
Alexander Hamilton Junior High School No. 2 (20).	0	138	6	78	222	738	960	000000001110000 (23.1)	0	3	0	0	3	43	46
Theodore Roosevelt Junior High School No. 4 (22).	0	71	0	20	91	438	529	000000001110001 (17.2)	0	10	0	0	10	18	28
Woodrow Wilson School No. 19 (14).	0	39	0	39	78	420	498	011111110000001 (15.7)	0	1	0	0	1	18	19
Victor Mravlag School No. 21 (16).	0	25	0	12	37	234	271	011111110000001 (13.7)	0	0	0	0	0	13	13
Abraham Lincoln School No. 14 (9).	0	18	4	82	104	701	805	011111110000001 (12.9)	0	3	0	0	3	26	29
Theodore Roosevelt School No. 17 (12).	0	10	0	26	36	284	320	011111110000000 (11.3)	0	0	0	0	0	11	11
Robert Morris School No. 18 (13).	0	1	1	27	29	295	324	011111110000000 (9.0)	0	0	0	0	0	12	12
Elmora School No. 12 (7).	0	18	0	32	50	510	560	011111110000001 (8.9)	0	3	0	0	3	19	22

DISTRICT: LINDEN PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: LINDEN. COUNTY: 20. ASSURANCE: 441

Number	2	1,519	10	95	1,626	5,898	7,524		0	21	0	1	22	326	348
Percent	0.2	20.2	0.1	1.3	21.6	78.4	100.0		0.0	6.0	0.0	0.3	6.3	93.7	100.0
No. 5 (9)	0	395	0	2	397	74	471	011111110000000 (84.3)	0	4	0	0	4	19	23
School No. 4 annex (8)	0	113	0	6	119	118	237	011100000000000 (50.2)	0	0	0	0	0	8	8
School No. 4 (7)	0	173	0	10	183	201	384	001111110000000 (47.7)	0	0	0	0	0	17	17
No. 2 (5)	0	133	0	13	146	298	444	011111110000000 (32.9)	0	2	0	0	2	16	18
Joseph E. Soehl Junior High School (2).	2	233	3	15	253	580	833	000000001110000 (30.4)	0	3	0	0	3	42	45
No. 3 (6)	0	25	0	19	44	220	264	011111110000000 (16.7)		1	0	0	1	12	13
Linden High School (1)	0	219	2	9	230	1,582	1,812	000000000001110 (12.7)	0	3	0	1	4	84	88
Myles J. McManus Junior High School (3).	0	104	2	6	112	814	926	000000001110001 (12.1)	0	5	0	0	5	40	45

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: LINDEN PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: LINDEN. COUNTY: 20. ASSURANCE: 441—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Highland Avenue School No. 10 (14).	0	47	0	0	47	421	468	010000010000001 (10.0)	0	0	0	0	0	19	19
No. 1 (4)	0	28	1	4	33	352	385	011111110000001 (8.6)	0	0	0	0	0	16	16
No. 8 (12)	0	22	0	8	30	376	406	011111110000000 (7.4)	0	1	0	0	1	15	16
Deerfield Terrace School No. 9 (3).	0	23	0	1	24	383	407	011111110000001 (5.9)	0	1	0	0	1	17	18
No. 6 (10)	0	4	2	0	6	359	365	011111110000000 (1.6)	0	0	0	0	0	15	15
No. 7 (11)	0	0	0	2	2	120	122	011111110000001 (1.6)	0	1	0	0	1	6	7

DISTRICT: PLAINFIELD CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 15. REPRESENTING: 15. CITY: PLAINFIELD. COUNTY: 20 UNION

Number	5	5,463	28	189	5,685	3,486	9,171		0	76	1	1	78	331	409
Percent	0.1	59.6	0.3	2.1	62.0	38.0	100.0		0.0	18.6	0.2	0.2	19.1	80.9	100.0
Clinton (4)	0	374	0	5	379	34	413	011111000000000 (91.8)	0	4	0	0	4	10	14
Stillman (10)	0	249	1	25	275	42	317	011111000000000 (86.8)	0	4	0	0	4	9	13
Bryant (2)	0	106	1	3	110	19	129	010000000000001 (85.3)	0	1	0	0	1	6	7
Washington (11)	2	511	0	9	522	159	681	010000110000000 (76.7)	0	4	0	0	4	19	23
Lincoln (9)	0	65	0	2	67	22	89	000000000000001 (75.3)	0	2	0	0	2	6	8
Jefferson (8)	0	308	0	13	321	116	437	011111000000001 (73.5)	0	4	0	0	4	15	19
Woodland (12)	1	262	2	7	272	122	394	011111000000001 (69.0)	0	4	0	0	4	12	16
Emerson (6)	0	555	4	30	589	267	856	010000110000001 (68.8)	0	10	0	0	10	21	31
Hubbard Junior High School (13).	0	605	2	15	622	313	935	000000001110000 (66.5)	0	11	0	0	11	33	44
Barlow (1)	0	196	0	14	210	138	348	011111000000000 (60.3)	0	1	0	0	1	14	15
Evergreen (7)	0	359	3	6	368	299	667	011111000000000 (55.2)	0	4	0	0	4	21	25
Cook (5)	1	295	0	4	300	276	576	011111000000000 (52.1)	0	3	0	0	3	17	20
Maxson Junior High School (14).	0	513	3	24	540	500	1,040	000000001110001 (51.9)	0	11	0	0	11	38	49
Cedarbrook (3)	0	297	8	8	313	310	623	011111000000000 (50.2)	0	3	0	0	3	20	23
Plainfield High School (15).	1	768	4	24	797	869	1,666	000000000001111 (47.8)	0	10	1	1	12	90	102

DISTRICT: ROSELLE. NUMBER OF SCHOOLS: 6. REPRESENTING: 6. CITY: ROSELLE. COUNTY: 20 UNION

Number	1	1,226	15	67	1,309	2,261	3,570		0	17	0	1	18	148	166
Percent	0.0	34.3	0.4	1.9	36.7	63.3	100.0		0.0	10.2	0.0	0.6	10.8	89.2	100.0
Lincoln (5)	0	438	1	11	450	47	497	011111110000000 (90.5)	0	4	0	0	4	16	20
Locust School (1)	0	225	0	4	229	280	509	011111111000000 (45.0)	0	2	0	0	2	17	19
Abraham Clark High School (2).	0	412	6	33	451	866	1,317	000000000000000 (34.2)	0	7	0	1	8	73	81
Grace Wilday (4)	0	48	0	3	51	160	211	011111111000001 (24.2)	0	1	0	0	1	10	11
Harrison (6)	1	56	3	13	73	487	560	011111111000001 (13.0)	0	2	0	0	2	15	17
Washington Elementary (3).	0	47	5	3	55	421	476	011111111000000 (11.6)	0	1	0	0	1	17	18

DISTRICT: TOWNSHIP OF UNION PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 10. REPRESENTING: 10. CITY: UNION. COUNTY: 20 UNION COUNTY

Number	0	986	12	3	1,001	7,718	8,719		0	16	1	0	17	395	412
Percent	0.0	11.3	0.1	0.0	11.5	88.5	100.0		0.0	3.9	0.2	0.0	4.1	95.9	100.0
Jefferson School (3)	0	370	0	0	370	20	390	111111110000000 (94.9)	0	5	0	0	5	17	22
Burnet Junior High School (8).	0	221	2	0	223	962	1,185	000000001110000 (18.8)	0	5	1	0	6	57	63
Livingston School (4)	0	56	2	0	58	620	678	011111110000000 (8.6)	0	0	0	0	0	29	29
Connecticut Farms School (1).	0	52	0	0	52	584	636	011111110000000 (8.2)	0	1	0	0	1	27	28
Union High School (10)	0	169	0	0	169	2,053	2,222	000000000001110 (7.6)	0	1	0	0	1	107	108
Hamilton School (2)	0	18	2	0	20	348	368	011111110000000 (5.4)	0	0	0	0	0	14	14
Washington (5)	0	34	1	0	35	731	766	011111110000000 (4.6)	0	0	0	0	0	32	32

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

NEW JERSEY STATE TOTAL—Continued

DISTRICT: TOWNSHIP OF UNION PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 10. REPRESENTING: 10. CITY: UNION. COUNTY: 20 UNION COUNTY—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Franklin School (6)	0	25	0	2	27	646	673	011111110000000 (4.0)	0	2	0	0	2	29	31
Battle Hill School (7)	0	23	4	0	27	823	850	011111110000000 (3.2)	0	1	0	0	1	32	33
Kawameeh Junior High School (9)	0	18	1	1	20	931	951	000000001110000 (2.1)	0	1	0	0	1	51	52

INDIANA STATE TOTAL

[Number of districts: 321. Representing: 488. Number of schools: 1,907. Representing: 2,266]

	American Indian	Negro	Oriental	Spanish-American	Minority total	Others	Total
Students	258	200,117	2,932	44,675	247,982	986,488	1,234,470
Representing	311	208,479	3,254	46,063	258,106	1,143,807	1,401,907
Teachers	9	4,005	75	146	4,235	50,930	55,165
Representing	9	4,147	82	160	4,398	58,215	62,613

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 26, 1969, the President had approved and signed the joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 118) to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2751. An act to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard;

H.R. 3813. An act to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis;

H.R. 4248. An act to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations;

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 5278. An act to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the Benbrook Water and Sewer Authority for the use of water supply storage in the Benbrook Reservoir;

H.R. 6006. An act to amend section 710(f) of title 32, United States Code, to permit certain commissioned officers of the Army or Air Force, or National Guard, to act as inspecting officers;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8019. An act to amend title 37, United States Code, to provide for the payment of uniform allowances to certain persons originally appointed, temporarily or permanently, as commissioned or warrant officers in a Regular component of the Armed Forces;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served;

H.R. 11265. An act to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code;

H.R. 12785. An act to declare that the United States holds in trust for the Southern Ute Tribe approximately 214.37 acres of land;

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 13756. An act to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes;

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes;

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system;

H.R. 14517. An act to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; and

H.R. 14571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2751. An act to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard;

H.R. 4248. An act to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer

oaths while conducting official investigations;

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served; and

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 3813. An act to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis;

H.R. 6006. An act to amend section 710(f) of title 32, United States Code, to permit certain commissioned officers of the Army or Air Force, or National Guard, to act as inspecting officers;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8019. An act to amend title 37, United States Code, to provide for the payment of uniform allowances to certain persons originally appointed, temporarily or permanently, as commissioned or warrant officers in a Regular component of the Armed Forces;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 11265. An act to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code;

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 13756. An act to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for United States property, and for other purposes; and

H.R. 14571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; to the Committee on Armed Services.

H.R. 5278. An act to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the Benbrook Water and Sewer Authority for the use of water supply storage in the Benbrook Reservoir; to the Committee on Public Works.

H.R. 12785. An act to declare that the United States holds in trust for the Southern Ute Tribe approximately 214.37 acres of land; to the Committee on Interior and Insular Affairs.

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system; to the Committee on Post Office and Civil Service.

H.R. 14517. An act to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

TAX REFORM ACT OF 1969

The ACTING PRESIDENT pro tempore. In accordance with the previous unanimous-consent agreement, the clerk will report the unfinished business.

The ASSISTANT LEGISLATIVE CLERK. H.R. 13270, the Tax Reform Act of 1969.

The Senate resumed consideration of the bill.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPITOL GUIDE SERVICE—RECONSIDERATION OF AMENDMENT

Mr. WILLIAMS of Delaware. Mr. President, last night, after announcing that there would be no more rollcall votes, the Senate adopted an amendment sponsored by the Senator from Montana (Mr. MANSFIELD) and me. I understand that some Senators have complained about that, due to the fact that they did not think any business would be transacted. Therefore, I ask unanimous consent that the action taken last night on that amendment be reconsidered.

The PRESIDING OFFICER. Is there objection? Without objection, the vote by which the amendment was agreed to is reconsidered.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw the amendment at this time, but, at the same time, lest there be any misunderstanding in the future, I think Senators who are interested in the pending bill will be well advised to be on the floor, because amendments are going to be brought up, they are going to be voted on, and as long as the Senate is in session we are going to be working on the bill. If Senators who have amendments are not present, we are going to get third reading of the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. I concur fully in the remarks made by the distinguished senior Senator from Delaware, the ranking minority member of the Committee on Finance. It is our business to attend to the people's business, and this bill will have a very important effect on the people's welfare. I would hope that all Members of the Senate would take to heart what the Senator from Delaware has said, and will be present on the floor, or available on short notice, because it is the intention to try to finish this bill as expeditiously as possible. There will be no delay, I want to assure Senators, as far as the joint leadership of the Senate is concerned, and I am sure there will be no delay, either, as far as the Senate as a whole is concerned.

There is a lot of business to attend to. We are going to be in session every day, including Saturday, beginning at 10 o'clock. All Senators have been put on notice to that effect. If they have any engagements, I suggest that they postpone them, cancel them, or obtain a leave of absence, as I intend to, if necessary, late Saturday afternoon in order to go to St. Mary's College in Notre Dame, at South Bend, Ind., where my wife is to receive an honorary degree from her alma mater. I would not want to miss that for anything in the world.

We have the pending bill, a most important measure, before us. We still have six appropriation bills to be considered. Hopefully we will have a narcotics control bill, a pornography control bill, and a crime bill to consider. We should be prepared to face up to our responsibilities by being in attendance in this Chamber as much as possible, so that we can expedite the business of the people as a whole.

The joint leadership is not fooling when it says we will likely be in session up to December 23. If need be, we will come back the day after Christmas and stay until the New Year to try to take care of the Senate's business. I do not know how much plainer we can make it, but we have a heavy schedule backing up, and it behooves us to face up to our responsibilities and do what the people pay us to do, which is to attend to business.

Mr. WILLIAMS of Delaware. I thank the Senator.

To make the record clear, the Senator from Tennessee (Mr. GORE) has offered the pending amendment. I understand, in order to accommodate some Members on our side of the aisle as well as on the other side of the aisle, since we could not get a time limitation, there is more or less a gentlemen's agreement that we will vote on the amendment around 4 or 4:30 this afternoon. In the meantime, if the debate lags, rather than talk needlessly, with the consent of the Senator from Tennessee we may lay that amendment aside, which is normally done, and consider some less controversial amendments, act on them, and then go back to the consideration of that amendment.

I think Senators should be on notice that the business before the Senate is the tax bill, and if we are going to proceed with it as expeditiously as possible, Senators who are interested in what happens here should be on the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, the pending amendment would raise the personal exemption for each taxpayer and dependent from $600 under the present law to $1,000 by 1973, proceeding in seriatim increases by $100 per year. That is, the pending amendment would raise the $600 personal exemption of present law to $700 next year, to $800 the year there following, to $900 the year there following, and to $1,000 for the year 1973 and thereafter.

This, Mr. President, is offered as a substitute for the rate changes on personal income contained in the bill, with the single exception that my amendment adopts the change unanimously agreed to in the committee with regard to unmarried taxpayers.

This amendment offers a fundamental choice to the Senate—a choice between types of tax reductions. It may well be that the bill should contain no tax reductions, and I think I might prefer no tax reductions to the type proposed in the committee bill. But that is not the question posed by the pending amendment. The pending amendment poses a choice between two types of tax reduction—between tax reduction by a decrease in tax rates, on the one hand, and tax reduction by means of raising the personal exemption for each taxpayer and dependent on the other.

Therefore, Mr. President, the amendment is simple. It is easily understood. Every mother in America—or at least, in my view, almost every mother in America—understands the personal exemption.

The personal exemption in our tax laws is not new. Indeed, it is as old as the present income tax law itself. After the adoption of the 16th amendment, which was brought about under the leadership of my distinguished former fellow townsman, then Representative, Cordell Hull, Congress enacted, in 1913, the first modern U.S. income tax. That first modern income tax law embraced the theory of a personal exemption. The personal exemption was then $3,000 for a single taxpayer and $4,000 for a married couple.

The exemption has been changed from time to time. In 1940, the personal exemption for a man and wife was $2,000.

During World War II, when too many dollars were chasing scarce commodities, Congress lowered the personal exemption for each taxpayer and dependent to $500, primarily for the purpose of reducing purchasing power because there were simply not enough goods to go around. There it remained until 1948, when it was increased to $600. There it remains in the law today—at $600—and there it is proposed by the administration and the committee bill to leave it: at $600, $50 per month.

What is the theory of the personal exemption, Mr. President? It is that a taxpayer should be permitted sufficient income for himself and his dependents upon which to live at a minimum level of decency before the Federal income tax begins to take a bite of his income. I think this is a sound theory. I do not hear any Senator denying that it is a sound theory. I believe it is socially sound. I believe it is fiscally sound. I am sure it is politically sound.

So, the question is with me the proper amount of the exemption. I must acknowledge that a few people of antediluvian turn of mind do in fact question the whole point of a personal exemption from the heavy hand of Federal income taxes.

I have even heard some individuals or read of some individuals suggesting that the theory is phony. But, we shall not waste time upon that.

I believe the Senate accepts the theory of a personal exemption. Even the administration recommends continuing the present $600 level, although in the letter of Assistant Secretary Cohen, inserted in the RECORD yesterday by the distinguished junior Senator from Louisiana, the able chairman of the committee, there is some questioning of the theory, though not a frontal attack. So, unless there is argument about the justification of a personal exemption at some level, I shall not discuss it. However, if someone wishes to debate that matter, I would be happy to engage him. Since I have heard no Senator raise that question, however, I proceed to the adequacy of the personal exemption—a reasonable level of personal exemption.

What is reasonable? What is fair? Mr. President, our Federal Government has engaged in a number of studies to give us some guideposts. The Department of Labor has over a period of years conducted a study to determine the amount of income needed for a "moderate standard of living" for families of different sizes. And what is the definition the Federal Government uses for a "moderate standard of living?" It is one that "provides for the maintenance of health and social well-being, the nurture of children, and participation in community activities."

Is that a fair definition? Does the Senate wish to deny American families a sufficient income for the maintenance of health and social well-being, for the nurture of children? Does the Senate really wish to levy the heavy hand of an income tax on income below this level and this participation in community activities?

I doubt if the Senate wishes to do that. And what amount does the Federal Government after years of study estimate would be an income necessary to maintain a "moderate standard of living?"

I do not have the 1969 figure. It may be available before the debate is concluded. I do have the estimate for 1968. It is $9,484. That supplemented a 1966 estimate of $9,191.

Mr. President, the cost of living has increased more rapidly this year than at any time during the last decade. So one can assume that the estimate of an income necessary for a family of four to maintain a moderate standard of living in October 1968 being $9,484, that estimate of necessity would be approaching $10,000 in December 1969.

I do have a more recent estimate by the Federal Government with respect to the poverty level. Surely the Senate does not want to start levying taxes upon the income of a family that is in poverty, officially declared, upon the income of a family counting the pennies, the nickels, and the dimes trying to emerge from poverty.

The Nixon administration did accommodate those of us who are urging an increase in the exemption. I am not sure it was done for that purpose. But they did accommodate us and accommodate the American people with a release of information on last Sunday. Based upon the increased cost of living, the poverty level of a family of four was officially announced last Sunday to be $3,600.

Mr. President, the U.S. Treasury Department seems not to have learned about that. I do not understand how to explain this cacophony of contradiction. But we have one department of the administration recommending relief payments to a family of four with $3,600 income, and another department of the Government submitting yesterday to the Senate a letter vigorously attacking the pending amendment that would give a family of four next year an exemption from Federal income tax of $3,800. Meanwhile, the cost of living continues to rise.

The Senate is offered a choice, a choice which is meaningful to millions of American families, particularly those with children to feed, cloth, and educate.

I am not here primarily to discuss economic theory, though I would, with some trepidation, venture into such a colloquy if someone wishes to challenge my amendment on such a basis. I am talking about the cost of living. I am talking about bread and meat, clothing and shelter, the opportunity for the little girl to take a music lesson once a week, the opportunity for people to live above the poverty level without Federal taxation, and the opportunity of American families to have a moderate standard of living without an undue tax burden.

Mr. President, it is this group of American families, seeking to nurture their children, seeking to have a part in community activities, seeking to have a moderate, decent standard of living, who are pressured from the bottom and the top, who are having difficulty making ends meet. It is for them I speak.

I ask now, as I asked the Senate last week: Who can live on $50 a month? Who can support a wife on $50 a month? Who can provide for the nurture of children for $50 a month? This is the question that goes to the adequacy of the personal exemption.

Though I did not vote for it, the Senate raised the salary of Senators to $42,500 a year, and during the course of the debate I heard a number of Senators state with what great difficulty they were getting along on $30,000 a year. Perhaps they know, then, what one can do with $50 a month. Perhaps they know that a $600 personal exemption is not adequate for one either to escape the poverty level or to achieve a moderate standard of living. And what is the definition of that, by our own National Government? A moderate standard of living is one that "provides

for the maintenance of health and social well-being, the nurture of children, and participation in community activities."

Mr. President, I wish to attack the form of tax relief that the administration proposes, acknowledging that there is some economic question about tax reduction. But I deny that there is justification for the kind of tax reduction proposed in the pending bill, and I refer particularly to the rate changes. What are the rate changes? The bottom rate, which under present law is 14 percent, is changed to 13 percent. That is the provision of the pending bill. A one percentage point reduction in tax rates at the low-income level.

What would that mean, Mr. President? To a man who has a tax liability of $500, this means a $5 per year reduction in his taxes. How can he, with $5 a year, even buy ice cream for the children, let alone provide for the maintenance of health and social well-being, the nurture of children, and participation in community activities?

Let us take the next rate. The next rate is changed from 15 percent to 14 percent—again, a one percentage point change in the rates on the small amounts.

Perhaps I am talking in figures that some of my colleagues will think are too small. Let us take the man who owes $1,000 in tax liability. This would give him a tax reduction of $10. Oh, we are getting somewhere now! For $10 the children might go to a movie now and then; or, if they are trying to escape poverty, they might buy a few more chicken necks to make soup. Perhaps this sounds a little stark. But go to the grocery store and keep your eyes open and see what the families with small incomes are buying. They do not buy steak and roasts. They buy scraps, necks, and feet, and wings now and then.

But perhaps this kind of talk is out of place in the Senate. I am sure it will be out of place in the United States Treasury, from the letter that Assistant Secretary Cohen submitted to the Senate yesterday. There is a disturbing assumption in that letter, which Senators will find printed in the RECORD—an assumption that underlies the Treasury assertion that fiscal responsibility requires that this bill, a tax reform and tax relief bill, not the budget, be a balanced revenue package.

That assumption is that providing decent housing, education, food, and clothing is so low on our scale of social values that if these necessities of life cannot be provided out of tax reform revenues, then our Government cannot afford to provide them for general tax revenues.

The Treasury again entertains that an SST is more important than a child's education, that an ABM has a higher social priority than a decent home, than clothing, and that a healthy diet for a child ranks below oil wells, railroad boxcars, and bankers' profits on our scale of national social values.

Yes, Mr. President, I am going to challenge with every ounce of vigor I can muster the assumptions and the basic theses of justification, of priorities, in our system contained in the Treasury letter.

All of these items to which I have referred are, by the assumptions of Secretary Cohen's letter, given a higher claim on the tax revenues of the U.S. Government. But if someone comes along and speaks for the fathers and mothers, the wage earners who are trying to buy or build a house and raise their children with a moderate standard of living, providing for their health and social well-being, then we have to produce a balanced revenue bill or else face the charge of fiscal irresponsibility.

I did not hear the Treasury claiming fiscal irresponsibility with respect to the new loopholes proposed in the bill. Indeed, the Treasury was proposing many of them. I did not hear the Treasury worrying about spending too much money when we considered the deployment of an ABM system. These projects now have first call ahead of the needs of food, clothing, and shelter for every taxpayer, his wife, and children.

It is certainly true that tax expenditures through deductions and exemptions are as much fiscal expenditures of the Government as though Congress appropriated the funds. I stand ready to affirm that belief by making decent provision for the necessities of life for the men, women, and children of our Nation through an increase in personal exemptions and this has a higher personal priority and it should make a sterner demand on our consciences than all the railroad boxcars, the SST's and, yes, even the superhighways that we are building.

I charge that the Treasury is guilty of fiscal myopia. The rule of fiscal irresponsibility rests in assuring our people, all the people, of a fair tax-free allowance for the necessities of life. My amendment passes that test; the bill and Treasury recommendation does not. The Treasury officials have consistently opposed my proposal to increase the personal exemption on the primary ground that it is not possible to raise a personal exemption to $1,000 due to fiscal needs. Thus, they assert that a $1,000 personal exemption would produce a long-term revenue shortfall within the bill, within the tax bill, within the tax reform and tax relief bill, of $8.1 billion.

Mr. President, the outgo and income of the U.S. Treasury are affected by other things. Where is the drive for economy? As I walked across to the Capitol from the Senate Office Building I observed seven men planting one little tree on the Capitol grounds. Maybe that is too small an item to refer to in this debate that affects billions of dollars and millions of people, but it is symbolic. Where were the Treasury officials, and my colleagues who are concerned with fiscal responsibility, when we voted on the amendment to cut the space program by a mere $100 million?

There are other places we can economize to greater advantage with less hurt to our society than to deny a fair personal exemption for the cost of supporting a wife, providing a house, providing food, providing clothing, and providing education for the children. To what would we attach a higher priority? I would have difficulty finding a higher priority myself, but by the letter of Secretary Cohen this is the place to economize.

Again I ask, and I shall continue to ask throughout the day: Who can live on $50 a month? Is there any Senator here who wishes to say he or one of his constitutents could maintain a decent standard of living on $50 a month? Who can support a wife for $50 a month? I know colleagues may tire of hearing me ask the question.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. GORE. I yield. I hope I am not irritating my colleague.

Mr. RIBICOFF. The Senator is not irritating me; I am in agreement with the argument the Senator makes. I would like to address a number of inquiries to the Senator from Tennessee. When the Senator talks about living on $50 a month, is it not true that the $600 exemption was established in 1948?

Mr. GORE. The Senator is correct.

Mr. RIBICOFF. The purchasing power of today's dollar as I understand from the figures of the Bureau of Labor Statistics, is such that a taxpayer today would have to have $929 to have the equivalent of $600 in 1948. Is that correct.

Mr. GORE. The Senator is correct, except that that estimate was arrived at in October and the figure has increased since October.

Mr. RIBICOFF. Let us say that even if it were $929, that is a great deal of difference, if we talk about a minimum exemption to permit an individual to keep body and soul together. Certainly, to try to stay with the $600 exemption at the present time would be grossly unfair; is that not correct?

Mr. GORE. That is correct. This is the estimate supplied by an agency of the Government.

Mr. RIBICOFF. The Bureau of Labor Statistics.

Mr. GORE. Once again, may I say, we have the Secretary of the Treasury advancing $600 as an adequate amount; indeed, in the executive session of the committee he said to me that by the statistics of other agencies of the Government, he had become convinced it was not possible to warrant—I have forgotten his exact words—I believe he said that an increase in personal exemption beyond $600 was not warranted. Then, as the Senator will recall, I said that I do not believe any mother in America would agree with him. Yet, while we have the Department of the Treasury insisting that $600 a year is adequate, we have this official estimate of the Bureau of Labor Statistics that $929 is necessary for a minimum of existence in October of this year.

Mr. RIBICOFF. Is it not a fact that the amendment offered by the Senator from Tennessee would remove twice as many people from the taxrolls as the committee amendment?

Mr. GORE. Yes, that is correct. I assert that that is one of its strong points.

Mr. RIBICOFF. In other words, what the Senator is trying to do, as I have tried to follow his excellent argument, is to concentrate tax relief provisions in the lowest income brackets instead of the highest income tax brackets.

Mr. GORE. This amendment and the committee bill provide fairly well for

those at the poverty level insofar as taxation is concerned, but it is the group with an income of $5,000 to $15,000 that is so harshly pressed and for whom my amendment would maximize relief.

Mr. RIBICOFF. I think that could be highlighted. The committee bill gives more dollars in tax relief to the 95,000 taxpayers who earn more than $100,000 a year than to the 30 million taxpayers who earn less than $7,000 a year; is that not correct?

Mr. GORE. Yes, through rate reductions.

Mr. RIBICOFF. That is correct.

Mr. GORE. Incidentally, if my calculations are correct—I do not find them just now, but if we desired—would the Senator repeat the statement he just made?

Mr. RIBICOFF. The committee bill gives more dollars in tax relief to the 95,000 taxpayers who earn more than $100,000 a year than to the 30 million taxpayers who earn less than $7,000 a year.

Mr. GORE. Last night, as I was studying this proposition, I made a little calculation. If we divide the $641 million of tax reduction provided by the bill, by the 95,000 who would receive it, we find an average tax reduction for that group, with $100,000 and more of taxable income, of $6,756 each.

Mr. RIBICOFF. Take another——

Mr. GORE. May I just go one step further?

Mr. RIBICOFF. Yes.

Mr. GORE. I also divided the 30 million taxpayers with incomes under $7,000 into the same amount—divided the same dollar amount by these 30 million taxpayers, and I find an average tax reduction for that lower income group of $20.

Mr. RIBICOFF. Nine out of 10 Americans make less than $15,000 a year. The committee bill would give these taxpayers only two-thirds of the tax relief. The Gore proposal would give the nine-tenths of all taxpayers, who earn less than $15,000 a year, 80 percent of tax relief; is that not correct?

Mr. GORE. Correct.

Mr. RIBICOFF. Thus, basically, what the Senator from Tennessee is trying to do is to give the most relief in dollars to the greatest number of American taxpayers.

Mr. GORE. With particular emphasis on those with the most dependents to support.

Mr. RIBICOFF. That is correct. One thing further that I think should be highlighted in the work of the Senator from Tennessee is a pertinent set of figures. As I understand the Gore proposal, a family of four would be permitted to retain $5,000 tax free when the Senator's amendment becomes fully effective in 1973.

Mr. GORE. Correct.

Mr. RIBICOFF. And this family, if its total earnings were, say, $7,500, would have its Federal income taxes reduced by almost one-half, whereas the committee bill would reduce them only by 7 percent.

Mr. GORE. Correct.

Mr. RIBICOFF. Thus, the concern of the Senator from Tennessee is basically with the majority of taxpayers and families in the United States.

Mr. GORE. That is correct. Again, let me say, with particular reference to those families with children, who desire to provide for the maintenance of health and social well-being for their families, the nurture of the children, and to participate in community activities.

Mr. RIBICOFF. That is what we are really trying to do, to build up our country instead of watching it disintegrate—with its families disintegrating the way they have been.

Mr. GORE. I am not sure whether the Senator was present when I cited the estimate of the Department of Labor, Bureau of Labor Statistics, of the amount necessary for a family of four to maintain a moderate standard of living. It was $9,484 in 1968. I do not have the estimate yet for 1969.

Mr. RIBICOFF. I have followed with great interest the criticism that the Senator from Tennessee is undergoing by many of those who have always held the Senator in high regard. It is rather amusing to watch them praise the Senator from Tennessee and then talk about the dastardly deeds he is seeking to accomplish through his amendment.

I believe they fail to understand what the Senator from Tennessee is really driving at. It is true that in the Senator's proposal, like the entire proposal, we are reordering the priorities in this country. I had hoped that the administration would have taken the lead in trying to show what this country actually needs in the way of priorities. But it has failed to do that. It has failed to take on this fight.

But the House and Senate, in the tax bill, have not come up with a bill that is only tax reform. A tax relief bill as well as tax reform bill has been brought to the floor of the Senate. Taking the tax relief bill as a basis of what the Senate is really acting upon, what the Senator from Tennessee is actually doing is examining most carefully the tax relief proposals of the pending bill and saying to the American people, "Let us see where the basic needs are. Let us see where the relief is needed. Let us come up with a proposal that will do the most for the people that need it the most in the United States." The Senator from Tennessee is being criticized when I think the Senator from Tennessee should be commended for the job he is doing to highlight his proposal.

I am honored, and I consider it a privilege, to cosponsor the Senator's amendment. I hope the Senator's amendment will prevail when we vote on it this afternoon.

Mr. GORE. Mr. President, I am grateful, indeed, to my able and distinguished colleague. As Secretary of the Department of Health, Education, and Welfare in a previous administration, the distinguished Senator from Connecticut is as well—I dare say more adequately—informed and equipped as any other Member of this body to measure and consider the standards and the needs of a decent social existence in our country.

I would like to inquire of him if he concurs in the estimate of the Bureau of Labor Statistics that somewhere near the $10,000 income level is necessary for a family of four to enjoy a moderate standard of living in this affluent society of ours.

Mr. RIBICOFF. I do not think there is any question about that. I certainly agree.

I think what the Senator is doing has even greater relevance to some of the problems that we have in America that I do not see anyone addressing himself to. Much is needed in this country for the lower income groups, the people under the poverty line. We are not going to be able to solve those problems unless we take into account the problems of the lower-middle income groups, because that is where the problems are. The lower income groups, including blacks reaching for a greater part of American affluence, all finding themselves in conflict with another part of our society. Whether one calls it the silent majority, the blue collar class, the white collar class, or the lower middle-income groups, unless we recognize the problems of this group in trying to keep body and soul together, to maintain their respectability, and to educate their children, we are going to find continued resistance in American society in trying to enact legislation to provide funds to lift up from the doldrums of our society those in poverty and those whose skins are black.

We make a great mistake in paying very little attention to the lower middle-income groups. Our society is rich enough and affluent enough to make sure that we solve the problems of the lower income groups, but, at the same time, we must remove the great conflicts that exist now, all over this country, between the lower income groups and the lower middle-income groups, who feel that no one gives a damn, so to speak, as to where they are going and what their problems are.

What the Senator from Tennessee is doing is a matter of great statesmanship, because in his amendment he recognizes that unless we ameliorate the problems of the lower middle-income groups—the $7,000, $8,000, $9,000, $10,000, $12,000, $15,000 group in our society, who represent nine-tenths of the American people—we are going to be hard pressed and hard put to put into effect the great reforms, social and economic, that this country needs.

Therefore, we must pay great attention to the Senator's proposal, because one of the few ways in which we can help solve the problems of the lower middle-income groups is by removing one of their greatest burdens—the disproportionate share that they pay by way of taxes for the running of our Government. Once we can solve that pressing problem, it is my opinion we can start moving in to take care of some of the problems of the lower income groups, which we in the Senate, in the House, and in the executive branch, have an obligation to achieve and accomplish.

Mr. GORE. I thank my distinguished colleague for that eloquent statement. I

concur in the sentiments he has expressed.

I wish to make further reference to his adversion to the disproportionate burden of taxation that falls upon the middle-income group. The changes in tax rate contained in the pending bill would make that burden worse instead of better. The top bracket rates were reduced drastically in 1964—far too much in my opinion at that time, and I still hold that opinion. The top rate was reduced from 91 percent to 70 percent—21 percentage points. And now the top rate is proposed to be reduced to 65 percent.

But that does not tell the whole story. By changing the brackets as well as the rates, the tax cut on some of the high-bracket incomes will be as much as 8 percentage points. If the bill should be adopted, I say to my distinguished colleague from Connecticut, then progressivity, the principle of graduation, the principle that people should pay taxes according to their ability to pay, that the more one earns, the more he pays, will all but be abolished beyond the income level of $50,000.

It is astounding to me that a Democratic Congress would consider, in a 5-year time bracket, the destruction of progressivity in our income taxes beyond the $50,000 level.

Oh, there is a place where the progressivity is very steep—very steep—as provided by the bill. From a taxable income level of $500 to $10,000, the progressivity is 100 percent. That is, the rate changes in the bill provide that from the rate of taxation on $500 of taxable income to $10,000 of taxable income, the rates are doubled—a 100-percent increase in rates.

Let us take another level. From the level of the tax rates on $100,000 of taxable income to $200,000 of taxable income, the rate increase is how much? Not up there at 100 percent. The increase is only 5 percent.

How does a Senator justify, or could anybody justify, in the name of progressivity, in the name of graduation in our income tax law, a progression of 100 percent on $9,500 in income, and 5 percent on an additional $100,000 income—that is, additional after one has attained the first $100,000?

Mr. RIBICOFF. I would say the Senator is absolutely right, and his amendment tends to bring a sense of sanity and an overdue sense of fairness to our tax laws. The proposal of the Senator from Tennessee certainly deserves the overwhelming support of this body.

Mr. President, we have the opportunity to reduce significantly the tax burden on the most overtaxed segment of our society—those in the middle- and low-income brackets.

Fairness alone dictates tax relief for those millions of Americans.

Last year the average citizen paid $163 in local taxes, $198 to his State government and then had to turn over $741 to the Federal Government.

The most effective tax relief we can provide is to increase the personal exemption and raise the minimum standard deduction. These reductions will remove the largest number of low-income taxpayers from the tax roles entirely and substantially reduce the overall tax on those most in need of this reduction.

The personal exemption now allowed each taxpayer is $600. This figure was set in 1948.

Despite a steady increase for the last 20 years in the price of goods and services, the personal exemption has remained the same.

Mr. President, the personal exemption is founded on the theory that every man is entitled to a tax-free sum of money to meet his most basic living expenses.

No one can possibly exist on $600 at today's prices.

In 1948 a loaf of bread cost 14 cents; a half a gallon of milk cost 43 cents. These are the prices of a bygone era, the last remaining vestige of which is the $600 exemption.

To equal the purchasing power of $600 in October, 1948, the personal exemption today would have to be $929. Thus a family of four would need exemptions of $3,716 to equal the $2,400 they received in 1948.

Mr. President, I support the amendment to the pending tax reform legislation increasing the personal exemption and the minimum standard deduction.

Under the bill reported by the Finance Committee, the 11 percent of Americans who earn over $15,000 receive one-third of the tax relief. This is unfair.

The amendment proposed by Senator GORE, which I am cosponsoring, would increase the tax relief afforded to the 9 out of 10 Americans who make less than $15,000. The Finance Committee bill would afford these people 66 percent of the relief. The Gore amendment would increase this to 81 percent.

Additionally, the Gore proposal would completely remove substantially more of the low-income poor from the tax rolls.

Under the Gore proposal, when it becomes fully effective, a family of four will be permitted to retain $5,000 tax free.

The taxes of this family if it earned $7,500 would be reduced by 47 percent under this proposal as compared to a reduction of less than 7 percent under the bill as reported by the Finance Committee.

I believe the proposal before this Senate is a sensible and responsible means to enact tax fairness. I urge its adoption.

Mr. GORE. I thank the Senator. This colloquy punctuates the assertion I made earlier that even though we were unable to raise the personal exemption, I would still oppose the tax relief as proposed by the rate changes in the bill. It is regressive. It makes the tax burden disproportionately worse instead of better.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MILLER. Will the Senator tell us what the amount of the exemption is to be increased to ultimately?

Mr. GORE. Does the Senator mean by my amendment?

Mr. MILLER. Yes.

Mr. GORE. The personal exemption would reach the level of $1,000 for each taxpayer and dependent in the year 1973, progressing by $100 per year.

Mr. MILLER. The Senator knows that I have a deep concern over this progressivity, and I am sure he and I share a concern about regressive taxation. It is for that reason that I am troubled over the increase in the personal exemption from $600 to $1,000, because I can visualize it working out most inequitably.

A wealthy taxpayer, in a 70-percent income tax bracket, with a $1,000 personal exemption, would have a $700 tax benefit under the Senator's amendment; and a taxpayer down in the 20-percent bracket, a low-income taxpayer, would end up with only a $200 tax benefit. That seems to me to be an approach which is along the lines of letting the rich get richer and the poor get poorer. How does the Senator answer that problem?

Mr. GORE. Well, if we were considering an increase in the personal exemption or the provision of a tax credit for each dependent, without either being offered as a substitute for provisions in the bill that provide far greater relief for those in the upper-income brackets, then the answer would be of one order. But that is not the case. If the Senator asks me to compare a tax credit for each taxpayer and dependent with a personal exemption for each taxpayer and dependent, then I would say, as a tax purist, that we would need to consider it on its merits—and it does have merits, which I do not deny and do not wish to deny.

But if we concluded that a tax credit was the proper way to provide this tax relief for dependents, or for each taxpayer and each dependent, instead of a personal exemption, then it would seem that we should repeal the $600 exemption. And one can make a case for that.

Actually, a tax credit is, perhaps, from the standpoint of tax purists, more justifiable. But we do not operate in a vacuum. We begin from where we are. There is no provision in the tax law, in my opinion, that is more widely understood by the American people than the personal exemption. As I said earlier, before the able Senator entered the Chamber, this principle was incorporated in the first modern income tax law in 1913. It is a part of our economic and tax law fabric. The simplest way, I think the most widely accepted way, certainly the most widely understood way to provide tax relief for those with the largest families, is to increase that personal exemption.

If that be the case, then I come to this further facet of the question of the able Senator: Does it provide more relief for those with high incomes than for those with low incomes? This depends upon whether you consider an exemption provided at the bottom of one's income, before Federal taxation begins to apply, or whether you consider it as a reduction from the top income. Mathematically, it amounts to the same thing.

Mr. MILLER. Will the Senator yield at that point?

Mr. GORE. Just one moment. Mathematically it amounts to the same thing. It means that a $100 added exemption for a taxpayer in the 20-percent bracket means less than a $100 added exemption for a taxpayer in the 50-percent bracket.

I think, however, that we must never lose sight of the fact that what I am offering here is substitution for tax rate changes which provide many times more

tax relief for those in the upper brackets than my amendment would provide.

Mr. MILLER. Will the Senator yield at that point?

Mr. GORE. Now I yield.

Mr. MILLER. The Senator has just made a very important point, when he refers to other things in his amendment which are going to provide overall relief. I think the Senator will appreciate the fact that the average taxpayer is not too concerned about what you call this deduction or what you call that item; what he is really concerned about is how much that tax bill that he is going to have to pay amounts to. The Senator quite correctly interprets that attitude of the average taxpayer when he alludes to other rate changes that he is providing in his amendment, which are going to cause the taxpayers to pay less in taxes, certainly in the lower and low-middle income areas—areas I might say, toward which I am just as much interested in doing equity as is the Senator from Tennessee.

So I do not think we should be too concerned about the fact that this personal exemption has been hanging around on the income tax laws for a good many years. After all, this is supposed to be a tax reform bill; and if the personal exemption is out of date, if by increasing it we are going to be doing inequity by giving high-bracket taxpayers a better tax break than low-bracket taxpayers, maybe we ought to reform it and get rid of it.

The Senator points out that this tax credit—which is no original idea of mine; it has been on our statute books, in the case of the Iowa income tax law, for years—is a very fair way of handling this matter; and if a taxpayer ends up paying less tax because he has a tax credit of $150, for example, to take off his tax bill for himself and his wife and each of his children, it would seem to me that that, coupled with some rate changes, would really do a job of tax reform.

The Senator knows that in the committee we got fairly close together one morning in trying to come up with a better way of doing equity; certainly, to looking at the children as being proper objects of uniform treatment under tax law. To me a child, whether that child comes from a poor family or a wealthy family, ought to have the same status in the eyes of our income tax law.

I think it is wrong when a child who comes from a wealthy family represents in the eyes of the tax law a tax benefit for his parents amounting to $700, 70 percent of $1,000, and a child of a poor or low-income family that is in the 20-percent bracket only receives $200 recognition under the tax law.

Maybe this has been sticking around for a long time in the tax law. However, if we are really to accomplish some tax reform, this is a good way to get rid of the inequity once and for all.

I am in great sympathy with many things that the Senator is trying to do. I wish there were some way we could possibly modify the amendment, at least as far as children are concerned, to include a tax credit. I am sure that it could be worked out so that the tax bill the taxpayer would have to pay would be no greater, and perhaps less, for most people.

As I recall when we had a comparison by the Treasury Department, the difference in the impact between a $780 personal exemption and, I believe, a $180 income tax credit, on the low- and middle-income groups was much more beneficial in the case of tax credit.

Mr. GORE. Mr. President, the Senator makes an able argument. He presented his case and this argument to the Senate Finance Committee. As the Senator will recall, I voted for each of the amendments the Senator offered in this regard. Unfortunately, the amendments did not receive majority support or a vote very close to a majority. The Senate Committee voted more closely upon an increase in the personal exemption, one vote being a tie vote, 8 to 8.

I think that illustrates the depth to which a personal exemption is imbedded in our tax law, in our social consciousness, and in our political concepts.

To further illustrate that, I know of no one other than the able senior Senator from Iowa, who has introduced a bill to substitute credit for an increase in the exemption. There may be some. I have not heard of them.

I do know that a number of Members of the Senate, several Members on the Senator's side of the aisle, have introduced bills this year to increase the personal exemption.

I refer, for instance, to the able minority leader, the senior Senator from Pennsylvania, who has introduced a bill to raise the personal exemption to $1,000.

I refer to my able and distinguished colleague, the junior Senator from Tennessee (Mr. BAKER), who has introduced a bill to increase the personal exemption to $1,200.

And there are also a number of Senators on my side of the aisle. I do not now have particularly in mind all of those on both sides of the aisle who have introduced such bills. However, there are a number of them. That seems to me to further illustrate the extent to which the Senators and the people understand the personal exemption. And to further illustrate the fact, as the Senator may have noticed, I introduced in the RECORD letters of petition to the Senate delivered to me by three Members of the House of Representatives, two Democrats and one Republican, containing the names of far more than one-half of the membership of the other body, petitioning the Senate to increase the personal exemption.

When we add to that the fact that this is understood by the American people, and then consider that one of the goals of tax reform should be simplification and public understanding, I believe that the argument is then overwhelmingly in favor of proceeding with the approach of increasing the personal exemption.

I close my response to the able Senator from Iowa by saying that I recognize how the Senator feels about this.

I applaud his concern for equitable treatment of the family with children to nurture and educate. However, since his tax credit approach does not offer an opportunity of success in my opinion, I earnestly plead with him to join with me, as I joined with him, in providing this relief by the route which I believe has the chance of success.

Mr. MILLER. Mr. President, I thank the Senator for his response. However, I think it gets down to this. Just because there may be a number of people who advocate an increase in the personal exemption regardless of the fact that it would give a bigger tax break for higher rather than for lower taxpayers and just because one could regard this as emanating from people who favor regressive taxation does not make it fair and does not make it right.

The Senator talks about people understanding this. I repeat that I think what people understand is what their tax bill is. And if their tax bill is going to be less because they are given a better understanding of rates and a tax credit off their tax bill, which would be better than what they are getting now by taking $600 off taxable income, I would think the taxpayer would be delighted, and especially the low-income people.

Possibly some of the higher bracket taxpayers would not like it as well because they would not get as much break with a $150 tax credit as they would with a $600 personal exemption. The $150 tax credit would take $150 off their bill, whereas if they are in the 70-percent bracket, a $600 personal exemption would mean a $420 deduction from the tax bill. So, naturally, some higher bracket taxpayers are not going to be happy with a tax credit. However, that does not mean that we should in turn give them a $700 tax break with a $1,000 exemption, when the people in the low-income bracket, paying 15 or 20 percent, would end up with a crumb from the table.

Mr. GORE. Mr. President, I do not accept the argument of the able Senator that an increase in the personal exemption is regressive.

I believe in the principle that has been a part of our tax law since 1913, that a minimum amount of income should be free from tax and that if one accepts this as a fair and socially, politically acceptable principle, then he can hardly deny the rich this stated minimum, the benefit of this principle, any more than he can withhold it and deny it to the poor.

I think it is a fair principle to allow every American citizen, rich or poor, a minimum for existence for himself and his dependents before the Federal income tax begins to lie. That is the principle on which the personal exemption is based.

I do not accept the theory of the Senator that this principle is regressive. I think it is quite sound, and whether or not the taxes are regressive or progressive depends upon the rate schedules applied to the income beyond this level. beyond this minimum level.

I wish to place in the RECORD at this point a table which shows that the pending bill would, in fact, be regressive. Tax rate reductions are small at the bottom, with largest reductions at the level of

$50,000 a year and upward. Beyond $50,000, the percentage of tax reduction provided by the committee bill, by the change in the rate schedule, goes up instead of down.

I ask unanimous consent to have the table printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—COMPARISON OF TAX REDUCTION UNDER PERSONAL EXEMPTION PROPOSAL AND H.R. 13270

Tax reduction for family of 4

[Assumes nonbusiness deductions=20 percent of income]

AGI	Present law	Tax reduction under H.R. 13270	Percentage decrease under H.R. 13270 [1]	Tax reduction under tax funds proposal [1]	Percentage decrease under proposal
$3,000	0	0	0.0	0	0.0
$3,500	$56	$56	100.0	$56	100.0
$4,000	112	47	42.0	112	100.0
$5,000	230	30	13.0	230	100.0
$7,500	552	36	6.7	262	47.5
$10,000	924	56	6.6	304	32.9
$12,500	1,304	76	5.8	304	23.3
$15,000	1,732	96	5.5	352	20.3
$17,500	2,172	116	5.3	352	16.2
$20,000	2,660	152	5.7	400	15.0
$25,000	3,708	216	5.8	448	12.0
$50,000	11,060	608	5.5	720	6.5
$100,000	31,948	2,256	7.1	928	2.9
$500,000	249,300	22,656	9.1	1,120	.5

[1] Provisions as effective for taxable years beginning in 1973.

(At this point Mr. BYRD of Virginia assumed the chair.)

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MILLER. I do not want to prolong the discussion, but I must tell my friend that perhaps in his thinking the word "regressive" means something different from the meaning in the mind of the Senator from Iowa. If we are going to come up with a change in the tax law under the name of tax reform, which is going to mean that a wealthy taxpayer is going to have a $1,000 personal exemption and a $700 tax break as a result of it, because he is in a 70-percent income tax bracket, and a low-income taxpayer with a $1,000 exemption is going to have only a $200 tax break, I think this is pretty regressive; and I think it falls in the same area of criticism as the tax rates to which the Senator from Tennessee is now referring.

If that is not regressive, I do not know what the word means. I repeat that while there may be a number of people who have not thought through the personal exemption and thought through what would happen to wealthy taxpayers and low-income taxpayers by increasing it from $600 to $1,000, that does not mean that the U.S. Senate should go ahead and compound inequity.

I do not know how the Senator's amendment is going to fare, but if it should not be adopted, I would suggest to him that there ought to be a little collaboration here, possibly to improve upon the tax rates and to tie in a tax credit, certainly so far as the children are concerned. If we did that, I think we would be applauded; and it would not take very long, through the mass media and the rapidity of communications, for the American people to know that finally, after many years, we did in fact achieve some tax reform in this very important area of tax law.

I thank my colleague for yielding.

Mr. GORE. I thank my able friend. He and I, I think, could entertain ourselves with a discussion of the number of spirits on the point of a needle. Particularly, I would enjoy hearing my able friend the senior Senator from Iowa. But I think the principles involved herein have been fairly stated.

My amendment would provide more relief for the people who need it most, the people with most dependents to support, in the lower middle income bracket.

As will be noted, the pending bill provides a tax reduction of $30 for a taxpayer with $5,000 taxable income and a wife and two children. Once again, I ask: What does a $30 tax reduction per year really mean to a man with a wife and two children? That is $7.50 each. The cost of living for four people has increased more than that in the last 30 days. My amendment does not do too well by him, perhaps. It would give him a tax reduction of $230. He cannot do too much with $230, but at least it is $200 more than $30. That is not regressive. That is trying to be fair.

Let us take another. Each of the taxpayers to whom I refer in this table and to whom I will refer in the comments on the table is one with a taxable income of a given amount and three dependents. Take the taxpayer with an income of $7,500. The committee bill, which is called a tax reform and tax relief bill, provides tax relief of $36. That is $3 a month for a family of four. My amendment would give this taxpayer a tax reduction of $262.

Let us go to another. With an income of $10,500, the bill would give him a tax relief of $56; my amendment, $304.

Let us go to $15,000. The committee bill reduces his taxes $96. This is beginning to be meaningful; $96 is $8 a month, $2 each. They can go to a couple of movies for that. My bill, instead, gives him a tax reduction of $352. The two begin to reach equality just above the $50,000 income level. Let us take a taxpayer with $50,000 income. The committee bill would give tax relief of $608.

My amendment would give him tax relief of $720. Beyond that, the committee bill begins to pile up the benefits. The taxpayer with an income of $100,000 receives a tax reduction of $2,256.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. GORE. I shall yield in just a moment.

For a taxpayer with $500,000 income, the committee bill would give him a tax reduction of $22,656. My amendment would give him a tax reduction of $1,120. Mr. President, mind you, he has no more children under the committee bill than he has under my bill. He still has two children to support and a wife to support.

Now, it may be, as the Senator from Iowa states, that there is some element of unfairness in providing $1,120 tax relief for a man with $500,000 income because he has three dependents while providing only $304 in tax relief for a taxpayer with the same number of dependents and income of $10,000.

One can recognize that, but let us look at the differences in the committee bill and its treatment of those two men. The committee bill provides relief for a taxpayer with $10,000 of $56; and the taxpayer with $500,000 of income, of $22,656. So my amendment would substitute $1,120 tax relief for a provision that provides a tax reduction of $22,656. How anyone would construe that as regressive I am unable to say.

Mr. President, I yield to the Senator from Indiana.

Mr. HARTKE. Mr. President, I would like to underscore what the Senator is talking about. Statistically speaking, what the Senator has said is correct. The people having more than $50,000 in income a year, representing less than one-half of 1 percent of the people who file tax returns, receive an undue share of tax relief.

The bill before the Senate provides 13.4 of the tax relief to this group, which represents less than four-tenths of 1 percent of all taxpayers, which demonstrates conclusively that the benefit is going to those who need it least. It is unnecessarily beneficial to the rich; and it is unnecessarily inadequate for the poor.

The ratio of relief between the $20,000 and $50,000 category—the amount of tax relief provided under the amendment of the Senator from Tennessee, of which I am a cosponsor—is not as great to those people with incomes of less than $20,000, and the bulk of the American people are in that category of incomes of less than $20,000.

We proceeded with the basic belief that a man in the poverty bracket would not have to pay a tax. I would like to call attention to the fact that the need to increase the personal exemption is not a new idea. The Treasury Department made a study of exemptions in 1947.

Mr. GORE. Before the Senator gets to that point, I would like to give another illustration which was brought up by the distinguished Senator from Connecticut.

The committee bill would provide, by tax rate changes, $641 million of tax reduction for 95,000 taxpayers with incomes of $100,000 and over. Let me repeat—$641 million for 95,000 taxpayers.

Mr. HARTKE. For how many?

Mr. GORE. 95,000. It provides approximately an equal amount of tax reduction

of $641 million for 30 million taxpayers with incomes under $7,000.

Mr. HARTKE. Mr. President, I think this statement is very important. I hope the Senate understands what is being said. It is a situation with so many facets, one which requires so much understanding, but one thing is clear and that is that some tax relief is needed for the low- and middle-income groups.

I agree with the Senator about what the Senator from Iowa said. There may be some fancy juggling with statistics in regard people with incomes of over $100,000, but that is not where the need is. Those people do not come home and meet the mother and the kids every Friday night with a paycheck and figure out how they are going to cut down on expenses. I might turn to those who are in the poverty group. Those figures are not very extravagant. They do not talk about buying a new car every year. They buy things that people with incomes over $100,000 would never worry about. They might buy a different used car every 4 years.

The point I am talking about is that people in the lower levels, and the poverty level, have a standard that is not very high.

To return to the circumstances we have today, if tax relief is to be given to people in the same proportions as when the $600 exemption was established after World War II, we would have to go not to $1,000, but to more nearly $2,500. We have not kept pace with the times. The needs of individuals have gone up and but the tax relief has gone down.

I hope that someday economists and sociologists apply themselves to what happens to people when the tax laws are changed. This is what the Senator is talking about, and I commend him for it. The Senator is talking about what happens to a man and a woman who have two children, ages 7 and 13. They are in the position where they have to worry about whether they are going to eat hamburger this week or soup. That is the difference.

Mr. GORE. I believe it is illustrated by a simple question: Who can live on $50 a month?

Mr. HARTKE. I think this is elementary. I commend the Senator.

I know that the Senator is quite aware of what I am about to say, but in 1947 the Treasury Department made a study of the entire question of exemptions and they came to certain basic conclusions. This was right after World War II. Before World War II there was a personal exemption of $1,000, then it went to $500 and finally back to $600. I wish to quote one paragraph from the study to which I have referred:

> According to a widely accepted view, the exemption should be at least adequate to cover some minimum essential living costs, such as the amount required for reasonable maintenance. It is conceded that the adjustment of exemptions to living costs may not be exact and that under emergency conditions it may be necessary to go below ordinary minima. For the long run, however, it is to be regarded as essential to exempt amounts required to maintain the individual and his family in health and efficiency.

That is exactly what the Senator from Tennessee is talking about, and what I am talking about, what the committees are talking about, and the great bulk of Americans. The average American has suffered long enough. It is time we recognize that the end of that suffering must come and that we must do something for these people.

I talked to a young man this week in Washington. He said to me, "You people on the Hill had better get busy." I said, "What's the problem?" He said, "I am working three jobs a day in order to keep my family going." I asked him, "How many children do you have?" He said. "Four."

I think that the attitude of people should be reflected in a government that is really concerned about human needs.

Mr. GORE. I want to thank the Senator from Indiana for joining me in sponsorship of the amendment. I have always found him to be a champion in the cause of justice and equity in tax policy and tax law.

With regard to the young gentleman the Senator just mentioned with four children and a wife, working at three jobs in order to maintain them, the Government estimate that I saw as of October last year stated that a family of four would need an income of $9,484 to maintain a moderate standard of living. I do not have the figure for December of 1969. I do not know what it will be in April of 1970. But, surely, it is in the order of $10,000. Yet, for this man, whom the Senator has cited, with a wife and four children, if he is able, by working at three jobs, to earn $10,000, the pending bill would provide him a tax relief of $56. I thought the Senator would be interested in that.

Mr. HARTKE. There is no question about the need for the bill. It is here. Now is the time. It is repetitious to keep talking about it. Frankly, even if we do not increase the personal exemption, there will be cost to the Government. People will be driven to welfare. They must pay their bill. Maybe not as well as they would like to. It sort of depreciates their appreciation of their Government because they feel that somehow or another they are not able to earn their way and therefore they are forced to go to some agency that they would prefer not to use.

I am not one who says that all people on welfare really apply themselves as well as they should, but most apply out of sheer need. It is time to eliminate many people from the taxrolls. The welfare load should be reduced. To a great extent while 50 percent is paid by the Federal Government and the States also, it is true that property taxes are soaring. Look at it on that basis. Probably it would provide not alone an equality or a utilization of the tax money collected but in addition probably would give some relief to people from the tensions they feel from the tremendous squeeze occasioned by the cost of living. The standard of living has increased in this country and, therefore, it is just, equitable, fair, good, and right, that my amendment to increase the personal exemption be adopted.

Mr. GORE. I thank the able Senator. I wish Mr. President, to make particular reference to the letter of the Assistant Secretary of the Treasury published in the RECORD on yesterday. The first fallacy of the argument which the Treasury advances is that it assumes failure to produce in this particular bill a relative balance between revenues and tax relief is, ipso facto, a demonstration of fiscal irresponsibility. Nothing could be further from the truth. A judgment as to fiscal responsibility depends on the impact of my proposal on the total budget picture of the Government, upon the total economy of the country, and upon the social fabric and the consequences of the proposal, and not just the amounts in the particular bill.

No one in the Treasury or elsewhere, so far as I am aware, has asserted that an increase in the personal exemption will, in and of itself, produce a budget deficit either in the short run or in the long run. Indeed, quite the contrary is true.

Given reasonable estimates as to future needs of spending and increased tax revenues from growth in the economy, we can expect a unified budget surplus of from $3 billion to $6 billion in the coming fiscal years, even with an increase to a more realistic $1,000 personal exemption.

Mr. President, this estimate is not lightly arrived at. I ask that this subject be given careful consideration, and I ask unanimous consent to have printed in the RECORD a table which verifies this conclusion.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ESTIMATED BUDGET EFFECTS OF GORE PROPOSAL—FISCAL YEARS

[In billions]

	1970	1971	1972	1973	1974
Revenue:					
1. Present law (including surcharge for 6 months of 1970 and assumed 6 percent annual increase in revenues)	$197.2	$209.0	$221.5	$234.8	$248.9
2. Tax reform	+1.6	+3.8	+4.7	+5.0	+5.3
Total revenue	198.6	212.8	226.2	239.8	254.2
Increase in personal exemption ($700 in calendar 1970; $800 in 1971; $900 in 1972; $1,000 in 1973)	−1.6	−5.5	−9.4	−13.0	−14.8
Net revenue after increase in personal exemption	197.0	207.3	216.8	226.8	239.4
Expenditures (assumes $10,000,000,000 per year increase)	−192.9	−203.0	−213.0	−223.0	−233.0
Unified budget surplus	+4.1	+4.3	+3.8	+3.8	+6.4

Mr. GORE. Mr. President, the Treasury Department has not even attempted to assert the contrary. This illustrates that the question of fiscal responsibility partakes of many parts, not merely a narrow measurement between tax reform and tax relief. Indeed, this question goes, as I have said, to our whole society. Further revenues from tax reform have nothing logically to do with a tax measure to increase or reduce the tax burden.

Former Secretary of the Treasury Fowler stated on numerous occasions before congressional committees that the issues of tax reform on the one hand and tax decreases or increases on the other are two quite separate and independent issues. He was correct.

Proper tax reforms should be enacted because they constitute wise, fair, equitable tax policy. Appropriate tax relief should be enacted because it is in the best interests of our people, because of economic justification, and because of revenue needs. But it does not mean at all, Mr. President, that in order to have tax reform, we engage in the sham of tax relief by rate changes of 1 percentage point for the low brackets on small amounts of income and up to 8 percentage points in the high brackets on large amounts.

One could almost reach the conclusion that the rate changes, meager as they are, in effect, on the lower brackets, are proposed only as an excuse to give big tax cuts to those in the high brackets. I do not really know how one can avoid that conclusion, because a reduction of 1 percentage point for a taxpayer with a tax liability of $50 is 50 cents.

But if that appears ridiculous, take 1 percentage point on a tax liability of $1,000. This gives a tax reduction, under the committee bill, of $10.

This is a costly excuse for giving a $22,000 tax reduction to a man with an income of $500,000.

Who can say that this is according to need or can be arrived at by the imposition of taxation according to ability to pay?

The issues of tax reform and tax reduction and of budgetary balance are separate issues, and there need not be a connection between the revenues to be derived and expended through each of these two or three separate actions. One may follow the other, of course, unless both receive simultaneous treatment, but each should and must stand upon its own justification.

The burden of proof of fiscal responsibility is on the administration in supporting this bill, which provides a new loophole for railroads; which continues unreasonable percentage depletion allowances for oil, gas, and the minerals; which continues a tax loophole for banks, for real estate; and which provides, as I have indicated, unjustifiable tax relief for individuals with high incomes.

Those who advocate these measures, it seems to the Senator from Tennessee, are hard put to justify them either from the standpoint of fiscal responsibility or of social justice. That burden has not been satisfied so far as I am concerned, nor will it be, in my opinion, for the American people so long as the Treasury insists on viewing my proposal, or the proposal of others of similar portent, with fiscal blindness that prevents their seeing beyond the four corners of the bill.

I wish to refer further, Mr. President, to the letter of Assistant Secretary Cohen. One of the most shocking statements to bear the official imprimatur of this administration is one contained in this letter of Assistant Secretary Cohen to Senator LONG relative to my amendment, which will be found in the RECORD of yesterday's debate, at page 36264.

In commenting on the burden of supporting and educating children—a burden which my amendment would do much to relieve—Secretary Cohen, speaking officially for the Nixon administration, stated:

> Through appropriations for education and other purposes, the cost of raising large families is already borne to a considerable extent by those who did not beget the children.

Mr. President, this illustrates the gross insensitivity, if not the social callousness, that this administration repeatedly displays toward the mass of our people. I thought we had long ago gotten beyond the point where we regarded public education as the responsibility of parents alone. I thought everyone had understood for at least the seven decades of this century, if not for the 3½ centuries of our colonial and national existence, the responsibility of government, whether it be local, State, or National, the responsibility of the whole society, in the field of education.

We do not have public education for the benefit, pecuniary or otherwise, of the parents of our children. We have public education for the benefit, betterment, and progress of the whole society. This point is cardinal to the whole question of public school development, including problems of desegregation, both North and South.

True, Mr. President, there are still some individuals who want to avoid and deny responsibility for children, for education of children. I recall, as a superintendent of education in a county in Tennessee, I sought to provide additional educational facilities; and I recall one gentleman, who had not been favored with offspring in his lifetime, but who had been so fortunate as to acquire a considerable amount of wordly goods in the form of rich farmland. He vigorously resisted increasing the county tax rate, and said to me and others that he did not want to bear any responsibility for educating the children that others beget. I find the Secretary of the Treasury following this same antediluvian principle.

I thought Thomas Jefferson successfully led the fight to settle that a long time ago. Here is what he said:

> By far the most important bill in our whole code, is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness.

Then later he said:

> If a nation expects to be ignorant and free, it expects what never was and never will be.

Yet, Secretary Cohen seems to be arguing with Thomas Jefferson. If he is, I should like to quote Jefferson a little further:

> Enlighten the people generally, and tyranny and oppression of both mind and will vanish.

And he continued:

> The tax which will be paid for the purpose of education is not more than the thousandth part of what will be paid to kings, priests, and nobles who will rise up among us if we leave the people in ignorance.

Yet, Mr. President, on December 1, 1969, we have the Assistant Secretary of the Treasury in the Nixon administration writing to the U.S. Senate:

> Through appropriations for education and other purposes the costs of raising large families is already borne to a considerable extent by those who did not beget the children.

If Thomas Jefferson could hear that, to use a colloquialism, he would turn over in his grave. How many times have we condemned those who pled for segregated schools on the basis that the poor, those who do not live in the affluent suburbs, those who are black or of some Spanish-derived descent, or oriental, do not pay as much in taxes as do the richer elements of society, and therefore do not have and perhaps should not have equal school facilities, and therefore should not be entitled to invade the better public schools in the more affluent neighborhoods.

As early as 1647, with the so-called Old Deluder law, the responsibility of the community to establish schools was proclaimed. With the passage of time and further progress in education, we moved away from purely local control of education to State control, and all State systems have long since incorporated six very important principles: They are tax supported, they are under public control, they are free of charge at least through the secondary level, they are nonsectarian, they are compulsory to a certain age or grade level, they are universal in scope, and their cost is borne by general taxation.

This has been established by democratic development since the age of the Old Deluder law in 1647; and yet, we have Secretary Cohen complaining today that people of affluent income are already bearing—well, perhaps I had better read it:

> Through appropriations for education and other purposes the costs of raising large families is already borne to a considerable extent by those who did not beget the children.

Mr. President, I am thinking about the children. I do not wish to assess blame for those who brought them into the world. I wish, however, that our tax laws be fair and equitable, and whether we condemn a father and a mother for having children or whether we do not—and I do not—who can support a child on $50 a month? Is this a birth control measure? If we wish to deal in the future, with birth control, family planning, et cetera, that should be dealt with in another bill. Here we are dealing with

taxation, and I am talking about the father and the mother living out in the suburbs, with a big mortgage on a little house already filled with children.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, may I submit to the Senator that while he is making an eloquent argument, he is using what we in debate usually refer to as a strawman technique: He is making an eloquent argument in answer to an argument the other fellow did not make.

Mr. GORE. The Senator put it in the RECORD yesterday.

Mr. LONG. I have read what the Secretary said twice. The Senator is making an eloquent argument against an argument the Secretary did not make. It would seem to me to be logical for the Senator to make his argument against the argument which the Secretary did make. That way, it might appeal to the Secretary; but I do not see how the Senator can convince somebody by answering an argument he did not make. Why does the Senator not answer the argument he did make? I have read the words the Senator referred to; but it would seem to me that the Assistant Secretary of the Treasury made a logical argument, to which I would be interested in hearing a logical response, but I see no point in either knocking over a strawman or lighting a match to it. Why does the Senator not respond to the argument the Secretary made?

Mr. GORE. Mr. President, I shall be glad to. I thought I had.

Mr. LONG. I have read it twice now, while the able Senator was answering an argument the man did not make.

Mr. GORE. It might enlighten the Senator to hear it read. Let me read it aloud, if the Senator does not mind. I am almost constrained to put the whole letter in the RECORD, but since it appears on page 36264, perhaps I should not burden the taxpayers by reprinting all of the letter again. But I wish at least to read this entire paragraph:

Thus the burden of supporting children above the minimum HEW standards would be shifted from the large families which have the children—

Does the Senator understand that?

Mr. LONG. I think I understand the whole paragraph. What concerns me is that I think the Senator does not understand those words he is reading.

Mr. GORE. That is fine, if the Senator understands.

The Secretary of the Treasury said:

Thus the burden of supporting children above the minimum HEW standards would be shifted—

Now he is talking about my amendment. That is what he is talking about. Let us understand that. He is saying that my amendment would shift the burden of supporting children above the minimum HEW standards—

from the large families which have the children—

That is not hard to understand—

to the single persons and smaller families.

Mr. LONG. Does the Senator agree with that?

Mr. GORE. Yes. That is what it says.

Mr. LONG. Does the Senator agree that his amendment would do what the Secretary says in that respect?

Mr. GORE. I agree that my amendment would provide the most tax relief for the taxpayers who need it most, those with the most children to support.

Mr. LONG. That is not precisely what the Secretary said.

Mr. GORE. All right. Let me read it again.

Mr. LONG. That sentence speaks clearly for itself, it seems to me.

Mr. GORE. If that is clear to the able junior Senator from Louisiana, it is clear to me. We will then go to the next sentence.

Mr. LONG. It means just what is says, that is all.

Mr. GORE. The next sentence reads:

Through appropriations for education and other purposes the costs of raising large families is already borne to a considerable extent by those who did not beget the children.

Mr. LONG. Does the Senator agree with that?

Mr. GORE. That is what the Secretary says.

Mr. LONG. Does the Senator agree that is correct, that the Senator's amendment would tend to do that?

Mr. GORE. Mr. President, I think to use that as an argument against a principle of equitable taxation is older than Thomas Jefferson. I thought that was settled in the fight in Virginia. I thought that was settled by the democratic process that began, as I said, with the "Old Deluder" law. Let me continue to read. This is the conclusion he reaches:

We believe the committee has acted wisely in lowering the burden on all taxpayers whose incomes are above the minimum HEW levels, particularly upon those whose incomes are modestly above such levels, rather than—

Does the Senator follow me?

I continue to read—

rather than distributing the tax relief by size of families.

There, Mr. President, we have it. He does not wish to distribute tax relief in accordance with the size of families. The affluent people who are either single or have but few children are already, as he says, bearing a heavy burden in educating the children that others beget.

Mr. LONG. Mr. President, as I understand what the Assistant Secretary is saying here, it is that when we get just above the poverty level, he wants to distribute the tax reduction according to need rather than according to number.

Mr. GORE. He does not say that.

Mr. LONG. That is what I understand.

Mr. GORE. How does he arrive at the conclusion of giving a $22,000 reduction to a man with $500,000 in income? Is that need?

Mr. LONG. The pending bill——

Mr. GORE. Answer my question. Is that need? The Senator laid down the yardstick.

Mr. LONG. The tax reduction in the pending bill with respect to a man above an income of $25,000 is not based on need.

Mr. GORE. The Senator violates his own yardstick when he gets above $25,000.

Mr. LONG. No, I do not violate it.

Mr. GORE. On what basis?

Mr. LONG. It is an adjustment for people in the lower income brackets.

Mr. GORE. That is a mechanism for doing something. Why is it done? The Senator started by saying it is on a basis of need. Now he is running from it.

Mr. LONG. I have never for a moment contended that where we reduce rates it is justified for a person in the upper tax brackets on the basis that he needs the money. He does not have to have bread or other things.

The Senator would increase taxes on a lot of single people and married couples and couples with one dependent who need their money every bit as much as the people he would like to help. In fact, the Senator would increase the tax benefit more for the people for whom he would provide tax increases.

Unfortunately, a lot of people who are taxed under the pending bill would be taxed even if the Senator's amendment were to provide that they can be said to need the money and expenses.

I would like to have a tax system work on such a basis that we would not tax anyone who has any pressing need for the money.

The Government needs money, and it would be inflationary if we were not to try to maintain some balance in our budget.

May I state the argument that I understand the Secretary to be stating here?

Mr. GORE. Surely.

Mr. LONG. It seems to me that the Senator is answering an argument that the Secretary did not make.

It seems to me that the Secretary is saying—I think we will both agree—that we do not want to tax a person whom we define as being in the poverty bracket.

The Senator modified the amendments he offered in the committee to take that into account.

What the Secretary was advocating and what the committee seemed to agree on did more for the poor than did the Gore amendment.

So we agree, I would think, that where a person is regarded as being in the poverty bracket, he should not have to pay any income tax at all.

I submit that what the Secretary is saying is that when you tax these taxpayers who are in the lowest tax brackets—and I am talking about the people who are paying at the 13, 14, and 15 percent rate—we ought to tax those people who are paying at the lower rate according to need. And the Senator's approach based on the need to which the Secretary is referring would place a heavier tax on single people or married couples or couples with but one child that would be a heavier tax burden based on need than the administration seems to think we ought to impose on those people.

The Senator points out that those

people are already paying taxes for the support and assistance of families to educate children. And he contends that the big families, if there is no greater need for them, ought to pay something, little though it might be, for the education and support of their own children, the same way in which a single person who is equally in need ought to pay taxes. It is also fair that a married person equally in need ought to pay for the support of his own children.

If we were to raise the exemption to the point that the Senator would like to raise it, we would not be talking about a bill that would cost $9 billion in revenue, but we would be talking about a bill that would cost $50 billion in revenue.

Unfortunately, if we did that, we know that we would have a huge Government deficit and would be adding to the inflationary spiral and might well take away from those people, in terms of inflation, as much as we would hope to do for them in terms of tax reduction.

Mr. GORE. I am grateful to have the explanation of the Secretary's letter by the distinguished chairman of the committee. It is enlightening. But the letter stands as written. The Senator's explanation does not change it. The letter can be found in yesterday's RECORD.

The Senator from Louisiana made a statement, however, that I must challenge. He said that I propose—that is, that the senior Senator from Tennessee proposes—to increase the tax on single taxpayers and on taxpayers having small families, for the benefit, as I believe he said, of taxpayers having large families. That is not the case. My amendment would not increase the tax on any taxpayer above the tax levied by present law.

Mr. LONG. If the Senator will yield, so that we might just get together on this point, I am talking about what would be done relative to the committee bill.

Mr. GORE. All right. I appreciate the amendment of the Senator's statement compared with the committee bill.

My amendment would provide a heavier tax liability for some taxpayers. I want to come to that. But before doing so, I wish to make it perfectly plain that my amendment does not increase the tax liability of any taxpayer over the present law.

Let us begin with single persons. A single taxpayer having an income of $1,700 would have a tax reduction of $109 under the committee bill. It would be $100 under my amendment. So that is evening up.

Now I should like to discuss the status of a single taxpayer having an income of $3,000. The committee bill would provide him a tax reduction of $96. My amendment would provide a tax reduction of $131. So my amendment would not discriminate against him.

Take a single tax payer with $5,000 taxable income. The committee bill would give him a tax reduction of $52. My amendment would give him a tax reduction of $76.

A single taxpayer with $10,000 taxable income: The committee bill would give him a tax reduction of $122. My amendment would give him a tax reduction of $130.

Now let us come to a single taxpayer with an income of $15,000, and at that point the committee bill would give him a tax reduction of $304; my amendment, $278.

Let us now come to the point at which the committee bill would give him more tax reduction. A single taxpayer with an income of $20,000 would receive from the committee bill a tax reduction of $626; my amendment, $576.

At the $50,000 income level, the committee bill would provide a tax reduction of $3,104; my amendment, $2,482.

At the $100,000 level, the committee bill would give him a tax reduction of $5,104; my amendment would provide a tax reduction of $2,664. The further up the scale one goes from there, the greater the disparity.

I respectfully suggest, Mr. President, that single taxpayers with hundreds of thousands of dollars of income derived from this economy, which belongs to all Americans, derived from the processes of government and society of which he is such a wonderful beneficiary, does in fact owe a social responsibility to contribute to the government that provides the education and the well-being, in large measure, for the mass of our people.

I ask unanimous consent to have this table printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—COMPARISON OF TAX REDUCTION UNDER PERSONAL EXEMPTION PROPOSAL AND H.R. 13270

TAX REDUCTION FOR SINGLE PERSONS [1]

[Assumes nonbusiness deductions=20 percent of income]

AGI	Present law	Tax reduction under H.R. 13270 [1]	Decrease under H.R. 13270 (percent)	Tax reduction under proposal [1]	Decrease under proposal (percent)
$900	0	0	0	0	0
1,700	$109	$109	100.0	$109	100.0
3,000	276	96	34.8	131	47.4
4,000	424	80	18.9	114	26.9
5,000	576	52	9.0	76	13.2
7,500	998	68	6.9	98	9.8
10,000	1,480	122	8.2	130	8.8
12,500	2,022	196	9.7	182	9.0
15,000	2,638	304	11.5	278	10.5
17,500	3,334	452	13.6	414	12.4
20,000	4,096	626	15.3	576	14.1
25,000	5,800	1,034	17.8	930	16.0
50,000	16,322	3,104	19.0	2,482	15.2
100,000	41,394	5,104	12.3	2,664	6.4

[1] Provisions as effective for taxable years beginning in 1973.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, the Senator is speaking to an amendment which would cost the Government several billion dollars a year—roughly, $5.8 billion a year—more in revenue loss than would the committee bill.

If the Senator would direct himself to an increase in the exemption to about $800 per person rather than $1,000, he would be speaking in terms of about the same revenue loss as entailed in the bill reported by the committee. If the Senator is directing himself to a revenue loss of approximately the same amount, his amendment, tailored to an $800 figure, which would be about the same revenue loss as the committee bill, would involve the shift of approximately $1 billion of tax reduction from those with either no family or with families of a wife and no children in favor and to the benefit of those with families of four or more.

At the point where one has a wife and two children, there would appear to be a slight balance in favor of the Senator's argument in terms of revenue impact, but not much. In order to achieve that, the Senator's amendment would sacrifice the advantages of simplicity that are gained by increasing the standard deduction, which benefits middle-income families, from 10 percent up to 15 percent, and with the top limit from $1,000 up to $2,000. There is something in it that does not meet the eye, and that is the great amount of inconvenience to people to have to keep the records to prepare the tax returns in order to itemize a claim for deductions, the expense that occurs to a great number of people because of having to pay someone to advise and consult, and the time involved in going to those people for help in preparing one's income tax return. So there are advantages in the committee bill in addition to the rate reduction that the committee voted.

While, of course, the Senator's amendment would do much good for many people, if it is reduced to the same revenue loss, it would also impose additional taxes on a great number of people, the majority of whom are in the same earning brackets that the Senator would seek to benefit.

Mr. GORE. I thank the able Senator. I suggest that he be careful lest he set up a strawman for himself?

The Treasury letter concludes by comparing an increase in the personal exemption to $800 with the tax reduction provisions in the Finance Committee bill.

It is asserted that my proposal is not as effective as the pending bill for single persons, married couples with no dependents, and married couples with one dependent. I am offering an amendment to increase the personal exemption to $1,000. But even taking the administration figure of an $800 exemption, to which the able Senator has just referred, it is worthwhile noting that with respect to taxpayers, about whom the administration is so concerned—I call it to the Sen-

ator's attention in response to his statement—the administration asserts that at an $800 personal exemption, single persons would receive $392 million less relief than under the committee bill. But almost one-half of this excess relief goes to high-bracket taxpayers.

If the Senator wishes to beat his breast for the benefit of the single taxpayers in the income brackets of hundreds of thousands of dollars and aline himself with the philosophy expressed in the Assistant Secretary's letter, he has every right to do so. But it is certainly contrary to all the "grandma" amendments I have heard him offer on the floor as amendments to the social security bill.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Is the Senator offering me assurance that if his amendment for a $1,000 exemption is rejected, he will not offer one for an exemption of a lesser figure, perhaps $900, $800, $950—some figure less than $1,000?

Mr. GORE. The assurance I am pleased to give the Senator is that should the Senate err in not adopting the amendment to raise the personal exemption to $1,000, I shall then offer it at $900 or $800, or, indeed, I might even split the hundreds. I am very strongly opposed to the rate changes recommended in the committee bill. As I have said, and I repeat, the meager tax reduction given in the lower brackets by rate changes can be viewed, in my opinion, as but excuses to provide big tax cuts for the high brackets. I am opposed to it and I offer as a substitute for that proposal tax relief for those who need it most, the people at the low-income level with families to support.

Yes, I will give assurance, not ad infinitum, but until I win.

Mr. LONG. I had assumed the Senator would do so. If we were debating the Senator's amendment just as he offered it, I would be willing to debate it on the ground that the Government cannot stand the revenue loss, but I anticipated, and I am not constrained to say that I am happy about the proposition, the Senator would offer it at a lesser figure if it failed at $1,000.

Mr. GORE. I thank the Senator. The Senator had better stay around because support has been rising for the $1,000 exemption in the last few days, and, particularly, if those on the other side of the aisle who have introduced amendments vote as they have introduced amendments. I think they will, I anticipate that they will, and I shall shout with glee when they do.

Mr. LONG. I am equally impressed by the fact that during the course of this debate we have had some difficulty in prevailing upon Senators to be present to hear the arguments. At the moment, the Senator is addressing himself ably to this proposition, as he has on previous occasions. It seems to me that we could get on more expeditiously with the bill if Senators would plan to be in the Chamber and hear the presentations both for and against proposals. It is somewhat frustrating to find that many people vote when they have not heard the presentations. I think the Senator has made a good presentation for his amendment and in due course I shall make a presentation for the committee position.

I regret that the Senator has been compelled to make his presentation to a large number of empty chairs and I expect the same thing will be true with respect to those who think they will do a better job than the Senator—not in debating the proposition but in presenting the best thing that could be worked out.

Mr. GORE. Mr. President (Mr. BELLMON in the chair), the observations of the Senator from Louisiana are pertinent. Of course, it is a matter of regret and disappointment that I do not have the entire membership of the Senate present for a debate on a principle of taxation for which I have labored and fought for several years. I guess I am a bit vain in assuming that if more Senators had heard my arguments the easier the victory would be. But be that as it may, I am doing the best I can, talking to as many Senators as I can, and perhaps the people will have an opportunity to read the RECORD. At least, it is the only way I have of undertaking today to persuade the Senate. I must add that frequently Senators have aides either in the Chamber or in the gallery who take notes on points made during the course of debate, so one's efforts here are not entirely without effect. Nevertheless, I do thank the able Senator.

Mr. President, if democracy is to survive we must provide for the children of today in order that the citizens of tomorrow be healthy of mind, body, and spirit. In order to do so we must tax the wealth and income, where it is, to educate and nurture the children, where they are.

I am so surprised that a very enlightened, delightful, and personable man such as Secretary Cohen would write a letter based on the assumptions to which I have already referred. I find him most agreeable and erudite. It is beyond me to explain why he would write such a letter but the letter is here and it is advanced as an argument against the adoption of the amendment which I propose.

I wish now to return to the adequacy of the personal exemption which is also referred to in the letter of Secretary Cohen. His letter goes on to set forth the most shocking proposition imaginable. The Treasury asserts that my proposal to increase the personal exemption will produce a level of taxfree income for the necessities of life that "substantially exceeds the minimum amount needed to sustain each individual." Marvelous.

Now, one would read this astounding statement to mean that the Treasury believes a child can be housed, clothed, fed, and educated for a cost of $50 a month, but even the Treasury does not believe that, because the Treasury itself urges a low income allowance of $1,100 for a family. Thus, for a family of four, the Treasury offers the comforting proposition that this family can provide the necessities of life on $3,500 a year, or $72.91 per person per month.

Now, the Treasury says this is a reasonable minimum amount to sustain each individual member of the family. Is there a Senator who will accept that as factual? The Department of Labor does not accept it as factual. The Department of Health, Education, and Welfare does not accept it as factual. Why should the Senate? Compare my proposal to increase the personal exemption. In 1970 my proposal would give the same family of four the sum of $3,800 of tax free income for the necessities of life or $79.17 per person per month.

Is that enough? I do not think so.

The interesting point is, how can anyone explain on what basis the Treasury concludes that $72.91 per month is a reasonable amount to feed and clothe a dependent, but that $79.17 per month provided by my proposal "substantially exceeds" the minimum required amount?

Ah, that is cutting the hair very fine.

What is involved here is a principle, the practicality of millions of American citizens trying to make ends meet. They are having to pinch their pennies and count their nickels and dimes.

Even when fully effective, my proposal would allow only $104.17 per month as an exemption from Federal income tax to feed, clothe, house, and educate each child in a family of four. It does not approach the level which the Department of Labor says is necessary—let me use the right term—to enjoy a moderate standard of living.

You know, Mr. President, one way a Senator, by speaking longer than perhaps he should, can reach his fellow Senators is that now and then a colleague will enter the Chamber who has not been benefited, regaled, or elevated by the previous remarks of the Senator. I see in the Chair the distinguished Senator from Oklahoma (Mr. BELLMON) who presides over this body with such grace. I see to my left the distinguished senior Senator from North Carolina (Mr. ERVIN) who has been in the Chamber during part of the remarks I have made. So, to their attention and to others who have come into the Chamber—I see a conference of four Senators underway on my right—I will try to speak loud enough for them to hear—the Department of Labor conducted a study over a period of years and arrived at the conclusion that the amount necessary to maintain a moderate standard of living, defined as that amount which provides for the maintenance of health and social well-being, the nurture of children, and participation in community activities, would be for a family of four, as of October last year, $9,484.

Now, Mr. President, the amendment I have offered does not provide an exemption for citizens and taxpayers in the State of Oklahoma anything approaching that level which your own administration says is necessary to provide a moderate standard of living.

All my amendment would provide as exempt income, exempt from Federal

taxation, is an average of $104.17 per month, even when it is fully effective in 1973. For next year, it would provide exempt from Federal taxation $79.17 per month each for a man, woman, and child.

Yet, the Secretary of the Treasury says that this "substantially exceeds" what he says is necessary, the $72.19 per month.

Ah, Mr. President, we have involved here a principle of taxation which must be preserved, the exemption from Federal income tax for each taxpayer, rich or poor, enough for a minimum existence, before the Federal Government levies a tax on his income.

I am sure that most mothers in this country would feel that an extra $30 a month to feed and clothe a child was very little. But little as it is, it is needed. Senators have but to inquire of their constituents to find that out.

But the Treasury of the United States is telling them that this pittance would be a luxury for which they should pay in higher taxes.

Further, I must note that the allowance at present in the bill is already obsolete. The Labor Department has just announced a new poverty level of $3,600 for an urban family of four.

That, Mr. President, is $100 above the low-income allowance provided in the pending bill.

So, the bill which the Assistant Secretary of the Treasury proposes and defends is already out of date by other departments of the same administration of the Government of the same country.

Continued inflation will continue to erode the effectiveness of the low-income allowance in the bill. Since it is tied to a $600 personal exemption, it has already been out-distanced by inflation. My proposal would bring the personal exemption in line with the cost of living. Thus, under my proposal, all—including those in poverty—will get a start toward catching up with the cost-of-living increase that has taken place since 1948 when the $600 level was set. Those in poverty will soon have some buffer against future erosion of the low-income allowance due to inflation.

Mr. President, I have spoken now for more than 3 hours. I feel that I must close. I appreciate the attention of a number of Senators who have remained in the Chamber throughout the debate and those who have been present at one time or another.

I should like to conclude by saying that the Tax Reform Act of 1969, as reported by the Finance Committee, is a signficant step in achieving greater equity in our tax system. It embodies two principles; tax reform and tax relief.

As I see it, tax reform should ensure that those who are paying too little of the total tax burden relative to their income, because of special tax preferences, will bear a fairer share of the total tax burden.

Tax reduction should provide tax relief for those who are paying too much in taxes relative to their income and need.

In evaluating the provisions of the bill, both those that provide for tax reform and those that provide for tax relief, an overriding yardstick must be applied.

This standard is embodied in the Cordell Hull principle of progressivity—taxation based on ability to pay. This was at the heart of the successful move to adopt a Federal income tax as a national policy.

To achieve these ends of social justice, the personal exemption of income from Federal income tax must be raised from the present, unrealistic, unfair $600 to a minimum, I believe, of $1,000. I think the most out-of-date provision in the tax law, the most socially unjustified provision in our Federal income tax law, is the low $600 exemption.

Fairness and equity require tax reductions for those who are now paying too much in taxes, primarily the low- and middle-income taxpayers. This tax relief, in my opinion, should be granted in a simple, easily understood fashion, and pursuant to the fundamental basis of a fair tax system, a progressive tax structure.

This general statement raises questions about the specific proposals in the bill, to which I have already referred. I refer to the rate changes in the bill. Those changes were approved by an 8-to-8 vote in the Senate Finance Committee and, of course, were endorsed by the administration. These rates, as I have illustrated, are actually regressive. They would undo much of the reforms so laboriously achieved in the remainder of the bill.

These rate changes providing for a 1-percentage point reduction in the bottom income brackets, and up to an 8-percentage point reduction in the high brackets, should not be adopted in any event. And I wish to emphasize that I would not support—I would resist—as an individual item rate changes proposed in the bill irrespective of what is done about raising the personal exemption.

In my opinion, there is no social, political, or economic justification for reducing the maximum rates in one 5-year period from 91 to 65 percent.

What is the justification for that? Is it because others are not sacrificing equally? What of the men who are dying in Vietnam? Is it because we do not have budgetary needs? What of the community facilities projects in our respective States for which we are unable to secure either loans or grants? What of the educational needs, the health needs? Is it because our debt is not large enough?

Oh, Mr. President, there is no justification for a big tax cut in the high brackets.

The distinguished chairman of the committee said, in one instance, that the reductions in the bill were based on need, but then from that he quickly retreated and acknowledged that the rate changes were not based on need.

On what basis do we proceed, then, to give tax reduction if we eliminate need, if we eliminate social justification, if we eliminate budgetary requirements? What, Mr. President, is the basis for it?

Describe it as you will, it is an unneeded, unjustified, undeserved tax cut in the high brackets, based not on need, not on budgetary requirements—I do not know how it can be adequately based.

How should we provide tax relief? I think the fairest and simplest means of providing tax relief is to increase the personal exemption. To what level? Frankly, I would like to go to $1,000 immediately, but I do not believe that would be possible to achieve just now. Therefore, I have proposed this be approached at the rate of an increase of $100 per year until, in 1973 and thereafter, the personal exemption would be $1,000 for each taxpayer and each dependent.

Why is this necessary? I have already stated.

I close by suggesting that the amendment is offered as a substitute for the unjustified tax reduction provided by unfair changes in tax rates; and therefore, I plead, as earnestly as I can, for the adoption of this amendment.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I ask unanimous consent that the amendment which I have offered, which applies to various sections in the bill, be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that the study to which I referred earlier in the colloquy be printed in the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

It is imperative that we provide some measure of tax relief for the average American. Unfortunately, the tax relief in the Senate Finance Committee bill gives too much to taxpayers who do not need it, and not enough to those who should have more relief. Using figures provided by Leon Keyserling, former Chairman of the Council of Economic Advisers and not considering the reform provisions, whose future remains uncertain, taxpayers with income of $50,000 and over, representing only 0.4 of the total tax returns, would receive 13.4 percent of the tax cuts. Considering a percentage increase in after-tax income, there is the same picture of unnecessary tax relief for the wealthy and inadequate tax relief for the lower income tax payer. In the $5,000 to $10,000 bracket, taxpayers receive about the same dollar relief as those in the $20,000 to $30,000 bracket, but much less favorable tax relief than those in the $20,000 to $50,000 group. Using this standard of comparisons the tax relief provision extends immensely more favorable treatment for taxpayers above $50,000 income. I do not think that aid to the wealthy is what is meant by tax relief. These provisions only add to the presently grossly inequitable tax code.

We must concentrate tax relief on the lower and middle income-tax payer. To accomplish this purpose, Senator Gore and I offered an amendment raising the personal exemption to $1,000. This amendment received only three votes in executive session of the Senate Finance Committee. Various

other amendments for raising personal exemptions were offered in executive session but all failed to pass; the last by a tie vote.

I will continue this battle to raise the personal exemption on the Senate floor. Increasing the personal exemption to $1,000 is the quickest and easiest way of providing tax relief to most Americans. The level and pattern of family exemptions in the United States has undergone many changes since 1913 (see table 1). The present equal per capita arrangement was started in 1914. The $600 per capita exemptions were started in 1958.

TABLE 1.—MAJOR CHANGES IN FEDERAL PERSONAL EXEMPTIONS SINCE 1913

Year	Single persons	Married persons		Children	
		Amount	As percent of single persons' exemption	Amount	As percent of single persons' exemption
1913	$3,000	$4,000	133	----------	0
1917	1,000	2,200	200	$200	20
1921	1,000	2,500	250	400	40
1925	1,500	3,500	233	400	27
1932	1,000	2,500	250	400	40
1940	800	2,000	250	400	50
1941	750	1,500	200	400	53
1942	500	1,200	240	350	70
1944	500	1,100	200	500	100
1948	600	1,200	200	600	100

Source: Table contained in Federal tax treatment of the family by Harold M. Groves.

Today, the $600 exemption is ludicrously inadequate and is more of an insult than a benefit to the American taxpayer. Since that figure was first adopted the cost of living has increased by 40 percent. To expect the American taxpayer to provide the basic minimum necessities of life for himself, his wife, and his children on $50 per month each is as unrealistic and antiquated as crossing the Atlantic in a sailing vessel.

What is the basic purpose of these exemptions?

There have been differing views, but probably the most common view, and the one to which most of us hold, is that taxes should not be applied to the income of persons until their minimum basic needs have been allowed for. It was in 1948 that the last change in the amount of the exemption was made. At that time it was increased from $500 to $600, the $500 rate having been adopted in 1942 under wartime need for increased tax income, a reduction from $750. Thus we have never returned even to the prewar situation, let alone modernize the tax exemption in accord with more recent cost of living changes.

In 1947, the Treasury Department produced a study of individual income tax exemptions, which included as an appendix a consideration of "Function and Purpose of Individual Income Tax Exemptions." Under a section discussing minimum living standard there appears this paragraph:

"According to a widely accepted view, the exemption should be at least adequate to cover some minimum essential living costs, such as the amount required for reasonable maintenance. It is conceded that the adjustment of exemptions to living costs may not be exact and that under emergency conditions it may be necessary to go below ordinary minima. For the long run, however, it is to be regarded as essential to exempt amounts required to maintain the individual and his family in health and efficiency."

You will note that the Treasury, in this wartime era, spoke of going "below ordinary minimums" as only a temporary procedure, that it might be necessary "under emergency conditions." Certainly those emergency conditions have long since passed, the economy has prospered, the cost of living has risen drastically—but the $600 remains where it was 20 years ago.

Under the concept of the income tax, with the exemption's purpose being that of allowing an untaxed minimum for health and efficiency, says the Treasury study:

"Ability to pay does not commence until a point is reached in the income scale where the minimum means of life have been obtained."

What is that minimum means of life today? How does it compare with the minimums left untaxed for the average American family?

In 1948, when the $500 was lifted to $600, a family of four had an exemption of $2,400. But these were 1948 dollars. To be equivalent, because of dollar inflation alone, moderate as it has been year by year, the sum would now need to be $3,288, or $822 per person.

But what were average incomes like in those days? Fortunately, wages are not only much greater today, but living standards—acceptable minimums for family life—are also much greater. This is reflected in a study released in March of this year by the Department of Labor, measuring the income needed for a family of four. This is a revision of the work produced in the fall of 1959 dealing with city worker's family budget estimates. That budget measured the needs of a family of four—an employed husband aged 38, a wife not employed outside the home, and two school-age children, a boy of 13 and a girl of 8. It was not a luxury or ideal budget, but was described as one presenting a "level of adequate living according to standards prevailing in large cities of the United States in recent years."

As an example of the kinds of items calculated, the budget assumes for the husband the purchase of five shirts a year and not quite two pairs of shoes annually. The wife's dress allowance is about 2 and a half new dresses a year. The budget allows not for new cars but for the purchase of a used car every 4 years—and for only 80 percent of most city families; calculations for New York, Philadelphia, and Boston.

U.S. average annual cost in spring of 1967 was $9,076 for total budget and $7,221 for cost of goods and services in the budget. Because of increases in prices it has been estimated that the cost of the same costs and services in autumn of 1968 would have been about $7,630. Of the total, food accounts for $2,235; housing was $2,311, transportation, $912; clothing and personal care, $1,069; and medical care, $520.

Other economic studies have placed the needs on families in the same general range within the last 2 or 3 years. For a two-person family, the same calculations give a minimum of $4,690, and for a family of five, with the oldest child not over 16, the total budget comes to $8,020.

This, of course, is considerably more than the amount that many thousands and even millions of families have as income; $3,000 is often cited as the poverty line. Yet our present $600 exemption provides only $2,400 deductible for a family of four. A $1,000 exemption for four persons would still be more than 50 percent below the family budget I have been noting.

We in the Congress must be the initiators and the guardians of the welfare of the unorganized common man.

The times have changed. This is no longer 1948, and a lot has happened to the economy in the last 20 years to make features of that era outmoded. Outmoded certainly is the $600 exemption, unrealistic, inequitable, and undeserved penalty for the taxpayer who is in the lower brackets. To refer once more to the Treasury paper I have cited:

Perhaps the major function of the exemptions is to determine minimum levels of income subject to tax.

We are in all too many instances today taxing the poor, those whose incomes are below the income level needed for adequate living standards of decency, perhaps even for some who are below the income level which we designate as that of poverty. It is time we stopped taxing the poor and gave them an equitable share in the prosperity of the Nation. An exemption of $600 per person—I might remind you also that until 1939 it was $1,000 for a single person and $2,500 for a married couple without children—an exemption of $600 per person is unrealistic and unfair. It should be changed to $1,000.

While increasing the personal exemption to $1,000 is both desirable and necessary it may prove impossible to achieve on the Senate floor. President Nixon has already suggested that he will veto a greatly unbalanced bill—i.e., a bill that loses more tax revenue than it generates. A $1,000 exemption, even spread over a series of years, will result in an unbalanced bill.

In the event that the amendments to increase the personal exemption to $1,000 fails, I will offer an amendment which will provide much more equitable tax relief but will not result in any more tax revenue loss than the bill approved by the Senate Finance Committee. This amendment would establish a minimum standard deduction phased in on the same basis as the Senate proposal for low-income allowance, coupled with an increase in the personal exemption to $650 in 1970, $700 in 1971, and $800 in 1972. The following tables indicate some of the consequences of this amendment:

TABLE 2.—ANNUAL REVENUE LOSS FROM RELIEF MEASURES

[In billions of dollars]

	1970	1971	1972
Senate[1]	1.7	5.1	9.0
Hartke[2]	2.3	5.0	9.0

[1] Includes when applicable: Rate reductions, low-income allowance (minimum standard deduction) singles and standard deduction
[2] Includes: $800 personal exemption ($650 in 1970. $700 in 1971. and $800 in 1972) and minimum standard deduction phased same as Senate proposal.

TABLE 3.—DISTRIBUTION OF TAX RELIEF BY INCOME GROUPS

[In percent]

Adjusted gross income	House	Senate	Hartke proposal	Percent of taxpayers in income bracket
0 to $3,000	8.5	8.6	10.1	16.0
$3,000 to $5,000	11.3	11.4	14.6	15.1
$5,000 to $7,000	10.8	10.9	15.4	15.5
$7,000 to $10,000	14.6	14.8	21.9	21.9
$10,000 to $15,000	21.1	21.3	21.8	20.7
$15,000 to $20,000	8.6	8.7	7.3	6.1
$20,000 and over	25.0	24.3	8.8	4.7
Total	100.0	100.0	100.0	100.0
Revenue loss (millions)	$9,273	$8,968	$8,991	

Note: Foregoing proposals make following allowances:
House: Low-income allowance, elimination of phaseout, standard deduction, general rate reduction, maximum tax, and intermediate relief.
Senate: Low-income allowance, elimination of phaseout, standard deduction, general rate reduction singles.
Hartke: $800 personal exemption plus $1,100 minimum standard deduction.

TABLE 4.—FEDERAL INCOME TAX BURDEN—PRESENT LAW COMPARED WITH THE HOUSE AND SENATE REFORM BILL, AND HARTKE PROPOSAL [1] (MARRIED COUPLE, 2 DEPENDENTS ASSUMES DEDUCTIBLE EXPENSES OF 15 PERCENT OF INCOME)

Wage or salary income	Total tax			Amount of tax reduction			
	Present	House and Senate	Hartke proposal	House and Senate	Hartke proposal	House and Senate (percent)	Hartke proposal (percent)
$3,000	0	0	0				
$4,000	$140	$65	0	$75	$140	53.6	100.0
$5,000	290	200	$98	90	192	31.0	66.2
$7,500	691	576	480	115	211	16.6	30.5
$10,000	1,019	958	867	61	152	6.0	14.9
$12,500	1,430	1,347	1,271	83	159	5.8	11.1
$15,000	1,897	1,794	1,721	103	176	5.4	9.2
$20,000	2,910	2,738	2,710	172	200	5.9	6.9
$25,000	4,058	3,829	3,834	229	224	5.6	5.5
$50,000	12,188	11,504	11,825	684	363	5.6	3.0
$100,000	34,858	32,292	34,384	2,566	474	7.4	1.4

[1] $800 personal exemption and $1,100 minimum standard deduction.

Note: Assumes deductions equal to 15 percent of income, or minimum standard deduction (low-income allowance)—whichever is greater. Surtax excluded.

This amendment clearly concentrates tax relief among the lower and middle income taxpayers. For the taxpayer in the $7,000 to $10,000 income bracket my proposal will provide 21.9 percent in tax relief compared with only 14.8 percent relief in the Senate Finance bill. For taxpayers in the $10,000 to $15,000 bracket my proposal provides for 21.8 percent tax relief compared to 21.3 percent provided by the Senate Finance bill. Taxpayers in these and lower tax brackets desperately need this tax relief because they bear a disproportionate share of the existing tax burden, and endure the full brunt of the present high tax and high interest rate policies and pay more than their share of the highly regressive State, local, and property taxes.

If the attempt to increase the personal exemption fails on the Senate floor, and I do not believe it will, I will offer an amendment that I also offered in executive session, but which failed to pass 10 to 7. This amendment does not affect the low-income allowance provisions or the provisions increasing the standard deduction. It does, however, redistribute the relief provided by rate reductions and concentrates such relief among the lower income and middle income Americans. I will offer the proposed change in the rate as follows: the 14 percent rate cut to 9 percent; the 15 percent rate cut to 13 percent; the 16 percent rate cut to 15 percent; the 17 percent rate cut to 16 percent; the 19 percent rate cut to 17 percent. Every taxpayer would receive a tax reduction but the bulk of the tax relief would be concentrated on lower and middle class taxpayers. Assuming the proposed rate changes as indicated above, my proposal contrasted with the committee bill, would affect certain income levels as follows:

For a couple with two dependents, $7,500 in income, the Senate Finance bill provides $111 in tax reduction, my proposal would provide $161. For a couple with two dependents, $10,000 income, the committee bill provides $156, my proposal provides $206. With an income of $12,500 the committee bill provides for $220, my proposal would provide for $267. With an income of $15,000, the committee bill provides for $216, my proposal provides for $240. While I hope for a great deal more, this is the very least that should be done.

Mr. McGEE. Mr. President, if we are to bring about true tax reform, it is required that we give some true tax relief to the people who bear such a great portion of this Nation's total tax burden—the average taxpaying citizens. To my mind, the simplest, easiest, and most sensible means of achieving this goal is to accept the proposal put before us by the Senator from Tennessee. I might add that I have believed this approach deserves merit for quite some time and have previously cosponsored legislation aimed at the same purpose.

The present $600 exemption was established in 1948, when economic conditions were quite different from those we experience today. The basic cost of living has gone up by about 50 percent in that period of two decades, yet we have left the exemption at $600. The amendment before us would not only recognize the rising cost of living and erosion of the dollar over the past 20 years, but would serve to direct the tax relief granted toward the middle- and lower-income groups, giving greater relief to all taxpayers with up to $15,000 in adjusted gross income, and the most relief to those with the lowest incomes.

Mr. President, it seems to me that we face a fundamental choice in voting on this amendment. In contrast to the bill presented us, it treats the average American taxpayer more liberally. I am fully aware that we will face other choices if we go this route, but I am sure the citizens of this country would applaud not only a law that recognized their need for more equitable taxation, but a Congress willing to make the necessary choices in the areas of taxation and spending. I think the taxpayers deserve this.

Mr. McCLELLAN. Mr. President, I support in principal the proposal to increase the existing $600 personal income tax exemption. Somewhere along the line we seem to have lost sight of the fact that the personal exemption is designed to allow the taxpayer to retain a sufficient amount of money—tax-free—to enable him to maintain a minimum standard of living; to provide food, clothing, shelter, and medical services that are the indispensable necessities of life.

Certainly it would be the height of fantasy to contend that the present $600 allowance would sustain even the barest needs of today's taxpayers.

I have urged the adoption of a more realistic rate of exemption since 1947, the year before the allowance was raised from $500 to the present $600. At that time I sought an increase from $500 to $750 and, in offering the amendment, made the following statement which is as apt today as then:

> I have said over and over again that I think that is the point where tax relief ought to begin, namely, with people in the low-income brackets, the low-wage earners, the people who are having a struggle to provide the actual necessities of life. I believe this is the way to do it. A reduction of taxes at the bottom level by an increase in personal exemption affects everyone all the way across the board. The man making $100,000 a year receives some relief and some benefit, and the man in between gets his proportionate relief according to his earnings and ability to pay. Many a man is struggling today to live on a comparatively decent standard. * * * It is obvious that we should start reducing taxes by helping those at the bottom of the ladder who have the hardest struggle. (Congressional Record, p. 5924, 5/28/47.)

Recent statistics reveal that, for a family of four, the present $600 exemption provides a lower amount of tax-free income for the necessities of life than was available for a family of four in 1940. Yet, since that date, the cost of living has risen more than 2½ times, as reflected in the Consumer Price Index, from 48.8 in 1940 to 128 at the present time. And still the taxpayer is allowed no more than a meager $600 exemption.

Let me repeat, Mr. President, the reason for the personal income tax exemption. It is, according to a study prepared by the Treasury Department during the period when we last increased the allowance—1947—to allow enough money "to cover some minimum essential living costs, such as the amount required for reasonable maintenance. It is conceded that the adjustment of exemptions to living costs may not be exact and that under emergency conditions it may be necessary to go below ordinary minima. For the long run, however, it is regarded as essential to exempt amounts required to maintain the individual and his family

in health and efficiency. Ability to pay does not commence until a point is reached in the income scale where the minimum means of life have been obtained."

This Nation has always been sympathetic with the problem of the poor and the disadvantaged, and that concern certainly has been intensified since President Johnson announced his war on poverty. Many studies, analyses, and recommendations relating to the problems of poverty have come forth since that time.

The most recent report which comes to my attention is the report of the President's Commission on Income Maintenance Programs issued November 12, 1969.

The Commission explained:

> The poverty living standard which the Commission used is the widely used poverty index, developed by the Social Security Administration. This index is based on the Department of Agriculture's measure of the cost of a temporary low-budget, nutritious diet for households of various sizes. The poverty index is simply this food budget multiplied by three to reflect the fact that food typically represents one-third of the expenses of a low-income family. The resulting figure is the minimum income needed to buy a subsistence level of goods and services; the 25 million people whose incomes fall below the index are poor, while those above it are, officially at least, nonpoor. According to this poverty index, in 1968 a nonfarm family of four required a minimum income of $3,553 per year . . . to meet its basic expenses.

Thus, Mr. President, the Government has established the line of poverty at $3,553 for a family of four and yet the pending bill, with its present $600 personal exemption and standard deduction of $1,100, would in the case of a family of four, begin taxing anything above $3,500. Such a situation seems hard to square with a bill described as one to provide for tax reform and relief. Where is the equity—the justice—the humaneness in this situation?

As I said in 1947:

> If our Government can stand any loss of revenue—if now is the time to make a reduction in income taxes—let us start by including in any tax reduction bill that we enact relief for those people who need it most by raising personal exemptions sufficiently to take them off the tax rolls. (Congressional Record, p. 11337, 12/12/47.)

It is estimated that over 80 percent of the tax relief provided by increasing the personal exemption would go to wage earners with incomes under $15,000 and 20 percent to those earning more than $15,000. Surely the vast number of taxpayers fall into the under $15,000 category and that is where we should concentrate efforts to provide tax relief. That is where relief is needed.

These are the people who form the backbone of this Nation—these are the people feeling the pinch of inflation—these are the people who are carrying the burden—and these are the people who need help.

Mr. President, that help—that relief—can best be provided in the simple and direct fashion of increasing the personal income tax exemption.

Our primary concern in enacting tax reform and tax reduction legislation should be with those taxpayers in the lower- and middle-income brackets who are trying desperately to maintain their standards of living in the face of ever-rising costs. These are the people who frequently must borrow money from banks and other sources in a continuing struggle to keep pace, to educate their children and, hopefully, to enjoy some of the fruits of America's present high standard of living.

Mr. President, however much we would like to provide these exemptions and this relief to the low-income groups we must consider the cost. I am advised that the Treasury Department estimates that if we should adopt the Gore amendment, the pending amendment, to increase the personal exemption to a thousand dollars, we would incur a loss in revenue of some $12.7 billion annually. The loss may be even more than that. I am not sure. But, according to my information, these figures were issued by the Treasury Department on November 29, 1969.

If we should increase the personal exemption to $900, that would incur a loss of revenue of $9.7 billion annually. An increase in the personal exemption to $800 would incur a loss of revenue of $6.6 billion annually. An increase to $700 in the personal exemption would incur a loss of revenue of $3.4 billion annually.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WILLIAMS of Delaware. The figures that the Senator just quoted are correct, as I understand them, as to the cost of raising the exemptions. However, they do not take into consideration the other features of the Gore amendment which raise the low-income allowances, and so forth. For example, on the pending amendment, it would bring it up from a $12.7 billion loss to $14.8 billion.

Mr. McCLELLAN. I understand that. The figures related to the increase in exemptions are correct. They are the latest, so far as I know.

Mr. WILLIAMS of Delaware. That is correct.

Mr. McCLELLAN. There are some other features in the Gore amendment that would entail further loss of revenue.

Mr. WILLIAMS of Delaware. That is correct.

Mr. McCLELLAN. I thank the Senator.

One must always wonder, under these circumstances, if such projections of revenue losses took into account the fact that an increase in the personal income tax exemption would permit taxpayers to retain more of their wages to meet personal expenses and the cost of living. Instead of using this money to pay more taxes, it could be used to provide for the essentials of life. Money spent in the normal course of trade by our small-income earners goes for food, clothing, shelter, and the other necessities. Such expenditures ultimately go back into the marketplace, into industry, thereby enabling it to expand, to create more jobs, and more profit opportunities—all of which are sources for additional tax levies.

Let me assure my colleagues that during the more than 22 years that I have sought a more realistic personal income tax exemption, I have never lost sight of the equally important need to maintain our fiscal integrity to the fullest possible extent.

Fiscal prudence demands, of course, that we seek to balance the budget, and I am willing to work with Members in seeking that objective.

I am for a sound economy; but an economy that must survive on a disproportionate tax upon the earnings of the low- and middle-income taxpayer—a tax that deprives him of those essentials that are needed and necessary to provide for him and his family a minimum standard of living—can hardly be said to be sound. Certainly it is of no concern to that taxpayer that he has a so-called sound economy if he is still deprived of the fruits of such an economy.

Mr. President, I believe that the time has come to be honest with ourselves and with the American people. If we are going to afford tax relief to the heavily burdened taxpayers of this Nation, let us give it where it is needed most. Let us give it to the multitude of families of four, five, or more persons, who are trying desperately to raise and to educate their children in the face of ever-increasing costs—let us give it to them, America's long-suffering low-income, low-wage taxpayer.

Mr. President, I would not want to conclude my remarks without paying tribute to the chairman and members of the Committee on Finance, who labored long and hard to bring this measure to the Senate floor. I support some of their recommendations and, of course, take exception to some, but I commend them for their diligence and thoroughness in bringing this far-reaching and complicated measure to the floor. They made every effort to keep all Members of the Senate informed of their decisions in a continuing and most effective manner, and I, for one, am most appreciative of their courtesy.

Since I have mentioned one exception that I take to the committee's recommendation, Mr. President, I want to mention one that I am in full accord with, and that relates to the treatment of interest on State and local obligations. On September 26, I introduced an amendment to the tax bill on this matter and stated at that time that I was "unalterably opposed to any attempt by the Federal Government to tax, directly or indirectly, interest on State and local obligations."

I am highly pleased to see that the committee agreed with this position and adopted the objectives of my amendment. I sincerely hope that the Senate conferees will stand firm in conference and that this provision of the Senate bill will be retained.

With respect to the pending amendment, no one in this body would be more happy than I to support it and to raise the personal exemption to $1,000, if we could do that without doing injury to our fiscal responsibility and to our general Government responsibilities, I would gladly vote for this amendment. But I do not believe that, under present conditions, in view of the already heavy burden of expenditures that our Government is carrying, we can with

prudence sustain an additional $12 billion loss in revenue at this time.

So I think it would be unwise to vote for a $1,000 personal exemption at this time. I think it would be unwise to do that because I think such a loss in revenue would place an undue strain on our fiscal position, one that might well cause heavy deficits that would feed the flames of inflation. Thus, the ultimate result of such action, the benefit we would undertake to bestow, would be consumed in those flames of increased inflation.

However, I do feel some relief in this area is imperative at this time and I think that we should seek a middle ground. While I have said I would like to support a personal exemption of up to the amount of $1,000, I feel, as I have just stated, in good conscience I cannot go that high.

My own judgment is that if I were to write the ticket at this moment, I would write it for $750. That would give a family of four a $3,000 exemption, not that we should not keep trying to do more because we should, but I do not believe we can go much higher than that until we can do one of two things or both: Either reduce governmental expenditures or increase revenues, or do enough of both to get our fiscal situation in a more comfortable balance. I think this should be done at the earliest possible time that circumstances permit, but until we can do that, I do not feel we can do as much in this area as I would like to do.

I would say increase the present $600 personal exemption to $750; in fact, I would be willing to vote today for an increase of up to $800. That is as high as I feel I could go. I would like to see it more, but if we can increase it to $750 or $800, we will have taken a pretty long step in the right direction, and I wish that step could be longer. I wish we could raise it more, but I do not feel we can do so at this time.

Mr. President, I see the author of the pending amendment in the Chamber. He was not here when I began my remarks. I wish to take this opportunity to compliment the Senator for bringing this issue before the Senate. He presented it to the committee and he was not successful there. He has now brought it to the floor of the Senate for the Senate to discuss and pass judgment.

Mr. GORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I shall yield but first I would like to conclude my thought.

I say this because back in 1947 when we had the exemption down to $500, we had a tax bill before us and I undertook at that time by amendment to raise the exemption to $750. The next year, 1948, the exemption was raised up to $600, later in 1954, when an effort was made to increase the exemption to $800 I made brief remarks in the Senate in which I referred to my efforts in 1947 to get the exemption increased.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD as a part of my remarks the comments I made in the Senate on March 4, 1954, which appear in the RECORD at pages 2632 and 2633 of that date.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

INCREASE PERSONAL EXEMPTIONS AND EXEMPTION FOR DEPENDENTS UNDER INCOME-TAX LAW

Mr. McCLELLAN. Mr. President, I ask unanimous consent to proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. McCLELLAN. Mr. President, on February 19, last, the distinguished senior Senator from Georgia [Mr. GEORGE], for himself, the Senator from Oklahoma [Mr. KERR], and the Senator from Delaware [Mr. FREAR], introduced Senate bill 2983, a bill to amend the Internal Revenue Code so as to increase the personal exemption and the exemption for dependents to $800 for the 1954 taxable year and to $1,000 for succeeding taxable years; to the Committee on Finance.

This bill would increase the personal exemptions and the exemptions for dependents from $600, the present amount of allowable deductions, to $800 for the taxable year 1954. Beginning next year those deductions would be increased to $1,000. Mr. President, I wish to announce my support of that measure.

At the time of introducing that bill, the distinguished senior Senator from Georgia said, among other things:

"Whatever we do for corporations and whatever we do for the big business organizations may have an indirect effect on our economy, but what we do in this field, by leaving more take-home pay in the pockets of the workers, will increase the purchasing power, and will stimulate productivity in the United States. If we are courageous enough to take this forward-looking step, before our economy falls on its face, we can be of great service to the American people."

Mr. President, I am sure my announced support of this measure is no surprise to my colleagues in the Senate. Nor will it come as a surprise to the people of my State of Arkansas, whom I have the honor to represent in this distinguished body. I have long advocated this method as the proper way to begin reducing taxes. As early as May 28, 1947, when a tax bill was before the Senate, and at which time these exemptions were only $500, I offered an amendment to increase personal exemptions to $750.

In urging the adoption of that amendment, Mr. President, I said on the floor of the Senate:

"I have said over and over again that I think that is the point where tax relief ought to begin, namely, with people in the low-income brackets, the low-wage earners, the people who are having a struggle to provide the actual necessities of life. * * * Many a man is struggling today to live on a comparatively decent standard. * * * It is obvious that we should start reducing taxes by helping those at the bottom of the ladder who have the hardest struggle."

Notwithstanding my efforts, on a rollcall the amendment was rejected by a vote of 44 to 27.

Again, on July 14 of the same year, feeling so strongly the propriety and necessity for increasing income tax exemptions, but realizing I could not get them increased to $750 as I had originally proposed, I offered an amendment to raise exemptions to $600, the amount they are at present. In addressing the Senate at that time, I said:

"There is no use arguing the amendment. Senators know they are either for it or do not favor it. I know it will be said it would increase the loss of revenue to result from enactment of the bill. Certainly it would. That is what we are doing, proposing to lose revenues, and if we are to lose revenues, and keep on losing them, I want to lose some to the advantage and for relief to wage earners and small-salaried folks who are trying to make a living, who are having a hard struggle to meet the high cost of living. I should like to remove some of them from the Federal tax rolls. They are the ones who need tax relief most. Their tax burden is much greater than any whom this bill is designed to benefit."

The Senate turned down that proposal, but by a vote of only 47 to 43.

Later, on December 12, 1947, I again took the floor in a special session of the Senate to urge the Republican majority of the 80th Congress to acknowledge their responsibility for the enactment of proper tax legislation by providing relief to low-income groups. In that address I said:

"Those are the people, Mr. President, who are really suffering from high taxes. If our Government can stand any loss of revenue—if now is the time to make reduction in income taxes—let us start by including in any tax-reduction bill that we enact, relief for those people who need it most, by raising personal exemptions sufficiently to take them off the tax rolls."

Continuing, I said:

"I hope, Mr. President, that in the next session of the Congress we will enact legislation to raise personal exemptions in order to remove many citizens from the tax rolls and help others in the low-income brackets who greatly need tax relief."

The issue raised by my amendments in 1947, although they were not adopted, helped to pave the way for the raising of personal exemptions to $600 in the bill that was enacted the following year.

While trying to get personal exemptions increased in 1947, I also sponsored an amendment to remove the flagrant Federal income-tax discrimination that then existed against husbands and wives in Arkansas. Husbands and wives in 12 community-property States paid much less Federal income tax on the same amount of income than husbands and wives of Arkansas were required to pay. Three of those States—Oklahoma, Texas, and Louisiana—border on Arkansas. Thus, citizens of Arkansas were being unjustly penalized and discriminated against.

The first amendment I offered to remove that discrimination was defeated by a vote of 51 to 29. Later in the same session I offered the amendment again, and it was defeated by a vote of 52 to 40; but, it was not defeated until promises were given by the leadership of both the majority and the minority that the amendment I was sponsoring would be incorporated in the next tax bill, which came up the following year. That promise was kept, and in 1948 the principle of putting husbands and wives of all States of the Union on the same basis with respect to Federal income taxes was passed.

I may say that up to now it has resulted in the elimination of a discrimination which has amounted to approximately $40 million to the husbands and wives of Arkansas, as compared with the 3 States on its borders.

Mr. President, a general tax-revision bill is presently being developed and processed in the House of Representatives. It has not yet been reported by the Ways and Means Committee, but I think we can anticipate that a tax-revision bill will be passed by the House and sent to the Senate at this session of Congress. If that prospect materializes, then the distinguished Senator from Georgia will have the opportunity to present his bill as an amendment to the tax bill that comes over from the House.

I understand that the Secretary of the Treasury, and the administration opposes raising personal exemptions. The Ways and Means Committee of the House has already rejected the proposal. If the House does not incorporate this provision in the bill it passes and sends to us, then we must make the

fight in the Senate and adopt the George amendment.

I say this, Mr. President, because the reductions now indicated by the House Ways and Means Committee are wholly inadequate to give proper tax relief under present economic conditions. They ignore and disregard giving relief where the need is the greatest. That relief can be provided only by the increasing of personal exemptons.

It appears that the revisions now proposed by the House Ways and Means Committee and by this administration would benefit big business and individual taxpayers in the upper-income brackets.

Apparently the philosophy behind this administration's tax-revision program is based upon the so-called "trickle-down" theory—the argument being that tax cuts for big business would stimulate investments and production, resulting in more jobs and more payrolls. This "trickle-down" theory, Mr. President, is not the proper approach for relieving the tax burden where the present greatest distress exists.

The cost of living is today at the highest level in the history of our country. It has risen approximately 12 percent since 1947. If I was right in the position I took then—and I was—in urging that personal exemptions be raised to $750, we are more than justified in insisting now that they be raised to $800.

Instead of providing tax relief, Mr. President, that will "trickle down" to the small-income groups, I want to give them some direct relief by raising their personal exemptions and thus permit them to return more of their wages to meet their own personal expenses and the cost of living. In other words, Mr. President, by raising personal-income exemptions we can create tax relief and benefits that will "trickle up" and bolster our economy by placing more purchasing power in the hands of the consumer. That is to say, if those in lower-income groups are given an increase in personal exemptions they will be able to spend those additional funds, taxes they are now required to pay, for those essentials and necessities of life of which they and their families are now being deprived.

That money spent by them would, of course, find its way into the possession of those in the higher income categories. It always does. Money spent in the normal course of trade by our small-income earners goes for food, clothing, and those basic essentials that make for a higher standard of living. Such expenditures ultimately go back into industry, thereby enabling it to expand, to create more jobs, and to increase production and payrolls.

It is said that the increasing of personal exemptions to $800 as proposed by the Senator from Georgia will cause a loss of revenues of approximately $4 billion. While I doubt that the net loss would be that much, nevertheless, such a program is necessary in the threatening situation if we are to use tax relief for the bolstering of our economy. I am for a sound economy, but I submit that no economy is sound when, by the imposition of a Federal income tax on his meager earnings, the low wage earner is deprived of those essentials that are needed and necessary to provide for him and his family a minimum standard of living.

Mr. President, I wholeheartedly support, as I have in the past, the proposal to raise personal exemptions as a means of providing tax relief to those in the greatest distress, and who are suffering most under the present income tax burden.

Mr. McCLELLAN. Mr. President, at one time we came very near increasing the exemption. I see the vote was 44 to 27 on the first effort I made to raise the amount to $750 per person; and then, on the second effort I believe the Senate turned me down by a vote of 47 to 43. We got close and thereafter the exemption was finally increased to $600, the present exemption.

At the same time I was fighting for the increase in personal exemptions I initiated the effort that finally culminated in the removal of the discrimination that then existed with respect to married couples in different States of the Union. As a result of my efforts in 1947 on that issue we were promised, in order to defeat the proposal, that it would be incorporated in the next tax bill. That amendment was then defeated by a vote of 52 to 40 but it was not defeated until promises were given by the leadership of both the majority and the minority that the amendment I was sponsoring would be incorporated in the next tax bill. Therefore, it can be seen that I started my efforts in this direction quite a long time ago.

Mr. President, I will yield now to the Senator from Tennessee. I wish to congratulate him for bringing this issue to the floor of the Senate. I cannot go all the way with his proposal. I think there would have to be some restraint due to conditions today. We cannot afford to throw the budget too far out of balance, and I do not see much prospect of raising any additional revenues of any great consequence by this bill. So I think we have to be restrained in this matter.

If the pending amendment does not prevail, I hope the Senator will offer another amendment to bring the amount down. I would like to see it at $750. I think that would be the happy balance or the best balance under all the circumstances. But I will vote to raise the personal exemption as high as $800.

Mr. GORE. Mr. President, I find great comfort in the position and the eloquent statement of the distinguished Senator from Arkansas.

In reviewing this issue, I had occasion to read remarks the Senator made in the 1940's. In 1954, as a new Member of the Senate, I was a supporter of his amendment to raise the exemption.

Mr. McCLELLAN. That was an amendment offered by Senator George. I was speaking on the amendment, but it was a followup of the effort I had made earlier, as I remember.

Mr. GORE. As I recall, Senator George actually offered the amendment, but it was the Senator from Arkansas who had been in the forefront in urging that the exemption be raised.

I share the Senator's concern about the budget; but once again, I call attention to the fact that the amendment to raise the personal exemption is offered as a substitute for other tax relief items in the bill which would be revenue losers.

I hope that the amendment to raise the exemption to $1,000 will be adopted; but if it is not, I would surely welcome the support of the Senator from Arkansas if and when a test comes on an exemption of $800.

Mr. McCLELLAN. I will give the Senator from Tennessee my support on that, although I think the amendment would have a better chance, and that we could sustain it in conference and come nearer to getting the proposal accepted and enacted, if the amount were $750.

I think $1,000 would not be too much; do not misunderstand me—not at all. But I am dealing with the realities of the situation. I am constrained by conditions that prevail by fact, not by fancy. Surely, we would like to have a higher exemption; but I do not feel it would be wise to try to obtain it at this time for the reasons I have stated. I do believe we can go to $750 or possibly to $800 and not do great damage or injury to the soundness of our fiscal policy.

Mr. WILLIAMS of Delaware. Mr. President, all of us would like to vote for some form of tax reduction. The more we could reduce taxes the better we would like it. However, there is one thing we must keep in mind, and that is, the fact that to the extent we reduce taxes at this time we will have to borrow the money to finance it. That is true to the extent of the reductions in the committee bill as well as in the pending amendment of the Senator from Tennessee.

The Gore amendment would increase the deficit substantially greater than would the committee bill, and we can not afford this added loss in revenue.

Senators should be reminded of tne fact that as of June 30, 1968, about 17 months ago, the national debt stood at $350.7 billion.

One year later, June 30, 1969, it stood at $356.9 billion, or an increase of $6.2 billion in the national debt.

Mr. President, I know that under this phony bookkeeping system the administrations have resorted to in the past 2 years, where we include the accumulation in the trust funds in order to confuse the American people, we are trying to tell them that we have a surplus while we are actually operating with a deficit. The facts are that in the past fiscal year we borrowed $6.2 billion in additional money to finance this imaginary surplus that we are leaving to the American people.

From June 30, 1969, to November 1 of this year, a period of 4 months, the national debt jumped $11 billion.

Between November 1, 1969, and November 20—the most recent date we have—the national debt rose to $369.5 billion, or a jump of about $1.9 billion during the month of November.

I point that out to show that we are running far behind the expenditure level for the first 5 months of this year as compared to the first 5 months of last year. It should be taken into consideration that we always get some increase in the national debt beyond the normal during the first 5 months due to revenue collections falling off in the last half of the year.

Nevertheless, we cannot get away from the fact that our expenditures and our deficits are rising today at a much faster rate than they were in the corresponding period last year.

For example, in the first 4½ months of the last fiscal year our income—that is the deposits—was $69.5 billion.

This year in the same comparable period our deposits were $75.6 billion, or

an increase of around $6 billion in income.

On the other hand, our withdrawals or expenditures between July 1, 1969, and November 20, 1969, have jumped from $80 billion in last year's corresponding months to $90 billion this year, which means that the deficit has jumped in the first four and a half months of this fiscal year to $15 billion, or $5 billion more than the rate at which the deficit was rising 1 year ago.

Mr. President, all of us should be aware of the fact that we cannot afford to keep cutting taxes and piling up this deficit without further fanning the fires of inflation.

I also point out that the interest on the national debt today is costing a little over $200 million a month more than it cost in the same month a year ago. That is equivalent to an increase of around $2 billion a year that we will have to pay just on the interest on the national debt. We are borrowing in order to pass on some of the so-called tax reductions.

Mr. President, there are a number of other reasons why the Senate in my opinion should reject the Gore $1,000 personal exemption and standard deduction.

First of all, and by far the most important, it would result in a long-term annual revenue loss of $14.8 billion as compared to the $9 billion of tax relief under the committee's bill. There is no way to justify the additional $5.8 billion of tax relief if we are to be at all concerned with fiscal responsibility. The existing bill already is out of balance over the long run by $2.3 billion, and this $5.8 billion would increase the shortfall of the bill to $8.1 billion.

In recent months we seem to have made a start toward getting inflation under control. We are not quite sure yet but certainly there are a number of economic indicators where the growth pattern has slowed down, which suggests that we are about to get our inflation problem under control. To adopt the Gore plan, however, is to throw this long and difficult effort right out the window. In the fiscal years 1970 and 1971 the Gore plan would result in an additional loss of revenue of $3.4 billion. This involves more revenue loss in this period of time than the amendment which the Senate rejected the other day by a vote of 49 to 28 which would have made the 5-percent surcharge inoperative in the first part of 1970. It seems to me that there can be no question that fiscal responsibility demands that we reject the Gore $1,000 plan.

But even if the Gore plan were to provide for an $800 exemption rather than a $1,000 exemption it still would be nowhere near as desirable as the committee action. The committee met the specific problems of the poor by increasing the minimum standard deduction to $1,100. It met the problems of the middle income group by increasing the ceiling on the standard deduction to $2,000 and the percentage standard deduction to 15 percent. The rest of the relief under the committee action is provided in rate reductions for all taxpayers. The Gore amendment concentrates the tax relief among those taxpayers with very large families. While we certainly must treat the folks with large families fairly, we should not treat other taxpayers unfairly just to give this group an extra large share of the tax reduction.

Concentrating the tax reduction, as he does, Senator GORE's proposal with the $800 exemption gives taxpayers with incomes over $20,000 practically no relief at all. The only exception to this are those with very large families.

The Gore amendment also treats unfairly single persons and childless couples or those with only one child. The Gore amendment, in these categories, would increase tax burdens over the House bill by more than a billion dollars. This is done primarily to give more than a billion dollars of tax relief to married couples with three or more children.

HEW minimum standard of living studies show that the biggest living cost is for the first person. Their studies show that $1,700 at a minimum is required for a single person to maintain a minimum standard of living. A minimum standard of living, however, may be maintained by a married couple with an income level of about $2,300. The study shows that the cost of providing the minimum standard of living of necessities for a dependent tends to rise at the rate of approximately $600 per dependent. Therefore, the fairest thing to do is to provide a tax exempt amount of $1,700 for the taxpayer and a $600 additional exemption for each dependent. That is precisely what the committee bill does.

Mr. President, I might add that if and when we get the budget under control we can then raise the exemptions, and that would be a worthy project. Certainly we would all like to do that, but we cannot do it until we get the budget under control.

The Gore amendment, on the other hand, by providing an $800 exemption plus a $1,000 minimum standard deduction provides more relief than is justified for large-sized families.

It is, of course, true that the cost of living per child differs for every family depending upon the family income. This does not mean, however, that whatever someone spends on children should be the amount exempt from tax. An equitable division of total cost of Government requires that these differences be ignored except insofar as exemptions are needed to provide the minimum standard for necessities. This the committee bill does with great precision.

The Gore plan is also unfortunate because it removes the benefit of the major simplification effort made in the committee bill.

The committee bill not only provides a minimum standard deduction of $1,100; it also raises the standard deduction from a maximum of $1,000 to $2,000 and from 10 to 15 percent of adjusted gross income. These are very significant changes and are very important means of simplfying our tax structure for millions of Americans. The committee bill, in fact, should switch 11.6 million people from itemized deductions to the standard deduction and increase the percentage of taxpayers using the standard deduction from 58 percent to 74 percent. This change alone will do more than anything else to simplify the income tax structure for the great bulk of our citizens.

On the other hand, the Gore amendment would only cause some 4.4 million persons to shift over from itemized deductions to the standard deduction. Even this is not caused by the proposed exemption increase but only by the fact that the amendment borrows from the committee plan most, although not quite all, of its minimum standard deduction.

I urge the Senate to reject the Gore amendment, first because it gives away far more in tax relief than our fiscal situation permits. We cannot afford the $5.8 billion of extra tax reduction provided by his amendment. I believe that this alone would cause a veto of the bill and make us lose all of our efforts toward achieving tax reform.

Second, the Gore amendment is unfair because in order to provide greater tax relief for those with large families it robs the single people and married couples with only one or no children of their fair share of the tax relief.

Third, the Gore amendment is unfair because it takes away virtually all of what little tax reduction is provided for those above $20,000 and piles it on top of already large tax reductions for those at lower income levels. The committee's bill provides a 66-percent tax reduction for those in the zero to $3,000 class and a 30-percent reduction for those in the $3,000 to $5,000 class. I should think that this would generally be considered adequate. I cannot see why or how one justifies increasing this still further.

Fourth, in order to find the money for this exemption increase Senator GORE has to scrap one of the most essential characteristics of this bill; namely, the shift for some 11.6 million taxpayers from having to itemize their deductions to taking the simple standard deduction each year.

I urge Senators to reject the Gore amendment at either the $1,000 level or the $800 level.

Mr. President, at this point I wish to read into the RECORD the letter, dated December 1, 1969, signed by the President, as addressed to the minority leader, the Honorable HUGH SCOTT, wherein he strongly recommends that the Senate stand by the committee bill and reject the Gore amendment.

THE WHITE HOUSE,
Washington, December 1, 1969.

DEAR HUGH: The Senate is to be commended for the deliberate speed with which it is considering H.R. 13270, the Tax Reform Act of 1969. I hope that meaningful and acceptable legislation can be passed by Congress before the end of this year. But to be acceptable, such legislation must be equitable and it must meet the test of fiscal responsibility.

Certain amendments scheduled to be considered by the Senate this week fail these tests. I refer to the proposals to raise the personal exemption from $600 to either $800 or $1,000, and to establish a $1,000 uniform standard deduction. Those proposals would be substituted for the major tax-relief provisions of H.R. 13270 as voted by the Senate Finance Committee.

The Finance Committee bill would result in a net revenue gain for fiscal years 1970 and 1971, and a minor loss in 1972. It is consistent with our determined efforts to control inflation.

This bill fights inflation by extending the income tax surcharge at 5 percent until mid-1970; postponing scheduled reductions in certain excises; and repealing the 7-percent investment credit. It is simply not in the national interest then to add new inflationary pressures through reduction in personal income taxes which are too early and too generous.

The proposed amendments would substitute imbalanced, inequitable relief for the Committee's evenhanded tax rate reductions in all income brackets.

The proposal to raise the personal exemption to $1,000 would fall some $6 billion short of the Committee bill during the next 2½ years. The $800 exemption would result in a $4.8 billion short-fall. The Administration's economical Low Income Allowance, which would take some 5 million citizens off the tax rolls and lower taxes on 7 million others, goes far enough this time.

The spirit of this legislation is tax reform which attempts to make taxation fairer to all Americans not tax reduction. It would be unfortunate indeed if Congress violated this spirit of reform and thereby jeopardized both the source of revenue for vital national goals and the fight against inflation.

This Administration is strongly committed to tax reform. I have stated that I will sign a good tax reform bill. I still intend to do so, but it must be equitably constructed and it must be fiscally responsible.

I urge the Senate to accept the tax relief provisions so carefully constructed by the Senate Finance Committee.

Sincerely,

RICHARD NIXON.

In addition, Mr. President, I ask unanimous consent that there be incorporated in the RECORD statistics compiled by the Joint Committee on Taxation which show that if a 100-percent tax were imposed on all incomes in America in excess of $50,000 the additional revenue would amount to only $1.1 billion.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, D. C., September 8, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reference to your request for an estimate of the revenue gain which would result from applying a tax rate of 100 percent to that portion of each tax return's taxable income which is in excess of $50,000 ($100,000 for joint returns).

We estimate that under present law (without tax surcharge) at 1969 income levels, if a tax bracket rate of 100 percent were applicable to that portion of each tax return's taxable income which is in excess of $50,000 ($100,000 for joint returns), the resulting revenue gain would amount to $1.1 billion, as follows:

[In billions]

Portion of every return's taxable income which is over $50,000	$3.3
Tax at present law rates (without surcharge)	2.2
Additional tax	1.1

If net long-term capital gains subject to the alternative 50 percent rate falling in the bracket level in excess of $50,000 ($100,000 for joint returns) were also subjected to a 100 percent rate an additional revenue gain of $1.75 billion would result, as follows:

[In billions]

Portion of every return's net long-term capital gain (subject to alternative tax) which falls in the bracket level over $50,000	$3.50
Tax at present law rate (without surcharge)	1.75
Additional tax	1.75

Sincerely yours,

LAURENCE N. WOODWORTH.

Mr. WILLIAMS of Delaware. Mr. President, I put those figures in the RECORD in order to do away with the argument that the way to reduce taxes is just to put more taxes on the so-called rich and thereby pass a tax relief on to those in the lower brackets. This table emphasizes the fact that we have already gone far down the road to confiscating the wealth of the so-called rich. I think the table should be included in the RECORD, and I hope Senators will read it carefully.

It should be pointed out that even if Congress should impose this 100 percent tax on incomes in excess of $50,000 the revenue of $1.1 billion is only possible on the unrealistic assumption that all those earning this amount would work just as hard for the honor of turning all their income over to the Government.

Mr. YARBOROUGH. Mr. President, the amendment introduced by the distinguished Senator from Tennessee, of which I am a cosponsor, to increase the personal exemption from $600 to $1,000 is, in my opinion, the most needed tax relief in America. This is not the first time that I have supported a measure to increase the personal exemption. For over 12 years I have worked for such an increase. Three times I have been elected to the U.S. Senate. Each time that was a prime matter in my platform. No other matter has moved the American people, in my opinion, more than this desire for tax relief.

At the beginning of this Congress, I introduced a bill, S. 1717, which would have increased the personal exemption from $600 to $1,200. When the House passed its tax bill, I reintroduced my bill as an amendment to that bill. Throughout my fight for this increase, the distinguished Senator from Tennessee was an invaluable ally. When I testified for this tax relief before the Finance Committee a few weeks ago, the distinguished Senator from Tennessee said that he would offer such an amendment on the floor of the Senate. I have the privilege of being a cosponsor. He has done so with his usual fine ability, comprehension of the needs of the people, and understanding of legislation. I commend him for his efforts to increase the personal exemption in the Finance Committee. I applaud him for his leadership in bringing this amendment to the floor of the Senate for action.

The tax bill now before the Senate had its genesis with the discontent of the people with the unjust and inequitable system of taxation which forces the major portion of the Nation's tax burden on the lower- and middle-income groups, and lets the richest off with the lightest burdens. These people have demanded that their elected representatives in Congress reform our tax laws and provide relief to the overtaxed segment of our society. Unfortunately, neither the House nor the Senate Committee on Finance included in their tax proposals the one measure that means the most to the average taxpayer: an increase in the personal exemption.

Let me repeat, Mr. President: That means most of the average taxpayers in America; and that means about 90 to 95 percent of the people—the people in the middle-income tax brackets, upper middle-income, lower middle-income, and the workers in the lower income brackets also. Without an increase in the personal exemption, no tax reform will be complete.

The personal exemption of $600 per person was established by the Revenue Act of 1948. During its 21-year history, the personal exemption has not been increased despite the fact that the cost of living, according to the consumer price indexes, has risen by 52.3 percent since 1948. Under present economic conditions, the $600 amount would have to be increased to $914 merely to equal the purchasing power of the personal exemption in 1948. That would be at the level of the standard of living of 1948, but if we increase the amount of the personal exemption to equal the higher standard of living people have now over 1948, it would require an increase in the personal exemption to $1,200 per person per year. But if we were to increase it to only match the increased cost of the same objects that were bought in 1948, without allowing for the higher standard of living, we would have to increase it to $914.

The personal exemption is intended to accomplish three basic purposes: First, to exclude from taxation those individuals and families with the lowest income; second, to provide all taxpayers with a deduction from otherwise taxable income for essential living expenses; and third, to provide an additional allowance to those taxpayers with dependents and for those who are aged and blind. I submit that at the present unrealistic amount of $600, the personal exemption is not fulfilling any of these purposes.

The amendment that has been offered by the Senator from Tennessee and the other cosponsors is a well reasoned and progressive approach to remedying many of the inequities in the present tax laws and bringing tangible tax relief to a majority of our citizens. This amendment not only increases the personal exemption; it also provides a $1,000 low-income allowance. The combined effect of the increase in the personal exemption and the low-income allowance will be to provide more direct tax relief to the lower and middle-income taxpayer than does the Finance Committee's version of H.R. 13270.

The Gore amendment, which I am cosponsoring, would raise the personal exemption to $700 in 1970, $800 in 1971, $900 in 1972, and to $1,000 in 1973 and subsequent years. This stair-step increase completely answers the argument that a personal exemption increase would disrupt the tax structure. The 4-year spread-out would help taxpayers to some extent each year, but would do it in such a span of time as to allow increased employment, income, and production to put other taxes in the Treasury. This amend-

ment gives needed tax relief to the most needy, and is fiscally and governmentally sound at the same time, by spreading that increase over a 4-year period.

I am proud to be a cosponsor of this important amendment. It is a measure which is based on strong economic and moral considerations. I have long advocated it. I am devoted to its objectives. I am committed to seeing it adopted. I plead with Senators to give it their most careful consideration and full support.

AMENDMENT NO. 332 TO PERMIT TAX EXEMPT FOUNDATION FUNDS TO BE USED FOR NONPARTISAN VOTER EDUCATION AND REGISTRATION

Mr. President, on behalf of the distinguished minority leader, the senior Senator from Pennsylvania (Mr. SCOTT) and myself, and approximately 30 other Senators whose names I shall read, I send to the desk an amendment to the tax bill, H.R. 13270, and ask that the amendment be printed. The amendment would permit tax exempt foundation funds to be used for nonpartisan voter registration and education programs within certain limitations.

In 1965, Congress took a major step toward fulfilling the American dream of having a society in which all our citizens can participate fully by enacting the Voting Rights Act. This act embodies the belief of Congress and of the majority of our people that the right to vote is fundamental to our democracy and should be extended to all our people. Important as the Voting Rights Act is, it standing alone will not assure full participation in our Government, because it is an axiom of political science, Mr. President, that people who have been disfranchised for many years will not, of their own volition, begin to participate in their government unless they are encouraged to do so.

For the Voting Rights Act to be more than a scrap of paper, it is imperative that those members and groups that have been denied the right to vote for so long be educated as to their rights and encouraged to exercise them. The task of voter education and registration has been left largely to private organizations.

Private organizations have responded to the challenge and their hard work is reflected in the increased voter registration throughout the country.

Two organizations which have been particularly effective in increasing interest in voting have been the League of Women Voters and the Southern Regional Council. These two well-respected organizations have conducted nonpartisan voter education projects throughout the country which have been designed to encourage people to take part in their government by voting their convictions. Neither of these organizations have attempted to stimulate interest in a particular party, nor have they tried to elect a particular candidate or champion a particular cause or political party. On the contrary, what they have tried to do is persuade people of all political philosophies and beliefs that our democracy will respond to the desires and wishes of our people if only they will take the time to vote. Their efforts have met with success. For example, between 1966 and 1968, the voter education project of the Southern Regional Council has added 700,000 people to the registration rolls. Many of these people are members of minority groups which have for years been systematically denied the right to vote despite clear language of the Constitution.

Unfortunately, in some isolated instances, private foundations have abused the privilege granted them under our present tax laws and have engaged in partisan political activities. Such activities must be stopped. The House of Representatives attempted to deal with this problem by including provisions in its version of the tax bill that would permit private foundations to engage in voter registration and education projects provided that these projects are nonpartisan in nature, operate in five or more States, supported by five or more private foundations, and the contributions to the organization conducting such projects are not geographically limited as to use. Although the House provision would eliminate the abuses that have occurred under the present law, these provisions are too restrictive and would eliminate too many voter programs of many of the smaller nonpartisan private foundations.

Instead of trying to improve the provisions of the House bill, the Committee on Finance took what I believe to be an ill-advised and unnecessary step of banning all foundation grants to voter registration and education projects. If this decision is not reversed, much of the good work accomplished by the League of Women Voters and the Southern Regional Council as well as many of the smaller organizations will be destroyed. Furthermore, to eliminate the means of educating and registering of voters without proposing a workable substitute will seriously undermine the 1965 Voting Rights Act.

The amendment which the distinguished minority leader of the Senate, the Senator from Pennsylvania (Mr. SCOTT), and I are submitting today is designed to accomplish two specific purposes: First, to curb the abuses that exist under present law, and second, to restore the opportunity to private foundations to support nonpartisan voter registration and education projects. More specifically the amendment would allow foundation participation in such programs provided: First, these activities are truly nonpartisan; second, they are conducted in more than one State; third, they are supported by contributions from the general public or from three or more tax exempt organizations; fourth, no one tax exempt organization contributes more than 40 percent to these activities; and fifth, contributions to such activities are not specifically designated for use in a particular geographical area or specific election.

In short, the amendment will encourage legitimate voter activities while stopping abuses.

It is sad that in the United States, the greatest democracy in history, voter participation is so low. In this country only 70 percent of the eligible voters participate in our Government by voting, whereas in Great Britain 77 percent participate, and 80 percent participate in West Germany. It is the duty of Congress to encourage, not discourage, full participation in our democratic processes. Toward that goal, Congress has made significant progress since 1965. If, however, the tax bill is passed in its present form, this progressive trend will be reversed.

During my years in both public and private life, I have seen the effects of the poll tax and literacy tests on the democratic process. I have seen how for years large portions of our society have been taxed and drafted into military service, but denied the basic right to vote.

Mr. President, on Monday of last week, 8 days ago, for the Committee on Labor and Public Welfare I was conducting a hearing on the health problems of Mexican Americans in my State. Some of the Mexican American leaders stated that their people were unable to obtain medicare, they were unable to get welfare, and they were unable to get social security; that they did not understand the language and therefore had great difficulty obtaining these benefits. These leaders, however, did say:

> The government can always find us when they need us for the military draft or for the labor force, but they can't find us for our social security or welfare or medicare payments when we need the government.

When it needs men for the draft, the Government never has any trouble in finding the minority groups of our Nation; however, if these same people want any Government services, or need help in the form of welfare, social security, or medicare payments, the Government cannot seem to find them.

So vast numbers are not on the voter rolls and are not receiving social security or medicare. These people need to vote. They need to be assured the right to vote.

I have seen the good work of private foundations in voter registration and the positive impact of the 1965 Voting Rights Act. Therefore, I urge all Senators to give the amendment careful consideration and respectfully request that they vote for it.

Mr. President, I read for the RECORD the names of Senators who are cosponsoring the amendment. They are: Senators HARRIS, HARTKE, MONDALE, JACKSON, HUGHES, CHURCH, METCALF, INOUYE, HART, YOUNG of Ohio, CRANSTON, MCGOVERN, TYDINGS, BAYH, PROXMIRE, RIBICOFF, MUSKIE, MCINTYRE, EAGLETON, MCCARTHY, NELSON, PELL, GRAVEL, FULBRIGHT, and MCGEE. We have as cosponsors of the amendment on the other side of the aisle Senators SCOTT, CASE, BROOKE, GOODELL, JAVITS, PERCY, COOK, and SCHWEIKER.

I have been away from my office at a conference between the House and Senate on the legislative appropriations bill since well before 3 o'clock. There may be the names of other cosponsors to add to the list before the day is over.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. HARRIS. Mr. President, as a member of the Committee on Finance, I am pleased to be a cosponsor of the amendment together with the distinguished mi-

nority leader and the distinguished Senator from Texas.

I took the same position in committee. I was sorry that we were not able to prevail at that time.

I am very much impressed by the number of cosponsors of the amendment. I think it heralds well for its chances of adoption in the Senate.

It is rather strange to me that whereas in most Latin American countries if a person is able to read and write, he is required to vote; in our country, where we pay tribute rightly to the democratic ideals, we place all sorts of barriers in the way of people who want to vote.

I think that adoption of the amendment will allow us to continue to lower some of the unreasonable barriers. I hope that the amendment will be agreed to.

Again, I point out that I am pleased to laud the two principal sponsors of the amendment. I think their stature and support of the amendment will also be very helpful as it is considered by the Senate.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. SCOTT. Mr. President, I commend the distinguished Senator from Texas for his clear exposition of an amendment which has such wide sponsorship and is clearly designed to make possible the important efforts of some well recognized civic organizations in encouraging the registration of more people to vote, the exercise of the franchise obviously being one of the most precious essentials of our rights in our society. There is a desire on the part of most Americans at this time to vote.

Mr. President, I welcome this opportunity to join as the primary cosponsor of the amendment offered by the distinguished Senator from Texas (Mr. YARBOROUGH) to reinstate in the Senate version of H.R. 13270, the tax reform bill now before us, provisions which would permit tax-exempt foundation funds to be used for voter registration and education programs. I am pleased to note that this effort has a broad base of support in the cosponsorship of Senators from both sides of the aisle.

Mr. President, our amendment is addressed to the action taken by the Committee on Finance in totally deleting from the tax reform bill provisions which would permit private foundation funds to be used for voter registration activities. This action, in my opinion, was far more severe than justified or necessary. It complicated further the action taken earlier by the House of Representatives in approving restrictions which, in attempting to correct a few abuses, would have the practical effect of terminating the participation of many well recognized nonpartisan foundations in programs of this kind.

Our amendment, Mr. President, is not without its safeguards; its conditions for eligibility are explicit. It requires that voter registration activities be of a truly nonpartisan nature; that they be conducted in more than one State; that they be supported by contributions from the general public or from three or more tax-exempt organizations, and that no one tax-exempt organization contribute more than 40 percent to any given voter registration effort. Further, our amendment requires continuity by prohibiting the specific designation of tax-exempt funds for use in a particular geographical area or specific election. In short, our amendment, while broad enough to encourage legitimate voter registration and education, is drawn tightly enough to discourage a repetition of those few isolated instances in which foundations have misused the exemption granted them under our present tax laws by engaging in partisan political activities.

The U.S. Commission on Civil Rights is deeply concerned by the potential impact which the Senate version of the tax reform bill would have in this area, if enacted without amendment. The Commission, while urging a more active Federal role, has officially recognized also that the right to vote will not be realized fully unless the burden of taking affirmative action to encourage voter registration is shared with the Federal Government by others. Two private organizations which come readily to mind for their success in nonpartisan efforts in voter registration and education are the League of Women Voters and the Southern Regional Conference. There are others, perhaps less well known, but equally deserving of public recognition and confidence. Unfortunately, the Senate bill not only fails to recognize the need for voter education programs of this kind, but it undermines totally private foundation efforts directed at stimulating voter participation. Our amendment is designed to continue, with adequate safeguards, the tax stimulus needed to encourage and make possible this support.

As one of its strong proponents, I am encouraged by the progress which has been realized to date under the Voting Rights Act of 1965. This act embodies the belief of Congress, a belief shared by a clear majority of Americans, that the right to vote is fundamental to our democracy and should be extended to all of our people. I hope to see the Voting Rights Act further strengthened by extension in this Congress, and I intend to lend fully my support.

But as important as this act is, it cannot, by itself, assure full participation for all Americans in the governmental process. For this goal finally to be achieved, those citizens, who have been denied the voting right that the rest of us take for granted, must be educated about this right and encouraged to exercise it.

Private organizations have responded well to this challenge, and their hard work is reflected in increased voter registration throughout the country. Only today, for example, the Bureau of the Census has reported that the number of Negroes in Southern States who voted in the presidential election last year increased to 51 percent, compared with 44 percent for the presidential election of 1964. The Bureau's report adds that 61 percent of the South's Negro population was actually registered to vote in 1968. The positive impact of this effort must not be abated, especially when so much remains still to be done, not only in the South, but also in the urban areas of the North and in the rural Southwest.

Therefore, I urge all Members of the Senate to give our amendment their serious consideration and support.

Mr. LONG. Mr. President, I recognize the attractiveness of the amendment of the Senator from Tennessee to increase the personal exemption to $1,000. It sounds so easy, so simple, and so understandable to the voters back home just to provide the tax reduction in the form of an exemption increase which none of them can fail to understand. Despite this, there are some things about this exemption proposal that I think one should hear and think about before he casts any vote in favor of an exemption increase.

I want to talk about this plan at two different levels. First, I want to talk about the fiscal aspects. The Senator has offered, so far, the $1,000 personal exemption proposal and the increase in the minimum standard deduction to $1,000. However, we all know that if he is defeated on the $1,000 exemption proposal, if we vote down this proposal, as I certainly think we should, then we can expect further suggestions along the same line. We can expect either the Senator from Tennessee or other Senators to seek to scale down the increased exemption level, perhaps first to $900 and then perhaps to the $800 level.

At the $800 level, the revenue impact would be about the same as it would be in the measure provided by the committee.

The Senator from Tennessee used that approach in the committee, and he has assured us that he will do it again in the event the $1,000 exemption is not agreed to.

Because of the double or triple approach that the Senator is almost sure to use on his proposal, I want to talk first on the basis of the revenue loss which is involved in the proposal before us at this moment. In commenting on this proposal, I will hold my comments largely to the fiscal policy implications.

While I think that by far the most dangerous thing we could do would be to adopt the $1,000 exemption proposal with the tremendous revenue loss involved, yet even the $800 exemption proposal contains some very serious flaws. In fact, if the Senate fully understands how serious these flaws are, I doubt whether it would approve even the $800 exemption.

Let me turn first to the $1,000 exemption. There really is no way to describe this, except as fiscal irresponsibility.

If we have any doubts of its fiscal irresponsibility, let me give you just a few of the numbers. Any exemption increase is expensive. Even a $100 increase in the per capita exemption costs over $3.3 billion annually. Each additional $100 exemption increase costs slightly less since the tax base as the exemptions are raised keeps getting a little smaller. Nonetheless, a $400 increase in exemptions on an annual basis still results in a revenue loss of $12.7 billion.

When this is taken together with the minimum standard deduction increase and the rate adjustment which the Senator's proposal provides for single people,

the long-run revenue cost of the tax relief which the Senator would provide is $14.8 billion.

This is $5.8 billion more than the $9 billion of relief provided in the bill as reported by the Finance Committee.

The $9 billion of relief provided by the House bill, as reported by the Finance Committee, results in a $2.3 billion long-run deficit. I have some doubt as to whether that deficit should exist, but the Gore amendment increases this deficit for the bill by more than three and one-half times, to a level of $8.1 billion.

Frankly, I do not see how we can justify so large a deficit in this bill. I know that the Senator from Tennessee says that he can find plenty of places to increase revenue by adding this reform and that reform to the bill. But these additional measures are hard to enact. I, too, can find ways by which to increase revenues. In committee, I offered proposals to raise more revenue in various and sundry ways. Those proposals would have raised between $2 billion and $3 billion in the pending bill. However, the amendments were not agreed to.

It seems to me to be totally irresponsible to vote for a tax reduction based upon revenue raising measures which neither the House nor the Senate committee has seen fit to agree to. We cannot justify a tax reduction because we think someone ought to pay more taxes. We can justify a tax reduction because we are successful, as the committee was successful, in providing additional revenue. Only in that way can we justify further tax reductions in the pending bill.

Therefore, I do not see how we can justify the revenue loss in this case by problematical revenues which might be obtained from sundry provisions if the Senate were willingly to vote for these tax increases, but I confidently predict that the Senate will not so vote.

If anyone thought seriously that additional reforms could be added to the bill, it would seem to me that the responsible way to go about it would be first to offer amendments to obtain the additional revenue, and then to undertake to dispense the additional revenue in terms of tax savings to those whom one wanted to benefit. That is how we approached it in the Committee on Finance. We voted to raise as much additional revenue as the majority on the committee was willing to vote to raise. Each Senator voted for tax increases in terms of tightening up loopholes or making various groups pay more taxes, as his conscience dictated. Then we proceeded to dispense tax reduction to the extent that we thought we could do so and be fiscally responsible.

If one wanted to vote for a major tax reduction—that is, beyond what the committee did, beyond the $9 billion tax reduction the committee voted—he ought first to submit a revenue raising proposal in the form of an amendment—and see if he can have it agreed to. He should submit a proposal to raise more taxes by imposing them on somebody, no matter who it may be—the bankers, the lawyers, the doctors, the oil people, the real estate people. If he could raise more money, then he could suggest that we provide further tax reductions.

Senators will recall that when we were discussing the surcharge last week, it was pointed out how an effort had been made, for fiscal years 1970 and 1971 particularly, to build up a surplus insofar as this bill was concerned to help contain inflationary pressure. This amendment, however, has worse implications for fiscal years 1970 and 1971 than a failure to extend the surcharge—an action which this body has already rejected by a vote of 49 to 28, presumably upon the basis that the Government simply cannot afford the revenue loss involved in terminating the surcharge as of January of next year. This amendment would cost us in these 2 years an additional $3.4 billion, as contrasted with the $3.1 billion of revenue that would be lost had Senators not agreed to an extension of the surcharge. The Gore amendment would reduce the surplus provided by this bill by $900 million in fiscal year 1970, from $3.4 billion to $2.5 billion. In fiscal year 1971, however, its impact would be much worse. In that year it could be expected to reduce the $3 billion surplus in this bill to $500 million.

Mr. President, when I talk about a $3 billion surplus in this bill, I am not saying that the Government is going to have any surplus in the budget. All I am saying is that this bill would raise $3 billion more than we would have if we permitted the surtax to expire and the excise taxes to expire and if we failed to repeal the investment tax credit. In other words, on balance the bill will produce $3 billion of taxes that otherwise would not exist; and by levying those taxes, we say that we have a surplus over what we would have if we passed no bill at all. But this does not alter the fact that the Government still projects a deficit, next year, of several billion dollars in its administrative budget, and a further deficit in years to come.

The Committee on Finance, in its consideration of the bill, very carefully rearranged the tax reduction features to improve the fiscal situation in fiscal year 1971. The Gore amendment undoes all of this good work plus a great deal more.

We have been told that the surplus on the unified or consolidated budget basis is $5.9 billion for the fiscal year 1970. The Budget Bureau people tell us that even this surplus is in real jeopardy because increases in mandatory payments under existing law for such things as interest on the public debt, veterans' benefits, and social insurance trust fund payments could well exceed the budgeted amounts by $2 billion. These are automatic increases. Moreover, Congress is seriously considering proposed legislation which would add $5 billion in expenditures to the request already reflected in the budget. When we take into account these difficulties in holding down expenditure levels for fiscal year 1970, it seems to me that it is impossible to justify a further increase in the deficit on the revenue side by $900 million.

The problems in fiscal 1971 are likely to be much worse. The administration has already indicated that expenditures in fiscal 1972 can be expected to go over the $200 billion mark, and the struggle in that year will be to try to come up with a balanced budget. We certainly do not help matters along toward achieving this result if we add a $2.5 billion revenue loss to that picture by this amendment.

We seem to be beginning to win the battle to get inflation under control. Retail or consumer prices are still rising too rapidly, but the rate of increase as shown by other indicators, such as wholesale prices, suggests some slowdown. Just as we are beginning to win our battle with inflation, it seems to me that it would be especially inappropriate for us to refuel the fires of inflation all over again by turning this tax reform bill into a measure for deficit financing.

Let me say just one more word about the $1,000 exemption as such. I think it is clear that the administration is not going to put up with the type of revenue loss represented by this $5.8 billion increase in revenue reductions. To me, this suggests only one thing—a veto of the tax reform bill. This would be a terrible waste of effort and hard work for both the House and the Senate and for a good many people who have worked with us diligently in trying to improve our tax laws. So I urge Senators to vote against the $1,000 exemption if they are at all interested in tax reform.

Let me turn now to what is wrong with the exemption proposal, as I see it, even if the amount proposed were reduced so that it would not cause a loss of any more revenue than the Finance Committee's bill. In other words, what would still be wrong with the exemption proposal if it provided for an increase in exemptions to $800 rather than to $1,000? On this basis, the revenue loss from the proposal, given the $1,000 minimum standard deduction and the rate adjustment for single people, would be about the same as the revenue loss provided in the Finance Committee bill and in the House-passed bill.

But before I deal with the problems under the Gore proposal with exemptions set at $800, let me say just a few words about the Finance Committee proposal.

The committee bill is in no sense a jerry-built plan. The House of Representatives Committee on Ways and Means had more time to work on this matter than did the Senate committee, and after our analyses of the matter we agreed that the approach they took was appropriate. There was a specific decision to take care of a number of problems in the existing tax structure. The objectives of the bill were aimed specifically at these problem areas.

The first objective was to take off the tax rolls all persons at or below poverty levels and to provide some special relief for people whose incomes, though above the poverty levels, were still too close for comfort to the edge of poverty. The committee concluded that it just makes no sense to tax people who do not receive enough to maintain themselves at even a minimum standard of living.

For this reason, the committee bill provides a minimum standard deduction of

$1,100. This is available to every married couple that files a joint return and also to every single person who files a separate return. This replaces the minimum standard deduction under present law, which provides an allowance of $300 for the first exemption and $100 for each additional exemption claimed on the tax return.

The purpose of this provision is to be sure that those at or below the poverty level pay no income tax and those immediately above this level receive some special tax relief. The committee provision achieves this objective with real precision, as Senators will see when I show them a chart on this matter. The Senator from Tennessee apparently finds little fault in this provision, since he has adopted it as his own, except that he has set the minimum standard deduction level at $1,000 instead of the $1,100 provided by the committee action, or at a level $100 below that which the committee saw fit to provide for those in poverty.

The second concern of the committee was the increasing complexity of the tax laws for the average taxpayer. I am not referring to the taxpayer who is involved in complex business operations or who has an accountant to keep track of his activities for him; rather I am referring to the average taxpayer who at one time took the standard deduction but who now must itemize his deductions because, given the present levels of interest, taxes, medical costs, and prices, the standard deduction has become inadequate for him. At one time in 1944, 92 percent of our taxpayers used the standard deduction. But year by year, this number has shrunk as prices have risen, until today only 58 percent of all taxpayers use the standard deduction.

Mr. President, imagine how much more the reduction in the use of the standard deduction has caused taxpayers to resent the complexity of their tax system. In 1944 82 percent of our taxpayers used the standard deduction. But year by year that number has dropped until today only 58 percent of all taxpayers use the standard deduction.

The bill proposed by the committee would cause a much greater percentage of all taxpayers—approximately 74 percent—to use the standard deduction, and they will feel much better satisfied with our tax system when they are able to do so.

If there is to be a revolt on the part of taxpayers because of complexity, I do not believe it will be because of those who have accountants and lawyers to help them prepare their returns, but rather because the average taxpayer finds that his tax return is too complicated for him to prepare by himself.

The person who has to hire accountants and who has to seek advice and keep records and itemizations just so he can fill out his tax return is the person who is more likely to revolt than the person who already has his accountants, lawyers, and records but who must pay $10, $15, or even $50 more in taxes because of the bill. It is the thought of having to keep records and make itemizations or having the Treasury people call him in that is more likely to cause a person to resent our tax system than anything else.

The bill as reported by the Finance Committee takes dead aim at this problem in two different ways. First, it raises the percentage of the standard deduction from 10 to 15 percent of income; and second, it raises the maximum from $1,000 to $2,000. The effect, in conjunction with the increase in the minimum standard deduction, is to switch 11.6 million taxpayers over from itemized deductions to the standard deduction. This will increase from 58 to 74 percent the percentage of all of our taxpayers using the standard deduction.

The Gore amendment, on the other hand, has relatively little impact in shifting people over from the itemized deductions to the standard deduction as the exemption increase itself has virtually no effect in this direction. The only reason there is any shift at all over to the standard deduction under his proposal is because he accepts the minimum standard deduction from the committee bill, although reducing it to $1,000. This will cause 4.4 million to shift over to the standard deduction as contrasted to the 11.6 million under the committee action. As a result, the exemption increase part of the Gore proposal does nothing to help simplify the tax return for those who continue to pay taxes. To me, this is a major failing of the Gore amendment. It is in marked contrast with the considerable achievements of the Finance Committee bill in this area.

It is true that the Gore amendment takes more people off the tax rolls, as such, than does the committee action, but I will show Senators in just a moment that it is not good to take people off the tax rolls when they really still have a taxpaying capacity.

The third objective of the Finance Committee action, after meeting the special problems of the poor and the need for tax simplification, was to make the remaining relief available to everyone on an across-the-board basis. It is for this reason that the committee provided an across-the-board rate cut for everyone of approximately 5 percent. It is important to realize that this across-the-board cut is available for everyone and is in addition to the reductions resulting from the minimum standard deduction and the increase in the ceiling and rate of the regular standard deduction. This means that those in the lowest and middle-income brackets who are the chief beneficiaries from the minimum standard deduction and the increase in the regular standard deduction get relief in two ways. They get relief not only from the changes in the standard deduction but also in the rate reductions as well. That is why, as I will show you in just a minute, the tax relief provided by the committee action is heavily weighted in favor of the middle- and lower-income brackets.

Let me turn now to a comparison of the reductions provided by the committee action and by the Gore amendment. I have already pointed out the failure of the Gore amendment to achieve the simplification provided by the committee bill. But let us now compare the actual distribution of the tax reductions provided by the two approaches.

At this point I ask unanimous consent to have printed in the RECORD a table showing the percentage tax reduction by adjusted gross income classes provided by the committee bill and by the Gore plan providing an $800 exemption.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PERCENTAGE TAX REDUCTION UNDER H.R. 13270 WHEN FULLY EFFECTIVE AND UNDER $800 PERSONAL EXEMPTION AND $1,000 LOW-INCOME ALLOWANCE IN PLACE OF H.R. 13270 RELIEF PROVISIONS

Adjusted gross income (thousands)	H.R. 13270	$800 personal exemption and $1,000 low-income allowance
0 to $3,000	−66.1	−72.5
$3,000 to $5,000	−30.3	−36.2
$5,000 to $7,000	−17.0	−22.8
$7,000 to $10,000	−10.9	−16.1
$10,000 to $15,000	−10.3	−10.4
$15,000 to $20,000	−8.6	−7.4
$20,000 to $50,000	−7.2	−5.0
$50,000 to $100,000	−4.8	−0.5
$100,000 and over	+2.6	+10.4
Total	−10.1	−10.0

Mr. LONG. Mr. President, the tax reductions provided by the committee bill start at 66 percent in the zero to $3,000 category. They provide for a reduction of 30.3 percent in the $3,000 to $5,000 category and a reduction of 17 percent in the $5,000 to $7,000 category. From $7,000 to $10,000, the reduction is approximately 11 percent, and from $10,000 to $15,000 it is 10 percent. Above that level, the reduction gradually falls off, until in the category from $50,000 to $100,000 the reduction is only 4.8 percent. Above $100,000, because of the major impact of the tax reform measures in the bill, instead of a reduction there is an increase of 2.6 percent.

Mr. President, that would work in this way. While some people who are paying taxes on all they earn would receive some reduction in the rates and thereby be benefited, those who have enjoyed tax-sheltered income would be paying much more in taxes. Therefore, when one averages the two, he will find there is a tax increase for persons who make more than $100,000. Although some persons in that group receive tax reductions because they receive reductions in the rates, many of those same people will be paying more taxes because of the increase in the capital gains taxes, the decrease in the depletion allowance, the real estate adjustments, and various and sundry other matters.

Let us now compare these tax reductions with those provided by the Gore amendment. First of all, the average reduction provided by the two plans, since they both lose approximately the same amount of money, is the same: both provide for an overall reduction of approximately 10 percent. Also an examination of the percentages will disclose that in the $10,000 to $15,000 income group, the percentage reduction in the two plans is almost exactly the same—10 and a fraction of a percent. I think this is especially worth noting because of the many statements as to how much more the Gore plan will help the middle-income groups than will the committee action. The statistics just do not show that this is true; the reduction is almost identical to the great middle-income category of $10,000 to $15,000. In

the area from $15,000 to $50,000 the Gore amendment provides approximately one-third less relief than the committee bill. Above $50,000, the Gore amendment provides virtually no relief at all and above $100,000, instead of resulting in a 2.6-percent tax increase as under the committee bill, the Gore proposal results in a tax increase of over 10 percent. The relief that the committee bill provides in these areas the Gore amendment adds on in the areas below $10,000. Not satisfied with a 66-percent tax reduction in the zero to $3,000 category, the Gore amendment increases it to 72 percent; it also increases the $3,000 to $5,000 cut from 30 to 36 percent and the $5,000 to $7,000 cut from 17 to 23 percent. Frankly, I do not think that the Senator from Tennessee can establish that these additional cuts over and above those provided by the committee bill are needed in these brackets.

Mr. President, I have been talking to you up to this point only from the standpoint of the distribution of the changes we made in the individual income tax. One must realize that we also provided some tax increases—and no reductions—in the corporate area as well. An important part of this, although by no means all, was the repeal of the investment credit. We also did a number of other things such as getting rid of multiple surtax exemptions and revising the tax treatment of banks and companies engaged in natural resources.

I discussed this matter with the Senator from Tennessee a little bit the other day. As I pointed out then, somebody must bear this additional tax burden represented by these corporate income tax changes. This gets us into the question of the incidence of the corporate income tax—or who bears the burden of this tax. Economists are not in agreement as to the extent to which this tax is borne by the shareholders or shifted forward to consumers. Generally, however, I heard it said that somewhere from one-half to three-fourths of the burden was borne by the shareholders. Obviously, I do not know any precise percentage in this case nor does anybody else.

I have assumed, for purposes of illustration, that a portion of the increased taxes on corporations would be borne by the shareholders, which is half way between 50 and 75 percent that the economists tend to gravitate toward. If we average that out, one could expect about 62.5 percent of the corporate tax changes to be borne by the shareholders. The other 37.5 percent would be about what we would expect the corporation to be able to pass forward to those who ultimately consume its products.

On this basis, I have examined the tax burden of individuals by income levels, taking into account both the corporate and the individual income tax changes made by this bill.

On this basis, the percentage reduction is much less since this takes into account $4.9 billion of corporate income tax increases. The overall tax reduction under the committee bill on this basis is only 2.1 percent. The important thing, however, is the distribution of the tax burden, taking into account the reduction on this basis. I have such a distribution based upon the House-passed bill which is quite close to the Finance Committee action. This indicates a tax reduction of 16.5 percent for those in the zero to $3,000 bracket, a decrease of 14.4 percent for those in the $3,000 to $5,000 bracket, and a decrease of 8.1 percent for those in the $5,000 to $7,000 bracket. For those in the $7,000 to $15,000 bracket, the rate reduction on this basis is 4.5 percent. In the $15,000 to $20,000 bracket, the reduction on this basis is only 2.7 percent, and above that level we are faced with only tax increases—tax increases which amount to 9.1 percent for income levels of $100,000 and over and even in the $50,000 to $100,000 category an increase of 1.5 percent.

Mr. President, I ask unanimous consent to have printed in the RECORD the distribution of tax reductions, taking into account the tax increase imposed with respect to corporations based upon the assumption that 62.5 percent of the increase is borne by the shareholders.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Distribution of tax reductions under House-passed tax reform bill (Assuming 62.5 percent of the burden of increases in corporate taxes under reform provisions is borne by shareholders)

[In thousands of dollars]

Adjusted gross income:	
0 to 3	−16.5
3 to 5	−14.4
5 to 7	− 8.1
7 to 10	− 4.5
10 to 15	− 4.5
15 to 20	− 2.7
20 to 50	+ .1
50 to 100	+ 1.5
100 and over	+ 9.1
Total	− 2.1

Mr. LONG. Mr. President, these data, mind you, are based upon the House distribution of the burden which also approximates the Finance Committee distribution.

Mr. President, if the bill is to be amended as suggested by the Gore amendment, I have another table I should like to offer for the RECORD, to show how the tax reduction falls when one looks at who is actually bearing the incidence of the increase in corporation taxes. I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Distribution of tax changes from House-passed reform measures and Gore $800 exemption proposal (Assuming 62.5 percent of the burden of increases in the corporate tax is borne by shareholders)

Adjusted gross income class:	Percentage tax change [1]
0–3,000	−19.0
3–5,000	−18.1
5–7,000	−12.3
7–10,000	−8.3
10–15,000	−4.5
15–20,000	−1.8
20–50,000	+1.7
50–100,000	+4.4
100,000 and over	+13.4
Total	−2.1

[1] Percentage of present law individual and corporate tax liability.

Mr. LONG. Mr. President, what this points out is that the zero to $3,000 income bracket would receive a 19-percent tax cut and the cut would gradually be reduced until those in the $100,000 or over bracket would have a tax increase of 13.4 percent. So that the tax increase is very substantial in the Gore amendment on those with incomes of $100,000 or more. Not a tax cut, but a tax increase. It is a much bigger tax increase in reality than it looks like when we fail to take into account the increase in taxes on corporations.

In other words, rather than being about a 2.4-percent increase in taxes on people with incomes over $100,000, the pending bill, taking into account the corporate increases, provides a 9-percent increase in taxes for people with incomes over $100,000. It would be a 13.4-percent increase on those people with incomes over $100,000 under the Gore amendment, again taking into account the corporate increases. Furthermore, the Gore amendment would impose a tax increase of 1.7 percent on people with incomes between $20,000 and $50,000, and an increase of 4.4 percent on taxpayers with incomes between $50,000 and $100,000.

My main concern with the taxpayers in the higher brackets is what we are doing with their incentive to work, to produce and to create. I think it is important that we should seek to provide justice among all taxpayers at all income levels and that we provide the most incentive to our economy so that we can do the maximum good for all. We need to think in terms of employment and in terms of overall earnings of people, including their standard of living. I think it is important that the tax system provide enough encouragement to someone starting out a new endeavor so that he will really be interested in doing this. It is this which enables a low-income man to move up the income scale, to move up from a job paying, perhaps $2.50 an hour, to $5 an hour. This may not be a direct tax reduction for the man at the lower income level, but I can assure you that it is far more important for his own well-being. He is better off if a little bit of this reduction at least goes to the man further up the income scale so he will help try to provide better opportunities for employment for the man at the lower income level. I do not mean to imply by this that most, or even an important part, of the reduction should be provided in this manner. But I do think it is desirable that at least some of the reduction go to those in higher income brackets, particularly in view of the fact that we are reducing the incentives they previously had through the closing of loopholes.

Let me turn now to the distribution of the tax reduction of the Gore amendment and the committee action by family size. I am well aware of the appeal of the Senator's amendment in this area. But I think we tend to forget, when we are talking in terms of an even amount of revenue loss involved between the committee action and the Gore amendment, as is true with his $800 exemption, that for everyone who gains under the Gore amendment in terms of revenue reduction, someone else must lose. Who are

these people that lose under the Gore amendment? I think we should take a close look at this group.

Actually, the Gore amendment, in broad general terms, takes more than a billion dollars of tax relief away from single persons, married couples with no children, and married couples with one child; it then gives this amount to married couples with two children—although the amount involved in this case is quite small—but more particularly to married couples with three or more children.

Mr. President, I ask that a table showing this be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Effect of Gore $800 exemption relative to committee amendments

[In millions of dollars]

Increases (+) under Gore amendment:	
Single persons	+346
Married—no children, Married—1 child	+713
Total	+1,059
Decreases (−) under Gore amendment:	
Married—2 children	−232
Married 3 or more children	−1,154
Total	−1,386

(Totals are not equal because heads of household category not shown, etc.)

Mr. LONG. Basically, the Gore amendment takes away some $346 million from single persons and some $715 million from married couples with either no children or one child and gives an amount equal to this to married couples with three or more children.

I have on the easel at the back of the Chamber a chart showing the percentage tax increases that the Gore amendment would impose relative to the Finance Committee action for single persons at various income levels. You will note that the highest increases under the Gore proposal are in the $10,000 to $12,500 range, although they are still very high at the $15,000 level as well.

In other words, Senators will see that taxpayers—and this chart refers to single persons—would pay 2.7 percent more in taxes if they are in the $5,000 category; 4.1 percent more if they are in the $7,500 category; 11.7 percent more if they are in the $10,000 bracket; 11.9 percent more if they are in the $12,500 category. They would pay 8.9 percent more if they are in the $15,000 category. They would pay 5.6 percent more if they are in the $17,500 category. They would pay 3.4 percent more if they are in the $20,000 category. They would pay 4.3 percent more if they are in the $25,000 category.

It can well be seen that a single person in the middle-income tax bracket would be discriminated against badly and would be taxed much more under the Gore proposal than he would be under the bill as reported by the committee. That is assuming one is looking at two bills, each involving the same revenue loss, one of which proposes a $800 personal exemption and the other of which proposes the tax relief proposed by the committee, assuming that deductions are 10 percent of income.

The second table on the easel at the back of the Chamber shows the percentage tax increase, relative to the Finance Committee bill, of the Gore amendment in the case of married couples with no children. You will see that the Gore amendment again has a 9-percent tax increase for those with a $12,500 income and a 7.8-percent increase for those at the $10,000 level.

It should be kept in mind that all students of our tax system agree that those who are discriminated against most in this country by our tax laws are single persons, who enjoy few benefits from the income tax laws. But it is those very taxpayers who would lose most heavily under the Gore approach. The second group which would lose most heavily are those taxpayers who are married and have no children.

Again, when we look at the $10,000-to-$15,000 income levels—it is those taxpayers who would fare worst. They would pay 7.8 percent more at the $10,000 level; 9 percent more at the $12,500 level; 6.7 percent more at the $15,000 level; 4.8 percent more at the $17,500 level; 2.9 percent more at the $20,000 level; and 3 percent at the $25,000 level.

So, generally speaking, if we are talking about the kind of people we see every day, if we are talking about the kind of people we see in the Capitol Building, if we are talking about the kind of people we see in our offices every day, the ones who are regarded as being discriminated against most in the whole tax system, they are the ones who suffer most under the Gore approach.

The question naturally arises then what standards should be used in deciding whether it is the single people or the married couples with no children or one child who need tax reductions, or whether most of the tax reduction should be given only to those with three or more children. Let me tell you how the committee made this decision in what I believe is a rational manner.

The Department of Health, Education, and Welfare has, for several years now, been conducting studies to determine minimum subsistence levels. Their study has shown after adjusting their figures to bring them up to current income levels, that it requires $1,735 as a minimum subsistence level for a single person. For a married couple with no children, this figure is set at $2,230. For a married couple with one child, this figure is set at $2,755, and so on. In fact, if Senators will turn to page 258 of the committee report, they will see table 19, which shows the poverty income levels adjusted to current income levels for families of different sizes. The interesting thing that Senators will note from this table is that it costs approximately $600 per family member, after the first member, to provide a minimum standard of living as the number of persons in the family unit increases.

In other words, if we want to be sure to cover the minimum cost-of-living increase, there should be an additional exemption from tax, after the first exemption, of about $600 for each additional exemption claimed on a return. This is not to say that the actual cost of living does not go up by more than $600 per additional family member because, of course, few of us maintain our families, or ourselves for that matter, at the subsistence level.

If you will now look at the third chart at the back of the Chamber, you will see how the committee action matches actual needs as shown by the HEW study of subsistence levels. The lower solid line of stairsteps is the exemption level provided under present law as the number in the family increases. You will see that it varies from one to eight across the bottom of the chart.

The second stairstep line on the chart, the green line indicates the increase in the nontaxable level which occurs under the committee action. Senators will also see a large dot which is close, although not exactly at the same level, in the case of each variation in family size. This large dot represents the subsistence level as determined by the Department of Health, Education, and Welfare. In other words, the committee action in this regard provides almost an exact correlation with these levels, and is the best and only way I know of measuring the relative needs according to the differences in family size. The dotted stairstep line above the two that I have referred to—the red line in dots—is the level provided by the Gore amendment.

Senators will see that as the number in the family increases, the Gore proposal departs farther and farther from the needs of the family unit. In other words, the Gore amendment removes from the taxrolls many individuals who still have taxpaying capacity. His amendment does that by what I would consider to be a greater and heavier emphasis on exemptions for large family units—a heavier emphasis than subsistence levels would indicate, and certainly more than the studies of the Department of Health, Education, and Welfare would indicate to be justified.

I certainly do not want to see anyone left on the taxrolls who does not have a minimal standard of living. But inherent in the thinking of the Senator from Tennessee is one consistent fallacy, and that is the assumption that it costs twice as much for two to live together, three times as much for three to live together, four times as much for four to live together, and eight times as much for eight to live together—as it does for one person living singly.

When the Senator from Tennessee first started offering his amendments in the committee, he was offering amendments to increase the personal exemption for all persons. He was not providing—as provided by the House bill and as voted by the Senate committee—an increase in the minimum standard deduction, which is the most efficient use of money that man has yet contrived to provide tax relief in ways that would give the maximum number of dollars of benefit to those in the low-income bracket. An increase in the minimum standard deduction provides a far more efficient way to help the poor with a given amount of money than would an increase in the personal exemption. So the first several times the Senator offered his amendment

in the committee, he kept being confronted with the fact that invariably GORE would tax the poor more.

After he had been voted down several times, the Senator came to us with a modification of his amendment as seen here, where he did start out by retaining those things in the House bill and those things in the committee bill which help the poor the most; so that the Senator from Tennessee proceeded on the basis that the minimum standard deduction, as suggested by the committee, would be about the same.

But he still retains the fallacy I mentioned. He still thinks in terms of the same exemption for one person as for each member of a family of two, or a family of three, or four, or five.

The fact is that $1,000 is not enough for one person living alone to subsist on. He needs more than $1,000. He needs $1,735, according to the study that was the basis of this bill. But when he takes a wife, he does not have to have $1,735 multiplied by 2. At that point, he needs only $600 more for the two of them living under the same roof, sharing the same bed, using the same cooking facilities, so that those two people can live as well as that one person could live with $1,735. And when the two have a child, it is estimated they would need about $600 more for the child, so that the three could live on the same standard of living as one person would live if he had only a $1,735 income to support himself.

So, while it is nice to think in terms of providing the same amount of personal exemption for all taxpayers based on need, the fact of the matter is that you need a greater figure than that if it is just one person you are looking at, but you do not need to multiply the same figure to maintain the subsistence level beyond that.

If we proceed on the basis of the fallacy that has been consistent throughout the presentation of the Senator from Tennessee, Senators will see that a large amount of income is removed from the tax base in ways that minimum subsistence levels just do not require. Under the bill that the committee has brought forth, we increase the tax base by making a lot more income subject to taxes. That is what we call the reform part of our bill, and that is the part that takes most of the pages—about 90 percent of them.

Under the committee bill as reported, 5.6 million people would be removed from the tax rolls. But we started with the subsistence levels as determined by the Department of Health, Education, and Welfare, and therefore the committee bill did not provide the much greater reduction in the tax base which would otherwise have occurred.

When you take the tax increases and the increase in the tax base provided by those increases, and then subtract from it the low income allowance and other tax relief measures provided by the committee, the bill before us reduces the tax base on which Americans pay taxes from $370 billion to $350 billion. So the tax base in this bill, as reported by the committee, is narrowed by $20 billion. And, Mr. President, insofar as we tax a $350 billion tax base, instead of a $370 billion tax base, and insofar as we have removed people from the tax rolls, we must put more taxes on those who remain on the rolls.

Let us see what the Gore amendment does. It would further reduce this tax base to $327 billion. That is $23 billion more than the reduction in the committee bill. This additional $23 billion reduction is reflected on that chart by the difference between the higher stairstep line of red dots and that solid green line with a dot in the middle of each stairstep.

Going up to the green stairstep level, we are relying on the studies made in the Department of Health, Education, and Welfare regarding the subsistence level that a person requires. By this standard, the Gore amendment would increase exemptions more than that information would otherwise justify.

Insofar as the committee has raised the low-income allowance and taken people off the tax rolls, it has done so by a study of subsistence levels. The Gore amendment proceeds by arbitrarily raising the per capita exemptions to the level that the Senator from Tennessee would prefer: $1,000. And if he cannot get the $1,000, if he follows the same procedure as he did in the committee, he will offer $900, and he said here on the floor he would offer various steps on down if he cannot get that agreed to.

The figure taken by the Senator from Tennessee is a figure calculated to be popular, but it is not a figure based on a study of what people's needs are; it is a figure taken by the Senator as one that would be politically appealing. And well it would be. The difficulty is that the Government cannot afford that loss of revenue. And a further difficulty is that it is a vain thing, in my judgment, to talk about it, because I have no doubt that if this bill, amended in that fashion, reaches the President's desk, the President is going to veto it.

I do not know precisely at what point the President would feel that the Congress has been so irresponsible that he should veto the bill. The President once said that he had in mind some point at which he felt he would be compelled to veto the bill, and for good reasons.

I assume that he is not going to disclose what that point is, because he does not want to dictate what we should do or should not do with respect to a particular amendment. Other Presidents have not done so, and I assume that our President would not say, "If you cause us to lose more than $3 billion in revenue, I will veto the bill."

I do think, however, that every President has some idea at what point he will veto a bill.

I have no doubt that the big revenue loss which would result from the Senator's amendment, even though the amendment may be popular to those who will be removed from the tax rolls, would cause the President to veto the bill. It might be fine for one to say to a constituent, "I have voted to give you a $1,000 tax deduction." However, as a practical matter, there is no doubt in my mind that the President would then veto the bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I agree completely with the remarks of the Senator from Louisiana. I do not think that the President would have any choice but to veto the bill in view of the financial situation currently confronting our country.

Mr. LONG. That is how it would seem to me. It involves an enormous revenue loss. It involves a revenue loss of $5.8 billion more than the amount which the committee thought was responsible. It involves a loss of $5.8 billion more than the amount the House thought would be responsible. Frankly, the committee hoped to bring about a bill with more balance than that of the House. Although we did not come quite up to the House balance, we came very close.

We cannot say much for the shape that the bill would be in, however, if we were to agree to the $1,000 amendment or even the $800 proposal. If the amendment retains some of the good features the committee voted for—and the Senator's amendment does contain some of those good features—there would be a very large revenue loss to the Government—a loss so large that we would be irresponsible in adopting it. The only way we could make the bill work out on balance would be to strike out some of the desirable things provided in the bill by the committee.

Mr. WILLIAMS of Delaware. Mr. President, in addition, if we agree to the Gore amendment and there is the additional revenue loss of almost $6 billion, there is no question that the Government in the present situation would have to borrow the money with which to finance the tax reduction. And the interest on the money the Government would have to borrow would itself cost the taxpayers over $1 million a day in order to give these taxpayers the added tax reductions. It would also add further to the inflation we presently have.

Mr. LONG. Mr. President, the Senator is correct. It would be highly inflationary.

If our Government is going to proceed to enact tax reductions that it cannot afford to enact—it already has a projected deficit of $4.7 billion in the administrative budget next year—and if we are going to decline to do anything to help the Government put its house in order, how can the Government or anyone else call upon the bankers to hold down the interest rates or call upon the businessmen not to increase their prices? That would be a case of every man for himself.

The Government would not have done anything to fulfill its responsibility. And it is hard to see how the Federal Reserve Board could try to restrain the inflationary pressure if we on the Hill, who have the responsibliity for supervising the Board and enacting the laws under which it acts, are not responsible enough to provide the Government with the amount of money it needs to operate and hopefully to achieve a balanced budget.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. STEVENS. Mr. President, if the Senator is disturbed about the matter, I

have a copy of the letter received from the Secretary of the Treasury commenting on the $800 proposal of the Senator from Tennessee.

It is indicated here that this would shift the burden from the present law or the committee's suggestion so that single persons, married couples with no children, or married couples with one dependent would pay an additional $1.2 billion. Persons with four exemptions would pay an additional $0.2 billion. Persons with five or more exemptions would continue with the tax exemption and would benefit from the amendment.

Perhaps I have a conflicting interest there, having five children. However, does the Senator have the information as to the impact the $1,000 proposal of the Senator from Tennessee would have?

Mr. LONG. Mr. President, the long-term effect of it would be to unbalance the bill by about $5.8 billion, as compared with the committee's bill. That is what the effect of the pending amendment would be.

The amendment is phased in. The Senator's proposed increase in the personal exemption would not go into effect all at one time.

As I understand it, the amendment the Senator offered would cause the personal exemption to be increased next year from from $600 to $700. Then, in the following year it would go from $700 to $800. In the next year the personal exemption would go from $800 to $900, and in the following year it would go from $900 to $1,000.

While the bill itself entails a long-term revenue loss when in full operation—as I recall, it is about $2.3 billion—this would increase that net revenue loss by $5.8 billion. So we would have more than an $8 billion long-term revenue loss in the bill. The pending bill provides that taxes are to go down in January of 1970, in July of 1970, and then after that by such amounts as we think are responsible.

The Gore proposal puts us away above that in respect to revenue loss each year. Even though it is phased in, it would start out with an increase in the deficit of $900 million next year, and $2.5 billion in the deficit the next year, and so on.

It would continue until it built up, when in full effect, to a revenue loss of $5.8 billion more than the committee's bill.

I would think that one could see how any President looking at that thing in terms of his fiscal problems would have to say, "We cannot afford that much revenue loss now."

Mr. STEVENS. Mr. President, with all due respect for the argument of the Senator about the future, if I were sure that it might be vetoed, it might correct some of the mistakes we made yesterday, as far as I am concerned. That might encourage more of this body to vote for the amendment.

Can the Senator explain it to me in terms of the committee bill? The Assistant Secretary of the Treasury's analysis shows that the proposal of the Senator from Tennessee shifts the burden to the smaller families and single people. Is it true that the committee bill goes the other way and shifts some of the burdens to the larger families?

I seem to think that the Senator has, by the committee proposal, increased the standard deduction, but not given the person who has had a little piece of the action before, the man with more than three children, the same benefits as the others get under the committee bill.

Mr. LONG. No, that is not the case. The man with three children gets the same rate reduction and low-income allowance as everyone else. If he is in the middle-income bracket, where the standard deduction is available to him, he gets the tax reduction resulting from the increase in that, too. In other words, the committee's bill does not shift a portion of the tax burden from smaller families to larger families. It does not vary the amount of tax relief by the size of the family—as the amendment offered by the Senator from Tennessee would do. The committee's bill provides the additional tax relief equally to taxpayers, whether they have small or large families.

Mr. STEVENS. Mr. President, why did the committee not touch the $600 proposal? It has been in effect since 1948. The standard exemption has not been altered.

If we are for tax reform, why did the committee not suggest some change in this exemption so that the total concept of tax reform could pass on to everyone?

Mr. LONG. Mr. President, the committee concluded that the minimum standard deduction, which has been developed, is a better device. Given any figure of revenue loss that the Government can stand, it would distribute that revenue loss in ways that are most advantageous to those at the bottom of the taxpaying ladder and would have the least impact on those who are better off up at the top. The minimum standard deduction is a device which makes it possible to reduce the tax of the poor and reduce the tax of the people who are just above the poverty level, without providing any tax relief to the upper income tax brackets where it is less needed. By using that device, one can most efficiently take $1 or $2 billion and give more relief to those at the bottom than he can with the same number of dollars in any other way.

When we were confronted with the possibility of using a minimum standard deduction to help the poor and the near-poor, as an alternative to increasing the personal exemption by $100, it was pointed out that if you increase the personal exemption by $100, the man who is in the 70-percent bracket will get a $70-tax benefit from it, even though he does not need it for living purposes. The fellow in the lowest bracket, the 14-percent tax rate, however, would get only a $14 benefit, and yet this is the fellow who most needs the relief.

It was argued that there was no need at all, if you had only that much tax reduction to grant, to give the tax cut to someone in the upper bracket; that you ought to concentrate in the lower brackets and give it all, not just the $14, but the whole thing, to the fellow at the bottom.

So the minimum standard deduction was worked out to give the advantage to the little fellow at the bottom, without bringing that tax reduction on up the ladder to those people able to pay.

In past years, no one ever discussed that. When I first came to the Senate, no one ever heard of any minimum standard deduction. At that time, it was thought that the most effective way you could help the little fellow at the bottom, if you had $1 billion of revenue to work with, would be to increase the personal exemption. Organized labor came up with the idea of a minimum standard deduction as the most efficient way to take $1 billion, let us say, or any other given figure in terms of dollars, and give the most possible advantage to the poor and the near poor.

It was on that basis that we utilized that device in the 1964 act. This is the tool that President Nixon picked first, saying that if you had only a small amount of revenue loss that could be afforded by the Government—let us say $3 billion—you ought to use the minimum standard deduction approach, or virtually the same thing, which is called the low-income allowance, which would concentrate the tax benefits on the low-income taxpayer, who needed it most.

So, it is true that there was a time when it was thought that the most effective device, in terms of tax reduction, that one could propose to help the poor would be to raise the personal exemption—that was before 1964. But we discovered a device which from 1964 forward has been more effective in taking any given number of dollars and concentrating it for the benefit of the little fellow at the bottom, and that is the minimum standard deduction. Most people do not know about this. They just look at a tax chart and run down a column in one direction to see what their income level is, and in another direction to see what the number of exemptions is; and where the two lines cross on the chart, that is the figure they owe.

The reason why we have been able to distribute tax reductions in ways that most efficiently help the poor is that someone came up with the device of a minimum standard deduction. That is in this bill. The Senator from Tennessee, even though he started out without it, has incorporated that in his proposal, because up until that point he was offering these increases in the personal exemption as an answer to, and a better proposal than, the committee bill; and, without exception, he was running into the fact that GORE would tax the poor more. So eventually he accepted the device recommended by President Nixon, and also by President Johnson, that as a starting point you ought to take a certain number of poor people off the rolls, and the most effective way to do it was the minimum standard deduction. That is what this bill does. We take the most efficient tool that can be used to help the poor and take as many as we can off the tax rolls.

Mr. STEVENS. I thank the Senator for his explanation.

I still feel that what is missing from the committee proposal is the equity that is involved by giving the larger families additional exemptions under existing law. I cannot quite see, even assuming

this minimum standard deduction, why the exemption itself should not be carried forward as it is today.

Mr. LONG. The level of exempt income for single people is advanced to the extent that their subsistence level has advanced, and they then receive the benefit of the rate reductions beyond the subsistence level. The larger families also receive major tax reductions under this bill. The large families in the category of zero to $3,000 of taxable income share—and they share proportionately—in a 66-percent reduction in their tax liability—a 66-percent tax cut, and that is a big cut, a cut of approximately two-thirds. Many of them come off the tax rolls completely. So they enjoy a great deal of tax reduction. Many of them will come off the tax rolls, along with many single people and married couples.

But the Gore proposal would then proceed, as between these categories, to shift more tax reduction to the larger families at the expense of the smaller families or the single persons. One cannot justify that if it is done on the basis of the amount of money that someone needs to subsist.

Mr. President, this cutting away at our tax base can have serious repercussions for the future. It means that people who do have taxpaying capacity will not be concerned with the amount or purposes of Federal Government expenditures. It means that tax burdens borne by those in the future will be borne by a narrower group of taxpayers, which means higher taxes for those who remain subject to tax.

I realize that we are concerned with the mother pushing the market basket through the grocery store, and I am just as much concerned as anyone else to be sure that we do not overburden her and her family with too much taxes. I am also concerned, however, that we are fair in the tax burden imposed on single people and the married couples either with no children or with one child. They, too, must meet the cost of living and push the market basket through the grocery store. There are about 13.5 million of these single people over 21 in our country, in addition to the 22 million married couples—that means 44 million people—with either no children or one child who also must meet the cost of living.

All I am asking is that we be fair in the distribution of the tax burden as between those with different family sizes. I think we have a responsibility in this regard for all the people in the country and not just limited groups. I believe that the committee action in this regard is the fairer of these proposals, and I urge Senators to vote to retain the committee proposal and to vote to reject the Gore amendment.

Mr. MONTOYA. Mr. President, I speak today in support of the amendment of the Senator from Tennessee, which I have joined in sponsoring. This is a matter of the utmost importance to all Americans, but especially to the millions of low- and middle-income taxpayers. Much has been said in this deliberative body about the poor and what should be done to help the poor. In this connection, the debate and our actions are not yet completed; in fact, they will not be until poverty is eliminated in America.

On the other hand, what has been said about the middle-income taxpayer and the tremendous burden placed on his shoulders by an unfair and antiquated tax system? Precious little, I am sorry to say, until very recently and especially in this congressional session. The middle-income taxpayer is by all accounts the forgotten American. He is not making so little income that he is eligible for special compensation benefits, nor is he making so much that he is carefully scrutinized by the Internal Revenue Service or is so rich that he is in the public eye. He pays more than half our individual income taxes, works steadily, goes on a modest vacation annually, if at all, and generally speaking, is the backbone of our American society. Unfortunately, instead of rewarding the many average Americans, we have punished them by not seeking to fairly distribute the income tax burden evenly and according to one's ability to pay.

The now well-known testimony of former Secretary of the Treasury Joseph W. Barr before the Joint Economic Committee early this year brought into clear focus the urgent task of Congress—to reform our tax system and make it more fair, simple, and neutral, and to restore and strengthen public confidence in our tax system. I quote a portion of Mr. Barr's testimony which underscores the need for this Congress to pass far-reaching tax reform legislation this year:

> Our income tax system needs major reforms now, as a matter of importance and urgency. That system essentially depends on an accurate self-assessment by taxpayers. This, in turn, depends on widespread confidence that the tax laws and the tax administration are equitable, and that everyone is paying according to his ability to pay.
>
> We face now the possibility of a taxpayer revolt if we do not soon make major reforms in our income taxes. The revolt will come not from the poor but from the tens of millions of middle-class families and individuals with incomes of $7,000 to $20,000, whose tax payments now generally are based on the full ordinary rates and who pay over half of our individual income taxes.
>
> The middle classes are likely to revolt against income taxes not because of the level or amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay. People are concerned and indeed angered about the high-income recipients who pay little or no Federal income taxes. For example, the extreme cases are 155 tax returns in 1967 with adjusted gross incomes above $200,000 on which no Federal income taxes were paid, including 21 with incomes above $1,000,000.

But merely recognizing the need for reform is one thing. Proposing and passing legislation to eliminate inequities is another matter. So far the House of Representatives and the Senate Committee on Finance have responded well. It is now encumbent upon the members of the Senate to carry forward the work accomplished thus far. I submit to all assembled here today that we cannot allow the rich to pay little or no taxes while those least able must bear the burden. All Americans must pay their fair share. The 16th amendment to the U.S. Constitution gave Congress "power to lay and collect taxes on incomes, from whatever sources derived."

However, the Congress must exercise its responsibilities by making certain that the tax system does not lag behind the times, keeping in mind that although the 16th amendment to the Constitution provided the Congress with the power to lay and collect taxes" it is for Congress continually to review the tax system and insure that a just and fair tax structure prevails. Some may find comfort in rebutting my comments with the allegation that no tax system, after all, is perfect. I take no comfort in that statement. As now constituted, the flaws in our system are so severe, so widespread, that it is a wonder we have not already had an outright tax revolt in America.

Tax reform legislation this year has been legislation that would cut taxes for some and legislation designed to close tax loopholes, enabling tax cuts to become feasible in some areas while at the same time raising revenue to make tax cuts possible in other areas.

The tax reform bill now before the Senate still does not embody what many of us must carefully address ourselves to—a more just and equitable personal exemption on each individual's personal income.

In the past and now on two occasions in this Congress I have introduced bills to increase the personal exemption. S. 1054 and S. 2095, introduced by me this year, include a provision to increase the amount of personal exemption from $600 to $1,000. Today, Senator GORE's amendment, which I have joined in sponsoring, includes portions of the same provisions in my bills. I believe, as Senator GORE and many others do, that the $600 personal exemption, established in 1948, has long ceased to be a fair exemption for millions of middle-income Americans.

Since 1948, the personal exemption has not been increased, while during the same time the cost of living has shot sky high. In fact, since 1948 the Consumer Price Index has risen by about 45 percent—based on average levels of the index in 1948 and 1968—so the $600 figure would have to be raised to, at the very least, $868, merely to equal the purchasing power of the $600 personal exemption adopted more than 20 years ago. Also, what was considered a reasonable standard of living 20 years ago is not so today. Thus, the great majority of taxpayers are taxed at a standard-of-living and cost-of-living index that has become outdated.

Many have said they are opposed to increasing the personal exemption because of loss of revenue to the Federal Government. We can replace any loss of revenue by closing tax loopholes which favor the wealthy people in our country, and by eliminating wasteful Federal expenditures.

The burden placed for years on the millions of average Americans must end this year. The House Ways and Means Committee, under the able chairmanship of Representative WILBUR MILLS, and the Senate Committee on Finance, under the able chairmanship of the Senator from Louisiana (Mr. LONG), are to be com-

mended for their tireless and dedicated efforts in the name of tax reform. The provisions are complex, and in some cases the impact of some changes on our society are as yet undetermined.

In the next session and in succeeding sessions of Congress it will be necessary to continue our scrutiny of the tax system, revising and improving upon the work done in this Congress. It is our constitutional and moral responsibility. Today, however, we need to enact tax reform legislation that will improve the system now. Therefore, today I support my colleague, Senator GORE in the amendment to the Tax Reform Act of 1969 to increase the personal exemption to increase the personal exemption to $700 in 1970, $800 in 1971, $900 in 1972, and $1,000 in 1973 and thereafter.

This means there will be sufficient time for the Federal Government to get its treasury in order. The delayed increments will also allow the Federal Government time to obtain additional revenue not before obtained as a result of the passage of the Tax Reform Act of 1969.

The $1,000 personal exemption we propose by 1973 will mean a loss of revenue, true. But this loss can be made up by the tax reform measures we are now considering. Also, the additional money available to the taxpayer will result in money being spent by purchasing additional goods and services, or additional investments. This would have the effect of increasing the Government's tax base, and when the war in Vietnam comes to a close may give the economy a much needed shot in the arm.

This amendment should be the very least we can do to demonstrate our awareness and willingness to bring about a truly equitable tax system. Citizens everywhere are enraged by the many inequities that have continued to plague the "little man" while favoring the affluent minority. In my own State I have witnessed the formation of two organizations for tax reform—the New Mexico Taxpayers for Tax Reform and the Taxpayers Association of New Mexico. These and many other similar groups have been formed throughout the country by concerned citizens who do have legitimate complaints. We must respond to them, and one way is by the adoption of this amendment to raise the personal exemption to $1,000.

I remind Senators that at present 2.2 million poverty-level families pay taxes, and countless millions more are taxed heavily, while having to settle for a mere $600 personal exemption, and while billions go untaxed in many other areas. The reform legislation embodied in the bill we are considering today is the most far reaching ever proposed in Congress. It is the year for tax reform, so let us consider that raising the personal exemption will even further strengthen the people's confidence in the tax reform legislation. The tax surcharge, which is now to be extended into 1970, and which some may say should be extended even beyond that, the inflationary trend which plagues the millions of middle- and low-income families, must be met by fiscal and monetary responsibility to be sure. Also, however, it must be met by compassion and sensitivity to the pressing needs of millions of law-abiding American citizens who pay the bulk of our Federal expenditures.

Mr. President, I ask for the support of Senators for this amendment to raise the personal exemption to $1,000. It would go far toward bringing necessary tax relief to those hundreds of thousands in this country who work hard every day of their lives to provide for their families welfare, for their children's education, and who have for far too long shouldered an inequitable share of the tax burden.

Mr. BELLMON. Mr. President, as a candidate for the office of U.S. Senator from Oklahoma, I was frequently approached by citizens of my State who were distressed by the erosion in the purchasing power of the $600 personal income tax exemption. These individuals pointed out the impossibility of meeting even the barest minimum cost-of-living needs with this nominal sum.

Since the establishment of the $600 personal exemption shortly after World War II, the value of our currency has consistently deteriorated. The effect, then, is that the taxpayer has been taxed at a continually rising level, even without a change in the rate of taxation.

Mr. President, statements that an increase in the value of personal exemption to near the 1968 level of purchasing power would cost the Treasury billions of dollars only emphasizes the inequity under which American taxpayers are presently suffering. American taxpayers have already suffered this loss. Taxpayers are being defrauded by the loss of purchasing power of their personal exemptions and it is past time for equity to be restored.

Mr. President, no Member of the Senate is more dedicated to Federal fiscal responsibility than the junior Senator from Oklahoma. This amendment proposes an orderly, step-by-step, $100 per year increase in the exemption through 1973. This adjustment can readily be absorbed without damaging the fiscal integrity of our country.

The complex and confusing changes in the schedule of income taxes in the committee bill does not provide tax relief where it is most needed. Namely, for families with young children to care for and educate. An increase in personal exemptions will provide relief where it is needed. It will easily be understood by the taxpayers and will help to convince them that Congress is alert to their needs."

Mr. CANNON. Mr. President, as a cosponsor of amendment No. 304, I wish to associate myself with the distinguished senior Senator from Tennessee in support of his substitute amendment.

His arguments favoring increases in personal exemptions and low-income allowances in lieu of lowered tax rates indicate his understanding of the basic motivation of this tax bill. The so-called tax revolt reflects, more than anything else, a public outcry from low- and middle-income Americans for tax relief.

Notwithstanding the equities of other provisions of the pending bill, our primary efforts should be directed toward relieving economic pressures on the people—not things or legal entities—but people. Single persons, husbands and wives, and families desperately need more tax-exempt income in order to survive.

The cost of living has risen more than two and a half times over what it was in 1940. Yet the law provides a personal exemption of only $600 per taxable year—exactly the same exemption as was allowed 21 years ago.

Mr. President, the distinguished senior Senator from Tennessee has provided the Senate with a meaningful amendment. He is aware of the cost to the Government in the loss of tax revenues and has suggested many reforms which, if adopted, would recoup the losses and maintain a fiscal balance.

The amendment calls for the addition of $800 to the low income allowance plus a 2-year rise in personal exemptions from the present $600 per person to a total exemption of $800 per person in 1971. That is, $700 in 1970, and $800 in 1971.

Low- and middle-income wage earners would gain the greatest benefit from this amendment. In fact, over 80 percent of the tax benefit would be realized by individuals earning less than $15,000 per year. About 30 percent of the tax relief would be credited to those earning less than $7,000 per year, and to those whose income is between $7,000 and $15,000 annually would go about 50 percent of the tax relief. Thus, the overwhelming majority of American citizens, the backbone of the Nation, would be given by this amendment an immediate relief from the crunch of today's economic pressures.

At the same time, Mr. President, several areas have been enumerated by the author of this amendment where recovery of the tax losses may be realized.

The individual views of the able senior Senator from Tennessee are set forth in the report on the tax bill beginning at page 311. More up-to-date information was given to the Senate by the distinguished Senator on Wednesday, November 26, 1969, and is available to all Members in the RECORD for that date, and again in his opening statement, which appears in yesterday's RECORD.

Mr. President, I commend the Senator for his logical approach to a difficult problem, and for a constructive remedy for a vitally needed tax relief, and I hope the amendment will be adopted.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed, without amendment, the following bills of the Senate:

S. 564. An act for the relief of Mrs. Irene G. Queja; and

S. 2019. An act for the relief of Dug Foo Wong.

TAX REFORM OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. GORE. Mr. President, I send to the desk a substitute for the pending amendment and ask that it be stated.

The PRESIDING OFFICER. The substitute will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Tennessee (Mr. GORE) for himself and others proposes an amendment in the nature of a substitute for his amendment No. 304.

(The proposed substitute amendment is as follows:)

Page 454, beginning with line 5, strike out all through page 497, and in lieu thereof insert the following:

"SEC. 801. PERSONAL EXEMPTIONS.

"(a) INCREASE TO $700 FOR 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$700'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$700', and by striking out '$1,200' wherever appearing therein and inserting in lieu thereof '$1,400'.

(b) INCREASE TO $800 FOR 1971 AND SUBSEQUENT YEARS.—Effective with respect to taxable years beginning after December 31, 1970—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$700' wherever appearing therein and inserting in lieu thereof '$800'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$700' wherever appearing therein and inserting in lieu thereof '$800', and by striking out '$1,400' wherever appearing therein and inserting in lieu thereof '$1,600'.

"SEC. 802. STANDARD DEDUCTION.

"(a) MINIMUM STANDARD DEDUCTION FOR TAXABLE YEARS BEGINNING IN 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971, section 141(c) (relating to the minimum standard deduction) is amended to read as follows:

"'(c) MINIMUM STANDARD DEDUCTION.—The minimum standard deduction is an amount equal to $1,000 ($500, in the case of a separate return by a married individual), reduced, in the case of a taxable year beginning in 1970, by an amount equal to one-fourth of the amount by which—

"'(1) the adjusted gross income for the taxable year, exceeds

"'(2) the sum of—

"'(A) $1,000 ($500, in the case of a separate return by a married individual), plus

"'(B) the amount of each personal exemption provided by section 151 for the taxable year, multiplied by the number of such exemptions for the taxable year'.

"(b) STANDARD DEDUCTION FOR TAXABLE YEARS BEGINNING AFTER 1970.—Effective with respect to taxable years beginning after December 31, 1970, section 141 (relating to the standard deduction) is amended to read as follows:

"'SEC. 141. STANDARD DEDUCTION.

"'The standard deduction referred to in this title is $1,000 ($500, in the case of a separate return by a married individual)'.

"(c) DETERMINATION OF MARITAL STATUS.—Section 143 (relating to determination of marital status) is amended—

"(1) by striking out 'For purpose of this part—' and inserting in lieu thereof '(a) GENERAL RULE.—For purposes of this part—'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, if—

"'(1) an individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

"'(2) such individual furnishes over half of the cost of maintaining such household during the taxable year, and

"'(3) during the entire taxable year such individual's spouse is not a member of such household,

such individual shall not be considered as married'.

"(d) TECHNICAL AND CONFORMING AMENDMENTS.—

"(1) Section 4(a) (relating to number of exemptions) is amended to read as follows:

"'(a) NUMBER OF EXEMPTIONS.—For purposes of the tables prescribed by the Secretary or his delegate pursuant to section 3, the term "number of exemptions" means the number of exemptions allowed under section 151 as deductions in computing taxable income'.

"(2) Section 4(c) (relating to married individuals filing separate returns) is amended to read as follows:

"'(c) HUSBAND AND WIFE FILING SEPARATE RETURN.—

"'(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

"'(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return for a taxable year beginning before January 1, 1971, the tax imposed by section 3 shall be the lesser of the tax shown in—

"'(A) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the 10-percent standard deduction, or

"'(B) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the minimum standard deduction.

"'(3) The table referred to in paragraph (2)(B) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in the table referred to in paragraph (2)(B) in lieu of the tax shown in the table referred to in paragraph (2)(A). For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

"'(4) For purposes of this subsection, determination of marital status shall be made under section 143'."

"(3) Paragraph (4) of section 4(f) is amended to read as follows:

"'(4) For computation of tax by Secretary or his delegate, see section 6014'.

"(4) Section 1304(c)(5) (relating to special rules for income averaging) is amended by striking out 'section 143' and inserting in lieu thereof 'section 143(a)'."

"(e) EFFECTIVE DATE.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 1969.

"SEC. 803. TAX RATES FOR SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLD; OPTIONAL TAX.

"(a) HEADS OF HOUSEHOLD.—Section 1(b)(1) (relating to rates of tax on heads of household) is amended to read as follows:

"'(1) RATES OF TAX.—There is hereby imposed on the taxable income of every individual who is a head of a household a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $1,000.	14% of the taxable income.
Over $1,000 but not over $2,000.	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000.	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000.	$660, plus 19% of excess over $4,000.
Over $6,000 but not over $8,000.	$1,040, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000.	$1,480, plus 23% of excess over $8,000.
Over $10,000 but not over $12,000.	$1,940, plus 25% of excess over $10,000
Over $12,000 but not over $14,000.	$2,440, plus 27% of excess over $12,000
Over $14,000 but not over $16,000.	$2,980, plus 28% of excess over $14,000
Over $16,000 but not over $18,000.	$3,540, plus 31% of excess over $16,000
Over $18,000 but not over $20,000.	$4,160, plus 32% of excess over $18,000
Over $20,000 but not over $22,000.	$4,800, plus 35% of excess over $20,000
Over $22,000 but not over $24,000.	$5,500, plus 36% of excess over $22,000
Over $24,000 but not over $26,000.	$6,220, plus 38% of excess over $24,000
Over $26,000 but not over $28,000.	$6,980, plus 41% of excess over $26,000
Over $28,000 but not over $32,000.	$7,800, plus 42% of excess over $28,000
Over $32,000 but not over $36,000	$9,480, plus 45% of excess over $32,000
Over $36,000 but not over $38,000.	$11,800, plus 48% of excess over $36,000
Over $38,000 but not over $40,000.	$12,240, plus 51% of excess over $38,000
Over $40,000 but not over $44,000.	$13,260, plus 52% of excess over $40,000
Over $44,000 but not over $50,000.	$15,350, plus 55% of excess over $44,000.
Over $50,000 but not over $52,000.	$18,640, plus 56% of excess over $50,000.
Over $52,000 but not over $64,000.	$19,760, plus 58% of excess over $52,000.
Over $64,000 but not over $70,000.	$26,720, plus 59% of excess over $64,000.
Over $70,000 but not over $76,000.	$30,260, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000.	$33,920, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000.	$36,400, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000.	$41,440, plus 64% of excess over $88,000.

"'If the taxable income is:	The tax is:
Over $100,000 but not over $120,000.	$49,120, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000.	$62,320, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000.	$75,720, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000.	$89,320, plus 69% of excess over $160,000.
Over $180,000 ----	$103,120, plus 70% of excess over $180,000.'

"(b) SINGLE INDIVIDUALS.—

"(1) IN GENERAL.—Section 1 (relating to tax on individuals) is amended by redesignating subsection (c) and (d) as (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"'(c) UNMARRIED INDIVIDUALS.—There is hereby imposed on the taxable income of every individual (other than a surviving spouse or a head of a household) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $500----	14% of the taxable income.
Over $500 but not over $1,000.	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500.	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000.	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000.	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000.	$690, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000.	$1,110, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000.	$1,590, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000.	$2,090, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000.	$2,630, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000.	$3,210, plus 31% of excess over $14,000.
Over $16,000 but not over $18,000.	$3,830, plus 34% of excess over $16,000.
Over $18,000 but not over $20,000.	$4,510, plus 36% of excess over $18,000.
Over $20,000 but not over $22,000.	$5,230, plus 38% of excess over $20,000.
Over $22,000 but not over $26,000.	$5,990, plus 40% of excess over $22,000.
Over $26,000 but not over $32,000.	$7,590, plus 45% of excess over $26,000.
Over $32,000 but not over $38,000.	$10,290, plus 50% of excess over $32,000.
Over $38,000 but not over $44,000.	$13,290, plus 55% of excess over $38,000.
Over $44,000 but not over $50,000.	$16,590, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000.	$20,190, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000.	$26,390, plus 64% of excess over $60,000.
"'If the taxable income is:	The tax is:
Over $70,000 but not over $80,000.	$32,790, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000.	$39,390, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000.	$46,190, plus 69% of excess over $90,000.
Over $100,000----	$53,090, plus 70% of excess over $100,000'.

"(2) CONFORMING AMENDMENT.—Section 1(a) (relating to rates of tax on individuals) is amended by striking out so much of such section as precedes the table in paragraph (2) and inserting in lieu thereof the following:

"'(a) GENERAL RULES.—There is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies and an unmarried individual to whom subsection (c) applies) a tax determined in accordance with the following table:'.

"(c) OPTIONAL TAX TABLES FOR INDIVIDUALS.—Section 3 (relating to optional tax if adjusted gross income is less than $5,000) is amended to read as follows:

"'SEC. 3. OPTIONAL TAX TABLES FOR INDIVIDUALS.

"'In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $7,500 (or such higher amount, less than $10,000, as may be prescribed by the Secretary or his delegate by regulations) and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1'.

"(d) CONFORMING AMENDMENTS.—

"(1) Section 6014(a) (relating to election by taxpayer) is amended—

"(A) by striking out '$5,000' in the first sentence, and inserting in lieu thereof '$7,500', and

"(B) by striking out the last two sentences.

"(2) Section 1304(b)(1) (relating to special rules) is amended by striking out 'if adjusted gross income is less than $5,000'.

"(e) Section 21(d) (relating to changes in rates during a taxable year) is amended to read as follows:

"'(d) CHANGES MADE BY TAX REFORM ACT OF 1969 IN CASE OF INDIVIDUALS.—In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV of subchapter B for purposes of the determination of taxable income shall be treated as a change in the rate of tax.'

"(f) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply to taxable years beginning after December 31, 1970. The amendments made by subsections (c) and (d) of this section shall apply to taxable years beginning after December 31, 1969.

"SEC. 804. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

"(a) REQUIREMENT OF WITHHOLDING.—Section 3402(a) (relating to requirement of withholding) is amended to read as follows:

"'(a) REQUIREMENT OF WITHHOLDING.—In the case of wages paid after December 31, 1969, or the 15th day after the date of the enactment of the Tax Reform Act of 1969 (whichever is later), every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with tables prescribed by the Secretary or his delegate. Such tables shall correspond in form to the tables in effect under this subsection on December 31, 1969. For purposes of applying such tables, the term "amount of wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b)(1)'.

"(b) PERCENTAGE METHOD OF WITHHOLDING.—

"(1) WAGES PAID IN 1970.—Effective with respect to wages paid during 1970, the table contained in section 3402(b)(1) is amended to read as follows:

"'Percentage Method Withholding Table

"'Payroll period

	Amount of one withholding exemption:
Weekly	$13.50
Biweekly	27.00
Semimonthly	29.00
Monthly	58.00
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day of such period)	1.80.'

"(2) WAGES PAID AFTER 1970.—Effective with respect to wages paid after December 31, 1970, the table contained in section 3402(b)(1) is amended to read as follows:

"'Percentage Method Withholding Table

"'Payroll period

	Amount of one withholding exemption:
Weekly	$15.00
Biweekly	30.00
Semimonthly	33.50
Monthly	67.00
Quarterly	200.00
Semiannual	400.00
Annual	800.00
Daily or miscellaneous (per day of such period)	2.10.'"

Page 549, line 17, strike out "$600" and insert "$700".

Page 550, lines 1, 9, and 11, strike out "$2,300" and insert "$2,400".

Page 550, line 12, strike out "$600" and insert "$700".

Page 550, lines 21 and 22, strike out "this section" and insert "subsections (a) and (b)".

Page 550, after line 23, insert the following:

"(d) TAXABLE YEARS AFTER 1970.—Effective with respect to taxable years beginning after December 31, 1970, section 6012(a)(1) is amended—

"(1.) by striking out '$700' each place it appears therein and inserting in lieu thereof '$800';

"(2.) by striking out '$1,700' each place it appears and inserting in lieu thereof '$1,800'; and

"(3.) by striking out '$2,400' each place it appears and inserting in lieu thereof '$2,600'.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered on the pending Gore amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. Mr. President, is it my understanding that under the rules an amendment or a substitute may not be offered by the sponsor without unanimous consent?

The PRESIDING OFFICER. When the yeas and nays have been ordered the Senator loses his right to modify his amendment but he can still offer an amendment to his amendment.

Mr. GRIFFIN. To his own amendment?

The PRESIDING OFFICER. To his own amendment.

Mr. GORE. Mr. President, the substitute which I have offered has been offered after a thorough canvass.

Mr. STENNIS. Mr. President, the Senator is entitled to quiet.

Mr. GORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, the amendment I have offered as a substitute for my own amendment, No. 304, has been offered after a thorough canvass which demonstrates that there is an overwhelming majority in this body, in my opinion, and in the opinion of those who have canvassed the situation, that we have tax relief by way of raising the personal exemption in preference to a change in the rates.

The disagreement, with the exception of an unusually small number of Senators, particularly on this side of the aisle, is on the amount by which the personal exemption should be increased.

The amendment which I originally offered provided for an increase of $100 per year until in the year 1973 the total exemption would be $1,000. One Senator who has been the champion of this cause longer than I, has just entered the Chamber, the Senator from Arkansas (Mr. McCLELLAN). Both on the floor of the Senate in an eloquent speech and in the cloakroom with the senior Senator from Tennessee, and the leadership of the Democratic Party, he has pleaded that the amendment be limited to 2 years; that is, that the personal exemption be increased next year to $700, and in 1971 and thereafter to $800, leaving the other provisions in the amendment as they are—the low-income allowance and tax treatment of single taxpayers similar to that provided in the committee bill.

So, Mr. President, the amendment which I now offer to my own amendment would increase the personal exemption in two steps to $800, and provide a low-income allowance of $1,000, and the treatment of unmarried taxpayers similar to the committee bill, as a substitute for the rate changes in the committee bill.

Mr. LONG. Mr. President, it would seem to me that if the Senator wants to modify his amendment, he should have the right to do so. If he is not going to do so, I ask unanimous consent that the Senator be permitted to modify his amendment.

Mr. SCOTT. Mr. President, reserving the right to object, I would like to inquire how the Senator wishes to modify the amendment.

Mr. GORE. The modification would——

Mr. SCOTT. How does the Senator propose it?

Mr. GORE. The modification of the amendment would strike from the amendment the third and fourth phased steps. My original amendment would increase personal exemption from $600 to $700; then to $800; then to $900; then to $1,000, in four annual steps.

As I have introduced it now, this amendment would increase the personal exemption only to $800 in two steps.

The PRESIDING OFFICER. Is the Senator from Louisiana asking unanimous consent to modify the original Gore amendment to include the second Gore amendment?

Mr. GORE. Mr. President, I object. I wish to have a rollcall vote on the substitute.

Mr. LONG. Mr. President, what is wrong about the parliamentary situation that exists at this point is that if the Senator wanted to offer an amendment to provide for $800 he should have offered an amendment to provide for $800, or he should have withdrawn his first amendment and offered the one he wanted to offer. He could not do that because from a parliamentary point of view he asked for the yeas and nays, or another Senator had asked for the yeas and nays, and he was foreclosed.

In that respect, the usual courtesy in this body is to accord a Senator the courtesy of modifying his amendment in any fashion he wants.

I requested that, feeling the Senator was entitled to it if he wanted to modify his amendment.

Also, I am aware of the fact that when a Senator offers an amendment and then offers an amendment to his own amendment, he forecloses 99 other Senators from modifying the amendment, which they would have a right to do.

I do not think the Senator from Tennessee, when he started his effort to have his amendment agreed to, had any intention of offering a substitute for his amendment, certainly not so as to foreclose 99 other Senators. I do not think that he had that in mind. But, it would have that effect.

I do not care to modify his amendment. I know how I am going to vote. It occurs that someone else might want to offer an amendment to his amendment and the Senator, by moving in the fashion he has, has foreclosed the rights of other Senators. I know there are other ways that it can be done but I think in the ordinary parliamentary situation one offers what he believes in, whether it be in the first degree or the second degree, and reserves to other Senators the right to offer their amendments. In this procedure the committee offers the bill and any Senator can amend it with a substitute or an amendment, if he feels he has a better idea.

Several Senators addressed the Chair.

Mr. SCOTT. Mr. President, I had the floor.

Mr. LONG. Mr. President, I thought I had the floor.

Mr. GORE. Mr. President——

Mr. SCOTT. Mr. President, I had reserved the right to object.

Mr. GORE. Mr. President, I offered the substitute and then I obtained recognition.

Mr. LONG. Mr. President, I do not understand how the Senator would get the floor when I objected. Will the Parliamentarian explain how I came to have the floor and when I gave it up?

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I do not yield further for the moment.

This is not the first time that I have been involved in parliamentary procedure. I understand his rights and the rights of every other Senator. The facts are just to the contrary of those stated by the Senator from Louisiana (Mr. LONG).

The offering of a substitute in no way precludes any other Senator from offering a perfecting amendment. As a matter of fact, all perfecting amendments to the original amendment take precedence over the substitute. Thus, there is no question about that. The Presiding Officer is perfectly aware of that. What this does do is to give me an opportunity to present to the Senate the amendment we now have, which I am advised and determined is supported by a clear majority, for an $800 exemption. I would prefer a $1,000 exemption, but the important thing is to substitute tax relief by way of increasing the personal exemption for tax reduction by way of rate changes. Therefore, this assures a vote for the $800 exemption level which the distinguished Senator from Arkansas (Mr. McCLELLAN) has been urging, and other Senators have said they would support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska for a parliamentary inquiry.

Mr. CURTIS. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, would the distinguished Senator from Tennessee consent to an arrangement whereby his new amendment could be reduced to writing? After all, we are involved here with some $5 billion.

Mr. GORE. It already is.

Mr. CURTIS. Our staff people might want to take a look at it.

Mr. GORE. It is reduced to writing. It is now at the desk, in writing. I was prepared for that.

Mr. CURTIS. Has the Senator offered it by number?

Mr. GORE. I have sent it to the desk. It is in writing and is now at the desk.

Mr. SCOTT. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. SCOTT. May I inquire of the Senator if he knew that the Senator from Illinois (Mr. PERCY) was seeking recognition for the purpose of offering a substitute at the time he was recognized?

Mr. GORE. I was aware that both the Senator from Tennessee and the Senator from Illinois were addressing the Chair. The Chair recognized the Senator from Tennessee. Let me say that it is perfectly proper, since the Senator from Tennessee has an amendment pending and is a member of the Finance Committee.

Mr. SCOTT. And has offered a substitute to his own amendment. That is where we are now?

Mr. GORE. Correct.

Mr. SCOTT. Is the Senator from Tennessee prepared to permit any other Senator to offer an amendment to his substitute?

Mr. GORE. I think that is in the third degree. Amendments are in order. That is not a question that should be addressed to me. It should be addressed to the Presiding Officer and the Parliamentarian. As I understand it, an amendment to a substitute would be an amendment in the third degree and not in order. A thousand amendments are in order to the original amendment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. WILLIAMS of Delaware. I hope that the Senate would permit the Senator from Tennessee to modify his amendment. I know that the yeas and nays were ordered on it last evening. I know that a Senator can modify his own amendment only by unanimous consent, but, as has been pointed out, there is an easy way around that. Of course, it would delay consideration of the bill a few more hours, but I am hopeful that the Senate would permit the Senator to modify his amendment. I wanted to ask for the yeas and nays last evening and supported it in principle. We will have a record vote on it. We will also have a record vote on final passage of the bill, but I hope that the Senate will allow the Senator from Tennessee to modify his amendment. It will save a lot of time.

Mr. GORE. Mr. President, I ask unanimous consent that the sponsors of the original amendment be listed as sponsors of the substitute amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, reserving the right to object, am I recognized? I want to get that clear first. May I ask the Parliamentarian——

The PRESIDING OFFICER. The Senator from Pennsylvania may reserve his right to object, but the Senator from Tennessee has the floor.

Mr. SCOTT. I understand that. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. May I ask the Parliamentarian to advise the Chair as to the circumstances under which the Senator from Illinois (Mr. PERCY) may offer an amendment either to the substitute or to the original amendment or to the text of this section of the bill?

Mr. GORE. Mr. President, I yield for that parliamentary inquiry.

The PRESIDING OFFICER. The original language of the bill, commencing on line 5, page 454 to page 497, is open to a perfecting amendment; likewise, the first substitute to strike out and insert is also.

Mr. SCOTT. Mr. President, pursuing my parliamentary inquiry, what is the situation? If the request of the Senator from Tennessee for unanimous consent is granted and he is permitted to modify his amendment, then the substitute amendment is open—is his substitute open to amendment?

The PRESIDING OFFICER. If he is granted unanimous consent to modify his original amendment to embody the text of the second amendment, we are then back to the original situation and the matter would be open to amendment, as we were before the present situation occurred.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on the pending request.

Mr. SCOTT. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. PERCY. Mr. President——

Mr. ALLOTT. Mr. President——

Mr. GORE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. As I understand it, the distinguished Senator from Tennessee proposes a unanimous-consent request——

The PRESIDING OFFICER. Would the Senator restate his parliamentary inquiry?

Mr. ALLOTT. Has he withdrawn his unanimous-consent request?

Mr. GORE. A rollcall vote has been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I ask unanimous consent that my name be listed as a cosponsor of the pending substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that my name be listed as a co-sponsor of the pending substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I have been waiting all day to get the floor. I have asked a number of Members to accommodate me but they have all been too busy. Now I hope that the Senate will indulge me for a few minutes while I do some business that I have been waiting to do all day.

LESSONS OF THE MYLAI INCIDENT

Mr. JAVITS. Mr. President, press accounts of the alleged brutal killings at Mylai have assailed the conscience of the Nation and have sent shock waves of protest reverberating throughout the world. The allegations concerning the incident at Mylai are of enormous significance in the future of the Vietnam war, because they have propelled the American people across a new psychological threshold with respect to the Vietnam war. Under the new conditions created by the Mylai disclosures, President Nixon's strategy for peace in Vietnam, as stated in his November 3 speech, is no longer acceptable even to the majority claimed for it.

Certainly, the deep revulsion caused by the Mylai disclosures is a reality which the President must now take into account. It is now much more difficult to state, as President Nixon did in Vietnam on July 30 to the soldiers of the 1st Infantry Division:

> I think history will record that this (war) may have been one of America's finest hours . . .

And, for President Nixon to persist in his November 3 strategy, which is so heavily dependent on acts within the control of both Saigon and Hanoi, is now likely to prove to be untenable. The profound corruption of which this war is capable has now been exposed; not alone because of the alleged brutality—horrible as that is—but because of its evidence of the hopelessness of our remaining as the stand-ins of the South Vietnamese themselves in a fight for their self-determination. The U.S. war effort in Vietnam has suffered from fatal flaws and inconsistencies; now they have all come to a focus together. The war against "external aggression" by North Vietnam, the war against Communist Chinese expansionism, the war to defend the right of self-determination in South Vietnam—so constantly expounded by President Johnson and Secretary Rusk—has now become a war where every stated objective is dubious and where there is grave doubt that the South Vietnamese themselves even want us there.

The price which has been paid by the American people—materially and psychologically—to fight this war and to sustain the growing unbridgeable discrepancy between reality and official pronouncements has reached intolerable proportions. A painful, damaging, and unprecedented alienation has developed between the enormous body of student groups and the administration of President Johnson and now of President Nixon and Vice President AGNEW.

The effect of the Vietnam war on many other young men who have gone to Vietnam to fight—among them the poor, the black, the dropouts—has been even crueler.

The task of a Senator at this point is not to make final judgments about what happened at Mylai as to individuals—there are established judicial proceedings to do this. Rather, I consider it to be the responsibility of a Senator to recognize the significance of the Mylai disclosures with respect to the broad policy decisions now pending before the Nation, and to urge the President—who must make the final, excruciating choices—to recognize their significance, too.

I believe it is essential to the Nation's well-being that President Nixon recognize that the whole psychological environment in the United States has been transformed by the Mylai reports. The arguments and reasoning which have been used to explain and support the "gradualist" policies of the Nixon ad-

ministration—notwithstanding the President's laudable decision to withdraw 60,000 troops—have given a sense of identity with the Vietnam policies and objectives of the Johnson administration. All this now has been undone at a stroke.

Inevitably, there will be powerful voices from within the administration counseling the President to take actions designed to blunt or counteract the effects of the Mylai reports. We will perhaps see efforts to arouse the public by counter revelations of atrocities by the Vietcong—and they are of course many times worse and much longer continued than even the worst we hear about Mylai. But this will prove to be of little comfort to us!

In my judgment, the proper course now for President Nixon is to lead the Nation out of Vietnam in the earliest and most considered manner possible and this requires a more rapid timetable that contemplated by his November 3 speech. The double veto that now exists over present withdrawal policy—one in the hands of Saigon and one in the hands of Hanoi—must be reclaimed. The time has passed quires a more rapid timetable than conditioned on improved political and military capabilities of the Thieu regime is a viable course for the United States; or, when a policy of withdrawal based on Hanoi's battlefield 'restraint' is a viable course for the United States.

The time has come for the President of the United States to lead the Nation clearly, quickly, and unequivocably out of Vietnam. And in this the U.S. Military Establishment also has a new responsibility. Here, too, is a test of the military establishment and its amenability to civilian control in the highest American tradition. In my judgment, it is now essential that the U.S. Military Establishment itself accept the responsibility for preparing the quickest and most orderly withdrawal from Vietnam. It must assess to the satisfaction of civilian control the pattern of U.S. withdrawal, consistent with battlefield security, and leaving the most favorable position which can be attained under the circumstances to the South Vietnamese forces.

I believe that it is essential that the U.S. Military Establishment undertake this task for two reasons. First, because it is its duty under orders to devise an orderly and effective withdrawal; and second, because the honor of our military forces demands it. Our forces have fought the war with great bravery and skill under most difficult circumstances. The same bravery and the same skill are now called upon to extricate our Nation from an impossible war situation. Our armed forces are capable of both.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

AMENDMENT NO. 340

Mr. JAVITS. Mr. President, I submit an amendment, which I ask to have printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the desk.

Mr. JAVITS. Mr. President, I have introduced, today for myself and Mr. CASE of New Jersey, an amendment to those provisions in the now-pending tax reform bill which relate to philanthropic activities.

We are properly concerned about the fact that some individuals have been able to use the present unlimited charitable tax deduction to avoid the payment of taxes altogether and that some foundations have abused their tax-exempt status. However, in seeking the quite proper objective of "tax reform," we must bear in mind that it is essential to the health of our society that the activities of private philanthropies be not undone, and yet that may well happen in the bill we have before us.

We must make every effort to preserve the flexibility and the capacity to innovate which philanthropic institutions have demonstrated in the past. These private institutions have demonstrated a capacity to respond more readily than governments to a wide variety of social needs. Moreover, by their very nature, the foundations are able to engage in experimental activities of great social value which public agencies cannot very well pursue. Certainly, in our efforts to prevent improper activities, we should not inhibit these important sources of creativity and innovation.

Some of the important tax changes proposed in respect of philanthropic activities are, I believe, being proposed without adequate realization of the effects they will have on philanthropic activities. We thus run the risk of seriously injuring one of the important institutional bases of our society. We run the dangerous risk of substantially cutting off the flow of adequate funds to our universities, to medical research, and to social welfare at the very time when there is widespread agreement that nongovernmental institutions which work in these areas, and are at least partially dependent upon philanthropy for these activities, are facing growing financial crises.

Mr. President, at the outset, I must emphasize that I support those provisions in the House-passed and Senate Finance Committee bills which would seek to insure that foundations distribute their funds for philanthropic purposes and which seek to correct abuses related to the business—as opposed to the philanthropic—activities of foundations. But, because their financial requirements will rise rapidly in the coming years, we should direct our attention toward tax reforms to increase, rather than inhibit, the net private giving available to philanthropy.

The amendment which I introduce today would establish a Presidential Commission on Philanthropic Activities. This Commission would undertake a broad and detailed study of philanthropy and of the effect of tax relief granted for such activities and report to the President and the Congress no later than June 30, 1971. In addition, this amendment would make the following changes in the tax reform bill now before us:

First. Those provisions of the Senate Finance Committee bill which would limit the tax-exempt life of certain foundations are deleted.

Second. Those provisions of the Senate bill which would require divestiture of stock ownership are deleted. However, provision is made to insure that foundations do not increase their holdings by purchase pending action on the report of the Presidential Commission.

Third. Those provisions of the Senate bill which would limit—beyond the extent presently permitted by existing law—the activities of foundations are deleted.

Fourth. The prohibitions of the Senate bill against self-dealing are extended to all foundations and not just to private foundations.

Fifth. The limitations of the Senate bill with respect to the use of foundation assets—that is, the investment of its corpus—are extended to all foundations and not just to private foundations.

Sixth. Except for the raising of the charitable contribution deduction to 50 percent and the repeal of the unlimited charitable deduction, the remaining provisions of the Senate bill affecting charitable contributions are deleted.

All items which would be deleted are specifically referred to the Presidential Commission for study and report.

THE PRESIDENTIAL COMMISSION

I have urged the establishment of this Presidential Commission because I believe that it is vitally necessary that the basic issue of the tax incentive to philanthropic contributions, which is justified by social usefulness, be made the subject of study by an impartial and bipartisan high level commission. The Peterson commission, an independent body which has recently completed a study of foundations, found that there is so little information available that it is generally not possible to substantiate or refute many of the general charges of abuse and excess.

The Presidential Commission would be composed of 25 members chosen by the President on a nonpartisan basis according to the formula set forth in the amendment. There would be two Members each from the House and Senate, representatives from the legal and accounting profession, the major religions, educators, scientists, philanthropists, and representatives from the general public. This Commission would represent a broad cross section of contemporary American opinion and would be able to objectively address the issues which they have been commissioned to study.

The Treasury and the committees of Congress having jurisdiction over taxes would be expected to provide technical and other assistance as and when requested. In addition, the Commission would be able to retain consultants and other advisers as deemed necessary.

The Commission would be asked to examine the entire structure of exemptions from income tax granted by section 501 et seq. of the Code together with the charitable deductions granted by section

170 and related sections of the Code, including similar deductions granted under the estate and gift tax laws. Paramount in this examination—and an integral part of any such examination—would be a determination as to the value of such privately provided services to our society. Also the question of cost to the Government in granting this form of tax relief versus the cost of providing comparable services out of the general tax revenues would have to be considered.

The Commission would also be required to assess present Government supervision of the foundations and make recommendations for strengthened regulations. It would seek out the abuses and the facts that we presently do not have available to us—or available only in skeleton form. It is clear that better auditing procedures, more vigorous public disclosure requirements and strengthened sanctions for violators are needed.

The Commission would be asked to review the scope of activities for which tax concessions are granted to determine whether they are still as relevant to the needs of our society today as they were when the great bulk of them were established more than 50 years ago. It would also be asked to recommend to Congress and the administration new incentive approaches to philanthropic giving.

Another area of great importance which the Commission would be asked to study is the possibility of establishing a permanent body, separate and apart from the Internal Revenue Service, which would pass on public policy questions in the philanthropic tax-exempt area. I believe that such a body may be necessary, since very little that will be done in this area will be without social effect, and it is unwise to have the revenue-collecting decision and the public policy decision rest in the same hands, lest the revenue-producing decision take precedence to the detriment of the public good.

Pending the completion of the Commission's work, my amendment proposes that the House and Senate Finance Committee proposed changes in our internal revenue code affecting charitable contributions and tax treatment of private foundations as they relate to philanthropic activities be set aside and be referred to the Commission for further study, rather than changing existing law at this time.

In the report of the Finance Committee under the general heading, "A Tax Treatment of Private Foundations," changes in the tax code are recommended under 13 major headings. My amendment proposes to refer only three of these headings to the Commission. These are:

First. Limitation on tax exempt life: My amendment deletes these provisions of the bill and refers this question to the Commission for study and recommendation. I can understand the concern of the Senate Finance Committee in recommending this measure. Many foundations, even those with a considerable amount of public support, have independent governing bodies which are self-perpetuating. These organizations are said to be in no way susceptible to social and public pressures as a result, and are, therefore, frequently not responsive to need. These institutions are largely unique in our society; government has the voters to which it must be responsive, and as we are learning every day, colleges have their students and faculty and alumni who are demanding they be responsive. In my judgment, philanthropic institutions need some means which will insure responsiveness. Terminating tax-exempt existence after 40 years is not the answer. Some institutions should, perhaps, be terminated sooner; others after a much longer period, if at all. I would give the Presidential Commission, which I suggest, the opportunity to review the activities of foundations and to adopt a system to insure responsiveness to change and social need. I do not recommend that foundations be given the alternative of either becoming an operating foundation or a public charity or going out of business since I do not believe that anyone is in a position to determine today on this bill that 40 years is too long or too short or equally applicable to all.

Second. Stock ownership limitation: My amendment deletes this provision and forwards it to the Commission for further study. While I support philosophically the concept that foundations should be divorced from the control of businesses to the greatest possible extent, I have been impressed by the report made to the Senate Finance Committee by the Commission on Foundations and Private Philanthropy that "more than three-quarters of the assets of foundations were contributed in the form of appreciated intangible property. And more than half was stock of a company in which the donor and his family has an interest in excess of 20 percent"—page 38. This report has led me to the conclusion that we need to study this matter in greater detail.

Third. Limitations on the activities of foundations: The amendment I introduce would delete these provisions of the bill and refer this issue to the Presidential Commission for study and recommendation. We must be certain that our foundations can properly investigate and report on problems which confront our society and which may presently be, or which may become, the subject of legislation. Provisions which limit such activities must be carefully worded so that they are consistent with our true intent—that is, the prevention of so-called lobbying and of the furtherance of special interests. I do not believe that the provisions in this bill or in the House-passed bill satisfactorily meet our objective in this area. Certainly much greater understanding of the situation is required.

The other provisions of my amendment relate to the following:

Charitable contributions: I agree with the raising of the charitable contribution deduction to 50 percent and the repeal of the unlimited charitable deduction. Both represent the important measures of tax reform in the charitable contribution area and have significant revenue effect. However, I would recommend deletion and further study of other provisions in this bill dealing with charitable contributions. They do not have an important revenue effect, and their potential impact on private giving is not yet adequately understood.

Prohibition on self-dealing: Self-dealing has been an important area of abuse. My amendment imposes the same restrictions against self-dealing on all philanthropic institutions as are presently imposed against private foundations by the Finance Committee bill. I fail to understand why the element of public support makes the public charities any less susceptible to self-dealing than in the case of the private foundation. Both categories should be held to the same high standards. Instances of abuse in the public charity area can be as serious.

Limitations on the use of assets: This amendment would impose the same standards on public charities as the bill would impose on private foundations. My reasons are largely the same as in the case of the prohibitions against self-dealing. All philanthropic institutions should be held to the same high standard. In addition, I see just as much potential for abuse in the case of a public charity although the likelihood may not be as great.

In summary, my amendment seeks to capture the spirit of both the House and Finance Committee tax reform bills by incorporating major provisions. In terms of substance, I believe that my amendment goes even further to the heart of the matter by imposing the highest standards on all foundations whether public or privately and by initiating the first major review in 50 years of those provisions about which there is a need for further study. The further study will be conducted by a Presidential Commission of the highest caliber.

I have proposed this amendment only after consulting with many philanthropic leaders and with some of the leading foundations based in New York. I recognize—and commend my colleagues on the Senate Finance Committee for their praiseworthy efforts in improving significantly on the House tax reform bill, but, I remain concerned that some of the remaining tax changes as they relate to philanthropic contributions would dangerously decrease the amount of funds available for purposes of education and philanthropy. I have proposed my amendment as an alternative for my colleagues who are concerned not only with the grave issues of tax reform, but also with the grave issues of social welfare and innovation in a pluralistic society.

I urge the Senate to accept this amendment. It is essential to the health and well being of those philanthropic activities which have contributed to our national growth and progress and to that pluralism which has been so important to innovation and to discovery in the fields of science, social welfare, and the humanities.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I should like again to address the Chair with an inquiry concerning the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is it possible to offer an amendment to this substitute to raise the exemption back up to $1,000, or do we have to defeat the substitute in order to vote on the proposition the Senator from Tennessee originally offered?

The PRESIDING OFFICER. The last substitute is not open to amendment.

Mr. PERCY. Mr. President——

Mr. STEVENS. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. This tactic that has just been used is one I disagree with. I should like to be respectful, as much as I can, as a new Member, but I would like to have voted on the $1,000 exemption. I believed in it. I stated when the poll was taken on this side that I believed in it, and I think that should have been conveyed to the other side. But in any event, I do not think we ought to be shut off from voting on the $1,000 proposition.

The exemption was $1,000 back in Lincoln's day. At the time of the first income tax ever adopted in this country, there was a $1,000 personal exemption; and here we are, at this time, dealing with a situation where we are shut off from voting on it because of a parliamentary tactic, apparently on the basis of who gets credit for suggesting the $800 idea.

I do not know what the leadership believes about this, but I would like to find out if it is possible to put this thing off until we consider the proposition that has been offered here. I have not even seen it yet. It seems to me that some of the developments here are likely to prevent us from getting a tax reform bill, if this sort of maneuvering continues.

AMENDMENTS NO. 338

Mr. PERCY. Mr. President, I send four perfecting amendments to the desk, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I believe these perfecting amendments should be explained.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

On page 454 beginning with line 5 through line 19 on page 456, strike the language and insert the following:

"SEC. 801. PERSONAL EXEMPTIONS.

"(a) INCREASE TO $650 FOR 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$600' whereaver it appears therein and inserting in lieu thereof '$650'; and

"(2) section 6013 (b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$600' wherever it appears therein and inserting in lieu thereof '$650', and by striking out '$1,200' wherever it appears therein and inserting in lieu thereof '$1,300'.

"(b) INCREASE TO $700 FOR 1971.—Effective with respect to taxable years beginning after December 31, 1970 and before January 1, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$650' wherever it appears therein and inserting in lieu thereof '$700'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$700' wherever it appears therein and inserting in lieu thereof '$750', and by striking out '$1,400' wherever it appears therein and inserting in lieu thereof '$1500'.

"(d) INCREASE TO $800 FOR 1973 AND SUBSEQUENT YEARS.—Effective with respect to taxable years beginning after December 31, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$750' wherever it appears there and inserting in lieu thereof '$800'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$750' wherever it appears therein and inserting in lieu thereof '$800', and by striking out '$1,500', wherever it appears therein and inserting in lieu thereof '$1,600'.

"SEC. 802. LOW INCOME ALLOWANCE: INCREASE IN STANDARD DEDUCTION.

"(a) IN GENERAL.—Section 141 (relating to the standard deduction) is amended by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"'(a) STANDARD DEDUCTION.—Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the percentage standard deduction for the low income allowance.

"'(b) PERCENTAGE STANDARD DEDUCTION.—The percentage standard deduction is an amount equal to the applicable percentage of adjusted gross income shown in the following table, but not to exceed the maximum amount shown in such table (or one-half of such maximum amount in the case of a separate return by a married individual):

"'Taxable years beginning in—

	Applicable percentage	Maximum amount
1970	10	$1,000
1971	13	1,400
1972	14	1,700
1973 and thereafter	15	2,000

"'(c) LOW INCOME ALLOWANCE.—

"'(1) IN GENERAL.—The low income allowance is an amount equal to the sum of—

"'(A) the basic allowance, and

"'(B) the additional allowance.

"'(2) BASIC ALLOWANCE.—For purposes of this subsection, the basic allowance is an amount equal to the sum of—

"'(A) $200, plus

"'(B) $100, multiplied by the number of exemptions.

The basic allowance shall not exceed $1,100.

"'(3) ADDITIONAL ALLOWANCE.—

"'(A) IN GENERAL.—For purposes of this subsection, the additional allowance is an amount equal to the excess (if any) of $850 over the sum of—

"'(i) $100, multiplied by the number of exemptions, plus

"'(ii) the income phase-out.

"'(B) INCOME PHASE-OUT.—For purposes of subparagraph (A)(ii), the income phase-out is an amount equal to one-half of the amount by which the adjusted gross income for the taxable year exceeds the sum of—

"'(i) $1050 plus

"'(ii) $650, multiplied by the number of exemptions.

"'(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married taxpayer filing a separate return—

"'(A) the low income allowance is an amount equal to the basic allowance, and

"'(B) the basic allowance is an amount (not in excess of $525) equal to the sum of—

"'(i) $100, plus

"'(ii) $100, multiplied by the number of exemptions.

"'(5) NUMBER OF EXEMPTIONS.—For purposes of this subsection, the number of exemptions is the number of exemptions allowed as a deduction for the taxable year under section 151.

"'(6) SPECIAL RULE FOR 1971 AND 1972.—For a taxable year beginning after December 31, 1970, and before January 1, 1973—

"'(A) paragraph (2) shall be applied by substituting "$1,000" for "$1,050";

"'(B) paragraph (3)(A) shall be applied by substituting "$800" for "850".

"'(C) paragraph (3)(B) shall be applied by substituting "one-fourth" for "one-half",

"'(D) paragraph (3)(B)(i) shall be applied by substituting "$1,000" for "$1,050",

"'(E) paragraph (3)(B)(ii) shall be applied by substituting "$700" ($750 for years beginning in 1972) for "$650", and

"'(F) paragraph 4(B) shall be applied by substituting "$500" for "$525".'"

Beginning on line 4 page 460 through page 473 strike the language and insert the following:

"(e) YEARS AFTER 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 141(c) (relating to low income allowance), as amended by subsection (a), is amended to read as follows:

"'(c) LOW INCOME ALLOWANCE.—The low income allowance in $1000 ($500, in the case of a married individual filing a separate return).'

"SEC. 803. TAX RATES.

"(a) RATES OF TAX ON INDIVIDUALS.—Section 1 (relating to the tax imposed) is amended to read as follows:

"'Section 1. Tax Imposed.

"'(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—

"'(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of—

"'(A) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"'(B) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140 plus 15% of excess over $1,000.
Over $2,000 but not over $3,000	$290 plus 16% of excess over $2,000.
Over $3,000 but not over $4,000	$450 plus 17% of excess over $3,000.
Over $4,000 but not over $8,000	$620 plus 19% of excess over $4,000.
Over $8,000 but not over $12,000	$1,380 plus 22% of excess over $8,000.
Over $12,000 but not over $16,000	$2,260 plus 25% of excess over $12,000.
Over $16,000 but not over $20,000	$3,260 plus 28% of excess over $16,000.
Over $20,000 but not over $24,000	$4,380 plus 32% of excess over $20,000.
Over $24,000 but not over $28,000	$5,660 plus 36% of excess over $24,000.
Over $28,000 but not over $32,000	$7,100 plus 39% of excess over $28,000.
Over $32,000 but not over $36,000	$8,660 plus 42% of excess over $32,000.
Over $36,000 but not over $40,000	$10,340 plus 45% of excess over $36,000.
Over $40,000 but not over $44,000	$12,140 plus 48% of excess over $40,000.
Over $44,000 but not over $48,000	$14,060 plus 50% of excess over $44,000.

"'If the taxable income is:

	The tax is:
Over $48,000 but not over $52,000	$16,060 plus 50% of excess over $48,000.
Over $52,000 but not over $56,000	$18,060 plus 53% of excess over $52,000.
Over $56,000 but not over $64,000	$20,180 plus 53% of excess over $56,000.
Over $64,000 but not over $76,000	$24,420 plus 55% of excess over $64,000.
Over $76,000 but not over $88,000	$31,020 plus 58% of excess over $76,000.
Over $88,000 but not over $100,000	$37,980 plus 60% of excess over $88,000.
Over $100,000 but not over $120,000	$45,180 plus 62% of excess over $100,000.
Over $120,000 but not over $140,000	$57,580 plus 64% of excess over $120,000.
Over $140,000 but not over $160,000	$70,380 plus 66% of excess over $140,000.
Over $160,000 but not over $180,000	$83,580 plus 68% of excess over $160,000.
Over $180,000 but not over $200,000	$97,180 plus 69% of excess over $180,000.
Over $200,000	$110,980 plus 70% of excess over $200,000.

"'(2) TAXABLE YEARS BEGINNING IN 1972.—In the case of a taxable year beginning after December 31, 1971, and before January 1, 1973, there is hereby imposed on the taxable income of—

"'(A) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"'(B) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"'If the taxable income is:

	The tax is:
Not over $1,000	13.8% of the taxable income.
Over $1,000 but not over $2,000	$138 plus 14.8% of excess over $1,000.
Over $2,000 but not over $3,000	$286 plus 15.8% of excess over $2,000.
Over $3,000 but not over $4,000	$444 plus 16.8% of excess over $3,000.
Over $4,000 but not over $8,000	$612 plus 18.8% of excess over $4,000.
Over $8,000 but not over $12,000	$1,364 plus 21.8% of excess over $8,000.
Over $12,000 but not over $16,000	$2,236 plus 24.5% of excess over $12,000.
Over $16,000 but not over $20,000	$3,216 plus 27.8% of excess over $16,000.
Over $20,000 but not over $24,000	$4,228 plus 31.5% of excess over $20,000.
Over $24,000 but not over $28,000	$5,588 plus 35.5% of excess over $24,000.
Over $28,000 but not over $32,000	$7,008 plus 38.5% of excess over $28,000.
Over $32,000 but not over $36,000	$8,548 plus 41.5% of excess over $32,000.
Over $36,000 but not over $40,000	$10,208 plus 44.3% of excess over $36,000.
Over $40,000 but not over $44,000	$11,980 plus 47% of excess over $40,000.
Over $44,000 but not over $52,000	$13,860 plus 49.3% of excess over $48,000.
Over $52,000 but not over $64,000	$17,804 plus 52% of excess over $56,000.
Over $64,000 but not over $76,000	$24,420 plus 53.8% of excess over $64,000.
Over $76,000 but not over $88,000	$30,500 plus 56.5% of excess over $76,000.
Over $88,000 but not over $100,000	$37,980 plus 58.5% of excess over $88,000.
Over $100,000 but not over $120,000	$44,380 plus 61% of excess over $100,000.
Over $120,000 but not over $140,000	$56,500 plus 63% of excess over $120,000.
Over $140,000 but not over $160,000	$69,100 plus 64.5% of excess over $140,000.
Over $160,000 but not over $180,000	$82,000 plus 66.3% of excess over $160,000.
Over $180,000 but not over $200,000	$95,280 plus 67% of excess over $180,000.
Over $200,000 but not over $240,000	$108,660 plus 68% of excess over $200,000.
Over $240,000 but not over $300,000	$135,860 plus 68.3% of excess over $240,000.
Over $300,000 but not over $400,000	$176,840 plus 68.5% of excess over $300,000.
Over $400,000	$245,340 plus 68.8% of excess over $400,000.

"'(3) TAXABLE YEARS BEGINNING AFTER 1972.—In the case of a taxable year beginning after December 31, 1972, there is hereby imposed on the taxable income of—

"'(A) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"'(B) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"'If the taxable income is:

	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135 plus 14.5% of excess over $1,000.
Over $2,000 but not over $3,000	$280 plus 15.5% of excess over $2,000.
Over $3,000 but not over $4,000	$435 plus 16.5% of excess over $3,000.
Over $4,000 but not over $8,000	$600 plus 18.5% of excess over $4,000.
Over $8,000 but not over $12,000	$1,340 plus 21.5% of excess over $8,000.
Over $12,000 but not over $16,000	$2,200 plus 24% of excess over $12,000.
Over $16,000 but not over $20,000	$3,160 plus 27.5% of excess over $16,000.
Over $20,000 but not over $24,000	$4,260 plus 31% of excess over $20,000.
Over $24,000 but not over $28,000	$5,500 plus 35% of excess over $24,000.
Over $28,000 but not over $32,000	$6,900 plus 38% of excess over $28,000.
Over $32,000 but not over $36,000	$8,420 plus 41% of excess over $32,000.
Over $36,000 but not over $40,000	$10,060 plus 43.5% of excess over $36,000.
Over $40,000 but not over $44,000	$11,800 plus 46% of excess over $40,000.
Over $44,000 but not over $52,000	$13,640 plus 48.5% of excess over $44,000.
Over $52,000 but not over $64,000	$17,520 plus 51% of excess over $52,000.
Over $64,000 but not over $76,000	$23,640 plus 52.5% of excess over $64,000.
Over $76,000 but not over $88,000	$29,940 plus 55% of excess over $76,000.
Over $88,000 but not over $100,000	$36,540 plus 57% of excess over $88,000.
Over $100,000 but not over $120,000	$43,380 plus 60% of excess over $100,000.
Over $120,000 but not over $140,000	$55,380 plus 62% of excess over $120,000.
Over $140,000 but not over $160,000	$67,780 plus 63% of excess over $140,000.
Over $160,000 but not over $180,000	$80,380 plus 64.5% of excess over $160,000.
Over $180,000 but not over $200,000	$93,280 plus 65% of excess over $180,000.
Over $200,000 but not over $240,000	$106,280 plus 66% of excess over $200,000.
Over $240,000 but not over $300,000	$132,680 plus 66.5% of excess over $240,000.
Over $300,000 but not over $400,000	$172,580 plus 67% of excess over $300,000.
Over $400,000	$239,580 plus 67.5% of excess over $400,000.

"'(b) HEADS OF HOUSEHOLDS.—

"'(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"'If the taxable income is:

	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140 plus 16% of excess over $1,000.
Over $2,000 but not over $4,000	$300 plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$660 plus 19% of excess over $4,000.
Over $6,000 but not over $8,000	$1,040 plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,480 plus 23% of excess over $8,000.
Over $10,000 but not over $12,000	$1,940 plus 25% of excess over $10,000.
Over $12,000 but not over $14,000	$2,440 plus 27% of excess over $12,000.
Over $14,000 but not over $16,000	$2,980 plus 28% of excess over $14,000.
Over $16,000 but not over $18,000	$3,540 plus 31% of excess over $16,000.
Over $18,000 but not over $20,000	$4,160 plus 32% of excess over $18,000.
Over $20,000 but not over $22,000	$4,800 plus 35% of excess over $20,000.
Over $22,000 but not over $24,000	$5,500 plus 36% of excess over $22,000.
Over $24,000 but not over $26,000	$6,220 plus 38% of excess over $24,000.
Over $26,000 but not over $28,000	$6,980 plus 41% of excess over $26,000.
Over $28,000 but not over $32,000	$7,800 plus 42% of excess over $28,000.
Over $32,000 but not over $36,000	$9,480 plus 45% of excess over $32,000.
Over $36,000 but not over $38,000	$11,800 plus 48% of excess over $36,000.
Over $38,000 but not over $40,000	$12,240 plus 51% of excess over $38,000.
Over $40,000 but not over $44,000	$13,260 plus 52% of excess over $40,000.
Over $44,000 but not over $50,000	$15,340 plus 55% of excess over $44,000.
Over $50,000 but not over $52,000	$18,640 plus 56% of excess over $50,000.
Over $52,000 but not over $64,000	$19,760 plus 58% of excess over $52,000.
Over $64,000 but not over $70,000	$26,720 plus 59% of excess over $64,000.
Over $70,000 but not over $76,000	$30,260 plus 61% of excess over $70,000.
Over $76,000 but not over $80,000	$33,920 plus 62% of excess over $76,000.
Over $80,000 but not over $88,000	$36,400 plus 63% of excess over $80,000.
Over $88,000 but not over $100,000	$41,440 plus 64% of excess over $88,000.
Over $100,000 but not over $120,000	$49,120 plus 66% of excess over $100,000.
Over $120,000 but not over $140,000	$62,320 plus 67% of excess over $120,000.
Over $140,000 but not over $160,000	$75,720 plus 68% of excess over $140,000.
Over $160,000 but not over $180,000	$89,320 plus 69% of excess over $160,000.
Over $180,000	$103,120 plus 70% of excess over $180,000.

"'(2) TAXABLE YEARS BEGINNING IN 1972.—In the case of a taxable year beginning after December 31, 1971, and before January 1, 1973, there is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $1,000	13.8% of the taxable income.
Over $1,000 but not over $2,000	$138 plus 15.8% of excess over $1,000.
Over $2,000 but not over $4,000	$296 plus 17.8% of excess over $2,000.
Over $4,000 but not over $6,000	$652 plus 19.8% of excess over $4,000.
Over $6,000 but not over $8,000	$1,048 plus 21.5% of excess over $6,000.
Over $8,000 but not over $10,000	$1,478 plus 24.3% of excess over $8,000.
Over $10,000 but not over $12,000	$1,964 plus 26.3% of excess over $10,000.
Over $12,000 but not over $14,000	$2,490 plus 29.5% of excess over $12,000.
Over $14,000 but not over $16,000	$3,080 plus 30.8% of excess over $14,000.
Over $16,000 but not over $18,000	$3,696 plus 33.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,366 plus 34.8% of excess over $18,000.
Over $20,000 but not over $22,000	$5,062 plus 38% of excess over $20,000.
Over $22,000 but not over $24,000	$5,822 plus 39.3% of excess over $22,000.
Over $24,000 but not over $26,000	$6,608 plus 41% of excess over $24,000.
Over $26,000 but not over $28,000	$7,428 plus 43.3% of excess over $26,000.
Over $28,000 but not over $32,000	$8,294 plus 44.5% of excess over $28,00.
Over $32,000 but not over $36,000	$10,074 plus 46.8% of excess over $32,000.
Over $36,000 but not over $38,000	$11,946 plus 48.8% of excess over $36,000.
Over $38,000 but not over $40,000	$12,922 plus 50.8% of excess over $38,000.
Over $40,000 but not over $44,000	$13,938 plus 51.5% of excess over $40,000.
Over $44,000 but not over $50,000	$16,010 plus 53.8% of excess over $44,000.
Over $50,000 but not over $52,000	$19,238 plus 55.5% of excess over $50,000.
Over $52,000 but not over $64,000	$20,348 plus 57% of excess over $52,000.
Over $64,000 but not over $70,000	$27,188 plus 57.3% of excess over $64,000.
Over $70,000 but not over $76,000	$30,626 plus 58% of excess over $70,000.
Over $76,000 but not over $80,000	$34,106 plus 60.3% of excess over $76,000.
Over $80,000 but not over $88,000	$36,518 plus 61.5% of excess over $80,000.
Over $88,000 but not over $100,000	$41,438 plus 62.3% of excess over $88,000.
Over $100,000 but not over $120,000	$48,914 plus 64.5% of excess over $100,000.
Over $120,000 but not over $140,000	$61,814 plus 65.8% of excess over $120,000.
Over $140,000 but not over $160,000	$74,974 plus 66.5% of excess over $140,000.
Over $160,000 but not over $180,000	$88,274 plus 67.5% of excess over $160,000.
Over $180,000 but not over $200,000	$101,774 plus 68.3% of excess over $180,000.
Over $200,000 but not over $300,000	$115,434 plus 68.5% of excess over $200,000.
Over $300,000	$183,934 plus 68.8% of excess over $300,000.

"'(3) TAXABLE YEARS BEGINNING AFTER 1972. In the case of a taxable year beginning after December 31, 1972, there is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135 plus 15.5% of excess over $1,000.
Over $2,000 but not over $4,000	$290 plus 17.5% of excess over $2,000.
Over $4,000 but not over $6,000	$640 plus 19.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,030 plus 20.5% of excess over $6,000.
Over $8,000 but not over $10,000	$1,440 plus 22.5% of excess over $8,000.
Over $10,000 but not over $12,000	$1,890 plus 23.5% of excess over $10,000.
Over $12,000 but not over $14,000	$2,360 plus 26% of excess over $12,000.
Over $14,000 but not over $16,000	$2,880 plus 28% of excess over $14,000.
Over $16,000 but not over $18,000	$3,440 plus 29.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,030 plus 31.5% of excess over $18,000.
Over $20,000 but not over $22,000	$4,660 plus 33% of excess over $20,000.
Over $22,000 but not over $24,000	$5,320 plus 35% of excess over $22,000.
Over $24,000 but not over $26,000	$6,020 plus 37% of excess over $24,000.
Over $26,000 but not over $28,000	$6,760 plus 39% of excess over $26,000.
Over $28,000 but not over $32,000	$7,540 plus 41% of excess over $28,000.
Over $32,000 but not over $36,000	$9,180 plus 44% of excess over $32,000.
Over $36,000 but not over $38,000	$10,940 plus 46.5% of excess over $36,000.
Over $38,000 but not over $40,000	$11,870 plus 48.5% of excess over $38,000.
Over $40,000 but not over $44,000	$12,840 plus 50.5% of excess over $40,000.
Over $44,000 but not over $50,000	$14,860 plus 52.5% of excess over $44,000.
Over $50,000 but not over $52,000	$18,010 plus 54.5% of excess over $50,000.
Over $52,000 but not over $60,000	$19,100 plus 55.5% of excess over $52,000.
Over $60,000 but not over $64,000	$23,540 plus 56.5% of excess over $60,000.
Over $64,000 but not over $76,000	$25,800 plus 57.5% of excess over $64,000.
Over $76,000 but not over $80,000	$32,700 plus 59.0% of excess over $76,000.
Over $80,000 but not over $88,000	$35,060 plus 60.0% of excess over $80,000.
Over $88,000 but not over $100,000	$39,860 plus 61.0% of excess over $88,000.
Over $100,000 but not over $120,000	$47,180 plus 63.0% of excess over $100,000.
Over $120,000 but not over $140,000	$59,780 plus 64.0% of excess over $120,000.
Over $140,000 but not over $160,000	$72,580 plus 65.0% of excess over $140,000.
Over $160,000 but not over $200,000	$85,580 plus 66.0% of excess over $160,000.
Over $200,000 but not over $240,000	$111,980 plus 66.5% of excess over $200,000.
Over $240,000 but not over $300,000	$138,580 plus 67.0% of excess over $240,000.
Over $300,000	$178,780 plus 67.5% of excess over $300,000.'

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—

"(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70 plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145 plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225 plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310 plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690 plus 21% of excess over $4,000.
Over $6,000 but not over $8,000	$1,110 plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,590 plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$2,090 plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,630 plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$3,210 plus 31% of excess over $14,000.
Over $16,000 but not over $18,000	$3,830 plus 34% of excess over $16,000.
Over $18,000 but not over $20,000	$4,510 plus 36% of excess over $18,000.
Over $20,000 but not over $22,000	$5,230 plus 38% of excess over $20,000.
Over $22,000 but not over $26,000	$5,990 plus 40% of excess over $22,000.
Over $26,000 but not over $32,000	$7,590 plus 45% of excess over $26,000.
Over $32,000 but not over $38,000	$10,290 plus 50% of excess over $32,000.
Over $38,000 but not over $44,000	$13,290 plus 55% of excess over $38,000.
Over $44,000 but not over $50,000	$16,590 plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$20,190 plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$26,390 plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$32,790 plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$39,390 plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$46,190 plus 69% of excess over $90,000.
Over $100,000	$53,090 plus 70% of excess over $100,000.'

"(2) TAXABLE YEARS BEGINNING IN 1972.—In the case of a taxable year beginning after December 31, 1971, and before January 1, 1973, there is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $500	13.8% of the taxable income.
Over $500 but not over $1,000	$69 plus 14.8% of excess over $500.
Over $1,000 but not over $1,500	$143 plus 15.8% of excess over $1,000.
Over $1,500 but not over $2,000	$222 plus 16.8% of excess over $1,500.
Over $2,000 but not over $4,000	$306 plus 18.8% of excess over $2,000.
Over $4,000 but not over $6,000	$682 plus 21.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,112 plus 24.3% of excess over $6,000.
Over $8,000 but not over $10,000	$1,598 plus 27% of excess over $8,000.

"'If the taxable income is:	The tax is:
Over $10,000 but not over $12,000	$2,138 plus 30.5% of excess over $10,000.
Over $12,000 but not over $14,000	$2,748 plus 34% of excess over $12,000.
Over $14,000 but not over $16,000	$3,428 plus 36.8% of excess over $14,000.
Over $16,000 but not over $18,000	$4,164 plus 39.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,954 plus 42.3% of excess over $18,000.
Over $20,000 but not over $22,000	$5,800 plus 44.8% of excess over $20,000.
Over $22,000 but not over $26,000	$6,696 plus 46.8% of excess over $22,000.
Over $26,000 but not over $32,000	$8,568 plus 50.3% of excess over $26,000.
Over $32,000 but not over $38,000	$11,586 plus 53% of excess over $32,000.
Over $38,000 but not over $44,000	$14,766 plus 56.5% of excess over $38,000.
Over $44,000 but not over $50,000	$18,156 plus 58.5% of excess over $44,000.
Over $50,000 but not over $60,000	$21,666 plus 61% of excess over $50,000.
Over $60,000 but not over $70,000	$27,766 plus 63% of excess over $60,000.
Over $70,000 but not over $80,000	$34,066 plus 64.5% of excess over $70,000.
Over $80,000 but not over $90,000	$40,516 plus 66.3% of excess over $80,000.
Over $90,000 but not over $100,000	$47,146 plus 67% of excess over $90,000.
Over $100,000 but not over $120,000	$53,846 plus 68% of excess over $100,000.
Over $120,000 but not over $150,000	$67,446 plus 68.3% of excess over $120,000.
Over $150,000 but not over $200,000	$87,936 plus 68.5% of excess over $150,000.
Over $200,000	$122,186 plus 68.8% of excess over $200,000.'

"(3) TAXABLE YEARS BEGINNING AFTER 1972.—In the case of a taxable year beginning after December 31, 1972, there is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $500	13.5% of the taxable income.
Over $500 but not over $1,000	$67.50 plus 14.5% of excess over $500.
Over $1,000 but not over $1,500	$140 plus 15.5% of excess over $1,000.
Over $1,500 but not over $2,000	$217.50 plus 16.5% of excess over $1,500.
Over $2,000 but not over $4,000	$300 plus 18.5% of excess over $2,000.
Over $4,000 but not over $6,000	$670 plus 20.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1080 plus 23% of excess over $6,000.
Over $8,000 but not over $10,000	$1,540 plus 24.5% of excess over $8,000.
Over $10,000 but not over $12,000	$2,030 plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,570 plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$3,150 plus 31% of excess over $14,000.
Over $16,000 but not over $18,000	$3,710 plus 32.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,420 plus 34.5% of excess over $18,000.
Over $20,000 but not over $22,000	$5,110 plus 36% of excess over $20,000.
Over $22,000 but not over $26,000	$5,830 plus 38% of excess over $22,000.
Over $26,000 but not over $32,000	$7,350 plus 43.5% of excess over $26,000.
Over $32,000 but not over $38,000	$9,960 plus 48.5% of excess over $32,000.
Over $38,000 but not over $44,000	$13,870 plus 53.5% of excess over $38,000.
Over $44,000 but not over $50,000	$16,080 plus 57% of excess over $44,000.
Over $50,000 but not over $60,000	$19,500 plus 60% of excess over $50,000.
Over $60,000 but not over $70,000	$25,500 plus 62% of excess over $60,000.
Over $70,000 but not over $80,000	$31,700 plus 63% of excess over $70,000.
Over $80,000 but not over $90,000	$38,000 plus 64.5% of excess over $80,000.
Over $90,000 but not over $100,000	$44,450 plus 65% of excess over $90,000.
Over $100,000 but not over $120,000	$50,950 plus 66% of excess over $100,000.
Over $120,000 but not over $150,000	$64,250 plus 66.5% of excess over $120,000.
Over $150,000 but not over $200,000	$84,100 plus 67% of excess over $150,000.
Over $200,000	$117,600 plus 67.5% of excess over $200,000.[3]

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS; ESTATES AND TRUSTS.—

"(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70 plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145 plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225 plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310 plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690 plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,130 plus 25% of excess over $6,000.
Over $8,000 but not over $10,000	$1,630 plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,190 plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,830 plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,550 plus 39% of excess over $14,000.
Over $16,000 but not over $18,000	$4,330 plus 42% of excess over $16,000.
Over $18,000 but not over $20,000	$5,170 plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,070 plus 48% of excess over $20,000.
Over $22,000 but not over $26,000	$7,030 plus 50% of excess over $22,000.
Over $26,000 but not over $32,000	$9,030 plus 53% of excess over $26,000.
Over $32,000 but not over $38,000	$12,210 plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$15,510 plus 58% of excess over $38,000.
Over $44,000 but not over $50,000	$18,990 plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$22,590 plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$28,790 plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$35,190 plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$41,790 plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$48,590 plus 69% of excess over $90,000.
Over $100,000	$55,490 plus 70% of excess over $100,000.[1]

"(2) TAXABLE YEARS BEGINNING IN 1972.—In the case of a taxable year beginning after December 31, 1971, and before January 1, 1973, there is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $500	13.8% of the taxable income.
Over $500 but not over $1,000	$69 plus 14.8% of excess over $500.
Over $1,000 but not over $1,500	$143 plus 15.8% of excess over $1,000.
Over $1,500 but not over $2,000	$222 plus 16.8% of excess over $1,500.
Over $2,000 but not over $4,000	$306, plus 18.8% of excess over $2,000.
Over $4,000 but not over $6,000	$682 plus 21.8% of excess over $4,000.
Over $6,000 but not over $8,000	$1,118 plus 24.5% of excess over $6,000.
Over $8,000 but not over $10,000	$1,608 plus 27.8% of excess over $8,000.
Over $10,000 but not over $12,000	$2,164 plus 31.5% of excess over $10,000.
Over $12,000 but not over $14,000	$2,794 plus 35.5% of excess over $12,000.
Over $14,000 but not over $16,000	$3,504 plus 38.5% of excess over $14,000.
Over $16,000 but not over $18,000	$4,274 plus 41.5% of excess over $16,000.
Over $18,000 but not over $20,000	$5,104 plus 44.3% of excess over $18,000.
Over $20,000 but not over $22,000	$5,990 plus 47% of excess over $20,000.
Over $22,000 but not over $26,000	$6,930 plus 49% of excess over $22,000.
Over $26,000 but not over $32,000	$8,890 plus 52% of excess over $26,000.
Over $32,000 but not over $38,000	$12,010 plus 53.8% of excess over $32,000.
Over $38,000 but not over $44,000	$15,238 plus 56.5% of excess over $38,000.
Over $44,000 but not over $50,000	$18,628 plus 58.5% of excess over $44,000.
Over $50,000 but not over $60,000	$22,138 plus 61% of excess over $50,000.
Over $60,000 but not over $70,000	$28,238 plus 63% of excess over $60,000.
Over $70,000 but not over $80,000	$34,538 plus 64.5% of excess over $70,000.
Over $80,000 but not over $90,000	$40,988 plus 66.3% of excess over $80,000.
Over $90,000 but not over $100,000	$47,618 plus 67% of excess over $90,000.
Over $100,000 but not over $120,000	$54,318 plus 68% of excess over $100,000.
Over $120,000 but not over $150,000	$67,918 plus 68.3% of excess over $120,000.
Over $150,000 but not over $200,000	$88,408 plus 68.5% of excess over $150,000.
Over $200,000	$122,658 plus 68.8% of excess over $200,000.[1]

"(3) TAXABLE YEARS BEGINNING AFTER 1972.—In the case of a taxable year beginning after December 31, 1972, there is hereby imposed on the taxable income of every mar-

ried individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of

" 'If the taxable income is:
Not over $500
Over $500 but not over $1,000
Over $1,000 but not over $1,500
Over $1,500 but not over $2,000
Over $2,000 but not over $4,000
Over $4,000 but not over $6,000
Over $6,000 but not over $8,000
Over $8,000 but not over $10,000
Over $10,000 but not over $12,000
Over $12,000 but not over $14,000
Over $14,000 but not over $16,000
Over $16,000 but not over $18,000
Over $18,000 but not over $20,000
Over $20,000 but not over $22,000
Over $22,000 but not over $26,000
Over $26,000 but not over $32,000
Over $32,000 but not over $38,000
Over $38,000 but not over $44,000
Over $44,000 but not over $50,000
Over $50,000 but not over $60,000
Over $60,000 but not over $70,000
Over $70,000 but not over $80,000
Over $80,000 but not over $90,000
Over $90,000 but not over $100,000
Over $100,000 but not over $120,000
Over $120,000 but not over $150,000
Over $150,000 but not over $200,000
Over $200,000

The tax is:
13.5% of the taxable income.
$67.50, plus 14.5% of excess over $500.
$140, plus 15.5% of excess over $1,000.
$217.50, plus 16.5% of excess over $1,500.
$300, plus 18.5% of excess over $2,000.
$670, plus 21.5% of excess over $4,000.
$1,100, plus 24% of excess over $6,000.
$1,580, plus 27.5% of excess over $8,000.
$2,130, plus 31% of excess over $10,000.
$2,750, plus 35% of excess over $12,000.
$3,450, plus 38% of excess over $14,000.
$4,210, plus 41% of excess over $16,000.
$5,030, plus 43.5% of excess over $18,000.
$5,900, plus 46% of excess over $20,000.
$6,820, plus 48.5% of excess over $22,000.
$8,760, plus 51% of excess over $26,000.
$11,820, plus $52.5% of excess over $32,000.
$14,970, plus 55% of excess over $38,000.
$18,270, plus 57% of excess over $44,000.
$21,690, plus 60% of excess over $50,000.
$27,690, plus 62% of excess over $60,000.
$33,890, plus 63% of excess over $70,000.
$40,190, plus 64.5% of excess over $80,000.
$46,640, plus 65% of excess over $90,000.
$53,140, plus 66% of excess over $100,000.
$66,340, plus 66.5% of excess over $120,000.
$86,290, plus 67% of excess over $150,000.
$119,790, plus 67.5% of excess over $200,000.' "

On line 19 page 480 after "part IV" insert "and V".

Beginning on line 7 on page 481 through page 497. Strike the language and insert the following:

"SEC. 804. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

"(a) REQUIREMENT OF WITHHOLDING.—Section 3402(a) (relating to requirement of withholding) is amended to read as follows:

"(a) REQUIREMENT OF WITHHOLDING.—In the case of wages paid after December 31, 1969, or the 15th day after the date of the enactment of the Tax Reform Act of 1969 (whichever is later), every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with tables prescribed by the Secretary or his delegate. Such tables shall correspond in form to the tables in effect under this subsection on December 31, 1969. For purposes of applying such tables, the term "amount of wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b)(1)'.

"(b) PERCENTAGE METHOD OF WITHHOLDING.—

"(1) WAGES PAID IN 1970.—Effective with respect to wages paid during 1970, the table contained in section 3402(b)(1) is amended to read as follows:

" 'Percentage method withholding table

" 'Payroll period	Amount of one withholding exemption:
Weekly	$12.50
Biweekly	25.00
Semimonthly	27.09
Monthly	54.17
Quarterly	162.50
Semiannual	325.00
Annual	650.00
Daily or miscellaneous (per day of such period)	1.80'

"(2) WAGES PAID DURING 1971.—Effective with respect to wages paid during 1971, the table contained in section 3402 (b)(1) is amended to read as follows:

" 'Percentage method withholding table

" 'Payroll period	Amount of one withholding exemption:
Weekly	$13.50
Biweekly	27.00
Semimonthly	29.00
Monthly	58.00
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day of such period)	1.90'

"(2) WAGES PAID IN 1972.—Effective with respect to wages paid during 1972, the table contained in section 3402 (b)(1) is amended to read as follows:

" 'Percentage method withholding table

" 'Payroll period	Amount of one withholding exemption:
Weekly	$14.45
Biweekly	28.90
Semimonthly	31.25
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10'

"(2 WAGES PAID AFTER 1972.—Effective with respect to wages paid after 1972, the table contained in section 3402(b)(1) is amended to read as follows:

" 'Percentage method withholding table

" 'Payroll period	Amount of one withholding exemption:
Weekly	$15.40
Biweekly	30.80
Semimonthly	33.50
Monthly	67.00
Quarterly	200.00
Semiannual	400.00
Annual	800.00
Daily or miscellaneous (per day of such period)	2.20' "

Mr. PERCY. Mr. President, I think the majority leader's request that there be an explanation of these perfecting amendments is certainly in order. This is an exceedingly important matter, a matter that I have discussed with the distinguished chairman of the Senate Finance Committee. Late this afternoon I went over them in detail with the distinguished Senator from Tennessee, as a courtesy to him, so that he would be completely aware of what I had in mind and why I intended to offer these perfecting amendments, at this time as a substitute for his amendment.

The amendments provide tax relief close to the same amount, and phased in gradually, as does the committee bill. They provide, however, an increase in the personal exemption up to $800 by 1973. They provide a low-income allowance of $1,000, and increase the standard deduction as the Senate Finance bill does, but set the increases off 1 year from the committee bill schedule, and provide relief for single persons and some rate reductions.

In effect, what I have tried to do is stay as close as possible to the bill which the Committee on Finance has worked on for many months.

Mr. President, I ask for the yeas and nays.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is it in order to move that these perfecting amendments be laid on the table?

The PRESIDING OFFICER. That motion would be in order.

Is there a sufficient second on the request for the yeas and nays?

Mr. GORE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. SCOTT. Mr. President, could we have the action on the request for the yeas and nays first?

The ASSISTANT LEGISLATIVE CLERK. There is a sufficient second.

The yeas and nays were ordered.

Mr. GORE. Does the Senator from Illinois yield for a parliamentary inquiry?

Mr. PERCY. I yield.

Mr. GORE. Does the rollcall that has been ordered in any way affect the pending unanimous-consent request that the perfecting amendments be considered en bloc?

The PRESIDING OFFICER. They will be considered en bloc, and voted on together.

Mr. GORE. Consent was not so granted. How does the rollcall affect that lack of consent?

The PRESIDING OFFICER. The Chair asked if there were objections, and heard none.

Mr. GORE. The Senator from Tennessee was advised that no such action was taken by the Chair. I was on my feet, awaiting his statement on the request.

The PRESIDING OFFICER. Would the Senator like the record read back?

Mr. GORE. Yes. The majority leader suggested it, did he?

Mr. PASTORE. Yes.

Mr. GORE. At any rate, the RECORD will show.

Mr. President, I understood that the

majority leader asked for an explanation. I was on my feet awaiting the submission of the unanimous-consent request. If the unanimous-consent request was granted, I was not aware of it. The RECORD would show. I would like to have the RECORD read.

The PRESIDING OFFICER. The official reporter will read the RECORD.

The Official Reporter of Debates (Mr. Grant E. Perry) read as follows:

Mr. PERCY. Mr. President, I send four perfecting amendments to the desk, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I withdraw my request.

Mr. PASTORE. Mr. President, did I correctly understand the Senator to say that the amendment was a substitute for the pending amendment?

Mr. PERCY. It is a perfecting amendment.

Mr. PASTORE. In substitution of the perfecting amendment? I understood the Senator to say that.

The PRESIDING OFFICER. Four perfecting amendments were offered to the language of the bill to be stricken out.

Mr. PERCY. Mr. President, I had intended originally to offer a substitute amendment, as I advised the distinguished Senator from Tennessee, feeling it to be a courtesy to him.

I feel it rather unusual when the procedure has been outlined so clearly that an amendment would be offered for a $1,000 exemption, as stated by the Senator from Alaska, then $900, and then $800, that immediately upon being notified that I intended to offer a substitute and told the Senator from Tennessee, he saw fit immediately to rush in with an $800 exemption.

As I advised him last week, I felt I could not vote for his kind of amendment because it would be irresponsible as far as the budget is concerned and as far as the action of the administration and Congress in fighting inflation is concerned.

I hope the Senator is now in agreement that the $1,000 exemption, which would occasion a tremendous deficit to the budget at this particular time and jeopardize every effort that the Congress and the administration have made to fight inflation, certainly would not be in the best interest of the country.

It is for this reason that I feel we should stay as close as possible to the committee bill which provides many of the reforms and improvements that the Finance Committee has seen fit to make in its recommendations. It is certainly something that the Senate should now consider.

I do feel that there is a great deal to be said for increasing the personal exemption. Certainly, as the Senator from Tennessee has indicated many times on the floor of the Senate, one simply cannot raise a child for $50 a month. And people year after year after year have seen the same $600 exemption provided now for 26 years, yet we recognize that the cost of living has gone up many times since that original provision was made in our tax law.

I certainly concur in principle with the Senator from Tennessee that we should have an increase in the personal exemption. However, I think that we should struggle as best we can not only to keep our action fiscally responsible, but also to preserve as many of the principles as possible that the Finance Committee has worked out.

It is for this reason that I have graduated the increase in the personal exemption provision I am now offering so as to increase the personal exemption just $50 in the first year, in 1970. It would be increased from $600 to $650 in 1970, to $700 in 1971, to $750 in 1972, and to $800 in 1973 and subsequent years. However, the 10 percent standard reduction with a $1,000 ceiling is increased to a 15 percent standard deduction with a $2,000 ceiling, as it has been presented in the Finance Committee bill that is pending.

The amendment provides that the percentage of standard deduction is to be 13 percent with a $1,400 ceiling in 1971, 14 percent with a $1,700 ceiling in 1972, and 15 percent with a $2,000 ceiling in 1973 and subsequent years. This is the same increase offered in the committee bill. However, it has been phased in, one year later, so as to lessen the financial impact in the early years when inflation is our greatest enemy, particularly so which respect to poor people and people who are living on fixed incomes. We preserve the provision but delay its enactment for the one year.

The amendment provides for a low income allowance of $1,000—$500 for a married couple filing separate returns—in 1973 and subsequent years.

Under the committee bill, the low income allowance would be $1,100 for 1972 and subsequent years. However, the additional $100 is not needed to maintain the same level of tax free income due to the increase in the personal exemption.

The amendment provides for a phase-out of the low-income allowance in 1970, 1971, and 1972 as the income of the taxpayer increases similar to the phase-out provided in the committee bill but adjusted to take account of the increase in the personal exemption.

The amendment provides new rate schedules for single persons consistent with the principle of the committee bill that a single person shall pay no more than 20 percent greater tax than a married couple with the same taxable income. A new rate schedule, consistent with the principle of the committee bill, is also provided for heads of households with rates one-half way between those provided in the new rate schedule for single persons and the rate schedule for married couples.

The amendment provides no rate reduction for 1971. Under the rate schedule applicable in 1972, one-fourth of the total rate reduction of the committee bill is provided and in 1973, one-half of the total rate reduction of the committee bill is provided. It would be the expressed hope that fiscal conditions would permit three-fourths of the total rate reduction to be applicable in 1974 and the full schedule in 1975 and subsequent years.

Mr. President, the amendment offered by the distinguished Senator from Tennessee did not take into account any rate changes. The committee labored long and hard to strike a balance that was equitable and effective.

It recognized that in closing loopholes and changing procedures that have been followed for many years by higher income people that those higher income people will now be paying substantially higher taxes as a result. And over a period of time there should be an adjustment in all tax rates.

I believe the figure used shows an average of about 5 percent tax reduction for all taxpayers.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PERCY. I yield for a question.

Mr. GORE. Mr. President, in view of the statement the Senator made earlier to the effect that the procedure appeared to him to be a bit unusual, I would like to have his consent to recall the RECORD.

The able senior Senator from Illinois did advise the senior Senator from Tennessee some time approximately 2 hours ago that he was preparing and contemplating the offering of a substitute amendment, which he stated he did out of courtesy. And I appreciate that.

I advised the Senator that the senior Senator from Tennessee had his own substitute prepared in case it became necessary or advisable so to offer it.

I had also prepared additional amendments, of which the Senator was advised in the RECORD, that might possibly be offered.

I think the RECORD should show that there has been some jockeying underway during the course of the afternoon. It appears that a clear majority of the Senate wishes to raise the personal exemption to $800. The senior Senator from Tennessee recalled the possibility that as a result of diligent work, procrastination, and maneuvering, an attempt was made—that might be successful—to steal away the amendment to provide an increase in the personal exemption.

After conferring with the leadership and his colleagues on this side of the aisle, it was determined and agreed that it would be the better part of wisdom, though the vote would be close on the $1,000 proposal, to vote instead on $800.

It seemed to be surer for $800. So the senior Senator from Tennessee rose and sought recognition, obtained recognition, and offered the amendment. The senior Senator from Tennessee sees nothing unusual about this, if "unusual" means anything more than a rare use of the rules of the Senate. The rules are there for all to use.

If the Senator will yield one step further, the senior Senator from Tennessee has had the staff analyze the amendment offered by the senior Senator from Illinois. It provides a revenue loss estimated at $12.8 billion. It is a mixture of low-income allowance, rate changes, and an increase in the personal exemption; and it is an expensive amendment, may I say to the Senate.

I thank the Senator for yielding.

Mr. PERCY. Mr. President, I appreciate the explanation. I should like to reaffirm that I feel it is an unusual procedure to indicate that we are going to vote on a $1,000 exemption and then to

have an $800 exemption suddenly before us. But I think—and I trust—it is a recognition that the $12 billion cost to the budget of the $1,000 exemption would be exorbitant, could not be absorbed, and should not be proposed at this time in view of the fight against inflation.

The figures given by the distinguished Senator with reference to the revenue loss that would be incurred by the proposals I am making are totally erroneous. The loss is very slight in the early years, whereas the loss is very heavy in the distinguished Senator from Tennessee's proposals.

In fiscal 1970 and 1971 we will still be fighting the battle of inflation, and in those years that loss will run close to $5 billion under the Senator from Tennessee's proposals. The figures I have received from the Treasury Department on the proposals I have made are less than a billion dollars in those same years.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. GORE. The Senator's amendment proposes a low-income allowance of $1,000. Is that correct?

Mr. PERCY. That is correct—phased in by 1973.

Mr. GORE. What would be the revenue loss of this amendment when fully effective?

Mr. PERCY. I have only the composite figures—the total effect of the amendment—from the Treasury Department. The composite effect in revenue loss in the first year against the Finance Committee bill is $400 million.

Mr. GORE. When it is fully effective. The Treasury Department has been condemning the amendment which the senior Senator from Tennessee has offered and has given alarming figures as to what its effect would be when fully effective. Now I am asking the Senator from Illinois what would be the revenue effect of his low-income allowance when fully effective. It happens to be identical with the one I offered originally.

Mr. PERCY. The full effect would be $5.8 billion, when the full $800 exemption——

Mr. GORE. This is not the question I asked the Senator. I asked the Senator—I am taking one step at a time—what would be the full revenue effect of his low-income allowance when fully effective. The answer is $2 billion.

Mr. PERCY. I think the overall figure is $5.3 billion, and I can give the Senator the best estimates we have now. In the first year, about one-half billion dollars would be the effect; in the second year, approximately $400 million; in the third year, $600 million; and in the fourth year, $3.8 billion.

The reason why I think it is exceedingly important that we have the bulge at the end rather than at the beginning is that if the economy cannot absorb or take that kind of impact, we still can do something about it. But if the impact is in 1970 and 1971, as it would be in the amendment of the Senator from Tennessee, there is nothing we can do about it, and we simply know that we have added and pumped several billion dollars more each year into the inflationary fires, which are roaring now and are running rampant.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. GORE. The Senator said that he is unable to give the Senate an estimate of the effect of his low-income allowance.

Mr. PERCY. The low-income allowance is similar to that in the amendment of the Senator from Tennessee.

Mr. GORE. Then, the answer is that, when fully effective, the effect would be the same.

Mr. PERCY. Exactly the same.

Mr. GORE. That is, $2 billion.

What would be the effect of the Senator's amendment with respect to the standard deduction of 15 percent?

Mr. PERCY. Again, I cannot give the Senator broken-down figures. We will have those figures by tonight. The best estimates the Treasury can give are in the composite total. We can compute this very quickly, because it is exactly the same as the effect of the committee provision, but it is moved back 1 year, so that it will have no effect in 1970, and lessens the effect of this measure as against the Finance Committee measure. There will be no impact in 1970. It removes the impact until 1971, and then it will be the same.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. GORE. Rather than go through each one of these items, when the Senator does not have the tabulation himself as to the effect of his amendment, and if the Senator will yield, I shall be glad to give my own staff's estimate.

Mr. PERCY. I certainly will, with the understanding that we both should accept figures certified to by the Treasury, or possibly by our own Finance Committee personnel, rather than our respective staffs.

Mr. GORE. If the distinguished Senator from Illinois will confer with the technical staff of the committee, he will find that the technical staff of the committee will verify the estimates of my own staff. They worked together very closely. According to my staff, the revenue loss of the low-income allowance is $2 billion.

Mr. PERCY. That is exactly the same as the Senator's provision in his own amendment. Is that correct?

Mr. GORE. That is correct.

The standard deduction of 15 percent, or a given amount, $1.373 billion.

Mr. PERCY. There is no change in 1970. So there can be no effect if there is no change.

Mr. GORE. I am speaking of when the reductions become fully effective.

The revenue loss from the rate reductions, one-half those in the committee bill, is $2.249 billion; the revenue loss from the single persons provision, $445 million; the revenue loss from personal exemption, $6.6 billion—making a total of $12.8 billion. The substitute amendment which I have offered will represent a revenue loss of $8.8 billion.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Will the Senator suspend until the Senate is in order?

The staff personnel of Senators will take seats or leave the Chamber. The Chair, on its own initiative, instructs the Sergeant at Arms to question the staff personnel as to whether they are of immediate need in the Chamber, and if not, to request them to leave the Chamber immediately.

All staff personnel not immediately needed by their respective Senators will please leave the Chamber.

Mr. GORE. Mr. President, the revenue loss under the substitute amendment which I have offered would be $8.8 billion, which is approximately what the revenue loss would be under the terms of the committee bill, which loss is accomplished primarily through rate changes. So there is practically no more revenue loss from my amendment than is provided by the committee bill while the amendment of the distinguished senior Senator from Illinois, according to the estimates I have—which I believe he will find will be agreed to by the technical staff—would be $12.8 billion.

I do not wish to press the point any further except to make one more reference. The Senator again refers to this as an unusual procedure. There is nothing unusual whatever in a Senator modifying his own amendment. Indeed, this is the usual procedure. The only thing that is rare about this procedure is that I did not wish to modify my amendment be consent. I wished to modify it by substitute amendment, which I did. I suggest there is nothing unusual except that it does not happen often.

Mr. PERCY. Mr. President, I would like to repeat again the figures estimated by the Treasury Department. The figures of the Senator from Tennessee are without reform. The figures that should be kept in mind as a comparison between the two bills we are comparing are as follows: For 1970 the committee bill would bring about a revenue loss of $500 million. The best estimate as to the revenue loss in the first year impact, 1970, under the proposal by the Senator from Tennessee is $2.3 billion more than the committee bill while the amendment I have offered would provide a net loss of $500 million more than the committee bill.

I would say that is a whale of a difference in the impact on the economy, the impact on inflation, and the impact on every family in this country if we had that much more in the economy at that stage.

In 1971 the net effect of all the changes I have proposed would be a loss in revenue, between my provisions and the provisions of the bill by the committee, of $400 million. The net effect of the amendment of the Senator from Tennessee in 1971 is a loss of revenue of $2.5 billion more than the committee.

To be fair I would like to continue this point because by 1972, unless inflation is so rampant and we have had to go into controls, there would be plus revenue in the amendment of the Senator from Tennessee by about $100 million in 1972. In the proposals I have presented there

would be a plus of $300 million, or in the same year $200 million more.

When the full impact of rate reductions, personal exemptions, and standard deductions has taken place, there would be a revenue loss of $3.8 billion in 1973. In the provision of the Senator from Tennessee there would be a net plus of $100 million.

I think the difference we are dealing with here in the provisions I have put in is that my provisions would preserve the integrity of the bill worked on by the Committee on Finance. It maintains those provisions but lessens their impact. In order to put in an increase in the personal exemption we have scaled down the provisions but they are there. They will be in the law, and they are principles that will guide us in the future. They are principles we can count on as we move ahead.

Furthermore, the impact is substantially less in the early years. These are years when we are fighting inflation. Certainly, therefore, if $3.8 billion were pumped back into the economy in 1973, who is wise enough to say we will not need that revenue at the consumer level? We certainly do not need it now. Now is when the impact of the amendment of the Senator from Tennessee would be adverse on the Treasury and the economy. Later we have plenty of time to make provision for it. This is a great difference. I have tried to preserve the work which has been done so ably and so skillfully by members and the staff of the Finance Committee. We have tried to provide something to take to conference that will give us leeway and that would give us the kind of revenue measure the Senator talked about in his opening remarks before the Senate.

This is as simple as I can explain it. I am sorry we did not have detailed statistics on the provisions, but in my judgment this represents a superior alternative and something that is in line with the President's letter to the distinguished minority leader tonight. I have gone over that letter with extreme care to make certain we meet the ends the President said we must meet to provide for reform, to provide a more equitable sharing of the tax load, and a lightening of the impact on the economy today when we cannot afford more money being pumped into the economy.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. GRIFFIN. Mr. President, for the information of the Senate, there seems to be some disagreement on the floor of the Senate about the figures used. I wish to ask the Senator whether the figures he is using are based on inquiries directed to the Treasury Department officials. As I understand the situation, the Senator consulted with them and worked closely with them, and the figures he used are figures they provided. Is that correct?

Mr. PERCY. The Senator is absolutely correct. Technical personnel from the Department of the Treasury, as well as officials from the Office of the Secretary and the Under Secretary worked intimately to devise a way to increase the personal exemption, but to do so in a fair fashion. The figures are the best estimate the Treasury Department could provide.

Mr. SCOTT. Mr. President, will the Senator yield so that I may address an inquiry to the distinguished majority leader?

Mr. PERCY. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. SCOTT. Mr. President, I understand we are now trying to work out time under which we can vote on the Percy perfecting amendment, and if it shall become necessary, on the Gore amendment thereafter.

I would like to ask the distinguished majority leader if he is prepared to propose a unanimous-consent request?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow——

Mr. PASTORE. Which we need so badly. [Laughter.]

Mr. MANSFIELD (continuing). That there be a period for the transaction of routine morning business, to be concluded at the hour of 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that beginning at the hour of 10:30 there be a time limitation on the pending collective perfecting motion by the distinguished senior Senator from Illinois, and that the vote occur at 11:30 a.m.; and that would include the possibility of tabling a motion at that time, if any Senator so desires.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. That at the conclusion of the vote on the Percy perfecting amendments, there be a time limitation of 20 minutes, the time to be equally divided between the Senator from Tennessee (Mr. GORE) and the Republican leader, or whomever he may designate; 10 minutes apiece—the vote to occur on the Gore amendment at that time, amended or otherwise, at 10 minutes to 12.

Mr. GORE. There is my substitute and the——

Mr. MANSFIELD. Yes, the substitute.

Mr. BENNETT. Mr. President, reserving the right to object, the Senator has allowed no time for the votes. He has just set a vote at 11:30 and then a vote at 10 minutes to 12, but no time for the vote itself, so that would leave no time——

Mr. MANSFIELD. Twenty minutes after the vote, at the conclusion of the 20 minutes—a vote on the Gore substitute, yes.

Mr. WILLIAMS of Delaware. I suggest that the time be controlled by the Senator from Tennessee and the chairman of the committee or whomever he may designate.

Mr. CASE. Mr. President, reserving the right to object, for the purpose of asking a question of the distinguished majority leader, we have to have two rollcalls. There are two substitutes that we will be voting on.

Mr. MANSFIELD. What is the third one?

Mr. GORE. The original amendment as amended. There will be a vote on his. There will be a vote on my substitute, and then there will be a vote on the amendment as amended.

Mr. MANSFIELD. Yes—they will follow one another in sequence.

Mr. CURTIS. That makes sense, yes?

Mr. MANSFIELD. Have the yeas and nays been ordered?

Mr. SCOTT. Mr. President, I ask for the yeas and nays on all three amendments.

The yeas and nays on all three amendments were ordered.

Mr. HOLLAND. Mr. President, will the majority leader yield to me?

Mr. MANSFIELD. Mr. President, there will be no votes tonight.

Mr. HOLLAND. Mr. President, I should like to address a question to the majority leader——

Mr. MANSFIELD. Mr. President, incidentally, the unanimous request is under the usual formula.

Mr. HOLLAND. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Do I correctly understand that all three of these measures will be printed in the RECORD so that Senators will be able to read them in the RECORD that will come out tomorrow morning?

Mr. MANSFIELD. Yes. They will be printed in the RECORD because I understand that the Senator from Illinois has asked that that be done, or if he has not, he will.

Mr. HOLLAND. If they are going to be printed, I should also like to ask the distinguished Senator from Tennessee whether his substitute amendment will also be printed in the RECORD?

Mr. GORE. It has been submitted for the RECORD and I will submit at the conclusion some tables showing precisely its effects. It will all be in the RECORD tomorrow.

The PRESIDING OFFICER. Without objection, all amendments will be printed in the RECORD. Without objection the unanimous-consent request is agreed to.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That on December 3, 1969, following the prayer and approval of the Journal, there be a period for the transaction of routine morning business until 10:30 a.m.

Ordered further, That the debate on the Percy perfecting amendments to the bill (No. 338), or any motions or amendments thereto be limited to 1 hour, beginning at 10:30 a.m., to be equally divided and controlled between the Senator from Illinois (Mr. PERCY) and the Senator from Louisiana (Mr. LONG), to be followed immediately by a vote thereon. Following the disposition of the Percy amendment, debate on the Gore substitute (No. 337) shall be limited to 20 minutes, to be equally divided and controlled by the Senator from Tennessee (Mr. GORE) and the minority leader, or someone designated by him, to be followed immediately by a vote thereon, and then immediately following that vote a vote will be taken on the Gore substitute amendment (No. 304) whether amended or not.

Mr. LONG. Mr. President, I would hope that such information as can be made available to us, both on the modifications proposed to his amendment by the Senator from Tennessee, and also

those suggested by the Senator from Illinois (Mr. PERCY), be made available in the RECORD, tonight if possible, because some of us—I am one of them—would like to understand as best we can what we will be voting on tomorrow as regards the merits or demerits of the relative proposals.

I believe I understand what the Senator from Tennessee had in mind when he made his motion. I have had some explanation available both before and during the debate with regard to the suggestions of the Senator from Illinois, but I would still hope very much that, insofar as it can be done, the Senator from Illinois and the Senator from Tennessee try to let us know precisely what they have in mind.

The PRESIDING OFFICER. The Senator from Louisiana will suspend.

The Senate will please be in order. Under rule XIX the Chair is required to maintain decorum in the Senate on his own initiative.

The Senator from Louisiana may proceed.

Mr. LONG. Mr. President, I would hope that both sponsors of the amendments will make available to us as much information as can be made available for the RECORD overnight because any Senator, such as the Senator from Louisiana, who prefers the committee bill as it was reported, will have to vote upon two amendments and he would like to have all the information he can when he votes on them.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD appropriate tables which will explain the provisions of the amendments I have made.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMPARISON OF MAJOR TAX RELIEF PROVISIONS OF PERCY, GORE, AND COMMITTEE BILLS

	1970	1971	1972	1973
Low income allowance:				
Percy	$1,050, phaseout 2:1	$1,000, phaseout 4:1	$1,000, phaseout 4:1	$1,000.
Gore	$1,000, phaseout 4:1	$1,000, phaseout 4:1	$1,000	$1,000.
Committee	$1,000, phaseout 2:1	$1,100, phaseout 15:1	$1,100	$1,100.
Personal exemption:				
Percy	$650	$700	$750	$800.
Gore	$700	$800	$800	$800.
Committee	$600	$600	$600	$600.
Standard deduction:				
Percy	10 percent, $1,000	13 percent, $1,400	14 percent, $1,700	15 percent, $2,000.
Gore	10 percent, $1,000	10 percent, $1,000	$1,000	$1,000.
Committee	13 percent, $1,400	14 percent, $1,700	15 percent, $2,000	15 percent, $2,000.
Rate relief:				
Percy	0	0	¼ committee reduction	½ committee reduction.
Gore	0	0	0	0.
Committee	0	⅛ of total relief	Total relief	Total relief.
Single person:				
Percy	0	Maximum of 20 percent over joint return rate.	Maximum of 20 percent over joint rate.	Maximum of 20 percent over joint rate.
Gore	0			
Committee	0			
Total relief:				
Percy	$2,300,000,000	$5,500,000,000	$8,700,000,000	$12,800,000,000.
Gore	$4,000,000,000	$7,500,000,000	$8,900,000,000	$8,900,000,000.
Committee	$1,700,000,000	$5,100,000,000	$9,000,000,000	$9,000,000,000.
Revenue change as compared to committee bill:				
Percy	−$500,000,000	−$400,000,000	+$300,000,000	−$3,700,000,000.
Gore	−$2,300,000,000	−$2,600,000,000	+$100,000,000	+$100,000,000.

COMPARISON OF REVENUE EFFORTS BY PROVISIONS OF PERCY, GORE, AND COMMITTEE BILLS

[In millions of dollars]

	1970	1971	1972	1973
Low income allowance:				
Percy	600	550	550	550
Gore	550	550	550	550
Committee	625	625	625	625
Change in phaseout of low income allowance:				
Percy	0	146	146	1,507
Gore	146	146	1,507	1,507
Committee	0	1,062	2,027	2,027
Increase in standard deduction:				
Percy	0	1,087	1,587	1,648
Gore	0	0	0	0
Committee	1,087	1,325	1,373	1,373
Increase in personal exemption:				
Percy	1,700	3,267	4,839	6,406
Gore	3,267	6,406	6,406	6,406
Committee	0	0	0	0
Rate reduction:				
Percy	0	0	1,125	2,249
Gore	0	0	0	0
Committee	0	1,687	4,498	4,498
Tax treatment of single persons:				
Percy	0	445	445	445
Gore	0	420	420	420
Committee	0	445	445	445
Total:				
Percy	2,300	5,500	8,700	12,800
Gore	4,000	7,500	8,900	8,900
Committee	1,700	5,100	9,000	9,000

The following table shows the percentage increase or decrease in tax by income levels under the committee bill, the Gore $800 amendment and the Percy plan:

Adjusted gross income class	Committee bill increase or decrease from present law (percent)	Gore $800 plan increase or decrease from present law (percent)	Percy plan increase or decrease from present law (percent)
0 to $3,000	−66.1	−72.5	−73.7
$3,000 to $5,000	−30.3	−36.2	−38.5
$5,000 to $7,000	−17.0	−23.0	−26.3
$7,000 to $10,000	−10.9	−16.2	−22.1
$10,000 to $15,000	−10.3	−10.5	−17.8
$15,000 to $20,000	−8.6	−7.5	−12.8
$20,000 to $50,000	−7.2	−5.0	−8.8
$50,000 to $100,000	−4.8	−.6	−3.7
$100,000 and over	+2.6	+10.3	+6.3
Total	−10.1	−10.0	−15.0

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. WILLIAMS of Delaware. How does the Senator take care of single people?

Mr. PERCY. There is no change from the Senate Finance Committee bill. As I read in my opening statement, special provisions have been made in the Finance Committee bill, and they are preserved in this amendment.

Mr. WILLIAMS of Delaware. How could the Senator preserve them and change the rates at the same time? I understand that the Senator did change the rates.

Mr. PERCY. Yes, but proportionate benefits are offered to single people and they are preserved by this amendment—single, that is, head of a household, as well as a single individual—they are preserved by the amendment.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. JAVITS. One thing is not clear. I think I have it clear, and so does the Senator from Kentucky (Mr. COOK), but others may not. The Senator's perfecting amendments go up to the original text of the bill as reported by the Finance Committee, right?

Mr. PERCY. Well——

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from Illinois yield to the Senator from New York for that purpose?

Mr. PERCY. I yield for that purpose.

The PRESIDING OFFICER. The Senator from New York will state his parliamentary inquiry.

Mr. JAVITS. Are perfecting amendments as submitted by the Senator from Illinois perfecting amendments to that provision of the bill which is deleted by the Gore substitute as reported by the Finance Committee?

Mr. PERCY. They are.

The PRESIDING OFFICER. The answer is "Yes."

Mr. JAVITS. Therefore, if the Percy amendments—I use that colloquial term—prevail, then the matter sought to be stricken by the Senator from Tennessee will be as amended by the Percy amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And if the Percy amendments fail, then they are washed out and they do not do anything to the Gore substitute, do they?

The PRESIDING OFFICER. They do not affect the Gore substitute in any way. They could affect the original text.

Mr. JAVITS. Exactly. I thank the Chair. I think that is very important for all Senators to note, because one might get the impression that the Senator from Illinois is amending the Gore substitute, but he is not. It will be necessary to defeat the Gore substitute even if we have carried the amendments of the Senator from Illinois, in order to give effect to what the Senator from Illinois is trying to do; is that not correct?

Mr. PERCY. That is correct.

Mr. JAVITS. It is very important that Senators understand exactly what the pattern is on which they will be voting tomorrow, and that there will be a third vote that will come on the resulting product from those first two; is that not correct?

Mr. PERCY. That is right.

Mr. SCOTT. Mr. President, I hope that all Senators will carefully note this colloquy before they come into the Chamber to vote tomorrow, because it has been very clearly stated, especially if one favors the third amendment——

Mr. JAVITS. If you like it.

Mr. SCOTT. Yes, if you like it. [Laughter.]

Mr. JAVITS. I thank the minority leader for that explanation.

Mr. GORE. I am confused. They have been trying to find a way to do that all afternoon. [Laughter.]

I ask unanimous consent to insert at this point in the RECORD the tables I referred to earlier showing the impact of my subtsitute proposal to increase the personal exemption to $800.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION TO $800 UNDER GORE PROPOSAL TO H.R. 13270 LOW-INCOME ALLOWANCE

Number in family	Amount of nontaxable income allowed under present law	Amount of nontaxable income under low income allowance	Amount of nontaxable income under proposal 1970	Amount of nontaxable income under proposal 1971
1	$900	$1,700	$1,700	$1,800
2	1,600	2,300	2,400	2,600
3	2,300	2,900	3,100	3,400
4	3,000	3,500	3,800	4,200
5	3,700	4,100	4,500	5,000
6	4,400	4,700	5,200	5,800
7	5,100	5,300	5,900	6,600
8	5,800	5,900	6,600	7,400

TABLE 2.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION TO $800 UNDER GORE PROPOSAL AND H.R. 13270—TAX ON FAMILY OF 4 (ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOME)

AGI	Tax under present law	Tax under H.R. 13270 1	Tax under proposal 1
$3,000	0	0	0
3,500	$56	0	0
4,000	112	$65	0
5,000	230	200	$112
7,500	552	516	418
10,000	924	868	772
12,500	1,304	1,228	1,152
15,000	1,732	1,636	1,556
17,500	2,172	2,056	1,996

See footnote at end of table.

TABLE 2.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION TO $800 UNDER GORE PROPOSAL AND H.R. 13270—TAX ON FAMILY OF 4 (ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOMES)—Continued

AGI	Tax under present law	Tax under H.R. 13270 1	Tax under proposal 1
$20,000	$2,660	$2,508	$2,460
25,000	3,708	3,492	3,484
50,000	11,060	10,452	10,700
100,000	31,948	29,692	31,484
500,000	249,300	226,644	248,740

1 Provisions as effective for taxable years beginning in 1971.

TABLE 3.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION TO $800 UNDER GORE PROPOSAL AND H.R. 13270 TAX ON MARRIED COUPLE WITH NO DEPENDENTS [ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOME]

AGI	Tax under present law	Tax under H.R. 13270 1	Tax under Gore proposal 1
$2,300	$87	0	0
$3,000	170	$91	$56
$4,000	290	228	200
$5,000	418	375	354
$7,500	772	724	696
$10,000	1,152	1,084	1,076
$12,500	1,556	1,468	1,468
$15,000	1,996	1,888	1,908
$17,500	2,460	2,324	2,360
$20,000	2,960	2,784	2,860
$25,000	4,044	3,816	3,932
$50,000	11,600	10,956	11,420
$100,000	32,644	30,316	32,412

1 Provisions as effective for taxable years beginning in 1971.

TABLE 4.—COMPARISON OF TAX REDUCTION UNDER GORE $800 PERSONAL EXEMPTION PROPOSAL AND H.R. 13270—TAX REDUCTION FOR FAMILY OF 4

[Assumes nonbusiness deductions equal 20 percent of income]

AGI	Present law	Tax reduction under H.R. 13270	Percentage decrease under H.R. 13270 1	Tax reduction under Gore proposal 1	Percentage decrease under Gore proposal
$3,000	0	0	0	0	0
$3,500	$56	$56	100.0	$56	100.0
$4,000	112	47	42.0	112	100.0
$5,000	230	30	13.0	118	51.3
$7,500	552	36	6.7	134	24.3
$10,000	924	56	6.6	152	16.3
$12,500	1,304	76	5.8	152	11.6
$15,000	1,732	96	5.5	176	10.2
$17,500	2,172	116	5.3	176	8.1
$20,000	2,660	152	5.7	200	7.5
$25,000	3,708	216	5.8	224	6.0
$50,000	11,060	608	5.5	360	3.2
$100,000	31,948	2,256	7.1	464	1.4

1 Provisions as effective for taxable years beginning in 1971.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of yesterday, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 3, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate December 2, 1969:

ASSISTANT SECRETARY OF STATE

Michael Collins, of Texas, to be an Assistant Secretary of State.

U.S. MINT

Hildreth Frost, Jr., of Colorado, to be Assayer of the Mint of the United States at Denver, Colorado, vice Earl F. Haffey.

U.S. CIRCUIT JUDGE

Joe McDonald Ingraham of Texas to be U.S. Circuit Judge, Fifth Circuit vice a new position created under Public Law 90–347, approved June 18, 1968.

IN THE AIR FORCE

The following officers to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Arthur C. Agan, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Benjamin O. Davis, Jr., [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Robert J. Friedman, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, December 2, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Only fear the Lord and serve Him in truth with all your heart: for consider what great things He has done for you.—I Samuel 12: 24.

Our Father, we thank Thee for the inspiration for great living this moment of prayer brings to us and for the insight into the meaning of life which comes as we pray. Never in vain do we call upon Thee. Always art Thou strengthening us with a strength which never lets us down. Always art Thou loving us with a love which never lets us go. Always art Thou leading us in true paths with a spirit which never lets us off. Give us grace to respond to Thee and with reverent courage to walk in Thy ways.

Bless our Nation with Thy gracious favor and these Representatives of our people with Thy loving wisdom. Kneeling before the altar of truth may we be united in the codes of high moral living, deep religious faith, great patriotic fervor, and a genuine desire for peace.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

THE FORT DIX STOCKADE

Mr. RANDALL. Mr. Speaker, I take this time to correct some statements attributed to one of our colleagues, the gentleman from New York (Mr. BIAGGI) concerning conditions at the Fort Dix stockade.

In the Philadelphia Inquirer of October 25, 1969, the gentleman from New York, from an AP report stated that conditions were "inhuman" and "very primitive." As chairman of a Special Subcommittee To Investigate Conditions in Places of Military Detention and Correction, I and two members of my subcommittee have visited Fort Dix. Our comments today constitute an interim report. There may be further investigation and further evaluation of our findings.

On November 7 I spent all day at Fort Dix with particular emphasis on the stockade. Other members had made visits on other dates. My observations were substantially different from those of the gentleman from New York (Mr. BIAGGI).

The maximum cells were not "small and dark" as reported in the paper and I found nothing in the Fort Dix stockade that reminded me of "medieval times," which was the description contained in the newspaper article.

I came away from Fort Dix convinced the commanding general was doing well in a difficult job. I was also convinced the provost marshal in command of the stockade was a dedicated military man who was genuinely concerned that there be no inhuman conditions of any kind in the Fort Dix stockade.

THE FORT DIX STOCKADE SITUATION

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL of Virginia. Mr. Speaker, an Associated Press story appearing in the Philadelphia Inquirer on October 24 attributed certain statements to our colleague, the Honorable MARIO BIAGGI. The statements related to reported finding of conditions at Fort Dix, N.J., and are at variance with the facts as we found them to be upon official investigation.

Mr. Speaker, as a member of the subcommittee which has previously been referred to by the gentleman from Missouri (Mr. RANDALL), we interrogated stockade personnel and prisoners under oath. The story reported the gentleman from New York (Mr. BIAGGI) as saying that heroin is readily available on the base. Heroin may be purchased on the base but at a price servicemen cannot afford and this accounts for some of the men going AWOL in order to obtain their requirements.

We concluded that heroin is no more a problem at Fort Dix than it is at any other place in the United States.

Mr. Speaker, the newspaper article also quotes the gentleman from New York (Mr. BIAGGI) as saying that there were 300 suicide attempts made each month at Fort Dix. The record shows that 300 suicide gestures are made annually at the post with an annual population of 300,000.

The newspaper report also states that one prisoner told the gentleman from New York (Mr. BIAGGI) that he lost 40 pounds on disciplinary chow. I talked to this prisoner and asked him why he made that statement to Mr. BIAGGI after having been on the diet for only 48 hours. He said, "I was only kidding the Senator."

This disciplinary chow, Mr. Speaker, is prescribed only for those who are unresponsive to discipline. No prisoner may stay on the diet for more than 14 days at a time. He is checked daily by a physician.

Mr. Speaker, conditions at Fort Dix are not perfect or ideal but in my judgment are not such as to justify blanket indictment. After the subcommittee's brief visit I came to the conclusion that the men there are doing a responsible job under very trying conditions.

CONDITIONS AT FORT DIX

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I follow my two learned colleagues from the Subcommittee on Armed Services which investigates disorders on military bases. I was with the gentlemen at Fort Dix, N.J. who have spoken prior to me on November 1, 1969, and November 7, 1969, as the result of an article which appeared in the Philadelphia Inquirer in October 1969 attributed to remarks made by one of my colleagues and friends, Representative MARIO BIAGGI, of New York.

It just so happens that for 4 years I was the sheriff of Gloucester County, and I was the principal keeper of the county prison of Gloucester County. I am familiar with the operation of prisons—perhaps more so than anyone in the House, and as to its terminology and the so-called medieval conditions.

Mr. Speaker, the findings that we made at Fort Dix do not substantiate the facts carried in the paper under the greatest stretch of the imagination.

The so-called withdrawal symptoms of the gentleman who was in the stockade, Eugene Jackson by name, had passed. I might say that I also had the privilege for a good many years to have headed up a narcotics squad, and I therefore know whereof I speak.

I spoke to Eugene Jackson. He told me that he had been the user of marihuana in Vietnam for a number of months, and upon returning to the States had a leave of absence in New York City, where he was able to procure the heroin quite readily. It was in New York City, and not upon the base, that he contracted his addiction to heroin. Further, that while on leave up in New York City he went AWOL, and went from one bag of heroin to 10 bags of heroin a day. When it became so severe he turned himself in as an AWOL deserter. So that the story that the heroin was obtained on the base by Eugene Jackson was erroneous, and he admitted that this was not so.

NATIONAL FOOTBALL CAPITAL IS MIAMI, OKLA.

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, if any of those here today have any doubt about the location of the football capital of the United States, I would like to tell them a thing or two about Miami, Okla.

Miami is the city which produced Steve Owens. My colleagues from Oklahoma joined me here last week to advise you of Steve's outstanding career as a running back for the University of Oklahoma—a career which won him the Heisman Trophy awarded annually to the

outstanding college football player in the country.

The good people of Miami had only begun to plan appropriate ceremonies to honor Steve on his homecoming when, last Friday night in Savannah, Ga., Northeastern Oklahoma A. & M. College won the national junior college football championship in a decisive 20 to 6 defeat of Arizona Western. And where is Northeastern Oklahoma A. & M. College located? Miami.

Plans are now firm for Steve Owens' homecoming. Next Monday, December 8, there will be a parade through Miami featuring Steve, his parents, and his charming wife. Monday night there will be a banquet, which was an instant sellout. In fact, the sponsors are looking for a larger hall to meet the demand for tickets.

I plan to be in Miami for Steve's parade and banquet, and I imagine I will have an opportunity to go back to Miami very soon for ceremonies honoring the magnificent Norsemen of Northeastern A. & M.

Steve Owens is Miami's first Heisman Trophy winner, but the citizens of Miami have experience in rolling out the carpet for the members and coaches of national junior college football championship teams. This is Northeastern's second national title in 3 years.

REQUEST FOR SPECIAL ORDER—FORT DIX STOCKADE CONDITIONS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute.)

Mr. BIAGGI. Mr. Speaker, this morning I was extended the invitation to be present and to act as an observer by the chairman of the Special Subcommittee on Armed Services, my colleague, the gentleman from Missouri (Mr. RANDALL).

I have been here since he and my other two colleagues have testified.

At this point, Mr. Speaker, I ask unanimous consent for a special order for 30 minutes to address the House today at the close of today's business so I can in fact deal with the facts as they are. On this issue, I will not back off.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PINKVILLE—THE ULTIMATE RESULT

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. RARICK. Mr. Speaker, with the Pinkville incident surrounded by disproportionate press sensationalism, the same left which has consistently supported Hanoi now attempts to condemn and disgrace all U.S. fighting men.

If this were all we could expect, it would be atrocious enough punishment for men sent by their Government into a ghastly and unconventional "no win" war.

However, we can anticipate even more disastrous results. We must understand that not only these men but all U.S. military men will be in jeopardy of being considered "war criminals," exploited and propagandized by the enemy to justify its abuse of our captured fighting men—U.S. prisoners of war. Without the Geneva Convention protection requiring humane treatment, any American captured by the enemy can be branded as a "war criminal," imprisoned indefinitely, tried by his accusers, and possibly even executed.

Every American now in the hands of Communist forces is imperiled. Bertrand Russell and other European pinks are already demanding UNO "war crimes" trials of Americans.

Because much of the U.S. news media has presented Hanoi's propaganda as legitimate news—whether by design or merely motivated by greed—the American people can anticipate seeing an endless parade of their sons, as "war criminals," being subjected to any indignity the enemy can devise. And we can expect to hear the rationale for it repeated by the U.S. communications complex.

Soon every U.S. soldier—like our police officers—will need to check with a lawyer before firing his gun.

INCREASE IN CRIME

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. CHAMBERLAIN. Mr. Speaker, during the past year or so we have heard much here in the Congress and throughout the land about the shocking increase in criminal activity. The situation, in many areas, has gotten so out of hand that nothing seems to surprise us any more. But this past weekend, when assailants undertook a shooting attack on the police headquarters and a fire station in Jackson, Mich., it would appear that we have reached a new plateau in the escalating violence. If a reminder is needed about the imperative importance of quick action to make the streets of our Nation safe, certainly there could probably be no better example than this.

I feel certain that my colleagues in both the House and Senate will not be surprised to learn that the city of Jackson has pending two applications under the Safe Streets Act. One project deals with the prevention of juvenile delinquency and the other with modernizing police communications equipment. A great many other communities throughout the country are confronted with the same problem of having to wait months for Federal help. Fiscal 1970 funds for this program are currently scheduled to go to conference within the next few days to resolve the differences between the House and Senate versions of the Department of Justice appropriation bill. I am therefore taking this opportunity to urge that the conferees accept the funds for the law enforcement assistance administration as recommended by the Senate in the amount of $275.5 million, which is some $25 million above the House-approved figure. No one questions, for a minute, that our Government is faced with a fiscal crisis aggravated by the problems of inflation. However, I submit the fight for safe streets in the face of spiraling crime rate cannot wait and that we here in the Congress must make every effort to see that adequate money is provided.

INCENTIVES FOR MILITARY LAWYERS' RETENTION

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4296), to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman explain the purpose of the bill?

Mr. PHILBIN. The purpose of H.R. 4296 is to insure the retention of adequate numbers of experienced lawyers in the uniformed services.

This purpose would be effected by providing military personnel performing judge advocate or law specialist duties with an increase in their monetary compensation.

The compensation increases authorized by this legislation provide:

First, a regular monthly payment of special pay ranging from $50 per month for a second lieutenant and captain, to $200 per month for lawyers in the grades of colonel and above; and

Second, a one-time lump-sum bonus to be offered to young lawyers who complete their active service obligation and who have less than 10 years of commissioned service.

This latter bonus, called a "continuation pay" bonus, would be payable at the rate of 2 months' basic pay for each additional year the young lawyer agrees to extend his active duty service commitment. The bill provides that the minimum additional obligation would be 3 years, with a maximum obligation of 6 years.

NECESSITY FOR THE LEGISLATION

Department of Defense witnesses strongly support this legislation. It was pointed out that the military has no difficulty in initially procuring the required number of young lawyers. This results because of the pressures of the draft. However, they are faced with a critical retention problem by virtue of their inability to retain on active duty experienced lawyers, once they have completed their obligated period of service.

This bill is therefore primarily designed to cope with this critical problem of retention.

FISCAL ASPECTS

The Department of Defense has advised the Committee on Armed Services that enactment of this legislation would result in annual estimated costs of approximately $7 million.

COMMITTEE POSITION

The Committee on Armed Services, a quorum being present, unanimously recommended enactment of H.R. 4296, as amended, and strongly urges approval of the House of Representatives.

Mr. GROSS. Have the military personnel in the judge advocate's division not participated in all the military pay increases?

Mr. PHILBIN. Yes, they have, I will say to the distinguished gentleman from Iowa, but notwithstanding that fact they have been leaving and not reenlisting. We are up against the proposition now, in order to retain these experienced personnel, of a need to provide higher pay scales for them.

Mr. GROSS. What is the top increase?

Mr. PHILBIN. The increases range from $50 a month for a second lieutenant and $200 a month for the lawyer in the grade of colonel and above.

Mr. GROSS. How much?

Mr. PHILBIN. It is $50 a month for second lieutenants and captains, and $200 a month for colonels and higher ranks.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman, I understand the basis of his inquiry.

Just 4 months ago we established the Military Justice Act of 1968, which came into operation. Under its terms this Congress mandated certain additional burdens upon the Judge Advocate General Corps of the various services, requiring some 800 additional lawyers in uniform.

It has been found that the retention rates at the present time in the Army are 14 percent, in the Navy 11 percent, in the Marine Corps 5.1 percent, and in the Air Force 14 percent.

As the result of a study made over a period of years finally the Department of Defense came up with a recomendation that action had to be taken comparable to that taken with respect to doctors in the existing law in order to retain in the service people of professional legal competence to discharge these responsibilities being imposed upon them.

As a result of that need this legislation was drafted and is brought here today.

Mr. GROSS. This applies only to active-duty personnel; or does it apply equally to Reserve personnel?

Mr. PIRNIE. It applies only to people on active duty, both Reserve and Regular Army.

Mr. GROSS. But, with respect to reservists, only when called?

Mr. PIRNIE. Only when serving as a judge advocate on active duty.

Mr. GROSS. Is it true that the retention percentage figures the gentleman cited may have included some men who were drafted or otherwise serving temporarily who did not remain in the service, or are the percentages based upon active-duty personnel?

Mr. PIRNIE. They are computed after the period of obligation.

Mr. GROSS. Then the figures are based upon all those who come and go?

Mr. PIRNIE. It comprises those who are members of the corps.

I can answer the gentleman this way: a great many of them come in through Reserve status, ROTC, and they are finally commissioned in the Judge Advocate General Corps. They serve a period of 4 years. That is the period of their obligation. It is the retention beyond the obligated period that is computed in the figures I have just given.

This measure, which I introduced last January in anticipation of the effects of the Military Justice Act of 1968, is intended to do only one thing—provide a vehicle which will allow the armed services to compete successfully with the private and civilian government sectors for lawyers. It would do this by authorizing the Secretary of Defense to grant professional pay and a continuation bonus to military lawyers as retention incentives. The need for this type of compensation is clear, verified and immediate.

The undisputed fact is that our services have been and remain unable to retain sufficient military lawyers beyond the initial commitment obligation to carry out their assigned missions. In the Army only 14 percent of the young JAG's remain to the 5-year point and only 10 percent stay 10 years. The Air Force is retaining about 14 percent of its lawyers for a career but estimates that it needs a minimum of 45 percent in order to do its job properly. The Marine Corps has the worst retention rate of all—5.1 percent—and the Navy's 11 percent puts it in the desperate category. These are the realities of the problem. H.R. 4296 can provide the solution.

The remedy embodied in this legislation was not based on speculation but on a very thorough study by the Department of Defense which considered not only the reasons present JAG officers are resigning at alarming rates, but particularly why so many have left the services in the past 5 years. It was commissioned in August of 1967 in response to a growing awareness within DOD of the serious JAG retention problem. Its findings and recommendations are contained in a huge volume which was completed in October of last year. This comprehensive "Report on Military Lawyer Procurement, Utilization and Retention" made several recommendations including one calling for legislation authorizing professional pay and a continuation bonus for JAG's. H.R. 4296 embodies that recommendation and has been reported by the House Armed Services Committee with two minor amendments which were recommended by the Department of Defense.

Basically, it would authorize professional pay ranging from $50 to $200 per month for JAG officers and a continuation bonus payable at the rate of 2 months' basic pay for each year for which the JAG agreed to remain on active duty beyond any then outstanding active duty obligation or service commitment. The contract would be for a minimum of 3 and a maximum of 6 years and would be limited to those officers with 10 or fewer years of commissioned service. The purpose of the professional pay is to provide JAG officers with a regular monthly income more nearly commensurate with that enjoyed by their civilian contemporaries in the Federal Government, industry, and also private practice. The continuation bonus would be offered at the time when a young officer would be faced with the decision to resign or make a career of the service.

It should be made clear that this bill is designed not merely to obtain lawyers but to keep experienced ones. As a result, the major thrust of the remedy in this measure would operate at the point when the young officer concludes his initial obligation. At the end of this 4-year period, the young military lawyer is just coming into his own professionally. He is in the position to make a significant contribution either in the service or elsewhere because he has obtained the knowledge, judgment, and background only experience in the law can provide. Therefore, it is here that the major effort must be made to retain him, as the DOD study showed that it is at this career point that young JAG's are leaving the services.

The importance of experience in the law cannot be overemphasized. Those who have practiced can verify its value. However, more pertinent is the fact that the Military Justice Act of 1968 demands experienced attorneys in the JAG Corps. That law, in addition to requiring that the right-to-counsel guarantees in recent years extended to criminal defendants be afforded servicemen, also mandates that military judges preside over special as well as general courts-martial and insists that a bad conduct discharge not be adjudged by a special court-martial unless a military judge is detailed to the court. Do we want young recent law school graduates as military judges in such matters as bad conduct discharges, felonies and other serious military charges? Of course not. We must have mature lawyers who have experience to make vital judgments.

Yet, at the present time, we do not have them, and as the Department of Defense study concluded, the situation shows no evidence of improving. It ended with this grim forecast:

> Unless the trend . . . (of low retention rates) . . . is changed, the overwhelming majority of lawyers in uniform will be obligated tour officers recently out of law school who are in the service only as a result of the draft pressures.

With this prospect in view, the Department of Defense and the House Armed Services Committee recommended this legislation realizing that action must be taken now to solve this problem. We in the Congress mandated that a job be done and we have an obligation to provide the uniformed services with the tools needed to do it. We must keep faith with those of whom we have demanded greater service and more responsibility. H.R. 4296 is the fulfillment of that commitment.

As the Members of this body know, the legal arms of our services in the past year have faced mounting problems. They have encountered difficult situations from Presidio to Camp Lejeune, from Long Binh to Hawaii. They are tested at every turn and must, to do their jobs properly, have the cool and level-headedness only experience gives.

Today we consider legislation which will provide the necessary incentive to retain the young lawyer who has gained the experience our services so vitally need. It will make our services competitive with the private practice of the law and the civilian agencies of the government. It will help solve an immediate problem and may prevent a future one. It should insure that our service personnel receive the best possible legal advice and counsel. Finally, it will guarantee that our JAG Corps are filled with career lawyers interested in the military services, not merely law school graduates fulfilling their obligation. It is a sound approach which should be adopted.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill as follows:

H.R. 4296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended by inserting the following new sections and corresponding items in the analysis:

"§ 302a. Special pay: judge advocates and law specialists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each judge advocate of the Army, Navy, Air Force, or Marine Corps, or law specialist of the Coast Guard, as defined in section 801 of title 10, other than one ordered to active duty for less than one year, is entitled to special pay at the rates set forth below while he is performing judge advocate duties—

"(1) $50 a month for each month of active duty, if he is in pay grade O 1, O 2, or O 3;

"(2) $150 a month for each month of active duty if he is in pay grade O 4 or O 5; or

"(3) $200 a month for each month of active duty, if he is in pay grade above O 5.

"(b) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.

§ 311a. Special pay: continuation pay for judge advocates and law specialists who extend their service on active duty

"(a) Under regulations to be prescribed by the Secretary concerned, a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist of the Coast Guard, who—

"(1) is entitled to special pay under section 302a of this title;

"(2) has completed his initial active duty service commitment as a judge advocate or law specialist; and

"(3) executes a written agreement to remain on active duty for a period of at least three, but not more than six, additional years;

may be paid not more than two months' basic pay at the rate applicable to him when he executes that agreement for each additional year that he agrees to remain on active duty. Pay under this section may, at the election of the officer, be paid to him in a lump sum at the beginning of the additional period or be prorated.

"(b) An officer who has received special pay under subsection (a) of this section may—

"(1) qualify for a second payment of that pay when he becomes eligible for voluntary retirement, with pay, upon completion of twenty years of active service, by executing a written agreement to remain on active duty for a period prescribed in that subsection; and

"(2) be paid on the same basis as prescribed in that subsection and at the rate of basic pay applicable to him at the time he executes the agreement.

"(c) An officer who does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made."

With the following committee amendment:

Strike all after the enacting clause and insert the following in lieu thereof:

"That chapter 5 of title 37, United States Code, is amended by inserting the following new sections and corresponding items in the analysis:

"'Sec. 302a. Special pay: judge advocates and law specialists

"'(a) In addition to any other basic pay, special pay, incentive pay or allowances to which he is entitled, each judge advocate of the Army, Navy, Air Force, or Marine Corps, or law specialist of the Coast Guard, as defined in section 801 of title 10, other than one ordered to active duty for less than one year, is entitled to special pay at the rates set forth below while he is performing judge advocate duties—

"'(1) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"'(2) $150 a month for each month of active duty, if he is in pay grade O–4 or O–5; or

"'(3) $200 a month for each month of active duty, if he is in a pay grade above O–5.

"'(b) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.

"'Sec. 311a. Special pay: continuation pay for judge advocates and law specialists who extend their service on active duty

"'(a) Under regulations to be prescribed by the Secretary concerned, a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist of the Coast Guard, who—

"'(1) is entitled to special pay under section 302a of this title;

"'(2) has completed his initial active duty service commitment as a judge advocate or law specialist and not more than 10 years of active service; and

"'(3) executes a written agreement to remain on active duty for a period of at least three, but not more than six, additional years; may be paid not more than two months' basic pay at the rate applicable to him when he executes that agreement for each additional year that he agrees to remain on active duty. Pay under this section shall be paid in equal annual or semiannual installments, as determined by the Secretary of the military department concerned in the case of a judge advocate or by the Secretary of the Department of Transportation in the case of a law specialist of the Coast Guard, in each additional year covered by a written agreement to remain on active duty. However, in meritorious cases the pay may be paid in fewer installments if the Secretary concerned determines it to be in the best interest of the judge advocate or law specialist.

"'(b) An officer who does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made.'"

The committee amendment was agreed to.

Mr. RAILSBACK. Mr. Speaker, I rise in support of H.R. 4296, which has been introduced and sponsored by my colleague, the Honorable ALEXANDER PIRNIE. I joined my colleague by sponsoring an identical bill, H.R. 8630.

It came as no great surprise that a Department of Defense study documented the existence of a critical, chronic retention problem regarding military lawyers. At a time when court decisions and the Military Justice Act of 1968—which became effective slightly over 3 months ago—are requiring that military personnel have available the services of a military lawyer in court-martial and related proceedings, it is distressing to learn that the military services have not only been operating with a shortage of career force lawyers, but that the number of experienced lawyers is so small and the retention rate of these specialized personnel is minuscle.

The DOD study found the career force in each of the military services to be operating with the following shortages: Army, 323; Navy, 170; Marine Corps, 112; Air Force, 132; and DOD-wide, 737.

The study found that the number of experienced lawyers in relation to the total force in fiscal 1970 will be as follows: Army, 29 percent; Navy, 36 percent; Marine Corps, 16 percent; Air Force, 42 percent; and DOD-wide, 35 percent. Furthermore, the trend is getting worse.

The Committee on Armed Services hearings on this legislation revealed that the retention rate of military lawyers in the Army is only 14 percent up to 5 years and 10 percent thereafter. The Navy retains 11 percent. The Marine Corps retains 5.1 percent. And the Air Force retains 4 percent.

The purpose of this bill is therefore to insure the retention of adequate numbers of experienced lawyers in the military services. This purpose will be effected by providing military personnel performing judge advocate or law specialist duties with an increase in monetary compensation. The Department of Defense after studying the problem and reviewing the budgetary impact, has supported the approach of this bill. The estimated first year cost for the bill would be $7 million.

The economic stimulus would be made available in two forms, first as the regular monthly payment of a special pay and second as a service continuation pay bonus. The special pay would give professional status to the lawyers comparable to that which is now accorded to the Medical and Dental Corps. It would mean special pay of $50 a month to the grades of second lieutenant, lieutenant, and captain. The service continuation bonus would be paid at a rate of 2 months' basic pay for each year for which the lawyer agrees to remain in an active service status beyond his existing active duty obligation.

This bill is not designed or intended as an example of favoritism toward lawyers. It is designed and intended to meet a very real and existing crisis. The impending change in the Selective Service System which would make the vulnerable draft age at about 19 may well mean that we will be able to draft fewer lawyers. There is really no provision for drafting lawyers at this time. If there were such

a provision, there would be no crisis. Congress has mandated through the Military Justice Act that lawyers be made available. Now we have found it necessary to provide special incentives to keep available the lawyers now in service. I call upon my friends and colleagues to support this legislation. I would hope it can be speedily passed by the Congress and signed into law by the President.

Mr. SCHWENGEL. Mr. Speaker, I am certainly happy to add my strong support to the measure introduced by the gentleman from New York (Mr. PIRNIE), H.R. 4296. As sponsor of a companion bill, H.R. 9075, I am firmly convinced that this legislation is vital if we are to insure fair and prompt military justice. The problem of retaining adequate numbers of military lawyers has been growing for several years. The passage of the Military Justice Act of 1968, coupled with the decision of the U.S. Court of Military Appeals in the Tempia case has only accelerated the problem. A recent summary of retention rates indicates the scope of the problem:

RETENTION RATES FOR MILITARY LAWYERS

	Required rate per year (percent)	Actual rate per year (percent)	Numerical shortage in career force
Army	25	17	−323
Navy	30	8	−170
Air Force	45	4.5	−132
Marine Corps	25	3.6	−112

The bill before us would attack the problem from two standpoints. First, it would add to the monthly salary of military lawyers by means of the so-called "professional pay." This provision is in line with current practice in providing professional pay for doctors, dentists, and veterinarians. Professional pay in part compensates for the difference in pay realized by a professional man serving in the military. It certainly does not make private and military pay scale equal, or anywhere near it. It does, however, put the military in a position to more effectively bargain during those crucial first years out of law school. Of particular importance is the fact that this provision will allow effective competition with salaries offered to lawyers under the civil service salary schedule.

The second phase of the legislation deals with the problem which occurs when the military lawyer completes his initial period of obligated service. It is at this point the young lawyer, faced with a choice between the practice of law within the military, or civilian practice, is receiving increasingly tempting offers from the private sector. There has been a good deal of publicity on the salaries in excess of $15,000 now being offered to young law graduates.

To meet this phase of the problem, this legislation would provide a "continuation bonus" to those military lawyers who agreed to continue on active duty after completion of their obligated service. I feel that this approach will be a tremendous aid in retaining some of the fine young lawyers now in the various Judge Advocate Corps.

I might just remind my colleagues that we have adopted this approach as the solution to an identical problem in the submarine service. The Navy Department felt that its retention rate for nuclear sbmarine officers was critical in view of the fact it had, or was about to, drop to 40 percent. They felt very strongly that a continuation bonus plan would solve their problem. The high degree of acceptance of this approach to solution of this type of problem is emphasized by the unanimous endorsement that bill received, and the very rapid action taken on the bill here in the Congress.

Mr. Speaker, it seems clear if continuation bonuses are the solution to retention problems in the Navy's submarine service where the retention rate is 40 percent, it certainly should be applied to the lawyers in that service who's retention rate is 8 percent.

If we are to carry out our commitment to a fair, impartial system of military justice, we must move promptly to insure an adequate supply of military lawyers. The urgency is heightened by the passage of the draft lottery legislation which will make recruitment of military lawyers even more difficult.

Through the Military Justice Act of 1968, we renewed our commitment to a high standard of justice in the military. This was certainly appropriate in view of the increasing protection afforded defendants in civilian criminal cases. Our servicemen are entitled to at least as high a caliber representation as is provided civilian criminal defendants. I am sure that many of my colleagues would be somewhat nervous about being represented in a court, military or civilian, by a veterinarian. This exact situation was revealed in a recent case in Federal court in Utah. The Federal court was reviewing, on writ of habeas corpus, an Army case where the defendant was represented by an Army veterinarian. By this comment I cast no aspersions on the abilities of veterinarians engaged in the practice of veterinary medicine for which they were trained.

At a time when our military services are under increasing attack by some segments of the public, we must be doubly certain that every member of the military service has available to him trained, competent military lawyers when he is charged with a violation of the Uniform Code of Military Justice. Likewise, that he can obtain a prompt, fair trial free from any influence of his superior officers.

I would urge prompt approval of this important legislation.

Mr. WHALEN. Mr. Speaker, as one of the cosponsors of H.R. 4296, I take this opportunity to urge its passage today.

This legislation, as reported by the Armed Services Committee, creates a "special pay" category for judge advocates and law specialists. H.R. 4296 provides an additional $50 per month for second lieutenants through captains, $150 per month for majors and lieutenant colonels, and $200 per month for colonels and above. Also incorporated in the measure is a "continuation pay" plan. A judge advocate who agrees to remain on active duty will be entitled to receive 2 months' basic pay for each year served beyond any then outstanding obligation or commitment. Such a contract for extension of service would require a minimum obligation of three additional years of service and a maximum obligation of 6 years.

Mr. Speaker, for 22 years officers in the medical and dental corps have received "special pay," which is often referred to as "professional pay." Since 1967, this group also has been granted "continuation pay." The enactment of these provisions for medical officers was prompted by the need to increase their retention rate to meet service personnel requirements.

Unfortunately, it is not possible to determine precisely how successful these monetary inducements have been in accomplishing that goal. Three other factors also have influenced medical retention rates. First, all newly licensed doctors must perform 2 years' military service. Second, a separate, accelerated promotion program has been made applicable to physicians. Third, assistance for medical education expenses is available in return for additional obligated service. Nevertheless, whatever the specific reason, the resignation rate of medical officers has been significantly reduced.

The critical situation which prompted the extensive revision of medical pay policies during the last two decades now confronts the judge advocate division of every branch of the Armed Forces. In July of this year, the Department of Defense stated that the legal career force is operating under shortages amounting to 323 in the Army, 170 in the Navy, 112 in the Marine Corps, and 132 in the Air Force. Should the present trend continue, by 1972 or 1975 the services will be operating their judicial systems with an inordinate number of lawyers who are recent law school graduates.

Mr. Speaker, while H.R. 4296 may not entirely resolve the retention problem, it is a first step toward retaining the lawyers required to insure a strong legal service within our Armed Forces. Thus, I hope that we in this House will begin today to work toward that goal by enacting this legislation.

Mr. TIERNAN. Mr. Speaker, I rise in support of H.R. 4296, to provide for the procurement and retention of judge advocates and law specialist officers for the armed services. As a sponsor of identical legislation, I am aware of the need to insure the retention of an adequate number of experienced lawyers in the uniformed services.

It is difficult to state how many an adequate number is. However, presently the Department of Defense has a shortage of over 730 experienced military lawyers. As the General Counsel of the Defense Department stated:

> Failure to curb the current outflow of experienced lawyers could, within a few years, drastically impair the ability of those remaining military lawyers to provide necessary legal services within the Armed Services.

The major problem involved is that there is a very poor balance between experienced and inexperienced lawyers within the military. DOD statistics show that the problem grows worse by the

year. H.R. 4296 is designed to create incentives that will maintain a career force on the desired experience level. There is no question as to the fairness of such incentives, for military physicians, dentists, and veterinarians presently receive additional compensation.

Mr. Speaker, as you know, there has been a lot of talk recently concerning GI rights. I contend that the passage of this bill and the subsequent increase in the number of experienced lawyers who remain in the uniformed services beyond their obligated tour of 4 years, will greatly enhance the opportunity for these GI rights to be recognized.

We have an opportunity today to help each and every serviceman as an individual. I urge that my colleagues join me in supporting H.R. 4296.

Mr. McCLORY. Mr. Speaker, I am pleased that the House has agreed to speedy consideration of H.R. 4296, to provide financial incentives for the retention of military lawyers.

As indicated in the report of the Committee on Armed Services, the military services are having no difficulty obtaining young lawyers fresh out of law school for a 4-year tour of duty. The pressure of the draft is enough to encourage law school graduates to enlist. However, after completing their initial obligation, for various reasons, most military lawyers are leaving the service. As a result, a serious experience gap has been created. The military lawyers are leaving just at the time they have reached a level of expertise that makes them especially valuable. They are then replaced by new, inexperienced officers who must again be upgraded to minimum proficiency. As this process continues, it is obvious that the experience and quality level of the overall Judge Advocate Corps must suffer.

At a time when our military justice system is coming under continued constitutional attack, it is especially important that the Congress provide incentives to retain our well-trained and experienced middle-level military lawyers.

H.R. 4296 provides two new methods of compensation for military attorneys. The first is a regular additional monthly payment ranging from $50 to $200 per month depending on grade. The second is the payment of a one-time bonus payable to military lawyers if they agree to continue in the service for a specified period after their initial obligation has been served. The bonus would be computed on the basis of 2 months' "base" pay for each year—3 to 6—that the attorney agrees to reenlist for.

It should be noted that the Congress has, in the past, utilized these methods of financial incentive with great success to encourage career retention of military professionals. At present, doctors, veterinarians, dentists, and certain nuclear-trained submarine officers receive special financial assistance. There is no question that these incentives have increased retention of professionals in these specialties. There is, further, no reason why this same method cannot be used to retain experienced military attorneys.

Mr. Speaker, I encourage my colleagues to support this measure for two basic reasons. First, as a matter of financial equity for military lawyers. Second, and much more importantly, to alleviate a serious professional deficiency in the legal ranks of our military services.

Mr. DENNEY. Mr. Speaker, consideration of the subject now before the House, professional pay for military lawyers, is long overdue. It is quite common for us to talk in terms of "critical shortages" or "crisis conditions," but those trite phrases still seem in order today.

A Department of Defense study group has determined that there exists an alarming 737-person shortage in career lawyers in the military services. In effect, this determination means that what is needed for our Armed Forces to effectively maintain legal services is another 737 experienced lawyers, those who have stayed on after their initial obligated tour.

In the past several years, this body has asked military lawyers to play an increasing role in our total judicial system. The Military Justice Act is an outstanding example of the added responsibility entrusted to these officers and specialists. Individual rights of servicemen have been expanded, and the military lawyer is the vanguard for their protection.

We have placed added responsibilities on the services; now let us pass the necessary legislation to insure their able administration.

Likewise, judicial activity has placed a great burden on the already understaffed legal corps. O'Callahan against Parker promises to increase their activities in determining jurisdiction in new cases and relief where final cases are reconsidered.

As any lawyer knows, experience is vital in adequately giving legal counsel to a client. With the shortage of experienced personnel mentioned earlier, and the increased need for expert advice, it is evident that we must make a strong effort to retain young lawyers and thereby increase the percentage of seasoned lawyers to total attorneys in service.

During an investigation of this problem, I ran across some floor comments made over 20 years ago when this same problem was being debated with respect to professional pay for medical doctors and dentists.

The same solution presented now, professional pay, was offered in these words by Congressman Blackney from Michigan:

> Everyone knows that we live in a chaotic age; that the international situation is extremely acute and, therefore, the maintenance of our Army and Navy is a No. 1 problem to our Nation and to the citizens at large. In order to maintain properly such an Army and Navy, it is highly essential that the Medical Corps of the groups should be maintained at the highest degree of efficiency. No father or mother, no Congressman, or no thinking person, wants to send the boys into service unless they are assured in advance that they will have full, complete, and efficient medical attention. That is the reason why this bill becomes so important.
>
> The scarcity of physicians, surgeons, and dentists in our armed forces is alarming. The financial attractions of civilian life to physicians, surgeons, and dentists have induced many professional men, who were formerly in service, to retire to private life and it now becomes apparent that some inducement be offered to those groups in the armed forces in order to secure and retain their services therein.

Then, as now, the necessity of offering experienced professional assistance to our military men was recognized. Then the necessity was met by wise congressional action and professional pay was authorized for doctors and dentists to keep them in the service.

I hope that the House chooses that same wise course today.

Mr. ERLENBORN. Mr. Speaker, I rise support of H.R. 4296, a measure designed to provide an incentive to obtain and retain an adequate number of experienced lawyers in our military services.

In April 1967, the Journal of the Armed Forces carried an article on the increasing difficulty the Armed Forces—all branches—were experiencing in retaining a sufficient number of law specialists and judge advocates. "As a result," the article reported, "much of the legal workload of the services is being handled by young and relatively untried officers whose diplomas still smell of wet ink." In a word, recent law school graduates are willing to serve a 4-year period in our Armed Forces, but then civilian life—and civilian pay—attracts them.

Prompted by this report, the gentleman from New York (Mr. PIRNIE), the author of the proposal before us, did some research. He learned that, in 1968, the Army's retention rate for military lawyers was 12½ percent, the Navy's 12 percent, and the Air Force's 19 percent.

These facts alone are disturbing, but another factor must be taken into consideration. Last year, Congress wisely enacted the Military Justice Act, intending to extend to our service men and women the right-to-counsel safeguards which the Supreme Court has guaranteed to civilians. This means, of course, that our needs for qualified and experienced lawyers in the military will rapidly multiply.

For these reasons, I joined sponsorship of a bill identical to H.R. 4296 as originally introduced.

Since that introduction, the findings on which it was based have been substantiated by a study conducted by the Department of Defense, which recommends enactment of H.R. 4296 with the amendments approved by the Armed Services Committee.

As reported to the House by the committee, this bill would make a special regular monthly payment to our military lawyers, thus providing them with an income that compares more favorably to that which they could earn in civilian life. Professional pay such as this is now paid, as you know, to doctors, dentists, and veterinarians. Similarly, special pay—that is, proficiency pay—is authorized by law for enlisted personnel with specialized occupations.

This bill would also provide the payment of a bonus for military lawyers who agree to extend their service for at least 3 years beyond their original commitment. Bonus payments of this kind are now paid to physicians and others with expertise in various fields. As suggested by the DOD, the bonus would be payable only once in a military lawyer's career.

If we are to provide the men and women of this Nation who serve in our military with the legal services to which they are entitled, I believe that we must take this step to encourage lawyers to make a career of the military.

Mr. MATSUNAGA. Mr. Speaker, as the introducer of H.R. 10463, a similar bill, I rise in support of H.R. 4296, which was introduced by the distinguished gentleman from New York (Mr. PIRNIE).

I would like to commend the gentleman from New York for recognizing the gravity of the military lawyer retention problem, and I would also like to commend our Committee on Armed Services for its early favorable consideration of this legislation which offers an acceptable solution to that problem.

The Department of Defense describes the situation involving military lawyers as "a critical, chronic retention problem." Unless the current outflow of experienced lawyers is curbed, the Department foresees a time, only a few years hence, when the ability of the remaining military lawyers to provide necessary legal services within the Armed Forces will be "drastically" impaired.

Even if the situation described by the Department of Defense in its report to the chairman of our Committee on Armed Services is a projected one, clearly, present conditions, if unchecked, will lead us inevitably to it. It is imperative, therefore, that we take action now to reverse the trend.

We need only to examine the Department's own figures to be convinced that the Congress must act quickly to retain experienced military lawyers and also to attract younger lawyers to the military service. From the standpoint of the number of experienced military lawyers needed to render legal services of the proper quality, the career force in each of the military services is presently operating with these shortages: Army, 323; Navy, 170; Marine Corps, 112; Air Force, 132.

The ratio between experienced and inexperienced lawyers gives rise to even greater concern. At the beginning of fiscal year 1970, the number of experienced lawyers in relation to the total number of lawyers in each branch of the Armed Forces was reported to be as small as 29 percent in the Army; 36 percent in the Navy; 16 percent in the Marine Corps; and 42 percent in the Air Force.

Mr. Speaker, the military lawyer retention problem has grown to such serious proportions that additional financial incentives are urgently needed to assure our men in uniform that they will continue to receive proper legal counsel and representation. H.R. 4296, as amended by the committee, would provide such financial incentives in the form of professional pay and a continuation bonus. At the highest level, pay grade O–6 and above, military lawyers, who generally will have had 20 or more years of active service, would receive $200 per month. At the O–3 pay-grade level and below, the special pay would be $50 per month.

In addition, a continuation bonus would be payable to all military lawyers, with 10 or fewer years of commissioned service, who extend their service on active duty upon completion of their initial active service commitment as a judge advocate or law specialist. He must execute a written agreement to remain on active duty for a period of at least 3, but not more than 6, additional years. This continuation pay bonus would be divided into equal annual or semiannual installments and would be paid over the period of the extended service as agreed upon by the military lawyer. His continuation bonus would be computed at the time he signs the agreement on the basis of not more than 2 months' basic pay for each additional year of extended active duty.

The Department of Defense has estimated the first year costs of these financial incentives at $7 million, and subsequent annual costs would not be expected to exceed this amount.

The costs involved appear to be reasonable in view of the critical nature of the retention problem with respect to military lawyers. By extending these career retention incentives to military lawyers, we would be assured that our servicemen would have available the quality of legal assistance to which they are entitled. Denial of this assistance would mean a denial of justice under the law to our servicemen.

Mr. Speaker, H.R. 4296 deserves our unanimous vote.

Mr. POLLOCK. Mr. Speaker, I rise in support of H.R. 4296, a bill to provide for the procurement and retention of judge advocates and law specialist officers. Specifically, this legislation authorizes special pay for judge advocates and law specialists and also provides for the payment of a continuation pay bonus to those legal officers with not more than 10 years of active service who reenlist upon the completion of their initial active duty commitment.

The necessity for legislation such as H.R. 4296 cannot be overemphasized. At the present time, the Department of Defense is confronted with a critical retention problem which exists with respect to its military lawyers. No major problems are encountered in the initial procurement of junior legal officers, for pressures generated by the Selective Service laws produce an adequate number of applicants. However, great difficulties are encountered in retaining seasoned military lawyers beyond the period of their initial obligation.

This retention problem is graphically illustrated by statistical data compiled in 1968 by the Department of Defense. These findings show that each of the four services suffer severe shortages in their career forces of military lawyers. Thus, for example, the Army is lacking 323 career lawyers and the Navy, 170. As a result of these shortages, the ratio of experienced lawyers to the total number of lawyers is surprisingly low in each of the four services, with the Department of Defense-wide average a low 35 percent. Far from improving, it is expected that this imbalance will worsen in the absence of remedial legislation. As the number of experienced lawyers in the armed services diminishes, we can reasonably expect to find a loss of continuity in many armed services legal projects.

To maintain a career force of the desired experience, adequate numbers of junior officers must be attracted into the career group. Yet, the figures show that this is not occurring. The Navy retains only 10 percent of its legal officers beyond the mandatory 4 year obligation and the Air Force, 14.5 percent.

In considering whether additional financial incentives are necessary in order to retain military lawyers, it is important to note that financial incentives have been used successfully to solve retention problems in other critical professional areas. Thus, for example, both military dentists and doctors receive additional compensation ranging from $100 to $350 per month. Moreover, military physicians receive a continuation bonus similar to the one proposed in H.R. 4296. Other finanical incentives, such as reenlistment bonuses, are also offered.

The conclusion is inescapable that a severe problem exists with regard to the retention of military lawyers. We have before us today a solution which has proven successful in alleviating the shortage of professional personnel in several other critical areas. The Department of Defense believes that a similar program of financial incentives is necessary to retain skilled legal counsel; the Bureau of the Budget concurs in this judgment. The cost—$9.9 million—is not prohibitive when compared to the magnitude of the problem. For these reasons, I respectfully urge this distinguished body to give its careful consideration to the immediate passage of H.R. 4296. This legislation is essential if the legal divisions of each of our military services are to continue to perform their functions with the efficiency and skill that we have learned to expect from them.

Mr. GONZALEZ. Mr. Speaker, I rise in strong support of H.R. 4296 which would provide professional pay and a continuation bonus for military lawyers, a companion bill to one which I introduced earlier in the session.

Having helped author H.R. 6555—90th—the proposed Military Personnel Legal Counsel Act, and having supported the Military Justice Act of 1968, I naturally became actively interested in the quality of military justice.

I was very glad that the 90th Congress renewed its promise for providing our men in uniform with a truly just military system; however, I became quite dismayed by the alarming statistics indicating that while there was a greater need for military lawyers, the retention rate of military lawyers was critically low. A comprehensive Department of Defense study completed in October 1968 of military lawyer procurement, utilization, and retention very definitely afforded statistics in this area pointing to a shortage of manpower and an "unsafe" imbalance between the experienced and inexperienced lawyers.

This problem has resulted because of a lack of career retention incentives that are now furnished to physicians, dentists, and veterinarians, but not lawyers. After

a 4-year obligation tour, the military lawyer realizes that he cannot afford to stay in the military. If he leaves the military, he is almost guaranteed to earn approximately $5,000 more a year. Is it no wonder that there is a critical shortage of JAG's?

The Department of Defense has recognized the criticality of the retention problem, and, thus, has recommended enactment of the proposed legislation, H.R. 4296. The "continuation pay" bonus would be payable when the officer would normally be required to make a decision to continue as a career officer in the military service or return to civilian life—with 10 or fewer years of service. A "special pay" would more nearly commensurate with salaries enjoyed by civilian contemporaries.

The obvious need for legislation in this area is squarely met by H.R. 4296, and accordingly, I strongly urge its prompt enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 4296.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day.

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 297]

Ashley	Gettys	Patman
Blanton	Giaimo	Pepper
Bow	Griffin	Pike
Brown, Calif.	Hanna	Pollock
Button	Hansen, Wash.	Powell
Cabell	Hastings	Pucinski
Cahill	Hawkins	Railsback
Celler	Hébert	Reid, N.Y.
Chisholm	Holifield	Reifel
Clay	Hosmer	Rivers
Cunningham	Johnson, Pa.	Sandman
Dawson	Kirwan	Saylor
Dent	Kuykendall	Scheuer
Dickinson	Landrum	Smith, N.Y.
Dorn	Lipscomb	Stuckey
Edwards, La.	Mathias	Teague, Tex.
Eilberg	Meskill	Tunney
Fascell	Mills	Utt
Fulton, Tenn.	Mollohan	Wampler
Galifianakis	Morton	Weicker
Gallagher	O'Neal, Ga.	Whalley

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 14159

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

OIL DEPLETION ALLOWANCE

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I was chagrined at the action of the Senate in increasing the oil depletion allowance to 23 percent. Since the average utilization of the depletion allowance has been at the 23-percent level, this action represents a complete capitulation to the powerful oil interests.

The continuation of the depletion allowance on foreign oil further substantiates the political power of oil.

There is no rational legislative reason for extending the privilege of the depletion allowance to foreign produced oil. The combination of the depletion allowance and the foreign tax credit have made most of these profits tax free.

These tax-free profits of American investment in foreign oil have corrupted and misdirected American foreign policy in many oil-rich countries. This has resulted in American policies of costly military assistance to absolute monarchs and dictators. There is no reason for the American taxpayer to subsidize these activities.

It is now incumbent upon the House conferees, backed by an overwhelming vote in the House of Representatives to insist on the House provisions which eliminated the foreign depletion allowance on oil and reduced the domestic depletion allowance to 20 percent.

By its action, the oil industry has jeopardized the tax bill and has set the stage for another reform debate in the next Congress. Things may be different the next time around when the taxpayer discovers how he has been done in.

COMMUNICATIONS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, communications—farflung, speedy communications—are the pulsebeat of our modern society. Our success in the far reaches of space, our lifeline here on earth to our scattered national efforts throughout the world, are dependent on fast and accurate communication. Peace may depend ultimately on a microwave.

Yet here at the citizen and business level our communications system is slowing down and showing grave danger of failing utterly. The number of users of our postal system grows monthly; the efficiency of the service slips and drags a little more as it does.

Today, we are locked in by custom and tradition to a creaky, outmoded system of postal service. What we need is a businesslike approach and the most modern methods for handling the mail. A new system, not fettered by partisan politics or hidebound by "gaslight era" methods is needed and is needed soon. President Nixon in his message of October 13 delineated the reform steps to be taken to modernize our postal system. In the name of commonsense, let us take them before it is too late.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. HUNT. Mr. Speaker, I ask unani-

mous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

There being no objection, the Clerk read the bill, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Irene G. Queja shall be held and considered to be within the purview of section 203(a)(2) of that Act and the provisions of section 204 of the said Act shall not be applicable in this case.

Mr. MATSUNAGA. Mr. Speaker, as the introducer of a companion bill, H.R. 1801, I rise in support of S. 564, a private bill which would preserve second preference status in behalf of a lawful permanent resident of the United States.

Irene G. Queja, the widow, is a 31-year-old native and citizen of the Philippines. She was married there on November 13, 1967, to Ireneo D. Queja, a lawful permanent resident of the United States since 1930. Mr. Queja returned to Hawaii and filed a second preference visa in behalf of the beneficiary on December 8, 1967. Mrs. Queja intended to apply for a permanent resident visa and join her husband in Hawaii in July 1968, but her husband died of a heart attack in Honolulu on June 3, 1968.

The beneficiary was admitted at Honolulu, Hawaii, as a nonimmigrant visitor for the purpose of attending her husband's funeral. I introduced private bill H.R. 19590 on September 5, 1968, in behalf of the widow, and reintroduced the bill on the opening day of the 91st Congress.

The beneficiary, who has no children and was married but once, is presently living with a widowed female cousin in Honolulu. A high school graduate in her native country, the beneficiary worked approximately 4 years as a restaurant cashier before her marriage. She has savings in excess of $7,500, and plans to seek employment in Honolulu after her status has been adjusted to that of a permanent resident.

Mr. Speaker, the beneficiary is a person of good moral character and hopes eventually to have the honor and the privilege of becoming a citizen of the United States.

The other body has obviously concluded that there is considerable merit to this widow's plea. I urge that this House give S. 564 the same favorable consideration.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa.

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

There being no objection, the Clerk read the bill, as follows:

H.R. 3571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provisions of title III of the International Claims Settlement Act of 1949, as amended, limiting the period within which claims may be filed thereunder, including section 316 of such Act (22 U.S.C. 1641o), the Foreign Claims Settlement Commission of the United States is authorized and directed (1) to receive, consider, and act upon any claims of Miloye M. Sokitch, of Washington, District of Columbia, or his legal representative, filed within six months after the date of enactment of this Act, against the Government of Italy, as if such claims had been filed within the time and manner provided in the International Claims Settlement Act of 1949, and (2) to certify to the Secretary of the Treasury for payment out of remaining balances in the Italian claims fund any award issued pursuant to such claims. The Secretary of the Treasury is authorized and directed to pay to the said Miloye M. Sokitch or his legal representative out of such fund, in accordance with the provisions of section 310 of such Act (22 U.S.C. 1641i), the amount of any such award so certified by the Commission. Nothing in this Act shall constitute an admission of liability on the part of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERRING JURISDICTION OF CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. HUNT. Mr. Speaker, I ask unani-

mous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Iriving M. Sobin Chemical Co., Inc.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DUG FOO WONG

The Clerk called the bill (S. 2019) for the relief of Dug Foo Wong.

There being no objection, the Clerk read the bill, as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Dug Foo Wong shall be held and considered to be the natural-born alien son of Mr. and Mrs. Chun P. Chin, citizens of the United States: *Provided,* That the parents, brothers, or sisters of the said Dug Foo Wong shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2059 of title 28, United States Code, as amended.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

MRS. MARJORIE ZUCK

The Clerk called the bill (S. 476) for the relief of Mrs. Marjorie Zuck.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JACK BROWN

The Clerk called the bill (H.R. 1697) for the relief of Jack Brown.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JOHN T. ANDERSON

The Clerk called the bill (H.R. 2241) for the relief of John T. Anderson.

There being no objection, the Clerk read the bill, as follows:

H.R. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $137.50 to John T. Anderson of Morris Plains, New Jersey, in full settlement of his claim against the United States for the cost of shipping his automobile, incident to his separation from the Department of the Air Force, from Bremerhaven, Germany, to Baltimore, Maryland, in 1962. Such shipping costs were incurred after an officer of the United States Army Transportation Corps erroneously refused to authorize shipment of such automobile on a Government vessel.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4: Strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMDR. JOHN W. McCORD

The Clerk called the bill (H.R. 2481) for the relief of Comdr. John W. McCord.

There being no objection, the Clerk read the bill, as follows:

H.R. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Commander John W McCord, of Santa Yuez, California, is hereby relieved of all liability to repay to the United States the sum of $4,724.87, representing overpayments of active duty compensation received by him for the period from June 4, 1948, through February 14, 1967, while he was employed by the United States Navy, such overpayments having been made through administrative error in violation of the Act of July 31, 1894, as amended (5 U.S.C. 62), and which were received in good faith by him.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Commander John W. McCord, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be un-

lawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 6 through 10, and page 2, lines 1 and 2, strike "compensation received by him for the period from June 4, 1948, through February 14, 1967, while he was employed by the United States Navy, such overpayments having been made through administrative error in violation of the Act of July 31, 1894, as amended (5 U.S.C. 62), and which were received in good faith by him." and insert "pay received by him for the period June 4, 1948, through August 26, 1966, as a result of administrative error in establishing his pay entry base date, which payments were received by him in good faith."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 3530) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MRS. PEARL C. DAVIS

The Clerk called the bill (H.R. 7264) for the relief of Mrs. Pearl C. Davis.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JAMES HOWARD GIFFIN

The Clerk called the bill (H.R. 7830) for the relief of James Howard Giffin.

There being no objection, the Clerk read the bill, as follows:

H.R. 7830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any contrary provision of the Railroad Retirement Act of 1937, as amended (45 U.S.C., ch. 9; 49 Stat. 967–974, as amended), the Railroad Retirement Board is authorized and directed to determine and certify to the Secretary of the Treasury the aggregate amount of annuity which would have been payable under such Act to James Howard Giffin, of Bainbridge, Ohio (R.R.B. No. A–572441), for the period beginning on the earliest date for which he could (upon filing application therefor) have become entitled to an annuity under such Act and ending with the date with respect to which he first commenced to receive an annuity under such Act; and the Secretary of the Treasury is authorized and directed to pay to the said James Howard Giffin (out of the Railroad Retirement Account in the Treasury) an amount equal to the amount so certified by such Board.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BURROWES MANUFACTURING CORP.

The Clerk called the bill (H.R. 8100) for the relief of the Burrowes Manufacturing Corp.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THOMAS J. CONDON

The Clerk called the bill (H.R. 9092) for the relief of Thomas J. Condon.

There being no objection, the Clerk read the bill as follows:

H.R. 9092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas J. Condon, East Weymouth, Massachusetts, letter carrier at the United States post office, Hingham, Massachusetts, a sum which the Postmaster General shall certify to the Secretary as the amount of additional compensation to which the said Thomas J. Condon would have been entitled from October 1, 1946, to January 1, 1948, if he had been placed on October 1, 1946, in the appropriate salary grade at the appropriate rate of compensation in accordance with the Act of July 31, 1946 (60 Stat. 749; Public Law 577, Seventy-ninth Congress). Through administrative error, which was corrected on January 1, 1948, the said Thomas J. Condon was placed in an inappropriate grade at an inappropriate rate of compensation for such period. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Page 2, line 4, after "gress" insert: "as amended by the Act of April 29, 1950 (64 Stat. 93; Public Law 492, 81st Congress").

Page 2, line 8, strike "in excess of 10 per centum thereof".

Page 2, line 15, after "$1,000." insert: "The amount authorized to be paid to the said Thomas J. Condon by this Act shall be reduced by the amount which should have been deducted as the employee's contribution to the Civil Service Retirement and Disability Fund for that period, and the Secretary of the Treasury is further authorized and directed to deposit that amount in the Civil Service Retirement and Disability Fund to the credit of the said Thomas J. Condon."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER L. PARKER

The Clerk called the bill (H.R. 10662) for the relief of Walter L. Parker.

There being no objection, the Clerk read the bill, as follows:

H.R. 10662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Walter L. Parker of Trenton, New Jersey, is relieved of liability to the United States in the amount of $278.87 representing overpayments of salary paid to him during the period from January 20, 1966, through October 31, 1967, by the Department of the Navy as a result of administrative error and through no fault of his own. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

With the following committee amendment:

Page 1, line 4, strike "$278.87" and insert "$279.05".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSELL L. CHANDLER

The Clerk called the bill (H.R. 12622) for the relief of Russell L. Chandler.

There being no objection, the Clerk read the bill, as follows:

H.R. 12622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Russell L. Chandler, an employee of the National Aeronautical and Space Administration, formerly of Huntsville, Alabama, who was ordered to report for duty at his new duty station in Washington, District of Columbia, on September 18, 1966, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in Circular Numbered A–56 Revised, October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred within six months of the date of the enactment of this Act.

With the following committee amendments:

Page 1, line 5, after "appropriated", insert "a sum not to exceed $724.65".

Page 2, lines 3, 4, and 5, strike "will not be applied to expenses incurred within six months of the date of the enactment of this

Act." and insert "will not be applied to expenses incurred in connection with said relocation prior to the enactment of this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

CAPT. NORMAN W. STANLEY

The Clerk called the bill (H.R. 1728) for the relief of Capt. Norman W. Stanley.

There being no objection, the Clerk read the bill, as follows:

H.R. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Norman W. Stanley of San Jose, California, is hereby relieved of liability to the United States in the amount of $2,371.44, representing overpayments of salary from September 18, 1961, through March 17, 1966, paid to him as a member of the United States Air Force as the result of an administrative error which occurred without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Norman W. Stanley the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, lines 8 and 9, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That concludes the call of the Private Calendar.

TOWARD PEACE WITH JUSTICE IN VIETNAM

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of House Resolution 613, toward peace with justice in Vietnam.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of House Resolution 613, with Mr. FLYNT in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Ohio (Mr. HAYS) had 1 hour and 26 minutes remaining and the gentleman from Indiana (Mr. ADAIR) had 1 hour and 28 minutes remaining.

The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I am voting against House Resolution 613, but not because I oppose a "just peace" in Vietnam. What I oppose is the implication of this resolution and the method by which its sponsors have sought to impose it on the House.

There is probably not one of us in this body, Mr. Chairman, who does not favor a "just peace." I am equally sure that President Nixon seeks a "just peace." But one man's "just peace" is another man's "sell-out" and still a third man's military victory. The sponsors of this resolution surely understand that fair-minded, reasonable men differ enormously on what constitutes a "just peace." President Nixon appears to feel that a "just peace" would not include a coalition government. I feel that a coalition government is the bare minimum for a "just peace."

I cannot vote for this resolution, for we have precedents on how an administration can take the words of Congress and impart to them a meaning that was never intended. Can a President of the United States interpret an affirmative vote on this resolution as a sanction for whatever negotiating tactic he chooses to adopt, including the indefinite prolongation of the war? I hope that the answer is negative. But an earlier President took a resolution of the Senate to mean a virtual declaration of war against North Vietnam—an intent which was far removed from the minds of its sponsors. Once the resolution was voted, however, it was no longer in the hands of the Senate, but, for all practical purposes, the property of the administration, to use in the manner that suited its purposes. I am not at all assured by the sponsors of House Resolution 613 that the same fate does not await this resolution. Surely the enthusiasm the President has shown for it, in taking the unprecedented step of speaking on the floor of this Chamber in its behalf, does not suggest that the resolution will be treated with diffidence and restraint.

I further object, as part of the overall pattern which this resolution has followed, to the manner in which the matter has come to us. I see this measure as an excellent vehicle by which the Committee on Foreign Affairs might have questioned the administration on its war policy and its peace policy. We might have learned a great deal from the experience and the country would have had the opportunity to grasp so much more about our Nation's commitment in Vietnam. But, on the contrary, no hearings were set. Neither a member of the administration nor a sponsor of the bill spoke on it in committee. It was in closed session, the proceedings of which we know very little, that the resolution was sent to the floor. At least a committee hearing might have enabled my colleagues and me to find out, in some reasonably accurate fashion, what substance this resolution is intended to convey.

I further can find no sanction for sending this bill to the floor under a closed rule. Surely there are Members who could clarify the resolution by amendment. There are others who believe the sense of this body could be more precisely expressed if the resolution were amended. The process leads me to wonder why its sponsors fear to have this resolution touched. Is it sacred in its present form? Is it meant, in these words, to convey a degree of support to the President which no other words could achieve? I would myself seek to amend the resolution to express the preference of Congress for a more representative government in South Vietnam. Certainly the House would not oppose such a sentiment, so much in keeping with the democratic aims of our involvement in South Vietnam.

Mr. Chairman, I think we will one day be sorry for the passage of this resolution. I believe it attempts to create the impression of a national unity that does not exist—and that the world knows does not exist. We are deluding neither allies nor foes, but ourselves, if we proclaim passage of this resolution as an expression of national unity. We will achieve national unity when the President ceases to cater to every whim of the current Saigon regime and we negotiate a peace that recognizes the realities of Vietnamese political life. I see no reason to believe that passage of this resolution will strengthen our bargaining position in Paris, any more than it will strengthen our millitary position on the battlefields of the delta. I think it is unworthy of this great body that we dispose of the major questions facing our country in such a fashion. For these reasons, I cannot support this resolution.

Mr. HAYS. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, I voted "no" on both the previous question and on the adoption of the rule for House Resolution 613. I have consistently held that the American people are entitled to victory in Vietnam. My conviction is unchanged.

The Vietnam resolution which we now consider conveys great nobility of purpose in calling for broad popular support for the President in his efforts to obtain a just peace in Vietnam. The endeavor here undertaken will prove to involve more than a mere confrontation between popular support for the President and the demands for immediate unilateral withdrawal.

As with any question there are always more than two alternatives.

Most Americans support what they understand to be the President's objectives in Vietnam—a termination of the hostilities as speedily as possible, con-

sistent with our national interests. But many do not necessarily agree with the wisdom of the course which has been chosen—that of negotiating with an undefeated enemy. The best and most certain method to terminate the war promptly and permanently, while discouraging any further such aggressive ventures, is to win it. Hanoi knows this. We should.

Mr. Chairman, this is a popular resolution with most. I have not the slightest doubt that it will pass by a great margin. Yet, I feel compelled to rise and give voice to the viewpoint of many other dedicated Americans who feel as I do on victory.

The real question before us is whether enactment of this resolution would be instrumental in regaining peace, or might it have the unintended result of placing our country in an impassé by severely restricting our President's future alternatives.

Approval of this resolution endorses negotiation and can be interpreted by the President and, more importantly, by the enemy as an instruction to pursue only that course. Thus, we can find ourselves bogged down in endless negotiations over trivia while countless Americans continue to be slaughtered unnecessarily.

When former President Lyndon Johnson stopped the bombing, which was actually hurting the enemy, and began negotiating we spent months in Paris negotiating simply to decide the shape of the conference table. How many American lives did this talk cost? Only yesterday, General Westmoreland, Army Chief of Staff and former commander in Vietnam, stated that had the bombing not been stopped the war would have ended last year. How many American lives did stopping the bombing cost? What was accomplished?

This resolution calls for further endless negotiations. How long would it take in negotiations to arrive at agreement over the definition of such terms as "free elections", "open to all", "supervised", "by an impartial international body."

Each word of this resolution is an open invitation to protracted and fruitless discussions in Paris while Americans continue to die in Vietnam and Hanoi's dear American friends escalate operations in the United States.

Have we learned nothing from our recent history in the Korean debacle? In Korea our men fought—and still die—under the UNO flag, in an UNO declared war against Communist China. There has been no peace settlement negotiated—and there is no peace. There is only an uneasy cease-fire where American men—who were not even born when the Korean war broke out—die as we continue to talk at Panmunjom.

Mr. Chairman, passage of this resolution will find 1970 without peace, more talk-fests, with more American casualties and more Americans yet to be killed, disabled or fall prisoner.

Every American surely recognizes that we have been brought to the present stalemate because we bent over backward to appease, negotiate and talk. Passage of the resolution is tantamount to approval by this body of past failures—policies that have left us 40,000 dead and 300,000 other casualties—policies which were resoundingly repudiated by the American citizens at the polls just last November. We accomplish nothing by attempting to renovate the same bankrupt Johnson policy.

It is time for a change. It is time to pursue a different course. The proven path to peace we have never tried in Vietnam is declaring a positive objective and moving forward to peace through victory.

The American people understand, even if their leaders do not, that you do not end violence by negotiating with criminals. This applies to the international terrorists in Hanoi as well as it does to the domestic type in our cities. Negotiation leads only to appeasement, which leads only to surrender. Surrender invites further violence—making an endless circle.

The people of my district are also opposed to the way this war is being conducted. They did not believe in the namby-pamby UNO diplomacy that got us involved in it in the first place, but now that we are in it, they are strongly opposed to prolonging it. They cannot understand why their sons are sent to fight a dirty little Asian war and are forbidden to win.

It would have been better had this resolution remained in committee. Now that it is before us on a "yes or no" vote, the lesser of the two evils is probably its adoption, if for no other reason than the propaganda value to Hanoi of its defeat. We can well expect the Washington newspapers to claim its adoption as a dove victory because it calls for additional negotiations.

In the long run its effect is to strengthen Hanoi's negotiators, not support our President.

By this instrument we state formally our concessions and severely restrict our flexibility in negotiation. Would it not be of value for us to possess the published instructions given Hanoi's negotiators by their government? We may find to our great regret that this resolution has left us only the formality of surrender.

Yet, this resolution will pass by a lopsided vote. This is not because it has any real meaning, or any intrinsic value. It is simply because Members have been neatly boxed into an impossible position—the same as they were with the former Gulf of Tonkin resolution. Emotion overrules logic.

Many of the Members of this body had voted, in good faith, in favor of the Gulf of Tonkin resolution and came to regret it. They found that the resolution was far more encompassing than they had intended. In voting for this Vietnam resolution, many more Members will find themselves in February making the same apologies, for essentially the same reasons. And it is well to remember that these debates will not be carried in the future newspaper analyses—only selected language from the resolution.

It would be easy to remain silent, vote with the majority, and evade the real issue. I do not propose to do so. I cannot, in conscience, support the present resolution, neither can I cast a vote which will be interpreted by the controlled news media as support for the enemy. I shall, therefore, vote "present."

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. ADAIR).

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. TAFT).

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman.

Mr. WRIGHT. Mr. Chairman, in keeping with the unanimous consent previously granted, I would like to insert in the RECORD preceding the remarks of the gentleman from Ohio a telegram from George Meany, president of the AFL–CIO, and a telegram from Walter H. Judd, a former Member of the Congress.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The telegrams referred to are as follows:

WASHINGTON, D.C., *December 1, 1969.*

Hon. JAMES WRIGHT,
Washington, D.C.:

The policies concerning Vietnam set forth in House Resolution 613 closely parallel those the AFL–CIO has adopted in convention resolutions and executive council statements. We strongly urge its adoption.

GEORGE MEANY,
President, AFL–CIO.

DENVER, COLO., *December 1, 1969.*

Hon. JAMES WRIGHT,
House of Representatives,
Washington, D.C.:

Strongly approve your resolution expressing support of the President's efforts to get justice and freedom for the people of South Vietnam without which no peace can be honorable or lasting for Southeast Asia or for our own country.

Best regards,

WALTER H. JUDD.

Mr. TAFT. Mr. Chairman, I rise in support of this resolution and wish to call the attention of the Committee to some information which I do not believe has come to their attention previously.

First, with regard to the general feeling of the American people on this very difficult problem that we are faced with in Vietnam, I would like to report the results of a questionnaire which I distributed on a postal patron basis to my district, some 140,000 copies in late September, and on which I have now had returned over 20,000 copies with the following results.

The questions which I asked were:

Which statement most accurately describes your sentiments regarding a Vietnam settlement?

In reply to that the answer was as follows: On the question and on the alternatives that I put:

(a) The United States should apply whatever military pressure is necessary to end the fighting and assure a stable and secure non-Communist government. 33%.

(c) The United States should continue the policy of withdrawal of American troops, begun in June, 1969, relating it to the war's progress and peace negotiations. 36%.

Thus, we find a total of some 69 percent are in support of the President's position, or of a stronger position.

On the other side, we find the next question:

(b) The United States should begin at once a complete withdrawal of American troops to be carried out regardless of the progress of the war. 18%.

This lines up almost directly, I would point out, to the results of a Gallup poll recently, and it seems to verify that finding.

There were other answers in the area of forcing a Communist coalition only with the Communists, only 3 percent.

Others and no answers—in the neighborhood of 10 percent.

This, I think, does indicate a gain from my particular constituency, the general feeling and general support of the people which I think we are reaffirming and reexpressing in this resolution.

Also I would like to call the attention of the House to a statement made by Ambassador Lodge on November 13 as his opening statement in the plenary session in Paris on that day.

In part he said as follows:

We have not put forth our proposals on a take-it-or-leave-it basis—

Quoting the President—

We have declared that anything is negotiable except the right of the people of South Viet-Nam to determine their own future.

Then he proceeds:

We ask you to join us in serious negotiations because we wish: to see this war ended; to spare the brave people of South Viet-Nam further suffering; to save the lives of our soldiers; and to end this waste of so many North Vietnamese troops, whose courage entitles them to a better fate. If progress at these talks is not possible, we can continue with our plan under which we will withdraw our forces from South Viet-Nam on an orderly scheduled timetable in accordance with the three criteria we have mentioned before.

Then he proceeds with reference to this particular resolution which is before the House today as follows:

Yesterday, a remarkable expression of this support took place—

American people for a just peace. And continuing—

Referring to the wide support of the Members of the House of Representatives cosponsored and signed a House Resolution. I will read the text of the resolution.

Then Ambassador Lodge read the very text of the resolution before this House and he commented further as follows:

It may interest you to know that this resolution was originated by members of the Democratic Party although, of course, members of both parties have signed it. At first, the sponsors had planned to have 50 Republican and 50 Democrat signers. But so many wished to co-sponsor that this idea was dropped and instead the resolution went in with 301 co-sponsors.

I think it is significant that this point was made in the negotiations in Paris. I think it indicates the wisdom of our acting favorably upon this resolution.

Mr. Chairman, I would like to mention one other area of thought with regard to this resolution because I think it tries to put back into proper context and proper thinking the question as to how American foreign policy is made. While we have a great tradition of freedom of assembly and freedom of speech in this country, that are guaranteed by the Constitution, and while there may be appropriate areas for mass demonstrations and marches to call upon the public conscience or to dramatize to move public opinion, and possibly even governmental action, on domestic issues, I would submit to you that this can be exceedingly disruptive to the formation of foreign policy.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in opposition to the resolution.

We are told that we should support this resolution because it is a peace resolution, calling for support of the President only "in his efforts to negotiate a just peace."

In the history of the world, more war has been waged in the name of peace than in any other name, save perhaps in the name of justice. From time immemorial, each side to military conflicts has justified its participation as in pursuit of peace and to right injustice. The United States has been active in employment of this justification, most notably in entering World War I as the quest of a war to end war.

The minority views of this resolution do a fine service in showing clearly how President Johnson used pursuit of peace as a justification for intensifying our Vietnam military involvement. The Johnson peace quotations and the resulting escalations bear repeating:

On August 5, 1964, President Johnson told the Congress that our objective was only to see that "the peace and security of the area will be preserved." By the end of that year there were 23,000 troops in Vietnam.

On April 7, 1965, President Johnson said "the only path * * * is the path of peaceful settlement." By the end of 1965 there were 181,392 troops in Vietnam.

On October 25, 1966, the President joined in a communique saying that "our united purpose is peace * * * whether through discussion and negotiation or through reciprocal actions by both sides to reduce the violence." By the end of 1966 there were 389,000 troops in Vietnam.

On March 15, 1967, President Johnson said that "I think we have all reached broad agreement on our basic objectives in Vietnam. First, an honorable peace, that will leave the people of South Vietnam free to fashion their own political and economic institutions without fear of terror or intimidation from the North." By the end of 1967 there were 485,000 troops in Vietnam.

This last formulation by President Johnson is almost identical to that in the proposed resolution before us. Its consequence was not progress toward ending the war, but to the contrary, a marked increase in our military commitment.

This is the danger many of us see in supporting the proposed resolution. We will not be euchred into supporting it merely because it calls for a just peace.

Certainly everyone in the country and every Member of Congress is for a just peace in Vietnam. Proponents of the resolution attempt to imply, insidiously I think, that anyone who opposes the resolution must therefore be opposed to a just peace. This, of course, is nonsense. For the phrase, "just peace" merely begs the basic questions posed by our participation in the war. It fails to answer, or even ask, the basic questions: Just to whom? How? At what price? When?

It seems to me that by this resolution we are endorsing whatever action President Nixon may choose to take in pursuit of his own definition of what may be a just peace—regardless of American and Vietnamese lives that may be sacrificed in this pursuit, regardless of cost, regardless of time.

I think many of the sponsors of this resolution will live to regret the day they supported it, just as many later regretted their support of the Gulf of Tonkin resolution. Let me remind my colleagues of the assurances that were given by our colleague, H. R. GROSS, during the debate on that hastily considered resolution, so similar to the assurances now being given by proponents of this resolution:

Mr. Speaker, this resolution neither gives nor takes from the President any authority already delegated to him to act in an emergency or crisis.

Neither is it to declare war and it is in the nature of an after-the-fact sense resolution endorsing an action already taken by the President.

President Johnson used the Gulf of Tonkin resolution as congressional authority to commit a half a million troops and $100 billion in Vietnam. If President Nixon decides that pursuit of a just peace requires escalation of the war, I assure you that he will be waving this resolution, too, in the faces of those who supported it.

The assurances of the proponents of this resolution that it endorses no future military actions ring hollow, indeed, in the face of their rejection in committee of amendments making it clear that the resolution would not afford any authorization for commitment or maintenance of troops in Vietnam or for any enlargement of our military involvement. If this is what they meant, why did they refuse to make it explicit? And why did they insist on a closed rule preventing an amendment on the floor to make these meanings clear? The only conclusion from these refusals is that they wished to leave the resolution open to interpretation as authorizing future military action by the President—as the blankcheck they so vehemently deny is being granted.

Indeed, many are interpreting this resolution as support for the President's policies as enunciated in his speech on November 3, 1969, in which he explicitly anticipated the possibility of a military escalation in response to any increase in enemy attacks. The President so interpreted it in his unprecedented appearance before the House on November 13 to applaud the resolution's sponsors.

The proponents' principal argument for the resolution appears to be a call for unity to strengthen the President's hand in negotiating a settlement of the war. This resolution will not accomplish that purpose, for it represents a false unity behind a policy on which there is such great disagreement in the country and in Congress.

First of all, more than 300 sponsors of the resolution were obtained only by

drafting the language so loosely that its meaning can be and has been interpreted as backing everything from pursuit of military victory to withdrawal of our troops. The use of the phraseology "just peace" permits each Member to interpret as he will what kind of "just peace" he is supporting, and thus renders the unity illusory.

Second, I am convinced that no amount of unity, real or apparent, will persuade Hanoi to negotiate its surrender in Paris—yet, in my opinion, that is the continuing import of the Nixon administration's Vietnam policies. The President's November 3 speech continues to offer settlement only on terms satisfactory to the military regime in Saigon which is interested only in perpetuating its power. Those terms can only be won on the battlefield, and so long as we maintain them, we are committing ourselves indefinitely to the battle.

If the President wants unity, he can get it only behind a policy of ending the war, not of continuing it, even in the name of peace.

I do not support precipite unilateral withdrawal which the President and the proponents of this resolution pose falsely as the only alternative to the President's policy of "Vietnamization" and an indefinite military commitment to the Thieu-Ky regime. Nor do I support the Goodell resolution for a fixed timetable of withdrawal, for that, I think, equally precludes settlement and an orderly resolution of the war.

But there are other alternatives worth serious consideration by the administration and Congress, including settlement on realistic terms of partition or coalition reflecting the division of power now existant in South Vietnam or, failing any formal agreement, permitting the fighting to "fade away" as many of our Vietnam experts have predicted would be the most likely avenue of the war's resolution.

I do not seek to impose a coalition on South Vietnam—neither can I condone continuing to impose the Thieu-Ky tyranny on that beleaguered land.

This resolution fails to encourage the President to take available alternative avenues to end the war. Instead, it endorses whatever measures he may choose to take in the name of a "just peace." It abdicates all congressional responsibility for future Vietnam policies. Despite the enormous pressures to support the President in pursuit of so lofty a goal as a just peace, I am not ready to give the President the kind of blank check endorsement required to permit him to justify whatever action he may decide is needed to achieve his interpretation of that goal.

I urge defeat of the resolution.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Texas.

Mr. WRIGHT. Does the gentleman feel that we should abandon our efforts to obtain a just peace based upon the will of the people of South Vietnam?

Mr. OTTINGER. Most certainly not. This is exactly what I deplored as the efforts of the sponsors to imply that opposition to the resolution constitutes opposition to a just peace. I favor a just peace but I do not favor approving whatever the President may do in the name of a just peace. I do not feel that we should continue the war indefinitely in order to bolster up the existing Government of South Vietnam. I think that is the course on which the President is now involved, and that it will not lead to a just peace. It will not lead to any peace at all.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I rise in support of the chairman of the Foreign Affairs Committee and the majority of the members on that committee. I rise in support of the Speaker, who placed his country ahead of any political connotation. I also rise in support of the majority and minority leaders who were influential in bringing this resolution to the House floor.

I believe, Mr. Chairman, this is the most important action this body has taken or will take in a long time. I say this because I believe this action may hasten the day when a peace, although possibly a nervous peace, will mean the end to the killing in Vietnam and will mean the time when all American boys can be brought home.

The thing that so many people fail to realize is that, as the well-known historian Bernard B. Fall, points out in his history of Vietnam, the Communist philosophy is that politics plays an even greater part in revolutionary and guerrilla warfare than does the military itself. Fall quotes from the North Vietnamese historian Long March in his 1947 book entitled "The Resistance Will Win" in which he says:

> *Politics and military action.* These two questions are closely related: "War is a continuation of politics." (Marx) . . . Military action is a measure by which politics are executed . . . [there are] those who have a tendency only to rely on military action. They tend to believe that everything can be settled by armed force; they do not apply political mobilization, are unwilling to give explanations and to convince people."

What we are seeing in America today is a replay of the history of the French-Indochina war where Paris and France were made the political battlefield with riots, marches, and demonstrations and the streets of France being made the major political battlefield just as it is being done in America today.

I would call your attention to the transcript of the radio interview which I placed in the CONGRESSIONAL RECORD last Tuesday in which Maj. Nick Rowe, who had been a Vietcong prisoner for 5½ years before escaping, told how his captors tried to convince him that his Government was wrong and that they were right and how he was told that they would tell him the truth every day until he would finally believe them.

Major Rowe went on to tell about how in the first years of his captivity they relied on their own sources to provide propaganda, but that along in 1967 they dropped all Communist propaganda sources and began to quote from the American news media, magazines, and wire services, UPI and AP. He said:

> I think the most devastating was when they began to quote from prominent men within our own government condemning our efforts in Vietnam and calling for withdrawal.

Then he told about how he was at the Washington Monument during the moratorium march and told how his heart sank when he saw the American flag being desecrated and the Vietcong flags being hoisted above the American flag. He also told of how he felt certain that these are the pictures that would be used by the North Vietnamese and by the Vietcong for propaganda purposes to boost the morale of their people.

Then Major Rowe quoted from a Vietcong major by the name of Nuyen G. Kong, one of the political cadre from the Liberation National Front, and quoted the major as saying:

> We do not expect a military victory, nor do we expect an immediate political victory, but through the dissension and disorder in the United States the government, this is the American government, will be deprived of the support of the people and forced to withdraw from Vietnam, and at that time, we, speaking of the Liberation National Front, will have total and final victory.

Mr. Chairman, the purpose of this resolution is to prove to that Vietcong officer and every officer in the Communist effort that the American people have not been forced through dissension and disorder to abandon their support of their fighting men and the purpose for which they have been giving their lives.

The purpose of this resolution is to prove to the negotiators in Paris, to Hanoi and to the Vietcong, that the vast majority of the American people, who we in Congress represent, support the President of the United States in his peace efforts.

That is all this resolution does—its purpose is to counteract Communist propaganda by pointing out that the "silent majority" wants peace, peace the American way, peace the President's way, and this is our way of registering that support and doing what we can to bring about peace.

Mr. HAYS. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I rise in opposition to the resolution.

Mr. Chairman, I will vote against this resolution, the first resolution concerning Vietnam this body has considered in 5 years. For the Foreign Affairs Committee to report the resolution without having held hearings is irresponsible. Since President Nixon has already stated that he will consider passage of this resolution as approval of his past, present, and future policies toward Vietnam, to now consider this grave issue under a closed rule is unconscionable. The effects of this resolution, should it be passed, are only too clear. Both Mr. Nixon and Secretary Laird have stated that the possibility of reescalating the war has not been ruled out. Therefore, approval of this resolution will mean to Mr. Nixon what the Gulf of Tonkin resolution meant to Mr. Johnson—before-the-fact justification of future actions, whatever they may be. Furthermore, approval will not give a "clear indication" of popular and political support for the President's poli-

cies. The closed rule and lack of hearings eliminated that possibility. Besides, the deceptions in this resolution are too transparent. The American people will not be fooled any more than Hanoi and the National Liberation Front. Everyone will know of the manner in which this resolution was considered and the intentionally vague language in which it was written. There is, therefore, no reason to support this resolution. Of course, everyone claims to desire peace in Vietnam. That is not the question. The question remains: How do we end the war?

This resolution does not answer that question nor does it call upon the President to do so. The resolution says nothing about urging or requiring further troop withdrawals. It simply supports Mr. Nixon "in his efforts to negotiate a just peace in Vietnam." The President himself has said that negotiations have not brought progress toward peace. By remaining silent on the matter of troop withdrawals, this resolution, in my judgment, by implication supports the dictatorial Saigon regime of Thieu and Ky whose obdurance in Paris has severely hampered those negotiations. The President claims he has a plan of an orderly, scheduled timetable for complete withdrawal of U.S. combat troops. Yet, this so-called "plan" is riddled with contradictions. He said on November 3 that three factors are conditions for our withdrawal:

First, progress in the negotiations; second, the level of fighting in South Vietnam; and third, the improved capability of the South Vietnamese forces. These are all factors over which the President has little or no control. Vietnamization of the war is a fraud. It is deceptive to think that this policy could have any other result than a prolongation of our involvement. The fundamental error of this resolution is the assumption that we are supporting the principle of self-determination for the Vietnamese people. But, in point of fact, the Thieu-Ky regime has repeatedly opposed any new elections without their supervision. What the President "plans" to do and what Thieu will allow are two different things. Thus, the surest way not to achieve self-determination for the Vietnamese people is for the United States to continue support of the Thieu-Ky regime. The inescapable fact is that as long as we support the Saigon government we can never achieve peace in Vietnam.

Approval of this resolution will only sanction further travel down the same road to an indefinite commitment of extended fighting in an already discredited war. The bringing of peace must not be considered the exclusive domain of Presidents and diplomats, for they have failed, and are failing, to bring an end to this horrible war. Congress must do more than serve up this vague language to a President who has taken only the most meager steps in the direction of peace. I do not support his past policies. Nor can I support his "plan" for the future which only points toward an indefinite prolongation of this war. This is the Tonkin resolution revisited, and as one Member of this House I will have no part of it.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I intend to vote for House Resolution 613. But it should be understood that this vote is cast only for the clear content of that resolution. Some, including the President, have apparently interpreted support of this resolution to embody endorsement of everything President Nixon has said and done about Vietnam as well as everything he may say or do about this involvement in the future. The purpose of this statement is to divorce my vote from any such interpretation.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, because many questions have been raised concerning the implications of the Wright resolution, I would like to put the pending vote on this resolution in correct perspective.

I plan to vote for the resolution because of my recognition of the primacy of the office of the Presidency in the conduct of foreign affairs. But because of the interpretation being placed upon it in some quarters as an endorsement of the President's November 3 speech when the resolution was, in fact, written before that speech was ever delivered, I find it necessary to make clear what passage of this resolution should and should not represent.

First, passage of this resolution should in no way condone the procedures under which this matter was brought before the House. The Foreign Affairs Committee provided no opportunity for a hearing on this resolution. The Rules Committee adopted a closed rule which precluded the offering of amendments to it. Both actions are wrong. A matter of such import should have been open to both hearings in committee and amendment on the House floor.

Second, passage of this resolution should not be interpreted in any quarter as either a blanket endorsement of every facet of the President's November 3 speech or as a pledge of unqualified support for any future Presidential action as yet unknown and undefined.

I support House Resolution 613 with the reservations stated above, because it would misstate my position to imply that I do not endorse the fondest hope:

First, that the President will exert all "his efforts to negotiate a just peace in Vietnam";

Second, that the South Vietnamese realize the benefits of a democratic government chosen by them "by means of free elections open to all Vietnamese";

Third, that it would be possible for "an impartial and international body" to aid in securing these benefits; and

Fourth, that the "controversy be peacefully" resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

But regardless of my vote on the resolution itself, I believe that in addition to further troop withdrawals, future U.S. policy should at least include:

First, efforts to further reduce the level of violence in Vietnam, looking to a cease-fire;

Second, efforts to substantially broaden the South Vietnamese Government; and

Third, the immediate designation of a high-level replacement for retiring delegate Henry Cabot Lodge.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MOSS. Mr. Chairman, will the gentleman yield to me?

Mr. MIKVA. I yield to the gentleman from California.

Mr. MOSS. Mr. Chairman, my name is listed as one of the sponsors of this resolution, but I am urging the House today to vote against its adoption. This resolution was written before the President's November 3 speech. Its words were intended to reflect events and statements which took place prior to that speech. However, adoption of this resolution now will be interpreted by all the world in terms of the President's November 3 speech and put the House of Representatives on record as supporting that position. Unfortunately, President Nixon's speech narrowed this country's options to two. He described them as Vietnamization of the war—whatever that now means—and gradual withdrawal, or, using his words, "immediate, precipitate withdrawal of all Americans from Vietnam." He rejected the latter.

Mr. Chairman, at the time I was asked to be a cosponsor of this resolution, I had no intention of endorsing a future Presidential policy, of which I had no informed knowledge. Yet in this case, we apparently are being asked to act prospectively. I can assure you that no one disclosed to me that this resolution had been carefully cleared in advance by the White House. So it is for these reasons—not because of the hopes expressed in the resolution—but because of the manner in which it is being distorted in its usage that compels me to vote against it.

I personally think there were serious omissions in the President's speech—and in the specific light of that speech—there are serious omissions in this resolution. We should not lock ourselves into a box. I—for one—believe there are other alternatives. One of them would be to actually make the Government of Vietnam work for the people of Vietnam. President Thieu has proposed to the Vietnamese National Assembly the most ambitious land reform program ever proposed by any government in power in the history of the world. That program would abolish all tenant farming in Vietnam. The landlords could retain only that land which they personally work with their own two hands. Land to the tiller would go to all those who till it—South Vietnamese and Vietcong alike. Studies by our own Government show that what the peasant wants most—above all else, including his own personal security—is ownership of the land.

Adoption of such a program would cut the Communists off at the ankles. Right now, they are able to recruit guerrillas by promising land to the tiller. In my opinion, the impact of such a land reform program by South Vietnam would do as much to end the war as any other step that could be taken. It also would give many people in America some logical reason to support the Government of South

Vietnam. What is the status of that bold proposal? It is now bogged down in the Vietnamese Senate—that is where it is, that is where it will probably remain.

The South Vietnamese could also do something about inflation and war profiteering. Recently, the Government of South Vietnam increased import taxes on nonessential commodities. Many merchants not only passed this tax increase to the consumer on nonessential commodities but also on the necessities of life, including food. As a result, the cost of living index has gone up another 10 percent. Once again, the little guy in Vietnam is paying through the nose. How we can expect the ordinary man to support a government which permits this to happen is beyond me.

Then there is the matter of free elections, which have never really been permitted in Vietnam. Even the candidates are sanitized. The voting tallies are low and those who are elected are not supported by a majority of the voters. There is suppression of any voice in dissent. The man who secured the next highest number of votes—because he discussed an alternative—has been in prison ever since. So there is no evidence yet that the people of South Vietnam even support the Government.

I, of course, favor the withdrawal of our forces from Vietnam as rapidly as possible consistent with their security.

The time to carefully explore our alternatives is now—while we still have some leverage to influence the course of events. The administration should commit itself, with renewed vigor, to such a course.

Mr. Chairman, this resolution should be returned to the Committee on Foreign Affairs for further study and revision. Adoption by the House in its present form would be a disservice, not only to America, but also to South Vietnam.

Mr. Chairman, I also take note of the stringent limitation on time and the fact a closed rule denies any right of amending to perfect the resolution.

Mr. MIKVA. Mr. Chairman, I will vote against House Resolution 613 and would like to take just a few minutes to state why.

If one is guided by the words of the resolution alone, without putting them in the context of recent days and months, they seem innocuous enough. Doubtless the resolution was carefully drafted so that it would be innocuous—at least on its face. After all, who can object to supporting the Nation's President in his efforts to negotiate a peaceful settlement to a bloody conflict which has already claimed so many American lives and cast such a shadow over the American spirit.

But, of course, things are not that simple. House Resolution 613 cannot be read out of context, and it cannot be voted for out of context. The resolution has been drafted, promoted, and when it is passed it will be heralded as support for President Nixon's present policy in South Vietnam. I do support efforts to end the war in Vietnam; I do support efforts to stop the killing and to negotiate a peace which will do honor both to this country and to the Americans who have died in South Vietnam. The dispute here is not over ends, it is over the means to achieve those ends. And this is where I believe we must be honest. We cannot obscure the differences over how to end the war in Vietnam by merely agreeing that it should be ended. We cannot avoid taking public positions on what precise steps are necessary to reduce the level of violence and stop the killing by blithely affirming our desire that there be peace on earth and good will toward men. That is why hearings on this resolution would have been so important. That is why an open rule would have been so important. That is why the plea for unity rings a little hollow under such a procedure—like the local union which sent a telegram to the company president wishing him a speedy recovery from an ailment. It concluded the telegram by saying, "the vote on this issue was 18 to 10."

I would have thought that in the case of South Vietnam especially, it would be clear to most Members of this body that casting a vote on the mere words of a resolution is insufficient. If there were any proof needed, the Gulf of Tonkin resolution should certainly have provided that proof for us. The words of that resolution are also innocuous enough. No one could accuse a legislator voting for that resolution of having been a warmonger or a militarist. But it was the context of the Gulf of Tonkin resolution that was important. It was what that resolution signified to a President in whose behalf it was introduced; it was what it has come to mean since it was passed that cannot be ignored when we vote on House Resolution 613 today.

Let there be no mistake about it: voting for this resolution will be construed just as votes for the Gulf of Tonkin resolution were construed 5 years ago. Those votes will be construed as underwriting an indefinite prolongation of American presence in South Vietnam. They will be interpreted as support for a policy President Nixon has told us will keep American support troops in South Vietnam indefinitely and will keep American combat troops there—he has not told us how long. They will be construed as support of continued spending of billions of dollars in South Vietnam for the foreseeable future. We may tell ourselves that House Resolution 613 means nothing more than the words on the page, but we know that voting for that resolution really means much more.

President Nixon obviously has given up hope that the Paris negotiations will bear fruit. Of his original formula, only the behavior of the enemy on the battlefield and the progress of Vietnamization remain as determining factors in the pace of U.S. withdrawals. Will a slower pace make that withdrawal any more honorable than it would be at a faster pace? Will the world be fooled that we did not make a disastrous miscalculation of American interests when we committed our troops to combat in 1965? Will history judge us as nobler or wiser because we took 3 years to withdraw from South Vietnam after we decided it was a mistake, rather than 1 year? I do not think so. But the question which is really more important than whether we can fool the world is whether we can continue to fool ourselves.

The Gulf of Tonkin resolution passed this Chamber unanimously. George Santayana said that those who cannot remember the past are condemned to repeat it.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I regret that, unlike many Members, I have not prepared remarks on this resolution, but I would like to call a few items to the attention of the Members, realizing that they are very properly engrossed in this subject and recognizing that this resolution is one of the more important items that we have taken up for consideration in this session of Congress.

Mr. Chairman, before emphasizing positive arguments in support of the resolution before us, I wish to clarify the reason for my votes when we adopted the rule. Consistent with a personal pattern that I have adopted I support open rules or at least limited open rules in contrast to a closed rule. I follow the same policy when Ways and Means Committee bills have been subject to a closed rule.

There is no doubt in my mind that if we had a complete open rule all amendments would be beaten back. For example, I myself would have vigorously opposed the amendment which would have been offered by the gentleman from Illinois (Mr. FINDLEY) and those which would have come from the ultraliberals in the House who are more interested in criticizing the President than in supporting any constructive policy for peace.

There is no doubt that the North Vietnamese hierarchy are keen observers of the American scene and that they are misinterpreting the issue involved in the moratorium performance and the widespread coverage given the so-called peace movement. The so-called antiwar establishment does not have a monopoly on a desire for peace. Certainly no one wants a just peace as much as President Nixon. Our foreign policy goal is to help produce lasting peace with freedom for all peoples of the world.

History shows that peace can be maintained if a nation remains vigilant, strong, and consistent with its legitimate objectives. History further shows that appeasement and compromise of fundamental principles produce failure. The President, fully aware of his responsibility to all people, will continue to pursue an objective policy toward a goal of world peace and freedom. To maintain our national institutions and preserve world stability, he will not be intimidated by street demonstrators nor any other questionable types of organized pressure.

I notice my dear friend from Illinois who just addressed the House was concerned over the language of the resolution. As I read the resolution the very opening sentence states as follows:

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam.

I do not think this is language which would give the President any unusual

authority. We want the President to negotiate a just peace. The emphasis is "negotiate a just peace."

I would also like to read from a letter which has just come to my attention from the Prime Minister of Israel, Mrs. Golda Meir, to the President of the United States commending him for his speech of November 3, and I quote from that letter, as follows:

The Prime Minister wishes to congratulate the President on his meaningful speech and expresses her hope that he will speedily succeed in bringing about peace in Vietnam.

The President's speech contains much that encourages and strengthens freedom-loving small nations the world over which, striving to maintain their independent existence, look to that great democracy, the United States of America.

I believe it would be fair for us to say that any President of the United States, regardless of party background is a man who supports peace. I do not think there is anyone who wanted peace during his term of office more than President Johnson did. I do not think there is anyone today who wants peace more than President Nixon does.

I think we in the House of Representatives and the gentlemen in the other body all realize that this is an extremely difficult problem that the President has inherited. Peace is the goal of our foreign policy. We certainly in this House of Representatives in supporting this resolution merely let it be known that we want a just peace and that a just peace is our goal.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes, I yield to the gentleman from New York.

Mr. OTTINGER. In connection with Mrs. Meier's letter which the gentleman from Illinois quoted from, is the gentleman aware that during an explanation in Parliament shortly thereafter, she gave the explanation that some small countries stand alone on their own, but they cannot stand up to all outside enemies.

Mr. DERWINSKI. I am sure that the gentleman supports the request which Mrs. Meier has made for certain military equipment and which will be purchased here in the United States, and the efforts she is making to keep her country independent. The aggression by the North Vietnamese Communists against South Vietnam is direct but the aggression against Israel by the Arab States would not be taking place without the involvement of the Soviet Union. It is obvious that the Soviet Union's presence in the Middle East is much of the cause for tension there as is their direction and aid to the North Vietnamese in their invasion of South Vietnam.

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield further, I do not see the Vietnamese situation in that context, but I shall not take up the gentleman's time to dispute that. However, Secretary of Defense Laird has indicated that although he desires to achieve peace, there is the further indication that we might increase our military efforts if this is not accomplished.

Does the gentleman from Illinois concede that that is a part of the efforts to achieve a just peace?

Mr. DERWINSKI. I think if the gentleman would be objective he would recognize that one of the things that might bring about a just peace is the recognition by the aggressor in Vietnam that they do not have total and permanent sanctuary. In my opinion it would be effective for them to understand that they cannot continue their deliberate noncooperative attitude with reference to our efforts to achieve peace in Paris and with reference to many other efforts that have been made.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Kansas.

Mr. MIZE. I do not think we can overemphasize the fact that the resolution very clearly uses the words "to negotiate a just peace." It does not say "achieve a just peace." It says "negotiate a just peace."

Mr. OTTINGER. It says, "efforts to negotiate a just peace."

Mr. MIZE. All right, "efforts to negotiate a just peace."

Mr. OTTINGER. The gentleman just said that there might be an increase in the war effort itself if this is not done. Could the gentleman interpret that?

Mr. DERWINSKI. Just a minute. I want to be sure that the distinguished gentleman from New York is not innocently misinterpreting what I said. I, in effect, said that our negotiators in Paris and our diplomats ought to have the option to communicate to the aggressor the fact that they are not free to continue as they have in the past believing they have total and permanent sanctuary and that for effective negotiations we must maintain logical and legitimate options so that an adjustment in our policies would produce truly effective negotiations.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. FISHER. Mr. Chairman, it is amazing to me—simply amazing—that there should be any opposition to the pending resolution which supports the President in his efforts to negotiate a just peace in Vietnam. Let us reexamine the contents of the resolution:

RESOLUTION TOWARD PEACE WITH JUSTICE IN VIETNAM

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

It is understandable that some Americans may have reservations about the wisdom of ever allowing ourselves to become involved in a land war in Asia. But that issue is not involved here. It is equally understandable that some Americans feel very strongly, as I do, that the no-win policy in fighting that war has been a tragic mistake. But, again, that issue is not involved here. It is likewise understandable that many of us opposed the cessation of bombing of the north, in response to pressures from home and abroad. But that is not involved in this resolution.

What is involved here is the matter of an expression of support for the President in his tireless quest for a just peace in Vietnam. If I were opposed to a just peace in Vietnam I would certainly be opposed to this resolution. But being in favor of a peaceful settlement I, of course, strongly support this expression. In fact, I am a cosponsor of the resolution.

What objective can opposition to this lofty purpose serve? It can, and I assume will, be interpreted by Hanoi as a sign of division on the part of the American people. In that respect such opposition can be expected to encourage the Communists to prolong the war and kill more Americans. It is just that simple. Wittingly or unwittingly, opposition expressed here today to a just peace in Vietnam can, to the extent it is expressed, encourage the enemy.

Fortunately, however, resistance to the achievement of a just peace in Vietnam is confined to a relatively small group.

It is unthinkable that any of the Members of this body are really and sincerely opposed to a just peace. Certainly Hanoi is opposed to a just peace. The Communists have consistently opposed everything contained in this resolution. So, let us think this thing through and be realistic about what is really involved here.

It will be recalled that only last week, the Assistant Commandant of the Marine Corps was quoted in Da Nang as saying that in his judgment the Vietnam war would have been over a year ago if the administration had had the full backing of the American people.

That was Gen. Lewis W. Walt speaking. He went on to say this:

The day the enemy firmly believes we are not going to pull out, that is the day he will start talking in Paris, and not before.

This four-star general spent 2 years in Vietnam as the top marine commander in the war zone. Surely he is more knowledgeable on this subject than any Member of this body. We had better heed his judgment.

General Walt is not alone in this respect. His views are shared by practically all responsible military and civilian leaders in this country, and in my judgment by the overwhelming majority of the American people.

Mr. Chairman, there is much evidence the war in Vietnam has, in effect, been won. Many of our military authorities have said so. But the enemy continues to mount suicidal attacks, undoubtedly inspired by the eruption of antiwar clamor on the part of a noisy but small minority of our people. Now, of all times, there is need for unity in this country. In that way we can exploit our advantages and save American lives. In

pursuance of that objective this resolution should have the unanimous support of this body.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman—

The Congress shall have power . . . to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water (art. I, sec. 8).

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. (art. II, sec. 2).

On October 6, in accordance and harmony with both of the above constitutional requirements, I joined with a bipartisan group of over 100 members in introducing the following resolution:

Resolved, That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

In doing so, I made clear that I support the President in his efforts and proposals to beat the Clark Clifford timetable for withdrawal of ground combat forces from Vietnam.

The Clifford timetable called for removal of 100,000 ground combat troops by January 1, 1970. Current reports are that as of December 15, 60,000 such troops will have been removed. I support the President in his proposal, vigorously pronounced in June 1969, to beat the Clifford timetable. This requires the removal of 40,000 additional troops this month, Mr. President, and I reiterate my support of your promised intentions to do so.

As Commander in Chief, no resolutions from me are required for the President to meet this commitment. In fact, it might be considered presumptuous of me, or anyone else, to offer such resolutions instructing the President in his duties.

Furthermore, congressional resolutions tend to be irresolutely construed.

The Gulf of Tonkin resolution became a congressional credit card on which over 39,000 lives, over 200,000 casualties and over $100 billion were expended, with no constitutional sanction. A vote for a simple appropriations measure—which by our own rules cannot contain legislation—is interpreted as approval for the uses that may be made of bombers, strafers, defoliants, and napalm. Unfortunately, in congressional language "viva voce" has been read to mean "carte blanche."—CONGRESSIONAL RECORD, volume 112, part 4, page 4429.

Vietnam contains valuable, although frightfully expensive, lessons for the American people and the world. The most powerful air and missile striking force, complete with a trillion dollar arsenal, cannot defeat peasants with punji sticks, if they are willing to resist to the death. The illusion of national security being obtained through airpower should be thoroughly shattered. Corroboration can be found in the celebrated triumph of Israel airpower over Egypt in the 6-day war, that weeks, months, years later continues, without resolution. Perhaps it is better to be martially unprepared as we were in World Wars I and II, if we can preserve a nation morally united in the causes to which our Constitution commits us.

It seems to shock many that war is a dehumanizing process. It shocks others that while we may commend and promote those who bomb, strafe and burn enemy villages, containing, almost by necessity, the innocent, along with the guilty—the simple child beside the Vietcong cadre—yet their comrades on the ground, who accomplish the same result in a somewhat more personal manner, through the use of rifles, carbines, and knives, must be tried for murder. It requires a high degree of sophistication to appreciate this distinction.

Are draftees to be sent halfway round the world on missions to "search and destroy" then to be tried each time for murder, when, under the strains of combat, they go berserk, killing innocent civilians? Are they to be held fully and legally accountable for their actions under those conditions? What shall we do to those who voluntarily seek the responsibility for running this Government? What is our responsibility to that draftee, his parents, and survivors?

I do not believe that responsibility can be met by passing the buck. Perhaps it cannot even be met by passing resolutions.

In World War II, the infantry school at Fort Benning, Ga., operated a course for reconnaissance patrols in combat areas. In the problem, the purpose of the patrol's mission was to obtain information only. Discovery of the patrol's existence could imperil the entire body of troops, the battalion or regiment to which the patrol belonged. To instill the lesson that the unit's whereabouts must not be learned from the patrol's activities, in one part of the problem you were to enter an enemy field hospital, complete with nurses, doctors, and patients, and kill everyone in it, with one part involving bayoneting patients in their beds.

Vietnam is not the first war in which acts of brutal inhumanity were perpetrated nor, of course, are we the only side who perpetrated them.

If the Vietnam conflict continues, My Lai will most certainly not be the last atrocity to occur. The question is: Are the goals we seek in Vietnam worth the My Lai's, past, present, and future?

The responsibility for that decision must rest with someone who gets about $200,000 a year and his 500 or more congressional associates drawing around $42,500. It is not quite fair to place that responsibility on some poor devil who is drafted and sent to Vietnam at $188 a month.

A vote for this resolution will be an expression of agreement that My Lai and over 200,000 casualties are an acceptable price to attempt to obtain the goals we seek in Vietnam. There are some who find that price too high.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I am voting in favor of House Resolution 613 as an expression of support for President Nixon's action in reducing U.S. ground combat forces in Vietnam, his expressed determination to withdraw our remaining such forces at the earliest practicable date, and his efforts toward a just peace in that tragic conflict.

My vote should not be misinterpreted as support for renewed escalation, a prolonged delay in the return of our men, or the Thieu-Ky regime. I favor an inexorable and speedy return of our men from Vietnam and believe this can be done most quickly without Congress imposing deadlines that may only delay any activity until the deadline arrives.

With the passage of the Gulf of Tonkin resolution on August 7, 1964, the Congress gave, in effect, a blank check to President Johnson to conduct an undeclared war. This was a dangerous precedent, regardless of who was President. I support President Nixon, but as an elected Member of the legislative branch of the Federal Government, I will not surrender my duties with a blank check to any administration.

From the beginning of our Vietnam involvement, I have expressed serious doubts. I believe our involvement was ill-conceived and that we should bring our men home as fast as is consistent with allowing the "little people" of South Vietnam a fighting chance of survival. I exclude the Thieu-Ky government from my definition, because I feel a critical mistake on our past has been to tie our commitments to a specific regime in Saigon.

In allowing the South Vietnamese people a chance for survival, we either must give them the means to protect their lives or Hanoi must explicitly agree not to conduct a blood bath as we leave.

We Americans may debate the speed of our withdrawal, but the fact is that the President has radically changed our policy in Vietnam. After 6 years of only sending more men over, we are now bringing American men home. After 6 years of Americanizing the war, we are now turning it back to the South Vietnamese. Many of the President's critics now are the ones who failed then.

Therefore, I have sponsored this resolution to back the President as he continues to withdraw our troops from Vietnam and strives for a political settlement of this most unfortunate war. I again emphasize, however, that this support does not include renewed escalation or prolonged delay.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I want to thank the gentleman from Indiana (Mr. ADAIR) for being kind enough to yield me this time, inasmuch as I understand that the remaining time is running very close to the requests he has, so I fully appreciate the thoughtfulness of the gentleman.

Mr. Chairman, I oppose House Resolution 613.

I do not oppose it because I do not support the President in his efforts to achieve peace in Vietnam. I do not op-

pose it because I do not support the President in his program to reduce the U.S. military commitment in South Vietnam. In these efforts he has my prayers and my support.

I oppose this resolution on other grounds. It calls upon the Congress to approve a policy that is not only vague but one over which the United States has little control. The President, in his speech of November 3, 1969, stated that the withdrawal of U.S. forces from Vietnam would depend upon: First, progress at the Paris peace talks; second, the level of enemy activity; and, third, progress of training programs of the South Vietnamese forces.

Only over the last of these stipulations does the United States have any control and even that influence depends upon the cooperation of the South Vietnamese.

For too long U.S. policy in Vietnam has been dependent upon the attitudes of Saigon and Hanoi. We must change this policy. We must seize the initiative. We must adopt a policy that is in our own national interest. To do this we must begin by convincing the Government of South Vietnam that we intend to be the masters of our policy. We can do this by announcing our intention to withdraw all our forces at the earliest possible moment.

The best way to insure that the Government of South Vietnam will undertake an accelerated program to gain the support of its people and build a military structure capable of maintaining their territorial and political integrity is to convince that Government that the United States does not intend to remain in Vietnam very long. The Government of South Vietnam must be convinced that the United States intends to withdraw all of her forces as quickly as possible. This will give that Government the impetus and the will to assume the burden of securing their own freedom.

This is one of the glaring weaknesses of the resolution. It does not convey any sense of immediacy or urgency concerning either termination of that war or the withdrawal of American troops. And as long as the South Vietnamese are convinced that the United States will continue to support them, as long as they can rely upon U.S. military forces, there is little likelihood that the Government of South Vietnam will take the action required to reform their political and military structure. By this I mean that the Government of South Vietnam must broaden its base to include all elements of South Vietnamese society. Only in this way will that Government be able to gain the support and confidence necessary to win the peace and to survive as a viable political and economic entity.

There is another weakness in this resolution. The resolution approves and supports the principle that the people of South Vietnam are entitled to choose their own Government by means of free elections open to all South Vietnamese and supervised by an impartial body and that the United States is willing to abide by the results of such elections. It also calls upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results. No such request is made to the Government of South Vietnam where there has already been one "free" election in 1967. It was so free that a number of prominent South Vietnamese were not permitted to run for public office and the man who placed second to Thieu for President was arrested. He is still a prisoner. It seems to me that if this resolution is to be meaningful it should also call upon the Government of South Vietnam to permit free elections without restricting the candidates to those who can be counted on to support the government in power. In a democracy there is strength in diversity.

We are also being asked to support a policy that could result in an increase in U.S. military activity rather than a reduction. Thus the President said in his Vietnam speech of November 3:

> If I conclude that increased enemy action jeopardizes our remaining forces, I shall not hesitate to take strong and effective measures to deal with that situation.

Again, our policy will depend upon what South Vietnam does or does not do. If U.S. support, artillery and Air Force troops remain in Vietnam after U.S. ground combat forces have been withdrawn, their safety and well-being will depend upon the actions of the Army of the Republic of Vietnam. Their safety may very well be jeopardized. If this were to occur would we respond by again sending U.S. combat infantry divisions back to Vietnam? This aspect of the resolution concerns me very much.

I am aware of the dilemma that the President is facing. The problem of how to Vietnamize the war and thereby reduce American casualties is dependent upon forces over which the United States has little control. In my opinion, this problem can only be solved by the South Vietnamese themselves. If they delay or hamper the development of their armed forces, Vietnamization will take a very long time indeed. The Government and people of South Vietnam must win the peace. We cannot do it for them.

We have been in Vietnam long enough and I think it is about time to get out. We have done what we set out to do—prevent the conquest of South Vietnam by the forces of the North.

We have been assured that the Government of South Vietnam is capable of not only governing but also of assuming responsibility for the defense of South Vietnam. So now is the time to withdraw, not in defeat but in the knowledge that the mission has been accomplished.

In committee there were efforts made to amend this resolution to make it more meaningful. Efforts to include language which would have expressed congressional desire that the intent of the resolution was not to escalate the war but to support the President in his efforts to secure a just peace were defeated.

Mr. Chairman, I could support this resolution if it contained language suggesting a sense of urgency concerning our withdrawal; if there were an admonition against escalation, and if it called upon the Government of South Vietnam to hold free elections and to abide by the results. Since we have a closed rule it will not be possible to amend the resolution. I, therefore, regretfully must vote against the resolution.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. WRIGHT. Does the gentleman find anything wrong with the principle of free elections open to all of the South Vietnamese including the Vietcong and supervised by an impartial international body?

Mr. FARBSTEIN. None whatsoever.

Mr. WRIGHT. Is not that the thrust of the resolution? Does the gentleman read the resolution properly? The resolution puts that as its central thrust.

Mr. FARBSTEIN. It does not call upon the South Vietnamese to accept that principle and that is the important thing that concerns me.

Mr. HAYS. Mr. Chairman, I yield to the gentleman from Maryland (Mr. FRIEDEL) for a unanimous-consent request.

Mr. FRIEDEL. Mr. Chairman, prior to the President's Vietnam speech on November 3, I joined some 50 of my colleagues in cosponsoring House Resolution 613. I make a point of the fact that my support for this resolution came prior to my knowledge of what the President was going to propose, because I feel strongly that the resolution should be considered on its face value as a nonpartisan expression of the sentiment of the majority of this House and that it should not be interpreted as either directly supporting or opposing the specific content of the President's November 3 speech.

I want to make certain that there is no question in the minds of my colleagues, as there is none in mine, that we are not rubberstamping any future Presidential actions as we unfortunately did in the 1964 Gulf of Tonkin resolution. I specifically call attention to page 7 of the report of the Committee on Foreign Affairs, which accompanies the resolution, which states:

> The resolution does not give the President any authority whatsoever, either by reference or implication. It is simply a formal expression by the House of Representatives in support of the President's efforts to negotiate a just peace in Viet Nam.

My colleagues in this House and the people of the United States want an end to the war in Vietnam, but we do not want peace at any price and I believe one good effect of this resolution is that it says to North Vietnam and to the Vietcong that we are still firmly committed to a just peace settlement, one which will guarantee the right of all of the people of South Vietnam to participate in free elections.

I am convinced that such a free election would result in a broader based, more democratic Government in South Vietnam and I am also firmly convinced that such an election, supervised by some appropriate international body, as proposed in House Resolution 613, would not, as some seem to fear, result in a Communist takeover, followed by a bloodbath of reprisals after the withdrawal of all American Armed Forces.

I support this resolution because I am convinced its passage strengthens our country's bargaining position and because I believe it expresses the hopes and expectations of most Americans, just as it expresses the hopes and expectations of the vast majority of the Members of the House of Representatives.

Mr. HAYS. Mr. Chairman, I yield for a unanimous-consent request to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the resolution before us. I oppose it because neither its meaning nor its intent has been unequivocally stated before this House. Different interpretations have been given the resolution by its proponents and the President has already construed the passage of this resolution as support for his policy on Vietnam. President Nixon told the House and the Nation that the resolution supports a "just peace in Vietnam along the line of the proposals I made in a speech on November 3." He went on to say that "the sponsors of the resolution were well over a majority in the House supporting the policy of the President of the United States."

But the question is—What policy? The policy couched in the vague and general language found in the resolution, or the language in part of his speech of November 3 when he said that if "I conclude that the increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with the situation." "This," he said, "is a statement of policy which as Commander in Chief of our Armed Forces I am making in meeting my responsibilities."

I am fearful, Mr. Chairman, that because of the resolution's ambiguity, the different interpretations given the resolution by its proponents as well as the meaning already given the resolution by the President, that it could well become a blank check authorization for Presidential action as that which was embodied in the interpretation of the 1964 Gulf of Tonkin resolution. I am afraid, also, that the Vietnamization could mean the retention of 200,000 to 300,000 troops in Vietnam and the indefinite continuation of this war with its huge military spending, more U.S. casualties, and the continued killing of the people of Vietnam. I oppose this resolution, also, because of the fast manner with which it was passed in the House Committee on Foreign Affairs, without hearing from the Secretary of Defense or any member of the administration who might have shed some light as to the true intent of the resolution.

My motion to hold hearings was rejected in committee and the closed rule by which this resolution was brought to the House has made it impossible to amend it or add the necessary language to clarify its intent.

I believe that this resolution is most unfortunate primarily because of its vagueness which makes misinterpretation likely. It is unfortunate also because conducting our policy in Vietnam had not been given an opportunity to state their official position. I believe that it is unfortunate because this high-sounding moralistic resolution merely supports a President who has only altered the tactics of the previous administration, while embracing its premise and its objectives, as seasoned argument is almost silenced, and as amendments are forbidden to a small minority in this House who seek to move back to a course of reason.

Mr. HAYS. Mr. Chairman, I yield myself 1 minute for the purpose of making an observation.

I have not spoken on the resolution yet, but I intend to later.

Mr. Chairman, I think it is interesting to point out that all of the people who are speaking against this resolution are calling upon Saigon to do this and Saigon to do that. But I have not heard one of them call upon Hanoi to do anything.

The other observation I want to make is I have 23 people listed to speak today. There was a charge made yesterday by the gentleman from Washington—the inference of which was that the proponents would have most of the time and therefore the opponents would only get theirs by largesse. I have attempted to be fair, and of the 23 who are listed, and I just say this for the record—13 are opponents and 10 are proponents, and the time is divided about equally between the two. If anything, the opponents have a little more of it.

At this time, Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. I thank the chairman for yielding this time to me. I had indicated to the chairman of the committee I wished to ask some questions to clarify the resolution. I would like to propound this question to the sponsors or to anyone on the committee who wishes to answer. On the ticker the following statement appears:

> Laird told the committee President Nixon's Vietnam policy is working—and could lead to "a military victory" for the Saigon Government.
>
> But should the process of Vietnamization of the war falter, and North Vietnam step up military aggression, Laird said, the United States is prepared to escalate its war effort.
>
> "I would not rule out that possibility completely," Laird said. He did, however seem to rule out use of nuclear weapons by American forces.
>
> "I would not anticipate the use of nuclear weapons in Vietnam," the Defense Chief replied to a question from Representative George Mahon, Democrat-Texas. "I am not, however, ruling out other actions that might be necessary in the event the Vietnamization program does not work, even though I am confident it will work."

In voting for this resolution do we support that policy?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman, as I have said repeatedly before—and I am not sure that any answer is going to satisfy some of the opponents—the resolution merely supports the President in his efforts to negotiate a just peace. It does not support him in any escalation. There is nothing implied, direct or otherwise. If the President later makes the decision that he must escalate the war, and any Member wishes to introduce a resolution of support for the President, it will be debated on its merits as this one is being debated. But this is a peace resolution, pure, simple, and unadulterated.

Mr. ADAMS. I thank the gentleman for that statement. I have a second question, which is the other question propounded to the chairman of the committee. Our chief negotiators in Paris have resigned. Apparently there is no present effort or indication that anyone is going to replace them. I want to know whether, if we go forward with this resolution, we are supporting a policy of leaving that negotiating spot open and not engaging in proceedings there further.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. WRIGHT. The resolution was, of course, drafted prior to the resignation of our chief negotiator, Mr. Lodge. It does not address itself to that situation. I do not believe the gentleman expected it to address itself to that situation. I believe all of us anticipate that an appointment will be made, and that rather shortly. Mr. Lodge still is serving in that capacity. I believe the President has clearly stated that he is not in any sense downgrading the effort to negotiate, and that in proper time he will replace Mr. Lodge with another high-level negotiator.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. YATES. I have read in the press that it may be in the President's mind not to replace Mr. Lodge for some time because there is dissatisfaction with the course of negotiations. I wonder where the gentleman from Texas is getting his information?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the chairman, who is handling the bill.

Mr. HAYS. I would say to the gentleman I have no knowledge of what the President has in his mind, and I do not generally rely on the press to read his mind. In my opinion if there was one signal that Hanoi was genuinely ready to negotiate, I would call the President and ask him to send the gentleman from Washington (Mr. ADAMS) over there if he would also send me along with him to serve with the gentleman so we would have some balance.

Mr. ADAMS. I would accept the gentleman's offer. If he offers us the opportunity, I am ready to leave this afternoon.

Mr. ADAIR. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, once again, it appears that a totalitarian government has misinterpreted how we do things here in the United States.

We are a free country—so free that it is difficult for us to understand that ideas and opinions are restrained in many countries of the world. And, because the totalitarian countries are so accustomed to hearing uniformity of opinion, they tend to expect an imminent

breakdown in the United States when they hear of our dissent.

German submarines undertook unrestricted war against American merchant ships in 1917, believing that we would not go to war—not after the angry 1916 presidential election campaign.

The heated debate between the isolationists and the interventionists contributed to decisions by Germany and Japan to attack us at the end of 1941. They thought we were ready to fall apart.

Now we are in a war in Vietnam, and we want out. We want peace, and we are willing to negotiate for it.

Our negotiators have been meeting with those of North Vietnam and of the National Liberation Front for more than a year. Xuan Thuy, the leader of the North Vietnam delegation, must answer to his superiors in Hanoi, and that is all. The people of North Vietnam are not looking over his shoulder nor are a gaggle of Hanoi news reporters. There is not a single North Vietnam editorial writer to second guess him.

How different is the problem of Averell Harriman and, more recently, of Henry Cabot Lodge. They must, of course, report to our administration—to the President and his advisers. And they have plentiful help from a myriad of enthusiastic Members of Congress, reporters, columnists, pacifists, commentators, professors, editorialists, and ad hoc committees.

While the North Vietnamese play a diplomatic poker game with all their cards close to the vest, we are in it with all our cards face up.

The North Vietnamese know that we have divisions within our country; know that our President is urged to yield a little more; know that some Americans believe we ought to throw the Saigon government to the wolves; know that a quarter of a million young people marched in Washington in mid-November; know that there was a moratorium in mid-October.

They know that these demonstrations demanded that we pull out of Vietnam without delay, but they do not know that no more than 15 or 20 Members of Congress concur in that demand. They may not have read Congressional Quarterly, which listed one Senator and 14 Representatives as favoring instant withdrawal.

Mr. Chairman, I think the American people want out of Vietnam. I want us to get out of Vietnam. But I do not want peace at any price, and I do not believe the American people do.

I want peace with honor, peace with justice; and I believe that is the feeling of an overwhelming majority of Americans.

There is one man who is going to lead us out of war and into peace. He is the President of the United States. At a time such as this, we must give him our hearts and our hands. We must join him in praying for peace and in working for peace.

Therefore, I support this resolution.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, yesterday I expressed my strong opposition to the closed rule under which we are theoretically debating House Resolution 613. I would repeat again today that I believe this to be blatantly unfair, improper, and in the worst possible traditions of governmental and legislative process.

This is not the first time debate has been choked off in this body. On the contrary, the sad fact is that we have repeatedly been prevented from working our will.

This is becoming, I regret to say, a Congress of fear—a Congress that is afraid to face up to the monumental issues before it.

Example No. 1: When we were debating the highly controversial and very expensive ABM, the leadership refused to let us vote on the real issue. We were forced to vote on both research and development and deployment, even though most questions were being raised about deployment, and deployment alone.

Fortunately, I was able to get a rollcall that reflected House sentiment on the real issue—deployment. Lo and behold, 140 of my colleagues joined me in speaking out, whereas had we followed the leadership, we would have been silenced.

Example No. 2: When we were debating the agriculture appropriation bill, we voted 224 to 142 to limit farm subsidy payments to $20,000. The other body took this out of the bill. I worked unsuccessfully to put it back in conference.

Then I tried to offer a motion to recommit the conference bill—but I was prevented from doing so. In other words, this body was kept from voting on the real issue—farm subsidy payments.

And finally, example No. 3: We are now debating a Vietnam resolution, and we are using a closed rule to prevent amendments to legislation affecting the most critical issue facing the Nation today.

I am not proud of what is being done, and I hope many of my colleagues feel the same way.

The fact of the matter is that we, the elected representatives of the American people, are being prevented from working our will on this crucial question via the amendment process.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, first I should like to say it seems to me the sponsors of this resolution have expressed a great many different views as to what it means, and that is part of the difficulty.

The gentleman managing the bill has taken what one might call a minimum view as to what this resolution means, but other sponsors have interpreted it quite differently. The gentleman from Texas (Mr. WRIGHT) yesterday said "yes" in answer to a question as to whether it did embrace the policy of Vietnamization. "Yes, by inference it does," he said.

Other sponsors, such as the gentleman from Illinois who just spoke, have interpreted it as supporting a policy of possible escalation. Yesterday one of the sponsors indicated that he would interpret the resolution as supporting a very stiff policy, what is often called a hawk-like policy.

It is clear that this resolution, if adopted, will be interpreted in many different ways. It has already been interpreted by the President as representing substantially an endorsement of his position as stated on November 3.

I should like now to turn to a statement made yesterday, which I regret very much. My friend, the gentleman from Oklahoma (Mr. EDMONDSON) saw fit to attribute certain remarks about this resolution to "the former Ambassador who served in Paris under the previous administration." He was obviously referring to Averell Harriman. His statement was taken out of context and did not correctly represent Governor Harriman's views.

The impression he created was that Governor Harriman approves of House Resolution 613 and would vote for it if he were a Member of the House. As my friend knows, Governor Harriman's position on the matter is quite to the contrary.

Last week, the Governor was asked to meet with a group of Members privately and to give his views on this resolution.

The whole thrust of his comments during the meeting, which lasted for an hour and a half, was that he thought the resolution was ill-advised. He said it would not have any effect on the negotiations one way or the other. In reply to a direct question, he indicated that if he were a Member of Congress he would vote against it.

Mr. Chairman, I regret very much that amendments were not permitted to be submitted in this matter. If permitted, I would have proposed an amendment, for example, urging the President to press for broadening the base of the government in Saigon so as to make it more representative and to include persons capable and willing of making a negotiated settlement. I truly believe that the gentlemen now in charge in Saigon do not want a compromise settlement. Any compromise would weaken or lessen their power; therefore, they are opposed to it, no matter what they say. There are others there, non-Communists, who have a much broader following, who could be brought into the Government, such as Gen. Big Minh, who I believe could achieve a reasonable political settlement that would achieve our objective of assuring to the South Vietnamese the right to determine their own future.

Both sides have come much closer to agreement than they were two years ago. A free election under international supervision might be possible, but not so long as the present Saigon government remains in control.

Other amendments would also have improved the resolution, including an amendment that would have been offered by the gentleman from Illinois (Mr. FINDLEY), approving troop withdrawals to date and supporting the President's announced intention to withdraw all American ground forces as quickly as possible, and another amendment to make clear that the resolution does not imply approval of the President's policies as outlined in his November 3 speech or

constitute a blank check authorizing future actions.

Why will I vote against House Resolution 613, entitled "Resolution Toward Peace With Justice in Vietnam"?

Of course all of us in this House are for "peace with justice in Vietnam," but we have many different views as to how that objective can be achieved. If I thought passage of House Resolution 613 would contribute to the achievement of that objective, I would vote for it and explain that my vote should not be construed as approval of President Nixon's Vietnam policies. Many of my colleagues whose views on Vietnam are not very different from my own will follow that course. However, it is my considered conclusion that passage of House Resolution 613 will not only not advance the objective of "peace with justice in Vietnam," but may well be harmful in the long run. That is so, in my view, because the President may be encouraged by this resolution to follow the sterile and mistaken policies he has been following, which in effect allow Generals Thieu and Ky to exercise a veto over any possibility of settlement.

It is said that overwhelming passage of this resolution will constitute a show of unity behind the President. Again, I believe the result of passage of the resolution, especially by the procedure followed here, will further serve to polarize opinion in this country, and further persuade millions of our young people who loathe this war that our institutions are rigid and undemocratic. As I said yesterday in the debate on the procedure to be followed, it is outrageous—indeed tragic—that this first resolution on our Vietnam policy to come before the House in 5 years should be brought in on a "take it or leave it" basis, with no possibility of amendment.

I cannot vote for this resolution because it will be interpreted by the President and others to represent an endorsement of his Vietnam policies as laid out in his speech of November 3. I am far from satisfied with those policies as I understand them, and I was greatly disturbed by the November 3 speech, as I have previously indicated.

The President's November 3 speech indicated to me that he has no real hope that the war can be brought to an end by peaceful settlement, and that he hopes instead to turn the war over to the South Vietnamese. This policy will not succeed, in my judgment, and the war will drag on and on, with American involvement only slightly reduced.

I believe a peaceful settlement is possible, but only if we insist on a change in the makeup and policies of the Saigon regime. The best way to make clear to Saigon that we mean business about not allowing American boys to go on dying to keep Generals Thieu and Ky in power is to start now on a program of total withdrawal of American forces.

We have made a series of hideous mistakes in Vietnam, going all the way back to 1945. Adoption of House Resolution 613 will only extend the string of mistakes.

I understand that a motion to recommit will be made to add a sentence to the resolution urging the President to press Hanoi to abide by the Geneva Convention on the treatment of prisoners. All of us are appalled by Hanoi's cruelty in this regard, and we will vote for the motion to recommit to add this sentence. But this addition will not change the character of the main part of the resolution or correct its major defects.

The resolution could easily have been made acceptable to practically all of us if two or three reasonable amendments had been adopted. That would have been the way to achieve the greatest degree of unity.

(Mr. FULTON of Pennsylvania (at the request of Mr. ADAIR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. FULTON of Pennsylvania. Mr. Chairman, House Resolution 613 is clearly in need of revision on various points. I believe many of the criticisms made on the House floor are justified, and the resolution should have been opened up for amendment and serious extended debate by the House. I voted against the previous question on adopting the rule on House Resolution 613 for this purpose.

House Resolution 613 is clearly defective in omitting and failing even to mention our prisoners of war now held under tragic conditions.

Congress must not forget the continuing heavy sacrifice of these people, military and civilian who now suffer even as we debate. It is intolerable to think of a U.S. pullout of forces from Vietnam either at once or over a period of deescalation, without making sure our prisoners of war are considered as strongly as all other major factors.

I, therefore, recommend that House Resolution 613 be amended to emphasize that the Congress backs the President and our U.S. Paris negotiators, our U.S. Department of State, our Department of Defense, and other Federal agencies, in continuing to press for fair treatment for prisoners of war as adopted by the Red Cross.

I feel so strongly about the present resolution, House Resolution 613, omitting completely the fate of the prisoners of war, that I oppose House Resolution 613 in its present form. This failure is a tragic and major defect.

I hereby give notice of offering again my amendment for our prisoners of war in the form of the motion to recommit House Resolution 613 to the Foreign Affairs Committee at the end of the debate on House Resolution 613.

My motion to recommit House Resolution 613 will direct the House Foreign Affairs Committee to report the resolution back to the House immediately with an amendment as follows:

Requests the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 on treatment of prisoners of war.

If my motion to recommit House Resolution 613 for the prisoner-of-war amendment is not adopted, I shall be forced to vote against House Resolution 613 in its present form. This will point out that in this debate and parliamentary procedure, that somebody is thinking of the dire straits of prisoners of war when they are not in a position to speak for themselves.

I consider prisoners of war among the highest urgency factors on past and future negotiations for peace in Vietnam. I voted against reporting House Resolution 613 out of the House Foreign Affairs Committee because of the glaring omission and lack of consideration of prisoners of war. I will move just as strongly by my proposed motion, to recommit House Resolution 613 to the House Foreign Affairs Committee to have my prisoner-of-war amendment added to the provisions of the resolution, forthwith.

In order that the House and the American people, as well as the families of these prisoners, and the prisoners of war themselves, can know of the history of this issue, as well as international Red Cross resolution, and actions of our U.S. Government I am setting out various documents as follows:

STATEMENT BY UNDER SECRETARY OF STATE ELLIOT L. RICHARDSON

We are deeply concerned about the lack of information about our prisoners. Some of them have been held four years and longer with little or no words to their families.

It is hard to see what Hanoi hopes to gain by denying the prisoners the basic right to communicate with their families. We are using every possible occasion to raise this subject and to bring about the release of prisoners on both sides.

RESOLUTION ADOPTED BY THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 13, 1969

PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross,

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention: and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Adopted by vote of 114 to 0.

(The International Conference of the Red Cross is held every four years and is the highest governing body of the Red Cross. Its membership consists of governments which have signed the Geneva Conventions of 1949, national Red Cross Societies, the International Committee of the Red Cross and The League of Red Cross Societies.)

STATEMENT BY SECRETARY OF DEFENSE MELVIN R. LAIRD

On numerous occasions I have expressed my deep concern for the welfare of our American servicemen who are prisoners of war or missing in action. In this regard, I have directed Assistant Secretary of Defense (ISA) G. Warren Nutter, who has been named Chairman of the Department of Defense Prisoner of War Policy Committee, to insure that the families of these servicemen are receiving all assistance to which they are entitled.

The North Vietnamese have claimed that they are treating our men humanely. I am distressed by the fact that there is clear evidence that this is not the case.

The United States Government has urged that the enemy respect the requirements of the Geneva Convention. This they have refused to do.

The North Vietnamese and the Viet Cong have never identified the names of all the U.S. prisoners whom they hold. For the most part, information on some of these Americans has come in the form of scattered, and often distorted, propaganda films and photographs which the North Vietnamese have chosen to sell or release.

We know that at least several U.S. prisoners were injured at the time of their capture and we are concerned about the medical care they are receiving.

The Geneva Convention requires a free exchange of mail between the prisoners and their families and yet very little mail has been received from only a few prisoners in the past five years.

As of next month, more than 200 American servicemen will have been listed either as prisoners of war or as missing in action for more than three and one-half years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

The Department of Defense continues to hope for meaningful progress on the matter of prisoner release in the Paris discussions. In the meantime, we appeal to North Vietnam and the Viet Cong to respect the humane rights of those whom they hold prisoners of war.

Specifically, we call for adherence to the Geneva Convention which requires:

1. Release of names of prisoners held.
2. Immediate release of sick and wounded prisoners.
3. Impartial inspections of prisoner of war facilities.
4. Proper treatment of all prisoners.
5. Regular flow of mail.

Most importantly, we seek the prompt release of all American prisoners.

Secretary of Defense Melvin R. Laird today issued the following statement:

Xuan Thuy, chief of the North Vietnam delegation to the Paris Peace Talks, has declared that Hanoi would not promptly release a list of U.S. prisoners of war held in North Vietnam.

I am deeply shocked and disappointed by this cruel response of Hanoi's representative to such a basic request for humanitarian action.

Hundreds of American wives, children and parents continue to live in a tragic state of uncertainty caused by the lack of information concerning the fate of their loved ones. This needless anxiety is caused by the persistent refusal by North Vietnam to release the names of U.S. prisoners of war.

I want to reaffirm the continuing hope that Hanoi will provide a list of American prisoners and permit a free flow of mail between U.S. prisoners of war and their families.

We continue to urge the immediate release of sick and wounded prisoners, the neutral inspection of prisoner of war facilities and the prompt release of all American prisoners.

AMBASSADOR LODGE'S STATEMENTS ON PRISONERS OF WAR DURING MAY 22 PARIS TALKS

Opening statement: I cannot leave this subject (PW's) without protesting the attitude which you have expressed most recently last Tuesday May 20, with respect to the prisoners held in North Vietnam. You have refused to provide a list of these prisoners so that their families might know whether they are living or dead. You have refused to discuss the repatriation of the sick and wounded which is a long-established international practice. You should know that the attitude you have expressed with regard to these basic humanitarian requirements cannot have a favorable effect on our negotiations here.

Additional remarks: Let me add one observation about prisoners. It is difficult to understand how you can claim to be treating our prisoners humanely when you refuse to identify the prisoners you hold so that their families can know the fate of their relatives. You refuse to permit regular mail exchanges. You reject impartial international observation of conditions under which prisoners are held: You refuse to discuss release of sick and wounded prisoners. Yet these are basic elements of humanitarian treatment under established international standards. We do not see how you can be hurt by merely publishing the names of those who are alive so that the uncertainty which their families feel may be ended. To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Vietnam would be threatened if this wife were told the truth about her husband's fate. We hope you will reconsider your attitude on these questions so that it will truly reflect the humane policy which you claim to follow.

SECRETARY OF STATE ROGERS' NEWS CONFERENCE OF JUNE 5, 1969

The following is the State Department's release of Secretary of State William P. Rogers' news conference, which is authorized for direct quotation:

Secretary ROGERS. I want to express my serious concern about the Americans who are prisoners of war in Southeast Asia. Many of these prisoners have been held for three years or more. There is a long tradition among nations that personnel captured in wartime be treated humanely. This principle has been expressed in the Geneva Convention of 1949 and is recognized by more than 120 nations.

A basic requirement of the Convention is that names of prisoners be provided to their families and to an appropriate agency in a neutral country. Communist leaders have failed to observe this simple civilized requirement which would mean so much to the wives and families of the men who are missing in combat.

North Vietnamese officials have frequently declared that the prisoners are treated humanely. Many seriously question these statements. Assurance could readily be provided if North Viet-Nam would permit visits by impartial observers to the prison camps. For the sake of the prisoners and for their families, we continue to hope for a positive response from North Viet-Nam. We are prepared to discuss this subject and to move quickly toward arrangements for the release of prisoners on both sides, and I believe that any sign of good faith by the other side in this matter would provide encouragement for our negotiations in Paris.

STATEMENT ON PRISONERS OF WAR BY U.S. AMBASSADOR HENRY CABOT LODGE AT PARIS MEETINGS ON VIETNAM, 33D PLENARY SESSION, SEPTEMBER 13, 1969

At the last Plenary Session, I repeated our request for the humane treatment of Americans held prisoner in North Vietnam, stating that international custom, the Geneva Convention, and humanitarian considerations all require that there be impartial inspection of the prisoner of war camps, a guarantee of a regular flow of mail to and from the prisoners, and a release of the sick and wounded prisoners on both sides. In addition, a minimum regard for the peace of mind of the prisoners' next of kin requires that a list of names of the prisoners be made available so that the next of kin—who are assuredly innocent of any warlike act—at least know whether their relative is alive or dead.

To this request, the representative of the Democratic Republic of Vietnam at our last session responded—and I quote—"The question of captured American military personnel will be settled at the same time as all the other elements of the overall ten-point solution. It cannot be separated." End of quotation.

Let us now consider this answer.

In the first place, it is unresponsive. Our request at the last meeting was concerned solely with the treatment of prisoners during captivity—not with the broader question of the repartriation of prisoners. You repeat your statement that you give humanitarian treatment. But you refuse to talk about camp inspection, flow of mail, release of sick and wounded, and lists of prisoners.

In the second place, your answer is not only unresponsive; it also partakes of the irrelevant. I say this for the following reason: You say that you will not discharge your responsibilities regarding prisoner treatment until you are willing to repatriate the prisoners. But, ladies and gentlemen, when that time comes, your policy concerning treatment of prisoners will be largely academic since the prisoners will have either been repatriated or will be awaiting repatriation. The point is that prisoners are entitled to humane treatment under the protection of the Geneva Convention at all times and under all circumstances—and particularly during the period before repatriation. That is the time that counts. The point is so obvious that it should not require any statement. But your declaration at the last Plenary Session requires us to state it.

While I am on the subject, let me add that we have long been concerned by your refusal to permit impartial inspection of your prison camps. Frankly, this refusal inevitably brings up the thought that you fear that an inspection would not confirm your claims of humane treatment.

This concern has now been deepened by statements which have recently been made by two of the Americans recently released from captivity in North Vietnam. One of these Americans, Seaman Douglas B. Hegdahl, said on September 2nd—and I quote—"I was kept in solitary confinement for over a year—7 months and 10 days at a stretch. I was made to stand with my hands over my head for trying to talk with other prisoners of war." Seaman Hegdahl said—and I quote—that "many of the prisoners of war have been in solitary confinement for years"—end of quotation—and he also said—and I quote again—that "many prisoners of war do not write or receive mail." End of quotation.

Another prisoner of war, Navy Lieutenant Robert Frishman, on the same date, pointed out your failure to make available the best medical treatment and to repatriate immediately the sick and wounded. He said that the removal of his elbow had been done in a professional way, and that he was thankful still to have the right arm. However, he also pointed out—and I quote—"They failed to remove the fragments of the SAM missile in my arm. It took six months just for my incision to heal over." End of quotation. He also indicated Lieutenant Commander John McCain will require further medical treatment as soon as he returns to the United States. His remarks underline how impor-

tant it is for sick and wounded prisoners to be repatriated as soon as possible.

Let me also quote what Lieutenant Frishman said about the condition of Lieutenant Commander Richard A. Stratton, another prisoner of war. He said—and I quote—"The North Vietnamese tried to get Lt. Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He's been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and put in solitary, but the North Vietnamese insisted that he make the false 'humane treatment statement' and threw him into a dark cell alone for 38 days to think about it." End of quotation.

Lieutenant Frishman also said—and I quote again—"Stratton knows that I have been released. He told me not to worry about telling the truth about him. He said that if he gets tortured some more, at least he will know why he is getting it and will feel that it will be worth the sacrifice." End of quotation. We certainly hope that neither Commander Stratton nor any of the other prisoners will suffer as a result of Lieutenant Frishman's statements.

Lieutenant Frishman further indicated that prisoners of war have been made to sit on a stool for days in a hot room until they make statements conforming to the wishes of their captors.

I can do no better than to repeat the words of Lieutenant Frishman, when he said—and I quote—"I don't think solitary confinement, forced statements, living in a cave for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, and not allowing exchange of mail to prisoners of war are humane." End of quotation. Any impartial observer—and even you yourselves, who do not consider yourselves to be impartial—must agree with this statement.

You should cease this inhuman treatment. You cannot escape the responsibility therefor.

You should also realize that your failure to act in accordance with humane practice flies in the face of world opinion as a whole.

Just this week, 101 Members of the Congress of the United States, including both Democrats and Republicans, have presented in the House of Representatives a resolution condemning your side—and I quote—for "violating the fundamental standards of human decency and grossly deviating from civilized concepts of international accords and agreements on prisoners of war." End of quotation. In addition, 96 Members of the House of Representatives have signed a statement protesting your—and I quote—"inhumane and inexcusable"—unquote—conduct with regard to the Americans you hold prisoner.

The Twenty-First International Red Cross Conference, composed of the parties to the Geneva Conventions of 1949 and Red Cross and Red Crescent Societies, is now meeting in Istanbul, Turkey. The International Humanitarian Law Commission of that Conference has adopted without dissent a resolution calling for humane treatment of prisoners of war. The resolution states that the Geneva Prisoner of War Convention—and I quote—"applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized." End of quotation. The resolution also calls up—and I quote—"all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are accorded the humane treatment and the full measure of protection prescribed by the Convention, including free access to the prisoners of war and all places of their detention by a protecting power or by the International Committee of the Red Cross.

If I may, I will depart from my prepared statement for just a moment to say that I have just received word during the recess that the International Red Cross Conference in Istanbul this morning passed this resolution without dissent by a vote of a hundred fourteen to nothing.

In contrast with your treatment of the prisoners whom you hold, consider the many thousands of your military personnel held in prisoner of war camps administered by the Republic of Vietnam. In accordance with the Geneva Convention, the Government of the Republic of Vietnam has provided lists of prisoners' names to the International Committee of the Red Cross. The prisoners are allowed to correspond with their families. These camps conform to the standards established by the Geneva Convention, and they are visited frequently by representatives of the International Committee of the Red Cross, who inspect them thoroughly and hold private interviews with prisoners. A number of sick and wounded prisoners have been released, and our side has expressed willingness to make arrangements for the release of all seriously sick or wounded prisoners.

STATEMENT BY HENRY CABOT LODGE, NOVEMBER 24, 1969

I consider it necessary to comment on an article in the press in which Mr. Xuan Thuy, the North Vietnamese representative, is reported to have made certain allegations concerning the United States position at these Paris meetings.

First, it is not true that I have not been willing to meet privately or otherwise, with Mr. Thuy to discuss general problems concerning Viet Nam—and he knows it very well.

Second, it is also not true that in the private meetings which have been held, I have only been willing to talk on only one question—that of mutual troop withdrawal. He knows that, too.

Third, it is not true, as alleged, that the U.S. wishes to continue the war in Viet-Nam and is therefore inflexible.

The facts are that Mr. Thuy has been as intransigent in private meetings as he has been in public meetings. He has avoided engaging in any give and take. Instead his position has been to insist on the U.S. withdrawing completely from South Viet-Nam without any indication of what the North Vietnamese would do. He has also demanded that the U.S. overthrow the present government in South Viet-Nam as we leave.

For our part, we have made it clear that—far from rejecting—we are willing to discuss all questions relevant to peace. We have made every effort to have the parties concerned discuss all the issues. We have made our proposals and we have indicated that we are willing to discuss the proposals made by the other side. Contrary to the position of the other side, we do not make proposals on a take-it-or-leave-it basis.

At one stage we set forth a list of all the subjects—military and political—that needed discussion if there was to be a peaceful settlement of the conflict. We also invited the other side to clarify their own proposals.

We got nowhere because they either refused to consider our proposals—or demanded that we take unilateral actions without any parallel action by them. And they even declined to have any serious discussion in which the government of South Viet-Nam could participate.

Mr. Thuy has tried to make it appear as if he has all along been ready to meet privately for serious discussion. The fact is that every private meeting which we have held has been at the request of the United States. If Mr. Thuy had any desire to meet he managed to conceal that desire very well.

For my part, I sought through every means to engage the other side in genuine negotiations on all issues. The Government of the Republic of Viet-Nam has also been willing to talk about any subject without prior conditions.

I shall not speculate on the purposes Mr. Thuy may have in mind in making his allegations. But these allegations are untrue and I believe he knows that they are untrue. There has never been any doubt that the United States has been ready to meet and to negotiate meaningfully at any time and in any meeting place. The same is true of the Republic of Viet-Nam.

That has been true in the past, it is true today, and will be true in the future. But negotiation is not a process by which he can make demands and then only be willing to discuss our acceptance of those demands. I also submit that negotiations are not helped by making false charges which are bound to complicate the problem.

STATEMENT BY AMBASSADOR GRAHAM MARTIN, CHAIRMAN OF THE U.S. GOVERNMENT DELEGATION, XXIST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 10, 1969

Those of you who were present at the Twentieth International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva Conventions in failing to honor their obligations under the Conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed four years ago.

Now four long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949 . . . ." In the case of the Communist authorities in southeast Asia, the solemn appeal of the last conference fell on deaf ears. North Vietnam and the Viet Cong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners has been expressed by President Nixon and also by Ambassador Lodge at the Paris Peace Talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the Convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

"In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

"The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhumane treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnamese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously, physically and mentally mistreated. The men whom North Vietnam recently chose to release have, in spite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this Conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva Convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our Naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

"My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

"Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts."

Lt. Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lt. Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this Conference by the ICRC, it is stated that "on 3 June 1969 the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva Conventions for the protection of war victims." And at our opening session the distinguished new President of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the Convention honor the internationally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva Prisoner of War Convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the co-sponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

TEXT OF IDENTICAL HOUSE RESOLUTIONS ON U.S. PRISONERS OF WAR IN NORTH VIETNAM

Including: H. Con. Res. 3558–H. Con. Res. 365; H. Con. Res. 373, H. Con. Res. 385, H. Con. Res. 414, H. Con. Res. 431.

Expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention.

Whereas the United States Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relative to the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention, which North Vietnam has endorsed; and

Whereas the North Vietnamese and the National Liberation Front of South Vietnam have disregarded the provisions of the Geneva Convention and refused to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held: Now, therefore, be it

Resolved by the House of Representatives (the Senate Concurring), That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, the United Nations, and the peoples of the world should appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relative to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the humane treatment and prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

TEXT OF IDENTICAL HOUSE RESOLUTIONS ON U.S. PRISONERS OF WAR IN NORTH VIETNAM

Including: H. Con. Res. 332-H. Con. Res 337; H. Con. Res. 339, 349–350, 352, 370, 383–384, 389, 413.

Condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment.

Whereas there are at least three hundred and forty and possibly one thousand two hundred American servicemen interned as prisoners of war by the Government of North Vietnam and its allies in South Vietnam; and

Whereas some of these American prisoners have been held captive for as long as five years; and

Whereas intelligence reports and reports from American servicemen who have been released or escaped from such imprisonment indicate that American servicemen, while so imprisoned, are subjected to unusual, cruel and inhumane treatment, to wit: physical torture, psychological terror, public display, insufficient medical care and treatment, neglect of health, dietary and sanitary necessities, prohibition of correspondence with relatives, and forced compliance with propaganda and political exploitation; and

Whereas by inflicting such treatment on American prisoners of war the Government of North Vietnam and its allies in South Vietnam have violated the fundamental standards of human decency and have grossly deviated from civilized concepts of international accords and agreements on prisoners of war: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress condemns the treatment of American prisoners of war by the Government of North Vietnam and its allies in South Vietnam, and hereby urges the President to initiate, diligently through diplomatic, military, and any other available channels, such action as may be necessary to insure that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, which was signed by the Government of North Vietnam in 1957, are accorded to American servicemen held as prisoners of war in North and South Vietnam and especially to require the Government of North Vietnam and its allies to (1) identify prisoners whom they hold, (2) release seriously sick or injured prisoners, (3) permit impartial inspections of all prisoner of war facilities, and (4) permit the free exchange of mail between families and prisoners.

Mr. ADAIR. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Thank you. Mr. Chairman, I do not anticipate using but a moment of the 4 minutes I am alloted.

Mr. Chairman, at the time of the Tonkin Gulf resolution the rules under which the House operated did not permit

the extensive exploration of the end results of the course of action which we sanctioned at that time. Had we more fully debated it, we might have anticipated some of the events that history has since revealed.

I feel the resolution before us today might very well have had a more open rule. I feel the extrication of our forces from Vietnam, now that we are committed there, is just as serious in its long range implications as was the initial commitment of our troops to the mainland of Asia.

So I simply want to advise my colleagues in the House and my constituents that I feel the long-range results of the withdrawal anticipated by our President need to have fuller debate than they have had and that much more light could have been shed on the subject if we had had an open rule.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield so that I may propound a question to the chairman of the subcommittee?

Mr. KEITH. Mr. Chairman, I yield back the balance of my time to the minority side.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. ADAIR. Mr. Chairman, I yield the gentleman from Oklahoma 2 additional minutes.

Mr. EDMONDSON. Mr. Chairman, I support the resolution which has as its principal objective the construction of a base of national unity in support of the President's efforts to negotiate a just peace in Vietnam.

At the beginning of my brief time in this debate, let me say a word about the origin of this resolution.

It did not originate in the White House and it did not originate with the leadership on either side of this House.

This resolution is the product of a Member of this House—the gentleman from Texas (Mr. WRIGHT). Ninety-nine percent of its language is the language of JIM WRIGHT. The two or three changes in that language suggested to the gentleman from Texas (Mr. WRIGHT) were all suggested by other Democrats in this House—and were matters of form and not substance.

As a Democrat, I am proud of the origin of this resolution, proud of the spirit which motivates it, and proud of its objectives.

It has been conceived in the highest tradition of our party—a party which has always contended that partisan politics should stop at the water's edge—and I am proud that a majority of Democrats joined in cosponsoring this resolution.

There are some who have criticized it by saying it will strengthen the President domestically—and who say this is not desirable, since the President belongs to another party.

I have campaigned against the man who is our President three times in national elections. I have been cochairman of our national party's speakers' bureau three times in the last 14 years, and I enjoy partisan politics as much as anyone I know. I have no doubt that our President, as leader of his party, will be out in Oklahoma next November urging Second District voters—as he has done twice before—to send a Republican to Congress.

Nonetheless, Mr. Chairman, I believe with all my heart that this resolution should be adopted, and adopted overwhelmingly by this House. Its adoption, in my judgment, will be the most important step our Nation has taken in a long time toward a united approach toward solution of the Vietnam problem.

It is a constitutional fact that only one public official can negotiate with full authority for the Nation to conclude a settlement of that problem. No Senator or Congressman—however wise or well-intentioned—can perform that duty which is placed constitutionally in the President.

The resolution we debate does not increase or diminish that constitutional authority and duty—but it does place this House formerly on record in support of our Chief Executive's efforts to get the job done.

In taking that position, the resolution "approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body."

Is there anything unacceptable or divisive about that statement?

The right of the people of South Vietnam to decide their own fate in free elections was firmly stated in the 1968 Democratic national platform—and without such a guarantee I do not believe it is possible to withdraw from Vietnam without dishonor to the memory of 40,000 Americans who have fallen there.

President Nixon, like President Eisenhower and President Kennedy and President Johnson, shares that conviction and publicly supports that principle. The right of a free people to self-determination is a right which Americans have treasured since the Declaration of Independence. The President and the resolution honor our finest heritage by restating that principle.

At the same time, the President has firmly stated his intention to withdraw our troops from Vietnam at the earliest time possible, and more than 60,000 already have been withdrawn ahead of the President's announced schedule.

I believe withdrawal of these troops is strong evidence at this time of the President's good faith in bringing an end to American involvement in Vietnam. At the same time, I am convinced that the President commands the support of most American citizens in his determination to conclude a peaceful and just settlement in the process of withdrawal—a settlement, in final analysis, that does not abandon an elected, anti-Communist South Vietnamese Government fighting for survival against invading Communist forces, without assurance that the aggression has been ended and peaceful elections agreed to, or, on the other hand, that the South Vietnamese Government is ready to deal with that aggression with its own combat forces.

Evidence is increasing daily of South Vietnamese ability to do just that, and not many months ago a number of us had lunch with a group of South Vietnamese Congressmen who were confident of their government's ability to assume that full burden during the year 1970.

I hope and pray their confidence proves fully justified, but I share the view of the President and leaders of our Committee on Foreign Affairs that the course of peaceful negotiations in Vietnam will not be served well by enactment of a legislative timetable in this resolution.

The resolution speaks for itself and stands on its own merits.

Throughout this debate I have heard very little criticism of the terms of this resolution. I believe it has been demonstrated that the resolution is understandable and acceptable to a great majority of the membership of this House—and that it can serve as a foundation for national unity both understandable and acceptable to a great majority of our constitutents.

Trial lawyers in this body will remember the old saying about the trial of a lawsuit: "When the facts are against you, talk about the law. When the law is against you, talk about the facts. And, when both the facts and the law are against you, talk about the court."

Opponents of this resolution have largely "talked about the court" in this debate. They have been critical of procedure in committee, critical of the rule, and critical of programing of the resolution. They have had very little to say about the resolution itself, and the unifying purpose it serves.

Reference has already been made in this debate to the fact that former Ambassador Harriman, speaking to a group of Democrats last week, had stated that he would not vote for this resolution.

Ambassador Harriman's political advice is always appreciated, but it was far more significant to me that Ambassador Harriman, at the same meeting and in response to a direct question, said he would have liked to have had such a resolution passed by the House while he was negotiating on the Vietnam question in Paris.

Obviously, the Ambassador would have considered such a resolution helpful in 1968.

Just as obviously—and notwithstanding the Ambassador's political advice—the resolution will prove helpful to our negotiators in Paris in 1969.

The President, in an unprecedented visit to this Chamber, has expressed to this entire House his personal appreciation for the resolution and the assistance which it is sure to afford in negotiations.

If this resolution is helpful to our Paris negotiators, and is helpful to our President in concluding a just peace in Vietnam—then surely it is a resolution which is deserving of overwhelming support in this House.

Regardless of whether you agree or not with the President's domestic policies—and I disagree with him on many of those policies—and regardless of whether you approve or disapprove of the speech on November 3—and I found the speech un-

necessarily partisan on some points—the fact remains that this resolution states firmly what needs to be said by this Nation's elected representatives at this time.

"We support the President in his efforts to negotiate a just peace in Vietnam."

Let us enact the resolution, and on this base, let us do all in our power to unite the country.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I am pleased to yield to my colleague, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I want to commend the gentleman from Oklahoma and to express my personal appreciation to the gentleman not only for the very excellent statement which he is making, the very sensible and very timely statement that he is making at this moment, but also for the dedicated help and assistance and cooperation that he gave to the other sponsors and proponents of this resolution. The gentleman from Oklahoma was the very first person with whom I discussed the original draft, and he assisted in perfecting the language of the resolution.

Without the unerringly good counsel, the advice and the energetic, imaginative, and effective help of the gentleman from Oklahoma from its very inception, this resolution would not have reached this point of progression today.

Mr. Chairman, I want to commend the gentleman from Oklahoma for his dedicated, patriotic and deeply sincere efforts.

Mr. EDMONDSON. I thank the gentleman very much.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Minnesota.

Mr. FRASER. I want to commend the gentleman for his very good statement.

However, is there anything contained in this resolution which is different from the objectives which were stated by President Johnson as to our involvement in Vietnam? In other words, does this resolution contain an objective different from that as stated by President Johnson during his tenure in office?

Mr. EDMONDSON. In terms of Presidential statements with regard to policies in Vietnam I, personally, do not see any difference of any magnitude in the position consistently taken by President Johnson and the position that has been asserted by the present President of the United States in the November 3 speech with regard to his policy.

Mr. FRASER. The view of the gentleman then would be that this resolution in effect is a continuation of the objectives that President Johnson had?

Mr. EDMONDSON. With this substantial difference—that President Nixon has not only announced a policy of withdrawal at the earliest practical time, but has begun this withdrawal and has accomplished the withdrawal of 60,000 troops. I believe this action represents a rather significant and important difference, and I believe when we support the President in what he is doing in this regard that we help the position of the President in negotiating a just settlement.

Mr. FRASER. The gentleman would agree that the resolution is silent as to the policy of withdrawal, and that efforts to amend the resolution to include a statement on withdrawal were defeated both in committee and through the attempt to change the rule?

Mr. EDMONDSON. The resolution is silent on a good many points that have been stated as principles, by President Johnson, President Kennedy, and President Nixon. On the other hand, one can go back to President Kennedy's statements and find support for practically everything that is stated in this resolution.

Mr. FRASER. The only thing I want to do, and I do not want to take the time of the gentleman, is to indicate that on the one change in policy from President Johnson the resolution is silent.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. BINGHAM. Mr. Chairman, will the gentleman yield briefly?

Mr. ECKHARDT. Mr. Chairman, I will yield briefly to the gentleman in just one moment.

First, Mr. Chairman, I wish to say that I was also present at the time when Ambassador Harriman was speaking, and I did not understand in his answers any of the connotations favoring the resolution which have been indicated here.

Now I will yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Chairman, since I anticipated that the gentleman from Oklahoma might again quote Governor Harriman, I have discussed the matter today with Governor Harriman and am authorized to quote him as follows:

> Asking me whether I would have liked to have such a resolution is like asking me whether I would have liked applause for a speech or a word of approval for something I was doing. But I do not believe the adoption of the resolution will have any effect on the Paris negotiations.

Mr. ECKHARDT. I recall that. And I recall that Ambassador Harriman said that he thought it was most improvident to offer a resolution at this time.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I will yield to the gentleman if the gentleman can get me a little more time, as I believe I am nearly running my time out as of now.

Mr. EDMONDSON. I will certainly attempt to get additional time for the gentleman.

Mr. ECKHARDT. I yield to the gentleman.

Mr. EDMONDSON. Mr. Chairman, I hope the gentleman will agree that I have never at any time stated that Ambassador Harriman favored the passage of this resolution today. I think it is very clear he does not, but it is equally clear on the record, without any misunderstanding, that Ambassador Harriman said as a negotiator he would have liked to have had it passed.

Mr. ECKHARDT. Had he been following the same course of negotiations, I assume, but he most assuredly disagreed with the approach taken.

However, I am prepared to support House Resolution 613 upon the assurances made by its proponents yesterday and today that it does not in any way tie the sense of Congress to the President's speech of November 3 as to any ultimate policy decisions with respect to war or peace, and does not purport to shirk the duty of the Congress to maintain at all times its oversight and review of such policies and decisions.

Mr. Chairman, I have prepared a statement signed by a few other Members and myself, which I shall ask leave in the House to add at the end of this statement to the same effect.

I would like to say though, as to the provisions and the watering down of this resolution in debate, that it is most difficult for me to see that this resolution adds anything to the present approach toward peace. In fact, approximately the same thing was said by Dean Rusk in 1967.

When I first received a copy of this resolution, I started to write to my good friend, the gentleman from Texas, saying that I had left, laying in my box, a resolution that must have been received in 1967 and must have been wrongly dated—because the resolution would have been meaningful at that time. I fail to see how we bring Hanoi closer to the bargaining table by a resolution that calls for almost the same things that were called for in 1967.

I realize that we can have but one president at a time, but why must we have a presidential learning process that operates in tandem?

The only way we are going to resolve this situation, it seems to me, is by regular and measured withdrawals, forthwith, of sufficient troops from the field in order to bring about a broadening of the Saigon government—a government which can bring about and maintain peace, not act as a proxy to continue the war.

Mr. Chairman, the statement to which I referred, signed by myself and 10 others, appears below:

STATEMENT QUALIFYING VOTE ON HOUSE RESOLUTION 613—HOW THE PRESIDENT COMMANDEERED A DEMOCRATIC RESOLUTION

On November 4, H. Res. 612 by Mr. Wright of Texas, and H. Res. 613 by Mr. Hays of Ohio were introduced in the House. Three hundred ten Members of the House in these and identical resolutions affirmed "support for the President in his efforts to negotiate a just peace in Vietnam," approved and supported "the principles enunciated by the President," and supported the President "in his call upon the government of North Vietnam to announce its willingness" to honor elections and resolve controversies in accordance with the President's proposals. Mr. Wright has said that the resolutions were intended as general, non-partisan support of the Presidency in his "efforts to negotiate peace." (Also see Committee Report, p. 1.)

But since the resolutions were introduced on the day after the President addressed the Nation, they were vulnerable to interpretation as a sweeping, prior endorsement of such policies, programs, and demands as might unfold in the present and future conduct of the foreign policy of the Nation. Exploiting such vulnerability, the President on November 13, in what he himself called "perhaps an unprecedented procedure," ap-

peared before the House and embraced what had come to be called the Wright-Hays Resolution (H. Res. 613). He stated that it went along the lines of a proposal made in a speech of November 3, and he characterized it as showing that "a majority [were] supporting the policy of the President of the United States."

Therefore the posture of the Resolution in this political context is now changed. Members who had co-sponsored it, along with those who had refrained from doing so, feel that certain basic points must be made to clarify a common position taken by the undersigned. This is particularly true in view of the fact that within about 48 hours after H. Res. 613's introduction, the House Foreign Affairs Committee, in an executive session, reported it out and the Rules Committee has submitted it to the floor under a closed rule.

WHY THE UNDERSIGNED MUST QUALIFY A VOTE OF "AYE" OR "NO"

All of the undersigned entertain the fondest hope that the President will exert all "his efforts to negotiate a just peace in Vietnam," all hope that "free election open to all Vietnamese" will ultimately determine political control there, as it should in the rest of the world, and all favor, generally, the influence of "impartial and international" bodies in seeking such ends in Vietnam, as elsewhere in the world. Above all, the undersigned fervently desire that the "controvery—be peacefully—resolved in order that the war may be ended and peace be restored at last in Southeast Asia." Therefore many of the undersigned will vote "aye" but with deep concern about the process by which it has come to the House and with the same reservations as those voting "No."

But additionally, all the undersigned strongly believe that ultimate policy decisions respecting war and peace must continue to be the function of Congress, and it is the duty of Congress to maintain at all times its oversight and review of such policy decisions without delegating the same to any other authority. It is not appropriate nor is it consonant with the authority and dignity of Congress to give any general affirmation to an existing and continuing course of action of the Presidency so as to erode such role of Congress.

Because many feel that the Resolution has an element of such "general affirmation" of an ill-formed policy of the President, a large number of the undersigned are voting against the Resolution.

All of us feel that the Resolution is without much real substance and that it has been employed largely as a political gambit. We feel that Congress should take a more affirmative stand in its proper role as formulator of U.S. policy, both domestic and foreign. In this respect we affirmatively urge—

(1) Efforts to reduce the level of violence in Vietnam;

(2) The broadening of the political base of the Saigon government; and

(3) The immediate designation of a high-level replacement for retiring delegate Henry Cabot Lodge.

Bob Eckhardt, George Brown, Henry Helstoski, James Howard, Edward Koch, Peter Kyros, John Moss, Lucien Nedzi, James Scheuer, Morris Udall, and Jerome Waldie.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. HARSHA. Mr. Chairman, I support this resolution.

Mr. Chairman, as a cosponsor of this resolution I urge its overwhelming approval. Once we had a saying in this country that "politics stops at the water's edge."

It was a pretty good saying and went right along with the theory of the times that U.S. foreign policy ought to be bipartisan, that our Nation's best interests in the world community of nations were served best when members and leaders of both parties united behind the President.

Neither the first saying nor the second theory prevented or were meant to prevent honest diflerences of opinion or legitimate debate on world issues.

But they did serve as guidelines for responsible Congressmen in both parties during times of international crisis involving our country.

Thus we pretty generally united behind President Wilson in World War I. We generally stood behind President Roosevelt in World War II. And we united behind President Truman in the undeclared Korean war.

But, Mr. Chairman, somewhere since then we have lost the feeling of being a unified nation, even as we fight to honor our commitments in South Vietnam.

Today there are those among us who not only disagree with the President, but who also seek to provoke active dissent and in same cases violence. Their purpose is not only to show their disagreement, but actually to force the President into taking actions he knows are contrary to the best interests of our Nation.

Unfortunately, in the recent past the so-called "silent majority" and many who represent them have stood by and let this happen.

Because they have done so, the world has been given a totally false picture. Too often others now see us as a nation torn by dissent, split into factions and hardly able any more to govern ourselves.

Fortunately this is not true.

Those who seek to destroy the President, those who seek unconditional surrender for the United States and a corollary victory for the Communists of North Vietnam make up only a small percentage of our country.

And those in the Congress who profess to speak for the dissenters and who join with them in their retreat from reality make up a very small percentage of the Congress. They not only have misled themselves they have misled the rest of the world.

What these countries fail to understand, however, is that the right of dissent is part of the peculiar nature of our democratic traditions. The success of this democracy in every crisis in the past has hinged on our ability to unite in spite of our differences. In the case of the war in South Vietnam, it has endured one of its most severe tests.

As a proponent of the Vietnam resolution, I believe that passage of this statement will clarify any doubts these nations may have as to our intentions, our unity, and significantly enhance the President's efforts to negotiate a just peace in Southeast Asia.

Therefore, the ramifications of this measure, should it receive congressional consent are most important both nationally and internationally. Besides formally vocalizing House support for the President's policy, ratification of the Vietnam resolution will be an indicative action to the nations of the world on where the American people stand on this issue.

The image of American unity that would be projected by the passage of the Vietnam resolution is not one that is trumped up or intended to whitewash American sentiment on the Vietnam war. I believe that it would be a true reflection of the feelings of the bulk of the American people who have paid dearly for this war and want peace not only for themselves but also for the people of Southeast Asia.

Extensive bipartisan support of this resolution would indicate that it is not merely an exercise in party politics nor a simple rubberstamp approval of the President's policy. Instead, passage of the Vietnam resolution would manifest that my colleagues in the House and their constituents believe that politics, even today, should stop at the water's edge.

Mr. FINDLEY. Mr. Chairman, we have learned from experience—I would say grim experience—that resolutions of the House sometimes are used as justification for measures never contemplated by those who voted for them. The Tonkin resolution of 1964 is an example. It was often cited by President Johnson as a congressional mandate for war measures in Vietnam.

Several speakers yesterday asserted, I was glad to note, that House Resolution 613 conveys absolutely no authority to the President beyond that he already possesses, and does not authorize the employment of military measure in any form.

The author of the resolution, the gentleman from Texas (Mr. WRIGHT), would do us all a great favor, I feel, if he would clarify the intent of some of the words by answering a few questions.

On line seven are the words "approves and supports." The word "approves" is easily understood, but the word "supports" is something else. Support can take many forms—military action, diplomatic initiatives, public statements.

It is my belief that the use of the word "supports" does not contemplate the use of the military measures in any form whatsoever, and therefore is totally related to nonmilitary measures. Am I correct?

Mr. WRIGHT. Mr. Chairman, the verb "supports" must be read in context with the object of the predicate. The Congress by this resolution approves and supports "the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections."

It might be said that American troops are presently engaged in supporting that principle by military means. However, this resolution affirms our support for the President's efforts to negotiate a peace embodying that cardinal princi-

ple. In one sense, this principle is what the war is all about. President Nixon has indicated his conviction that it is the one indispensable basis for a just peace. This resolution declares that the House of Representatives approves and supports that principle and shares that conviction.

Mr. FINDLEY. This response confirms my belief that this use of the word "supports" is totally related to nonmilitary measures. For further clarification of that same point, in regard to the section the gentleman just read. "supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government, government by means of free elections open to all South Vietnamese and supervised by an impartial international body," do not represent an endorsement of U.S. military measures to accomplish and sustain those conditions. Am I correct?

Mr. WRIGHT. The resolution makes no comment on military measures. It does not constitute military advice.

Mr. FINDLEY. Is there any implication that it is an endorsement of military measures to accomplish and to sustain those conditions, that is the conditions of free elections and the possibility of an impartial international body supervising such?

Mr. WRIGHT. The resolution deals only in the most indirect and inferential manner with any use of military force, simply in the sense that what we are attempting to find is the means of stopping the war on a basis of a settlement which would be worthy of the sacrifices already made and in harmony with our own most cherished convictions.

We believe that the avenue to a peaceful settlement lies through free elections and that is what the resolution addresses itself to.

Mr. FINDLEY. Would it be fair to make this assumption—that the resolution cannot properly be construed to deal in any way, direct or indirect, with the use of military force by the United States? Is that a fair assumption?

Mr. WRIGHT. My answer is the same as it has been to the two previous questions asked by the gentleman. It supports the principle that the people of South Vietnam are entitled to choose their own government by means of free elections.

That is what the resolution says; that is what the resolution means.

Mr. FINDLEY. But it is not intended to justify the use of military force to accomplish that objective; am I correct in that statement?

Mr. WRIGHT. It says nothing about the use of military force. Whether that basic, cardinal principle which the resolution supports could initially have been vouchsafed and protected without the use of any military force is at this point, it seems to me, a moot question. The resolution states that the House agrees with the President in his efforts to secure a negotiated settlement which will embrace the principle of free and fair elections. By "efforts" we refer in the resolution to nonmilitary efforts. We speak of negotiating efforts. The words are "efforts to negotiate a just peace." That is all the resolution speaks of.

Mr. FINDLEY. The language of the resolution has caused the gentleman from California (Mr. McCLOSKEY) to raise what I believe to be an important point. The inference could be made from the language of the resolution that the House wishes South Vietnam to be permanently separated from North Vietnam. I do not believe the gentleman from Texas, or any of the sponsors of the resolution, intended to leave that impression. A clearly stated objective of the Geneva Accords of 1954 was the eventual unification of Vietnam, and to the best of my knowledge and belief the United States is unequivocally pledged to that objective. Am I correct that the language of the resolution should not be interpreted as an attempt to modify U.S. support for eventual unification of Vietnam?

Mr. WRIGHT. There is nothing in the resolution which insists upon a permanent separation of the two Vietnams. There is nothing in the resolution which precludes the possibility of eventual unification. I can speak only as one Member. My hope is that any such possible future unification would be based upon a manifest willingness of the majority of the people of both North Vietnam and South Vietnam to determine their own future by the electoral process. If unification is to come, it should come through elections, not through military force.

Mr. FINDLEY. Shortly after introducing the resolution before us, the gentleman from Texas (Mr. WRIGHT) sent around a series of questions and answers to allay any apprehensions which Members might have over the wording and the intention of this resolution on Vietnam policy. In the absence of hearings on this resolution, this discussion provided by the gentleman is helpful and appreciated, and I would like to have Mr. WRIGHT's questions and answers included in my remarks at this point:

QUESTIONS AND ANSWERS ON H. RES. 613 TOWARD PEACE WITH JUSTICE IN VIETNAM

Q: *Why is this resolution necessary at this time?*

A: News from Paris makes it increasingly more clear by the day that there *must* be an affirmative statement expressing some basic unity of purpose in the United States if there is to be any progress toward genuine negotiation.

It takes two to negotiate. Obviously Hanoi's leaders think they can simply wait us out. Their statements in Paris repeatedly bristle with references to dissent and disunity on the American home front and gratuitous conclusions that the American people do not support the President. Apparently they really believe that we are on the verge of actual internal collapse—and that therefore they shouldn't even *try* to negotiate, but merely wait for us to give in on *all* of their demands. This attitude clearly is stalling negotiations and prolonging the war.

Who but the Congress—and particularly the House which most directly represents the people—can clearly and credibly correct that misimpression? Only when Hanoi and the Vietcong understand that there is a basic underlying sense of unity in the United States will they take seriously anything our negotiators say. Only then can there be progress toward a negotiated settlement.

Q: *Now, really, didn't the White House initiate the request for this resolution?*

A: Absolutely not. This resolution, from its very inception, has been a Congressional initiative. Interestingly enough, the idea originated among Democratic members. The initial draft was drawn up by a Democrat. Minor changes were made at the suggestions of Congressmen Holifield, Hays and Speaker McCormack. It then was discussed with Jerry Ford and Ross Adair. A copy was sent to the White House for comment, and the White House responded with an expression of deep and sincere appreciation. But no person in the Executive Branch suggested one single word in the resolution or asked for one single change! It is wholly the work of the House.

Q: Is this another "Gulf of Tonkin" resolution? Could it be so interpreted?

A: Absolutely not. It is clearly distinguishable from the Gulf of Tonkin resolution on at least three counts: (1) Its thrust is entirely toward *peace,* not war. The Tonkin resolution specifically refers to acts of military reprisal ("all necessary steps, including the use of armed force"). The present resolution explicitly supports and encourages the President in his efforts to negotiate peace. (2) The Tonkin resolution, by inference at least, seemed to broaden Presidential powers ("the United States is prepared, *as the President determines,* to take all necessary steps . . ."). Nothing in the present resolution could be in any way so construed. (3) The Tonkin resolution implied approval for *future* acts by the Executive (". . . all necessary measures"). This resolution, by contrast, explicitly refers to actions already taken and positions already expressed. It is not "open ended."

Q: Does this amount to a whitewash of the Saigon regime?

A: Not at all. While demonstrating to Hanoi that we are not on the verge of collapse, it also reminds Saigon that we are committed to solution by truly fair and free elections open to *all* South Vietnamese.

Q: Shouldn't we include some expression urging the President to withdraw American troops more rapidly?

A: It would seriously dilute the message to do so. As Commander-in-Chief, the President must make those decisions on the basis of current information available to him on a day-to-day basis. The House cannot presume foreknowledge of future military possibilities. The resolution does make approving reference to "numerous peaceful overtures which the United States has made in good faith." These obviously include the cessation of bombing ordered by President Johnson and the systematic troop reductions initiated by President Nixon. The House is not attempting herein to advise the President on military matters. It is expressing support for his efforts to negotiate peace.

Q. *Shouldn't there have been lengthy hearings in the Foreign Affairs Committee?*

A. This is an expression of the House. There is no reason why we should seek advice or testimony from outside sources. Among the resolution's cosponsors are 25 members of the House Foreign Affairs Committee. After all the months of our concern with this issue and the literally millions of words that have been spoken on the floor of the House, surely every member knows how he feels on a question so basic as this. If any member of the House still has no opinion, it is doubtful that lengthy hearings would help him arrive at one.

Q. *Why did the Rules Comimttee report this resolution under a closed rule?*

A. The Rules Committee examined all the precedents and apparently concluded that resolutions of this type have always come under a closed rule. This was the case with the Formosa Resolution, the Middle East Resolution, the Hungary Resolution, the Ber-

lin Resolution, the Cuban Resolution, the Southeast Asia (Tonkin Gulf) Resolution, and the United Nations Resolution. Significantly, the four hours of general debate exceeds the length of general debate permitted in any of the foregoing cases.

Undoubtedly numerous members would like to change a word here or add a phrase there. To open it up for amendments would require at least a week of debate. It is believed important to make such a statement as this at the earliest practicable time, and scheduling of other legislation apparently did not permit allotting an entire week at this time. The rule requests four hours of general debate.

Q. Can passage of such a resolution be expected really to make a substantial contribution to the search for peace?

A. President Nixon thinks so. Ambassador Lodge thinks so. The Democratic and Republican leadership of the House think so. A substantial majority of the Foreign Affairs Committee members think so. Apparently 315 co-sponsors in the House think so. Particularly if we can pass it by an overwhelming majority, the resolution should make a realistic impact. It should help to induce genuine and fruitful negotiation. I earnestly pray that it will.

The answers circulated by Mr. WRIGHT raise some additional questions to which I would like to seek answers. First, Mr. WRIGHT states:

The resolution does make approving reference to "numerous peaceful overtures which the United States has made in good faith." These obviously include the cessation of bombing ordered by President Johnson and the systematic troop reductions initiated by President Nixon.

In his November 3 statement, the President spoke of his "plan which will bring the war to an end regardless of what happens on the negotiating front." He said:

We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all United States combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable.

Clearly, then, the President does not limit the importance of his troop withdrawals—the "systematic troop reductions"—to diplomatic initiatives. Rather, his troop reductions are an initiative on "another front."

I am sure that the House does not mean to so limit to its diplomatic effect the significance of troop withdrawals. At some later date, if all hope for a negotiated settlement has been abandoned, this resolution must not be used as a justification to cancel troop withdrawal plans. The resolution could not properly be used to support such a proposition. Am I correct?

Mr. WRIGHT. The gentleman predicates that upon an assumption that there might be at some time arise the moment when we would abandon the hope of negotiation?

Mr. FINDLEY. Exactly.

Mr. WRIGHT. At that point this resolution, it seems to me, would be utterly moot, because this resolution addresses itself to the hope that a just settlement may be negotiated and, indeed, is prompted by an earnest desire to assist in the negotiation of such a settlement which would embody the freedom of the people of that country.

Mr. FINDLEY. I am very gratified to have that clarification. I assume the same answer would apply to the following question: If it should occur that fair and free elections are out of the question and not in prospect at all—if we should reach that conclusion as a government—under such circumstances am I correct that this resolution could not be a proper point of reference to justify continued U.S. military measures in Vietnam?

Mr. WRIGHT. I am not prepared to speculate on such a contingency. I am not prepared to acknowledge that we are going to reach any such point and say that free elections are impossible. This resolution addresses itself to the hope that there may be settled a just peace which will be fair to both sides and ascertained by free elections.

Mr. FINDLEY. We have to consider contingencies. Who would have dreamed in 1964, at the time of the Tonkin resolution, that events would come to pass putting hundreds of thousands of our men under arms in Vietnam? When the gentleman's splendid resolution was telephoned to Paris, our then Chief Negotiator, Ambassador Lodge, must have been in the process of packing his suitcase, because he was soon to announce his intention to resign in despair, and I think we must face the possibility that fair and free elections may not be in the picture in the foreseeable future.

Mr. WRIGHT. If the gentleman will yield further, I must say I consider this question of the gentleman in the nature of a question asked by a prospective bride before repeating "I do," when she might ask the minister, "Now, is there anything in this ceremony which would permit my husband to mistreat me if later we were to get divorced?"

The question would not be timely at that moment. It has nothing to do with the ceremony.

I believe the gentleman's question is not really timely in connection with this. Of course this resolution says nothing with respect to what might happen if its announced goals and ardent hopes were rendered impossible of achievement. I believe and earnestly hope that those goals are capable of fulfillment. That is the purpose of this resolution.

Mr. FINDLEY. I hope none of us has to hold his breath until the time occurs when fair and free elections are next held throughout South Vietnam.

I thank the gentleman.

VIETNAM ROLL OF HONOR

Mr. Chairman, at intervals this year beginning on March 25, I have placed in the CONGRESSIONAL RECORD the names of American military personnel killed by hostile action in Vietnam. The second list was printed on April 3 and the most recent one was printed July 22.

The 2,999 names I am listing today cover the period from June through September 1969, as compiled by the Directorate of Statistical Services, Department of Defense.

The first listing, which required 122 pages of the RECORD, and consisted of 31,379 names, was of those killed prior to President Nixon's inauguration.

The subsequent listings, including the one today, consist of 8,013 names bringing the total to 39,392. Those killed since October 1, including 130 killed last week, are not listed.

Taken together they represent the Vietnam Roll of Honor. The list speaks eloquently in measuring the sacrifice the war has required of our young men.

That measurement has special importance today.

First, because this is the season when we give thanks for our blessings as a nation and rejoice in our Judeo-Christian heritage. It is a time for deep reflection, penitence and resolve—especially crucial this year because of our common determination to keep the Vietnam Roll of Honor from growing one name longer than necessary.

Second, because this is a moment when the decency America has always sought to exalt is clouded by the charge of U.S. massacre of Vietnamese civilians. As never before we need to comprehend the totality of what has developed in Vietnam and the circumstances which may have led some of our soldiers to acts of unspeakable barbarism. The lengthening list of Americans who have suffered violent death there suggests, at least, the bloodshed, agony and, no doubt, brutality that our men have experienced. Last week, for example, 130 Americans died in Vietnam from hostile actions—more than the total allegedly massacred. Is a person less innocent because he wears a uniform? This is a question we may consider as we ponder the innocence of war victims and the total agony of the conflict.

Third, because this is a day when the House of Representatives—for the first time since 1964—makes an official expression about Vietnam war policy.

It is, therefore, a day of grave responsibility for each of us in this Chamber. In my view, nothing can so well convey its gravity as the list of war dead, classified as it is by States and hometowns. Each name must weigh heavily upon us, because of the war decision responsibility which the Constitution places exclusively upon the Congress.

Through protracted neglect of this responsibility, we permitted a small involvement to grow into a major war. Now our President has not only halted the growth but turned it around. He has begun the withdrawal of our ground combat forces and announced a plan for the complete withdrawal of the remaining such forces.

At this juncture the House of Representatives should speak clearly in support of this plan. Official silence on the plan to end our combat involvement is neglect of the same grave order and magnitude as our silence when, step by step, the combat involvement was established.

Silence denies our President and our military forces, as well as the entire Nation, a measure of support which we alone can provide.

Today's RECORD will be filled with statements of support for the President's diplomatic efforts to end the war. This support is easy to extend. Few will hesitate to vote for peace with justice, the concept of free elections, the principle of self-determination, an appeal to

Hanoi to let South Vietnam alone. To do so is natural, like saluting the flag.

Apparently, it is not so easy for the House of Representatives to come to grips with the fundamental decision to withdraw our remaining ground combat forces at the earliest practicable date. The President has made this decision, Secretary of State Rogers has said it is "irreversible," yet the House so far has refused to consider it.

It is not natural to grasp the nettle of basic decision if that chore can be left to others. The Congress shrank from the question of declaring war on Hanoi—we never faced up to it—and now we seem to shrink from the decision to terminate our ground combat involvement. It is more comfortable—easier—to relax in the relatively passive role of supply sergeant to our Nation's military needs and speak only to noncontroversial diplomatic initiatives, leaving the tough basic questions to be handled exclusively by the executive branch.

This is a time for testing of our constitutional system, testing the very mettle of representative government. This is a time for us to rise to a difficult occasion with a clear expression of support for President Nixon's plan for the complete withdrawal of our ground combat forces.

Yesterday the House rejected such an opportunity by refusing to open this resolution to amendment. Another opportunity comes on the motion to recommit. Perhaps other opportunities will follow when hearings on other Vietnam resolutions begin. I say the sooner the better.

By supporting the President's plan for troop withdrawal, we will act in the tradition of others who have served their country's interest with nobility and courage, especially those whose names are listed below:

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN JUNE 1969

ALABAMA

Army

Brooks, William Lee, Montgomery.
Crowe, Ronald Gary, Prattville.
Enfinger, Kenneth Earl, Ozark.
Graham, Roger Lee, Aliceville.
Gregory, William Robert, Dothan.
Harris, Benjamin, Hillsboro.
Jones, Albert Junior, Rogersville.
Kenney, Joseph Hayden, Opelika.
Lyle, John Bruce, Athens.
Owens, Thomas Earl, Wetumpka.
Willis, Larry Wayne, Russellville.

Marine Corps

Copeland, Samuel Champion, Birmingham.
Davis, Emmett Lee, Vincent.
Lovett, Terry Wayne, Clanton.
Palmieri, David Harold, Hudson.
Traylor, Fred Edward, Heflin.
Williams, Robert Cleven, Greensboro.

ALASKA

Army

Hibpshman, William Earl, Anchorage.

Navy

Paulsen, Warren, Valdes.

ARIZONA

Army

Daniel, Fred Jacobo, Mesa.
Figueroa, Anthony H., Jr., Temple.
Hughes, John Howard, Phoenix.
Romero, Robert Luis, Superior.
White, Samuel Marlal, Jr., Tucson.

Marine Corps

Montijo, Michael, Tombstone.
Pearson, Bruce Fuller, Williams.
Skaggs, Harold Alonzo, Phoenix.

ARKANSAS

Army

Baker, Danny Ray, Atkins.
Blevins, Hiris Wayne, Little Rock.
Davis, Johnny F., Waldron.
Hampton, Michael Dewayne, North Little Rock.
Holloway, Freddy Lee, North Little Rock.
Rucks, Otis James, Stamps.
Teeter, Norman Wade, Russellville.
Wiles, Johnny, Hardy.
Williams, Lee Arthur, West Helena.

Marine Corps

Charles, Edward William, Gillett.
Green, William Herschell, Corning.

CALIFORNIA

Army

Adams, Leon Henry, El Monte.
Alaniz, Federico, Jr., Watsonville.
Alderson, Benjamin Robert, Redding.
Alvarez, Alex Jim, Compton.
Axton, Edwin Everette, Santa Cruz.
Baca, Richard David, Ventura.
Baker, Ronald Ray, Concord.
Barnes, Richard Leigh, Bellflower.
Barnett, Steven Paul, Burbank.
Baumgardner, Duane Roy, Cloverdale.
Beaman, Ronald Ralph, Oildale.
Bellamy, John Michael, Van Nuys.
Bowen, John Lewis, Monterey.
Burfoot, Phillip Duane, Barstow.
Caraway, Johnnie J., Los Angeles.
Carrasco, Arthuro, Santa Maria.
Christensen, Harold Roy, West Covina.
Corr, Paul, Jr., Anaheim.
de la Torre, Jose Manuel, Fullerton.
Deitrick, George Douglas, Antioch.
Diehl, Harry G., Oceanside.
Evans, Michael John, Maywood.
Freitas, Robert Edwin, Merced.
Frost, Herbert Cornelius, Alhambra.
Goeller, Michael Dennis, Nevada City.
Gonzales, Carlos M., El Monte.
Greenlaw, Alan Heald, Redding.
Guenther, John Carl, Jr., Fair Oaks.
Henry, Frederick John, Van Nuys.
Hensley, John, North Forks.
Herring, Steven Wayne, Freedom.
Horal, Thomas Glen, Sunnyvale.
Horn, Alan Murray, Lakewood.
Howard, David Terrell, La Habra.
Hunt, Calvin Gene, Bakersfield.
Inguillo, John Deogracias, Watsonville.
Kunkel, Alfred Henry, Jr., Lakewood.
Larimer, Keith Wayne, Tulare.
Layton, Ronald Dean, Sacramento.
Lewis, John Stephen, California Hot Springs.
Mardis, James Arnold, Jr., Vandenberg Air Force Base.
Miller, Marvin Ray, Riverside.
Miller, Paul Wayne, San Diego.
Moss, Charles Lee, Jr., San Diego.
Peebler, Christy Albert, Tustin.
Randall, Lynn Murray, San Jose.
Richardson, Donald Harold, Redwood City.
Roberts, Stephen Lord, Redlands.
Ross, Paul R., Huntington Beach.
Rubio, Peter Paul, La Puente.
Russell, Wayne, Los Angeles.
Savage, Douglas Paul, Covina.
Sekva, Robert Glenn, Hayward.
Sellers, Richard Taylor, Jr., Palos Verdes Estate.
Shaughnessy, Edward Jerome, Hawthorne.
Smith Donald Ray, Placerville.
Smith, John Calvin, San Jose.
Strickland, Douglas Lee, Port Chicago.
Taylor, John Raymond, Taft.
Teal, Fred Thomas, Cucamonga.
Tenorio, Rafael Gabriel, Santa Rosa.
Valadez, Richard Paul, Los Angeles.
Valencia, Clement, Jr., Los Angeles.
Villalobos Ignacio L., Pico Rivera.
Walker, James Daniel, Santa Maria.
Weber, Paul Frederick, Lemon Grove.
White, Marvin Charles, Ramona.
Williams, Robert Alwyn, Napa.
Wimer, Robert Arnold, Eureka.
Young, Samuel Lee, Los Angeles.

Marine Corps

Abeyta, Ernest, Los Angeles.
Britton, Murry Lawrence, San Francisco.
Burke, William Davidson, Jr., Oxnard.
Cincotta, Thomas Antone, San Rafael.
Costa, William Carl., Los Molinos.
Council, Arthur Coby, III, Hawthorne.
Cox, Gary Allen, Selma.
Crites, Robert Lincoln, Jr., Colton.
Culverhouse, Leon Thomas, Torrance.
Dycus Rickey Dale, Long Beach.
Elliott, David Ray, Orinda.
Goodlin, Jerry Lee, La Puente.
Gramlick, Michael, Los Angeles.
Hall, James Oscar, Jr., Vista.
Haran, Rory Timothy T., Salinas.
Hicks, Michael Eugene, San Leandro.
Hunnicutt, Jason, David, Petaluma.
Johnson, Charles Howard, Baldwin Park.
Juri, Elgin John, Menlo Park.
Keeling, Larry Dewayne, Pioneer Point.
Letson, Gary Wayne, San Francisco.
Lewis Adron Lee, Hacienda Heights.
McConnell, David Wayne, Hemet.
McLean, Ronald Walsh, Beverly Hills.
Miller, Walter Ray, Jr., Garden Grove.
Misa, Tulele, Gardena.
Montgomery, Steven Hugh, Hayward.
Mora, Gregorio Manuel, El Monte.
Nicholas, Robert George, Orange Grove.
Oliver, Erskine Jay, Sacramento.
Paddock, Michael James, Atascadero.
Parisi, Guillermo, Los Angeles.
Pearcy, Robert Leslie, Big Bear Lake.
Perez, Jesus Albert, Los Angeles.
Raymond, Edward Robert, III, Riverside.
Roddick, William Henry, Highland.
Rodriguez, Louis, Bakersfield.
Storbo, Ronald Lawrence, San Rafael.
Taylor, Dennis Lee, San Lorenzo.
Trejo, Joseph, Jr., Corona.
Unfried, Barry Lon, Oroville.
Wandro, James Matthew, San Mateo.
Weil, Richard Anthony, Jr., Anaheim.
Wysel, Mitchell Blaine, Ventura.
Young, Carlos Avila, Los Angeles.
Zumwalt, Edwin Allen, Santo Rosa.

Navy

Brown, Bruce Edward, San Francisco.
Holmes, Hugh Bryant, Lakewood.
Page, George Merritt, Jr., Santa Monica.
Stricklin, Robert Guy, Santa Ana.

COLORADO

Army

Bieker, Carl Joseph, Pueblo.
Calkins, Byron Thomas, Denver.
Davis, Richard Lee, Aurora.
Etherton, Steven Paul, Evans.
George, Gordon Milton, Jr., Alamosa.
Peonio, Stephen Joseph, Denver.
Scherf, Michael Gregory, Golden.
Sitton, David Thomas, Pueblo.
Skeen, Steven James, Colorado Springs.

Marine Corps

Brack, David Allan, Denver.
Ince, John David, Greeley.

CONNECTICUT

Army

Artkop, Arthur James, Sterling.
Beveridge, Douglas James, Bristol.
Hardwick, Edward Mahlon, New Haven.
Hill, Thomas Arthur, New Hartford.
Howard, Robert Louis, Norwich.
Manarel, Charles Ross, Terryville.
Marc, Aurele Lionel Lucien, Voluntown.
Palmenta, Edward Vincent, Norwalk.
Pierce, Bernard Lawrence, Windsorville.
Wayman, Donald Michael, Danbury.
Zastowsky, Donald John, Plainfield.

Marine Corps

Beaman, Robert Jon, East Hartford.
Holman, Raymond Clark, Manchester.
Mennone, Michael Giovanni, New Haven.

DISTRICT OF COLUMBIA

Army

Farley, Andrew Simmons, Jr., Washington.
Saunders, Emanuel Lawrence, Washington.
Walsh, David William, Washington.

FLORIDA

Army

Ayers, Charles David, Sneads.
Borg, John Michael, Dunedin.
Bowen, Hammett Lee, Jr., Ocala.
Brantley, Alexander Bryant, St. Petersburg.
Brown, Norman Dale, Melbourne.
Cole, Richard Wilson, Winter Haven.
Dipolo, Roland Forrest, Crestview.
Dixon, Robert Dale, Plant City.
Garner, Ronald Ray, Leesburg.
Gomez, Ricardo Jose, Hialeah.
Goolsby, James Ruel, Hollywood.
Hackett, Daniel Harold, North Port Charlotte.
Hathaway, Steve, Maitland.
Heath, Brian Charles, Tampa.
Hindjosa, Rudolph R., Jr., Tampa.
Ingram, Elijah, Cocoa.
Kinder, Larry Wade, Istachatta.
Langston, Robert Ebert, Tampa.
Marinelli, Anthony John, West Hollywood.
McClenton, Henry, Tallahassee.
McFall, Kenneth Lewis, Daytona Beach.
McPhee, Douglas Wayne, Largo.
Miller, Hollis Gregory, Tallahassee.
Mize, Melvin Lamar, Lake City.
Motes, Carl Gilbert, Webster.
Pettis, Lorenzo Richard, West Palm Beach.
Scott, Joseph Robert, Tampa.
Smith, Joseph Frederick, Jr., Jacksonville.
Vale, Charles, Orlando.
Wittman, Robert Keith, Apopka.
Wright, Clifford Devon, Jay.

Marine Corps

Baker, Howard Ranold, Jacksonville.
Fulgham, Edward Braxton, Jr., Palatka.
Fussell, Felton Roger, Elfers.
Granberry, Johnie Franklin, Round Lake.
Thomas, Issac, Jr., Riviera Beach.
Tyson, Charles Floyd, III, Fellsmore.
Young, Roger Lee, Cocoa.

Navy

Weber, Delbert Ellis, Lakeland.

GEORGIA

Army

Ayers, William Herschel, Toccoa.
Beck, David Michael, Cordele.
Bemis, Earle John, Marietta.
Burgess, William C., Jr., Ellijay.
Cowan, James Alton, Jr., Chamblee.
Crawford, Harold Jerome, Thomson.
Cumbee, Jimmy Dean, Twin City.
Farmer, Charlie Will, Jr., La Grange.
Fowler, Michael Edward, Marietta.
Graham, Larry Alonza, Thomasville.
Harrison, Lonnie Hughlen, Calhoun.
Hopkins, James Harrison, Marietta.
Jones, James Walter, Atlanta.
King, Edward Earl, Decatur.
Norton, Mitchell Earl, Marietta.
Pittman, Edgar Stevan, Newnan.
Rogers, Jerry Eugene, Demorest.
Singleton, Jesse W., Jr., Decatur.
Smith, Eddie Lee, Rentz.
White, Randall Ray, La Grange.
Whitworth, Sammy Howard, Lavonia.

Air Force

Hoag, James Dean, East Point.

Marine Corps

Brittian, Charles Henry, Jr., Atlanta.
Camp, Anthony Lorin, Dallas.
Carpenter, Charles Edward, Savannah.

GEORGIA

Navy

Gross, Stephen Russell, Savannah.

HAWAII

Marine Corps

Lewis, Allen Lanui, Eleele.
Uli, Sasa, Honolulu.

IDAHO

Army

Earp, Michael Lee, Grangeville.
Hansen, Craig Hayes, Soda Springs.

Marine Corps

Hodges, Teddy Merlin, Jr., Malta.
Hurianek, Jerry Antone, Middleton.
McMaster, Michael Lee, Mountain Home.
Reed, Christopher Ray, Boise.
Small, Kenneth Lloyd, Salmon.

ILLINOIS

Army

Allmeyer, Frederick Allen, Chester.
Barcelona, Ralph Anthony, Rockford.
Benefiel, Dudley James, Jr., Hagarstown.
Clatfelter, Robert Dennis, Springfield.
Dabbert, William Carl, Arlington Heights.
Dalie, Louie Frank, Chicago.
Disselkoen, Donald Gene, Lansing.
Getz, Robert William, Decatur.
Jecmen, Anton James, Jr., Brookfield.
Johnston, Terry Randall, Peoria.
Kiestler, James Larry, Chicago.
Koch, Franklin Leroy, Wheaton.
Labay, Joseph Stanley, Chicago.
Lane, James Joseph, Jr., Chicago.
Lascelles, Don Harrison, Bath.
Maxson, John Robert, Bushnell.
May, Daniel Arnold, Spring Grove.
McCloud, Steven William, Anna.
Miller, Terry Dean, Montrose.
Mills, David Lee, Decatur.
Mlodzinski, Bruno J., Jr., Chicago.
Pagan, Edwin Perez, Chicago.
Pavey, Dale Russell, Chicago.
Peterson, John Kenneth, Waukegan.
Poppenga, Patrick Edward, Chicago.
Porter, Donald John, Naperville.
Rachal, Lionel Thomas, Chicago.
Stevens, Allyn Troy, Chicago.
Taylor, Gary Lynn, Chicago Ridge.
Thornton, Terry Lee, Bloomington.
Trotter, Thomas Michael, Carthage.
Turk, Edwin Francis, Jr., Elgin.
Waterloo, Michael Jeffery, Chicago.
Weiss, David Earl, Granite City.
Willert, Dieter Eric, Chicago.

Air Force

Ford, Kenneth Laverne, New Burnside.
Kinnett, George Delmer, Sycamore.
Peters, George Charles, Roodhouse.

Marine Corps

Brown, James Patrick, Chicago.
Carr, Robert George, South Holland.
Clancy, Craig Michael, Chicago.
Davison, Larry Charles, Chicago.
Gooden, William Elliott, Hoopeston.
Gowin, Harry Dale, Wheeler.
Hagie, Michael Wade, Aurora.
Kellums, Dennis Allen, Silvis.
Latimer, Robert Nathaniel, Stone Park.
Trevino, Rudolph Robert, Chicago.

Navy

Crutcher, Terry Lynn, Bloomington.

INDIANA

Army

Ameigh, James Keith, Akron.
Benge, Samuel Edward, New Ross.
Borkholder, Jerry M., New Paris.
Bragg, John Robert, Elwood.
Brown, Bobby Ray, Muncie.
Clevenger, William Henry, Seymour.
Ellsworth, Richard Allen, Crown Point.
Hanselman, Robert Loyd, Knox.
Harvey, Darnell, East Chicago.
Kummings, James Albert, Williamsport.
Lee, Jack Charles, Van Buren.
Loffer, Terry Allen, Eaton.
Logsdon, Herbert, Jr., Clarksville.
Nord, David Lee, Ferdinand.
O'Leary, Michael William, Kokomo.
Paulus, Robert Duane, Wakarusa.
Platt, David Borne, Bluffton.
Platt, Larry Dean, Anderson.
Porter, David Randle, La Porte.
Shoulders, Donald Ray, Griffith.
Terry, Daniel Lee, Noblesville.
Upp, Jeff Harold, Bryant.

Air Force

Collins, David Lee, Lowell.

Marine Corps

Bunn, Donald Wayne, Fort Wayne.
Covington, Darell Lee, Richmond.
Dover, George Richard, Indianapolis.
Ettel, Henry C., Jr., Clarksville.
Lynn, William Thomas, Princeton.
Michalski, James, La Porte.

Navy

Ludban, Glen Charles, Garrett.

IOWA

Army

Bender, Gary Dean, Des Moines.
Bresnahan, Alan Ray, Dorchester.
Dreier, Mark Steven, Postville.
Geronzin, Anson Thorne, Jr., Clinton.
Gosch, Larry Gene, Lineville.
Kopriva, John Gaylord, Traer.
Kruse, James Arthur, West Union.
Lewis, Michael Keith, Lake City.
Mann, David Lyle, Estherville.
Olson, Duane Elmer, Irwin.
Powlistha, Gerald Stephen, Maquoketa.
Snethen, Robert Carl, Lamoni.

Marine Corps

Berstler, Bill Lavern, Ladora.
O'Connor, Michael Maurice, Waterloo.
Peters, William Lee, Jr., Ft. Dodge.

KANSAS

Army

Bishop, James Louis, Wichita.
Bittle, Douglas Robert, Arkansas City.
Brandt, Gearold Lee, Salina.
Chadwick, Billy Raymond, Manhattan.
Clark, Larry Ray, Wichita.
Dornon, Charles William, Wichita.
Hess, Kerry Eugene, Topeka.
Larson, Loren Henry, Leonardville.
Lindquist, William Francis, Kansas City.
Martinez, George Francis, Newton.
Myers, Gene Allen, St. Marys.
Rouchon, Alan Michael, Ft. Leavenworth.
Scott, Larry Eugene, Atchison.
Strube, James Clarence, Powhattan.
Talburt, Raymond Thurl, Wichita.
White, Michael Alan, Eldorado.

Marine Corps

Householter, Terry August, Concordia.
Neer, Gerald King, Winfield.

Navy

Muller, Daniel Scott, Pittsburg.

KENTUCKY

Army

Balitsaris, John Bomar, Knoxville.
Biggs, David Owen, Columbia.
Brown, Harold Milton, Mt. Washington.
Browning, George Robert, East Bernstadt.
Carr, Bertram Anthony, Louisville.
Chappel, Luther Malcolm, Bedford.
Collins, David Burr, Bardstown.
Coots, Jackie, Cumberland.
Duty, Anthony, Neon.
Harlow, Rex Douglas, Glasgow.
Lawson, Ronnie, Siler.
McGowan, Francis Russell, Columbia.
McIlvoy, Joseph Ronald, Willisburg.
Moore, Charles Edward, Pine Knot.
Moore, James Thomas, Bloomfield.
Osborne, Jake, Beattyville.
Phillips, Alton Ray, Campbellsville.
Prewitt, William Earl, Nicholasville.
Reed, Billie Wayne, Murray.
Sholar, Edwin Franklin, Murray.
Simpson, Ronald Earl, Bardstown.
Thompson, Barry Neal, Coxs Creek.
Todtenbier, James Louis, Covington.
Wilson, Edmond Q. Jr., Midway.

Marine Corps

Clayburn, Ronnie Lee, Franklin.
Griffith, Dale Eugene, Tollesboro.
Harris, Kenneth Ray, Grays.
McStoots, Thomas Howard, Louisville.
Paulin, John Thomas, Owensboro.
Sally, Hank, Covington.
Short, James Everette, Lexington.

LOUISIANA

Army

Brown, Warren Fred, Ama.
Brupbacher, Robert Michael, New Orleans.
Gorshorn, Edward Francis, Lake Charles.
Hostetter, Stuart Glen, Alexandria.
Parker, John Boyd, Monroe.
Perkins, Luther Rives, Shreveport.
Pitre, Floyd Leon, Opelousas.
Pitre, Kenneth Joseph, New Orleans.
Richardson, Michael Wayne, Lafayette.
Silman, Gary Willis, West Monroe.
Theriot, Phillip Finnan, New Orleans.
Thornton, Evans Jerome, New Orleans.

Air Force

Ginart, Donald Francis, New Orleans.

Marine Corps

Achord, David Paul, Gonzales.
Kaufman, David Mitchell, Plaquemine.

Navy

Harrington, Iris Hilton, Iowa.

MAINE

Army

Asselin, Leo Roger, Lewiston.
Drown, Terry Francis, Kennebunkport.
Hicks, Sheldon Wayne, Carmel.
Tibbetts, Bruce Harold, Dixfield.

Marine Corps

Fournier, Joseph David, Van Buren.

MARYLAND

Army

Bartley, Kenneth Leonard, Mitchellville.
De Mey, John, Annapolis.
Gray, Charles Gonzie, Brandywine.
Italiano, Harry Richard, Suitland.
Morrissey, John Dennis, Aberdeen.
Ruppert, Francis Grover, Cumberland.
Sewell, William Jerry, Baltimore.
Sharp, John David, Cumberland.
Smith, Eugene Willard, Baltimore.

Marine Corps

Brown, Gerald Bernard, Baltimore.
Hopkins, Danny Lee, Annapolis.
Martin, Robert Harrison, Jr., Cumberland.
McMahon, James Edward, Baltimore.
Pasqualucci, Emidio, Annapolis.
Stone, William Marvin, Jr., Glen Burnie.

MASSACHUSETTS

Army

Aldam, Kevin Gerry, Pittsfield.
Bean, Christopher John, Rockland.
Blazonis, Peter Vincent, Chelmsford.
Carlson, Gary William, West Bridgewater.
Coleman, Robert Joseph, Cambridge.
Crowe, Kevin Robert, Malden.
Curtin, Donald Leo, Somerville.
Curtis, Frederick N., Osterville.
Di Tullio, Franco Antonio, Clinton.
Frechette, Francis Gerald, Fitchburg.
Havel, Michael Dennis, Reading.
Kadlewicz, Zdzislaw Bruno, Fitchburg.
Kenney, David Edward, Woburn.
Marcoulier, Leo Rene, Fitchburg.
Mobilia, Michael Howard, West Medford.
Palermo, George Robert, East Boston.
Sestito, Antony John, Malden.
Wilk, Thomas John, Fairview.
Zebert, James Donald, Westfield.

Marine Corps

Dolan, Thomas William, III, Springfield.
Duhy, Harvey Albert, Jr., Wakefield.
Guilmette, Joseph, Jr., Fall River.
Kelly, Brian Richard, South Boston.
McMahon, James Harold, Newton.
Murdock, John Leo, Medford.
Shattuck, Harold Leon Jr., Greenfield.
Webb, Gary Joseph, Quincy.

Navy

Rezendes, Paul Allen, Plymouth.

MICHIGAN

Army

Bosenbark, Samuel Garold, Monroe.
Braid, John Edward, Bloomfield Hills.
Brown, David Alan, Dearborn.
Bushard, William Dean, Mancelona.
Clark, James Nelson, Detroit.
Dankert, Robert Sheldon, Saginaw.
Dankowski, James Hillary, Mackinac Island.
Davis, Frederic Hutchison, Union Lake.
Dodge, Michael James, Gibraltar.
Elwart, Paul Dean, Ypsilanti.
Farley, John Harland, Haslett.
Francisco, Darryl Grant, Hillman.
Gordon, Rogers Stuart, Middleville.
Grulke, Barry Richard, Owosso.
Hawkins, Harold Frederick, Coldwater.
Hennessey, James Dale, Mt. Clemens.
Hodge, Michael Leonard, Flint.
Hurt, Paul Thomas III, St. Clair.
Jenkins, Larry Rufus, Detroit.
Johnson, Dale Lloyd, Benton Harbor.
Knoll, Ray Edward, Muskegon.
Lahr, Clyde David, Bellevue.
Landwehr, Duane Henry, Jr., Clinton.
Nozewski, John Alexander, Dearborn.
Parkin, Harold Leslie, Pontiac.
Poe, James Walker, Detroit.
Poxon, Robert Leslie, Detroit.
Prince, Dennis Glenn, Westland.
Reid, Daniel George, Port Huron.
Revoir, Richard Russell, Mesick.
Riggs, Joseph Burnitt, Monroe.
Thurnham, John Brent, Rochester.
Vallelonga, Larry Cosimo, Royal Oak.
Van Dyke, Stephen Dennis, Detroit.

Air Force

Bakke, Larry Neil, Sebewaing.

Marine Corps

Barnes, Gale Lynn, Marshall.
Brimmer, Delbert Ellery, Montague.
Covey, James Herbert, Ypsilanti.
Eglinsdoerfer, Larry James, Milan.
Jones, Paul Davis, Inkster.
Matarazzo, Everett Robert, Souteldled.
McCollough, Benjamin Lee, Clio.
McNeill, Kenneth Rex, Alma.
Morris, Raymond Lester, Haslett.
Partida, Andrew, Detroit.
Petroline, Paul Edward, Lincoln Park.
Porter, Ronald Harry, Flat Rock.
Rosenberger, Roger Dale, Swartz Creek.
Ruehle, Douglas Duane, Summer.
Scott, William Henry M., Mount Clemens.

Navy

Maner, Howard Joseph, Inkster.
Naughton, Thomas Daniel, Jr., Dearborn.

MINNESOTA

Army

Agather, Frederick Gustave, Sauk Rapids.
Baldwin, Scott Douglas, Duluth.
Barnes, Gary Lester, Sleepy Eye.
Berg, Thomas Alan, Minneapolis.
Edmond, Paul Robert, New Brighton.
Gilbertson, Larry Russell, Mora.
Graham, Robert Lee, Eyota.
Hochstetter, James Jay, Brainerd.
Jensen, Roger Dale, Staples.
Johnson, Stephen Duane, Austin.
Kokesh, Andrew Frank, Aitkin.
Ledin, Daniel Bing, Minneapolis.
Lipetzky, Daniel John, Clements.
Lurth, Melville Albert Jr., St. Peter.
Matel, Ronald James, Duluth.
McKenzie, Larry Dean, Mizpah.
Michel, David George, Harmony.
Paulsen, Lawrence Edward, St. Paul.
Puariea, James Frederick, St. Paul.
Roberg, James Austin, Minneapolis.
Vogelsang, John Kim, St. Louis Park.

Air Force

Kearby, Jean Arthur, Austin.

Marine Corps

Hinschberger, Lawrence K., South Moorhead.
Jannetta, Rodney Alan, Duluth.

Navy

Kolmstad, Ronnie Gene, Rochester.

MISSISSIPPI

Army

Bradley, Thomas James, Minneota.
Felsher, John Alfred, Biloxi.
Hunter, Charles Louis, Starkville.
McGinnis, Steven Lavelle, Sturgis.
Metcalf, Claudie, Marks.
Stringer, William Franklin, Booneville.
Williams, Thomas Joseph, Bay St. Louis.
Woodruff, James Ammons, Aberdeen.

MISSOURI

Army

Brashears, Ronald Lee, Stanberry.
Clubbs, Charles Earl, St. Louis.
Gaffney, McArthur, St. Louis.
Hartman, Donald Owen, Independence.
Heard, Howard Charles, St. Louis.
Hinderks, Gregg Clifton, Stewartsville.
Hughes, Thomas Edward, Oldfield.
Johnson, Frank Edward, Auxvasse.
Jordan, James Samuel, Dixon.
Kempker, Patrick Benjamin, Eugene.
Kreutz, Kenneth Joseph, Ferguson.
Kuhns, William Joseph, Springfield.
Lewis, Leonard Leroy, St. Louis.
Long, Harry Leroy, Kansas City.
Mead, Sammy Louis Jr., Pleasant Hope.
Miller, William Howard, Kansas City.
Preston, Mack Lee Jr., Louisiana.
Stocklin, Gary Dennis, Kansas City.
Tilleman, Paul Robert, Camdenton.
Vogler, Gregory Raymond, Florissant.
Weidner, David Edward, St. Louis.
Wooten, Bobbie Gene, Harviell.
Worrell, David Allen, Gallatin.

Marine Corps

Claxton, Richard Rex, Eldon.
Keshner, Keo Joe, New Florence.
Kiger, George Alan, Dexter.

Navy

Hudgins, Carl William, Jr., Belton.
Wilson, William Ralph, Kansas City.

MONTANA

Army

Biberdorf, Dennis Floyd, Great Falls.

NEBRASKA

Army

Bredenkamp, David Joe, York.
Goc, Paul Stephen, Jr., Omaha.
Slater, James Allen, Indianola.

NEVADA

Army

Larsen, Stephen Earl, East Ely.
Themmen, Michael James, Las Vegas.

Marine Corps

Thompson, Dale Earl, Henderson.

NEW HAMPSHIRE

Army

Pratt, Philip Avery, Freemont.
Sawyer, James Everett, Jr., Laconia.
Willard, Thomas Alan, Farmington.

Marine Corps

Philbrick, Steven Jay, Hampton.

NEW JERSEY

Army

Andujar, Charles Manuel, Newark.
Bonine, Thomas Marvin, Glen Ridge.
Callahan, Michael Patrick, Wildwood Crest.
Christie, Donald, Hazlet.
Cyran, Richard Edward, Clifton.
Daley, Gerald Charles, Uniondale.
Fanning, Edward Charles, Hazlet.
Iasello, Dennis Anthony, Newark.
Lang, James L., Neptune.
Lewis, Benjamin F., Jr., Ft. Dix.
Lyons, George Michael, Jersey City.
Madden, Francis Bernard, Jr., Newark.
Mills, Karl William, Paramus.
Robinson, Robert James, Plainfield.
Tufts, Robert Bruce, Morristown.
Washington, Albert B., Jr., Asbury Park.
Wickline, Donald Lee, Jr., Lake Hiawatha.
Wilkins, Bobby Ray, Newark.
Zyck, Fred Joseph, Flemington.

Marine Corps

Arribi, Donald, Cliffside Park.
Barton, James John, Jamesburg.

Benn, William Paul, Lakewood.
Bowen, Larry Hansen, Penns Grove.
Desimone, Alfred, Jersey City.
Watson, Marvin Leroi, Woodstown.

NEW MEXICO

Army

Roman, Victor Munoz, Deming.
Sanchez, Jose L., Dexter.

Marine Corps

Baker, Michael O'Brien, Albuquerque.
Orosco, Stephen, Tularosa.

NEW YORK

Army

Bailey, Fred McKinley, New York.
Bennett, Richard Jay, Earlville.
Collazo, Carlos Manuel, North Bay.
Colon, Harry Joseph, New York.
Conway, Leroy, New York.
Cruise, William Michael, Jr., Wappingers Falls.
Davis, Arthur Raymond, Frankfort.
De Maria, Frank F., Jr., New York.
De Rubeis, Fernando, New York.
Deitch, David, New York.
Denardis, Claude Charles, Schenectady.
Dolvin, James Richard, St. Albans.
Echevarria, Jose Anibal, Jr., New York.
Eriksen, Alf Edward, Lindenhurst.
Fanella, Lawrence Andrew, Syracuse.
Fields, Michael David, New York.
Flieger, Gerard John, New York.
Fuller, Michael Allan, New York.
Goetzer, Joseph James, Jr., New York.
Gordils, Louis Alfredo, New York.
Griffin, Hallia Leon, Jr., New York.
Horan, John William, New York.
Huggs, Harold Sylvester, Jamaica.
Joy, Richard Dennis, Binghamton.
Kaufman, Jay Allen, New York.
Kazmierczak, Robert Joseph, Lackawanna.
Kurtowicz, James David, Buffalo.
Lee, Marzel Ray, New York.
Lehman, Peter Allen, Cold Spring Harbor.
Little, Paul Frederick, New York.
Lynch, Carl Donald, New York.
Lynch, Peter, Goshen.
MacMillan, Gordon Alan, East Meadow.
McConnyhead, James, Jr., New York.
McNeilly, James H., Scotia.
McParlane, Michael Joseph, Flushing.
McZeal, Martin Allen, Rome.
Mott, Joseph Anthony, Buffalo.
Mulvey, Lawrence Patrick, New York.
Murray, Dennis Brian, Glen Cove.
Nowlin, Fletcher Jacob, Jr., Rochdale Village.
Oberle, Stewart William, New York.
Parker, James Edward, Blauvelt.
Rahilly, Andrew Stephen, New York.
Rose, Andrew Clayton, Burlington Flats.
Rosendietcher, Howard, New York.
Rundle, James, Jr., Kingston.
Ryan, John Thomas, New York.
Salanitro, Gary Charles, Huntington Station.
Sandman, Mitchell Harvey, Syosset.
Santiago, Alexander P., Jr., New York.
Santiago, Humberto Ruiz, Jr., New York.
Schifrin, Raymound Richard, Laurelton.
Schmidt, Daryl Jay, North Tonawanda.
Schofer, Karl Andrew, Massapequa.
Seddig, Walter S., New York.
Settini, Ronald Mark, Niagara Falls.
Shelton, Timothy John, Lindenhurst.
Simancas, Luis Jose, New York.
Toole, Terry Edward, Auburn.
Toro, Jose Miguel, New York.
Tortorici, Frank, New York.
Valesko, Joseph, Jr., Canandaigua.
Van Cook, Donald F., Jr., New York.
Verry, Frederick Alfred, Jamestown.
Wick, Michael Raymond, College Point.
Winkler, Gary John, North Babylon.

Air Force

Dart, Walter Joseph, Jr., Kingston.
Englehardt, Albert Alois, Bayside.

Marine Corps

Bullock, Dan, New York.
Catherman, Robert Ray, Baldwinsville.
Gatto, Daniel Arthur, Amsterdam.
Hively, Robert Lynn, Corning.
Koehler, David James, Clarence Center.
Landi, George Francis, New York.
McGrade, Gerard, New York.
Murphy, Dennis Gerard, Copiague.
O'Connell, Daniel Gerard, Copiague.
Perez, David, New York.
Riley, Thomas John, Bayside.
Stahlecker, Gary Robert, West Henrietta.
Swanson, Raymond William, New York.
Thompson, Harry Nathaniel, New York.
Turner, Brendan Xavier, Uniondale.

NORTH CAROLINA

Army

Burrage, Wayne R., Durham.
Cahoon, Glynn Thomas, Columbia.
Daniels, Josephus, Winterville.
Daniels, Richard Carlton, Windsor.
Davis, Michael Frank, Waynesville.
Eubanks, Dewey Maynard, Durham.
Hardy, Phillip Dean, Mount Olive.
Hopper, James, Jr., Shelby.
Joyce, Roger Lee, Pilot Mountain.
Poteet, Glen Ervin, Morganton.
Wallace, Eugene Kenneth, Fayetteville.
Watson, Richard Wayne, Goldsboro.
Woods, James Thomas, Ferguson.
Worley, Michael Gregg, Leicester.

Marine Corps

Buck, William Andrew, Jr., Fayetteville.
Buckner, Russell Don, Weaverville.
Hegwood, William David, Charlotte.
Locklear, Eddie Lee, Whiteville.
Roberts, Michael Stephen, Apex.
Rodgers, Moses, Wilson.

Navy

McNeill, Daniel Dixon, Asheville.

NORTH DAKOTA

Army

Bargmann, Gilbert Ray, Hannover.
Buringrud, Richard Allen, Argusville.
Fullmer, Robert Michael, Grand Forks.
Manson, Dennis James, Belcourt.
Nadeau, Eric Daryl, Grand Forks.
Wosick, Dennis Stanley, Grand Forks.

OHIO

Army

Adkins, James Dale, Middletown.
Anderson, Earl Ernest, Ashland.
Battles, Charles Edward, Warren.
Blackwell, Frederic Delano, Columbus.
Bowman, James Ernest, Ironton.
Cahill, Carl Thomas, Akron.
Cameron, Robert Charles, Elyria.
Daniel, Freddie Laws, Lorain.
DeFrange, Mark John, Kent.
Dopp, Richard Ernest, Cincinnati.
Emmert, Charles William, Navarre.
Endicott, Danny G., Columbus.
Evans, Clyde Sampson, Portsmouth.
Fuchs, Gregory Gerald, Brecksville.
Geiger, Waldemar John, Cleveland.
Geldin, Jeffrey Lee, Lindsey.
Hager, Jack Leonard, Columbus.
Hatfield, Jack, Medina.
Heltsley, Joseph Justin, Brookville.
Huebner, Terence Arthur, Monclova.
Jenkins, Terry Lee, Wash. Court House.
Jones, Monte Richard, Sidney.
King, Robert Lee, Delphos.
Kiniyalocts, Charles M., Middletown.
Klute, Jerry Craig, Cincinnati.
LaPointe, Joseph Guy, Jr., Clayton.
Lane, Sharon Ann, Canton.
Laskay, Donald Thomas, Lorain.
Long, Robert Wesley, Haydenville.
Lorence, John Edward, Mantua.
Martin, Tony Lee, Columbus.
McClung, Wayne Oland, Cleveland.
Mesenburg, Terrance R., Huron.
Miller, James Gregory, Newark.
Mingle, Robert Louis, Massillon.
Nesselrotte, James Michael, Painesville.
Oney, Daniel Luther, Jackson.
Picelle, Frank John, Jr., Kent.
Priest, Donald Wayne, Jr., Leesburg.
Raupach, Kim, Doylestown.
Robinson, Randall Charles, Cincinnati.
Shaffer, Victor Thomas, Toledo.
Sigworth, Richard Jacob, Maumee.
Southard, Jerry Lee, Bellefontaine.
Sparks, William Douglas, Stout.
Strasshofer, Steve Otto, Parma.
Tucker, Jerome Ernie, Cincinnati.
Van Duzer, Ronald Lee, Wadsworth.
Voyt, Edward, Cleveland.
Ward, Alan Curtis, Cincinnati.
White, Lawrence Lealand, Middlefield.
Williams, Dennis Michael, Eastlake.
Zindle, Jerome Paul, Medina.

Air Force

Condit, William Howard, Jr., Worthington.
Lefler, Clifford John T., Milford.
Munoz, Rudolph Pina, Toledo.
Svande, Kennard Errol, Fremont.

Marine Corps

Askam, Robert Eugene, Tiffin.
Barnitz, Douglas Wanner, Columbus.
Bloomfield, William David, Springfield.
Broughton, Robert Ballard, Cleveland.
Copley, Bruce, Shelby.
Core, Derrick, Dayton.
Garrard, Jessie Jerome, Bellevue.
Horvath, Wayne Stanley, Amherst.
Kolter, Bruce, Wapakoneta.
Kuhn, Charles Edward, Jr., North Canton.
McClelland, George Dennis, Toronto.
Pucci, Daniel Louis, Berea.
Speakman, Richard Paul, Jr., Williamsport.

OKLAHOMA

Azlin, Luke Junior, Heavener.
Brightman, Donald Lavoyce, Ardmore.
Forney, Dennis Ray, Duncan.
Hargrove, Teddy Earl, Watonga.
Harrison, Buffard Clifton, Terral.
Janto, Paul Chalmers, Altus Air Force Base.
Keahey, Carl John, III, Midwest City.
Lawson, Tommy Ross, Arapaho
Myers, James Howard, Westville.
Parker, Danny Lynn, Oklahoma City.
Pulley, James Edward, Idabel.
Sales, Harlis Calvin, Chickasha.
Shaw, Ronnie Dean, Comanche.
Smith, Albert Joseph, Anadarko.
Sneed, Carl Michael, Tulsa.

Air Force

East, James Boyd, Oklahoma City.

Marine Corps

Akins, Donald Wayne, Spiro.
Bear, Charles Martin, Newport.
Chambers, Loranzey Paul, Tulsa.
Day, Clinton Lee, Tulsa.
Robirds, Patrick Dale, Duncan.
Smith, James Howell, Oklahoma City.
Steele, David Mark, Comanche.
Wilson, Wayne Michael, Beaver.

OREGON

Army

Barrow, Michael Edward, Portland.
Curry, Roy Jerry, Gresham.
De Sully, Max Francis, Jr., Portland.
Hassler, Harvey Joe, Monmouth.
Holman, Richard Jerome, Astoria.
Loew, David William, Eugene.
Moore, Lonnie Dean, Lebanon.
Morelock, Rex Dewey, Jr., North Plains.

Marine Corps

Boyer, Michael David, Portland.
Peck, Darrell Vernon, Medford.

Navy

Cavanagh, Michael Howard, Coos Bay.

PENNSYLVANIA

Army

Aaron, Thomas Milton, Jr., Linwood.
Ambrogi, Allen Robert, Finleyville.
Breski, Joseph, Jr., Kittanning.

Callahan, David Patrick, Erie.
Engelmeier, James Francis, Pittsburgh.
Galkowski, James Leonard, Wattsburg.
Gernert, Edward Harry, Quentin.
Hagins, Grey Lynn, Johnstown.
Higgins, Merle Robert, Mercer.
Hill, Gerald Ray, Linwood.
Hunsinger, Charles Edward, Aliquippa.
Jamison, Ernest Cecil, Philadelphia.
Kelley, Louis James, Conemaugh.
Laninger, Leon Laverne, Gillett.
Marchand, Thomas Michael, West Chester.
Mastramico, Philip, Monaca.
Maynard, Bruce Calvin, Coudersport.
Newell, Craig Allen, Philadelphia.
Notich, Anthony Michael, Lloydell.
Rabinovitz, Barry Ivan, Pittsburgh.
Resinger, Dennis Michael, Dubois.
Rice, Calvin Charles, Jr., York.
Ruttle, Robert Preston, Jr., Hatboro.
Schaeffer, Paul Henry, Coraopolis.
Scott, Leroy Harry, Ebensburg.
Shakley, Gerald Wayne, East Brady.
Shober, Timothy Allen, Ephrata.
Strathmann, Thomas William, Beaver Falls.
Susmarski, Kenneth John, Erie.
Thurston, Daniel Tucker, Ambler.
Ulrich, Ray Leonard, Milton.
Wall, Albert Charles, Jr., Philadelphia.
Warner, Michael Patrick, Philadelphia.
Wensel, Milford Homer, Monument.

Marine Corps

Gontero, Robert Clyde, Lutherburg.
Hackett, William Clayton, Lewistown.
Keller, Richard Alden, Easton.
Kuhn, Andrew Alan, Ambler.
Patton, David Alan, Philadelphia.
Reed, George Joseph, Jr., Philadelphia.
Werts, Gregory Ira, Philadelphia.

Navy

Staff, John Stanley, Belle Vernon.

RHODE ISLAND

Army

McKenzie, Richard Douglas, Warwick.

Marine Corps

Bosco, Frank Joseph, Providence.
Hulme, John William, Pawtucket.
Nelson, Daniel Raymond, Coventry.
Schanck, William G., Jr., Chepachet.

SOUTH CAROLINA

Army

Brickle, Donald Lever, Cope.
Campbell, Billy Wayne, Columbia.
Hopkins, Mylon Ray, Mauldin.
Jennings, Robert Lee, Bradley.
Joe, Willie Lee, Bishopville.
Meetze, Dennis Ray, Lexington.
Page, Phillip Allen, Greenville.
Priest, John Henry, Jr., Greenville.
Rawls, Charles Glenn, Chester.
Robinson, Charles Henry, Greenville.
Taylor, Preston, Jr., Sumter.
White, Melvin Elijah, Windsor.
Williams, Clark Lee Vern, Early Branch.

Air Force

Gilmore, James Robson, Jr., Columbia.

Marine Corps

Madden, Leon Shirley, Clinton.
Revell, William James, III, Florence.
White, Leon, Frogmore.

SOUTH DAKOTA

Army

Baltezore, Theodore Ellis, Gettysburg.
Barbee, Larry Hulan, Harrold.
Beckers, John Paul, Burke.
Brech, Richard Lee, Cottonwood.
Haider, James Francis, Watertown.
Hatle, Theodore Magnus, Sisseton.
Jealous-of-Him, Frank W., Wounded Knee.
Kjellerson, Myron Dale, Huron.
Labahn, Darwin Lyn, Burke.
Miller, Richard Lee, Plankinton.
Rada, Terry Gene, Geddes.

Marine Corps

Recker, Robert Vincent, Sherman.

TENNESSEE

Army

Burns, Rondal Lee, Hixson.
Conner, Kenneth Lee, Dover.
Crabtree, Harvey C., Jr., Loudon.
Delaney, Donney, Memphis.
Johnson, Edward, Memphis.
Jones, Emanuel, Jr., Chattanooga.
Lucero, James Clifford, Dover.
Malone, William Franklin, Afton.
Oliver, Bobby Glenn, Knoxville.
Rhodes, John David, III, Louisville.

Marine Corps

Ashburn, Ronald Wayne, Nashville.
Bell, David Lynn, Kingston.
Dawson, Michael David, Knoxville.
Martin, Robert Thomas, Jr., Memphis.
McCarter, Jerry, Sevierville.

TEXAS

Army

Becker, Walter Ward, Beaumont.
Burton, James Billy, Gordonville.
Buzzard, Lloyd Lynn, Spearman.
Camargo, Juan Hipolito, Plainview.
Cameron, Gerald Wayne, Houston.
Carr, George Dare, Corpus Christi.
Castillo, Antonio Gonzales, San Antonio.
Contreras, Valeriano David, El Paso.
Crisp, Jimmy Wayne, Menard.
Dailey, Jerry Michael, Groves.
Fleitman, Glenn Ray, Muenster.
Forbes, Michael, Dallas.
Garcia, Joe Robert, Austin.
Gardner, Phillip D., Odessa.
Gargus, Roy Phillip, Lancaster.
Geurin, Stephen Burl, Amarillo.
Gibner, George Thomas, Spearman.
Gonzales, Paul Gutterrez, Lubbock.
Grant, Robert Lee, Dallas.
Johnson, Adrian Joseph, Jr., El Paso.
Jones, Gary Allen, Fort Worth.
King, Charles Lewis, Prosper.
Knadler, Robert Stanley, San Angelo.
Matlock, William Travis, Nacogdoches.
Melendez, Humberto C. E., El Paso.
Minor, Armando Alverez, Crosbyton.
Mitchell, Malcolm Everett, Waco.
Mitchell, Torrance, Jr., Houston.
Narvaez, Paul Reyes, San Antonio.
Perry, Roddie Lee, Dallas.
Phillips, Johnny Wendell, Eustace.
Pilsner, Johnny Mack, Alleyton.
Plumlee, James Leo, Jr., El Paso.
Prado, Guadalupe, Jr., Mercedes.
Ramsey, Charles Marlin, New Boston.
Salazar, Arturo, Laredo.
Sanders, Alan Earl, Corpus Christi.
Snell, Robert Michael, Lamesa.
Stearns, Harrel Earl, Nacogdoches.
Stover, Clarence Moody, Jr., Cleburne.
Stuckey, Benny Davis, Longview.
Tamez, Noe, Edinburg.
Urdialez, Ruben, San Antonio.
Vargas, Jorge, Mission.
Welch, Norman Gene, Splendora.
White, Larry Joe, Houston.

Air Force

Loftis, Joel Conrad, La Marque.
McDonald, Billy Wallace, Maryneal.
Reed, Terry Michael, Randolph Air Force Base.

Marine Corps

Cabarubio, James, Odessa.
Edmund, Edward Joseph, San Marcos.
Garcia, Jose, Jr., San Antonio.
Griffin, Walter Joe Louis, Hawkins.
Martin, Larry Wayne, Liberty.
Miramontez, Enrique, Anthony.
Ochoa, Alfredo, Jr., El Paso.
Pena, Manuel Juan, Corpus Christi.
Rodriguez, Manuel, Jr., Clint.
Salazar, Jose Luis, Corpus Christi.
Smith, Deane Franklin, Jr., Amarillo.
Trevino, Savas Escamilla, Dallas.
Ulloa, Hugo Hector, El Paso.

UTAH

Army

Harker, Jack Albert, Jr., Bountiful.
Jennings, Jim Frank, Panguitch.
Kerkhoff, Richard Lee, Salt Lake City.
Walker, Henson Frank, Pleasant Grove.
Wilkey, Blair Cecil, Nephi.

Marine Corps

Welch, Gregory John, Salt Lake City.

VERMONT

Army

Delaney, Richard Lawrence, Essex.
Thompson, Francis Lloyd, Chelsea.

VIRGINIA

Army

Bartley, Don Laverne, Rockbridge Baths.
Bryant, Thomas Melvin, Richmond.
Craig, John Phillip, Roanoke.
Deel, Stoney Lee, Prater.
Dunham, Bruce Joel, McLean.
Gregory, Sherman William, Ruther Glen.
Grubb, Steve Freeman, Faber.
Heriot, Theodore S., Jr., Herndon.
Ingram, Jimmy Anderson, Nathalie.
Johnson, Lorenzo Raynard, Vienna.
Korel, Emery Louis, Virginia Beach.
Landman, Thomas Paul, Richmond.
Manuel, Jesse Stephen, Jr., Wytheville.
Minor, Calvin M., Culpeper.
Moore, John Marshall, Jr., Emporia.
Robertson, Ronald Edward, Madison Heights.
Slaughter, Harvey Newton, Portsmouth.
Thomas, Wilson Decosta, South Hill.
Wapinski, Daniel Keith, Norfolk.
Weiss, Richard Earl, Falls Church.

Marine Corps

Bowlin, Paul Madison, Arlington.
Tyson, Stuart Hanckel, Norfolk.
Walker, Clovis Bernard, Martinsville.

WASHINGTON

Army

Asbury, David Charles, Foley.
Bethea, Troy, Seattle.
Brady, James Patrick, Issaquah.
Burchett, Timothy Gordon, Spokane.
Enrico, Enrique Thomas, Bellevue.
Green, Charles Dee, Richland.
Nickerson, Philip Eugene, Edmonds.
Olsen, Keith, Kelso.
Reed, Jimmie Lynn, Tacoma.
Thompson, John Franklin, Tacoma.
Trusley, Jasper H., Jr., Pasco.

Marine Corps

Blackford, John Melvin, Tacoma.
Briggs, James Raymond, Everett.
Cruz, Frank, Yakima.
Everett, Stanley Oliver, Spokane.
Graham, Wendell John M., Jr., Seattle.
Holmawn, Adam, Jr., Wenatchee.
Lomen, Ralph Terrance, Seattle.
Oden, Royal Preston, Spokane.

Navy

Underwood, Perry Luke, Rolling Bay.

WEST VIRGINIA

Army

Adkins, Bobby Ray, Mud.
Franzinger, Kurt Walter, Jr., Martinsburg.
Martin, Larry Raymond, Charleston.
Ramey, Roy Lindsey, Huntington.
Sell, Joseph Wayne, Jr., Fairmont.
Simpson, Roger Lee, Belington.
Smith, Wilbur Allen, Bomont.
Walker, Roy Leacy, Brenton.
Wells, Michael Alonzo, Enterprise.

Air Force

Dickens, Jackie Lee, Danville.

Marine Corps

Blankenship, Jackie Lee, Bluefield.
Lockhart, Robert Lee, Parkersburg.

WISCONSIN

Army

Ashburn, Jerry Allen, Port Edwards.
Asher, James Louis, Elmwood.
Bach, Lyman Conrad, Medford.
Bellile, William Marvin, New London.
Blumer, Kris, Albany.
Essmann, Robert Charles, Fond du Lac.
Faber, Thomas Walter, Wilson.

Griesen, Thomas Andrew, Madison.
Haukeness, Glenn S., Jr., Strum.
Lubeno, Jerome Deane, Trevor.
Morneau, Jerome Dale, Neillsville.
Nichols, Jerry Allen, Portage.
North, John Alex, Germantown.
Noth, Wayne Louis, Tomah.
Proveaux, Richard Blaine, Milwaukee.
Tuinstra, Dennis, Racine.
Utegaard, Thomas Harold, Eau Claire.

Air Force

Brunner, Gary Edward, Racine.

Marine Corps

Ahrens, James John, Green Bay.
Beneshek, Frederick Lee, Antigo.
Campbell, Giovanni Henry, Milwaukee.

Marine Corps

Jenkins, Clayton Dean, Pembine.
Krzmarcik, John Edward, Wausau.
Nicholson, Larry James, Hartford.
Pamonucutt, Martin James, Neopit.
Thomas, Wayne Roy, Milwaukee.
Zahn, William Francis, Jr., Milwaukee.

WYOMING

Army

Aldrich, John Herrick, Sheridan.
Cardenas, Leroy Robert, Casper.
Wilson, William Michael, Boulder.

GUAM

Army

Finney, Harold James, Jr., Asan.

PUERTO RICO

Army

Ayala-Reyes, Wilfredo, Rio Grande.
Figueroa, Juan Javier, Villa-Nueva.
Gomez-Robles, Tomas, Caguas.
Lopez-Merced, Ruben, Guaynabo.
Mendez-Matos, Jorge Luis, Isabela.
Padilla-Jorge, Jaime, Mayaguez.

VIRGIN ISLANDS

Army

Hurtault, Cutburt, St. Thomas.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN JULY 1969

ALABAMA

Army

Evans, Rodney Joseph, Florala.
Hall, Byron Royce, Henagar.
Parker, Johnny Kendrick, Bay Minette.
Peterson, Julius Lee, Birmingham.
Raspberry, Lawrence, Fairfield.
Terry, Bill Henry, Jr., Birmingham.

Marine Corps

Beasley, George Hutchinson, Montgomery.
Suttle, William Earl, Prattville.

Navy

Keene, Glen Cameron, Jr., Fairhope.

ARIZONA

Army

Villalobos, Henry Estrella, Phoenix.

ARKANSAS

Army

Cantrell, Jerry Dale, III, Benton.
Etheridge, Hampton A., III, Crossett.
Fudge, John T., Little Rock.
Gilliam, Terry Lynn, Huntsville.
Hamby, Jackie Dwayne, Bond.
Lavender, Richard Allen, Little Rock.
Mathews, Henry Don, Rogers.
McGinnis, Robert Ray, Jonesboro.
Sims, William Jess, Compton.

Navy

Hackworth, Charles Lehman, Imboden.

CALIFORNIA

Army

Bartholomew, Michael M., San Francisco.
Bertagna, Lawrence Joseph, Round Mountain.
Beverford, Timothy Wayne, Los Angeles.
Bliner, John Edward, Santa Clara.
Bruner, Mark Leroy, Rio Dell.
Buckles, Richard Lee, Pacific Grove.
Carter, Leslie Dean, Jr., Campbell.
Casey, Daniel Gene, Concord.
Chiacchio, Joseph S., Jr., Glendale.
Cisneros, Jose B., Baldwin Park.
De Marcus, Jerry Dennis, San Diego.
Delgado, Jose Alejandro, Los Angeles.
Driscoll, John Raymond, III, San Mateo.
Enriquez, Lucas R., Milpitas.
Fladger, Ralph Samuel, Garden Grove.
Floyd, Garland Dale, El Sobrante.
Gardiner, Robert Paul, Anaheim.
Gomolicke, Leonard Michael, Cupertino.
Greville, Leonard George, Crescent City.
Grove, Cardell, Compton.
Harrell, Stephen Carl, Sunland.
Herbst, Thomas William, Northridge.
Holeman, Ronald Steven, Santa Monica.
Hubbard, Alfred Willie, Florence.
Huebner, Herman Henry, Reedley.
Huerta, Tommy, Los Angeles.
Krom, Michael Lee, Twain.
Larson, Richard Kemp, Santa Ana.
Maier, David Roy, Long Beach.
Matthews, Bernard Julian, North Hollywood.
McNelly, William Robert, Ft. Mason.
Mitchell, Michael Thomas, Pittsburg.
Motley, Larry Keith, French Camp.
Newman, Dennis Earl, Monrovia.
Nunnally, Timothy Craig, Pico Rivera.
O'Keefe, Robert William, Davis.
Olmos, Alfonso, Pico Rivera.
Pearlstein, Jerrold S., Los Angeles.
Proctor, William C., Jr., Burbank.
Reed, Gary Walton, Eureka.
Reyes, Henry R., Porterville.
Rizzo, Robert Charles, Santa Clara.
Rodriguez, Joe Ignacio, San Jose.
Rogers, Michael Fredrick, San Bernardino.
Ruebel, Joseph Peter, Los Angeles.
Sato, Takeshi, Port Hueneme.
Smith, Jackie Lee, Barstow.
Sotelo, Luis Alonzo, Tulare.
Terrazas, Juan Luis, Los Angeles.
Torres, Raymond, La Mesa.
Tryon, Lee, Jr., San Diego.
Weekley, Clifford Wayne, Bellflower.

Air Force

Flinn, John Leroy, San Diego.
Sizemore, James Elmo, San Diego.

Marine Corps

Anderson, William Olin, Pacoima.
Dowdell, Stephen, Alhambra.
Garcia, Arnold Falcon, Moorpark.
Hamilton, Glenn Anthony, Los Angeles.
Martinez, Ernie Robles, Fremont.
Meeks, Charles Henry, Jr., Los Angeles.
Pearson, John Howard, San Mateo.
Rocha, Feliciano, Los Angeles.
Sandoval, Alan Paul, Lomita.
Sparks, Henry Eugene, Los Angeles.
Storm, Ralph Dorman, Union City.
Whiting, Malcolm D., III, Granada Hills.
Wright, Silas Clifton, Eureka.

Navy

Easton, Robert Glenn, Granada Hills.

COLORADO

Army

Duran, Alfonso Marquez, Colorado Springs.
Rendon, Joseph, Pueblo.
Sheehan, Daniel Moreland, Aurora.
Thomas, Ronald Gene, Denver.

Marine Corps

Fogg, David Edward, Yampa.
Fuller, Thomas Lee, Northglenn.

CONNECTICUT

Army

Argenta, Allen Charles, Watertown.
Black, Harry Elsworth, Willimantic.
Edwards, Paul William, Bridgeport.
Ericson, William F., II, Roxbury.
Fabrisi, Paul Eugene, Naugatuck.
Fowler, Claudie, New London.
Manning, James Holden, Haddam.
Manning, John Warren, Granby.
Morascini, John V., North Windham.
Pascale, George John, New Haven.
White, Oscar Lee, Carr.

DELAWARE

Army

Geissinger, Alan Gwinn, Newark.

DISTRICT OF COLUMBIA

Army

Artis, Vernon Daryle, Washington.

Marine Corps

DuCharm, Paul Medore, Washington.
Shelton, Edward Lee, Washington.

FLORIDA

Army

Allen, Edwin Charles, Tampa.
Barfield, Jerry, Dania.
Beck, Martin Robert, Gainesville.
Brooks, Steven Karl, Dade City.
Clotfelter, Mark Dennis, Hialeah
Cremer, Ronald Marvin, Miami.
Cummins, Steven Travis, Eau Gallie.
Denton, Gregory, John D., Tampa.
Dukes, Thomas Lester, Jacksonville.
Gormican, David C. Ft. Lauderdale.
Harper, Tony, Jacksonville.
Jones, Ervin, Tallahassee.
Knowles, James D., Riviera Beach.
Martino, Thomas Joseph, Tampa.
McNabb, Richard Dale, Hialeah.
Poff, Jerry Wayne, Deland.
Sikes, Charles Michael, Kissimmee.
Wall, James Neil, Live Oak.

Marine Corps

Brown, Benjamin Freeman, Jr., Jacksonville.
Greco, Steven James, Sanford.
McClain, Fred Julous, Jacksonville.
Sprinkle, Michael Duane, Pensacola.

GEORGIA

Army

Anderson, John Ernest, Columbus.
Baker, Elbert James, Jr., Quitman.
Brooks, Thomas, Jr., Augusta.
Daniel, James Robert, Atlanta.
Farmer, Bobby Gene, Monroe.
Ford, Charles Edward, Claxton.
Lewis, Robert Alan, Moultrie.
Motes, James Jackson, Columbus.
Parker, Perlum M., Jr., Atlanta.
Phelps, Herbert Lee, Valdosta.
Russell, Patrick Anthony, Savannah.
Singletary, Roy Lee, Newton.

Marine Corps

Ballew, Henry, Jr., Atlanta.
Elrod, David Lamar, Decatur.
Haugabook, Willie Clarence, Marshallville.
Marion Curtis, Alma.
Tuggle, Lorenzo, Winder.

HAWAII

Army

Andrade, Robert D., Makawad.
Fujita, Melvin Schoichi, Honolulu.
Pangan, Robert Rogelio, Ewa.
Quinones, Julio, Jr., Honolulu.
Sibayan, Franklin Daniel, Waipahu.

Marine Corps

Root, Thomas Richard, Waipahu.

IDAHO

Army

Clark, Conn Kay, Rigby.
Ireland, Elmer Glenn, Star.

ILLINOIS

Army

Blanchfield, Michael R., Arlington Heights.
Calkins, Cody Ray, Oglesby.
Clare, Richard Steven, Chicago.
Cutler, Richard Allen, Sherrard.
Dallape, Terry Lee, East Alton.
England, Richard Alan, Girard.
Finn, Michael Blake, South Wilmington.

Helm, William Carroll, Cerro Gordo.
Hoffman, Robert Allen, Wheeling.
Javorchik, John Charles, Nashville.
Karas, Walter, Chicago.
Kobor, Frank Louis, Chicago.
Ortmann, Ralph Bernard, Germantown.
Reatherford, Larry Rex, Peoria.
Runser, Robert Joseph, Liberty.
Schoonveld, Richard Jay, Evergreen Park.
Schwiderski, Richard Dean, Henry.
Shaw, Kris Edward, Rockford.
Sullivan, Benjamin Joseph, Granite City.
Wellinghoff, Ralph Alvin, New Baden.
Work, George Allen, Evergreen Park.

Marine Corps

Albert, William David, Posen.
Fordham, John La Verne, Sheffield.
Grensback, Theodore E., Jr., Chicago.
Rogers, Willis, Jr., Chicago.
Tabor, Claude Edward, Salem.
Tate, Gary Denton, Decatur.

INDIANA

Army

Bedell, James Wayne, Vincennes.
Berry, Kurtis Aurel, Ft. Wayne.
Bickel, Barry Wayne, Logansport.
Dennis, Daniel Maurice, New Haven.
Dipert, Marvin Lee, Plymouth.
Eutsler, Johnny Neil, Anderson.
Glassburn, Joe Richard, Kokomo.
Godbey, Samuel Edward, Ligonier.
Karas, William James, Greenwood.
Morton, Gary Ray, Winslow.
Nagy, Steven, Hammond.
Osborn, Barry Lee, Brownsburg.
Sinnott, Daniel Bernard, Richmond.
Withee, James Montgomery, La Porte.

Marine Corps

Criswell, George David, Monticello.
Heroy, Dewey William, South Bend.
McDaniel, John Thomas, Clarksville.
Walters, Michael, Delphi.

IOWA

Army

Barker, William Gayland, Des Moines.
Bingham, Dennis William, Chariton.
Buchanan, Ronald Ivan, Sioux City.
Bunn, Jerry Arthur, Muscatine.
Deutsch, Bernard Francis, Ionia.
Franken, Arlin Dale, Sioux Center.
Havlik, Richard Allan, Elma.
Johnson, Larry Howard, Decorah.
Peterson, Anthony Earl, Mason City.

Air Force

Picking, Franklin William, Cedar Rapids.

Marine Corps

Benson, Albert DuWard, Sidney.
Smith, Frank George, Des Moines.

KANSAS

Army

Bradbury, Steven Wayne, Wichita.
Bray, Ralph Oscar, Jr., Olathe.
Drouhard, Peter August, Wichita.
Herriman, Ronnie Lee, Marquette.
Wilson, Rodney David, Topeka.

Marine Corps

Belden, Larry Gene, Esbon.
Cunningham, Carl Edwin, Neosho Rapids.
Lackey, Jack Vernon, Jr., Iuka.
Lewis, Jessie Roy, Wichita.

KENTUCKY

Army

Bailey, John Spencer, Jr., Glasgow.
Barnes, Thomas Jackson, Jr., Elizabethtown.
Buttry, David Eugene, Berea.
Gentry, Bobby Lee, Winchester.
Pierrman, Raymond Lee, Louisville.
Smith, James Howard, Leitchfield.
Watts, Floyd, Watts.

Air Force

Dawson, James Vernon, Ashland.

Marine Corps

Hammons, Philip, Covington.

LOUISIANA

Army

Cassaway, Ambrose, Fisher.
Dedon, Charles Berlin, Livingston.
Grant, Wesley O'Neal, Coushatta.
Greer, Ralph Jerry, Gilbert.
Harris, Calvin, Rosedale.
Hazelton, Herman, Forest Hill.
Key, Richard John, Houma.
Mahl, Kenneth Arthur, New Orleans.
Martin, William Torbert, Lake Charles.
Uptigrove, Jesse, Bastrop.
Warwick, Duncan Albert, Leesville.
Woods, Durel Steven, New Orleans.

Marine Corps

Johnson, Charles Edward, Opelousas.

MAINE

Army

Corriveau, Richard Thomas, Fort Kent.
Geneseo, Louis J., Harrison.
Mace, Dana Leroy, Caribou.
Olsen, William Frank, Portland.

Marine Corps

Chavarie, Norman Joseph, Augusta.
Delisle, Rodney Jerome, Waterville.
Porter, Steven Lindsey, Presque Isle.

MARYLAND

Army

Cymbalski, Kenneth Julian, Rockville.
Kelley, Joseph Howard, Monkton.
Neville, Anthony Andrew, Hyattsville.
Ward, James Patrick, Bethesda.
Williams, Samuel Louis, Jr., Laurel.

Marine Corps

Mangum, Theodore Edward, Jr., Silver Spring.
Shegogue, Robert Stephen, La Plata.

MASSACHUSETTS

Army

Cardona, Ronald William, Gardner.
Denton, Randall Morris, Lawrence.
Deyermond, Warren Charles, Andover.
Dwyer, Thomas Richard, Cambridge.
Gerry, Peter James, Quincy.

Marine Corps

Coulombe, Francis Joseph, Gardner.
Ingersoll, David Paul, Waltham.
Keefe, Martin Russell, Quincy.
Sheehan, Paul Henry, Boston.
St. Pierre, Michael Leonard, New Bedford.

MICHIGAN

Army

Bass, William Thomas, Jr., Detroit.
Bryan, Larry Michael, Highland.
Cabala, Duane Jacob, Midland.
Chalou, Ronald David, Mount Clemens.
Clime, Ralph John, Marcellus.
Collins, Thomas Russell, Jr., Taylor.
Cudlike, Charles Joseph, Detroit.
Dion, Thomas James, Grosse Pointe Farm.
Emeigh, Michael George, Port Huron.
Glasco, David Max, Flint.
Holupko, Lon Michael, Detroit.
Hulburt, Thomas Willard, Byron Center.
Johnson, Paul Edward, Flint.
Keil, Duane Richard, Adrian.
Leach, James Edward, Detroit.
Martinez, Reynaldo, Lansing.
McGovern, Patrick Edward, Southgate.
Mitchell, Robert E., Jr., Temperance.
Mosley, John Charles, Detroit.
Richardson Marvin Keith, Hudson.
Russell, David Paul, Jackson.
Slanaker, Robert Jay, Detroit.
Tear, George Bernard, Wyandotte.
Thibault, James William, Anchorville.
Tinker, Gary Lynn, Detroit.
Tobie, David Carl, Livonia.
Troyan, Michael Joseph, Jr., Dearborn.
Urban, Alexander John, Jr., Grand Rapids.
Yelley, Danny Keith, Wyandotte.
Yost, Russell Charles, Flat Rock.

Marine Corps

Clifford, George Henry, Grand Rapids.
Gasser, James Edward, Detroit.
Luster, Larry, Detroit.
Ulrickson, Peter Edward, Ishpeming.
Vorenkamp, David R., Kalamazoo.

MINNESOTA

Army

Jett, Ronald Gene, Champlin.
Johnson, Charles Walter, Minneapolis.
Klukas, Bradley Wilfred, Winthrop.
Mahowald, Michael Allen, Minneapolis.
Meulebroeck, Kenneth John, Murdock.
Polzin, Henry Clarence, New Ulm.
Riddle, Larry Lynn, Minneapolis.
Sires, Robert John, Spring Grove.
Wood, Robert Harold, Fairmont.

Air Force

McCarthy, Thomas Hubert, Wabasso.

Marine Corps

Anderson, Bruce Carlyle, Birchdale.
Proue, James Thomas, St. Paul.

Navy

Colton, Michael Norris, Alexandria.

MISSISSIPPI

Army

Amos, James Albert, Grenada.
Burkett, Elijah Wallace, Hattiesburg.
Delaney, Albert Lee, Greenwood.
Sistrunk, Candy Lewis, Sebastropol.
Sullivan, Daniel, Liberty.
Williamson, Edward Larue, Benoit.

MISSOURI

Army

Armhein, Herbert Franklin, St. Louis.
Baum, Rory Michael, Creve Coeur.
Blake, Richard Thomas, Malden.
Burruano, Samuel Vincent, St. Louis.
Chittwood, James Phillip, Raytown.
Eidson, Ronald Lee, Marshall.
Hupp, Richard Lewis, Jr., Pagedale.
Ives, Phillip Thomas, Valley Park.
Luebkert, Bernard Michael, St. Louis.
Martens, Stanley Wayne, Concordia.
O'Hara, James Loyd, Warsaw.
Renne, Myron Keith, Glasgow.
Stockbauer, Charles Thomas, St. Joseph.

Marine Corps

Gish, Benny Thomas, Springfield.
Loyd, Melvin, St. Louis.
Ward, Leroy, St. Louis.

MONTANA

Army

Langaunet, Bruce Magnus, Missoula.
Stembridge, Wayland Dan, Anaconda.

Marine Corps

Srb, Ervin Rynolt, Jr., Great Falls.

NEBRASKA

Army

Crumley, Eldon Gene, Lincoln.
Hempel, Thomas Eugene, Lincoln.
Hunter, Henry David, Omaha.
Kotrc, James Carl, Omaha.
Ruhter, Michael Allen, Minden.

Marine Corps

Bragg, Paul Joseph, Omaha.
Harris, John Henry, Jr., Greeley.

Navy

Smiley, Stanley Kutz, Sidney.

NEVADA

Army

Hagemeier, Thomas Vance, Las Vegas.

Marine Corps

Carter, Timothy Gene, Ely.

Navy

Fransen, Albert Merk, Jr., Las Vegas.

NEW HAMPSHIRE

Army

Lorden, Dennis Franklin, Nashua.

NEW JERSEY

Army

Ackerman, David Foley, Summit.
Anderson, Steve, Newark.

Bacon, Robert Franklin, Phillipsburg.
Coley, Bruce Edward, Freehold.
Halsey, MacDonald Brooke, Summit.
Hayward, Arnold Courtney, Trenton.
Humes, Frank William, Magnolia.
Johnson, James Allen, Jersey City.
Konyu, William Michael, Phillipsburg.
Layton, Robert Allen, Jr., Carneys Point.
Morriggi, Joseph, Garfield.
Sydor, Dennis William, Jersey City.
Vars, Jonathan R., Cherry Hill.
Viehmann, George John, Jr., Vineland.

Marine Corps

Smith, Geoffrey Stephen, Cedar Grove.

NEW MEXICO

Army

Bloomfield, Norman Hubert, Ramah.
Martinez, Alex Ezequiel, Ranchos de Taos.

NEW YORK

Army

Aiken, Larry Delarnard, Jamaica.
Allen, Dean Brooks, Delmar.
Baranowski, Bishop Skip, Cortland.
Beverly, Francis M., Jamaica.
Bonventre, Thomas S., Elmont.
Braithwaite, Arnim N., New York.
Brathwaite, Roger Clayton, New York.
Burt, William Robert, Jr., New York.
Cornwell, John Bruce, Silver Creek.
Daly, Richard Vincent, New York.
Fernhoff, Curtiss, Flushing.
Fry, George Harold, Pavilion.
Hyman, William Alton, Jamaica.
Klotz, Michael Peter, Hudson.
Lee, James Howard, Lockport.
Levato, Frank, New York.
Lyons, Thomas Joseph, Jamaica.
Marasco, Joseph Allen, Somers.
McGrath, Daniel William, Levittown.
Michael, Timothy Shawn, Cicero.
Miller, Cecil Vernon, New York.
Moody, Stephen True, Malverne.
Motto, Thomas Nicholas, Mineola.
Petsos, Phillip Chris, Rochester.
Reggio, Gerard Michael, Point Jefferson Station.
Rivera, Santos, Jr., New York.
Roe, John Phelen, Clinton.
Rountree, Harvey F., Jr., New York.
Santiago, Felipe Obed, New York.
Sisley, William Edward, Angola.
Taisler, Joseph Andrew, Woodside.
Thibodeau, Wallate Fred, Kingston.
Thibou, Allan Courtney, New York.
Williams, Amos Levern, New York.

Marine Corps

Armenio, Robert William, New York.
Cornish, Larry Irving, Canandaigua.
Crudo, Richard Frank, East Meadow.
Diakow, Robert, New York.
Gladney, John Willie, Albany.
Hoppough, Dennis Karl, Rochester.
Jimenez, Anastacio, New York.
Kitson, John Francis, Levittown.
Lackner, Michael Alexander, Deer Park.
Morka, Peter Joseph, New York.
Seiler, William Joseph, Rochester.
Sroka, John Michael, Jr., Clark Mills.
Valle, Hector, New York.

Navy

Caprio, Michael James, Vestal.
Moore, Robert Victor, Cortland.

NORTH CAROLINA

Army

Covington, Donald Lincoln, Hamlet.
Crocker, James Norrie, Jr., Hubert.
Daniels, James Richard, Clinton.
Gainger, John B., Thomasville.
Garner, William Roger, Burlington.
Greene, Ronnie Gene, Newland.
Hughes, Charles Wayne, Edenton.
Johnston, Jack Craven, Jr., Charlotte.
Jones, Wilbert Eugene, Eden.
King, Johnny Lee, Sanford.
Leazer, Abbie Eugene, Huntersville.
McKoy, Larry D., Coats.
Revis, Hugh Edward, Old Fort.
Shaffner, David Wayne, Jonesville.
Shirley, Carl Douglas, High Point.
Smith, Charles Earl, Durham.
Smith, Curtis Dwaine, Bessemer City.
Steele, William Davis, Belmont.
Vick, Albert, Jr., Goldsboro.
Webb, Michael Dean, Marion.
Young, Colon David, Hickory.

Marine Corps

Fletcher, Donald Edward, Mount Airy.

NORTH DAKOTA

Army

Fleck, Wilbert Clemens, Breien.
Foreman, Roger Earl, New Town.
Kelly, John Edward, Jr., Bismarck.
Mueller, Wesley Erwin, Jamestown.

Marine Corps

Renner, John Michael, Mandan.

OHIO

Army

Bobo, William Charles, Toledo.
Brown, Arthur Daniel, Lancaster.
Carson, Russell Berton, Greentown.
Chandler, Charles Perry, Dayton.
Clark, James Lee, Millersburg.
Collins, David Jim, Cleveland.
Cook, Earl Lloyd, Washington Court House.
Dennull, Edward Michael, Lewisburg.
Felt, Richard Wayne, Maumee.
Hawkins, Terry Lee, Waterville.
Hisey, John Edwin, Marysville.
Huff, Ray Gene, Hinckley.
Johnson, Thomas Willene, London.
Lawson, Roger Dale, Columbia Station.
McCoy, Bobby Lee, Toledo.
McPike, James Edwin, Lakewood.
Middleton, Teddy Eugene, Mason.
Reynolds, Leslie, Jr., McArthur.
Rigdon, William Francis, Manchester.
Rose, Jerry Gene, Cleveland.
Rose, Thomas Elden, Findlay.
Scott, Michael, Columbus.
Semeraro David Alexander, Niles.
Sheen, William Edward, Hanoverton.
Sizemore, Thomas Jefferson, Beaver.

Marine Corps

Ellis, Robert Lee, Youngstown.
Esterly, Lawrence Alan, Lisbon.
Fletcher, Robert Wendell, Lorain.
Geuy, James Robert, Bellefontaine.
Hansley, Timothy Wharton, Rockbridge.
Parker, Leon Victor, Hamilton.
Runzo, Richard Francis, Beloit.
Scharf, Ronald James, Kenton.
Sonneberger, Richard G., Carrollton.

OKLAHOMA

Army

Butts, George Lessie, Oklahoma City.
Gainer, John Robert, Broken Arrow.
Lakey, Howard Wallace, Oklahoma City.
Landrum, James Alford, Fort Gibson.
Lindberg, John David, Oklahoma City.
Reynolds, Eldon Lee, Weatherford.
Scrogum, Jimmie Charles, Okmulgee.
Stephens, Curtis Adron, Boise City.
Ward, Leonard Daniel, Broken Bow.
West, Jimmy Don, Duncan.

Navy

Sikkink, Roy Dean, Tulsa.

OREGON

Army

Buxton, Delos Richard, Vale.
Glecker, Stephen Donald, Salem.
Hansen, John Currie, Cascade Locks.

Marine Corps

Loomis, Rickie Allan, Coquille.

Navy

Buswell, Robert Dale, Willamina.

PENNSYLVANIA

Army

Braxton, John Alan, Philadelphia.
Doloughty, James Cornelius, Pittsburgh.
Fenner, Stanley Stewart, Bethlehem.
Fenush, Thomas Paul, Grassflat.
Gertsch, John Gary, Russell.
Glasgow, Robert Lee, West Sunbury.
Kendle, Randy Truman, Greencastle.
Kimbough, Golsby, Jr., Philadelphia.
Kiniry, Andrew John, Coatesville.
Knight, Ronald Eugene, Shippenville.
Maguire, Calvin Gene, Altoona.
McElhaney, Rodger Dennis, Jamestown.
McKnight, Paul David, Fredonia.
McLaughlin, Peter Francis, Pittsburgh.
Mummert, George Leonard, Hanover.
Walker, Carl Lynn, Stoystown.
Williams, Richard Harry, Zelienople.
Yingling, Harry Patrick, Export.

Marine Corps

Campbell, Thomas John D., Troy.
Gibel, Raymond, McKeesport.
Gillingham, William David, Philadelphia.
Jones, Daniel John, Jr., Broomall.
Lounsbury, William David, Warren.
Meyer, Joseph John, Jr., Mechanicsburg.
Shuemaker, Michael Thomas, Jessup.
Wunsch, Michael Charles, Feastersville.

RHODE ISLAND

Army

Cox, Harold Anthony, Providence.

SOUTH CAROLINA

Army

Davis, Ronnie Lee, Marion.
Davis, Willie James, Winnsboro.
Ferguson, Benny Harold, Greenville.
Gay, James Nathaniel, North Augusta.
Gibson, James Donald, Nichols.
Jackson, James Cleveland, Chester.
King, Robert Earl, Clinton.
Kitchens, Joel Rhyne, Roebuck.
Liles, Ephriam Rutledge, II, Pickens.
Meadows, Carrol Fayne, Spartanburg.
Mitchell, Mack Lee, Blackville.
Pugh, Gerald Ralph, West Columbia.
Reaves, John Shepard, Gaffney.
Stump, Harold Oliver, Charleston.

SOUTH DAKOTA

Army

Whites, Robert Joseph, Iroquois.

TENNESSEE

Army

Carr, Dannie Arthur, Sevierville.
Courtney, Jimmy Darrell, Morristown.
Erwin, Youeal Dean, Memphis.
Grubb, Donald Lee, Erwin.
King, Robert Earl, Jackson.
Martin, John David, Jasper.
Rainwater, James Ronald, New Market.
Rousseau, Duane Michael, Memphis.
Sneed, Ward Gray, Haydenburg.
Spears, Jerry Wayne, Memphis.
Stashonsky, John Ray, Old Hickory.

Air Force

Andre, Howard Vincent, Jr., Memphis.

Marine Corps

Jackson, Arnold Bryan, Johnson City.
Sesler, John Joseph, Goodlettsville.
Small, William Dale, Nashville.
Wills, Roy Shannon, Brush Creek.

Navy

Luntsford, Jack Edward, Kingsport.
Sloan, Harold Martin, Hendersonville.

TEXAS

Army

Brown, Julis Lavern, Beaumont.
Culver, Archie Glenn, El Paso.
Davis, James Robert, Fort Worth.
Earnest, James Dale, Mission.
Fanning, Thomas F., Jr., Dallas.
Greenman, Drew Marlin, El Paso.
Hamilton, August Franklin, Covington.
Henly, Carl O'Neal, Lubbock.
Howison, Graham Henry, Bogata.
Manning, Jerry, Houston.
Martin, John D., Lamesa.
Montez, Anastacio, Presidio.
Noonan, Michael Dennis, Amarillo.

Pelton, Glenn Eugene, Junction.
Perry, Billy Earl, Dallas.
Ramos, Juan Manuel, Uvalde.
Roberts, Walter Eugene, Dallas.
Roy, Henry John, Jr., Houston.
Strong, David Allen, Houston.
Wilder, Ronald Frederick, Baytown.

Marine Corps

Brown, Robert Allon, Houston.
Coleman, James Larry, Deport.
Droigk, Martin Wayne, Irving.
Griffin, Robert Allen, San Antonio.
Huth, Philip Nicholas, II, Corpus Christi.
Nunez, Santos Silvas, Fort Sam Houston.
Rodriguez, Reynaldo Salais, Snyder.
Salinas, Jaime Arturo, Edinburg.

Navy

Martin, Aubrey Grady, Beeville.

UTAH

Army

Arveseth, Brent Larsen, Salt Lake City.
Cervantez, Luis Godinez, Snowville.
Hales, Raymon Draper, Springville.
Hughes, Michael Donald, Salt Lake City.
Walker, Leslie Elroy, Lapoint.
Yarbrough, Dan Burgess, Tooele.

Marine Corps

Ingman, Bruce Edwin, West Jordan.

VERMONT

Army

Colvin, Gerald Selah, Bennington.

VIRGINIA

Army

Browning, Perry Nathan, Arlington.
Cox, James Michael, Willis.
Dean, Robert William, Alexandria.
Folland, Michael Fleming, Richmond.
Green, Martin L., Jr., Fairfax.
Kelly, James Edward, Westmoreland.
Thomas, Michael Oliver, Alexandria.
Worrell, Robert Earl, Portsmouth.
Yates, David Earl, Chesapeake.

Marine Corps

Carey, Daniel Lester, Norfolk.
Peppin, David Dawson, Jr., McLean.
White, Robert Wesley, Norfolk.

Navy

Bove, Roger Gerhard, Arlington.

WASHINGTON

Army

Hamilton, Charles Odean, Lake Stevens.
Parrott, Brian Gregory, Seattle.
Sanford, Robert Ray, Kent.
St. Laurent, Lance Wilfred, Seattle.
Voss, Raymond Allan, Seattle.
Wagenaar, Daniel Leonard, Richland.

Marine Corps

Barnhart, Beverly Lee, Wenatchee.
Kraabel, John Spaulding, Seattle.
Sanders, Daunt Brunell, Seattle.
Welsford, John August, Jr., Spokane.

Navy

Tucker, Darrell Lee, Connell.

WEST VIRGINIA

Army

McIe, Johnny Ellis, Webster Springs.
Nichols, Darrell Eugene, Montgomery.
Stewart, Byron Duncan, Charleston.

Marine Corps

Workman, Glenn Roger, Chapmanville.

WISCONSIN

Army

Belonger, Dennis Michael, Manitowoc.
Devney, James Robert, Eau Claire.
Eitel, Dennis, Phillips.
Hughes, Charles Fredrick, Hayward.
McGee, Darrell Eugene, Berlin.
Niles, Ronald Robert, Mauston.
Seekamp, Robert Lee Roy, Kendall.
Sticks, Steven Michael, Okauchee.
Techmeir, Larry Lester, Stanley.

Marine Corps

Nielsen, Michael Charles, Beloit.
Quinlan, David Patrick, Milwaukee.

PUERTO RICO

Army

Rodriguez-Cotto, Angel L., Rio Piedras.
Rodriguez-Rodriguez, Pedro, Yabucoa.
Santiago-Arroyo, Anselmo, Penuelas.
Torres-Serrano, Luis, Adjuntas.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN AUGUST 1969

ALABAMA

Army

Barron, Danny Lance, Carbon Hill.
Earp, Billy Wayne, Decatur.
English, Dennis Laverne, Russellville.
Harris, Carl Coleman, Montgomery.
Johnson, James Larry, Eldridge.
Jones, Thomas Dewitt, Gadsden.
Marshall, James Henry, Selma.
Pierce, George Washington, Mobile.
Riddle, Bobby, Selma.
Tosh, James C., III, Mobile.
White, Ted Arnold, Dickinson.

Marine Corps

Davis, William Francis, Jr., Vina.
Hayes, Lawrence Allen, Tuscaloosa.
Morgan, Carl Eugene, Decatur.
Stribbling Gwyman, Birmingham.
Watts, John Raymond, Ensley.
Whiteside, John Curtis, Fayette.

ARIZONA

Army

Kirksey, James Walter, Chandler.
Nieto, Jesus Diez, Phoenix.
Wilson, John William, Tucson.

Marine Corps

Jimenez, Jose Francisco, Red Rock.
Romo, John Rogers, Phoenix.
Schaffer, David Thomas, Phoenix.

ARKANSAS

Army

Bates, Carl Calvin, Jr., Fort Smith.
Dunlap, Jerry, Malvern.
Henry, Gerald Albert, Landis.
Ledbetter, Sanford James, Fayetteville.
Mitchell, Robert Stevens, Rogers.
Snidow, Stephen Allen, Fort Smith.

Marine Corps

Curtis, Jerry James, Camden.
Parker, Benny Bruce, Brinkley.
Schmidt, John Joseph, Pocahontas.

CALIFORNIA

Army

Alvarado, Leonard Louis, Bakersfield.
Apodaca, Jack Michael, Lennox.
Bailey, Bernard Phillip, Torrance.
Barrios, Marcello Nunez, Artesia.
Bevard, Bobby Lee, Santa Clara.
Brown, Don Charles, Garden Grove.
Case, Glenn Edward, Live Oak.
Castillo, Thomas, Santa Maria.
Causey, David Louis, Los Angeles.
Cockerham, John Willie, Jr., Menlo Park.
Dance, Robert Lynn, Riverside.
Dawson, William John, Redwood City.
Duenas, Juan Leon Guerrere, San Jose.
Duenas, Roberto Cervantes, San Pedro.
Dunn, Donald Leroy, Red Bluff.
Elson, Jeffrey Charles, Anaheim.
Faran, Daniel Edward, Hawthorne.
Flores, Jose Luis, Los Angeles.
Gaftunik, Robert Ernest, Sacramento.
Gee, Gregory Joseph, Vallejo.
Goins, Chester Leon, Pasadena.
Golliher, Patrick Carl, Granada Hills.
Gomez-Diaz, Rigoberto, Los Angeles.
Gonzales, Robert, San Jose.
Grecu, Michael John, San Jose.
Henson, Lesley Herbert, Salinas.
Hernandez, Felipe, Cudahy.
Kerby, Martin John, Sacramento.
Little, Rodney Dwight, Long Beach.
Masuen, Michael Nicholas, Spring Valley.
McMains, Donald Henry, Jr., Garden Grove.
Mendenhall, Thomas James, Riverside.
Gonsalez, Luis Martinez, Perris.
Guy, George Allen, Long Beach.
Guzman, Phillip Jr., Los Angeles.
Jackson, Christopher A., San Diego.
Major, Robert Warren, Sacramento.
Mills, Peter Robert, Inglewood.
Mooney, Michael James, Long Beach.
Ruffner, Russell Miles, Jr., La Puente.
Rymond, Nicholas James, North Hollywood.
Schmidt, William James, San Mateo.
Semans, Thomas Edward, Norwalk.
Shelton, Richard Powell, Los Angeles.
Taufi, Aouliultau, Fatupe, Los Angeles.
Tenorio, Jimmy Joe, Los Angeles.
Velasquez, Charles, Oakland.
Wolfe, Brian Edward, Oxnard.

Navy

Talken, George Francis, Chico.
Tognazzini, Milford Marvin, Santa Maria.

COLORADO

Army

Bloom, Ronald Keith, Lakewood.
Brabo, Henry, Denver.
De Herrera, Pedro, Pueblo.
Lundy, Randy Joe, Fowler.

Marine Corps

Aranda, Ismael Benito, Trinidad.
Bosser, Johnny Steve, Fort Lupton.
Catalano, Sam, Jr., Pueblo.
Lambert, Douglas Joseph, Pine Park.
Mershon, Daniel Lee, Denver.
Ortiz, Randall Isaac-Jed, Denver.
Valdez, John Ben, Rocky Ford.

CONNECTICUT

Demore, Michael George, Berlin.
Freeman, David Michael, Putnam.
McDermott, Terrence M., Hartford.
Paparello, Joseph John, Bristol.
Swan, David Martin, East Hampton.

Marine Corps

Johnson, Richard Arno, Jr., Wallingford.
Mediate, Alan Wayne, Riverside.

DELAWARE

Army

Burris, Reginald Wayne, Ellendale.
Donaway, Robert Hughes, Felton.

DISTRICT OF COLUMBIA

Barnes, Alfred, Jr., Washington.

FLORIDA

Army

Abrams, Samuel, Jr., Tampa.
Ard, Howard Carlton, Jay.
Bell, Leroy Lemuel, Monticello.
Conrad, George Dewey, Jr., Plantation.
Cooper, Robert Wayne, Jacksonville.
Ellis, William Walter, III, Fort Lauderdale.
Frangella, Frank A., Fort Pierce.
Harvey, Alan Daryl, Tallahassee.
Hiemenz, James Borland, Volusia.
Hogbin, Ronnie Ellis, Miami Beach.
Hurst, James Randolph, Jacksonville.
Kelley, William Francis, Tampa.
Kirkpatrick, Ronald Rene, Ft. Myers.
Linder, James, Jr., Miami.
Llamazales, Humberto, Tampa.
Masciale, Vincent Tommy, Jacksonville.
Mathis, Samuel Judson, Ft. Walton Beach.
Pocher, William Thornton, Fernandina Beach.
Quintana-Soto, Luis E., Miami.
Swindle, Robert Earl, Ft. Lauderdale.

Coast Guard

Kirkpatrick, Michael Ward, Gainesville.

Air Force

Sweet, John Harlan, Coral Gables.

Marine Corps

Carter, Bruce Wayne, Miami Springs.
Milliard, James Gilbert, Tampa.
Sater, Reginald Mark, Eau Gallie.
St. Clair, Clarence H., Jr., Pensacola.
Wilkinson, Dale Sloan, Lighthouse Point.

Navy

Muir, John David, Bradenton.

GEORGIA

Army

Brewer, Grady Lee, Atlanta.
De Loach, David Lloyd, Statesboro.
Fields, Herman Thurston, Winterville.
Fordham, Jerry Lee, Eastman.
Godfroy, Ralph Donald, Columbus.
Heard, Earnest, Jr., La Grange.
McDowall, Francis, Jr., Lawrenceville.
Register, Maxie Dean, Pelham.
Shook, Robert Lynn, Clarksville.
Simmons, Charlie, Jr., Atlanta.
Southerland, Vernon Davey, Summerville.
Speight, William Robert, Ashburn.
St. Germaine, Ronald Hubert, Atlanta.
Watson, Tommie, Savannah.
Weaver, Clinton James, Columbus.

Marine Corps

Morris, Jimmy Tony, Rossville.
Reed, Jerry Donnie, Tucker.

HAWAII

Army

Allagonez, Rodolfo P., Honolulu.
Browne, Walter D., Haiku.
Defries, Gaylord Kila, Anahola.
Spillner, Robert K., Waipahu.

Marine Corps

Peleiholani, Hayward K. H., Pahoa.

IDAHO

Army

Adakai, Leo Joe, Blackfoot.

Coast Guard

Painter, Michael Harris, Moscow.

ILLINOIS

Army

Ayers, Carl Bracy, Jr., Chicago.
Barnes, Bruce Michael, Ofallon.
Barton, Norman Lee, Alton.
Campbell, William Eugene, Gibson City.
Carey, Daniel Edward, Utica.
Daniels, Eldridge Maurice, Chicago.
Elliott, Tommy Gene, Clinton.
Fitzgerald, David Edward, Oak Lawn.
Fox, Robert Alan, Beardstown.
Gutowski, Walter Joseph, Naperville.
Haake, David Oscar, Nashville.
Havard, Michael John, Northlake.
Jones, Robert Eugene, Nashville.
McGhee, Larry Dale, Rockford.
Mensing, Stanley Alfred Beckemeyer.
Miller, Jimmie, Chicago.
Mitchell, Joseph William, Chicago.
Owen, James Howard, Jr., Rockford.
Placzek, Paul George, Chicago.
Raburn, William Fay, East St. Louis.
Raychel, James Daniel, East Moline.
Shaw, Lee Roy, Buffalo.
Shipley, Ronald Eugene, Vandalia.
Stanley, Frankie, Sheridan.
Story, James Clellon, Berwyn.
Vevera, Philip John, Chicago.
Voyles, John Walter, Chicago.
Walthers, Frank Daniels, Morton Grove.
Wilfong, Gil Stevens, Cottage Hills.
Wise, Scott Edward, Glenwood.
Withers, Gary Wayne, Springfield.

Marine Corps

Branham, James Jerome, Moline.
Gonzalez, Francisco, Jr., Chicago.
Hawkey, Louie Elmer, Edgewood.
Heinemeier, Charles Thomas, Bunker Hill.
Hock, Robert William, Harvey.
Kelly, Stephen James, Sterling.
McCall, Phillip Glen, Grand Chain.
Pinto, Joseph John, Chicago.
Rios, Gerado Pedro, Chicago.
Rogers, Ronald Dean, West Frankfort.
Schaefer, Charles Harold, Streator.
Wagner, Robert James, Chicago.

Navy

O'Connor, Robert Anthony, Chicago.
Sage, Leland Charles Cooke, Waukegan.

INDIANA

Army

Barrett, Donald Richard, Indianapolis.
Brown, Donald Wayne, Madison.
Creasy, Jerry N., Hillisburg.
Hardesty, Richard Lee, Vernon.
Hash, Jonathan Paul, Kokomo.
Jackson, Charles Edward, East Chicago.
Kaser, Randall Frank, Liberty.
Lawhon, Michael Howard, Noblesville.
Likens, Bobby Joe, Indianapolis.
Maple, Hollis Garnell, Goodland.
Marcum, Kenneth, Connersville.
McDaniel, Kenneth Reed, Lowell.
Miranda, William, Gary.
O'Connor, David Cornelius, Indianapolis.
Roberts, Dennis Ray, Milltown.
Somerville, William Harold, Charlestown.
Steen, James Nelson, Indianapolis.
Talbott, James Franklin, Kewanna.
Vera, Venancio, East Chicago.
Wallen, Ernie Lee, Pierceton.

Marine Corps

Caudill, Billy Joe, Richmond.
Graft, Terry Gene, Roanoke.
Hall, Rickey Wayne, Indianapolis.
Siambones, Gus, East Chicago.
Wallace, James Ralph, Hobart.

Navy

Landis, Duane Gerald, Decatur.
Poe, Steven Melvin, Marion.

IOWA

Army

Carrington, Thomas William, Storm Lake.
Clefisch, Duane Alan, Hazleton.
Crum, Steven Vincent, Ida Grove.
Dostal, Thomas Jerome, Iowa City.
Golliday, William Frank, Des Moines.
Kirchgesler, Daniel James, Rapid City.
Sherlock, David Henry, Worthington.
Skogerboe, Dennis Michael, Forest City.
Swaney, Rickey Eugene, Grand Junction.
Timmer, Akke Jans, Jr., Sheddon.
Walthour, Samuel W., Jr., Waterloo.
Wood, Donald Fred, Smithland.

Marine Corps

Norris, James, Alan, Des Moines.

KANSAS

Army

Barr, Terry Lee, Kansas City.
Jameson, Rodger Lee, Salina.
Llamas, Jose, Newton.
Maslak, John Joseph, Kansas City.
Mohler, Timothy Allen, Quenemo.
Smith, Aaron Bruce, Arkansas City.
Troxel, Charles Leonard, Iola.

Marine Corps

Adams, William Carl, Junction City.
Berrier, Tommy Joe, Kansas City.
Castor, James William, Natoma.

Navy

Breshears, Alan Wayne, Fort Scott.

KENTUCKY

Army

Anderson, James Dwight, Smiths Grove.
Blackburn, William Kendall, Pikeville.
Shea, Larry, Eminence.
Tarter, Bobby Lee, Brownsville.
Workman, Lionel, Clearfield.
Zipp, Marion Louis, Elsmere.

Marine Corps

Everett, Bobby Joe, Shreveport.
Hill, John Michael, Middletown.
Hooks, Ralph Michael, Princeton.
Justice, Thomas Larry, Belfry.
Peay, Harvey A., Drakesboro.

LOUISIANA

Army

Craig, Merlin Joseph, Alexandria.
Furman, Edmund, Donaldsonville.
Mack, James, Harvey.
Mendoza, Milton John, Franklin.

Marine Corps

Bartholomew, Tilmen Verges, New Orleans.
Dukes, Paul Douglas, Minden.
Ruth, Alfred Darnell, Alexandria.

MAINE

Army

Albert, Richard Patrick, St. Agatha.
Brown, Gardner John, Union.
Gagne, Bertrand Ronald, Auburn.
Millett, Laurence Arthur, Norway.
Ryder, Edwin Byron, Greenville Junction.

Marine Corps

Grinnell, Richard Ralph, Machias.
Poliquin, Michael Edward, Bowdoinham.

MARYLAND

Army

Kimmell, George Samuel, Cumberland.
Ligons, Raymond, Baltimore.
Quesenberry, Bobby Ray, Riverdale.
Shields, Robert Hazen, II, Kensington.
Sroka, Stephen Eugene, Frederick.

Marine Corps

Bonnett, George Fabian, Baltimore.
Davis, Dennis Dean, Capitol Heights.
Harp, Michael Lee, Pasadena.
Sands, Joseph Gregory, Baltimore.
Ward, Mark Heywood, Baltimore.

MASSACHUSETTS

Army

Cabral, James Anthony, Jr., Cambridge.
Contarino, Donald Allen, Beverly Farms.
Doughty, James Alden, Chelmsford.
Duncan, John David, Needham.
Grigsby, Mark Weldon, Foxboro.
Holtzer, Richard Eugene, Jr., Brookfield.
Hubis, Brian Andrew, Beverly.
Kane, Terrance Frederick, Groton.
Litchfield, Frank Edward, Dedham.
Masse, Raymond George, West Springfield.
McArthur, John Douglas, Somerville.
Peterson, Carl Alfred, Winchendon.
Ralston, Thomas Michael, Roslindale.
Stroyman, Arthur, Newton.
Tripp, Donald Delmore, Brockton.

Air Force

Brown, Roger David, Natick.

Marine Corps

DeLorenzo, Fred Joseph, Jr., Somerville.
Dowd, Lawrence Kent, Bridgewater.
Elliott, Donald Lyle, Springfield.
Kristof, Peter Frank, Medfield.
Quinn, Michael Patrick, Charlestown.
Weitz, Monek, Roxbury.

Navy

Penta, Stephen Joseph, Revere.

MICHIGAN

Army

Baldwin, Charles Leroy, Mount Clemens.
Barker, Greg Allen, Belleville.
Bonesteel, David Larry, Davison.
Brancheau, Francis Emil II, Monroe.
Carrier, Albert Joseph III, Warren.
Church, Ricky Wayne, Flint.
Connors, Jack Lee, Filion.
Cox, Michael Lou, Jr., Midland.
Cunningham, Dennis Anthony, Detroit.
Eckles, James Patrick, Plymouth.
Foster, Dwight Dunard, Detroit.
Gordon, James Lewis, Detroit.
Holtrey, Daniel Perry, Flat Rock.
Hurston, Horatio William, Detroit.
Kelly, Michael Dennis, Big Rapids.
Koski, Gene Raymond, Mohawk.
Lewis, Richard Kenneth, Escanaba.
McKeathon, Dwight Pinza, Detroit.
Moeggenborg, Lenard F., Alma.
Nelson, Donald Erwin, Wayne.
Rajala, Stanley Robert, Watton.
Santo, Patrick Angelo, Detroit.
Schonfield, Jeffrey Alan, Detroit.
Smith, Garry Gregory, Deckerville.
Snyder, George Eugene, Ferndale.
Taylor, Darrell Duane, Vicksburg.
Treadway, William Michael, St. Joseph.

Wilcox, Raymond Lee, Mancelona.
Wilkie, Douglas Wilmer, Lansing.
Zimmerman, John Randall, Detroit.

Marine Corps

Davis, James William, Ypsilanti.
Brancheau, Francis Emil II, Monroe.
Carrier, Albert Joseph III, Warren.
Glowe, Stephen, Detroit.
Mutschler, John Lloyd, Clarksville.
Nelson, David Ellsworth, Battle Creek.

Navy

Beckman, Robert Charles, Lapeer.

MINNESOTA

Army

Graber, Gary David, Stillwater.
Huso, Wayde Murray, Big Lake.
Kuefner, John Alan, Duluth.
Larson, Verle Norman, Dalbo.
Leppke, Lyle Gordon, Minneota.
Merrill, Douglas Carroll, North St. Paul.
Nelson, Paul Albert, Maple Lake.
Ohman, Gary Alan, Minneapolis.
Olson, Richard Ralph, Minneapolis.
Oklemann, John Stewart, St. Paul.
Panno, Ronald William, St. Cloud.
Peterson, Jeffrey Charles, Minneapolis.
Shepersky, Vincent Lloyd, Park Rapids.
Stradtman, Thomas Lee, St. Cloud.
Swart, Waldon Jerome, Spicer.
Whitman, Raymond Lee, Forrest Lake.
Wimmergren, Edmond Dale, Minneapolis.
Worthley, Kenneth Wayne, Sherburn.

Air Force

White, James David, St. Paul.

Marine Corps

Barickman, Leon Ross, Lewisville.
Des Lauriers, Philip Gene, South St. Paul.
Haney, Robert Alan, Duluth.
Richardson, Philip Owen, Austin.

MISSISSIPPI

Army

Cochran, Charlie Lynn, Durant.
Crow, David Reid, IV, Jackson.
Gresham, William Thomas, Jr., Ashland.
Guest, Roger Thomas, Aberdeen.
Tucker, Eugene, Vicksburg.
Vanderford, Gerhard W. C., Corinth.
Wright, Roger Dale, Roxie.

Marine Corps

Hunt, Eugene, Okolona.
Martin, William Davis, Magee.
Stingley, James, Durant.
Wilson, William Reed, Jr., Jackson.

Navy

Parmley, Donald Wayne, West Point.

MISSOURI

Army

Deters, David Stephen, Bowling Green.
Donnelly, James Warren, Jr., St. Louis.
Halbert, Edward Joseph, Steelville.
Miller, Eugene Lewis, Excelsior Springs.
Morris, Doyle Anthony, St. Louis.
Peel, Stephen Blake, Cape Girardeau.
Platter, George Richard, North Kansas City.
Plummer, John David, Charleston.

Marine Corps

Amann, Mark Thomas, Hawk Point.
Shelton, James Edward, Cabool.
Winfrey, James Arthur, Webster Groves.

MONTANA

Army

Bristol, Clarence Frank, St. Ignatius.
Kilwine, Richard James, Fromberg.
Pomeroy, Alexander P., Great Falls.
Webster, Christopher C., Great Falls.
White, Richard Joseph, International Fall.

NEBRASKA

Army

Engel, Rodney Louis, Doniphan.
Fowler, Thomas Lee, Geneva.
Fruhling, Dale Ervin, Kearney.
Witt, Mark Steven, Winside.

Marine Corps

Bring, John Dale, Bancroft.
McLeese, Kenneth Richard, Exeter.

NEVADA

Army

Grant, Melvin Lee, Lemmon Valley.
MacKay, William Michael, Reno.

Marine Corps

Pue, Charles Alton, Las Vegas.

NEW HAMPSHIRE

Army

Beaudoin, Gaetan Jean Guy, Manchester.
Blanchette, Guy Andre, Manchester.
Genest, Richard Edgar, Manchester.
Raymond Richard Paul, Manchester.
Robichaud, Roger Edward, Manchester.

NEW JERSEY

Army

Amendola, James Joseph, Closter.
Ashnault, Raymond John, Cranford.
Cannito, Dennis John, West New York.
Colasurdo, Joseph Peter, Edison.
Crikelair, John Francis, Ridgewood.
Gooding, William Philip, Edison.
Green, Leo Frank, Jr., Vineland.
Hayes, Jeremiah Michael, Jr., Bay Head.
Hetzel, Norman Ralph, Mahwah.
Mione Anthony Victor, Bayonne.
Mobus, Joseph Patrick, Harrison.
Musselman, Joseph Henry, Millville.
Nestor Frank Rodney, Branchville.
Ridge, William Francis, Goucester.
Robbins, Ronald, Trenton.
Schoettner, George Craig, Trenton.
Solomon, Robert George, Rahway.
Wickward, William J., North Wildwood.

Marine Corps

Brown, Roger Clinton, Newark.
Busch, Thomas Leopold, III, Pennsauken.
Chard, Salum Edward, Jr., Millville.
Dowd, John Aldysius, Elizabeth.
Graf, Albert Stephen, Bogota.
Hesson, Joseph Leonard, III, Pennsauken.
Kinsler, Frederick C., Jr. North Plainfield.
Lawrence, Michael James, Maplewood.
Truex, Glenn Ellsworth, Park Ridge.

Navy

Bell, Larry Gene, Alloway.

NEW MEXICO

Armijo, Frank Charles, Albuquerque.
Delora, Pedro Ascencion, Santa Fe.
Vigil, Laurencio, Ocate.

Marine Corps

Muskett, Wayne, Shiprock.

NEW YORK

Army

Adams, Charles Wesley, McLean.
Benvenuto, Theodore F., Jr., Uniondale.
Brasile, Terrence Carmine, Ridgewood.
Bruckner, Howard Russell, Scarsdale.
Brustman, Douglas John, Jamaica Estates.
Cushman, Harold Edward, Clark Mills.
Dickerson, Stanley Heman, Troupsburg.
Diliberto, Kim Michael, Massapequa.
Doria, Richard Albert, White Plains.
Finger, David Harold, Eden.
Gardner, Wilhimon, New York.
Graham, Johnnie, Jr., New York.
Hopkins, Paul Robert, Syracuse.
Howard, Eli Page, Jr., Pelham.
Kidd, Peter Alan, Sinclairville.
Love, Daniel Haley, Watkins Glen.
Massa, Luis Albert, New York.
Mezzatesta, Frederick, Whitesboro.
Miner, George Louis, Southold.
Musco, Vincent James, Schenectady.
Nelson, Richard William, Valley Stream.
Noldin, Richard John, New York.
Peterson, Roy Keith, New York.
Potter, James Frank, Newark.
Pyle, Howard MacDonald, Jr., Pleasantville.
Quinn, Ronald Gene, Hilton.
Ruttan, James Earl, Watertown.
Saltz, Eric Donn, Plainview.
Schell, Robert Charles, Jr., Horseheads.
Silverstein, Gerald Leon, New York.
Simmons, Bradley Joseph, Ancramdale.
Sinclair, John James, New York.
Wilhelm, Richard Thomas, Rochester.
Youngkrans, Allan T., Jr., Utica.

Marine Corps

Bruno, Edward, Long Beach.
Colorio, Joseph, Massapequa.
Frisbie, Jared Arthur, Selkirk.
Garity, Charles Joseph, Jr., Flushing.
Garlo, Michael, Fishkill.
Ozimek, Ronald Robert, Depew.
Seminara, Charles Benjamin, Syracuse.
Shipman, James Robert, Syracuse.
Smolarek, Edwin Joseph, Jr., Buffalo.
Zimmer, Jerry Allen, Maine.

Navy

Razzano, Robert Thomas, Cohoes.

NORTH CAROLINA

Army

Abraham, Roosevelt, Jr., Wilmington.
Barbee, Garry Dwight, Concord.
Cannon, George Elmer, Sr., Tarboro.
Clark, Eugene Paul, Albemarle.
Funderburk, Rupert A., Jr., Monroe.
Howell, William Glenn, Gastonia.
Matthews, Charles Crockett, Clyde.
McCuiston, Harvey Richard, Advance.
Parrish, Rudolph Stephen, Fremont.
Robertson, Ronnie Lee, Old Fort.
Rodgers, John Carl, Lumberton.
Scott, William Benford, Jacksonville.
Sprinkle, James Larry, Franklin.
Sykes, Don Richard, Durham.
Watson, Richard Colon, Lenoir.
Wellman, Richard Douglas, Gastonia.

Marine Corps

Helms, William Gary, Jr., Oxford.
Lee, Adren Andrew, Belmont.
Thomas, Michael Jones, Sanford.

NORTH DAKOTA

Army

Kraft, Robert Leo, Linton.

OHIO

Army

Anderson, William John, Jr., Lorain.
Baker, La Brossie Lucien, Cleveland.
Beatty, James Russell, Lancaster.
Beesler, Charles William, Columbus.
Bowers, Jerome Earl, Payne.
Brundage, Michael Lester, Cleveland.
Carrion, Jose Antonio, Lorain.
Carter, David Edward, Hamilton.
Castle, Virgil Lee, Athens.
Childress, Martin Dean, Marion.
Gay, David Austin, Cleveland.
Geib, Jeffery Lynn, Rootstown.
Hand, William Harry, Lewisburg.
Harris, Rickey Elton, Cincinnati.
Hyatt, Jerald Michael, Newark.
Jones, Robert Arthur, Girard.
Kanter, Edward Lee, Cincinnati.
Kester, James Joseph, Warren.
Kimsey, Donald Wayne, Parma.
La Torre, Edgardo Rafael, Lorain.
Lappin, Denny Ray, Canton.
Lenio, Dale James, Cleveland.
Millinger, Glen Allan, Oak Harbor.
Roy, Daniel Thomas, Cincinnati.
Shaner, Stephen Paul, Bowling Green.
Shaw, Larry Lee, Rogers.
Shuminski, Stanley John, Windsor.
Small, Sam Jarrell, Jr., Toledo.
Spilker, James Dennis, Cincinnati.
Stanley, Thedous Morris, Akron.
Stevens, Rodney Franklin, Canal Winchester.
Stone, Thomas David, Kettering.
Strazzanti, Alan Peter, Northfield.
Wheeler, Millard Preston, Hamersville.
Zisko, Richard Joseph, North Olmsted.

Air Force

Walangitang, Benjamin T., Dayton.

Marine Corps

Blake, James William, Sandusky.
Cashman, Cornelius James, North Royalton.
Cunningham, Stephen Earl, Cleveland.
Dickey, William Ronald, Mentor.
Durham, William James, Columbus.
Forristal, Russell Patrick, Willoughby.
Gase, James Florian, New Riegel.
Gorvet, William Anthony, Youngstown.
Hites, Allen Lynn, Toledo.
Hood, Charles Alan, Painesville.
Hurd, John Lawrence, Cincinnati.
Lambert, Cecil Wayne, Columbus.
Marmie, Robert Theodore, Columbus.
McCabe, Robert Warren, Cincinnati.
Means, Dana Edward, East Liverpool.
Porter, Roy Lynn, Dalton.
Sayers, Thomas Ralph, Glouster.
Welsh, Frederick, Mansfield.

Navy

Milano, Joseph John, Canton.

OKLAHOMA

Army

Barnett, Paul Wayne, Dustin.
Hill, Jerry William, Vinita.
Hoskins, Gary Lee, Chouteau.
King, Verlon Donald, Jr., Dewey.
Mandeville, Ross Edward, Ripley.
Martino, Stephen Lee, Jay.
McDonell, Terry Keith, Sapulpa.
McDowell, Earl Wayne, Woodward.
Pitts, Derwin Brooke, Boswell.
Roberts, Charles Dwaine, Norman.
Seals, Clifford, Eufaula.
Wilson, Richard Lee, Sapulpa.

Marine Corps

Constien, John Richard W., Oklahoma City.
Reevs, John Curtis, Calera.
Sherrod, Edward Herbert, Oklahoma City.
Smart, Arvel Ray, Maysville.

OREGON

Army

Armstrong, Levi Lester, Cottage Grove.
Blair, Anthony Burdette, Portland.
Cook, Douglas Alex, Portland.
Greef, Lawrence Day, Portland.
Lentz, David Burnett, North Bend.
Mogck, Daryl Milton, Portland.
Wheeler, Larry Jay, Tangent.
Wibbens, John Edward, Albany.
Woods, James Robert, Portland.

Air Force

Dorman, George Stanton, Salem.

Marine Corps

Gilleran, Dennis Michael, Stayton.
Heintz, Herbert Charles, Portland.
McClaflin, Robert F., Corvallis.
McWhorter, James Elmer, Beaverton.
Torres, David, Eugene.

PENNSYLVANIA

Army

Arnovitz, Richard Michael, McKeesport.
Barker, Ray Milton, Yatesboro.
Bean, David Elton, Clarendon.
Buchanan, Roy Otis, Cochranton.
Bugar, Joseph Edward, Jr., Coatesville.
Colletto, Albert V., Jr., Pittsburgh.
Detwiler, Lawrence R., Jr., Phoenixville.
Gillen, Frederick Paul, Clairton.
Hashin, Joseph Michael, Jr., Minersville.
Hockenberry, Edwin Cloyd, East Waterford.
Kostick, Paul Francis, Gilberton.
Labanish, George Michael, Leechburg.
Lassiter, Kenney Earl, Philadelphia.
Madonna, Dominick Joseph, Pittsburgh.
McKerns, Thomas Patrick, Mahanoy City.
Newell, Ronald Eugene, Shippensburg.
Polefka, John Arn, Phoenixville.
Ragland, Fred Michael, Philadelphia.
Reefer, Charles Lenard, Jamestown.
Smith, David Francis, Ellwood City.
Webster, Jay Dennis, Jr., Lititz.
Zeltner, William J., III, Philadelphia.

Marine Corps

Gibson, Clifford Michael, Irwin.
Gray, Gary Gerald, Rimersburg.
Hermann, Louis Vincent, Jr., Clifton Heights.
Hughes, John Edward D., Jr., Pittsburgh.
Kroh, Carl Fred, Ranshaw.
Magerr, William Leo, III, Chester.
McGill, Michael Gregory, Pittsburgh.
Porter, Raymond James, Pittsburgh.
Ryan, Robert Anthony, Philadelphia.
Sampson, Gerald Hilbert, Williamsport.
Sheridan, Michael Franklin, Atglen.
Stanton, James, Honesdale.
Wingert, James Albert, Big Run.

RHODE ISLAND

Army

Hill, Frank Allen, III, Warwick.
Stephenson, Gary Lucky, Barrington.

Navy

Bourne, George Leander, East Providence.

SOUTH CAROLINA

Army

Bell, Newton Thomas, Jr., Spartanburg.
Bowman, Curtis, Branchville.
Cureton, Johnny Jacob, Jr., Williamston.
Miles, Harold Gene, Travelers Rest.
Rowell, Franklin Delano, Columbia.
Smith, William Thomas, Summerville.
Tyler, Jessie James, Neeses.
Woods, Advert, Jr., Clio.

Air Force

Bratton, Roy Donald, Adamsburg.

Marine Corps

McMakin, Wallace Thomson, Union.
Turner, Lindsay Clinton, Edgemoor.
Walker, Luther, Jr., Johnston.

Navy

Parks, Charles H., Jr., Aiken

SOUTH DAKOTA

Army

Overacker, Earl John, Faith.

TENNESSEE

Army

Bradford, John Leslie, Livingston.
Garrigus, Harry, Dresden.
Henry, George Edward, Palmer.
Hicks, James Larry, Hilham.
Humphrey, Lawrence James, Piney Flats.
Jones, Jimmy Lewis, Kingsport.
Kolwyck, John A., Darden.
Sherlin, Freddie Michael, Athens.
Smith, Charles Edward, Jr., Chattanooga.
Snyder, Thomas Dean, Johnson City.
Torbett, Stephen Justene, Piney Flats.
Turpin, Gordon James, Jr., Memphis.

Air Force

Morton, James Edward, Jr., Memphis.

Marine Corps

Majors, Daniel William, Memphis.
Sharpe, Dennis Claude, Linden.
Stone, Ben Wade, Whitleyville.

TEXAS

Army

Ball, David Martin, Austin.
Bell, Leslie Raven, San Antonio.
Bird, Jackie Dean, Jr., Houston.
Candler, Donald Priester, Temple.
Churan, Ronald Bruce, Port Neches.
Cope, Charles Ricky, Houston.
Deleon, Mario P., Robstown.
Deleon, Mario P., Robstown.
Dykes, Monte Dale, Sherman.
Freestone, David Edward, Austin.
Galindo, Guadalupe, Jr., Rockport.
Green, Melvin, Cleveland.
Hall, John Stanley, Austin.
Laxson, Richard Douglas, Denton.
Marxmiller, Gary Edward, Ft. Worth.
McDonald, Lonzo O., Amarillo.
McLennan, Roy Dewayne, Waco.
Mohn, Laurance Richard, Jr., Fort Worth.
Munoz, Johnny, Conroe.
Muse, Michael Dennis, Garland.
Nelson, Sylvester, Jr., Newton.
Pennington, Edward Lee, Phillips.
Reyes, Moises A., Jr., El Paso.
Schulte, Norman Douglas, Houston.
Simon, Thomas James, Houston.
Sims, John Charles, Jr., Corpus Christi.
Sparks, Paul Allan, Houston.
Thompson, Joseph David, Rule.
Weaver, William Carrell, Harlingen.
Williams, Freddy Thomas, Friona.
Young, Gary Eugene, Universal City.
Zuniga, Daniel Moran, San Antonio.

Marine Corps

Allen, Earnest, Jr., Houston.
Anderson, Richard Allen, Houston.
Anzaldua, Alberto Torres, Santa Rosa.
Jarrell, Kenith Lewis, Odessa.
McAninch, Michael Alan, Houston.
Montanio, Andrew, Victoria.
Ortiz, Jose Angel, Corpus Christi.
Rivera, Ruben, Weslaco.
Roberts, Bobby Lee, Dripping Springs.

Navy

Norwood, Joe William, Van Alstyne.
Smith, Philip Thomas, Austin.

UTAH

Army

Garner, Larry D., Sunset.

Marine Corps

Butcher, Dewey Frank, Ogden.
Smith, Gerald Allen, Ogden.

VERMONT

Army

Bassignani, William John, Newfane.
Inkel, Guy Marcel, Beecher Falls.
Lavigne, Stewart James, Essex Junction.

VIRGINIA

Army

Caton, Gerald Lewis, Springfield.
Hollifield, Roger Dale, Arlington.
Lotridge, Gerald Stephen, Arlington.
Mattox, Dennis Mayon, Roanoke.
Oxendine, Rodney Glenn, Yorktown.
Robertson, Marshall Eugene, Portsmouth.
Talley, Larry James, Richmond.
Taylor, Howard Franklin, Ashland.
Washington, Robert Allan, Winchester.

Marine Corps

Buchanan, Charles C., Bristol.
Collier, Charles Michael, Fisherville.
Grayson, Welby Herbert III, Vienna.
Hammerbeck, Edward Cox, Arlington.
Hemp, Stuart Franklin, Richmond.
Hoffler, Richard William, Alexandria.
McIntosh, Richard Robert, Newport News.
McLaughlin, Francis, Chatham.
Nadeau, Roland Harold, Fort Belvoir.

WASHINGTON

Army

Dillard, Donald Gary, Wapato.
Harvey, Gary Wayne, Seattle.
Miotke, Steven Michael, Puyallup.
Murphy, John Francis, Wenatchee.
Prince Stephen Robert, Wenatchee.

Marine Corps

Hombel, Ray Earl, Spokane.
Honea, Stanley Ray, Seattle.
Hulbert, Jeffrey Lee, Kirkland.
Sparkland, Leonard Peter, Mercer Island.

WEST VIRGINIA

Army

Armes, Bobby Wayne, Sophia.
Bennett, Douglas Alvin, Beckley.
Davis, John Michael, Saxon.
Gentry, Terrance Neil, Man.
Hackney, Donnie Lee, Sissonville.
Jackson, Lawrence Henry, Red Jacket.
Mahoney, John Morrison, Bakerton.
Phifer, Clyde Edward, Jr., Charleston.
Smith, John Gerdes, Hico.
Taylor, Russell Allen, Elkins.

Air Force

Hamrick, Kenneth James, Morgantown.

Marine Corps

Ford, Kenneth Raymond, Fairmont.
Lanham, Donald Gene, Rainelle.

WISCONSIN

Army

Bozinski, John Michael, Superior.
Goodness, Kenneth Glen, Nekoosa.
Green, Dennis Joseph, West DePere.
Heider, William Stephen, Waukesha.
Kink, David Robert, Middleton.
Larson, Randolph Louis, Milwaukee.
Rosenow, Thomas Arthur, Cashton.
Schmidt, Larry Roman, Oconomowoc.
Ulrich, Jayson Fred, Milwaukee.
Unsinn, Michael Joseph, Green Bay.
Vanderboom, Paul Ward, Jr., Fond Du Lac.

Marine Corps

Gregorius Michael Jon, Appleton.
Grusczynski, Edward Roy, Denmark.
Ray, Ronald John, Greenleaf.
Rice, James Roy, Cudahy.
Rossow, Gerald John, La Crosse.

GUAM

Army

Dela-Cruz, Frederico V., Agana.

PUERTO RICO

Army

Cruz-Lebron, Gaspar, San Juan.
Del Valle, Sanchez Alejo, Bayamon.
Lopez, Peter, Toa Baja.
Rodriguez-Guzman Abeladro, Hato Rey.
Rosado-Borges, Jose F., Arecibo.
Vasquez-Santiago Efrain, Bayamon.

Marine Corps

Perez-Padin, Juan Ramon, Quebradillas.

VIRGIN ISLANDS

Army

Francis, James Augustus, St. Thomas.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN SEPTEMBER 1969

ALABAMA

Army

Chuchwell, Donald Walter, Birmingham.
Darwin, James David, Pisgah.
Foster, Joe Albert, Jr., Birmingham.
Harwell, Gary Curtis, Athens.
Jackson, David Rolland, Sheffield.
Miller, Johnnie Robert, Mount Olive.
Smith, David Willard, Opelika.

Marine Corps

Lavender, Robert Edward, Montgomery.
McLeod, Charles William, Gadsden.

ARIZONA

Army

Caamano, Leonard Olguin, Tucson.
Cruz, Tony, Phoenix.
Ramirez, Armando, Willcox.

Marine Corps

Childers, Melvin Ronald, Phoenix.

Navy

Kalina, Edward Charles, Phoenix.

ARKANSAS

Army

Metz, Danny Ray, London.
Moore, Charles Ray, Ferndale.
Sanders, Wayne Jackson, Ratcliff.
Thomas, Michael Herman, Hot Springs.

Marine Corps

Ellis, Charles Westley, Jr., Widener.
Sherril, Richard Wayne, Hartman.
Williams, Harvey Lee, Camden.

CALIFORNIA

Army

Alcorn, Dale Robert, Jr., Redondo Beach.
Alford, Mark Carl, Atascadero.
Ananian, John Moses, San Francisco.
Barrett, Frederick Harry, Granada Hills.
Bartlebaugh, Dennis Lee, Los Angeles.
Bowden, Byron Bill, Ramona.
Bowen, John Lewis, Monterey.
Bowles, Theophilus, San Francisco.
Box, John Robert, Los Angeles.
Burns, Michael Thomas, San Diego.
Chunko, George David, National City.
Cochrane, Gregg Lawrence, Santa Clara.
Cooke, Robert Allen, Durham.
Cuthbert, Lowry Taylor, Compton.
De Mello, Bryan Joe, Palo Alto.
Di Bari, Louis Scott, San Jose.
Field, James Roland, Pacific Palisades.
Jackson, Chester Lee, Riverside.
Kish, Ernest, Inglewood.
Lahna, Gary William, Long Beach.
Landberg, Peter Thomas, Lynwood.
Monk, Sherman Dalton, Los Palos.
Montellano, Michael A., Los Angeles.
Newsome, Johnny, Los Angeles.
Ogren, Jerry Lewis, Stockton.
Rodriguez, Encarnasion, La Mirada.
Rogers, James Steven, San Fernando.
Rosenlund, Nels Vern, II, Arcata.
Ryan, Jerry Van, Walnut Creek.
Simeth, Thomas James, Sr., San Diego.
Stanton, Scott Neal, Sherman Oaks.
Sterling, John Charles, Concord.
Strouse, Larry Dale, Granada Hills.
Valadez, Timmy, Los Angeles.
Ward, Patrick Michael, Arcadia.

Marine Corps

Baade, Robert Richard, II, Long Beach.
Bohlig, James Richard, Crockett.
Ford, David Todd, Hayward.
Goldmeyer, Charles Henry, San Diego.
Hamilton, Roland Charles, Anaheim.
Ledbetter, Larry Douglas, Bellflower.
Lowery, Roger Dale, Arcata.
Montez, Frank James, Salinas.
Robillard, Larry Kenneth, Torrance.
Tidwell, Erich Linwood, El Centro.
Walker, John Wesley, Orange.
Young, Thomas Everett, San Diego.

COLORADO

Army

Moore, James Lee, Colorado Springs.

Air Force

McBride, Albert Cayrl, Leadville.

Marine Corps

Ogbourn, Gayman Crandall, Elizabeth.

CONNECTICUT

Army

Goulet, Ronald Marcel, Thompsonville.
Pepe, George William, East Granby.
Rolfs, Gerhard, Oakville.

Marine Corps

Bittner, Robert Edward, Jr., Kensington.
Burns, James Arthur, Granby.
Clark, Frederick Ralph, Jewett City.
Moriarty, Patrick O'Neal, Hartford.

DISTRICT OF COLUMBIA

Army

Camp, John Holmes, Jr., Washington.
Moore, John Otis, Washington.
Pearson, Richard Ellsworth, Washington.
Pierce, Harry W., Jr., Washington.
Tompkins, James Ervin, Washington.

FLORIDA

Army

Batts, William George, Avon Park.
Bustamante, Gilberto, Tampa.
Byrd, Reginald Tyrone, West Palm Beach.
Fields, Kenneth Wayne, Fort Pierce.
Geiger, Charles Richard, Gainesville.
Gwinn, Richard Alfred, Miami.
Hatch, Kenneth Neal, Pensacola.
Labrecque, Robert William, Riviera Beach.
Lawler, Thomas Frederick, Tampa.
Odum, Michael Ralph R., Tallahassee.
Smith, Neal Arthur, Gainesville.
Tittle, William Edward, West Palm Beach.

Marine Corps

Charles, Terry Lee, Tampa.
Lafreniere, Paul Joseph, Jr., Pensacola.
Moultrie, Calvin, Pensacola.
Scott, James Elvin, Pensacola.

GEORGIA

Army

Barbre, Samuel David, Albany.
Cagle, Randy Graham, Menlo.
Fordham, Russell Carrell, Albany.
Glisson, Johnny William, Savannah.
Jackson, Fred Orr, Jr., Fort Benning.
Jenkins, Anthony Leroy, Bainbridge.
McDonald, Thomas R., Jr., Atlanta.
Merchant, Lonnie Vester, Hazelhurst.
Swann, Johnny Delbert, Atlanta.

Air Force

Cameron, James Frederick, Simons Island.
Smith, Fred Winston, Savannah.

Marine Corps

Arthur, Jesse James, III, Atlanta.
McKenzie, Johnny Ray, Columbus.
Morgan, Major Boone, Jr., Chamblee.

HAWAII

Army

Andrada, Wilfredo Balagot, Hilo.
Kauhaihao, Johnny Kulilei, Honaunau.
Milar, Alberto, Jr., Hilo.
Pacheco, Michael Jerome, Paia Maui.
Pacolba, Alfredo, Honolulu.
Salvatore, Thomas Anthony, Waimea Kauai.

IDAHO

Army

Ward, Johnny Lee, Cambridge.

Marine Corps

Aslett, Allan Theo, Twin Falls.

ILLINOIS

Army

Carlson, John Edward, Round Lake.
Cartland, Donald Norman, Oak Park.
Collins, Michael Lee, Rockford.
Cooney, Phillip Bernard, Berwyn.
Derrington, Earmon Ray, Rockford.
Dine, James Charles, Granite City.
Greco, Michel Jack, Chicago.
Henderson, Stephen Carl, Kenney.
Knechtges, Michael Allen, Chicago.
Knutson, Felix Delano, Chicago.
Larson, Thomas Lloyd, Rock Island.
Leopold, Lester Harold, Wilmington.
Moore, Donald Eugene, Chicago.
Price, Gary Donald, Hebron.
Seibert, Michael Robert, Parkersburg.
Trock, Theodore Allen, Lansing.

Air Force

Newberry, Wayne Ellsworth, East St. Louis.

Marine Corps

Burris, Joseph Samuel, III, Chicago.
Clough, Donnie Joe, Charleston.
Gatlin, Jerry Gene, Waukegan.
Hammond, Pete B., Belleville.
Janousek, Ronald James, Posen.
Lynch, Daniel Michael, Chicago.
Mullineaux, Steven Paul, Des Plaines.
Page, Ronnie, Chicago.

Navy

Kierznowski, Terrence E., Crete.

INDIANA

Army

Goodnight, Jackie Lee, Martinsville.
Higgins, Thomas Andrew, Vincennes.
Hudson, Ronald Charles, Gary.
Leming, Charles R., Columbus.
Morrow, James Ralph, Greensburg.
Person, Robert Lee, Richmond.

Air Force

Acher, Robert Paul, Jr., Greensburg.
Ross, Charles Brent, Brazil.

Marine Corps

Fisher, Robert Leroy, Brookston.
Golc, Joseph Louis, Jr., Indianapolis.
Hollman, David Lee, Evansville.

IOWA

Army

Reavis, Brett Grant, Grinnell.

Marine Corps

Hartogh, David Michael, Waterloo.
Hickerson, Jerry Warner, Corydon.

Navy

Sampers, James William, Storm Lake.

KANSAS

Army

Squier, William Russell, Jr., Brownell.
Stanfield, Gary Kelvin, Chanute.
Van Winkle, Jess H., Jr., Junction City.

Marine Corps

Denton, Dennis Alan, Holton.
Metzger, George Leonard, Kansas City.

Navy

White, Michael La Vern, Lenexa.

KENTUCKY

Army

Cottingham, John Edward, Newport.
Daugherty, Cecil, Harrodsburg.
Gabbard, Thomas Jefferson, Highland Heights.
Kuhlenhoelter, Jimmy, Bowling Green.
Litsey, Michael Lewis, Muldraugh.
Pease, Kenneth Wayne, Hickory.
Yates, James Irvine, Mount Eden.

Air Force

Yates, Manifred, Pikeville.

LOUISIANA

Army

Bradley, Glenn Martin, Owensboro.
Broussard, Leo James, Jr., New Orleans.
Jennings, James, Jr., Independence.
Johnson, Denny Layton, Bunkie.
Maye, Michael McKenzie, New Orleans.
Megehee, James Wood, Minden.

Marine Corps

Lafleur, Robert Wayne, Oberlin.
Wright, Frank, Jr., Monroe.

MAINE

Army

Belanger, Albert Lee, Auburn.
Boobar, Larry Daniel, La Grange.
Duprey, Danny Lee, Ft. Fairfield.
Skidgel, Donald Sidney, Newport.

MARYLAND

Army

Bailey, Tollie, Baltimore.
Britz, Ronald Joseph, Severna Park.
Dean, Carl Andrew, Edgewater.
Piacentino, Michael Allen, Baltimore.
Sapp, Alfred George, Sr., Fort George G. Meade.

Marine Corps

Bailey, Leland Alston, Baltimore.
Burton, John Lee, Baltimore.
Rice, Jerry David, Baltimore.
Seldon, David Scott, Quantico.
Waidman, William Herman, Jr., Berkshire.

MASSACHUSETTS

Army

Benjamin, Gary Thomas, Berkshire Village.
Kalen, John Joseph, Milford.
McCormack, William Edward, Woburn.
Olinsky, Walter Stanley, Jr., Revere.

Marine Corps

McGarry, James Brian, Raynham.

MICHIGAN

Army

Austin, Scotty Gene, Grand Haven.
Benoit, Robert Charles, Jr., Mount Clemens.
Borr, Jeffrey, Grand Rapids.
Cornwell, Thomas Glenn, Port Huron.
Diggs, William Franklin, Howell.
Eichhorn, Monty Jay, Croswell.
Elting, Steven Vernon, Vestaburg.
Gibson, Bruce Stewart, Allen Park.
Givens, David Jerry, Warren.
Harris, Hal, Detroit.
Hartsuff, Leo Francis, East Lansing.
Henry, Bernard James, Harrison.
Hoeker, Joseph Alan, Spring Lake.
Hutchinson, Walter Eugene, Durand.
Jaquish, James Ivan, Traverse City.
Miller, Raymond P., II, Algonac.
Nauss, Brent Britten, Howell.
Persicke, Allan Wayne, Benton Harbor.
Petre, Ronnie Joseph, Inkster.
Ray, Dewey Vern, Frankfort.
Sarah, Hugh Henry, Plymouth.
Servantez, Joseph Anthony, Inkster.
Smith, Delbert Ray, Jasper.
Standifer, Anthony, Detroit.
Stockdale, James Byron, Detroit.
Surber, Mark Wayne, Sterling.
Taylor, Charles Franklin, Detroit.
Vliek, Ronald Craig, Decatur.
White, Bedford Frederick, Detroit.
Wilson, Willard Eugene, Flint.

Marine Corps

Baker, Bobby Gene, Grand Junction.
Hughes, Gregory John, Royal Oak.
Kennedy, Donald Lee, Madison Heights.

Navy

Smith, Scott Phillip, Chelsea.
Spenelli, Dennis Arthur, Detroit.

MINNESOTA

Army

Ewald, Woodrow Johnsen, Jr., International Falls.
Haider, Michael Edward, St. Paul.
Price, Thomas John, Stephen.
Troy, Peter John, St. Paul.
Weitzel, Billy Dan, Albert Lee.
Ferguson, Dennis Wayne, Minneapolis.
Liebl, Donald Alvin, Fairfax.

MISSISSIPPI

Army

Beard, Asberry, Jr., Vicksburg.
Edmonson, Bobby, Laurel.
Robinson, Joequin, Laurel.

Marine Corps

Walker, Troy Lee, Corinth.

MISSOURI

Army

Bishop, Ronald Burk, Hazelwood.
Cassmeyer, Victor Paul, Jr., Jefferson City.
Miller, Clinton Eugene, Cabool.
Skinner, Larry Rickford, Winfield.
Smith, James Wesley, Napoleon.
White, Cordis Ray, Lamar.

Marine Corps

Atkinson, Charles Leon, St. Joseph.

Navy

Aly, Leslie Morgan, Desoto.

MONTANA

Army

Best, Richard James, Jr., Kalispell.

NEBRASKA

Army

Doak, Stanley Wayne, McCook.
Fork, Norman Kermit, Laurel.
Lamboody, John Patrick, Omaha.
Lange, Dean Richard, Nebraska City.
McAllister, Cameron Trent, Omaha.
Peetzke, Ronald Eugene, Hampton.
Smith, Thomas Leroy, Omaha.

Air Force

Wiesneth, Robert Paul, Louisville.

NEVADA

Army

Howe, Steven Timothy, Ely.

NEW HAMPSHIRE

Army

Brown, Mark Larry, Hampton.
McGlone, Michael Thomas, Dover.
Titcomb, Robert Paul, Farmington.

Marine Corps

Joy, William Clyde, Epsom.

NEW JERSEY

Army

Bullwinkel, Alden John, Dunellen.
Halladay, John Anthony, Merchantville.
Lupu, John William, Middlesex.
Lyons, William Michael, III, Ft. Lee.
Pypniowski, Larry, White House Sta.
Stephanac, Mark John, Garfield.
Woods, James Bernard, Jr., New Milford
Young, Stephen Walter, Collingswood.

Marine Corps

Albert, David, Paramus.
Sylvia, Jerry, Palisades.

NEW MEXICO

Army

Hanawald, Len Martin, Albuquerque.
Romero, Charles Anthony, Albuquerque.
Willard, James Monroe, Albuquerque.
Young, Stephen Andrew, Las Cruces.

NEW YORK

Army

Aviles, Alfredo Edwardo, New York.
Bortle, Jonathan R., Macedon.
Bowdler, Gary Lee, North Tonawanda.
Bruce, Robert, Fishkill.
Dyer, Martin Barry, Jr., New York.
Emery, Charles Henry, Jr., Buffalo.
Goggin, John Phillip, New York.
Hall, James Henry, Hollis.
Kneeland, Paul James, Lockport.
McGovern, Michael John, Jr., Cambria Heights.
Petteys, Cornel, Wynantskill.
Scott, Duane Carl, Friendship.
Thielges, Charles Theodore, Buffalo.

Air Force

Pitches, James Sutherland, Yonkers.

Marine Corps

Betancourt, James, New York.
Bushey, William Timothy, Mahopac.
Carabba, Richard Aloysius, New York.
Costanza, Kenneth David, Rochester.
Fellows, David Thomas, Caledonia.
Kane, Bruce Edward, Deer Park.
Morrissey, Richard Thomas, Uniondale.
Rivera, David, New York.
Slattery, James Dennis, New York.
Starkey, Richard William, Schenectady.
Steen, Anthony Michael, Troy.
Walker, John Joseph, New York.
Washington, Willie James, Rockaway.

NORTH CAROLINA

Army

Brown, Lonnie, Jr., Williamston.
Burlock, Kenneth George, Jr., Jacksonville.
Campbell, James Clyde, Raeford.
Crosby, James Edward, Greensboro.
Ellis, Larry Wayne, Raleigh.
Genwright, McKenzie W., Winnabow.
Hager, Robert Lee, Jr., Kannapolis.
Hathcock, Larry Cecil, Stanfield.
Jones, Stokely James, Goldsboro.
McGee George Franklin, Lenoir.

Air Force

Norman, Thomas Wiley, Jr., Roper.
Williams, Roy Colon, Jr., Eagle Springs.

Marine Corps

Acker, Odell Bernard Pate, Winston-Salem.
Lemmond, Walter Van, III, Lumberton.
Meeks, Ricky Lee, Mebane.
Pennington, Kenneth Edward, Durham.
Sargent, Edward Ray, King.
Speight, Johnnie Moses, Jr., Farmville.
Wrenn, Larry Curtis, Fayetteville.

NORTH DAKOTA

Army

Elsbernd, David Duane, Crosby.
Schmitz, Robert Eugene, Martin.

OHIO

Army

Brister, James Stanley, Fairview.
Broumas, Andre George, Youngstown.
Carter, William Edwin, Van Wert.
Chaney, Stephen John, Marion.
Clark, Barry Robert, Maple Heights.
Crist, Stephen Edward, Conneaut.
Danison, Joseph William, Columbus.
Denny, Terry Lee, Sandusky.
Foust, Kenneth Edward, Lima.
Franks, Davitt John, Cleveland.
Futo, John Anthony, Cleveland.
Haben, Merle William, Bradford.
Handel, Libero Charles, Cleveland Heights.
Hanna, David Russell, Clinton.

Heidrich, Gregg William, Huron.
Joecken, Richard Kenneth, Columbus.
Kempf, Douglas Scott, Coshocton.
Lalonde, Harry Frank, Jr., Toledo.
Lewis, David, Cleves.
Perry, Kenneth Lee, Franklin.
Prose, Charles William, Jr., McDermott.
Saunders, Clyde William, Springfield.
Scheuer, Bobby Dale, Cincinnati.
Snyder, Thomas Lynn, Amherst.
Stewart, Henry Matt, Jr., Cincinnati.
Tonon, James Anthony, Cleveland.
Vastine, Larry Charles, McDermott.
Wright, John Edward, Circleville.

Air Force

Wilhelm, Frederick, Cincinnati.

Marine Corps

Corsino, Eddie Nelson, Lorain.
Cravens, Danny Carol, West Alexandria.
Douglas, Delbert, Toledo.
Krueger, Randall Lee, Lakeview.

Navy

Turner, Richard Mathias, Youngstown.

OKLAHOMA

Army

Tracy, John Wayne, Seminole.

MARINE CORPS

Heidebrecht, Dale Roger, Bethany.
Lucas, Paul David, Broken Arrow.
Reed, John Arthur, Mulhall.
Tuell, Robert Lee, III, Tulsa.

OREGON

Army

Deaton, Charles Thomas, Klamath Falls.
Hanson, Edward Maynard, Bend.
Montag, Lee Edward, Portland.

Marine Corps

Johnson, William Melvin, Detroit.

PENNSYLVANIA

Army

Foulk, Paul Frederick, Greenville.
Guy, Thomas Edward, Philadelphia.
Harris, Charles Louise, Marianna.
Kilpatrick, Donald Robert, Bethlehem.
Leonard, Kenneth Edward, Havertown.
Long, Charles Elbert, Harrisburg.
Lord, Eric Anthony, Philadelphia.
McDowell, Laurence Thomas, Levittown.
Murphy, Dennis James, Darby.
Nesterak, Norman Louis, Coaldale.
Preslipski, Michael, Jr., Shavertown.
Ream, Eric Allan, Schaefferstown.
Thomas, Raymond Bruce, Columbia.

Air Force

Wecker, Harry Herr, Dauphin.

Marine Corps

Baker, David Richard, Antes.
McGinnis, Michael Brian, Levittown.
Mikula, Carl Stephen, North Braddock.

Navy

Sickles, James Arthur, Johnstown.

SOUTH CAROLINA

Army

Alexander, Barry Kenneth, Clemson.
Barrs, Shelton Ferrell, Charleston.
Bryant, Jerry, Greenwood.
Cox, Joseph William, Johns Island.
Henneghan, Robert Lee, Coward.
Pessier, Steven Leroy, Charleston Heights.
Stenhouse, J. Lynn, Jr., Fountain Inn.
Trusty, Michael Jefferson, Taylors.

Marine Corps

Banks, Michael Francis, Joanna.

Marine Corps

Chesebrough, John Lane, Beaufort.

TENNESSEE

Army

Gibson, Lonnie Lowell, Jellico.
Gold, Fred Edward, Clarksville.
Haynes, Bobby Gene, Flag Pond.
Haynes, Ron Jackson, Vonore.
Koonce, Michael Earl, Ripley.
Potter, James Ralph, Daisy.

Marine Corps

McDermott, Bernard A., III, Nashville.
McGarrity, James Erby, Jr., Ripley.
Rogers, Willie, Jr., Memphis.

TEXAS

Army

Ahlstrom, Robert Ernest, San Antonio.
Chavez, John Manual, Plainview.
Cook, Lester Charles, Iola.
Dennis, Larry Wayne, Lubbock.
Esquiero, Johnny Raymond, Lubbock.
Fralicks, Larry Douglas, Cedar Hill.
Henry, David Paul, Keene.
Hughes, Richard Ramsel, Denton.
James Emmett Dwaine, Hurst.
Lowe, Walter Bedford, Jr., Garden City.
Page, M.C., Keltys.
Purifoy, Ray Warren, Dallas.
Salazar, Roberto, Houston.
Sanders, Larry Truman, Thornton.
Sweet, Larry Eugene, Dumas.
Vergara, Eliseo, Anton.
Wills, Robson Ward, San Antonio.

Marine Corps

Coker, Troy Orion, Houston.
Davis, Elton, Jr., Bartlett.
Ramirez, Florencio, Jr., San Antonio.

Navy

Burns, Dewey Ray, Jr., Sulphur Springs.
Meier, Carl Louis, Waco.

UTAH

Army

Haynie, Galen Earl, Salt Lake City.
Weeks, Michael Dale, Bountiful.

Marine Corps

Lund, Steven Danny, Bountiful.

VERMONT

Army

Carr, Freeman Abraham, Northfield.

VIRGINIA

Army

Cox, Sherbert Leon, Norfolk.
Kardos, James Marion, Charlottesville.
Lewis, Arthur, Ashland.
Morgan, Arthur Eugene, Wise.
Watson, Delmis Clayton, Covington.
Webb, Theodore Wood, Swoope.

Air Force

Alley, Willie Warnie, Richlands.

Marine Corps

Harris, Jack, Jr., Sterling Park.
Rush, Thomas Clyde, Jr., Buckingham.

Navy

Jinkins, George W., III, Richmond.

WASHINGTON

Army

Daniels, George Howard, II, Manchester.
Pittigrew, John Floyd, Seattle.
Schimanski, Kenneth Alfred, Colbert.
Scott, Gregory Edward, Colfax.
Turner, Randy Van, Spokane.

Air Force

Cavallin, Lester Melvin, Tacoma.

Marine Corps

Barker, Jerry Edwin, Seattle.

Navy

Mason, Terry Dean, Toppenish.

WEST VIRGINIA

Army

Hicks, Archie Everett, Quincy.
Mitchell, Charlie Howard, Jolo.
Stover, Shelby Dean, Ameagle.
Swiger, Richard Jackson, Clarksburg.
Wright, Charles Herman, Beckley.

WISCONSIN

Army

Babel, Dwight Fabian, Kenosha.
Hagen, Ronald James, Nekoosa.
Ledden, Terrance Edward, Fond Du Lac.
Propson, Bernard Ambrose, Hilbert.
Wojahn, Arthur Edward, La Crosse.

Air Force

Greinke, Neil Norman, Franklin.

Marine Corps

Le, Bosquet Charles R., Madison.
Perez, Richard Eloy, Washington Island.

WYOMING

Army

Powers, Richard Paul, Powell.
Wartchow, Dennis Russell, Jackson.

GUAM

Marine Corps

Cuasito, Ronald Perez, Tamvning.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I am going to vote "no" on House Resolution 613. I really do not see why we have to bring a resolution, with so many ramifications, to the floor under a closed rule.

In fact, sometimes I wonder why we even have a closed rule in the House of Representatives, as it certainly does limit debate and it certainly does prohibit amendments many Members wish to discuss as concerning the complicated negotiations in Paris.

There are two areas which worry me, which are not mentioned in the resolution.

One is the nature of the South Vietnamese Government. This is a military dictatorship. I believe it is a minority government that does not represent the people of South Vietnam. The election they had last year, I believe, was a fraud, because the most qualified candidates for president were not allowed to run, and many of the qualified politicians in South Vietnam are political prisoners.

There is nothing in this resolution about broadening the participation in the Government of South Vietnam. There is nothing in this resolution concerning democracy in a country where we say we are supposedly fighting for democracy.

There is something else that worries me, and that is the troop withdrawal. If we withdraw the troops, what are we going to find happening? If we withdraw, say, 200,000 troops and the North Vietnamese and the Vietcong seem to be on the edge of a military victory, are we going to send the troops back to bail out the South Vietnamese government or not? What is our policy in this area?

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

Mr. REES. I yield to the gentleman from Illinois.

Mr. YATES. Secretary Laird said in a hearing made available this morning that if the Vietnamization policy did not work, escalation of the war was a distinct possibility.

Mr. REES. This is the dilemma in which we find ourselves with this resolution. We find ourselves almost with a minor Gulf of Tonkin resolution giving our support to the administration's future policies in the peace negotiations in Paris.

Mr. HAYS. I have heard the gentleman talk about the Government of South Vietnam. If he would care to express his opinion of the Government of North

Vietnam I would be glad to yield him another minute.

Mr. REES. I would be happy to.

Mr. HAYS. Mr. Chairman, I yield the gentleman another minute.

Mr. REES. I do not approve of the actions of the Government of North Vietnam. I do not approve of their tactics. I do not approve of the terrorism they have unleashed in the south.

But they are a major factor in these negotiations, they must be contended with at the Paris peace talks.

A very important factor is the Vietcong. How major a factor are they in the peace talks? Perhaps they are a more important factor than the Government of North Vietnam. Do we have a firm policy in negotiating with the National Liberation Front?

To negotiate, one does not have to love him, his adversary. But one has to recognize who he is and what his motives are.

Mr. HAYS. If the gentleman will look at the resolution, it says "free elections" for all the people of South Vietnam. That would include everybody, and those who call themselves the Vietcong and otherwise.

I just point out that the government of North Vietnam was never elected by anyone. The government of South Vietnam was elected by somebody. There is a difference.

Mr. REES. There is nothing in this resolution which refers to a meaningful coalition government of the various factions within South Vietnam. Unfortunately, we find most of the groups either in the prisons or without political rights.

I believe that whole concept of government in South Vietnam should be broadened along a complete political spectrum, if we are ever to deescalate the terror and to have a meaningful peace.

I will be one of those Members of Congress who will be issuing the following statement:

We do not endorse everything said by the President in his statement of November 3.

We specifically do not give advance approval of future decisions on Vietnam.

We affirmatively urge:

First, efforts to reduce the level of violence in Vietnam; second, the broadening of the political base of the Saigon government, and third, the immediate designation of a high-level replacement for retiring delegate Henry Cabot Lodge.

Mr. HAYS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I, too, would like to address myself, as my distinguished colleague from Ohio has suggested to the government of North Vietnam. All of us who oppose this resolution are horrified at the gross immorality and inhumanity of the North Vietnamese Government. We are appalled at government by terror, blackmail, and assassination, yes, including the murder of innocent women and children. There is nothing good that we can say about the government of North Vietnam. The only significant thing we can say about them is that we are faced with a condition and not a theory. They are there, they exist, and if we are going to bring this war to an end, then the enemy, no matter how repugnant their conduct, must be talked to, and negotiated with. It is apparent that the government of South Vietnam is not willing to communicate with the north in a meaningful way and to extend their roots and broaden their base to include respected, moderate, non-Communist leaders like General Minh, with whom the North Vietnamese might be willing to enter into negotiations. Until the government of South Vietnam comes to the point of being willing to broaden its base and include within its ranks, spokesmen like big Minh who can communicate with the North Vietnamese, we will be involved indefinitely in this expensive and devastating war. And if we continue the process of Vietnamization by continuing the supply of air power, arms, and equipment to the South Vietnamese Government, we will find that the very size, scope, and scale of our intervention will continue to frustrate the very process of self determination which we are pledged to support, and, likewise, prevent the process of accommodation and coalition formation, which is an indispensible precondition to commencing meaningful talks with the North Vietnamese and the Vietcong.

I thank my colleague from Ohio for his courtesy in yielding this time to me.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I would join my distinguished colleague from Oklahoma who was in the well a few moments ago in praising the gentleman from Texas for his authorship of this resolution and commend both of these gentlemen for their distinguished work leading toward its passage.

When the President of the United States came to this House a few weeks ago to express his appreciation to that large number of Members of the House who had introduced such resolutions, he indicated that he was speaking to us as Americans and not as Democrats or Republicans, and he pointed out when it came to the important issues of foreign policy that we had always responded in Americans.

I am deeply appreciative of the majority of the Members on the Democratic side of this House as well as on the Republican side who have introduced these resolutions and who are standing up for their country in so doing. We are here acting as Americans and as representatives of the people. There has been a good deal of controversy as to who speaks for the people of the United States. We do. In the Federal Government, in the entire judicial branch, all are appointed. In the executive branch all are civil service or appointed people, except for the President and the Vice President, who are elected, although not directly by the people. It is only in the Congress at the Federal level that there is direct representation of the people, and this is most purely true in the House of Representatives. This is where the voice of the people is heard and their influence is directly felt at the Federal level of government. If we are going to have government of the people, by the people, and for the people, this must be the case. Therefore, the voice of the people of this country cannot be more clearly or purely heard than through the passage of a resolution such as this one which has been introduced by more than 300 Members of the House of Representatives. Through us, the silent majority has found its voice, and speaks out on this issue loud and clear in the passage of this resolution.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Gladly.

Mr. WALDIE. Is it the gentleman's understanding that in the description used in the resolution, to negotiate a just peace, that a Communist government in South Vietnam which came into power by election would result in a just peace?

Mr. BUCHANAN. It is my understanding that the policy of the President—and I will yield to the gentleman from Texas, as the author of the resolution—is to abide by the results of a full and free election, whatever those results may be. I think I must say to the gentleman that such an outcome as he describes is beyond the realm of possibility, in my considered judgment.

I yield to the gentleman from Texas for a more complete response.

Mr. WALDIE. Mr. Chairman, will the gentleman yield further?

Mr. BUCHANAN. I refuse to yield further until I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Alabama for yielding. I do agree with the response given by the gentleman from Alabama. I do believe that the gentleman from Alabama has correctly interpreted the position of the President of the United States.

In response to the question propounded by the gentleman from California, based upon a hypothetical possibility that if free elections were held and most of the people of South Vietnam voted to embrace a Communist government, the question propounded was, would this constitute a just settlement or a just peace?

In my opinion, whatever responds fairly to the freely expressed will of the people of that or any other country is just. We are not in South Vietnam to impose upon those people a government of our choice. We are there to defend their right to a government of their choice.

Mr. WALDIE. Now, Mr. Chairman, would the gentleman yield further briefly?

Mr. BUCHANAN. Yes, briefly.

Mr. WALDIE. I want to quote to the gentleman President Nixon's statement in 1960 during the Kennedy-Nixon debate:

> We cannot tolerate a Communist government in South Vietnam.

I thank the gentleman for yielding.

Mr. BUCHANAN. May I say in response that I am confident and I suspect Mr. Nixon is confident that there is no possibility of such a result from his present policy. I think it is an honest policy, a policy based upon reason and knowledgeability concerning this problem. A free election simply would not result in a Communist government in Vietnam.

There is apparently great misunderstanding in our country both of the strength and the virtue of the government now in power in South Vietnam. I think, perhaps, there are many who fail to understand the situation. The President's present policy of Vietnamization and of step-by-step withdrawal has an excellent chance of success. A basic reason is the growing strength and popularity of the government of the Republic of Vietnam.

Unlike any Communist government in the world today, the present government in Saigon is an expression of the self-determination of the people of that country and exists as the result of a free election. Within the past 2 years a constitution has been drafted for the Government of the Republic of Vietnam and ratified by a referendum of the people. It established a tripartite system with an elected executive branch, an elected legislative branch, and an independent judiciary. Elections were held which American observers on the scene at the time characterized as fair and free elections. A higher percentage of the people of the Republic of Vietnam participated in voting than is the case with our own elections in the United States.

It has been my privilege to meet many members of the legislative branch of that Government and a number in responsible positions in the executive branch. I am impressed with the high caliber of these officials and their determination to create a stable, viable, non-Communist government responsive to the needs of the people of that troubled land. It is not by any means a perfect government. Neither is our own. To dismiss this government, created and elected by the people of Vietnam, as just another dictatorship, however, is libelous in the extreme. It is something of a miracle that in a place wracked for a generation by war this infant Republic could even be born while the heat of the conflict continues. Yet this has not only happened, but the strength of that government continues to increase and its base of popular support continues to broaden.

The Tet offensive of 1968, so misunderstood in the United States, was a disaster for the Communists. It was an abortive effort to bring about the collapse of the Saigon government which resulted instead in the loss of much of the military leadership of the Vietcong, substantial loss of their political infrastructure, plus the bulk of Vietcong manpower. Most of the troops against which we now fight are North Vietnamese regulars. The rate of defections to the Republic of Vietnam has dramatically increased. In the pacification program the Vietcong infrastructure has been continuingly ferreted out, while on the positive side the government, assisted by our Agency for International Development and the civic action programs of our military, has continued to build a better society for the people of Vietnam in the midst of war and has received increasing support from the population at the grassroots level.

Militarily, the Republic of Vietnam's forces have also grown stronger and with the present intensified training program and the continued supply of adequate weaponry, should be able on a step-by-step basis to take over the combat assignments successfully.

The President's policy of Vietnamization of the conflict can succeed with or without progress at the negotiating table in Paris. It is indeed possible that the resolution which we are about to pass will not result in any visible improvement in these negotiations. In my judgment, the North Vietnamese, who have never admitted their leadership of the Vietcong and other Communist forces in South Vietnam and who have tended to deny the very presence of North Vietnamese regular forces there, may well never make open concessions at the conference table. It would seem to me more likely that when the decision is made to withdraw from South Vietnam, they will simply do so without ever making any admissions or public concessions.

This resolution does, even so, serve a very important purpose in that it makes clear to the Communists and to the world that the American people do stand behind their President in his effort toward a just peace in Vietnam and in his determination that the people of that troubled land shall be guaranteed the right of self-determination. This would logically strengthen the hand of our negotiators in Paris, but whether or not this is the case, it will certainly be of benefit to our troops in Vietnam. This clear expression of our Nation's resolve and commitment cannot but be of benefit to the people of South Vietnam in their struggle for freedom against a Communist aggression which would impose upon them by force a totalitarian government.

It is my profound hope that this message from the people of the United States will be factually reported by the news media here and elsewhere and clearly understood by the Communists. If this is the case, it will in fact serve to shorten the conflict and help to bring a real and lasting peace in Southeast Asia.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. WOLFF.)

Mr. WOLFF. Mr. Chairman, debate on this resolution has brought forth many definitions of the crucial phrase "just peace," so once again I must wonder what, really, is a just peace?

Have not all the answers given only proved the abiguity of this phrase?

After all, did not President Johnson seek a just peace when he escalated the conflict?

In fact, whenever our country has gone to war has not a just peace been our goal?

Are we going to use our definition of this ambiguous phrase? Or Saigon's? Or Hanoi's?

To put all this in perspective, is not this one of the most important—perhaps the most important—issue to come before the House this year?

Then, why were no hearings held on this measure?

Why was it closed to amendments in committee and on the floor?

What are the supporters of this resolution afraid of?

Why, on the paramount issue of Vietnam, are we again going to write a blank check that holds the potential of bankrupting this country?

Are not the answers given to this pivotal question really specious?

Why is the House again ready to abdicate its proper role in the determination of policy?

When will we stop being a rubberstamp for the executive branch?

Could not we just as well fold up and go home if all we are going to do is give blanket, blind support to the President?

Is not this resolution, like the ill-fated Tonkin Gulf resolution, open to whatever intepretation the President may choose to give it?

Did the authors and all who signed this resolution really mean to give a blanket endorsement?

Is it not understood that a vote against this resolution is not a vote against the President or national unity, but a vote against a poorly worded, ambiguous resolution? The fact that the President views the resolution as support for his November 3 speech, even though it was written before then, raises the question—Are not the sponsors' motives already being distorted?

When the President came here, he still did not answer the question: "What is his policy?"

Why do we support an ephemeral policy that has never been explained to us?

Is that policy reflected in the following headline from today's Washington Post?: "Laird Sees Escalation Possible if Nixon Plan Fails To Win War."

But then has not the President said we do not seek a military victory?

What about those of you who want to win in Vietnam—Does an aye vote bind you to a no-win policy? An ultimate communist takeover.

Will not this resolution undermine and make a sham of the Paris negotiations?

How long can we tolerate this ambiguity?

And does not this resolution really compound that ambiguity?

Can not this resolution really pave the way for escalation, surrender or anything in between?

Are the sponsors prepared to accept any of these alternatives?

In another direction, Mr. Chairman, what does Vietnamization mean?

How long do we stay in Vietnam during Vietnamization? 10 years? 50 years? indefinitely?

To those who claim foreign aid is a giveaway, How long do we continue this biggest giveaway?

How long will we let Vietnam play havoc with our economy?

How do we justify to the American people—to our constituents—the higher taxes, prohibitive interest rates and inflation that Vietnam has caused?

How do we resolve the Vietnamization of the war with our goal of peace?

Is it war or peace that we want?

Or are we committed to the endless financing of corruption? Handouts? Giveaways?

This is supposed to be a resolution to help achieve the worthy goal of "bringing us together"—is not it?

But would not it aggravate the divisiveness rather than helping to ease the great stress and tension in this country? Would not passage of the resolution unleash new waves of discontent among Americans of varying views?

For I ask those who have supported the war, Do you realize this resolution opens the door for participation in the electoral process of the very Vietcong we have been fighting?

Is this the reason we have given 45,000 American lives and more than $100 billion?

Will you who have supported the war be satisfied with the Communist takeover that this resolution is ready to accept?

Will those who have been able to justify our policy in Vietnam, be able to justify to their constituents a Communist government in Saigon?

President Nixon says he has adopted a new policy in Vietnam, so to those who supported President Johnson and now President Nixon I ask: Which policy do you really favor?

And to those sponsoring this resolution who have otherwise questioned policy, are you ready to repeat the error of Tonkin Gulf and possibly prolong the war?

Why did not the author of this resolution offer a similar resolution when President Johnson desired national unity?

These, Mr. Chairman, are the questions that have not been answered. How can we possibly vote "aye" when instead of unity this resolution only brings about confusion?

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. SISK).

(By unanimous consent, Mr. SISK was granted permission to speak out of order.)

FOR A FAIRER FLYING FINGER

Mr. SISK. Mr. Chairman, I understand, although I did not have the pleasure of observing it, that I made national television last night, not necessarily in a commendable fashion, but as a result of what has been reported to me I have sent the following telegram today, dispatched to Rowing and Martian, National Boobcasting Co., Beautiful Downtown Burbank, Calif.:

Laugh-In's decision to give me Flying Finger Award is consistent with standards of performance vigorously defended in recent weeks by executives of major networks and NBC. For prodigious feat of getting my name correct and everything else wrong you are hereby awarded the Spiro T. Agnew Flying Greek citation for outstanding achievement in electronic journalism. Honorable mention certificates go to print media for publishing erroneous information originally and to your research staff (laughter) for not troubling to verify accuracy of published reports. This exceptional accomplishment in broadcast reportage should be of assistance to television industry in fending off charges of irresponsibility and lack of objectivity. At the very least it will be of material help to our congressional reorganization subcommittee, which is currently deliberating whether to open House of Representatives to television coverage. For the record I am not now and never have been a member of any congressional committee or subcommittee contemplating a trip to Africa to inspect roads or for any other purpose.

Since you are now properly informed, and with an affectionate genuflection toward the Federal Communications Commission and its fairness doctrine, I trust your fierce determination to speak the truth will lead you to take time at the earliest possible moment on a network laugh-in broadcast to make an appropriate correction. Unfortunately, in my humble judgment, a press release acknowledging the error will not do. Yours for a fairer flying finger.

B. F. SISK.

Now, Mr. Chairman, I just want to say that if this does not produce the proper results I am going to contact Vice President AGNEW and solicit his assistance in this matter.

Back on the subject of the resolution at hand—and seriously, Mr. Chairman—I do support House Resolution 613. I signed this resolution as a cosponsor of the original resolution 612, because I do pledge my full support to the President in his efforts to negotiate a just peace in Vietnam.

Since we can have only one President at a time, I have confidence that this President vigorously, sincerely, and with dedication seeks a just peace in Vietnam, just as the previous Presidents have sought it, and I support him in it. I see no earthly reason why anyone today would have any hesitation in supporting the President of the United States, the present one, the past ones, or one in the future, in seeking peace in any area of the world.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, as one of the original cosponsors of House Resolution 613 I rise to support it.

I think it might be appropriate to report at this point at least one passage from the President's own remarks—a passage that should be read again and again by the war's more intelligent and responsible critics:

A nation cannot remain great if it betrays its Allies and lets down its friends. Our defeat and humiliation in South Vietnam without question would promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest. This would spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere. Ultimately this would cost more lives. It would not bring peace. It would bring more war.

This, I am convinced, is the central issue of Vietnam. It is the major reason for our being there. It is the reason we can only get out in an honorable and responsible manner. It is why cries for unilateral, unconditional, total, and immediate American withdrawal are incompatible with this Nation's spirit and ideals—and why such a withdrawal would collapse the confidence which countless millions all over the world have in this country, and thus precipitate eventual disaster for the cause of freedom everywhere.

Mr. Chairman, surely we all want peace with justice in Vietnam. An overwhelming majority of Americans would like to see an early end to the war. In a world torn by violence, every human heart longs for peace.

However, it is apparent, especially after the recent demonstrations in Washington, that there is a sharp division of opinion about how to achieve the desired peace.

I fear there is a serious misunderstanding abroad, and particularly in North Vietnam, Russia and Communist China, as to the degree of support which exists for the President's attempts to end the war with justice and honor through negotiations.

The Communist representatives in Paris have repeatedly thrown up to our negotiators the fact of individual and group dissent within the United States.

Let me make it clear that I strongly support the right of responsible dissent. I also support just as strongly the right to dissent from dissent. Regrettably the Communists do not understand that this is democracy in action under our system.

However, the impression being spread abroad in the world, stemming from selected quotes by prominent Americans, including Members of Congress, is that America is almost wholly unwilling to do anything but precipitately withdraw from South Vietnam, that America is on the verge of internal political collapse.

Nothing could be further from the truth. Americans are still willing to pay any price to further the cause of freedom in the world. The President does have the substantial backing of the American people and of Members of the Congress. In fact, one of the latest polls indicates that 73 percent of our people are behind him.

This resolution would effectively rebut such allegations and show that an overwhelming majority of the American people want a just and responsible peace in Vietnam through negotiations, if humanly possible.

To demonstrate that support in a meaningful way, this resolution, if passed, will affirm the support of the House of Representatives for the President in his efforts to negotiate a just and honorable peace in Vietnam.

Whether right or wrong, the United States has declared it is not seeking a military victory in Vietnam. That is now the declared policy of the United States. It was the policy of the previous administration.

I personally think we were wrong in saying this and in not seeking a military victory which I believe we could have already won by now, especially if we had not halted the bombing and if we had put the proper military pressure upon North Vietnam. But our Government chose rather to fight a defensive war—to fight back, so to speak, in response to attacks from the enemy, and even then our troops were seriously restricted as to what they could do.

Unless we are willing, therefore, to endorse and accept a military and diplomatic defeat—which I am not—either announced or tacitly implied in any hasty withdrawal—then the only re-

maining alternative is a responsible and honorable withdrawal. This means, of course, protecting our own men and enabling those who have relied on us, to protect themselves after we leave.

That is the course the President outlined to the Nation on November 3. I believe he is earnestly trying to end the war and achieve an honorable peace. He needs our unlimited support in this effort. In fact, he must have it if even a semblance of stability and peace in Asia is to be achieved.

But, in order for a negotiated peace to be achieved, there must be some give and take on both sides. If the U.S. position is misunderstood in the world, then the other side will never participate in meaningful negotiations. They have already demonstrated this fact time and time again.

I believe this House resolution, cosponsored by over 300 other Members will help in this regard. At least, it will help set the record straight.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Chairman, I rise today in support of the House Resolution 613 supporting the President's efforts to negotiate a just peace in Vietnam.

Why? Because I believe that the President, since assuming office on January 20, has pointed the direction for the American people, the way to a peace with honor that hopefully would discourage the Communists from starting other wars of aggression.

If we will now support the President in his efforts to achieve such a peace, this will be at least one kind of victory and perhaps this is the best we can hope for at this point in time.

Certainly no one can deny that it will be a victory if, when we leave South Vietnam as the President plans, we leave it fully able to defend itself if it has the will to do so.

We will not have run out on our allies as some have proposed, and we will not, as a country, have run out on our honor.

Instead, we will have taken a major step in implementing the President's plan for the security of all of Southeast Asia.

The plan that says: The United States will keep all of her treaty commitments.

That we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security.

That in cases involving other types of aggression, we shall furnish military and economic assistance when requested, in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Mr. Chairman, it is clear to me that our support of this resolution will help the President to follow this plan in Vietnam and to achieve a just and a fair peace.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this resolution which in my judgment would help the President get us out of Vietnam.

Mr. Chairman, I support this resolution without reservation. I am not going to try to read anything into it or to read anything out of it. It simply states that the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam. That is exactly what we are doing here.

We can talk all around this resolution. The fact remains that when you reduce this debate to its lowest common denominator you come up with only one answer: There is only one man in this country who has the awesome responsibility of bringing peace and that man is the Commander in Chief, under our Constitution, the President of the United States.

I want to affirm my support of the Commander in Chief. The President has spoken forcefully and clearly about his plans to withdraw American troops from Vietnam. I think some of his critics have failed to read his message on November 3. The President has made a commitment—a national commitment—to troop withdrawal. He has a plan for such withdrawal and I think he is wise in not announcing a specific timetable for the removal of these troops from Vietnam.

But certainly the situation is such today that such a troop withdrawal is possible.

President Johnson has said right along that if we can endure—if we can just hold the line, the time will come when the tide will shift in Vietnam and we can start withdrawing our troops. That time has now come.

When we went into South Vietnam there was no government; there was no economy; and South Vietnam had no army. They were on the brink of total collapse to the Communists. They were on the very brink of being completely taken over by the Communists.

Today, whether you like this government or not, there is a stable government. It is a government that has endured longer than any other government in the last 20 years. It is a de facto government in that country. There is a strong healthy economy in South Vietnam.

Just the other day they dedicated a new steel mill outside of Saigon which will produce 20 percent of the steel needs of all of Southeast Asia.

There is an army of a million South Vietnamese in South Vietnam—well trained. I saw those soldiers. I saw them in action.

So the President has properly stated that we can now assume a new posture—a new policy in Vietnam, of a gradual and orderly withdrawal of troops. For South Vietnam is now for the first time ready to assume the major role in its own defense.

I do not pretend to speak for the President or for the administration, but I have every reason to believe that by the end of 1970 there will be less than 200,000 American troops left in Vietnam and these will be mostly service-support troops.

President Nixon has set down a policy of disengagement of combat troops. And even if the war should turn and if there should be a new escalation of the war by the enemy, the President now has many options. He does not have to return American troops to Vietnam nor does he have to limit our help to South Vietnam only to renewed use of American troops.

So what we are saying here today in effect is that the situation has changed. The President has developed a series of new options and is using those options. He has committed this country to troop withdrawal. It would be my hope that we would look at this situation. In the long, hard, costly, difficult war, one that has cost us 40,000 American lives, 300,000 casualties, and countless billions of dollars, there is for the first time hope for American disengagement, and I would hope that this Congress, with the support of Members on both sides of the aisle, will get behind this President. He is our President—not as a Democrat or a Republican. He is our constitutional Commander in Chief. Let us serve notice on Vietnam that under his leadership, we will work our way out of this thing and have the just and honorable peace that this resolution calls for.

Mr. Chairman, I hope we can all see our way clear to join in unanimous support of this very important tool the President needs so urgently at this critical time to bring this tragic conflict to an end, or at least our own involvement in this conflict to an end.

I urge the unanimous support of President Nixon's plan for peace in Vietnam by voting for this resolution.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I am proud to express my support today of House Resolution 613 indicating approval by the Members of this body of the President's efforts to bring an early and honorable peace in Vietnam.

It is intended as no reflection on the aims and objectives of the previous administrations to note here unqualifiedly that the President has taken new initiatives and, indeed, has articulated a new Asian policy which is being carried out in Vietnam and elsewhere in the Far East.

This policy which contemplates a reduction in American manpower—yes, and the complete withdrawal of American combat ground forces from Vietnam at the earliest practicable date—gives assurances also that our long held objectives for the people of South Vietnam continue to be in support of self-determination through operation of democratic processes—free elections supervised by an impartial international body.

Mr. Chairman, in my opinion the President's determination to delegate primary responsibility for conducting the Vietnam war to the Vietnamese themselves, and to limit our role to that of a supplier of military and economic assistance and the assigning of military advisers—this, in my opinion, should always have been our role and this should again be our role. Indeed, this appears to

me to be a position consistent with a long-range policy which was developed following World War II. The President's statement in Guam and elsewhere make clear his determination that we should return to that policy.

In addition to the overwhelming support which the President's policy appears to have among the American people, I was impressed during recent brief visits to India, Thailand, South Korea, and Japan, to note the substantial support of the political leaders of those countries in behalf of the Nixon doctrine.

I was particularly impressed in a conversation with the top career officer in the Ministry of Foreign Affairs for India when he expressed concern for the plight of India in the event of a precipitate withdrawal of American forces from Vietnam, While the Indians have been critical of our presence in Vietnam, they are aware also, as the result of being attacked by the Red Chinese, that any thoughtless and precipitate conduct on our part would endanger their own welfare. The leaders of Thailand, South Korea and Japan, with whom I spoke, praised both the determination of the President to scale down our involvement in the Far East as well as his declaration that the Asian nations themselves must assume the major responsibility for their own defense. It is heartening to know of this support since these nations of the Far East face the Red Chinese literally at gunpoint.

Mr. Chairman, the resolution, House Resolution 613 recognizes the appropriate role of the President in the conduct of the foreign affairs of our Government and particularly in connection with the war in Vietnam. It supports the President's policy for peace and is an honorable and meaningful expression of this body in behalf of the American people whom we represent.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Chairman, time and procedural limitations make it difficult for the individual Members to express precisely our respective positions on this important question. My own opposition to the war I must assume is well known.

Just as the Tonkin Bay resolution has been interpreted as a blank check to conduct a war, so this resolution lends itself to the interpretation of providing carte blanche approval—before the fact—as to future negotiations.

The primary thrust of the resolution, in my view, whether intended or not, is to inhibit dissent. This thrust, in my view, will prove to be of little or no avail.

For these reasons, Mr. Chairman, among others, I intend to oppose the pending matter.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to my distinguished colleague from New York (Mr. OTTINGER).

Mr. OTTINGER. I should like to ask the chairman of the committee or the author of the resolution, if as they contend the resolution encompasses no authorization for increased military activity, why, then, did the committee reject amendments that would have made that clear?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Texas.

Mr. WRIGHT. The answer to that is that this resolution addresses itself to the subject of our negotiating posture, not our military posture.

I should like to make one comment, if I may——

Mr. BURTON of California. I yield to the gentleman from New York for another question.

Mr. OTTINGER. The fear of many of us is that, as previous resolutions and previous statements in behalf of peace have been interpreted to support increased military activity in the name of peace, this resolution may well be construed by the President and used by him, as congressional support for military escalation in the name of promoting a just peace in the future. Certainly, if he decides to escalate he will use this as justification, despite the ambiguous protestation of the sponsors.

Mr. BURTON of California. I yield to the gentleman from Texas.

Mr. WRIGHT. The purpose of the resolution, contrary to the earlier comment, is not to inhibit dissent. The purpose is to affirm assent. We affirm our assent for the efforts of the President to negotiate a just peace.

Any Member of the House might speculate ad infinitum as to some conceivable decision the President might in the future make. This does not address itself to that. This addresses itself to the announced goal of the President to negotiate a peace based on free elections.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYS. Mr. Chairman, I yield my self 1 minute to answer to the gentleman's question.

I suppose the fair answer to it is that it was because nobody offered such an amendment, so therefore it was not put in the bill.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. OTTINGER. The minority views say there were two amendments offered. One was to make it clear that this resolution did not mean approval of any enlargement or escalation of involvement in Vietnam, and the other was to make it clear the resolution did not afford an independent authorization for the commitment or maintenance of troops in Vietnam.

I read from page 16 of the minority views. It says both amendments were offered in the committee and rejected.

Mr. HAYS. I will say to the gentleman, on reading the minutes, there was such an amendment offered. I did not remember it. I thought the gentleman was talking about the resolution to continue troop withdrawal, which was turned down.

The reason I voted against it, and I do not mind telling the gentleman, was to prevent the very things which are being said today, as to giving carte blanche authority to the President to move troops around.

I have said over and over again I do not want to tie the President's hands as to meaningful negotiations. But I have said over and over again this resolution is expressing support for him to negotiate peace—not to make war, not to escalate, not to move in more troops.

I do not know how much more clear we can make it.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I do not believe that there is a Member of this body who is not fully aware of the fact that the North Vietnamese negotiators in Paris have used street protests and pronouncements of certain elected public officials against U.S. policy as an effective propaganda tool. I happen to believe that it has been a deterrent to any progress or success in the peace talks up to this time. However, because we enjoy, thank God, the right of free people in a democracy, no one should question the right of orderly or peaceful dissent. Regrettably, though, the dissent of a vocal minority of Americans both in and out of public office has been incorrectly assessed by our adversary. The idea that the expressed attitude of the most vocal and ardent dissenters reflects a consensus of the sentiment of the people of this country both in and out of Congress is lamentable. If we were able to get every adult citizen of this country into this Chamber and read to them the clear and concise language of House Resolution 613 and if it were further possible to have them vote for or against the resolution, can there be any doubt in anyone's mind in this Chamber as to what the outcome would be? I do not think so.

I, like many other Members of this body and many people throughout the country, have had frustrations about the war in Vietnam. I, like many of you, hope and pray for the day when we can extricate ourselves from the quagmire in which we find ourselves in Southeast Asia. Why and how we got there is at this juncture of no consequence in the discussion of this resolution. Certainly these frustrations do not justify the reading into it all of the things that are just not there or setting up of straw men, if you please, based upon what is not in the language. What can possibly be contrary to the hopes and desires of every citizen in this resolution to seek a just peace and to give the people of South Vietnam the right to choose its leaders, to determine its own fate by its own choice.

I have heard so often Members of this body espouse their deep belief in the right of every man everywhere in the world to human dignity. Essential to human dignity is the right of the people to free elections rather than to be placed under the heel of a totalitarian system. Our belief in this principle twice saved the world from disaster since the turn of this century. This principle has shaped the course of this Nation. Can we ask anything less than that for others anywhere in the world? We are today merely reaffirming our belief in this principle and supporting at the same time an ef-

fort to achieve peace on this basis. If we pass this resolution by an overwhelming vote today, it seems to me we will be announcing to the world and to the peace conferees in Paris that we still believe in these ideals. I hope that this House does just that before this day is over.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am delighted to yield to my colleague.

Mr. PUCINSKI. Our colleague from New York (Mr. OTTINGER) asked a question as to why this resolution does not carry a proviso in it that the President cannot increase our troop strength in Vietnam. Would my colleague from Illinois agree with me that if such a proviso were included in the resolution, it would have the same adverse effect that the President's announcement of a timetable would? The President quite wisely said, "I have a timetable, but I will not announce it and tell the enemy how long they will have to wait." Would this not have the same effect if we were to say in here that the President cannot increase troop strength?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield the gentleman from Illinois 1 additional minute.

Mr. COLLIER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I thank the gentleman.

We would in effect be saying in this resolution that this House is saying to the President that he cannot use whatever resources are available to bring this conflict to a just peace.

Mr. COLLIER. Yes; I agree with the gentleman. There is certainly no intent—and the gentleman should understand this from the nature of the resolution—that we are not trying to write tactical military policy during the consideration of this resolution.

And, Mr. Chairman, I must go to this point: When you attempt to spell out to the Commander in Chief of the Armed Forces, the President of the United States, a blueprint by which the Members of this House think he ought to follow with reference to both policy and the conduct of the war, in my opinion that would be ridiculous. We have never done it before and God forbid we never do it.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes, I yield to the gentleman from New York.

Mr. OTTINGER. I do not support the Goodell resolution for a fixed timetable, nor was that the intent of the question. The question was whether this resolution authorizes the President to increase our military activity in South Vietnam—whether we are giving advance blanket approval, abdicating our future congressional prerogatives, to whatever military action the President may decide is needed to produce his definition of a just peace. The amendments rejected in committee would not have tied the President's hands, as indicated by the gentleman from Illinois, but would have merely made it clear—as the resolution sponsors now assert—that the resolution does not involve approval of any enlargement or escalation of military activities in Vietnam and does not give any authorization for the commitment or maintenance of troops in Vietnam. The rejection of these amendments—and the closed rule prohibiting such amendments from being considered on the floor—leave the resolution open to interpretation that it is a blank check to the President to take any military action he deems appropriate in pursuit of a just peace, as he sees it. The chairman of the subcommittee admitted the rejection of these amendments. In the face of this admission, it is hard to believe later statements that the resolution encompasses the rejected amendments anyway.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 3 additional minutes to the gentleman from Minnesota (Mr. FRASER).

The CHAIRMAN. The gentleman from Minnesota (Mr. FRASER) is recognized for 6 minutes.

Mr. FRASER. Mr. Chairman, 11 months after the fateful loss of President Kennedy this House passed a resolution known as the Gulf of Tonkin resolution giving certain authority to the President of the United States with respect to Southeastern Asia. Perhaps it is more than a coincidence that 11 months after President Nixon takes office we are now considering a resolution to express to the President our support for his efforts to achieve a just peace in Vietnam.

I would judge that once this resolution is passed, just as after the Gulf of Tonkin resolution, it will probably be another 5 years before this House acts again.

Mr. Chairman, the problem with this resolution is, as the gentleman from Oklahoma so candidly stated, that it simply reiterates the goals that President Johnson stated again and again, which was that all the United States wanted was for the people of South Vietnam to have the freedom to choose their own future. In the name of that objective we first had some 20,000 troops and then several hundred thousand troops and then over one-half million troops in South Vietnam. I wish that in South Vietnam we could have elections for the people of that beleaguered country. But when the question was put even to those who are advocating the resolution, "Do you really want a Communist government in South Vietnam, assuming the people voted for it?" the answer was that it really is not going to happen; it is very unlikely. But, if it happens, that is all right.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. Yes, I yield to the gentleman from Ohio.

Mr. HAYS. Do you want a Communist government in South Vietnam?

Mr. FRASER. No.

Mr. HAYS. All right.

Mr. FRASER. In other words, what the proponents of the resolution are telling this House is that they want a settlement of this war under a procedure which they, themselves, claim would mean that the Communists would gain no political power.

Now the Communists today and the North Vietnamese forces control certain territory and a certain part of the population of South Vietnam. But the sponsors are, in effect, urging that we hold out for a solution to the conflict in Vietnam, which by their own statement would put the Liberation Front and the North Vietnamese forces further behind than they are today. Do you settle a war using diplomacy or procedures of elections which are going to basically change the relative status of the parties held by them while they are in conflict? I think that any student of international affairs would have to acknowledge that you cannot reasonably expect to settle a war in terms that are substantially different than those reflected in the actual conditions on the battlefield.

What does this mean? It means if we persist in the same goals that President Johnson persisted in for 4 long years, since early 1965, we will fight on and on and on.

And we are going to be fighting harder, I regret to say, than the South Vietnamese themselves are fighting. This is one of the tragedies of that war. If there is any one lesson one can draw from South Vietnam, and I think you can draw many, it is that you do not go in to help people when your forces are going to have to fight harder than the forces of the people you are trying to help.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, does the gentleman from Minnesota suggest that we should abandon and forsake the idea of a government in South Vietnam based upon the will of the people as ascertained in an election, a free election in which all the people will be privileged to vote?

Mr. FRASER. I know the gentleman asks the question in all seriousness, and in all seriousness I simply have to tell the gentleman that the choice which faces the United States is either to change our objective or to fight on indefinitely.

Let me ask the gentleman a question: Is the gentleman prepared to stay on in South Vietnam indefinitely in order to pursue this objective? Is the gentleman prepared to say that we should stay for another 10 or 20 years in order to see the objective sought come into being?

Mr. WRIGHT. I would answer the gentleman by saying that I do not think it would be necessary to stay there indefinitely.

Mr. FRASER. It may not be necessary to stay there indefinitely, but if it were would you be willing to stay there?

Mr. WRIGHT. I would not be here with this resolution if that were the only alternative. I believe a peaceful settlement can be made.

I apologize to the gentleman for taking up too much of his time, but does the gentleman from Minnesota believe that

we ought to engage in forcing on the South Vietnamese a coalition government from the outside that would not necessarily be ratified by the will of the people?

Mr. FRASER. My own thought is this: that the United States should not seek to impose on the Saigon government anything. It is my view that the United States has done enough. It has done too much. We should proceed to disengage from the war and let the Vietnamese settle the conflict themselves.

Mr. WRIGHT. Will the gentleman yield further?

Mr. FRASER. I yield further to the gentleman from Texas.

Mr. WRIGHT. Does the gentleman think that is a satisfactory settlement if a way can be seen that will end the conflict?

Mr. FRASER. I think this war is an unmitigated tragedy. It is as bad a tragedy as I know of anywhere in the world. It is the kind of tragedy that we saw in the civil war in China. It is the kind of tragedy that is found in the Nigeria disaster, by what has occurred in Greece. It is the kind of tragedy that is as bad as any that we have seen around the world. I can only say to the gentleman that there are some problems we cannot solve by ourselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman, I think as everybody else must have observed from listening to the arguments this afternoon, that we have seen a rather interesting development. We have seen what appears to me to be politicians who have painted themselves into a corner by previous rhetoric who are really afraid to vote for this, politicians who are willing to lend themselves to an interpretation that is as farfetched as an interpretation can be. They have tried to make appear ambiguous that which is relatively free from ambiguity. They say that those who support this particular document are enforcing or endorsing a Communist government in South Vietnam, and they have tried to tell that it is asking for a decrease in the rate of withdrawal of troops.

Mr. Chairman, I think they are embarrassed bceause they are in a position of having to vote against a just peace in Vietnam, and against free elections in Vietnam.

It would seem to me that if they do feel that they are unable to vote for that, then their embarrassment is genuine, and I share it with them.

Mr. Chairman, I congratulate the author of the resolution, and the committee for bringing it out.

I yield back the balance of my time.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, peace in Vietnam is one of the most urgent tasks facing our Nation, and I support President Nixon in his efforts to achieve that peace. This does not mean, however, that I feel this House should serve as a "rubberstamp" for Presidential policies in the field of foreign affairs. The people of our district did not elect us to sit up here on the Hill flashing green lights to the Executive down the Avenue. It represents no lack of confidence in the President to urge that a resolution of such import as House Resolution 613 be given our most careful study and consideration. We would be defaulting our constitutional obligations if we did otherwise. It is the purpose of our system of checks and balances to bring a balanced judgment to the issues we face. Vietnam, the subject of the resolution before us today, is the most burning issue of our times.

The initiative in the field of foreign relations is with the President, but the Constitution provides for the participation of Congress in foreign affairs both directly and indirectly. It is the responsibility of the Congress to determine national spending priorities, to raise armies, and to initiate revenue measures which support armies. Most importantly the Constitution grants to the Congress the power to declare war.

The Congress can perform a valuable function by assuming responsibility for the careful scrutiny and critical discussion of foreign policies and programs. In this way it can contribute to the clarification of basic policy issues, and help keep the executive agencies more alert, more efficient, and sharper in their own intellectual processes. Legislative hearings and debate on major foreign policy issues can contribute to public understanding and discussion of the issues.

The danger of security leaks during such public hearings and debate can be minimized, and the risk of such leaks is outweighed by the advantages of enlightened debate on the facts. The people should have a proper channel for a critical analysis and evaluation of foreign policy decisions, and, through their representatives in Congress, they should share with the President in framing broad national objectives in the field of foreign affairs.

Let us play our constitutional role in contributing toward the formulation of foreign policy. I urge the Members of this House to defeat the resolution before us today and send the measure back to the Foreign Affairs Committee for hearings where we can have the opportunity to question officials and experts regarding the implications of this resolution and the many other resolutions on this subject. We are supposed to be a deliberative body. Let us deliberate and study and question before voting on such an important matter.

Mr. Chairman, I have observed the debate for 2 days now and I have been here most of the time.

Many issues have been raised. I think the most important and overriding one is that there are many disputes on the factual basis upon which this resolution is based and that these disputes could be resolved if proper hearings were held before the Committee on Foreign Affairs.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, the debate on this resolution should have clarified a number of issues for many of us.

Mr. Chairman, I rise to support the resolution. It is my hope, which I believe most of us share, that this resolution in a modest way can be helpful in bringing the war in Vietnam to an early and honorable settlement.

I believe this is a modest contribution. And I pay tribute to the author of the resolution because it does not attempt to take a position on, or to resolve some of the knotty questions with respect to Vietnam. Its basic purpose is simply to support the President in his efforts, which are still continuing, to begin successful negotiations in Vietnam. It takes nothing away from the President in the exercise of his prerogatives and it gives nothing to him. But a public statement of support for his efforts.

The language, of course, could be different. As a member of the Committee on Foreign Affairs, I pointed out in committee that there were certain changes I might consider advisable. There were major changes offered in the form of amendments in the committee; all these were defeated, in some cases by relatively small margins.

I personally felt that it would not have been inappropriate for our committee to have modified this resolution so as to include some reference to troop withdrawals, those which have taken place or which may take place in the future. At the same time I voted against an open rule on this resolution because without some restriction on debate in the House we could, in an attempt to write legislation in this area, perhaps take until Christmas. I doubt if much would be gained if the House should have been given that opportunity.

However, I personally hope that our Committee on Foreign Affairs does hold hearings on other resolutions in this general area, both with respect to troop withdrawals and other subjects. This will allow both Members of the Congress and members of the executive branch to come and discuss these questions.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I am glad the gentleman made the point about voting for the motion to order the previous question. So did I. It seems to me that those who now raise that point most loudly were the first ones to call for bringing the student loan program before the House under suspension so no amendments could be offered, and similarly on the tax bill they voted to bring it before the House under a closed rule. This is not the first time that an important measure has come before the House under this procedure.

Mr. FRELINGHUYSEN. I thank the gentleman for his contribution.

One of the advantages of this resolution, in my opinion, is that it avoids the big policy questions.

For example, except for calling for free elections, it does not go into the difficult question of the kind of government there should be either in Hanoi or

in Saigon, or in what ways it might be desirable to strengthen the local government. Nor does it discuss the character and nature of the troop support which we are supplying, and I think this is perhaps just as well.

We recognize that there is some sensitivity about the advisibility of a resolution of this character; indeed, that feeling has been expressed by a number of speakers during this debate. This sensitivity is primarily the result of recent history.

As one Democrat pointed out, President Johnson vastly increased our military involvement in Vietnam in his search for peace. The inference was clear that President Nixon might do the same in the months ahead, relying on the resolution now under consideration as President Johnson made use of the Tonkin Gulf resolution.

Many of us were serving in Congress in 1964 when the Tonkin Gulf resolution was approved. Some fear that with the passage of this resolution it might be used to justify an escalation of our military involvement in Vietnam, or at least to continue our military support there indefinitely.

In this case of this resolution, however, as I have already pointed out, Congress as a body is taking no action—it will be an expression of the feeling of the House only.

Critics of this resolution have charged that approval would represent a blank check for future action, as well as a specific indorsement of what President Nixon has already done. Of course a reading of the language shows that there is no blanket approval of what the President has done or what he may do. I might point out also that the resolution carefully avoids any criticism, direct or indirect, of actions taken up to this point. This is no criticism of actions taken by former President Johnson even though several Members have expressed such views during debate.

Likewise there is no praise for actions already taken by President Nixon to reduce the extent of our commitment in Vietnam. As a Republican perhaps I should regret that such language was not included, but actually I am thankful that partisanship was avoided in the language used.

In conclusion, Mr. Chairman, let me say that I hope that the President succeeds in his efforts to end this war. This job will not be easy. To secure a just peace will be even more difficult, yet it is an objective which we must pursue.

In a recent statement to a group of American Governors visiting in Rome Pope Paul VI expressed his fervent wish for an early end to the war in Vietnam. The Pope recognized, however, that:

> An appropriate means of putting an end to the conflict requires, in present circumstances, a well-mediated and responsible procedure, not only to assure that international obligations are not neglected, that honor and the need not to betray the trust of allies should be fulfilled, but also for the cause and the ideal held by your fellow citizens for which many have sacrificed their lives: aiding people weak and needy of assistance in defense of their right of self-determination and the free promotion of their peaceful development. This cause and this ideal should not be negated. We nourish faith and hope that all who have a part in the Vietnam war will contribute to rendering the (peace) negotiations easier and more expeditious and that these negotiations will very soon lead, not only to end of the conflict, but to peace, a true and lasting peace.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, the one thing that this discussion has made clear is that this resolution means all things to all men. Since it means all things to all men, one might assume it really, in the end, means nothing to anyone. Unfortunately, that is not the case.

Clearly, it means something to the President, or we would not have been treated to the special pressures that have assured its passage in this dubious manner. He has told us what it means to him: a blanket endorsement of his speech of November 3, with all its vagaries, inconsistencies, threats and bad history. Members may say what they wish about their intent if they vote "Aye"; the President will act on his version of what they meant. If Tonkin Gulf taught us nothing else, it surely has taught us that.

To the Saigon government it will mean that we are committed to stay in Vietnam until what are called free elections are held. This can only be a renewed announcement to that government—a government which never has believed in free elections—that as long as it can avoid free elections it can count on our continued military presence.

But the very use of the phrase "free elections" in this situation has to be self-deluding, since the Saigon government, over and over again, has told everyone who will listen that it will never allow a government it regards as pro-Communist to take power. So if we are to take this resolution seriously, we must assume that people the Saigon government calls pro-Communist will agree to take part in elections knowing they cannot win; or, alternatively, we must understand that we are committed to staying in Vietnam until a process has occurred which, by definition, cannot occur. That means that we will have to stay in Vietnam for the foreseeable—and unforeseeable—future, in hot pursuit of something which does not and cannot exist.

The procedure we are using to consider this resolution will not help matters much either. That procedure will add to the bitter and growing disunion in this country that distresses some of us so deeply. For whatever the purposes and protests of its sponsors, this is not a unifying resolution to begin with, and to approach its adoption in this way is to make of it a positive force for further dissension. The unifying of free men cannot take place at the cost of their integrity, or of the democratic process.

For one thing, we are told to take it or leave it. Discuss it for 3 minutes each—it and the vast, endless war it concerns—then vote for it or be damned as helping Hanoi. If you do not know what it means, if there is no legislative history, if you are denied the chance to ask questions, or to answer questions, or even to answer innuendoes—forget all that and vote aye, or be accused of opposing and obstructing national unity.

But unity of free men in a divided nation is achieved by people counseling together in good faith and with good will. Discussions—and concessions—must seek common denominators, and procedures must be followed that will minimize resentments and encourage a spirit of trust and genuine effort. Then, tensions and division may ease, feelings of unity may be maximized, and some points of agreement may be found or worked out.

None of that can occur in this atmosphere, or on behalf of this resolution. What facade of agreement may be created by this misleading vote will not survive the most cursory glance through the statements even of those who have voted aye, so many of whom are doing so only after specifically noting that they did so because they do not know what the resolution means and so cannot see how voting for it can do any harm.

And that is certainly an understandable position. But while the meaning of the resolution is unclear, what is clear is that passing it in this fashion is a further abdication of the constitutional obligation of the Congress to declare wars if they are to be fought, and to concern itself with the peace and security of the Nation when they are imperiled.

There is, furthermore, something especially objectionable about passing high-sounding moralistic resolutions about American purposes in Vietnam at this particular moment. To pass this resolution as if the world were not still reeling from the relations about Song My shows all the sensitivity of a stone wall.

In short, you do not unify by shutting off the words of those who do not agree with you. You do not further the quest for a "just peace" in Vietnam by passing resolutions that blunder from incorrect historical recitations to the reiterations of high-sounding, unobtainable, and inconsistent—and, therefore, hypocritical and misleading—goals.

If the goal is really free elections, why do we not help the people of Spain and Greece to get free elections? Are we only for "free elections" where they cannot be obtained even at the price of half a million American troops and vast expenditures of lives and resources? There are places where we can support the principle of free elections and actually save some of our money, by refusing to continue to subsidize governments that spend so much of it and still are not willing to allow their people to vote.

If, on the other hand, the goal is a negotiated peace, surely it is clear by now that that goal cannot be achieved while the Thieu-Ky government is in power, since there is no way that government can stay in power without our military presence and no way the other side can be induced to make peace while Thieu and Ky are in power. Given these facts, one might as well expect the wife of

the Attorney General of the United States to lead a peace parade as to expect the Saigon government to let us leave or to negotiate itself out of power.

But it cannot be in the best interests of America to allow our foreign policy—especially on questions of war or peace and life or death—to be determined by foreign governments, least of all, perhaps, by the governments now in power in Saigon and Hanoi.

The national interest of this country requires us to begin immediately the withdrawal of all our Armed Forces from Vietnam on a stated schedule. If, after 7 years of American assistance, after 300,000 U.S. casualties and $115 billion, if the Saigon government cannot now take care of itself against a ruthless and presumably despised Communist dictatorship ruling a smaller country, then perhaps it is time to face the fact squarely that it is not going to be able to do so if we simply keep propping it up for a few more months or years.

Nor is beginning the total withdrawal of all American servicemen going to encourage Hanoi to "wait things out." Does anyone really think Hanoi needs encouragement to "wait things out"? And if they did need such encouragement could we do anything here that would come close to rivaling the encouragement they must have obtained from the President's announcement of the decision of this Government to withdraw our combat troops as soon as practicable? What beginning the total withdrawal of our forces might do is to stop encouraging Saigon to wait things out. For the Saigon government would at last be put on notice that either it must negotiate a political settlement, or it must take over the fighting.

Mr. Chairman, I oppose this resolution, so innocent at first glance, so deceptive after analysis, so dangerous in the long run, it can only create further illusion in Saigon and further disillusion in this country. For, however cleverly it confuses the options now available, and no matter how many Members vote for it, nothing can long obscure the determination of the American people to get their troops out of Vietnam. We do no one a service by muddying that central fact with archaic rhetoric about equivocal resolutions.

As Mr. Townsend Hoopes, former Under Secretary of the Air Force, puts it in his brilliant book, "The Limits of Intervention":

> Should the U.S. government pursue a course of partial withdrawal in Vietnam, while leading the American public to believe all will end well, I am afraid a number of unpleasant shocks, surprises, and politically dangerous consequences would arise to confront us. For at best, such a course is a prescription for an interminable war; partially disguised by the declining level of U.S. participation, it would in fact require our country to sustain a continuing burden of war casualties and heavy dollar costs that would become explicitly open-ended as we leveled off our forces at 100,000 men or thereabouts. Sooner or later, and probably sooner, the American people would reawaken to the fact that they were still committed to the endless support of a group of men in Saigon who represented nobody but themselves, preferred war to the risks of a political settlement, and could not remain in power for more than a few months without our large-scale presence.

I include in the RECORD at this point an especially valuable article and editorial from Look, one of America's most distinguished and widely read magazines:

VIETNAM: GET OUT NOW

(By J. Robert Moskin)

We have also failed to create a Vietnamese Army that can carry on its own struggle. To try to achieve that long shot will cost more tens of thousands of American lives.

And we have failed to help build a popular or democratic or cohesive government in Saigon. The current regime is a military dictatorship that depends wholly on our presence.

I have never been a Vietnam hawk either, but I respected the judgment of four U.S. administrations that called the fate of South Vietnam vital to our national interest.

Now, President Nixon has reversed this judgment, for which 39,000 Americans have died, 250,000 have suffered wounds and about $100 billion have been spent. In his policy-setting May 14 speech, he said, "We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves." This means our Government no longer believes that it is in our vital national interest to keep South Vietnam free from Communism.

It is a fair standard that young Americans should not be ordered to die unless their sacrifice is vital to their country.

We have absolutely no sane reason left for killing more than 1,000 young Americans before the end of this year. Our present course—spooning out American lives in an infinitely complex, inscrutable Asian game—is inexcusable.

It is difficult to conceive that the present South Vietnamese Government can survive the end of the hostilities or that South Vietnam, even if we go on fighting, will not be Communist-dominated soon after we leave. It really doesn't seem to matter whether we march to the transports today or dribble out before the 1970 U.S. elections or over the next three years. The results will be the same—except in the number of the dead.

In 1967, I traveled for Look along the frontier of American power on the western edge of the Pacific Ocean, and came home convinced that our involvement in the future of Asia is irreversible. That conviction remains. We are not about to scurry back into a Fortress America. Our presence across the Pacific is too massive, our interest too deep. But on this latest trip to Vietnam, I saw that we have overreached ourselves. America's historic westward-driving wave has crested.

No one I talked with—certainly no Vietnamese—believes we should stay in Vietnam. Everyone said we should get out. They differed only on the speed with which we should do so. The most militant—sometimes those most scared for their own skins—said in three years. At a conservative estimate of 100 U.S. dead per week, that means 15,600 more coffins.

Why is South Vietnam's political self-determination still worth dying for? Because, I was told in Washington and Saigon, we have committed out word, and if we leave precipitously, our word will be dishonored. We will lose face. Three years ago, Secretary of State Dean Rusk gave me the same reason for continuing this war. He called it "the credibility of the American commitment."

The Nixon Administration believes we will be "severely hurt" if we "bug out." It wants "a reasonable solution," praying for reasonableness from Hanoi while recognizing that it is against the Communists' interest to be "reasonable."

But by staying, are we telling Thailand, for example, that if it gets into trouble with Thai or North Vietnamese guerrillas, we would help? No one expects, I was told, that we would then send an expeditionary force to Thailand.

The outcome of this "war of national liberation" has no relevance to the chances of having more such wars in the future. Just about every Asian leader knows we have had enough in Vietnam.

Singapore's Prime Minister Lee Kuan Yew told me, "Vietnam was a bad place to draw the line."

Why then are Americans dying today in Vietnam? To give the South Vietnamese time to prepare to govern themselves and defend themselves. Are these reasonable goals?

We thought they were. We thought the South Vietnamese leaders would use the time we helped buy for them—with American lives and money—to good advantage. But they have not.

You need only go out in the countryside to see the failure of the succession of South Vietnamese governments to win the people's loyalty. Go to the upriver village of Dien Ban, about ten miles south of Danang, our great northern base in Quang Nam Province. You can get in safely only by helicopter. Here, American marines have to wear their flak vests in the road just outside their walled compound. This area has been fought over for years; there is still fighting every day. If the refugees were resettled in the countryside, officials fear, they would join the Vietcong.

I visited Dien Ban with the chief of the pacification program, Ambassador William G. Colby, who ranks Quang Nam 38th out of the 44 provinces in security. Terrorist attacks are heavy: government officials and ordinary civilians are being assassinated, wounded, kidnapped. The province chief, an Army of the Republic of Vietnam (Arvin) colonel, figures that the Vietcong have 900 officials of their own in the province. Our side sends out "Political Recon Units" to terrorize and kill VC leaders.

Destruction in Quang Nam Province has been massive. Five years ago, the province had 557 hamlets; only 308 are left. The number of refugees has jumped in five years from 35,000 to 124,000. (One of every 12 people in South Vietnam is a refugee today.) Less than half of the province's rice land is cultivated. Fishermen may not return to shore after 6 p.m. Anyone walking about in the countryside after dusk without a light is shot automatically. In this province of 540,000 people, only one Vietnamese doctor remains, and while I was there, he was vacationing in West Germany. The people in the villages know nothing about the peace negotiations in Paris.

"Ninety percent of the people would cut our throats if they had the chance," a top American in Quang Nam told me.

Ambassador Colby says, "It's been a war between two aggressors, and the people wish they would both go away."

Warren E. Parker, senior U.S. adviser in the province, describes the situation today: "It's like a Cadillac pushing a Model T through a muddy road with four flat tires with a driver who doesn't know where he's going and doesn't really care."

On an island in the river below the provincial capital of Hoi An sits the Xyuen Long Refugee Camp. It vividly tells part of the story of Vietnam's hopelessness. Here live 3,125 refugees. Only 240 are men. Until this summer, these people all lived on another nearby island that was regarded as a VC stronghold. A swift military sweep scooped up the women and children and a few of the men and transferred them to this desolate sand-dune camp. The rest of the men still are hiding with the VC in the tall grass. Moving their families in this manner made no converts, won no friends.

Yet President Nixon found himself able to tell U.S. troops in Vietnam this summer: "I think history may record this as one of America's finest hours."

In Paris, the diplomats debate semantics over whether troop withdrawals should be called "mutual" or "simultaneous." In Saigon, the politicians, fragmented in doz-

ens of parties, struggle for a piece of the spoils. And out in the countryside—where there is firing every night, assassinations repeatedly, where 12-year-old girls carry rifles—you feel that whatever happens in Paris or Saigon, the word will never get down to the bitter, frightened peasants in the fields and the thatch huts. The struggle, the terror, the dying of this desperate 23-year war—in which more than a million people have been killed and wounded—will go on and on. Says a wise American official there, "You can't negotiate an end of this war. We can only negotiate our way out of it."

In a lovely house in the handsome Paris suburb of Verrières-le-Buisson, Mrs. Nguyen Thi Binh, foreign minister of the National Liberation Front's self-appointed Provisional Revolutionary Government, told me much the same thing in more dogmatic terms. An attractive woman, she left a husband, a boy, 13, and a girl, 9, in Vietnam to head the VC delegation in Paris. Wearing a pale pink *ao dai* and black silk trousers, she sat in a sunny upstairs parlor next to a vase of red roses. Her eyes were hard, but she smiled as she talked: "I am, politically, a woman who resists American aggression for national independence. I am not a Marxist or a bourgeoisie. I love my country. I long for peace to come back so I can lead a normal life with my children."

But there is no hint of compromise: "If the American Government realizes its erroneous policy of aggression and is willing to end the war of aggression, we are ready to discuss with the American Government putting an end to the conflict. . . . If the American Government obstinately pursues its policy of aggression, the South Vietnamese people are resolved to struggle to victory."

Both sides claim they want elections in South Vietnam, and Mrs. Binh says, "The question is how to organize genuinely free, democratic general elections. The first condition is there must be no presence of American troops of aggression—and without foreign interference.

"I consider the Saigon administration has no competence to organize these elections because if the Saigon administration would organize these elections, they would only give birth to another puppet government.

"The Provisional Revolutionary Government has not asked to organize these elections or put forth election laws, and we [advocate] the formation of a provisional government that will organize the election."

That same day, Nguyen Thanh Le, the thin bespectacled spokesman for the North Vietnamese Government, sat in a room behind a heavily guarded stone wall in the Paris suburb of Choisy-le-Roi, puffed English State Express cigarettes, sipped amber tea from a signeted cup and said, "There can be no genuine free election while 500,000 American troops and 60,000 satellite troops remain in Vietnam." He asked if there could have been free elections in France when it was occupied by Hitler's troops.

I asked him why his government, if its objective is to get the United States out, doesn't agree to a cease-fire and simultaneous withdrawal of U.S. and North Vietnamese troops—and then the Americans would be gone.

Le tapped his right forefinger emphatically on his yellow cigarette box and said slowly, "Let me make it simple. Suppose there is a house, and a robber broke in and wrecks the property and killed the wife and children. The master of the house has the obligation to fight back. Simultaneous mutual withdrawal equates the bandit and the master of the house." He added, "The Johnson war is now becoming the Nixon war. Mr. Nixon is even more cunning, more perfidious."

I asked Le about the fear of many that when U.S. forces get out, there would be a bloodbath, especially of anti-Communist Catholics. He called this propaganda of the ruling class. "There are now in South Vietnam many Catholic patriots and many Catholics and people of other religions who participate in the advisory council of South Vietnam and in the leadership of the NLF and the PRG.

"We have no discrimination against any religion. We unite with every patriot to defend the country. So far, those who previously participated in the puppet administration or army, no matter how their pasts were, if they favor the independence, peace and neutrality of South Vietnam, we will cooperate with them and we welcome them."

In Saigon, Sen. Nguyen Gia Hien, who heads South Vietnam's largest Catholic party and who studied at the University of Montana and Iowa State for six years, disagrees. He foresees a massacre. "I'm sure of it. We are not scared of it. The killing is going on now already, not only soldiers but civilians. They will attack anyone who is not working with them—not only Catholics."

The truth is somewhere between a massacre and a welcome. Certainly, the Communists will try to eliminate their most ardent opponents, and asylum will have to be provided for thousands. But this is a problem that will have to be met whether we get out now or later.

Hien's party, a member of President Nguyen Van Thieu's six-party coalition, the so-called National Social Democratic Front, is strongly anti-Communist and consists mostly of refugees from the North. Hien says it was originally subsidized by the late Francis Cardinal Spellman of New York, and Hien had a three-hour meeting last winter with Terence Cardinal Cooke in New York. Today, Hein accepts the eventual withdrawal of U.S. troops. "Withdrawal of the main American force should take about three years. It was a period of three years. Two years is too quick for us. If after three years we cannot take care of ourselves, we have nobody else to blame. If the Communists take over, some people will fly off, and we will be guerrillas. And it will go on again."

Meanwhile, he presses Thieu for social and land reforms. "We can do more for peace by being more liberal, being better organized, less corrupt."

Truong Dinh Dzu, who ran second to the Thieu-Ky ticket in the 1967 presidential elections and who favored talking peace with the Vietcong and creating a coalition government, was thrown into jail. But there are still some political figures in Saigon who advocate what Le and Mrs. Binh call "independence, peace and neutrality." One such group of intellectuals calls itself the Progressive Nationalist Force. Its chairman is Tran Ngoc Lieng, a 46-year-old lawyer. He told me, "We advocate a complete and immediate cease-fire. We call for a government of reconciliation that will have the responsibility for holding elections in Vietnam." Such a government, he says, would be composed of non-Communist nationalists of both sides, and all its members would have to be acceptable to both sides. This rather idealistic plan would naturally exclude members of the Thieu government as well as the Communists in PRG.

Although Lieng will not admit it, he is reportedly close to Gen. Duong Van "Big" Minh, who is perhaps the nearest thing South Vietnam has to a popular politician and who has now been allowed to return from exile in Thailand.

Saigon politics is atomized among northerners, southerners, several factions of Buddhists, Catholics, religious sects like the Cao Dai and the Hoa Hao, neutralists and anti-Communists. Splitting these groups are layers upon layers of individual feuds and historical animosities that go back to the period of French rule. And, above all, most of the politicians are out for their own gain.

Says retired Maj. Gen. Edward G. Lansdale, who knows Vietnamese politics. "It's a family quarrel, and a very savage one, as a family quarrel can be."

The feuding factions seem no longer able to get together before it is too late. But if these anti-Communist and non-Communist nationalists do not unite, there is no chance that they can survive in the postwar political turmoil.

Sen. Tran Van Don, a former general who led the 1963 overthrow of President Ngo Dinh Diem, says, "The problem is not with the NLF. The problem is inside ourselves . . .

"I don't believe President Thieu can lead the country alone. He needs to rally the army and the people. It is not enough to rally the United States. But he is very proud. He is very jealous of his power. He wants to keep power for himself. I think he would like to become a dictator."

Responsible estimates of the number of political prisoners being held by the Thieu government range as high as 30,000. Many politicians, editors, intellectuals have been jailed by military courts or by "administrative procedures" at the government's whim. They are held for arbitrary lengths of time. The secretary general of the House of Deputies of the National Assembly, Tran Ngoc Chau, says. "Many times people get kidnapped in the streets and taken to places no one knows about."

A woman secretary in the National Assembly was jailed for a month because she has a relative in the Vietcong. A neutralist politician was given a year in prison for calling an illegal meeting—a press conference. A Saigon University professor's two-year sentence for criticizing U.S. policy was suspended; but ten months later, he was still held on the prison island of Poulo Condore. Publisher Nguyen Lau of the Saigon *Daily News* was sentenced to five years because he talked with a Vietcong agent. (Thirty newspapers have been closed down.) Such cases do not increase confidence in the possibility of free elections.

U.S. Ambassador Ellsworth Bunker does not condone these actions, but he says, "We have to remember they are at war. The war is right on their own soil—right in Saigon."

A courageous lawyer, Tran Van Truyen, 56, who has represented a number of such political defendants, says, "We have a national assembly, the president of the republic elected by a general election. But I tell you we have a *seeming* democracy. . . . This government permits no criticism."

Sen. Tran Van Lam, a leader of Thieu's National Social Democratic Front who became South Vietnam's foreign minister in the recent cabinet shuffle, wants the military courts eliminated and all cases tried in civil courts.

Of an American withdrawal, Lam says: "Personally, I think it would be a very good thing. This must be a Vietnamese war."

The government in Saigon is not a popular government. It is basically an army regime, and the people universally fear the army—any army. Hopes that the cabinet changes in September would bring into the government a broader range of civilian views were dashed by the appointment of a right-wing general as prime minister.

The real power behind this government is in the hands of the generals, and Thieu has constantly resisted American pressure to democratize his methods and broaden his political base. What little has been achieved is mainly the result of American persuasion and arm-twisting. Ambassador Bunker, Thieu's confidant, has by all accounts been superb at this. But it has not been enough. A knowledgeable American in Saigon says of Thieu, "He wouldn't have a chance in hell if the Communists weren't pounding at the gates."

The Vietcong obviously want to avoid an election, even if internationally supervised, that would be managed on the rice-roots level by province chiefs, district chiefs, sol-

diers and police beholden to Thieu. The common guess in Saigon is that the Vietcong's Provisional Revolutionary Government would win 20 to 25 percent of the vote. But since Thieu won in 1967 with only 35 percent, and a major part of that came from the army and the bureaucracy, he has little margin of safety. With the PRG putting up a common front and the Saigon politicians divided, the political struggle threatens to be as hopeless as the military one has been.

Since a political solution that will leave South Vietnam non-Communist is so iffy, it's up to the army, the Arvin, to hold off the Communists. Crucial is the speed with which the Arvin can replace the GI's. The process of preparing the Arvin to take over the fighting is what we mean by "Vietnamization."

U.S. officers now admit that one of the great failures of our military effort has been our neglect of the Arvin. The result of this—plus the Arvin's war weariness, corruption, low pay and the killing off of many of the best officers—is an army that is incapable of defending its country, even if given all the benefits of the United States technology.

Says one American general in a position to judge, "They'll be reasonably self-sufficient in time—three years from now." The question is, can we wait?

When Vietnamization started, no one expected to prepare the Arvin to handle the North Vietnamese Army. The hope was that, in time, it could stand up to the Vietcong. Now, the Nixon Administration dreams of preparing the Arvin to cope with the NVA, too, as a possible alternative to mutual withdrawal.

Of course, even if a cease-fire or peace were arranged and/or American forces withdrawn, there is no way to insure against reinvasion from the North in overwhelming force months after we go.

Ironically, the greatest American hero of the war, Gen. William C. Westmoreland, who commanded our forces there and now is the U.S. Army's Chief of Staff, has become a scapegoat in Vietnam. Some American officers who want to keep fighting today claim that Westmoreland fought the war all wrong, "clobbering everything in sight" in World War II style with big unit battles and massive air support, while the enemy was fighting a semi-guerrilla war.

The military public relations people's new hero is Gen. Creighton W. Abrams, the able current U.S. military commander, whom they love to call "The Spoiler." Abrams' approach is not to wait until the enemy has massed but to hit him as he is preparing his battlefield and gathering his forces from his headquarters safely out of reach in Cambodia.

Abrams told me, "There is a limit to what the United States can do. The solution here has to be Vietnamese." He adds, "I'm in favor of taking out some American troops. There is such a thing as helping too much."

Yet, the fact remains that the Arvin continues to need a great deal of help. It has three main problems. First, it is hated and feared by its own people. One American official in the field tells how a Vietnamese Ranger battalion, supposedly an elite unit, recently went through a village, stealing chickens and belongings. He says with disgust, "You don't make friends that way."

Second, a tremendous effort is needed to train the Arvin's officers and men to handle complex weapons and communications systems, from radios to helicopters. As an American officer told me sardonically, "We'll know we're making progress when we can get a phone call to the Arvin straight."

Third—and most urgent of all—is the problem of leadership. American observers say the Vietnamese, when properly motivated and led, can be excellent soldiers. But the Arvin's officers and even noncoms are too often personally overambitious and corrupt.

All in all, I return from Vietnam this time with a sense of hopelessness, deeper perhaps than the personal despair expressed by Look correspondent Sam Castan before he was killed in combat there in 1966.

Politically and militarily, the South Vietnamese are still, after all these years, not yet prepared to take care of themselves. It would cost more thousands of American lives to give them any chance to do so. Now that our Government no longer judges it vital to our security that South Vietnam not go Communist, what justification is there for further American sacrifices?

The simple truth is that the price of keeping South Vietnam non-Communist has been raised to a level the American people are no longer willing to pay. That is a realistic definition of defeat.

If we learn the lesson of Vietnam—that American power has its limitations—this war may at least mark the end of an era and the beginning of a new, less punitive and more imaginative role in the world for the United States.

AN EDITORIAL: A VICTORY WE CAN WIN

LOOK's May 14, 1968, issue carried an editorial which concluded that "the most important national business before us in this year of political debate is to wind up our involvement in the Vietnam war as quickly and as honorably as possible, and to go on from there to the creation of a world order in which America's ingenuity will truly serve the cause of peace."

Eighteen months, scores of meetings, hundreds of speeches, thousands of deaths, millions of tears and billions of wasted dollars later, we think these words are worth repeating—here at the end of Bob Moskin's eloquent report—in the hope that someday soon, someone in Washington will have the courage to say: "We made a mistake. This is not our war. Let's stop it—now."

Simple? Yes. Politically risky? Perhaps. Humiliating? No—because that would be a new kind of American victory—a victory won over our own willful and self-defeating pride. A victory the whole world would applaud.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, I rise in support of House Resolution 613. One of the reasons we do not yet enjoy peace in Vietnam is that the military junta government in North Vietnam, which is not in power by the expressed will of the people, who have not enjoyed the right of free elections, has interpreted the division in this Nation created over our participation in Vietnam to mean a loss of confidence not only in the leadership of this country, but in our ability to win a military victory in Vietnam. It is not my desire to impugn the loyalty or patriotism of any citizen who chooses to oppose verbally and/or by demonstration the policy of our Government but the fact remains that the prime movers of the organized opposition to our Vietnam policy have intentionally or unintentionally given aid and comfort to the enemy. How else can we interpret it when the Hanoi government openly praises the efforts of the demonstrations that keep the wounds of disunity festering.

Be that as it may the time has come for this House to be about its business of closing ranks to give the President the broad base of support necessary in his negotiations to bring our participation in this war to its earliest honorable conclusion. Without closing ranks there can be only two alternatives open to us: (a) outright surrender or (b) escalation of the war. To escalate the war in Vietnam would be, I believe, to break faith with the American people. It would put this Nation in the untenable situation of being the aggressors in Vietnam. This is the label, false to be sure, that is pinned on us by an enemy expert, as it is unprincipled, in its propaganda efforts. What is needed is not an escalation but a definite deescalation of the military activities. Our President is committed to a policy of deescalation and he deserves our support.

It would be most unwise to accept outright surrender in Vietnam not only because of the loss of honor for this Nation; or because it would result in having our young men who have served in Vietnam to have made their sacrifices in vain—but because it would open the door for the next world war which must be avoided if at all possible. It would be an admission that we cannot win the war or at least be interpreted by the Communist world as our inability to win. I heard on this floor a statement by one of my colleagues that the war in Vietnam is "a war we cannot win." Nothing could be further from the truth.

To repudiate our responsibility as the leader of the free world would be an admission to the world, friend or foe alike, that we are so weak we cannot cope with a third or fourth rate government like Hanoi.

Worst yet, it would be interpreted as a moral weakness that indicated not only that we did not really believe in freedom but that we lack the moral fibre to meet tyranny face to face and oppose it.

This, Mr. Chairman, is an invitation at appeasement that would merely delay the final confrontation and bring the world to a total war just as appeasement of the Kaiser led to World War II and appeasement of the Communists in Korea to the Korean police action. Because of our appeasement of the North Korean Government the Korean war deteriorated to a point at which our hands were tied. We secured a truce in warfare but could no longer pursue our efforts to bring to Korea a just or even a lasting peace.

If you have any doubts about what the intention of the supporters of Communist tyranny have toward further aggression, or if you have any doubts as to why the supporters of Communist tyranny chose to bog us down in the battlefield, you should read the official report by the Government of China giving its assessment of the United States following the temporary settlement of the Korean war in which we did not demand a victory. In this report the Chinese interpreted our failure to win not only as a lack of will to win, born out of ignorance of our political system and our loyalty to the cause of freedom, but as a lack of military means. It is no wonder the small communistic group of tyrants have chosen to meet us on the battlefields of Vietnam. No one knowledgeable of our

military strength could honestly question our military capacity to wipe the whole of Vietnam off the map in 1 week if we chose to release our full capabilities.

Our leadership, committed to responsible action in this nuclear age, has felt there is another way to solve our differences besides all-out war which might well engulf the world in its clutches. It has chosen the more difficult and painful solution—limited war. After great sacrifices in a limited war policy designed to remove the threat of an all-out war, we are on the verge of bringing the enemy to its knees. But we are being denied victory because some chose to give Hanoi the spark of hope that our will—not our ability, but our will—to preserve freedom for others will soon break and we will turn tail, repudiate our sense of honor, and abandon those who look to us for help.

I want this war to come to an end now, but I do not want peace at the price of honor, or the future of freedom for anyone, including our own loved ones. I believe that this generation would not knowingly want to avoid this confrontation if it means that in a few years their brothers or their children could be faced with the necessity of conflict on the battlefields, either within the continental limits or one of the States separated from our shores, or any other area critical to the division of this Nation.

Mr. Chairman, I support this resolution and urge my colleagues to give to the President a helping hand in his efforts with honor.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I support House Resolution 613 for a number of reasons but chiefly because, under the circumstances in which we now find ourselves, support for the resolution is to be equated with support for the policy of the President of the United States in regard to Vietnam; and I believe that today it is of the first importance to our country to have an overwhelming expression of such support, and that this resolution is the best vehicle available by which to obtain such an expression.

The resolution itself, like most human efforts, is imperfect, and there is at least one point contained therein which I believe requires interpretation and understanding—I refer to the reference to free elections in South Vietnam and the willingness of the United States to abide by the results thereof. It should be emphasized, I think, that free elections mean election's truly free, and consequently that any participation therein by the Vietcong must necessarily be by a reformed and peaceful Vietcong, which has renounced the use of force, and which has itself resolved to abide by the results of a free election. Such a development would seem to be unlikely.

Again while the resolution is a resolution for peace and, as such, properly confines itself basically, and in terms, to that field, it in no sense rules out a peace brought about in part by United States military action or assistance. if that proves to be necessary, nor does it mandate the President to commit our country to any hasty or ill considered military withdrawal, or to a withdrawal by a date certain to be announced in advance.

On the contrary this resolution, at the time and under the circumstances of its adoption, is and must be preeminently an endorsement of the Vietnam policies of the President; and it is with that understanding that I support and vote for this resolution.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I cosponsored this resolution, and I want to make it clear I did so on the basis of an understanding that the President was specifically requesting my support.

While I believe this resolution is sadly deficient in many ways, I will support a diplomatic initiative which the President judges to serve the cause of ending the war and achieving peace.

I did pose a question to the sponsor of this resolution, the gentleman from Texas, earlier. I asked him if this resolution authorized or delegated any war-making powers to the President in any way.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from Ohio.

Mr. HAYS. I am a consponsor of the resolution, and I have answered that question at least six or seven times during the course of the debate. The answer is categorically "No."

Mr. RIEGLE. I am glad to have it there again.

I believe this resolution in no way repeats the tragedy of the Gulf of Tonkin resolution. Let me assure the Members that I intend to continue to press for the repeal of the Gulf of Tonkin resolution effective December 31, 1970.

Now I am not bothered by what is contained in this resolution, but I am deeply distressed about what is not there.

Let me catalog the major weaknesses in this resolution.

First, it fails to say anything about American troop withdrawals or the Vietnamization program.

Second, it fails to address the question of stopping American combat deaths.

Third, it fails to call on the South Vietnamese regime to end political repression, broaden its base, carry out meaningful land reform, improve the quality of life for the villagers, end government corruption and inefficiency, solve the refugee problem, and take over all combat responsibility—among other things.

But the most discouraging thing about this proceeding has been the total destruction of meaningful legislative process by the power structure of this House.

To ram this resolution through committee—without hearings—to bring it to the floor under a closed rule—to limit debate—and to purposely gut the motion to recommit—is a disappointing use of arbitrary power.

What is it that the leadership in both parties is so afraid of? Why is open debate and an open amendment process so dangerous? Perhaps what we are afraid of is the truth.

We have experienced 8 years of undeclared war. We threw the Constitution of the United States out of the window on this war.

Over 40,000 Americans are dead.

Over 300,000 Americans wounded.

We have dropped more bombs than in all of World War II.

I believe the leadership of both parties condemns itself when, by token actions like these, it shows so little respect for the massive sacrifices and agonies this war has already afflicted on America. The procedures used on this resolution are an act of fear by this House. We are ducking the issue; we are not facing up to it.

If this body had courage equal to our soaring rhetoric and artful dodging on this issue of war, we would go into continuous session, around the clock, 7 days a week, either to require an orderly withdrawal from Vietnam consistent with the safety of our troops—or declare outright war.

I support what is contained in this resolution, but feel a great sadness for what is not contained there.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, while House Resolution 613 may appear rather innocuous on its face, it must be viewed in the context of the President's November 3 address to the Nation, its introduction in the House of Representatives on November 4, and the interpretation placed upon it by the President himself in his unprecedented visit to the House on November 13.

The President in thanking the cosponsors said:

> Yesterday I was informed by a bipartisan group from the House of Representatives that over 300 Members of the House had joined in sponsoring a resolution for a just peace in Vietnam along the lines of the proposal that I made in a speech on November 3.

The President went on to observe:

> But I do not know when the great issues are involved, that in this House, that what happened yesterday with that announcement on the part of Members of both sides of the aisle of well over a majority supporting the policy of the President of the United States, I realize that that was in the great tradition of this country.

So, in the words of the President, this is a "resolution for a just peace in Vietnam along the lines of the proposal that I made in a speech on November 3." It will be used as an endorsement of his policy. In fact, Ambassador Lodge has already used the fact that over 300 Members of Congress support this resolution as evidence of overwhelming support in America for the President's position.

If the House feels that an endorsement of the President's plan of November 3 is justified, then House Resolution 613 should be supported. However, let us not deceive ourselves as to how approval of the resolution will be construed.

This is the first time, except for supplemental Vietnam and other military authorization and appropriation bills, that the House has had the opportunity to deal with U.S. policy in Vietnam since 1964.

There should be a full scale debate

with the opportunity to offer amendments and to consider alternatives to the administration's policy in Vietnam. Instead, the House Foreign Affairs Committee and the House Rules Committee have done their utmost to see that the resolution is swiftly passed with a minimum of debate.

The fact that House Resolution 613 has been brought before the House under a parliamentary procedure which forecloses such a debate on the most crucial issue before the Nation is sufficient reason to oppose it.

The language of the resolution is vague. The phrase "a just peace" is not defined, and the House Foreign Affairs Committee held no hearings to help establish a legislative history.

The lesson of the 1964 Gulf of Tonkin resolution should not be disregarded. That resolution was completely distorted and used by President Johnson to justify committing half a million American servicemen to a land war in Asia without a declaration of war. House Resolution 613, as already interpreted by the President, is broad enough to give him a free hand to take whatever action he feels is necessary to achieve "a just peace"—however he may define the term.

Although the resolution speaks of the President's efforts in negotiations, the President's emphasis upon Vietnamization of the conflict and the resignations of Ambassador Lodge and his deputy suggest that the administration is not vigorously pursuing a negotiated settlement.

The Paris talks are not stalled because of domestic criticism of the administration's policy.

Sponsors of the resolution have put together a compilation of statements made by critics of our Vietnam policy which have been used by the North Vietnamese delegation in Paris. This compilation is used to show "how statements and actions by a few Members of the U.S. Congress have given grist to the enemy propaganda mills—and how they are used to delay progress toward a settlement." The effect is to attempt to stifle dissent.

Do the sponsors of the resolution really believe that approval of this resolution will improve our negotiating position in Paris by showing that the Nation is united behind presidential policy on Vietnam?

Approval of this resolution will in no way change the fact that this country is divided over our course in Vietnam. Nor will it be of any assistance to our negotiating position in Paris. The Paris talks are not stalled because of statements made by Members of Congress and other Americans who do not agree with present policy.

One reason that the talks are stalled is because this administration, as did the previous administration, refuses to accept the political reality that the National Liberation Front or the Vietcong has a role in the political future of South Vietnam. Another reason is the administration's failure to seize possible openings for new initiatives.

For instance, in his November 3 speech President Nixon referred to his letter of July 15 to Ho Chi Minh in which he said that he was willing to discuss specifically the 10-point program of the National Liberation Front.

The response which came back from Ho Chi Minh said clearly that the 10 points of the National Liberation Front were a "logical and reasonable basis for the settlement of the Vietnamese problem."

That letter was dismissed in the President's speech, as showing Hanoi's unwillingness to negotiate, but I suggest that it was dismissed either without a critical analysis of the import of its meaning or else simply in an effort to persuade the American people that a meaningful initiative had been rejected.

Since the night of his speech, the President's interpretation of that letter has been challenged by many Americans, who viewed the letter as an invitation to pursue negotiations.

Ambassador Averell Harriman suggested that the letter's last paragraph was a "wide open invitation."

Senator EDMUND MUSKIE also saw the paragraph as "an invitation" to pursue negotiations. Senator MUSKIE further questioned why the White House not only took the letter as a rejection of the President's negotiating offer, but also why it did not use the letter to discuss the matter further with Ho's successors.

The criteria for the withdrawal of ground combat forces and their replacement by South Vietnamese forces as stated by the President in his speech are progress at the Paris talks, the level of enemy activity, and the progress of the training program of South Vietnamese forces. These factors are not within our control but will be determined by the Governments of North Vietnam and South Vietnam.

The concept of Vietnamization goes back to our original involvement in Vietnam. Then the policy was to train and provide military assistance to Vietnamese forces. It did not work. and in 1965 the war was Americanized. Throughout the Johnson administration, the concept of Vietnamization was still a basis of our policy.

Now, in 1969, this administration is again talking about Vietnamizing the war. If the quality of the South Vietnamese forces could not be improved in 15 years to the point where they can fight for themselves, how do we expect it to be accomplished in the near future?

The last of the criteria is the level of enemy action. This war has been going on for over 25 years. How can we base our withdrawal on enemy activity when it has ebbed and flowed for over a quarter of a century. The President's unspecified timetable for withdrawal is based upon factors over which we really have little or no control.

In addition, the President stated that, if enemy activity increases, he will not hesitate to react accordingly. Here, he committed the United States to win the peace—and left the door open to possible escalation.

The President has stated that we no longer expect a military victory, but in his speech he spoke in terms of winning, which could mean an indefinite military presence in South Vietnam. Since the start of the Paris talks in May 1968, more than 17,000 Americans have sacrificed their lives in Vietnam. We cannot afford to let more young men die in order to soothe national pride.

The supporters of the resolution have ignored the problem of the Saigon regime. Although the resolution supports the concept of free elections open to all South Vietnamese, the resolution does not face the problem of the undemocratic, corrupt regime in Saigon.

President Thieu promised a broad-based government and then jailed his opposition. Over 75 percent of the population of South Vietnam, according to Ambassador Averell Harriman, are anti-Communist. However, they do not participate in the government in Saigon. The resolution does not insist upon the broadening of the government of South Vietnam.

At a time when millions of Americans want the United States to withdraw from Vietnam the resolution does not even mention troop withdrawals. Supporters of the resolution argue that the House should not advise the President about a timetable in that it does not know what the future military possibilities are. By not including any reference to withdrawals, this resolution will not impress upon the President that Americans want a withdrawal of troops as soon as possible.

If the House is serious about advising the President upon policy, and not simply giving him a blank check, then it should set forth its views on troop withdrawals.

The House has every right to demand that troop withdrawal continue on a regular basis. I am a cosponsor along with 13 other Members of the House of House Concurrent Resolution 403 which expresses the sense of the Congress that all U.S. forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, and that the United States should assist in the provision of asylum in friendly countries for those Vietnamese who might be endangered by our disengagement. The sponsors of our resolution feel that the House must heed the concern which was shown throughout the country on October 15 and in Washington on November 15.

Only the U.S. Congress has the constitutional power to declare war. Yet 40,000 American lives have been lost in a war that is undeclared. Certainly the House should let the President know whether or not the war should be continued.

Mr. Chairman, I am not willing to vote for a resolution which will be construed as support for a policy which is perpetuating the tragic war in Vietnam which I have consistently opposed from its inception. The time has come for the House of Representatives to face squarely the consequences both at home and abroad of this disastrous chapter in American history.

I include at this point in the RECORD a very well-reasoned editorial from the New York Times of November 7, 1969, which discusses the administration's open-ended commitment to Saigon which this resolution supports:

COMMITMENT TO SAIGON

The House Foreign Affairs Committee's approval yesterday of President Nixon's efforts "to negotiate a just peace in Vietnam" implies an endorsement of his policies hardly justified by the President's address to the nation earlier this week. Mr. Nixon's long-heralded "plan for peace" has emerged, in fact, as a familiar program that contains nothing new and is founded on old premises and policies that have mired the United States in a debilitating conflict of indeterminate duration in Southeast Asia.

Many Americans, including even some of the strongest former supporters of the war, long ago concluded that Vietnam is not so vital to United States interests as they once thought it was and therefore is not worth the terrible price in American and Vietnamese lives and resources the war is exacting. This tardy public awakening would be a powerful argument in support of a President determined to unite the nation for a compromise peace.

Mr. Nixon instead has chosen to resurrect by implication, the old concept of a Communist monolith poised to conquer the world, which does not conform to the political reality of the present day. He has revived and expanded the thesis of former Secretary Rusk that a row of tottering dominoes stretching from Bangkok to Berlin to Buenos Aires has only the American-backed regime in Saigon standing in the way of worldwide disaster. If the President really believes his own rhetoric, how could he possibly settle for less than the "victory" in South Vietnam that even Lyndon Johnson finally despaired of winning?

Mr. Nixon's plan for victory—to "win America's peace," is the way he put it—depends upon a continuing military effort, but with South Vietnamese troops increasingly relieving American troops of the main burden of fighting. This program of "Vietnamization" is based on assumptions repeatedly advanced in the past and repeatedly discredited; that is, that the present Saigon Government is growing stronger and will soon be able to stand on its own feet, and that the enemy is growing weaker and will fade away.

If during the course of a prolonged American withdrawal enemy forces should strike hard again, as they are likely to do, and if South Vietnamese troops should fail to meet the test, as they have failed in the past, President Nixon has vowed "to take strong and effective measures to deal with the situation." He has thus again committed the United States to protect the present regime in Saigon as long as that regime is unable to protect itself.

This open-ended commitment to Saigon is, in fact, inconsistent with the Asian Doctrine the President wisely enunciated at Guam. It means that the level of American participation in Southeast Asia, and therefore the limits of American capacity to deal with other problems at home and abroad, will be determined not by Washington but by the actions of Saigon and the reactions of Hanoi and its allies.

President Nixon says the only alternative to his strategy is "precipitate withdrawal of all Americans from Vietnam without regard to the effects of that action." This is not the only alternative. Nor is it the position of the sober majority of Vietnam war critics, despite the President's implication that it is. Most critics of Vietnam policies, old and new, believe that what is required is steady, orderly withdrawal of American forces from South Vietnam under conditions that offer maximum safeguards against the massacres and other calamities Mr. Nixon predicts.

It is conceivable that this kind of determined, deliberate withdrawal is what Mr. Nixon really has in mind. There are passages in his speech that encourage such an interpretation, as do predictions from Saigon that all American combat troops will be out of South Vietnam by the end of next year. If this is the case, it is most unfortunate that the President chose to confuse his true purpose with rhetoric reminiscent of the disastrous past, rhetoric which is not likely to deter the enemy or his critics but which could seriously limit his options in the difficult days ahead.

Mr. HAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. VIGORITO).

Mr. VIGORITO. Mr. Chairman, I thank the gentleman from Ohio for yielding this time to me.

Mr. Chairman, I have been very pessimistic with respect to our entire involvement in Vietnam ever since the campaign of 1964. I am still pessimistic about it. I am also pessimistic with regard to the negotiations. I do not believe anything final will come of the negotiations in Paris. The Vietcong and the North Vietnamese will stay in Paris until hell freezes over. We cannot force them to negotiate. They will not fight until they are defeated; they will quit and come back to fight another day. However, let me say that I am in favor of negotiations. I wish the President luck in negotiations, and from the bottom of my heart I wish the President success.

Our country surely needs peace. The world needs peace. I am definitely against escalating the war. No matter what we do, we cannot dictate to the North Vietnamese and the Vietcong. Again, I repeat, I wish the President all the luck in the world in his attempts to bring us peace.

Mr. ADAIR. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, as a cosponsor of House Resolution 613, I fully support it. I want to support President Nixon in his attempt to obtain a just peace in Vietnam.

This resolution expresses a hope for peace, and it approves the principles expressed by the President that the people of South Vietnam are entitled to their own Government determined by free elections, impartially supervised by an international body.

It states that this Nation is willing to abide by the results of such an election, and it supports the President's call upon North Vietnam to state its willingness to honor such an election and to allow the issues to be peacefully resolved in order that we may end this war and that peace may be restored.

It is my conviction, Mr. Chairman, that the President is best able to make decisions on this war on the basis of facts immediately available to him and not available to the Members of Congress.

I stand behind President Nixon in his efforts to end this war in Vietnam, and I fully support House Resolution 613.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I rise in support of House Resolution 613. I am very proud to announce that I am a cosponsor of an identical resolution, House Resolution 682.

I might say, Mr. Chairman, it is my considered opinion that the language contained in this resolution represents, I honestly believe, the sentiments of at least 90 or 95 percent of the more than one-half million people that I have the honor to represent in this House of Representatives. They have already indicated that fact to me in a number of petitions which have been signed by tens of thousands of them.

Mr. HAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I again refer to the President's statement made in 1960 during the Kennedy-Nixon debates—

We cannot tolerate a Communist government in South Vietnam.

Mr. Chairman, the authors of this resolution concede that a Communist government would be tolerated and accepted by this House if such government comes into power by reason of elections called for in this resolution.

That brings into contention an awful lot of problems. If the domino theory that the President announced on November 3 and extended to West Berlin has any relevance, a Communist government in South Vietnam, no matter how it comes into being, will bring into play the domino theory and all its catastrophic consequences.

Supporting this resolution is support for the possibility and acceptability of a Communist government in South Vietnam and the acceptability then of the domino theory coming into play.

The other obvious defect with this resolution is that the President's hands are tied as a result of the resolution and if in the opinion of the negotiators in Paris, a coalition government should be established in South Vietnam it places both the President and the negotiators in a very awkward position in an effort to reach such an agreement with the parties at the peace conference, because this resolution precludes such a result.

The only way you can arrive at a government in South Vietnam, if this resolution is passed, is by free elections. I do not think it is in the best interest of our negotiators in Paris nor the President to bind them in any way from considering the proposition of a coalition government by agreement of all parties. This resolution would not permit that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise in opposition to the resolution.

First of all, I think that the procedure in the House, both in committee and on the floor, regarding this resolution, has been regrettable.

For instance, I know of no major foreign policy resolution going through the Senate with no hearings and with no possibility for amendment. Indeed, previous resolutions—the Formosa resolution, the Middle East resolution, the Berlin resolution and the Cuban resolution—have at least had hearings, scant as they may have been at times. Surely the House can make no serious pretense to

being a thoughtful deliberative body if on great questions such as Vietnam it refuses to hold hearings or provide for amendments. This proceeding degrades the House.

It is sadly apparent that the House has learned little from the intense feelings that this question of Vietnam is the paramount issue facing America. To be denied an opportunity to amend this resolution in the first formal opportunity that has been given us since August of 1964 is to make this debate largely meaningless and to make a mockery of the democratic process.

There are few who would question that any President of the United States is strengthened by strong support in the Congress and in the country for a particular position. The fundamental point, however, one which Winston Churchill well understood, is that a policy, to be truly meaningful, must be clearly and precisely understood. The people must participate in the decision relative to it, and only if this process is carried forward will any policy have national sanction at home or be respected abroad. The procedure followed here today, let alone the substance of the resolution we are discussing, are not calculated to achieve that objective.

This resolution, I believe, must be read in conjunction with President Nixon's speech of November 3. Specifically, as the President said on the floor of this House:

> The resolution for a just peace in Vietnam is along the lines of the proposals that I made in a speech on November 3.

The speech stressed the importance of Vietnamization, a policy which has been largely discredited in the past, implicitly committed this action to defend the present Government of South Vietnam until it can defend itself, and raised the possibility, should there be an increase in violence jeopardizing our remaining forces, that the United States would take "strong and effective measures" to deal with that situation. Moreover, the rate of U.S. withdrawal was posited on the progress at the Paris talks, the level of enemy activity, and the progress of the training program of the South Vietnamese forces.

The problem with this formulation, as I see it, is that it could leave the initiative largely to Hanoi, the NLF, and Saigon, none of whom have shown a total sense of urgency to end the war, rather than with the United States where the initiatives should be.

No one would question the desirability of achieving a just peace. The problem occurs over what this phrase means and whether it implies, directly or indirectly, the perpetuation of a Thieu-Ky regime which to date has narrowed its Cabinet base and refused to change its constitution to permit free elections and self-determination for all South Vietnamese. Moreover a continuation of this regime may make any negotiations impossible. Certainly giving Saigon a veto over the peace talks or U.S policy is a mistake.

Hence, the danger of this resolution is clear. We can all find phrases in it with which we agree; equally, we can find phrases which are vague and which could represent unspecified commitments for the future. The difficulty, then, is the interpretation given to it, or to be more precise, the numerous interpretations which could be given to it.

Prior to any action, the simple introduction of the resolution was assigned importance by the President, and by the press, and by the President's negotiators in Paris. As reported by Drew Middleton from Paris in the November 14 New York Times, Ambassador Lodge took the unusual step of introducing into his formal statement at the peace talks the text of the resolution as an indication of support for the policies enunciated in the President's November 3 speech. And this, we recall, was before the House as a body had even begun consideration of the resolution, with signatures collected prior to the President's speech. This presumed on the action the House and Senate might take in a context where the Congress has been derelict in its responsibilities. This did not heighten the credibility of congressional action, nor enhance respect for the resolution—particularly as it coincided with some half a million Americans arriving in Washington to protest these very policies.

As this is a simple House resolution and not a joint resolution, and as it cannot be signed into law, it will not enjoy the importance of the Gulf of Tonkin resolution. Moreover, the minority leader in the Senate, along with the majority leader, have suggested a significant amendment calling for a mutual ceasefire; hence, whatever action the other body takes will not parallel the action we take in the House today.

Nonetheless, I am constrained to vote against the resolution as the subject is just too important for hasty action, and too significant in its potential implications not to enjoy the degree of national sanction that comes only from full debate, amendments, and the deep conviction of hopefully all the Members of the House of Representatives.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I would be happy to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I know that my friend, the gentleman from New York, is a fair-minded Member and a constructive Member, and that he would not intentionally cast unfair criticism upon the Committee on Foreign Affairs or upon the Committee on Rules as to the manner in which this resolution has come to the floor.

But the gentleman is aware, I am sure, that on seven occasions in the past 15 years, foreign policy resolutions have come to the House, in all cases under what amounts to a closed rule. It is not accurate either to say that on all of those occasions there were more or longer committee hearings than on this. In one case, in fact, on the resolution which was introduced on Hungary, a resolution in the 85th Congress, it was passed by the House on the same day of its introduction. So there were not any hearings there.

Then on the Cuban resolution, there were executive sessions, but no hearings.

On the United Nations resolution in the 88th Congress, there were no hearings or calling of witnesses.

In fact, only one of the seven resolutions had printed hearings available for the Members of the House. I am not saying that is always the procedure which should be followed. But I just believe the gentleman from New York in all fairness would want to take note of the fact that this is not an altogether unusual procedure, and that the Committee on Foreign Affairs did consider it and felt that, this being an initiative on the part of the House, they needed no outside advice.

Mr. REID of New York. Let me tell the gentleman that I very much appreciate his comments. Let me say, however, that the precedents the gentleman cites are precisely the reason why there must be changes in our procedures for the future. I would say to him, and this is a point I am trying to make, that the House ought to be coequal with the other body in foreign policy resolutions, and will be only when this House accepts its responsibilities.

In short, what is essential is full hearings, a longer time for debate than 4 hours every 5 years, and an end to closed rules in general. Only as a legislative body truly reflects the commitments and convictions of all American people will its resolutions command the respect and credibility that bespeaks a national purpose and hopefully unity.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I am not a sponsor of this resolution.

But I am going to vote for it here today because I sincerely hope that by voting for it, it may help the cause of peace and that it may in some way—some way that is, frankly, vague to me—help to disengage us from this most unfortunate experience that we have had in this war.

I regret, as have many Members here today, that this House has not taken a more vigorous position in the Vietnam war; that it has not had a more definite position on what should be done about it. I hope though that the leaders of this body will have learned from all these circumstances that it really is impossible to get something very meaningful from this Congress or from the House of Representatives unless the Congress is able to work its will. Procedures that do not allow for committee do not provide for adequate committee hearings and do not allow amendment of resolutions on the floor, really amount to naught.

I come from a part of the country where we have broad beaches and where the tide ebbs and flows every day. Sometimes sitting here and listening to this debate here reminds me of those Florida beaches that I see. Oftentimes you will see very earnest people working down on the beaches building beautiful sand castles. They work all day. When the tide comes in at night, those same castles are washed away and the beach the next day looks as if it had never been disturbed. I hope this resolution will just not turn out to be just another sand castle. But I am afraid it might.

Mr. Chairman, I am impressed with the discussion here today.

There certainly has not been any of the emotionalism which I remember at the time of the Gulf of Tonkin resolution. The only reasons I am going to vote for this resolution is because I think it is a peace resolution.

I had some misgivings when the debate first began, but most of the debate and the answers by the sponsors and the answers by the people controlling the time on the debate have convinced me that this resolution is designed to achieve a quick and just peace.

I am going to vote for it on that basis and on that basis alone.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. Mr. Chairman, I support this resolution. First, I would like to congratulate the Speaker for bringing up this resolution at this time.

Mr. Chairman, I congratulate Mr. HAYS, of Ohio, who has done such an excellent job on the chairing of this resolution today. He is a forthright, honest, hardworking Congressman who knows how important it is to be American first Democrat second.

I cannot understand why we have these few Members in Congress who oppose this resolution. To me they give promise and hope to the Vietcong and Hanoi.

They talk about the thousands killed. Yet they do not say that it was the Vietcong and North Vietnamese Government who has done it. They talk, instead, about those, our American soldiers have killed. They forget that every time one of our Presidents has called a cessation of bombing or ground attacks that the enemy brought in their artillery and rockets—indiscriminately bombing civilians.

I clearly recognize the constitutional right of any citizen, or group of citizens, to make their views known to their public officials. It is not only their right, but their duty. I also recognize the right of other citizens to disagree. But, I cannot fathom how it is stupid of SPIRO AGNEW to support his President—your President—but it is sublime to attack that same President.

Why is it suddenly more American to raise a Vietcong flag at the Washington Monument than to defend the President of the United States? It clearly is not—now, yesterday, or tomorrow.

Relentless, roaring mobs marching through the streets of Washington throwing rocks and flaming bombs were a predictable offshoot of an otherwise peaceful demonstration, but nonetheless one in which the demonstration leadership was unable to control all of the elements that joined it.

Well, things have reached the point where a vast majority of the American people—silent or otherwise—have about had it with mob rule and protesters who offer no constructive alternative other than the wholesale slaughter of millions of South Vietnamese. And God forbid the day that any American President makes that choice at the insistence of churning, chaotic mobs.

I truly believe that the American people have a deep moral commitment to the people of South Vietnam. I respect those who do not agree. I expect them to say so in the same orderly way that I publicly express my views. And I expect them to respect my views as well.

President Nathan Pusey of Harvard has put the entire subject of demonstrations in proper perspective with his comment that the right to dissent does not include the right to force assent.

There is no question in my mind that the majority of Americans support President Nixon. I am equally convinced they will become more and more vocal and then perhaps we can get a clearer view of what the American people really want.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, President Nixon said on November 3 that he believed "that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their Government has told them about our policy." He went on to say:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

I wholeheartedly concur with this statement. This House should heed his admonition. It is precisely this reason which has forced me to conclude that it is equally illegitimate to expect this House to support a policy of such magnitude as the life or death of our American men unless we know the whole truth about that policy.

It is pretended that by the November 3 speech the Nixon policy regarding Vietnam became an established fact. Try to walk through its maze.

The President starting by saying that, "The great question is: How can we win America's peace?"

Yet he offered the traditional challenge of why we should continue the war. He said:

> A nation cannot remain great if it betrays its allies and lets down its friends. Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest.

He said he was opposed to "immediate withdrawal of all American forces." He qualified this later in his speech by saying he was opposed to "the precipitate withdrawal of American forces."

But then he said:

> We have offered the complete withdrawal of all outside forces within one year.

So one concludes that he only opposes precipitate withdrawal, and that 1 year is not precipitate.

He said:

> I choose instead to change American policy on both the negotiating front and the battlefront.

But on the negotiating front he said that no progress whatever in the negotiation "has been made except agreement on the shape of the bargaining table." He stated:

> There can now be no longer any question that progress in negotiations depend *only* on Hanoi's deciding to negotiate.

He said that he has "put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front."

He described this plan which he called the Nixon Doctrine, and said that—

> When you are trying to assist another nation to defend its freedom, U.S. policy should be to help them fight the war but not fight the war for them.

This is his plan for the battlefront; not peace but more war, waged by the Vietnamese with our arms, our material and our money. He has evidently all but abandoned the negotiating table as futile; and his peace plan called "Vietnamization" only means more war, not peace.

The only remaining consolation is that his plan could mean the return of all American combat forces. He said he has a plan worked out "in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable."

He stated that the "rate of withdrawal will depend on developments on three fronts. One—progress which can be, or might be made in the Paris talks, the other two factors—are the level of enemy activity and the progress of the training program of the South Vietnamese forces."

I hope you have all noted that none of these three factors which will determine our rate of withdrawal is in our control. Hanoi could decide this issue by continuing to stall the Paris talks, and by accelerating the level of enemy activity. Or South Vietnam could prevent our early withdrawal by falling down on the training program. I hardly call any of these prospects as positive affirmative action for peace on our part. Withdrawal on this basis is not our policy but someone else's.

The November 3 speech is full of so many contradictions in and of itself without even trying to compare it to the May 14 speech of the President, which others have done to their great consternation.

I take this time to analyze the President's speech because it has been noted as the justification for adopting House Resolution 613. A quick reading of House Resolution 613 will reveal that it contains nothing on the central issues discussed by the President in his November 3 speech as I have outlined.

House Resolution 613 states no new positions taken by President Nixon. It merely restates the Johnson policy in effect since 1966. What function is served to adopt a resolution which is purely historical, without any new steps for peace?

The President is correct when he says that American confidence is harmed when we do not speak the truth. The truth today is that withdrawal, like "stop the bombing of North Vietnam" of a few years ago, is controversial and therefore we are asked to blind ourselves to its reality.

I happen to support the President's offer of complete withdrawal of all out-

side forces within 1 year. I would vote for House Resolution 613 only if it embodied this principal of withdrawal. Such a resolution would be meaningful and would contribute to the unity which the President wants by confirming our new initiatives for peace. Without facing this truth House Resolution 613 is but an empty gesture and will further exacerbate our lack of specific national goals in our pursuit for peace.

Mr. HAYS. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, I am the coauthor of House Resolution 684, which is identical with House Resolution 613, and I shall certainly vote for the resolution in seeking a just peace in Vietnam.

I also coauthored House Resolution 568 backing the President on his troop withdrawal policy. If in the future the President should decide to change his policy from withdrawal of our troops and the rapid pursuit of peace, I believe it is mandatory that he should first consult with the Congress so that we may express ourselves with full knowledge of any change in the Vietnam situation justifying an alteration of our course.

Mr. ADAIR. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT) for a unanimous-consent request.

Mr. SCOTT. Mr. Chairman, I rise in support of House Resolution 613 and to urge each Member of the House to indicate his support of the President's efforts to bring about a just and honorable peace in Vietnam by voting in favor of this resolution.

Regardless of who is President of the United States or his party affiliation, when he is dealing with foreign nations the country benefits by the strongest possible bipartisan support of his efforts.

As you know, Ambassador Lodge recently announced his resignation as Chief Negotiator with the North Vietnamese and stated that his Government had made every reasonable concession without any agreement except as to the shape of the negotiation table. In my opinion, the North Vietnamese will not make any concession as long as they feel that this Nation is divided and that they can obtain their objective by stubborn refusal to negotiate peace in Vietnam.

President Nixon won renewed respect of the American People, in my opinion, by reasonableness and the frankness of this discussion of the Vietnamese conflict a few weeks ago. In essence, he indicated a willingness of this Nation to continue to attempt to negotiate but, at the same time, having an alternate plan to substitute the South Vietnamese combat soldier for the American soldier and to withdraw our combat forces as early as circumstances would permit.

I do not believe that other nations of the world can expect any more than this. The President has carried out his promise of reducing our troop strength and I understand that we have less troops in Vietnam today than we have had at any time during the last 2 years.

Certainly, I hope that all combat troops can be withdrawn soon but I hesitate for this Congress to suggest to the President when complete withdrawal should take place, and believe it is in the interests of the country to permit latitude for the exercise of judgment by the Commander in Chief based upon circumstances as they develop in Vietnam.

Let us show to the Communist world that America is united in our quest for peace and justice in the world by an overwhelming vote of confidence in the President and his efforts on behalf of the people in the country.

Mr. ADAIR. Mr. Chairman, I yield to the gentleman from Oregon (Mr. DELLENBACK) for a unanimous-consent request.

Mr. DELLENBACK. Mr. Chairman, a careful reading of the provisions of H.R. 613 makes clear that its primary thrust is for peace in Vietnam. Not peace "at any price," but a "just peace." It expresses the earnest hope of the people of the United States for such a peace. It affirms the support of the House of Representatives for the President of the United States in his efforts to negotiate such a peace. It supports the principle of free elections for the South Vietnamese. These are the heart of this resolution.

This is a short resolution. Like any short comment on a large and complex subject it must be looked at very carefully to see what it does say and what it does not say. I personally feel that we should have added some additional language to cover certain points which are not covered therein and to make certain some points therein which are subject to possible misinterpretation. I voted in favor of an attempt to open the resolution up to amendments which would accomplish those results, but we were unsuccessful. So we must now vote on the resolution as it stands.

This resolution does not say that the House of Representatives gives the President any carte blanche authority in connection with Vietnam. It has been made repeatedly clear during the course of this debate that this resolution does not give to the President any authority of a warmaking nature. This is a peace resolution. There are many other things that this resolution does not say. Some, like the points above, it should not say, and other perhaps it should say. I personally regret that it does not expressly indicate that we approve the President's demonstrated policy of continued deescalation of American involvement. in Vietnam. It should have. But any careful examination of the record shows that the President initiated such a policy almost immediately after taking office and that he is definitely following such a policy, and I am convinced that he is committed to the continuation of such a policy. I read into this resolution's support of the President's efforts to negotiate a just peace in Vietnam, a steady continuation of such policy of deescalation of American involvement. So long as that policy is continued and followed, I feel that both this House and the American people will continue to support the President's efforts as he seeks to guide this Nation toward a just and early peace.

Because I am convinced that the clear thrust of this resolution is in the direction of such just and early peace, I intend to support it and I urge my colleagues to do likewise.

Mr. ADAIR. Mr. Chairman, I now yield such time as he may consume to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, first I wish to express my appreciation to the gentleman from Ohio (Mr. HAYS), who has so ably handled the resolution and to the gentleman from Pennsylvania (Mr. MORGAN), chairman of the committee for their tremendously effective help in making certain that the proposal went through the Committee on Foreign Affairs and the House as a whole.

I want to express to the gentleman from Texas (Mr. WRIGHT) my deep appreciation for his initiation on original sponsorship of this resolution.

I believe the action of the gentleman from Texas (Mr. WRIGHT), the distinguished chairman of the Committee on Foreign Affairs, Dr. MORGAN, and the able gentleman from Ohio (Mr. HAYS), in working on and for this resolution, have exhibited statesmanship of the highest order, I want the RECORD to clearly indicate my appreciation and indebtedness to them for their help and assistance.

Mr. Chairman, I should like to announce what the motion to recommit will be. The motion to recommit will be a proposal to insert new language on page 1 of the resolution, line 7. The added language will be as follows:

> Requests the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war,

In other words, the resolution would read as follows:

> *Resolved*, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, requests the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war—

And then it would continue as it was reported by the Committee on Foreign Affairs.

The decision as to the author of the motion to recommit will depend upon some uncertainties at the moment, but the author will be either the gentleman from Iowa (Mr. GROSS) or the gentleman from Pennsylvania (Mr. FULTON).

I personally hope and trust that this motion to recommit will receive the support of the membership as a whole. Certainly all Members do want the President, on our behalf as a country, to press for the North Vietnamese Government to abide by the Geneva Accords of 1949 in reference to the treatment of prisoners of war.

I believe this is a strengthening and beneficial change in the resolution as recommended by the Committee on Foreign Affairs.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. FRASER. I want to say to the gentleman that while I support the objectives of the amendment on the recommittal motion, I want to observe again that the real minority in a question of this kind is denied access to the motion to recommit. I am sorry about that. This is another instance of an effort to confine and limit the options of this House in expressing its will on this resolution. I understand what is going on. I have seen it happen on other resolutions and on other bills. I am sorry that this is the procedure that is being followed.

Mr. GERALD R. FORD. I am sorry that the gentleman from Minnesota cannot support this motion to recommit. I think it is a very desirable and beneficial change in the resolution.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. FRASER. Mr. Chairman, will the gentleman yield to me for 10 seconds?

Mr. STRATTON. Yes.

Mr. FRASER. I just want to correct the misapprehension of the gentleman from Michigan.

I did not say that I was opposed to the motion to recommit. I said that I favored its provisions. I was objecting to the abuse of the rules of the House that denied the right——

Mr. STRATTON. Mr. Chairman, I cannot yield any further.

Mr. Chairman, I have listened to a good deal of debate here. I have not listened to it all. But I have been impressed with the fact that most of the debate, at least what I have heard, seems to have been centered around rather technical matters, interpretations of language, and the question as to whether we should or should not have passed the Gulf of Tonkin resolution; the question as to whether we should or should not be in Vietnam; or the rate of the withdrawal of troops and so on. I am a little disturbed that we seem to have lost sight in this debate this afternoon of what is, after all, the fundamental issue that surrounds our commitment in Vietnam, just as it has surrounded other American military and political commitments, that is, the basic struggle between freedom and tyranny in the world.

We may complain as to whether we should be in Vietnam or not and whether we should have fought the war in one way or another. But there is no question, I think, in the mind of anyone that the reason why America is in Vietnam today is because of our commitment to freedom and because of our determination to protect ever a small and a relatively weak country against attack and against an attempt to impose tyranny on it from the outside. This is clearly what our Vietnam commitment is all about. We are not there for any personal gain for ourselves or for our country. This is what America has always done. This has been the record, whether foolishly or otherwise, of our involvement in every war.

Today the basic issues with respect to Vietnam, which is still up in the air, is not an issue of American military strength. It is a matter of American will and determination. No one, not even the Communist leaders, has any doubt about the ability of American arms to achieve any objective that they set out to achieve. But the one thing that is still in doubt in the Communist world is the will and the determination of the American people. The Communists still think that this country does not have the stuff to stay until that objective of freedom is achieved, we are, they say, a "paper tiger."

The other day a number of members of the Committee on Armed Services had the privilege of hearing a personal, first-hand report from Maj. James N. Rowe, who was a captive of the Vietcong for 5 years in the delta area of Vietnam. The one thing that most impressed all of us was the fact that Major Rowe—a remarkable young man with much more intestinal fortitude than I am sure most of us have or ever hope to have—the one thing that impressed us most was when Major Rowe told us that the low point in his captivity came when the Vietcong showed him the statements of leading officials, leading Members of the other body, and leading newspapers around the country, saying that America had no business being in Vietnam and that we ought to get out, lock, stock, and barrel. Those statements, Major Rowe told us really shook his morale. This was the only time he doubted his own convictions. The Communists really believe these dissenters speak for America.

Mr. Chairman, the press of the Nation has played up all of the opposing views to the Vietnam war. We had 250,000 demonstrators in Washington the other day. Two or three pages of the Washington Post and the New York Times were devoted the next day to their activities. But the day before 300 Members of this House, representing an overwhelming majority of the 200 million people of the entire country, had joined in cosponsoring this resolution which is before us today.

And that rather remarkable event got only a very small notice in the Washington Post and none at all in the New York Times, except that the publisher says they did put it in a small box in one edition, but somehow it just was not important enough to get in the edition that came to the Capital of this Nation.

Mr. Chairman, what we are being asked to decide this afternoon is whether this country is solidly in support of our Nation's policy in Vietnam, whether on this vital issue we are going to back up our President, whether we are united in this effort to back up the forces who are fighting for the principle of free, self-determination for the people of South Vietnam. The important thing before us here today on this floor is whether this Nation of ours does have the will and the determination to see their commitment through.

It is not a question of technique we are concerned with today. It is not a question of battle strategy. It is simply a question of whether the greatest nation in the world, with the greatest armed forces in the world, also has the necessary intestinal fortitude to back up the President of the United States and to stick with our commitment long enough to achieve peace, not at any price, but peace with justice in Vietnam.

Mr. Chairman, I think we do have that determination and it is my sincere hope that this resolution will receive an overwhelming vote here today as a manifestation of that determination.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I would like to express my personal gratitude and appreciation to the distinguished gentleman from New York for his ardent endeavors, his advice, counsel, and assistance throughout the time that this question has been under consideration. He has been one of the original and one of the most effective champions of this resolution.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

(By unanimous consent, Mr. BARRETT was allowed to speak out of order.)

RETAIN RAY LAPIN AS PRESIDENT OF FNMA

Mr. BARRETT. Mr. Chairman, about a week ago, I brought to the attention of the House what I considered to be a failure on the part of the administration to heed the expressed mandate of the Congress.

At that time I raised the question as to whether the Federal National Mortgage Association would, as the Committee on Banking and Currency had contemplated, be the first to issue mortgage-backed securities.

Now, Mr. Chairman, I have an even more blatant case of where the administration has refused to follow the will of Congress.

According to newspaper reports, which I have verified with Fannie Mae, its President will ask the Board of Directors to determine formally that one-third of Fannie Mae's common stock is owned by persons or institutions in the mortgage lending, home building, real estate or related business. This, Mr. Chairman, is the key test which the Congress set out for determining the point when control of the FNMA should pass from the Board of Directors appointed by the President to a new Board elected by the public stockholders. I am delighted that the public, mortgage lenders, builders, and others, have moved so rapidly to acquire the FNMA stock. Their purchase of this stock has been related to their use of FNMA's secondary market facilities, which has been responsible for almost all of the financing of the FHA and VA market, notwithstanding the decline in home building due to the severe credit crunch.

Coupled with this announcement, there now seems to be a powerplay afoot. I am disturbed to learn that the present administration is trying to force the resignation of Ray Lapin, the incumbent president of Fannie Mae. Mr. Chairman, the success of FNMA is due in large part if not entirely to the efforts, actions, and

management of Ray Lapin and the respect and confidence he enjoys among all those concerned with homebuilding and financing. We must recognize but for the date included in the statute, the private stockholders could now elect a new Board of Directors and in turn this Board of Directors could elect a president; thus bringing to a close Fannie Mae's so-called transitional period.

Last year when the legislation was before the Banking and Currency Committee, we specifically provided that the president of the Federal National Mortgage Association, during the transitional period, could be removed from that office only for "good cause."

Mr. Chairman, this was done deliberately because the committee and the Congress felt that the transition period of Fannie Mae should be wholly divorced from partisan politics.

Mr. Chairman, we knew then the power the President has to remove from office and by our actions we sought to limit that power.

I suggest, Mr. Chairman, that if the present administration's plan is to succeed, the will of the Congress will be subverted. Further, Mr. Speaker, this attempt by the administration to remove Mr. Lapin could very well undermine the confidence presently enjoyed by FNMA and handicap its purpose and function, which is so greatly needed at this time when there is a serious shortage of funds for housing, particularly for low- and moderate-income families which has received the bulk of FNMA assistance.

Mr. Chairman, I sincerely hope and most strongly urge the President to reconsider his letter requesting the resignation of Mr. Lapin.

I submit for the RECORD a statement of Mr. Lapin issued today:

STATEMENT OF RAYMOND H. LAPIN, PRESIDENT OF FEDERAL NATIONAL MORTGAGE ASSOCIATION, DECEMBER 2, 1969

I have today received a letter dated November 26, 1969, from the President of the United States purporting to remove me as president of the Federal National Mortgage Association. The President's letter does not set forth any specific ground for my removal.

The fact is, as representatives of the Administration have now made clear to me, the President wishes to fill my position with a person of his own choosing. I do not intend to bow to this unlawful desire.

My own attorneys have advised me that, as a matter of law, I am removable by the President only "for good cause". That I was not appointed by the Administration is not the kind of "cause" which Congress referred to in 1968 when it sought to establish FNMA's independence from government control. And the Supreme Court of the United States has unequivocally held that the desire of one Administration to replace members of independent bodies with persons of their own choosing is not a valid basis for action.

Moreover, like any other citizen, I am entitled to due process of law. I am entitled, like any other citizen, to written notice of the charges against me, if any, and a fair opportunity to respond to them. The letter from the President affords me neither of these crucial constitutional rights.

Of course, the President would like to put a person of his own choice in my place. Although I have declined to accept the substantial raise in pay which was scheduled for the president of FNMA when the agency became a private corporation wholly owned by its stockholders, my successor would be entitled to receive a salary of at least $85,000. This is the juiciest plum at the President's disposal.

The President may have another, but related, motive for his sudden move. Under the statutory formula, it now appears that the time has come for FNMA's private shareholders to take complete control of the corporation. Under present law, the shareholders could elect a new board, and through them a president, to take office as early as next May. I can understand why the President wishes quickly to place his own man in my job so that he might be able to prepare himself to run for office on a management slate.

Because FNMA has now reached this important milestone, time is running out on the Administration. If they are to control the results of the next shareholders' election, they must move now, and at my expense.

But FNMA is not part of the spoils system, to be plucked by a President at will. In 1968, Congress legislated that FNMA was to become a private corporation, free from control by any Administration. In order to insure this independence, Congress provided job security for the person who was to serve as president until the shareholders could select their own. I can be removed from my office only for good cause, and only in accordance with the procedures mandated by the Due Process Clause of the federal Constitution.

Since the President's letter neither reveals good cause for my removal from office nor adheres to the procedural guarantees afforded every American, I shall take every action necessary to vindicate my rights and the purpose of Congress, and have retained private counsel for this purpose. In short, I intend to fight.

During my presidency, FNMA has been responsible for almost all of the financing of the FHA and VA market, notwithstanding the severe credit crunch. In fact, if it had not been for FNMA, the entire FHA/VA market would have been at a complete standstill. While conventional housing starts have declined sharply in the last nine months, FHA and VA-insured housing starts have actually increased thanks to the activity of FNMA. This is particularly significant since the construction supported by FNMA is concentrated in lower and middle income housing.

All of this has been done despite a substantial reduction in FNMA's payroll.

Even the stock market has reflected the high caliber of our performance, tripling the value of an investment in FNMA in just over one year.

Until their decision to obtain my post for another, the Administration was lavish in its praise both for me personally and for FNMA. And well they might, for only through our efforts has it been possible for the Administration to maintain a high level of FHA and VA housing activity, and to keep FHA and VA mortgage rates within reason.

I should note that I have made no secret of my desire eventually to return to private life. But I will not be party to a lawless exercise of raw power, or to the subjection of FNMA to complete control by the Executive Branch. Congress in 1968 provided that FNMA was to be a private corporation, not a patronage pudding. In resisting the President's will, I help carry out that congressional purpose. This is a cause which all men of good will should join.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MORGAN), chairman of the Committee on Foreign Affairs.

Mr. MORGAN. Mr. Chairman, I rise in support of House Resolution 613. I have listened for 2 days now to the debate and the accusations made against the Committee on Foreign Affairs. I have here a history of all the close resolutions which have come out of the Foreign Affairs Committee since the 84th Congress, including the Formosa resolution, the Middle East resolution, the Hungarian resolution, the Berlin resolution, the Cuban resolution, the Southeast Asia resolution, and the United Nations resolution. They all came out of the Committee on Foreign Affairs under the same rule under which we are operating today and all with less time. However, I never heard a single word of criticism on any of those resolutions.

Let us take for example the Formosa resolution that was introduced on January 24, 1955. Here was a brandnew Democratic Congress coming in at that time with a Republican President. When he asked for the Formosa resolution, it was introduced on January 24 and referred to the Foreign Affairs Committee. It was reported out the same day. It was taken to the floor of the House the next day and passed in the House of Representatives under the same kind of rule that we are operating under here today.

So, those who have been berating the Committee on Foreign Affairs to death about the lack of hearings in the committee, I just want to say that the committee has operated in the same manner for the last 25 years since I have been a Member.

We did not try to rush this resolution through. The committee was called that morning at 10 o'clock to meet—those mostly who are objecting to the length of time were the ones not there to establish a quorum at 10 o'clock—so as a result we had only an hour and 22 minutes to debate the resolution.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Ohio.

Mr. HAYS. As I pointed out yesterday, Mr. Chairman, one reason we did not have the Secretary of State and the Secretary of Defense before the committee was because this is a unique resolution. It was a resolution that was written by Members of the House, and it was not sent up to the House from downtown, so there would have been nothing they could have contributed to it.

Mr. MORGAN. I thank the gentleman for his statement, and that is what I also wish to say.

The Formosa resolution was a House joint resolution that had to pass both Houses of the Congress and then go to the President for his signature.

The Middle East resolution was a House joint resolution.

The Hungarian resolution was a concurrent resolution of the two Houses.

The Berlin resolution was a concurrent resolution of the two Houses.

The Cuban resolution was a Senate joint resolution, and had to pass both Houses and be signed by the President.

The Southeast Asia and Bay of Tonkin resolution was a House joint resolution.

The United Nations resolution was a concurrent resolution.

All we are considering in this measure before us today is just that text of a simple House resolution. It does not give the President any power or authority, nor

does it make any commitments. It does not have the force of law as would a joint resolution. It requires neither the consent of nor the approval of the President.

This, however, does not detract from its timely purpose.

Now, there are 170 simple words—and that is all the words that there are in this resolution, just 170 simple words—and they merely affirm the support of the House of Representatives in a most critical period in the President's efforts to negotiate a just peace in Southeast Asia. That is all it says. It is the House of Representatives hoping that the President can negotiate a just peace in Southeast Asia.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I hope very much to vote for this resolution. Of course, I was one of its cosponsors, but one of the arguments against this resolution has been that this is kind of a blank check, and therefore it does in a sense underwrite future Presidential policy. I would like to have the chairman make this explicit for the legislative history.

Mr. MORGAN. Mr. Chairman, I will assure the gentleman from Maryland that if this could be a blank check to escalate the war, that the chairman of the committee, a cosponsor of the resolution, would not be among the sponsors of the resolution.

Mr. LONG of Maryland. I thank the gentleman very much for his statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAIR. Mr. Chairman, I yield to the chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN), 3 additional minutes.

Mr. MORGAN. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, as the gentleman from Maryland knows, there was an editorial in the distinguished paper from the State of the gentleman from Maryland, the Baltimore Sun, about sense resolutions, not more than 10 days ago. That editorial expressed much of my own views as well as others, about sense resolutions.

Mr. Chairman, however, in view of all these circumstances, I am very much in favor of this resolution. I congratulate the gentleman for giving us his support.

The President's endeavors have, to a very serious extent, been negated by a fallacy which the North Vietnamese and the Vietcong have deluded themselves into believing. Because this delusion is prolonging the war and is a significant factor in blocking genuine, honest peace negotiations by Hanoi, it is essential that we dispel the misunderstanding. This resolution offers the best means of doing it.

The North Vietnamese have been broadcasting by radio, and repeating in Paris, statements by individual Americans, some of them elective officials, purporting to show that we are a nation deeply divided, almost wholly unwilling to continue the effort in Vietnam, with some of us up in arms against our own Government, and virtually on the point of internal political collapse. Of course, we here all know that outspoken dissent is a right inherent in our free and democratic society, but it is so alien to Communist concepts that it is little wonder they deceive themselves into believing in the validity of their wishful acceptance of what we recognize as minority dissent.

We cannot underestimate the seriousness of their misconception, because as long as it leads to their refusal to negotiate and a prolongation of the war, it will add to the cost in American lives. The passage of House Resolution 613 today could result in significant progress toward peace, but if it should only lead to the saving of a single American life, it will be more than worth the time we spend on it.

Over three-fourths of the membership of the House have joined in cosponsoring this resolution affirming support for the President in his efforts to negotiate a just peace in Vietnam. Its formal adoption should clinch the evidence convincingly to the North Vietnamese that they are mistaken in their confidence that time and delay will bring about a liquidation of the entire U.S. effort. Our approval will show that our tolerance of protest and dissent does not mitigate or detract from the support of the great majority of the American people for our President's efforts to negotiate a just peace. As strongly and as emphatically as I can, I urge the adoption of this resolution.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, I would like to underscore what the chairman of the committee has said. There is nothing hidden and nothing concealed in this resolution. It simply says what it means, and means what it says. It is an effort to show support for the President of the United States, and hopefully to bring to a just conclusion more quickly than might otherwise be the case in the war in Vietnam.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, the chairman, the gentleman from Pennsylvania. would acknowledge, I am sure, that in the case of these other resolutions there was testimony taken by the committee before they were reported to the House?

Mr. MORGAN. I remember the gentleman from Minnesota coming on the committee in, I believe it was 1963, so that he was a member of the Committee on Foreign Affairs on August 5, 1964, when the Bay of Tonkin resolution was introduced in the House.

On August 6 it was considered in executive session.

Mr. FRASER. But we did hear testimony.

Mr. MORGAN. If the gentleman will let me finish—that morning we had the Secretary of Defense and the Secretary of State there. We finished the testimony that morning and we discussed the resolution. We voted it out before the committee adjourned and before the House went into session—all in one morning.

Mr. FRASER. I recognize that we had testimony from three different people, from the Chairman of the Joint Chiefs and the testimony of the Secretary of State and the Secretary of Defense.

Mr. MORGAN. Also General Wheeler.

Mr. FRASER. You are right. But I do not know that anybody now advocates the Gulf of Tonkin resolution as an example that this House should follow.

Mr. MORGAN. All I am saying in view of all the criticism and all the argument about procedure here about resolutions coming from the Committee on Foreign Affairs, the procedure is no different on this resolution than on previous resolutions.

Mr. FRASER. But we took testimony in those cases.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. HAYS. The gentleman from Minnesota makes a great fetish of taking testimony, which is absurd and means nothing. We spent as much time on this resolution as we did on the Gulf of Tonkin resolution and we let every member of the committee, including the gentleman from Minnesota, say their piece.

So we had a lot of testimony.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I will vote for passage of House Resolution 613 even though it falls far short of the action which I think the House of Representatives ought to take at this time.

In my opinion the time has come to fix a deadline on the so-called peace negotiations in Paris—a deadline for the representatives of the Government of North Vietnam to sit down and launch meaningful negotiations for peace. If the North Vietnamese failed to meet that deadline then the U.S. Government should make the prompt decision to either fight the war to bring about a military decision or get out of Vietnam—lock, stock, and barrel. The United States cannot fight a war of attrition in Asia nor should American forces be expected to do so.

I want peace as badly as any other citizen of this country. For whatever it is worth I will support this resolution to that end as well as provide a further demonstration of unity in support of the President. But patience is wearing thin. This war cannot be permitted to go on interminably and unless the North Vietnamese quickly demonstrate a willingness to negotiate and a desire for peace, U.S. military forces should be unshackled and given the opportunity for the first time since our involvement in Vietnam to force a decision. As I have previously stated. the alternative is to withdraw.

Mr. ADAIR. Mr. Chairman, I yield the time remaining on this side to the gentleman from Ohio (Mr. HAYS).

The CHAIRMAN. The gentleman from

Indiana (Mr. ADAIR) yields 8 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred four Members are present, a quorum.

The gentleman from Ohio (Mr. HAYS) is recognized for 15 minutes to close debate.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. RANDALL. Mr. Chairman, I rise in support of House Joint Resolution 613. The resolution is identical to House Resolution 671 which I introduced at about the same time frame as House Resolution 612 and House Resolution 613.

It should be clear to anyone who reads the resolution that its entire purpose is toward peace. I introduced House Resolution 671 because I was convinced that this kind of a resolution expresses the views of the majority of the Members of the House of Representatives and also a substantial majority of the American people.

This resolution deserves the support of every Member of this House because it is in the best tradition of responsible bipartisan congressional support for the foreign policies of the United States. Who can deny that under our Constitution the President is charged with the responsibility of speaking for our country in international situations? As to Southeast Asia, he alone can negotiate peace. On the other hand, if a substantial number of individual Members of Congress should undermine this authority to speak for the Nation, or cause doubts to be raised whether the President speaks for the Nation, then his task becomes much more complex and the goal of a peaceful settlement is made more remote.

After a careful study of the resolution, I became convinced the resolution may not give the President any greater authority that he now possesses. It is a formal expression by the House of Representatives in support of the President's efforts to negotiate a just peace in Vietnam. All of us have heard a lot about escalation of the war. Certainly the intention of all of us who introduced identical resolutions was that this effort would result in an escalation of the peace effort.

It is my appraisal that those who argue this resolution could be a blank check to escalate the war are completely wrong. There is nothing hidden here, there is nothing concealed. The resolution says what it means and means what it says. True, it does not have the force of law, but it is a clear expression of the views of the Members of this House.

There are those who say they are concerned that the resolution, by endorsing free elections in South Vietnam, could mean a Communist takeover. Well, the answer to that is that if the elections are truly free and the South should vote communistic, then they will have to suffer themselves under that form of government. But the best answer is that if there are really free elections, there has never been a single instance anywhere in the world that a people who were given the privilege of free elections ever voted themselves under communism.

For those who argue that this resolution is nothing more than a pat on the back for Mr. Nixon, I would caution that we should not fall into the error of regarding this resolution as anything of that kind. I, for one, could not find it possible to vote against this resolution just because it might help Mr. Nixon. If it does help the administration, while at the same time we achieve the goal of honorable peace, then I fail to see how any Member can complain.

All that this resolution says is that the Congress supports the President in his efforts to negotiate a just peace. It says that we all want to get the war over with and peace restored in Southeast Asia; and that we are for free elections in South Vietnam and we will abide by the results of such elections. That is what this resolution is all about and that is all there is to it.

If the President fails in his present endeavor there will be time enough for all of us to register our disapproval by one of several means. Certainly we can do so through the appropriation process and even through the authorization process. As I have suggested both on and off the floor, there is always the opportunity to consider again the Gulf of Tonkin resolution.

The present occupant of the White House is not of my political persuasion. I did not support his campaign. But a sufficient number of Americans expressed their choice as to Mr. Nixon. I recognize he now has the most difficult job in the world. He is now my President. There is no reason that this resolution should be considered as political. It is my strong belief that the American people are much more knowledgeable than many of those with leftist leanings believe. The people are very competent to figure out whether a move is partisan and political or not. On that point it would seem to me that it would be a political mistake for Members to oppose this resolution. Opposition could very well be construed as an effort to hinder the efforts of the President toward peace with justice in Vietnam.

As I understand the present course of the administration, it is that pending an armistice there shall be no degree of military activity in any measure greater than is necessary to meet the aggression of the enemy. The alternatives would be either full-scale war or peace at any price, which means surrender of our honor and the abandonment to a blood bath of a people who have placed their trust in us. If we support an honorable and just peace in Vietnam, no one is looking to the next election. We are looking to the next generation.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman from Ohio yield?

Mr. HAYS. I yield to the gentleman.

Mr. O'NEILL of Massachusetts. Mr. Chairman, we have here today a situation that is really a paradox. It is both extremely meaningful and meaningless. For the first time in 5 years the House is considering a resolution concerned with Vietnam. In that sense it is very meaningful. But on the other hand we are dealing with a resolution that is unclear, ambiguous, that is being interpreted by each member in a different way, that has not the force of law and therefore is meaningless.

We have a closed rule, which I opposed, on this resolution and only 4 hours of debate. If we consider Vietnam as important, then that is a disgrace to this body. We have a choice of voting for the resolution or voting against it. A vote for it can be construed in many ways, and a vote against it is equally unclear in intention. There have been speakers, both yesterday and today, who have taken the resolution apart phrase by phrase and have posted the question "what is wrong with that?" or uttered the phrase "who can object to that?" But it is the meaning of the words with which I find fault. Everyone says, and I am sure, believes, that he is for a just peace, but in statements on the floor both yesterday and today, we see that just peace means something different to each man. Everyone is for free elections, but the resolution does not define that phrase. We have seen in the past 2 days that a legislative history is being accumulated. Every man who speaks either tries to define the resolution or explain his interpretation of the resolution. I think this is fair and that it is right—for since there were no hearings held and because the resolution is being ramrodded through the House, there is no legislative history and some must be created at this time.

I greatly fear how this resolution will be interpreted—not so much abroad but here at home. The President, in an unprecedented visit to this body, thanked the Members for their support, through this resolution, of his policies as described on November 3. I do not support that policy. I support the President. I supported the previous President, and yet I did not support his policy. There are two ways to support a President—as an institution, and I do support the Office of the President and the man who now holds that office. But one can also support an individual man in that office by supporting all of his policies. I do not support this President's policies. The President has put a great deal of pressure on the House by interpreting this resolution, which was conceived and written before his speech, as an endorsement of the policies described in that speech. I use the term describe advisedly, for I listened to that speech very carefully. I read it again many times and I do not know what his policy is. He spoke of Vietnamization, he spoke of troop withdrawals, he spoke of negotiations, but I do not know the order in which he places these things. I do not know the priority he gives these things, and I doubt whether many Members of this House would agree on what that policy is and what he says it would be.

This resolution is much too subject to interpretation for my liking. Instead of a simple statement, like that proposed by the gentleman from California (Mr. TUNNEY) supporting the President's efforts for peace, we have many more words. Is agreement through negotia-

tions, on free elections and a just peace, necessary before we withdraw troops? If so, I cannot support this resolution. Are we merely saying we would like a negotiated peace and free elections, but will continue to withdraw our remaining troops? If so, I could support this resolution.

Are the negotiations and free elections preconditions to our withdrawals? If that is the President's policy, I do not support it. I disagreed with President Johnson's policies in Vietnam, but I continued to support him as the President of the United States and I supported his other policies. I disagree with President Nixon's policies on the war because I think they will not work, but I continue to support him as President.

I firmly believe that the pressure of announced gradual troop withdrawals will force the generals in Saigon to broaden their political base and institute reforms as nothing else will.

We have seen yesterday and today many Members who have said they will vote for this resolution, but only after they explain their ideas of it and their explanation of the resolution's intent. If one will only read yesterday's RECORD, he can see that the views differs with each man as does the interpretation of the resolution. I could make a statement of my thoughts of this resolution as a simple support for peace, hope for negotiations and free elections, but not an endorsement of past, present, and future policies. I can describe what I would have preferred in a resolution, that would have urged and supported further troop withdrawals regardless of what happens in the field or in Paris. But I cannot in good conscience vote for this resolution. I support the President's search for peace, but I think his methods are wrong; that he has made and is making a great mistake, that his policies will not lead any more quickly to peace nor the end of hostilities than did the policies of the former administration.

However, I am even more greatly concerned about this resolution, and feel that it is a mistake, because I can see how it will be used by the way it has been used already. The President calls this resolution a support for his policy. Yet even its authors say it is not. The President says it indicates unity behind his program. Yet we all know that it does not. More frightening, however, is the fact that it is being used to squash dissent. Again, read yesterday's RECORD, and we see that many say that those who oppose this resolution do not support the President. Yet this is patently false and misleading. We find those who dissent and criticize these policies are equated with traitors and extremists. Yet we all know of honorable, patriotic, loyal, intelligent Americans that oppose this policy because they believe it is not in the best interest of the United States nor of the American people and that it will not help save American lives.

I am sorry to say that it appears to me that this is just another attempt on the part of the administration and its supporters to make dissent impossible. The Vice President, the President's director of communications, his Chairman of the Federal Communications Commission and others in his administration have called dissent dishonest and unpatriotic, but I consider it the highest form of patriotism to attempt to prevent self-destruction on the part of the country we love. False unity and silence are not approval, although the President chooses to interpret them that way, and dissent is not condemnation although some choose to interpret it that way.

I oppose these policies because I think they will harm America and our people. What I propose is what I believe will be best for the United States and all Americans.

Where do we end up with this resolution? In the beginning of my remarks, I said that this was a rather meaningless resolution and innocuous if it only does what its sponsors say it does.

We all support our President: We all support a just peace: We all support free elections. It would be easy to vote for this resolution, preceded by a statement explaining my position on Vietnam and what I hope this resolution will do and what it will not do.

But—and this is too important a condition to be ignored—if negotiations fail or do not go anyplace, that is if all substantive issues continue to be ignored as they have been until this date, what will happen?

The President has said that if in his opinion the conditions in Vietnam necessitate escalation, he will escalate the war. In that case, I am afraid House Resolution 613 will be a mere repeat of the Tonkin Gulf resolution. I am quite happy to learn from previous mistakes, and I do not choose to repeat them. This resolution can be used just as the Tonkin resolution was used.

That may not be the intention of its sponsors. But the President has already interpreted this resolution as support for his policy as declared on November 3. That policy allows for escalation of the war, a return to previous policy. I did not support it in the past, and certainly will not give my approval in advance.

Mr. PURCELL. Mr. Chairman, once again I would like to express my utmost desire to see this great Nation find peace in Southeast Asia. When the people of South Vietnam are given the opportunity to choose for themselves the direction which their government will take, and the men who will lead them, the United States will have fulfilled its obligation to this beleaguered country.

It is essential that we here today give strength to this quest. It is plain now that so long as the Communists feel they can wait us out, there will be no peace. The adoption of this resolution today should convince them that our disagreements are strictly within the United States' family and not a cause for continued delay by the Communists in negotiating a peace in Vietnam.

I am convinced, Mr. Chairman, that our voice must be heard—not just here in this Chamber, but across the world in Paris and Hanoi. The louder that voice, the sooner will North Vietnam accept and recognize our determination to see that South Vietnam dictates her own future.

Mr. NEDZI. Mr. Chairman, all of us in this House, I am sure, share a desire for early peace in Vietnam.

Whatever our political affiliations, we would like to see the President succeed in making peace on the best possible terms. If he succeeds, we all succeed. If he fails, we all fail.

We can generally applaud the general idea of a negotiated just peace contained in H.R. 613, the Wright resolution. Furthermore, we could have generally applauded many of the Vietnam-related resolutions which came across our desks in the interim between the October 15 and November 15 marches.

Nevertheless, there are aspects of this resolution which are troublesome.

I am troubled less by the resolution's own words than by the administration's seeming eagerness to embrace the resolution as evidence of a sort of open-ended endorsement of the Nixon Vietnam policy. This resolution must be read together with the President's November 3 speech, and I am troubled by a number of statements in that speech.

Let me set forth three particularly troublesome statements:

First. The President said:

> At the time we launched our search for peace, I recognized we might not succeed in bringing an end to the war through negotiation. I, therefore, put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front.

The President's "other plan to bring peace" is not clear, really, since the "Vietnamization" he talks about literally means continuing and prolonging the war without U.S. combat troops but with U.S. support troops backing up the South Vietnamese. We presently have over 400,000 support troops in Vietnam.

The President's speech also tended to downgrade the negotiation front, yet the Wright resolution is devoted almost entirely to approving our negotiation stance.

Second. The President further said:

> The previous Administration policy not only resulted in our assuming the primary responsibility for fighting the war but even more significantly it did not adequately stress the goal of strengthening the South Vietnamese so that they could defend themselves when we left. The Vietnamization Plan was launched following Secretary Laird's visit to Vietnam in March.

The fact is that we assumed the primary responsibility of the fighting for the very obvious reason that in 1965 the South Vietnamese Army was on the verge of collapse. Before, during, and since the 1965 change in roles we have attempted to train, equip, and motivate the South Vietnamese Army. The process is old; only the slogan—Vietnamization—is new.

It is also a fact that President Nixon inherited a situation of deescalation when he assumed the Presidency in January 1969. Under President Johnson the bombing of North Vietnam had ended, at least two North Vietnamese divisions had moved out of the DMZ and the infiltration rates had been reduced. There was already a turning down of the war. Indeed, President Nixon may have wasted time and lives by waiting until August to end search and destroy missions.

Third. The President also said:

I pledged in my campaign for the Presidency to end the war in a way that we could win the peace. I have initiated a plan of action which will enable me to keep that pledge.

The more support I can have from the American people, the sooner that pledge can be redeemed; for the more divided we are at home, the less likely the enemy is to negotiate in Paris.

In recalling his political campaign it seems the President was enraptured by campaign rhetoric. How else to explain the phrase "end the war in a way that we could win the peace." Having forgone the thought of military victory, it is difficult to see how we can "win" the peace either at the bargaining table or by the exclusive use of South Vietnamese troops.

As for division at home, it does exist. While most Americans want an honorable settlement of the war, all Americans are sick and tired of this war. Vietnam is tearing at the social, political, and spiritual fabric of this Nation and no resolution can hide that. While the Mylai incident is, I trust, an isolated example of the worst aspects of war, our national ethic has been damaged, our regard for human life pounded by the brutalization inherent in such a conflict.

The following is from the November issue of the Air Force/Space Digest, which did not endorse the article but noted it was written by "a longtime student of military affairs currently employed in the Department of Defense."

The article said, in part:

In a democratic republic like the United States it has never been possible to unify the country behind a misconceived, controversial, and ill-managed conflict like Vietnam. And let it be added that for too long has the myth persisted that if only this country were united on the war, then the North Vietnamese would immediately begin to negotiate. This does not follow at all—indeed, it never has—and has had a debilitating effect on rational discourse in this country concerning the war.

The higher road of patriotism is to think, to make searching inquiry, to follow one's conscience. The easy way is to respond to the superficial patriotic passion of the moment.

Fourth. Finally, when Vice President AGNEW flew to Montgomery, Ala., a town where the same company owns both newspapers, and attacked the Washington Post and the New York Times, which operate in cities with three competing papers, he used the Wright resolution as a weapon.

He said:

If a theology student in Iowa should get up at a P.T.A. luncheon in Sioux City and attack the President's Vietnam policy, my guess is that you would probably find it reported somewhere the next morning in *The New York Times*. But *when 300 congressmen endorse the President's Vietnam policy*, the next morning it is apparently not considered news fit to print. (Emphasis supplied.)

Ironically, the New York Times did print the report in all but one edition, but the more interesting thing is the Vice President's statement that the Congressmen endorsed the President's Vietnam policy. He was referring to the signers of the Wright resolution.

We should be troubled by this, for the Nixon administration is trying to have it both ways. It is playing the tune of national unity on the one hand while turning loose its partisan political gunners on the other. We do not know to what further use this increasingly political administration will put this resolution.

Let us not walk into a trap. While JIM WRIGHT, I am sure, acted out of patriotic and high-minded motives in presenting his resolution, that resolution was booby-trapped during the night.

In our democratic society, asking questions is a vital part of avoiding error. By asking the right questions you can usually arrive at the truth. The Nixon "plan" for ending the war leaves too many questions unanswered.

Finally, I must object to this resolution on procedural grounds.

H.R. 613 comes to the floor under a closed rule, with no amendments permitted. We are told that under the precedents, a closed rule is called for on foreign policy resolutions. However, in the precedents cited, there were committee hearings before the resolutions came to the floor. No hearings whatsoever were held in this case. Aside from this, however, I believe that regardless of the precedents, we should permit amendments on this first House resolution in 5 years dealing with the open wound of Vietnam policy.

I cannot support a resolution, however high minded, which has been interpreted by this administration as a flat endorsement of a policy that is shrouded in uncertainty and vagueness. I am for peace with justice in Vietnam. I am also for the justice of the House of Representatives meeting its responsibilities by searching inquiry rather than mere acceptance.

Mr. HOWARD. Mr. Chairman, today the House of Representatives is going to vote on one of the most important pieces of legislation in its history, House Resolution 613, "Toward Peace with Justice in Vietnam."

First, I think it is fair to say that every single Member of the House is for peace with justice in Vietnam. There is disagreement in the House as to how we can best achieve peace with justice in Vietnam, but the overriding factor is that we are all searching for an honorable peace in Vietnam as soon as humanly possible.

I think it is a fair question to ask those who disagree with our present policies if they have a better alternative. Some possibly do. Some, I am sure, do not.

The author of the resolution, the distinguished Representative from Texas, JIM WRIGHT, is one of my best friends and has gone out of his way to help me since I came to the House in January 1965.

I have discussed the resolution with JIM WRIGHT in depth. He says flatly that the resolution is not an endorsement of the President's speech of November 3.

But on November 13, 1969, the President, in an address to the House, said:

Yesterday I was informed by a bi-partisan group from the House of Representatives that over 300 members of the House had joined in sponsoring a resolution for a just peace in Vietnam *along the lines of the proposals that I made in a speech on November 3, 1969.*

President Nixon went on to say:

But I do know that when the great issues are involved that in this House, that what happened yesterday with the announcement on the part of Members on both sides of the aisle are well over a majority supporting the policy of the President of the United States, I realized that this was in the great tradition of this country.

Mr. Chairman, Mr. WRIGHT's statement that his resolution is not an endorsement of the President's speech, seems to collide head on with what the President said. I mention this fact because I feel it points out the air of confusion that this resolution seems to have brought about.

Since the introduction of this resolution, I have agonized daily over its possible impact on the House and on the country.

I am for peace with justice in Vietnam. I have supported the President's announced plans of troop withdrawals. But this does not mean that by voting in favor of this amendment I am approving any future course of action which might be taken by the President in regard to Vietnam.

This resolution is anything but perfect and for that reason, I have signed the following statement:

Confusion exists with respect to the meaning and intent of the resolution relating to the Vietnam policy. Introduced on November 4, it was widely reported to be an endorsement of President Nixon's statement of November 3. However, the resolution was drafted and signatures collected prior to November 3.

We regret that no hearings were held on the resolution by the House Foreign Affairs Committee so that some of the confusion and uncertainty could have been resolved.

We hope that during the floor discussion on the resolution its meaning will be clarified. Some of us will decide how our vote will be cast after listening to that discussion.

No matter how we may finally vote, however, we are in agreement on the following:

"We do not endorse everything said by the President in his statement of November 3rd.

"We specifically do not give advance approval of future decisions on Vietnam.

"We affirmatively urge efforts to reduce the level of violence in Vietnam; the broadening of the political base of the Saigon government, and the immediate designation of a high-level replacement for retiring delegate Henry Cabot Lodge.

It is important to look briefly at the history of this resolution before deciding if it is in the best interests of the United States.

The resolution was approved in committee without the benefit of a hearing. It was then brought to the floor under a closed rule prohibiting any of us from suggesting minor amendments.

I do agree that the President deserves strong bipartisan support for his efforts to negotiate peace in Vietnam. But amendments—or at least a hearing on this resolution—would have given all of us the opportunity to decide what we mean by a "just peace" as the wording appears in the resolution. When we talk

about free elections in the resolution, do we mean that everyone in South Vietnam should be able to participate, or would certain groups and individuals be barred?

Mr. Chairman, in conclusion, I want to say that I hope that in the future any such important legislation is first given the benefit of extensive public hearings and that everyone can be very clear on exactly what the intent of the resolution is.

Mr. HAGAN. Mr. Chairman, on November 5 I joined a large number of my colleagues in cosponsoring a House resolution affirming support of the President in his efforts to negotiate a just peace in Vietnam. This resolution calls attention to the numerous peaceful overtures the United States has made in good faith toward the government of North Vietnam and approves the principle of free elections for the people of South Vietnam.

Because of the recent demonstrations here in Washington and in other cities across the country regarding Vietnam, it has not been hard for Hanoi to misconstrue these demonstrations and take encouragement from them in the hope of more concessions and having negotiations in Paris go their way. It is very important that we, here in Congress, take steps to correct this misinterpretation of opinion. We must let it be known that basically there is a strong sense of unity among our people and that the dissent so loudly proclaimed in our news media is not necessarily the majority speaking. We need to impress the leaders in Hanoi with the unity of purpose underlying this resolution. They seem to believe that our country is about to cave in and surrender to the vocal minority that is presently "making the scene," so to speak. They are hoping this will be true and are perfectly willing to sit back and wait it out. In the meantime, the fighting continues and they refuse to honor cease-fire rules or even show interest in reciprocating while negotiations are going on in Paris.

There are two other points worthy of mention today, one is that this is not another "Gulf of Tonkin" resolution and it is clearly distinguishable on at least three counts: One, its thrust is entirely toward peace not war; two, the Tonkin resolution, by inference at least, seemed to broaden presidential powers whereas nothing in this Vietnam resolution would suggest this; three, the Tonkin resolution implies approval for future acts by the executive while today's resolution has reference to actions already taken and positions already on record. This is not an open-ended resolution.

My second point is that while this resolution demonstrates to Hanoi that we are standing together in support of the President's efforts, it also lets Saigon know that we are committed to freedom of self-government for South Vietnam through free and fair elections for all the South Vietnamese people.

I strongly urge passage of this resolution because of the tremendous impact it can have in bringing out a more realistic view of our stand on peace in Vietnam. Who does not want peace in Vietnam in this country and an end to the war? On this we can all agree but let it be known that it must be an honorable and fairly negotiated peace. We will not settle for less.

Mr. SKUBITZ. Mr. Chairman, I rise in support of House Resolution 613, "Toward Peace with Justice in Vietnam." I support President Nixon in his effort to end the Vietnam war. We can have only one President of the United States. I strongly believe he has the willingness and the knowledge to conclude this war expeditiously.

The language of the resolution is clear. It simply "affirms its support for the President in his efforts to negotiate a just peace in Vietnam." We are not going to end the war in Vietnam with a divided Nation. This resolution is the best way to show Hanoi that we stand united behind our President. I strongly urge its passage.

Mr. Chairman, I also submit another reason we should pass this resolution by a large vote is that we should remember the most important man of all—our serviceman in Vietnam. The passage of this resolution is going to make his job a lot easier for him.

We are all anxious to end this war as soon as possible. Passing this resolution would be a giant step in the right direction. We should remember this is a peace resolution not a war resolution.

Mr. MOORHEAD. Mr. Chairman, I believe that we sent combat troops to Vietnam in 1965 to prevent an overthrow of the south by the north and to give the elected government of South Vietnam time to build so that it could become strong enough to defend itself from the north or make a political arrangement with the north.

I believe that we have accomplished that objective.

I believe that we did not enter Vietnam to inflict a defeat on North Vietnam but to prevent a defeat of South Vietnam.

I believe that we have accomplished that objective and that we can begin to withdraw our troops, not in a precipitous manner but in an orderly and systematic fashion. This position has been embodied in a resolution which I have cosponsored which provides that American troops should be withdrawn as quickly as possible contingent with the necessity to:

First, provide for the safety of U.S. forces; second, secure the release of American prisoners of war; third, assist any Vietnamese desiring asylum, and fourth, enable the United States to make an orderly disposition of its facilities in South Vietnam.

I believe that this is also President Nixon's policy and if it is, he, of course, has my support.

The difficulty is that I am not sure that this is Mr. Nixon's policy.

During the last year and a half he has made inconsistent statements about Vietnam and, therefore, I am reluctant to give a blanket endorsement of all his policies past, present, and future on Vietnam.

This would not be the first time the Congress was asked to give a blank check on Vietnam.

On August 2 and 4 of 1964 U.S. destroyers on the high seas in the Gulf of Tonkin were apparently attacked by North Vietnamese torpedo boats.

On August 5 the Congress was asked to adopt and on August 7 did adopt a resolution supporting the President of the United States in his determination—

> To take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

I do not believe that any Member of this House ever dreamed that that resolution would be used as the legal basis for a force of over 500,000 U.S. ground forces in Vietnam.

We did not realize that we were giving the President of the United States a blank check.

We are being asked to do the same thing today.

There is a saying:

> You fool me once, shame on you, You fool me twice, shame on me.

Mr. Chairman, I do not intend to vote another Vietnam blank check.

I call this resolution a blank check because I do not understand what it means.

It states that—

> The House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam.

Which efforts?

During the campaign Mr. Nixon said he had a "plan" for ending the war. He has not revealed that "plan." Does this resolution endorse that secret plan?

On March 4, 1969, Mr. Nixon said:*

> There are no plans to withdraw any troops at this time or in the near future.

On March 14 Mr. Nixon said:*

> There is no prospect for a reduction of American forces in the foreseeable future.

Does this resolution endorse these statements?

On August 25, Ho Chi Minh wrote a letter to Mr. Nixon and concluded with the following paragraph:

> With goodwill on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem.

On November 3, 1969, Mr. Nixon said that Ho's letter "flatly rejected my initiative."

Does this resolution endorse that interpretation of Ho's letter?

For good and understandable reasons Mr. Nixon refused on November 3 to announce a timetable for withdrawal of American troops from Vietnam.

Does this resolution endorse Mr. Nixon's future rate of troop withdrawal however fast or slow that may be?

In his speech on November 3, Mr. Nixon twice used the words "win the peace."

Does this resolution endorse those words and if so, what do they mean? Does it mean that we will not settle unless the treaty nails the coonskin to the wall?

In his speech on November 3, Nr. Nixon

---

* On March 26, 1969 I introduced with 33 co-sponsors a Resolution which read: "Resolved that it is the sense of Congress that the United States should begin to reduce its military involvement in Vietnam".

warned Hanoi that increased violence might lead to reescalation of the war.

Does this resolution endorse reescalation?

During Secretary of Defense Laird's testimony before the Defense Appropriations Subcommittee on November 17, 1969, two weeks after President Nixon's November 3 speech, the following exchanges took place:

Mr. MAHON. If Vietnamization does not work, and if the North Vietnamese escalate the war, and if agreements cannot be reached in the Paris peace talks or otherwise, do you foresee the possibility of an escalation of the war in Vietnam?

Secretary LAIRD. I would not rule out that possibility completely, Mr. Chairman.

Mr. MINSHALL. You say you are not ruling out any course of action. You mean by that conventional warfare only or would that also include nuclear weapons?

Secretary LAIRD. I would not anticipate the use of nuclear weapons in Vietnam. I am not, however, ruling out other actions that might be necessary in the event the Vietnamization program does not work, even though I am confident it will work.

Does this resolution endorse that testimony? According to an article by Harrison Salisbury in the New York Times:

Xuan Thuy, North Vietnam's delegate to the peace talks here, contends that Hanoi is and has been ready at any time to meet the United States in private talks aimed at ending the war.

And—

That Mr. Lodge had rejected this proposal, insisting that the only question he was prepared to discuss was that of "mutual withdrawal."

Does this resolution endorse this position?

In his speech on November 3, Mr. Nixon said:

The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

I honestly do not know the truth of that policy and, therefore, I cannot vote for a resolution that blindly endorses it.

I could support this resolution if seven words were changed so that the first few lines would read as follows:

Resolved, That the House of Representatives urges the President to negotiate a just peace in Vietnam.

Mr. POFF. Mr. Chairman, what is America's Vietnam policy? What are our objectives there? What specifically can be done to achieve those objectives and resolve the conflict?

Everybody in Washington can give a different answer to those questions. It seems to me, so far as official American policy is concerned, the best answers can be found in the words of the President of the United States. Defining what he called "our essential objective in Vietnam," President Nixon has said:

We seek the opportunity for the South Vietnamese people to determine their own political future without outside interference.

We seek bases in Vietnam.

We seek no military ties.

We are willing to agree to neutrality for South Vietnam if that is what the South Vietnamese people freely choose.

We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.

We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

We have no intention of imposing any form of government upon the people of South Vietnam, nor will be a party to such coercion.

We have no objection to reunification, if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned.

The President has also articulated specific proposals which have the full approval of President Thieu and which he believes to be "consistent with the principles of all parties." Here in his own words are the specific proposals the President has recommended:

As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.

Over a period of 12 months, by agreed-upon stages, the major portions of all U.S., allied and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.

The remaining U.S. and allied forces would complete their withdrawal as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

This international supervisory body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fires in Vietnam.

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.

All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962.

Let me be quite blunt. Our fighting men are not going to be worn down; our mediators are not going to be talked down; and our allies are not going to be let down.

I frequently have letters from constituents who are earnestly and honestly seeking peace but who are critical of the policies and procedures which are being followed. Unfortunately, few of these letters reflect a familiarity with the generous dimensions of the proposals the President has made. Very few offer any specific alternatives.

It is my earnest conviction that a vast majority of the American people support the President's policy for peace in Vietnam. House Resolution 613 gives voice to and documents that fact. It adds nothing to the President's constitutional reservoir of power, and it subtracts nothing from the congressional reservoir of power. It is not a mandate; it is an affirmation. It is not an injunction; it is an endorsement. At this critical juncture in the struggle for peace, it is the least we can do; it is the most we can do.

As a cosponsor of the legislation, I urge the largest possible affirmative vote.

Mr. RODINO. Mr. Chairman, the conflict in Vietnam is a bitter and tragic one and we must bring it to a speedy end. It has taken a terrible toll in lives and resources and has created a frightening division among Americans.

I am sure few doubt that President Nixon is sincerely following a course of action which he firmly believes to be correct. And as a Member of Congress responsible both to my constituents and to the best interests of the country I believe he deserves our support as he endeavors to fulfill his stated commitment to bring peace.

For this reason only, I joined as one of the original cosponsors of House Resolution 613 when it was first proposed prior to President Nixon's speech to the Nation on November 3. The President, alone under our constitutional system, can speak for the Nation in negotiating peace and it was my hope that our expression of unity and resolve will help in this crucial effort.

Nevertheless, Mr. Chairman, I must clearly state my firm conviction that adoption of this resolution will in no way constitute an absolute endorsement of the President's November 3 statement on Vietnam policy or his still undisclosed plan for peace.

While supporting House Resolution 613, therefore, I also reserve my right to disagree and to criticize specific issues or actions. I was, for example, very disappointed that there was no opportunity for more careful consideration of the resolution and, particularly, the possibility of amending it to express support for the withdrawal of troops at the earliest practicable date. The resolution in fact is one sided, for while it expresses support for negotiating a just peace in Vietnam it is silent about the President's proclaimed policy of troop withdrawal and Vietnamization of the war.

Mr. Chairman, like war, the quest for peace is often tortuous and agonizing, and the kind of peace that will finally come to Vietnam is already a matter of great concern. However, although I have some serious doubts and questions about the President's unspecified plan, I am prepared at this time to give him my support in his expressed efforts to negotiate a just peace and to Vietnamize the war.

Mr. EDWARDS of California. Mr. Chairman, we are engaged today in an exercise in futility, an exercise in fantasy, an exercise in rhetoric, ignoring realities.

With all due respect to the honorable gentleman from Texas (Mr. WRIGHT), and to all the Members of this House who have signed his resolution, I must disagree with that resolution and its purpose. I believe that it ignores what is happening in Vietnam and what is happening in the United States. In the United States we have a great division over what is happening in Vietnam, and this division cannot be cured by words strung together without meaning. We, of course, support the President when he seeks peace. The question is: Will his

plans for peace produce peace? I do not believe they will, and thus I cannot support the principles "enunciated" by the President.

For 8 years we have heard three Presidents speak of their hopes and prayers for peace in Vietnam, yet there is no peace. Mistakes have been compounded on mistakes. President Nixon is repeating those mistakes.

We have 500,000 men in Vietnam. They are there in support of the South Vietnamese Government, a corrupt, and cruel government which would have fallen if we had not sent 500,000 men into Vietnam. Our support of that Government has cost us more than $100 billion and almost 40,000 American lives. It survives only because of our sacrifices. It will fall as soon as we withdraw. The United States joined with South Vietnamese Government in refusing to hold elections there, in defying the Geneva accords. President Eisenhower was honest enough to admit the reason. The South Vietnamese Government would have lost the election. I would wish that we could be wise enough to admit what would happen if free elections were held tomorrow in South Vietnam. The South Vietnamese Government would lose that election. As a matter of fact, the present South Vietnamese Government would not allow free elections in Vietnam. It must fall before such elections can be held.

The record of the governments of South Vietnam, our creature-governments, is clear. They are corrupt, and they are not supported by the people of South Vietnam. In the area of corruption, I would like to quote the distinguished Senator from Georgia, HERMAN E. TALMADGE:

> The Department of State concedes that there is corruption in Vietnam, but gives no indication of its extent or cost to the taxpayers, or to the war effort. It holds out no real hope for doing anything about it.

The State Department on June 1, 1968, said:

> The United States recognizes that there is corruption in Vietnam, and we are pressing in every way that we can to help the South Vietnamese find ways to deal with it . . . Much greater results are needed if the problem of corruption is to be resolved.

We know the cost in American lives in Vietnam, but we do not know the cost of corruption both in lives and in dollars.

William Lederer in his book "Our Own Worst Enemy," quoted a North Vietnamese officer as saying:

> Without American money, guns, food, medicine and supplies, we of the National Liberation Front would have a hard time surviving.

Where did the North Vietnamese obtain American money, guns, food, medicine, and supplies? They obtained them from corrupt South Vietnamese officers and government officials.

Conditions in South Vietnam have not changed. On July 7, 1969, Robert G. Kaiser reported in the Washington Post:

> Not long ago the Vietnamese maid of a Frenchman living in Saigon heard that her son, a South Vietnamese soldier had been wounded and was in a Saigon hospital. She tried to find him, but the authorities at each hospital she visited would not tell her if they had the boy as a patient.
>
> They all demanded a bribe to answer the question, and the woman could not afford to pay.

And so the South Vietnamese Government tries to win the minds and hearts of its people.

The same report points out that a pro-Thieu bloc in the National Assembly's lower house was created by paying each Congressman, $2,500.

We know of the money stolen by past Saigon regimes, of the French banks bought with American funds, of the parties, the girls and the estates. We know that American dollars are going into Swiss banks to care for South Vietnamese politicians who realistically know their days are numbered in Vietnam. The United States will not have to care for most South Vietnamese politicians who would flee a new government. They have already taken care of themselves, at our expense.

How much has corruption cost the United States? It cannot be estimated, but it at least equals $1,000 for every American life lost in Vietnam—40,000 lives, $40 million.

Corruption is not the only failure of the South Vietnamese Government. We say we are fighting for freedom in South Vietnam. Is South Vietnam free? A man may run against the present regime, but when he loses, where does he go? He is jailed. There is no viable government in South Vietnam, because the present government rules through force, American force. It cannot stand by itself, because the Vietnamese people do not support it.

The realities in Vietnam, realities not recognized in this resolution, are:

First. The war will continue as long as American troops remain in South Vietnam;

Second. The South Vietnamese Government is a corrupt dictatorship.

Third. U.S. forces, despite our use of massive military force, have not "won" the Vietnam war and cannot win it.

Fourth. Until the United States recognizes and acts on these realities, there cannot be any hope of peace in Vietnam.

Vietnamization of the war is a sham. The President's "plan for peace" will not work.

Therefore, I oppose this resolution, because it is not a solution to the problem, but it is part of the problem. I support the President's hopes and prayers for peace. I do not support the President's present course in Vietnam, because it will not lead to peace.

On November 13, 28 Members of Congress, myself included, offered a resolution which does recognize the realities of Vietnam. It read:

The resolution calls for withdrawal of U.S. forces in South Vietnam on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond U.S. control—to extend only over a period of time as would be necessary to provide for the safety of U.S. forces, secure the release of American prisoners of war, assist any Vietnamese desiring asylum, and enable the United States to make an orderly disposition of its facilities in South Vietnam.

I urge that this House support this resolution or a similar one. I urge this House to act in a constructive manner, to take action which will produce results, and to respond to what is happening. The challenge today is not to support a wrong course, but to change that course.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of House Resolution 613 which says very clearly that the Members of the U.S. House of Representatives support President Nixon in his efforts to bring the Vietnam war to an honorable and just conclusion. Since this body represents the American people more closely than any other elected group, I feel this resolution will dispel any misconceptions that the people of other countries might have about America not being a united people. We are united and we do want peace in Southeast Asia. But in expressing our support for peace, we are also expressing our firm desire that the people of South Vietnam will be allowed to choose their leaders in free and democratic elections. I would urge all of my colleagues to give a vote of approval for House Resolution 613.

Mr. HARRINGTON. Mr. Chairman, the effect of passage of this resolution will not end the war one minute earlier. It may in fact prolong it.

For 11 months the President of the United States has been able to carry on foreign policy affecting, among other areas, Vietnam.

It was felt, I believe justifiably, that an appropriate period of time should be given to the incoming administration to work out their expressed policy aims of concluding the war in Vietnam.

But the President's November 3 speech, which the resolution now before the House endorses, contained no new delineations of policy, contained no series of proposals which would be the basis for total American disengagement, and was notably lacking in specifics regarding American intentions in South Vietnam. It was a speech barren of policy worth endorsing.

The resolution which does endorse this major policy statement by the President on the most critical issue facing our Nation today, comes before this body under unusual circumstances. The House has not been afforded the means to participate in public hearings on the resolution before the Foreign Affairs Committee. Nor has the House been offered the opportunity to amend the resolution on the floor. In sum, the House has been asked to endorse unequivocably the administration's foreign policy on Vietnam and the customary channels of open debate, of free deliberation, of weighing diverse views, have been abruptly curtailed.

The choice therefore before this body is either yes or no, up or down, and while the administration is the architect of our foreign policy the Congress of the United States has a major responsibility in expressing its position.

Though the parallels are not entirely similar, I think reference must be made to earlier congressional action involving this same area of the world. I refer chiefly to the Gulf of Tonkin resolution.

For my part I have no desire—however laudatory the expressed purpose,

however innocent the choice of language, however sincere the intentions—to participate by giving my formal endorsement of the war aims of the President as set forth in his November 3 speech.

I believe that to join with others in Congress in endorsing this policy as it has been defined will not and cannot result in shortening the war.

The apparent intent of the resolution is to present to the world a facade of unity. But you cannot make what is false true by congressional resolution.

The apparent hope of the resolution is to reduce to simple terms the complexities of our Vietnam policies. But such a broadly worded resolution recalls too clearly the innocuous language of the Gulf of Tonkin resolution and reminds us of the dangers inherent when congressional authority is used by a President for aims not originally conceived.

The apparent design of the resolution is to give painless approbation to our Vietnam policy. But no congressional resolution can, despite studied effort, conceal the staggering dilemma faced by Americans viewing the horror of Mylai.

Support for this resolution will only continue the freeze of attitudes on the part of the National Liberation Front, the North Vietnamese, and, their allies, will result in increased cynicism and increased criticism of U.S. foreign policy by the rest of the world, and will result most importantly, in a heightening of the divisiveness, the frustration and the anger which already besets the Nation.

To join therefore in support of this resolution so disarmingly entitled "Peace With Justice," would serve no useful purpose but would, to the contrary, contribute to an entirely unjustified feeling of comfort which suggests the American Nation is satisfied with the conduct of American policy in Vietnam.

Accordingly I will vote against the resolution.

Mr. SEBELIUS. Mr. Chairman, I would like to take this opportunity to strongly support House Resolution 613, a resolution that I am hopeful will better enable the President to negotiate a just peace in Vietnam.

It seems to me, and it has been eloquently stated by many Members of this body, that the main point of this resolution is to make sure Hanoi understands the simple fact the people of South Vietnam have a right to a government of their own choosing.

I think the President has made it abundantly clear that our Nation is now in Vietnam with one basic, limited purpose—to protect the right of self-government for the people of South Vietnam. I am extremely hopeful that through this resolution the government of Hanoi, which came to power through violence, terror, and military might, will clearly understand this fundamental American conviction. Once Hanoi clearly understands this point, I think we can expect to see real progress in the President's efforts to achieve a just peace.

Mr. SHRIVER. Mr. Chairman, as one of the original sponsors of this resolution I rise to urge its adoption. It is a resolution which has strong bipartisan support. The entire thrust of this resolution is in the direction of peace. The statement rattles no sabers. It makes no threats. It is positive in tone and conciliatory rather than belligerent.

This resolution confers no secret powers upon the President. Under our Constitution, the President is charged with the responsibility for speaking for the Nation in critical international situations. His is the responsibility to conduct negotiations in the name of this country. He alone can negotiate peace.

Since becoming President last January, Richard Nixon has worked to bring an end to the war in Vietnam through negotiations with the other side in Paris. Under his leadership, we have seen American troops returning from Vietnam. The program of Vietnamization is working, and I personally hope the President will soon announce further planned troop withdrawals.

The adoption of this resolution at this time can be helpful to the President as he attempts to end the war with justice and honor. It will tell the Government of North Vietnam and the Vietcong that the membership of the U.S. House of Representatives is closely united with the President in his efforts to negotiate peace.

Unity, understanding, and support for the President and our servicemen in Vietnam will contribute to the success of the Nixon plan for peace. We can help deliver a message to Hanoi that will tell the Communists that now is the time to sit down at the bargaining table and negotiate an end to this war. This is the message which this resolution will carry. I urge its passage.

Mr. ULLMAN. Mr. Chairman, when I agreed to cosponsor the resolution before us today, I did so in the belief that President Nixon and his administration were committed to peace and the disengagement of the United States from its involvement in the Vietnam war.

The President's speech of November 3 emphasized his commitment to peace. He said:

> I pledged in my campaign for the Presidency to end the war in a way that we could win the peace. I have initiated a plan of action which will enable me to keep that pledge.
>
> The more support I can have from the American people, the sooner that pledge can be redeemed.

Mr. Chairman, for more than 2 years I have urged a systematic withdrawal of U.S. troops from Vietnam at a pace that would get us out of Vietnam as rapidly as reasonably possible. This appeared to be the basic message of President Nixon's speech and the fundamental policy of his administration. I was thus prepared to extend my support for what seemed to be a real effort to achieve an early peace.

Nevertheless, I had misgivings. The President's failure to spell out the details of his Vietnam peace plan disturbed me. He said the administration has adopted a plan for the complete withdrawal of all U.S. ground combat forces and their replacement by South Vietnamese forces. But he declined to announce this timetable.

This omission, I felt, would have several negative effects. It would most likely weaken the incentive for the South Vietnamese to accept their full responsibility in the defense of their country and the determination of their future economic and political structure.

Second, this failure to commit ourselves publicly to a withdrawal timetable leaves the door wide open to a renewed buildup of U.S. forces. Indeed, the President qualified his peace plan by saying it hinged on the level of enemy activity as well as the progress of the training program of the South Vietnamese forces.

The resolution itself is also somewhat ambiguous. It affirms the House's support "for the President in his efforts to negotiate a just peace in Vietnam." No mention is made of disengagement or withdrawal on any timetable, public or private.

The simplicity of the resolution is appealing in its expressed desire for peace. But this simplicity also gives rise to the dangers of misinterpretation. The 1964 Gulf of Tonkin resolution was also a simply stated document that gave basic support to a President's policy. Little did the Congress realize how this resolution would be used by President Johnson as legal justification for the massive escalation of American involvement in Vietnam that followed.

My doubts were deepened when this resolution came before the House Foreign Affairs Committee. I had anticipated a public debate during hearings that would allow the administration an opportunity to fill in the blanks of its peace plan. The quiet and precipitate treatment of the resolution by the committee was hardly reassuring, and I thus voted with the minority of my colleagues against a closed rule that shut off debate on the House floor.

Nevertheless, until today I have remained ready to vote for the resolution, believing that President Nixon's search for a just peace was predicated on an irreversible disengagement from the war. This, in my judgment, must be the essence of our Vietnam policy if we are to find peace.

Thus I was shocked to learn today that the administration may not be committed to irreversible withdrawal. In testimony before a House Appropriations Subcommittee released yesterday, Defense Secretary Melvin Laird says that he would "not rule out" the possibility of reescalation of the Vietnam war if the President's policy of Vietnamization does not "lead the way to a military victory."

Secretary Laird's statements place a new interpretation on our Vietnam policy. The emphasis shifts back from a determination to win a just peace to the old game of American willingness in Vietnam to keep all the options open. It is now virtually impossible to believe that the administration is committed to a policy of irreversible withdrawal.

If it is not, it would appear that this resolution can be used to sanction any kind of Presidential policy change in Vietnam, including a new escalation of fighting.

In this light, the resolution takes on the same dangerous coloring as the Gulf of Tonkin resolution. I cannot and will not support a resolution that would con-

done, and perhaps be used to justify, an expanded American combat effort in Vietnam. Until the administration makes completely clear its intention to withdraw irreversibly from Vietnam, I must withhold my support of its policies, and vote against this resolution today.

Mr. HELSTOSKI. Mr. Chairman, in my opinion the House of Representatives is acting with undue haste in approving House Resolution 613.

There are unresolved serious doubts about some sections of the resolution. Some of us believe it contains details which could commit the United States of America to an indefinite continuation of the undeclared war in Vietnam with the power of decision resting in only one person—the President.

We who feel this way thought we might be afforded the opportunity of amending the resolution to remove or correct such sections, but we could not even try because of the procedures under which it was debated and voted upon. There were no committee hearings and the resolution was taken up in the House under the obnoxious closed rule.

We may well have given another President another blank check.

It should be evident to everyone that all thinking Americans want military operations and confrontations brought to an end in Vietnam as rapidly as possible—overnight if it were possible.

We, as Members of the House of Representatives, should be in the forefront of efforts to bring an end to the killing and maiming in Vietnam, but are we?

We all know that we are not.

The passage of House Resolution 613 does not place us in such a position. In fact, it drives us further away from the actions that result in the decisionmaking of the President.

If House Resolution 613, which we consider under the muzzle of a closed rule, does give another blank check to the Chief Executive then it is apparent we have not learned. We know what earlier blank checks brought about. The Gulf of Tonkin resolution of 1964 is cited as one example. Such resolutions are in effect a circumventing of the Constitution.

We all support the President's efforts to bring an honorable end and, I hope, a lasting peace to Vietnam and its surrounding areas, but I could not in good conscience vote to give him a blank check. To have done so would not have been in accordance with my beliefs of a democratic form of government or my responsibilities to the people I represent.

The President actively seeks our support for his efforts. I repeat, I give it to him but not by voting for the questionable resolution that was brought before us.

But I do believe that the President owes something in return to Members of the House of Representatives and the people they represent.

First, I believe that he must explain to all what happened to his 1968 New Hampshire announced but unexplained plan for ending the undeclared war in Vietnam. He held out high hopes for all of us.

What was the plan? What happened to it? The public has a right to know. The President's failure to explain this promise or utterance has disturbed me for many months. I was just as disturbed about being asked to blindly vote for House Resolution 613.

It is not clear what the administration is doing about the Vietnam situation except that it is slowly withdrawing American troops. That is important and good, but it is not enough. I expect and hope that there is much more of a constructive nature than can be done, but how many Members know what is exactly taking place. We should not play the game of blindly following the leader.

It is my humble opinion that the President should place all of the facts in the Vietnam situation before us. He could appear before a joint session of Congress to set forth all of the facts and problems. If necessary it could be an executive or closed session. He could permit a stated number of questions to be asked of him. He might keep us apprised of developments by appearing before a joint session every 30 days. Through such a procedure, he would be helpful to us and we might be helpful to him.

It is my hope that the leadership on both sides of the House will extend an invitation to the President to appear before us for a series of in-depth discussions of the Vietnam situation.

Mr. VANIK. Mr. Chairman, the issue with which we are confronted today is whether the House of Representatives should endorse the Vietnam peace plan submitted by President Nixon.

Up to the present time, the only plan for peace submitted by the President was in his speech to the Nation on November 3—and the secret plan for peace which he discussed in the presidential elections of last year. The only other clue to the plan of the President includes his proposal for Vietnamization of the war.

Like the fable of the emperor's clothes, there appears to be no plan to end the war. The withdrawal of some troops may increase the relationship of combatant to noncombatant forces and result in increased combat forces. The Vietnamization of the war is nothing new. I thought it was the American goal when the first technicians and military advisers were sent to Vietnam in 1964. Vietnamization of the war was American policy when we had 15,000 advisers in Vietnam. Vietnamization of the war is the slow, cruel process which has taken a toll of 44,000 lives and 106.9 billion taxpayer dollars. How much more will Vietnamization of the war cost in lives? How much more in American spirit? How much more will it sap from American morale? How much more in taxpayer expenditures?

The resolution before us authorizes the President to proceed for a "just peace" in Vietnam. The definition of either of these terms is not made in the resolution, nor can it be found in the legislative history. Therefore the term "just peace" can mean whatever the executive decides it should mean at the time it may serve his purpose. The resolution does not preclude escalation, temporary or permanent.

The resolution does not preclude an increased commitment of men or materiel if this should be necessary to obtain a "just peace." The resolution does not prohibit a resumption of a bombing of the north or the use of nuclear weapons if this is necessary to obtain a "just peace." The resolution does not require any further troop withdrawals or prohibit further exposure of American troops if they are needed to obtain a "just peace." The resolution, therefore, authorizes any further commitment of men, materiel and casualties which the executive may deem necessary to win a "just peace."

Then, further—for whom must peace be just—for those who presently control the government of South Vietnam, the people of South Vietnam, the Liberation Front, the Vietcong, the North Vietnamese, the American people, or the citizens of the remainder of the world. Is America to be a separate party to the peace—or is the peace to be achieved in conjunction with the present South Vietnamese government? Is it possible for the United States to achieve peace terms with the present government of Saigon?

Will the conditions for a "just peace" include concessions for American capital and enterprise to be invested in Vietnam? Will the conditions for a "just peace" insure the integrity of American property rights in Vietnam? Is this why 44,000 lives were spent?

Will a "just peace" demand conditions of a better life for those who are left to live in South Vietnam? Will a "just peace" insure land reform and protect the people from exploitation by either the central government or the military strong men who are left in control of military power and property? Will a "just peace" provide for a redemption of the people and the land for a pursuit of a decent, acceptable life for the Vietnamese?

It is incredible to expect that a "just peace" can be achieved for all the parties to the conflict. What is "just" to one—will be of necessity "unjust" to the other. The attainment of a "just peace" could be interpreted to mean through victory by an overwhelming and conclusive defeat of the enemy. Does the President's proposal—whatever it is—contemplate less than a full and complete military settlement of the conflict?

The resolution further supports the doctrine of free elections to determine the future Government of South Vietnam. Can America enforce this commitment on a government presently in control in Vietnam which it recognizes as the lawful Government of South Vietnam? Is this offer to the enemy enforceable? Can we force a free election upon South Vietnam short of making a military enemy of the present government we sought to befriend?

And who will set the rules of the free election? What will be the qualifications of electors? Will the residency requirements permit those who immigrated to South Vietnam to vote on proof of residency after 1, 3, 5, or 10 years? Will former South Vietnamese residents who migrated to North Vietnam be permitted to return and cast their ballots? Who will

determine the difference between citizen and intruder?

The resolution before us today leaves these questions and many others without answers. In the orderly course of legislative events, interrogation of government witnesses would have provided a legislative history which would have included the administration's policy with respect to these questions and others that may be deemed important. A resolution which is adopted without this kind of clarification provides the administration with authority to do anything which it chooses within the framework of the words of the resolution.

The adoption of this undefined resolution will allow the creation of a false impression that these Vietnam policies have the overwhelming and unqualified approval of the American people. This resolution could be a disservice to the American people who are entitled to be better informed of the administration's intentions with respect to Vietnam. The patience of the American people has been temporarily extended but it has been stretched thin. The American desire is for an end to the killing and a disengagement from the conflict.

This resolution is designed to meet a confrontation with dissent in America on the continuation of the war in Vietnam. Words, however artful, cannot substitute for the deeds and actions which can bring peace. The semantics of peace which could endorse a prolongation of the war are not acceptable.

This resolution could be easily made acceptable if it were to specify a program for peace and disengagement. In its present form, it is a blank check which could be construed to mean peace through more war. I cannot in good conscience endorse such a resolution.

Mr. FRASER. Mr. Chairman, many Members have expressed their concern about the interpretation which has been placed on House Resolution 613. This concern has been more formally set forth in a statement signed by 82 Members. The statement with the names of the signers follows:

STATEMENT ON HOUSE RESOLUTION 613

Confusion exists with respect to the meaning and intent of H. Res. 613 relating to Vietnam policy. Introduced on November 4th, it was widely reported to be an endorsement of President Nixon's statement on November 3rd and was so construed by the President when he visited the House. However, the resolution was drafted and signatures collected prior to November 3rd.

We regret that no hearings were held on the resolution by the House Foreign Affairs Committee so that some of the confusion and uncertainty could have been resolved.

We hope that during the floor discussion on the resolution its meaning will be clarified. Among us are sponsors of the resolution. Some of us will decide how our vote will be cast after listening to that discussion.

No matter how we may finally vote, however, we are in agreement on the following:

We do not endorse everything said by the President in his statement of November 3rd.

We specifically do not give advance approval of future decisions on Vietnam.

We affirmatively urge efforts to reduce the level of violence in Vietnam, the broadening of the political base of the Saigon government, and the immediate designation of a high-level replacement for retiring delegate Henry Cabot Lodge.

Brock Adams, Joseph Addabbo, Glenn Anderson, Thomas Ludlow Ashley, Jonathan Bingham, John Blatnik, Edward Boland, John Brademas, Frank Brasco, Jack Brooks, George Brown, Hugh Carey, Shirley Chisholm, William Clay, Jeffery Cohelan, James Corman, John Culver, Emilio Daddario, Charles Diggs, John Dingell, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Frank Evans, Leonard Farbstein, Thomas Foley, William Ford, Don Fraser, Joseph Gaydos, Sam Gibbons, Jacob Gilbert, Henry Gonzalez, William Green, Michael Harrington, Augustus Hawkins, Ken Hechler, Henry Helstoski, Floyd Hicks, James Howard, Andy Jacobs, Joseph Karth, Edward Koch, Peter Kyros, Robert Leggett, Allard Lowenstein, Richard McCarthy, Paul McCloskey, Ray Madden, Spark Matsunaga, Lloyd Meeds, Abner Mikva, Joseph Minish, Patsy Mink, William Moorhead, John Moss, Lucien Nedzi, Robert Nix, David Obey, James O'Hara, Arnold Olsen, Thomas O'Neill, Richard Ottinger, Bertram Podell, Thomas Rees, Ogden Reid, Peter Rodino, Robert Roe, Benjamin Rosenthal, Edward Roybal, Fernand St Germain, William St. Onge, James Scheuer, George Shipley, Frank Thompson, John Tunney, Morris Udall, Charles Vanik, Joseph Vigorito, Jerome Waldie, Charles Wilson, Lester Wolff, Sidney Yates.

Mr. ESCH. Mr. Chairman, I will support House Resolution 613 with my vote today. However, I am disappointed that the form of the resolution and the closed rule make it difficult for the House to give full expression to its views on this complex issue. I therefore want to take this opportunity to detail my views on the war in Vietnam more specifically than the broad outlines of the resolution allow.

Since taking office, I have had as a major concern our disengagement from Vietnam. You may recall that in July of 1967 I proposed, along with eight of my colleagues a plan for a mutual disengagement of the war and of the bombing that was underway at that time. The essence of that proposal was gradual, reciprocal, identifiable disengagement of hostilities and of the establishment of a government in which the people of South Vietnam realize true self determination. I believe the most important factor of our proposals was the flexibility which it allowed for both sides. The lack of this flexibility in many current proposals which set public deadlines is their major weakness.

While I believe that President Nixon has made significant progress toward disengagement in Vietnam, I feel that he should accelerate the rate of withdrawal of U.S. forces from Vietnam, investigate the feasibility of a deescalatory unilateral cease-fire, and assist in bringing a more responsive and representative government to South Vietnam.

To argue that the President has not changed the posture of the U.S. in South Vietnam is without logic or fact and weakens the cause of those who argue for further disengagement. To gain perspective, it is interesting to reexamine what the "peace" candidate for President, EUGENE MCCARTHY, was proposing as a means to get out of Vietnam 1 year ago—and the similarity of his proposals to the action which the President has undertaken.

1. Stop the bombing and seek negotiations. 2. Halt the escalation and freeze troop strength. 3. Cease 'search and destroy' missions. 4. Cease attempts to uproot the Viet Cong from areas they have controlled for many years. 5. Conduct a gradual disengagement in the South and a cease-fire on a trial basis in some areas while pressing for negotiation. 6. Insist that the South Vietnamese take on greater military responsibilities. 7. Reexamine military policy. 8. Press the authorities in Saigon to broaden their own political base. (Congressional Record, March 26, 1968.)

One who analytically reviews the steps taken by the current administration in the light of these suggestions will admit that significant progress has been made toward disengagement. This administration does not insist, as did its predecessor, that the result of free elections be favorable to the United States. This Administration has forced the South Vietnamese government to publicly agree to NLF political participation in a coalition supervisory election commission. Our orders are no longer for "maximum pressure" but for "protective reaction." Troops are no longer being increased, but are being brought home.

As Senator FULBRIGHT has said:

I am opposed to an unconditional American withdrawal from South Vietnam because such action would betray our obligation to people we have promised to defend, because it would weaken or destroy the credibility of American guarantees to other countries, and because such a withdrawal would encourage the view in Peiping and elsewhere that guerrilla wars supported from outside are a relatively safe and inexpensive way of expanding communist power.

Nonetheless, I believe that major additional efforts must be made. Specifically, I have recommended that we immediately announce new combat troop reductions as a further indication, both to the North Vietnamese and to the world, that we are sincere in our efforts to disengage from the war. We should also take the initiative in a unilateral cease fire.

Even more important is overt action on our part to meet our commitment to full self-determination for the South Vietnamese. Our goals, as stated by the President in his May 14 speech, are laudatory:

We seek no bases in Vietnam. We insist on no military ties. We are willing to agree to neutrality if that is what the South Vietnamese people freely choose. We believe there should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation. We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

Unfortunately, we have seemed to veer from this commitment through indications of continued support for the Thieu-Ky government. It is imperative that we press the government in the South, in every way possible, to broaden the political participation of opposition groups in the nation, and make the government

more representative. Our commitment must not be to the present government, but to a government based on the free choice of all the people. I will continue to express my displeasure with our failures in this area and urge prompt action to correct them. It is vital that we make absolutely clear our commitment for self-determination is not to the Thieu government but to the people as a whole.

Coupled with our insistence on self-determination must come a commitment for the rebuilding of Vietnam both socially and economically. The human havoc which war has wrought on this nation must be repaired—preferably through an international organization where the aid can be free of corruption or hint of political pressure.

There is one other major aspect which I believe needs to be emphasized—a complete prisoner exchange by the two parties. It behooves those who speak out and demonstrate for peace in the name of humanity, also to express openly their concern about prisoners held by both sides. The peace movement would be greatly enhanced if it would directly and overtly encourage the Vietcong and North Vietnamese at least to release the names of prisoners they hold and allow for exchange of mail and inspection by the International Red Cross, as provided for in the Geneva agreements.

The essence of democracy is the right of dissent and the necessity for dialogue among those who dissent and those in a position of power and responsibility. I respect the right of petition to the government and to elected officials and have therefore taken every effort to talk with people from my district who are concerned about the war on every side of the issue.

Mr. UDALL. Mr. Chairman, the debate and vote this week on House Resolution 613 is a frustrating and disappointing experience for me. For 5 years, the House of Representatives—the part of our Government designed to be closest to the people—has almost completely failed to debate or to endeavor to influence the central event of our times: the war in Vietnam. Now, when we finally undertake such debate, we are forced to conduct it under circumstances which make a near mockery of the whole proceedings. Debate is under a closed rule, with even the most minor amendments being out of order, including some which might clarify the ambiguous, vague wording of the resolution.

In addition, House Resolution 613 at best deals only with the peripheral aspects of the Vietnam problem and fails to come to grips with the basic issues. Couched in pious generalities, it is concerned only with negotiated peace, which today is the least likely avenue for ending the war. The President himself places little reliance on the negotiations as a viable way of halting the war. And I doubt that Hanoi's intransigent position in the Paris peace negotiations will be changed one iota by this resolution.

House Resolution 613 does not take up the most vital decision which the President has made concerning the Vietnam war—his secret plan for troop withdrawals. Nor does it consider any other military issues involved in the war.

For these reasons I voted yesterday against the closed rule. By its vote yesterday, the House of Representatives has almost abdicated its right and its obligation to submit the Administration's Vietnam policy to a hard scrutiny and to offer policy alternatives.

Now I am faced with a yes or no vote on the passage of House Resolution 613, when neither vote really reflects my feelings. I share in part many of the apprehensions expressed by some of my colleagues yesterday. My vote for the resolution may possibly be interpreted as:

First, advance approval of future escalation of the war if Hanoi resumes its offensive, as the President has warned he might do in his November 3 speech;

Second, complete approval of the President's policy in Vietnam and support of every aspect of his November 3 speech, which mentioned a plan for peace completely unknown to us.

If we say "yes" to House Resolution 613, this vote may be interpreted by the administration, the press and the American people as support of the President's timetable for withdrawing troops, no matter how drawn out a procedure that turns out to be.

Third, support for the present Saigon Government which definitely does not represent the people of South Vietnam and which has in the past thwarted our attempts at meaningful negotiations in Paris.

I have good reasons for feeling uneasy about approving this measure. Five years ago I voted for the Gulf of Tonkin resolution and subsequently found that it was greatly distorted by the Johnson administration to suit its own purposes. So I am definitely apprehensive about what the results of this similar resolution will turn out to be.

On the other hand, a vote against the resolution is almost equally misleading as to my position:

First. This vote would make me appear to be opposed to a "just peace," although the record clearly shows that I have been fighting for peace in Vietnam, long before it was fashionable or politically popular to do so.

Second. It would suggest that I do not support the President in a difficult time. This suggestion could not be further from the truth. I applaud and support the President's first steps toward extricating us from this horrible mistake in Vietnam. While I have some misgivings about several aspects of his policy, I am sure that he is doing what he thinks is best in trying to end the conflict. Thus, though I do support his efforts, I think I should have the option to reserve judgment on any of the President's actions in Vietnam.

For all these reasons, the decision on this vote is not easy. But I have reluctantly concluded that I should vote for passage. In doing so I rely heavily on the repeated assurances of the sponsors of House Resolution 613 that approval of the resolution is to be taken as agreement only on the literal meaning of the words used. I do not object to—surely no one can object to—the actual wording of the resolution which is as follows:

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

Let me at the same time make clear what I am not saying by my affirmative vote. I am not voting for:

Any open-ended blank check endorsing any action which the President may take regarding Vietnam;

Escalation of the war, in retaliation to a new offensive by Hanoi; and

Blanket support of the present Saigon government or giving that government veto power over our actions.

One strong consideration in my decision is the distinction made by its main author, the gentleman from Texas (Mr. WRIGHT) between House Resolution 613 and the Gulf of Tonkin resolution. His letter to Representative BROCK ADAMS, which was printed in the December 1 CONGRESSIONAL RECORD, page 36085, pointed out three differences. He said this resolution is oriented toward peace, not war as was the Tonkin resolution. According to Mr. WRIGHT, House Resolution 613 is also different in that it neither broadens Presidential powers nor implies approval for future decisions by the President.

As I interpret the ambiguities of the resolution, House Resolution 613 emphasizes the importance of making peace and the right of all the people of South Vietnam, including the Communists, to participate in free elections. This is in sharp contrast to the Tonkin resolution which gave the President the mandate to take "all necessary steps" to punish the enemy, to bomb, and to send American troops to Vietnam.

I interpret House passage of the resolution as an endorsement of democracy in Vietnam—democracy which is still opposed by the leaders in Saigon. I view it as a clear signal to the South Vietnamese Government that the U.S. Congress believes this war is being prolonged by the intransigence of Saigon to endorse openly the resolution of Vietnam's political differences by the democratic elective process.

Mr. Chairman, as I said earlier, this debate does not deal with the really tough questions on the war. For this reason, I want to digress for a few minutes and say a few things about where we are and where we may be heading.

It was just 2 years ago when I stood before a Tucson audience to express for the first time publicly my dissent on the conduct of the Vietnam war. What moved

me to make that speech was my concern about the dangerous direction in which the country was moving, the pursuit of a military victory in a war whose only solution could be political. That night 2 years ago I saw the United States mounting a treadmill that goes even faster, a treadmill called escalation, leading not to victory over communism but rather to a steady increase in the loss of American prestige, property and, most important, lives in the jungles of Southeast Asia.

That night in 1967 I gave the President what was thought by many to be pretty radical counsel. "Mr. President," I said, "you are going to have to extricate us from this war by ending the bombing of North Vietnam and ordering a gradual de-escalation of our entire war effort, starting with the removal of American troops from those areas of South Vietnam which can most easily be defended, and leading to the total withdrawal of U.S. troops." Within a reasonable time, I counseled, we should turn over the balance of this war to the South Vietnamese. In keeping with our commitments, we should continue to supply whatever is needed to maintain the South Vietnamese while the threat continues and as long as we are convinced the Saigon Government is working in the interest of its own people.

Mr. Chairman, the "radical" plan I have just described is policy today. Many of the proposals I made in 1967 have been adopted by Presidents Johnson and Nixon. The present administration must be credited for making the first steps toward peace, steps which I suggested. It has publicly rejected a military victory as a goal, it has started troop withdrawals, and it has shifted our military posture in Vietnam from "maximum pressure" to "protective reaction."

In the last 2 years, we have experienced one of the most remarkable turnabouts in American history. When I first spoke out, escalation was our policy and most favored it. Today our policy is one of getting out, and according to a recent Gallup poll, 55 percent of the American people agree that the war was a mistake.

This is not to say that my advice or the advice of others opposing the war has always been correct. Stopping the bombing, many of us claimed, would lead to negotiations in good faith and perhaps even an end to the fighting. By now it is clear that we were wrong.

If the doves have made mistakes in this war it must be argued that the hawks have made some tragically costly blunders, too. There has seemingly been a complete disregard of economics by those, particularly in the last administration, who used the public treasury in an effort to fabricate a picture of wide allied support for the Vietnam war. Thus, we are beginning to see questions raised like these: Did we "buy" the use of 12,000 Thai troops for a billion dollars? Did we pay off the Philippines in the amount of $38 million for, at most, 2,200 noncombatants? What price have we paid and are we paying for South Korean troops fighting beside American?

Nevertheless, we are now committed to bringing about peaceful settlement of the Vietnam war or, failing that, an end to America's role in it. That is the real meaning of the resolution we are debating today.

The time then has come for us to stop shouting slogans at each other, to quit arguing about peripheral issues, and to get on with the tough, unpleasant job of working out an early end to the war. "Support the President" is not a policy or program, it is simply a slogan. How are we to give the President total support for a policy he has not yet disclosed? By the same token, what does the phrase "immediate withdrawal" have to offer other than frustration and confusion? The process of leaving, even when that final commitment is made, will take months, perhaps even a year.

Of course, all Americans want to end the war and all of us want to support the President as much as we possibly can. But we must continue to debate the crucial questions: Will the President's policy end or prolong the war? Will an orderly pullout, such as I advocate, bring about a bloodbath of innocents or drastically affect U.S. influence and commitments elsewhere?

So there is honest and intelligent dispute over the tactics for bringing America's role in Vietnam to an end. In resolving this dispute, we get no help from those who claim it is, "Nixon's war" or those who would label as snobs or question the patriotism of sincere people advocating a different plan of withdrawal.

Mr. Chairman, I believe the President now has a plan which he firmly believes will lead to peace. A majority of Americans seem inclined to give the President additional time to try it. For the sake of the country, I really hope it does work, but I feel compelled to register my honest judgment that it will only lead to a new military and diplomatic stalemate at a lower level of violence continuing well into the 1970's. The plan I think is now being contemplated involves a continuation of U.S. logistic and air support with perhaps 200,000 Americans remaining in Vietnam while Asians continue to kill Asians. The fatal defect of this policy is that it apparently leaves the final decisions about America's future in the hands of the ruthless dictatorship in Hanoi and/or a repressive, corrupt and unrepresentative semidictatorship in Saigon.

My own view is that troop withdrawals should be continued at an orderly rate, and on a predetermined schedule, leading to substantially complete disengagement of American troops by the end of 1970. Such predetermined and orderly withdrawals are the only instruments we have for pressuring badly needed reforms on the Saigon government, a regime which still refuses to admit broader participation in the processes of Government, while continuing to censor and close newspapers and jail political opponents.

While we are now going through an acrimonious and troubling time, I believe we are in the process of winding down this war and groping our way toward its termination. Just how it will end I can't really predict, but the process is underway and most probably will not be reversed. If we all keep our heads and our tempers, the country can come through this frustrating and unsettling experience without being torn apart.

Mr. PRICE of Texas. Mr. Chairman, as one of the many sponsors of the resolution "toward peace with justice in Vietnam," I urge all my colleagues to add their support to the proposal. Since this resolution was first introduced, almost three-fourths of the House membership have cosponsored the resolution or introduced similar ones. These duly-elected Members represent a great majority of the American people, and I am confident they are expressing the overwhelming wishes of their constituents on this matter.

In my view, the resolution before the House is simple, straightforward, and direct. It affirms the support of the House of Representatives for the President of the United States in his efforts to negotiate a just peace in Vietnam. It expresses the earnest hope of the people of the United States for an honorable negotiated settlement of the war. It calls attention to the numerous peaceful overtures the United States has made in good faith to the Government of North Vietnam. It approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese, supervised by an impartial international body. It declares that the United States will abide by the election results, and it calls upon the Government of North Vietnam to do likewise so that the war in Vietnam can be resolved and peace can be restored to Southeast Asia.

Mr. Chairman, there has been much debate about both the terms of the resolution and the supposed policy implications that flow from the terms. This debate, although well intentioned, misses the basic thrust and purpose of the resolution. The House of Representatives, through the resolution, is not attempting to hammer out a Congressional policy position with respect to Vietnam, it is merely attempting to express our feeling of support for the efforts of the President of the United States to negotiate a just peace in Vietnam.

This is a laudable goal, a goal whose noble purpose should be affirmed, and affirmed now. The Communist overlords of North Vietnam think they have the United States on the run. They think the people of the United States are bitterly divided over the war and will not support the President in his quest for peace. They fail to realize that the rumblings of discontent they hear and the demonstrations they see are merely the voices and actions of some, but by no means a majority of the American people. Some of the protestors are dedicated anarchists, others are admitted hard-core Communists. Some are misguided social reformers, others are everyday people trying to express their sense of frustration at a war which has dragged on and on without appearing to have an end in sight.

I disagree with the protestors. I think they are betraying the bloody sacrifices that our American soldiers have made to

bring freedom to the struggling people of South Vietnam. In addition, their actions are creating false illusions in the minds of the North Vietnamese that the American will to see the cause of freedom triumph in Southeast Asia is wasting away. As a direct result of their delusions about our national state of mind, the Communists have stalled the Paris peace talks, and are presently waiting in a confident pose for the American forces to depart from Vietnam.

As far as I am concerned, and I am confident that my views are shared by an overwhelming majority of Americans, the United States has no intention of deserting the valiant people of South Vietnam and leaving them to the bloody hands of the Communists. President Nixon has stated that the United States will not settle for anything less than peace with honor in Vietnam. The House resolution Toward Peace with Justice in Vietnam voices congressional support of his efforts for peace. Both the President's efforts and the House resolution merits our total and undivided approval.

Mr. GREEN of Pennsylvania. Mr. Chairman, today I will vote "no" on House Resolution 613, relating to Vietnam policy with great regret because it is my desire to applaud and encourage every initiative of the President toward peace as I have done in the past.

Is it possible, that, after 15 years of involvement, 4½ years of overt military action, the efforts of more than a million men, the deaths of 40,000 servicemen, the wounding of more than 300,000 American young men, the expenditure of billions of dollars, the divisions created here at home, the destruction wrought on Vietnam and the diplomatic efforts engaged in by ourselves and others around the globe—is it possible that, after all this tragic experience, the best that the House of Representatives of the United States of America can produce is a 17-line resolution which vaguely commits us to a peaceful settlement through measures largely unexplained in the resolution itself or omitted entirely?

Surely, we have learned enough in the past few years to come up with something better than this.

And yet, it seems we have not. Having been speedily rushed to the floor without hearings before the Foreign Affairs Committee, under a closed rule which forbids amendment, at a time when we clearly have the concern and the knowledge to conduct a truly meaningful debate on Vietnam, we are asked to approve an amorphous resolution which will become, almost certainly, a constitutional sanction for just about anything the administration desires.

I think we are shirking our responsibility, as elected representatives, to legislate creatively.

And I believe we are blindly taking the same path we took in August of 1964 when we handed the previous administration a similar resolution on the Tonkin Gulf incident which, time and again, was cited as justification for the limitless American involvement in Vietnam, although few Members of this body would have believed so when they voted for it.

Have not we in the legislative branch learned our lesson?

Who here today would defend the Tonkin resolution in terms of what followed? Who would admit that he knew then the implications of his vote?

And yet, this House is doing precisely the same thing today and, in the process, abdicating its responsibility to the American people.

I think the American people deserve better from us than a single page statement of 169 words in a single sentence.

And I believe this body had better start standing up, under this system of checks and balances, and stop acting like a rubber stamp.

What this resolution offers is vague and harmless. It was meant to be vague and harmless so that we in Congress could not make any waves and so that thoughtful people in this body would be trapped in the seeming dilemma of voting "yes" for the President or "no" against peace.

This is no time for political games, played by the administration or by anyone else, in a diplomatic arena whose only foundation is the stark tragedy of Vietnam.

I do not believe there is a thoughtful person left in this country who, after the experience of this decade, cannot see through such an attempt.

What this resolution does not offer is even more significant than what it states. We should be seeking a clear formula for peace, not a vague resolution which seems to support every specific of administration policy by implication but which fails to enunciate it.

Nor does this resolution commit us for 1 minute to future troop withdrawals. It does not spell out our negotiating position and yet it asks us to support the President's efforts.

But most seriously, this resolution—and by extension, this kind of legislative maneuver—asks us to surrender our legislative prerogatives and blindly follow the President, regardless of our convictions and without taking the time even to spell out our position.

I am voting "no" and I look forward to a better alternative, a genuine debate, and a creative legislative discussion more worthy of this body and more worthy of the American people.

I do not intend to vote for any resolution on the vital issue of peace and war which does not spell out our policy clearly and which does not permit the Congress its prerogative to debate, discuss, amend, and thereby check Executive authority.

In the instance of Vietnam, my own position and my differences with the administration are clearly spelled out in the CONGRESSIONAL RECORD of October 15. I am submitting that speech again today to make my position on this vital issue clear in detail. I wish the sponsor of this resolution and the administration had done likewise with H.R. 613.

[From the CONGRESSIONAL RECORD, Oct. 15, 1969]

PEACE IN VIETNAM

Mr. GREEN of Pennsylvania. Mr. Speaker, this is a very difficult time for our country.

Perhaps, after so many years of involvement and frustration, we have finally arrived at the moment of truth in Vietnam.

It seems as if the point has been reached where we either stay indefinitely or disengage ourselves from a tragic experience for America and the world.

The other alternative—once thought of as possible—military victory and a reasonably speedy compromise negotiated settlement—have all but vanished.

The choice we have left is not easy.

The consequences of either course of action can be far reaching for ourselves, for the Vietnamese and for the rest of the world.

If we stay, it means the sacrifice of more American lives, the expenditure of more billions of dollars, deeper division at home and the neglect of many other national priorities, both foreign and domestic.

If we leave, the future will be largely uncertain. Some contend that South Vietnam will go Communist and that Southeast Asia will follow suit. They warn that America's commitments will be placed in doubt and we shall be left to fight a larger war somewhere else.

Others, casting aside these warnings, believe that withdrawal offers more possibilities and greater opportunities.

Because these are the alternatives, it is, indeed, a very difficult time for our country.

And all of us—regardless of our politics, our way of looking at the world or our past position in Vietnam—must, if we truly love this country, approach these choices without prejudice and without rancor for those with whom we disagree.

Motives on all sides may be good. But what we seek is a solution which will do justice to our good motivations.

Today, there is no room for those who would attempt to make this Nixon's war.

Nor is there room for those who would continue to make it Johnson's war.

There is no room for those who lash out at critics, equating patriotism with mindless unquestioning of the facts in Vietnam.

Nor is there room for those who believe that Vietnam has proven America to be sick, and dominated by military-industrial forces beyond our control.

Young and old, Democrat and Republican: All of us had better recognize the enormity of what faces us. And all of us had better act with reason and wisdom larger than ourselves.

As the moment of truth arrives, all of our preconceptions must give way to a single concern: What is the right thing for our country and how will our decision affect the peace of the world.

It is unfortunate that these are the only alternatives.

But they are.

Virtually no one any longer believes that military victory is a possible alternative.

President Johnson ruled that out as early as March of 1968.

And President Nixon specifically so stated in May 1969 when he addressed the Nation with the following words: "We have ruled out attempting to impose a purely military solution on the battlefield."

Yet, there is another alternative which still seems possible to some and that is the alternative of a compromise settlement, a negotiated peace which would salvage a non-Communist South Vietnam or a partially non-Communist South Vietnam or, at the very least, a neutralized South Vietnam.

The search for a compromise settlement has been the true issue of the past few years. It was the initial thrust of the antiadministration forces during the 1968 presidential campaign.

Then, the question was: Which candidate was flexible enough, in contrast to the inflexibility of President Johnson, to offer compromise terms sufficiently attractive to the North Vietnamese.

Proposals for a coalition government were followed by suggestions for mutual troop withdrawal. And, finally, late in the campaign, we had a total bombing halt which

Vice President Humphrey endorsed as an acceptable risk for peace.

All of these suggestions, sincere and well-intentioned, were made in the hope that, by throwing another bone, we would tempt the North Vietnamese to give and take in the traditional manner of western diplomacy.

Finally, in May of 1969, determined as were his predecessor and his competitors in 1968, a new President spoke of "neutrality for South Vietnam," "acceptance of any government in South Vietnam that results from the free choice of the South Vietnamese people themselves," and "reunification."

All of these proposals have spanned the course of the past few years. And, as each was proposed, there was renewed hope of a breakthrough on the diplomatic front.

Recall, if you will, the wave of hope which swept the country and the world when President Johnson announced that the enemy was prepared to negotiate in Paris.

And then recall the renewed hope when he announced the total bombing halt a year ago.

And finally, recall the optimism with which we greeted President Nixon's first major address on Vietnam last May.

Yet, today, the deadlock remains in Paris and the stalemate continues on the battlefield.

After nearly 2 years of specific concessions, the latest reports from Paris, according to Time magazine of October 17, tell of "The dispiriting sense of tedium and pessimism that envelops the talks and the American delegation."

In asking ourselves why the deadlock remains, I think we must honestly face the possibility that North Vietnam will not negotiate seriously as long as there is dissent here in America.

A few years ago, the same argument appeared in different colors.

At that time, those in favor of ending the war cried out for negotiations. And the supporters of the war replied that, we would, in effect, be inviting the North Vietnamese to win at the conference table what they could not win on the battlefield.

Well, today we are negotiating.

And today, those same people are now saying that, in dissenting here at home, we are, in effect, inviting the North Vietnamese to win in America what they cannot win at the conference table.

Where does this downward spiral end? Where do we go next?

The fact is that there has been virtually no criticism for 9 months.

The voices which echoed through 1968 have been largely still.

Republicans, Democrats and concerned Americans everywhere have sat back, waiting for a break in Paris, hoping that a new President, untied, as he said, to the mistake of the past, would extricate us from the quicksand.

Yet, during the time we have remained silent, the North Vietnamese have remained inscrutable.

And today, because the question of Vietnam is once again raised publicly, some of our policymakers recoil from the renewed debate and warn that the only thing which will defeat us is ourselves.

They equate patriotism with mindless acquiescence and unquestioning support.

They suggest that those who are unhappy with our policy "tell it to Hanoi." But this is our country and it is our policy we are deeply concerned about. It is not inconsistent to discuss our policy while at the same time repudiating Hanoi and its methods.

The deadlock has remained at Paris, through protest and through silence, and that fact alone tells us that we must look somewhere else for the root cause of the lack of movement.

In fact, the deadlock remains because the other side continues to say what it has said for years. There is no room for a compromise, they say because this is a Vietnamese affair. It is a civil dispute. It is a matter to be settled—not by concession of an American President or the force of American arms—but by the Vietnamese themselves.

And that settlement will come when the Americans go home and stop interfering in the affairs of their country.

How simple that fact is.

And yet, how often have we overlooked it in our endless search for a formula and, indeed, in our initial rationale for entering this war.

Dean Rusk, the former Secretary of State, was fond of saying that the war will end when the North Vietnamese leave their neighbors alone. The implication was clear: America, in the role of policeman, intends to keep peace in the neighborhood.

To the other side, this is not the case.

In the eyes of the Vietnamese, the North and South are not two neighbors who happen to live on the same block. They are residents of the same house and the American policeman is guilty of invasion of privacy.

Whether one agrees with this viewpoint or not, in fact, whether one wishes to face it or not, it is nonetheless, what the other side has been saying for years.

And today, after we cut away the agony and complexity of the past, we must come face to face with that central fact. In the eyes of the Vietnamese, the war is a civil conflict which will be settled, if at all, only by the Vietnamese.

Misunderstanding of the facts of history has led to misunderstanding here at home.

Those who took the time and made the effort to understand what was happening in Vietnam, sooner or later came to the conclusion that this is, indeed, a civil conflict.

And because they believed this, they felt that our involvement was immoral. This feeling, in turn, led to a crisis of conscience among many of our own people and often to civil disobedience, particularly by the younger generation, not merely because the younger generation had to fight the war but because the younger generation began to understand the war.

All of the debate of the past few years sprang, not from the question of whether the war was winnable or unwinnable, but from the growing conviction that the war was unjust.

On the other hand, those who did not take the time to understand the war—and its complexity is so deep that this position is understandable too—those particularly who fought other wars for America, could not see where this war was any different.

"We of an older generation fought to keep this nation free in Europe and the Pacific," they say. "We gave our lives in Korea. What makes you so special that you take it upon yourself to judge this war. Maybe you're just afraid to go and fight like we did. Maybe you're getting too soft."

Thus does the division deepen and the misunderstanding grow. The tragic flaw of recent American leadership has been its inability to understand the moral implications of Vietnam.

It is hardly surprising, then, that the average American, who depends on his leaders for enlightenment, cannot fully comprehend today the notion of an unjust war and cannot understand why we do not win and, therefore, cannot accept dissent at home.

And yet, as I said in the beginning, what is needed now is not censure and division but the calm and enlightened determination to choose one of only two alternatives which we have left: An indefinite American presence in Vietnam or the liquidation of a tragic situation.

The consequences of the first alternative are clear—more fighting, more killing, greater cost, deeper division here at home, neglect of our other priorities and all of this with little likelihood of a diplomatic settlement. The only concrete achievement would be the continued propping up of an artificial, unrepresentative, corrupt and unreformable military dictatorship in Saigon.

Our willingness in word to accept the free choice of the South Vietnamese does not correspond to our over-willingness indeed to prop up the Saigon regime and that fact alone presents an insurmountable barrier to peace.

And so, I have come to believe, with many other Americans and with many other elected officials and government servants, that the United States must simply extricate itself from Vietnam by beginning now an orderly, total, relentless and publicly announced withdrawal and disengagement.

In suggesting such a course of action, I do not believe that we can set a specific timetable. Withdrawal is not going to occur overnight. Nor is it likely to occur within the artificial limits of an arbitrary deadline.

I do believe that the orderly and systematic withdrawal must allow for adjustments, not only in Vietnam but here at home.

In Vietnam, withdrawal should be accompanied by efforts on our part to encourage the development of the many and diversified political forces within the country to take on renewed life, a life ruthlessly and thoughtlessly suppressed by Saigon, in behalf of their own future.

The key question—indeed, the realistic question—is not when the last man will leave Vietnam. It is whether or not we, as a nation, are committed to the inevitable and total withdrawal of all forces as soon as possible as a matter of policy. The chief need is to be publicly and irrevocably committed to disengagement.

There are voices which say we simply cannot withdraw, as if this were a simple decision.

It is not a simple decision.

It challenges the American people to face up to the facts and we have been notoriously unwilling to do so throughout this war.

It demands of our leaders the courage, the leadership and the persuasive powers to make such a decision acceptable to many who believe withdrawal to be unthinkable.

Such things are never easy.

They are agonizingly difficult.

But the time has come. Mr. Nixon must simply summon up the will to think the unthinkable and face the inevitable. It will be better if he does so now because sooner or later, he will inevitably be forced to do so anyway.

I believe the President wants to end this war.

And I believe that his recent actions—particularly the withdrawal of 60,000 American troops—are steps in the right direction.

But the difference between his position and that of his critics is an essential difference.

On the one hand, Mr. Nixon hints at further reductions in troops during 1970.

But, on the other, he solemnly warns against a "disguised American defeat" and hopes to "Vietnamize" the war.

Those who disagree with his policies, while they support the moves he has already taken, want a commitment to complete withdrawal based on a firm Executive decision to extricate this country from Vietnam.

In reality, he reserves the option to stay indefinitely or to go back in with additional force, presumably at the point where Vietnamization does not work and at the point where the Saigon government begins to fall apart.

The Saigon government knows that.

As long as they know that the United States is not totally and publicly committed to a planned withdrawal, we can expect nothing from them except further dependence.

They have no intention of letting us go.

And, at times, it seems as if Mr. Nixon has no intention of letting them go.

Therefore, what seems at first glance to be

the beginning of withdrawal is on the other side of the coin a formula for an indefinite stay.

And that is the point at which we disagree—not on the desire to end the war, not on the desire to get out, and not even on the common agreement that the Vietnamese must solve their own problems. Mr. Nixon is reluctant to commit us to a final decision. And his critics suspect that, as long as this is his policy we probably are committed to staying indefinitely.

I have not come to the decision to support a committed withdrawal without considering all of the possible dire consequences lurking in the dark recesses of the cold war mind.

Nor can I totally censure those whose beliefs based on the assumptions of their own experience immediately after World War II.

At that time the world was in dire need of American help.

The military hardware of Stalinist communism was locking up the gates of Eastern Europe and Russia's Asian partner had just seized the most populated nation in the world.

We soon found ourselves in a bloody conflict of naked aggression in Korea, and a movement at home which saw a Communist behind every State Department file box.

I suspect that that era has passed.

But two Presidents seem to tell me differently.

And many policymakers in Washington agree with them.

They warn us sternly of the consequences if we take the unheard of step and leave Vietnam.

They point to Czechoslovakia and say: "See, the Russians have not changed." And this should rightfully cause us concern.

And, although Russia and China have come to the brink of war, we are still asked to live under the shadow of the international monolithic and single-minded Communist conspiracy.

For a moment, let us have an end to the glowing, muttering, and warning of dark consequences and let us look at the possible results of withdrawal.

Let us examine the contention that South Vietnam will go Communist.

And before we rend our garments, let us also admit that this possibility is precisely admitted by President Nixon. In saying that he would have no objection to a united Vietnam and in admitting the necessity of free election, he is admitting the possibility of Communist victory.

But there are other possibilities and these other possibilities are just as likely to occur when we announce withdrawal.

At present, literally hundreds of non-Communist political factions in the South, in the least of which is the Buddhist, are inactive due to resentment of our presence or in jail due to the repression of the Saigon regime.

Is it not just as likely that, with our steady departure, non-Communist South Vietnam, will begin to exercise its own freedom within the country.

I am not sure. But, in any event, I suggest that the viability of political life in South Vietnam will be encouraged more by our departure than by our consistent propping up of the military dictatorship with our power and prestige.

And what of the million South Vietnamese in the armed forces. Like all armies, they certainly are not going to do the job as long as America is so willing to shed its blood in their place.

Perhaps, if the Saigon government is worth saving, its million men just may fight for it.

Or perhaps they might overthrow it.

Or perhaps the regime itself, no longer shielded by American military strength, may, in its desperation, grant the freedoms and give the inspiration which the nation needs.

At any rate, if the million man army cannot do any of these things, then the question again arises whether we ever could do so or whether that million man army is worth being shielded by American soldiers.

Disregarding the other possibilities, however, opponents of withdrawal, convinced of an imminent Communist takeover, have added another dire consequence and that is the possibility of mass slaughter in the South.

We do not know if this will happen. There seems to be no evidence that it will any more than there is evidence that it will not.

America has proven itself a generous nation in the past. Provision can be made for relief, asylum, and even additional economic aid to South Vietnam. Certainly, these are legitimate accommodations to make in return for the liquidation of the war.

And what of the rest of Southeast Asia.

If one accepts the domino theory, one believes that all or most of Southeast Asia will fall into Communist hands once American troops leave South Vietnam.

And yet, one of the most compelling sections of Defense Secretary Clifford's narrative, which documents his own change in thinking, concerns the other countries of Southeast Asia.

Returning from South Vietnam in 1967, Clifford said:

"It was strikingly apparent that the other troop contributing countries no longer shared our degree of concern about the war."

Thailand, he said "Was in no hurry to allocate more troops."

He continued:

"The President of the Philippines advised President Johnson that he preferred we not stop there because of possible adverse public reaction."

Australia's Prime Minister, Clifford continues, "presented a long list of reasons why Australia was already close to its maximum effort."

New Zealand "made it clear that any appreciable increase was out of the question" and the Prime Minister of Singapore, when asked to help with troops, said he "saw no possibility of that taking place because of the adverse political effect in Singapore."

Finally, Clifford looks at the situation in Southeast Asia in this way:

"The security of the Pacific region will depend upon the ability of the countries there to meet the legitimate growing demands of their own people. No military strength we can bring to bear can give them internal stability or popular acceptance. In Southeast Asia, and elsewhere in the less developed regions of the world, our ability to understand and to control the basic forces that are at play is a very limited one. We can advise, we can urge, we can furnish economic aid. But American military power cannot build nations, any more than it can solve the social and economic problems that face us here at home."

And again, a few months ago, President Nixon, in his Pacific doctrine, told the Asians that America's vital interests are no longer concerned with sending massive numbers of Americans to the mainland of Asia.

As in South Vietnam itself, withdrawal opens as many possibilities as it does pitfalls for Southeast Asia. The possibility of increased economic activity, greater concentration by America itself on broad programs to improve the social and economic life of the region and the development of indigenous democratic governments—all these things are just as possible as the facile, automatic response that says, take away American troops and the inevitable answer is communism.

Such an answer is not only narrow. It is far too simplistic for a complex world. And it betrays a defeatism which ill befits American leadership. In place of our single-minded obsession with Vietnam, we could today be using our technology and resources to create a better world.

One other question about America's role in the world comes up whenever withdrawal from Vietnam is suggested. What about America's commitments. Will our word ever be heeded again. Because we show lack of faith, will not our relative role, vis-a-vis the Communists, begin to decline in world affairs.

In the first place, no nation in the history of the world has ever commited so much for so long a period in so many places throughout the world and stuck by its treaties and agreements with such tenacity. In Vietnam alone, that commitment has amounted to 40,000 dead Americans and more than $100 billion over the course of 8 years. And all this despite the fact that there is considerable debate about the genuineness of that commitment in the first place. The question is not whether we honor our commitments because our activity has certainly been some commitment. The question is whether we alone in the world are being asked to do the impossible. Our own leaders who pose this question evidently believe that the rest of the world sees us as the superhuman, transcendental force which dares not to put a ceiling on how far it is prepared to go lest the rest of the world react with utter dismay.

And yet, the rest of the world's powers can go blithely ahead doing just as they please—abandoning allies, subverting countries and waging war.

Only America is put to the impossible test. If we dare waver for a moment—regardless of the merits—then the world itself will shake with concern.

I suspect that we judge ourselves too harshly.

I believe that we demand a standard from ourselves that few others expect and that fewer others are prepared to live up to.

We are not superhuman.

We do not by ourselves control the destiny of the world.

And a change of policy in Vietnam will be greeted throughout the world more with relief than dismay anyhow.

Here at home, it is another matter.

It is said the President fears, privately, that a systematic withdrawal from Vietnam will not only cause us to lose our leadership position in the world but will, as Stewart Alsop said last week, turn the nation "angrily in upon itself."

This need not be and it should not be. It hardly does justice to us as a people. At any rate, such a situation remains a leadership problem. If the President and other leaders of our Nation choose to permit us to turn angrily upon ourselves, it may well happen. But, if they lead us out of the quagmire in Vietnam into a constructive and hopeful future, no such conclusion need be drawn.

None of these thoughts are comfortable.

And nothing is sure.

Choosing the alternative of withdrawal has its uncertainties.

But the ambiguity of present policy presents more.

I am suggesting that such a decision, articulated by enlightened leadership, opens up more possibilities for America than pitfalls.

It opens the possibility for a country united once again with this burden lifted from our minds.

It opens the possibility for greater attention to our domestic problems.

It may give us the chance to chart a new foreign policy, concerned with turning our technology and compassion to human needs and to the great problems of bringing peace and stability among all nations.

Emerson—and other distinguished Ameri-

can thinkers after him—have spoken about two distinct strains in the American spirit. One is the party of hope. The other is the party of despair.

I believe we have, in the recent past, been too often concerned with the inhibitions of the party of despair.

We have been generous. We have been great. Perhaps we have saved the world.

But we have also largely conducted ourselves in the world as if the most dire consequences were also the most real and immediate. And feeling this way, we have been very reluctant to test new directions.

Today, I think it is time for all Americans not to join the partisan interests of either Republicans or Democrats but to join the party of hope.

Let us end this war in Vietnam.

And let us use that decision as a departure point for shaping a more stable and hopeful society here at home and peace around the world.

Mr. SMITH of Iowa. Mr. Chairman, I have read this resolution many many times. It is a short resolution and apparently almost nobody disagrees with any one clause in the resolution. About all it says is that we hope peace can be secured in South Vietnam. Of course, everyone is for peace; but what concerns me the most is that almost everyone, including President Nixon, seems to read things into this resolution which it simply does not say.

For almost 2 years, our Government has been pursuing what might be called the Clark Clifford plan. Under that plan, it was determined that we will Vietnamize the war and withdraw our troops if the South Vietnamese can be trained to defend themselves and protect their citizens against mass slaughter for mere political and religious reasons. Under this plan, troops have been in training and a major effort has been made in that direction for about 2 years. Under the plan, it reached the place about 6 months ago where our withdrawals could start and be coincided with the South Vietnamese troops replacing our troops. In other words, this has been the plan for about 2 years and it has been gradually executed over that period of time. I do not see where there has been any change of policy whatsoever.

This resolution merely says that we endorse and support efforts to secure peace in Vietnam. The claims that this is some kind of a resolution to endorse a "new" plan or that it is some kind of an endorsement in blank for further action simply cannot be justified by reading the resolution. In fact I tend to agree with those who say the resolution itself does nothing other than to afford a vehicle for further debate in the House on our overall policies.

What this resolution does not do and what neither "doves" nor "hawks" are not talking about is a study and complete review of our treaty obligations with Japan. Following World War II, we negotiated a treaty with Japan under which we prohibited them from rearming and in return we agreed to furnish the balance of power in that area. We did this on the theory that there would be less risk of another all-out war if we furnished the balance of power instead of letting them become strong enough militarily to defend themselves against potential enemies. Due to their development and industrial capacity, Japan would be a real prize for China or Russia and an armed force sufficient to defend themselves would also have the capacity to wage war. Our policy under this treaty may have been partly the reason why we have not had a nuclear war in the past 25 years and an all-out mobilization with millions being killed; but no one can prove what would have happened. I do think it is time that we faced all of the facts involved in Southeast Asia and meet new decisions concerning our alliances both with Japan and other countries.

My vote on the resolution will not indicate that I think that the resolution is an endorsement of any particular type of action and I believe that is one point upon which the vast majority can agree.

Mr. THOMPSON of New Jersey. Mr. Chairman, let us assume at the outset that the universal desire among our people is to end the tragedy in Vietnam by achieving a just peace. How could it be otherwise? Who is there among us who seeks an unjust peace? To ask the question is to answer it. But while men may agree as to the goal of a just peace in Vietnam, reasonable men may differ as to how peace is to be achieved, or indeed, what the definition of just peace is.

Five years ago, this House, in near unanimity, passed another resolution to support executive policy in Vietnam. I venture to think few of us who voted for the Tonkin Gulf resolution conceived at that time that our action would be utilized to justify the sending of 500,000 American troops into combat. This House has received a good deal of criticism since that time for abdicating our responsibility to give adequate consideration to the contents or ramifications of the Tonkin resolution.

Now, we are presented with another resolution calling for support of executive policy in Vietnam—a resolution whose contents received but cursory review in the Foreign Affairs Committee and which was brought before us under a rule which bars all amendatory language, no matter how pertinent to the issue. As our able and distinguished Republican colleague from Illinois (Mr. FINDLEY), has said—the resolution does not even incorporate the most significant aspect of the President's policy—his decision to withdraw American combat troops from Vietnam.

But there is an even more serious flaw in this resolution—an ambiguity which has been alluded to in the debate on the rule. The flaw lies in the fact that the resolution was drafted prior to the President's speech of November 3. In that speech the President holds out the prospect of our indefinite presence in Vietnam at some undefined level of involvement. Moreover, he does not foreclose the possibility of some future escalation of that involvement. But there is nothing whatever in the body of this resolution alluding to a possible escalation of the American presence.

Mr. Chairman, the stated rationale for adoption of this resolution is to present a united front to North Vietnam—to convince the adversary that the President speaks for all the American people. If that is indeed the purpose of the resolution, why was it deemed necessary to stifle any measured consideration of its contents in committee? Why was it brought here under a gag rule in defiance of all democratic principles? Would it not have been the better part of wisdom to have the contents of this resolution receive the most thorough and reasoned consideration of which this House is capable?

Mr. Chairman, we would all like to see an expression emerge from this House which would at once sustain the President and express the deepest hopes of the American people in their desire for a just peace in Vietnam. Such an expression could have emerged had consideration been given to the amendatory language advanced by the gentleman from Illinois and if the resolution could have incorporated the terminology suggested by the distinguished gentlelady from Hawaii.

Mr. Chairman, I shall vote against the resolution, for the subject matter is infinitely too important and complex to be properly disposed of by 435 Members of the House in such circumstances and with so little consideration.

Mr. MANN. Mr. Chairman, the Veterans of Foreign Wars of the United States recently initiated and promoted a patriotic project known as "Operation Speak Out." This project was designed to promote national unity and to encourage the American people to show their support of their Government in its efforts to achieve a just peace in Vietnam. Many civic and patriotic groups and organizations across our Nation saw the merit in "Operation Speak Out" and have given it their support. The action of the House of Representatives today in overwhelmingly adopting the "Peace with Justice in Vietnam" resolution can in some measure be attributed to the great support of the American people awakened by the speech of President Nixon on November 3 and expressed by the Veterans of Foreign Wars and the many other patriotic organizations and individuals who felt that the time had come for patriots to be heard.

The message of the true patriot is a simple one. "My country, right or wrong." A patriot will not give aid and comfort to the enemy, by word or deed. A patriot will not jeopardize the lives of his countrymen, our troops on the battlefields of Vietnam, by seeking to undermine his country before world opinion. Patriotism does not mean that one's country is always without fault, but it does mean that one has enough love and respect for his homeland to try to correct its errors within the framework of its laws. Patriotism does not mean that one must refrain from debate or dissent, but it does mean that one viewing this Nation from beyond its boundaries should see only unity of purpose, the national purpose, arrived at by the processes of government as we, the people have designed them. One would hope that the world could see us, as a country, as the psalmist of the Scriptures envisioned when in Psalm 133, he wrote:

Behold, how good and how pleasant it is for brethren to dwell together in unity.

There are those today who believe in the brotherhood of all mankind. I am one of them. However, there are those who are under the mistaken belief that patriotic love of one's country is inconsistent with love of all mankind. How would these exercise their love of mankind? What better mechanism to serve mankind is there than the United States of America? If they are not prepared to love America first, one has reason to doubt that their professed love of mankind is sincere. Certainly it is not practical. Rudyard Kipling helped us with this dilemma when he wrote:

God gave all men all earth to love,
But since our hearts are small,
Ordained for each one spot should prove
Beloved over all.

Let us show our capacity to love by loving our neighbor first, by loving America first. If we are to make the world a better place in which to live, let us start at home. And let our effort be in peace, in tolerance, and in appreciation of the rights of our fellow man. Let no one of us think that he has a monopoly on the desire for peace. Let no one of us set ourselves up as judge, because to do so is to perhaps cause another American to die in Vietnam. Let us go forward in unity and harmony, toward a common goal, peace and justice in all the world. If you doubt that this is America's goal, then you reject the lessons of history and the sacrifices of American patriots whose lives have made it possible for you to have the freedom to reject or to dissent with impunity.

Today I want to reaffirm my belief in the American patriot, patriots like the members of the Veterans of Foreign Wars, who to a man, believe that the blows which their country called upon them to strike, were struck for all mankind.

Mr. O'HARA. Mr. Chairman, this resolution, House Resolution 613, on its face, would seem to do no more than to express the hope of the American people for a just peace, approve South Vietnamese self-determination through free and open elections and support the President's efforts to negotiate a just peace. Certainly I support the negotiation of a just peace in Vietnam and Vietnamese self-determination through free and open elections.

My vote in favor of this resolution is simply an expression of support for these objectives and for all reasonable and responsible efforts by the President to achieve such objectives.

It has also been suggested that adoption of the resolution will enhance the possibilities for a peaceful settlement in Vietnam. I hope that this is the case but I doubt it. In any event, the President has the responsibility for the conduct of our foreign affairs. If a peaceful settlement is to be negotiated, it is the President who must negotiate it. In such an effort, I repeat, he certainly has my support.

Unfortunately, Mr. Chairman, some apparently believe that the resolution has a broader significance. The President himself appears to be one of those who would give this resolution such significance. On his visit to the House last month, he embraced the resolution as "a resolution for a just peace in Vietnam along the lines of the proposal I made in a speech on November 3."

But, Mr. Chairman, the resolution was drafted and circulated before, not after, the President's November 3 speech. The drafter of the resolution, the gentleman from Texas (Mr. WRIGHT), and its floor manager, the gentleman from Ohio (Mr. HAYS), have now both denied that the resolution was intended to or that it does constitute an endorsement of the contents of the President's November 3 statement or that it gives advance approval to any action the President might decide will improve prospects for a just peace.

Their action in doing so has helped me to resolve my own doubts about this resolution.

Mr. Chairman, when I came to Congress in 1959 a Republican President occupied the White House. I supported his policies when I thought they were right and opposed them when I thought they were wrong. In doing so I ended up supporting his foreign policies more often than most Republican Members. But as much as I respected President Eisenhower I did not agree with everything he did nor did I ever give him a blank check for any policy he might adopt.

I shall try to follow the same policy with respect to President Nixon, reserving judgment on his policies until I know what they are, supporting him when I think he is right and opposing him when I think he is wrong.

Mr. STOKES. Mr. Chairman, I rise to oppose the resolution. I suppose I must say that I do so not because I oppose a just peace, or self-determination in Vietnam, or because I secretly hope for a Communist victory. One would think that this kind of unctuous explanation would be unnecessary in a body of this stature, but, unfortunately, some of my recent mail and a few of the statements of my more hawkish colleagues indicates the contrary.

No, Mr. Chairman, I do not even oppose the language of the resolution. While much of importance is omitted, on its face the measure is really quite innocuous. Nevertheless, despite all the backing and filling that has pervaded this Chamber today, there is absolutely no doubt in my mind that this resolution has been offered for one, and only one, purpose—to give a total endorsement to President Nixon's Vietnam policy as delineated in his November 3 speech. That, to my mind, is far from innocuous, and is the sole reason I shall vote "no" on House Resolution 613.

When I think of some of Mr. Nixon's recent handiwork: the appointment of Clement Haynsworth; the attempt to delay desegregation of southern schools; the abandonment of Equal Employment Opportunity Commission hearings; the decision to let the Voting Rights Act die; and the general unconcern for pressing domestic problems, I would have a difficult time supporting the President's war policies even if I thought they were sound—which I do not. I would be much more inclined to support a resolution that we turn our attention back to America.

Mr. DONOHUE. Mr. Chairman, yesterday I voted against the closed-rule procedure under which this resolution is now being considered. I voted against the closed rule with the hope and the purpose of permitting a thorough discussion and promoting a definite understanding of the precise meaning, extent, and application of the resolution. Let us remember that no committee hearings were held on this resolution and I think every Member here will recall that the Congress and the country has suffered, in the past, some sad experiences and unfortunate misunderstandings about the exact meaning and application of this type of resolution.

However, since the majority approved the closed-rule procedure, I intend to vote in favor of the resolution, on the patriotic and practical principle that we cannot afford, in our agonizing pursuit of the earliest possible peace in Vietnam, to give any further ammunition to the Communist propaganda machine to strengthen the determination of their people or provide any additional grounds for the Hanoi leaders to possibly misunderstand the general willingness of Congress to cooperate with our Commander in Chief to honorably end the Vietnam war at the earliest possible moment.

The resolution, as it stands, in simple language and substance, proposes only to support the President of the United States in his efforts to negotiate a just peace in Vietnam, proclaims the peaceful overtures this Government has already made, again advocates the principles of free elections by the people of South Vietnam and this country's willingness to abide by them, and further exhorts the Government of North Vietnam to do likewise.

I would like to emphasize what has, I hope, already been made very clear here; namely, that this resolution is not meant or intended and should not be construed to preendorse and preapprove every and any future specific action that the Commander in Chief may see fit to take in his plans and desire to bring the earliest possible ending to the Vietnam war. With that understanding, House Resolution 613 is a simple and summary reaffirmation of our common desire for speedy peace in Vietnam which I shall support, rather than take a chance of strengthening obvious Communist strategy to prolong the war in order to gain the most advantageous terms for peaceful agreement.

Mr. ROBISON. Mr. Chairman, two unrelated events—one occuring last evening and the other this morning—that touched my life and my thoughts concerning our terrible dilemma in Vietnam, give added meaning to the action we are about to take.

As we all know, last evening the lottery system was again brought into play as a method for helping us select, as a nation, those young men who might in the future be called upon for service in the Armed Forces and, possibly, even in Vietnam if our involvement in the conflict there is to continue.

My own 19-year-old son, Howard, Jr., was one of those millions of young Americans whose life and future—with

the outcome yet to be determined—was affected by the proceedings last evening at selective service headquarters.

Then, this morning, I was invited to attend a ceremony at the White House at which time Vice President AGNEW was to award, posthumously, a Medal of Honor—the Nation's highest military decoration—to Mr. and Mrs. Leslie C. Graves, of Groton, N.Y., in my congressional district, the parents of Marine Corps 2d Lt. Terrence C. Graves who was killed in action, in Vietnam, on February 16, 1968.

Unhappily, my attendance to other duties here this morning prevented my attendance at that ceremony, but the packet of information relating thereto—including a photograph of Lieutenant Graves—has since been delivered to my office.

Mr. Chairman, I have spent some long moments in the quiet of my office this afternoon looking at Lieutenant Graves' photo—and in reading and rereading the bare statistics of his short life as well as the terse words of the citation describing his heroism above and beyond the call of all duty in the action near Con Thien, in Vietnam, a year ago last February 16 when, as it is written, "He gallantly gave his life for his country."

It seems to me, Mr. Chairman and colleagues, that Lieutenant Graves epitomizes all the brave and gallant young Americans who have served—and died—in far-off Vietnam, even as my son epitomizes those other young Americans who may yet be called to such duty, all in pursuit of something we are discussing here which is called a just peace in Vietnam.

I have been listening, as time required by other duties has permitted, to much of the debate we have had on yesterday and today concerning the resolution before us. It has been an interesting and, I think, a useful debate. I would have preferred—as my vote on the previous question on the rule yesterday indicates—that it was not as narrowly focused as it now necessarily is by virtue of the closed rule that was adopted. But I believe those of us who felt that way—and sought by our votes to open this resolution up to constructive amendments—can now accept House Resolution 613, at face value, for what it actually says and what most of us understand it to mean.

The words of the resolution before us stand on their own two feet—if words can ever be considered as doing so. They are words expressing the American peoples' desire for peace in Vietnam in accordance with principles that none of us could think of in any terms other than just. They are words, too, reaffirming our long-held national commitment to the concept of self-determination for all peoples, everywhere; and they are words declaring our traditional conviction that all disputes between nations or between disputing citizens within a nation might better be settled by ballots rather than bullets. In short, they are words defining an idea for a just peace in Vietnam—or, for that matter, any other trouble spot in a sadly troubled world—to which we can all subscribe.

I shall vote for that idea—as expressed by this resolution of which I am a cosponsor—and I shall do so gladly and without reservations because I can find no real merit in the semantical questions or occasionally semipartisan charges that have here been raised about its true meaning or purpose.

But, after all, House Resolution 613 is but a collection of words—and almost any other combination thereof could have served the same purpose so there is nothing magic about these. And though our acceptance of House Resolution 613, by whatever margin of support it eventually garners, will, I think, be a helpful thing for the Nation and, perhaps, for the cause of a just peace in Vietnam, its enactment, alone, will not produce that peace we all so ardently desire. Its enactment, alone, will not forestall the future selection of still more young Americans to be sent to Vietnam nor end, for at least a time, such tragic but, somehow, uplifting award ceremonies as took place at the White House this morning.

Only our actions from now on with respect to our dilemma in Vietnam can do that—actions that, largely, will have to be of the President's determination and for the direction of which he will need all the courage and wisdom any man, even with God's help, can summon forth.

In that effort—an effort in which all of us, as citizens, will at least indirectly participate—President Nixon shall have my continuing support and prayers.

For I believe him to be now on the right track toward a just peace in Vietnam.

His actions in that respect speak louder, it seems to me, than the words he has addressed to us on this subject—knowing, as he must, that every time he speaks to us he is also speaking to Hanoi and to those other nations who have, unfortunately, assisted Hanoi in her support of the efforts of the Vietcong.

The most significant action President Nixon has yet taken with respect to redirecting our Vietnam policy is, as the gentleman from Illinois (Mr. FINDLEY) pointed out on yesterday, to begin the withdrawal of at least our ground troops from the conflict. As we now know, our total forces in Vietnam are now down to their lowest point in some 2 years, and I strongly hope that there will soon be further announcements from the White House regarding still further force reductions.

Such troop withdrawals—made in concert with our success in Vietnamizing such actual ground combat as may still go on—lies at the heart, as Mr. FINDLEY has noted, of what I understand to be the plan by which the President, in his own words, hopes to "bring the war to an end regardless of what happens on the negotiating front."

I believe the American people—or a substantial majority of them—appreciate and support Mr. Nixon's action in this respect, for a winding down of the war insofar as we are concerned, and that they also understand, given the nature of the problem, that deescalation in this fashion can only properly be directed by the President and that, given the hazards it may call into play for both our remaining forces in Vietnam and the South Vietnamese people themselves, this process cannot be hurried too much, will take some time to work out even from the logistical standpoint, and that a stated deadline for the completion of such withdrawals—whether self-imposed by the President and so publicly announced or whether imposed upon him by action of the Congress—would not be helpful and might, indeed, even be counterproductive insofar as any hope of useful negotiations may remain.

Believing, as I have said, that there is a substantial majority of popular support for such a policy, along with an understanding of its complications, I had also hoped—if the previous question on the rule had been voted down on yesterday—that then Mr. FINDLEY could have been recognized, as had been his purpose, to offer an amendment to the resolution before us inserting therein the thrust of his own separate resolution—House Resolution 564—of which I am a cosponsor, endorsing this withdrawal policy and urging its continuation by the President. The additional words that would have thus been added to House Resolution 613 were these:

"and supports the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date",

Reference being had, of course, to House of Representatives support of that policy and emphasis being given, to reflect popular opinion, on that phrase "at the earliest practicable date."

For it would be my opinion, Mr. Chairman, that the average American believes we have, by now, more than fulfilled whatever commitment we may once have had to the people of South Vietnam in pursuit of helping them preserve their freedoms, and that it is past time for them, in their developing strength, albeit with some continuing assistance from us for some months yet to come, to take over "their war" once again and to go on to win it, if they possibly can, for we have long since learned the hard way that we cannot win it for them.

I would like it to be noted, for the record, then, Mr. Chairman, that my support of House Resolution 613, specifically includes—though this, unfortunately, cannot now formally be made a part of that resolution's wording—my support of our withdrawal policy, and of the "Vietnamization" of whatever remains of the conflict, and should be taken to indicate my urging of the President to complete the withdrawal of at least all our ground forces from Vietnam at the earliest practicable date.

In so saying, I am not purposely ignoring the opinions of a solid and vocal minority viewpoint within my own congressional district—at least, I believe it to be a minority viewpoint—that worries about the timing of such a withdrawal process, wants it speeded up even further by the President, or at the direction of the Congress, if necessary, and even beyond that point worries about the ultimate meaning of our attempt to "Vietnamize" the war with its possible connotations of an intent on our part to go on prolonging

the conflict, with its death and destruction, through our support of the present Saigon regime, though the burden of that death and destruction would shortly be carried less and less by us and more and more by the people of South Vietnam.

Those who subscribe to this minority viewpoint ask, in truth, some legitimate policy questions—questions to which we have not, in our consideration of House Resolution 613, really addressed ourselves.

To them, permit me merely to say, let the debate go on—as it will in any event—but let it go on through constructive channels, not in the streets where foreign policy cannot be made, but here in such places as this Chamber, and through the more familiar and traditional manner of working of our governmental institutions.

The adoption of this resolution does not not preclude such an event—it may, in fact, encourage such a process and, if so, that is another reason why I am glad to vote for its enactment.

Mr. Chairman, we face together—as a Congress and as a Nation—one of the most difficult problems ever encountered in the history of this Republic. That problem is composed of mistaken public attitudes—and presidential decisions in past years that have proven to be unwise but that more alert and more responsible Congresses in those years might have prevented; it is composed, too, of our awareness of our responsibility to those young men who, by lot, may have been chosen last night for future service in the Armed Forces in such places as Vietnam, and of the selfless sacrifice the parents of such as 2d Lt. Terrence C. Graves have made in behalf of this Nation's often uncertain purposes, a sacrifice that, somehow, must not altogether have been made in vain.

It is a heavy burden we bear—but a burden we must bear, along with President Nixon, with all the courage and wisdom we can summon forth.

Mr. HOGAN. Mr. Chairman, while we are today considering the House resolution for a just peace in Vietnam, I would like to offer as substantiating evidence of the people's support for the President's policy the results of a survey which I recently conducted among my constituents.

This survey, which was sent to all my constituents—over 688,000—indicates that the great majority support President Nixon's Vietnam policy. The preliminary results have been tabulated as follows:

I support President Nixon's Vietnam plans: 60%.

I favor immediate unilateral withdrawal of all troops: 23%.

I favor an all-out effort to win the war in Vietnam: 17%.

Mr. Chairman, judging from the opinions of my constituents, I believe that congressional approval of this resolution will indicate that the views of the people are truly represented in the Halls of Government.

These views from the citizens of Maryland's Fifth Congressional District correlate highly with the recent Gallup poll conducted on the final day of the November Vietnam moratorium which indicated that only one adult in five backs the war protesters who favor immediate and total withdrawal of troops from Vietnam.

I firmly believe that most Americans now realize, as a result of the President's November 3 speech, that this country is committed to a just and honorable solution to the Vietnam conflict. Most Americans want our boys to come home but they are aware of the time element required for a true and effective Vietnamization of the war. It is clear that gradual withdrawal is the only feasible or possible alternative for U.S. policy.

Mr. Chairman, I urge my colleagues to listen to the voices of American citizens around the country who are articulating the views of the silent majority in letters, opinion polls, demonstrations, and many other forms—to listen and to heed their call by exhibiting a resounding measure of support for our President through approval of this resolution.

Mr. OLSEN. Mr. Chairman, although I have today voted in support of the President's efforts to find a just end to the war in Vietnam, I have done so with strong reservations. I regret that the House resolution made not mention of scheduled troop withdrawals, the continuation of which I most adamantly endorse. I will continue to seek aggressively further commitment from the administration in this regard.

I further consider it not only the right of the Congress to advise the President in his efforts toward peace, but I submit that we have an obligation to do so. I intend to fulfill this obligation.

In the drafting of this resolution, I would have much preferred the version cosponsored in the Senate by my Montana colleagues, MIKE MANSFIELD and LEE METCALF. However, I would go beyond this resolution also, in expressing the unqualified intention of the Congress to end this disastrous war and bring peace to Southeast Asia.

I can support this resolution in that it is designed as an effort toward peace. But this must not be construed as congressional approval of a blank check for future actions by the administration.

Mr. COHELAN. Mr. Chairman, I have listened to the debate and quite frankly I was first disposed to vote for the resolution. However, the more I listened to the variety of interpretations that are possible and the doubtful value and effect of the resolution itself has convinced me to cast my vote against the resolution.

With all the sound and the fury of the discussion in these hours of debate, the ambiguity of the resolution stands out. It badly needs clarification and amendment. This is the reason I voted against the previous question and against the closed rule. The haste with which the bill was brought to the floor without hearings suggests that it badly needs perfecting amendments.

Let me say in spite of my vote against this vague and imperfect resolution I want it to be known that I support the President of the United States in liquidating this war with all deliberate speed. It was because of this position that I recently cosponsored a resolution that offered more direction to the President. This resolution stated:

Resolved, That it is the sense of Congress that U.S. forces in South Vietnam should be systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to (a) provide for the safety of United States forces, (b) secure the release of American prisoners of war, (c) assist any Vietnamese desiring asylum, and (d) enable the United States to make an orderly disposition of its facilities in South Vietnam.

Unfortunately, this resolution did not receive the "legislative speed-up" of House Resolution 613. We are now faced with a vote on a resolution that is susceptible to many interpretations.

Even though this House Resolution 613 is vague, I do not feel that it provides blanket authority for the President in South Vietnam. Indeed the two original sponsors from our side of the aisle, Mr. HAYS and Mr. WRIGHT, said that this resolution was to be a "peace" not a war resolution. All Members of this House desire peace, but as has been pointed out so many times, there is considerable division as to the means to achieve peace. I am convinced that whatever the vote on this resolution, each Member of this Chamber will continue to speak out constructively on Vietnam. I certainly intend to do so.

There is a related point I wish to make. This resolution can be interpreted as an unqualified endorsement of the President's November 3 speech. This can be seen from the words of the President himself in his unprecedented appearance before this Chamber in which he said:

Over 300 Members of the House had joined in sponsoring a resolution for a just peace in Vietnam along the lines of the proposal that I made in a speech on November 3.

In addition, the media has interpreted this resolution as an unqualified endorsement of the President's policy. I do not agree with this interpretation, nor do I think it a fair and legitimate evaluation. For myself, I choose to reserve judgment on the President's handling of the war, yet I must admit that I was disappointed in the rhetorical November 3 statement that seems more bellicose than the President's prior statements on Vietnam.

I yield to no man in supporting the President in foreign affairs, but given the divisive nature of this war, the President must be judged by his actions.

In place of a clear statement of intention, we have the November 3 speech and several informal reports that are confusing and somewhat contradictory to say the least. There are reports that the Department of Defense will continue withdrawal of U.S. troops unannounced, yet Secretary of Defense Laird is reported to have said that our support troop commitment will be on the order of 150,000 to 200,000 for the foreseeable future. Thus, I feel that it is imperative for the President—perhaps at his December 8 news conference—to specify his plans and timetable for Vietnam.

There are other steps the President could take.

He must rapidly appoint a leading well-known negotiator to the Paris talks to keep these negotiations viable. Most importantly we must actively use our in-

fluence to make the Government of South Vietnam more representative to the people. It seems foolhardy to speak of "Vietnamization" of the war when the Government of South Vietnam is held in such low esteem by its own citizens. I have commented on numerous occasions on the vital aspect of a solution to the Vietnam war. The President's speech of November 3 and this resolution do nothing to take this vital factor into account. Finally, the President must continue to reduce the level of fighting in South Vietnam.

In conclusion, Mr. Chairman, given my grave doubts about the current direction of this war, the desire of the present Government of South Vietnam to broaden its base or facilitate free elections, and the uncertain pace of the liquidation of the U.S. commitment, I will not support this resolution. I will continue to support the President as he takes constructive steps toward the liquidation of this Vietnam quagmire.

Mr. DADDARIO. Mr. Chairman, yesterday the House of Representatives passed the rule on House Resolution 613, entitled "Toward Peace With Justice in Vietnam," thus limiting debate and closing the resolution to amendment. I voted against that action.

Today, I plan again to vote against this resolution, which I view as a hastily conceived, open-ended, and ill-defined commitment.

This resolution does not give the President any power he does not already have. It does not add to his flexibility, but rather places the House of Representatives in a most inflexible position and one which detracts from its ability to operate as a separate unit from the executive branch—which is, perhaps, its greatest strength. By our action here today, we abrogate this power, and on a subject which causes such a great distress to the people of our country and, indeed, to people everywhere.

House Resolution 613 is the first Vietnam resolution to be brought to the floor of the House in 5 years. It was drafted prior to the President's November 3, 1969 policy statement and was not intended, therefore, to specifically support that policy.

Despite this fact, the President thanked the cosponsors of this resolution on November 13 for their complete endorsement of his policy as stated on November 3. On that same day, the resolution was reported out by the House Foreign Affairs Committee after oniy 1 hour and 20 minutes of closed-door consideration and without any hearings. It was brought up on the floor yesterday under a closed rule, which limited debate and prevented amendment. This series of hasty steps has not only added to the confusion and uncertainty surrounding the resolution, but has been a mockery of the legislative responsibilities of this body.

The very simplicity of this resolution belies the great complexities of the issues involved. We in the Congress must recognize that we cannot attack extremely complex problems such as this with oversimplified solutions and insufficient means. We have sought to resolve a history of conflict in Vietnam through an hour-and-a-half closed-door hearing and less than 4 hours of debate. We in the Congress owe more than this to the American people.

I am especially concerned, furthermore, that some of the constructive suggestions of many of my colleagues concerning this resolution have been precluded under this rule. For example, the language introduced by Representative PAUL FINDLEY in House Resolution 564 stated:

Resolved, That it is the sense of the House of Representatives that the substantial reductions in the United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

The President has clearly expressed his support for this language in a letter to Representative FINDLEY. However, this language, which is only one example of many constructive suggestions, has not been afforded the opportunity of being introduced on the floor. There has been no chance to add or change so much as one single word of this resolution.

I do not support House Resolution 613 for these reasons, and for one other very critical reason. And that is this. We in the Congress should have learned, I believe, the inherent dangers of such open-ended resolutions as House Resolution 613. The Gulf of Tonkin resolution has been mentioned several times already this afternoon as an example. And I think that the simple facts are clear: resolutions of this kind are often easy to pass, but are very, very difficult to repeal. As experience has shown, the language in resolutions such as this, while susceptible to the problem or issue at hand, can often be made to fit any set of circumstances in the future, no matter how much conditions may have changed. Moreover, this resolution allows the President to pursue such divergent alternatives as escalating the war or making a precipitous withdrawal of our forces—neither of which extreme alternatives countenance.

There is no doubt that this resolution will be viewed by many as a vaguely worded expression of general support for the President in his efforts to extricate this country from our involvement in Vietnam. There is no doubt that most of its supporters intend it to be exactly that. But it is also true that many of us here recall all too clearly another such general expression of support, which was employed in circumstances and for purposes well beyond the remotest intentions of those who voted for it only five years ago. And yet, this body devoted more effort to the consideration of the Gulf of Tonkin resolution than we have to this, its successor.

I have said that I support the President's efforts to withdraw our troops and I will support his greater efforts in this direction. I now reaffirm that support. But I should not endorse a blanket statement which reads as an open-ended commitment to continue our effort in South Vietnam until such time as forces beyond the control of this body decree otherwise.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in support of House Resolution 613 which is designed to bring about peace with justice in Vietnam. Since the President of the United States, the Honorable Richard Nixon went to the people of this country with his Vietnam policy, I have received untold numbers of letters indicating my constituency's support of the President and asking me to lend my support wherever and whenever possible to his program.

It takes two to negotiate, and it is quite evident that Hanoi feels they can wait us out, particularly when they view the demonstrations throughout our country which lend credence to the statement that we are divided on the subject of Vietnam. Who, but the Congress, and particularly the House of Representatives who are closely associated with the people, can come most nearly to correcting this false impression. Only when the Communists are convinced that this country is united in their efforts and goals in Vietnam, can we sit across the negotiating table from them with strength in our convictions and attain some goals toward peace. The adoption of this resolution will give the President the symbol of unanimity he needs to move swiftly ahead on his program for peace.

Mr. YATES. Mr. Chairman, I agree with proponents of this resolution who have said this is not a partisan matter. It is above partisanship and I would take the same position I take today were there a Democratic President in the White House. I conceive the issue presented by this resolution to be: Should this House give blanket approval to the President's policies in Vietnam without being fully aware of what those policies are and where they may lead?

Taken in the abstract, who can find fault with the language in this resolution? We are all for peace. We are all for a just peace. We are all for negotiations looking to the establishment of a just peace. All of us want this horrible war to be over and our troops returned to their homes.

But, Mr. Chairman, the words in this resolution cannot be considered in the abstract. President Nixon gave new meaning to the words of the resolution when he appeared in the House on November 13 and referred to this resolution as "a resolution for a just peace in Vietnam along the lines of the proposal that I made in a speech on November 3." He also in that statement described supporters of the resolution as "well over a majority supporting the policy of the President of the United States." The President's statements make this resolution a policy statement, for no matter how vehemently those who support this resolution may deny any connection, one exists. It cannot be gainsaid that he added a very important element. His speech of November 3 has become an inseparable part of this bill. It is most important, therefore, that we must know the full implications of his policy statements in that speech before we approve this resolution. No effort was made by the Committee on Foreign Affairs to determine these.

Why did the Committee on Foreign Affairs not hold hearings on this resolution? Why should Members of the House

be prevented from presenting their ideas and amendments?

I would have thought that the aftertaste of the Bay of Tonkin resolution was still in Members' mouths, strong enough to require a strict and careful analysis of any resolution approving Presidential action in Vietnam both retrospectively and prospectively as this does. It is clear from this debate that this resolution has as many meanings as there are Members of this House. There is difference and contradiction of its meaning even among its sponsors.

One is reminded of the allegory of the three blind men who felt different parts of an elephant and came to differing views on what the elephant represented. Proponents say this resolution is no affirmation of any policy. They reject the President's interpretation and say "that does not control. It is what we in this House mean it to say." But this resolution specifically is an affirmation of the President's efforts, of what he has done. His views, therefore, of what he conceives the effect of this resolution to be will control his actions. No matter what is said in this House to the contrary, this resolution will be heralded far and wide as support for the President's November 3 statement by this House.

What are the implications of the President's Vietnamization policy which is said by his administration to be the path to peace? Does that policy mean that we will stay in Vietnam in force if negotiations in Paris fail?

Does it mean that this Government will support the Thieu-Ky regime until the next Vietnamese election? Do the proponents of this resolution approve the indefinite open endedness of the Vietnamization process even if it takes many years? That possibility is certainly in prospect, for the administration in its statement of agreement with Japan on Okinawa asked for the use in 1972 of that island for our planes in the event the war in Vietnam is still going on.

These are only some of the questions that come readily to mind. What are the answers to these questions? The answer given by the committee on the floor is "read the words of the resolution," as though it had the answers which obviously it does not.

Mr. Chairman, this might have been a most constructive debate, one that might have resulted in fashioning a resolution in which all of us could take pride. But this debate was doomed from the beginning because of lack of time for members to speak their thoughts and because of the closed rule procedure which forbade amendments.

The Vietnam issue is much too complex to be treated in this arbitrary manner which does little justice to the resolution or to the great traditions of this House. Justice Oliver Wendell Holmes in the case of *Towne* v. *Eisner*, 245 U.S. 418 said:

> A word is not a crystal, transparent and unchanged. It is the skin of a living thought and may vary greatly in color and content according to the circumstances in the time in which it is used.

I am convinced that the words of this resolution may be given implications and meanings unknown even to the sponsors—that it may be used, even as was the Bay of Tonkin resolution, to launch Presidential initiatives not intended by those approving it. I want to know what I am voting for before I give my approval to an important policy measure of this kind. There has not been adequate deliberation given to this resolution. Accordingly, I will vote against it.

Mr. MONAGAN. Mr. Chairman, I am voting in support of House Resolution 613. Some time ago, I cosponsored a resolution which was similar to the one which is presently under consideration.

With the language of this resolution before us it seems to me impossible to do other than support it. Certainly few would willingly express opposition to the objectives stated therein.

We do support the President in his efforts to negotiate a just peace in Vietnam and we affirm the hope of the people of the United States for such a peace. Therefore it would seem to me that support should be automatically forthcoming.

Now I can understand that many people do not like the war in Vietnam. I am not happy about it myself. Many wish to differ with the President about his conduct of the peace negotiations and his management of our withdrawal. I certainly reserve to myself the right to criticize these activities whenever I deem it advisable, but I do not consider that this resolution limits me in any way in such criticism.

Having now experienced several of these "sense of Congress" resolutions in moments of international crises, I am free to say that I have very grave reservations about their value. Circumstances change and factual situations change and the fact remains that there are better ways of supporting a Presidential search for peace than by means of congressional resolutions.

It has been said that no resolution is needed to express the hope of the Congress and the public for peace in Vietnam and the belief that President Nixon does seek peace there.

I feel that this is true, but having the resolution before us one would not wish for international reasons to do other than give it clear and substantial support.

It is with this reasoning therefore, that I support the resolution, taking it as a general expression of support, but reserving all options to differ at any time in the future with any specific policy of the President or the administration with which I disagree.

Mr. GAYDOS. Mr. Chairman, I rise in support of the "peace in Vietnam" resolution. I am for peace. I am for any plan which will result in a "just peace." I do not see how any Member of this House or the other body can object to a call for peace in Vietnam or anywhere in the world.

But, I am uneasy about the resolution now before us. I am uneasy about what the end results of this particular resolution could be. I have the feeling we may be buying a pie that is all crust and no filling.

The resolution calls for formal endorsement of President Nixon's plan to achieve a "just peace"; but, it does not spell out how that goal is to be achieved. We have no details of the President's plan to obtain his objective. We have no definition of the President's interpretation of a "just peace." Presidents Kennedy and Johnson had their particular ideas of a "just peace." Does Mr. Nixon's plan follow along the same line?

The resolution before us says little except we are for the President's plan whatever it is. This resolution was considered for less than 2 hours by the Foreign Affairs Committee. There were no hearings held on it and the measure is reported out under closed rule. This prevents the House from working its will on the resolution; from offering amendments or changing the language. I feel we should have had the opportunity to refine the resolution; to offer suggestions and debate their merits.

While I support the resolution, I am concerned that if it passes we will be giving President Nixon, in effect, a blank check to purchase his "just peace." We have endorsed the check, but the amount we will have to pay has not been specified. We will have given President Nixon carte blanche for whatever his plans are to achieve his "just peace." I sincerely pray our action will not come back to haunt us. I am supporting the resolution in the fervent hope it brings us the peace we all desire.

Mr. DANIELS of New Jersey. Mr. Chairman, in view of the intense and lengthy debate on House Resolution 613 on the floor of the House I think it only proper and responsible that I record my reasons for giving the resolution my support.

The opponents contended that the resolution gives blanket support to the President's future conduct of the war regardless of what changes in conditions or policy might occur in the future. I do not agree.

If such were the plain meaning interpretation of the resolution I could not and would not in good conscience support it. A resolution so worded as to conform to the interpretation given House Resolution 613 by its opponents would fly in the face of the constitutional responsibility of this House.

House Resolution 613, however, does not give such blanket support. Chairman WAYNE HAYS, who managed the bill, gave such assurances upon which I relied and with which I concur when he stated:

> There is no authority in [the resolution] to escalate the war. There is no blank check about troops. We are simply affirming that this House of Representatives [is] saying here that we are for peace with justice in Vietnam; we are for free elections, and we are for getting the war over. [We] are not saying anything else but that. . . . The language of the resolution is simple and direct. There are no hidden meanings. It gives no authority to the President and takes none away. Its entire thrust is in the direction of peace.

With those assurances, given and taken in good faith, I believe that I have represented the earnest desire of my constituency and myself for a "just peace."

Mr. BLATNIK. Mr. Chairman, for the first time in 5 years, this House has an opportunity to take a thoroughgoing look at Vietnam policy, and yet this reso-

lution has been rushed through the committee in an 80-minute executive session, with no opportunity for testimony from the public—either for or against—nor was there any opportunity until this moment for Members of Congress to express their views. That procedure was deplorable in itself, but to make matters worse, the resolution is now presented on the House floor under a closed rule, precluding any opportunity for amendment.

How can we have a meaningful debate on so crucial an issue when each Member of this House is effectively limited to a mere 30 seconds in which to express his views.

Moreover, the 80 minutes of committee consideration in executive session did not even establish a public record which would serve as an official document and basis for debate on the House floor. Limitations such as these on the most critical issue in this country's foreign relations are unconscionable.

Several aspects of this resolution are deeply disturbing: It is so ambiguous that it dangerously approaches writing a blank check for the administration to act unilaterally on foreign policy matters.

Moreover, the fact that the administration so eagerly embraced the resolution shortly after the President's November 3 statement makes it look all the more that we are writing a blanket endorsement of his conduct of the war.

Moreover, this resolution proposes to support a plan of managing the Vietnam war which the President has yet to spell out. He told the Nation during his campaign last year that he had a plan to end the war. We have waited patiently for almost a year, and still have no idea of what that plan is. Nor does this resolution give us any better idea of what it may be.

Yet today we are asked blindly to endorse that plan, under a closed rule, with no consideration of such alternatives as a specific, precise schedule of troop withdrawal; internationally supervised free elections; establishment of a coalition government, and so forth.

I feel very strongly that we must have as broad and open and complete a discussion as possible on an issue so vital as this before the measure is brought up for consideration on the House floor.

I strongly feel that the resolution should be sent back to committee for broad-scale policy hearings, and, accordingly, I voted for recommittal. Since that effort did not succeed, I voted against the resolution.

This House has been known to spend years considering even the most minor legislative innovation, yet this afternoon we witness the spectacle of one of the most important issues of this decade, and certainly one which has dominated recent history, being rushed through in a matter of hours and with no public hearings.

We abuse the historic processes of this body with such a procedure; we abuse the trust reposed in us by our constituents; and I cannot in good conscience give such a procedure my support.

I do wholeheartedly support any initiative, any imaginative effort, which will end this tragic war. I hope and pray that the President will use all the resources at his command and call upon all that is best in the American people to respond to the challenge of peace.

I call also upon those on the international scene who are vitally concerned with the cessation of this war to help our President, and I urge him to accept that help, in every way possible, to come to a just decision for a lasting peace both for the United States and for Vietnam.

Mr. HAYS. Mr. Chairman, it was an honor for me to join our distinguished colleague from Texas, JIM WRIGHT, in cosponsoring, together with more than three-fourths of the membership of this House, this resolution toward peace with justice in Vietnam.

In the past, I have never cherished illusions on the potential efficacy of some of the sense resolutions that have been brought before this House for approval. Such resolutions do not have either the force or effect of law, and they are simply formal expressions of the opinion of the majority of our membership. The present resolution and circumstances are uniquely different. A very great deal indeed depends on whether we vote for or against the resolution which is before us today.

Hanoi has remained intransigent and there has been no progress at the Paris peace talks because the North Vietnamese and the Vietcong believe we are a "nation deeply divided, almost wholly unwilling to continue the effort—and virtually on the point of internal political collapse." They have come to believe their own propaganda that they have only to hold out, and growing U.S. disunity and opposition to the war will force U.S. abandonment.

Why do they believe this? They believe it is because it is inconceivable to them that a strong and purposeful democracy can pursue its course while permitting the strongest expressions of dissent from people in all walks of life.

From what we know of the repressions of communism, it is not too difficult to understand their misconception of the U.S. position. Every time an elected official in the United States speaks out against our involvement in Vietnam, he is avidly read and quoted in North Vietnam and other parts of the Communist world. Instead of realizing he is simply exercising his inherent right of dissent, the other side takes it as proof we are falling apart at the seams.

I recently obtained a list of quotations used by the Communists which they took from public statements made by U.S. elected officials. Let me read several of them which were broadcast over Hanoi radio and also tauntingly flung at our Paris negotiators as evidence that our President lacked public support for his peace efforts. Here they are:

We cannot use the blood of American youth to save a corrupt regime like the regime to which the United States is tied in Saigon.

To continue the war in Vietnam can bring only tragedy to the country.

The American people must not continue indefinitely to sacrifice its youth or link its national interest to the fate of the military regime in Saigon.

The most correct and reasonable course of action is withdrawal and not to go on with that error.

It is stupid and irresponsible to continue to send our young men to their death.

The only way to put an end to the war is to withdraw our troops.

The executive branch in our country has been and continues to be dishonest vis-a-vis the American people.

There are many more. I have cited only these as representative examples. They are from the speeches of less than a score of elected individuals, but is it any wonder that the wishful thinkers of Hanoi have let themselves be hoodwinked by such statements emanating from such impressively high sources? I do not question the sincerity or the patriotism of those Americans who have been so quoted. They want to see the end of the war, but they do not want to see the end of the war any quicker than I or the rest of us do. They want peace, but they do not want peace any more earnestly than I or the rest of us do. I would not make such statements myself, first because I do not believe they are correct, and second because I would not want to say anything which could mistakenly encourage the other side to prolong the war and refuse to negotiate meaningfully.

Mr. SISK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 298]

Anderson, Tenn.	Gettys	O'Neal, Ga.
Ashley	Giaimo	Patman
Bow	Griffin	Pepper
Brown, Calif.	Gude	Pollock
Button	Halpern	Powell
Cabell	Hanna	Railsback
Cahill	Hansen, Wash.	Reifel
Clark	Hébert	Rivers
Dawson	Holifield	Rosenthal
Dent	Hosmer	Sandman
Dickinson	Johnson, Pa.	Saylor
Edwards, La.	Kirwan	Stuckey
Eilberg	Kuykendall	Taft
Fulton, Tenn.	Lipscomb	Teague, Tex.
Galifianakis	Mathias	Utt
Gallagher	Meskill	Wilson, Charles H.
	Mills	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resoultion 613, and finding itself without a quorum, he had directed the roll to be called, when 384 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order that a quorum was not present was made, the gentleman from Ohio (Mr. HAYS) had 10 minutes remaining. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, when the Committee rose I had just finished reading a series of quotations from Members of the House and Senate which have

been read back to our negotiators in Paris by the North Vietnamese, leading them to believe that all they have to do is sit it out and they can get their own way.

I will read the last one again for the benefit of those who were not there. One of the quotes is:

The executive branch in our country has been and continues to be dishonest vis-a-vis the American people.

There are many more. I have cited only these as representative examples. They are from the speeches of less than a score of elected individuals, but is it any wonder that the wishful thinkers of Hanoi have let themselves be hoodwinked by such statements emanating from impressively high sources?

Mr. Chairman, we will be voting on this resolution in a very few minutes under the rule. I understand there will be a motion to recommit offered, I hear now by the gentleman from Pennsylvania (Mr. FULTON) which will insert a sentence urging the President to continue to press Hanoi to accept the Geneva protocol on the treatment of prisoners of war.

I will say that the gentleman was the only Member on his side to vote against the resolution in the committee. If getting this in under his name will bring him over on the resolution, I guess the price is worth it. I have no objection. I believe it might do some good.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas.

Mr. WRIGHT. I, too, understand the motion to recommit to be of the same nature. If that is the case, I would have no objection to the addition of such a clause, and feel that most Members probably support such a clause.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Indiana.

Mr. ADAIR. I believe it is fair to say that the attitude on this side of the aisle is the same as that previously expressed. We have no objection to the motion.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield, very briefly.

Mr. FULTON of Pennsylvania. My feeling is that we should not be pulling out our forces and abandoning our prisoners of war.

Mr. HAYS. I do not yield for a speech. I want the gentleman to talk about the motion to recommit.

Mr. FULTON of Pennsylvania. That is why I put the language in the motion to recommit.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. BURTON of California. I should like to pose a question to the chief sponsor of the resolution, the gentleman from Texas.

Did I correctly hear the gentleman that this amendment was acceptable to the gentleman?

Mr. WRIGHT. I have seen a copy of the amendment. If the original motion is as it was represented to me, yes. I want North Vietnam to abide by the protocol on the treatment of prisoners of war; yes, I do.

Mr. BURTON of California. I expect that some Members on this side of the aisle would have appreciated such alacrity in compliance with some of the suggestions they had for clarification of this resolution.

Mr. HAYS. I will say to the gentleman, under the rule we had no way of getting at it. I told the Rules Committee I had no objection to a rule making it in order.

Mr. BURTON of California. My remarks were not addressed to the gentleman.

Mr. HAYS. I will say personally, as one individual, I will accept what the rules put before the House.

I should like to continue my statement if I may. If I have time at the end, I will yield further.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield for one quick question?

Mr. HAYS. All right; I yield.

Mr. EDWARDS of California. I would hope that the gentleman and all the gentlemen in support of this resolution will commit to all of us that we will have an opportunity to have a record vote on the motion to recommit.

Mr. HAYS. Under the rules of the House, if enough Members stand up there is no way I can prevent it.

Mr. EDWARDS of California. In other words, the gentleman is going to stand up, too?

Mr. HAYS. No, I am not. I do not see any reason to. If the gentleman can get enough Members to stand up, that is up to him. Probably he can. I have no objection if he does. I am not averse to voting.

Mr. Chairman, there have been charges made here that this resolution is a resolution of disunity. Nothing could be further from the truth. I have said repeatedly in the debate, without many Members on the floor, that there is no hidden meaning. It is a resolution for negotiated peace, and it says it is the sense of the House that we ought to have free elections in South Vietnam. That is all there is to it—nothing more and nothing less. And I do not mind saying that I was slightly amazed when I heard the gentleman from New York (Mr. LOWENSTEIN) say that this is a resolution of disunity. And it shook me a little bit, because he ought to be an authority on that subject; he has made a career out of it. He is the outstanding example of how to get into Congress by dissent. And I am not criticizing him. But this resolution is not a resolution of disunity. It is a resolution of unity. This is a resolution to show the world the people of this country want a just, negotiated peace.

Some people, very cutely, I think, try to trap some of us by saying, "Well, if you have free elections in South Vietnam and you get a Communist government, where does that leave you?" If the people of South Vietnam under free elections supervised by neutrals vote for communism, then I say they ought to have it and it is good enough for them, if that is what they want.

However, I will say this to you: There has never been a nation in the history of the world that has freely voted communism upon themselves. Not one—not one. I heard a lot of criticism about the Saigon government. I do not stand here vouching that the Saigon government is perfect, near perfect, or half perfect, but the Saigon government is no worse than and probably a lot better than the Hanoi government. I think that the Saigon government will agree to free elections, when all we are trying to get Hanoi to do is to do likewise.

Mr. Chairman, I would just like to close by talking to my friends on the Democratic side of the aisle. Some of you were here and some were not in the Eisenhower administration. I remember two people that many of you have forgotten who both happened to be from Texas who called us into caucus on more than one occasion and said, "You cannot win elections by being against the President just because he is a Republican; by saying we will support him when he is right and we will disagree with him when he is wrong." Mr. Eisenhower, the greatest popular figure up to that time in the history of this country in election processes brought in a Republican Congress which he kept for 2 years. The other 6 years we were in the majority because we were a responsible majority. Those two distinguished gentlemen were Sam Rayburn and the previous President Lyndon Johnson, who was the last Democratic President of this country. That was their philosophy. I have heard Members say to me in the cloakroom and other places, "I will not vote for this resolution because it helps Nixon." Let me say to you today that if this resolution helps Mr. Nixon, that is all right with me, too. I simply want to say to the country as one person, and I think the majority of this House and I hope the majority of my party will, that we are responsible, we are for peace, we are for peace with justice, we are for free elections, we are for getting this war over.

And, you know something? The American people are not as stupid as some of the New Left would have you believe. They can figure out why you might vote for this resolution and they can figure out why you might vote against it, and any man and any woman in this House has the right to vote, of course, as they please. I will not go into their districts and criticize them for it. I am just saying again for the last time that there is no hidden meaning in this resolution. There is no authority in it to escalate the war. There is no blank check about troops. We are simply affirming that this House of Representatives in a resolution which was written here—not written downtown and sent up here but written here—largely by the gentleman from Texas (Mr. WRIGHT), although some of us suggested a change or two—which was certainly widely signed, by more than 300 Members of the House—we are saying here that we are for a peace with justice in Vietnam; we

are for free elections; and we are for getting the war over. You are not saying anything else but that if you vote for it. And do not think that the American people cannot figure out whether you are playing politics or whether you are not.

That is why I said a minute ago that there is a vast difference between this simple House resolution and some of the previous sense resolutions we have voted on in past years. I am not talking about the so-called Gulf of Tonkin resolution. It was not a simple sense resolution, but a joint resolution having the full force and effect of law.

The timing of this resolution and its urgency is directly related to the lives of our boys now serving in Vietnam. Its primary purpose is to give proof to the Communists that they are wrong in their assessment of the U.S. position. It is to assure them that, despite the disagreement of a relatively few, the House of Representatives and the Americans we represent do, by a tremendous majority, support our President "in his efforts to negotiate a just peace in Vietnam."

The language of the resolution is simple and direct. There are no hidden meanings. It gives no authority to the President and it takes none away. Its entire thrust is in the direction of peace. In just one sentence, it emphasizes and reemphasizes our earnest hope for a just peace in Vietnam. I think most of us realize that it is just about impossible to combine any given number of words into a formula that would please everybody. JIM WRIGHT has succeeded in drafting an affirmation of support which over three-fourths of us have been glad to cosponsor. Some few would have liked to hedge it with restrictions; some would have preferred to broaden it to the point of reemphasizing the authorities of the Tonkin Gulf resolution. The single simple sentence of House Resolution 613 offers a focal point for us to bypass all our minor differences, because all of us have a common objective, the end of the war through a just peace.

A minority of the committee was disappointed because hearings were not held on the resolution. The complaint was made by a few that the committee failed to follow past precedents and hear witnesses on this resolution. I respectfully suggest that if hearings had been held, they would have changed no opinions, shifted no votes, nor provided any new information. If there has ever been a subject which has evoked continuous study, constant comment, and the need and desire to keep informed on developments, it is that of our involvement in Vietnam. Millions of words on Vietnam have been printed in the CONGRESSIONAL RECORD. All of us have listened to countless speeches and have ourselves spoken on this question. The day before House Resolution 613 was introduced, the Nation was given a full and detailed report by the Commander in Chief of the United States himself on his efforts to secure peace. I do not know of any single witness who could have contributed more than the President to our understanding of the present situation. We ordinarily ask for witnesses to learn the effects of proposed legislation. We certainly did not need to ask anybody to assess the force and effect of the adoption of this simple one-sentence resolution by the 435 Members of this House. I am also convinced that the membership of the House is so well versed on the facts that it needs no outside help in drafting the words of a resolution to express support for the President "in his efforts to negotiate a just peace."

I want to close these remarks with my most earnest appeal that we show unity in backing the President in his efforts to negotiate a just peace in Vietnam. This resolution will be confirming evidence by the House of Representatives that our tolerance and acceptance of dissent here at home is a measure of the true strength of a democracy such as ours, and not the imminent sign of collapse the Communists think. We have every reason to hope this affirmation of our support of the President in his efforts will promote peace and help save American as well as Vietnamese lives. I urge its unanimous adoption.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired.

Under the rule, House Resolution 613 shall be considered as having been read for amendment.

The resolution is as follows:

H. RES. 613

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

The CHAIRMAN. Under the rule, no amendments are in order to the resolution except amendments offered by direction of the Committee on Foreign Affairs.

Are there any committee amendments?

Mr. HAYS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 613, toward peace with justice in Vietnam, pursuant to House Resolution 722, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

MOTION TO RECOMMIT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. FULTON of Pennsylvania. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FULTON of Pennsylvania moves to recommit H. Res. 613 to the Committee on Foreign Affairs with instructions to the Committee to report the Resolution back to the House forthwith with the following amendment: On page 1, line 7, after the comma, insert the following: "requests the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war,".

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. EDWARDS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 392, nays 0, not voting 41, as follows:

[Roll No. 299]

YEAS—392

Abbitt	Buchanan	Dennis
Abernethy	Burke, Fla.	Derwinski
Adair	Burke, Mass.	Devine
Adams	Burleson, Tex.	Diggs
Addabbo	Burlison, Mo.	Dingell
Albert	Burton, Calif.	Donohue
Alexander	Burton, Utah	Dorn
Anderson, Calif.	Bush	Dowdy
	Byrne, Pa.	Downing
Anderson, Ill.	Byrnes, Wis.	Dulski
Anderson, Tenn.	Caffery	Duncan
	Camp	Dwyer
Andrews, Ala.	Carey	Eckhardt
Andrews, N. Dak.	Carter	Edmondson
	Casey	Edwards, Ala.
Annunzio	Cederberg	Edwards, Calif.
Arends	Celler	Erlenborn
Ashbrook	Chamberlain	Esch
Ashley	Chappell	Eshleman
Aspinall	Chisholm	Evans, Colo.
Ayres	Clancy	Evins, Tenn.
Baring	Clark	Fallon
Barrett	Clausen, Don H.	Farbstein
Beall, Md.		Fascell
Belcher	Clawson, Del	Feighan
Bell, Calif.	Clay	Findley
Bennett	Cleveland	Fish
Berry	Cohelan	Fisher
Betts	Collier	Flood
Bevill	Collins	Flowers
Biaggi	Colmer	Flynt
Biester	Conable	Foley
Bingham	Conte	Ford, Gerald R.
Blackburn	Conyers	Ford, William D.
Blanton	Corbett	
Blatnik	Corman	Foreman
Boggs	Coughlin	Fountain
Boland	Cowger	Fraser
Bolling	Cramer	Frelinghuysen
Brademas	Crane	Frey
Brasco	Culver	Friedel
Bray	Cunningham	Fulton, Pa.
Brinkley	Daddario	Fuqua
Brock	Daniel, Va.	Garmatz
Brooks	Daniels, N.J.	Gaydos
Broomfield	Davis, Ga.	Gibbons
Brotzman	Davis, Wis.	Gilbert
Brown, Mich.	de la Garza	Goldwater
Brown, Ohio	Delaney	Gonzalez
Broyhill, N.C.	Dellenback	Goodling
Broyhill, Va.	Denney	Gray

Green, Oreg.	Mailliard	Ruth
Green, Pa.	Mann	Ryan
Griffiths	Marsh	St Germain
Gross	Martin	St. Onge
Grover	Matsunaga	Satterfield
Gubser	May	Schadeberg
Gude	Mayne	Scherle
Hagan	Meeds	Scheuer
Haley	Melcher	Schneebeli
Hall	Michel	Schwengel
Halpern	Mikva	Scott
Hamilton	Miller, Calif.	Sebelius
Hammer-schmidt	Miller, Ohio	Shipley
	Minish	Shriver
Hanley	Mink	Sikes
Hansen, Idaho	Minshall	Sisk
Harrington	Mize	Skubitz
Harsha	Mizell	Slack
Harvey	Mollohan	Smith, Calif.
Hastings	Monagan	Smith, Iowa
Hathaway	Montgomery	Smith, N.Y.
Hawkins	Moorhead	Snyder
Hays	Morgan	Springer
Hechler, W. Va.	Morse	Stafford
Heckler, Mass.	Morton	Staggers
Helstoski	Mosher	Stanton
Henderson	Moss	Steed
Hicks	Murphy, Ill.	Steiger, Ariz.
Hogan	Murphy, N.Y.	Steiger, Wis.
Horton	Myers	Stephens
Howard	Natcher	Stokes
Hull	Nedzi	Stratton
Hungate	Nelsen	Stubblefield
Hunt	Nichols	Sullivan
Hutchinson	Nix	Symington
Ichord	Obey	Taft
Jacobs	O'Hara	Talcott
Jarman	O'Konski	Taylor
Johnson, Calif.	Olsen	Teague, Calif.
Jonas	O'Neill, Mass.	Thompson, Ga.
Jones, Ala.	Ottinger	Thompson, N.J.
Jones, N.C.	Passman	Thomson, Wis.
Jones, Tenn.	Patten	Tiernan
Karth	Pelly	Tunney
Kastenmeier	Perkins	Udall
Kazen	Pettis	Ullman
Kee	Philbin	Van Deerlin
Keith	Pickle	Vander Jagt
King	Pike	Vanik
Kleppe	Pirnie	Vigorito
Kluczynski	Poage	Waggonner
Koch	Podell	Waldie
Kyl	Poff	Wampler
Kyros	Preyer, N.C.	Watkins
Landgrebe	Price, Ill.	Watson
Landrum	Price, Tex.	Watts
Langen	Pryor, Ark.	Weicker
Latta	Pucinski	Whalen
Leggett	Purcell	Whalley
Lennon	Quie	White
Lloyd	Quillen	Whitehurst
Long, La.	Randall	Whitten
Long, Md.	Rarick	Widnall
Lowenstein	Rees	Wiggins
Lujan	Reid, Ill.	Williams
Lukens	Reid, N.Y.	Wilson, Bob
McCarthy	Reuss	Wilson, Charles H.
McClory	Rhodes	
McCloskey	Riegle	Winn
McClure	Roberts	Wold
McCulloch	Robison	Wolff
McDade	Rodino	Wright
McDonald, Mich.	Roe	Wyatt
	Rogers, Colo.	Wydler
McEwen	Rogers, Fla.	Wylie
McFall	Rooney, N.Y.	Wyman
McKneally	Rooney, Pa.	Yates
McMillan	Rosenthal	Yatron
Macdonald, Mass.	Rostenkowski	Young
	Roth	Zablocki
MacGregor	Roudebush	Zion
Madden	Roybal	Zwach
Mahon	Ruppe	

NAYS—0

NOT VOTING—41

Bow	Giaimo	O'Neal, Ga.
Brown, Calif.	Griffin	Patman
Button	Hanna	Pepper
Cabell	Hansen, Wash.	Pollock
Cahill	Hébert	Powell
Dawson	Holifield	Railsback
Dent	Hosmer	Reifel
Dickinson	Johnson, Pa.	Rivers
Edwards, La.	Kirwan	Sandman
Eilberg	Kuykendall	Saylor
Fulton, Tenn.	Lipscomb	Stuckey
Galifianakis	Mathias	Teague, Tex.
Gallagher	Meskill	Utt
Gettys	Mills	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bow.
Mr. Holifield with Mr. Hosmer.
Mr. Dent with Mr. Saylor.
Mr. Gallagher with Mr. Cahill.
Mr. Hanna with Mr. Utt.
Mr. Mills with Mr. Sandman.
Mr. Pepper with Mr. Kuykendall.
Mr. Rivers with Mr. Lipscomb.
Mr. Teague of Texas with Mr. Meskill.
Mr. Kirwan with Mr. Button.
Mr. Patman with Mr. Reifel.
Mr. Fulton of Tennessee with Mr. Pollock.
Mr. Griffin with Mr. Railsback.
Mr. Cabell with Mr. Mathias.
Mr. Gettys with Mr. Dickinson.
Mr. Giaimo with Mr. Johnson of Pennsylvania.
Mr. Brown of California with Mr. Powell.
Mr. Edwards of Louisiana with Mr. O'Neal of Georgia.
Mr. Galifianakis with Mr. Eilberg.
Mrs. Hansen of Washington with Mr. Stuckey.

Messrs. BOB WILSON and HARRINGTON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. HAYS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report back House Resolution 613 with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 7, after the comma, insert the following: "requests the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war."

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

Mr. HAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 55, answered "present" 1, not voting 43, as follows:

[Roll No. 300]

YEAS 334

Abbitt	Brinkley	Corman
Abernethy	Brock	Coughlin
Adair	Brooks	Cowger
Addabbo	Broomfield	Cramer
Albert	Brotzman	Crane
Alexander	Brown, Mich.	Culver
Anderson, Calif.	Brown, Ohio	Cunningham
	Broyhill, N.C.	Daniel, Va.
Anderson, Ill.	Broyhill, Va.	Daniels, N.J.
Anderson, Tenn.	Buchanan	Davis, Ga.
	Burke, Fla.	Davis, Wis.
Andrews, Ala.	Burke, Mass.	de la Garza
Andrews, N. Dak.	Burleson, Tex.	Delaney
	Burlison, Mo.	Dellenback
Annunzio	Burton, Utah	Denney
Arends	Bush	Dennis
Ashbrook	Byrne, Pa.	Derwinski
Ashley	Byrnes, Wis.	Devine
Aspinall	Caffery	Donohue
Ayres	Camp	Dorn
Baring	Carter	Dowdy
Barrett	Casey	Downing
Beall, Md.	Cederberg	Dulski
Belcher	Celler	Duncan
Bell, Calif.	Chamberlain	Dwyer
Bennett	Chappell	Eckhardt
Berry	Clancy	Edmondson
Betts	Clark	Edwards, Ala.
Bevill	Clausen, Don H.	Erlenborn
Biaggi		Esch
Biester	Clawson, Del	Eshleman
Blackburn	Cleveland	Evans, Colo.
Blanton	Collier	Evins, Tenn.
Boggs	Collins	Fallon
Boland	Colmer	Fascell
Bolling	Conable	Feighan
Brademas	Conte	Findley
Bray	Corbett	Fish
Fisher	McCulloch	Rostenkowski
Flood	McDade	Roth
Flowers	McDonald, Mich.	Roudebush
Flynt		Ruppe
Foley	McEwen	Ruth
Ford, Gerald R.	McFall	St Germain
Foreman	McKneally	Satterfield
Fountain	McMillan	Schadeberg
Frelinghuysen	MacGregor	Scherle
Frey	Madden	Schneebeli
Friedel	Mahon	Schwengel
Fulton, Pa.	Mailliard	Scott
Fuqua	Mann	Sebelius
Garmatz	Marsh	Shipley
Gaydos	Martin	Shriver
Gibbons	Matsunaga	Sikes
Goldwater	May	Sisk
Gonzalez	Mayne	Skubitz
Goodling	Meeds	Slack
Gray	Melcher	Smith, Calif.
Green, Oreg.	Michel	Smith, Iowa
Griffiths	Miller, Calif.	Smith, N.Y.
Gross	Miller, Ohio	Snyder
Grover	Minish	Springer
Gubser	Minshall	Stafford
Gude	Mize	Staggers
Hagan	Mizell	Stanton
Haley	Mollohan	Steed
Hall	Monagan	Steiger, Ariz.
Halpern	Montgomery	Steiger, Wis.
Hamilton	Morgan	Stephens
Hammer-schmidt	Morse	Stratton
	Morton	Stubblefield
Hanley	Mosher	Sullivan
Hansen, Idaho	Murphy, Ill.	Symington
Harsha	Murphy, N.Y.	Taft
Harvey	Myers	Talcott
Hastings	Natcher	Taylor
Hays	Nelsen	Teague, Calif.
Heckler, Mass.	Nichols	Thompson, Ga.
Henderson	Nix	Thomson, Wis.
Hicks	Obey	Tiernan
Hogan	O'Hara	Udall
Horton	O'Konski	Van Deerlin
Howard	Olsen	Vander Jagt
Hull	Passman	Vigorito
Hunt	Patten	Waggonner
Hutchinson	Pelly	Wampler
Ichord	Perkins	Watkins
Jacobs	Pettis	Watson
Jarman	Philbin	Watts
Johnson, Calif.	Pickle	Weicker
Jonas	Pike	Whalen
Jones, Ala.	Pirnie	Whalley
Jones, N.C.	Poage	White
Jones, Tenn.	Poff	Whitehurst
Kazen	Preyer, N.C.	Whitten
Kee	Price, Ill.	Widnall
Keith	Price, Tex.	Wiggins
King	Pryor, Ark.	Williams
Kleppe	Pucinski	Wilson, Bob
Kluczynski	Purcell	Wilson, Charles H.
Kyl	Quie	
Kyros	Quillen	Winn
Landgrebe	Randall	Wold
Landrum	Reid, Ill.	Wright
Langen	Rhodes	Wyatt
Latta	Riegle	Wydler
Lennon	Roberts	Wylie
Lloyd	Robison	Wyman
Long, La.	Rodino	Yatron
Lujan	Roe	Young
Lukens	Rogers, Colo.	Zablocki
McClory	Rogers, Fla.	Zion
McCloskey	Rooney, N.Y.	Zwach
McClure	Rooney, Pa.	

NAYS—55

Adams	Harrington	O'Neill, Mass.
Bingham	Hathaway	Ottinger
Blatnik	Hawkins	Podell
Brasco	Hechler, W. Va.	Rees
Burton, Calif.	Helstoski	Reid, N.Y.
Carey	Hungate	Reuss
Chisholm	Karth	Rosenthal
Clay	Kastenmeier	Roybal
Cohelan	Koch	Ryan
Conyers	Leggett	St. Onge
Daddario	Lowenstein	Scheuer
Diggs	McCarthy	Stokes
Edwards, Calif.	Macdonald, Mass.	Thompson, N.J.
Farbstein		Tunney
Ford, William D.	Mikva	Ullman
	Mink	Vanik
Fraser	Moorhead	Waldie
Gilbert	Moss	Wolff
Green, Pa.	Nedzi	Yates

ANSWERED "PRESENT"—1

Rarick

NOT VOTING—43

Bow	Cahill	Dingell
Brown, Calif.	Dawson	Edwards, La.
Button	Dent	Eilberg
Cabell	Dickinson	Fulton, Tenn.

Galifianakis	Kirwan	Powell
Gallagher	Kuykendall	Railsback
Gettys	Lipscomb	Reifel
Giaimo	Long, Md.	Rivers
Griffin	Mathias	Sandman
Hanna	Meskill	Saylor
Hansen, Wash.	Mills	Stuckey
Hébert	O'Neal, Ga.	Teague, Tex.
Holifield	Patman	Utt
Hosmer	Pepper	
Johnson, Pa.	Pollock	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert for, with Mr. Brown of California against.

Until further notice:

Mr. Holifield with Mr. Hosmer.
Mr. Dent with Mr. Saylor.
Mr. Gallagher with Mr. Cahill.
Mr. Hanna with Mr. Utt.
Mr. Mills with Mr. Bow.
Mr. Pepper with Mr Kuykendall.
Mr. Rivers with Mr. Sandman.
Mr. Teague of Texas with Mr. Lipscomb.
Mr. Kirwan with Mr. Meskill.
Mr. Patman with Mr. Button.
Mr. Fulton of Tennessee with Mr. Reifel.
Mr. Griffin with Mr. Railsback.
Mr. Cabell with Mr. Mathias.
Mr. Gettys with Mr. Dickinson.
Mr. Giaimo with Mr. Pollock.
Mr. Edwards of Louisiana with Mr. Stuckey.
Mr. Galifianakis with Mr. O'Neal of Georgia.
Mrs. Hansen of Washington with Mr. Johnson of Pennsylvania.
Mr. Dingell with Mr. Eilberg.
Mr. Long of Maryland with Mr. Powell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks and include extraneous matter on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PUBLIC WORKS APPROPRIATION—CONFERENCE REPORT

Mr. KIRWAN submitted the following conference report and statement on the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-697)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14159) "making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 14, 17, 20, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,862,269,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$355,500,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,191,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$711,992,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$80,820,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,680,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$176,500,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$86,382,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$800,000,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,030,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,930,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$28,240,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,740,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, and 18.

MICHAEL J. KIRWAN,
JOE L. EVINS,
EDWARD P. BOLAND
JAMIE L. WHITTEN,
GEORGE ANDREWS,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
(Except as to amendments 10 and 11),
HOWARD W. ROBISON,
E. A. CEDERBERG,
Managers on the Part of the House.

ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
SPESSARD L. HOLLAND,
JOHN STENNIS,
JOHN O. PASTORE,
JENNINGS RANDOLPH,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
KARL E. MUNDT,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14159) making appropriations for Public Works for water, pollution control, and power development, including the Corps of Engineers-Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I—ATOMIC ENERGY COMMISSION

Operating expenses

Amendment No. 1: Appropriates $1,862,269,000 instead of $1,884,269,000 as proposed by the House, and $1,840,269,000 as proposed by the Senate. The reduction below the House bill is based on anticipated slippage in the operating programs. The conferees are in agreement that within the funds made available provision should be made for the full operation of the two K reactors at Richland, Washington.

Plant and capital equipment

Amendment No. 2: Appropriates $355,500,000 instead of $343,500,000 as proposed by the House, and $377,525,000 as proposed by the Senate. The increase over the House bill consists of $6,000,000 for the 200-BEV accelerator and $6,000,000 for capital equipment not related to construction. The conferees are in agreement that provision should be made within available funds for construction of the waste storage tanks at Richland, Washington, required in connection with full operation of the two K reactors.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

Department of the Army

Corps of Engineers—Civil

General investigations

Amendment No. 3: Appropriates $41,191,000 instead of $40,600,000 as proposed

by the House and $41,760,000 as proposed by the Senate. The increase over the House bill includes $200,000 to initiate the International Field Year on the Great Lakes, $40,000 for the Texas water and pollution study; and $351,000 for studies as listed below.

The conferees are in agreement that the International Field Year on the Great Lakes shall be so planned as to minimize annual funding requirements until the general fiscal situation improves.

The increase provided over the House bill shall be allocated to the following studies:

Alaska: (N) Cook Inlet $20,000
California: (N) San Francisco Bay Area (in depth) ..... [1] 30,000
Florida: (N) St. Lucie Inlet ..... [1] 25,000
Georgia: (FC) Alapahah River plus tributaries 20,000
Louisiana:
(FC) Louisiana Coastal area ..... [1] 40,000
(FC) Mermentau, Vermillion and Calcasieu Rivers and Bayou Teche 6,000
Missouri: (FC) Metropolitan St. Louis area ..... [1] 10,000
Nevada: (FC) Virgin River 15,000
New Mexico: (FC) Pecos River above Santa Rosa ..... [1] 10,000
North Carolina: (FC) Neuse River ..... [1] 15,000
North Dakota:
(FC) Cannonball River ..... [1] 10,000
(FC) Red River of the North, Minn. and N.D. ..... [1] 25,000
South Carolina: (N) Charleston Harbor ..... [1] 30,000
Tennessee: (FC) West Fork of Drakes Creek 15,000
Virginia:
(N) Norfolk Harbor, Craney Island 35,000
(N) Norfolk Harbor 15,000
Washington:
(FC) Puyallup River 10,000
(N) Seattle Harbor, Duwamish Waterway ..... [1] 10,000
(N) Snohomish River and tributaries ..... [1] 10,000

[1] Increase in House bill figure.

Construction, general

Amendment No. 4: Appropriates $711,992,000 instead of $671,982,000 as proposed by the House and $740,469,000 as proposed by the Senate. The funds appropriated are to be allocated as shown in the following tabulation:

	Construction, general, State, and project	Budget estimate for fiscal year 1970 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	Alabama:				
(N)	Alabama River channel improvement	$100,000		$100,000	
(N)	Claiborne lock and dam	3,000,000		3,600,000	
(R)	John Hollis Bankhead lock and dam	2,000,000		2,000,000	
(MP)	Jones Bluff lock and dam	11,000,000		12,000,000	
(MP)	Millers Ferry lock and dam	2,584,000		2,584,000	
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss.		$500,000		$500,000
	Tombigbee River and tributaries, Alabama and Mississippi. (See Mississippi.)				
	West Point Dam, Ala. and Ga. (See Georgia.)				
	Alaska:				
(MP)	Bradley Lake power project		100,000		100,000
(FC)	Chena River Reservoirs, Fairbanks		150,000		150,000
(N)	King Cove Harbor				60,000
(MP)	Snettisham power project	2,200,000		5,350,000	
	Arizona:				
(FC)	Gila River and tributaries below Painted Rock Reservoir		774,000		2,489,000
(FC)	Phoenix and vicinity		1,000,000		1,000,000
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	100,000		150,000	
(FC)	Winslow	100,000		550,000	
	Arkansas:				
(N)	Arkansas River and tributaries, Arkansas and Oklahoma:				
	(a) Bank stabilization and channel rectification	3,500,000		3,500,000	
	(b) Navigation locks and dams	58,000,000		59,500,000	
(FC)	Bayou Bartholomew (1950 and 1966 acts), Arkansas and Louisiana		119,000		119,000
(FC)	Bell Foley Dam				150,000
(MP)	Dardanelle lock and dam	4,346,000		4,346,000	
(MP)	De Gray Reservoir	5,600,000		5,600,000	
(FC)	De Queen Reservoir	300,000		300,000	
(FC)	Dierks Reservoir	466,000		466,000	
(FC)	Garland City	200,000		200,000	
(FC)	Gillham Reservoir	1,100,000		1,600,000	
(MP)	Narrows Dam (3d unit)	200,000		200,000	
(N)	Ouachita and Black Rivers, Arkansas and Louisiana	9,000,000		9,560,000	
(MP)	Ozark lock and dam	8,000,000		8,000,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Arkansas, Louisiana, and Texas	600,000		1,000,000	
	California:				
(FC)	Alameda Creek, Del Valle Dam	2,200,000		2,200,000	
(FC)	Bear Creek	127,000		127,000	
(FC)	Buchanan Reservoir	150,000		500,000	
(FC)	Butler Valley Reservoir		200,000		200,000
(FC)	Corte Madera Creek	1,850,000		1,850,000	
(N)	Crescent City Harbor		25,000		25,000
(FC)	Cucamonga Creek				400,000
(FC)	Dry Creek (Warm Springs) Reservoir	1,500,000		2,500,000	
(FC)	Hidden Reservoir	360,000		600,000	
(FC)	Klamath River	100,000		447,000	
(FC)	Lakeport Reservoirs, Scotts Creek		359,000		359,000
(FC)	Los Angeles County drainage area	200,000		200,000	
	Martis Creek Reservoir, Calif. and Nev. (See Nevada.)				
(MP)	Marysville Reservoir		750,000		750,000
(FC)	Mojave River Reservoir (West Fork)	3,600,000		4,000,000	
(FC)	Napa River			50,000	
(FC)	New Bullards Bar Reservoir (reimbursement)	3,155,000		4,500,000	
(FC)	New Don Pedro Reservoir (reimbursement)	1,940,000		1,940,000	
(MP)	New Melones Reservoir	1,230,000		3,000,000	
(N)	Oakland Harbor	100,000		100,000	
(FC)	Pajaro River (1966 act)		200,000		200,000
(FC)	Pine Flat Reservoir	266,000		266,000	
(BE)	Point Mugu to San Pedro breakwater (reimbursement)	900,000		900,000	
(N)	Port Hueneme				50,000
(FC)	Russian River Basin (Coyote Valley Dam)	100,000		100,000	
(FC)	Sacramento River and major and minor tributaries	200,000		200,000	
(FC)	Sacramento River bank protection	2,000,000		2,500,000	
(N)	Sacramento River deepwater ship channel	100,000		100,000	
(N)	San Diego Harbor				100,000
(N)	San Diego River and Mission Bay	670,000		670,000	
(FC)	San Diego River and Mission Valley		400,000		400,000
(N)	San Francisco Bay to Stockton	300,000		550,000	
(N)	Santa Cruz Harbor (resumption)			260,000	
(FC)	Santa Paula Creek			250,000	
(FC)	Sonoma Creek		343,000		343,000
(BE)	Surfside-Sunset, Newport Beach (reimbursement)	1,754,000		1,754,000	
(FC)	Sweetwater River		150,000		150,000
(FC)	Tahquitz Creek			250,000	
(FC)	Walnut Creek	1,800,000		1,800,000	
	Colorado:				
(FC)	Bear Creek (Mount Carbon) Reservoir		150,000		150,000
(FC)	Chatfield Reservoir	7,000,000		9,500,000	
(FC)	Trinidad Reservoir	2,100,000		2,350,000	

	Construction, general, State, and project	Budget estimate for fiscal year 1970 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	Connecticut:				
(FC)	Ansonia-Derby	$4,000,000		$4,000,000	
(FC)	Black Rock Reservoir	1,335,000		1,335,000	
(FC)	Derby	100,000		700,000	
(FC)	New London barrier	100,000		100,000	
(FC)	Stratford		$246,000		$246,000
(FC)	Trumbull Pond Reservoir		255,000		255,000
	Delaware:				
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland	6,000,000		6,500,000	
	Florida:				
(N)	Apalachicola River channel improvement	500,000		500,000	
(N)	Canaveral Harbor			150,000	
(FC)	Central and southern Florida	9,000,000		9,500,000	
(N)	Cross-Florida Barge Canal	6,000,000		7,500,000	
(FC)	Four Rivers basins	3,000,000		3,500,000	
(N)	Gulf Intracoastal Waterway (St. Marks to Tampa Bay, ecological study only)				20,000
(N)	Jacksonville Harbor (1965 act)	200,000		700,000	
(N)	Miami Harbor				140,000
(BE)	Palm Beach County, Lake Worth Inlet to South Lake Worth Inlet (reimbursement)	4,000		4,000	
	Georgia:				
(MP)	Carters Dam	6,300,000		6,700,000	
(N)	Savannah Harbor, 40 feet (1965 act)	1,500,000		1,850,000	
(N)	Savannah Harbor (sediment basin)	500,000		1,100,000	
(MP)	Spewrell Bluff Dam (land acquisition)			750,000	
(MP)	Trotters Shoals Reservoir, Ga. and S.C		900,000		900,000
(MP)	West Point Reservoir, Ala. and Ga	10,200,000		10,200,000	
	Hawaii:				
(N)	Kawaihae Harbor			750,000	--
(BE)	Waikiki Beach			500,000	--
	Idaho:				
(FC)	Blackfoot Reservoir		90,000		90,000
(MP)	Dworshak (Bruces Eddy) Reservoir	44,700,000		46,350,000	
(FC)	Ririe Reservoir	600,000		700,000	
	Illinois:				
(FC)	East St. Louis and vicinity		200,000		229,000
(FC)	Fulton		30,000		30,000
(N)	Horse Island and Crescent Bridge (Mississippi River), Illinois and Iowa	750,000		750,000	
(FC)	Hunt drainage district and Lima Lake drainage district	831,000		831,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	2,700,000		2,700,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana		50,000		50,000
(FC)	Indian Grave drainage district	277,000		277,000	
(N)	Kaskaskia River (navigation)	9,377,000		11,000,000	
(FC)	Levee district 21 (Vandalia), Kaskaskia River		59,000		59,000
(FC)	Levee district 23 (Dively), Kaskaskia River		75,000		75,000
(FC)	Levee unit No. 1, Wabash River (restudy)		10,000		10,000
(FC)	Lincoln Reservoir (land acquisition)			500,000	
(N)	Lock and dam 26, Alton, Mississippi River				350,000
	Lock and dam 52, Illinois and Kentucky. (See Kentucky.)				
(FC)	Louisville Reservoir				75,000
(FC)	Milan				30,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.: (a) Regulating works	1,000,000		1,500,000	
(N)	Mound City lock and dam, Illinois and Kentucky		436,000		436,000
(FC)	Oakley Reservoir (land acquisition)	500,000		300,000	
(FC)	Peoria		50,000		50,000
(FC)	Rend Lake Reservoir	8,200,000		8,200,000	
(FC)	Rockford		155,000		155,000
(FC)	Rock Island	150,000		150,000	
(FC)	Saline River and tributaries	1,200,000		1,350,000	
(FC)	Shawneetown (restudy)		30,000		30,000
(FC)	Shelbyville Reservoir	3,000,000		3,150,000	
(N)	Smithland locks and dam, Illinois and Kentucky	500,000		750,000	
(FC)	Wood River drainage and levee district		31,000		31,000
	Indiana:				
(FC)	Big Walnut Reservoir (restudy)		50,000		35,000
(FC)	Brookville Reservoir	1,400,000		1,400,000	
(N)	Burns Waterway Harbor (reimbursement)	5,520,000		5,520,000	
(N)	Cannelton locks and dam, Indiana and Kentucky	7,100,000		7,100,000	
(FC)	Evansville (resumption)			500,000	
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)				
(FC)	Island levee	100,000		100,000	
(FC)	Lafayette Reservoir (land acquisition)			400,000	
(N)	Newburgh locks and dam, Indiana and Kentucky	2,100,000		3,200,000	
(FC)	Niblack levee pumps				40,000
(FC)	Patoka Reservoir (land acquisition)	400,000		400,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	4,500,000		4,500,000	
(FC)	West Terre Haute	170,000		235,000	
	Iowa:				
(FC)	Ames Reservoir (land acquisition)			400,000	
(FC)	Big Sioux River at Sioux City, Iowa, and South Dakota				70,000
(FC)	Clinton		30,000		30,000
(FC)	Davids Creek Dam and Reservoir				100,000
(FC)	Dubuque	2,100,000		2,550,000	
(FC)	Guttenberg (resumption)			100,000	
	Horse Island and Crescent Bridge, Mississippi River, Ill. and Iowa. (See Illinois.)				
(FC)	Iowa River Flint Creek levee district No. 16	100,000		150,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	1,200,000		1,500,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	4,500,000		5,250,000	
(FC)	Rathbun Reservoir	2,600,000		3,000,000	
(FC)	Red Rock Dam and Lake Red Rock	2,000,000		2,000,000	
(FC)	Saylorville Reservoir	3,700,000		3,700,000	
(FC)	Waterloo			200,000	
	Kansas:				
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)				
(FC)	Cedar Point Reservoir				75,000
(FC)	Clinton Reservoir (land acquisition)	1,000,000		1,000,000	
(FC)	Cow Creek, Hutchinson	100,000		200,000	
(FC)	El Dorado Reservoir (land acquisition)			700,000	
(FC)	Hilsdale Reservoir		275,000		275,000
(FC)	Kansas City (1962 modification)	350,000		425,000	
(FC)	Lawrence	1,000,000		1,200,000	

	Construction, general, State, and project	Budget estimate for fiscal year 1970 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	Kansas—Continued				
(FC)	Melvern Reservoir	$7,700,000		$7,700,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Onaga Reservoir		$250,000		$250,000
(FC)	Osawatomie	$962,000		962,000	
(FC)	Perry Reservoir	3,800,000		4,000,000	
(FC)	Topeka	850,000		850,000	
	Kentucky:				
(FC)	Booneville Reservoir		230,000		230,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Carr Fork Reservoir	2,130,000		3,380,000	
(FC)	Cave Run Reservoir	3,800,000		3,800,000	
(FC)	Dayton		89,000		89,000
(FC)	Eagle Creek Reservoir		178,000		178,000
(FC)	Falmouth Reservoir				50,000
(FC)	Frankfort, North Frankfort Area	824,000		824,000	
(FC)	Kehoe Reservoir		150,000		150,000
(MP)	Laurel River Reservoir	2,740,000		2,740,000	
(N)	Lock and Dam 52, Ill. and Ky	1,684,000		1,684,000	
(FC)	Martin local protection			150,000	
(FC)	Martins Fork Reservoir (land acquisition)			300,000	
	Mound City lock and dam, Illinois and Kentucky. (See Illinois.)				
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Paintsville Reservoir		157,000		157,000
(FC)	Red River Reservoir	500,000			500,000
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)				
(FC)	Southwestern Jefferson County		50,000		50,000
(FC)	Taylorsville Reservoir		236,000		236,000
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Yatesville Reservoir		181,000		181,000
	Louisiana:				
(N)	Atchafalaya River, Bayous Chene, Boeuf and Black				50,000
	Bayou Bartholomew, Ark, and La. (See Arkansas.)				
(FC)	Bayou Bodcau and tributaries			100,000	
(N)	Bayou LaFourche and LaFourche Jump Waterway	100,000		250,000	
(FC)	Caddo Dam	1,200,000		1,200,000	
(FC)	Lake Pontchartrain and vicinity	6,000,000		8,500,000	
(FC)	Mermentau River			500,000	
(N)	Michoud Canal		15,000		50,000
(N)	Mississippi River, gulf outlet	800,000		800,000	
(FC)	Monroe floodwall (1965 and 1966 acts)		116,000		116,000
(FC)	Morgan City and vicinity	150,000		175,000	
(FC)	New Orleans to Venice hurricane protection	500,000		1,400,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)				
(N)	Overton-Red River Waterway (lower 31 miles only)	200,000		600,000	
	Red River emergency bank protection			1,900,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(N)	Vermilion lock (replacement)		70,000		70,000
	Maine:				
(MP)	Dickey-Lincoln School Dam and Reservoirs		807,000		
	Maryland:				
(FC)	Bloomington Reservoir, Md. and W. Va	1,300,000		1,400,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal), pt. II. (See Delaware.)				
	Massachusetts:				
(FC)	Charles River Dam		150,000		150,000
(N)	Fall River Harbor, Mass. and R.I		100,000		150,000
(FC)	Nookagee Reservoir		200,000		200,000
(R)	Plymouth Harbor	395,000		395,000	
(N)	Provincetown Harbor	100,000		250,000	
(N)	Weymouth Fore and Towne Rivers	100,000		1,000,000	
(FC)	Whitmanville Reservoir		245,000		245,000
	Michigan:				
(N)	Lexington Harbor				45,000
(FC)	River Rouge	500,000		500,000	
(FC)	Saginaw River (flood control)	1,200,000		1,200,000	
(N)	Saginaw River (navigation)	2,496,000		2,496,000	
(R)	St. Joseph Harbor	350,000		350,000	
	Minnesota:				
(FE)	Big Stone Lake-Whetstone River, Minn. and S. Dak. (land acquisition, resumption)			200,000	
(FC)	Roseau River			50,000	
(FC)	Warroad River and Bulldog Creek		50,000		50,000
	Mississippi:				
(N)	Biloxi Harbor	330,000		330,000	
(FC)	Tallahala Reservoir				200,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)				
(FC)	Tombigbee River and tributaries, Alabama and Mississippi	300,000		650,000	
	Missouri:				
(FC)	Brookfield Reservoir				100,000
(FC)	Chariton River (1944 act)	1,300,000		1,400,000	
(MP)	Clarence Cannon (Joanna) Reservoir	2,750,000		2,925,000	
(FC)	Gregory drainage district	538,000		538,000	
(MP)	Kaysinger Bluff Reservoir	6,500,000		9,500,000	
(FC)	Little Blue River Reservoir (land acquisition)	500,000		650,000	
(FC)	Long Branch Reservoir		54,000		54,000
(FC)	Meramec Park Reservoir (land acquisition)	700,000		700,000	
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)				
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Pattonsburg Reservoir (Highway I–35 crossing)	500,000		500,000	
(FC)	Platte River		103,000		103,000
(FC)	St. Louis	2,700,000		2,800,000	
(FC)	Smithville Reservoir		275,000		275,000
(MP)	Stockton Reservoir	5,000,000		5,000,000	
(FC)	Union Reservoir		500,000	300,000	500,000
	Montana:				
(FC)	Great Falls			400,000	
(MP)	Libby Reservoir	48,500,000		50,800,000	
	Nebraska:				
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Papillion Creek		75,000		300,000
	Nevada:				
(FC)	Martis Creek Reservoir, Calif. and Nev	520,000		520,000	

	Construction, general, State, and project	Budget estimate for fiscal year 1970 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	New Hampshire:				
(FC)	Beaver Brook Reservoir		$25,000		$25,000
	New Jersey:				
(FC)	Elizabeth	$100,000		$100,000	
(N)	Newark Bay, Hackensack and Passaic Rivers (1966 act)	500,000		2,000,000	
(FC)	Raritan and Sandy Hook Bays	2,350,000		2,350,000	
(N)	Shrewsbury River Inlet		153,000		153,000
(FC)	South Orange, Rahway River			125,000	
(MP)	Tocks Island Reservoir, Pa., N.J., and N.Y. (land acquisition)	4,000,000		4,000,000	
	New Mexico:				
(FC)	Albuquerque diversion channels	1,700,000		2,200,000	
(FC)	Cochiti Reservoir	700,000		1,850,000	
(FC)	Galisteo Reservoir	2,069,000		2,069,000	
(FC)	Los Esteros Reservoir and modification of Alamogordo Dam		100,000		100,000
	New York:				
(BE)	Fire Island Inlet to Jones Inlet			500,000	
(FC)	Fire Island Inlet to Montauk Point	500,000		690,000	
(N)	Hamlin Beach Harbor				40,000
(N)	Irondequoit Bay			100,000	
(N)	New York Harbor (anchorages)	500,000		1,700,000	
(FC)	North Ellenville	50,000		50,000	
(FC)	Rosendale	1,300,000		1,300,000	
(FC)	Salamanca	799,000		799,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)				
(FC)	Yonkers				25,000
	North Carolina:				
(N)	Cape Fear River above Wilmington	357,000		357,000	
(FC)	Falls Reservoir (land acquisition)			500,000	
(FC)	New Hope Reservoir	2,500,000		4,700,000	
(FC)	Randleman Reservoir				100,000
(FC)	Reddies River Reservoir				150,000
(N)	Wilmington Harbor, 38- and 40-foot depth (1962 act)	1,765,000		1,765,000	
(N)	Wilmington Harbor (32-ft. project, resumption)			200,000	
	North Dakota:				
(R)	Garrison Reservoir (embankment repair)	1,800,000		1,800,000	
(FC)	Minot				75,000
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)				
(FC)	Missouri River, Garrison Dam to Lake Oahe	900,000		900,000	
(FC)	Pipestem Reservoir	400,000		400,000	
	Ohio:				
(FC)	Alum Creek Reservoir	1,300,000		1,400,000	
(FC)	Athens	2,800,000		2,800,000	
(FC)	Bellaire (restudy)		40,000		40,000
(FC)	Caesar Creek Reservoir	1,800,000		2,250,000	
(FC)	Clarence J. Brown Dam and Reservoir	1,600,000		1,600,000	
(FC)	East Fork Reservoir	1,900,000		1,900,000	
(FC)	Fremont			200,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	11,000,000		11,000,000	
(N)	Huron Harbor (restudy)				20,000
(FC)	Ironton			62,000	
(FC)	Newark local protection				75,000
(FC)	North Branch Kokosing River Reservoir	300,000		800,000	
(FC)	Paint Creek Reservoir	2,400,000		2,400,000	
(N)	Racine locks and dam, Ohio and West Virginia	11,000,000		11,000,000	
(FC)	Salt Creek Reservoir		227,000		227,000
(FC)	Utica Reservoir		75,000		75,000
(N)	Willow Island locks and dam, West Virginia and Ohio (see West Virginia)				
(FC)	Youngstown, Crab Creek	100,000		100,000	
	Oklahoma:				
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)				
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)				
(MP)	Broken Bow Reservoir	2,328,000		2,328,000	
(FC)	Candy Reservoir		232,000		232,000
(FC)	Clayton Reservoir		225,000		225,000
(FC)	Copan Reservoir (land acquisition)			600,000	
(FC)	Crutcho Creek	100,000		300,000	
(FC)	Hugo Reservoir	7,500,000		7,500,000	
(FC)	Kaw Reservoir	6,400,000		6,850,000	
(FC)	Lukfata Reservoir			525,000	
(FC)	Oologah Reservoir	3,400,000		3,400,000	
(FC)	Optima Reservoir	500,000		500,000	
(MP)	Robert S. Kerr (Short Mountain) lock and dam	8,800,000		8,800,000	
(FC)	Waurika Reservoir	1,100,000		1,100,000	
(MP)	Webbers Falls lock and dam	10,000,000		10,000,000	
	Oregon:				
(MP)	Bonneville lock and dam (2d power unit), Oregon and Washington		715,000		715,000
(MP)	Bonneville lock and dam (modification for peaking), Oregon and Washington	350,000		400,000	
(FC)	Catherine Creek Reservoir		300,000		300,000
(N)	Chetco River	614,000		614,000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	2,000,000		2,000,000	
(MP)	John Day lock and dam, Oregon and Washington	14,500,000		14,500,000	
(MP)	Lost Creek Reservoir	1,750,000		3,650,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	400,000		575,000	
(MP)	McNary lock and dam, Oregon and Washington	2,500,000		2,500,000	
(FC)	Scappoose drainage district		46,000		46,000
(MP)	The Dalles lock and dam, Oregon and Washington (additional power units)	8,000,000		9,000,000	
(N)	Tillamook Bay (south jetty)	1,800,000		1,800,000	
(FC)	Willamette River Basin bank protection	375,000		500,000	
(N)	Yaquina Bay and Harbor	100,000		325,000	
	Pennsylvania:				
(FC)	Beltzville Reservoir	4,200,000		4,200,000	
(FC)	Blue Marsh Reservoir (land acquisition)	700,000		700,000	
(FC)	Chartiers Creek	2,600,000		2,600,000	
(FC)	Cowanesque Reservoir		316,000		316,000
(FC)	Dubois			100,000	
(FC)	Foster Joseph Sayers Dam (Blanchard)	1,912,000		1,912,000	
(FC)	Muddy Creek Reservoir		100,000		100,000
(BE)	Presque Isle Peninsula (reimbursement)	300,000		300,000	
(FC)	Raystown Reservoir	8,200,000		8,400,000	
(FC)	Tioga-Hammond Reservoir (land acquisition)	1,000,000		1,000,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)				
(FC)	Tyrone		72,000		72,000
(FC)	Union City Reservoir	4,500,000		4,500,000	
(FC)	Woodcock Creek	1,550,000		1,550,000	

	Construction, general, State, and project	Budget estimate for fiscal year 1970 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	Rhode Island:				
(BE)	Cliff Walk	$100,000		$100,000	
	Fall River Harbor, Mass. and R.I. (See Massachusetts.)				
(N)	Providence River and Harbor	4,000,000		5,000,000	
	South Carolina:				
(N)	Cooper River				$200,000
	Trotters Shoals Reservoir, Ga. and S.C. (See Georgia.)				
	South Dakota:				
(MP)	Big Ben Dam-Lake Sharpe	900,000		1,100,000	
	Big Sioux River at Sioux City. (See Iowa.)				
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota.)				
(FC)	Cottonwood Springs Reservoir	540,000		540,000	
(MP)	Oahe Reservoir, S. Dak. and N. Dak	2,000,000		2,300,000	
	Tennessee:				
(MP)	Cordell Hull lock and dam	7,550,000		7,550,000	
(MP)	J. Percy Priest Reservoir	2,136,000		2,136,000	
	Texas:				
(FC)	Arkansas-Red River chloride control, pt. I, Texas, Oklahoma, and Kansas		$436,000		436,000
(FC)	Arkansas-Red River chloride control (supplemental studies), Texas, Oklahoma, and Kansas		749,000		749,000
(FC)	Aubrey Reservoir				150,000
(FC)	Belton Reservoir (raise water level)	100,000		200,000	
(FC)	Buffalo Bayou and tributaries	1,000,000		1,000,000	
(N)	Cedar Bayou (restudy)				15,000
(FC)	Cooper Reservoir and channels	500,000		1,580,000	
(N)	Corpus Christi ship channel				35,000
(FC)	Duck Channel Channel improvement		125,000		125,000
(FC)	Elm Fork Floodway		50,000		50,000
(FC)	El Paso	300,000		350,000	
(FC)	Fort Worth Floodway, Clear Fork extension	1,360,000		1,360,000	
(FC)	Freeport and vicinity	2,200,000		2,200,000	
(R)	Galveston Harbor and Channel (groins)	940,000		940,000	
(FC)	Highland Bayou	100,000		300,000	
(FC)	Lake Kemp Reservoir	1,000,000		1,000,000	
(FC)	Lakeview Reservoir		300,000		300,000
(FC)	Lavon Reservoir modification and channel improvement	2,500,000		3,750,000	
(N)	Mouth of the Colorado River				75,000
(FC)	Pat Mayse Reservoir	200,000		200,000	
(FC)	Port Arthur and vicinity (hurricane flood protection)	5,000,000		5,000,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	4,700,000		5,000,000	
(FC)	San Antonio Channel	900,000		1,200,000	
(FC)	San Gabriel River tributary to Brazos River (land acquisition)	750,000		900,000	
(FC)	Taylors Bayou			250,000	
(FC)	Texas City, hurricane protection	1,100,000		1,100,000	
(N)	Trinity River bridges	1,300,000		1,400,000	
(N)	Trinity River project		150,000		150,000
(FC)	Vince and Little Vince Bayous	700,000		700,000	
(N)	Wallisville Reservoir, Trinity River	1,900,000		1,900,000	
(MP)	Whitney Reservoir			300,000	
	Utah:				
(FC)	Little Dell Reservoir				400,000
	Vermont:				
(FC)	Gaysville Reservior		500,000		
	Virginia:				
(FC)	Gathright Reservoir	1,500,000		1,900,000	
(N)	Hampton Roads	2,300,000		3,500,000	
(N)	James River (restudy)				50,000
(MP)	Salem Church Reservoir		150,000		150,000
(BE)	Virginia Beach (reimbursement)	85,000		85,000	
	Washington:				
	Bonneville lock and dam (2d power unit), Oregon and Washington. (See Oregon.)				
(MP)	Chief Joseph Dam (additional power units)		500,000		500,000
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)				
(N)	Everett Harbor and Snohomish River (1968 act)		52,000		52,000
	John Day lock and dam, Oregon and Washington. (See Oregon.)				
(MP)	Little Goose lock and dam	13,000,000		13,000,000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)				
(MP)	Lower Granite lock and dam			2,000,000	
(MP)	Lower Monumental lock and dam	8,000,000		8,000,000	
	McNary lock and dam, Oregon and Washington. (See Oregon.)				
	The Dalles lock and dam, Oregon and Washington. (See Oregon.)				
(FC)	Vancouver Lake				50,000
(FC)	Wynoochee River Reservoir	750,000		2,000,000	
(FC)	Yakima River at Ellensburg (restudy)		13,000		13,000
	West Virginia:				
(FC)	Beech Fork Lake	1,000,000		1,000,000	
	Bloomington Reservoir, Md. and W. Va. (See Maryland.)				
(FC)	Burnsville Lake (land acquisition)	700,000		850,000	
(FC)	East Lynn Lake	7,800,000		7,800,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	R. D. Bailey (Justice) Lake	10,700,000		10,700,000	
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Rowlesburg Lake (land acquisition)			900,000	
(FC)	Stonewall Jackson Lake (land acquisition)			600,000	
(FC)	West Fork Lake		250,000		250,000
(N)	Willow Island lock and dam, West Virginia and Ohio	12,000,000		13,500,000	
	Wisconsin:				
(N)	Green Bay Harbor (1962 act)	1,250,000		1,250,000	
(FC)	La Farge Reservoir, Kickapoo River (land acquisition)	750,000		750,000	
(R)	Racine Harbor	100,000		100,000	
	Miscellaneous:				
(FC)	Emergency bank protection	300,000			
(FC)	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)	8,000,000		7,250,000	
(FC)	Snagging and clearing	200,000			
(N)	Small navigation projects not requiring specific legislation costing up to $500,000 (sec. 107)	2,500,000		2,000,000	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $500,000 (sec. 103)	500,000		500,000	
	Recreation facilities, completed projects	6,000,000		6,548,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	600,000		600,000	
	Aquatic plant control (1965 act)	1,000,000		1,500,000	
	Employees compensation	705,000		705,000	
	Reduction for anticipated savings and slippages	−44,100,000		−44,100,000	
	1969 reserve applied in fiscal year 1970	−43,785,000		−43,785,000	
	Grand total, construction, general	608,681,000 (627,055,000)	18,374,000	688,821,000 (711,992,000)	23,171,000

Falmouth Reservoir, Kentucky: The $50,000 approved by the conferees includes provision for a study of alternatives, including local protection for the cities of Falmouth, Covington, and Newport, which shall be conducted concurrently with the resumption of pre-construction planning.

Fort Pierce Beach Erosion Control, Florida: The conferees have approved, as proposed by the Senate, a contract between the Corps of Engineers and the Board of County Commissioners of St. Lucie County, Florida, for reimbursement of certain beach erosion work to be performed by the Commissioners pursuant to section 215 of the Flood Control Act of 1968.

Mermentau River project, Louisiana: The allocation of $500,000 is for the replacement of the Lake Arthur Bridge.

Dickey-Lincoln School Dam and Reservoirs, Maine: The conferees have disallowed without prejudice the $807,000 inserted in the bill by the Senate to resume planning. The Senate conferees are unanimous, together with a majority of the House conferees, that the project is fully justified and required to provide hydro-power in the area. Although it is believed that funding of the project should again be considered in subsequent bills, it is not recommended at this time in light of the House action in recent years deleting funds for continuation of the project.

Union Reservoir project, Missouri: The $300,000 allowed under construction is solely for advance participation by the Corps of Engineers with the Missouri State Highway Commission in the reconstruction of Missouri Highway No. 185 across the future reservoir pool. The allowance does not constitute any commitment as to the initiation of project construction.

Wilson Harbor, New York (1968 Modification): The conferees are in agreement that the project should be constructed with funds available under the lump sum appropriation for small authorized navigation projects.

Cape Lookout, North Carolina: As the benefits are almost wholly recreational and are to protect the Cape Lookout National Seashore, the conferees have not approved the $70,000 proposed by the Senate to initiate planning of this hurricane protection project by the Corps of Engineers. The conferees recommend construction of the project by the National Park Service.

Tocks Island Reservoir, Pa., N.J., and N.Y.: The conferees note the statement in the Senate Committee's Report concerning the major increase in recreation benefits attributed to this project and its effect on the repayment to the Federal Government from non-Federal interests and are in agreement that this shall not constitute a precedent for other projects as a means of reducing local participation. The conferees also expect, in the event the pumped storage proposed is approved, that the private power companies will make adequate payments to the Federal Government for use of the Federal facilities.

Salem Church Reservoir, Virginia: The $150,000 allowed includes funds for a restudy, to be conducted concurrently with the initiation of pre-construction planning, to determine the extent to which the plan can be modified to minimize any adverse affects on natural values in the area.

Amendment No. 5: Reported in disagreement.

Flood control, Mississippi River and tributaries

Amendment No. 6: Appropriates $80,820,000 instead of $74,600,000 as proposed by the House, and $87,040,000 as proposed by the Senate. The increase provided over the House bill includes: $10,000 for the Wolf and Loosahatchie Rivers study; an increase of $50,000 for the Old and Atchafaylaya River Control study; $950,000 for the Mississippi River levees; $1,000,000 for channel improvement; $1,000,000 for the St. Francis Basin; $1,000,000 for the Atchafaylaya Basin; $2,210,000 for maintenance.

In addition, $250,000 in available carryover unobligated balances shall be available for land acquisition on the St. Francis Basin project.

It is the view of the conferees that the Corps of Engineers shall adhere to the provisions of Public Law 678, 74th Congress, concerning the local cooperation requirements for bridge maintenance in connection with the Upper Auxiliary Channel of the Yazoo Basin Headwater Project.

Operation and maintenance, general

Amendment No. 7: Appropriates $253,000,000 as proposed by the Senate instead of $245,700,000 as proposed by the House. The increase provided over the House bill is for extraordinary maintenance costs in the Gulf Coast area as a result of Hurricane Camille.

General expenses

Amendment No. 8: Appropriates $22,680,000 instead of $22,600,000 as proposed by the House and $22,980,000 as proposed by the Senate. The increase over the House bill amount includes $35,000 for new positions in the Office of the Chief and $45,000 for full-year funding of positions approved for fiscal year 1969.

Administrative provisions

Amendment No. 9: Provides a limitation of $176,500,000 on the capital of the Revolving Fund, Corps of Engineers, instead of $175,000,000 as proposed by the House, and $178,000,000 as proposed by the Senate.

The conferees have approved the use of the Revolving Fund for the rehabilitation of the cutterhead dredge Collins, as proposed by the Senate.

Cemeterial expenses

The Senate report inadvertently included a figure of $257,800 for the Federal share of the cost of the permanent gravesite for the late Senator Robert F. Kennedy at Arlington National Cemetery. The correct figure is $181,000, the same as the House allowance.

TITLE III—DEPARTMENT OF THE INTERIOR

Federal water pollution control administration

Pollution control operations and research

Amendment No. 10: Appropriates $86,382,000 instead of $85,382,000 as proposed by the House and $86,482,000 as proposed by the Senate. The increase provided over the House bill includes $800,000 to provide a total of $3,000,000 for initiating contracts and grants to demonstrate new methods and techniques and to develop preliminary plans for elimination and control of pollution in the Great Lakes area, and $200,000 for the additional workload involved in administration of the construction grant program.

The amount provided for research and planning assistance includes $250,000 for participation in the Galveston Bay, Texas study.

Construction Grants for Waste Treatment Works

Amendment No. 11: Appropriates $800,000,000 instead of $600,000,000 as proposed by the House and $1,000,000,000 as proposed by the Senate.

Bureau of Reclamation

General Investigations

Amendments Nos. 12 and 13: Appropriate $16,030,000 instead of $16,000,000 as proposed by the House and $16,060,000 as proposed by the Senate. The increase provided over the House bill is for initiation of the study of the Wilburton project, Oklahoma.

Construction and Rehabilitation

Amendment No. 14: Appropriates $149,381,500 as proposed by the Senate instead of $146,381,500 as proposed by the House. The increase provided over the House bill shall be allocated to the Central Valley project, California as follows: San Luis Unit, Westlands distribution and drainage system, $1,000,000; San Luis Drain, $1,000,000; and Auburn-Folsom Unit, Folsom-South Canal, $1,000,000.

Upper Colorado River Storage Project

Amendments Nos. 15 and 16: Appropriate $28,240,000 instead of $26,110,000 as proposed by the House and $30,240,000 as proposed by the Senate. The increase provided over the House bill includes $2,000,000 for the Central Utah project, Bonneville Unit, and $130,000 to initiate advance planning on the Dallas Creek project, Colorado. The conferees have approved the acceptance by the Bureau of Reclamation of an advance of funds by local interests to permit initiation of advance planning on the Animas-LaPlata project, Colorado.

Colorado River Basin Project

Amendment No. 17: Appropriates $1,200,000 as proposed by the Senate instead of $1,000,000 as proposed by the House. The increase provided over the House bill is for advance planning on the Central Arizona project.

Bonneville Power Administration

CONSTRUCTION

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer an amendment to recede and concur in the Senate amendment inserting language providing that not more than $100,000 shall be available for preliminary engineering in connection with the proposed agreements with the Portland General Electric Company and the Eugene Water and Electric Board to acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants.

The conferees are in agreement that approval of the implementation of the program is limited at this time to the two proposed agreements pending an opportunity for detailed review by the Committees on Appropriations of the long-range hydrothermal plan.

The conferees have approved the reprogramming within the funds available as proposed by the Administration subsequent to the House action on the bill.

TITLE IV—INDEPENDENT OFFICES

Tennessee Valley Authority

Payment to Tennessee Valley Authority Fund

Amendment No. 19: Appropriates $50,600,000 as proposed by the House instead of $50,300,000 as proposed by the Senate. The conferees have approved $1,300,000 for the initiation of land acquisition on the Duck River (Normandy and Columbia Dams) project, Tennessee; and $400,000 for the Mills River Reservoir, Upper French Broad project, North Carolina, including $100,000 for planning and $300,000, within available funds, for initiation of land acquisition. The $450,000 made available for the Yellow Creek Port project, Mississippi, shall be used for preliminary planning and design of the project and for dredging of the port.

Water Resources Council

Water Resources Planning

Amendments Nos. 20 and 21: Adjust the limitations in the appropriation language as proposed by the Senate. The adjustment provides for a transfer of $35,000 from the limitation for River Basin Commissions to the limitation for Federal coordination to permit initiation of the Second National Water As-

sessment scheduled for completion in February, 1972.

MICHAEL J. KIRWAN,
JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS (except as to amendments Nos. 10 and 11),
HOWARD W. ROBISON,
ELFORD CEDERBERG,
Managers on the Part of the House.

HAPPY BRITHDAY, MIKE KIRWAN

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, I should like to bring before the House a matter of interest. Today is the birthday, Mr. Speaker, of one of our Members who has been here a long time, who has contributed a great deal to legislation in this country over the past 30 years and more.

I refer to the distinguished Member from Ohio (MIKE KIRWAN) who has been ill and in the hospital for several months. I understand he is going to be able to get out of the hospital tonight to attend a birthday celebration. It is his 83d birthday.

He has been an institution in Ohio. The name MIKE KIRWAN is known the length and breadth of the State. It is known favorably and known well.

I want to congratulate him on his birthday. I wish him many more of them. I wish him a happy birthday.

I yield to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am pleased and honored to have been invited to the birthday party for MIKE KIRWAN on the occasion of his 83d birthday. MIKE is one of the "Grand Old Men" of the House. He is a great guy. I am proud to have served with him on the Committee on Appropriations. I have found him a superb legislator, not only in committee but also on the floor.

It has been a privilege to know MIKE KIRWAN and to have worked with him in the Congress. It is an honor to go to his birthday party tonight.

Mr. HAYS. I thank the gentleman.

Mr. Speaker, I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I want to join the distinguished gentleman from Ohio and the minority leader in wishing MIKE KIRWAN a happy birthday.

We have missed MIKE these last few months here in the House. Not only is he an institution in Ohio, but I think he is an institution in the Nation.

He is well known in Oklahoma. His contributions toward the development of the river basins of Oklahoma have been second to none.

MIKE has been a stalwart, one of the strong men of our times, a man of tremendous determination and will. He has always had the vision and tenacity to succeed in whatever goal he sets for himself.

Though he rose from humble origins, he has served his country and his people with great distinction and with great ability. He has certainly been one of the outstanding Members of Congress in my time, and I join all others in wishing him a very happy birthday today. I shall delight in meeting him and greeting him personally tonight. I wish him every happiness on this day and many more happy birthdays in the years to come.

Mr. HAYS. Mr. Speaker, I am delighted to yield to our distinguished Speaker, the gentleman from Massachusetts (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Speaker, the name of MIKE KIRWAN and his service in this body will always occupy the most prominent pages in the history of this great body. MIKE KIRWAN is a gentleman of humility but of strength and firmness. He has been one of the most outstanding legislators who has ever served in this body. We are all sorry about his illness and we are very happy to note that he is able to attend the birthday party that will be tendered to him this evening. Not only for myself personally as a Member of the House but as Speaker of the House of Representatives, I know I express the sentiments of all my colleagues, whether Democratic or Republican, in extending to MIKE KIRWAN our hearty congratulations on his birthday anniversary and wishing that God will continue to bless him for countless years to come.

Mr. HAYS. I thank the gentleman from Massachusetts. I now yield to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I know it is almost impossible to add anything to the accolades that have been spoken on the floor here this evening in honor of this great American and great legislator. MIKE is one of the truly great Americans of our day. The contributions he had made to strengthening America and making it a better place to live are innumerable. I count him a dear friend. I rejoice in the fact that he is enjoying improved health and spirits and can celebrate his birthday at a dinner party this evening.

Mr. HAYS. I thank the gentleman from Oklahoma.

Mr. Speaker, I now am delighted to yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I, too, wish to join the gentleman from Ohio (Mr. HAYS) in extending congratulations to MIKE KIRWAN as he celebrates his 83d birthday. MIKE was one of those rare oldtimers whom I first met when he visited Hawaii and who, when I arrived here as a freshman Member, took me under his wing and gave me wise counsel. He took a personal interest in my welfare, as he put it, to assure my reelection. I am certain that had it not been for MIKE'S counsel, I would have made many mistakes which probably would have cost my reelection. I join my colleagues in extending best wishes to MIKE and asking for God's blessing upon him.

Mr. HAYS. Mr. Speaker, I thank the gentleman from Hawaii. I yield to the distinguished gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, on MIKE KIRWAN'S birthday we all have much to celebrate. MIKE KIRWAN is the American's American, a man's man, a friend's friend, and a legislator's legislator. He always has been deeply dedicated to those principles which impelled him into public service. MIKE KIRWAN occupies a position which is unique in this House and surely in the hearts of many of his friends and fellow countrymen. On this, his birthday, I take great pleasure in wishing to MIKE KIRWAN many, many happy returns of the day and may they all be joyous.

Mr. HAYS. Mr. Speaker, I thank the gentleman from Texas and now yield to the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Speaker, I am delighted to have the opportunity to join with my colleagues in wishing a happy birthday to this great American, MIKE KIRWAN. It gives me an opportunity not only to express my appreciation for the great statesman he is but also my personal gratitude for all of the very fine help and courtesies he has extended to me since I have had the privilege of serving in the Congress with him. I think you have really to be in a position as I have been fortunate to be in in recent years of working on a committee with MIKE KIRWAN to appreciate all of his high qualities.

He has been one of the senior members of the Committee on Appropriations since I have served on that committee. I must say that whatever contribution or success I have been able to make since being a member of that committee has been largely through the wise counsel and guidance which he has always so generously given to me.

Mr. Speaker, MIKE KIRWAN has been a great friend of my State. He has been a great friend to the natural resources of America. I think of all the men with whom I have served, he occupies one of the most unique and treasured positions of all. It is my sincere hope that he may continue to enjoy the great blessings that a fine public servant and a fine gentleman can look forward to.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to join my colleagues in wishing a happy birthday to a great American, MIKE KIRWAN, who has done so much in strengthening the Nation and particularly the Appalachian area. We appreciate MIKE KIRWAN for all that he has done for the natural resources of our area. In 1964 MIKE KIRWAN flew in to help me in my campaign, and I am personally grateful for all of the assistance which he has given to the Democratic Party and to the Nation.

Mr. Speaker, I would like to join in wishing him a happy birthday on this occasion.

Mr. HAYS. I thank the gentleman for his remarks.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, when I

came to the 89th Congress, one of the first gentlemen I had the privilege to hear was MIKE KIRWAN. His advice was good, his stories were excellent, and his courtesy toward new Members was unexcelled. He had great patience in listening to the problems of the new Members and to the projects which we needed in our districts. He always gave us a fair and impartial hearing.

Mr. Speaker, I wish to join in wishing him a happy birthday.

Mr. HAYS. I thank the gentleman for his remarks.

Mr. TIERNAN. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Speaker, I appreciate the gentleman yielding to me. I want to join my colleagues in wishing one of the finest gentlemen in the House the best of health and congratulations on his birthday. I wish he were here with us today. However, I am sure those of us who plan to attend his birthday party look forward to tonight and to extending to him in person our sincere congratulations.

Mr. HAYS. I thank the gentleman for his remarks.

Mr. Speaker, I want to say one final word in closing. MIKE KIRWAN was supporting long ago what has become fashionably known as the control of our environmental problems, long ago when it was called clean water and clean air. I think he will be remembered for many, many years, probably forever in the history of this country, as a man who was interested in preserving the natural resources and the scenic beauty of our land. If he were here I am sure he would say, "If you see the point I mean."

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to join with my colleagues in the Congress in wishing a happy birthday to my good friend, Congressman MICHAEL KIRWAN, of Ohio. MIKE, as he is affectionately known, has been a stalwart in the Halls of Congress for many years. One of the most effective Members of this august body, he has made a contribution to this Nation unequaled in all of its history.

MIKE, borne in the coal mining regions of Pennsylvania, carried with him during his entire life a great love of country and a real concern for his fellow man.

He is a Congressman's Congressman.

We all love MIKE because of his sterling qualities, his determination, and his ever readiness to be of help to his colleagues.

I visited with MIKE at the Bethesda Hospital a short while ago and I am pleased to hear that MIKE has been improving in health.

With his legion of friends I wish him God's blessing and many happy returns of the day.

Mr. PHILBIN. Mr. Speaker, I am very thankful to the distinguished gentlemen from Ohio, my good friend (Mr. HAYS) for arranging this impromptu tribute to our estemeed, beloved friend Congressman MIKE KIRWAN, on his 83d birthday.

I had the pleasure of visiting MIKE not too long ago, and I found him as chipper, spry, and vigorous as ever. I talked to him for some time, and it was easy to see that he was himself—interested, militant, and intent upon an early return to the midst of his colleagues. I am very happy that the return has been set for tonight and that MIKE will be with us in all his glory to celebrate his birthday.

It can well be said of MIKE KIRWAN that when the good Lord made him, He destroyed the mold.

MIKE was not born with a sliver spoon in his mouth. He had to work hard, struggle and sacrifice for everything he got.

His career in the House and the public service was one of the most unusual and illustrious in American history, one that even the great American writer and author of so many American success stories, the incomparable Horatio Alger, must have anticipated in substance when he wrote "Only an Irish Boy."

As our great Speaker said, MIKE is an outstanding legislator. He is also a fearless and fiery debater with skill and power to confound the opposition with withering rejoinder, a man of deep conviction and unswerving determination, endowed with superb qualities of leadership as he has exemplified so brilliantly in his long, outstanding career.

As we all know, MIKE KIRWAN is an able, quick-witted advocate, well able to hold its own in any company, and cross swords with the best and come out on top.

I do not have time or space here to set forth many fine things MIKE has accomplished during his long service in the House. They would fill several large volumes.

He has been a leader of achievement for many good causes, a staunch, compassionate worker for the poor, the lowly, the downtrodden and the underprivileged.

He has never spared himself in working for and helping those who cannot help themselves, and who are therefore, dependent upon great leaders like MIKE himself to solve their problems, which are so often a question of survival itself, in a harsh, bitter world of frustration and want.

MIKE KIRWAN possesses so many wonderful, lovable qualities that defy description or enumeration.

Steeped in his religious faith, proud of his Irish heritage, possessed of a ready wit and sparkling repartee, moved by profound sympathy for the underdog, and fairly obsessed with his irrevocable commitments to his friends and all the virtues of loyalty, personal and abstract. MIKE stands out among men like the Washington Monument.

He is a man to admire, a man to respect and a man to love for the warmth of his nature and the promptings of his generous heart.

Mr. Speaker, this is a great day for all of us, since it signalizes the return of our dear friend, MIKE, to the circle of his many friends and the charged atmosphere of the House, whose Members rise to hail and salute this glowing tribune of the people and beloved friend from Ohio on his birthday.

May he have many happy returns of this joyous day and may the good Lord shower his choicest blessings upon him for many years to come.

God love you, MIKE.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this tribute to MIKE KIRWAN.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LT. WILLIAM L. CALLEY, JR.

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. TAYLOR. Mr. Speaker, Lt. William L. Calley, Jr.'s home of record is Waynesville, N.C., in the congressional district that I represent, even though he has spent most of his life in the Miami, Fla., area where his next of kin, a father and a sister, now live. I have written Lieutenant Calley a letter offering to aid him in any way possible in protecting his constitutional rights.

We all deplore terrorism and cruelty and the killing of innocent civilians in war. I also deplore the manner in which this young man has been tried and convicted—not in a court of law, but by the press. This case has been horribly handled, both by the Army and the news media. Lieutenant Calley's constitutional rights have been violated, as witnesses have been interrogated by news reporters and their testimony published nationwide. These constitutional rights have been violated by the publication of revolting pictures of horror and death with cutlines leaving the impression that such was caused by this lieutenant. Liberal newspapers have been using this incident as a vehicle to embarrass the military and to build up opposition to the war in Vietnam, without proper regard for Lieutenant Calley's rights for a fair trial.

Any man has a right to be tried in a court where he can cross-examine witnesses and have incompetent testimony excluded—not on the front pages of big-city newspapers.

While not passing judgment on Lieutenant Calley's guilt or innocence, we must remember that war is war and at best, it is destructive, cruel, and stupid. In this peculiar war in Vietnam, it is difficult to distinguish friend from foe. The innocent-looking civilian by day becomes the treacherous killer by night. While most American boys would not kill needlessly, the Communists would.

If this is a case of one lieutenant cracking up in combat and becoming sick and irresponsible, why was he left in command of his unit? Why was the investigation delayed for 20 months?

We are not dealing with a long-haired draft dodger or a flag burner, but with a patrotic young man who entered service with a splendid civilian record. We are dealing with a young man who received the Bronze Star Medal with oak leaf cluster, the Purple Heart, the Good Conduct Medal, and four other decorations. The press should discipline itself and give him an opportunity for a fair trial in a proper court.

VIETNAM

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I support House Resolution 613 and I am in support of the principle of U.S. disengagement from Vietnam as soon as possible and with the South Vietnamese assumption of their full responsibilities. This resolution expresses the support of the House of Representatives for the President's efforts to secure a just peace in Vietnam and for that reason, I believe all Members of the House can in good conscience support the language reported by the House Committee on Foreign Affairs.

Of course, there are many Members who disagree with the President's policies in Vietnam, who would prefer to see a much faster disengagement. There are others who would escalate military efforts to bring about a settlement. House Resolution 613 does not address itself to those differences and other minor differences which I believe should have been allowed to be offered as amendments and debated and it was for that reason I opposed a close rule. Let me make it quite clear that I do not consider that my vote in favor of this resolution an endorsement of policies which the President may establish tomorrow or at any time in the future. This is an expression of support for American disengagement and Vietnamization and a reminder that even while we participate in vigorous debate over the course of the war, there remains a wide area of agreement.

Mr. Speaker, the Long Island Press in its November 26, 1969, editorial discusses the common ground which does exist between divided Americans. I place the text of the Long Island Press editorial in the RECORD at this point:

DEAR MICHELLE AND RITA

An exchange of letters to the editor between two 17-year-old girls typifies the sad split that separates so many Americans from Americans these trying days.

Wrote Michelle Lombardo, in part, last Thursday: ". . . This Moratorium is wasted . . . Sure everyone wants the war to end, but they are going about it the wrong way . . . I wonder if anything happens inside these kids when they hear the National Anthem, 'God Bless America,' and 'America' . . . If they don't feel anything they don't deserve this country . . . 'Love America or Leave it.'"

She was answered in a letter to the editor by Rita Nethersole who wrote: ". . . I feel that anyone who really loves this country will help it. They will let their voices be heard when they disagree, they will refuse to do what they believe to be wrong both for God and for the country. I feel nothing when I hear the National Anthem or 'God Bless America' . . . But I do feel something when I watch people join together in peaceful dissent . . . when I watch a black man vote . . . when I see people taking an active part in their government. This is what America is. America is freedom to believe and to express that belief . . ."

Here are two idealistic young girls at opposite poles, each convinced she is the greater patriot. Yet it never seems to occur to them—as with so many of their adult counterparts—that each, in her own way is deeply patriotic. The crucial difference between them is that each sees only parts of America, forgetting the whole. It's the old story of two people looking at the same cup of water. One says it is half full; the other says it is half empty.

What we need is not an end to our differences so much as an understanding of them. A small step might be made in that direction if Michelle and Rita understood that each, in her own way, loves America. One sings her praises because she focuses on the positive; the other refuses to sing because she is dismayed by the negative. One feels her love is fulfilled; the other feels it is unrequited.

And so it is with much of this divided nation. On this Thanksgiving Eve, it might be time for us all to see America whole, to consider what we have and what we do not have. Between the poles that separate us, there is a lot of common ground where we can all join in prayerful thanks for what we have and where we are lacking, we can join in rededicating ourselves to a renewed effort to fill our cup.

SYRIA ILLEGALLY DETAINS TWO ISRAELI PASSENGERS

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Speaker, on August 29, 1969, a Trans-World Airlines aircraft was illegally seized by air pirates and diverted to Damascus, Syria. On board that aircraft as passengers were six Israel citizens, four women and two men, all of whom were illegally detained by the Government of Syria. After a few days, the women were released. As of this date the two men continue to be illegally detained by the Syrian Government.

As a result of this action, on September 4, 1969, I introduced a resolution which would express the sense of the House of Representatives that the President instruct the permanent U.S. Representative to the United Nations to request a special session of the Security Council to seek ways of bringing air piracy to an end.

I was pleased to learn that the President personally urged the United Nations to take steps to deal with air piracy on September 18, 1969.

Mr. Speaker, 3 months have passed since this illegal kidnaping took place and all efforts by the U.S. Government, of Trans-World Airlines, and of various international agencies concerned with civil aviation, to secure the release of the two Israel civilian passengers have been unsuccessful.

During this period Syria was elected to serve on the Security Council of the United Nations. I do not understand how the United Nations could reward a government who, by her actions, ignores the principles of civil and human rights contained in the Charter of the United Nations. A government which so blatantly flouts the rules of common decency and civilized behavior as the Government of Syria has in this instance is not responsible enough to serve on such an important and sensitive international body.

For this reason, I am introducing a resolution asking the Congress to condemn the Government of Syria for the illegal detention of the two Israel passengers and asking that government to release the prisoners immediately. This resolution would also urge the President to instruct the permanent U.S. Representative to the United Nations to place the matter of the Israel passengers before the General Assembly and that that body determine the fitness of Syria to serve on the Security Council in view of her failure to abide by the principles of the United Nations.

How can the world survive in peace and law when an illegal action by two deranged individuals who hijacked the aircraft in the first place is condoned by an irresponsible Syrian Government.

Somehow Syria must be prevailed upon to take the humane action of releasing the persons immediately.

Passage of my resolution would help to focus world attention on this unfortunate situation.

I urge passage of my resolution.

THE LEGAL SERVICES PROGRAM OF THE OEO

(Mr. BIESTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BIESTER. Mr. Speaker, two Pittsburgh papers, the Post-Gazette and the Press, have recently published editorials which I would like to bring to my colleagues' attention. The editorials discuss the Senate-passed amendment which would provide a Governor with an item veto over the operation of legal services programs within his State.

Some controversy has arisen over the legal services program of the Office of Economic Opportunity due to the fact that legal services lawyers sometimes bring suit against public agencies. But these cases are not undertaken merely to harass public officials. The attorneys are working to guarantee each individual citizen his legal rights. The legal services program seeks to provide the poor with legal recourse against unlawful actions on the part of another individual or, where necessary, on the part of a government body.

As the Post-Gazette editorial states:

In a society which has made a shibboleth of "law and order," the Legal Services Program is an invaluable means of assurance that the legitimate protest of the poor will be expressed in an orderly manner.

I believe that programs which promote law and order are programs which should be supported.

The editorials follow:

[From the Pittsburgh (Pa.) Post-Gazette, Oct. 22, 1969]

CURB ON LEGAL SERVICES TO THE POOR

The right of the poorest citizen to seek redress against an unjust governmental action is a fundamental bastion of democracy. The Legal Services Program of the Office of Economic Opportunity has distinguished itself not only in championing the rights of the indigent but also in pressing for essential law reform. The dedicated lawyers of the program have successfully challenged the rulings of federal and state agencies seeking to deprive the uninformed poor of their basic rights. Since their efforts have often proved costly to some economy-minded state governments, it was inevitable that a strategy would be devised to cripple their effectiveness.

At the behest of Governor Ronald Reagan, Senator George Murphy, California Republican, has proposed an amendment to a bill which would extend the life of the OEO for two years. The amendment would make the Legal Services Program subservient to the will of any state governor by giving him veto power over its actions. The provision would wrest control of the program from the OEO director by denying him the authority to override the governor's veto.

Although the Legal Services Program has won the commendation of President Nixon and the organized bar, the Senate has approved the amendment by a 45–40 vote. The new director of the OEO, former Rep. Donald Rumsfeld, has condemned the Senate's action and is mustering support to reverse it in the House. Despite an administration desire to take OEO out of the storm center of controversy, Mr. Rumsfeld has expressed his unqualified belief in the program: "The Legal Services Program has come to symbolize much of the mission of this agency (OEO): justice for the poor, and orderly institutional change within the framework of the legal system."

The Legal Services Prorgam fulfills an indispensable function in providing the poor with legal recourse against the unfair actions of a powerful bureaucracy. In doing so, it has enlisted the idealism of lawyers eager to correct the legal imbalance existing between the poor and the privileged. Senator Murphy's devious amendment poses a special threat to the needy in states like his own where legislators seek to effect economies at the expense of the poor. In a society which has made a shibboleth of "law and order," the Legal Services Program is an invaluable means of assurance that the legitimate protest of the poor will be expressed in an orderly manner.

[From the Pittsburgh (Pa.) Press, Oct. 23, 1969]

SAME LAW FOR ALL

A Senate amendment to the Office of Economic Opportunity (OEO) extension bill threatens one of the anti-poverty agency's most successful and least expensive programs.

By a 45–40 vote, the Senate adopted the proposal of Sen. George Murphy, California Republican, to enable state governors to veto projects undertaken by OEO's neighborhood legal services program.

Through this program about 1800 lawyers now advise 600,000 poor people in 800 neighborhoods. They handle the normal legal services most people need—not criminal cases—and the rather special matters affecting the poor, such as usury and public housing eligibility.

These lawyers also perform another service. They handle what is known in their trade as "class actions"—that is, they go into court and seek for the poor the rights which, in many instances, the poor aren't even aware they have.

For example, the OEO lawyers in 1967 forced California Gov. Ronald Reagan to restore a $16 million cut in the state's Medicaid program.

Sen. Murphy and his cohorts think the taxpayers should not have to subsidize suits against themselves through the legal services program. On the other hand, the law is supposed to treat everyone equally, and if the poor don't know their rights they can't receive equal treatment.

This is not a question of subsidizing troublemakers to harass public officials. This is a question of guaranteeing an individual citizen the rights that are supposed to be his.

The American Bar Assn. calls Sen. Murphy's amendment "oppressive interference with the freedom of the lawyer and the citizen."

The head of the National Legal Aid and Defender Assn. says the amendment could cause the poor to look on the legal services program "as a paternalistic handout, meant to deceive . . . not to help effectively."

OEO Director Donald Rumsfeld opposes the amendment and says he'll work against it in the House.

If we're going to have law and order in this country, those virtues are going to have to apply across the board. That means the same law for rich and poor.

THE ARMS TRADE—PART IX

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, today I have introduced a bipartisan resolution, cosponsored by 29 of my colleagues, calling for the curtailment of the global trade in conventional weapons of war.

This resolution urges the President to institute a thorough and comprehensive review of our military aid programs, particularly those aspects concerned with arms sales. It also asks the President to take the necessary steps to have the trade in arms brought up as a topic for debate in the United Nations, to initiate multilateral arms control talks among the major conventional arms producing nations of the world, and to use the power and prestige of his office to signify the intention of the United States to work to check and control the trade.

This resolution is not designed to prohibit arms sales to nations, such as West Germany and Israel, for reasons of self-defense; the purpose is to eliminate unnecessary oversupply of arms, particularly to underdeveloped nations. This oversupply constitutes much of the trade today, and contributes heavily to the current high level of international tension. It is also my hope that this resolution will, if passed, bring this entire problem to the general attention of the public.

I am pleased to note that strategic arms limitation talks are currently taking place in Helsinki between the United States and the Soviet Union. These talks offer, in my opinion, an opportunity for initiating discussions on controlling the rapidly growing trade in conventional arms.

Mr. Speaker, since Hiroshima, mankind has been rightly preoccupied with devising ways in which atomic weapons will never again be used. Yet, while we have focused our attention on this most worthy goal, we have all but ignored the critical need to control the vast proliferation of conventional arms that has been a stark fact of life for the past 24 years.

There have been 56 wars of significant size in the world since 1945, 54 of which have been fought in the underdeveloped areas of the world. The nations doing most of the fighting do not have the capacity to make their own arms. Thus, the weapons they use to fight these wars have been imported from the major industrial powers.

Fifteen years ago, the worldwide volume of the trade in arms was $2.5 billion yearly. Today, the trade has doubled to $5 billion a year. It is estimated that within the next decade the trade will double yet again to $10 billion a year. This trade is carried out today largely unimpeded by any international agreements or restraints.

The United States is the world's largest arms merchant. Through an office in the Pentagon, it currently distributes in excess of $2 billion in arms a year to some 70 countries. The Soviet Union is the next largest arms merchant; it is distributing some $1 billion in arms a year, mostly to the Middle East. Its aid to Arab States, in fact, has been so great that these excessive arms have led the Arab states to provoke two wars in the last 13 years and now threatens to provoke a third. Vying for third are the British and French, each of which is selling $400 to $500 million in arms a year. Also intimately involved in the arms trade are Belgium, Canada, Italy, West Germany, Sweden, Switzerland, Czechoslovakia and Red China.

In addition to these government arms merchants, there exist quite a few large private arms traders who buy and sell weapons for personal gain. Collectively, their volume of business runs to approximately $100 million a year, only a fraction of what governments purvey. The largest private dealer in the world is the International Armament Corp., or Interarms for short, which is located just across the Potomac River from Washington in Alexandria.

Since 1945 some $66 billion worth of armaments have been pumped into the world markets by both government and private arms merchants. This is a staggering figure. Of this total, the United States alone has been responsible for $50 billion. We often forget that in the Atomic Age it is these conventional arms that are doing all the killing, and virtually nothing is being done to stop the proliferation of these weapons of death.

There are virtually no international regulations or agreements controlling the international trade in arms today. The few domestic rules each country has on its book are breaking down, partly because the trade is growing so fast that it is overwhelming the existing machinery, and partly because there has developed an excess of bureaucratic obscurantism, intellectual rigidity and sheer human ignorance and greed.

Beyond the horror of the conventional wars that it has helped to induce, the real danger of the conventional trade in arms lies in the fact that it may be just these arms that will trigger a nuclear war. An atomic war could break out, because a conventional war, being fought among developing nations with pistols, rifles, tanks, and jet planes, escalates out of control and involves the super powers.

I am also concerned that the arms-selling nations are involving themselves in the trade less for real reasons of national security and more in support of temporary military juntas and for economic reasons. In other words, nations are selling arms these days for expedience and money. The fact that a nation does not need certain sophisticated weaponry and that such a transaction may have serious long-term repercussions have become less important considerations than the short-term advantage and the international balance of payments. This is a long way from the days when we provided allies with a relatively small quantity of arms strictly for military reasons.

Selling arms, some say, is good for business, it brings in gold, keeps people employed, strengthens international relationships, keeps our friends up in the state of the art, and promotes the international flow of technology. To me and many other people, this reasoning is not only specious but ultimately self-defeating. I can think of no more misguided policy than selling arms to approximately 70 countries for the money—if that policy may result in either local killing or nuclear war.

Equally important is the question of long-term national security versus short-term political advantage. Does the huge 1969 increase in our arms sales to Greece, Chile and Morocco, for example, result in increased national security or represent an oversupply which may eventually be used against our own interests? Has anyone asked what these arms are really for or who is their enemy? Are Greece, Chile, and Morocco under imminent threat of attack, or are these arms to curry temporary favor with a government and more likely to be used for suppression or military adventures?

It is time, therefore, that a full-scale review of our policy be initiated, that the subject be debated not only in Congress, but in the United Nations and, hopefully, in other arms-selling countries as well. We want to see our arms aid policy returned to the point where it is once again subordinate to our overall, long-term foreign policy, and that, in all circumstances, it be flexible, reasonable and minimal. Today, it is none of these. To do this we need international understandings.

I have been in responsive contact with the administration on this question and have urged that useful discussions about controlling the international trade in conventional arms could take place at the SALT talks.

This resolution will strengthen our Government's position and could be the beginning of a long and necessary process of reexamination. The resolution reads in full as follows:

H. RES. 735

A resolution urging new initiatives to stem the escalating $5 billion yearly international trade in conventional weapons of war

Whereas, the House of Representatives finds there exists a $5 billion yearly trade in conventional weapons of war throughout the world that threatens to double to $10 billion within the next five years, and

Whereas, the House of Representatives finds that sold, bartered or given away arms have figured prominently in 56 wars of consequence since 1945, 54 of them fought in underdeveloped countries, and

Whereas, the House of Representatives finds that the United States Government sells more than $2 billion worth of conventional arms each year to some 60 to 80 nations while the remaining $3 billion are sold by 25 nations including major powers such as the Soviet Union, Great Britain, France, West Germany and Italy, and

Whereas, the House of Representatives finds that the United States Government should supply arms to other nations only to the extent necessary for their self-defense and that over-supply fosters military coups d' etat, promotes economic and fiscal instability and encourages military adventures that endanger peace, and

Whereas, the House of Representatives finds that the expanding trade in armaments fuels regional and localized conflicts that could escalate out of control to involve the nuclear powers in a catastrophic worldwide atomic war: Now, therefore, be it

Resolved, it is the sense of the House of Representatives that

(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

(2) the President should take such actions as may be appropriate—

(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialistic Republics, Great Britain, France, West Germany, Italy and other countries on the control of the worldwide trade in armaments, and

(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction.

Joining me in this Resolution as co-sponsors are:

John B. Anderson, Republican, of Illinois.
George E. Brown, Jr., Democrat, of California.
George Bush, Republican, of Texas.
Daniel E. Button, Republican, of New York.
Shirley Chisholm, Democrat, of New York.
John Conyers, Jr., Democrat, of Michigan.
John R. Dellenback, Republican, of Oregon.
Don Edwards, Democrat, of California.
Donald M. Fraser, Democrat, of Minnesota.
Thoms S. Foley, Democrat, of Washington.
William J. Green, Democrat, of Pennsylvania.
Frank Horton, Republican, of New York.
Albert W. Johnson, Republican, of Pennsylvania.
Edward I. Koch, Democrat, of New York.
Robert L. Leggett, Democrat, of California.
Paul N. McCloskey, Republican, of California.
Joseph M. McDade, Republican, of Pennsylvania.
Thomas J. Meskill, Republican, of Connecticut.
Abner J. Mikva, Democrat, of Illinois.
F. Bradford Morse, Republican, of Massachusetts.
Lucien N. Nedzi, Democrat, of Michigan.
Richard L. Ottinger, Democrat, of New York.
Edward J. Patten, Democrat, of New Jersey.
David Pryor, Democrat, of Arkansas.
Henry S. Reuss, Democrat, of Wisconsin.
Donald W. Riegle, Jr., Republican, of Michigan.
Herman T. Schneebeli, Republican, of Pennsylvania.
Charles W. Whalen, Jr., Republican, of Ohio.
G. William Whitehurst, Republican, of Virginia.

FEDERAL EMPLOYEES RETIREMENT BILL

(Mr. DOWNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNING. Mr. Speaker, the Congress provided a great benefit to numbers of Federal employees this year with the passage of legislation which enabled them to retire on the basis of the "high 3" years of their employment. This became law with the President's signature on October 20. In order to gain maximum benefits under the new law, employees had to retire no later than October 31 in order to take advantage of a 5-percent cost-of-living increase in retirement annuities. This gave them a scant 11 days to make the decision, make their plans and retire.

On October 29 a different complexion was added to the status of many employees when the Department of Defense announced the first of sweeping cutbacks in its work force. Although additional reductions were announced November 14, it undoubtedly will be several months before the full impact is known.

There are numbers of employees today who would welcome the opportunity to reconsider retirement if it still were possible for them to take advantage of the 5-percent increase which expired on October 31. I am certain that administrative and personnel officials would welcome these additional retirements because they undoubtedly would eliminate the need for a part of the reduction in force which is already starting to take effect.

I hate to see anyone lose his job, particularly when it happens as a result of circumstances over which the employee has no control. The Congress in this instance has control. I propose today a way through which we can exert a portion of that control and in so doing give certain employees a second opportunity to gain maximum retirement benefits, permit others to retain their jobs, and still accomplish the cutback in personnel ceilings which the administration has called for.

The bill which I offer today would give to all civil service employees who retire within 6 months after October 31 the same 5-percent increase in their retirement annuities.

OFFICE OF ECONOMIC OPPORTUNITY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Don Rumsfeld, when he was our colleague here in the House, was convinced of the need for increasing the involvement of local governments in the conduct of community action and other antipoverty activities.

Now that he has accepted President Nixon's appointment as Director of the Office of Economic Opportunity, it is gratifying to see that, as his friends expected, he has already taken positive action to assure greater local participation in OEO programs.

For example, the Director has had prepared, and is circulating for comment, a revision of OEO's regulation on the Green amendment which is intended to make it easier for local governments to designate community action agencies of their choice and to improve the quality of broad representation. Some of the changes would:

Ease the requirements relating to CAA program capability;

Provide for waiver of certain personnel

policy requirements where public agencies are restricted by civil service laws and regulations;

Heighten requirements for private sector group representation on community action boards;

Reduce the minimum population standard; and

Elimination of the restriction that changes in designations of community action agencies will take effect only at the ends of program years.

In addition, OEO is planning specific program activities to increase communication between OEO and local governments throughout the Nation. For example, work already is underway to fund innovative programs designed to find better ways for local government to serve the poor. Rumsfeld also has ordered the development of training programs for OEO personnel so that they get a better understanding of the problems faced by public officials at the local level in their attempts to find solutions for the difficulties faced by the poor.

In my mind, these few examples demonstrate clearly to me that Don Rumsfeld is fully attuned to the need for more local government involvement in the activities of the OEO. He plans to be responsive to local elected officials and their problems, and has, in fact, already taken significant steps in this direction.

I commend him for his efforts in this regard.

POSTAL PROGRESS

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, all the major recommendations that came out of the Kappel Commission, after that Commission spent a million dollars and an entire year, were embodied in an internal, administratively confidential task force report—of the O'Brien era—headed by Ronald Lee, Tim May, and Ira Kapenstein. Mr. Kappel could have foregone the more than 2,000 pages and five volumes comprising the report if he had handed the Commission staff this 38-page internal report and said, "Gentleman, this is it."

In fact, the many similarities between the Kappel Commission million dollar tome and the task force report are so great that, as I recently compared the two, I could not help but think that Mr. O'Brien must have handed the internal task force report to Mr. Kappel and said, "Fred, here are your guidelines."

I wonder how much more progress we would have had today in the postal system, Mr. Speaker, if Mr. O'Brien had asked Mr. Kappel to spend his year and the million dollars on developing a set of mail standards whereby the mail could be handled to an ever-increasing degree by mechanization? Perhaps the whole corporate imbroglio would have been avoided and today we would see a continuing decline in the cost of handling mail and a proportionate decrease in the so-called Post Office deficit.

Now, some may say such mechanization will be harmful to the postal unions in that it will deplete their members. But this is not true. Such progress will result in a slowing down in the increase in numbers of clerks, carriers, mail handlers, etc. But those that are hired and trained will have better jobs in careers that lead to advancements as their technical skills improve.

Union leaders themselves have envisioned the day when increasing postal volume will make it extremely difficult to find personnel to fill the hundreds of thousands of jobs required in the postal system if the present do-it-by-hand policy is continued.

It is becoming a situation comparable to that in which the Bell Telephone System found itself some years ago.

At that time Bell officials were widely quoted to the effect that if the change was not made from manual operators to automatic switching and routing equipment, the system would soon require all the women in the country being divided into three work shifts per day as operators to keep the system from suffering serious breakdown.

Mr. Speaker, Bell is making the change to meet the future. The Post Office will too, I believe if there is a concerted effort to promote change rather than the continual criticism and carping by Department officials.

FREE OFFICE SPACE FOR EX-JUSTICE EARL WARREN

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, it has come to my attention that former Supreme Court Justice Earl Warren still maintains an office in the Supreme Court Building. I have written the present Chief Justice to ascertain if the information I have is correct and, if it is, to find out under what authority he is still receiving this benefit from the Federal taxpayers.

From my own reading of the United States Code and from an independent opinion I have obtained from the Library of Congress, there is no authority for such a practice. I have also been advised that the Clerk of the Court concurs that there is no express authority for providing office space for retired Justices.

A great deal has been said of late concerning the code of ethics which should be followed by members of the Court. Certain Members of the other body have wept copious crocodile tears on this subject while considering Judge Haynsworth's nomination. At that time, however, they were attacking a man of strict constructionist views of the Constitution, so it is doubtful if they will cry as vastly if I raise the question as to the ethics of a former Justice still poaching on Federal property after his long-overdue dismissal—as long as he is of the liberal stripe of Warren.

It would be interesting to know what ex-Justice Warren is doing in that office. Is he engaged in a private law practice? Is he gathering up Government files to donate to some institution so he can gain himself a tax writeoff? Just what is he doing and what is the reason for the Federal subsidy in space and prestige he is still receiving?

Neither the House nor the Senate provides office space for ex-Members and they should not. I know of no reason nor any excuse in law for doing so for ex-Justices of the Supreme Court. When I have received Justice Burger's reply, I will make it available for your information.

MISUSE OF THE PUBLIC AIRWAYS BY AN INDIANAPOLIS LICENSEE

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, on October 7, 1969, I spoke on the floor of the House concerning the misuse of the public airwaves by an Indianapolis licensee. I brought to the attention of the Congress a situation where the Federal Communications Commission renewed the license of WIFE radio, despite the fact that the licensee had admitted fraudulent billing and false advertising contests. I felt this to be a clear breach of the public trust and in blatant conflict with the aims and goals established by the Communications Act of 1934.

Fifteen days after my statement on the floor concerning WIFE, the Special Subcommittee on Investigations subpenaed FCC Chairman Rosel Hyde to deliver to the subcommittee various records, files and other materials concerning WIFE. Chairman Hyde refused on technical grounds and was cited for contempt by the committee. The Washington Post ran an editorial castigating the subcommittee action as "shabby contempt charges." They went on to say:

> Mr. Hyde should be cited, not for contempt, but for courage and fairness in standing firm against threatened intimidation, in keeping with his long record of public service. It is difficult to believe that the House, which is so far behind in tending to its legitimate business, will permit itself to be used in this shabby bid for power by one of its committees.

Now it has come to light that at the time of the 1969 vote to renew the license, Chairman Hyde knew facts showing that the licensee had violated the fairness doctrine and had made substantially valuable presents to certain public officials and did not disclose this information to his fellow commissioners at the time of the vote. It should be noted that Chairman Hyde patently denied any knowledge of such wrongdoing while appearing before the subcommittee. He specifically said:

> If we had any evidence of corruption in this case, we would re-open it on our own motion and prosecute the investigation vigorously.

We did not go ahead with formal actions of contempt against Mr. Hyde, for he was stepping down as Chairman of the FCC. It is obvious now that the Chairman should be fully investigated, for it seems plain that he has misused his authority and deliberately withheld information from Congress. We must now vigorously push this matter, for the in-

tegrity of the Commission, the authority of the Congress and the ethics of a number of individuals are at stake.

Contrary to the Washingon Post, Mr. Hyde was not being courageous and Congress was acting legitimately, not out of a desire for power. The fact that there are documents and files missing from the nonpublic records of the FCC points up the depth of the problem. The documents are critical of certain public officials, showing that the licensee had given away as gifts items of considerable value. The second missing document related to WIFE furnishing free political advertising to a single candidate for Federal office during the 1964 campaign while withholding it from others.

On October 30, I urged that the House of Representatives adopt an appropriate resolution condemning the contemptuous refusal of Chairman Hyde to obey the subpena and to make clear that any future similar refusal will not be tolerated. I did this because I felt that Chairman Hyde's act was prohibiting Congress from fulfilling the goals we were elected to accomplish. It is our mandate to protect the public against infringement of their interest by public agencies.

The entire WIFE case smacks of impropriety and fraud. The fact that the station received a license renewal despite its improper actions raises grave doubts about the entire FCC license-renewal process. It further brings out that the Commission in the future should be more vigilant concerning licenses rather than less. We in Congress must go on record with bills to protect the public and not just the licensee—who is a mere trustee of the public airwaves.

Congress does not own the airwaves, the Chairman of the FCC does not own them, neither do the licensees of WIFE. It is the public that owns them. We who have authority over them must make sure that profit, selfishness, and fraud are not the end products of this valuable franchise. We must insure that the people listening and viewing are served.

Representative Luther A. Johnson spoke to the 67th Congress at the time of the passage of the 1927 Radio Act. He noted:

> There is no agency so fraught with possibilities for service of good or evil to the American people as radio. As a means of entertainment, education, information and communication it has limitless possibilities.

It is now up to us here in Congress to assure that this media is used for good, not evil. What we do concerning Chairman Hyde and WIFE will be a step in the direction we choose. I hope we will choose wisely, for the future of communications is at stake.

LANDMARK ISSUE IN OIL BATTLE

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, as the Members recall, during the floor debate in April of this year on H.R. 4148, the oil pollution bill, it was acknowledged by all the participants to the discussion that pollution in Lake Erie had reached the critical point. It was the consensus that Lake Erie was indeed a disaster area due to its cumulative unmitigated pollution.

In view of my great concern with the pollution of Lake Erie in particular, and pollution in general, I would like to comment on a novel theory being advanced in a lawsuit concerning the Santa Barbara tragedy of last winter. In a suit seeking to restrain oil drilling in the Santa Barbara Channel, the American Civil Liberties Union contends that there is a basic personal right to live in and enjoy our environment free from destruction and pollution.

I will include with my remarks an editorial which appeared November 20 in the Cleveland Plain Dealer which comments on this matter:

LANDMARK ISSUE IN OIL BATTLE

A landmark decision, establishing in law a new human right, could emerge from the legal battle over oil drilling in Santa Barbara channel off California.

In its suit seeking to restrain oil drilling in the channel, the American Civil Liberties Union contends there exists a basic "personal right" to live in and enjoy an environment free from improvident destruction or pollution.

The ACLU contends that this right was impaired by the federal government's decision to permit drilling, and that this was done without due process of law.

Its immediate objective is to obtain a public hearing on drilling, so that the effect of offshore drilling on esthetics, conservation, wildlife and ecology can be evaluated before further drilling is permitted.

The Santa Barbara area was badly polluted with oil when an offshore well blew out in January. Drilling was temporarily halted, but was resumed when a presidential task force recommended that pumping the oil field dry was the best way to stop the well leak. The panel conceded that this might take 10 to 20 years.

The ACLU contends that the U.S. Corps of Engineers, which has the final authority to issue drilling permits, violated its regulations by acting without a public hearing.

It has won a temporary restraining order blocking further issuance of drilling permits while the U.S. Court of Appeals for the Ninth Circuit at San Francisco considers the basic arguments.

If the court should agree with the ACLU's "personal right" concept, conservationists and pollution foes throughout the nation would have a powerful new weapon to challenge private or government projects that could lead to degradation of the environment.

Whether or not the court agrees, this right, we believe, will sooner or later be established. Conservationists have been pressing for amendments to state and national constitutions guaranteeing the right of citizens to enjoy a clean and healthful environment. Support for such amendments will grow as public awareness of the pollution menace increases.

FURTHER CONSIDERATION OF MILITARY PRISON CONFINEMENT PROCEDURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 30 minutes.

Mr. BIAGGI. Mr. Speaker, I received a letter yesterday afternoon from our colleague, the gentleman from Missouri (Mr. RANDALL), a member of the House Committee on Armed Services. The letter read:

DEAR MR. BIAGGI: As you are aware, the Special Subcommittee to probe disturbances on military bases has been investigating conditions in military confinement facilities, including reports of alleged maltreatment of prisoners.

Included in our itinerary was the stockade at Fort Dix which was visited by members of my subcommittee on two different occasions for detailed observation and inquiry.

At the beginning of the session of the House of Representatives on Tuesday, December 2, 1969, it is the intention of some members of my subcommittee to comment on their visits to Fort Dix under the one minute rule.

Since it is anticipated that these comments will be at variance with your releases to the news media following your visit to Fort Dix in late October, I thought you might wish to be present to have the benefit of our observations.

The letter was signed by Mr. RANDALL in his capacity as chairman of the special subcommittee.

Now I was here earlier in the day and I listened and I observed when comments were offered by my colleagues Mr. RANDALL and JOHN E. HUNT of New Jersey and W. C. DANIEL of Virginia.

As I listened and observed, I recall thinking how extraordinary all of it was because these three gentlemen were really attacking me while acknowledging that their own investigation was incomplete. If we are to take Mr. RANDALL at his word, they were merely submitting "an interim report."

Frankly, if the comments of these three gentlemen constituted "an interim report," I want to suggest here and now that it be entitled: "How to Paint With a White Brush."

I would also suggest that they return to Fort Dix for a third visit and try a little harder to focus on the problems burdening so many of our enlisted men.

To set the record straight, I want to review some of the events that have transpired in recent months so you can measure the kind of investigation the special subcommittee has conducted to date.

Last July 20, racial violence erupted at Camp Lejeune in North Carolina, claiming the life of one marine and leaving 14 others injured. Following this outbreak of violence, members of a Marine Reserve unit from my district who were in training at Camp Lejeune telephoned and sent telegrams, informing me that they feared for their lives because of racial unrest on that military base.

As a result, I went to Camp Lejeune on July 23 to see what was really going on there. Members of the Reserve unit and their senior officers told me that they were sleeping with entrenching tools, pipes, and chains which they regarded as defensive weapons in the event of an assault on their barracks.

They also padlocked the doors of their barracks after dark and undertook a system of posting night guards inside the barracks.

Further, senior officers had issued orders instructing members of the Reserve unit to walk in groups or four or five in the event that they had to carry out any duties after dark.

As I listened and observed earlier today, I could not help but recall that all

of this was taking place on a military base right here in the United States little more than 4 months ago.

As I listened and observed, I could not help but recall that Cpl. Edward Bankston survived his wounds in Vietnam only to return home and die when racial violence erupted at Camp Lejeune. Bankston was just 20 years old and he wore three purple hearts.

Following my return from Camp Lejeune, I received reports of racial unrest at other military bases. Not long afterward, racial violence did, in fact, break but at several of the bases.

On July 31, 8 days after I returned from Camp Lejeune, I introduced a resolution calling for the formation of a select seven-member House committee to investigate crime and general disorders on military bases.

At the time, I said that I felt the House Armed Services Committee was overburdened with so many other problems and that the investigation was sufficiently important to warrant the exclusive attention of a select committee.

The next day, Chairman L. MENDEL RIVERS announced to the news media that his House Armed Services Committee would undertake the investigation.

Then, within a few days, Chairman RANDALL gave us another one of his "interim reports" and announced that the racial violence at Camp Lejeune was "an isolated incident." Again, if he is to be taken at his word, I suppose we should simply disregard the news accounts of the violence that erupted at a series of military bases shortly thereafter.

Perhaps, the news media was simply engaging in what the chairman obviously regards as the playful pastime of fictionizing the bloodshed, the assaults, and the injuries.

Now let me tell you about how the gentleman's subcommittee has sought my cooperation.

During the late afternoon of August 11, I received a telephone call from Mr. RANDALL, who invited me to testify before his subcommittee the next morning. I promptly sent this letter:

DEAR MR. CHAIRMAN: I was unable to cancel the New York appointment scheduled for Monday evening, August 11, which I disclosed to you during our telephone conversation that afternoon when you called to ask me to testify the next morning.

I am sure you share my utmost interest in the inquiry your committee is conducting. In view of that, I want you to know that I am still receiving considerable information about conditions on some of our military bases. This information is presently being correlated, reviewed, checked and developed by my staff. Therefore, if my appearance before your subcommittee is to be meaningful and thorough, I do require the opportunity of completing the work I and my staff are presently engaged in. I suggest that my appearance before the committee be scheduled sometime after the first week of September. I am sure you will agree that in this manner both I and the committee can feel that we have given this very important matter our maximum effort.

I trust that I will hear from you in the near future.

I did hear from Mr. RANDALL again. That was on Friday, September 12, when I received a letter from him inviting me to testify before the special subcommittee 4 days later.

On that occasion, I went before the subcommittee and submitted 24 pages of testimony.

Following my testimony before the subcommittee, I visited three more military bases—including Fort Dix in New Jersey. But the subcommittee has not seen fit to even ask me for my findings in regard to these military bases.

I hasten to add that I have spent more than $2,000 of my own money conducting this inquiry and have loaded an already overworked staff with so much additional work.

As I listened and observed today, I recalled that I had spent 23 years on the New York City police force.

I am familiar with prisoners. I probably had more in my time than many towns have had during a corresponding period. I am familiar with the fact that prisoners seldom admit guilt. I am able to separate the wheat from the chaff. I am not a naive boy. I have been through this the hard way. I do not think my credentials should be required to be continually waved. I do this for a reason. It was implied today that perhaps, while interviewing the prisoners, I was susceptible of a snow job. I prefer to offer my credentials. As testimony to my ability to distinguish the truth.

But I hope my message is clear. My efforts on behalf of our enlisted men are far from exhausted.

I agree that there are many ranking military officers worthy of respect and admiration from all of us because of their distinguished service to our Nation. Regrettably, I have also found that one cannot count on the credibility of all of these ranking military officers.

It seems that my colleagues would have us believe that the only liars on earth are enlisted men who complain of abuses—or those of us who would defend these enlisted men and try to improve the system.

I suppose, however, that these three gentlemen have a right to be sensitive in view of all that has happened in the Armed Forces in recent months.

Unfortunately, we have had officers taking the fifth amendment during investigations of military service clubs, the Green Beret scandal that was so conveniently kicked under the rug by the Secretary of the Army, and more recently, the reported atrocities in Vietnam.

Though I regard the problems that I found at Fort Dix as serious enough, I think it is time we started to deal with the whole military situation in a manner that really manifests our desire to clean house and improve the lot of our enlisted men. In the context of recent events, Fort Dix is but a ripple on the murky waters.

Now, I want to tell you something about the credibility gap I encountered at Fort Dix and, perhaps my colleagues should listen and observe in this instance.

During my visit to Fort Dix on October 24, Lt. Col. A. J. Nealon told me that a diet which the Army calls disciplinary chow includes everything but meat. Colonel Nealon also told me that the diet cannot extend for more than 7 days. Later in the day, he made the same assertions to members of the news media.

Now, Colonel Nealon is the information officer at Fort Dix. He should know what he is talking about.

Army regulations 190–2 and 190–4 clearly note that disciplinary chow is a diet restricted to bread, water, spaghetti, and some raw and/or cooked vegetables. That is all the diet can include. In fact, it is even devoid of condiments such as sugar, salt, pepper, catsup, and mustard.

The Army regulations also note that disciplinary chow can be extended for 14 days, not 7 days as contended by Colonel Nealon, and can be repeated for the same period of time after intervals of 14 days have elapsed.

My files are filled with cases of enlisted men who had to live on this diet for 14-day intervals.

I, for one, absolutely consider this diet to be inhuman, primitive, and medieval. I defy any penologist in our modern-day society to claim otherwise.

As another instance of the credibility gap among the ranking personnel at Fort Dix, I have a letter dated July 31, 1969, from A. F. Zoda, chief of the congressional affairs division in the office, chief of staff, of Fort Dix. He writes:

To date we have had no serious disturbances at Fort Dix.

But the fact is that less than 2 months earlier some 200 prisoners participated in a riot in the stockade at Fort Dix.

Fortunately I do not rely solely on the chief of the congressional affairs division at Fort Dix for my information in this instance or any other. Happily we have been able to apply the advantage of my experience over 23 years of investigation in this military scene. I am grateful for that.

Yes, I stick to every word I have said about the problems at Fort Dix. If anything, I feel I have tended to minimize the problems that are there. That is a fact; I have tended to minimize the problems, because it is not our purpose to destroy the military. It is our purpose to have the military clean their house. It is our purpose to have the GI protected and provided with his rights. That is our purpose.

If my colleagues do not believe my findings at Fort Dix, I respectfully suggest they go back and recheck their information.

As I listened and observed earlier today, I heard Mr. HUNT say he felt qualified to conduct such an investigation because of the work he did for 4 years at the Gloucester County, N.J., prison. Possibly that is a part of the problem, the matter of trying to relate a civilian prison, that had a population of 69 as of 3 o'clock this afternoon, and comparing that with the operation of complex military stockades.

I want to remind my colleagues that the morale of our troops is reduced every time an enlisted man's life is treated cheaply and a curtain of camouflage is dropped on abuses in stateside training camps.

I had occasion to deal with several of the very graphic illustrations of the

brutality which have been covered by the press on which we have initiated our investigation—and have purposely omitted them today so as not to inflame the situation.

Hopefully the military will deal with them expeditiously.

Some people say it is universal. It is immaterial whether it be 1 or 1,000. There is not room for even one. If we have sadism, it should be eliminated. We are dealing with the military and with hundreds of thousands of people. No one would dare to stand here and defend all of them or the conduct of all. For those who would whitewash the military problems at the expense of our enlisted men, I serve notice here and now that I will continue to do all in my power to give human dignity and pride to the enlisted men. I ask that the subcommittee do nothing less.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New York.

Mr. LOWENSTEIN. First, I want to say what everyone feels who knows the gentleman; namely, that the House is honored by his presence in it. He adds not only his great experience in his particular profession, but also qualities of integrity, intelligence, and commitment that are so rare in public life and add so much when they are present.

Second, I want to say that the gentleman has made great contributions to the public good in the field of military justice. He has spent freely of his time and resources to track down instances of injustice and alleged injustice, and to bring them to light, and in this way he has given a sense to many Americans that their elected representatives can be concerned about injustice and unfairness even when the going is rough and the victims are not influential figures. We are all aware of disturbing instances of harassment and unfair treatment of enlisted men from the Presidio to Fort Jackson and Fort Dix, and we are indebted to Mr. BIAGGI for his efforts in this special field.

Third, Mr. Speaker, I want to support the gentleman's contention this afternoon that so far these probes into problems of military justice, stockade conditions, and the security of servicemen against violence on military bases—that these probes have so far barely skimmed the surface of some very murky waters. That's what makes his pioneering work take on such great import. The Congress must follow through on the beginnings he has made, so we can find out what the facts are and improve conditions where they need improving. The Armed Forces should welcome this kind of assistance in meeting some of the problems that are becoming acute wherever there are military bases. Improved morale would not be a blow to the best interests of the Armed Forces, and it is clear by now that morale is a growing problem on military installations everywhere.

So, Mr. Speaker, I want to repeat how grateful many of us in the House are tc Mr. BIAGGI for his leadership and persistance in these matters. We will do whatever we can to help him in his efforts. I hope he will not let a few diversionary comments discourage him or confuse him about the broad support he enjoys among his colleagues.

Mr. BIAGGI. I thank the gentleman.

In response to the gentleman, on the question of military justice, my office is preparing a bill that we will submit to the House with regard to establishing a military justice commission for the sole purpose of helping the military.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. ADDABBO. I wish to commend the gentleman for his forthright statement. I agree with the comments made here by the other gentleman and wish to applaud him for his interest in the welfare of the enlisted personnel wherever they may be.

Will the gentleman yield for a question?

Mr. BIAGGI. Yes.

Mr. ADDABBO. In your investigations in the various camps where these investigations were made, were these investigations made on your own or as a member of the committee?

Mr. BIAGGI. They were made on my own.

Mr. ADDABBO. In your investigations, in your visits to these camps, were they prearranged visits; did you give them notice, or did you take them unawares?

Mr. BIAGGI. On one occasion I had given notice. On the other occasions we gave no notice.

Mr. ADDABBO. And therefore your findings possibly would have been greater?

Mr. BIAGGI. Otherwise we would find a good deal more.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New York.

Mr. GILBERT. I want to compliment my colleague from New York and particularly from my county for the wonderful work he has done in this field. Personally, I wish to advise the House that my colleague from New York has quite an expertise in this field. He has a great deal of knowledge and background.

I would suggest to the subcommittee that instead of arguing with my colleague, the gentleman from New York, that instead of intimating that, perhaps, he is attempting to place the military in a poor light, that they rely upon his knowledge and background and that they use his information so that, as he has indicated, he is seeking justice for the military, the men of the military. Further, that the service will be better off for this type of an investigation rather than trying to sweep it under the rug.

I know the gentleman from New York is sincerely motivated and dedicated in this instance. Therefore, it is my opinion that he is trying to do a service to the military itself so that we will not have future scandals, so that we will not have situations such as we witnessed in Vietnam.

Therefore, I want to personally compliment and commend the gentleman for his courage and for his tenacity. I know that ultimately the subcommittee is going to agree with the gentleman.

Mr. BIAGGI. I thank the gentleman for those kind remarks.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, I would like to join my colleagues in congratulating the gentleman from New York, my good friend (Mr. BIAGGI), for the fine service that he has rendered to the country in revealing the conditions that do exist in the military stockades.

It is another demonstration of his courage. He should not have to be standing up here this evening defending himself from attacks for his public service. He should be joined by the rest of this body in seeing to it that military justice is carried out at every military installation in this country.

Mr. Speaker, for far too long the military has been sacrosanct from criticism no matter what abuses it may have committed, whether economically in terms of the wasting of funds on nonessential projects, or spending far more for items than they would cost if they had been purchased commercially. Now the worthy gentleman from New York has revealed physical abuses to the people in the service as well.

This simply has to end. It is not that everything the military does is bad or that what the gentleman is talking about is in derogation to the military. However, I know the gentleman wants to make the military completely beyond criticism and maintain the high standards that we would expect for it and make it an institution of which we can all be justly proud.

Mr. Speaker, I think the gentleman has contributed to that kind of an effort in a very salutary and meaningful manner.

Mr. BIAGGI. I could not be more emphatic on that point. The Americans rely so heavily on the great military tradition of this Nation. By virtue of it we have managed to establish and maintain a free America. But Americans also expect to find that when young men and women go into the services that they should be regarded as human beings and treated with dignity. Anything less is less than American.

Mr. Speaker, I yield back the balance of my time.

COLLOQUY ON ENDING THE VIETNAM WAR

The SPEAKER pro tempore (Mr. WALDIE). Under a previous order of the House the gentleman from New York (Mr. OTTINGER) is recognized for 60 minutes.

Mr. OTTINGER. Mr. Speaker, I have taken this special order under a program initiated by my colleague, the gentleman from New York (Mr. WOLFF) in order to

give to the Members of this body an opportunity to express themselves with respect to our policies in Vietnam, every Tuesday, Wednesday, and Thursday evening. Under Mr. WOLFF's plan various Members will take special orders to continue giving them this opportunity until such time as the war is ended.

I think Mr. WOLFF's program is very worthy of praise, and I am very pleased indeed to participate in it.

It is particularly opportune to have this opportunity this evening at the conclusion of debate and the vote on the first resolution with regard to the situation in Vietnam that this House has considered since it hastily passed the Gulf of Tonkin resolution 5 years ago.

Mr. Speaker, I do not think the House rendered much credit to itself today in the debate on this resolution. The debate certainly did not result in a freely arrived at consensus because the Members of the House were precluded by the rule from changing one dot on the "i" or one cross on the "t" with regard to the resolution, and because the resolution itself was brought to the floor of the House without any hearings, without any expert testimony on it to clarify its meaning, and with only very minimal discussion in executive session within the Committee on Foreign Affairs itself.

This whole procedure of a closed rule is really in derogation of democracy. A closed rule is founded on fear of what Members of the Congress, the representatives of the people of this country, might do, how they might express themselves.

It seems to me that Members of Congress should never operate under a closed rule restricting our opportunity to allow free expression to a majority. We should never restrict amendments on Committee on Ways and Means recommendations that come out traditionally under a closed rule, foreign policy matters or any others. If we cannot trust ourselves in this deliberative body then it seems to me that the country cannot have much trust in us, and we certainly do not hold ourselves up as much of an example of democracy.

To handle important matters like the discussion of the war in Vietnam, which is the most important matter before the country, under a closed rule, and not to permit amendments, is a discredit to this House.

I think in large part the closed rule procedure renders the resolution today meaningless. It certainly is not a free expression of the will of this House because the Members, representatives of the people, have not had a chance to test the resolution against various amendments that would have been offered to clarify or change it. The House was left only two alternatives, to vote for or against the proposition presented. Even many who voted for it expressed great dissatisfaction with its formulation.

Mr. Speaker, many of us scught amendments to merely clarify the intent of the resolution, to show quite clearly that it did not, as its sponsors said it did not, imply any endorsement of future military escalation in Vietnam—yet that opportunity was artificially denied by the closed rule.

Many, as a matter of fact, more than 100 Members, sponsored a different resolution which expressed support of the President for his past troop withdrawals and accelerated future withdrawals, yet that opportunity was also denied.

As a result, we have a resolution about which there is a great deal of confusion as to its meaning, and a great deal of dissension. I think that the purpose of expressing any kind of concensus with respect to Vietnam, was thus frustrated.

Mr. Speaker, despite the operation of this rule I would like to personally congratulate the gentleman from Ohio (Mr. HAYS), the chairman of the subcommittee that handled this resolution on the floor, and the gentleman from Indiana (Mr. ADAIR), the minority manager, for the very fair way in which they allotted time to all the points of view with respect to the resolution.

We had the opportunity to be heard, even though the ideas we expressed could not be adequately considered by the House.

I would also like to say of the chief of sponsors of this resolution, the gentleman from Texas (Mr. WRIGHT) and the gentleman from Oklahoma (Mr. EDMONDSON), these are men for whom I have a tremendous amount of admiration. I am sure they were sincere in putting forth the resolution and that they very honestly believed that a large majority for this resolution would promote the hastening of the day that we could achieve peace in Vietnam.

I just disagree with their conclusion. I do not think the resolution will achieve the end that they desire. But I would not want to see any aspersions cast at all upon the sincerity of their effort.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman.

Mr. LOWENSTEIN. Mr. Speaker, I want to commend the gentleman, and our other colleague, the gentleman from New York (Mr. WOLFF), for their part in the effort to make it possible for Members of the House of Representatives to consider and discuss adequately the problems presented by the continuing involvement of the United States in the undeclared war in Vietnam.

The performance of the House yesterday and today certainly makes it difficult to defend the procedures by which we conduct our affairs, especially on something as crucial as the war. But it also underscores how useful sessions like these can be. We are extremely lucky to have men as concerned and hard working as Congressmen OTTINGER and WOLFF in the House to organize and lead this kind of effort. After all, not too many Congressmen can discuss fully the issues presented by this resolution in 3 or 4 minutes, or even in 5.

I wonder if you felt, as I did, a sort of haunting resentment this afternoon. What a great pity that we could not have had discussion and debate, instead of a parody of discussion and debate, before voting for the first time in 5 years on a resolution that purports to reflect the views of the House—and therefore of the country—on something as central to these times as the war.

Mr. OTTINGER. Yes, I certainly do agree with my good friend from New York that this procedure which allowed Members only 3 to 5 minutes in general debate is a very inadequate procedure. I think the matter should have been considered fully in committee and then under the 5-minute rule amendment procedure. Consideration of amendments is really the cutting edge of the legislative process, when you have different alternatives proposed by Members and these changes can be discussed by any Member for 5 minutes.

I must say I think that permitting extended general debate procedure is a farce and we really ought to cut back on that very drastically in our rules. If there is any record a Member wants to make on a bill in general debate he can always put his remarks in the RECORD without his actually appearing and taking the time of his colleagues to say it. Really meaningful debate on any issue on the floor of the House occurs in the amending process where alternatives are offered and where people have a chance to offer substitutes or amendments, and the House then can really decide what shape the legislation ought to take.

Under the closed rule, the amending process was foreclosed and the only debate possible occurred under the sterile procedures of general debate. Members could gesture and criticize to their hearts content—within the few minutes alloted them—but they were rendered impotent by the rule to take any action to effectuate their views.

Mr. LOWENSTEIN. As the day wore on I could not help worrying about how little connection there is between what we were doing here and what is going on in the country. What must it do to the health of a representative democracy if the highest collection of representatives loses sight of their most urgent function, or at least goes about performing that function in a kind of ritualistic, offhand way? I tried, in the limits of my allotted 3 minutes, to raise this terribly crucial question today, only to hear myself denounced as a leading voice for disunity

What fantasies occupy the brains of ostriches. If you describe the reasons there is disunity; you become the reason there is disunity. If you try to explain that millions of Americans are increasingly alienated and frustrated because they feel inadequately represented, you of course become the cause of the alienation and frustration.

It was also said today that I am a leading example of getting elected to Congress by dissenting. In a sense, that is true. There is much that is going on in this country and that this country is doing elsewhere that I dissent from.

But the viewpoints I have expressed here are the viewpoints I expressed throughout my district before I was elected, and I was elected from a district that is preponderantly Republican. That does not give either me or this district any special virtue; but it does suggest that maybe those of us who feel as I do about the war and related problems are not dissenters because we are a minority. On the contrary, the evidence seems rather overwhelming that we have to go on dissenting because the policies the

majority of the people want to see implemented have not in fact been implemented. That situation explains much of the bitterness and disunion that now mar the political dialog of America. And the muddying of issues that obscures alternatives and robs words of their meaning contributes to this bitterness too.

That is one reason that I think passing today's resolution was a disservice to the country. It has to confuse people further. Listening to its proponents explain it today, it was hard not to feel that some of them at least have that precise purpose in mind—to muddy issues and confuse people.

Is it not perfectly clear by now that the American people do not want an open-ended commitment to stay in Vietnam? Does anyone think they would support this resolution if they knew that it condones keeping our Armed Forces in Vietnam until what are called "free elections" are held, and that given the present situation that means our Armed Forces could well be there forever?

Yet now we will be told that the heavy vote for this resolution means that the American people support the very policies that, if carried out, quite clearly must frustrate their desire for an early end to their involvement in the war. In the short run, this kind of political sleight of hand may seem clever. In the long run, it produces credibility problems, even for Presidents, and that is not in the interest of anyone who loves this country.

This kind of deception, intentional or not, will add to bitterness. It will not make it easier to govern the United States in the way a democracy should be governed. It will give further ammunition to those who say that the processes of democracy in America do not work, that words do not have the meanings they are supposed to have.

So I am deeply troubled, both about the procedures and about the substantive results that these procedures helped produce. I would welcome your thoughts and comments on these matters, as well as on the war itself.

Mr. OTTINGER. I quite agree with my esteemed colleague on the unfortunate consequences of shutting off debate and not allowing the voiceless' voices be adequately represented. Such action can only increase frustration. It can only increase dissension. It can only encourage those who believe they do not have adequate recourse under our democratic process, and they have to resort, therefore, to extralegal activities. The frustration that many people are feeling today is very great indeed, particularly some of the people who have to live in rat-infested, unsafe, and unsanitary housing, who do not have enough to eat. There are millions of people in that category in the United States. The Federal funds that might go to help to alleviate those situations are going into the military in general and the war in particular. Certainly, when they see that their representatives cannot even attempt to influence colleagues with respect to changes in the resolution that might hasten the day when we see an end to the war and see adequate funds devoted to their needs; it is going to increase their frustration very greatly.

I commend the gentleman for the role he has played—and it is very great indeed—in giving these neglected people a voice and giving them some confidence that they do have some representation in the House. I think he has performed a great service and did not deserve the criticism that he received today. He deserves the plaudits of us all because I think in a very responsible and effective way he has represented interests that very much deserved to be represented in this House.

Mr. LOWENSTEIN. I appreciate the generous remarks of my colleague. But I would like to return, for another few minutes, to the assertion that this resolution represents the feeling of the overwhelming majority of the American people. That, it seems to me, would be true only if it were true that the American people are prepared to stay in Vietnam until free elections are held.

I wonder if those of us who deny that is the view of the American people, and who oppose the resolution not only on its merits but also because we believe it to be unrepresentative of what the American people want—I wonder if we should not invite those who support this resolution to join in an effort to give people an opportunity to express themselves directly on this central question: Do you want American troops to stay in Vietnam until free elections have been held? Alternatively, do you want to stay until Hanoi agrees to a "reciprocal withdrawal" of troops and Saigon is able to take over the war on its own? If Americans wish to stay until those things occur, we should adopt a declaration of war, we should try to equalize the sacrifices that will be necessary until unobtainable goals are obtained. In any case, some men ought not to go on making excessive profits on the war while others die. But my main point is that it is high time the American people had a chance to express themselves directly on what they want to do about their participation in the war in Vietnam. We do not have the British system, and the next election is a long time off, as time goes during wars. Should we not begin to think of ways that a national referendum, or lots of local referendums, could be held on this matter?

Mr. OTTINGER. If I may comment on that for 1 minute, I believe the gentleman is quite correct. Referendums on the war and specific means of ending it would do much to clarify the state of public opinion about the war and dispel myths about silent—and likely nonexistant—majorities for continuing it.

There is no question in my mind, for instance, that there were 300-odd sponsors of this resolution and some 333 votes for it today only because its language was so vague that people could interpret its meaning as supporting the President in his efforts in pursuit of a just peace virtually any way they wanted to, supporting an unlimited military escalation in support of a just peace or supporting a total withdrawal in pursuit of a just peace.

Were it not for that, if the real meaning of this had been tacked down tightly, they would never have gotten that kind of support.

I believe the significance of the resolution is very much diminished by the vagueness of its language and the confusion of its meaning.

There is another thing I am really concerned about, and I will talk a little more about it later. It is the intimidation that contributed to the kind of majority the resolution received. There was a clear effort on behalf of many Members in this debate to imply that those who opposed the resolution were opposed to a just peace and favored Hanoi. It seems to me that is as far from the truth as one can get.

This suppression of dissent we see so much today, on behalf of the Vice President, and other Government officials, equating dissent with disloyality, attacking people who disagree with the Government as Communist-inspired or Communist sympathizers, is a very dangerous phenomenon that harks us back to the days of the reign of terror of Senator Joseph McCarthy in this country.

If we get to the point in this country where people have to fear for their jobs or their reputations in the community simply because they dare to express disagreement with policies of the Government, we shall have forgone one of the most basic tenets of the democracy we are supposed to be fighting for. It is a most serious matter.

I believe the fear, the ugly emotion, the hate, the bitterness, the prejudice that the Vice President has churned up in our society, and other spokesmen for the administration have churned up, contributed as strongly to the vote we saw as much as anything else. Members of Congress became afraid of the kinds of accusations they would have to face if they did not support this resolution.

I see more hate mail in my own congressional office today than I have seen since I have been a Member of Congress as a result of this effort.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from California, who contributed greatly to the debate today, and for whom I have very great admiration.

Mr. WALDIE. I should like to join in this colloquy. May I first seek to associate myself entirely with the remarks of the gentleman in the well, as well as the remarks of the gentleman from New York (Mr. LOWENSTEIN).

May I also comment briefly on the peculiar umbrella which this resolution today provided the House. Members will recall when we sought to express some comments on the President's November 3 speech, that morning after the speech there was a considerable cheering section that expressed delight with what the President said; but there was a dissenting voice that was most difficult to understand. That was a voice expressed in a letter circulated by the gentleman from Arizona (Mr. STEIGER) signed, I believe, by 17 Members including the chairman of the National Republican Com-

mittee, the gentleman from Maryland (Mr. MORTON), calling for a massive escalation of the war, including the mining of Haiphong Harbor and the bombing of Hanoi, I believe, or the outskirts of Hanoi.

It is of interest that every signatory to that letter found his views expressed within this resolution passed today, as well as those who voted for the resolution and who I know from personal knowledge have called for an immediate withdrawal from Vietnam. They, too, found their views expressed within the broad umbrella of that resolution.

I only comment on that fact to make clear my own personal belief that a constructed, manufactured unity such as was sought by this resolution is clearly not going to deceive the enemy in Hanoi, who have not been deceived by a pretended unity by a Gallup poll up to this point, nor were they convinced, let alone deceived—certainly they were not convinced when there in fact was in the early years of the Johnson administration considerable unity for a military victory in Vietnam.

That did not persuade them to come to the bargaining table; that did not persuade them even with knowledge of an honest, real unity in the country. Prior unity did not ameliorate their conditions for settlement in any way, but it seemed to me it hardened their conditions. So, if the sponsors of this resolution, by a constructed, artificial unity and an umbrella that would encompass those who are calling for the bombing of Haiphong and the mining of Haiphong as well as those calling for immediate withdrawal—if they can find in this resolution enough comfort to vote for it, then it seems to me to be pretty apparent to the enemy that the unity we seek to present to them is not really there. I think that would be an honest interpretation on their part, too.

May I comment a litle bit further. I was not aware of this program of holding regular Vietnam discussions, and it is a wonderful program for young Members such as the three of us represent. Apparently it is about the only time we will ever get a chance to debate and discuss the Vietnam war other than 2 minutes at a time alloted on this floor in debate of today's resolution.

I was personally concerned when the President announced that he was renouncing military victory in Vietnam and was withdrawing our troops. What was left to negotiate at the bargaining table? If those who claim that we who criticize the President are encouraging Hanoi to hang on, think what encouragement they got to hang on when the President of this country said:

> We no longer seek military victory and are bringing home all of our troops.

Why should they not hang on forever in Paris with that announcement? I am not condemning that announcement, because I happen to support it, but rather the inconsistency of saying that the President who says we are no longer fighting to win the war because we cannot win it and that we are bringing our troops home—to say he does not give encouragement to the enemy to hold out, whereas we who criticize him for not getting the troops out faster do give comfort to the enemy. This seems to me to be the great inconsistency of the entire debate.

The other thing that leaves me absolutely unable to comprehend those who protest the views that we or I have expressed is their assertion that we cannot withdraw because it would lead to an alleged slaughter of non-Communist South Vietnamese.

May I define my views first. We should withdraw as quickly as we can, consistent with the safety of our troops; and the American interest should be defined in terms of American troops—not in response to what Hanoi or South Vietnam does but only as to what is good for America.

When I suggest we should withdraw only consistent with what is good for our troops and the safety of our men, I am always met with an immediate response that you would invite a bloodbath in South Vietnam. It is my understanding that there are over 1.2 million South Vietnamese under arms—our arms, our airplanes, our uniforms, our money, everything ours except our bodies—1.2 million men opposing at the highest figure I have ever heard since the Vietnam war has been in existence—opposing at the highest figure—400,000 of the enemy composed of 200,000 Vietcong and 200,000 North Vietnamese. We are led to believe that if we withdraw our now 470,000 troops that those 1.2 million South Vietnamese under arms will be subjected to a blood bath, so we cannot withdraw as a result. If they will be subjected to a blood bath. I believe, one, either they have laid down their arms and bared their throats to this 400,000 minority enemy; or, two, they do not care; or, three, they are incompetent. I suspect one and two are fairly accurate. If that be the case, then why in God's name should American troops remain in South Vietnam to wait until the war in South Vietnam becomes, as the President now says, Vietnamized?

How can you Vietnamize 1.2 million men under arms that cannot now handle 400,000 irregulars? It is absurd and I do not understand that theory.

I recognize that I probably am not asking those who are quite conversant with the President's policy, but if you can understand the rhetoric that would justify the statement that there would be a blood bath, I would appreciate hearing it. I have heard the phrase that a blood bath would occur if we withdrew our men. What do they mean by that?

Mr. OTTINGER. I think the gentleman has made a number of good points, but I am not totally in agreement with his certainty there would not be a blood bath if we withdrew unilaterally.

The South Vietnamese demonstrated, before we entered the war, that they were not capable of dealing with the Vietcong alone, to say nothing of the North Vietnam troops since added. The South Vietnamese were fast losing ground, I think because they had no unity of purpose, because they had a government that was not responsive to the people. The Government was highly corrupt and did not really represent to the people of South Vietnam any hope for a better way of life. Perhaps, too, the South Vietnamese just have a natural lack of deftness in the art of war.

I do not know what all the reasons might be, but at any rate they were making a sorry mess of defending themselves. We felt we had to intervene, on a very inadequate and I think false premise, but there seemed little doubt that had we not intervened, they could not have survived. If they could not contend with the Vietcong alone, it is hard to see how they can contend with the Vietcong plus the North Vietnamese. Indeed, even a half million of our own troops have not had much luck in this regard. And our own generals in South Vietnam have probably expressed skepticism that the South Vietnam Army could ever do more than cope with the Vietcong.

Mr. WALDIE. Mr. Speaker, if the gentleman will yield further, does the gentleman believe that were we to withdraw our troops solely upon the condition with reference to the speed of that withdrawal of the safety of our own troops, does the gentleman believe that a "blood bath" then would ensue in South Vietnam?

Mr. OTTINGER. I think there is a serious danger that there would be such a blood bath, a mass slaughter.

Mr. WALDIE. How would that mass slaughter come about? Would the 1.2 million South Vietnamese now under arms simply be unable to prevent that mass slaughter?

Mr. OTTINGER. Well, they were in the past. There were not quite that many South Vietnamese under arms then, but there was a considerable number under arms at that time and virtually every village chief was slaughtered and many, many others who took any responsibility in the countryside were slaughtered.

Mr. WALDIE. Is that the case now, that those 1.2 million men would lay down their arms to permit slaughter in your view?

Mr. OTTINGER. I do not have the expertise to be able to answer my friend from California. Based on the experience of the past and the opinions of our own generals who lean towards optimism, I would have to conclude there would be a grave danger of such a slaughter.

But there is another matter with which I am concerned. I feel we ought to look for some kind of an orderly withdrawal under a settlement which I think we can get if we do not insist, as we have in the past, upon perpetuating the regime of generals Thieu and Ky. I think a settlement is possible which recognizes the actual present division of power in South Vietnam either by way of partition or of coalition.

There is another aspect that concerns me about unilateral withdrawal. It is not just the slaughter of people who have come to depend upon us because of our incorrect intervention, but there is a tremendous struggle going on today in the Communist world between their own hawks and doves, China espousing militarism in advancing the aims of communism and the Soviet Union espousing a policy of coexistence and economic competition with the free world.

I am very fearful that if we were to withdraw unilaterally as my friend from California suggests, we would hand a victory to the most militant Communists and we would have far greater problems dealing with Communist states in the future. That situation concerns me. Therefore, I prefer a genuine effort toward settlement.

Mr. WALDIE. What is there to settle if we have renounced military victory and say that we are withdrawing our troops?

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I agree with the gentleman from California on these points.

Of course we must be concerned about the possibility of further massacres, by anyone of anyone. And it seems clear to me that there is a real danger of a massacre of Thieu-Ky supporters by the Vietcong when our troops leave.

But if we are really worried about massacres, there are two facts we should remember: First, presumably we are going to leave sometime. That means that sooner or later we will have to face the question of what happens when we leave. That will, of course, depend in part on whether the present Saigon government decides to negotiate toward its own replacement by some kind of coalition government, which Thieu and Ky insist they will never do, or decides to fight on on its own. I do not think we should try to impose a decision on them about what they should do when we leave, but neither do I think we should let them blackmail us into staying on the grounds that if we leave there will be a massacre. If they will negotiate a political settlement, which cannot mean their own continuing in power, I think we could help protect them from massacres, but if they insist on trying to retain power without enough popular support, I do not see that there is much we can do to reduce the likelihood that when the change of regimes occurs, it will come with a good deal of additional bloodshed.

But still the fact is that sooner or later we are going to leave, and we do not save lives by squandering more and more until we finally go. After all the Saigon government has had our help for 7 years. We have contributed 300,000 American casualties and $110 billion American dollars. If, after all that, it cannot stay in power against a country which has fewer people, many of whom presumably hate their oppressive Communist government—a country which is far less developed economically, and which has had no foreign troops and far less outside assistance in weapons and money— well, if that is the way things are, I do not see that another 10,000 or 20,000 American casualties and another $25 or $30 billion are going to change them.

If they cannot hold up without us after all we have already done, what magic is going to happen if we stay on 2 or 3 years more? And may I add that when I was in Vietnam not very long ago, I found no official of their Government or of ours, civilian or military who thought they could conceivably take over in less time than that—and then only if a lot of "ifs" take place in the meantime that are clearly not taking place.

So massacres are a valid worry, but we ought to face it now instead of protracting our own agony there, and then having to face it anyway.

I will yield back to my colleague from New York without adding my thoughts about the relevance of the revelations about Songmy to this whole terrible question. But I would like to come back to that after he has commented.

Mr. OTTINGER. I certainly do not think we ought to stay in Vietnam for any prolonged length of time. The gentleman is quite correct. We have to face the problems of withdrawal sooner or later. But I think we will face fewer withdrawal problems and repercussions if we can reach some kind of an accord governing our withdrawal, with some kind of international machinery set up to supervise the conditions in South Vietnam after we leave, than if we just leave unilaterally.

Mr. LOWENSTEIN. Would the gentleman yield at that point?

Mr. OTTINGER. I do think that Hanoi would be quite willing, indeed, they have said they would be quite willing to settle under terms that accept a commitment to safeguard the South Vietnamese population and some orderly method of determination for the future of the South Vietnamese Government. We should at least test their offer to settle on such terms.

Mr. LOWENSTEIN. That raises the second point of disagreement between the gentleman from New York and the gentleman from California—the question of whether there is any hope for successful negotiations.

I had supported for years the general proposition that we ought to seek a negotiated settlement through a coalition government and a political arrangement, but I think under present circumstances that approach is a trap. The South Vietnamese Government is adamant that it would rather fight on alone than accept any political settlement that could be worked out short of the military defeat of its enemies. And the U.S. Government has made it clear that we are committed to supporting the present South Vietnamese Government.

So, to be realistic, the American people now must either repudiate that commitment and tell the Thieu-Ky government that, no, we are not going to stay there to keep it in power, or they must deceive themselves that somehow or other our staying there can produce a military situation that will lead the other side to accept the Thieu-Ky government. In short, I do not see what there is to negotiate as long as the Thieu-Ky government makes its clear that any solution that might be negotiable is unacceptable to them, and as long as the maintenance of that government is the purpose of our own presence in Vietnam.

Mr. OTTINGER. That I think would be a great mistake—and I will yield to the gentleman from California in just one moment.

That is fundamentally our error at the present time, the error of the present administration policy that we are asked to endorse in the resolution passed today.

It seems to me what we have to negotiate is our withdrawal of the troops from Vietnam and that is a very real subject that is negotiable and we should do that with Hanoi regardless of what the Saigon government may desire or say about it.

Mr. LOWENSTEIN. Then you two are not really very far apart. I am just not sure that simply negotiating the modalities of our withdrawal is what some people have in mind when they talk about negotiations.

Mr. OTTINGER. I do not think we are very far apart.

Mr. WALDIE. I do not think we are, either.

Mr. OTTINGER. But we should make that effort rather than just unilaterally withdraw the troops.

Mr. WALDIE. My point is that once the President set this policy—and I happen to agree with him that we should withdraw—but once he set this policy that we are going to withdraw, the only thing left open in terms of a quid pro quo to negotiate, and there is much to negotiate—but the only quid pro quo we have to compel the acquisition of any negotiable points is the rate of withdrawal. That really puts our fellows over there, in my view, in a terrible situation.

Mr. OTTINGER. But the President only talked about withdrawing combat troops and at that leaving a large contingent of troops indefinitely.

Mr. WALDIE. But that is even worse, as the President has told the Communists, we are not going to build up military forces because we have given up on a military victory. The speed by which we bring our men home to America is a negotiating point and if they make some concessions we will bring them home faster and if they do not, then we will bring them home more slowly. But while we are bringing them home, leaving them there with no effort to attain anything other than a delay in their trip home—if I had a kid over there and the President announced, while he was waiting for a boat to come home, that he would have to wait for that boat until the other side made some concessions and in the meantime he would go out on search-and-destroy missions, I would be furious. I would be outraged over that kind of Presidential policy that says we are not going to try to win the war militarily, but you fellows stay and get shot at in search-and-destroy operations so that maybe we can get concessions.

Mr. LOWENSTEIN. What makes it even more tragic is that the concessions we are supposed to be trying to attain by continuing our military activities—with all that means in lives and money lost—what makes it all even less acceptable is that we can never find out what these "concessions" are, or why we want them, short, of course, of the kind of concessions you cannot get when you are not dealing with a defeated foe.

The "concessions" we ought to have demanded if we were going to stay this long were from the Saigon government. But when you mention that, some right-

eous official announces we cannot treat our allies like "puppets"—we cannot "impose a government" on them, and it would be meddling in their internal affairs to tell them that we will not continue to prop them up if they do not let Dzu out of jail, and so forth. Of course financing them and having thousands of Americans die so a particular government can stay in power is not "meddling in their internal affairs." That is the kind of reasoning that has made many of us worry that if there is a problem of someone becoming someone else's puppet, we might be wise to see exactly who is pulling what strings, and who is jumping through whose hoops.

Meanwhile, we keep sending kids to destroy hamlets and to die, and we keep paying enormous amounts of money to obtain "concessions" that are never defined, because if they were defined it would be clear to everyone that they are the kind of "concessions" that would not be worth the price we are paying for them. And that in any event would go up in smoke as soon as they were attained, if they could ever be attained at all. In the final analysis, that is what makes the present policy so utterly indefensible.

Someone always says, "Do you not want to do something for the prisoners of war?" Of course we do—that is one of the reasons it seems to me so urgent to end our involvement in the war. If you want prisoners of war released, you get them released by stopping the war. We do not get prisoners of war released by continuing the war. What an outrage that some people use the plight of prisoners of war as an excuse to continue the war—as if we owe it to our prisoners of war to keep them in prison longer. That is exactly what you do when you go on fighting the war.

Mr. OTTINGER. I agree with the gentleman. I think the difference between us is small. But I do think we can and should negotiate. After all you are not going to be able to go out in a day at any rate, with the amount of equipment and personnel that we have committed in Vietnam. I do think you could negotiate and put tremendous international pressure on Hanoi to negotiate some reasonable accommodations for the future protection of the South Vietnamese and permit this country to save some face which will perhaps contribute to the stability of Southeast Asia.

I think you could negotiate a reasonable settlement tomorrow provided you dropped the indefinite commitment that we have made to the present Saigon military government. I think today we are just as much imposing an unwanted government on the South Vietnamese as we suggest that Hanoi is seeking to do.

Mr. LOWENSTEIN. Are we not close to a synthesis between our position and your position?

Would it not be acceptable from your point of view for the United States to begin immediate withdrawal of all of our troops as fast as is consistent with their safety, with the understanding that if the South Vietnamese Government reverses itself and agrees to a coalition government and a political settlement, we would be prepared to accept the cease-fire that could then be arranged, and help with the relocation of people who were afraid to stay on under a new regime? Ironically, if we would announce our withdrawal and begin it, and suspend all offensive military activity, negotiations might suddenly become possible and desirable—if we remember the limits of what is negotiable given the present military situation and the history of past negotiations.

But if we do not begin the total withdrawal of our troops—and make clear that that is what we are doing—nothing on earth will induce the South Vietnam Government to change their attitude. Don't we know at least that much after all these years of experience? But by this course of action—by doing what the gentleman from California has proposed—we could obtain at least the flexibility that you seek in determining the final manner of our exit. We might even help to get the killing and carnage over with, and not simply get ourselves out of it. Would not that be the best possible solution, given where things are at now?

Mr. OTTINGER. I think that gets very close to reconciling the similar positions all three of us have. Many of our best experts on Southeast Asia, people like Ambassador Reischauer, have said that the war would not end by formal signature of a document, but in the fading away of the military conflict. We have never allowed this war to fade away, however. As soon as the North Vietnamese have drawn back, we have said, "Ha Ha, this is a sign of weakness. Let's go in and clean them up." We now have come into a period of an unprecedented lull, yet our generals are saying again that a military victory is just around the corner. The Secretary of Defense has reiterated in testimony just revealed today that military victory is in sight. This taunting response to enemy de-escalation prohibits a fading away of the war—in fact, what it really does is to invite enemy attacks, perhaps another Tet offensive.

The idea that North Vietnamese pullbacks are a sign of weakness is a myth that time and again has proved fallacious in the past. Hanoi has been fighting this war for 20 years, and there is no evidence that they are about to give up.

We have not let the war fade away. The war keeps up, and if Hanoi resumes its military activity, we say we must add more military forces to protect our own troops and the South Vietnamese from being overrun. We thus have ourselves completely boxed in to prevent mutual withdrawal. Whether Hanoi escalates or de-escalates, we find reason in their actions for increasing our own military effort. That seems to be the petard on which we have been hung since the war started.

Many people in the debate today said we are just following the policies that Johnson initiated. President Nixon is indeed following the same policies. That is true. The trouble is President Nixon is following the errors of the Johnson administration, and he is going to be subjected to the same embarrassment that eventually caused Johnson not to seek reelection. I believe we opponents of existing Vietnam policies are doing more for President Nixon by voting against the resolution today and protecting him from the kind of fate that overcame President Johnson than do those who supported the resolution speaking for perpetuation of the disastrous errors of the past.

Mr. WALDIE. I think the gentleman's analysis of the peculiarity of this war—whenever enemy activity decreases, we believe we have them on the run and step up our activity; and whenever it increases, we have to step up our activity—is a correct analysis.

Two weeks ago our Postmaster General came back from Vietnam and said, "We have Charlie on the run." He implied that by stiffening our position we are winning the war.

I think that is an interesting analysis. It had not occurred to me in terms of the synthesis the gentleman from New York suggested—I think that is probably a fair description—with one exception. I am not quite sure. As I understood your proposal, in terms of the synthesis, the negotiation we would be engaging in would really be with the South Vietnamese Government and not the Hanoi Government.

Mr. LOWENSTEIN. Precisely.

Mr. WALDIE. With that understanding I thoroughly agree. It is the South Vietnamese Government that is most insistent of all on our presence in South Vietnam because that Government, first, will never become self-reliant as long as we are there; second, it has no interest in going up Hamburger Hill when there are American kids to do it. Why should they? They will never go up a Hamburger Hill as long as there are Americans to do it. Until we get the Americans out of there, they will never acquire the competency to become self-supporting, because they do not have the desire.

Mr. OTTINGER. I have some difficulty with that. I do not think there is much sense in negotiating with the South Vietnamese Government. I do not think you will ever influence them to support the kind of policies you are talking about. They are a military regime and are interested in perpetuating their own power. They are not interested in broadening the base of their own Government or supporting democratic rule.

What they are seeking is a military victory, and we are backing that.

Mr. LOWENSTEIN. Well, that is really only a semantic distinction. When we say "Negotiate with Saigon," we do not mean necessarily that we should sit down and attempt to make an arrangement. What we mean is that, when we start to leave, if Saigon decides not to go it alone, we could discuss the transition period, the protection of people against massacres, and so on—the things that would become negotiable if Saigon were interested in negotiating anything besides what you call a military victory.

Mr. OTTINGER. I do think we could negotiate with the North Vietnamese.

Mr. LOWENSTEIN. The details of our withdrawal could usefully be negotiated. That, and a political settlement in South

Vietnam, is what many of us thought was to be negotiated in Paris.

None of us have any illusions about the nature of the Government of North Vietnam. It is a tyrannical, brutal government.

But we do not have a half million troops defending that Government. Given the nature of both those governments, and given the security interests of this country, it is a mystery why we should take sides between them. Therefore, we should say very simply that we are prepared to negotiate our withdrawal and to help with negotiations toward a political settlement, but, if they want to keep on fighting, it is not our job either to keep our troops there or to umpire. If ever in history one nation has fulfilled its "commitment" to another, the United States has fulfilled its commitment to South Vietnam. And now we must leave, or be prepared to undertake new commitments that make absolutely no sense at all.

Mr. OTTINGER. I agree with that formulation. These things are very complex. As we see here, the semantic problems arise between people who are basically in accord with our policies. These problems are very difficult.

I believe the kind of colloquy our colleague from New York (Mr. WOLFF) has promoted, this program for discussion, is very useful. Hopefully we can perform an educating process to help all of us and all the American people understand these problems, to better work our way out of the dilemmas of the Vietnam war, through this kind of discussion.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I am happy to yield to the gentleman from California.

Mr. WALDIE. Again I appreciate the gentleman's taking this time and permitting me to participate in the colloquy, which certainly has been very helpful and constructive to me.

Mr. LOWENSTEIN. Amen.

Mr. OTTINGER. I thank both the gentlemen from California and my colleague from New York for participating in this colloquy. It has been educational for me to have your ideas and I think you have added greatly to the discussion.

I should like to say one or two additional words in closing.

I do not believe that by failing to support this resolution any of us questions the sincerity of the President and his desire for peace. I am sure he desires peace. President Johnson desired peace.

It is the terms of the peace, the risks that he is willing to take for peace, the manpower and money he is willing to continue to commit in Vietnam, the commitment to the existing South Vietnamese Government, that we question—and that as an error of judgment not as an error of motive. Really, it is the means of achieving peace we who opposed this resolution today dispute, not the desire for peace.

I should like to make it quite clear, because a number of people in the debate today indicated our opposition was partisan, that we as Democrats were not at all afraid of supporting a Republican President. I guarantee them that if President Nixon really showed his determination to get out of Vietnam, I would support him, and those other people would. I would assure my colleagues also that the 55 members who voted against this resolution were almost to a man equally opposed to President Johnson's policies while he was President. I do not believe opposition by Democrats to today's resolution was a partisan matter at all.

The President wants unity in this country. The only way he can get it is by ending the war, not by continuing it on any pretext. There are too many people in this country who feel as we do, that there is no justification for continuing the war, that there will not be any better settlement after 1 year or 2 years or 5 years than we can get today. If the administration continues to take the word of the generals that we are starting to win the war, we are just repeating the frustrations of the past.

In opposing this resolution today we are trying to say to the President that he can have unity and put this country back together again and devote our resources to the real needs of our people only if he will stop his indefinite commitment to the existing Saigon government and really make a commitment to ending this war and ending it promptly.

The forced unity attempted today under a closed rule to back an ambiguous resolution giving a blank check to continue the war is no unity at all. It does nothing to assuage the substantial doubts so many Americans hold about the counterproductivity of both past and current policies. It is devisive instead of healing.

By all means, let us have unity—but let it be unity to end the war, not to continue it.

PRESIDENTIAL COMMISSION TO STUDY TRUCK SAFETY

The SPEAKER pro tempore (Mr. WALDIE). Under previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, a good deal of heat, and not an awful lot of light has been generated by the proposed legislation to increase the size and weight of trucks. This is the second year the legislation has been before the Congress. It would appear to me, the most significant point developed to date is the woeful lack of accurate, unbiased data on the present safety record of trucks, and the effect of the proposed increase on highway safety. It also appears that we lack information, or else that available information has not been very well organized and presented, on the questions of economic benefits of this legislation, and the corresponding increase in the costs of our highway programs. With respect to the latter area, it is my feeling that sufficient data should be available through the AASHO road study, the cost allocation study, and other studies. The major effort that is needed here is to correlate the data and put it in more understandable form.

The principal area that needs further original research is that of the effect of this proposed legislation on highway safety. I first recognized this need during hearings on the truck bill in the 90th Congress. Despite efforts of proponents to ride roughshod over those with legitimate questions about the bill, it became clear we did not have sufficient, reliable data on the questions of safety. Hearings this year have clearly justified the position which I took last year. Testifying before our committee in May of this year, Dr. Robert Brenner, Acting Director of the National Highway Safety Bureau stated:

> As to the specific of what the extra width does or does not do in the safety picture, I am not aware of any work specifically in that regard.
>
> I think we have to learn a great deal more about the problem of truck stability.
>
> There is an awful lot we do not know about why some of these vehicles flip over and why some of them do not.

Mr. Speaker, this testimony is especially significant in view of the fact that Dr. Brenner would have to be classified as the one person in the Federal Government who would be most knowledgeable on the safety question. When the Government's leading authority in the area says that "there is an awful lot we do not know," it is high time we estabilsh procedures to obtain sufficient information so that we do know an awful lot before we increase sizes and weights.

Even more incredible, but certainly in accord with Dr. Brenner's statement, is the testimony given by Frank Turner, the Federal Highway Administrator. Mr. Turner stated:

> Our review of the available data bearing on highway safety considerations does not permit the reaching of a definitive conclusion—we do not have sufficiently reliable evidence to make a clear case for or against the proposal on safety grounds.

With the foregoing statements, the need for the safety studies proposed by the bill which I am introducing today appears to be quite obvious.

Mr. Speaker, the whole truck issue was highlighted by President Nixon's statement during the campaign last fall. He stated:

> This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which greater truck size and weight would impose additional wear and tear on a road network.
>
> I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.
>
> As President, I would want this entire matter most carefully reconsidered. I would direct the Secretary of Transportation to take a hard look to make certain that the interest of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce.

The bill which I am introducing would fulfill the requirements for study of this problem set forth by President Nixon in his statement. I would hasten to add at this point that no hard look such as the one directed in the President's statement has been taken. The Department of Transportation belatedly undertook a "quicky 30-day study" after hearings commenced, and after they were remind-

ed of the President's statement. I am certain President Nixon would never let this "quick study" pass as his "hard look," especially on the question of safety.

The bill which I am introducing today would create a 15-member Presidential Commission to take this hard look at the safety and economic considerations involved in the big truck legislation. The Commission would be required to report their findings within 3 years. Membership in the Commission would be representative of the many groups that have a special interest in the outcome of the legislation. The Commission would be directed to study all ramifications of any change in size and weight limits. This would include, in addition to safety, economic benefits to be realized, increased costs which would be incurred for our highway programs, and the Commission would consider the equitability of the costs of highway programs borne by various classes of highway users.

With the exception of the safety question, little new research will be required. As indicated above, much data is available on economic aspects and cost allocation. The safety problems presented will require a good deal of new research. I am confident that with proper supervision it can be completed in the allotted time.

The text of the bill follows:

H.R. 15051

A bill to establish a commission to study the effects on highway safety and expense of changing the existing limitations on the weight and dimensions of motor vehicles using the highways of this Nation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Highway Safety and Expense (hereafter referred to in this Act as the "Commission").

SEC. 2. The Commission shall make a full and complete investigation and study of all effects on highway safety and the expense of constructing, reconstructing, repairing and maintaining highways resulting from any changes in the weight and dimension limitations established by section 127 of title 23, United States Code, including the possible imposition of weight and dimension limitations on other highways. Such investigation and study shall include, but not be limited to, a specific examination of the following:

(1) What share of highway construction and maintenance costs is allocable to each class of highway users?

(2) What would be the effect on the costs of the Federal-aid highway systems (both original costs and recurring costs) of permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways?

(3) What overall economic benefits would accrue from permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways, and which sectors of the economy would receive these benefits?

(4) How should the costs referred to in paragraph (2) be allocated on the basis of the economic benefits referred to in paragraph (3)?

(5) What would be the effect of permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways on all aspects of highway safety?

SEC. 3. (a) The Commission shall be composed of 15 members appointed by the President, one of whom he shall appoint as Chairman, and shall serve at the pleasure of the President. Two members shall be Members of the House of Representatives, one from the majority political party, and one from the minority political party. Two members shall be Members of the Senate, one from the majority political party, and one from the minority political party. One member shall represent the American Trucking Association, one the American Automobile Association, one the American Association of State Highway Officials, one the National League of Cities, one the American Association of County Engineers, one the National Safety Council, one the National Highway Safety Bureau, and three members shall represent the general public.

(b) A vacancy in the Commission shall be filled in the same manner as the original appointment.

SEC. 4. (a) Except as provided in subsection (b), members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(b) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(c) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 5. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 6. (a) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 2 of this Act. Such attendance of witnesses and the production of such evidence may be required from any place within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

SEC. 7. (a) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission such department or agency shall furnish such information to the Commission.

(b) The Commission shall, in carrying out this Act, utilize the existing test and other facilities of the departments, agencies and instrumentalities of the United States, to the fullest extent possible.

SEC. 8. Not later than two years after the date of enactment of this Act the Commission shall submit a report of the results of the investigation and study required by this Act to each House of Congress, and to the President, together with its recommendations, including specific recommendations with respect to each matter referred to in paragraphs (1) through (5) of section 2 of this Act.

SEC. 9. The Commission shall cease to exist 90 days after submitting its final report pursuant to section 8.

FIFTH COLUMN: SUBVERSION IN THE ARMED FORCES

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. RARICK. Mr. Speaker, the Nation's Capital City on November 14 and 15, 1969, was the scene of a large assembly and demonstration of people from various parts of the Nation. Massive advance preparations were needed and made. High Government officials who witnessed the march on Pennsylvania Avenue and the violence the previous evening have stated that it was like observing a Red revolution. It was, in effect, a Communist fifth column drilling on the streets of Washington.

Because the forces mobilized to meet the crisis were adequate, the mobs were kept under control. Even so, many question the extent of subversive activities in the Armed Forces which have the ultimate responsibility in the insurance of domestic tranquillity.

The revelations in a recent article by David Emerson Gumaer are disturbing. Among its charges are, first, that some "American" soldiers in the Vietnam war known as "Red Berets" have been operating with the enemy against U.S. forces; second, that revolutionary cells have been formed on U.S. bases at home and abroad, including two aircraft carriers of the Navy; third, that "coffee houses" near U.S. military installations have been established as centers for subversive propaganda; and fourth, that unit commanders have been restrained by superior officers from taking proper corrective measures.

Mr. Speaker, an alarming feature in the situation was the recent action of the Commandant of the Marine Corps, in authorizing a minority in the Corps to adapt the Afro haircut and to make the Communist "clenched fist" salute as a racial emblem. In commenting on the action, which contains the seeds of major mutiny, many distinguished senior officers argue that the Commandant be-

trayed the Corps, and that rather than having issued the order that he did, regardless of its origin, he should have resigned his position and thus alerted the people of our country.

Because the situation as presented in the Gumaer article is so serious, I include its text in my remarks and urgently suggest that the Committee on Armed Services, the Committee on Internal Security, or a select committee conduct an immediate investigation into all the allegations.

The article follows:

FIFTH COLUMN: SUBVERSION IN THE U.S. MILITARY

(NOTE.—David Emerson Gumaer spent two years within the youth apparatus of the Communist Party as an undercover operative for Chicago Police Intelligence. In December of 1967 he accepted the invitation of the Senate Internal Security Subcommittee to testify in executive session regarding his knowledge of the activities and personnel of the W.E.B. DuBois Clubs and the Students for a Democratic Society. Mr. Gumaer is currently a Contributing Editor to The Review of The News (an outstanding new national newsweekly) and has lectured widely.)

As forty thousand young Americans have died on the battlefield in Vietnam in the ugliest kind of war, allies of the Vietcong in America have brought the war home. The American military is now as thoroughly under attack in the United States as it is in the swamps and jungles of Vietnam. In a report on subversion of our Armed Forces, U.S. News & World Report noted last May:

The military establishment, chiefly the Army, is now beset by cases of mutiny, disobedience, racial strife, desertion and an ever-increasing number of AWOLs. . . .

The Army in particular is being confronted with a type of draftee hitherto extremely rare in U.S. experience—the man who refuses to pledge allegiance to the United States and who will not swear to fight for the nation.

Examples of this have been legion.

In 1967 a number of black extremists were court-martialed and received long prison sentences after staging a bloody rebellion at the Marine base at California's Camp Pendleton. A steady escalation of Communist propaganda within the military resulted in forty-three Leftist soldiers at Fort Hood, Texas, refusing Army orders to go to Chicago for anti-riot duty during the Democrat National Convention. At the Presidio Army stockade near San Francisco, twenty-seven prisoners staged yet another rebellion in 1968, resulting in their court-martial and a mammoth propaganda campaign by the Communists to secure their release.

The real action, however, was just beginning.

On March 20, 1969, over a hundred dissident soldiers held an anti-war rally at Fort Jackson, followed shortly thereafter by violent clashes between troops at a naval base outside Jacksonville, Florida. On June fifth, riots erupted at New Jersey's Fort Dix stockade, the largest on-base Armed Forces prison in the country. They were led by members of the Communist Black Panther Party. At Fort Bragg, North Carolina, where thirty-five radicalized blacks attacked other GIs at a base dance, black militants wore toothpicks thrust through their earlobes as a symbol of stockade "suppression." In July 1969, 584 prisoners captured the stockade at Fort Riley, holding the compound for seven hours and ransacking the mess hall and dispensary. On July twentieth, following a farewell party at Camp Lejeune, North Carolina, a roving band of black revolutionaries beat one young Marine to death and injured fourteen others. After twenty-six Marines and a sailor were court-martialed for that attack, Congressman William M. Colmer commented: "If our boys are called to serve their country, they at least should have protection from the militant agitators in their own ranks."

Yet, Marine Corps Commandant General Leonard F. Chapman Jr., declared on August fifteenth that there was "no evidence of a conspiracy of any kind in these repeated insurrections." And, the following month, the New York Times carried the full text of a special message to all Marine commanders by General Chapman, in which he directed that "in addition to allowing the Afro haircut, the corps would not bar the 'Black Power' clenched-first salute"—a salute which has long been the symbol of Communist revolution. The General added that "soul music" will hereafter be provided for Negroes in the Marine Corps—to "ease racial tensions."

Meanwhile, in South Vietnam, our soldiers—black and white—continue to die at the hands of a Communist enemy whose very salute is delivered with impunity by Vietcong sympathizers wearing American uniforms. At Camranh Bay in Vietnam, Marxist agitators created a series of racial eruptions among our troops during June, July, and August of 1968, followed by a massive riot at Longbinh stockade near Saigon. The latter encounter resulted in the brutal killing of a white GI when radicalized blacks, dressed in African robes, took over the jail. In October of 1968 another American died when a riot by Marxist black militants exploded at a recreation camp on Da Nang's China Beach, which was followed immediately by another uprising at Camp Tien Sha naval base.

All over South Vietnam the Communist Black Panthers and Black Muslims have stirred bloody dissension, spreading the Red contagion throughout the military command There are reports that military units have refused orders to "move out," some as many as five times, while others have engaged in mess-hall riots, mass sick calls, and general insurrection. As one Colonel put it: "Acts that I would have had a man court-martialed for two years ago I ignore now." Even our Marine base at Kaneohe, Hawaii, has come under siege by these subversives. Newsweek noted in its issue of August 25, 1969:

At the lowering of the colors [American flag], some fifty blacks suddenly thrust their fists skyward in the militant black-power salute. With that, an estimated 250 leathernecks, white and black, were at each other with sticks, pipes and entrenching tools in a four-hour, base-wide battle. . . .

That "black-power salute," again, has been the official symbol of Communist revolutionaries for more than half a century. It is the standard salute also of the Vietcong.

Then, too, there are the chilling reports of a special unit of "American" soldiers which has been fighting the war on the side of the Vietcong. Known to intelligence officials as the "Red Berets," this Black Power platoon has plagued our forces all over South Vietnam, having not only provided the enemy with weapons and supplies, but actually trained them in a heavily fortified Mekong Valley stronghold. It has been revealed that these GI deserters are using radios to distort Army frequencies, resulting in misdirected U.S. helicopter and artillery fire in the Mekong Delta. According to reports this summer in the London Express, New York Post, and by the revolutionary Liberation News Service, this Red cadre of "Yankee Vietcong" is made up largely of radicalized Negroes who have defected to fight our men as a "symbol" of solidarity with Black Liberation Comrades back home.

Desertion from the military, coupled with draft evasion, subversion, and drug addiction is also causing a major crisis among our troops. In Congressional testimony released last June, Vice Admiral G. M. Davis, chief of Navy medicine, said that "2,372 sailors were discharged for drug abuse in 1968—a three-fold climb over 1967." Additional testimony revealed that the Army expects fifty thousand soldiers will have deserted by the end of the current fiscal year, an increase of nearly thirty percent over 1968. That year 39,239 American soldiers (the equivalent of 2.5 infantry divisions) were classified as "deserters," yet only 209 have even been tried. During that same year 809 men were convicted for attempting to evade the draft, while over five thousand are known to have fled to Canada. There are presently over two hundred American soldiers taking refuge in Sweden alone. Aiding them in their cowardice has been a world-wide network of Communist organizations.

In July of 1967, F.B.I. Director J. Edgar Hoover said that the Communist Party is leaving no stone unturned to hamper the U.S. war effort in Vietnam, and that the Party has urged a "mobilization" of the masses of youth opposing the draft. New Left Notes, the official publication of the Communist Students for a Democratic Society, declared in its issue of September 29, 1969:

The Army's Falling Apart! In spite of the heavy sentences, harassment and intimidations soldiers face, nearly every military installation has felt the rising anger of dissatisfied GIs. . . . Reports from Vietnam have it that small groups of Black GIs are now fighting on the side of the Vietnamese people. A special unit of Green Berets have been assigned to capture or kill them. . . .

Yesterday's high school rebel is today's angry GI. To him, a burnt down stockade is the same as a burnt out high school. . . . V signs and fists have replaced the traditional salute. But it is already unmistakably clear that GIs still have on the wrong uniform. . . . Call GIs pigs, but also tell them to join us! Force them to turn their guns around. Yell FTA—f*** the Army. They'll dig it.

It was no less "Liberal" a newspaper than the New York Times which declared on April 6, 1969:

. . . the anti-war soldier may become the most disruptively effective peace activist yet, with an impact that could far exceed his small numbers in the 3.5 million-man Armed Forces.

You can bet the Communists know it! As the Communist People's World recently counseled: "No revolution can succeed without the support of the rank and file soldier. If he's with us, we can win." Their target is the American soldier! And, their successes are frightening.

Committees of both the House and the Senate have established beyond any doubt that infiltration and subversion of the military forces of the non-Communist world have for years been priority objectives of the International Communist Conspiracy. Writing last spring in Voice Of Intelligence, the authoritative publication of the National Counter Intelligence Corps Association, retired Army Intelligence officer Bernard J. Sweeney reviewed the cases of Communist agents enrolled in the U.S. Army for purposes of subversion as long ago as 1924. As part of the Communist effort to start a labor union of American soldiers, these agents went so far as to issue a broad list of radical "demands" to the Army. Mr. Sweeney notes:

While conducting their work they were in contact with Moscow. They were court-martialed, sentenced to Alcatraz and, while there, officially became members of the Communist Party. A world-wide campaign was developed by the Communist International to secure their release. It was successful and they went to Moscow as consultants. In 1928 they presented a plan for democracy [sic] in the armies of capitalist countries—but not for Soviet armies. It became a part of the Resolution of the Sixth World Congress of the Communist International in 1928. In late 1940 and early 1941 the demands were part of the subversive operation against our military establishment But when Stalin needed Amer-

ican help to save Soviet Russia from his erstwhile ally, Hitler, the plan was abandoned [temporarily] because, unless the United States could provide the strength to beat Hitler, Communism would collapse. . . .

You will remember that when the German legions suddenly invaded Russia, and literally millions were rejoicing at their imminent liberation from the Communists instead of fighting the advancing Germans, Stalin ordered the cadres of his fifth column in America to join the United States Army, Navy, Air Force, and Marines—at all levels—to ensure the defeat of the German forces attacking the U.S.S.R. Most Americans are unaware, however, that at the conclusion of the War some fifty thousand security files[1] on subversives known to be operating within the American military were destroyed on orders from top officials in our own government. Many of these agents have doubtless remained in uniform—a Soviet time bomb within the citadel of our national defense.

It is with this long-established core of subversives as a base, says Intelligence specialist Sweeney, that the Comrades are now moving to escalate their subversion of the military forces of the United States. He notes:

The time is now opportune, according to Communist strategy, to again [emphasize] the subverting of our national defense organization, hence the demands have been sent to subversives and dupes for present and future agitation and propaganda.

Of course, the overt phase of this Communist program was begun more than three years ago, on June 30, 1966, with a much-publicized press conference held in New York by three young soldiers. Dressed casually in civilian clothing and surrounded by a host of well-known Communists and radicals, these GIs announced that they were the first enlisted men to "refuse orders to go to Vietnam and that they had filed in a federal court in Washington, D.C., a suit challenging the orders on the grounds that the Vietnam war is illegal." A subsequent press release revealed the following details:

The suit, in the form of an application for a permanent injunction, was filed by their attorney Stanley Faulkner, 9 E. 40th St., through associate counsel, Selma Samols, of Washington. The three men, all draftees, said they were prepared to face a court-martial. . . .

As you might expect, the two attorneys in this case are both long-time members of the National Lawyers Guild, cited by the House Committee on Un-American Activities as "the foremost legal bulwark of the Communist Party . . . [which] since its inception has never failed to rally to the legal defense of . . . known espionage agents." Mr. Faulkner is, in fact, Vice President of the National Lawyers Guild.

One week after the press conference which opened this assault, and shortly before the three young Vietniks were scheduled to address a Communist rally in New York, they were arrested by Military Police and taken to the stockade at Fort Dix for "administrative confinement." On July 14, 1966, Army officials gave them an ultimatum: Either immediately board a plane for Vietnam, as ordered, or face a court-martial. They refused, and were summarily court-martialed, given sentences of from three to five years, and sent to the military prison at Fort Leavenworth.

Thus began a cause célèbre that the Communist Party and its "Liberal" propagandists have turned into an intensive campaign of disruption and subversion within the American military. So well planned was the scheme that, immediately after their incredible press conference in late June of 1966, the Reds announced formation of a Front called the Fort Hood Three Defense Committee and began cranking out tons of anti-military propaganda. The Committee, they claimed, made for "unity between the peace movement, the Afro-American movement, and the soldiers." Support poured in from every quarter of the Communist underworld.

Just as anticipated by the Communists the Army caved in under pressure, releasing the three GIs after they had served less than half of their sentences. The three were James Johnson, Dennis Mora, and David Samos. James Johnson, a militant black nationalist, has resumed his activities in the phony "peace" movement, helping to organize radical demonstrations to support the Vietcong. Last summer, he was part of a "pacifist" contingent which flew to meet with the kindly butchers in Hanoi. Dennis Mora, for his part, has been a long-time member of the W.E.B. DuBois Clubs, youth apparatus of the Communist Party. In fact, your reporter first met Comrade Mora in Chicago at the Third National Convention of the Communist W.E.B DuBois Clubs—less than two weeks before his now famous press conference. I listened as he discussed strategy with another Communist named Bettina Aptheker.

During the Communists' Hemispheric Conference in Montreal last winter, the guest speakers included Dennis Mora and James Johnson. They proudly posed for pictures while giving the Communist clenched-fist salute.

That the Fort Hood affair was a Communist project is beyond doubt. Initial sponsors and officers of the Fort Hood Three Defense Committee included such notorious Communists as: A. J. Muste (Co-Chairman), David Dellinger (Secretary), Professor Donald Kalish, Reverend Lee H. Ball, Stokley Carmichael, Dr. Otto Nathan, William Epton, Dr. Herbert Aptheker (chief theoretician for the Communist Party), and Trotskyite Communists Judy White and Fred Halstead.

Following up swiftly on this first salvo the Comrades quickly fired off another barrage in support of a radical GI at Fort Hood named Howard Petrick, an admitted member of both the Trotskyite Communists' Socialist Workers Party and its youth affiliate, the Young Socialist Alliance. Pfc. Petrick was interrogated by Military Intelligence shortly after he had attended a Y.S.A. convention at Detroit in late March of 1967, and was found to have distributed copies of the Communist *Militant* and the equally subversive *Bring The Troops Home Now Newsletter*. An active member of the Minnesota Committee to End the War in Vietnam since 1965, Comrade Petrick had refused to sign a loyalty oath when first called for induction in July of 1966. Yet, several months later—even though his Communist background was known to the military—he was inducted into the Army and sent through basic training at Fort Leonard Wood. When charges were finally brought against Petrick, a full nine months later, he had already organized a cadre among his fellow GIs.

With the threat of court-martial and a long jail term now hanging over his head, the Communists rushed to Petrick's defense—this time using the Emergency Civil Liberties Committee and retaining such "distinguished constitutional attorneys as Leonard Boudin and Victor Rabinowitz of New York acting as civilian counsel." Needless to say, the E.C.L.C. has been formally cited by both the Senate Internal Security Subcommittee (1956) and the House Committee on Un-American Activities (1959) as a Front for the Communist Party, and attorneys Boudin and Rabinowitz have been identified as registered agents of Fidel Castro. Both are also leading members of the notorious National Lawyers Guild, of which Rabinowitz is currently President. Emulating their predecessors in the trial of the Fort Hood Three, they quickly created a Front called the Committee to Defend the Rights of Pfc. Howard Petrick. Comrade Petrick also escaped a long prison term and was soon on the outside and up to his Red neck in further anti-military activity. In December of 1968 he was instrumental in organizing a GI-Civilian Anti-War Action Conference in Chicago. Not surprisingly, the emphasis of this gathering of key Reds (which your reporter attended with the benefit of misleading credentials) was to lay plans for using military installations as recruiting grounds for Communist revolution.

Shortly after Howard Petrick began his operations, yet another young agitator was brought to trial for similar subversive activity, this time at Fort Sill, Oklahoma. As in the Petrick case, legal aid was immediately provided by the Emergency Civil Liberties Committee, which adopted its present name in 1951, having first appeared in 1924 as the International Labor Defense, a section of the International Red Aid directed from Moscow. The attorney this time was David Rein, one of the most notorious Communists in the Reds' legal apparatus. The client was a private named Andrew Dean Stapp.

In a fascinating article entitled "Mass Mutiny in the Military," Len Guttridge notes of Andy Stapp in Saga magazine for October 1969:

. . . . On May 13, 1966, he donned uniform with the concealed intent of undermining the Army from within. Assigned to Ft. Sill he turned-on most of his squad with a textbook on Cuban guerrilla warfare—borrowed from the base library. A last-minute cancellation of orders shipping him to Germany was inspired by Army Intelligence who wanted to keep an eye on him.

Stapp's conduct was hardly out of character. An early supporter of the Reds' Students for a Democratic Society, Andy Stapp had come under the influence of the Communist Progressive Labor Party. By late 1965 he had been arrested in Washington, D.C., while demonstrating for the Vietcong and served eleven days in jail. It was during that brief incarceration, he now says, that he realized he was a revolutionary Marxist-Leninist.

Upon entering the Army, young Stapp became a distributor in his barracks of such crimson publications as Challenge, National Guardian, Ramparts, and Minority of One. Within weeks he had gathered about himself a small cadre of incipient revolutionaries and began expanding his indoctrination program throughout the camp. Before long, he was facing his first court-martial.

The "plight" of Andrew Stapp was the subject of a feature article in Esquire magazine for August 1968. Entitled "The Plot to Unionize the U.S. Army," this little cup of apologia was written by Leftist Robert

---

[1] In early 1944 Alexander Barmine, a former Soviet General who had since become an American citizen and was working as an advisor to the Office of Strategic Services, wrote in *Reader's Digest:*

". . . tremendous pressure was exerted to bring about . . . a dismantling of those branches of the Army and Navy intelligence which dealt with the activities of Communists and Communist-fronters, and a destruction of their files.

"In the Third Naval District which includes New York City, headquarters of the American Communists, the Navy had built up an intelligently informed 'Communist desk' which since Pearl Harbor had accumulated extensive files on subversive individuals and organizations. So authoritative had this intelligence unit become that its weekly reports of 'trends' in the American Communist movement went regularly to the FBI, Army Intelligence and the highest Navy officers in Washington. . . . Several months ago, after the equivalent 'desk' in the Washington Office of Navy Intelligence was partially dismantled, the New York 'desk' was virtually abolished and its trained experts sent to remote and unrelated assignments elsewhere. . . ."

The day after Mr. Barmine's article appeared, he was dismissed from the O.S.S. without a hearing.

Christgau, who explained how nine kindly organizers from the New York headquarters of the Communists' Youth Against War and Fascism sat in on Stapp's trial that fall to disrupt proceedings. The organizers were led by Y.A.W.F. National Coordinator Maryann Weismann, who didn't bother to tell anyone that her group is an arm of the Trotskyite Communists' Workers World Party, long a major force in the Reds' phony "peace" movement.

As expected, Stapp was declared guilty and sentenced to forty-five days in the stockade. The sentence was later rescinded under mysterious circumstances.

Several of Andy Stapp's recruits, Corporal Dick Ilg and Private Richard Perrin, were later court-martialed also for Red activity. A former Indiana Highway Patrolman, Corporal Ilg "considered himself an unequivocal revolutionary Marxist-Leninist." Perrin was later reassigned to a post in Germany, from which he defected—turning up in Paris, where he began publication of a radical newspaper for fellow deserters.

After his second court-martial, Stapp realized that his organizing days in the Army were numbered and began to escalate his activity. In September of 1967, he and Deirdre Griswald—editor of Y.A.W.F.'s The Partisan, and now Mrs. Andy Stapp—began formulating Phase Two of the plan. Incredibly, it was the hoary old Communist scheme to unionize the Army.[2] Together, the Stapps formed the American Servicemen's Union (A.S.U.), and with the help of a radical from Berkeley named Bill Gallison began publicizing their organization.

Gallison had by this time used a student loan under the National Defense Education Act to start an anti-Army newspaper for GIs called The Bond. He gave the paper to Stapp, who while still in the Army became its official editor. With the help of the revolutionary Youth Against War and Fascism, they began publishing the paper out of the A.S.U. headquarters in New York at 156 Fifth Avenue. Acting both as editor of The Bond and as Chairman of the Provisional Organizing Committee of the American Servicemen's Union, Private Stapp somehow found time away from his military duties to prove himself a highly competent organizer, solidifying his organization and greatly increasing the circulation of The Bond, which is now sent free and unsolicited to thousands of active U.S. military personnel around the world.

Glancing through a random issue of Stapp's newspaper is a sobering experience. Here, Red propaganda is cleverly geared to gripes which have doubtless plagued all soldiers in all armies for centuries. Listed as major A.S.U. demands are: An end to saluting and "sirring" of officers; election of officers by vote of the men; racial equality; control of court-martial boards by the rank and file; federal minimum wages; the right of free political association; the right to disobey "illegal" orders; and, the right to collective bargaining. The object is obvious.

By January of 1968 Andrew Stapp had been informed by his Comrades "that he was slated to be discharged on a 604–10 for subversive activities." He immediately contacted his battery of attorneys, *demanded* of the Army another hearing, and got it. Stapp's case was made to order for the Communists. After being drafted in 1966, he had explained that he wouldn't protest the action since, he said, "my view was to go in and oppose the war from the inside." And that is precisely what he did.

When a nine-officer board found Private Stapp unfit for military service and succeeded in giving him a dishonorable discharge in May of 1968, he was delighted to be able to devote *full time* to A.S.U. His stint in the service had served its purpose. As Len Guttridge pointed out in *Saga*, "his infiltrators [*were*] cozily planted in sensitive base-staff posts and even in Army Intelligence. . . ." Robert Christgau gloated in *Esquire* that: "It may shock the authorities at [*Fort*] Sill to learn that one of their trusted intelligence clerks, since honorably discharged, was a member of Stapp's gang." The primary A.S.U. recruiting grounds, however, have been the now-overflowing military stockades, where the A.S.U. has actually managed to recruit guards to distribute *The Bond* and other Communist material. Bob Lemay, Executive Director of A.S.U., says that some 260 of its members are now confined in military stockades "for all kinds of reasons."

By late 1968, civilian Andrew Stapp and his cadre had expanded the A.S.U. to the point where it had some twenty-nine large cells, and many smaller ones, on military bases across the nation—including solid support at Fort Sill, Fort Gordon, Fort Story, Fort Benning, and Tinker Air Force Base. In an interview with the Communist *Daily World* last December, civilian Stapp bragged that his organization has agents on "every major military installation in the United States and on U.S. bases abroad, including men in Vietnam." According to an article by Stapp in the Communist *Guardian* of September 27, 1969, A.S.U. organizers are *"active on sixty bases in the U.S. and forty abroad."* And, he later claimed, they are also operating on two Navy carriers off the coast of South Vietnam as well as at Da Nang, in tank units, military hospitals, and in the Pentagon itself.

The *Esquire* article on the A.S.U. revealed the painful truth about the tragedy taking place on our military bases when it commented:

"A remarkable aspect of Stapp's siege of Fort Sill is that the self-proclaimed Communist has never been lynched by his fellow GIs . . . [even though] GIs are taught to kill Communists."

Our servicemen are simply *not being told* about the danger of internal Communist subversion. And *that* is the crux of the matter.

Perhaps one of the most blatant of the A.S.U. organizers has been Seaman Roger Priest, currently stationed at the Navy Yard in Washington, D.C. His picture appeared in a wildly Leftist article called "An Extraordinary Military Dilemma," published in *Life* magazine for May 23, 1969. That ten-page hallucination was little more than a tract propagandizing for dissension in the military. It carefully avoided mentioning the fact that A.S.U. organizer Roger Priest, while stationed in the Pentagon ("where his duty was to answer public queries about the Navy"), prepared his own anti-military newsletter right at his Pentagon desk, and is now facing a court-martial and a possible thirty-five-year prison sentence on a charge of subversion. Your reporter interviewed Seaman Priest last January in Washington, D.C., during the Reds' "counter-inaugural" demonstrations. As we marched along Pennsylvania Avenue with some ten-thousand Vietniks, many of whom carried Vietcong flags, he told me that he had taken out a $10,000 life insurance policy payable to the pro-Communist War Resisters League.

The first two pages of the Life article carried a picture of Pfc. Allen Myers, sitting with his lawyer before a Ft. Dix court-martial. Life gave the impression that Myers is an innocent GI being victimized by the military. He is, in fact, a leading activist for the Vietcong and a member of the Trotskyite Communists' Socialist Workers Party, serving as an organizer for the American Servicemen's Union. According to reports from Military Intelligence, the A.S.U. which Pfc. Myers serves so vigorously has declared in secret session that its agents are working "for disintegration of the armed forces through democratization," a program roughly analogous to the fraud called "participatory democracy" pushed by the Communist S.D.S. It translates from the Marxist jargon into Revolution.

Pursuing a similar objective and working closely with the A.S.U., have been a score of Red-controlled organizations geared to moral, legal, and physical disruption of our military forces. They include: The Committee for GI Rights, Vietnam Veterans Against the War (which ran a full-page ad in the New York Times on November 19, 1967, listing some sixty-seven GI sponsors), G.I.s United Against the War, G.I. Civil Liberties Defense Committee (coordinated by Trotskyite Matilde Zimmerman in New York), the Servicemen's LINK to Peace, Veterans for Peace in Vietnam (headed by Chicago Communists Leroy Wolins and Charles Fisher), and the Seattle G.I.-Civilian Alliance for Peace. Still others are: the Resistance, the Central Committee for Conscientious Objectors, the Draft Resistance Unions, Negotiation Now, and the American Friends Service Committee. On an international scale, the two most active have been an outfit called R.I.T.A. (Resisters Inside the Army) and its "Friends" affiliate, F.R.I.T.A.

Possibly one of the most insidious of these Communist operations has been a Gordian knot of hate called the Summer of Support project (S.O.S.), organized in September of 1967 by a Marxist graduate of Harvard named Fred Gardner. A former editor for Scientific American, Gardner is credited by the New Left with having conceived the idea of establishing a network of "coffee houses" near military installations to compete with U.S.O. enterprises and to propagandize GIs with radical literature. It was to be a "new form of attack" on the military, polarizing the political activities of malcontents, Leftists, and hippies who have been drafted. The plot proved an overnight bonanza.

Fred Gardner's inspiration for the S.O.S. project came upon him—no doubt out of a crimson sunrise—just at the time Andy Stapp was facing his first court-martial in the fall of 1966. He claims to have been further inspired by Captain Howard Levy, a radical Brooklyn Marxist cashiered from the Army in 1967 after refusing to instruct medics of our Viet-bound Special Forces in techniques of medical care for the wounded. Levy was fond of referring to our Green Berets as "killers of peasants."

The Levy case spurred the Summer of Support into a hearty gallop, and a small staff of activists was chosen by Gardner to further develop the program. About the same time another anti-war Leftist formed Vietnam GI, a monthly radical newspaper aimed at enlisted men. Its creator, Jeffrey Sharlet, had enlisted in the Army in 1961 and served in Vietnam before the action escalated there. Sharlet soon teamed up with the S.O.S. crew. By spring of 1968, Summer of Support had succeeded in establishing three bases of operation at strategic locations near key Army installations. The S.O.S. "coffee houses" proved highly successful as Red indoctrination centers, distributing hardcore Communist propaganda, pornography, and even narcotics to the youthful soldiers attracted to them. Entertainment was provided by such Leftist folksingers as Phil Ochs, Barbara Dane, and Judy Collins. Communist Pete Seeger was also scheduled, as were hard-rock groups like Country Joe and the Fish, Mothers of Invention, and the Grateful Dead. It was a scheme worthy of Dr. Fu Manchu.

On April 22, 1968, the Summer of Support headquarters in Chicago received an important letter from a young Marxist in San Diego named Mike Davis, who explained:

[2] The A.S.U. was of course patterned after the union envisioned for the American Army by the Comrades as far back as 1924, and has since consistently followed the Party line as laid down by Moscow.

A group of us, primarily from S.D.S. and U.C.M. [University Christian Movement], are trying to organize a summer program of "fraternization." Most of our ideas have been similar to the peace USO approach, and we share the same sense of urgency and responsibility about reaching the troops. San Diego, of course, is one of the major military centers in the U.S., and there is very real evidence of disaffection and skepticism about the war throughout the 7th fleet. Therefore, we would really like to tie into the summer activities, especially if there is some prospect of a USO [type] project here.

It is indicative of the background received by the Summer of Support project that Mike Davis, author of the above, has been working diligently for the past four years as a member of the Communist W. E. B. DuBois Clubs. He has also served as a member of the Southern California staff of the Communists' Students for a Democratic Society. It is the S.D.S., you will remember, which has openly admitted:

We're going to make a revolution. . . . Our goal is to organize an army to overthrow the United States government.

During a brief visit to the Summer of Support headquarters in August of 1968, your reporter talked at length with some of the project organizers and collected an armload of literature explaining their operation. Headquartered in Room 315 of a rundown building at 407 South Dearborn Street in Chicago, S.O.S. served as one of the command posts for the Yippee riots that engulfed that city during the 1968 Democratic National Convention. Scattered around the office during my visit were a number of opened letters and printed leaflets detailing the plan of attack on our military. One of those letters (dated May 14, 1968) was from an S.O.S. organizer named "Johnny," who explained that he was "out in Seattle setting up a Coffee House near Fort Lewis, which is one of the nine main army bases in the country." The letter continued as follows:

One of the good things about these coffee houses is that their rationale is vigorous enough that they actually break even or sometimes make a profit once their [sic] set up. . . Also it's very open at the moment what will happen to the coffee houses and the army in general this summer when the students hit the army—not to mention the war and the country itself. . .

"Johnny" concluded his letter by noting: "Anyway the guy who's coordinating the thing from Chicago is Rennie Davis . . ." This is the same Rennie Davis who has gained notoriety over the past four years as a top official of the Communists' Students for a Democratic Society; who has led a number of delegations to Hanoi; and, who is currently on trial at Chicago for his part in the Communist conspiracy that brought thousands of Comrades to that city for the "spontaneous" anti-police riots there in August of 1968. Rennie is also "credited" with having helped create the subversive Resisters Inside the Army, whose tentacles now reach around the world.

In response to the letter I quoted earlier from Mike Davis of the Communist DuBois Clubs, Rennie Davis answered: "We would like to work with you and possibly set up a coffee house in San Diego. . . . I guess the nearest other coffee house project to you will be Tacoma, Washington (Fort Lewis)." Comrade Rennie (who is no relative of Comrade Mike) further suggested:

You might want to contact Fred Gardner who is currently working at Ramparts magazine. . . . Fred set up the first coffee house at Fort Jackson (Columbia, S.C.) and knows as much as anyone about this kind of work. Also, Tom Hayden will be in San Francisco . . . [and] is actively involved in Summer of Support and could answer any question you might have about it. . . . Use any of our literature, sponsors, etc., for your own purposes, as you see fit.

Fred Gardner, you know about. Tom Hayden is one of the founders of the Communist S.D.S., and is presently on trial with Rennie in Chicago as one of the subversive "Conspiracy Eight." Four years ago, Hayden made an important trip to Hanoi with top Communist Party theoretician Herbert Aptheker.

Rennie Davis has conducted a campaign which has gathered considerable support for his anti-military project. One of the initial sponsors [3] was Marlon Brando. On May 19, 1968, Rennie wrote in response to the actor's endorsement:

I want to thank you for joining our committee of sponsors and signing the enclosed fund raising letter for Summer of Support. . . .

Many students and veterans have responded enthusiastically to the idea . . . this summer by asking to work in one of our coffee houses . . . [which] are now open in Columbia, South Carolina (Fort Jackson), Waynesville, Missouri (Fort Leonard Wood), and Killeen, Texas (Fort Hood). We have staff on the job establishing new projects in Leesville, Louisiana (Fort Polk), Tacoma, Washington, Chicago, Illinois (Fort Sheridan), and Washington, D.C. If funds permit, operations will be established at Seaside, California (Fort Ord) and Norman, Oklahoma (Fort Sill) as well.

Marlon Brando knows very well what he is doing. He has for several years been a major supporter for the Marxist-Leninist Black Panther Party.

Perhaps one of the most shocking statements regarding the extent to which the operatives of S.O.S. are penetrating the military appeared in a letter dated June 17, 1968, from Killeen, Texas. This two-page report, addressed to Rennie Davis and signed "Raoul," revealed:

Our best contacts here are M.P.s and intelligence section people. They are ripe for organizing and already provide a defensive network for the ["coffee house"] . . .

Since the initial thrust two years ago, more than a score of the Red "coffee houses" have sprung up adjacent to key military posts across the country. Each base has likewise harbored Leftist GIs who crank out for on-base distribution thousands of underground newspapers and propaganda tracts. In addition to The Bond, tabloids with the largest circulation have been The Ally and Task Force (both published in Berkeley), Vietnam G.I. (published in Chicago), and Veterans Stars and Stripes for Peace (published by the Communist Front Vets for Peace [4]). All five newspapers are distributed to servicemen around the world and contain the most radical smears against the U.S. military this reporter has ever seen.

Commenting on the serious nature of this Communist attack on our military, U.S. News & World Report noted in its issue of May 26, 1969:

Time was when publication of an anti-military newspaper could be considered in violation of Article 134 of the Uniform Code of Military Justice—the basic law of the services. Article 134 is a sort of catchall statute dealing with anything not mentioned elsewhere in the Code that is considered "to the prejudice of good order and discipline." The courts are now saying that . . . what is prejudicial to good order and discipline is often a matter of opinion.

In the past, Communist editors and contributors on GI newspapers were either transferred to other bases or discharged. All that has changed now, thanks to a Pentagon memorandum called "Guidance on Dissent," which gives virtual carte blanche to enemy propagandists within the military. This memorandum, says the New York Times, "has laid down guidelines for its principle commanding officers as to how to handle dissent among the troops, requiring officers 'to impose only such minimum restraints as are necessary to enable the Army to perform its mission.'"

As a result of this order, issued last May, commanding officers in the U.S. Army are no longer allowed to prohibit either the purchase, possession, or distribution of Communist literature on or off base; they cannot now prevent their soldiers from entering and being indoctrinated in Communist-directed "coffee houses"; they are not allowed to discipline soldiers who work on Red projects off the post, on their own time, and with their own money (which includes the Reds' underground newspapers); they are directed to recognize that membership in a servicemen's union is not against Army regulations; and, finally, all commanders must telephone Army headquarters in Washington to request approval before they can prohibit the distribution on base of any subversive publication.

This crippling directive has been issued to all military commanders in the continental United States, Alaska, Europe, and the Pacific, and was signed by the Adjutant General, Major General Kenneth G. Wickham. Though it might as well have been written by Izvestia or Komsomolskaya Pravda, it was authorized by Secretary of the Army Stanley R. Resor.

Yes, Secretary Resor is a civilian. A political appointee. The scheme is called "pressure from below and pressure from above." The Communists used it to take Czecho-Slovakia. They're using it here, now. We either move to stop it—and stop it now—or we cash in our military chips. Which is it going to be?

---

[3] Other sponsors of the Summer of Support (according to an August, 1968, letterhead) include such Leftists as: the "Reverend" James Bevel, who refers repeatedly to the American flag as "a rag on a stick"; Communist David Dellinger, one of the "Conspiracy Eight" defendants; playwright Edward Albee; Monsignor Charles Rice, a sponsor of the subversive Vietnam Summer project; Admiral Arnold E. True, Commander of the notorious Bay Area Veterans for Peace in Vietnam; and, an "actor" named Dustin Hoffman.

[4] Some of the G.I. underground newspapers distributed nationwide by the Communists have been: Fatigue Press (issued at Fort Hood from the Oleo Strut "coffee house" at Killeen, Texas); Counterpoint (distributed at Fort Lewis from both the Electric Bakery and the Shelter Half "coffee houses" in Seattle and Tacoma); Shakedown and The Ultimate Weapon (both issued at Fort Dix from the Free Speech Movement "coffee house" at Wrightsville, New Jersey; and Open Sights (released at Fort Belvoir in Northern Virginia; Fort Meyer; the Quantico Marine base; and, Maryland's Fort Meade and Andrews Field). Still others include: Logistics (at Fort Sheridan, Illinois); Last Harass (at Fort Gordon in Augusta, Georgia); Flag-in-Action (at Fort Campbell in Kentucky); Bragg Brief (at Fort Bragg in North Carolina); Reveille (published for Fort Ord in California); GI Voice (published for Fort Sheridan near Chicago); and, FTA (at Fort Knox in Louisville). FTA is not an acronym for Fun in The Army.

FRANKLIN, N.H., JOURNAL-TRANSCRIPT NOTES INTERESTING PERSPECTIVE TOWARD VIETNAM WAR

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. CLEVELAND. Mr. Speaker, it is an oddity, hard to explain, that there seems

to be little animosity in this country toward the enemy we are fighting in Vietnam. Sometimes it seems that we are angrier at our allies in South Vietnam than we are at the tyrannical regime in Hanoi.

These thoughts were very well expressed in an editorial published October 16 in the Franklin, N.H., Journal-Transcript. The editorial has been sitting on my desk since that time and I have given it much thought.

Editor Richard P. Lewis has been perceptive and constructive in writing it. It is certainly apparent that, for some reason or another, the reasons for our intervention have not been fully explained in terms acceptable or even understandable to many American people. As Mr. Lewis says, it is the strangest war we have ever seen.

The editorial follows:

IT'S A WEIRD WAR

It's puzzling.

Have you noticed one strange facet of our whole involvement in Vietnam?

Everybody blames somebody here in the United States for difficulty of ending it.

Those of peaceful persuasion—though their expression of said sentiment is often couched in remarkably violent deeds—are inclined to blame the administration and the military for fighting too fiercely. Cool it, they indicate, and the North Vietnamese and the Viet Cong will behave.

Uh, huh.

On the other hand, the administration (Nixon and Johnson before him) is inclined to be impatient with those in this country who take a dim view of the war and who are brazen enough to say so publicly. Hold the criticism says the administration, present a semblance of unity, and the North Vietnamese and the Viet Cong will thereby be deceived and give up their effort as a lost cause.

Uh, huh.

Ah, and then are those whose anger seems to be concentrated upon the administration's reluctance to "unleash" our forces in Vietnam. Level North Vietnam, and there will be no further problem, say these.

Likely not . . . not in Vietnam, anyway.

The peace people are sore at the administration for fighting too much. The war people are sore at the administration for fighting too little. The administration is peeved with the people who disagree with administration policy.

Isn't anybody around here sore at the Viet Cong and the North Vietnamese?

They did start the whole thing, after all, and they do have quite a lot to do with ending it. They are the people who are killing our men. Certainly, nothing's going to cool in Vietnam without their concurrence, voluntary or otherwise.

Too, an awful lot of people appear to dislike the South Vietnamese.

The peace people are sore at the South Vietnamese for not wishing to be taken over by the North Vietnamese, and being unable to prevent this by themselves. The war people are sore at the South Vietnamese for fielding inadequate armies. The administration is often sore at the South Vietnamese—quietly so—because the government at Saigon occasionally disagrees, at least in detail, with administration policy. At times, the administration seems almost to regret that South Vietnam ever even existed, because of the severe domestic political problems that center about that nation.

But hardly anybody but the South Vietnamese seems to be particularly sore at the Viet Cong or the North Vietnamese.

The peace people profess to be concerned deeply about the damage being done to our national image. Imagine doing such a terrible thing as fighting a war! What will mankind think of next? The war people, on the other hand, seem to be terribly worked up about the damage that might be done our international reputation should be fail to "win" this war. Never lost before, you know. Surely, we would lose points. The administration's concern seems to be whether or not its approach is going to get the United States out of Vietnam quicker than somebody else proposes. If a Democrat argues that we ought have our forces out of there by the end of 1970, the adminstration makes cute cracks about what's the matter with getting them out before 1970. There's an impression, too, that the President is terrified at the possibility that this will be labeled "Nixon's War".

But nobody hereabouts seems too much annoyed with the Viet Cong and the North Vietnamese.

Even the military takes a remarkably impersonal view of the whole thing. Progress is measured by comparative body counts—and when you count by cold numbers they seem somehow less like dead people. There's no great sense that even the military is angry with the Viet Cong and the North Vietnamese.

It's the strangest war we've ever seen.

UNITED WE STAND

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the Monett, Mo., Junior Chamber of Commerce, joining with other Jaycee organizations throughout the country, are taking part in a patriotic "united we stand" project, and have invited all Monett, Mo., area residents to personally participate in the program.

The purpose of their "united we stand" organization is to provide the American people with a means to directly participate in the great issues of our time.

In cooperation with the Monett Times newspaper, the Jaycees have included in each copy of the paper a postcard addressed to the President of the United States, and carrying the following message:

MR. PRESIDENT: You have my support in your efforts to bring about a just and lasting peace.

The postcard is to be signed with the name and address of each individual participating and mailed to the President.

Mr. Speaker, this kind of patriotic activity is typical of the people of the Seventh Congressional District of Missouri. I am proud to serve as their Representative in the Congress.

To explain more fully the purpose of this project, I offer an article which recently appeared in the Monett Times newspaper explaining in more detail.

The article follows:

THE MAJORITY SPEAKS

America is our country and our country is in danger today because the vast majority has remained silent too long. Because of our dedication and unwaivering belief the Monett Jaycees and the United States Jaycees feel that it is our obligation to give the vast majority the opportunity to speak for their nation.

We must act immediately! The enemies of our country have interpreted the actions and words of the vocal minority as the true mood of the American public. The North Vietnamese will continue their war policies as long as they believe there is a possibility of an internal revolt against the President's policy.

We must activate the silent majority to demonstrate their support. We must act today—every moment we hesitate literally cost American lives.

The purpose of this letter is to supply you with some information of united we stand and seek your assistance to aid us in achieving our goal.

United we stand is an organiaztion whose purpose is to provide the American people with a means to directly participate in the great issues in our country. Initially, we are providing a method to allow the American people to have a strong voice in securing a just and lasting peace in Vietnam and in obtaining humane treatment and the early release of our Prisoners of War.

By uniting behind our President, we are putting him in the strongest possible position to achieve lasting peace. It is our sincere belief that the majority of the American people want to express themselves on these and many other issues of national significance.

Our objective is to obtain support from the majority of Americans for the united we stand effort and the concept for which it is intended. Most of us have remained silent on basic issues far too long, and it is now time for all Americans to start making their opinions known.

Your support can most effectively be demonstrated by filling out the card and dropping it into the mail box.

Mail your card immediately—they must be received by Friday, November 28.

THE MONETT JAYCEES.

HOO-RAY FOR SPIRO

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. CLEVELAND. Mr. Speaker, the reaction to the Vice President's address in Montgomery, Ala., has been heavily favorable in my district.

The Vice President leveled his criticisms fairly, strongly, and in a very statesmanlike manner. The truth of his criticism is reflected in the outpouring of agreement with which the country greeted his remarks. For so long, the general public of this country has developed a gnawing mistrust of the news media. It was a general, unspecified thing, but the Vice President wrapped it up well and sounded a sentiment which most of the country feels most of the time.

The Claremont Eagle, published in Claremont, N.H., strongly applauded Mr. AGNEW in an excellent editorial. I believe the editorial is representative of the opinion in the Granite State and I offer it for the RECORD:

HOO-RAY FOR SPIRO

We applaud Vice President Agnew's more recent criticism of the communication media, more recently of the press, and in particular, the Washington Post and New York Times.

Prior to this speech Agnew levelled some well-deserved blows at the unfair TV coverage given President Nixon's address to the nation, not to mention distorted commentary coverage by TV of the Democratic National Convention and certain phases of the Vietnam war.

As many congressmen will privately tell you, the Washington Post has a reputation for bias and its coverage of the Vietnam war has often been distorted and inaccurate.

The New York Times, especially since most competition has evaporated, has become less responsible in its reporting, or putting it more bluntly, writes "up" or "down" events according to the personal dictates of writers or editors.

One problem with the bigtime press is that it has become so large that writers and reporters are no longer under the direction of editors and editors under the direction of management.

Reporters can write biased accounts of events and these stories are turned into the desk as "hand-on-the-Bible" accounts of what went on.

No one is checking on much of this erroneous reporting; editors and the publishers are in too many instances being run by their reporters.

Management has, in too many instances, abdicated the responsibility of the press to irresponsible men and women with axes to grind.

Too much news is being edited and censored by too many reporters at the source.

They write what they want to hear and see and not what is actually heard and seen.

They take it easy on political candidates on their own and personally favor and come down heavily on candidates and office holders "out of favor."

The management of the Washington Post and the New York Times got a deserved kick in the pants from the vice president.

We applaud both of Agnew's most recent speeches.

We hope he has more like them.

And so, we believe, do a majority of Americans who are sick and tired of being brainwashed and spoon-fed by monopolistic and biased interests in TV and the press.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, at the end of 1967 the United States had an installed electric generating capacity of 269,252,000 kilowatts. Our electrical energy production in 1967 totaled 1,214,365 million kilowatt-hours, almost one-third of the world total of 3,843,600 million kilowatt-hours.

THE BECKONING ABYSS OF BARBARISM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, no civilization is immune to excesses on the part of its individual representatives. Over the centuries the most mature societies have produced monstrous injustice and perpetrated barbaric cruelties. Rome could produce both a Virgil and a Caligula. France could give the world an Emile Zola, as well as an Esterhazy and a Gen. Du Paty De Clam. Britain could bring forth a Byron and a Cromwell. Russia lays claim to both Tolstoy and Rasputin, Pasternak and Beria. Germany stands before the world with two souls. On one side is the Germany of "kultur," Goethe, Heine, and Beethoven. On the other she stands disgraced by Himmler, Hitler, and the many thousands of inhuman murderers who massacred millions of innocents. No nation is ever immune from the disease of barbarism.

It comes as a thunderous shock to us all, nevertheless, that the United States also possesses the capability of perpetrating inhuman acts in pursuit of its avowed national goals. Such acts have recently come to light in relation to our military efforts in Southeast Asia. Obviously, there can be no denial that butcheries of civilians have been perpetrated by American military personnel. To say more would be to prejudice the case against those who stand accused. Nevertheless, we must accept the growing realization of these happenings, and seek reasons, causes, and cures. A nation's soul is reflected in its policies and interactions with other states. When we make national policy and carry it out, all of us bear part of the blame, just as all of us share in any credit. Nor can we shrink from such responsibilities. There can be no possible evasion of the awful situation now confronting us.

Whenever an army in the field moves and fights, its leaders, both military and political, are generally and specifically aware of what is being done in their name. Examples are always set by those in command. Ideals of a society must be reflected in those examples, or there can be no rationale for following policies which the armed forces are charged with carrying out. This is the dilemma facing any nation at war, and we are now confronted with the knowledge that at least once our country, its ideals, its leaders, and some of its individual soldiers have failed the test, betraying our noblest, most precious principles in the process.

Remember Nuremberg? Many of us stared in mute horror at those rows of innocuous appearing men who pleaded "Not Guilty" to those unspeakable crimes. Millions among us remember the stupefying, sense-numbing mood which crept over us as films of concentration camps were shown. How could human beings have done this? That question was on so many minds. Their answer? One and all, they stated they were following orders. Final result? Brutalization of a mighty nation. Degradation of a massive, rich culture. Destruction of an entire society. And upon the lips of millions for generations to come certain words will ever be uttered with a curse or a shudder of revulsion. Shall this be the fate of our own land? Are we to allow such a step as has been revealed to be followed by another, and another, and another still? I pray not.

If one act of this type can be committed, others are certainly possible. No doubt other depredations will come to light similar to those already revealed. What will we do then? Condemn those who drew aside the curtain?

We are committed to a useless war which is poisoning the very soul of our land. Before this conflict American boys went to war to perform a necessary job which required killing. We were never first to draw the sword, and always last to sheathe it. We never fought to enslave other men, but to free them. Our military tradition was as honorable as it was long. As unstained as it was victorious. Today it lies befouled and dishonored by a brutal act of barbarism.

These revelations in themselves pose a supreme test for America. For we have begun to approach an abyss in the name of freedom. Germ warfare. Nerve gas. Poison bullets. Defoliation. MIRV. Green Beret assassinations. Murder squads. And now the latest disgusting happening. Cumulatively, they challenge the very soul of our people and imperil the future of our society. If we allow such means to be employed, and such actions to be taken, eventually we shall become hardened as a society to even worse transgressions. Eventually we shall be table to rationalize almost anything, as the people of Germany did when it was too late. They averted their eyes and said they did not see—but they did.

Let us therefore rise to this ultimate moral challenge as a mature people, relying upon our ideals and demanding that they be adhered to; whether at home in doing justice to the humble or abroad in pursuit of any goals the Nation chooses to embrace. If we act so, then there is a chance future horrors may be averted, although the stain upon our escutcheon will ever be there as a reminder of what happened—once.

All military and political leaders of this Nation must search their own hearts just as the average American must; examining this entire present situation in light of their own principles and lives. We must give thought to the heritage our children will inherit. When Hitler was at last brought to earth, Winston Churchill went to a devastated Berlin and delivered a never-to-be-forgotten epilog to the cancer that was Nazi Germany. He spoke of Hitler and said "If you seek his monument, look around you."

Remains of dead and gone civilizations litter the world. Many of us are more than passing familiar with them. Each left some mark—small or large. All are remembered in some manner. Some with a blessing. Others with a curse.

A thousand years from now, what will some father say to his son, looking at some representative relic of today's America? Will he say "They were a nation of killers in the name of liberty and barbarians in the name of defense"?

Or will he say "Just look at that, my son. The Americans built it. They were a nation of strength, true. But also a society of men who loved the lowly, and who even when they struck out in anger, tempered their violence with compassion and their might with understanding."

What will it be? The broad uplands of enlightenment and national maturity? Or the beckoning abyss of barbarism?

RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, it is an honor and a pleasure for me to pay tribute to a great American and a close friend on the occasion of his retirement.

This is, for Gen. George H. Decker, a second retirement, the culmination of a second career.

For almost 40 years he wore the uniform of his country, rising all the way from second lieutenant in our peacetime Regular Army to its topmost post, Chief of Staff. It was my privilege to know him well as a frequent witness before the Defense Subcommittee of the House Committee on Appropriations. We on the committee always respected his frank and constructive views. For the past 6 years General Decker has been president of the Manufacturing Chemists Association. In that role he has spoken for one of the largest and most progressive industries of our country.

Both in uniform and in civilian life, he has served his country and its people with high distinction. He has held—and merited—universal respect.

On September 28, 1962, the late President Kennedy presented General Decker with the Distinguished Service Medal. He cited the general for qualities such as these—and I quote—"wisdom, great moral strength, and confident determination; imagination, versatility, and prescience; objectivity, tact, and diplomacy."

These are high words of praise. But, as all who know General Decker will agree, they are amply deserved.

To me, however, the most telling phrases in the citation are these: "Eminent sense of fairness, understanding, and consideration in contacts with others."

It is these qualities General Decker showed to a high degree in his contacts with Members of Congress—qualities which made working with him so pleasant and rewarding.

Significantly, General Decker does not see Government and business as antagonists. Rather, he regards them as the twin pillars of our free enterprise system.

None of the pressing domestic problems which confront us—inflation, the quality of our air and water, and occupational safety, among others—can be solved unless all elements of our pluralistic society, notably Government and business, pull together rather than apart.

It is to this overriding purpose that General Decker has dedicated himself over the past 6 years. For what he has sought to do—and for what he has achieved—he deserves our highest regard and lasting gratitude.

On his second retirement I extend to George Decker my very best.

OPPOSES MURPHY AMENDMENT

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, on October 14, 1969, the Senate passed an amendment to the Economic Opportunity Act Amendments of 1969 (S. 3016) that empowers the Governor of a State to veto OEO legal services for the poor. This provision, sponsored by Senator GEORGE MURPHY, is not contained in the companion bill (H.R. 12321) which has been reported by the House Committee on Education and Labor. As a member of that Committee, I strongly urge my colleagues to reject the Murphy amendment if and when it is considered by the House.

The legal services provisions of OEO are among the foundations of our antipoverty program. They give the poor access to the courts and legal aid in seeking redress of their grievances.

Placing the Governor of a State in a position of blocking such legal services would defeat the purposes of the OEO legal services program and delegate millions of disadvantaged people to second-class citizenship.

The legal services program of the Office of Economic Opportunity must be kept intact and strengthened, not crippled as it would be by the Murphy amendment. This is not only my conviction, but that of the Honorable Donald Rumsfeld, Director of the Office of Economic Opportunity. He called it a fundamental aspect of the antipoverty program and opposed the Murphy amendment, as the administration as a whole has opposed it.

It is the conviction of Dr. Milton Eisenhower and the National Commission on the Causes and Prevention of Violence. On November 1, 1969, the Commission declared its opposition to the Murphy amendment, asserting that OEO-type legal programs "are still only a small beginning in the long-range task of assuring justice for the poor" and the poor are already at a "great disadvantage" before the law.

The U.S. Judicial Conference, organ of the Federal judiciary under the chairmanship of Chief Justice Warren E. Burger of the U.S. Supreme Court, is unanimously opposed to the Murphy amendment. Its distinguished president, Bernard G. Segal, has written:

> I hope you will oppose my amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

At this critical juncture of our national life, when we need to bolster our war on poverty rather than deescalate it, I urge the House to emphatically reject the Murphy amendment. I insert at this point in the RECORD and commend to the attention of my colleagues the statements of organizations that have communciated to me their opposition to the Murphy amendment:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., November 24, 1969.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: I am enclosing for your information a copy of the statement by the Members of the U.S. Commission on Civil Rights in opposition to amendments to legislation authorizing programs at the Office of Economic Opportunity which would enable a governor to veto legal services programs in his State.

The Commissioners in their statement opposing the so-called "Murphy Amendment" to OEO legislation said:

"The right of disadvantaged groups to have full and effective access to the courts must not be fettered by the political restrictions imposed by the amendment."

At a time when the Nation is concerned that persons not seek redress in the streets, it is inconsistent with the national interest to place restrictions on disadvantaged groups seeking access to the courts through Government-financed lawyers. I urge your careful consideration of the statement of the Commissioners.

Sincerely yours,
HOWARD A. GLICKSTEIN,
Designate.

STATEMENT BY U.S. COMMISSION ON CIVIL RIGHTS ON VETO POWER FOR GOVERNORS OF LEGAL SERVICES PROGRAMS

The United States Commission on Civil Rights wholeheartedly supports the American Bar Association, The United States Judicial Conference, The National Legal Aid and Defenders Association, as well as local and State bar associations and other interested groups in their opposition to the proposed amendment to the Office of Economic Opportunity authorization bill providing State governors veto power over OEO funded legal services programs. The adoption of this amendment would critically weaken the most successful and fulfilling of all of the OEO programs and undermine the concept of equal legal representation for all. It especially would jeopardize survival of legal services programs that vigorously represent Negroes, Mexican Americans and Indians.

The need for vigorous and aggressive legal representation on behalf of the poor of all races cannot be overemphasized. "Equality before the law," said former Supreme Court Justice Wiley Rutledge, "in a true democracy is a matter of right. It cannot be a matter of charity or of favor or of grace or of discretion." In many areas such as housing, welfare rights and consumer protection, legal services groups have provided the best hope for a system of effective representation for the poor—not just in providing day to day legal counsel on an individual basis—but in attending to those activities which establish legal precedents and law reform affecting large numbers of people.

In a recent speech President Nixon set for the OEO Office of Legal Services the following goal:

"It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met."

Those legal services programs which have proven most vigorous, resourceful and innovative in the assistance of their clients and which have been responsible for the most far-reaching legal reforms are the very programs which are put in greatest jeopardy by the proposed amendment. The right of disadvantaged groups to have full and defective access to the courts must not be fettered by the political restrictions imposed by the amendment. Such an amendment would be a regressive step that can only serve to discourage the poor from bringing their grievances to the courts rather than to the streets.

LEGAL AID SOCIETY OF HAWAII,
Honolulu, Hawaii, October 22, 1969.

Re Murphy amendment, Senate bill 3016.
Representative PATSY MINK,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE MINK: The professional staff of the Legal Aid Society of Hawaii, Civil Division consists of seventeen lawyers, four are Vistas and one a Smith Fellow. We wish to call your attention to and note our opposition to the Murphy Amendment, Senate Bill 3016.

This amendment that passed the Senate

on October 14 was proposed by Senator George Murphy (R-Calif.). It in effect provides that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment also has been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will be effective or even remain in any final bill. Through the threatened or actual use of this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.

Providing a state official with the power to dictate the scope of services to which the poor are entitled courts the demise of the Legal Services Program. To tell the poor that now legal services are making a significant impact on their legal problems those services are to be restricted would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as another false hope, an institutionalized frustration, a paternalistic handout meant to deceive but not to help effectively.

In addition, the morale of the 2,000 new lawyers now working in the program would suffer tremendously if their independence of action on behalf of the poor were curtailed or restricted. These advocates, as are all other attorneys, are subject only to the interest of their clients and the ethical standards of their profession. We are willing to answer for our conduct to our clients and our brethren at the bar. We are not willing to answer to one whose standing is subject to the passing tides of popular opinion.

The Legal Aid Society of Hawaii, Civil Division, supports the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. Professional associations, including the NLADA, ABA, ATLA and NBA, have supported this program because it has assured full independence to the lawyer and a total responsiveness to the needs of the poverty community. This is as it should be!

Although we of Hawaii do not envisage that a governor of our state would take advantage of such veto power, we do consider ourselves an integral part of the Legal Services Program. We, therefore, ask your help on behalf of our mainland colleagues and ourselves to actively oppose this amendment.

Thank you for your *KOKUA*.

Very truly yours,

ROBERT G. JOHNSTON,
Chief, Civil Division.

CHICAGO COUNCIL OF LAWYERS,
Chicago, Ill., October 24, 1969.

Hon. PATSY T. MINK,
House Committee on Education and Labor, House Office Building, Washington, D.C.

DEAR HONORABLE MRS. MINK: On October 14, 1969, the Senate passed an amendment to the Economic Opportunity Act of 1964. The amendment was proposed by Senator GEORGE MURPHY and gives the governor of each state an absolute veto over the funding of any Legal Services program assisted by the Office of Economic Opportunity. An amendment to the Murphy proposal was subsequently adopted that would give the President power to override the governor's veto.

The Chicago Council of Lawyers believes that there should be no gubernatorial veto power over any of the activities of Legal Services Programs. The allegiance of Legal Service Attorneys must be to their clients, untainted by any suggestion that his professional judgment might be affected by local political considerations.

This vitally important matter will soon be considered by the House of Representatives. For reasons more fully developed in the attached statement adopted by the Board of Governors of the Council, we urge you to vote to eliminate the governor's veto altogether.

Very truly yours,

JUDSON H. MINER,
President.

[Enclosure]

CHICAGO COUNCIL OF LAWYERS

Last week the United States Senate, by a close vote, approved an amendment to the Economic Opportunity Act of 1964, giving a state governor an absolute veto over grants for legal services programs operating within his state. An amendment to the Murphy proposal, offered by Senator Nelson and passed by voice vote subject to later confirmation, would give the President power to override the veto. (Power to override a governor's veto now rest with the Director of OEO.)

The Chicago Council of Lawyers believes that a gubernatorial veto power, with or without an appeal to the President, threatens the independence and integrity of a legal services program. Instead of strengthening the governor's veto, the Senate should have eliminated it altogether.

The amendment was passed at the behest of Senator George Murphy of California, who argued in its behalf that efforts to reform the law for the benefit of the poor should not be part of a legal services program. The motive behind the amendment is plainly to hobble those legal services programs that have been truly effective. The Bar cannot afford to permit such a sham if it expects to retain any shred of professional integrity and public respect.

It has become painfully obvious that the legal services programs likely to be vetoed are those programs with the aggressiveness and skill to successfully challenge entrenched interests. For example, Murphy's target is unquestionably California Rural Legal Assistance, a program with a nationwide reputation for vigorous and effective advocacy in behalf of California's impoverished migrant farm workers. In the past, it has avoided a veto by Governor Reagan only because it was clear that a veto would be overridden by the Directors of OEO. Local political opposition also recently threatened the South Florida Migrant Legal Services Program and a Navajo reservation program. The South Florida program had aroused the ire of powerful local interests by taking major farm operators to court, the Navajo program by representing members of the tribe in cases in which the tribal government was interested. An excellent program in North Mississippi has been filing school desegregation suits and challenging the inequality of municipal services provided in black residential areas. The pressure of antagonistic local interests forced the University of Mississippi Law School to drop the program, and it now operates on its own with direct funding from Washington. Can there be any doubt about its fate if the governor is given the power to veto refunding?

The Murphy proposal creates an immediate threat to some of the most effective legal services programs OEO has developed. It also threatens to destroy all hope of developing independent legal services programs supported by government funds. The Bar must defend the professional independence of its legal services programs lest it confirm the widespread belief that the promise of equal justice under the law is hollow, and that solutions are to be found only in the streets.

The Chicago Council of Lawyers calls upon fellow lawyers and their professional associations to demonstrate that the promise of legal service is not an empty one, to make unmistakeably clear to Congress that the profession cannot accept the threat to its integrity and independence represented by the Murphy amendment.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.,
New York, N.Y., October 29, 1969.

To all Members of the House Education and Labor Committee:

Hon. PATSY T. MINK,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: I understand that the House Education and Labor Committee is in the process of hearings on the authorization for the Office of Economic Opportunity.

Not only was I astounded at the Senate acceptance of the Murphy amendment to this authorization which would give absolute veto power to the Governors of states on programs of rural legal assistance, but I was further absolutely dumbfounded to realize that the Senate would accept such an abrogation of civil rights on the part of any group of people.

The General Board of the National Council of Churches has indicated again and again its affirmation of the fact that "all citizens should have access to adequate legal counsel, and that the poor in particular should be assisted in obtaining their rights without veto by local or state officials."

Any such veto power on the part of state officials is a direct abrogation of civil rights, and I assure you that we will do everything within our power so that the public recognizes this as a civil rights issue.

Therefore I would urge that in the Education and Labor Committee no positive consideration be given to any such amendment to the authorization bill for the Office of Economic Opportunity in relation to rural legal assistance for the poor.

Sincerely yours,

WILLIAM E. SCHOLES,
Associate for Field Services.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST, IN THE U.S.A.,
New York, N.Y., October 31, 1969.

To each Member of the House Education and Labor Committee:

DEAR CONGRESSWOMAN: Legal services are crucial to the poor. Justice is vital in this Nation. No restricting authority of a Governor's veto on OEO Legal Services in major areas of the Nation will provide either.

Please do not, with your vote, permit a Murphy-type amendment to carry.

Sincerely yours,

JACK H. ALFORD,
D.C.L.M. Field Representative.

SACRAMENTO, CALIF.,
November 3, 1969.

Hon. PATSY MINK,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSWOMAN: On behalf of the Sacramento Chapter of the Kennedy Action Corps, I am writing to urge you to vote against the amendment to OEO legislation (now under consideration by the House Education and Labor Committee) that would give state governors an absolute veto over the activities of federally financed antipoverty lawyers. This amendment would be a fatal blow to the California Rural Legal Aid program, financed by OEO, and to all such legal aid programs that would then be at the mercy of the partisan political policies of individual governors.

Both President Nixon and the American Bar Association have urged strengthening the help given to the poor to air their legitimate grievances in court. This is part of the orderly conduct of a democratic society. Today Dr. Milton Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence, urged retention of legal help for the poor, financed by federal money. Passage of the OEO bill, with the amendment sponsored by Senator Murphy, would be a serious blow to the law and order society strives to maintain. If the poor cannot be heard in court, they will resort to

the streets and their problems will be compounded.

We respectfully urge you to vote against the Murphy amendment giving the governors veto power over the work of those giving legal aid to the poor.

Very truly yours,

AGNES C. SOWER,
Chairman, Legislative Committee, Kennedy Action Corps.

NEW YORK, N.Y.

Representative PATSY MINK,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN: Assembled at its 81st annual meeting, the National Council of Women of the United States (an organization of some 30 women's organizations with a combined membership of 23 million women) expressed serious concern and dismay at the proposed amendment to the Anti-Poverty Bill which would give State governors veto power over OEO store front legal help to the poor. We agree with American Bar Association that this amendment would be oppressive interference with the freedom of the lawyer and the citizen.

May we urge nonacceptance of this amendment.

BELLE S. SPAFFORD,
President.

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
New York, November 7, 1969.

MY DEAR CONGRESSWOMAN: I am directed by the Executive Committee of The Association of the Bar to call to your attention the following resolution adopted at a meeting of the Committee on November 6, 1969:

"Whereas, the adoption (45–50) by the United States Senate of an amendment to the pending OEO authorization bill (S. 3016) would give to state governors a veto over OEO funded legal service programs, in whole or in part, at the time of initial funding or refunding, and

"Whereas, such veto power would conflict with the traditional right and obligation of the lawyer to give faithful representation to his client, regardless of whether the client or his cause is unpopular or community reaction is adverse, and

"Whereas, it is important that vigorous and effective legal service be provided to the poor by denying to no person in our society his right to equal justice under law, which includes the right to independent counsel free from outside interference; and

"Whereas, the Judicial Conference of the United States, the American Bar Association, the National Legal Aid and Defender Association, the Director of OEO and numerous others have urged the amendment be defeated, now be it

"Resolved, that The Association of the Bar of the City of New York urges the defeat of any amendment to S. 3016 or the defeat of any other legislation that would permit gubernatorial veto or any action that constitutes such potential for interference with the freedom of the lawyer and the rights of the citizen."

Sincerely yours,

PAUL B. DE WITT,
Executive Secretary.

FAMILY SERVICE AGENCY OF SAN FRANCISCO,
San Francisco, Calif., November 7, 1969.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: As you know, the Senate has just passed legislation referred to as the Murphy Amendment which gives governors of each state veto power over the funding of Neighborhood Legal Assistance programs.

We strongly and respectfully request your opposition to similar legislation in the House.

We believe that the passage of such legislation is blatantly discriminatory against poor and minority persons because, in effect, it would give state governors the power to determine which socio-economic groups in our society are entitled to legal services.

Respectfully,

JOHN E. DEARMAN,
President.

L. WARDE LAIDMAN,
Executive Director.

PHILADELPHIA BAR ASSOCIATION,
Philadelphia, Pa., November 12, 1969.

Hon. PATSY T. MINK,
House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: I am taking the liberty of enclosing herewith a resolution unanimously adopted by the Board of Governors a few days ago. We urge you to oppose the amendment to SB–3016, which seeks to place in the hands of the Governors in the various states a power to veto activities of legal service programs. We feel that such an amendment is not in the public interest and urge you to join us and other community-minded organizations in attempting to prevent its enactment.

Sincerely,

LOUIS J. GOFFMAN.

RESOLUTION ADOPTED BY THE BOARD OF GOVERNORS OF THE PHILADELPHIA BAR ASSOCIATION

Whereas, the enactment by the United States Senate of an amendment to S.B. 3016 seeks to place in the hands of the Governors of the various States a power to veto the activities of Legal Services Programs funded by the Office of Economic Opportunity;

And whereas, the Philadelphia Bar Association is committed to assuring effective legal services to every person who needs them, whether or not they can pay for them;

And whereas, the quality, the zeal and the professional competence of legal counsel should be inspired by the client's need and the validity of his case rather than his ability to pay for his lawyer's services;

And whereas, the relationship of lawyer and client should not be impaired by vouchsafing to an elected official a veto power over the resources of funds for legal services which may be required in litigation directed against government action or in support of causes which may be politically unpopular or inconsonant with partisan political objectives;

And whereas, a community legal services program which truly serves the needs of the community should not be exposed to the hazard of executive veto power which might impair the freedom of counsel to represent the real interests of those whose interests would not otherwise be fairly represented;

Now, therefore, be it resolved, that the Philadelphia Bar association declares that the Legal Services Program should continue its operations with the complete assurance of the independence of lawyers to represent their clients within the program, even though the interests of their clients might involve actions which seek to accomplish significant institutional changes affecting governmental agencies;

And, further resolved, that the representatives of the Philadelphia Bar Association express the will of the Association to the Senators and Representatives of the people that this amendment should not be enacted.

NOVEMBER 13, 1969.

Hon. PATSY T. MINK,
House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: This letter is sent to you from elected student government leaders and Law Student Division representatives of the American Bar Association of every major law school in Northern California. It marks the first time that we have issued a joint statement regarding an issue before Congress; the Murphy amendment to the O.E.O. Appropriations Bill makes our present action necessary. Its social impact is so broad, and its implications to the legal profession so important, that it becomes imperative to express our vigorous opposition to Senator Murphy's amendment.

The Murphy amendment gives the governor of each state a final veto over every O.E.O. legal service project in his state. In so doing, it permits one man in the state capital to dictate the nature and extent of legal services to be provided to thousands of low-income citizens. By injecting the threat of this political veto to the O.E.O. attorney's representation of his client, it denies the poor person in our society access to the independent professional services of a lawyer of integrity and competence. It creates a potential conflict of interest for the attorney—similar to the ethical situation which impels a judge to disqualify himself from a case. In doing so, the amendment jeopardizes the basic structure of our adversary system. It asks an attorney to choose between the immediate best interests of his client and the long-range interests of his office. The American Bar Association has stated that such a limitation constitutes "oppressive interference with the freedom of the lawyer and the citizen".

As Senator Murphy has stated, the purpose of his amendment is to prevent O.E.O. attorneys from litigating cases against government agencies. It would be complete folly to so constrain the activities of the low-income litigant's lawyer. Preventing poor persons from bringing suits against the government, a right enjoyed and frequently exercised by the more affluent members of our society, would violate all the principles of equal protection and fair play in our democratic system of laws and government. To so restrict the legal services available to the poor person makes him a second-class citizen. Furthermore, the ethical attorney would have no choice but to ignore any gubernatorial stricture not to litigate causes against the government; the O.E.O. attorney, like all attorneys in the United States, is guided in his legal practice by the A.B.A.'s Canon of Professional Ethics. Canon 15 states, "The lawyer owes entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability, to the end that nothing be taken or withheld from him, save by the rules of law, legally applied". Obviously cases do arise wherein the best interests of the client require that the government be named a party to a suit. It is the O.E.O. attorney's professional duty to bring an action against the government in these cases, and he cannot be restrained by a governmental edict telling him not to do so.

The Murphy amendment is an anti-civil rights provision. To tell the poor that their legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the O.E.O. legal services program. Moreover, the threat of restrictions would cause the poor to view the program as a paternalistic handout meant to look good, but not to effectively represent them.

The effect of the Murphy amendment is to foreclose the opportunity of poor persons to obtain necessary reform of the laws through the exercise of their legal rights within the orderly system of the judiciary. The judiciary plays an important part in our democratic government as a check on the powers of the legislative and executive branches. The strength of our democracy lies with this system of checks and balances. The traditional role of the judiciary has been to protect the interests of minorities be they the political, racial, or economic. To deny to the poor the effective redress of their grievances through the judicial system would be a most tragic action, both morally and politically.

For the above reasons, we call upon you to preserve the integrity of the American legal and governmental system. We urge you to actively oppose the Murphy amendment to the O.E.O. Appropriations Bill.

Sincerely,

Robert P. Etienne, LSD/ABA Representative, Stanford; Gilbert C. Berkeley, Jr., President Law Association, Stanford Law School; Martin H. Kresse, Hastings College of the Law; John Rutledge, Golden Gate College of the Law; Harvey R. Levinson, LSD/ABA Representative, Golden Gate College of the Law.

Rich Beserra, Boalt Hall, University of California, Berkeley; Luke G. Conley, McGeorge School of Law, University of the Pacific; Russell E. Templeton, University of California at Davis; Warren W. Goedert, University of San Francisco; Dennis W. DeCuir, University of Santa Clara; Phillip M. Sims, University of Santa Clara.

NATIONAL SHARECROPPERS FUND,
New York, N.Y., November 18, 1969.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE MINK: In the coming days you will be voting on the 1969 Anti-Poverty Bill (H.R. 12321). The National Sharecroppers Fund feels it is a reasonably good bill, although surely an increased appropriation similar to that voted by the U.S. Senate would be more appropriate at this time to meet the many and urgent needs of the nation's rural and urban poor.

We view, however, with considerable alarm any effort to restrict the Office of Economic Opportunity Legal Services Program by giving state governors an absolute line-by-line veto power over the program. As the American Bar Association has noted, such a power is an "oppressive interference with the freedom of the lawyer and the citizen.

Recently in the U.S. Senate, as you know, contrary to the wishes of OEO Director Donald Rumsfeld and President Nixon, Sen. George Murphy (Rep.-Calif.) was successful in getting an amendment attached to S. 3016 which would give state governors this veto.

One of the most serious consequences of such an amendment would be to either kill or drastically curtail the activities of the California Rural Legal Assistance, the largest and most successful program of its type in the United States. NSF has for the past three years supported the work of this worthwhile program which has done so much to bring a new respect for the law, lawyers, courts and justice among the state's rural poor.

It is also obvious that this type of veto power by a governor could have broad and restrictive civil rights implications throughout the nation.

Because NSF shares your concern for "equal justice under law" we strongly urge you to be present and affirmatively approve H.R. 12321 in the form recently accepted by your distinguished Education and Labor Committee.

Thank you for your consideration.

Respectfully,

A. V. KREBS, Jr.,
Director of Public Information.

NATIONAL LEGAL AID
AND DEFENDER ASSOCIATION,
Chicago, Ill.

Opposition to the Murphy Amendment, which would give state governors absolute veto power over Legal Services Programs in their states, has steadily mounted since it was passed by the Senate a month ago. The ABA, state and local bar associations, civic organizations, and many other concerned citizen groups have spoken out against the Amendment as a dangerous threat to the independence of the legal profession and to the integrity of the attorney-client relationship. Through resolutions, public statements, and letters to the President and Congress, they have urged the defeat of the Murphy Amendment of any other legislation that would limit the scope and effectiveness of Legal Services Programs.

A partial list of groups opposing the limiting legislation is attached:

ELECTED OFFICIALS, STATE AND LOCAL

Governor Frank Licht, Rhode Island.
Governor Francis W. Sargent, Massachusetts.
Governor Dan Evans, Washington.
Governor Kenneth M. Curtis, Maine.
U.S. Conference of Mayors.
National League of Cities.
Mayor Charles Evers, Fayette, Mississippi.
Mayor Robert J. Harris, Ann Arbor, Michigan.
Mayor Kevin White, Boston, Massachusetts.
Samuel Massell, Mayor-elect of Atlanta, Georgia.
State Legislator Robert Clark, Mississippi.

NATIONAL

League of Women Voters.
National Council of Senior Citizens.
National Council of Churches.
American Friends Service Committee.
Baptist Ministers of the United States.
Friends of Farm Workers.
National Welfare Rights Organization.
Southern Christian Leadership Conference.
United Presbyterian Church.

STATE

Alaska Federation of Natives.
Alaska Native Brotherhood.
California Farmer-Consumer Information Committee.
California Federation of Labor.
California Labor Federation, AFL–CIO.
Church Women, Unified Southern California-Southern Nevada.
Community Relations Conference of Southern California.
Illinois League of Women Voters.
Mississippi Action for Community Education.
Mississippi Freedom Democratic Party.
Mississippi State Conference of NAACP.
Ohio AFL–CIO.
Ohio Council of Churches.

LOCAL

American Friends Service Committee, San Francisco.
Association of California Consumers, Southern California, L.A.
Board of Christian Social Concerns—at Los Angeles.
Commission on Christian Citizenship, Episcopal Diocese of L.A.
Community Relations Committee of Santa Rosa, California.
Community Service Organization, Porterville, California.
Council for the Spanish Speaking, Stockton, California.
County Bar of Supervisors of San Francisco.
Delta-Miss. Ministry of National Council of Churches.
Delta-Miss. Opportunities Corporation.
Detroit Metro Black Club.
Human Relations Committee, City of New Orleans.
Interfaith Committee for Social Justice.
Local 1140 of Teamsters Union of Minneapolis.
Marin Ecumenical Committee for Action.
Metal Trades Council of Southern California, Huntington Park, California.
Minneapolis Central Labor Union, AFL–CIO.
Minneapolis League of Women Voters.
National Council of Negro Women, Sunflower County, California.
Painters' Union, Local 1146—Redwood City, California.
Paintmakers' Union, Local 1101—Oakland, California.
Pilot Cities Board, Minneapolis.
Program of Retired Citizens, Los Angeles.
Protective Council of California Senior Citizens, Long Beach, California.
San Francisco—Bay Area Urban League, Inc.
San Francisco Chapter, Medical Committee for Human Rights.
South Pasadena, California Democratic Club.
Southside Community Mission, Brooklyn, New York.
Spanish Speaking/Surnamed Political Association, San Francisco.
Typographical Union, Local 174—Los Angeles.
Welfare Rights, Wayne County, Michigan.
Women of Legislative Action, Valley Bay, California.
American Civil Liberties Union.
American Jewish Committee.
American Jewish Congress.
Anti-Defamation League of B'nai B'rith.
Community Relations Committee of the Jewish Federation Council.
Episcopal Society for Cultural and Racial Unity.
Fellowship of Reconciliation.
Japanese American Citizens.
Amalgamated Clothing Workers of America, Southern California Joint Board.
International Ladies Garment Workers Union, Los Angeles Cloak Joint Board, AFL–CIO.
And 80 other members of the Community Relations Conference of Southern California.

INDIVIDUALS

Lucy W. Benson, President of National League of Women Voters.
Ann Klein, League of Women Voters of New Jersey.
Marian Watson, League of Women Voters of Minnesota.
Janis R. Lathan, League of Women Voters of Connecticut.
Barbara Stuhler, League of Women Voters of Minnesota.
Jean Thomas, League of Women Voters of Oklahoma.
Anna M. Miller, League of Women Voters of Swarthmore, Penn.
Carol Czarnecki, League of Women Voters of Milwaukee.
Lillian Agard, League of Women Voters of Kansas City.
Felicia Kahn, League of Women Voters of New Orleans.
Julia D. Stuart, past President of the National League of Women Voters.
Unita Blackwell, National Council of Negro Women.
Anne Wexler, McGovern Commission (Democratic Commission on Party Reform and Delegate Selection.)
Margaret Nick, Alaska Federation of Natives.
Terry Watson, U.S. Youth Council.
Clinton Deveaux, National Student Association.
Donal A. Shall, Pennsylvania Association of College Students and National Supervisory Board of USNSA.
Michael Shaughnessy, University of Notre Dame Student Government and National Supervisory Board of USNSA.

JAPANESE AMERICAN CITIZENS
LEAGUE, SAN JOSE CHAPTER,
San Jose, Calif., November 18, 1969.

Re Murphy amendment to restrict legal services attorneys.

Hon. PATSY MINK,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: It has come to the attention of our Chapter that Senator George Murphy has added an amendment to the OEO Appropriations Bill that gives local governors the power to veto all or part of any legal services program within his jurisdiction. Appallingly, it passed by a narrow margin in the Senate and will be

introduced before your august body very soon. We urge that you vote against this dangerous piece of legislation.

We in the Santa Clara Valley have learned the value the legal service program has been to the poor through the Legal Aid Society and the California Rural Legal Assistance. It is the first time that the lower echelon of our economy have had advocates to fight for their rights to enjoy the fruits of our country. This right should not be hindered by a law that would emasculate their advocates to sheep.

We are not alone in this matter, i.e., the American Bar Association, California Bar and Santa Clara Bar Associations are against the bill. We urge that you represent our community against this bill.

Sincerely yours,

JAMES N. ONO,
Chapter President.

LA RAZA UNIDA,
Union City, Ohio, November 20, 1969.

Representative PATSY MINK,
Member, the House Education and Labor Committee, Washington, D.C.

THE HONORABLE PATSY MINK: As I am aware that you are a member of the House Education and Labor Committee of the 91st Congress—I would like to address to you a few comments. The comments are:

1. That you please not let the Murphy amendment as proposed by Senator Murphy of California pass.

2. The amendment would only hinder the poor people's right to justice.

3. This amendment would give all the power to the governor.

4. Having only limited education, I feel that the poor people must have the same power as the rich and political powers. It has been too long that the political powers have taken the poor for a ride!

Sincerely,

DAVID HERNANDEZ,
A constituent of the U.S. Government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POLLOCK (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business.

Mr. ASPINALL, from 5 p.m. December 4, 1969, until 12 o'clock noon December 8, 1969, on account of official business.

Mr. STEIGER of Arizona (at the request of Mr. GERALD R. FORD), for the balance of the week, on account of official business as a member of the House Committee on Interior and Insular Affairs.

Mr. BOW (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as a member of the House Committee on Appropriations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BIAGGI, for 30 minutes, today.

Mr. SCHWENGEL (at the request of Mr. FREY), for 15 minutes today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WRIGHT to include extraneous material in connection with the general debate today.

Mr. FINDLEY to include extraneous material when the Committee resumes consideration of House Resolution 613.

Messrs. RAILSBACK, SCHWENGEL, and WHALEN (at the request of Mr. PIRNIE) to extend their remarks during consideration of H.R. 4296, today.

Mr. DENNEY to include extraneous matter in his remarks on H.R. 4296.

Mr. ECKHARDT to include extraneous matter with his remarks made today on House Resolution 613 in the Committee of the Whole.

Mr. MATSUNAGA immediately preceding the adoption of H.R. 4296.

Mr. MATSUNAGA immediately preceding the passage of S. 564.

(The following Members (at the request of Mr. FREY) and to include extraneous material:)

Mr. PETTIS in two instances.
Mr. CHAMBERLAIN in two instances.
Mr. HALPERN.
Mr. MCCLURE.
Mr. LLOYD.
Mr. SCHWENGEL.
Mr. DUNCAN.
Mr. FOREMAN.
Mr. MAILLIARD in four instances.
Mr. BOB WILSON.
Mr. WYMAN in two instances.
Mr. COLLINS in four instances.
Mr. MCCLOSKEY.
Mr. BERRY in two instances.
Mr. ASHBROOK.
Mr. MORSE.
Mr. ANDERSON of Illinois.
Mr. MCDADE.
Mr. ESCH.
Mr. FRELINGHUYSEN.
Mr. BURTON of Utah in five instances.
Mr. COWGER.
Mr. BROWN of Michigan.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BOLLING.
Mr. LONG of Maryland in six instances.
Mr. CORMAN.
Mrs. GRIFFITHS.
Mr. RODINO in two instances.
Mr. HUNGATE in three instances.
Mr. KASTENMEIER in three instances.
Mr. FRIEDEL in two instances.
Mr. KLUCZYNSKI.
Mr. RARICK in three instances.
Mr. PICKLE in three instances.
Mr. DANIEL of Virginia in two instances.
Mr. TUNNEY in two instances.
Mr. PIKE in two instances.
Mr. RYAN in four instances.
Mr. BROWN of California in four instances.
Mr. HICKS.
Mr. DELANEY.
Mr. BINGHAM in three instances.
Mr. MATSUNAGA.
Mr. MOORHEAD in two instances.
Mr. HAGAN in two instances.
Mr. GONZALEZ in two instances.
Mr. VAN DEERLIN in two instances.
Mr. BENNETT.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature unto enrolled joint resolution of the Senate of the following title:

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 3, 1969, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 91st Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948; PHILIP M. CRANE, Thirteenth District, Illinois.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1371. A letter from the Under Secretary of the Army, transmitting notification of the transportation of certain chemical warfare agents to a military installation in the United States, as required by section 409(b) of Public Law 91–121; to the Committee on Armed Services.

1372. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1373. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1374. A letter from the national adjutant-paymaster, Marine Corps League, transmitting the annual report of the auditors of

the Marine Corps League for the year ended July 31, 1969, together with the minutes of the 1968 convention of the league, pursuant to the provisions of Public Law 88–504; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules. House Resolution 734. Resolution providing for consideration of H.R. 12321, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes (Rept. No. 91–696). Referred to the House Calendar.

Mr. KIRWAN: Committee of conference. Conference report on H.R. 14159 (Rept. No. 91–697). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. REUSS, Mr. SAYLOR, Mr. FEIGHAN, and Mr. MCCLOSKEY):

H.R. 15037. A bill to amend section 8(c) of the Federal Water Pollution Control Act to provide a new formula for the allocation of construction grant funds for the fiscal years beginning on or after July 1, 1970; to the Committee on Public Works.

By Mr. DONOHUE:

H.R. 15038. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 15039. A bill to provide a 5-percent increase in certain annuities payable from the Civil Service Retirement and Disability Fund: to the Committee on Post Office and Civil Service.

By Mrs. DWYER:

H.R. 15040. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (for himself and Mr. CLARK):

H.R. 15041. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGAN (for himself, Mr. BRINKLEY, Mr. FLOWERS, Mr. MCKNEALLY, Mr. MATSUNAGA, Mr. OLSEN, Mr. O'NEAL of Georgia, Mr. SANDMAN, Mr. SISK, Mr. STEPHENS, Mr. STUCKEY, and Mr. BLANTON):

H.R. 15042. A bill to end discrimination in the availability of Federal crop insurance and to authorize the appropriation of additional funds for the administration of the Federal crop insurance program; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 15043. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 15044. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

By Mr. HORTON:

H.R. 15045. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 15046. A bill to amend chapter 313 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 15047. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. PURCELL:

H.R. 15048. A bill to extend the fourth-class mail rate for books and educational materials to photographic prints mailed to and from amateur photographers and nonprofit photographic exhibitions, photographic societies, and photographic print study groups; to the Committee on Post Office and Civil Service.

By Mr. QUILLEN:

H.R. 15049. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15050. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 15051. A bill to establish a commission to study the effects on highway safety and expense of changing the existing limitations on the weight and dimensions of motor vehicles using the highways of this Nation; to the Committee on Public Works.

By Mr. SIKES:

H.R. 15052. A bill to suspend for a 3-year period the import duty on certain raw silk and certain yarns of silk wholly of noncontinuous silk fibers; to the Committee on Ways and Means.

By Mr. STEPHENS:

H.R. 15053. A bill to amend the Higher Education Act of 1965 to increase the funds available to commercial lenders who make insured student loans under such act; to the Committee on Education and Labor.

By Mr. THOMSON of Wisconsin:

H.R. 15054. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 15055. A bill to recognize a Federal responsibility to alleviate wind erosion problems in the Coachella Valley, Calif., and other similarly affected areas and to provide for a determination of the specific actions necessary to meet that responsibility; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 15056. A bill to amend title 18 of the United States Code, section 702, relating to the unauthorized wearing of uniforms of the Armed Forces and the Public Health Service; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 15057. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 15058. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 15059. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 15060. A bill to amend the Truth in Lending Act to require the statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. BUSH:

H. Con. Res. 460. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 461. Concurrent resolution condemning Syria for illegally detaining two Israeli citizens who were passengers aboard a TWA aircraft hijacked by air pirates on August 29, 1969; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself, Mr. ANDERSON of Illinois, Mr. BROWN of California, Mr. BUSH, Mr. BUTTON, Mrs. CHISHOLM, Mr. CONYERS, Mr. DELLENBACK, Mr. EDWARDS of California, Mr. FOLEY, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. HORTON, Mr. JOHNSON of Pennsylvania, Mr. KOCH, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MESKILL, Mr. MIKVA, Mr. MORSE, Mr. NEDZI, Mr. OTTINGER, Mr. PATTEN, and Mr. PRYOR of Arkansas):

H. Res. 735. A resolution urging new initiatives to stem the escalating $5 billion yearly international trade in conventional weapons of war; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself, Mr. REUSS, Mr. RIEGLE, Mr. SCHNEEBELI, Mr. WHALEN, and Mr. WHITEHURST):

H. Res. 736. A resolution urging new initiatives to stem the escalating $5 billion yearly international trade in conventional weapons of war; to the Committee on Foreign Affairs.

By Mr. CRANE:

H. Res. 737. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 15061. A bill for the relief of Vincenzo Paparo; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 15062. A bill for the relief of sundry claimants and for other purposes; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 15063. A bill for the relief of Mrs. Ruth Falk; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

347. The SPEAKER presented a petition of Claude Parks, Whitney, Tex., relative to pensions for veterans of World War I, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

MINNESOTA LAWYERS URGE OPPOSITION TO THE MURPHY AMENDMENT TO THE 1969 OEO ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRASER. Mr. Speaker, the OEO legal services program is strongly supported by the legal community in Minnesota. The Minnesota Bar Association and other local legal organizations recognize the value of this new antipoverty effort and the need to maintain its independence from political interference.

Recently, many Minnesota lawyers have written to me expressing concern about efforts in Congress to provide Governors with absolute veto power over legal services projects in their States.

These lawyers feel that the legal services program would be seriously crippled by any new provision in the OEO act similar to the amendment added on the Senate floor by Senator MURPHY. This concern is expressed in the following letters from Robert Henson, president of the Hennepin County Bar Association, and from William Lockhart, dean of the University of Minnesota Law School:

HENNEPIN COUNTY BAR ASSOCIATION,
Minneapolis, Minn., November 3, 1969.

Congressman DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR SIR: The Hennepin County Bar Association, at a meeting of its Executive Committee held on Tuesday, October 28, 1969, aligned itself with the American Bar Association by the adoption of a resolution urging the elimination of an amendment to S. 1809 which amendment would, if adopted place in the hands of the Governors of the various states a power of veto over the activities of the Legal Services Programs funded by the Office of Economic Opportunity.

If the Legal Services Program is to be fully effective, the lawyers working within the program must be fully independent and free of any threat of reprisal against the program.

We urge you to exercise your vote and your influence with your colleagues for the defeat of the veto amendment.

Very truly yours,

ROBERT F. HENSON,
President.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., November 5, 1969.

Hon. DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR DON: As you know, the Murphy amendment to Economic Opportunity Act in the Senate gave to the Governor of each state a veto on any legal services program within his state. It removed the existing power of the Director of OEO to override a governor's veto. The result can be a serious threat to the independence of lawyers representing our disadvantaged citizens through OEO financed Legal Services programs. Wherever the legal services programs seek to protect the legal rights of the underprivileged by challenging state action with respect to such matters as welfare administration, for example, this Murphy amendment will permit the state governor to throw in a roadblock. While I am sure Governor LeVander would not do so, I am much concerned about the effect of this amendment in many other states throughout the nation.

The Board of Governors of the American Bar Association unanimously adopted the enclosed resolution opposing this amendment to the OEO Legal Services authorization and reaffirming its support for independence of legal services lawyers. Maynard Toll, President of the National Legal Aid and Defender Association also strongly opposes this amendment as indicated by the enclosed statement.

I can add that the law schools around the nation are also much concerned over what this amendment may do to the expanding clinical programs in which law students under supervision of lawyers participate in providing legal services to the poor. Of course these law school programs are concerned not only with routine cases, but with seeking review of the law relating to the rights of the underprivileged. These programs are aimed at developing a sense of professional responsibility among young lawyers for meeting the needs of the underprivileged. If they can be thwarted in their efforts to improve the law or its administration by a governor's veto on significant and controversial issues this will undermine our efforts to develop their concern for an improvement in our legal system to serve all members of society better. Retention of the Murphy amendment will also tend to discourage some of the ablest young lawyers from entering Legal Services programs upon graduation from law school.

I understand the Economic Opportunity Act is now being considered in Committee and is likely to be reported out to the House for action soon. I hope you will make every effort to use your influence to eliminate this crippling restriction on the Legal Services program.

Sincerely,

WILLIAM B. LOCKHART,
Dean.

RESOLUTION ADOPTED BY AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS OCTOBER 18, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 1809 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the American Bar Association be authorized to express the concern of the Association as to the effect of the aforesaid amendment.

NATIONAL LEGAL AID AND DEFENDER ASSOCIATION,
Chicago, October 17, 1969.

Maynard J. Toll, president of the National Legal Aid and Defender Association (NLADA), issued the following statement today:

On Oct. 14 the Senate passed an amendment proposed by Senator George Murphy (R-Calif.) to the effect that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment has also been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will remain in any final bill agreed upon by the Senate and the House of Representatives. Through threatened use of this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.

NLADA has strongly supported, to date, the Legal Services Program of OEO because its administrators have insisted that these programs for the poor provide the fullest range of services. This approach has demonstrated its practical idealism as evidenced by the response of the poverty community to these programs. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic handout meant to deceive but not to help effectively.

Throughout its 58-year history, NLADA has fought steadfastly for the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. To give the poor only certain "needed" or "desirable" services makes the "poor fellow", to use Senator Murphy's words, a second-rate citizen in legal negotiations and our halls of justice. In addition, the morale of the 2,000 new lawyers now working in these programs would suffer tremendously if their independence of action on behalf of the poor were curtailed and restricted. These advocates are now subject only to the ethical standards of the profession. All professional associations—NLADA, The American Bar Association, American Trial Lawyers Association, and the National Bar Association—have supported this program because it has assured this full independence to the lawyer and a total responsiveness to the needs of the poverty community.

Although I can speak only personally, I know that I voice the united feeling of our entire civil membership—500 offices and 2500 individual lawyers for the poor—when I express strong opposition to the action of the Senate on Oct. 14 in approving Senator Murphy's amendment to S. 1809, the Economic Opportunity Amendments of 1969.

NLADA, with headquarters at the American Bar Center in Chicago, is the national coordinating and standard-setting body of local legal aid and defender organizations. Last year, these offices provided legal advice and representation for more than 1½ million poor people.

THE NEW LEFT AND THE OLD LAW

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOGAN. Mr. Speaker, last May I had the pleasure of joining 21 other Members of this body in visiting college campuses throughout the country. That campus tour was both most informative and an experience which engrained in my memory the depth of the youth crisis which this Nation now faces.

In the report which was presented to President Nixon and to our colleagues we stated that we came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries.

Today, Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD the studied and thoughtful analysis of the legal aspects of youthful unrest and violence by a Georgetown University law professor, William A. Stanmeyer. Professor Stanmeyer has expressed individual and professional concern for this crisis which so deeply affects the very foundation of our society, and which may hold the seeds to its eventual destruction.

Professor Stanmeyer not only exposes the difficulties of coping with the ideological criminal under the old law but suggests as well a program of action for bar associations to follow to do their share in remedying this legal malaise in dealing with the lawbreakers among our ideologues.

Mr. Speaker, I would like to call this most worthwhile analysis of "The New Left and the Old Law" to the attention of my colleagues and hope that they will give to it the studied consideration it deserves:

THE NEW LEFT AND THE OLD LAW

(By William A. Stanmeyer)

The New Left, that conglomerate merger of leftists and activists who have disrupted campuses and other institutions, has developed a new type of person—the ideological criminal—who poses a threat to law and the values law protects. The Pied Piper tune of the criminal ideologue will attract many well-intentioned young people unless the Bar takes the initiative in developing positive programs to offer them alternatives.

The arrogance of their pretensions . . . provokes and challenges us to an inquiry into their foundation. . . . With them defects in wisdom are to be supplied by the plentitude of force.—Edmund Burke, Reflections on the Revolution in France.

Were Edmund Burke alive today, he might consider writing an American sequel to his book on the French Revolution. For he would find disturbing parallels between the mad passion in revolutionary France to destroy concrete values in the name of abstract freedoms and the rhetoric and techniques of some of our "New Left". He would wonder why any man who virtually embodies civility and highmindedness, George Kennan, should feel constrained to undertake a criticism of attitudes and conduct which history shows nihilistic and which even a decade ago would have been beneath serious consideration.[1]

But it may be that history does repeat itself. Certain it is that what a decade ago was perhaps a chip of ice afloat in a vast ocean has grown into a sizable iceberg. Although the New Left represents only a tiny minority of college students and young adults,[2] it is nonetheless true, as Mr. Kennan writes, that "tendencies that represent the obsession of only a few may not be without partial appeal . . . to many others". Besides, it is not merely a matter of gross numbers; a militant minority can override the wishes of almost any disorganized majority.[3]

Some lawyers may wonder why a discussion of the rhetoric, tactics and goals of the New Left is relevant to them. The link is law and what we call the rule of law. In the final analysis, we are dealing with the guarantees and highest products of civilization itself—freedom, order and respect for the rights of others—and with an attack—however haphazard, misguided and, one may hope, foredoomed to fail—on those ultimates. We lawyers have society itself as our client. We should attend to legal—and illegal—challenges to that society. The violent wing of the New Left is such a challenge.

THE COLUMBIA ATTACKS SIGNAL A NEW STRATEGY

On April 23–30, 1968, student radicals seized and occupied five Columbia University buildings, barred faculty and students from their offices and classrooms, held a dean hostage, made photocopies of the university president's files and committed uncounted acts of property damage—at last triggering a police confrontation engaging nearly 1,000 officers at a price of more than one hundred injured persons. For the nonmilitant students the aftermath was high priced as well: cancellation or postponement of the spring classes for most of the school.[4]

That New Left leaders welcome this disruption is clear from comments such as these from Tom Hayden, one of the founders of Students for a Democratic Society, who took an active part in the Columbia disorders:

"Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics.

In the future it is conceivable that students will threaten destruction of buildings as a last deterrent to police attacks. [Other tactics might be] raids on the offices of professors doing weapons research." [5]

Besides the well-publicized Columbia take-over, students and other young adults have been busy and imaginative in their crusade to disrupt—and "radically transform"—society through purposeful lawbreaking. Other veiled hints from persons sharing the New Left's vision have urged: arson in schools,[6] burning or blowing up of Government property,[7] dumping and setting garbarge afire at subway exits,[8] promoting guerrilla warfare in American cities,[9] techniques of using Molotov cocktails and "thermite bombs" [10] and actual sabotage.[11]

THE "MOVEMENT": WHO ARE THEY?

This partial litany of criminality is adduced to show how serious a threat is the violent wing of the New Left to a society and eschews, as both morally unacceptable and practically counterproductive, the resort to violence to achieve social change. But of itself the litany says nothing about the origins, élan or world view of the violent left or the New Left in general.

Footnotes at end of article.

It would be a mistake to categorize the antisocial conduct of the radical left in any one of the familiar pigeonholes. It is not a collegiate reaction to tasting the heady wine of freedom, a modern equivalent to goldfish swallowing or spring panty raids. Nor is its criminal aspect induced primarily by protest against subhuman conditions for minority groups. It is not a loose organization of juveniles with perfervid, TV-fed imaginations playing a rough version of cops and robbers. At the level of college disruptions like Columbia's, it is not simply student dissenters trying to reform an archaic and unrepresentative decisionmaking process. Nor can the New Left be characterized simplistically as a different amorphous, Communist "front" group: "If we are to understand the New Left, we must think of it in the complex terms in which it exists. To write it off as a purely Communist stimulated movement is both unfair and untrue."[12] What, then, is it?

The New Left includes drop-outs, students and (usually young) teachers who are "alienated" by the hollowness of affluence as they have experienced it; activists sincerely concerned with the sluggishness of civil rights progress; Marxists, existentialists, pacifists, anarchists, draft protesters, dissenters; disciples of C. Wright Mills (*The Power Elite*) and Herbert Marcuse (*One Dimensional Man*), United in their hatred of the "establishment", the "military-industrial complex" or "corporate liberalism", their kaleidoscopic movement reflects now the image of Socrates, now Genghis Khan, sometimes Rousseau and, now and again, Lenin. In his book on the student left, Mr. Kennan aptly called them "rebels without a program".

Variegated and decentralized, the New Left cannot be pigeonholed. Indeed, until its recent propensity toward violence erupted, it could not be subjected to blanket criticism. Disagreement, yes; condemnation, no. Even now—after Berkeley, Columbia and the spreading anarchy on other college campuses—it would be unfair to condemn the radical student movement as a whole because of the violence and criminality of some. The "New Left in general" and the "violent New Left" are related as a whole to one of its parts. The distinction is the difference between dissent and resistance.[13]

But the partisans of resistance—as opposed to "mere" dissent—are growing in numbers. They rationalize their lawlessness by the convenient device of blaming or questioning the law itself. Tom Hayden told the National Commission on the Causes and Prevention of Violence on October 23, 1968: ". . . The activists [found] that . . . the channels merely existed to pacify protest, that the police will be called to enforce an order which, because it is without justice, *is itself unconstitutional.*" He added: "Regardless of police violence or repression, the movement will not go away, but will accelerate, *using any tactics* that seem suitable to stop the Vietnam aggression and begin the process of social change at home. As long as the United States . . .[is] enforcing an unjust order, *it has no right—legal or moral*—to lecture protestors about the tactics which we employ." Their self-conscious goal is to "build a movement of people who have broken with American society *through resistance to authority and law.*" [14]

A NEW TYPE OF PERSON: THE IDEOLOGICAL CRIMINAL

The violent New Left, those who would instigate guerrilla warfare, who condone or encourage bombings and arson, who premeditate the seizure of private property or forcefully prevent legitimate business or government activities, whose heroes are Che, Mao and Lenin—this violent New Left is unique in American experience. It produces

a type of person who can only be called the ideological criminal.[15] Lawyers, police, public officials—indeed, all of us who realize that the values of a free society are jeopardized by inaction in the face of an epidemic of political crimes—had better study his mentality.

The ideological criminal violates the law for a political purpose. Unlike the traditional lawbreaker, he does not seek any immediate return for himself. If he attacks a bank, say, the prime purpose is not to steal money for himself but to destroy or disrupt a symbol of the "power structure". If he holds a dean hostage, it is not for ransom but to discomfort a representative of a despised cog—the university—in the "military-industrial complex".

The ideological criminal seeks maximum publicity for his actions but often does not care whether he attains his alleged goal. This doubly untraditional conduct is explained by the ideologue's duality of purpose: he really has two targets—the "establishment" and the uncommitted onlookers. Thus, in most cases of campus violence, to grant his initial demands does not bring peace. He simply escalates them beyond reason, in order to make a political—as opposed to academic—point. He hopes to trigger a physical "confrontation" that will "radicalize" sympathetic bystanders who are often drawn into the melee, physically injured or shaken up, and so forced to "take sides"—against the "establishment", of course, which harmed them.

The ideological criminal is driven by a vision. The traditional lawbreaker has little time for theory, for his view of the world is largely circumscribed by his immediate experience and structured by the urgency of satisfying immediate needs. But the ideologue starts with a theory of existing social conditions, commits himself to the destruction of political and social evils (as he sees and defines them) and tacks on, in his thinking, the assumption—unverified—that his destructive action will somehow "bring about a better world".

The ideological criminal is part of the "movement". Unlike the traditional lawbreaker, who acted as a loner or as part of small gangs, the criminal ideologue feels a comradeship with his fellow missionaries of a new order throughout the country and even the world. The traditional lawbreaker has little concern for others of his class and draws slight comfort from their successes. The ideological criminal, on the contrary, "does his thing" only after calculating the possible effects on the movement as a whole, and he draws strength from news of success a thousand miles away.

The ideological criminal is self-righteous. He asserts that he follows a higher law. He claims that the present laws of society "lack legitimacy", either because he had no hand in their passage, as if every law from city ordinances prohibiting spontaneous parades to the national draft law should be subject to some kind of popular referendum, or because the law's purpose is to "oppress" some "exploited class" whose plight he has suddenly discovered and bold champion he now is. Some go further and find a moral duty to violate laws that support and express the allegedly corrupted values of a society which must be "radically restructured", for they vaguely grasp the function of law as a bulwark of civilization: Breach the wall at enough places and you capture the city within. Like Moses descending the mountain, the ideologue has a new law to give. Woe betide those recalcitrant souls who would contest his authority or resist his mandate.

The ideological criminal has blind confidence in the constructive power of tearing things down. He is fond of oxymoronic phrases like "creative destruction" and "repressive tolerance." Confused by misunderstood slogans drawn from Marx and Lenin, he romantically opines that "Old societies pregnant with the new can give birth only when violence is the midwife", or that "Dialectical thinking reveals that an intrinsically evil society can be smashed only by means which that society believes evil." Less arcanely, he may assert that "The System is so bad now that maybe if it's destroyed something good will take its place."

Blissfully ignorant of the incredible efforts men have put forth to build political economies that provide a people with abundant material goods and the orderly freedom with which to enjoy them, he blandly spouts hatred for an economy that lavishes on him more comforts than earlier societies bestowed on their kings. Endowed with a social conscience far more acute than that of ordinary mortals and armed with a "radical analysis" from learned texts by social critics who themselves never personally experienced the inner workings of the system they pillory, he sallies forth to "tear down this rotten system"—although he could not write one page on what will replace it.

But for all his arrogance, the ideological criminal is in many ways—if one prescinds from his deeds and such superficialities as the way he usually dresses—an appealing person. Although not very wise, he often is very intelligent. Although disrespectful of those who disagree with him, he is frequently most generous, even profligate, in spending his time, energy and very substance on the causes that engage him. He is committed—and willing to "go to the barricades" to live that commitment. His long suit is sincerity.

Nonetheless, he is a threat to law and the values law protects.

IDEOLOGICAL CRIMINAL DESTROYS LAW AND VALUES

It is ironic that today's criminal ideologue spent his nursery days fighting for "free speech". But in the five years from Berkeley to Columbia a bizarre about-face has occurred: Today's ideologue, whatever lip service he gives to his early rhetoric, fights against free speech. College teachers must call off classes, universities terminate research projects, professors discontinue scholarly writing, government officials refuse speaking engagements, Presidential candidates shout down hecklers or yield the rostrum to them—all because the "protesters" disagree. In the ideologue's value scheme, there is no room for others to dissent from his dissent. The First Amendment protection of robust, hearty public discussion is mangled beyond recognition; it becomes a cloak for conduct destroying the very values it would protect. In the name of "free speech" we are all to remain silent—except the ideologue.

A strong case can be made that civilization is—or at least cannot do without—procedural due process. Evidence acquired through unlawful search, involuntary confessions, verdicts by nonimpartial judges and a hundred other shortcuts can at times actually produce a just result. But long ago civilized men realized that these methods will do more harm than good. They knew that procedural safeguards are necessary to achieve justice in the long run, even if in a given case the procedures seem to block the rightful result. They understood that even a rightful end does not legitimatize an unfair means, that "Insistence upon procedural standards . . . is not a technicality", that, as Justice Fortas says, "Constitutional procedure is the heart, conscience and soul of a civilized community." They saw that the chief distinction between a civilization and a jungle is that civilization proscribes certain means to an end. This is as true for the political process as it is for the legal process.

But for the violent New Left, anything goes. There is "no time" to talk; going through proper channels only dissipates the energy of the movement. The ideologue wants due process only when *he* is arrested—otherwise, his response to those who preach civility is "Up against the wall!" [16]

The implications for the future of the rule of law ought to be obvious.

The legal profession has been unduly silent in the face of an attack on values which, one presumes, it would foster and protest. Our widespread inaction has surface reasons: we are too busy; we do not take it seriously; we fail to see the extent of the problem. But deeper reasons may be discerned: We as a class are ill-equipped intellectually to confront a movement more akin to a continental European ideology than British empiricism.

American lawyers start with "the facts", distrust preconceptions, recognize diverse viewpoints and the complexities of human experience. The violent New Left starts with theory, embraces a preconceived and monoform world view, tolerates only its own viewpoint and simplifies multifaceted problems to fit a Procrustean good-bad dichotomy. The "gap" is not just between generations; it is between styles of thought.

But another reason is more pragmatic. We have not given serious thought to reaching the New Left or its violent offspring, the ideological criminal. Taking for granted the framework of law as we find it, most of us have not formulated a brief for procedural due process that a dissenter would find probative. Busy in court or conference, we are worlds away from the coffee house and dormitory. There is a geographical gap we have made little effort to bridge.

Yet, the effort would pay immense dividends. The vast majority of the New Left are not—yet—the "ideological criminal" I have sketched. They are sensitive young people who find the faceless "establishment" cold and unresponsive. Unlike their hardened leaders, they still scruple at violence; but they are beginning to listen to the ideologues because no one else is talking or listening to them. Even so, if the Bar will devise appropriate programs, it may yet transport most of them down from their academic mountaintops to the workaday market place below, where idealism and experience can temper each other.

The prerequisites for an effective Bar program are a conviction of the urgent need to separate the mass of students from their Pied Piper leaders, sufficient information as a basis for specific programs and a co-ordinating authority. The following outline is one suggested approach.

Each bar association should establish a standing committee on law and social change with a part or full-time executive director, adequate clerical staff and sufficient resources to undertake:

A speakers' bureau, which on its own initiative will seek opportunities for attorneys and businessmen to "go where the action is", the campuses, to debate radical leaders, join in panel discussions on social problems, lecture classes on due process and the judicial system's pursuit of justice and continuing self-reform, and speak with and listen to the students even in dormitory bull sessions;

Training institutes for high school teachers, preferably accredited and promoted by local boards of education, offered at night or in summer school, dealing with the foregoing topics as well as the mentality of the New Left and what is accurate and what false in its "analysis" of society's problems;

Publications on these themes, in paperback, distributed to the legal and academic communities, including reprinted articles and speeches, original essays and book reviews; also newsletters, digesting New Left experiences and tactics, relevant court cases and positive efforts by the Bar and business to improve the system wherever radical complaints have merit and to expose radical

---

Footnotes at end of article.

ignorance and barbarities wherever these occur;

Public symposia, city-wide, composed of both radical and nonradical students, businessmen and lawyers, well covered by press and TV, to discuss the relation of law and social problems and to explore the meaning of violent social change, dissent and the tactics and solutions of the New Left;

Meetings of members of the Bar, businessmen and college newspaper editors to seek more effective ways of communicating with students and to learn, first-hand, their views; [17]

A basic textbook on the rule of law, done by experts, aided by professional writers and illustrators to make it readable, distributed to high school civics and social studies teachers and instructors of college undergraduates;

A movie on the rule of law theme, with concrete examples of what happens to societies, such as Hitler's Germany or Stalin's Russia, which carry to a logical conclusion the false premise that guides the revolutionary New Left leaders;

Mixed professional committees, such as combinations of lawyers, businessmen, university professors and law enforcement officials, to meet at least monthly for lunch or dinner, hear a talk and discuss the meaning of the New Left to their profession and what to do about it;

A research team to draft policy guidelines to expose the difference between dissent and resistance and perhaps recommend legislation aimed at controlling the violence in the New Left;

A similar research team to explore and publicize the more esoteric legal and social policy questions to which New Left activities have given rise. How does a criminal code handle the "ideological criminal"? Can it? How do we "rehabilitate" him? What are the enforceable contractual rights of the nonradical student against a university which chooses not to repulse violent radicals who close the school?

A creative programs board to seek other inventive methods to split off the ideologies from their misled followers. It will propose new ideas to interested parties. When someone undertakes a new project in pilot form, it will inform them of its progress. Especially needed are ideas on how to bring students into living contact with societal institutions they attack from without but have never really experienced from within. For instance, corporate life certainly is not all roses, but now students, as outsiders, hear only about the thorns.

A typical partial solution deserving trial is the "dissenter-in-residence". Companies invite students to spend their junior year, summer vacation or at least a few weeks as apprentices within as many departments as possible to experience corporate problems, to watch as much decision-making as feasible and ask as many critical questions as they wish. The experience dilutes the heady wine of theory with ice-cold draughts of fact.[18]

The nonradical students are closest to the problem of campus violence and most affected by it, yet they are rarely interviewed. To draw out their views on both society's problems and the violent leftists, the creative programs board might consider such methods as essay contests and radio or TV panel discussions involving them.

This variety of suggestions shows that ideas are not lacking for lawyers who wish to help protect basic political and legal values from the violent New Left. It is now a question of will.

Nothing in this article should be taken as a blanket defense of the *status quo* or a denial that many American institutions have not come to grips with pressing social problems. Nor do I assert that we who occupy leadership positions have nothing to learn from our student critics.

But while accepting dissent, we must take a stand against "resistance". Some methods of expressing "dissent" are criminal anarchy and cannot be tolerated in a civilized society. However cosmic the evil that is the pretext for violence, violent shortcuts only worsen the problem they purport to solve and crush in a moment the values men struggled a lifetime to create. These truths the violent New Left cannot—or will not—understand.

We must separate the violent ideologues from the misguided followers and deflect the students of good will into more positive outlets for their energies. They must discover the alternatives to destruction. The violent New Left is a phenomenon traditional law enforcement methods alone cannot contain. Although police, courts and jails may prevent anarchy, they do not win other the anarchist's followers. Maintenance of public order is a necessary first step, but it is ultimately insufficient unless someone initiates energetic programs by leadership groups to channel the left's explosiveness into productive outlets and open student minds to the vital necessity of political due process.

This is—or should be—where the legal profession comes in.

FOOTNOTES

[1] KENNAN, DEMOCRACY AND THE STUDENT LEFT (1968).

[2] This is the conclusion of writers of differing views. In addition to Mr. Kennan, see the favorable view of NEWFIELD, A PROPHETIC MINORITY: THE AMERICAN NEW LEFT (1966), and the unfavorable view of LUCE, THE NEW LEFT (1966).

[3] Address by Lewis F. Powell, Jr., before the American Association of State Colleges and Universities, November 11, 1968. See also *Report from the Barricades—Rebellion at Columbia*, NEW REPUBLIC, May 11, 1968.

[4] CRISIS AT COLUMBIA, REPORT OF THE FACT-FINDING COMMISSION APPOINTED TO INVESTIGATE THE DISTURBANCES AT COLUMBIA UNIVERSITY IN APRIL AND MAY 1968 xv (Vintage paperback ed. 1968). See *Campus or Battleground? Columbia Is a Warning to All Americans*, BARRON'S, May 20, 1968, page 1.

[5] RAMPARTS, June 15, 1968.

[6] WIDENER, STUDENT SUBVERSION 34 (1968), quoting from a 1965 pamphlet by Mark Kleiman, "High School Reform: Towards a Student Movement".

[7] U. S. NEWS & WORLD REPORT, May 20, 1968, quoting from an S.D.S. leaflet: ". . . [I]s there anyone who doubts that a small homemade incendiary device with a timing mechanism planted in a broom closet at the Oakland induction center would result in fire and smoke damage to the entire building, thus making it unusable for weeks and months?"

[8] Widener, *Subcellar Student Subversion*, U.S.A. March 1, 1968.

[9] The York York Times, May 7, 1967, quoting Gregory Calvert, former national S.D.S. secretary: "We are working to build a guerrilla force in an urban environment. We are actively organizing sedition."

[10] *The Story of Crime in the U.S.*, by J. Edgar Hoover, U.S. News & World Report, October 7, 1968, page 61, at 64.

[11] Brownfeld, The New Left 101 (1968). This is a memorandum prepared for the Senate Committee on the Judiciary, 90th Congress, 2d Session.

[12] *Id.* at 67.

[13] *Ten Days in April*, Barron's, March 11, 1968, quoting from a "Movement" position paper: "In the last year or so, the Movement has come from dissent to resistance."

[14] *SDS Theory: The "New Working Class" Concept—Students Would Set Up Cadre of Radical Organizers*, by J. A. Smith, The National Guardian, April 22, 1967. Emphasis supplied here and in Hayden statement.

[15] This shorthand phrase, although technically somewhat imprecise, is useful in characterizing a person whose disrespect for or willingness to break the laws arises from a political-ideological world view. This should not be taken to suggest any prejudgment of a person because of his ideas. Our concern is conduct that is criminal, not the ideas.

[16] Mark Rudd, leader of the Columbia student rebellion, quoted in THE NATIONAL GUARDIAN, May 11, 1968, explaining his *Kampf* in a letter to Columbia's former president, Grayson Kirk: "Your power is directly threatened, since we will have to destroy that power before we take over. . . . We will have to destroy at times, even violently, in order to end your power and your system. . . ." He adds that this is not nihilism, since it is all for the goals of justice, freedom and socialism.

[17] Bradley, *What Businessmen Need To Know About the Student Left*, 46 HARV. BUS. REV. 49, 58 (1968).

[18] The new Deputy Secretary of Defense, David Packard, brought together a radical student editor and the Hewlett-Packard Company for a summer, to the benefit of both. The New York Times, December 31, 1968, page 12.

AN HONOR HARD EARNED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SHRIVER. Mr. Speaker, on November 21, 1969, the junior Senator from Kansas, BOB DOLE, was the recipient of a high honor from the National Easter Seal Society for Crippled Children and Adults for his dedication to helping the handicapped. Senator DOLE, a former colleague of ours in the House of Representatives, long has been identified with programs aimed at improving life for the handicapped.

In his maiden speech in the Senate early this year, Senator DOLE called for the creation of the White House Task Force for the Handicapped which was warmly embraced and implemented by President Nixon.

The Topeka, Kans., Daily Capital recently published an editorial lauding Senator DOLE for the award which he has deservedly received as well as for his efforts in behalf of the handicapped. Under the leave to extend my remarks in the RECORD, I include the editorial:

AN HONOR HARD EARNED

The award couldn't have gone to man deserving it more.

So it was that Sen. Bob Dole's friends were pleased that the National Easter Seal Society for Crippled Children and Adults conferred its top award on him.

For years the Kansas senator has, as the society expressed it, displayed concern and helped the handicapped as "exemplified by his efforts in interpreting the needs of these people and the tremendous contributions they can make."

It was of them he was thinking when he made his first major speech in the Senate, for he voiced a plea for the appointment of a White House task force for the handicapped. Heeding this, President Nixon last month appointed such a task force.

In many other ways Dole has been a friend of the physically handicapped.

What some of his constituents might not know is that Dole himself suffers from a physical handicap, one that was war-inflicted. As an infantry platoon leader in the 10th Mountain Division serving in Italy dur-

ng World War II, Dole twice was wounded and twice decorated for heroic achievement. He spent 39 long months in hospitals as a result of wounds received April 14, 1945.

Never has Dole attempted to capitalize personally on his disability, as some politicians might do. It is only when he offers his left hand to shake that those meeting or greeting him realize that he has little use of his right arm.

Because of his intimate knowledge of the travails the handicapped suffer, Dole works in their behalf. He is a fine example of rising above a disability through sheer grit and ability.

TAFT RELEASES QUESTIONNAIRE RESULTS—SOME 20,000 FIRST DISTRICT CONSTITUENTS RESPONDED

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TAFT. Mr. Speaker, in September of this year I mailed a questionnaire to the residents of my congressional district asking for their views on a number of issues that face the 91st Congress.

Over 20,000 of my constituents took the time to reply.

While I may not be in agreement with the majority on every question, it is my belief that the results are most interesting and informative and I call them to the attention of my colleagues:

QUESTIONNAIRE

FOREIGN AFFAIRS

[Answers in percent]

1. Which statement most accurately describes your sentiments regarding a Viet Nam settlement?

(a) The U.S. should apply whatever military pressure necessary to end the fighting and assure a stable and secure non-communist government—33.

(b) The U.S. should begin at once a complete withdrawal of American troops to be carried out regardless of the progress of the war—18.

(c) The U.S. should continue the policy of withdrawal of American troops, begun in June, 1969, relating it to the war's progress and peace negotiations—36.

(d) The U.S. should try to force a coalition government with the Communists and then withdraw—3.

(e) (Other please specify)—5.

2. Do you believe the U.S. has a global responsibility to prevent the spread of communism by "wars of liberation"?

Yes	29
No	64

3. Should the U.S. place a high priority on improving its relations with Latin American countries, even if it requires a significant increase in spending for economic assistance or granting favored trade status?

Yes	53
No	36

4. Should the United States negotiate an arms-control treaty with the Soviet Union?

Yes	69
No	23

DEFENSE

5. In fiscal year 1969, the United States spent approximately $80 billion on defense. When the Vietnam war ends, do you believe annual defense spending should be limited to:

(a) $40 to $50 billion	28
(b) $50 to $60 billion	10
(c) $60 to $70 billion	5
(d) no arbitrary limitation	34
(e) (Other, please specify)	16

6. Do you believe the U.S. should go ahead with installation of the Safeguard Defensive Missile System as proposed by President Nixon?

Yes	63
No	27

THE COST OF LIVING

7. Should Congress set a ceiling on interest rates?

Yes	68
No	26

8. If inflation continues to increase, should wage and price controls be imposed?

Yes	69
No	23

TAXES

9. Should the oil and mineral depletion allowances:

(a) Be eliminated	23
(b) Be substantially reduced	44
(c) Be retained at present levels	21

10. Should charitable and educational foundations lose their tax-exempt status?

Yes	47
No	47

11. Should religious institutions lose their tax-exempt status?

Yes	49
No	46

CAMPUS DISORDERS, STUDENTS AND THE DRAFT

12. Should the present Selective Service System be—

(a) Retained as is	13
(b) Amended by a form of a lottery system as suggested by President Nixon	45
(c) Replaced by a volunteer armed service	30
(d) (Other, please specify)	4

13. Should Federal dollars be denied—

(a) Colleges and universities which fail to punish or expel students who cause campus disorders?

Yes	64
No	17

(b) The students who participate in the campus disorders?

Yes	69
No	10

(c) The students punished by the colleges or universities for participation in campus disorders, at the discretion of the institution?

Yes	51
No	17

(d) (Other, please specify) (8%).

ISSUES OF THE DAY

14. Should the Federal government do more to control pornography?

Yes	69
No	27

15. Should the Federal government attempt to impose standards of decency on the movie industry by Constitutional amendment if necessary?

Yes	57
No	37

16. Should the present Post Office Department be replaced by a self-sustaining public corporation?

Yes	68
No	26

17. Should advertising of cigarettes be controlled or prohibited by the Federal government?

Yes	41
No	54

18. Which statement most accurately describes your sentiments regarding the future of the space program:

(a) The U.S. should continue to spend at the present rate of $4 billion a year in order to continue its space program at the present rate or faster—41%.

(b) Spending should be cut up to 50% for the next few years, permitting fewer manned moon flights and unmanned probes into deeper space—52%.

19. Should the Federal government increase spending and impose user taxes to improve the nation's Air Traffic Control System and other air safety precautions?

Yes	82
No	9

CBS PRESENTATION "60 MINUTES" PROMPTS LETTER FROM 15-YEAR-OLD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. CLAY. Mr. Speaker, today I received a letter from a constituent which deserves the attention of this body. Mr. Marvin L. Madeson enclosed a copy of a letter written by his 15-year-old daughter addressed to broadcasters who participated in the CBS presentation, "60 Minutes."

The recent speeches of Vice President AGNEW have brought forth comments from all segments of society. Because of my interest and concern, I have followed the arguments closely. And, yet, these letters from the Madeson family have captured my attention and moved me to commend them to the attention of my colleagues.

Marianne Madeson and her father have grasped the issue and their letters articulate the sincere and conscientious interests of American citizens—particularly of youth—for the future of our country. Those who may be tempted to condemn the younger generation for irresponsible and unfounded views should try to know better the youth of our Nation. For here lies the future of our country—in young people like Marianne. The letters follow:

NOVEMBER 26, 1969.

DEAR CONGRESSMAN CLAY: The enclosed letter from my 15-year-old daughter Marianne, in response to last night's CBS television "60 Minutes", expresses more eloquently than I can, our entire family's deep commitment to free speech and press in the face of Government coercion and implied censorship. It expresses also the optimism and idealism of youth, which is in the final analysis the hope of our country and of the world.

Sincerely yours,

MARVAIN L. MADESON.

NOVEMBER 25, 1969.

DEAR SIRS: Not only was your presentation on Agnew's speech informative and refreshing, but it was also exciting and real! Walter Cronkite's performance was brilliant. The format of the whole show was beautiful. I support and applaud you! But I *always*

have—I only hope that the "Silent Majority" opened themselves up and listened to you. I hope that they watched, understood, and believed the facts you presented . . . and not just what they wanted to believe.

Please! Fulfill your obligation to the people to report the facts as well as the substance—good and bad, that we must know in order to be aware of our problems. I have found that the news has caused me to be moved to action . . . I am in the midst of doing my part to change this country for the better! Writing to you is a part of my action—never again will I let issues go by without speaking out! I will *not* let my country die gradually and *Silently*! I must never be counted as part of the "Silent Majority!"

Congratulations on a terrific job!

MARIANNE MADESON.

ST. LOUIS, MO.

E. M. (TED) DEALEY—THE NEWS OF TEXAS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. COLLINS. Mr. Speaker, no one knew what E. M. stood for—he was always called "Ted" Dealey. You may say the country lost a good man, but what we really mean is Texas lost one of her finest sons. Because Ted Dealey was all Texan.

For many, many years he has carried on the great Dealey tradition as publisher of the Dallas Morning News. This is the paper that proudly has in its masthead, "The News, oldest business institution in Texas, was established in 1842 while Texas was a Republic."

We knew Mr. Ted well by such quotes as, "We must be firm in what we think, even if it means marching against the crowd." "The job of journalism is to help save the world every morning."

Ted Dealey was a man who believed strongly in freedom and government by the people. In Texas, where the easy way is to endorse a Democrat, he would oftentimes stand up for a Republican. He could go with either a Democrat or a Republican, parties never mattered to him, but where you stand is what counted.

The News has a strong voice in Texas. And, may his courage and spirit continue to be expressed in the tradition of the editorial of November 28, 1969, in the Dallas Morning News:

E. M. (TED) DEALEY

Ted Dealey, a newspaperman's newspaperman, was totally dedicated to those who sit down at a typewriter to report and interpret the news. No calling, he felt, was more important or honorable. And when he, himself, took pen in hand, his output was far and away beyond the topmost reach of most competitors.

The world of journalism will mourn his sudden death at 77—but the loss will be particularly sad and poignantly personal to those in the news and editorial rooms whom he held in the highest esteem and to whom he pledged constant and steadfast support.

Mr. Dealey lived and labored at The Dallas News for 54 years. His was the fifth generation of his mother's people in the profession. His father, the late G. B. Dealey, established The News in Dallas on Oct. 1, 1885. When his father became board chairman in 1940, the son, Ted, became president. Later he became board chairman and publisher, and when he died Wednesday evening he was publisher emeritus. His son, Joe, is now president.

But Ted Dealey's heart was never really in the beauty and serene comfort of the executive suite; it remained, to the last beat, on every news and editorial desk. When he became publisher, this memo came from his office to the editorial department: "There will be no change in policy, unless it is to express what we believe with more vigor and clarity. We must be firm in what we think, even if it means marching against the crowd. We cannot bend with the changing winds—or, like a weak limb, we will break and fall to the ground, never to rise again."

The News, he felt deeply, must live up to its beliefs; and in the proportion that it does so, it serves Dallas, Texas and America as they deserve to be served by a newspaper.

He once said that it was the job of journalism to help save the world every morning, even if it becomes unsaved by nightfall.

Mr. Dealey's tastes and civic contributions were varied. He personally led the drive to make the city zoo in Marsalis Park one of America's finest. Thirty years ago, his vision inspired the start of a flourishing newsprint industry in East Texas. He was a charter member of the Citizens Council, that dynamic Dallas generator of leadership which helps move the community to higher things.

The Dallas Zoological Society, the Texas Research Foundation at Renner, the Southwestern Diabetic Foundation at Gainesville, humane societies which shelter helpless animals—these were among the diverse activities to which he gave special help and guidance.

But this institution, The News, had top priority in his life. A man of strong and unshakable convictions—and with the courage even if it meant national controversy to express them—Ted Dealey led The News' famous crusade against the Ku Klux Klan in the 1920s and against corruption at the Dallas courthouse in the 1940s. "Go get 'em," he told editors in the latter fight. "That's what we're here for—to fight for the right, as we see it. If we are wrong, the people will let us know it. If we're right, they will be the better for it."

That was the way he felt and lived. And any newspaperman who didn't feel that way, he said, should cover his typewriter and go elsewhere.

In the vigorous pressures and competition of this industry, his lasting contribution will be a persistently firm insistence that the news and editorial columns be supreme and that the printed word be guided by righteous conviction, courage and integrity.

MINISH BILL WOULD PROVIDE TAX AID FOR HIGHER EDUCATION TUITION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MINISH. Mr. Speaker, as the Senate considers tax reform, it is suitable to bring to the attention of Congress the financial problems encountered by individuals supporting a child or children through college. These persons have long suffered under the heavy burden of providing their offspring with an education that was both expensive and not brief in duration. The majority are low- or middle-income taxpayers, and they find it difficult to make ends meet. They must pay top dollar for tuition costs, since their expense is not mitigated by tax deductions or tax credits.

I have therefore sponsored a measure that would subtract education costs from the tax liability of individuals paying for an education at a recognized college, graduate school, vocational school or business school. A maximum of $325 would be deducted directly from taxes, with the tax credit beginning to phase out when the taxpayer's adjusted gross income went above $15,000. The credit would not be applicable to persons earning over $25,000 in adjusted income unless supporting more than one student. Eligible individuals financing more than a single student could receive a credit of up to $325 for each child in school.

The benefit to the Nation of adequately educating young people is unquestioned; the cost to the country were it to lack skilled or educated personnel is impossible to reckon. Obviously, a scarcity of trained persons to fill important jobs would seriously hinder a nation as technological as our Nation has become. It can only prove beneficial in the long run to help our citizens bear the enormous cost of educating their children.

The measure I have proposed would benefit the lower- and middle-income groups, who are struggling to pay their bills, buy their homes, and educate their children. Tax relief would seem to be a logical way to provide these hard-pressed citizens with some needed assistance.

POLLUTION AND POLITICS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BROWN of California. Mr. Speaker, I have just had the opportunity to read an outstanding address made to the Commonwealth Club of California by the able speaker of the California Assembly, the Honorable Robert Monagan. The speech, entitled "Pollution and Politics" exemplifies as well as any single event could, the growing national concern over our environment. It exemplifies, further, that this concern is not limited by partisan considerations. Mr. Monagan is a Republican leader of great ability, the speaker of a Republican controlled assembly, in a State with a Republican administration. Yet, as he says in his address, "concern for environmental issues is joining together those whose views on other matters diverge sharply."

The fact of the matter is that the issue of environmental pollution has forced politicians of all stripes to become problem solvers rather than ideological partisans. We cannot denounce pollution as a creature of the Devil and hope it will disappear. We have all helped to create it. We must all join in providing the solution. In so doing we may find that many changes are required in our way of life. If we are successful we may find that we have evolved a new way of life that is far superior to the style of today.

Speaker Monagan stresses the need for a California environmental plan, to include a statewide land-use policy, and announced his intention to appoint an

assembly committee to oversee the total environment. He proposes a unified environmental budget, with all State money and Federal grants administered on a coordinated basis in accordance with a comprehensive environmental plan. He announces his support for ending the "highways only" limitation on use of gas tax revenues, both State and Federal.

I urge all of my colleagues to read this excellent address and to give thought to how we can, in the spirit of mutual cooperation, begin to meet the challenge of preserving our environmental heritage.

The address follows:

POLLUTION AND POLITICS

(Address by Assembly Speaker Bob Monagan)

An invitation to address the Commonwealth Club is coveted by men in public life. It is, without question, a great personal honor. But beyond that, it is a rare opportunity to address one of the world's most distinguished forums—to speak directly to men who share a deep concern about the problems which confront our society and who possess the substance and determination to alleviate them.

I want to consider with you today the subject of pollution and politics. Let me begin with the politics. The Legislature this year underwent what we might call the trauma of transition. Republicans won control of the Assembly last fall by a single vote, and this delicate majority was threatened twice: first by a resignation and then by a tragic death. As a result, we had to face the uncertainty of two special election campaigns in mid-session.

In the Senate things were often even more chaotic. A shift from Democratic to Republican leadership occurred during the always frantic second half of the session.

These transition pains no doubt had some effect upon legislative output this year and many people might have expected our output to be insignificant and filled with partisan wrangling. Yet, when we totaled our accomplishments for 1969 at the session's end, we found to our surprise that we had achieved a substantial impact in a brand new area of concern. Out of nowhere, like a meteor flaming across a clear sky, an issue called pollution struck the Legislature and opened a Pandora's box of new problems.

I define pollution as man's seemingly incessant drive to diminish or even destroy the natural elements which sustain life and make it pleasurable. It is an old problem but it now shrieks with new urgency.

The urgency we felt in 1969 will be nothing like what we are going to feel in 1970. I think some people will be surprised by the extent of legislative activity in this field, particularly when you consider that next year we face, in addition to a closely divided Legislature, the most important state election in a decade. 1970 is our reapportionment election. It will decide which party controls California through the next decade.

An election year session has traditionally been less productive than an off-year session. It can become bitterly partisan. It can become overly cautious in addressing issues.

But I don't think we'll see that in the 1970 session. The pollution issue is so marked, and both parties are so aware of the public's concern, that we may see a big political contest develop over who is most concerned about pollution, and who can come up with the best programs to alleviate it. Environmental control—our only means of dealing effectively with pollution—has long been treated as a secondary political issue. Next year it will likely be one of the two or three paramount issues of the campaign.

Some peope might ask why we should immediately concern ourselves with the environment when the crises of war, civil violence, inflation and social distress loom so large. The answer is that environmental forces inflame economic and social problems. I feel there is a connecting line between smog and noise, and endless concrete and the feelings of alienation and discouragement we find so prevalent today.

We have needlessly dipped into a treasury of pure air, clear waters and unspoiled land. And only now do most of us begin to realize how truly careless we have been.

Some say it was the Santa Barbara oil spill that shocked an apathetic public into recognizing the threats to our environment. And there can be no doubt that this catastrophe had a major impact, but it was only an immediate cause.

No, Santa Barbara does not fully explain the new prominence of the environmental issue. It arises from dismay over the polluted air that sears the eyes and burns the throat; over polluted waters to be found in or near every community; over freeways that cut through our open space to feed more smoke and congestion into our urban cores.

We are told that emphysema in California—a little known disease two decades ago—is running at epidemic proportions as we take breath after breath of poisoned air. Did you know that each year another 10,000 people pack their belongings and leave the smog-filled Los Angeles Basin on the advice of their physicians?

Little wonder they go, when you realize that 13,000 tons of air pollutants—picture 13,000 tons—descend daily on Los Angeles County. We can take some comfort in the fact that the tonnage of filth in the air is declining as smog devices come into more common use. But the decline remains negligible compared to the problem. This year some nine billion pounds of smog will hover over Los Angeles. That's almost a ton of pollutant for every Los Angeles, man, woman and child.

Biologists say that thousands may actually choke to death in the Long Beach area by the middle 1970's if drastic steps are not taken. Here in San Francisco, last month saw this city's combined pollutant index climb to a record-breaking reading of 121, compared to an average day reading of 30.

We have come to recognize that our atmosphere is not infinite. We can run short of clean air, just as we can—and are—running short of clean water, green forests, and open space.

I list these together because I believe we can no longer deal with them as separate issues. For years we have treated each threat to our environment as though it had no relationship to any other. In our political responses to environmental problems we have failed to recognize ecological fact—that the balance of nature makes one element dependent upon another. We have planned and built a society with too little reference to the laws of nature, and we have created the imbalances which now threaten that society.

What are we doing about all this? Our awareness of the individual environmental problems is clear, but we are so far developing only piecemeal solutions. Consider, if you will, the legislative session just ended—a bonus session from the conservationist point of view. I'll enumerate some of the accomplishments for you:

The San Francisco Bay Bill—the most talked about accomplishment of this session. Its controls on bay fills and shoreline policy went far beyond what even the determined members of the Sierra Club thought possible as recently as last January.

The Porter-Cologne Water Quality Control Act—the first revision of water purity laws to protect rivers, lakes and harbors in two decades, which permits fines up to $6,000 a day for water polluters.

A resolution by which California achieved exemption from the new Federal air pollution standards—so we could enforce our own much stronger anti-smog laws passed in 1967 and 1968.

Legislation permitting the Department of Agriculture to control and when necessary outlaw the use of DDT. Since this bill passed, the Department has cut the use of DDT in half.

An anti-noise bill directing the Department of Aeronautics to adopt aircraft noise standards and help relieve the severe stress being induced by noise pollution.

Yes, the California Legislature has begun to respond to the demands of the California public. These new measures will make a significant contribution to our holding action against the forces of pollution and exploitation. But a holding action is obviously not enough. The time has come for a well-coordinated offensive which takes into account the total environment.

We can no longer afford to consider each problem separately, as though it has no relation to any other. We can no longer fight smog as though it has no connection with freeway construction and the additional thousands of automobiles highways direct into our cities. We can no longer utilize our open space indiscriminately as though natural beauty is unimportant . . . as though the trees and shrubs don't protect a watershed and prevent flooding.

This lesson was graphically illustrated in a recent disclosure that smog is rapidly killing trees in a 100,000 acre area of the San Gabriel and San Bernardino Mountains. We usually think of smog as only dangerous to people, but it affects all living things.

The total ecology must be made a prime consideration in all of our city planning. We now look to the availability of water and land in urban expansion, but we're going to have to add the availability of pure air; and the interrelationship between air, water and space.

California's population dispersion makes this mandatory.

Today more than 90 percent of our people are crowded into 4 percent of our available land. As California's population escalates from its current 20 million to almost 30 million in the next fifteen years, this fraction of our land will become more and more congested.

New cities and urban expansions will cluster close to our existing urban areas. And it is in precisely these locations where our air and water are fouled, where our best remaining agricultural land is threatened, and where the worst effects of congestion are already evident.

Because we have ignored environmental factors in our planning, we have not only permitted this unhealthy growth pattern—we have, in fact, encouraged it.

We encouraged it by not planning for the total development of California, by just planning in those areas where we saw an immediate need or a particular economic advantage.

We have a beautifully-engineered State Water Plan, a complete state highway plan, a park plan, and any number of other large-scale designs and projects involving the expenditures of billions of dollars. Yet, we are unclear about what these plans are to achieve in the broad sense.

If we put them together we have no clear vision of the California of the future—or what quality of life we may expect. I have been trying as forcefully as I can to drive this fact home within our Legislature—and we are gathering a large and somewhat surprising consensus. I say surprising in that concern for environmental issues is joining together those whose views on other matters diverge sharply.

If we are to effectively reverse the negative forces now disrupting our ecology, it will be necessary to evolve a California environmen-

tal plan, a yardstick by which we can measure the impact of each action we take. I believe this plan should include a new bill of rights which guarantees each Californian the right to breathe clean air, drink clean water, relax on clean beaches, and find the solitude of an unspoiled wilderness.

This bill of rights should become the touchstone for economic development, transportation planning, urban renewal—virtually every area in which man is striving to improve his physical surroundings and social well-being.

To bring about this all-encompassing statement of environmental standards I intend to appoint an Assembly committee composed of members with backgrounds representing all of the problem areas. This new legislative unit will be charged not only with writing an environmental bill of rights, but also with providing the necessary laws and programs to insure these rights.

As a starting point, the new environmental committee must come to grips with statewide land-use policy—to determine the highest and best use—not merely the most convenient use—of our limited land resources. And that policy must be more than simply the aggregate of the decisions of the many layers of government and the private sector within the state. Policy must include inducements to guide people into areas where air and water are plentiful and discourage further overcrowding where air and water are limited. For example, instead of directing more freeway traffic and fresh water into Los Angeles, we might consider ways to spark population shifts to less congested areas where adequate air and water and living space are readily available.

Our land use policy-makers must consider just how much and what types of lands are so vital to our future well-being that we must act now to preserve them. They must then use up safeguards for our most fruitful agricultural lands and for unique scenic and natural areas.

Very early in the development of this land-use policy, we must determine, for example, how much of our shoreline shall be reserved for public use.

Do you know that of our 1,000 mile Pacific shoreline, only 90 miles are usable public beaches. That amounts to about one-quarter inch of beach frontage preserved for each of us. That sounds a little crowded to me.

How many rivers to dam, and how many to leave in a free flowing state are environmental questions, not just engineering considerations. How much forest land do we need and for what purpose? How much can we cut without long-range harm?

Far too long we have fought environmental battles on an ad hoc basis. We battled over the redwoods; we battled over the location of power plants; we battled over offshore drilling.

There is no reason that every action in these areas must result in a major confrontation between conservationists and developers. I am suggesting that we have statewide environmental policies to make clear, "this action is in keeping with our plans, this action is not."

There is another advantage to a statewide policy. Right now the Federal government does pretty much as it pleases with its lands in California. With new statewide policy on land use, we can go to the Federal government and show them their projects either fulfill statewide goals or do not.

Outlining goals and directions on paper is easy. But even with general agreement on sound environmental policy, we still face an enormous demand for money. I don't have any quick sources of new money, but we can improve allocation of the large amounts of money that we are already spending on environmental projects. Here again, however, we have done things in piecemeal fashion and often with conflicting results.

It makes no sense to me to have worthwhile causes competing with each other for funds and each receiving less than is required to do the job.

It would seem to be much more logical to put all the funds which we have earmarked for environmental purposes into a single account. We should annually assess the objectives and anticipated result of each proposed expenditure. In this way, we could more effectively channel our money to the priority projects.

I would hope not only to place state money in this environmental fund, but to add the Federal monies which come into California for environmental projects. With the Federal movement toward bloc grants and revenue sharing, I think we can win support in Washington for the consolidation of these funds if we demonstrate comprehensive planing and efficiency.

I intend to urge that the Governor and Directors of Finance direct the appropriate state agencies to prepare an environmental budget along the lines I have suggested.

Earlier, I talked briefly about the problem of air pollution, but I have reserved for special emphasis some comments about the main source of this pollution—the privately-owned, gasoline-powered automobile.

Much of our environmental crisis can be traced to this magnificent machine which has brought America so far, yet given us so many headaches. Automobiles cause about 85% of our smog problem. They also cause freeway construction, which, in turn, eats up our open space and congests our cities.

Two weeks ago, Secretary of Transportation John Volpe inspected Los Angeles from a helicopter and concluded that the "greatest freeway system in the world" doesn't necessarily promise a great future for California's biggest city. In fact, he told the city fathers that if they keep relying solely on automobile transportation, they may end up with not much of a city left.

Indeed, it could be that we are building the world's biggest freeway system to serve the world's biggest ghost town.

Cars kill cities just as surely as they kill people. Commuter traffic is choking our big cities while the exhaust fumes are choking their populace. The automobile was once one of California's greatest assets; now it is rapidly becoming one of our greatest liabilities.

The automobile dominates our lives far more than we like to admit. It is often our most important status symbol—our measurement of self-esteem. It has remade our whole world.

The car allows us to live in one town, work in another, and shop in a third, and in doing so, has helped us destroy the community spirit that was once so vital to Main Street America. We are a society of automobiles on the go—but often we don't know where we are going and we don't know why.

We have also forgotten or ignored the essential element in transportation—the fact that transportation really means moving people, not vehicles. We originally built the automobile to serve people, now people are spending and building to serve the automobile.

We won't be able to break the sedan syndrome overnight, but we had better begin looking for some alternatives.

Here in San Francisco you are moving ahead with rapid transit, yet even with BART it will not be easy to reorient the motorist who prefers traffic jams to trains. But reorient him we must. Possibly, we'll be forced to take some unusually strong measures—like raising the bridge tolls. And soon we may even have to exclude private vehicles from downtown San Francisco—that is, if this city is to maintain its reputation as the world's most beautiful.

These are some of the incentives and controls we will be forced to consider in the not-too-distant future, but there is one essential change we can and must make in the immediate future. It involves use of the tax money you contribute every time you fill your car with a gallon of gasoline.

Gas tax revenues—state and federal—are poured into California's highway fund at the rate of a billion dollars a year. This equals about one-sixth of the California budget. The State Highway Commission just adopted highway expenditures for next year totaling $783 million. In addition, our hard-pressed cities are shelling out some $400 million of their property tax revenue for auto-related facilities and maintenance.

By state constitutional mandate, every cent of the gas tax must be spent for automobile-related purposes; that is, highways, roads, and maintenance. I think it is unwise that all these funds should be concentrated on this single-purpose use. The money must be directed toward moving people—instead of cars—it should help support a full and balanced transportation system.

In San Francisco, for example, your immediate need is money for the completion of BART. A city should be able to spend its gas tax money on rapid transit if that is where its need lies.

My position is this: The State constitutional provision which prohibits the diversified use of gas tax revenues should be modified . . . and Federal regulations which mandate the same single-purpose investment should be changed. We must, of course, continue to make necessary money available for road and freeway construction, and I will support gas tax increases because we're short of funds for this purpose already.

But I will do so only if funds from those additional gas revenues are made available for research and development of alternative transportation systems as well as freeways.

Strong opposition will be mounted against repeal of the single-purpose gas tax restrictions, and it's only one of many painful changes which must be made. I know I'm talking to many men in this room who have played major roles in developing California's economy. Hopefully, you will continue to exert that required leadership, for we must have a sound economic base. Without it, we cannot "pay the piper" to preserve our environment.

If we are going to give a top priority to saving our environment, some traditional notions of economic development need serious review.

With few exceptions—and the tough new law protecting San Francisco Bay is an exception—economic development has been given higher priority than environmental protection. Any reverse of this pattern will require sacrifice.

Those who feel strongly about conservation, must have the courage to admit its high cost. We'll have to spend many millions on our environment. But we are given no choice.

In the past, we have always found economical substitutes for exhausted resources. But there is no synthetic for clean air, our last completely free commodity. When it goes, there is nothing to replace it. We must spend whatever it takes to keep ourselves alive.

Further, we must reassess the relationship between technology and the environment. Ideally, technology compliments our environment; yet, too often, the opposite is true. Had we never learned to bring oil from beneath the ocean there would have been no oil spill to blacken the beaches of Santa Barbara. But then, without that basic technology, we would not have the millions of dollars in royalties that offshore drilling brings to California—the millions that we apply to schools, and hospitals and the care of the aged. Thus, the dilemma.

Lastly, we will also be forced to enjoin one

phase of the human spirit, in order to rescue another. This is man's drive for individualism, his drive to conquer the earth and build upon it. We all have a little of the pioneer in our makeup; we want to clear the woods and build villages.

But there are limits. Restraint must be exercised. Had we shown no restraint at all in developing California, there would be no redwoods in Mendocino nor cypress in Monterey. And so the human drive to build must be balanced with the drive to breathe, to see, and to enjoy.

A national publication recently quoted the prophetic words of the 19th century Scottish essayist Thomas Carlyle. Upon viewing a young America with a population of about 25 million, Carlyle predicted: "You won't have any trouble in your country as long as you have few people and much land, but when you have many people and little land your trials will begin."

Today, our trials have indeed begun. We are running out of the rich resources of clean air, pure water and open space we once possessed in abundance. But the same pioneering spirit that cleared the land can clear the air: the same genius which made us the most important industrial nation in the world can now develop the technology to make industry and environmental quality compatible.

The price will be high . . . the transition will be painful . . . but we must begin. The demand for reform echoes in Capitol corridors and corporate board rooms. And our response—yours and mine—must be immediate and determined. It will decide, not only the future of our society, but ultimately the survival of mankind.

SENATE KILLING HOPE FOR DIRECT VOTE FOR PRESIDENT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following pertinent and thought-provoking editorial from the McPherson, Kans., Sentinel which discusses the unfortunate delay in further consideration of an amendment which would provide for direct election of the President. This amendment already has won overwhelming support in the House. The editorial follows:

SENATE KILLING HOPE FOR DIRECT VOTE FOR PRESIDENT

Early in this session of Congress, the House passed a bill calling for direct election of presidents replacing the present state by state vote with a plan where all votes in the nation would be counted together. This would eliminate the possibility of a president being elected with a majority of state votes although his total vote of all Americans was not as big as his opponent.

The House passed the bill by a whopping 339-40 majority and sent it along to the Senate. There it lit in the Senate Judiciary Committee and there it still lies for this committee has refused to deliver it to the Senate for passage. Excuses mount up. Too many other bills must be passed. The Senate quarrel over the appointment of Haynsworth as a Supreme Court Justice as well as other excuses are given for the delay of the direct vote bill.

Most of us want to be able to vote for the man we want to be president and not for a batch of unknown presidential electors as we do now.

Thanks to the stubbornness of a few men on the Judiciary Committee, we are being refused that privilege. Are these men true servants of us Americans or are they only thinking of themselves?

NATIONAL GALLERY OF ART CALENDAR OF EVENTS—DECEMBER 1969

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events of the National Gallery of Art for the month of December. Once again, the National Gallery has scheduled outstanding events of great interest.

During the month of December the National Gallery will present "The Artist and Space"—a collection of paintings, drawings, and sculptures relating to the Apollo missions. This collection is a result of the cooperation of the National Gallery and the National Aeronautics and Space Administration since 1962 in a joint program, "Eyewitness to Space."

I am sure that my colleagues, as well as the citizens of Washington and the American people will find December a most interesting month at the National Gallery of Art, and I urge them to visit the National Gallery where our past, present, and future are to be seen through the collections and programs scheduled for December.

The calendar of events follows:

CALENDAR OF EVENTS—DECEMBER 1969

THE ARTIST AND SPACE

Perhaps no other achievement in the history of the world has been so thoroughly reported as the United States moon project. Since 1962, the National Gallery and the National Aeronautics and Space Administration have cooperated in "Eyewitness to Space," a venture designed to add the interpretive eye of the artist to the space program. "Our purpose," according to H. Lester Cooke, Curator of Painting at the National Gallery and the Gallery's advisor to NASA for the project, "was not to duplicate records made in other media but to utilize the painter's unique advantage of being able to select, edit, amplify, and, if necessary, prophesy."

During the past seven years, scores of artists such as Robert Rauschenberg, Lamar Dodd, Norman Rockwell, William Thon, and James Wyeth were invited to visit launch sites, talk with the astronauts, and even ride in a rescue helicopter to observe the pickup of the astronauts.

From December 6 through January 4, more than 70 of the paintings, drawings, and sculptures—all related to the Apollo missions—will be on view in the Central Gallery. After the premiere showing in Washington, the exhibition will go on nationwide tour.

WRIGHT OF DERBY

Continuing on the Main Floor is an exhibition of 19 paintings and four drawings by Joseph Wright of Derby from the British collection of Mr. and Mrs. Paul Mellon. Catalogue with introduction and notes by Ross Watson, 10'' x 7½'', 40 pages, 21 black-and-white illustrations, $2.25 postpaid.

CIVILISATION

There has been an almost overwhelming public response to the B.B.C. Television series and the schedule of showings in the auditorium has been increased to meet the demand. *Civilisation* programs are now being shown daily, both mornings and afternoons. Latest scheduling information and admission cards for day of showing only are available at Constitution Avenue desk.

CHRISTMAS CARDS

National Gallery of Art Christmas cards are for sale in the Publications Rooms on the Ground Floor near the Constitution Avenue Entrance. Prices from 10¢ to 20¢.

RECENT PUBLICATION

Lorenzo de'Medici and the Renaissance by Charles L. Mee with consultant John Walker. A biography of Lorenzo the Magnificent illustrated with art of the golden age in Florence. Published by American Heritage Publishing Co. 100 illustrations, more than 50 in color, 153 pages, hardbound, $5.95 postpaid.

RECORDED TOURS

Acoustiguide. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director Emeritus. Portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

LecTour. A discussion of works of art in 28 galleries. 15-minute talks in each room may be taken in random order. The small radio receivers rent for 25¢.

GALLERY HOURS

Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission free to the building and to all scheduled programs.

HOLIDAYS

The Gallery is closed Christmas Day and New Year's Day.

CAFETERIA HOURS

Weekdays 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 1 p.m. to 7 p.m.

MONDAY, DECEMBER 1, THROUGH SUNDAY, DECEMBER 7

Painting of the week: Thomas Doughty. *Fanciful Landscape* (Gift of the Avalon Foundation). Gallery 67. Tuesday through Saturday, 12 and 2; Sunday, 3:30 and 6.

Tour of the week: *Science and Painting.* Rotunda. Tuesday through Saturday, 1; Sunday, 2:30.

Tour: *Introduction to the Collection.* Rotunda. Monday through Saturday, 11 and 3; Sunday, 5.

Sunday lecture: *Wright of Derby—18th-Century Painter of Industry and Science. Guest Speaker:* Charles E. Buckley, Director, City Art Museum of Saint Louis. Auditorium, 4.

Sunday concert: Frank Sherr, *Pianist.* East Garden Court, 8.

MONDAY, DECEMBER 8, THROUGH SUNDAY, DECEMBER 14

Painting of the week: Dosso Dossi, *Circe and Her Lovers in a Landscape* (Samuel H. Kress Collection). Gallery 21. Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Camera and Painting.* Rotunda. Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection.* Rotunda. Monday through Saturday 11 and 3; Sunday 5.

Sunday Lecture: *The Artist and Space. Speaker:* H. Lester Cooke, Curator of Painting, National Gallery of Art, Art Consultant to NASA. Auditorium 4.

Sunday concert: Aeolian Trio of DePauw University. East Garden Court 8.

MONDAY, DECEMBER 15, THROUGH SUNDAY, DECEMBER 21

Painting of the week: Orazio Gentileschi. *Saint Cecilia and an Angel* (Samuel H. Kress Collection) Gallery 49 Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Wright of Derby*

Exhibition. Rotunda. Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection.* Rotunda. Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *Eighteenth-Century Christmas Customs, Traditions, and Decorations. Guest Speaker*: Elizabeth P. Callis, Colonial Williamsburg, Williamsburg, Va. Auditorium 4.

Sunday concert: National Gallery Orchestra; Richard Bales, *Conductor;* Norma Heyde, *Soprano.* East Garden Court 8.

MONDAY, DECEMBER 22, THROUGH SUNDAY, DECEMBER 28

Painting of the week: Dürer. *Madonna and Child* (Samuel H. Kress Collection). Gallery 35A. Tuesday, Wednesday, Friday, and Saturday, 12 and 2; Sunday, 3:30 and 6.

Tour of the week: *The Artist and Space Exhibition.* Central Gallery. Tuesday, Wednesday, Friday, and Saturday, 1; Sunday, 2:30.

Tour: *Introduction to the Collection.* Rotunda. Monday through Wednesday, Friday, and Saturday, 11 and 3; Sunday, 5.

Sunday lecture: *Italianizing Painting in Seventeenth-Century Holland. Guest Speaker*: Marcel Roethlisberger, Professor of Art History, University of Delaware, Newark. Auditorium 4.

Sunday concert: Reginald Farrar, *Heldentenor;* Wendell Pritchett, *Pianist.* East Garden Court 8.

WAR IS HELL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Robert Baskin, Washington representative for the Dallas Morning News, has written what I believe to be the most down to earth and soundest approach to the hysteria which has gripped our country over the so-called massacre of Vietnamese civilians. Mr. Baskin has in fact taken his own profession to task on their reporting of the incident.

Certainly two wrongs do not make a right, and Mr. Baskin endeavors to recall to the minds of those who would condemn America and its Army the atrocities committed by the Communists which are all but forgotten. He has endeavored to report the present situation in the light of these past acts and of the rigors of combat. The report follows:

COMMUNIST WAR ATROCITIES FORGOTTEN

(By Robert E. Baskin)

WASHINGTON.—"I am afraid America has already lost her soul," says former White House aide Theodore Sorenson.

"I hope no American feels anything less than collective guilt," says Rep. Allard K. Lowenstein, D-N.Y.

These are samples of the comments that are emanating from the left-wing, peace-at-any-price crowd concerning the so-called Pinkville massacre in Vietnam.

There is a great deal of frothing at the mouth and semihysteria over the Pinkville affair, and it is being encouraged by certain segments of the news media (check Vice-President Agnew for names) who are evidently going allout to depict a national disgrace.

No one, of course, can condone brutal, senseless slaughter of civilians in a war zone, and it appears that the military establishment is making every effort to try those who stand accused of such actions.

TOO MUCH TALKING

But there is already a question whether Lt. William L. Calley Jr., the only soldier formally charged in the Pinkville case, can receive a fair trial.

Lt. Col. Reid W. Kennedy, the Army judge at Fort Benning, Ga., is disturbed over the continuing interviews by the press of individuals who claim to be witnesses and even participants in the case.

He has tried to prevent witnesses from talking, but his authority to do so has been questioned. Calley's civilian attorney thinks his client's right to a fair trial definitely has been jeopardized.

PUBLICITY ASTONISHING

Meanwhile, the world press is building up a picture of the United States Army as a savage, ruthless force that does not hesitate to shoot down women and children. The publicity about Pinkville is one of the most astonishing developments of the whole Vietnam War.

Forgotten are the atrocities carried out by the Viet Cong and the North Vietnamese army, the mass slaughter at Hue, the terror bombings in Saigon and other cities and the innumerable atrocities committed on villagers and peasants throughout the land.

One does not have to go back to Genghis Khan and Attila the Hun to know that war is cruel, dirty business and in the best wars, if there is such a thing, terrible things can happen to civilians who happen to be in the way of the armies.

World War II was replete with instances in both Europe and the Pacific where troops in a battle zone got out of hand and committed barbarous acts. And these were by no means limited to the Germans and Japanese, although they were by far the worst.

The question of morality concerning military action which kills civilians in wartime brings up difficulties in definition.

There was a president of the United States who ordered the dropping of atomic bombs on Hiroshima and Nagasaki, which killed thousands of women and children.

And who can forget the German air raids on London and Coventry? Or the allies' firestorm destruction of Dresden and Cologne? Or the savage treatment the Poles of Warsaw got from both the Germans and the Russians?

SHERMAN REMEMBERED

If you consider American history alone on this subject, look back to William Tecumseh Sherman, who devastated a wide area of Georgia, leaving women and children homeless and starving.

Sherman was never brought to book. He simply excused his actions with his war-is-hell statement, and the Union acclaimed him a great hero and military genius.

Some of the semi-hysterical people at the moment should remember that war, indeed, is hell, and innocent noncombatants often suffer from military excesses, both spontaneous and calculated.

PFC. KENNETH G. KLINE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Pfc. Kenneth G. Kline, of North Versailles Township, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private First Class Kline for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

PFC. KENNETH G. KLINE

Pfc. Kenneth G. Kline, 20, son of Mr. and Mrs. Robert S. Kline, Jr., of 3515 Foster Road, North Versailles, Twp., was killed in Vietnam last week, according to the U.S. Defense Department.

The district soldier was a member of the Army's First Cavalry Division. He has been in the service since last April 23 and landed in Vietnam just two months ago.

Pfc. Kline graduated from Westinghouse Memorial High School in Wilmerding in 1967. He also was a graduate of the Electronic Computer Program Institute.

For brief periods, he was employed at U.S. steel's National Works, Tom McAnn Shoe Co. and the Technicological Center in Sunnyville, Calif.

THE SCOPE OF CONCERN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. WOLFF. Mr. Speaker, the problems of air and water pollution, I am heartened to say, have been taken up by many spirited and dedicated citizens' groups. In my own Third Congressional District, I could cite many who have given freely of their time and energy so that this important matter will not be forgotten by either the public or the Federal Government.

As we are all well aware, if we do not lick this problem in the near future, we will have little to offer future generations. It is therefore not surprising that our younger citizens are as concerned as we with what must be done to preserve their legacy of air and water.

Mail that I receive on this issue reflects not only how pervasive the concern in this matter is, but it also exemplifies how far into the younger generation the problem is held. For in effect, even our elementary school children are raising their voices, urging efforts to end pollution and offering their energies in order to insure the success of this fight.

Among the letters I have received from youngsters, I have selected one from a young lady, Donna Marie Nicolello of Westbury, N.Y., which I feel reflects the concern of our younger citizens and affirms that we owe this and future generations their rights to clean water and pure air. I therefore would like to extend my remarks to include Donna Marie's letter in the RECORD:

WESTBURY, N.Y.,
November 19, 1969.

Hon. LESTER WOLFF,
Washington, D.C.

DEAR MR. LESTER WOLFF: In my science class we have been discussing air pollution. I would like to know what you have been doing about it, and if you can do more about it in some way. I will help in little ways like, telling people not to burn leaves. Could you and us make laws that people will listen to and maybe we will have clear air to breathe.

Yours very truly,

DONNA MARIE NICOLELLO.

INSURANCE CANCELLATIONS IN OUR INNER CITIES

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRIEDEL. Mr. Speaker, the Friday November 14 issue of the Labor Herald, an independent weekly newspaper published in Baltimore, contained an editorial article by one of the most knowledgeable observers on the Baltimore scene, my friend David L. Himelfarb.

Dave Himelfarb speaks out on a critical problem facing many of our inner-city residents and particularly many of our elderly citizens. His article puts the spotlight on a problem which many of my constituents have experienced.

I am confident that the majority of our Nation's insurance companies are conscientiously trying to cope with this problem, but the evidence definitely points to abuses by some companies—abuses which work particular hardships on those already most vulnerable—our urban poor and our elderly citizens.

Because many of my colleagues have inner city constituents facing the same problems and because we must all join to find solutions to the many faceted urban crisis, I feel that my colleagues will be interested in the following excerpts:

CALL IT POLITICS

(By David L. Himelfarb)

Insurance robbery.—"Insurance companies are robbing the public out of millions and the state legislatures do nothing about it." Automobile motorists never make a claim if damage is under $150.00. They pay damages themselves in fear of Insurance Companies cancelling their insurance. It is not the case of buying insurance from another company when you are once cancelled. The new company will ask you the "Catch All Questions" has your insurance ever been cancelled and you have to answer the truth. Then your troubles begin. They put you in the H.gh Risk Class and your rates costs are tripled. A few weeks ago I told this story to my good friend, Byron Moorhouse who writes a column in the South Baltimore paper "The Enterprise." Last Week he wrote my story and now I am using his.

If you got a notice in the mail that your fire insurance was cancelled and the company did not want your business anymore, you would be upset, wouldn't you? Then, if a few days later, your mortgage company wrote to you and said, "if you do not get fire insurance immediately we will call in your mortgage," you would really be in a stew, wouldn't you?

Well, it is happening every day here in South Baltimore.

After several complaints from some of our readers, I decided to look into the matter.

I called one of the insurance companies in question, and after talking to several people, I found one who was willing to discuss the subject.

"Sure," a company spokesman said, "we have been refusing to renew fire insurance on many homes in the Southside. The risk is too high and we lost too much money during the riots."

Why Pick On Us??—I asked, why pick on South Baltimore, Brooklyn and Locust Point? The following reasons were given.

"That the houses were very old and the neighborhoods were conducive to fires. They, the company, were in business to make money, and they were not a charitable organization. Also, the insurance commissioner would not let us increase our rates, therefore, they were dropping the policies wherever they saw fit."

I asked the representative, what do you do about helping the people who have been insured by your company for many years and are caught short by your refusal to renew their policies.

"We tell them, as we are required by the Insurance Commissioner in the cancellation notice they they should contact the joint Insurance Association."

So I called the Joint Insurance and was informed that they were created to deal with this problem—but their office covered all of Maryland, Baltimore City and Washington, D.C., and as applications were coming in at the rate of 150 a day they were 22,000 behind already, with no help in sight.

J.I.A. Version—The Joint Insurance Association told me that the state demands that all Insurance Companies give extended coverage for 30 days upon notice of cancellation and if the people of South Baltimore would contact them immediately upon notice of cancellation and fill out a request of insurance, they can usually have them protected by the time their extended insurance runs out.

If houseowners wait they are liable to be without protection hence the pressure from the mortgage companies who dislike to hold an uninsured mortgage.

Upon getting this information I called Delegate Charlie Avara who besides being an intelligent man can get things done. We talked to the Insurance Commissioner's office and verified all the prior information.

Delegate Avara said he would introduce a resolution at the next legislative session to have an investigation made of the bad conditions and the reason for the backlog and delay on the part of the Joint Insurance Association. He will seek a report to the legislature on how the Insurance Commissioner's office is supervising this joint insurance operation.

We Have Booklets.—As a public service to our readers many of whom are very upset (or will be) by these unpleasant developments, we have, the Enterprise, pamphlets describing what to do and some applications with which you can apply for coverage through the Joint Insurance Association. But before you do anything, you should immediately call your agent or broker, if you have one.

We, the people of South Baltimore have to suffer the consequences of the aftermath of the riots. For many years the insurance companies have been looking at South Baltimore property with a jaundiced eye.

How to dump all those old potentially-fire hazardous homes and still maintain their good names, was their concern. Then came the riots.

Some insurance companies took it on the chin but above all this—the riots offered a way out, a method of unloading all those undesirable risks without losing face—Mr. and Mrs. South Baltimore, who have been paying fire insurance for decades—this is what they are doing to us!!

CONCERNED YOUNG PEOPLE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BINGHAM. Mr. Speaker, the degree to which many of our young people are losing confidence in our system of government is frightening.

I should like to share with my colleagues and other readers of the CONGRESSIONAL RECORD the following letter on this subject from a distinguished rabbi in my congressional district:

BRONX, N.Y.,
November 18, 1969.

Congressman JONATHAN B. BINGHAM,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: May I express our pride in the vigorous and constructive stand you have taken with regard to the Vietnam war and your recognition of the role which our young people are playing in mobilizing support against our current foreign policy.

As a clergyman, I am inevitably concerned with the future and therefore devote much of my time not only to the young people of my own community but of the nation. I have spent much time on college campuses throughout the nation.

It seems incredible that our Administration has developed a complete myopia towards the young people as if they were a marginal segment of America instead of the very stuff of our national future. For the President and his staff to pretend that they do not exist and that their opinions are irrelevant is to help destroy the fabric of our society. What was especially frightening was the attitude of many young people I know who, vigorously opposed to the war, would not bother to go to Washington because such an enterprise implied a faith in the democratic processes which they no longer entertain. It seems incredible that our President and Vice President are concerned about the threat to democracy in Southeast Asia and yet fail to recognize that by their denial of the right to dissent and their lack of respect for it they are driving many, many young people away from a belief in our form of government.

I tremble to think that we shall have three more years of this kind of blind leadership. I am less concerned about a "silent majority" than a "blind majority" whose vision has been impaired by cutting them off from information through the mass media and other channels of communication.

Sincerely,

Rabbi MORRIS N. KERTZER.

CRIME INCREASING IN DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOGAN. Mr. Speaker, this is another in a series of statements on the increase of crime in the District of Columbia and the effect it is having on individuals, businesses, families, and so forth.

The families of cab drivers, bank employees, liquor store employees, and gas station employees have increasing reason to be concerned about their husbands, wives, brothers, and so forth, who are employed in these service activities.

Recently there has been a rash of gas station robberies in the District—well over 100 in a 6-month period. In one of these, a gas station attendant named James Swann was killed. It is a tragedy of our times and the crime situation in

the District of Columbia that gas station attendants, and their families, must have constant concern for their well-being.

An account of this homicide was recently reported in the November 1969 issue of the trade publication for the Greater Washington Service Station Association, the Nozzle. This story and the reprint of a letter from the director of the Service Station Association to Mayor Washington appear below for the information of the Members of Congress:

THREE MEN DEAD—BUSINESS AS USUAL AT EASTOVER STATION

Cars pull in and gas up in a steady stream at Roy Budd's Eastover Esso and Joe Johnson's Sunoco, facing each other across South Capitol Street near the D.C. line, as if nothing has ever happened here. But something did happen. And it could have happened in any one of the 1,000 stations in the Metropolitan area.

Three men were killed at this peaceful looking Esso one recent Saturday night in a wild gunfight that involved both stations.

Another man was probably wounded as three young hoods tried to make some "easy money" and held up the night man, James Swann. Instead, they got what they deserved. Quick death for one, lingering death for another (with a bullet in the brain) and terrified, desperate flight for the wounded third man.

Unfortunately, the gallant attendant who defied all three and drew his own gun, died himself in the melee.

James Swann was a very brave man by anyone's standards. He deserved a lot better than he got. He staggered out of the office where he was waylaid, with four bullet holes in his broad chest, a smoking .45 still in his hand and leaned against a car. "They got me", he gasped, to his friend James East, who came running across the street from the Sunoco, shooting as he ran. He saw a dead youth on the floor and a fleeing robber crawling to the back of the station. He fired his .32 automatic at him as he tried to climb an 8' wire fence. The robber fell leaving a 40' trail of blood that can still be seen splattered on the concrete and station walls. Police, however, say he was a victim of Swann's .45.

He died two days later from the slug that penetrated his right eye and lodged in the back of his head. A third robber ran for Livingston Road, leaving blood stains as he fled. East returned to Swann and helped him sit down. He tried to call police but the phone did not work. He ran back to his station and called from there. Meanwhile, another youth had entered the station. He had his hands in his pockets. East pointed his gun at him and told him to stop and take his hands from his pockets. The youth did not obey. East threatened to fire. He stopped and was handed over to police who theorized he may have been the get-a-way car driver, come to see what happened to his friends. They had to release him for lack of evidence. Meanwhile a police car chasing a red Mustang which had shot through a stop sign alongside the station on Livingston Road, quit the chase on hearing a radio report of the shooting. They now believe the car contained the wounded survivor of the shooting. A wounded man reported to Washington Hospital Center about thirty minutes after the shooting. He told police he was struck by a stray bullet at 14th and T Streets, N.W. Police were dubious and have kept him under surveillance.

Just how suddenly a tragedy of this sort can befall any station is illustrated by James East. Shortly after 4:00 a.m. he had come across the street to chat with Swann during a slow break. Both men watched the sides and back of each other's station for possible robbers. An hour earlier Swann had crossed the street to check on East when several carloads of teenagers entered the Sunoco together. They bought drinks and left. East was now leaving the Esso when a colored youth entered—acting suspiciously. He was obviously casing the station. He asked Swann if he knew him. Swann said "No, let's watch him, he looks funny." The youth went to the cigarette machine and stayed five minutes. Finally he asked, "No Viceroys?" Swann told him he was looking at them. The youth bought a pack of Kools and walked around the side of the building. At 4:25 a.m. a car in the Sunoco beeped its horn for service. East told Swann he was going but would be right back. East crossed the street and had pumped 52¢ worth of gas into the car when he heard the shots. He dropped the nozzle and ran back in time to catch the mortally wounded Swann.

Bill Adams, manager of the Esso, and whose gun Swann used to shoot the three robbers, described his late attendant as "the kindest man he had ever known with kids". He was forever spending his own money buying the kids drinks and candy. In fact he had gotten after Swann for spoiling his two young boys with candy, Bill Adams said.

The station had been open 24 hours for about five years, but not since the shooting which was the second in which an attendant had been shot. Almost to the day two years ago, a night man was shot four times in a hold-up. Now Bill Adams has installed attack-trained Doberman Pinschers to take over the night shift of the closed station, and Humble is blocking off the rear of the station.

Joe Johnson at the Sunoco is unhappy with the situation. "Things are getting so rough around here, it looks like we are going to be compelled to close. There are not enough police on the force to give us the protection we need," he says. His night man was held up six weeks ago and robbed of $370 when a lone robber asked for change at 3:00 a.m., then changed his request to "Let's have it all," as the attendant found himself staring into a gun barrel. His strong box welded to his desk was broken into and robbed of more than $100 one night, when a car load of youths kept the attendant busy checkng under the hood while one went inside and broke the hasp on the box. Joe says his station, which is located in what was once a peaceful, respectable section, has been the scene of quite a bit of trouble, and disturbances in the form of fussing and arguing etc. over the past few years. He has been there 13 years.

Although none of the station men like to talk about it, they have other problems besides hold-up men. The Pagans motorcycle club occasionally takes over a station for an evening in an unbelieveable display of power that leaves local police all but helpless. One station was recently overwhelmed by an estimated 300 motorcycles each carrying two people most armed with handguns and shotguns.

The conglomeration was so great that the Pagans could not get their own cycles out. They did not harm the station in any other way. On another occasion about 75 occupied a station for a couple of hours and defied about 25 powerless police to move them. The stand-off continued until they left of their own accord.

This is a copy of the letter, Executive Director Charles Binsted of the Service Station Association sent to Mayor Washington on the crime problem:

Dear Mayor Washington:

In view of the recent tragic shooting of a service station attendant employed by Eastover Esso and the high incidence of serious crimes inflicted upon service stations in recent months, we feel the District Government must act immediately to protect these businessmen and their employees.

From March through August there have been 114 service station holdups in the District of Columbia, an average of 19 per month. In addition to this there have been burglaries for which we do not have figures.

We recently talked to Mr. Melvin Washington and expressed our concern. We said at that time that much more protection is needed if we are to keep these stations open between the hours of 10:00 p.m. and 6:00 a.m. We have also written to all of the oil company suppliers and asked them not to include a demand for 24 hour operation in their leases. I'm sorry to say that we did not receive one reply to this letter. A copy of the letter is attached. Yet we have just recently learned that at least one major oil company will not deliver gasoline into certain areas after dark.

We believe that every business should be afforded the protection necessary to remain open if this is their desire, but this decision should be made by the owner and no one else.

Our association has printed articles in its trade publication "The Nozzle" as well as our monthly bulletins in an attempt to educate our dealers to the necessity of not having large sums of cash available and in general what should be done to protect their business and employees.

We are also aware that the Congress is working on legislation which is designed to bring the crime problem under control.

But I'm forced to say at this point that we can not wait any longer for positive action. The condition that now exists must be considered an emergency and emergency measures must be taken to control this needless slaughter of businessmen and their employees.

We are not critical of the police force because we believe they are doing all they possibly can to cope with the problem. However, we know this is not enough. We need help and we need it now—before another James Swann dies. If this requires use of the military police, then this should be done. If it requires requesting help from the Federal Government then this should be done. We can no longer be concerned with what the world will think if it becomes necessary to use troops in the Nation's Capital to keep order. We can only be concerned with the life and property of the residents and business establishments in this city. Whatever is required must be done—immediately.

If this crime problem is not dealt with firmly, businessmen will be forced to flee the city. We urgently ask you to take emergency action now.

FALLS OF THE OHIO THREATENED BY URBAN ENCROACHMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HAMILTON. Mr. Speaker, to insert this excellent report on one of this country's irreplaceable natural wonders, the Falls of the Ohio.

Mr. Maxwell King, of the Louisville Courier-Journal and Times, warns that continued neglect and abuse of this unique fossil island in the Ohio River threatens its existence.

The Department of the Interior has recognized the importance of the fossil

formation by proclaiming the island a national landmark. The States of Indiana and Kentucky have authorized—and have appointed members to— an Interstate Park Commission. Legislation is now pending in the House Judiciary Committee which would give Congress' approval to an interstate park compact.

We are fortunate to have dedicated men from Kentucky and Indiana serving on the Interstate Park Commission; men who are concerned about the preservation of this area.

But, as Mr. King points out, the continual encroachment of the urban area which surrounds the site threatens to do irreparable damage before the States of Indiana and Kentucky can move to preserve it.

His article reads as follows:

[From the Louisville Courier-Journal & Times, Nov. 16, 1969]

NEGLECT AND ABUSE THREATEN PRICELESS FALLS FOSSIL BED

(By Maxwell King)

Just downriver from the Indiana side of the ponderous black steel structure known as the Pennsylvania Railroad Bridge, there is a small, dusty path leading to a copse of trees on the riverbank.

At the top of the path there are several crushed beer cans and the shattered red glass of a broken whisky bottle. In a parking area above the path a few cars are stopped, their occupants staring idly out across the Ohio River.

As a visitor starts down the path, a flock of pigeons flutters hysterically out from a nesting place under the high bridge and scatters across the grey sky.

Further down the path the trees shade the area and the noise of the highway fades. A barge on the river on the other side of the dam blares its steam whistle mournfully.

At the bottom, the muted roar of the water at the base of McAlpine Dam drowns out all other noise. At low water, one can step out across the stones in the river and onto exposed fossile formations that are 300 million years old. Tin cans and candy wrappers abound.

Further downriver, past Jenck's Bros. Bait Shop, one can get a better view of the fossil shelf in the middle of the river. Most of the fossil formation along the Indiana side has been covered with silt, and a ruder contribution—junk.

A battered car drives past the bait shop and down a rutted dirt road that inclines along the bank toward the fossil formations. It stops and its occupant gets out to deposit more trash along the roadway.

A lone pedestrian picks casually among the heaps of broken ovens and ice boxes, car wheels, wire, shingles and stone, searching for something of value.

This is the Falls of the Ohio River, one of the major archaeological and geological hunting grounds in the world.

In the Devonian Period, some 300 million years ago, this was one of the places where animal life first emerged from the tropical seas.

Now it is an inland coral reef, a junkyard and the site of a proposed interstate park that is to preserve the area from the ravages of man.

The Falls of the Ohio Interstate Park Commission, which went to work last summer, has the authority to preserve the area, but its appointed task of creating a park out of the harried land it has inherited has just begun.

A STUDY NEEDED FIRST

The commission's chairman, Dr. Donald Munich of Jeffersonville, refuses to be so brash as to even predict an opening date for the park.

The commission's first job, according to Munich, is to interview landscape architects and park planners to choose one for a study of the falls area.

The study, Munich said, must answer the following questions:

What should the boundaries of the proposed park be?

Who owns the land?

What financial arrangement for establishing and maintaining such a park should be made?

How should the park be laid out?

The total area under consideration for the proposed park includes about 1,499 acres of land and water on the river and the Indiana bank. It covers the fossil bank in the river; a long stretch of land, privately and publicly owned, along the Indiana bank; and possibly Shippingport Island. One of the first things to be determined is how much land should ideally be included in a park.

The Indiana land houses the site of the old Clark Fort, an ancient Indian burial ground, the dueling grounds along Silver Creek and other historic areas.

As for the ownership question, Kentucky owns land in the Ohio up to the low-water mark in Indiana, but the federal government has some jurisdiction over the dam area constructed by the Army Corps of Engineers, including Shippingport Island.

On the Indiana side, says Munich, part of the land is privately owned and part owned by the state, but there are conflicting claims to some areas that have been used privately.

Some of the proposed park area will have to be purchased from private owners. Although the commission has no power of land-taking under eminent domain proceedings, says Munich, the state of Indiana could exercise its powers on behalf of the commission.

In the matter of financial arrangements, the commission has the power to charge fees or otherwise raise funds to operate park. But Munich says no definite plans will be made until a professional park planning firm makes recommendations.

Perhaps the most important question to be answered is that of the physical layout of the proposed park.

"WE DON'T WANT A DISNEYLAND"

What recreational and educational facilities, if any, should be included? How should traffic, both pedestrian and vehicular, be patterned in the area? Should there be a museum or a monument, or both?

"We don't want a Disneyland here," says Munich, pointing out that because much of the land is on a floodplain, there is little threat of "overdeveloping" the park area.

The chairman says the commission will seek equal funds from Kentucky and Indiana to finance the preliminary study.

After the study is completed, prospects for financing the project include a federal loan or grant, state aid, or financial help from one of the country's major foundations.

Munich believes that because of the educational value of the falls area (the exposed coral reef forms the world's largest such fossil display), the commission will be successful in raising funds on a national level.

The preliminary study should offer the commission a variety of choices in planning the park, according to Munich, and it will be up to the commission's members (three from Kentucky, three from Indiana) to make the final determination.

NATURALISTS CONSULTED

But the commission chairman stresses that during the period of preliminary study and the period of final planning, the commissioners must consult and cooperate with interested naturalists' groups and the Army Corps of Engineers.

Representatives of several naturalists' groups (including the national Sierra Club and the Audubon Society, as well as the Louisville Geological Society, the Kentucky Natural History Society and the Beckham Bird Club) have already met with the commissioners and officials of the Army Corps of Engineers to discuss the park.

"The corps has been completely cooperative," says Munich. Officials of the corps have agreed to meet with members of a special council of interested naturalists' groups that is being established to work on the Falls of the Ohio project, according to the commission chairman.

"What nobody wants," he asserts, "is another Big Walnut Valley or Red River." (Bitter controversy has arisen over both proposed projects, the former in Indiana and the latter in Kentucky.)

PROBLEMS WITH THE DAM

In brief, the construction problem of the falls, stems from the modification of the McAlpine Dam on the Indiana side about three years ago. The change in the dam has reduced the flow of water over the fossil area, permitting the area to silt over and disturbing the ecological balance that has made the area a major feeding ground for migratory birds.

Secondly, the Indiana side of the falls area has been used as a dump, illegally in some places and with county approval in others, turning parts of what is a natural and historical wonder into a smoldering junkyard.

Munich lays little of the blame at the doorstep of the Army Corps of Engineers, whose activities are often under fire from conservationists.

"They are not ecologists," he says "Ecologists waited until these projects were finished and then blamed the corps for the results."

FIRST PARK PLAN REJECTED

He says the corps has been cooperative in helping members of the commission and naturalists' groups seek remedies. "They built a good dam," he says, "but it is just a little too efficient for the ecology."

The falls area was originally proposed as a national park in 1968, but was rejected by the Interior Department on the grounds that the area "lacks national and historical integrity" and is subject to serious and prolonged flooding by the Ohio River.

The Kentucky legislature enacted legislation in 1968 authorizing the Falls of the Ohio Interstate Park Commission. The Indiana legislature passed similar legislation early this year.

According to Munich, 9th District Rep. Lee H. Hamilton, D-Indiana, one of the sponsors of federal legislation to give final authorization to the commission, says that bill will soon be reported out of the House Judiciary Committee for action on the floor.

COMMENTS OF THE WORKING PRESS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the message I got from the Vice President's recent remarks about the national news media was that what this country needs is not less news, less analysis and less opinion, but more. It is useful, from the point of view, to review the comments of the working press regarding Mr. AGNEW'S statements, and I include

as a part of my remarks at this point the comments of the editor of the Appleton, Wis., Post-Crescent, Mrs. John Torinus:

[From the Appleton (Wis.) Post-Crescent, Nov. 23, 1969]

VICE PRESIDENT DRAWS DISTINCTION BETWEEN NEWSPAPER, TV EDITS

(By John Torinus)

I suppose I am in as good a position as any to comment on the speech delivered by Vice-President Agnew in Des Moines last week on the subject of news commentary by the television networks, a speech which has evoked as much controversy as did his previous comments on the organizers of the anti-war protests.

Being an employe of a corporation which owns and operates both newspapers and radio and television stations, and being the editor of both a newspaper and a television station, I spent a considerable amount of time reading the text of the Vice-President's address and a significant volume of subsequent discussion of his remarks.

Let's analyze the principle points he put forth.

Mr. Agnew's criticism was confined to the television networks and the small group of people who in the end are responsible for presenting network news and commentary. And the question he raised was whether the personal biases and opinions of these few people influence their choice of news to present and how it is presented.

He pointed out the marked difference in the way national news and opinion is presented in the newspaper of the nation and on the television networks.

There are some 1750 daily newspapers in the United States. The great majority are independently owned and operated and therefore present independent editorial voices. It is true they receive most of their national news from one or both of two news services, The Associated Press, and United Press International, but their reports are confined strictly to news. The editorial opinion and comment published in these newspapers is that of the editor and his staff, or of syndicated columnists whose services the newspaper purchases.

And again the Vice-President made an important distinction. "In tomorrow's edition of the *Des Moines Register*," he said, "you will be able to read a news story detailing what I said tonight; editorial comments will be reserved for the editorial page, where they belong. Should not the same wall of separation exist between news and comment on the nation's networks?"

The fact of television is that both news and comment is supplied the nation's TV outlets by the three networks, and that each network has terrific impact on the public. It is estimated that 40 million Americans watch network news each night. As Mr. Agnew said: "Where the *New York Times* reaches 800,000 people, NBC reaches 20 times that number with its evening news."

The Vice-President also referred to "the tremendous impact of seeing television film and hearing commentary compared with reading the printed page." This may be an area, however, where the Vice-President is on uncertain ground. He admitted that "our knowledge of the impact of network news on the national mind is far from complete."

When I write an editorial for newspaper or television, I certainly harbor no design of persuading my total audience to think as I do. My thoughts are offered with the purpose of stirring the thought processes of the reader or viewer to arrive at his own conclusion. Hopefully if I have the facts on my side and can marshal them properly in a logical thought process, many readers or viewers will agree with me. This is the challenge which is constantly before the editorial writer.

But there may be a difference in how television versus newspaper comment or opinion awards program (on Nov. 11) presented its may in some cases be merely a passive act, where the information presented seeps in by osmosis, whereas reading has to be an active function of the senses, and therefore critical faculties are brought into play.

The Vice-President was very careful to point out that "I am not asking for government censorship or any other kind of censorship." But he did refer to the networks "enjoying a monopoly sanctioned and licensed by government." And this evoked a stereotyped response from the networks. They declared Mr. Agnew was trying to intimidate them by holding the threat of government licensing standards over their heads.

I have maintained for some time that many executives in the broadcast industry are obsessed with concern over protecting their licenses and in the process become patsies for the F.C.C. They set up the bogeyman of government licensing in somewhat the same fashion that we in the newspaper business are wont to see in any criticism an attack on "freedom of the press."

And in doing so we both forget our grave responsibilities to our reading or viewing public.

In the end Mr. Agnew merely called the attention of the television networks to those responsibilities.

AGNEW, TV'S SAVIOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MICHEL. Mr. Speaker, I do not suppose it has occurred to our friends in the television industry but an editorial appearing in today's issue of the Peoria Journal Star raises the intriguing point that the recent series of speeches by Vice President AGNEW may have actually assured the freedom of television from Government controls over programing. In any event, I recommend the editorial to all interested parties and place it in the RECORD at this point:

[From the Peoria Journal Star, Dec. 1, 1969]

AGNEW, TV'S SAVIOR

One of the most infuriating things for the "liberal establishment" in the Agnew speech, undoubtedly, was the way it caught them in mid-stride and obliged them to reverse their field overnight.

In so doing, he may well have actually saved the freedom of television from government controls over programs.

There has been a determined campaign for control going on for no less than five years, and it had just made its first "breakthrough" at getting a station license revoked. It was looking ahead to big things.

Then, thanks to the peculiar faddish responses of the liberal breed, Agnew's remarks shot down the whole campaign.

How?

Well, take the High Priest of the movement, FCC Commissioner Nicholas Johnson, for example. Only this August he flatly charged TV with failing to give all points of view a "fair airing," described their arbitrary power over election campaigns, and actually said the real question is whether the President and Congress are already too late and too powerless to deal with the greater power of the "broadcasters."

This was but the latest attack in a long-term campaign by that commissioner which apparently lapped over, inadvertently, into the new Nixon administration!

Then, Agnew spoke up, also critical, although not nearly as rough as Johnson and without the thrust for actual controls. What did Nicholas Johnson then have to do, instantly, to preserve his "liberal" membership?

Why, of course, he promptly condemned Agnew in sheer horror, and found himself defending the same "broadcast freedom" he had so long been attacking.

Almost simultaneously with Agnew's speech, Columbia University's survey and awards program (on Nov. 11!) presented its Broadcast Journalism Award to Dr. Everett Parker of the United Church of Christ. For defending the independence and freedom of broadcasts from government interference? No, friends. For getting a station license revoked and put out of business by Uncle Sam's FCC because of Dr. Parker charges of "discriminatory" programming!

In that case, it was a virtue and not a crime, and the harshest possible use of government controls was praised. Indeed, at first, it was regarded as a great breakthrough in the liberal effort to have government enforce their ideas of program control. The climax of a five year campaign!

And nobody shouted, "freedom is in danger!"

Then Agnew's speech caught them in mid act.

Did you know there was a "National Citizen's Committee for Broadcasting" created for the express purpose of such intervention to become "a national force which ultimately can alter . . . what people are fed by broadcasters?" Who is this? The members are folks like composer Leonard Bernstein, actor Bill Cosby, director Mike Nichols, novelist Saul Bellows—"liberal" "reformers!"

Ah! Remember the great liberal "cause" of the Smothers Brothers? Freedom for the insertion of liberal propaganda in all forms of programming, begorra! And who did they run to? The FCC and to Congress. To Big Brother, for coercive action!

While all this was going on, apparently, the networks did not dare run out their big guns and fire full battery at Nicholas Johnson, FCC commissioner, or at the Bernstein-Cosby-Nichols "in group." Accuse them of "intimidation?" Too scarey!

Then, along came good old "Spiro Nobody," who was fair game, and gave them an open field to defend their "freedom" from all comers—and out zoomed Dr. Frank Santon, Leonard Goldenson, Walter Cronkite, Chet Huntley, and every gun in the armory! Howling "intimidation!"

Opportunity finally knocked, and they were more than ready.

Imagine what happened then to the group of self-styled liberals who had been campaigning for years to get their hot hands on TV program controls! Imagine how they must feel! Imagine how the rug was yanked from under them with Spiro Agnew's speech!

They are falling over themselves for the most part in the scramble to back up and run the other way in defense of "freedom" and "no controls"—and to attack even "criticism' as abridging the "freedom" of the networks!

What a reversal! It's bigger than Michigan over Ohio State.

And it points up two things. One is that the modern liberal's principles are no longer applied across-the-board—they apply only on the basis of "whose ox is being gored."

The other is that Spiro Agnew may well have become the savior of broadcasting freedom by his "image" overnight changing the "great liberal reform tide" into a nasty right wing "thing" in the eyes of the liberal establishment."

He has already saved the media from gov-

ernment controls. It remains to be seen if he has influenced them also to save themselves from themselves.

THE ASH COUNCIL AND EXECUTIVE MANAGEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HAMILTON. Mr. Speaker, since its appointment in April the Ash Council—President's Advisory Council on Executive Organization—has given highest priority to restructuring the Executive Office of the President.

The Council's sense of priority is commendable for as Roscoe and Geoffrey Drummond point out in their recent column, "Massive Reorganization of Government Needed," the President does not know—and cannot get—information on whether Government programs are working well or badly.

A prime responsibility of the Executive Office of the President should be to provide the President alternative management plans to carry out the President's legislative program as enacted by the Congress.

Hopefully, the Ash Council will submit its recommendations in the near future to the President on restructuring the Executive Office of the President. Hopefully, as well, those recommendations will include seeking legislative approval for establishing an Office of Executive Management in the Executive Office of the President as proposed by Senator BAYH (S. 1952) and myself (H.R. 14679).

The establishment of an Office of Executive Management will provide the President timely management information on a continuing basis to solve at least some of the problems discussed by Roscoe and Geoffrey Drummond in their following article:

MASSIVE REORGANIZATION OF GOVERNMENT NEEDED

(By Roscoe and Geoffrey Drummond)

Can Richard Nixon be President of the United States?

He can occupy the office, but can he—or anybody else—effectively run the vast, creaking, cumbersome, overgrown monster called the federal government?

And by running it we mean make it responsive to his leadership.

The answer the President is getting from his own experts is no, not now, not the way things are.

The fact is that no President can get his hands on the levers of the federal bureaucracy because when he grabs one lever labeled "Do It Now" he finds it is attached to a dozen other levers which are attached to nothing.

After JFK had been in the White House a while he remarked in exasperation: "Sure, I can give orders but nothing seems to happen."

Mr. Nixon knows how he felt. He can raise his voice, but it becomes a mere whisper when it gets beyond the walls of this Ovals Office and into the corridors of the bureaucracy.

We have some good news: Virtually every high official in the Executive Branch, including those in the cabinet, agrees that it is an administrative mess and that something must be done.

We have some bad news: Virtually every high official of the administration, including those in the cabinet, claims that the mess exists everywhere in the government except in his own department and that if he were given more money and a few more programs from other agencies everything would be fine.

It would not—and that is what the President's Advisory Council on Executive Reorganization is telling him. This council is headed by Roy Ash, president of Litton Industries, and includes other high-caliber men widely experienced in both management and government.

They are telling Mr. Nixon that radical, wide-ranging reorganization is imperative.

They are telling him more—that if reorganization is to work it will have to begin at home, at the top, in the White House itself.

And it isn't certain that the President is entirely immune to that human nearsightedness which afflicts most of his subordinates and causes each to feel that every other arm of the government needs reorganization but his own.

The Ash Council put its own priority on what it should do first. It is dealing with the operation of the government's massive and overlapping social programs, with law enforcement and with the independent agencies. But its highest priority is restructing Mr. Nixon's own operation, and this rests on the conviction that if the President can improve the process of his own decision-making and decision-executing the rest of the government machine can be made responsive.

Here is what's wrong:

The President has no adequate information—and can't get it—on whether the government's costly, far-flung programs are working well or badly or at all. The departments don't even know. Example: Nobody in the Administration could tell the Ash Council how much federal money was being spent for what purposes in just one area of one city.

Without adequate information, the President can't evaluate anything that is being spent for what purpose.

The President must get much better control of the government if he is to do the job he was elected to do.

The recent White House staff reorganization—all in the right direction—is the merest beginning, two yards along the 20 miles of needed reform.

THE GENERATION GAP

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. WOLFF. Mr. Speaker, I am always pleased to have the opportunity to bring to the attention of my colleagues the efforts of dynamic community members who feel that the term "generation gap" is only an excuse for not confronting the many issues that the bright and active younger generation has brought to the foray.

Recently, I was informed of a highly respected young priest, Rev. Phillip Eichner, S.M., a Marianist who heads Chaminade High School in Mineola, N.Y., which I am proud to say is part of the Third Congressional District which I represent in Congress. In his job Reverend Eichner has shown himself to be quite sensitive to both the younger and older generations, offering both groups considerable intellectual and compassionate food for thought.

Not too long ago, Reverend Eichner forwarded a letter to all the parents of his students, concerning the general problems of the day. Since it reflects concern which many Americans feel for both sides of the age line, Mr. Speaker, I would like to take this opportunity to extend my remarks to include his letter to the Chaminade parents in the RECORD:

CHAMINADE HIGH SCHOOL,
Mineola, N.Y., November 8, 1969.

MY DEAR PARENTS: A climate of profound unrest has settled over many of our social institutions in America, and over the people themselves. The issues are tormented not only by their real depth and amazing complexity, but also by an impatience and emotional pressure for their resolution. The school, Chaminade or any other school, finds itself in the midst of this turbulent and fast flowing river of social criticism, being pushed either to become a victim of the intensity or a procreator of it. What, then, should be the role of the school, any school, in times such as these, and more specifically what should be the role of Chaminade in the face of social dynamics in America 1969?

I would like to give an explanation of the position of Chaminade High School, not on the practical decisions that this country has to make in order to live with its own conscience, but its position as a Catholic school and its role as a school in the face of organized social protest. I speak specifically of the question of the *moritoria* of past, present and future in regard to the question of Vietnam, and war, and peace. I do not speak for the student body nor for every member of the faculty, but I do speak as chief administrator for the school. To be more specific: what I want to present is not my judgments on the political and moral decisions of our government in respect to Vietnam, nor the judgments of anyone on these practical judgments; what I want to present and explain is the role of a school, or this school, Chaminade, if you will, when because of social and political events, it finds itself caught up in the dynamics of intense emotional thrusts. Certainly, I as everyone else at Chaminade, both students and faculty members, have personal judgments regarding the issues that beset America. The question is: to what extent can one let a school become the vehicle or weapon for the expression of social criticism and dissent.

The present day question brings us fundamentally to ask ourselves what is the role of the school in society at large. It would be absurd and totalitarian for us, and I speak as one whose daily life is absorbed with the task of Christian education, to imagine that the school is the hub of all society and social change, or that the school, whether it be University campus or a one-room grade school in the Great Plains, should be the center of social reform. The task of any school to society is to be that vehicle, not primarily of action, but of understanding; not the locus of emotional commitment, but of conscious awareness. This is not to say that the school as such does not participate in social reform; it does do so in its own way. The school is not an action committee, nor a lobby, nor the ombudsman. Its task is to help clarify the nature of the true and the good, to understand the nature of society, to judge on the level of value. Its contribution to the concrete order, as opposed to the transcendental order, is to make men prepared to choose the concrete good, men capable of great discernment, and not just mere prejudice.

The school prepares men for moral action and decision; it does not become the moral reformer itself. The school prepares men to make decision of political prudence which support the vision of things which they have received or which they see themselves; it does not set up a political office itself. The school exposes, clarifies, illustrates social evils in mankind; it even exposes its members to things they want to hide from; it will even attempt to give them symbolic or educational experiences in these areas; but it never takes upon itself the present task, here and now, of changing this particular law by channeling the tremendous personal resources of the young or of the faculty into a concrete act of violence or of protest or of lobbying. To do so would be to abuse the nature of the Christian school, and the freedom of action that is the privilege of parent and student alike. While the school may and often must be critical of social life, its criticism must remain objective, allowing the freedom of action to each individual. While the school may and must criticize alcoholic or drug addiction and convince its constituents of the destructive effects on the human personality, it would be out of place for the school to sponsor a bill for Prohibition. The school is not a welfare agency, although its ultimate goal is the welfare of all men; the school is not a political party, although just politics is an ultimate goal of the school. The school is the arena of dialogue, investigation, conscious pursuit of knowledge and judgment, and its forays into the area of concerted action must be very rare and carefully weighed. It would not be right for the school to usurp the rightful place of other agencies of society, just as it is unwise, in our system of government, for an executive to usurp the judicial function, or a judge to usurp the legislative function. And this is especially true in an epoch of high emotional tension: there must still be some areas of societal life where the issue can be discussed and looked at, even from an academic point of view, without an accompanying call to man the barricades.

Young people are idealistic, in this age as in every age. Their fervor touches more than the superficial aspects of society. It often comes to grips with the failures and sores of our human condition. Being young and inexperienced, anguished over the human mess of things, and buoyed up with the seemingly immediate hope of a better world, they can be easily led to give themselves to noble, yet, univocal causes with great emotional commitment. It would be playing very unfairly upon this undigested idealism for a school or for a teacher to direct it along very narrow lines of concrete action. I say unfair because the young person as yet has had little experience to judge as to the complexity of things, little time as yet to see the sweep of historical changes and how they come about, and little suffering to tell him that evil is not swept away with a slogan. We all know that youth can be used to foster the causes of any group, good or bad, political or non-political, moral or immoral, just as all of us can. Our saving grace from giving ourselves to things which are inadequate is the hope that men can see, and that seeing, they can act from a vision of prudence and justice.

For an adult to polarize the idealism and selflessness of the young people in partisan lines or along univocal paths to do violence to the very process of growing up that is the inherent right of a young person. We have seen in history the prostitution of the young in the name of a cause, such as the Children's Crusade or in the *Deutsche Jugend*. The school, while encouraging commitment and conscious decision, must be careful not to create such a climate that the freedom to intelligently question and discuss is already negated by the presence of an emotional charge. The school is an area of discussion not an action committee.

The particular question at hand is an organized demonstration for a particular course of action in regard to the United States' military presence and action in Vietnam. What should be the role of the school here? Surely, as a school, it is in favor of peace, justice, charity, concord among nations, mutual support, individual difference, conscience, and all the other values which a Christian humanism would promote. Further, the school as school would help investigate these values in their concrete expressions in social institutions, modern politics, and current mores. It even encourages judgments to be made in these areas, but it does not organize these judgments into practical action. The school is not the place for public demonstration, picketing, or petitions, on the part of the administration. Such action closes the question for most people, while the role of the school is to keep the question open in the hope that what is most prudent, what is just, what is true, will come to the fore. Meanwhile, the convinced man has the wide world to organize in view of his plan of committed action. He should not turn the school into an action committee to battle society, but rather to go out into the society itself and do battle with the forces of injustice and corruption there.

The question of Vietnam is a tormenting one, not only to the young but also to the older as well. It is a highly complex one, being in the midst of two concrete situations. Vietnam is a dilemma, and dilemmas do not lend themselves to doctrinaire solutions as many other problems. The very intensity of the question and the already evident polarity of emotion should be enough to convince the most optimistic (or the most doctrinaire) that the question has two sides and that we are involved in dilemma of practical prudence. Increasing the emotion either way does not necessarily create a better climate for extricating ourselves from the horns of the dilemma.

The question of the school's role would be different if it were evident to common sense and general moral awareness that a vast totalitarian plot were afoot which was already engaging in the plainly unjust oppression of men. In that case, the school would have to resist it. And it is a fact in history that often the school has not been able to resist because the school itself was one of the first footholds for the totalitarian movement itself! The administration of Chaminade, then, has made a primary judgment in the practical order, but it refuses to make the secondary judgment in the practical order. It judges the present issue to be a highly complex one, a dilemma of practical political and moral prudence, with arguments on both sides; it does not consider it to be a case of black or white, a shut case, in which a truly moral Christian position is so clearly evident that you have to be blind or perverse not to see it. The secondary judgment,—which of the horns of the dilemma to choose,—is not ours to make as a school. Because of the complexity and the possible justice on both sides, we cannot, in conscience, sanction any movement, in the name of the school, which would compromise the freedom a student has as a member of society to come to terms with a practical moral solution to the dilemma of Vietnam. We all have our own decisions, I, you, the parents, our students, and our teachers, on how the dilemma is to be resolved. But it would be unfair for us, the school to whom you have confided your son, to determine either way the minds of these same young men in this particular area of the Vietnam dilemma.

Hence, the policy of the administration at Chaminade in regard to these specific moratorium days is to observe a neutrality in our halls, not a neutrality toward peace, justice, brotherhood, and charity, but a neutrality in regard to saying that immediate withdrawal is the only moral solution, or a neutrality in saying that ultimate military conquest is the only moral solution. As parents you have the right and privilege to orientate your son in either direction and to allow him to engage in organized activity for either position. This letter is just to convey to you that we, Chaminate High School, in as far as we are a social structure, will not create any atmosphere in an attempt to incline your son either way.

We do hope to create an atmosphere where the issue itself can be discussed, where the factors of both positions can be argued out, and where the ultimate questions of good and evil, truth and justice can be personally seen. Thus we will not have a moratorium rally, nor a free day, but rather regular classes. We feel that this is the only position to take which is fair to you and to your son.

Such a theme as this opens itself to tomes of analysis. I hope I have expressed some idea briefly of why we do what we do. If you were to have any question on it or would like to discuss it at any time, please contact me.

May the crisis of today find a creative fulfillment in the world of tomorrow! And to borrow a familiar phrase from Chaminade-Parent correspondence:

Peace!

Sincerely yours in Christ,

Rev. PHILIP K. EICHNER, S.M.,
President, Chaminade High School.

ELECTRICITY ON THE MOON—A DEVELOPMENT OF 150-YEAR-OLD THEORY TO THE SPACE AGE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. KARTH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ELECTRICITY ON THE MOON—A DEVELOPMENT OF 150-YEAR-OLD THEORY TO THE SPACE AGE

The radioisotope-fueled thermoelectric generator (RTG) which will be placed on the moon by Lt. Cmdr. Alan Bean, Apollo 12 lunar module pilot, is a direct descendent of one which has been circling the earth for eight years, keeping an early satellite—the Transit IV–A—functioning since it was placed into orbit. The moon generator will power scientific experiments and radio transmission equipment placed on the lunar surface by the astronauts. It is scheduled to be deployed at about 3:30 a.m. (EST) Nov. 19.

The space program generators, which convert heat from the decay of the nuclear fuel directly into electricity, are an outgrowth of pioneering work by 3M Company of St. Paul, Minnesota, in the development of devices which generate electricity not only from atomic energy, but from other fuels such as propane, gasoline and kerosene.

Fossil-fueled thermoelectric generators have brought electrical power to ocean coastlines, mountain peaks, arctic wastes, and wind-blown deserts to power microwave and radio transmitters, scientific data metering, navigational buoys and anti-corrosion devices for natural gas lines. The generators, which have no moving parts, are designed to provide reliable power for installations in

areas where it is impossible or impractical to utilize electrical energy from power lines.

The company has participated in a number of Atomic Energy Commission programs to develop nuclear powered generators for peace-time uses. The atomic powered generators have been dubbed "SNAP", Systems for Nuclear Auxiliary Power.

The first space thermoelectric generator developed by 3M was SNAP III–A, a grapefruit-sized unit which was introduced to the world by President Eisenhower in January of 1959 and hailed by scientists as a "significant breakthrough" in the search for a method to combine the still-infant atomic technology with the 150-year old thermoelectric principle.

The SNAP III–A generator weighed only five pounds and produced 2.5 watts of power. This generator later was installed in the Transit IV–A satellite, and is still powering radio equipment which transmits information intermittently.

The moon generator—SNAP 27—produces 63 watts to power the lunar scientific and radio equipment. It was designed to operate under anticipated lunar temperature extremes of plus 170 degrees to minus 280 degrees Fahrenheit for at least a year. SNAP 27 is 18 inches high, nearly 16 inches in diameter and weighs 28 pounds without the fuel capsule.

The isotopic fuel capsule will be carried in a special container on the outside of the descent stage of the lunar module. The astronaut will use a special tool to carry the fuel capsule from the module and to insert it into the generator, which will begin producing power within minutes.

The generator has undergone more than two years of reliability testing by the General Electric Company, which designed the system for the AEC.

Other SNAP programs in which 3M Company has participated are the terrestrial (SNAP 23) and oceanographic (SNAP 21) nuclear-powered generator project. Three SNAP 21 generators were placed at various depths in the Pacific Ocean off Long Beach, Calif., this summer for long-term operational testing. Eventually, these generators may power navigational aids, seismological stations and ocean research equipment. SNAP 23 is still in the developmental stage. It is to be used in remote areas on the earth's surface.

Today's space age thermoelectric generators can be traced directly back to development work more than 30 years ago which produced the first commercial applications for thermoelectricity—and which literally revolutionized the gas industry.

In the 1930s the gas industry was faced with extremely serious problems because of the lack of a reliable, fail-safe shut-off which would automatically stop the flow of gas into a gas furnace, hot water heater, range or other automatic gas appliance if the pilot light went out. Unless this problem could be solved, the gas industry faced a dark future.

A major research program was undertaken—leading ultimately to the development of a safety control employing a tiny thermocouple which holds the valve open as long as the pilot light is burning, but automatically shuts off the flow of gas when the pilot light is extinguished. The importance of this development to the gas industry is indicated by the fact that even today every automatic gas appliance sold in the United States must have this feature—and thermoelectric materials are still the heart of the safety shut-off control.

This research later led to thermoelectrically powered systems for controlling gas furnace valves—under remote thermostatic control—independent of outside power sources. This permits gas furnaces to continue to function normally even when household current is interrupted.

These developments—while quite unknown to the general public—were of vital importance both to the gas industry and to every person owning or using an automatic gas appliance.

Many of the men involved in this pioneering research and development work in the gas industry later became members of 3M's thermoelectric research and development team.

One of today's biggest potential uses of thermoelectric generators is to power telephone, radio and television communications. They already are in use in microwave repeater stations throughout remote sections of the world. The islands of the Hawaiian chain have been linked by telephone through thermoelectric-powered relay stations.

Another major use of the generators is to protect gas lines from the corrosive action of some soils . . . and thus prevent pollution and possible explosions. The corrosive action of the soil is overcome when an electric current is passed through the soil in which the pipe is buried.

The principle of thermoelectric generation is nearly 150 years old. It was in 1822 that a German physicist named Thomas Seebeck discovered that when the junction of two dissimilar metals was heated, an electric current would flow if the cold ends were connected to complete the circuit. It was not until the late 1940s, however, with the advent of the semi-conductor technology, that the use of thermoelectricity as a practical means of power generation—outside the gas industry—was foreseen.

THE AIR OVER CHICAGO

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MIKVA. Mr. Speaker, while the air in our cities gets dirtier and dirtier, the worst offenders seem to be content with this deteriorating situation.

Fortunately, some people are not sitting by idly, waiting for the utopia of clean air to be blown in by miraculous winds. One of Chicago's outstanding radio stations, WBBM Newsradio 78, has launched an editorial assault on air pollution.

WBBM is presenting a 10-part series about major pollutors of the air over Chicago and the waters of the area. It is significant that the series addresses the heart of the pollution problem: those who persist in defiling the environment. I commend WBBM for their bold and constructive efforts to improve the quality of the environment in Metropolitan Chicago.

Air pollution has become a critical problem to millions of Americans because it concerns so many citizens and because of my colleagues interest in the problem, I am inserting at this point in the RECORD two of the 10 editorials in the series.

The editorials follow:

The pall of dirt and fumes that hung above this area last week underscored the gravity of the air pollution problem in Metropolitan Chicago. It was a grim reminder that the war against pollution is not being won.

With that in mind, WBBM initiates this week a 10-part series about the major air and water pollutors in the Chicago area. Attorney General William Scott has identified for us the major corporations, industrial groups and public agencies that are, in his opinion, most responsible for the pollution of our environment. We have talked with Attorney General Scott and air pollution experts about these ten pollutors, and then we talked with those accused to get their side of the story. The resulting broadcasts are informative and perceptive about a problem that plagues everyone in this area. The shows run Monday through Friday for the next two weeks, and there will be a one-hour summary at 9:00 p.m. Sunday, November 30.

In some respects, these reports are demoralizing. Some of the pollutors have a very callous attitude toward the public welfare. On the other hand, some corporations and agencies are making imaginative and sincere efforts to diminish pollution. We are also encouraged by the aggressive efforts of the attorney general to halt pollution.

We hope you will listen and respond to this series, particularly if you feel the nation's second largest city should not have to bear a shroud of dangerous and unpleasant pollution because of corporate and public negligence.

AIR POLLUTER

Commonwealth Edison company has asked the Illinois Commerce Commission for a rate increase. It wants an increase of six-point-one percent. Illinois Attorney General Scott is contesting the rate increase. He says the company is a major air polluter in the Chicago area.

Anyone who has visited the city's southwest side—near the Stevenson expressway—can verify this. In our opinion, Commonwealth Edison is adding to the air pollution in this region. We think the state should take every step possible to make pollution uneconomical for the polluters. It is a wise action to develop the philosophy that public utilities have a major obligation to serve the public interest and this includes compliance with air pollution laws.

Commonwealth Edison has sent overpowering fumes into the air from its southwest side plants. It is a danger to the health of all residents in that area.

If Commonwealth Edison seeks the benefit of a rate increase, it should go before the commerce commission and the courts with "clean hands." The firm has, in our opinion, failed to take adequate steps to clean up its air pollution. Until it does take the necessary steps, we oppose the rate increase sought by Commonwealth Edison.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Yankton, S. Dak., Press and Dakotan, in the State of South Dakota. The editorial follows:

HOW SAFE WILL BIG TRUCKS BE?

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently be-

fore the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrant concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

SENATE—*Wednesday, December 3, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou, who didst make all ages a preparation for Thy kingdom, in this season of high expectation prepare us for the advent of Him by whom all are to be judged. Give us strength and wisdom for our appointed tasks that we fail not. Forgive us even when we are unforgiving. Be patient with us even though we may be impatient with one another. Wilt Thou never leave us nor forsake us however far we wander, but follow us unto the journey's end. Then when the shadows lengthen, and the fever of life is over, and the busy world is hushed, grant that we may arrive with Thee in fullness of life to hear it said, "Well done, good and faithful servant."

In the name of the Lord of life. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 2, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. And that morning business, under the agreement, terminate not later than 10:30 a.m.

The PRESIDENT pro tempore. That already has been established by unanimous consent.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. GRIFFIN. Mr. President, by request of another Senator, in light of the business before the Senate today and the importance of it, I am constrained to object.

The PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, I understand the position in which the acting Republican leader finds himself in this matter. I have been in that position many times, also. But just as he is duty bound to record the objections of another Senator, I am duty bound to make some unanimous-consent requests, which I will do at this time, but in toto.

I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, the Subcommittee on Constitutional Rights of the same committee, and the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reluctantly, but at the request of another Senator, who feels very strongly about the business before the Senate and that Senators ought to be in the Chamber, I must object.

The PRESIDENT pro tempore. Objection is heard.

Is there routine morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF ROSE McKEE

Mr. MANSFIELD. Mr. President, I just happened to look at the news ticker and was shocked and saddened to read that an old friend, Rose McKee, who first came to Washington in 1944 as a correspondent for the old International Press Service, has passed away. Rose McKee was one of the finest persons I have ever known, and I remember her well with fondness and respect from my service in the House.

I recall that when the old International News Service went out of existence and merged with the UPI, Rose McKee joined the Government. Before that, however, she was assigned to cover the Capitol. In performing her tasks, she spent a great deal of time on the House side. And it was only with the demise of the International News Service that she became attached to the Small Business Administration and later to the Economic Development Administration. In 1964, President Johnson made her one of the first 50 women he appointed to substantial Federal jobs. At that time he named her Director of Public Information for the Small Business Administration. Later she switched to the Economic Development Administration.

She was a fine woman and a good friend. We will miss her. At this time I wish to express to her three surviving sisters the deep regret and sadness of Mrs. Mansfield and myself on the passing of this fine woman.

The PRESIDENT pro tempore. I hope the Senator from Montana will permit the Chair to associate himself with all that he has said. It was my privilege to know Miss Rose McKee, a longtime correspondent on the Hill. I met her when she came here. No one had a finer concept of the ethics of that profession than Rose McKee.

Mr. MANSFIELD. I agree wholeheartedly.

TAHOE REGIONAL PLANNING COMPACT

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 118.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 118) to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes, which was, on page 23, strike out lines 15 and 16, and insert:

SEC. 6. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee.

SEC. 7. The right to alter, amend or repeal this Act is expressly reserved.

Mr. BIBLE. Mr. President, the House amendment is a standard amendment which they have been insisting on placing in the compact. The amendment simply would require that the compact commission makes its books and reports available upon request of any of the Senate committees or House committees involved. It seems to me that this is a valid amendment and that it causes no undue hardship on the compact commission members.

Accordingly, I move that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. DOLE. May I ask the Senator from Nevada whether this matter has been cleared with the minority?

Mr. BIBLE. Yes. The bill was introduced by the two Senators from California and the two Senators from Nevada. This is simply a reporting provision added by the House.

Mr. DOLE. I thank the Senator.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

CURRENT STATUS OF SMALL BUSINESS

Mr. BIBLE. Mr. President, today some businessmen call it an "economic crunch" and others refer to it as a "business-cycle squeeze." Whatever the name, the fact remains that one of the principal victims of this Government's monetary, fiscal, and labor market policies is the small businessman. Throughout this past year, he has been caught in a giant pincers between rising capital and labor costs on the one hand, and increasing consumer resistance to overinflated prices for goods and services, on the other. And all of this has been occurring against a background of sharply reduced assistance from the Federal Government.

The money managers of "big business" know how to hedge in the games we play with our fiscal and monetary policies. But the small businessman, although deeply concerned with the outcome of these games, must sit on the sidelines because the table stakes are just too high.

THE CURRENT SITUATION—1969 SURVEY

Let there be no doubt: Warning signals for small business are flying across this country. These signals are evidenced by record high interest rates in the commercial money markets of this country and by recent economic reports of private small business organizations on related financial trends.

According to the New York Times of last Thursday—

> The relentless drive toward higher rates [is continuing] with even greater force . . . pushing yields on most types of fixed income securities to record highs.[1]

Two tables bear this out. The Washington Post cities leading bankers and economists to show that bank lending is getting even tighter, with fewer borrowers qualifying for the prime rate.[2]

In other fields, a survey of the National Federation of Independent Business for the first 9 months of this year of more than 80,000 small businessmen in our 50 States produced the following results which are summarized below. I believe an examination of the indicators will bear out what many economic authorities and Members of Congress have been warning about for many months:

First. Business loans: Small businessmen, on the average, report paying all-time-high interest rates upward from 6 percent to insurance companies, to 9.3 percent to finance companies. In individual cases, interest costs may rise to 11 or 12 percent, or higher.

Second. Labor costs: Over three-fourths of small business firms report increased labor costs over 1968. Many blame the minimum wage law, not only for increasing labor costs, but also for pricing young workers, especially teenagers, out of the labor market. The corner grocery, drugstore, gas station, or restaurant has always been the first employer of young workers, up to now. They now claim that the present minimum wage prevents these small employers from hiring teenagers.

Certainly, I want no misunderstanding about my position in this. I believe strongly in the benefits of the minimum wage law to our labor force and to our economy. But I also believe that provisions of the Federal minimum wage law permitting casual, summertime and learner-type employment for teenagers should be more realistically administered to help youngsters get this work and at the same time help out these small businessmen.

On that point, I ask unanimous consent that an article on this general subject, published in the New York Times of November 18, 1969, be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, my next point is:

Third. Volume of business: About one-half of small firms report higher sales than last year, but 70 percent report higher selling prices, and 88 percent report higher costs for goods purchased for resale. At the same time, a substantial rise in receivables was recorded, along with a substantial slowdown in collections over the year.

Fourth. Investment: Almost one-half—46 percent—of small businesses were unable to increase their capital investment during 1969. This statistic, if correct, may well be the most damaging one of all, since the lifeblood of our economy depends on the health and continued growth of over 5 million small business firms. We will want to watch this trend closely.

ADVERSE GOVERNMENT ACTION

As I have tried to point out in statements over the past months, there has been a tide of Government action which is having the effect of making these problems worse instead of better.[3] These actions included, first, the decision to deny the Small Business Administration $170 million, or 58.5 percent of the loan authority granted for fiscal year 1969; second, the decision to set the loan levels of the Small Business Administration for fiscal year 1970 at the reduced "nonaction" level; and third, the decision to take away from small business generally existing relief provisions in the tax law by completely repealing the 7-percent investment tax credit and the multiple surtax area, without any adjustments for the hard pressed small businessman.

I have introduced amendments to the tax reform bill designed to preserve these legitimate small business provisions,[4] and I hope they will be favorably considered by the Senate during our tax bill debate.

I shall detail their specific provisions and small business' need for them when they come on formally later in the week. One amendment would retain the 7-percent investment tax credit at $25,000 of investment, or I may reduce it to $20,000, with a cutoff eligibility at $1 million of taxable income. A second amendment would establish the number of corporate surtax exemptions at five instead of one, as the bill now before the Senate calls for.

CONCLUSION

Mr. President, in the coming months, the Small Business Committee will continue to give the highest priority to the problems of the small business community as it seeks to weather the storm of the economic forces of big business and big government. We are concerned that the statistics I have discussed today are not forerunners of even more difficult times for the small businessman. We hope they will alert all of us in government to the hazards for small business, so that some positive action can be taken. We will be doing all we can in this regard and hope that the Nixon administration will also give a fair shake to the small businessman by its fiscal, monetary, budget, and other policies.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of November 20, 1969, and an article from the Washington Post of November 20, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

EXHIBIT 1

[From the New York Times, Nov. 18, 1969]

SHULTZ OPPOSES A YOUTH WAGE RATE

(By Paul Delaney)

WASHINGTON, November 17.—Labor Secretary George P. Shultz has expressed his opposition to a proposal for a special youth minimum wage below $1.60 an hour.

---

[1] "Rates Set Marks in Credit Market," by John H. Allan, The *New York Times*, Nov. 20, 1969, page B9:4.

[2] "Bankers Concede Rates Rising," by Phillip Greer, The *Washington Post*, Nov. 20, 1969, page K9:4.

[3] "Small Business Caught in Triple Credit Squeeze—Administration Should Release $170 Million in SBA Loan Authority Now," Daily Congressional Record, June 25, 1969, 17274–17277.

[4] Most recently, amendments 259 and 260 to the Tax Reform bill in behalf of small business, daily CONGRESSIONAL RECORD, Oct. 30, 1969, p. 32316–32317.

In a letter to George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, the Secretary said he did not intend to offer such a plan. The letter was dated last Friday and was released by Mr. Meany today.

DUAL WAGE SYSTEM

The proposal was announced 10 days ago by Maurice H. Stans, the Secretary of Commerce. At that time, Mr. Stans reported that the proposal was being considered by the Nixon Administration and the Mr. Shultz was studying it.

Mr. Stans endorsed the idea. He said it would be a good way to curb the high unemployment rate among youths, which usually triples the jobless rate of adults. He said the dual wage system, with a lower minimum of about $1.25 an hour for youths, would entice employers to hire more youngsters.

The Commerce Secretary said that Mr. Shultz was to have completed his study and presented his report to the Cabinet by the end of next month.

"I have made no policy decision to recommend a youth wage at all, and I would oppose any youth figure below the existing statutory minimum of $1.60 an hour for all persons in covered industries," Mr. Shultz wrote.

The Secretary assured Mr. Meany that there was no study under way regarding the consideration of a minimum wage for youths.

"The only study going on around here relative to your question about a possible youth wage is one to determine to what extent, if at all, the minimum wage is responsible for the high rates of unemployment among youths," Mr. Shultz said.

Mr. Stans could not be reached for comment today.

Mr. Stans suggested on Nov. 6 that the minimum wage for persons under 21 be "about $1.20 or $1.25 an hour."

"I think that would be an effective means of reducing unemployment and bringing them [youths] into the work force," Mr. Stans said at the time.

The proposal was criticized by many labor leaders, including Mr. Meany.

EXHIBIT 2

[From the New York Times, Nov. 20, 1969]

RATES SET MARKS IN CREDIT MARKET: UTILITY ISSUE IS PRICED TO YIELD 8.81%—9% LEVEL TOPPED IN DEBENTURES

(By John H. Allan)

The relentless drive toward higher interest rates continued in even greater force yesterday, pushing yields on most types of fixed-income securities to record highs.

This retreat in prices, which dealers described as orderly, produced these historic financial figures.

The Pacific Gas and Electric Company sold an Aa-rated bond issue that was priced to yield 8.81 per cent.

The Liberty Loan Company raised $15-million by selling debentures, which not only were given a 9½ per cent interest rate but also carried warants to buy stock in the company.

The Federal Intermediate Credit Banks put an 8.75 per cent interest rate on $458.2-million of nine-month debentures to be sold today. A month ago, the rate was 7.95 per cent.

Dallas accepted an interest cost of 5.89 per cent to sell $24-million of its bonds, rated a high-quality issue. E. Lynn Crossley, city auditor, described the rate as the highest in the 40 years he has been in municipal government.

A BID REJECTED

At the same time, Dallas rejected a bid for $24-million of revenue bonds to finance additions to its new civic center. The one bid submitted would have meant a cost of 7.185 per cent.

Instead, the city gave a Wall Street syndicate the option until Monday afternoon to purchase the securities on terms that would result in a 7.08 per cent interest cost.

Puerto Rico sold $50-million of bonds at a cost of almost 6.61 per cent, highest on record for the commonwealth and well above the 5.12 per cent cost incurred in January in its preceding bond sale.

United States Government bonds continued to decline, and some long-term issues lost as much as 20-32. This pushed them down to record lows, with some issues trading at less than 66 cents on the dollar.

Treasury bills also continued to rise in rate, lifting the yield on securities maturing next June and July close to 8 per cent.

VOLUME IS KEY FACTOR

There were no new economic or political developments to cause the continuation of the downward slide of fixed-income securities prices yesterday, dealers said. The drop in prices and the rise in yields resulted chiefly from the huge volume of new issues being sold as the Federal Reserve continues its 11-month-old program of tightening credit conditions.

After the credit markets closed, the Dow-Jones News Service carried a report that some Administration officials have begun to conclude that inflation could intensify next year instead of subsiding.

"Boy, that's just what we need," said one bond dealer in a bitter tone.

In the record-setting Pacific Gas and Electric bond sale, a three-manager syndicate led by Halsey, Stuart & Co., Inc., made a bid that resulted in a borrowing cost for the company of 8.94 per cent. In its preceding bond sale, in April, the utility incurred a 7.58 per cent cost.

The bonds were given a 9 per cent interest rate and were offered to investors at a price of 102 per cent of their face value to produce their record 8.81 per cent yield to maturity in 2001. The bonds are rated Aa by Moody's, and they may not be refunded for at least five years even if interest rates should fall markedly.

The 8.81 per cent yield was 21 basis points (hundredths of a percentage point) higher than the return on a $20-million Iowa Electric Light & Power Company bond issue marketed last Thursday in the preceding Aa-rated utility bond sale.

The Liberty Loan financing attracted attention among bond dealers for its high interest rate in combination with warrants. A group led by the Chicago Corporation offered the 10-year debentures and warrants in a package consisting of a $1,000 debenture and warrants to buy 10 shares of stock.

The warrants give holders the right to purchase stock at $19.50 a share, or 14.7 per cent above yesterday's New York Stock Exchange close, until November, 1974, and at $22 a share, or a premium of 29.4 per cent, after that.

The Federal Intermediate Credit Banks' 8.75 per cent debenture offering, dated Dec. 1 and due Sept. 1, 1970, is being sold to help retire $494.5-million of maturing 6.70 per cent securities.

On Oct. 2, the Federal National Mortgage Association sold $400-million of 16-month debentures also priced to yield 8.75 per cent. Today's credit bank financing equaled that record.

In the tax-exempt securities market, Puerto Rico awarded its $50-million bond issue to a syndicate of underwriting firms formed through a merger of one led by the First National City Bank and one headed by the Chase Manhattan Bank.

The syndicate bid 95 for the bonds with a 6 per cent interest rate—the lowest permissible price and the highest permissible rate. It then reoffered the bonds publicly at prices to give investors a yield of 5.50 per cent on those maturing in 1970 up to a return on 6.60 per cent in 1990.

MONEY—WEDNESDAY, NOV. 19, 1969

FEDERAL FUNDS

[Rate in percent]

Open	High	Low	Close
8	8	1½	2½

Discount Rate (N.Y.)	6
Effective June 9, 1969	
Prime Rate	8½
Effective June 9, 1969	
Dealers loan rate (Government)	8-9¼
3 months Treasury Bills (asked)	6.93
Finance Paper:	
30-59 days	7¾
60-119 days	8
120-270 days	7¾
Effective Nov. 14, 1969	
Dealers Commercial Paper:	
30-270 days	8⅝-9⅛
Effective Nov. 18, 1969	
Acceptances	
1-30 days	8⅜-8⅛
31-138 days	8½-8¼
Effective Nov. 18, 1969	
Certificates of Deposit:	
(Secondary market)	
3 months	8½
6 months	8¾
Arbitrage	
United Kingdom Treasury Bills:	
90 days (hedged in New York)	6.92
Canadian Treasury Bills:	
90 days (hedged in New York)	7.80
Canadian Finance Paper:	
90 days (hedged in New York)	8.74

LONDON MONEY MARKET

Demand loans	6⅜-7⅞
60 days	8¾-9
90 days	8¾-9
Eurodollars	9¾-9⅛
1 month	9 11/16-9 13/16
3 months	10 15/16-10 13/16
6 months	10 13/16-10 11/16

GOLD

Yesterday	Previous	1969 High	1969 Low
$36.65	$37.55	$43.82½	$36.65
SILVER			
188d	190¼d	205½d	156½d
Gold (N.Y.) H & H base price			
$36.85	$37.80	$44.05	$36.85
Gold (N.Y.) Engl. selling price			
$37.10	$37.95	$44.25	$37.10

EXHIBIT 3

[From the Washington Post, Nov. 20, 1969]

ECONOMISTS DOUBT PRIME RATE BOOST NOW: BANKERS CONCEDE RATES RISING

(By Philip Greer)

NEW YORK, November 19.—Economists here doubt that banks are preparing for another increase in the prime lending rate, but the bankers concede that loan rates have been going up anyway.

The higher rates have resulted from tighter lending policies. In a word, the prime rate is holding at 8½ per cent, but fewer borrowers qualify for prime treatment.

"They have to be balanced customers, with a historical relationship," says George Scott, chairman of the credit policy committee at First National City Bank of New York.

Both the bankers and the economists agree that if not for the political problems involved current credit conditions would be right for an increase in the prime rate—the interest banks charge their biggest and best customers, almost always large corporations.

Among the pressures are a continued high level of loan demands—loans outstanding at the major New York banks totaled $41 billion on Nov. 5, the same as on Sept. 17 and $3 billion higher than last March—and climbing commercial paper rates.

Commercial paper is a method of lending between corporations. When those rates climb above the prime, companies tend to abandon that market and demand builds up at the banks. Commercial paper rates are currently slightly higher than 8½ per cent. Bankers acceptances—another form of short-term paper—were increased twice just this week.

The current strong demand for loans is attributed to normal seasonal patterns. According to Henry Kaufman, economist at Salomon Bros. and Hutzler, the seasonal demand should last another four or five weeks. After that, borrowers usually reduce their loans. "The end of January or the beginning of February would be the best time for banks to re-evaluate the situation," Kaufman says.

In the meanwhile, the bankers, extremely sensitive to the criticism a boost would generate, are likely to hold the prime rate at its current level.

The continuing tightness in the money market is being blamed squarely on the Federal Reserve Board. Leif Olsen, vice president and economist at First National City, says credit conditions have been "needlessly aggravated" by the Fed's move to put a Regulation Q ceiling on the issuance of commercial paper by bank holding companies. (Regulation Q limits the rate of interest banks are permitted to pay.)

Olsen explains that applying the ceiling bank holding companies—most large banks have formed parent holding companies in a step to diversification—has dried up another source of funds for the banks and created more pressure on interest rates.

William Butler, vice president and economist at Chase Manhattan Bank, says he thinks the rate pressure is a short-term problem and that bankers will hold out against it, through the use of highly selective loan policies.

Salomon Bros.' Kaufman says fear of political criticism will keep banks from increasing their rates while the seasonal demands continue strong.

By early next year, Kaufman adds, corporations will be headed for "a profit squeeze of a kind we haven't seen in this decade," which will lead to a fall-off in capital spending plans and a letup in loan demand. But Kaufman agrees that, at the moment, the worry about political reaction is the only thing standing in the way of a rate hike.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair instruct the Sergeant at Arms that all staff personnel are to be seated in the gallery throughout the deliberations today, and that they are not to be permitted on the floor of the Senate or in the lobby, except for the staff personnel connected with any committee handling the bill or personnel connected with a Senator who is discussing an amendment which he has pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears no objection, and it is so ordered.

The Sergeant at Arms is so instructed.

VIETNAM

Mr. DOLE. Mr. President, I wish to commend the other body for the action taken yesterday on House Resolution 613. The vote itself, of 333 to 55, would indicate that Republicans and Democrats alike support President Nixon's present efforts in Vietnam.

Having served in the other body for 8 years, I recognize that its Members are closer to the people and represent, more often than not, the views of the people. They reflect them better, perhaps, than we in this body, although many times the news media pay more attention to what is said in this body.

The action taken yesterday was of great significance and indicated that the resolution offered by the gentleman from Texas (Mr. WRIGHT) a member of the other party, had broad support both from Republicans and Democrats. Perhaps more significantly it indicated that House Members, who are close to those who elect them, by an overwhelming vote of 6 to 1 support President Nixon in his efforts to bring about meaningful peace in Vietnam.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting pursuant to law, that the appropriation to the Department of the Interior for "Management and Protection," National Park Service, for the fiscal year 1970, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

PROPOSED LEGISLATION AUTHORIZING THE DISPOSAL OF REFRACTORY GRADE CHROMITE FROM THE NATIONAL AND SUPPLEMENTAL STOCKPILES

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

REPORT OF ACTUAL RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended September 30, 1969; to the Committee on Armed Services.

PROPOSED LEGISLATION TRANSFERRING FUNCTIONS OF THE HOLDING COMPANY ACT TO THE FEDERAL POWER COMMISSION

A letter from the Commissioner, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securites and Exchange Commission under the Public Utility Holding Company Act of 1935 (with accompanying papers); to the Committee on Banking and Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in negotiating prices of noncompetitive contracts over $100,000 on the basis of contractors' catalog or market prices, Department of Defense, dated December 3, 1969 (with an accompanying report); to the Committee on Government Operations.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore announced that on today, December 3, 1969, he signed the enrolled joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. RUSSELL, from the Committee on Appropriations, without amendment:

H.J. Res. 1017. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91–562).

By Mr. MANSFIELD, from the Committee on Appropriations, with amendments:

H.R. 14751. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–563).

By Mr. PROXMIRE, from the Committee on Appropriations, with amendments:

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–564).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3196. A bill to declare that certain Federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BIBLE when he in-

troduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. GOODELL):

S. 3197. A bill to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.; to the Committee on Public Works.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HART:

S. 3198. A bill for the relief of Aubria Veronica Anthony; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 3199. A bill to provide for a coordinated national boating safety program; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3200. A bill to modify the project for Libby Dam, Kootenai River, Mont.; to the Committee on Public Works.

By Mr. MAGNUSON (for himself, Mr. BAKER, Mr. GRIFFIN, Mr. PROUTY, and Mr. SCOTT) (by request):

S. 3201. A bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3196—INTRODUCTION OF A BILL TO DECLARE CERTAIN FEDERALLY OWNED LANDS IN THE STATE OF NEVADA HELD BY THE UNITED STATES IN TRUST FOR RENO-SPARKS INDIAN COLONY

Mr. BIBLE. Mr. President, on behalf of my colleague from Nevada (Mr. CANNON) and myself, I introduce, for appropriate reference, a bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes.

Mr. President, over 50 years ago, the Government purchased, for the benefit of the Nevada Indians, a parcel of land between the cities of Reno and Sparks for an Indian colony. The records show that title to the land is vested in the United States of America. While there is no question that the colony had an equitable interest in the lands, the interests are imperfect at the present time. In order to correct these imperfections, I have been requested to introduce legislation to change the present title holdings to the United States in trust for the Reno-Sparks Indian Colony.

In addition, the American Baptist Home Mission is desirous of correcting and establishing their property boundaries which, according to the records, are in conflict with the colony property. This matter could be resolved if this bill is enacted and the Indians, with the approval of the Secretary of the Interior, are permitted to exchange deeds with the church.

I ask unanimous consent that a copy of a resolution of the Reno-Sparks Indian Council on this matter be made a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The bill (S. 3196) to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes, introduced by Mr. BIBLE, for himself and Mr. CANNON, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The resolution presented by Mr. BIBLE is as follows:

RESOLUTION OF THE RENO-SPARKS INDIAN COUNCIL

Whereas, by Resolution 68–RS–6 of October 8, 1968, the Reno-Sparks Indian Council endorsed legislation that would declare that all right, title and interest of the United States in certain Federally owned lands in the State of Nevada are held by the United States in trust for the Reno-Sparks Indian Colony, and

Whereas, these lands were never placed in Federal trust as are most Indian Reservations, and

Whereas, it is felt that development and safeguarding of lands known as the Reno-Sparks Indian Colony could be more effectively carried out under a trust status,

Now, therefore, be it resolved that Resolution 68–RS–6 of October 8, 1968, be modified by authorizing and directing the Chairman of the Reno-Sparks Indian Colony to present a Bill to the Nevada delegation for their introduction of legislation that would declare that certain federally owned lands are held by the United States of America in trust for the Reno-Sparks Indian Colony. Copy of a proposd Bill is attached.

Be it further resolved that the Congress of the United States is hereby requested to take whatever steps are necessary to place the lands of the Reno-Sparks Indian Colony in the name of the United States of America in trust for the Reno-Sparks Indian Colony.

CERTIFICATION

I, the undersigned, Secretary of the Reno-Sparks Indian Colony, hereby certify that the Reno-Sparks Indian Council is composed of six members of whom 5 constituting a quorum were present at a duly called meeting which was convened and held on Nov. 11, 1969, and that the foregoing resolution was duly adopted by a vote of 5 for and 0 against, pursuant to authority contained in the Constitution and Bylaws of the Reno-Sparks Indian Colony approved January 15, 1936.

MRS. EFFIE DRESSLER,
Secretary, Reno-Sparks Indian Council.

INTRODUCTION OF S. 3197—A BILL TO AUTHORIZE THE THOUSAND ISLANDS BRIDGE AUTHORITY TO CONSTRUCT, MAINTAIN, AND OPERATE AN ADDITIONAL BRIDGE BETWEEN THE UNITED STATES AND CANADA

Mr. JAVITS. Mr. President, I introduce, for myself and Senator GOODELL, at the request of the Thousand Islands Bridge Authority, proposed legislation authorizing the construction, maintenance, and operation of an additional bridge between the United States and Canada. A like measure is being introduced in the House today by my colleague from New York, Representative MCEWEN.

In 1966, the New York State Legislature authorized the Thousand Islands Bridge Authority to construct, maintain, repair, and operate an additional bridge crossing the St. Lawrence River into Canada "after the necessary consents and approvals of the Federal authorities and the Canadian authorities have been obtained"—New York State Public Authorities Law, section 578, as added by the laws of New York State, 1966, chapter 209. This legislation introduced today would offer the required consent and approval of the U.S. Government. Reserving the rights to the Federal Government to alter, amend, or repeal this act, the bill would authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge from or near Cape Vincent in the county of Jefferson, N.Y., to some convenient point on Wolfe Island, and then across the Canadian channel of the St. Lawrence River to a point at or near Kingston, in the Province of Ontario, Canada; to collect the appropriate tolls: and to enter into contracts and other agreements with the appropriate governmental authorities in Canada. The bill also would require the bridge authority to commence construction of the bridge within 3 years and to complete it within 8 years from the enactment of this law. This new bridge, as was the existing Thousand Islands Bridge, is expected to be funded by negotiable bonds and will cost between $35 million and $40 million. It is anticipated that neither Federal nor State funds will be required.

The Thousand Islands Bridge Authority has been in existence since 1933, and since 1938, under the direction of the bridge authority, the existing bridge has carried vehicular traffic far in excess of original projections. For example, in 1960 there were approximately 746,000 vehicular crossings; in 1966, the number of crossings rose to approximately 858,000; in the Expo year 1967, the number was approximately 1,221,000; and the 1969 estimate is 1,237,000—all this traffic, while the expectation was that no more than 400,000 vehicles would cross per year, even during peak years.

The New York State Legislature has extended the corporate life of the Thousand Islands Bridge Authority and has broadened its authority to not only govern the Thousand Islands Bridge at Alexandria Bay, N.Y., but to construct this new bridge, acquire the Watertown Airport, and to allow the issuance of negotiable bonds to finance the new bridge. With such authority, the Thousand Islands Bridge Authority will be in a most favorable position to help coordinate transportation activities of the region, thereby providing the benefits of expanded commerce to that region and to the two countries involved.

The importance of this bridge is very great. It will provide an important stimulus to both industrial growth and recreational development in the area, enhance the residential, recreational, and farming uses of Wolfe Island, and divert sufficient commuter and commercial traffic from the present Thousand Islands Bridge, thereby helping to relieve congestion and more effectively deal with anticipated traffic needs. This bridge will make the Toronto and Kingston area of Canada more directly accessible to cen-

tral and southeastern New York, Pennsylvania, and New Jersey.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks, and I urge the Senate to give prompt consideration to this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3197) to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y., introduced by Mr. JAVITS, for himself and Mr. GOODELL, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the increased volume of international commerce, improve postal service, and strengthen the friendly relations between the United States of America and the Government of Canada and other purposes, the Thousand Islands Bridge Authority, its successors and assigns, the successor to the New York Development Association, Inc., which was authorized to construct, maintain and operate toll bridges between the mainland of United States across the Saint Lawrence River to the mainland of Canada, pursuant to an Act entitled "An Act authorizing the New York Development Association, Inc., its successors and assigns, to construct, maintain, and operate a bridge across the Saint Lawrence River near Alexandria Bay, New York" approved March 4, 1929, be and is hereby authorized to construct, maintain, and operate an additional toll bridge and approaches thereto, across the easterly channel of the Saint Lawrence River, at or near Cape Vincent in the County of Jefferson, New York to some convenient point on Wolfe Island and also a bridge and approaches thereto, from the westerly side of Wolfe Island across the westerly or Canadian channel of the Saint Lawrence River to a point at or near Kingston, in the Province of Ontario, Canada, and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of the Saint Lawrence River, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges across navigable waters", approved March 23, 1906, and subject to the approval of the proper authorities in Canada.

SEC. 2. The Thousand Islands Bridge Authority, its successor and assigns, is hereby authorized to enter into contracts and other agreements, with the appropriate governmental authorities in Canada, necessary or incidental to the construction, maintenance and operation of its facilities.

SEC. 3. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void unless the Thousand Islands Bridge Authority, its successors or assigns shall commence construction of the bridge referred to in the first section of this Act within three years and shall complete the construction of said additional bridge within eight years from the date of enactment of this Act.

SEC. 4. The Thousand Islands Bridge Authority, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge and in accordance with any laws of the State of New York or the United States applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of Transportation under the authority contained in the Act of March 23, 1906.

SEC. 5 The enactment of this Act shall not be construed as repealing or amending the provisions of an Act entitled "An Act Authorizing the New York Development Association, Inc., its successors and assigns, to construct, maintain, and operate a bridge across the Saint Lawrence River near Alexandria Bay, New York" approved March 4, 1929.

SEC. 6. The bonds or notes issued by the Thousand Islands Bridge Authority to finance the facilities authorized pursuant to this Act shall be deemed to be obligations issued by a political subdivision of the State of New York.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

S. 3199—INTRODUCTION OF FEDERAL BOAT SAFETY ACT OF 1969

Mr. MAGNUSON. Mr. President, by request of the Secretary of Transportation, I introduce for appropriate reference, for myself and the Senator from New Hampshire (Mr. COTTON), a bill to provide for a coordinated national boating safety program. I ask unanimous consent that the letter from the Acting Secretary of Transportation to the President of the Senate transmitting the bill and the accompanying section-by-section analysis be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and analysis will be printed in the RECORD.

The bill (S. 3199) to provide for a coordinated national boating safety program, introduced by Mr. MAGNUSON (for himself and Mr. COTTON), by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and section-by-section analysis, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., November 20, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To provide for a coordinated national boating safety program."

The proposed bill would authorize the Secretary of Transportation to establish safety standards applicable to boats and associated equipment and to regulate the use of safety equipment on board boats, to approve more comprehensive state boating safety programs and to make grants-in-aid to encourage state participation and to assist in program development and implementation. The bill also incorporates the substance of the Federal Boating Act of 1958, which would be repealed, and much of the substance of the Motorboat Act of 1940, which would no longer be applicable to boats as defined and covered under this act.

This bill is an outgrowth of a proposal introduced in the 90th Congress and developed as part of a comprehensive program undertaken by the Department to improve boating safety. There is a need for legislation directed at boat construction safety standards, and a need for state programs which provide greater state involvement in boating safety efforts. At the same time, piecemeal changes in the Federal statutes relating to boats and boating safety are undesirable and tend to be unnecessarily confusing to the boating public. Accordingly, it was determined to incorporate the existing statutes into a single comprehensive piece of legislation. That approach also provided the opportunity to make certain changes which the Coast Guard, through many years of experience in administering and enforcing those statutes, considered advisable. The views and suggestions of innumerable witnesses who testified at various hearings held by the House Merchant Marine and Fisheries Committee on last year's bill were carefully considered, evaluated, and in many cases incorporated. Also, the views and advice of the states and boating industries were sought during development of the draft bill.

Paralleling the increase in family incomes and in the amount of leisure time, millions of Americans have turned to boating as a major form of sport and recreation. Currently there are more than eight million small boats in use in the United States and their number increases at the rate of 4,000 a week. This sharp and continuing rise in the level of small boat activity has brought with it an increase in boating accidents and deaths.

Despite significant activity by the Coast Guard and the preventive efforts of state and local governments, small boat safety calls for greater efforts to reduce the risk of accident, injury, and death in recreational boating. Where equipment could help prevent accidents and save lives, Federal authority has not been sufficient to induce or compel industry and the boating public to provide for its installation and use. Moreover, while most small boat accidents appear to be attributable to operator fault, there has not been an education and training program sufficient to meet the needs of eight million small boat owners. The special problem of small boat safety demands new programs and policies that are truly sufficient, in scale and type, to meet the challenge.

The proposed bill would authorize increased regulatory action to be taken when necessary and would permit the Secretary to offer some financial incentive to more effective state action. The recommended appropriation authorization of $5,000,000 a year for five fiscal years beginning with 1972 for a grant-in-aid program is sufficient to help some states improve existing programs and to encourage others to make a start.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS OF A BILL

(To provide for a coordinated national boating safety program)

Section 1 contains the title of the Act.

Section 2 states policy and purpose. The statement incorporates Federal policy previously enunciated in the Federal Boating Act of 1958 and reflects the additional conclusion that greater boating safety effort, both at the Federal and state level, is in the public interest. The extent of Federal involvement continues to be found in the need for uniformity of law and regulation for a transient boating public as well as in the existing Federal capability. The statement also emphasizes the need for continued state involvement, and for close cooperation between the Federal government and the states.

Section 3 contains a definition of terms necessary to more complete understanding of the Act.

(1) The definition of "boat" encompasses all recreational craft of less than 65 feet, boats of the same size used in the boat livery or charter business, and boats of that size or under carrying 6 or fewer passengers. The definition is not in terms of power because certain parts of the Act, notably those concerning boat safety standards, are intended to pertain to unpowered as well as powered vessels.

(2) The definition of "vessel" is the usual definition which is contained in the existing Federal Boating Act of 1958 (46 U.S.C. 527). The definition is construed to include submersible vessels and surface effect vehicles, such as hover-craft, operating over the water.

(3) An "undocumented vessel" is one which not only does not have but is not required to have a valid marine document as a vessel of the United States.

(4) The word "use" means operate, navigate, or employ. As the word pertains to boats and vessels it is broad enough to include situations where an occupied vessel is anchored or moored as well as underway.

(5) The definition of "passenger" is intended to be as consistent as the substance of this Act permits with the definition of passenger contained in the Small Passenger Carrying Vessels Act, 46 U.S.C. 390.

(6) "Owner" is defined as it was in the Federal Boating Act of 1958, 46 U.S.C. 527.

(7) "Manufacturer" is defined as a person engaged in manufacture, construction or assembly of boats or associated equipment or of boat or equipment kits, or persons who import those items. Though the thrust of this definition is at persons engaged in the boat or associated equipment manufacturing or importing business it would pertain to a person manufacturing or building a single boat because of the rules of construction contained in section 1 of title I of the U.S. Code. Also, the definition would include dealers who engage in assembly of boats or equipment, or installation of equipment in boats, after receipt from a manufacturer but before delivery to a consumer.

(8) "Associated equipment" is defined as any independent system, part or component originally incorporated into a boat when manufactured or subsequently sold for replacement, repair, or improvement. It also includes any accessory or equipment for, or which becomes a part of or is attached to a boat, and marine safety articles used by persons on board a boat.

(9) "Secretary" is defined as the Secretary of the department in which the Coast Guard is operating, and in current peace time government organization means the Secretary of Transportation.

(10) This item clarifies that the word "State" includes Puerto Rico, the Virgin Islands, Guam and the District of Columbia, as well as state of the United States.

Section 4 defines jurisdictional applicability.

(a) The applicability of the act generally is to vessels within the Federal maritime jurisdiction. That jurisdiction includes the navigable waters of the United States, certain other waters which are in the exclusive jurisdiction of the United States, and also pertains to vessels of United States nationality while operating on the high seas beyond the territorial seas.

(b) This subsection utilizes interstate commerce as the constitutional basis to extend the applicability of those sections of the Act pertaining generally to boat safety standards to certain boats in addition to those used on waters subject generally to Federal jurisdiction.

(c) This subsection exempts foreign vessels temporarily using waters subject to U.S. jurisdiction, public vessels, state and municipal vessels, and ships' life-boats from the general applicability of the Act. Specific sections of the Act do pertain to certain of these categories and that fact is indicated in the body of the sections which pertain.

Section 5(a) establishes the authority for promulgation of boat and equipment safety standards. It requires that each standard be reasonable, meet the need for boating safety, and be stated, at least as much as is possible, in terms of performance rather than in terms of precise technical requirements. This section also creates the authority for the requiring of safety equipment on boats. It replaces the statutory requirements presently contained in the Motorboat Act of 1940, 46 U.S.C. 526b. et seq. By permitting the Secretary to require the use of certain equipment through regulation a much greater flexibility is permitted than presently exists in the statutory law. This section also creates the discretionary authority to prohibit the installation, carrying, or using of equipment which does not conform with promulgated safety standards, presumably where the use of such equipment would operate in derogation of boating safety.

Subsection 5(b) requires that there shall be a minimum time of 6 months between the date of issuance of a boat safety standard and the time that it is effective unless the Secretary finds a critical hazard as a basis for an earlier effective date. In most cases actual notice to the public will, of course, precede formal issuance and to that extent the time available to anticipate change is increased. Item (2) directs that a regulation or safety standard shall not compel substantial alteration of a boat or item of associated equipment which is then in existence or the construction or manufacture of which is commenced before the date of that regulation or standard. The term "substantial alteration" includes, in addition to physical alteration, those changes which would result in unreasonable expense. Notwithstanding the proscription against substantial alteration the Secretary may make safety standards and regulations applicable to existing boats and equipment to an extent which is not unreasonable and in order to correct a significant safety hazard.

Section 6 requires certain actions by the Secretary in the development of safety standards which are consistent with requirements imposed by 5 U.S.C. 551 et seq.

Section 7 permits the Secretary to require or permit display of various seals and labels which could certify compliance with applicable standards. The seals or labels involved could be issued by the government, Federal or local, or could be those of private organizations.

Section 8 will permit the delegation and contracting of assistance from within or without the government in carrying out the examination, inspection, and testing requirements connected with the promulgation of safety standards.

Section 9 permits the Secretary to exempt boats or classes of boats from particular provisions of the act or from various regulations or standards, and otherwise to issue exemptions under the Act.

Section 10 precludes the establishment or enforcement of state boat safety standards and equipment requirements which are not identical to Federal standards promulgated under Section 5 of the Act. Section 9 can be utilized to exempt states from the preemption herein in situations where a state, with the Secretary's concurrence, desires to impose a particular requirement to cover a unique situation. The section does not preempt state law or regulation directed at safe boat operation or use. The reason for such a preemption is to insure that manufacturers building for the entire domestic trade will not find themselves in the unfortunate position of having to comply with varying boat safety standards in different places.

Section 11 creates a joint regulatory authority in the Secretary and in the Secretary of the Treasury for definition of circumstances under which non-conforming boats may be imported. Some authority is necessary in the Secretary of the Treasury because of his customs and other interest. The section requires that an imported boat will ultimately conform before its use in United States waters.

Section 12 defines prohibited acts. It precludes the manufacture or construction of boats and equipment which do not comply with promulgated safety standards. Though technically it would require the backyard boat builder to comply, primary emphasis is on manufacturers, dealers, and importers. Additionally, this section precludes the use of labels and plates which in effect falsely certify compliance with standards. Practically, the label or seal would relate to compliance at the time of manufacture. Subsection (d) prohibits negligent use and derives from an existing provision in the Motorboat Act of 1940, 46 U.S.C. 5261. The ambiguous alternative "reckless or negligent" of the existing law has been altered because at least two courts have failed to treat the phrase as disjunctive and have equated it to "gross negligence". The section also continues the requirement of the existing Motorboat Act that boats carrying passengers for hire must be under the charge of a licensed operator. The circumstances under which a license will be issued, suspended, or revoked, and other particulars of licensing administration will be left to the regulatory authority of the Secretary. Also, section 12 prohibits the use of any vessel or boat in violation of a provision of the Act or other regulation issued thereunder.

Section 13 authorizes a Coast Guard boarding officer, when discovering an especially hazardous condition upon the water because of a violation of the Act or regulations or standards issued thereunder, to require that the boat use be terminated until the hazardous condition has been corrected. The hazardous condition could be caused by a defect in the boat itself or a defect or deficiency in required associated equipment.

Section 14 deals generally with the Secretary's authority to require manufacturers to provide such information as may be necessary to ascertain that boats are being manufactured in accordance with promulgated standards. Subsection (b) of this section affords the manufacturer the protection of the Federal criminal code to preclude public disclosure of trade secret or similar information which is provided to the Secretary in confidence.

Section 15 requires boat manufacturers who become aware of safety defects in boats previously sold or distributed to take action to notify the purchasers, or the dealers through whom the boats were sold, and the Secretary of the defects and how they can be corrected.

Section 16(a) derives from and tracks the existing provision in the Motorboat Act relating to rendering assistance in collisions. The duty is imposed on the operator of any vessel whch is involved in collision, accident or other casualty. *Subsection 16(b)* is intended to clarify that one who assists at the scene of a casualty may only be liable in civil damages for injury or damage alleged to result from his negligent assistance rather than some lesser or different standard of care.

Section 17 and following sections, through section 23, pertain to the numbering of vessels, and include with some modification all of the substantive content of the existing Federal Boating Act of 1958. Section 17 defines the vessels to which the numbering provisions pertain. Several changes in the ex-

isting law have been made. First, numbering requirements have been extended to vessels with propulsion machinery of less than 10 horsepower. Second, the language "equipped with propulsion machinery of any type" replaces the previous statutory language "propelled by machinery" to obviate the issue so frequently raised concerning whether a boat not being operated at the moment by machinery comes within the purview of the statutes. Use of the word "vessel" throughout the following section is because of the specific and particular definition of the word "boat" contained in the general definition section of the bill.

Section 18 directs the Secretary to establish a standard numbering system and provides that the Secretary shall issue numbers for vessels in states where a state system is not in existence.

The section also provides that a state may submit to the Secretary a numbering system for vessels and if the system is in accord with the system established by the Secretary and the other provisions of this act relating to numbering and casualty reporting, the Secretary shall approve it. When the Secretary has approved a state numbering system, the state is the "issuing authority" within the meaning of this Act.

Subsection 18(b) provides that an existing state numbering system may continue in effect after enactment of this bill for a period not to exceed two years. The burden of change imposed upon a state is relatively slight inasmuch as this bill does not significantly change the existing law except with regard to the requirement for numbering of vessels under 10 horsepower.

Subsection 18(c) provides that when a boat is numbered in the state of principal use, the Federal requirement is satisfied and the number's validity continues though used temporarily in any other state.

Subsection 18(d) continues the requirement for a 90 day grace period when a numbered boat is moved to a new state of principal use.

Subsection 18(e) requires that at the inception of a state system a state must continue to recognize a Federal number previously issued in that State for a period of at least one year or until the Federal certificate's normal expiration.

Subsection 18(f) continues the authority of the Secretary which now exists under law, 46 U.S.C. 527a(h), to withdraw his approval for a state system which does not continue to satisfy the Federal requirement.

Section 19 permits the Secretary and the states, when they are issuing authorities, to exempt vessels from the numbering requirements.

Section 20 requires that a certificate of number be carried on board a vessel. A change is made in the existing law in that small vessels used in a boat livery business under some circumstances need not have the certificate on board. This is an attempt to correct a situation which has been long complained of by boat livery operators, that it is impractical for them to keep the certificate of number in rental boats. The section permits the issuing authority to direct how boats which do not have the certificate of number on board are to be identified while in use and otherwise to regulate procedures which may be considered appropriate under the circumstances.

Subsection 20(b) continues the existing requirements of the 1958 Act, 46 U.S.C. 5276, to notify the authorities upon sale, transfer, destruction or abandonment of a boat.

Section 21 continues the requirement that the number be displayed on each side of the bow of the vessel. The last sentence which precludes the display of any other number on the bow of the vessel is not interpreted as prohibiting the current use by some states of small numbered decals in the vicinity of the permanent number to indicate current validity.

Section 22 contains the authority now in Federal Boating Act of 1958, 46 U.S.C. 527a(c)(11), for states to require "safety certificates".

Section 23 creates a general regulatory authority, both for the Secretary and the states when they are issuing authorities, necessary to implement the sections of the bill dealing with numbering and casualty reporting. It also prohibits the imposition of terms and conditions for numbering which are not defined in the Act or in the implementing regulations of the Secretary.

Section 24 provides that the issuing authority shall honor reasonable requests from boat or equipment manufacturers for boat numbering and registration information which is available and retrievable from state records. The requesting manufacturer must satisfy the issuing authority that the information he seeks is for, or relates to, a boating safety purpose; and he will be obligated to pay to the issuing authority the cost of retrieving and furnishing the information by the latter.

Section 25 states the Federal purpose and intention of encouraging greater state participation in boating safety by permitting Federal financial assistance to State programs which have been accepted by the Secretary.

Section 26 defines the requirements for state programs in order for a state to qualify for Federal financial assistance. It requires: first, a state numbering system; second, that a state, in effect, enact the Model State Boat Act; third, some reasonable enforcement activity by a state; fourth, that the state authority or agency which will administer the program be designated; and fifth, it provides that the state shall make such reports as the Federal government shall require. Subsection (b) is included to suggest that what the Federal government requires in order to establish eligibility for Federal financial assistance is not necessarily the ultimate answer to boating safety.

Section 27 defines the manner in which Federal funds will be allocated among the eligible states. The section provides that for the first two fiscal years after enactment of the bill fund allocation will be based in the number of boats which have been numbered under existing boat numbering systems. Though some state systems now require the numbering of all motorboats the allocation has been keyed only to the existing Federal requirement that boats of more than 10 horsepower be numbered so that the allocation for each state will derive from a common base. In subsequent years the money will be allocated in proportion to the amount of state funds which are expended for boating safety as compared to the total expenditure of all states which elect to participate in the program. The presumed advantage of such an approach is that state expenditures will and should logically bear some relationship to the many and diverse factors which affect boating safety; for example, the number of boats, the type of boats, the type of boating activity, the nature and interests of the boating public, the water areas of a state, the climate and weather of the locale. This section additionally permits the allocation of not to exceed 5 percent of funds appropriated in any given year to national public service organizations which can make contributions through the expenditure of these funds for boating safety.

Section 28 defines certain allocation limitations. In fiscal year 1972 the Federal grant money allocated to a given state may not represent more than 75 percent of the total cost of that state's program for that year. A state must expend for boating safety at least one dollar of state money for every three dollars provided by the Federal government. In the following four fiscal years the state share must proportionately increase each year to sustain a level Federal contribution. The Federal share may not exceed 66⅔ percent in 1973, 50 percent in 1974, 40 percent in 1975 and 33⅓ percent in 1976. In any case, not more than 5 percent of funds available in a given year may be allocated to any state. Money allocated to a state in any fiscal year would be available to the state over a period of three years following that allocation. If a state has not at least obligated the money in that period, the Secretary may retrieve it and utilize it with other allocation money in subsequent years. The section also provides that any unallocated funds in a given fiscal year may be carried by the Secretary for the allocation of subsequent years.

Section 29 authorizes the Secretary to prescribe regulations which will define precisely the items which a state may include in its computation of state funds expended or obligated. Some of the types of expenditures to which the Secretary's regulations must be directed are enumerated in a general way in this section. Finally, the Secretary is granted the authority to resolve any possible disputes which arise regarding the computations.

Section 30 authorizes the appropriation for grants during five fiscal years, 1972 through 1976, of $5,000,000 each year.

Section 31 details the procedural aspects for allowing money to the states. The section permits the Secretary to terminate Federal funds to a state when the state boating safety program no longer complies with the requirements of the act.

Section 32 authorizes the Secretary in carrying out his responsibility under this act to consult with the Federal, State, and local governments, public and private agencies, private industry, and other persons having an interest in boating safety. Also, the Secretary is authorized to advise and assist states and others interested in boating safety in planning, development and execution of boating safety programs. The section encourages the cooperative law enforcement agreements in which the Coast Guard has already been engaged. Finally, this section authorizes the Coast Guard to make available upon request from a state the Coast Guard Auxiliary to assist the state in promotion of boating safety on internal waters of the state.

Section 33 provides for the establishment of a National Boating Safety Advisory Council which would be available to assist the Secretary on matters affecting boating safety. As indicated by section 6 the Secretary would be required to consult with the Boating Safety Advisory Council before any boat or equipment safety standards under section 5 are promulgated.

Section 34 provides a criminal penalty of $10,000 or 5 years imprisonment, or both, for willful violations of the subsection of the act dealing with manufacture in accordance with safety standards. Additionally, it provides a criminal penalty of $1,000 or imprisonment of 1 year, or both, for all other willful violations of the act or the regulations issued thereunder. In this latter situation the maximum penalty was established so as to be wholly within the jurisdiction of Federal magistrates as defined in the recent act on that subject, Public Law 90–578.

Section 35 deals with civil penalties. It provides in addition to any criminal penalties a civil penalty of $1,000 for each violation to a maximum of $50,000 for violations of the provisions relating to manufacture in accordance with standards. This section also provides a civil penalty in addition to any criminal penalty, of not more than $500 for other violations of the act or regulations

issued thereunder. In cases involving the use or operation of a vessel, other than those vessels enumerated in section 4(c), the vessel is liable for the penalty. The Secretary is given complete latitude in the use of civil penalties because he is authorized to remit, mitigate, or compromise any civil penalty. Finally, this section provides that civil penalties which have been assessed in an amount not more than $200 may be referred to a Federal magistrate for collection. The recent Federal Magistrates Act suggests some participation by Federal magistrates in procedures related to civil actions when so authorized by the judges of the local Federal district court. An attempt has been made here to extend, or at least permit, that participation to the exercise of a civil penalty collection jurisdiction.

Section 36 authorizes injunctive proceedings to restrain the sale or importation of boats or equipment which do not comply with Federal boat safety standards.

Section 37 contains the authority for the Secretary to prescribe a standard vessel casualty reporting system for the boats and vessels subject to this act. This section derives from the 1958 Federal Boating Act, 46 U.S.C. 5261(c). The section requires that state vessel numbering systems and boat safety programs shall include provisions for the reporting of casualties and which are consonant with the overall reporting system prescribed by the Secretary. The section parallels existing law in requiring the Secretary to collect, analyze, and publish statistics, information and reports relating to boating casualties.

Section 38 is the authorization for appropriation of Federal funds for the administration of the act.

Section 39 contains the miscellaneous provisions pertaining to the technical implementation of the act. Section 7 of the Motorboat Act of 1940 is repealed in its entirety inasmuch as the complete substance of that section is effectively replaced by subsection 12(e) of this act. The Federal Boating Act of 1958, except section 6 which pertains to amendment of the 1940 Motorboat Act, is repealed. Inasmuch as the Federal Boating Act of 1958 is repealed, the Act of August 30, 1961, 75 Stat. 408, which amends that act is also repealed. Also, the Act of March 28, 1960, 74 Stat. 10, which amends section 6 of the Federal Boating Act of 1958, which in turn amends the Motorboat Act of 1940, is repealed; and the substance of that 1960 amendment is contained in subsection (b) of this section. That subsection continues the substantive provisions which were contained in the 1960 amendment but with changes to make the major portions of the 1940 Motorboat Act inapplicable to boats as defined in and subject to this act.

S. 3201—INTRODUCTION OF CONSUMER PROTECTION ACT OF 1969

Mr. MAGNUSON. Mr. President, on behalf of myself and Senators BAKER, GRIFFIN, PROUTY, and SCOTT, I introduce, by request, a bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes. I ask unanimous consent that the text of the bill, the letter of transmittal, and the accompanying explanatory statement be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and statement will be printed in the RECORD.

The bill (S. 3201) to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1969".

TITLE I—DECEPTIVE SALES AFFECTING COMMERCE

SEC. 101. Section 5 of the Federal Trade Commission Act, as amended (38 Stat. 719; 15 U.S.C. 45) is amended by changing the words "in commerce" wherever they appear to "affecting commerce".

SEC. 102. Subsection (a) of section 13 of the Federal Trade Commission Act (52 Stat. 115; 15 U.S.C. 53(a)) is amended to read as follows:

"(a) Whenever the Commission has reason to believe—

"(1) that any person is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 12, or any act or practice which is unfair or deceptive to a consumer and is prohibited by section 5, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5, would be to the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin the dissemination or the causing of the dissemination of such advertisement or any such act or practice. Upon proper showing of need, a temporary restraining order or preliminary injunction may be granted without bond, *Provided, however,* that if a complaint under section 5 is not filed within 60 days of the issuance of the restraining order or preliminary injunction, the order or injunction shall be dissolved and of no further force and effect.

TITLE II—ENFORCEMENT OF CONSUMER INTERESTS—UNFAIR OR DECEPTIVE ACTS OR PRACTICES

SEC. 201. As used in this title—

(a) "unfair or deceptive practice" means any of the following acts or practices—

(1) offering goods or services intending not to sell them as offered;

(2) advertising goods or services intending not to supply reasonably expectable public demand, unless the advertisement discloses a limitation;

(3) stating that services, replacements or repairs are needed with knowledge that they are not;

(4) representing that the consumer is legally obligated to pay for, safeguard, or return unsolicited goods knowing that the consumer is not;

(5) representing that the consumer will obtain any rights, privileges, or remedies knowing that the consumer will not;

(6) representing that goods are new knowing that they are not;

(7) representing that goods are of a particular standard, grade, quality, style, or model knowing they are not;

(8) making statements of fact concerning (i) the reason for, existence of, or amounts of price reductions, or (ii) savings in comparison to prices of competitors or one's own price, knowing that such statements are false;

(9) representing that goods or services are those of another, knowing they are not;

(10) failing to return or refund a deposit or advance payment for goods not delivered or services not rendered, when no default or further obligation of the person making such deposit or advance payment exists;

(11) knowingly representing that goods or services have sponsorship, approval, origin, characteristics of safety or performance, ingredients, uses, benefits, or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have; *provided, however,* that an affirmation by the supplier merely of the value of the goods or services or a statement of his opinion of the goods or services, or similar statements, which do not take unfair advantage of the level of knowledge, ability, experience or capacity of the consumer shall not be deemed an unfair or deceptive act or practice within the meaning of this paragraph."

(b) "knowing", "knowingly", and "knowledge" refer to actual knowledge, knowledge presumed where objective circumstances indicate that the supplier acted with knowledge, or knowledge presumed where circumstances indicate that the supplier acted in disregard of reasonable safeguards or care in ascertaining the truth of representations made;

(c) "consumer" means any natural person who is offered or supplied goods or services for personal, family or household purposes;

(d) "supplier" means any person who makes goods or services available to consumers, either directly or indirectly;

(e) "goods" includes real property, but does not include securities or interests in securities;

(f) "services" includes insurance services and similar provision of intangibles, but not the providing of credit.

DECEPTIVE ACTS AND PRACTICES UNLAWFUL

SEC. 202. It shall be unlawful for any supplier to commit any unfair or deceptive act or practice as defined in section 201 of this title.

RESTRAINING VIOLATIONS

SEC. 203. The district courts of the United States have jurisdiction to restrain violations of this title upon application by the Attorney General. The court may at any time grant such injunctive relief as it deems appropriate. Whenever it appears to the court that the ends of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and to that end process may be served in any district.

SUITS BY CONSUMERS ADVERSELY AFFECTED

SEC. 204. When a supplier, (i) in any action brought by the Attorney General under section 203 of this title, has been enjoined from committing any act or practice, whether after final adjudication or by consent decree, or (ii) in any proceeding brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act with respect to acts or practices alleged to be unfair or deceptive within the meaning of section 201 of this title, has been ordered to cease and desist from that act or practice, and the order shall have become final within the meaning of section 5, either after adjudication or by consent decree, any consumer claiming to have been adversely affected by the act or practice giving rise to such injunction may bring suit against said supplier, and may recover actual damages, and the costs of suit, including reasonable attorneys' fees, and, when appropriate, restitution, reformation, rescission, and other equitable relief.

Irrespective of whether an attorney's fee is assessed against a defendant, the court may inquire into the reasonableness of the fee agreed upon between the consumer and his counsel, and revise that fee as the circumstances warrant.

JUDGMENT IN FAVOR OF THE UNITED STATES AS EVIDENCE

SEC. 205. A final judgment or decree rendered in any proceeding brought by the United States under section 203 of this Title to the effect that a defendant has engaged in an unfair or deceptive practice within the meaning of this Title shall be *prima facie* evidence against that defendant in any action or proceeding brought by any other person against the defendant under section 204 of this Title, as to all matters respecting which said judgment or decree would be an estoppel as between the defendant and the United States: *Provided, however,* That this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

VENUE

SEC. 206. An action under this Title may be brought in any district in which the claim arose or in which the defendant resides, is found, has an agent, is licensed to do business, or is doing business.

LIMITATION OF ACTIONS

SEC. 207. Any proceeding under section 204 of this Title shall be brought within one year after the termination of the proceeding under section 203 of this Title or the proceeding under section 5 of the Federal Trade Commission Act on which it is predicated.

CIVIL INVESTIGATIVE DEMANDS

SEC. 208. (a) Whenever the Attorney General has reason to believe that any person under investigation may be in possession, custody or control of any documentary material, or may have knowledge of any fact, relevant to an unfair or deceptive act or practice within the meaning of this Title, he may, prior to the institution of a proceeding under section 203, issue in writing, and cause to be served upon such person, a civil investigative demand, requiring such person to produce the documentary material for examination or to answer in writing written interrogatories pertaining to such knowledge.

(b) Each such demand shall—

(1) state the nature of the conduct alleged to constitute the unfair or deceptive act or practice which is under investigation;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) propound with definiteness and certainty the written interrogatories to be answered; and

(4) identify the custodian to whom such material shall be furnished, or the person to whom such answers shall be made.

(c) No demand shall—

(1) contain any requirement which would be held unreasonable if contained in a subpoena duces tecum issued by a court of the United States in a proceeding brought under section 203 of this Title or if propounded in an interrogatory directed to a defendant in any such proceedings; or

(2) require the production of any documentary evidence, or the disclosure of any information, which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States, or by an interrogatory propounded, in any proceeding under section 203 of this Title.

(d) Demand may be served at any place within the territorial jurisdiction of any court of the United States.

(e) The provisions of section 4 and 5 of the Antitrust Civil Process Act (76 Stat. 549, 551; 15 U.S.C. 1313, 1314) apply to custodians of material produced pursuant to any demand and to judicial proceedings for the enforcement of any such demand made pursuant to this section.

REPORT BY THE ATTORNEY GENERAL

SEC. 209. As part of his responsibility to protect consumers against unfair or deceptive acts or practices, the Attorney General shall annually report to the President and the Congress on the effectiveness of this Title.

OTHER LAWS NOT AFFECTED

SEC. 210. This title shall not annul, alter or affect in any manner the meaning, scope, or applicability of any federal or state law, including but not limited to laws concerning the provision of goods and services to consumers, or limit in any way the availability of rights or remedies under such law.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., November 20, 1969.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal entitled the "Consumer Protection Act of 1969."

This proposed legislation carries out in part the October 30 Consumer Message of the President. As more fully described in the accompanying explanatory statement, the proposed Act consists of two titles designed to improve the legal machinery of consumer protection and relief.

Title I is captioned "Deceptive Sales Affecting Commerce". Section 101 implements the President's recommendation that section 5 of the Federal Trade Commission Act be amended "so as to permit the FTC to take action concerning consumer abuses which 'affect' interstate commerce, as well as those which are technically 'in' interstate commerce". Such an amendment would enable the FTC to take steps to eliminate unfair and deceptive practices having a national impact but which are essentially local in character. Section 102 would enable the FTC to obtain a preliminary injunction immediately to halt unlawful practices adversely affecting the consumer, to avoid irreparable harm taking place while administrative and judicial proceedings run their course. The President stated that such an amendment would remove "one of the most important obstacles to the present effectiveness of the FTC".

Title II is captioned "Enforcement of Consumer Interests" and carries out the President's recommendation "to give private citizens the right to bring action in a Federal court to recover damages upon the successful termination of a government suit under the new consumer protection law". It also grants consumers a right of action upon successful conclusion of a Federal Trade Commission proceeding. This title prescribes types of conduct declared to be unlawful and would for the first time clearly define the rights of consumers and the respective obligations of suppliers.

The President's message constitutes a far-reaching commitment to the interests of consumers. All Americans will benefit by enactment of the implementing legislation.

The Bureau of the Budget has advised that the submission of this proposal is in accord with the program of the President.

Sincerely,

———, ———,
Attorney General.

EXPLANATORY STATEMENT TO ACCOMPANY THE PROPOSED CONSUMER PROTECTION ACT OF 1969

TITLE I

SEC. 101. The change of the words "in commerce" to "affecting commerce" in this section removes a limitation on the jurisdiction of the Federal Trade Commission over certain acts and practices which have adverse commercial consequences and which cannot be reached under section 5 as it now reads.

SEC. 102. Carries out one of the recommendations appearing in the President's message and the recently released report of the American Bar Association, by providing that the Federal Trade Commission may obtain a preliminary injunction to halt, at the outset, certain unlawful acts or practices adversely affecting consumers. The district courts, by suspending these activities pending the conclusion of administrative or judicial proceedings, could avoid situations in which the final administrative or judicial action may be mooted by the passage of time during the progress of the proceedings.

TITLE II

SEC. 201. Lists types of unfair and deceptive acts and practices which are prohibited. The commission of any such acts or practices would subject a person to suits by the Attorney General and by offended consumers. This list of practices is similar to those recommended in the Federal Trade Commission's proposals for state legislation dealing with unfair and deceptive practices. The section gives suppliers of goods and services clear notice of the acts and practices which are unlawful.

SEC. 202. Declares unlawful the acts or practices enumerated in section 201.

SEC. 203. Confers jurisdiction on the United States district courts to entertain actions brought by the Attorney General to restrain violations of the various proscribed acts or practices. The courts are empowered to grant the type of equitable relief best suited to effect the termination of the particular act or practice in each instance. The courts are further empowered to assure that all persons responsible for an alleged violation may be brought before them and be subject to their jurisdiction.

SEC. 204. Following successful termination of litigation instituted by the Attorney General or proceedings before the Federal Trade Commission, consumers would be enabled to bring suit for private recovery. The section authorizes all forms of relief appropriate to the circumstances, including reformation restitution, and rescission and the court may award costs, including reasonable attorneys fees. In such litigation the courts may also inquire into the reasonableness of attorneys' fees agreed to by consumer plaintiffs and revise such fees if found to be excessive. In federal courts, consumers may sue as a class when a group has been damaged by the same act or practice. This opportunity to participate in a class action should be of considerable benefit to consumers. The costs and other burdens of litigation are often too much for individual consumers to bear; but if consumers can sue as a group, the burdens of litigation will not weigh too heavily on any one member of the group.

SEC. 205. Borrowed in substance from existing antitrust laws, this section provides that after the government has obtained a judgment or decree under section 203, in private litigation consumers need not prove that the unfair or deceptive act or practice was in fact committed by the same defendent. This *prima facie* case does not come about, however, if the defendant entered into a consent judgment or decree before the taking of any testimony in the government suit.

SEC. 206. This section is designed to afford consumers the widest possible choice of courts in which to bring their suits. A suit may be brought in any district in which the unlawful act is alleged to have occurred, or in which a defendant resides, is found, has an agent, is licensed to do business, or is doing business.

SEC. 207. Provides that private consumer actions must be instituted within one year of the entry of a final judgment in a suit instituted by the Attorney General.

SEC. 208. This section gives the Attorney General an investigative tool similar to that provided in the Antitrust Civil Process Act. He may demand certain information and documentary evidence from persons under investigation for possible violations of this Title. This demand authority has proved to be a very useful enforcement tool in the antitrust field.

SEC. 209. Requires the Attorney General to report annually to the President and Congress on the effectiveness of the legislation.

SEC. 210. Constitutes a Congressional direction that this legislation is not intended to affect in any way other federal or state consumer laws, rights, or remedies.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 156

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Michigan (Mr. HART), the Senator from Ohio (Mr. YOUNG), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. CHURCH), and the Senator from West Virginia (Mr. RANDOLPH) be added as cosponsors to Senate Joint Resolution 156, to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 341

Mr. RIBICOFF submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 342

Mr. COTTON submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. COTTON when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 343

Mr. CURTIS proposed an amendment to House bill 13270, supra, which was ordered to be printed.

(The remarks of Mr. CURTIS when he proposed the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 344

Mr. MILLER submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 345

Mr. PROUTY submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 346

Mr. PACKWOOD submitted amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 347

Mr. METCALF submitted amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 348 AND 349

Mr. McCARTHY submitted two amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 350

Mr. FANNIN (for himself and Mr. MURPHY) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 332

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing the names of the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. HARRISON WILLIAMS, JR.), the Senator from New Mexico (Mr. MONTOYA), the senior Senator from Nevada (Mr. BIBLE), and the junior Senator from Nevada (Mr. CANNON) be added as cosponsors to amendment 332 of H.R. 13270, an amendment to authorize the use of tax exempt foundation funds for voter education and voter registration programs.

AMENDMENT NO. 313

Mr. RIBICOFF. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), the Senator from Indiana (Mr. HARTKE), and the Senator from New York (Mr. GOODELL), I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Arizona (Mr. GOLDWATER) be added as cosponsors of amendment 313, which is an amendment to the pending tax reform bill (H.R. 13270).

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON LEGISLATION TO IMPROVE CONDITIONS AND TREATMENT OF JUVENILE AND YOUNG ADULT OFFENDERS

Mr. DODD. Mr. President, earlier this year I chaired 3 weeks of public hearings on conditions in institutions where we confine criminal and juvenile offenders.

We found that throughout the Nation the jails, the detention homes, the penitentiaries and the other so-called correctional institutions were defective almost beyond description. We uncovered brutality, violence, and homosexual attacks among the prisoners.

We uncovered brutality and violence perpetrated by guards against inmates, young and old.

Beyond these overt acts of abuse we also saw other forms of brutality, long months of isolation coupled with attitudes of desperate misery and hopeless resignation on the part of the men and boys in these institutions.

It became clear that the institutions need help.

Many need to be torn down.

Some need renovation and redesigning.

Some have to be relocated.

And all of them need better treatment and rehabilitation programs, better educational programs and more vocational training. Most of all they need post institutional employment opportunities for released inmates.

To help achieve these objectives I have introduced a bill, S. 2905, which would make $1 billion available to States and localities for the improvement of all phases of detention, correction, and treatment in our penal institutions.

The bill has been referred to the Juvenile Delinquency Subcommittee.

I plan to hold legislative hearings regarding this and several other measures in the near future.

Preliminary to the hearings I submitted a copy of the bill to the Governors of all the 50 States for their evaluation and comment.

All of them have not responded at this time. However, those who have, in most cases expressed enthusiastic support for the legislation.

In that connection I ask unanimous consent to have printed in the RECORD at this point several letters from State Governors commenting on the crying need in the States for the kind of aid proposed in S. 2905, the Correctional Facilities Improvement Assistance Act.

The letters included were sent to the Honorable THOMAS J. DODD from the following State Governors:

The Honorable Edgar D. Whitcomb, Governor, State of Indiana.

The Honorable John Dempsey, Governor, State of Connecticut.

The Honorable Daniel J. Evans, Governor, State of Washington.

The Honorable John A. Burns, Governor, State of Hawaii.

The Honorable John J. McKeithen, Governor, State of Louisiana.

The Honorable Kenneth M. Curtis, Governor, State of Maine.

The Honorable Arch A. Moore, Jr., Governor, State of West Virginia.

The Honorable Walter Peterson, Governor, State of New Hampshire.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF INDIANA,
DEPARTMENT OF CORRECTION,
Indianapolis, November 4, 1969.

Hon. THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: This is in reply to your letter of October 28, 1969, addressed to the Honorable Edgar D. Whitcomb, Governor of Indiana. The Governor referred your letter to the Department of Correction for reply.

We in Indiana are very much aware of the deficiencies within our correctional system.

We know full well that our large, overcrowded institutions are not doing the job we want done. For this, we need to find alternatives to large institutions. We need to provide smaller regional detention centers with intensive training and treatment programs. We need more work release centers and other small treatment units.

I have read bill S. 2905 with great interest. If such a bill were passed, it would greatly assist us in establishing more effective programs through the construction of smaller units that would be more conducive to rehabilitation.

We in Indiana certainly support this bill. It is something greatly needed for the upgrading of the correctional services throughout our country.

Sincerely yours,

ROBERT P. HEYNE,
Commissioner.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, November 5, 1969.

Hon. THOMAS J. DODD,
Senate Office Building,
Washington, D.C.

DEAR TOM: I have reviewed the enclosed legislation S. 2905, the "Correctional Facilities Improvement Assistance Act" which you have introduced in the Congress, with interest.

As you know, I have long fostered the effort in Connecticut to improve our correctional system and this was advanced significantly by creation in 1967 of the Department of Correction legislation.

Since that time we have organized the Department, and efforts are now underway to bring to Connecticut the most modern correctional system possible.

However, it is evident that the corrections field is in need of a great deal of additional financing. Unlike some other systems which are dealing with the human behavior problems of our communities, corrections has long been neglected by the federal agencies.

I heartily support your legislation in that it not only gives assistance to states for bricks and mortar, but also offers assistance to them in program and training.

Sincerely,

JOHN DEMPSEY,
Governor.

STATE OF WASHINGTON,
Olympia, November 13, 1969.

Re S. 2905.
Hon. THOMAS J. DODD,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR DODD: We are writing in response to your letter of October 28, 1969, in which you request comments concerning S. 2905, the "Correctional Facilities Improvement Assistance Act."

The provisions in the act appear to be carefully planned and designed to meet many presently un-met needs in the correctional field.

It is considered particularly significant that assistance is planned to the improvement of local facilities. As is well known, the vast majority of offenders are contacted in the local jurisdictions and most never get beyond that level. It is also clear that, in our overall correctional system, perhaps the most neglected area of corrections is at the local level, from the standpoints of both the physical plants and rehabilitative programs.

The opportunity is available, by strengthening rehabilitative programs at the local level, to reduce the number of developing criminal careers in the early stage of their growth.

Although, at the state level fewer individuals are involved in the correctional programs, the offenders have become persistent in their patterns, have committed more serious crimes against society, and are more difficult to rehabilitate. Therefore, the needs at the state level for improvement of outmoded facilities and for the development of modern rehabilitative porgrams is equally imperative.

It is believed that the provisions of S. 2905 would encourage innovative ideas and stimulate efforts to deal with the crime problem at the local community level. It is only at the local level that truly preventive programs can have their greatest impact.

Please be assured of our support for your bill, and we would appreciate it if you would keep us informed of its progress.

Sincerely yours,

DANIEL J. EVANS,
Governor.

STATE OF HAWAII,
EXECUTIVE CHAMBERS,
Honolulu, November 17, 1969.

Hon. THOMAS J. DODD,
Chairman, Subcommittee To Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: It was with a great deal of interest that I read your letter of October 28, 1969, and the accompanying data on your S. 2905, the "Correctional Facilities Improvement Assistance Act."

To indicate to you how timely your proposed legislation is insofar as the State of Hawaii is concerned, I am pleased to inform you that we are currently working diligently to revise and update our entire program of treatment of the offender, based on a recently completed study of our system by the National Council on Crime and Delinquency. In addition, we are also deeply involved in a State-wide program of close cooperation with the Law Enforcement Assistance Administration of the U.S. Department of Justice, through our State Law Enforcement and Juvenile Delinquency Planning Agency, which we are hopeful will result in obtaining Federal assistance in further updating and improving our treatment programs.

Our State of Hawaii also needs new and modern correctional facilities, including jails, conventional medium security facilities, and small, open, community-based correctional facilities for both adults and juveniles.

You may rest assured that you have our cooperation and wholehearted support in this matter.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

STATE OF LOUISIANA,
DEPARTMENT OF CORRECTIONS,
Baton Rouge, November 20, 1969.

Re Senate bill 2905.
Hon. THOMAS J. DODD,
U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: Governor McKeithen has passed me your letter of October 18th, along with copies of Senate Bill 2905 and your remarks concerning "The Correctional Facilities Improvement Assistance Act."

Let me say first that your candid observations concerning the deplorable state of corrections—adult and juvenile—in this country represents a rare and unusual stand by a public official on an issue that has few champions. There are many, I have found in my brief time in the correctional field, who will agree that "something should be done"; but when it comes to allotting the tax dollar for acquiring decent facilities, competent personnel, or even adequate food and clothing, what little enthusiasm that may have existed is quickly lost. As a correctional administrator in a state that spends less per inmate per year than any other in the Union, save one, I am realistic enough to know that our prisons and juvenile institutions stand little, if any, chance for improvement without substantial Federal assistance.

It is reasonable and proper, I believe, to apply Federal resources to attacking the problem of remolding the behavior patterns of the criminals who crowd our penitentiaries and the delinquent youth that fill our juvenile institutions. A failure in prisoner rehabilitation in Louisiana could well threaten the peace and security of a citizen in Connecticut or California. Excellence in the correctional process in one state does not protect it from the inadequacies of another. There can be little doubt that the thrust toward increased effectiveness in corrections must be on a nationwide scale and must reflect common goals and reasonably standardized means for achieving those goals.

I am strongly in accord with the purpose and intent of Senate Bill 2905. Passage of this bill would, in my opinion, be of immeasurable benefit to every citizen for generations to come.

Sincerely yours,

LOUIS M. SOWERS,
Director, Department of Corrections.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, Maine, November 20, 1969.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: I have reviewed your Senate Bill 2905 with officials of the Bureau of Corrections and we all agree that this is an extremely important bill. Not only does it provide improvement for the facilities, but it also provides funding for programs within the correctional institutions which is so desperately needed.

As Governor of the State of Maine I am delighted to see that attention is now being focused on the great needs of state correctional institutions.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF WEST VIRGINIA,
OFFICE OF THE GOVERNOR,
Charleston, November 24, 1969.

Senator THOMAS J. DODD,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR DODD: I want to thank you for sending me a copy of the "Correctional Facilities Improvement Assistance Act" (S. 2905) and a copy of your excellent introductory statement delivered on the Senate Floor September 16, 1969.

I am convinced that in the field of corrections, the legislation which you have introduced is a necessary adjunct to the full implementation of the Omnibus Crime Control and Safe Streets Act of 1968. Without such Federal assistance as set forth in your Bill, States and local units of government will be seriously curtailed in their efforts to modernize existing correctional facilities as well as their cooperative endeavors to establish on a regional basis the necessary treatment and rehabilitation centers.

You are to be commended for designating the Law Enforcement Assistance Administration (LEAA) of the Department of Justice as the administering agency for the "Correctional Facilities Improvement Assistance Act." Our state planning agency for law enforcement (Governor's Committee on Crime, Delinquency and Correction) has enjoyed an excellent working relationship with LEAA.

I assure you of my cooperation and support in this matter.

Sincerely yours,

ARCH A. MOORE, Jr., *Governor.*

STATE OF NEW HAMPSHIRE, CONCORD,
November 14, 1969.

Hon. THOMAS J. DODD,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: Thank you for your letter of October 28 with the enclosed material relative to the "Correctional Facilities Improvement Assistance Act," which you introduced on September 16.

I would certainly agree that crime is a most serious social problem, and I support the objectives outlined by your bill, S. 2905, which would provide the funding necessary to introduce the overall reforms that are essential if we are to check the alarming crime rise in our nation.

The importance of obtaining funds for construction as well as for the development of treatment programs for the inmate population and the further development of training programs cannot be over emphasized, and we cannot ignore the particular need for monies to educate, train and equip correctional personnel.

I am aware that very serious consideration is being given by the Senate to S. 2875, which was introduced by Senator Hruska and which is similar in some respects to your bill; however, I favor, as I believe those involved in the correctional field do, the passage of S. 2905.

Most sincerely,

WALTER PETERSON,
Governor.

NOTICE OF HEARING

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the further consideration of S. 1506, 1509, 1510, 1511, 1512, 1513, 1514, 1515, and 1516. The hearing is designed particularly to review the activities of the American Bar Association in the sensitive areas of judicial ethics and financial disclosure to which these bills are related.

The hearing will be held on December 8, 1969, at 2 p.m. in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON AIR SAFETY PROCEDURES

Mr. KENNEDY. Mr. President, the Senate Subcommittee on Administrative Practice and Procedure will begin hearings next week on the development and implemention of air safety rules by the Federal Aviation Administration. The first two hearings will be held on December 9 and 10 at 9:30 a.m. in room 2228 New Senate Office Building. Witnesses will include John Shaffer, Administrator of the FAA; John Reed, Chairman of the National Transportation Safety Board, and representatives of the air traffic controllers, the airline pilots, the aircraft mechanics, the scheduled airlines and general aviation.

Every aircraft in flight depends for its safety on many links of a long chain—the plane, the engines, the instruments, the pilot, the controller, the airport—and every other aircraft in the vicinity.

The FAA is charged with the heavy responsibility of assuring the integrity of every one of these links, and thus with the awesome task of protecting the millions of Americans who use the Nation's airways.

The FAA not only operates our air traffic control system, it makes and enforces the rules which set the safety standards for each of the mechanical and human components of commercial and private aviation. It must find out what these standards should be, articulate them, communicate them, apply them, and insure that they are followed. The FAA's record, until now, has been good, but by no means perfect. The rate of accidents, injuries and fatalities in air travel is probably lower than in any other form of travel. And, yet, the assymetry of risk is so great that any higher rate would be unacceptable. Each time a commercial flight takes off, scores, if not hundreds, of passengers place their lives in a precarious balance of man and machine. One flaw anywhere in a complex of systems in the air and on the ground means mass tragedy. And with the massive increases in air travel and the introduction of faster, larger, and more complicated aircraft, the risk grows rapidly as each week passes, and the burden on every pilot, on the industry, and especially on the FAA, increases accordingly.

Both the Executive and the Congress are well aware that without more men and more money the FAA cannot even hope to meet its safety responsibilities. At this very moment, the Congress is considering important legislation which will provide these resources, and under the able leadership of Senator MAGNUSON, the Aviation Subcommittee has held hearings demonstrating that such legislation is urgently needed.

But the protection of those who fly does not depend only on how many men and dollars the FAA has; it depends also on how the men and money are used by the FAA. To insure that the FAA is performing properly, the subcommittee must ask the same kind of questions it has asked of the Office of Federal Contract Compliance, the Federal Trade Commission and the Selective Service System:

Does the agency have a rational and effective system for setting its priorities and applying its resources accordingly?

What procedures are used to insure that the views and complaints of affected parties and the interests of the general public have both an input into and impact on agency rulemaking?

Are the agency's practices, policies, and standards adequately communicated to those who need to know them?

Is the rulemaking process sufficiently flexible, sensitive, and responsive to meet changing needs without unnecessary delay?

How are day-to-day rulemaking and enforcement procedures coordinated with policies of the parent department, of other executive agencies, and with the relevant regulatory agencies?

Do the immediate needs of testing and research for current purposes allow proper attention to long-term research and development to meet future needs?

Are administrative challenges being met with the most modern available technological and management techniques?

Are there administrative problems which arise from the combined responsibility for operational programs, standard setting, and enforcement?

In these general contexts our hearings will consider many specific examples where the administrative practices and procedures of the FAA have had a direct bearing on its ability to be responsive and effective in the field of air safety. For example, we are likely to consider the way in which recommendations of the National Transportation Safety Board and the pilot groups are considered within FAA, the way in which proposals for airport safety certification have been dealt with, the system of soliciting and reviewing the opinions and expertise of air traffic controllers, the timelag in the adoption of safety measures, the potential conflicts of interest between the FAA as airway controller, accident investigator and rule setter and the adequacy of FAA safety preparations for new aircraft such as the 747.

The FAA and its predecessor organizations were among the first Federal agencies to be concerned with citizen safety. Now, at a time when several new programs are just beginning and when there is a growing demand for still further Federal action to insure the health and safety of consumers and citizens, it is particularly important that we examine strengths and weaknesses in the administration of existing Federal programs. The subcommittee hopes that its hearings on the FAA will not only provide insights into the problems of air safety, but will also illuminate opportunities and challenges for Government action in the entire area of consumer protection and environmental control.

REFORM OF SCHOOL LUNCH PROGRAM

Mr. TALMADGE. Mr. President, on July 7 of this year I introduced a comprehensive bill to reform our school lunch program. My bill, S. 2548, would amend the National School Lunch Act and the Child Nutrition Act of 1966 in several important respects. The purpose of this legislation is to insure that no child who comes to school hungry must go home hungry. S. 2548 would greatly increase funding for economically deprived areas and would require greater State participation in the school lunch program. It would make several other badly needed changes in the school lunch program such as a change to insure that there is no overt identification of a child who receives a free lunch.

I have been gratified by the tremendous response that my bill has received. It has received the cosponsorship of several Senators and the support of people involved in child feeding programs across the country. When hearings were held on September 29, several witnesses testified in favor of S. 2548. I was especially happy when Representative PERKINS, who introduced H.R. 515, a bill to improve the school launch program, saw fit to endorse my bill.

Although the Committee on Agriculture and Forestry has not yet had an opportunity to hold executive sessions on the school lunch proposals, I hope that it can find time to act on my bill in the near future. We cannot afford to tolerate a situation where millions of hungry children are unable to receive proper meals in the schools of our Nation.

In a recent article in Institutions, the magazine of the service world, Mrs. Ruth Saylor has done an excellent job of spotlighting problems in child feeding throughout the Nation. Mrs. Saylor also makes generous reference to my bill designed to alleviate these problems. I ask unanimous consent that her article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW CAN SCHOOL LUNCH HELP 4 MILLION HUNGRY CHILDREN?

How many of America's hungry children receive a meal at school? A study of the national school lunch program shows that fewer than two million of the six million school-age American children with parents earning less than $2,000 a year and/or receiving Aid to Families with Dependent Children (AFDC) get free or reduced-price lunches.

This leaves at least four million hungry school children—to say nothing of people in other age groups who need food. Many of these people are crowded into inner-city ghettos, without recourse to the backyard garden and chicken coop some of their rural counterparts use to answer the need for food.

School food service is the natural approach to answer urban hunger problems, since the school is an arm of the government that exists in every community. Sizable strides have been made in feeding through our schools, but more can and should be done.

WHAT'S BEING DONE?

More than fifty million public school children attend classes, yet only eighteen million participate in the National School Lunch Program. The inner-city schools, most of them in slum areas, have an even lower rate of participation. The lunchtime problems of the ghetto child are just signs of the failure of education in the slums. Parents are beginning to organize and protest, demanding more adequate feeding programs, as well as more adequate schools. However, even when a school system wants to provide lunches for inner-city schools, they often have the added problem of not having lunchroom or kitchen facilities. An estimated nine million children are excluded from the National School Lunch Program because these facilities are not available. Most of these no-kitchen schools are in the slums of our cities.

SOUTHERN SCHOOLS VS. NORTHERN

In a recent study, southern schools in large cities (Mobile, Tallahassee, Charlotte, New Orleans, Norfolk, Memphis and Augusta) were better equipped to offer lunch programs than were northern city schools (Cleveland, Detroit, Springfield, Mass., Philadelphia, Minneapolis and Washington). Only one southern school, in Mobile, did not participate for lack of facilities.

Urban schools in the north are another story. Most of the schools were built as neighborhood schools, with the idea that children would live within walking distance and go home for lunch. When these schools were built, it was assumed that a non-working mother would be waiting at home with a hot, nutritious lunch.

These old schools, without kitchens and lunchrooms, now serve the poor—children whose mothers frequently work. If the mother is it at home, she often cannot provide an adequate lunch.

In the northern cities studied by the Committee on School Lunch Participation, the exclusion of urban slum schools from lunch programs due to lack of facilities can be briefly summarized as follows:

Cleveland, Ohio.—Seventy-seven of Cleveland's 136 elementary schools are excluded from all feeding programs. Sixty per cent of Cleveland's school children attend schools without lunch facilities. (Note: Cleveland's breakfast and lunch programs are aimed at bringing relief to these areas.)

Detroit, Michigan.—Only 79 of 224 elementary schools participate in the program. Of those not participating, 78 are located in slum areas.

Springfield, Massachusetts.—One-third of all elementary schools are eliminated from the program because they lack kitchen and lunchroom facilities. School regulations limit the number of elementary students allowed to participate even when there are facilities. Lack of seating accommodations provide a further limitation.

One slum school has a breakfast program which takes place in an exercise room. Children eat bag lunches brought from home in their classrooms. Another slum school has a lunch program with 130 out of 740 children participating. The program has only 25 to 40 free lunches and the cafeteria holds 48 children.

Philadelphia, Pennsylvania.—Only 44 elementary schools had lunch programs. Of 12 slum schools surveyed individually, none had lunch programs. Principals in these ghetto schools felt that a hot lunch or lunch bag program was not their responsibility.

One low-income neighborhood school set up a "latchkey" program which accommodates 50 children. (They are called "latchkey" children because they often wear latchkeys around their necks to get into the house after school, during the absence of a working mother.) These children bring sandwiches from home and are given milk and supervision in a local recreation center for $1 a week.

The principal of this slum school said that if lunches were given free, it would deny a basic right of parents.

Minneapolis, Minnesota.—Nine of 71 elementary schools participate in the school lunch program. Fifty-one per cent of the city's children have no lunch program due to lack of school facilities.

Several urban communities have made outstanding efforts to increase participation—especially in inner-city areas—in the school lunch program. Most of these programs have been planned and carried out by state or local food service people, since little planning or research is going on in the National School Lunch Program. Many state directors expressed a desire for a professional study at the national level.

Schools that are being newly brought into feeding programs generally proceed by:

Creating facilities where none existed before.

Providing meals from other federal programs, such as Title I of the Elementary and Secondary School Act.

Reorganizing arrangements for preparing and serving foods, such as the use of central kitchen, satellite programs, convenience food programs, and trucked-in hot or sack lunches.

SAN DIEGO, TEX.—SOLUTIONS

The school feeding program of San Diego, Texas, was part of the January, 1969, U.S. Senate hearings before the Select Committee on Nutrition and Human Needs, and was part of the National Nutrition Survey. San Diego's handling of school feeding problems was of special interest, because this town of about 5,000 has a 60 per cent poverty rate. That is, 60 per cent of the population has an annual income of less than $3,000. There are 771 children who qualify for free meals. No family who qualifies for and requests meals has been turned down.

B. P. Taylor, the superintendent of schools, initiated a feeding program after a 1959 survey of nutrition in San Diego proved to him that basic problems of health, nutrition, attendance, and dropouts are significantly inter-related.

San Diego had a preschool feeding program prior to Headstart, in addition to breakfast and lunch programs. Complete programs in all areas have been operating since 1966.

Taylor says that with these programs attendance has increased 15 to 20 per cent over the past three years, and the dropout rate has lowered considerably. He also says that children in the breakfast and lunch programs make better grades than students did prior to the programs' inception.

The school system found that the breakfast program was a problem at first because the children were not used to eating breakfast. Now it is more important than the lunch program, because the children consume food better at breakfast. Participating children must eat both meals.

The schools' food service operates in such a way that not even the classroom teacher knows which students get free meals.

San Diego tax funds are quite low, due to the town income level and the lack of industry. State supplements are added to the funds the school receives locally. Some money is received from Title I. Taylor says they use 40 per cent of their school money for health and nutrition programs because they feel a child can't learn if he is hungry or in ill health.

An effort is made to teach parents good nutrition and ways of preparing food inexpensively to supplement the school feeding programs. What the child sees in the programs seems to carry over into the homes, too, so that parents become more concerned about nutritional standards. Health program costs have steadily decreased, as the children's nutritional background shows a better record of eating habits.

The entire teaching staff as well as the superintendent originally presented the need for this program to the school board to initiate the extensive program. Taylor credits this school-systemwide support with the success of the feeding programs.

NEW YORK—THE CENTRAL KITCHEN

New York's central kitchen operation serves only elementary schools; 150,000 lunches per day are prepared and distributed by truck to 650 schools located throughout the five boroughs of the city. The one kitchen, in Long Island City, prepares everything.

The problems of producing, packaging and shipping such large quantities of food over such a large area are increased by the fact that this central kitchen is not able to operate under the best conditions. To have lunch ready and delivered at noon, for example, workers must start to work at 3 a.m. This means using day-old bread for sandwiches, since bakeries are not operating by 3 a.m.

Trucks used for delivery are not refrigerated, which limits types of foods which may be used. Milk may be in these non-refrigerated trucks for several hours before delivery and is not always refrigerated at the schools. Mechanical failures—in the kitchen, trucks, and heating plates used to warm soup in individual schools—are a constant source of trouble.

Some government commodities, especially meat, are not suitable for the lunch usually served—soup, a sandwich and dessert.

Under this central kitchen program, no lunches are served at reduced prices, but 75 per cent of the lunches are given free to needy children. The Department of Welfare sets the criteria for who may receive free lunches and it reimburses the Board of Education for the cost of free meals to welfare children.

Children not eligible for lunches paid for by welfare receive free lunches.

Although the program operates under equipment and facility handicaps of staggering proportions, it carries out with reasonable effectiveness its goal of feeding hungry children.

ST. LOUIS—THE "VITA" LUNCH

St. Louis started its "vita" lunch program when four schools near low income-low rent housing developments had parental demonstrations for more effective food service. At this time, 150 elementary schools had only 55 feeding stations. The lunch price was 30c, with only 4c reimbursed by the federal government, and increased food and wages costs were threatening to increase lunch prices to 35c.

In the search for a cheaper way to feed children, the Board of Education came up with the "vita" lunch idea. "Vita" lunch is a new name for a sack lunch.

Six schools with good facilities are used to prepare, refrigerate, and deliver lunches to individual elementary schools. A sandwich, a vegetable, fruit, and two cookies are served for 25c. Although nutritionally correct, it is not inexpensive compared to New York's program, which charges the same price but offers larger servings.

On the Tuesday that the program was surveyed women were filling little cups with potato salad for Thursday's lunch—two days away. Right in the food preparation area a janitor was sweeping a very dusty, dirty floor.

Complaints about the program included the fact that those in charge of it seemed overly concerned that a child who could afford to pay might somehow qualify for a free lunch. In addition, families receiving free lunches complained that their children were embarrassed in front of classmates by teachers giving them tokens to pay for lunch and letting other students pay cash.

The community is trying to expand feeding facilities, but obviously needs to work out some problems if the program is to be continued.

WASHINGTON, D.C.—THE SACK LUNCH

Of 138 elementary schools in Washington, 24 participate in the National School Lunch Program. The remaining 114 are served by a central kitchen preparing 10,000 sack lunches a day. Four schools have experimental prepackaged food programs.

Sack lunches are available free to needy children, who are qualified by the Welfare Department. Fifty-one per cent of prepared sack lunches are distributed free. All children on welfare are entitled to the lunch if their parents apply for it, which increases the likelihood of hungry children getting fed.

The food seemed adequate and well prepared to the surveyor. The only major complaint was the limited number of free lunches for children in upper grades (after elementary school) who are not included in the sack lunch program.

CLEVELAND, OHIO—BREAKFASTS

Cleveland, with none of their elementary schools having lunch programs as recently as 1967, decided to put in emergency programs. The first was a central kitchen carrying food to satellite schools. About 20 schools are now being served lunches from this facility, and more installations will follow as money is available.

A breakfast program, aimed at the inner city, serves 50,000 breakfasts a day. The breakfasts consist of juice, cereal, milk, and a breadstuff. The meal is eaten in the classroom, since there are no cafeterias, and the operation is federally funded through Title I. All breakfasts served are free, since they are served only in poverty-stricken schools. These schools do not all have lunch programs.

It is interesting to note that while 50,000 breakfasts are served daily to poverty area grade school children, less than 40,000 lunches are served to the entire 145,000-student school system.

PITTSBURGH—REDUCED PRICES FOR ALL

Pittsburgh, though limited in the scope of the present program due to schools without kitchen and cafeteria facilities, has a unique program that offers reduced prices to every participating student. The 40¢ lunch is given to students for 20¢, with the federal government reimbursing the other 20¢ to the system. No free lunches are given.

A start has been made in city feeding with a central kitchen preparing meals for some schools without facilities. Don Bussler, head of the schools' food service department, helped design hot and cold carts to transport food from the central kitchen to the schools being fed.

New programs are being suggested this fall, and it will be left in the hands of the Pittsburgh Board of Education how much the school feeding program actually expands.

MILWAUKEE—QUALITY AND QUANTITY

In Milwaukee, the emphasis is on serving as many of the schools as possible and on preparing the best quality of meal practical for the money available. Out of 154 schools, 135 have lunch programs. Food service director Tom Farley prides himself on offering food service to any school that wants it, and he manages to get the food into the school whether it has kitchen facilities or not. A good example is a small school room being operated for pregnant high school girls wanting to finish school before their babies are born. The class contains only 35 girls and is held downtown, upstairs in an old dance school. In many cities, the food service department wouldn't take the extra steps necessary to feed such a small number of students. Farley, however, managed to get the program installed, which involves transporting food from a central kitchen and getting it up the stairs to the unhandy location.

Some parochial schools in Milwaukee have instituted breakfast programs, but the public schools still haven't started this. This is a decision that will be made by the superintendent of schools and the school board, Farley says.

The National School Lunch Act states that "Federal funds apportioned to any state . . . shall be made upon the condition that each dollar thereof will be matched during the year . . . by $3 from sources within the state determined by the secretary to have been expended in connection with the school lunch program under this act."

The National School Lunch Act does not spell out, however, which "sources" shall be used to provide this $3. Many states and individual school districts count money paid by the children to provide the matching funds, thus taking no state or local responsibility for adding tax monies to the feeding programs.

An accompanying chart gives a rough idea of how much of the funding within the states comes from state and local monies and how much comes from money paid by the children for their lunches.

Following obvious inflationary trends, financing feeding programs is becoming increasingly difficult. The struggle by professional food service staffs in schools to keep lunch prices to 35c and 40c is a hard-fought and often thankless battle. School boards and communities often have the attitude that feeding children is not part of educating them, glibly overlooking the fact that hungry children aren't easily taught and that this feeding investment is the best opportunity we have to break the poverty cycle in many inner-city areas.

Even among school food service people, the trend is to look to the federal government for the money to initiate and carry out programs. One woman heading a city food service department for the public schools expressed a wish for more federal monies to expand central kitchen facilities. We asked her about local and state funding—that is, just how much money was being provided by state and city governments toward these ends. "None," she replied, with an attitude that seemed to imply that it was only right for the federal government to pay for it all, "and the question of using any local money is a very ticklish subject in this city."

In the small percentage of communities that have contributed local funds to feeding, most do so by paying the costs of utilities and perhaps salaries of some of the local administrators.

When federal and state funds, combined with what children pay, become inadequate to support a feeding program, the standard pattern has been to discontinue lunch programs in schools where the budget can't be met, and to raise prices.

FINANCING WITHIN THE STATE[1]

State	Average prices of lunch 1966–67	Contribution in percent by—			
		Children	State government	Local government	Charities
Alabama	45	100.0			
Arizona		82.0	0.3	17.7	
Arkansas	30	93.6	2.3	4.1	
California		(2)	(2)	(2)	
Colorado	32.5	(2)	(2)	(2)	
Florida[3]	37.5	94.5	.3	2.5	
Georgia	29	96.4	.4	3.2	
Illinois	33	(2)	(2)	(2)	
Iowa	31	(2)	(2)	(2)	
Kansas	30	(2)	(2)	(2)	
Louisiana	20	49.0	36.0	13.0	.2
Maine	35	85.2	1.6	11.4	1.6
Maryland		86.1	.3	13.9	
Massachusetts	25	66.5	11.0	22.5	
Michigan	45	(2)	(2)	(2)	
Minnesota	26.4	90.5	2.3	6.9	.3
Missouri	30	75.7	20.4	3.9	
Nebraska	30	97.2		2.8	
New Hampshire	31.25	89.9	.6	9.1	.4
New Jersey	45	78.0	.6	21.4	
New Mexico	35	(2)	(2)	(2)	
New York	40	52.9	20.9	26.2	
North Carolina	30	90.3	.8	8.9	
Ohio	34	79.2	.2	20.6	
Oklahoma	24.09	89.0	5.6	5.4	
Oregon	27.51	81.5	.7	17.8	
Pennsylvania	32	90.8	.3	8.9	
Rhode Island	40	(2)	(2)	(2)	
South Carolina	25	89.0	4.3	3.9	2.8
South Dakota	25	(4)	(4)	(4)	
Tennessee	30	92.0	.3	7.7	
Texas	35	96.6	.4	3.0	
Utah	30	79.1	19.9	1.0	

Footnotes at end of table.

FINANCING WITHIN THE STATE[1]—Continued

State	Average prices of lunch 1966-67	Contribution in percent by—			
		Children	State government	Local government	Charities
Vermont	30	[2]	[2]	[2]	
Virginia	30	90.0	0.4	9.6	
Washington	40	[2]	[2]	[2]	
West Virginia	30	[2]	[2]	[2]	
Wisconsin	30	76.9	.9	22.2	

[1] The source of these figures are interviews with the State school lunch directors.
[2] Incomplete figures.
[3] This year was the first that Florida had made an appropriation. At the time of the interview, however, the Governor had just vetoed it.
[4] Not given.

There are no pat answers to financing school feeding, but some steps are underway to give aid where needed. U.S. Senator Herman Talmadge of Georgia has introduced a bill to try to assure that there are no hungry children in our schools. His bill would:

Increase funding, especially for economically deprived areas, and require more state participation.

Provide funds to poorly-equipped schools for purchase of lunchroom facilities equipment.

Allow private food services to provide temporary assistance to schools where new equipment could not be installed immediately. (Currently, federal funds cannot be uesd in this way.)

Allow the lunch to "follow the child." This would give needy children food when their neighbors can afford to buy it and they cannot.

Senator Talmadge's bill comes before Congress this fall. He cites two reasons for believing it necessary for the country's good to pass the bill. (1) Food must be used as a tool of education. Hungry children can't learn. (2) He believes the bill will help break the poverty-welfare cycle.

School food service people are coming up with a wealth of both large and small ideas that will help in their expanded feeding programs. Especially in those schools without kitchen and cafeteria facilities, innovation has been necessary to do the job.

Pittsburgh, for example is using thermal foam trays that carry both hot and cold foods in the same container, keeping temperatures stable for about three hours. The trays can be stacked ten deep for transporting.

Disposables are being used both in schools without equipment and in units where dishes and utensils disappear to be later turned into weapons. (One school food service director showed how table flatware is filed into hand weapons that can be hidden in the palm and brought out for rapid use.)

Some cities are using canned entrees which need only be heated in the individual school. Akron, Ohio, is one of these, and they are currently shipping out 5,000 meals a day.

Central kitchens, with attendant transportation problems, are being used in almost every large city.

Headstart and breakfast programs are becoming fairly widespread in our major cities.

In Brookline, Massachusetts, the aged are being fed in the schools. Program director Mary Karonin reports that the elderly participants find dining at the school and contact with children the highlight of their day.

Chicago is planning "floor kitchens" for some inner-city schools, following the old pattern of food preparation that hospitals once used. The thought behind this is that it will take a minimum of equipment to prepare the small amounts of food needed for each floor.

Los Angeles has a food manufacturing plant which does meat cutting, grinding, etc., as well as entree preparation.

WHAT CAN BE DONE?

We've talked about progressive ideas in use now that schools can adapt to their own needs, but it's important to come up with faster ways of feeding more hungry people through the schools. Just as Brookline feeds its elderly in the schools, it seems logical that we must look to the schools as a means for feeding the hungry of all ages. Community school food service may be an alarming idea to those who've never considered it, but it shouldn't seem any more extreme than adult evening classes. Both are meant to advance the welfare of the residents of the community.

If labor costs seem prohibitive—and food service labor costs are becoming a problem in all areas of feeding, both commercial and noncommercial—let people make their own lunches. Cold food is just as nutritious as hot food if eaten in the right combinations. There's no reason a smorgasbord table of sandwich makings, vegetables, fruit and milk couldn't be offered, allowing the hungry to assemble their own lunches.

Today's industry leaders are aware of their responsibility to "do something" about breaking the poverty-welfare cycle. Many firms have started programs to hire and train the hard-core unemployed. The same approach could be used to encourage industry to donate food and equipment to get a community feeding program in the schools underway. Food donated by industry, supplemented by government surplus foods, used on a serve-yourself basis, would make the starting cost of such a program more reasonable in the eyes of taxpayers and government, yet would accomplish a great deal toward feeding people who are hungry.

Industry would find their food donations not only tax-deductible, but also useful in "image" development and promotion. A child who learns to make his school lunch sandwich with Mother Persley's peanut butter may buy it as an adult consumer in the future.

As food research advances, it will become possible to compress all the necessary nutrients—proteins, carbohydrates, vitamins—into a capsule. The temptation to feed the poor by giving them one of these pills each day will become a mighty siren song to the tax-weary public, who would rather not have to support any new program, no matter how worthy. Eating is, however, an emotional experience, as well as a physical one—one of the keenest pleasures in life. To the hungry, who are also usually the poor, eating is one of the few positive emotional experiences available, so for this reason it seems undesirable to use only a pill to combat hunger. Condensed nutrients may be a useful supplement, but the give and take in the sharing of a meal is one good way to encourage people to grow to improve as human beings, capable of supporting themselves and contributing to society, rather than developing pill-fed automatons.

THE ROLE OF THE NEWS MEDIA IN AMERICAN LIFE

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "How Objective Are the News Media?" written by Jenkin Lloyd Jones, and published in the Washington Star of Saturday, November 29, 1969; and an article entitled, "Calling TV to Account Applauded," written by William F. Buckley, Jr., and published in the Washington Star of November 29, 1969. The articles, in my opinion, are worthwhile reading in the continuing dialog on the role of the news media in American life, which the Vice President has sparked.

I think the Vice President deserves a vote of thanks for opening the public discussion of this important area and for focusing public attention on the news media. Listening to the cries of anguish from the media, I am tempted to remark: "The TV network news media can dish out criticism, but they can't take it."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOW OBJECTIVE ARE THE NEWS MEDIA?

(By Jenkin Lloyd Jones)

During the last Presidential campaign one of the gags much beloved by Nixon's opponents was "Spiro who?"

The gag has gone sour. Everyone knows his last name now.

Hardly had the furor cooled after the vice president's blunt attack on the Oct. 15 "Moratorium" than it boiled up again following his Nov. 13 speech at Des Moines in which he criticized the objectivity of network TV.

Dr. Frank Stanton, head of CBS, accused him of seeking to "intimidate a news medium that depends for its existence upon government licenses." And NBC's Julian Goodman said: "It is regrettable that the vice president would deny to television freedom of the press."

So the knives will be out, long and sharp, and they may be wielded a bit frantically, too, for the initial public reaction to the Des Moines speech appeared to be overwhelmingly favorable. A lot of Americans think they're being had.

It is very well that the issue is raised, for a tendency toward arrogance is an occupational disease among those of us in the media, whether printed or electronic. It is good for the nation, once in a while, to throw a spotlight on our performance.

It is impossible to tell all the news. Even if a man spent all his waking hours gobbling the printed word or absorbing uninterrupted newscasts he could get only a tiny fraction of what is called "newsworthy." One man's poison is another man's meat. The Wall Street Journal and the Daily Racing Form are both newspapers, but the comparison ends abruptly.

So news to be manageable must be edited, and editing requires the inclusion of this and the discarding of that.

You could have written the lead on Lincoln's Gettysburg Address as follows:

"Gettysburg, Pa., Nov. 19—President Lincoln today said he could not dedicate the war cemetery. He added that his power was 'poor' and his speech would undoubtedly be ignored."

That's right. That's what he said: "We cannot dedicate, we cannot consecrate . . ." "Our poor power . . ." and "The world will little note nor long remember." But that's not what the speech was about.

Moreover, there's the factor of emphasis. The Republican editor of a small Ohio paper who put the story about the brief stop of Harry Truman's campaign train on page 6 had the news all right, but the emphasis was haywire.

I don't know any honest newspaperman who would tell St. Peter that he never puffed

or played down a story or that he had never in a long career let his bias show through his copy. We have all been guilty.

But loaded written journalism is detectable by a fairly sophisticated reader. And because the party press is pretty dead and most newspaper circulations now cover a wide spectrum of reader opinion, the technique of straight fact-telling, however much it may lack in color, is better developed than at any time in journalistic history. Frank opinion is usually relegated to the editorial pages.

TV, on the other hand, is by its nature uniquely qualified to get away with fraud.

In the first place, it is photo journalism. You can take 30 candid pictures of a man, and by selecting the three best and the three worst you can give utterly conflicting impressions of him.

Similarly, by snipping out all the footage showing demonstrators hurling rocks and excrement at the police, and picking up only where a cop dashes forward and belts an apparently defensive bystander, you publish the truth, the half-truth and something but the truth.

Second, TV is essentially a dramatic medium. You can add drama to a newscast by rushing camera crews to any handy commotion, and many riots are now being staged by organizers looking for TV coverage.

There is greater audience impact in the hysterical fulminations of the revolutionary than in the calm words of the statesman. But when the net impression is that American society is on the point of dissolution, TV must answer for it.

Finally, some of the ablest practitioners in the business have become subliminal editorialists while purporting to tell the news. The job David Brinkley did on Barry Goldwater during the latter's Presidential campaign was polished. Brinkley's copy was straight. But the faint smirk, the barely lifted eyebrow, the momentary hesitation were devastating.

So Spiro Agnew was within his rights in blowing his whistle at the organized effort to torpedo Nixon's Vietnam speech as soon as he had made it.

In spite of anguished cries that the vice president has raped "freedom of the press" there are some who think that poor "freedom" has already been pretty well worked over by that tight coterie of newscasters which dreamed up "the mainstream of American thought" and which may, just possibly, be drifting out of it.

CALLING TV TO ACCOUNT APPLAUDED

(By William F. Buckley, Jr.)

Spiro T. Agnew's criticism of the television networks is the most serious act of lese majeste since the mayor of Chicago threatened to punch the king of England in the snout.

The responses ranged from panic through apoplexy. Dr. Frank Stanton of CBS has accused Agnew of making "an unprecedented attempt to intimidate a news medium"—which suggests that fairness could only be effected by intimidation, which come to think of it maybe is so, over at CBS. Leonard Goldenson of ABC reports that "the performance of ABC news has always been, and will continue to be, fair and objective," in sickness and in health, till death do us part.

Thomas Hoving, in behalf of the National Citizens' Committee for Broadcasting, whatever that is, sounded like, well, Agnew on the subject of demonstrators. "Agnew's disgraceful attack against network television news officially leads us as a nation into an ugly era of the most fearsome suppression and intimidation . . . the beginning of the end for us as a nation . . . (his) terrible and fraudulent evaluation . . . (is) the most shocking use ever of political power," which suggests that Hoving's readings in history are not as extensive as his readings in art.

Now, as a matter of fact, Agnew wrote a very good speech. It was, moreover, a balanced speech. He praised much of what the networks have done as extravagantly as if he were nominating them for president. But he said that the networks are also given to much bias. Specifically, he homed in on the elaborate rebuttal—that in effect was what it was—given to Nixon's Vietnam speech of Nov. 3.

How, for instance, do you cope with the following analogy used by Agnew: "When President Kennedy rallied the nation in the Cuban missile crisis, his address to the people was not chewed over by a round table of critics who disparaged the course of action he'd asked America to follow."

That's true. In plain fact, on the night of Oct. 22, 1962, the networks didn't chew up every word of Kennedy's speech into its constituent atoms. And again "When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he didn't have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through."

So then what? It may be too late to revive Hoving, but in fact Agnew said: "I want to make myself perfectly clear. I'm not asking for government censorship or any other kind of censorship." So much for that particular smear. "I am asking," he said, "whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men" who (and they'll never get over this charge, aimed at the Medici of cosmopolitan New York) "bask in their own provincialism, their own parochialism."

Is there in fact a discernible and regular bias in network news and commentary? How do we know? How do we find out? It happens that a very little foundation in New York City, the Historical Research Foundation, has made a few grants to investigators who, after consulting with specialists in the evaluation of polls and public opinion, have been very hard at work analyzing the bias in the coverage of the presidential campaign of 1968.

I am not aware that Agnew knows of this project. But it is far and away the most thorough and the most nearly scientific of any that has ever been attempted. The results will not be released until the research is complete. But already one thing is stunningly clear. It is that the news and the commentary were overwhelmingly favorable, by any criterion, to the Democratic candidate.

What Agnew has said is: This is the factual situation. What are we going to do about it? Not eat CBS, and force its roasted flesh on Mr. Hoving for breakfast. But force CBS, by the pressure of public opinion, and NBC, and ABC, to take a look at their own situation, and ask themselves, what can the public legitimately demand from an oligopoly? A good question. A good speech.

SENATOR TYDINGS RECEIVES AWARD FOR DISTINGUISHED CONTRIBUTIONS TO CRIMINAL JUSTICE

Mr. HART. Mr. President, the American Association of Criminology has paid a high tribute to the able senior Senator from Maryland (Mr. TYDINGS), when it awarded to him the August Vollmer Award for distinguished contributions to criminal justice.

This award has been presented annually for 34 years. Some of the earlier recipients have been Commissioner Howard Leary of the New York City Police Department, Myrl Alexander of the Federal Bureau of Prisons, and my good friend, the Honorable George Edwards of the U.S. Court of Appeals for the Sixth Circuit. Judge Edwards was honored for his work both as a jurist and as police commissioner of Detroit.

Senator TYDINGS received the award on October 31, 1969. The society specifically commended his work to improve the operation of the courts, to secure passage of the Safe Streets Act of 1968 and to combat crime in the Nation's Capital. Senator TYDINGS is the first U.S. Senator ever to receive the award, which normally goes to those in the law enforcement fields. The award was further recognition of the veracity of the New York Times statement that JOSEPH TYDINGS is "the Senate's foremost student of the crime problem."

A letter in the form of an announcement of the award was sent to Senator TYDINGS by the president of the American Society of Criminology, Dr. Bruno Cormier. That letter sets forth Senator TYDINGS' achievements which merited the Vollmer Award. Mr. President, I ask unanimous consent that the letter from Dr. Cormier be printed at this point in the RECORD. And for all of us in the Senate I speak our pride and satisfaction in this deserved recognition of our friend from Maryland, JOE TYDINGS.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF CRIMINOLOGY

(August Vollmer Award presented by Prof. G. O. W. Mueller, chairman, Awards Committee, past president of the society, at the annual meeting of the society, Columbus, Ohio, October 31–November 2, 1969)

The Executive Committee of the American Society of Criminology takes pleasure in presenting to the Honourable *Joseph D. Tydings,* Member of the United States Senate, the 1969 August Vollmer Award for Distinguished Service to Criminal Justice Administration and Corrections, in recognition of the outstanding contributions he has made in this area both before and during his term of office in the United States Senate.

The recipient has become the Senate's most knowledgeable and progressive student of crime problems in the United States and has introduced a new and positive spirit in Washington into the fight against crime. In his search for intelligent solutions, through research and study, he has succeeded in enlisting many of America's research scholars in the field of Criminal Justice.

The Society wishes to single out his outstanding contributions as Chairman of the U.S. Senate Subcommittee on Improvements in Judicial Machinery, particularly in dealing with such difficult issues as reform of the Commissioner System, preventive detention and sentence review, and, most recently, his work in the areas of the narcotics problem and juvenile delinquency. These have demonstrated a strong commitment to effective and humanitarian reform of our system of criminal justice.

The Society extends best wishes for continued success in his work.

BRUNO M. CORMIER, M.D.,
President.

CRIME AND PORNOGRAPHY

Mr. McCLELLAN. Mr. President, Mr. Jay Robert Nash, the editor of Chicago-Land magazine, recently forwarded to me, at the suggestion of Elmer Jacobsen of the Northwest Indiana Crime Com-

mission, a copy of the October 1969 edition of his magazine. I invite the attention of the Senate to two articles appearing in that magazine.

The first deals with what the magazine terms "Our Tijuana." It outlines in some detail the crime situation in East Chicago and the extent to which the syndicate has, according to the magazine, corrupted another American community.

The second deals with the pornography situation in the city of Chicago itself, and it sets out for us in stark terms the dimensions of that problem in one city. Too many times too many of us tend to think here that the issue is between the artist and the censor. "Obscenity in Our Streets" places this misconception in context.

I ask unanimous consent that the text of these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WELCOME TO EAST CHICAGO, OUR TIJUANA

(By Kevin Mosley)

It's twenty minutes from Chicago. Its streets are filled with helmeted workers from the smoke-coughing Inland Steel plant; merchant seamen with unspent pay, college students with unspent youth, and phalanxes of sundowners from Chicago wandering the dirty paper-littered streets in quest of diversion from their routine days.

Their money becomes a letter of transit for quick transportation behind the painted windows of store front cantinas which line the streets of East Chicago, Indiana. Their money allows them a midnight vacation of gambling in unlicensed taverns, cockfights, stag movies, marijuana, and women.

East Chicago is part of an area nestling against Chicago that pays federal gambling taxes second only to Las Vegas, Nevada, the U.S. gambling center. But East Chicago is unlike Las Vegas as Tijuana is unlike Mexico City. The plush gambling resorts are replaced by green painted store front vice dens. A man is always stationed outside each of these border town spas, inspecting the patrons much like a customs inspector.

Much of the action in East Chicago is strung along the 3300–3400 blocks of Michigan Avenue. The unlicensed taverns bloated with the smell of tacos and the sounds of Maraichi bands, are cavities in a town where honest law enforcement has no bite.

One bartender was a woman about forty. She spoke English with a Spanish accent. Two minutes after she served some new customers she asked them if they wanted to shoot some dice. A leather cup was placed on the bar. It contained six dice. Several minutes later the woman shoved 11 dollars down her blouse.

The customers finished their beer. A drunk wandered near, demanding that he buy them a drink. A steel worker wearing his hard hat approached the drunk. He had quickly responded to an order of the woman bartender.

"Don't bother the men," he hissed at the old man. "They don't want to talk to you. They came here for a good time."

And that is the rule in East Chicago. The customer is here to spend his money. Unlike the old days in Calumet City and Cicero, in East Chicago the customer is treated politely. He is not hustled to buy drinks. Drunk tourists are tolerated and seldom rolled.

Elmer L. Jacobsen, Operating Director of the Northwest Indiana Crime Commission, has spent years trying to remove syndicate influence from local government.

Jacobsen said, "A prime example of the sinister link between illicit operations and public officialdom is East Chicago's Prado Club. This club is situated on Broadway in the former VFW building. An upper floor serves as a storage place for pinball machines owned by Frank Rizzo, chief distributor of these gaming devices. The club serves liquor without benefit of license and holds periodic 'galas.'

"At one of these, attended by over 400, our investigators found four uniformed East Chicago police collecting $7 admissions at the door. Inside, liquor cost extra—$20 a bottle.

"Club Prado's obvious immunity from official molestation apparently is owing to the fact that its sponsor is Dr. Plinino Romero, the East Chicago's $18,000-a-year school physician and deputy coroner and 'good friend' of Mayor John Nicosia.

"As a result of our disclosures, the club operator and his bartender drew Criminal court fines of $100 and $400, respectively. But the Club Prado still operates."

Jacobsen added, "The Commission is bound to conclude that the greatest restriction on police officers trying to do their duty in attacking vice and gambling operations is in East Chicago whose mayor, John B. Nicosia, has blandly and repeatedly disavowed any such activity."

Much of the job of the local police is seeing that no trouble breaks out. The syndicate has a good thing in East Chicago and they want to keep it that way.

These criminal investors, whose LaSalle Street is the back alley of gambling and prostitution, spend large fortunes to insure a smooth operation. The mafia wants no publicity from killings and beatings.

Maraichi bands are popular. In one tavern the band played to several hundred patrons. The tavern has a license to sell only wine and beer. A women approached a table and asked what was wanted. A minute later she placed a shot of whiskey and a bottle of beer before each man. A policeman walked past the men. He entered the tavern to use the washroom.

The maraichi band had entered the country illegally from Mexico. The tavern owner had arranged it. Each member of the band was paying him $250 a month for room and board. Each musician slept in a small room. The bathroom was down the hall. After a year the men will be allowed to work elsewhere and keep some of their salaries.

A heavy-set woman about 50 sat at a nearby table with a young man. The woman was dressed in a white mini skirt which revealed the dark veins of her legs. Her automobile, a '69 Buick Rivera with Illinois license plates was parked in the back.

The young man, dressed a la Harry Belafonte, laughed with his friends in the washroom.

"I can get $100 from this pig," the young man laughed as he washed his hands.

A sign above the mercenary couple read "Support Justice—Don't Buy California Grapes."

Several doors down the street was an American Legion Post. The bar is open to members only. Customers here paid a dollar to enter. An East Chicago policeman in full uniform stopped each customer. He searched each patron for a knife or gun.

The large hall contained about 300 persons, all Negro. About 90 per cent appeared underage. Thunderous blues music blasted from a record player as the teenagers danced and jammed the bar, guarded by another uniformed policeman. A large line was waiting for admittance. They had arrived in out-of-town taxis. No one was asked if they were a member.

Another American Legion Post was spending a quiet night. The bar was filled with men talking. A short, fat man approached a *Chicago Land* reporter and asked, "Do you want a girl? We got some nice ones. They all look like starlets. You can have anything you want. Black or White or Spanish."

"How much?"

"Thirty-five dollars plus five dollars for the room. If you want a girl for all night it cost a hundred."

"Let's see a girl," the fat pimp was asked. He waved a short stubby finger encased in a large gold ring, "The girls are at the hotel about six blocks from here.

"If you guys want a girl take cab number four. The driver is my friend. Tell 'em that Denny sent you.

Another man sitting at the bar said he was born in Puerto Rico. "You know, boys—I really dig the cockfights. If you want to go, it will cost $3.50. The fights used to be held down the street but the crowd got so big they moved it to a warehouse outside of town."

"How about bets?"

"You can bet anything you want. Some of the bets are over $500. The fights last from morning until night."

An unlicensed tavern which operates almost around the clock is located in the basement of a medical center. The medical center was dark. A bright light was burning in the hallway. A steel door with a glass peep hole was opened by a man wearing a white turtle neck sweater. Dapper, you might say.

"What do you want? I don't know you guys."

The doorman was shown a phony AMVET membership card. "That's good, come on down."

The bar was located behind two empty rooms. A small felt-covered dice table was in the corner next to a pinball machine.

The bartender looked like a Rush Street resident. As he mixed drinks he casually watched the upstairs entrance by closed circuit television.

The dice game was being played by four men. The minimum bet was $25 a roll. A woman quietly sipped a drink and watched the gamblers. She was in her early twenties. Her long black hair fell over large rhinestone earrings. Later she left with a cab driver.

A *ChicagoLand* reporter made several passes with the dice and lost $75 dollars. A minute later he was asked to make a bolita bet. Bolita is a Spanish number game. The winning number is drawn about midnight at a local fraternal organization.

However, the drawing is secret. The winning number is handpicked by a syndicate boss. Here, behind closed doors thousands of dollars are counted while armed men watch the doors.

A large gambling room is located a block from the medical center tavern. The door was open. A Spanish woman was mixing drinks behind a make-shift bar. The beer was in cans. The liquor was poured from bottles resting on the floor.

The room was 30 by 50 feet large. The wall was painted a dull, boarding house green. A large naked light bulb dangled over a massive card table. About forty men watched the game. The table housed seven players. The men were playing for $1,000 a card.

Two men wearing sunglasses stood in the corner, their hands inside their coats. No one caused trouble. A man began to laugh as the dealer counted out ten one hundred dollar bills.

A Spanish man about 30 years old left the table and took a nearby seat. A fat man in a undershirt sat next to him. The young man started counting his money. It appeared to total about $30,000.

The young man known as "Peoples" is the syndicate's dealer in this game. "Peoples" is a professional gambler. When authorities staged several crack downs last year, "Peoples" was seized.

Informed persons said that "Peoples" was not charged because he made a deal with the police—information for liberty. Later, underworld persons reported that a contract had been issued to kill "Peoples."

"Peoples" left town for several months; when he returned, he started dealing again.

Authorities are not sure why "Peoples" is back dealing . . . but they do know that he is a professional gambler.

Gambling in East Chicago runs from small gin games to thousand-dollar barbutte games, a Greek dice game. There are two extremes in this unlicensed Las Vegas. Both are along Michigan Avenue. The gin games are played in a large hall and the tables are covered with white cloths. The game is dealt by a Spanish man wearing sunglasses. A fat Spanish woman served the players tacos and beer. The den had no liquor license, but patrons wandered in off the street anyway.

But the barbutte game is different. A small room 10 to 12 feet housed the high-speed high-priced game. A man who wanted to play was told he needed at least $500. A man who joined the game said that $50,000 a night exchanges hands. The game is run by the syndicate. Anyone without money or who is unknown is quickly asked to leave. A man dressed in a suit stands near the table. He also wears a pair of dark glasses. His hands rest on a fiberglass suitcase. Occasionally the suitcase is opened. It is filled with $100 bills.

The man with the suitcase is closely guarded. Bodyguards are stationed outside the store front hours before the game is finished, eyeing each passing car. If they become suspicious the man with the suitcase remains inside. He stays inside until the suspect passes.

The man hurries to a car and is driven to Illinois. His car is followed by two more bodyguards.

Item: The multimillion-dollar gambling empire is run by Chicago gangster Fiore (Fifi) Buccieri. Buccieri's men have been seen making collections and then returning to Cicero.

Item: The syndicate spent over $250,000 electing officials who would cooperate with the gambling bosses. A man seeking the backing of the syndicate for the East Chicago Democratic primary spent thousands of dollars buying syndicate raffle tickets. La Cosa Nostra backed his opponent.

Item: A member of the Lake county grand jury, an East Chicago resident, operated a gambling parlor not far from city hall. He allowed the lease to expire when told the gambling operation was embarrassing to the mayor.

Item: Syndicate boss Frankie LaPorte of Chicago Heights furnishes all the race results to East Chicago. Each book that takes the wire service pays $250 a week. This money is collected every Monday.

Item: The LaPorte wire service is located in the vicinity of the strip joints at Calumet City, Illinois. This wire room receives the results directly from the track. The results are carried by a person into Indiana.

Item: The carrier of the results enters a hotel in Hammond, Indiana. The results are telephoned to East Chicago, Indiana. This action takes place every day after 1 p.m. except Sunday.

Item: East Chicago Police Lt. Eugene Grabski was demoted to patrolman after he attempted to shake down a local resident. Grabski forced the resident to purchase several tickets to a state-wide raffle sponsored by the Fraternal Order of Police. The man won a new Cadillac and was told by Grabski that the car was to be sold and half the money would be taken by him, Grabski. Only the intervention of the authorities *outside* of East Chicago prevented the extortion.

Item: Bookies in the area pay the syndicate $150 a week for protection. This money is used to pay off police and politicians. These same bookies keep two sets of books. One is to show the federal government. The other book reveals the true gambling earnings.

(Paradoxically, a gambler's operation will not receive interference from federal authorities if he has the proper federal gambling stamp and pays taxes on his earnings, even though his activities are illegal under state laws.)

Item: The going rate to become an East Chicago policeman is $1,000. One policeman, who had a criminal record, plus a brother doing time for murder, had to pay more.

Item: A local businessman was forced to pay $350 to have his wiring approved. A licensed electrician completed the work but the businessman was told the electrician was not on the approved list.

Item: A bingo game operated by the Chicago syndicate every Tuesday night is cheating the local gamblers. The local gamblers are only netting $600 but the Chicago gamblers are collecting $8,000 each time for themselves.

Many of the residents of East Chicago are tired of their town being constantly exposed. Also they are afraid for their children. One man, a steel worker in the Inland Steel plant, is working another job. He wants to return to Puerto Rico.

He said, "I came here to get a better life for my family. But this is no good. I do not want my sons learning how to gamble. They must be taught to work. But everyone here is wanting the big money, the easy life."

And the easy life is getting things, from pornography to liquor, the easy way.

For instance, local stores sell pornography to the tourist and never ask the age of its patron. An East Chicago drugstore was packed with young people gaping at the latest in hardcore obscenity books.

The *Chicagoland* reporter asked the proprietor if he had an exceptionally dirty book. The man said, "No. I wish I did. I had one, though, but it hasn't been in stock for years. That was the filthiest book ever printed. They sold like hotcakes. I even had the good pages marked on the cash register, like page 79."

That's East Chicago—where everything important ends in the cash register.

OBSCENITY IN OUR STREETS OR OUT DAMNED SMUT!

(By Edwin Black)

There is obscenity and there is pornography. They are both classified as smut, a collective derived from the black, soot-like disease that strangles plant-life. The difference between obscenity and hard-core pornography is a legal distinction, while in the minds of most Chicagoans either form of smut is an intolerable, morals-bending, degrading form of infection that, like its botanical counterpart, initiates a slow, spreading decay upon the host.

The forces of elimination, the city vice-squad, the state's attorney, the Federal Bureau of Investigation, alert community groups, all bemoan themselves helpless, though, because of interpretations by the State Supreme Court and the United States Supreme Court which not only obscure the path to justice but inadvertently provide a protective shell for smut peddlers to hide within. In the words of Manuel L. Port, Chicago Corporate Counsel crusading against obscenity and pornography, "Our laws are adequate. They protect the artist, even the fringe between artistry and offensive obscenity. But they do indicate what smut *is* and how to deal with it. Our agencies are efficient and can get the job done. There's only one problem, and that's the interpretation of the courts. How can we do anything to protect the community from people who wish to degrade it, when the Supreme Court blocks the very avenue to that protection with phrases like 'redeeming social value,' etc. According to them this stuff is art!"

Under the law pornography offers vivid fornication or suggestion of sexual deviation. Simply looking at an example would be enough to decide whether or not it was pornographic. But obscenity is more difficult to pinpoint. According to the famous Roth decision and other decisions, the controversial matter is subject to evaluation in the light of "current community standards."

These standards are interpreted by the court. It is granted that there will be elements of offensiveness as well as redeeming social value in a controversial item. The U.S. Supreme Court has ruled that the two cannot be weighed, and even a minuscule attempt at "redeeming social value" is enough to outbalance a mountain of offense in the material and will be enough to make the material legal and "artistic."

Well, now what are we talking about? A foldout Miss October with a cleverly-draped bedsheet exposing a photo-embellished breast? The words City Hall used in describing such material were these: "It's nothing. Believe me, it's absolutely nothing to get upset about. You can see as much at a fashion show." Are we talking about 50 monthlies that feature loose-looking women with suggestive expressions on their faces, baring their bosoms and proning their scantily covered bottoms toward eager cameras?

Maybe the obscenity we're referring to is the stuff that's really gross? Maybe it's the nickel in the machine and a two-minute flick showing two nightgowned lesbians playing pool side by side, eventually to disrobe? That's not it, though. That's what the boys in the vice-squad tenderly call "girlie," and reserve for an era of old-fashioned uproars like *Playboy* and Ingmar Bergman. So I guess now is the time to put away your copy of *Chicago-Land* and pick up a soothing edition of *Better Homes and Gardens*, because from here on in we're going to talk about smut in Chicago, the real extent of it, the true nature of it, and the actual materials the public unknowingly allows to flourish next to its supermarkets and beauty salons.

Pornography normally originates in Sweden. Most offerings show various positions of fornication between a man and woman, usually accommodating one or more extra partners who perform perversions to the fornicating couple. These productions are normally in black and white, and while they exist in a great supply in photographic form, are more common in a 8mm or 16mm "stag" film. The film costs only a few dollars to produce, yet sells for anywhere from $20 to $65. For this reason the Mafia has a controlling interest in stag films, overseeing most of the international and domestic smuggling, as well as the distribution locally and even the actual sale.

Such pornography, or any material openly displaying fornication or sexual deviation, is outlawed, and can only be purchased under-the-counter, at least in Chicago. Other cities report pornography sales to be rampant; but Chicago's vice-squad, along with the Interstate Transportation of Obscene Materials Section of the FBI, have genuinely put a stopper on local pornography traffic. The only way to purchase it nowadays is "on the run," in the words of FBI officials in Chicago. The seller knows every sale is risky, and takes great precautions in his transactions. This material the U.S. Supreme Court terms illegal.

But the smut presently stocked on open magazine racks in a number of Chicago-area bookstores and arcades is recognized as "art" and permitted to be sold. The covers of these picture magazines herald titles such as *Pussycat, Wild Lovers, Venus*, etc. Underneath the title is a naked woman, usually a very young one, but not necessarily well-proportioned, whose legs are spread apart widely, exposing the vaginal and anal areas of the body. That's the cover. There are no strategic bath towels or hiding poses. Just a point-blank picture of a young woman's naked and spread body, with certain parts of it artificially stretched to create a grotesque contortion of the actual appearance. This

is sold openly. The law requires the purchaser to be at least 18 years of age. The seller requires the purchaser to have enough money in his pocket to cover the price of the material.

This material, claim the storeowners, is strictly off-limits to minors, despite the legal minimum age of eighteen. The magazines are always labelled *Adults Only* or *Sale to Minors Strictly Forbidden*. Yet minors can and do obtain copies of this obscenity directly from the store, which means that these publications easily find their way to high schools where eighteen-year-old purchasers as well as their younger friends are free to peruse them.

The contents of the publication usually have about twenty pages of similarly outstretched females. The expressions on the faces, in the words of a representative of Central Sales, a leading distributor, "give the viewer that idea that any minute now he's in for the type of thing he dreams about." Three or four of the shots are normally color, the rest being sepias or black-and-white prints. Nearly all of the photos have the same scant background visible, a fraction of wall paneling or other scene-identifying feature. With slight, very slight variation, the pictures are identical in form and composition. Looking through several different magazines the reader can easily see that a few dozen girls dominate this type of obscene posing, referred to by vice-squad detectives as "spread-legs."

This "art," according to FBI sources, originates in New York City and is being transported throughout the country by automobile. The girls are nearly always prostitutes, unless there is a case of blackmail against a woman who is forced to pose. The photographers are experienced cameramen, especially when it comes to color photography, which generally requires expert knowledge. The photographer is either in debt for gambling or in a similar situation with the Mob. His payments are long overdue and he is forced to participate in the photographing. Other photographers are coerced through blackmail. They are often corporation cameramen and, in those instances, corporation equipment is used without the knowledge of the company.

This type of "art" was introduced to Chicago—that is, on the open market—by a man named Charles Kimmel, about ten to twelve years ago. At that time, according to Chicago police, he started with obscene literature, selling pocketbooks with immoral themes and containing foul language. According to vice-squad Sgt. John Coughlin (known as Coffee), "It only started with paperbacks. Then he began selling magazines with 'girlie' or suggestive poses. But now, this is the absolute limit. Openly selling pictures of vaginal exposure."

Kimmel has been arrested a dozen times since 1965 but has never spent a day in jail. In 1965 he received a five-year sentence that was reversed by the United States Supreme Court. On June 20 of this year Kimmel, along with several others, received a conviction for selling obscene material, but that conviction is currently under appeal.

It is estimated that Kimmel's store clears over $3,000 weekly. The profit he makes can be judged easily from the fact that he resides very comfortably at elite, plush 535 N. Michigan.

The other leading smut dealers are the Geraci Brothers, John and Vincent, accounting for three stores between them, all located on the North Side. Vincent Geraci, who says his decision to open a bookstore was as "arbitrary as opening a grocery, tavern, or barber shop," approximates that 100 steady customers patronize his North Broadway location alone. These people stop regularly each week. The rest are just fringe customers that come into the store curious about the goods.

There are about six other dealers, each operating his own store. They offer a variety of about 200 different magazines, published by only three or four outfits, plus a countless selection of book titles. False names like Tom Howard or Samuel Jones byline the literature. The pages offer vulgarities, sexual deviations, and gross descriptions of homosexuality and fornication. Off to the side there is usually a coin-operated viewing booth that projects a short smutty 8mm film for 25c.

Most of the stores dealing in smut typically brandish a sign reading No Minors—You Must Be 21. Typically centurioned at the checkout counter is an old man, plucked from retirement, who "enforces" the no-minor policy. And *very* typically, the clerks rarely check I.D.'s.

On eleven occasions, a minor in cooperation with *ChicagoLand* gained viewing access unchallenged to the 25c film booths operated in the Funland Arcade and the other South State Street arcades. The films called "art movies," last about three minutes and show a naked woman gyrating on a bed. In some cases the woman has a sparse cloth loosely covering the genital area. A large sign clearly visible to all announces the no-minor policy.

At one point *ChicagoLand's* minor had just exited from the smut film when he was approached by a man identifying himself as the owner, Leonard Lennet. He asked the minor if he enjoyed going to the circus. When the young man responded yes, the man gave him two 65c tickets to the Gigantic Children's Circus and Carnival Sponsored by First Ward Regular Democratic Organization, John D'Arco, Committeeman. The man said he was a good Democrat and a friend of D'Arco's and wanted to make sure the Coliseum was filled when the children's affair was to take place. The tickets were reserved tickets, 310E and 312E.

"You mean they're free?" said the youth.

"Absolutely," smiled the man; he then proceeded to distribute a handful of tickets to other minors hanging about the arcade.

Another minor working with ChicagoLand reported men in the same arcade offered to place a bet for him within. Further investigation revealed "a peculiar heavy-duty door" off to one corner behind the smut film booths. The information was turned over to the city Gambling Squad, who secured a warrant based on the information, and conducted a raid of Funland at 11:45 on Sept. 4. Arrested and charged with being a "keeper of bets" was Leo Rocklin, who gave his address as 1730 W. Devon. According to raiding officers, "Based on ChicagoLand's information and our own surveillance, got a warrant and raided Funland. We found betting records in the arrested man's shirt pockets and also in a nearby waste paper basket. The betting we found was mostly on different athletic events, especially baseball. A thorough search did not reveal any other evidence or large-scale operation, probably because the ChicagoLand investigation and our surveillance scared them away.

In seven other instances a minor, working with *ChicagoLand*, was able to enter the Van Buren Bookstore, run by Charles Kimmel, and purchase magazines that featured closeups of female genitalia.

The magazine *Stud*, which shows completely nude males in various poses, was purchased by a seventeen-year-old-girl. The same store sold a similar magazine to another *ChicagoLand* plant, this one a young man of nineteen.

Sales like these are frequent, with the exception of one store, run by Vincent Geraci. That store's obscene section is carefully blocked off. A non-refundable deposit of $1 is charged to each entering patron. The dollar is charged each time entry is requested and can be used toward purchases. All I.D.'s are checked by a young man stationed at the entrance. Owner Vincent Geraci claims, "At least if a maker gets by us we know he's at least eighteen. The law allows us to sell this stuff to minors eighteen and over, but I know plenty of kids under eighteen that can pass for older. So out of good taste, and to make sure we don't get pinched for selling to under-aged kids, we admit only people of twenty-one years and over."

But, according to authorities, the one that does get by, and the stores don't really care, is the mental aberrant, the pathological rapist, and the fringe neurotic, upon whom such material can have a significant, dangerous effect. It so happens that these types make up the bulk of obscenity's audience, according to vice-squad Sgt. John Coughlin. Arguing against this, Geraci asserts, "We're not influencing anyone. But the time a guy is twenty-one he's already accrued all his shoddy morals. We don't sell these guys anything they don't see all the time and aren't used to.

"If these people are seeing it all the time and are so used to it, why the hell are they gawking at obscene photos in a magazine?" contradicts Manuel Port, City Corporate Counsel. "I'll tell you who's gawking at these photos. It's often times married men tired of the same old woman, or whose wives don't even act like women anymore. You never see a bum or a hobo in these places. The magazines cost from $3.50 to $6 for a dozen pages. Who do you think can afford that money? *It's businessmen.* (*ChicagoLand* followed three typical lunch-time customers from purchases at Kimmel's Van Buren Bookstore. One, a distinguished-looking vice-president, ended up behind a desk in a prominent Loop bank. The second turned out to be a broker for a major brokerage. The third took a seat in the offices of the Chicago Bureau of Streets and Sanitation.) It's the perverted people. They get thrills looking at little naked girls and tempting women in magazines. No, they don't look at this filth and dart out and rape someone. But it stays in their minds, and then they'll see a fully-clothed woman walking alone at night and find the irresistible temptation too much."

"That's not true," disputes Geraci. "This stuff reduces the rape rate. It provides a release that these men need. I admit they're perverts, but they need this type of stuff."

"Ask any psychologist," returns Port. "The men that need to stare at a distorted vagina for a release are perverts that are never satisfied or relieved, not even when they commit a rape. They're just steam pressurecookers, getting hotter and hotter, and this trash is a major cause."

This is how it stands legally, Pornography is illegal. Just what constitutes pornography or obscenity is difficult to say. Revised State Statute 11–20, revised in 1961 to meet U.S. Supreme Court rulings, defines obscenity as any audio or visual material which appeals to the prurient, in the main. That means the entire swing of the book or magazine must be proved vile according to contemporary standards. *Any* redeeming social value is enough to offset its offensiveness to society, e.g., *The Pearl . . . Marquis de Sade,* etc., books which describe in vulgar terms and literary exactitude a gamut of sexual deviations and perversions; in the case of *de Sade,* the author (from whose name we derive sadism) was an *institutionalized* lunatic.

Who decides what's obscene? It's not the police. The ones cooperating with *ChicagoLand* were disappointed in the current *Playboy,* yet found great repulsion in the obscenity they had to handle. But they merely buy the matter and submit it to the state's attorney or city corporate counsel for possible action. The attorney can only bring it before the justice. It is the court that makes the decision whether it is in accordance with "current community standards." To insure fairness, a variety of judges act in rotation. But the actual warrant will

not be issued unless the judge finds the matter obscene. This places the determination of community standards and what is obscene solely in the individual judge.

But this is only half the story. In order to convict the seller, it must be proved that scienter, or knowledge of the exact nature of the sold materials, did exist. Most store owners argue they never read their magazines, that they don't have time, and couldn't even if they wanted to with as many as 75 new titles monthly.

What's more, the same procedure must be initiated for each objectionable publication sold. Therefore, if a man is selling a storeful of obscene magazines, each one must be proven obscene in order to have an effect on him. And the arrest does not constitute a close-down of the premises. A clerk's presence is all that is required to keep the store open until the proprietor returns from posting bail. Then it's business as usual: same obscenity, same owner, same store, same everything. Sales cannot be stopped until a conviction is made and all appeals settled. This can take years. And even if the conviction is finally upheld, the seller is generally fined around $150, and it merely starts all over again.

ChicagoLand discovered attorney Howard Savage is curiously the counsel of record for almost all of the offenders. After a thorough investigation, it was discovered that Howard Savage's retainer is paid by the various smut distributors and manufacturers, most of them located out-of-state. The same benefactors also share in the costs of defense. This curious arrangement could not be explained by Mr. Savage because he was "not available," not even for the appointment he made with *ChicagoLand*'s reporter.

All the experts agree, smut in pornographic or obscene form is a dangerous, noisome disease of our society. It ferments the minds of psychotics. It degrades the human body as grotesque. It robs the individual of the physical integrity that comes with privacy. It is not art, as its dealers claim. Howard Craywinkle, photographer for the Art Institute, 43-years-old, office adorned with *Playboy* pin-ups, described the obscene photos shown him as "The most plainly dirty, unsubtle, indignant trash I have ever come across anywhere in the world."

The material, in fact, is so repulsive, female reporters are not allowed in the courtroom of judges hearing obscenity cases. The file cabinets in City Hall, where such material is stored, is kept locked, with only two keys: one in the constant possession of Manuel L. Port, and the other hidden somewhere in the office in case of a loss.

And all of the experts maintain these bookstores flourish only out of public ignorance. Mention obscenity to the average citizen and he conjures a pin-up, or racy deck of playing cards. "The average person can't even wildly imagine that such repugnant trash is being openly sold, and to him there's no difference between one form of smut and another," insists Sgt. "Coffee."

"Sure," says Port. "There's a fringe of pseudo-intellects, immoral, confirmed bachelors, hustlers, or high sophisticates, and plain perverts that will actually condone this type of scum. But ask a family man. Show it to any average citizen, working man, man with common sense and values, and see if he isn't totally shocked with the knowledge that this stuff sells openly."

Sources at the FBI claim the only way for a community to restore its "current community standards" is to write to judges that preside in such cases and to the Supreme Court justices that make the rulings. In Chicago, a citizen can write to the Corporation Counsel, Port, and he can convey the letters to the appropriate jurists. Unless this is done, say the experts, the obscenity currently being accepted will bend the morals of the community more and more by symbolizing what is "contemporary."

But better yet, if you want to see what is feeding the minds of perhaps potential rapists, and what your children can apparently easily obtain through their eighteen-year-old friends, visit one of the stores. Adults are allowed inside, assuming they can prove their age. The owners are your neighbors. The stores are in your neighborhoods. Visit the bookstore . . . and then write a letter.

THE ALLEGED KILLING OF CIVILIANS AT MY LAI

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from an article concerning the alleged massacre at My Lai, published in the New York Times on Tuesday, November 25, 1969.

On November 24, 1969, the Columbia Broadcasting System broadcast an interview with Paul Meadlo concerning that incident. The following excerpt from the Times story raises some serious questions concerning the bona fides of the interview:

An employee of the Dispatch News Service, a free lance Washington agency, indicated that CBS had paid a sum of "in five figures" for the interview yesterday. The news service said it had made Mr. Meadlo available for the interview.

Mr. President, if this interview with Mr. Meadlo was in fact purchased by CBS, the validity of the interview becomes immediately subject to question. Whether Mr. Meadlo's statements are true or false, exaggerated or accurate, will be learned at a later date, presumably at the conclusion of Lieutenant Calley's court-martial.

In the meantime, I think it would be well if the American people knew more of the circumstances surrounding this interview with Mr. Meadlo on the My Lai massacre. I think it would be very helpful if CBS, having broadcast this sensational interview which might very well be prejudicial to the lieutenant about to stand court-martial, were to disclose all the facts about the interview and state for the record whether or not it was purchased. If it was in fact purchased, Mr. President, I think the public should know the exact amount of money that changed hands and the facts of the bargaining for this sensational newscast.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 25, 1969]

VETERAN SAYS HIS UNIT KILLED VILLAGERS

Lieutenant Calley and Sergeant Mitchell have been charged by the Army with assault with intent to commit murder in connection with the case, and Lieutenant Calley was ordered yesterday to stand general court-martial.

Mr. Meadlo reported that on the day after the alleged massacre, he stepped on a land mine and subsequently lost a foot.

"I feel cheated," he said in an interview with Mike Wallace, a news correspondent, "because the V.A. [Veterans Administration] cut my disability like they did, and they say that my stump is well-healed, well-padded, without tenderness.

"Well, it's well-healed, but it's a long way from being well-padded. And without tenderness? It hurts all the time. I got to work eight hours a day up on my foot, and at the end of the day, I can't hardly stand on it. But I gotta work because I gotta make a living. And the V.A. don't give me enough money to live on as it is."

Mr. Meadlo, who said he had a wife and two children—a boy 2½ and a girl 1½—said he had been in the first wave to reach the village by helicopter.

"WE HUDDLED THEM UP"

He said that after one villager—"an old man"—had been shot, about 40 to 45 people were gathered in the center of the village. There were men, women, children and babies, he said. He continued:

"And we huddled them up. We made them squat down, and Lieutenant Calley came over and said 'You know what to do with them, don't you.' And I said yes. So I took it for granted that he just wanted us to watch them. And he left, and came back about 10 or 15 minutes later, and said, 'How come you ain't killed them yet.' And I told him that 'I didn't think you wanted us to kill them, that you just wanted us to guard them.' He said, no I want them dead. So—."

Mr. Wallace said, "He told this to all of you, or to you particularly?"

Mr. Meadlo replied: "Well, I was facing him. So, but the other three, four guys heard it and so he stepped back about 10, 15 feet, and he started shooting. I poured about four clips into the group."

SIXTY-SEVEN SHOTS ESTIMATED

Mr. Meadlo said that he was firing an M–16 rifle, and under questioning he estimated that he had fired 67 shots.

"Well," he said, "I fired them on automatic, so you can't—you just spray the area on them and so you can't know how many you killed 'cause they were going fast. So I might have killed 10 or 15 of them."

After the initial shooting, Mr. Meadlo said, other individuals—about seven or eight—were gathered into a hut and a hand grenade was tossed among them.

Mr. Meadlo estimated that 370 persons were killed in the village during the day. He said that the company commander, Capt. Ernest Medina, was "right there" but did not put a stop to the shootings.

Vietnamese civilians have told American reporters that 567 residents of the village were killed. One American who said he was an eyewitness has put the number at 100. The South Vietnamese Government has declared that no massacre was committed in Songmy by American troops on March 16, 1968.

Mr. Meadlo said that more than 70 villagers were taken to the edge of a ditch, pushed over, and shot with automatic fire, then single shots, "so that we could save our ammo."

Mr. Wallace asked, "How do you shoot babies?"

"I don't know," Mr. Meadlo replied. "It's just one of them things."

Describing the shootings at one point, he said:

"And the mothers was hugging their children, and—but they kept right on firing. Well, we kept right on firing. They was waving their arms and begging."

Asked how he felt during the shooting, he said, "I just seemed like it was the natural thing to do at the time. I don't know. It just—I was getting relieved from what I'd seen earlier over there."

Asked to elaborate, he said, "My buddies getting killed or wounded or—we weren't getting no satisfaction from it, so what it really was, it was mostly revenge."

Mr. Meadlo said that now he dreams about the village.

"I see the women and children in my sleep," he said. "Some nights, I can't even sleep. I just lay there thinking about it."

In another interview, with Seymour M. Hersh of the Dispatch News Service, Mr. Meadlo said that his company had been in the field for 40 days without relief before the incident in the village and had suffered casualties from mines.

In the interview Mr. Meadlo, a factory worker, was described as the son of an Indiana coal mine worker who married his high-school sweetheart and began to raise a family before he was drafted. He said that he had been in Vietnam for four months at the time of the alleged massacre.

The report said: "As Meadlo was waiting to be evacuated [after he was wounded], other men in the company reported, he told Calley that this [injury] was his (Meadlo's) punishment for what he had done the day before, and warned, according to onlookers, that Calley would have his day of judgment, too. Asked about this, Meadlo said he could not remember."

Mr. Meadlo was described as the son of Mrs. Myrtle Meadlo of New Goshen, Ind., who was quoted as saying:

"I sent them a good boy and they made him a murderer."

Mr. Meadlo also said, in confirmation of figures in Mr. Hersh's article, that he had personally killed 35 to 40 persons.

Asked how many persons he had killed in the first group of villagers rounded up, he said, "I'd say about 15."

The second group rounded up, Mr. Meadlo said, was "much larger—70 to 75 people in the group." He added: "I must have killed about a third of this."

An employe of Dispatch News Service, a free-lance Washington agency, indicated that C.B.S. had paid a sum "in five figures" for the interview yesterday. The news service said it had made Mr. Meadlo available for the interview.

A spokesman for Mr. Hersh, when asked later whether Mr. Meadlo had been paid for granting the interview, said, "The kid is getting absolutely zero."

Mr. Meadlo declined to amplify on his televised remarks last night in a meeting with a reporter at the Plaza Hotel arranged by Mr. Hersh. Contending he knew nothing about any financial arrangements Mr. Hersh may have made for the publication and broadcast of his story, Mr. Meadlo added:

"I've already told my story. I feel I should be getting something out of it."

THE FRANCHISOR-FRANCHISEE RELATIONSHIP

Mr. HART. Mr. President, the Subcommittee on Antitrust and Monopoly has been in the process of studying the franchisor-franchisee relationship for the last few years. One area which has been of particular concern to both the franchisor and franchisee is the determination of what constitutes a fair and equitable contract from the viewpoint of both parties and at the same time offers the necessary protection to the legitimate interest of the public at large.

Mr. Jerrold G. Van Cise, an eminent authority in the field of antitrust and trade regulation delivered a paper on this subject last spring at the fifth annual International Management Conference on Franchising at Boston College. It has since been reprinted in the Antitrust Bulletin. I believe that this paper is of extreme importance and timeliness. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A FRANCHISE CONTRACT

(By Jerrold G. Van Cise)

Ignorance of the law—at least in franchising—no longer is bliss. Franchisors who enter into unlawful agreements may be chained to injunctions; [1] their conduct may cost them treble damages; [2] and such violations may curb them with new regulations.[3] In franchising, therefore, standard equipment currently must include a lawful contract.

Knowledge of the law, however, need not increase sorrow—despite Ecclesiastes. This is because three principles are available to guide the pen of the draftsman in preparing a suitable franchise agreement. The first principle is that the contract should be *frank*. Complete disclosure of a proposed relationship between franchisor and franchisee is desirable in order to ensure that neither party may reasonably charge that thereby he was deceived by the other.[4] Second, its provisions should be *fair*. This franchise relationship should be so equitable that no party may convincingly claim that thereunder he was dominated by the other.[5] Finally, its contents should be *enforceable*. If either the franchisor or the franchisee should be tempted to breach the covenants thus openly and equitably entered into, he should not be in the position of a pot entitled to call the other an equally black kettle.[6] In short, if the franchise agreement is drafted so that the parties know what they are doing when they agree, like what they are doing when they perform, and fear what they may suffer if they sin, the resulting contractual relationship should be relatively non-litigious.

The legal tailor must of course cut his contractual cloth to conform to the contours of his client. For example, he may prepare a short document to clothe the distribution of standard appliances to establish dealers—but any such "mini" contract would be far too short to cover an arrangement for serving distinctive foods in new service outlets. Moreover, he should attempt to design covenants which will look well on his client. Thus, provisions appropriate for hot dogs may not be suitable for live dogs. Nevertheless, his agreement should sufficiently adhere to the suggested three principles that neither party will hesitate to appear in public wearing the finished garment.

Possible contractual provisions embodying these principles are discussed below. Counsel for the individual franchisor or franchisee can best determine which, if any, of these provisions might be considered for inclusion or exclusion in his client's future agreements. The objective here has been solely to propose and not to dispose of illustrative issues relevant to the preparation of such new franchise contracts.

GENERAL PROVISIONS

(1) *Description of parties:* A franchisor is accustomed to require an applicant for a franchise to disclose many facts in order to enable the former intelligently to exercise his right to select those with whom he wishes to deal.[7] A franchisee, in his turn, should have an equal right to obtain access to equivalent information with respect to the franchisor. Accordingly, a frank, fair and enforceable franchise contract might provide for mutual access by both parties to facts reasonably related to the business qualifications of the proposed signatories.

The franchise contract, for example, might not only describe briefly the parties but affirm that each had disclosed to the other, in writing, information as to his financial resources, previous experience, if any, in the franchised business and other relevant facts, and that each relies solely upon these written representations and no others in executing the agreement. Preferably, the franchisor should deal directly with the contemplated franchisee, and not through a subfranchisor having a less personal interest in protecting the franchised name, when these disclosures are given and received. If these steps are taken, neither party thereafter may reasonably claim that he was misled with respect to the qualifications of the other to discharge the contractual obligations undertaken by him.

(2) *Nature of franchise:* The franchise which is to be granted to this franchisee is in essence a license authorizing him to engage in business in a manner associated with and identified by a trade name. This name is owned by the franchisor and will remain so owned upon any termination of this license. It follows that a contract conforming to our three principles should explain the ownership of the franchised name and describe exactly what it covers. Any subsequent restraint in this license might then be phrased in a manner to indicate how its restriction is reasonably ancillary to the lawful main purpose [8] of protecting the good will represented by this trade name.

The franchise agreement therefore might affirm the ownership by the franchisor of the trade name, state that the franchisee acknowledges this ownership, describe the form and substance of the business identified by this name, and refer to some of the unique features upon which the parties rely to justify their contractual restraints.

(3) *Territory of franchise:* The franchise agreement at some point customarily identifies the area within which the franchisee is licensed to do business. In addition, it often specifies a particular address in this area from which the franchisee may solicit customers. Therefore it is essential that each party know exactly what and where this area and/or location are. To date, the courts have approved the grant of such limited, as distinguished from unlimited, territorial licenses.[9]

The franchise agreement might not only identify the licensed area and/or location, but—possibly by cross-reference to the relevant papers—describe the criteria used in determining the market potential of the franchise and represent that this criteria is known to and is satisfactory to both parties. If the franchisor wishes to lean over backwards, the document could also make provision for some equitable adjustment or even a possible removal of the franchisee to a new location within the franchised territory in the event that the criteria used should subsequently prove to be erroneous or become outmoded.

(4) *Protection from competition:* The franchisee will probably desire to know the extent to which he will obtain exclusive rights in this franchised territory, and in this event the franchisor should tell him. An applicant should not be permitted to assume that he will be protected from competition if this will not be the case.

The franchisor may lawfully provide in the franchise contract, if he so elects, that in the franchised territory he will solely license the franchisee. He may also promise that neither he nor anyone associated with him will open up a company outlet there. The franchisor may not, however, undertake that any other franchisee located in any other market will not transship into the licensed territory.[10]

(5) *Representations by franchisor:* Following the execution of such a contract, some franchisees have asserted that erroneous representations by the franchisor had been made with respect to the assistance which the franchisee was to receive and the profits which he was to earn. Moreover, such assertions on occasion have been found to be justified.[11] If proven, any such franchisees would have actionable claims for deception

Footnotes at end of article.

and failure of consideration against their franchisor.

The franchise agreement therefore might reduce to writing any representations which had been made to the franchisee in order to induce his execution of this document, and contain an acknowledgment from the franchisee that no others had been made either orally or in writing. In addition, supplementary instructions might be issued to the franchisor's personnel requiring them to limit their promises to what they have been authorized in writing to make.

(6) *Representations by franchisee:* Likewise, at times, franchisees have claimed that they had been high-pressured into signing their franchise contracts before they had had adequate time in which to study their terms, check on the representations made or obtain professional advice on the foregoing. They have also asserted on varying grounds that they did not knowingly and willingly enter into their contractual obligations. If substantiated, any such conduct could invite proceedings from the Federal Trade Commission.[12]

The franchise agreement accordingly might contain a blank to be filled in by the franchisee specifying the period during which he has had in his possession a copy of this document. In addition, it might provide for a representation by the franchisee that he has had adequate time in which to review all aspects of the proposed contractual arrangements, and a statement that he is freely signing after having submitted the document to his counsel and having received his advice. As further insurance—against a possible claim that even this acknowledgment was obtained by unethical means—an option might be given which permits the franchisee within a reasonable time thereafter to change his mind and to receive back an equitable portion of any monies deposited by him. In short, the franchise contract might be so drafted as to evidence on its face that any future charges of fraud made by the franchisee are instead acts of fraud committed by this franchisee.

START-UP PROVISIONS

(7) *Deposit of fee:* We now leave the general and turn to the more specific contractual provisions, starting with any fee which may be required before the franchise grant is to take effect. Franchisors vary in whether or not they insist upon the payment of any such initial fee by a franchisee upon the execution of the franchise contract. Some waive any such requirement; others seek an amount to cover some or all of their costs in launching the franchise in business; and still others charge what they consider to be the market value of the franchise grant. Needless to say, federal and state laws with respect to fraud, taxes and securities [13] must be consulted when these decisions are made.

A frank contract might list all start-up charges; a fair contract might disclose the justification for each; and an enforceable contract might avoid vague commitments giving rise to disputes over the adequacy of the consideration received for any such payment. A generous agreement might provide that any such fee is to be considered as a mere deposit to be returned in part or in whole in the event that, for some reason, the franchisee never commences to engage in business under the franchisor's name.

(8) *Land and building:* Many franchisors undertake, in part consideration for this franchise fee, not only to make available a distinctive design of building which is uniform to all of its franchisees, but also to secure a desirable business location, to lease it from its owner, and to sublease it to the franchisee. They may also offer to finance the construction of the building which is to be used by the franchisee. If these services are contemplated, the extent of any such undertakings should be spelled out; the charges for any land and building thus obtained should be itemized; and any acceptance of these arrangements should of course be optional. The leasing of land and buildings may not safely be tied to the acceptance by the franchisee of his franchise license from the franchisor.[14]

A franchisor therefore might expressly state in his contract that a franchisee has the option either to obtain his own land and building (conforming to the standards, blueprints and specifications of the franchisor), or to lease such land and building from the franchisor. He might also take care to limit any charges for any leased property to the prevailing rates in the community plus a reasonable return for his real estate services. In this manner, both the language of the contract and the confirming facts of the market place will establish that the lease of property and the license of the trade name are independently entered into and thus are independently enforceable.

(9) *Equipment and facilities:* Many franchisors likewise discover that they must locate equipment and facilities appropriate for use by their franchisees in their business operations and must undertake to finance their supply to their franchisees. This ancillary line of business activity also is proper, provided again, that the franchisee understands what is offered, has the opportunity to check upon the reasonableness of each charge, and may reject any or all items insofar as they are available in comparable form and substance elsewhere. Except where they represent unique and indispensable items only available from the franchisor, any requirement that equipment and facilities be purchased solely from the franchisor is hazardous.[15]

The franchisor here also might spell out out in his contract that the franchisee has the option either of making his own arrangements for the purchase of equipment and facilities meeting the specifications of the franchisor or of obtaining them from the franchisor. The prices charged by the franchisor for these items—once again—might be based on competitive price levels plus a reasonable return for special services provided by the franchisor. As in the case of the previous provision relating to real property, a transaction of sale and a license of rights should in form and in fact be offered and accepted on their individual merits in the absence of special facts making them to a degree interdependent.

(10) *Training of applicant:* Whether or not franchisors furnish land, building and facilities, they must of course undertake to make sure that their franchisees are qualified to deal with the public in a manner conforming to the standards represented by their franchised names. At times, a franchisee may be sufficiently informed of his duties by written communications from his franchisor. Normally, however, he should receive some more or less intensive training in the unique demands of his franchised business from his franchisor.[16] It is essential, accordingly, that the franchise agreement disclose in adequate detail the nature, duration and additional cost, if any, to the applicant of the training that will be required of an applicant for a franchise before he will be entitled to engage in business under the franchised name.

Amplifying a prior suggestion, a franchise contract might provide that a franchisee who changes his mind about becoming a franchisee during his training period may cancel his contract and receive back some or all of any deposit which he has previously made, upon condition that no use of any information thus far received by him will either be used by him or be disclosed to another. A provision of this nautre will foreclose any subsequent charge by some franchisee that he has been misled into surrendering his life savings for and devoting his remaining lifetime to a franchise business unknown to and untried by him.

(11) *Transmission of standards:* Once the franchisor has arranged for the supply of land, building, facilities and training, he must communicate to his franchisee the standards which should be maintained by the latter when doing business under the franchised trade name. These standards normally are incorporated in manuals and other written communications, which convey to the franchisee the specifications, procedures and other trade secrets of the franchisor. The establishment and enforcement of these standards are not only permissible, but are essential, in trademark licensing, in order to safeguard the public which patronizes the franchised business in reliance upon its identification with the franchised trade name.[17]

These standards of the franchisor preferably should be objective in nature, capable either of written definition or of scientific determination where this is feasible. Their nature should conform to the description of these franchise controls contained in the franchise contract, so that the franchisee was aware of their restrictive features before he undertook to be bound by them. Provision might be made for reasonable changes in these standards by the franchisor in the light of subsequent experience and new developments. Any authorization of capricious changes from time to time at the whim of the licensor, however, should be avoided. For any attempt to use the device of alleged standards to maintain arbitrary controls over independent businessmen would cause suspicious franchisees and skeptical courts to consider them to be mere camouflaged procedures intended to impose collateral trade restraints upon the licensees.

(12) *Opening for business:* Eventually the franchisee is prepared to open for business. On this occasion, as an additional service offered in part consideration for the payment of any franchise fee, the franchisor as midwife customarily provides promotions, advisory personnel and other assistance in order to ensure the successful birth of this new entrant. These services are reasonably ancillary to the grant of the franchise and should raise no legal problem.

The franchise contract, however, might detail the specific forms of help which are to be provided. Too often franchisees believe that promised forms of assistance have not been given during these critical opening days, and thereupon rely upon this alleged default to justify their subsequent inadequate performance and even for their refusals to meet royalty obligations. A franchisor should, of course, take most seriously his obligations to assist a franchisee at the time he enters into the world of franchising. At no other time will his new franchised offspring need more solicitous and sustaining support.

OPERATING PROVISIONS

(13) *Assistance in purchasing:* Once the franchisor has assisted a franchisee to open for business, the former in most cases makes available to the latter a continuing purchasing service. This service may be limited to the mere listing of suppliers which can meet the franchise specifications or may also extend to the offer of goods and services for sale to the franchisee. The supply of this additional merchandising service is subject to the same principles as are applicable to the furnishing of land and facilities, namely that it may be provided so long as the franchisee is not coerced into using franchisor-designated sources when competitive merchandise of comparable form and quality is available.[18]

The franchisor, it follows, might state in his franchise contract the nature of the purchasing service which he will provide to his franchisee, *i.e.*, specifications, lists of qualified suppliers and/or qualified mer-

Footnotes at end of article.

chandise. He may further bind his franchisee to purchase from him such of the distinctive franchise goods as cannot be secured from others, and to refrain from obtaining any substitute commodities from others which do not meet his objective specification standards.[19] These specifications, of course, should seek only to ensure the uniform and distinctive nature of the franchised goods and services, and thus should not consist of numerous, irrelevant differences whose objective is solely to discourage the use of competing sources of supply. If the franchisor wishes to win friends in government and influence courts in litigation, he might also assure the franchisee that otherwise he is free to select his sources of supply. Once again, it would be helpful if both the franchisor's contract provisions and his competitive pricing could demonstrate that his franchisees are not captive markets foreclosed to competition.

(14) *Guidance in bookkeeping:* The franchisor will probably also desire to aid the franchisee to keep his operating costs down to a minimum. He may therefore make available to the franchisee certain business forms, systems of cost control, procedures of record keeping, and even computer services. In addition, he may specify how receipts and expenditures are to be recorded, when bank deposits are to be made, and to what extent monies may be drawn down by the franchisee.

Whatever service of this nature is to be given, however, might be so identified in the franchise contrast that the franchisee will be sufficiently put on notice with respect to the benefits he is to receive and the controls he is to accept before he is bound by its contractual terms.

(15) *Management and promotions*: The franchisor may likewise wish to furnish to the franchisee merchandising support of the nature which a chain gives to its store managers. For this reason he might plan to provide field services, refresher courses, communications of marketing developments, disclosures of new advances, and periodic inspections. These subjects might therefore be covered in his franchise contract.

Whether or not the franchise contract promises to supply one or more of these forms of merchandising assistance, however, it might at least bind the franchisor to offer to the franchisee a coordinated program of local sales promotions, public relations projects and national advertising. Thus it might contain a covenant that the franchisor will devote for this purpose a specified percentage of the royalty payments which are received by him. Preferably, the agreement might provide that the franchisor will receive a sufficiently large royalty to be able to underwrite all of this advertising activity; because an arrangement that the franchisor is to supply promotions which are to be paid for by the franchisee could conceivably provoke a claim—however absurd—that the franchisor is using his grant of a franchise to tie up the purchase from him by his franchisee of an important competitive service.[20]

(16) *Recommendations on sales:* The franchisor, finally, will be most anxious to assist the franchisee in deciding what goods or services should be offered, in what markets, and at what prices. Accordingly, the franchisor might direct his franchisee to offer for sale only the unique products and services identified by the licensed trade name,[21] provided, as previously stressed, that the latter may obtain reasonably equivalent supplies where available from any sources meeting the franchisor's specifications.[22] He might also bind the franchisee to engage in business at least in defined markets [23]—if the franchisee remains free to sell elsewhere without being penalized.[24] Finally, he might even suggest resale prices [25] so long as he does not require any observance by the franchisee of these suggested prices [26] (unless they are fair traded). A franchisor whose captive outlets compete with franchised outlets should take particular care not to check on whether these recommendations with respect to prices are being observed.[27]

The franchise contract, it follows, might provide that the franchisee is licensed to do business solely at the franchised premises and solely in designated goods and services. It might further provide that the franchisee undertakes to use his best efforts to promote the sale of these franchised goods and services "primarily" to designated customers and/or in defined markets. If it should add that advice on prices may be given to the franchisee, it might go on to state that such advice of course is entirely optional. Any compulsory regimentation of resale prices not only could result in an unenforceable contract and treble damage liability—but fines and jail for the franchisor. Such a price for the privilege of price-fixing would seem to be unduly high.

(17) *Performance by franchisee:* Thus far, the discussion has related principally to the obligations of the franchisor. It is now in order to turn to the duties of the franchisee. In return for his receipt of the franchise grant and these franchisor's services, the franchisee may be required to exploit effectively this grant and these services. Thus, while he must be free to purchase from qualified sources other than his franchisor, he can be obligated separately to identify products coming from his franchisor and aggressively to display and sell the latter.[28] Again, as observed above, although he is free to advertise and sell anywhere, he can be required to devote his best sales efforts primarily in the markets for which he is responsible.[29]

The franchise contract might therefore make clear exactly what will be required from the franchisee in the way of merchandising efforts. Among such subjects, which might properly be covered, are the hours during which the franchised premises are to be open, the size of the sales force which is to be employed, the signs that are to be erected, and the displays of merchandise that are to be made. Supplemental provisions to ensure the protection of the "sales image" of the franchised name might include the unique features to be preserved, the quality controls to be maintained, the laws to be observed, the standards of cleanliness and service to be met and the good will of customers to be achieved. Some franchisors go further and impose sales quotas negotiated with and accepted as reasonable by the franchisee before the signing of the franchise agreement. The sum of these requirements, as well as their individual provisions, however, should not exceed what is reasonably ancillary to the success of the franchise relationship.

(18) *Reports and royalties:* As further consideration for the franchise grant and the franchisor's services, the franchisee may of course also be required to report and to pay royalties computed on the basis of his earnings. The franchise contract would be misleading, however, if it did not clearly identify both the rate of royalty to be paid and any other supplemental charges which are to be made. Criticism might be avoided, moreover, if it could be demonstrated that the continuing royalties which are charged bear a reasonable relationship to the value of the continuing benefits which are conferred.[30]

The franchise contract therefore might take pains to specify, in the manner discussed above, the various benefits for which the royalty is charged to the franchisee. The reasonableness of this royalty, when compared with the rights granted and the services provided, might be reviewed with and acknowledged in writing to be acceptable by the franchisee. Thereupon appropriate recording, reporting and payment procedures might be established. Subsequently, the franchisor would be well advised so generously to provide his promised services to the franchisee that the latter will hesitate to jeopardize their receipt through any failure on the latter's part to make the royalty payments when they are due.

(19) *Insurance and taxes:* The franchisee should, of course, assume the responsibility for keeping in force general liability and product liability insurance of a defined coverage, for paying all taxes, and for keeping the franchised premises in good order, condition and repair.

Needless to say, these obligations also should clearly be spelled out in the franchise agreement and thereby be knowingly accepted by the franchisee when he signs.

(20) *Confidentiality of disclosures:* The franchisee should also agree to keep confidential all information, procedures, specifications, manuals and other communications in the nature of trade secrets which are received by him in writing from the franchisor. Writings containing mechanical details such as the hours of doing business had best be segregated, however, and not included in this category.

The franchise contract might therefore declare that any such information represents confidential disclosures which remain the property of the franchisor and, insofar as practical, shall be returned to the latter upon the termination of the agreement. In addition, the franchisee might covenant not to disclose such information to third parties—and to assume the burden of proving that he is not using it should he engage in a comparable form of business—during the period of the franchise agreement and for a reasonable time thereafter.

TERMINATION PROVISIONS

(21) *Renewal of terms:* There remains for consideration what might happen if the franchise relationship should come to an end. The provisions on this subject might distinguish between two types of franchisors. Thus, on the one hand, where a franchisor creates and continues to retain solely for himself a business of producing and selling a finished product, and merely authorizes distributors to resell this product in the form in which it is received, it seems reasonable for him to grant to these distributors for short periods of time franchises to resell his commodity, and to give no automatic right on the part of these franchisees to demand successive renewals of their franchise grants. This is because the law does not permit the franchisor to tie up these franchisees [31] and it seems only equitable for him to be permitted to withhold any comparable right by the franchisee to tie up the franchisor. The most that such a franchisor might be required to do would be to promise that, in the event their franchises are not renewed, these franchisees will have an option to turn back to him their inventory of the franchised merchandise, at their cost including freight and taxes. If buildings and facilities were specially designed to handle the franchised product, the franchisor might also underwrite the cost of the franchisee in converting them to other uses.

But, on the other hand, a franchisor who licenses his trade name and know-how to a franchisee, in order to enable the latter not merely to add a new label to one of his lines of products but to create an entirely new local business, might be well advised to franchise such a new entrant for a substantiation period of time. In addition—if the franchisor does not wish to be subject to charges of unjust enrichment—he might accord to any such franchisee, who is not in default of his franchise obligations, a right to receive successive renewals of his license. In the latter case the local franchised business may have been built up as much through

Footnotes at end of article.

the efforts of the local franchisee as due to the contributions of the franchisor, and each should be entitled to continue to benefit from the fruits of his work. Possibly, however, an undertaking to discuss changes in the relative rights and obligations of the parties at the time of renewal might also be included, provided that each party is free to agree or disagree to any such proposed change.

(22) *Transfer of rights:* Whether or not a franchise contract is renewed, the franchisor traditionally reserves the privilege to assign his rights and obligations thereunder to a third party of his choosing, but he does not always permit any such transfer by the franchisee. The latter restriction is currently under attack in some quarters on various grounds, such as that it lacks mutuality and possibly constitutes a restraint upon alienation.[32]

The franchise contract, accordingly, might provide that a franchisee may transfer his rights and duties to any individual (or a corporation controlled by an individual) who meets defined standards and will assume the transferor's obligations; but that some specified prior notice must be given by the franchisee to the franchisor of any such transfer, whether in whole or in part. Any such privilege of transfer might also apply in the event of death. In view of the fact that the performance of a franchisee is so dependent upon the personal ability and integrity of the individual involved, moreover, the franchisor might reserve the right either to veto the franchisee's transfer to anyone not meeting the agreed standards or to purchase back the franchise at the price being offered by the proposed transferee. The franchisor might further promise that his consent to any such transfer would not unreasonably be withheld.

(23) *Terminations for cause:* A franchise relationship may, of course, come to an end even if a renewal or a transfer of the franchise grant is permitted. Thus, a substantial breach by a party of his contractual obligations—not corrected after he is placed on notice of his default—will justify cancellation of the franchise agreement by the other party. Accordingly, what constitutes such a breach might be spelled out in the franchise contracts. For example, failure on the part of the franchisor to provide the promised services, and on the part of the franchisee to pay the agreed royalties, would be such a proper cause.

In view of the Washington spotlight upon alleged arbitrary terminations of franchise grants, a franchisor might prepare for his possible appearance on Capitol Hill by explaining what he means when he states that the lack of adequate promotion of the franchised business in his area of primary responsibility by the franchisee may constitute good cause for termination. If such a provision should be incorporated, the draftsman might identify objective and unobjectionable yardsticks to be used in measuring the performance of the franchisee, *e.g.*, a significant decline in his relative position in his market when his sales volume is compared with the sales volume of competitors and other franchisees over a period of years, failure to carry adequate inventories, financial instability, poor service, and bad relations with consumers. The francisor may not, however, unreasonably reserve the right to claim that a franchisee's failure to measure up to the average sales volume of all franchisees constitutes good cause for cancellation, because in that event he will be claiming a right at any time arbitrarily to cancel out up to half of his franchisees whose individual sales volume also would be less than the average for all franchisees. Incidentally, even if the franchisor has good cause to cancel out a franchisee, he might lose his right to do so should he seek to exercise it pursuant to some unlawful plan, *e.g.*, to control resale prices.[33]

(24) *Terminations without cause*: Even without a substantial breach by a party of his obligations, it may be desirable to permit either party at any time to cancel the franchise agreement upon the payment of an appropriate price. Businessmen who are unhappy with each other had best not be forced to fight each other on the same franchise bed. The terms of any such divorce of the franchised parties, needless to say, including what would constitute a fair price, must depend upon the facts of the particular franchise relationship.

A possible provision on this subject in a franchise agreement might be that the franchisor may, by appropriate advance note, cancel the franchise rights of a franchisee, without cause, provided that he pays to the latter the cost of the franchisee's inventory including freight and taxes plus the fair value of the franchisee's business measured by the present worth of the probable future income of the latter. In his turn, the franchisee might be permitted to surrender his franchise prior to the expiration of his franchise agreement, but only in the event that he either obtains a substitute franchisee acceptable to the franchisor or goes out of business and covenants not to reenter a comparable business in the franchised area during a reasonable period of time.

(25) *Obligations on termination:* The preceding discussion has identified certain obligations which might be acceptable to the parties, upon the expiration of the franchise, with or without cause. Other duties might also be imposed in such an event.

For example, to the extent possible, each party might undertake to return to the other any property belonging to the latter which has not been purchased by the former as part of the termination settlement. In particular, confidential manuals, promotional material and signs using the franchised name should be turned back. Again, along the lines of a previous suggestion, the franchisee might either covenant not to enter into a competing business in the franchised area for a short period of time, or agree to assume the burden of demonstrating that he is not using any franchised know-how should he engage in any such business during this period of time. Above all, the franchisee should discontinue his use of the franchised name.

(26) *Resolution of disputes:* In the event of any disputes arising between the parties, in connection with any of the above matters, each might undertake, upon the request of the other, to attempt to agree upon the appointment of a mutually acceptable mediator who could try to bring the parties together. In this role any such mediator might be empowered to make non-binding recommendations for resolving the controversy.

Any such disputes which are incapable of resolution by such mediation however might, at the option of either party, be submitted to binding arbitration. Thus it might be provided that any claim by either party should be settled solely and exclusively by arbitration in accordance with the then prevailing rules of the American Arbitration Association.

(27) *Relationship of parties:* The franchise contract should of course state that each party is an independent contractor and thus is neither an agent nor a legal representative of the other. No one should hold himself out to the public as being any such agent or representative.

Preferably—although this is not usually the custom—the franchisee might be required to feature his name in signs, readily seen by the public, which identify him as a franchisee licensed to use the franchiser's name. Such precautions—if supplemented by holding the contractual controls to a minimum—might help to defeat attempts by public or private persons to make the franchisor liable for any actionable shortcomings on the part of the franchisee.

(28) *Miscellaneous other provisions:* Other points which might be covered in the franchise contract are the places at which notices should be given, the law which should govern, the separability of the provisions and the right of the franchisor unilaterally to waive any of the restraints imposed by him upon the franchisee. There might also be a statment that all terms which are binding between the parties have been incorporated in writing in the franchise agreement.

CONCLUSION

One word of caution in closing. The franchise contract should, as stated at the outset, be frank, fair and enforceable. The draftsman of this document should not be so open-minded in protecting the franchisee, however, that his brains fall out in failing to safeguard the franchisor. Thus he should not fear to empower the franchisor to "coerce" and "dominate" the franchisee if any such restraint is reasonably necessary to prevent the latter from using the licensed name to destroy the franchisor or to defraud the public. But any excessive controls, which are not thus reasonably ancillary to the lawful main purpose of franchising, should be avoided. Our three guiding principles might be supplemented with a fourth: "Too much of anything is bad, except whiskey."

FOOTNOTES

[1] J. G. Van Cise, "Franchising and the Supreme Court" in *Franchising Today, 1967–1968* (Vaughn & Slater eds., 1968), p. 133.

[2] *Albrecht* v. *Herald Co.*, 390 U. S. 145 (1968); *Perma Life Mufflers, Inc.* v. *International Parts Corp.*, 392 U. S. 134 (1968).

[3] See, *e.g.*, Senate Bill S. 2321, 90th Cong., 1st Sess. (Aug. 21, 1967).

[4] See, *e.g.*, "Report on Findings of the Special Committee on Unfair and Deceptive Practices in Franchising," to be published in May in "Franchising Today, 1968–1969" (Vaughn & Slater eds.) (hereinafter "Report of Special Committee").

[5] *FTC* v. *Texaco, Inc.*, 393 U. S. 223 (1968).

[6] *Perma Life Mufflers, Inc.* v. *International Parts Corp., supra*, note 2.

[7] *United States* v. *Colgate & Co.*, 250 U. S. 300 (1919).

[8] *United States* v. *Addyston Pipe & Steel Co.*, 85 Fed. 271 (6th Cir. 1898), *aff'd*, 175 U.S. 211 (1899).

[9] *U.S. v. Arnold, Schwinn & Co.*, CCH 1968 Trade Cases ¶72,480 (D. Ill. 1968).

[10] *United States* v. *Arnold, Schwinn & Co.*, 388 U.S. 365 (1967); *United States* v. *Sealy, Inc.*, 388 U.S. 350 (1967).

[11] Report of Special Committee, *supra*, note 4.

[12] § 5 of the Federal Trade Commission Act, 15 U.S.C. § 45.

[13] See, *e.g.*, 49 *Op. Att'y Gen.* (Cal.) 124 (1967) (holding that two types of franchises are "securities" under California law and that a third type is not); see, also, M. Coleman, "A Franchise Agreement; Not a 'Security' Under The Securities Act of 1933," 22 ABA *Business Lawyer* 493 (Jan. 1967).

[14] *Northern Pacific Ry. Co.* v. *United States*, 356 U.S. 1 (1958).

[15] *Atlantic Refining Co.* v. *FTC*, 381 U.S. 357 (1965).

[16] *Arthur Murray, Inc.* v. *Horst*, 110 F. Supp. 678 (D. Mass. 1953).

[17] *Dawn Donut Co.* v. *Hart's Food Stores, Inc.*, 267 F. 2d 358 (2d Cir. 1959).

[18] *FTC* v. *Brown Shoe Co.*, 384 U.S. 316 (1966); *Albrech* v. *Herald Co., supra*, note 2; *FTC* v. *Texaco, Inc., supra*, note 5.

[19] *Susser* v. *Carvel Corp.*, 332 F. 2d 505 (2d Cir. 1964), *cert. dismissed as improvidently granted*, 381 U.S. 125 (1965); *Carvel Corp.*, FTC Dkt. 8574, CCH Trade Reg. Rep., 1965–1967 Transfer Binder ¶17,298 (1965).

[20] Cf. *United States* v. *Loew's, Inc.*, 371 U.S. 38 (1962).
[21] *Susser* v. *Carvel Corp.* and *Carvel Corp.*, both *supra*, note 19.
[22] *FTC* v. *Brown Shoe Co., supra*, note 18.
[23] *White Motor Co.* v. *United States*, 372 U.S. 253 (1963).
[24] *United States* v. *Arnold, Schwinn & Co.* and *United States* v. *Sealy, Inc.*, both *supra*, note 10.
[25] *United States* v. *Colgate & Co., supra*, note 7.
[26] *United States* v. *General Motors Corp.*, 384 U.S. 127 (1966); *Simpson* v. *Union Oil Co.*, 377 U.S. 13 (1964).
[27] *United States* v. *Container Corp. of America*, CCH 1969 Trade Cases ¶72,675 (U.S. Sup. Ct., Jan. 14, 1969).
[28] *FTC* v. *Sinclair*, 261 U.S. 463 (1923).
[29] *White Motor Co.* v. *United States, supra*, note 23.
[30] Cf. *Brulotte* v. *Thys Co.*, 379 U.S. 29 (1964).
[31] *FTC* v. *Brown Shoe Co., supra*, note 18.
[32] *United States* v. *Arnold, Schwinn & Co., supra*, note 10.
[33] *Albrecht* v. *Herald Co., supra*, note 2; *Simpson* v. *Union Oil Co.*, supra, note 26.

THE PRESIDENT'S ACTION ON CHEMICAL - BACTERIOLOGICAL WARFARE

Mr. THURMOND. The President's action last week in banning certain types of chemical-bacteriological warfare by the United States has been widely hailed. Although everyone must applaud the humanitarian spirit in which this renunciation was made, one may legitimately question whether such a renunciation will actually contribute to world security as regards chemical-biological agents.

The basic reason for preparing for such warfare is to prevent a vacuum which would tempt a hostile nation to seek to fill. A unilateral action on our part does not necessarily guarantee that other nations will follow suit. In fact, human nature being what it is, our renunciation will doubtless encourage some nations to enter a field that they feared to enter. Smaller nations that cannot afford nuclear weapons can easily acquire a chemical-bacteriological capacity. There is no international inspection system which can detect a secret buildup of such a capacity. We do not even know whether the nations which have already renounced such activity are in fact engaged in it or not.

A second difficulty is that such a unilateral renunciation wastes a diplomatic bargaining point without gaining any reciprocal benefits. We are in the midst of disarmament talks at Geneva, yet the renunciation was made without reference to the conference.

A third difficulty is that such a public renunciation circumscribes a vulnerable point in our defenses. A potential enemy knows exactly how we stand in regard to such a capacity. He can lay plans to attack us knowing exactly what we can do in return. The chief reason why poison gas has not been used since World War I is that its use might invite retaliation. Treaties and protocols are just scraps of paper when compared to the real necessity of restraint imposed by the nature of such weapons. Renunciation may invite attack.

Finally, we never know when our research and experience with these materials may lead to significant breakthroughs. Many people have commented that bacteriological weapons are too uncertain in their effects, and pose as much danger to the user as to the intended victims. No one can predict when scientific discoveries will take place, or where. Just as nuclear weapons have been improved and made practical for tactical use, so too these weapons may change drastically in their system design. More serious yet, the enemy may make such a breakthrough, making it practical to use them against us. We are consciously ignoring real dangers.

Mr. President, all weapons of war are horrible. No one wants to see them used, least of all the military who have had intimate acquaintance with them on the battlefield. I fear that emotionalism over the use these weapons may have blinded us to the fact that unilateral renunciation may increase the chance that such weapons will be used.

Mr. President, the State, of Columbia, S.C., published an important editorial on this topic last Saturday. It is a very thoughtful piece, and I heartily endorse its argument. I quote a few sentences of the conclusion:

> The lessons of World Wars I and II, and of Korea, and of Vietnam should have brought us the realization that strength alone can cope with madmen bent on conquest. The obvious presence of such strength—coupled with an apparent willingness to use it—not only is the means of winning wars, but of preventing them.
>
> While we share President Nixon's abhorrence of germ warfare and his apprehension that it might get out of hand even when there is no war, we fear that his well-meant declaration lessens the credibility of American deterrence.

Mr. President, I as unanimous consent that the editorial entitled "Well-Meaning President Lessens U.S. Deterrence," published in The State of November 29, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELL-MEANING PRESIDENT LESSENS U.S. DETERRENCE

President Nixon has moved onto high moral ground with his renunciation of biological and bacteriological warfare, but he has exposed another military flank in doing so.

It is one thing to condemn the use of germ warfare and to order the disposal of lethal and potentially catastrophic stockpiles of such weapons currently on hand. But it is something else again to declare to the world at large—a world in which we have as many enemies as friends—that the United States will never use such warfare, even in self-defense.

And it is even more self-sacrificing to pronounce a policy under which this country will limit its research to defensive measures alone. The trouble here is that the United States is to be believed, in sharp contrast with its Communist adversaries. Statements such as those made Tuesday by President Nixon are a welcome input into the thinking of military strategists and tacticians on the other side of the Iron and Bamboo curtains.

It is an axiom of the prize ring that a fighter does not "telegraph" his punches. It is equally important that he not telegraph his vulnerabilities. Yet that is precisely what the United States continues to do.

Back in 1962, the late President John F. Kennedy announced that the United States would never, under any circumstances, initiate a nuclear strike against another nation. He undoubtedly reflected the American frame of mind then and now, for this is a peace-loving nation. But the very declaration of such a policy gave our present and potential enemies a degree of assurance against the likelihood of American nuclear employment which they had not had before.

Now comes President Nixon with another such declaration, this one dealing with chemical, biological, and bacteriological warfare. And once more the men in Moscow and in Peking can take satisfaction in America's rejection of a military capability which—had it been retained—would have added another dimension to the United States' military readiness.

It is a sad commentary on the state of civilization that peace should depend upon a balance of terror. Yet in a world where irrational and irresponsible men maneuver for domination of the globe, fear alone will stay their utter ruthlessness. And whatever lessens their fear of consequence heightens the likelihood of their aggression.

The lessons of World War I and II, and of Korea, and of Vietnam should have brought us the realization that strength alone can cope with madmen bent on conquest. The obvious presence of such strength—coupled with an apparent willingness to *use* it—not only is the means of winning wars, but of preventing them.

While we share President Nixon's abhorrence of germ warfare and his apprehension that it might get out of hand even when there is no war, we fear that his well-meant declaration lessens the credibility of American deterrence.

THE VIETNAM MORATORIUM—ADDRESS BY SENATOR TYDINGS

Mr. MCGOVERN. Mr. President, many Senators took an active role in the Vietnam moratorium activities on October 15.

Among the finest addresses made on that occasion was one delivered by the senior Senator from Maryland (Mr. TYDINGS), who appeared at moratorium observances in Baltimore and at the University of Alabama, in Tuscaloosa. His remarks, entitled "Vietnam: The Hard Truth," deserve widespread attention. In particular we should note his reaction to the assertion that Vietnam has become a matter of pride and to President Nixon's decision not to preside over an American defeat. Senator TYDINGS said:

> But I do not consider liquidating a costly mistake which is sapping the Nation's spirit and resources presiding over a defeat. As an American, I cannot be proud of a pride which blindly would have us try to vindicate the loss of 40,000 American lives by sacrificing still thousands more lives. It is a great Nation that can cast aside pretense and admit to its mistakes.

Mr. President, I ask unanimous consent that Senator TYDINGS' speech, entitled "Vietnam: The Hard Truth," be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

VIETNAM: THE HARD TRUTH

(Speech by Senator JOSEPH D. TYDINGS, October 15, 1969)

More than six years ago, John F. Kennedy said of the War in Vietnam and of the Vietnamese people: "In the final analysis, it is their war. They are the ones who have to win or lose it."

Subsequent events have borne out the simple truth of that statement. Yet despite the tragic expenditure of 44.000 American

lives, a quarter-of-a-million U.S. casualties, and more than $100 billion in desperately needed resources, we have failed as a nation to accept this truth and act upon it.

We continue to pursue a discredited "no-win, no-end" policy in Vietnam which should have been discarded long ago. For despite new rhetoric, the Nixon policy is indistinguishable in reality from the misguided Johnson policy of the past; a policy which was repudiated by the American people at the polls nearly a year ago.

We continue to send thousands of American boys each year to die in defense of a military strategy that we all know to be bankrupt; a Hamburger Hill strategy of endless assaults on useless positions that has not worked and will not work.

We continue to lavish men and munitions on a corrupt military clique in Saigon too often more concerned with plunder and privileges for itself, than with social justice and peace for its people.

We continue to hear many of those who constructed the disastrous policy of the past Administration serenading the present Administration with the same siren song of "victory just around the corner;" and sadly, these "architects of failure" are being listened to again.

In short, after five years of futile fighting in Vietnam, we continue to pursue a no-win, no-end course which has clearly failed. However, neither the Johnson Administration nor—so far—the Nixon Administration has been willing to acknowledge that failure; neither has been willing to trust in the courage of the American people; to trust in their capacity to accept the hard facts of life regarding our involvement in Vietnam.

It is time the American people were given the full truth.

First, we must recognize that our continued military involvement in Vietnam does *not* serve the nation's best interests—interests which must be defined in terms of the freedom and security of the American people.

Whatever the outcome of the conflict in Vietnam, American presence in the Far East will be preserved. For that presence is built on the air and sea power that have rendered the Pacific a protective American "moat," not on our troops mired in the swamps and jungles of Vietnam.

Whatever the outcome of the struggle for power between Saigon and the Viet Cong, so-called "wars of national liberation" will continue to break out in Asia, Africa, and Latin America. And, as we have discovered the hard way, the fate of each will be determined by the popularity and perseverence of the competing indigenous forces. We cannot dictate the results of these civil wars by landing American troops. We are not omnipotent.

What will happen in Vietnam depends, now as before, on the Vietnamese themselves. Likewise, what will come to pass in Thailand, Burma, or Indonesia will in the last analysis be determined by the Thais, the Burmese and the Indonesians—not by us nor by the tumbling of imaginary national dominoes.

So now we are spilling American blood and treasure in Southeast Asia unnecessarily, with no real benefit to America's interests. This may have only been guessed at five years ago, or even three years ago. But today it is an uncontestable fact.

Furthermore, there is no sign that the present Administration has made the hard decision to extricate us from this tragic conflict. The promise to withdraw 60,000 American troops from Vietnam by the end of the year is a token gesture. For the 484,000 remaining United States troops will be left to maintain offensive military operations at current levels.

Some have cited as encouraging the growing talk of replacing American ground forces with Vietnamese while retaining American troops in supply and support roles. Make no mistake. This "P.R." version of Vietnamization of the war is no formula for U.S. extrication. Rather it is a formula for keeping a quarter-of-a-million American troops at a cost of $15 billion a year mired in Vietnam for five years, ten years, or indefinitely. It is designed to keep us in Vietnam, not to get us out.

More and more over the past two years, U.S. policy seems dictated by the Thieu-Ky government. From appearances, one would think the generals in Saigon were propping up the government in Washington rather than the other way around.

So this is the hard truth of the matter: America remains wedded to a bankrupt Vietnam policy which does not serve its interests; and the Nixon Administration has brought the nation no closer to terminating this tragic venture than it was when the Paris peace talks opened more than 500 days and 16,000 American deaths ago.

Why then does the nation not abandon its present course for a policy of definite, speedy extrication? Why do we not simply begin the rapid and orderly withdrawal of our troops?

According to the Administration, we cannot for a number of reasons. We are told we still have obligations to the government in Saigon. But what obligations remain to be fulfilled?

We have supplied Saigon with military and economic aid for more than 15 years. We have carried the brunt of the fighting for the past five years, suffering more men killed than in Korea and more wounded than in World War I. We have poured more than $100 billion into the war; $100 billion that was desperately needed to solve pressing problems here at home. And we have witnessed the resulting distortion of our national economy; a runaway inflation, a 10% surtax, a critical balance of payments problem. We have given them the lives of 44,000 valiant American men.

No, the American people have more than fulfilled their obligation to Saigon.

Nor could the rapid withdrawal of our troops be interpreted as an abandonment of our allies. The Saigon government currently has more than a million well-equipped men under arms to stand against 135,000 Viet Cong and 90,000 North Vietnamese regulars. If it cannot defend itself under these circumstances, it clearly lacks the will to fight—a will no number of American deaths can impart.

We are told we cannot set a timetable for definite withdrawal because of what the President says it will do "to other nations' confidence in our reliability." But who can believe that international confidence and respect are won by clinging blindly to a no-win, no-end policy that all recognize for the failure it is? Our place in the community of nations will be determined by our power and judgment; not by a kamikazi insistence on trying to redeem a useless and impossible war.

Finally, we are told that it is a matter of pride; that President Nixon does not want to be the first to preside over an American defeat. But I do not consider liquidating a costly mistake which is sapping the nation's spirit and resources presiding over a defeat. As an American, I cannot be proud of a pride which blindly would have us try to vindicate the loss of 40,000 American lives by sacrificing still thousands more lives. It is a great nation that can cast aside pretense and admit to its mistakes.

In short, there are no convincing reasons for not terminating our protracted involvement in this war.

However, there is one overwhelming and compelling reason why we must get out of Vietnam and begin now. We must get out of Vietnam because, as one Statesman put it, "a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out."

America must end its involvement in Vietnam, or Vietnam may end America's hopes for a better future.

For the crisis that has resulted in this country has been, above all, a moral crisis. It is a crisis caused by continuing an unjust and unnecessary war which is so "blatantly incompatible" with traditional American values; a crisis which is rending the moral fabric of our society and turning us into a divided and disillusioned people.

We must end the war because it is right to end it. We must end it so each of us can say, in the words of Albert Camus,

"I should like to be able to love my country and still love justice. I don't want just any greatness for it, particularly a greatness born of blood and falsehood. I want to keep it alive by keeping justice alive."

TOWARD MORE ADEQUATE SOCIAL SECURITY—VI

Mr. WILLIAMS of New Jersey. Mr. President, as Congress prepares to make major decisions on improvements to our social security system, it becomes all the more important that Americans of all ages understand the economic pressures now burdening most older Americans.

For that reason, I am submitting information about such pressures for the pages of the CONGRESSIONAL RECORD; and today I will draw from statements presented at a meeting conducted in Hudson County, N.J., recently.

There, I called upon elderly residents, county, and municipal officials and others to tell what it means to be old and to live on a limited income in one of the urban centers of New Jersey.

There could be no doubt about the most pressing concern of those who testified. They want social security benefit levels that will be of real help to them as they cope with rising medical costs, rents, or property taxes, and other costs of living. In a county where the average monthly social security benefit is $94 a month, the administration proposal for an across-the-board increase of 10 percent would not go very far. We need far more definitive action—of the kind proposed last week in S. 3100.

There can be no substitute for the grassroots testimony received at meetings such as that conducted in Hudson County. The message that came through in more than one statement was most vividly expressed by one participant who said:

> There are a lot of poor people in this Nation and county who also have lived a great number of years. And the sad truth is that many of those elderly have become poor by becoming old.

Mr. President, I ask unanimous consent to have printed in the RECORD two newspaper articles, one from the Hudson Dispatch, of Union City, dated October 14, and one from the Jersey Journal, of Jersey City, dated October 13. The stories give highlights of a memorable and productive occasion. They are worthy of study as Congress turns its attention once more to vitally needed social security adjustments.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Hudson (N.J.) Dispatch, Oct. 14, 1969]

WILLIAMS ASSAILS NIXON BILL AS NOT CLOSING THE AGED GAP

Several hundred Hudson County senior citizens on Saturday attended Senator Harrison A. Williams "informal information session" on the economics of aging at Dr. Martin Luther King Jr. School, Jersey City.

Williams, who is chairman of the Senate Special Committee on Aging, is investigating the problems of the aging, especially the economic factors, throughout the country. Previous hearings have already been held in Washington, D.C.

In opening the session, Williams said that he wants the meeting to serve as a "clear call for action which will finally end the worsening retirement income crisis that plagues most older Americans today."

"And I want it to be a warning," Williams said, "to younger people, those now still in the labor force. They have a stake in resolving this problem because their own economic security in later years is now threatened by the same problems that face the elderly."

Williams said that he wouldn't burden the audience with statistics, but would tell them what the statistics mean.

PEOPLE POOR WHEN OLD

"They mean," he said, "that people who have maintained their independence all their lives find that they become poor when they become old. They mean that too often those elderly must make the cruel choice; food on the table or prescription drugs to ward off pain or collapse. They mean that the family home often becomes too expensive to maintain, even though apartments cannot be had at rents within the reach of people on fixed incomes.

"They also mean," Williams continued, "that hard-pressed sons and daughters of the elderly quite often try to help their parents, sometimes in secret."

Williams assailed the Nixon social security bill sent to Congress because the 10 per cent increase "will not even close the cost-of-living gap." He said that by April the cost-of-living will have risen 12 per cent over what it was when the last social security increases went into effect.

The senator also criticized the Nixon plan for failing to raise minimum benefits. He said that he and a group of congressmen are advocating a 15 per cent increase by Jan., 1970, and a 15 per cent increase in January of each of the following two years; and that, over the same three-year period, minimum benefit be raised from $55 to $103.

CALLS FOR QUICK ACTION

Conrad J. Vuocolo, director of tenant relations for Jersey City Housing Authority, said that a concentrated "plan of action must be placed into effect without delay."

In emphasizing the problems of the aging, Vuocolo said that Jersey City has a geriatrics clinic which has become nothing more than a "communications office" where medical people tell the elderly that they must see their own physicians.

Vuocolo said that recreational fields for the "entire senior citizen population of Jersey City" receives less than $2,000 a year appropriation for arts and crafts. He criticized the state's Office on Aging for having a $30,000 budget to staff two referral offices which do nothing.

Vuocolo said that instead there should be created a program of "State Aid for the Elderly" and that communities like Jersey City should get a per capita grant from the state "for the problems of the elderly."

"If we are to serve our elderly," Vuocolo said, "who have indeed helped make America the great country that it is by raising many fine families; helped to build its railroads; send their sons and loved ones to war; paid taxes for many years—federal and state agencies had better stop using their jawbone and start using their backbone."

WHELAN OPENS MEETING

Mayor Thomas J. Whelan opened the meeting by extending the city's greetings.

Dr. William Wilkinson, president of Jersey City branch, National Assn. for the Advancement of Colored People, also spoke.

Panelists were Mrs. Lillian Allen of Jersey City, Mrs. Christina Borneman of Hoboken, Clint Jaeger of Bayonne, John MacNab of Kearny, Mrs. Elizabeth Thompson of Jersey City, Mrs. India Edwards, director of Jersey City Office on Aging, and Michael Reilly, director of Hudson County Centre on Aging.

Also, Mrs. Mary Johnson, director of Jersey City Meals on Wheels, Inc.; Mrs. Virginia Statile, director of Visiting Homemaker Service of Hudson County; Walter Lezynski, Jersey City health officer, and Walter Nicholl, Kearny health officer.

[From the Jersey City (N.J.) Jersey Journal, Oct. 13, 1969]

WILLIAMS BIDS UNITED STATES AID AGED

Senator Harrison A. Williams Jr., chairman of the U.S. Special Committee on Aging, said today that the biggest problems facing the elderly in Hudson County were nutrition and transportation. He added that both needs "should be taken care of by federal funds."

Sen. Williams made these remarks after listening to testimony of 16 Hudson County residents concerning the situation of the elderly in the area at a information session on the Economics of Aging, Saturday afternoon at the Martin Luther King School in Jersey City, where between 300 and 400 senior citizens had gathered.

The testimony was given by the directors of the various city and county organizations that deal with the elderly and by some of the county's senior citizens.

The witnesses emphasized the financial concerns of the elderly, especially that of drug and medicine bills, food costs and transportation.

"Our group is vitally interested in health," said Mrs. Lillian Allen, president of the Lillian Allen Senior Citizens Club. "We have to keep ourselves out of the hospitals. To do this we suggest neighborhood health clinics where retired doctors and nurses could work part-time to keep others aware of what their state of health was.

"And we could save 90 per cent of drug costs if we could buy them under the genetic name."

Clint Jaeger of Bayonne continued along the lines of medicine costs by citing cases of an 81 year old person he knew who received $658 annually and paid $396 rent leaving the rest for medicine and food; and another 69-year-old man who received $932 annually and paid the same amount for rent.

"The remainder is far too little to live on," he said.

The problem of malnutrition was outlined by Mrs. Mary Johnson, director of Meals on Wheels in Jersey City.

"Malnutrition and loneliness go hand in hand," she said. "The elderly scrimp and save to get a week's food supply out of one meal. I knew one woman who bragged when she got 6 cups of tea from one bag.

"We found one couple that were starving to death. When we brought them food, they started tearing into it like animals. Two weeks later, when our man brought them food he found that the food from the day before was left untouched, and the husband trying to wake the woman up. She had been dead for two days. The man died a few weeks later."

She brought out the fact that most of the elderly will not buy the food stamps because they feel that is accepting charity.

"We have to work to keep these people from becoming confined," said Mrs. Johnson.

Many of the witnesses discussed the need for lower bus fares.

"We're hoping for a crosstown bus in Hoboken," said Mrs. Christina Borneman. "I'm 12 blocks away from the shopping district. So I go to Union City where everything is close together."

Conrad Vuocolo, director of Jersey City Housing Authority tenant services, proposed a program for the elderly similar to the welfare program for children.

"The city should get so much per capita," he said, "for geriatric centers, miniparks, arts and crafts materials, reduced fares and the like: It's time for New Jersey to act."

Sen. Williams spoke against President Nixon's 10 per cent increase in social security saying that for most people it could be understood as "five trips from Hoboken to Jersey City a month."

He continued: Congress' 10 per cent increase will not even close the cost-of-living gap. By next April, when the first checks would go out under the Nixon plan, the cost-of-living will be roughly 12 per cent more than it was when the last Social Security increases went into effect.

"The Nixon plan doesn't raise minimum benefits, and here is the greatest need. A single person now receiving $55 a month would receive only $61 a month under the President's proposal.

"What is true of minimum benefits is also true of the Nixon plan for automatic cost-of-living increases. Since most Social Security levels are inadequate, the Nixon plan would simply perpetuate inadequacy."

He concluded by saying he did not "want to offer * * * in the sky," but he was sure that "the time has come for a really thoroughgoing revision of social security and some parts of Medicare, too."

Mrs. India Edwards, director of the Jersey City office on aging, agreed with the Senator and remarked that it was time "dignity and aging joined forces for a better way of living."

FUNDS FOR JUVENILE DELINQUENCY PREVENTION AND CONTROL

Mr. DODD. Mr. President, on December 1, I submitted a statement to the distinguished chairman of the Subcommittee on Labor and Health, Education, and Welfare, and Related Agencies Appropriations, urging adequate funding for the Juvenile Delinquency Prevention and Control Act.

I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR THOMAS J. DODD, REGARDING FISCAL YEAR 1970 APPROPRIATIONS FOR THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Mr. Chairman: I am seriously concerned with the way we are handling the Juvenile Delinquency Prevention and Control Act of 1968.

As you know I have been interested in this legislation since its inception. I introduced it in the Senate. When the bill was referred to the Labor and Public Welfare Committee I testified before the Subcommittee which considered it. And along the way, before and since its passage, I have proposed several amendments to change and improve the provisions of this Act.

Today I am particularly concerned with the funding, or rather the lack of funding, for this law.

The law was the response of Congress to a continuously increasing delinquency problem.

It proposed new avenues of action that would lead to more effective prevention of delinquency.

It proposed community based treatment institutions and other programs designed to give young people better opportunities to adjust where they live rather than in rotting jails or brutal barred institutions.

In many ways this law took an innovative trend, a new direction toward the prevention, control and treatment of delinquency.

There was a great deal of support for this new approach from correctional administrators and from others concerned with delinquent and predelinquent children throughout the nation.

These reactions were based on the realization that the conventional solutions to delinquency had not worked, had failed miserably, in fact, and that something new and different should be tried.

Even when we passed the Delinquency Act of 1968 I felt that there was too much emphasis on new programs and not enough support for the existing systems of delinquency prevention and control.

This was one reason why I proposed an amendment to the original Act to specifically get our schools involved in the effort to curb delinquency.

I felt that the schools had not done enough in this field and could do more with a little additional encouragement and support.

The amendment was passed by both houses and became part of the law. It was designed to promote educational courses in schools that would teach children how to keep from getting involved with crime, delinquency and drug use.

I had great hopes for this amendment as I had for the other provisions of the bill.

But, I must say today that so far I have heard of few benefits achieved from this legislation. On the other hand, I have heard a great many complaints regarding why little can be done to make it approach the hoped for objectives.

In a nut shell we are starving if not altogether strangling this law for lack of funds.

As passed, the law provided 25,000,000 dollars for the fiscal year 1969.

The amount actually appropriated was only 5,000,000 dollars.

The amount provided in the law for fiscal year 1970 is 50,000,000 dollars.

The actual sum requested by the Department of Health, Education and Welfare is only 15,000,000 dollars.

I further understand that the House of Representatives has cut back even this meager sum to only 5,000,000 dollars.

Now, Mr. President I understand the economic situation and the effort by the Administration and the Congress to minimize spending.

But, I also know that allowing only one tenth of the funds authorized to be appropriated does not just reduce the programs by nine tenths.

This kind of "saving" can kill the planned programs entirely.

In fact this type of surgery on a budget can lead to complete wasting of even the fraction of the monies that *are* appropriated.

For these reasons I cannot support or justify these devices for saving or economizing.

And I particularly cannot accept such an approach when we deal with the welfare and well being of children.

I believe the Department of Health, Education and Welfare has erred in asking only 15,000,000 dollars instead of the full amount of 50,000,000 dollars authorized under the Act.

I think the Department should either get serious about implementing this legislation or get out of the delinquency control field.

I think the other body has erred in slashing the request of 15,000,000 dollars down to 5,000,000.

This sum is ridiculous when we realize that this means that the Federal Government is spending $2.00 apiece on the prevention, treatment and rehabilitation of the known delinquents in this nation.

The sum is even more ridiculous when we know that the Justice Department has received an appropriation of close to one quarter of a billion dollars under the Omnibus Crime Control and Safe Streets Bill.

I, for one, believe that prevention of delinquency and crime among our youth where most of our crime problem starts is certainly as important as aiding law enforcement agencies to apprehend accomplished criminals.

If we did not need a Delinquency Prevention Act we should have rejected and defeated this legislation outright.

If we cannot give the problem of youth crime the priority it deserves, then let us repeal the law.

But we should not and must not tell the American public and the young people that we have a law to prevent delinquency when we are in fact taking away with one hand what we ourselves have given with the other.

It is a false society and a false economy that would save money on the vital efforts to educate, to develop and to rehabilitate that nation's youth.

I fear that we have all too often slipped into this type of nearsighted economizing.

And, we continue to sink deeper.

Mr. President, youth crime has gone up 10% in the last year for which we have complete statistics. Arrests of young people for serious crimes have gone up 78% since 1960. And we can anticipate that perhaps 40% of our juvenile population will have an arrest record in the next decade.

Among other aspects of delinquency, drug abuse alone has become a problem of formidable proportions.

Surveys show that as many as 50% of high school students in some areas are marihuana users.

And we know that there is an even more general process of alienation that increasingly separates young people from the older generation and the general society.

These are all reasons that will require *more* not less expenditures for delinquency prevention.

They are reasons that will force us to reassess the list of priorities according to which we spend our money.

Today, I charge that we are short changing our youth and ourselves if we allow any reduction of funds for the Juvenile Delinquency Prevention and Control Act.

If we do not pay for programs to prevent youth crime, we will be forced to pay for more police to catch more offenders.

We will pay for more training schools and adult penitentiaries. And we will pay for life long careers in crime that could have been prevented had we spent some money elsewhere.

To escape greater costs at a later time I want to impress upon my colleagues the need to give adequate funding for the Juvenile Delinquency Act.

I certainly hope that both the Senate and the House will allow *at least* the funds for this Act requested by the Department of Health, Education and Welfare.

PRESIDENT NIXON'S NOVEMBER 3 ADDRESS

Mr. McGOVERN. Mr. President, a few weeks ago Prof. George McT. Kahin of Cornell University, who is among this country's most knowledgeable scholars on Asian affairs, delivered a point-by-point assessment of the administration's approach to Vietnam as postulated in President Nixon's November 3 speech.

Administration spokesmen have expressed some incredulity over the fact that most critics of this country's venture into Vietnamese affairs have not expressed satisfaction with the reversal of course which has been made; from the Johnson policy of escalation to the Nixon policy of Vietnamization. In response it must first be noted, of course, that the turn was begun prior to Mr. Nixon's election and even before his nomination. The restrictions in the bombing announced in March of last year, and the total halt in October, clearly marked abandonment of the discredited policy which had been followed before.

But of more significance than this is the real meaning of the policy which President Nixon has announced. It is not, as suggested in the November 3 address, a plan for peace. It is, instead, a plan for the indefinite presence of American troops in Vietnam.

President Nixon has stated that the rate of our withdrawal will depend upon the rate at which Saigon's forces are able to take over the burden of fighting from our troops. In response, Professor Kahin pointed out that—

> If we really intend to shift responsibility from American to Saigon forces, we are certain to discover what our own army officers have known for a long time, that modern military equipment is no substitute for the will to fight and a Vietnamese regime worth fighting for. With the desertion rate of Saigon's military forces still running between 20 and 25 percent per year it is senseless to assume that somehow miraculously the attitude of its reluctant soldiers is going to change.

Professor Kahin has also raised helpful insights into the basis for predictions that a "blood bath" would follow our withdrawal from Vietnam, noting the President's recollection that following their takeover in the north 15 years ago the Communists murdered more than 50,000 people and thousands more died in slave labor camps. Says Professor Kahin:

> This is an unconscionable misrepresentation likely to deter Americans from moving towards a compromise settlement. If President Nixon had taken the trouble to look at the records of the International Control Commission he would know that during the entire three year period following the armistice, they indicate allegations of only 55 incidents of political reprisal. . . . During the same period the International Control Commission cited allegations involving a total of 1,404 incidents of political reprisal in the South involving murder, arrest, confiscation of property and in some cases massacres of several families or whole villages.

Moreover, he notes that the violence that did occur in the north more than 2 years after the Geneva armistice did not involve reprisals against Vietnamese who had previously supported the French against the Vietminh.

He also said:

> It had nothing to do with the civil war that had ended two years before. This violence in the North, in which the historian Joseph Buttinger estimates that 10–15 thousand were killed, was the consequence of a clumsy and unrealistic attempt to impose a Chinese communist model of agrarian reorganization . . . As a consequence, these agrarian policies were discredited and dropped and Hanoi's minister of agriculture sacked.

Certainly none of us can condone or excuse these activities on either side. But if they are to be used as reasons for con-

tinuing the loss of American lives in Vietnam then we had best understand how and why they occurred. A rational analysis simply does not support the President's predictions.

Mr. President, these points are of critical importance in connection with our efforts to understand the outlook in Vietnam. Therefore, I ask unanimous consent that Professor Kahin's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A COMMENTARY ON THE PRESIDENT'S NOVEMBER 3 ADDRESS

(By George McT. Kahin)

On November 3 the President undertook to tell us in which direction he would move in Vietnam. This was a speech addressed primarily to securing public support in this country and not to a solution in Vietnam. He began by telling us that one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. They cannot and should not, he said, be asked to support a policy involving war and peace unless they know the truth about that policy. If this was his major concern, his speech was clearly a failure, for it served to increase rather than decrease the misunderstanding. Indeed, he has embraced the same historical myths that served to rationalize his predecessor's policies and has in fact added a number of his own.

Let us then turn to his speech: beginning with what he describes as the fundamental issue: why and how did the U.S. become involved in Vietnam in the first place? He immediately answers his question with the statement: "Fifteen years ago North Vietnam, with the logistical support of Communist China and the Soviet Union, launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution." Fifteen years ago Ho Chi Minh's government was in fact in the process of withdrawing its troops from the south in accordance with Geneva and not instigating a revolution there. Ho Chi Minh's government confidently expected to win the elections two years later promised under Geneva and had no reason to intervene. What it did not expect was that as soon as it had withdrawn its troops, we would, contrary to the Geneva agreements, begin direct intervention in the southern half of the Vietnamese nation.

In fact, fifteen years ago in 1954, American intervention was not new. We had already been intervening heavily by four years of unstinting support to the French. Then, after failing in this effort and acquiescing in a Geneva settlement which we did not sign but promised not to overturn, we prepared to intervene more directly by building up a separate state in the South. Even so, Hanoi did not in fact begin to intervene in the South until some five years later when heavy repression by this American supported southern regime drove thousands of Vietnamese—noncommunist as well as procommunist—into rebellion.

A precipitate withdrawal now by the United States, President Nixon continues, would inevitably allow the communists to repeat the massacres which he charges followed their takeover in the North fifteen years ago—when, he alleges, they "murdered more than 50,000 people and hundreds of thousands more died in slave labor camps." This is an unconscionable misrepresentation likely to deter Americans from moving towards a compromise settlement. If President Nixon had taken the trouble to look at the records of the International Control Commission he would know that during the entire three year period following the armistice, they indicate allegations of only 55 incidents of political reprisal—whether murder, arrest, or confiscation of property—made by the French and Diem against Ho Chi Minh's regime. During the same period, the International Control Commission cited allegations involving a total of 1,404 incidents of political reprisal in the South involving murder, arrest, confiscation of property and in some cases massacres of several families or whole villages.

The significant violence that did occur in the North more than two years after the Geneva armistice did not involve reprisals against Vietnamese who had previously supported the French against the Vietminh. It had nothing to do with the civil war that had ended two years before. This violence in the North in which the historian Joseph Buttinger estimates that 10–15 thousand were killed, was the consequence of a clumsy and unrealistic attempt to impose a Chinese communist model of agrarian reorganization. Peasant resentment against the government's program in at least one province ended in a rebellion that troops were required to suppress. As a consequence, these agrarian policies were discredited and dropped and Hanoi's minister of agriculture sacked.

President Nixon then turns to reports of atrocities during the Tet offensive at Hue. During the terribly intense fighting at Hue there certainly were atrocities—perpetrated by both sides—though the number quoted by the President is much higher than any previous estimate. (One also wonders why in his text the President nearly doubled the figure for Catholic refugees from the North with which previous administrations were content.) It is disturbing to see him equate the situation of battlefield reprisals against civilians that existed at Hue with a post-armistice situation which would obtain after a settlement between us and our adversaries.

In heat-of-battle conditions both sides have in the past, and probably will in the future, carry out reprisals against those who have been identified as working for the enemy, particularly if they occupy positions in intelligence, the police, or are believed to be informers. So long as the battle in question is simply one episode in a series which is destined to go on, both sides are likely to take punitive measures that will ensure that in the next round of battle they will not be disadvantaged by the work of such enemy civilians. This kind of reprisal will probably continue in conjunction with the fighting *until* an armistice is achieved, and must be distinguished from the central question as to prospects of political reprisal *after* such an armistice, which is what we will be concerned with in working for a negotiated settlement.

Now what of the President's view of the present? This is, I am afraid, as unbalanced and inaccurate as his view of the past. It is an amazing example of double-think to find that nowhere, not once in his speech, does he make mention of the major adversary which both we and Saigon face in Vietnam, the National Liberation Front. By reading his speech one would assume that there are only three parties to the conflict: ourselves, Saigon and Hanoi. He is so rigorous in his insistence upon avoiding any reference to the NLF that in reading from his *own* letter of July 15 to Ho Chi Minh he even excises his own mention of the NLF and its 10 points. Why? I certainly don't understand the President's reasoning, but the consequence is to lay before the American public a picture of a situation in Vietnam which is grotesquely artificial.

Thus, as with President Johnson in 1965, there is presented for Americans a simplistic diagram of a battle between two states, North and South Vietnam. He avoids the central fact that the problem confronting us is a revolution in the South wherein Saigon has a local adversary which commands wide popular support and is militarily capable of defeating Saigon's armies on its own if American and North Vietnamese troops were withdrawn. Hanoi at least knows that it cannot negotiate over the NLF's head, and as we know from the past, no amount of American bombing could induce it to do so. If our President is serious about negotiations, it is unrealistic to bypass the NLF and pretend it does not exist.

The President then asks who is at fault for the lack of progress in negotiations, answering categorically that it is *not* the President of the United States and *not* the South Vietnamese government. The obstacle, he says, is "the other side's absolute refusal to show the least willingness to join us in seeking a just peace."

Let me first observe that it is difficult to read the exchange of letters between President Nixon and Ho Chi Minh and conclude with Nixon that Ho "flatly rejected" his initiative. Ho's letter constitutes no such rejection, and in emphasizing the NLF's 10 point program, which Nixon in his own letter had stated the U.S. was prepared to discuss, Ho was referring to matters which it is very much to our interest to discuss if we are serious and realistic about reaching a negotiated settlement.

If the enemy *has* refused to show the least willingness to join us in seeking a just peace, it is incomprehensible why the President later on in his speech in referring to what he describes as "significant developments which have occurred since this administration took office" points out that enemy infiltration during the last three months is less than 20% of what it was over the similar period last year," and that American casualties "have declined during the last two months to the lowest point in three years." If the President acknowledges this, but is unwilling to interpret these actions as showing "the least willingness" of the enemy "to join us in seeking a just peace", an enemy decision to step up military activity following the President's speech would not seem illogical. This is particularly serious in view of his statement that one of the factors which will govern the rate of withdrawal of American forces will be "the level of enemy activity."

Let me turn to another condition which the President says will determine our schedule of troop withdrawal—namely, the rate of Vietnamization—the rate at which Saigon's forces take over the burden of fighting from our troops. If we *really* intend to shift responsibility from American to Saigon forces, we are certain to discover what our own army officers have known for a long time, that modern military equipment is no substitute for the will to fight and a Vietnamese regime worth fighting for. With the desertion rate of Saigon's military forces still running between 20 and 25% per year it is senseless to assume that somehow miraculously the attitude of its reluctant soldiers is going to change. And here I am in full agreement with Senator McGovern that to turn "the war over to the South Vietnamese army *only* if we are certain that it is able to carry the load . . . is the same as proposing that we stay in Vietnam indefinitely."

And that, I am afraid, is apparently what this Administration proposes to do,—assuming somehow that it can manage to have it both ways—withdrawing enough American troops to placate public opinion in this country, but leaving enough behind (presumably some 200,000) to provide the necessary shield to protect at least Saigon and its immediate hinterland until our Presidential campaign of 1972.

Thereby, the Administration apparently hopes to follow what it believes is a middle course which will cut the ground from be-

neath both the opponents of the war and from the Wallacites and potential Wallacites who would be quick to accuse it of surrendering Asian territory to communist control if the NLF came to power. A President who first sat in the White House in 1952 with an administration that had used the loss of China issue as a means to win the election, can be presumably expected to remain sensitive to such an attack from the right.

But in the position he has now taken, President Nixon has really lost the power of initiative. By tying himself so closely to Saigon and so uncritically embracing General Thieu's position, he has robbed himself of almost all possibility of finding any common ground with our enemy—and without some common ground you simply cannot have a negotiated settlement. He has in fact made himself and the lives of Americans a prisoner of decision made in Saigon and Hanoi. In addition to being conditional upon the growing strength and self-sufficiency of Saigon's army, our willingness to withdraw is made dependent upon the utopian expectation that the NLF and Hanoi will meekly resign themselves to a major reduction in military activity—a reduction sufficient not only to keep American casualties low but also sufficient to sustain the myth that the Saigon military forces are increasingly effective, and that Nixon's policy of Vietnamization is really working. In effect, then, we will not withdraw, until our enemy cooperates with us to save our face by maintaining the credibility of Saigon's military forces and permitting the Thieu government to remain in power.

There is *nothing*, then, in the President's speech which eases the way for negotiations at Paris. His plan is not addressed to the NFL or Hanoi, but to the American public, and it centers about the major objective of strengthening and sustaining General Trieu's government. He has altered President Johnson's tactics, but he has embraced both his premises and his objectives. To buy himself a little time in managing the American public, he has been as guilty as his predecessor in denying it the truth.

The greatest part of the tragedy, I think, is that in order to head off the pressure of anti-war sentiment he has resorted to seizing the national flag and waiving it defiantly at those who oppose him. He has taken the tragic decision to shift the debate from consideration of the actual factual conditions that govern the present and future in Vietnam to a justification in terms of patriotism and what he alleges is our national honor. Once he tells Americans that their national honor is dependent upon maintaining a position which excludes the compromise ultimately necessary to end the fighting—then movement towards peace cannot be made without appearing to repudiate the very patriotism which he has called upon to justify his bankrupt policy. Once a President resorts to flag-waiving in order to silence reasoned argument he reduces his own ability to move back to the course of reason.

POLLUTION OF THE ENVIRONMENT

Mr. PELL. Mr. President, as a nation, we are becoming increasingly aware of both the extent and the dangers of increasing pollution of our environment.

It was only a short time ago that our concern over pollution was limited to some very apparent problems—primarily the pollution of rivers and lakes to the extent that they became obnoxious to humans.

The extent of the environmental pollution problem has increased dramatically in recent years, as the sheer quantity of pollutants has increased, and as we belatedly have begun to learn and understand the far-reaching effects of the contamination of our waters, the land itself, and the air.

Now we are learning that even the ocean, once thought to have a limitless capacity to absorb the wastes and refuse of civilization, can also be polluted.

The Wall Street Journal recently published an excellent report on the alarming extent of oil pollution of ocean waters. The article indicates that this pollution is the result not primarily of the large oil spills that attract public attention, but of innumerable smaller spills, both accidental and intentional.

The article also indicates the extreme difficulty encountered by the Coast Guard in its efforts to control these damaging spills in our coastal waters.

Mr. President, in the coming years, ever-increasing quantities of petroleum will be transported in giant tankers, and an increasing percentage of world oil production will be drawn from offshore wells beneath the ocean. The danger of pollution from these activities is clearly a problem that requires attention.

I ask unanimous consent that the article from the Wall Street Journal of November 26 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROUBLED WATERS: POLLUTION OF THE SEAS, BEACHES BY OIL POSES MAJOR GLOBAL PROBLEM—MARINE LIFE AND RECREATION SUFFER; FOULING IS CAUSED BY TANKERS, WELLS, PLANTS—INDUSTRY PRESSES RESEARCH

(By Glynn Mapes)

Not long ago oceanographers aboard the research vessel Chain were collecting surface samples from a lonely expanse of the Atlantic south of Bermuda known as the Sargasso Sea. They had planned to study marine life inhabiting the great quantities of drifting seaweed found in the area.

Instead, the scientists made a disturbing discovery. Their nets quickly became fouled with oil and tar—thick sticky globs up to three inches in diameter. Day after day along a 630-mile stretch they cleaned the nets with solvent only to see them gum up again a few hours later. Finally, they abandoned the project in disgust because they were picking up three times as much oil as seaweed.

It wasn't an isolated incident. "Just in the past few years we're finding we can't sail anywhere in the Atlantic—even a thousand miles from land—without finding oil," says Howard Sanders, senior scientist at the Woods Hole Oceanographic Institution, which operates the Chain.

THREAT TO MARINE LIFE

As the vessel's unhappy voyage suggests, world-wide oil pollution—even diluted by the ocean's vastness—is nearing crisis proportions. Beach-goers in such widely scattered spots as the New Jersey shore, Bermuda, the Riviera and the Red Sea complain of gooey black lumps of jellied oil that frequently wash up on shore. Floating oil spills, almost always of unknown origin each year kill many thousands of seabirds in North Atlantic and Mediterranean waters, according to surveys by conservationists. Indeed, scientists believe the growing quantity of oil dumped into the sea is threatening marine life of all sorts—and perhaps man as well. The oil industry itself is exhibiting mounting concern.

Where's all the oil coming from?

Ships that routinely discharge oil wastes at sea are the biggest offenders, pollution control experts agree. Tankers, for example, wash out their cargo tanks with salt water after each load. Not infrequently, the washings—along with a heavy residue of oil—are dumped into the ocean. Moreover, passenger liners and freighters often fill their empty fuel tanks with water for ballasting purposes. This highly contaminated mixture is always pumped overboard before the ships enter port to refuel. And vessels of all types normally discharge oily bilge sludges over the side.

Other major sources of unwanted oil include spills from manufacturing plants, refineries and oil terminals. In Boston Harbor alone, a spill of several tons of oil can be expected every three weeks, according to officials of the Massachusetts Division of Natural Resources. Seepage from offshore drilling rigs and spills from wrecks of oil barges and tankers also add to pollution levels.

A DAY-TO-DAY PROBLEM

In recent years, a few widely publicized disasters—like the grounding of the supertanker Torrey Canyon off Britain and the blowout of a well in the Santa Barbara Channel—have focused public attention on oil spills. Yet, damaging as these occasional catastrophes can be, they're only one part of a far larger problem, the experts say.

"It's the day-to-day stuff that's killing us—the chronic oil pollution that nobody reads about in the headlines," says Lieutenant Commander Paul Sova, a Coast Guard law enforcement officer in New York. Adds a biologist for the U.S. Fish and Wildlife Service: "A great deal of oil is washing ashore all along our coasts. What's its cumulative effect on our environment? That's what we ought to start worrying about."

Statistics on oil pollution are scarce. The Coast Guard lists 714 major oil spills in U.S. coastal waters last year, up from 371 in 1966. No one counts spills on a world-wide basis:

Things are expected to get worse. On one hand, world-wide offshore petroleum production is expanding at a rate of 10% a year—and presumably the inevitable minor spills and seepages will grow correspondingly. So far, major blowouts have been rare. But a Presidential panel set up after the Santa Barbara disaster recently warned that by 1980 the U.S. can expect a major pollution incident from offshore wells every year.

SUPERTANKERS PROLIFERATE

Ocean shipments of oil are also climbing rapidly. Capacity of the world's tanker fleet has doubled since 1960 and is continuing to grow. Many of the new vessels are supertankers. These behemoths, with capacities of 100,000 tons or more, will be hauling half of all marine shipments of oil by 1975, it's estimated. (The biggest supertanker afloat today carries 312,000 tons; by comparison, the Torrey Canyon's capacity was 117,000 tons.)

What's more, the imminent tapping of the vast North Slope oil fields in Alaska is adding greatly to pollution fears, especially among conservationists. Tankers will likely be hauling oil through treacherous icebound waters. Even small spills during transport or drilling operations would be especially damaging to the fragile Arctic environment, since oil tends to persist far longer in cold waters than in warm.

Talk of growing oil pollution is most unsettling to Kenneth Battles, co-owner of the Sea Crest Hotel, a resort in Falmouth, Mass., on Cape Cod. He has already had his fill of the stuff.

Sticky black globs of oil washed up on the Sea Crest's beach three separate times in August alone, Mr. Battles says. Disgruntled guests had to clean their feet with kerosene—and some cut their visits short. "We're sure the oil came from ships heading into Boston, but there's no way we can prove it," he says.

Topping off Falmouth's summer, a barge ran aground on a nearby shoal in mid-September, spewing diesel oil over the town's shoreline. The spill took a month to clean up (the Sea Crest used bulldozers to remove oil from its beach), and for several days Falmouth smelled like a refinery, Mr. Battles says. "The cape should be a refuge for the pollution problems of the city," he adds angrily. "Why drive all the way from New York to find the same damn thing here?"

The Falmouth spill also caused extensive mortality in some 24 species of fish and killed large numbers of crabs, lobsters and scallops, according to scientists who surveyed the scene.

But more disturbing were the subtle effects on the creatures that survived the spill. Weeks later divers from the Woods Hole laboratory found fish and crabs whose natural instincts were strangely altered. Flounder that appeared outwardly healthy allowed themselves to be handled by the swimmers; ordinarily they would have scooted away. Normally skittish fiddler crabs also seemed to have lost their escape reaction; most boldly held their ground as the divers approached.

Max Blumer, a noted organic chemist at Woods Hole, observes that many marine animals produce minute quantities of chemicals that perform functions essential to maintaining the cycle of life. These chemicals act as attractants during the mating process. They also aid predators in locating their prey and, conversely, give warning to potential victims that they're being stalked by predators. Oil—whether from a single big spill or a buildup of repeated small doses—may well upset these vital, chemically triggered processes, Mr. Blumer theorizes, and thus could have a disastrous effect on the survival of many species, including those that are commercially important.

AIR PATROLS

Dumping of oil in the sea may also be creating a new risk of cancer in man. Some crude oils contain compounds that tend to produce cancer in animals. (Researchers, for example, have already found a high incidence of cancerous tissue in certain types of fish taken from the oily waters of Los Angeles Harbor.) Fish and shellfish that are eaten by man can ingest these oils. Hence, Mr. Blumer and other scientists speculate that chronic oil pollution may be leading to accumulation of cancer-causing agents in human food.

Three years ago, alarmed over the growing amount of oil in coastal waters, the Coast Guard began a regular schedule of flights by helicopter and airplanes to search out oil slicks and report polluters. Pilots logged 2,000 hours in such patrols last year. The Coast Guard has jurisdiction over all vessels within the three-mile limit and some limited powers beyond that.

One problem faced by the patrols is that ships that deliberately discharge oil often do so at night or during periods of low visibility to avoid detection. To combat this, the Coast Guard is developing an electronic sensing device that will aid pilots in spotting oil slicks even in pitch darkness. If the slick is trailing behind a vessel, presumably the pilot could identify the ship and lodge charges against the owner or master.

Yet even in broad daylight, oil surveillance patrols aren't a cure-all—as is indicated by a recent Coast Guard helicopter flight over New York Harbor. During this 90-minute patrol, the pilot, Lt. (JG) Ray Wirth, and a reporter who occupied the co-pilot's seat easily spotted six different oil slicks drifting rainbow-hued in the bright sunlight. But, as it turned out, none of the sources of the pollution could be positively identified.

FRUSTRATING DUTY

In fact, Lt. Wirth didn't even report four of the slicks. To have done so would have been pointless since they were floating far from any conceivable source. (Had the slicks been large enough to require cleanup, he would have radioed word to his home base.)

The two spills he did report were located near possible sources. One was floating alongside a Liberian-flag tanker moored at Bayonne, N.J. The other was located near a Lever Brothers Co. plant on the west side of the Hudson River. (A Lever Brothers spokesman said later that the plant, which makes detergents, soaps and Spry shortening, has occasionally had trouble with oil leaks but that there was no record of a spill that day. He theorized that the oil may have drifted downstream from some other source.)

However, by the time Coast Guard boats reached the scene of the two spills, the oil had drifted away. Hence, no charges were filed.

"It's very frustrating," the young Coast Guard pilot said after the flight. "There's oil all over, but we can't seem to do much about it."

Even when the Coast Guard has the evidence to take a suspected polluter to court, it isn't clear what Government agency should press the charge. The Interior Department's Federal Water Pollution Control Administration is the official pollution control agency, but its powers are limited by a 1924 law that gives it authority only over spills resulting from "gross negligence"—which is tough to prove. As a result, the Army Corps of Engineers has had to act under an 1899 law that prohibits the dumping of refuse into navigable waters.

Two bills currently before Congress—one in the House and one in the Senate—put considerably more teeth into water pollution laws. But shipping interests are bitterly opposing one feature of the Senate bill, the stronger of the two measures, which imposes unlimited liability upon shipowners for oil spills due to negligence. They contend it will be impossible to get marine insurance unless the liability has a fixed limit.

POLLUTION ON THE HIGH SEAS

There's also a move afoot to strengthen an existing international convention designed to limit oil pollution on the high seas. Currently, the convention allows ships to discharge oil wastes when more than 100 miles from land. Proposed amendments, which require ratification by member nations, would prohibit dumping of oil anywhere in amounts greater than 16 gallons per nautical mile. However, it's widely recognized that enforcing the convention is practically an impossible task.

For its part, the oil industry is earmarking considerable sums of research money to come up with better ways to clean up oil spills. The American Petroleum Institute, an industry trade group, has encouraged the formation of "harbor cooperatives" in more than 50 U.S. ports. These are volunteer groups of oil industry concerns that pool resources, purchase equipment and establish contingency plans for the quick recovery of spills in their harbors.

In addition, oil company-owned tanker fleets and the larger independent tanker operators a few years ago voluntarily adopted a new method of washing cargo tanks that's designed to keep much of the oil residue on board. It works like this: The contaminated tank washings are transferred to a slop tank instead of being pumped overboard. Then, when most of the oil has floated to the top after 36 hours or so, the relatively clean salt water is pumped over the side. The sludge that remains is consolidated with the next cargo.

Had this new method, known as the "load-on-top" technique, not been adopted, tank washings would add at least 2.1 million tons of petroleum to the sea each year, Shell Oil estimates. But the method has gained wide acceptance and, in fact, has cut that potential pollution by 80%, Shell maintains.

Others aren't so sure. Rear Adm. Roderick Y. Edwards, chief of the Coast Guard's office of public and international affairs, agrees the load-on-top technique has made an "appreciable contribution" to reducing pollution. But he doubts it's 80% effective.

KEEPING TO OLD WAYS

For one thing, Adm. Edwards says, heavy weather often prevents the oil residue from separating from the seawater. Also, tankers that don't carry the same type of cargo each trip usually can't save residues from one cargo without contaminating the next one. Finally, he says, masters of many small, independently operated tankers continue to pump the oily washings overboard simply because the load-on-top technique is too time-consuming and bothersome. "A lot of people are still doing anything they can get away with," he adds.

Oil companies and chemical makers are marketing a variety of detergents that destroy the cohesiveness of oil, thinning it into tiny particles that can be more easily disposed of by bacteria and other natural forces. Increasingly, however, the value of these chemicals is being challenged.

For example, it's widely agreed that the two million gallons of detergents sprayed on the Torrey Canyon spill killed far more marine life than did the oil itself. Since then, "nontoxic" detergents have been developed. But some scientists contend that even these supposedly harmless chemicals are quite dangerous. Since they're designed to disperse the oil into the sea—and hence get it off the surface—the chemicals in effect force-fed the toxic oil to marine animals that might not otherwise be affected, it's believed.

Very few chemicals were applied to the Santa Barbara spill. When the slick eluded booms and other mechanical devices designed to contain it at sea, it was decided to let the oil float ashore, where it could be scooped up by bulldozers and absorbed with straw. This devastated the beaches for months and cut deeply into the area's tourist business. But, according to researchers who are studying the spill, the strategy worked. The high mortality of marine life that occurred in the Torrey Canyon spill was avoided—with the exception of seabirds, which died in pathetically large numbers.

THE SO-CALLED SOUTHERN STRATEGY

Mr. HATFIELD. Mr. President, the distinguished Senator from Kentucky (Mr. COOK) recently spoke on a subject which I think merits the close attention of the Senate. His comments are directed at the so-called southern strategy, which some people currently attribute to the entire Republican Party.

Senator COOK is from Kentucky, which adds importance to his words. He criticizes the idea that the young, the city dweller, and the black can be written off as potential Republican voters.

Mr. President, our party must not succumb to any cries for purely sectional appeal. We must move toward a party which is truely national, and responsive to a wide spectrum of voters. Because Senator COOK phrases these thoughts in such a persuasive manner, I ask unanimous consent that his speech to an Indiana Republican fundraising dinner in French Lick, Ind., on November 17 be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR MARLOW W. COOK

It is good to be back in Indiana. I am not surprised that your Junior Senator was not at the airport to welcome me. As you know,

he and I have had a minor disagreement of late over a certain judicial appointment. He won his re-election last year overcoming a spirited fight by Bill Rucklehaus and I understand that you have even better things in mind for Vance next year.

The state which gave President Nixon his largest plurality (261,226) I predict will surely have at least one Republican Senator by 1971. I know you look forward to making my prediction a reality.

We have many difficult problems confronting the Congress this year most of which could be summed up as the result of Democratic control. Many people do not realize how important control of Congress is. Let me give you an example. All of us, including the President of the United States, knew early in the year how important reform of the Selective Service System would be if we were to maintain the confidence of the youth of America in its government. The President, realizing the psychological importance of draft reform to young America, moved with dispatch forwarding a message to Congress on May 13 which called for authority to institute a lottery and "youngest first" method of selection. After numerous appeals by the Administration to act before the fall semester began, the House finally passed on October 31 a bill which simply repealed the prohibition against a lottery selection method.

And when the bill came over to the Senate what happened? Senator Kennedy, the assistant Democratic leader, threatened to hold up passage to obtain a more comprehensive reform package. Only an appeal by the academic community through Yale President Kingman Brewster succeeded in getting Kennedy to back down. It took a warning by Brewster that a delay would cost Kennedy support among the young people to get the Massachusetts Senator to relent.

Brewster pointed out, "It has often been said that the best is the enemy of the good," and continued, "this bright cynical generation of students is not going to appreciate it if this opportunity for meaningful reform falls by the wayside because of a desire to do more than can realistically be done in this session of Congress."

The phrase "The best is the enemy of the good" might well describe the pretense under which the Democrats have operated during the first session of the 91st Congress. The Administration has sent to Congress 30 messages and is either sponsoring or is endorsing 120 bills in support of its position. And how many have passed the Congress and been presented for Presidential signature? Believe me, very few. The Democrats invariably say "We will refuse to act on your proposal even though it is good until you agree to what we consider to be an even more comprehensive measure." Thus, their conception of what is "best" has certainly been the enemy of our "good" proposals—proposals which are desperately needed by the country.

These are just some of the reasons why we need a Republican Congress no later than 1971. The majority controls the flow of legislation, heads all committees and subcommittees and appoints and controls most of the committee professional staff. A Republican President, ladies and gentlemen, is not enough. We simply must have control of Congress if we are to rebuild America and make this the country it ought to be.

The question then becomes, how do we go about building this majority? A popular thesis for Republican majority in the 70's has been the so-called "Southern strategy" supposedly devised by Attorney General John Mitchell during the Nixon campaign and codified by one of Mitchell's assistants, Kevin Phillips, in his new and controversial book, *The Emerging Republican Majority.*

There are some aspects of the Southern strategy with which I can agree. I certainly concur, for example, that the South is taking a decided turn in the direction of our party. As a Kentuckian I am very proud of that fact. I happen to think, however, that this was inevitable as we are the more conservative of the two major parties and that section of the country certainly is the strongest bastion of conservatism in the United States.

Phillips suggests, and I tend to agree that—

"Generally speaking, the South is more realistic than its critics believe, and nothing more than an effective and responsibly conservative Nixon Administration is necessary to bring most of the Southern Wallace electorate into the fold against a Northeastern liberal Democratic Presidential nominee."

However, it is beyond this that I begin to have serious reservations about the implications of the "Southern strategy" if actively pursued by a national party in power which is also charged with the future direction of the nation.

First, if the Wallace voter of 1968 comes to us because he considers us the more conservative of the two major parties and in a sense the "lesser of two evils" then, of course, as a political organ seeking to perpetuate ourselves in office we should welcome his vote. However, the clear implication in *The Emerging Republican Majority* is that we should pursue policies aimed at "locking up" this vote to the exclusion of at least two major groups in the United States whose views Phillips sees as incompatible with the "Southern strategy."

These two groups are the city dwellers and the young. In regard to the former block, he contends,

. . . Leading big city states like New York, Michigan and Massachusetts are no longer necessary for national Republican victory.

And as to the latter he asserts, "Youth is important, but voters under 25 cast only 7.4% of the nation's ballots in 1968."

I concede both of these points to be accurate politically but what of the country if the party in control of the destiny of the nation pursues policies which "write off" the young and the city dweller.

The two greatest domestic problems facing us in America today are our decaying cities and our disillusioned young. Can the political party which received a mandate from the people to govern ignore the most perplexing problems of our age simply because they did not vote for us? My answer is an emphatic no. With ascension to power also comes the responsibility to govern effectively and no party in power can govern effectively without a sincere commitment to solving the most pressing problems of our age. All Americans are concerned with and have a stake in the solution to national problems whether they be from Bogalusa, Louisiana, Lincoln, Nebraska or Boston, Massachusetts.

Phillips continues with the incredibly cavalier remark:

"One of the greatest political myths of the decade—a product of liberal self-interest—is that the Republican party cannot attain national dominance without mobilizing liberal support in the big cities. Appealing to 'liberal' youth, empathizing with 'liberal' urbanization, gaining substantial Negro support and courting the affluent young professional classes of 'suburbia'."

Ladies and Gentlemen, I contend that if that feeling is a product of liberal self-interest then Phillips' conclusion about that feeling is a product of conservative self-interest.

Another assertion which I must not allow to pass unrebutted is his claim that—

"Substantial Negro support is not necessary to national Republican victory in light of the 1968 election returns."

The black vote may not have secured our victory but I can only say in regard to the implications of that remark that it is, in my opinion, morally wrong to "write off" the black vote. The future of this country in the area of human relations demands that there be no difference between the two major parties in the area of civil rights. The founder of our party, Abraham Lincoln, would have had it no other way. If the majority of black Americans choose to affiliate themselves with the other party for policy reasons such as our strong and consistent record for fiscal conservatism, then so be it. But let the difference between Republicans and Democrats in the area of human relations be no more than the difference between "Tweedle-Dee and Tweedle-Dum".

The course of the Republican party for the future must be the middle ground of moderation. We are the historic home for conservatives and we are glad to have them, but we welcome support from all areas of the country and from all walks of life.

The party which can embrace both John Lindsay and Strom Thurmond is a big enough home for all Americans seeking a change from the directions of the recently terminated Democratic era.

We welcome support from North, East, West and South but we must not, for the sake of purely partisan advantage, pursue policies which will systematically exclude our young, isolate our blacks, and ignore the cancerous decay of our urban centers.

A party morally fit to govern a great nation must be responsive to the needs of its citizens regardless of their geograpic location.

HEALTH HAZARDS OF SMOKING

Mr. MOSS. Mr. President, the Parent-Teachers Association is one of the important groups in the Nation which are doing an excellent job of educating the general public on the health hazards of cigarette smoking.

The PTA in March 1969, conducted three smoking-and-health conferences. At these conferences, an eminent figure in the medical campaign against smoking, Paul DeCamp, M.D., of the Ochsner Clinic, New Orleans, La., provided some interesting information.

I ask unanimous consent that a summary of Dr. DeCamp's presentation be printed in the RECORD.

There being no objection, the presentation was ordered to be printed in the RECORD, as follows:

EMPHASIS ON SMOKING AND HEALTH

I think the PTA is remarkable for its industry, its effectiveness, and its winsomeness. It is a real pleasure for me to get to know a number of you who are associated with it.

I'm well aware that some of you still smoke. This is no new problem—the fact that most doctors smoked was the big reason it took 25 years to convince the medical profession of the evils of smoking. One of the very interesting facets of this whole problem is that a tremendous number of people who are convinced that smoking is bad are unable to give up the habit. I will attempt to analyze part of what's behind this behavior.

The first thing I'd like to emphasize is that smoking hasn't been around very long. It was less than five hundred years ago that Europeans discovered a primitive society of American Indians who smoked the tobacco leaf. They took this habit back to Europe, and by the middle of the 16th century the smoking of pipes and cigars was quite common there And, presaging the advertising agency's approach of the present day, smoking became known in 16th-century Europe as a cure for many ills.

It was not until the beginning of this century that the machine-rolled cigarette was introduced. This we now know is the most lethal form of tobacco. There are now 48,000,000 Americans who smoke, which is

approximately 42 percent of the adult population.

It was only in the last quarter century that the medical profession began to be suspicious and was finally convinced that this was a real health hazard. Chest surgeons were the first to become suspicious, for two reasons. First, they had been taught in medical school that cancer of the lung was very rare, but they were finding that in their practices it was much more frequent than they had been led to believe. Second, they discovered that practically everyone who had cancer of the lung was a cigarette smoker. For this reason some thirty studies were made in the 1940's and 1950's of persons with cancer of the lung. Every one of these studies confirmed that patients with cancer of the lung were more often smokers than was true of the general population.

These observations prompted a number of prospective studies of healthy people. One of the most fruitful studies, started by the American Cancer Society and just completed, followed the progress of a million apparently healthy people over a period of six years. A number of other similar studies have been made in Canada, the United States, Great Britain, and elsewhere. All these studies indicate that smoking is a very significant factor in causing cancer of the lung. They also show an even more alarming causal relationship between smoking and such other diseases as chronic noncancerous lung conditions, heart and blood vessel disorders, and cancer in general.

It has become apparent that it takes about twenty pack-years of cigarette smoking—that is, a pack a day for twenty years—to begin to produce cancer of the lung. You can speed it up by smoking two packs a day and arrive in ten years.

There is a striking parallel between the increasing consumption of cigarettes in this country and the increasing instances of cancer of the lung twenty years later. The per capita consumption of cigarettes in the United States was very, very low in 1910 but rose sharply through 1950. Twenty years later, the increase of the occurence of cancer of the lung directly parallels that of the per capita consumption of cigarettes. In 1950, when the first medical concern about smoking was felt, we could see a drop in the per capita consumption of cigarettes, and now it is definitely dropping. However, because of increasing population the *total* consumption of cigarettes continued to rise from 1950 to 1964. It fell a little bit in 1964 with the Surgeon General's report, and then fell again last year. Because it takes twenty years for the carry-over effect, we can assume that cancer of the lung will continue to increase sharply for the next 15 to 20 years unless a very drastic change in the smoking habits takes place in this country.

For male Americans, cancer of the lung has increased 19 times in the last 35 years. Other cancer deaths are either holding steady or decreasing, so the increase of cancer of the lung is the more striking.

In women, the increase has been only 3 times in the last 35 years, whereas deaths from other cancers remained about the same or dropped. Women are fast catching up with men in regard to cigarette smoking and also with regard to occurrence of cancer of the lung.

Although cigars and pipes appear to be less lethal than cigarettes, male cigar smokers have four times the lung cancer death rate of nonsmokers, and pipe smokers have ten times the lung cancer death rate of nonsmokers.

It makes a difference not only whether you smoke, but also how much you smoke. A two-pack-a-day male smoker has 70 times more chance of getting lung cancer than a male nonsmoker. Anything that seems to get more cigarette smoke in the lungs makes a difference. For instance, the younger one starts smoking, the worse off he is.

All the studies of healthy people have demonstrated the same interrelationship between smoking and lung cancer deaths. Not a single study has furnished any contrary evidence, and many other types of research have supported this evidence. One study showed that in smokers 60 percent of the lung's lining cells are abnormally irritated. Nonsmokers have practically no irritation of the lining cells, even from inhaling polluted air. (The smoke that gets into the lungs from a cigarette is 100 to 1,000 times as polluted as the smoke from a heavily industrialized area.) Practically everybody with cancer of the lung has this high incidence of abnormal cells.

That cigarette smoking is the single most common cause of cancer of the lung, which in 1968 caused 59,000 deaths in this country, is no longer considered a matter of debate in the opinion of virtually all responsible investigators, including the U.S. Public Health Service, the American Cancer Society, the American Heart Association, and any other group that has anything to do with patients who have chest conditions.

The difficulty with cancer of the lung is that we cannot cure very many of the cases. The answer is not in treatment, it has to be prevention. What would you think if we had had 60,000 deaths from smallpox last year? We didn't because we did something to prevent it. We can prevent 90 to 95 percent of those 59,000 deaths from cancer of the lung—not by doing anything but by not doing something—smoking. For too many of us, the threat of losing a lung is not enough to get us to stop smoking. I've seen men who have lost one lung and still keep smoking.

The studies of large groups of healthy people have revealed many other sobering facts concerning the relationship between smoking and the occurrence of disease. One finding is that cancer deaths in general are twice as common in smokers as in nonsmokers, for all adult age groups. This is something we hadn't suspected.

Apparently if you smoke cigarettes, your chances of dying from any type of cancer are twice as good as those for nonsmokers.

However, our story doesn't end with this. In recent years there has been a striking rise in the incidence of disability and death from chronic *noncancerous* lung conditions—chronic bronchitis and emphysema. These diseases cause cough, phlegm, lung infections, and shortage of breath, which if unchecked leads to a very miserable death from air hunger and heart failure. In the last five years asthma, an allergic condition, has not increased. But deaths from chronic bronchitis and emphysema have more than doubled in this brief span. In both men and women emphysema and chronic bronchitis are related largely to smoking. As the consumption of cigarettes increases, so do these dread diseases. There is no way of controlling these diseases as long as the patient keeps on smoking. If he stops smoking, then something can be done to regain lost ground, although it cannot ever be completely regained.

Unfortunately, you haven't heard the grimmest part yet! In this country, the big killers are diseases of the heart and blood vessels, which have doubled in incidence in the last 22 years. In 1965, heart disease and strokes accounted for half of all the deaths in the United States. All forms of cancer accounted for only 16 percent.

The vast majority of these diseases of the heart and blood vessels are caused by hardening of the arteries, to which a number of factors contribute. It is now clear that cigarette smoking is one of the significant causes of hardening and blockage of arteries.

Not all the ways in which smoking contributes are known, but several are. Some experiments have indicated that nicotine may raise blood levels of fatty acids and cholesterol. Smoking definitely increases the hazard of blood clotting. Furthermore, it has become apparent that the existence of more than one factor causing hardening of the arteries may multiply its occurrence. As compared with a person who has low blood cholesterol and who does not smoke, smoking *or* high blood cholesterol roughly doubles the chances of coronary artery disease. Smoking *and* high blood cholesterol quadruple the chances.

Hardening of the arteries and resultant diseases are largely preventable by certain simple health measures. There are three health vices in the United States today—smoking, stuffing (overeating), and sitting. These kill more people in the United States than anything else and almost more than everything else put together. Each contributes significantly to hardening of the arteries and heart disease, and each is correctable *without* medication and *without* cost—indeed, with money saved. If your golf clubs or tennis rackets or jogging shoes cost a little money, you can more than pay for them with the money you save on cigarettes and excess food.

The total health hazard of smoking is appalling. According to the study of a million healthy people followed for six years, in the group between ages 45 and 64, deaths from all causes are twice as common in smokers as in nonsmokers. All cancer is twice as common in smokers, and heart and circulatory disease are almost twice as common. As the consumption of cigarettes increases, so do the chances of death, for both men and women alike.

In 1920, a white male at age 25 could expect 41½ more years of life. For a black male, life expectancy was not as high. In the last half century, there has been more progress in medicine than at any previous time in human history. This is the era of vitamins, antibiotics, modern surgery, transplants, and so on. In spite of all this in 45 years we've gained from 4 to 5 years of life expectancy for a young man. During this same time, smoking of cigarettes has cut off 3½ years of life expectancy. During this period of tremendous medical advances, if we had not increased the consumption of cigarettes, we would have gained 7 to 8 years life expectancy instead of 4 to 5 years. It is literally incredible that anybody would continue to smoke in the face of such evidence.

We've talked so much about dying that perhaps we have forgotten about getting sick. Smoking does cause its full share of sickness. It's harder to measure sickness, but one way is by measuring work loss. The average cigarette smoker between the ages of 45 and 64 misses more days of work than the nonsmoker in the same age group (28 percent more for men and 11 percent for women). According to the Public Health Service a total of 77 million working days a year are lost because of smoking. And it's important to remember that we miss just as many fun days as we do work days.

The total economic effects of smoking are staggering. Two million Americans die every year. One out of every seven is apparently killed by cigarettes. Seventy-seven million work days lost, 88 million days sick in bed, 360 million days of restricted activity. If you try to put a financial figure on that, it's hard to do. How much are a third of a million deaths worth? We can put a figure on the days lost from work, and that comes out to a cool $16 billion.

We've been told that we can't afford to lose the $7 billion tobacco industry. It would appear that we can't afford *not* to lose it. Many other industries have come and gone. It's high time that the tobacco industry began to diversify and go into other activities.

and to plan to stop peddling tobacco altogether.

Added to everything else is the fact that smoking makes everyone feel bum. Virtually everyone who stops smoking feels better and has a better appetite. Add that smoking is dirty, it causes bad breath, it causes your clothes to stink, and is often offensive to nonsmokers, who represent the majority of the adult population. It's hard to understand why anybody keeps on smoking.

You don't have to be old and gray to be affected. Every athletic coach knows that smoking cuts physical efficiency and stamina. An interesting study in a Pittsburgh high school showed that regular cigarette smokers had lower grade averages, lower I.Q.'s, higher absenteeism, and a higher number of visits to school health rooms than nonsmokers. Either students smoked because they were stupid, or they became stupid because they smoked. You can have it either way.

We are discussing a habit that is lethal and sickening, interferes with work and play, reduces physical fitness, makes a person feel bad, and tends to be socially offensive. It's a bit hard to understand why that habit is still around.

To some degree ignorance may be a factor. Most people know that smoking is unhealthy, but relatively few realize how deadly and crippling the habit is. Perhaps you did now know some of the things you learned here; they certainly are not known by the general public. One of your challenges is to take this information back home.

Stopping smoking isn't always easy, although it isn't as hard as some smokers think. The best way to stop is to become convinced that it is necessary to stop, and then just go ahead and stop. The encouraging thing is that somewhere between 19 and 21 million Americans have stopped smoking cigarettes. There are only 48 million Americans smoking cigarettes. This means that for every ten people who smoked, three have stopped. This is very encouraging. It is also encouraging that even the youngsters are getting the message. The latest figures among teenagers are that fewer of them are smoking today than a few years ago. At the present time among 18-year-old boys, 37 percent are smokers; among 18-year-old girls, 22 percent are smokers. These figures are lower than those of a few years ago. We've got a long way to go, but we are making headway. I believe that educational programs such as that of the National PTA have a lot to do with it.

Three different studies were made about doctors last year, which showed that in 1968, between 35 and 40 percent of doctors have never smoked; the same number have stopped smoking; and only 20 to 30 percent are still smoking. A hundred thousand doctors have stopped smoking. So can you.

Does it make any difference? In Great Britain a third of the doctors have stopped smoking, and lung cancer among doctors has decreased. Among the male population as a whole, however, smoking is still increasing, and cancer of the lung is still increasing.

Nicotine seems to be a narcotic to some people. Yet by definition it isn't a narcotic. Smoking doesn't hook everybody; many people can stop very easily.

One of the biggest reasons people smoke is because of advertising. In 1964 the tobacco industry spent $260 million on advertising. Three years later they had upped that figure to $312 million—a 20 percent increase in three years. The tobacco industry has certainly demonstrated what money and ingenuity can do with a "nothing" product. But we don't have to be taken in. We can be big. We don't have to start; if we start it, we can stop. We can be grown up. We can be sensible. If necessary we can be different. We can be particular in what we do and the people we associate with. Let's remember that for many, many generations man got along without smoking. Let's make the next generation a "smokeless generation."

JESSE JACKSON: A LEADER DESTINED FOR GREATNESS

Mr. McGOVERN. Mr. President, no man I have met in recent years has impressed me more with his capacity for inspired leadership than the Reverend Jesse Jackson of Chicago. He has been described as the heir apparent to Martin Luther King. He combines spiritual insight, political shrewdness, and practical optimism in a most remarkable way.

Recently, he participated in a long and thoughtful interview with the editors of Playboy magazine. I ask unanimous consent that the interview, published in the November issue of Playboy, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

PLAYBOY INTERVIEW: JESSE JACKSON—A CANDID CONVERSATION WITH THE FIERY HEIR APPARENT TO MARTIN LUTHER KING

In the 19 months since the murder of Martin Luther King, only one man has emerged as a likely heir to the slain leader's pre-eminent position in the civil rights movement: Jesse Louis Jackson, the 27-year-old economic director of King's Southern Christian Leadership Conference. The Reverend Jackson's first national exposure, in fact, came as a result of his closeness to Dr. King. He was talking to King on the porch of the Lorraine Motel in Memphis when the fatal shot was fired and cradled the dying man in his arms. The very next day, at a Chicago City Council meeting, Mayor Richard Daley read a eulogy that pledged a "commitment to the goals for which Dr. King stood." The Reverend Jackson had flown in from Memphis without sleep to attend the ceremony; he stood up in a sweater stained with Dr. King's blood and shouted to the assembled Chicago political establishment, "His blood is on the hands of you who would not have welcomed him here yesterday."

That gesture demonstrated both the militant indignation and the dramatic flair that mark Jackson's charismatic style. The New York Times has written that he "sounds a little like the late Reverend Martin Luther King and a little like a Black Panther." It added that "almost everyone who has seen Mr. Jackson in operation acknowledges that he is probably the most persuasive black leader on the national scene."

Jackson's personality is possibly even more in tune with the present black mood than Dr. King's was, because, as Richard Levine pointed out in Harper's, "Dr. King was middle-class Atlanta, but Jesse Jackson was born in poverty in Greenville, South Carolina." Jackson calls himself a "country preacher," but he combines his down-home style with a sharp intellect. He attended the University of Illinois for one year but dropped out in 1960 to attend the Agricultural and Technical College of North Carolina in Greensboro, where the first black sit-in had taken place earlier that year. He was an honor student, quarterbacked the football team and organized civil rights demonstrations. After graduation, Jackson went North to study at the Chicago Theological Seminary, where he devoted most of his extracurricular time to local civil rights work.

It was Dr. King himself who originally spotted Jackson's leadership potential during a massive civil rights drive in Chicago in the summer of 1966 and appointed him to head all of SCLC's economic projects in the North. In the three years since that appointment, Jackson has concentrated most of his efforts on the Chicago-based project called Operation Breadbasket and made that pilot program the most impressive demonstration of black economic and political power in the United States. Breadbasket's organizational methods are now being applied under Jackson's guidance in 15 cities ranging from Los Angeles to Brooklyn.

The project's primary goals are to create jobs for blacks and to encourage them to own and operate businesses. Boycotting, or the threat of it, is Breadbasket's most potent weapon. The effectiveness of this technique was most evident in a breakthrough victory over the huge Atlantic and Pacific Tea Company, which operates 40 stores in Chicago's black ghetto. To avoid the financial loss that a boycott would have caused, the A & P signed a pact guaranteeing jobs for blacks and the distribution of black products on A & P shelves. As Business Week reported in a story about Operation Breadbasket, "Nationally, the organization's efforts have resulted in about 5000 jobs and $40,000,000 in annual salaries to Negroes. But the Chicago campaign [against A & P] represents Breadbasket's most significant victory, for it is the biggest settlement with a chain in a single city, and set a precedent for other foodchain negotiations across the country."

The A & P pact was especially significant because—in addition to a guarantee of over 700 jobs for blacks and marketing more black businessmen's products—the company also agreed to use black-owned janitorial and exterminating companies in its ghetto stores, to bank in black-owned banks, to advertise in black media and to have black construction firms build its ghetto stores. Monthly meetings between representatives of A & P and Breakbasket are designed to assure that the company is not shirking. On the personal level, sensitivity seminars attended by A & P executives attempt to awaken management to the existence and effects of prejudice. Similar agreements have been signed with more than half of all the major food distributors in the ghetto.

The Reverend Jackson created an even more far-reaching program last spring, when he initiated the Illinois Hunger Campaign. Believing that hunger is the one issue that could unite the black and white poor, Jackson led a caravan to all of the poverty areas of Illinois, ending with demonstrations at the state capitol in Springfield. The pressure this exerted on the Illinois legislature was so great that a planned cut of $125,000,000 in welfare funds was restored at a time when New York and California were making sizable cuts in their welfare payments. An impassioned appeal by Jackson, from the steps of the capitol building, inspired a bill to provide school lunches for all of the needy children in the state. Jackson also extracted a promise from the state legislature to prevail on Washington for special surplus-food allotments for the poor. The Illinois Hunger Campaign was conceived by Jackson as an extension of the Poor Peoples' Campaign begun by Dr. King, and there are plans for similar efforts in other states next year.

No matter what his other commitments may be, Jackson always attends the Saturday-morning meeting of Operation Breadbasket. The location has been changed three times this year, because the congregation continually outgrows its premises, and Breadbasket presently resides in a 6000-seat movie theater on Chicago's South Side. The lobby of the theater is filled with tables displaying black merchandise, and the auditorium itself is hung with signs that exhort the gathering to buy black products and use black services. The first hour of the meeting is devoted to Gospel music by the Operation Breadbasket orchestra and choir, interspersed with the business for the week—either boycotts or special "buyins." Playboy's Associate

Articles Editor, Arthur Kretchmer, who conducted this interview with Jackson, describes the remainder of a recent meeting.

"After Breadbasket's projects were out of the way, a frail old lady, whose face was ravaged by time and much else, was given the stage. In a quiet voice, and with great dignity, she briefly described the humiliation she had suffered during an interview with a welfare worker the previous week. Then she said she had come to the meeting to gain the strength that would enable her to block her door in the future. 'They can starve me,' she said, 'but I'll die before they come back with their damn forms and their damn questions.' With that, she slowly raised her fist in the black-power salute and the audience gave her the most sympathetic ovation I've ever heard.

"Then Jackson was introduced—and greeted by ten minutes of standing, clapping, stamping love. He is a big man with an imperial manner. The head is leonine and the facial expression at once fierce and sullen. He was dressed, like a Mod black emperor, in a brilliantly colored dishiki, bell-bottom jeans and high-top country shoes. Biologist Desmond Morris has written that a leader never scrabbles, twitches, fidgets or falters, and Jackson qualifies. For over an hour, he delivered a passionate sermon that described the black man's plight in white society. It was filled with street talk, down-home slang and quotations from the Bible—but its effect was Greek tragedy with soul.

"The sermon was punctuated by piano and organ riffs similar to a rhythm section's backing of a good jazz soloist. Halfway into an eloquent plea that blacks not waste their energy fighting among themselves, he called on one of the choir members, Sister Theresa, to sing 'I Can See the Promised Land,' because 'I need it,' he said. At one point in the sermon, he paused, clearly exhausted, and turned to the audience to say, 'Yes, I'm tired.' An old woman's voice called out, 'Take care of him, Lord. We need him too bad for You to let him die.'

"Everyone around Jackson is acutely aware of his poor health. He has suffered this year from traces of sickle-cell anemia and assorted viruses brought on by lowered resistance. He's been hospitalized a half dozen times but never missed a Saturday at Breadbasket. It is common for a parishioner to greet him with, 'Hello, Reverend Jesse. Are you taking your medicine?'

"After Jackson finished the service, the Operation Breadbasket orchestra played a dozen choruses of a syncopated, soulful 'We Shall Overcome,' while all 6000 people in the audience—a number of whom were white—stood holding hands and swaying back and forth in one of the oldest, most moving rituals of the civil rights struggle. The effect of the morning was catharsis and rejuvenation. I don't think anyone who entered the theater that morning could have left without shedding some of the despair that seems to be afflicting the black liberation movement.

"A few moments later, I had a completely different, but indelible, impression of Jackson's impact. I was waiting to see him in a small dressing room. He was resting in an armchair, talking to a very pretty, shy black girl of about 20 who was standing near him. She said to him, with some embarrassment, 'Reverend, I just want to tell you how much you mean to all of us.' He slowly raised his head and said, 'Hell, that's just a lot of talk. If I was really important to you, you'd take pity on my old tired body and invite me home, so your momma could fix a fine meal for me.' She was immediately flustered and said, 'Oh, Reverend, You're just having fun with me. You don't mean it. You wouldn't come to my house.' He looked at her with a stern expression that he couldn't quite prevent from turning to a smile and said, 'You tell your momma I'm coming over Thursday night. Tell her to do some fixin'.' She looked at him, trying to tell if he were serious, and her eyes widened, her hands began to fuss and her jaw dropped open. Finally, she said, 'Would you really? Would you really come? If you do, I'll charge my friends admission at the door. A half a dollar to see you and a dollar to touch you!' Jackson looked at the girl and then at me, laughing his appreciation. Actually, on those rare occasions when he's in the city, Jackson is well taken care of by his beautiful 25-year-old wife, Jacqueline—and harassed by his three energetic children."

Because of Jackson's heavy schedule, Kretchmer couldn't get enough time with him until both took refuge in a rural retreat where the "country preacher" was free to explore at length the militant new mood of the black struggle and his own role in it. Since Dr. King's death had seemed for many to signal the end of the nonviolent phase of the civil rights movement—a philosophy Jackson continues to champion—the interview began with that topic.

PLAYBOY. Though the mood of blacks has changed markedly since the death of Martin Luther King, are you still committed, as Dr. King was, to nonviolence as the only way to win racial justice?

JACKSON. We will be as nonviolent as we can be and as violent as we must be. We should not choose violence first, because it is an inhumane way of dealing with problems. We also do not have the military resources to deal with the American power structure. There's no sense in facing tanks with a .22 pistol. Our circumstances and terrain would not give us the freedom to use a violent strategy. The ghettos are built like a military stockade. America never needs to actually come in. The lights can be turned off, the water shut off and the food supply stopped. We could be eliminated in the ghetto without anyone even crossing the railroad tracks to get us.

PLAYBOY. Do you mean to imply that if you did have the military resources. you would wage war against white Americans?

JACKSON. I am just pointing out that there is a strong pragmatic case for nonviolence. I am philosophically committed to nonviolence because I think it is the creative alternative and should be used as long as it helps protect and sustain life. It is a creative alternative to the Pentagon, for example. Just as there are forces in this world with a design for killing, so must there be forces with a design for healing.

PLAYBOY. Stokely Carmichael and Eldridge Cleaver, among others, say that unless blacks create their own design for killing, they are going to be killed themselves. Is this an irrevocable split in the black movement?

JACKSON. No. The competition to nonviolence does not come from Stokely or Eldridge; it comes from America's traditions. It comes from little children seeing cowboys solve their moral problems by killing. The competition to nonviolence comes from the military draft, with its nine weeks' training on how to kill. The trouble is that nonviolence is so often defined as refusal to fight, and that is the American definition of cowardice. In fact, marching unarmed against the guns and dogs of the police requires more courage than does aggression. The perverted idea of manhood coming from the barrel of a gun is what keeps people from understanding nonviolence.

PLAYBOY. If your life were endangered, could you use a gun?

JACKSON. Yes. Nonviolence does not demand that one develop an absolute, universal commitment to pacifism. That old notion of being in a dark alley and having a man step out with a gun does not apply. Of course, I am going to do whatever I must to get rid of the man and his gun. I preach nonviolence because it's the better alternative. In that alley, there is no alternative. But peace is the alternative to war, and nonviolence should be seen as the antidote to violence, not simply as its opposite. Nonviolence is more concerned with saving life than with saving face. It is the most sensible way to combat white society's military oppression of blacks.

PLAYBOY. Do you think white America is actually waging war on black America?

JACKSON. Yes, it's a war. Sometimes it's waged by a white army in full military gear, as any weapons count among special riot police would show. But it's also a war of attrition, a siege, in which the violence takes other forms. To me, violence is starving a child or maintaining a mother on insufficient welfare. Violence is going to school 12 years and getting five years' worth of education. Violence is 30,000,000 hungry in the most abundant nation on earth. White America must understand that men will steal before they starve, that if there is a choice of a man's living or dying, he will choose to live, even if it means other men die. These are human reactions, and we cannot assume that black people are going to be anything less than human.

PLAYBOY. Is there a point at which you feel violence would be justified?

JACKSON. If I saw that there was no other way for us to be liberated, yes.

PLAYBOY. For many white people, the most disturbing incident of potential black violence this year was portrayed by a news picture of armed students at Cornell. What do you think about their use of weapons?

JACKSON. They didn't use them, except in the symbolic sense of warning groups that had threatened them that they were capable of their own military defense. I have doubts about the enduring success of the technique of military defense, but I appreciate the feelings that brought such a desperate mood into existence.

PLAYBOY. Another group that has endorsed violence as a tactic is the Black Panthers, which J. Edgar Hoover has called "the greatest threat among the black extremist groups to the internal security of the United States." Do you support the Panthers?

JACKSON. I'm very sympathetic to the Panthers. They are the logical result of the white man's brutalization of blacks. The remarkable thing about them is that they have not conducted any military offenses. They have not gone tc downtown America to shoot up white-owned stores. The Panthers are a defense for justice, just as the Ku Klux Klan is an offense for injustice. That's a qualitative difference between picking up a gun to keep from being brutalized and picking up a gun to *inflict* brutality. As far as Mr. Hoover's opinion goes, I don't think that his perspective is relevant when it comes to the problems that are facing this society—which is surprising, when you consider all the good information he gets. He certainly knows what I'm thinking about and talking about most of the time.

PLAYBOY. Does the FBI keep you under surveillance?

JACKSON. Yes. It's admitted tapping Dr. King's phone, and I used to speak with him at least twice a week. The persons he spoke with were also frequently tapped, and I don't imagine they've untapped me, as my activities have increased since his death. But anything they've heard me say, if they come around, I'll be glad to repeat out loud to them. I want to add that I consider Mr. Hoover himself to be one of the greatest threats to our national security. His wire tapping and other surveillance methods violate the principles of democracy. The FBI director doesn't account to anyone, not even to the Attorney General; and, in reality, he heads what is very nearly a secret police.

It's on this subject of abusive police power that the Panthers are profound. No white community in America has a majority of black police, but black communities are militarily occupied by white police. The Panthers are right to say that the white police should be gotten out, just as the Americans were

right in saying, "Get the Redcoats out." We are saying, "Get the bluecoats out."

PLAYBOY. Aren't you really saying "Get the white bluecoats out"?

JACKSON. No. We don't want white bluecoats, but we don't want black bluecoats, either. We don't want to be policed by a supreme white authority, even if the agents of the authority are black. We're saying that the black community should police itself; the authority for the police should come from the home area, not from city hall, which is alien to us, has never been sympathetic to us and openly supports the police who oppress us.

PLAYBOY. Do you think, as some radicals seem to, that America is a police state?

JACKSON. For black men, it is. Nobody in the black community who's had the experience of being made to spread-eagle over a car for no reason, or because of a simple traffic ticket, would disagree with that. Some black folks disagree, but that's because of their lack of experience. If they just keep on living, they'll confront the reality soon enough. The reality is tyranny, and the tyrant must be opposed. Whether we are called Operation Breadbasket or Black Panthers or niggers, we know who the enemy is. We will gain our freedom by being more willing to die for it than the slavemaster is to die to keep us enslaved.

PLAYBOY. Do you agree with the controversial Panther demand that all black prisoners be released from prison?

JACKSON. Yes, but there are probably some black men who have been so broken, whose lives have been so twisted that they would be dangerous to all other men, both black and white, and I suppose they should not be released from confinement, though I would hope that genuine rehabilitation would replace detention. But just as the black community is a colony of white America, and those of us within that colony should be liberated, so should those of us who have been especially victimized by the viciousness of the colonial rules, and tried by the white slavemaster, be released. All of the black community should be liberated, and that includes those behind steel bars as well as those behind economic and social bars.

PLAYBOY. The subject of black crime preoccupies white America and, in the opinion of some commentators, helped elect Richard Nixon President. Many whites feel that their fears of black crime are completely justified, particularly in the light of your previous statement that black prisoners should be freed. How would you respond to that?

JACKSON. The Crime Commission appointed by Lyndon Johnson showed that most black crime is against blacks. The white folks who exploit us are as safe as a baby in a womb. The black man's hostility comes from the deprivation and frustration and tension of the ghetto. Most people handle that hostility surprisingly well; and those who don't, take it out on the nearest target—other blacks. Another reason black men hurt other black men is that the punishment is less than when you hurt a white man. The price for hostility against whites is too high. To talk back to a white boss is to be fired. And to make violent gestures against white people is to invite instant death. So the hostility that is bred in the ghetto leads to suffering—but mostly by blacks, not whites.

PLAYBOY. The incidence of property crimes by blacks is very high and is increasing. Do you think the white middle class is wrong to be concerned about protecting its possessions?

JACKSON. That property usually belongs to blacks, not whites. It is the ghetto resident whose home is robbed, sometimes two or three times in the same month. Black crimes against property are the result of desperation. I said earlier that a man will steal before he starves. Black crime is crime because of need; whites commit crimes of *greed*. Black folks do not set up elaborate kidnapings for a million-dollar ransom. The financial value of all of the property crimes committed by blacks in one year doesn't equal the money lost in the famous salad-oil swindle. Blacks are not out for a big score; they are out to stay alive. And when he's caught, the black man can't afford bail and a good attorney. Already wounded and probably crippled by the system, he spends more time than whites inside the jail system, where he is further destroyed by it. His criminality is molded by the police state. I was especially aware of this in the South, where I grew up. The police were an absolute power; they were not merely enforcers of the law; they *were* the law. They could do anything they wanted, because the judges and the legal system were thoroughly racist.

PLAYBOY. Do you have any recollections of personal confrontations with the police when you were young?

JACKSON. I remember that they seemed to get a kick out breaking down the front door if you didn't answer quickly enough. When I was a little kid, we'd run and hide under the house at the sight of a police car. Later on, they locked us up for things like vagrancy or cursing. In time, they would kill a few of the guys I grew up with, and it was always "in the line of duty." There were some humorous incidents, too. One cop in Greenville, South Carolina, became famous for locking up a black man for "reckless eyeballing"; he had been staring at a white woman about 100 feet away. And I remember we weren't allowed to stand around the store windows while they were changing clothes on the white store dummies. My Northern friends get a big kick out of that, but it's symbolic of the awesome pattern of Southern oppression.

My own most frightening experience, though, didn't involve a policeman. There was a store on our street run by a white man named Jack. The customers were all black, and it was a comfortable place. Jack used to play with us kids all the time, and we'd run errands for him. One day, I went in and the store was full of people, but I was in a big hurry, the kind of hurry a six-year-old is always in. I said, "Jack, I'm late. Take care of me." He didn't hear me, so I whistled at him. He wheeled around and snatched a .45 pistol from a shelf with one hand and kneeled down to grab my arm in his other fist. Then he put the pistol against my head and, kneading my black arm in his white fingers, said, "Goddamn it! Don't you *ever* whistle at me again, you hear?" I didn't think he was really going to shoot me, even then; the thing that got to me was that none of the black people in the store did or said anything. My impression of the superpower of whites to do absolutely anything they want and get away with it right in the middle of blacks was a traumatic experience that I've never recovered from.

PLAYBOY. Are such experiences for blacks still part of the Southern heritage?

JACKSON. Yes, but less frequently, and I think Dr. King is the reason for the change. The significance of his movement can be seen only against a Southern background. He taught us that even if the police—the law—say you can't sit down, sit down anyway. In most communities until then, there weren't five men who had that kind of courage. He challenged us to stand up to the police we used to run from. In Montgomery, Alabama, the cradle of the Confederacy, he rose up and declared that black men deserve their full rights of manhood. There wasn't enough money to buy him, and there weren't enough jails to hold him. Death itself isn't enough to stop black men from being free, for crucifixion leads to resurrection.

PLAYBOY. One of the seeming ironies of the civil rights movement is that while the Southern black has gone far toward winning freedom, the ghetto black in the North is in an increasingly frustrated mood. How do you explain this?

JACKSON. The Southern movement fulfilled some of the hopes it raised. We achieved our goals in the bus boycotts and the freedom rides. The public-accommodation and voting-rights bills were passed. We haven't had corresponding success in the North. The Northern black has seen some progress, but his advancement doesn't compare with the advancement of white society. The economy quadruples while blacks creep along with unemployment as high as 35 and 40 percent in some black communities. When the white unemployment rate was 20 percent in 1933, it was a Depression that required massive aid. But the black unemployment rate is ignored.

The most frustrated are those who have worked hardest but remain unrewarded. A black man in Chicago with a master's degree earns less than a white man with a high school diploma. You can't tell a man who has been to college that he's not educated enough to qualify for a job that goes to white high school dropouts. If you do, you castrate him. And the Northern black is more frustrated because the indifference of white colonialism in the North is more vicious than the paternalism of the South. The Northern industrialist doesn't have any emotional relationship with the black; he maintains only economic contact. In the North, you get white smiles while the shops are open, but the hypocritical charade is over when the shops close and whites take the money out of the ghetto. It's no coincidence that those stores are the primary targets in a riot.

PLAYBOY. Los Angeles mayor Sam Yorty once stated on television that he thought riots were caused by the mass media. He said that blacks rioted in imitation of the disruptive behavior they saw on television and that if there had been no television coverage of Watts during the first hours of the trouble there in 1965, there would have been no riot. Do you feel that's true?

JACKSON. That's absurd. The riots are expressions of the unheard. The rioters are the mass of black people who invest hard labor on nasty chores—they are floor cleaners, shoeshine boys, hospital attendants—and they find that they have almost no share, no investment, no dividend in a 900-billion-dollar economy. Riots are a reaction to pain and a sense of hopelessness. There are black people whom no President's program has ever reached. My grandmother has lived through every President from 1900 to 1969, and the sum total of their grass-roots programs has not been able to teach her the 26 letters of the alphabet. Riots do not solve problems, but they indicate what those problems are. It is the responsibility of an aching man to tell the truth about his pain. It isn't to his advantage to give the appearance of happiness when he is hurting. In the past, we passively accepted the immoral acts of white society to prove that we were nice, decent folks, but that was our foolishness. Black folks assumed that Pharaoh was going to help them simply because it was the right thing to do. Now we know that Pharaoh's commitment is to property, not to persons. He must be made to do the right thing.

PLAYBOY. It has been alleged by some observers, however, that the riots reveal a kind of death wish on the part of blacks.

JACKSON. It's true that there is in the young generation an inclination toward nihilism. To challenge a police headquarters with a handful of bricks is a suicidal act, but it is also a blow for freedom. What the riots really reveal is the beastliness and sadism of white police. Nearly all of the people who died in riots were blacks killed by whites whose ethics dictate that nickels and dimes are more important than flesh and blood.

PLAYBOY. There are whites who say that activists such as yourself foster the riots, that without you, there'd be racial peace.

JACKSON. White folks don't want peace; they want quiet. The price you pay for peace is justice. Until there is justice, there will be no peace or quiet.

PLAYBOY. At the time of Dr. King's death, many blacks said that white America had lost its last chance to solve the race problem without destroying itself. Do you think that's true?

JACKSON. No, I don't, although I was one of the first people to make that statement. It seemed to to me then that Dr. King's death ended America's last chance to be redeemed. But it is not for us to determine the chances of redemption. There are still people being born with hope, still people fighting with hope. God has not yet damned this country, though one may wonder how long the wicked will prosper. America at this point is the most violent nation in the world.

PLAYBOY. Isn't that a cliché? Don't other nations have wars and assassinations?

JACKSON. Of course. But no other nation wants so clearly to be the world's policeman. No other nation comes down so consistently on the wrong side of every revolutionary movement for liberation from tyranny. Wherever there is a rebellion, our conservative industrialists are helping to end it, whether it's in Angola or Venezuela. Any place we buy oil or rubber, or sell a little Coca-Cola and chewing gum, we've got to protect the old order. We spend $900 per second to kill the Viet Cong but only $77 per person per year to feed the hungry at home. We maintain soldiers in 20 countries around the world, yet we always talk about the Russian threat or the Chinese threat. China does not have a standing army outside of China; Russia has two. Yet we assume that someone's after us, that the "free world" is threatened simply because people want the chance to control their own economic market so they can participate in the world decision-making order. They don't want to go Communist or to crush democracy; they just want to end their serf status; and that's all blacks want here at home.

PLAYBOY. It might seem incongruous to some that you can make this sweeping indictment of America, an indictment that could easily serve as the lead paragraph in one of SDS's revolutionary pamphlets, and yet, as economic director of SCLC and leader of Operation Breadbasket, you are leading blacks who want to buy into the American dream.

JACKSON. It's very simple. For all its faults, America is the only country with the capacity to save the world, even at the very moment that we seem bent on destroying it. We can produce more food, medicine, trained and educated people than anyone else. We try to export our killers, but people have stopped wanting them; they would accept our doctors, scientists and creators, but our armies are outdated. We could liberate nations from their poverty and their pestilence if our value system would allow us to do so. The irony is how close we are to being something great. One fifth of our nation is starving, yet we have the capacity to overfeed it. We could end the starvation in India, heal the sickness in Africa. But the tragedy is that we are as close to destroying the world as we are to saving it. We spent 78.4 billion dollars to kill this year but only 12 billion to heal. Those who are silent now, or are neutral now, must make a decision before the opportunity passes forever.

PLAYBOY. Are you encouraged by the young white radicals who seem determined to change America's value system?

JACKSON. The issues that move them are qualitatively different from the ones that concern blacks. Many of the radical whites say that materialism is no good, that one must seek a new level of spiritualism. Well, we lived for years with spiritualism but without any materialism. Now we'd like to try to balance the two. Many of the young whites are living on the prerogatives of the materialism they shun. They confront their school in the winter, but in the summer, they go off to Sweden or Hawaii. Their discussions of America's corruption take place over steaks. They spend $5000 a year to attend the schools they shut down. We often have the same moral ideals, but the perspective is very different.

I have also been disappointed that we were unable to get any mass help from young whites on the hunger caravan we recently concluded in Illinois. The students were so radical that feeding starving people didn't constitute revolution to them, because "a man needs to do more than eat." But while they were saying that, they were eating very well. To us, they tend to be superfluous.

PLAYBOY. Weren't the strikes at both Harvard and Columbia concerned mainly with accusations by white students that those schools abuse the black community?

JACKSON. I do not mean to condemn their creative protests. They accurately reflect Jesus' position that man cannot live by bread alone. They come from houses with boats and cars and more money than they can spend, yet they find their lives empty. There is beauty in their hearing the heartbeats of other humans. What I'm saying is that there is a lack of depth in their protest, in terms of the black community's real and immediate needs. But I think I must reserve judgment on those whites who are living off the prerogatives of wealth. If they are legitimately concerned, they will take what Daddy leaves and pay back some of that money in reparations to blacks.

PLAYBOY. Do you agree with James Forman's proposal that the churches pay reparations to blacks?

JACKSON. Yes, and eventually the demands will not be limited to the churches. The black community in America is an underdeveloped nation, a victim of America's cold war against her own black people. In that war, all of our supply lines have been cut—educational, commercial, political and psychological. We've been the victims of an unjust war and are due reparations from those who launched it. Business owes us reparations, first for enslaving us, then for refusing to give us work or hiring us for only the lowest-paying, most grueling jobs. And even when we have an opportunity to do the same work as white men, we are paid less for it. The labor unions, for whom we fought, owe us reparations for locking us out. The church is also liable, because it has disregarded its own moral imperatives and cooperated in creating and maintaining a racist society.

PLAYBOY. Do you expect these demands to be met?

JACKSON. For the most part, no.

PLAYBOY. Then isn't the plea for reparations a rhetorical gesture rather than a serious proposal?

JACKSON. The demands are perfectly serious. If they were met, it would mean a great step toward unifying the two separate and unequal societies that the Kerner Commission described after it studied the Newark and Detroit riots. The point is that SCLC and I are not naïve enough to think that the businessmen who control the assets of corporations, labor unions and churches will voluntarily act from some inner moral impetus. America's god is money. God is your ultimate concern, what you give maximum sacrifice for, what you will die for. God is what you worship. The American ideal is maximum profit and minimum person; there is no impulse to share the wealth, to raise up those less fortunate. What counts is the name on the front of the building. Well, I say what counts are the hands that do the work inside.

PLAYBOY. Isn't money also one of Operation Breadbasket's major concerns?

JACKSON. Yes. It's a concern because it's a reality. But the essential purpose of Operation Breadbasket is to have blacks control the basic resources of their community. We want to control the banks, the trades, the building construction and the education of our children. This desire on our part is a defensive strategy evolved in order to stop whites from controlling our community and removing the profits and income that belong to black people. Our programs are dictated by the private-enterprise economy in which we find ourselves. In my heart, however, I know that the entire system is a corruption. To me, the earth belongs to everybody; it's just a very successful rumor white folks have going that the earth belongs to them. The earth is the Lord's and no man creates anything that didn't come from other things that God put here. No man really takes anything away, either. No man can claim that he made soil or wool or milk. White folks can make airplanes, but they can't make mountains. They can make syrup but not water. *Genesis* says that the Lord created the earth and everything therein and gave man, not white man, dominion over it and created a dominion sufficient for everyone to be able to survive and prosper. Now the concept of *Genesis* has obviously been destroyed, and it is our concern to rid America of some of her arrogance and control of God's resources by saying that the food belongs to all the people.

PLAYBOY. Do you think farmers and suppliers should give their food away?

JACKSON. I don't care how the people get food, as long as they get it. The Government can buy the food and give it away in a large-scale version of the present inadequate surplus-food and food-stamp programs. Or it can give the poor enough money to buy the food themselves.

PLAYBOY. Many middle-class whites think that the poor would only buy booze and guns if they had the money.

JACKSON. I challenge anyone with that belief to tour the reeking, rat-infested tenements of Harlem or Chicago's South Side and count the number of alcoholic welfare mothers. There won't be many. Welfare people do not account for this nation's high number of alcoholics. Nor are most guns bought by the black poor. In a home where the children are eating wall plaster because they are hungry, a gun isn't looked upon as an important commodity. But I don't care if the Government wants to give out food instead of money. I would bless any device it might come up with, as long as it does *something*. The country is producing more food than it needs. There is inherent evil in a system that induces men to plow crops under while others starve.

Not only does the food belong to the people but the industrial profit also belongs to the people. If the employees of General Motors left tomorrow, it would have to stop. If the entire board of directors died tomorrow, nothing would stop. What's indispensable are the laborers, not the directors. The laborers can rise from the ranks and direct their fellow laborers. Because they are the basic need, they ought to reap the basic benefits. But in America, about six percent of the people control the basic wealth, and there's something infinitely demonic about that. It's no wonder that America needs the largest military in the world to protect the wealthiest superrich class from people who would rebel against it. There's no basic conflict among the peoples of the world; Russian bus drivers aren't mad at American bus drivers. But the controlling groups are always in conflict with the people—whether it's the Government of the United States, which refuses to adequately protect the poor, or the boards of directors at GM and Ford, which encourage blacks to go into debt to buy automobiles but don't allow blacks to participate in the profitable manufacture and distribution of cars.

PLAYBOY. Can blacks afford to buy automobile agencies?

JACKSON. The companies will lend us the money to buy cars, which leads to profits for them only. They could lend us the money to buy agencies, but they won't, because that would let us profit also.

PLAYBOY. Aren't there some black car dealers?

JACKSON. About 14 dealerships out of 28,000. We are grossly underrepresented in all areas of the economy. There are no black TV stations, for example, and only seven black radio stations. Most of the stations that are beamed toward the black community and play black music are white owned. We can't get FCC outlets, and I'm convinced that there is a conspiracy to keep us from communicating with one another on a mass scale.

PLAYBOY. Do you mean that the Government fears a nationally directed riot?

JACKSON. I don't know what they think; all I know is we can't get licenses when we apply.

PLAYBOY. What does Operation Breadbasket intend to do about this sort of economic underrepresentation?

JACKSON. We have the power, nonviolently, just by controlling our appetites, to determine the direction of the American economy. If black people in 30 cities said simultaneously, "General Motors, you will not sell cars in the black community unless you guarantee us a franchise here next year and help us finance it," GM would have no choice. We can affect their margin of profit by withdrawing our patronage and resisting the system instead of enduring it.

PLAYBOY. Can this really work? And, if so, why hasn't it been done already?

JACKSON. It hasn't been done because we weren't sophisticated enough to see it. This is a step that we haven't been ready to take. But it will certainly be done now, because we are organizing to do it. Black people purchase about 35 to 40 billion dollars' worth of goods each year. We represent the margin of profit in many industries. America depends on our cooperation with her economy, and we shall become the enemies of those businesses and industries that work against our interest by unfair hiring practices, by discriminating against black products, by not making investments in the ghetto to correspond with the profits taken out of it. There is an analogous situation in politics: The black people have not yet realized that *we* can determine who gets elected President: in 1960, it was the South Side of Chicago that turned in the vote that made John Kennedy President. The newspapers all said that Mayor Daley had once again come through with his Cook County machine, but that vote was black. The ghetto, however, has seldom voted in its own self-interest. It has even voted for black politicians who are contemptuous of blacks.

PLAYBOY. Why does the ghetto vote so inefficiently?

JACKSON. Because it's so easy to intimidate or con the poor; they have no recourse. On Election Day, the precinct worker comes around and says that if you don't vote his way, he'll have you thrown out of the housing projects or he'll have your welfare check canceled. Or, if he's a benign type, he'll buy your vote with a chicken. The poor are also frightened out of coming to freedom meetings. But the poor themselves must learn that food is a right and not a privilege. We are marching to gain a subsidy for 30,000,000 hungry Americans who represent a human resource that is more important than any of the mineral resources that this nation subsidizes.

PLAYBOY. What form would that subsidy take?

JACKSON. A guaranteed annual income based upon the Government's own estimate of the amount of money people actually need to live adequate lives. They say that a family of four in a large city in the United States in 1969 requires $5994 per year for minimum maintenance. If that's what's needed, then that's what they should get.

PLAYBOY. Wouldn't that be expensive, especially considering the present high tax burden?

JACKSON. The Senate committee on poverty headed by George McGovern stated after doing field research throughout the nation, that it would cost ten billion dollars per year to feed the poor and fulfill their basic health, clothing and housing needs. I would guess that that's a low estimate. Let's double it and say that the cost would be 20 billion dollars per year. That's less money than we're spending to kill the Viet Cong. It's less money than we're about to spend on the ABM system. It is less than a third of the defense budget. If we wanted men to live as much as we want to see them die, we could do it without any new taxes.

PLAYBOY. But what motivation does the Government have to subsidize the poor?

JACKSON. Out of a spirit of humanity, one would hope; but that is naive. Our job is to create enough press to *force* the Government to act. It is certainly not going to do so on its own. The imbalance of Southern power in the Congress has led to important committees being headed by pathological killers and by men with public commitments to racism. These men—such as Mendel Rivers, Russell Long, Jamie Whitten and Richard Russell—are the black man's burden. The truth is that the Mafia is probably better represented in the Government than blacks are. And numerous other special-interest groups are well taken care of. The situation on the agriculture committees is particularly loathsome to me because of the millions of dollars that are given away to gentlemen farmers who don't farm, while children are starving. Contrast that with the Black Panthers' national breakfast program. They are serving thousands of people free food every week, and the only qualification is that the recipient be hungry. If the Panthers can serve breakfast to 3000 children a week in Chicago or 15,000 in San Francisco, with their lack of resources, what could those cities' government be doing if they had the same interest?

PLAYBOY. If you were the mayor of a major American city, what would you do?

JACKSON. I would declare the poor communities in a state of emergency and deal with the unemployment rate, the high mortality rate and the high t.b. rate. I would set up medicine tents on the streets, and embarrass the Federal and state governments into opening up their food storehouses. I would declare war on disease and hunger. I would enlarge all the city departments that feed and heal people. The welfare of all the people would be attended to before any new golf courses or monuments or stadiums were built. I would force the Government to call out the National Guard to deal with the existing injustices, which make the ghetto a permanent disaster area. There's no reason why the Army couldn't be coming down the street with bayonets, looking for slum landlords. The Army would force trade unions to allow the minority groups in. And those who did not pick up the garbage would themselves be picked up. An Army like that wouldn't have any trouble getting volunteer soldiers because it would be engaged in a *relevant* war.

PLAYBOY. Is that statement a reference to Vietnam?

JACKSON. Let me just say that Vietnam is not a relevant war. It is a war in which the black poor are paying with their lives to protect the investments of a small, rich elite whose Asian investments are threatened by Hanoi.

PLAYBOY. Whatever interests are being served in Vietnam, do you think that you, as a citizen, have the right to pick the wars in which you will fight and those in which you won't?

JACKSON. Of course I have that right. I must reserve the right to decide which wars are just. And I would not fight in a war that I thought was unjust. Nor would I approve of anyone else doing so.

PLAYBOY. Would you encourage drafted blacks to refuse to go to Vietnam, even if it means jail for them?

JACKSON. Yes. and whites, too. Fighting in Vietnam is a step back into slavery for blacks, and into barbarism for whites. The road to jail has often been the road to freedom. Many men—Gandhi, Jomo Kenyatta, Dr. King—have learned that.

PLAYBOY. Although a disproportionate number of blacks have died in Vietnam, there have been few blacks active in the peace movement. Why?

JACKSON. To blacks, the peace movement is a luxury that presupposes you have the time to save somebody aside from yourself. Blacks are just too occupied with their own survival. They have not even been sophisticated enough to know that they can oppose murder. A black man can be easily seduced; it's a revolution for him to go from one meal a day to three. Sometimes I think the blacks are so locked away from information that we could be duped into fighting in South Africa for apartheid, if America told us to do it. We certainly were down there shooting our Dominican brothers. I saw televised scenes of Dominicans lined up against a wall while black GIs held guns on them. But this is not because of ignorance but because of cultural suffocation and improper education.

PLAYBOY. Malcolm X once proposed that the UN send observers into the American black community to determine if blacks were being treated humanely. Do you think that's a practical idea?

JACKSON. Only for symbolic purposes; the UN doesn't have any power and is subject to the American veto.

PLAYBOY. Wouldn't exercising the veto prove so embarrassing to the U.S. that it would refrain from doing so?

JACKSON. I doubt it. And the countries that one might expect to pressure America into dealing humanely with its black minority—the countries of Africa—are themselves too dependent on America's trade and financial aid to wish to antagonize her. It is not in the enlightened self-interest of those countries to rise up in indignation when we're shot up in Detroit or Watts, because we don't affect their essential relationship with the world markets or the World Bank.

PLAYBOY. Both Malcolm and Dr. King worked to mobilize a world-wide conscience against racism before they were struck down. Do you share the view of some that both murders were part of a plan to deprive blacks of their leaders?

JACKSON. Not a single elaborate conspiracy, but it's clear that as we have moved closer to America's nerve center, closer to a position where we could vote men out of office, the killings have increased. And I don't think America has done anything to indicate that she is on the side of Dr. King rather than of his killers.

PLAYBOY. You used the plural. Don't you think that James Earl Ray acted alone?

JACKSON. I would be surprised if it wasn't a conspiracy involving many others.

PLAYBOY. Do you have any evidence to support that belief?

JACKSON. I think the circumstances were very suspicious. As you know, I was with Dr. King when the assassin's bullet was fired. We were talking with Operation Breadbasket's music director, Ben Branch, about songs for the next day's rally. Dr. Abernathy, Andy Young, James Bevel and Bernard Lee were very near. When Dr. King was

shot, I hit the ground, along with the others. We scrambled toward the steps where he was and I looked back over my shoulder, because I was afraid that more shots were going to be fired. I saw so many police coming from the direction of the shot that I actually threw up my hands, thinking that the shot had come from one of them and that I was going to be killed, too. There were hundreds of police in the area, some jumping from the hill where the shot had come from. I tried to tell them that the bullet came from that way.

Now, the hotel that Ray was in—if Ray was the killer—is next door to the fire department. With the shot having been fired and all those police in the area, the usual thing during an emergency in a Southern town would be for a siren to go off that stops the lights and traffic on Main Street, where the hotel is. It was six o'clock in the afternoon, the busiest time for traffic, and it all could have been brought to a halt. But no siren went off, traffic wasn't stopped and Ray escaped through downtown Memphis. The distance he subsequently traveled indicates to me that he didn't do it by himself and that he may have had some very highly placed help. But, of course, finding Dr. King's killers is secondary to getting at the roots of America's violent atmosphere—an atmosphere in which you conform or are broken, in which you take your subordinate place in the industrial hierarchy or are destroyed.

PLAYBOY. What do you think Dr. King would be doing if he were alive today?

JACKSON. Dr. King would still be dealing with the problem of finding a job for everybody; he would still be raising the questions of medical care for everybody, of a full-employment economy. He would still be on the basic issues, still be pointing out the stupidity of the war. He would be in general conflict with Nixon. He would still, as we say, be on the case.

PLAYBOY. Will there ever be another black leader as important as Dr. King?

JACKSON. I don't think so, though, of course, no man can say. But it was Dr. King who crossed the frontier, who made a permanent break with the past. I grew up in the period from 1955 to 1965, and that time was dominated by his courage and strength, as opposed to the previous mass docility of black men. Dr. King was a surprise for a lot of whites who had conned themselves into believing that Negroes were really inferior. He was intelligent, moral, eloquent and courageous. The contrast of his eloquence with the lack of it in those whites he was forced to deal with gave us a rallying point. Even more important was the way he stood up to white military power in the South. Dr. King wasn't afraid of the cop's billy stick, guns or dogs. He overcame the stigma of the jail cells; in fact, he *dignified* the jail cell and wrote great words from it. He was willing to die for black people, and finally did die, not on some lofty mountainside or in the company of ambassadors but kissing garbage men, trying to set them free.

PLAYBOY. In the weeks before he died, did Dr. King express any particular optimism or pessimism about the future of the movement?

JACKSON. He expressed both. SCLC was at that time involved in making its decision about the Poor Peoples' Campaign in Washington, D.C., that ultimately led to Resurrection City. Many of Dr. King's friends and some board members said that we should not go to Washington because of the possibility of a riot. The final decision was his. He was going through a bad time and he showed it at one of the last staff meetings he would ever attend. He was despairing that morning and Andy Young tried to tell him to relax, that things were going to get better. And Dr. King told Andy, "Don't say 'Peace, peace' when there is no peace. The country is swinging to the right and our President is obsessed with the war. Maybe I ought to turn around," he said. But then he stopped; and when he continued, his voice was more firm. "But we've gone too far to turn around. There were dark days during the sit-ins, and in Selma and Birmingham. We've come too far."

Then he changed again. "But I'm still disturbed by the division in the country. Maybe I ought to just fast. And when I get to the point of death, perhaps we could have a summit meeting of blacks. Maybe that would bring us together." But then he seemed to resolve the argument in his mind. He said, "I've seen where we've got to go. We are going to fight the good fight; we are going to liberate our brothers and raise up the poor. We're not going to turn around. It's all very clear to me now." And I think Dr. King at that moment was as sure as he had ever been of the ultimate victory of his movement. Once you've been to the mountaintop, it doesn't matter if James Earl Ray is in the bushes waiting for you.

PLAYBOY. Do you share Dr. King's vision?

JACKSON. In my stronger moments, I have no doubts. I'm even able to love those who persecute me. There must be some force that's committed to redemption, even though it's painful. The alternative is that we will destroy ourselves—"die together as fools," as Dr. King said once. He and Gandhi and Jesus reached a spiritual state that liberates the self. Dr. King did not represent ordinary men. That's what made people love him so much. But what finally happens to the extraordinary men is what happened to Jesus. We admire them but we don't follow them, and finally we kill them because they become such a threat to us.

PLAYBOY. In what way?

JACKSON. Most of us cannot live up to the ideal of the noble and virtuous. Such men make us aware that we must settle for the real and the expedient. We are diminished by their purity, which is a threat to our self-esteem. The idealist keeps our consciences awake, but the pressure on our conscience is so great that it can be relieved only by murder.

PLAYBOY. Dr. King was criticized for placing too much emphasis on conscience. David Halberstam wrote that Dr. King left Chicago in 1966, for example, because he could not inspire a moral consciousness, and Mayor Daley was able to dissipate his campaign with high-sounding but unspecific resolutions. Do you think that Dr. King was too concerned with the moral rather than the tactical aspects of the civil rights movement?

JACKSON. No, I think that even as recently as 1966, Dr. King was correctly analyzing his problem as the need to change the psyche of the black man. You couldn't impress black folks unless you impressed white folks first. Dr. King had to make the movement as large as possible in white eyes to get respect for blacks. I think that we are inclined to lose perspective on how much things have changed since 1955. There was no black consciousness then. Dr. King was dealing with "Negroes"—put quotes around that—whose minds, desires, ambitions and images were white inspired. Aretha Franklin couldn't have made it in 1955. It was Dr. King who moved the "Negro" farther and farther out; and the farther he got from the white shore, the blacker he became.

Dr. King had the most national influence of any black leaders, and his concern was to change national policy. The strategy was always to form a coalition of conscience between the black community and a segment of the white community. An issue had to be defined along moral lines, because the white community will split on the basis of moral against immoral, liberal against conservative. Without that white help, there is no chance for us to have an impact on national policies. Dr. King used to point out that there is not a black college in the country that could remain open six months on black contributions. That's a reality we must face. Even now, there is no civil rights organization of any consequence that functions on black money.

PLAYBOY. Does Operation Breadbastket accept white money?

JACKSON. SCLC accepts any money, and it finances us. But we get more black money out of Chicago than any other civil rights organization has ever gotten out of the black community.

PLAYBOY. What does SCLC think of white participation in the leadership of Breadbasket and other programs?

JACKSON. We discourage it. We need and want to encourage the technical and financial aid of whites in the civil rights movement, but we should make our own decisions. Whites should spend their physical energy liberating *white* America, because white folks need someone to help them understand blacks or they're going to continue to be paralyzed by their paranoia. Whites suffer from nightmares and irrational anxiety. When a black family moves onto a white street, the white girls are not magically impregnated by a black boy. Those fears are unreal. But whites do not allow enough communication with blacks to learn the truth. So other white folks must defend our humanity, even though our skin color is different and our hair grows differently and we have a different heritage.

PLAYBOY. Why is there a preoccupation now with black studies and Afro styles?

JACKSON. The so-called natural movement is simply trying to say that I may not know who I am psychologically and historically, but I'm not going to be defined by white folks any longer. I want to see how I'd look if I just grew. If I didn't use anything white folks gave me to fancy myself up with, what would I look like? Most of us have never given ourselves a chance to find out. We're in search of our existence as a new people—Afro-American. White people forced us to suppress our beauty; now we want to glorify it. The fact that our natural selves conflict with the comfortable, stereo-typed white image of the black man is not our problem.

PLAYBOY. But this new emphasis on blackness seems to lead to some paradoxical situations. In spite of the need for expanded opportunities for blacks to attend college, a number of strikes were initiated last year by black college students who demanded black-studies programs at their schools. Are black-studies programs so important that it's worth closing down a school to get them?

JACKSON. I think so. History plays a large role in a people's growth. The white man took away our history because it was one more way for him to control us. Without a group identity, we had no group loyalty; we were separated from our past to make it easier to control us in the present. It is one thing to see ourselves as a people only 300 years old, born as slaves and moving toward freedom. But, in fact, our forebears date back to the origin of man, and we have always been a creative and productive people; we were enslaved, but now we are returning to freedom—and it's good to come back home. We need the pride and dignity of knowing that we are part of a great continuum. Anthropologists say that mankind originated in Africa. We are the people who carved out the great civilizations of Kush, Songhai, Ghana and Mali. We smelted iron; we mined copper and gold. For us to know this is to know that we can look forward to a great destiny.

PLAYBOY. It's the idea of exclusively black studies that bothers many white people. Other ethnic groups don't have special study programs, do they?

JACKSON. But they do, and the schools recognize them as such. If you are an Italian, for instance, your history courses will cover

the entire history of early Rome and then Renaissance Italy, and they will stress the worth of the Italian contributions. But no ancient-history courses emphasize the blackness of the great early civilizations. And American history courses generally ignore the black man. If the schools had done their job, they wouldn't have the problems they are now confronted with—and richly deserve.

PLAYBOY. Many athletes and entertainers—Bill Cosby, for example—have adopted Afro hair and clothing styles; but aside from this sort of symbolic identification, do you think successful blacks have been as involved as they should be with the movement?

JACKSON. I think the symbolism is important; it shows a new sensitivity. The black athletes and entertainers who are wearing natural hair styles and Afro clothes are specifically defying the white measurement apparatus. But the fact is that the black artist has never been as far away from the black community as the white press sometimes portrays him. Every black man, for example, knows where Sammy Davis' heart is. The black entertainer moves into a white community because the houses are bigger and better there. He is just taking advantage of a new freedom. Historically, the black athlete and entertainer have been in a precarious position where, if they over-identified with the racial situation, they couldn't play in the major night clubs, couldn't get into a movie or were blackballed from a league. Black athletes who take a militant position on the race problem endanger their jobs, even though teams are dependent on their participation. Jackie Robinson broke into baseball in 1945. In 1969, blacks dominate the game. The stars of the National Basketball Association are nearly all black, as are many in the National Football League. But we'd be doing even better in sports if there were not still some discrimination there.

PLAYBOY. What kind of discrimination?

JACKSON. Before I entered college, I was offered a contract to pitch for the Chicago White Sox. They wanted to give me less money to sign than the white boys I was striking out. I'm sure that's generally true, and many black boys can't afford to leave the farm or the factory to try to make it with a team. More indicative of the racism still alive in sports is the fact that in all of major-league baseball, there isn't one black executive or manager.

PLAYBOY. If a black baseball player clearly shows himself to be a managerial material, don't you think he'll get a shot at a manager's job?

JACKSON. What does that mean? Is every white manager "managerial material"? Then how come they're always being fired? In America, a white man, no matter how dumb, is expected to boss a black man; but no black man, no matter how highly qualified, is allowed to give orders to a white man. If a white ballplayer like Eddie Stanky is argumentative and aggressive, he's considered fiery. Therefore, he's a managerial prospect. But Jackie Robinson was fiery as hell, only they called it arrogance. He was an "uppity nigger." When Robinson left baseball, his accumulated knowledge about running bases, pitching, hitting and fielding went with him. It was a waste of a great baseball mind.

PLAYBOY. You seem to be saying that unless a black man is docile, he can't survive; yet the mood of young blacks—including you—is anything but docile. Haven't the times changed?

JACKSON. *We* have changed; I don't know about the times. White society still tries to impose a different code of behavior on blacks than on whites. What to me is an expression of confidence is to white folks an expression of defiance. The country is so used to black people smiling and bowing and acting unsure of themselves that when whites meet someone who confronts them and challenges their standards, they make harsh judgments. Now things are changing so fast that the hostility of white society toward a black man may lead to respect for him from the black community. For a white man to embrace you is for a black man to hold you suspect.

PLAYBOY. You have been accused of cynically manipulating that new mood in your personal choice of dress and hair style. Do you think that if you didn't wear sideburns and a *dashiki,* but dressed conservatively and looked somewhat like a young Martin Luther King, that you could make it as a black leader today?

JACKSON. Style—whether it's Afro or Ivy League—isn't crucial. Hell, there are kids around who look like Che Guevara, but they still need their mommas to help them across the street. Because of all the losses we have suffered, black people are looking for *winners;* that's the only way to get their respect. And a winner is someone who successfuly defies white America. The reason Joe Louis will always be respected in the black community is that at a time when other blacks couldn't even talk to white people, Joe Louis was beating them up, knocking them down and making them bleed. When I do a TV show, I'm aware that every black watching is scoring me against the white opposition, as if I were in a fight. Every black man who has won the loyalty of his community has indicated some expression of defiance for the white man. Malcolm X is a good example. He could look Whitey straight in the eye and tell him he was lying. And Malcolm showed that even the most brutalized experience could be overcome.

PLAYBOY. You obviously don't agree with those who felt that Malcolm was a disruptive force.

JACKSON. Malcolm had become an apostle of peace after his trips to the Near East. America has a knack for killing her men of peace, while men of war continue to thrive. Malcolm's death also pointed up the futility of thinking in exclusively white-black terms. Blacks killed Malcolm, just as a black man betrayed Marcus Garvey and a black woman once tried to stab Dr. King. Black is not always good, just as white is not always bad. We confirmed that lesson at Resurrection City, where white Appalachians shared the mud with us while some blacks on U Street were asking The Man to run us out of town. And it was a black woman who started many of Adam Powell's troubles.

PLAYBOY. The consensus among white liberals is that Adam Powell deserved his fate—and that he was a hindrance to the civil rights movement. Do you disagree?

JACKSON. Absolutely. First of all, and to set the record straight, as head of the House Education and Labor Committee, Adam Powell was responsible for passing over 60 pieces of significant social legislation—more than any other of his virtuous colleagues have ever done. But Adam is even more important, for a depressed black psyche, as a defier of white rules. Something happened to my dad in World War Two that illustrates this. He was serving in France and Strom Thurmond came to speak to his all-black regiment. The Senator's message was that they were there to fight the War, that they were not to bother any women; they were to know their place. In other words, it was all right for my father to risk his life to serve America, but he was still a nigger. So when Adam Powell walked down the halls of Congress with two white women on his arm, just the outrageous defiance of it gave us gratification. The appeal of that defiance will never be lost.

PLAYBOY. That story touches on the strong sexual aspect of racism. Both Malcolm X and Eldridge Cleaver have expressed elaborate theories in which white sexual fears are cited as a fundamental cause of race hatred. Do you agree?

JACKSON. Although sex is a crucial underlying cause of prejudice and racial hatred, it is not relevant to the black liberation movement. We will not allow the white man's sexual problem to stand in the way of our freedom.

PLAYBOY. Can you just ignore it?

JACKSON. Let me explain it with some awful history. In the South, when a slave ran away—thereby expressing his manhood and independence—and he was caught, the punishment for his first offense was whipping or branding. If he ran away again, which was the clearest way for him to assert himself, his punishment was likely to be castration. The slave was told that he was inferior, less than human and completely unappealing to the white woman; but The Man still castrated him. That says a lot about the psychosexual dilemma of the Southern white male. The other part of that dilemma was that because of his fear of black men, the white man had to desensitize white women. The white woman had to spiritually kill herself. For a white woman to see Jim Brown and not think of him as an attractive male means that the nerves are dead within her being. She dehumanized herself, because white men wanted it that way. But when the white man destroyed his relationship with his women, he got his satisfaction from the pursuit of money. So the white man perverted himself and his women.

If some great psychoanalyst had emerged 300 years ago, he might have solved some of the white man's problems and prevented the brutalization of blacks by whites. But we were not rescued, and the intervening 300 years have served to diminish the importance of sexual antagonisms and replace them with a more crippling form of racism. Today, racism is integrated into the ideology of capitalism. I said that the sexual aspect is irrelevant because even if sexual tensions disappeared tomorrow, capitalism would still require a racist ideology in order to maintain a cheap labor base. Racism provides a mechanism by which the slavemaster assures that society will have a ready supply of inferiors who can serve as slaves. Racism is as important to America's domestic colonialism as it was to foreign colonialism; it is an excuse to exploit and enslave a people because they have been defined as inferior. Colonialism is not built upon emotions; it is built upon behavior patterns that are designed to get a profit.

PLAYBOY. Do you think, as some revolutionaries do, that capitalism will have to be destroyed in order to end racism?

JACKSON. It is futile for us to think about ending racism; that is a psychological problem that seems beyond our attempts to affect it. We are fighting to end colonialism—oppression and exploitation. That requires power. The civil rights movement is a lifetime struggle for power. A man who is impotent, no matter how courteous and pleasant looking he is, is told to wait in the lobby. But if you have power, you can be an illiterate boor with tobacco juice running down your face and they will open the door for you. As I said earlier, we are going to organize to exert power on the big corporations. We are going to see to it that the resources of the ghetto are not siphoned off by outside groups. Right now, black exterminating companies don't even get the contracts to kill the ghetto's rats. But that's going to change. If a building goes up in the black community, we're going to build it. And we're going to stop anyone else from building it. If we can't get into those construction unions, they're not going to get into our neighborhoods.

PLAYBOY. But other neighborhoods don't control their business according to ethnic separation. They try to become part of what is traditionally called the American melting pot.

JACKSON. I hear that melting-pot stuff a lot, and all I can say is that we haven't been melted. We've been getting burned on the

bottom of the pot. We don't want anything that's different from the experience of the other ethnic groups. If you go into an Irish neighborhood, most of the businesses are run by Irishmen. The same is true in a Chinese or Jewish or Italian neighborhood. The difference between all of them and us is that they are all separate and independent groups, while we are separate and *dependent*. We want to control the vital elements of our lives: the school boards, the churches, the businesses, the police. The other groups are separate and control themselves, but they are separate and control us as well. That is a colonial situation. And the slums will exist as long as the colonists continue to turn a profit on them. As in any other revolution, we must fight for our independence.

PLAYBOY. But Dr. King once said that his aim was to "break open the city," so that ultimately there would be no separate black and white communities. Have you forsaken that goal?

JACKSON. No. But we recognize that a major part of the black community must first gravitate around itself, as other ethnic groups have done. In these areas, where our living together provides collective security, we ought to have the right to control it. But just as we have the private right to stay where we choose, we should also have the public right to participate in the public arena the way other people do. A man should choose where he wants to live, based on his income, or the fact that a house is close to his job, or because there's a good school nearby; he should not be refused because of his color. He should not be afraid of being bombed out by white bigots or of being harassed by police when he returns from work.

PLAYBOY. Aren't the open-housing laws changing this?

JACKSON. No. There is still segregation. In Chicago, blacks are 30 percent of the population, but they live on ten percent of the land. That congestion is inhuman and a prime target for exploitation by slumlords. People are cramped in body and spirit, and those who can't afford it are paying more for the space in which they live. We are locked away from the resources of the community. Black children who are sick are untended and left to play in their own filth in understaffed, ill-equipped hospitals. Four- and five-year-olds who were lucky enough to enter Head Start programs substantially raised their learning capacity, only to have it fall again as soon as they entered public school. Yet the teachers call the children incompetent. We have no choice about schools and hospitals, because public mobility is denied us. When a white mother decides to move because her neighborhood doesn't serve the needs of her children, the broker asks her where she would like to live; when a black mother faces that problem, she *knows* where she can live—and where she can't. In white communities, there are about 3000 people per square mile; in the ghetto, there are 30,000 people in each square mile. The overcrowding produces bent and perverted people. They are made to suffer so much pain that they feel no need to conserve themselves or their neighborhoods, so they decide to destroy. These are the unheard—until they riot.

PLAYBOY. The majority of those who have participated in riots are in their teens or early 20s. Why?

JACKSON. These kids have an awful lot of reasons for hating America. Their experiences with the dominant culture are nearly all negative; whether it be in school or a courtroom or applying for a job, they are being either deprived or discriminated against. This sense of resentment is acute, and it's just a matter of time before they give up on themselves and this country. Many of them already have. If Richard Nixon really cared about America's future, he'd be showing up at Operation Breadbasket meetings and offering to join us in the fight to reclaim these kids' minds and souls, because they are going to have a large effect on that future. He might at least give us equal time and attention with the moon shot.

PLAYBOY. Weren't you impressed by the moon landing as a scientific achievement?

JACKSON. The only thing that moon shot did for me was turn my stomach. I was in a migrant worker's shack in Georgia a few weeks before the launch. It was about 115 degrees inside in the daytime. It had no toilet—not even an outhouse. No refrigerator, no running water. There was greasy butcher's paper over the space where there should have been windows. The shack was temporary residence for a family of four and they actually paid rent for it. If they hadn't rented it, they wouldn't have been allowed to work the harvest. They were all hungry. The kids' bodies were bloated and discolored. And they suffered from worms. This was *good* time for these people. When the harvest ends, they have to move on and they have nowhere to go. That Sunday night of the moon walk, in my mind's eye, I could see those poor, broken people walking four miles to the company store to watch the two astronauts jump around. Each step Armstrong took cost enough money to feed that family for 100 years.

America has spent 57 billion dollars since 1957 for the ego gratification of planting her flag on top of everyone else. One *tenth* of that was spent in the same period to inadequately feed the hungry. The psychological state of this nation is revealed by the fact that the men whose egos are swelled by putting a flag on a dead rock would not feel the slightest sense of accomplishment from the more humane task of feeding hungry people.

PLAYBOY. Are you encouraged by Nixon's proposals about black capitalism?

JACKSON. Not very much. It is a limited vision to make a few people rich, whereas SCLC's Poor Peoples' Campaign proposes a decent economic base for *all* people. Dr. King died talking about raising the level of dignity for all men. The difference between Dr. King and Mr. Nixon is the difference between a prophet and a politician. I don't believe the Government has plans for the extensive development of the black community. If it did, then the Job Corps would not have been curtailed recently. Even more serious is the Government's lack of understanding of the problems of the potential black businessman and its failure to develop programs to help him.

PLAYBOY. White businessmen object to such demands on the grounds that blacks don't deserve Government considerations that aren't extended also to whites.

JACKSON. The Government aids white businesses all the time—in the areas in which they are endangered. It subsidizes airlines and railroads. It sets up tariffs to protect textile businesses from cheap foreign imports. The black man is endangered as a businessman because of his substandard education, and the Government should be offering technical and advisory service to blacks.

PLAYBOY. What kind of services?

JACKSON. There are some basic areas where the black businessman can use Government help. One is feasibility studies that will tell a man if his idea is sound. Another, of course, is capital, which should be lent according to the soundness of a business idea, rather than withheld reflexively in accordance with impossible strict notions of what constitutes "a bad risk." If a black man came up with the idea for the next generation's Xerox, he probably couldn't get the money to develop it. Next, the Government should help him get his foot in the market's door, so that the black man can at least have a fair chance. This is one area in which Operation Breadbasket has been very successful; we've gotten chain stores such as Jewel and A & P to give shelf space to black products. Then the Government should provide real vocational training. Even if a black kid, who never intends to go to college, graduates from high school, he can't fix the wiring in the house, can't run a machine, can't lay a brick.

And the vocational training should apply also to those who are already running a black business. We helped increase a black man's business from $12,000 to $160,000 in four months. But he couldn't grow with it. He had to pull his business back down to the size of his mind; he had to feel the money, count it in his hands. He couldn't handle a balance sheet, couldn't write notes for working capital before his receipts came in. That man can't go to Harvard Business School—but if the Small Business Administration and President Nixon were serious, there'd be an operation Head Start for the black entrepreneur. The way it is now, a black with talent has to choose to work in the security of a big white company. And his sapped spirit will never produce anything on its own. Black businesses, on the other hand, are a step on the road to freedom. Black products are a focus for a pride in black ability. We can't just consume what the white folks decide to make for us. Consumption leads to fatness, but production leads to freedom. A producer is free to make decisions, but a man who only consumes is a prisoner whose decisions are made by others.

PLAYBOY. Breadbasket's aims, if fulfilled, seem likely to create more middle-class blacks. Do you think there will be strong class divisions between black middle and lower classes as the former get farther away from the ghetto?

JACKSON. I don't think we will have significant class divisions. No matter how wealthy he gets, the black man can rarely buy a house where he wants to; he is still subject to the whim of any white policeman who doesn't like his looks; he is still going to be tried, if accused of a crime, by a jury of his white nonpeers. And these facts bind him firmly with his destitute brother.

PLAYBOY. How do you feel about the young militant's derisive notion that every successful black is an Uncle Tom?

JACKSON. I think it's important to be sensitive to who Uncle Tom is. Uncle Tom is not our enemy. He grew up in the ghetto; he went to bad schools. He's a successful black hustler who bends and smiles before the white man in order to provide for his children. He's not a man who sits around thinking up ways to hurt black people. There's nothing wrong with a Southern boy who grew up in a shack with an outhouse wanting a real home. The jobs we once picketed to get are now being derided as Uncle Tom jobs. But the black *bourgeoisie* is still very close to the roots, if for no other reason than the fact that in the colonial system, he can't get too far. Blacks don't move to white society for joy, fulfillment, good music or tasty meals. They move to get away from bad schools and apartments where the trash isn't collected. They aren't moving away from blacks but from the rats.

PLAYBOY. Are you saying that there's no disunity among blacks?

JACKSON. There is an unfortunate division among blacks now that is set off by a certain self-righteousness, a competition for being the blackest. But we must never forget that Nat Turner was middle class, as were Frederick Douglass and Dr. King—and even Stokely Carmichael. We will not be trapped into glorifying ignorance and poverty. That will not improve the lives of black people.

PLAYBOY. Do you agree with young radicals who feel that blacks who are assimilated into the economy will become new cogs in the corporate machine?

JACKSON. We want to create a new value system that will produce a generation of

black liberators, not exploiters. You can't ask a black man not to work because America's value system is perverted. But I would hope that when the black man gets a job in a company that is part of the military-industrial complex, he will organize in a union that is as concerned with basic values as it is with decent wages. Instead of producing war materiel for an unjust and immoral war, the union could pressure the company into producing goods that will help and heal people. The virtuous and vicious aspects of our economy are interrelated. We produce more food and clothing—and guns—than we need; we have the capacity to save more people from malice and disease than any other nation in the history of the world, and to *kill* more people than any other nation in the history of the world. No one attacks our ability to build X-ray machines or washing machines. Our national priorities are the real problem.

PLAYBOY. Can blacks change them?

JACKSON. This is the challenge of Operation Breadbasket. The businessmen we help, for example, are discouraged from getting rich and leaving the ghetto. We develop profit sharing: we try to make it *our* company as much as the owner's. We encourage a dialog between owner and employee, and we encourage participatory democracy.

PLAYBOY. Can Breadbasket help blacks outside the ghetto as well as within it?

JACKSON. Yes. Let me give you an example of how it can work—a case of real soul power, where blacks had the integrity to stick out a crisis and aid one another over thousands of miles. When the most recent Voting Rights Bill was passed, black Alabama farmers found that they weren't able to find markets for their products anymore. Whites were retaliating for their new political power. On top of that, George Wallace prevented them from borrowing money, so they couldn't expand economically, because of the combined pressures of racism and capitalism. There were 1500 of them—all farming small plots. Instead of quitting, they formed the Southwest Alabama Farmers' Cooperative. They planted and harvested their crops and then brought them to Chicago. We at Breadbasket then went to the supermarkets in the ghetto and told the owners that they would either put the brothers' products on the shelves or face boycotts. They accepted the produce. The brothers in Alabama could farm there and have an open outlet in Chicago. We were able to do this out of a sense of "peoplehood." That's my kind of black nationalism—blacks helping one another on a national scale.

PLAYBOY. Isn't it one of the great fears of Southern whites that blacks—who outnumber them—will usurp their place in society if they ever win enough economic and political power?

JACKSON. The problem here is that the poor white and the poor black have mutual fear. Poor blacks fear that if poor whites aren't eliminated, they won't be able to eat, and the poor whites feel just the same way in reverse. The historical difference is that poor whites in the South have controlled the police and the military and have thereby maintained power over the blacks. We in the Poor Peoples' Campaign believe that the basic anxiety of whites is an irrational fear of extermination—a fear that can be removed with a guaranteed income, with guaranteed medical care and education. Dr. King was firm in his resolve that black power must be secondary to peoples' power. When the economic base of all the people is raised, racism will decline. As the Poor Peoples' Campaign gets stronger, racism will lose its hold on the consciousness of the white poor.

PLAYBOY. Do you honestly think, as Dr. King did, that there's going to be a movement of the poor that will include whites, blacks, Puerto Ricans, Mexicans and Indians?

JACKSON. It's inevitable. If our good sense doesn't connect us through affirmation, then America's greed will lock us together by negation. False racial pride has divided the lower class, but we must stop defining and separating ourselves because of skin color. We should define ourselves by our economic position and shift the fight from a horizontal confrontation of poor black versus poor white to a confrontation of "have" versus "have not." Dr. King could have been the suture that connected the various bones of the bottom classes. Just two weeks before his assassination, there was a meeting of a dozen representative ethnic groups in SCLC's Atlanta office. That was the beginning of something really new, and it is continuing. For just one example, Dr. Abernathy marched with Cézar Chávez and Operation Breadbasket supports the grape strike as if it were our own project, by boycotting and picketing Jewel Tea and other stores where California table grapes are sold.

PLAYBOY. But do you really think that the white poor are going to join you?

JACKSON. The white poor have always been distracted from demanding their rights; they've been too embarrassed to admit their deprivation. They've nourished themselves on the meager psychic diet of racism. But during the Illinois Hunger Campaign, we offered poor whites food and they digested it. In East St. Louis, Illinois, a white man named Hicks addressed a congregation of hunger marchers. Mr. Hicks has nine children and works five and six shifts of day labor a week but still can't make enough to feed his family or even to put a shack over their heads. Mr. Hicks and his family were taken in by black folks. They shared equally, and it was the first time in his life, he said, that he felt any sense of security. There are a lot more Mr. Hickses out there who just haven't realized yet that they don't have to suffer alone, that a massive cooperative effort by the poor class is the only answer. United in a class struggle, we can force the redistribution of wealth in America.

PLAYBOY. The idea of class war, hot or cold, has always been associated with the theories of socialism. Do you think of yourself as a socialist?

JACKSON. I adhere to the ideals of my religion—that the earth is the Lord's and its food was intended for all men. The trend of the world today—in Sweden, Guinea and Britain, for example—is toward some form of democratic socialism, where men eat because the ground is fertile. America stands in conflict with that trend by allowing a few people to control and distribute the food, rather than letting people eat because they are living. The truth, of course, is that this same America, where socialism is such a dirty word, is already operating in a sophisticated state of socialism for the rich, while the poor live in a crude state of classic capitalism.

PLAYBOY. Please explain that.

JACKSON. The people in this society who follow the Protestant ethic and work long hours by the sweat of their brow are the poor. They work at the hardest jobs and often still don't get enough money to pass the poverty level. Even when they try to break out, it's an attempt to start a street-corner business, where the rules of classic capitalism prevail. The poor storekeeper, for example, doesn't control his market through advertising; he can't float a bond issue and use other people's money to run his business. But the rich man has socialism. We've got 6536 farmers in this country who receive $25,000 not to work. That's socialism. The campuses expand, chopping pieces of land out of black neighborhoods, with the financial help of the National Education Act. Even wealthy schools for rich men's sons are state supported. The interestate highway program, none of which benefits those who can't afford a car, is 90 percent Federally financed. There wouldn't be a trucking industry without Government help. The list is endless and includes the oil companies and their depletion allowance, the railroads, the airlines and airports, the power companies. The rich talk about tax shelters and tariff protections, while the poor talk about sweat and blood.

PLAYBOY. But isn't welfare a form of socialism for the poor?

JACKSON. As it now stands, welfare is a form of humiliation. It is demeaning and dehumanizing. Men use money; welfare recipients use stamps. Men have privacy; welfare recipients have no privacy and can be visited any time of day or night. Their most intimate relationships can be called into question by people who are indifferent to them. Instead of abusing the poor, this nation has to understand that the welfare recipient is a product of the success of our economy. The unskilled black man whose job has been lost to technology today will be joined shortly by the unskilled white man whose job will be lost to the next technological advance. Either we see these men as having been freed by technology, perhaps to fulfill a creative role, or we see these men as having worked hard only to find themselves enslaved in poverty by the same technology. Whichever perspective one has, we must evolve a subsidy that will preserve these precious human lives, not destroy them as welfare has.

PLAYBOY. Were you encouraged by President Nixon's new welfare proposals?

JACKSON. I was thoroughly discouraged. I watched Nixon the night he delivered that welfare address. My anger was tempered only by my incredulity at the immensity of his con job. He lied for nearly an hour and didn't even crack a smile. He asked the country to think of him as a great humanitarian, but we weren't fooled. Behind all those promises is the single fact that the states are going to retain control of most of the Nixon program. When the states had the power, black people couldn't vote, couldn't ride in the front of a bus, couldn't drink from any public water fountain, couldn't use any john they wanted. Now Nixon says to Thurmond and Stennis, "Take care of them poor folks." Right this minute, there are 40 states violating the welfare laws. We don't need a redistribution of welfare-disbursement stations in this country; we need a redistribution of wealth. The President challenged the poor to go to work, without saying what he would do to improve the lot of those who can't work. I'll be encouraged when the President challenges the rich to show their humanity and grant to the poor their basic rights as human beings.

PLAYBOY. The white lower middle class is becoming quite vocal about its opposition to welfare in any form for those they characterize as too lazy to work. What's your reaction?

JACKSON. The fact is that the poor work the hardest and have always done so. We made cotton king, cooked other people's food when we had none of our own, stooped to clean bathrooms. Now we are unskilled, because the schools don't teach us, because less money is spent on the education of blacks than is spent on whites. A state of despair has set in for those in the black community who have been told no too often, and perhaps they never can be healed. When white people say they know a man on welfare who is too lazy to work, I say that may be so. But the man they see is a dried-up prune. I ask them, "Did you see that man when he was a boy? Did you see him when he said, 'Momma, do you have a piece of bread?' Did you see him before hope was snuffed out by despair?" The white middle class is paying less tax money to support welfare mothers than it is to support the farm industry. I don't hear them complaining about that. The bulk of their tax money goes to subsidizing the rich and fighting wars abroad—wars fought by the sons of welfare mothers, not by the middle-class kids who go to college. The middle class invests in America with its tax dollars, but the poor have to invest their lives.

PLAYBOY. Is it possible to raise a family on the funds provided by welfare? Many claim it isn't.

JACKSON. Let me put it this way: If I give you 22 cents for a meal, you know pretty well what you're going to get to eat. I thought I knew what poverty was all about until I went on our hunger campaign. I saw children eating red clay. Doctors call it pica when people who don't get sufficient food eat things that have the appearance of food. I saw a mother give her child saltines and onions for breakfast and send her off to school on that. I saw a white mother with four kids, one of whom, a boy, had leukemia. He drank all the milk the family was allotted on a food-stamp supplement, and it wasn't enough even for him. She took him everywhere in a little wagon, the kind kids play with. He was frail and helpless, and the mother was exhausted; the entire family looked bloodless and frightened, as if they would never have a moment's joy. I can understand why they might feel that way, living as they must with the fact that there is a ceiling on the welfare allotment but no ceiling on the rent or the food prices or the amount of tragedy a family can suffer. The insufficient welfare funds are especially damaging to babies. Eighty percent of the brain develops during the three months immediately before birth and the first three years of life. The minds of welfare children, who cannot get enough to eat, are stricken early.

PLAYBOY. Why don't welfare allowances provide adequate support?

JACKSON. Welfare allotments tend to be about one third of the minimal standard of living as defined by the Government. In Texas, New York and California this year, even that meager appropriation was cut. Furthermore, rents and food prices are higher in poor areas than in middle-class areas, so the poor must spend more, even though they have less. The result of this deprivation is that the black child goes to school without breakfast, cannot afford lunch at school and cannot look forward to a decent supper at night. His hunger is such a distraction that he is not motivated to learn. All of these elements combine to place him farther and farther behind in school. He has no goals, no hero images, no sense of purpose or identity. He is physically weaker than his white contemporaries and probably sickly, because he doesn't get medical care.

PLAYBOY. Earlier, you referred to the dominance of professional sports by black athletes. That doesn't fit with the image of physical weakness you just presented.

JACKSON. Some men will thrive even in a prison camp, so it isn't surprising that you'll find an occasional black youth who overcomes his poverty. But the important reason for the dominance of black athletes is that a high proportion of black men—both those who ate well and those who didn't—directed themselves toward athletics because the field was more open to them than any other. More blacks tried to be boxers because there was no point in trying to be a bookkeeper or a mathematician. A black man whose mind might have had great aptitude for math wouldn't have been trained by a ghetto school. It made more sense for him to try to be a ballplayer, even a third-rate one, because it was so unlikely that he'd have a fair chance to be anything else.

PLAYBOY. A persistent part of the white stereotype of the black man is that he runs faster and jumps higher than whites. But some anthropologists have claimed recently that there actually are genetic differences between white and black. Will this new evidence worsen the relationship between white and black?

JACKSON. It won't affect us. The black man has never needed to believe that there are differences; that's a white man's problem. Our natures are the same. Our urges and drives as people are the same. Mankind has one father, and that's time. It has one mother, and that's nature. Both of these life processes are sound and consistent and universal. The third process is brotherhood, which is all messed up, because white folks have tried to withdraw from it. The eternal existential dilemmas of fate and death, guilt and condemnation, emptiness and meaninglessness are the same for all men. But our relationship, based upon distorted information peddled by white folks who reject the humanity of others, has been perverted.

PLAYBOY. What are the psychological and cultural differences between white and black, if any?

JACKSON. Slavery is our cultural heritage and it should have been a thoroughly destructive one. But instead of seeing ourselves as slaves from Africa brought over to serve the lusts and wants of white people, a providential way of seeing our slavery is that we are missionaries sent from Africa by God to save the human race. Who else is in a position so close to the Pentagon, the greatest threat to the world's existence? Who else is in a position to literally redirect the most powerful economy on earth? Who else in the world is in the enemy's kitchen and his schoolroom? We are, perhaps, the only ethnic group in the world that has the power to redirect the destiny of white America. Neither China nor Russia nor France nor England could do it. I don't look for white folks to give me any direction. My experience has taught me that white people are spiritually impotent, by and large, because all they've really produced is a lot of goods and services and a lot of death.

PLAYBOY. That's a sweeping condemnation. Would you say that the late Norman Thomas, to name one of many men, was spiritually impotent?

JACKSON. No, he was certainly a spiritual man, and you could find others. The point is that such a man is not representative of the white American culture. In fact, the secondary roles that genuinely humane white people are forced to play is indicative of what I'm trying to say. Black society chooses to be led by its prophets, white society by its hustlers. The men of highest sensibility in white society find themselves rebelling from it—just as blacks must rebel. America is known not for her capacity to love and heal but for her capacity to organize and kill. America has an aristocratic, military definition of man. American men judge themselves by their wealth, status and power, not by their intelligence, compassion or creativity. That's why the idea of looking for racial equality here is a farce. To become equal to white folks would be to become part of the greatest tradition of killing in the history of the world.

PLAYBOY. That might sound to some not only like a blatant overstatement but like a proclamation of black supremacy.

JACKSON. I don't know what it sounds like, but I know what the record will indicate. There is no evidence of Africa invading Europe, of her early advanced civilizations killing or enslaving other nations. Historically, blacks have not been the aggressors in war, not even here in America. We did not mobilize to go to war for our long-overdue justice, but there have been wars of injustice waged against us. The profound men in this culture have been black—Frederick Douglass, for example, who was more pertinent than Lincoln on the subject of slavery and the liberation of mankind. And the crusader for justice in Mississippi was Medgar Evers, not Jim Eastland. In New York, Malcolm was pertinent, not Nelson Rockefeller, who did not bat an eye when he approved the welfare cuts. The one who cried out for peace in the world and meant it was not the white leader, President Johnson; it was the black leader, Dr. King. During the past 15 years, Dr. Abernathy has been more relevant than any American President. Blacks have striven for moral dignity and, by contrast with America's state of immorality, we appear to be moral supremacists, not black supremacists.

PLAYBOY. The war in Biafra seems every bit as brutal as any other war. Black life there seems to be as cheap to blacks as you say it is to whites in this country.

JACKSON. The Nigerians and Biafrans are fighting with white men's weapons. They are fighting a war that is based on a white man's division of Africa, and the cause of the division was an earlier economic colinialism. The war is an unfortunate aberration and the signs of white meddling are everywhere in it.

PLAYBOY. During the 1968 teachers' strike in New York City, there was evidence of deep-rooted black hostility toward Jews. Is anti-Semitism consistent with your claim of black moral supremacy?

JACKSON. In the first place, there were really few examples of black anti-Semitism and these examples were blown out of all proportion by the teachers' union, which benefited by the dissemination of fear. More significantly, though, I don't think you can characterize blacks as anti-Semites. We have never been obsessed with the Jew as Christ killer. But our relationship with the Jew has changed as the black movement has changed. When blacks began to confront the Southern white power structure, most of which was WASP Baptist and Methodist, Jews gave us great support, both financial and moral, and a real kinship developed. But once the movement moved North and the problem was defined not just in terms of social segregation but in terms of economic colonialism, the Jew began to be revealed as landlord and shopowner. Of course, he is more conspicuous than the Protestant, because his name is likely to identify his ethnic background. And he is also more sensitive: It is much easier to embarrass or humiliate a Jew than either a Protestant or a Catholic, because, unlike the others, the Jew immediately identifies with suffering.

As blacks have emerged, the Jew has been there as teacher and shopkeeper, and there has been an inevitable friction. But I think the mood of the blacks is more one of anti-colonialism than of anti-Semitism. For blacks cannot afford to be anti-people; no matter who the people are, they must be anti-evil. I think the Jews who are most concerned about anti-Semitism, however, should keep in mind that blacks have not exploited Jews *at all*. We have not owned anything in the Jewish community—no clothing stores, banks, food stores. The Jewish community, like most others, has a left and a right wing—some who operate in a tradition of justice and others who violate that tradition. Rather than develop a persecution complex, perhaps it ought to expend some of the energy it spends complaining about black anti-Semitism on the Jewish merchants who are known to be exploiters and tend to pull the reputation of the Jewish community down.

PLAYBOY. Jews, along with Irish, Italian and other immigrant groups, are often held up as an example that the blacks, if they were industrious enough, could emulate. The premise is that those groups were poor and lived in ghettos but were able to overcome that experience and join the American mainstream. Why hasn't that happened to blacks?

JACKSON. First, those groups came here voluntarily and were always free. We came here involuntarily and are still not wholly free. The other immigrant groups are white and could lose their identity and merge with the majority when it was necessary; with a few technical skills or a decent education, it was a simple matter for them to bypass prejudice. Their families were not destroyed and their sense of historical continuity was preserved. Most importantly, they did not

suffer the tremendous color stigma of the white man.

Historically, there was a conspiracy to hold us down. We were enslaved, then locked into plantations, as we are now locked into ghettos. When America finally released our physical bonds in 1865, it was as if we had been in jail for 200 years and were let out without a road map or a dime to go to the city. There was no attempt to help us overcome the psychological or economic hardships of slavery. Many blacks didn't survive; and of those who did, most had to pervert their natures—become invisible men, as Ralph Ellison wrote, become hidden, for it was too dangerous to assert one's real identity, one's manhood. No other ethnic group was faced by a hostile white society that wanted to castrate it both physically and psychologically.

PLAYBOY. Then today's black militance is a quest to resurrect that manhood.

JACKSON. One thing that I have to say right off is that there's nothing to be learned from the white man's idea of manhood. An American man is identified by his weapon, by what he controls. American men are obsessed; they are gratified by making money they can't even spend, which is a kind of emptiness of the soul. Real manhood should be defined by the ability to help and to heal, by an extension of the mind, by knowledge exerting its power over ignorance. Real manhood comes from helping others be free, by breaking the bonds of slavery.

PLAYBOY. Do you mean that metaphorically?

JACKSON. Only partly. Many of us have internalized slavery and behave like slaves, responding to the slavemaster when he calls. In some communities, we must fight our own people because they maintain the slave institutions. They are still in awe of Pharaoh and are afraid to confront him. That is a form of slavery. The slave psychology works on a subtle level that wraps the black mind. It has been drummed into blacks that whites are the creators and producers and thinkers. Blacks whom we might have respected were taken from us. George Washington Carver's image is one of a docile creature—an old man in a laboratory, bowing to a white child. The fact is that he developed over 300 elements from the peanut and almost single-handedly revived the Southern economy. A black man, Daniel Hale Williams, was the first open-heart surgeon. There are many, many other examples, but the point is that blacks never knew about them. It was easy to preserve the image of the dull-witted, slow-talking and thinking black bumbler. There is still a need among blacks for white validation of their efforts. If Tommie Smith and John Carlos had a race tomorrow and both broke their records for the 220-meter dash, and the race were held on a black campus, where all the judges were black, black people wouldn't believe it—and neither would whites. But if it were a white track meet, there'd be no problem. As for our churches, they gave up their soul—and I mean that in both senses—to copy white church styles. That's why at Operation Breadbasket meetings, which are deeply based in religion, we have a band and a Gospel choir and consciously try to capture the rhythm of our people.

PLAYBOY. Is the slave psychology the reason for your own fieriness and emotionalism when you address a black congregation?

JACKSON. Certainly. I am seeking converts—not necessarily to religion, although there's that, too. But I want to make my people realize their own selfhood. I begin each service with a chant that says, "I am *somebody*." It also says, "I may be poor and I may be on welfare, but I am *somebody*." Because black people have to learn that they have rights just because they're alive. They've got to stop putting themselves down because of an induced inferiority complex. The slave psychology was apparent when Dr. King came out against the Vietnam war. He had all the credentials you could ask for: Nobel Prize winner, an international leader, a scholar and a Ph. D. But blacks said he had a lot of audacity; he's a preacher and should confine himself to civil rights. But when Robert Kennedy and Senator McGovern took the same position, then it was all right. And after Memphis, when SCLC's James Bevel expressed Dr. King's contempt for capital punishment, he was scorned by the black community. He said Dr. King would have wanted James Earl Ray rehabilitated, would have said to fight hatred but spare the hater. Bevel also pointed out the irony of trying to obtain justice by sacrificing a two-bit waiter for a billion-dollar black prophet. But blacks said he was crazy. Then Ted Kennedy said that Sirhan's life should be spared because his brother Robert was against capital punishment. The black community immediately cited Teddy as a great man of justice who didn't become vindictive in the face of personal tragedy. This is a painful indication of our self-contempt. We must stop looking to whites to validate our worth; we must look within for beauty and strength and courage.

PLAYBOY. Your own self-confidence, as contrasted with Dr. King's humility, seems to be of formidable dimensions, and you've been accused of messianic impulses. Do you see yourself as the next great national black leader?

JACKSON. First of all, Dr. King was not humble; he was forthright and audacious. He was killed for challenging white power. As for me, I am confident of my abilities as a social analyst, but I have no illusions of grandeur. My job is to proclaim liberty, to preach unity, to bind up broken hearts. I am just taking care of my assignment. Besides, anyone in public life in this violent society who would make such long-range plans is a fool.

PLAYBOY. You certainly expose yourself to the risk of assassination as much as any man. Do you think that you may be subconsciously seeking martyrdom?

JACKSON. I want to live. I've got no hang-up with that. But a man must be willing to die for justice. Death is an inescapable reality, and men die daily, but good deeds live forever. An assassin believes that you can kill the dream by killing the dreamer; that is an error.

PLAYBOY. Would you have any special message to leave with black people if you were killed?

JACKSON. Yes. Don't send flowers. Don't come around with your tears. Picket. Go to P.T.A. meetings. Fight for higher wages. If I die tonight and you wake up tomorrow, make the most of it.

PLAYBOY. You've been quite sick a few times this year, once with a form of anemia, and also with some very debilitating viruses. Yet you hardly let up on your activities, rarely sleep and constantly drive yourself toward exhaustion. Why?

JACKSON. Because I have a sense of urgency about what has to be done. It is not the thought of death so much as it is the crying need for justice. Perhaps both facts motivate me simultaneously. I do feel that I have to fulfill my work in an appointed time. I would like to sleep, but ideas come to me in the night and wake me. I think I'm drawing my stamina from a spiritual source that has been allotted to me; for that reason, I have no choice but to keep on driving. You can't devote the energy necessary to confront Pharaoh unless you are spiritually consumed by the need for liberation. But that is social consciousness, not a messianic need to be worshiped. There are some aspects of glory attached to having the privilege to lead, but none of the agony ever gets publicity, because television cameras don't record people tossing and turning in their beds at night.

PLAYBOY. Inasmuch as the Southern Christian Leadership Conference is basically a religious group, it's understandable that religion plays a large role in your life. But what appeal can the church have for a cynical 20-year-old kid from the ghetto?

JACKSON. The black church is relevant because it has provided a home for our rebellion. It has cherished our people. The white church, on the other hand, worships *worship*, not Christ nor love nor brotherhood. God is very sick here; the God of justice and liberty is almost nonexistent. Christianity is universal, but the American flag flies higher than the cross in American churches; and when wartime comes, universal love goes out the window. If Americans had a true God consciousness, they could not leave the church on Sunday and shield their eyes from the hungry.

But there is extraordinary relevance in the actual teaching of Christ. If you love people, you will not destroy them in war; if you love deeply, you will distribute the goods of the earth that the Father provided, so that people will be fed and housed. That is the Jesus I identify with. His was a program for feeding the hungry, clothing the naked and giving company to the lonely.

PLAYBOY. In the past, some critics have regarded Christianity as an impediment to black liberation; blacks were supposed to have been content to get their reward in heaven. Did you consciously evolve this activist approach to Christianity?

JACKSON. My religious philosophy can be summed up in an old Southern story about two farmers. One farmer was most concerned about his duty to God. He attended church every day and worked his fields in the afternoon. His neighbor never attended church and never paid any attention to religious rituals. The first farmer was just eking out a living; the second farmer was getting twice the harvest from a lot the same size. Finally, the first farmer said to the second, "Brother, I don't understand. I've been working this land and doing my duty for God and asking His help. I go to church each day. Yet I can't get ahead at all. You never take care of your religious obligations, yet you're getting all the bounty. What am I doing wrong?" The second farmer answered, "I don't know what you're talking to God all the time for. He doesn't know anything about farming. This place didn't produce *anything* when He had it all to Himself." That's the whole thing. God made it but man has to go out and do it.

PLAYBOY. In our interview with Dr. King four years ago, he said the aims of SCLC were removing the barriers of segregation, disseminating the creative philosophy of nonviolence and total integration of the Negro into American life. How much have things changed since then?

JACKSON. Four years ago, SCLC was a Southern movement primarily concerned with social segregation. Blacks were defined as less than human and were not allowed to participate in public. We were "boys" and our goal was to be recognized as men. That drive was aimed at creating a moral consciousness, and one of our slogans was "Save the Soul of America." I think that one of the reasons for impatience among blacks today, and the reason for the appeal of violence, is that we never before knew just how awful the secrets locked in America's soul really were. We didn't know then that America would bomb a people to pieces and side with the oppressors in order to preserve her financial investments. We didn't know then that the Northern liberal had better manners than Bull Connor but that his institutions were no less thoroughly racist. And we didn't know then that the capitalists who slandered us with cries of "Communist" were living high off the Government hog, while we were starving in the streets.

This education of ours has led to a change of mood. Our first concern now is not white

America's soul; it is black America's body. We are justified in our impatience, because that body is hungry. When Moses had his illumination and realized that he could confront Pharaoh, the Bible says that Moses had to take his shoes off, because now he was on holy ground and the bushes were burning. Actually, the bushes were not burning; Moses was burning. His eyes were aflame—the skin had come off them. Black people today are burning; the skin is off their eyes. The movement is now in a resistance phase and we will no longer cooperate with the white slavemaster. Either we are going to live or America is going to die. The ghetto experience has not been a satisfying or a useful one, but it has given us inner resources—the ability to do much with very little.

I read in the white press how black people are dispirited and confused. White editorial writers claim that the civil rigths movement is fragmented. That is not true; the movement is very together: The NAACP, which just saved the Voting Rights Bill, is doing its thing in Southern courts; the Urban League is doing its thing in industry; the Panthers are feeding kids in the streets; SCLC just had a political victory in Greene County, Alabama; Operation Breadbasket is thriving. It is white America that is at the crossroads. If she does not join us in the resurrection of her soul, in the fulfillment of her dream for all her people, then I foresee a day when little children in a schoolroom on the moon read in the history books about an empire that crumbled because all her power and might of arms could not cure the immoral greed that diseased her spirit.

TOWARD MORE ADEQUATE SOCIAL SECURITY—VIII

Mr. WILLIAMS of New Jersey. Mr. President, within a matter of weeks Members of the House and Senate will make one of the most important decisions to be made during this Congress.

I refer to the action we will take on raising social security benefits. The administration has proposed an across-the-board increase of 10 percent and no rise in minimum benefits.

The Senate Special Committee on Aging has received mail from hundreds of elderly persons who say that this proposal would offer no relief at all. It would not even cover the cost-of-living increases that have occurred since the last increase in benefits.

A much more realistic program is offered in S. 3100, which would raise benefits 20 percent in January and another 20 percent in January 1972. It would also: raise minimum benefits from $55 to $120 over a 2-year period, establish an automatic cost-of-living adjustment mechanism, and liberalize medicare coverage.

How badly do we need reform of our social security coverage? The answer to that question is provided in the letters received in the committee office and in the statements I have heard at "information sessions" which I am conducting on Saturday mornings in New Jersey.

The most recent meeting took place in Toms River, Ocean County, N.J. There, witnesses told of the great influx of elderly persons who see the advantages of retirement there. But, although the climate is good and the surroundings pleasant, rising costs and other problems are eating into retirement income. Men and women who had saved all for a lifetime find that property taxes, inflationary medical costs, and inflation in general are wiping out their economic security.

Consider the following examples provided by a witness who spoke before the 1,000 persons who were at the meeting:

Widow A receives minimum Social Security payment of $55.00 less Medicare payment of $4.00. This leaves $51.00. Also receives monthly payment of $103.55 on a mortgage she holds, but this will stop soon. This is a total of $154.55 for monthly expenditures. Taxes $880.00 less $80.00 tax exemption. She has to pay for food, heat, gas electricity, telephone and maintenance. This widow is 74 years of age and when I called at her home she was up on a ladder painting the trim on her house.

Widow B. Total income $108.90 less Medicare payment gives her actually $104.90. Taxes are $339.16 as she lives in Bricktown. She has food, heat, gas, electricity, telephone and maintenance, to pay for also. Since her husband passed away a year ago she has had to have installed a complete new furnace and a new water pump. How long at this rate can her meager savings last?

Another witness declared:

We do not want charity. We believe we have contributed substantially in the past by our economic efforts. Through the mismanagement of our national economy we have been brought to the point where we plead for your continued and immediate help.

A representative of Ocean County College was on hand, and he made a point which the Committee on Aging has emphasized in its recent documents dealing with the economics of aging. That point is that retirement income problems do not affect the elderly alone. All generations have a stake in resolving chronic problems—including inadequate social security levels related to economic insecurity of the elderly. The witness said:

With 37.4 percent of the Ocean County population over 60 and 40 percent under 25 there is considerable pressure on the middle group of wage earners. Subtract the substantial numbers on welfare rolls and the pressure increases. It is important to consider not only population growth but its distribution.

Mr. President, the problems of the elderly in Ocean County may vary somewhat from problems faced by those who live in central cities or in remote rural areas. But there is a common effect: desperately inadequate income.

The statement issued by the representatives of Ocean County College provides a direct and informative evaluation of pressures that have had their effect upon the elderly in Ocean County. I ask unanimous consent that this statement and two newspaper articles describing the meeting be reprinted in the RECORD to add new and useful information to our national dialog on the need for social security increases.

There being no objection, the statement and articles were ordered to be printed in the RECORD, as follows:

[From the Trenton (N.J.) Times Advertiser, Nov. 9, 1969]

ELDERS DECRY HARDSHIPS, INSIST CONGRESS HIKE BENEFITS

(By James Larig)

TOMS RIVER.—Nearly 750 senior citizens gathered in Ocean County yesterday to complain to Sen. Harrison A. Williams (D-N.J.) about the nation's spiraling inflationary trends which they said undermined their livelihoods as retired persons.

Most of these complaints centered around hardships caused by excessive taxes, especially property taxes, and the increasing costs of medical care, especially prescription drugs.

Several persons pointed out that many retired persons receive as little as $100 a month and John Buday, senior citizen coordinator, Ocean Community Action Now, Inc., said that 90 percent of all elderly singles have an annual income of under $3,000. Those figures are below the official poverty line set by the government.

BIGGER HALL NEEDED

The fact-finding hearing, conducted by Sen. Williams, was originally scheduled to be held in the 238-seat Lecture Hall on the campus of Ocean County Community College. The session's start was delayed so that everyone could travel the short distance to the Toms River Intermediate School auditorium. Additional chairs still had to be carried to accommodate the crowd.

Sen. Williams said that to call the turnout a "magnificent outpouring of concerned citizens would be putting it mildly."

Yesterday's meeting was one of a series of information sessions conducted by Sen. Williams in an effort to obtain "grassroots opinion and information" for legislation to improve the economic status of the nation's elderly.

The Senator said that hearings would be held soon in Mercer County, but no date has been set.

WOULD RAISE BENEFITS

Sen. Williams recently introduced a bill to increase Social Security benefits by 20 percent in January, with an additional 20 percent increase in January of 1972, provisions for automatic cost-of-living increases, and the inclusion of prescription drugs as a part of medicare.

Asked how the bill's future was looking, the Senator said backers were "struggling for interim increases before Congress adjourns for Christmas vacation."

Williams is hoping the interim increase will be 15 percent. He added that he believes a majority of the Senate will support the measure.

At yesterday's hearing, Williams heard several local leaders of senior citizen groups depict the plight of the elderly in face of the continuous rise in the costs of everything, especially medical expenses.

Arthur Wacker of Manchester Township said that if some of the Senator's colleagues had done their homework some time ago, today's meeting wouldn't have been necessary.

SPEEDY ACTION POSSIBLE

He also said that action on Sen. Williams' bill could be taken quickly and increases made by Jan. 1, 1970, pointing to recent congressional pay increases as an indication to how fast Congress can act when it wants to do so.

Several arguments dealt with placing life savings into a piece of property and then finding that yearly assessments push the taxes upward beyond their retirement income.

Most of those speaking yesterday rejected any forms of charity and felt it unnecessary to go into detail on what kind of citizens they were and what taxes they paid when they were working because, as one man said, "They know we worked and paid taxes."

Concern over the scheduled monthly hike in Medicare payments was also expressed by speakers on stage and from the audience.

Eugene Friedman, president of the New Jersey State Nursing Home Association and a member of the New Jersey Medical Assistance Advisory Council, told the group he wanted to see the proper utilization of hos-

pital facilities to relieve overcrowded conditions. He said that some hospital patients could easily spend part of their recovery time in nursing homes or in home-care programs at about one third of the cost.

[From the Asbury Park (N.J.) Press, Nov. 9, 1969]

ONE THOUSAND SENIOR CITIZENS MEET WITH SENATOR WILLIAMS

TOMS RIVER.—More than 1,000 senior citizens from Ocean County gathered yesterday at the Intermediate School for a sing-in and talk-in with U.S. Sen. Harrison A. Williams Jr., D–N.J.

The meeting originally was schdeuled to be conducted in the Ocean County College lecture hall. However, after more than 500 persons showed at the lecture hall, Andrew S. Moreland, college president, was forced to move the meeting to the Intermediate School on Hooper Avenue.

The traffic caused tieups on Hooper avenue for almost an hour as carloads upon carloads of senior citizens arrived at the school.

SING-IN FIRST

While the speakers waited for the people to be seated in the school auditorium, which seats only 750, Sen. Williams asked if there were any piano players in the audience.

A man identified as Fred Weber seated himself at the piano in front of the stage and played a medley of "old-timer" hit songs with the audience singing along. The "sing-in," as it was later described jokingly by some people in the audience, lasted nearly a half hour.

Much of the discussion during the talk-in, which Sen. Williams described as an information session, centered around the problems of the senior citizen in the county.

"I am holding this information session because I am building a case in the Congress for comprehensive legislation that will attack economic problems (of senior citizens) on several fronts," the senator explained.

Similar meetings have been conducted in Bergen, Cape May, Hudson, and Middlesex counties.

"I can tell you that there is no substitute for hearing directly from the people most affected by the everyday realities of inadequate income," Sen. Williams said, drawing applause from the large audience.

"I am critical of the administration's proposal for a flat across-the board increase of 10 per cent, effective in April," he continued. "In my opinion, this proposal would merely establish an escalator that begins and ends in the basement."

HITS PLAN

The senator pointed out the administration's plan would do nothing to raise the minimum benefits for senior citizens and would not bring benefits up to the cost of living increases which have occurred since the social security increases of 1967.

However, he said he has introduced a bill which not only increases benefits but also establishes an automatic cost of living increase.

"The bill will increase benefits by 20 per cent, effective Jan. 1, and by another 20 per cent in January, 1972," he explained.

He said the bill also will:

Raise minimum benefits in steps from $55 now to $120 by January, 1972.

Wipe out Medicare Part B monthly premium which costs the senior citizen $4 a month now and will be increased by $1 shortly.

And put some out-of-hospital prescription drugs under Medicare.

LOW INCOME CITED

Russell P. McClain, chairman of the social science department at Ocean County College, said the mean income of retirees and senior citizens in the county was below the prevailing income of the area.

John Buday, senior citizen coordinator for the county's antipoverty agency, agreed with Mr. McClain and said the annual income for a majority of the senior citizens in the county was below $3,000. This, he contended, makes many of them eligible for welfare.

All panel members agreed there is also a pressing need for more hospital and medical facilities in the county to take care of the senior citizen's medical needs.

Mr. McClain noted much of the hospital space in the county is used by senior citizens.

Municipal tax structures and increasing property taxes also were attacked by panel members.

Mr. Buday pointed out although many municipalities offer senior citizens an $80 deduction in taxes, that amount is more than paid back to the town by senior citizens in increased property assessments on their lands.

He also said that because of increasing taxes on the homes of senior citizens in many county municipalities, many were forced to sell their homes.

"They just can't keep up with the increasing property taxes on their limited incomes," he added.

Among the other problems presented were increasing hospital and drug costs for senior citizens in the county. Other panel members said many doctors are taking advantage of the medicare program by charging senior citizens more for the services.

"The doctors and the American Medical Association fought Medicare tooth and nail," said panel member Harold Days. Since it's been passed, they've never had it so good."

MEMORANDUM

To Senator Harrison A. Williams, chairman, the U.S. Senate Special Committee on Aging.

From Russell H. McClain, chairman, Social Sciences and Public Administration, Norman V. Scurria, assistant to the president, Ocean County College, Toms River, N.J.

Subject: Population Trends in Ocean County.

Supplying accurate population figures in the year before a census is somewhat comparable to coming up with the money for the gas bill on the day before payday. One temptation is to say, as they once said in a famous United States subdivision, "Wait till next year."

However, Ocean County has an excellent Planning Board, a superb Bureau of Public Relations, a branch of the New Jersey Division On Aging, hospitals, schools, and other institutions that have made and are making studies, projections and collecting data. We request permission to bring to your attention information obtained from some of these organizations.

I. The most obvious fact is that the population of Ocean County is growing at a very rapid rate:

Estimated present population	187,676
1960 Census	108,241
1950 Census	56,622

These figures indicate a 91.2 percent increase over the 1950 census in the 1950–1960 decade. The present population has increased 79,435 (a 73.4 percent increase) over the 1960 census figure.

Projections by the County Planning Board are for a population of 259,469 in Ocean County by 1975. In other words 71,793 will be added to the county's population in the next seventy-two months—997 new citizens each month. This will represent an increase of 38.3 over the present 187,676 in the next six years. County officials estimate 30 percent of persons moving to Ocean County are retirees.

Appended to this statement is a graphic representation showing the sharply rising population curve of Ocean County as compared to curves of New Jersey and the United States.

Growth is even more dramatic in certain areas of the country. For example the two most populous townships—Brick and Dover—doubled in population 1950–1960 (Brick 16,299 to 30,410; Dover 17,414 to 33,700) and are projected to gain another 50 percent by 1975 (Brick 30,410 to 46,430; Dover 33,700 to 47,802).

II. The percentage of citizens over 60 to the total population has increased even more than the general population growth as indicated in the following tables:

GROWTH OF 60-PLUS AGE GROUPS AS A PERCENT OF TOTAL POPULATION

Ages	1960 Number	1960 Percent of 108,241	1969 Number	1969 Percent of 187,676
60 to 64	5,372	4.9	27,030	14.4
65 to 69	5,290	4.9	23,020	12.3
70 to 74	3,797	3.5	13,006	6.9
Over 75	3,706	3.4	7,000	3.8
Total over 60	18,165	16.7	70,056	37.4

PERCENTAGE INCREASE OF AGE GROUPS OVER 60

	1960	1969	Percent increase 1960–69
60 to 64	5,372	27,030	403.11
65 to 69	5,290	23,020	335.16
70 to 74	3,797	13,006	245.17
Over 75	3,706	7,000	88.89

As indicated the number of persons in 60-plus age groups has in some instances increased four-fold and the ratio to the county's total population has more than doubled.

III. Ocean County's population mosaic indicates many possible problems.

A casual observation of the Ocean County population picture indicates many difficult areas.

With 37.4 percent of the population over 60 and 40 percent under 25 there is considerable pressure on the middle group of wage earners. Subtract the substantial numbers on welfare rolls and the pressure increases. It is important to consider not only population growth but its distribution.

Medical facilities and expertise are in short supply as will be indicated by a speaker later in the program. Ocean County has three hospitals, ten nursing homes and an insufficient supply of expertise in almost all fields.

Police, fire, recreation and similar services are running on treadmills in attempts to keep abreast of needs.

In many instances the mean incomes of retirees is substantially below the prevailing area income. Sales Management Magazine (December 31, 1968) estimated effective buying income per household in Ocean County at $8,170.

IV. Sixty-plus population of the county tends to concentration and organization.

A considerable segment of the county's retired citizens live in collections of housing units sometimes referred to as "retirement villages." Ocean County has nine villages, two under construction and one approved this week by the County Planning Board. In general residents in these developments are probably above the average retiree in financial assets. To establish residence in a village may require an investment as high as the $25,000–$30,000 bracket.

At least forty-four organizations composed exclusively of persons in the plus-60 age bracket are in operation in Ocean County. Many of them are represented in the audience

present for this meeting. Their purpose is to channel efforts of their members toward certain objectives.

V. The Community College.

Members of the Faculty and Staff of Ocean County Community College have participated in seminars sponsored by the New Jersey Division on Aging, participated in meetings similar to this one.

Our purpose is to remain perceptive to the needs of the community and serve as many groups in the expanding population of the County as possible.

One fact stands out in preparation of even a brief statement: reliable, up-to-date, accurate information is difficult to obtain. Lack of such data hampers valid, reasoned conclusions.

Several years ago the College attempted to fund a project to establish a data bank of information on population trends in the County. It was contention that reliable, complete, accurate, available information could reduce chance and guesswork in the action necessary to solve the problems of all groups.

It is our hope that an information center may become a reality. As a community college we are consantly seeking ways to assist all citizens of the community.

We have intentionally kept our statement brief and general—leaving specifics to speakers to follow. On behalf of Ocean County College—our thanks to Senator Williams for the honor and privilege of appearing here.

SEGREGATION IN THE SCHOOLS OF PENNSYLVANIA

Mr. STENNIS. Mr. President, according to the 1968–69 HEW school survey, Pennsylvania has a total of 2,120,870 students enrolled in the elementary and secondary schools. Of this total, 1,841,846—or 86.5 percent—are white, 265,019—or 12.4 percent—are Negro, 11,635—or 0.5 percent—are Spanish-speaking Americans, and the balance of 2,370—or 0.1 percent—are made up of American Indians and Orientals.

The racial data contained in the HEW's IBM run reflects that there are 11 cities or townships in Pennsylvania which have one or more schools where Negro students make up 80 percent or more of the school's total enrollment. However, in these 11 school districts are enrolled 83.1 percent of the total Negro students in the State of Pennsylvania, and in these 11 school districts there are 175 schools where the Negro student enrollment is between 80 percent and 100 percent of the total enrollment. There are 156,129 Negro students, or 58.8 percent of all Negro students in the State of Pennsylvania, in these 175 schools. There are 135,194, or 51 percent of all Negro students in the State of Pennsylvania in 145 schools that are 90 percent to 100 percent segregated. There are 114,328, or 43.1 percent of Pennsylvania's total Negro student enrollment in 115 schools that are 95 percent to 100 percent segregated, and there are 89,867, or 33.9 percent of Pennsylvania's total Negro student enrollment, in 96 schools that are 99 percent and 100 percent segregated.

Philadelphia, of course, is the largest city in Pennsylvania and it has a total public school enrollment of 282,617, of which 109,512—or 38.7 percent—are white students, 166,083—or 58.8 percent—are Negro, and 7,022—or 2.5 percent—are Spanish Americans. There are no other minority group students.

Philadelphia has nine schools with a total enrollment of 7,206 that are 100 percent Negro. It has another 57 schools, with a total enrollment of 68,402, that are 99 percent to 99.9 percent Negro segregated. It has 26 schools, with a total enrollment of 26,333, that are 95 percent to 98.9 percent Negro segregated and another 17 schools, with a total enrollment of 14,571, that are 90 percent to 95 percent Negro segregated. In other words, there are 109 schools in Philadelphia with a total enrollment of 116,512, that are 90 percent to 100 percent Negro segregated.

There are another 23 schools, with a total enrollment of 20,228 that are 80 percent to 90 percent Negro segregated and another 36 schools, with a total enrollment of 37,994, that are 50 percent to 80 percent Negro majority. There are 151,193 Negro students—or 91 percent of the total Negro student enrollment in Philadelphia—attending majority black schools. There are 19,174—or 17.5 percent of the total—white students attending these majority Negro schools.

With respect to the white majority schools, of the total white student enrollment of 109,512, there are six schools with a total enrollment of 4,052 that are 100 percent white. There are 14 schools with a total enrollment of 19,596 that are 99 percent white, and there are 16 schools with a total enrollment of 17,828 students that are 95 percent to 98.9 percent white. There are 29 schools with a total enrollment of 26,942 that are 81.8 percent to 93.6 percent white, and another 43 schools with a total enrollment of 39,460 that are 50 percent to 80 percent white. In summary, 89,535, or 81 percent of the total white enrollment in Philadelphia, are attending majority white schools, and 18.3 percent of the white students are attending majority black schools; 16,718 Negro students, or approximately 10 percent of the total Negro enrollment in Philadelphia, attend majority white schools, and 90 percent attend majority black schools.

In Pittsburgh, there is a total public school enrollment of 76,268 in 113 schools, of which 46,005—60.3 percent—are white, 29,898—39.2 percent—are Negro, and 365—0.5 percent—are from other minority groups.

In the black majority schools, there are five schools with a total enrollment of 2,932 that are 100 percent Negro. There are eight schools with a total enrollment of 8,693 that are 90.9 percent to 99.5 percent Negro segregated. There are 6 schools with a total enrollment of 4,387 that are 90.8 percent to 97.4 percent Negro segregated. In other words, a total of 16,012—or 53.7 percent—of the total Negro student enrollment in Pittsburgh are attending schools that are 90 percent to 100 percent segregated. There are four schools with a total enrollment of 2,698 that are between 80 percent and 90 percent Negro segregated, and another 11 schools with a total enrollment of 8,977 that are 50 percent to 80 percent Negro majority.

Of the 46,005 white students in Pittsburgh, 4,018—or 8.7 percent—are enrolled in majority Negro schools.

In the majority white schools, there are 12 schools with a total enrollment of 5,711 that are 99 percent and 100 percent white. Another 17 schools with a total enrollment of 8,415 are 95 percent to 98.6 percent white, and another 10 schools with a total enrollment of 9,228 that are 90 percent to 95 percent white. Accordingly, there are 39 schools that are 90 percent to 100 percent white and have enrolled 48.7 percent of the total white student enrollment of Pittsburgh. There are another 17 schools with a total enrollment of 13,883 that are 80 percent to 90 percent white, and another 11 schools with a total enrollment of 11,347 that are 50 percent to 80 percent white majority.

There are 6,373, or 21 percent, of the total Negro student enrollment in Pittsburgh who attend these majority white schools, and 79 percent attend majority black schools.

As previously indicated, there are numerous other cities and school districts in Pennsylvania which have highly segregated Negro schools, including the State capital, Harrisburg, which, in 19 schools has a total student enrollment according to HEW's 1968–69 school survey, of 13,491, of which 50 percent are Negro and 49.4 percent are white—yet, nearly 50 percent of the total Negro student enrollment is in five schools that are 86.3 percent to 97.7 percent Negro majority, and 17.3 percent of the total white student enrollment attend majority black schools. However, in the interest of time, I shall only comment on one other small school district—Penn Hills Township, Pa., because it is the only school district in the State of Pennsylvania where HEW has seen fit to take any action and is one of only six school districts in the north and west where HEW has sent out letters of noncompliance with the Civil Rights Act of 1964.

Penn Hills, according to the 1968–69 HEW school survey, has in 16 public schools a total enrollment of 14,128, of which 13,237 or 93.9 percent are white students, and 809, or 5.7 percent, are Negro, with 45, or 0.3 percent, consisting of other minority groups. Yet, with only a Negro enrollment of 5.7 percent in the school district, Penn Hills had one 100 percent Negro school. It is my understanding that, upon a complaint, HEW made an investigation of this district and found that the 100 percent Negro school was being maintained in a relatively rural area and 85 percent of the student body was being bused. After the investigation and negotiations with the school district officials, it is understood that an agreement was worked out where this school would be desegregated in two steps over a period of 2 years. According to the HEW's IBM data on the 1968–69 school survey, it is indicated that there were 246 of the 809 Negro

students still attending this 100 percent Negro school, and this represents approximately one-half of the original enrollment which was in the first step of desegregation.

The next school listed in the IBM data is 91.4 percent white, or 8.6 percent Negro, and the other schools have even fewer Negroes, down to 100 percent white schools.

I think this is important as an example that HEW was not concerning itself with the Philadelphia's or the Pittsburgh's where the real problem of segregation is, but with an isolated township having less than 1,000 Negro students, representing only 5.7 percent of the townships public school enrollment.

I ask unanimous consent to have printed in the RECORD information relating to Pennsylvania.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PENNSYLVANIA STATE TOTAL

[Number of districts: 454. Representing: 568. Number of schools: 3,978. Representing: 4,412.]

	American Indian	Negro	Oriental	Spanish American	Minority total	Others	Total
Students	388	265,019	1,982	11,635	279,024	1,841,846	2,120,870
Representing	411	268,514	2,073	11,849	282,848	2,013,163	2,296,011
Teachers	5	4,781	41	83	4,910	81,379	86,289
Representing	5	4,831	43	87	4,967	88,436	93,403

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT

PENNSYLVANIA STATE TOTAL

DISTRICT: BRADDOCK BORO SCHOOL DISTRICT. NUMBER OF SCHOOLS: 4. REPRESENTING: 5. CITY: BRADDOCK COUNTY: 2. ALLEGHENY COUNTY. ASSURANCE: 441

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	781	5	0	786	385	1,171		0	2	0	0	2	54	56
Percents	0.0	66.7	0.4	0.0	67.1	32.9	100.0		0.0	3.6	0.0	0.0	3.6	96.4	100.0
Carnegie Elementary School (3).	0	297	0	0	297	31	328	001111100000000 (90.5)	0	1	0	0	1	11	12
Braddock Junior High School (2).	0	203	3	0	206	90	296	000000001110000 (69.6)	0	1	0	0	1	11	12
Copeland Elementary (4).	0	128	0	0	128	58	186	001111100000000 (68.8)	0	0	0	0	0	9	9
Braddock Senior High School (1).	0	153	2	0	155	206	361	000000000001110 (42.9)	0	0	0	0	0	23	23

DISTRICT: McKEESPORT AREA SCHOOL DISTRICT. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: McKEESPORT. COUNTY: 2. ALLEGHENY

Number	7	1,336	12	43	1,398	9,162	10,560		0	7	0	0	7	406	413
Percents	0.1	12.7	0.1	0.4	13.2	86.8	100.0		0.0	1.7	0.0	0.0	1.7	98.3	100.0
Shaw Avenue Elementary (14).	1	487	0	14	502	99	601	011111110000000 (83.5)	0	5	0	0	5	14	19
Centennial Elementary (2).	0	247	1	4	252	412	664	011111110000000 (38.0)	0	0	0	0	0	23	23
McKeesport Junior High School (21).	0	281	1	6	288	1,217	1,505	000000001110000 (19.1)	0	2	0	0	2	64	66
Vocational High School (23).	0	95	1	1	97	616	713	000000000001110 (13.6)	0	0	0	0	0	34	34
West Side Elementary (18).	0	21	0	3	24	225	249	011111110000000 (9.6)	0	0	0	0	0	7	7
McKeesport Area Senior High School (22).	1	154	3	2	160	1,729	1,889	000000000001110 (8.5)	0	0	0	0	0	78	78
Versailles-Walnut Elementary (17).	2	10	0	0	12	206	218	011111110000000 (5.5)	0	0	0	0	0	7	7
Eleventh Ward Elementary (4).	0	8	1	1	10	263	273	011111110000000 (3.7)	0	0	0	0	0	10	10
Archer Street Elementary (1).	0	0	0	2	2	73	75	001111110000000 (2.7)	0	0	0	0	0	3	3
George Washington Elementary (7).	0	11	1	1	13	503	516	011111110001110 (2.5)	0	0	0	0	0	20	20
White Oak Elementary (19).	3	5	1	4	13	695	708	011111110000000 (1.8)	0	0	0	0	0	22	22
Fifth Avenue Elementary (6).	0	0	3	0	3	176	179	011111110000000 (1.7)	0	0	0	0	0	7	7
McClure Junior High School (20)	0	15	0	0	15	942	957	000000001110000 (1.6)	0	0	0	0	0	44	44
East End Elementary (3).	0	1	0	2	3	213	216	011111110000000 (1.4) 001111110000000	0	0	0	0	0	7	7
McCave Elementary (13).	0	0	0	1	1	115	116	(0.9)	0	0	0	0	0	6	6
Grandview Elementary (8).	0	0	0	2	2	239	241	011111000000000 (0.8)	0	0	0	0	0	8	8
Versailles Avenue Elementary (16).	0	1	0	0	1	305	306	011111100000000 (0.3)	0	0	0	0	0	12	12

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: McKEESPORT AREA SCHOOL DISTRICT. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: McKEESPORT. COUNTY: 2. ALLEGHENY—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Greenwood Elementary (10).	0	0	0	0	0	205	205	011111110000000 (0.0)	0	0	0	0	0	8	8
Lincoln Elementary (12).	0	0	0	0	0	284	284	001111110000000 (0.0)	0	0	0	0	0	10	10
Highland Elementary (11).	0	0	0	0	0	107	107	011111110000000 (0.7)	0	0	0	0	0	4	4
Third Street Elementary (15).	0	0	0	0	0	184	184	011111110000000 (0.0)	0	0	0	0	0	7	7
Grandview Elementary Annex (9).	0	0	0	0	0	143	143	000001110000000 (0.0)	0	0	0	0	0	5	5
Fawcett Elementary (5).	0	0	0	0	0	211	211	011111110000000 (0.0)	0	0	0	0	0	6	6

DISTRICT: PENN HILLS TOWNSHIP SCHOOL DISTRICT. NUMBER OF SCHOOLS: 16. REPRESENTING: 16. CITY: PITTSBURGH. COUNTY: 2 ALLEGHENY COUNTY

Number	1	809	35	10	855	13,273	14,128		0	5	0	0	5	576	581
Percents	0.0	5.7	0.2	0.1	6.1	93.9	100.0		0.0	0.9	0.0	0.0	0.9	99.1	100.0
Lincoln Park Elementary School (5).	0	246	0	0	246	0	246	001111000000001 (100.0)	0	1	0	0	1	11	12
Seneca Junior High School (14).	0	86	0	0	86	916	1,002	000000001100000 (8.6)	0	0	0	0	0	44	44
John H. Linton Intermediate High School (15).	0	146	2	0	148	2,435	2,583	000000000011001 (5.7)	0	2	0	0	2	109	111
Penn Hills Senior High School (16).	0	121	4	0	125	2,202	2,327	000000000000110 (5.4)	0	1	0	0	1	114	115
Hebron Elementary School (4).	0	41	3	3	47	935	982	001111110000000 (4.8)	0	0	0	0	0	34	34
Penn Junior High School (13).	1	46	6	0	53	1,186	1,239	000000001100001 (4.3)	0	0	0	0	0	50	50
Davidson Elementary School (2).	0	13	0	0	13	354	367	001111110000000 (3.5)	0	0	0	0	0	13	13
Washington Elementary School (10).	0	35	1	4	40	1,097	1,137	001111110000001 (3.5)	0	0	0	0	0	44	44
Shenandoah Elementary School (8).	0	28	0	0	28	920	948	001111110000000 (3.0)	0	0	0	0	0	37	37
Roberts Elementary School (7).	0	13	10	1	24	849	873	001111110000000 (2.7)	0	0	0	0	0	34	34
Thad Stevens Elementary School (9).	0	10	1	2	13	540	553	001111110000000 (2.4)	0	0	0	0	0	20	20
Forbes Elementary School (3).	0	12	4	0	16	704	720	001111110000000 (2.2)	0	1	0	0	1	25	26
Morrow Elementary School (6).	0	0	3	0	3	137	140	001100000000000 (2.1)	0	0	0	0	0	5	5
William McKinley Elementary School (11).	0	6	1	0	7	439	446	001111110000001 (1.6)	0	0	0	0	0	15	15
William Penn Elementary School (12).	0	6	0	0	6	425	431	001111110000000 (1.4)	0	0	0	0	0	15	15
Ben Franklin Elementary School (1).	0	0	0	0	0	134	134	001111000000000 (0.0)	0	0	0	0	0	6	6

DISTRICT: PITTSBURGH CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 113. REPRESENTING: 113. CITY: PITTSBURGH. COUNTY: 2 ALLEGHENY

Number	15	29,898	196	154	30,263	46,005	76,268		0	354	4	4	362	2,660	3,022
Percents	0.0	39.2	0.3	0.2	39.7	60.3	100.0		0.0	11.7	0.1	0.1	12.0	88.0	100.0
Lincoln Elementary School (72).	0	487	0	7	494	0	494	111111110000000 (100.0)	0	3	0	0	3	18	21
W. H. McKelvy (86)	0	566	0	0	566	0	566	111111110000001 (100.0)	0	9	0	0	9	16	25
Robert L. Vann Elementary (106).	0	620	0	0	620	0	620	111111110000000 (100.0)	0	14	0	0	14	14	28
Herron Hill Junior High School (10).	0	847	0	0	847	0	847	000000001110000 (100.0)	0	13	0	0	13	34	47
Letsche (70)	0	405	0	0	405	0	405	111111110000000 (100.0)	0	8	0	0	8	14	22
Crescent Elementary School (45).	0	927	0	0	927	1	928	111111110000001 (99.9)	0	9	0	0	9	24	33
Baxter Elementary (29)	0	1,185	0	0	1,185	2	1,187	111111110000000 (99.8)	0	15	0	0	15	37	52

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: PITTSBURGH CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 113. REPRESENTING: 113. CITY: PITTSBURGH. COUNTY: 2 ALLEGHENY—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Miller Elementary (78)	0	579	0	0	579	1	580	111111110000001 (99.8)	0	14	0	0	14	14	28
Madison Elementary School (74).	0	542	0	0	542	1	543	111111110000000 (99.8)	0	6	0	0	6	17	23
Westinghouse Senior-Junior High (24).	0	2,921	0	0	2,921	7	2,928	000000001111111 (99.8)	0	45	2	0	47	81	128
Belmar Elementary (31).	0	968	0	0	968	3	971	111111110000000 (99.7)	0	12	0	0	12	22	34
A. Leo Weil Elementary (107).	0	972	4	3	979	5	984	111111110000001 (99.5)	0	13	0	0	13	24	37
Homewood Elementary (65).	0	569	0	0	569	3	572	111111110000001 (99.5)	0	6	0	0	6	16	22
Fifth Avenue Jr. Sr. High School (7).	0	1,191	2	0	1,193	32	1,225	000000001111111 (97.4)	0	19	1	0	20	52	72
Beltzhoover Elementary School (32).	0	730	0	0	730	52	782	111111110000000 (93.4)	0	5	0	0	5	22	27
Lemington (69)	0	777	6	0	783	56	839	111111111100000 (93.3)	0	14	0	0	14	16	30
Forbes Elementary (54).	0	292	0	0	292	21	313	111111110000001 (93.3)	0	5	0	0	5	13	18
Manchester Elementary (75).	0	590	0	1	591	52	643	111111110000001 (91.9)	0	10	0	0	10	19	29
Larimer School (67)	0	531	0	0	531	54	585	111111110000001 (90.8)	0	6	0	0	6	21	27
Conroy Junior High (6)	0	290	0	0	290	45	335	000000001110000 (86.6)	0	3	0	0	3	16	19
H. C. Frick (56)	0	862	13	8	883	169	1,052	111111111100001 (83.9)	0	1	0	0	1	36	37
Philip Murray Elementary (84).	0	738	0	2	740	142	882	111111100000001 (83.9)	0	4	0	0	4	24	28
Conroy Elementary School (43).	0	347	0	0	347	82	429	111111110000000 (80.9)	0	6	0	0	6	14	20
Mary J. Cowley (44)	0	441	0	40	481	142	623	111111110000001 (77.2)	0	3	0	0	3	26	29
Burgwin (36)	0	548	0	5	553	171	724	111111110000001 (76.4)	0	1	0	0	1	25	26
Schenley High School (20).	0	1,132	11	5	1,148	455	1,603	000000000011111 (7.16)	0	12	0	1	13	55	68
Fort Pitt Elementary (55).	0	603	0	2	605	374	979	111111111100000 (61.8)	0	4	0	0	4	34	38
Holmes Elementary School (64).	0	255	20	0	275	172	447	111111111100001 (61.5)	0	1	0	0	1	19	20
Northview Heights School (88).	0	698	0	0	698	474	1,172	111111110000000 (59.6)	0	4	0	0	4	37	41
James E. Rogers (95)	0	471	4	6	481	328	809	111111111100001 (59.5)	0	2	0	0	2	27	29
Knoxville Junior High School (11).	0	564	4	1	569	419	988	000000001110000 (57.6)	0	11	0	0	11	28	39
Arsenal Elementary School (27).	0	260	0	0	260	213	473	111111111100000 (55.0)	0	3	0	0	3	23	26
Arlington (26)	0	369	0	0	369	308	677	111111110000001 (54.5)	0	1	0	0	1	29	30
Gladstone Elementary (59).	0	248	0	0	248	234	482	111111110000000 (51.5)	0	0	0	0	0	17	17
Fairywood Elementary School (52).	0	232	0	0	232	235	467	111111110000001 (49.7)	0	2	0	0	2	15	17
Chartiers Elementary School (38).	0	100	0	0	100	110	210	011111110000000 (47.6)	0	0	0	0	0	6	6
Gladstone Junior Senior High School (8).	0	363	0	2	365	430	795	000000001111111 (45.9)	0	8	0	1	9	36	45
David B. Oliver Senior High School (15).	0	390	0	0	390	656	1,046	110000000011110 (37.3)	0	7	0	0	7	43	50
Allegheny High School (2).	1	356	4	4	365	641	1,006	000000000001110 (36.3)	0	2	0	0	2	42	44
Columbus Middle School (25).	0	262	0	0	262	472	734	000000011100000 (35.7)	0	3	0	0	3	35	38
Clayton Elementary School (40).	0	192	1	2	195	359	554	111111100000000 (35.2)	0	0	0	0	0	22	22
Park Place (91)	0	70	0	1	71	143	214	011111111100000 (33.2)	0	0	0	0	0	8	8
Regent Square (94)	0	56	0	0	56	116	172	011111111100000 (32.6)	0	1	0	0	1	8	9
Dilworth (47)	0	179	3	2	184	383	567	011111111100000 (32.5)	0	0	0	0	0	20	20
Fineview Elementary (53).	0	74	0	3	77	181	258	111111110000000 (29.8)	0	0	0	0	0	11	11

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: PITTSBURGH CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 113. REPRESENTING: 113. CITY: PITTSBURGH. COUNTY: 2 ALLEGHENY—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Latimer Jr. High (13)	3	250	3	0	256	619	875	000000001110000 (29.3)	0	4	0	0	4	39	43
Liberty Elementary School (71).	0	114	11	1	126	306	432	011111111100001 (29.2)	0	1	0	0	1	20	21
Friendship (57)	0	115	4	0	119	309	428	111111111100001 (27.8)	0	2	0	0	2	16	18
McNaugher Elementary School (87).	0	234	0	3	237	617	854	011111111100001 (27.8)	0	0	0	0	0	29	29
Thaddeus Stevens School (103).	0	221	4	0	225	626	851	111111111100000 (26.4)	0	0	0	0	1	29	30
Knoxville Elementary School (66).	0	112	5	0	117	336	453	011111110000000 (25.8)	0	0	0	0	0	14	14
Greenfield Junior High School (9).	0	48	0	0	48	145	193	000000001110000 (24.9)	0	0	0	0	0	4	4
Schiller Elementary School (98).	0	102	4	0	106	349	455	111111110000001 (23.3)	0	2	0	0	2	17	19
East Street (50)	0	50	4	0	54	180	234	111111110000000 (23.1)	0	0	0	0	0	8	8
Pioneer Secondary-Orthopedically Handicapped (18)	0	12	0	0	12	40	52	000000001111111 (23.1)	0	0	0	0	0	4	4
Connelley Vocational-Technical High School (5).	0	67	1	0	68	243	311	000000000000001 (21.9)	0	1	0	0	1	31	32
Hays Elementary School (63).	0	38	0	0	38	145	183	011111111100000 (20.8)	0	0	0	0	0	7	7
Spring Hill Elementary (101).	0	62	3	0	65	261	326	011111110000000 (19.9)	0	0	0	0	0	10	10
John Morrow School (81).	0	89	0	0	89	367	456	011111100000000 (19.5)	0	1	0	0	1	19	20
Sterrett School (102)	0	63	0	1	64	268	332	011111111100000 (19.3)	0	0	0	0	0	13	13
Peabody High School (16).	0	459	7	0	466	2,165	2,631	000000000011110 (17.7)	0	4	0	0	4	105	109
Woolslair School (112)	0	92	0	0	92	444	536	1111111110000 (17.2)	0	0	0	0	0	19	19
South Junior-Senior High School (21).	0	222	8	3	233	1,153	1,386	000000001111110 (16.8)	0	2	0	0	2	68	70
Morse Elementary (82)	0	22	1	5	28	140	168	111111110000000 (16.7)	0	0	0	0	0	7	7
Perry Junior Senior High School (17).	0	221	1	2	224	1,248	1,472	000000000111110 (15.2)	0	2	0	0	2	59	61
Halls Grove (62)	0	23	0	0	23	134	157	011111100000000 (14.6)	0	0	0	0	0	6	6
Swisshelm (105)	0	27	0	0	27	173	200	011111111100000 (13.5)	0	0	0	0	0	7	7
Horace Mann (76)	0	49	0	0	49	345	394	011111100000001 (12.4)	0	1	0	0	1	12	13
East Park Elementary (49).	0	22	0	0	22	156	178	111111110000001 (12.4)	0	0	0	0	0	9	9
H. B. Davis (46)	0	28	2	0	30	213	243	011110000000000 (12.3)	0	1	0	0	1	10	11
Langley Junior-Senior High (12).	5	251	5	6	267	1,907	2,174	000000001111110 (12.3)	0	4	0	2	6	73	79
Pioneer Elementary-Orthopedically Handicapped (113).	0	10	0	0	10	76	86	011111111100001 (11.6)	0	0	0	0	0	6	6
Phillips (92)	0	37	0	4	41	344	385	011111110000001 (10.6)	0	0	0	0	0	15	15
South Hills Senior High School (22).	2	278	4	5	289	2,470	2,759	000000000011110 (10.5)	0	2	0	0	2	95	97
Wightman School (111).	0	64	1	1	66	581	647	011111110000000 (10.2)	0	0	0	0	0	23	23
East Carnegie Elementary (48).	0	4	0	0	4	44	48	001111110000000 (8.3)	0	0	0	0	0	3	3
Linden Elementary (73)	0	42	4	4	50	590	640	011111111100001 (7.8)	0	0	0	0	0	22	22
Spring Garden Elementary School (100)	0	28	0	0	28	333	361	111111110000000 (7.8)	0	0	0	0	0	13	13
Greenfield Elementary School (61)	0	38	1	0	39	480	519	111111110000000 (7.5)	0	0	0	0	0	15	15
Carrick High School (4)	3	94	7	1	105	1,554	1,659	000000000011110 (6.3)	0	1	0	0	1	61	62
Prospect Elementary School (93)	0	39	0	0	39	578	617	011111110000001 (6.3)	0	0	0	0	0	20	20
Chatham (39)		27	3	1	31	530	561	011111111000000 (5.5)	0	0	0	0	0	17	17

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: PITTSBURGH CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 113. REPRESENTING: 113. CITY: PITTSBURGH. COUNTY: 2 ALLEGHENY—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Allderdice Junior-Senior High School (1)	0	180	6	3	189	3,248	3,437	000000001111110 (5.5)	0	10	0	0	10	126	136
Colfax Elementary School (41)	0	28	10	2	40	699	739	011111111000000 (5.4)	0	2	0	0	2	25	27
Beechwood (30)	0	46	2	5	53	1,003	1,056	011111111100000 (5.0)	0	0	1	0	1	32	33
Arsenal Vocational-Technical High (3).	0	3	0	0	3	73	76	000000000000010 (3.9)	0	0	0	0	0	7	7
Washington Vocational-Technical High (23).	0	4	0	0	4	99	103	000000000000010 (3.9)	0	0	0	0	0	10	10
Bon Air Elementary School (34).	0	3	3	0	6	159	165	011111110000000 (3.6)	0	0	0	0	0	5	5
Grandview Elementary (60).	0	19	0	0	19	509	528	011111110000001 (3.6)	0	0	0	0	0	18	18
Sunnyside Elementary School (104).	0	19	2	0	21	589	610	011111111000000 (3.4)	0	1	0	0	1	21	22
Whittier (110)	0	17	0	0	17	487	504	011111110000001 (3.4)	0	0	0	0	0	17	17
Sheraden Elementary School (99).	0	27	0	0	27	824	851	011111110000000 (3.2)	0	0	0	0	0	25	25
Morningside (80)	0	15	0	0	15	483	498	011111111100000 (3.0)	0	0	0	0	0	15	15
Prospect Junior High (19).	0	20	2	0	22	758	780	000000001110000 (2.8)	0	1	0	0	1	34	35
Mifflin Junior High School (14).	0	6	0	0	6	232	238	000000001110000 (2.5)	0	0	0	0	0	8	8
Overbrook Elementary School (90).	0	14	1	1	16	653	669	011111111100000 (2.4)	0	0	0	0	0	24	24
McCleary (85)	0	10	0	0	10	426	436	111111111100001 (2.3)	0	1	0	0	1	12	13
John Minadeo (79)	0	11	7	1	19	814	833	011111110000000 (2.3)	0	1	0	0	1	25	26
Fulton Elementary School (58).	0	9	4	1	14	723	737	111111111100000 (1.9)	0	1	0	0	1	23	24
Oakwood Elementary (89).	0	0	2	0	2	115	117	011111110000000 (1.7)	0	0	0	0	0	4	4
Fairview Elementary School (51).	0	3	0	0	3	211	214	011111000000000 (1.4)	0	0	0	0	0	7	7
Concord (42)	0	0	0	4	4	497	501	011111110000001 (0.8)	0	0	0	0	0	15	15
Mount Oliver Elementary School (83).	0	4	0	0	4	498	502	011111111100000 (0.8)	0	1	0	0	1	16	17
Lee School (68)	1	0	1	0	2	308	310	011111110000000 (0.6)	0	0	0	0	0	9	9
Banksville (28)	0	1	1	1	3	521	524	011111111100000 (0.6)	0	0	0	0	0	15	15
Brookline Elementary School (35).	0	5	0	0	5	922	927	011111111100000 (0.5)	0	1	0	0	1	30	31
Quentin Roosevelt (96)	0	0	0	2	2	371	373	011111100000000 (0.5)	0	0	0	0	0	9	9
Boggs Avenue (33)	0	0	0	2	2	420	422	011111110000000 (0.5)	0	1	0	0	1	12	13
Carmalt Elementary (37).	0	1	0	0	1	256	257	011110000000000 (0.4)	0	0	0	0	0	7	7
Westwood (109)	0	0	0	1	1	451	452	011111110000000 (0.2)	0	0	0	0	0	13	13
Schaeffer School (97)	0	0	0	0	0	313	313	011111110000000 (0.0)	0	0	0	0	0	0	9
Mifflin Elementary School (77).	0	0	0	0	0	521	521	011111110000000 (0.0)	0	0	0	0	0	12	12
West Liberty (108)	0	0	0	0	0	609	609	011111111100001 (0.0)	0	0	0	0	0	20	20

DISTRICT: WILKINSBURG BOROUGH SCHOOL DISTRICT. NUMBER OF SCHOOLS: 7. REPRESENTING: 7. CITY: WILKINSBURG. COUNTY: 2 ALLEGHENY

Number	0	1,773	11	4	1,788	2,695	4,483		0	7	0	0	7	177	184
Percent	0.0	39.5	0.2	0.1	39.9	60.1	100.0		0.0	3.8	0.0	0.0	3.8	96.2	100.0
Semple Elementary School (4).	0	471	0	0	471	10	481	011111110000000 (97.9)	0	2	0	0	2	16	18
Allison Elementary School (1).	0	355	0	0	355	154	509	011111110000000 (67.7)	0	1	0	0	1	15	16
Wilkinsburg Junior High School (6).	0	424	2	1	427	601	1,028	000000001110000 (41.5)	0	1	0	0	1	45	46
Turner Elementary School (5).	0	186	3	1	190	356	546	011111110000000 (34.8)	0	0	0	0	0	16	16

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: WILKINSBURG BOROUGH SCHOOL DISTRICT. NUMBER OF SCHOOLS: 7. REPRESENTING: 7. CITY: WILKINSBURG. COUNTY: 2 ALLEGHENY—Continued

	Students—							Weight:	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	1.3—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
ilkinsburg Senior High School (7).	0	320	2	0	322	709	1,031	000000000001110 (31.2)	0	3	0	0	3	53	56
Kelly Elementary School (3).	0	5	4	0	9	307	316	011111110000000 (2.8)	0	0	0	0	0	13	13
Johnston Elementary School (2).	0	12	0	2	14	558	572	011111110000000 (2.4)	0	0	0	0	0	19	19

DISTRICT: SCHOOL DISTRICT OF THE BOROUGH OF ALIQUIPPA. NUMBER OF SCHOOLS: 10. REPRESENTING: 10. CITY: ALIQUIPPA. COUNTY: 4. BEAVER

Number	0	1,775	4	1	1,780	2,835	4,615		0	24	0	0	24	180	204
Percent	0	38.5	0.1	0	38.6	61.4	100.0		0	11.8	0	0	11.8	88.2	100.0
Jones Elementary School (3).	0	391	0	0	391	72	463	110111000000000 (84.4)	0	4	0	0	4	15	19
McDonald School (9)	0	82	0	0	82	67	149	011111100000000 (55.0)	0	1	0	0	1	4	5
Franklin (6)	0	183	1	0	184	159	343	000000110000000 (53.6)	0	2	0	0	2	12	14
Washington School (10)	0	122	0	0	122	134	256	011111110000000 (47.7)	0	2	0	0	2	7	9
Aliquippa Junior High School (2).	0	407	1	1	409	694	1,103	000000001110000 (37.1)	0	9	0	0	9	44	53
Highland (7)	0	79	0	0	79	172	251	011111100000000 (31.5)	0	2	0	0	2	8	10
Aliquippa Senior High School (1).	0	329	2	0	331	801	1,132	000000000001110 (29.2)	0	1	0	0	1	54	55
New Sheffield Elementary School (4).	0	132	0	0	132	344	476	011111110000000 (27.7)	0	2	0	0	2	18	20
Spaulding (8)	0	31	0	0	31	88	119	011000000000000 (26.1)	0	0	0	0	0	6	9
Laughlin Elementary School (5).	0	19	0	0	19	304	323	011111100000000 (5.9)	0	1	0	0	1	12	13

DISTRICT: HARRISBURG CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 18. REPRESENTING: 18. CITY: HARRISBURG. COUNTY: 22 DAUPHIN

Number	2	6,668	17	61	6,748	6,743	13,491		0	105	0	2	107	454	561
Percent	0.0	49.4	0.1	0.5	50.0	50.0	100.0		0.0	18.7	0.0	0.4	19.1	80.9	100.0
Downey Elementary School (8).	0	464	0	0	464	11	475	011111110000000 (97.7)	0	6	0	0	6	14	20
Hamilton Elementary School (10).	0	736	0	0	736	24	760	011111110000000 (96.8)	0	15	0	0	15	13	28
Benjamin Franklin Elementary School (5).	0	695	0	1	696	26	722	011111110000000 (96.4)	0	7	0	0	7	19	26
Woodward Elementary School (18).	0	414	0	0	414	28	442	011111110000000 (93.7)	0	9	0	0	9	6	15
Lincoln Elementary School (11).	0	615	0	0	615	98	713	111111100000000 (86.3)	0	15	0	0	15	9	24
Camp Curtin Junior High School (1).	0	787	1	7	795	485	1,280	000000001110000 (62.1)	0	9	0	0	9	61	70
William Penn Senior High School (4).	0	596	1	1	598	499	1,097	000000000001110 (54.5)	0	4	0	1	5	49	54
Cameron Elementary School (7).	0	205	1	0	206	250	456	011111110000000 (45.2)	0	1	0	0	1	14	15
Steele Elementary School (16).	0	346	0	12	358	464	822	011111110000000 (43.6)	0	4	0	0	4	23	27
John Harris Senior High School (3).	0	581	2	1	584	905	1,489	000000000001110 (39.2) 000000001110000	0	8	0	0	8	65	73
Edison Junior High School (2).	0	616	2	8	626	1,027	1,653	(37.9)	0	13	0	1	14	70	84
Boas Elementary School (6).	0	80	3	8	91	219	310	011111110000000 (29.4)	0	1	0	0	0	11	12
Foose Elementary School (9).	2	161	3	2	168	671	839	011111110000000 (20.0)	0	2	0	0	2	29	31
Shimmell Elementary School (15).	0	103	0	11	114	457	571	011111110000000 (20.0)	0	1	0	0	1	18	19
Marshall Elementary School (12).	0	99	3	0	102	487	589	011111110000000 (17.3)	0	3	0	0	3	16	19
Riverside Elementary School (14).	0	37	0	0	37	185	222	011111110000000 (16.7)	0	2	0	0	2	5	7
Melrose Elementary School (13).	0	102	0	0	102	629	731	011111110000000 (14.0)	0	2	0	0	2	25	27
Webster Elementary School (17).	0	31	1	10	42	278	320	011111110000000 (13.1)	0	3	0	0	3	7	10

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: CHESTER CITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 17. REPRESENTING: 17 CITY: CHESTER. COUNTY: 23 DELAWARE

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	2	8,120	4	38	8,164	3,381	11,545		0	200	0	1	201	291	492
Percent	0.0	70.3	0.0	0.3	70.7	29.3	100.0		0.0	40.7	0.0	0.2	40.9	59.1	100.0
John A Watts Elementary School (16)	0	350	0	0	350	0	350	011111000000000 (100.0)	0	10	0	0	10	2	12
Douglass Junior High School (2).	0	522	0	0	522	0	522	000000001110000 (100.0)	0	20	0	0	20	13	33
Dewey-Mann (6)	0	658	0	0	658	5	663	011111000000001 (99.2)	0	25	0	0	25	4	29
Franklin (7)	0	1,014	0	3	1,017	9	1,026	011111000000000 (99.1)	0	28	0	0	28	5	33
A. H. Showalter Junior High School (4).	0	725	0	2	727	33	760	000000001110000 (95.7)	0	17	0	0	17	19	36
Larkin (9)	0	474	0	7	481	46	527	011111000000000 (91.3)	0	3	0	0	3	13	16
Lincoln (10)	0	561	0	0	561	57	618	010000110000000 (90.8)	0	14	0	0	14	5	19
Booker T. Washington (15).	0	688	0	2	690	124	814	010000110000000 (84.8)	0	17	0	0	17	7	24
Morton (12)	0	205	0	14	219	55	274	011111000000000 (79.9)	0	4	0	0	4	5	9
Chester High School (1).	0	1,480	2	1	1,483	721	2,204	000000000001110 (67.3)	0	18	0	1	19	103	122
Pulaski Junior High School (3).	0	329	0	3	332	307	639	000000001110000 (52.0)	0	13	0	0	13	25	38
Martin Special Elementary (11).	0	41	0	0	41	39	80	000000000000001 (51.3)	0	4	0	0	4	2	6
D. W. Jefferis (8)	0	224	0	1	225	289	514	011111000000000 (43.8)	0	4	0	0	4	13	17
Smedley Junior High School (5).	0	316	0	2	318	426	744	000000001110000 (42.7)	0	3	0	0	3	38	41
Stetser Elementary School (14).	0	182	0	0	182	279	461	010000110000000 (39.5)	0	5	0	0	5	10	15
John Wetherill Elementary (17).	0	156	1	1	158	345	503	011111000000000 (31.4)	0	4	0	0	4	11	15
William Penn Elementary School (13).	2	195	1	2	200	646	846	011111000000000 (23.6)	0	11	0	0	11	16	27

DISTRICT: DARBY TOWNSHIP SCHOOL DISTRICT. NUMBER OF SCHOOLS: 3. REPRESENTING: 4. CITY: GLENOLDEN. COUNTY: 23.

Number	0	1,232	0	0	1,232	518	1,750		0	56	0	0	56	21	77
Percent	0.0	70.4	0.0	0.0	70.4	29.6	100.0		0.0	72.7	0.0	0.0	72.7	27.3	100.0
Thomas V. Studevan School (2).	0	384	0	0	384	0	384	001111100000000 (100.0)	0	13	0	0	13	2	15
Darby Township Junior-Senior High School (1).	0	599	0	0	599	214	813	000000001111110 (73.7)	0	30	0	0	30	12	42
Darby Township Elementary School (3).	0	249	0	0	249	304	553	001111110000000 (45.0)	0	13	0	0	13	7	20

DISTRICT: NORRISTOWN AREA SCHOOL DISTRICT. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: NORRISTOWN COUNTY: 46. MONTGOMERY COUNTY

Number	0	1,981	5	18	2,004	7,722	9,726		28	1	0	29	354	383	
Percent	0.0	20.4	0.1	0.2	20.6	79.4	100.0	0.0	7.3	0.3	0.0	7.6	92.4	100.0	
George Washington (10).	0	360	0		360	73	423	011111110000000 (83.1)	0	4	0	0	0	15	19
Joseph K. Gotwals (3)	0	475	0	1	476	143	619	011111110000000 (76.9)	0	4	0	0	4	18	22
Winfield S. Hancock (4).	0	294	0	1	295	439	734	011111110000000 (40.2)	0	5	0	0	5	23	18
David Rittenhouse Junior High School (12).	0	238	0	3	241	558	799	000000011100000 (30.2)	0	2	0	0	2	33	53
A. D. Eisenhower Senior High School (14).	0	289	0	0	289	1,440	1,729	000000000011110 (16.7)	0	2	0	0	2	77	79
Thomas J. Stewart Junior High School. (13).	0	145	0	0	145	734	879	000000001110000 (16.5)	0	2	0	0	2	37	39
Theodore Roosevelt (9).	0	61	0	3	64	413	477	011111110000000 (13.4)	0	3	0	0	3	15	18
Abraham Lincoln (6)	0	42	0	0	42	491	533	011111110000000 (7.9)	0	2	0	0	2	17	19
Cole Manor (2)	0	26	1	0	27	521	548	011110000000000 (4.9)	0	1	0	0	1	19	20

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: NORRISTOWN AREA SCHOOL DISTRICT. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: NORRISTOWN COUNTY: 46. MONTGOMERY COUNTY—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
East Norriton Junior High School (11).	0	17	0	0	17	455	472	000000001110000 (3.6)	0	0	0	0	0	22	22
Penn Square (8)	0	22	1	0	23	680	703	0100111100000000 (3.3)	0	0	1	0	1	23	24
Marshall Street School (7).	0	9	2	5	16	696	712	011111110000000 (2.2)	0	1	0	0	1	22	23
John F. Hartranft (5)	0	0	0	5	5	526	531	011111110000000 (0.9)	0	2	0	0	2	16	18
Burnside (1)	0	3	1	0	4	553	557	011111110000000 (0.7)	0	0	0	0	0	17	17

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA

Number	0	166,083	0	7,022	173,105	109,512	282,617		0	3,499	15	10	3,524	7,767	11,291
Percent	0.0	58.8	0.0	2.5	61.3	38.7	100.0		0.0	31.0	0.1	0.1	31.2	68.8	100.0
Thomas Dunlap (128)	0	739	0	0	739	0	739	011111110000000 (100.0)	0	14	0	0	14	10	24
Pennypack House (854).	0	5	0	1	6	0	6	000000000000001 (100.0)	0	1	0	0	1	7	8
George Brooks (122)	0	737	0	0	737	0	737	011111110000000 (100.0)	0	11	0	0	11	13	24
Arnold Pratt (439)	0	1,355	0	0	1,355	0	1,355	011111110000000 (100.0)	0	40	0	0	40	10	50
Com. John Barry (120)	0	1,408	0	0	1,408	0	1,408	011111110000000 (100.0)	0	26	0	0	26	20	46
John F. Sartain (243)	0	549	0	0	549	0	549	011111110000000 (100.0)	0	12	0	0	12	9	21
Chester A. Arthur (248)	0	603	0	0	603	0	603	011111110000000 (100.0)	0	13	0	0	13	14	27
Frederick Douglass (228).	0	1,219	0	1	1,220	0	1,220	011111110000000 (100.0)	0	26	0	0	26	15	41
Spring Garden (342)	0	586	0	3	589	0	589	011111110000000 (100.0)	0	7	1	0	8	13	21
Mayer Sulzberger (112)	0	1,753	0	1	1,754	1	1,755	000000001110000 (99.1)	0	64	0	0	64	11	75
Strawberry Mansion (414).	0	2,712	0	1	2,713	2	2,715	000000001110000 (99.9)	0	53	0	2	55	50	105
M. Hall Stanton (440)	0	1,244	0	5	1,249	1	1,250	011111110000000 (99.9)	0	25	0	0	25	23	48
Belmont (121)	0	1,190	0	1	1,191	1	1,192	011111110000000 (99.9)	0	25	0	0	25	18	43
Add B. Anderson (146)	0	1,166	0	0	1,166	1	1,167	011111110000000 (99.9)	0	24	0	0	24	15	39
James G. Blaine (422)	0	1,087	0	0	1,087	1	1,088	011111110000000 (99.9)	0	23	0	0	23	15	38
William D. Kelley (234)	0	993	0	1	994	1	995	011111110000000 (99.9)	0	19	0	0	19	14	33
William McIntyre (435)	0	900	0	1	901	1	902	011111110000000 (99.9)	0	20	0	0	20	20	40
Walter George Smith (244).	0	708	0	0	708	1	709	011111110000000 (99.9)	0	16	0	0	16	14	30
James Rhoads (141)	0	1,406	0	0	1,406	2	1,408	011111111100000 (99.9)	0	29	0	0	29	22	51
Lehigh (444)	0	662	0	0	662	1	663	011111110000000 (99.8)	0	10	0	0	10	13	23
William Dick (427)	0	1,299	0	0	1,299	2	1,301	011111110000000 (99.8)	0	35	0	0	35	16	51
William L. Sayre (110)	0	1,887	0	0	1,887	3	1,890	000000001110000 (99.8)	0	47	0	0	47	54	101
Nathaniel Hawthorne (326).	0	484	0	2	486	1	487	011111110000000 (99.8)	0	11	0	0	11	8	19
George C. Meade (238)	0	1,437	0	2	1,439	3	1,442	011111110000000 (99.8)	0	31	0	0	31	24	55
Leslie P. Hill (445)	0	1,430	0	0	1,430	3	1,433	011111110000000 (99.8)	0	36	0	0	36	20	56
Andrew Hamilton (129)	0	849	0	0	849	2	851	011111110000000 (99.8)	0	19	0	0	19	13	32
Tanner Duckrey (446)	0	827	0	4	831	2	833	011111110000000 (99.8)	0	22	0	0	22	12	34
Grover Cleveland (426)	0	1,224	0	0	1,244	3	1,247	011111110000000 (99.8)	0	18	0	0	18	24	42
David Landreth (235)	0	826	0	0	826	2	828	011111110000000 (99.8)	0	12	0	0	12	17	29
Gen. John F. Reynolds (242).	0	1,229	0	2	1,231	3	1,234	011111110000000 (99.8)	0	24	1	0	25	14	39
Walton (442)	0	1,140	0	0	1,140	3	1,143	011111110000000 (99.7)	0	23	0	0	23	20	43
William S. Stokeley (441).	0	378	0	0	378	1	379	011111110000000 (99.7)	0	6	0	0	6	6	12
Alexander Wilson (143).	0	741	0	0	741	2	743	011111111000000 (99.7)	0	23	0	0	23	12	35
Morton McMichael (136).	0	1,832	0	0	1,832	5	1,837	011111111100000 (99.7)	0	57	0	0	57	23	80
George W. Childs (226)	0	1,067	0	3	1,070	3	1,073	011111110000000 (99.7)	0	9	0	0	9	28	37
George Washington Carver (225).	0	1,038	0	3	1,041	3	1,044	011111110000000 (99.7)	0	30	0	0	30	10	40

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Martha Washington (142).	0	1,029	0	0	1,029	3	1,032	011111111000000 (99.7)	0	26	0	0	26	14	40
Oliver Wendell Holmes (132).	0	998	0	0	998	3	1,001	011111110000000 (99.7)	0	22	0	0	22	14	36
Mary C. Wister (347)...	0	614	0	9	623	2	625	011111110000000 (99.7)	0	14	0	0	14	11	25
Edwin M. Stanton (245).	0	613	0	0	613	2	615	011111110000000 (99.7)	0	0	0	0	9	14	23
Alain Locke (147).....	0	919	0	0	919	3	922	011111110000000 (99.7)	0	23	0	0	23	12	35
George Clymer (522)...	0	1,163	0	0	1,163	4	1,167	011111110000000 (99.7)	0	13	0	0	13	32	45
Paul Lawrence Dunbar (525).	0	555	0	14	569	2	571	111111110000000 (99.6)	0	17	0	0	17	10	27
Eleanor Cope Emlen (622).	0	1,388	0	0	1,388	5	1,393	011111110000000 (99.6)	0	29	0	0	29	16	45
Roberts Vaux (213)....	0	1,757	0	5	1,762	7	1,769	000000001110000 (99.6)	0	49	0	0	49	32	81
Thomas Fitzsimons (411).	0	1,850	0	1	1,851	8	1,859	000000001110000 (99.6)	0	47	0	0	47	30	77
William C. Bryant (123).	0	1,369	0	0	1,369	6	1,375	011111110000000 (99.6)	0	26	0	0	26	20	46
Simon Gratz (401).....	0	4,237	0	5	4,242	19	4,261	000000000001110 (99.6)	0	59	0	0	59	121	180
Norris S. Barratt (211)..	0	1,302	0	2	1,304	6	1,310	000000001110000 (99.5)	0	39	0	0	39	33	72
Kenderton (431).....	0	1,267	0	4	1,271	6	1,277	011111110000000 (99.5)	0	27	0	0	27	27	54
William Henry Harrison (531).	0	616	0	1	617	3	620	011111110000000 (99.5)	0	14	0	0	14	10	24
Rudolph Blankenburg (423).	0	942	0	1	943	5	948	011111110000000 (99.5)	0	17	0	0	17	20	37
Gustavus S. Benson (223).	0	560	0	0	560	3	563	011111100000000 (99.5)	0	10	0	0	10	10	20
Pennell (634).....	0	1,058	0	1	1,059	6	1,065	011111110000000 (99.4)	0	17	0	0	17	8	25
Gen. Phillip Kearny (330).	0	482	0	45	527	3	530	011111110000000 (99.4)	0	12	0	0	12	14	26
John F. Hartranft (532).	0	456	0	57	513	3	516	011100000000000 (99.4)	0	10	0	0	10	17	27
Joseph Leidy (433).....	0	1,038	0	0	1,038	7	1,045	011111110000000 (99.3)	0	12	0	0	12	23	35
William B. Hanna (429).	0	1,271	0	1	1,272	9	1,281	011111110000000 (99.3)	0	14	0	0	14	27	41
John Wanamaker(513).	0	1,737	0	35	1,772	13	1,785	000000001110000 (99.3)	0	36	0	0	36	33	69
Edward Gideon (231)...	0	950	0	0	950	7	957	011111110000000 (99.3)	0	21	0	0	21	16	37
Samuel B. Huey (133)..	0	1,555	0	0	1,555	13	1,568	011111110000000 (99.2)	0	31	0	0	31	18	49
Lydia Darrah (227).....	0	534	0	12	546	5	551	011111110000000 (99.1)	0	15	0	0	15	11	26
Elizabeth Duane Gillespie (412).	0	1,782	0	4	1,786	17	1,803	000000001110000 (99.1)	0	31	0	0	31	13	44
Thomas M. Peirce (438).	0	1,402	0	0	1,402	14	1,416	011111110000000 (99.0)	0	12	0	0	12	31	43
Joseph C. Ferguson (529).	0	1,400	0	361	1,761	18	1,779	011111110000000 (99.0)	0	34	0	1	35	26	61
Robert Morris (239)...	0	1,165	0	7	1,172	12	1,184	011111110000000 (99.0)	0	16	1	0	17	29	46
William M. Meredith (335).	0	464	0	7	471	5	476	011111110000000 (98.9)	0	7	0	0	7	13	20
West Philadelphia (102).	0	3,662	0	0	3,662	39	3,701	000000000001110 (98.9)	0	47	0	0	47	114	161
William F. Harrity (131).	0	1,013	0	1	1,014	11	1,025	011111110000000 (98.9)	0	12	0	0	12	18	30
William B. Shoemaker (413).	0	1,611	0	0	1,611	20	1,631	000000001110000 (98.8)	0	48	0	0	48	33	81
Benjamin Franklin (201).	0	1,783	0	71	1,854	25	1,879	000000000001110 (98.7)	0	24	0	0	24	70	94
William S. Peirce (240).	0	610	0	0	610	10	620	011111110000000 (98.4)	0	18	0	0	18	7	25
Benjamin B. Comegys (126).	0	1,016	0	3	1,019	17	1,036	011111110000000 (98.4)	0	10	0	0	10	20	30
William McKinley (535).	0	224	0	236	460	8	468	011111000000000 (98.3)	0	4	0	0	4	14	18
Edward Heston (430)...	0	943	0	1	944	17	961	011111110000000 (98.2)	0	11	0	0	11	18	29
Charles Richard Drew (127).	0	521	0	0	521	10	531	011111110000000 (98.1)	0	12	0	0	12	11	23

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Youth Development Center (148).	0	121	0	11	132	3	135	000000000000001 (97.8)	0	3	0	0	3	1	4
James R. Ludlow (534)	0	535	0	370	905	21	926	011111110000000 (97.7)	0	8	0	3	11	19	30
William Penn (203)	0	1,428	0	52	1,480	35	1,515	000000000001110 (97.7)	0	26	1	0	27	49	76
Elisha Kent Kane (233)	0	325	0	11	336	8	344	000000000000001 (97.7)	0	22	0	0	22	4	26
E. Spencer Miller (436)	0	317	0	0	317	8	325	000000000000001 (97.5)	0	21	0	0	21	7	28
John G. Whittier (443)	0	1,208	0	0	1,208	32	1,240	011111110000000 (97.4)	0	10	0	0	10	31	41
Overbrook (437)	0	638	0	4	642	19	661	011111110000000 (97.1)	0	5	0	0	5	15	20
Thaddeus Stevens (343).	0	226	0	142	368	12	380	011111110000000 (96.8)	0	9	0	0	9	12	21
John L. Kinsey (628)	0	1,525	0	9	1,534	51	1,585	011111110000000 (96.8)	0	15	0	0	15	33	48
Theodore Roosevelt (611).	0	1,564	0	7	1,571	63	1,634	000000001110000 (96.1)	0	27	0	0	27	44	71
Francis D. Pastorious (633).	0	1,116	0	12	1,128	47	1,175	011111110000000 (96.0)	0	17	0	0	17	26	43
Edward M. Paxson (337).	0	174	0	13	187	8	195	011111110000000 (95.9)	0	11	0	0	11	4	15
William Rowen (636)	0	1,350	0	2	1,352	58	1,410	011111110000000 (95.9)	0	11	0	0	11	28	39
Stoddart-Fleisher (312).	0	1,151	0	202	1,353	62	1,415	000000001110000 (95.6)	0	46	0	0	46	29	75
Thomas Durham (230).	0	275	0	0	275	13	288	011111110000000 (95.5)	0	10	0	0	10	6	16
John Wister (643)	0	738	0	1	739	38	777	011111110000000 (95.1)	0	16	0	0	16	16	32
John Welsh (542)	0	720	0	430	1,150	64	1,214	011111110000000 (94.7)	0	12	0	1	13	29	42
Avery D. Harrington (130).	0	1,093	0	4	1,097	63	1,160	011111110000000 (94.6)	0	12	0	0	12	23	35
Octavius Catto (145)	0	218	0	0	218	13	231	000000000000001 (94.4)	0	16	0	0	16	6	22
Drexel (250)	0	150	0	92	242	15	257	000011000000000 (94.2)	0	3	0	0	3	1	4
Delaplaine McDaniel (237).	0	721	0	2	723	47	770	011111110000000 (93.9)	0	8	0	0	8	19	27
Simon Muhr (538)	0	592	0	20	612	42	654	011111110000000 (93.6)	0	9	0	0	9	13	22
Robert Fulton (624)	0	908	0	3	911	63	974	011111110000000 (93.5)	0	25	0	0	25	18	43
Laura Wheeler Waring (249).	0	161	0	449	610	43	653	011111000000000 (93.4)	0	13	0	0	13	19	32
Fairhill (528)	0	413	0	203	616	47	663	011111000000000 (92.9)	0	4	0	0	4	22	26
Anna Howard Shaw (111).	0	2,267	0	4	2,271	184	2,455	000000001110000 (92.5)	0	38	0	0	38	72	110
Charles Y. Audenried (210).	0	949	0	5	954	83	1,037	000000001110000 (92.0)	0	19	0	0	19	32	51
Daniel Keyser (651)	0	217	0	0	217	19	236	011110000000000 (91.9)	0	3	0	0	3	5	8
Alexander Dallas Bache (221).	0	521	0	64	585	58	643	011111110000000 (91.0)	0	9	0	0	9	15	24
James Elverson, Jr. (527).	0	884	0	3	887	91	978	011111110000000 (90.7)	0	21	0	0	21	13	34
General Louis Wagner (613).	0	2,043	0	9	2,052	211	2,263	000000001110000 (90.7)	0	26	0	0	26	79	105
Youth Development Center (749).	0	177	0	1	178	19	197	000000000000001 (90.4)	0	6	0	0	6	10	16
Oliver P. Cornman (323).	0	166	0	2	168	18	186	000000000000001 (90.3)	0	18	0	0	18	3	21
James Alcorn (220)	0	725	0	5	730	85	815	011111110000000 (89.6)	0	7	0	0	7	20	27
Charles E. Bartlett (310).	0	858	0	23	881	106	987	000000001110000 (89.3)	0	26	0	0	26	28	54
Daniel Boone (320)	0	274	0	5	279	35	314	000000000000001 (88.9)	0	14	0	0	14	16	30
Lewis C. Cassidy (424)	0	806	0	1	807	102	909	011111110000000 (88.8)	0	10	0	0	10	22	32
George W. Nebinger (336).	0	445	0	53	498	65	563	011111110000000 (88.5)	0	7	0	0	7	17	24
Samuel Powel (139)	0	252	0	0	252	33	285	011111110000000 (88.4)	0	7	0	0	7	6	13
Thomas A. Edison (502).	0	1,706	0	136	1,842	251	2,093	000000000001110 (88.0)	0	21	1	0	22	84	106
Southwark (341)	0	535	0	4	539	80	619	011111110000000 (87.1)	0	4	0	0	4	24	28

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
R. L. Wright (748)	0	421	0	33	454	68	522	011111110000000 (87.0)	0	7	0	0	7	10	17
Thomas B. Read (154)	0	144	0	0	144	22	166	000000000000001 (86.7)	0	2	0	0	2	7	9
William H. Hunter (533)	0	305	0	155	460	71	531	111111000000000 (86.6)	0	10	0	0	10	12	22
Youth Development Day Treatment Center (759)	0	92	0	2	94	15	109	000000000000001 (86.2)	0	6	0	0	6	7	13
Edward Bok (306)	0	1,436	0	18	1,454	237	1,691	000000000011110 (86.0)	0	23	0	0	23	94	117
Overbrook (402)	0	3,836	0	4	3,840	654	4,494	000000000011110 (85.4)	0	32	1	0	33	181	214
Henry C. Lea (114)	0	1,393	0	3	1,396	244	1,640	011111111110000 (85.1)	0	21	0	0	21	39	60
East Falls (642)	0	533	0	11	544	98	642	011111110000000 (84.7)	0	7	0	0	7	12	19
Alice Cary (124)	0	178	0	1	179	34	213	000000000000001 (84.0)	0	6	0	0	6	3	9
George Thomas (553)	0	227	0	216	443	89	532	011111110000000 (83.3)	0	5	0	0	5	10	15
Edward T. Steel (639)	0	639	0	15	654	133	787	011111110000000 (83.1)	0	8	0	0	8	15	23
George Washington (346)	0	545	0	60	605	134	739	011111110000000 (81.9)	0	9		0	9	22	31
Anna L. Lingelbach (644)	0	444	0	2	446	103	549	011111110000000 (81.2)	0	6	0	0	6	14	20
Thomas Jefferson (328)	0	203	0	152	355	83	438	111111110000000 (81.1)	0	9	0	0	9	11	20
William F. Miller (536)	0	167	0	306	473	117	590	011111110000000 (80.2)	0	6	1	1	8	13	21
Germantown (602)	0	2,896	0	13	2,909	774	3,683	000000000001110 (79.0)	0	37	0	0	37	144	181
William B. Mann (434)	0	903	0	2	905	269	1,174	011111110000000 (77.1)	0	11	0	0	11	30	41
Julia Ward Howe (732)	0	459	0	20	479	144	623	011111110000000 (76.9)	0	5	0	0	5	16	21
Moore Hall (686)	0	228	0	1	229	69	298	000000110000000 (76.8)	0	4	0	0	4	5	9
Henry W. Longfellow (734)	0	117	0	120	237	75	312	010111110000000 (76.0)	0	5	0	0	5	7	12
Masterman Junior High (214)	0	258	0	79	337	107	444	000000001110000 (75.9)	0	3	0	0	3	25	28
Dimner Beeber (410)	0	1,213	0	3	1,216	456	1,672	000000001110000 (72.7)	0	17	0	0	17	59	76
Andrew Jackson (327)	0	317	0	5	322	121	443	011111110000000 (72.7)	0	4	0	0	4	14	18
Charles Carroll (545)	0	125	0	15	140	53	193	000000000000001 (72.5)	0	3	0	0	3	10	13
Stephen A. Douglas (524)	0	194	0	38	232	96	328	000000000000001 (70.7)	0	7	0	0	7	8	15
George Wolf (144)	0	323	0	4	327	138	465	011111110000000 (70.3)	0	8	0	0	8	12	20
Charles W. Henry (625)	0	689	0	1	690	297	987	011111111100000 (69.9)	0	12	0	0	12	16	28
Edgar Allan Poe (241)	0	402	0	3	405	175	580	011111110000000 (69.8)	0	7	0	0	7	16	23
Kensington High (501)	0	838	0	141	979	425	1,404	000000000001110 (69.7)	0	7	0	0	7	69	76
Samuel W. Pennypacker (635)	0	708	0	1	709	339	1,048	011111110000000 (67.7)	0	12	0	0	12	18	30
Thomas Powers (552)	0	328	0	20	348	173	521	011111110000000 (66.8)	0	2	0	0	2	7	9
Thomas Potter (539)	0	128	0	221	349	187	536	011111110000000 (65.1)	0	1	1	0	2	12	14
Edwin H. Fitler (623)	0	434	0	21	455	297	752	011111100000000 (60.5)	0	7	0	0	7	14	21
Murrell Dobbins (406)	0	1,255	0	94	1,349	898	2,247	000000000011110 (60.0)	0	21	0	0	21	110	131
Edwin H. Vare (212)	0	773	0	11	784	541	1,325	000000001110000 (59.2)	0	17	0	0	17	46	63
Anna Blakiston Day (620)	0	400	0	6	406	284	690	011111110000000 (58.8)	0	8	0	0	8	16	24
Henry H. Houston (626)	0	588	0	5	593	418	1,011	011111111100000 (58.7)	0	9	0	0	9	30	39
Anthony Wayne (246)	0	393	0	1	394	278	672	011111110000000 (58.6)	0	5	0	0	5	16	21
Willis & Elizabeth Martin (236)	0	104	0	10	114	81	195	000000000000001 (58.5)	0	6	0	0	6	20	26
John Bartram (101)	0	2,132	0	6	2,138	1,610	3,748	000000000011110 (57.0)	0	35	0	0	35	155	190
S. Weir Mitchell (137)	0	645	0	0	645	532	1,177	011111110000000 (54.8)	0	8	0	0	8	15	23
Allen M. Stearne (729)	0	259	0	27	286	245	531	011111110000000 (53.9)	0	5	0	0	5	15	20
Jay Cooke (710)	0	828	0	33	861	769	1,630	000000001110000 (52.8)	0	13	0	0	13	63	76
Logan (630)	0	336	0	10	346	310	656	011111110000000 (52.7)	0	10	0	0	10	30	40
Masterman Laboratory and Demonstration (222)	0	241	0	6	247	222	469	000111110000000 (52.7)	0	7	0	0	7	13	20

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA—Continued

	Students—							Weight: 1.3—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
John Muffet (537)	0	101	0	150	251	226	477	011111110000000 (52.6)	0		0	1	6	12	18
South Philadelphia High (301)	0	1,980	0	34	2,014	1,842	3,856	000000000001110 (52.2)	0	23	0	0	23	151	174
William C. Longstreth (135)	0	425	0	1	426	391	817	011111110000000 (52.1)	0	7	0	0	7	16	23
William T. Tilden (113)	0	877	0	1	878	829	1,707	000000111100000 (51.4)	0	25	0	0	25	60	85
Samuel Gompers (428)	0	373	0	1	374	363	737	011111110000000 (50.7)	0	6	0	0	6	17	23
Ellwood (726)	0	292	0	1	293	293	586	011111110000000 (50.1)	0	4	0	0	4	14	18
Joseph W. Catherine (125)	0	434	0	1	435	445	880	011111110000000 (49.4)	0	8	0	0	8	22	30
Thomas Mifflin (632)	0	520	0	1	521	538	1,059	011111111100000 (49.2)	0	14	0	0	14	24	38
Thomas Shallcross (833)	0	55	0	1	56	58	114	000000000000001 (49.1)	0	2	0	0	2	6	8
Penn Treaty (511)	0	453	0	330	783	847	1,630	000000001110000 (48.0)	0	12	0	0	12	68	80
Horace H. Furness (311)	0	585	0	25	610	674	1,284	000000001110000 (47.5)	0	10	0	0	10	44	54
Joseph E. Hill (653)	0	55	0	0	55	62	117	000000000000001 (47.0)	0		0	0	5	9	14
Franklin Smedley (742)	0	319	0	2	321	375	696	011111110000000 (46.1)	0	6	0	0	6	17	23
Memorial Widener (640)	0	190	0	4	194	229	423	000000000000001 (45.9)	0	4	0	0	4	32	36
Walnut Street Center (173)	0	40	0	0	40	51	91	111000000000000 (44.0)	0	2	0	0	2	4	6
John Paul Jones (510)	0	438	0	201	639	821	1,460	000000001110000 (43.8)	0	8	0	0	8	55	63
John B. Stetson (512)	0	585	0	257	842	1,091	1,933	000000001110000 (43.6)	0	15	0	0	15	73	88
Francis S. Key (331)	0	235	0	2	237	332	569	011111110000000 (41.7)	0	5	0	0	5	17	22
George A. McCall (334)	0	183	0	91	274	396	670	011111111100000 (40.9)	0	7	0	0	7	22	29
Morris E. Leeds (610)	0	646	0	1	647	1,004	1,651	000000001110000 (39.2)	0	14	0	0	14	57	71
Walter B. Saul (604)	0	144	0	0	144	257	401	000000000011110 (35.9)	0	4	0	0	4	18	22
F. Amedee Bregy (224)	0	378	0	14	392	700	1,092	011111110000000 (35.9)	0	2	0	0	2	29	31
John M. Patterson (140)	0	328	0	1	329	617	946	111111000000000 (34.8)	0	12	0	0	12	21	33
Warren G. Harding (711)	0	501	0	17	518	1,001	1,519	000000001110000 (34.1)	0	10	0	0	10	58	68
Alexander K. McClure (738)	0	263	0	12	275	544	819	011111110000000 (33.6)	0	4	0	0	4	24	28
Gilbert Spruance (835)		303	0	1	304	605	909	011111110000000 (33.4)	0	6	0	0	6	26	32
Olney (702)	0	1,289	0	22	1,311	2,622	3,933	000000000011110 (33.3)	0	15	0	0	15	157	172
Franklin Spencer Edmonds (621)	0	445	0	11	456	914	1,370	011111110000000 (33.3)	0	10	0	0	10	32	42
Francis Read (348)		105	0	0	105	220	325	011111110000000 (32.3)	0	1	0	0	1	10	11
John Story Jenks (627)	0	171	0	0	171	361	532	011111111100000 (32.1)	0	5	0	0	5	15	20
City Center (247)	0	169	0	2	171	362	533	100000010000000 (32.1)	0	4	1	0	5	12	17
Eliza B. Kirkbride (332)	0	151	0	23	174	375	549	011111110000000 (31.7)	0	4	0	0	4	18	22
John H. Taggart (344)	0	192	0	7	199	433	632	011111110000000 (31.5)	0	5	0	0	5	19	24
Robert E. Lamberton (432)	0	364	0	1	365	806	1,171	011111110000000 (31.2)	0	10	0	0	10	32	42
Joel Cook (650)	0	91	0	0	91	204	295	011111111000000 (30.8)	0	3	0	0	3	7	10
Thomas G. Morton (138)	0	210	0	0	210	484	694	111111000000000 (30.3)	0	10	0	0	10	16	26
James Dobson (645)	0	168	0	0	168	392	560	011111111100000 (30.0)	0	6	0	0	6	16	22
Russel H. Conwell (523)	0	145	0	25	170	418	588	010011111100000 (28.9)	0	6	2	0		25	33
High School for Girls (605)	0	753	0	3	756	1,899	2,655	000000000011110 (28.5)	0	10	0	0	10	88	98
D. Newlin Fell (324)	0	178	0	2	180	453	638	011111110000000 (28.4)	0	3	0	0	3	21	24
John F. McCluskey (631)	0	202	0	3	205	517	722	011111110000000 (28.4)	0	7	0	0	7	20	27
Bayard Taylor (744)	0	95	0	67	162	414	576	011111111100000 (28.1)	0	6	0	0	6	14	2

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA—Continued

	Students—							Weight:	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	1.3—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Stephen Girard (232)	0	205	0	0	205	576	781	01111111100000 (26.2)	0	4	0	0	4	21	25
Abigail Vare (345)	0	146	0	14	160	456	616	01111111000000 (26.0)	0	4	0	0	4	18	22
Gen. David B. Birney (721)	0	204	0	32	236	681	917	01111111000000 (25.7)	0	6	0	0	6	23	29
George Chandler (551)	0	44	0	24	68	206	274	01111111000000 (24.8)	0	2	0	0	2	6	8
George C. Thomas (313)	0	207	0	4	211	695	906	00000000111000 (23.3)	0	10	0	0	10	33	43
J. Hampton Moore (831)	0	144	0	64	208	785	993	01111111000000 (20.9)	0	3	0	0	3	30	33
Ethan Allen (820)	0	985	0	8	193	749	942	01111111110000009 (20.5)	0	2	0	0	2	32	34
Solomon Sclis-Cohen (334)	0	196	0	14	210	947	1,157	01111111000000 (18.2)	0	5	0	0	5	35	40
Central (601)	0	418	0	8	426	1,984	2,410	00000000011110 (17.7)	0	12	0	0	12	90	102
Alexander Adaire (520)	0	114	0	13	127	592	719	01111111000000 (17.7)	0	4	0	0	4	18	22
Clara Barton (720)	0	137	0	7	144	704	848	01111111100000 (17.0)	0	8	0	0	8	22	30
George Sharswood (340)	0	89	0	0	89	446	535	01111111000000 (16.6)	0	3	1	0	4	13	17
Isaac A. Sheppard (541)	0	33	0	47	578	578	685	01111111000000 (15.6)	0	4	0	0	4	18	22
Jules E. Mastbaum (506)	0	178	0	71	249	1,423	1,672	00000000001110 (14.9)	0	11	0	0	11	97	108
Roxborough (603)	0	318	0	0	318	1,919	2,237	00000000011110 (14.2)	0	13	0	0	13	89	102
Feltonville (731)	0	36	0	3	39	262	301	01111111000000 (13.0)	0	2	0	0	2	7	9
Henry A. Brown (521)	0	56	0	26	82	554	636	01111111000000 (12.9)	0	5	0	0	5	16	21
Thomas Creighton (724)	0	92	0	2	94	660	754	01111111100000 (12.5)	0	3	0	0	3	24	27
John Marshall (736)	0	49	0	4	53	391	444	01111111000000 (11.9)	0	1	0	0	1	16	17
William Levering (629)	0	104	0	0	104	797	901	01111111100000 (11.5)	0	5	0	0	5	27	32
William C. Jacobs (828)	0	6	0	16	22	171	193	00000000000001 (11.4)	0	2	0	0	2	13	15
James Russell Lowell (735)	0	65	0	5	70	555	625	01111111100000 (11.2)	0	4	0	0	4	18	22
Andrew Morrison (739)	0	61	0	7	68	566	634	01111111100000 (10.7)	0	4	0	0	4	15	19
James J. Sullivan (743)	0	68	0	4	72	613	685	01111111000000 (10.5)	0	5	0	0	5	20	25
Laura H. Carnell (722)	0	109	0	8	117	999	1,116	01111111000000 (10.5)	0	4	0	0	4	31	35
Francis Hopkinson (730)	0	92	0	2	94	829	923	01111111100000 (10.2)	0	5	0	0	5	27	32
Richmond (540)	0	51	0	14	65	605	670	01111111000000 (9.7)	0	5	0	0	5	22	27
Benjamin Franklin (728)	0	61	0	0	61	580	641	01111111000000 (9.5)	0	0	0	0	0	19	19
Olney (740)	0	55	0	4	59	566	625	01111111100000 (9.4)	0	5	0	0	5	15	20
Frankford (701)	0	200	0	9	209	2,182	2,391	00000000001110 (8.7)	0	4	0	0	4	102	106
Lawndale (829)	0	37	0	0	37	413	450	01111111000000 (8.2)	0	1	0	0	1	11	12
Henry W. Lawton (733)	0	52	0	1	53	613	666	01111111000000 (8.0)	0	3	0	0	3	19	22
Joseph H. Brown (821)	0	53	0	0	53	626	679	01111111100000 (7.8)	0	4	0	0	4	16	20
Samuel S. Fels (810)	0	136	0	1	137	1,696	1,833	00000001110000 (7.5)	0	14	0	0	14	66	80
Hamilton Disston (824)	0	66	0	2	68	878	946	01111100110000 (7.2)	0	2	0	0	2	30	32
William Cramp (723)	0	25	0	12	37	539	576	01111100000000 (6.4)	0	5	0	0	5	10	15
Frances E. Willard (544)	0	13	0	7	20	388	408	01111111000000 (4.9)	0	1	0	0	1	13	14
Benjamin Crispin (822)	0	20	0	3	23	526	549	01111111000000 (4.2)	0	0	0	0	0	15	15
John H. Webster (745)	0	15	0	11	26	823	849	01111111000000 (3.1)	0	7	0	0	7	20	27
Horatio B. Hackett (530)	0	2	0	17	19	652	671	01111111000000 (2.8)	0	4	0	0	4	20	24
Washington Senior High (803)	0	65	0	2	67	2,309	2,376	00000000001110 (2.8)	0	4	0	0	4	101	105
Wissahickon (641)	0	12	0	0	12	460	472	01111111000000 (2.5)	0	5	0	0	5	8	13
John Hancock (818)	0	15	0	3	18	705	723	01111111000000 (2.5)	0	7	0	0	7	24	31

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

PENNSYLVANIA STATE TOTAL—Continued

DISTRICT: SCHOOL DISTRICT OF PHILADELPHIA. NUMBER OF SCHOOLS: 278. REPRESENTING: 278. CITY: PHILADELPHIA. COUNTY: 51 PHILADELPHIA—Continued

	Students—							Weight:	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	1.3—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Abraham Lincoln (801)	0	73	0	8	81	3,918	3,999	000000000111110 (2.0)	0	11	0	0	11	161	172
Woodrow Wilson (812)	0	38	0	0	38	1,839	1,877	000000001110000 (2.0)	0	8	0	0	8	68	76
A. S. Jenks (329)	0	5	0	0	5	274	279	011111110000000 (1.8)	0	2	0	0	2	5	7
Shawmont (638)	0	14	0	0	14	896	910	011111111100000 (1.5)	0	5	1	0	6	21	27
Philip H. Sheridan (741)	0	8	0	5	13	886	899	011111110000000 (1.4)	0	7	1	0	8	20	28
Edwin Forrest (825)	0	9	0	1	10	839	849	011111111000000 (1.2)	0	3	0	0	3	24	27
Bridesburg (747)	0	4	0	0	4	364	368	011111110000000 (1.1)	0	2	0	0	2	9	11
Thomas Holme (827)	0	16	0	2	18	1,647	1,665	011111110000000 (1.1)	0	5	0	0	5	41	46
Henry R. Edmunds (725)	0	8	0	2	10	924	934	011111111100000 (1.1)	0	5	0	0	5	22	27
Northeast (802)	0	33	0	7	40	3,921	3,961	000000000001110 (1.0)	0	10	0	0	10	145	155
Torresdale (853)	0	1	0	0	1	110	111	000000000000001 (0.9)	0	0	0	0	0	9	9
George Washington Jr. High (813)	0	14	0	5	19	2,184	2,203	000000001110000 (0.9)	0	12	0	1	13	80	93
Robert Blair Pollock (841)	0	6	0	4	10	1,348	1,358	011111100000000 (0.7)	0	6	0	0	6	34	40
Benjamin Rush (815)	0	8	0	1	9	1,273	1,282	000000111000000 (0.7)	0	11	0	0	11	45	56
Thomas K. Finletter (727)	0	6	0	2	8	1,134	1,142	011111111100000 (0.7)	0	3	1	0	4	37	41
Lewis Elkin (526)	0	1	0	4	5	833	838	011111110000000 (0.6)	0	3	0	0	3	22	25
Mayfair (830)	0	4	0	1	5	1,094	1,099	011111111000000 (0.5)	0	7	0	0	7	25	32
William H. Loesche (844)	0	5	0	0	5	1,149	1,154	011111110000000 (0.4)	0	6	0	0	6	26	32
Fox Chase (826)	0	0	0	3	3	787	790	011111110000000 (0.4)	0	3	0	0	3	21	24
Aloysius L. Fitzpatrick (839)	0	4	0	1	5	1,613	1,618	011111000000000 (0.3)	0	11	0	0	11	33	44
Stephen Decatur (842)	0	4	0	0	4	1,672	1,676	011111000000000 (0.2)	0	4	0	0	4	40	44
Bustleton (840)	0	1	0	1	2	1,536	1,538	011111110000000 (0.1)	0	7	0	0	7	42	49
Watson Comly (837)	0	1	0	0	1	825	826	011111110000000 (0.1)	0	1	0	0	1	22	23
Pennsylvania Advancement Inc. (773)	0	0	0	0	0	0	0	000000011100000 (0.0)	0	4	0	0	4	15	19
Joseph J. Greenberg (843)	0	0	0	0	0	1,341	1,341	011111110000000 (0.0)	0	5	0	0	5	34	39
Louis H. Farrell (838)	0	0	0	0	0	1,133	1,133	011111110000000 (0.0)	0	2	0	0	2	29	31
Kennedy C. Crossan (823)	0	0	0	0	0	461	461	011111110000000 (0.0)	0	3	0	0	3	11	14
William H. Ziegler (746)	0	0	0	0	0	329	329	011111110000000 (0.0)	0	1	0	0	1	9	10
Rhawnhurst (836)	0	0	0	0	0	787	787	011111110000000 (0.0)	0	3	0	0	3	17	20
Youth Study Center (253)	0	0	0	0	0	1	1	000000000000001 (0.0)	0	12	0	0	12	7	19
Joseph Allison (420)	0	0	0	0	0	0	0	000011110000000 (0.0)	0	6	0	0	6	7	13

REMARKS OF SENATOR CURTIS AT RECENT SENATE BREAKFAST GROUP

Mr. STENNIS. Mr. President, recently the Senator from Nebraska (Mr. CURTIS) made very appropriate and highly valuable remarks at the Senate breakfast group.

His thoughts are so well expressed and have so much content that I think they ought to be shared with the Senate, as well as with the public.

I ask unanimous consent that the remarks of the Senator from Nebraska be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CARL T. CURTIS

My topic is "Christ and Politics." Perhaps it would be well that we set forth some definitions so that you will know that my remarks are within the scope of the topic assigned to me.

Politics has been described in various ways. In its narrowest sense it means a political contest between opposing parties or opposing candidates. I do not subscribe to such a narrow definition. Politics is the participation by people in the process of self-government. This involves the participation by the rank and file of our citizens, as well as the participation in the operation of government by those who hold office. We could even go a bit farther and say that politics in its broadest and most noble sense is government. Government is the rule of law, so in my remarks we will be talking about government and law.

We are often reminded that the Old Testament is the book of law and that the New Testament is the book of grace. As for me, while I accept the fact that the law is of paramount importance in the Old Testament and that Christ's saving grace is the one great theme of the New Testament, I am convinced that the Old and New Testaments are inseparable.

Christ came to earth and was born and lived as man but Christ was God. Christ did

not come into being when he was born of Mary in Old Bethlehem. Christ always existed. He is eternal. He himself said in John 10:30, "I and my Father are one." Later in that same chapter He said, "The Father is in me and I am in him."

Those who had the privilege of walking upon the earth when Christ dwelt here as man had the opportunity of hearing him say that which is recorded in John 12:45, "And he that seeth me seeth him that sent me."

It must have been a unique experience indeed for his followers to hear him say what is recorded in John 14:7–10.

"If ye had known me, ye should have known my Father also: and from henceforth ye know him, and have seen him. Philip saith unto him, Lord, shew us the Father, and it sufficeth us. Jesus saith unto him, Have I been so long time with you, and yet hast thou not known me, Philip? he that hath seen me hath seen the Father; and how sayest thou then, Shew us the Father? Believest thou not that I am in the Father, and the Father in me? the words that I speak unto you I speak not of myself: but the Father that dwelleth in me, he doeth the works."

In other words, Christ has always existed and his existence will never terminate. And the Old Testament as well as the New is His book.

Because the Old Testament is the book of law and my subject has to do with politics, which means government and law, I perhaps will be quoting as freely from the Old Testament as the New.

Speaking of the law as set forth in the Old Testament, Christ said in Matthew 5:17 and 18, "Do not think that I have come to do away with the law of Moses and the teaching of the prophets. I have not come to do away with them but to give them real meaning. Remember this—as long as heaven and earth last the least point or the smallest detail of the law will not be done away with, not until the end of all things." And again it is recorded in Luke 16:17 that Christ said, "It is easier for heaven and earth to pass than for one title of the law to fail."

In the 7th Chapter of Romans, Verse 12, we are told, "Wherefore the law is holy and the commands are holy and just and good."

I believe it is important that we realize that there are two kinds of law. There is God's law and there is man's law. Christ himself recognized this distinction when He said in Matthew 22:21, "Render unto Caesar the things that are Caesar's but unto God the things that are God's." He, of course, was referring to allegiance, loyalty and commitment, as well as distinguishing between man's law and God's law.

There would be chaos in the world if there were no government. I admit that governments make mistakes and that oftentimes we have too much government. Nevertheless, government is necessary. I am referring to the government that man sets up. Government is based upon law. These laws govern the conduct of men in their relation to each other and in their relation to society as a whole.

Throughout the centuries, government has been a force for good notwithstanding the fact that we have had bad governments and that oftentimes governments are headed by individuals who are not good individuals. The fact remains that government is our means for keeping order, removing violent offenders from society, settling disputes between individuals, and providing community services. The whole idea is set forth in God's word. In the Bible we find not only the recitation of many laws, but we find the pattern for systems of government, or we might refer to them as Constitutions.

It appears that at one time Moses, who became the great lawgiver, was trying to run the government all by himself. May I read to you from the 18th Chapter of Exodus, Verses 13 to 16, inclusive?

"And it came to pass on the morrow, that Moses sat to judge the people: and the people stood by Moses from the morning unto the evening.

"And when Moses' father-in-law saw all that he did to the people, he said, What is this thing that thou doest to the people? Why sittest thou thyself alone, and all the people stand by thee from morning unto even?

"And Moses said unto his father-in-law, Because the people come unto me to enquire of God:

"When they have a matter, they come unto me; and I judge between one and another, and I do make *them* know the statutes of God, and his laws."

Those in the audience who are fathers-in-law can take heart over the fact that the father-in-law of Moses was a wise man. He said in Verses 17–19, inclusive:

"And Moses' father-in-law said unto him, The thing that thou doest is not good. Thou wilt surely wear away, both thou, and this people that is with thee: for this thing is too heavy for thee; thou are not able to perform it thyself alone. Hearken now unto my voice, I will give thee counsel, and God shall be with thee: Be thou for the people to Godward, that thou mayest bring the causes unto God."

Moses' father-in-law not only told Moses how to spread out the burden of administering government but he also suggested that they have a legislative branch of government and that they write some laws and rules for the people to follow. Listen to what Verse 20 has to say:

"And thou shalt teach them ordinances and laws, and shalt show them the way wherein they must walk, and the work that they must do."

In Verses 21 through 26 the father-in-law of Moses stressed the point that those who hold office, judges in this case, should be able and honest men. Here is what he said:

"Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place

"such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens:

"And let them judge the people at all seasons; and it shall be, that every great matter they shall bring unto thee, but every small matter they shall judge: so shall it be easier for thyself, and they shall bear the burden with thee.

"If thou shalt do this thing, and God command thee so, then thou shalt be able to endure, and all this people shall also go to their place in peace.

"So Moses hearkened to the voice of his father-in-law, and did all that he had said.

"And Moses chose able men out of all Israel, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens.

"And they judged the people at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves."

A similar thought is expressed in Deuteronomy 1, Verse 13, which reads as follows:

"Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you."

Without government and without law, there could be no civilization. Government and law were given to man by God. Our entire system of law emanates from the Ten Commandments. I might recite to you those commandments in their abbreviated form:

"You shall have no other gods before me.

"You shall not make yourself a graven image . . .

"You shall not take the name of the Lord your God in vain . . .

"Remember the sabbath day, to keep it holy . . .

"Honor your father and your mother . . .

"You shalt not kill.

"You shall not commit adultery.

"You shall not steal.

"You shall not bear false witness against your neighbor.

"You shall not covet . . ."

A great portion of man-made laws deals with property rights. This is true whether it is the ownership of a house, a broadcaster's license, or the royalty rights that one has from writing a book or any other property rights. The foundation upon which all law governing property rights rests is the commandments. "Thou shall not steal, thou shall not covet, and thou shall not bear false witness." Likewise we could point out that all good laws covering domestic relations and juvenile delinquency are rooted in the commandment against immorality and the commandment to honor your father and mother.

When Isaiah the prophet, in foretelling the coming of Christ to earth, said in Isaiah 9:6, "And the government shall be upon his shoulder," he was stating a literal truth that cannot be disputed by the facts of history.

America has been greatly blessed. Our government today is the oldest continuous government on the face of the earth. Isaiah was right when he said, "The government shall be upon His shoulder."

We wouldn't need any laws in the world if every individual fully committed his life to Christ. We will need laws and we will need government and we will need politics, which is the participation in government, just as we will need police and armies until the time comes when all men are subject to His will and grace. This thought is borne out in I Timothy 1: 8–10, which reads as follows:

"We know that the Law is good; if it is used as it should be used. It must be remembered, of course, that laws are made, not for good people, but for lawbreakers and criminals, for the godless and sinful, for those who are not religious or spiritual, for men who kill their fathers or mothers, for murderers, for the immoral, for sexual perverts, for kidnapers, for those who lie and give false testimony or do anything else contrary to the true teaching."

One of the very reasons that we need a Savior is that man is unable to live up to the law. Listen to what is said in Verse 3 of Chapter 8 of Romans:

"What the Law could not do, because human nature was weak, God did. He condemned sin in human nature by sending his own Son, who came with a nature like man's sinful nature to do away with sin."

It is written "blessed is the nation whose God is the Lord." Truly the prophet Isaiah was right when he said, "And the government shall be upon His shoulders."

SALT LAKE CITY BOARD OF COMMISSIONERS SUPPORT PRESIDENT

Mr. BENNETT. Mr. President, yesterday in the House a resolution was passed by a very wide margin, expressing support for President Nixon's efforts to find a just and negotiated peace in South Vietnam.

Over the past year we have seen a polarization of sorts in this country on the Vietnam conflict. On the one extreme are those who demand an immediate withdrawal and in my mind, fail to examine and admit the consequences

of such a policy. On the other hand are those who have advocated total destruction of North Vietnam. In the vast middle ground is the great body of American people who seem to realize and understand that President Nixon is making a sincere and honest effort to resolve this very complex, frustrating, and terrible war. This great body of American people realize that he cannot succeed if he is constantly undermined in his efforts for peace. This, I think, was reflected in the House vote yesterday.

I was in Utah for the Thanksgiving recess and I found it reflected there in my visits with my fellow Utahans. It is reflected in my mail which runs heavily in favor of the President. I am pleased to announce to the Senate that the Board of Commissioners of Salt Lake City has expressed a similar position in the form of a resolution which I received today. I ask unanimous consent that the resolution be printed as a new and convincing expression that a large majority of our people are behind the sincere and genuine efforts of our President, to bring peace to a troubled world and unity to a divided and deeply concerned Nation.

I express my appreciation to the board of commissioners for this patriotic, farsighted, and courageous resolution.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the present war in Vietnam is the subject of controversy and debate among various groups and organizations in the United States; and

Whereas, the opposition to our national involvement in Southeast Asia is being led by radical elements of a vocal minority of the citizens of this great land whose stated purposes and objectives lend aid and comfort to the enemy in a battlefield which has claimed thousands of American lives; and

Whereas, the duly elected Board of Commissioners of Salt Lake City support our servicemen in Vietnam and support the President of the United States in his efforts to achieve a just and honorable peace in Vietnam.

Now, therefore, be it resolved by the Board of Commmissioners of Salt Lake City that said Board affirms its support for President Nixon in his efforts to negotiate a just peace in Vietnam, and in doing so expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

The City Recorder is hereby directed to mail a copy of this resolution to the Honorable Richard M. Nixon, President of the United States of America, and to the members of the United States Senate and House of Representatives from the State of Utah.

Passed by the Board of Commissioners of Salt Lake City, Utah, this 19th day of November, 1969.

J. BRACKEN LEE,
Mayor.
JAMES L. BARKER, Jr.,
Commissioner.
E. J. GARN,
Commissioner.
GEORGE B. CATMULL,
Commissioner.
CONRAD H. HARRISON,
Commissioner.

THE U.S. RECORD ON RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, 19 human rights conventions and covenants designated to implement the universal declaration of human rights, adopted on December 10, 1948, have been embraced by the United Nations General Assembly, and many have been ratified by member nations. However, only two of these have been ratified by the United States: the supplementary convention on the abolition of slavery in 1967 and the convention concerned with the protocol relating to the status of refugees in 1968.

Other conventions which have been submitted to the Senate for approval are: the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention Concerning Freedom of Association and Protection of the Right to Organize—both submitted in 1949 by President Truman; the Convention on the Political Rights of Women and the convention concerning the abolition of forced labor—both submitted in 1963 by President Kennedy; and, finally, the convention concerning discrimination in respect of employment and occupation submitted by President Johnson.

Having ratified only two conventions, the United States ranks very low among the 126-member nations of the United Nations. This is certainly not a record that we in this Nation founded on the basic human rights of freedom and liberty can be proud of. The human rights conventions affirm those principles which we declare on a national level to be a right of each individual.

I urge this Chamber to look at the record that we have established on the ratification of human rights conventions. I then would ask this body to ask itself if this record is in keeping with the American tradition concerning these rights. I believe the answer that would then be arrived at would be a negative one. I, therefore, again admonish this Chamber to get on with the task of making this Nation's committment to human rights an international one.

FOUNDATIONS AND THE UNITY OF CHARITABLE ORGANIZATIONS

Mr. GOODELL. Mr. President, the tax reform bill which is now before the Senate will affect the quality of American life. Nowhere is this more apparent than in the provisions in the bill which would change the tax treatment of private foundations.

I have voiced my concern for the past few months over the effects of punitive legislation which would limit the effectiveness of private foundations in continuing their innovative and creative role in American life. Within the next few days, the Senate will have an opportunity to vote upon a number of amendments which, in my opinion, mitigate unnecessarily harsh provisions now in the Senate bill. The outcome of the Senate's decision is an important one for the direction which our society will take in future years.

I would like to call to the attention of my colleagues a recent speech on the subject of foundation tax reform by Alan Pifer, president of the Carnegie Corp. of New York. Mr. Pifer, who was Chairman of President-elect Nixon's Task Force on Education, is well known for his scholarly concern for the nature of private institutions in America. I think that his views on the effect of this legislation on the private sector of our society will be of great interest to us all.

Mr. President, I ask unanimous consent that the text of Mr. Pifer's speech on the occasion of the 50th anniversary of the John Price Jones Co. be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FOUNDATIONS AND THE UNITY OF CHARITABLE ORGANIZATIONS

(By Alan Pifer, president, Carnegie Corp. of New York)

I am delighted to be here with you this evening helping to celebrate the 50th Anniversary of the John Price Jones Company. It is an occasion that deserves special note. Having myself been fortunate enough to spend my entire career working for organizations that don't have to raise money—but ones in which I have been particularly aware of the agonies of those that do—I have had an ample and fully objective opportunity to assess the role played by fund raising counsel. Let me admit that I have turned from skeptic to admirer as I have watched some of the best of these firms in action. I regard them now as an essential feature of the philanthropic scene and a strong ally to all of us who value the continued existence of free, private institutions in our society.

Since this is a special evening for those who have served John Price Jones in the past as well as those who do so today, I must at least mention briefly a former vice president of the company who is here tonight, James Powell-Tuck. For the past 18 years P.T. has been the much loved and respected director of development of the Norwalk Hospital, a fine institution serving a group of Connecticut communities. The extraordinary success he has had in that capacity has revealed to all who use and support the hospital the truth that a good director of development is not just a money raiser. First and foremost he is a leader who helps set goals for an institution and then builds a sustaining relationship between the institution and its constituency through which the goals are met. In this marriage, money is never irrelevant, but over time it becomes simply the by-product of a deeper tie based on mutual understanding, affection and pride. And so it has been at Norwalk.

FOUNDATIONS ON THE DEFENSIVE

Gathered here tonight are men and women who believe deeply in private institutions. That is why we are here. If any one of us, however, is still operating on the assump-

tion that the position of private institutions in our national life remains as basically secure as it has been in the past, he is probably living in a fool's paradise.

The assault this year on foundations if it reveals anything, tells us that the safety of all types of private charitable organizations—religious, educational, medical and philanthropic—may now be in serious doubt. The advocacy of pluralism may still make for good political rhetoric, but there seem to be fewer and fewer people at the nation's center of power who really believe in it and are prepared to act on that belief.

From what I have witnessed in Washington in recent months, it is my sad conclusion that the role played by free, private institutions as a bulwark of the American democratic system may be in jeopardy. I say this because I have seen alarming evidence both in the Congress and the Executive Branch of an astonishing lack of knowledge, and hence lack of concern, not just about foundations but about private organizations generally. Beyond that there is a pervasive atmosphere of suspicion, even hostility, to the very idea of the independence of foundations, and this seems to extend in some measure to other private tax-exempt institutions as well.

Particularly distressing is the seeming ignorance among high officials of the nature and meaning of certain broad fundamental concepts which give unity to the entire charitable organization field and which make the welfare of foundations and other types of charitable organizations an indivisible matter.

Many people have been slow to recognize in the current attack on foundations the broader danger to private charitable organizations generally. This is because the foundation field had gradually slipped into a position of extreme vulnerability as the result of a growing loss of public confidence in it occasioned by real and fancied foundation misdeeds.

Lumping the charges against foundations—right or wrong—indiscriminately together, foundations have come to be thought of as tax dodges for the wealthy; as involved in improper political activity; as the backers and promoters of extremism, Left or Right; as the corrupters of public officials; as representing dangerous concentrations of economic power; as favoring black people, the intellectual elite and the citizens of other countries at the expense of the "common American"; and so on. The list of fears and phobias has lengthened over the years with each Congressional investigation and has been assiduously kept alive, whether based on truth or falsehood, by relentless and sometimes unscrupulous critics.

What we have seen in the past year is a recrudescence of all the long-smoldering antipathies toward foundations suddenly fanned into a roaring flame by the wind of a taxpayers' revolt—a revolt not just against high tax rates but also against inequities in the system of taxation. And the heat has been felt in Washington. Unfortunately, many observers in other kinds of private institutions have felt that this was not their fight and that the foundation field perhaps deserved at least a good scare. They have, therefore, overlooked the wider dangers inherent in the excessive aspects of the Congressional response to the public heat. They have failed to see that in these excesses could lie the seeds of the destruction not just of foundations but of other private institutions as well.

Granting, of course, that there have been real financial abuses in some foundations, and conceding that specifically tailored measures to prevent these abuses are highly desirable, there are five themes which have appeared in the legislative debate on foundations that are cause for real alarm. Whether the full force of each of these themes will be evident in the law Congress finally passes is still in doubt, but that is not the point here. It is the fact that these ideas have even been seriously considered at one stage or another that is disturbing.

A TAX ON FOUNDATIONS

The first of these themes has had the most public discussion and has aroused opposition from other classes of charitable organizations as well as foundations. This is the notion that foundations should pay a federal tax on their investment income from endowment, on the theory that all who share in the benefits of government and are thought to be able to do so should contribute to its cost. The opposition to such a tax has centered on the loss of income it would entail to other private organizations, as it would in effect be a tax not on foundations but on the charities they support. Thus, foundations are able to help pay the cost of government only at the expense of their beneficiaries.

Important as this consideration is, it is not by any means the chief harm the tax would do. Its worst feature would be that it would for the first time breach the principle of total exemption from income tax of charitable organizations, a principle which has been basic to our social system and served the nation well since a constitutionally based income tax was first introduced in 1913.

A tax on foundations would set a precedent that could in time lead to a similar loss of full exemption by other classes of endowed charitable institutions—private universities, colleges and schools, voluntary hospitals and welfare organizations and religious institutions. If it were considered proper by this Congress that foundations contribute to the cost of government, then it could seem logical to some future Congress that these other institutions, which also share in the benefits of government, pay their fair share. A tax would, furthermore, serve as a precedent to encourage other levels of government to levy an income tax on foundations and in time on other charitable organizations.

It might, therefore, be only a matter of a few years before income tax exemption, which is basic to the financial viability of private, charitable organizations, disappeared from our national life altogether. The ensuing enfeeblement and demise of many of these private organizations would in itself spell the end of much of the nongovernmental, pluralistic activity that is essential to the American form of democracy.

An income tax on foundations, because of what it could set in motion, can, therefore, be viewed as being inimicable to the very nature of our kind of society, not, of course, deliberately so but nonetheless potentially as dangerous to it as the threat of foreign ideologies. And that should be cause for the most sober reflection.

THE NATURE OF FOUNDATION FUNDS

A second disturbing theme of the legislative proceedings in Washington has been the assertion that foundation income is really public money, because it is itself tax-exempt and because it derives from endowment funds created by gifts which offered a donor tax advantages; and yet decisions on the use of this income are not subject to the normal forms of government decision making and public accountability. This frequently repeated statement is usually made in a kind of accusatory manner, with heavy emphasis on the *privilege* of tax deductability and tax exemption, as if there was something inherently wrong, or contrary to the public interest, about these tax benefits and about private, self-perpetuating boards of trustees having the power to give away foundation funds.

What this kind of statement overlooks, of course, is that if there is validity to it, it must also apply logically to *any* funds derived from a gift that brought tax benefits to a donor and to the investment income of *all* private tax-exempt organizations, be they educational, medical, religious, or any other. And it must be remembered that these other types of charitable organizations are as much governed by private, self-perpetuating boards of trustees as are foundations.

Those who glibly say that foundation funds are really public funds are in fact raising a fundamental general question of whether there can be any such thing as really private endowment funds in our society any longer, and are thereby in fact challenging the very right to existence of tax-exempt private organizations.

While granting that foundations, and hence foundation funds, do have their public aspects and their funds quite properly should be regarded as being impressed with a public trust, it must always be remembered that since foundations are formed as private corporations by private individuals, they are *private* institutions, and the funds they possess and spend are private funds. In this respect the tax benefits foundations enjoy should be seen as society's quid pro quo for the charitable functions they perform that would otherwise either be a burden on public, tax-derived funds or not be performed at all. They are simply one part, and a vital part, of a group of incentives which the state offers to private citizens to encourage them to perform charitable acts.

PROTECTING GOVERNMENT FROM FOUNDATIONS

A third theme in the legislation, sometimes explicitly stated and always implied, has been that foundations represent a potentially evil influence on government, and government must, therefore, be protected from contact with them. The Ways and Means Committee initially proposed restrictions on the influencing of legislation by foundations so stringent as virtually to bar them altogether from participation in public policy formation, and its final proposals were nearly as restrictive.

Aside from being profoundly insulting to many fine public officials, both elected and appointed, by implying that they lack the intelligence, integrity and courage to make independent decisions in the public interest, such a concept, if given effect in the final legislation, will erect a barrier not only between government foundations but between government and many valuable experimental projects financed by foundations but carried out by other tax-exempt organizations and institutions. Government—and hence the public—will thereby in an important respect be denied the benefits of private sector experience, ideas and initiative. The public loss will be particularly great in fields such as education, health care, scientific policy, welfare, conservation, and the control of environmental pollution where substantial general improvements cannot be made with private funds alone but must inevitably entail massive governmental participation.

It is distressing that this notion of insulating the processes of government from the private, nonprofit sector should have come to the fore just at a time when the public interest would most be served by a maximum amount of public/private cooperation. And it is ironic that this should have happened when foundations generally had at last outgrown the deep antipathy that many of them traditionally felt toward cooperation with government.

CONTROL THROUGH TAXATION

A fourth troublesome aspect of the legislation is the way the power of Congress to tax and to grant tax exemption has been used to institute new program controls over

foundations. Under present law foundations are not permitted to influence the outcome of elections or to influence legislation directly except as an insubstantial part of their activities. But the proposed legislation introduces new controls and outright bans on certain specified activities. For example, a foundation would now be barred from making a direct grant to an individual except pursuant to procedures previously approved by the Internal Revenue Service and would be barred altogether from supporting voter education programs such as those of the Southern Regional Council and League of Women Voters designed to encourage citizens to exercise their democratic right to vote. This means, simply, that in areas hitherto reserved for decision by private boards of trustees government authority will now prevail.

The dangers of such an extension of government authority are manifest. What a simple matter it would be for some future Congress, guided by this precedent, to use its taxing power over private university endowment funds as a convenient weapon to limit the autonomy of these institutions. What a convenient device this could be to stifle dissent—on the campus, in the pulpit or anywhere else in the nongovernmental sector.

The freedom of private institutions is their most precious asset, and it must be jealously guarded. Erosion of the freedom of one institution normally leads to its erosion in others. History is replete with examples of societies where liberty has given way to tyranny because their peoples failed to realize that freedom is indivisible. All who value liberty should think hard about the question of how far government should be allowed to go in extending its authority over private institutions through the taxing power, for down this road can lie enormous dangers.

THE 40-YEAR DEATH SENTENCE

A fifth theme which has been evident here and there in the legislation is a kind of doctrinaire populist opposition to foundations as a matter of democratic principle. Because foundations derive from great wealth, they ipso facto must be suspect. This, of course, was a prevalent attitude toward foundations in their early days just prior to the First World War, but one would have supposed the nation had outgrown it years ago simply on the evidence that the vast majority of foundations do in fact serve the public interest. Nevertheless, the attitude persists in some quarters, and has manifested itself this year in an extraordinarily harmful decision by the Senate Finance Committee that the life of all foundations should be limited to 40 years.

Strictly speaking, of course, Congress cannot terminate the existence of a charitable corporation or trust created under state law, as this would be unconstitutional under Article I, Section 10 of the U.S. Constitution. All that Congress actually has the power to do is remove the tax-exemption of foundations after 40 years and require them to pay income taxes. Whether foundations would then choose to dissolve or to pay taxes and stay in business would depend on the level of the tax imposed.

The basic argument used to support the notion of a limited life for foundations is that through this device a wealth man may bind future generations forever to use charitable funds for the purposes he chooses. And since these purposes may become irrelevant to the later needs of society, the argument continues, it is contrary to the public interest that the donor be allowed to control the nature of the use of the funds for more than a limited period of years. However, it is implied, this death sentence should apply only to foundations, because other types of charitable organizations, such as churches, colleges, or hospitals, founded or assisted by charitable bequests are somehow different—somehow more responsive to the forces of change.

The basic flaw in this argument is revealed by consideration of the history and nature of the traditional concept of private charity. This concept goes back at least to the Roman era and probably earlier, was well understood in medieval times, was given legal definition in England in 1601 in the Statute of Charitable Uses, and has been a feature of the common law of Britain and the United States ever since. The concept involved the granting of certain privileges by the state to private citizens, or groups of citizens, in exchange for their willingness to serve the public good by performing or supporting acts of charity. These recognized acts of charity were first legally defined in the preamble to the Statute of Charitable Uses and since then have undergone varying restatements. The most recent in this country is contained in Treasury Department regulations of June 22, 1959 which define charity as:

Relief of the poor and distressed or of the underprivileged, advancement of religion; advancement of education or service; erection or maintenance of public buildings, monuments or works; lessening of the burdens of government, and promotion of social welfare by organizations designed to accomplish any of the above purposes, or (i) to lessen neighborhood tensions; (ii) to eliminate prejudice and discrimination; (iii) to defend human and civil rights secured by law; or (iv) to combat community deterioration and juvenile delinquency."

The definition is clearly an attempt to restate the meaning of the term charity to conform to the current needs of society.

The important point, however, is that there has throughout history been an evolving definition of charity that encompasses a set of activities *all* of which were considered to be in the public interest and in the interests of the state. And therefore the state has never found it necessary to discriminate between charitable purposes by granting greater privileges for one form of charitable activity than another. The concept has always been considered to be indivisible.

A second important point is that throughout the entire history of private charity, with minor deviations in some states in this country in the last century, the legal doctrines that shaped and defined the nature of charitable trusts and corporations have remained constant. Two of the most important of these doctrines have always been the right to existence in perpetuity and the possibility of the terms of a charitable bequest being altered at a later date through *cy pres* legal proceeding to adjust the intent of the donor to changed conditions.

In summary, given the assumption of public good inherent equally in all charitable purposes, and the power which future generations always have of modernizing any overly restrictive provisions of a charitable bequest through legal proceedings, it has never been considered in the public interest to place an arbitrary limit on the life of any charitable trust or corporation. If they met the test of being charitable, all were considered equally worthy and equally entitled to perpetuity.

What the Senate Finance Committee has now attempted—through the back door of removing income tax exemption—is no less than the abrogation of one of the most ancient, basic, and well-proven principles of the common law tradition, the principle of the indivisibility of the right to perpetuity of all charitable trusts and corporations. I do not have to tell you that this principle has been fundamental to the development of a vigorous voluntary sector in the common law countries and that it has been especially successful in this country in encouraging the kinds of philanthropically supported private endeavors that are an essential feature of our democratic system.

Nor, I am sure, do I have to point out to you the enormous dangers inherent in the destruction of this principle through discriminatory action taken against one form of charitable organization. It is the indivisibility—the unity—of the principle that has given it its great strength. It is the realization that the state would refrain from interposing its judgment that has encouraged private citizens to devote their efforts and their money *as they best saw fit* to charitable ends. Once this principle has been breached, it is dead. Let us be clear that in the wake of this effort to use the tax laws to place a limit on the life of foundations, if it is successful, will come opportunistic moves in the future, as time and circumstances dictate, to do the same to other classes of charitable organizations.

Another argument employed by those who favor limiting the life of foundations is to pose the question of why a donor should be allowed to create an instrumentality that ensures benefits for his descendants in perpetuity. But this argument is really a red herring. The fact is that if a charitable trust or corporation is not serving the broad interests of the public, it is not charitable, and its tax-exemption can and should be quickly removed. There are trusts intended to benefit only the descendants of the founder, but these are private trusts and the length of their life is already limited by law.

Yet another argument against the perpetuity of foundations is that they must be prevented from developing into vast concentrations of economic power. But a recent study shows that their aggregate assets are actually declining as a proportion of the total wealth of the country and indeed have never been larger than 7/10th's of one percent. The nation's true concern, therefore, should not be the assets of this vital sector of philanthropy are too large but that they are too small. And any legislation should be designed to encourage rather than discourage the establishment of new foundations.

In addition to the basic philosophical and legal arguments against setting a limit on the life of foundations there are, of course, some sound practical reasons for not doing so. In most foundations, and especially the larger ones, the charitable purposes outlined in the charter or deed of gift are so broad as to give the trustees in succeeding years almost complete discretion over how the funds shall be employed. Thus, to suggest that the right to perpetuity allows a foundation donor to prescribe forever the ways its funds will be used regardless of how these conform to society's needs, is simply untrue for the vast bulk of these funds.

In fact, in 1967, of the 6,800 foundations which controlled 98.5 percent of total foundation assets, 5,300, with 91 percent of the assets, were operating under broad general charters. And virtually all foundation charters are drawn up nowadays to conform word for word with the broad charitable purposes outlined in the Internal Revenue Code as qualifying a charitable corporation for tax exemption. Where, then, is the evidence on which the Senate Finance Committee was acting? Or was it acting simply on a doctrinaire theory unrelated to fact?

Most donors have been governed by the philosophy that they should leave maximum discretion to future trustees, but it was Andrew Carnegie who perhaps best put the idea into words. He wrote:

"No man of vision will seek to tie the endowment which he gives to a fixed cause. He will leave to the judgment of his trustees, as time goes on, the question of modifying or altogether changing the nature of the trust, so as to meet the requirements of the time. Any board of trustees is likely to become indifferent or careless or to make wrong deci-

sions. In the perpetual trust, as in all human institutions, there will be fruitful seasons and slack seasons. But as long as it exists there will come, from time to time, men into its control and management who will have vision and energy and wisdom, and the perpetual foundation will have a new birth of usefulness, and service."

A second practical reason why it is not in the public interest to limit the life of foundations is that the considerable knowledge and experience they accumulate in the course of their work is thereby needlessly sacrificed—squandered—to satisfy a purely theoretical good. If, for example, the Rockefeller Foundation had been forced out of business in 1952 after 40 years of life, it would never have carried out the great work, which developed out of its pre-1952 experience, in the dramatic improvement of wheat and rice yields. Without this "green revolution," as it has been called, many millions of people would now be suffering from malnutrition or dying of starvation.

If Carnegie Corporation had shut its doors in 1951 on turning 40, its accumulated experience and expertise in the field of education would not have been brought to bear on the pressing problems of the past two decades. If the Commonwealth Fund had ceased activity in 1958, its notable endeavors of the past decade in the strengthening of medical education, which grew out of its pre-1958 experience, would never have taken place.

These are but a few examples of the price that would have been paid by the nation and by mankind in return for someone having had the theoretical satisfaction of denying perpetuity to charitable bequests. I believe most Americans, if the issue of denying perpetuity to foundations were presented to them in this kind of pragmatic manner would consider the bargain a poor one. They would quickly see the illogicality of killing off foundations just when they were most able to serve the public interest and when they had had the time to mature into institutions imbued with a strong sense of public trust.

Finally, while it is easy to laugh off the 40 year life issue with the quip that "foundations have 39 years to get this changed," the harm of such a measure would start immediately, first in the inhibiting effect it would have on the establishment of new foundations, second, in the general negative impact it would have on the morale of existing foundations, and, third, in the confusion it would introduce in the final decade of their operations. It would, for example, be virtually impossible for them to recruit and hold able young staff members, and in the scramble at the end to dispose of their assets many unwise decisions might be made.

This extreme provision came as a shocking surprise to foundations, since it was based on no study of the total foundation record and no consideration of the harmful consequences involved. It seems only common sense for Congress to eliminate it entirely until the effect of other provisions of the legislation is tested.

LEGISLATING IN THE DARK

No doubt troubled by the implications for other types of charitable organizations inherent in the several kinds of discriminatory restrictions proposed for foundations, the framers of this legislation have sought to establish in it a distinction between what they call private foundation and publicly supported charities—educational institutions, churches, hospitals, and organizations receiving more than one third of their financial support from governmental funds or from the public.

The legislation is shot through with an assumption, which has been current in certain places in government for some years, that private foundations do not serve the public interest as much as do public charities. For example, a health agency governed by its own self-perpetuating board of trustees but collecting its income in small donations from the public would be considered to be more responsive to what the public conceived to be good than would be a private medical foundation also governed by a self-perpetuating board but getting its income from an endowment fund.

This is an assumption which fits the purpose of discriminatory legislation against foundations but is absolutely unsupported by factual evidence. No study has ever been made either outside or within the government that would justify such a conclusion. Indeed, despite the abuses in some foundation, a strong case could be made that they have on the whole been managed every bit as much in the public interest as have the so-called public charities. But no facts are available to prove that case either. So the truth of the matter is that this legislation, with all its tremendous consequences to the nation, literally rests in large part on no more than an untested hypothesis.

Indeed, the bill at large, granting that it does include some well-drawn provisions to deal with specific problems, is an almost classic example of legislating in the dark as an emotional response to the public disclosure of a limited number of abuses. That some of these abuses were particularly egregious does not alter the simple fact that very little specific reliable knowledge about foundations exists in Congress, in the Treasury or in any other arm of government on which farsighted legislation that would really serve the public good most could be based.

This in itself is a disturbing matter. But given the import of the legislation to the entire charitable organization field, to the future of private institutions in our society, and to the very nature of the American system of democracy, its broad, sweeping provisions, the fallacious concepts which inform it, and the ignorance and myth on which it is based add up to nothing less than a vast disservice to the nation.

And should this legislation be passed, its disservice will be nowhere greater than to the cause of conservatism in American life. I mean by this conservatism in the true sense of the word and of the type the great majority of Americans espouse—the conservation of a social and political order in which voluntary citizen effort, carried out through private organizations and supported by private philanthropy, has an honored and protected place as a partner and as a counterbalance to an otherwise all-encompassing government.

THE FRAGILE PRIVATE SECTOR

The case I am making to you tonight is that all of us should be deeply troubled about the broader consequences of what has so heedlessly been set in motion in the foundation part of the tax reform bill. The private nonprofit sector of our national life, with all its great importance, is only just keeping afloat. This legislation, if passed, will be a heavy body blow to it. What we desperately need today is not further discouragement to this sector but measures designed to sustain and strengthen it. In no respect has the new Administration, which put itself firmly on record during the campaign as favoring maximum governmental encouragement to the voluntary sector, had a more clear cut opportunity to give effect to its philosophy than in supporting foundations. Now is our moment of greatest need for that help as the legislative debate moves to its conclusion.

In closing, I would like to urge that a broad, national effort be made by private, charitable organizations generally, acting in concert, to reassert their basic unity and to reaffirm to the American people, to the Congress and the Executive Branch their essential role in our national life. We have too long taken it for granted that we were understood and appreciated. But we know now that there is widespread ignorance of us and a growing indifference to our welfare. That trend must be sharply reversed.

Reestablishment of public confidence in foundations is, I realize, obligatory if they are to assume their rightful place in such a united effort. We in the foundations are making this the first item on our agenda, and we have already set about it. We fully expect to be capable of being your strong allies, as we hope you will be ours, in what may be the last great opportunity private institutions have to retain their position of independence in the nation's life.

While I am by no means certain that the legislation I have been discussing as finally enacted will not have serious faults and dangers in it, the long debate in Washington has, nevertheless, demonstrated that there *are* members of both houses of Congress who *do* understand the seriousness of the issues involved, and for the longer run that is a hopeful portent. With the help of such men and with a maximum effort from private organizations and institutions I remain confident that the traditional American commitment to the private nonprofit sector can once again be made as strong as it has been in the past. But there is no guaranty that this will happen. We must work hard and work together to see that it does.

CHARLES B. PAYNE'S REMARKS ON VETERANS DAY

Mr. BENNETT. Mr. President, I have just been made aware of the remarks by Lt. Col. Charles B. Payne, a retired Army officer who currently is teaching social studies at West Springfield High School in Springfield, Va., over the school's intercom system on Veterans Day, November 11, 1969. Mr. Payne, who served with distinction in the U.S. Army before retiring and taking up his teaching duties, certainly knows the true meaning of Veterans Day and also certainly knows his history, as outlined in the remarks given to the study body on that day.

In his remarks he said:

Failure to win a just and lasting peace in Korea only encouraged a new wave of Communist aggression in South Vietnam. The enemy was different, but the tactics of World Communism remained the same. The forces of North Vietnam have sought to take over and destroy a small peace loving country by force. Once more the United States has assumed the responsibilities of a freedom loving nation and is supporting the efforts of this oppressed backward state to throw out an invading force.

This has been my position as well on the subject of the Vietnam war, and I made similar remarks in a speech I gave in the Senate in October of 1967. Two other rather poignant paragraphs also caught my eye. These are:

The Armistice Day of old is today called Veterans Day and it is fitting that we pause and pay respectful tribute to those brave men, past and present, who have given the full measure of devotion to their nation.

Let us honor them by reaffirming:

Pride in our heritage;

Pride in our country and its principles and ideals;

Pride in ourselves as Americans, and

Faith in our elected leaders.

I would like publicly to commend Mr. Payne for this fine job of patriotism and Americanism and to convey to him my

sincere thanks for these excellent comments given to the student body at West Springfield High School, which had the privilege to hear them earlier last month.

I also think that the entire speech should have the wide exposure of the CONGRESSIONAL RECORD, and I would like to ask unanimous consent that it be inserted at the end of my remarks today.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY LT. COL. CHARLES B. PAYNE, U.S. ARMY RETIRED, TO THE STUDENT BODY OF WEST SPRINGFIELD HIGH SCHOOL, SPRINGFIELD, VA., ON VETERANS' DAY, NOVEMBER 11, 1969

It was fifty-one years ago at this time, exactly eleven o'clock in the morning, that the drums of the First World War were muffled and peace and security returned for a fleeting moment to a troubled world. November 11, 1918 brought an armistice between the warring powers following a senseless struggle that left a toll of over twenty million dead and wounded on both sides. Peace had been purchased with the lives of 56,000 Americans and the blood of 200,000 others in this supreme effort to end all wars and make the world safe for freedom and democracy.

These men had answered the call to duty and unselfishly served their country to defend the heritage of freedom and liberty which their ancestors had purchased at Valley Forge, Gettysburg and San Juan Hill. These were the "Doughboys" of song and fame, who had gone "over there" and fought with valor at Chateau-Thierry, Belleau Wood and in the Argonne.

Following World War I all Americans hoped that peace purchased at such a high price would endure for all time. Unfortunately, this was not to be. The injustices of the Versailles Treaty, failure of the League of Nations, and effects of a worldwide depression created conditions which led to the rise of totalitarianism in Germany, Italy and Japan. The Nazism of Hitler in Germany, the Fascism of Mussolini in Italy and the Militarism of Hirohito and Tojo in Japan began to destroy the bulwarks of self-determination and rights of free people everywhere. By 1941 the failure of collective security, isolationism of the United States and the appeasement of aggressor states by Western Democracies led to a series of events culminating with the surprise attack on Pearl Harbor.

Again, in a new World War, America called upon her youth to make the supreme sacrifice in defense of their country. Over sixteen million men were mobilized. One out of every five hundred Americans, some 407,000 of our youth died in this conflict in order that we might be free and enjoy the advantages of the affluent life we share today.

Many of these men who fought with valor or died in glory on the Beaches of Normandy, at Monte Cassino in Italy, at Bastogne in Belgium and at Iwo Jima, Tarawa or in the Coral Sea of the Pacific region were your Fathers or relatives. They purchased our freedom at the tremendous price of over one million casualties. When the smoke of battle had cleared and sanity had returned to a troubled world, it appeared that with a world organization, the United Nations, peace would surely come at last.

This dream was shattered just five years later when Communist aggression in Korea once more committed the youth of our nation to combat; this time in defense of democracy and freedom against the Russian and Chinese backed North Koreans. This undeclared war to defend allies and friends, the South Koreans, cost us another 33,000 dead and 103,000 wounded. Once more we had temporarily stopped aggression, but it was a pyrrhic victory. Failure to win a just and lasting peace in Korea only encouraged a new wave of Communist aggression in South Vietnam. The enemy was different, but the tactics of World Communism remained the same. The forces of North Vietnam have sought to take over and destroy a small peace loving country by force. Once more the United States has assumed the responsibilities of a freedom loving nation and is supporting the efforts of this oppressed backward state to throw out an invading force.

In championing freedom in this part of the world we are seeking the same rights of self-determination which we fought for in World Wars I and II. Forty thousand of your brothers, friends and country-men have died in South Vietnam seeking to stop aggression and hoping to prevent a possible Third World War. Yes, these veterans have met the responsibilities of citizenship and duty to God and country without evasion. They have upheld the ideals upon which the foundations of our democracy have been built. This supreme sacrifice of life and blood is your heritage to honor, preserve, and keep for future generations.

The Armistice Day of old is today called Veterans Day and it is fitting that we pause and pay respectful tribute to those brave men, past and present, who have given the full measure of devotion to their nation.

Let us honor them by reaffirming:

Pride in our heritage;

Pride in our country and its principles and ideals;

Pride in ourselves as Americans, and

Faith in our elected leaders.

Will you join me now as together we pay silent tribute to the memory of Americans who have died and pray in our own way for the safe return of fathers, brothers and friends now serving the cause of freedom in Vietnam. (Pause for moment of silence.) And now fellow Americans remain standing for our National Anthem.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

TAX REFORM ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The clerk will state the unfinished business.

The BILL CLERK. H.R. 13270, the Tax Reform Act of 1969.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call, the time to be equally divided by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments of the Senator from Illinois (Mr. PERCY), which are being considered en bloc. The time of 1 hour beginning at 10:30 o'clock a.m. has been allocated to the consideration of the amendments, the time to be divided equally between the Senator from Illinois and the Senator from Louisiana (Mr. LONG).

Who yields time?

Mr. PERCY. Mr. President, I yield myself 5 minutes.

Mr. President, I should like to explain, first, the background of my having become involved in a tax matter. I am not a member of the Finance Committee, but all Senators are deeply involved in matters affecting the raising of revenue and the taxation of our citizens.

During the course of a rather long campaign in 1966, I mentioned many times my great desire to rectify, at some point, an inequity in the tax laws, which, for over 20 years, have maintained the $600 personal exemption.

The cost of raising a child or maintaining a dependent in the intervening years has increased greatly, and for that reason it has been my hope that we could, at some appropriate point, increase that personal exemption.

I have not done anything about it for the last 2½ years while in the Senate, simply because I felt we could not do it at a time when we faced a budget deficit, and that it would be irresponsible to do it under those conditions. But now, when a tax reform bill is before us, a bill which is, as the chairman of the Committee on Finance has said, the third most important tax measure ever to be considered by Congress, it seemed to be the proper time to do it. So long as I could be assured that it could be done on an equitable and fiscally sound basis, I felt it wise to do so.

I commended, last week, the distinguished Senator from Tennessee (Mr. GORE), for his initiative and his leadership in this area, but indicated to him that his amendment was of deep concern to me; that I certainly could not support a $1,000 exemption; and that I was concerned about supporting any exemption which would have an adverse effect upon the fight against inflation.

It is for that reason that, working with experts from the Treasury Department, I have tried to develop a balanced program, and I have compared this program with the letter from the President yesterday.

The President asked that several tests be met. He asked that the legislation on tax reform be meaningful, that it be equitable and fair, that it be fiscally responsible, that it be consistent with efforts to control inflation, and that there be even-handed tax rate reductions in all income brackets, affecting all American taxpayers. It is my earnest belief that the four amendments I have offered would actually accomplish those objectives.

As I have carefully analyzed the amendment offered by the distinguished Senator from Tennessee, I feel compelled to vote against that amendment, even though I am on record as favoring an increase in the personal exemption, because of the tremendous revenue loss impact it would have in the critical years of 1970 and 1971, when we still certainly will not have won the battle against inflation.

As to whether the amendments that

I offer are meaningful, I can only turn to the tables that have been placed on the desk of each Senator, reprinted from page 36446 of yesterday's RECORD. From those tables, it certainly can be demonstrated that the committee bill and the Gore amendment—and, I trust, the Percy plan—seek in every way to provide an equitable tax reduction for all Americans. But in those areas of great need, the low-income groups, there is a slight improvement in the pending amendments I have presented. They show that 73.7 percent tax relief is provided, as against very nearly the same percentage—the difference is almost immeasurable—of 72.5 percent in those offered by the Senator from Tennessee.

Again, in the area of income of $3,000 to $5,000, there is a slightly improved tax relief position, and in the area of $5,000 to $7,000 incomes, a more considerable increase—now 3.3 percentage points—over the proposal of the distinguished Senator from Tennessee.

In the area of $7,000 to $10,000 incomes, there is even greater disparity—22.1 percentage points relief as against 16.2 in the Gore proposal, and 10.9 in the committee bill. So I believe the test of meaningfulness has been met.

I want to make it perfectly clear that I feel quite certain the administration would prefer the Finance Committee bill. It feels that this bill has been worked on very carefully, and that, without any question, it has the least inflationary impact in the first 2 years.

But if we are to have personal exemptions, then I would feel that the administration and the Treasury Department would feel that, of the two choices that might be presented to us, the amendments that I have offered are more helpful and more meaningful, in the balanced sense that the President has discussed.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. PERCY. Will the Senator make his statement on his own time?

Mr. LONG. I yield the Senator from Tennessee 1 minute for colloquy.

Mr. GORE. The distinguished senior Senator from Illinois made a statement which I am sure he will wish to correct. He stated that the amendment I have proposed would have a terrific inflationary impact in 1970. The record shows that, within the bill, there would be a balance in 1970, as nearly as one can arrive at a balance, between the additional revenue to be received as a result of reforms in the bill and the revenue decrease resulting from my amendment.

In other words, if the Senator will look on page 16 of the committee report, he will find——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GORE. I ask for 1 additional minute.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield the Senator 1 minute.

Mr. GORE. He will find that in 1970 there is a revenue pickup of $3,900,000,000 from the bill. My amendment, as the Senator will see in the table prepared by the staff on page 36446 of yesterday's CONGRESSIONAL RECORD, involves a loss of revenue in 1970 of $4 billion. So that is as nearly even as one can calculate, and I hope the Senator will retract his statement.

Mr. PERCY. I have been provided with figures——

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. I yield myself 2 minutes.

I have been provided figures by the Treasury Department—and they are reprinted on page 36446 of the RECORD, a reprint of which is on each Senator's desk—which show that in 1970, the net revenue effect of the committee bill is $1.7 billion, the net effect of the Percy amendments is $2.3 billion, and the net effect of the Gore amendment, $4 billion. So there is a great deal of difference between the various positions.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. GORE. The Senator is misreading the table. Those are not net revenue figures. This is the gross revenue loss by the three amendments, but it is not net. To measure the net, it is necessary to compare the table with the income-producing provisions of the bill.

Mr. PERCY. I wonder if the distinguished Senator would care to give us the figures for 1971.

Mr. GORE. First let us agree about 1970. Does the Senator agree that the figures he cited as net on page 36446 are not in fact net revenues, but, on the contrary, are gross?

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. I yield myself 2 additional minutes.

I see the point of the Senator from Tennessee, and there does seem to be a balancing out, in 1970, with the figures on page 16 of the committee report.

Mr. GORE. Then, before we go forward, I hope the Senator will correct his statement that my amendment will have a terrific inflationary effect in 1970. That simply is not supported by the facts.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. PERCY. I yield 1 minute to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, do I correctly understand that the impact of the amendment of the Senator from Tennessee concerning the revenue effect or the shortfall is similar to the impact or the shortfall in the committee bill?

Mr. GORE. As nearly as estimates can be made. The revenue increase from the bill would be $3.9 billion. The revenue loss from my amendment would be $4 billion. So there is a difference of $100 million.

Mr. RIBICOFF. I wonder if the distinguished Senator from Louisiana at this moment might yield me 3 minutes to make an inquiry of the distinguished Senator from Tennessee, so that I will not deprive the Senator from Illinois of time.

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. RIBICOFF. Mr. President, the figures that we find in the table, showing the difference between the impact of the amendments of the Senator from Tennessee and the Senator from Illinois, are very confusing.

Would the Senator from Tennessee enlighten the Senate as to the differences and the impact of the actual differences in tax savings between his proposal and the proposal of the Senator from Illinois? What would they do for the average taxpayer of the country? We cannot find that information in the table.

Mr. GORE. Mr. President, the revenue effect of the Percy amendments would be an eventual revenue loss of $12.8 billion. The ultimate effect of the amendment I propose would mean a revenue loss of $8.9 billion from the tax reduction provisions.

The Senator will find that information on page 36446. In the last three figures in the second column, the Senator will see that the committee bill, the Gore substitute, and the Percy amendments are compared.

The figures are as follows: For the Percy amendments, $12.8 billion; for the Gore amendment, $8.9 billion; for the committee bill, $9 billion.

Mine is the lowest of the three. It is smaller than the committee figure by $100 million.

Mr. GRIFFIN. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Tennessee has made some points which no one disputes. Over the long haul, over a 4-year period, in terms of revenue loss, I believe the estimated figures would be as stated. However, let us talk about the first 2 years, which are of particular concern to the administration at this time because of the effort to fight inflation.

Frankly, I do not fully understand the colloquy which took place a few moments ago. However, I do understand this: That in the first year there would be a revenue loss under the Gore amendment of $2.3 billion as compared with the committee bill?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I yield myself 1 minute. I would like to try to answer that question.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. PERCY. Mr. President, if we took the figures for the 4-year period, the committee amendment would provide in revenue loss $24.8 billion; the Gore amendment, $29.3 billion; and the Percy amendments $29.3 billion.

So there is an equation there between the two amendments over the period of 4 years. However, the impact can be readily seen. The impact of my proposal would be mostly in 1972 and 1973, and very

little in 1970 and 1971, whereas the impact of the proposal of the distinguished Senator from Tennessee would be all in 1970 and 1971, simply because he would provide full personal exemption in those years.

I have delayed the impact of the personal exemption in my proposal, feeling that we cannot afford to do this and cannot charge against the poor of the country that kind of inflationary cost in the next 2 years.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, I was under the impression last night that the amendment of the Senator from Illinois was offered as a perfecting amendment to the substitute. However, in looking at the RECORD this morning and discussing the matter with the Parliamentarian, I am dismayed to find that the amendment was offered as an amendment to the committee bill.

I have no doubt that we would have a better bill without the Gore or Percy amendments. For that reason, I must be constrained to vote against the amendments of both Senators.

The Percy amendment, in the short run, is much more responsible from the point of view of the committee. In the first 2 years, the Percy amendment would lose $900 million more than the committee bill whereas Senator GORE's amendment would lose $6.1 billion more than the committee bill. Not only that, Senator GORE's amendment can hardly be considered an improvement on the carefully constructed committee bill. This amendment strikes out the increase in the standard deduction which benefits people in the middle-income tax bracket and simplifies the law for them. In fact, there is no improvement on the bill under the amendments of either Senator.

I think the committee bill provides the desirable element of simplification that the amendments of both Senators would eliminate, at least for the immediate future. In that respect they are the same. I do not think they improve the bill.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PERCY. Mr. President, I did not propose in my amendment to strike out the standard deduction. It is simply delayed and phased in later.

Mr. LONG. It would be delayed for 2 years.

Mr. PERCY. It would be delayed for 1 year. My amendment would preserve the principle but try to lighten the impact early in the period.

Mr. LONG. Mr. President, while the Percy amendment would be an improvement on the Gore amendment, in my judgment, it is not an improvement on the committee bill. In that respect, the committee bill would be better without the amendments of either Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for an additional 2 minutes.

Mr. LONG. Mr. President, the Gore amendment would cost $2.3 billion more than the committee bill the first year, and $3.8 billion more than the committee bill the second year, or an excess of $6.1 billion in the first 2 years.

Looking at the situation, I would say that in any event the Government will need that money. If we do not get the revenue that the committee bill would provide, we will have to raise taxes on someone. While we can reduce taxes, it does not make much sense to reduce taxes so much that we will later have to pass a tax increase bill.

That was a mistake that was made 5 years ago. We reduced the taxes so much that we had to come in 4 years later with a big tax increase bill. It is politically very unwise to cut taxes so much in 1 year that we have to come back 2 or 3 years later with a big tax increase bill. I would have to object to the amendments of both Senators in that respect.

I might regard the Percy amendment as an improvement over the Gore amendment, but it is not being offered in that manner. It is being offered as an amendment to the committee bill. That being the case, I would feel constrained to vote against it. The Gore amendment is superior to the Percy amendment in one respect, however. The revenue shortfall is not as great as the Percy amendment over the long pull—it would cost no more than the committee bill by 1972. But the Percy amendment would cost $6.1 billion more than the committee bill by 1973. In the short run, however, the Gore amendment, as I have previously indicated, loses considerably more than the committee bill. From a revenue standpoint, both amendments have serious flaws. I should think that we would have to get that revenue back from somewhere.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG. Mr. President, if the Percy amendment were adopted, the committee would then be required to bring before Congress a bill to increase taxes by even more, in the long run, than we would be required to do in the case of the Gore amendment. So, speaking for the committee, it seems to me that we are faced with a choice between two brands of arsenic. It does not make much difference which one be agreed to.

Either would still eliminate some or all of the desirable features contained in the bill. In speaking for the committee and for the committee bill, there is no doubt in my mind that we have a better bill, a bill that would take care of the low-income people and take them off the tax rolls, giving an across-the-board increase in the standard deduction, which helps those in the middle-income bracket very substantially, and then provides a rate reduction of at least 5 percent which would help all taxpayers.

I yield such time as he may require to the Senator from Delaware. How much time does the Senator require?

Mr. WILLIAMS of Delaware. Five minutes.

Mr. LONG. I yield 5 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I concur in what the chairman of the committee has said. I hope the Senate will reject both proposals.

I compliment the Senators on their ability to come up with a tax suggestion in 24 hours. When I recall how our committee labored for 12 weeks, I marvel, with all respect, at the ability of my colleagues who can produce a substitute bill in 24 hours.

I point out that both these proposals are fiscally irresponsible. The Gore proposal, it is true, would result in the loss of less money after the first 2 years, but it still loses approximately $6 billion more than the committee bill in the first 2 years. Certainly we cannot afford that loss.

I placed in the RECORD yesterday a letter from the administration, indicating that it cannot accept that loss in revenue. We just do not have the money and will have to borrow the money to finance that extra tax reduction.

On the other hand, the Percy proposal would result in the loss of $900 million more than the committee bill in the first 2 years. We do not have the $900 million to lose. In addition, after it had become fully implemented 4 years from now, the Percy proposal, while it would lose less money in the first 2 years, would lose $3.7 billion annually more than the Gore amendment and more than the committee bill for an indefinite period in the future—$37 billion over 10 years. Let us project it right. Why approve a tax reduction today that is not scheduled to go into effect until 1973?

I think we are living in the "promise" land. If we can afford to cut taxes 3 or 4 years from now I have enough confidence in Senators who will be sitting at that time to believe that they will not be bashful about cutting taxes. It seems to me that it is a false promise now to tell people that we are going to cut their taxes 3 years from now. I realize that every election year is a promising year, but if this is an indication of what promises we are going to have next year I wonder where we are going. We do not have the money to cut taxes as proposed in either the Percy or the Gore amendment.

Perhaps the committee bill goes further than it should, but we are not going to improve the committee bill by expanding it. I hope that both these proposals will be defeated.

Lest there be any misunderstanding as to the administration's position, let me say that I talked to members of the administration this morning, and they are strongly opposed to both the Gore amendment and the Percy proposal.

Mr. LONG. Mr. President, will the Senator yield on my time?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Mr. President, I have had the experience of seeing how easy it is to reduce taxes, especially when the administration requested it, even when we have a budgetary deficit. One experience we never have had is a chance to see how easy it is to cut taxes if we have a surplus. Considering how easy it is to reduce taxes when we have a deficit, it seems to me that it would be like duck soup to reduce taxes when we have a surplus.

Mr. WILLIAMS of Delaware. I am not worrying about the ability or the willingness of Congress to cut taxes if and when we have the available revenue. I am worried about the ability or the willingness of Senators to cut expenditures so that we can then really cut taxes. I say to all my friends who are in support of cutting taxes that if they will only join some of us in cutting expenditures we will help them to give a tax reduction. Let us not get the cart before the horse because we will not go anywhere.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Is it not true that either plan of tax reduction, the one proposed by the distinguished Senator from Tennessee or the one proposed by the distinguished Senator from Illinois, will have to be paid for by borrowing the money?

Mr. WILLIAMS of Delaware. That is correct. In order to finance the extra loss in revenue that is involved in raising these exemptions we will be forced to borrow the money, and at today's rates we are paying approximately 8 percent interest.

But even if we pay only 7 percent it means that we will have to pay more than $1 million a day interest on the money we borrow to finance this proposed tax reduction.

Mr. CURTIS. In this one amendment.

Mr. WILLIAMS of Delaware. In this one amendment.

The people back home are not so dumb that they think they can be given a tax reduction on borrowed money. I think they have more sense than some Members of Congress.

Mr. CURTIS. I should like to point out that a great many people in public life, Members of the Senate, and of the House, no doubt have expressed themselves back home as favoring an increase in the personal exemption. But I doubt whether any Senator has ever gone back home and said, "I am in favor of raising the personal exemptions, if we have to borrow the money to do it, and increase the national debt."

Mr. WILLIAMS of Delaware. That is the point I make. The people will not accept that. They want us to cut spending first. They recognize that as the first and most essential step.

Mr. CURTIS. As a matter of fact, the entire discussion of whether or not to reduce taxes becomes a matter of how much more debt burden will be placed on the people unless the budget is balanced.

Mr. WILLIAMS of Delaware. The Senator is correct.

I am seriously considering offering an amendment along with the Senator from Nebraska, and I think it would be a good amendment. It would provide that whatever tax reduction we approve would be effective if and when we balance the budget. Then we will see just how close we are really going to cut taxes.

Our national debt is still rising. Last year we had to increase our debt and borrow approximately $7 billion to finance the deficits. We are running an average deficit this fiscal year of $500 to $600 million per month to finance the Government. It seems to me to be fiscally irresponsible to talk about reducing taxes further at this time.

I ask that the amendments of both Senators be rejected.

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. JAVITS. Will the Senator yield me 1 minute?

Mr. PERCY. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I have not participated in this particular aspect of the debate, but I do wish to record my views for the benefit of the Senate and my own constituents.

I wanted to support Senator PERCY's amendment as the lesser of two evils. My difficulty is—if it were carried—it would not be voted on again. On the fundamental proposition of tax reduction under the guise of a tax reform, I must say that the position taken by the Senator from Delaware, by other Senators, by myself and by my own constituents, makes much more sense. What we started to do was legislate tax reform and here we are legislating tax reduction—this does nothing to distribute the income tax burden more equitably among our citizens. In addition, this type of tax reduction produces far greater tax benefits for higher income taxpayers and may therefore undo what we are really trying to do—make the tax burden for all taxpayers more equitable. The Gore amendment also would work inequitable tax effects for the single taxpayer. The average married couple without children, and even the middle-income taxpayer with two children. We also have not deliberated or discussed its economic effect, and its economic effect is going to be bad.

For whatever it is worth to the Senate—I come from a highly populous State, having only two Senators but 41 Representatives—I do not think the people of my State sent me here to be foolish. I believe the people of my State understand that we cannot correct the whole inflationary situation by these votes; but I was not sent here to worsen it and the amendments we are considering would do just that. It is my profound judgment that we will seriously worsen the inflationary situation in our country, and will lose infinitely more for the very same families that we think we are going to benefit, if we at this time make a tax-reform bill into a tax-cutting bill. I hope the Senate will not do that.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I concur in what the Senator from New York has just said, but I call his attention to the fact that if the Percy amendments were offered as a substitute for the Gore amendment, the choice would be different. But the Percy amendments are offered as a substitute for the committee bill. The Percy amendments would lose an extra $900 million revenue in the first 2 years, and in the third year they would gain $300 million according to the staff study, but after that there would be a loss of $3.7 billion annually. So the Percy amendments do go much further in cutting taxes than the committee bill. The committee bill went as far as we thought we could stand, and some of us questioned the wisdom of going even that far.

Some Senators have the impression that they are voting as between the Percy amendments and the Gore amendment. That is not the choice before us. The choice is the Percy amendments or the committee bill; and then it will be the Gore amendment or the committee bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, I think the choice is practically political. That is what I was talking about. I do understand the parliamentary situation, and I did understand it in making my comments.

The PRESIDING OFFICER. (Mr. GRAVEL in the chair). Who yields time?

Mr. LONG. Mr. President, I yield to the Senator from Wyoming.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. LONG. I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. In terms of service, I am the youngest member of the Committee on Finance, and I wish to make clear my position. I am just as eager to do something that will truly help the beleaguered taxpayers of this country as anyone else, but I cannot be so deceitful as to suggest and support a course of action that will do precisely the opposite of that which we ostensibly intend to do.

I think that to pass a tax-cutting bill on the premise that we are doing something for the people of the country, which, in effect, would further feed the fires of inflation, and lessen the value of the dollar, will have exactly the opposite effect from what has been promised and proclaimed by some supporters of the Percy amendment and the Gore amendment.

I shall vote against the amendments of both Senators because they are deceiving. They cannot deliver what they would presumably attempt to deliver. They will not bring tax relief to the people, but rather a further budgetary imbalance which will add more to the inflationary pressures that are eating away so disastrously at the purchasing power of the people of the country.

Mr. President, I would like to underscore what the Senator from New York

said. He is precisely correct. I wish to associate myself with the remarks of the distinguished Senator from Delaware and the distinguished Senator from Nebraska. If we are to be honest with ourselves, we have to recognize that we cannot cut taxes, add to inflation, and still help the people.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. PERCY. Mr. President, first, I wish to explain to the distinguished Senator from Louisiana that it was my intention to offer these amendments as a substitute for the amendment offered by the Senator from Tennessee. I was frustrated in this attempt by his offering of an amendment as a substitute for his own amendment. Therefore, there was no parliamentary way in which I could proceed other than to offer perfecting amendments to the bill itself. This was not a choice of mine; it was the only means available to make certain there could be a consideration of the amendments and a vote.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. LONG. Could not the Senator from Illinois have offered his proposal as an amendment to the first Gore substitute? I wish to address that question to the Chair. Is that correct? I ask the question on my time.

The PRESIDING OFFICER. The Senator from Illinois could have offered his amendment to the first amendment of the Senator from Tennessee (Mr. GORE)—to strike out and insert.

Mr. LONG. Yes.

Mr. PERCY. But I was unable to do that once the Senator from Tennessee had offered his own substitute.

Mr. LONG. Mr. President, once again I wish to address a parliamentary inquiry. Could not the Senator have offered amendments in the nature of perfecting amendments to the first Gore amendment, while the first amendment was pending, and would not the Senate have voted on the substitute in the nature of a perfecting amendment prior to voting on the substitute offered by the Senator from Tennessee?

The PRESIDING OFFICER. The Senator is correct.

Mr. PERCY. That knowledge was not available to me at the time. Of course, I would have preferred to do it that way. Faced with the emergency we had on the floor of the Senate, we did present it in the way that seemed best, with the advice we had at hand.

But as to whether or not these amendments are deceiving, I wish to say there is nothing deceiving about them. All of the schedules have been clearly laid out. The revenue cost has been clearly indicated, and the benefits to be gained have been laid out in tables, as well.

I should like to comment on the remarks by several members of the Committee on Finance that they do not consider this a tax-cutting bill. I do not see that at all, because in the table on page 36446 it is clearly indicated that the bill of the Committee on Finance provides tax relief of $24.8 billion over a period of 4 years. The Gore amendment and the Percy amendments provide tax relief of $29.3 billion. Therefore, it is a matter of degree and not of kind; there is a $4.5 billion difference.

What we clearly have done is simply to indicate that some consideration should be given, especially to families with dependents and particularly families with children; and that there should be some equitable adjustment of the personal exemption which has not been adjusted for over 20 years. This is clearly indicated by the table at the bottom of the same page, which I have already mentioned, which indicates tax relief provided by income levels, and the tax relief is provided where it is most needed, at the lower-income levels. It also takes into account families with children who, as I understand it, have for many years felt it inequitable to try to raise a child on $600 a year. It cannot be done. In this respect the Senator from Tennessee and I concur.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. PERCY. Mr. President, the cost of $900 million in the first 2 years is not fiscally irresponsible. Many things have been done in this schedule, so we have shifted other tax relief to later years. It can be brought forward if we wish to, but the revenue impact in my amendments is felt in 1973, and if by that time we cannot recover the additional relief that has been granted to individuals, the situation always can be rectified. However, the effect on revenues by the amendment of the Senator from Tennessee cannot be rectified. That will have its impact in 1970 and 1971 and it will substantially affect those years. If ways cannot be found to cut the expense or to have other revenue come in, there would simply be a net effect on the budget that could be very difficult. Under my amendments the greatest effect would be in 1973.

I do not feel that $900 million is fiscally irresponsible. I want to stay fiscally responsible. I am not up for reelection in 1970. In a large tax bill providing overall tax relief, I am trying to fulfill a pledge to take into account families with children. They should have additional relief.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. WILLIAMS of Delaware. Let us vote.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield, so that I may ask a question?

Mr. PERCY. I yield.

Mr. GOLDWATER. Earlier this morning, I recall that the leadership position, which I assumed to be the Republican position on the Percy amendments, was in favor. It was confusing to me. I telephoned the White House, and I was told it is not the Republican position.

Will the Senator from Delaware clarify that?

Mr. GRIFFIN. Mr. President, will the Senator from Illinois yield to me so that I may respond?

Mr. PERCY. I yield.

Mr. GRIFFIN. Mr. President, I wish to make clear to the Senator from Arizona that the message was in error. A clarifying call was made to the Senator's office a few minutes later. Perhaps the Senator did not receive the message indicating that the Senator from Pennsylvania (Mr. SCOTT) and I were going to vote for the Percy amendments, and conveying the information which the Senator from Delaware received this morning that the official position of the administration is against both the Gore amendment and the Percy amendments.

I am sorry if the Senator from Arizona did not get that clarification. The first message was not correct.

Mr. GOLDWATER. Mr. President, I thank the Senator. It was a confusing statement. It confused me, but I left my office before the second call.

Mr. PERCY. Mr. President, because the Senator was not in the Chamber at the time of my opening remarks, I made perfectly clear that the administration, I felt quite confident, would prefer to stay with the committee bill as it stood, but that as there was this personal exemption in the bill, they would have preferred, in my judgment, the Percy amendments over the Gore amendment because of its impact in early years.

Mr. WILLIAMS of Delaware. I do not know what the administration prefers here; whether they prefer to be "shot or hung." They hope that the amendments of both Senators will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 3 minutes to summarize the position I have taken.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. I fully concur with the administration's program of fighting inflation. I fully concur with everything that has been done to try to hold down expenses. The military cuts which have been made are meaningful. The $3 billion of expenses taken out have been hard to take out, but I have supported the administration in reducing military expenses. We still have a long way to go in rectifying national priorities and cutting back on further military expenditures. I would hope that the Vietnam expenditures could be reduced substantially over the next few years. So I feel, in presenting tax relief, the large part of which will be delayed until 1973, that we can foresee areas which can be cut out of the budget. The increased revenues can be brought in as the gross national product increases, and we can easily absorb that $3,700 million expense by 1973.

I feel that further reductions in expenses can easily be made to meet the $500 million expense of my amendment

in 1970 and the $400 million expense in 1971.

I present the amendments only on the premise that we can have not only a balanced budget but also a surplus, and show that we can fiscally manage our house in a way that can fight inflation. We have not won the battle against inflation yet, but we see indicators now that seem to indicate that the continued battle that has been waged by the administration is beginning to be won. I have supported the restraint that has been shown in public works expenditures and other areas of meaningful cuts; but I think that when we take a tax bill of this consequence, the third most important tax bill that Congress has ever considered, if we are to provide, over a period of 4 years, for some $4.8 billion in tax relief, we should then give some consideration to families with children.

The United States is one of the few countries in the world today that does not make that extra provision for families having large numbers of children.

I think that the Percy amendments will benefit every category of taxpayer. They will benefit the single person. They will benefit married people without children.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PERCY. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. PERCY. My amendments will benefit married people with children in the low-income brackets and in the middle-income brackets. I, therefore, feel they are balanced with equitable and can meet the tests which have been set by the President, tests which are absolutely sound and should be met.

This is, first, meaningful legislation. It meets all categories of need.

Second, it is equitable and fair.

Third, it is fiscally responsible.

Fourth, it is consistent with the administration's efforts to control inflation, and with that I am wholeheartedly in sympathy. It provides even-handed tax rate reduction in all income brackets.

For these reasons I present the amendments. I feel that their adoption would be to preserve all of the good work of the Finance Committee. All the major provisions which have been worked into the committee report, and into the legislation now before the Senate, are in these amendments although they will be delayed, so that their early effect will not adversely affect the balance we now have in the budget, a budget which is precarious.

Mr. DOLE. Mr. President, will the Senator from Illinois yield to me for the purpose of offering an amendment to his amendments?

Mr. PERCY. I should be very happy to yield. I do not know how we can complicate the picture any more, but possibly this will.

The PRESIDING OFFICER. The Chair would advise the Senate that the amendment can be discussed at this moment, but it cannot be offered until all time has been yielded or used by both sides.

Mr. PERCY. I yield 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 minutes.

Mr. DOLE. Mr. President, I have an amendment at the desk that I will offer at the appropriate time. My amendment provides the same relief as the so-called Percy amendments for the years 1970, 1971, and 1972. In 1973 it is the same except that it eliminates the personal exemption increase to $800 in the Percy amendment; my amendment ends with a personal exemption of $750 for 1972 and subsequent years.

My amendment has some advantages, I have listened to the debate between the Senator from Tennessee and the Senator from Illinois, recognizing that the committee bill, of course, is sound in most areas. I also recognize a deep feeling among Senators that something should be done to increase personal exemptions. Under the Percy amendments, there would be a $3.8 billion long-run loss over the committee bill. Under the amendment I shall offer, the long-run revenue loss will be $2.2 billion over the committee bill.

My amendment has several advantages over Senator GORE's amendment. Senator GORE's proposal for an increase in the personal exemption to $700 in 1970 and to $800 in 1971, combined with a low-income allowance phased out only in 1970 would produce a net revenue loss in calendar years 1970 and 1971 of approximately $6 billion compared to the committee bill; my amendment would produce a net revenue loss in calendar years 1970 and 1971 of about $1 billion as contrasted with the committee bill—a difference of $5 billion over the next 2 years. In view of our tight budgetary situation and the crucial need for fiscal restraint to combat inflation, the large short-run revenue loss of Senator GORE's amendment is not acceptable. Although my amendment has a long-run revenue loss of approximately $2.2 billion compared with the committee bill, it has reduced the long-term revenue loss of Senator PERCY's amendment by about $1.6 billion.

It is my view that the additional long-term revenue loss provided by my amendment is acceptable; the Congress will have the opportunity to review this proposal if the fiscal situation at that time has not improved, but I do not feel that given the present fiscal situation and our present inflation, a short-term revenue loss of the size which will result under the Gore amendment in the next 2 years can be tolerated.

In addition, my amendment, as does Senator PERCY's amendment, provides substantial simplification to many millions of taxpayers which will not result if the Gore amendment is adopted. Under my amendment it is estimated that about 11 million tax returns will switch to the standard deduction while only approximately 4.4 million returns will change from itemized deductions to the standard deduction under Senator GORE's amendment. My amendment will thus relieve over 6 million more taxpayers from itemizing their deductions. This will provide a substantial simplification benefit for each individual taxpayer.

Mr. MUSKIE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. Mr. President, I have many questions about the Percy amendments. First of all, there will be a significant additional revenue loss of $4 billion more than the Gore amendment. More than that, that $4 billion additional loss will continue each year thereafter, at a time when I am sure we will be preoccupied with the cost of the domestic programs which we will need to rebuild our country here at home.

Second, I fear that the effect of the Percy amendments in terms of inflation may well be to stretch it out.

The assumption of the distinguished Senator from Illinois that inflation will be brought under control in the next year or two may be optimistic. If I am correct, then the projections of additional revenue losses 3 years from now, of the magnitude contained in the Percy amendment, may well stretch out inflation on the theory that the buyer who purchases today rather than tomorrow is doing so because it will cost more tomorrow.

An article published in this morning's Washington Post indicates that capital construction next year will rise over that of this year by 11 to 12 percent. This demonstrates the argument I have just made.

For these reasons, and others which I do not have time to mention—these two are preeminent—I shall vote against the Percy amendments.

Mr. GORE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. GORE. The amendments offered by the distinguished Senator from Illinois would postpone the benefits, I think unreasonably, to the low- and middle-income groups. This is how the newfound fiscal responsibility will be achieved. No rate changes would go into effect at all until 1972. And then what would be the tax reduction of a wage earner with approximately $5,000 in wages and a family of a wife and two children?

He would have an approximate tax liability of $100, and the Percy amendments would give him a reduction of one-fourth of 1 percent. That amounts to a quarter—one 25-cent piece. By 1973 and thereafter, it would be increased to half a dollar.

Mr. President, this is piddling business for the low-income brackets, and so could only serve as an excuse to cut the rates for the high brackets.

The PRESIDING OFFICER. All time on the amendments has expired.

Mr. DOLE. Mr. President, I call up an amendment to the Percy amendments.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 2, beginning with line 19, strike out all through line 21 and insert the following:

"(C) Increase to $750 for 1972 and subsequent years—effective with respect to taxable years beginning after December 31, 1971—"

On page 3, beginning with line 7, strike out all through line 19.

On page 27, line 1, strike out "in" and in lieu thereof insert "after".

On page 27, line 2, strike out "during" and in lieu thereof insert "after".

On page 27, beginning with line 4, strike out all that follows.

Mr. PERCY. Mr. President, I ask unanimous consent that my perfecting amendments be modified by incorporating the Dole amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

All time on the perfecting amendments has expired. The question is on agreeing to the perfecting amendments of the Senator from Illinois, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Indiana (Mr. BAYH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 23, nays 72, as follows:

[No. 164 Leg.]

YEAS—23

Aiken	Griffin	Percy
Baker	Gurney	Prouty
Bellmon	Hartke	Schweiker
Boggs	Hatfield	Scott
Dole	Mathias	Smith, Ill.
Fannin	McIntyre	Stevens
Fong	Murphy	Young, N. Dak.
Goldwater	Packwood	

NAYS—72

Allen	Gravel	Montoya
Allott	Hansen	Moss
Bennett	Harris	Muskie
Bible	Hart	Nelson
Brooke	Holland	Pastore
Burdick	Hollings	Pearson
Byrd, Va.	Hruska	Pell
Byrd, W. Va.	Hughes	Proxmire
Cannon	Inouye	Randolph
Case	Jackson	Ribicoff
Church	Javits	Russell
Cook	Jordan, N.C.	Saxbe
Cooper	Jordan, Idaho	Smith, Maine
Cotton	Kennedy	Sparkman
Cranston	Long	Spong
Curtis	Magnuson	Stennis
Dodd	Mansfield	Talmadge
Dominick	McCarthy	Thurmond
Eagleton	McClellan	Tower
Eastland	McGee	Tydings
Ellender	McGovern	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Goodell	Miller	Yarborough
Gore	Mondale	Young, Ohio

NOT VOTING—5

Anderson	Fulbright	Symington
Bayh	Mundt	

So, Mr. PERCY's perfecting amendments, as modified, were rejected.

AMENDMENT NO. 342

Mr. COTTON. I send to the desk an amendment, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 547

Mr. McINTYRE. Mr. President, yesterday I submitted an amendment to the pending bill, and it was received and ordered to lie on the table. I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 350, after the matter following line 22, insert the following new section:

"SEC. 508. DENIAL OF PERCENTAGE DEPLETION FOR FOREIGN OIL AND GAS WELLS

"(a) IN GENERAL.—Section 613(b)(1) (relating to percentage depletion rate for oil and gas wells) is amended by inserting after 'oil and gas wells' the following: 'located in the United States, in its possessions, in the Commonwealth of Puerto Rico, or on the Outer Continental Shelf (within the meaning of section 2 of the Outer Continental Shelf Lands Act, as amended and supplemented; 43 U.S.C. 1331).'

"(b) TECHNICAL AMENDMENT.—Section 613(b)(7) (relating to minerals, etc., entitled to 15 percent rate of percentage depletion) is amended—

"(1) by striking out 'or' at the end of subparagraph (A);

"(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof'; or'; and

"(3) by inserting after subparagraph (B) the following new subparagraph:

"'(C) oil and gas wells.'

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969."

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 1, 1969, the President had approved and signed the following acts:

S. 499. An act for the relief of Ludger J. Cossette;

S. 632. An act for the relief of Raymond C. Melvin; and

S. 757. An act for the relief of Yvonne Davis.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Donald S. Lowitz, of Illinois, to be an Assistant Director of the Office of Economic Opportunity, which was referred to the Committee on Labor and Public Welfare.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the amendment of the Senator from Tennessee (Mr. GORE). The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Mr. President, during the debate yesterday, I indicated that I planned to offer an amendment which would incorporate a tax credit approach rather than an increase in the personal exemption.

Last evening, at the time the unanimous-consent agreement was entered into, I was not in the Chamber. Since that time I have had an opportunity to discuss this matter with the able Senator from Tennessee and Members of the leadership, they having no objection, and, I would appreciate it very much if I might have 20 minutes, 15 minutes for myself and 5 minutes for the Senator from Tennessee, to present a perfecting amendment.

Mr. MANSFIELD. I suggest that the Senator offer the amendment.

Mr. MILLER. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. MILLER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after discussing the proposal of the Senator from Iowa with the distinguished Senator from Louisiana (Mr. LONG), the floor manager of the pending business, the distinguished Senator from Tennessee (Mr. GORE), whose amendment will be affected, and the distinguished Senator from Delaware (Mr. WILLIAMS), the ranking Republican member of the Committee on Finance, as well as with the leadership on the Republican side, I ask unanimous consent that, in addition to the previous unanimous-consent agreement, there be incorporated at this time a limitation of 20 minutes on the pending proposal of the Senator from Iowa (Mr. MILLER), the time to be divided so that he will receive 15 minutes and the Senator from Tennessee will receive 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MILLER. Mr. President, I yield myself such time as I may require. I ask unanimous consent that the amendments be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER's perfecting amendment is on page 454, strike out line 5 and all that follows through page 497, and insert the following:

SEC. 801. CREDIT FOR PERSONAL EXEMPTIONS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable against tax) is amended by redesignating section 40 as section 41 and by inserting after section 39 the following new section:

"SEC. 40. PERSONAL EXEMPTIONS CONSISTING OF TAX REDUCTION

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, the exceptions provided by this section shall be allowed as a credit against the tax imposed by this chapter (other than the tax imposed by section 1201(b)(2)) for any taxable year beginning after December 31, 1970.

"(b) AMOUNT OF TAX REDUCTION.—The amount of tax reduction for each exemption shall be determined in accordance with the following table:

Taxable years beginning in—	Individuals (other than trusts)	Trusts required to distribute all income currently	Other trusts
1971	$140	$70	$23
1972 and thereafter	150	75	25

"(c) TAXPAYER AND SPOUSE.—An exemption consisting of a tax reduction for the taxpayer; and an additional exemption consisting of a tax reduction for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

"(d) ADDITIONAL EXEMPTION CONSISTING OF A TAX REDUCTION FOR TAXPAYER OR SPOUSE AGED 65 OR MORE.—

"(1) FOR TAXPAYER.—An additional exemption consisting of a tax reduction for the taxpayer if he has attained the age of 65 before the close of his taxable year.

"(2) FOR SPOUSE.—An additional exemption consisting of a tax reduction for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

"(e) ADDITIONAL EXEMPTION CONSISTING OF A TAX REDUCTION FOR BLINDNESS OF TAXPAYER OF SPOUSE.—

"(1) FOR TAXPAYER.—An additional exemption consisting of a tax reduction for the taxpayer if he is blind (within the meaning of section 15(d)(3)) at the close of his taxable year.

"(2) FOR SPOUSE.—An additional exemption consisting of a tax reduction for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind (within the meaning of section 151(d)(3)) and, for the calendar year in which the taxable year of the taxpayer begins has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made at the time specified in section 151(d)(2).

"(f) ADDITIONAL EXEMPTION CONSISTING OF A TAX REDUCTION FOR DEPENDENTS.—

"(1) IN GENERAL.—An exemption consisting of a tax reduction for each dependent (as defined in section 152)—

"(A) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $600, or

"(B) who is a child of the taxpayer (within the meaning of section 151(e)(3)) and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student (as defined in section 151(e)(4)).

"(2) EXEMPTION CONSISTING OF A TAX REDUCTION DENIED IN CASE OF CERTAIN MARRIED DEPENDENTS.—No exemption consisting of a tax reduction shall be allowed under this subsection for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(b) TERMINATION OF DEDUCTIONS FOR PERSONAL EXEMPTIONS CONSISTING OF TAX REDUCTIONS.—

(1) IN GENERAL.—Section 151(a) (relating to allowance of deductions for personal exemptions) is amended by inserting "for any taxable year beginning before January 1, 1970" after "taxable income".

(2) ESTATES AND TRUSTS.—Section 642(b) (relating to deduction for personal exemption) is amended by adding at the end thereof the following new sentence: "no deduction shall be allowed under this subsection for any taxable year beginning after December 31, 1969."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4(a) (relating to number of exemptions) is amended by striking out "section 151 as deductions in computing taxable income" and inserting in lieu thereof "section 40 as credits against the tax imposed by this chapter".

(2) Section 37(a) (relating to retirement income) is amended by striking out "and" the last time it appears therein and by inserting ", and section 40 (relating to personal exemptions)" after "interest)".

(3) Section 46(a)(3) (relating to definition of liability for tax) is amended by striking out "and" at the end of subparagraph (B), by striking out the period at the end of subparagraph (C) and inserting ", and" in lieu thereof, and by adding after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to personal exemptions)."

(4) Section 51(b) (relating to adjusted tax defined) is amended to read as follows:

"(b) ADJUSTED TAX DEFINED.—For purposes of this section, the term 'adjusted tax' means with respect to any taxable year, the tax imposed by this chapter for such taxable year—

"(1) determined without regard to—

"(A) the taxes imposed by this section, section 871(a), and section 881, and

"(B) any increases in tax under section 47(a) (relating to certain dispositions, etc. of section 38 property) or section 614(c)(4)(C) (relating to increase in tax for deductions under section 615(a) prior to aggregation); and

"(2) reduced by the sum of—

"(A) the amount of the credit allowable under section 40 (relating to personal exemptions), and

"(B) the amount of any credit which would be allowable under section 37 (relating to retirement income) if no tax were imposed by this section for such taxable year."

(5) Section 72(n)(3)(A) (relating to determination of taxable income) is amended to read as follows:

"(A) the taxable income of the recipient for the taxable year of receipt shall be treated as being not less than the aggregate of such amounts so includible in gross income; and"

(6) Section 141(c)(1) (relating to minimum standard deduction) is amended by striking out "as a deduction under section 151" and inserting "as credits against the tax imposed by this chapter under section 40" in lieu thereof.

(7) Section 154 (relating to cross references) is amended to read as follows:

"SEC. 154. CROSS REFERENCE.

"For definitions of 'husband' and 'wife', as used in section 152(b)(4), see section 7701(a)(17)."

(8) Section 170(b)(1)(C) (as amended by section 201(a)(1)(B) of this Act) is amended by adding at the end thereof the following new sentence: "In applying this subparagraph to taxable years beginning after December 31, 1969, clause (ii) shall not be taken into account."

(9) Section 172(d)(3) (relating to deduction for personal exemptions) is amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to taxable years beginning after December 31, 1969."

(10) Section 214 (relating to expenses for care of certain dependents) is amended—

(A) by striking out "a deduction under section 151 (relating to deduction for personal exemptions) in subsection (b)(3) and inserting in lieu thereof "a credit under section 40 (relating to personal exemptions)"; and

(B) by striking out "section 151(e)(1)" in subsection (d)(3) and inserting in lieu thereof "section 40(f)(1)".

(11) Section 443(c) (relating to adjustment in deduction for personal exemption) is amended—

(A) by striking out "Deduction" in the heading and inserting in lieu thereof "Credit"; and

(B) by striking out "deduction under section 151 (and any deduction in lieu thereof)" and inserting in lieu thereof "credit under section 40".

(12) Section 703(a)(2) is amended by striking out subparagraph (B).

(13) Subpart A of part II of subchapter N of chapter 1 (relating to nonresident alien individuals) is amended—

(A) by striking out section 873(b)(3) (relating to personal exemption); and

(B) by striking out section 874(b) (relating to tax withheld at source) and inserting in lieu thereof the following new subsection:

"(b) PERSONAL EXEMPTION CONSISTING OF A TAX REDUCTION.—

"(1) The credit for personal exemptions under section 40 shall not be allowed against the tax imposed by section 871(a).

"(2) In the case of a nonresident alien individual who is not a resident of a contiguous country, only one exemption consisting of a tax reduction shall be allowed under section 40.

"(3) The benefit of the credit for personal exemptions under section 40, may, in the discretion of the Secretary or his delegate, and under regulations prescribed by the Secretary or his delegate, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent."

(14) Secton 891 (relating to doubling of rates of tax on citizens and corporations of certain foreign countries) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "In no case shall this section operate to increase the taxes imposed by such sections (computed without regard to this section) to an amount in excess of the sum of 80 percent of the taxable income of the taxpayer (computed without regard to the deductions allowable under part VIII of subchapter B) and the amount of the exemptions consisting of tax reductions allowable under section 40."

(15) Section 904(c) (relating to taxable income for purpose of computing limitation) is amended to read as follows:

"(c) TAX FOR PURPOSE OF COMPUTING LIMITATION.—For purposes of computing the applicable limitation under subsection (a), the term 'the tax against which such credit is taken' shall mean the excess of the tax imposed by this chapter over the credit allowable under section 40."

(16) Section 911(a) (relating to earned income from sources without the United States) is amended by striking out in the last sentence "(other than those allowed by section 151, relating to personal exemptions)".

(17) Section 931(e) (relating to deduction for personal exemption) is amended to read as follows:

"(e) CREDIT FOR PERSONAL EXEMPTION.—A citizen of the United States entitled to the benefits of this section shall be allowed only one exemption consisting of a tax reduction under section 40."

(18) Section 933 (relating to income from sources within Puerto Rico) is amended by striking out "(other than the deduction allowed by section 151, relating to personal exemptions)" each time it appears therein.

(19) Section 1211(b) (relating to limitation on capital losses) is amended—

(A) by striking out "and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof)" in the second sentence; and

(B) by striking out "adjusted gross income" in the last sentence and inserting in lieu thereof "adjusted gross income (reduced by the deduction allowable under section 63(b)(2))".

(20) Section 1402(a) (relating to definition of net earnings from self-employment) is amended by striking out paragraph (7).

"If the taxable income is:	The tax is:
Not over $1,000	13.8% of the taxable income.
Over $1,000 but not over $2,000	$138, plus 14.8% of excess over $1,000.
Over $2,000 but not over $3,000	$286, plus 15.8% of excess over $2,000.
Over $3,000 but not over $4,000	$444, plus 16.8% of excess over $3,000.
Over $4,000 but not over $8,000	$612, plus 18.8% of excess over $4,000.
Over $8,000 but not over $12,000	$1,364, plus 21.8% of excess over $8,000.
Over $12,000 but not over $16,000	$2,236, plus 24.5% of excess over $12,000.
Over $16,000 but not over $20,000	$3,216, plus 27.8% of excess over $16,000.
Over $20,000 but not over $24,000	$4,328, plus 31.5% of excess over $20,000.
Over $24,000 but not over $28,000	$5,588, plus 35.5% of excess over $24,000.
Over $28,000 but not over $32,000	$7,008, plus 38.5% of excess over $28,000.
Over $32,000 but not over $36,000	$8,548, plus 41.5% of excess over $32,000.
Over $36,000 but not over $40,000	$10,208, plus 44.3% of excess over $36,000.
Over $40,000 but not over $44,000	$11,980, plus 47% of excess over $40,000.
Over $44,000 but not over $52,000	$13,860, plus 49.3% of excess over $48,000.
Over $52,000 but not over $64,000	$17,804, plus 52% of excess over $56,000.
Over $64,000 but not over $76,000	$24,014, plus 53.8% of excess over $64,000.
Over $76,000 but not over $88,000	$30,500, plus 56.5% of excess over $76,000.
Over $88,000 but not over $100,000	$37,280, plus 58.5% of excess over $88,000.
Over $100,000 but not over $120,000	$44,300, plus 61% of excess over $100,000.
Over $120,000 but not over $140,000	$56,500, plus 63% of excess over $120,000.
Over $140,000 but not over $160,000	$69,100, plus 64.5% of excess over $140,000.
Over $160,000 but not over $180,000	$82,000, plus 66.3% of excess over $160,000.
Over $180,000 but not over $200,000	$95,260, plus 67% of excess over $180,000.
Over $200,00 but not over $240,000	$108,660, plus 68% of excess over $200,000.
Over $240,000 but not over $300,000	$135,860, plus 68.3% of excess over $240,000.
Over $300,000 but not over $400,000	$176,840, plus 68.5% of excess over $300,000.
Over $400,000	$245,340, plus 68.8% of excess over $400,000.

(21) Section 1451(d) (relating to benefit of personal exemptions) is amended by striking out "deduction for personal exemptions provided in section 151" and inserting in lieu thereof "credit for personal exemptions provided in section 40".

(22) Section 6654(d)(4) (relating to exception from penalty for failure by individual to pay estimated income tax) is amended by striking out "section 151" and inserting in lieu thereof "section 40".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1970.

SEC. 802. TAX RATES.

(a) RATES OF TAX ON INDIVIDUALS.—Section 1 (relating to the tax imposed) is amended to read as follows:

"SECTION 1. TAX IMPOSED.

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—

"(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of—

"(A) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"(B) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135, plus 14.5% of excess over $1,000.
Over $2,000 but not over $3,000	$280, plus 15.5% of excess over $2,000.
Over $3,000 but not over $4,000	$435, plus 16.5% of excess over $3,000.
Over $4,000 but not over $8,000	$600, plus 18.5% of excess over $4,000.
Over $8,000 but not over $12,000	$1,340, plus 21.5% of excess over $8,000.
Over $12,000 but not over $16,000	$2,200, plus 24% of excess over $12,000.
Over $16,000 but not over $20,000	$3,160, plus 27.5% of excess over $16,000.
Over $20,000 but not over $24,000	$4,260, plus 31% of excess over $20,000.
Over $24,000 but not over $28,000	$5,500, plus 35% of excess over $24,000.
Over $28,000 but not over $32,000	$6,900, plus 38% of excess over $28,000.
Over $32,000 but not over $36,000	$8,420, plus 41% of excess over $32,000.
Over $36,000 but not over $40,000	$10,060, plus 43.5% of excess over $36,000.
Over $40,000 but not over $44,000	$11,800, plus 46% of excess over $40,000.
Over $44,000 but not over $52,000	$13,640, plus 48.5% of excess over $44,000.
Over $52,000 but not over $64,000	$17,520, plus 51% of excess over $52,000.
Over $64,000 but not over $76,000	$23,640, plus 52.5% of excess over $64,000.
Over $76,000 but not over $88,000	$29,940, plus 55% of excess over $76,000.
Over $88,000 but not over $100,000	$36,540, plus 57% of excess over $88,000.
Over $100,000 but not over $120,000	$43,380, plus 60% of excess over $100,000.
Over $120,000 but not over $140,000	$55,380, plus 62% of excess over $120,000.
Over $140,000 but not over $160,000	$67,780, plus 63% of excess over $140,000.
Over $160,000 but not over $180,000	$80,380, plus 64.5% of excess over $160,000.
Over $180,000 but not over $200,000	$93,280, plus 65% of excess over $180,000.
Over $200,000 but not over $240,000	$106,280, plus 66% of excess over $200,000.
Over $240,000 but not over $300,000	$132,680, plus 66.5% of excess over $240,000.
Over $300,000 but not over $400,000	$172,580, plus 67% of excess over $300,000.
Over $400,000	$239,580, plus 67.5% of excess over $400,000.

"(b) HEADS OF HOUSEHOLDS.—

"(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	13.8% of the taxable income.
Over $1,000 but not over $2,000	$138, plus 15.8% of excess over $1,000.
Over $2,000 but not over $4,000	$296, plus 17.8% of excess over $2,000.
Over $4,000 but not over $6,000	$652, plus 19.8% of excess over $4,000.
Over $6,000 but not over $8,000	$1,048, plus 21.5% of excess over $6,000.
Over $8,000 but not over $10,000	$1,478, plus 24.3% of excess over $8,000.
Over $10,000 but not over $12,000	$1,964, plus 26.3% of excess over $10,000.
Over $12,000 but not over $14,000	$2,490, plus 29.5% of excess over $12,000.
Over $14,000 but not over $16,000	$3,080, plus 30.8% of excess over $14,000.
Over $16,000 but not over $18,000	$3,696, plus 33.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,366, plus 34.8% of excess over $18,000.
Over $20,000 but not over $22,000	$5,062, plus 38% of excess over $20,000.
Over $22,000 but not over $24,000	$5,822, plus 39.3% of excess over $22,000.
Over $24,000 but not over $26,000	$6,608, plus 41% of excess over $24,000.
Over $26,000 but not over $28,000	$7,428, plus 43.3% of excess over $26,000.
Over $28,000 but not over $32,000	$8,294, plus 44.5% of excess over $28,000.
Over $32,000 but not over $36,000	$10,074, plus 46.8% of excess over $32,000.
Over $36,000 but not over $38,000	$11,946, plus 48.8% of excess over $36,000.
Over $38,000 but not over $40,000	$12,922, plus 50.8% of excess over $38,000.
Over $40,000 but not over $44,000	$13,938, plus 51.5% of excess over $40,000.
Over $44,000 but not over $50,000	$16,010, plus 53.8% of excess over $44,000.

"(2) TAXABLE YEARS BEGINNING AFTER 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of—

"(A) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"(B) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135, plus 14.5% of excess over $1,000.
Over $2,000 but not over $3,000	$280, plus 15.5% of excess over $2,000.
Over $3,000 but not over $4,000	$435, plus 16.5% of excess over $3,000.
Over $4,000 but not over $8,000	$600, plus 18.5% of excess over $4,000.
Over $8,000 but not over $12,000	$1,340, plus 21.5% of excess over $8,000.
Over $12,000 but not over $16,000	$2,200, plus 24% of excess over $12,000.
Over $16,000 but not over $20,000	$3,160, plus 27.5% of excess over $16,000.
Over $20,000 but not over $24,000	$4,260, plus 31% of excess over $20,000.
Over $24,000 but not over $28,000	$5,500, plus 35% of excess over $24,000.
Over $28,000 but not over $32,000	$6,900, plus 38% of excess over $28,000.
Over $32,000 but not over $36,000	$8,420, plus 41% of excess over $32,000.
Over $36,000 but not over $40,000	$10,060, plus 43.5% of excess over $36,000.
Over $40,000 but not over $44,000	$11,800, plus 46% of excess over $40,000.
Over $44,000 but not over $52,000	$13,640, plus 48.5% of excess over $44,000.
Over $52,000 but not over $64,000	$17,520, plus 51% of excess over $52,000.
Over $64,000 but not over $76,000	$23,640, plus 52.5% of excess over $64,000.
Over $76,000 but not over $88,000	$29,940, plus 55% of excess over $76,000.
Over $88,000 but not over $100,000	$36,540, plus 57% of excess over $88,000.
Over $100,000 but not over $120,000	$43,380, plus 60% of excess over $100,000.
Over $120,000 but not over $140,000	$55,380, plus 62% of excess over $120,000.
Over $140,000 but not over $160,000	$67,780, plus 63% of excess over $140,000.
Over $160,000 but not over $180,000	$80,380, plus 64.5% of excess over $160,000.
Over $180,000 but not over $200,000	$93,280, plus 65% of excess over $180,000.
Over $200,000 but not over $240,000	$106,280, plus 66% of excess over $200,000.
Over $240,000 but not over $300,000	$132,680, plus 66.5% of excess over $240,000.
Over $300,000 but not over $400,000	$172,580, plus 67% of excess over $300,000.
Over $400,000	$239,580, plus 67.5% of excess over $400,000.

"If the taxable income is:	The tax is:
Over $50,000 but not over $52,000	$19,238, plus 55.5% of excess over $50,000.
Over $52,000 but not over $64,000	$20,348, plus 57% of excess over $52,000.
Over $64,000 but not over $70,000	$27,188, plus 57.3% of excess over $64,000.
Over $70,000 but not over $76,000	$30,626, plus 58% of excess over $70,000.
Over $76,000 but not over $80,000	$34,106, plus 60.3% of excess over $76,000.
Over $80,000 but not over $88,000	$36,518, plus 61.5% of excess over $80,000.
Over $88,000 but not over $100,000	$41,438, plus 62.3% of excess over $88,000.
Over $100,000 but not over $120,000	$48,914, plus 64.5% of excess over $100,000.
Over $120,000 but not over $140,000	$61,814, plus 65.8% of excess over $120,000.
Over $140,000 but not over $160,000	$74,974, plus 66.5% of excess over $140,000.
Over $160,000 but not over $180,000	$88,274, plus 67.5% of excess over $160,000.
Over $180,000 but not over $200,000	$101,774, plus 68.3% of excess over $180,000.
Over $200,000 but not over $300,000	$115,434, plus 68.5% of excess over $200,000.
Over $300,000	$183,934, plus 68.8% of excess over $300,000.

"(2) TAXABLE YEARS BEGINNING AFTER 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135, plus 15.5% of excess over $1,000.
Over $2,000 but not over $4,000	$290, plus 17.5% of excess over $2,000.
Over $4,000 but not over $6,000	$640, plus 19.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,030, plus 20.5% of excess over $6,000.
Over $8,000 but not over $10,000	$1,440, plus 22.5% of excess over $8,000.
Over $10,000 but not over $12,000	$1,890, plus 23.5% of excess over $10,000.
Over $12,000 but not over $14,000	$2,360, plus 26% of excess over $12,000.
Over $14,000 but not over $16,000	$2,880, plus 28% of excess over $14,000.
Over $16,000 but not over $18,000	$3,440, plus 29.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,030, plus 31.5% of excess over $18,000.
Over $20,000 but not over $22,000	$4,660, plus 33% of excess over $20,000.
Over $22,000 but not over $24,000	$5,320, plus 35% of excess over $22,000.
Over $24,000 but not over $26,000	$6,020, plus 37% of excess over $24,000.
Over $26,000 but not over $28,000	$6,760, plus 39% of excess over $26,000.
Over $28,000 but not over $32,000	$7,540, plus 41% of excess over $28,000.
Over $32,000 but not over $36,000	$9,180, plus 44% of excess over $32,000.
Over $36,000 but not over $38,000	$10,940, plus 46.5% of excess over $36,000.
Over $38,000 but not over $40,000	$11,870, plus 48.5% of excess over $38,000.
Over $40,000 but not over $44,000	$12,840, plus 50.5% of excess over $40,000.
Over $44,000 but not over $50,000	$14,860, plus 52.5% of excess over $44,000.
Over $50,000 but not over $52,000	$18,010, plus 54.5% of excess over $50,000.
Over $52,000 but not over $60,000	$19,100, plus 55.5% of excess over $52,000.
Over $60,000 but not over $64,000	$23,540, plus 56.5% of excess over $60,000.
Over $64,000 but not over $76,000	$25,800, plus 57.5% of excess over $64,000.
Over $76,000 but not over $80,000	$32,700, plus 50% of excess over $76,000.
Over $80,000 but not over $88,000	$35,060, plus 60% of excess over $80,000.
Over $88,000 but not over $100,000	$39,860, plus 61% of excess over $88,000.
Over $100,000 but not over $120,000	$47,180, plus 63% of excess over $100,000.
Over $120,000 but not over $140,000	$59,780, plus 64% of excess over $120,000.
Over $140,000 but not over $160,000	$72,580, plus 65% of excess over $140,000.
Over $160,000 but not over $200,000	$85,580, plus 66% of excess over $160,000.
Over $200,000 but not over $240,000	$111,980, plus 66.5% of excess over $200,000.
Over $240,000 but not over $300,000	$138,580, plus 67% of excess over $240,000.
Over $300,000	$178,780, plus 67.5% of excess over $300,000.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—

"(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $500	13.8% of the taxable income.
Over $500 but not over $1,000	$69, plus 14.8% of excess over $500.
Over $1,000 but not over $1,500	$143, plus 15.8% of excess over $1,000.
Over $1,500 but not over $2,000	$222, plus 16.8% of excess over $1,500.
Over $2,000 but not over $4,000	$306, plus 18.8% of excess over $2,000.
Over $4,000 but not over $6,000	$682, plus 21.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,112, plus 24.3% of excess over $6,000.
Over $8,000 but not over $10,000	$1,598, plus 27% of excess over $8,000.
Over $10,000 but not over $12,000	$2,138, plus 30.5% of excess over $10,000.
Over $12,000 but not over $14,000	$2,748, plus 34% of excess over $12,000.
Over $14,000 but not over $16,000	$3,428, plus 36.8% of excess over $14,000.
Over $16,000 but not over $18,000	$4,164, plus 39.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,954, plus 42.3% of excess over $18,000.
Over $20,000 but not over $22,000	$5,800, plus 44.8% of excess over $20,000.
Over $22,000 but not over $26,000	$6,696, plus 46.8% of excess over $22,000.
Over $26,000 but not over $32,000	$8,568, plus 50.3% of excess over $26,000.
Over $32,000 but not over $38,000	$11,586, plus 53% of excess over $32,000.
Over $38,000 but not over $44,000	$14,766, plus 56.5% of excess over $38,000.
Over $44,000 but not over $50,000	$18,156, plus 58.5% of excess over $44,000.
Over $50,000 but not over $60,000	$21,666, plus 61% of excess over $50,000.
Over $60,000 but not over $70,000	$27,766, plus 63% of excess over $60,000.
Over $70,000 but not over $80,000	$34,066, plus 64.5% of excess over $70,000.
Over $80,000 but not over $90,000	$40,516, plus 66.3% of excess over $80,000.
Over $90,000 but not over $100,000	$47,146, plus 67% of excess over $90,000.
Over $100,000 but not over $120,000	$53,846, plus 68% of excess over $100,000.
Over $120,000 but not over $150,000	$67,446, plus 68.3% of excess over $120,000.
Over $150,000 but not over $200,000	$87,936, plus 68.5% of excess over $150,000.
Over $200,000	$122,186, plus 68.8% of excess over $200,000.

"(2) TAXABLE YEARS BEGINNING AFTER 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $500	13.5% of the taxable income.
Over $500 but not over $1,000	$67.50, plus 14.5% of excess over $500.
Over $1,000 but not over $1,500	$140, plus 15.5% of excess over $1,000.
Over $1,500 but not over $2,000	$217.50, plus 16.5% of excess over $1,500.
Over $2,000 but not over $4,000	$300, plus 18.5% of excess over $2,000.
Over $4,000 but not over $6,000	$670, plus 20.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,080, plus 23% of excess over $6,000.
Over $8,000 but not over $10,000	$1,540, plus 24.5% of excess over $8,000.
Over $10,000 but not over $12,000	$2,030, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,570, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$3,150, plus 31% of excess over $14,000.
Over $16,000 but not over $18,000	$3,770, plus 32.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,420, plus 34.5% of excess over $18,000.
Over $20,000 but not over $22,000	$5,110, plus 36% of excess over $20,000.
Over $22,000 but not over $26,000	$5,830, plus 38% of excess over $22,000.
Over $26,000 but not over $32,000	$7,350, plus 43.5% of excess over $26,000.
Over $32,000 but not over $38,000	$9,960, plus 48.5% of excess over $32,000.
Over $38,000 but not over $44,000	$12,870, plus 53.5% of excess over $38,000.
Over $44,000 but not over $50,000	$16,080, plus 57% of excess over $44,000.
Over $50,000 but not over $60,000	$19,500, plus 60% of excess over $50,000.
Over $60,000 but not over $70,000	$25,500, plus 62% of excess over $60,000.
Over $70,000 but not over $80,000	$31,700, plus 63% of excess over $70,000.
Over $80,000 but not over $90,000	$38,000, plus 64.5% of excess over $80,000.
Over $90,000 but not over $100,000	$44,450, plus 65% of excess over $90,000.
Over $100,000 but not over $120,000	$50,950, plus 66% of excess over $100,000.
Over $120,000 but not over $150,000	$64,250, plus 66.5% of excess over $120,000.
Over $150,000 but not over $200,000	$84,100, plus 67% of excess over $150,000.
Over $200,000	$117,600, plus 67.5% of excess over $200,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS; ESTATES AND TRUSTS.—

"(1) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013 and every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $500	13.8% of the taxable income.
Over $500 but not over $1,000	$69, plus 14.8% of excess over $500.
Over $1,000 but not over $1,500	$143, plus 15.8% of excess over $1,000.
Over $1,500 but not over $2,000	$222, plus 16.8% of excess over $1,500.
Over $2,000 but not over $4,000	$306, plus 18.8% of excess over $2,000.
Over $4,000 but not over $6,000	$682, plus 21.8% of excess over $4,000.
Over $6,000 but not over $8,000	$1,118, plus 24.5% of excess over $6,000.
Over $8,000 but not over $10,000	$1,608, plus 27.8% of excess over $8,000.
Over $10,000 but not over $12,000	$2,164, plus 31.5% of excess over $10,000.
Over $12,000 but not over $14,000	$2,794, plus 35.5% of excess over $12,000.
Over $14,000 but not over $16,000	$3,504, plus 38.5% of excess over $14,000.
Over $16,000 but not over $18,000	$4,274, plus 41.5% of excess over $16,000.
Over $18,000 but not over $20,000	$5,104, plus 44.3% of excess over $18,000.
Over $20,000 but not over $22,000	$5,990, plus 47% of excess over $20,000.
Over $22,000 but not over $26,000	$6,930, plus 49% of excess over $22,000.
Over $26,000 but not over $32,000	$8,890, plus 52% of excess over $26,000.
Over $32,000 but not over $38,000	$12,010, plus 53.8% of excess over $32,000.
Over $38,000 but not over $44,000	$15,238, plus 56.5% of excess over $38,000.
Over $44,000 but not over $50,000	$18,628, plus 58.5% of excess over $44,000.
Over $50,000 but not over $60,000	$22,138, plus 61% of excess over $50,000.
Over $60,000 but not over $70,000	$28,238, plus 63% of excess over $60,000.
Over $70,000 but not over $80,000	$34,538, plus 64.5% of excess over $70,000.
Over $80,000 but not over $90,000	$40,988, plus 66.3% of excess over $80,000.
Over $90,000 but not over $100,000	$47,618, plus 67% of excess over $90,000.
Over $100,000 but not over $120,000	$54,318, plus 68% of excess over $100,000.
Over $120,000 but not over $150,000	$67,918, plus 68.3% of excess over $120,000.
Over $150,000 but not over $200,000	$88,404, plus 68.5% of excess over $150,000.
Over $200,000	$122,658, plus 68.8% of excess over $200,000.

"(2) TAXABLE YEARS BEGINNING AFTER 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $500	13.5% of the taxable income.
Over $500 but not over $1,000	$67.50, plus 14.5% of excess over $500.
Over $1,000 but not over $1,500	$140, plus 15.5% of excess over $1,000.
Over $1,500 but not over $2,000	$217.50, plus 16.5% of excess over $1,500.
Over $2,000 but not over $4,000	$300, plus 18.5% of excess over $2,000.
Over $4,000 but not over $6,000	$670, plus 21.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,100, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,580, plus 27.5% of excess over $8,000.
Over $10,000 but not over $12,000	$2,130, plus 31% of excess over $10,000.
Over $12,000 but not over $14,000	$2,750, plus 35% of excess over $12,000.
Over $14,000 but not over $16,000	$3,450, plus 38% of excess over $14,000.
Over $16,000 but not over $18,000	$4,210, plus 41% of excess over $16,000.
Over $18,000 but not over $20,000	$5,030, plus 43.5% of excess over $18,000.
Over $20,000 but not over $22,000	$5,900, plus 46% of excess over $20,000.
Over $22,000 but not over $26,000	$6,820, plus 48.5% of excess over $22,000.
Over $26,000 but not over $32,000	$8,760, plus 51% of excess over $26,000.
Over $32,000 but not over $38,000	$11,820, plus 52.5% of excess over $32,000.
Over $38,000 but not over $44,000	$14,970, plus 55% of excess over $38,000.
Over $44,000 but not over $50,000	$18,270, plus 57% of excess over $44,000.
Over $50,000 but not over $60,000	$21,690, plus 60% of excess over $50,000.
Over $60,000 but not over $70,000	$27,690, plus 62% of excess over $60,000.
Over $70,000 but not over $80,000	$33,890, plus 63% of excess over $70,000.
Over $80,000 but not over $90,000	$40,190, plus 64.5% of excess over $80,000.
Over $90,000 but not over $100,000	$46,640, plus 65% of excess over $90,000.
Over $100,000 but not over $120,000	$53,140, plus 66% of excess over $100,000.
Over $120,000 but not over $150,000	$66,340, plus 66.5% of excess over $120,000.
Over $150,000 but not over $200,000	$86,290, plus 67% of excess over $150,000.
Over $200,000	$119,790, plus 67.5% of excess over $200,000."

(b) DEFINITIONS AND SPECIAL RULES.—Section 2 (relating to tax in case of joint return or return of surviving spouse) is amended to read as follows:

"SEC. 2. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITION OF SURVIVING SPOUSE.—

"(1) IN GENERAL.—For purposes of section 1, the term 'surviving spouse' means a taxpayer—

"(A) whose spouse died during either of his two taxable years immediately preceding the taxable year, and

"(B) who maintains as his home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent (i) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer, and (ii) with respect to whom the taxpayer is entitled to a credit for the taxable year under section 40.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of section 1 a taxpayer shall not be considered to be a surviving spouse—

"(A) if the taxpayer has remarried at any time before the close of the taxable years, or

"(B) unless, for the taxpayer's taxable year during which his spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

"(b) DEFINITION OF HEAD OF HOUSEHOLD.—

"(1) IN GENERAL.—For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

"(A) maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

"(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a credit for the taxable year for such person under section 40, or

"(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a credit for the taxable year for such person under section 40, or

"(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a credit for the taxable year for such father or mother under section 40.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) DETERMINATION OF STATUS.—For poses of this subsection—

"(A) a legally adopted child of a person shall be considered a child of such person by blood;

"(B) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

"(C) a taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

"(D) a taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

"(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this subtitle a taxpayer shall not be considered to be a head of a household—

"(A) if at any time during the taxable year he is a nonresident alien; or

"(B) by reason of an individual who would not be a dependent for the taxable year but for—

"(i) paragraph (9) of section 152(a),

"(ii) paragraph (10) of section 152(a), or

"(iii) subsection (c) of section 152.

"(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual who, under section 143(b), is not to be considered as married shall not be considered as married.

"(d) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, the tax imposed by section 1 shall apply only as provided by section 871 or 877.

"(e) CROSS REFERENCE.—

"For definition of taxable income, see section 63."

(c) OPTIONAL TAX TABLES FOR INDIVIDUALS.—Section 3 (relating to optional tax if adjusted gross income is less than $5,000) is amended to read as follows:

"SEC. 3. OPTIONAL TAX TABLES FOR INDIVIDUALS.

"In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the

taxable income of every individual whose adjusted gross income (reduced by the deductions allowable under section 63(b)(2) for such year is less than $7,500 (or such higher amount, less than $10,000, as may be prescribed by the Secretary or his delegate by regulations) and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed under section 63(b) and on the basis of the rates prescribed by section 1."

(d) TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.—

(1) Section 6014(a) (relating to election by taxpayer) is amended—

(A) by striking out "$5,000" in the first sentence, and inserting in lieu thereof "$7,500", and

(B) by striking out the last two sentences.

(2) Section 511(b)(1) (relating to imposition of tax on unrelated business income of charitable, etc., organizations) is amended by striking out "section 1", in the first sentence of such section, and inserting in lieu thereof "section 1(d)".

(3) Section 641 (relating to imposition of tax in respect to estates and trusts) is amended by striking out "The taxes imposed by this chapter on individuals" in subsection (a) and inserting in lieu thereof "The tax imposed by section 1(d)".

(4) Section 632 (relating to sale of oil or gas properties) is amended—

(A) by striking out "surtax" and inserting in lieu thereof "tax", and

(B) by striking out "30 percent" and inserting in lieu thereof "33 percent".

(5) Section 1347 (relating to claims against United States involving acquisition of property) is amended—

(A) by striking out "surtax" and inserting in lieu thereof "tax", and

(B) by striking out "30 percent" and inserting in lieu thereof "33 percent".

(6) Paragraphs (1) and (5) of section 5(b) (cross references) are each amended by striking out "surtax" and inserting in lieu thereof "tax".

(7) Section 6015(a)(1) (relating to declaration of estimated income tax by individuals) in amended—

(A) by striking out "section 1(b)(2)" each place it appears and inserting in lieu thereof "section 2(b)", and

(B) by striking out "section 2(b)" each place it appears and inserting in lieu thereof "section 2(a)".

(8) Section 1304(b)(1) (relating to special rules) is amended by striking out "if adjusted gross income is less than $5,000".

(9) The table of sections for part I of subchapter A of chapter 1 is amended by striking out the second and third items and inserting in lieu thereof the following:

"Sec. 2. Definitions and special rules.

"Sec. 3. Optional tax tables for individuals."

(e) Section 21(d) (relating to changes in rates during a taxable year) is amended to read as follows:

"(d) CHANGES MADE BY TAX REFORM ACT OF 1969 IN CASE OF INDIVIDUALS.—In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV of subchapter B for purposes of the determination of taxable income shall be treated as a change in a rate of tax."

(f) COLLECTION OF INCOME TAX AT SOURCE ON WAGES.—Notwithstanding any provision of chapter 24 of the Internal Revenue Code of 1954 (relating to collection of income tax at source on wages), every employer making payment of wages after December 31, 1969, shall deduct and withhold upon such wages a tax determined in accordance with tables prescribed by the Secretary of the Treasury or his delegate which take into account the amendments made by this title and title VII of this Act.

(g) EFFECTIVE DATES.—The amendments made by subsections (a), (b), and (d) (other than paragraphs (1) and (8)) shall apply to taxable years beginning after December 31, 1970, except that section 2(c) of the Internal Revenue Code of 1954, as amended by subsection (b), shall also apply to taxable years beginning after December 31, 1969. The amendments made by subsections (c), (d)(1), and (d)(8) shall apply to taxable years beginning after December 31, 1969.

SEC. 803. STANDARD DEDUCTION.

(a) INCREASE IN MINIMUM STANDARD DEDUCTION.—Section 141(c)(2) (relating to minimum standard deduction) is amended—

(1) by striking out "$200" in subparagraphs (A) and (B) and inserting in lieu thereof "$500"; and

(2) by striking out "$100" in subparagraph (C) and inserting in lieu thereof "$250".

(b) INCREASE IN LIMITATION.—Section 141(a) (relating to standard deduction) is amended—

(1) by striking out "$1,000" and inserting in lieu thereof "$1,200"; and

(2) by striking out "$500" and inserting in lieu thereof "$600".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 804. DEDUCTION FOR CHARITABLE CONTRIBUTION FOR INDIVIDUALS ELECTING STANDARD DEDUCTION.

(a) IN GENERAL.—Section 63(b) (relating to taxable income of individuals electing standard deduction) is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) the excess of the deduction allowed by section 170 (relating to charitable, etc., contributions and gifts) over 3 percent of adjusted gross income."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1969.

Mr. BENNETT. Mr. President, does the Senator ask for the yeas and nays?

Mr. MILLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, two points are to be made.

Mr. PASTORE. Mr. President, may we have order so that we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Mr. President, I hope the Chair will insist on maintaining order. There is such a din in the Senate that we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Mr. President, I thank the Senator from Rhode Island.

Mr. President, two very major considerations face the Senate. The first is one which we all call fiscal responsibility. This was highlighted by the Washington Post's lead editorial this morning. The title of the editorial is "Relaxing the Tax Brake on Inflation."

It reads in part:

Will Congress face the inflationary problem thus tossed into its lap? Can it forgo the political lure of substantial tax reductions for everyone in the interests of fiscal stability? It is late in the day to be calling for a tax-reform bill without loss of revenue, although that was the original objective of the tax reformers. Nevertheless, the Fiscal Policy Subcommittee has greatly clarified the problem that every Congressman must resolve for himself as the tax bill is given final shape. If the Congress is not willing to vote a substantial revenue surplus in the face of a persistent inflationary crunch, it will deal a critical blow to the concept that government can stop inflation without recession.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RELAXING THE TAX BRAKE ON INFLATION

The economic course this country is pursuing has brought a thoughtful warning from the Fiscal Policy Subcommittee of the congressional Joint Economic Committee. The legislative watchdogs on the economy find little evidence that the inflationary forces are abating. They are worried by the prospect of continued price-wage inflation along with an inadequate rate of growth. They see in the present mix of fiscal and monetary policies danger of a recession with an intolerable burden of unemployment.

Chairman Martha W. Griffiths and her colleagues are by no means soft on inflation. On the contrary, they recognize inflation as possibly a greater danger than unemployment. In the language of the subcommittee report, inflation "robs the saver of the purchasing power he or she has put aside for the future use, frustrating rational planning. It distorts financial markets and rewards financial speculators at the expense of producers, workers and innovators. It deprives the aged of the value of their retirement incomes. Generally, inflation creates imbalances out of which grow recession and/or excess unemployment."

What worries the subcommittee is the prospect that the tight money policy designed to curb inflation may cost too much in terms of unemployment and dislocations that fall with special weight upon the disadvantaged. During the past summer, the report points out, there was virtually no increase in the money supply. The consequent soaring interest rates have brought crises in the housing industry and in state and local financing and serious distortions in other segments of the economy. If the country relies too heavily on this kind of squeeze to cool its inflationary fever, the cure may be as bad as the disease.

So the committee has thrown its weight behind a change in the policy mix. It wants a relaxation of the credit squeeze, with growth of at least 2 per cent in the money supply per year, the aim being steady growth and full employment without inflation. In order to make this possible, however, other restraints must be added to the so-called policy mix. The subcommittee recommends "selective credit restraints . . . perhaps on a voluntary basis" and a sizable budgetary surplus.

The emphasis is clearly upon reduced spending and more federal revenue. The report candidly acknowledges that the loose fiscal policy from 1965 to 1968, culminating in a $25.2 billion deficit in the latter year, was the major factor in producing "a demand inflation." Now the subcommittee sees great danger in the possibility that the government may be swinging back from the current surplus to budgetary deficits again before inflation has been brought under control.

To make an easier monetary policy feasible, the subcommittee advocates a budgetary surplus (calculated on the basis of high employment) of as much as $8 billion to $10 billion in each of the fiscal years 1970 and 1971. Such a surplus will be possible only if Congress trims the tax relief that is contemplated in both the Senate and House tax-reform bills. The dominant note in the re-

port is a plea to Congress not to deprive the government of its fiscal weapon against inflation at a time when the pressures are still strong and the demands on the Treasury for important social services continue to mount.

Will Congress face the inflationary problem thus tossed into its lap? Can it forgo the political lure of substantial tax reductions for everyone in the interests of fiscal stability? It is late in the day to be calling for a tax-reform bill without loss of revenue, although that was the original objective of the tax reformers. Nevertheless, the Fiscal Policy Subcommittee has greatly clarified the problem that every Congressman must resolve for himself as the tax bill is given final shape. If the Congress is not willing to vote a substantial revenue surplus in the face of a persistent inflationary crunch, it will deal a critical blow to the concept that government can stop inflation without recession.

Mr. MILLER. Mr. President, the editorial refers to a report recently issued of the Fiscal Policy Subcommittee of the Joint Economic Committee. This was a unanimous report. Among its recommendations was the following:

We conclude therefore that—

The Congress and the administration in acting upon the budget in the weeks ahead should shape decisions so as to enlarge receipts and hold down the growth in expenditures aiming at a budget surplus larger than now estimated for fiscal 1970, achieving a high employment surplus of as much as $8 to $10 billion in each of the fiscal years 1970 and 1971.

The other recommendation is as follows:

That present revenue-losing provisions either be removed from the tax reform legislation with a commitment to reconsider them later when the budget outlook warrants, or at the very least that they be reduced, or revenue-gaining provisions added, so that the bill neither gains nor loses revenue under foreseeable conditions. It would be preferable to gain net revenue under the bill.

Mr. MILLER. Mr. President, I ask unanimous consent that appropriately marked portions of the committee report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thus, the trends in receipts and expenditures point toward a rapid shift over the next 2 years from the present modest surplus toward a deficit of unknown dimensions.

But we do not have to look ahead to fiscal year 1971 to detect this trend. If the budget is analyzed in terms of the national income accounts (the NIA budget) it can be seen that the trend is already moving in an expansionary direction. In the first half of calendar 1969, the NIA budget showed a surplus at seasonally adjusted rate of about $11 billion per year. According to the testimony of the Chairman of the Council of Economic Advisers, Dr. Paul W. McCracken, on October 23, if the budget works out as the administration proposes, the annual rate of surplus in the NIA accounts would be about $7 billion in the second half of calendar 1969 and about $3 billion in the first half of 1970.

Thus, within the present fiscal year, the budget will have shifted from restriction toward stimulus by about $8 billion, or from $11 billion per year surplus in the first half of calendar 1969 to $3 billion per year in the first half of calendar 1970. If expenditures run higher than the total to which the President seems determined to hold, or if pending tax legislation produces lower receipts, then, obviously, the shift would be even more violently expansionary. Chairman McCracken went on to say:

"If the tax requests are not granted we will slip into a deficit at the rate of at least $5 billion in the first half of 1970."

With the surtax due to expire on June 30 and an upward jump in expenditures developing at the beginning of the next fiscal year, particularly for a Federal pay raise to maintain comparability with the private sector, we face the prospect of beginning fiscal year 1971 with an NIA budget deficit of substantial size.

We conclude therefore that—

The Congress and the administration in acting upon the budget in the weeks ahead should shape decisions so as to enlarge receipts and hold down the growth in expenditures aiming at a budget surplus larger than now estimated for fiscal 1970, achieving a high employment surplus of as much as $8 to $10 billion in each of the fiscal years 1970 and 1971.

* * * * *

It is disturbing that the proposed Tax Reform Act of 1969 does not conform to precepts for a stabilizing fiscal policy in the present circumstances. We urge consideration of the tax reduction incorporated in this proposed legislation.[8]

Whether one views tax reform from the vantage point of the House bill or the Senate proposals, by 1975 the net loss of revenue would be in the order of magnitude of about $3.5 billion estimated at present levels of prices and incomes. In the probable event that the economy continues to grow, and that inflation slows gradually, we could easily find ourselves losing double this amount, or $7 billion per year by 1975. The loss in revenue in some years between now and 1975 could be large since the proposed revenue-gaining provisions go into effect quite gradually. It seems to this committee that programing tax reductions before we have made sure that expenditures are under control, that we have conquered inflation, and that we face a period of more stable and predictable costs for Government programs, runs a grave risk of pushing the budget into a full employment deficit. This would be grossly inflationary, as recent experience has so dramatically proven.

We cannot conceive of a monetary policy that this economy could tolerate and which would produce price stability in the face of any such trend in the budget. Therefore, we recommend—

That present revenue-losing provisions either be removed from the tax reform legislation with a commitment to reconsider them later when the budget outlook warrants, or at the very least that they be reduced, or revenue-gaining provisions added, so that the bill neither gains nor loses revenue under foreseeable conditions. It would be preferable to gain net revenue under the bill.

Mr. MILLER. Mr. President, the second consideration is whether we are going to do equity in tax reform.

I have been saying that if we increase the personal exemption, we are going to give aid to the high-income taxpayer to a very large extent, and only a very small amount of aid to the low-income taxpayers.

We have before us at present a proposal to increase the personal exemption from $600 to $800. A wealthy individual in the 70-percent tax bracket would receive a $560 tax benefit for each and every exemption, and a person in the low-income tax bracket, let us say 20 percent, would receive a tax benefit amounting to only $160 per exemption.

Most Senators are in at least the 50-percent income tax bracket. If we vote for an $800 personal exemption, that means that we are voting ourselves a $400 tax break, as against a $160 tax break for the person in the 20-percent tax bracket. We would have a $400 tax benefit for our wives and each of our children. The 20-percent tax bracket person would have only $160.

I do not think that is equity. Neither do I think it behooves us, when we realize that it is not equity, to continue the personal exemption.

I have proposed a tax credit of $150 in place of the $600 exemption. That means that a taxpayer would take $150 off his tax bill. A person who is now in the 20-percent tax bracket has a tax benefit of $120 with a $600 exemption. Under my proposal, he would have a tax benefit of $150.

I have phased in the other parts of the Finance Committee bill as follows. I keep the minimum standard deduction, which is increased from $200 to $500, plus $100 for each exemption. This means, as under the Finance Committee bill, that a single individual would have no tax to pay on $1,700 of adjusted gross income. I would put that provision into effect on January 1 of next year.

I propose to increase the standard deduction from the present 10 percent up to $1,000 to 10 percent up to $1,200, with this very important addition: Every Senator has heard from charitable organizations expressing grave concern over the need for charitable contributions.

Under the present law and under the Finance Committee bill, a person who takes the optional standard deduction and makes no charitable contributions whatsoever is treated exactly the same as another person who takes the optional standard deduction and has made substantial charitable contributions.

I propose an optional standard deduction of 10 percent up to $1,200, and, in addition, to allow a further deduction for charitable contributions in excess of 3 percent of adjusted gross income. So, for example, a taxpayer with $10,000 adjusted gross income—and an optional standard deduction of $1,000 under present law—and $500 of charitable contributions would, under my proposal, have $200 over 3 percent of his adjusted gross income which he could take in addition to the $1,000 deduction.

Of course, taxpayers who do not take the optional standard deduction would continue to take all deductions for charitable contributions, as under present law.

My amendment is calculated to give a tax benefit to those people who take the optional standard deduction and who are charitably inclined. This is a very big plus for charity.

I propose a rate of reduction that is one half of that proposed under the Finance Committee bill; and this would be phased in with a $140 tax credit in 1971 and a $150 tax credit in 1972.

Here is where we come out: Taking the years 1970, 1971, and 1972, my proposal would save approximately $1 billion of revenue over the Finance Committee bill, and it would save a lot more than that when compared with the Gore and Percy proposals.

So if we are looking for fiscal responsibility, we will find it in my amendment.

Let us take a look at the benefits that would be provided by my proposal. These are calculations made by the Treasury Department.

It is very interesting when we realize that here is a proposal that is fiscally sound, compared with proposals which have been attacked because they would take too much revenue away from the Treasury, which would still provide comparable benefits to those who need them. Those people in the zero to $3,000 adjusted gross income area would have a saving of $781 million under the Finance Committee bill. Under the Gore proposal, it would be $856 million. Under my proposal, it would be $835 million—almost the same as that contained in the Gore proposal.

In the $3,000 to $5,000 adjusted gross income bracket, the Finance Committee bill would provide a saving of $1 billion. Under the Gore proposal, it would be $1,196,000,000. Under my proposal, it would be $1,160,000,000—nearly the same as that contained in the Gore proposal.

In the $5,000 to $7,000 bracket, the Finance Committee bill would provide a saving of $944 million. The Gore proposal would represent a saving of $1,268 million. And my proposal would represent a saving of $1,286 million.

In the $7,000 to $10,000 bracket, one which is especially in need of relief, the Finance Committee bill would provide a saving of $1,286 million. The Gore proposal would involve a saving of $1,888 million. My proposal would involve a saving of $2,257 million.

In the $10,000 to $15,000 bracket, the Finance Committee bill would provide a saving of $1,922 million. Under the Gore proposal, it would be $1,942 million. Under my proposal it would be $1,907 million.

It might be interesting to set forth how these proposals compare with reference to the example of a husband and wife and two children. In the $3,000 adjusted gross income area, under all the proposals, there would be no tax to pay at all. Those with $5,000 adjusted gross income would have to pay $18 under my proposal, $200 under the Finance Committee proposal, and $112 under the Gore proposal. In the $7,000 adjusted gross income bracket, under my proposal they would have to pay $481, $560 under the Finance Committee proposal, and $501 under the Gore proposal.

They are all pretty close, except that when we get up into the very high income brackets, under my proposal it would cost them more than under the Gore proposal or under the Finance Committee proposal, although my reduction in tax rates would provide some relief.

I believe this works out in a very equitable manner. It is fiscally sound, and it does equity in those brackets where equity needs to be done. Not one Senator would have to say, after voting for this proposal, that he voted for a nice, big tax cut for himself.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MUSKIE. Will the tax credit proposed by the Senator vary with the number of children in the family?

Mr. MILLER. I am glad the Senator has raised this point.

My point is this: A child, whether that child comes from a poor family or a wealthy family, ought to have the same recognition under the income tax law. Under my proposal, every child, every dependent, would have a $150 credit. So a husband and a wife and two children would have $600 off their tax bill. They would have four credits of $150 each.

Mr. MUSKIE. So the Senator's answer is that the tax credit would be given for each member of the family?

Mr. MILLER. Yes.

Mr. MUSKIE. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. MILLER. I yield.

Mr. CURTIS. Is the Senator's proposal offered in lieu of some provision in the committee bill?

Mr. MILLER. Yes. My provision preserves the Finance Committee minimum standard deduction approach. It takes one-half the rate deduction provided under the Finance Committee bill. The Finance Committee bill continues the $600 exemption. In lieu of that, I provide a credit which is a much better break for most taxpayers, a much better break for all low-income taxpayers; but in order to do that, I cannot give the same tax reduction as the Finance Committee bill. There is a tradeoff here. The Finance Committee does a job for low-income people through tax-rate reduction. I do not think it does as much as it should. And the committee bill preserves the $600 exemption.

Mr. CURTIS. The Senator stated that his proposal would not cost as much loss of revenue as would the committee bill.

Mr. MILLER. That is correct. Approximately $1 billion less.

Mr. CURTIS. Over what period of years?

Mr. MILLER. Taking a look at the combined years 1970, 1971, and 1972.

Mr. CURTIS. Is it about the same each year?

Mr. MILLER. The loss of revenue?

Mr. CURTIS. The difference.

Mr. MILLER. Well, I point out these figures: In 1970, relief provisions under the Finance Committee bill would amount to $1.712 billion. Under my proposal, it would only be $1.127 billion. In 1971, under the Finance Committee bill, it would be $5.144 billion. Under my proposal, it would be $5.403 billion—a little more, not much. In 1972, relief provisions under the Finance Committee bill would amount to $8.9 billion; under my proposal it would be $8.4 billion.

Mr. CURTIS. One more question: When and if the exemptions are raised from $600 to $800, what would the Gore amendment do, in dollars, for a taxpayer who is in the 65-percent bracket, by raising the exemption $200?

Mr. MILLER. A husband and wife——

Mr. CURTIS. I said "a taxpayer."

Mr. MILLER. All right. A taxpayer over 65——

The PRESIDING OFFICER. All time of the Senator from Iowa has expired.

Mr. MILLER. Will the Senator from Tennessee yield me 1 minute?

Mr. GORE. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. In response to the Senator from Nebraska, a taxpayer who has two exemptions, one for himself and one because he is over 65, would have two $800 exemptions. That would be $1,600 in exemptions. In a 70-percent-tax bracket, it can be seen how much better a tax break he would have than somebody in a 20-percent-tax bracket. That is why I said, if my proposal is adopted, nobody could ever say that Senators voted to reduce their taxes.

But I regret to say that, under the Gore proposal, well intentioned as it is, every Senator would be voting himself a substantial tax break, because we are all in at least the 50-percent bracket. Every Senator, whether or not he has a wife or children, would be voting himself a tax break.

Mr. President, I ask unanimous consent that three tables be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

EFFECT ON INDIVIDUAL INCOME TAX LIABILITY OF PROVISIONS WHEN FULLY EFFECTIVE

Adjust gross income class (thousand dollars)	Senate Finance Committee	Gore proposal	Percy proposal	Miller proposal
0 to 3	—781	—856	—869	—835
3 to 5	—1,001	—1,196	—1,273	—1,160
5 to 7	—944	—1,268	—1,467	—1,286
7 to 10	—1,286	—1,888	—2,603	—2,257
10 to 15	—1,922	—1,943	—3,310	—1,907
15 to 20	—806	—701	—1,195	—485
20 to 50	—1,107	—794	—1,319	—226
50 to 100	—464	—179	—393	—39
100 and over	—657	—57	—376	—267
Total	—8,968	—8,883	—12,805	—8,462

MARRIED, 2 DEPENDENTS

Adjusted gross income	Miller	Present law	Finance Committee Tax [1]	Gore $800	Percy
$3,000	0	0	0	0	0
$5,000	$18	$290	$200	$112	$108
$7,000	481	687	576	501	464
$10,000	955	1,114	958	962	840
$15,000	1,960	2,062	1,846	1,886	1,927
$20,000	3,110	3,160	2,968	2,960	2,872

[1] Assumes nonbusiness deductions of 10 percent of income.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

COMPARATIVE RELIEF PROVISION

	1970	1971	1972
Senate Finance Committee	—1,712	—5,144	—8,968
Gore	—3,963	—7,522	—8,883
Percy	—2,300	—5,495	—8,692
Miller	—1,127	—5,403	—8,462
Tax Reform under Senate Finance Committee (and repeal of investment credit)	+3,900	+4,645	+4,870
Extension of surcharge and excises	+4,270	+800	+800

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Tennessee has 4 minutes remaining.

Mr. GORE. Mr. President, during the time of the debate, I have tried to read what I could of the 41 pages. I have asked the committee staff and my staff to give me an estimate. I simply was unable to argue against the amendment. I do not know what it means. I am going to vote against it.

Since it is an amendment to the bill, I yield my time to the chairman of the committee.

Mr. MURPHY. Mr. President, may I ask a question?

This seems to be an extremely important amendment. I appreciate that there is a time limitation. But for the benefit of some of us who would like to listen to this, and for the proponent to explain it fully—this is an important matter—I should like to ask if it would be possible to have unanimous consent that the time be extended so that the amendment might be properly considered, properly discussed, and properly voted on by this body.

Mr. LONG. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 3 minutes remaining.

Mr. MURPHY addressed the Chair.

Mr. LONG. I insist on the regular order, Mr. President.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LONG. Mr. President, the Senator from Iowa offered amendments along this general line in the committee. As I understand, he is proposing to strike certain provisions of the bill and to substitute therefor a tax credit approach for each individual.

I do not know what is in those 40-odd pages. The Senator knows, of course, but the rest of us have no idea. The amendment involves the striking out of $8 billion of relief that is provided in the committee bill. On this short notice, we do not know what the amendment would do. There is no way the Senator could apprise us of that. He has been working on an approach of this sort and it was offered in committee at a time when we had more opportunity to think about it and discuss it, and I think only three or four Senators out of 17 voted for it. At that time it involved a tax increase over present law for most persons with incomes over $20,000. Apparently the amendment overcomes this problem but still gives even less relief in the area than the exemption intended.

The committee believed that this would greatly complicate the tax law. If a taxpayer in the lower rate brackets would be confronted with a personal exemption and a low income allowance and then would be confronted with a tax credit as well, it would be very confusing for him. We do not know how the withholding tax would apply to it. There is no way we could understand it in the time available to us. I am sorry that we have a time limitation, but even if the Senate gave us an hour or two to discuss this matter, neither the staff nor I nor a considerable number of the members of the committee could hope to work out all of the details involved in the amendment.

Frankly, if the amendment were agreed to, under present circumstances, I probably would vote for the Gore amendment, because I would not know what I was defending so far as the committee bill is concerned. I hope the Senate will not agree to this amendment. If, at some later date, the Senator wants to work out his amendment and finds a parliamentary situation in which it can be explained, so that we can better understand it and so that our staff can look at it, we might consider it. But on this short notice, with the Senate having no more than one half hour to look at an amendment involving $8 billion, and approximately 40 pages, there is no way that any Senator, including the Senator from Iowa, could tell what he had voted for.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). All time has expired. The question is on agreeing to the amendment of the Senator from Iowa. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Indiana (Mr. BAYH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 25, nays 70, as follows:

[No. 165 Leg.]

YEAS—25

Aiken	Griffin	Nelson
Baker	Gurney	Packwood
Boggs	Hart	Prouty
Curtis	Hartke	Smith, Ill.
Dodd	Hatfield	Stevens
Dole	Hughes	Thurmond
Dominick	Jordan, Idaho	Young, N. Dak.
Fannin	Miller	
Goldwater	Murphy	

NAYS—70

Allen	Hansen	Pastore
Allott	Harris	Pearson
Bellmon	Holland	Pell
Bennett	Hollings	Percy
Bible	Hruska	Proxmire
Brooke	Inouye	Randolph
Burdick	Jackson	Ribicoff
Byrd, Va.	Javits	Russell
Byrd, W. Va.	Jordan, N.C.	Saxbe
Cannon	Kennedy	Schweiker
Case	Long	Scott
Church	Magnuson	Smith, Maine
Cook	Mansfield	Sparkman
Cooper	Mathias	Spong
Cotton	McCarthy	Stennis
Cranston	McClellan	Talmadge
Eagleton	McGee	Tower
Eastland	McGovern	Tydings
Ellender	McIntyre	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Fong	Mondale	Yarborough
Goodell	Montoya	Young, Ohio
Gore	Moss	
Gravel	Muskie	

NOT VOTING—5

Anderson	Fulbright	Symington
Bayh	Mundt	

So Mr. MILLER'S amendment was rejected.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider the Gore amendment. On that amendment, 20 minutes of debate will be equally divided between the opponents and the proponents. Who yields time?

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana will state it.

Mr. LONG. Do I correctly understand that there will be no time on the Gore amendment after the vote on the amendment to the amendment?

The PRESIDING OFFICER. Immediately following the vote on this amendment, the Senate will vote on the earlier Gore amendment, as amended or not amended.

Mr. LONG. Without debate?

The PRESIDING OFFICER. Without debate.

Mr. LONG. Do I correctly understand, then, that if one wishes to discuss the pending Gore amendment, the amendment to the amendment, or the amendment, he must do so now because no time will be left after the next vote?

The PRESIDING OFFICER. All discussion must come within the next 20 minutes. Who yields time?

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state it.

Mr. DOLE. Do I correctly understand that we are now considering the Gore substitute?

The PRESIDING OFFICER. That is correct. The Gore substitute is the pending matter.

Mr. DOLE. The Gore substitute is not subject to further amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. If the Gore substitute should be agreed to, would the Gore amendment be subject to amendment?

The PRESIDING OFFICER. No further amendment would be in order.

Mr. DOLE. If the Gore substitute should fail, would the original Gore amendment then be subject to amendment?

The PRESIDING OFFICER. The unanimous-consent agreement shuts out further amendment.

Mr. DOLE. To either amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I wish to read the list of cosponsors of the pending amendment:

Senators BURDICK, CANNON, HARTKE, KENNEDY, MCCLELLAN, MONDALE, MONTOYA, MOSS, PASTORE, PROXMIRE, RIBICOFF, YARBOROUGH, and YOUNG of Ohio.

Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors: The Senator from Oklahoma (Mr. HARRIS), the Senator from Idaho (Mr. CHURCH), the Senator from West Virginia (Mr. RANDOLPH), the distinguished Presiding Officer now occupy-

ing the chair, the Senator from California (Mr. CRANSTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from South Carolina (Mr. HOLLINGS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, perhaps it will not be necessary to have a rollcall on this amendment. [Laughter.]

Let me take this moment to express my gratitude for the patience and tolerance of the Senate in hearing me on this issue. I am grateful that something on which I have worked for a long time is now receiving the careful attention of the Senate. I apologize for having overtaxed the patience of Senators; but, Mr. President, this is a fundamental matter. The principle of having in the tax law a personal exemption of an amount sufficiently free of Federal tax to enable the taxpayer to have a minimum living is as old as the 16th amendment to the Constitution.

In 1913, Congress, upon adoption of the 16th amendment, passed the first modern U.S. income tax law. In that first bill, an exemption from income tax was established at $3,000. The requirements for revenue since then have been pressing. The level of personal exemption has changed from time to time. During World War II, because of the scarcity of goods, Congress lowered the exemption to $500 for each person and dependent, not that Congress thought—I have reviewed those debates—that this was adequate, but it was lowered in order to squeeze purchasing power when too many dollars were chasing scarce goods.

In 1948, under the leadership of Senator MCCLELLAN and former Senator George, it was raised to $600. Since then, the cost of living has more than doubled.

We are now considering the largest tax reform bill in the history of the country. It is, likewise, one of the largest tax relief bills in history.

The bill is composed of two large principal parts. Tax reform is one, by which some $6.6 billion of additional revenue will be brought into the Treasury. Tax relief is the other, by which approximately this same amount of tax relief is provided to taxpayers in the form of personal or individual tax relief. That tax relief in the bill is principally by changes in the tax rates—a change in the bottom rate of only 1 percentage point, and running to as high as 8 percentage points at the top.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes remain to the Senator from Tennessee.

Mr. GORE. I desist, and yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I insist that the Senator proceed.

Mr. GORE. Oh no.

Mr. STENNIS. I shall be brief.

Mr. President, I have cast a lot of hard votes on tax bills since I have been in the Senate. I have generally voted against tax reductions because I thought the Treasury ought to be protected. I have voted usually with the committee on all major votes ever since I have been here. I do not particularly like the idea of departing now, but, Mr. President, the $600 figure is outmoded and left by time that, when we are taxing so many little people who work to earn their money, when we are taking money from them and giving it to people who are unemployed because they want to be unemployed and will not try to get a job to make a living, I hope we can adopt the amendment and make the vote so overwhelming that it will have a splendid chance to stand up in conference.

Mr. GORE. Mr. President, I yield my remaining time to the Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I commend the Senator from Tennessee for his great fight for the amendment on which we are about to vote. Obviously, the votes that have gone on today before this one have all resulted in turning back changes that were different from this change.

The Gore amendment should be adopted. I think it will give relief to our people in a place where they will understand that relief. It will give relief to the taxpayer who has an average income. It will give relief to those who have large families.

If it is indeed to be a tax reform bill, I think we must shift the burden away from the low income and middle income taxpayer and make up that revenue from others. I am afraid the bill does not do that as much as it should, but certainly the Gore amendment is a step in the right direction, and I am glad to associate myself with it.

Mr. President, during the last year we have heard a lot of rhetoric about tax relief for the average taxpayer, but now when Senator GORE'S amendment offers us a chance to do something about it, we suddenly begin to hear all sorts of excuses why it cannot be done. But these excuses look pretty lame when exposed to the facts.

In 1948, the personal exemption was fixed at $600. Since then the cost of living has risen almost 50 percent. And those costs related mostly to supporting dependents, such as higher education, food, and clothing, have gone up even more than 50 percent. On the basis of these statistics alone, an increase to $800 over a 2-year period is really not enough. A personal exemption of $800 will not even restore the status quo of 1948, and the American standard of living has not stood still since 1948.

At $600 per dependent, a father is expected to be able to feed, clothe, house, and educate his family. But who can do that on $50 a month? Anyone who thinks it can be done has not been near a store in years. Again, I remind the Senate that even $800 is not really enough.

Not only does the committee bill fail to provide adequate relief for the average taxpayer, but it also squanders what relief it does give on the wrong people. The rate changes in the committee bill grants 40 percent of the total tax relief to taxpayers with incomes over $20,000. The Gore amendment would grant only 11 percent of the relief to these high income brackets.

When the effects of the committee bill and the Gore amendment are laid side by side, the contrast is quite revealing. Both versions would provide substantial relief to the lowest incomes, although the Gore amendment would remove more of our poor taxpayers from the tax rolls than the committee bill.

But it is the middle-income groups—the great majority of this Nation's taxpayers—to whom, under the committee bill, the promise of tax relief will be the biggest joke.

Only about one-third of the relief under the committee bill would go to people with incomes between $7,000 and $15,000. Under the Gore amendment over 50 percent of the relief goes to this group.

These figures have even greater meaning when individual examples are compared. A typical taxpayer with a wife and two children earning $7,500 would be given a tax reduction of only $36, but under the Gore amendment the reduction would be $134. Or if his income were $10,000, the respective relief would be $56 versus $152.

For those with incomes over $20,000, the Gore amendment offers less relief than the committee bill, and for incomes over $100,000, the tax liability is actually increased. But this is as it should be. A progressive tax structure is supposed to be based on the ability to pay.

The more objective opponents to this amendment will concede that it is more progressive and that it grants more relief to middle-income taxpayers. They will concede this, but then they will say that we cannot afford it. Fiscal responsibility is their catchword.

But where was the fiscal responsibility when the ABM and other unnecessary military hardware provision was pushed through the Senate without regard to cost? Who is being fiscally responsible when thousands of troops are kept in Europe and billions spent in Vietnam?

But even if these wasteful expenditures are left unchecked, the extra cost of the Gore amendment can be met by closing more of the loopholes. Although the committee bill is a remarkable achievement compared with past attempts at closing loopholes, there are still plenty of leaks left in the tax code. Restoration of the House bill provisions on foreign tax credits, capital gains, and financial institutions would be a good beginning. The Senate should also repeal all accelerated depreciation except for moderate- and low-income housing, institute a stiff minimum income tax, and come to grips with the tax-exempt bond dilemma.

Those who are really serious about fiscal responsibility ought first to look at these glaring loopholes instead of denying relief to those who need it most—the average taxpayers.

To plagiarize from Frost, "tax reform still has many miles to go and many promises to keep."

Mr. GRIFFIN. Mr. President, I delegate to the Senator from Louisana the time allotted to the minority leader under the unanimous-consent agreement.

Mr. LONG. Mr. President, I regret that many Senators do not understand the basis upon which the committee bill was

adopted. I ask that certain tables be placed on the easel at the rear of the Chamber.

In prior years certain persons believed that the best way to help those in the lower income brackets was to increase the personal exemption. It was organized labor, though, that first came up with the idea that if only a certain amount of revenue were available to reduce taxes, such as $2 billion or $3 billion, those in the lower income brackets could more effectively be helped by increasing the minimum standard deduction, because if the personal exemption were increased, most of those benefits would go to those in the higher brackets. A minimum standard deduction, in effect, gives the working man in the lower income tax brackets benefits which those in the higher brackets do not get.

The low-income allowance or minimum standard deduction in the committee bill exempts from tax those who are regarded as being in the poverty level, which is indicated by the green line on the chart at the rear of the Chamber—about $1,700 for a single person, $2,300 for two, and so on up as family size increases. For income above these levels the tax rates apply, although they are reduced under the bill.

Tax reform and tax simplification are further provided under the committee bill by increasing the standard deduction from 10 to 15 percent and raising the limit from $1,000 to $2,000. These increases would provide substantial benefits to the middle income taxpayers, particularly those in the lower middle income brackets. The higher standard deduction would be stricken by the Gore amendment. The standard deduction does not benefit those in the high income tax brackets, because their itemized deductions are generally larger than the standard deduction. But it very much affects the middle-income taxpayer, and it would provide substantial simplification by increasing the proportion of taxpayers who use the standard deduction from 58 to 74 percent. Thus, about three-quarters of the taxpayers would be using the standard deduction, and there would be fewer complaints, less fuming, and less irritation. If the provisions of the Gore amendment are adopted, most of the tax simplification would be removed from the bill.

Furthermore, the Gore amendment would eliminate from the bill the principle of tax equity concerning the relative tax burdens of single people, married couples, married couples with one child, and couples with more children. Under the committee bill it would work out that, at the $12,500 level, there would be a 14-percent reduction for all of family sizes beyond a single person.

The Gore amendment would change this reduction so that there would be at the $12,500 income level, only about an 8-percent reduction for single people, a 5-percent reduction for married couples, an 11-percent reduction for couples with 1 child, and a 17 percent reduction for couples with 4 children. So it would tend to move the tax reduction from those with small families to the benefit of those with large families.

A study by the Department of Health, Education, and Welfare of how much money people need to subsist showed that one person needs more than $800 income to subsist on; he needs $1,700.

If we are to think about tax equity as among single people, married couples, married couples with one child, and married couples with five, six, or eight children, based on what they need, a more justifiable and equitable way would be that arrived at by the committee in the bill it reported to the Senate. The committee bill approach exempts from tax those below the poverty level, which depends on family size, and then provides a higher standard deduction and rate reduction to all taxpayers, as well as a new rate schedule for single persons to reduce the tax difference resulting from income splitting used by joint returns.

The Senator argues that there should not be tax relief in the upper tax brackets by the reduction of the rates. However, if we are to have tax reform, if we are to increase revenues by almost $7 billion, as now proposed, by putting heavier taxes on corporations and persons receiving $25,000 and more, to the point where we are saying that one man who now pays little or nothing will pay substantially, then, in fairness we should have some reduction in tax rates so as to encourage those who are in the high tax brackets—who are actually paying 70 percent of their income in taxes—to invest their money in ways that are productive, instead of spending their time trying to find ways to keep their tax liability low.

I do not think much money will be lost if we reduce the upper tax rates because if people are encouraged to invest their money in productive ways, rather than encouraged to try to evade taxes, that will result in benefits to the economy and the Nation, and whatever reduction is made in taxes will be more than made up as a result of the investment of their money and effort in constructive ways.

So on balance, Mr. President, we have a better bill. It is better structured to achieve tax equity, tax simplification, tax reduction for every taxpayer who is entitled to expect some tax reduction, and tax increases for those who have thus far been getting by with paying very little in taxes.

Furthermore, as I have indicated, the Gore amendment has a very bad fiscal impact. It would increase the amount of revenue lost by this bill, which is very much needed for Government financing, by $2.3 billion in 1970 and by $3.8 billion in 1971 or $6.1 billion in these 2 years when the Government very much needs the revenue if it is to try to balance the budget and resist inflation.

Several Senators addressed the Chair.

Mr. LONG. I have promised to yield to the Senator from Massachusetts. I yield 2 minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, in the Senate's action on the proposal by the Senator from Tennessee (Mr. GORE), we reach a crucial test of our responsibilities to the American people and to the American economy. As yesterday's Department of Commerce report indicated, projected investment decisions for early 1970 show another startling and inflationary jump. If this one indicator is matched in other areas, unacceptable inflation may well continue for many months.

Under the circumstances, any increase in personal exemptions will, in fact, be illusory, especially because such an increase is bound to fuel the very inflation that destroys the benefits it offers. The only durable tax relief, the only relief that survives inflation, is likely to be adjustment in tax rates themselves. When such relief through the tax rates is matched by adequate tax reform to close loopholes and maintain Government revenues, I believe the result is more equitable and less damaging to the economy.

However appealing a simple increase in personal exemption is, we cannot sacrifice our judgment on the vital needs of the economy to such an illusory change.

I certainly commend Senator PERCY, Senator GORE, and all other Senators who have been seeking a compromise on this difficult issue.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. LONG. I yield the Senator 1 additional minute.

Mr. BROOKE. However, for the reasons I have just stated briefly, I have concluded that the wisest course, the course which best supports our efforts to curb inflation and to maintain revenues to undertake the essential programs of social construction, lies in rejecting any change in personal exemptions at this time. The sound course, in my judgment, is to follow the general lines of the House bill and of the committee bill. Millions of low-income families will be removed from the tax rolls, and all taxpayers will benefit from direct tax rate reductions. Let us not undermine these real advances by a self-defeating increase in personal exemptions which will only prolong the economic crisis which is now reducing the buying power of every American family. Mr. President, I urge the Senate to reject the Gore amendment.

Mr. LONG. Mr. President, I ask unanimous consent that the time for both sides on the pending amendment be extended 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Louisiana and the Senator from Massachusetts have eloquently outlined the reasons why the Gore amendment should be rejected. Notwithstanding and how desirable it might be, if we were to raise the exemptions by adopting the Gore amendment we would be providing an additional tax reduction of $6.1 billion in the next 2 years, at a time when we do not have the money. The only way we could pay for that reduction would be by borrowing money and paying interest on it. That would only contribute further toward inflation. I ask unanimous consent to have printed in the RECORD an article entitled "Key Indicator Stirs Fear of Inflation Rise," written by Hobart Rowen, and published in today's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 3, 1969]

KEY INDICATOR STIRS FEAR OF INFLATION RISE

(By Hobart Rowen)

The business investment boom—a major symptom and symbol of inflaton—will accelerate even further in 1970, the Nixon administration reported last night.

According to the eagerly awaited survey by the Department of Commerce and the Securities and Exchange Commission, business expansion expenditures will rocket to an annual rate of $77.5 billion in the first half of 1970, up 11 per cent from the comparable period this year, and up 6 per cent from the second six months of 1969.

The administration was hoping for—and predicting—a less exuberant result.

"Anyone in my position," Economic Council Chairman Paul W. McCracken told The Washington Post, "would have been hoping to see a more modest projected increase."

Estimated expenditures for this calendar year were placed at $71.2 billion in the new survey, a gain of 11 per cent over the full year 1968. Projected spending for the fourth quarter has been boosted 1.5 per cent since a survey this past summer.

For 1970, the outlook as presented by the government now suggests an even bigger inflationary thrust than indications of a 7 to 9 per cent increase given in recent private surveys. (Government estimates for the full year ahead will not be available until early in 1970.)

Earlier, government officials had scoffed at these private estimates, suggesting that they were probably too high. But the government yesterday not only confirmed the direction of the unofficial estimates, but showed that, if anything, they were too low.

For one thing, McCracken noted, it means that the outlook for any significant reduction in record-high interest rates is "not encouraging." It also suggests, he added, that the government will have to continue with its rigorous policy of fiscal and monetary restraints even longer than it had thought earlier.

Business outlays for new plants and additions, and the equipment that goes in them are considered "high-powered" dollars, with a great stimulative impact on the economy.

To the extent that business borrows money to finance such expansion, it puts a strain on capital markets, hence interest rates; and the construction effort itself strains the supply of skilled manpower and of some materials.

McCracken pointed to some alleviating circumstances. First, he noted that plant and equipment expenditures are not a "leading indicator;" hence any slowing down of the economy would not show up here first.

Then, the Commerce-SEC figures show that the biggest surge in projected outlays is in the non-manufacturing sector, which could mean that the manufacturing sector (focus of many inflationary pressures) may be cooling off "a little."

Other officials noted that projections for spending are not always matched by results; thus the latest calculation for 1969 (an 11 per cent gain) is modestly lower than a 14 per cent figure projected in February.

Another consideration is that "real" plant expansion reflects a less dramatic increase, once adjusted for average price increases of perhaps 5 per cent.

But after making all such allowances, the picture presented by the figures yesterday means that more inflationary pressures are still working through the economy than were anticipated in the Nixon "game plan."

"I wouldn't pretend that this is just what we expected," McCracken said. "It's a very strong picture for capital expenditures."

Mr. WILLIAMS of Delaware. Mr. President, the article states that the big business boom is still growing and that projections of business spending for 1970 indicate that inflation is still far from being under control.

We should remember that as we reduce taxes and further fan the fires of inflation—and there is no question that the amendent would do that by pouring this additional $6 billion into the economy—we shall only be contributing to increasing the cost of living; and every time the cost of living increases 1 percentage point the cost to the American consumers is more than $5 billion. So we would be giving false relief. As for the argument that we can provide tax relief in the low brackets and charge it against the upper brackets I placed in the RECORD yesterday a statistical report prepared by the staff which shows that even if we put a 100 percent tax rate on all incomes in America in excess of $50,000 we would provide additional revenue of only $1.1 billion. So we have already gone far down that road. I think the committee bill is evenly balanced, and I hope the Gore amendment will be rejected.

Mr. LONG. I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the chairman of the Committee on Finance (Mr. LONG) for the clarity of his statement, and commend also the distinguished Senator from Massachusetts and the distinguished Senator from Delaware.

Any way we figure it, the adoption of the Gore amendment would add, in the first 2 years, about $6 billion to the national debt. Where is the Senator who promised his constituents that he would vote to increase the personal exemption if we had to borrow money to do it?

At present borrowing rates, it would cost $400 million a year in interest to carry the burden of the increased debt occasioned by the Gore amendment for the first 2 years; and that burden of interest will go on and on, until the people of the United States elect a Congress that will start paying off the national debt.

Of course, we are all for tax reduction, but are we for tax reduction if we have to borrow the money and go into debt for it?

AMENDMENT NO. 343

Mr. President, on November 25 I submitted amendment No. 302. I find that it needs minor corrections, and I am resubmitting it today as amendment No. 343. I ask that the RECORD show I am abandoning amendment No. 302, and shall offer, instead, amendment No. 343. I ask unanimous consent to withdraw amendment No. 302.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. I yield 1 minute to the Senator from Colorado.

Mr. ALLOTT. Mr. President, no one can fail to feel the appeal of the proposal before us. Following the passage of the tax bill in the House, my office was deluged with letters from those in the middle-income group of taxpayers who were simply fed up with shouldering overburdening tax responsibilities. I think it can be truly said that the middle-income people have been in the vanguard of those Americans who are demanding tax justice and who have prompted this tax reform.

I read with considerable interest the colloquy which developed between the distinguished senior Senator from Tennessee and the chairman of the Committee on Finance on November 26, beginning at page 35929 and continuing to 35937 of the CONGRESSIONAL RECORD. There is tremedous emotional pull in the comments of the Senator from Tennessee that the fellow he is concerned about is the man "trying to get off the bottom, with a big mortgage on a little house and a family of children, the man who pays more than he can bear."

Mr. President, I think it can be fairly said that this part of the tax reform package is subject to the same kind of emoting as we often find here in Congress when we discuss social security legislation. Each time we increase benefits we must be exceedingly circumspect to assure the financial consequences of increased benefits does not lead to disastrous consequences on the actuarial soundness of the social security trust funds. We endeavor to be fiscally responsible in those decisions.

The Senator from Tennessee recognized the ramifications of his proposals, I believe, when he discussed the financial consequences of his initial proposal on November 26 at page 35935 of the RECORD.

Of course, one could argue, as does the senior Senator from Tennessee, that there will be a "fiscal dividend" once the Vietnam war comes to a conclusion. But we all recognize that there are many Senators who have already looked for ways to spend that money when and if it ever becomes available for other measures which have particular concern to them.

Mr. President, the Finance Committee, in the bill before us, proposes four different provisions which will provide equitable relief for the great majority of American taxpayers who have not been afforded equitable tax treatment. In essence, they provided a low-income allowance, about which I shall speak in a moment, a new rate structure for single taxpayers, an across-the-board tax-rate reduction for everyone, and an increase in the standard deduction up to 15 percent, not to exceed $2,000. The impact of these provisions of the tax bill, reported out by the Finance Committee, results in about a $9 billion loss in Federal revenue.

One of the most expensive parts in this area of the bill is the low-income allowance which works with the personal exemption. According to the distinguished chairman of the Senate Finance Committee, in colloquy on the Allen amendment on page 35501 of the November 24 RECORD, HEW has estimated that a person who is making $1,700 a year or less is in the poverty bracket. In effect, the committee bill when finally implemented, provides that a person with the low-income allowance of $1,100 and a $600 personal exemption, would pay no income tax on up to $1,700 of income. Beyond that point, for a couple, the $600

exemption is added for the second exemption and as a result they would have exempt income of $2,300. A married couple with two children would have $3,500 in nontaxable income, which is almost $900 per person.

In addition to increasing the standard deduction and providing equitable relief for single taxpayers, the Senate Finance Committee bill contains a reduction in the tax rate which benefits all taxpayers. The impact of this rate reduction is found on page 4 of the committee report and is as follows:

Percentage tax increase or decrease from committee amendments

[In thousands]

Adjusted gross income:	
$0 to $3	−66.1
$3 to $5	−30.3
$5 to $7	−17.0
$7 to $10	−10.9
$10 to $15	−10.3
$15 to $20	−8.6
$20 to $50	−7.2
$50 to $100	−4.8
$100 and over	+2.6
Total	−10.1

Mr. President, the Gore substitute, as I understand it, would result in a revenue loss of $4.8 billion in addition to the $9 billion loss in the Finance Committee bill.

Because I believe the Finance Committee bill equitably provides for those in the lower- and middle-income brackets, and because I recognize that there is a $9 billion cost of the tax relief program in this bill, I feel constrained to vote against the proposal now pending before us. I must give consideration to current budget restrictions and the vital need for fiscal moderation to combat the inflationary spiral that everyone in this Nation is facing. Responsibility requires this. We will not benefit the average man by increasing the onerous tax exacted by inflation.

The PRESIDING OFFICER. The Senator from Tennessee has 5 minutes remaining.

Mr. GORE. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I do not require a minute. I ask unanimous consent that my name and the name of the able Senator from South Dakota (Mr. McGOVERN) be added as cosponsors of amendment No. 337, the Gore substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, the speeches to which we have just listened must have been written before I offered, together with several other Senators, the substitute amendment, because the pending substitute amendment, if adopted, will cost less in the long run than the committee bill.

I am not sure this is a virtue. I still think we should increase the exemption to $1,000; but I yielded to the advice of the leadership of my party and to senior and more conservative Senators on our side, in order that we might be both unified and sure of success on this amendment.

The amendment is now being offered as an increase, not to $1,000, but to $800. So speeches to which we have just listened do not apply.

Compared with the revenue loss of the bill from rate changes, my amendment, or our amendment, would lose less revenue by $100 million per year, in the long run, than the committee bill.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. GORE. I yield.

Mr. LONG. Mr. President, what the Senator said is correct as to the long-run effect. However, in 1970 and 1971 the Senator's amendment would result in a loss of more than $6 billion.

Mr. GORE. The Senator, I respectfully suggest, is in error.

What the Senator has just said applies to the $1,000 exemption, not to the $800 personal exemption. The $800 personal exemption will approximately even up in 1970 with the committee bill.

It would cost something more, but nothing like $4 billion or $5 billion, in 1971; and in the long run it would cost less. Mr. President, I cite the letter of the Assistant Secretary of the Treasury, contained on page 36264 of the RECORD of December 1, 1969, in which he complained of the long-range effect of the $1,000 exemption. However, when we change it to $800, then our measure is less expensive in the long run than the committee bill.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG. Mr. President, I am advised by the staffs of both the joint committee and the Finance Committee that there is really very little difference in the Senator's amendment, for the first 2 years, between the $1,000 and the $800 personal exemption because under the $1,000 exemption amendment the exemption was increased to $700 in 1970 and $800 in 1971, as is the case with his substitute amendment.

There is still a loss compared to the committee bill in the first 2 years of $6.1 billion, although that is phased out over the next 2 years when compared with the committee bill.

Mr. GORE. Mr. President, I call the attention of the Senate to the letter from Assistant Secretary of the Treasury Edwin S. Cohen, printed in the RECORD on Monday, December 1, on page 36264. I also call attention to the RECORD of yesterday, the concluding pages of the session, when the committee staff itself caused to have printed in the RECORD tables which show both the short-range effect and the long-range effect.

I submit that the tables show that the substitute amendment will have a long-range effect of $100 million less loss of revenue than the committee bill.

Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, I yield first to the ranking committee member on the minority side.

Mr. WILLIAMS of Delaware. Mr. President, I think there is an error here. The immediate loss in the next 2 years, the short-term loss, based upon the information given by the committee staff would be about $6 billion more than under the committee bill. The letter that I had printed in the RECORD yesterday from the President confirms that.

Mr. INOUYE. Mr. President, tax reform and relief from inequitable tax burdens are indistinguishable and identical. Over the years a number of inequities have crept into the Federal tax program. There is probably no greater anachronism than the standard $600 exemption. Tax laws must keep current with the times and with changes in income and with how that income is derived and spent.

First instituted in 1948 it has remained unchanged despite the decline in the value of the dollar. Imposed at a time when the income of many families did not exceed $600 per member, it has remained at that figure despite a 50-percent increase in the cost of living and almost a tripling of average income.

In 1948 medium family income in the United States was approximately $3,100. In 1967 this had increased almost to $8,000 and today it is close to $9,000. This is a measure of our inflation and of the changes which have occurred.

But we have had no change in the personal exemption. An increase is long overdue.

In no State is an increase in the personal exemption more important than in my State of Hawaii, which has the highest cost of living in any State in the Nation. This increase in personal exemptions is essential to keep our tax laws current with the times.

The Gore amendment will provide relief for every taxpayer. It will merely recognize what should be apparent to all, the declining value of the dollar and the value of the present personal exemption.

If we leave that exemption at its current level we will in effect increase taxes with every increase in inflation at a rate in excess of the inflationary increase.

This is a most elementary and necessary reform and it is for this reason that I give it my enthusiastic support.

Mr. BYRD of West Virginia. Mr. President, I cosponsored the Gore amendment to increase the personal income tax exemption to $800. The $600 exemption has not been increased since it was enacted 21 years ago, and in the meantime, the cost of living has skyrocketed.

There is no question but that raising the exemption to $800 will cause a temporary loss of tax revenue. But the Government has wasted too much money on questionable programs of little or no merit. It should cut back on wasteful spending.

As far as I am concerned, a platoon of spacemen on the moon is not as important as a $200 tax break for the low- and middle-income American.

I think it is time to consider the average citizen who has been paying the bills.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Tennessee. On this question the yeas and

nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 58, nays 37, as follows:

[No. 166 Leg.]

YEAS—58

Aiken	Hartke	Nelson
Allen	Hatfield	Pastore
Baker	Hollings	Pell
Bellmon	Hughes	Prouty
Bible	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, W. Va.	Jordan, N.C.	Ribicoff
Cannon	Kennedy	Schweiker
Church	Magnuson	Sparkman
Cook	Mansfield	Spong
Cranston	McCarthy	Stennis
Dodd	McClellan	Stevens
Eagleton	McGee	Talmadge
Eastland	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fong	Metcalf	Yarborough
Gore	Mondale	Young, N. Dak.
Gravel	Montoya	Young, Ohio
Harris	Moss	
Hart	Muskie	

NAYS—37

Allott	Goldwater	Packwood
Bennett	Goodell	Pearson
Boggs	Griffin	Percy
Brooke	Gurney	Russell
Byrd, Va.	Hansen	Saxbe
Case	Holland	Scott
Cooper	Hruska	Smith, Maine
Cotton	Javits	Smith, Ill.
Curtis	Jordan, Idaho	Thurmond
Dole	Long	Tower
Dominick	Mathias	Williams, Del.
Ellender	Miller	
Fannin	Murphy	

NOT VOTING—5

Anderson	Fulbright	Symington
Bayh	Mundt	

So Mr. GORE's substitute amendment was agreed to.

TIME FOR TAX REFORM

Mr. HART subsequently said: Mr. President, today the Senate voted to amend the Federal income tax law by increasing personal exemptions from $600 to $800 and upping the minimum standard deduction to $1,000. The personal exemption would be increased to $700 next year and to $800 in 1971.

I supported this amendment, proposed by Senator GORE, of Tennessee.

The Gore approach to tax relief was, on balance, a more equitable way of distributing tax relief than the committee proposal.

By combining increases in the personal exemption and the standard deduction, the relief would go primarily to those who deserve it most—middle- and low-income families.

To make my point, let me cite a few figures from a table placed in the CONGRESSIONAL RECORD yesterday. The figures are for a family of four in 1971, when the full increase in personal deductions would be effective.

Adjust gross income	Tax saving committee bill	Tax saving Senate bill
$7,500	$36	$134
$15,000	96	176
$20,000	152	200
$100,000	2,256	464

Put another way, the tax bite on a family of four with a gross income of $7,500 would be reduced 24.3 percent under the Gore proposal and only 6.7 percent under the committee proposal; on a family of four with an income of $15,000, 10.2 percent under the Gore amendment; 5.5 percent under the committee recommendation.

Families of four with incomes of $4,000 now pay $112 in income tax. The committee recommendation would have such families pay $65. Under the Gore plan, such families with incomes of $4,000 or under would pay no tax.

Of course, tax relief, no matter what its form, means loss of Federal revenues.

It is my understanding that in the long run, the amount of revenue lost through the Gore plan would be the same as lost through the committee recommendation. It is also my understanding that in the second year, loss from the Gore proposal will exceed the loss from the committee plan.

However, under either plan, revenue loss in the long run, will exceed revenues to be gained through tax reforms proposed by the committee.

Without getting into exact figures, the Senate, now that it has voted tax relief totaling about $8.9 billion in 1971, should set about closing enough loopholes to at least offset that loss. If my mathematics is correct, that means the Senate will have to pick up from $4 to $5 million through tax reforms in addition to these recommended by the committee.

There are ample loopholes untouched by the committee bill to more than make up that total.

The time has come for the Senate to face up to tax reform, just as it did in rejecting a proposal to increase the personal exemption to $1,200. Such an increase would not only have given a disproportionate share of relief to the upper incomes, but it would have meant a revenue loss of $18 billion. A reduction of that amount would have meant the Nation could not do what it should to fight pollution, rebuild cities, eliminate hunger, develop parks, and to act on the many other domestic problems facing the Nation.

SENATOR RANDOLPH SUPPORTS PERSONAL EXEMPTION INCREASE

Mr. RANDOLPH. Mr. President, I commend the able Senator from Tennessee (Mr. GORE) for his successful advocacy of the increase in the personal exemption as reflected in the 58 to 37 rollcall. It was my privilege to cosponsor his amendment and to counsel with my colleagues as a supporter of this well-reasoned approach to an improved tax structure.

It is worthy of repeating that the present $600 personal exemption has been in the law since 1948. The benefits then intended have been erased through the years by the increased cost of living.

It is my hope that the House will concur with the increase to $800. I am convinced that we have acted responsibly in this tax reform measure by a reasonable lessening of the burden which the great body of our people, especially those with families, have borne for too long.

Realistic tax increases and the closing of loopholes in the present law and the elimination of inequities now existing bring to the Members of this body a challenge to act constructively. I believe that we are meeting this challenge, in part, by our action today.

It is also appropriate to congratulate the knowledgeable chairman of the Finance Committee, Mr. LONG, who day after day presents so ably arguments for the general purposes of the complex bill now pending.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the yeas and nays on the next vote be rescinded, in view of the fact that it would be a mere repetition of the previous vote.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object; I simply take the time in case someone wishes to object—to my mind, it would be a repetition of the previous vote, and I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Tennessee, as amended.

The amendment, as amended, was agreed to.

Mr. SCOTT. Mr. President, the outcome of these votes points up something that I, at least, would like to have the RECORD show.

The amendment offered by the Senator from Illinois, which I supported, was offered in a very earnest and sincere attempt to provide some additional relief for the taxpayer, particularly the low-income taxpayer. It was also offered with the hope that it would be acceptable to the Senate in lieu of the proposal of the Senator from Tennessee (Mr. GORE). The Percy proposal would have cost the Treasury in the first 2 years no more than $600 million. The Gore proposal in the same period involves the Treasury in a loss of revenue of approximately $6 billion.

I am one of those who had hoped that the Treasury Department would understand what we were getting at. What we were trying to do in offering the Percy amendment was to minimize the loss to the Treasury but at the same time present an equitable amendment in such form as to give some added relief to the very heavily burdened taxpayer, particularly in the lower- and middle-income brackets.

The Treasury found itself unable to support either amendment. I suggest that there is an important lesson here to be learned by the Treasury Department, and that is that it is better to support an amendment which will save the

Treasury money, rather than to risk the passage of an amendment, as has just occurred, which will cost the Treasury a great deal more money.

We in Congress think we know our business; I think I know mine as the Republican leader. In that capacity, I was trying to achieve for the Treasury a substantial savings, but rather than accept the opportunity to make this savings, the Treasury has gone down to a resounding, and I suppose, glorious defeat. I do not know how many pyrrhic victories of this kind the Treasury wishes to risk, but I do hope that the responsible people in the Treasury, in my own administration, will listen the next time we try to advise them that legislatively we understand more about tactics and strategy than they do. If they do not listen I may have to accept the opportunity to go down to some glorious defeats with them, or I may not.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Does the Senator yield?

Mr. SCOTT. I am delighted to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, when I attended the University of Chicago, Robert Maynard Hutchins would always send a congratulatory telegram, even if we had been defeated by a score of 88 to nothing by Michigan State, and it always said the same thing: It was a great moral victory.

I will have to look for the moral in this victory, if I can, but I do very much appreciate the minority leader's cooperation, support, and help. The assistant minority leader, as well, was magnificent in working with us the past few days to find a very responsible position we could live with.

The final vote on the amendment we were voting on would have cost only $600 million more than the committee bill over a period of 3 years. We could have found $200 million a year for 3 years to cut out someplace else. We could have acted responsibly, it would have been fiscally sound and it would have provided all the reforms and benefits in the committee bill. I anticipate that in conference we will end up with something close to this.

In addition, the Senator from Kansas (Mr. DOLE) was extremely helpful in his amendment which would have cut off the last year, 1973. I had maintained that we had plenty of time to change if economic circumstances would have required it. However, by cutting off that large bulge in 1973 at this time I think he made a major contribution to the amendment we voted on.

I wish to commend the staff of the Department of the Treasury. The group working under the leadership of Ed Cohen worked constantly, at great sacrifice, in providing technical assistance and suggestions that went far beyond the call of duty. They were making suggestions that were truly helpful to us in arriving at responsible legislation.

Mr. SCOTT. I wish to add that the assistance of Assistant Secretary Cohen and Under Secretary Walker, and all the technicians on the staff were helpful in the advice they furnished on this amendment.

What I have had to say is directed to matters of strategy where my obligation includes, among other things, an obligation to try to carry out the administration's desires wherever possible and also to try to save the bill as close to the committee recommendation as we can. The members of the committee on our side of the aisle might not necessarily agree with my point of view, and I say that in all fairness.

Mr. PERCY. I would like to add regarding the description of strategy and tactics in trying to attain our objective, we simply "blew it." We can only hope that the bill which comes back from the conference will be satisfactory.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may yield to the Senator from Tennessee so that he may make comments on the matters which have just preceded without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I rise to make some remarks in response to those of the distinguished minority leader about the situation with which the Senate has just contended in regard to the Percy amendment, the Gore amendment, the Miller amendment, and other amendments dealing with the personal exemption.

I hesitate to make some of these remarks because I feel they may sound as if they are creating an appearance of divisiveness within our party. It is not so meant. I say that because it may sound that I am in some respect in disagreement with the distinguished minority leader, and in some respects I am. However, this is said only in the spirit of cooperation and as a constructive effort to see that this vote will result in a contribution to the efforts of this body.

We begin with the first proposition that the Republican Party lost, if we consider that the Percy amendment was the Republican position. It was not necessarily the Republican position and it was not necessarily the position of the administration.

I am not aware that the administration, as such, adopted a line of one specific tactic or strategy, other than the principles and guidelines laid down by the President in the letter transmitted to the Senate yesterday.

The important point I think we must keep in mind is this. Whether we won or lost depends on whether or not there was a unified Republican position on this particular issue. There was not. Whether the administration won or lost depends on whether there was an administration position on strategy or tactics. I am not aware that there was. It seems to me that the clear, plain polarization of sentiment of the Senate was expressed on the one hand in the recommendation of the Committee on Finance for the $600 exemption plus a readjustment of rates, the low-income allowance, and the adjustment of the standard deduction, as compared with the Gore proposal for a $1,000 exemption and other adjustments on the other hand. This was the confrontation. The issue here joined in this manner. The strategy or tactic adopted presumably was for the Senator from Tennessee (Mr. GORE) to offer a substitute for his own amendment reducing it from $1,000 to $800, which was his privilege, and the determination by the distinguished senior Senator from Illinois (Mr. PERCY) to offer an amendment at $800, with a somewhat different application over a period of years.

At that point, Mr. President, we lost what I believe is the natural momentum of a recommendation of a standing committee, the Committee on Finance, because there was a proposal to recede from the proposals of the Committee on Finance and to take a brand new third position, but that third position did not vary substantially in terms from the position of the Senator from Tennessee. They were both $800.

The most that can be said is that it was a highly confused situation. If it was a strategy, it was not discernible to me. I do not believe that anyone has suffered a defeat or a victory, but rather, after excruciating pain and effort, the Senate has come to a consensus, a viewpoint, and an opinion on what the personal exemption should be.

I do not believe, therefore, that we are in good grace in trying to assign the blame to the Treasury, the administration, to my colleague (Mr. GORE), to the Senator from Illinois (Mr. PERCY), or to anyone else.

The Senate has simply worked its will and will continue to do so.

Mr. SCOTT. Mr. President, will the Senator from Tennessee yield briefly to me?

Mr. HARTKE. I am glad to yield to the Senator from Pennsylvania with the understanding that I do not lose my right to the floor.

Mr. SCOTT. I thank the Senator from Indiana. Mr. President, I appreciate the contribution of the Senator from Tennessee (Mr. BAKER). It is possible that I have not made clear the point which I think does need to be made; namely, that the offering of the amendment of the distinguished Senator from Illinois was for step increases ending at $750, as modified by the suggestion of the distinguished Senator from Kansas (Mr. DOLE).

A letter from the President to me indicated opposition to proposals to increase the dependency allowances on exemptions from the present $600 to either $800 or $1,000.

I repeat, that the purpose of the Percy amendment was twofold. Therefore, to that extent, it was a strategy and to that extent I think it was justified.

The purpose was either to secure passage of the $750 which was less than the amounts mentioned in the Pres-

ident's letter to me and to other Members of the leadership, or, if this did not succeed, to persuade the Senator from Tennessee (Mr. GORE) that it would be better for him not to press his motion for $1,000 which would have involved a $9.3 billion deficit in 1973.

In my judgment, the strategy in that area worked, because when the Senator from Illinois (Mr. PERCY) was seeking the floor to offer his amendment, the Senator from Tennessee (Mr. GORE) gained the floor ahead of him and promptly dropped the amount of his original amendment, from $1,000 to $800, an action which, in my judgment, served to save the Treasury about half the amount it was worried about.

When that happened, when the Senator from Tennessee (Mr. GORE) sounded the bugle call of semiretreat, he then closely approached the Percy proposal.

In doing that, the point I am making is the strategy which I supported was to a degree successful—not that it failed and I was expressing the hope that the Treasury would, in the future, consult us as to these matters of strategy, so that we might be sure we are all pursuing the same course; namely, an attempt to preserve for the most part the committee bill and ultimately to save as much as can be saved where those of us are convinced that further expenditures would not be justified at this time.

Further, that this is what I conceive to be a strategy. To the extent which the Senator from Tennessee (Mr. GORE) retreated, it was successful. To the extent which he did not retreat, which represents the difference between $750 and $800, plus certain other elements in the amendment, then the other side of the coin appears.

I do thank the Senator from Indiana (Mr. HARTKE) very much for yielding to me.

AMENDMENT NO. 324

Mr. HARTKE. Mr. President, it is my intention at this time to discuss amendment No. 324 which is now at the desk, and I ask unanimous consent that it be printed in full for the purposes of discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment No. 324 is as follows:

AMENDMENT NO. 324

Page 407, lines 11 and 12, strike out "; termination of investment credit".

Page 412, beginning with line 15, strike out all through line 3, page 432 (section 703 of the committee amendment), and renumber succeeding sections.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield for a question.

Mr. WILLIAMS of Delaware. Is this the amendment which would strike from the bill the proposal to repeal the 7-percent investment credit?

Mr. HARTKE. Yes.

Mr. WILLIAMS of Delaware. Does the Senator want to vote on it?

Mr. HARTKE. No. I am just going to explain it because I want to discuss the amendment but I do not intend to offer it for a vote at this time. I intend to ask for a vote for a modification of the amendment.

Mr. WILLIAMS of Delaware. If the Senator wants the yeas and nays, we can get them, but if he just wants to make a speech, there is no objection.

Mr. JAVITS. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. JAVITS. The Senator knows that I have been identified with the position he is about to explain, especially because the depreciation schedule concept has become obsolescent in American business. I now have a letter from the Treasury Department which promises a report on a complete revision of the depreciation schedules for early next year. Sometime in connection with the debate with the Senator's discussion, I will put it in the RECORD and make some comments.

Mr. HARTKE. I am sure they will be very helpful.

Mr. President, the amendment at the desk which I wish to discuss for the benefit of the Senate, is the question of the investment tax credit which has been stricken from the bill as a result of action by the House of Representatives and as a result of action by the Senate Finance Committee.

The amendment at the desk is for the purpose of reestablishing this basic tax principle. Investment tax credit was established in 1962 because the U.S. expansion and modernization of its plants and equipment were totally inadequate. It was enacted after months of intense debate on what should be done to increase this Nation's sluggard productivity, strengthen the economy, and enhance our products' competitiveness here and abroad. For years before 1962 economists had discussed the need for depreciation reform to encourage modernization of our industrial plants. Modernization had been hindered by rising replacement costs and made urgently necessary by the much more liberal depreciation practices of most other industrial nations. These conditions that necessitated the tax credit continue to exist today.

I might point out that the failure of the Senate to debate this issue and to cover it in the bill does not settle the issue. It is not really being met, it is being pushed aside.

The investment tax credit was conceived and enacted as a permanent incentive to capital spending deemed necessary for the growth and vigor of our economy.

This was made quite clear by Secretary of the Treasury Douglas Dillon, who stated:

I consider our program of depreciation reform—including the investment credit—a central part of our economic policy * * *. It is my conviction that depreciation guidelines and investment credit are not only the best way to bring about a higher investment level but are absolutely necessary if we are to grow at a more rapid rate and maintain a widespread international confidence in our currency.

Assistant Secretary of the Treasury Stanley S. Surrey stated in a speech on March 12, 1962:

The fact that the investment credit was suggested at a time when we were in a recession period and the fact that it is being adopted in a period of recovery does not mean that it is to be regarded as a countercyclical tool. Rather it is intended to be a permanent part of our basic tax law.

Two points should be clear: first, the investment tax credit was not a response to a temporary recession and was not considered a tool to manipulate the economy. The Council of Economic Advisers stated in 1961 before the Joint Economic Committee:

Measures to stimulate business investment directly will contribute to our recovery from the present recession, but that is not their main purpose. All who have confidence in the American economy must look ahead to the day when the slack will be taken up and high levels of output and employment will again be the rule. The full benefit of our decision to supplement increases in consumer demand now with a higher rate of capital expansion and modernization will then be realized.

Secondly, the investment tax credit was adopted as a permanent solution to the longstanding and long-term problems of productivity.

Secretary Dillon stated to the Senate Finance Committee in 1962 that the tax credit "must be a permanent part of our tax code as opposed to all temporary remedies for recession."

American industries made many long-term investment plans based on these assurances of the permanency of the credit. This reliance in official government statements did not seem entirely unwise. As late as March of this year, Secretary of the Treasury Kennedy publicly stated:

We have no plans for tinkering with the investment tax credit. Congress intended the credit to be part of the regular tax system and not a device for stimulating or slowing the economy.

Less than a month later on April 18, the administration proposed the total repeal of the credit. Improvisation is not a wise method of reaching economic decisions. Reacting solely to conditions at any particular moment is a form of economic reflex having only a trickster's chance of being correct. The investment tax credit is the result of sound economic thinking, and it or some comparable alternative should be continued.

The repeal of the investment tax credit is justified in part as being necessary to curb inflation. The impact of the removal of the credit, however, cannot possibly take effect until the last quarters of 1970 and early 1971. Projects on which there are firm commitments will go on regardless of the repeal of the credit. Also, there is a technical lag of at least 12 months on the average between the time an investment decision is made and the equipment is produced. By that time, repeal will not be needed or will be hopelessly inadequate to control inflation.

Viewing repeal of the credit as anti-inflationary results from a one-sided concentration on demand, disregarding the importance of supply in any economy. The classic answer to rising prices for goods and services has been to increase the supply sufficiently to bring prices down. Repeal of the investment tax credit will decrease the ability of industry to add to the supply.

The most significant causative factor

for our present inflation was the unanticipated and unplanned cost of the Vietnam war, resulting in bloated budgetary deficits.

The credit has not been and is not a significant factor in causing inflation.

For example, in manufacturing as a whole, prices of both durable and nondurable goods have risen much less than overall consumer prices over the same period. Also, prices of manufactured goods have risen only about a third as much as hourly wage rates over the same period. The lower rise in prices for manufactured goods was made possible by substantial investments in new equipment since 1962.

Overall expenditures for capital investment are not inflationary. Pierre Rinfret, a noted economist and advisor to President Nixon during the campaign, estimates that in real noninflationary terms, our private capital investment did not rise from 1966 to 1968, and the real rise in 1969 is going to be small. At the beginning of this year, it was estimated that capital expenditures for new investment would be 14 percent higher than last year. Today it is quite obvious that capital expenditures will be much less, perhaps only 7 to 8 percent higher. It should be remembered that inflated prices distort these figures. In terms of constant dollars, the present expectation for an increase in capital expenditures this year will probably be no more than 4 percent. A 4-percent increase in expenditures for plant and equipment is neither inflationary, nor even adequate for our inevitably growing economy.

Of course, in our presently tight economy any increase in spending is to some extent "inflationary." Unlike most other forms of spending, however, spending to expand productivity offers the hope of breaking the present cost-push inflationary cycle. In our present tight economy, with no attempt by the Administration to influence prices or wages, the continuing improvement of our industrial capacity by the introduction of cost-cutting productive equipment would seem to be the only factor driving costs and prices down. Are we to stop inflation by increasing unemployment or by increasing productivity?

Clearly, in the long run the investment tax credit is anti-inflationary. Our Nation has always been, compared with other countries, a higher labor cost economy. Our standard of living is the marvel of the world, but it rests on a foundation of productivity. If our productivity contracts or is sluggish, our standard of living will inevitably fall.

Expenditure on capital equipment not only expands productivity, but also eases pressure on costs and prices. As Mr. John O'Riley wrote in the Wall Street Journal, May 12, 1969, the Outlook Column:

> Over the long pull, no force on earth has done more to hold down the prices of things people buy than has capital spending.

Finally, retention of the investment tax credit is fully consistent with our social goals and sense of national priorities. In the last year, 2 million Americans were lifted from poverty. While unquestionably many Government and private efforts helped, it was reported that the expanding economy was primarily responsible for lifting these Americans from poverty. In the view of Dr. Arthur Burns, the real growth of the economy has done more for employing and raising the living standards of the American poor than all the Government poverty programs put together.

Isolationism is no more appropriate for economic decisions than it is for political decisions. Before the tax credit was adopted, extensive studies revealed that the capital investment of most industrial countries far exceeded that of the United States.

Advocates of repeal of the tax credit refer only infrequently to foreign competition and submit no evidence that the problem which seemed so urgent in 1962 has disappeared in 1969. In fact, the problem that existed in 1962 has grown more pronounced in 1969. A recent study by McGraw-Hill, Inc., indicates that the United States today has the highest percentage of overage, obsolescent production facilities of any leading industrial country. Also, a study of U.S. investment from 1960 to 1968 revealed that the United States continues to have the lowest ratio of capital investment to gross national product of any of the major industrial nations. Specifically, our average over this 8-year period was 16 percent while that of Japan was 33 percent and West Germany was 25 percent. Also, many of our foreign competitors continue to have much more favorable tax policies and incentives for capital investment. The disparity between foreign capital investment and U.S. investment continues.

Pierre Rinfret prepared the following chart of capital expenditures for 1969 over 1968, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

CAPITAL EXPENDITURES GAINS—1969 OVER 1968—SURVEY RELEASE

[In percent]

	Late 1968 or early 1969	Most recent
Western Germany	+10	+25
France	+14	+19
United Kingdom	+10	+15
United States	+14	+13

Mr. HARTKE. Mr. President, it is obvious that while we decrease our capital investment, our foreign competitors increase theirs. Such a pattern offers little hope of improving our steadily declining balance of trade.

It is reported that Japan, the world's fastest growing economy, is deferring approximately one-third of its potential consumption in order to invest in increased capacity and lower cost production facilities. There is an obvious connection between Japan's capital investment and the increasing success of its exports in the United States.

Japan's export of automobiles to the United States rose from 70,000 units in 1967 to 170,000 units in 1968 and will probably exceed 250,000 units this year. Japan's steel exports to the United States increased from 4,700,000 tons in 1967 to 7,500,000 tons in 1968. By 1971 the Japanese steel industry will be producing in excess of 100 million tons of steel. They will have at least four individual mills capable of producing 11 million tons of steel. The United States will not have a single similar mill by 1971.

Obviously, something must be done about such competition. Everyone talks about free trade, but few seem willing to implement measures that will make free trade possible. With our high standard of living and high labor cost, does anyone believe we can compete with foreign producers in labor costs? If the United States is to compete in the world markets, we must have higher productivity, made possible by the most modern techniques and equipment.

The investment credit is one of the very few measures assisting American industry to remain competitive with foreign producers. Free trade will not be achieved by passionate prayer.

The future necessity for a high level of capital spending was recognized by President Nixon when he stated on April 21, "A vigorous plan of capital formation will certainly continue to be needed."

I agree with this conclusion. An expanding population, a shortage of skilled manpower, and continued exposure to world trade makes the investment credit as necessary for the future as it was for the past. To consider just one demand that will be made on our economy, it has been estimated that an average of 1.4 million new jobs will be required annually during the 1970's. In the coming decade, 14 million new jobs must be created. These jobs can only be created by a rapidly expanding economy.

Economic forecasts have frequently underestimated this Nation's potential growth. Failure to provide an adequate industrial capacity will create a situation of short supply, high-cost production, and higher prices. We must adopt sound economic policies enhancing productivity that will allow us to view the future as an opportunity, not as a problem.

Mr. President, I have a rather extensive study of excerpts from the legislative history on the investment credit, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

INVESTMENT TAX CREDIT—EXCERPTS FROM LEGISLATIVE HISTORY

When the investment tax credit was enacted in 1962, and during the subsequent considerations of the credit by the Congress in 1964 and 1966, various Treasury officials, and other witnesses, testifying before the congressional committees, and members of Congress either at the hearings or on the floor of the Congress, made certain statements regarding the underlying purposes to be achieved by the investment tax credit, and the fact that the credit was to be viewed as a permanent addition to the tax law.

Immediately following is a compilation of some of these statements and of excerpts from congressional committee reports, together with an index thereto.

REVENUE ACT OF 1962: HOUSE DEBATES

Statements made during the House debates on H.R. 10650 (the Revenue Act of 1962) regarding the investment credit as a permanent part of the tax law:

Mr. Baker: "When this investment credit was first proposed to the committee, I assumed that it would be a temporary shot in the arm—perhaps of 1 or 2 years' duration—and was somewhat intrigued by the idea, but that is not the case. *It is the announced policy of the administration that the investment credit is to be a part of our permanent tax structure and that has been the history of our hodgepodge tax laws.* Once a provision becomes a part of the tax structure, it remains almost as immutable as the law of the Medes and the Persians. I strongly recommend that section 2 of the bill be eliminated at a saving of $1½ billion to our overburdened taxpayers before it becomes even a temporary part of our already too complex and inequitable tax structure." [Italic added.] (CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 5309.)

Mr. Harsha: "While a tax credit as suggested in this bill would be a *long-term answer* to these problems, this method of encouraging business expansion has been termed by some as a windfall to some industries and a loss of revenue to the Treasury, unbalancing the budget. Call it what you will it does no more to unbalance the budget than the $0.6 billion for public works and the $0.5 billion for area redevelopment. But the important feature that seems to be overlooked is that by this tax credit incentive new business would be created, existing business would be encouraged to expand thereby providing new jobs, enhancing the economy on a long-term basis. I repeat, Mr. Chairman, *on a long-term permanent basis not just a temporary shot* in the arm manner to boost the economy for the time being." [Italic added.] (CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 5405.)

Mr. Derounian: "This is particularly true for the big cure-all. Those of you who have some special reasons, good or bad, for favoring the investment credit need not expect to find it continued in effect very long if it ever is enacted into law. *I predict that if the investment credit becomes operative the consequent revenue loss will be such as to cause Treasury to urge its repeal more urgently than it advocated its enactment.*" [Italic added.] (CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 5407.)

HEARINGS, FINANCE COMMITTEE

Statements made during the hearings before the Senate Finance Committee on H.R. 10650 (the Revenue Act of 1962) regarding the investment credit as a permanent part of the tax law:

In testimony on April 2, 1962, Secretary of the Treasury, Douglas Dillon, urged the enactment of an 8% tax credit for investment in depreciable machinery and equipment retroactive to January 1, 1962, in the following terms:

". . . *It* [the investment tax credit] *will stimulate investment in modernization and expansion of our industrial capacity, strengthen our whole economy, contribute to economic growth, and substantially increase the competitiveness of American products in markets at home and abroad.*

"American industry must compete in a world of diminishing trade barriers, in which the advantages of a vast market, so long enjoyed here in the United States, are now being or are about to be realized by many of our foreign competitors. Our balance of payments position, as well as our standard of living in the long run, can be improved or even maintained only if we can increase our efficiency and productivity at a rate at least equal to that of *other leading industrialized nations.* These nations have now largely achieved the conditions needed to attract massive investment in productive facilities—including external currency convertibility, price stability, and political stability—and they *are providing effective tax incentives designed to accelerate investment and growth.* We cannot, therefore, afford to stand by and do nothing, or put off affirmative action to a later day. We need to increase our investment in machinery and equipment now—delay can only place greater strains on our international payments position and put off the achievement of the rate of growth we must achieve if we are to meet our domestic and international commitments and provide jobs for our ever-increasing labor force.

"Machinery and equipment expenditures—the type of business capital expenditure which is basic to the creation of new products and which also makes the most direct contribution to cost-cutting, productivity, and efficiency—constitute a smaller percentage of the gross national product in the United States than in any major industrial nation of the world. In recent years we have devoted less than 6 percent of our GNP (less than 5 percent in 1961) to this type of vital capital outlay, only half the proportion devoted to this purpose by West Germany, only three-fourths that of the United Kingdom, and about 60 percent as much as the combined average of the European members of the OECD. Perhaps even more significant is the fact that in the United States this percentage has recently been declining steadily, whereas it has been increasing in these other nations.

". . .

"Another criticism which was heard frequently last year was based on a misunderstanding. This was the thought that the credit is a temporary remedy for recession or that it would be somehow offset by more restrictive administration of depreciation. *The arguments I have made for the credit clearly reveal that such legislation must be a permanent part of our tax code* if we are to meet foreign competition, and our administrative action in the textile field is a harbinger of what is being prepared for other fields—more liberal rather than more restrictive administration action.

". . .

"I should like to make a few concluding comments on the investment credit proposal before passing on to other aspects of the bill. Throughout our economy there will be thousands of investment decisions involving billions of dollars during the remainder of this year and in succeeding years which may hinge on the outcome of this legislation. There is often a thin line between a yes and no decision in the investment area. With the credit we will have affirmative actions where there would otherwise be none.

"This matter has top priority in the agenda for tax reform. As chief financial officer of the Nation, I do not lightly regard tax abatements on the scale proposed here. I urge this legislation because it will make a real addition to growth consistent with the principles of a free economy; because it will provide substantial help in alleviating our balance-of-payments problem, both by substantially increasing the relative attractiveness of domestic as compared with foreign investment and by helping to improve the competitive position of American industry in markets at home and abroad; and because, far from adding to the forces responsible for alternative recessions and recoveries, it will be of major assistance in strengthening our present recovery and enabling us to attain a higher rate of growth and sustained full employment. Early action will resolve uncertainty or hesitancy and begin at once a strong and lasting incentive for modernization of the productive facilities of our national economy." [Italic added.] (Hearings before the Committee on Finance, United States Senate, 87th Congress, Second Session on H.R. 10650, April 2, 1962, pages 80, 85, and 87.)

In answer to a question asked by Senator McCarthy as to whether it was intended to continue the investment credit "as a permanent part of the tax structure", Secretary Dillon stated:

"We do feel *it should be a permanent part of the tax structure* to promote growth in investment, so we can gradually develop a better ratio of investment to GNP, and also, and very important, so that we can stay competitive with all the other industrial countries of the world, all of which give investment incentives of one form or another. We think this is the cheapest and the best and the most equitable way, and the least disturbing to general price levels." [Italic added.] (Hearings, *supra,* May 10, 1962, page 4379.)

Statements made during the hearings before the Senate Finance Committee on H.R. 10650 (the Revenue Act of 1962) regarding the effect of the investment tax credit on steel companies.

Senator Byrd, Chairman of the Senate Finance Committee, asked Secretary of the Treasury Dillon a number of questions during the course of the Secretary's testimony on April 2, 1962, before the Committee on H.R. 10650 (the Revenue Act of 1962) with regard to the effect on United States steel companies of the investment tax credit proposal under consideration by the Committee. (Page references below are to the Hearings before the Committee on Finance, United States Senate, 87th Congress, 2nd Session on H.R. 10650.)

Question. The Chairman: "Has the steel industry indicated to you that they desire this special incentive?"

Answer. Secretary Dillon: "Most certainly and aggressively, too." (Page 372.)

Question. The Chairman: "If you increased the production of steel, where will you sell it?"

Answer. Secretary Dillon: "This does not necessarily increase the production. It just means that they have a profitable incentive to modernize their steel facilities so they can produce steel at a cheaper price and do not have to increase the price of steel. That would probably be the most important fact." (Pages 380–381.)

Question. The Chairman: "As I see it, you are simply creating another dependence upon the Federal Treasury for manufacturing plants to do what they should do themselves and for which they have the money. I do not know the total cost of the assets of these companies, maybe you do, but it runs into billions of dollars, and the rich companies will have the same reduction in this incentive plan as the poorer ones, will they not?"

Answer. Secretary Dillon: "I can give an example of what I mean in the case of a very strong industry where this would probably have a decisive effect. I think maybe it is easier to consider this in the case of an example. Take the steel industry. (Pages 382–383.)

"We have a need in the steel industry to have iron ore, and there have to be additional sources. The steel industry is faced with a consideration of whether they will put new taconite mining facilities in the depressed area of northern Minnesota or whether they will go abroad to Labrador and put more facilities there to get the higher grade ores that come from there.

"A very essential element in their decision, in fact the only element in their decision, is going to be the costs. And if they can have this type of credit, the chances are very strong that that investment will go into a depressed area, will help American industry, and will not go to Canada; that is the case of a very wealthy industry. So it is not a question of whether they have the money or not. It is a question of where they are going to spend the money."

Question. The Chairman: "Suppose a company is up in Labrador. Do they get a tax credit up there?"

Answer. Secretary Dillon: "They do not."

Question. The Chairman: "In other words, if an American company has a branch in Labrador?"

Answer. Secretary Dillon: "It is just limited to the United States."

Secretary Dillon returned to testify further on May 10, 1962, and during the course of his questioning by Senator Williams regarding the revenue effects of the investment tax credit the Secretary made the following statement:

". . . you can take the answer, for instance, of the United States Steel Co., which said that every penny they got in extra money they would immediately use to invest in further modernization, and that is certainly true in many businesses.

"So I think a great part of this would immediately and very rapidly go back into the business flow. Whether it would this calendar [sic] year or not may be questionable, because the further along we get in the year the less likely there is to be time or companies to change their plans and to make orders and to get those orders delivered.

"So I think you are quite right in thinking that probably there would be less reduction in revenue cost than we thought originally." (Page 4388.)

In a statement by Senator Harry F. Byrd prepared for delivery on the floor of the Senate Monday, May 21, 1962 (Hearings at pages 4400 to 4409, inclusive) Mr. Byrd made the following references to the United States Steel Corporation:

"The investment credit is also wrong in principle because it is discriminatory. For example, the United States Steel Corp. advises me that their maximum credit for 1962 would be no more than $5 or $6 million, while the American Telephone & Telegraph Co., on a 7-percent rate, would receive in 1 year $350 million. . . .

". . .

"Another factor apparently overlooked by the administration is that investments made now will not be eligible for the investment credit in many cases for a period of 2 to 3 years. Mr. R. C. Tyson, chairman of the Finance Committee of the United States Steel Corp., for example, indicated in a letter to me that in the case of the steel industry a period from 24 to 30 months on the average will elapse between the date the project is begun and the date the expenditures are eligible for the credit." (Page 4408.)

SENATE DEBATES

Statements made during the Senate debates on H.R. 10650 (the Revenue Act of 1962) regarding the investment credit as a permanent part of the tax law:

Mr. Proxmire: "Probably the strongest argument against the investment credit is the fact that it is not needed. What we need is increased demand.

"The fact is that today throughout our country firms are not running close to capacity. The McGraw-Hill survey, which I shall cite in a few moments, shows that firms are now running at something like 85 percent of capacity. Very few firms are close to 90 percent of capacity.

"Some industries, like the steel industry, are operating well below the 85 percent of capacity. So long as firms are operating below capacity, there is no reason why they should buy more equipment.

". . . .

"Rather than expanding plant and equipment to produce more goods and then lowering prices in order to sell the additional goods, some firms have been content to maintain prices and sell lesser quantities that require lesser amounts of plant and equipment.

"A classic example is steel, which now has a breakeven point of 40 percent of capacity, and makes a very good profit at 70 percent of capacity, and is in a position where this kind of incentive would be of almost no value, or almost minimal value. In fact, steel officials admitted this to McGraw-Hill interrogators.

"Almost every economist who testified at the hearing agreed that this would have very little stimulating effect on steel. Yet it is interesting that the one industry which the Secretary of the Treasury said is really watering at the mouth for this privilege is the steel industry. The steel industry wants it, but it will not have any favorable economic effect upon the country through what the steel industry will do with it, because there is no argument, there is no question that steel will use it for anything except to increase its after-tax income to capacity.

"The tax stimuli to investment, therefore, reflect themselves merely in higher after-tax profits at constant price levels, rather than in greater production at lower price levels.

". . .

"The iron and steel industry is pressing hard for the investment credit. But the percent increase that they said the investment credit would increase their investment would be zero. In the non-ferrous metals it would be 1 percent. In electrical machinery, it would be 1 percent. In autos, trucks, and parts, it would be zero." [Italics added.] (Volume 108, Part 13, pages 17610, 17612, and 17620, Congressional Record, August 25, 1962.)

Mr. BYRD. "For the first time in my 30 years of membership on the Senate Finance Committee I have found it necessary to present a minority statement on a bill reported by the committee. The committee adopted the investment credit provisions by a vote of 10 to 7. In the minority views I was joined by the Senator from Tennessee [Mr. GORE], the Senator from Delaware [Mr. WILLIAMS], and the Senator from Nebraska [Mr. CURTIS]. By reason of that I have submitted individual views I felt it was appropriate for me to request the very able ranking Democratic member of the Senate Finance Committee, the Senator from Oklahoma [Mr. KERR] to report the bill to the Senate, which he has done.

". . .

"If the investment credit provisions of section 2 remain in the bill and the measure is enacted, they will become permanent in the law. For this reason it is appropriate for the Senate to examine the long-range budgetary effects." [Italics added.] Volume 108, Part 13, page 17741, Congressional Record, August 27, 1962.)

Mr. KERR. "The main provision of the bill—the investment credit—will, I am convinced in years to come, be viewed as the most important single measure to strengthen and revitalize the American economy enacted by the 87th Congress. It will provide American producers with the stimulus they need both to modernize to meet foreign competition and to accelerate expansion of our domestic economy . . ." (Volume 108, Part 14, page 18734, Congressional Record, September 6, 1962.)

Mr. HUMPHREY. "By providing business with a direct incentive to investment in productive equipment, it will stimulate growth directly as increased orders for machinery and equipment create additional jobs and larger payrolls. But the major thrust of the credit will be longer term.

"The credit will encourage the modernization of our factories and farms, the development of new technology and its rapid incorporation in the production process. The resulting gain in productive efficiency will bring important direct benefits." (Volume 108, Part 14, page 18738, Congressional Record, September 6, 1962.)

COMMITTEE REPORTS—H.R. 10650 (THE REVENUE ACT OF 1962)

Ways and Means Committee report

. . . It is believed that the investment credit, coupled with the liberalized depreciation, will provide *a strong and lasting stimulus to a high rate of economic growth* and will provide an incentive to invest comparable to those available elsewhere in the rapidly growing industrial nations of the free world." [Italics added.] (H. Report No. 1447, 87th Congress, 2nd Session, p. 8 (1962).)

Senate Finance Committee report

The Committee on Finance of the United States Senate quoted with approval language by Secretary Dillon to the same effect as that of the Ways and Means Committee Report, *supra.* (S. Report No. 1881, 87th Congress, 2nd Session, p. 11 (1962).)

Conference report

The Conference Report recognized the long-range objectives of the investment tax credit in the following terms:

"It is the understanding of the conferees on the part of both the House and the Senate that the purpose of the credit for investment in certain depreciable property, in the case of both regulated and non-regulated industries, is to encourage modernization and expansion of the Nation's productive facilities and to improve its economic potential by reducing the net cost of acquiring new equipment, thereby increasing the earnings of the new facilities over their productive lives." (Conference Report, H. Report No. 2508, 87th Congress, 2nd Session, p. 14 (1962).)

REVENUE ACT OF 1964: HOUSE DEBATE

Statements made during the House debates on H.R. 8363 (the Revenue Act of 1964) indicating that the investment credit is a permanent part of the tax law:

Mr. Keough, in supporting the repeal of the reduction-in-basis provision (the so-called Long amendment), stated:

"Mr. Chairman, nothing could be clearer than that the intention of the Committee on Ways and Means and the Congress in enacting the investment credit was to increase incentive for American business for investment. The so-called Long amendment was not a part of the investment credit in the form in which that provision passed this body, as I stated, but was added in the other body and was accepted in conference over the strong objections of a number of the House conferees. It was maintained then by some of your House conferees, including myself, that the *Long amendment would be restrictive in nature and would indeed dull the stimulus which was envisioned by the investment credit provision itself.*

"Mr. Chairman, experience has indeed borne out not only the prediction of the Committee on Ways and Means with respect to what the investment credit would accomplish, but it has also borne out the prediction which some of us made with respect to the restrictive nature of the reduction-in-basis amendment.

"However, it might well be said that the success of the investment credit occurred despite the fact that its full incentive effect is impaired by the reduction-in-basis amendment. Therefore, the repeal of this reduction-in-basis restrictive amendment, as provided in the pending bill, will make the investment credit even more effective in reaching its desired objective. *This change will almost double the impact of the credit and the added incentive provided by the repeal will give a substantial boost to modernization of obsolete facilities, thereby enabling our business to compete more favorably in world markets, which is so urgently needed now.*" [Emphasis added.] (Page 16995, Congressional Record, September 24, 1963.)

HEARINGS, FINANCE COMMITTEE

Some statements made during the hearings before the Senate Finance Committee

on H.R. 8363 (the Revenue Act of 1964) regarding the investment tax credit:

Secretary Dillon, in support of the repeal of the requirement that basis of property be reduced by the amount of the 7% investment credit, stated:

"As a result of legislation approved by the Congress last year, tax liabilities of business firms in general are reduced by an amount equal to 7 percent of their outlays for new equipment. Annual tax savings for each firm may amount to as much as the first $25,000 of tax liabilities plus 25 percent of the excess. However, the business must reduce the depreciation basis of the assets required by the amount of the credit. This requirement has led to a number of unforseen accounting and administrative difficulties for both taxpayers and the Internal Revenue Service. *The effectiveness of the credit has also been substantially reduced by the basis adjustment requirement.*

"H.R. 8363 eliminates the reduction in basis *so that the benefits of the investment credit would not be reduced in the future, and so that the impairment already encountered would be recouped.* The bill repeals the reduction in basis requirement for assets placed in use after June 30, 1963. It also provides that the amounts deducted from basis before July 1, 1963, may be added back to basis as of the beginning of the first taxable year of the taxpayer which begins after June 30, 1963.

"This provision is appropriately included in this bill, which is directed at improving the performance of the economy. *The investment credit stimulates investment by reducing the net cost of acquiring depreciable assets, thereby increasing the all-important rate of profitability on a given investment outlay.* The requirement that the basis for depreciation of assets be reduced by the amount of the credit taken cuts the inducement to new investment provided by the credit almost in half. When an investor appraises the profit potential of a new investment, he views taxes on income as a cost which reduces the net return. Whereas the tax credit reduces this tax cost and increases profitability, the resulting reduction in the depreciation base partially offsets the effect of the credit by reducing the amount of the depreciation which may be taken and thereby increasing the taxable income from the investment.

"At corporate tax rates of 48 percent, repeal of the basis reduction provision will almost double the incentive provided by the present tax credit. By reducing business taxes it will increase the profitability of new investment and encourage the more rapid expansion and modernization of existing facilities. It will thereby give an important stimulus to economic growth.

"Repeal of the reduction-in-basis provision will also eliminate a number of administrative problems and bookkeeping details which have burdened so many taxpayers, especially small businesses. For example, in most States taxpayers are not required to reduce their depreciation basis to reflect the investment tax credit when computing income for State tax purposes. Consequently, taxpayers in these States are now required to keep two different sets of accounts in which their various assets have different bases. In addition, the basis reduction complicates the computation of earnings and profits, the pricing of defense contracts, and the bookkeeping requirements of regulated companies. Finally, the fact that the basis reduction immediately reduces depreciation even in those cases where the taxpayer is not able to use the credit can result in a net detriment to the taxpayer until he can use the credit.

"It is estimated that this provision will result in decreased tax liabilities of $145 million in calendar year 1964 and $185 million in calendar year 1965. Estimated reductions in fiscal year receipts are $15 million in 1964 and $145 million in 1965." [Emphasis added.] (Hearings, Committee on Finance, United States Senate, 88th Congress, 1st Session, on H.R. 8363, October 15, 1963, Part 1, page 146.)

Secretary Dillon's written response to questions asked by Senator Gore:

"Question 13. Has the ostensible lag in plant and equipment expenditures in recent years been caused by a lack of readily available investment capital?

"Answer. I take it that this question in referring to 'readily available investment capital' refers to the availability of cash funds to corporations to finance investment. In this sense there clearly is no overall lack of such funds at the present time although *a few major industries such as steel and railroads have been held back in their investment plans by a lack of readily available cash.* But, on an overall basis, I do not think that this has been the principal problem holding back investment during recent years. At the preesnt time it is our view that the more important problems are those related to the prospective rate of profit on additional investment, and the problem arising from inadequate markets. Both of these problems are dealt with in the tax bill." [Emphasis added.] (Hearings, *supra,* October 17, 1963, Part 1, page 368.)

Secretary Dillon, in response to Senator Curtis as to what portions of the bill will be incentives for investment, stated:

"There are incentives for investment by business and incentives for investment, risk taking, by individuals.

"I think that reduction of the rate structure will mean that individuals will be more inclined to put a larger proportion of their assets in risk-taking ventures rather than possibly in tax free bonds, things of that nature.

"I think that as far as business is concerned, that one element in the bill that is most particularly directed at that is the provision which modifies the investment credit so as to remove the present requirement for a reduction in basis.

"The other major element is of course the reduction in the corporate tax itself, which will mean that profitability of any investment will be increased by something over 8 percent."

(Hearings, *supra,* October 18, 1963, Part 1, page 436.)

Joel Barlow, speaking for the U.S. Chamber of Commerce regarding the investment credit, stated:

"As this committee knows, the chamber raised a question in its testimony in 1962 and 1963 as to the propriety of using tax credits to accomplish economic and social reforms. We do not like subsidies in the tax structure for business or anyone else. We favored measurable deductions such as an initial allowance which enter into the computation of cost and the established pattern determining net income. At that time we supported the basis adjustment only because it was the kind of provision that would fit the credit more nearly into the Revenue Code's existing concepts and pattern of capital recovery.

"However, since the administration and the Congress have decided upon the credit instead of an increased deduction or initial allowance as the best method to make our investment writeoffs more comparable to those allowed by other nations it must stay in the law; and the basis adjustment should be eliminated so as not to diminish the already inadequate allowance by trying to fit it into the conventional depreciation pattern.

"Increasing corporate rate reduction by an additional 1 percent would not justify repealing the credit. If a 1-percent rate reduction were substituted for the investment credit, corporations investing only a small portion of earnings in new plant and equipment would be benefited at the expense of those corporations making substantial new investments. The many small unincorporated businesses would be unfairly discriminated against.

"The chamber believes that, despite its drawbacks, the investment credit has been a significant factor in encouraging investment in new plant and equipment. It will, of course, take several years before its incentive effect will fully be reflected in corporate investment policies. If it is repealed only 1 or 2 years after its enactment, the business community will be unwilling to pursue long-run investment programs for fear that another shift in tax policy 2 years hence will again upset reasonably developed expectations. Moreover, the business community will begin to question whether the Government is genuinely interested in encouraging capital investment.

"The major criticism of the investment credit, as I have said, is the complex basis adjustment provision. By providing for the repeal of the basis reduction requirement of the credit, the House bill removes one of the complex features and, at the same time, augments its incentive effect. For these reasons, the chamber actively supports the repeal of the basis reduction requirement. There is no doubt that many more businesses would avail themselves of the credit if this requirement were repealed.

"The chamber also supports the other proposals for modifying the investment credit which are contained in the House bill. We would like to call particular attention to the provision declaring that it is Congress' intention that regulatory agencies shall not 'flow through' the investment credit to a utility's customers. As written, this provision would not bar the Renegotiation Board or the Department of Defense from deeming corporations to have higher profit levels because of the investemnt credit. We believe that a 'flow through' in Government contract negotiations would be as antagonistic to the purposes of the credit as it is in the area of public utilities. The statement of congressional intent as to the ban on 'flow through' should be expanded to include Government procurement and renegotiation." (Hearings, Committee on Finance, United States Senate, 88th Congress, 1st Session, on H.R. 8363, October 21, 1963, Part 2, page 478.)

Joel Barlow, in response to a question by Senator Gore regarding repeal of basis adjustment for investment credit, stated:

"Senator Gore: On this availability, let me read this to you. The McGraw-Hill organization made an investment survey and they reported that business executives— 'attribute $1,200 million or about 40 percent of the planned increase in outlays on plant and equipment this year to the 7-percent investment credit, and the liberalized depreciation privileges put into effect last year.'

"I call this up, Mr. Chairman, because we were told last year, as you will recall, by the Secretary of the Treasury, that the most effective way to stimulate investment in the tax law was to give investment credit.

"The Congress passed this bill. Liberalized depreciations were given. We see here that the promise has greatly exceeded the performance.

"Now after we have done the two things which the Treasury said was most effective and would be most effective in stimulating investment, we find only $1.2 billion attributed to the investment credit and depreciation changes. And we are asked then to give a general tax reduction of $11 billion on the same basis, even though we were told last year that the most effective way to stimulate investment was investment credit and depreciation liberalization.

"Mr. Barlow: Senator, might I comment on that?

"Senator Gore: Sure.

"Mr. Barlow: The proposal of the Treasury last year on the 7-percent investment credit was to stimulate investment in machinery and equipment, facilities to reduce cost.

"Senator Gore: Plant and equipment.

"Mr. Barlow: That is right, plant and equipment. When you are talking about that kind of investment you are talking about a a little different kind of investment than overall investment from savings in stocks and bonds and that type of investment.

"I think it is clear from the McGraw-Hill study to which you refer that the 7-percent credit has been a very effective stimulant to investment in plant and equipment. But I would say to you that one of the reasons that you don't have higher figures is because of the Long amendment, which is repealed in H.R. 8363, and also because the Treasury put a reserve ratio test, as I testified earlier, into the guidelines. There has been some drawback on the part of the business community in investing in plant and equipment because of those two provisions.

"That is one of the reasons I think the Ways and Means Committee was very wise in eliminating the basis adjustment provision. But the figures on overall investment that Senator Bennett gave you are not the same kind of investment that is contemplated by the 7-percent investment-credit stimulus." (Hearings, Committee on Finance, United States Senate, 88th Congress, 1st Session, on H.R. 8363, October 21, 1963, Part 2, page 532.)

Statements made during the Senate debates on H.R. 8363 (the Revenue Act of 1964) indicating that the investment credit is a permanent part of the tax law:

Senator Long, speaking in favor of the repeal of the so-called "Long Amendment" to the investment credit provision of the Revenue Act of 1962, stated:

"Section 203(a) would repeal the Long amendment of 2 years ago. That was my amendment. That was an amendment to depreciate the 7 points of investment credit which had been allowed under the law. Section 203(a) would repeal the Long amendment that would permit depreciation which from one point of view was something never really paid for, that is, to make investment credit even more attractive than it is now. I believe it will be a big incentive to business to go even further toward providing more modernization and better services." (Page 2064, Congressional Record, February 5, 1964.)

COMMITTEE REPORTS—H.R. 8363 (THE REVENUE ACT OF 1964)

Ways and Means Committee Report

"To remove the recordkeeping and accounting problems which have arisen in connection with the basis adjustment provision and also to *provide a greater stimulus* with respect to the investment credit, your committee's bill repeals this basis adjustment provision with respect to property placed in service after June 30, 1963. It also provides a means whereby over a period of time taxpayers may recoup their basis adjustments already made. The repeal of this provision restores the investment credit to the position taken by the House in 1962 with respect to this credit." [Underscoring added.] (H. Report No. 749, 88th Congress, 1st Session, pages 34, 35 (1963).)

Senate Finance Committee Report

"To remove the recordkeeping and accounting problems which have arisen in connection with the basis adjustment provision and also to *provide a greater stimulus* with respect to the investment credit, the bill, both as passed by the House and as reported by your committee, repeals this basis adjustment provision. It also provides a means whereby over a period of time taxpayers may recoup their basis adjustments already made." [Underscoring added.] (S. Report No. 830, 88th Congress, 2nd Session, page 41 (1964).)

TAX ADJUSTMENT ACT OF 1966: HEARINGS, WAYS AND MEANS COMMITTEE

Some of the testimony regarding the investment credit presented during the hearings on the 1966 Tax Proposals of the President (subsequently introduced as H.R. 12752, and enacted as the Tax Adjustment Act of 1966) before the Ways and Means Committee, House of Representatives, 89th Congress, 2nd Session, January 19, 27, and February 1, 1966. (References set forth below are to those hearings:)

Secretary Fowler replies to Mr. Byrnes' question regarding the repeal of the investment credit (Hearings, *supra*, January 19, 1966, pages 59–61):

Mr. BYRNES. These proposals are largely designed to reduce inflationary pressures, to lessen economic stimulations that can produce inflationary consequences. Why, then, ask for increases in taxes that we reduced only last year? Why wasn't some consideration given to repealing the 7-percent investment credit that was enacted to stimulate the economy?

Secretary FOWLER. Congressman Byrnes, I think it is fair to say that consideration was given to a broad range of measures, including the 7-percent investment credit, raising of individual rates and corporate rates, and others that could be mentioned. We tried to canvas the entire area. With regard to the investment credit, let me make a few comments without going into detail, although we did study it very carefully.

Mr. BYRNES. The reason I raise this question is because that's the one important provision in our tax code that is designed to produce a substantial stimulative effect on the economy; business is subsidized, not because of equities of tax law, but to encourage capital expenditures to stimulate the economy.

Secretary FOWLER. First, let me say the same thing is true of the reduction in the corporate rate. The first observation I would want to make is that one of the great advantages that we have now, and we will have in the period ahead, is the continued expansion of this Nation's productive capacity and a continued modernization of existing capacity and capacity that may be added. Therefore, I think we want to be very chary of restraining or holding back the enlargement of this productive capacity to meet growing requirements, whether they be for defense or for civilian use.

Secondly, tinkering with the investment credit, unless there was some very compelling reason for it, which I don't think exists today, would create uncertainties and would impair its long-range effectiveness. Moreover, if it were withdrawn from projects that were underway, this committee and the Congress would be confronted with questions of good faith with respect to companies that had projected new projects.

If, on the other hand, you went a long way toward avoiding removing the credit from projects underway and tried to have it hit sometime later, its impact might come in late 1967 or 1968 in view of the long-term nature of corporate expenditure planning. In this event, the effect might come just at the wrong time.

I could go into this in considerable detail in view of the nature of the problem, but just let me say that we were confronted by three options, as set forth in the President's letter. One was to let the deficit stand at between $6 and $7 billion. Another was to change corporate rates and individual rates or impose new taxes, which would involve the committee in a good deal of discussion about who should finance the increased costs of military operations in Vietnam and how the burden should be distributed. The option we chose was to take advantage of policies that had already been fairly well established by legislation on the books or had been thought of as being desirable structural changes. Frankly, we admit it is a one-shot operation, but that was one of the very features that we felt was attractive about it.

Mr. BYRNES. There is nothing one shot about an increase in excise taxes. You can always repeal it.

Secretary FOWLER. As far as that one is concerned, I want to make a specific comment. The Congress had already adopted a policy of graduated removal of the passenger car and the local and long-distance telephone tax. Therefore, it didn't seem to us to be a very substantial departure from that principle of a graduated removal to stretch out the graduation, so to speak, for a specified 2-year span. We tried to bring up a package of proposals that would frankly, involve this committee in the minimum of difficulty to get the changes made as quicky as possible and have the revenue and economic effects, whatever they were, to begin to work as soon as we could.

Mr. BYRNES. Do I understand then that it is your idea and that of the Treasury that the investment credit should be a fixed part of the tax law? Anyone who makes a capital investment is automatically going to be permitted to depreciate the full cost of that equipment, and also receive an additional subsidy of 7 percent?

Secretary FOWLER. Yes, I think, Congressman Byrnes that certainly would be my own attitude. I realize that none of the provisions in the law are unchangeable, like the laws of the Medes and Persians. They are all subject to change. But my own response would be that I hope we could meet the problems that we have now, and the problems with which we may be confronted by temporary changes of a passing nature that will be coincident with the hostilities in Vietnam, without tinkering with the long-term structure of our tax laws.

Mr. BYRNES. I am not suggesting that you tinker at any time. I merely suggest that when we start worrying about an overstimulation of the economy that some consideration should be given to a tax provision that was put on for stimulation purposes. I don't know that I appreciate the idea that this suggestion represents tinkering.

Secretary FOWLER. I think that in addition to the stimulation effect, which was one of the considerations, there was another, and perhaps a more basic consideration, that attaches to the investment credit. From a long-term structural standpoint, wholly apart from cyclical considerations, it was desirable to have a feature of our tax law which encouraged additions to productive capacity and continuing modernization of industrial capacity in view of the problems of international competition and in view of the fact that the existing setup had been marked by a rather, you might say, stalled industrial capacity. Plant and equipment expenditures had been pretty well stalled at a given level for a number of years. It was felt that this was a structural condition and that something ought to be done of a permanent and enduring nature that would encourage the results that I think we have achieved.

Mr. BYRNES. I think a review of some of the arguments that were presented to this committee by the then Secretary of the Treasury, Mr. Dillon, and the existing economic conditions upon which he based his support of the 7-percent credit, will demonstrate that these indicate those conditions have changed materially. The need to encourage modernization and economic stimulation, and the other factors that led the committee to adopt the proposal, are not paralleled in the current economic picture.

Secretary Fowler replies to Mr. Curtis regarding the understanding of Mr. Curtis that

the investment credit was not to be a permanent part of the tax law (Hearings, *supra*, January 19, 1966, pages 73–75):

Mr. CURTIS. One final area. Mr. Byrnes brought up this problem of the investment tax credit and why this shouldn't be the area to remove, and you gave an answer, and I will have to review it myself, but I would like us all to review the basis on which this innovation was presented.

As I understood it, it was not on the basis of permanent tax policy. It was more along the line that many of the economists and the President's economists have been arguing there needed to be flexible fiscal policy. Here was an area, they argued, to exercise it in a period of a recession where there had been not the kind of capital investment necessary, that this indicated that investment should be stimulated.

If my understanding of the history of this is right, it would certainly seem that the administration ought to pay a great deal more attention than it has to the possibility of removing that stimulus to the economy.

Secretary FOWLER. Like many other matters, Congressman Curtis, involving history, there are different recollections.

My own recollection is that Secretary Dillon, before this committee, advanced the program as a permanent feature of our tax structure which he felt was necessary. Indeed, one of the concerns that existed at the time in the private community was that this might be just a temporary measure. In order to allay that concern and to give recognition to what we felt was a fundamental disadvantage in dealing with the problem of efficiency and competitiveness as, say, compared to the Western European countries and Japan, that the Treasury and Secretary Dillon consistently took, I believe, the position that this should be a permanent long-range feature of the system. That is my recollection of it.

Mr. CURTIS. I say I have to review it myself because I could have a misconception, but in light of this, if this is permanent tax law, and I very honestly felt that it was bad economics and bad tax law, and still do for that matter, but if we maintain this policy, I would do a little lobbying here to urge you to adopt its counterpart in the human investment field, capital investment in the training and retraining of human beings. Human beings are in competition with machines, and to equalize this preference given to machines and to put further emphasis on this great need of training and retraining by our corporations, by our industries, and most importantly in the private rather than the governmental sector, I introduced such a bill and am promoting it. I am very hopeful that your Department will look at it and have a report early to this committee.

Secretary FOWLER. May I just say that where various proposals, however meritorious and constructive they may be for the long term—and I don't want to get into a judgment on any particular proposals at this time—involving tax reductions in large amounts are before the committee this year, the Secretary of the Treasury is more than likely going to be strongly opposed.

Mr. CURTIS. Yes. I can see that, and that is why I am urging you to at least consider repeating the thing that is for the benefit of machines.

Secretary FOWLER. Benefit of who?

Mr. CURTIS. To repeal that which is for the benefit of machines. The tax credit is given for putting money into new machines. If you are not prepared at this time to do the similar thing in the amount of money put into capital investment of human beings, you should urge the repeal of the former.

Secretary FOWLER. I think that neither the Secretary of the Treasury nor the administration have any differences in view about the importance of providing money for the training of human beings. You and I have been on the same side of that question for quite a long time, going back over a period of years. I think our differences, if there are any, will come as to the timing and the method of that particular provision.

Mr. CURTIS. I think that is a fair statement of most of our differences, and I wish the people of this country would fully understand our differences and my differences with the administration and that of the Republicans isn't that we don't love human beings, because we do. We are trying to figure out how we best move forward to assist in developing our social structures in their behalf.

Thank you, Mr. Chairman.

Secretary Fowler replies to Mr. Battin's comment as to the long-range basis of the investment credit (Hearings, *supra*, January 19, 1966, page 84):

Mr. BATTIN. Mr. Secretary, in response to Congressman Byrnes' question on the investment credit of 7 percent, you made the point in your recollection that it might be considered breaking faith with the industrial community if this were not on a long-range basis.

Secretary FOWLER. I didn't mean to state with the entire industrial community. My point was that with those companies that had started projects the investment credit becomes available when the project is completed, not when it is initiated. Where decisions have been taken, commitments made, and work started, if then Congress said, "Well, now, you are not going to get the investment credit when you complete the project," there would be, I think, a feeling that they had been misled somewhat in initiating the project.

Statements made during the Senate debates on H.R. 12752 (the Tax Adjustment Act of 1966) regarding the investment credit:

Senator Long, speaking in opposition to Senator Gore's amendment which would have suspended the investment credit, stated:

"Suspension of the investment credit as a substitute for title II of the bill

"Mr. LONG of Louisiana. Mr. President, I wish to speak to the amendment submitted by the distinguished Senator from Tennessee [Mr. GORE].

"The Senator from Tennessee presented his proposal to the Secretary of Treasury in hearings before the Finance Committee. The Secretary indicated that the Treasury prefers the approach adopted in this bill to the one proposed by the Senator. A majority of the Finance Committee, which have careful consideration to the Senator's proposal, also indicated a preference for the bill as it stands. There are good reasons for the position taken by the Secretary and the majority of the committee.

"There is virtually no difference in the revenue effects of the two proposals. The excise tax provisions of the bill will add $35 million to revenues in fiscal 1966 while suspension of the investment credit on March 1 would add $80 million to revenues. The excise proposals will add $1.2 billion to revenues in fiscal 1967, the same amount as suspension of the credit will produce under the terms of the Senator's amendment. Because there is no difference in revenue impact, such as relation effectiveness as an inflation preventative.

"Prevention of inflation

"H.R. 12752 provides a balanced program to prevent inflation. The most important provision from a revenue standpoint is the acceleration of corporate estimated tax payments. This provision will restrain investment by the Nation's 16,000 largest corporations. Graduated withholding and the excise-tax proposals will affect consumers, restraining consumption expenditures. The bill as it now stands, therefore, will moderate both private investment spending and private consumption spending.

"In contrast to this balanced approach, the Senator's proposal would shift virtually the entire weight of the bill on to investment. Investment would be restrained both by the acceleration of corporate tax payments feature and by the 2-year suspension of the investment credit. Consumption, on the other hand, would be restrained only by the effect of graduated withholding, which may largely disappear in 1967, when the withholding allowance procedure goes into full effect.

"Inflation is the problem of too much purchasing power chasing too few goods. We can prevent inflation by either holding down purchasing power or by making sure that the volume of goods produced increases in proportion to the increase in purchasing power. While at times it is necessary to put a little restraint on purchasing power, clearly it is better to prevent inflation by producing more rather than by spending less. That is why this is not the time to suspend the investment credit. We need to increase capacity to provide for the defense needs in Vietnam and to provide for a prosperous domestic economy. Some restraint on investment is probably called for to make sure that investment does not become too exuberant. But the Senator's proposal, coming on top of the acceleration of corporate tax payments, might apply too much restraint on investment.

"While both the excise-tax proposals in this bill and suspension of the investment credit would tend to moderate private spending, the effect of the excise-tax proposals will be felt sooner. The effect of suspending the credit would be delayed, since it wouldn't apply to goods on order at the time the suspension becomes effective. The lag between order and delivery would delay the effect of suspending the credit until late in this year or early next year. The restraining impact of the excise-tax proposals will be felt as soon as the bill is passed or very shortly thereafter.

"The balance of payments

"The investment credit is very important to our balance of payments. In the first place, the credit encourages the modernization of American machinery and equipment. Such modernization makes our exports more competitive in world markets.

"The credit has a second important effect on the balance of payments. It tends to make investment opportunities at home more attractive relative to investment opportunities abroad. If the credit were suspended, the pressures leading to an outflow of U.S. capital to take advantage of foreign investment opportunities would become even stronger. As Senators know, the outflow of American capital has been one of the most difficult aspects of the problem faced by the President and the Congress in the effort to eliminate balance-of-payments deficits.

"Equity and administration

"When we consider the effects of the Senators' proposal, we must look at the entire bill and not confine ourselves to a comparison to the excise tax proposals and a suspension of the credit. The bill as reported by your committee spreads the burden of the added revenues needed to fight the war in Vietnam broadly and equitably over the population. The Nation's largest corporations, as is only fair, carry a heavy share of the burden. Both wage earners and self-employed persons are affected. Finally, the excise tax proposals themselves affect as broad a cross section of consumers as any two excises that I know.

"The Senator's proposal would shift more of the burden of this bill on to business firms. His proposal, in other words, would make one sector of the economy carry most of the load. In this regard, we must remember that corporations are already in the midst of accelerating their tax payments. Under the terms of the Revenue Act of 1964, the acceleration of corporate payments would add $1.8 billion to corporate tax payments in 1966 and $2.1 billion in 1967.

"This bill will step up the acceleration, producing a total increase in corporate tax payments of $2.8 billion in 1966 and $5.3 billion in 1967. The Senator's proposal would place the further burden of a reduction in the investment credit on business firms, primarily corporations.

"While it might appear that it would be easy from an administrative standpoint to suspend the investment credit, there would be problems. Under the terms of the Senator's amendment, the credit cannot be taken with respect to property acquired after the date of enactment of the bill unless a binding commitment to purchase it existed before that date and installation is completed within 1 year after that date.

"This rule will open up difficult areas of dispute between the Internal Revenue Service and business firms over what constitutes a binding commitment. I doubt if any mechanical rule can be followed here. Each case will have to be examined on its own merits.

"If we try to avoid this problem by suspending the credit on all equipment installed after the date of enactment of the bill, we will treat unfairly the many businessmen who have made plans and committed themselves to the purchase of the equipment which cannot be installed until after that date. On the other hand, if we move the effective date back to take account of this, taxpayers will be encouraged to crowd their investments into the period before the credit is suspended. This effect would not stabilize the economy, it would destabilize it.

"Conclusion

"In conclusion I would also like to point out that suspension of the investment credit would be a major change in tax policy. As the Secretary of the Treasury pointed out, the credit is viewed by the Treasury and the business community as a permanent feature of the tax law.

"It is also a very significant feature of the tax law as far as liabilities are concerned. Under the circumstances, we should not alter the credit until public hearings are held and representatives of the public have had a chance to present their views and the Members of Congress have had an opportunity to consider those views carefully.

". . ." (Congressional Record, volume 112, part 4, pages 5181–5182.)

Senator Carlson, speaking in opposition to Senator Gore's amendment which would suspend the investment credit, stated:

"This investment credit was enacted as a part of the Revenue Act of 1962. It was enacted with the thought that it would increase business investment—an important factor in achieving *long-term growth* and full employment." [Emphasis added.] (Congressional Record, volume 112, part 4, page 5183.)

Senator Smathers, speaking in opposition to Senator Gore's amendment which would suspend the investment credit, stated:

"Let us review a little of the legislative history. When the credit was under discussion in 1962, some said: Why use such a measure now when there is still slack in the economy? They argued that such a device could not be useful in encouraging investment and modernization as long as our capacity utilization rates were well below preferred levels. Supporters of the credit had to point out then that the fact that the investment credit was suggested at a time when we were in a recession period and that it was being adopted in a period of recovery did not mean that it was to be regarded as a countercyclical tool. *Rather it was pointed out very clearly that it was intended to be a permanent part of the basic tax law in the sense that it was to become part of the underlying tax structure designed to invigorate the environment for investment.* The major impact of the credit, it was recognized, would be felt as we moved along in our recovery to full employment and increased growth thereafter.

"If we accepted the reasoning of the critics in 1962, we could not have had the credit since we were then in a recession period, and if we accept the views of the critics today, we would not have a credit because we are now in a period of strength and full utilization of capacity. In short, in the view of these critics we would not have an investment credit at any time.

"No one can look around the world today and fail to recognize that tax policies designed to encourage growth and modernization are an integral part of the world scene. These tax systems all have basic structural measures which create an environment favorable to the growth and modernization of industrial capacity.

"If the idea is implanted that the investment credit is such a temporary on-and-off device, its future usefulness will be gravely impaired. If it cannot be counted on in the continuous forward planning of investment, it will cease to be a real source of strength. If business had to plan around temporary swings of such a control instrument, the credit would certainly have erratic and undesired effects. Investment would be speeded up by business artificially to try to get under the wire when it looked as though the credit was to be reduced. Investment would be slowed down to an unwarranted degree during temporary suspensions in the hope of getting the benefit of the credit at some later date.

"The disruptive effects of an on-again off-again policy would be bad for business and bad for the economy.

"For a number of reasons, *the investment credit is not suitable as a short-range restraining measure.*

"For one thing, cash flow or revenue effects of the credit are delayed. The credit becomes available as the investment project is completed. As a matter of good faith and fairness, a suspension has to provide an exception for projects already underway or contracted for prior to the effective date. The amendment it is understood, excepts prior commitments, provided the equipment is installed within a year. This might well produce a disorderly rush to complete installations before the 1-year cutoff.

"It is obvious that this would aggravate an already difficult situation. I am encouraged that those business executives who probably have not counted on expansion right away will make contracts for them right away. We would already see that otherwise the shortage of carpenters, electricians, plumbers, and others which we now have would grow even shorter and, consequently, the inflationary fires would begin to build up and take effect." [Emphasis added.] (Congressional Record, volume 112, part 4, page 5192.)

Senator Proxmire, who opposed the investment credit in 1962, in speaking in opposition to Senator Gore's amendment which would suspend the investment credit, stated:

"I believe that one element which President Johnson rightly recognized is the importance of certainty to American business. Uncertainty seriously disturbs business. *If Congress should now suspend or repeal this investment credit, the confusion, the concern about whether it would be reinstituted and when would have a long-term, adverse effect on business.*" [Emphasis added.] (Congressional Record, volume 112, part 4, page 5192.)

Senator McCarthy, stating that it was time for the Senate to take another look at the investment credit, stated as follows:

"I am not of the opinion that this credit should be a permanent part of the tax structure, but it serves temporary ends and temporary objectives, and it should be subject to periodic reexamination. We should consider alternatives, other forms of tax reduction—excise taxes, perhaps, or reductions in the general corporate rate so that the managers of corporations can make their own decisions." (Congressional Record, volume 112, part 4, page 5472.)

Senator Douglas, speaking in favor of his proposal to limit the amount of investment income against which the credit can apply, stated:

". . . This proposal would leave intact the investment credit at a structural part of our tax system. Personally, I do not believe it should be a part of the system, but evidently the vast majority of this body believe at the moment, that it should be, although I hope and believe that with the passage of time they will change their point of view." (Congressional Record, volume 112, part 4, page 5481.)

HEARINGS, FINANCE COMMITTEE

Some of the testimony regarding the investment credit presented during the hearings on H.R. 12752 (the Tax Adjustment Act of 1966) before the Senate Finance Committee, 89th Congress, 2nd Session, February 25, 28, and March 1, 1966. (References set forth below are to those hearings:)

Secretary Fowler replies to Senator Smathers' question as to why the Treasury had not recommended the elimination of the investment credit (Hearings, *supra*, February 25, 1966, pages 92–93):

Senator SMATHERS. In this matter of meeting the twin problems of inflation on the one hand and paying for the increased expenditures in Vietnam on the other, why didn't you consider recommending the elimination of the investment tax credit?

Secretary FOWLER. We did consider the question of the investment tax credit at some length back in December. As a matter of fact, we considered the whole range of tax measures that might have been employed under the circumstances to raise revenues. This question of the investment credit came up in the House Ways and Means Committee hearings and I dealt with it at length there. I will try to deal with it in a summary fashion here.

There were three principal reasons why we rejected suspension or repeal of the investment credit.

First, we feel the investment credit is a sound, long-range measure in that its basic purpose was to produce an incentive to increase productive capacity. An increase of productive capacity, and an increase in supply, is one of the best answers to increased demand or inflationary tendencies.

Secondly, we felt the investment credit will induce more efficient processes resulting in an increase in the rate of productivity. This will not only produce overall efficiency to the system, but it will also enable us to provide regular wage increases that are characteristic of our system without inducing price increases that might undermine our competitive position in dealing with our balance of payments.

For those two long-range reasons, we felt a retention of the investment credit was desirable.

Looking at the investment credit on a short-term basis, we felt that suspension or repeal of it was not particularly useful as a short-term restraint. The credit, as you will remember, becomes available when a project is completed. Therefore, if Congress moved to suspend or eliminate it, in good faith and fairness it would have to make some exception for projects that have been initiated in reliance of the availability of the investment credit.

Therefore, the impact in terms of revenue, assuming provision would be made to exempt those projects already underway, would be very much delayed. Moreover, the impact in terms of current activity would not be nearly as great as one would anticipate and it would probably hit us some time next year or so rather than today.

Secretary Fowler replies to Senator Gore's comment regarding suspension of the in-

vestment credit (Hearings, *supra*, February 25, 1966, pages 102–103):

Senator GORE. Mr. Chairman, I will forgo the privilege of interrogating the Secretary, but I would like to inform the committee that I expect to offer in executive session, and hope to obtain adoption by the committee—if not successful in the committee, then I will make a determined effort on the floor of the Senate—of an amendment to substitute a 2-year suspension of the investment tax credit for the excise tax increases on automobiles and telephone service.

The investment credit was recommended on the basis that it was needed to stimulate the economy. I know of nothing that is less needed now than artificial stimulation of the economy. The investment credit was of dubious validity, even when offered. It is downright inflationary and harmful now.

Suspension or repeal of the investment credit would produce revenue of $2 billion per year. The revenue is needed, the investment credit is not needed—indeed it is harmful now.

So instead of a regressive tax on the workingman who must buy an automobile to earn a living, and on telephone service which everybody in the country must use, I propose a suspension of the investment credit for an equal period.

Now, the Secretary has given in advance reasons, both long range and short range, as to why this should not be done. I will demonstrate later that in both respects the Secretary's position is ill founded in both philosophy and fact.

Thank you.

Senator LONG. Well, might I ask the Secretary's response—he's the witness. What's the position of your Department on that, Mr. Secretary? Frankly, I find some appeal to it.

Secretary FOWLER. I have covered it as fully as needed today in answer to a question by Senator Smathers. I know it is a controversial question. I don't believe I have anything to add to my answer to Senator Smathers' question.

Secretary Fowler replies to question by Senator Smathers as to how soon would any money come into the Treasury if the investment credit were repealed (Hearings, *supra*, February 28, 1966, pages 171–174):

Senator SMATHERS. Mr. Secretary, with respect to the reasons why you took this approach to meet the increasing demands of the cost of the war in Vietnam rather than the investment credit repeal, can I ask you this question? If you had followed the investment credit repeal rather than this particular approach, how soon would any money have come into the Treasury for the purposes, we will say, of financing the war in Vietnam?

Secretary FOWLER. It would depend upon the way in which the suspension or repeal were enacted. I believe, in fairness to those who had initiated expansion plans, placed orders, and commenced projects in reliance on the investment credit which is available to them when they complete the project, that Congress would provide an exception for projects which are underway. Assuming that that would be the judgment of Congress, we would not reap any revenue benefits from the suspension of the investment credit of any general magnitude during this fiscal year under the formula of Senator Gore's amendment. According to our calculations, in the next fiscal year we might receive benefits of about a billion dollars.

Senator SMATHERS. So, then, the answer is that if we followed the repeal of the investment tax credit, there would not be any, in your judgment, additional revenue to the Government this year.

Secretary FOWLER. For fiscal 1966 gain would be zero on the repeal as provided in Senator Gore's bill. We may be a little high on our estimate for 1967. We are recalculating it now.

Senator SMATHERS. Now, when you decided to make this recommendation to the Congress was one of the conditions, upon which you based this judgment, that this particular recommendation would lessen the demand for goods which apparently are now going into short supply? In other words, was your purpose also one of dampening what you might say was the beginning of the fires of inflation?

Secretary FOWLER. The general bill as a whole had two rationales. The primary rationale, and the one on which I think there is the most emphasis, is that we need this money in order to finance the costs of the war in Vietnam.

Senator SMATHERS. Right.

Secretary FOWLER. A secondary consideration is that the consequences of the bill will, and I make no contention that it is a harsh measure, will be that in a moderate way it will tend to restrain the growth of demand. The drawing out of revenues from private purchasing power, which under this bill in the calendar year 1966 will be in the order of magnitude of about $2.7 billion, will have some restraining effect on the economy.

Senator SMATHERS. Now, the third and last question. Was it your belief, and it is your belief as I understand it, that the investment tax credit actually is an incentive for the building of more capacity so that there will be a greater supply of goods which would mean that there would be less pressure for increased prices, and less likelihood of inflation?

Secretary FOWLER. That is very definitely one of the reasons why we did not choose the investment credit approach. We also have to keep in mind as an important consideration that our balance of payments is still a continuing problem. As I just indicated in response to questions by Senator Talmadge, it will continue to be a long-term problem.

Therefore, we want to keep our economy as efficient and as competitive with other economies as possible. As you will recall, one of the original purposes for enactment of the investment credit was to encourage investment in facilities and machinery that would increase productivity and maintain at a very high rate.

Senator SMATHERS. In the United States?

Secretary FOWLER. In the United States.

I would like also to observe in connection with this, just as a general comment, that when you have an expansion in demand, the best way to meet it is to expand supply, which means expanding facilities. As you will recall, during World War II and the Korean war, in order to expand many of the facilities that you might say are induced by the investment credit, Congress made special emergency tax amortization processes available.

In my response to your inquiry, Senator Smathers, on Friday as to desirability of suspending the investment credit, I indicated some of the reasons why we considered such a suspension to be unwise. I would like now to recapitulate and supplement the points made in our previous discussion.

1. The investment credit is a sound, long-range measure which provides incentives for expansion and modernization of our productive capacity.

2. The credit encourages technological advance and the introduction of more efficient processes, which increase our productivity and enable the economy to deal with the periodic wage increases which are characteristic of our economy without price increases.

3. In this way, as well as by making investment here more attractive, the credit helps to deal with our balance of payments.

4. The investment credit is not suitable as a short-range straining measure—cash flow or revenue effects are delayed. The credit becomes available as the investment project is completed. As a matter of good faith and fairness, a suspension would have to provide an exception for projects already underway or contracted for prior to the effective date. The impact of the suspension in terms of both raising revenue and restraining the cash flow to investing business would therefore be delayed by a considerable period, reflecting the leadtime involved in most investment activity. The real impact of the suspension might not hit us for a year or so following the effective date of the suspension.

5. Leadtime in modern investment involves more than contractual commitments: In this connection, I would point out that in taking action to suspend the credit, even if prior "orders" or contractual commitments were excepted, considerable injustice and disruption would be caused to businesses which have already gone ahead with "in-house design" and other preparatory activities for making new investments. Leadtime, viewed realistically, often involves various steps including extensive plant design carried out by the investing business itself. Suspending the credit on projects on which extensive preparatory work has been done may involve about the same losses or penalties to taxpayers as cancellation of an outstanding contract. For obvious reasons, however, it would be difficult to draft a suspension provision which would take care of investment already started in the sense described here.

6. Problem of unused credit carryovers: Businesses are allowed a 3-year carryback and a 5-year carryforward of unused credits—denied currently by the 25 percent of tax and related limitations. Substantial unused credits have accumulated, possibly at the rate of $300 million a year. It would be harsh to deny the use of the unused credit carryover if the current credit were suspended. Removing the credit currently would increase the availability of substantial amounts of credit carryover. The exact amount of this effect is difficult to estimate, but it could potentially cancel a considerable part of the revenue effect of a temporary suspension.

7. Suspending the investment credit may hit the small plants hardest: The available evidence indicates that the investment leadtime, including design and procurement, varies directly with the size of the plant. Productive facilities for equipping small plants can be designed and completed in a fraction of the time required for large facilities. Temporary suspension of the credit would thus hit small plant construction soonest and hardest. The equipping of large plants already contracted for could go on for a longer time, still receiving the credit on completion, and large plants could be started after the effective date of the suspension, looking forward to completion after the date the credit is restored.

8. Return of uneconomic "repair and maintenance" of outmoded equipment: The credit has apparently been helpful in discouraging previous practices of repairing antiquated equipment to eke out its industrial life. Prior to the credit, taxpayers often preferred to spend money keeping the old machine going, partly because they felt they could get current tax deductions for these outlays. The investment credit tipped the balance in favor of getting modern equipment. Suspension of the credit may send many businesses back to the uneconomic repair and maintenance practices so that their expenditures can be expensed for tax purposes. This would not only be bad for our technological progress but also would involve demands on the economy and revenue decreases which would offset both the economic restraint and revenue contribution of suspending the credit.

9. Suspension of the credit might prove to be most effective in curtailing the type of investment that makes the most anti-inflationary contribution: Suspension of the credit would operate most promptly and

effectively on equipment which has a short leadtime between order and delivery and which bunches its contribution to production within a short period of time (that is, has a relatively short useful life). This type of equipment would help round out productive capacity in the next year or two. On the other hand, the long leadtime equipment with a long useful life would be much less affected by suspension of the credit because completion could be scheduled 2 years or so hence, when the credit was to be restored.

10. Suspension of the credit would create imbalance in the 1966 revenue program and apply too severe a restraint on investment: The program provided in the bill before the committee relies heavily on restraint of corporate cash flow and liquidity to apply a moderate restraining factor on the economy. Of the $4.8 billion revenue total for the fiscal year 1967, $3.2 billion, or about two-thirds, is derived from the acceleration of corporate tax payments. This in itself will provide a moderate and salutary restraint on investment. The other increases in revenue affecting purchasing power generally will also operate to moderate expansive investment activity. If a suspension of the investment credit is added to the program, it will concentrate too much on the business sector and run the risk of slamming on the brakes too hard.

Senator SMATHERS. I want to yield to the distinguished acting chairman at this point.

Senator DOUGLAS. I would merely like to remark that there is an ironical paradox and contradiction between the monetary policy of the Federal Reserve Board and the Government on the one hand, and the tax policy of the administration on the other. The effect, of course, of increasing the interest rate initiated by the Federal Reserve Board but now acquiesced in and approved by the Treasury, is to restrain investment, and that was certainly one of its purposes, to restrain investment by increasing the cost of long term borrowing.

But on the other hand, now the Treasury defends the investment credit refund on the ground that it stimulates investment.

Secretary FOWLER. Once——

Senator DOUGLAS. Just a minute. I think I have got a bon mot here coming that I don't want to cut myself off. It reminds me of the character in Stephen Leacock's story, who mounted his horse and rode off in all directions. The front legs of the horse restraining investment, the rear legs of the horse stimulating investment, and the horse itself being torn in two by these conflicting forces.

Secretary FOWLER. If I could put a slightly different version on this, Senator, it would be this. We accept the fact that the corporate acceleration will cause a review of marginal investment projects on the part of the 16,000 companies affected, and may result in some modest or moderate reevaluation of whether or not they should be carried through. This is an incidental result of the corporate acceleration. The purposeful result of the corporate acceleration was to acquire the additional revenue in a very substantial amount to help bring the budget into more approximate balance.

Secretary Fowler replies to Senator Hartke's questions and comments regarding the investment credit (Hearings, *supra*, February 28, 1966, pages 175–183):

Senator DOUGLAS. The Senator from Indiana.

Senator HARTKE. I think the Senator from Illinois has put his finger on what I was eventually going to come back to, and it is all right with me that he has done it very quickly, and that is the fact that there seems to be a lack of communications here. I want to find out when we can't put that back together and have people start talking to each other in the administration so that we have the corporate acceleration holding back investment, we have the increase in the interest rate by the Federal Reserve Board holding back investment, and here we have the retention of the investment credit to increase investment.

I just wonder if these policies are discussed or whether there is some explanation which I have missed.

Secretary FOWLER. They have been discussed a great deal. As you know, from the colloquy last Friday, we do not always see eye to eye. This is not because of a failure of communication or because of a failure or lack of discussion. It is just that insofar as the action of December 6 is concerned, there was a difference of opinion.

Senator HARTKE. Let me ask you, then, an obvious question, I think, and that a lot of talk again, and it seems that some of these conversations in the press, and so forth, do have a way of sometimes becoming policy, a lot of discussions in banking circles, some which I talked to quite honestly say that they anticipate another increase by the Federal Reserve Board in the discount rate. What is going to be the policy of the Treasury, since Bureau of the Budget is not here and Federal Treasury if within the very near future there is another proposal to increase the interest rate? I know we have a new member of the Federal Reserve Board. Maybe we can make him the swing vote, have a little influence on him, more influence than we had in the past, since it was a 4-to-3 decision.

Secretary FOWLER. All I can say on that subject now, Senator Hartke, is as I have stated on February 3, to the Joint Economic Committee, that as I see it now, given all the new factors that are present in the situation, the wise course of balance and moderation in pursuing continued growth, a high rate of employment, and relative price stability, would seem to call for determining how the economy reacts to the new mix of relatively moderate restraints before adopting far harsher measures which would include, of course, tighter monetary policy.

Mr. Chairman, since the question has been raised by various Senators as to what the position of the Treasury is on why we do not advocate more action now, I would like to make my statement to the Joint Economic Committee a part of the record in order that our position may be completely understood.

Senator DOUGLAS. Without objection, that will be done.

(See p. 160.)

Senator DOUGLAS. The Senator from Indiana.

Senator HARTKE. Let's go back and I will try to pick up again where we left off when the Senator from Delaware was questioning. I thought his question was very appropriate and I was going to ask basically the same question. But I would like to come back to the question raised by the Senator from Florida.

On this investment credit, as I understand the answer from the Treasury was that you could not hope to reap any benefits in this year but in the neighborhood of about $1 billion next year; is that correct?

Secretary FOWLER. We are making a further study of the revenue constants and that figure may turn out to be high. But in any event there will be a substantially delayed revenue benefit from it.

Senator HARTKE. So there is no misunderstanding about this, it is fair, in executive session, if I report the testimony of the Treasury that on the investment credit, that if it were repealed or suspended at this time, say for a period of 2 years, which in effect would be a temporary repeal, if it were repealed or suspended, there would be no revenue come to the Treasury this year.

Secretary FOWLER. Senator Hartke, my whole answer was prefaced on the assumption that Congress would include in any suspension or repeal a provision exempting those projects which were underway or which had been undertaken in reliance upon the existence of the investment credit. Given that kind of provision in the law, the figures are as I indicated.

Senator HARTKE. The amount would, according to the best estimates you have, be in the neighborhood of that.

Secretary FOWLER. That is right. We will have refined figures for the executive session, but I think they will be at that level or lower.

Senator HARTKE. I might say to you if you are going to have them for the executive session, the acting chairman has just informed me that the chairman wants to act upon the Senator from Tennessee's proposal at 12 o'clock noon, so you have got 25 minutes to get those additional figures in here.

Secretary FOWLER. We will stand on the figures I gave you.

Senator HARTKE. You will stand on the figures, then. All right.

Now, one element which is just a side element for the moment, that is this: In this regard you feel that the Congress must act fairly with its taxpayers and therefore would probably exempt that portion of their investment policy which already has been acted upon in reliance——

Secretary FOWLER. Action in reliance, that is correct.

Senator HARTKE. Of course, we are not doing that in the case of the acceleration, are we?

Secretary FOWLER. No, sir.

Senator HARTKE. We are telling them on acceleration that even though we passed a law last year which provided that acceleration should be extended over several years, that we have now changed our policy which the Government has a right to do, that we are now recommending that the acceleration be speeded up and—an escalated acceleration; is that right?

Secretary FOWLER. That is right.

Senator HARTKE. All right. And therefore, if they have relied upon this and it causes any difficulty in these corporations what relief do you suggest that we in Congress give to them?

Secretary FOWLER. None.

Senator HARTKE. None.

Secretary FOWLER. I think they are two entirely different cases, and the order of magnitude——

Senator HARTKE. No question they are different cases. They just affect different taxpayers.

Secretary FOWLER. I think the effect and difficulty involved in taking care of the cash flow problems that are a consequence of corporate acceleration are entirely different from the withdrawal of a tax credit which really changes the liability of the taxpayer—not the speed or time of payment.

Senator HARTKE. Well, on the cash flow element of that, this will affect him in regard to his cash flow—what if he doesn't, what if he hasn't made allowances for this? I know that your answer is that it doesn't present a serious problem, but what if they have to go out and borrow this money? Isn't this going to be an added expense to them in this business this year?

Secretary FOWLER. Yes, indeed. This is a consequence of the incidence of acceleration.

Senator HARTKE. In fact, what he is going to have to do is borrow money to pay the taxes which he ordinarily, last fall, based upon the action of Congress, would not have anticipated he would have to pay.

Secretary FOWLER. I think the general practice, at least most of the corporate practice that I know anything about, is that you accrue funds to meet these taxes. You keep them. You put them in bills, in commercial paper, or something of that nature, but you accrue the funds to meet your taxes as a current matter.

Senator HARTKE. This is a bookkeeping entry.

Secretary FOWLER. There may be some companies that don't follow that practice, but that certainly is the standard practice.

Senator HARTKE. But when they figure out their whole balance, when they make their determination for their operations for the year, they go ahead and anticipate this is going to be paid not in March, say, of 1965, but, for example, generally speaking, the figure is going to be paid in April of—April of 1965—in April of 1966. Isn't that true?

Secretary FOWLER. Undoubtedly the funds which they presumably have accrued and have invested in bills or commercial paper will have to be called on in larger amounts in April and in June of this year than was contemplated. Instead of paying 9 percent of their estimated tax, 12 percent will have to be paid.

Senator HARTKE. I think that we agree with that.

Now, the point, though, remains that you anticipate that the Congress is going to be fair to the taxpayer on one aspect, but you say that you are going to have to go ahead and take advantage of him on this other aspect. Isn't that true, now, really?

Secretary FOWLER. If you would include the fact that one would be a change in what you owe the Government. This is a much different question than the rate at which you have to pay the Government. Congress has on many occasions changed the timing and scale of collections, and it has had different consequences for different taxpayers.

Senator HARTKE. In the same field, the excise tax field, there is a change, too. Certain places have acted upon the basis of the actions of Congress, I mean these telephone companies, for example, have notified their consumers they have had to change all their procedures, too, isn't that correct?

Secretary FOWLER. I don't think they had to change their procedures in any substantial way. They still have to send a bill. They simply changed the calculation of the tax from a 10-percent rate to a 3-percent rate. They will have to reset the computers to bill the tax at a different rate.

Senator HARTKE. Now, I am not an expert in these computers, but the point is, IBM informs me there is an expense involved in this, and for the small companies it is small, but proportionately very large, that for the large companies, of course, it is a larger amount, but proportionately very small, is that true?

Secretary FOWLER. I would like Mr. Surrey to speak to this in detail. This change will not cause substantial administrative hardship.

Senator HARTKE. Let's come back to that in a moment. What I am trying to get in this little side excursion is the fact that we have now established a principle which we anticipate we will act on in order to protect the taxpayer in one field upon his anticipation, the tax consequences as a result of change in tax policy, but in the other case we are not, isn't that true?

Secretary FOWLER. We looked at these two different situations and one is more serious than the other.

Senator HARTKE. Only a question of degree.

Let's come back to the whole problem again. Back to the tax credit, which the Senator from Florida has raised. I have not raised this question. The Senator from Tennessee raised this question.

Isn't it true that no matter when you make that change on investment credit, if you make it now, next June after you have had a reassessment, next May, as most people have indicated when you will be back, I don't know—these people seem to have some special psychic approach.

Secretary FOWLER. They have psychic approaches, Senator, I don't understand?

Senator HARTKE. Whenever they come back, if you are going to change the investment credit at that time, the same leadtime would be involved, same action involved, and then you would be dealing with whatever period is in the future before you would have any substantial reaping of results to the Treasury.

Secretary FOWLER. That is correct.

Senator HARTKE. So no matter what you do in this field, there is a delayed reaction.

Secretary FOWLER. That is right.

Senator HARTKE. So if this is going to be the policy, if the Congress wanted to take this, they would probably be better advised to do it at their earliest possible moment rather than at the latest moment, if they wanted to have the least possible number of cases which they would have to create an exception for.

Secretary FOWLER. If all of the reasons that have been advanced as to why it was unwise to do it are overborne by the Congress, then I think Congress should look at the revenue requirements as it sees them. As you say, the same time problem will be present whenever the Congress deals with this particular tax credit.

Senator HARTKE. In regard to investment tax credit, as I understand, the Senator from Florida indicated that this would create a greater capacity and greater supply of goods which therefore would result in less likelihood for inflation. Is that—and the Secretary answered that in the affirmative.

Secretary FOWLER. I agree with that statement.

Senator HARTKE. As I understand also, in answer to another question, the purpose of this bill, as I think you used the word, the consequences, the secondary consequences, were moderately intended to restrain the growth of demand. Is that true?

Secretary FOWLER. That is a secondary consideration. The primary consideration is to raise the funds to finance the war.

Senator HARTKE. I am just taking these two points. In other words, this was in answer to questions from the Senator from Florida, that we have on the one hand the rationale, the secondary consequences of this bill, moderately tend to restrain the growth of demand. And on the other hand we have investment tax policy which is intended to create an increase in the supply of goods.

Now, if that is true, how are we—we have an increase in the supply of goods and restraint on the demand—who is going to buy this increased supply of goods?

Secretary FOWLER. As my statement of February 3 indicated, in looking at the problem of whether inflationary pressures require certain actions, I think it would be wise policy, as I have said before, to see how the economy responds to the new combination of measures, which include this particular bill, before going, as many are advocating today, into much harsher measures.

Senator HARTKE. Let me ask you this as an alternate.

Secretary FOWLER. I think this is another element of moderate restraint. As I say, you can capsulize it by saying that if this bill is adopted by March 15, it would withdraw from private purchasing power an additional $2.7 billion during the calendar year 1966. That is a measure of its restraint.

Senator HARTKE. All right. Now, what if the Congress on the investment credit, instead of completely suspending its operation or repealing it, would provide for its temporary suspension and give to the President the authority to make the determination into which field investment credit was desirable? Now, we have the so-called guidelines in front of us in which the President is making under his Council of Economic Advisers the determination as to whether or not the price increases are within the guidelines or whether it is justified and the wage increases, whether they are justified.

What would be wrong with providing the President with the authority to make up his mind as to whether or not we should have increased production of automobiles and increased production of pinball machines and bowling alley equipment, and items of this sort, and whether or not the investment should be permitted in the field of those items which are necessary for the prosecution of this war?

Secretary FOWLER. Senator Hartke, given a situation comparable to World War II or to the magnitude of the buildup in the Korean war, I think such a selective use of tax amortization or tax advantages would perhaps be desirable. I do not believe it would be desirable at this time to modify the generalized treatment of the taxation of new machinery and equipment and place in the Treasury or some other department of the Government the determination of what expansion was particularly related to the military effort, as we had to do during these two previous wars, and then grant or deny tax amortization certificates to individual companies who applied in connection with it. It would completely change the character and nature of the investment tax credit. Unless the situation developed to be far more different from the situation today, I think it would be a mistake for Congress to do that.

Senator HARTKE. If we head into a 3- to 7-year war, that would be a considerably different approach than what we are heading into today; isn't that true?

Secretary FOWLER. I think it depends not only on the duration of the conflict, but the magnitude of the effort involved. We must keep in front of us the fact that the percentage of our gross national product which is today devoted to the entire defense operation is in the order of magnitude of 7.6 percent. Of that, the war in Vietnam, according to the budget figures, takes about $10.5 billion in fiscal 1967. The relationship of this $10.5 billion, the cost of the conflict, to a gross national product of over $700 million, is an entirely different order of economic magnitude from the situation we had during the Korean conflict.

Therefore, it is not only the question of duration, but it is a question of how limited or how extensive the demand on our economy is. This $10.5 billion is about 20 to 25 percent of the annual accretion to our gross national product.

Senator DOUGLAS. I wonder if the Senator from Indiana and the Secretary would permit the acting chairman to make an observation and a plea. We all recognize how essential these hearings are and how important it is for the rest of the people to question administrative officials.

On the other hand, we are faced with the need for a certain amount of celerity in action and the Secretary, like the Secretary of Defense, is a heavily burdened man, and I have a good deal of sympathy for the members of the Cabinet and the pressures that they have to do their work under and at the same time meet the demands of the congressional committees.

Without trying to shut anybody off, I would like to express the hope that we can finish with the Secretary of the Treasury today, and I hope that we could meet in executive session, but if that is not possible, I hope that we could conclude the examination of the Secretary today and then go on to executive session tomorrow.

Now, I have no power to shut any member of the committee off and I do not intend to do so, but I do wish to preach the gospel of restraint as well as examination.

Senator WILLIAMS. Mr. Chairman, if the Senator will yield, I, too, would like to see this hearing expedited, but I was here 4 hours last Friday, and the minority took exactly 10 minutes on this side of the table with the Secretary. I was here at 9 o'clock this morning, and I think we had 28 minutes discussion. I have some questions very pertinent to this bill which I do want to ask. If we can complete the hearings today, fine, but if we do

not complete the hearings I think it is well enough to come back here tomorrow morning.

I realize the desire of the administration for rapid action on this bill, and I am going to cooperate with them, but I remind all concerned that we are in this situation because the administration passed an ill-advised tax cut last year at a time when in my opinion the whole country and the administration knew we were in a war, knew we had a deficit of $8 billion.

Senator HARTKE. I recall—the chairman will notice that I was here when these hearings began, too. I had a total of 10 minutes. Quite frankly it was a very abbreviated 10 minutes. It was right on the nose. I do not mind telling you I know some of the other members of this committee were given time beyond that. I did not complain. I did not complain this morning. I am willing to yield to anybody else, but I recall that the acting chairman indicated the other day that he did not want to be cut off and made the request in front of this committee. He said, I want it thoroughly understood, as I recall, that I have a right to pursue some of my questions. I think that in all fairness the mere fact that I sit down at this end of the table should not be a reason why you should not have a chance to go into some of these matters which I think are very important like the Senator from Delaware has indicated, most of these items are one-shot operations and I think it is important that this country, if we are going to be asked to finance a war, that we get down to the business of financing it, tell the people what we have to do. We may have to tighten our belts and have more taxes. I think the American people are willing to face up to it. I think they have a right to know exactly what is going to be involved.

Senator SMATHERS. Mr. Chairman, will the gentleman yield there that I might ask a question? I wonder if it is possible for the Senator from Indiana to advise the committee and the Secretary how much longer he expects to take?

Senator HARTKE. If you will check the hearings, you will find out that the questions asked by the Senator from Indiana have been extremely short. The replies have been extremely long and I am not complaining but I just want you to know if there has been any violation of time, it certainly has not been on the part of this Senator. I am not complaining. I am glad to hear it. We had one interjection. We went all the way from the answer to the question to the question of the pay increase and other matters which I asked nothing about whatsoever. But I went back and I said what I was trying to establish is one simple fact, this question of communication between the members of the Cabinet. Now we are faced with another question of communications as to what is going to happen in the future.

Senator SMATHERS. Will the Senator yield?

Senator HARTKE. I yielded to the Senator a while ago.

Senator SMATHERS. He did not answer my question.

Senator HARTKE. I offered to yield to the Senator from Florida. I said I would wait and let him go ahead if he wanted to. He took a new line of approach which I had not intended to pursue whatsoever, but I thought the record ought to be clarified, and I am glad that the Senator from Illinois joined in that participation. I just want you to know that this is a question of the suspension of the investment credit. I had no questions on this matter but since it was raised, I thought it should be clarified that we did have, as the Senator from Illinois so aptly described, the horse going in two directions, but I would like to find out and I think this makes it appropriate, whether or not we are dealing with a short-term, one-shot operation, whether we are going to face up to the fact that we have a serious war on our hands, and somebody is going to have to pay the bill.

Senator SMATHERS. Will the Senator yield? If I may just ask a very friendly question to help everybody?

Senator HARTKE. I will be glad to.

Senator SMATHERS. I am not fussing, Senator. I am just merely asking him does he think he will be able to conclude his line of questioning so that the Senator from Delaware might be able to finish by 1 o'clock and that the Secretary might know what plans he can make.

Senator HARTKE. If the Senator from Florida can tell me what the answers to my questions are going to be, I probably would be in better shape to give him an answer to that question.

Senator SMATHERS. In other words, you do not know.

Senator HARTKE. I do not know.

Senator SMATHERS. Go ahead, then, Vance.

Senator HARTKE. As I understand, then, now on the question of the selective—you used the word "selective". Selective sacrifice, which is more appropriate than the term you used. This selective sacrifice approach which the President could make up his mind on which one he needed to sacrifice and which one he needed to help, the bowling alley people or people manufacturing automobiles, or whether he is going to help the people in the Defense Department. It depends on the cost of the war.

Secretary FOWLER. That is right.

Senator HARTKE. You are talking about finance. But if this occurred, that this is a solution which would probably receive very high priority in the Treasury, is that true?

Secretary FOWLER. No. I did not want to pass any judgment, Senator, on this measure as to where it would stand in the hierarchy of choices. I only tried to say that as of now I do not think replacing the investment credit with a selective tax amortization system like we had during World War II and the Korean war would be advisable.

Senator HARTKE. All right. Do you think it is going to be advisable at any time that we do anything in the field of the so-called tax credit or do you think that this should be considered, as I have read from some of your statements, as a permanent part of our tax policy?

Secretary FOWLER. I do.

Senator HARTKE. You feel that it should be a permanent part of our tax policy.

Secretary FOWLER. Yes.

Senator HARTKE. And without regard to whether or not there is an acceleration of the financial cost of the war, that it should be retained.

Secretary FOWLER. Of course, Senator Hartke, all of these matters would be open to reconsideration when and if it is necessary to come in for additional revenues.

We do not make any advance judgments about this particular provision or that particular provision. I am simply saying that, as of now, I think the investment tax credit is very desirable and should be a permanent piece of our tax machinery. I think it would be inadvisable to modify or suspend it as a part of this legislation.

COMMITTEE REPORTS—H.R. 12752 (THE TAX ADJUSTMENT ACT OF 1966)

Senate Finance Committee report

Senator Gore set forth in part VII of the Committee Report his supplemental views on H.R. 12752 and stated that the suspension of the investment credit should be substituted for the increases in excise taxes on automobiles and telephone service:

(S. Report No. 1010, 89th Congress, 2nd Session, pages 43–45 (1966).)

VII. SUPPLEMENTAL VIEWS OF SENATOR ALBERT GORE

This bill, H.R. 12752, is designed to help finance the increasing costs of Government during the next 2 years. By raising additional revenue it will decrease the budget deficit and lessen the amount by which the public debt would otherwise be increased. Some assistance in controlling an ascent inflation should be provided.

Although several provisions of the bill are meritorious, it is poorly designed in certain respects and in all likelihood will prove quite inadequate. Some reenforcement of fiscal policy ought to be provided now, by raising more revenue than this bill will provide, and by placing the increased revenue burden where it will do the most to dampen demand in areas where such demand most clearly threatens price stability.

Oddly, the two most important provisions of the bill, from a revenue standpoint, represent in one instance a speedup of a schedule already adopted by the Congress—for getting corporation tax payments more nearly current—and in the other a complete reversal of a previously adopted congressional schedule for ridding the consumer of two onerous excises. I support the previously established congressional policy in both instances, to place corporation taxes on a current basis, and to eliminate excise taxes. I oppose the proposed reversal of congressional policy with respect to excises.

Since more revenue is needed, and since an increase in excise taxes is regressive in nature, Congress should raise more revenue and do so in a more equitable manner. Suspension of the investment tax credit as a substitute for the proposed excise tax increases would serve both purposes. This would have the additional advantage of selectively dampening demand in an area which seriously threatens to create inflationary pressures.

Suspension of the investment credit, together with a modification of the use of existing carryovers, will produce as much revenue as would the reimposition of the excise taxes on automobiles and on telephone service. Suspension of the credit would add $80 million to revenues in the current fiscal year, while raising excises to their pre-January level would produce only an additional $65 million. In fiscal 1967, it is estimated that $1.2 billion would be raised by either procedure, while in fiscal 1968 the investment credit suspension would add $1.9 billion and the excises only $1.5 billion.

So long as the revenues are this close, then, the choice would hinge on the overall economic effects, as well as on equity considerations.

The present outlook for expenditures on fixed investment clearly raises the threat of inflationary pressures in that sector of the economy. Fixed investment in 1965 was 10.3 percent of gross national product, about the same as it was during the investment boom of 1956 and 1957. The rate of investment at that time could not be sustained and neither can the current rate.

In 1965, investment in plant and equipment increased 15.4 percent over 1964. Recent surveys show an expected increase in 1966 of 15 percent or more over 1965, and surveys taken at this time of year generally underestimate final expenditures. Extending these projections into 1966, we will have by the end of this calendar year a fixed investment expenditure amounting to some 11 percent of gross national product. This is well above the noninflationary level of 10 percent for a full employment economy.

Obviously, in the interest of orderly growth and to avoid inflationary pressures in an important sector of the economy, expenditures for fixed investment should be slowed. Expenditures should not be halted, but marginal projects should be postponed. Suspension of the credit will not halt projects clearly warranted by demand. It would remove this element of artificial stimulation in our economy.

The Finance Committee report on the 1962 Revenue Act, when the investment credit was instituted, gave three specific reasons for the credit:

1. The investment credit would "stimulate investment * * * by reducing the net cost of acquiring depreciable assets, which in turn increases the rate of return after taxes arising from their acquisition."

2. The investment credit "by increasing the flow of cash available for investment, will stimulate investment."

3. The investment credit "can be expected to stimulate investments through a reduction in the 'payoff' period for investment in a particular asset."

The same arguments—in reverse—could now be used to justify suspending the investment credit.

Given current conditions, the artificial stimulation to expenditures for fixed investment should be cut off. The investment credit should be suspended until such time as conditions warrant a return to stimulation.

Another fact which is particularly pertinent today is that production of equipment for fixed investment competes with production of hard goods for defense purposes. This is particularly true with respect to highly skilled manpower, in which there is already a shortage. Continued artificial stimulation of plant and equipment expenditures can only result in bidding up the price of scarce materials, facilities, and manpower needed for defense production, thus setting off a ripple of inflation which might well become a powerful wave carrying all before it.

Looking at restraints already at work through Government action, one is struck by the tight money policy enforced by the Federal Reserve Board. However one may view this monetary policy, fiscal policy must work with and not against it. In this instance, the suspension of the investment credit will reenforce the tight money policy of the Federal Reserve Board. On the other hand, a tax policy which works counter to it, will but give an excuse to the money managers to tighten the screws even harder, thus giving rise to further undesirable distortions which we have witnessed in the past when monetary policy was misguided.

Little need be said here to support the substitution of this credit suspension for the increase in excises on automobiles and telephone service from the standpoint of equity. The excises bear directly on the consumer and is recognized as a regressive tax. Furthermore, the excise tax increases in this bill affect only one commodity and one service. It is difficult to justify singling them out, particularly when they are virtual necessities. Suspension of the investment credit will work no hardship on any particular group and its effects will be spread broadly, particularly across the corporate sector.

Responsible economists are now expressing concern about the possibility of inflation. It is felt by many that substantial tax increases are needed, and now. In the absence of a general tax increase now, selective tax changes in areas where both economic and equity objectives can be furthered would certainly be in order. Suspension of the investment credit is surely one of the most obvious places to begin.

OTHER DOCUMENTS: 1966 JOINT ECONOMIC COMMITTEE REPORT

Investment tax credit

The following is from the Supplementary Views of Senator Proxmire to the Report of the Joint Economic Committee, Congress of the United States, on the January 1966 Economic Report of the President (House Report No. 1334, 89th Congress, 2d Session):

"While concurring in the committee's report, I find it necessary to supplement it with comments on two counts: One is the proposal for suspending the investment tax credit, and the other is what I consider to be a failure to recognize fully the value of the wage-price guidelines.

"Although I opposed the investment tax credit when it came before the Senate in 1962 and again in 1964 I opposed the liberalization of the terms on which the credit is granted, I think it would be a serious mistake to withdraw it now, for the following reasons:

"1. *Investment credit is a sound long-range measure.*—The investment credit was adopted to provide a long-range incentive for growth and modernization of our productive capacity. It has been successful. Certainly it has proven itself as a major cause of the remarkable growth of the economy since its passage. The added capacity and efficiency that have resulted from the operation of the credit, along with the new depreciation guidelines since 1962, are of tremendous value to our economy and our defense effort now.

"Such growth in capacity is the ultimate weapon against inflation. The suspension of the credit would discourage new long-range orders and commitments and this in turn would result in a cutback in investment and capacity at a later period.

"That result may be entirely inappropriate at that time—for we will want a high level of investment in the years ahead after Vietnam is in back of us.

"2. *Leadtime between order and delivery of productive equipment.*—A period of 18 months is sometimes cited as the average leadtime between contractual commitment and completion of capital projects in American industry. This rule of thumb includes both plant and equipment, a broader category than section 38 property. There are of course wide differences among investments. Many items such as office equipment and certain standard types of production machinery can normally be delivered within a few months. On the other hand, such investments as large aircraft, large electric generating plants, blast furnaces, heavy production equipment, and chemical processing equipment systems, may take 2 or 3 years or more to complete and place in service following the initial contract.

"The design of specialized equipment requires considerable time, and the trend toward increasing use of specialized equipment makes this an increasingly important factor in the leadtime for capital projects.

"Against this background, it has been estimated that some 40 percent of equipment subject to the credit has an order-to-delivery time of not more than one or two quarters, another 40 percent has a delivery time of three or four quarters, and another 20 percent has delivery times ranging between 1 year and 3½ years with an average of about 2 years. Some additional time would elapse between delivery and actual installation or placement in use in some cases.

"The overall weighted average time between contract and placement in use of productive equipment eligible for the investment credit is therefore estimated at between three quarters and a year. If some allowance is made for necessary advance scheduling of equipment purchases to be installed as building construction is completed, the overall average leadtime may be somewhat longer.

"3. *Suspension of investment credit not suitable as short-term restraining factor for these reasons.*—Because there is a considerable 'leadtime' in carrying out investment projects; because the investment credit becomes available when assets are put in service and hence present contracts are being undertaken in reliance on the availability of the credit when the project is completed; because suspension of the credit would have to provide an exception for projects already under commitment, but which will be completed in the future; it follows that suspension of the investment credit would generally not alter investment expenditures or tax revenues for a substantial period of time.

"4. *Current situation does not require changes in final income tax liabilities.*—As the President has stated, it is not necessary or desirable to change individual or corporate final tax liabilities at this time in response to the current economic situation associated with Vietnam expenditures. Since the investment credit is a component of final income tax liabilities, it follows that the current situation does not require a suspension of the investment credit.

"5. *Balance of payments.*—The investment credit helps the balance of payments in two direct ways: (1) it makes investment here in the United States more attractive, and (2) it encourages modernization and cost cutting to strengthen our export position (including our defensive position vis-a-vis imports). Suspension or reduction of the investment credit in a world in which investment incentives are widely used in foreign tax systems under which our friendly international competitors operate would weaken our international competitive position."

HEARINGS, SUBCOMMITTEE ON FISCAL POLICY, JOINT ECONOMIC COMMITTEE

Testimony by Stanley S. Surrey, Assistant Secretary, Department of the Treasury, on March 30, 1966, regarding the investment credit at the hearings before the Subcommittee on Fiscal Policy of the Joint Economic Committee, 89th Congress, 2d Session, pages 242, 243:

Turning now to the investment credit, the possibility of changes in the investment credit received considerable attention during these hearings. Some economists have stated that investment demand may be reaching excessive levels, either because it strains our capacity for producing more plant and equipment or because it generates a capacity for producing final goods in excess of the economy's long-term needs.

These economists have contended that the very factors that made the investment credit a particularly successful stimulus to investment now recommend its modification or suspension in order to moderate an overly buoyant investment demand. A temporary suspension could, they argue, have especially favorable effects in encouraging business firms to defer investments to a period when they might be more appropriate to the state of the economy.

Without entering the argument of whether the present level of investment demand is excessive, I would like to indicate that there are structural and other aspects of the investment credit which need to be considered in evaluating its possible countercyclical use.

I would like to point out first that, in the recent debate in the Senate over suspension of the credit, those who advocated suspension felt required, and understandably so, to still allow the credit with respect to machinery and equipment already on order. This would remove a large area of current and future expenditures from the scope of the suspension and thereby reduce its current economic and revenue effect. At the other end, the fact that the credit is earned when the equipment is installed—and not when the equipment is ordered or when expenditures for it are made—would always leave the credit still applicable to orders entered during the suspension period for equipment whose leadtime would place the installation after the suspension was over.

This also reduces the scope of the suspension. Moreover, the equipment left to be affected by the suspension—that both ordered and installed in the suspension period—in large part would be the sort of machinery and equipment, that, in coming onstream, would be helpful in meeting shortages.

Actually, I think people who have advocated suspension of the credit really have an image of its operation that would have it turn on orders rather than installations as it now does. This possibility was explored at the time the credit was originally set up and found not to be feasibile.

Many advocates of suspension of the credit have also thought of the suspension as part

of a program that would include both individual and corporate tax increases. In such a program, to the extent the suspension of the credit would be effective, the question would have to be considered whether this action, taken together with the rest of the program, would provide too much restraint on investment.

Also, it must be kept in mind that the investment credit has a long-run purpose of stimulating modernization and expansion of machinery and equipment. This is necessary to give us the industrial structure needed to meet our domestic growth needs, to fulfill our international obligation, and to maintain the strong competitive position required for our balance-of-payments goals.

Indeed, countries such as the United Kingdom and France with their own problems of inflationary pressures are currently moving to provide incentives to business investment.

So far I have discussed the counterinflationary aspects of a change in the credit. But there are analogous questions with respect to temporary increases in the credit to counterdeflationary forces. A temporary increase in the investment credit rate, say, from 7 to 10 percent would result in an unexpected windfall on outstanding commitments which had been made in expectation of the existing 7-percent credit but which would receive an additional 3 percent. As a result, the increase would, in effect, be retroactive, particularly with respect to the portion of the costs of assets placed in service during the increase period which represented expenditures or cost allocable to a prior period. At the same time, the retroactive feature of such an increase would be necessary and desirable to assure that the prospect of getting a higher credit in a depressed period would not lead to delays in investment and slowdowns of projects already underway at a time when some increase in the credit might be expected.

A temporary increase in the credit would stimulate chiefly short lead-time items which could be completed with some confidence in the increase period. Apart from its contribution to corporate cash flow, the increase would not effectively stimulate investments, completion of which would take some time, leading to an installation after the credit had reverted to its normal level.

The way a credit increase would help to combat recession would be primarily to hasten to completion projects already underway and to stimulate demand for individual standard pieces of equipment, such as trucks, fixtures, and office equipment. Any use of a temporary increase in the investment credit as a counterrecessionary measure would depend upon the development of sufficient retroactivity to insure that the prospect of an increase would not add to uncertainties during periods of economic hesitancy and would not slow down investment in such a way as to aggravate depressed conditions of investment demand.

In considering countercyclical variations in the investment credit, it is important to recognize that investment demand will be influenced by corporate tax changes and—indirectly but possibly even more significantly—by variations in individual income tax rates. These effects would cover a wider range of investment—including inventories and accounts receivable—than would a change in the investment credit. Changes in the investment credit would concentrate on machinery and equipment acquisitions. The proportion of total corporate plant and equipment outlays eligible for the credit in 1963 was about 60 percent, and a share of this was subject to only the 3 percent rate of credit applicable to certain public utilities.

In general, decisions in this area must involve the question of whether the concentration on a particular sector of business outlays or whether a comprehensive approach to influencing business outlays would be more effective in serving the needs of economic stabilization.

Mr. HARTKE. Also, the Library of Congress has prepared for me studies on practically every country in the world concerning the investment provisions of their laws, and analyses of their tax laws, dealing especially with the subjects of depreciation, amortization, accelerated depreciation, and deferred charges, and how they are similar to the investment tax credit of the United States. I wish to express my deep gratitude for these extensive studies and I ask unanimous consent to have printed in the RECORD at this point studies for Argentina, Mexico, and Venezuela; a study of private investments in Nigeria, the Cameroon, and the Ivory Coast; and studies of major European countries covering France, Germany, Italy, and Sweden.

There being no objection, the studies were ordered to be printed in the RECORD, as follows:

[From the Library of Congress Law Library, Hispanic Law Division]

INVESTMENT TAX CREDIT MEASURES IN HISPANIC JURISDICTIONS

(Prepared by Mrs. Helen L. Clagett)

The Latin American nations, whose legal collections come under the jurisdiction of the Hispanic Law Division, cannot be qualified as major industrial countries for purposes of this inquiry. These republics range from weak to stronger, but are generally classed as "relatively less developed" jurisdictions in economic matters. They are generally capital and investment-importing nations.

A search through their tax legislation, however, reveals that the matter of tax credit for investment in business and industry has been treated in varying forms. Some laws grant credit to a firm or company who ploughs back, or reinvests its profits in its own business for improvements, expansion, or directly related to its operations. Other measures take the form of allowances for amortization, depreciation, depletion and accelerated depreciation benefiting industrial taxpayers, and generally including both real and movable property.

For this report, three of the more advanced Latin American nations have been selected, and the measures in their tax legislation concerning deductions for amortization and depreciation as related to machinery, equipment, patents, trademarks, and even to buildings and expansion of constructions are analyzed in the following pages.

ARGENTINA

Over the years, Argentina has adopted varying approaches to the subject of tax exemptions or deductions to permit commerce and industry to benefit from a credit for investment in the form of improvements, expansion, replacement of old machinery and equipment, or purchase of new materials. For example, over a ten-year period between 1945 and 1955, the tax legislation permitted credits when company profits were ploughed back into the business as reinvestment; between 1955 and 1959, the legislators aimed at reducing rates for business as an incentive for increased production. This included installation of machinery, and also permitted accelerated depreciation in some fields. Then a return was made in 1960–1962 to the earlier concept of accentuating the importance of investment and reinvestment, particularly when concerning production of essential commodities. The most recent legislation in point, enacted in 1967 and 1968, some of it amending the 1962 tax laws, is to be found in Law 17.330 of June 30, 1967 [*Boletín Oficial*, July 10, 1967] Law 17.335 of July 10, 1967 [*Boletín Oficial*, July 18, 1967]; and Law 18,032 of December 30, 1968 [*Boletín Oficial*, January 13, 1969].

I. The first of these pieces of legislation, Law 17.330, purported to amend provisions of law on various categories of taxes, including the income tax. Among the provisions pertinent to this report are: (1) A section added to Article 19 of the Income Tax Law 11.682 to the effect of tax exemption on interests for foreign loans, when used for the purpose of installing industrial equipment; (2) Amendment to Article 81 of the basic Income Tax law, later expanded by Law 17.588 of 1968. This now reads as follows:

Article 81 [as amended through 1968]. Enterprises and businesses indicated below which make investments related to their operations during the period comprised between July 19, 1967 and December 31, 1968, inclusive, may deduct the following from their income:

(a) Manufacturing or transformation industries: 100% of the amounts invested in machinery, equipment and installations used directly in their industrial processes;

(b) [Concerns agricultural and livestock industry]

(c) [Concerns wine industry]

(d) Mining operations in their stages of research and exploration, extraction, preparation, milling and concentration of mineral substances:

(1) One hundred percent (100%) of amounts invested in machinery, equipment and installations, traction and carrier elements, and elements for communication, generation and transportation of energy;

(2) One hundred percent (100%) of amounts invested in constructions and installations for mining exploitation; in housing for owners of the mines and their families, and housing for work personnel and their families, constructed on the place, and any extensions of same, provided these are adjusted to the type of construction permitted by regulations; equipment of rail transportation on public railways; those (equipment and machinery) used for road construction, railroad spurs, and their installation, as approved by the Secretary of Energy and Mines as to amount of the investment and the need for the works;

(3) One hundred percent (100%) on amounts invested in direct expenses for exploration. The above provisions shall govern investments made during the period between June 1, 1967 and December 31, 1970, both inclusive.

(e) For shipping enterprises—one hundred percent (100%) of funds invested in ship construction for the national fleet and for conversion or modernization of national flag vessels, and fifty percent (50%) of funds invested in equipment, installation and accessories for loading and unloading of cargo, for docks, or feright sheds, dredges, drydocks or other floating artefacts.

The deductions allowed are in order provided that investments are made in domestically produced goods, and for exclusively commercial purposes. . . .

The deductions allowed in Sections (a) and (b) and in the second (2) paragraph of (d) shall apply exclusively to new goods of national production. The investments contemplated in the first (1) paragraph of Section (d) shall be allowed on new equipment, whatever its origin.

The total deductions which may be affected in the above cases, may not exceed 60% of the tax base of the enterprise prior to computing the deduction. Any accumulation exceeding this percentage may be carried over into the next two tax years, but also limited to 60%.

11. The second piece of modern legislation aforementioned, Law 17.335 of 1967, is a more comprehensive law dealing with

procedure and and rates to effect a reassessment upwards, or re-evaluation of assets in commerce and industry, for both tax and accounting purposes. As justified by the congressional report accompanying the bill when forwarded to the President, the basis for the increased values was to make them more realistic and adjusted to actual values as presently affected by inflation and high living costs. These new values are to be assessed pursuant to a scale of coefficients attached to the law, commencing with 1944 and coming up through 1968. Amortization and depreciation rates are to be adjusted to the new evaluations, thus permitting total amortization in a shorter time, and enabling the more prompt replacement of old and unusable machinery and equipment upon expiration of the estimated "life of usefulness."

The Law includes all types of business organizations in general, but the process of reassessment of the assets is optionable. However, if undertaken, it must cover all property and goods of similar nature, and no longer be selective. It also covers both real and personal property. Article 3 sets forth rules for computing the new values for personal or movable property on the basis of their "residual value," which is based on multiplying this by the coefficient corresponding to it on the schedule for the year of its acquisition or production. Article 4 covers the cases of equipment and machinery and other goods, the original value being proportioned to the number of years still lacking to complete the estimated "life of usefulness," as established by law. The balance of the revaluation shall be the difference between the residual value as computed above and its tax value immediately prior to the revaluation. This tax value is computed by finding the difference between the original cost or value of the goods and adding the amortization periods corresponding to it under the income tax legislation (Article 6). Future amortization on these revaluated goods (Article 7) shall observe the following rules: The tax value immediately preceding the revaluation of the assets shall continue to be amortized pursuant to the provisions of the income tax law; the balance of the revaluation under the present law shall be amortized in 10 years, at an annual 10%. Article 13 provides that the new increases in revaluated balances shall be exempt from income tax, as well as from emergency and capital gains taxes, but a special tax is imposed up to 50% of the amount, payable under a scale of rates contained in this article. The table of coefficients for computing the revaluation of assets opens with a maximum figure of 147 for goods acquired, produced or installed in 1944 or earlier, and decreases through annual installments, reaching a coefficient of 1.0 for the years 1967 and 1968.

III. Law 18.032 of 1968 appears to be an omnibus law on reforms in different categories of taxes, including the income tax. Concerning reforms on the point of acquisition of capital goods, the legislature felt it necessary to adopt a permanent system of incentives to aid national production, rather than resort again to the former transitional systems which had varying durations ending at the end of specific calendar years, the last through 31 December 1968. The lack of permanency apparently failed to encourage industry sufficiently to take advantage of deductions in proportion to the amount of investments which was desirable. The present law reform is intended to shorten the amortization periods provided that acquired goods are nationally produced and not imported, and to fix depreciation coefficients commencing with the first year of "useful life" of the machinery or equipment, rather than upon the completion of that year. It was believed that a system of accelerated amortization for industry would contribute to its ability to finance investments by substantially reducing tax life of the property, as well as by permitting deferred tax payments. This accelerated amortization was to include also the tourist industry, insofar as concerned construction, expansion and equipment of hotels, restaurants and other real property. Article 79 of Law 11.682, which is the original Income Tax Law of 1962, as amended through 1968, was affected partially by the present reform of Law 18.032 to read as follows:

Article 17. Article 79 [of Income Tax Law] shall be amended by the addition of the following provisions: Likewise, enterprises and operations of the nature indicated below, which, as of January 1, 1969, have made investments in the goods specified in each case, may compute taxable income on the basis of accelerated amortization, instead of regular amortization periods provided in Article 69, as follows:

(1) Manufacturing or transformation industries:—on the amounts invested by them in machinery, equipment and installations used directly in their industrial processes;

(2) Agricultural and stockraising industries:—on the amounts invested in agricultural machinery, including also that used in stockraising and that required to complete the agrarian production cycles; in tractors and combines used for agriculture; in fire equipment; in refrigeration, electricity and artificial insemination equipment; in dredges, silos, dryers and field elevators; in cattle pens, loading platforms, cattle dips, corrals, and weighing platform scales; in watering stations, mills, vats, water troughs, dams, wells and elements for irrigation and water supply; in pipes and systems for irrigation; in pumps and motors for water extraction; in permanent pasturelands comprised within cultivation of the soil for planting; in alfalfa and perennial crops, and in pedigreed male reproductive cattle or cross breeds;

(3) [Concerns wine industry]

(4) [Concerns tourist industry]

The amortization allowable under Paragraphs 1, 2 and 4 will affect exclusively new goods which are nationally produced.

A "Table for Accelerated Amortization" is included in the text of this Law, indicating vertically the number of years, and horizontally the potential "life of usefulness." Excluded from the benefits of this accelerated amortization are any goods or property subject to special legislation or systems.

IV. Argentina has occasionally adopted special legal measures of incentive nature, covering specific industry or for limited duration, in which tax holidays are an essential part to attract investment, and to equip or expand new and existing industries.

MEXICO

The Mexican Congress has generally issued a "revised" text of the Income Tax Law periodically, which generally constitutes the basic law provisions with incorporation in the proper places of those amendments and additions adopted in December of each year. Present legislation was adopted on December 31, 1962, and a 1968 text was consulted in connection with the present report. The Executive Regulations, which serve to implement provisions of the Income Tax Law, have not been currently revised, but a 1956 text and subsequent amendents have been consulted. In addition, there are also departmental rulings, circulars and orders which affect the basic articles of both the Law and its Regulation.

Article 20 of the current Income Tax Law text defines various categories of deductions which are available to the taxpayers, including in its Section III "Depreciation of tangible fixed assets, and amortization of intangible fixed assets, and deferred charges." In general, only the straight-line method is employed, with some exceptions, such as the mining industries. Article 21 is devoted to the particular topic of depreciation and amortization, and is given below in full, and translated into English for your convenience.

Article 21. Depreciation of tangible fixed assets, and the amortization of intangible fixed assets and deferred charges, shall comply with the following rules:

1. Annual rates for depreciation and amortization shall be computed on the basis of original cost or value of the asset, or on the amount of the deferred charge, but not to exceed the following percentages:

a. 5% for amortization on intangible fixed assets and deferred charges;

b. 5% for depreciation of buildings and other constructions;

c. 10% for depreciation of machinery, equipment and other tangible or personal property, not above included;

d. 20% for depreciation of vehicles, rolling stock, vessels, aircraft, construction machinery and containers (barrels, vats) used in the wine and distillery business.

2. The depreciation and amortization rates which the taxpayer may select shall be fixed, constant and compulsory. They may be altered only with authorization in advance from the Secretariat of Finance and Public Credit. The deductions may be claimed for tax purposes and not for book or ledger purposes. Moreover, different rates may be selected for tax and accounting purposes, except for Section 3, below.

3. The Secretariat of Finance and Public Credit may authorize higher depreciation and amortization rates than those provided in this Law. In such cases, the book depreciation and amortization rates may not be recorded at a lower rate than those used for the tax purpose.

4. As an economic incentive, the Secretariat of Finance and Public Credit may authorize enterprises engaged in industry, agriculture, stockraising and fishing, to employ accelerated depreciation methods with respect to the machinery and equipment used, subject to the following rules:

a. This authorization shall be incorporated in Rulings of general application, indicating the categories of business that may take advantage of the benefit, as well as fixing the criteria to be followed, the duration of the benefit, and the requirements with which they must comply.

b. The authorization shall spell out the maximum percentages on the value of the assets to which accelerated depreciation may be applied, and the term during which it must be completed.

c. Accelerated depreciation shall only apply to those investments made subsequent to the issuance of the corresponding Ruling by the tax authorities.

d. In order to employ accelerated depreciation rates, the tax authorities must give their specific approval.

5. Annual amortization of discounts, premiums, commissions and other expenses incurred in the issuance of obligations must be proportionate to the obligations paid in the particular tax year.

6. Leasehold improvements, permanent installations or constructions which, pursuant to the lease contract, will become the property of the landowner or lessor, and improvements to tangible fixed assets used by the taxpayer under governmental concessions, must be amortized over the term of the particular lease or concession. If the term is indefinite under the lease or concession contract, the improvements must be amortized over a period of five years unless otherwise authorized by the Secretariat of Finance and Public Credit.

7. Amortization of terminal or severance pay is allowed, provided the employee separation is due to reduction in force caused by reorganization of a business. This deduction may be distributed equally over a five-year period, commencing with the year in which the payment was made.

8. The depreciation and amortization deductions, at the election of the taxpayer, may commence in the tax year in which the asset was first used, or in the subsequent tax year. The taxpayer may elect to postpone his claim for deduction for tax purposes. In such cases, he may do so later but shall lose his right to deduct the corresponding installments for the already elapsed fiscal years, to be computed by application of the percentages above indicated in Section 1.

9. Operations effected in foreign currency involving fixed assets, expenses and deferred charges must be recorded in domestic currency at the prevailing exchange rate of the time of transacting the operation, regardless of a different payment date.

10. Repairs and adjustments made to installations may be depreciated, provided they constitute additions or improvements to fixed assets.

11. Amortization of the cost of a cinema film produced in the country may be made by the producer by applying it to the total amount of income obtained by its exhibition. If the cost has not been amortized within the three years following its release for exhibition, the remainder may be amortized in equal parts over the next two years.

12. Any expenses which are not deductible pursuant to this Law cannot be subject to amortization.

The Income Tax Law, in its Article 22, sets forth rules under which business operation losses may also be amortized, including losses recorded in both aspects of accounting and tax purposes, when these are identical; otherwise the lower of the two figures shall be used as the basis. The right to claim the loss is limited to the taxpayer alone, and some types of losses may not be deductible, such as when these occurred during operations to eliminate competitors, or in writing off bad debts, or funding the creation or enlargement of employee pension reserves when these are not required by law or under the respective labor contracts.

Special attention is given in the Mexican law to the mining industry. Article 29 concerns the aspect of exhaustion through depletion, and the right to claim deductions of this category in addition to the above described depreciation and amortization allowances for industry in general. Deductions of the cost of any property used, and expenses incurred in direct relation to mining operations or as a result thereof, shall be determined by dividing the total cost of the exploration and development activities by the total volume of minerals (ore) recovered at the time of these operations. Each year's deduction should equal the cost of one ton multiplied by the total number of tons produced during the year, until the total of the deductions has redeemed the total of the deferred costs. Other depreciable assets in the mining operations shall be depreciated on the method of unit production. All other assets may be depreciated under the general rules above.

Article 51 of the Income Tax Law permits deductions from the income of taxpayers who are professionals and independent contractors, other than corporate. The annual rates permitted them for amortization and depreciation on original investment costs include 5% for amortization of intangible assets and deferred charges, 5% for depreciation of buildings and other structures, 10% for depreciation of machinery, equipment and other movable property, and 20% for depreciation of motor vehicles and other transportation equipment. These deductions are permissible, provided they can be proved to be customary and necessary to the taxpayer's business, and reasonable in proportion to his operations.

Among the so-called "Transitional Rules" at the end of the text of the Law, provision is made to the effect that once the taxpayer has been authorized by the Tax Authorities to change the rates or terms with respect to depreciation and amortization, he need not renew his application in the following years.

In its implementation of the Income Tax Law, the Executive Regulations repeat many provisions of the Law, but in more detail, and accompanied by definitions, interpretations, guidelines, etc. Of interest to the present study, note is made of some of the Regulation's provisions which are not merely repetitious of the Law. Regulation Article 32 describes the documents which must accompany the tax returns of taxpayers in the commercial and industrial "Schedules," including thereunder: "IV. A classified summary, arranged in sections and by year, concerning investments and expenses which are subject to amortization or depreciation," and containing the following data:

a. Date of acquisition of the assets;

b. Cost of the acquisition in that corresponding tax year;

c. Amount of deduction that has been recorded in each fiscal year;

d. Amount of amortization or depreciation accumulated in previous tax years;

e. Amount of amortization or depreciation deducted for the present fiscal year; and

f. The balance yet to be amortized or depreciated.

The rules which must be observed by those taxpayers have a right to claim deductions based on amortization or depreciation under the Law are incorporated in Articles 87 *et seq.* of this Regulation. Because of its interest to this report, the text of Article 87, as amended, has been translated in full as follows:

For tax purposes, amortization shall be understood to signify the gradual absorption of the cost of an investment in intangible fixed assets, or of an expense incurred, benefiting several business years, by the income of a specified number of tax years subsequent to that in which the investment was made, or the expense incurred.

In order to exercise the right to deduct through amortization, as conceded by the Law [Articles specified], the taxpayers comprised under Schedule II [Business enterprises] shall record in their ledgers those investments and expenses directly related to their business operations, which constitute investments in intangible fixed assets, or deferred expenses and charges.

The following shall be considered as included in the above-mentioned expenses and investments:

1. Those incurred in establishing a corporation, in organizing and reorganizing enterprises, and in the installation of business;

2. Payments made for purchase of commercial credit;

3. Acquisition of concessions, invention patents, trademarks and copyrights;

4. The execution of construction work and permanent and necessary improvements to tangible fixed assets not owned by the taxpayer, and which works pursuant to the respective lease contract or concession, will enure to the benefit of the owner of the assets;

5. Construction of furnaces, reservoirs, conduits, dikes and water systems on land not owned by the taxpayer; and

6. Discounts, premiums, commissions and other expenses related to the issue of obligations.

Article 88 affects only motion picture producers, while Article 89 enumerates the procedures that taxpayers in commerce and industry must follow in order to qualify their claims to deductions based on depreciation. These rules are similar to those given above on amortization, including proper recording in accounting ledgers of the acquisition dates and original cost of investments in fixed assets, depreciable through use, action of time, or labor, including buildings, constructions, and any permanent improvements to same; rural lands of those enterprises working with resources, which may be exhausted through depletion, such as forests, sand and asphalt pits and clay strata; machinery and installation expenses; motor vehicles; scientific apparatus and instruments; railways, posts and cables; storage tanks; piping to carry liquids or gas; and furniture, fixtures and equipment.

Article 89 defines depreciation as the gradual absorption of the acquisition costs of tangible fixed assets, whose physical or functional value diminishes through use or passage of time, by income of a fixed number of fiscal periods subsequent to that on which the investment was made. According to Article 91 of the Regulation, amortization and depreciation may not be claimed by taxpayers who use property which, although amortizable or depreciable, is not owned by them. Article 92 provides for similar recording and inventory of assets as may be subject to depreciation as those set forth above for amortization purposes. Investments in assets subject to amortization and depreciation must be grouped by similar units, subject to the same percentages of amortization or depreciation. If the taxpayer does not select the proper rates, this may be done for him by the Secretariat of Finance [Article 94].

The rule found in Article 95 of the Regulation states that investments in assets and expenses which were amortizable and depreciable shall be considered as "redeemed" for tax purposes, within the term set for the application of the fixed percentages. Subsequently, in determining taxable income, the taxpayers may not claim further reductions through amortization or depreciation on these investments, expenses or property which, taxwise, have been totally redeemed.

Article 96, as amended in 1956, reads:

The Secretariat of Finance and Public Credit may authorize the amortization or depreciation of the total value for redemption purposes of any investment asset, provided the taxpayer can prove in advance that said investment has lost its usefulness for purposes of the operations.

The Regulation also covers matters on determination of rates, application of rules on amortization and depreciation to specific types of industry, such as agriculture, cattle-raising, mining and others.

In addition to the tax legislation, Mexico has also granted tax credits of more extensive category in its legislation to develop "new and essential business" of interest to its national economy. Tax forgiveness in various categories, subsidies or a tax holiday for a specific duration of time, generally 10 years, is available to applicants who qualify. The Law was adopted on December 31, 1954, and its Regulation on November 30, 1955, and apparently these are still in force. The individual approvals are given in the form of Executive Rulings, after applications have been considered, in which the benefits granted are enumerated for the particular business. The form of such benefits, insofar as concern income tax, generally exempts the business from payments up to 40% on the income, but also gives it the advantages of claiming amortization and depreciation of assets with regard to the 60% of the income not favored by the tax forgiveness.

VENEZUELA

The income tax legislation in force in Venezuela at the present time consists of the Law of December 9, 1966, effective January 1, 1967 [*Gaceta Oficial,* Extr. Issue of December 23, 1966], and its implementary Regulation, adopted by Decree 1062 of February 21, 1968 [*Graceta Oficial,* Extr. Issue of February 22, 1968].

On the particular aspects of investment tax credit, depreciation and amortization relating to capital assets, the earlier income tax legislation of 1956 had permitted industry within the country to deduct the entire value

of new buildings and equipment from their income tax where the business of the plant was production of commodities of essential importance to the nation, or processing raw materials of domestic character. By 1958, this was changed to a process of amortization of new investment as being a method of greater benefit to the taxpayer, although no specific rates were set. Taxpayers were permitted to deduct "a reasonable amount to cover depreciation of fixed assets and other investments used in production of income," subject to review of the tax authorities. This same method has apparently been maintained in the current legislation of 1968, but more detail is given as to rules contained in both the Law and its Regulation.

Article 15 of the new Income Tax Law enumerates the deductions that may be claimed by business and industry taxpayers in the preparation of income tax returns, including in its Section 4 "A reasonable amount to meet depreciation of permanent assets, and the amortization of other elements devoted to income production, when such assets or property are located within the country." Because of the importance of the oil and mining industries to the nation, Venezuelan tax legislation always accords special treatment to these individually while grouping other types of industry together for application of its provisions. The order of subject coverage in the Regulation, although in much more detail, generally follows that of the Law.

In the text of the Law, Article 35 concerns itself with the subject of amortization of capital investments in oil and mining industry, allowing a "reasonable amount" to be claimed for those capitalized prior to the present law, or which are to be capitalized pursuant to the law. Investments to be capitalized are discussed in Article 36, including the "cost of concessions which include the price of acquisition and related expenses, or the initial amount of taxes paid to acquire concession for the exploitation and exploration." A system of exhaustion is employed for amortization of these capitalized expenses, and details are included as to the bases for such expenses, such as for exploration, accounting, drilling and other elements.

Article 67 of the Law reads:

"Taxpayers on income . . . deriving from manufacture of industrial products, from the generation and distribution of electric power, from agriculture, stock raising, fishing or transportation, shall have the right to a tax credit equivalent to 15% of the amount of their investments in the country during the fiscal year, if this is invested in fixed assets related to the production of their income. An additional deduction of 5% is granted for investment by companies engaged in agriculture, stockraising and fishing."

The five sections of the same Article following the above concern determination of investments in the categories of industry and exceptions made to the benefits, and other matters. To arrive at the annual investment figure, this may be computed by deducting from the cost of the new fixed assets acquired during the year any depreciation claimed as an expense in the year of their acquisition, as well as the cost of any assets acquired during the year which may have been retired or disposed of in the year acquired. Businesses which merely assemble or pack products not manufactured by them are not entitled to the 15% reduction of annual investment, unless at least 75% of their product is represented by national products or raw materials.

There is also provision in the industries of cattle raising, agriculture and fishing, if the taxpayer's gross income is 80% derived therefrom, to permit him a tax reduction of 20% of annual investment in fixed assets. If taxpayers in these same categories derive 75% of their gross income, they may also be allowed a 20% reduction, provided they reinvest at least 50% of their net income in new assets.

Articles 68 *et seq.* treat the special fields of petroleum and mining industries, commencing by granting an overall tax credit of 8% of the amount of new investments made during the fiscal period, represented in the form of fixed assets for income production in these fields. This figure is to be determined by deducting from the cost of the new fixed assets, the amortization and depreciation allowances for the fiscal period in which they were acquired and 2% of the average fixed assets of the previous year, based on balance sheets of the beginning and the end of the year.

In these same industries, an additional tax reduction of 4% is allowed on the total cost of new investments made for: (a) exploration, drilling and installations related to aspects of transportation, production and storage up to the embarkation port of refinery within the country; (b) secondary recovery of hydrocarbons; (c) the utilization, conservation and storage of gas, including liquid gas; and (d) assessment processes for hydrocarbons and minerals, including research.

The costs of concession, expenses for exploration, drilling expenses and others are permitted by the law to be capitalized by the oil and mining corporations, and recovered through depletion. Concession costs include the purchase price of the concession, costs of exploitation, taxes paid out to initiate exploration and exploitation, and other direct costs related to acquisition of the concession.

Article 69 of the Law covers additional reductions offered as incentives for increasing production and exports over previous totals, but according to Article 70, a limitation is to be placed on the total percentage of reductions for matters covered in Articles 68 and 69, which is set at 2% of the taxpayers global net income in any one fiscal period, but permitting him the privilege of carry-over of any excess deductions to be applied on the following three tax years.

The Regulation implementary of the above Law, repeats much of the above, although in more detail as to definitions, rates, schedules and procedures than is found in the provisions of the Law. In the Regulation, Articles 59–64 cover amortization and depreciation allowances generally, while those for the principal Venezuelan industries of petroleum and mining are treated in Articles 102–115 and 118–128. Article 59 defines what is meant by depreciation of permanent assets, and Article 63 defines amortization. Article 60 provides that industry may choose to use the "straight line" method of amortization, or unit grouping of similar assets, depending on the type of business, but that after a choice has been made, no alteration in the method is permissible unless authorized in advance by the tax authorities. The deductions must be claimed in the year to which they correspond, or they are subject to forfeiture. No accumulations are permissible for claiming in subsequent tax years.

REPORT ON INVESTMENT TAX CREDIT IN THE NEAR EASTERN AND AFRICAN COUNTRIES

A thorough search has been conducted by the legal specialists of this Division in charge of the Middle East, the French-speaking countries of Africa and the English-speaking countries of Africa. Similar laws were found among the countries of common legal systems. We have attached selected laws which were found to be most representative of the legal system.

EGYPT

Law No. 21, 1958, promulgated by the U.A.R. Presidential Decree concerning industrial organization and encouragement in Egypt, dated April 28, 1958.[1]

Chapter 1—Industrial Encouragement

* * * * *

Article 18: The Ministry of Industry provides to specialized scientific or technical associations and foundations assistance, grants or financial aid designated by a decision of the Minister of Industry in return for the said associations and foundations to perform research or conduct experimental work related to spreading industry or raising its level in general.

Article 19: The proper authorities in agreement with the Ministry of Industry may lease limited areas of government-owned property or of property owned by public establishments for a nominal rent or may sell such lands at a reduced price or by installments with the condition that the purpose from such leasing or selling is to erect industrial buildings or installations on the said lands.

Article 20: The proper governmental authorities shall provide, in agreement with the Ministry of Industry, the necessary help facilitating matters for the erection of buildings for industrial establishments.

SYRIA

Law on encouragement of industry[2]

Article 1: Newly established industrial enterprises, as well as those which will be established in the future, will enjoy the exemptions and the privileges according to the conditions mentioned in the present decree.

Article 2: All establishments meant for industrial productivity are considered as industrial establishments in the sense of the present legislative decree.

Article 3: Industrial establishments registered by the Directorate of Industry may only benefit from exemptions and privileges provided for by the present legislative decree.

Article 4: (1) All machines, tools, equipment and material for construction imported by an industrial establishment for the need of that industrial enterprise are exempted from custom duties.

(2) Type of industry, materials to be imported and the amount of their cost which will benefit from the provisions of the preceding paragraphs should be determined by a presidential decree upon the proposal of the Minister of Industry and Minister of the Treasury.[3]

Article 5: (1) All income from all kinds of movable and immovable properties owned by the industrial establishments are exempted from tax for a period of six years, provided that:

(a) The new buildings should be erected as factories, mills and centers of management, as well as residences for the employees and laborers, and should be part of the main construction with their location in the district accorded to them in the license given for that purpose;

(b) All machines and industrial equipment which are part of the construction mentioned in the preceding paragraph, will be taken into consideration when assessing the value of the income of the industrial properties.

(2) This exemption is subject to the conditions and provisions mentioned in the law of taxation on properties income and to those of provisional exemptions. The cumulation of benefits from this exemption and from provisional exemption provided by the said law is forbidden.

(3) Mills and factories which are under construction, as well as those already existing during the publication of the present legislative decree, are temporarily exempted from the tax on property income. Machines and industrial tools benefit also from the exemption provided for by the present article,

[1] Hasan al-Fakahani (comp.), *al-Mawsu' ah al-Tash-ri'iyah al-Hadithah*, v. XV [see "Sina'ah"], (Cairo, U.A.R., n.d.), p. 17.

[2] Legislative Decree No. 103 of September 27, 1952. *Recueil des Lois Syriennes et de la Legislation Financiere*, No. 9, (Damascus, Syria, 1952), pp. 68–72.

[3] As amended by Law No. 71 of March 1, 1960. *Recueil des Lois Syriennes et de la Legislation Financiere*, No. 3, (Damascus, Syria, 1960), p. 3.

until the end of the period of six years mentioned above.

Article 6: (1) Industrial establishments are exempted from income tax on the benefits of their reserve funds and because of enlargement of the industrial enterprise in accordance with the law regulating industries and according to the following conditions:

(a) Funds do not exceed 10% of the total annual profits after the defalcation of the general expenses, and before any other reserve has been levied.

(b) Funds should be invested for the enlargement of the industrial enterprise within two years counting the date of their realization.

(2) If the reserve funds are not partly or totally utilized for the purpose referred to within the prescribed period, they shall be subject to income tax after being added to the profit of the year which follows.

Article 7: (1) Mills and factories established after the publication of the present legislative decree are exempted from income tax for a period of six years counting the date of their production.

(2) The provisions of preceding paragraphs apply also to the enlargement of mills and factories already established or to be established after the publication of the present legislative decree.

Article 8: (1) Industrial establishments are exempted from income tax for a period of three years from the date of their production, according to the provisions of the Legislative Decree No. 85 of May 1949 related to income tax.

(2) Industries needed by the country or industries which did not exist in the country and which are established after the publication of the present legislative decree benefit from the same exemptions.

Article 9: Exemptions mentioned in Articles 6, 7 and 8 of the present legislative decree will be applied for the imposition year of 1953.

Article 10: (1) The owner of an industrial establishment who wishes to construct a building for industrial productivity can rent for a perod of five years, with the promise of sale, a public land not more than 25,000 square meters, according to the conditions determined by the Directorate of Public Land, provided that the land will be used only for industrial purposes.

(2) The Directorate of Public Land has the right to take back the land if the industrial constructions or their annexes are not established within five years.

Article 11: The owners of industrial establishments or their representatives must:

(a) Furnish complete information on actual conditions of their industrial enterprises;

(b) Utilize only for their industrial enterprises the machines, tools, equipment and material which enjoy the exemption;

(c) Stock the materials that enjoy the exemption in order to facilitate control of the special registers;

(d) Utilize the public land which is rented with a promise of sale for the industrial enterprise for the period of rent mentioned in Article 10 of the present decree;

(e) Authorize the officers in charge to enforce the provisions of the present legislative decree by allowing them to enter the industrial enterprise, to control the registers and related documents, and to give account for the correctness of the information required in preceding paragraphs.

Article 12: It is the duty of the officers of the Ministry of National Economy and Finance and of the local representatives of the General Directorate of Customs, who are qualified as judiciary police, to draw up the report in case of contravention to the provisions of the present legislative decree.

Article 13: (1) Officers in charge of the enforcement of the provisions of the present legislative decree are authorized to enter the premises of the industrial enterprises. As for the place of habitation and in case of refusal, the officers should provide for a warrant from the court which has that jurisdiction.

(2) The officers can ask for police assistance, and they must comply with the request.

Article 14: Reports prepared by the officers mentioned in Article 12 of the present legislative decree should be addressed by way of hierarchy to the superior, who will ask the attorney general to bring action in the competent court of the area where the industrial enterprise is established, and will ask for the implementation of the punishments mentioned in Articles 15 and 16.

Article 15: (a) The owners of industrial establishments or their representatives who contravene the obligations provided for in the paragraphs of Article 11 of the present legislative decree shall be punished by a fine of 500 to 25,000 Syrian Liras.

(2) Those who contravene the provisions of the paragraphs (b) and (c) of the Article 11 without prejudice to the punishment mentioned in preceding paragraphs shall be punished by a fine which will not be less than five times the exempted custom duty and five times the value of the rented public land, but should not exceed 10 times the custom duty and the value of the land.

(3) Industrial establishments lose the exemptions and the privileges provided for by the present decree if they suspend their activities for a period of time not exceeding one and a half years without an excuse acceptable by the Ministry of National Economy.

(4) Those who contravene the provisions of the present legislative decree shall lose the benefits of exemptions and privileges provided for by the present legislative decree.

Article 16: Punishments provided for by the present legislative decree do not prevent the application of the Syrian Penal Code if the committee acts constitute crimes punishable by the provisions of the Penal Code with heavier punishments.

Article 17: Present legislative decree shall become effective after its publication.[4]

IRAQ

Law No. 31 of 1961, for the industrial development[5]

After perusal of the Interim Constitution, pursuant to the proposal of the Minister of Industry and with the approval of the Council of Ministers, we promulgate the following Law:

Article 1: The expressions contained in this Law are intended to imply the meanings shown against each:

The Minister—The Minister of Industry.

The Director—The Director General of the Development of National Industries.

The Committee—The Industrial Development Committee.

The Project—The establishment whose main purpose is to turn raw materials into semi-manufactured or fully manufactured products, or the turning of semi-manufactured products into fully manufactured products, or the production of motive power, provided that the main factory is run by mechanical power, and this includes the "assembly industry".

Article 2: The Committee shall be constituted under the chairmanship of the Director, with five members, three of whom representing the Ministries of Commerce: Finance and Industry, one member representing the Federation of Industries and a member to be chosen from amongst persons with experience in industrial affairs, both these members shall be appointed by the Minister, provided they are not chosen from the ranks of factory owners. Each Committee member shall be granted reasonable remuneration, the amount of which shall be fixed by the Ministry of Industry with the approval of the Finance Ministry.

Article 3: (1) Applications for the establishment of a project and for the exemptions, shall be submitted to the Directorate General of the Development of National Industries, accompanied by all the necessary technical and economic details relating thereto.

(2) The Director shall refer the application to the Committee together with his own recommendations within a period not exceeding thirty days from date of submission of the application which shall fully cover all the necessary requirements.

(3) The Committee is required to give its decision on the application within 15 days, and the Minister may ask the Committee to reconsider its decision, when necessary.

Article 4: (1) No project may be established or expanded, its industrial aim, or its headquarter changed, except by permission from the Minister, on recommendation of the Committee, provided that by the grant of such a permission the country's needs and its potentialities and the limitations set forth in the Industrial development Programmes, are fully taken into consideration.

(2) The terms underlying the grant of any permit for the establishment of any project shall be defined by instructions issued by the Minister, and these shall be fully prescribed in the "Permit Form".

Article 5: All projects existing prior to the execution of the provisions of this Law, are required to apply to the Directorate General of National Industries Development, for obtaining a "Permit of Establishment" within one year from date of its enforcement, unless such projects had already obtained such a permit in accordance with the provisions of the "Law Organising the Industrial Projects No. 18 of 1957".

Article 6: The provisions of Articles 4 and 5 of this Law shall not apply upon the project the value of its machinery, equipments and instruments (excluding the power generating equipment), being less than three thousand Dinars.

Article 7: (1) The Minister, may upon the recommendation of the Committee, cancel the Permit issued, in the following cases:

(a) If its holder does not start work within six months from date of its issue, without offering any reasons acceptable to the Committee.

(b) If its holder fails without any satisfactory reason, to complete the establishment of the project or its expansion or to change its industrial aim in the manner prescribed in his permit within the allowed period.

(c) If he contravenes the terms contained therein.

(2) A new "Permit" may be issued whenever the necessary conditions are fulfilled, even though its holder had been fined through the cancellation of his previous permit.

(3) The cancellation of any permit implies the suspension of work in the project until a new permit is granted.

Article 8: Projects fulfilling the conditions stipulated in Article 9 of this Law, and whose owner had obtained full "exemptions Certificate" shall enjoy the following advantages:

(1) Exemption of the project's profits from payment of Income Tax, provided that the following principles are adhered to:

(a) Profits not exceeding 10% of the project's actually paid up capital shall be exempted for a period of 5 years, with effect from the year in which the first profit of the project is realized.

---

[4] *al-Jaridah al-Rasmiyah* (Official Gazette), No. 59 of October 9, 1952, (Damascus, Syria: Government Printer, 1952), pp. 4237–4239.

[5] *The Weekly Gazette of the Republic of Iraq*, No. 36, September 6, 1961 (Baghdad: Ministry of Guidance, 1961), pp. 709–714.

(b) Profits not exceeding 5% of the project's actually paid up capital shall be exempted during the following five years.

(c) The years of exemption enjoyed by the project in accordance with the provision of previous laws, shall be reckoned as being included in the exemption period referred to in the two above mentioned paras.

(2) Exemption from Income Tax of the reserve funds allocated by the project out of its profits, to be spent on improvements and expansions, provided that such amounts do not exceed 25% of the total annual profits and that such amounts are actually spent for the above purposes within a period not exceeding five years. If, however the amounts in question are not utilised for the purpose referred to above within the prescribed period, they shall be liable to the payment of Income Tax, after their addition to the profits of the year which follows the expiry of the five years period referred to above.

(3) Exemptions from payment of Estates Tax, in the case of properties owned by the project and utilized for its operations or for the storage of its materials and products, for a period of ten years from date of the issue of the "Provisional Exemption Certificate" provided that the number of years of exemptions enjoyed by the project in accordance with the provisions of previous laws, shall be deducted from the above period.

(4) Exemption from stamp duties for all the transactions of the project, including those relating to the increase of its capital.

(5) Exemption from customs duties of all materials shown below which are imported by the project for the realization of its industrial purposes, and which could not be acquired locally:

(a) Machinery with its parts, equipments as well as spare and auxiliary parts, laboratory, constructional and other materials required for the project.

(b) Raw materials as well as packing materials which the Committee allocates annually for the requirements of the project after obtaining the consent of the Ministries of Industry and Finance.

(6) To hire Miri (State) lands which the project needs, at reasonable rent for a period not exceeding ten years, after the lapse of which such lands could be owned by the project at a price equal to their market value, in accordance with instructions issued by the Ministry of Finance, after due consultation with the Ministry of Industry.

Article 9: The project which is entitled to enjoy the privileges prescribed in Article 8 of this Law, is that fulfilling the following conditions:

(1) That the ratio of its non-Iraqi labourers and employees do not exceed 10% of the total number of such labourers and employees, with the exception of technicians whose employment is regarded as being essential.

(2) That at least 60% of the project's nominal and paid up capital is Iraquian.

(3) That the value of its plants and its necessary equipments, supplies (with the exception of power generating plants and equipments) is not less than three thousand Dinars.

Article 10: The new units added to the project for the purpose of its expansion, and the additional factory established for the purpose of improving the project's own products, shall be considered as a supplementary part of the original project, unless its accounts are operated separately.

Article 11: The Minister shall grant a "Provisional exemption Certificate" for the project which is under construction, and a "full exemption Certificate" for the project which has already been duly established after the issue of the Committee's decision that the necessary requirements with regard to the project have been fulfilled.

Article 12: (1) The holder of the provisional exemption certificate shall enjoy all the privileges stipulated in Paras (3,4,5a and 6) of Article 8 of this Law.

(2) Provisional Exemption Certificate may be granted for a period not exceeding three years and the Minister may, at the recommendation of the Committee, extend the above mentioned period if the project is not completed within the prescribed period, provided that the committee's recommendations are based on "force majeur" circumstances.

Article 13: Regulations and instructions may be issued for the purpose of regulating the methods of obtaining "Permits of Establishment" as well as "Exemption Certificate" and annual exemptions for raw and packing materials.

Article 14: Regulations may be issued upon the proposal of the Minister of Industry, based on a decision of the Finance Committee, for the exemption of certain kinds of machinery equipments, supplies and raw materials, from payment of Customs duties, if this is considered necessary for the encouragement of the national industry.

Article 15: Owner of any project has the right to object against any decision, affecting him, and passed in accordance with the provisions of this Law, before the Council of Ministers, within thirty days from date of his notification of the decision in question, in writing.

Article 16: The Minister may, at the recommendation of the Committee, cancel the Exemption Certificate of the project concerned, suspend its operations, unless such stoppage has been caused by unavoidable circumstances.

Article 17: In the event of the project becoming in a position which would not justify the further enjoyment of exemptions, the Council of Ministers may decide to stop such exemptions.

Article 18: (1) The Minister may, at the recommendation of the Committee, take any of the measures mentioned below, which may be deemed advisable, against any person who contravenes any of the exemption stipulations contained in this Law.

(a) Suspend the exemptions enjoyed by the project for a given period.

(b) Impose on the project owner an indemnity not exceeding twice the amount of exemptions enjoyed by him.

(c) Suspend work in the project for a nominated period.

(2) The project owner may object against any such decision passed against him, in accordance with para (1) of this Article, before the Court of First Instance concerned, within 2 months from date of his notification.

Article 19: A project owner or his representative is required to carry out the following:

(1) Provide all true and correct informations and statements with regard to the project, submit all the necessary documents, confirming such statements whenever required by the Minister, or any person authorised by him.

(2) Notify the Minister within a period of one month, in the event of his selling his project or leasing it, or forfeiting his rights thereto, either partially or fully or in case of stopping work in the project, giving the necessary reasons for such action.

(3) Submit annual budget containing the operation accounts, and profits and losses, within a period not exceeding six months from the expiry of each financial year, if the project's capital exceeds 10 thousand Dinars, provided that such budget is duly scrutinised and passed by a chartered or an authorised accountant, if the project's actual capital exceeds fifteen thousand Dinars.

(4) Store the raw and packing materials as well as such other materials covered by exemptions, in a manner which would allow easy inspection, and that special registers relating thereto are duly kept.

(5) Keep regular books and registers based on comercial methods for controlling the project's accounts.

Article 20: Any person to whom a project has been either partially or completely transferred, should submit an application for the transfer of the project's permit, and the exemption certificate into his name, within two months from the date of the transfer of such ownership. The permit and the certificate shall both be cancelled if he fails to comply with the above within the prescribed period and all exemptions granted later in accordance with Article 8, shall be duly recovered.

Article 21: (1) Any person contravening the provisions of Articles 4 and 5 of this Law, and any person whose permit has been cancelled in accordance with Article 7 of this Law, shall be liable to pay a fine not exceeding one thousand Dinars.

(2) Any person contravening the provisions of Article 19 of this Law, shall be liable to pay a fine not exceeding one hundred Dinars.

(3) Any person using materials covered by exemptions, for purposes other than those of the project, shall be liable to a fine not less than five times and not exceeding 10 times the Customs duties fixed for such materials.

Article 22: Necessary regulations may be issued for the purpose of facilitating the execution of this law.

Article 23: The Industrial Projects Encouragement Law No. 72 of 1955 and its amendments, as well as the Law Regulating the Establishment of Industrial Projects No. 18 of 1957, are hereby cancelled, while the regulations, instructions, Notifications, and decisions issued in accordance thereto, shall remain in force, until they are either cancelled or amended, except in so far as they contradict the provisions of this Law.

Article 24: This Law shall come into force after the lapse of 30 days from date of its publication in the Official Gazette.

Article 25: The Ministers of the State are charged with the execution of this Law.

EXCERPT FROM INDUSTRIAL DEVELOPMENT—INCOME TAX RELIEF

CHAPTER 87—INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF) (FEDERATION)

Arrangement of sections

Part I.—Preliminary

Section
1. Short title and construction.
2. Interpretation.

Part II.—Pioneer Conditions

3. Powers and procedure for declaring an industry and a product a pioneer industry and product.
4. Procedure and power for applying for and giving a pioneer certificate.
5. Power and procedure for amending a pioneer certificate by adding an additional pioneer product.
6. Provision for case where pioneer certificate operates retrospectively.
7. Fixing of dates of production day and amount of qualifying capital expenditure.
8. Cancellation and amendment of pioneer certificates.
9. Publication of pioneer certificate, etc., prohibited except at instance of pioneer company.
10. Forms.

Part III.—Income Tax Relief

11. Tax relief period.
12. Provisions governing old and new trades or businesses.
13. Restrictions on trading prior to end of tax relief period.
14. Power to direct in certain events.
15. Capital allowances and losses.
16. Returns of income.
17. Profits exempted from income tax.
18. Certain dividends exempted from income tax.

19. Dividend and loan restrictions during a tax relief period.
20. Exclusion of small companies relief.
21. Provisions for plantation industry.
22. Repeal, savings and transitional provisions.

An Ordinance to make further provision whereby the establishment and development in Nigeria of commercial enterprises may be encouraged by way of relief from income tax and for purposes connected therewith. [24*th April*, 1958.]

Part I—Preliminary

1. This Ordinance may be cited as the Industrial Development (Income Tax Relief) Ordinance, and shall be construed as one with the Income Tax Ordinance (hereinafter referred to as the principal Ordinance).

2. In this Ordinance, unless the context otherwise requires—

"Accounting period" means a period for which accounts have been made up in accordance with paragraph (iii) of section 12;

"Company" means a company (other than a private company) limited by shares and incorporated in Nigeria under the Companies Ordinance and resident in Nigeria;

"Minister" means the member of the Council of Ministers charged with responsibility for matters relating to industrial development;

"New trade or business" means the trade or business of a pioneer company deemed under the provisions of section 12 to have been set up and commenced on the day following the end of its tax relief period;

"Old trade or business" means the trade or business of a pioneer company carried on by it in its tax relief period in accordance with the provisions of section 12, and which either ceases within or is deemed, under those provisions, to cease at the end of that period;

"Permissible by-product" means any goods or services so described in any certificate given under section 4 being goods or services necessarily or ordinarily produced in the course of producing a pioneer product;

"Pioneer certificate" means a certificate given under section 4, certifying, *inter alia*, a company to be a pioneer company, or any such certificate as amended under section 5 or 8;

"Pioneer company" means a company certified by any pioneer certificate to be a pioneer company;

"Pioneer enterprise", in relation to a pioneer company, means the production and sale of its relevant pioneer product or products;

"Pioneer industry" means a particular kind of trade or business declared by an order made under section 3 to be a pioneer industry;

"Pioneer product" means any goods or service declared by any order made under section 3 to be a pioneer product;

"Production day" means the day on which the trade or business of a pioneer company commences for the purposes of the principal Ordinance;

"Qualifying capital expenditure" means capital expenditure of such a nature as to rank as qualifying expenditure for the purposes of the Fourth Schedule to the principal Ordinance;

"Relevant pioneer product", in relation to any pioneer company, means the pioneer product or products and the permissible by-product specified in its pioneer certificate;

"Tax relief period", in relation to a pioneer company, means the period ascertained in accordance with the provisions of subsection (1) of section 11 and any extension of that period made under that section.

Part II—Pioneer conditions

3. (1) Where it is represented to the Minister that—

(*a*) any industry is not being carried on in Nigeria on a scale suitable to the economic requirements of Nigeria or at all, or there are favourable prospects of further development of any industry; and

(*b*) it is expedient in the public interest to encourage the development or establishment of the industry in Nigeria by the making of an order declaring the industry to be a pioneer industry and any product or products of such industry to be a pioneer product or products,

the Minister shall cause to be published in the Gazette a notice—

(i) stating that a representation has been received and setting out the industry and the products which it is sought to have declared a pioneer industry and pioneer products, either as the same have been described in the representation made to the Minister or with such variations therefrom as the Minister may think expedient; and

(ii) requiring any person who may object to the making of the suggested declaration to give notice in writing of his objection, and of the grounds on which he relies in support thereof, to the Minister not later than thirty days after the publication of the notice.

(2) As soon as may be after the period of thirty days referred to in paragraph (ii) of subsection (1) has expired, the Minister shall submit the representations made to him, together with any objections of which he has received notice, to the Governor-General in Council, who may, if he considers it in the public interest to do so having regard, *inter alia*, to the probable effect on existing businesses engaged in the same industry in Nigeria and on other industries in Nigeria, make an order declaring the industry to be a pioneer industry and its products to be pioneer products: Provided that before so submitting a representation to which notice of objection has been given the Minister may, if he considers it necessary, call for further particulars of the grounds of any such objection.

(3) An order made under subsection (2)—

(*a*) may describe the industry and its products in the way in which they were described in the notice published in the Gazette in accordance with subsection (1) or may vary that description in such manner as the Governor-General in Council may think fit;

(*b*) may contain such conditions and restrictions as the Governor-General in Council may think fit to impose; and

(*c*) may be expressed to take effect from an earlier date than that on which it is published in the Gazette, not being earlier than the date on which the representation in consequence of which the order was made was received by the Minister.

(4) An order made under subsection (2) may be amended from time to time by adding to the product or products, declared in such order to be pioneer products, any further product or products or otherwise as may appear necessary: Provided that before making an amending order, and in making any such order under this subsection, the principles and procedure laid down in subsections (1), (2) and (3) shall be applied, *mutatis mutandis*, and any reference in this Ordinance to an order shall, wherever necessary, include a reference to that order as amended.

(5) Any representation made in accordance with subsection (1) by a member of the public (including a company or a body of persons) shall be accompanied by a deposit of fifty pounds, which shall be returned to the person making the deposit unless the Minister is of opinion that the representation is frivolous, in which event such deposit shall be forfeited to the general revenue of the Federation.

4. (1) Any company, or body of persons proposing to register a company being desirous of establishing or participating in any pioneer industry or industries for the purpose of producing any pioneer product or products may make an application in writing to the Minister for a pioneer certificate to be given, certifying the company to be a pioneer company in relation to such industry or industries and product or products.

(2) In any such application the applicant shall—

(*a*) give particulars of the assets on which qualifying capital expenditure will be incurred, including their source and estimated cost

(i) on or before production day; and

(ii) during a period of two years following production day;

(*b*) specify the place in which the assets on which qualifying capital expenditure will be incurred will be situated;

(*c*) estimate the date of production day of the company or proposed company, such estimate being expressed, if the applicant so wishes, as at the expiration of a stated period after the date of issue of the certificate;

(*d*) specify the proposed products and by-products (not being pioneer products) which will be produced and provide an estimate of the quantities and value of each during a period of one year from production day;

(*e*) give particulars of the loan and share capital or the proposed loan and share capital of the company or proposed company including the amount and date of each issue or proposed issue, and the sources from which the capital is to be or has been raised; and

(*f*) give the names and addresses of the persons promoting the company or, if it is already incorporated, of the directors thereof together with the number of shares held or proposed to be held by each such director or promoter whether directly or through any nominee.

(3) Every application for a pioneer certificate other than one made as provided in subsection (4) shall be accompanied by a deposit of fifty pounds, which shall be returned to the applicant unless the Minister is of opinion that the application is frivolous, in which event such deposit shall be forfeited to the general revenue of the Federation.

(4) Where a company, or body of persons proposing to register a company, makes a representation in accordance with subsection (1) of section 3, it may at the same time apply in the manner provided in subsection (1) of this section for a pioneer certificate certifying the company to be a pioneer company in relation to any industry and any product or products which may be declared a pioneer industry and a pioneer product or products by an order made in consequence of that representation, and, if an order is so made, a pioneer certificate granted in consequence of such an application may be expressed to be effective from a date not earlier than the date on which the representation was received by the Minister, or the date on which the company was registered, whichever is the later.

(5) At any time after a notice has been published in the Gazette in accordance with subsection (1) of section 3 any company, or body of persons proposing to register a company, may notify the Minister that it proposes to apply for a pioneer certificate certifying the company to be a pioneer company in relation to any industry and any product or products which may be declared a pioneer industry and a pioneer product or products by an order made in consequence of the representation referred to in the notice, and if any order is so made and such company or body of persons makes an application in due form to the Minister for such a pioneer certificate not more than three months after the publication of such order, a pioneer certificate granted in consequence of such an application may be expressed to be effective from a date not

earlier than the date on which the notification referred to in this subsection was received by the Minister, or the date on which the company was registered, whichever is the later.

(6) For the purposes of subsections (4) and (5)—

(*a*) an order shall be deemed to have been made in consequence of a representation if the pioneer industry and the pioneer product or products named in the order are substantially the same as those with respect to which the representation was made to the Minister; and

(*b*) if two or more similar representations have been made to the Minister before the publication of the notice in accordance with subsection (1) of section 3, an order may be treated as having been made in consequence of each of those two or more representations.

(7) Upon receipt of an application submitted under this section the Minister may call for any further particulars from the applicant which he may consider necessary, and shall cause such application, with any such particulars, to be laid before the Governor-General in Council for consideration and if the Governor-General in Council is satisfied that it is expedient in the public interest so to do and in particular having regard—

(*a*) to the number of pioneer companies already established or about to be established for the production of the product or products mentioned in such application;

(*b*) to the production or anticipated production of such pioneer companies, and of other businesses established or about to be established in the industry or industries;

he may give a pioneer certificate, or decide not to give any such certificate: Provided that where any such application is made by persons proposing to register a company in connection with that application, and in consequence thereof the Governor-General in Council decides to give a pioneer certificate under this section, following the registration of such company, his decision may be expressed to be subject to such conditions as he may specify, and the Minister shall give notice in writing of such decision and of any such conditions to those persons and, if the company is registered within three months of the date of such notice and the Governor-General in Council is satisfied that such conditions, if any, have been or will be complied with, such certificate shall be given accordingly.

(8) A pioneer certificate shall be in the terms of the application, subject to such variations thereof as the Governor-General in Council may think fit and in addition thereto—

(*a*) shall state the permissible by-products which may be produced in addition to the pioneer product or products and may limit the proportion of the permissible byproducts in relation to the pioneer product or products either in quantity or in value or in both; and

(*b*) notwithstanding the provisions of section 11, may prescribe a maximum tax relief period enjoyable by the pioneer company by virtue of that pioneer certificate in any case where the pioneer company has acquired or proposes to acquire assets from any company to which a pioneer certificate has been given under this Ordinance, or under the Aid to Pioneer Industries Ordinance, 1952, or to take over the whole assets of any other existing company.

5. (1) At any time during its tax relief period a pioneer company may make an application in writing to the Minister to amend its pioneer certificate by adding an additional pioneer product to the pioneer product or products specified in such certificate.

(2) Such application shall specify the additional pioneer product and the reasons for the application.

(3) The provisions of subsection (7) of section 4, except the proviso to that subsection, shall apply, *mutatis mutandis,* to any application under this section.

6. Subject to the provisions of this Ordinance relating to the cancellation of pioneer certificates, where, by virtue of subsection (4) or (5) of section 4 a certificate is to be operative from a retrospective date, then any act or thing which has been done or which has happened, for the purposes of the principal Ordinance, since that date which would not have been done or happened if that certificate had been in force at that date, shall, whenever necessary for the purposes of this and the principal Ordinance, be treated as not having been done or not having happened, and if the act consists of the payment of any tax by a company certified to be a pioneer company, that tax shall be repaid in the manner provided in the principal Ordinance, as soon as may be after the expiration of three months from the production day of that company.

7. (1) In this section "the material date" means—

(*a*) in relation to a pioneer company engaged in a manufacturing, processing, mining or agricultural pioneer industry, the date on which the company begins to produce a pioneer product in marketable quantities; and

(*b*) in relation to a pioneer company engaged in a pioneer industry consisting of the provision of services, the date on which the company is ready to provide such services on a commercial scale.

(2) Not later than one month after the material date a pioneer company shall make an application in writing to the Commissioner to certify the date of its production day and shall propose a date to be so certified and give reasons for proposing that date.

(3) Not later than one month after its production day has been finally determined and certified or within such extended time as the Commissioner may allow, a pioneer company shall make an application in writing to the Commissioner to certify the amount of its qualifying capital expenditure incurred prior to production day and shall supply full particulars of its capital expenditure so incurred.

(4) After considering any application made under subsection (2) or (3), together with such further information as he may call for, the Commissioner shall issue a certificate to the company certifying the date of its production day or the amount of its qualifying capital expenditure, as the case may be, and the provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals), and of any rules made thereunder, shall apply, *mutatis mutandis,* as if such certificate were a notice of assessment given under such provisions.

(5) The Commissioner shall notify the Minister of the date of the production day of the company and of the amount of its qualifying capital expenditure incurred prior to that date when the same have been finally determined and certified, and on the receipt of such notification the Minister shall require the company to declare, within a period not exceeding thirty days, in what respects the proposals and estimates made in its application for a pioneer certificate, or any conditions contained in its pioneer certificate, have not been fulfilled.

8. (1) Where a certificate issued under section 7 certifies that a pioneer company has incurred qualifying capital expenditure to an amount less than £5,000 prior to production day, the Minister shall cancel the company's pioneer certificate.

(2) Where a certificate issued under section 7 certifies that the date of the production day of a pioneer company is more than one year later than the estimate thereof given in the company's application for a pioneer certificate, the Minister shall cancel the company's pioneer certificate unless he is satisfied that the delay is due to causes outside the control of the company, or to other good and sufficient cause.

(3) Where, in any case in which the provisions of subsections (1) and (2) do not apply, the Minister is of the opinion that a pioneer company has contravened any provision of this Ordinance, or has failed to fulfill any estimate or proposal made in its application for a pioneer certificate or any conditions contained in its pioneer certificate, he shall report the circumstances to the Governor-General in Council, who may either cancel the company's pioneer certificate or direct that the company's tax relief shall be restricted to such period as may be appropriate notwithstanding the provisions of section 11.

(4) Where a pioneer company makes application to the Minister for its pioneer certificate to be cancelled, the Minister shall cancel such certificate.

(5) Where any pioneer certificate is cancelled under this section the certificate shall be deemed never to have had any effect in relation to such company.

9. The contents of any application made or of any certificate given under this Part with respect to a pioneer company shall not, except at the instance of such company, be published in the Gazette or in any other manner: Provided that the Minister shall cause to be published by notice in the Gazette and in the Regional Gazettes the name of any company—

(i) to whom a pioneer certificate has been given, or

(ii) whose pioneer certificate has been cancelled.

10. The Minister may from time to time specify the forms of application to be made under this Part.

Part III—Income tax relief

11. (1) The tax relief period of a pioneer company shall commence on the date of the production day of such company and, subject to anything prescribed under paragraph (*b*) of subsection (8) of section 4 or to any direction given under subsection (3) of section 8, shall continue for two years and thereafter for such further period or periods as may be authorised under the subsequent provisions of this section.

(2) Upon the issue by the Commissioner of a certificate certifying that a pioneer company has incurred, by the end of two years from the commencement of its tax relief period, qualifying capital expenditure of not less than any one of the following amounts, its tax relief period shall *ipso facto* be extended by the period herein set out after that amount—

(*a*) £15,000, one year;

(*b*) £50,000, two years;

(*c*) £100,000, three years.

(3) Where the tax relief period of a pioneer company has been extended by one year under subsection (2) and the Commissioner certifies that the pioneer company has incurred, by the end of that one year, qualifying capital expenditure of not less than £50,000, or of not less than £100,000, its tax relief period shall *ipso facto* be further extended by one or two years, as the case may require, from the end of the first extension.

(4) Where the tax relief period of a pioneer company has been extended by two years under subsection (2), or by one year under subsection (2) and by a further one year under subsection (3), and the Commissioner certifies that the company has incurred, by the end of those two years, qualifying capital expenditure of not less than £100,000, its tax relief period shall *ipso facto* be further extended by one year from the end of those two years.

(5) A pioneer company wishing to obtain a certificate for the purposes of the foregoing provisions of this section shall make an ap-

plication in writing to the Commissioner not later than one month after the date on which its tax relief period, or any extension thereof, ends, or within such further period as the Commissioner may allow, and such application shall contain particulars of all expenditure incurred by the company by the requisite date which the company claims should be accepted as qualifying capital expenditure.

(6) After considering any application under subsection (5), together with such further information as he may call for, the Commissioner shall issue a certificate to the company, certifying the amount of the qualifying capital expenditure incurred by the company by the requisite date.

(7) Where the Commissioner is satisfied that a company has incurred a loss in any accounting period falling within a tax relief period ascertained under the foregoing provisions of this section he shall issue a certificate to the company to that effect, and to the tax relief period finally ascertained under the foregoing provisions of this section there shall be added a further period of relief equivalent to the aggregate of all accounting periods for which such certificates have been issued to the company.

(8) The provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals) and any rule made thereunder shall apply, *mutatis mutandis*, as if any certificate given by the Commissioner under the provisions of this section or notice of refusal to give a certificate under subsection (7) of this section were a notice of assessment given under the provisions of that Ordinance.

12. If the trade or business of a pioneer company is carried on by it before and after the end of its tax relief period, then for the purposes of the principal Ordinance and this Ordinance—

(i) that trade or business shall be deemed to have permanently ceased at the end of the tax relief period of the pioneer company;

(ii) in respect of that trade or business, the pioneer company shall be deemed to have set up and commenced a new trade or business on the day following the end of its tax relief period;

(iii) the pioneer company shall make up accounts of its old trade or business for a period not exceeding one year commencing on its production day, for successive periods of one year thereafter, for the period not exceeding one year ending at the date when its tax relief period determined under subsections (1), (2), (3) and (4) of section 11 ends, and, where the tax relief period has been extended under subsection (7) of section 11, in similar manner as though the first day of such extension were the production day of the pioneer company; and

(iv) in making up the first accounts of its new trade or business the pioneer company shall take as the opening figures for those accounts the closing figures in respect of its assets and liabilities as shown in its last accounts in respect of its tax relief period, and its next accounts of its new trade or business shall be made up by reference to the closing figures in such first accounts and any subsequent accounts shall be similarly made up by reference to the closing figures of the preceding accounts of its new trade or business.

13. Prior to the expiration of its tax relief period, a pioneer company shall not carry on any trade or business other than a trade or business the whole of the profits of which are derived from its pioneer enterprise.

14. (1) For the purposes of the principal Ordinance and this Ordinance, the Commissioner may direct that—

(i) any sums payable to a pioneer company in any accounting period which, but for the provisions of this Ordinance, might reasonably and properly have been expected to have been payable, in the normal course of business, after the end of that period shall be treated as not having been payable in that period but as having been payable on such date after that period as the Commissioner thinks fit, and where such date is after the end of the tax relief period of the pioneer company as having been so payable on that date as a sum payable in respect of its new trade or business; and

(ii) any expense incurred by a pioneer company within one year after the end of its tax relief period which, but for the provisions of this Ordinance, might reasonably and properly have been expected to have been incurred, in the normal course of business, during its tax relief period, shall be treated as not having been incurred within that year but as having been incurred for the purposes of its old trade or business and on such date during its tax relief period as the Commissioner thinks fit.

(2) Where a direction has been made under this section with respect to a pioneer company and thereafter the length of the tax relief period of the pioneer company is varied under any of the provisions of this Ordinance, the Commissioner may amend such direction accordingly.

(3) In determining whether a loss has been made in an accounting period for the purpose of subsection (7) of section 11 of this Ordinance, and for that purpose only, the Commissioner may in his absolute discretion exclude any sum which may be in excess of an amount which appears to the Commissioner to be just and reasonable paid or payable by the company in respect of

(i) remuneration to directors of the company;

(ii) interest, service, agency or other similar charges made by a person who is or is controlled by a shareholder of the company.

15. (1) The income of a pioneer company in respect of its old trade or business falling to be ascertained in accordance with the provisions of the principal Ordinance for any accounting period, shall be so ascertained (after making any necessary adjustments in consequence of a direction under section 14) without any regard to the provisions of section 20 of the principal Ordinance.

(2) Where an asset is used for purposes of the new trade or business of a pioneer company, any capital expenditure incurred by the pioneer company in respect of such asset before the end of its tax relief period shall, for the purposes of the Fourth Schedule to the principal Ordinance, be deemed to have been incurred on the day following the end of its tax relief period: Provided that where such expenditure gives rise to an initial allowance under the provisions of the said Schedule, and the tax relief period of the pioneer company has been extended under subsection (7) of section 11 of this Ordinance (on account of a loss in one or more accounting periods) the rate at which such initial allowances shall be computed shall be the appropriate rate *per cent* determined from the First Table to the said Schedule reduced at the rate of one-fifth for each year comprised in the total period of such extension.

(3) Where a pioneer company incurs a loss during an accounting period in its old trade or business that loss will be deemed for the purpose of computing total income but not income to have been incurred by the company on the day on which its new trade or business commences. For the purposes of this subsection a loss shall be computed in the same manner as income is computed under the provisions of subsection (1) of this section and without regard to the provisions of subsection (3) of section 14 of this Ordinance.

(4) For each accounting period the Commissioner shall issue to the pioneer company a statement showing the amount of income ascertained for the purpose of subsection (1) or loss computed for the purpose of subsection (3) and the provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals) and of any rules made thereunder, shall apply, *mutatis mutandis*, as if such statement were a notice of assessment given under such provisions.

16. So much of the provisions of Part X of the principal Ordinance as are applicable in the case of a company, shall apply in all respects as if the income of a pioneer company in respect of its old trade or business was chargeable to tax.

17. Subject to the provisions of subsection (6) of section 18, including the effect of a cancellation as therein mentioned, where any statement issued under subsection (4) of section 15 has become final and conclusive, the amount of the income shown by such statement shall not form part of the assessable income, total income or chargeable income of the pioneer company for any year of assessment and shall be exempt from tax under the principal Ordinance: Provided that the Commissioner may, in his absolute discretion and before such a statement has become final and conclusive, declare that the whole or a specified part of the amount of such income is not in dispute and such undisputed amount of income shall be exempt from tax under the principal Ordinance, pending such a statement becoming final and conclusive.

18. (1) As soon as any amount of income of a pioneer company has become exempted under section 17, that amount shall be credited to an account to be kept by the pioneer company for the purposes of this section.

(2) Where at the date of payment of any dividends by the pioneer company such account is in credit, those dividends, or so much of those dividends where (after the end of its tax relief period) the amount thereof exceeds such credit as equals the amount of such credit, shall be debited to such account.

(3) So much of the amount of any dividends so debited to such account as are received by a shareholder in the pioneer company shall, if the Commissioner is satisfied with the entries in such account, be exempt from tax under the principal Ordinance in the hands of that shareholder and shall for the purposes of the principal Ordinance be deemed to be paid out of income on which tax is not paid or payable.

(4) Any dividends debited to such account shall be treated as having been distributed to the shareholders or any particular class of shareholders of the pioneer company in the same proportions as those shareholders were entitled to payment of the dividends giving rise to the debit.

(5) The pioneer company shall deliver to the Commissioner a copy of such account, made up to a date specified by him, whenever called upon so to do by notice in writing sent by him to its registered office, until such time as he is satisfied that there is no further need for maintaining such account.

(6) Notwithstanding the foregoing provisions of section 17 and this section, where it appears to the Commissioner that any amount of exempted income of a pioneer company, or any dividend exempted in the hands of a shareholder, ought not to have been exempted by reason of—

(i) a direction under section 14 having been made with respect to a pioneer company, after any income of such company has been exempted under the provisions of section 17, or

(ii) the cancellation of a pioneer certificate,

the Commissioner may at any time within six years of the date of any such direction or cancellation make such additional assessments upon the pioneer company or any shareholder as may appear to be necessary in order to counteract any benefit obtained from any such amount which ought not to

have been exempted, or direct such company to debit its account kept in accordance with subsection (1) with such amount as the circumstances require, and the provisions of Parts XI and XII of the principal Ordinance (relating to objections and appeals), and of any rules made thereunder, shall apply, *mutatis mutandis*, as if such direction were a notice of assessment given under such provisions.

19. During its tax relief period a pioneer company shall not—

(*a*) make any distribution to its shareholders, by way of dividend or bonus, in excess of the amount by which the account, to be kept by such company under section 18, is in credit at the date of any such distribution; or

(*b*) grant any loan without first obtaining the consent of the Minister, whose consent shall only be given if he is satisfied that the pioneer company is obtaining adequate security and reasonable rate of interest for any such loan.

20. A pioneer company shall not be entitled to any relief under section 28 of the principal Ordinance.

21. For the purpose of the principal Ordinance and this Ordinance the trade of a company which operates a plantation and to which a pioneer certificate has been granted shall be deemed to have commenced on the date when planting first reaches maturity, and any expenditure incurred on the maintenance of a planted area up to that date shall be deemed to have brought into existence an asset and be qualifying plantation expenditure for the purposes of the Fourth Schedule to the principal Ordinance.

22. (1) The Aid to Pioneer Industries Ordinance, 1952 (hereinafter in this section referred to as the former Ordinance) is repealed: Provided that subject to the provisions of this section, the former Ordinance shall continue to apply in relation to any company to which a pioneer certificate has been given under the former Ordinance before the date on which this Ordinance comes into operation.

(2) Any representation, application or objection made under the former Ordinance shall be deemed to have been made under this Ordinance.

(3) Any industry declared to be a pioneer industry under the former Ordinance and any products so declared to be pioneer products shall be deemed to have been declared to be a pioneer industry, or pioneer products, under this Ordinance.

(4) Any company to which a pioneer certificate has been given under the former Ordinance may, at any time within one year after the date on which this Ordinance comes into operation, elect to be treated as though it had received a pioneer certificate under this Ordinance and not under the former Ordinance: Provided that—

(a) Where the tax relief period of any company so electing has begun before it so elects, the date of commencement of that period under the former Ordinance shall be accepted as the date of commencement of the company's tax relief under this Ordinance;

(b) Any direction given under section 12 of the former Ordinance shall be effective for determining the length of the company's tax relief period for the purposes of this Ordinance.

CHAPTER 88—INDUSTRIAL LOANS (LAGOS AND FEDERATION) (FEDERATION)

Arrangement of sections

Section

1. Short title.
2. Interpretation.
3. Establishment of Federal Loans Board.
4. Membership and proceedings of Board.
5. Appointment of secretary.
6. Appointment of and terms of service of other staff.
7. Funds and resources.
8. Transfer of relevant assets of Colony Development Board.
9. Power of Board to make loans.
10. Limitation on yearly expenditure.
11. Applications to be investigated by Director of Commerce and Industries.
12. Interest and security.
13. Charge on property and priority of loans.
14. Examination as to application of loan.
15. Order of Board upon such examination.
16. Misapplication of loan.
17. Offenses by applicants.
18. Corruption in connection with loans.
19. Power to invest.
20. Power to acquire, hold and dispose of property.
21. Power to contract.
22. Service of notices.
23. Exemption from stamp duties and fees.
24. Fees of court.
25. Expenditures on incidental matters.
26. Accounts and audit.
27. Bad debts.
28. Annual report.
29. Powers of Minister.
30. Control of Board funds on dissolution.
31. Payments may be directed into general revenue.

Schedule—Constitution and proceedings of the Board.

An Ordinance to provide for the establishment and functions of a Federal Loans Board, to promote industrial development in and around Lagos, and in respect of projects of a major nature to promote industrial development throughout the Federation, and for purposes connected therewith. [*3rd May*, 1956]

1. This Ordinance may be cited as the Industrial Loans (Lagos and Federation) Ordinance.

2. In this Ordinance unless the context otherwise requires—

"Minister" means the Minister charged under section 98 of the Nigeria (Constitution) Order in Council, 1954, with responsibility for industrial development.

3. (1) So soon as may be after the commencement of this Ordinance there shall be established a board to be called the Federal Loans Board (hereinafter referred to as the Board).

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in it own name.

4. (1) The members of the Board shall be appointed by the Minister and shall consist of a Chairman and not more than ten other members of whom—

(*a*) two members shall be officers in the public service of the Federation;

(*b*) one shall be appointed with the consent of the Lagos Executive Development Board and shall be an officer of that Board engaged under section 7 of the Lagos Town Planning Ordinance;

(*c*) one shall be a representative of the Lagos Chamber of Commerce selected by the Minister from a panel submitted by that Chamber;

(*d*) one shall be a representative of the Lagos Town Council selected by the Minister from a panel submitted by that Council;

(*e*) the remainder shall be persons who are not officers in the public service of the Federation.

(2) No person who is an officer in the public service of the Federation or of a Region shall be appointed to the Board without the consent of the Governor-General or of the Governor of that Region respectively.

(3) The Board shall pay to its members such remuneration, fees and allowances for expenses as the Minister may authorise: Provided that no such remuneration, fees or allowances other than such allowances as may be expressly authorised by the Governor-General in Council shall be paid under this subsection to any person who holds an office of profit under the Crown otherwise than as a member of the Board or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria.

(4) The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Board and otherwise in relation thereto.

5. The Minister shall appoint a secretary to the Board: Provided that no officer in the public service of the Federation or of a Region shall be appointed to be secretary except with the consent of the Governor-General or of the Governor of that Region respectively.

6. The Board may, with the approval of the Minister—

(*a*) from time to time, upon such salaries, terms and conditions as it may think fit, appoint such officers and employees as may be necessary for the proper and efficient conduct of its operations;

(*b*) by rules make provision for pensions, gratuities or retiring allowances to any officer or employee, and may require officers and employees to contribute to any pensions fund, provident fund or contributory scheme.

7. The funds and resources of the Board shall consist of—

(*a*) such moneys as may be appropriated from time to time to the Board by any vote or resolution of the House of Representatives;

(*b*) all moneys and other assets vested in the Board pursuant to the provisions of section 8;

(*c*) all investments or other property acquired by or vested in the Board, and all moneys earned or arising therefrom;

(*d*) all moneys from time to time received by or falling due to the Board in respect of the repayment of any loan made by the Board or by the Colony Development Board referred to in section 8, or the interest payable in respect of any such loan;

(*e*) all other moneys or other property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

8. (1) In this section—

"Appointed day" means a date* to be appointed for the purpose of this section by the Governor-General by notification in the Gazette;

"Colony Development Board" means the Colony Development Board established by section 3 of the Regional Development Boards Ordinance, 1949;

"Transfer schedule" has the meaning assigned to it by subsection (2).

(2) It shall be lawful for the Governor-General in Council, after consultation with the Government of the Western Region, to cause to be prepared a schedule of the assets of the Colony Development Board which in his opinion relate, or which in his opinion can more conveniently be related, to the area of the Federal Territory of Lagos, as distinct from the area of the Colony excluding such Federal Territory, and to cause the schedule to be authenticated under the hand of the Secretary to the Council of Ministers and deposited with the secretary of the Board. Such schedule shall be known as the transfer schedule and shall be made available by the secretary of the Board for inspection upon the request of any person considered by him to have any right in or any claim against or in respect of any asset included in such schedule.

(3) With effect from the appointed day all the assets included in the transfer schedule shall vest in the Board by virtue of this section and without further assurance, and the Board shall in respect of such assets have all the rights and be subject to all the liabilities which the Colony Development Board had or to which the Colony Development Board was subject immediately before the appointed day.

---

*1st July, 1956, appointed (L.N. 44 of 1957).

(4) Every agreement relating to assets included in the transfer schedule to which the Colony Development Board was a party shall have effect as from the appointed day as if the Board had been a party to the agreement and as if for any reference to the Colony Development Board there were substituted a reference to the Board in respect of anything falling to be done on or after the appointed day.

(5) Where by operation of any of the foregoing provisions of this section any right or liability becomes a right or liability of the Board, the Board and all other persons shall as from the appointed day have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board, and any legal proceedings pending on the appointed day by or against the Colony Development Board shall be continued by or against the Board.

9. (1) The Board may make loans to any persons for projects designed to further the industrial development of the Federal territory of Lagos or its environs or the industrial development of the Federation of Nigeria: Provided that—

(a) a loan in excess of three thousand pounds shall require the approval of the Minister;

(b) a loan of less than thirty thousand pounds shall be made only for a project of which the principal place of operation is intended to be in the Federal territory of Lagos, or within ten miles of its boundaries;

(c) a loan of thirty thousand pounds or more shall require the approval of the Governor-General in Council; and

(d) no loan in excess of fifty thousand pounds shall be made.

(2) The Board, with the approval of the Minister (which approval may be given generally or in relation to a particular loan), either in lieu of a loan or as part of a loan may make purchases of plant, equipment or materials or acquire land or erect buildings or carry out any other works on behalf of the applicant for a loan, and in respect of the cost thereof subsection (1) of this section and the remaining provisions of this Ordinance shall apply as fully as though such cost were a loan, or (as the case may be) part of a loan, to the applicant.

10. Loans made by the Board of amounts not exceeding three thousand pounds shall not, except with the approval of the Minister, exceed a total of twenty thousand pounds in any one financial year.

11. Before considering any application for a loan the Board shall refer the application to the Director of Commerce and Industries, who shall thereupon cause the application to be fully investigated, and shall furnish the Board with full particulars of the result of the investigation.

12. (1) When making a loan the Board may charge such rate of interest as it may deem fit in any particular case, and may require and accept such security for the loan as it may think fit, or, with the approval of the Minister, may make the loan without requiring any security.

(2) In relation to any loan made by it the Board shall have power to accept payment of the whole or any part of the principal and interest of the loan before the time when such payment is due, upon such terms and conditions as the Board may deem fit, and shall have power, with the approval in each case of the Minister—

(a) to postpone upon such terms and conditions as the Board may deem fit the payment of any sum due for principal or interest for any time not exceeding five years;

(b) to extend from time to time the period for the repayment of any loan, or compound or release any loan or any part thereof upon such terms and conditions as the Board may deem fit;

(c) to reduce the rate of interest payable in respect of any loan.

(3) Where any property mortgaged as security for a loan is sold for the purpose of the enforcement of the security, the Board may buy such property and may either manage and hold such property or sell or otherwise dispose of it as the Board may think fit.

13. Where a loan is made by the Board on the security of a mortgage of any property, whether with or without any other security, the property shall from and after the date of the mortgage be charged with the payment of such loan and interest as in the mortgage mentioned, in priority, save so far as is otherwise specified in the mortgage, over every other debt, mortgage or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been made in good faith before the loan made by the Board and which has been secured by a duly registered mortgage of the property executed to a person who is entitled as a *bona fide* creditor to the repayment thereof with interest: Provided that if there is more than one such creditor and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of all such creditors, then the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan made by the Board and to the security for the same.

14. (1) When the Board has made a loan of money, the Board may from time to time make or cause to be made such examination as may be necessary to ensure that the loan is being or has been applied to the purposes for which it was made.

(2) The Board may appoint any of its officers, or any other person authorised in writing by the Board, to make such examination, and the person who received the loan shall produce to such officer or person all the relevant books, documents and other matters and things necessary for the purposes of the examination.

15. Where, upon any examination made under the provisions of section 14, it appears to the Board that any sum being the whole or any part of the loan made by the Board, has not been applied for the purposes for which the loan was made, the Board may order that such sum be repaid to the Board within the time mentioned in the order, and any sum so ordered to be repaid to the Board shall thereupon become a debt due to the Board.

16. If in the opinion of the Board a loan made under the provisions of this Ordinance has been misapplied, the Board may, in addition to or in lieu of any other proceedings, where such loan has been secured by mortgage or otherwise, by notice in writing addressed to the borrower recall the said loan or any part thereof, and may require the loan or that part to be repaid on the date specified in the notice, and any security given for the purpose of the loan may be realised accordingly.

17. If any applicant for a loan under this Ordinance—

(a) knowingly makes to the Board any statement which is false in a material particular; or

(b) with intent to defraud fails to disclose to the Board any material information within his knowledge;

he shall be guilty of an offence and shall be liable to imprisonment for one year or to a fine of one hundred pounds, or to both such imprisonment and such fine.

18. (1) If any member or servant of the Board corruptly accepts or agrees to accept or obtains from any person any property or benefit of any kind for himself or for any other person in respect of or in connection with a loan or an application therefor under this Ordinance, he shall be guilty of an offence and shall be liable on conviction to imprisonment for two years or to a fine of five hundred pounds, or to both such imprisonment and such fine.

(2) If any person corruptly gives or promises or offers to give any property or benefit of any kind to a member or servant of the Board in respect of or in connection with any loan under this Ordinance or any application therefor he shall be guilty of an offence and liable on conviction to imprisonment for two years or to a fine of five hundred pounds, or to both such imprisonment and such fine.

19. The Board may from time to time invest moneys standings to its credit—

(a) in securities approved either generally or specifically by the Minister; or

(b) in any scheme or project approved by the Minister as suitable for the investment of the Board's moneys, and my from time to time vary such investments.

20. The Board may with the approval of the Minister purchase, lease, hold, manage and dispose of any property or any right or interest in property whatsoever, whether real or personal and whether by way of investment or otherwise.

21. (1) The Board may enter into such contracts as may be necessary or expedient for the carrying out of its functions under this Ordinance.

(2) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board for that purpose.

(3) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

22. Service upon the Board of any notice, order or other document may be effected by delivering the same to, or by sending it by registered post addressed to, the secretary of the Board.

23. Stamp duties, and registration fees under the provisions of the Land Registration Ordinance, shall not be payable in the Federal Territory of Lagos in respect of a mortgage or other document securing a loan made by the Board or a document discharging any such mortgage or security.

24. In any proceedings in a court for the recovery of a debt due to the Board the same fees of court (if any) shall be payable by the Board as if the debt were due to the Government of the Federation.

25. The Board, with the approval of the Minister (which approval may be given generally or in relation to any particular matter) may from its funds and resources make payment for any expense, cost or expenditure properly incurred or accepted by the Board in pursuance of its purposes under the provisions of this Ordinance.

26. (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and the accounts for each financial year shall be audited by a qualified accountant approved by the Minister.

(2) The financial year of the Board shall be such as the Board may decide. In the absence of a decision of the Board to the contrary it shall be the period of twelve months terminating on the 31st day of March in each year, and the period from the commencement of this Ordinance to the 31st day of March, 1957, shall be deemed to be the first financial year.

27. The Board may, with the approval of the Governor-General in Council, write off bad debts.

28. (1) The Board shall within six months after the end of each financial year submit to the Minister a report in respect of the previous financial year containing—

(*a*) an account of its transactions throughout such year with such particulars thereof as the Minister may direct; and

(*b*) a statement of the accounts of the Board duly audited in accordance with the provisions of section 26.

(2) A copy of the report, together with a copy of the report of the auditor, shall be printed and laid before the House of Representatives.

29. (1) The Minister may, after consultation with the Board, give it directions of a general character as to the exercise and performance of its functions under this Ordinance.

(2) The Board shall furnish the Minister with such information and returns relating to the activities or proposed activities of the Board as the Minister may from time to time require.

30. Where the Board ceases for any reason to exercise its functions under this Ordinance, whether by reason of the repeal of this Ordinance or otherwise, the funds of the Board shall be disposed of in such manner as the House of Representatives may by resolution direct.

31. From time to time the Governor-General in Council may direct that the Board shall pay all or any part of its revenue or funds into the general revenue or other funds of the Federation, and thereupon the Board shall forthwith pay such sum into the general revenue or other funds of the Federation, as the case may be, and the Board shall lose all right, title and interest in such sum, which shall thereupon form part of the general revenue or other funds of the Federation.

Schedule—Constitution and proceedings of the Board

1. (1) The Chairman of the Board shall, subject to the other provisions of this Schedule, hold office for five years from the date of his appointment.

(2) The members of the Board, other than the Chairman, shall, subject to the other provisions of this Schedule, hold office for such period not exceeding three years as may be determined by the Minister at the time of of their respective appointments.

(3) The Chairman and other members shall be eligible for reappointment at the conclusion of their respective terms of office.

2. A member of the Board, other than a person who is a public officer, may at any time resign by sending his resignation in writing to the Minister.

3. (1) The Governor-General in Council may at any time terminate the appointment of a member of the Board.

(2) If the Minister is satisfied that a member of the Board, other than a person who is a public officer—

(*a*) has been absent from two consecutive meetings of the Board without the permission of the Chairman; or

(*b*) has made an arrangement with his creditors; or

(*c*) is incapacitated by physical or mental illness; or

(*d*) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare the office of such member to be vacant and shall notify the declaration in such manner as the Minister thinks fit, and upon such notification being made the office shall become vacant.

4. The validity of any act or proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member or by reason that some person who was not entitled to do so took part therein.

5. Where the Chairman or other member of the Board is temporarily incapacitated by illness or temporarily absent from Nigeria, the Minister may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence, and all the powers and duties of the Chairman or member, as the case may be, under the Ordinance shall devolve upon the person so temporarily appointed.

6. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person whilst co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

7. (1) The Board may examine any person willing to be examined on any matters connected with the execution of this Ordinance, and may for that purpose or otherwise for the purpose of the execution of the Ordinance administer an oath and take evidence by affidavit or declaration.

(2) Any person who, when examined by the Board under the provisions of the Ordinance, wilfully gives false evidence, or who, for the purpose of obtaining a loan from the Board wilfully gives information to the Board which is false in a material particular, shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

8. The Chairman or other member presiding and four other members shall form a quorum at any meeting of the Board.

9. Subject as aforesaid, the Board may make standing orders—

(*a*) for the proceedings of the Board, the manner of transaction of its business and the method of voting and for the appointment of and transaction of business by committees of the Board;

(*b*) for the appointment of a person to preside at any meeting whereat neither the Chairman nor a person duly appointed as temporary Chairman is present;

(*c*) for the custody and use of the common seal and, subject to the provisions of section 21, the manner in which documents, cheques and instruments of any description shall be signed on behalf of the Board.

CAMEROUN INVESTMENT CODE—LAW NO. 60–64 OF 27 JUNE 1960

Considering the Constitution of March 1960;

The National Assembly has debated and adopted;

The President of the Republic hereby promulgates the following Law:

TITLE I

ARTICLE 1. Any new undertaking or industrial or agricultural establishment, under whatever legal form it may be constituted, may be regarded as being of special importance to the economic development of Cameroun and may, with the concurrence of the Investments Commission established by article 2 below, be treated as a priority establishment enjoying the advantages conferred by one of the schedules in Title II below.

ARTICLE 2. The Investments Commission which reviews applications by enterprises wishing to be treated in accordance with one of the schedules in

Title II below shall be constituted as follows:

The Minister for the Plan (Chairman).

Members: The Minister of National Economy (or his representative).

The Minister of Finance (or his representative).

The Minister of Labor and Social Legislation (or his representative).

Any Minister concerned by the activity of the applicant firm (or his representative).

Two members of the National Assembly.

The Director of the Plan.

The Director of Customs.

The Director of the Central Bank of Cameroun.

The Director of the Credit du Cameroun.

Two representatives of the Chamber of Commerce and Industry.

Two representatives of GICAM.

One representative of the Study Group for the Development of Cameroun.

Two representatives of the Economical Council.

The Investments Commission may co-opt in a consultative capacity any person qualified by specialized knowledge.

ARTICLE 3. The procedure for approval calls for the submission of an application to the Minister of National Economy. This application, receipt of which shall be acknowledged forthwith, must state which of the priority schedules is applied for, and give reasons in support of the request.

The Commission, having heard the applicant, shall give its decision within thirty days.

ARTICLE 4. Approval of the application, which shall take the form of a decree of the Council of Ministers, shall entitle the applicant to the benefits provided by the present Code. The approval shall take effect sixty days following the announcement thereof, which shall be published in the Journal Official of the Republic of Cameroun.

ARTICLE 5. If the application is rejected by the Commission, the Minister of National Economy shall notify the applicant accordingly. The latter may then appeal, within thirty days following the date of such notification, to an inter-ministerial Committee consisting of the Prime Minister as Chairman and the Ministers of Finance, National Economy and the Plan, and any Minister concerned by the activities of the applicant firm. This Committee shall give its decisions within fifteen days; they shall be without appeal.

TITLE II

Priority schedules

ARTICLE 6. Firms and establishments may apply to be treated as provided by any one of the four schedules enumerated below:

Section I—Schedule A

ARTICLE 7. Firms and establishments approved under Schedule A shall be exempt, on the conditions set forth in article 8, from import duties and taxes:

(a) On equipment, materials, machinery and tools directly required for the production and processing of articles;

(b) On the raw materials and products of which the articles manufactured or processed are wholly or partly composed;

(c) On raw materials or products which, while not being manufacturing equipment and not forming part of the articles manufactured or processed, are destroyed or lose their essential nature during manufacturing operations;

(d) On raw materials and products used for the conditioning of manufactured or processed articles or for packing them in non-reusable packages.

ARTICLE 8. Firms and establishments benefitting under article 7 shall be treated in accordance with the "usine exercee" system, as defined by existing legislation.

ARTICLE 9. Prepared, manufactured or processed articles exported by approved firms may attract a reduced rate of export duty, to be specified in the decree of approval, with the concurrence of the Minister of Finance.

ARTICLE 10. A manufactured or processed article sold in the Republic of Cameroun and not listed in the schedule of rates for the tax on consumption shall be subject to that tax, at the rate of 5%, or to a specific duty, as may be applicable. Approved firms shall nevertheless be exempt from such duty for the first five years of their operation. This period of exemption shall run from the date of the first sale or delivery.

ARTICLE 11. Where a manufactured or processed article sold in Cameroun is listed in the

schedule of rates for the tax on internal consumption, approved undertakings shall be exempt from that tax only on the following conditions:

(a) If the article is not, or is no longer, manufactured or processed in Cameroun, the approved firm shall be exempt from duty, the exemption to run from the date of first sale or delivery;

(b) If the article is already manufactured, processed and sold in Cameroun, the approved firm's tax exemption shall not continue beyond the date on which the firm already manufacturing, processing and selling the article in Cameroun becomes liable to the tax.

ARTICLE 12. Firms approved under Schedule A shall not become liable to any new import, export or internal consumption tax before 31 December 1980.

Section II—Schedule B

ARTICLE 13. Firms approved under Schedule B shall reecive all the benefits of Schedule A, on the condiitons and with the reservations set forth in article 11. They shall also enjoy the following concessions:

(a) They shall be exempt from the tax on industrial and commercial profits for the first five years of their operation. The first year of such exemption shall be that year during which the first sale or delivery was made, whether inside Cameroun or for export.

Normal amortization as shown in the accounts for the first five years may be set off against taxation for the three years following, on the express authorization of the Minister of Finance;

(b) They shall be exempt, during the same period and on the same conditions, from business license fees (*patente*) and from land, mining and forestry taxes.

ARTICLE 14. No law or regulation taking effect subsequent to the approval of a concern under Schedule A and B in application of the present Law shall derogate from any of the provisions set forth above. Moreover, any more favorable provisions which may be adopted in Cameroun tax legislation shall apply also to firms approved under Schedules A and B.

The present provisions shall remain in force until 31 December 1980.

Section III—Schedule C

Special status

ARTICLE 15. Certain firms of particular importance, which assist the execution of the economic and social development plan and engage in what is considered to be a priority productive activity, may apply for approval as provided under Title I, with the object of concluding an establishment agreement with the Government of Cameroun, on the following conditions:

ARTICLE 16. The establishment agreement shall run for a fixed term of not less than twenty years. The Government must have legislative authority to conclude such agreement.

ARTICLE 17. Parent companies and stockholding companies of the undertakings referred to above may also be parties to such an agreement, in so far as their activities in Cameroun are concerned.

ARTICLE 18. The establishment agreement shall specify, *inter alia:*

(a) The general conditions of operation, the minimum equipment and production program, the obligations on the firm as regards professional training or social works as provided by the program, and any other obligations accepted by the two parties;

(b) Government guarantees, especially:

Guarantees of legal, economic and financial stability, and of stable conditions for financial transfers and the marketing of goods;

Guarantees that workers shall be able to reach their workplaces and move about freely, freedom of employment, and free choice of suppliers of materials and services;

Guarantees of renewal of forest and mining operating permits;

Where applicable, facilities for the use of hydraulic, electric and other resources required for operations; facilities for conveying products to the place of shipment and the use of installations, whether already existing or built by or for the firm, at the place of shipment.

(c) The procedure for terminating the agreement and the circumstances which will entail cancellation of the agreement or the forfeiture of all rights originating outside the agreement, and the procedure for ensuring that both parties fulfill their obligations;

(d) The grant, in whole or in part, of any of the tax concessions provided by Schedule B.

ARTICLE 19. Any dispute concerning the validity, interpretation or application of the articles of the agreement, and the assessment of any penalty for failure to fulfill the obligation assumed, shall be settled as provided by Title IV.

ARTICLE 20. Nothing in the establishment agreement shall constitute any undertaking by the State to compensate the firm for losses in debts or deficiencies arising through technical developments, economic circumstances or factors inherent in the firm itself.

Section IV—Schedule D

Long-term tax schedule

ARTICLE 21. Agreements as described in Section III above concluded with undertakings which are of prime importance to national economic development and which make large investments may include provision for tax stabilization, as described below.

ARTICLE 22. Tax stabilization may also apply to the taxes payable in Cameroun by the parent or stockholding companies referred to in article 17.

ARTICLE 23. A tax system set up pursuant to the present section shall remain in force for a period not exceeding twenty-five years, to which may be added the normal period of time required for installation. This shall in general not exceed five years, except in the case of projects requiring an exceptionally long installation period.

ARTICLE 24. Any establishment agreement, or supplementary clause to an existing agreement, granting tax stability to any firm approved under the present Section shall be sanctioned by legislative action, which shall also determine the starting date for such period of tax stability.

ARTICLE 25. During the period of tax stability the assessment, rate and method of collection of all taxes, duties and fiscal taxes and dues of whatsoever nature shall continue to be those which were in force on the first day of that period.

ARTICLE 26. No legislation or regulation which would nullify the provisions of the foregoing article shall apply, during the period of tax stability, to any firm enjoying the benefits conferred by the present Section.

ARTICLE 27. Any firm operating on a tax stability system may request that it receive the benefit of any changes which may be introduced in the normal taxation system. It may also ask to revert to the normal system.

The agreement shall indicate the procedure for the application of the provisions of the present article.

TITLE III

Miscellaneous provisions

ARTICLE 28. Any special taxation system approved prior to the promulgation of the present law, whether by special agreement or under the "special plant" (*usine exerces*) system, for a firm which was already operating in Cameroun, shall specifically remain in effect.

Furthermore, firstly: Such system shall remain in force for a period of twenty years, to which may be added the installation period, which shall run from the date set by the instrument whereby the tax concession was established. This provision shall not apply to tax systems established by special agreement and such agreements shall expire on the dates initially provided.

Nevertheless, firms with special tax systems may apply for approval under Schedule C, Section III, Title II either on the expiry of the agreement between them and the Republic of Cameroun or immediately on the entry into force of the present Law.

Secondly, firms with special tax systems may apply for approval under one of the Schedules of Title II. The Investments Commission shall be competent to pronounce on such requests, unless the request is one for approval under a higher schedule.

Thirdly, if the special tax system previously in force included provisions for tax stabilization, the form to which it applies shall be treated as provided by Schedule C, Section III, Title II, and an agreement shall be drawn up as provided by that Section. The provision for tax stabilization shall be incorporated with, and form an integral part of, such agreement.

ARTICLE 29. The provisions of the general tax code regarding tax exemption on reinvested profits shall remain in effect until 31 December 1980 and shall apply, in particular, to firms approved under one of the Schedules provided by the present Code.

ARTICLE 30. Firms approved under Schedules A and B may not be deprived of such approval except by decree as provided in article 4, with the concurrence of the Investments Commission and after having heard the firm concerned.

No decision to withdraw approval shall be taken unless serious deficiencies have been duly noted, the Minister of National Economy has served notice for their abatement and such notice has remained without effect for sixty days.

TITLE IV

Arbitration procedure

ARTICLE 31. Disputes concerning the interpretation or application of the clauses of the agreement provided for by Sections 3 and 4 of Title II, or concerning the calculation of any penalty for non-fulfillment, shall be settled by arbitration in accordance with a procedure to be established by each agreement. The procedure shall cover the following points:

(a) The nomination of an arbitrator by each of the parties;

(b) The designation of a third arbitrator by agreement between the parties or, in default thereof, by a competent authority to be named in the agreement;

(c) The fact that the majority decision of the panel of arbitrators, who shall determine their own procedure and decide cases in equity shall be final and binding.

ARTICLE 32. The present Law shall take effect from the date of its publication in the Journal Officiel of the Republic of Cameroun and shall be executed as a Law of the Republic.

Done at Yaounde, 27 June 1960.

AHMADOU AHIDJO,
President of the Republic.
CHARLES ASSALE,
Prime Minister.
GERMAIN TSALLA,
Minister for National Economy.

PRIVATE INVESTMENTS IN THE REPUBLIC OF IVORY COAST

ANALYSIS OF THE LAW

Law No. 59–134 of September 3, 1959, determining the code for private investments in the Republic of Ivory Coast.

Law n° 59/134 of September 3, 1959, fixing the regulations concerning private investment in the Republic of Ivory Coast, is intended to define the term priority-status firm, and to state the conditions necessary for the recognition of a firm as such. At the

same time, the ruling provides for: on the one hand, large measures of tax reduction and exemption for all priority-status firms without distinction; and on the other hand, in the case of certain such firms, a long-term tax regime guaranteeing for periods of up to twenty five years, the stability of the taxation to which they are subject. Establishment agreements, signed between the government of Ivory Coast and these same firms, have been expressly provided for by the law, in order to lay down conditions for the formation and working of firms thus benefiting from the long-term tax regime.

Text of the law

The Legislative Assembly has adopted and the Prime Minister promulgated the law, the text of which is as follows:

Article 1.—The investment code set forth in Ivory Coast shall be determined by the following provisions which confirm and complete the measures enacted or recommended by:

Deliberation n° 33–58 AT and resolution n° 35–58 AT of April 11, 1958, of the Territorial Assembly;

Deliberations n° 270–58 AC, 271–58 AC and 272–58 AC of January 23, 1959, and resolution 273–58 AC, of the Constituant Assembly.

Title I. Priority Enterprises

Article 2.—The following categories of enterprises shall be considered as having priority status in the Republic of Ivory Coast:

1° Real estate enterprises;

2° Enterprises concerned with industrial crops and related processing industries (oleaginous plants, rubber, sugar cane, etc.);

3° Industrial enterprises for the preparation and mechanical or chemical transformation of local animal and vegetable products (coffee, cocoa, oils, rubber, cotton, sugar cane, etc.);

4° Industries for the manufacture and assembling of articles for mass consumption (textiles, construction materials, metal products, vehicles, tools, or plant equipment and hardware, fertilizer, chemical and pharmaceutical products, pulp, paper, cardboard and cardboard products, plastic products, etc.);

5° Industries for mining extraction, concentration or transformation of mineral substances and enterprises connected with handling and transport as well as enterprises for petroleum prospecting;

6° Enterprises for the production of electric power.

Article 3.—Enterprises belonging to one of the above categories may, by decree passed by the Council of Ministers, be considered as priority when they fulfill the following conditions:

a. Take part in the execution of plans for economic and social development under the conditions set forth in the decree conferring priority status;

b. Effect investments of particular importance for the development of the country;

c. Have been organized after April 11, 1958, or have undertaken important extensions after that date, but only insofar as these extensions are concerned.

Article 4.—In case of a grave default by a priority enterprise with respect to the obligations set down in the decree conferring priority status, the withdrawal of such status shall be pronounced by decree of the Council of Ministers, if formal notice regarding the default is not followed by corrective action. In this case, the enterprise shall be subject, as of the date of the aforesaid decree, to general legislation.

Article 5.—All enterprises approved as priority without exception shall benefit from measures for fiscal exemptions or relief. Those deemed of particular importance may, by special authorization granted by law, receive the benefit of the long-term tax arrangements defined below and conclude "establishment" conventions with the Government under the conditions set forth below.

The law referred to in the preceding paragraph will fix the period of application of the long-term tax arrangements as well as the duration and the general provisions of the convention of establishment, the other provisions being determined by decree of the Council of Ministers.

Title II. Long-term tax arrangements

Article 6.—Long-term tax arrangements are intended to guarantee to enterprises accorded priority status, the stability of all or part of the tax charges incumbent upon them, during a period of a maximum of 25 years, to be extended, should the occasion arise, by the amount of the normal delays of installation, up to a maximum of 5 years.

Article 7.—During the period of application of long-term tax arrangements, no modification can be made in the rules of assessment and of collection or of the tax levies provided by this regime in favor of the enterprise.

During the same period, the benefiting enterprise may not be subjected to duties, taxes, and charges of any type which might be instituted by a law passed after the date of application of the long-term tax arrangements.

Article 8.—In case of modification of the ordinary tax system, every enterprise benefiting from long-term tax arrangements may request the benefit of the aforesaid modifications. Such requests may be complied with by decree taken in the Council of Ministers.

Every benefiting enterprise may request to be replaced under the system of general legislation as of the date which will be fixed by decree taken in the Council of Ministers.

Title III. Establishment conventions

Article 9.—Establishment conventions shall set forth and guarantee the conditions of the establishment and the functioning of the priority enterprise permitted to benefit by it.

The convention may be entered into only by an enterprise benefiting from long-term fiscal arrangements and its duration may not exceed that of the said arrangements.

The convention may not entail an agreement on the part of the state to grant relief to the benefiting enterprise with respect to its losses or failure to make profits owing to the evolution of the economic situation or to factors within the enterprise itself.

Article 10.—The settlement of disputes resulting from the application of the dispositions of the convention of establishment and the eventual determination of the indemnity owed by reason of failure to comply with the commitments made will be subject to arbitration proceedings, the terms of which will be fixed by each convention.

Title IV. Taxation

Article 11.—Measures for tax remission and alleviation from which all enterprises approved as priority benefit may include:

Certain duties and taxes levied on imported merchandise and products entering the territory of the Republic: customs duty, entry tax, a standard tax in lieu of the transaction tax.

Certain duties, charges, and taxes incident to internal activities of production or transaction, a tax on industrial and commercial profits, real estate taxes, tax on mortmain holdings, tax for licenses, registration and stamp taxes, and mining taxes.

Certain dutes and taxes collected on leaving the territory of the Republic: Fiscal exit tax, standard tax (taxe forfaitaire) on exportations in lieu of a transaction tax.

The list of these taxes is set forth in the present law and the measures went into effect April 1, 1959, with regard to the duties and taxes provided in paragraph 2 of the present article. Those dealt with in paragraphs 3 and 4 of the present article shall be effective as of April 2, 1958.

Title V.

Article 12.—Decrees passed by the Council of Ministers shall define the terms of application of the present law which shall be published in the Official Journal of the Republic of the Ivory Coast and executed as the law of the land.

Abidjan, September 3rd, 1959.

FÉLIX HOUPHOUET-BOIGNY.

APPENDIX TO THE LAW: SCHEDULE OF TAX REMISSIONS AND ALLEVIATIONS

Duties and taxes collected on imports at the border of the territory of the Republic

A.—Customs Duties

Temporary exemption. All priority enterprises

All enterprises approved as priority shall be granted for a period of 10 years an exemption from duties applicable:

a. To foreign goods indispensable for the establishment of these enterprises;

b. To raw materials of foreign origin entering into the composition of the finished products of the aforesaid enterprises.

B.—Entry Tax

1. Temporary exemption. All priority enterprises

All enterprises approved as priority shall be granted for a period of 10 years an exemption from the entry tax applicable:

a. To goods of all origins indispensable for the establishment of these enterprises;

b. To raw materials of all origins entering into the composition of the finished product of the aforementioned enterprises.

2. Refunds from the increase of the fiscal entry tax collected on diesel-oil and from local taxes incident to the said increase: Priority enterprises engaged in industrial crop production

Enterprises engaged in the production of industrial crops and approved as priority shall benefit from the reimbursement of amounts corresponding to an increase of the fiscal entry tax collected on diesel-oil and of local taxes incident to such increase, for the quantities of diesel-oil actually consumed in the preparation and clearing of soils and plantations.

C.—Standard Tax (Taxe Fortfaitaire) in Lieu of the Transaction Tax (Taxe de Transaction)

1. Temporary exemption. All priority enterprises

All enterprises approved as priority shall be granted for a period of 10 years an exemption from the standard tax in lieu of the transaction tax applicable:

a. To materials of all origins indispensable to the establishment of these enterprises;

b. To raw materials of all origins entering into the composition of the finished products of the aforementioned enterprises;

c. In pursuance of article 5 of decree n° 20 FAEP/P1 of January 14, 1960, the temporary exemption from standard tax provided for in p. C above is applicable to the special import duty made to replace the said standard tax by article 13 of law n° 59–250 of December 31, 1959, as well as the tax on added value established by article 15 of this law when it is levied on imports.

2. Refund of an increase of the standard tax replacing the transaction tax collected on diesel-oil and of local taxes incident to this increase: Priority enterprises engaged in production of industrial crops

Enterprises engaged in the production of industrial crops and approved as priority shall be granted a reimbursement of amounts corresponding to an increase of the standard tax replacing the transaction tax collected on diesel-oil and from local taxes incident to this increase, for the quantities of diesel-oil

actually used for the preparation and clearing of soils and plantations.

Direct and indirect duties and taxes on internal production or trade

A.—Taxes on Industrial and Commercial Profits

1. Permanent exemptions

Associations constructing buildings for sale by apartments shall be permanently exempted from taxes on increments of value brought about by exclusive assignment and in fee simple to the members of the group, in all cases where the buildings are actually constructed by the association and fall within the range of activities set forth in its charter.

2. Temporary exemptions

a. Priority real estate companies.

Real estate enterprises enjoying priority status shall be granted for 25 years, an exemption from the tax on dwellings with respect to the buildings which they have constructed and which they rent out.

b. Other priority enterprises.

Other enterprises approved as priority benefit from exemption from this tax for a period of 5 years. A decree shall fix for each enterprise the date when this exemption shall begin.

c. All enterprises.

1. New factories and extensions of factories.—New factories and extensions of old factories shall be granted exemption from the tax for the 5 years which follow that of the actual beginning of operations.

2. Exploitation of mineral deposits.—These exploitations shall be granted an exemption from the tax until the end of the fifth operating year following that of the actual beginning of operations; the first sale or exportation of marketable goods from the exploitation is considered as constituting the actual starting of operations.

3. Deduction in computing taxes

a. Deduction from the profit on which the tax is calculated, intended to avoid double income taxation. The following are deductible:

The net revenue from the buildings and land constituting a part of the real estate assets of the enterprise.

The net revenue of the holdings and securities in the assets of the enterprise and which are already taxable under the income tax on securities, together with a deduction of a percentage of the expenses and charges which are fixed uniformly at 30 percent or 10 percent depending on whether the investment entails a balance sheet showing titles, shares and credits as representing more or less than half of the firm's capital.

4. Reduction of taxes

Reduction of taxation on investments

1. Investments effected by taxpayers under the form of:

Construction, improvements or extension of buildings;

Creation or development of industrial establishment or installations;

Acquisitions of land intended for the constructions mentioned above are subject to a reduction of taxable income the amount of which is equal to no more, at a maximum, than one-half of the amount paid within the limit of 50 percent of the profits of each fiscal year's operations over a period of 4 years beginning with the fiscal year during which the program of stated investments had been registered.

2. Investments effected by the same taxpayers under the form of bonds or stocks issued by the real estate companies under joint public and private ownership and the offices for low cost public housing installed in the Ivory Coast are subject to a reduction of taxable income whose amount may equal 100 percent of the taxable profits.

3. Investments effected by enterprises in the form of construction of buildings for use as dwellings intended exclusively for the lodging of their personnel, on condition that the cost price of each dwelling does not exceed 1, 5 million francs (CFA) are subject to a reduction of taxable income the rate of which is equal to the total of the sums paid.

5. Accelerated amortization

An accelerated amortization of 40 percent of the cost price of the buildings allocated for the housing of personnel undertaken between January 1, 1958, and January 1, 1960, built in accordance with health regulations, at a price less than 3 million francs (CFA), based on the Dakar price series of January 1, 1950. The accelerated amortization is effected at the close of the first year following the date of the completion of the buildings and the amortization of the residual amount is effected in the normal way.

B.—Real Estate Taxes on Improved Property

Temporary Exemptions

1. Priority real estate companies

Real estate companies approved as priority shall benefit for 25 years by an exemption from taxes with respect to the buildings destined for habitation which they have built and which they let.

2. All priority enterprises

All enterprises approved as priority shall, for a period of 5 years, have the benefit of an exemption from taxation for buildings constructed for the purpose of their operations.

The date of completion of the aforesaid buildings is considered as the date when this exemption begins.

3. Installations and structures in the private warehouse zone at the Port of Abidjan

Installations and structures situated in the private bonded warehouse zone at the Port of Abidjan shall be exempted from taxes for 21 years beginning with the year of their completion.

C.—Mainmorte Taxes

1. Permanent exemption

General partnerships and limited partnerships

Private companies (general partnerships) and limited partnerships are permanently exempted from this tax.

2. Temporary exemptions. Priority construction companies

Real estate companies approved as priority shall, for 25 years, be exempted from this tax for buildings used for habitation which they have built and which they let.

All Priority Enterprises

For buildings constructed for their own operations, all enterprises approved as priority shall be exempt from the tax for 5 years. This exemption is to begin as of the date of the completion of the aforementioned buildings.

D.—Patent Tax

1. Permanent exemption

a. Holders of concessions for mines and quarries.

Holders of concessions for mines and quarries shall have the benefit of a permanent exemption from taxation but this shall apply only to the extraction and the sale by them of the material extracted.

b. Partners of general or limited partnerships or corporations.

Partners of general partnerships, limited partnerships or corporations are permanently exempted from the tax.

2. Temporary exemptions

a. Priority enterprises other than real estate companies.

Enterprises approved as priority, other than real estate companies, shall be exempted from the tax for a period of 5 years.

A decree will determine for each enterprise the date when this exemption is effective.

b. Other enterprises.

The following categories of firms are exempted from payment of the trading tax for the first year of operation and for the four subsequent years:

Acetylene or oxygen-producing plants;
Laundries;
Rope and string manufacturers;
Printers;
Brewers;
Husking and shelling plants;
Forestry firms;
Mechanical saw-mills;
Flour mills, coffee and rice-husking plants;
Oil-processing plants;
Spinning mills;
Manufacturers of looms for cotton-wearing;
Forestry firms selling timber;
Soap manufacturers;
Installations or premises situated in the bonded warehouse zone of the port of Abidjan.

E.—Stamp and Registration Fees (Companies)

1. Fees on initial shares

When the proportional taxes provided for in the regulations in force exceed 5 million francs, they may be paid off in three equal installments. The first payment is made at the time of registration, the others, annually thereafter.

2. Deeds of formation and prorogation

These deeds, if they contain neither debentures nor receipts, purchases or sales, nor transfer of personal property or real estate, shall benefit from the scale of rates below:

Taxable value of	*Percent*
0 to 2.500.000.000 (CFA francs)	1.0
2.500.000.000 to 5.000.000.000	.5
5.000.000.000 or more	.1

F. Tax on Extraction of Materials

Temporary exemption

Priority enterprises other than real estate companies.

Enterprises granted priority status, other than real estate companies are exempted from the tax for 5 years.

A decree will determine in the case of each enterprise the date when this exemption becomes effective.

Fees and taxes collected upon departure from the territory

Reduction. Priority enterprises

Enterprises granted priority status whose products are intended for exportation shall be granted, for a period of 10 years, a reduction up to a maximum of 50 percent of the exit tax and standard export tax in lieu of the transaction tax, with the exception of products a list of which will be set forth in a subsequent law.

[From the Library of Congress, Law Library, European Law Division]

LEGISLATION ON INVESTMENT TAX CREDIT IN FRANCE, GERMANY, ITALY, AND SWEDEN, SEPTEMBER 1969, WASHINGTON, D.C.

(By members of the staff)

FRANCE

In order to encourage, by fiscal means, the modernization of industry, on October 9, 1968, France enacted Law No. 68–877 on Investment Aid and on December 12, 1968, issued Decree No. 68–1115, on Fiscal Deductions for Investment Establishing the Conditions for the Application of Law No. 68–877 of October 9, 1968 (see attached translations). These legislative measures constitute, to a great extent, the renewal of the previous deductions established by Law No. 66–307 of May 18, 1966, and Decree No. 66–334 of May 31, 1966, Establishing the Conditions for the Application of Law No. 66–307 of May 18, 1966, on Fiscal Deductions for Investments.

The previous legislation in this field was described by Martin Norr and Pierre Kerlan as follows:[1]

Footnotes at end of article.

b. *Initial Allowance.* Under a 1954 amendment to the Tax Code (CGI art. 39 *septies*), taxpayers could deduct from income, in the year of acquisition, 10 percent of the cost of certain new machinery acquired after 1 January 1954 for modernization of the purchaser's enterprise. The 10 percent allowance was given in addition to normal or other depreciation deductions that might be available. If the 10 percent initial allowance was taken, other deductions were computed on the basis of 90 percent of cost.

Not all machinery was eligible for the initial allowance; it was available only for assets designated by the Ministry of Finance and the National Planning Commission (½.12). The list as first promulgated (185) did not include ordinary machine tools, but was limited to office equipment other than typewriters and to equipment for water and air purification, production of heat, steam, and energy, industrial security, handling of materials, and scientific research.

In order to encourage the purchase of machine tools and similar equipment during a recession in the French machine tool industry, the administration in May 1959 temporarily extended eligibility for the 10 percent initial allowance to five additional categories of equipment, provided that orders for the equipment were placed between 29 May 1959 and 1 January 1960. (186) The new categories were (1) machine tools for metalworking and other specified industries, regardless of the normal useful life of the tools, (2) machine tools, having a normal useful life of at least five years, for use in the food, rubber, plastics, ceramic, textile, paper, and other industries, (3) equipment, having a normal useful life of at least five years, used by building contractors, (4) trucks weighing five or more tons and (5) various types of electrical and radiological equipment.

The 1959 *arrêté* that extended eligibility to these five categories limited the allowance to equipment manufactured in metropolitan France. (187) Other Common Market countries objected that this limitation represented an illegal discrimination in violation of the treaty establishing the European Economic Community. (188) The Commission of the Community agreed and decided that the French government should eliminate the rules limiting the benefit of the depreciation allowance to equipment manufactured in France. The French government complied. By an *arrêté* of 27 November 1959, eligibility for the 10 percent initial allowance was extended to goods of the five specified categories, whatever the date of delivery and whether manufactured in France or in a foreign country. (189) The Commission of the Community announced that the French action had been taken at the suggestion of the Commission. (190) This is the first case in which a supranational authority compelled a change in a national tax law. (191)

c. *Double Deduction in First Year.* Under a 1951 amendment to the Tax Code, (192) machinery and equipment acquired after 31 December 1950 and used in industry for manufacture, transformation, handling, or transportation was eligible for accelerated or "exceptional" depreciation, in the form of a double deduction in the first year. The annual depreciation deduction for the year was calculated under the normal straight-line procedure (7/3.2), the firm took two annual deductions in the first year, and the period over which depreciation could be claimed was reduced by one year. If a firm acquired an eligible piece of machinery with a 10-year life, for example, and thus was entitled to a depreciation deduction of 10 percent per year, it could take two deductions of 10 percent in the first year and then continue at the normal 10 percent rate until the end of the ninth year. At that point, 100 percent of the cost would have been recovered.

Only new machinery with an anticipated useful life of at least five years was eligible (CGI Ann. I, art. 03), and then only if destined for the specified industrial uses. Goods for use in commerce were not eligible. (193) If machinery was already entitled to depreciation at rates exceeding normal rates, as a consequence of agreements between the tax administration and business groups (7.3.2e), the taxpayer was ordinarily not permitted to use both regimes but had to choose between them. (194) A firm entitled to the 10 percent initial allowance and to the doubling of the first year's deduction could claim both the deduction and the allowance, however.

The Law of May 18, 1966, provided for a deduction of 10 percent for certain machine tools ordered in 1966. The new Law of 1968 covers orders made after April 30, 1968, and delivered between September 1, 1968, and December 31, 1969, and for materials ordered between May 1, 1968, and May 31, 1969, whose delivery requires more than seven months under the condition that their delivery would be made not later than December 31, 1970. Thus, it established a longer period during which its provisions for the benefit of enterprises specified in the Law were to remain in effect. The list of goods for which the deduction was also extended includes trucks and specialized materials for the textile industry.

According to the commentaries in another source: [2]

The basic innovation consists, however, in the possibility given to enterprises to choose between two bases for the granting of credit for the deduction, and two rates: either crediting under the conditions established in 1966, i.e., at the rate of ten percent on the amount of the tax on the income of physical persons (including the additional tax) of the tax on companies or of the adjustable deductions taken beforehand (*précompte mobilier*), or crediting after exercise of the option on the value added tax at the rate of five percent.

This measure seeks to prevent the penalizing of enterprises which, because of an increase in their charges and prolonged interruption of their activities, show a temporary balance deficit.

The option must be exercised at the time of the first request for credit; it is comprehensive and irrevocable.

It must be pointed out that in order not to put enterprises which uses *crédit-bail* (leasing with option to purchase) [3] for the financing of their investment at a disadvantage, Article 5 of the Law makes it possible for the *credit-bail* enterprises to transfer the benefit of the deduction to the enterprises holding leases on goods providing for the right.

Appendix—Translation of the President Law and Decree

Law No. 68–877 of October 9, 1969, on Investment Aid [4]

Art. 1. A temporary deduction for investment in favor of industrial, commercial and handicraft enterprises shall be established.

Subject to the provisions of the articles below, this deduction shall be granted to the enterprises under the same conditions as the deduction specified in Article 244 *quinquies* of the General Tax Code.

Art. 2. The deduction specified in Article 1 shall be granted to enterprises for materials for which a firm order has been placed after April 30, 1968, under the condition that these materials be delivered between September 1, 1968, and December 31, 1969.

For materials whose delivery requires more than seven months, the date of delivery shall be extended from December 31, 1969, to December 31, 1970, under the condition that the firm orders have been placed for these materials between May 1, 1968, and May 31, 1969.

Footnotes at end of article.

Materials complying with the conditions specified in the preceding paragraph and which are not delivered until December 31, 1970, nevertheless entitle one to a deduction; the basis of this deduction, however, shall be limited to the amount of partial payments made on December 31, 1970, on the basis of commitments regularly made at the time of ordering.

Art. 3. The new materials specified below shall give the right to the deduction for investment under the conditions specified in Articles 1 and 2:

1. Materials likely to be admitted for degressive depreciation according to Article 39 A–1 of the General Tax Code, when the duration of use of these materials serving as the basis for the calculation of fiscal depreciation is at least equal to eight years.

2. Specialized materials for the textile industry and machine tools, the list of which shall be established by decree;

3. Trucks whose total authorized maximum weight shall be between two and one half and thirteen tons and road tractors made from trucks.

Art. 4. The enterprises are entitled to opt for the application of the deduction to the value added tax for which they are liable.

In this case, the rate of the deduction shall be five percent.

The option shall be irrevocable and comprehensive.

Art. 5. The conditions and methods of application of the preceding provisions shall be established by a decree. This decree shall especially establish the conditions for the use of the right of option specified in Article 4 and the ways of crediting the deduction to the value added tax as well as the conditions under which the enterprises of *crédit-bail* established by Law No. 66–455 of July 2, 1966, shall be permitted to transfer the benefit of the deduction to the enterprises holding leases on goods providing for the right.

Decree No. 68–1115 of December 12, 1968, Establishing the Conditions and the Methods of Application of Law No. 68–877 of October 9, 1968, on a Fiscal Deduction for Investment [5]

Art. 1. The methods of application of Law No. 68–877 of October 9, 1968, shall be regulated by Articles 2 and 4–10 of Decree No. 66–334 of May 31, 1966, codified under Articles 2 B *nonies*, 49 *undecies*, 383 *quater*, 383 *quinquies*, 383 *sexies*, 383 *septies*, 406A 16 *bis*, and 446 *quater* of Appendix III of the General Tax Code, subject, on the one hand, to the provisions established in the Articles below, and, on the other hand, to the modifications made by Article 2 of the said Law within the dates of the order and delivery of the goods giving the right to a deduction.

Art. 2. For the application of Article 2 of the above-mentioned Law of October 9, 1968, machine tools and specialized material for the textile industry cover the new materials designated below:

1. The machine tools mentioned under the headings of 84–45, 84–46, and 84–47 of the tables attached to the orders of June 28 and July 3, 1968.

2. Specialized materials for the textile industry mentioned under the headings of ex 84–16 (calenders for the textile industry), 84–36, 84–37, 84–38, ex 84–39 (other machines for the manufacturing and finishing of felt), 84–40, and ex 84–41 (sewing machines) of the tables attached to the above-mentioned orders of June 20 and July 3, 1968, with the exception of those materials which are amortized in less than three years.

Art. 3. Enterprises of *crédit-bail* regulated by Law No. 66–455 of July 2, 1966, shall be authorized to transfer the deduction for investment to the enterprises holding leases on goods providing for the right.

The transfer of that deduction shall be done jointly with the making out of a certificate, corresponding to a form issued by the

administration, and including especially the renunciation by *the crédit-bail* enterprise of any use of the transferred deduction.

The certificate mentioned in the preceding paragraph shall be attached to the declaration and to the supporting documents specified in Article 49 *undecies* of Appendix III of the General Tax Code.

The amounts of the deductions applied by the transferee enterprise shall be subject to the rules of in value short term increase counting from the [time of the] exercise of the application.

Art. 4. The option for the crediting of the deduction for investment on the value added tax shall be exercised mandatorily on the first request for the crediting and shall be expressly mentioned in the declaration specified in Article 49 *undecies* of Appendix III of the General Tax Code.

When this option is exercised by a legal entity or an organization whose profits are taxed under conditions established by Article 8 of the General Tax Code, the provisions of Article 383 *quinquies* of Appendix III of the said Code shall not be applicable and the crediting may be made only oy the legal entity or organization concerned.

Art. 5. The crediting established in Article 4 of the above-mentioned Law of October 9, 1968, shall be applied to the value added tax to which the enterprise is liable after the deductions to which they are entitled in accordance with the provisions adopted for the application of Articles 271 and 273 of the General Tax Code have been made.

In order to benefit from this crediting, the enterprises must attach to the declaration specified in Article 287–I of the above-mentioned Code a special request for crediting corresponding to the form issued by the administration.

Art. 6. The Minister of Economy and Finances and the Secretary of State to the Economy and Finances shall be charged, etc.

FEDERAL REPUBLIC OF GERMANY

Industrial investments in the Federal Republic of Germany have been supported by the Federal Government in several different ways since the end of World War II, and especially, since the Basic Law for the Federal Republic of Germany (generally known as the Bonn Constitution) was adopted and entered into force in 1949. Most of these measures either expired or were discontinued as the new German economic policy went into effect.

However, certain measures were retained and are still in use, and new incentives have been introduced to support certain investments by private industry, as well as corporations and entities under public ownership. With few exceptions—which will be dealt with later—these incentives do not appear in the form of tax credits, tax deductions, or more rapid depreciation allowances for tax purposes.

One of the earliest forms of government support extended to German industry was the European Recovery Program (Marshall Plan), which was financed by the United States. The amounts put at the disposal of the German Government for this program were managed as a separate fund (*Sondervermögen*) of the Federation. From this fund loans were granted for certain industrial investments.[6] The Federal Minister managing the Special Fund of the European Recovery Program was authorized by the Diet to underwrite securities and guarantees to further the financing of needed investments, which would not have been possible otherwise.[7]

Similar authorizations had been granted to the Federal Government several times before, but the underwriting affected only the liability of the general funds of the Federation, not the ERP—Special Fund.

Similar authorizations had been granted to the Federal Government several times before, but the underwriting affected only the liability of the general funds of the Federation, not the ERP—Special Fund.

In 1967, the German legislature authorized the Federal Minister of Finances "to execute investment programs in order to stimulate investment activities and to assure a steady growth of the economy to provide credits in the fiscal year 1967, the amount of which must not exceed two and one half million German marks." [8] Although most of the goals for which credits could be granted were within the public domain, even these promoted private industry, because the services for public corporations (postal service, railroads, etc.) were performed by the private sector of the economy.

In the same year another law was adopted by the German Diet on the promotion of the stability and growth of the economy.[9]

This Law provides that:

"The Federation and the lender shall take into consideration the requirements for the equilibrium of the entire economy in [deciding on] their measures of economic and fiscal policy. The measures must be so coordinated that in the framework of the order of the market economy they will contribute equally to the stability of the price level, to a high measure of employment, and to a balance in foreign trade amidst a steady and proportionate growth of the economy.[10]"

Under this Law the Federal Government must submit an annual economic report and proposals, as well as long-range planning measures. This Law also amends several existing statutes enabling the Federal Government to react more quickly to the needs of the economy. One of these amendments authorizes the Federal Government to issue decrees which may permit:

"In case of the procurement or production of depreciating movable goods, or the production of depreciating immovable goods of the capital assets, a deduction to be granted upon request from the corporation taxes for the taxable period of the procurement or production of up to the amount of seven and one half per cent of the costs of procurement or production of these goods.[11]"

It should be mentioned that no statute has been found which makes use of this authorization.

The German Government has always put considerable emphasis on the economic development of West Berlin. This policy led to the adoption of several statutes on promoting and supporting investments there. The most important of these measures are the following: [12]

"Individual taxpayers (and corporations other than banks or investment houses) who make loans for industrial investments in West Berlin may deduct 10 percent of the loan from the amount due on their income or corporate tax for the year in which the loan was made.

"Individual taxpayers who make loans for the construction of housing, or for alterations, extensions, modernization and maintenance of housing in West Berlin, may deduct 20 percent of the total amount of the loan from the amount due on their income or corporate tax for the year in which the loan was made.

"When an enterprise in West Berlin acquires movable and fixed income-producing assets that are subject to wear and tear, up to 75 percent of the purchase or manufacturing cost may be written off for depreciation, either in its entirety during the first taxable fiscal year, or during any of the first three years following such acquisition. . . . These depreciation allowances may be written off irrespective of whether they result in a balancing of the books, or in a book loss to be carried forward. They may also be applied to down payments against the eventual purchase price or eventual manufacturing costs of such assets. These increased write-offs have the effect of reducing the taxable base of the business tax.

"In addition to the increased and accelerated depreciation allowances, investment allowances are granted for the acquisition or manufacture by an enterprise in West Berlin of new movable income-producing assets that are subject to depreciation. The amount of this allowance is 10 percent of the purchase of or manufacturing costs of such movable assets. Such allowances are not deemed to constitute taxable income under prevailing income or corporation tax regulations.

* * * * *

"Investment loans out of European Recovery Program Special Funds at an interest rate of as low as 4 percent per annum are available for the establishment of expansion of industrial facilities, small businesses or crafts, commerce and other enterprises which create or expand the Berlin economy, improve efficiency, or enhance productivity. Such loans are repayable in up to ten years.

* * * * *

"In the event that loans to be obtained from banks require more security than is available to the borrower, those applying for loans for investment and working capital purposes (the latter for production facilities only) may benefit from public guarantees covering up to 90 percent of the possible loss to be incurred by the lending institutions.

"Financing for the erection of commercial and office structures can be assisted by low interest-bearing loans out of European Recovery Program Special Funds to the extent of 30 percent of the building costs. The remaining 70 percent must be provided by the builder out of capital, or by borrowing from other than public funds.

"West German purchasers of capital goods and inventory manufactured in West Berlin, may obtain loans with which to finance orders for the promotion of sales. Loans are extended up to 50 percent of the purchase price. The interest rate is 5 percent per annum. The duration of the loan may be up to ten years. Such loans are made available by the Kreditanstalt fuer Wiederaufbau (Credit Institute for Reconstruction), in Frankfurt/Main, to the banks where the borrower maintains an account."

ITALY

The Library of Congress holdings of pertinent source material disclose that Italy has not enacted any law granting an investment tax credit comparable to that of the United States and of a few Western European countries. However, a bill was recently introduced in the Italian Parliament dealing with the reform of the Italian fiscal system in general and with direct taxation in particular which provides, among other things, for the enactment of such a measure in Italy.

The reason behind this investment tax credit [*detrazione per investimenti*] is to strengthen the productive capacity of enterprises and to establish investment deductions [*deduzioni di investimento*] for all new investments in productive plants, stock and supply refurbishing, and for all investments having a social character such as housing for workers, buildings for recreation centers, and so forth.[13]

In official and unofficial commentary and justification in support of such an investment tax credit, the legislation of the U.S.A. and that of the Netherlands, which gives a credit in the amount of 16%, are especially considered and held up as worthy examples.

It must be pointed out that since World War II, especially in the period 1947–48, Italy has undertaken a series of actions for the purpose of encouraging the industrial and commercial development of southern Italy and of the Italian islands. Several legislative enactments of various forms of assistance

Footnotes at end of article.

were adopted. They go from providing desirable locations for new plants, providing water and power and transportation facilities, granting various kinds of concessions, to granting mining and drilling privileges in certain specific areas. Low-cost loans are also offered to firms and corporations that start new industrial ventures, but probably the most generous contributions in this particular field are represented by the many and substantial tax exemptions. With regard to the income tax, for instance, complete tax exemptions were granted for ten years on the profits of new, expanded, or modernized industrial plants. These exemptions were subject to the condition that the new or converted plants started operations before June 1965. This date was postponed by later decrees up to, and including 1969.[14]

Moreover, under these measures firms, individuals and corporations operating outside the special southern area may obtain an income tax exemption on 50% of their net profits for five years if such 50% is invested in southern Italy for farming development or improvement, or for building, expanding or renovating industrial plants, provided, however, that the investment does not exceed 50% of the total enterprise investment and provided also that the authorities recognize that such measures fit into the programs and frame for the orderly development of the southern areas of Italy.

When a corporation obtains an exemption from income taxes for ten years under the above-stated conditions, it also enjoys a 40% reduction of the 15% excess profits tax. In other words, the excess profits tax on the profits exceeding 6% of the taxable capital is reduced to 9%. Also with regard to the general turnover tax there is a 50% reduction applying to machinery, equipment and material installed permanently in industrial plants operating in the southern area. When this material, equipment and machinery are imported from abroad they are also free from custom duties.

Important reductions are provided with regard to registration taxes, stamp duties, mortgage fees in connection with new plants, and similar new undertakings in the southern area. Furthermore, the two semi-autonomous regions of Sicily and Sardinia offer help and sizable reductions in local rates and charges. All the cities and towns of southern Italy and the islands were specifically authorized to grant exemptions until the end of 1967 to the firms and corporations that constructed, extended, or remodeled the industrial plants within their jurisdictions.[15] In the last three years the privileged treatment reserved for the southern area has been extended to the so-called depressed or underdeveloped areas of certain districts of central and northern Italy.[16]

According to the most recent studies in this field the sweeping fiscal relief measures heretofore in force which had been granted to certain areas of Italy for at least 20 years may, in part, come to an end if the new fiscal reform is enacted and an investment tax credit is made part of such reform.

SWEDEN

Government incentives to spur the economy by means of legislative and other acts in Sweden are extensively discussed in *World Tax Series. Taxation in Sweden* (Boston, Toronto, Harvard Law School, International Programs in Taxation, 1959),[17] in which the information is complete up to 1959. However, during the last decade a few minor changes have been made in the Decree of May 27, 1955, on investment reserves for economic stabilization through Royal Decrees of April 3, 1959, June 5, 1963 and December 3, 1965.[18]

A special one-time "investment allowance" was made available for the income years 1964 and 1968.[19] Ten percent of the cost of machinery ordered or delivered in those years was deductible for purposes of determining the income subject to the national income tax.

Machinery eligible for the allowance was limited to new equipment which was required to have a useful life expectancy of more than three years. An allowance could be obtained only by persons with the required knowledge of bookkeeping. The allowance could not be made if the costs of the investments were not more than 5,000 crowns during 1964 and 1968. On the other hand there was no limit to the amount of the allowance.

The extra allowance was designed to stimulate investment in machinery for industrial use; it was not available to retailers or other commercial enterprises. The basis for depreciation of machinery eligible for the allowance was not reduced by the amount of the allowance; the actual cost continued to be the depreciation basis. New decrees on extra allowances during a certain period may be enacted when the situation on the labor market so requires.

REFERENCES

(185) Arr. 15 January 1955, codified in CGI Ann. IV, art. 4 D.

(186) Arr. 28 May 1959, codified in CGI Ann. IV, art. 4 D.

(187) The French machine tool industry had been especially concerned about the impact of Common Market competition. "Au seuil de l'an IV de la C.E.E. en France," *La Vive Française,* 13 January 1961, p. 20. The temporary depreciation allowance was designed especially to encourage orders for machine tools. Note 979, 1 December 1959.

(188) See, for example, Written Question No. 34, 24 July 1959, from a member of the European Parliamentary Assembly to the Commission of the European Community, and Response, 21 September 1959. *Journal Officiel des Communautés Européennes,* no. 51, 1033/59, 1034/59.

(189) Arr. 27 November 1959, codified in CGI Ann. IV, art. 4 D.

(190) *Journal Officiel des Communautés Européennes,* no. 67, 1324–59.

(191) Norr, "Depreciation Reform in France," 39 *Taxes* 391, 394 (1961).

(192) D. 51–307, 8 March 1951, codified in CGI Ann. I, arts. 01–03.

(193) Circ. 2,272, 29 December 1951, art. 10.

(194) Circ. 2,272, 29 December 1951, art. 16.

FOOTNOTES

[1] *World Tax Series, Taxation in France.* Harvard Law School International Tax Program. Chicago, Commerce Clearing House, Inc., 1966. p. 418–420.

[2] *Bulletin de documentation pratique des impôts directs et des droits d'enregistrement.* January 1969, No. 1, p. 22.

[3] Transactions of the type designated as *crédit-bail* are defined in Article 1 of Law No. 66–455 of July 2, 1966 as follows:

Art. 1. The transactions of the type designated as *crédit-bail* type specified in the present Law, shall be considered to be transactions involving the lease of equipment goods, tool materials, or realty for professional use, especially purchased in view of the leasing by enterprises which remain their owners, when these transactions, irrespective of their name, give the leaseholder the right to acquire all or parts of the leased goods, at the price agreed upon, taking into account, at least for a part, the payments made for rent.

[4] *Journal officiel,* Oct. 10, 1968. p. 9563.

[5] *Journal officiel,* Dec. 13, 1968. p. 11677.

[6] Law on the Management of the ERP—Special Fund of August 31, 1953. (*Bundesgesetzblatt* I, p. 1312).

[7] Law of December 6, 1954, on the Underwriting of Securities and Guarantees to Support the German Economy (*Bundesgesetzblatt* I, p. 365), and Law of May 17, 1957, to supplement the aforementioned law (*Bundesgesetzblatt* I, p. 517).

[8] Law of April 11, 1967, on Providing Credits to Stimulate the Investment Activities and to Assure the Steady Growth of the Economy in Fiscal Year 1967. (*Bundesgesetzblatt* I, p. 401).

[9] Law of June 8, 1967, on the Promotion of the Stability and Growth of the Economy (*Bundesgesetzblatt* I, p. 582).

[10] *Ibid.*, Sec. 1.

[11] *Ibid.*, Sec. 27.

[12] Foreign Tax Law Association. *West German Income Tax Service.* St. Petersburg, Fla., 1968. Certain headings were omitted from the quote, and only pertinent excerpts are given.

[13] *Aspetti della riforma tributaria.* Milano, CEDAM, 1968. p. 83 ff.

[14] Tomaso Corrado. *Agevolazioni fiscali a favore delle zone depresse del Centro-Nord.* Milano, L. di G. Pirola, 1968. p. 41; also *Mezzogiorno- testo unico delle leggi sugli interventi cordinato con le disposizioni complementari.* Milano, L. di G. Pirola, 1969. p. 163–175.

[15] *World Tax Series—Taxation in Italy.* Chicago, Harvard Law School, International Program in Taxation, 1964. p. 523 ff. Also *Tax and Trade Guide in Italy.* Arthur Andersen and Co., 1962. p. 43 ff; p. 105 ff.

[16] Tomaso Corrado, *op. cit.* p. 9, 10 and 31.

[17] 6/5.1, 6/6.2 and 7/3.1–7/3.6.

[18] C. G. Hellquist. *Sveriges Rikes Lag.* Stockholm, 1969. p. B360–B365.

[19] Royal Decree No. 79 of April 10, 1964, on special investment allowances on estimated state income tax. *Svensk Författningssamling för 1964.* Stockholm, 1965. p. 159–161. Royal Decree No. 87 of March 15, 1968, *ibid.* Hellquist, *op. cit.*, p. B366–367.

Mr. HARTKE. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement of Dr. Walter Heller, of the Department of Economics of the University of Minnesota, in which he strongly urges the suspension of the investment credit.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF ECONOMICS,
Minneapolis, Minn., October 27, 1969.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR VANCE: In response to a request from your office, I would like to state briefly why I prefer suspension of the investment credit to the outright repeal requested by the Nixon Administration and passed by the House:

First, suspension would be more effective in temporarily damping down business spending on machinery and equipment and the associated plant. (Perhaps I should say "would have been" in view of the effective date being pegged many months ago.) Killing the 7% credit incentive is not as effective in curbing capital spending as suspending it, i.e., telling the decision-maker that he can't get the benefit now, but will get it if he postpones his spending for, say, twelve or eighteen or twenty-four months.

Second, suspension instead of repeal would make crystal-clear that this country continues its strong commitment to a high-investment, high-growth economy. Along with our stepped-up investment in human beings—through education, training and retraining, and research—we should continue to stimulate the investment in the tools through which our investments in the intangible factors of brainpower, skills, and technology are converted into a tangible flow of goods and services.

I note that the Nixon Administration has set up a Task Force to deal with, among other things, means of stimulating investment through taxation. Doesn't this seem a bit contradictory at the same time that a

major tax stimulant to investment is being stricken from the books?

Please don't misunderstand me, as between repeal of the credit and no action on the credit, I prefer repeal under the present circumstances. But suspension would be superior to repeal.

Further, if the credit is repealed, I didn't mean to say that we could not find something better—for example, the Swedish system of investment reserves may be a superior way of stimulating investment. This is certainly an area in which clear signals and leadership from the White House would be helpful. As matters now stand, neither the goals nor preferred means of the Administration's economic policy for growth are very clear.

Sincerely,

WALTER W. HELLER.

Mr. HARTKE. I ask unanimous consent to have printed in the RECORD at this point a statement made by Mr. Arthur Okun, the former Chairman of the Council of Economic Advisers, on October 3, 1969, who is presently senior fellow at the Brookings Institution.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The investment tax credit is a proven, effective incentive to the modernization and expansion of our productive capacity. It is a general and *non-discriminatory* provision available to all business investors. The case for more anti-inflationary fiscal policy in 1969 and 1970 can not justify the permanent repeal of this highly desirable structural feature of our tax system. I believe that repeal of the investment tax credit would be a myopic decision.

Mr. HARTKE. I point out that Henry Fowler, former Secretary of the Treasury, recently stated that he is "strongly opposed" to the repeal of the investment tax credit.

Douglas Dillon has stated that the repeal of the investment tax credit would be "very damaging to the competitive position of the United States." He added that he had always viewed the investment tax credit as a "permanent" measure. The investment tax credit "worked perfectly," he said.

Dr. James S. Dusenberry of Harvard states:

In the long run, we will regret disposing of the investment tax credit.

He is "in favor of suspension." He noted that "from 1962 onward, it did have a stimulating effect," and concluded, "as a matter of long run policy, I would like to keep it and not reduce the corporate tax."

And in Dr. Heller's statement, which I have asked to have printed in the RECORD, he stated that the investment tax credit "ought to be suspended but not repealed." He declared:

In the long run, it should not be repealed because it is a good stimulus.

Probably one of the leading advocates of tax reform in the United States today is former Assistant Secretary of the Treasury Stanley Surrey. He also does not favor outright appeal, although he stated:

The administration in the future will need an incentive to investment.

There is one thing I should like to make perfectly clear, Mr. President. There may be some need, and I am not saying there is no need, for suspension. I personally do not think so. But to repeal this law outright, as this measure would do, is, to my opinion, the height of folly.

In the first place, the 7-percent tax credit was proposed, discussed and adopted as a permanent depreciation reform to stimulate investment in plant and equipment, enhance productivity, and strengthen our entire economy and increase the competitiveness of our products at home and abroad.

Second, the investment tax credit is not a subsidy to business because it is a recovery of capital on a return of investment rather than a return on investment or profit.

Third, in a long-term economic analysis, the investment tax credit is decidedly anti-inflationary. The effect of repeal will not be timely enough to help out present inflation and in fact, may in itself be inflationary.

Fourth, the capital expenditures of the major industrial countries exceed those of the United States, and the investment tax credit is necessary if our industries are to be competitive with foreign industries and to prevent a further deterioration of our balance of trade.

Fifth, the investment tax credit is required for the future necessary expansion of the U.S. economy and the creation of new jobs.

Sixth, the investment tax credit in its present form, although not perfect, is at least better than any alternative that is presently being suggested for it.

Mr. President, it is not my intention to close off debate on this measure at this time, but I will say that I do not intend to offer this amendment, because it is quite obvious, from the actions taken in the committee, that the mood of the Senate is not one in which there would be substantial support to retain the investment tax credit.

But, as I said at the beginning of my statement, this measure does not dispose of the issue. The issue has not been met, and it will have to be met, either now or some time in the future. I commend the Senator from New York (Mr. JAVITS) for his proposal to have an independent study of this matter. It is long overdue.

Mr. President, unless there is further discussion of this proposed amendment, which is No. 324, it is now my intention to call up another amendment, No. 326.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. MURPHY. Unfortunately, I was not present in the Chamber during the Senator's full presentation. Is it his position that the removal of the 7-percent tax incentive would not accomplish the stated purpose—in other words, that the removal of the incentive would reduce the production facilities, and thereby add further pressure to the inflationary spiral which we are trying to stop?

Mr. HARTKE. The Senator from California is correct. There is no question about it, and as I have stated repeatedly, the investment tax credit is anti-inflationary, not inflationary in any aspect whatever. I think this can be demonstrated in the facts and figures shown in the material I have previously submitted for the RECORD.

Mr. MURPHY. The Senator's amendment would restore the 7-percent tax credit?

Mr. HARTKE. The amendment which is at the desk, which I have not called up and do not intend to call up, would restore the investment tax credit.

Mr. MURPHY. Does the Senator have figures as to what total effect this might have on the budget condition, as affected by this entire tax reform bill?

Mr. HARTKE. There is no question but that, if we repeal the investment tax credit, we make a substantial gain in the Treasury over the short run. That is one of the reasons why I suppose the administration has taken the position it has. Those figures, the revenue estimates and their burden, are contained in the summary of H.R. 13270 in the committee print of the Tax Reform Act of 1969, at page 133. I ask unanimous consent that an excerpt from table 1, on page 133 of that document be printed in the RECORD at this point.

There being no objection, the excerpt from the table was ordered to be printed in the RECORD, as follows:

REVENUE ESTIMATES AND BURDEN TABLES

TABLE 1.—BALANCING OF TAX REFORM AND TAX RELIEF UNDER H.R. 13270—CALENDAR YEAR TAX LIABILITY

[In millions of dollars]

A. AS APPROVED BY THE SENATE COMMITTEE ON FINANCE

	1970	1971	1972	1974	1979
Repeal of investment credit	+2,500	+2,990	+2,990	+3,090	+3,270

Mr. MURPHY. I thank my distinguished colleague. I have had great reservations about the wisdom of removing it. I know that that might sound as though we are trying to protect industry at the expense of the individual, but I do not believe that is the case. I am inclined to agree that the Senator's position is proper, that the way to contain inflation is to control the number of dollars in the currency stream, keep it constant, and let its value expand with increased production. If there are more goods on the shelf with the same number of dollars to pay for them, I think that is the way inflation is stopped. If we do anything to impede the increase in production, it would seem to me that we would be defeating our stated purpose, that it might tend to increase the inflationary pressure rather than decrease it.

Mr. HARTKE. I think there is no question that the whole question of productivity is involved here. There is a short-term revenue gain if we repeal the investment credit, there is no question about that, but the point still remains that there is a lag. If we follow the procedures and arguments of the administration, that they are using this simply to fight inflation, there is a lag of at least 12 months, and probably more nearly 18 months, because—and this is a subject of constant debate—there will be amendments incorporated in the bill, in fact, there are special considerations in the

bill for various companies, attempting somehow to find a way to exclude themselves from the provisions of the repeal of the investment credit. There are certain exclusions made; the application is not universal.

Then the effective date has been a very difficult problem, because the question arises, when is the investment credit actually to be considered effective? That is, is it on the date the contract is let? If it is, its administration will involve almost insurmountable problems.

The point is that under any circumstances as an anti-inflationary measure, even assuming the point of those who advocate it is anti-inflationary, it would not have any measurable effect until the last part of 1970 or perhaps the early part of 1971.

Mr. MURPHY. Mr. President, I know that there are many specific cases in the State of California in which the planning and program has advanced 2 or 3 years ahead of time with regard to plant expansion based on existing conditions. And it sometimes seems to me that this is one of my problems with the entire tax bill. We do something that is pretty complicated. And we do it in great haste. It is liable to work more hardship than do good.

I do not know what to do in this case. I do not know how to do it. I do not know about the activity or whether it is proper in the fourth quarter of a football game to say, "It is now illegal to throw a forward pass."

I think there is a great point to be made. I congratulate my distinguished colleague and neighbor for raising the matter. I will consider his amendment very carefully. I hope it receives full consideration from the entire membership of the Senate and not merely the few who are present at the time to receive the advantage or disadvantage of listening to the colloquy.

I thank my distinguished friend.

Mr. HARTKE. Mr. President, I thank the Senator from California for making a point that certainly needs to be made.

Mr. President, I have amendment No. 326 at the desk. I ask unanimous consent that it be printed in full at this point in the RECORD for the benefit of the discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 326) ordered to be printed in the RECORD, reads as follows:

AMENDMENT No. 326

On page 413, line 3, after "property" insert "and property to which subsection (e) applies".

Page 428, line 6, strike out the closing quotation marks and after line 6 insert the following:

"(e) SMALL BUSINESS EXEMPTION.—

"(1) IN GENERAL.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is begun after April 18, 1969, or

"(B) which is acquired by the taxpayer after April 18, 1969,

and which is constructed, reconstructed, erected, or acquired for use in a trade or business, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed $20,000. In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (a), (c), (d), and (e) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 47(a)(4) shall not apply.

"(2) SPECIAL RULES.—

"(A) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1) shall be $10,000 in lieu of $20,000. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) AFFILIATED GROUPS.—In the case of an affiliated group, the $20,000 amount specified in paragraph (1) shall be reduced for each member of the group by apportioning $20,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that—

"(i) the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1504(a), and

"(ii) all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"(C) PARTNERSHIPS.—In the case of a partnership, the $20,000 amount specified in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(D) OTHER TAXPAYERS.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f) shall be applied for purposes of this subsection."

Mr. HARTKE. Mr. President, it is my intention to call up the amendment for a vote.

The amendment at the desk deals with small business. It deals with investment tax credit up to $20,000 which is a very much more modified version of the amendment I previously discussed. The amendment merely provides for small businessmen and small farmers some type of tax recognition of their capital expenditures.

The amendment provides that they shall be allowed to have a tax credit for an investment of $20,000.

I want to make it very clear that it is not a tax credit of $20,000. But it is a total investment of $20,000.

Mr. President, I have tried to indicate why I consider the outright repeal of the investment tax credit to be both unnecessary and unwise. Its outright repeal is neither a tax reform measure nor an anti-inflationary measure. As I have indicated earlier, I fully realize that this position has few advocates in the U.S. Congress.

If the U.S. Senate is determined to go ahead and repeal the investment tax credit, then at the very least, it should provide some measure of relief from the increasing cost of inflation and the mounting burden of purchasing equipment needed by small businessmen and small farmers. This is why I have proposed an amendment providing for an exemption from the repeal of the investment tax credit for small businessmen and farmers.

These are the people who are particularly trapped by the present high-tax and high-money policies. Unlike large corporations, they cannot so easily pass increased costs on to the consumer. Increasing costs for them means increasing bankruptcy. For a nation that prides itself on private initiative and feels that the small businessman or farmer is the backbone of our society—the distinctive characteristic of our economy—this Nation should be appalled by the high number of small business failures and the dwindling number of people who can afford to go into farming. We have Government programs that recognize the needs of large organizations, large corporations, and large unions, but it is the small man, the small businessman, who is forgotten. Government being so large is unable to set up the mechanisms and the policies that will encourage the development of small businesses and farms. We have become a society of large institutions, intent upon their own interests. I am reminded of the African proverb that says:

When elephants fight, it is the grass that suffers.

In the conflicting interests of large institutions in our society, it is the small businessman and the small farmer who suffer.

In the committee, I sought, without success, an exclusion of at least $20,000 annually for all businesses. Such an exclusion, amounting to a tax credit of about $1,400 annually, might sound like a pittance. It is, of course, to our industrial giants, but to small businessmen it may make the difference between investing or not investing in much needed equipment.

Information furnished me by the National Federation of Independent Business, which represents more than 272,000 small businesses throughout the country, with more than 8,000 of them in my own State of Indiana, shows that 90 percent of all businesses today spend $20,000 or less per year in qualified investments.

Mr. President, there is no question in my mind that ample justification exists for continuing a portion of the credit for small business. Even the revenue loss to the U.S. Treasury would be minimal when compared to the countless thousands of smaller firms that would benefit. Going back to 1965, some 312,000 corporations earning less than $25,000 claimed a total of $174.2 million, or only 10 percent of the investment tax credit for that year. Surely, when 90 percent of all American businesses account for less than 10 percent of all investment credits, this wonderful Nation of ours should be able to continue offering such an incentive to that sector which has always been referred to as the "Backbone of the Nation."

Other arguments can be made for retention of the credit for small business. They have a disadvantage, as compared with large public corporations, in obtaining capital. Because of imperfections in the capital markets, small businesses typically pay interest rates that are appreciably higher than prime rates paid

by large businesses and frequently, especially during periods of credit stringency and rationing, are unable to obtain adequate credit at any price. Retention of the investment credit would enable these small businesses to finance a larger proportion of their capital requirements from retained earnings and consequently with reduced interest costs.

Economies of scale are available to large businesses in most capital-intensive industries. Retention of the investment tax credit for small businesses would enable them to acquire capital facilities at appreciably lower after-tax costs. This would tend to compensate somewhat for the economies ot scale enjoyed by the larger businesses, enable the smaller concerns to be a more competitive force in the economy, and provide a disincentive for small business mergers.

The small farmers in our country are in an equally desperate situation. I can assure the Members of this body from personal observations and conversations with many of the approximately 10,000 small farmers in the State of Indiana that they are particular victims of our present fiscal and monetary policies. Farmers in Indiana and throughout the country have been losing the race between increased costs and increased efficiency. An exemption for the small farmer offers the opportunity and the hope for greater efficiency, greater productivity. Without this, it requires no profit to state that there will be continuing numbers of farm closings. For farmers, production expense rose by a billion dollars in 1968. The cost of interest, taxes, and labor rose by 3 percent over the previous year. Farm liabilities increased by some $4.1 billion in the 12 months preceding January of this year. Once again, these increased costs were felt most severely by the small farmer. The U.S. Government and we in the Senate have an obligation to insure that the small farmer does not become a historical curiosity. The greatness of our past was in large measure determined by the existence of the small farmer. We jeopardize our future if we jeopardize the existence of the small farmer.

Mr. President, for this reason I ask that the clerk report amendment No. 326 which provides for the retention of the $20,000 investment tax credit for small farmers and businessmen.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The bill clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Wyoming (Mr. McGEE) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. McINTYRE. As the Senator is aware, I presently am chairman of the Subcommittee on Small Business of the Committee on Banking and Currency. Therefore, I am quite interested in this matter.

Do I correctly understand that the effect of this amendment would be that a small shopowner who wanted to make improvements in his store, let us say up to $15,000, during any fiscal or calendar year, would still be able to take advantage of the investment tax credit?

Mr. HARTKE. He would be entitled to keep his 7-percent tax credit, as he would today, with a limitation on the total amount of the investment. In that case, it would be 7 percent of the $15,000.

Mr. McINTYRE. This would not be accumulative?

Mr. HARTKE. No, it would not be. It would be in each one of his taxable years.

Mr. McINTYRE. Does the Senator from Indiana have any idea of what the revenue loss of this would be?

Mr. HARTKE. It has been estimated that the revenue loss of this would be in the neighborhood of $720 million a year.

Mr. McINTYRE. Is the Senator aware that pending amendments are at the desk which seek to help small business, based, as I understand them, on the gross sales or the gross earnings of these businesses?

Mr. HARTKE. I am familiar with that, yes.

Mr. McINTYRE. Does the Senator feel that this type of amendment has any chance—if it is adopted by the Senate—to be retained in conference?

Mr. HARTKE. I would think it would be. It has been one of the types of approaches that has been recognized in the early stage of the difficulties we have had in trying to do something to help the small businessman.

Take the man who buys a tractor, for example. This is a big expense for a farmer. Nothing else could be done for that man to help him more, if he wants to make a capital improvement, than to provide him with some type of investment tax credit.

Mr. McINTYRE. In taking the $20,000 figure—and I understand that this would be by capital improvements—did the Senator have any advice in selecting the figure, or was it arbitrarily chosen as seemingly a reasonable figure for the small businessman? Is there anything really backing this up as a good figure?

Mr. HARTKE. I pointed out that this accounts for 90 percent of the total number of people who would be eligible for this type of consideration; yet, at the same time, they had only 10 percent of the tax credit dollarwise under the total provision as originally before Congress.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McINTYRE. I want to compliment the Senator from Indiana, because, as he said in the portion of his statement that I heard, the real crunch in the inflation we are suffering today does not hit the giants. I enjoyed the Senator's metaphoric reference to elephants—that when they fight, it is the grass that gets trampled and gets hurt.

I know that in my State of New Hampshire we have had many complaints about the inability of small businessmen—we have a great number of them in the Granite State—to try to get loans and to get the ability to compete.

So I certainly endorse this amendment, and I ask the distinguished Senator from Indiana to add my name as a cosponsor.

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire (Mr. McINTYRE) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. I might say to the Senator from New Hampshire that New Hampshire has had a rather remarkable growth rate for the Northern New England States since the total investment tax credit has gone into operation. I compliment his State for the growth it has had, and it attributed to somewhat to the beneficial effect of the tax credit.

Mr. McINTYRE. I thank the Senator for his remarks about my State.

Mr. HARTKE. I thank the Senator for his support.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, the proposal before the Senate would incorporate an exemption from the repeal of the investment tax credit for the first $20,000 across the board for all taxpayers. That may sound very attractive. Cutting taxes is always attractive.

I call attention, however, to the fact that the approval of this amendment would result in a loss of revenue of $720 million a year. By the preceding vote the Senate has already dropped $6.1 billion in additional revenue in the next 2 years, over and beyond the committee bill. This amendment would add another $1.4 billion to that loss, which would bring it to a $7.5 billion additional loss.

If the Members of the Senate want to defeat this bill they should go ahead and vote for this amendment and the other tax reduction amendments that come along, and delete the revenue-producing measures. Then they can go home and keep making speeches, as they have done for the past 12 months, about how much they are for tax reduction and for tax reform. But I hope they will also tell their constituents at the same time that when the chips were down on the individual items they just did not have the guts to vote for them.

Let us admit it. We are not going to get tax reform unless we stand up and vote for it, and we cannot get tax reductions unless we first cut expenditures or at least hold the revenue we have.

I compliment some of my colleagues who are so nimble that they can get on both sides of this question and vote for all the tax reductions and then vote against all the expenditure reductions. It would be wonderful if we could do it, but we cannot have a solvent government if we do.

I hope this amendment will be rejected. I say again to those who want to defeat this bill that the approval of this amendment is an excellent way to do it. Then they can go on right down the road and tell their people that all they have been doing is making speeches

and that all this talk about tax reform has been just so much political poppycock.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOMINICK. Is there a number to the amendment of the Senator from Indiana?

Mr. WILLIAMS of Delaware. No. 326. This amendment would lose $720 million a year in revenue annually, and we do not have the revenue to do it. We are already operating the Government at a deficit. No one disputes that point. We have no chance of balancing the budget in the foreseeable future. Any additional loss of revenue, whether it be on this amendment or the preceding amendment, is going to be accomplished only on the basis of borrowed money.

As to whether we can make any political capital out of this, I do get encouragement from one thing; and that is, that some of my friends on the other side of the aisle have so much confidence in the Republican Party that they think we can reduce expenditures so that they can cut taxes, something they were not able to do and never tried to do for 20 years when they were in office. Once our party gets in office they always come up with great ideas and how they want to cut taxes and increase spending at the same time. I hope that some time someone will discover how that can be done along with perpetual motion.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. MURPHY. I know and respect the Senator's judgment and knowledge. He mentioned a moment ago that we have been told—and I hope my distinguished colleague will correct me if I am wrong—by five living former Secretaries of the Treasury that we need a surtax in order to help balance the budget, in order to stop the inflationary pressure which is destroying the value of the dollar.

We hear about numbers of dollars. Earlier, in this Chamber, we were talking about raising the exemption because of the cost of living; but the proponent of that proposal neglected to say that the dollars he was increasing are now worth 37 cents, as compared with the real buying power of the dollar. He would have to raise it to $1,800 in order to meet the cost of living. But that is not my point at this time.

Are we in a deficit position at the present time, in the judgment of my distinguished colleague?

Mr. WILLIAMS of Delaware. It is not only my judgment, but it is also a matter of record that we are in a deficit position. The national debt in the last fiscal year was increased approximately $6.5 billion. That is a rate of approximately $500 million per month, and we are running into debt in this fiscal year at a faster rate than we did last year.

Every dime of extra tax reduction in this bill will have to be financed by borrowed money, and we are already in trouble from the standpoint of inflation because of the Government's borrowings.

The $600 exemption is inadequate, and it is inadequate because of the inflation we have built up over the past several years. A few years ago, with a $25 billion deficit the Government had to go into the money market and draw out an extra $25 billion in order to finance it.

I say that the inflation that has been created has been created because Congress and the previous administration have not accepted their responsibilities to hold expenditures in line with the revenues. We are seeing another great example of it here today, in which Senators say, "I vote to cut taxes, cut down on the revenue"; and at the same time, in the last few days, they have increased expenditures all down the line. Such hypocrisy.

I think it is time that the American people realize that the only real tax reduction we can have is when we cut expenditures first. This inflation is destroying the life savings of America. When we talk about so many people in poverty today some of my friends who have voted for all these giveaway programs and spendthrift programs should remind themselves of a fact they seem to have forgotten—that their policies have pauperized the aged of this country and those who have retired on fixed incomes.

So many people are in near poverty today because of the policy of preceding Democratic administrations in spending far beyond their income, creating inflation, and in lowering the value of the dollar. They have pauperized the American people, especially those people living on pensions, retirement income, and their saving accounts. Many individuals today are retired on what they thought 5 or 10 years ago was adequate, but today because of the decrease in the purchasing power of the dollar they are being forced to appeal to the Federal Government for assistance. That is the greatest crime in Washington. We have destroyed the purchasing value of the life savings of people, the savings for which they worked.

Mr. MURPHY. Is it not true that two things happened. We have been caught in a sort of pincer movement. For instance, the purchasing power of the dollar has been greatly decreased and at the same time the cost of living has increased, so that the difference is much greater than we generally consider. The average American is getting hurt both ways. Is that not correct?

Mr. WILLIAMS of Delaware. The Senator is correct. It is said around here today that the Republican Party does not have sympathy for the people and that the Republican Party does not want to cut taxes. It is well for us to review the record. The first income tax law was passed in 1914 or 1915 and it has been on the books since that time. During that time, going back to 1932, the exemption was $2,500 for a married couple and $1,000 for an individual. That was the year the Republican Party lost control of the Government.

Mr. MURPHY. What would that amount to in today's dollars?

Mr. WILLIAMS of Delaware. It would be at least double or more.

Mr. MURPHY. I thank the Senator.

Mr. WILLIAMS of Delaware. But that exemption was whittled down under the New Deal and the Fair Deal until in 1947 it was down to $500 and it was increased to $600 by the Republican 80th Congress, at that time over the veto of the Democratic President. Some of the same Senators who are speaking loudest today in favor of this increase in the exemption voted against that increased exemption 20 years ago.

On the other hand, since 1915 we have had 11 major tax reductions, and eight of those tax reductions were given to the American people under the Republican Party. On only three occasions has the Democratic Party ever decreased taxes and then it was at a time when they did not balance the budget. We have had 15 major tax increases and 13 of them were enacted by the Democratic Party; only twice were taxes increased by the Republican Party. I think it is necessary that the record be made clear.

We have a national debt today of $369 billion and over 95 percent of that debt was created under Democratic administrations in the 34 years they have had control of this Government since 1900. Less than 5 percent of our national debt was created during the 34 years while the Republican Party was in power. The Republican Party has been trying to hold the line and restore some degree of fiscal solvency to this country. We have an excellent record in that regard. Nevertheless because of the actions of Democratic administrations in the past, we today are paying about $17 billion a year in interest on the national debt.

Senators should also tell their constituents that about $16.5 billion a year, or over $1 billion a month, is required to pay interest on the debt created by the Democrats who now say so much about how they want to help the taxpayers. I wish some of their great speeches could carry over into their votes but, unfortunately, as in the matter of tax reform, we have had speeches—I have never heard so many speeches in my life—but there is so little enthusiasm when the time comes to vote.

Mr. President, we cannot have tax reform unless we eliminate some of the inequities in the law. I think it is time we face up to this matter. There is involved $720 million in the amendment, and other similar amendments are to follow.

Let us decide if we are going to have reform or just a lot of speeches and then water down the bill or sink it so that the President could not possibly sign it.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Mr. President, in the pending amendment, which is under the title of "Small Business Exemptions," the limitation is $20,000. That is very alluring. However, it is a fact in the first place that the small businesses making improvements are the small businesses that are making money. I am interested in small business as much as anyone else. I served for 7 years on the Committee on Small Business in this body.

It is well to talk about a poor farmer who needs a tractor, but I know of instances, not only in my State but also elsewhere, where, for instance, a res-

taurant doing business plans every year to use up enough money in changing the decor of the interior of the restaurant or the appearance of the entrance of the restaurant in order to get the tax advantage. I know of other instances where habitually this is done.

If this amendment is agreed to, is it not a fact that we can look forward with complete confidence to the possibility that it will be done by every business that is making money?

Every business that is making money will see to it that they get the full benefit of the $20,000, while the business which is struggling along will not be in a position to take advantage of it.

Is it not a fact also that the people who most deserve our consideration and who have received consideration under the bill which the committee brought in, are not so much those in business, but, rather, those on salaries, the taxpayers, the workers, and all those who have a fixed salary on which they live? In no way can they avail themselves of a loophole to spend money. Most of them are just getting by. In no way can they avail themselves of this provision.

Is that not the true picture of the amendment?

Mr. WILLIAMS of Delaware. It is, and that is the reason behind the committee action. This investment credit can be used only by a company which is prosperous. A company that is struggling along cannot take advantage of the provision.

There are many other ways to give help. One of the best ways would be to strengthen our economy to give some degree fiscal solvency to the country and to stop the inflationary spiral. Then we would have made a large step toward reducing the exorbitantly high interest rate which must be paid when the Government has to go into the money market and compete with private industry.

Mr. COTTON. I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOMINICK. Mr. President, I have been very interested in the remarks of the Senator from Delaware in his discussion with the Senator from California and the Senator from New Hampshire. I think the Senator has brought out an extremely important and pertinent point.

During the same time I started studying in a little more detail the amendment of the Senator from Indiana. It is called a small business exemption. As I read it I do not find any definition of small business in it.

Sitting, as I do, as the second ranking member on the Subcommittee on Small Business, I would like to know if there is some particular group to which this would apply.

Mr. WILLIAMS of Delaware. No; this would apply to everyone. The title "Small Business" is used only to make it sound more appealing. Actually General Motors could get the exemption also.

Mr. DOMINICK. What it means is that any company could get the tax credit on an investment of up to $20,000.

Mr. WILLIAMS of Delaware. The Senator is correct. They just refer to small business to make it sound better.

Mr. DOMINICK. The Senator indicated earlier in the debate how much revenue loss this would amount to. I did not hear that figure.

Mr. WILLIAMS of Delaware. $720 million a year.

Mr. DOMINICK. $720 million a year from this one exemption?

Mr. WILLIAMS of Delaware. Yes. We have already, by the preceding vote, lost $6,100 million beyond the committee bill in the next 2 years, and this would add an additional $1.4 billion to that loss, which would mean a $7½ billion total loss. As I said earlier, those who want to defeat the bill should just keep this up, because this is the way to do it. When they go back home and tell their constituents that they voted for tax reduction and tax relief and tax reform, that will all sound nice; but they know that we will end up with nothing.

Mr. DOMINICK. Can the Senator give me an indication whether there is anything in the bill now which is of assistance to new schools of business?

Mr. WILLIAMS of Delaware. Nothing specifically, except as the owners of the business would get the benefit of the reduced rates that would gradually go into effect.

Mr. DOMINICK. So there are reduced rates for business as they go along?

Mr. WILLIAMS of Delaware. Not for the businesses themselves if they are corporations, but for the individual owners of the business.

Mr. DOMINICK. I thank the Senator for yielding to me. As the Senator said, this does have a kind of attractive title to it until one reads it he thinks it is designed to do something for them. Heaven knows, small business companies need help in many places. They would not get it under this. It does not apply to them, anyway.

Mr. WILLIAMS of Delaware. All these tax reduction proposals are attractive if one has the money to do it.

Mr. President, I yield the floor.

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from South Dakota (Mr. McGOVERN) be added as a cosponsor of of my amendment No. 326.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CONSIDERATION FOR FARMERS AND SMALL BUSINESS

Mr. McGOVERN. Mr. President, for some time I have had an amendment pending, with the cosponsorship of Senators BURDICK, NELSON, MONDALE, BAYH, CHURCH, METCALF, and YOUNG of Ohio, which would retain the investment tax credit for investments up to $20,000. I, therefore, support the similar amendment now offered by Senator HARTKE. The $20,000 figure is the same level that was set in 1966 when the credit was temporarily suspended. This proposal is designed to protect the farmer and small businessman.

Mr. President, I fully agree that repeal of the investment tax credit is an appropriate place to start in efforts to counter the severe inflationary pressures plaguing the country.

The credit was created in order to stimulate capital investment in the early 1960's, a period when we sorely needed expansion in the industrial base. It has been effective. American business since has spent some $400 billion on capital goods.

But we no longer require such stimulation, particularly in the case of giant industry. On the contrary, the capital goods sector is the area where inflationary pressures are most acute. The anti-inflationary effect of each dollar removed from this sector of the economy will, according to the testimony of the chairman of the Council of Economic Advisers before the House Ways and Means Committee, be even greater than the effect of each dollar removed from circulation by the surtax.

I am convinced, however, that the broad brush approach, or total repeal, is highly undesirable under present circumstances. I think we can write tax laws with enough precision to insure that they will not work contrary to other national policies. Repeal of the investment tax credit without some provision for small businessmen and farmers would, for these two important groups, deny the very motivation which underlies the administration's proposal. It will exacerbate the squeeze on a large number of those who have suffered most from rising prices and tight money. It will attack victim and villain alike with the same blow.

The chairman of the Select Committee on Small Business, Mr. BIBLE, recently described the "triple credit squeeze" facing small businessmen. The unprecedented rise in interest rates which has occurred in recent years and has accelerated since December creates the most oppressive burden upon those least able to pay. On top of this, the executive branch reduced the fiscal 1969 business loan program of the Small Business Administration by some 58 percent, further restricting access to capital. Addition of a third in the tax area—elimination of the investment tax credit—could force economic ruination in thousands of cases, all in the name of inflation control.

It is also pertinent to note in this connection that on March 5 of this year President Nixon established, in the Department of Commerce, an Office of Minority Business Enterprise, aimed at expanding business ownership by minority groups. He said that:

> Black, Mexican-American, Puerto Ricans, Indians and others must be increasingly encouraged to enter the field of business, both in the areas where they now live and in the larger commercial community, and not only as workers, but also as managers and owners.

Quite frankly, I confess a great degree of skepticism about the prospects that this approach will go very far toward healing the deep economic, social and philosophical divisions which exist between black and white Americans. Perhaps it can help.

But I become skeptical as well about the extent of the commitment to this approach when the investment tax credit repeal comes up without any apparent consideration of the fact that it can make the growth of new enterprise substantially more difficult.

If the situation today is acute for

small business, it is just as critical for agriculture. Inflation has driven the necessities of efficient food and fiber output to unparalleled levels. An implement dealer from my State told me recently, in fact, that an austere version of one harvester costs some $21,500, some five times as great as a few years ago. Production expenses rose by about $1 billion in 1968, and prices paid for implements, interest, taxes and farm labor were 3 percent higher than in the previous year. Farm liabilities excluding claims of the Commodity Credit Corporation went up $4.1 billion in calendar 1968, and a large share of that debt was incurred to offset operating losses. The cost of sustaining the debt are astounding, with interest rates—when money can be obtained—standing at confiscatory levels.

The most recent statistical summary from the Department of Agriculture confirms that the cost pressure has not abated during the past year. The index of prices paid by farmers for commodities used in production had, by October, risen thirteen points over last year's average.

Meanwhile the prices farmers receive have remained relatively constant or have fallen, lagging further and further behind the cost of living and the cost of producing. For crops, the index of prices received is down 12 points from the 1968 average. For livestock the index is up over last year, but it has already started to decline, with meat animals down fully 21 points since August. The downturn in the livestock cycle assures that the cost-price squeeze—with intolerable interest rates, mounting production costs, and dismal price prospects—will score massive new gains in its efforts to smother family farm agriculture in this country. Elimination of the investment tax credit in the case of family farmers will hasten the process, ending the economic viability of many existing farms and accelerating the migration from rural America to cities which have neither the resources nor the room to serve more people.

Mr. President, over the past several decades our agricultural programs have spelled out a firm national preference for efficient family farm agriculture. We have been concerned about the rapid decline in farm numbers and by the prospect that our food and fiber supply will eventually be under the control of a few large producers.

At the same time, we have evolved a policy, declared in the Small Business Act of 1953, calling upon Government to aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise.

I believe these twin policies remain entirely valid, and that they supply ample reason for maintaining the investment tax credit up to $20,000. We should continue to reject the view that bigness is either naturally desirable or inevitable, and we should continue to embrace the concept that entrepreneurship should be widely dispersed and readily accessible.

The revenue cost of continuing the credit up to $20,000 would be modest. The effects of eliminating it could be extremely damaging.

I urge the Senate to act favorably on this amendment.

INVESTMENT TAX CREDIT SHOULD BE PRESERVED FOR SMALL BUSINESS

Mr. SPARKMAN. Mr. President, this year's debate constitutes the third full-dress congressional consideration of the investment tax credit. It was enacted in 1966, and temporarily suspended, with an exemption for small business at the $20,000 level. At that time, the Senate actually voted to continue the credit at $25,000, but the lower figure emerged from the conference with the House.

The reasons which made this legislation sound policy in 1962 and 1966 carry even more force in 1969.

BALANCE OF PAYMENTS ISSUES

Congress adopted the investment tax credit because every other industrialized nation possessed an investment incentive device, and every one of our major competitors was modernizing its plants and equipment at a more rapid rate than the United States. In the words of then Treasury Secretary Dillon:

> Machinery and equipment expenditures—the type of business capital expenditure which is basic to the creation of new products and which also makes the most direct contribution to cost-cutting, productivity, and efficiency—constitute a smaller percentage of (GNP) in the United States than in any major industrial nation in the world.[1]

Since other Western nations already employed both accelerated depreciation and investment incentives, Secretary Dillon made the point that administrative modernization of depreciation—alone—simply cannot do the job, the combination of both—this—and a special incentive such as the investment credit is needed if U.S. business firms are to be placed on a substantially equal footing with their foreign competitors.[2] As a result of the thorough study incident to the passage of the Revenue Act of 1962, the Treasury Department was able to inform the Congress that:

> We have chosen the credit primarily because it increases the profitability of investment *more per dollar of revenue cost* than any of the other alternatives.[3] (Italic supplied.)

Now, after 5 years, we are able to conclude that this analysis was correct. The investment tax credit has, in fact, resulted in an improvement of the competitive position of American industry in international trade. For instance, between 1957 and 1962 the U.S. share of manufactured products declined from 28.7 to 22.8 percent of the world total, a percentage decline of 22.3 percent. In the 5 years following the enactment of the investment credit, the decline was slowed to 10 percent, or less than half of the preceding rate.[4]

It has been a matter of concern to me that the U.S. balance of payments has continued to deteriorate. Our trade surplus has declined steadily from the peak of $6.7 billion in 1964 to a mere $100 million in 1968.[5] These figures, together with the downturn in agricultural exports,[6] present many of the hallmarks of a long-term and worrisome trend.

As a result, the Commerce Department has recommended that the investment credit be increased, perhaps to 14 percent, in export industries.[7]

If, on the contrary, the credit is eliminated, it will add still another Government-imposed disadvantage for sensitive American companies. These firms are already faced with the imposition and remission of foreign border and value-added taxes when they are making their decisions on whether to locate plants, make investments, and create jobs inside or outside the United States. I have no doubt that outright repeal of the investment credit will cost the U.S. balance of payments dearly.

It therefore seems to me, that at least a partial preservation of the investment credit is in order, to carry forward the objectives of this legislation, which have begun to prove their worth.

For that reason, I offered amendments earlier this year—amendment No. 71 to H.R. 12290 and amendment No. 258 to H.R. 13270—to continue the investment credit at the $150,000 level of investment. This would approximate the amount of credit actually claimed in the manufacturing segment of our economy, and would, in addition to preserving our international competitive position, leave some elbow room for small and new companies to come into manufacturing and grow into maturity. My testimony to the Finance Committee and statements on the Senate floor on this subject did not convince the committee to adopt this proposal.[8]

THE QUESTION OF INFLATION

It has been argued, because of the so-called "capital investment boom," that the investment credit should be abolished on the grounds that it is contributing to inflation. I believe we all agree that it is necessary to break the back of inflation, which is already exerting tremendous pressure against small businessmen, local governments, and housing industry.

There is some doubt, however, that across-the-board repeal of the investment credit in a tax bill is an appropriate means to that end. One serious study at least has concluded that it is not.[9] At present, the investment credit repeal is being relied on for about one-half the revenue gain in this bill—I question whether this one provision should be carrying this proposition of the revenue burden.

As far back as 1966, the House Ways and Means Committee concluded that:

> The pressure for loans to finance significant increases in plant and equipment spending stems largely from the Nation's larger business organizations. The [small business—$15,000] exemption will be a negligible factor in the investment decisions of such organizations. It will not be negligible, however, to small business enterprises, many of which presently have difficulty raising funds because of existing monetary restrictions.[10]

A further analysis reveals that, in 1965, the 377 largest companies, with income over $10 million, account for more than half of all the investment credit claimed by corporations.[11] Furthermore, Federal reserve data confirms the findings of the

Footnotes at end of article.

Ways and Means Committee, in that more than half the business loan borrowing takes place in amounts of more than $1 million.

It is therefore clear that the borrowing and spending on capital equipment which count as inflationary factors are highly concentrated among the Nation's biggest businesses. Some press reports have speculated that perhaps as few as 50 or 60 large corporations are responsible for the lion share of this activity. The amounts attributable to really small business are not very significant.

It thus seems to me that this state of affairs could be dealt with without reaching down to further disadvantage the overwhelming majority of corporations, partnerships, and proprietorships, and farms, which are small business.

CREDIT SQUEEZE WORST ON SMALL BUSINESS

To me, however, the basic question here is one of tax justice.

As the distinguished chairman of the Select Committee on Small Business (Mr. BIBLE) and the diligent Senator from South Dakota (Mr. MCGOVERN) have been emphasizing all this year, small firms and farmers, as always, are bearing the brunt of tight money and the fight against inflation.

Interest rates are setting historical records.[12] Bank reserves and deposits have declined substantially, and the growth of the money supply slowed to an annual rate of 1 percent in the third quarter of this year.[13] There are increasing indications that credit rationing is taking place.[14]

Small businesses are now compelled to pay well above the prime rate of interest for loans, and for some purposes such as new meat packing plants required by the Wholesome Meat Act—which involve single-purpose facilities—they may find funds unavailable at any rate of interest.[15]

There are really two different kinds of business in this country. The local, family, and independent small businesses simply cannot compete for credit with the great established national and international corporations.

Furthermore, when the small firm turns to the Small Business Administration as a last resort, he finds that the business loan program has been cut back almost 60 percent from 1968 levels.

Furthermore, because the effects of tight money are cumulative, there is the danger that the squeeze and, therefore, the injury to our small business community will be worse in 1970.

CONCLUSION

Mr. President, the Congress recognized a situation very similar to what we face today when they continued the investment credit for small firms during the 1966 suspension. It appears that credit conditions currently and in the immediate future may even be worse than those in 1966.

Accordingly, it will be an act of tax equity, as well as a help to our international balance-of-payments position, to preserve a portion of the investment credit for truly small firms. I hope that the Senate will act favorably on the amendment which will accomplish this result.

FOOTNOTES

[1] "Revenue Act of 1962" Hearings before the Committee on Finance, U.S. Senate, April 2, 1962, p. 79.

[2] Finance Committee Hearings, p. 83.

[3] Hearings, p. 85.

[4] *The Competitive Position of U.S. Exports,* National Industrial Conference Board, Study No. 101, (1968), p. 9.

[5] See *Statistical Abstract of the United States, 1968,* and *Survey of Current Business,* U.S. Dept. of Commerce, March 1969, pp. 24 and 25.

[6] "Decline in Farm Exports, etc." Remarks on Senate floor by Sen. Sparkman, Oct. 8, 1969, CONGRESSIONAL RECORD, p. 29139.

[7] "U.S. Foreign Trade, A Five Year Outlook," U.S. Dept. of Commerce, April 1969, Recommendation 1.3, p. 76.

[8] Statement of Senator Sparkman to the Comm. of Finance, Hearings on "Proposed Extension of the Surcharge and Repeal of the Investment Tax Credit," July 15, 1969, p. 375; remarks on the Senate floor of June 12 ("The Investment Tax Credit—Its Relation to the Balance of Payments and Small Business") July 14 (Introduction of Amend. 71) and July 31 (Remarks during debate).

[9] See "The Investment Credit as an Economic Control Device," *Capital Goods Revenue,* Machinery and Allied Products Institute, Sept. 1966.

[10] House Rept. 2087, 89th Cong. 2d Sess., to accompany H.R. 17607, p. 16.

[11] Finance Committee Hearings, July 15, 1969, pp. 376 and 454.

[12] "Rates Set Marks in Credit Markets," *New York Times,* Nov. 20, 1969, p. 69: 4.

[13] "Financial Developments in the Third Quarter of 1969," Federal Reserve Bulletin, Nov. 1969, lead article, p. 867.

[14] "Bankers Concede Rates Rising," *The Washington Post,* Nov. 20, 1969, financial page; "Comments on Credit," Solomon Bros. and Hutzler Nov. 28, 1969, p. 2.

[15] See hearings before the Small Business Subcommittee, Senate Banking and Currency Committee, on Small Business legislation, July 8–11, 1969.

Mr. MCGEE. Mr. President, I strongly support and urge passage today of this amendment to exempt small businessmen, ranchers, and farmers from the repeal of the 7-percent investment tax credit. This exemption is limited in its scope, but will do a great deal to preserve the private initiative which is so traditional in our free enterprise system in this country. The small businessman is the backbone of our economic society and this legislation will be a major step to halt the high number of small business failures and the dwindling number of our citizens who remain on ranches and farms.

I am pleased to have joined with the senior Senator from Indiana in the cosponsorship of this amendment and join with him in pointing out that the revenue lost to the Treasury would be minimal when compared to the countless thousands of small firms that would benefit.

The small businessmen, ranchers, and farmers in this country will be caught in a triple squeeze if this amendment fails to pass. Presently, the private money market's interest rates are at record levels. Operating capital is becoming more difficult to obtain in competition with the huge national corporations in this country. The repeal of the investment credit would thus be a third pressure to fall upon the small businessman this year.

This is especially critical to the small firms, farmers, and ranchers who are unable to control the prices which they receive for their services and products as many of the large and powerful corporations do in our complex economy.

I, therefore, urge passage of this amendment to grant much needed financial relief and incentives to this area of our economy.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment (No. 326) of the Senator from Indiana (Mr. HARTKE).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Alaska (Mr. GRAVEL), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. JORDAN), and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS) would each vote "nay."

The result was announced—yeas 48, nays 41, as follows:

[No. 167 Leg.]

YEAS—48

Allen	Hughes	Montoya
Bible	Inouye	Moss
Burdick	Jackson	Nelson
Byrd, W. Va.	Javits	Pastore
Cannon	Jordan, N.C.	Pearson
Church	Kennedy	Proxmire
Cook	Magnuson	Randolph
Cranston	Mansfield	Smith, Ill.
Dodd	McCarthy	Sparkman
Eastland	McClellan	Stennis
Ervin	McGee	Stevens
Fong	McGovern	Tydings
Goodell	McIntyre	Williams, N.J.
Hart	Metcalf	Yarborough
Hartke	Miller	Young, N. Dak.
Hatfield	Mondale	Young, Ohio

NAYS—41

Aiken	Ellender	Pell
Allott	Fannin	Percy
Baker	Gore	Prouty
Bennett	Griffin	Ribicoff
Boggs	Gurney	Saxbe
Brooke	Hansen	Schweiker
Byrd, Va.	Harris	Scott
Case	Holland	Smith, Maine
Cooper	Hollings	Spong
Cotton	Hruska	Talmadge
Curtis	Long	Thurmond
Dole	Murphy	Tower
Dominick	Muskie	Williams, Del.
Eagleton	Packwood	

NOT VOTING—11

Anderson	Goldwater	Mundt
Bayh	Gravel	Russell
Bellmon	Jordan, Idaho	Symington
Fulbright	Mathias	

So Mr. HARTKE's amendment was agreed to.

Mr. HARTKE. I move to reconsider the vote by which the amendment was agreed to.

Mr. McINTYRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(The following colloquy which occurred subsequently, is printed in the RECORD at this point by unanimous consent.)

Mr. BIBLE. Mr. President, a short time ago the Senate voted to agree to a small business amendment offered by the Senator from Indiana (Mr. HARTKE). I believe the vote was 48 to 41, or in that range.

This amendment will be highly reassuring to the distressed small business community. Those of us who work on the Small Business Committee have been having regular hearings, attempting to see how we could be of most help to small business. We were aware, of course, of the proposal to terminate the investment tax credit. One of the areas that we recognized as essential for small business welfare was the preservation of the tax credit for truly small enterprises. A number of amendments very similar to that offered, called up, and guided through passage by the Senator from Indiana have been pending at the desk, including one by the Senator from Alabama (Mr. SPARKMAN), one by the Senator from South Dakota (Mr. McGOVERN), and others. There was also a combined amendment on behalf of myself and the Senator from North Dakota (Mr. BURDICK), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Alabama (Mr. SPARKMAN), and also the Senator from Indiana (Mr. HARTKE). There may well have been other amendments in the same general field.

Mr. President, if the Hartke amendment had not won approval, I was prepared to call up this jointly sponsored amendment.

This amendment, which I call to the attention of our Senate conferees should they find it helpful in their deliberations, would preserve the 7 percent investment tax credit for truly small businesses and farmers up to a level of $20,000 of investment. It would limit the benefit of the credit to those businesses whose taxable income does not exceed $250,000 a year. Its purpose was to make doubly sure that this tax credit will be restricted to the genuinely small business enterprises that so sorely need this kind of assistance.

The cost of this amendment has been estimated generally at from between $620 and $720 million by the Joint Committee.

The $20,000 level of investment figure is not new to the Congress. When the investment tax credit was suspended in 1966, the Senate approved the retention of a credit for up to $25,000 of investment, but in the Senate-House conference on the legislation the figure was reduced to $20,000 in the bill as finally approved.

So this amendment would not have plowed new ground. Over the years the Congress has recognized the importance of this kind of tax incentive for the small businesss community. This amendment merely asked that the Congress reaffirm its long-standing interest in and concern for the special problems of small businessmen.

The only difference between the Hartke amendment and the amendment that we offered jointly is that the joint amendment places a ceiling on the measurement of what is a small business. We specified that small businesses were those businesses in which the taxable income was not in excess of $250,000. It seems to me that that would conform more with the general feeling of bringing it within the range of a small business.

In checking the cost figures with the very able members of the staffs of both the Committee on Finance and the joint committee, I was amazed to find that they indicated to me that the cost of the amendment that put the ceiling at $250,000 would be approximately $680 million. The amendment of the Senator from Indiana would cost somewhere in the range of $720 million, or only an additional $40 million in revenue. I had honestly felt that there would be a greater differential if we lowered the ceiling to the $250,000 figure. But in studying the matter, I was advised that that was not a correct conclusion, and that there was very little difference in the total amount of revenue affected by one amendment as compared to the other.

I supported the Hartke amendment. I am delighted that it did become a part of this bill, by a rather substantial vote. I recognize that the distinguished chairman of the Committee on Finance must still go to conference, and I hope that something can there be done in this area of helping the small businessman. Our hearings held throughout the course of this congressional year have made abundantly clear the distressed condition of the small businessman in obtaining money and credit, and that he was very badly hurt by a freeze which froze $170 million that was appropriated for direct and participating loans of the Small Business Administration. That money reverted on July 1 of this year, so it is no longer available for those purposes.

I am still hopeful that the administration will make money available for these loans. We found out, in our study, that such direct business loans have worked out very well, as have the participating loans. The percentage of loss in each instance is very small—something in the range of 2 to 3 percent. So this is another area where we hope we can be of help to the small business community.

The Hartke amendment, which has now been agreed to and made a part of the pending bill, does offer some additional help. I offer by way of suggestion to the chairman of the Committee on Finance the possibility that some limitation may be appealing as he goes to conference. I realize there are many problem areas in a tax bill of this magnitude and this complexity.

I think it should be recognized that the $20,000 level for the investment credit is certainly not new to Congress. When the investment credit was suspended by Congress in 1966 an exception was made in the case of the small business investor, and at that time the figure coming out of the Senate-House conference was agreed upon as $20,000.

Mr. President, the 91st Congress has done a monumental job initiating this historic tax reform program and bringing it now to the threshold of enactment. I believe that the leadership in both Houses, together with the chairmen of the tax-writing committees, Representative MILLS, of Arkansas, and Senator LONG, of Louisiana, have earned the commendation of this body and the thanks of the country for the job they have done.

As chairman of the Select Committee on Small Business, however, I felt obliged earlier this week to draw a small business amendment because neither the tax reform bill passed by the House nor the Finance Committee's recommendations had provided adequately for the Nation's small business community.

Our efforts to curb abuses of the Internal Revenue Code, plug its loopholes and fight inflation had created, before adoption of the Hartke amendment an unintended overkill against small business.

From the small business point of view, H.R. 13270, as it came from the Finance Committee, not only declined to extend further tax relief to small business, it also eliminated two existing provisions of the law which were originally enacted as tax reforms, were preserved over the years by the Congress, and which presently provide some measure of equity for the small entrepreneur in our increasingly complex and competitive economy.

Unless these actions had been modified on the Senate floor, the label of "tax reform" would have had a hollow ring for the 5½ million hard-working, risk-taking, taxpaying small business owners.

Small business is the heart of our American free enterprise system. It is the corner grocery. The small restaurant. The small machine shop and factory. The independent hardware and drygoods store. The small building trades contractor, and the myriad small and family-owned service establishments that line the streets of every community in the Nation. Small business is the opportunity and challenge of the average citizen to find independence and a place for himself in the commercial mainstream.

And it has properly been our consistent national policy for many years to promote and foster small independent enterprise.

Repeal of the tax credit had been recommended by the Nixon administration as a necessary anti-inflationary measure—a measure to cool down our overheated economy. I am pleased that the Senate has moved affirmatively to assist small business in precisely this context.

First, it is critically important to recognize that small business is already hard pressed by the present inflation, and is bearing the brunt of the Government's efforts to combat the inflation. Throughout this year it has become increasingly apparent that the various types of Government financial restraints and the gathering business slowdown have borne very heavily on small business.

Interest rates in the private money markets are setting records every week. As I pointed out in a floor statement on June 25 of this year, the credit problems of small business firms are becoming increasingly acute. The business loan program of the Small Business Administration was cut back 58½ percent for fiscal year 1969, and has been set at the reduced level for the current fiscal year.

A recent survey of 80,000 small businessmen throughout the fifty States by the National Federation of Independent Business confirms that—when they can get financing at all—many small business enterprises must pay interest rates that are scaled upward from the prime interest rate. In some cases as much as 11 or 12 percent.

Only about one-half of these same small firms reported sales increases over 1968, and according to the study more than three-quarters of them face increased labor, material, and other costs in 1969.

Nearly one-half—46 percent—of the firms involved found themselves unable to add to their capital investment in 1969.

A combination of forces: Record interest rates, intensifying stringency in the private money markets, and the drastic curtailment of Small Business Administration lending programs is creating very serious financial pressures on our smaller and independent businesses. Under these circumstances, small firms which would ordinarily survive may be forced out of business. Others will be less successful than they would otherwise be. Some will experience reverses that may take years to overcome.

As I pointed out in my remarks last June, the system of free enterprise itself—ease of entry into business, competition, and the growth of businesses supplying new products and services—is in danger of being impaired.

Unless we pay careful attention to the needs of small enterprise, and understand the damage ill-considered changes in the tax laws may do, we not only limit the opportunities for our people, but we may find ourselves counting the wreckage of small businesses that are already struggling against inflation.

Repeal of the investment tax credit was offered as an effective way to curb inflation. At the same time, the effect of an outright repeal would be to further injure a small business community already victimized by inflation. It seems to me that this feature of the tax bill should be tailored so as to take account of small business problems, with very little impact on its anti-inflationary objective.

The fact is that small business has accounted for a very minor portion of the inflationary pressures associated with the investment tax credit. The bulk of the pressures have been generated by big business. According to calculations based upon Internal Revenue Service figures for 1965, altogether the overwhelming majority of small firms—those with less than $25,000 of taxable income—accounted for only 10.1 percent of the tax credit. Firms in the $25,000 to $250,000 category accounted for only 9.4 percent.

In contrast, the 377 largest companies—those with taxable incomes over $10 million—accounted for more than one-half of the total corporate credit. Firms in the $1 million to $10 million category accounted for almost 20 percent. The large business firms account for almost three-quarters of the total corporate tax credit.

Mr. President, from this kind of evidence there is no question in my mind that preserving an investment tax credit for small businesses would have little or no inflationary consequences. This is corroborated by examination of the picture of commercial lending. According to Federal Reserve Bulletin for June 1969, the percentage of bank loans accounted for by the largest loans—over $1 million—is 54.6 percent, a figure almost identical to big business' share of the investment tax credit. The small business activity, on the other hand, as measured by loans under $100,000, accounted for 82 percent of the number of loans, but only 12½ percent of the number of dollars. In this connection, it was interesting to note the press reports of a bankers' meeting held here in Washington last Spring which suggested that as few as 50 or 60 of the largest corporations were exerting the bulk of the inflationary pressures on the economy by their borrowing and investing policies.

I think it is clear, Mr. President, that the great number of small firms across this country have not been the moving force in the inflation attributed to the investment tax credit. The bulk of the pressures have come from big business. As I have said, small businesses have not bred inflation. Rather, they have been its victims.

May I commend to the Senate conferees on this tax bill that because the spending and borrowing—the inflationary pressures—are largely concentrated in the Nation's largest corporations, an investment tax credit can and should be preserved for the vast majority of the truly small, family owned, and independent businesses where financial assistance is needed. This can be accomplished at a small cost in tax revenue, and with very large benefits to the economy and our national small business policy.

The investment tax credit is particularly important to small enterprises because we know that local, family and independent business simply cannot compete in the money markets for capital against giant national and multinational corporations. They must accept less favorable terms if they can obtain the money at all. Thus, small business must rely even more heavily on its internally retained earnings for working and growth funds. Figures compiled by the Federal Reserve System each month show graphically that small firms pay interest rates scaled upward a point or more above the prime rate. We are now beginning to see definite indications from leading bankers that, under the present tightened money market conditions, credit rationing is taking place. This means that small firms will have increasing difficulty obtaining needed loans in 1970.

The vital importance of the investment credit mechanism is that it allows these firms to keep more of the money which they have already earned, and makes them less dependent on outside sources of capital.

Mr. President, it bears repeating that the 5½ million small business enterprises are the backbone of many communities and of the Nation's free enterprise system. They are a major factor in employment, growth, anti-inflationary price competition, and rural-urban balance.

For these reasons, it has been the declared objective of the Congress over many years, and by way of many pieces of legislation, to encourage and foster the development of small business. It seems to me that in acting on this historic tax reform legislation the Senate must be especially careful to advance this policy and not undermine it.

The need to support and encourage small business has not diminished over the years. If anything, it is greater than ever. I dare say we all want tax reform, but in an attempt to reform tax abuses by big business we ought to be extremely careful to avoid action that will needlessly damage small business.

I simply wanted to make these observations, and say that I think the action of the Senate this afternoon is a step forward in trying to help the small business community.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Nevada, who has just spoken, is, of course, the chairman of the Small Business Committee. As its ranking member, I should like to associate myself with the remarks the chairman has made. I, too, have tried to hold the line in respect to making this not a tax reduction, but rather a tax reform bill.

However, one of the items which would repeal an existing tax exemption which relates to taxes, not reform, is the equipment tax credit; and therefore I did not feel that it was invading that principle to endeavor to preserve for small business some opportunity to modernize, the need for which is deeply inherent in its particular situation.

Mr. President, in the same connection, again directed toward the same objective, if the Senator will permit me——

Mr. BIBLE. Oh, certainly.

Mr. JAVITS. To do something of an original and affirmative character, I have prepared an amendment to phase out the investment tax credit for everyone, conditioned upon the promulgation of new depreciation schedules by the Treasury Department which would coincide with the need for modern standardization and technology. This is infinitely more important to the competitive quality of American business at home and abroad than the investment tax credit, and is so generally recognized.

The Treasury has grave problems with this proposition. The best they have been able to do is to make available by June 30, 1970, a study of various alternative proposals for depreciation reform and the estimated revenue effect thereof. After consultation with the Senator from Louisiana (Mr. LONG) and the Senator from Delaware (Mr. WILLIAMS), I felt that I should go along with that. They assured me that it will work out better that way. And I think they are right.

Knowing that the committee itself, as expressed to me by the majority and minority members, is very deeply interested and sees very clearly the aspect of this matter which has so great a bearing on the American business system, I am satisfied that this is the proper route, to get the alternatives. Then, taking common consultation with the committee, I think that we can get the Treasury Department to go one of these alternative routes which will do for American business what it so urgently needs at the present time—both for small and big business. The idea of having an opportunity under revised depreciation schedules to modernize and automate is probably one of the greatest real elements of the strength of our country which, in the final analysis, no matter what is said about inflation, money, or fiscal policy, depends upon its industrial and productive strength.

I am sure the chairman will agree with me.

Mr. President, I ask unanimous consent that the letter from Charles E. Walker, the Acting Secretary be printed in the RECORD as part of my remarks in connection with the discussion with my friend, the Senator from Nebraska.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 25, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This will confirm that the Treasury Department will make available to you by June 30, 1970, a study of various alternative proposals for depreciation reform and the estimated revenue effect thereof.

Sincerely,

CHARLES E. WALKER,
Acting Secretary.

Mr. BIBLE. Mr. President, I yield now to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I thank my good friend, the Senator from Nevada. I am pleased to place myself in the same company with the distinguished Senator from Nevada.

I had come to the floor prepared to support the amendment of the Senator from Nevada and the Senator from Alabama (Mr. SPARKMAN) in the area of small business concerns.

The success of the Hartke amendment has been very heartwarming.

I associate myself with the remarks of the Senator from Nevada which were addressed to the chairman of the committee.

Mr. McINTYRE. Mr. President, in 1966 inflationary pressures compelled the Congress to eliminate the investment tax credit which it had initially enacted in 1962. It saw fit at that time, however, to retain the credit as it affected the small businesses of this Nation. I hope the Congress will see fit to act in a similar manner in meeting the present inflationary spiral. For the considerations underlying its earlier decision have, if anything, attained greater significance with the subsequent passage of time.

The events of the past year have demonstrated once again that the small businessman is one of the major victims of any inflationary period. Unable to rely on internally generated funds to as great an extent as his larger counterpart, he is driven more quickly to the capital markets where interest rates are now at their highest levels in modern history. And once in the capital markets, he is more likely than his larger counterpart to be cut off when the availability of credit becomes tight.

Moreover, the small businessman is being victimized also by the cutback in Federal spending brought on at the outset of inflation. He has been greatly damaged this year by the Budget Bureau's 58½-percent cutback in congressionally approved SBA loan funds.

Many small businesses would be severely damaged if they were forced to absorb, on top of these other jolts, a repeal of the investment tax credit.

Such a blow would be the more unfortunate because it is so clearly unmerited. There is increasing evidence that the capital investment and borrowing policies which have contributed most to the current round of inflation have been those of our largest corporations. These corporate giants have accounted for the great bulk of the increased investment and borrowings which have led us to our current state.

Finally, continuity of the investment tax credit would bring long-range benefits to small firms and hence to our entire economy. It would facilitate the planning by these firms of their introduction of cost-cutting machinery. The only possible result would be a distinct improvement in our still suffering balance of payments.

Mr. President, on grounds of equity and fair play, as well as because of the long-range benefits for our economy, I urge retention of the investment tax credit as it affects the small businessman of America.

(This marks the end of the colloquy which was ordered to be printed in the RECORD at this point.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 18 to the bill and concurred therein; and that the House insisted on its disagreement to the amendment of the Senate numbered 5 to the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1728. An act for the relief of Capt. Norman W. Stanley;

H.R. 2241. An act for the relief of John T. Anderson;

H.R. 2481. An act for the relief of Cmdr. John W. McCord;

H.R. 3571. An act for the relief of Miloye M. Sokitch;

HR. 7830. An act for the relief of James Howard Giffin;

H.R. 9092. An act for the relief of Thomas J. Condon;

H.R. 10662. An act for the relief of Walter L. Parker; and

H.R. 12622. An act for the relief of Russell L. Chandler.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 564. An act for the relief of Mrs. Irene G. Queja;

S. 2019. An act for the relief of Dug Foo Wong; and

S. 2185. An act to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1728. An act for the relief of Capt. Norman W. Stanley;

H.R. 2241. An act for the relief of John T. Anderson;

H.R. 2481. An act for the relief of Comdr. John W. McCord;

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 7830. An act for the relief of James Howard Giffin;

H.R. 9092. An act for the relief of Thomas J. Condon;

H.R. 10662. An act for the relief of Walter L. Packer; and

H.R. 12622. An act for the relief of Russell L. Chandler.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

AMENDMENT NO. 328

Mr. PROXMIRE. Mr. President, I call up my amendment No. 328, to disallow certain foreign tax credits allowed to the oil industry as a result of preferences in our tax laws, and ask unanimous consent that the amendment be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Proxmire's amendment (No. 328) is as follows:

On page 350, line 23, insert the following:

"SEC. 508. FOREIGN TAX CREDIT WITH RESPECT TO CERTAIN FOREIGN MINERAL INCOME.

"(a) LIMITATION ON AMOUNT OF FOREIGN TAXES ALLOWED.—Section 901 (relating to taxes of foreign countries and possessions of the United States) is amended—

"(1) by redesignating subsection (e) as subsection (f), and

"(2) by inserting after subsection (d) the following new subsection:

"'(e) FOREIGN TAXES ON MINERAL INCOME.—

"'(1) REDUCTION IN AMOUNT ALLOWED.—Notwithstanding subsection (b), the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession, which would (but for this paragraph) be allowed under such subsection shall be reduced by the amount (if any) by which—

"'(A) the amount of such taxes (or, if smaller, the amount of the tax which would be computed under this chapter with respect to such income determined without the deduction allowed under section 613), exceeds

"'(B) the amount of the tax computed under this chapter with respect to such income.

"'(2) FOREIGN MINERAL INCOME DEFINED.—For purposes of paragraph (1), the term "foreign mineral income" means taxable income from mines, wells, and other natural deposits within any foreign country or possession of the United States, to the extent such taxable income constitutes taxable income from the property within the meaning of section 613. Such term includes, but is not limited to—

"'(A) dividends received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income, and

"'(B) that portion of the taxpayer's distributive share of the income of partnerships attributable to foreign mineral income.'

"(b) ELECTION OF OVERALL LIMITATION.—Section 904(b) (relating to election of overall limitation) is amended—

"(1) by striking out 'with the consent of the Secretary or his delegate with respect to any taxable year' in paragraph (1) and inserting in lieu thereof '(A) with the consent of the Secretary or his delegate with respect to any taxable year or (B) for the taxpayer's first taxable year beginning after December 31, 1969', and

"(2) by striking out 'If a taxpayer' in paragraph (2) and inserting in lieu thereof 'Except in a case to which paragraph (1)(B) applies, if the taxpayer'.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1969.

"SEC. 509. FOREIGN TAX CREDIT REDUCTION IN CASE OF FOREIGN LOSSES

"(a) REDUCTION IN FOREIGN TAX CREDIT LIMITATION.—Section 904(a) (relating to alternative limitations on foreign tax credit) is amended by adding at the end thereof the following new paragraph:

"'(3) REDUCTION IN LIMITATION.—

"'(A) DEDUCTION OF FOREIGN LOSSES.—In determining under paragraph (1) or (2) the taxable income for the taxable year from sources within a foreign country or possession of the United States or the taxable income for the taxable year from sources without the United States, as the case may be, there shall be deducted an amount equal to (i) the foreign loss carryovers to such year plus (ii) the foreign loss carrybacks to such year.

"'(B) FOREIGN LOSS CARRYBACKS AND CARRYOVERS.—For purposes of this paragraph—

"'(i) A foreign loss for any taxable year (hereinafter in this subparagraph referred to as the "loss year") shall be a foreign loss carryback to each of the 2 taxable years preceding the loss year and a foreign loss carryover to each of the 10 taxable years following the loss year. A foreign loss shall not be carried to a taxable year beginning before January 1, 1970. A foreign loss shall not be carried to a taxable year for which the taxpayer does not take the benefits of this subpart, but the number of taxable years to which such loss must otherwise be carried over under the preceding sentence shall be increased by the number of taxable years to which the loss must otherwise be carried which are years for which the taxpayer does not take the benefits of this subpart.

"'(ii) The entire amount of the foreign loss for the loss year shall be carried to the earliest of the taxable years to which such loss must be carried. The portion of such loss which shall be carried to each of the other taxable years to which such loss must be carried shall be the excess, if any, of the amount of such loss over the sum of the taxable income from sources within the same foreign country or possession of the United States in which the foreign loss occurred or the sum of the taxable income from sources without the United States, as the case may be, for each of the prior taxable years to which such loss must be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year from sources within a foreign country or possession or from sources without the United States shall be computed without regard to the foreign loss for the loss year or any taxable year thereafter and without regard to section 172(b) (relating to net operating loss carrybacks and carryovers) and section 1212(a)(1) (relating to capital loss carrybacks and carryovers of corporations).

"'(iii) The Secretary or his delegate shall by regulations prescribe the manner for carrying a foreign loss from sources within a foreign country or possession of the United States for a taxable year to another taxable year to which the limitation provided by paragraph (2) applies, or for carrying a foreign loss from sources without the United States for a taxable year to another taxable year to which the limitation provided by paragraph (1) applies.

"'(C) FOREIGN LOSS DEFINED.—For purposes of this paragraph, the term "foreign loss" means a loss sustained in any taxable year which is from sources within a foreign country or possession of the United States or from sources without the United States, as the case may be. For such purposes, a loss shall be the amount (determined without regard to section 172(b) and 1212(a)(1)) by which the gross income from sources within a foreign country or possession of the United States or from sources without the United States, as the case may be, is exceeded by the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.' If the taxpayer does not take the benefits of this subpart in a taxable year, the amount of his loss, if any, shall be determined as if the limitation provided by paragraph (2) applied.

"(b) CONFORMING AMENDMENT.—Section 6501(i) (relating to limitations on assessment and collection in case of foreign tax carrybacks) is amended—

"(1) by striking out "Tax" in the heading and inserting in lieu thereof 'Loss or Tax'.

"(2) by striking out 'carryback under' and inserting in lieu thereof 'carryback under section 904(a)(3)(B) (relating to foreign loss carrybacks and carryovers) or,' and

"(3) by striking out 'of the excess taxes described in section 904(d) which result' and inserting in lieu thereof 'of the foreign loss, or of the excess tax described in section 904(d), which results'.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to losses sustained in taxable years beginning after December 31, 1969."

Mr. PROXMIRE. Mr. President, the Treasury estimates that this amendment would raise $65 million.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Wisconsin may proceed.

Mr. PROXMIRE. I repeat, the Treasury estimates that this amendment would raise $65 million.

My amendment carries out the intent of the Nixon administration proposals on September 4 and 30 to the Finance Committee, and recommendations by President Kennedy in 1963. My amendment is quite similar to the House-passed tax credit provision, although I think it is sounder and fairer, reflects precisely what the Treasury presented, and in fact was drafted by the Treasury.

This proposal equalizes the tax treatment enjoyed by the international oil companies and that enjoyed by the domestic oil industry. I cannot see any greater justification for giving tax incentives to those companies which explore in foreign countries than those who explore here in the United States. What justification can possibly exist for discriminating against the domestic oil industry? I report, what justification?

If the real rationale for giving all these tax subsidies to the oil industry is to protect our national security, no case has been made for the subsidizing of foreign investment or foreign exploration. This discrimination does not help us achieve any greater national security.

Changing the tax provisions relating to foreign tax credits as I propose should help the domestic oil industry, particularly the small independent who does not have the financial resources to explore for oil in foreign countries. If we limit some of these tax preferences for foreign exploration, then the international companies may be more willing to spend money here in the United States to explore for oil rather than in Saudi Arabia. This would result in more jobs here as well as a savings for our balance of payments.

My amendment is in two parts. The first part is almost identical to section 431 of the House tax reform bill. It requires companies incurring a loss in their foreign operations to take that into account when figuring out their foreign income and taxes that qualify for foreign tax credits. Under our present law, foreign losses may be offset against domes-

tic income but are not carried forward to offset foreign income. This means that companies under a per-country limitation can obtain a double tax benefit.

Where a U.S. oil company incurs losses in a foreign country during the time it is beginning to drill for oil in that country it is able to deduct these losses against U.S. income and, thus, pay a lower U.S. tax. When income is derived from the operations in later years the foreign country levies its tax on that income without taking into account the losses incurred in prior years. The foreign tax is then claimed by the oil company as a credit against its U.S. tax. What is really happening is that the foreign country is levying a much higher rate of tax on the U.S. company's income—because it is ignoring the loss carryover—and the U.S. tax system is subsidizing this higher tax by virtue of the operation of the foreign tax credit, or, in effect, subsidizing the foreign country. It is a kind of concealed foreign aid program.

Let me state an example, because the area is very complex. Assume that oil company A drills in country X. There is a net operating loss of $1 million in year one; there is net income of $1 million in years two and three. In each of the 3 years A has U.S. net income of $1 million. Country X levies a tax at the rate of 50 percent on the net income each year, but does not provide for a loss carryover.

In this example, A will pay no taxes in year one; in years two and three, $500,000 in taxes will be paid to country X, which will be used as a credit against the U.S. tax of $1 million, thus leaving a net payment to the United States in each year of $500,000. This is plainly wrong. Over the 3-year period, company A has realized $3 million on its U.S. operations, and should have paid $1.5 million in U.S. tax. Instead the United States received only $1 million in taxes. The reason for this reduction in U.S. taxes is that country X has levied a tax of $1 million on net income of $1 million from the country X operations—in other words, country X has imposed a 100-percent rate of tax on the net income from the operation in that country. The U.S. tax system absorbs the loss caused by the improper tax rules of country X.

If both the U.S. tax and the country X tax were working properly, A should have paid $1.5 million in U.S. tax and $500,000 in foreign tax, rather than $1 million in U.S. tax and $1 million in foreign tax. My amendment would accomplish that.

My amendment would insure that the American taxpayer is not required to subsidize foreign countries in their oil operations. It would also put a stop to our tax system actively encouraging foreign countries to continue improper tax systems. However, it would continue to allow companies incurring losses abroad to deduct them from U.S. income in order to encourage risk taking by U.S. companies. But, once the corporation starts to make money abroad, it should pay back to the U.S. Treasury the amount of taxes it escaped when it was losing money. My amendment would accomplish that by providing that a taxpayer using a per country limitation who reduces his U.S. tax on U.S. income by reason of a loss from a foreign country has the resulting tax benefit recaptured when income is subsequently derived from that country. This is done by taxing subsequent income from that country until, in effect, the previous tax benefit is recaptured.

I think it is important to repeat at this point that this is the same proposal that the Treasury Department proposed to the Finance Committee on September 4 and again on September 30. As a matter of fact, at my request, these proposals were drafted by the Treasury Department experts.

The second part of my amendment places the international oil companies on the same basis as other international American corporations by preventing them because of the depletion allowance from generating excess tax credits in one country and using them to hide other foreign income. This also alleviates to a great extent the problem of determining when a payment made to a government which owns the mineral rights within its boundaries is a royalty payment or a tax payment. As you know, many countries, primarily in the Middle East, impose extremely high taxes upon oil companies. These taxes are written off dollar for dollar against U.S. taxes. In other words, the American taxpayer is being asked to pay 50 cents of every dollar these oil companies pay to keep these sheiks in Cadillacs called "golden gimmick." As a matter of fact, these "tax laws" were drafted by the oil companies for these foreign countries to achieve just that result.

After all, if you can pay off with 50-cent dollars, why not? Particularly, if Uncle Sam acquiesces. To show you the extent of this abuse, one leading U.S. oil company estimated it pays 22 percent royalties on foreign operations, but only 15 percent on domestic operations. This reflects the ability of the foreign countries to hide royalty payments under the guise of tax payments.

The oil companies thus use these excess tax credits generated by the high "tax" laws in the oil producing countries to hide from Federal taxes income they receive in low tax countries. In other words, an oil company which pays an alleged tax rate of 60 percent in Saudi Arabia on income of $100 million will have at least an excess foreign tax credit of $6 million. Foreign tax rate of 60 percent minus U.S. tax rate of 54 percent. In fact, however, because of the low effective tax rate in the United States for the oil industry of about 21 percent according to the Treasury Department, this situation would generate excess tax credits of $39 million. This $39 million could be used to hide about $78 million in foreign income from U.S. taxation under present law.

My amendment, the same amendment proposed by the Treasury Department to the Finance Committee, would help stop this abuse.

While the overall limitation normally allows high foreign tax rates to be averaged with low foreign tax rates there seems to be no justification for this in the case of mineral production income where the excess credits arise because the foreign country does not match our percentage depletion allowance.

Under my amendment, excess foreign tax credits resulting from the allowance of percentage depletion by the United States would not be available against other foreign income. Thus, to the extent the foreign tax in a particular foreign country exceeds the U.S. tax on the same foreign mineral income, but is less than the U.S. tax on such income computed without percentage depletion being allowed, the excess credits could not be applied against other foreign income.

Let me give you an example of how my amendment would work. According to the Treasury, the effective U.S. tax rate on the oil industry is 21 percent, although the theoretical corporate rate, including the surtax, is about 54 percent. Let us assume that foreign country Y has a tax rate of 60 percent and that an American oil company has $100 million of income in that country. Under my proposal, that oil company could not use the $33 million of foreign tax credits attributable to the depletion allowance to hide other foreign income—$54 million minus $21 million equal $33 million. It could, however, still use the $27 million in foreign tax credits to hide other foreign income from U.S. taxation—$60 million minus $54 million plus $21 million equal $27 million.

I consider that a tax at that level and the Treasury Department proposal considers that a tax at that level would be a legitimate tax.

The only thing my amendment would do would be to put the oil companies on the same basis as every other American corporation which does not have the benefit of the percentage depletion allowance. A similar provision is already in our tax code in relation to the lower tax rates paid by Western Hemisphere Trade Corporations so we know such a provision would work.

I think these proposals are fair and equitable. They do not discriminate against the oil companies. All they do is place the oil companies on the same footing as other American companies doing business abroad. There is no justification for special tax privileges for oil companies abroad. There may be some justification for special treatment here in the United States, but what justification exists for special treatment in Saudi Arabia or other foreign countries which care little about U.S. security?

According to the Treasury Department, eliminating foreign depletion allowances would result in $25 million additional revenue the first year, $10 million the second, and none thereafter. My amendment, on the other hand, according to the Treasury Department, would raise about $65 million in additional revenue and would continue to raise at least that amount in future years. It would also eliminate the abuse caused by these foreign tax privileges—hiding nonoil income from U.S. taxes under the excess foreign tax credits generated by these royalty payments disguised as foreign taxes.

There is no justification for allowing this $65 million to escape from the Federal Treasury. There is no national se-

curity justification for this tax loophole or any other justification for not closing this gaping loophole. I repeat, there is absolutely no justification for not closing this tax loophole which allows $65 million to escape the Federal Treasury. The only justification listed by the Finance Committee for deleting the House provisions dealing with tax loopholes was that the area needed more study. Baloney, the oil companies will not provide the needed information. This is merely a delaying tactic to avoid reform. Mr. President, the American taxpayer will not stand for any delays. He wants and deserves tax reform now.

Delaying tax reform for a study will not result in reform. As a matter of fact, the oil companies have refused to supply the Treasury Department with the information required by the tax forms pertaining to foreign tax credits.

Mr. President, I want to read very briefly from the minority views of the Senator from Tennessee (Mr. GORE) on page 323 of the hearings. He said:

The Treasury was asked to provide the revenue dimensions of this abuse, and its estimate of the effectiveness of the House provision. The Treasury advised that this information could not be provided because the oil companies refuse to supply information required by the tax return form. Deputy Assistant Secretary of the Treasury John S. Nolan wrote on September 30, 1969:

"Available information largely precludes our estimating the revenue effects of section 431 for individual oil companies as their tax returns do not reveal the countries in which they are experiencing net loss or the amount of these foreign losses. Although the tax forms and accompanying instructions appear to require U.S. companies using the per country limitation to report foreign losses on a country by country basis, they generally neglect to do so as these losses do not affect the amount of foreign tax credit they can claim. Nor have the oil companies responded to Treasury's request that they voluntarily provide this information, on a confidential basis, for analytic purposes only."

Senator GORE said in his individual views:

This highhanded treatment of the Internal Revenue requirement by the major oil companies is outrageous, and an affront to every law-abiding taxpayer who dutifully supplies all information called for on his tax return.

My question is, How can we expect reform when the attention of the American public is not focused on these tax loopholes? Delay will only bury tax reform, much to the delight of the international oil firms.

I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, may I ask the Senator from Wisconsin whether his amendment does anything with respect to operating loss carryovers and carryback?

Mr. PROXMIRE. Yes; it does. It allows 10-year loss carry forward and 2-year loss carryback.

Mr. MILLER. Do I correctly understand that if a very large loss is incurred in 1 year, the Senator's amendment would require that this be carried back, to deprive the losing taxpayer of credits previously obtained?

Mr. PROXMIRE. If there is a very large loss, they can carry it back 2 years. That is the limit. They can carry it forward 10 years.

Mr. MILLER. But what would happen to the tax credits that the taxpayer had received as a result of that? Would the Senator's amendment knock this out?

Mr. PROXMIRE. It can be carried forward, but, as I indicated in my remarks——

Mr. MILLER. I am now talking about the carryback.

Mr. PROXMIRE. The carryback is limited to 2 years.

Mr. MILLER. That is correct. So, if there is a large loss from foreign operations, the Senator would have this carried back. But what would happen to the credit against the tax that was obtained during those 2 years with respect to the U.S. tax? Would that be wiped out?

Mr. PROXMIRE. The loss applies only to income. Foreign tax credits can be carried forward indefinitely.

Mr. MILLER. In other words, the Senator is saying that where there is a very large loss, this would be carried back 2 years, and this would, by carrying it back 2 years, have no effect whatever upon the tax credit previously received in connection with the U.S. tax?

Mr. PROXMIRE. That is correct.

Mr. MILLER. I have a further question. The Senator has been talking about oil companies, but I have in mind, for example, other industries as well, and I am sure the Senator's amendment is not confined to oil operations.

Mr. PROXMIRE. It is confined, in the sense that it applies to those who benefit from depletion, but it would apply to other companies which have depletion allowances also.

Mr. MILLER. For example, a mining company that has a $100 million investment in a copper mine, and, because of expropriation by the foreign government, suffers a loss of $100 million in 1 year. Is the Senator going to take into account that this is a different type of loss compared to an operating loss, or is he going to treat that the same as any other loss for the purposes of his amendment?

Mr. PROXMIRE. They are treated exactly the same.

The purpose of this amendment is to put the oil companies on the same basis as other corporations. That was the intent of it, and that is what we asked the Treasury to try to accomplish in drafting this, and that is their understanding of what the amendment would accomplish.

Mr. MILLER. It is my understanding that the Senator's amendment would cover not only oil companies but also mining companies, and it would cover other corporations which have losses in foreign operations. I just want to make clear that the Senator's amendment covers losses whether they are incurred in connection with operations or whether they are incurred in connection with an expropriation action by a foreign government or whether they are incurred in connection with a casualty, such as an earthquake.

Mr. PROXMIRE. That is exactly right, but there is nothing so far as those losses are concerned. They would be adversely affected by this amendment.

Mr. MILLER. As I understand it, however, when there is such a loss, the Senator would recapture the tax advantage taken from those losses in later years.

Mr. PROXMIRE. Only when they make a profit.

Mr. MILLER. But whether those losses were incurred from operations or from an expropriation action or from a casualty, they still would be subject to recapture in later years?

Mr. PROXMIRE. That is correct.

Mr. MILLER. I understand that the Senator is trying to do something constructive here, but I would hope that he might check with his staff to see whether or not there might be something done to alleviate the impact of his amendment in the case of expropriation losses, because these can be very tragic and very serious so far as our American-owned companies doing business abroad are concerned, whether they are oil companies or mining companies or any other type of business.

Mr. PROXMIRE. That is an excellent suggestion. I certainly will be delighted to ask my staff to draft language to accomplish that.

As a matter of fact, I think the Senator is correct. The yeas and the nays have not been ordered on this amendment, so I can modify the amendment without asking unanimous consent, and I will be happy to do that.

Mr. MILLER. I thank the Senator.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HART. Mr. President, unfortunately, I was not able to be present in the Chamber during the entire remarks of the Senator. He may have discussed the one aspect about which I now rise to ask a question. It has to do with the concern that we not permit any longer the availability of the oil depletion allowance for overseas operations by American firms.

It was always my understanding that the depletion allowance was justified as a means of encouraging a development of domestic resource. Some national security aspect was assigned to justify the oil depletion allowance.

The Subcommittee on Antitrust and Monopoly Legislation has held some hearings on the oil import quota system, and in the course of those hearings—I confess an ignorance—I was greatly surprised to learn that the assumption that the import quota system was intended to encourage domestic exploration and discovery really did not make sense, because it developed, according to the testimony, that you could get the same depletion allowance if you went into Timbuktu.

Mr. PROXMIRE. Exactly. Those programs work at complete counterpurposes. The purpose of the oil import quota, as the Senator has said, has been to encourage the exploration and development of the domestic oil industry, and what we do with the oil depletion allowance abroad is to encourage exploration aboard, providing a subsidy, in effect, for that exploration abroad, and then, with the oil import quota, we prevent the cheaper oil we have encouraged developing from coming into this country. So they do contradict each other.

Mr. HART. The inconsistency of that is clear, and I hope the blue ribbon com-

mittee now reviewing it will recognize it and enable us to have it corrected.

The inconsistency I now rise to ask about—the inconsistency that I hope the Senator's amendment reaches and corrects—is with respect to the availability of the depletion allowance for overseas activities, when we are told the justification for the depletion allowance is to encourage us to make sure that we have adequate resources at home.

Now, to me, there is no justification for the extension of the depletion allowance for overseas operations. It had been my intention to offer an amendment to the bill to insure that no longer would that allowance be available for overseas activity by domestic firms.

Do I understand correctly that the amendment now pending, which has been offered by the Senator from Wisconsin, does in fact reach and correct this inconsistency?

Mr. PROXMIRE. Yes, it does. The difficulty is this. I thought seriously of supporting an amendment which would end the foreign depletion allowance, which does not make any sense in terms of national security. But I am told if we were to do that foreign countries would be able to pick up the money anyway by increasing the tax or royalty. So if we were to eliminate the old depletion allowance they have agreements that are tentative that they could put into effect right away to increase their tax which could be offset against taxes that would be paid to the U.S. Government, and in doing so it would accomplish for them just what the depletion allowance does. This is why the U.S. Treasury estimates if we put in an amendment knocking out the oil depletion allowance and adopt that amendment, it would raise $25 million the first year, $10 million the second year, and nothing after that. They would simply adjust to it.

My amendment would provide that the foreign tax credit can only be offset against the U.S. taxes to the extent it is at the same level as the U.S. tax. If they raise it above the 54 percent tax, then it will be considered a payment, an expense of doing business, and it would be subtracted from their income in computing taxable income. But it would not be a tax credit.

This matter is complicated, but I am sure the Senator can see that unless we agree to my amendment it would do a job for only a brief time, only a year or two, and then raise only a relatively small amount of money, unless we provide for this limitation on foreign tax credits.

Mr. HART. I appreciate the explanation and, of course, I will support the amendment. However, in the event the amendment is not agreed to, would it not make sense, as a matter of consistency and logic, whether or not reaction by foreign governments in 2 years eliminated any increased revenues to us, to go ahead and make explicit that the depletion allowance, advertised as needed for our national security, is not available if they actively engage in the exportation of oil overseas—whether or not it captures additional revenue, at least it would make sense.

Mr. PROXMIRE. I think it would make a lot of sense, and I would be delighted to support such a measure. The only justification for foreign depletion is cost depletion. In other words, it is allowed to the extent they expend funds, for instance, as depreciation is allowed on a piece of equipment, and no more. I would be happy to support such an amendment.

Mr. HART. I thank the Senator.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. McINTYRE. Mr. President, I am interested in the colloquy on foreign oil depletion allowances and how it affects subsidizing of oil company operations.

Is it not true that once the foreign oil is extracted, it is sold in the foreign market? Only a small portion may find its way back to our market.

Mr. PROXMIRE. The Senator is correct. We have a certain amount of imports from abroad. We get some imports from Canada and much less from the Middle East.

Mr. McINTYRE. What is wrong with my thought that from that international balance of oil, that the U.S. companies operating in foreign countries, selling oil around the world—and they may be selling to Japan and other countries—are competing with us?

Mr. PROXMIRE. The Senator is correct.

Mr. McINTYRE. The entire situation becomes absurd when one looks at it from the point of view of a New Englander.

Mr. PROXMIRE. It means subsidizing international competition.

Mr. McINTYRE. I would like to say, as the Senator knows, that I have an amendment at the desk which would seek to eliminate the foreign oil depletion allowance as such. Whether we call it up depends upon the progress the Senator makes with his amendment. As the Senator knows, I support it strongly.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I would like to speak with respect to this amendment for a few minutes. I understand the Senator from Nevada wants to say something about some other subject.

Mr. BIBLE. Mr. President, if the Senator will yield to me for just a few minutes, I would like to make a brief statement. I believe the Senator from Kentucky also wants to be heard.

Mr. COOPER. Mr. President, will the Senator yield so that I may address a question to the Senator from Wisconsin?

Mr. LONG. I yield.

Mr. COOPER. Mr. President, I would like to ask the Senator from Wisconsin a question. I understand the amendment applies to all extracting industries.

Mr. PROXMIRE. The Senator is correct.

Mr. COOPER. The Senator refers to oil, but it refers to all of them.

Mr. PROXMIRE. The Senator is correct.

Mr. COOPER. I would like to ask the Senator if this situation is correct. If company A operating in the United States also has a company in Saudi Arabia, or any other place, and if it should lose money during the first 2 or 3 years of operation, in each taxable year it would be able to apply as a deduction to the income of the company in the United States losses that occurred in the foreign country. Is that correct?

Mr. PROXMIRE. The Senator is correct.

Mr. COOPER. Would that company also be able to use a tax credit on taxes paid in a foreign country?

Mr. PROXMIRE. It would, up to a certain level. I admit it is arbitrary.

Mr. COOPER. Would they be able to use both the loss as the deduction and the further credit on the amount of taxes owed?

Mr. PROXMIRE. The Senator is correct.

Mr. COOPER. Is it also true that under the House bill, if the company made profits in the future on its foreign company, the United States would be able to recapture the taxes it had deducted from its taxes in the United States?

Mr. PROXMIRE. Under present law they would not. Under my bill they would.

Mr. COOPER. And also in the House bill, according to the report.

Mr. PROXMIRE. The Senator is correct.

Mr. COOPER. They are the same on that question.

Mr. PROXMIRE. The Senator is correct.

Mr. COOPER. Is it also correct that the amount of taxes which could be used as credit would be the same rate as for the United States?

Mr. PROXMIRE. There is a difference between the House bill and my proposal. The House provides they can subtract taxes up to the effective rate, which is 21 percent. My amendment has a more liberal provision. It would not raise as much as the House bill. It would provide the international oil company could subtract the foreign tax up to the corporation income tax level, which is now calculated at 54 percent.

Mr. COOPER. How much revenue do those tax provisions make to the United States?

Mr. PROXMIRE. My bill would raise $65 million and the House bill about $75 million.

Mr. COOPER. Then, why not follow the House bill?

Mr. PROXMIRE. Frankly, I thought a more moderate amendment would have a better chance to pass. Second, I thought it very important to have this coincide with Treasury recommendations. They have the best experts there that we have in Government. I took their advice. It was a practical decision. I think the House position is a good one.

Mr. COOPER. It is difficult for me to understand but we have one oil company in the United States. I forget where it stands in the range of oil companies.

But it is nothing. It is not so large in any way. It is a great giant. I have been told by their representatives that the Senator's amendment would operate against the smaller companies, that the

big companies would be able to operate more easily under the amendment but would make it much more difficult for the smaller ones. If we are to have equity among the oil companies——

Mr. PROXMIRE. Oil companies that did not have any foreign operations would not be adversely affected at all by my amendment. The only way they could have a tax increase would be if they have a foreign operation. So small companies would not be hit on the assumption that the smaller companies do not have an investment abroad. So it would be clear to me that the tax would be progressive in the sense that it would have more impact on the larger than the small companies. There may be some exceptions.

Mr. COOPER. I thank the Senator from Wisconsin.

Mr. CURTIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. CURTIS. The able Senator has referred several times to the Treasury Department. Has the Treasury endorsed the amendment?

Mr. PROXMIRE. No. It takes the position, which is an understandable position, and they made their views known before the Finance Committee. They were beaten. That is it. They drafted this to conform with the recommendations they made to the Finance Committee twice in September.

Mr. CURTIS. I wonder whether that is a correct statement of fact? My understanding is that the Treasury, at least as to this one section, and they are definitely related, want Congress to wait for a study. In the statement made before the Finance Committee on September 4, 1969, Secretary Cohen indicated that the Treasury Department would present new recommendations which would involve a complete review of U.S. taxation and foreign income.

Mr. PROXMIRE. I have a letter dated November 29 from the Deputy Under Secretary of the Treasury in which he stated that this amendment reflects the views of the Treasury, that is the position taken by the Treasury when it appeared before the Senate Finance Committee last November.

So it seems we know the Treasury view on foreign tax credit and that is precisely what this amendment reflects.

Mr. CURTIS. In the statement given to the committee, Secretary Cohen requested section 432 be eliminated, pending a further study.

Mr. PROXMIRE. Well we have eliminated section 432 and substituted the Treasury's proposal. That is what the amendment does.

Mr. CURTIS. At no time did the Treasury suggest section 432 be eliminated in its present form, when it came before the committee.

Mr. PROXMIRE. As I understand it, they did that September 30 when they appeared. That is what my amendment reflects.

Mr. CURTIS. I think I was present at most of the hearings. There was one section that did not get that request in reference to this, but definitely the motivating reason for the action taken by the Finance Committee was that the whole subject of foreign tax credits was to be under study by the Treasury.

I think, before the vote comes, we should know whether the Treasury endorses the amendment.

Mr. PROXMIRE. No. I think we know. The Treasury does not endorse the amendment. I never said that it did. I said that the amendment reflected the views they expressed to the Finance Committee. Having lost to the Finance Committee, they have taken this position and they do not feel they should intrude further. If that constitutes an endorsement, in the view of the Senator from Nebraska, so be it; but if it does not, that is something else.

Mr. CURTIS. I still do not understand, as they came before our committee and suggested a further study of the matter.

I will be persuaded by other Senators who will speak to this subject. But that is my understanding, that the Treasury would come back with a further study.

Mr. PROXMIRE. Mr. President, I send to the desk a modification of my amendment to reflect the constructive proposal made by the Senator from Iowa (Mr. MILLER). I will read it:

On page 7, line 14, after "income," insert "for purposes of the preceding sentence, a foreign expropriation loss—as defined in section 172(k)—shall not be taken into account."

I thank the Senator from Iowa for this most constructive suggestion.

Mr. MILLER. Mr. President, I would appreciate it if the Senator from Wisconsin would withhold that for a moment, in order that I may have an opportunity to confer with him and his staff on it.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may withhold that modification, in order to confer first with the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. LONG. Mr. President, what is happening in the debate on this amendment is typical of what tends to happen on an amendment of this kind. A Senator gets up and offers an amendment, and makes his speech about it while someone is here who may be listening to it, just after a rollcall vote. They hear some of it, but not all of it. What they hear sounds good, but they do not stay in the Chamber long enough to hear the other side. The prima facie case sounds good and one says, "Maybe I will vote for it." But they have not heard the other side of the argument.

Let us take this amendment. It would tax the oil companies and others in the extractive industry with foreign operations in a different way than it would tax every other kind of company. It would permit all other companies doing business overseas to have the overall limitation for the foreign tax credit—all except the oil companies.

The amendment in effect would tax them on a country-by-country basis instead of allowing them the same limitation as anyone else.

Mr. President, what is the matter with oil companies?

I do not know, but the Senator does not seem to like them. All year long he makes speeches against oil companies. This amendment discriminates against international oil companies. It is totally unfair. If these rules are going to be applied, they should be applied on all companies with overseas operations, and not just on those in the extractive industries.

Here we would penalize the oil companies because some countries are not so sophisticated in the way they tax businesses as is the case with the United States. Some countries do not allow a net operating loss carryover so that if one loses money in 1 year, it can be made up for tax purposes in another year. This amendment would disallow a company's foreign tax credit for taxes imposed by a foreign country which would not have been imposed, however, if the country had allowed a net operating loss carryover in its own tax law. In other words, because of a defect in the foreign country's tax system, we would penalize, not that country, but the oil companies doing business there by double taxation.

Let me discuss the Senator's amendments in more detail.

Actually, the amendments being offered by the Senator from Wisconsin really are two quite different and distinct amendments, both of which deal with the foreign tax credit and both of which have their primary impact upon the oil and gas industry.

I can explain the application of the first of these amendments best by giving what is generally thought of as the typical case of those who favor this amendment and then showing you how the analysis of the proponents in this regard breaks down.

Let us start with a very simple example. Assume a company has $1,000 of income from U.S. sources and because of intangible drilling expenses has a $100 loss in a foreign country. Assume also, to make the illustration as simple as possible, a 50-percent tax rate in both the United States and foreign country. In this case, the total income is $900—the $1,000 of domestic income minus the $100 loss abroad. With the 50-percent tax rate, this means a tax of $450, all of which is from U.S. sources.

Assume now that in the next year the drilling in the foreign country has paid off and that there is $100 of income in the foreign country plus the same $1,000 of income from U.S. sources. In this case, the total income is $1,100 and the total tax $550. However, in this case, since the foreign country imposes a tax of $50 on the $100 of income and since the United States allows a credit for this tax, the tax will be $500 from United States and $50 from the foreign country.

If we look at these 2 years in combination, the proponents of the amendment complain about the fact that the U.S. tax on the $2,000 of domestic income is $950. The intent of this amendment is to increase that $950 tax to $1,000. Looked at from the standpoint of the U.S. Government, probably this is the correct answer. The difficulty is that, looked at from the standpoint of the company, it paid a $1,000 tax on a $2,000 income and, given a 50 percent tax rate,

that is the total tax it ought to pay. This is the point that I think the Senator in his amendment ignores. Why should there be a double tax in this case? The $1,000 tax on $2,000 of income is exactly what the company ought to pay given a 50 percent tax rate. Yet the Senator from Wisconsin in his amendment would make them pay $1,000 to the United States plus $50 to the foreign country. It seems to me that this is clearly the wrong answer. Of course, what ought to happen is that the foreign country ought to provide a net operating loss carryover in which event the loss from the first year would be carried to the second year, wiping out the income in that year. Then the U.S. tax in the second year would be $550 and, taken together with the $450 in the first year, would result in the correct overall tax and the correct U.S. tax.

The committee recognized that there was a problem here but also thought that the answer which the House and the Senator from Wisconsin propose was not the correct answer; namely, to make the company pay a double tax with respect to the $100 of foreign income. It was for this reason that the committee requested the Treasury Department to study this matter along with its other investigations of the tax on income earned abroad. In my estimation, what needs to be accomplished is for the foreign country in this case to make provision for a net operating loss carryover. If this were done, no change would be needed in the U.S. tax laws. The Treasury Department can and should achieve this objective through its tax treaty program.

Let me turn now to the second amendment of the Senator from Wisconsin. This amendment also is concerned with the foreign tax credit but is concerned with what we call the overall limitation.

Under present law, if a company operates in more than one foreign country, it can elect what is called the overall foreign credit limitation. This permits the company to average its foreign taxes and foreign income in all of the foreign countries in which it operates in determining the foreign tax credit which can be claimed against the U.S. tax. The effect of this is to say that if one foreign country has a tax rate which is below ours and another foreign country has a tax rate which is above ours, these can be averaged together in determining the foreign tax credit which can be claimed against U.S. income.

Let me illustrate this with a simple example. Assume in foreign country A that a company earns $100 and pays a tax of $70. Assume that in foreign country B the company also earns $100 but the tax is $30. Also assume that in the United States the domestic income is $1,000 on which the tax at a 50-percent rate would be $500.

In this case, tentative U.S. tax is computed on the basis of $1,200 which, given a 50-percent tax rate, would mean a tentative U.S. tax of $600. The question then arises how much of the foreign tax will be applied as a credit against this. The limitation in effect limits this to the U.S. rate—in this case assumed to be 50 percent—applied to foreign income. This is known as the overall limitation. In the case I cite, this would mean that the full $100 could be claimed as a foreign tax credit since the foreign income is $200.

Another limitation which taxpayers may elect if they so desire involves what we call a country-by-country limitation. In this event, the tax in effect is limited to the U.S. rate multiplied by the income derived from that country alone. In other words, in country A, where a $70 tax was paid on a $100 income, this would limit the credit to $50. In country B, where the tax paid was $30 on $100 of income, this would mean the full credit would be allowed. The effect of this, however, is to allow $80 of tax credit in the example I cite rather than $100.

Present law allows companies generally to elect the overall or per country limitation as they see fit. The amendment offered by the Senator from Wisconsin, however, discriminates against oil companies and other companies engaged in the extraction of natural resources. His amendment, in effect, would say: "Oh, no; if you are one of these natural resource companies, we do not treat you like all other companies. Instead, we only give you the choice of the per country limitation, insofar as your natural resource income is concerned. Although, if you are in the manufacturing business, you can offset high taxes in one country against low taxes in another; if these high foreign taxes arise from the oil business or from hard minerals, you cannot offset those high taxes against low taxes in another country."

From my standpoint, it seems to me that this is rank discrimination. I see no reason for treating those companies engaged in the extractive industries any different in this regard from any other companies. In this case, no one is asking for any special benefits from the foreign companies, but rather just to treat them no worse than other companies.

It seems to me clear that the amendments of the Senator from Wisconsin should be defeated.

Why would any one recommend double taxation on an American oil company? These oil companies are doing as much as any other company in the American economy to help with our balance of payments by going overseas, earning money, and bringing it back here.

It is contended that if we double tax a company in the oil business doing business overseas, those companies will bring pressure on foreign governments to make those countries amend their laws to conform them more closely to ours. But why should the companies have to pay this penalty?

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. TALMADGE. Is it not true, under the particular amendment which has been proposed, that corporations doing business overseas could be taxed whether they earn a profit or not?

Mr. LONG. They can be taxed for losing money, that is right.

Mr. TALMADGE. Is it not true, also, that most foreign countries have a provision that automatically raises their taxes so as to recoup any tax increase here? In other words, if the Proxmire amendment prevails, is it not true that in many foreign countries that tax would automatically be increased if that particular country deprived this country of the tax increase?

Mr. LONG. Yes, that could happen.

The Senator from Wisconsin dislikes oil companies so much that he would double tax them even though it would hurt this country. What can they do? They earn the money and bring it back here and plow half of it into expansion of the industry. The remaining 50 percent they declare in dividends to stockholders in this country who on the average pay about 40 percent in taxes on the dividends.

So, on every dollar the oil companies can make in a foreign country and bring back here, they declare a big part of it in dividends. Generally speaking, the companies make about 20 cents on every dollar, using foreign labor, discovering the oil, developing it, and bringing it back. In making that 20 cents on the dollar, we are better off than if they did not. The companies are managing to earn $1.56 billion, of which $445 million represents dividends on which taxes are paid to our Government.

Here is one of our biggest contributions in trying to offset our unfavorable balance of payments. Here is an industry bringing earnings back to this country which results in $445 million of taxable dividends, but a Senator dislikes the companies' activities so much that he would double tax them, even though it would kill the goose that lays the golden egg.

Mr. TALMADGE. Is it not a fact that many foreign countries do not tax the money made in overseas activities by their own nationals?

Mr. LONG. Most trading countries do not. Generally, the rule is that the companies that compete with overseas oil companies not only are not taxed on their overseas activities, but in addition the countries subsidize them. Japan and other countries subsidize those companies for doing what these people are doing for their own country. Our people have to compete with subsidized companies, which pay no taxes on their subsidized operations, while we not only tax them, but it is proposed to penalize them even further.

Mr. TALMADGE. Is it not true that if this amendment is agreed to, it will put our nationals who engage in foreign business and trade at a greater disadvantage competitively than they are in at the present time?

Mr. LONG. That is entirely correct. They are now at a competitive disadvantage. It will be made worse.

Mr. TALMADGE. Is it not true that it would also worsen our balance of payments?

Mr. LONG. It would do that.

Mr. TALMADGE. I agree with the Senator completely in his argument. He is making an argument that is absolutely to my mind, convincing. I cannot see how anyone would want to take action to worsen our balance of payments when we have had a deficit in our balance of payments for 18 out of the last 19 years. We have lost the surplus on our trade. We are actually running into a deficit at the present time, as the Senator knows

It seems to me, instead of trying to destroy companies engaged in bringing home profits, we ought to be encouraging them rather than trying to destroy them. It is absolutely imperative, unless our dollar is to be destroyed and unless our situation is to worsen more than it is at the present time.

Mr. LONG. I thank the Senator. American oil companies are bringing back to this country over $1 billion more money than they are taking out of this country. They are one of the biggest contributors to our balance of payments. The money they can make overseas is resulting into about $500 million in taxable dividends, and they are doing it against grave and difficult conditions.

Perhaps Senators have forgotten it, but it was only recently that Peru proceeded to confiscate Standard Oil's investment in that country. Libya is now threatening companies producing oil in that country and demanding more of the take on oil. Every time one turns around, those countries are discriminating against our companies, either nationalizing their investment or making them pay more and more to the Government so that they end up with less profit.

One would think that a person would be happy about an overseas company of ours making money and bringing it back into our country, without wanting to discriminate against it in a fashion in which no other company is discriminated against.

Under the bill we have before us, the oil companies have been taxed to the extent of $155 million on their depletion allowance over and above what they were paying before. They have been taxed another $200 million on the 5-percent supertax. They have been taxed another $200 million on production payments. That is a total of $555 million imposed on these companies just because they are oil companies and oil producers. In addition to that, they are also being hit with capital gains increases and the elimination of the investment credit and accelerated depreciation. That is the way they are being hit now. Is that not enough? Why would someone want to kill the goose that lays the golden egg merely because it happens to be involved in the oil business? It makes no sense.

When we get to the foreign tax credit, the whole question deserves study. The Treasury admits it is studying the matter to see if a better system can be worked out.

As a matter of fact, the best estimate I can get is that all companies doing business overseas—oil, automobile manufacturers, and everyone else—presently are paying taxes to the United States on their foreign income of only something like $100 million. The Senator's amendment would pick up, on just this one industry, an additional $65 million—which shows the magnitude of the effort by which the Senator would like to pick on one industry.

This industry is one of the principal assets this Nation has in trying to offset our unfavorable balance of payments, and yet it is proposed to tax it so heavily that it will not be able to help the country at all. It does not make sense at all. It is discriminatory. It would indicate that somebody does not like that particular industry, no matter how much that the industry advances this country's interest.

When one gets through discriminating against this industry, by nationalizing their investment overseas, by making them compete with other foreign companies which are subsidized by their own countries, then the situation will finally get to the point where the industry is so discouraged that it will not go overseas and try to develop oil and bring it out. Those who are making this proposal then will discover that they ought to have been happy with the situation of this industry which has been of such great benefit to this country, instead of trying to tax it out of business.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. McGEE. Mr. President, the proposal before us is that certain sections of H.R. 13270, applying to the foreign activities of U.S. petroleum companies, be restored to the bill reported by the Senate Finance Committee.

The provisions in question were removed from the bill after extensive testimony made clear the discriminatory and harmful effects that would follow their enactment and after the Treasury Department informed the committee that it was studying these issues with a view to making comprehensive recommendations on the tax treatment of foreign income.

Mr. President, in my view, the committee acted wisely in voting to remove these provisions that would seriously weaken the ability of U.S. oil companies to compete for and develop diverse sources of petroleum to provide for this country's increasing requirements. In doing so, the committee gave altogether appropriate recognition to the fact that enactment of these provisions would violate important and valid principles of tax equity by creating international double taxation.

In view of these considerations and in view of the fact that enactment of these provisions would not produce a significant amount of revenue for the United States, it would be unwise indeed, to disregard the testimony that has been presented and to override the results of the committee's deliberations.

Mr. President, the foreign activities of U.S. petroleum companies are critically important to this Nation's national security and economic welfare. Even if present incentives for domestic producing capacity are maintained, the United States will have to rely increasingly on foreign source oil to meet our growing requirements. Under the circumstances, the best way to provide for these requirements and to minimize the threat of political or economic blackmail is to continue to encourage U.S. companies to search for and develop resources in diverse foreign areas.

The extent to which U.S. petroleum companies are active in foreign areas is indicated by the contribution of foreign oil investments to the U.S. balance of payments. Last year alone these investments returned roughly $2.5 billion to U.S. receipts of income and royalties and fees.

But the international oil industry is becoming increasingly competitive. Foreign-owned companies, many totally exempt from taxation on their foreign income and many receiving outright subsidies for foreign and domestic operations, are increasingly active in all phases of petroleum activity. In the light of this increased competition, if U.S. companies are to continue to participate in the growth of the international industry and more directly, continue to obtain a share in the concession rights in the new producing areas, the very substantial tax burden on the foreign operations of U.S. companies must not be increased.

It would be extremely unfortunate if the Government of the United States were to take steps which in themselves could tip the scales in favor of foreign-owned companies especially at a time in which an increasing tax burden on the domestic industry is increasing the importance of diverse foreign supplies. Thus the problem of increased dependence on foreign supplies would be compounded by the problem of increased dependence on foreign-owned companies. This would be the worst of both worlds.

Finally, Mr. President, reinsertion of the provisions suggested here would not only impair the national security, as I have indicated, it would violate long-standing and valid principles of tax equity. In particular the thrust of the several proposals would be to impose double taxation on some U.S. foreign income. U.S. tax laws have traditionally sought to avoid double and discriminatory taxation in the interests of tax neutrality and the economic feasibility of engaging in foreign commerce. In voting to remove these provisions, the Senate Finance Committee was, in effect, voting to uphold this tradition. With so much to be lost and so little to be gained, and with the Treasury Department currently involved in an extensive review of the whole foreign tax area, it would be ill-advised indeed, to disregard the committee's considered recommendations.

Let me conclude, Mr. President, by underscoring something the Senator from Louisiana was saying just a moment ago. I would like to think I could address myself to it in the context of American foreign policy and our national interest, rather than in the context of an industry that is of greater or lesser importance in various States around the Nation. That role is that of our accessibility to foreign oil, with all of its critical implications in our kind of advanced economic technology.

I think our technology probably makes us far more dependent on a readily available supply of oil than would be the case with any other country in the world, in terms of its impact on our capabilities and our viability, our economy, and in many other ways.

It seems to me the committee acted wisely in removing from its consideration the discriminatory aspects that would take a severe toll.

We know there are problems that result from this kind of operation, but I think, on balance, a nation that is one of the largest in the world, which has greater responsibilities on its shoulders than any country in modern times ever had, needs to have access, through competitive means, to the great supplies of oil around the world, in order to supplement our operations here at home, which are becoming more and more marginal. That is only the course of wisdom. It has nothing to do with an industry; it has to do with the national interest. My judgment is that we would be only spiting ourselves, no one else, if we were to take the kind of precipitate action that is now under consideration.

I commend the chairman of the Finance Committee for his efforts to place this issue on a higher level of evaluation, and I pledge my support in preserving that concept.

Mr. LONG. I thank the Senator.

Mr. President, other companies doing business overseas, whether automobile companies, soft drink companies such as Coca-Cola, or any other type of company, are permitted to use the overall limitation rather than a country-by-country limitation, if they wish. The Senator, by his amendment, would deny that to the oil companies and others in the extractive industry only; all the other manufacturing, trading, and so forth, companies would still get it.

The Senator would also double tax these companies. If there is a problem with the way foreign countries tax our companies the answer to relieving that problem is not to punish the companies by double taxation. They are not in a position to make those foreign governments do anything. They are a supplicant or a pleader to be there, to be permitted to do business at all. I do not know of any country that treats an American company any better than it treats its own companies. As a matter of fact, most of them treat us worse, and tend to discriminate against our capital, to nationalize it, and to favor their own as against our American companies when they do go overseas. If there is a problem with these foreign countries, the answer should be found through tax treaties between this country and those countries, and the way to achieve that is for those handling the oil import quota system to be tough in dealing with those countries, and tell them, "Until you enter into treaties with us to deal with these problems, we are not going to liberalize our quotas."

We have processed income tax treaties through the Senate time and again. But, while this country has the leverage to correct that situation with foreign countries, and fails to do so, it is grossly unfair to punish companies in a particular industry doing business in those countries because they do not do what the U.S. Government itself ought to do. When this Government has the power to correct the situation but those oil companies do not have the power—in fact, it is all they can do to keep from being nationalized, to continue to be permitted to do business on any basis whatever, and not be made to give up as so many companies have had to do—it is wrong and grossly unfair to put the burden of trying to change the laws in those foreign countries upon them.

Instead, we should say to those countries, "If you want your companies to sell oil in this country at favorable rates you will have to enter into a treaty with us concerning the taxation of our companies producing oil in your country."

But above all, this country should not penalize those private companies for failing to do what the U.S. Government ought to be doing. That is about all the Senator's amendment would accomplish.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, recognizing the problem various Senators have about timing, I ask unanimous consent that further debate on the Proxmire amendment now pending at the desk be limited to 20 minutes, the time to be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, I will not object because I think it is a good suggestion.

I send to the desk a modification of my amendment before the unanimous consent agreement is agreed to. It is the modification I referred to before.

The PRESIDING OFFICER. The modification will be stated for the information of the Senate.

The assistant legislative clerk read as follows:

On page 7 line 14 after "income.'", insert: "For purposes of the preceding sentence, a foreign expropriation loss (as defined in section 172(k)) or a casualty loss shall not be taken into account and shall be available for deduction against income from U.S. sources as otherwise provided by law."

The PRESIDING OFFICER. The amendment is so modified.

Is there objection to the unanimous consent request? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I believe it might be well to emphasize again that the amendment does apply to all extractive industries. All of it applies to the copper industry, the nickel industry, the aluminum industry, the tin industry, and, indeed, to all American companies overseas extracting and processing metals of any sort whatever.

I have a memorandum pointing this out and opposing the amendment very strongly. It is a memorandum from the National Foreign Trade Council which realizes that this provision would have an impact not only on the oil companies but also on a great many other companies.

I ask unanimous consent that at the close of the debate, the memorandum I have received from the National Trade Council be printed in the RECORD in connection with my statement here.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG. Mr. President, furthermore it had been pointed out that a great many of the foreign countries provide special treatment for their companies and it is these companies that our companies must compete with overseas. These foreign companies are not taxed on their foreign income in some cases and, moreover, are even subsidized by the foreign countries through various special tax benefits.

I have a whole list of these countries here. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Thre are at least sixty-five countries which fall into one of the two categories concerning foreign earnings of companies organized under their laws:

(1) Do not impose income tax on foreign income (26).

(2) Grant preferential tax treatment to foreign income (39).

1. *Do not impose income tax on foreign income:*

Aden	Montserrat
Argentina	Morocco
Brazil	Netherlands [2]
Chad	Nicaragua
Colombia	Panama
Costa Rica	Paraguay
France	Rep. of Congo
Guatemala	Senegal
Haiti	S. Africa
Italy [1]	Tanzania
Kenya	Uganda
Lebanon	Uruguay
Libya	Venezuela

[1] Subject to Company tax.
[2] If subject to foreign tax.

2. *Grant preferential tax treatment to foreign income such as rate concessions, foreign tax credits, deferments, etc.:*

Australia	Japan
Austria	Liechtenstein
Belgium	Luxembourg
Burma	Malta
Canada	Mexico
Ceylon	Netherlands Antilles
Chile	New Zealand
Cyprus	Norway
Denmark	Pakistan
Egypt	Peru
Finland	Philippines
Gambia	Portugal
Germany	Spain
Gibraltar	Sweden
Greece	Switzerland
India	Syria
Iran	Tunisia
Iraq	Turkey
Ireland	United Kingdom
Israel	

Mr. LONG. Mr. President, the countries imposing no income tax on the foreign income received by their oil companies from overseas include France and the Netherlands, with whose companies we must compete. Other countries make very favorable terms to their nationals to go overseas and find oil, far more advantageous terms than our country gives. I refer to countries such as Germany, Japan, and the United Kingdom. As a matter of fact, Germany even goes to the extent of making loans to their companies at no interest at all. And, having made the loans to the companies to go overseas and compete with American companies to find oil and produce it

there, if the companies are unsuccessful in finding oil, the loans are forgiven. What better deal could one have? They win both ways. Japan has an advantage that is almost as attractive.

Yet, our companies compete at great disadvantage and would be further handicapped if they were to receive the type of tax treatment that the amendment of the Senator would impose on them.

Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I support the action taken by the Finance Committee. I believe that from a standpoint of procedure, this must be done.

Perhaps the most complicated thing in our entire tax system is the taxation of foreign income. In 1962 the Finance Committee held long hearings on this matter. We did not have before us at that time a bill of 585 pages with other material in it.

Those hearings were restricted to the treatment of income earned abroad. Actually, I believe I was more confused after the hearings than before. We have here now a proposal to reinsert into the bill something that the Finance Committee struck out.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. AIKEN. Is the provision in the House bill?

Mr. CURTIS. In some similar form.

Mr. AIKEN. Will it be in conference?

Mr. CURTIS. In some similar form. The Senate Finance Committee struck this material out of the bill because at least some of us were of the impression—and I believe I am correct on this—that the Treasury Department was going to conduct a complete study of the matter.

In the statement before the Finance Committee on September 4, 1969, Assistant Secretary Cohen indicated that the Treasury Department was going to present new recommendations that would involve a complete review of U.S. taxation on foreign income.

In the light of that, Mr. President, we should not try to write this legislation on the floor.

The very able and distinguished Senator, after presenting his amendment, yielded for questions by the Senator from Iowa (Mr. MILLER) and the question arose, How do you treat expropriation of property abroad? The Senator from Wisconsin has one of the quickest and most able minds of any Senator in this Chamber. Yet, it took him a while to find out whether or not he was dealing with the subject of expropriation of property abroad. Now he has amended his proposal to change it in that regard.

I submit that this is a subject that deserves separate study. It may well be that there ought to be some changes. We are not under any time emergency in this matter. It is not a question of repealing something, such as the investment credit, or extending the excise tax or anything else. Time is relatively unimportant in this matter. What is important is that we do justice. If that results in increasing the taxes for some American companies, so be it. If it results in preventing an injustice to some American taxpayers, so be it. We should not try it on this floor.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 4 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I rise to speak today in support of the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) to amend the foreign tax credit provisions of our tax laws. It is, in my opinion, a very modest amendment. It will have no effect at all on domestic oil companies and will serve simply to put international oil companies on a tax footing more comparable to that faced already by most international companies.

The amendment has two main provisions. The first provision requires that when a company incurs a loss in a foreign country and uses that loss to offset U.S. income, it must pay back to the Federal Government, when it later earns a profit, the taxes it escaped through its earlier loss offsets. In other words, a company will not be able to make use of foreign tax credits to reduce its U.S. taxes until these earlier loss offsets have been taken into account.

The second provision of the amendment is based on a recognition that international oil companies have been able to make more liberal use of foreign tax credits than most international concerns. This has been possible because of the existence of the oil depletion allowance on oil from foreign sources. At present, all international concerns are allowed to average the excess of foreign tax over U.S. tax on one source of foreign income against any excess of U.S. tax over foreign tax on other sources of foreign income. The reason why oil companies have been able to take undue advantage of this opportunity is that foreign countries do not have as liberal an oil depletion allowance as we do. Without such an allowance, their tax rates on oil from foreign sources are bound to be higher than our own, which leaves international oil companies with large amounts of tax credits on their foreign oil income for use against foreign income from other than mineral sources.

The second provision of the present amendment would remedy this situation by providing that international oil companies' foreign tax credits on mineral income are to be computed without taking into account the rate differential due to the foreign depletion allowance. Foreign tax credits on mineral income for use against foreign income from other than mineral sources will henceforth arise, in other words, only if foreign tax rates on mineral income itself are higher than U.S. rates would be if the latter were computed without percentage depletion being allowed.

Surely, this is a very moderate amendment. It does not eliminate the foreign depletion allowance; nor does it eliminate the very considerable extent to which international oil companies can treat as tax credits what are really royalty payments to foreign governments. In both these respects, it is decidedly more modest than the bill already passed by the House.

I would hope, Mr. President, that the Senate would see fit to support this amendment.

Mr. PROXMIRE. Mr. President, I yield myself 3 minutes.

I should like to reply to the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), who made a very strong and effective statement in opposition to this amendment.

The Senator from Louisiana said, in the first place, that we would be taxing oil companies differently. I submit that that is not the intention of this amendment; it does not do that. This amendment would tax all extractive industries the same, and it is an effort to put them on the same basis as all international companies that invest abroad. This is what we asked the Treasury to do, and they did it.

It is interesting that there are objections to taxing oil companies differently. It would be nice if we taxed oil companies the same as everybody else. We know that because of the intangible drilling expenses, they can take that depletion allowance over and over again. A Treasury study a few years ago showed that they took it an average of 17 times, like taking depreciation 17 times on the same piece of equipment. We are leaving in the law, with this modest and limited amendment, all kinds of tax advantages that the oil companies have.

In the second place, it was said that this constitutes a double taxation of oil companies. That is not so. This amendment attempts to eliminate a double loophole. Once again, this is what we tried to work out with the Treasury. That is their understanding, and it is my understanding .

In the third place, it is said that the companies could be taxed while losing money abroad. I cannot see how this amendment would provide that. What this does is just to require an offset for their foreign losses, but it does not permit any taxation of a company which is losing money.

Finally, Mr. President, the argument was made that this would worsen our balance of payments. It is true, of course, that, to the extent that Americans invest abroad and we have American companies sending money back to this country, that tends to help our balance of payments. But what we ought to recognize is that when we give great advantage for developing the oil industry abroad and they are producing and hiring labor abroad, and the oil that is produced abroad is sold, some in this country and some abroad, obviously in competition with American oil production, that action is worsening our balance of payments. I submit that this amendment would benefit our balance of payments.

I reserve the remainder of my time.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. LONG. Mr. President, at the time I made the statement that the Senator discriminates against the oil industry, I perhaps, should have stated that the

same discrimination would apply to the extractive industries. But as between manufacturing industries and extractive industries, the Senator would permit all manufacturing industries, such as Coca-Cola, Ford Motor Co., General Motors, and others, to continue to have the benefit of an overall limitation, but would deny that to the extractive industries, of which the oil industry is the major one.

So he discriminates in his amendment. It is a discriminatory amendment that increases the taxes on these types of companies doing business overseas. The overall tax collected on foreign income of all U.S. companies has been estimated to be something like $100 million, and here is a $65 million increase in one industry alone. This clearly discriminates against those in the extractive industries, of which oil is the primary one.

With regard to the point the Senator made about double taxation, I said that a company could be taxed even though it lost money. Many of these foreign countries simply do not permit a loss carry forward. Let us assume a company lost $2,000 in the first year and it made $1,000 in the second year. Under our laws, we would permit them to offset the $2,000 loss in year 1 against the $1,000 profit they made in year 2. That is what is called a loss carryforward, which is traditional in our country, and it is only fair. But these other countries do not have it, and that is one of the primary problems. That creates a problem that exists in the first part of the Senator's amendment.

I have been a member of the Committee on Foreign Relations, and we have processed treaty after treaty dealing with double taxation, and we should have treaties like that being sure that the foreign country allows a net operating loss. That would solve the problem. This country has the leverage and the power in trading with those countries. We favor them in all kinds of ways. We have all the leverage we need, under the oil quota program and other programs, to enter into such treaties. There would then be no problem at all about the first point, the double taxation feature arising because of the foreign country failing to allow a net operating loss carryover.

But the Senator wants to punish not the foreign country for not having adequate laws; he wants to punish our oil companies and our extractive industries that go there, when it would make much better sense to put the pressure on that country to enter into a logical tax agreement with us. Such a tax treaty would solve the problem.

The Senator would punish the wrong party. He should be concerned with the foreign country rather than putting double taxation on the oil companies. The oil companies are not in a position to put pressure on foreign countries. With respect to those companies, it is fortunate if they do not become nationalized.

As a practical matter it is a discriminatory amendment. It is unfair to the extractive industries and it does not do the same thing to other industries. It tends to kill the goose that lays the golden egg, which brings back about $1.5 billion a year on which about $445 million in taxable dividends is paid.

EXHIBIT 1

MEMORANDUM IN OPPOSITION TO PROPOSAL TO REDUCE FOREIGN TAX CREDITS

The National Foreign Trade Council strongly urges the rejection of amendments to H.R. 13270 proposed by Senator Proxmire which would (1) reduce the foreign tax credit in cases where the taxpayer sustains foreign losses and (2) reduce the foreign tax credit with respect to certain foreign mineral income. These proposed amendments should not be considered at this time on a piecemeal basis but rather should be considered in the recently commenced Treasury Department study of the U.S. taxation of foreign source income. The Council endorses the action of the Senate Finance Committee which deleted somewhat similar provisions contained in the House passed version of H.R. 13270. See S. Rept. No. 91–552, 91st Cong., 1st Sess., pp. 307, 308.

These far reaching proposals will affect a broad cross-section of taxpayers and add needless complexity to already complex provisions. Such proposals are inequitable and will seriously discriminate against U.S. companies in their attempts to meet strong, aggressive foreign competition from corporations from countries such as Japan and Germany, which give assistance to their overseas operations rather than discriminate against them.

Both proposals dilute the foreign tax credit by indirectly limiting the full effect of deductions heretofore granted by the Congress as they pertain to the foreign business operations of a U.S. national. Thus both proposals seriously discriminate against foreign source income. All deductions allowable to U.S. nationals having U.S. income should also be allowed to U.S. nationals having foreign income, since the U.S. taxes its nationals on income from worldwide sources. Otherwise the foreign tax credit mechanism will not prevent international double taxation and U.S. international trade and investment must suffer.

PROPOSED LOSS RECAPTURE PROVISION

The proposal to recapture foreign losses provides that if the taxpayer sustains a foreign loss which is deducted against U.S. income, such loss will reduce, in another taxable year in which there is income, the credit for foreign taxes actually paid which is now allowable under present law. The effect of this proposal is limited to a period commencing 2 years prior to and ending 10 years subsequent to the year of the loss.

In attempts to justify section 431 of the House passed version of H.R. 13270, it has been argued in the Ways and Means Committee report that the current law provides a so-called "double tax benefit" to companies which incur losses in foreign activities and are able under the per-country foreign tax credit provision to reduce their U.S. taxable income in that year by the amount of such foreign losses. The first so-called tax "benefit" is that the taxpaying company is able to combine profits earned in the United States and abroad with losses incurred in the United States and abroad in determining taxable income. The reasonableness and appropriateness of combining profits and losses for tax purposes is accepted in the House-passed bill, as it should be. This is a long-accepted and valid principle of taxation. The ability to combine profits and losses in the case of foreign and domestic operations is simply consistent with the U.S. principle of taxing the worldwide income of its citizens.

The second part of the so-called "double tax benefit" is claimed to occur when operations turn profitable in the country in which the losses were incurred and the U.S. taxpayer is then allowed credit for the foreign taxes he actually pays on such income. This, of course, reflects the operation of the foreign tax credit, which is required in order to prevent international double taxation. Far from being a "double tax benefit," the credit for foreign taxes paid avoids the inequitable situation in which the taxpayer's income would be taxed twice.

The proposed loss recapture provision is inconsistent with and departs from basic U.S. principles of taxation since it could result in the taxation of foreign source income at a rate higher than that applicable to domestic income. Under the so-called "recapture" provisions the foreign loss will reduce the foreign tax credit otherwise allowable during the 12 year recapture period. Any such reduction in foreign tax credit would result in the imposition of an additional U.S. tax on foreign source income. The degree of this penalty for a loss increases with the foreign tax rate. Thus, foreign source income would be taxed at a greater overall rate than comparable income of other taxpayers who never sustained a prior year's loss in foreign operations.

The basic function of section 904 of the Code is to insure that foreign source income will be taxed at no more than the higher of the U.S. or foreign tax rate. The proposed loss recapture provision would in some cases require taxation of foreign income at a rate higher than either the U.S. or foreign rate.

The proposal to apply the so-called "recapture" provision where there has been a net foreign loss while using the overall limitation results in a second tax penalty for taxpayers experiencing an overall loss while using the overall limitation. Firstly, foreign taxes applicable to foreign source income which have actually been paid or accrued will not be credited. This is the result under the present law. Secondly, as operations turn profitable foreign taxes otherwise creditable will be reduced by the loss recapture provisions in violation of the traditional U.S. principles inherent in the taxation of foreign source income.

The proposed loss recapture provisions provide for an extremely complicated formula in computing the amount of the foreign loss which is to be carried backward and forward in order to reduce otherwise creditable foreign taxes. The ratable portion of all expenses which are not directly attributable to foreign source income must be allocated to such foreign source income. Many foreign countries will not permit allocation of U.S. home office and other general type expenses in computing their taxable income. Thus international double taxation will surely result. It should be noted that further complexities will result if the proposed loss recapture provision is enacted, inasmuch as the foreign tax credit carryover provisions do not coincide with the proposed loss carryover provision.

PROPOSED REDUCTION OF FOREIGN TAX CREDIT ON MINERAL INCOME

The proposal to reduce the foreign tax credit with respect to mineral income singles out, and discriminates against, the extractive industries and fails to recognize the integrated nature of many foreign mineral operations. In essence, for U.S. tax purposes, it would separate a part of the extractive industry, production, from activities such as processing, transporting and marketing. This would be done by denying a credit for foreign taxes actually paid in respect of such operations which in many international operations is economically inseparable. The effect of this denial is to increase the U.S. tax on foreign mineral operations. This, in turn, increases the overall tax burden on such foreign operations to an amount above that that would have been incurred had such operations been entirely conducted in the U.S. This results in taxing foreign income at a higher rate than domestic source income. This violates the fundamental objective of

the tax credit of avoiding international double taxation.

The result of this proposal would be to weaken the ability of U.S. business abroad to compete for and develop diverse sources of natural resources needed both for economic development and, in the case of some minerals, for our national security. In light of the very substantial activity by foreign owned companies, many totally exempt from taxation on their foreign operations and many receiving subsidies for both foreign and domestic operations, U.S. companies will not be able to continue to participate as effectively in the growth of the international extractive industry. This, in turn, would increase the dependence of the U.S. upon the political or economic whims of foreign owned companies for natural resources needed by U.S. interests to support both domestic and foreign needs. In the case of many minerals, this could have a direct impact upon the national security of the U.S. For example, since the U.S. consumes more than one-third of the oil consumed in the Free World but only has about one-tenth of the total Free World reserves, it is quite obvious that in the future the U.S. will have to place greater reliance upon foreign source oil to meet its needs. Moreover, foreign source oil will continue to be of great importance not only in meeting our military needs abroad but also in supplying our allies. These facts make it clear that the future security of the U.S. and the Free World will depend on easy access to diverse and growing sources of oil. Accordingly, it would not be prudent for Congress to make tax changes which discriminate against and discourage U.S. businesses from effectively competing with foreign owned, and sometimes government controlled, enterprises for petroleum and other needed natural resources located abroad.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from North Dakota.

Mr. BURDICK. Mr. President, I have listened carefully to the debate. I am a little disturbed by one thing that has been brought out by the Senator from Louisiana. We are dealing with foreign tax credits. Is it correct that we are dealing with the extractive industries in a way that is different from the way we deal with other American industries?

Mr. PROXMIRE. No. In my view, it would not.

Mr. BURDICK. Are we treating American manufacturing industries in the same manner?

Mr. PROXMIRE. We are treating American manufacturing industries in the same manner. There is this kind of exception. At the present time only extractive industries have the depletion allowance available to them. The depletion allowance when taken on a broad overall basis has enabled them to virtually eliminate in many cases their domestic taxes.

We provide that any extractive industry can take its depletion allowance at a tax offset in the country in which it is operating for purposes of the depletion allowance, so it does have that kind of limitation. This is a limitation which the Treasury Department suggested and it seemed a fair way to get at this difficulty of the ability of these firms to disguise their royalty and maintain a tax advantage other companies do not have. It is an attempt to equalize.

Mr. BURDICK. In other words, the Ford Motor Co. could do the very things the Senator outlined today?

Mr. PROXMIRE. Yes, indeed.

Mr. BURDICK. The same things?

Mr. PROXMIRE. The same things.

Mr. BURDICK. This would not apply to them?

Mr. PROXMIRE. No, they would not be adversely affected. They would be in the same position as any extractive industries. Ford Motor Co., of course, does not have the depletion allowance.

Mr. BURDICK. That is the Senator's distinction?

Mr. PROXMIRE. Yes, and the oil company is able to write off losses other than the oil depletion, exactly as the Ford Motor Co. would.

Mr. BURDICK. I thank the Senator.

Mr. PROXMIRE. Mr. President, I want to make clear that the amendment was drafted by the Treasury Department to conform with the views expressed by the Treasury Department to the Committee on Finance. In that sense it reflects the administration position, although as the Senator from Nebraska has brought out, this is not specifically endorsed as an amendment by the Treasury Department.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PELL. Mr. President, I have followed this argument as closely as I could. I am aware that the oil companies have a very real interest.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the pending amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senator may proceed for 2 additional minutes.

Mr. PELL. I need only 1 minute.

Mr. MANSFIELD. I will leave it at 2 minutes. I wish to make a request.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. PELL. Mr. President, as I understand, this is the only industry where taxes paid are taken as a full credit against taxes owed the American taxpayer; is that correct?

Mr. PROXMIRE. Well, yes. The contention of most realists is that in substantial part the taxes imposed by foreign countries are concealed royalty payments so they can take that as a tax credit rather than as a deduction.

Mr. LONG. Mr. President, I have inserted in the RECORD a memorandum from the National Foreign Trade Council which states that this is double taxation. This is not the Senator from Louisiana speaking. This is somebody else. This is the National Foreign Trade Council. It is double taxation by making a company pay taxes where presently it does not pay taxes because a foreign country does not permit a net operating loss carryforward as we do in our law.

Furthermore, it should be made clear that the Senator's amendment, by denying the overall limitation on the foreign tax credit to the extractive industries, of which oil is the major one, would not deny that to the manufacturing companies and those companies not in the extractive business. The provision is discriminatory and it is double taxation.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GOODELL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and disposition of the Journal tomorrow the Senator from New York (Mr. GOODELL) be recognized for a period not to extend beyond 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. The question is on agreeing to the pending amendment of the Senator from Wisconsin, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), and the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 33, nays 58, as follows:

[No. 168 Leg.]

YEAS—33

Aiken	Hartke	Nelson
Brooke	Hughes	Pastore
Case	Inouye	Pell
Church	Jackson	Prouty
Dodd	Javits	Proxmire
Dole	Kennedy	Ribicoff
Eagleton	Magnuson	Smith, Maine
Goodell	McGovern	Williams, N.J.
Gore	McIntyre	Williams, Del.
Griffin	Mondale	Yarborough
Hart	Muskie	Young, Ohio

NAYS—58

Allen	Fong	Murphy
Allott	Gravel	Packwood
Baker	Gurney	Pearson
Bennett	Hansen	Percy
Bible	Harris	Randolph
Boggs	Hatfield	Russell
Burdick	Holland	Saxbe
Byrd, Va.	Hollings	Schweiker
Byrd, W. Va.	Hruska	Scott
Cannon	Jordan, N.C.	Smith, Ill.
Cook	Jordan, Idaho	Sparkman
Cooper	Long	Spong
Cotton	Mansfield	Stennis
Cranston	McCarthy	Stevens
Curtis	McClellan	Talmadge
Dominick	McGee	Tower
Eastland	Metcalf	Tydings
Ellender	Miller	Young, N. Dak.
Ervin	Montoya	
Fannin	Moss	

NOT VOTING—9

Anderson	Fulbright	Mundt
Bayh	Goldwater	Symington
Bellmon	Mathias	Thurmond

So Mr. PROXMIRE'S amendment (No. 328) as modified was rejected.

NOTICE OF INTENTION TO CONSIDER CONFERENCE REPORT ON PUBLIC WORKS APPROPRIATION BILL TOMORROW

Mr. ELLENDER. Mr. President, after consulting with the leadership on both sides of the aisle, I wish to give notice that I shall attempt to take up the conference report on the public works appropriations tomorrow at about 10 o'clock.

TAX REFORM ACT OF 1969

The Senate continued the consideration of the bill (H.R. 13270) the Tax Reform Act of 1969.

The PRESIDING OFFICER. What is the will of the Senate?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate—I have discussed this with the distinguished Republican leader—there will be no further rollcall votes tonight, but amendments will be offered which, hopefully, will be accepted on voice votes. If there are any rollcall votes in the offing tonight, they will be postponed until tomorrow.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment to the committee amendment, which I ask to have stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The legislative clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 292, delete lines 3 through 8 and insert the following after line 2: "ment unit shall be the portion so allocated to it. In the case of a bond or other evidence of indebtedness, or an investment unit as described in this paragraph (other than a bond or other evidence of indebtedness or an investment unit issued pursuant to a plan of reorganization within the meaning of section 368(a)(1) or an insolvency reorganization within the meaning of section 371, 373, or 374), which is issued for property and which—

"(A) is part of an issue a portion of which is traded on an established securities market, or

"(B) is issued for stock or securities which are traded on an established securities market

The issue price of such bond or other evidence of indebtedness or investment unit, as the case may be, shall be the fair market value of such property. Except in cases to which the preceding sentence applies, the issue price of a bond or other evidence of indebtedness (whether or not issued as part of an investment unit) which is issued for property (other than money) shall be the stated redemption price at maturity."

Mr. WILLIAMS of Delaware. Mr. President, in dealing with section 413 of the bill the committee tried to correct what was interpreted as a loophole in existing law with relation to the organization of conglomerates. After the bill had been reported by the committee to the Senate as a whole the Treasury, in reviewing the matter, discovered that inadvertently the language of the bill as it had been approved by the committee and by the Treasury Department opened another loophole in another area. The Department of the Treasury submitted a letter asking the committee to correct the error in the draft of the bill and to carry out the full intention of the committee and the Treasury Department.

We submitted the matter to our staff. Our staff agrees with the Department. The committee agrees that the correction should be made.

I ask unanimous consent that the letter of the Treasury Department, under date of November 28, 1969, requesting this change, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., November 28, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Section 413 of the bill falls in the group of provisions designed to deal with "conglomerates." It relates specifically to the treatment of "original issue discount" on issuance by a corporation of bonds, notes, or other written evidences of indebtedness. Under existing law, original issue discount arises when a corporation issues its bonds for less than their face amount. Since the difference in reality represents additional interest cost to the issuer, the corporation may take a deduction for amortization of the discount, and existing law requires the bondholder to treat this part of his gain on sale or redemption of the bond as ordinary income.

Under existing law the issuing corporation deducts the discount ratably over the life of the bond, but the bondholder reports the income only when the bonds are sold or redeemed. Thus, the treatment is not entirely parallel. Furthermore, there are indications that bondholders frequently do not report this portion of their gain on ultimate sale or redemption as ordinary income, and since this may occur at a time long after the bonds were originally issued, it is often difficult to determine whether there was original issue discount when the bonds were issued. We have found that these circumstances have encouraged the issuance of bonds by conglomerates in takeover cases, so we recommended changes in existing law in this area in our original tax reform program.

Section 413 of the bill deals with this problem by requiring the bondholders to report the discount income ratably over the period they hold the bonds. Also, there is an information reporting requirement imposed on the issuing corporation. Thus, the treatment of the issuing corporation and the bondholder is made parallel, and we will obtain greater assurance of full reporting of the ordinary income received by the bondholders.

In the drafting of the bill on the House side, out of an abundance of caution, we defined "original issue discount" broadly to include cases where bonds were issued for property (as opposed to cash). The discount amount in such a case is equal to the excess of the face amount of the bonds over the fair market value of the property at the time of issuance of the bonds. Only recently, it has come to our attention that this may inadvertently open up a loophole in which the Government could be whipsawed, and that in any event it should not be the rule where bonds are issued in a tax-free reorganization. In the press of business before the Committee, this was not brought to the attention of the Committee, and we are concerned that unless something is done on the Senate floor, it will not be open in conference to deal with the matter because the bill containing the crucial language in question will have passed both Houses. The language in question appears at lines 3–8 on page 292 of the bill.

The whipsaw problem arises because of the severe difficulty of valuing property not traded on some recognized exchange. The issuing corporation will claim a low value for property received on issuance of its bonds in order to obtain a bond discount amortization deduction. The bondholder will claim that the property was worth the full face amount of the bonds so that he has no "original issue discount" income. It is not possible to bring these parties together in the same lawsuit, or otherwise to insure that consistent valuations are applied, so that if one party gets an ordinary deduction, the other has an equivalent amount of ordinary income. This would suggest there should be no original issue discount where bonds are issued for property except where the bonds are traded on an established securities market or are issued for property which consists of securities so traded. In these latter cases, the valuation problem (and thus the whipsaw danger) does not exist.

The reorganization problem arises because in a tax-free reorganization, no gain or loss is recognized to the corporations involved and the basis of the assets of the transferor corporation carries over, that is, such assets have the same basis in the hands of the transferee corporation. Under these circumstances, original issue discount should not be taken into account so as to give the transferee corporation an amortization deduction as a result of the issuance of its bonds in the reorganization. In other situations, the issuing corporation pays a price where there is original issue discount because the basis of the assets is their lower value at the time the bonds are issued rather than the face amount of the bonds. In a reorganization, however, where the basis of the assets carries over, this "leveling" factor does not exist and there is every reason for the issuing corporation to claim a low value for the assets to increase its amortization deduction for bond discount if such a deduction is allowed. Thus, the danger of the Government being whipsawed is even greater.

Accordingly, we believe the rule stated at lines 3–8 on page 292 of the bill is too broad. Furthermore, it is at odds with the basic thrust of the bill as it affects conglomerates because it could actually increase the tax benefits of an acquisition with debt instruments to the acquiring company rather than

decreasing such benefits. Several court cases have held that there is no original issue discount on the issuance of bonds for property on the ground that the principal amount of the debt is the purchase price of the property acquired.

We therefore recommend that a floor amendment be offered deleting the lines in question and substituting a rule that where a bond is issued for property other than cash, the issue price of the bond will be deemed to be the stated redemption price of the bond at maturity except where such bond is part of an issue which is traded on an established securities market, or is issued for stock or securities which are traded on an established securities market. In the latter event, the value of the bond or the stock or securities for which it is issued on the established securities market will measure the amount of original issue discount for all purposes of the Internal Revenue Code. Further, original issue discount will not be deemed to exist where a bond is issued in a "reorganization" as defined in section 368 or sections 371–374 of the Code.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. WILLIAMS of Delaware. Let me read briefly from one paragraph:

In the drafting of the bill on the House side, out of an abundance of caution, we defined "original issue discount" broadly to include cases where bonds were issued for property (as opposed to cash).

Continuing:

The language in question appears at lines 3–8 on page 292 of the bill.

The whipsaw problem arises because of the severe difficulty of valuing property not traded on some recognized exchange.

The Department points out that the language in the bill did not carry out the intention of the committee or of the Treasury Department.

This matter has been discussed with the chairman and the other members of the committee, and they recommend the approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware to the committee amendment.

The amendment was agreed to.

CAPITOL GUIDE SERVICE

Mr. WILLIAMS of Delaware. Mr. President, I have another amendment, offered on behalf of myself and the Senator from Montana (Mr. MANSFIELD), which I send to the desk and ask to have reported.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to waive the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the act add the following new section:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Capitol Guides Act."

"ESTABLISHMENT AND PURPOSES

"SEC. 2. (a) There is hereby established, within the Congress of the United States, an organization to be known as the Capitol Guide Service, which shall provide without charge, guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public. The Service shall be under the direction, control, and supervision of the Capitol Police Board (hereafter referred to as the 'Board').

"(b) The Board may also detail guides to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

"GUIDES

"SEC. 3. (a) (1) There shall be appointed to the Capitol Guide Service such guides as may be necessary, including a chief guide, to carry out effectively and efficiently the activities of the Service. The chief guide shall be appointed by the Board and one-half of all other guides shall be selected for appointment by the Board by the Sergeant at Arms of the Senate and the other one-half selected for appointment by the Board by the Sergeant at Arms of the House of Representatives.

"(2) The annual (gross) rate of pay of the chief guide shall be $9,417, and the annual (gross) rate of pay of any other guide shall be $8,322.

"(3) Section 106(a) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60; (a)), is amended by adding at the end thereof the following new clause: '(8) Guides of the Capitol Guide Service.'

"(b) No guide of the Capitol Guide Service shall charge or accept any fee, or accept any gratuity, for or on account of his official services.

"(c) Section 2107 of title 5, United States Code, relating to the definition of 'congressional employee', is amended—

"(1) by striking out the word 'and' at the end of paragraph (7);

"(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word 'and'; and

"(3) by adding at the end thereof the following new paragraph:

"'(9) a guide of the Capitol Guide Service.'.

"(d) Section 8332(b) of title 5, United States Code, relating to creditable service for retirement purposes, is amended—

"(1) by striking out the word 'and' at the end of paragraph (5);

"(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word 'and';

"(3) by adding immediately after paragraph (6) the following new paragraph:

"'(7) subject to sections 8334(c) and 8339 (h) of this title, service performed on and after February 19, 1929, and prior to the effective date of the Capitol Guides Act, as a United States Capitol guide."; and

"(4) by inserting at the end thereof the following sentence: "The Civil Service Commission shall accept the certification of the Capitol Police Board concerning service and rates of pay for the purpose of this subchapter of the type described in paragraph (7) of this subsection and performed by a guide.'

"(e) Notwithstanding the other provisions of this section, the Board and the Sergeants at Arms of the two Houses shall afford, to each person who is a member of the United States Capitol Guides immediately prior to the effective date of this Act, the opportunity to be appointed under this Act to the Capitol Guide Service. For the purposes of the initial appointments of such persons, the appointments and number of such persons shall be considered to have been authorized and approved for the Capitol Guide Service under subsection (a)(1) of this section.

"POWERS OF THE BOARD

"SEC. 4. (a) The Board is authorized—

"(1) to prescribe the duties and responsibilities of the guides;

"(2) to prescribe a uniform dress, including appropriate insignia, which shall be worn by such guides when on duty;

"(3) from time to time as may be necessary, to procure and furnish, without charge, such uniforms to such guides;

"(4) to enter into contracts or other arrangements, or modifications thereof, to carry out the purposes of this Act; and

"(5) to take such actions and make such expenditures as may be necessary to carry out the purposes of this Act.

"(b) The Board may take appropriate disciplinary action, including suspension or removal, against any guide who violates any provision of this Act or any regulation prescribed by the Board pursuant to this Act, except that a guide may not be suspended from duty without pay, demoted, removed, or have his pay reduced unless (1) in the case of the chief guide, a majority of the members of the Board so decides, and (2) in the case of any other guide, the Sergeant at Arms, who appointed that guide consents.

"(c) All expenses and salaries of the Capitol Guide Service shall be disbursed by the Secretary of the Senate, upon vouchers approved by the Chairman of the Board, out of funds appropriated for the Service.

"TRANSFER PROVISIONS

"SEC. 5. (a) On the effective date of this Act, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date, are transferred to the Capitol Guide Service.

"(b) As soon as practicable after the effective date of this Act, but not later than the close of the sixtieth day after such effective date, the Board shall, out of the assets and property belonging to the United States Capitol Guides immediately prior to such date, on the basis of a special audit which shall be conducted by the General Accounting Office—

"(1) settle and pay any outstanding accounts payable of the United States Capitol Guides;

"(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused); and

"(3) otherwise wind up the affairs of the United States Capitol Guides;

which exist immediately prior to such effective date. The Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this Act, with respect to disposal of monetary surpluses.

"EFFECTIVE DATE

"SEC. 6. The provisions of this Act shall become effective on the first day of the first month which begins after the thirtieth day after the date of enactment of this Act."

Mr. WILLIAMS of Delaware. Mr. President, this is the identical amendment which was approved late the other night after Senators were told there would be no more votes. Some Senators interpreted that statement to mean there

would be no votes at all. Therefore, I had the vote by which the amendment was agreed to reconsidered, but I served notice that it would be offered later.

This amendment does not relate to the Internal Revenue Code. Its purpose is to furnish paid guide services at the National Capitol. At the present time we are the only nation in the free world where schoolchildren have to pay for a conducted tour of our Nation's Capitol. This is wrong, and the approval of this amendment would correct this situation.

The amendment is offered on behalf of the Senator from Montana (Mr. MANSFIELD) and myself. We have discussed it with the members of the Committee on Rules and Administration, and they have no objection to our accepting this amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield to me to make a statement at this point?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, may I say that I regret very much that circumstances required the reconsideration of the free Capitol guide service proposal. Certainly I believed that this matter was without controversy. Though I must say that I, too, was away from the Chamber when it was called up as an amendment Monday evening. And to accommodate other Senators who were not present at the time, I had no objection to its being reconsidered.

However, I do urge its approval now for a number of reasons. First of all, it provides free guide service for schoolchildren and all persons who visit their Nation's Capitol. I understand that ours is the only capitol in the world that does not provide such service. In this fashion, also, it would place the Capitol in the same category as the White House, the Justice Department, the National Gallery and many other governmental institutions that have long provided free tours to the public.

The guides themselves would be under the jurisdiction of the Capitol Police Board and would be given the same status in all respects as the present "trained" Capitol Police force. For example, salaries will be equivalent to trained police salaries, selection will be made—one-half from the Senate, one-half from the House—by the respective Sergeants at Arms as they now are for the police force, the guides would be brought under the same legislative retirement, health and insurance programs and given the same longevity privileges.

I should point out that with respect to the salary provided under this proposal, the guide force would receive $8,322 per year. As I said, this is the same salary now paid to the trained career Capitol police officers. It compares with a salary of between $5,000 and $6,000 paid guides in the executive branch and $7,200 provided in a similar proposal passed by the Senate 2 years ago. It may be less than the guides now receive but it must be remembered that they are also given retirement benefits, health and life insurance benefits. Moreover, they are treated in the same fashion as our career police and there is no reason to treat them differently. That is all that is sought in creating this service. In this respect I should point out that the White House tour guides are themselves members of the White House Police detachment and start at a salary of only $8,000.

I urge the adoption of the amendment at this time and on this bill. With minor exceptions, it is identical to the free Capitol guide service proposal passed 2 years ago in the Senate by a record vote of 74 to 8.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. HRUSKA. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. Yes, indeed.

Mr. HRUSKA. Is not the subject of this amendment the subject also of a bill that is pending?

Mr. MANSFIELD. That is correct.

Mr. HRUSKA. In what committee is that bill pending?

Mr. MANSFIELD. The Committee on Rules and Administration. And, as the Senator from Delaware has stated, we have discussed this amendment with that committee, and they have no objection.

Mr. HRUSKA. Is the subject matter of the amendment germane to the bill?

Mr. WILLIAMS of Delaware. Just about as germane as the subject matter of the amendment to the interest equalization tax bill.

Mr. HRUSKA. This subject matter is a little different.

Mr. WILLIAMS of Delaware. That is correct.

Mr. HRUSKA. And the urgency is not quite as great?

Mr. WILLIAMS of Delaware. Oh, yes. For a long time I have not understood why the schoolchildren who visit the Nation's Capitol have to pay to visit their Congress. This is the only capitol in the Western World where it is done.

Mr. HRUSKA. There are other features in the bill, are there not, besides providing a free guide service? There is the matter of adjusting salaries, and one thing and another?

Mr. MANSFIELD. That is correct, and also the benefits based on the congressional pension fund, health insurance, life insurance, permanency, and, I think, greater stability than is the case at the present time. The only difference is the salary, and I think that is compensated for. I believe the trained police force we have here is just as important as the guides who conduct our people through their Capitol.

Mr. HRUSKA. What is the status of the bill in the Rules Committee? Have there been hearings?

Mr. WILLIAMS of Delaware. Not as yet.

Mr. MANSFIELD. Not as yet; and we have present the ranking Republican member, the Senator's colleague from Nebraska (Mr. CURTIS), which should be relevant.

Mr. WILLIAMS of Delaware. This measure has passed the Senate twice already.

Mr. HRUSKA. In identical form, or with some variations?

Mr. WILLIAMS of Delaware. Oh, not exactly identical form. The Senate never does anything in the identical form as before. It is an improved form.

Mr. HRUSKA. The Senator from Nebraska would be reluctant to see the jurisdiction of a committee invaded and short-circuited, but if there is assurance that the Committee on Rules and Administration has no objection, it is their prerogative.

Mr. WILLIAMS of Delaware. I have talked with the chairman and the ranking member of the Committee on Rules and Administration and have been assured that they have no objection.

Mr. MANSFIELD. I have talked only with the chairman.

Mr. CURTIS. Mr. President, I have no objection.

Mr. HRUSKA. Under the circumstances, the senior Senator from Nebraska has no objection, either.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. AIKEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Nebraska (Mr. CURTIS), for himself and Mr. WILLIAMS of Delaware, proposes an amendment as follows:

At the proper place in the bill, insert the following new section:

"SEC. ——. AMENDMENT OF BUDGET AND ACCOUNTING ACT, 1921.

"(a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by striking out subsections (b), (c), (d), (e), and (f), and inserting in lieu thereof the following new subsection:

"'(b) Whenever the President transmits to the Congress a budget message or a supplemental budget message, he shall transmit to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives, and to the Committee on Appropriations and the Committee on Finance of the Senate, a separate report in which he shall state—

"'(1) the extent to which the proposals made or referred to in that message, if carried into effect, would result directly or indirectly in (A) a surplus or deficit in Federal funds (as distinguished from trust funds), and (B) an increase or a decrease in the national debt of the United States; and

"'(2) in detail the facts and circumstances upon which those conclusions are based.'

"(b) The amendment made by subsection (a) shall apply with respect to the Budget for the fiscal year ending June 30, 1971, and for each fiscal year thereafter."

Mr. CURTIS. Mr. President, if we may have order in the Chamber, I think I can state the case for this amendment in brief order.

The PRESIDING OFFICER. The Senate will be in order, so the Senator can be heard.

The Senator from Nebraska may proceed.

Mr. CURTIS. Mr. President, this amendment does not relate to revenue. It is not something to add to or detract from our taxes. Neither does it change the budget system now followed by the

Federal Government. A change in the budget system should only follow after hearings have been held by an appropriate committee.

What this amendment would do is require, at the time the budget is submitted, that certain information be delivered to the Appropriations Committees of the House of Representatives and the Senate, and to the tax-writing committees, the Committee on Finance in the Senate and the Committee on Ways and Means in the House of Representatives—in other words, at the time the budget is submitted, and at such other times as messages are sent to us.

This amendment would require that information as to the effect upon deficits or surpluses, as determined by the administrative budget, and the effect upon the national debt, shall be shown in reference to the items in the budget for the benefit of those four committees, together with the necessary details to support the same.

It is my understanding that the distinguished chairman of the Committee on Finance has no objection to the amendment. It is merely a provision to give to the committees charged with the responsibility of appropriating money and recommending taxes information that will be helpful to them in managing the fiscal affairs of the country, eliminating deficits, and avoiding an increase in the national debt.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. WILLIAMS of Delaware. Mr. President, as a cosponsor of this amendment, I join the Senator from Nebraska in expressing the hope that this amendment will be approved. I think it would be of great service to the Committee on Finance and to Members of Congress in general if we could obtain this additional information as to the true financial position of this Government as we move along. I think it is an excellent amendment, and I support it wholeheartedly.

Mr. CURTIS. I think the distinguished Senator, and I again state for the RECORD that, while I feel there should be a change in our budget system, a bill to accomplish that purpose should be handled by the appropriate committee, which is the Committee on Government Operations.

This provision does not go that far. It merely requires a systematic giving of needed information to the appropriate committees of Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 301

Mr. DOLE. Mr. President, I call up amendment No. 301, an amendment to provide for reimbursement of professional fees incurred by a taxpayer in certain circumstances in connection with a "second audit" by the Internal Revenue Service.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the proper place, insert the following new section:

"SEC.—REIMBURSEMENT OF TAXPAYER'S COSTS IN CERTAIN CASES.

"(a) IN GENERAL.—Subchapter A of chapter 65 (relating to procedure in case of abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

" 'SEC. 6408. COSTS AND EXPENSES INCURRED BY TAXPAYERS.

" '(a) GENERAL RULE.—Costs and expenses incurred by a taxpayer in connection with the determination, collection, or refund of any internal revenue tax shall be borne by such taxpayer, except that, if—

" '(1) the Secretary or his delegate subjects the return of a taxpayer to a field audit and after such audit (i) propose a deficiency or overpayment of income tax imposed by section 1 or section 11 of this title, which the taxpayer accepts in writing, on a form specified by the Secretary or his delegate, or (ii) notifies the taxpayer that there is no change in his tax liability;

" '(2) subsequent to the taxpayer's written acceptance of such proposed deficiency or overpayment, or the taxpayer's receipt of a notification that there is no change in his tax liability, the Secretary or his delegate proposes another deficiency or reduction in the overpayment of such tax for the same year with respect to which such acceptance has been made, or such notification has been received; and

" '(3) the deficiency in such tax for such year finally obtained, or the overpayment finally allowed, is not more favorable to the Secretary or his delegate than the deficiency or overpayment which the taxpayer had accepted, or the tax liability reflected on the return for which notification had been received by the taxpayer, then the Secretary or his delegate shall reimburse the taxpayer for all costs incurred by the taxpayer (including legal and accounting fees) in connection with the deficiency or reduction in overpayment proposed subsequent to such acceptance or notification.

" '(b) REIMBURSEMENT OF COSTS AND EXPENSES.—Costs and expenses incurred by the taxpayer which shall be borne by the Secretary or his delegate pursuant to subsection (a) of this section shall be deemed, for the purposes of section 6511(a) of this title, a tax paid by the taxpayer on the date his tax liability for such year is finally determined (whether determined administratively or judicially). For purposes of this title and section 1346(a)(1) of title 28, United States Code, the amount of tax so deemed paid by the taxpayer shall constitute an overpayment.'

"(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 65 is amended by adding at the end thereof the following new item:

" 'Sec. 6408. Reimbursement of Taxpayer's Costs in Certain Cases.' "

Mr. DOLE. Mr. President, under existing law and current Internal Revenue Service practice, if the Internal Revenue Service proposes either a deficiency in tax or overassessment in tax at the completion of a field audit the taxpayer is requested to execute a form 870, in which he consents to the assessment and collection of the deficiency or accepts the overassessment. The form 870, however, specifically "does not preclude assertion—by the Internal Revenue Service—of a further deficiency in the manner provided by law if it is later determined that additional tax is due." In the event the field audit reflects no change in the taxpayer's tax liability, the taxpayer receives what is referred to as a "no-change letter," which also does not preclude the Internal Revenue Service from asserting a further deficiency—"second deficiency."

The rationale of the amendment is as follows: Following a field audit when the tax liability of a taxpayer has been agreed upon by the Internal Revenue Service and the taxpayer—that is, the taxpayer has executed a form 870 reflecting an overassessment or deficiency, or the taxpayer has received a no-change letter—the Internal Revenue Service should not be barred from asserting a second deficiency in tax, but the Internal Revenue Service should reimburse the taxpayer for all costs—including professional fees—incurred by the taxpayer in contesting the second deficiency if the second deficiency ultimately is not sustained.

Although the Internal Revenue Service would still be able to assert a second deficiency after the conclusion of and acceptance by the taxpayer of a field audit, the fact that the taxpayer would be reimbursed for all his costs in contesting the second deficiency if the Internal Revenue Service is unsuccessful should deter the Internal Revenue Service from asserting insignificant and/or questionable second deficiencies. Thus, the enactment of this amendment would impart a greater degree of finality to a taxpayer's acceptance of the result of an audit of his return.

Although existing Code section 7605 (b) provides that the Internal Revenue Service is allowed only one inspection of the books and records of a taxpayer unless the taxpayer requests otherwise or the Secretary of his delegate after investigation notifies the taxpayer in writing that an additional inspection is necessary, this section, of course, does not prevent the Internal Revenue Service from asserting a second deficiency. It should be noted that the proposed amendment is somewhat analogous to rule 68 of the Federal rules of civil procedure which permits a party defending against a claim to make an offer of judgment; if the judgment finally obtained by the party to whom the offer is made is not more favorable than the offer, the party to whom the offer is made must pay the cost incurred by the party extending the offer after the making of the offer.

Mr. President, I have discussed the amendment with the chairman of the committee and with the ranking Republican member. I understand that there is no objection to accepting the amendment.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. PEARSON. Mr. President, my distinguished and able colleague has stated precisely the intent and the purpose of the amendment. It is born out of actual experience. And really it relates to a situation in which the Internal Revenue Service may come in under a claim, as the Senator stated, and have an audit and thereafter reach an adjudication as to the liability of the taxpayer that may be paid. Thereafter there are proceedings available under which they can come in for the second time and ask for

a second audit. That audit requires considerable expense.

The amendment of the Senator from Kansas proposes that if on that second audit, after all that expense is incurred, it is determined that no further liability is due the Internal Revenue Service, then, the Internal Revenue Service shall be responsible for that additional expense.

I repeat that the amendment is borne out of a specific case. But it has no relation to it. It is not retroactive in any way. I believe it is really in the very essence of fairness.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I have discussed the amendment with both of the Senators from Kansas. As a member of the committee, I think it has merit. I have no objection to accepting the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 301) was agreed to.

AMENDMENT NO. 343

Mr. CURTIS. Mr. President, I call up my amendment No. 343 so that it may become the pending business, and I ask unanimous consent that it be printed in the RECORD in lieu of being read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 343) ordered to be printed in the RECORD, is as follows:

On page 79, after line 19, insert the following:

"(3) Annual report.—Part III of subchapter A of chapter 61 (relating to information returns) is amended by adding after subpart B (added by section 602(a) of this Act) the following new subpart:

"'SUBPART E—INFORMATION CONCERNING PRIVATE FOUNDATIONS

"'SEC. 6058. ANNUAL REPORTS BY PRIVATE FOUNDATIONS.

"'(a) General.—The foundation managers (within the meaning of section 4946(b)) of every organization which is a private foundation (within the meaning of section 509(a)) having at least $5,000 of assets at any time during a taxable year shall file an annual report as of the close of the taxable year at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

"'(b) Contents.—The foundation managers of the private foundation shall set forth in the annual report required under subsection (a) the following information:

"'(1) its gross income for the year,

"'(2) its expenses attributable to such income and incurred within the year,

"'(3) its disbursements (including administrative expenses) within the year,

"'(4) a balance sheet showing its assets, liabilities, and net worth as of the beginning of the year,

"'(5) an itemized statement of its securities and all other assets at the close of the year, showing both book and market value,

"'(6) the total of the contributions and gifts received by it during the year,

"'(7) an itemized list of all grants and contributions made or approved for future payment during the year, showing the amount of each such grant or contribution, the name and address of the recipient, any relationship between the recipient and the foundation's managers or substantial contributors, and a concise statement of the purpose of each such grant or contribution,

"'(8) the address of the principal office of the foundation and (if different) of the place where its books and records are maintained.

"'(9) the names and addresses of its foundation managers (within the meaning of section 4946(b)), and

"'(10) a list of all persons described in paragraph (9) that are substantial contributors (within the meaning of section 507(d)(2)) or that own 10 percent or more of the stock of any corporation of which the foundation owns 10 percent or more of the stock, or corresponding interests in partnerships or other entities, in which the foundation has a 10 percent or greater interest.

"'(c) Form.—The annual report may be prepared in printed, typewritten, or any other legible form the foundation chooses. The Secretary or his delegate shall provide forms which may be used by a private foundation for purposes of the annual report if it wishes.

"'(d) Special Rules.—

"'(1) The annual report required to be filed under this section is in addition to and not in lieu of the information required to be filed under section 6033 (relating to returns by exempt organizations) and shall be filed at the same time as such information.

"'(2) A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual reports), together with proof of publication thereof, shall be filed by the foundation managers together with the annual report.

"'(3) The foundation managers shall furnish copies of the annual report required by this section to such State officials and other persons, at such times and under such conditions, as the Secretary or his delegate may by regulations prescribe."

On page 79, line 20, strike out "(3)" and insert in lieu thereof "(4)".

On page 81, after line 12, insert the following:

"(3) Annual reports.—In the case of a failure to file a report required under section 6058 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file or meet the publicity requirement, $10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure to file or comply with the requirements of section 6104(d) with regard to any one annual report shall not exceed $5,000. If more than one person is liable under this paragraph for a failure to file or comply with the requirements of section 6104(d), all such persons shall be jointly and severally liable with respect to such failure. The term 'person' as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs."

On page 83, line 7, insert the following:

"(3) Annual reports.—Section 6104 is amended by inserting immediately after subsection (c), as added by this bill, the following new subsection:

"'(d) Public Inspection of Private Foundations' Annual Reports.—The annual report required to be filed under section 6058 (relating to annual reports by private foundations) shall be made available by the foundation managers for inspection at the principal office of the foundation during regular business hours by any citizen on request made within 180 days after the publication of notice of its availability. Such notice shall be published, not later than the day prescribed for filing such annual report (determined with regard to any extension of time for filing), in a newspaper having general circulation in the county in which the principal office of the private foundation is located. The notice shall state that the annual report of the private foundation is available at its principal office for inspection during regular business hours by any citizen who request it within 180 days after the date of such publication, and shall state the address of the private foundation's principal office and the name of its principal manager."

"(4) Willful failure to provide information regarding private foundations.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6685 (added by section 602(b) of this Act) the following new section:

"'SEC. 6686. ASSESSABLE PENALTIES WITH RESPECT TO PRIVATE FOUNDATION ANNUAL REPORTS.

"'In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to file the report and the notice required under section 6058 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports) and who fails so to file or comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such report or notice.'

"(5) Section 7207 (relating to fraudulent returns, statements, or other documents) is amended by striking out 'section 5047 (b) or (c)' and inserting in lieu thereof 'sections 6047 (b) or (c), 6058, or 6104(d)'."

On page 98, line 22, strike out "and 6034" and insert in lieu thereof", 6034, and 6058".

On page 104, before line 17, insert the following: "and by adding after the item relating to section 6685 (added by section 602(c)(2) of this Act) the following new item:

"'SEC. 6686. Assessable penalties with respect to private foundation annual reports."

On page 105, after line 6, insert the following:

"(64) The table of subparts for part III of subchapter A of chapter 61 is amended by adding after the item relating to subpart D (added by section 602(c)(1) of this Act) the following new item:

"'SUBPART E.—INFORMATION CONCERNING PRIVATE FOUNDATIONS."

Mr. HARRIS. Mr. President, I intend to support the amendment to be offered by the distinguished Senator from Arizona (Mr. FANNIN), to strike from the Tax Reform Act of 1969, the provisions requiring that H.R. 10 rules be applied to qualified pension plans of professional corporations.

The report of the Senate Finance Committee stated:

The Committee recognizes that there are disparities in the tax treatment of self-employed individuals and corporate employees with respect to pension plans, and that this problem needs attention.

Recognizing that the disparities should be eliminated, the question then becomes one of determining what course of action should be taken in the meantime.

A study of what the effect of the disparities has been, leads me to believe that rather than take action on this matter at this time, we should await the results of the study being conducted by the Treasury Department and staffs of the Senate Finance Committee and the Joint Committee on Internal Revenue Taxation. In an effort to provide equal treatment to all taxpayers, many

States adopted special incorporation laws which provide for what are commonly referred to as "professional corporations." To require that these corporations can be governed by H.R. 10 plans, and thereby provide a further disparity of treatment, would not lead us any closer to solving the problem of equality and would seem to be unfair to those who have attempted to gain the same treatment as corporate employees and in the process have gone to considerable expense.

I have been in touch with numerous lawyers in my home State of Oklahoma concerning this problem. Oklahoma has adopted a professional corporation act, and many lawyers, in reliance upon recent court cases holding that corporations organized under such an act are to be treated as corporations for tax purposes, have incorporated and set up pension plans. Almost without exception these lawyers have not questioned the need to eliminate the disparities in the present system, but they have questioned whether the action taken by the Finance Committee is in fact a step in the direction of eliminating these disparites. Many have concluded that the action of the committee will only result in further confusion and expense.

Under these circumstances, I am hopeful that in the very near future, rules that will provide equality of treatment to all, whether they be self-employed or employed by a corporation, professional or nonprofessional, large or small corporation, be granted equality of treatment. In the meantime, the best course of action is to adopt the pending amendment.

Mr. TALMADGE. Mr. President, the amendment, No. 310, proposed by Senator PROXMIRE would reincorporate sections 431 and 432 of the House bill, in substantially modified form, into the Senate bill. These provisions were rejected by the Senate Finance Committee and Senator PROXMIRE'S amendment should likewise be rejected. Mr. Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, assured the Senate Finance Committee that a complete and thorough study of the U.S. taxation of foreign income would be undertaken by the Treasury and that concrete proposals in this regard would be forthcoming in the near future. It would be a mistake to adopt "peacemeal" legislation such as this which could have drastic effects on foreign investment and our balance of payments without the benefit of the Treasury study and their recommendations in this area.

This amendment penalizes a taxpayer who incurs a loss and who properly offsets U.S. income with his loss by denying him foreign tax credits for taxes paid to foreign countries when in later years the taxpayer makes a profit. This is in effect double taxation of the same income which is contrary to our laws since 1918. Such a result will place taxpayers at a competitive disadvantage with foreign nationals who pay only one tax—that of the foreign country.

Further, the proposed amendment, at least with regard to foreign losses, is even more stringent than the House bill and would have more inequitable results. For example, a foreign expropriation loss would have to be carried back to each of the 2 preceding taxable years with the resultant loss of a properly claimed foreign tax credit for those years. This is obviously an inequitable result and any legislation which has the effect of creating a double penalty in the case of expropriation should not be adopted.

The second portion of the amendment would reduce the amount of creditable foreign taxes by the taxes attributable to the depletion allowance amounts to a backdoor attempt to reduce the effective rate of depletion. Last Monday the full Senate voted on the rate of depletion to be allowed oil and gas and the decision reached at that time should not be undermined by amendments such as this. The revenue gain to the United States from this proposal would be temporary, if indeed there would be any at all, since the foreign governments will raise their tax rates—in some cases automatically—to reflect this change. This proposal would only result in higher foreign taxes with no appreciable revenue gain to the United States thus creating an additional burden on American companies operating abroad. It is difficult to see any benefit to be derived from this proposal.

Mr. METCALF. Mr. President, tomorrow, or as soon thereafter as I can get recognition I am going to offer amendment No. 315 to the pending tax reform bill H.R. 13270. Amendment No. 315 relates to correction of the abuses by high income non-farm taxpayers using the liberal accounting methods for legitimate farmers to create artificial tax losses.

I have been interested in the problem of preserving the tax accounting methods allowed farmers for those who need it, and at the same time correcting the abuses that have grown, for several years. In the course of my sponsorship of this legislation I have received hundreds of letters. A great majority of them were favorable to the legislation which I am going to offer as an amendment.

At the hearing before the Senate Finance Committee the chief opposition to meaningful reform in this area came from such organizations as the American Horse Council, the National Livestock Tax Committee and the American Hereford Association.

Of course, it would be impracticable to put into the RECORD all the letters I have received from people all over America who support the approach I am seeking, but on the eve of the vote I do want to call attention to four letters that are in my file.

The first letter is from a Wyoming cattleman addressed to the American National Cattlemen's Association. Senators HANSEN and MCGEE and Congressman WOLD also received copies of this letter. I ask unanimous consent that this letter be included as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION,
Denver, Colo.

GENTLEMEN: I am concerned with the testimony ANCA is presenting to Congress, as per your Beef Bulletin of March 8, 1969, against the Metcalf Bill and the Culver Bill with regard to tax-loss farming.

For 25 years I have been a member of American National Cattlemen's Association and I want you to know you are certainly not representing me when you testify against these bills.

I run a 500 cow herd which is my only means of livelihood, and I might add it has been pretty "slim pickins" the last several years. This depressed cattle income, I feel, is due to several reasons, but probably the two most important are the great amount of tax dodge farming and ranching by wealthy individuals and corporations, and excessive imports of beef.

To me, the Metcalf and Culver Bills are steps in the right direction. They will not only protect the bread and butter farmers and ranchers but in the long run will contribute very materially to our national economy.

I suspect there are a good many other bread and butter cowmen who feel exactly as I do about these bills.

Sincerely yours,

Mr. METCALF. Mr. President, I also ask unanimous consent that the cover letter to me be included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR METCALF: Enclosed is a copy of my letter to the American National Cattlemen's Association, which is self-explanatory.

May I add further that I am pleased with your bill and feel that its passage will enable the bread and butter cowman and farmer to stay in business, and if it doesn't pass it won't be long until many of us starve out, leaving the ranching and farming industries to the wealthy tax-dodgers.

I appreciate your efforts and thank you.

Sincerely yours,

Mr. METCALF. Mr. President, another significant letter from a grassroot farmer was sent to Senator MCGOVERN with a copy to me. I ask unanimous consent that this letter be inserted in the RECORD at this point.

There being no obection, the letter was ordered to be printed in the RECORD, as follows:

Hon. GEORGE S. MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGOVERN: I would like you to support the Metcalf Bill and Treasury proposals regarding offsetting farm losses against other income.

I am a member of The American Hereford Association, and I do not believe they are representing a majority, when they oppose this bill.

The continual flow of outside capital into land for tax purposes, not only puts an unrealistic value on land; but is also continually raising our real estate taxes by this false value.

These same people are the ones who also are hollering loudest about raising grazing fees on public land. We pay around $5.00 per unit for private grazing, and they get public land for about $1.00 per unit. If they don't want to pay the higher grazing fees, there are plenty of us who will.

Yours truly,

Mr. METCALF. Mr. President, a very interesting letter is from a member of the International Arabian Horse Association to the executive secretary of that association. It is as follows:

Mr. RALPH E. GOODELL, Jr.,
Executive Secretary, International Arabian Horse Association, Burbank, Calif.

DEAR MR. GOODELL: As an Arabian horse owner and member of the I.A.H.A., I received your March, 1969, letter asking members to oppose Senator Metcalf's bill S. 500. As I understand it, this bill would limit the amount of loss incurred in farm or ranch operations to be offset against nonfarm income—in other words, big businessmen could not operate farms/ranches at a loss to ease their tax status.

I am well aware that owning and raising Arabian horses can be very expensive, and that a nonfarm income is most helpful in paying the bills between sales of livestock. However, having lived in a ranch community in Wyoming for a good many years, and having numerous friends who are trying to make a living by farming or ranching, I must seriously protest your stand on S. 500 and H.R. 4257. That our extremely unfair tax system has allowed so many farms and ranches to be run at a loss by "absentee big business" at the expense of those who are trying to make a living by ranching is to me a crime, and I am most gratified that the good Montana Senator is seeking to remedy this situation.

As a staunch conservative, I am very much in favor of the free enterprise system which has made our country so great, and it would appear to me that a return to a "free market" in the ranching/farming sector of our economy would be much better for all concerned than a continuation of subsidizing uneconomical livestock producers at the expense of those trying to earn their livelihood in this industry.

I would be very much interested in the response to your March, 1969, letter, and to my comments above. I am very much interested in the future of both the I.A.H.A. and the Arab horses we all try to promote, but I feel that stands such as this one against S. 500 serve only to confirm the "non-Arab" public's opinion that all Arab owners are big rich businessmen having no thought or care about the average rancher.

Sincerely,

Mr. METCALF. Mr. President, the author of that letter shared it with me but the Senator to whom the primary plea was addressed was the Senior Senator from California (Mr. MURPHY). The covering letter to Senator MURPHY is as follows:

DEAR SENATOR MURPHY: The enclosed letter to Mr. Goodell, regarding Senator Metcalf's S. 500, is self-explanatory. I am sending a copy to you in order to ask you to please lend your support to S. 500, and also to ask if I might have a copy of this bill.

Also, thank you very much for continuing to do such an outstanding job in presenting the conservative side of issues back there in all the confusion! As the daughter of a state legislator and a former district secretary to a congressman, I can readily appreciate the job you are accomplishing, and just wanted you to know that you have many, many supporters here in the Golden State.

Again, many thanks for your attention to S. 500, and for a job well done.

Sincerely,

Mr. METCALF. Mr. President, in late March the Ohio Farm Bureau Federation, Inc. wrote to me, as follows:

OHIO FARM BUREAU FEDERATION, INC.,
Columbus, Ohio, March 27, 1969.

Senator LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: During the month of February over 1,460 Advisory Council discussion groups of the Ohio Farm Bureau Federation were discussing the topic, "Will Non-Agricultural Corporations Dominate Agriculture?" A copy of this discussion material is enclosed.

We received minutes from 670 groups who discussed this topic and that summary is enclosed. I think you will be encouraged to find that so many Ohio farmers favor legislation such as the "tax loss farming bill" which you introduced.

Sincerely yours,

Mr. METCALF. Mr. President, enclosed was a résumé of the minutes of the seminar which is set forth as follows:

WILL NON-AGRICULTURAL CORPORATIONS DOMINATE AGRICULTURE?

Many Farm Bureau members are concerned about the possibility that non-agricultural corporations may dominate agriculture in the future, but they do not see much immediate danger. Some fear that corporations will purchase farms and use expenses as tax write-offs on their total operation.

There was a feeling if non-agricultural corporations turn to farming it will be more difficult for young people to get started.

Ohio farmers believe that the trend toward corporations farming will continue, because large sums of capital are needed to operate a farm successfully. There was interest in the possibility of incorporating family farms, and this has increased sharply since "Workable Agreements for Joint Farm Operations" was the Advisory Council Guide topic in October, 1967.

Many Councils thought that non-agricultural corporations would pose a threat to the family farm in the future unless there was a greater governmental control of them. There was considerable support for the "tax loss farming" bill which has been introduced by Senator Lee Metcalf of Montana. Many Councils thought that Farm Bureau should work for the passage of such legislation.

Councils agreed that steps should be taken to strengthen Farm Bureau and Landmark. By working together these organizations could help family-owned farms and keep them from being taken over by non-agricultural corporations.

Cooperatives must use modern methods and be competitive with other businesses, it was stated frequently. Cooperatives should provide more information to their patrons, so that they will understand the operations of their farmer-owned businesses.

There was wide support for the Ohio Agricultural Marketing Association, and a belief that its program should be strengthened and enlarged. More Farm Bureau members should join OAMA, it was frequently suggested.

Mr. METCALF. Mr. President, and finally a letter that has gone to every Member of the U.S. Senate from officers of the National Grange, the National Farmers Organization, the National Farmers Union, the Midcontinent Farmers Association, and the National Association of Wheatgrowers, which specifically mentions amendment No. 315 and recommends its passage. That letter is as follows:

DECEMBER 2, 1969.

DEAR SENATOR: The mounting concern of the family farm operator over the accelerating acquisition of agricultural lands by individuals and organizations for the purpose of building up a loss position from farming operations conducted on the lands acquired and deducting such losses from income tax liability is indicated by the fact that 12 farm and commodity organizations supported S. 500, introduced by Sen. Lee Metcalf, to prevent this practice of farming the Internal Revenue Code rather than the land.

This corrective legislation will affect only non-farmers with large amounts of nonfarm income who invest in farming in order to secure tax losses which may be set off against their non-farm income. There are numerous safeguards in the bill to protect the family farmer who depends on his farm to produce the income needed to support his family.

Therefore, we urge that you support amendment No. 315 when it is offered from the floor by Sen. Metcalf, as a complete substitute for the tax-loss farming provisions of the Tax Reform Act of 1969 as reported by Senate Finance Committee.

We are confident that the amendment will not have a detrimental effect on legitimate farmers or non-farmers who invest in farming to earn farm profits; nor will it force any farmer to the accrual system of income tax accounting.

The amendment is unique, in that it is pointed directly at the abuse of the liberal tax accounting rules of the Internal Revenue Code, provided by Congress for ordinary farmers or those interests outside of agriculture that make investments in farming for a profit.

Your yes vote on amendment No. 315 is a vote for American agriculture and the continuation of the free enterprise system in the family farm structure.

JOHN W. SCOTT,
The National Grange.
OREN LEE STALEY,
National Farmers Organization.
TONY T. DECHANT,
National Farmers Union.
FRED HEINKEL,
Midcontinent Farmers Assn.
E. L. HATCHER,
National Assn. of Wheat Growers.

MARIHUANA USE IN VIETNAM

Mr. DODD. Mr. President, a pall of grief and shame and sadness has descended on our land and our people in the wake of the reported massacre at Mylai, South Vietnam.

For most of us, I believe, our first reaction to the initial reports of the alleged massacre was one of shocked disbelief.

Never before in our history have American troops been accused of mass murder in cold blood.

Our Armed Forces have strict rules of combat prohibiting the maltreatment of civilians.

Moreover, the American GI is universally known for his compassion and kindness to young and old; friend and foe.

The pictures and stories of American troops feeding candy bars and chewing gum to children are legion.

Literally thousands of women and children throughout the world are alive today thanks to the generosity of our troops.

Every GI who served overseas during World War II has told and retold the story of how he and his buddies shared their "K-ration" with hungry children, many of whom had been left orphans on the battlefields of Europe and Asia.

Who has not heard of the hundreds of military units who adopted scores of these orphans of war as their own.

I recall the stories of supply sergeants making smiling complaints that their men were "stealing them blind" in order to feed, clothe, and house the innocent victims of war in Korea, in France, in Italy, and in virtually every corner of the world where the ravages of war took their deadly toll of human life and misery.

If the massacre at Mylai took place as alleged, then it represents a total and almost incomprehensible aberration from the normal conduct of American GI's, in previous wars and in the Vietnam war as well.

It is noteworthy in this connection that the feature article on Mylai in the current issue of Life quotes an old woman as saying that, before, when the Americans came to their village, they "always brought us medicine or candy for the children." And Charles West an ex-sergeant who was in Mylai on March 16, 1968, was quoted as saying:

> On other missions the GI's would take their fruit and maybe a can of pork and beans, and give the rest to the Vietnamese people . . . kids would meet us two or three miles out of the village. We didn't have to use our mine detecting machine, because they would run their animals down the trail and walk behind them just to show us GI's we don't want to hurt you and we know you don't want to hurt us.

These are the reasons why we are all at a loss to understand the terrible incidents that are reported to have taken place in South Vietnam. The people of the world, the people of the United States, and even the parents of the GI's involved, are shocked and dumbfounded.

Mr. President, the grisly incidents alleged to have occurred on March 16, 1968, in Mylai, South Vietnam, present us with a major confrontation in character. Have American soldiers suddenly been transformed into brutish monsters overnight?

Or, is there some other cause, another factor that has induced this terrible aberration?

There is reason to believe that this new image of the GI as a stormtrooper could well be the direct result of the toxic effects of certain drugs which are abundant in Vietnam.

Congress has never been given a definitive answer on the extent of the drug abuse problem in the Armed Forces in general, and Vietnam in particular. The Juvenile Delinquency Subcommittee has taken testimony on that matter several times from both the military and from professional men who have had to deal with drug addiction, much of it traceable to the time of military service.

By a coincidence, only 10 days before the alleged incident at Mylai, as chairman of the Senate Juvenile Delinquency Subcommittee, I was conducting hearings on the use of marihuana and other dangerous drugs by members of our Armed Forces in Vietnam.

In the course of these hearings, the Secretary of Defense told me that arrest figures for marihuana in Vietnam increased 2,553 percent between 1965 and 1967.

We heard of marihuana being found on four out of five bodies of dead GI's including officers, and of confused young men in combat turning to marihuana in sheer desperation.

It is common knowledge among servicemen, newsmen, and civilian employees in Vietnam that a stick of marihuana in Saigon is as far away as the nearest newsstand or bar, and only slightly more expensive than a good cigar.

The son of John Steinbeck, the celebrated author, testified that during a recent tour as a reporter in Vietnam, he determined that as high as 75 percent of the troops, including combat troops, used marihuana.

As far back as our 1966 hearings on the Narcotic Addict Rehabilitation Act, we were told by a marine helicopter machinegunner of how he shot three South Vietnamese military personnel while under the influence of drugs.

In these years, we were frequently warned by the medical profession of the increased use of marihuana and dangerous drugs, because they were treating scores of Vietnam veterans who came back to this country addicted or suffering from mental and emotional illness as a result of drug abuse.

We have since that time maintained a close watch on the efforts of the Armed Forces to reduce or eliminate marihuana use and the drug traffic in Vietnam.

My frank impression is that the efforts to date have been completely inadequate, and that the problem remains as acute as ever.

It has been reported to me that physicians in Vietnam have been impressed by the severity and frequency of adverse reactions to smoking Vietnamese marihuana, which is reported by the Army Chemical Laboratory in Japan to be twice as potent as that found anywhere in the United States.

Medical men who have worked in this area have pleaded with me to expose the fact that use of marihuana in Vietnam, combined with environmental stress, has caused a condition which is known as marihuana toxic psychosis. According to one noted expert, this psychosis might demonstrably be the cause of the alleged massacre at Mylai.

As recently as November 4, 1969, 9 days before the Mylai incident was reported, an investigator for the Juvenile Delinquency Subcommittee took a deposition from a reputable New York psychiatrist who has treated Vietnam veterans for this condition. In this statement, he discussed the potential for the blind violence that can result from marihuana psychosis.

In one particular case, a 19-year-old soldier on guard duty smoked some marihuana with another soldier, who was also a user. The first smoker began to taunt some nearby Vietnamese children; he told them he was Ho Chi Minh, and fired his weapon near them. The second smoker, on seeing the words Ho Chi Minh on the T-shirt of his comrade became terrified and murdered him with his rifle.

Reports of this kind of behavior have been regularly coming to the subcommittee and have increasingly caused me great concern.

Interviews with returning Vietnam veterans by subcommittee investigators indicate that as many as 60 percent of the troops and officers who go on dangerous patrols or actions such as the Mylai action, smoke marihuana in order to dissolve the fear and anxiety related to combat action.

Official Army surveys report that 30 to 65 percent of our troops have used canabis derivatives during their tours of duty in Vietnam.

Only yesterday I received information from an outstanding expert that the marihuana toxic psychosis I have described may have played a part in the events at Mylai on March 16, 1968.

In view of the significance of this aspect of the case, I have asked the White House and the Department of Defense to cooperate with subcommittee investigators in determining the relationship between drug use or drug-induced psychosis among the troops of C Company, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade, and the events that occurred on March 16, 1968. According to the information that has been coming in to me since November 13, this may be part of the explanation for the behavior of some of our troops on that day.

We should not be altogether startled by the bizarre activities of these young soldiers if what we have been told happened at Mylai did indeed happen. I know only what I have read in the newspapers.

These GI's are of the same generation as some of the college crowd who are leading the weird actions and revolts on campuses across the country. These are the students who, in a very large percentage, have associated themselves with marihuana, a "pot culture."

There is a long record of grotesque activities of our young here at home committed while under the influence of marihuana and other psychotropic drugs.

We should not be taken completely off guard when those same students, introduced to the stress of Army life and the harsh realities of battle conditions, react in weird ways under the influence of these drugs.

This is all the more so when it is understood that the difference between the domestic variety of marihuana here in the States and Vietnam marihuana is the same as the difference between a glass of beer and a half pint of whisky.

If this is so, it is imperative that immediate drastic steps be taken to correct this drug problem that I have warned the past two administrations about since 1966.

Upon the completion of our interviews with medical witnesses, and the Army and civilian personnel involved, I plan to conduct public hearings to get at the facts, to let our people know if our soldiers in Vietnam have suddenly become brutal stormtroopers, or, whether, as I consider more likely, some of them have become the victims of a drug problem that has already torn asunder the fabric of domestic American society.

COLLEGIALITY IN A WORLD FUND FOR HUMAN DEVELOPMENT

Mr. JAVITS. Mr. President, some months ago the President named the Presidential task force on international development, which was enjoined to thoroughly review the developmental assistance programs of the United States and to make recommendations for the future. One of the distinguished Americans named to this Commission was the archbishop of New York, Terence Cardinal Cooke. In my correspondence with the cardinal we have explored an area that

increasingly will concern mankind—the growing north-south gap between the developed and developing world.

When I learned that Cardinal Cooke made concrete proposals addressed to the problem of human development at the recently concluded synod of bishops in Rome, I asked his permission to have his remarks printed in the RECORD. I regard the cardinal's remarks as most appropriate for the forthcoming holiday season.

In the calling for the establishment of a World Fund for Human Development, Cardinal Cooke states:

> More than one-half of the parents of the world lack the necessities to provide a decent human life for themselves and their families. Hunger is their constant and relentless companion. They live in hovels for human habitation. The majority are functionally illiterate and thus lack all hope of ever rising out of their misery.

Cardinal Cooke calls for a renewed commitment to act on this problem. He states:

> However, if we truly live up to this commitment it means that all of us in different nations must be willing to sacrifice some portion of our resources; we should support and become involved in the programs of international aid and development, for creating a more just world community, in keeping with the teachings of the gospel and the appropriate goals now being set forth by organizations acting through the United Nations.

Mr. President, I contend that this is what the foreign assistance bill is all about.

I ask unanimous consent that Cardinal Cooke's statement to the synod of bishops, entitled "Collegiality in a World Fund for Human Development," be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COLLEGIALITY IN A WORLD FUND FOR HUMAN DEVELOPMENT

[STATEMENT TO THE SYNOD OF BISHOPS, ROME, 1969]

(By Terence Cardinal Cooke)

CHAPTER 3

My brother bishops, throughout these days together we have deliberated on the inner meaning of collegiality and we have considered specific ways in which the College of Bishops can share with the Holy Father in his pastoral concern for the whole world. We are all well aware that we have not given final answers to all of the questions that have been raised and that there is room for a greater development in the future.

For the present, I should like to make a proposal which could, I believe, in a concrete way both exemplify and strengthen our present possession and awareness of collegial concern for the whole Church and for all mankind.

"The joys and the hopes, the griefs and anxieties of the men of this age, especially those who are poor or in any way afflicted, these too are the joys and hopes, the griefs and anxieties of the followers of Christ." (*Gaudium et Spes*, par. 1)

This opening declaration of the Pastoral Constitution on the Church in the Modern World has reverberated around the world now for the four years since the Second Vatican Council. Yet today, more than ever, it is imperative that the actions of the Universal Church, as evidenced in this Synod of Bishops, give flesh to the words of the Fathers of the Council. Sad to say, grief and anxiety, human need and misery have increased in most regions of our planet.

But what of joy and hope? Our Holy Father, with his great encyclical *Populorum Progressio*, by his visits to the developing countries and to the United Nations in New York and to Geneva, and by his acts on behalf of the poor and oppressed, has indeed animated the world with a Christ-inspired vision and hope. I urge that this Synod should follow our Holy Father's example, so that we also, by our teaching and deeds, might give greater force to the words of the Council Fathers, spoken in the Holy Spirit.

As we are gathered here, we represent the Church from all nations. We have been called by Our Lord, and by His Vicar, to make Christ present in this world of hunger and human striving and elusive hope—not only by the words of His Gospel and teaching, but by His acts of sacrificing love and service. We must bring to life our expressed concern by collegial and continuing action for human development, for world justice and peace.

We can do this conjointly, as national and regional conferences of bishops, in solidarity with the Pope, in ecumenical collaboration with all Christian churches and religious communities, in cooperation with the United Nations and other secular institutions, for building up together with all men of good will, a world of peace based on justice and the integral development of every man and of all peoples.

To further these goals, I respectfully suggest that this Synod of Bishops consider the following proposals:

(1) A number of episcopal conferences have already established Justice and Peace Commissions. They have launched educational programs for arousing the conscience and personal participation of the faithful, for motivating them as Christian citizens to fulfill their individual roles in the development of the human family as well as for generating the collective will of all peoples especially on behalf of the poor and oppressed of the world. These programs of education should be continued and extended, and where they do not exist, programs should be initiated. It would be helpful to have an exchange of information between episcopal conferences concerning this important matter.

(2) However, if we truly live up to this commitment it means that all of us in different nations must be willing to sacrifice some portion of our resources; we should support and become involved in the programs of international aid and development, for creating a more just world community, in keeping with the teachings of the Gospel and the appropriate goals now being set forth by organizations acting through the United Nations.

In this way we can help the poor of the world to generate their own human development, in the context of their own culture and local environment.

Therefore, I propose that we should respond effectively to the Holy Father's pleas in *Populorum Progressio* (Par. 51) to establish a world fund for human development. In this way, we would be following the initiative that he has given through his fund for agrarian reform in Latin America. This would give added weight to our teaching, and be an effective sign of solidarity among ourselves as members of the College of Bishops with the Holy Father, and of our solidarity with the world community of nations.

Governments have given priority to economic development. The fund we are proposing would give major emphasis to human development. In many countries, more than one-half of the people are unable to read and write and to take their rightful place in the human family. This fund would aim at helping to develop these human resources which are, as yet, unused. It would greatly expand programs for training leaders in the field of social action, education and cooperative movements; programs which the Church is uniquely equipped to encourage and to promote.

In testimony to our collegial responsibilities and as both a symbol and a means of our belief in the present need for world-wide collaboration, this world fund might be constituted by contributions from every conference of bishops and supported by the whole People of God. By the very act of gathering the fund, all of us would be educated to the needs of peoples throughout the world and provided with an effective means for responding to the needs of our brothers.

More than one-half of the parents of the world lack the basic necessities to provide a decent human life for themselves and their families. Hunger is their constant and relentless companion. They live in hovels unfit for human habitation. The majority are functionally illiterate and thus lack all hope of ever rising out of their misery.

Happily, several conferences of bishops already carry out their own extensive and praiseworthy programs of social assistance and development, in bilateral relation with the peoples of other areas. The fund would not replace and hopefully would not diminish these praiseworthy activities. The new fund could be supervised by a Board consisting of representatives of the bishops' conferences of all continents, and it would be an expression of our universal character as the College of Bishops. This development fund could be managed by an agency such as the Pontifical Commission for Justice and Peace established by the Holy Father at the request of the Second Vatican Council (*Gaudium et Spes*, par. 90). This would be arranged in cooperation with the secretariats of our regional conferences, benefitting also from the wide experience and competent staff of our existing aid and development agencies, missionary bodies and social action movements.

Once again, we recall the words of the College of Bishops, spoken in the Holy Spirit during the Vatican Council. I quote the Pastoral Constitution on the Church in the Modern World (par. 93):

"Mindful of the Lord's saying: 'By this will men know that you are my disciples, if you have love for one another' (John 13, 35), Christians cannot yearn for anything more ardently than to serve the men of the modern world ever more generously and effectively. Therefore, holding faithfully to the gospel and benefitting from its resources, and united with every man who loves and practices justice, Christians have shouldered a gigantic task demanding fulfillment in this world. Concerning this task they must give a reckoning to Him who will judge every man on the last day."

Certainly these words apply to us who are called to be the Lord's shepherds. Sharing His vision, and with His strength, we must bear one another's burdens. United, as we are here, we must show forth the love of Christ by sacrificing service, and hopefully by this collective witness help to unite the whole human family. I believe that this action can demonstrate our collegiality in a way that will be readily understood by all members of the Church and by all mankind.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. CRANSTON. Mr. President, generally, under the bill, the investment tax credit will not be available with respect to property which is acquired by the taxpayer after April 18, 1969, or the construction of which commenced after that date. Thus, in the case where a manufacturer commenced construction of

property prior to April 19, 1969, even though the property could qualify for the credit in his hands, the credit would be lost upon the sale of the property after April 18, 1969, since the manufacturer would no longer own the property and the buyer would have acquired the property after the cutoff date.

It is apparent that the effect of this general rule could be circumvented if the manufacturer would lease, rather than sell, the property. In this manner, the manufacturer-lessor could claim the credit, and the lessee could acquire the use and possession of the property together with the benefit of the investment credit which would be reflected in a lower rental than would have been charged by the manufacturer had the credit not been applicable.

To prevent this abuse, the bill adds section 49(c) to the Internal Revenue Code which provides, in part, that the credit will not be available to the lessor or to the lessee in the case of property which was acquired by the lessor prior to April 19, 1969, or the construction of which commenced before that date, if the lessor ordinarily sold rather than leased property of the type involved.

I am in agreement with this provision and believe that it is a necessary safeguard against improper avoidance of the repeal of the investment tax credit. However, the effect of the provision turns upon a construction of the word "ordinarily"—that is, if the taxpayer has "ordinarily" sold property of the type involved, the investment tax credit is not available to him or to the lessee. The reports of the Committee on Ways and Means and the Committee on Finance do not elaborate upon how the word "ordinarily" is to be construed.

Therefore, I wish to ask the distinguished chairman of the Committee on Finance whether in determining if property has been "ordinarily" sold for these purposes, a projection of anticipated leasing activities by a manufacturer may be taken into account in the following circumstances.

A jet aircraft manufacturer created a wholly owned subsidiary to assist in the financing and leasing of aircraft produced by the parent corporation. The subsidiary actually engaged in, and claimed the investment credit with respect to, a number of leasing transactions from the time it commenced business operations through April 18, 1969. However, the number of aircraft which it had leased as of April 18, 1969, does not properly reflect the scope of its anticipated leasing transactions. A projection prepared by the companies prior to the commencement of business activity by the subsidiary and several months prior to the cutoff date, anticipated leases of aircraft for specified future years at a rate, compared to sales of aircraft, in excess of the rate which was experienced during the aforementioned start-up period. This projection was relied upon not only by the companies in determining their financing requirements, but also by independent third parties. For example, independent banking institutions were presented with and relied upon the projection in extending lines of credit to the subsidiary to cover its projected leasing activities. This projection also marked a departure from the aircraft manufacturer's past practices in which leasing activities had been kept to a minimum. My question, therefore, is whether the subsidiary can, under section 49(c), claim the investment tax credit with respect to aircraft leased at a rate which does not materially exceed the rate set forth in the projection to which I have just referred.

Mr. LONG. Mr. President, section 49(c) is intended to deny the investment tax credit with respect to property which is leased but which ordinarily would have been sold. Thus, the term "ordinarily" is intended only to prevent the credit from applying to leases at a rate disproportionately greater than the rate of leases the company ordinarily would have made. Such a disproportionate rate of leasing activity is convincing evidence of the conversion of normal sales transactions into lease transactions in order to circumvent the repeal of the credit. The provision is not intended, however, to eliminate the credit in those cases where a company continues the level of ordinary lease transactions.

In determining what ordinary lease transactions are for purposes of the bill, the term "ordinarily" should be construed on a reasonable basis, consistent with the objectives of the bill. In the case you cite, I believe the projection is a particularly significant one in determining the level of ordinarily lease transactions since the projection was relied upon by both the company and third parties and it marked a significant departure from the aircraft manufacturer's past leasing activities. Thus the investment tax credit, if otherwise applicable, would apply to aircraft leased by the subsidiary which does not materially exceed the rate of lease transactions set forth in the projection.

Mr. CRANSTON. I thank the Senator very much for the explanation.

The PRESIDING OFFICER (Mr. HUGHES in the chair). What is the pleasure of the Senator?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 127, line 11, after the word "Members" insert "and from institutions or trade shows directly related to the purposes of such organization."

Mr. MILLER. Mr. President, this is purely a technical amendment to reflect what I am sure was the intent of the Committee on Finance. During the deliberations of the committee I offered the amendment and I was told it could be handled in the committee report. The committee report handled the matter with regard to tax exempt organizations, but not with respect to non-tax-exempt organizations.

The measure would provide in the case of unrelated business income that the income from institutions or trade shows conducted for the benefit of members and which are not used primarily as a selling device will not constitute unrelated business income. It seems to me the law should not differentiate between exempt and nonexempt organizations for this purpose.

I hope the chairman will accept the amendment.

Mr. LONG. Mr. President, I see nothing wrong with the amendment. I believe the committee did have this in mind when it acted in this area.

I regret the Senator from Delaware (Mr. WILLIAMS) is not present in the Chamber because I would like to be able to show it to him. I do not believe he will object. If he should have second thoughts about it tomorrow I think we could reconsider it. Therefore, if anyone wants to object he could come in and do so and on that basis I would be glad to agree to the amendment.

Mr. MILLER. The Senator is most agreeable. If any member of the Committee on Finance feels this was not the intention of the committee I would join in asking that the amendment be reconsidered.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

MINIMUM TAX ON INDIVIDUALS

Mr. KENNEDY. Mr. President, tomorrow I intend to submit for the consideration of Members of the Senate a "minimum tax" amendment to H.R. 13270—the Tax Reform Act of 1969. The purpose of the amendment is to make certain changes in the minimum tax on individuals in the bill reported by the Committee on Finance.

At the outset, Mr. President, I would like to commend the committee and its distinguished chairman, the Senator from Louisiana, for the significant improvements the committee has made in the provisions dealing with the minimum tax as passed by the House of Representatives. Although the theory of the limit on tax preferences—the so-called LTP—in the House bill was relatively simple in concept, the proposal was highly complex in practice, as most of us who have tried to fathom its detailed provisions will attest. If enacted, the LTP would require difficult calculations by taxpayers, and would add significant new administrative difficulties to the Internal Revenue Code. Even more significant for our present purposes, however, the bill

passed by the House was deficient in three major respects:

First, it omitted a number of substantial items from its list of the tax preferences subject to the minimum tax, such as preference income from percentage depletion and from leased personal property;

Second, it applied the minimum tax only to individual taxpayers. It failed to apply the tax to corporations, who also are able to enjoy large amounts of tax preference incomes;

Third, and, most significant of all, the House bill contained provisions that did not "trigger" the minimum tax until tax preference income exceeded taxable income. As a result, many individuals with high taxable income would continue to enjoy large amounts of tax-free preference income under the House bill, in spite of the minimum tax.

As the excellent report of the Finance Committee makes clear, the committee recognized the serious complexity and inequity of the House version of the minimum tax, and adopted a completely different approach, based on the general concept that every taxpayer should pay at least some tax on income derived from tax preferences. I believe that this new concept of the minimum tax, now offered by the Finance Committee, is one of the major virtues of the committee bill, and I commend the committee for establishing this important principle. Indeed, as Members of the Senate are aware, Senator LONG has long favored the concept of the minimum tax, and it is entirely appropriate that this important contribution should at long last be made a part of this major tax reform bill.

At the same time, however, I believe that the minimum tax proposed by the committee can be improved still further as it applies to individuals. In fact, there are three important respects in which the fruitful work of the committee should be carried forward, and my amendment is intended to accomplish this result.

First, the minimum tax on individuals should be a progressive tax, not a flat rate tax. As many Senators have pointed out in the course of the current debate, the genius and guiding principle of our Federal income tax system is its progressivity. We apply that principle to our ordinary income tax on individuals, and we should apply it as well to the committee's version of the minimum tax.

As reported by the committee, the minimum tax in H.R. 13270 imposes a flat 5-percent tax rate on both individuals and corporations. Since corporations are already subject to a flat income tax rate under our present tax laws, it is appropriate that the minimum tax applied to corporations should also be at a flat rate. Therefore, I support the provisions of the committee bill as they apply to corporations.

With respect to individuals, however, the situation is far different. Under present law, the tax rates are progressive, ranging from 14 percent in the lowest bracket to 70 percent in the highest bracket. I believe that the minimum tax rate we enact should also be progressive. In general, the larger the amount of an individual's income from tax preferences, the larger should be the rate of the minimum tax he pays. We know that each year, many taxpayers receive hundreds of thousands of dollars or more in tax-free income through the use of the numerous preferences now contained in the tax code. It is fair to demand that these wealthy taxpayers pay their minimum tax at a higher rate than citizens with more modest preference income. For this reason, the minimum tax amendment I am proposing contains a new rate schedule graduated in four stages, from 2½ percent in the lowest bracket to 15 percent in the highest bracket.

Second, the minimum tax should be triggered at the lowest reasonable level consistent with effective administration of the tax laws and avoidance of unnecessary complexity for the taxpayer. Obviously, not every taxpayer with a few hundred dollars of capital gain should be subject to the tax. As passed by the House, the first $10,000 of tax preference income was made exempt from the minimum tax. In the version of the minimum tax reported by the Finance Committee, the first $30,000 of preference income was exempted from the operation of the tax.

I believe that both of these triggers are too high. One of the great virtues of the minimum tax is its insistence that all individuals with substantial tax preferences should pay at least some tax on their preference income. To be sure, even with the $30,000 trigger in the committee bill, the wealthiest taxpayers—those with the largest amounts of tax preference income—would be subject to the committee's minimum tax. But to say that $30,000—or even $10,000—of such income can continue tax-free is to cast grave doubt on the principle of the minimum tax in the eyes of scores of millions of our citizens whose taxable income is far less than $30,000 or $10,000. If we are to win their confidence in the justice of the minimum tax, we must set the trigger at the lowest practicable level. For this reason, my amendment proposes to set the trigger for application of the minimum tax on individuals at $5,000 of preference income. Thus, the amendment will establish the following progressive tax rates on preference income:

	Percent
$0–$5,000	0
$5,000–$30,000	2½
$30,000–$50,000	5
$50,000–$100,000	10
Over $100,000	15

Third, the items of tax preference income made subject to the minimum tax should be as comprehensive as possible. Except for two omissions, I believe that the nine items of preference income listed in the committee bill represent an essentially complete list of the preferences now contained in the Internal Revenue Code, or that will be contained in the code if other provisions of the committee bill are enacted.

The two omissions however, are significant. They are: Interest on State and local government bonds, and the appreciation in value of property donated to charity. Because of the extremely tenuous position of the tax-exempt bond market at this time, and the virtually unanimous opposition of Governors and mayors throughout the Nation to any mandatory tax whatever on their government bonds, it makes no sense to attempt to include interest on such bonds in the list of tax preferences subject to the minimum tax.

No such argument applies, however, to appreciation in value of property given to charity. Undoubtedly, such appreciation is a tax preference, and should be subject to the minimum tax, just as excess percentage depletion or excess depreciation on property is subject to the tax. I believe that the concept of the minimum tax is too important to allow its comprehensive base to be lightly eroded. Therefore, the amendment I am proposing includes as a tax preference the appreciation in value of property donated to charity.

In sum, my amendment would make three changes in the minimum tax: It would replace the existing flat rate with a graduated rate; it would reduce the trigger from $30,000 to $5,000; and it would expand the list of tax preferences by adding an important additional item, the appreciation in the value of property donated to charity.

According to preliminary estimates, these provisions will increase the revenue gain from its present value of $700 million under the committee bill to approximately $1 billion. More detailed information on the revenue impact of the amendment will be available when I call up the amendment at the appropriate time.

As today's vote on tax relief makes clear, additional revenues from tax reform are essential if we are to maintain a proper measure of fiscal responsibility in the immediate years ahead. I am pleased, therefore, that a more equitable approach to the minimum tax also confers the additional bonus of a substantial revenue gain. If enacted, the amendment I am proposing will help bridge the gap between tax reform and tax relief in the bill.

In closing, I compliment the distinguished chairman of the committee for his positive leadership in the area of tax reform—not only with respect to the minimum tax, an idea that he has long advocated, but also with respect to the many other very desirable features of this bill. Last winter, when the taxpayer's revolt first began, few of us believed that by December the Senate would be about to pass the greatest tax reform bill in our history. Today, our hopes are being realized, and the fact that they are is a great and lasting tribute to the leadership of the Senator from Louisiana.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

On page 212, strike out lines 16 through 20 and insert the following:

"(a) IN GENERAL.—

"(1) INDIVIDUALS.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person other than a corporation, a tax, determined in accordance with the following tables, on the sum of the items of tax preference:

"(A) Taxpayers other than married individuals filing separate returns—	
"If such sum is:	The tax is:
Not over $5,000	0
Over $5,000 but not over $30,000	2½ percent of such sum over $5,000.
Over $30,000 but not over $50,000	$625, plus 5 percent of such sum in excess of $30,000.
Over $50,000 but not over $100,000	$1,625, plus 10 percent of such sum in excess of $50,000.
Over $100,000	$6,625, plus 15 percent of such sum in excess of $100,000.
"(B) Married individuals filing separate returns—	
"If such sum is:	The tax is:
Not over $2,500	0
Over $2,500 but not over $15,000	2½ percent of such sum in excess of $2,500.
Over $15,000, but not over $25,000	$312.50, plus 5 percent of such sum in excess of $15,000.
Over $25,000, but not over $50,000	$1,812.50, plus 10 percent of such sum in excess of $25,000.
Over $50,000	$3,312.50, plus 15 percent of such sum in excess of $50,000.

"(2) CORPORATIONS.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year with respect to the income of every corporation, a tax equal to 5 percent of the amount by which the sum of the items of tax preference exceeds $30,000."

On page 213, line 2, strike out "person" and insert "corporation".

On page 214, after line 2, insert the following:

"(4) Taxpayers other than corporations.—In the case of a taxpayer other than a corporation, rules similar to the rules provided by paragraphs (1), (2), and (3) shall be applied under regulations prescribed by the Secretary or his delegate."

On page 217, after line 21, insert the following:

"(10) Appreciation in value of charitable contributions.—So much of the amount of the deduction allowable for the taxable year under section 170 or 642(c) which is attributable to contributions of property (other than contributions to which section 170(e) applies) as is equal to the amount by which the fair market value of such property (at the time of contribution) exceeds the taxpayer's adjusted basis in such property."

On page 220, strike out lines 9, 10, and 11 and redesignate subsections (b) through (g) of section 58, as subsections (a) through (f), respectively.

On page 220, beginning with line 21 strike out all through line 6, page 221 and insert the following: "or trust the sum of the items of tax preference for any taxable year of the estate or trust shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each."

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 19 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 4, 1969, at 9:30 a.m.

NOMINATIONS

MESSAGE RECEIVED

Executive nominations received by the Senate December 3, 1969:

ASSISTANT DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

Donald S. Lowitz, of Illinois, to be an Assistant Director of the Office of Economic Opportunity, vice James D. Templeton resigned.

HOUSE OF REPRESENTATIVES—*Wednesday, December 3, 1969*

The House met at 12 o'clock noon.

The Reverend James P. F. Stevenson, D.D., pastor, Central Presbyterian Church, Bristol, Va., offered the following prayer:

Our help is in the name of the Lord, who made heaven and earth.—Psalm 124: 8.

O magnify the Lord with me and let us exalt His name together.—Psalm 34: 3.

Let us search and try our ways, and turn again to the Lord.—Lamentations 3: 40.

We are humbled and delighted, O Lord, to represent You here today before this august body. There is hope for each Member when his trust is in Thee.

We thank Thee for the faith of our fathers by which we claim kinship with the past and gain strength for the present.

In Thee and in Thee alone, there is strength to do and patience to endure.

We commend the Speaker and Representatives to Thy grace, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2185. An act to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-744 (80 Stat. 1324).

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, December 3, to file a privileged report on the Department of Defense appropriations bill for fiscal year 1970.

Mr. MINSHALL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF THE ECONOMIC OPPORTUNITIES ACT WILL NOT BE CALLED UP THIS WEEK

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, I wish to announce to the House that I do not intend to call up the extension of the Economic Opportunities Act this week. There are several reasons for this. I regret any delay but believe it is essential in offering the best possible legislation.

First, in the meeting this morning with the Democrat members of the committee who support the committee bill, all were very much against calling up the measure until they had seen a copy of the substitute that the gentleman from Ohio (Mr. AYRES), the gentleman from Minnesota (Mr. QUIE), and the gentlewoman from Oregon (Mrs. GREEN) say they will offer to the committee bill. In fact, the members at the meeting considered it a discourteous act that they have never been afforded an opportunity to even look at a copy of the substitute. They feel that they should have a few days to study it, when and if they can get a copy of the proposal.

Second, there is the matter of attendance. I personally have called on the whip's office, at the direction of the Speaker, to make a check of the members who will be present through Thursday and Friday.

Many Members will be away tomorrow and Friday.

So, in justice to everybody concerned, I think that we should be able to agree on a day certain within the next few days, which will be a problem of the leadership, of course, so that we can make certain that all the Members will be present on both sides of the aisle. I do not want the House to consider such drastic changes as are being proposed in the so-called substitute, unless we can be sure of full attendance and careful study of the proposal.

Then, finally, there is the matter of the public interest. Members of the committee were greatly concerned that locally elected officials, and citizens generally in local cities and communities who would be most affected should have time to study the substitute. A copy has just been handed me which I wish placed in the RECORD at this point:

SUBSTITUTE BILL

A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to provide an effective mechanism for the affirmative participation of State and local government in such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTI-POVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of anti-poverty programs within each State, but only if and to the extent a State exercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligible programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251(a). The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII.

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobilize and develop available resources at the State level needed to assist anti-poverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that—

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity to review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) Each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office) for funding under this title unless the Director shall have made a finding that disapproval of such application would seriously weaken the overall program plan of a community action agency.

"(2) The Director shall not delegate the responsibility for making the finding required in paragraph (1), and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252(a). Any State which desires to participate in the development and carrying out of a State developmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinafter referred to as the 'State Council'), appointed by the governor, which shall be broadly representative of the economic, educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and labor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) Federally-assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall identify the fundamental causes of poverty and dependence in the State and prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for the elimination of such causes, which plan (1) is prepared in consultation with the State Office, (2) extends over a period of not less than five years, (3) describes present and projected needs of impoverished people in the State in terms of available resources to meet those needs (whether or not assisted under this Act), and (4) sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"SEC. 253(a). Any State desiring to carry out a developmental and coordination pro-

gram for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluations of programs, services, and activities assisted under this title;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to section 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under this title and under title VIII submitted by local community action agencies and other qualified applicants, and for the evaluation, review, and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of State-administered programs affecting the poor and to achieve at the local level a more effective coordination and concentration of public and private services for disadvantaged individuals and families (including services provided under this Act and under other Federally-assisted programs such as Model Cities, manpower training and development, services for migrant agricultural workers, welfare services, educational assistance for disadvantaged children or adults, health and medical services and benefits, economic development in depressed areas, and agricultural extension services;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing by the State Office;

"(8) provides assurances that Federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of Federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably require to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall approve a State developmental and coordination program submitted pursuant to subsection (a) when he finds that it complies with the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such programs will be carried out, and the Director shall not finally disapprove any program submitted under subsection (a), or any modification thereof, without first affording the State Office reasonable notice and opportunity for a hearing.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State Offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carying out the approved program the sums allotted to such State for such year under section 225(a) and (b); *Provided, however,* That in the first year of operation of an approved State program the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed five per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) The term 'State administration' in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State Office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision,

the Director shall notify such State Office that no further payments will be made to the State under this title (or, in his discretion, further payments to the State will be limited to activities under or portions of the State program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall make no further payments to such State under this title (or shall limit payments to activities under or portions of the State program not affected by such failure).

"(2) A State Office which is dissatisfied with a final action of the Director under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community."; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAWSUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, the court or other board or agency which has jurisdiction of the matter may allow the defendant the costs of the proceedings, including a reasonable attorney's fee, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program) the same as a private person."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 303. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 304. Section 232 of such Act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects, either directly or through grants or other arrangements, under which funds available under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

AUTHORIZATION OF STATE AUDIT

SEC. 305. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of each community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act is amended by striking out "and for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this Act (other than part C of title I) shall be deemed to be a State or local agency.", and insert in lieu thereof:

"And for purposes of clauses (1), (2), and (3) of section 1502(a) of such title a full-time volunteer under title VIII of this Act or any person who, directly or indirectly, receives from funds appropriated under the authority of this Act an amount which exceeds one-quarter of the total amount such person regularly receives in salary payments (or in consultant fees) shall be deemed to be a State or local officer or employee."

ANTIRIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"SEC. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a)" after "Sec. 621." and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of Part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall consult with the Comptroller General before entering into any contract or arrangement with nongovernmental organizations or individuals for the evaluation of programs or projects administered by him under this Act. Where, in the opinion of the Director, evaluation of such programs by persons who are not officers or employees of the Office of Economic Opportunity is desirable, he shall first obtain the recommendations of the Comptroller General with respect to such matters as the scope and methodology of the evaluation and individuals or organizations competent to conduct the evaluation.

"(b) The Comptroller General shall establish and maintain within the General Accounting Office a separate division whose functions shall be to conduct evaluations of programs carried out under this Act. Upon request by the Director, by a committee of the Congress, or to the extent personnel are available, by Members of Congress, the Comptroller General shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal agencies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity of contracting with private firms and organizations for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in achieving the objectives of this Act.

"(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantial financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment) with funds appropriated under the authority of this Act in a position (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personnel actions affecting such position, or (3) while he or a member of his immediate family serves on a board or committee which either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train and assign persons to serve in full-time volunteer programs.

Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 332. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under sec. 222(a)3 of this Act, and shall have been admitted to practice before the courts of the State in which such services are to be performed."

The SPEAKER. The time of the gentleman has expired.

POSTPONING THE OEO BILL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I want to congratulate the chairman, the gentleman from Kentucky, for taking the action he did this morning. He restores responsibility to this House.

Our committee had labored very hard for a long time in very extensive hearings on the extension of the poverty bill. I know of no one in this country who has been denied an opportunity to testify and put forth any suggestions he might have.

The distinguished chairman of this committee encouraged amendments and the widest form of debate and discussion on the poverty bill. No amendments were offered. Many of us had amendments but the President had asked us for a straight 2-year continuation so that the President would have an opportunity to come up with his own program after due time and after careful consideration. And only this morning we learned in the morning press that a press conference was held yesterday, and a new coalition has been formed to replace the old Barton-Kerns coalition, a new coalition, the Ayres-Green coalition, which offers a major substitute for this bill.

Here it is, 10 after 12, and as a member of the Committee on Education and Labor I have not yet seen a copy of the substitute bill, nor has anyone else—and they are making changes even at this late moment.

I might want to support the substitute, but certainly we cannot make the judgment when we have not even seen it.

I think the gentleman in taking the action he has taken today deserves the highest commendation of this whole House because in so doing we will all have a chance to look at the substitute, the country will have a chance to look at it, the parties affected will have a chance to look at it, and then when it comes up in due time we will be able to intelligently judge its effect and decide whether or not we want to accept it or not.

There is no question in my mind that the antipoverty program needs major revision. I have said this repeatedly and I have supported all amendments to close the tragic loopholes for mismanagement now in this bill. But let me make this clear, President Nixon has asked our committee to give his OEO Administrator, Don Rumsfeld, an opportunity to clean up administration of this bill. I am willing to give the President the opportunity and this is why I supported his request for a 2-year extension. It is entirely possible I may support the substitute, but surely it is not asking too much when we seek an opportunity to study the substitute before we cast our final vote.

So I congratulate the gentleman in taking the action he did today, it makes for more responsible conduct by this House.

POSTPONING OEO BILL

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I want to comment on one statement the gentleman from Kentucky made about a substitute. I do not know anything about the substitute and I do not know whether it takes away from the local officials any authority because it would be very difficult indeed to take away from local officials something they do not have now.

In my State—in my district—the local officials do not have any more to do with the poverty program than Neil Armstrong did when he was on the moon. If they try to correct something, then Chicago steps in—the bureaucracy—and says, "We will make an in-house investigation." You can bet an in-house investigation always finds things to be as pure as the driven snow.

So if you are going to write a bill to give the local officials some authority, I would say—write it—because presently they do not have it and you know it and I know it.

POSTPONING OEO BILL

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I am utterly shocked by the decision of the gentleman from Kentucky, the chairman of the Committee on Education and Labor. By refusing to call up the bill, he has refused the House as a whole the opportunity to work its will on this legislation.

I just do not understand such a decision. The House of Representatives—those on your side and those on our side have for nearly 180 years been able to work the legislative will in reference to a bill reported out by a committee. I do not understand what is so sacred about all of the details of a bill coming out of the Committee on Education and Labor. The House has a right and a responsibility to work its will on this legislation as we have in the past.

I would hope the gentleman from Kentucky would reconsider his arbitrary action and would bring the bill up so that 435 Members of this body can work their will on that legislation. If we have to work Friday and Saturday, I think we should stay here and do it.

Mr. PERKINS. If the gentleman will make the commitment that he will carry out the President's wishes and Mr. Rumsfeld's wishes, I will get up there and immediately reconsider.

Mr. GERALD R. FORD. May I make this observation and comment.

The President wants the present Economic Opportunity Act extended without crippling amendments and the Quie-Green-Giaimo-Ayres substitute is not a crippling proposal.

Let me just add this. The House of Representatives can take that proposal, which is not a crippling substitute to the existing act and can work its will—and I will abide by a final decision of the majority. But you do not solve the problem by ducking and running, as apparently the chairman today wants to do at the present time.

POSTPONING OEO BILL

(Mr. GIAIMO asked and was given permission to address the House for 1 minute.)

Mr. GIAIMO. Mr. Speaker, I rise to disagree with the statements made by the gentleman from Kentucky and the gentleman from Illinois. The fact of the matter is, in my opinion, that the Committee on Education and Labor, in charge of this legislation dealing with the Office of Economic Opportunity, has not been interested in any substitute; it has not been interested in any amendments of any kind—but in a continuation of the OEO legislation in its present form. A vote of confidence, if you please for this agency, which by its ineffectiveness, hardly merits a vote of confidence.

I would like to ask the gentlemen of the committee why they have waited until December 3, well after the end of the fiscal year, which ended on June 30, 1969, in order to report out a bill extending the life of the OEO.

Instead, the committee clearly preferred to continue to operate under a continuing resolution these past many months. By so doing the committee deprived this Chamber of its right to work its will on the authorization of this legislation.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I will when I am through. We are responsible to ourselves and not answerable to the President or anyone else. We have the right and the obligation to work our will on this legislation. We owe this obligation to the people whom we represent.

Mr. PERKINS. On numerous occasions, I have advised my colleagues of my repeated efforts to secure passage of this legislation at the earliest possible date. We have tried time and time again to negotiate with the minority, and they simply would not negotiate.

The SPEAKER. The time of the gentleman from Connecticut has expired.

THE OEO PROGRAM

(Mr. O'HARA asked and was given permission to address the House for 1 minute.)

Mr. O'HARA. Mr. Speaker, it has been suggested that the gentleman from Kentucky, the chairman of the committee, has acted irresponsibly because he has tried to stop a hidden ball play. Nothing could be further from the truth. Of course this bill has been delayed. It has been delayed because we wanted the minority members of the committee to present any proposals they had for change. We wanted to see what these proposals contained. We thought that the House deserved something better than a pig in a poke, something better than a lot of rhetoric. We wanted to learn just what the minority wanted to do. We thought the House was entitled to that opportunity and that the country was entitled to the same opportunity.

To this very minute, Mr. Speaker, we have not yet seen the proposals that the sponsors yesterday told the press would completely change the focus and operation of the poverty program. The gentleman from Kentucky has acted responsibly, and I thoroughly concur with his decision to postpone consideration of this bill until we are permitted to see, examine, and analyze this substitute that is supposed to change the direction of the entire program.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Would not the gentleman agree that one reason why we have these outcries is that we have finally decided to put a stop to the manner in which legislation has been brought to the floor? I refer particularly to the action of the gentleman from Ohio several years ago when he brought to the House the Kitchen-Ayres substitute bill on minimum wage the night before we came to consider that bill. You will recall we inadvertently took 14 million Americans who had been previously covered under minimum wage out from coverage because we did not have time to adequately study amendments offered to that bill. We also had a substitute bill in the form of the Landrum-Griffin bill which was presented to the Congress in the same method; that is the morning that we began debate on the labor bill of 1959. Every time we use such hit-and-run tactics we discover that we have legislated badly. All we say today is that we want more time to study this legislation. No one intends to deny anyone the right to vote on this legislation, many of us may even be supporting it but I believe we are on sound ground in demanding more time to study the substitute before calling it up.

THE OEO PROGRAM

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, if I am fortunate enough to obtain, through the courtesy of one of the sponsors of the substitute, which as a member of the committee I have yet to see, I intend to put that in the RECORD for the benefit of the Members of the House. In the alternative, the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), will do so.

I really cannot understand the shock of my distinguished friend, the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader, because I am one of the sponsors of the President's and the Rumsfeld bill which would extend the program for 2 years without any crippling amendments and without any substitutes. I was delighted in the spirit of bipartisanship to be a cosponsor of that bill and was honored to see the name of the minority leader on it. I cannot say that I am shocked, but I am at least moderately surprised by the fact of his abandoning the original proposal, because I know how thoughtful he is, and that he must certainly have studied the Nixon–Rumsfeld bill carefully before putting his name on it.

A delay of a matter of days in order to give the Members of the House an opportunity to consider this matter will indeed enhance the ability of each and every one of us to do the right thing, and the House to work its will.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to my friend.

Mr. GERALD R. FORD. Did I just hear the gentleman from New Jersey say we are having a 1-day delay and that the bill will be called up tomorrow?

Mr. THOMPSON of New Jersey. Oh, no.

Mr. GERALD R. FORD. That was the impression I got.

Mr. THOMPSON of New Jersey. No.

Mr. GERALD R. FORD. Otherwise the House of Representatives is not going to do a thing Wednesday, Thursday, and Friday. I believe we ought to stay here and work on it.

Mr. THOMPSON of New Jersey. I believe we should. I did not say anything about 1 day. Perhaps if my friend would listen, I said a matter of a few days for the Members to have an opportunity to study the substitute would enable us better to work our will.

Obviously I do not schedule legislation for the House. That is exclusively a leadership responsibility.

SUPPORT FOR THE PRESIDENT ON THE OEO

(Mr. WILLIAM D. FORD asked and was given permission to address the House for 1 minute.)

Mr. WILLIAM D. FORD. Mr. Speaker, I share the concern expressed by the other gentleman from Michigan (Mr. GERALD R. FORD). I want to assure him that one of the points of great concern to me is that for one of the first times since I have served in this House with him, although we are on opposite sides of the aisle, he and I are cosponsors of the legislation I am prepared to come to the floor and support and I am prepared to come to the floor and fight for.

The President of the United States, his President, elected on the Republican ticket, is the one who asked me and every other Member of Congress to pass the legislation the committee is bringing to the floor.

We have just heard the gentleman from Michigan, the distinguished minority leader, refuse the request from the chairman of our committee to commit himself to support his own President's bill.

Lest there be any mistake that only we Democrats are sensitive to the sandbagging tactics being used here, I should like to quote from this morning's Washington Post, the statement of our former colleague Don Rumsfeld, who is now the Director of OEO:

> OEO Director Don Rumsfeld said he was strongly opposed to the substitute and to the procedure that kept most House Members in the dark until the last minute. He called it "very disturbing" that something so complicated was not offered in the committee for Members to discuss and decide the wisdom of it.

This does not come from one of our Democratic colleagues. This comes from one of your former colleagues on the Republican side of the aisle, who is asking you to join us in supporting this very important program, important to so many millions of Americans, in a responsible way.

The sandbagging tactics that have been tried here are unworthy of the worst we have ever read of happening in some of the worst years of our State legislatures.

I want to say to my colleague from Michigan whom I consider to be one of the finest friends I have here, and who knows I hold him in the very highest esteem, that he knows very well that if, in our State of Michigan, a State legislator tried to pull this kind of stunt the people of our State would rise up in indignation. I suspect when they read of what has happened here today, and what the conservative coalition was trying to do, the people of his State and mine will indeed rise up in indignation.

THE QUALITY OF JUSTICE IS A COMPLICATED AFFAIR

(Mr. BOLLING asked and was given permission to address the House for 1 minute.)

Mr. BOLLING. Mr. Speaker, I rather hesitate to do this, because I am going to talk on a different subject. What I say may be controversial, but in a different area.

The quality of justice is a complicated affair. It is composed of many elements—equity, protections for the community, and individual citizens alike, and appeals procedure. But all these are insufficient if the administrators of the American legal system are intemperate, rigid, and narrow in vision. The New Yorker magazine recently published in its issues of November 8, 15, and 22 a three-part series about the Justice Department during the transition from Attorney General Ramsey Clark to the Attorney General-Designate John Mitchell. This series by Richard Harris is a superb one. It contrasts the firm, sensible policies of Ramsey Clark with the blinkered vision of the law as viewed by Mr. Mitchell. The life of the law is not logic but ex-

perience, a famed Associate Justice of the Supreme Court, Oliver Wendell Holmes, Jr., once said. If this be so, and I believe it is, then we may well shudder at the consequences of the present stewardship of the Justice Department of the U.S. Government under this Nation's chief law enforcement officer, John Mitchell.

I commend this series of articles to my colleagues.

I hope my comments will not effect a similar controversy to the one we have just experienced.

PROPOSAL TO REGULATE THE USE OF GIVEAWAYS AND SOLICITING DEPOSITS

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, today I have introduced a bill to close a minor but potentially troublesome gap in the rate control law. At present, Federal banking agencies regulate the interest paid to savings depositors in thrift institutions and banks. However, the agencies lack clear authority to regulate the use of premiums on give-aways and gift merchandise as inducements to savers for opening or adding to deposits. My bill would provide specific, identical authority to the Federal Deposit Insurance Corporation, the Federal Reserve Board and the Federal Home Loan Bank Board to promulgate regulations in this area. For some time, a few financial institutions have been offering valuable gifts to attract savers and it is reported that this form of promotion may sharply increase in the near future. Obviously the use of merchandise with a value of $10 or more in connection with relatively small deposits can make a major change in the effective true rate and thus completely circumvent regulations stipulating a maximum interest payment.

It should be noted that this proposal does not prohibit "give-aways" nor does it direct the Federal agencies to set any specific rule. It simply gives the agencies clearcut authority to set limits and standards in connection with the soliciting of deposits. It is expected that the agencies would coordinate their policies so as to equally generalize the rules in various institutions. The agencies might well decide that premiums of nominal value, such as $2 or $3, are an acceptable form of advertising and promotion but it seems clear that some upper limits must be set so that merchandise will not be distributed which could make a mockery of Government controls on interest rates.

A TIMETABLE FOR VIETNAM

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I take this opportunity to commend the CBS television network for their 1 hour special last night entitled "A Timetable for Vietnam" as reported by Charles Collingwood. I felt the program presented the American people the hard facts on Vietnam in an objective and straightforward manner, without injecting the personal views of any reporter or news commentator. It is my understanding that CBS spent well over a month for filming, and editing to come up with the finished product of 1 hour in length.

In my opinion, the action of the House yesterday in passing House Resolution 613 was greatly strengthened by this very factual and objective CBS News Special on the Vietnam situation.

Because of stiff competition from other networks at that time period last night, I am afraid many Americans did not see this special. I would hope CBS will reschedule "A Timetable for Vietnam" in the very near future and publicize the fact it is to be shown once more.

SCHOOL CONSTRUCTION IN THE UNITED STATES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I was unable to be in the House during the time at which the Vietnam situation was discussed. Had I been here, I would have voted for the resolution, but I would have done so on the basis of the remarks that I inserted in the RECORD during the debate on that subject. By dint of our having made arrangements 6 weeks ago to have a hearing in Los Angeles, I was required to serve on a subcommittee hearing along with Chairman PATMAN, of Texas, and Mr. GETTYS, of South Carolina. We heard 108 witnesses in 2 days of hearings in Los Angeles on the high interest rate.

Mr. Speaker, one of the most significant things we heard is that the high interest rates that exist now in the United States are a serious—I repeat, gentlemen—a very serious threat to the school systems of the United States. We have in my own district 9,000 junior high school students who will be coming along in 1972 and not a single classroom in which we can place these students. I suggest that you gentlemen check back into your own districts and find if there is not a great crisis in this country right now. Unless we can do something to make money available to build the schools in the various districts, then our great public education system that has made this country so great will be in jeopardy.

A CHANGE IN THE WIND

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I appreciate the gentleman yielding to me.

I just want to make an observation that the winds have changed since yesterday because the very gentlemen, or some of them, at least, who were giving all sorts of reasons why they could not support the President in his negotiations for peace are now saying on the poverty program that you ought to go down the line with the President. The wind has changed a complete 180°.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

PERSONAL EXPLANATION

Mr. BEVILL. Mr. Speaker, on rollcall No. 215, on the passage of H.R. 7737, to amend the Communications Act of 1934, I was on my way to the District on official business and missed the vote. Had I been present I would have voted for the passage of this bill.

Also, Mr. Speaker, on rollcall 214, on the motion to recommit the bill to amend the Communications Act of 1934 to the Committee on Interstate and Foreign Commerce, I would have voted "nay" had I been present.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business may sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

POSTPONING THE OEO BILL

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I am greatly intrigued by the new order of today. I do not know how many Members of this House changed their plans to meet the scheduling that was announced by the Democrat leadership that the war on poverty legislation would be up for debate beginning today.

About 15 minutes ago I was notified that the schedule had been changed. On inquiry I find that there was a meeting of the Democratic caucus of the House Committee on Education and Labor this morning. I did not receive an invitation to that Democratic caucus. I just asked the chairman about this, and he said since I did not agree with the other Democrats, I was not invited. I do not understand how a Democratic caucus attended by part of the Members can take an official action to countermand the vote and direction of the full committee to bring the bill to the floor as expeditiously as possible.

Mr. PERKINS. Mr. Speaker, will the gentlewoman yield to me?

Mrs. GREEN of Oregon. I will not yield at this time.

Mr. PERKINS. Mr. Speaker, may I say to the gentlewoman from Oregon——

Mrs. GREEN of Oregon. Mr. Speaker, I decline to yield to the gentleman from Kentucky.

The SPEAKER. The gentlewoman declines to yield.

Mr. PERKINS. Mr. Speaker, I am sorry that the——

Mrs. GREEN of Oregon, Mr. Speaker, I decline to yield to the gentleman.

The SPEAKER. The gentlewoman declines to yield to the gentleman from Kentucky.

Mrs. GREEN of Oregon. Mr. Speaker, I was advised by the chairman a few minutes ago that I was not invited because I did not agree with the other Democrats on the committee. I think this is a dramatic indication of the respect maintained by certain liberals for the right to disagree.

Voltaire once said:

I disapprove of what you say, but I will defend to the death your right to say it.

Apparently this has been abandoned on my side of the aisle today by Democrats on our committee.

And then after the other Democrats on the committee voted they did not want it brought up, then we find that the leadership canceled consideration of the war on poverty bill today.

I do not criticize the leadership, but I do criticize this method of procedure.

Mr. Speaker, I imagine my 1 minute is about to expire, but before that time——

The SPEAKER. The gentlewoman has 10 seconds remaining.

Mrs. GREEN of Oregon. During those 10 seconds, Mr. Speaker, I would ask unanimous consent that at the close of business today I be granted a special order of 2 hours.

The SPEAKER. The Chair will state to the gentlewoman that she will have to limit that request to 1 hour.

Mrs. GREEN of Oregon. Mr. Speaker, I am always cooperative with the Speaker of the House. I therefore ask unanimous consent that I be permitted to address leadership cancelled consideration of war on poverty bill today.

Mr. PUCINSKI. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair will state that it will not recognize anyone else at this moment. Either the gentlewoman receives permission, or she does not.

Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

ONE-SIDED PUBLICITY GIVEN TO MASSACRES IN VIETNAM

(Mr. ICHORD asked and was given permission to address the House for 1 minute.)

Mr. ICHORD. Mr. Speaker, serious questions are being raised as to whether the widespread publicity given the alleged Songmy massacre threatens the constitutional rights of accused persons. Whatever may be the answer to those questions, there can be no question but that such publicity is giving the people of the world a distorted, one-sided picture regarding the relative value placed on human life by opposing forces in Vietnam.

It is regrettable, to say the least, that the world media, including that of the United States, has not given Communist atrocities in Vietnam the same intense degree of news coverage now being given the events that transpired at Songmy last May.

The Communist massacre at Hue in early 1968 is a case in point. There, some 3,000 persons, men, women, and children, were slaughtered by Vietcong Communist forces. One might have hoped that the world and U.S. media would give this massacre, which was deliberately conducted as a matter of Vietcong overall tactical policy, the same attention and coverage now being given Songmy.

For this reason I called upon the DOD to give me a public screening of all of the atrocities at Hue, and I have notified all of the Members of Congress and all of the members of the news media to attend that screening of those atrocities.

My purpose in calling upon the DOD to do this is not to absolve or to prejudge whatever occured at Songmy. Rather, it is to place in proper perspective the fact that it is the Vietcong Communists, and not American forces, who resort to mass slaughter of innocent civilians as an operational procedure in the conduct of war.

If the matter is worked out, I will notify the Members and members of the news media of the time and place of the screening.

POSTPONING OEO BILL

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, I had not intended to say anything, but I believe the integrity of the chairman of our committee has been referred to and I rise to say I believe there is no man in this House who has conducted a committee in a manner above and beyond reproach any better than the chairman of our committee.

Mr. Speaker, this matter that is being debated is something which has not yet even been presented to this body. How can any Member of this body support something that is so ill-conceived and cleverly concealed that nobody knows what he is talking about because it has not yet been publicly released?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, let me say to the distinguished gentleman from California, I called a caucus on Monday of this week and all Democratic members of the committee were invited. The gentlewoman from Oregon (Mrs. GREEN) attended that caucus.

Yesterday, a press conference was held in which the gentlelady announced her sponsorship of a susbtitute for the committee bill. This morning a strategy meeting was conducted by Democratic members of the committee who are defending the committee bill.

Naturally I did not expect that the gentlelady would wish to attend such a meeting and thus she was not invited.

Those who support the committee bill will continue to conduct strategy meetings. If the gentlewoman wants to come and sit in on our strategy meetings, even though she is against us, I extend an invitation to her now.

POSTPONING OEO BILL

(Mr. HATHAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HATHAWAY. Mr. Speaker, I am in wholehearted agreement with the gentleman from California (Mr. HAWKINS).

The chairman's action in postponing this bill is fully justified. I have not as yet seen a copy of the substitute which will be offered by the gentlewoman from Oregon, which is a substitute for the entire poverty bill. I believe the poverty legislation is extremely important and any substitute for it should be carefully examined by all of the Members of the House, and particularly the members of the Committee on Education and Labor.

The chairman's request to postpone action on this bill is fully justified.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, as a member of the committee, will the gentleman agree with me that the remarks of the gentlewoman from Oregon regarding the conduct of the chairman are really unfounded and ill-conceived? I do not know of any member of our committee who has received more consideration and more cooperation, even to the chagrin of the rest of the committee, than the gentlewoman from Oregon. The gentlewoman knows I have supported her time and time again in trying to make this poverty program more effective. I was the one who stood right next to her and worked with her on the Green amendments last year because I had originally suggested the amendment, and yet on this substitute the gentlewoman did not say a word to any member of our committee; she did not tell anyone that she was offering a substitute bill until I read about it this morning in the Post; is that correct?

Mr. HATHAWAY. That is correct.

The SPEAKER. The time of the gentleman has expired.

THE OEO PROGRAM

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute.)

Mr. ASHBROOK. Mr. Speaker, I would merely like to point out that, in my opinion, as a member of this committee, we are only extending to the floor of the House the same type of actions that have been experienced through the past year in the committee relating to the poverty program. Months, months, and months have gone by in trying to get a bill out, in trying to reach some agreement. Now we are extending to the floor the exact same type of tactics we had before that committee.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Let me comment on two matters at this juncture. I have heard the statement that I was invited to the Democratic caucus. I was invited to the caucus that was held 2 days ago, but not to the caucus that was held this morning.

Second, I hear a great deal of talk about our having a substitute bill that we have not made available to every Member of the House. I would merely remind the Members of the House that during the debate on ESEA this year, only 2 or 3 months ago, the distinguished chairman of the House Education and Labor Committee offered a complete substitute bill on the floor of the House that not even the Democratic members of the committee had seen. No one in the House had seen it.

Today, however, when such a bill is offered, when such a bill is proposed by others, this is somehow terrible, almost obscene. It is strange how one's views change in so short a period of time.

I suggest that the delay stems from weakness. Those individuals seeking to delay consideration are leading from weakness and not from strength. Everyone in the House knows there are things wrong with the poverty bill.

The chairman introduced a bill which provides for a 2-year extension, without a single change. I do not know how many Members of the House on the Democratic side have come to me and complained about the VISTA workers in Texas, VISTA activities in West Virginia and Kentucky. They have complained about the thousands of dollars that have been embezzled. They have not been spent for the poor. They have complained about the legal aid services and what they have done in those areas. They have complained about one thing after another.

I am a Democrat and I am proud to be one. I wear the Democratic badge proudly. However, I do not have to agree with every other Democrat, for there has always been room for disagreement in my party. But as a Democratic member of that committee I believe that changes ought to be made in the bill. With all the controversy, with all the criticism that has been made, with all the funds that are authorized to be spent for those in poverty being diverted to others instead of the poor, I think it was incumbent upon us to bring some changes about in this bill and to allow the House to work its will. I am proud to be associated in this effort by really great Democrats of my party. And I am also proud to be associated with Mr. AYRES, Mr. QUIE, Mr. GIAIMO in this bipartisan effort.

UNLAWFUL USE OF THE NAME OF ANY CERTAIN DECEASED SERVICEMAN

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, I have received support from the Second District of Virginia for H.R. 15000, the bill that would make unlawful use of the name of any certain deceased serviceman unless consent to use the name is given by the next of kin of the serviceman.

Among that support was a call I received during the Vietnam moratorium from an anxious father who had lost his son in the Vietnam conflict, wanting to know what could be done to prevent the use of his son's name by the antiwar protestors. He said he supports the right of the demonstrators to protest, but resented the use of his son's name by those that advocate throwing away the freedom that America is trying to preserve in Southeast Asia.

This man is joined in his distress, I am sure, by many others who feel as he does. It is highly offensive to see the name of a loved one who has given his life for his country used in a propaganda effort that gives aid and comfort to the enemy.

We know the North Vietnamese are using our own news media coverage to demoralize our men held captive in Communist prisoner-of-war camps. In my recent conversation with Army Maj. Nick Rowe he detailed how the Vietcong clip news articles favorable to their point of view and use quotes from Members of Congress criticizing our Vietnam efforts. Major Rowe said the time he thought hardest about his country during his 5-year-long capture was under this barrage of one-sided news. It is obvious the Communists will not distribute the balanced news coverage we are able to get in this country, and the effect of one-sided news on our imprisoned men is tremendous.

Therefore, Mr. Speaker, I heartily endorse H.R. 15000 and urge its quick consideration by the Committee on the Judiciary.

THE OEO PROGRAM

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, as the gentleman from Ohio (Mr. ASHBROOK) has said, we have just had a repeat on the floor of the House of what we have had in the committee.

We completed hearings on June 7, and it has taken this long to get the bill before the House. Now it is not even going to be before the House today.

When we began on the markup, the first motion was by the gentleman from Wisconsin (Mr. STEIGER) that we report the bill for a 2-year extension, and you should have seen the hubbub that went on on the majority side. They were waiting for the Quie amendment and it never came. I had not gotten around to writing it yet. What was the use? The way the committee is stacked on that side, there was no use offering it. It would get voted down anyway. I felt that I might as well take the time to draft a good amendment when the bill came up on the floor of the House rather than offer my amendments there.

Some of us are trying to work out some agreement on the kind of amendments we want in order to expedite the matter before the House, because we felt that with a substitute bill, it would go faster than if we had a series of individual amendments, consideration of which would run us into Friday. Under a substitute we could have finished our work tomorrow on the Economic Opportunity Act.

If anyone believes that this program does not need change, he has not been listening to his constituents and he has not been reading the newspapers. He does not know what is happening. There has to be a change. There definitely must be. The Director would like to make some substantial changes. I think the House should assume some responsibility by amendments to institute legislative change, because it was the House, together with our colleagues over in the other body, that wrote the monstrosity which is the present act.

It just does not function properly. There is not a Member who does not realize it here, if he will be honest about it.

I say to my colleagues, let us get into the general debate. Let us talk about the need for changes. Members will have amendments. I do not know why they have to submit them in writing before the bill can be called up. We ought to make the kind of judgment we were elected for. We can look at amendments, debate them, and after we have made up our minds let the majority rule.

THE WILL OF THE HOUSE ON LABOR AND EDUCATION LEGISLATION

(Mr. AYRES asked and was given permission to address the House for 1 minute.)

Mr. AYRES. Mr. Speaker, I presume that many of us realize how serious this is, even though there has been a lot of levity.

I could not help but think, as I looked over at our colleague from Georgia (Mr. LANDRUM), having heard our colleague from Illinois (Mr. PUCINSKI) say that the Landrum-Griffin bill was a sneak operation we brought in at the last moment, that the House could not have worked its will in the Labor Committee at that time. We had a substitute Landrum-Griffin bill which is now the law of the land. The House worked its will.

Then the gentleman referred to the Kitchen-Ayres bill, which he said was another sneaky operation. The House worked its will, and that passed the House.

I presume that the only person who is really laughing at the operation today is in a hospital up in New York, our former chairman, ADAM CLAYTON POWELL.

OEO LEGISLATION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute.)

Mr. DERWINSKI. Mr. Speaker, I believe it is obvious that we have had a very educational afternoon, and I believe it demonstrates to us the real enlightenment and progress that will be displayed on the floor of this House when and if the Committee on Education and Labor ever comes to the floor with its OEO bill.

Because of the references that have been made to a lack of leadership on the Democrat side, excluding certain Members from caucuses, and inferences as to

that lack of free speech and fairplay on that side of the aisle, and since my dear colleague from Illinois has been referred to on and off in this furor, I will be pleased to yield to the gentleman from Illinois (Mr. PUCINSKI) if he wishes to get in an additional word of wisdom at this point.

Mr. PUCINSKI. Obviously we have seen here today a rather notable demonstration of a lack of confidence in the President from members of his own party.

Let the record be straight. Many of us had all sorts of amendments to offer to this bill. I had some. The chairman had a heck of a time restraining and constraining the Democratic majority on our committee from writing many substantive amendments to the bill, because it was the President of the United States, Mr. Nixon, who came before our committee, through his OEO Director, Mr. Rumsfeld, and said, "We want this bill extended the way it is for 2 years, so we can then come in with our own program."

The best proof of what I am saying is that the gentleman from Wisconsin (Mr. STEIGER), offered the motion to report the bill out unchanged.

Mr. DERWINSKI. May I advise the House I am not a rubberstamp for the President. It has been my opinion that the President made one mistake; he did not appoint the gentleman from Illinois (Mr. PUCINSKI) to head the OEO.

THE SENIORITY RULE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, all comments to the contrary notwithstanding, what we have seen here today is the bold operation of that wonderful, questionable and debatable system known as seniority and the the raw power of a committee chairman. The House has been denied by one man the right to act on authorizing legislation for the poverty program.

How does the chairman know what will happen on this bill if it were brought before the House today; and how, for that matter, does the minority leader know? The Democratic side of the House has the majority and thereby the Democrats hold the chairmanship of the committee. So they should be able to work their will on the legislation if they have the votes on their side all lined up. But I would guess they are not lined up. And I even doubt they are lined up on the Republican side of the aisle. So there will be no vote.

If the poverty program is not reauthorized, then the whole program could die for lack of a continuing appropriation next week. If there is a continuing appropriation for it, the poverty program can only continue as is, thanks to the action by the chairman this morning. Now, that is a lot of power in one man's hands.

If there should be a change in the House rules that would require a substitute or an amendment proposed in the Committee of the Whole to be printed and lie on the table for 2 or 3 days prior to its introduction, let us also consider changing the rules to modify this inordinate power in the hands of a committee chairman. The House and the Nation has seen a sad example of why the House needs reform.

RESCHEDULING THE OEO BILL DOES A DISSERVICE

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, without in any way being disrespectful, I think we have listened to quite a bit of claptrap this morning. Putting it another way, we have gone around this track 1,000 times since I have been a Member of Congress, and we are back at it again today. I say facetiously to the chairman of the committee I do not know whether you have any stock in Western Union or the telephone companies, but you are doing them a big favor today, for now the mail, the telephone calls, and the telegrams will begin to come. You have the opportunity to get it going real good and you probably will.

Another thing that I feel might be said is that the office of the Speaker and the leadership on either side of the aisle is often tough and hard. This is one of the few times that I have ever seen a small handful of individuals on your side of the aisle place their leaders in the position that you have just now placed them. Eventually you are going to come back to your own leaders and say to them, "Schedule this bill, will you, please." I do not know what the answer will be, but I feel you have reached a point far out of position today in taking the approach you have. I say that to all of you Members respectfully, you have done a disservice to the leadership on your own side of the aisle in the actions you have just taken. You should reconsider your action.

RESCHEDULING OF OEO BILL

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I yield to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am very grateful that the gentleman from New Jersey has yielded to me.

I am rather amused at the solicitude on the part of the gentleman from Illinois (Mr. PUCINSKI), for the OEO program as recommended by the President. I assume he was among those who added $295 million over and above what the President asked for for this program. I wish he would be a little consistent in his support for the President's OEO proposals. He either ought to be for him or against him. He certainly was inconsistent by adding $295 million to the overall program as recommended by the President.

Let me make one further observation: 435 Members of this body in the regular and the accustomed way made plans and commitments for the remainder of this week on the announcement last week that the House was to consider and act upon this legislation this week. The Speaker and the Democratic majority leader, with our full approval, announced that this legislation would come to the floor of the House and that we would work our will on it during this week. Now a small handful have arbitrarily decided that the will of the majority, including the leadership on both sides, would be thwarted. I do not think in the long run that this is going to be helpful to the OEO program.

May I make one other observation. We have nothing else programed or scheduled for the remainder of this week except conference reports. I have been told by several Members on our side—and I think very properly so—that no other legislation, if they can prevent it, will be considered this week. I think that is a very proper attitude on the part of Members of the House of Representatives, which brings up one final point. Here we have Wednesday, Thursday, Friday and, potentially, Saturday to work our will on this legislation. That is thrown out the window by the action of the chairman of the Committee on Education and Labor and his handful of cohorts. It is going to be a long, hard Christmas season for a good many people to be here as the result of the arbitrary action of the gentleman from Kentucky.

PETITION FOR PEACE

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, as my colleagues, I have been receiving petitions from numerous citizens in my district to express their sincere concern with the Vietnam war, and their urgent desire for peace. As Americans who adhere to the principles of freedom, who seek peace in the world, who seek an end to the conflict and the return of American boys, and who, as compassionate human beings, cherish human life and seek to prevent further loss of both American and Vietnamese lives, their voices should be heard and heeded.

They, as all Americans, seek peace. It is the common goal. By the reasoned counsel, the creative intellect and the constructive and conscientious advice of every citizen, we will be able to find those steps by which the common objective may be earliest achieved.

I am including here the body of the petition to the President and the Congress, signed by some 21,000 residents of Massachusetts and presented to me last month:

VIETNAM: PETITION TO PRESIDENT RICHARD MILHOUS NIXON AND TO THE MEMBERS OF THE CONGRESS OF THE UNITED STATES

Whereas, American Armed Forces have been engaged for four years in vast and deadly combat in Vietnam and have dis-

tinguished themselves for their valor despite widespread uncertainty about national purpose and objectives in that engagement; and

Whereas, Combat deaths for American forces alone now exceed 44,000 and total combat deaths for all sides are now estimated to exceed 685,000; and

Whereas, The Citizens of this Nation are spending $100,000,000 per day to make possible the indefinite continuation of what has come to be known as "the Hopeless War;" and

Whereas, There is throughout the Nation a rising and increasingly furious insistence upon a cessation of the hostilities in Vietnam; and

Whereas, Hope for an end to the war in Vietnam seems futile without clear and explicit commitments to drastic changes in our Nation's policies and our Nation's priorities,

Now therefore, We, the undersigned residents of the Town of Lexington, do hereby petition you, Mr. President, and you, the members of the Congress of the United States immediately to direct a major and orderly withdrawal of our Nation's forces from Vietnam, and that all powers, executive, legislative and budgetary, be implemented to expedite the intent of this petition.

CONSIDERATION SHOULD BE GIVEN TO THE APPOINTMENT OF REPRESENTATIVE REID OF ILLINOIS AND REPRESENTATIVE POFF OF VIRGINIA IN FILLING THE VACANCY ON THE U.S. SUPREME COURT

(Mr. FULTON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Pennsylvania. Mr. Speaker, might I say that I have presented to the Republican caucus today a resolution, as follows:

The House Republican caucus strongly endorses Republican Congresswoman Charlotte Reid of Illinois and Congressman Richard Poff of Virginia for consideration by the President to fill the vacancy on the United States Supreme Court.

Mr. Speaker, CHARLOTTE REID has served well and faithfully in the House of Representatives, as has Representative RICHARD POFF. Each of these Members is well qualified by experience in government, and ability to serve competently and with humanity, all the American people.

I believe, since the bar association here in Washington has endorsed our good friend and distinguished colleague MARTHA GRIFFITHS from Michigan, we should likewise on the Republican side recommend CHARLOTTE REID for consideration for this U.S. Supreme Court vacancy, as well as our colleague, the Honorable RICHARD POFF, who is certainly one of our best consitutional lawyers in the U.S. Congress.

Mr. Speaker, I would also say that I know that CHARLOTTE REID is not a lawyer, but a member of the U.S. Supreme Court does not have to be a lawyer. CHARLOTTE REID's knowledge of the processes of the law, her wide experience in government and public affairs, qualify her as well or better than any technical minded legalist. I believe CHARLOTTE REID's human qualities will be a great asset to the U.S. Supreme Court.

AN ADDITIONAL INTERNATIONAL BRIDGE BETWEEN THE UNITED STATES AND CANADA IS NEEDED

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, today I am introducing a bill to authorize the construction, maintenance, and operation of an additional international bridge between the United States and Canada.

This legislation would permit the Thousand Islands Bridge Authority, Collins Landing, N.Y., to build an additional toll bridge at or near Cape Vincent, N.Y., across the St. Lawrence River to a point at or near Kingston, Ontario, Canada. The bridge would be in two spans, with a connecting link on Wolfe Island, Ontario.

This legislation is introduced at the request at the bridge authority. Preliminary plans and a feasibility study have already been made in New York and Ontario. The rate of increase in traffic makes this bridge necessary. Estimated cost of the bridge is $35 to $40 million. Construction would be financed from the sale of the authority's revenue bonds. No Federal, State, or local tax moneys would be involved.

CREDIBILITY OF THE COMMITTEE ON EDUCATION AND LABOR IS ONCE MORE QUESTIONED

(Mr. ESCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESCH. Mr. Speaker, I regret most sincerely the decision of the chairman of the Education and Labor Committee to withhold the OEO bill. I believe it is vital that we extend immediately the authorization for the Office of Economic Opportunity without either any crippling amendments or further delay.

I also believe that this House would have worked responsibly on this measure in order to assure that the program would have been continued substantially intact. I know we had the votes on our side of the aisle and the vast majority of our Members wish to dispose of this legislation without further delay.

It is more important for us, however, to examine two fundamental factors that have occurred during the previous hour's discussion. Once again the credibility of the Education and Labor Committee as an effective legislative force in this Congress has been placed in jeopardy. Historically, in recent years, the Education and Labor Committee has failed to reflect the views of the majority of the Members of this House and of the country. Thus, time and again, legislation has had to be hammered out here on the floor through the amendment process rather than through the more orderly committee process.

I believe it behooves all of us on the Education and Labor Committee as well as the total House membership to attempt in the coming years to reestablish the credibility of the Education and Labor Committee.

But an even more important factor: The action of the preceding hour has reemphasized the need for this representative body to put its own house in order; to enact meaningful congressional reform so that the will of the majority of the Members of the House and, indeed, the needs of the country cannot be thwarted by a capricious act of a relative few.

We need to extend the OEO programs without crippling amendments. We need to do it now. We have the votes on our side of the aisle. The responsibility for the delay and the resultant disruption on the poverty program and the possible unrest among those affected by the programs must rest with the chairman of the committee.

POSTPONING THE OEO BILL

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDRUM. Mr. Speaker, I have been greatly disappointed to learn that my warm friend, the able and effective and distinguished chairman of the Committee on Education and Labor, has decided against bringing on for debate under the resolution granted the so-called poverty bill.

I believe if any Member of this House is entitled to speak out on legislation affecting this issue dealing with economic opportunity, that perhaps I may be allowed to say that my record as an active supporter in the past entitles me to express an opinion.

Mr. Speaker, we have confronting us a tremendously serious problem. It is a problem which the Congress, and by a very large majority of the Congress, thought could be solved by a bill we passed in 1965. We fought hard for it. But we have seen many, many errors in the administration of the law. We have seen some flaws disclosed in the legislation that was enacted. But as late as 1967, when we tried to correct outstanding examples of shortcomings in the legislation, when we tried to tighten it up so that the administration of the bill would be in accord with the wishes of the Congress, we find that the administration—and I am talking about the administration of the Economic Opportunity Act—has become more contemptuous of the Congress.

Mr. Speaker, I am sure if my friend, in his genuinely conscientious attitude toward his responsibility as chairman, and as a Member of this House, would reassess his position he would recognize that this Nation today wants something done about this economic opportunity legislation, and whether it is done by the bill reported by the committee, or whether it is done by amendments on the floor, or whether it is done by a substitute offered by the combined efforts of small or large groups of Members does not matter.

The scandalous operations in some in-

stances of these community action programs throughout this Nation have made Members such as myself, who sacrificed to try to develop some program for this area, suffer in the eyes of his friends and his supporters. I do not mind continuing to suffer in order to keep a program going to rid this Nation of the evils that confront us because of poverty. But, we ought not to expect to debate such a controversial and important bill without having all the mistakes of the past exposed and discussed. If such debate brings on a substitute bill then that will be good.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

POSTPONING THE OEO BILL

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, in the interest of our colleague from Ohio learning how to pronounce our other colleague's name, I yield to my good friend, the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I know the distinguished minority leader knows full well my record of support for the President. The gentleman knows that I have been standing behind and supporting this President on key issues—because he is my President, too—and all I am doing today is to carry out again the wishes of the President. It is the President who has asked that the present act be continued without change.

I agree with the gentleman from Georgia, the very highly distinguished Member of this House, who is right when he says that no one is better qualified to discuss this bill than he, because he took the brave step years ago and sponsored this legislation.

So I agree with him, and I share with him his statement.

Mr. LANDRUM. Mr. Speaker, will the gentleman from Illinois yield for a correction?

Mr. MIKVA. I yield to the gentleman from Georgia.

Mr. LANDRUM. The gentleman from Georgia did not say that he was better qualified. Please—I did not say that.

Mr. PUCINSKI. I said you are qualified.

The fact of the matter is I share with the gentleman his disappointment in the administration of this bill. I have been among the most vocal critics of this bill and that is when in 1967 I strongly supported a series of amendments to close the free wheeling tactics of OEO. Let the record be clear, I have made numerous contributions toward cleaning up this act because I have repeatedly stated it needs revision. I believe we did a big job in 1967 to improve this act and President Nixon and Don Rumsfeld have both asked for a chance to make the improvements we voted in 1967 operative under their administration. I believe we ought to give them this chance.

Last year I supported the Green amendment to try to bring order out of chaos in this program. I think this program does need strong revision, and I shall continue to support changes that will strengthen the program.

I would like to remind the House—what is the issue here today? Are we saying you will not have a chance to vote for the substitute? Of course, not.

Are we saying you should not? Of course, we do not even know what is in it.

What we are saying here is that on such a major issue, we ought to be given some kind of look at the substitute, and then in an orderly manner debate and discuss it on the floor of the House. That is all we are saying here. I may even support the substitute. But it occurs to me that all this noise here today is that those who thought they could ram this subsitute through the House today suddenly realize this irresponsible method of legislating has been blocked. I hope our action here today will put an end once and for all to this "hit and run" method of legislating.

POSTPONING OEO BILL

(Mr. HOWARD asked and was given permission to address the House for 1 minute.)

Mr. HOWARD. Mr. Speaker, it is very confusing today on the floor of the House, without a scorecard.

It seems on one side we have many Members—the Democratic Party, the President of the United States, Donald Rumsfeld from the OEO, and Mr. PERKINS—all on one side concerning this issue. On the other hand trying to sabotage the President and his OEO program we have the minority leader, many Republicans and a few Democrats.

Perhaps it might be in order for the House of Representatives to pass a resolution stating that all of us support the President of the United States in his efforts to negotiate a just peace with the education and labor committee.

RESOLUTION ON VIETNAM

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, the 333-to-55 vote by which the House of Representatives yesterday adopted House Resolution 613 should help to make it clear to our friends around the world, and perhaps even to some of our enemies, that there is overwhelming support in this body, as there is among the American people, for President Nixon's dedicated and continuing efforts to bring about a peaceful solution in Vietnam.

As one of the early sponsors of this resolution, I remain convinced that the House action will strengthen the President's hand in seeking a negotiated settlement and will help to pave the way toward free, internationally supervised elections in South Vietnam, once an agreement is reached.

The amendment to the original resolution, calling upon the President "to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war," focuses attention again upon the refusal of Hanoi to make known the names of all prisoners of war, the refusal to allow them to write to and receive mail from their families, and the refusal to permit inspection of prisoner of war camps by the International Red Cross.

Mr. Speaker, the House action may not budge Hanoi from its seemingly inflexible position but it emphasizes again, for all of the world to see, that it is not the United States, but the Government of North Vietnam, which is the roadblock to peace.

POSTPONING OEO BILL

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I have asked for this time for the purpose of asking the gentleman from Kentucky a question which I think is a very relevant one.

We have heard the pros and cons about whether this bill should have been called off and whether a substitute should have been submitted to the gentleman from Kentucky for his perusal first. I am not going to get into this. It has all been covered. However, the fact remains that there is a substitute and there is a necessity for action on this legislation. This is the third day of December and it is past time that this House adjourned. It should have adjourned many weeks ago.

The question to the gentleman from Kentucky is—how long, sir, are you going to take to bring this bill up and consider it, including the substitute—and amendments, and let the House work its will? Are you going to do it tomorrow or the next day?

The SPEAKER. Let the Chair state that that is a problem of the leadership—and it is a problem.

Mr. RHODES. With all due respect, Mr. Speaker, I would like to direct the question to any Member of the House, or the Speaker, who can answer the question. I think the membership is entitled to know the answer to this question.

The SPEAKER. If the Chair were in a position to advise the gentleman, the Chair would gladly advise him and the Members of the House. But at the present time, the Chair is groping.

Mr. RHODES. Of course, Mr. Speaker, if I may make one further point, as I understand it, the authorization for the OEO program has expired and if the House should adjourn sine die without having acted upon an extension of the OEO program, then perforce the funds for it would stop unless there was some sort of continuing resolution which would be adopted to extend beyond the sine die adjournment—a procedure which so far as I know has never been done. There is an urgency about this, and I hope the gentleman from Kentucky will not dally too long on such an important matter. We should not let this agency die because of our refusal to act.

THE OFFICE OF ECONOMIC OPPORTUNITY

(Mr. WATSON asked and was given permission to address the House for 1 minute.)

Mr. WATSON. Mr. Speaker, I certainly do not want to prolong this discussion, but I think the gentleman from Arizona (Mr. RHODES) has asked a very reasonable question. While I appreciate the Speaker's position, that he is in a quandary and that this was thrust upon him and he does not know the answer to the question propounded by the gentleman from Ohio, I wonder, Mr. Speaker, if I might at this time yield to the gentleman from Kentucky, the chairman of the committee, who precipitated this whole discussion, the agonizing experience here, with the cancellation of plans, and so forth, in order that perhaps he might indicate to the House when he will decide to call up this bill.

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague from South Carolina that I received an official copy of the substitute at 12:15 p.m. today, after I had made the 1-minute speech. I think the members of the committee and the membership in the House who want to become acquainted with the contents of the substitute will have ample time during the remainder of this week. I am hopeful that if it fits in with the leadership schedule the bill will be brought to the floor next week, and if not next week, the week after, by all means.

So far as I am concerned, I would hope that the bill can be brought to the floor next Monday.

The SPEAKER. Just a minute. The leadership has problems. The Chair has advised the gentleman from Kentucky that we have scheduled an appropriation bill for Monday and another appropriation bill following that. The Chair would like to get a voting rights bill before the House. We want to have the record clear. Do not put the leadership in the position where there might be any misunderstanding. The leadership will cooperate, but the leadership has other problems.

Mr. ANDREWS of Alabama. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Alabama will state his parliamentary inquiry.

Mr. ANDREWS of Alabama. Would it be in order to bring a resolution before the House denying the poverty program to operate under the resolution continuing appropriations that passed the House last Monday?

The SPEAKER. Will the gentleman restate his parliamentary inquiry?

Mr. ANDREWS of Alabama. I would like to know if it would be in order today to offer a resolution in the House to disassociate the poverty program from the continuing appropriation resolution, which was passed on Monday of this week.

The SPEAKER. The Chair does not feel that that is a parliamentary inquiry.

Mr. ANDREWS of Alabama. I think we will have a resolution within the next few hours denying the poverty program from operating under the continuing resolution, and I think that is the best way to bring this thing to a head.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Has the gentleman from Alabama concluded his parliamentary inquiry?

Mr. ANDREWS of Alabama. At this time.

The SPEAKER. The gentleman from Illinois will state his parliamentary inquiry.

Mr. YATES. If a resolution of the type described by my good friend from Alabama were to be filed today and sought to be brought up on the floor today, would it not need unanimous consent?

The SPEAKER. Unanimous consent would be required. The Chair does not like to give declaratory opinions before a matter is actually presented.

THE OEO PROGRAM

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Georgia. Mr. Speaker, I take this time to ask the chairman of the committee a question. As I understand, the action the chairman has taken was because he has reason to believe that some Member is going to offer a substitute to the proposal that the committee voted out, and for that reason, the gentleman from Kentucky wants a delay so that he may look at the substitute and examine it. Does that mean that if, when the bill is next scheduled, someone else has a substitute and plans to offer such a substitute, the gentleman will ask for another delay?

Mr. PERKINS. I am sure the gentleman in the well knows that there will never be but one request of this type made.

Mr. THOMPSON of Georgia. I thank the gentleman.

PRESSURE FOR OEO AUTHORIZATION

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, it seems perfectly clear now that we are not going to consider the OEO authorization this week. It should be perfectly clear to you as Members why.

I want to forewarn the Members that between now and next week or whenever we do consider this legislation they can expect a flood of telephone calls, telegrams, and communications through the mail, and contacts by every other means, from the advocates of the program, because when we leave here today we can be sure that the advocates of continuing without change the present program for 2 years are going to contact every sympathetic person they can back in the districts to try to get them to influence us. We must hold fast and stand our ground.

The only other thing I want to say is that as they from Washington make their contacts I would be perfectly happy if they spend all the money they have left in sending out telegrams and making telephone calls, to leave nothing else to continue such a boondoggle program. It must be changed and now is the time.

CONFERENCE REPORT ON H.R. 14159, PUBLIC WORKS APPROPRIATIONS, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I call up the noncontroversial conference report on the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 2, 1969.)

Mr. EVINS of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. EVINS of Tennessee. Mr. Speaker, we bring you the conference report on the Public Works and Atomic Energy Commission appropriations bill for 1970.

The original House bill provided $4,505,446,500.

The Senate bill provided $4,993,428,500—an increase of $487,982,000 over the House bill.

We are recommending today an appropriation of $4,756,007,500 agreed to by the conferees.

The bill total is $552,029,500 over the budget, including the increase of $586 million for the pollution control grants.

The final figure is $250,561,000 over the House bill, including the $200 million added for pollution control grants.

The final figure is $237,421,000 under the Senate bill.

Excluding the increase for pollution control grants, the final bill figure is $33,970,500 under the budget estimate.

As you know, all legislation is a compromise and this bill reflects the compromises and agreements reached in conference.

This is a good conference report—a sound judgment of the Nation's urgent needs in public works and adequate funding of the Atomic Energy Com-

mission, Federal Water Pollution Control Administration, Bureau of Reclamation, the Tennessee Valley Authority, and other public works agencies.

We believe that the agreement reached is in the public interest and the national interest.

ATOMIC ENERGY COMMISSION

The largest item in the bill is the Atomic Energy Commission appropriation.

The Johnson budget recommended $2,438,135,000 for the vital programs of the AEC—a cut and reduction of $132,739,000 from 1969 appropriations.

The Nixon budget further reduced the appropriation for AEC by another $78,550,000 to $2,359,585,000.

The Senate made further cuts and reductions totaling $44 million.

The conference restored $22 million of the $44 million cut made by the Senate—leaving the AEC appropriation recommended in this bill at a level of $2,217,769,000.

PUBLIC WORKS

Basically the House approved a 50-percent restoration of the reduction and cutback made in the revised Nixon budget on public works projects.

In instances where the Senate made increases in public works projects, the conferees limited the increase to a level not to exceed 50 percent of the increase required to provide the U.S. Corps of Engineers full capability.

This bill provides for 52 new studies and investigations by the U.S. Corps of Engineers.

The bill also provides for 33 new construction starts—a minimal number.

These are all small projects—there are no large new starts. Small flood control projects urgently needed.

The new starts recommended are primarily for small flood control projects of urgency—projects which cost less than $20 million.

I might add that new reservoir projects added by the Senate were limited, where agreed to, to advance land acquisition only.

WASTE TREATMENT PLANTS

The House approved $600 million for waste treatment plant grants.

The Senate bill increased this to $1 billion.

The conferees agreed to $800 million.

Secretary Hickel has said that $600 million is all that he can use this fiscal year.

The conferees believes that the $800 million will provide adequate funding for this program for next year.

CONCLUSION

Mr. Speaker, this is a good conference report—a product of compromise.

This report reflects the best judgment of the Conferees, and I urge the adoption of this report.

Mr. Speaker, I will insert a table showing the amounts provided in the bill in comparison with the budget and House and Senate amounts:

PUBLIC WORKS APPROPRIATIONS FOR FISCAL YEAR 1970—SUMMARY TABLE

Agency and item	New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (as amended)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference	Conference action compared with— New budget (obligational) authority fiscal year 1969	Conference action compared with— Budget estimates of new obligational authority fiscal year 1970	Conference action compared with— New budget (obligational) authority recommended in House bill	Conference action compared with— New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—ATOMIC ENERGY COMMISSION									
Operating expenses	$2,109,300,000	$1,963,800,000	$1,884,269,000	$1,840,269,000	$1,862,269,000	−$247,031,000	−$101,531,000	−$22,000,000	+$22,000,000
Plant and capital equipment	[1] 506,574,000	395,785,000	343,500,000	377,525,000	355,500,000	−151,074,000	−40,285,000	+12,000,000	−22,025,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,615,874,000	2,359,585,000	2,227,769,000	2,217,794,000	2,217,769,000	−398,105,000	−141,816,000	−10,000,000	−25,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL									
DEPARTMENT OF THE ARMY									
Corps of Engineers—Civil									
General investigations	30,015,000	40,900,000	40,600,000	41,760,000	41,191,000	+11,176,000	+291,000	+591,000	−569,000
Construction, general	[3] 862,713,500	627,055,000	671,982,000	740,469,000	711,992,000	−150,721,500	+84,937,000	+40,010,000	−28,477,000
Flood control, Mississippi River and tributaries	69,600,000	74,600,000	74,600,000	87,040,000	80,820,000	+11,220,000	+6,220,000	+6,220,000	−6,220,000
Operation and maintenance, general	[3] 227,300,000	245,700,000	245,700,000	253,000,000	253,000,000	+25,700,000	+7,300,000	+7,300,000	
Flood control and coastal emergencies	[4] 30,000,000	[5] 32,000,000	32,000,000	32,000,000	32,000,000	+2,000,000			
General expenses	[6] 21,875,000	22,980,000	22,600,000	22,980,000	22,680,000	+805,000	−300,000	+80,000	−300,000
Total, Corps of Engineers—Civil	1,241,503,500	1,043,235,000	1,087,482,000	1,177,249,000	1,141,683,000	−99,820,500	+98,448,000	+54,201,000	−35,566,000
Cemeterial Expenses									
Salaries and expenses	15,000,000	[7] 16,196,000	[8] 15,125,000	15,125,000	15,125,000	+125,000	−1,071,000		
THE PANAMA CANAL									
Canal Zone Government:									
Operating expenses	[9] 38,569,500	41,070,000	40,700,000	40,700,000	40,700,000	+2,130,500	−370,000		
Capital outlay	200,000	[10] 2,373,000	2,000,000	2,000,000	2,000,000	+1,800,000	−373,000		
Panama Canal Company: Limitation on general and administrative expenses	[11] (13,730,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	(+970,000)			
Total, the Panama Canal	38,769,500	43,443,000	42,700,000	42,700,000	42,700,000	+3,930,500	−743,000		
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,295,273,000	1,102,874,000	1,145,307,000	1,235,074,000	1,199,508,000	−95,765,000	+96,634,000	+54,201,000	−35,566,000
TITLE III—DEPARTMENT OF THE INTERIOR									
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION									
Pollution Control operations and research	[12] 86,789,000	91,972,000	85,382,000	86,482,000	86,382,000	−407,000	−5,590,000	+1,000,000	−100,000
Construction grants for waste treatment works	214,000,000	214,000,000	600,000,000	1,000,000,000	800,000,000	+586,000,000	+586,000,000	+200,000,000	−200,000,000
Total, Federal Water Pollution Control Administration	300,789,000	305,972,000	685,382,000	1,086,482,000	886,382,000	+585,593,000	+580,410,000	+201,000,000	−200,100,000

Footnotes at end of table.

PUBLIC WORKS APPROPRIATIONS FOR FISCAL YEAR 1970—SUMMARY TABLE—Continued

Agency and item	New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (as amended)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference	Conference action compared with— New budget (obligational) authority fiscal year 1969	Conference action compared with— Budget estimates of new obligational authority fiscal year 1970	Conference action compared with— New budget (obligational) authority recommended in House bill	Conference action compared with— New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—DEPARTMENT OF THE INTERIOR—Continued									
BUREAU OF RECLAMATION									
General investigations	[13] 16,319,500	16,400,000	16,000,000	16,060,000	16,030,000	−289,500	−370,000	+30,000	−30,000
Construction and rehabilitation	166,915,000	129,900,000	146,381,500	149,381,500	149,381,500	−17,533,500	+19,481,500	+3,000,000	
Upper Colorado River storage project	27,873,000	26,000,000	26,110,000	30,240,000	28,240,000	+367,000	+2,240,000	+2,130,000	−2,000,000
Colorado River Basin project		1,000,000	1,000,000	1,200,000	1,200,000	+1,200,000	+200,000	+200,000	
Operation and maintenance	[14] 50,530,000	54,030,000	53,500,000	53,500,000	53,500,000	+2,970,000	−530,000		
Loan program	2,965,000	4,850,000	5,650,000	5,650,000	5,650,000	+2,685,000	+800,000		
Emergency fund		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000			
General administrative expenses	[15] 12,400,000	12,700,000	12,700,000	12,700,000	12,700,000	+300,000			
Total, Bureau of Reclamation	277,002,500	245,880,000	262,341,500	269,731,500	267,701,500	−9,301,000	+21,821,500	+5,360,000	−2,030,000
ALASKA POWER ADMINISTRATION									
General investigations	600,000	670,000	600,000	600,000	600,000		−70,000		
Operation and maintenance	402,000	400,000	400,000	400,000	400,000	−2,000			
Total, Alaska Power Administration	1,002,000	1,070,000	1,000,000	1,000,000	1,000,000	−2,000	−70,000		
BONNEVILLE POWER ADMINISTRATION									
Construction	$104,000,000	$102,400,000	$96,500,000	$96,500,000	$96,500,000	−$7,500,000	−$5,900,000		
Operation and maintenance	19,500,000	21,500,000	21,500,000	21,500,000	21,500,000	+2,000,000			
Total, Bonneville Power Administration	123,500,000	123,900,000	118,000,000	118,000,000	118,000,000	−5,500,000	−5,900,000		
SOUTHEASTERN POWER ADMINISTRATION									
Operation and maintenance	850,000	700,000	700,000	700,000	700,000	−150,000			
Construction	4,020,000	3,100,000	3,100,000	3,100,000	3,100,000	−920,000			
Operation and maintenance	[16] 2,346,000	2,350,000	2,350,000	2,350,000	2,350,000	+4,000			
Continuing fund (definite appropriation of receipts)	3,200,000	2,800,000	2,800,000	2,800,000	2,800,000	−400,000			
Total, Southwestern Power Administration	9,566,000	8,250,000	8,250,000	8,250,000	8,250,000	−1,316,000			
Total, title III, new budget (obligational) authority, Department of the Interior	712,709,500	685,772,000	1,075,673,500	1,484,163,500	1,282,033,500	+569,324,000	+596,261,500	$+206,360,000	−$202,130,000
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)									
Atlantic-Pacific Interoceanic Canal Study Commission: Salaries and expenses	4,900,000	917,000	917,000	917,000	917,000	−3,983,000			
Delaware River Basin Commission: Salaries and expenses	47,000	47,000	47,000	47,000	47,000				
Contribution to the Delaware River Basin Commission	154,000	153,000	153,000	153,000	153,000	−1,000			
Total, Delaware River Basin Commission	201,000	200,000	200,000	200,000	200,000	−1,000			
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	5,000	5,000	5,000	5,000	5,000				
National Water Commission: Salaries and expenses	[17] 150,000	1,100,000	1,050,000	1,050,000	1,050,000	+900,000	−50,000		
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	50,250,000	49,750,000	50,600,000	50,300,000	50,600,000	+350,000	+850,000		+300,000
Water Resources Council: Water resources planning	3,662,500	3,775,000	3,925,000	3,925,000	3,925,000	+302,500	+150,000		
Total, title IV, new budget (obligational) authority, independent offices (excluding AEC)	59,128,500	55,747,000	56,697,000	56,397,000	56,697,000	−2,431,500	+950,000		+300,000
Total, new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,067,111,000	1,844,393,000	2,277,677,500	2,775,634,500	2,538,238,500	+471,127,500	+693,845,500	+260,561,000	−237,396,000
Grand total, new budget (obligational) authority, titles I, II, III, and IV	4,682,985,000	4,203,978,000	4,505,446,500	4,993,428,500	4,756,007,500	+73,022,500	+552,029,500	+250,561,000	−237,421,000

[1] Includes $45,000,000 appropriated in Second Supplemental Act, 1969.
[2] Reflects transfer in Second Supplemental Appropriation Act, 1969, of $2,969,000 to "Operation and maintenance" and "General expenses," Corps of Engineers.
[3] Reflects transfer of $1,869,000 from "Construction, general," Corps of Engineers, and $1,731,000 appropriated in Second Supplemental Appropriation Act, 1969.
[4] Includes $25,000,000 appropriated in Second Supplemental Appropriation Act, 1969.
[5] Includes increase of $27,000,000 contained in H. Doc. 91-155.
[6] Reflects transfer in Second Supplemental Appropriation Act, 1969, of $1,100,000 from "Construction, general," Corps of Engineers.
[7] Reflects increase of $258,000 contained in H. Doc. 91-117.
[8] In addition, $991,000 available by transfer from funds appropriated in Public Works and AEC Appropriation Act, 1968.
[9] Includes $1,085,000 appropriated in Second Supplemental Appropriation Act, 1969.
[10] Reflects decrease of $227,000 contained in H. Doc. 91-85.
[11] Includes increase of $130,000 provided in Second Supplemental Appropriation Act, 1969.
[12] Reflects transfer in Second Supplemental Appropriation Act, 1969 of $246,000 to Bureau of Indian Affairs and $1,803,000 to the Bureau of Land Management.
[13] Includes $371,000 appropriated in Second Supplemental Appropriation Act, 1969.
[14] Includes $630,000 appropriated in Second Supplemental Appropriation Act, 1969.
[15] Includes $450,000 appropriated in Second Supplemental Appropriation Act, 1969.
[16] Reflects transfer in Second Supplemental Appropriation Act, 1969, of $4,000 to Bureau of Sport Fisheries and Wildlife (General Administrative Expenses).
[17] Appropriated in Supplemental Appropriation Act, 1969.

Mr. Speaker, I now yield to my colleague, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Tennessee has given the full story on the conference report. The Members of the House are familiar with the bill. We passed it not too many weeks ago. I support the conference report, though I regret exceedingly that it is over the budget. It is the best the House conferees can do.

In my mind I have a reservation about one item which will be brought up in disagreement. This concerns a very urgent flood control project in the great State of North Dakota. We are bringing this item back in disagreement, and there will be a motion to recede and concur with the Senate amendment. This is an unauthorized project. The only reason why it is being brought back for a vote by the House is because the need is great. There were disastrous floods in the area during the last year, which would have been mitigated had this project been built.

I would like to serve notice on our colleagues in the other body that this is not to become a precedent; all projects must be authorized in the regular manner. I, for one, do not intend ever to bring back another bill or another project which has not been authorized even for a vote in disagreement. It is not a proper procedure or one which should be followed. It was done at this time only because of a really dire emergency.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. EVINS of Tennessee. I agree that it is a most unusual situation of an emergency nature. The gentleman will recall that the floods in North Dakota flooded some 3,000 homes and that 11,800 people had to be evacuated. This is only for planning in an emergency situation. The language does not authorize the project for construction.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. ANDREWS of North Dakota. I would like to call to the gentleman's attention the fact that we did indeed appear before the subcommittee in the House regarding this item, recognizing the fact that it was not authorized but with the hope that it might be put in along the way and wanting to give the House committee the full benefit of the views of the local people involved. Human needs should take precedence over parliamentary procedure. This is a time for Government to react with compassion and speed to meet the critical emergency needs of its people rather than to deny this aid because of a technicality.

I do appreciate the committee's making this exception because of the great need which exists in North Dakota for this project. We can assure you that we hope it does not have to happen again.

Mr. RHODES. I might say to my good friend, the distinguished gentleman from North Dakota, that he has made a good point. He and the gentleman from North Dakota (Mr. KLEPPE) have appeared before our subcommittee and have indicated the urgency of this situation. Each of these gentlemen has been most zealous in their attempts to push this project.

Further than that, since the committee took its action in the markup of its original bill, I am told that favorable reports have been made by the Corps of Engineers and are pending submission to Congress for authorization by the Committee on Public Works. However, that committee has not had an opportunity to make its will known.

Mr. KLEPPE. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Speaker, I appreciate the comments of the gentleman from Arizona on this conference report. The amendment in the conference report pertaining to the preconstruction planning funds for the flood control project in Minot, N. Dak., is included in this report. I understand and appreciate the policy of the House conferees regarding this project since authorizing legislation had not passed.

I worked on this project for several months in an attempt to get the legislation authorized, but due to delay in reports from the departments involved it was not possible. I conferred with our leaders on this problem, since Senator YOUNG got this project included in the other body. The total amount in this conference report is small, but it will move this vital project ahead by 1 year, and I would hope the conference report will be approved including the funds for the Minot flood project.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Speaker, I would like to commend the conferees for doing a very outstanding job on a very difficult bill. I am only sorry to see that they did not get the entire $1 billion that the House defeated by just two scant votes. Nevertheless, I realize that all legislation is a result of compromise. I am glad to see that they brought the figure up to $800 million.

Mr. Speaker, if the gentleman will yield further, with the addition of the additional funds, how much money will this actually make available?

Mr. RHODES. My recollection is that the total program could be in the magnitude of $865 million this next year. However, as the gentleman knows, this cannot possibly all be spent because of the formula under which the funds will be divided among the States. There will be some States that will not receive anywhere near the amount that they could spend, and the gentleman's State is one of those States. However, there are other States which will be allocated funds which cannot possibly be spent. So, I would estimate that the carryover at the end of fiscal year 1970 would be somewhere in the neighborhood of $300 million.

Mr. MINSHALL. Mr. Speaker, if the gentleman will yield further with reference to my own State, the State of Ohio will receive an additional $11.2 million which it would not have received under the House version. The Minshall amendment—and the Senate appropriation—of $1 billion would have given Ohio $52.6 million, which would just have about fulfilled its requirements for eligible sewage treatment facilities. Under the compromise Ohio will receive $41.2 million, slightly under its need as of August. I would suggest that in view of the commitment we made in 1966 when the Congress unanimously approved the Clean Water Restorations Act that very careful review be made of the individual needs of the 50 States. Ohio remains underfunded, while the gentleman advises me that other States would be unable to utilize the full amount allocated to them. We desperately need funds in Ohio and I hope and trust that the Congress will draft a formula whereby the money will go where the need exists hereafter.

Mr. RHODES. Mr. Speaker, while we are on the subject of water pollution, let me make my position abundantly clear. It is true that the subcommittee successfully resisted amendments on the floor of the House to raise this sum up to $1 billion. We did it because we felt, first, that the sum of $600 million was ample under the provisions of the present distribution formula. Personally, I would be perfectly willing and happy to appropriate that much money, or even more, for the purpose of water pollution control, if it could be distributed into those areas where need has been established and where the ability to spend the money on worthwhile projects has been established. This is not true, however.

I sincerely hope and, in fact, I invite my colleagues on the Public Works Committees of the House and of the other body to reexamine this entire matter with the objective of drafting a formula which is both fair and which will allow the Committee on Appropriations to appropriate on the basis of need for this money rather than on the basis of a formula which has not worked.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. I thank the gentleman from Arizona for yielding.

Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, on October 2 of this year the House Appropriations Committee voted to increase from $214 million to $600 million the proposed spending on construction grants for waste treatment works during the current fiscal year. The appropriation of $600 million, together with a carryover in unspent funds of $64.9 million from the year which ended June 30, 1969, envisioned a total grant program of $665 million in water pollution control funds.

On October 8, the House of Representatives passed H.R. 14159. This bill contained the appropriation for the clean water program as approved by the House Appropriations Committee. I was pleased to vote "yes." Prior to final passage I

voted against an effort to restrict debate and deny roll call votes on certain amendments. I favored the consideration and passage of an amendment to increase the clean water funding to $750 million—CONGRESSIONAL RECORD, October 8, 1969, pages 29219 and 29220. This increase would have permitted all but three States to fully fund their pending grant applications. In order to fully fund the applications in process in those remaining three States, an additional $1:6 billion would have to be appropriated.

On November 12, the Senate passed H.R. 14159, and increased the clean water appropriation to $1 billion. The Senate requested a conference to adjust this difference and others. On December 1 the House agreed to the conference.

On December 2, the Senate conferees and the House managers agreed on a compromise figure of $800 million to fund construction grants for waste treatment works. I will be pleased to say "yes" to the $800 million compromise and to vote in favor of the committee report today so that we can sharply accelerate our attack nationwide on water pollution.

I am advised that Minnesota municipalities, as of October 31, 1969, had pending 58 applications totaling some $14,413,000. Minnesota's share of our $800 million appropriation to be approved today is $14,924,800. Thus, the money voted today more than fully funds Minnesota's water pollution control effort as reflected in pending grants for aid in constructing waste treatment works.

Of the 58 pending applications, 16 have progressed to the regional office level and 42 have been cleared at the State agency. The 16 applications total some $5,494,000, and the remaining 42 total some $8,-919,000. In addition to fully funding these applications, the $800 million appropriation together with the $65 million carryover will finance still more Minnesota projects to be finalized in the period November 1, 1969, to June 30, 1970.

Environmental quality control is one of the most critical domestic issues facing all Americans today, and water pollution is a particularly vital aspect of Minnesota's environmental problems. I am most pleased to see the Congress today put its final stamp of approval on an appropriation which will truly enable our municipalities to make a major contribution to the quest for clear and pure water.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I am a realist. I know that many Members of this body have projects contained in this bill. So I am not going to make any effort to defeat the conference report, because it would be a futile act, but I cannot approve it.

I do, however, wish to call the attention of the Members to the fact that this bill is a half a billion dollars above the budget. The bill enacted in the other body was even higher than that above the budget.

So I think the House conferees should be commended for getting some concessions from the Senate bill in conference; but I repeat that the bill before us today is still a half-billion dollars above the budget.

I recall that one of the first actions taken in this body this session was the imposition on the executive branch of the Government of a limitation on spending. The other body enacted a different limitation, and we went to conference. The conferees from the other body were trying to impose an even lower ceiling on spending than the ceiling adopted by the House.

In a time of fiscal stringency and when inflation is running rampant, and when efforts are being made by the executive branch of the Government to control inflation and get our economy back on a stable basis, I think it is unwise for Congress to load up these appropriation bills with so many unbudgeted items and the fact of the matter is that this bill as it comes from conference contains 74 unbudgeted items and the total appropriated is $552 million above the budget.

Mr. Speaker, I make this statement in order to make my own position clear. I recognize that the House is going to adopt the conference report, but I wanted the record to show that I am not going to vote for any bill or any conference report that exceeds the budget by a half a billion dollars, under the circumstances existing today.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Speaker, I thank the gentleman from Tennessee for yielding to me. I want to commend the gentleman on the job he has done with respect to this conference report, and I appreciate particularly the language on page 14 of the report with respect to the Dickey-Lincoln School project in Maine.

I know the people of Maine would rather have the money than the language, but I realize the situation that prevails in the House at this time. I just want to assure the membership that those who are in favor of this project will continue to work for it.

The history of many of the 175 federally financed public power projects throughout the United States has been similar to that of the Dickey-Lincoln School project. In regard to the Tennessee Valley project, for example, the Members of the House from Tennessee were initially opposed to that project, but later saw the light and eventually that was funded.

I am sure that is going to be the experience with respect to this project. I want to assure the Members that I will continue to press for it.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 additional minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Speaker, I thank the gentleman for the additional time.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I want to commend the gentleman from Maine for the great effort he has made with respect to the Dickey-Lincoln project, not only during this session of the Congress, but in the past few years. The gentleman from Maine has put in an awful lot of time and effort and labor on this project. It is a project, of course, that has been highly controversial up in the Northeast section of the United States. Because of this controversy the difficulty that the gentleman from Maine has experienced in getting it approved has been great.

The problems, of course, in this body are a lot greater than they are in the other body, where it is much easier to command a majority of 100 Members than it is to command a majority of the 435 Members in this body.

But the people of the State of Maine and the people of the congressional district of the gentleman from Maine ought to know of the efforts that he has expended in their behalf for a project that in his judgment and in my judgment, and in the judgment of a lot of experts, offers lower cost power, and an opportunity to keep the electric power rates down. The electric power rates now in the State of Maine are the highest in the Nation, as they are in many other areas of New England.

The people ought to know precisely what he has done.

I want to congratulate and commend the gentleman for all the effort that he has put into this project. As he has indicated, the language on page 14 of the conference report clearly indicates that the majority of the Members of the House conferees support this project, and all of the Members of the Senate conferees support the project.

But recognizing that there has been some controversy here, which of course makes the task of the gentleman from Maine much more difficult, the conferees did not approve funds to resume planning in this year's bill. I do want the gentleman to know that those of us who have supported this project will continue to give him the support that he needs and will have in the future if this project is going to be realized.

Mr. HATHAWAY. I thank the gentleman for his kind remarks. I want to commend him for his outstanding effort in the committee and on the floor and in the conference on behalf of this project.

I know the people of Maine and all of New England are thankful for his support.

The reasons for constructing Dickey are clearly defined and supportable. It is a project of proven merit. There is a demonstrated need for such a project in the Northeast; the public interest would be served by its construction; it has a benefit-to-cost ratio of 2 to 1, a ratio far superior to most of the projects in the public works bill before us.

New England power rates are the highest in the Nation. The Northeast is the only major geographic area in the United States which has not yet realized the benefits of public power. Despite the gross inequity of this situation, the Congressional representatives of the Northeast have not given unified support to

the Dickey project which would provide needed public power to their area. Some of my New England colleagues have chosen to ignore the fact that the vast majority of New England residents, businesses and industries favor the project's construction. This lack of unified support has contributed toward the demise of the project. But Dickey is not dead. We shall try again. The conferees recommend that we try again. In the meantime, I urge my colleagues from the Northeast to consider these facts:

The Dickey project will spur New England's economic development. It will help bolster the social and cultural institutions of the region: It will provide new and better jobs. It will help improve municipal, health, and educational facilities and services, and help expand recreational opportunities.

New England's private utilities, along with powerful allies, have waged a fierce and unrelenting battle to defeat the Dickey project. Public power and the public interest have lost this skirmish, but I am confident that they will be the ultimate victors, and that work on the Dickey project will be continued.

Mr. EVINS of Tennessee. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. BOLAND), a valuable member of the committee.

Mr. BOLAND. Mr. Speaker, as this conference report has indicated there is $800 million in here for construction grants for water pollution control. I think this is agreeable to practically everybody in the House. Of course, it was agreed to by all of the conferees.

As has been indicated by the gentleman from North Carolina and the gentleman from New York (Mr. ROBISON), and the chairman of this committee, this has been a very difficult problem. This problem has got to be resolved, but it will not be just by the expenditure of more money.

I think we are facing up to it in the wrong direction. We certainly are going to have to spend billions of dollars in this area. We have spent over $30 billion on the Interstate Highway System to date and I am sure we are going to spend that much and probably more with respect to this problem. But we are never going to get anywhere with solving the pollution problem unless we change the formula for allocating the grant funds to the States and unless there is a new concept in developing control programs. This was pointed out in the recent General Accounting Office report which was critical of the present program. You cannot expect to solve this problem "using a shotgun approach" as GAO has described the present grant program. The present approach is just not effective. The situation is just going to get worse unless changes are made. This is the feeling of the committee and also the feeling of many who serve on the legislative authorization committees which have promised to look into it.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York, who has been one of the most knowledgeable persons in the House with regard to this matter.

Mr. ROBISON. Mr. Speaker, I appreciate the gentleman yielding to me. I take this time to associate myself as strongly as possible with what the distinguished gentleman from Massachusetts has said about the urgent need, the truly urgent need, for a review of this program by the appropriate legislative committees of this body and the other body. As the gentleman from Massachusetts (Mr. BOLAND) has just said to us, we in this subcommittee are well aware that the inefficiency and the workings of the program and the factors that have been brought to light by the General Accounting Office report indicate we are not pursuing a policy of true cost effectiveness insofar as the operation of the program is concerned.

So, Mr. Speaker, I would join in urging, as the gentleman from Massachusetts has, the early consideration and review of this entire matter by the appropriate legislative committees.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, it is a pleasure to serve on this subcommittee, a truly bipartisan committee.

It means a whole lot to have the opportunity to listen to your colleagues from all over the United States and to realize that we are joined at least in our efforts to see that we not only protect our land today but for the future.

Mr. Speaker, I discussed this bill somewhat in detail when it was before the House on October 8—pages 29161 and 29162.

At that time I pointed out that our committee, in the House report, had provided $450,000 for beginning work on the Yellow Creek Port on the Mississippi side of the Tennessee River, a sum which represented the Tennessee Valley Authority's capability for this fiscal year. I appreciate the Senate and the conferees going along with our action.

Other works provided for included the beginning of the upper auxiliary channel, the Ascalmore-Tippo and Opossum Bayou projects among a number of others.

Mr. Speaker, we have added language in the conference report so as to remove any question about the corps being expected to proceed with this work. The language is as follows:

> It is the view of the Conferees that the Corps of Engineers shall adhere to the Provisions of Public Law 678, 74th Congress, concerning the local cooperation requirements for bridge maintenance in connection with the upper Auxiliary Channel of the Yazoo Basin Headwaters Project.

I am glad to note we have provided for additional levee maintenance on the lower Mississippi and $80.8 million total for the lower Mississippi and tributaries. We long since learned that if you do not take care of the Mississippi as you go long it will cost you lots more in the long run.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, I support the conference report and commend the House conferees on the outstanding report they have brought to the House.

I particularly appreciate the continued support implicit in the measure for one of the Nation's greatest water resource development programs—the Arkansas River multipurpose development project.

The figure reported and recommended by the committee will keep this great project on schedule for navigation benefits to Oklahoma in 1970—and also assure tremendous additional benefits in flood control, water supply, power, and public recreation.

Appreciation is also due the conferees for the recommendation of $600,000 to initiate Copan Reservoir construction. I hope and trust the House will accept this recommendation and the administration will begin land acquisition for this very fine project without delay. It is a good project in all respects and should be completed as quickly as possible.

Mr. SCOTT. Mr. Speaker, my remarks relate particularly to amendment No. 5 in the conference report concerning the Salem Church Dam and Reservoir on the Rappahannock River.

I certainly hope that the House will agree with the recommendation of the conferees that preconstruction planning can be conducted simultaneously with a restudy to determine the extent to which the plan can be modified to minimize any adverse effect on natural values in the area. The $150,000 specified in the conference report is the amount recommended by the Nixon administration and is $50,000 less than the Corps of Engineers indicated it could spend this fiscal year for preconstruction planning.

Since the House previously acted upon this measure, I have consulted with the White House, the Departments of the Army and Interior, and the Bureau of the Budget, requesting their assistance in having these funds restored and I do want to thank the conferees for agreeing to the $150,000 figure.

The Army Corps of Engineers says it will use 1970 funds, as available, to:

First. Obtain aerial photography and topographic mapping of the reservoirs.

Second. Install gages and record the salinity of the Rappahannock River estuary with the Chesapeake Bay to correlate with fresh water stream flows.

Third. Initiate foundation investigations, hydrologic project formulation, and relocation studies.

These, it is hoped, will be the initial steps leading to the eventual construction of this multipurpose dam authorized by the Congress in 1968. It will provide recreation, a water supply, hydroelectric power, flood and salinity control in the Rappahannock Basin, and should be of major benefit to the people in the urban corridor of Virginia between Washington and Richmond.

Mr. FEIGHAN. Mr. Speaker, the provision for an appropriation of $800 million in this conference report for water pollution is a source of much gratification to me and other Members who initiated a campaign to increase to $1 billion the $214 million for water pollution abatement requested by the administration. The utilization of these funds will be an important step toward providing clean water and eliminating the hazards of improper sewage disposal.

Mr. ALBERT. Mr. Speaker, the House

of Representatives, in giving final approval to H.R. 14159, the Public Works Appropriation Act for fiscal year 1970, has once again demonstrated the concern of the 91st Congress with respect to national problems of high priority. As has been the case in so many vital domestic areas, the administration failed the American people in the field of water pollution by requesting inadequate funding for waste treatment plants. In asking for only a $214 million appropriation, it abdicated the leadership which the American people were looking for and entitled to from their Government in the all-important war against water pollution.

Confronted with overwhelming evidence that this Nation's water pollution problem had reached a crisis stage brooking no further delay, and that the American people wanted immediate action to rectify the situation, the 91st Congress has moved decisively to fill the void created by the executive branch's failure to act responsibly in this area.

We have increased the executive branch's proposed $214 million appropriation to $800 million. This near fourfold rise is unprecedented. In so doing, the Congress has spoken and spoken loud and clear. It will tolerate no further delay in ending water pollution. The American people have served notice that they want effective water pollution control at once and their elected representatives in the Congress are in complete accord with these views.

Mr. LANDGREBE. Mr. Speaker, I rise in opposition to the adoption of the conference report on 1970 public works appropriations, especially as it pertains to the acquisition of land for construction of the Lafayette Reservoir.

I have been studying the proposal for this reservoir on Wildcat Creek, which is located within my district, ever since I took office last January. As yet, I have not taken a stand for or against this project; I do not believe sufficient evidence has been gathered to warrant a decision.

At this time, the case against this reservoir appears to be as strong as the case for it. For this reason, I oppose the appropriation of nearly one-half million dollars for the purpose of land acquisition prior to the completion of a comprehensive study to determine the feasibility and the economic impact on our community.

Furthermore, although this appropriation, confined to land acquisition only and not construction, does not violate the letter of President Nixon's urgent call for a cutback in public construction to combat inflation, it does violate the spirit of his call.

At a time when inflation robs the pockets and purses of all Americans, especially those who can least afford it, the appropriation of funds for a project of such doubtful merit can be deemed little short of irresponsible, particularly in light of President Nixon's determination to take positive steps to curb inflation, including the prohibition of new conservation projects.

True, there are benefits to be derived from a recreational and conservation area, but there are many drawbacks, as well.

As our U.S. Government acquires this proposed 23,000-acre site, how much of its original beauty will be lost? How many cemeteries must be moved? How many homes will be destroyed?

The 23,000 acres to be encompassed by this project embrace some of the most fertile and productive farm acreage to be found in the United States. How many thousands of dollars worth of annual farm products will be lost for all time to come? And, last but not least, how many thousands of dollars in tax base will be lost, with that burden shifted to the already heavily taxed property owners that remain in the community?

There are scientific factors to be considered, as well. First, agronomists argue that, given the silty nature of Indiana soil, a small reservoir in a large watershed, which the Lafayette Reservoir would be, could be nothing but a large mud flat in 50 years' time. Soil erosion followed by sedimentation in the reservoir would produce this effect.

These agronomists recommend that all such projects be put off for now, to allow soil engineers to develop a technology to combat erosion.

Second, even the Corps of Engineers, whose enthusiasm for reservoir construction is exceeded by no one, has admitted that the flood control value of the Lafayette Reservoir would be, at best, questionable.

Until these very strong objections to this project are resolved, I must question the wisdom of appropriating precious tax dollars for it, and will urge the administration to delay the expenditure of these funds pending the easing of inflation and the final determination of the wisdom and feasibility of the overall project.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 6, line 13, insert: ", of which $75,000 shall be available for the preparation of preconstruction planning for the flood control project at Minot, North Dakota, and such preconstruction planning is hereby authorized:".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

Mr. EVINS of Tennessee. Mr. Speaker, I yield to the gentleman from Wisconsin, a member of the committee.

Mr. DAVIS of Wisconsin. Mr. Speaker, to hear the amendment read, and only the figure of $75,000 mentioned, is indeed misleading. My objection to receding and concurring in the amendment is not based on the $75,000. It is not based on the $4 million, which this project is estimated to cost. Involved here, as I see it, is the question of the integrity of the practices and procedures of this House, the integrity of the committee procedure, and the protection of individual House Members who have diligently pursued the matter within the framework of our committee procedure, and within the rules of this House.

It is bad enough, from year to year, that Members of the other body, usually upon the mere request of one Member of that body, have included a number of authorized projects, projects not in the budget, and frequently in fact and in practice at the sacrifice of other projects. In fact, Mr. Speaker, the addition of these projects in this manner has worked to the disadvantage of other projects which are just as urgent in many other communities throughout the country.

I do not question the propriety or the urgency of this particular project, but I do object to this method of bypassing the legislative committees and of embarrassing the Members of this body. The Members of this body are consistently told, when they appear before our subcommittee, that we cannot consider unauthorized projects, projects which have not been reported by the Corps of Engineers to the committees, have not been reviewed by the Public Works Committee, have not been authorized by the Congress. And here we have a project that has not been reported by the Corps of Engineers to the Public Works Committee. It has been approved by the Rivers and Harbors Board, but it has not cleared the Office of the Chief of the Corps of Engineers and been reported. It has not been considered in any fashion by the Public Works Committee of either House and, of course, has not been authorized.

The language, both funding and authorizing, was inserted by the other body by a senior member of the Appropriations Committee.

We can talk all we want about this not being a precedent, but the fact is that it is a precedent, and if it is permitted to happen this time, no Member of this House can hope to be protected by his conferees in matters of these kinds. How can you, how can my colleagues explain to their constituents the lack of funding, not merely of authorized projects, but unauthorized projects, if we permit this to be done in the conference report on an appropriation bill?

As the subcommittee of this House charged not only with developing our natural resources but also with protecting our colleagues in such matters, must

we examine not only the projects which are in the budget, the projects which have been authorized, but also every potential project throughout this country even though it has not been reported by the Corps of Engineers to the legislative committees for their consideration?

It seems to me, Mr. Speaker, when we examine carefully those projects which are in the budget, and we hear from people from all over the country who come before our subcommittee to discuss with us the projects in which they are interested, which are not in the budget but have been authorized, we have fulfilled our function both to this Congress and to the people of this country.

It is simply not fair to the Members of the House, Mr. Speaker, it is an affront to our legislative process, to concur in this amendment.

So I oppose the motion to recede and concur. I hope it will be defeated, and that our acting chairman, the gentleman from Tennessee, will then offer a motion to insist upon our disagreement.

Unless we do this, how can we protect the Public Works Committee of this House? How can we protect the Appropriations Committee of this House? How can we protect every individual Member of this House who has an unauthorized project within his district?

This will not necessarily cause appreciable or unreasonable delay. Obviously, if the report is ready—and we have been told it is ready to be submitted to the Public Works Committee—the committee can hold hearings. The project can be authorized. Our subcommittee can then handle this minor amount of funding through a reprograming action without the necessity for handling either in the full committee or in a separate appropriation bill by this House.

Out of respect for each of my colleagues in this House and my desire to protect them from unreasonable claims that will be made upon them if this kind of precedent is to be set, I hope that the motion to recede and concur will be defeated.

Mr. KLEPPE. Mr. Speaker, it is not difficult to conclude that the position of the gentleman from Wisconsin is correct. He has made his points and he has made them well. I am pleased that his objection is directed toward the procedure rather than the project itself. I would hope, however, that an exception would be made here so that this important project could get an early start.

In the event the position of the gentleman from Wisconsin prevails, I would hope that we can successfully move this project through the authorizing committee and Appropriations Committee early next year.

Mr. EVINS of Tennessee. Mr. Speaker, this is an unusual situation, but we do not consider it a precedent because of the emergency nature, as I said before. In the very serious and damaging flood at Minot, N. Dak., last spring there were 3,000 homes flooded. Some 11,800 people had to be evacuated. Damages totaled about $11 million.

The total project cost is only $3,920,000, involving channel enlargement and the benefit-to-cost ratio is 8.7 to 1.

The project has been recommended by the Board of Rivers and Harbors and the favorable report is pending submission to Congress.

The proposed bill language would only authorize planning not construction.

The project cannot be constructed until it is approved by the Public Works Committee and authorized by Congress.

This action should not be considered in any way as a precedent—but only as an emergency measure because of the urgent flood situation at Minot.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend from Wisconsin.

Mr. DAVIS of Wisconsin. I recognize that statements have been made that this is not to be considered as a precedent. The fact is it is a precedent. If we let it happen here we cannot protect ourselves from the unreasonable claims that will be made upon us so as to fund the planning for projects which have never been authorized by this Congress.

I believe it would be a precedent we would rue during the entire time of our service in this body.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

The motion was rejected.

MOTION OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Wisconsin moves that the House insist upon its disagreement to Senate amendment numbered 5.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 25, line 7, insert: ": *Provided*, That not more than $100,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements with the Portland General Electric Company and the Eugene Water and Electric Board to acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants in the manner described in the committee report."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on this conference report and that we may include a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALL OF THE HOUSE

Mr. GUBSER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. PUCINSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 301]

Abernethy	Fascell	O'Neal, Ga.
Albert	Foley	Ottinger
Alexander	Frelinghuysen	Patman
Anderson, Ill.	Fulton, Tenn.	Pepper
Barrett	Gallagher	Philbin
Biaggi	Gilbert	Pollock
Bow	Green, Pa.	Powell
Brown, Calif.	Hansen, Idaho	Railsback
Cabell	Hébert	Reifel
Carey	Holifield	Rivers
Celler	Hosmer	Sandman
Clark	Johnson, Pa.	Scheuer
Clay	Kirwan	Staggers
Collins	Lipscomb	Steiger, Ariz.
Crane	Lloyd	Symington
Cunningham	Lowenstein	Taft
Dent	Madden	Utt
Edwards, Calif.	Meskill	Whalley
Edwards, La.	Mollohan	Wilson, Charles H.
Eilberg	Morse	Wydler
Fallon	Nix	

The SPEAKER pro tempore (Mr. PRICE of Illinois). On this rollcall 371 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ROGERS' CONCERN OVER AIR DEFENSE CONFIRMED BY AIR FORCE

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. ROGERS of Florida. Mr. Speaker, in October, when a Cuban Mig–17 flew through American airspace and landed unidentified at an Air Force base, I expressed concern over the obvious lack of defensive preparedness in south Florida and indeed the southeastern part of the United States.

At the same time I said that I felt that if this situation were true in Florida, it may well be true for all our continental defenses.

Yesterday, Mr. Speaker, my concern was confirmed. A report released from the House Appropriations Subcommittee on Military Construction, chaired by our colleague, Congressman ROBERT L. F. SIKES, related just what I had feared. To quote the cogent question which Representative SIKES asked Gen. John D. Ryan, Air Force Chief of Staff:

We know that aircraft can fly under radar, but are we this weak or derelict as the case may be that this could happen anywhere in the United States?

And General Ryan's response was: "Yes, sir."

In addition, General Ryan told the committee that an enemy plane did not have to fly 30 or 40 feet off the deck to escape detection of our radar. A plane flying at 400 to 500 feet could fly under our radar.

The answer to the problem of an adequate defense, the committee was told, is an airborne warning and control system—AWAC—a system which is still on the drawing boards.

Well, I think there is an alternative for south Florida which the Air Force has not mentioned, but which may do the job. And that is a radar system much more sophisticated than we now have. One which can pick up a plane or missile when it takes off from Havana.

I have been told that this system would cost about $3 to $4 million to install and could be ready within a year. There is no telling when an AWAC system could be realized. And I think that we need something for the defense of south Florida as quickly as possible.

This entire incident illustrates that despite the billions of dollars we have spent for the defense of this Nation, we still do not have an adequate warning system.

There have been great debates about missiles, suborbital and others, yet we have admission now from the Defense Department that an ancient Mig-17 can penetrate our present defense system.

I hope that the Special Subcommittee on Air Defense under the chairmanship of the gentleman from Florida, Representative CHARLES BENNETT, now considering this problem will come up with recommendations which can be implemented in the very near future. And I think that one of the most important considerations is the time element.

Surface radar, if it is proven to be what we are told it is, could give Florida the protection which is needed.

In conclusion, I would like to submit for the RECORD a column by Paul Scott which points to recent Cuban-Russian activity in arms buildup in Cuba. This emphasizes the need for immediate attention to the potential dangers of hostile powers just off the Florida coast.

The column follows:

SOVIETS PLAN BUILDUP FOR OFFENSES IN CUBA

(By Paul Scott)

WASHINGTON.—Soviet Defense Minister Andrei A. Grechko used his "seven days" visit to Cuba to set the stage for a large new Soviet military arms buildup there.

This is the preliminary assessment reached by American intelligence authorities from information gathered on Grechko's activities while in Cuba and the make-up of the high-level delegation that accompanied him.

Included in the Grechko military delegation were a number of top Russian logistical officers.

This elite group consisted of several of the transportation experts known to have been involved in the shipment of offensive weapons to Cuba in 1962.

In touring Cuban military installations, the Grechko military mission spent considerable time inspecting the island's main ports where Soviet weapons have been photographed entering Cuba in the past.

Significantly, nearly half of the Grechko delegation has stayed on in Cuba for additional conferences with Cuban Defense Minister Raul Castro, their official host, following the Soviet defense minister's departure.

A joint communique issued by the two Communist defense ministers during Grechko's visit also points to new Soviet military moves in Cuba.

The official statement, which attracted little public attention in the U.S., pledged efforts to strengthen communications of the armed forces of the two countries.

While American intelligence experts are split on exactly what this means, one group believes it signals the "Sovietization" of the Cuban military forces.

This theory is supported by information from several highly placed Cuban military and intelligence officers who defected to the U.S. in recent months.

At least four of the defectors have warned that Soviet control of Cuba, including the military, has increased to such a degree during the past year that the country has in effect become a Russian satellite.

BUILDING SOVIET BASE

One of the Cuban defectors, trained in Russia as a surface-to-air missile commander, has furnished evidence that the Soviets are planning to station a number of jet bombers in Cuba as they have done in Egypt.

In his debriefing, he has revealed that Soviet-made SAM missiles have been rearranged around two Cuban airfields to provide pinpoint protection for the bombers when they arrive.

The shipments of the bombers are expected to reach Cuba in early 1970.

Eduardo Guerra Jimenez, a Cuban Air Force lieutenant who piloted a MIG–17 from the island to Homestead Air Force base south of Miami in October, confirmed the report that two bases were being readied for Soviet aircraft.

For several months, he reported, the Russians have been sending small groups of air force officers to Cuba to prepare the bases.

His estimate is that there are over 10,000 Russian military technicians now in Cuba.

Orlando Castro Hidalgo, a high-ranking Cuban intelligence official who defected from his post in the Cuban Embassy in Paris, tells the same story of increased Soviet activity.

Along with another Cuban defector, Agustin Sanchez Gonzales, a diplomat, Castro Hidalgo has furnished the first details of a secret Soviet-Cuban accord that permits the Russians to set up both air and naval bases in Cuba.

TESTING NIXON

According to the defectors, President Nixon's statement of "no more Vietnams" and his decision to unilaterally withdraw American forces from South Vietnam has encouraged the Russians to adopt a bolder policy in Cuba.

The recent Joint Soviet-Cuban naval maneuvers in the Caribbean and the visit of Grechko, the highest-ranking Kremlin military man to call on the island's Communist regime are symbols of the new Soviet policy, they report.

It is the belief of the defectors that unless President Nixon promptly warns Russia that the U.S. will not tolerate Soviet military bases in Cuba that the Kremlin will proceed with its plans to build them.

Once Soviet naval and air bases are in operation in Cuba, they contend, the Russians will then try again to introduce strategic missiles as they attempted in 1962.

The big question now is whether these warnings will get serious consideration at the White House level.

Although circulated among policy-makers at a lower level of government, there has been no sign from the White House that these views of Grechko's visit have been called to the President's attention.

INSIDE CUBA

Carlos Rafael Rodriguez, a long time Communist, is assuming an increasingly important role in the Cuban government. In the absence of ailing Foreign Minister Raul Roa, Rodriguez has been speaking extensively on foreign affairs. Rodriguez is the one Cuban Communist party member now in the government who was a Communist before Dr. Castro came to power. . . . A Cuban delegation headed by Deputy Minister of Foreign Trade German Amado Blanco is in Moscow, negotiating a new 1970–71 sugar agreement. Cuba expects to produce a record 10-million-ton sugar harvest next year and the Russians have agreed to purchase at least half of it.

TRIBUTE TO LEWIS J. VAUGHAN

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, as elected representatives of the people, we strive, with varied measures of success, to be worthy of the trust and confidence of the good people who elected us. The loss of a constituent who has proved himself a good citizen, a good husband, and father, an active supporter of those causes that make for the common good, leaves that elected representative poorer—diminished by the absence of a great and a good citizen.

Such a man was my cherished friend, Lewis J. Vaughan, of El Paso, who lost his life in a railway crossing accident in El Paso on November 11. Mr. Vaughan was but 46 years old, my own age, and the years of service he might yet have given his fellow men is unmeasured. His death came on Veterans' Day. He was among the veterans his community and Nation honored. He served as a combat engineer in Europe in World War II.

Like many another veteran, he chose to return to college after the war, and had a brilliant record. He graduated in 1948 from the Texas College of Mines, now the University of Texas at El Paso. On the campus he was president of the Charter Chapter of SAE, the fraternity in which I also hold membership. He was also president of the interfraternity council, and was elected to Men of Mines—a society composed of the outstanding students on the campus. He took his graduate degree from the University of Texas at Austin in 1949.

As a citizen of El Paso, he has earned the respect of his fellow men in his daily business and social contacts. He has served as a worker in numerous civic causes, without regard to personal glory or personal credit. He has been a voting citizen, giving his support and his help to candidates he believed to be serving the public interest. It was my great privilege to be numbered among them, and to claim him as my friend.

To demonstrate the confidence I had in his judgment and in his ability to bring together people of varying opinions and minds, I asked him to serve as chairman of my congressional liaison committee in El Paso County, which he did so ably. He was dedicated to good government, to America, to our fundamental principles that have made our country strong and free. He will be

missed. His passing is a loss to the total body America, but his memory and good deeds are now part of its tradition.

I know the Members of this body who see greatness among the people of their constituency, greatness not reflected in high public office, but in the day by day tasks of citizenship, will understand my desire to place upon the record of this House my highest respects to the memory of Lewis J. Vaughan, and my sincere sympathy to his widow, Helen—better known as Sammie—and his daughter, Mary Helen.

IS THIS COMMITTEE NECESSARY?

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, often we go through unnecessary exercises because "that is the way it has always been done."

Our respected colleague, the Honorable JERRY L. PETTIS, of California, some months ago became concerned, as a member of the Joint Committee on Disposition of Executive Papers, when he started asking questions, and no satisfactory answers were forthcoming.

As we all know, Mr. Speaker, Congressman PETTIS is a man of great dedication, vast business experience, of the highest integrity, and he is certainly entitled to make inquiries and to receive satisfactory answers.

I am inserting in the RECORD a newspaper account in the October 13, 1969, Los Angeles Times with a Washington Associated Press lead which is self-explanatory:

[From the Los Angeles Times, Oct. 13, 1969]

CRISIS FOR CONGRESS: TWO WANT TO ABOLISH THEIR HOUSE PANEL

WASHINGTON.—In a move that could shake the foundations of Congress, two members of a special committee have asked that the committee be abolished because it does not have anything to do.

The unprecedented proposal flies in the face of tradition, practice and the unwritten law that once established, a committee goes on forever. Still, the amazing step has been taken by Reps. Lucien N. Nedzi (D-Mich.) and Jerry L. Pettis (R-Calif.).

They are the House members of the Joint Committee on Disposition of Executive Papers, which was formed in 1944 for reasons no one on Capitol Hill can now recall.

LONG LISTS

The sole duty of the members, Nedzi says, is to sign their names to long lists of numbers that appear periodically from the executive branch.

Neither Nedzi nor Pettis has any idea what the numbers refer to. When they tried to find out, all they were told was that this is the way it has always been done.

Although that is the answer to most questions about congressional procedures, Nedzi and Pettis decided it fell short of the explanation they desired and they introduced a bill last week to have the committee abolished.

"The history of Congress indicates a proliferation of committees, subcommittees and joint committees, a proliferation that is rarely checked," they said in disclosing their plan. "This is one small case where abolition of one small committee will be utterly painless."

The Senate members, Gale W. McGee (D-Wyo.) and Hiram L. Fong (R-Hawaii) have yet to be heard from.

The proliferation of subcommittees has taken place largely since Congress decided in 1946 it had too many committees and cut them down.

Up until then, as the nation grew, new committees were added to deal with new problems. By 1946 there were 48 standing committees in the House and 33 in the Senate. A Reorganization Act was passed, cutting the totals to 19 in the House and 15 in the Senate.

But fewer committees meant fewer committee chairmen, which meant fewer rewards for climbing up the ladder of seniority. And so began the great subcommittee boom.

COMMITTEES DIVIDE

Like amoebas, the committees divided, created new life, divided again. Subcommittees divided. Today, although the number of standing committees is only a few more than it was after the 1946 act, there are 251 subcommittees where there had been hardly any before, 137 in the House and 114 in the Senate.

With only 100 members in the Senate, it is now theoretically possible for every senator to be a chairman, which seems to be the goal.

It does not quite work out that way since some senators have three or four. But it is pretty hard for a Democrat to avoid a chairmanship and a situation has been created where so many senators are presiding over their own subcommittees that nobody but the chairman shows up.

This is the institution that Nedzi and Pettis have challenged. Since it is an unprecedented problem for Congress to deal with, a new subcommittee probably will be established to consider their bill.

Why, Mr. Speaker, is it impossible to get some action?

THE ANNUAL BOXCAR SHORTAGE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Late yesterday, Mr. Speaker, I wired the Interstate Commerce Commission a request that it issue an immediate exclusion order to get boxcars into Montana to ship wheat to our markets before it loses both quality and markets.

For a month now, my office has been calling the ICC regularly requesting their assistance to getting cars for elevators and other shippers. The Commission has tried to help get cars spotted, but it cannot be done if there are not enough cars. As a consequence of the shortage, elevators are "plugged," or full.

A shortage of cars on the Great Northern Railroad has mounted from 1,400 to more than 2,000 in about 4 weeks. Cars on line have declined from 89 percent of ownership to only 69 percent.

The Great Northern has built a considerable number of new cars in recent years which are in good shape. Other railroads keep them on their lines for an excessive period of time, instead of routing them back to the Great Northern to handle the annual wheat harvest, although every one knows that year after year the wheat harvest is coming and the cars will be needed.

An exclusion order would require other lines to return cars to the Northern Pacific promptly, or pay stiff penalties for holding them. I am told it has worked in the past. I hope an order will be forthcoming promptly, not only for Montana's benefit, but for the benefit of growers in Kansas, Nebraska, the Dakotas, and other wheat States that are suffering from the boxcar shortage that occurs year after year.

UNITED MINE WORKERS ELECTION

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, for the past 2 days the House has spent considerable time discussing free and honest elections in South Vietnam. Now I hope we can devote some attention to free and honest elections here at home, and specifically next Tuesday's election for officers of the United Mine Workers of America. I have today sent the following telegram to Secretary of Labor George P. Shultz:

Widespread illegal practices relating to the December 9 election of officers of the United Mine Workers of America, as detailed in a 9-page letter from the attorney for Joseph A. Yablonski and H. Elmer Brown, Joseph L. Rauh, Jr., would appear to justify an investigation by the Department of Labor under section 601 of the Labor-Management Reporting and Disclosure Act. Section 601 authorizes such an investigation by the Secretary of Labor "when he believes it necessary in order to determine whether any person has violated or is about to violate any provision" of the act. It is clear from the record that these conditions exist with respect to the election provisions of title IV of the Labor-Management Reporting and Disclosure Act. I urge that you initiate such an investigation, and authorize the stationing of official U.S. Government representatives at polling places on December 9 in order to implement the investigation.

Mr. Speaker, the United Mine Workers officials by their own admission have printed more than 50,000 extra ballots, and there are less than 200,000 active and retired miners who are eligible to vote. These 50,000 extra ballots have been printed on the flimsy pretext that some of them may be lost in the mail. An editorial in the Washington Post this morning quite properly states:

The Department of Labor has a statutory duty to insure the integrity of union elections.

Without action by the Secretary of Labor under the law to insure the integrity of the election, there is great danger that the present leadership of the United Mine Workers of America will simply steal this election. Certainly, the past record and practices of the present officers of the UMWA would seem to indicate this, and I would hope that the Secretary of Labor takes the necessary action to protect free unionism. I specifically deny that I have ever predicted that Mr. Boyle would win this election. I have always stated that Mr. Yablonski has no more chance of winning than Harry Truman or the New York Mets. But unless the Secretary of Labor takes action, I am afraid that Mr. Boyle and his cohorts might steal this election. In any event, an investigation

and posting of observers cannot wait until after the election, or that would simply be locking the barn door after the horse is stolen.

Mr. Rauh's December 1, 1969 letter to Secretary Shultz, and the December 3 editorial from the Washington Post follow:

WASHINGTON, D.C.,
December 1, 1969.

HON. GEORGE P. SHULTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Joseph A. Yablonski, candidate for President of the United Mine Workers of America, and H. Elmer Brown, candidate for Vice President thereof, hereby request the Secretary of Labor, pursuant to authority granted in Section 601 of the Labor-Management Reporting and Disclosure Act of 1959, to make an investigation of the illegal activities of the incumbent officers of the UMWA in connection with the forthcoming December 9th election. Section 601 authorizes the Secretary in express terms to make such an investigation "when he believes it necessary in order to determine whether any person has violated or is about to violate any provision" of LMRDA. Only a blind man could fail to recognize, based on the record of these UMWA incumbent officers during the 1964 election and their actions in this election to date, that each of them "has violated" and "is about to violate" further the election provisions of Title IV of LMRDA.

This is probably the most important union election since LMRDA was passed a decade ago. There is considerable question in the minds of union members and the public whether LMRDA has any real meaning for union democracy and fair elections. If the incumbent UMWA officers are allowed to steal this election on December 9th with the Department of Labor standing idly by, then everyone will know that enforcement of this law is a joke. The remedy of a post-election lawsuit by the Secretary of Labor to set aside a fraudulent election and a reelection four years or so down the road, with the illegal incumbents in office for the whole intervening time, is a hollow pretense. You have the admitted power, on the basis of the present record, to initiate an investigation today and to implement that investigation with a Government agent at every UMWA polling place on December 9th. That action and that action alone can give the coal miners of the nation their first real and fair election in a half century.

The record is a long one and we can only summarize it here. All of it is known to your Department.

In letters to you dated July 9, 1969, July 18, 1969, July 25, 1969, July 30, 1969, and August 13, 1969 (with Appendix), we outlined a hundred violations of LMRDA committed by the incumbent officers and those working with them. Copies were furnished to the incumbent officers of the UMWA in each instance. It is now 4½ months since the first of those letters and 3½ months since the last of those letters and yet not a single one of the hundred specific items has been directly denied or explained by the incumbent officers. Obviously their failure to answer these 100 violations of law is explained by the fact that they are afraid of a Government indictment under 18 U.S.C. 1001 which makes it a crime "in any manner within the jurisdiction of any department or agency of the United States" for any person to make "any false, fictitious or fraudulent statements or representations . . ." and puts a five-year penalty on such a misrepresentation to the Government. So we have, Mr. Secretary, a hundred violations of LMRDA with the violators conceding the violations by their craven silence. And think, Mr. Secretary, if we were able to detail 100 violations of LMRDA, how many more actually occurred; for what is below the surface of this despotic iceberg is far greater than the small part visible to us or known to anyone except the incumbent officers.

When your Department last summer realized the validity of our charges of widespread violations of LMRDA, you did take action. On August 5, 1969, in a telegram from Assistant Secretary Usery to UMWA President W. A. ("Tony") Boyle, you threatened an investigation *prior to the election*. You recognized your power to act prior to the election and that recognition forced Mr. Boyle to put Mr. Yablonski and Mr. Brown on the ballot. But it will have been a futile effort on your part to have forced the incumbent UMWA officers to put Mr. Yablonski and Mr. Brown on the ballot if you now permit them to continue their illegal conduct on election day, December 9th. To stand idly by now, will be tantamount to granting Tony Boyle a license to steal the election for himself and his team.

Last week the American Civil Liberties Union, after a thorough study of the situation and after giving the UMAW's incumbent officers a chance to state their side of the case (which, of course, they continued to refuse to do), concluded that "democratic rights have been violated, and that the threat of further violations hangs over the forthcoming election . . ." They based their conclusion, in part, upon the "series of court cases forced on the Yablonski group by actions of the UMWA leadership":

" 'Though the law clearly provides that an opposition has the right to circulate campaign materials to the membership, a court order was required to compel the UMWA to distribute Yablonski literature to union members.

" 'Though the law clearly provides that a union official may not be penalized for running for office against an administration slate, a court order was required to reinstate Yablonski in the UMWA job from which he was fired as soon as he announced his candidacy.

" 'Though the law clearly prohibits the expenditure of union funds to support the candidacy of any person running for union office, a court order was required to restrain the UMWA from "discrimination in the use of the membership lists" by continuing to use their official organ, the UMWA *Journal* ". . . as a campaign instrument to promote defendant Boyle's candidacy." (*Yablonski* v. *United Mine Workers of America et al.*).

" 'Though the law clearly provides for minimum safeguards in a labor union election, such as the right to poll-watchers, the security of the ballot box—the UMWA leadership issued instructions to their locals to provide such elementary safeguards only after a court action had been instituted seeking to place the whole election under the impartial supervision of the American Arbitration Association.' "

The first two suits referred to by the ACLU were reported to the Department of Labor in our letters of July 9 and July 25. The last two were instituted thereafter. All four suits have a significant relevance to this appeal for an investigation.

The UMWA did not mail Yablonski campaign literature to *all* union members, in flagrant disregard of the injunction issued in the first case above. Instead, they limited the mailing to only about 160,000 of the 193,000 or so UMWA members they claim.

In the second or "reprisal" suit, in the course of the taking of Mr. Boyle's deposition on August 21, 1969, Boyle's conviction that he owns the UMWA and that an opposition candidacy is treasonous was abundantly demonstrated. He indicated, for example, that "Mr. Yablonski was on notice [that he was about to be fired from his union post], plenty of notice. He gave his own warning on May 29 [when he announced his candidacy for president]." Cong. Rec., November 25, 1969, H. 11394. Boyle continued that Yablonski "was in violation of the [UMWA] constitution" when he issued the press release announcing his candidacy (*id.*). He further explained that, by issuing the release announcing his candidacy, Yablonski "wasn't carrying out the policies of the international organization or its convention" and that the press statement "is in violation of the principles and policies enunciated by the organization down through the years since 1890" (*id.*). Boyle's dictatorial propensities and his refusal to brook any opposition reached its climax in his intemperate outburst toward a young legal interne (a Nader raider) who was present at the taking of the deposition: "And you can snicker all you want to, because I will yank you by the long hair if you fool around with me . . . You fool around with me, and I will grab him by the hair. Put that on the record." *Id.* at H. 11411. Boyle added, "He won't make too many more faces at me when you don't see him, I will say that" (*id.*).

The third suit, the one involving the UMWA *Journal*, was brought after our last letter to you. Two U.S. District Judges, Joseph Waddy and John Pratt, found that Mr. Boyle was using the UMWA *Journal* as a campaign instrument to promote his candidacy. And this finding has been upheld by the District of Columbia of Appeals for the District of Columbia. In a Memorandum Opinion, United States District Judge John Pratt pointed out that the post-election procedures provided in Section 402 of LMRDA are "cumbersome, doubtful and call for delay" and that they are "not an adequate remedy for the wrongs which plaintiff (Yablonski) is presently suffering". Only you, Mr. Secretary, by a current investigation can correct this situation.

The fourth suit, the so-called "election suit", is probably the most interesting to date. On October 2, 1969, in a letter to President Boyle and Secretary-Treasurer Owens, Mr. Yablonski repeated his earlier proposal "that the UMWA employ at its expense the Honest Ballot Association or the American Arbitration Association to run the election from start to finish—printing the ballots, distributing the ballots, checking the voters in at the polling places, counting the votes in the field and tabulating the totals in Washington." In addition to renewing this request, Mr. Yablonski asked for a meeting with Boyle and Owens to consider such matters as his right to inspect membership lists, have observers at the polls, challenge ballots, have a secret ballot election, have the ballots and other records preserved, have the printing and handling of ballots secured, have the tabulation fairly handled, bar illegal absentee votes, limit voting to members in good standing, etc. On October 8, 1969, incumbents Boyle and Owens, *sub silentio*, rejected the request for the Honest Ballot Association or the American Arbitration Association and even refused to meet to discuss the other points in Mr. Yablonski's letter of October 2. Once again Mr. Yablonski was forced to bring suit in federal district court here to vindicate his rights. Under the compulsion of that lawsuit, Mr. Owens finally agreed to send out a letter to local union officials concerning the matters referred to in Mr. Yablonski's letter of October 2 and to grant inspection of the membership lists.

A number of startling revelations appeared during the course of this litigation. The first occurred at the temporary restraining order stage of the action. In an attempt to defeat the jurisdiction of the Federal Court, Mr. Carey, the UMWA's General Counsel, who had been informed by us that we intended to go before Judge McGuire the next morning to request an order against the printing of the ballots, directed the union's printer to "get the job out as

quickly as possible" (C.A. 3061–69, Tr. pp. 12, 29–30). Then at the preliminary injunction stage, it was revealed that the Mine Workers have been violating Section 401(c) for a decade; until after this fourth lawsuit was instituted there was no list of members at the headquarters of the Mine Workers as required by Section 401(c). Possibly more revealing, UMWA doesn't know how many locals they have and they don't know what their membership is. Although there were 1469 local unions to which the Union, on Mr. Yablonski's behalf, made a mailing several months before the trial, Secretary-Treasurer Owens first testified that there were only 1338 locals (Tr. 83) and then testified that there were 1350 (Tr. 96, 159) after a call to his office. Then when it appeared in a subsequent mailing that there had been only 1297 letters sent to local unions, Mr. Owens changed his testimony again and conceded there were only 1297 (Tr. 159).

With respect to the membership, he was equally vague. His assistant had used the figure of approximately 225,000 (Tr. 86) and Mr. Owens wavered from that to 200,000 (Tr. 75) and, finally, after a further check with his office, said the average for the previous 13 months was 193,550 (Tr. 165). This figure brought on the most startling revelation of all, namely that UMWA had printed 275,000 ballots against the possible maximum voting of 193,550 (Tr. 16). Although Mr. Owens did not know how many locals there were, he said they had sent 10% over the regular amount to each local (Tr. 111). This too was incorrect. Ten percent above 193,550 would be 212,905; this sharply contrasts with Mr. Owens' testimony that they sent out 224,000 ballots to the local unions, leaving a stray and unaccountable 11,000. And the 51,000 additional ballots were carefully secreted in Mr. Owens' possession and are now apparently back at the printer's, subject to Mr. Owens' call. When asked why he had printed the extra 51,000, Mr. Owens said he needed them in case some ballots got lost in the mail, but when asked if any had been lost in 1964, he said he couldn't recall (Tr. 112).

Other evidence, equally revealing of the union's persistent illegal conduct and its disregard for honest elections was adduced at this hearing. Secretary-Treasurer Owens, for example, admitted that some 600 locals which do not contain the 10 working members required by the UMWA constitution have been permitted to remain in existence (Tr. 117). Most of these locals are subject to the dictatorial control of the incumbent International Officers and the failure to disband these locals has given these officers unlimited control not only of the operations of these locals but also over substantial sums of money which need not be—and, in fact, are not—reported under LMRDA. Mr. Owens also admitted that, in violation of the union constitution and Section 401(e) of LMRDA, the Union has not in past years tabulated and published election results on a local-by-local basis (*id.*, Tr. pp. 138–141).

Possibly the most objective statements about the operation of the UMWA were made by District Judge George Hart during the course of this fourth lawsuit. As to the ballots, Judge Hart commented: "Now admittedly, the ballots in these cases ought to be handled with a good bit more care than they are being handled; admittedly." He added "There seems to be a lot of things going on here and, particularly, the way these ballots are, apparently, handled, kind of willy-nilly" (Tr. p. 207). Among his other comments were that the officers of the UMWA "pay attention to the Constitution when they want to and when they don't they don't" (*id.*, Tr. pp. 136–137). Mr. Owens' inability to state how many local unions and members were in UMWA prompted these remarks by Judge Hart: "For a man with 21 years experience in his job the witness shows remarkable little knowledge of what goes on in the union" (Tr. p. 85) and ". . . that would be an awful way to run a railroad and not too good a way to run a union" (Tr. p. 86). But, Judge Hart felt he could do little to prevent the theft of the election. "The trouble is, as I see it," he said, "so far as this Court is concerned, when you start talking about a fair election you are not talking about anything much that I can do anything about" (Tr. p. 135). "The Secretary of Labor will attend to this election business ex post factor and . . . the Courts can't get involved therein. If you want to say that is a funny way to do things, I couldn't agree with you more" (Tr. p. 136).

At the trial of the election suit, Yablonski presented affidavits which showed that ballot stuffing is not a new UMWA practice. In 1964 the stuffing on behalf of Boyle was rampant. For example, Michael Encrapera and Jack Peters in a sworn affidavit submitted to the Court in connection with the fair election suit stated that in 1964 "We observed Robert Gordon, International Representative UMWA, placing a large number of ballots in the ballot box. When we asked what he was doing he stated that he was getting some votes for Tony Boyle." Absentee and proxy votes were counted without authorization. According to the sworn affidavit of Marion Pelligrini, there is a "policy exercised in past UMWA elections whereby local union officers are encouraged or directed to cast votes other than their own and to alter tally sheets on behalf of incumbent international officers." What happened during the nominating process was simply the continuation of what had happened at the previous election.

The incumbent officers have a vise-like grip on the election process. The Department certainly ought to know this better than anybody else for it has had a long-stalled suit against the Mine Workers to terminate the trusteeships in at least 17 out of 23 districts. In other words, the Mine Workers officials who direct the business in at least 17 of the 23 districts are appointed by Boyle, subject to Boyle's direction, and under Boyle's control. This is indeed a government of Boyle, for Boyle, by Boyle. He and his team run the locals from the districts and they will brook no nonsense about it.

The Department of Labor also ought to know better than anybody else the extent to which the incumbent officers of the UMWA use the union as their own personal vehicle and, more colloquially, as their own cash box. The audit released by the Department only three days ago is an abundant exposition of the illegal activities of the incumbent officers in the financial field. There is equal evidence, as we have shown in this letter, of their illegal activities in the election field.

Several very recent incidents provide added evidence of the Boyle team's intentions to have their people in the field wink at the instructions extracted from Mr. Owens by the election suit. The membership of Local Union 6843 at Vansant, Virginia, wanted to elect their own officers instead of having officers appointed by the district president, himself appointed by Boyle. District President Carson Hibbits attempted to prevent this election because control might be obtained, he implied, by "one of our arch enemies"—by which he euphemistically referred to someone who wasn't on the Boyle side in the election. Likewise, at a meeting of Local 1577 on October 20, 1969, one of Boyle's henchmen, Karlavage (see previous references in letters to you concerning illegal activities during the nominating process), prevented the election of tellers as authorized by the UMWA constitution because he was afraid that they might not be on Boyle's side. The meeting was conducted by an unelected president with unelected secretaries under Karlavage's watchful eye and a challenge to the credentials of those officers was prevented by Karlavage.

But this is not all. Local Union 8982 in Concord, Alabama, had a regular meeting on November 15, 1969 at which time, in accord with the UMWA constitution, they set the place of the union election—the union hall. Local officers then contacted Boyle and at Boyle's apparent insistence called another meeting at which time they rammed through an amendment to the previously passed polling place motion. (Only 28 of the several hundred members of Local Union 8982 were present at this second, irregular meeting). According to the amendment, the election at this local will take place at two sites—the union hall and the bathhouse. This second meeting was held in violation of the UMWA constitution (Art. XI, Sec. 11), and its clear purpose was to facilitate the corruption of the election process.

And there is even more. Harassment tactics of violence have been used against Yablonski supporters. Thus, Mr. James Torma was threatened on November 17, 1969, by Joseph C. Morris of Carmichaels, Pennsylvania with loss of his job if he continued to support Yablonski. Morris also warned Torma that Boyle's group wasn't "through" with him yet and that on December 9 he (Torma) was to have many more " 'surprises' coming to [him]" as a result of his support of Yablonski. Morris added that "they were far from done" with Torma, that he would personally see to it that Torma gets "what's coming to [him]". Earlier Mr. and Mrs. Torma received threatening and harassing phone calls between 1:30 a.m. and 4:30 a.m. Only through the deployment of field investigators can some protection be afforded the beleaguered miners.

This, Mr. Secretary, is the sorry record of illegal conduct of the incumbent officers of the UMWA. That they intend to steal the election a week from tomorrow has been shown over and over again in these pages. We ask you to start an investigation *at once* so that evidence of these illegal actions will be obtained before the trial is cold and so that those local officials of the UMWA who want to resist Boyle's orders and who want to comply with the law will be strengthened by the presence of the Department.

So, Mr. Secretary, these are your choices: You can allow the Boyle team to steal the election and start a long four-year process toward a new election with cold evidence which will cost the Government millions of dollars and the union its democracy for another four years; or, Mr. Secretary, you can stand up, investigate, have an agent at every poll and make the LMRDA a reality.

Before we close, we must make one additional point. The failure of the Department of Labor to take strong measures to insure a fair election may well bring in its train ugly violence in the mines. There is a deep hatred among the coal miners of the incumbent leadership of the UMWA. If that hatred is fanned by a belief that the election was stolen from the rightful winner by the incumbent leadership, the cost in violence, strikes, and slowdowns may be greater than you or anyone thinks.

The miners of America have had it. They have been driven beyond the normal tolerance of frustration. You and you alone have the power to insure a fair election. I express the hope of Messrs. Yablonski and Brown, to which I add my own, that you will act now and give the long-suffering miners their first fair election in 50 years.

Sincerely yours,

JOSEPH L. RAUH, Jr.,
Attorney for Joseph A Yablonski and H. Elmer Brown.

[From the Washington Post, Dec. 3, 1969]

CONTROL OF THE MINE WORKERS

The Department of Labor has a statutory duty to ensure the integrity of union elections, a power it exercises by investigating complaints of irregularities and occasionally by setting elections aside and conducting new ones. But, as a policy matter, the government has avoided such intervention in advance of an election. However, it is being pressed to intervene on the United Mine Workers election set for Dec. 9. Given the charges of intimidation and fraud that have been made, given the allegation of challenger Joseph A. Yablonski that incumbent president W. A. (Tony) Boyle and his associates are using every resource available to them to continue in office and given the fact that a federal grand jury is investigating possible illegal use of UMW funds in Mr. Boyle's behalf, a strong governmental presence to guarantee an honest ballot would appear desirable.

Publication last weekend of a summary of a Labor Department inquiry into the financial affairs of the UMW under Mr. Boyle underscores the need to have the Labor Department devise ways to monitor this crucial union election. Mr. Boyle dismisses the audit as a "smear job," but the charges are serious and go to the heart of his opponent's allegations about the way the union's business is being conducted. The report suggests that salaries of officials are improperly fixed and raised, that expense accounts are padded, and that a $1.5 million pension fund for union officials has not been "adequately disclosed" in reports required by law. High officials have sons, daughters and other relatives on the payroll. In answer, union officials suggest that some mistakes may have been made in the handling of expense accounts, but otherwise assert that the Labor Department has uncovered nothing that could not have been discovered by an inspection of the public record. Mr. Boyle was upset about the release of the report 11 days ahead of the election. Labor Department officials say they released it as soon as it was finished. To have done otherwise, would have been unconscionably to withhold information that the public, and particularly the mine workers, have a right to know. In fact, the entire report should be released to permit the details to be debated while the electoral campaign is going on.

Mr. Yablonski wants the government to watch the election to insure its honesty and to avoid the violence he fears might occur in the mines should the result be left in doubt with ultimate control of the union left to be fought out in the courts. Associates of Mr. Boyle argue, but not very persuasively, that there is no need for governmental inspection since the elections are handled by the union's nearly 1,300 locals in accordance with procedures set out by the union constitution. We sympathize with the Labor Department's desire to avoid intervention in the conduct of most union elections but feel that an exception is indicated in this case.

It would not be necessary to place a government official in every local. Experience with Justice Department efforts to enforce the Voting Rights Act suggest that much can be done with teams of strategically placed lawyers and marshals who can give particular attention to known trouble spots and be available to move quickly into other areas. Numerous alumni of these official efforts to guard the general ballot against racial discrimination and intimidation could be called upon for possible service in the mines on Dec. 9.

STATEMENT BY MRS. CHISHOLM

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, last week our distinguished colleague from New York, the Honorable SHIRLEY CHISHOLM, presented her views on abortion to the Republican Task Force on Earth Resources and Population of which I am chairman. Mrs. CHISHOLM made a bold and forthright presentation on a subject that most of us find very difficult to discuss because of the wide variety of personal and religious conviction involved and because of a general lack of knowledge of the subject. Her statement deserves widespread attention and I would like to have it placed in the CONGRESSIONAL RECORD:

Gentlemen, first I'd like to say that I have long been and still am an ardent advocate of family planning. It is obvious that when possible we should limit the number of births by the use of contraceptive devices. I am equally aware however, that for a number of reasons birth control is not enough. Contraceptive devices fail, women are raped, they forget to take a pill, they can't afford the most effective birth control devices or they are just not informed.

And I must say that part of the reason people have not been informed is that it has only been recently that we as legislators have supported birth control. Even now there are problems. For example even though approximately four percent of the mothers of the 245,000 babies born illegitimately in the United States every year are women 19 years old or younger; we still are not making information on birth control available to these young girls.

It wasn't until 1965 that New York changed its welfare rulings and made birth control information available to young women who were heads of households and they still won't give the information to any girl under 18.

Although many young people seem to be very sophisticated about sex, they in fact are frequently lacking in knowledge about the facts of life.

There are many persons who either for religious or personal convictions believe that abortion is wrong because you are killing a child, others believe that human life does not start until some time after conception or at birth. I believe that this is a personal matter which should not be decided by the state.

Certainly, no one should ever be forced to have an abortion. The decision to have a child should be a personal private decision. Unfortunately as the law stands now there is no choice. Under the present circumstances we are imposing the Catholic view of abortion on the entire population.

For many years I supported abortion repeal but repeal is not enough. The majority of women who seek abortions not because they have been raped, exposed to German measles or have serious heart or liver ailments. The number of rape-induced pregnancies in the United States is about 800 per year—between 80,000 and 160,000 defective children or between 2% and 4% are born a year.

Women seek abortions because they find themselves with unwelcome or unwanted pregnancies. Abortion is a last resort birth control measure when preventive techniques have failed or have not been used.

Approximately 50 million abortions are performed annually around the world.

Between 8,000 and 13,000 legal, that is therapeutic abortions are performed annually in the United States.

Between 250,000 to 1,250,000 illegal abortions are performed annually in the United States.

Approximately 20,000 are performed in the D.C. area along of which only 25% are done in hospitals.

Nearly half of those seeking abortions are unmarried girls. Unless these girls have the $600 to $700 it takes to get a therapeutic abortion and are willing to swear to two psychiatrists that they are going to jump off a ledge, the only solution is to have the child.

Societies' attitude seem to be "you've had your pleasure now pay the price." What is more immoral, granting an abortion or forcing a young girl—some of them as young as 14 or 15 to assume the responsibilities of an adult while she is still a child? What are we doing to the mother? What are we doing to the child?

If a white girl gives up her child for adoption there is a pretty good chance that the child will be adopted. This is not the case for black and other minority group children. They spend their lives in orphanages and foster homes. This is one of the prime reasons so many black girls keep their babies. The number of children in orphanages or in foster care totals 316,000. Only 25% of the black children are in public institutions—18% are in voluntary welfare institutions or homes. This contrasts sharply with the 71% of white children in public institutions and 80% in voluntary care.

Is it more humane for these children to grow up unwanted and unloved?

Botched abortions are the single largest cause of maternal deaths in the United States. In 1964, Dr. Carl Goldmark, Jr., president of the New York County Medical Society reported that 34 women died in New York City as the result of criminal abortions. He estimated at that time that about 80% of maternal deaths are the result criminal abortions. Women from minority groups are hit hardest. According to a study by Edwin M. Gold for 1960–1962, abortion was the cause of death for 25% of the white women, 49% of the non-white women and 56% of the Puerto Rican women.

Aside from the problem of securing the money for therapeutic abortions, poor, minority group women have another problem, that is that the municipal hospitals which they must patronize are far more reluctant to perform therapeutic abortions than volunteer hospitals. While 3.9 per 1,000 live births is the ratio for therapeutic abortions in voluntary hospitals, the ratio is only 1 per 1,000 live births, in municipal hospitals in New York City. Well over 90% of all therapeutic abortions in New York City are performed on white women.

Illegitimacy is a growing problem as of 1967 approximately 4.5 million children under the age of 18 in the United States are illegitimate. We can't ignore this. It is a fact. These children, this problem is not going to go away. We need to be concerned about the quality of these lives—both of the children and of their mothers.

By forcing a young girl to have an unwanted child, we are assigning her to societies' trash heap. Young, confused, usually without skills or training, she will be cut off from avenues of opportunity. Widows and divorcees have a rough time in the marriage market. Unwed mothers have it even rougher. By punishing her to have the baby, have we solved any problems? I think not—I think we have created some.

Some of you gentlemen may think this is all too hearts and flowers. Well I've got an even more practical reason why you should be in favor of abortion repeal. It costs you money.

The number of illegitimate children on AFDC has been steadily rising. Until now (as of 1967) 1,100,000 or 28% of all AFDC children are illegitimate. About ¼ to ⅓ of all illegitimate children under the age of 18 are on the AFDC rolls. Over 70,000 unmarried mothers are receiving aid for dependent children.

The AFDC payments range from $10.55 per recipient in Mississippi to $64.65 in New Jer-

sey. The national average per recipient is $44.30. For D.C. it is $42.40. Think about it, gentlemen, that is about $48,730,000 a year and unmarried women are the ones who find it most difficult to get off the welfare rolls.

I have talked a great deal about illegitimacy today. I have done it purposely because people are squeamish and don't want to discuss the matter. I think we must discuss the matter and come to grips with it. I do not believe in sugarcoating the issue.

Single girls are not the only ones seeking abortions. The most frequent reason married women seek abortions is that they feel that they have too many children already.

In a recent survey by Dr. Charles F. Westoff of Princeton's office of population research revealed that 22% of all legitimate births in the United States are unwanted by either the husband or the wife. This indepth survey of 5,600 persons revealed that the poor were most anxious about this issue of all economic groups. Among the poor (i.e., earning under $4,000) 42% of all legitimate births are unwanted. The principal reason seems to be financial or financially related, e.g., crowded housing. Indeed there is a high correlation between the number of children in a family and the ability to break the poverty cycle. The risk of poverty increases rapidly 9% for one-child families to 42% for families with 6 or more children. Nearly half of the children growing up in poverty in 1966 were members of families with five or more children under 18. More than one quarter of all families with four or more children live in poverty. The risk of poverty is two and a half times that for families with three children or less.

One hears talk about "genocide" from black militants. I think the principal things in operation here are the feeling of blacks that they want to control their lives and of the black man's pride and ego. Most of those who raise the genocide issue are black men not black women.

But we must also be aware of one of the underlying fears that is that blacks fear that some day people will be "required" to use contraceptives or have an abortion in order to receive public assistance. Although I am a strong advocate for both, I do not want anyone to misunderstand me. Birth control and abortions should never be forced or required, rather they should be "available".

As a matter of fact, studies done in 1960 and 1965 indicate that a significantly higher percentage of non-whites prefer a family of two children or less as opposed to the white desire for about 3 children. This I think relates to an awareness of the connection between poverty and the number of children one can afford to support.

In terms of our concern for world population growth, the desire for the average American family to have three children raises serious concern. The U. S. population growth rate has equaled and exceeded two of many underdeveloped countries. We are now adding about 3,000,000 people each year.

While it took 1,840 years since the time of Christ for the world population to reach one billion, we tripled this figure in little more than a century. At the present explosive rate the three billion people we have now will double to six billion from 1960 to 2000.

We urgently need to examine our attitudes and policies toward family planning and abortion or we shall be crowded off the earth.

I know that everyone treats the issue of abortion repeal gingerly. I'm a politician too and I understand your uneasiness but I think that this is an issue where the people are ahead of the Pope and the politician. A June 9, 1969, Harris Poll published in Newsweek indicated that 64% of the general population polled favored making the decision to have an abortion an issue between the women and her doctor. 60% of the Catholic polled felt the same way.

Repressive legislation is not the answer. The strictest rules against abortion are found in Catholic countries yet it is the Catholic countries that have the highest rates of abortions.

In Roman Catholic Chile 27% of the women reported they had had abortions.

The illegal abortion rate in Uruguay is almost 2½ times the number of annual live births.

Birth control is not enough. Even if all women of child bearing age in the U.S. used the pill, a 1% failure rate would yield as many as 250,000 unwanted pregnancies. We must have expanded and more effective birth control programs and abortion repeal.

There are hopeful signs that there is a rethinking on this issue. In 1968 the American Public Health Association urged repeal of all restrictive statutes. And this year the A.M.A. will debate a resolution calling for endorsement of abortion repeal at their national convention which will be held from November 30 to December 3.

The resolution which will be introduced by the section on preventive medicine would receive the AMA's present policy on abortion and have the AMA "go on record as recommending the repeal of all state abortion laws (except those restricting abortion to qualified physicians) so that all women, for whatever reason, can have abortion performed under safe, healthful conditions by qualified practitioners of medicine."

As you know doctors are one of the most conservative groups in our society—they have the courage to reassess their views—in my view we cannot do less.

ABORTION STATISTICS

Abortion did not become a statutory crime in England until 1803. It did not become one in the United States until about 1830.

No other medical procedure is regulated by law.

In 43 states abortion is permitted only if the pregnancy threatens the mothers life. The other seven states and the District of Columbia are somewhat more permissive. In 1967 and 1968 five states, California, Colorado, Georgia, Maryland and North Carolina—adopted liberalized abortion laws.

Why repeal rather than reform—Because the majority of women who seek abortions do so not because they have been raped, exposed to German measles or have serious heart or liver ailments.

The number of rape-induced pregnancies in the United States is about 800 per year.

Between 80,000 and 160,000 defective children, or between 2% and 4% are born a year.

They seek abortions because they find themselves with unwelcome or unwanted pregnancies. Abortion is a last-resort birth control measure when preventive techniques have failed or have not been used.

Worldwide abortions legal and illegal—approximately 50 million annually.

Estimates are from 8,000 to 10,000 legal hospital abortions annually and from 250,000 to well over 1,250,000 illegal abortions.

NARAL statistics. 1969 over 1,000,000 abortions are performed per year 350,000 repair of botched jobs.

Dr. Vuitch estimates that more than 20,000 abortions a year are performed in D.C. area and only about 25% of them are done in the hospitals.

Dr. Russell S. Fisher, ex-president of the Medical and Surgical faculty of the State of Maryland estimated that about 1,200,000 abortions are performed per year both spontaneous and induced.

There are 2,000,000 people in the greater Washington area. TIME Nov. 21. If we relate the national estimate of percentages then about 15,000 women in greater Washington Metropolitan area receive abortions. However, it is more than probable that this number reaches 20,000 since the rate of abortions is logically higher in industrial urban areas than in rural parts of the country.

D.C. General reports 80 therapeutic abortions, but between 800 and 1,000 abortions are reported at D.C. General which are incomplete. Incomplete means that the abortion was induced either naturally, by drugs or by an instrument but they were not completed naturally . . . therefore this is a deleterious effect and must be completed by a physician.

The question is not can we justify abortions but can we justify compulsory pregnancy?

Botched abortions are the single largest cause of maternal deaths in the United States.

CBS TV Editorial, April 1, 1966 Dr. Carl Goldmark, Jr., President of the New York County Medical Society reported that 34 women died in N.Y.C. in 1964 as a result of criminal abortions. He estimates that about 80% of maternal deaths are the result of criminal abortions.

According to a study by Edwin M. Gold of deaths of women from childbirth in N.Y.C. in 1960–1962 abortion was the cause of death for 25% of the white women, 49% of the non-white women and 56% of the Puerto Rican women.

Well over 90% of all therapeutic abortions in N.Y.C. are performed on white women. (association for the study of abortion inc.)

Scientific American January 1969: Ratio of therapeutic abortions per 1,000 deliveries was 2.6 for white women, .5 for Negro women and .1 for Puerto Rican women.

In N.Y.C. 1960–1962 the abortion ratios ranged from 3.9 per 1,000 live births to only .1 per 1,000 in municipal hospitals—legal abortions are less readily available to low income families.

Also marked ethnic differential per 1,000 births, 2.6 white, 5 Negro, and .1 per Puerto Rican women.

Even under a so called "liberal" reform law costs are prohibitive—approximately $600 to $700.

Total number of children in orphanages or foster care—316,000

	Public institutions	*Voluntary institutions*
Percent black	25	18
Percent black	71	80
Percent black	4	2

Cost of Welfare per child per month: D.C. $42.50, N.J. $64.50 highest per month, Miss. $10 lowest per month except for Puerto Rico $8.50

Illegitimate births, 1940, 89,500; 1966, 302,400; 1977, approximately 4.5 million children under the age of 18 in the United States are illegitimate.

The number of illegitimate children on AFDC has been steadily rising until now in 1967 1,100,000 or 28% of all AFDC children. About ¼ to ⅓ of all illegitimate children under age 18 are on the AFDC rolls.

Nearly half of those seeking abortions are unmarried girls. The attitude of society seems to be "you've had your pleasure now pay the price." What is more immoral, granting an abortion or forcing a young girl some of them as young as 14 or 15 to assume the responsibilities of an adult while she is still a child.

The committee on population of the National Academy of Sciences urges early education in family planning in order to prevent illegitimacy. The mothers of approximately 41% of the 245,000 babies born illegitimately in the United States every year are women 19 years of age or younger.

Professor Andras Klinger, a Hungarian demographer says the significant point is that in countries where laws are strict there is absolutely no impact on the number of abortions.

Klinger's studies show that countries with

liberal laws have on the average 54 to 81 abortions for every 100 live births. In countries without liberal laws, the figures are exactly the same. The illegal abortion rate in Uruguay is almost 2½ times the number of annual live births.

In Roman Catholic Chile, 27% of the women reported they had had abortions.

In Roman Catholic France, the annual number of abortions equals the annual number of live births.

In an article in the Washington Post, 1/11/69, Myra McPherson reported. "No matter what the courts do about our laws, there will always be abortions. The only difference is whether the abortions will be done safely and legally in a hospital or clinic, or in the degrading and dangerous underworld, where a woman slaps down the money in advance in some abortionists office.

Most poor families as well as the American population in general desire a 3 child family and this seems to be a significant line. More than one-quarter of all families with 4 or more children were living in poverty, and 4 out of 10 were poor or near-poor. Their risk of poverty was two-and-a-half times that for families with three children or less.

The poor rely most heavily on the contraceptive methods which have the highest incidence of failure, e.g. withdrawal, rhythm, douche, suppositories, foam as opposed to the pill, the diaphragm, coil. The problem is the same as with all medical services—the poor have little access to medical care for preventive services.

Dr. Charles Westoff of Princeton Office of Population Research says, "22% of all legitimate births in the U.S. are unwanted by either the husband or the wife" in conclusion of an in depth survey of 5,600 married women across the country.

Among the poor the percentags 42%; near poor 26%; affluent, 17%.

Westoff says if everybody were taught to use contraceptives effectively, the U.S. population growth would be reduced by as much as 45%.

Mr. Speaker, I do want to make clear that by placing this statement in the RECORD, I am not implying that the members of the task force are endorsing Mrs. CHISHOLM's views—some will and some will not. But her statement was most enlightening.

REFLECTIONS ON AMERICA'S NOVEMBER 1969

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, the subject is Vietnam. Today, only a few days after the month of November has ended, it seems appropriate to broaden the discussion somewhat and to reflect on what the month of November meant not only for our policy in Vietnam, but also for America's image of herself. For America's November 1969 has implications which go far beyond that month and far beyond this year. I intend my remarks today to be reflective, not critical. I hope they will be received in the spirit in which they are offered.

Much of what is bothering me about America's November 1969 involves what has been implied and insinuated, rather than what has been said. Thus, when I begin by referring to President Nixon's November 3 Vietnam speech, it is not what the President said which bothered me. It was what he did not say but, nevertheless, implied. The President said that he would never yield to those who counseled precipitate withdrawal of American forces from South Vietnam; but he did not say who was counseling "precipitate" withdrawal. The President said that "honest and patriotic Americans have reached different conclusions as to how peace should be achieved"; but then he described signs he had seen, reading "Lose in Vietnam, bring the boys home," which, of course, implied that anyone who does not agree with the President wants America to lose the war. The President asked Americans to be united for peace, but then he added:

North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Which, of course, implied that anyone who did not support the President would humiliate America.

So the President, on November 3, set the tone for America's November. One was either behind the President, supported his still secret plan for withdrawal, and helped present an unbroken front to an uncompromising enemy; or else one was in favor of "precipitate" withdrawal and wanted America to lose the war and was out to humiliate his country. So those were the terms in which the debate was cast.

The reaction to the President's Vietnam speech was, if not prearranged, at least predictable. No one thought it unseemingly that a President who only a few weeks earlier said that "under no circumstances will I be affected whatever" by protests against his policy in Vietnam, should after his speech take great pride in receipt of letters and telegrams which had been solicited in advance by the Republican National Committee; or that he should almost gleefully admit photographers to show him with his desk full of messages which supported him. From this demonstration it appears that the President's attitude really is "under no circumstances will I be affected whatever" by public feeling on Vietnam—"unless it agrees with my own views." But this, of course, is one of the virtues of having a "silent majority." Anyone can claim to speak for it. Since it is by definition "silent," those in power can interpret its silence any way they choose. Again in a reflective mood, I ask my colleagues whether the "silent majority" is not, indeed, a great contribution to democratic theory—at least from the point of view of those who govern.

In the same category as prearranged "spontaneous support" from the silent majority was the prearranged congressional response to President Nixon's November 3 speech. House Resolution 613, whose defenders argued fiercely, almost desperately, that it meant nothing more than the words on the page was the embodiment of that prearranged congressional response. Artfully drafted and skillfully promoted, House Resolution 613 was November 1969's counterpart to an earlier resolution expressing congressional support of Presidential policy in Vietnam—the Gulf of Tonkin resolution. Regardless of the resolution's precise wording, it was drafted, explicitly promoted, advertised and will now be heralded as a measure of the congressional support for President Nixon's secret plan for withdrawing—at some undisclosed pace—American forces from South Vietnam. And during November, while House Resolution 613 gathered momentum and support, without hearings and without the possibility of amendment, while all this happened in this body, Americans continued to die in South Vietnam at a rate of more than 100 a week. Support for the President's secret but slow plan of withdrawal—and the continuing casualties which go with it—was also part of America's November 1969.

Later in November we witnessed negotiations between the Justice Department and organizers of the November 15 march on Washington, negotiations which were characterized by intransigence and dire predictions of mass violence on the part of the Government. In retrospect, one might speculate about whether the Justice Department had not done more to encourage violence than to discourage it. But what are even more disturbing to one reflecting on the meaning of America's November 1969, are the revelations by Deputy Attorney General Kleindienst following the march. Mr. Kleindienst unabashedly admitted that he had purposely exaggerated the threat of violence to discourage participation in the march by nonradical elements. Mr. Kleindienst indicated that it was part of the Justice Department's strategy to emphasize the questionable affiliations of some of those associated with the march in order to discourage participation by other citizens. Mr. Kleindienst indicated that the Department had used "intelligence" information, the source and reliability of which was undisclosed—perhaps even unevaluated—to encourage moderate elements opposing the war to stay away from the November 15 march.

Mr. Speaker, I submit that in a country which has a first amendment, in a country which continues to pride itself on freedom of speech and association and free and open debate on all the issues, Mr. Kleindienst's revelations are shocking. When an official of the state uses secret, unattributed, unverified information for the professed purpose of influencing the political beliefs and actions of Americans, then I believe we must begin to examine again the role of law enforcement authorities in the political process.

Although Vice President AGNEW's now infamous "impudent snobs" speech was delivered the preceding month, on November 13 we were treated to another display of verbal fireworks. In an outstanding example of the "grain of truth" theory of speechmaking, the Vice President delivered a prototype of a speech which says a few of the right things for all of the wrong reasons. If one had heard only the last half of the Vice President's speech on TV and press coverage and commentary, it might have been possible to observe that he had made a few useful, if not very original,

observations about the dangers of overconcentration in important opinion-molding institutions. But the point is precisely that the Vice President's remarks were not made in an objective, dispassionate fashion; they were linked inseparably to his paranoid protestations of "unfairness" and vaguely substantiated charges of bias against his President, his administration, and himself. In this context—and it is only in this context that the Vice President's remarks can be accurately evaluated—his point became crystal clear. His objective was implicitly to threaten the media which produce what those in power consider "unfair" coverage with some kind of vague retaliation. FCC Chairman Burch's ill-advised request to the networks for transcripts of their coverage of the President's Vietnam speech merely served to make more certain what the Vice President had implicitly said and explicitly denied.

Still later in November we were treated to another dose of what James Reston has called "Agnewsticism." The Vice President's criticism of the Washington Post and the New York Times presented an interesting example of combining form and content: Mr. AGNEW selectively criticized two newspapers for selective news coverage. He also criticized the concentration of media ownership and the lack of diverse and antagonistic opinion represented in the print media generally. It was interesting, in light of the Vice President's interest in media concentration, that he chose to talk only about Washington and New York. Those are two of the Nation's large cities which are fortunate in having more than two mass circulation daily newspapers. New York has four such newspapers, not including the Wall Street Journal; Washington, D.C., has three. The Vice President's selective criticism didn't mention, however, the 20 cities which have dwindled to only one newspaper during the last 20 years. I would certainly have thought that a Vice President who was concerned about concentration in the media would have been concerned about it whether or not the papers in question agreed with him. But perhaps this is too much to ask from those who prefer to rely on "silent majorities."

And so as we reached the mid-point in America's November 1969, the President had characterized those who did not support his secret plan for withdrawal as people who want America to "lose the war" and who are humiliating their country. The Deputy Attorney General had almost precipitated a crisis by his desire to maintain a hard line against the protesters—a situation which was ultimately resolved only through the intervention of Mayor Washington. And the Vice President had discoursed at length on how unfair and biased the coverage of the administration's efforts had been. The objective of this concerted campaign was, evidently, to stigmatize dissent, to discourage disagreement, to brand as subversive and unpatriotic those who would not embrace the official line. And into this atmosphere of paranoid suspicion burst the brightness of what we have learned is still our last best hope—America's young. Undeterred by the vague and unsubstantiated smears, they came. Undiscouraged by the attempts at intimidation, they came—and they kept coming. A record group of almost half a million mostly young Americans demonstrated the depth of their opposition to the war, and the firmness of their commitment to an early peace. And despite dire official predictions, the march was overwhelmingly peaceful, lawful, nonviolent, and very American.

So the November 15 march, a peaceful protest in the best traditions of America, stood out, forthright and unequivocal, above the mass of innuendo, insinuation, and implication which surrounded it on either side. The marchers had proven that mass political protest could be passionate but peaceful, vital but nonviolent, and uncompromising but not unlawful. They had shown us that although we are now passing through a winter of discontent, there will be other months and other seasons ahead—for the future of this country belongs to those who marched on November 15.

It did not take long for the sowers of distrust and suspicion to regain the headlines. After the march, which had been overwhelmingly peaceful and nonviolent, the Attorney General told the American people that the march had been overall "not peaceful."

Later the Attorney General's wife elaborated on his view of the march, she indicated that Mr. Mitchell felt that the march had looked like "the Russian revolution." On nationwide television Mrs. Mitchell added:

> I don't think the average Americans realize how desperate it is when a group of demonstrators, not peaceful demonstrators, but the very liberal Communists move into Washington.

These comments were followed by Mr. Kleindienst's revelation of the kind of information on which the Justice Department's planning and evaluations were based—vague, unattributed, unverified information from unidentified sources whose credibility was supposed to be bolstered by calling them "intelligence" agents.

What could have led the men who command the Justice Department to these gross distortions of the November 15 march? In a noteworthy article in the Washington Post of November 25, editorial page editor, Philip Geyelin ventured a guess:

> The Problem is not merely a matter of whether this is an administration of able, intelligent, decent men; it's a mixture, like most. The problem, or a large part of it, is that the wrong men, the raw amateurs, are out front, making the running, doing the loudest talking, setting the pace. And just because they are the wrong men, unskilled, untested, out of date and out of touch with little stomach for the very thing the Vice-President professes to relish—"the rough and tumble of public debate"—because of all this, these men are running scared. For all their bold, aggressive airs, *the men out front are frightened men.*

Mr. Geyelin noted the irony of the insecurity which the men in power are demonstrating:

> Without flinching Harry Truman conducted a war with as little as 27 percent of the public behind him; this administration feels insecure even while claiming to have a solid majority in support.

Another commentator, the respected reporter of Capitol Hill events Joseph McCaffrey, helped put things in perspective. He said:

> Harry Truman . . . took more criticism in one day than this Administration has taken since January. Old Harry had a very simple motto, it was "If you can't stand the heat, get out of the kitchen." But Harry Truman had what it took, not just courage, but a deep, passionate devotion to the freedom which this country has nurtured since its independence. . . . A free country has to allow its leaders to be criticized, leaving the value of that criticism up to its citizens.

Lest we begin to feel a certain sense of deja vu about the events I am describing, let me hasten to draw the comparison explicitly. What happened in November—political leaders wrapping themselves in the protective folds of Old Glory and characterizing their opposition as subversive foreign agents or, more generously as "unwitting tools"—what was happening was something we had all seen before, about 2 years before. We had seen it in late 1966 and 1967, when another President—I regret to say a President of my own party—had attempted the same approach. As cartoonist Bill Mauldin recently drew it, Lyndon Johnson stood talking to a flag-draped Richard Nixon and consoling him:

> That's alright, it didn't work for me either.

But in November 1969, something new has been added. Something new and sinister which was not present to the same degree in attempts of previous defenders of the Vietnam war to discredit their opposition. This new element is the active, direct participation in policymaking and opinionmaking of active-duty military personnel.

There had been some indications early in November that military leaders, perhaps encouraged by attempts to make support of the Vietnam war appear the only patriotic course, had already breached the traditional barrier between civilian command and military obedience. A general officer in the Army National Guard advised members of his organization that they were to drive with their lights on during Veterans' Day in order to demonstrate support for the President's Vietnam policy, and that they were not to participate in protest activities. The Chicago Daily News reported that National Guardsmen in Illinois were being given form letters to mail in supporting President Nixon's war policy. But what came later in November was even more direct participation.

America's November 1969 included revelation of the fact that a returned prisoner-of-war who is still on active military duty, Maj. James Rowe, had been taping television and radio programs attacking Members of Congress who did not agree with President Nixon's Vietnam policy. A newspaper story

of November 23 indicated that not only were General Westmoreland and the Pentagon aware of Major Rowe's activities, but that they were encouraging him to take a direct part in the legislative decisionmaking process. If this is the Pentagon's new policy, then it has grave implications for the future of the American Republic.

In the reflective mood in which this discussion is intended, one must wonder whether the civilian leaders of this administration have really considered the full implications of direct participation in the congressional process by military men. What would be the response, for example, if Members of Congress who deplored the Presidio trials asked the Pentagon to make available those soldiers involved in that trial to make films with them. Or suppose the members of the military who disagree with the President's course in Vietnam were requested for film-making purposes. Would the Pentagon make available those GI's who wrote to Senator Kennedy congratulating him on his Hamburger Hill comments? Or would they arrange for congressional interviews with members of peace groups—such as those who recently boycotted the Pleiku messhalls in a peace fast, or those who are publishing anti-war newspapers on military installations across the country? Perhaps the privilege of direct participation is limited to commissioned officers. In this case, would the Pentagon care to make available Capt. Dale Noyd, a combat pilot who is also a conscientious objector to the war in Vietnam and is now under court-martial sentence for refusal to instruct Vietnam-bound pilots? Or perhaps the privilege is limited to generals, such as General Walt of the Marine Corps who has said repeatedly that the war could have been won except for the political dissenters and that these dissenters must bear the responsibility for the added deaths of Americans in Vietnam because we have not "won the war." If the privilege is limited to generals, perhaps the Pentagon would consider bringing Generals Gavin and Shoop back to active duty and financing a speaking tour for them around the country or the filming of TV spots in support of Congressmen who oppose the war.

The bold—one is tempted to say brazen—flaunting of military intervention in the political process has reached as far as Taipei, where Brig. Gen. DeWitt R. Searles recently refused to talk to a representative of the Washington Post, reportedly because the general agreed with Vice President AGNEW that the Post did not report the news in an acceptable fashion. General Searles also refused to make available to the Post copies of a speech by his superior, Maj. Gen. Richard G. Ciccolella, chief of MAAG in Taipei.

And then the Pentagon's pervasive preoccupation with its public image—with generating public support for its war in Vietnam—raises what must surely be the most somber and disquieting event in America's November. This event is the belated disclosure of events at Mylai—the alleged massacre at Pinkville.

With men currently accused before military tribunals and others likely to be, there is little that one can say now about the events at Mylai. Of course Pinkville does not represent what the overwhelming majority of American servicemen have done in South Vietnam. Of course it does not represent an American policy of genocide or atrocity. No one argues that Pinkville is not an aberration, a distortion, a mistake. But the point is, it is there. All the disclaimers, all the regrets will not make it go away. Whether Pinkville will be a turning point in American policy in Vietnam, whether it will deserve a footnote or a volume in the history of that war, has yet to be determined. But whatever the results of Pinkville, questions must certainly be asked.

First, how many other Pinkvilles have there been? Pinkville is the most publicized story of military brutality perpetrated against Vietnamese civilians, but it is not the first. Earlier this year Esquire magazine carried a story which was based on actual court-martial records of the assault, murder, rape, house-burning of a Marine patrol gone wild. How many similar incidents have there been, known to military authorities but undisclosed to the American people?

When we know the answer to that question, perhaps we will be in a better position to answer a second question: Why was the story of Pinkville unreported—or suppressed—for so long? How is it possible that an incident of the magnitude and seriousness of that alleged to have occurred at Mylai 4 could have gone unreported for so many months? It is not unreasonable to speculate that this long delay is itself a result of the Pentagon's preoccupation with its public image. Senator FULBRIGHT has recently pointed to the massive public relations mechanism which the Pentagon maintains at taxpayers' expense. Perhaps if a few of these public relations men had been transferred to the Criminal Investigation Division, we might have known about Pinkville a little sooner.

Finally, and really most significant, what does Pinkville indicate about the effects of this war on Americans—both those who are fighting in Vietnam and those who remain at home? It is these effects, these brutalizing effects on Americans and their image of themselves, which is the real cause for concern. This is the issue which takes us back to the beginning, which makes us wonder how we got into this war in the first place. As one of 1st Lt. Calley's friends said in an interview:

> Rusty Calley wouldn't have gone except that the country sent him. . . . So if there is a guilty conscience, it is on the country.

That is what is so serious about Pinkville: what it has done to America's conscience.

America's November ended in a traditional way, a way which takes the mind back to the origins of this country and to what it was we wanted when we began. Thanksgiving presented a strange contrast this year with the events which had occurred earlier in November. It contrasted with the politics of polarization as practiced by those who had earlier preached the lowering of voices. It contrasted with the techniques of insinuation and innuendo which had been largely absent from American political life since the early 1950's. And it contrasted with the searing revelation of Pinkville.

America had much for which to give thanks in November 1969. It was by all measures the richest, most prosperous, most powerful nation on earth. But America also had much to ponder. It had to wonder whether polarization, and political prosecutions for dissent, and Pinkville would be a part of the future of America. It had to wonder whether November 1969 had set the tone for the years ahead. My own conclusion is that this November will not represent the style of the future. The reason I conclude this is the November 15 march on Washington. Because that march took place, thousands of young Americans were confirmed in the belief that peaceful, massive political protest is possible. Thousands were convinced that the system works well enough to stick with it. This makes me thankful, for as I look around I know that we need them more than they need us. The leaders of the march and others have advocated that those young people who feel strongly about Vietnam and the cause of peace turn their efforts to direct political action—to electing some candidates and defeating others. After 1968, we do not need much convincing to know that the young people con do this pretty well.

So we will be hearing from these young Americans again. We will be hearing from them when we go home at Christmas, and when we go home to run again in 1970. And that is the way it should be. That is why, despite America's November 1969, I cannot be too discouraged. America has its spring still ahead of it, and our kids will make it better.

FOREIGN BANK SECRECY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. PATMAN) is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, on behalf of a majority of the House Committee on Banking and Currency, today I am introducing legislation to amend the Federal Deposit Insurance Corporation Act to require the keeping of certain records by commercial banks. The bill also requires reporting and recordkeeping of certain transactions with foreign financial agencies by U.S. citizens or those doing business in the United States.

Hearings on this legislation will be held before the House Committee on Banking and Currency during the month of December. At the end of these remarks a copy of the bill, together with a brief summary, is appended.

The need for legislation on the subject of foreign bank secrecy and further committee hearings was amply demonstrated at a previous investigative hearing held by your Banking and Currency Commit-

tee in December 1968 on the subject of the legal and economic impact of foreign banking procedures on the United States. At that time, the Assistant Attorney General for the Criminal Division of the Department of Justice, Mr. Robert Morgenthau, the able and outstanding U.S. attorney for the southern district of New York and representative of the Securities and Exchange Commission, told the committee of horrendous and widespread avoidance of U.S. laws by citizens and persons doing business in the United States through the use of secret foreign bank accounts. The variety and complexity of the financial shenanigans employed are far too detailed, and sometimes confusing, to set forth here. The record of our hearings will give the Congress a good idea of the situation.

The purposes of these financial transactions with institutions in foreign jurisdictions with strong secrecy laws are quite simple and easily understood. Foreign secret bank accounts are used by the organized underworld as a repository for the fruits of their criminal activities. Foreign institutions cloaked with these secrecy laws serve as a means to cleanse this "hot money." Through a variety of means the "hot money" is transferred back into this country, sometimes in the form of a loan from the foreign bank, sometimes through phony corporations, and in all events, in a manner unlikely to raise questions as to the source of the money or whether taxes have been paid.

Secret foreign bank accounts are not the exclusive property of the underworld. They are used by ordinary American citizens, by legitimate corporations to conceal transactions where the public interest requires disclosure, to avoid the payment of income taxes, to buy stock in the American market without regard to U.S. margin requirements, to work fraudulent business transactions, to buy gold in violation of U.S. law, and on and on. The illegal use of these accounts is as varied as the various schemes and conspiracies that the furtive, criminal imagination can devise.

Improper use of these accounts undermines basic law enforcement in the United States, shakes the confidence of the ordinary taxpayer in our taxation system, disturbs the stability of the American stock market, detracts from the confidence of the American dollar and raises serious questions over foreign-based influence in American industry.

In my judgment, it is time that the Congress acted. The secret foreign bank accounts and their uses are familiar to all of us. We have read about them for years, in 50-cent detective magazines and biographies and exposés of big criminals and, more recently, in serious criminal prosecutions. I suppose most of us have felt that there was not much that could be done about stopping the improper use of these accounts. The main objections seem to be that we would be interfering with the legal process of other nations and that we would be casting a tremendous burden upon the legitimate channels of international commerce in the interest of catching some insignificant crooks. The legislation which we propose today meets those objections head on. This bill completely avoids interference with the processes of any foreign jurisdiction by directing the applicability of our legislation exclusively toward American citizens, those doing business in the United States or those who are otherwise subject to U.S. jurisdiction. On almost every occasion in the last year when I have been given an opportunity to comment upon the committee's activities on foreign bank secrecy, it has been pointed out in the most forceful way possible that neither the committee nor the legislation has any desire to lessen the fine relationships that this country enjoys with any foreign nation. I reiterate this assurance today. Our only concern is to make sure that these financial institutions are not to be continually used to flaunt American domestic law.

The bill meets the second major objection of interrupting the free flow of international commerce by giving, in section 206, a broad exemptive power to the Secretary of the Treasury. Through this exemptive power, the Secretary, pursuant to reasonable criteria, can relieve Americans and American businesses from the reporting and filing requirements of the law. He can exempt persons doing business with financial agencies in jurisdictions who have as a matter of practice, treaty, or otherwise always closely cooperated with American law enforcement officials. Surely this exemptive power will eliminate the smallest possible interference with international commerce.

Our hearings will commence tomorrow, Thursday, December 4, 1969. Our initial witnesses will be Mr. Will Wilson, Assistant Attorney General, Criminal Division, and Mr. Robert Morgenthau, U.S. attorney for the southern district of New York, representing the Department of Justice.

On Wednesday, December 10, the committee will hear from Mr. Eugene T. Rossides, Assistant Secretary-designate, Office of the Secretary, Department of the Treasury.

On December 11, the committee will hear from the Agency for International Development, and the Department of Defense; on Friday, December 12, the Securities and Exchange Commission will testify.

Finally, during the week of December 15, various public witnesses will be heard.

SUMMARY OF DRAFT BILL

The purpose of this bill is to authorize the Secretary of the Treasury to clarify the obligation of banks and other financial institutions to maintain prudent practices with respect to identification of their customers, reporting of unusual cash transactions, and general recordkeeping. The bill also provides appropriate legal means to enforce compliance with proper standards in this regard. It is divided into two titles. Title I deals exclusively with bank records, and covers both insured and uninsured banks. Title II deals with recordkeeping and reporting requirements in respect of large currency transactions within the country, the movement of currency into and out of the country, and dealings with foreign financial agencies which do not make their records available to duly constituted authorities of the United States as to transactions with U.S. residents. In respect of the last of the foregoing items, no attempt is made to force foreign nations or their institutions to adhere to American laws or practices except when they are actually doing business in the United States. The obligations imposed under the bill fall exclusively upon "U.S. residents or citizens or persons doing business in the United States." There can be no question of the right and duty of the Congress to enact suitable legislation in this regard.

The text of the bill follows:

H.R. 15073

(In the House of Representatives, December 3, 1969, Mr. Patman (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Gettys, Mr. Annunzio, Mr. Rees, Mr. Griffin, Mr. Hanley, Mr. Brasco, Mr. Harrington, Mr. Halpern, and Mr. Blackburn (introduced the following bill; which was referred to the Committee on Banking and Currency:)

A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BANK RECORDS

Chapter	Sec.
1. INSURED BANKS	101
2. UNINSURED BANKS	121

CHAPTER 1—INSURED BANKS

Sec.
101. Retention of records by insured banks.

Section 101. Retention of records by insured banks

The Federal Deposit Insurance Act is amended (1) by redesignating sections 21 and 22 as 22 and 23, respectively, and (2) by inserting the following new section immediately after section 20:

"SEC. 21. (a) The purposes of this section are (1) to facilitate the supervision of the business of banking, (2) to aid duly constituted authorities in lawful investigations, and (3) to prevent the premature destruction of certain types of evidence having a high degree of usefulness in the establishment of civil and criminal liabilities.

"(b) The Secretary of the Treasury (referred to in this section as the 'Secretary') shall prescribe such regulations as he may deem appropriate to carry out the purposes of this section.

"(c) Each insured bank shall maintain such records and other evidence as the Secretary may require of the identity of each person having an account with the bank and of each individual authorized to sign checks, make withdrawals, or otherwise act with respect to any such account.

"(d) Each insured bank shall make, in accordance with the regulations of the Secretary,

"(1) a photocopy or other copy of each check, draft, or similar instrument drawn on it and presented to it for payment.

"(2) a record of each check, draft, or similar instrument received by it for deposit or collection, together with an identification

of the party for whose account it it is to be deposited or collected.

"(e) Whenever any individual engages (whether as principal, agent, or bailee) in any transaction with an insured bank which is required to be reported under the Currency and Foreign Transactions Reporting Act, the bank shall require and retain such evidence of the identity of that individual as the Secretary may prescribe as appropriate under the circumstances.

"(f) In addition to or in lieu of the records and evidence otherwise referred to in this section, each insured bank shall maintain such additional records and evidence as the Secretary may prescribe to carry out the purposes of this section.

"(g) Any type of record or other evidence required under this section shall be retained for such period as the Secretary may prescribe for the type in question."

CHAPTER 2—UNINSURED BANKS

Sec.
121. Congressional findings.
122. Authority of Secretary.
123. Injunctions.
124. Civil penalties.
125. Criminal penalty.
126. Additional criminal penalty in certain cases.

Sec. 121. Congressional findings

The Congress makes the following findings:

(1) Banks are not insured by the Federal Deposit Insurance Corporation (referred to in this chapter as "uninsured banks") constitute a legally significant component of the banking industry in the United States.

(2) Uninsured banks make use of the means and instrumentalities of interstate commerce and directly affect such commerce.

(3) The regulation by the Federal Government of the banking industry is necessary and proper in order to carry into execution the power of Congress to regulate the value of money.

(4) In order to effectively regulate the banking industry and to effectuate the purposes set forth in section 21 of the Federal Deposit Insurance Act, it is necessary and proper to confer upon the Secretary of the Treasury the authority to impose recordkeeping requirements on uninsured banks as provided in section 122 of this chapter.

Sec. 122. Authority of Secretary

The Secretary may by regulation require any type of uninsured commercial bank, trust company, or savings bank:

(1) To make such reports as the Secretary may require in respect to its ownership, control, and management and any changes therein.

(2) To require, retain, or maintain any records or other evidence of any type which the Secretary is authorized under section 21 of the Federal Deposit Insurance Act to require insured banks to require, retain, or maintain.

(3) To permit the Secretary to have access to and to obtain copies of any material referred to in paragraph (2) of this section.

(4) To maintain procedures to assure compliance with this chapter. For the purposes of any civil or criminal penalty, a separate violation of any requirement under this paragraph occurs with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

Sec. 123. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this chapter, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Secretary under this chapter.

Sec. 124. Civil penalties

(a) For each willful violation of any regulation under this chapter, the Secretary may assess upon any institution to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

Sec. 125. Criminal penalty

Whoever willfully violates any regulation under this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Sec. 126. Additional criminal penalty in certain cases

Whoever willfully violates any regulation under this chapter or section 21 of the Federal Deposit Insurance Act where the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than one year shall be fined not more than $10,000 or imprisoned not more than five years, or both.

TITLE II—REPORTS OF CURRENCY AND FOREIGN TRANSACTIONS

Chapter Sec.
1. General Provisions 201
2. Domestic Currency Transactions 221
3. Disclosure of Exports and Imports of Currency and Coin 231
4. Disclosure of Certain Foreign Transactions 241

CHAPTER 1—GENERAL PROVISIONS

Sec.
201. Short title.
202. Purposes.
203. Definitions and rules of construction.
204. Regulations.
205. Compliance procedures.
206. Exemptions.
207. Civil penalty.
208. Injunctions.
209. Criminal penalty.
210. Additional criminal penalty in certain cases.
211. Immunity of witnesses.

Sec. 201. Short title

This title may be cited as the Currency and Foreign Transactions Reporting Act.

Sec. 202. Purposes

The purposes of this title are (1) to facilitate the supervision of financial institutions properly subject to Federal supervision, (2) to aid duly constituted authorities in lawful investigations, and (3) to provide for the collection of statistics necessary for the formulation of monetary and economic policy.

Sec. 203. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply for the purposes of this title.

(b) The term "Secretary" means the Secretary of the Treasury.

(c) The term "individual" means a natural person.

(d) The term "person" includes individuals, partnerships, trusts, estates, associations, corporations, and all other entities cognizable as legal personalities.

(e) The term "financial institution" means any person which does business in any one or more of the following capacities:

(1) an insured bank as defined in section 3 of the Federal Deposit Insurance Act.
(2) a commercial bank.
(3) a private banker.
(4) a trust company.
(5) an insured institution as defined in section 401 of the National Housing Act.
(6) a savings bank, building and loan association, or other thrift institution.
(7) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.
(8) a broker or dealer in securities or commodities.
(9) an investment banker.
(10) a currency exchange.
(11) an issuer or redeemer of checks, money orders, or similar instruments.

(f) The term "domestic financial institution" means any person which does business as a financial institution in any place subject to the jurisdiction of the United States.

(g) The term "financial agency" means any person which acts in the capacity of a financial institution or in the capacity of a bailee, depository, trustee, agent, or in any other similar capacity with respect to money, credit, securities, or gold, or transactions therein, on behalf of any person other than a government, a monetary or financial authority when acting as such, or an international financial institution of which the United States is a member.

(h) The term "foreign financial agency" means any financial agency which transacts any business as such at any place not subject to the jurisdiction of the United States.

(i) References to this title or any provision thereof include regulations issued under this title or the provision thereof in question.

(j) All reports required under this title and all records of any such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

(k) For the purposes of section 1001 of title 18, United States Code, the contents of reports required under any provision of this title are statements and representations in matters within the jurisdiction of an agency of the United States.

Sec. 204. Regulations

The Secretary shall prescribe such regulations as he may deem appropriate to carry out the purposes of this title.

Sec. 205. Compliance procedures

The Secretary may by regulation require any class of domestic financial institutions to maintain such procedures as he may deem appropriate to assure compliance with the provisions of this title. For the purposes of both civil and criminal penalties for violations of this section, a separate violation shall be deemed to occur with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

Sec. 206. Exemptions

The Secretary may, under such conditions as he may deem appropriate, by regulation, order, licensing, or otherwise, exempt any person from compliance with any one or more of the requirements imposed under this title.

Sec. 207. Civil penalty

(a) For each willful violation of this title, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this title, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

Sec. 208. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of the provisions of this title, or of any order thereunder, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with the provisions of this title or any order of the Secretary made in pursuance thereof.

Sec. 209. Criminal penalty

Whoever willfully violates any provision of this title or any regulation under this title shall be fined not more than $1,000, or imprisoned not more than one year, or both.

Sec. 210. Additional criminal penalty in certain cases

Whoever willfully violates any provision of this title where the violation is

(1) committed in furtherance of the commission of any other violation of Federal law, or

(2) committed as part of a pattern of illegal activity involving transactions exceeding $100,000 in any twelve month period shall be fined not more than $500,000 or imprisoned not more than five years, or both.

Sec. 211. Immunity of witnesses

Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this title is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidence in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

CHAPTER 2—DOMESTIC CURRENCY TRANSACTIONS

Sec.

221. Reports of currency transactions required.

222. Persons required to file reports.

223. Reporting procedure.

Sec. 221. Reports of currency transactions required

Every transaction involving any domestic financial institution shall be reported to the Secretary at such time, in such manner, and in such detail as the Secretary may require if the transaction involves the payment, receipt, or transfer of United States currency in such amounts, denominations, or both, or under such circumstances, as the Secretary shall by regulation prescribe.

Sec. 222. Persons required to file reports

Any transaction required to be reported under this chapter shall be reported both by the domestic financial institution involved and by one or more of the other parties thereto or participants therein, as the Secretary may require. If any party to or participant in the transaction is not an individual acting only for himself, the report shall identify the person or persons on whose behalf the transaction is entered into, and shall be made by the individuals acting as agents or bailees with respect thereto.

Sec. 223. Reporting procedure

(a) The Secretary may in his discretion designate domestic financial institutions, individually or by class, as agents of the United States to receive reports required under this chapter, except that an institution which is not insured, chartered, examined, or registered as such by any agency of the United States may not be so designated without its consent. The Secretary may suspend or revoke any such designation for any violation of this Act or section 21 of the Federal Deposit Insurance Act.

(b) Any person (other than an institution designated under subsection (a)) required to file a report under this chapter with respect to a transaction with a domestic financial institution shall file the report with that institution, except that if the institution is not designated under subsection (a), the report shall be filed as the Secretary shall prescribe. Domestic financial institutions designated under subsection (a) shall transmit reports filed with them, and shall file their own reports, as the Secretary shall prescribe.

CHAPTER 3—DISCLOSURE OF EXPORTS AND IMPORTS OF CURRENCY AND COIN

Sec.

231. Reports required.

232. Forfeiture.

233. Civil liability.

234. Remission by the Secretary.

Sec. 231. Reports required

(a) Except as provided in subsection (c) of this section, whoever, whether as principal, agent, or bailee, or by an agent or bailee, knowingly

(1) transports or causes to be transported currency or coin of the United States

(A) from any place subject to the jurisdiction of the United States to or through any place not subject to the jurisdiction of the United States, or

(B) to any place subject to the jurisdiction of the United States from or through any place not subject to the jurisdiction of the United States, or

(2) receives currency or coin of the United States at the termination of its transportation to any place subject to the jurisdiction of the United States from or through any place not subject to the jurisdiction of the United States

in an amount exceeding $5,000 on any one occasion or in an aggregate amount exceeding $10,000 in any one calendar year shall file a report or reports in accordance with subsection (b) of this section.

(b) Reports required under this section shall be filed at such times and places, and contain such of the following information, in such form and in such detail, as the Secretary may require:

(1) The legal capacity in which the person filing the report is acting with respect to the currency or coin transported.

(2) The origin, destination, and route of the transportation.

(3) Where the currency or coin is not legally and beneficially owned by the person transporting the same, or is transported for any purpose other than the use in his own behalf of the person transporting the same, the identities of the person from whom the currency or coin is received, or to whom it is to be delivered, or both.

(4) The amounts and types of currency and coin transported.

(c) Subsection (a) does not apply to any common carrier of passengers in respect of coin or currency in the possession of its passengers, nor to any common carrier of goods in respect of shipments of coin or currency not declared to be such by the shipper.

Sec. 232. Forfeiture

(a) Any coin or currency which is in the process of any transportation with respect to which any report required to be filed under section 231(1) either has not been filed or contains material omissions or misstatements is subject to seizure and forfeiture to the United States.

(b) For the purpose of this section, coin or currency transported by mail, by any common carrier, or by any messenger or bailee, is in process of transportation from the time it is delivered into the possession of the postal service, common carrier, messenger, or bailee until the time it is delivered into or retained in the possession of the addressee or intended recipient or any agent of the addressee or intended recipient for purposes other than further transportation within, or across any border of, the United States.

Sec. 233. Civil liability

The Secretary may assess a civil penalty upon any person who fails to file any report required under section 231, or who files such a report containing any material omission or misstatement. The amount of the penalty shall not exceed the amount of the coin and currency with respect to whose transportation the report was required to be filed. The liabilities imposed by this chapter are in addition to any other liabilities, civil or criminal, except that the liability under this section shall be reduced by any amount actually forfeited under section 232.

Sec. 234. Remission by the Secretary

The Secretary may in his discretion remit any forfeiture or penalty under this chapter in whole or in part upon such terms and conditions as he deems reasonable and just.

CHAPTER 4—DISCLOSURE OF CERTAIN FOREIGN TRANSACTIONS

Sec.

241. Reports required.

242. Classification and requirements.

SEC. 241. Reports required

Any resident or citizen of the United States or person doing business in the United States, who engages in any transaction, directly or indirectly, on behalf of himself or another, with a foreign financial agency which does not make its records available to duly constituted authorities of the United States as to transactions with United States residents or citizens or persons doing business in the United States, shall file reports setting forth such of the following information, in such form and in such detail, as the Secretary may require:

(1) The identities and addresses of the parties to the transaction.

(2) The legal capacities in which the parties to the transaction are acting, and the identities of the real parties in interest if one or more of the parties to the transaction are not acting solely as principals.

(3) A description of the transaction including the amounts of money, credit, or other property involved.

SEC. 242. Classification and requirements

The Secretary shall prescribe:

(1) The classification of foreign financial agencies which in his judgment do not make their records available as set forth in section 241, and transactions with which must therefore be reported by citizens and residents of the United States and persons doing business in the United States under section 241.

(2) The foreign country or countries as to which the requirements of section 241 apply.

(3) The form, frequency, and manner of filing of the reports required by section 241.

(4) The magnitude of transactions subject to the requirements of section 241.

(5) Types of transactions exempt from the requirements of section 241.

(6) Such other matters as he may deem necessary to the application of this chapter.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Oregon (Mrs. GREEN) is recognized for 60 minutes.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, I think that, perhaps, this is either the first or the second time since I have been in the Congress that I have asked for a special order at the close of the business of the day. I really do not like to do it because I know that every Member is busy and has work that he needs to do. However, it seems to me that we have had a very unusual procedure today, and, in my opinion, some new precedents have been set for the House.

Also, I cannot let this day go by without expressing great concern regarding what may happen to the poverty programs across the country because of this delay.

This delay, in my judgment, could have been avoided. We ended the hearings at least 6 months ago. There is no reason that the authorizing legislation and the appropriations could not have been made long before this time.

Mr. Speaker, before I discuss the bill itself I would like to try to put this poverty matter into some kind of perspective that I do not believe it has had before.

I have heard people say that if any change is made in the OEO legislation—any change at—we suddenly are going to abandon the poor people of the country.

I have also heard statements made that give the impression that if it were not for the OEO program, the Government of the United States or the governments of the 50 States would not be doing anything for poor people. This is a complete fallacy. As a matter of fact, in terms of programs for the poor, according to the Library of Congress and according to the General Accounting Office in Federal funds we are in this year appropriating about $27 billion.

Now, if you just talk about Federal funds, the OEO program is only 10 percent of the total amount of money that is going for the impoverished or the disadvantaged in our country.

Then if we add the amount that the individual States and the local governments are spending, which is over $14 billion, and if we add to that the $2.4 billion that is contributed by voluntary private agencies, then the OEO program is only 5 percent of the total amount of money that is going to the "poor people" of this country, a fact which I think is important.

A second point that I would like to make, I asked the Library of Congress to compile for me the total amount of funds that a family could receive from the Federal Government, if that family took advantage of all the programs of public assistance that are available. I requested that they take the hypothetical family of a mother who has four children. One child would be in preschool, one child would be in high school, one child would be in college, and one child would be in elementary school. I think I am going to place the entire reply into the RECORD, but I think it is perhaps of interest to the Congress and to the public that if this hypothetical family of five, a mother and four children, took advantage of the various programs, they could have $2,800 from public assistance; $618 from medical assistance, because of the AFDC; $336 in cash value for the food stamps; $75 is the national average for legal services under OEO; $125 under the OEO comprehensive health program to which they would also be entitled in addition to the medical assistance.

The one child in preschool would be entitled to Headstart, the average cost of which is $1,050. They could either have public housing or the rent supplement; they can either have $406 or as much as $636.

The one hypothetical child who is in high school, and because of the criterion, would be eligible for Upward Bound, the average cost of which is $1,440.

The child in college would be eligible for an educational opportunity grant, and the average of that is $500. He really could receive up to $1,000. He would also be eligible for an NDEA loan, and if he took advantage of the forgiveness feature it would give him an outright grant of $520. He would be entitled to work-study, the national average of which is $475.

If the mother wanted to participate in the job opportunity program, this would be worth $3,000. The hypothetical youngster in high school would be entitled to Neighborhood Youth Corps, and the average amount of that is $450.

So this imaginary family—though often very real—a mother and four children, if she wanted to take advantage of all the programs, would be able to have the equivalent of $11,513 income in dollars and services for the year.

Let us consider another hypothetical case: a mother with eight children, two of whom are in preschool, three in high school, one in college, one in elementary school and one dropout. If this mother of eight children participated in the concentrated employment program, and, if she took advantage of all of the programs that the Federal Government has designed for the poor and the disadvantaged, she could have in dollars and goods and services an equivalent of $21,093 in annual income. Nobody in that family would need to work for 1 single day.

Now for those people across the country who are saying that this is a Congress—this is a Government that does not have any concern for the poor, and that they have to take to the streets to impress upon the Government their needs, I suggest that they look at these programs.

May I say that this is for two hypothetical families living in Portland, Oreg. Nonetheless, you can calculate for your own district how much any family would receive, and you can design your own hypothetical case.

Mr. Speaker, the reason I am taking a special order today is to discuss some aspects of the poverty legislation. It was the intent of those of us who were going to offer a substitute bill to explain that bill this afternoon, under the arrangement the leadership had made in scheduling it for "debate," and to place the substitute bill in the RECORD so every Member would have ample time to study it before amendments could be offered.

This is not an unusual procedure. It has happened many times. As I said earlier in the afternoon, the distinguished chairman of the Committee on Education and Labor put together a substitute bill on the ESEA earlier this year. No one had seen it. As a matter of fact, when it was introduced there were only Thermo-Fax copies available. There was not even time to type it, and no one had seen that bill. He introduced it not a day in advance—but on the afternoon amendments were considered. This procedure has been followed many times.

May I also say there have been many complaints about the OEO. I do not need to say that to my colleagues in the House. I do not think there is a Member of Congress who has not been keenly aware of the violations of law and of the training of revolutionaries through OEO funds, of confrontation politics, complaints of legal aid services, criticism of comprehensive health programs, complaints about community action agencies which are not really helping the poor, and so many other items.

Yet, I would say to you, while we had maybe 4 weeks, 26 or 27 days of hearings, in my judgment we did not address ourselves, to the legitimate complaints. In fact, in spite of the rule of the House that you must have two Members present in a hearing, many of these hearings were so dull and so repetitious that there was not a single Member of Congress present. On more than one occasion a staff member presided at the hearing. On other occasions, at least on two occasions, the gentleman from California (Mr. BELL) was presiding because there was not a single majority member in that committee for the hearing. From March until early November, only 1 hour—only 1 hour was spent on the markup of the bill.

Now those are the facts.

What did the committee do? We voted out a bill that did not have a single change—not a single change in the OEO program in terms of administration—in terms of structure—in terms of all the abuses that have occurred—and in terms

of what I think are outright violations by OEO of congressional intent. There was not a single change in this area. The only change in the bill was to say to the OEO, "We will give you an additional $295 million to spend in the way you want to spend it."

Mr. Speaker, the record is clear. These are the facts. Now this is the reason why some of us, and we admit we are in the minority on that committee—we do not have the majority of the votes—this is the reason why we have spent literally weeks working on changes that we think would be desirable. Our aim has been to tighten up the language of the law, and to enable us to have a war on poverty program that would meet the noble objectives that were envisioned in 1964.

I think it is really very sad when Members of Congress—or the lobby that has built up for OEO—makes the charge that anybody who wants to make a change in the program is somehow against the poor.

That is not true. As I have said before, I think those of us who see these funds looted by people who are making a profit, and who see that this money is never getting to the poor; that those of us who want to make changes so that the money would actually benefit the poor rather than the poverty specialists and the profitmaking corporations across the country; that we are certainly as much justified in believing our concern is with the poor as those who oppose us. Let me emphasize to my colleagues: There is a "poverty-industrial complex" festering in this Nation just as surely as there is a "military-industrial complex."

We want the money to go where the 1964 act said it should go. It is not going to those places. I think the evidence is very ample. I would think that a Committee and the Congress had a mandate to consider the complaints of Members. The gentleman from Texas and my colleagues from West Virginia and Kentucky have complained about VISTA—and rightfully so. The gentleman from Florida—and I am talking about people on my side of the aisle—I am talking of Democrats who have voiced these complaints to me—the gentleman from Florida has complained about a legal aid project. He has every right to do so. The gentleman from Connecticut (Mr. GIAIMO) has referred to a legal service that was a paperwork organization which never existed, but $270,000 was originally earmarked for them. People who even were not incorporated received substantial Federal money, just because they said they were incorporated, and happened to have an office.

They did not have any clients, nonetheless, they were scheduled to receive this very substantial amount. Fortunately the scheme was stopped in time.

You and I know that there are hundreds of thousands of dollars unaccounted for. They have never gone to the poor. There has been no accounting for far too many of these funds. There has been no audit of the books. This has happened in place after place across the country.

The gentleman from Ohio has rightfully complained about a local comprehensive health program, and I might say that I have complained about the comprehensive health program in my congressional district. We have lots of complaints about the Job Corps. It was in trouble across the country. We have had complaints about confrontation politics. We have had complaints that the poverty program has become not an "antipoverty program," but an "anti-Government program." If you can say something against any elected official, somehow that fulfills the purposes of the war on poverty. Confrontation politics in this society is not going to create jobs; it is not going to provide health services; it is not going to provide education; it is not going to bring any out of the poverty cycle, and it certainly is not going to aid our Government nor add to the democratic process.

I could quote person after person who has complained about the program. You know them better than I. I am not going to take the time to do it today.

Let me turn to another matter. In 1967 we had a very controversial debate on the floor of this House over amendments to OEO, so we are kind of playing the record over. In 1967 I was taken to task by colleagues for introducing an amendment which provided that, "Any State or political subdivision of a State may be designated as a community action agency." You will remember that there were lots of arguments on both sides. Let me say it would not be necessary for the first part of the substitute bill even to be offered in this Congress if OEO, by administrative act, by rules and regulations, had not actually repealed the law of the land. The law that was passed, that went through the conference committee, that was signed by the President, provided—again, may I say—that "Any State or political subdivision of a State may be designated as a community action agency."

What was the first thing that happened? OEO said they would not designate a State as a community action agency. The statement is in the RECORD. There were nine States that wanted to be CAA's; OEO said that they would not designate them.

What did OEO do next? They said, "We will not designate any city under 250,000 population as a community action agency." The law did not say that, but OEO by regulation denied most of the cities of the country their legal right to be CAA's.

The next thing they did was to say, "We will not designate any county of a population under 50,000 as a CAA." So they removed most of the rural counties.

I claim that they, by design and by guideline and regulation, actually repealed the law that this Congress passed. That is really what the first part of our substitute bill is all about. It is simply to say that Congress in 1967 meant what it said; we believe that if a State wants to exercise that option, it ought to be designated as a community action agency. We hope we have tightened up the language so OEO will not be able to bypass it.

I was interested in reading in this morning's press, "OEO critics offer State control plan." The article in its own inimitable style mentions only one change—and the article generously quotes the chairman and Rumsfeld that if this plan is adopted, it will destroy the program.

May I say to you, that with two exceptions, there is nothing in the substitute bill in regard to State development and coordination that could not be done under the present law if a State wanted to exercise its option and if OEO followed the law. We are, of course, going to try to make OEO follow the law.

The first exception is that we bring in VISTA workers. You know as well as I do that there are many Members of this House who have complained about the freewheeling action of certain VISTA workers around the country. They are now under a separate title, title VIII. So our substitute bill provides that they will come under a State-coordinated effort. And if I may digress a moment: I think we should also give attention to the multiplicity of programs that we have for preschool day care and preschool programs. Do you know how many legislative authorities we have for such programs? Over 50 separate legislative authorities and I am going to list them in the RECORD today. There is very little effort to coordinate them.

If we would give the States some responsibility in terms of programs, not just OEO but others—model cities, for example, which I think is going the way OEO has gone—maybe the Governors at the State level can coordinate what we either cannot or will not coordinate.

To go back to the report in the press this morning, I read that the chairman of the committee said it would completely destroy the program.

I well remember, back in 1967, when Congressman GOODELL offered a motion to delete my amendment and substitute his. The chairman urged the defeat of the Goodell substitute and praised the amendment which made it possible for a State to become a community action agency.

If Members will recall, the Goodell motion was defeated by a vote of 111 to 205. Congress said pretty clearly, I believe, that a State ought to be able to be a CAA.

Then the gentleman from California, for whom I have the highest respect (Mr. HAWKINS) offered a motion that was somewhat similar to Mr. GOODELL's. It would have served the same purpose, and his motion was defeated by a vote of 57 to 153.

So on two occasions that afternoon this Congress said, "We think a State ought to be a community action agency." But OEO said, "No, we will not designate a State as such."

What do I read in this morning's paper, if I read it correctly?

> Rumsfeld said turning the poverty program over to the States would defeat the purpose for which OEO was created.

That statement indicates he is not going to enforce the law any better than did the previous administration. That is why Congress ought to act. If I had abso-

lute confidence that any administrator of the OEO would administer it 100 percent perfectly, there would be no reason for us to act.

There is a quote in that regard. I cannot phrase the words as eloquently as they were originally said, but it was something to this effect: that legislation ought to be designed not for the person who is going to administer it absolutely perfectly and wisely, but ought to be designed for the person who would administer it in the worst possible way.

I believe this is what we ought to think about.

As I said, if the present law were enforced, it would give any State the right to become a community action agency. If Members will read section 211 of the law, they will find that this already gives States financial power, power to appoint people, and to make determinations regarding OEO programs.

So we are not suggesting any change that is going to destroy or do anything similar.

Let me cite a second way in which I believe OEO deliberately and carefully sought to subvert the congressional intent, the law of the land. This is in regard to Upward Bound.

Members may recall that during debate on the Higher Education Amendments of 1968, I offered an amendment to transfer Upward Bound to the Office of Education. I placed in the RECORD various documents showing the scurrilous material, including inflammatory posters, used in an Upward Bound prison program in Oregon.

I pointed out, as did the gentleman from Wisconsin (Mr. STEIGER) that at that time OEO had farmed out or contracted out to Educational Associates, supposedly on a competitive bid basis, the contract to administer Upward Bound. They were supposedly the lowest competitive bidder.

The contract, as I recall, was awarded to them on July 1. On the same day that the contract was awarded, supposedly on the lowest competitive bid basis, there was a modification which increased the contract by $150,000. Then on July 3, 2 days later, there was another modification which increased it further. By July 19 there had been four modifications, with a $200,000 advance because this new company had no funds. So the lowest competitive bid, which was under $800,000, now became a $1.3 million contract in 19 days' time.

That is why the gentleman from Wisconsin offered an amendment which said, "OEO and Upward Bound cannot contract with a private agency, a private profitmaking corporation."

It became the law of the land and it also became the law of the land that Upward Bound was to be transferred to the Office of Education. Do you know what OEO did? They transferred everything in Upward Bound except Upward Bound programs in prisons, then they changed the name of the Upward Bound prison program to Newgate. Then they said the prison program is not Upward Bound but Newgate and therefore does not come under the law requiring transfer. OEO today is still administering the Upward Bound-Newgate programs in the Office of Economic Opportunity.

Do you know what they have also done? They have contracted with Cybern-Education, which is a profitmaking corporation, to evaluate the Newgate program. Do you know who the chief investigator is? Dr. Thomas Gaddis. Do you know who the person is who started the Newgate program and who was the director of the prison program Upward Bound in Oregon? Dr. Thomas Gaddis. He and two other people put in a bid for the evaluation of the Upward Bound program. He was not the lowest bidder, so it was given to Cybern-Education. Then, the GAO tells me, there is in the files at OEO a telephone call from a person in OEO to Cybern-Education saying, "Will you take this person as the chief investigator for the evaluation if you have the contract?" Well, Cybern-Education apparently said yes, because they got the contract. In the contract itself it says that Dr. Thomas Gaddis is to be the chief investigator for the evaluation of the Upward Bound-Newgate programs.

I ask my liberal Democratic friends, if this happened in a private utility or in some business that is supposed to be Republican oriented, would we as great liberals stand by and justify it? You know we would scream to high heaven. But now we have it in a research program, and we apologize and justify it and say it is for the good of the people. That is the second way in which I think OEO has deliberately violated legislative intent.

The third way is in political activity. The House authorized an amendment in 1967 which made OEO people subject to the Hatch Act and thus prohibits them from engaging in political activity. There was, however, evidently an escape valve. Let me tell you what happens. I should not object to this, but I do it on the basis of principle.

The Democratic chairman of my congressional district, Multnomah County, is a fine individual. I have known him for years and enjoy working with him. He is a college graduate and well trained. I count him as a personal friend. But I want you to know his total income comes from OEO. He has no income except from OEO funds through a delegate agency. The regional and national office of OEO ruled that this is not a violation of the amendment in the OEO law which prohibits political activity.

I suggest to my Democratic friends that there has been a change in administration. I hope they are smart enough to perceive that OEO will be in a position to put every single Republican county chairman in the whole United States on the OEO payroll, because under the ruling made by OEO this can be done unless we change the law. I tried to point this out to the chairman of my committee.

Now, Mr. Speaker, these are three ways in which I think OEO has deliberately violated congressional intent. Yet we voted out of committee a bill without a single change which will let them go on absolutely as they are at the present time.

In regard to CAP, OEO ruled that a State could not become a community action agency. On February 16, 1968, I wrote a letter to the chairman of the Education and Labor Committee in regard to this defiance of the law. The committee has not looked into it and nothing was done about it during committee hearings.

I would also ask unanimous consent, Mr. Speaker, to place that letter in the RECORD.

The SPEAKER pro tempore (Mr. HICKS). Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Now, Mr. Speaker, I also want to discuss briefly evaluation projects, and then I will yield for questions.

I think that one of the biggest problems facing this Congress is the poverty specialists, the people who are profiting from this program. Let me read to you from a report that was made by OEO, itself.

This report says that contract evaluations have too often been poorly designed, inadequately monitored, and inefficiently utilized if utilized at all. The time has come to stop making excuses for "new programs." The time has come when Congress has the right to ask for good solid information about what, if anything, is being accomplished.

And, I might say to my colleagues, that in our study of evaluation contracts—and we have been doing this in my own office because the committee has not—almost without exception the monitoring and inspection and evaluation of the ongoing programs have been contracted to outsiders on the presumption that they will be objective.

But our study indicates that this independence is no guarantee of either objectivity or of accuracy. "The evaluation contractors are generally profit minded, research minded, and are inclined to 'do their own thing' regardless of the original intent behind the evaluation. In some instances they may actually have a stake in the evaluation outcome."

And, may I again refer—especially to the attention of my liberal colleagues—something which I quoted once before from this great paper "Hard Times"—a paper that could not by any means be classified as a publication of the John Birch Society, or the Ku Klux Klan or the Minuteman or anything similar. What does this most liberal paper say? It says that probably our most enduring monument to the problem of poverty has been the creation of a poverty industry. There are more than 100 companies in Washington, D.C., alone which specialize in studying and evaluating the poor and the programs that serve them. They run in size from five- to six-man outfits to large organizations.

I am going to again place the entire article in the RECORD, but let me read down in the third paragraph:

> The transition from poverty program to poverty company seems natural. When Bertrand Harding left his post as acting OEO director earlier this year he simply moved down the street to Fry Consultants, a poverty combine. As deputy director of VISTA, Leo Kramer was charged with recruiting and selecting VISTA workers. Now, as head of Leo Kramer Inc., he receives VISTA funds to run his own VISTA program for Mexican-Americans. Earlier this year, Leveo Sanchez re-

signed his job as OEO director for the mid-Atlantic region and now heads a consulting company with OEO contracts in the mid-Atlantic region. As manpower administrator in the Labor Department, Stanley Ruttenberg gave Phoenix, Arizona $3.5 million in job training funds two years ago. The city fathers of Phoenix recently hired Stanley Ruttenberg Associates, headed by the former administrator, to evaluate the project. Ruttenberg also acts in an advisory capacity to the Watts Labor Action Committee. As manpower administrator, he awarded the Watts group $2 million for a youth program earlier in January.

And, the article goes on and cites the names of other individuals formerly with OEO who have moved to private organizations.

At the time of the debate I will explain to the House those I think are actual conflicts of interest and why I think the Department of Justice ought to be looking at them.

This, Mr. Speaker, is why I say some of us on the committee feel that a 2-year extension of the bill without any changes is wrong. We believe the Congress of the United States has an obligation to the poor of this country to at least try to make some effort to see that the money goes to them instead of to nonpoor people.

Let me briefly discuss some of the amendments besides the one for State involvement.

We would tighten up political activity. I have already discussed this. There would be a prohibition on it.

We would have an amendment in regard to the evaluation of all these contracts. One group alone has over $25 million in OEO contracts to administer and evaluate. Mr. Cramer, who was formerly Director of VISTA has over $1.5 million in contracts. Seven of the nine contracts amount to $1.5 million and are for VISTA programs for which he was supposedly the Director.

Mr. Sam Sanchez has even a more interesting story.

So we would say that before any more contracts are let for evaluation, and similar activities the Director of OEO would have to consult with the Comptroller General of the United States.

And we would like to have some central place where there might be access to these documents, for I am absolutely persuaded that we have hundreds of evaluations and studies and reports, some of them telephone-sized documents, that are filed away and gathering dust, and no one has ever utilized them.

If there is one group of people in the United States that there is a Federal responsibility toward, it is the family of a GI whom we sometimes require to leave this country, and serve in the armed services. Yet some have families at home on welfare. If this is not evidence of hypocrisy, real hypocrisy, about wanting to do something about the poor, then I do not know what it is. A provision in the substitute bill would rectify this situation.

We simply direct the Director of OEO to pay a cash amount to every family of a GI living below the poverty level. You do not have to build up any new bureaucracy, you do not have to evaluate, study, nor do all of the other 101 things that cost money but seldom cure poverty. Give the GI families a cash amount and give them the credit for having the brains to spend the money wisely. We would simply give a family of a GI below the poverty level a cash amount that would bring them up to the poverty level that the Federal Government itself has set.

If we are really serious about doing something about poverty, this is a sensible start.

I would like to do the same thing for the elderly. The cost would be great and, until OEO justifies some confidence in their operation—I am reluctant to give them an additional dime. But as I say, there are many elderly persons over 65 who are not able to work, who are living on minimal income, many of them living in hovels on $60 a month. Again, if we are not hypocrites, why do we not take a sum of money out of OEO and give them a cash amount that is the difference between what their income is and what would bring them up to the poverty level that we are talking about?

We financed Pride here in Washington. We financed the Rangers in Chicago. We financed the Black Panthers in Cleveland. We do all of these things. Is our compassion and concern again to be measured by the amount of noise there is in the street? Why do we not have some compassion and some concern for the people who cannot go out and yell and make threats?

So the substitute bill directs OEO to do a pilot project on providing a cash grant to people over 65. OEO is already carrying out two research projects on guaranteed annual income for able-bodied people, people who could work, so let us also do this for the elderly.

Senator HUGHES introduced in the other body a provision in regard to a research project for alcoholics—and I think there are few problems that impoverish more people than that. So, with the help of NIMH, we made some suggestions for this problem area.

In regard to VISTA, we have 700 lawyers now serving in training to serve as legal aides across the country. We think that any volunteer who is assigned to Legal Services should meet the requirements of the bar association of that State. What is wrong with that? Why should VISTA people—and this is true in my State—who have never passed the Oregon bar be working in legal aid?

And the next thing that we ask is that if OEO legal aid is going to file a suit——

Mr. CAREY. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Please permit me to finish, and then I will be glad to yield.

If they file a suit, either a class action—and we know that the major part of their effort now is on reform and not representing indigent persons—but either in a class action or an individual suit, if they file it and they lose the suit then out of the legal aid funds they are going to be required to pay the defendant who prevailed in that lawsuit the full amount of the court costs and the attorney's fees.

Now it is my contention that if the Federal Government is going to finance out of tax dollars legal suits for one side, and they do not win the suit, that we ought to be at least as generous for the person who is the defendant and who was put to a tremendous cost to defend himself. I really do not see anything wrong with that.

It seems to me something that makes good sense. Let me tell you what is happening in my State, if I may digress here for a moment.

We have a class action suit in my city against the Government, and the city council and the police department. We are trying to determine the cost, the amount of money that they are going to have to spend to defend themselves. What this provision would say is that if they prevail in court, they would be entitled to Federal payment of those defense costs. Let me make very clear that I entirely support the purposes of legal services. Many of the OEO lawyers have performed immensely valuable services. But I think the program needs to be tightened up.

These are, briefly, some of the changes we made in the legislation. It has been truly a bipartisan effort. I can say to my colleagues, what a real joy it has been to work with my good colleague who was here, the gentleman from Connecticut (Mr. GIAIMO) who was formerly a member of the Education and Labor Committee and who really knows the program. He shares my deep concern about the fact that the money is not going to the poor. I can say what a joy it has been to work with him and to work with my two colleagues on the committee, the ranking Republican member, the gentleman from Ohio (Mr. AYRES) and the gentleman from Minnesota (Mr. QUIE). This is really a joint effort. No single thing is the total effort of any one person. These ideas are from all four of us, and also others of our colleagues whom we have talked to on both sides of the aisle.

So I am really proud as a Democrat to be a part of this effort to try to bring about changes in the OEO that we think will strengthen it and improve the program and offer some hope that the money will go to those people for whom it was really intended.

If I may make a brief final statement: I do not know whether my reaction is a matter of resentment or hurt or what when I am told by colleagues on my side of the aisle that I have abandoned the Democrats. But I think it is really a strange thing for Democrats—who believe in the great Jeffersonian tradition of the right to disagree, who believe in the right to dissent and who believe in change, to then suggest that whoever disagrees with them is somehow not a Democrat.

As I said earlier, I wear the democratic badge proudly. I also would say to my Democratic colleagues that I will place my support of Democratic programs—my voting record—on the line with any member of my committee or any Member on this side of the aisle. I do not apologize for it. Where I disagree I think I have the right to disagree. Indeed, I

think I have that obligation if I am really to represent the constituents of my congressional district.

Mr. Speaker, I thank my colleagues for listening to me.

Mr. WAGGONNER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Mr. Speaker, I might also pay my deep respect to the gentleman from Louisiana who has worked with us. He has come to me, I do not know how many times during the last 2 years, and talked of things in the poverty program that he thinks, if changes were made, would be more beneficial to the poor people of the country. He has worked with us as have several other people, and I mentioned my four colleagues before because four of us were introducing the bill together. Certainly, to my other colleagues, I express my deep thanks.

Mr. WAGGONNER. Mr. Speaker, I want to express my personal appreciation to the distinguished gentlewoman from Oregon for having performed what I believe is—yes, a service to this House of Representatives—but more important in the end, I believe, a service to the people of this country that this program supposedly is intended to help.

I do not believe there is anybody who works harder or who knows this program any better than the dedicated gentlewoman from Oregon does or as well as she does. I concur competely with her position on this issue because I have had some of the same experiences that she has had. I just want to tell the gentlelady that I appreciate what she is doing to try to help make a workable program out of what is now a miserable failure and to tell you I am going to do everything I can to help support and pass this substitute when, and if, it is ever considered in the 91st Congress. The people of this country are very fortunate to have a lady of the caliber of the gentlelady from Oregon on their side.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. PUCINSKI. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentlewoman has made a very persuasive argument here, and I cannot find myself in any disagreement with any of her remarks. Certainly I have worked very closely with the gentlewoman over the years on this program and other programs. I do not think I am being unfair when I remind the gentlewoman that it was I who went to her in 1967 and suggested a series of amendments, and persuaded her to become the principal sponsor of the amendments because I was seriously concerned about this program from its very inception.

I remember well how this program was rammed through the committee in 1964 before a November election. I remember well how all the Cabinet members were marshaled in. I think the only Cabinet member who did not testify was the Secretary of State. I was, perhaps, one of the principal critics of the program, and continue to be. I was the one who blew the whistle on the legal services in Chicago, when lawyers were training young high school people to assert their constitutional rights to strike against the schools, their constitutional rights of rebellion in the schools.

So the gentlewoman and I are on the same frequency and we agree fully.

But I would like to ask you some points about your substitute. And, I might say, I think I can support the whole substitute. I am particularly gratified with the provision which would give GI's and their families a decent standard of living.

Mrs. GREEN of Oregon. If I may interrupt, we do not give it to the GI's, we give it to the families of GI's.

Mr. PUCINSKI. Yes. I am delighted to see it is here. I think it is high time we did this, and way overtime. I am hopeful, however, that the President and the administration, after they take a look at the cost of this program, will support the gentlewoman with the same enthusiasm that is given to the substitute. And I am in complete support on the evaluation. I think the gentlewoman cited some evidence here that calls for the kind of inspection and evaluation that is long overdue. So there is nothing in the gentlewoman's substitute that I could be opposed to, except one thing, and that is her formula for State control of this program.

If I understand the substitute correctly——

Mrs. GREEN of Oregon. Let me interrupt at that point. The bill does not provide for State control. It provides for the opportunity for States to coordinate, to bring some sense out of all the chaos and confusion, and I pay my respects to the gentleman from Minnesota, who has worked so hard on this. This is a program for increased participation, and let me emphasize again that except for the two exceptions I pointed out earlier the appeal to the courts, and the provision for VISTA workers there is no control given any State that it does not have at the present time if OEO followed the existing law.

Mr. PUCINSKI. Let me ask the gentlewoman this question. I well remember the amendments, and I think it is scandalous that the OEO did not implement the amendments that we worked so hard to get through on this bill in 1967, when we permitted a State or any municipality to become a community action agency. Let me ask the gentlewoman if in her opinion a State under her amendment or substitute bill decided to become a community action agency and decided to take over and coordinate all of the local, municipal programs in that State, if such action would not be possible, and is that not what her bill really provides?

Mrs. GREEN of Oregon. It provides the opportunity to bring about coordination, and I intentionally did not discuss this in great length because I knew the gentleman from Minnesota wanted to speak on that subject, and he has spent more time working on this than have I.

Mr. PUCINSKI. May I ask the gentlewoman one further question: If under the gentlewoman's substitute a State is given total control over all programs in that State, what kind of poverty program does the gentlewoman think we would have in Mississippi, Alabama, Louisiana, Georgia——

Mrs. GREEN of Oregon. Let me say to the gentleman I am sick and tired of being appealed to on the floor of the House on the basis that somehow programs are wrong in two States, and therefore the State of Oregon has to have legislation that is designed for two States instead of 50 States. Let me say something about my State of Oregon. This is the State I represent. This is the State I come from.

I want the gentleman to know that there are regional people appointed, from the San Francisco regional office, who have an absolute veto power over every single part of the OEO program. That is an appointed person, nameless and faceless, who has never run for any election. He is an autocrat. He is a czar. He comes up from San Francisco on some OEO program, and they ask him a question, and he says, "I do not feel you should do this." They ask, "Where is that in the law?" He says, "I just feel you should not." He has a veto power greater than any veto power Congress ever suggested that a Governor use.

Let me say to the gentleman, I have a great deal more confidence in my Governor. He is a Republican Governor. I have a great deal more confidence in the elected official of the State than I have in an appointed official from a regional office. He does not know anything about the problems in Oregon. We have 50 problems when he comes. By the time he has left we have 100.

He exercises an absolute veto power. I want the gentleman to know, I am tired of it.

Mr. PUCINSKI. I will ask the gentlewoman one more question.

Mrs. GREEN of Oregon. Is it on this same point?

Mr. PUCINSKI. Yes, on this point. May I pursue this question?

The gentlewoman is, of course, correct when she says she has more confidence in her Governor than a civil service regional director or some Federal bureaucrat.

I want the gentlewoman to come to the West Side of Chicago to see the huge social problems in the big cities of this country. We are totally unable to deal with them simply because certain States in this Union have refused to have adequate programs. In Alabama, for much too long, the welfare program is a one-way ticket to Chicago.

I ask the gentlewoman again, what kind of program does she think we will have under Governor Maddox and some others if the substitute prevails?

Mr. QUIE. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. I want to point out to the gentleman from Illinois that the Green amendments of 1967 provided that the local community could opt out. That provision has not been changed. They can opt out.

Mr. PUCINSKI. A city like Chicago, New York, Los Angeles, or Boston, if the State decides to set up a community action agency and becomes the community

action board for that State, a municipality large or small, the gentleman is saying now, may opt out and continue its own program through its own municipal community action board as incorporated in the Green amendments of 1967? Is that what the gentleman is saying?

Mr. QUIE. That is correct.

Mr. PUCINSKI. Then why is the substitute necessary? We now have this in the Green amendments of 1967.

One reason why we did not change anything is because Don Rumsfeld in the name of the President came before our committee and said, "Look, I know that these amendments have not been implemented. I know that these amendments have not been given meaning. But I intend to set down rules and regulations forthwith which are going to give meaning to the intent of the Congress. I was in that Congress. I voted for those amendments. I intend to carry out the intent of the Congress under the authority vested in me as Administrator of the OEO."

That is one reason why we did not change it.

Mrs. GREEN of Oregon. May I take back the floor, please?

Mr. PUCINSKI. Yes, please.

Mrs. GREEN of Oregon. I should like to read from the debate in 1967, found in the CONGRESSIONAL RECORD for November 14. It was on the amendment I offered at that time which would make a State a community action agency. I should like to quote the gentleman from Illinois, because he supported me on that amendment to make it possible for a State to be a community action agency.

It was a very eloquent statement. I thought he was great.

Mr. PUCINSKI. And still eloquent.

Mrs. GREEN of Oregon. The gentleman from Illinois said:

> We say that the taxpayers' money shall go to an agency controlled by the electorate, either a municipal, county, or a State, but none of that money can be spent until a community action board has been set up, and I repeat, it is spelled out how this board is to be set up and what it is to consist of.

The gentleman from Illinois went on in his very eloquent fashion:

> If this provision of the bill is defeated in the Committee, I shall ask for a rollcall vote, and I want to spread across the RECORD those Members who do not have confidence in the elected officials of their respective communities, in the mayors, the city councils, county boards, and, yes, in their State Governors—those who do not have confidence in letting elected officials control the taxpayers' money.

Mr. PUCINSKI. Will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. PUCINSKI. I think you are right, and that was an eloquent statement, but in the light of the explanation given by the gentleman from Minnesota—and this is what it was all about—had we seen this bill yesterday and seen the substitute bill this morning and had we had this special order on yesterday in which we would have had an opportunity to ask these questions, and had the gentleman from Minnesota said yesterday that a local community can opt out, as was incorporated in the amendment that I supported and which the gentlewoman just quoted me on, then I would most probably be supporting the substitute bill today. However, none of us knew this until this very moment, and we did not know what was in your bill.

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentlewoman for yielding.

I will say to the gentleman from Illinois that if we had had the debate, which it was our understanding we would have, all that would have happened today is just what has gone on here. What has happened here just now would have gone on in the debate today. We would have used our time to explain it and to put into the RECORD all of the details on it. Then tomorrow we could get into the real details of the amendment under the 5-minute rule. This is the procedure that we had thought we would follow.

Mrs. GREEN of Oregon. Mr. Speaker, I now yield to the gentleman from California. I promised to yield to him a moment ago.

Mr. DON H. CLAUSEN. I thank the gentlewoman for yielding to me.

Mr. Speaker, I want to join the others in stating that I am certain the gentlewoman has performed a great service not only to the Congress but to our country by her remarks and by what she has placed in the RECORD here.

Inasmuch as she has made reference to politics being involved in the OEO, I think the RECORD would be enhanced if I may be permitted to place into the RECORD at this time—and I ask unanimous consent to do so—a speech that I made on the subject some years ago.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LET'S REMOVE POLITICS AND PROFIT FROM THE WAR ON POVERTY

(By DON H. CLAUSEN, Congressman from California)

The so-called war on poverty got off to a bad start and is still in deep trouble. In the past few days, scandalous headlines were appearing with increasing frequency as I left Washington. Many Members of Congress pointed out in the congressional debate this year the problems inherent in the law. It is not enough to put a good label on a bill and then to neglect meaningful standards and guidelines. The first thing that is wrong with this act is that it was not written by Congress but by the administration. As problems in the war on poverty have gained increased attention by the public, the administration, in its sensitivity, has refused to allow amendments to the act.

Last year when hearings on the amendment of the act were opened by the House Education and Labor Committee, Chairman Adam Clayton Powell charged that the war on poverty was a "giant fiesta of political patronage—a political porkbarrel" and made assurances that needed directives would be written into the law.

It appeared that something substantial would be done, but as witnesses appeared, testifying to the slipshod manner in which the program was being implemented, pressures were applied and the hearings were stopped after only 5 days of testimony. A few meaningless amendments were forced through Congress speedily and then, with the poverty program doomed to another year of operation without direction, Chairman Powell hastily called for a complete examination of the program. A large committee staff was assembled, hearings were promised in the field, but following 3 months of investigation, nothing substantial has resulted.

The major issue of the war on poverty, according to the attention it has received in recent months, has been the issue of the involvement of the poor. A truly effective war on poverty will not do things for the poor people—it will do things with the poor people. This is the difference between the welfare-dole approach of the past and the potential of the future.

Almost any social worker or person working with the poor can tell you what the poor's problems are—lack of education, lack of job and lack of motivation, among others. One of the characteristics of poverty is that it is generally handed down from generation to generation. No wonder many of the poor have become cynical, bitter and without hope.

If we cannot involve the poor in the solution of their own problems, they will have no place to go but to the streets. No one knows their problems better than the poor themselves. They must be involved in policy decision of the program where proposed solutions to the problems are being developed.

Make no mistake about it—all the public relations work on the war on poverty has raised great expectations among the poor. We had better make this program work or its failures will generate a new and more serious revolt among the poor.

There is another reason why the poor should be involved in policy roles. Many of their frustrations derive from their conflict with the big city governments and institutions. In some ways they have good reason for frustration. Certainly our big city governments leave a great deal to be desired. If the poor are not involved they are going to fight and circumvent the existing institutions. This means picket lines, riots and demonstrations that waste energy and talents that could be otherwise employed. Involvement can show the poor that they can work through existing agencies.

This does not mean that local government, social agencies, and the State should not have anything to say. I am an advocate of local control. With the right kind of representative community action boards, dictation from Washington should become virtually unnecessary. To date the States have been completely bypassed and so have the poor.

During the debate last year, the Republicens proposed an amendment that would insure balanced representation on community action boards. Belatedly, the Office of Economic Opportunity has been applying our proposal, but it is not written into the law. Consequently, many communities have been torn asunder in the strife over the establishment of a program. Proper legislation could avoid this waste.

When the guidelines were first established for running the program, the administration showed little interest in the requirement that the poor participate in running their own programs. The first directives did not even mention representation of the poor, although the law requires "maximum feasible participation of the poor."

Mr. Shriver apparently now believes that the poor should not only help at the service level, but also at the highest policy level. The Bureau of the Budget and the administration apparently do not agree with Mr. Shriver.

Why is it important that the poor be involved? What will involvement mean? First, involvement will mean motivation. Being involved provides a glimmer of hope for people—that their opinions are heard and listened to. They see a channel of working out their frustrations and finding solutions to their own problems. Second, involvement

means responsibility. In order for a person to act responsibly, he must be given responsibility. If he has no decision concerning the factors that affect his life, he will not feel that he is responsible to carry out the decisions made for him.

Why have the administration spokesmen suddenly become so cautious over this issue of involvement of the poor? The poor and their advocates have seen participation as an opportunity to change or overthrow existing institutions and government. The program, which the administration conceived as a political boon, or boondoggle, has suddenly boomeranged. The poor will simply not be pacified by another handout program when something new and better was promised and is available.

There is more to the poverty program than the question of involvement of the poor. There are other programs beside the community action program in which political motivation has compromised the effectiveness of the program. I am speaking particularly of the Neighborhood Youth Corps. This program, properly administered, could provide training for the great numbers of unemployed and unemployable youth. Instead, politicians have again stepped in to use this program for their own ends. Recent newspaper studies of Rhode Island Neighborhood Youth Corps programs are indicative of what is happening throughout the country. Rather than enrolling poor youths to whom this program would give needed income, training and motivation, enrollees are typically from families whose income is in excess of $7,000 per annum. Although this income level is not high, it is far above the poverty standard. Some of the youths, I was appalled to learn, were college enrollees. People have been placed on the payrolls of the program as supervisors, when they were performing no functions for the corps, but holding other municipal jobs. The list of abuses goes on and on. The Boston program is the most recent example of corruption. There, enrolees collected paychecks long after their names were off the payroll, and some employees of the program collected several salaries through the use of forged identification cards provided to them by the program's employees.

The Project Headstart section is generally recognized as the best part of the poverty program. It is interesting to note this section was originally proposed 4 years ago by Republicans, but turned down by the Democratic majority. It was included in an education bill I coauthored, H.R. 6422.

The question is, Where do we go from here? The Republicans in Congress joined by a number of Democrats, the National Chamber of Commerce and other organizations were opposed to the original legislation. The reason was not that we were against helping the poor; rather we were against the manner in which we felt this loosely drawn program would be administered. It is unfortunate that many of our objections have been borne out. Those include the lack of coordination, confusion, flaunting of established governmental structures and the cruel hoax of raising people's expectations far above the ability of this program to fulfill.

Despite objections, the war on poverty has become an economical, social, and political fact of life. We must deal with it as a reality. What are our alternatives? We can vigorously oppose the program, and by so doing, be charged with being against the poor. The second alternative is to ignore, or refuse to take part in, the war on poverty because this problem is not of our making. This approach would be to bury our heads in the sand, and, again, we would be charged with the responsibility for failure.

Our final alternative is to take an active part in the program. This is my recommendation. Our major targets should be the removal of politics from poverty. The war on poverty is making many changes, some distasteful and some necessary, in most localities across the Nation. At this point, it may be to our best interests to take over and direct the poverty program with the dynamic and creative leadership that we know is available in the private sector. It is not only to our benefit, but it is our responsibility to take an active interest in these programs to insure that the decisions being made are carefully weighed and carried out in a proper manner. I am suggesting that the chamber members become, when possible, members of the community action boards. There may also be roles for you to fill in offering training experiences for program enrollees. This could be of benefit to the employer and the employee.

In this way, the poor can watch you in action. They will gain knowledge from your participation. You will gain more respect as a responsible community leader. As we all realize the war on poverty is far from the solution to the problem of economic deprivation in our country, we must seek other means of alleviating the problem. One of the primary problems of poverty is lack of employment by the poverty-stricken. Jobs must be developed for these people and more importantly, the people must be developed for the jobs. Those of us who have worked for a living or developed business enterprises know that the only real answer for reduction of poverty and unemployment is to create opportunities for the individual to become self-motivated, increase his productivity and add his effort to the acceleration of economic growth. Human energy is the mainspring to progress. Our continuing challenge is to develop programs that spark the enthusiasm of a young man or woman who is attempting to propel himself into orbit in the mainstream of American life.

With this thought in mind, a group of determined Republicans, myself included, have coauthored legislation that we think will truly provide this type of opportunity for working Americans. Rather than creating a new bureaucracy that might inhibit the management of the program, we have chosen to accentuate the positive aspects of existing institutions and enterprises. We have introduced the Human Investment Act package. The first of two bills in this package would encourage employers to increase their job training and retraining programs significantly by permitting them to deduct as a tax credit up to 7 per cent of funds spent in such programs. When they provided the 7 per cent tax credit for machinery investment incentives, I believe they left out the most important ingredient—incentives for upgrading the qualifications of human resources. The purpose of this legislation is to correct this oversight.

The second bill would permit employers to hire persons over 45 without serious concern over the extra costs involved for health insurance and retirement plans. This, too, would be accomplished by allowing tax credits to balance, in part, any such added costs.

In case you haven't guessed it, I'm trying to use the tax structure to help create incentives for people to advance their way in life rather than destroy their initiative through excessive taxation. As we seek means of improving our education, employment, and other programs for social progress, we must seek positive means of making the tax structure a constructive tool in our way of life, not a destructive tool. Proper tax reform is the answer.

Rather than taking away initiative by way of free money and help, people should be encouraged to become motivated volunteers by permitting them to take measured tax deductions if they, in turn, accept certain social responsibilities.

This approach may not fit the Great White Father's protocol of paternalism, but it provides unlimited opportunities for a man to chart his course toward a life of dignity, self-respect, and the cherished independence that remains the dream of freemen everywhere.

Mrs. GREEN of Oregon. Mr. Speaker, I now yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentlewoman for yielding.

I am very much interested in what the gentleman from Illinois (Mr. PUCINSKI) has just said. He seems to be all over the lot this afternoon. Earlier he said in this debate—and I am sure that the transcript will show it—that he is prepared to support the substitute. I wondered at that time how he became suddenly acquainted with the provisions and details of the substitute. He has been arguing all day that he has not had a chance to see it. Yet he said earlier this afternoon in colloquy with the gentlewoman from Oregon that he would support the substitute.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mrs. GREEN of Oregon. I believe I have the floor, Mr. Speaker.

Let me make one other comment. Mr. Speaker, I think the record should also be clear that in the last several months—and I think there is abundant evidence to show this—I have gone to the chairman and to other people on my side of the aisle and to the chairman at least 20 times and perhaps 30 times and said, "When can we sit down to discuss amendments?" I want to say to my Democratic colleagues on the committee that there has been absolutely no time this year when I would not have gladly sat down and discussed possible changes. However, I was given to understand in no uncertain terms that the Democratic position on the committee was a 2-year bill with no amendments. That is the reason why I have taken the course that I have taken.

Mr. PUCINSKI. Will the gentlewoman yield?

Mrs. GREEN of Oregon. Yes.

Mr. PUCINSKI. I would like to reply to the gentleman from Iowa, who raised a good question.

As I said, I do not know what the situation of the gentleman from Iowa is on this, but this is the first chance that I have had to look at the substitute. I thought the gentlewoman did a good job in describing her bill as to what it would and would not do. We had a very frank statement by the gentleman from Minnesota as to the fact that a municipality may opt out if it wishes to continue its own program as they are now. In the light of this explanation, it was the first time I have seen or heard this explanation, and I must say that I am constrained to feel somewhat more favorable to it. But I did not know that this morning when we had to hold up action on it because we had no idea of what was in the bill. So I think that the action was consistent. Furthermore, I think that the gentleman should know we were somewhat motivated by the fact that the new director of OEO, who is a colleague of ours, came before the committee and said, "Will you give me a chance to look at this thing and come up with

some intelligent recommendations to this committee?"

And we took him at his word.

Mrs. GREEN of Oregon. All I can say is that fear does some strange things to us and the fear that there were not enough votes on the floor to carry the 2-year extension without change probably explains the change in the schedule this afternoon.

Mr. LENNON. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Speaker, I want to say that I consider myself highly honored and privileged to stand here today and say I believe that the distinguished gentlewoman in the well certainly has the highest respect and esteem of every Member of the House of Representatives.

I want to say, too, in my judgment I think while sitting here listening to her today, it is tragic that all the Members of the House are not here to hear this landmark speech.

Mr. Speaker, I know I try to be an American, a North Carolinian, and a Democrat precisely in that order. I feel that the distinguished gentlewoman has a somewhat similar political philosophy. We do not agree on everything. I am an avowed conservative and I know that the gentlewoman's feelings and love for humanity, her concern for the poor, the needy, and the uneducated is dedicated in her efforts to make this into a viable program, if it is amended in the manner which she has indicated here today.

I do not see, Mr. Speaker, how any person can in all good conscience fail to recognize what the gentlewoman has so vividly brought to our attention today, and I think that we must respect her views.

Mr. Speaker, if this legislation is to be considered, certainly it ought to be considered in the light of the amendment proposed by the ranking minority member of the Committee on Education and Labor, the distinguished gentleman from Minnesota (Mr. QUIE).

I urge the Members not only to take what the gentlewoman has said seriously, but to speak to their respective delegations in an effort to persuade those Members to give to the gentlewoman our support in this matter.

Mrs. GREEN of Oregon. I thank the distinguished gentleman from North Carolina for his very complimentary and gracious comments.

The following is the exact description of possible sources of public assistance for the hypothetical family, to which I previously referred:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., December 2, 1969.

To Hon. Edith Green.

From Education and Public Welfare Division.

Subject: Approximate dollar value for goods and services received through programs for low-income people.

As you requested yesterday, we are sending the approximate annual values of goods and services that could be received by a five-member family (a mother and four children) through various Federally-assisted programs for low-income people. Below each program title and accompanying figure, we have included an explanation of the figure and listed its source.

Public assistance $2,808

(*Explanation of figure:* This is the annual amount which a woman with four children living in Portland, Oregon, would be eligible to receive if the family had no other income. If the mother were participating in a Work Incentive program, she would receive an additional $30 a month, in addition to being eligible for free day care services for her children.

Source: Department of Health, Education, and Welfare).

Medical assistance $618

(*Explanation of figure:* In Oregon, a family receiving cash assistance under AFDC is also eligible for Medical Assistance. In the period July-December 1967, children and adults receiving AFDC in Oregon received free medical and dental treatment for which the State and Federal governments paid an average of $10.30 per person.

Source: derived from tables developed by HEW).

Food stamp benefits $336

(*Explanation of figure:* In fy 1969, a five-member Northern family would pay $912 for food stamps worth $1248—a bonus of $336

(*Source:* Dept. of Agriculture. Quoted on p. 274 of Part 2 of the Senate Select Committee on Nutrition and Human Needs on USDA, HEW, and OEO officials)

OEO legal services program $75.37

(*Explanation of figure:* average unit cost/case, fy 1968

(*Source:* OEO, November 1969. Quoted on p. 101 of Senate Subcommittee on Employment, Manpower, and Poverty hearing on Legal Services Program, November 14, 1969)

OEO comprehensive health services ... $125

(*Explanation of figure:* average annual cost of care per person in fy 1968, computed for planning purposes

(*Source:* OEO. Quoted on p. 198 of *The Great Society's Poor Law* by Sar Levitan)

Headstart $1,050

(*Explanation of figure:* total program cost per child for the year-round, part-day program in fy 1967

(*Source:* Headstart staff study. Quoted on p. 14 of the Headstart Report, February 1969)

Public housing $406

(*Explanation of figure:* average subsidy for conventional new construction units under payment in fy 1968

(*Source:* HUD. Quoted on p. 265 of Part 4 of House Appropriations Committee hearings on HUD for fy 1970)

Rent supplements $636

(*Explanation of figure:* average subsidy for units under payment in fy 1968

(*Source:* HUD. Quoted on p. 265 of Part 4 of House Appropriations Committee hearings on HUD for fy 1970)

Upward Bound $1,400

(*Explanation of figure:* Maximum Federal contribution per enrollee.

Source: Catalog of HEW Assistance, August 1969).

Educational opportunity grants $500

(*Explanation of figure:* Estimated average grant in FY 1969.

Source: Catalog of HEW Assistance, August 1969).

NDEA loans $520

(*Explanation of figure:* Average loan.

Source: Catalog of HEW Assistance, August 1969).

Work-study program $475

(*Explanation of figure:* Average earnings, FY 1969.

Source: Catalog of HEW Assistance, August 1969).

Job opportunities in the business sectors (JOBS) $3,000

(*Explanation of figure:* Estimated unit cost for FY 1970.

Source: Department of Labor. Quoted on p. 102 of Part 1 of the House Appropriations Committee hearings on DOL for FY 1970).

Concentrated employment program ... $1,400

(*Explanation of figure:* Estimated unit cost for FY 1970.

Source: Department of Labor. Quoted on p. 102 of Part 1 of the House Appropriations Committee hearings on DOL for FY 1970).

Neighborhood Youth Corps summer and school programs $450

(*Explanation of figure:* Estimated participant cost for FY 1970. Includes State and local cost sharing.

Source: Bureau of the Budget. Quoted on p. 144 of the Special Analyses of the FY 1970 Budget).

As you requested this morning, we are sending the approximate annual values of goods and services that could be received by a nine-member family (a mother and eight children of which two children are preschoolers, eligible for Head Start; two are in elementary school; three are in high school; and one is in college) through various Federally-assisted programs for low-income people. Below each program title and accompanying figure, we have included an explanation of the figure and listed its source.

Public assistance $5472

Explanation of figure: This is the annual amount which a woman with eight children living in Portland, Oregon, would be eligible to receive if the family had no other income. If the mother were participating in a Work Incentive program (institutional and work experience training), she would receive an additional $30 a month, in addition to being eligible for free day care services for her children.

Source: Department of Health, Education, and Welfare.

Medical assistance $1112.40

Explanation of figure: In Oregon, a family receiving cash assistance under AFDC is also eligible for Medical Assistance. In the period July-December 1967, children and adults receiving AFDC in Oregon received free medical and dental treatment for which the State and Federal governments paid an average of $10.30 per person per month.

Source: Derived from tables developed by HEW.

Food stamp benefits $528

(*Explanation of figure:* in fy 1969, a nine-member Northern urban family at the poverty level would pay $1,560 for food stamps worth $2,088—a bonus of $528.

Source: Dept. of Agriculture. Quoted on pp. 273–275 of Part 2 of the Senate Select Committee on Nutrition and Human Needs on USDA, HEW, and OEO officials).

OEO legal service program $75.37

(*Explanation of figure:* average unit cost/case, fy 1968.

Source: OEO, November 1969. Quoted on p. 101 of Senate Subcommittee on Employment, Manpower, and Poverty hearing on Legal Services Program, November 14, 1969).

OEO comprehensive health services[1] ... $125

(*Explanation of figure:* average annual cost of care per person in fy 1968, computed for planning purposes.

Source: OEO. Quoted on p. 198 of *The Great Society's Poor Law by Sar Levitan*).

Headstart ($1,050.00 × 2) $2,100

[1] Though a welfare family may be eligible for both Medicaid and OEO Comprehensive Health care, presumably they would not actually be receiving both services.

(*Explanation of figure:* total program cost per child for the year-round, part-day program in fy 1967.

Source: Head Start staff study. Quoted on p. 14 of the Head Start Report, February 1969).

Public housing [2] ---------- $406

(*Explanation of figure:* average subsidy for conventional new construction units under payment in fy 1968.

Source: HUD. Quoted on p. 265 of Part 4 of House Appropriations Committee hearings on HUD for fy 1970).

Rent supplements [2] ---------- $636

(*Explanation of figure:* average subsidy for units under payment in fy 1968.

Source: HUD. Quoted on p. 265 of Part 4 of House Appropriations Committee hearings on HUD for fy 1970).

Upward bound ($1,440×3) ---------- $4,320

(*Explanation of figure:* maximum Federal contribution per enrollee)

(*Source:* Catalog of HEW Assistance, August 1969)

Educational opportunity grants ----- $500

(*Explanation of figure:* estimated average grant in fy 1969)

(*Source:* Catalog of HEW Assistance, August 1969)

NDEA loans ---------- $520

(*Explanation of figure:* average loan)

(*Source:* Catalog of HEW Assistance, August 1969)

Work-study program ---------- $475

(*Explanation of figure:* average earnings, fy 1969)

(*Source:* Catalog of HEW Assistance, August 1969)

Job opportunities in the business sector (JOBS) * ---------- $3,000

(*Explanation of figure:* estimated unit cost for fy 1970)

(*Source:* Department of Labor. Quoted on p. 102 of Part 1 of the House Appropriations Committee hearings on DOL for fy 1970)

Concentrated employment program* ---- $1,400

(*Explanation of figure:* estimated unit cost for fy 1970)

(*Source:* Department of Labor. Quoted on p. 102 of Part 1 of the House Appropriations Committee hearings on DOL for fy 1970)

Neighborhood Youth Corps summer and school programs ($450×3) ---------- $1,350

(*Explanation of figure:* estimated participant cost for fy 1970. Includes State and local cost sharing)

(*Source:* Bureau of the Budget. Quoted on p. 144 of the Special Analyses of the fy 1970 Budget)

All of the figures listed above are estimates and inevitably involve some overlapping of services. In addition, it is highly unlikely that one family would be receiving cash and services under all of these programs.

We hope that this information will be of value to you and that you will contact us if we can assist you further.

[2] Alternatives; one family can't receive both types of payments.

*A public assistance recipient referred to job training would be eligible to receive only a $30 a month training grant, in addition to the public assistance payment, plus an exemption for work experience. The recipient would not receive the figures listed above for JOBS or CEP; those figures refer to the amount expended by the Federal government to train any individual for employment.

Mrs. GREEN of Oregon. Mr. Speaker, the following is a partial listing of the over 50 legislative authorities for preschool day care and other preschool programs, all largely uncoordinated with each other:

DAY CARE PRESCHOOL PROGRAMS AUTHORIZED BY CONGRESS

Agency and program	Program purpose	Program effect on children	Program budget
Office of the Secretary: HEW, Head Start (title II, Economic Opportunity Act).	A comprehensive early childhood development program for preschool children. Family involvement is included.	Direct program specifically for children.	$338,000,000.
Parent and Child Centers (title II, Economic Opportunity Act).	Center established to help families function effectively and for direct services to children.	Direct	$5,000,000 (1969).
HEW: Social Rehabilitation Service, Community Services Administration, social services to families and children receiving AFDC (title IV, Social Security Act).	Social services to needy families with dependent children to help the family maintain and strengthen family life.	Direct and indirect.	
Child Welfare Services (title IV, Social Security Act).	Grants-in-aid to State welfare agencies for (1) preventing or remedying neglect, abuse, delinquency; (2) protection and care for homeless child; (3) protecting children of working mothers; (4) providing for foster and day care.	Direct	$7,276,000 (day care services).
Child Welfare Training Grants Program (title IV, Social Security Act).	Grants to institutions of higher learning to assist in training students in the field of child welfare. May also include training of volunteers to serve in child welfare programs.	Indirect	
Child Welfare Research and Demonstration Grants Program (title IV, Social Security Act).	Grants to institutions of higher learning and nonprofit agencies or organizations engaged in research related to child welfare for research and demonstration projects in the area of new methods or facilities relating to child welfare.	do	$2,725,588 (day care demonstration and other projects).
Child Care for the Work Incentive Program (WIN) (title IV, Social Security Act).	Grants to state welfare agencies to provide child care services for WIN enrollees.	Direct	$56,140,000 (preschool and school age).
SRS, Administration on Aging, Foster Grandparents Program.	To employ low-income persons over 60 for purpose of establishing a continuing "grandparent" relationship with children under 17 (usually deprived) in an institutional setting.	Direct and indirect	
Retired Senior Volunteer Program	When program is started will recruit and train people over 60 for community volunteer work.	do	
HEW: Office of Education (title I, ESEA)	Federal aid to State for educational programs for deprived children. Program designed as comprehensive education program involving coordinated use of resources from other programs.	Direct	$58,112,000 (preschool kindergarten).
Title I—ESEA migrant program	Grant awards to State education department to assist in education of migrant children.	do	$2,723,664 (1969).
Follow-Through (title II, Economic Opportunity Act).	Designed to augment and build upon gains made by poor child in Headstart or similar programs in kindergarten through 3 years of schooling. Comprehensive program to meet child's instructional, physical, and social needs.	do	58,000,000.
Handicapped Children's Early Education Assistance Act.	Demonstration program to establish education development centers for handicapped children.	do	$1,000,000 (1969).
Aid to State schools for the handicapped (title I—ESEA).	Provides grants to State to assist in education of handicapped children in State-operated or supported schools for the handicapped.	do	$36,690,000, (preschool cannot be broken out).
Education for the handicapped (title VI A—ESEA).	Grants to States to assist in the initiation, expansion, and improvement of special education.	do	$4,000,000.
Research and demonstration projects (title III, Mental Retardation and Facilities and Community Mental Health Centers Construction Act of 1963).	Support for research and related activities for education of handicapped children.	Indirect	$2,806,888 (preschool and school age).
Education research and related activities (Cooperative Research Act of 1954 as amended by ESEA).	Educational research and related activities for children of all ages	do	$4,716,883 (all ages).
Training program for early childhood educational personnel.	Awards to universities and State and local education agencies to conduct training programs to improve the qualifications of individuals serving in educational programs.	do	
PHS—Health Services and Mental Health Administration, maternal and child health grants (title V, Social Security Act).	Grants to States to reduce infant mortality and promote the health of mothers and children particularly in areas of economic distress.	Direct and indirect	Not specific for preschool.
Maternal and child health research (title V—SSA).	Grants to improve the operation, usefulness, and effectiveness of maternal and child health programs.	Indirect	
Maternity and infant care (title V, SSA)	Projects to reduce infant and maternal mortality and to reduce incidence of retardation and other handicaps associated with childbearing.	Direct	$38,550,000 (total).
Crippled children's services (title V, SSA)	Grants to States for services to crippled children and for services for conditions leading to crippling.	do	$58,000,000 (total).
Comprehensive health care for children and youth (title V, SSA).	Comprehensive health care to children of low-income families who would not otherwise receive the services provided.	do	$40,905,000 (preschool and school age).
Training of professional personnel (title V, SSA).	Grants for training of personnel for health care and related services for mothers and children.	Indirect	
Migrant health program (sec. 310. Public Health Services Act).	Grants to improve the health status of migratory farm workers and their dependents.	Direct	$8,000,000 (1969 program total, 25 percent under 6).

DAY CARE PRESCHOOL PROGRAMS AUTHORIZED BY CONGRESS—Continued

Agency and program	Program purpose	Program effect on children	Program budget
Regional medical program (title IX. Public Health Service Act).	Grants to assist in establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals in fields of heart disease, cancer, strokes, and related diseases.	Indirect	$1,667,000.
Maternal and child health program of the Indian Health Service (Transfer Act of 1955).	Promote and upgrade general health of Indian population	Direct	Preschool amount cannot be broken out.
National Institute of Child Health and Human Development (Public Health Service Act sec. 441).	To foster, conduct and support research and training in basic biological and behavioral sciences relating to child health and development.	Indirect	$15,493,000 (estimate).
Office of Economic Opportunity: Migrants and seasonal farm workers program (title III–B, EOA).	Camp social services for farm labor families	Direct	$1,400,000 (day care).
Concentrated Employment program (title I, EOA, title II, MDTA).	Brings together all available manpower programs under single sponsorship	Indirect and direct (day care)	(1969) $6,374,196 (not all projects responded).
Department of Agriculture: School Milk Program (Child Nutrition Act).	Increase consumption of milk by children in nonprofit schools, institutions, camps and day care centers (confined with expanded food program in fiscal year 1970).	Direct	$103,595,000 (all children 1969).
Department of Housing and Urban Development: Model Cities Program (Demonstration Cities and Metropolitan Develop Act of 1966).	To improve the physical, social and economic conditions of a large blighted neighborhood. Planning and supplemental grants and urban renewal projects are included.	Indirect and direct	$10,565,000 (day care).
Department of the Interior: Kindergarten Program for Indian Children in Federal Schools (25 U.S. Code 13).	Kindergarten classes for Indian children operated in Federal facilities	Direct	$1,850,000 (kindergarten).
Johnson-O'Malley Program of Aid for Public Schools (25 U.S. Code 452)	Financial aid to public schools to provide kindergarten for reservation Indian children.	do	$2,300,000 (kindergarten).

The following is a most interesting article from the Hard Times which offers some very discerning observations relative to the common-law marriage between OEO and its vast army of private satellites. My own investigation of the burgeoning "poverty industrial complex" suggests that this is an issue which should concern all Americans.

GAMES POOR PEOPLE PLAY

Probably the most enduring monument to the War on Poverty is the creation of a poverty industry. There are more than 100 companies in Washington, D.C., alone which specializes in consulting, studying and evaluating the poor and the programs which serve them. They run in size from five- or six-man outfits to large organizations such as the American Institutes for Research or Stanford Research Institute. While these firms are often ridiculed in the newspapers and viewed with disdain by government bureaucrats, the companies flourish.

In many instances the companies are initiative of New Deal institutions. High-minded reformers joined the Kennedy or Johnson administrations determined to wipe out poverty, only to end running companies whose profits are dependent on the existence of the poor. Sometimes the poverty firms are merely holding operations for out-of-office politicians. In a more fundamental sense, however, the emergence of the industry reflects efforts made over the past decade to contruct a sort of poverty technology, a way or ways for manipulating human behavior. In this instance the governing idea has always been to boost the ghetto poor up into jobs and hence into the "middle class." So far these efforts haven't come to much. The lines of poverty in the United States have deepened and hardened, if anything. But still the search for the technology, financed by the government, continues.

While the poverty companies are nominally expected to maintain a discreet distance from the federal agencies with which they do business, the personnel are drawn together by professional bonds, and in the end, interests of the companies and the government seem nearly identical. The transition from poverty program to poverty company seem natural. When Bertrand Harding left his post as acting OEO director earlier this year, he simply moved down the street to Fry Consultants, a poverty combine. As deputy director of VISTA, Leo Kramer was charged with recruiting and selecting VISTA workers. Now, as head of Leo Kramer, Inc., he receives VISTA funds to run his own VISTA program for Mexican-Americans. Earlier, this year, Leveo Sanchez resigned his job as OEO director for the mid-Atlantic region and now heads a consulting company with OEO contracts in the mid-Atlantic region. As manpower administrator in the Labor Department, Stanley Ruttenberg gave Phoenix, Arizona, $3.5 million in job training funds two years ago. The city fathers of Phoenix recently hired Stanley Ruttenberg Associates, headed by the former administor, to evaluate the project. Ruttenberg also acts in an advisory capacity to the Watts Labor Action Committee. As manpower administrator, he awarded the Watts group $2 million for a youth program earlier in January.

Last spring there was a flurry of protest within OEO when RAND, the Air Force think tank, sought a remedial education contract from the OEO's research office. OEO employees were bitter over what they believed to be favored treatment given RAND. OEO's research office was established in 1964, and the first director, Joseph Kershaw, came from RAND. His successor, Robert Levine, also was a RAND man. While he ran the research office, Levine handed out two contracts worth $600,000 to RAND. They were "sole source" contracts which meant other companies could not bid for the work. One OEO official who didn't want RAND to get the contracts remembers protesting to Levine. Levine pointed out RAND's superior technical prowess then arranged a meeting between the disgruntled official and RAND experts. Both the contracts went through under Levine, but the remedial education project was squashed.

Black poverty companies are not numerous and black capitalists bitterly assail discriminatory policies at OEO which prevent them from breaking into the market. Even so there are exceptions to the rule. Mark Battle left the National Urban League to become head of the Bureau of Work Training Programs in the Labor Department under LBJ. There he shoveled $9 million in job projects back to the Urban League. Battle quit Labor along with the other Democrats this year, and then surfaced as head of Mark Battle Associates, a consulting company which advises the Urban League on economic development.

Sometimes the studies undertaken by poverty companies are baffling. For instance, the Transcentury Foundation, a branch of Transcentury Corp. (began by ex-Peace Corps deputy director Warren Wiggins) is in the midst of an evaluation of different sorts of youth programs for the Justice Department Eventually Transcentury plans to create a "typology" of such programs. The foundation believes a typology will be helpful to future groups of youths who want to start their own uplift projects. Transcentury divides youth programs according to a number of categories: evolutionary vs revolutionary rational vs irrational; incremental vs simultaneous, and pro- or anti-confrontation.

Last summer Transcentury made another survey of youth programs for OEO. The survey was called "Not Our Thing." To do the job, Transcentury hired black people to interview the ghetto residents, while the company personnel asked for opinions from the establishment. In general the black youngsters who were queried said they thought the youth programs were con jobs, aimed at averting riots and they seemed more militant than ever before. Transcentury never sought to come to grips with the basic problems which the study revealed. Rather, the company suggested programmatic changes which had the effect of helping the government oppress more effectively.

On some occasions it almost seems as if poverty programs have been set up so that the poverty companies can loot them. Take the case of the Peoples Involvement Corporation (PIC), a Washington, D.C., development corporation, financed with OEO money. PIC is one of fourteen development corporations sponsored by OEO. The original idea was to encourage ghetto residents to form a company in which they would hold stock. The company could then enter into various business operations which would employ the ghetto residents—such things as running restaurants, cleaning establishments and construction companies. PIC someday plans to operate a printing press. At the moment, however, PIC has a small staff and operates one neighborhood center where people come and then are routinely referred to other governmental agencies. Although PIC is not of any real value to poor people living in Washington, it has been immensely profitable to some of the poverty companies. When it was funded by the government, OEO also paid OSTI (The Organization for Social and Technical Innovation) of Cambridge, Mass., to advise Peoples Involvement Corp., along with four other new development corporations. OSTI was given a contract to help the new enterprises devise future plans, set up elections and generally organize themselves into effective units. But OSTI's consultants rarely showed up at PIC and they inevitably had to fly out of town to make their next appointment just as the discussion was getting down to brass tacks. Finally, OSTI sent a long tape recording of its ideas to OEO. The Peoples Involvement Corporation never received the tape. If PIC didn't get much help from OSTI, it got not help at all from Heliodyne, a firm which had a $125,000 OEO contract to assist neighborhood groups find out about the people coming to the service cen-

ters, that is, find out who the people were, where they came from, and what they wanted. Heliodyne didn't show up at PIC until one month before its contract expired. It then suggested using special application forms, and asking people questions such as where do you come from, do you want medical help, and so on. In the end Heliodyne asked PIC to help write conclusions to the report and they were sent along to OEO. After OSTI and Heliodyne finished with PIC, Harbridge House, another Cambridge firm, entered the picture. Harbridge House specializes in Navy procurement problems. It gained fame during the Korean war for figuring out ways to help the Navy purchase more efficiently. Having set up a system for the Navy, Harbridge House then turned around and hired out to the shipping companies which were selling to the Navy. Recently Harbridge House decided to diversify and plunged in to poverty. It is supposed to be helping PIC set up a printing plant. So far, however, nobody has called at PIC's office.

The consultants usually shuttle back and forth, between business and government with some regularity, playing off contacts in one place against those in another. One grows giddy trying to follow the deals. For instance, Robert Freeman worked at the State Department in the 1950s, then quit and began insurance companies in Africa. He soon tired of this, and sold the companies to the Nigerian and Ghanaian governments. Back in the US, Freeman joined with Robert Cole, a former AID official, in setting up a consulting business. Utilizing Freeman's knowledge of the insurance business and Cole's AID contacts, the company prospered on an AID contract which called for them to make insurance surveys in Africa with an eye to persuading Americans to invest in the business there. At that point, Freeman and Cole branched into the poverty business. They were employed by CBS, the Ford Foundation and Mobil Oil to scout likely looking blacks who could be hired as executives. Last year Freeman quit the company, and Cole picked up Leveo Sanchez, OEO's mid-Atlantic regional director, as a replacement. Sanchez, who had also worked in AID, brought some Latin American business, along with poverty contracts. But Cole and Sanchez didn't get on, and not long ago, the two split up. Cole now runs his own consulting company, and Sanchez directs two poverty firms.

Sterling Livingston, a Harvard business professor, is among the sharpest and most successful operators in the poverty business. Livingston's specialty is purchasing ramshackle companies and building them up. Since the Second World War the professor has owned half a dozen such firms and his activities range all the way from helping the Navy buy ship parts to the manufacture of industrial diamonds. Lately, Livingston has been intrigued with the possibilities in education and poverty, and he tacked together Sterling Institute, a mini-conglomerate with offices in Boston, New York, and Washington. The institute consists of various centers; they operate pretty much on their own, making films, advising banks how to train tellers, etc. Some of the centers were begun from scratch, while others are rebuilt shells of companies. One of the shells Livingston picked up was that of a moribund firm called Human Resources Development Co., begun by David D. McClelland, the Harvard psychologist and motivation expert. This was a clever move, for Livingston was in effect buying McClelland, his graduate students, and proteges in the university community. The company was renamed the Behavioral Science Center. Its work ranges from developing motivational leadership courses for fraternity boys to helping the Navy chaplain "make the transition from his role as pastor to a manager and supervisor." The Center developed the motivational comic book which the Labor Department distributed among poor blacks. The leading character in the comics, a chocolate sport, is invariably pictured standing in the street, surrounded by shattered glass and overflowing garbage cans and yelling at his freaky pals nodding in the doorways. "Power is green, Baby," he implores. On the back side of the comic is an employment application form made in the shape of a dollar bill.

Last year Sterling Institute won a $200,000 contract to train poverty workers in the Delmarva Peninsula, a stretch of backward country in Delaware, Maryland and Virginia. Livingston wanted to do research in the area, but OEO officials said that would not look proper, and if he wanted to do research, it must be done under the "guise" of training. Since Sterling didn't know anything about Delmarva, and was scarcely in a position to train people to do any thing, the company decided to give the prospective poverty workers a dose of McClelland's motivational stuff. First, Sterling showed the poverty workers how to sensitize themselves. They tossed rings onto stakes from different distances in an effort to discover whether or not they set unrealistic goals for themselves. Then, they played the popular disarmament game where the workers choose up sides and sit in different rooms and simulate attacking one another. Eventually the teams "disarm" as they came to understand that this is the only way they can win. The game is meant to recreate the bargaining situation that exists between poor people and the local government, where each side has something the other wants. Or, as a Sterling employee puts it, "The power structure may be willing to give something to avoid having the city burned."

After a go at the games the poverty workers learned what might be made to happen in their territory by feeding information into a computer simulation called "Charlie." The training program is just now coming to a conclusion, and while it is unclear what, if anything, will happen to the poor in Delmarva, Sterling is doing well indeed, having already secured contracts to repeat the training in North Carolina, Kentucky and West Virginia. Sterling also has a contract in Pennsylvania where it will move into communities giving people psychological tests, and in this way, having spotted the leaders, instruct them how to motivate the masses to follow them out of poverty.

"Sensitivity training," as this sort of instruction is often called, has been adopted by other companies as well. The Human Development Institute, a subsidiary of Bell and Howell, devised a training kit for the National Alliance of Businessmen, and is now also trying to peddle it to poverty groups. The kit contains material to help managers deal with poor black people in a more understanding way. For example, there are black and white masks. In one kit a black masked man plays he is coming to work late. He is confronted by his supervisor who is wearing a white mask. In this way, white employees get to feel what it is like to be a black man. In another exercise foremen pair off. One foreman closes his eyes and he is lead around by the other foreman for 10 minutes, enough time for him to see how entirely dependent a new employee must feel. Jerome Berlin, who heads the Institute, explained why the kit was made this way: "All of us were hurting with the racial problem. We felt we needed to get at it in some way, that it was tearing the fabric of our culture . . . . I don't think social consciousness has to conflict with making a profit—The two parallel each other. . . . In fact, I believe any real contribution to our social environment has a right to profit." Bell and Howell's chairman, Peter G. Peterson, goes further: "I not only see nothing wrong with industry's profiting from social ills, but I think it's the best way to cure them. It puts a strong incentive, the profit motive, behind the cure."

Not everyone is so enthusiastic about McClelland's motivational methods, and those who shy away from this blunt method may prefer the "operant psychology" pioneered by B. F. Skinner and his followers. Motivation Training Specialists, of Baltimore, is attempting to condition slum youngsters in this manner with OEO funds. The idea is that the consequences of a person's actions determine whether or not these actions are repeated. The poor behave in certain "nonadaptive" ways because they have learned to expect certain rewards for such behavior. So to upgrade the lives of the poor, it is important to teach them new behavior patterns. Motivation Training Specialists will soon begin a 21-day training scheme for high school dropouts. The teenagers will be isolated in a "Utopian community" for three weeks. There they will receive points for suitable behavior, such as completing a lesson, and on collecting enough points, they qualify for a reward: a movie, cigarettes or candy. Last winter Motivation Training Specialists ran a residential training session for 24 members of the West Central West Virginia Community Action Agency. The members, many of them poor, began by playing games as they arrived at the campsite. One group was required to negotiate to obtain mattresses to put on the beds. Another group was separated and the members were asked to negotiate a reunion. And a third group was dumped onto the roadway before reaching the campsite. They had to negotiate entrance to the camp. Jerome Breslaw, of the Motivation Training staff later explained the purpose of the games: "In order to emerge from a state of physical deprivation—analogous to that experienced by the poor—the training team members had to organize themselves into units which could effect changes in their environment through negotiations with each other and with management." While it may have seemed to the untrained observer that poor people were being asked to simulate being poor people. Breslaw maintained that was not the case. "No simulation situations were provided," he said. "In fact, simulation and role playing were excluded from the training design . . . that which arose, arose naturally."

FRANCES LANG.

Mrs. GREEN of Oregon. Mr. Speaker, the following remarks provide examples of three private firms which now have or previously enjoyed "support contracts" with the Office of Economic Opportunity. All three organizations involve former OEO personnel. These are only examples of what is going on; a careful review of this information should raise quite a few questions in the reader's mind.

CYBERN-EDUCATION, INC.

Contract number	Program office	Date executed	Amount	Purpose
B89-4481	Job Corps	May 13, 1968	$31,471	Development of vocational training assessment instrument.
B99-4712	Upward Bound	Oct. 25, 1968	24,962	Study of parental involvement in Upward Bound.
B99-4849	CAP	May 8, 1969	130,000	Evaluation of Newgate Demonstration Projects.
Total (3)			186,433	

The following information concerns the circumstances surrounding Dr. Thomas Gaddis' employment with Cybern to perform evaluations of OEO Newgate projects.

On February 12, 1969, requests for proposals to evaluate four Newgate demonstration projects were solicited from 38 potential bidders. Eighteen proposals were received by the closing date of March 4, 1969, and technically evaluated by OEO program personnel by April 14, 1969. The technical evaluation memorandum stated that only three of the 18 proposals were acceptable—those submitted by Prof. Thomas E. Gaddis, of $121,051; Consulting Services Corp., $213,726; and Cybern-Education, Inc., $88,702. The evaluators rated the three in the order given above, commenting that Dr. Gaddis' proposal showed greater knowledge of program purposes and understanding of evaluation problems. The evaluation memorandum also stated that because Dr. Gaddis had served as project director for the Oregon State Prison project it was not recommended that he be awarded the contract directly, but that he be the principal investigator in this effort under the aegis of either Consulting Services Corp. or Cybern-Education, Inc.

OEO contract files contain a memorandum dated April 15, 1969, to an OEO contracting officer which states that Dr. Billings, project manager, Upward Bound, had checked with Cybern and that Cybern was agreeable to hiring Dr. Gaddis for the evaluation contract. On April 29, 1969, Cybern sent a letter to OEO confirming that it was Cybern's intention to employ Dr. Thomas Gaddis as a regular full-time employee of the corporation and that his assignments would include the Newgate project evaluations, excluding the Oregon project. After increasing the work requirement of the proposed contract from the evaluation of four Newgate projects to five, Cybern-Education, Inc., was awarded OEO contract B99-4849 on May 8, 1969. The contract states that Dr. Gaddis will "participate in fieldwork in the evaluation of four of the five Newgate sites, excluding the Oregon project."

LEO KRAMER, INC.

Contract number	Program office	Date executed	Amount	Purpose
OEO-2396	Job Corps	Jan. 6, 1967	$22,000	A new model for JC training.
OEO-4054	VISTA	May 17, 1967	22,384	Study of regional management and control systems.
OEO-4082	VISTA	May 22, 1967	215,463	VISTA training program.
OEO-4088	CAP	June 1, 1967	6,231	Analyze and assess CAP manpower programs.
B89-4304	VISTA	Nov. 29, 1967	14,133	Assess and evaluate VISTA volunteer Citizens Corps.
B89-4514	VISTA	May 20, 1968	1,214,216	Support for VISTA associate programs.
B89-4540	VISTA	June 20, 1968	37,973	VISTA training program.
B99-4748	VISTA	Oct. 15, 1968	255,113	Administrative support for minority mobilization project.
B00-5062	VISTA	Oct. 9, 1969	185,399	In-service training for minority volunteers—southwest region.
Total (9)			1,972,912	

Seven of the nine contracts awarded to Leo Kramer, Inc., were for VISTA support services and amounted to $1,944,681 of the total $1,972,912 contract awards to Kramer. Six of the seven VISTA contracts to Kramer were awarded on a sole source basis; that is, without any competition. For the remaining VISTA contract B89-4514, six requests for proposals were sent out by OEO on April 26, 1968, and by the deadline of May 6, 1968, two proposals were received, one from Leo Kramer, Inc., for $600,664, and one from Policy Management Systems, Inc., for $885,934. However, Policy Management Systems, Inc., headed by Mr. Gary Price, another former OEO–VISTA official, subsequently withdrew its proposal for no stated reason. As a result, Leo Kramer, Inc., was, in effect, a sole source supplier on B89-4514.

Leo Kramer was employed by OEO on a full-time consultant basis in the position of Associate Director, Selection and Training Division, VISTA, from February 1, 1965 to January 22, 1966, at a salary rate of $90 a day. Mr. James M. Harkless who was Executive Secretary, OEO, from March 14, 1966, to August 18, 1967, later received employment with Leo Kramer, Inc., and negotiated for OEO contract B89-4514 dated May 20, 1968, as a Leo Kramer, Inc., official.

COLE, SANCHEZ AND ASSOCIATES INC.

Contract number	Program office	Date executed	Amount	Purpose
OEO-4136 [1]	VISTA	June 12, 1967	$24,500	Study to measure effectiveness of VISTA summer associates programs.
OEO-4214 [1]	VISTA	June 28, 1967	90,238	Design and test objective criteria for evaluating the effectiveness of VISTA projects.
B99-4956 [2]	Reg. II	June 30, 1969	47,852	Evaluation of CAAs in Mid-Atlantic region.
B99-4970 [2]	Reg. IV	do	77,497	Evaluation of training programs for CAA's in the Great Lakes region.
B99-5011 [2]	Reg. II	do	38,306	Evaluation of training programs for CAA's in the Mid-Atlantic region.
B99-5030 [3]	Reg. V	do	95,000	Technical assistance and support of OEO/CAP Planning Development Programs.
Total (6)			$373,393	

[1] Contract with Freeman, Cole and Associates, Inc.
[2] Contract with Cole, Sanchez, and Associates, Inc.
[3] Contract with Hispanic-American Community Development Corp.

The following information concerns former OEO Mid-Atlantic Regional Director, Leveo Sanchez, and his involvement with Cole, Sanchez & Associates, Inc., as well as other consulting firms which have been awarded OEO contracts.

Leveo V. Sanchez was OEO's mid-Atlantic regional director from early in calendar year 1967 to September 6, 1968, at which time he resigned. Although the date on which Cole, Sanchez & Associates was incorporated was not ascertained, its application to be added to OEO's bidders list was dated October 3, 1968. The principal officers of Cole, Sanchez & Associates were Robert L. Cole, president and treasurer; and Leveo V. Sanchez, senior vice president and secretary.

Prior to the formation of Cole, Sanchez, Robert Cole had been the vice president of Freeman, Cole & Associates, Inc., a small business concern which had received two OEO VISTA contracts in June 1967 as shown above. This organization was dissolved in about October 1968, the approximate time period during which Cole, Sanchez was organized.

In July 1968, Leveo Sanchez formed another corporation named Hispanic-American Community Development Corp. Principal officers of Hispanic, a subsidiary of Cole, Sanchez, are as follows: Leveo V. Sanchez, president; Daniel K. Trevino, vice president; J. Homer Garza, secretary; and Peter B. Davis, treasurer.

All of the Hispanic officers had prior experience with OEO programs, either as direct OEO employees or as employees of OEO-funded community action programs. Daniel Trevino had been employed as an OEO consultant, and, as was the case with Mr. Garza, had also been employed through community action programs.

Peter Davis was a direct OEO employee who had worked in the mid-Atlantic region from 1966 until his resignation on September 13, 1968. During Mr. Davis' employment with OEO's mid-Atlantic regional office, he held the positions of special assistant to the regional director and acting deputy CAP regional administrator. In this latter position, Mr. Davis was responsible for assisting in the development of the first regional CAA evaluation system. Following Mr. Davis' resignation, he was also employed by Cole, Sanchez as project director for contracts B99-4956 and B99-5011, both of which involved performing evaluation services of CAAs in OEO's mid-Atlantic regional area.

On July 21, 1969, Cole, Sanchez & Associates, Inc., was dissolved, and Leveo Sanchez formed another firm named Development Associates, Inc. As of October 1969, no OEO contracts had been awarded to Development Associates, Inc.

You will recall my previous reference to the "poverty industrial complex." Of contracts that are available to me, I have been able to identify over one-half a billion dollars spent by national OEO alone for various "secondary" or "support" services. The exact amount is $573,306,273. I would emphasize: that amount was spent for so-called "secondary services" out of a total appropriation to OEO

through fiscal 1970 of only $7.7 billion. I would also emphasize that this amount excludes the sums given in contracts to the States or State agencies. This money goes to private firms.

These support activities include evaluation and study; legal assistance; technical assistance and physical support of every kind. Physical support includes such functions as data processing; publications and films for publicity and training; equipment; general supplies; construction and maintenance of buildings, offices, training centers, and other facilities.

The following is a partial listing of the multitude of services covering a fantastic range for which OEO contracts to private organizations on a national level:

Appraisal	Speaking
Development Programs	Studies
Clothing	Testing
Curriculum	Training
Data Processing	Transportation
Engineering	Travel Expenses
Entertainment	TV & Radio & Records
Equipment	Health Services (Insurance)
Evaluation	Information Storage
Exhibits	Child Development Centers
Film	Check Disbursement
Legal Services	Administrative and Clerical Services
Loan Services	Accommodations
Mailing	Recreation
Maintenance	Audit
Panel Discussions and Conferences	Logistics
Police Patrol	Placement and Follow-up
Publicity	Professional and Consultant Services
Recruitment, Placement	
Reports	

EVALUATION CONTRACTS AND GRANTS

On the basis of contracts available to me, between December 1964 and September 1969, OEO has authorized 157 evaluations, at a total cost of $31,311,236. The following is a breakdown of where the money was spent:

[Number of evaluations and total amount]

Program evaluated:	
Headstart (44)	$9,980,933
CAP and CAA (29)	6,368,869
Manpower programs (5)	1,879,867
Special impact programs (3)	927,516
Neighborhood centers (4)	814,535
Job Corps (8)	700,096
Upward Bound (6)	537,866
VISTA (8)	430,174
CEP (2)	371,791
Model cities (1)	300,000
EOA, section 232 programs (3)	242,908
Legal services programs (4)	150,718
Training resources for youth (1)	17,567
Other evaluations that cannot fall into any particular program (47)	8,566,863
Total (157)	31,311,236

EXAMPLES OF EVALUATIONS OF SPECIFIC CAPS BY NATIONAL CONTRACT OR GRANT

OEO–935. Human Sciences Research, "Research evaluation of CAP on American Indian reservations; 1/26/66–9/1/66, $112,000.

OEO–973. Emory University, "Study and evaluation of CAP in Atlanta;" 3/14/66–12/31/67, $537,477.

OEO–1242. Western Behavioral Sciences, "Study and Evaluation of CAP in San Diego;" 4/20/66–12/15/67, $374,377.

OEO–1314. Community Studies, Inc., "Study and Evaluation of CAP in Missouri;" 5/27/66–2/29/68, $311,060.

OEO–1373. Trustees of University of Pennsylvania, "Study and Evaluation of CAP in Baltimore;" 6/29/66–5/1/68, $432,922.

OEO–2265. TRACOR, Inc., "Study and Evaluation of CAP in Austin, Texas;" 8/30/66–4/14/68, $341,308.

B89–4352. Western Behavioral Sciences Institutes, "Evaluation of CAP programs in San Diego;" 12/16/67–9/15/69, $382,635 (see OEO–1242).

B89–4452. TRACOR, Inc., "Study and Evaluation of CAP in Texas;" 4/15/68–10/10/69, $329,863 (see OEO–2265).

B89–4593. University of Pennsylvania, "Continuation of Study and Evaluation of CAP Program in Maryland;" 5/1/68–3/1/70 (see OEO–1373), $498,012.

There have been 29 separate contracts let between December 1964 and September 1969 to evaluate CAP functions. They represent $6,368,869. Nine of these 29 have been for evaluation of specific CAP'S. These nine contracts total $3,355,654.

Here is an interesting excerpt from a CAP newsletter in which a Headstart program director from the Northwest comments on the problems of private contracts:

Head Start has nine consulting firms, each with government contracts that probably total several hundred thousand dollars, if not millions. What they do with that money is the first question. The second is . . . why?

FUND (Foundation for Urban and Neighborhood Development) is one. Its purpose is to train Head Start parents, or provide for their training. At a Head Start Directors' meeting in Eugene in October, we were informed that FUND had no money to defray those parents' expenses. FUND's money is for training staff. We already do that. There was no response when we informed the FUND representative that we had no money to pay parents' expenses.

Last spring we attended a conference at Berkeley, California, on Career Development, conducted by EPI (Education Projects Incorporated). EPI paid delegates expenses. At that time we were introduced to a man from Social Dynamics, who informed us that Social Dynamics had been awarded a contract for Career Development . . . replacing EPI, which, so far as Oregon was concerned was doing a creditable job already. The man told us that we would be hearing from Social Dynamics in August. We heard . . . we received a news letter.

In October, we received an invitation for a two day meeting at the Holiday Inn in Eugene, but very carefully stated in the invitation was the fact that Social Dynamics had no funds for delegates expenses! Except for deficit spending, neither did we. There is another interesting sidelight to this little incident: Social Dynamics asked the Regional Training Officer for Oregon to arrange for a place to meet, but, very conveniently, failed to invite the RTO to the meeting. It would be interesting to know why the Head Start Training Officer for Oregon was not invited to the meeting; or how much it cost Social Dynamics for a conference at the Inn instead of the University. As far as we know, this is all that Social Dynamics has done in Oregon since the Berkeley meeting.

VOLT is a consulting firm available to Head Start (upon request) for whatever need arises. VOLT's services cost local programs nothing. We have made use of these services in the past and have been reasonably satisfied with the results.

What or who the other five firms are, I haven't the faintest notion. What they do, I know even less. Or why!

More than one Regional Training Officer has told me, or said in my presence, their entire time would be taken up with merely keeping the nine consulting firms straight, and out of their hair—if they let it happen.

At the present time, we are in the process of writing the proposal for our new fiscal year, which begins in March, 1970. We will have no more money to conduct the upcoming program, than we had for this year—and it was no more, than was available for last year's program. A career development plan is required and we have one, a reasonably good one—but it is useless. In order to give a raise to a staff member who deserves it by following the Career Development Plan, it would be necessary to cut services to children. This, we will not do, nor will we provide for cost of living increases, because it again would require cutting services to children. This summer, we received $965.00 to cover Career Development raises for staff for the final five months of our current year. When we received the figures for our coming year's budget from San Francisco (OEO) those raises were not included. To all intents and purposes—those persons on the staff who received a raise according to their accomplishments under the Career Development Plan, will lose them at the end of February. Isn't that nice for morale?

It is not necessary for a Moratorium, nor to question NASA, or the other large, government spending programs. We do not have to go *that far afield*. All we need to do is question the hundreds of thousands and millions of dollars that go to "do nothing" consulting firms—a surfeit of them.

Training is important, training is necessary. To my way of thinking only one organization has done anything for us. This organization is Supplementary Training for Head Start, which is conducted by the Division of Continuing Education of the State System of Higher Education. It has done and continues to do a superb job—but it is the only one. The others have done nothing—and at great expense. Outside of the academic training provided through Supplementary Training, we have taken care of practically all other on-the-job and in-service training ourselves, with assistance from the Regional Training Officer.

If the over-abundance of so-called training contractors aren't interesting enough to question, how about some of the funded research and study projects? I read of one, for instance, in which it took two years to conclude that school psychologists need to affect environmental changes so that school programs more nearly fit the needs of the children! Any competent teacher could have reached that conclusion over a cup of coffee! For centuries, Education tried to fit the children to the program, and that NEVER worked. Head Start, at least in Washington County, has been fitting the program to the needs of the children ever since the first summer in 1967. That is one of the basic philosophies of Head Start, and it did not take a two year study to reach that decision—nor a study grant.

Yet, we cannot take a Head Start program to more than forty-five children out of the hundreds of eligible children in the county, because next year's budget hasn't a dime more in it than this year's budget.

JOHN ULRICH,
Headstart Director.

It will also be of interest to my colleagues that an in-house evaluation of OEO evaluations, prepared at the request of a past Director, is exceedingly critical of the entire OEO evaluation effort. If I may excerpt but a few observations from that report:

It is the absence of guiding plans which lies behind most of the methodological deficiencies apparent in OEO evaluation design.

A brief look at the experience of CAP, Head Start, and the manpower programs reveals the nature of the problem.

The long-uncertain role of the CAP evaluations branch is reflected in its experience as the program's stepchild. At first, it was placed in the Office of Program Review, then in the Office of Program Operations, and finally, after more than a year of discussion, came to rest last March in the Office of Program Policy. Not surprisingly, this history accentuated CAP's problem of defining its evaluation role and devising a coherent evaluations strategy. Judging by the comments of those who now lead CAP's evaluation activities, many of the evaluations designed and conducted during this interregnum were pretty far removed from program relevance. As a result, CAP has decided to start afresh, letting the 30-odd current contracts run their course.

One example—the 3-year evaluation of eight Community Action Programs (initiated in 1966 by CAP and now supervised by RPP&E as a Type I evaluation)—indicates the thinking that was operative two years ago and is still being felt. Eight different contractors were selected to carry out this evaluation with a view to developing methodologies by which all CAPs might be evaluated. The statement of work delineated the task in broad, unstructured terms, leaving such contractor *carte blanche* in the approach to be taken and the methodology to be used. As the evaluations got underway, it became clear that the original concept was too vague and the job too large for the contractors to handle, because the project was unrealistic to begin with, CAP was forced to spend far more time working out contractor problems than would normally be necessary. With each contractor given freedom to take a different approach, CAP's monitoring task became double burdensome.

Apparently, the results have been less than satisfactory. Of the eight contractors, only two have produced something that holds promise and at least one has been dropped for refunding because of poor quality. This is a low batting average by any standard, especially in light of a total cost exceeding $1.5 million. It might be argued that this rate of loss is the price one should be prepared to pay for developing methodologies to evaluate new programs. But this argument cannot satisfactorily answer the criticism that OEO should have defined the evaluation objectives more precisely and worked closely with the contractors in developing coordinated, parallel approaches. Moreover, RPP&E thinks it necessary to launch a $350,000 national impact study of 50 CAPs which, in the end, may obviate the need for the eight CAP evaluations in the first place.

In a recent—and hotly contested—analysis of 30 Head Start impact evaluations, RPP&E concluded that ". . . it is difficult to draw general, program-relevant conclusions from the evaluation research on Head Start." They cited the absence of a guiding plan as the underlying reason.

The original legislation clearly specifies that State economic opportunities boards should provide technical assistance to prime OEO programs. Yet the total allocation to the State economic opportunities offices for their entire operations from fiscal 1965 through fiscal 1969 totals only $36.29 million. It is interesting to note that private organizations have done quite better. Contracts available to me show that $103,000,066 in OEO funds has been allocated to organizations other than State and local governments for activities described as "training and technical assistance" to various OEO programs. GAO describes these functions as "to provide training, technical assistance, and other program or office support-type services, other than to provide computer related services, general supplies, publications, or other physical support items and services." Based on this definition, GAO computed that OEO had allocated $59.9 million for training and technical assistance in fiscal 1968 and 1969 alone.

According to OEO's rather vague contract descriptions, "training" refers to training of VISTA volunteers, CAA officials, and other personnel committed to carrying out operating programs and functions. For example, training as a support function would include training of instructors for Job Corpsmen, but not the training of the Job Corpsmen themselves. In addition, according to a Fry Consultants, Inc., evaluation of the training and technical assistance, "training" also refers to the orientation of the consultants and other personnel who are to be assigned to carry out technical assistance.

The term "technical assistance" refers to any technical or administrative support-type activities that OEO has deemed necessary to the success of its operations. This includes curriculum development, consulting services, providing for such logistic requirements as transportation and disbursement, and other clerical functions. I have also included recruitment and screening in this category whenever that function was contracted to a private agency or organization.

It might be of further interest to my colleagues to note the following list of organizations, 271 in all, who have contracted with OEO for more than $100,000 worth of funds. The list excludes States and State agencies.

ABT Associates, Inc., and Consulting Services Corp	$1,502,546
AFL–CIO Appalachian Council	998,000
Alpha Kappa Alpha Sorority	10,972,787
American Academy of Pediatrics	762,552
American Association of Colleges for Teachers	321,141
American Film Institute	400,000
American Institutes for Research	311,775
American Institute of Engineering and Technology	315,725
American Psychiatric Association	100,000
American Public Welfare Association	294,605
American Technical Assistance Co	207,167
Appalachian Volunteers, Inc	529,260
Aries Corp	794,658
Arizona State University	588,052
Assist Corp.: $128,360 to $239,269. (Four different amounts of money were listed by OEO in four separate places for contract No. 4347.)	
Automation Information Data Systems	205,000
AVCO Corp	28,910,385
Baker, Jacobsen & Sanders	697,461
Bank Street College of Education	910,610
Barss, Reitzel & Associates, Inc	416,730
Basic Systems, Inc	$739,565
Battelle Memorial Institute	202,805
Bio-Dynamics, Inc	3,009,428
Blue Cross Association and National Association of Blue Shield Plans	2,503,005
Boston University	501,334
Brodhead-Garrett Co	1,701,900
Brotherhood of Painters, Decorators & Paperhangers (AFL–CIO)	179,144
Brunswick Corp	3,867,693
Bureau of Social Science Research, Inc	234,610
Burroughs Corp	16,423,392
Center for Family Planning Development (Planned Parenthood Federation)	214,000
Children's Caravan, Inc	441,289
Clarion State College	164,194
Colorado Migrant Council	112,966
Colorado State College	484,125
Columbia Pictures Corp	100,000
Columbia University	846,015
Commerce Clearing House	150,000
Communications & Systems, Inc	121,492
Community Programs & Training Consultants	234,679
Community Service Foundation	395,860
Community Studies, Inc	308,555
Computer Services Corp	1,194,902
Consolidated American Services	1,353,007
Continental Allied Co., Inc	351,888
Control Data Corp	185,500
Control Systems Research, Inc	296,359
Cooperative League of U.S.A	590,992
The Council of Southern Mountains, Inc	111,985
CUNA International, Inc	340,656
Cybern-Education, Inc	186,433
Daniel, Mann, Johnson & Mendenhall	132,203
Daniel Yankelovich, Inc	1,137,518
Day Care & Child Development Council of America, Inc	384,920
Defense Clothing & Textile Supply Center	409,481
Delta Educational Corp	9,967,000
Economic Opportunity of Atlanta, Inc	221,334
Educational Associates, Inc	2,558,176
Educational Design	382,897
Educational Development Center	251,821
Educational Projects, Inc	2,747,590
Educational Testing Service (+$1.1 million for HS evaluation)	1,022,491
E. F. Shelly & Co., Inc	253,692
Educational Data Systems Federal Corp	446,800
Emory University	634,302
Fair, Isaac & Co., Inc	612,080
Federal Electric Corp	46,636,502
Fleetwood Films, Inc	100,000
Freeman, Cole & Associates, Inc	111,500
Friends of Psychiatric Research	349,557
Fry Consultants, Inc	367,348
Fundacion de Desarrollo Communal	120,033
Gale Association	285,748
G.E. Co., Defense Electronics Division	5,679,790
General Analytics Corp	551,965
George Washington University	109,952
Graflex, Inc. (subsidiary of General Precision Equipment Co.)	44,731,689
Greenleigh Associates	1,643,232
Grolier Educational Corp	100,000
Harcourt, Brace & World, Inc	141,970
Health & Welfare Council of the Baltimore Area, Inc	309,616
Heliodyne Corp	127,800
Horton, Gerald T	692,811
Howard University	108,527
Hull House Association	1,875,767
Human Sciences Research	112,000
IBM Corp. (Advanced Systems Development Division)	456,300
Institute for Community Studies	354,362
Institute for Defense Analysis	194,000
Institute for Educational Development	$1,894,796
Institute for Resource Management, Inc	420,899
Institute for Services to Education	603,000
Integrated Business Methods	375,000

International Business Machines	2,637,551
International Research Association	147,810
Interracial Council for Business Opportunity	209,000
I.R.M., Inc	113,306
Jobs for Progress, Inc	590,348
Joint Action in Community Services, Inc	1,314,268
Kentucky Child Welfare Research Foundation, Inc	178,040
Kirschner Assoc	1,082,262
Lazy Eight, Inc	100,500
Leadership Resources, Inc	598,173
Lear Siegler Services	2,715,757
Leo Kramer, Inc	1,857,653
Letters, Inc	200,000
Lewis & Clark Opportunity Foundation, Inc	1,053,000
Roy Littlejohn & Associates	258,500
Litton Systems, Inc	54,378,850
Louis Harris & Associates, Inc	495,050
Louisiana State University	124,251
Management Systems Co	8,087,287
M. A. Mangum	403,588
Manpower Evaluation & Development Institute	214,884
Medical and Health Research Association of New York	248,500
Menninger Foundation	192,721
Metro Goldwyn Mayer	193,270
Meyer, Howard R	108,480
Michigan State University	474,422
Midwest Educational Foundation	14,228,441
Midwest Research Institute	152,132
Modern Talking Picture Services, Inc	125,609
Monsanto Co	127,000
Morgan State College	117,685
Mountain States Ranch School	119,119
McGaughy, Marshall & McMillan	657,000
McGraw Hill Book Co	490,233
McKinsey & Co	345,400
National Analysts	192,102
National Business League	413,000
National Committee on Employment of Youth	185,710
National Council of Negro Women	198,856
National Council on the Aging	2,439,388
National Education Association	3,102,710
National Federation of Settlements & Neighborhood Centers	386,135
National General Pictures Corp	100,000
National Opinion Research Center (University of Chicago)	926,928
National Police Conference on P.A.L. & Youth Activities	297,606
National Police Conference on Police Activities	576,000
National University Extension Association	6,020,656
National Urban League-Atlanta	244,727
New England Council (AFL-CIO)	176,026
New York City Economic Opportunity Committee	516,436
New York University	2,033,194
North Carolina Fund	301,081
Northeastern University	246,273
Northern Michigan University	6,809,779
Northern Systems Co	5,921,416
Northwestern University School of Law	475,471
Operations Research, Inc	994,522
Organization for Social and Technical Innovation	1,126,892
OIC Institute, Inc	317,128
Packard Bell Electronics	15,466,086
Paramount Films	160,800
Paramount Films Dist. Corp	100,000
P. Ballantine & Sons	101,200
The Pennsylvania State University	227,822
Performance Systems, Inc	$186,625
Philco Corp.	11,105,748
Pillsbury Co.	180,500
Planned Parenthood Association, Chicago	186,451
Planning Research Corp	367,340
PMS, Inc.	121,050
Police Athletic League	347,000
Policy Management Systems, Inc	3,307,913
Portland State College	121,630
President & Fellows of Harvard College, Harvard University	132,041
Productions Unlimited, Inc	100,000
Providence College	374,355
Public Affairs Communications, Inc.	199,998
The Rand Corp	797,775
RCA Service Co	26,974,074
Research Foundation of the State University of New York	308,497
The Research Group, Inc	135,678
Responsive Environments Corp	1,003,124
Rodman Training Center, Inc	4,318,000
Roxco Federal Credit Union	47,300
St. John's Episcopal Mission Center	178,607
Science Research Association	10,449,588
Service Corps Commission	188,000
Seven Arts Associated Corp	243,390
Shaller Rubin Company, Inc	145,456
Robert K. Sharpe	132,924
Paul Daniel Shea, doing business as Primary Prevention Center	181,170
The Simulmatics Corp	336,383
Social Development Corp	127,770
Social Dynamics, Inc	297,233
Social Science Institute, Washington University	234,131
Software Systems, Inc	259,967
Southern Illinois University	11,775,592
Southern Methodist University	289,480
Southern University and Tulane University	610,750
Springfield College	200,410
Stanford Research Institute	2,049,392
Sterling Educational Films, Inc	100,000
Sterling Institute	207,246
Sterling Movies, Inc	120,799
Sun-Dial Films, Inc	122,601
Syracuse University	515,634
Systems Development Corp	1,621,439
Temple University	1,332,345
Texas Educational Foundation	50,196,566
Thiokol Chemical Corp	31,390,881
Tracor, Inc	935,384
Training Corp. of America	8,260,152
Trustees of Boston College	289,685
Twentieth Century Fox	100,000
UCLA	613,491
United Artists Corp	240,050
United Entertainment, Inc	100,000
United Planning Organization	567,022
United World Films	181,589
Universal Education & Visual Arts	100,000
University of Alaska	294,684
University of California	1,111,470
University of Chicago	445,761
University of Hawaii	616,643
University of Colorado	1,031,036
University of Georgia, Center for Continuing Education	120,396
University of Kansas	476,079
University of Maryland	1,837,557
University of Michigan, Regents	911,645
University of New Mexico	560,637
University of Oklahoma	1,911,942
University of Oregon	703,355
University of Pennsylvania	967,689
University of Rochester	104,871
University of South Carolina	367,190
University of Texas	772,700
University of Utah	656,013
University of Washington, Graduate School	416,482
University of Wisconsin	477,453
University Research Corp	1,494,380
Urban America, Inc	148,542
Urban Systems, Inc	280,010
U.S. Industries, Inc	29,136,180
U.S. National Student Association	$444,822
Visual Media	184,392
Volt Information Services, Inc	25,210,043
Volunteers for International Technical Assistance, Inc. (VITA)	247,050
Walt Disney 16-millimeter Films	157,300
Warner Brothers	362,319
Wel-Met Camps, Inc	572,788
West Virginia Labor Federation (AFL-CIO)	818,007
West Virginia University, Board of Governors	395,528
Western Behavioral Sciences Institute	610,954
Westinghouse Electric Corp	38,298,449
William C. Allen Corp	657,116
The University of Wisconsin, University Extension	200,732
Wolf & Co	233,914
Wolf Management Services	101,382
Women in Community Service	2,214,748
Xerox Corp.	11,974,237
Yeshiva University	167,922
YMCA of Jersey City	4,013,905
YMCA of Metropolitan Chicago	189,932
Central Branch of the YMCA, Washington D.C.	229,349
YWCA of Jersey City	11,874,593
YWCA of Los Angeles	8,957,000
YWCA of New York	2,060,000
National Board of YWCA of U.S.A.	5,895,520

Letter and attachments to chairman of the House Education and Labor Committee re OEO failure to comply with 1967 amendment:

FEBRUARY 17, 1968.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The 1967 Amendments to the Economic Opportunity Act became law on December 23 amid much comment that Congress had made major changes in order to make elected officials in our nation's states, cities and counties responsible for Community Action programs under Title II. However, the Office of Economic Opportunity has issued guidelines for this new legislation which indicate that this agency—charged with administering billions of dollars—is not aware that the Congress has made substantial amendments.

The seriousness of this breach of Congressional intent is so profound that I strongly urge you to invite appropriate O.E.O. officers to appear before our Committee to explain their purposes in writing these guidelines and to answer questions as to how the guidelines carry out Congressional intent of the legislation passed last year. It will be necessary that such a meeting be held very soon in order that any changes in O.E.O. interpretation of the law will be made before the proposed guidelines are printed and circulated.

There are, as I see it, two major areas in which the guidelines deviate seriously from the intent of Congress:

(1) The statement of intent not to recognize a State as a Community Action Agency, although the law clearly says that a State or a political subdivision of a State may become a Community Action Agency.

(2) The obvious attempt to discourage political jurisdictions from becoming Community Action Agencies themselves, indicating the effort of O.E.O. to encourage continuation of the present system which Congress (by its action) found to be unsatisfactory in its operation and in its accomplishment of the objectives of the program.

Attached is a more detailed analysis of this effort by the Office of Economic Opportunity to interpret the intent of Congress.

Sincerely,

EDITH GREEN.

ANALYSIS OF PROPOSED GUIDELINES ON IMPLEMENTATION OF TITLE II

The Office of Economic Opportunity, in its proposed guidelines for the implementation of Title II of the Economic Opportunity Act

Amendments of 1967, entitled *Organizing Communities for Action*, states that it must give first preference to applications for recognition by Community Action Agencies which have been designated by local political subdivisions, rather than States (cf.: Designation and Recognition of Community Action Agencies, page 11 of memo No. 80). OEO stresses its determination to recognize only locally designated Community Action Agencies by stating:

"OEO must give first preference to applications for recognition of Community Action Agencies which have been designated by local political subdivisions, rather than by states. The role of the states . . . in exceptional cases where OEO determines that circumstances require a departure from the rule of local sponsorship will be dealt with in guidelines to be issued by OEO shortly."

In the first chapter of the proposed 1968 guidelines, OEO stresses repeatedly that Title II of the new Act requires only that governing officials designate Community Action Agencies.

A calendar of important dates on page 1 lists March 15, 1968, as the deadline for a notice of intent to designate a Community Action Agency. No mention is made of notice of intent of a state or political subdivision to designate itself as a Community Action Agency.

May 1 is given as the deadline for existing Community Action Agencies to file a certificate of compliance with board requirements.

May 15 is given as the deadline for a political jurisdiction, which is planning to designate a Community Action Agency, to notify its state government and other political subdivisions of its intent. No requirement is given here for a political jurisdiction planning to designate itself a Community Action Agency to notify others of its intent.

June 15 is given as the deadline for all political subdivisions to have submitted a form expressing their intent as to which agencies should become Community Action Agencies. No mention is given of a requirement that a state should have submitted a notice of its intent to become a Community Action Agency.

November 1 is given as the date by which OEO will have given (1) full recognition to *existing* Community Action Agencies, and (2) provisional recognition to new Community Action Agencies.

On page 4 the stress of the Economic Opportunity Act of 1967 is interpreted by OEO as follows: ". . . local governments are given the responsibility for establishing Community Action Agencies and assuring that they meet the structural, procedural, and program requirements to qualify for Federal recognition and funding. . . . They make clear that the Community Action Agency is not to be simply a dispenser of social services to the poor. It is to be a source of leadership in identifying and eliminating the causes of poverty. It is to exert its influence to 'stimulate a better focusing of all available local, state, private and federal resources . . .'"

At no point in this explanation of Congressional intent does the Office of Economic Opportunity mention that one of the main purposes of the new amendments and certainly the amendment to Title II is to encourage and require elected officials to assume the responsibility for Community Action programs.

On page 5 OEO states that the "act provides" for neighborhood level organizations including neighborhood centers and community based organizations controlled by the local residents. It is my understanding of the new legislation that such neighborhood level organizations may well be established but only if the Community Action Agency decides that they should be established.

In acknowledging the involvement of elected officials OEO states: "Under the OEO Act, more than ever before, the responsibility for assuring that Community Action bridges are being built . . . falls to the local elected officials." It is my understanding that the responsibility falls to state elected officials as well as to local elected officials. Further expanding on the role to be played by elected officials OEO says that this role will be filled by making ". . . wise decisions in performing their central functions of designating the Community Action Agency . . ."

OEO IGNORES THE EMPHASIS IN THE ACT WHICH URGES STATE AND LOCAL POLITICAL SUBDIVISIONS TO BECOME COMMUNITY ACTION AGENCIES

It is my impression that OEO has again ignored the main point of the amendment to Title II in their first paragraph to the chapter, "Designating Community Action Agencies," on page 7 of the proposed guidelines.

OEO states: "Over 1000 Community Action Agencies have been recognized by OEO since the initial Economic Opportunity Act. Late in 1967 Congress amended that Act so as to give elected state, local and tribal officials the choice as to which agency should be *designated* as the Community Action Agency for their community. * * * OEO must approve the designation by *recognizing* a CAA." Rather than giving these officials the *choice* as to what character agency should be designated a Community Action Agency, the act urges them to *assume* the responsibility for making the state and its political subdivisions the Community Action Agencies themselves. OEO intention to subordinate the right of the state or of its political subdivisions to become Community Action Agencies is seen in the detailed discussion on how mayors and councils, county commissioners, or tribal council or governor and legislature are to become involved in a decision of whether to designate a different agency or whether not to designate any agency at all. Rather than suggesting that if a group of elected officials chooses not to designate any agency but may become the agency itself, OEO simply states that in the absence of any action the Office of Economic Opportunity on its own authority will designate a Community Action Agency.

Still prior to any mention of an elected board itself becoming a Community Action Agency, OEO further encourages recognition of existing Community Action Agencies by stating: "The process of designating an existing CAA is relatively simple since existing CAAs generally have already met all requirements for recognition by OEO. The principal actions required are a public hearing or an opportunity to comment and the notification of those other political subdivisions which would be served by the CAA. . . ." After exhausting all these possibilities, OEO reluctantly acknowledges what is the most important factor of the Title II amendments by stating: "If the political jurisdiction elects to designate a different CAA it may either: (1) designate itself as a Community Action Agency or, (2) designate a public or private nonprofit agency as the CAA."

On page 8 under "Composition of Boards" paragraph 1 states that ⅓ membership of public officials "is both a maximum and minimum figure." In Section 211(b), on page 22 of the Act, a requirement is made that ⅓ of the members of the board are to be public officials *"unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the board."*

In paragraph 3 regarding those members of the board to be made up of members or officials from business, industry, labor, etc., OEO states that selection of these members "will be made by those groups of interests." The law definitely does not state this. The legislative history clearly shows that Congress was intentionally silent on this in order to allow any one of several procedures to be followed with the choice reserved to the governing authority of the state or of the political subdivision of the state. Congress intended to permit the elected officials themselves, if they so wish, to select the members from the above groups of interests.

Again, OEO discourages a state or political jurisdiction from becoming a Community Action Agency in the section, "Making the Choice of Agencies." Here again, OEO ignores the central point of the Title II amendment by stressing once more that political jurisdictions can choose to designate existing agencies as Community Action Agencies. OEO says: "The political jurisdiction, in making its decision as to which agency to designate, must be sure that it understands the requirements of law and OEO policies which stem from the law." But OEO further discourages any initiative of a political jurisdiction to take the responsibility for becoming a Community Action Agency by stating: "Such requirements may, in some cases, make it impossible for a political jurisdiction to itself serve as the CAA."

Under the section, "Specific Steps Toward Establishing a CAA," on page 9, OEO again omits any mention of the possibility of a political jurisdiction becoming a Community Action Agency: "1. By March 15, 1968, the political jurisdiction should submit to OEO a Statement of Intention to *Designate* a CAA."

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under a previous order of the House the gentleman from Minnesota (Mr. QUIE) is recognized for 1 hour.

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from Ohio (Mr. AYRES) precede mine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. AYRES) is recognized for 1 hour.

(Mr. AYRES asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. AYRES. Mr. Speaker, in 1966, the minority members of the House Committee on Education and Labor presented a long and detailed analysis of the faltering "War on Poverty." This was republished by the Republican National Committee under the subtitle of "A National Tragedy." Many Members on my side of the aisle in the 1966 November elections campaigned for election or reelection using this document as a basic source book of arguments for the return of a Republican Congress which would set this matter right and clean up the biggest mess in Government.

The mess is still there. The war is still faltering. It is still a "national tragedy." It is tragic because, if for no other reason, a whole industry has grown up around this program—an industry which consists of thousands of professional employees of one description or another, and more thousands of professional "consultants," who are not poor, have never

been poor, do nothing to help those who are poor, but who thrive on large salaries and larger consultant fees and fat contracts to analyze the needs of the poor.

Three years ago I made an analysis of the salary levels in the Office of Economic Opportunity, and concluded in a speech delivered on this floor that "the big money is in poverty." It still is true, and we are hearing from it today as efforts are suggestive to restructure the war on poverty.

What are those efforts intended to accomplish? They are mainly aimed at providing a framework through which the orderly processes of elected State and local government can be brought to play in coordinating a real attack on the causes and effects of poverty.

That was a key recommendation of the Republicans on our committee in 1966; it was then and has ever since been the fundamental principle upon which the overwhelming majority of Republicans—and I am glad to say, a large and increasing number of our Democratic colleagues—relied upon in formulating proposals for an effective fight against poverty.

Yet, today, I am asked to abandon the principle, sound though it may be, because "the shoe is on the other foot." We Republicans have an administrator of OEO—an able and valued former colleague in this body. I do have confidence in Don Rumsfeld. I do feel that he is making some progress in a near-to-impossible job. I do want to help him in that task. But I do not want to be asked to abandon sound principles in the process. I do not change my views as to sound public policy with every change in administrations.

I am being told "support the administration" by Members who virtually were in diapers when President Nixon and I served together in the Congress. I am being told "support the administration" by Members who hardly ever support it on other matters. Well, Mr. Speaker, I shall support the administration, and my leader and friend President Nixon, every time I can do so in good conscience. At this point I am not at all convinced that the President shares the views of the Director of OEO concerning what the policy of his administration is and ought to be. But I shall not change my view, in any case, as to the duty of the Congress to clean up the Economic Opportunity Act. That is my duty as a legislator—to do what I know is necessary and right. So I have no other choice. I only hope, in making that choice, that the administration will see its way clear to support me.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from New York.

Mr. CAREY. I thank the gentleman from Ohio for yielding. I attempted to ask my colleague from my side of the aisle to yield to me briefly, but I understand she was involved with other colleagues and probably did not observe me standing on my feet in an effort to get some time. I am very pleased that my distinguished colleague, the gentlewoman from Oregon, has explained her substitute.

I take this time in order to ask my colleague, the gentlewoman from Oregon who is still on the floor, if the gentlewoman plans to put in the RECORD or any other appropriate place the full text of her substitute so that we may all see it?

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman from Ohio yield?

Mr. AYRES. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. May I say first of all that I did want to yield to the gentleman from New York but I understood the Speaker pro tempore to say that my time had expired.

Mr. CAREY. I understand that.

Mrs. GREEN of Oregon. And it was for that reason that I was not able to yield to the gentleman. I think, certainly, the plan was when the bill was scheduled today that the gentleman from Ohio was going to explain the bill. He was going to put the full text of the bill in the RECORD. And I certainly say that the amendments that the other three people—the four of us who have worked together on it—did agree that we would go ahead with our plans and make available to other Members of the House the full text.

Mr. AYRES. The reason, I will say to my dear friend from New York, contrary to the suspicion that our chairman, the gentleman from Kentucky, had, the bill was just folded and clipped together minutes before 12 o'clock. The reason was that there was a last-minute change dealing with the legal aid phase of it, because we had conferred with the gentleman from Virginia (Mr. POFF) who is in my judgment one of our great constitutional lawyers, and we conferred with the gentleman in getting the language that would take care of the Murphy amendment.

Mr. CAREY. If the gentleman will yield further, I am very pleased to hear that the group is consulting with established legal experts in the House like the gentleman from Virginia (Mr. POFF), because that is what gives me great concern with regard to the implication of some of the suggested amendments which make up the substitute in the present form before us.

I would ask the distinguished ranking minority member of the committee if it would not be in the best interest of the agency, and therefore of the poor and of the Congress, if we proceeded in an orderly and, shall I say intensive, way to find out from the agency which will be called upon to administer the bill, administer this program, now headed by a former Member of the House, and a highly respected former Member, as to what he thinks of the individual provisions of the new bill. Because he has come to us——

Mr. AYRES. Might I say to the gentleman from New York that the gentleman from Illinois (Mr. ANDERSON) was privileged to receive a communique from the new Director, and I understand that a copy of that is going to be made available and it will be placed in the RECORD.

Mr. CAREY. On an important matter like this I do not like to legislate on the basis of communiques. I would rather have a complete report from the Director.

Mr. AYRES. The letter was not addressed to me.

Mr. CAREY. But to have a privileged communique is scarcely the right way to understand what he thinks of the provisions of the legislation.

If the gentleman will yield further——

Mr. AYRES. May I say to the gentleman from New York that I would like to proceed with what I have, and then I will be glad to yield. I will be here for the whole hour.

Mr. CAREY. I just want to finish on this point, if I may. I did hear a great deal yesterday about supporting the President at this stage in his efforts to bring about peace in the war in Vietnam, and I would hope the same order of support might be appropriate here when the President is attempting to grope and grapple with the problems of the poor.

The President, as I understand, asked for a simple extension of 2 years to set his house in order, and to bring forth a better understanding of the management of these programs, and I wonder why the President wants this sort of action with $2 billion to deal with 30 million of the poor, and why we are unwilling to go along with President Nixon when yesterday by 6 to 1 we voted to go along on a program where there is some $30 billion a year to deal with 2 million North Vietnamese.

Mr. AYRES. I would say to the gentleman from New York—and I appreciate his remarks—I cannot speak for the President of the United States. I presume he will be speaking out on many subjects where positions in the House have previously been taken.

Mr. Speaker, what we are doing here this afternoon is almost exactly what would have happened if the chairman of the committee had not seen fit to recall the bill. The gentlewoman from Oregon (Mrs. GREEN) had an hour, and now I have an hour, and then the gentleman from Minnesota will have an hour. The rule called for 3 hours of general debate, and what is transpiring here is approximately the same thing that would have happened were we operating under the rule. I am sure that the gentleman from Illinois (Mr. PUCINSKI) would have been active in the debate as he is here today.

I do think that it is proper to briefly review what has transpired in connection with this program, and to also let it be known, Mr. Speaker, why many of us feel so deeply that changes should be made in the program.

I do not know of anyone in this House who has more personal admiration and respect for the gentleman who is now the Director of OEO than the gentleman in the well. But I hope, Mr. Speaker, that the membership will recall what I had to say back in 1964 regarding this program.

You know a former colleague of ours, and a late Speaker, once had these words to say, "You are never defeated on what you do not say." Well, I said it, and I was reelected. Not that this had all the bearing on it. But the point is, it is a matter of record and BILL AYRES is not going to run from it.

Despite deep reservations concerning the form of the proposed "war on poverty," I did not sign the minority views when the original bill was reported out of our committee on June 3, 1964. It was my hope, even then, that the Congress would "stop, look, and listen" and then take action to find the way to an effective war on poverty.

PROBLEMS COULD HAVE BEEN AVOIDED

On the floor of the House, on August 6, 1964, during the debate on the poverty bill, I stated:

I favor an all-out attack on poverty. I do believe that we probably can improve existing legislation and devise new methods of attack if we knew exactly the effectiveness of present legislation and better understood the problem from a local level.

I therefore offered a substitute bill—H.R. 12040—to create a Presidential Commission to—

review the scope, cost, and effectiveness of all existing programs; to examine into and analyze the underlying causes of poverty; to define those areas of unmet community and individual needs to which new programs need be directed or established programs redirected to more effectively deal with the causes and effects of poverty; to recommend specific administrative and legislative action which should be taken by the Federal, State, and/or local governments.

My substitute was rejected by a margin of 27 votes.

If only this course had been taken in 1964, we would not now in 1966—2 years and $2.5 billion later—be faced with a hastily conceived program rushing headlong toward catastrophic failure.

THE "FALL GUY" FOR FAILURE

During the 1964 debate on the poverty bill I said of Mr. Shriver:

The distinguished gentleman who is scheduled to head this new agency (Office of Economic Opportunity) seemed to be working against a most early deadline. I have been told that many of his friends felt that his leadership for this legislation would make him the most popular political figure in the Nation.

After 2 years, it appears that this very able man is going to be made the "fall guy" or "goat" for failures which result inevitably from sloppily drafted legislation. Personally, although I have criticized the excesses of his program. I regret that he should be made the political victim. Mr. Shriver is virtually this administration's last link with the idealism and graceful style of President Kennedy, so well exemplified by the Peace Corps which Mr. Shriver led brilliantly. We can only hope that this fact serves him as well in high places in Washington as it does with the general public.

OUR PRIMARY GOAL

As I reminded the House 2 years ago, "Our primary concern is for the less fortunate citizens." That is the concern of my colleagues and myself in presenting the foregoing views; we seek neither political victims nor partisan advantages. We do seek more effective means to attack problems of poverty.

Much of the antipoverty program could still be salvaged and made a serviceable tool for helping the poor. Federal, State, local governments, and private agencies are spending tens of billions of dollars each year in a multitude of antipoverty programs which could be and should be better coordinated and more sharply aimed at eliminating the cause of poverty.

Decent jobs are the first need of the poor; and our efforts to help unskilled unemployed, and underemployed citizens must be improved. We must reexamine and reevaluate our welfare and educational programs to assure that they are reaching the right people in the right way. This is what I had hoped to accomplish with H.R. 12040 (and an expenditure of $1.5 million) in 1964. We can still accomplish these purposes in 1966 if this Congress will put aside the politics of poverty and turn to the needs of the poor.

The bill here reported by our committee does little to improve the faltering war on poverty.

Now my remarks and the remarks of many Republicans, and reprints of what many Democrats have said including my friend, the gentleman from New York (Mr. CAREY) who I might add said, quoting from the New York Times,

There is a riot of runaway and ineffective programs proliferating all over New York City, but not an effect attack on the basic problem of poverty.

Mr. Speaker, I ask unanimous consent to insert a portion of this booklet called "The War on Poverty" which was printed by the Republican National Committee and given out to every Member and every candidate running for office in 1966.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE WAR ON POVERTY: AN AMERICAN TRAGEDY

The Joint Senate-House Republican Leadership has singled out for praise the efforts of eight GOP Members of the House Education and Labor Committee. These Congressmen have mounted a major offensive to correct the abuses that have devitalized the anti-poverty program. Their views, excerpted from pages 91–161 of House Report No. 1568, detail and document the political meddling, the waste, and mal-administration that have caused the "War on Poverty" to become a national disgrace—an American tragedy.

Republicans feel that all Americans are entitled to a complete statement on the competence of the anti-poverty stewardship of the Johnson-Humphrey Administration. In its role as a responsible opposition spokesman, the Republican Party is working hard to ensure that deprived Americans are receiving 100 percent benefit from every dollar spent in the fight against poverty. The Republican Opportunity Crusade, outlined in this report, is a complete and constructive substitute for the President's lagging "War on Poverty."

THE JOINT SENATE-HOUSE REPUBLICAN LEADERSHIP

For the Senate: Everett M. Dirksen, Leader; Thomas H. Kuchel, Whip; Bourke B. Hickenlooper, Chr. of the Policy Committee; Leverett Saltonstall, Chr. of the Conference; Thruston B. Morton, Chr. Republican Senatorial Committee. Presiding Officer: The Republican National Chairman, Ray C. Bliss.

For the House of Representatives: Gerald R. Ford, Leader; Leslie C. Arends, Whip; Melvin R. Laird, Chr. of the Conference; John J. Rhodes, Chr. of the Policy Committee; H. Allen Smith, Ranking Member Rules Committee; Bob Wilson, Chr. Republican Congressional Committee; Charles E. Goodell, Chr. Committee on Planning and Research.

STATEMENT BY SENATOR DIRKSEN

The Republican Membership of the House Education and Labor Committee have done the Congress and the Nation a signal service in the detailed and vigorous minority report they have issued on the so-called "War on Poverty" program of the Johnson-Humphrey Administration.

In a speech in the Senate on August 19, 1965, I identified the erratic, costly and misdirected course this program was then threatening to take. The Republican minority have now confirmed in every detail the most ominous of my predictions where the genuine welfare of the poor and the dreadful costs to the American taxpayer were concerned. This Minority Report will be printed and available within a day or so and I not only commend it to your attention but strongly urge your careful reading of it. *I urge, moreover, that you in turn urge your readers and listeners to write their respective members of the Congress for copies of it.* I have seen nothing in a good number of years that will so alert and alarm our people as to the reckless course the Johnson-Humphrey Administration has now clearly laid out before us.

Constructively and positively, I therefore urge:

1. That the President institute immediately a thorough review and reappraisal of this disastrous Poverty program under the Congressional Resolutions to this end that have already been filed by me and by Representative Ford and that at the same time he examine objectively and honestly the increasingly harsh impact of the high cost of living upon the American people.

2. The adoption by the Congress and the Administration of the strong clear recommendations of the Opportunity Crusade contained in this superb Minority Report.

When the Representatives of the American people in Congress are asked to appropriate another one and three quarters billions of dollars for a poverty program that has already wastefully consumed two and one-third billions of dollars, the people are fully justified in demanding an explanation of this disastrous program and of how it is now proposed to spend still more of their hard-earned and rapidly vanishing income in this wasteful, reckless way.

Therefore, our Question-of-the-Week: Mr. President, Why is the War on Poverty being lost?

STATEMENT BY REPRESENTATIVE FORD

At the very outset, let me join with Senator Dirksen in urging your readers and your listeners to ask their respective Members of Congress for copies of this historic Minority Report on the Poverty program as soon as the Democrat-controlled Committee makes it available. Our people not only have the right to know the harsh facts of that program but, as they now struggle at every income level to make both ends meet, they must be told how frightfully, how disastrously their dollars are being spent in this incredibly mismanaged, almost totally unproductive program of the Johnson-Humphrey Administration.

A very prominent Democrat has used the phrase "the arrogance of power" with respect to his own Administration's foreign policy. That phrase "arrogance of power" far more aptly describes this Poverty program: in the day-to-day administration of that program in countless communities across the country, in the high-handed, steam-rollering of poverty legislation in the House Education and Labor Committee and in the repeated defiance hurled at many of the governors of our states and mayors of our cities by Poverty office bureaucrats.

We Republicans in opposition contend that, in this as on almost every domestic

front, the Johnson-Humphrey Administration has regularly substituted promises for performance. When such a policy is applied to the poor it becomes not only harsh, not only cruel, but intolerable and unforgivable.

Let it be clear, however, that this is by no means a partisan political point of view. Repeated statements on the subject by prominent and dedicated Democrats in the Congress have included such Poverty program charges and phrases as "disastrous," "Programs now mired in the swamp of mediocrity," "a riot and a runaway of ineffective programs," "The rural areas . . . have . . . been lost in the Shuffle," "an awful mess," "grandiose sociological studies and anti-social protest movements." These are the words of *Democratic* spokesmen for their constituents and to their reactions can be added the detailed article in the May issue of U.S. News and World Report on "The Mess in the Poverty War," a significant poll taken in one of our most populous states, and endless other evidence from public officials and private leaders of all political faiths.

As Senator Dirksen has indicated, we will not be critical only. The Republican Minority on the Committee has proposed an "Opportunity Crusade"—eleven sound and specific recommendations for a total overhaul of the Poverty program. They deserve not only a hearing by the Congress and the country—they deserve to be heeded, *immediately*, by the Johnson-Humphrey Administration.

Therefore, our Question-of-the-Week: Mr. President, Why is the War on Poverty being lost?

ECONOMIC OPPORTUNITY AMENDMENTS OF 1966—MINORITY VIEWS

We, the undersigned, oppose this legislation because it merely repeats the high promises to the poor and raises their expectations without providing the effective means of fulfilling them. Specifically, we oppose this legislation because it does not address itself to—

1. The correction of the abuses which are destroying the poverty program; or

2. The guarantee of involvement of local government officials and citizens of talent with representatives of the poor at policy-making levels to provide the indispensable ingredient of success for community action programs; or

3. The establishment of a partnership with the States which will allow them meaningful participation in the program; or

4. The establishment of program and funding priorities which would give emphasis to the needs of the very young and training opportunities in private enterprise to the unemployed.

From bad to worse

During the past year, efforts by the Education and abor Committee to gather information which would be helpful in drafting effective antipoverty legislation have fallen far short of the desired goal. A $200,000 investigation was thwarted by lack of direction and tactics resulting in a most superficial effort. To date, no report has been published of the findings of the investigation.

The promises of an in-depth study of the war on poverty and subsequent hearings in selected field areas were totally unfulfilled. The minority membership, available during the November-January period of adjournment, waited patiently for field hearings which never materialized.

A musical chair investigative staff, which at no time included an accountant, was constantly confused by change of directions, canceled trips, recall from investigations, and numerous changes in the lineup. Reports were sketchy and for the most part consisted of statistics and percentages which provided little help to draft sorely needed legislative changes. In December the chairman astonished subcommittee members by appointing a three-man task force to "check on" his first investigation.

No Independent Investigation Was Possible Under These Circumstances

The widely heralded hearings of the Ad Hoc Subcommittee on the War on Poverty in March developed into an 8-day parade of administration spokesmen and apologists for the poverty program who spent hours relating self-serving statistics and stressing debatable accomplishments. The hearings were so loaded that the most critical witness turned out to be the Director, Sargent Shriver, himself.

The minority recommended 67 witnesses, knowledgeable regarding all aspects of the antipoverty program, be called. These recommendations were ignored and the hearings were abruptly terminated. When incredulous Republican committee members, and the press, questioned Chairman Powell's arbitrary action, his response was characteristic: *"Because I am the Chairman."*

The Private Wedding of Politics and Poverty

Perpetrating one of the sorriest exhibitions of political partisanship involving a piece of important national legislation that the Congress has ever witnessed, committee Democrats held a series of private caucuses to draft the Economic Opportunity Act amendments. Excluding Republicans from the closed-door sessions, the Democrats sought to write "a bill we can defend."

In our opinion these actions are an open admission that many Democrats consider the poverty program as pure politics and their own private preserve.

Forty-one days after the abrupt termination of hearings, executive sessions to mark up the bill were begun. The more than a month that the Democrats spent in an effort to hammer out a position which they could defend was apparently of no avail. Any discussion of issues quickly revealed their serious divisions. Several times executive sessions broke up in confusion as Democrats repeatedly caucused in an effort to unite in a defensive position.

Whip Cracks

When it became apparent that there was still serious dissension among the Democratic members, the chairman ramrodded the bill through the committee rather than have it subjected to amendments. Republican proposals for substantial changes that would have corrected present abuses in the program were summarily rejected on straight party-line votes.

Thus, as the war on poverty approaches its third year, with abuses, scandals, and waste mounting, no significant corrective changes have been made in the legislation. Now, more than ever, there is a critical need for a responsible and sincere investigation of the program. Numerous instances of waste and corruption have been exposed, for the most part by diligent newspaper reporters in various localities. But this is not enough. There is a notable lack of inspections and examinations of expenditures.

Rules Committee Refuses To Hold Hearings

Congressman William H. Ayres, joined by other Republicans, sponsored a resolution to establish a select committee of the House, appointed by the Speaker with the advice of the minority leader, to conduct a thorough and bipartisan investigation of the structure and operation of the Economic Opportunity Act. Although this proposal has had overwhelming support from Republicans and has been sponsored by some Democrats—notably Judiciary Committee Chairman Emanuel Celler—the controlling members of the Rules Committee have refused to even hold a hearing on the resolution for a select committee.

Although undermanned, we will continue to survey the poverty program, to point out the abuses, and to make proposals for constructive changes.

Where are we now?

A war on poverty is not a new concept in the economic history of the United States. However, a "war on poverty" as a political tool which seeks to decrease and abolish poverty by Government fiat is new.

The entire economic progress of our Nation has been marked by an increasingly successful struggle against deprivation. The advancement that the U.S. economy has made is illustrated by the fact that the number of families with income of less than $3,000 has decreased by 13 percent since 1947.

The Dimensions of Poverty

Using 1964 constant dollars, 31 percent of the families in 1947 had incomes of less than $3,000 and by 1964 only 18 percent of the families fit into this category. This remarkable decrease was accomplished through the combined efforts of industry, government, and private organizations pursuing the joint goals of economic progress and the elimination of poverty—not by massive employment in the public sector of the economy.

Income of families, 1947–64

[Percent of families with money income less than $3,000 (1964 prices)]

1947	31	1956	22
1948	32	1957	22
1949	33	1958	22
1950	30	1959	21
1951	28	1960	20
1952	27	1961	20
1953	25	1962	19
1954	27	1963	18
1955	24	1964	18

Source: Department of Commerce, Office of Business Economics.

Although substantial economic progress been made, we must take a more critical look at the advancement of the effort to reduce poverty. It is disturbing to note that the reduction rate of the total number of Americans living in poverty has slowed in recent years.

Overall advancement is further marred by the finding that certain groups of our population have not made any economic advancement and, in some cases, have become even further entrenched in their poverty status. For instance, the number of families with five or more children who live in poverty has remained constant at about 1.1 million. The number of poor households headed by females increased from 1959 to 1964.

Although the total number of poor, nonwhite households declined by 200,000 between 1959 and 1964, it is still of serious consequence to note that in 1964 almost 48 percent of the nonwhite families with children were below the poverty-income level. As was noted in testimony before the committee, since 1960 per capita income in Negro sections of Los Angeles has declined and there has been no improvement in the unemployment rate. This occurred in a 5-year period when there was a 23 percent per capita income rise.

"Nothing can be done * * * but to pay the bill"

As the monetary commitment to the reduction of poverty has increased, the rate of the reduction of poverty has slowed. This disturbing phenonemon was noted by the Committee on Appropriations in its report on the second supplemental appropriation bill of 1966. Discussing the supplemental appropriation to States for public assistance, the report states:

"When Congress acted on the regular annual bill for the Departments of Labor and Health, Education, and Welfare for fiscal year 1966, it reduced the request for grants to States for public assistance by $242,100,000 on the basis that we have been appropriating hundreds of millions of additional dollars every year for the past few years for

programs that are aimed at combatting dependency, and the outlook for a reduction in the rate of unemployment was better than it had been for a long time. Of course, unemployment rates have gone to even lower levels than was anticipated when Congress acted on the original appropriation for 1966. Yet, in the face of this fact, the request for a supplemental appropriation is not only to restore the reduction made by Congress last year but for an additional amount of approximately $140 million. Of course, this is purely a mathematical calculation and nothing can be done under the law but to pay the bill."

Redirection for Progress

It is apparent that a mere increase of funds will not be able to sustain the economic progress that has been made to date. Because we are in the midst of a critical historic period when Federal funds are limited, we must see that top priority is given to the programs which will bring the highest return on our investment. A redirection of programs and funding is necessary if the objective of the elimination of poverty is to be accomplished. The war on poverty must be evaluated on the basis of its accomplishments, not its objectives.

$2.3 billion later

The war on poverty has now been in progress for 2 years. Two billion three hundred thousand dollars have been spent to wage that war. There is no doubt that some good has been accomplished at extravagant cost, but what return has the taxpayer received for his investment? He is daily treated to headline stories of mismanagement, abuse, and scandals concerning the poverty program.

Sargent Shriver testified before our committee on the accomplishments and mistakes that the Office of Economic Opportunity has made in the past year. He produced a welter of self-servicing statistics designed to prove that the programs are working. He even "admitted" a few of the "setbacks" like the Black Arts Workshop, Job Corps problems, and ineligible Neighborhood Youth Corps enrollees.

The mistakes that Mr. Shriver admitted were all points of fact, but the balance of accomplishments and failures he presented was decidedly lopsided. Through a series of press releases and Republican poverty memos, we have sought to present a clearer picture of just exactly what is happening. We do not attempt to discuss all of the incidents that have occurred, or to reproduce all the excellent news stories, but it is essential that we highlight the problems so that clear carefully developed remedies may be found.

Our Worst Fears

As original supporters of residential, experimental schools for unemployed underprivileged youths, the concept embodied in the Job Corps program, we were very apprehensive about the mass production of this idea. Our worst fears did not begin to anticipate the heavy fire of criticism that the Job Corps has been under since its much publicized initiation. A potentially good program is faced with failure because of excessive costs, political profiteering, permissive disciplinary policy and a distant unenlightened, centralized control.

A Matter of Speculation

The costs of this single antipoverty program are appalling. Costs everywhere are exceeding estimates. The combination of high property rentals, excessive salaries, and underestimated site rehabilitation costs has resulted in a cost per enrollee that has been variously estimated as $9,120 to $13,000 per year. These costs merely represent the costs per enrollee.

When expenses are evaluated on the basis of cost per graduate, the results are even more astounding. For example, the St. Petersburg, Fla., Women's Job Corps Center, after 1 year of operation, has produced 42 graduates at a cost of $39,205 per graduate.

If the Job Corps program is to be continued, it is vital that costs per enrollee be reduced. We must, then, curb the factors that are causing the soaring costs. And, what is the main factor? Improper location of Job Corps facilities in locations that demand high rentals or unreasonable rehabilitation costs. The reasons that prompted Job Corps officials to locate the centers in such uneconomical locations are only a matter of speculation at this time.

The Charleston, W. Va., Women's Job Corps Center, which is located in the old Kanawha Hotel, is one of the most notable of the examples that could be given. The story surrounding this center has been documented in the following Republican Poverty Memo.

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 5, Mar. 21, 1966]

CHARLESTON, W. VA., HOTEL CASHES IN ON ANTIPOVERTY PROGRAM

Lease a rundown hotel for $94,800 a year. Pay all taxes, insurance, utilities, and repairs. Spend $225,000 renovating the building, which reliable real estate brokers value at $250,000.

Result: One Women's Job Corps Center in Charleston, W. Va.

The waste involved in another of the pet projects of the President's so-called war on poverty was disclosed today by Congressman Albert H. Quie, Republican, of Minnesota, in a speech on the floor of the House of Representatives.

The Charleston Women's Job Corps Center is housed in the old Kanawha Hotel, owned by the Kanawha Hotel Co., whose president is Angus Peyton, a prominent West Virginia Democrat and State commerce commissioner.

"The rundown hotel, which was used for Democratic presidential campaign headquarters in 1960, was assessed at $87,000 prior to occupancy of the Women's Job Corps in August 1965," Congressman Quie said. "It was subsequently raised to $115,000. Estimates of reliable real estate brokers in Charleston placed the value of the hotel at $250,000."

"In addition to receiving a guaranteed profit of 40 percent on the annual $94,800 rental paid by the Federal Government, the $225,000 spent renovating the building would accrue to the Kanawha Hotel Co., Congressman Quie said.

"Our investigations have revealed that in the spring of 1965 a construction consultant, an employee of a firm retained by the Office of Economic Opportunity, on two separate occasions surveyed the Kanawha Hotel to determine its suitability for a Women's Job Corps Center," said Congressman Quie. "Both times, despite pressure to approve the site, the consultant recommended against use of the hotel, reporting among other things that the building would be too expensive to rehabilitate."

Congressman Quie said there are "obvious political implications" in the arrangement and that it is "another example of extravagant diversion of antipoverty funds into the pockets of Democratic politicians."

"Testimony at hearings currently being held by the Education and Labor Committee has revealed the estimated costs of maintaining one Job Corps enrollee for a year ranges from $8,500 to $13,000. Educators gasp at these figures and taxpayers question the justification for such an expensive program. We all recognize the necessity for the Job Corps program and agree with the concept * * * however, the program wasn't designed to be a windfall for the wealthy with influence," Congressman Quie said.

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 14A (supplement to Poverty Memo 14), Apr. 15, 1966]

CREDIBILITY GAP AT OEO—CHARLESTON REVISITED

"Congressman Quie, the figures that were given to you * * * were inaccurate." Thus, in testimony on March 23, Bernard L. Boutin of the Office of Economic Opportunity began a point by point denial of facts presented by Albert H. Quie, Republican of Minnesota, 4 days earlier with reference to the Charleston, W. Va., Women's Job Corps Center. The same day Congressman Sam Gibbons, of Florida, took the floor defending OEO and declaring that Congressman Quie, inadvertently, was wrong.

Further investigation in Charleston not only showed that Congressman Quie was right but that he conservatively underestimated facts that add up to scandalous poverty profits to a leading Democrat officeholder in West Virginia. Congressman Quie said the Hotel Kanawha was owned by a corporation whose president was Angus Peyton, a prominent Democrat and the present commerce commissioner in West Virginia. This is undenied. Congressman Quie said that the Kanawha Hotel lease provides for payment of $94,800 a year net profit, after the Federal Government reimburses for taxes, insurance, utilities and repairs. Mr. Boutin said the rent was $90,000. The fact is that the rent is $94,800 and the Federal Government pays, in addition, $4,800 a year for the storage of old hotel property.

Congressman Quie said assessments in West Virginia were by law 50 percent of market value. Mr. Boutin said they were 40 percent. Chapter 18, article 9(a), section 4 of the West Virginia Code provides that assessed valuation shall not be less than 50 percent nor more than 100 percent of appraised valuation.

Mr. Quie said that the Federal Government has spent at least $225,000 renovating the rundown Kanawha Hotel, Mr. Boutin said they have spent only $187,000. The fact is the Federal Government has spent $345,000 to renovate the hotel into a Job Corps Center. This includes $290,026.60 spent on repairs and installation of equipment, $24,936.77 for electric, heating and plumbing items which they call "maintenance" and $30,586.14 for outstanding mechanics liens.

Mr. Quie said that the Kanawha Hotel was worth about $250,000 at the time it was chosen for a Job Corps Center. Mr. Boutin claimed it was worth $438,000 in 1965 and $508,250 in 1966 (perhaps slyly including in its value $345,000 worth of renovations at taxpayers' expense). The fact is that reliable real estate brokers in Charleston indicated the Hotel Kanawha was worth about $250,000 prior to renovation. A somewhat older but comparable hotel in Charleston, the Milner-Ruffner, with more land and a more valuable location, sold on February 1 this year for $200,000.

Mr. Boutin defended the Kanawha Hotel expenditures with the claim that annual square-foot rental cost is less than one dollar. This figure must have been computed by dividing the erroneous $90,000 per year rental by 100,000 square feet. This becomes an entirely meaningless computation when it is understood that it ignores $4,800 being paid annually for storage of the old hotel furniture, $7,500 paid annually for taxes (including taxes on the furniture in storage and the hotel's accounts receivable), $5,740 paid annually for insurance and $4,800 paid annually for rent in addition to the $90,000 reported by OEO. Certainly a meaningful annual square-foot cost figure should include all annual expenditures, not to mention $16,000 to settle leases of former tenants and some annually amortizing of the $345,-

549.51 renovations. Who does Mr. Boutin think he fools by citing such glib and misleading figures?

In summary, the poverty program has spent $345,549.51 renovating a rundown hotel worth about $250,000. A corporation, whose then president is a leading West Virginia Democrat, receives $94,800 per year profit on property worth $250,000. That is a poverty profit of 38 percent a year. An OEO official described the Charleston Women's Job Corps arrangement as "the very best deal that could be gotten." The taxpayers might be justified in asking "the best deal for whom?"

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 16, Apr. 20, 1966]

THE KANAWHA HOTEL—A LOGICAL CHOICE?

Congressman Albert H. Quie pointed out today more errors in the March 23 testimony of Bernard L. Boutin, Deputy Director of the Office of Economic Opportunity. Boutin was testifying before the Ad Hoc Subcommittee on Poverty of the House Education and Labor Committee.

Congressman Quie was attempting to learn more about a feasibility study that had been conducted to determine if the rundown Kanawha Hotel in downtown Charleston, W. Va., was suitable for a Women's Job Corps Center.

The engineer who conducted the feasibility survey twice said that it was not suitable—and was fired for his trouble. The Kanawha Hotel was leased from the Kanawha Hotel Corp. whose president was Angus Peyton, West Virginia Commerce Commissioner and unsuccessful 1964 Democratic candidate for the State Senate.

Boutin was just one of three OEO officials that Congressman Quie questioned about the feasibility study. He also asked Benetta B. Washington, of OEO's Women's Centers Division, who had conducted the study. She said it was OEO's own engineers. Congressman Quie asked Milton Fogelman, OEO contracting officer, who had conducted the feasibility study. Fogelman said it was Consolidated American Services. He was right. Boutin's version came out like this:

Mr. BOUTIN. "Survey for this was done by GSA for us. The facilities that were carefully looked at was the Ruffner Hotel, the Holley Hotel, the hotel in question, the Daniel Boone Hotel and the Holiday Inn Hotel."

The "hotel in question" was, of course, the rundown Kanawha.

Congressman Quie had charged earlier that selection of the Kanawha Hotel, coupled with the $94,800 annual rental and the fantastic cost of rehabilitation which mounted the first-year cost of the site to at least $477,-839.76, "implies political favortism."

(Boutin also testified before the ad hoc subcommittee that the first-year cost figures advanced by Congressman Quie were inaccurate. Subsequent investigation showed that Congressman Quie was right—Boutin wrong.)

As in the case of the cost figures, Boutin's testimony that several sites were "carefully looked at" appears to be inaccurate and misleading.

In order to determine what, if any, alternatives were considered for the location of the Charleston Women's Job Corps Center, Congressman Quie had the minority investigator of the ad hoc subcommittee make a check, with the following results:

On March 28, 1966, Mrs. Mary Lee Crowley, owner of the Holley Hotel on Quarrier Street in Charleston, said that at no time did she consider leasing the Holley Hotel to the Office of Economic Opportunity or its contractor, Packard Bell Electronics Corp. She recalled that early in 1965 a representative of Packard Bell called on her and asked if she would be interested in leasing the hotel as a Women's Job Corps Center. Mrs. Crowley told this man that she was interested in selling the hotel, but not in leasing it. She remembered that his manner was abrupt and her conversation with him was less than 5 minutes. To her knowledge, no surveys or studies of the Holley Hotel were made by Packard Bell, OEO, or General Services Administration, which Boutin claimed made some studies for the OEO program.

Also on March 28, 1966, Mr. Joe Reiser, assistant manager of the Daniel Boone Hotel at Washington and Capitol Streets in Charleston, said that to his knowledge no studies or surveys of the Daniel Boone Hotel were made by Packard Bell, GSA or OEO in contemplation of a Women's Job Corps site. He said no approach or offer had been made to the Daniel Boone management by any representative of these organizations. On April 6, 1966, Mr. Reiser said he had been in contact with Mr. Roger S. Creel, general manager of the Daniel Boone, who had been vacationing in Miami, Fla. Mr. Creel confirmed that at no time was any offer made to the Daniel Boone management regarding the Women's Job Corps Center and to his knowledge no studies or surveys of the hotel had been made for that purpose.

On April 6, 1966, Mr. Lyman Stanton, president and general manager of the Holiday Inn Hotel on Kanawha Boulevard in Charleston, told the same story. He said that no approach or offer had been made in regard to the Women's Job Corps Center site and to his knowledge no studies or surveys of that facility had been made.

On March 30, 1966, Mr. Vincent Chaney, Charleston attorney who had represented the Ruffner Hotel for years prior to the sale of the building on February 1, 1966, said that to his knowledge no action had been taken in any way by Packard Bell or OEO in consideration of the Ruffner Hotel as a Job Corps site. His statement was affirmed by Mr. R. G. Lilly, Sr., Charleston attorney and principal stockholder of the family-owned Ruffner Hotel prior to its sale.

Mr. Lilly said, however, that in 1965, when he learned that a Women's Job Corps Center had been planned for Charleston, he was interested but was never approached.

Had he been approached, Mr. Lilly said, he would have been very interested in leasing the Ruffner Hotel as a Women's Job Corps Center for much less than the $94,800 annual rental on the Kanawha Hotel.

Mr. Lilly described the Ruffner as a six-story building with basement and penthouse which includes about 170 bedrooms. He said the hotel has been leased to the Millner Co., of Detroit, Mich., during the past 3 years under an arrangement where the hotel owners received 17 percent of the gross income. This resulted in the following approximate incomes to the hotel: 1965, $21,000; 1964, $18,000; and 1963, $14,000. Under the terms of the lease, the Ruffner Hotel paid taxes and insurance on the building and its furniture.

Under the Kanawha Hotel-Packard Bell lease, the Office of Economic Opportunity pays taxes and insurance on the hotel and its furniture, as well as furniture storage.

"It seems apparent from these figures that Mr. Lilly would have been glad, as he has said, to lease the Ruffner Hotel for much less than $94,800 a year," Congressman Quie said in a speech on the House floor today. "Based on information furnished by responsible Charleston hotel representatives, it is apparent to me the Kanawha Hotel was the only site considered."

"This is in addition to the errors I pointed out previously in Mr. Boutin's testimony before the ad hoc subcommittee," Congressman Quie said. "As far as I am concerned, so many errors of such a basic and grave nature are enough to discredit Mr. Boutin's entire testimony. This is another example of the chaotic and make-it-up-as-you-go administration that seem to be so much a part of everyday operations at the Office of Economic Opportunity."

CONTINUATION OF TEXT

"Silver-salaried Job Corps"

Excessive salaries paid to Job Corps employees have resulted in extraordinary expense and the proselytism of personnel from existing school systems. An extreme example of this was found at the Camp Gary Men's Job Center in San Marcos, Tex., where the 208 staff personnel who make $9,000 a year or more received an average of 57 percent increase in salary when they were employed at the Center. Further details on the salaries at Camp Gary were set out in a Republican poverty memo and a speech made to the House by Congressman Goodell.

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 20, Apr. 28, 1966]

SILVER-SALARIED JOB CORPS; OR RAGS TO RICHES

Want a 57-percent raise? Join the staff of the Job Corps. The 208 staff personnel at Camp Gary (San Marcos, Tex.) drawing above their previous salary. Twenty-two of them more than doubled their previous salary. Here are some examples of past and present salaries of Camp Gary personnel:

Position	Previous	Present
Manager of personnel	$5,000	$10,000
Math chairman	4,730	10,080
Citizenship teacher	4,800	10,080
Chairman commercial skills	4,650	10,080
Welding instructor	3,200	9,780
Teacher commercial skills	4,500	9,780
Do	4,300	9,780
Auto mechanic instructor	3,800	9,780
Drafting instructor	4,764	9,780
Science teacher	4,700	9,780
Duty officer	4,500	9,493
Physical education instructor	4,600	9,480

The automatic, facile explanation always given by poverty officials for high salaries is, "We need the best people." Is it really necessary, however, to go this far? Aside from the leakage of poverty funds for extravagant salaries, there is a distressing impact on school systems. What school board can compete with their rich Uncle Sam who apparently has money to burn; *154 of the 208 came directly to Gary from school jobs.* Is it necessary to offer $9,780 to a math instructor making $4,887, or to a music teacher making $4,200, in order to attract them to come to Camp Gary? Would a private employer offer these lavish salary increases in his business?

These are the kind of facts that should have been brought out in congressional hearings. In spite of our efforts, and those of Congresswoman Green (Democrat of Oregon), the reason for extravagant costs of Job Corps camps remained a mystery in the hearings. Camp Gary does not stand alone; on the contrary, it appears to be a typical outgrowth of inept administration of the Job Corps.

I have today telegraphed seven other urban Job Corps centers for full data on their staff salaries. In the meanwhile, the press is welcome to examine the complete salary records of Camp Gary in my office.

CONTINUATION OF TEXT

Lack of Enrollee Screening

Alarming incidents of violence involving Job Corps enrollees at the Job Corps centers and in neighboring towns and cities emphasize the need for more discipline and for a more careful screening and selection of enrollees. We recognize the program is designed to assist disadvantaged youths and that a large number of them will have been involved in scrapes with the law; however, Congress did not intend that Job Corps centers replace reformatories.

The Job Corps should be able to take juvenile offenders, but the Job Corps officials have

the responsibility to know the background of all enrollees. The following case history, described in statements to the House by Congressmen Albert H. Quie and Charles E. Goodell, reveals the type of sorry incident that can occur when Job Corps officials fail to fulfill their responsibility.

JOINT STATEMENT ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1966

As friends of the Job Corps concept, we are deeply distresed and angry about the philosophy prevailing in its administration today. Situations involving Job Corps enrollees from all over the country have come to our attention dramatizing this point. Perhaps the most disgraceful of them all involves the Job Corps camp at Mountain Home, Idaho, which we wish to discuss and express our indignant protest about today.

In doing so, let the record be clear that we sponsored legislation for experimental "residential skill centers," as far back as 1961. Although the administration opposed these proposals, we were able in 1963 to add such a provision to the Vocational Education Act. The projects were never funded by the administration.

The 1964 Poverty Act launched us on a mass production of Job Corps camps without the benefit of experience. The present philosophy of Job Corps administrators is endangering the entire Job Corps approach, which can and should help many youngsters help themselves. The following case history forcefully illustrates our point.

Mountain Home, Idaho

On November 15, 1965, a vicious fight took place in a dormitory at the Mountain Home Job Corps Camp. A corpsman was brutally beaten by Paul Dennis Jones, a fellow corpsman for playing a radio in the dormitory. With his victim prone, Jones slashed his face and hands with a knife and then plunged the knife into his abdomen.

Up to this point, the story seems like one of those unfortunate incidents that can happen occasionally when you put rough, hardcore young men together in a camp. The full sequence of events, however, is appalling and incredible. They can be summarized in the following 10 points:

1. Jones, the assailant, was what is known in the trade as a "three-time loser." He had three felony convictions against him, plus a parole violation, when admitted to the camp.

2. Job Corps officials violated the interstate compact on parole and probations by failing to notify Idaho authorities that Jones was a parolee from California. Not only that, in response to a request from Idaho authorities, officials at the Mountain Home Camp are unable to determine, or have refused to determine, how many of their corpsmen are presently on parole or probation from other States.

3. Jones not only was a three-time felony loser, he was serving in a supervisory capacity in the Mountain Home Camp as a dormitory leader, wing leader, and squad leader.

4. The Job Corps paid for an attorney, bail, and psychiatric treatment for Jones.

5. The Job Corps, by telegram from Washington, asked the court to release Jones on probation, without punishment, on the assurance he would be accepted back at camp.

6. After release from the hospital, the victim was so mistreated and threatened by Jones' friends at the Mountain Home Camp that he was forced to resign from the Job Corps.

7. Job Corps officials refused to sign a criminal complaint against Jones and refused to cooperate with the local prosecuting attorney, Mr. Fred Kennedy.

8. The prosecuting attorney had to subpena other corpsmen in order to get them to testify and at least one of the eyewitnesses to the assault, standing 3 feet from the scene, said he saw nothing. The prosecuting attorney is convinced that this witness is guilty of outright perjury, but once again Job Corps officials refused to cooperate or take action to assist the prosecution.

9. The U.S. attorney, Mr. Sylvan Jeppesen, the prosecuting attorney, the warden of the Idaho State Penitentiary (Mr. L. E. Clapp), the vice chairman of the Idaho Board of Correction (Mr. Mark Maxwell), an Idaho parole and probation officer (Mr. Al Roark), an official of the Idaho Employment Security Agency (Mr. Bill Lesh), and the Idaho attorney general (Mr. Allan Shepard) were so incensed by the handling of this case by Job Corps officials that they met jointly and determined to bring the matter to the attention of Mr. Shriver and other officials in Washington. The prosecuting attorney wrote Mr. Shriver in December and, at least until recently, had not even received the courtesy of a routine reply.

10. On the pleading of Job Corps officials, the district judge withheld sentence on Jones and placed him on probation for 2 years with the condition that he serve 4 months in jail and then return to the Job Corps.

Law of the jungle

The obvious result of this case is that enrollees at Mountain Home Job Corps Camp believe the law of the jungle prevails and that even officials of the U.S. Government countenance assault with a deadly weapon.

Job Corps officials should be called to account for this episode. Do they believe they are teaching the young men at the Mountain Home Camp constructive values by their actions in this case? What justification do they have for hiring an attorney with Federal taxpayers' money, especially when Idaho law requires that indigent defendants be furnished counsel by the State? Why do Job Corps officials want Jones back in the Job Corps under these circumstances? Do they plan to put him back in a position of leadership and authority over his fellow Job Corps men?

Faulty philosophy

This case, in capsule, demonstrates two damaging and dangerous things about the way the Job Corps program is now being administered.

First, the screening of enrollees is so incredibly haphazard that officials don't even know when enrollees are on parole for commission of major felonies.

Second, the philosophy of Job Corps officials is so ridiculously soft and confused that they will excuse almost any behavior by an enrollee, even when it jeopardizes the chance of other enrollees to succeed.

The case of Paul Dennis Jones in Idaho is not an isolated one. It is typical of official policy in the Job Corps. This kind of approach in handling tough young men who have committed serious crimes permeates the entire administration of Job Corps camps. It can be fatal to the program unless it is reversed by direct and immediate action.

Two dropouts from Camp Kilmer recently declared that they would not have enrolled in the Job Corps if they had known what it was like. One of them commented, "Many youths sent to court for a minor crime were given a choice between the Job Corps and reform school." A common statement among enrollees is, "If I go back, the judge will put me in jail." Another enrollee said, "The dormitories are ruled by gangs."

Is it any wonder that Job Corps dormitories are often ruled by gangs when authorities deal so foolishly with felony crimes? Job Corps policy provides specifically:

"No dismissals from Job Corps can be made by centers without getting prior approval from Job Corps headquarters * * *. *Under no circumstances, explicit or implicit, should a resignation be asked for or the opportunity to resign offered.*"

Realism needed

The Job Corps concept is sound, but it can't be administered successfully by administrators who coddle and encourage lawbreakers and gang leaders. Unless we start getting some realism into the Job Corps program, the American people will rise in indignation and probably sweep out the good potential with the bad performance. That would be tragic for the many youngsters who can be helped by a good Job Corps program, as well as for our society as a whole.

[From the Office of Congressman Charles E. Goodell, House of Representatives, Feb. 10, 1966]

DELIVERED ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES

Mr. GOODELL. Mr. Speaker, on Monday of this week my colleague, the gentleman from Minnesota [Mr. Quie], and I addressed this House with reference to problems in the administration of the Job Corps, as illustrated especially by a case in Mountain Home, Idaho. Although two of our colleagues, the gentleman from Idaho, Congressman Compton White, and the gentleman from Florida, Sam Gibbons, have adroitly answered with a smokescreen, both of these gentlemen and the Job Corps have admitted the truth of the important facts we presented. I regret that they chose to conceal these admissions amidst a rain of ill-conceived and unfounded charges that the gentleman from Minnesota [Mr. Quie], and I are misrepresenting an isolated case to undermine the Job Corps. I will not reply in kind because I have great respect for my colleagues. Let me simply say that the gentleman from Minnesota [Mr. Quie] and I were proposing the Job Corps concept before either of these worthy gentlemen were in Congress and we have consistently advocated the merits of a sensible Job Corps program.

NOT AN ISOLATED CASE

I shall recount later in my remarks the specific admissions camouflaged by these gentlemen, but let me first deal with their charge that the Mountain Home incident is an isolated case. Far from it. I shall cite today only a few of the large number of cases from all over the country.

CAMP GARY, TEX.

Last July, three Job Corps enrollees in Camp Gary, were charged with shooting two Air Force policemen. Having been booked for assault with intent to murder, they were returned to regular duty in the camp. Job Corps officials hired three separate lawyers to defend the enrollees and the case has not yet come to trial due to delays and "absence of key witnesses."

CAMP BRECKENRIDGE

In August last year a Job Corps man on leave in Billings, Mont., was charged with shooting at a policeman and wounding a woman in a Billings bar. Job Corps officials not only posted a $2,500 bond and are paying for an attorney, they have flown the enrollee and a security guard back and forth from Camp Breckenridge, Ky., to Billings at least twice and perhaps more. The case has still not come to trial and the corpsman remains an enrollee in Camp Breckenridge. The apparent estimate of cost in this case is a minimum of $1,000 to the taxpayers and perhaps a great deal more. Senator Lee Metcalf, Democrat, of Montana, was quoted as saying:

"The idea of the Job Corps in my opinion is a great idea, but this incident is wrong and really burns me up."

The Senator continues:

"These dropouts and malcontents are being coddled and complimented for their derogatory behavior."

KINGSPORT, TENN.

In December a warrant was issued in Kingsport, Tenn., against two young men

for allegedly bludgeoning two victims with a lead pipe. They left the town that morning for two Illinois Job Corps camps before the warrant could be served.

Mr. Speaker, I could go on and on with examples of this nature. Job Corps camps are, and should be, for hard-core youngsters, many of whom have had brushes with the law. They need sympathetic understanding. They also need to learn discipline and social values such as respect for law and order. The present policy of Job Corps officials too often undermines this whole purpose.

MOUNTAIN HOME, IDAHO

In the Mountain Home case, my two colleagues and the Job Corps have now openly admitted the following devastating facts:

First. An enrollee named Paul Dennis Jones did attack a fellow corpsman with a deadly weapon in a Job Corps dormitory.

Second. Jones was a three-time felony loser, including conviction for attempted murder.

Third. Job Corps screening procedures are so haphazard that they had no idea of Jones' previous record when they took him in the Job Corps.

Fourth. Jones was in a capacity of leadership in the Mountain Home Camp, serving as dormitory leader, wing leader, and squad leader.

Fifth. The Job Corps does not deny that the victim of the assault was drummed out of the Job Corps by friends of Jones.

Sixth. The Job Corps did pay for an attorney and apparently for psychiatric treatment. A maximum of $50 of this cost may be deducted from the enrollee's readjustment allowance, the rest to be paid from Job Corps funds.

Seventh. Job Corps officials from Washington did telegraph the court that they would accept Jones back in the Job Corps. This was done at the time of sentencing by the court, when the full probation report showing his previous convictions was certainly available. Job Corps officials blithely claim that even at that time, when they agreed to accept Jones back, they knew nothing of his previous felony record.

Eighth. The Job Corps still has no procedure for screening applicants with felony records so that they can conform to parole and probation requirements.

Mr. Speaker, the latter point raises one of the silliest of the answers apparently given to my colleague, the gentleman from Florida [Mr. Gibbons] by Job Corps officials. I quote my colleague:

"There is no national file of parolees or juvenile offenders; and there is no way, except for a prohibitively costly security check, in which every facet of an applicant's life can be checked."

I would inform my colleague and the Job Corps that every State maintains records of parolees and probationers in a bureau of identification. In addition, if applicants were fingerprinted, as every inductee in the military service is fingerprinted, felony records could be checked overnight with the FBI. This is done constantly by sheriffs and police officials in our smallest communities around the country.

Mr. Speaker, when the Job Corps takes an applicant who has a felony record, they should know about it. The Job Corps has a direct responsibility to work out provisions so that they are not a party to removing parolees and probationers from States, thereby violating State law. I am informed that the Council of State Governments has been unsuccessfully trying to work out this matter with the Job Corps. It should be done immediately. The cases the gentleman from Minnesota [Mr. Quie] and I have cited are but a few of the many that have occurred in the Job Corps. They are not isolated instances. They are established policy of the Job Corps.

I am aggrieved that our two colleagues chose to slash back blindly and personally when we brought the Mountain Home case to the attention of the House. Our statements were based solidly on facts compiled by the attorney general of Idaho, Mr. Allan Shepard, and a large number of other officials in Idaho, including the prosecuting attorney, Mr. Fred Kennedy, who told me he had reviewed the attorney general's memo and approved it. As I stated to the House on Tuesday, the prosecuting attorney wanted it made clear that Job Corps officials cooperated with him fully after he refused to return Jones to the Mountain Home Camp for administrative action.

I include at this point in the Record the full memorandum of facts given to us by Idaho officials, along with an excerpt from bulletin No. 66–40 of the Job Corps, relating to legal services for corpsmen in Job Corps conservation centers:

"DECEMBER 31, 1965.

"This memorandum is written at the combined suggestions of certain persons who attended a meeting recently in the office of Mr. Sylvan Jeppesen, U.S. attorney. In attendance were Mr. Fred Kennedy, prosecuting attorney for Elmore County, Mr. L. E. Clapp, warden of the Idaho State Penitentiary, Mr. Mark Maxwell, vice chairman of the board of corrections, Mr. Al Roard, parole and probation officer, Mr. Bill Lesh, of the Employment Security Agency, Mr. Allen G. Shepard, attorney general of the State of Idaho, and his two assistants.

"Mr. Jeppesen stated that he had been requested by Senator Church to attend said meeting, which was called primarily at the instance of Mr. Kennedy and Mr. Clapp.

"The discussion involved a recent criminal incident at the Job Corps Camp at Mountain Home, Idaho. It was the consensus of those present at the meeting that the entire congressional delegation should be informed both as to the circumstances and the thinking of the group regarding corrective action which should be taken.

"On or about November 15, 1965, a vicious fight took place in one of the dormitories of the Job Corps Camp at Mountain Home. Said assault allegedly took place as a result of Truley Tillman, a corpsman, playing a radio in a manner disturbing to the other occupants of the dormitory. The dormitory leader, one Paul Dennis Jones, brutally beat Truley Tillman about the head and face. While sitting astride the prone body of Tillman, Jones produced a knife and slashed Tillman about the face and hands, and then plunged the knife into the abdomen of Tillman, inflicting a wound approximately 2½ inches in depth.

"The matter was reported almost immediately to Mr. Kennedy as county prosecutor. Because of the question of Federal enclave, the Federal Bureau of Investigation had been called. An FBI investigator was dispatched to the scene that night, interrogated Jones and obtained from him a statement admitting participation in the assault. Mr. Kennedy was approached that night by officials of the Job Corps, who attempted to convince Mr. Kennedy that there should be no criminal proceedings filed against Jones and he should be released to the Corps for administrative action. No person in the Job Corps camp, either corpsman or official, would sign the criminal complaint against Jones for assault with a deadly weapon, and Mr. Kennedy was, therefore, required to sign the complaint himself.

"It was necessary to issue subpenas and require attendance of Job Corps witnesses in court. The Job Corps officials, through their Washington, D.C., office, hired Mr. Robert Rowett, an attorney at Mountain Home, to represent the accused at Federal expense.

"At the hearing held therein, Jones entered a plea of guilty to assault with a deadly weapon, and as is usual in such cases, the district judge deferred imposing sentence pending presentence investigation.

"At the hearing for sentencing, officials from the Job Corps camp were present. A telegram from the Job Corps headquarters in Washington, D.C., was submitted to the court, which requested that the judge place Jones on probation and affirmatively stated that if said Jones were placed on probation by the court he would be accepted by the Job Corps and returned to the Job Corps camp.

"In the course of the presentence investigation, it was determined that Jones is a three-time loser on felony charges, having been convicted and served sentences in California State correctional institutions. The criminal record of Jones can be summarized as follows: At the age of 16, he attempted to kill two persons by firing nine shots from a revolver. He was admitted to the California Fort Springs Boy's Camp. In 1962 he was convicted of auto theft and received a jail sentence and 3 years probation. Later in 1962, he was convicted of auto theft and sentenced to an additional 2 years probation. In 1963, he was adjudged a parole violator, convicted of another auto theft and sentenced to the Soledad Correctional Institution. In 1964, he was paroled and on September 8, 1965, was arrested for driving with a revoked or suspended driver's license, and served a total of 25 days in jail.

"At the time of his induction into the Job Corps, he was, and still remains a parolee of California correctional system. Idaho, as are all States, is a member of the interstate compact on parole and probations. Under the terms of said compact, each State agrees that it will not permit one of its parolees or probationers to move to another State's jurisdiction without, in advance, informing the receiving State of such desire and making arrangements for the supervision of such parolee or probationer by the receiving State during the balance of parolee or probationer's time. No such notification was received by the State of Idaho, or its board of corrections from either the State of California or the Job Corps. We were informed that said Jones, while at the Job Corps camp, was made a supervisor of other corpsmen in three capacities: Dormitory leader, wing leader, and squad leader which would indicate he had rather close supervision of other corpsmen.

"Mr. Kennedy has further stated that he has received practically no cooperation from fellow Job Corps men witnesses in investigating or processing the defendant for what is obviously a serious crime in the felony category. This, in spite of the fact that the defendant was a three-time convicted felon and but for extremely fortunate circumstances, his latest victim would have died.

"One of the eyewitnesses to the assault, another corpsman, called by Mr. Kennedy to testify under oath, refused to state that he had seen the assault with the knife, although standing within 3 feet of the scene. Mr. Kennedy states that he is convinced that this witness is guilty of outright perjury. The victim of the assault was so mistreated and threatened by friends of Jones that he has now resigned from the Job Corps and has left the State of Idaho.

"Jones was recently brought before the Third District Court in Boise for sentencing, at which time Job Corps' officials and his lawyer, Mr. Rowett, also appeared. The district judge, Hon. J. Ray Durtschi, withheld sentence on Jones and placed him on probation for 2 years, with the condition that he serve 4 months in jail, and then return to the Job Corps. A further condition was that he receive psychiatric treatment.

"I am sure I reflect the consensus of the group in stating that the concept of the Job Corps and the philosophy which led to its establishment is laudable in every respect. Such provides an opportunity for underprivileged youth to be trained for work and ob-

tain necessary education. We think it is obvious that a group of young people in the 16 to 21 age bracket, most of whom are lacking in education and in the opportunity to compete in our society, are perhaps the most highly impressionable group of persons who could be assembled. Many of them have already had minor brushes with the law. I cannot think of a greater tragedy than having such a group of young people exposed to what is obviously a vicious and mentally disturbed person. To compound the problem, such a person was placed in a position of authority and responsibility over these same highly impressionable corpsmen.

"We feel from this incident can be drawn the obvious conclusion that the screening process of the Job Corps is at times, at least, a complete failure. We are informed that the officials at the local Job Corps camp are unable to, or have not determined how many if any, of their corpsmen are on a present active status of parole or probation from other States. The State board of corrections is reasonably positive that such situations exist and in conformance with the interstate compact, are desirous of being informed of the existence of parolees and probationers from other States who are presently residing within Idaho. We feel this is particularly necessary since we are informed that the Job Corps has no interest in the supervision of parolees or probationers.

"We also feel it pertinent to point out that the officials of the State of Idaho concerned with supervising probationers and parolees have had very fine cooperation with the armed services regarding such supervisory problems.

"It is also the consensus of the group that the basic concept of a Job Corps, as announced to the public at large, was not to provide rehabilitation institutions for criminals. The public acceptance of the Job Corps locations was, we felt, based on the asserted purpose of the Job Corps as providing training and education for underprivileged young people who deserved an opportunity.

"From my own personal standpoint, and while I may not reflect the consensus of the group, I must state that I am highly shocked and indignant at the use of Federal moneys to furnish legal counsel, bail, psychiatric evaluation and treatment, etc., to an accused, regardless of whether he be a Federal employee, State employee, or whatever.

"As you know, our system of criminal justice in the State of Idaho, for many years has required the appointment of legal counsel for indigent defendants and the reports of our supreme court are replete with opinions stating that the failure to fully and fairly advise an accused of his right to legal counsel, and to furnish such counsel, constitutes the deprival of constitutional rights. I seriously question the existence of any statutory authorization for such expenditure of Federal funds. Such certainly has never been the case in regard to armed services personnel and I can see no difference between the furnishing of counsel to a job corpsman, Federal employee, and the furnishing of legal counsel to a mailman, a U.S. attorney, an elevator operator in a post office building or a U.S. Senator, any one of whom could be charged with murder or an attempted murder.

"We sincerely believe that these matters demand your attention and investigation, if the Job Corps is to continue to have the public confidence and carry out the very laudable program for which it was designed.

"I should add that Mr. Kennedy some time ago, wrote to the Director of the program, Mr. Sargent Shriver, relative to the problems discussed herein, and has not, as yet, received the courtesy of a reply.

"ALLAN G. SHEPARD,
"*Attorney General, State of Idaho.*

EXCERPTS FROM THE OFFICE OF ECONOMIC OPPORTUNITY BULLETIN NO. 66-40

"It is Job Corps policy to provide legal services to corpsmen faced with criminal proceedings. The Job Corps is intensely interested in protection of the rights of corpsmen at all times from the moment they are en route to Job Corps conservation centers for initial assignments until they are discharged.

"Attorney's fees shall be deducted from the corpsman's readjustment allowance at a rate of $5 per hour for time expended in a judicial proceeding and $3 per hour for time expended in office consultation and preparation. The total amount thus deducted from the corpsman's readjustment allowance shall not exceed $50 in any case. The difference between the corpsman's contribution to his legal defense payments and the actual fees of the attorney will be paid by Job Corps up to the limits of the Criminal Justice Act of 1964. Reasonably necessary expenses incurred by the attorney in handling the case will be reimbursed by the Job Corps, but will not be charged to the corpsman.

"When a corpsman is faced with criminal proceedings, the center director should retain an attorney to represent him.

* * * * *

"Provide the corpsman with the opportunity to select an attorney of his choice, and inform the corpsman that fees will be deducted from his readjustment allowance at the rate of $5 per hour for time expended in a judicial proceeding and $3 per hour for time expended in office consultation and preparation, up to the $50 limit. If the corpsman refuses an attorney on this basis, the center director should attempt to have an attorney supplied by a local legal service organization or appointed by the court. In any case where a corpsman is faced with criminal proceedings, the center director should immediately notify Job Corps Operations Center by teletype."

Our concern for the future of the Job Corps and the safety of its enrollees mounts as tales of Job Corps terror increase. We are outraged to read the following newspaper account of what, sadly, appears to be the prevailing life of a corpsman.

[From the Leader, Corning, N.Y., May 9, 1966]

JOB CORPS MAN'S LETTER TO SISTER DIFFERS FROM ONE TO HIS MOTHER

(By Cliff Towner)

Statements made by a Job Corps man in a letter to his mother about how well he liked the Job Corps and how well he was being treated, apparently was merely an attempt on his part to allay his mother's fears.

Several weeks ago the Leader carried excerpts of a letter from Job Corps man, Ronald James Winchell, stationed at Fort Custer, Battle Creek, Mich., to his mother, Mrs. Muriel Snyder, of Beaver Dams, rural delivery 2.

At that time, the 19-year-old corpsman spoke of the good food and how it was "just like living at home."

Winchell also told his mother he hadn't "had a bit of trouble getting along with the fellows here at all."

However, this week, his mother brought to the Leader office another letter, one he recently wrote to his sister, Mrs. C. D. Jones, Jr., of 163 East Market Street, Corning, in which an entirely different story is outlined.

INJURY CONFIRMED

William Gifford, a member of Congressman Charles E. Goodell's staff in Washington, D.C., told the Leader today that he had confirmed Corpsman Winchell's finger injury.

Gifford said he put through two calls to Fort Custer and spoke to the doctor who said the records showed Winchell had reported to the dispensary on April 23 with a fractured left ring finger.

Camp officials said they did not know how the injury was received.

When Gifford put through the second call, the doctor said he had examined Winchell again and had ordered X-rays taken of the injured finger.

The letter, published with Mrs. Snyder's permission, follows:

"Well, I guess its about time I write you two a letter, wouldn't you say? Well, first of all I'll tell you what's really going on up here.

"Friday night I got into a fight and almost broke my collarbone. I got thrown face first into one of the beams in the room and boy, did it ever hurt.

"I thought for sure that I broke it, but it feels all right now, thank God. After my finger, that's all I'd need.

"I've just about broken my finger a couple of times over again, but Saturday night really did it. I got in another fight and I had to use my left hand. I thought that really did it because I couldn't move it for the rest of the night.

"It's not easy fighting with one hand but I'm sure as hell going to fight back, no matter what happens.

"I don't think I'll ever be able to use that hand like I should. It just starts to heal up and then I have to use it to defend myself. Just about every night there's guys getting jumped and beat up just for the hell of it. Race riots don't help either, if you know what I mean.

"Sunday night one of the foreman's cars were set afire by corpsmen. They haven't found out [who] did it yet, but when they do I guess its 5 years for [whoever] did do it. A can of lighter fluid was found by the car. It burnt the insides all to hell.

"Some guys go to the show at night and most of the time some of them end up in the dispensary cut up, most of the time.

"About a month after I got here at Custer I had the first chance to [experience] having a knife pulled on me. It happened coming back to the camp from Battle Creek on the bus. I didn't have much to say about it at the time or I wouldn't be writing anybody anything.

"I didn't want to tell Mom any of this because you know how she would react. I'm telling you and Clive this because I think you'll understand what's happening.

"I found out that over 40 percent of all the guys that come in Job Corps leave because of what I'm telling you now. They're in for a few weeks and that's all it takes.

"Now, for instance, I'm sitting on my bed writing in a notebook. In the back of the binder I've got a [razor] blade stuck where no one can see it. Just waiting for someone to come fooling around. I don't mean by the kind of fooling around we did home. Its all together different. The blade does the trick just by showing it to your [opponent]. Well this isn't half of it, but I'll stop now."

Mrs. Snyder hasn't heard from her son for more than 2 weeks and expressed her concern for his safety after reading the above. Congressman Charles E. Goodell has been asked to investigate.

CONTINUATION OF TEXT

Recent disturbances at the Rodman Job Corps Center, located on the outskirts of New Bedford, Mass., we feel, emphasize the need for careful screening of enrollees and more adequate security protection at the Job Corps centers:

TERROR IN THE STREETS

For several months, residents of the south end of New Bedford, Mass., have complained to civil and Job Corps center authorities that the discipline and control of enrollees at the Rodman Men's Job Corps Center was extremely lax. A near riot at the center late last summer and several instances of violence at the center and in New Bedford during re-

cent weeks resulted in a nervous and tense situation in New Bedford.

The following was reported by members of the New Bedford Police Department:

"On Saturday night, May 21, 1966, a crowd of approximately 150 Job Corpsmen gathered at about 10 p.m. and began a march to free a fellow Corps man who had been arrested earlier in the day and charged with wielding a knife. Two single-manned New Bedford Police cars attempted to intercept the crowd who were armed with pipes, bedposts, umbrella sticks, and stones. For nearly 2 hours, the mob terrorized the neighbors who resided in south New Bedford near the Job Corps center. It was reported some of the New Bedford citizens sat in their bedroom windows armed with shotguns and .22 caliber rifles. Men were afraid to leave their homes to report to work for the night shift. Job Corps men rapped on houses with clubs and looked in the windows of residents' homes.

"Approximately 35 police from 2 shifts reported to the emergency. The Job Corps men were persuaded to return to the center about midnight. They continued to shout obscenities at the police and hurl rocks at the patrol cars. One policeman reported a shot fired at the patrol car from behind the center fence. A Molotov cocktail-type bomb was recovered by the police, together with a variety of clubs, pipes, and umbrella sticks.

"In the absence of security and in view of the limited police personnel, many considered New Bedford fortunate that there were no physical injuries reported and a minimum of property damage. The police who reported to the scene first feared they would not be able to handle the emergency.

"The New Bedford, Mass., City Council acted swiftly. At a special meeting Monday, May 23, the following resolution was passed by unanimous vote of the council:

"'NEW BEDFORD CITY COUNCIL

"'Whereas it is quite apparent that Job Corps facilities have no place in urban communities, particularly one the size of New Bedford, since such cities are unable because of a lack of manpower, both police and fire, to deal with resulting problems; and

"'Whereas despite the fact that we are unqualifiedly in agreement that the basic idea is meritorious, experience shows that improper location detract from the chosen goals; and

"'Whereas the people living in the south end of New Bedford have had their peace of mind shattered and they have been put into a state of fear that is alien to this staid New England seaport; and

"'Whereas the populace, with few exceptions, demand that the center be moved away from New Bedford immediately; and

"'Whereas the city is actually menaced by hordes of undisciplined youths and it will not be long before it is reduced to a state of hysteria; and

"'Whereas President Lyndon Johnson should be advised of this defect in his system of living laboratories: Therefore be it

"'*Resolved*, That the President of the United States be and he is hereby respectfully implored to close down the Rodman Job Corps and to move its facilities to a rural area away from this city; and be it further

"'*Resolved*, That a copy hereof be mailed as evidence of our sentiments to President Johnson.

"'Rollcall vote of the New Bedford City Council: 11 yeas; no nays; vote recorded unanimous.'"

Based on these and other authoritative accounts of the way in which Job Corps camps are being administered, we would concur with a Federal judge who recently returned a 17-year-old Job Corps trainee to a Federal correctional institution for juveniles rather than return him to the Job Corps, because as he expressed it,

"I'm concerned about the discipline at the Job Corps. We are dealing with a sensitive situation and if we let this sort of thing go on (marihuana at the center) we don't know to what proportions it might grow. I think the National Training School will provide a better atmosphere for you."

We cannot allow such atrocities to continue. We insist that arrest records of all Job Corps applicants be checked and that practical and reasonable disciplinary measures be imposed at the camps. The Republican views on this subject are in complete agreement with those of the Democratic leader in the Senate as expressed by him on the Senate floor on Wednesday, April 27, 1966. Senator Mansfield's comments are set out in the following Republican poverty memo.

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 22, May 2, 1966]

SENATOR MANSFIELD ON THE JOB CORPS

Republicans proposed experimental Job Corps camps 3 years before the poverty program. We believe in the concept, but we do not believe in the Job Corps program we have today.

Every time we advance specific criticism, the broken record response from poverty officials and their spokesmen in Congress is, "Oh, that's an isolated case and they are just trying to destroy the Job Corps program."

They ignore the almost endless evidence of poor administration, protection rackets, Corps men forced to live with pipes under their pillows, lack of discipline in camps, and lack of planning for jobs outside of the camp—these conditions seem to prevail across the country.

In the past we have exposed serious faults in the selection and screening of corpsmen, but the mass-production psychology prevails. Earlier this year, we cited the case of a Montana corpsman who shot a lady in a Billings bar. Thereafter, he was not only retained in Camp Breckinridge, Ky., but flown with a guard back and forth from Kentucky to Montana several times at taxpayers' expense to attend court proceedings in Billings.

This is not a partisan issue. At the time this incident occurred, Senator Lee Metcalf, Democrat, of Montana, said, "The idea of the Job Corps in my opinion is a great idea but this incident is wrong and really burns me up. These dropouts and malcontents are being coddled and complimented for their derogatory behavior."

We had hoped our protests and warnings would be the end of this continuing story of shortsighted administration. Now the Democratic leader in the Senate, Senator Mansfield, of Montana, has revealed that this regrettable story continues. Here are Senator Mansfield's own words spoken from the Senate floor on Wednesday, April 27, 1966:

"Mr. President, one of the major programs within the administration's antipoverty program is the Job Corps. It is my understanding that the program is designed to take youngsters from unfortunate surroundings and expose them to education, training, and guidance, preparing them for a more worthwhile role in our society. The program takes these people from their home environment and places them in camps throughout the country. There are now three Job Corps camps in my State of Montana.

"The basic idea of the Job Corps is fine, but I have become somewhat concerned about its implementation, the screening process used in filling the camps and overall inadequacies in the administration of the program. First of all, it seems to me that everyone was in too big a hurry to get the first camps operating, too little time was given to the screening of Job Corps applicants. There is a need to be more selective. There are many who can be helped and who are willing to be helped. These camps should be limited to those who have given some indication that they want to be helped and are willing to try. It was not my intention to support the establishment of three reformatories in my State. There have, as yet, been no major incidents at any of the Montana camps.

"I do not like admonishing the Job Corps but an incident has occurred in Montana which illustrates my cause for concern. Some months ago a juvenile in Billings with a most unfortunate background was selected for the Job Corps. However, before he could be transported to his camp in the Midwest, he was involved in a barroom brawl and shot a patron. His defense was immediately taken over by the Job Corps officials, he was then taken to the camp and returned to Billings, when required by the courts. He was given better counseling, care, and attention than the average individual. Within the past week or so he escaped from camp with a colleague, stole a car and in Indiana was involved in a car accident taking the lives of two people and hospitalizing others in critical condition including himself.

"I am well aware that there can be bad apples in every program, but it seems to me that there is something wrong. Perhaps it is a matter of lack of know-how and inefficiency on the part of the administrative Job Corps personnel involved. They and those enrolled in the program should have been more selective in the very beginning. Certainly a man with a criminal charge against him should be kept under very close surveillance. Also there is a grave question as to any value this program might be to a person of this nature. The individual involved was given treatment and protection above and beyond that allowed the average citizen, only to have it thrown back at us with more criminal action.

"I do not like speaking in this vein, but I cannot stress too strongly the need for a more careful selection of Job Corps men and an insistence upon efficient and capable administrative and guidance personnel."

It is time Congress imposed some sensible standards on Job Corps administration. Our opportunity crusade, offered as a complete substitute for the war on poverty, in the form of H.R. 13378, would impose careful screening and enrollment procedures.

CONTINUATION OF TEXT

The desire of OEO for dramatic results could well cause another serious problem at the expense of corpsmen. As tales of Job Corps terror rise, enrollees drop out and new camps open at rising expense, a critical shortage of potential enrollees has developed. How has OEO responded to this problem? They have launched a series of hasty recruitment campaigns, the implications of which are described in the following Republican poverty memo.

WHO IS THE "WRONG-WAY CORRIGAN" AT OEO?

The Job Corps has been under fire for its superficial and inadequate testing, evaluation, and screening of applicants. It is the conviction of many of us that, at an average cost in excess of $9,120 per enrollee, assignment to a Job Corps camp should be based upon careful professional evaluation.

While constructive critics have been urging Job Corps officials to tighten up recruitment procedures, Job Corps officials have launched a series of new and experimental procedures that might well be called blind man's bluff.

All of the recruitment gimmicks have the

purpose of speeding up the processing time and funneling applicants into Job Corps camps on a crash basis. One experiment, designed to enroll roughly 3,700 applicants, has been the waiver of the Medical examination of applicants between April 14 and May 7.

As one recruitment announcement advertised, those who apply prior to May 7 "will not need a physical examination if they are in good health." How does OEO intend to determine an applicant's health unless he has been examined by a physician?

Other recruitment programs guarantee that Job Corps applicants will be sent to a camp within 24 hours after signing up, 3 days after signing up, 5 days after signing up, or 10 days after signing up. Whether the process takes 24 hours or 10 days seems to be determined by the area of the country the applicant comes from.

How are these high-powered public relations devices going to improve the haphazard screening procedures that have caused so many problems in Job Corps camps? How are criminal records to be determined and analyzed for proper applicant assignment? How are epidemics of communicable diseases to be avoided at Job Corps centers? Why the assembly-line, supermarket approach at this stage?

Poverty officials earlier indicated they had 152,000 applicants for the Job Corps and couldn't take care of them all. The 435,000 "Li'l Abner" comic books, designed to stimulate Job Corps applications, are gathering dust in a warehouse at taxpayer's expense. One of the reasons given for shelving the comic book approach was a backlog of Job Corps applicants. With a backlog of applicants, OEO launches a series of all-out recruitment programs. The poverty question of the day is, "Who is the 'Wrong Way Corrigan' at OEO?"

THE SPUTTERING JOB CORPS

The results of the hasty launching of the Job Corps programs show a number of centers are shifting management. During recent weeks, the Office of Economic Opportunity announced sponsors at the following will be replaced: St. Petersburg (Fla.) Women's Job Corps Center; Camp Atterbury Job Corps Center, Edinburg, Ind.; and Camp Breckinridge Job Corps Center, Morganfield, Ky.

In St. Petersburg, Fla., the Pinellas County School Board has voted not to renew its contract when it expires July 31, 1966. The following Republican poverty memo relates the sequence of events leading to OEO's decision to abandon St. Petersburg when the current contract expires:

[Republican Members Poverty Subcommittee, Republican Poverty Memo No. 25, May 13, 1966]

ROCKING CHAIR VERSUS ROCK AND ROLL OR COMMUNITY RELATION ATROCITIES IN ST. PETERSBURG, FLA.

A first requirement is successful operation of a Job Corps center is good community relations. In St. Petersburg, Fla., Job Corps officials have acted out a textbook version of how not to promote good community relations. In April 1965 they opened a Women's Job Corps Center in the Hotel Huntington in a quiet area surrounded by residential dwellings for retired people. The rental of the Hotel Huntington for 18 months totaled more than its appraised value. Community resistance and resentment were overwhelming. At the time, an OEO spokesman, referring to Women's Job Corps centers, said, "The St. Petersburg Center is the first. If any mistakes have been made, the responsibility is mine and I will learn from them."

After 1 year, OEO had graduated 42 enrollees from the St. Petersburg Center at a cost of $1,646,601, averaging $39,205 per graduate. The monthly cost of the St. Petersburg facilities is by far the highest of any Women's Job Corps Center in the country.

Training and classroom facilities were spread over four separate locations in St. Petersburg, and the Pinellas County School Board, the Center's sponsor, has been locked in continuous struggle and controversy with OEO, causing them now to terminate their contract.

Having blundered so disastrously in their selection of the Huntington site and in promoting good community relations in this first Job Corps operation, OEO has now demonstrated how they have learned from past mistakes. On May 4, with great gusto, OEO announced the Center will be moved to the old luxury Soreno Hotel under a 14-month contract for $3.1 million. Amazed local officials lost no time in reacting. On May 10, the St. Petersburg City Council passed an ordinance precluding the use of the Soreno Hotel for a Job Corps Center. On May 11, the school board refused to extend the current contract for use of school facilities. Protests rose from every corner, including community businessmen and planners who found the Job Corps location in direct contradiction of redevelopment and rehabilitation plans for that area of the city. The Governor has indicated he will try to veto the project.

It would appear that Job Corps officials have leaped from the frying pan into the fire, and they owe Congress and the people of St. Petersburg some explanations:

(1) Did any community officials agree to the Soreno Hotel location before it was announced?

(2) Could the dreamers at OEO come up with any location that would cause more community disruption in St. Petersburg?

(3) What possible basis did they have for selecting a community like St. Petersburg for a Job Corps site in the first place?

(4) What accounts for the apparent obsession at OEO to rejuvenate old hotels in unsuitable locations?

(5) Under present policies can they hold out any hope to the American taxpayers that they will ever get their cost per Job Corps graduate down to as low as $20,000, without counting dropouts as graduates?

We are particularly affronted by Job Corps bungling because of our longtime sponsorship of the Job Corps approach. Three years before the war on poverty, we proposed experimental skill centers for young people who need to be liberated from their immediate environment in order to respond to educational training. The Education and Labor Committee this week has rejected summarily a whole series of Republican amendments to tighten up Job Corps procedures and to counter the mass production psychology that still seems to prevail at OEO.

Our 100-page "Opportunity Crusade," as a complete substitute for the poverty war, would require proper planning, consultation with local officials, and sensible economic management. It would direct Job Corps officials by specific provision of law to "stimulate formations of indigenous community activity in areas surrounding Job Corps centers to provide a friendly and adequate reception of enrollees in community life."

CONTINUATION OF TEXT

When OEO announced the change of sponsor on May 4, 1966, a spokesman stated the Pinellas County School Board decided not to seek renewal of its contract because of the administrative burden. On May 13, 1966, Sargent Shriver, OEO's Director, announced the Job Corps was being removed from St. Petersburg, Fla., because of the hostility shown to the Job Corps Center and the enrollees.

At Camp Atterbury, Ind., OEO has decided not to renew the Job Corps contract with Midwest Education Foundation, Inc. Westinghouse Electric Co. was scheduled to take over the operation on June 1, 1966. Critics of the Atterbury program termed it a "sad, sad failure."

On March 10, 1966, OEO announced the Breckinridge (Ky.), Job Corps Center would be run by General Precision Equipment, Inc. A spokesman for OEO said the contract would not be renewed because the Center operation was too much of an administrative burden for Southern Illinois University.

On March 8, 1966, at the hearings before the Ad Hoc Subcommittee on the War on Poverty, Sargent Shriver, OEO's Director, testified steps had been undertaken to change the contractor at Breckinridge. He acknowledged there were 624 corpsmen, although the contract called for 2,000, and 569 staff members in the Center. It it difficult to explain a situation like Breckinridge when thousands of applicants are waiting to fill Job Corps slots.

It is apparent the Job Corps program is floundering. It is the Republican view that OEO has had ample opportunity to demonstrate its ability to administer a productive, worthwhile Job Corps. In the opinion of the minority, OEO has failed more noticeably in this area than in any other single anti-poverty program.

WORK TRAINING?

Republicans recognize the vast potential of a Neighborhood Youth Corps program to deal with the acute, widespread problem of school dropouts and the tremendous waste of manpower resulting from the idleness of large numbers of our youths.

A soundly conceived, properly administered Neighborhood Youth Corps would do much to alleviate the problem of training youths for meaningful employment and prepare them for productive futures. To date, there is little evidence the Neighborhood Youth Corps program has accomplished these objectives. On the contrary, newspaper accounts report endless examples of dishonesty, kickbacks, political patronage, enrollment of fictitious persons, displacement of the elderly by Neighborhood Youth Corps enrollees, and gross disregard of eligibility standards.

It is a common complaint of enrollees that their "training" consists of streetsweeping, picking up park litter, leaf raking and other forms of meaningless employment. The failure of this "work training" program, as it was originally designated, and since forgotten, is pointed up by the complaint of one young corpsman: "When the money is spent and the program is ended we'll be right back where we were before the Neighborhood Youth Corps."

We feel that the Neighborhood Youth Corps program has failed to accomplish its objective of providing useful work experience and enabling impoverished to resume their education for the following reasons:

1. The failure of OEO to communicate with local sponsors in regard to eligibility standards and criteria resulted in substantial numbers of ineligible enrollees in the program thus depriving the very needy and hard-core poor of participation.

2. A lack of attention to administration and inspection of programs has permitted corruption, scandals, and abuses to occur.

3. Failure to include private industry in the program has severely limited the occupations available and has provided little opportunity to train youths in skills required for productive and permanent jobs.

The following are some nationwide illustrations of what has happened in the Neighborhood Youth Corps program:

[From Republican Members, Poverty Subcommittee, Republican Poverty Memo, No. 1, Tuesday, Mar. 15, 1966]

CHICAGO, ILL.

Hearings are now underway on the poverty program.

Last week, Mr. Shriver testified rather superficially on a variety of issues. Among other things, in his prepared testimony, he made the incredible statement that, "Since last summer fewer than 50 ineligibles have been discovered in the Neighborhood Youth Corps." The very next day, Secretary Wirtz contradicted Mr. Shriver by admitting that at least 5,000 to 6,000 enrollees in the Neighborhood Youth Corps have been found ineligible and dropped since last summer; 1,700 were dropped in Chicago alone since January 1. Now they are saying that these are welfare cases, barely exceeding the strict poverty standards. Well, a quick spot check of widely dispersed records in Chicago gives quite a different picture. Although arbitrary handling of the hearings prevented me from questioning Mr. Shriver on these, here are some samples. I have removed the names of the enrollees to spare them embarrassment; however, they are available to officials who may be interested:

Male enrollee—17, family of four, father head of household, income $11,000 a year.

Male enrollee—19, family of five, father head of household, income $10,200 a year.

Female enrollee—19, family of two (housewife with no children), husband head of household, income $5,000-plus a year.

Female enrollee—18, family of three (an only child), father and mother both work, earn jointly $150 per week.

Female enrollee—20, family of three (an only child), father head of household, income $7,500 a year.

Male enrollee—17, family of six, father head of household, income $7,000-plus a year.

Male enrollee—19, family of five, grandfather head of household, income $7,000-plus a year.

Male enrollee—18, family of six, father and mother both work, earn jointly $500 a month.

Male enrollee—20, family of five, father head of household, income $5,400 a year.

This is the program supposed to help poor youngsters who are school dropouts or likely dropouts for reasons of poverty. Obviously, a full investigation would reveal many times more than Mr. Shriver's 50 ineligibles in Chicago alone. And no wonder. Last November the public relations representative for the Chicago poverty program stated, "We don't know what the families of kids make. No straight flat figure on what an applicant family should make has been set. We have no statistics on incomes of the families of the kids in the Corps. We assume that, when we receive a name from the Illinois State Employment Service, the candidate named is qualified."

At that time, the executive director of the Chicago program was quoted as follows: "It is absolutely correct that, until today, no means test was given in recruiting."

Almost one-quarter of the total enrollees in Neighborhood Youth Corps in Chicago had to be dropped because they exceeded the income requirement. At the same time, the poverty director in Chicago admits that there are at least 35,000, and others estimate up to 60,000, young people between the ages of 16 and 22 in Chicago who fully meet the poverty standards for Neighborhood Youth Corps but weren't given a chance.

These are not isolated cases; they prevail all over the country. In addition to the 1,700 dropped in Chicago, Mr. Jack Howard, Director of the Neighborhood Youth Corps, admitted that about 2,000 in New York City and at least 1,000 in Los Angeles were ineligible. That is close to 5,000 ineligibles from 3 cities alone.

In the next few days, we will discuss other serious violations in the poverty program in Chicago. In the meanwhile, let me emphasize that the Quie-Goodell opportunity crusade would correct these deficiencies and put 50,000 youngsters into productive jobs in private enterprise through a new Industry Youth Corps.

BOSTON, MASS.

In November 1965, the Boston (Mass.) Traveler discovered and exposed thefts, employment of ineligibles and other irregularities in Boston's Neighborhood Youth Corps projects. The thefts perpetrated by falsified payrolls and forged checks were in the summer work program for Boston's youths. According to the Boston Traveler, November 30, 1965, additional payroll thefts of $2,000 were uncovered along with fresh evidence that city hall henchmen were picking off plum jobs in the program.

On December 3, 1965, the Washington Post reported the Labor Department was holding up $1.5 million in a pending renewal grant to the Neighborhood Youth Corps in Boston.

On November 29, 1965, the board of directors, Action for Boston Community Development, Inc., the community action agency which ran Boston's Neighborhood Youth Corps program, accepted the resignation of the president, Charles I. Schottland.

On December 29, 1965, the Boston Herald reported Joseph S. Slavet, executive director, ABCD, resigned and Arnold L. Schuchter, deputy director, was fired by unanimous vote of the board of directors.

In March 1966, Mr. Schuchter advised an investigator of the ad hoc Subcommittee on the War on Poverty that he was working for the Office of Economic Opportunity on a consultant basis.

The March 3, 1966, edition of the Boston (Mass.) Record American reported the FBI, OEO, and the U.S. Labor Department were investigating new evidence of financial irregularities involving youths employed in ABCD's summer programs. It was reported an ABCD official admitted the agency had been unable to locate some 200 youths listed as employees and for whom W–2 income tax forms had been issued. Some youths had complained they received W–2 forms showing more income than they actually received.

By letter dated May 16, 1966, J. Edgar Hoover, Director, Federal Bureau of Investigation, advised Congressman Charles E. Goodell the FBI had completed an investigation of allegations of payroll irregularities in connection with ABCD's program and that prosecutive action with regard to six potential subjects, five employees and one enrollee of the program, is presently under consideration by the U.S. attorney, Boston, Mass.

MEMPHIS, TENN.

In June 1965, 20 youths who made a weekly salary of $31.25 participating in the Neighborhood Youth Corps project were forced to "kick back" $25 each from their salaries for the hiring of an unauthorized supervisor. One mother said her 16-year-old son came home almost in tears because the supervisor had been worrying him about the money.

CHATTANOOGA, TENN.

In April of this year, the Federal Bureau of Investigation instituted an investigation of the Neighborhood Youth Corps program on the basis of complaints from three enrollees who complained they never received and hadn't earned five checks issued in their names for a total of $460.

RHODE ISLAND

Irregularities in eight Neighborhood Youth Corps projects in Rhode Island were disclosed in the fall of 1965.

In Cranston, 42 of 248 enrollees were ineligible; in Newport, 47 ineligibles of 370; in North Providence, 47 of 80; in Jamestown, 36 of 75; in Johnston, 39 of 91; in Central Falls, 52 ineligibles; in Burrville the program was suspened because of "poor administrative practices"; and in Warwick, personnel allegedly working full time for the Neighborhood Youth Corps continued in their municipal jobs—the salaries for those jobs were then paid from Neighborhood Youth Corps funds.

Providence, R.I., newspapers reported the following:

In the Jamestown project the average income of the families of enrollees was $6,000 to $7,000 and seven enrollees were paid to give sailing lessons.

In the Johnston program 10 of the youths were college students and the parents of 73 owned at least 58 homes and 113 motor vehicles.

In the Cranston program, 3 parents were making over $9,500 a year and 10 parents were in the $5,300–$6,300 range. Some of the city councilmen were allowed from 5 to 10 referrals each.

In the Newport-Middletown program, eight were students in college and the director of the program, at $8,000 a year, was the mayor of the city.

KANSAS CITY, KANS.

In October 1965, wide-scale discrepancies in the Kansas City, Kans., Neighborhood Youth Corps program resulted in the city refunding $7,122.27.

The Kansas City Times, October 29, 1965, reported the investigation was precipitated by Noel Newsom, a discharged assistant counselor, who charged that politics was responsible for the hiring of many youths.

More than 70 youths in the program came from families whose income was higher than the criterion for the poverty program.

According to Charles W. Peasinger, Jr., OEO investigator, among those given jobs in the program were a youth who drove a 1965 Thunderbird to classes at the University of Kansas, a girl whose father owned both a service station and a liquor store, and the stepson of Joseph G. Poigner, chairman of the Wyandotte County Democratic Party.

NEW YORK, N.Y.

In November 1965, a Neighborhood Youth Corps directive ordering that Federal low-income eligibility standards be observed caused New York City to drop about 2,000 of 5,000 youths from its program.

LOS ANGELES, CALIF.

In January 1966, approximately 2,000 youths were removed from Neighborhood Youth Corps jobs because they did not meet the Federal income criteria.

PASADENA, TEX.

On Apr1 25, 1966, the Houston Post reported the city of Pasadena, Tex., sponsored Neighborhood Youth Corps project for 80 boys and 10 girls was "one of the worst fiascoes in the history of the Neighborhood Youth Corps in Texas."

The Pasadena project was not started until July 20, 12 days after the Neighborhood Youth Corps published the poverty level standards.

"We had no definite guidelines from the Federal Government as to who should be enrolled," the Houston Post quoted Mayor Doyal.

"We didn't understand the Youth Corps to be strictly a poor-folks program," said the chairman of the selection committee. "Our determination of who should be picked first was not strictly on the basis of poverty. We felt there could be kinds of poverty other than material poverty, that perhaps some needed jobs for spiritual or other reasons."

In many cases, the corpsmen's parents said their children's participation was not because of economic need. Most parents said they did not understand the program was for helping only the poor.

One 17-year-old was the son of working parents, his mother a city of Pasadena secretary and his father an operator for a big chemical company, both working. The mother was Mayor Doyal's secretary for about a month soon after he took office in May 1965, but she said she pulled no strings to get her son in the corps.

The Houston Post reported John Ray Harrison, director of the Youth Corps project, and a member of the Texas House of Representatives, is a former law partner of Mayor Doyal. Doyal said he hired Harrison as director, at $180 a week paid from Federal funds, because he could find nobody else appropriate for the job at that time. Harrison is a former youth counselor for the Pasadena police and schools. He resigned as Youth Corps director September 25, before the program ended.

Harrison "did us a favor" in taking the job, Doyal said.

How much of a favor was not fully apparent until after the Post reporter began checking into the project on February 3.

Baker said that about February 8, Harrison brought back the W–2 tax withholding form he had received from the city and asked that the city stop payment on the checks totaling $1,552.34 (after taxes) he had received back at the time of his Youth Corps service.

Harrison, now a candidate for the State senate, later said he had never intended to cash the checks "because I didn't want to get myself in a political box."

It just so happened that he asked the city to stop payment on them in February, months after he received them, "because that was just when the W–2 forms came out, and I wasn't going to pay taxes on them," he said.

LA GRANGE, TEX.

The April 26, 1966 edition of the Houston, Tex. Post reported 71 of 186 enrollees in the La Grange, Tex., Neighborhood Youth Corps project in November 1966, because their family income exceeded the family income standards.

BELLEVUE, NEBR.

The October 29, 1965, edition of the Des Moines, Iowa, Register contained details of the cancellation of the Neighborhood Youth Corps project in Bellevue, Nebr., after investigators reported 90 percent of the youths enrolled were not from low-income families.

It was reported that, in an interview, the Youth Corps investigator said that only 10 of 153 youths in the program came from families with less than $4,000 a year income. He said 82 of the youths reported their families earned in excess of $6,000 a year and it was obvious that many of the youths were from families with more than $10,000 income. He said the parents included several Air Force colonels and engineers.

The Bellevue project started in March 1965 and was canceled in May of that year, officials said.

WILMINGTON, DEL.

In the summer of 1965, the Wilmington News-Journal investigated the Wilmington, Del., Neighborhood Youth Corps project and discovered that:

At least 18 boys in the corps—about a fifth of the total—were close relatives of employees on the public payroll or Government officials.

At least 15 of those are relatives of Wilmington city employees or officials.

Other enrollees among the 89 youths resided in the so-called "better" neighborhoods.

JOHNSTOWN, PA.

In December 1965, investigators of the Subcommittee on the War on Poverty reported four elderly charwomen had been displaced by Neighborhood Youth Corps youths at the Cambria County War Memorial, Johntown, Pa., during the period June to November 1965. One of the elderly ladies was the sole support of her family which included a 21-year-old retarded child.

CARLINVILLE, ILL.

On October 22, 1965, Hon. Paul Findley, in his remarks on the floor of the House, referred to the October 12 issue of the Wall Street Journal as follows:

POLITICAL IMPRINT ON YOUTH CORPS

(By Jerry Landauer)

CARLINVILLE, ILL.—When Sargent Shriver's antipoverty program descended on southern Illinois one Friday afternoon, certain townsfolk in Macoupin County could hardly contain their joy. "I thought it was too good to be true for a thing like that just to drop in on us," recalls Walter Vesper, a Democratic ward leader who makes his living checking eggs and produce for the State department of agriculture.

In Staunton, Mr. Vesper and several more Democratic colleagues unhesitatingly enlisted as local lieutenants in the national antipoverty crusade. With an efficiency that big-city machines might envy, the small-town politicians worked the phones that weekend. By 9 o'clock Monday morning more than a score of young men and women aged 16 to 21 were lined up outside the city clerk's office and by late afternoon close to 40 had signed up for the Neighborhood Youth Corps.

"Not one Republican family around here knew anything about it until after the kids were enrolled," says Roy France, former mayor and voluntary supervisor of the Staunton NYC project, who later quit in disgust. "I'd say probably not more than five kids were really poor. While the wealthy kids were working, many who didn't have decent clothes to go to town in came to me crying. It was a rotten, corrupt political deal."

Here at the county seat, the joy generated by the NYC matched the cheers it received in Staunton. Skipping church on Sunday, Carlinville's five Democratic precinct leaders gathered around the council table in city hall to deliberate. In meetings convened for 10 a.m., 2 p.m., 5:30 p.m., and 8 p.m., the leaders lined up enrollees. "By Sunday night we had 27 boys and 10 girls," Mayor Howard Heinz recalls.

Lanky Mayor Heinz, a furniture dealer, hadn't even been aware that Macoupin County would participate in the Youth Corps part of the poverty program until an emissary appeared in his store at 5 p.m. the previous Friday to tell him. "It was a purely Federal expenditure going down the hatch anyway, so I took it," the mayor explains.

"The kids were supposed to start work Monday morning. I asked, 'How can we organize this thing so fast?' and this fellow said not to worry. That had been taken care of, he told me." Next day Carlinville's Democratic chief called to suggest the Sunday meetings.

GUIDELINES NOT CONSULTED

But though Carlinville's Democrats organized the Corps without help from county or State welfare agencies (the county public aid director wasn't even asked to provide a list of potential enrollees) and without consulting Washington's selection guidelines, the youth project rolled along fairly well for a time.

The youngsters helped stack books at the library, supervised children in the park, cleaned up parts of the city cemetery, pulled grass from sidewalk cracks, and cut away underbrush near the lake. They were paid $40 for a 32-hour week.

Some problems did crop up. One boy who terrorized other brush cutters with a machete-like knife had to be removed for psychiatric examination. John Dun, veteran Democratic leader, of the third ward, tried to fire a second boy whose parents he believed might be Republicans.

Nonetheless, many townsfolk say that, to some extent, at least, Washington's goal of providing useful work experience for needy kids was met. Naturally Democratic politicians lead what chorus of praise is heard for the Corps' accomplishments.

"These kids did things that have never been done in this town before," asserts Robert (Sonny) Albertine, one of the five precinct leaders who attended the Sunday selection sessions. Mr. Albertine, who draws $748 monthly as chief plumber at the statehouse in Springfield, a post to which he was appointed by the secretary of state, particularly resents complaints that his 17-year-old stepson was among the youths who found work in the Neighborhood Youth Corps.

"He comes from a broken home, don't he?" Sonny demands. "Believe me, that kid came home from work with blisters on his hands. Anyway, to the victors goes the spoils, you know what I mean?"

A VOLLEY OF PROTEST LETTERS

The appearance of the stepson's name on the list of recruits published by one of the town's two weekly newspapers was among the events that inflamed the critics. Others wondered how a girl member of the Corps could afford to drive her playground supervisor job in a sporty red convertible (a gift from her grandfather). Charles F. Wolf, a bacteriologist, began firing off a volley of protest letters to Washington; there, the Labor Department operates the NYC under Sargent Shriver's generalship.

Mr. Wolf's complaints drew a rather prompt response. Sargent Shriver's headquarters dispatched an inspector, and within a few days 83 corpsmen in the county were dropped as ineligible. But that still left Macoupin holding 186 of the 900 jobs filled in all Illinois beyond Chicago. "We didn't fool around down here," brags County Democratic Leader Edgar Fuess, recalling that of the first 600 jobs, Macoupin hogged half. Mr. Fuess is on the State payroll as a truck weight checker.

Spokesmen for the Illinois Farmers Union, the statewide project sponsor, say politics infiltrated the Youth Corps as a byproduct of well-intentioned haste to get going. The thing did get away from us," concedes Ray Watson, Farmers Union president. "But as soon as we found something wrong we got cracking."

Critics, however, pointing to the Farmers Union's close ties with Illinois Democrats, question the wisdom of delegating responsibility for any part of the antipoverty program to organizations which are necessarily involved in local or State politics.

Democratic Boss Fuess, for example, is a Farmers Union member. He readily concedes that the group's county president asked him to help organize the Youth Corps. "Naturally I helped all I could."

Right now the local Democrats are waiting hopefully for more Federal money to finance a followup project of part-time work for youngsters who otherwise couldn't stay in school. Few politicos who greeted the Youth Corps with signup pencils poised seem chastened.

"There was only one mistake in the whole business," concludes Carlinville's Sonny Albertine, "that was when Washington paid attention to a bunch of gripers."

CONTINUATION OF TEXT

COMMUNITY ACTION—A HOMETOWN FIGHT

Republicans view the community action program as the most confused, mismanaged, and ineffective effort of the entire war-on-poverty program. An early pamphlet published by the Office of Economic Opportunity, entitled "Community Action—A Hometown Fight," turned out to be ironically true. During the year of 1965, community action programs across the country were bogged down in a variety of perplexing situations, including problems of composition of boards of directors, power structure versus the poor, lack of involvement of the poor at all levels, fiscal irresponsibility and chicanery, and generally clogged communication lines between OEO and the various community action programs.

Very early in the program, it was apparent to all that the first beneficiaries of the war on poverty were to be those serving in the upper echelons of the community action

staffs. Social workers, schoolteachers, welfare administrators, and political favorites vaulted into war-on-poverty programs at handsome salaries ranging from $10,000 to $27,500 per year while the poor stood by, stunned by developments in a program supposedly designed for them.

The newspapers carried daily accounts of programs mired in struggles between community power structures and the poor for control of programs and poverty funds.

Numerous scandals were reported in community action programs involving fiscal dishonesty, waste, mismanagement, and abuse of funds.

Community leaders and clergymen, who for years had worked with and for the poor, watched with increasing surprise and anger at the course the war on poverty was taking. Civil rights leaders, almost without exception, noted the antipoverty community action programs were not "reaching the poor."

Republicans believe the community action program has failed to achieve noticeable reduction of the problems of the poor and that it has failed in the following areas:

Involvement of the poor

The language "maximum feasible participation" of the poor in the Economic Opportunity Act has resulted in mass confusion and a multitude of interpretations. Some communities interpreted this provision to mean the poor should be represented on policymaking boards at all levels, while other communities felt it meant the poor should be hired simply as agents for policies decreed by the existing political and economic power structures.

For months, funds were held up for community action programs in the following cities, notable among numerous examples, because the boards of directors did not include sufficient representation of the poor:

Los Angeles, Calif.
Cleveland, Ohio.
Memphis, Tenn.
San Antonio, Tex.
St. Louis, Mo.
Atlanta, Ga.
Albany, N.Y.
Mobile, Ala.

As programs approach the end of their second year, the political power structures in Chicago, Ill., and Oakland, Calif., continue to designate those to serve on policy boards and the community action agency heads persist in their view that the poor need not participate at the policy-making level. In Chicago, the director of the community action agency and the original Executive Committee were appointed by the mayor. The director, in turn, appointed the various neighborhood centers' directors and they chose their advisory councils and representatives to the executive committee.

As recently as March of this year, three-quarters of the community action agency's council in Oakland, Calif., elected from impoverished areas of the city, walked out on the council. They charged that the Oakland program neither represented nor served the poor in Oakland. They wired the Director of the Office of Economic Opportunity, calling for an investigation and threatened to set up a rival independent antipoverty program.

Why does OEO insist on formulas of representation for community action programs in some cities and let other cities like Oakland and Chicago blatantly dodge compliance?

For the past 2 years, Republicans on the ad hoc Subcommittee on the War on Poverty have offered amendments to the Economic Opportunity Act which would assure adequate representation of the poor on local community action boards. The vital element in converting the antipoverty program into something different than another tired, welfare-dole approach is genuine involvement of the poor. The poor in urban areas are restless and angry. As the great expectations of the ballyhooed Economic Opportunity Act are increasingly frustrated, the poor are going to become more cynical and negative in their actions.

The Republicans feel that, without genuine representation of, and participation by, the poor, the antipoverty program will fail. We feel sincere involvement of the poor can accomplish the following:

1. It can help motivate the average poor person to help himself out of the rut of poverty.

2. It can teach people to be responsible by giving them responsibility.

3. It can help meet the desperate need for a two-way communication between the poor and the rest of society across the smug curtain of tradition and rigid welfarism. No one knows the problems of the poor better than the poor themselves.

4. Having their own people at the policy level, and an organization down through target area boards to neighborhood groups, will bring a glimmer of hope to the poor that they can escape the sea of cynicism and corruption that has surrounded them in the past.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1966

5. New ideas and new approaches will come from the poor themselves. As one individual put it, "We've gone to seed behind the gimmee-gimmee."

6. It can provide a self-help alternative to the welfare dole approach which is no more popular with the poor than it is with the average taxpayer. One woman with 9 children, who is served by 16 different welfare agencies, puts it this way: "My life consists of investigators constantly knocking on my door, filling out blanks and going around town from one agency to another for little or nothing."

7. It can reduce the diversion of funds, meant for poor people, into patronage and profit for political machines.

Community action agency staff salaries

The following are some examples of the extravagance and diversion of antipoverty funds involved in community action salaries:

According to the President's 1967 budget, 1,032 community action workers will be paid $10,000 or more from Federal funds.

In New Haven, Conn., the executive director of the community action program (Community Progress, Inc.) receives an annual salary of $25,000 a year. The mayor of New Haven's annual salary is $18,000.

In Washington, D.C., the Executive Director of the United Planning Organization (UPO), receives $25,000 a year. This exceeds the salary of many responsible Government agency heads. The Deputy Director of United Planning Organization in April 1965, resigned a $12,400 a year District of Columbia post to accept $23,000 a year with UPO. There are 97 persons on the UPO payroll earning $10,000 a year or more.

In Newark, N.J., the executive director of the United Community Corp., although not a resident of New Jersey (resides in New York City), receives $24,000 a year. This circumstance has been of much concern to the mayor of Newark whose annual salary is $25,000, and members of the city council whose salaries are less than the executive director's.

The executive director, Action for Boston Community Development (ABCD), received $27,500 a year while running a program which late in 1965 was the subject of nationwide publicity alleging political corruption, misuse of funds, fiscal irresponsibility and ineligible participation in the Neighborhood Youth Corps. The executive director of the Boston, Mass., program resigned under fire on December 29, 1965.

In the State of West Virginia, the heart of Appalachia where poverty abounds, taxpayers and poor alike complain antipoverty salaries are excessive. The West Virginia school system complains that many of their teachers, of which there is a shortage, have been attracted to antipoverty program jobs because of higher salaries. The executive director of the Charleston, W. Va., community action program and the coordinator of the same program receive annual salaries of $18,000. This figure exceeds the salaries of a majority of those elected to the State cabinet board of public works and department heads appointed by the Governor. Following are some examples:

State treasurer	$17,500
Commissioner of agriculture	17,000
Secretary of state	17,000
Commissioner of motor vehicles	12,000
Commissioner of natural resources	15,000
State mines director	14,000
State personnel director	10,000
State police superintendent	13,000
Adjutant general	8,000

The director of Harlem's community action agency, Haryou-Act, Inc., received $25,000 a year. Thirty-seven people on the Haryou payroll earned more than $10,000 a year.

The May 21 edition of the New York Amsterdam News reported 81 percent of all money received by Haryou from the Federal Government is allocated to salaries.

In October 1965, an official in the Los Angeles city school system was paid $75 a day for 28 days (a total of $2,100) by the Los Angeles community action agency, during a period when this official was being paid full time and, in fact, claimed overtime from the Los Angeles city school funds.

Fiscal irregularities and scandals

Despite claims the war on poverty is free from fiscal dishonesty and "the overblown myths of so-called scandals saturating the program will be laid to rest once and for all," the following are some examples of scandals that have shocked the American taxpayers who rely on the fiscal integrity of Government agencies and have never been laid to rest by any public explanation of the full facts:

Boston, Mass.

Late in 1965, scandals developed in the Action for Boston Community Development, Inc. (ABCD) program in Boston, Mass.

The director of the program resigned under pressure in December 1965. The deputy director of ABCD was fired. Subsequently, he was hired as a consultant for the Office of Economic Opportunity in Washington, D.C.

Prosecutive action with regard to five ABCD employees is presently under consideration by the U.S. attorney, Boston, Mass.

Haryou-Act

In September 1965, irregualrities in the fiscal management of the Haryou-Act program (Harlem's community action agency) were noted.

Investigators of the Ad Hoc Subcommittee on the War on Poverty noted there was more than $600,000 of Haryou-Act's funds which could not be accounted for by supporting invoices.

The Haryou-Act situation has been under investigation since September 1965, by the district attorney's office, New York City.

The May 21, 1966, edition of the New York Amsterdam News reported the following regarding Haryou-Act:

During the months of June, July, and August, 1965, Haryou-Act paid $300,000 to a detective agency for protection. This cost has been cut to $25,000 per month since that time.

Haryou-Act leased a summer camp in Westchester County, N.Y., last year. The agency made a downpayment on the lease of $15,000. But before anybody from Haryou-Act moved in and took charge, the camp caught fire and burned. Haryou-Act had not taken out any

insurance on the place. Now, although it never used the camp for 1 day, the owner of the camp is suing Haryou-Act for $24,000 in addition to the $15,000 already paid him.

During the last year, Haryou-Act made a deal with the Urban League in which the Urban League would conduct a beautification program with Haryou-Act money. Part of this program involved the planting of trees. The Urban League issued a subcontract to a tree firm in which it agreed to pay the tree firm $15,000 to plant the trees. No report has even been made as to how many trees were planted or where they were planted.

Car rentals

During July and August of last year, Haryou-Act leased six cars and two station wagons from a small travel agency at $90 a week plus gas for each car. The travel agency, however, reportedly rented the cars from the Hertz U-Drive-It firm for $65 a week, something which Haryou-Act could have easily done and saved money.

But in addition to that a member of the travel agency, which leased the cars to Haryou, was reportedly placed on the Haryou payroll at $175 a week as a "consultant."

Hana

The Harlem Neighborhood Association (Hana) was a prime contractor for the summer program of 1965 and was supposed to carry out the development of vest pocket parks for Harlem.

Hana's contract called for 15 vest pocket parks. Only three were completed and no one seems to know how much money was spent or why only three parks were completed.

Toys

Haryou bought $40,000 worth of "creative" toys from a well-known toy manufacturer but these toys have never been used and have been stored in a warehouse for more than a year with Haryou paying high storage fees on them.

Newspaper

Haryou decided to have a newspaper. It published one edition of a small paper. It paid a printer $10,000 for that one edition.

Cleaning service

At one time Haryou reportedly was paying $350 per week for cleaning services—that is, for people to dust off the desks and tidy up the offices. It is reported that most of the people on the payroll for this operation were relatives of widely known Haryou official, no longer with the agency.

Black arts

It was originally expected that the cost of the black arts program would be $40,000. The actual cost exceeded $100,000.

A second black arts contract was with the Urban League of New York City. This contract reportedly made provisions to give black arts $23,000 worth of building material which had been assigned to the league.

Suncoast Progress, Inc., Florida

In March 1966, the director of Suncoast Progress, Inc., a Community Action agency serving four Florida counties, was ousted because of complications resulting with a personal bankruptcy proceedings. Subsequently, allegations were received that Suncoast Progress, Inc., had experienced a shortage of approximately $8,000. The Federal Bureau of Investigation is currently conducting investigations to resolve this matter.

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 8, Mar. 24, 1966]

"I DON'T SEE ANYTHING WRONG WITH HATING * * *"

Less than a week after Poverty Director Sargent Shriver told Representative Adam C. Powell's Poverty Subcommittee that funding Harlem's Black Arts Theater was a mistake, Washington's antipoverty agency welcomed with open arms the theater's controversial leader, Playright LeRoi Jones.

Jones, whose federally sponsored workshop in Harlem produced dramas that Shriver called "vile racist plays in the language of the gutter unfit for youngsters in the audience," was brought to Washington by the United Planning Organization and a neighborhood arts committee to narrate a 3-day music festival for youngsters at Cardoza High School March 18–20.

The festival, named the "Three Days of Soul," is the second in a planned series of cultural programs being offered by the Cardoza Area Arts Committee in cooperation with three centers of the United Planning Organization, Washington's antipoverty agency.

Jones came under sharp criticism last summer for producing "hate white" plays with the aid of Federal money. The Black Arts Theater received $40,000 in funds from OEO. Jones, responding to criticism that the program preached racism, said, "I don't see anything wrong with hating white people."

Shriver admitted OEO goofed when it gave funds to the project without checking into its purposes. "The facts are no Federal dollars should have gone to Black Arts in the first place," Shriver testified last week. "It was a mistake. I acknowledge it. And as a result, we tightened up on the review of subcontracts under Community Action grants."

We think the taxpayers would like to know why poverty money continues to be used to sponsor people like LeRoi Jones. Festivals of this type may serve a useful purpose but should we really cloak a "vile racist" with the dignity of Federal sponsorship? Mr. Speaker, we strenuously object and wish to express my indignation that OEO has insisted on making the same mistake all over again on LeRoi Jones.

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 15, Apr. 6, 1966]

ALICE IN BLUNDERLAND: BIRCHERS, FRATERNITY BROTHERS AND LEFTWINGERS REPRESENTING THE POOR

"The doorbell rang on February 23 at the Sigma Pi House, in the 'fraternity row' district east of San Jose State College, and was answered by one of the brothers, 19-year-old Garth Steen."

So began another incredible episode in the war on poverty. The caller was a poverty canvasser assigned to get the poor out for a meeting that night. Although Steen's family income was in five figures, he had heard about the poverty war and attended the meeting. Lo and behold, Alice in Blunderland style, poverty officials had managed to interest three people to attend a meeting to select three representatives of the poor. Young Steen returned to Sigma Pi House that night a duly-elected representative of the poor for a 3-year term.

Congressman Charles S. Gubser has informed the Congress that the Santa Clara County Economic Opportunity Commission is suffering the torments of all others who have been forced to struggle in the torture machine of the poverty administration structure.

Last December, a John Birch Society section leader, Ray Gurries, was elected a representative of the poor in Santa Clara County. According to a local investigator, the community action board "is shot through with leftwingers—people who are not run-of-the-mill liberals but hard nosed activists of every leftist cause that has come along over the past half dozen years."

The local San Jose Mercury, one of the largest newspapers of southern California, describes the poverty board in these terms: "It is a jerry-built structure, erected on shifting political sands, to house a program which has a worthy aim * * *. It is run like a football game with an unlimited substitution rule, and a change of rules at the end of every quarter."

The experience of Santa Clara County is far from an isolated one. Congress has failed the sincere and dedicated people who wish to fight poverty. We have written a law without meaningful and realistic standards that would avoid community action chaos. What has happened in Santa Clara County is a distortion and perversion of the exciting concept of involving the poor in helping themselves. Many of us warned 2 years ago that this would happen if we didn't rewrite the President's poverty proposal.

We owe our colleague, the distinguished and able Congressman Gubser, a debt of gratitude for calling this matter to our attention. On March 9, Mr. Gubser requested OEO to investigate the situation in Santa Clara County. On March 23 the Deputy Director testified to us in committee that OEO had been on the scene in Santa Clara checking for about 8 days. To date, our colleague has not even had the courtesy of an acknowledgment from OEO of his March 9 request. All of us in the Congress are getting mighty tired of the cavalier attitude of officials at OEO.

The Quie-Goodell opportunity crusade, H.R. 13379, would avoid problems such as have occurred in Santa Clara County. OEO would be required to insist on balanced community action agencies, including true representatives of the poor as well as local officials and private social welfare agencies. The time is long overdue for Congress to launch a real opportunity crusade as a complete substitute for the confusing, controversial and faltering war on poverty.

CONTINUATION OF TEXT INTO THE TROUGH

The one poverty program which has been hailed by all as the most successful program in the war on poverty has been sliding into the same trough of bureaucratic confusion as other poverty programs. Underfunded, the Headstart programs are supposed to be supplemented by funds from title I of the Elementary and Secondary Education Act.

The schools and other Headstart sponsoring agencies have no instructions as to the blend of funds they may request from the Office of Education and the Office of Economic Opportunity. According to Mr. Shriver, when he testified before the committee, the agencies do not exchange application information even though it is available:

"Mr. GOODELL. Do you see that package (elementary and secondary education applications for preschool programs)? This is what the education people file with the Office of Education. Does it come to the poverty offices here?

"Mr. SHRIVER. It doesn't come directly to us. It goes to the Office of Education, but we have access to all those reports, and we can extract from them the pertinent information. That is where we get such information as I was just presenting.

"Mr. GOODELL. When I was asking questions about this in the field, I found that in most instances there had been no coordination at the local level.

"Mr. SHRIVER. That is probably true, you see, because many of these developments, like this last one I mentioned, are something of very recent origin. I would have to say that it is not more than maybe 60 days.

"Mr. GOODELL. So prior to 60 days, there was no mechanism at all for coordinating?

"Mr. SHRIVER. No; that is not quite right."

Lack of coordination at the national level causes unspeakable confusion at the local level. The sad plight of community sponsors tearing their hair in an effort to provide educational opportunities for their underprivileged children has been documented in countless newspaper stories. Some of the incidents were the subject of a Republican poverty memo and a speech delivered to the House by Congressman Quie:

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 10, Mar. 28, 1966]

WE JUST DON'T KNOW IF IT'S WORTH IT

Mr. Speaker, those are the words of an angry school superintendent who has been trying for 13 months to get a year-round Headstart program approved by poverty officials for Waterloo, Iowa. I place in the Record today the detailed account of similar frustrations in six other communities which have been baffled, besieged, and befuddled by poverty bureaucracy.

Having sponsored Headstart 3 years before the poverty program, my colleagues, Mr. Goodell, Mr. Bell, and I, are dismayed that this program, described by Mr. Shriver as his best, has been so crippled by fuddle-headed administration in Washington. Here are the highlights, or low lights if you will, of a typical case history, repeated with gory variations in other cited communities:

1. *Waterloo, Iowa.*—Application for $43,600 for a year-round preschool project was made by the Waterloo school system on February 24, 1965. This was 4 months after appropriations were made available for preschool programs by the Congress. Having heard nothing on their year-round application, Waterloo officials applied for, and successfully carried out, a $15,000 summer Headstart project. On August 7, 1965, they resubmitted an application for their year-round project to the Office of Economic Opportunity. In September, they were asked by Michael C. Moore, OEO area coordinator, for additional information which was sent. In late September, they received a notice signed by Theodore Berry, OEO Community Action Director, dated August 23, telling them they should allow 60 days for approval of Headstart applications. In October, 8 months after their original application, they received a form notice from Dr. Julius Richmond, Director of Headstart, to submit their Headstart preplanning form, which had never been received or heard of prior to then. On November 23 they were told by C. Edwin Gilmour, Director of the Iowa OEO, to apply through the new Elementary and Secondary Education Act. One week later they were notified by the OEO Regional Office that their application for poverty Headstart funds will be processed as "rapidly as possible." On December 22, they were asked by Gilmour to withdraw their Headstart application because it could be better taken care of under the Elementary and Secondary Education Act.

On January 3 they were notified once again by the regional office that their application for poverty Headstart funds had been received and would be processed as "rapidly as possible." One week later they were notified that they had applied for Headstart on the wrong forms and would have to fill out new 32-page forms. On January 26 they received a memo from the Department of Health, Education, and Welfare admonishing them that the opportunity offered under Headstart "is too precious to allow it to slip away." Finally, on February 7, Waterloo officials were notified by Gilmour to come to a meeting to talk about a new summer Headstart program. When asked the status of their year-round Headstart application, Waterloo School Superintendent replied, "Your guess is as good as mine * * *. We're getting to the point where we don't know if it is worth it."

If this sounds like something out of George Orwell's "1984," I suppose someone might sardonically comment that at the present pace it looks like it might be 1984 before Waterloo gets Headstart funds out of poverty officials.

2. *Laramie County, Wyo.*—Immediately after successful completion of a summer Headstart program, Laramie officials began preparations for a year-round program. They plunged into what they termed a "maze of bureaucratic involvement," including telephone commitments subsequently reversed, attempts to dictate local salaries, and filing and refiling of forms. By February 1966, the local school had spent $1,500 in staff time, phone calls, and other expenses. School Superintendent Chester R. Ingils bitterly assailed the redtape, autocratic attitude of OEO officials, and announced abandonment of any plans for a year-round Headstart for this year.

3. *Port Huron, Mich.*—Having meticulously completed a mountain of reports on their summer Headstart program, Port Huron officials were notified that their forms were literally filled with fatal errors. School Superintendent Gerald S. DeGrow called OEO in Washington and was told that reports from all over the country had been misinterpreted because of inexperience in the report-receiving staff at OEO and the whole thing was a "hopeless mess." The superintendent was informed that OEO had notified all school districts in the country that they had goofed in their reports in order to get the schools to file new reports, giving Uncle Sam's hired nephews another chance at them.

Tearing his hair, Dr. DeGrow asked the man in Washington, "Who shall I have to call to get this straightened out, LBJ?" Whereupon he was told, "That wouldn't do much good because *he* probably got one of the letters too."

I am placing in the Record today similar incredible accounts of life in the bureaucratic poverty jungle as experienced by officials from: Salina, Kans.; Minnesota; Denver, Colo.; and North Tonawanda, N.Y.

Mr. Speaker, Sargent Shriver has described Headstart as his most successful program. We agree, but it appears the success was in spite of, not because of, OEO officials. Our opportunity crusade would transfer Headstart into the Office of Education to be administered through State and local school systems in conjunction with local community action boards. This action should be taken immediately to insure that Headstart gets the management and administration it deserves in the year ahead.

Is it any wonder that with examples such as these at OEO, multiplied hundreds and hundreds of times, we describe OEO as a "fuddle factory." Mr. Speaker, it is time for a change.

CONTINUATION OF TEXT

Another example of the harassment to which local school people are subjected is documented in the following Republican poverty memo:

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 12, Mar. 30, 1966]

HEADSTART APPLICANTS AND SELECTIVE SERVICE

School Superintendent Maurice Friot of North Tonawanda, N.Y., after 5 months of being force-fed on the bitter gall of Washington bureaucracy, commented on the administration of the Headstart program:

"* * * the harassing and foot dragging to which we were subjected was in part a delaying action in order to get the finances straightened out.

"If we had been told in the beginning how much money was going to be made available to us, we could have submitted a proposal which would require that amount of money and saved both ourselves and the Office of Economic Opportunity a lot of trouble.

"It appears to me that people who must make decisions with respect to these programs are very inexperienced.

"Some of the questions we were asked by persons in the New York City Office of Economic Opportunity were ludicrous.

"After we had been put through a long struggle and been subjected to a minute examination with respect to our proposal, it was maddening, and I can use no other word, to have our people attend the training session and find there were people there who had been funded who had not made arrangements for transportation * * * teachers * * * teachers' aids * * * [and] who did not know where they were going to house their programs and so on."

North Tonawanda told poverty officials in August 1965, they wanted to begin a year-round Headstart program in October 1965. At their own expense they hired a director, selected children, teachers, and arranged for facilities. *They never even received application forms until late November.* They were then told there was no prospect of getting funds until March 15. As the school superintendent put it, "March 15 is a little late to start a full-year program."

SELECTIVE SERVICE REJECTION OF HEADSTART APPLICANTS

After North Tonawanda officials submitted 31-page application forms, Poverty bureaucrats got on the phone. As the school superintendent described it, "We were asked to indicate the number of men who had been rejected for selective service from which we were drawing Headstart candidates. I can theorize as to what the relationship between this inquiry and Headstart might be but it did seem a little unnecessary."

Having stirred things up in Washington, North Tonawanda officials were asked by the regional poverty officials to expedite submission of the additional information requested. When told that it was a little difficult to expedite selective service information about rejected applicants, the person from the New York poverty office said, "Oh, we didn't mean for you to go all that trouble." Other nonessential requested information was then waived.

As advocates of preschool programs 3 years before the poverty war, we are disgusted at the senseless harassment that seems to have become an inseparable part of Headstart administration. On Monday, March 28, Mr. Quie, on page 6523 of the Congressional Record, recounted six case histories of Headstart administration that would qualify for lead billing in a bureaucratic sideshow. Countless other examples are available. It is a tribute to the basic merit of preschool training that its glories still shine through the bureaucratic fog.

The Quie-Goodell opportunity crusade would put Headstart under the Office of Education to be coordinated with other education programs without OEO meddling. It would unclog the channels of communication to allow for the effective implementation of worthy programs.

CONTINUATION OF TEXT

ANOTHER PROGRAM FOR THE "NOT SO POOR"

Headstart, like Neighborhood Youth Corps, has suffered from shifting eligibility criteria. Local confusion about standards and delayed funding have resulted in several notable instances where a high percentage of advantaged children, far over the 15 percent proposed quota, were included in the program. The Chicago program is the most notable instance and was the subject of a poverty memo:

[From Republican Members Poverty Subcommittee, Republican Poverty, Memo No. 6, Mar. 22, 1966]

CHICAGO HEADSTART FOR THE NOT SO POOR

Operation Headstart, fashioned along the lines of a proposal offered by Representatives Albert H. Quie, Republican, of Minnesota, and Charles E. Goodell, Republican, of New York, back in 1961, is supposed to help preschoolers from poor families.

Out in Chicago, however, our investigation shows that the poverty program is doing a little bit more by giving a "headstart" to the not so poor, Republican Representative Goodell lamented.

Officials there admit that 27½ percent of the 23,804 children in the program are from

families whose standards exceed the "poverty" level. Our investigation also shows they don't even know the family incomes for another 20 percent of the children.

This means another 5,000 children from truly disadvantaged homes could have been helped if the poverty warriors had stuck to their own guidelines. The Quie-Goodell proposal for an "Opportunity Crusade" would require adherence to strict poverty standards, meanwhile tripling the funds available.

How can Chicago justify the fact that more than one-fourth of their children in Headstart were above poverty standards? How can the Office of Economic Opportunity in Washington justify the clear violation of their guidelines? When I visited Chicago recently, I was told that Washington ordered Chicago poverty officials to expand in 10 days Headstart from 4,000 to 24,000. I was also informed that very little solicitation was done in several hard-core poverty areas because teachers were afraid to enter those sections of the city.

Seven urban progress centers are in operation by the Chicago Committee on Urban Opportunity. One center showed 41.1 percent of enrollees over the income requirement, one showed 31.8 percent in excess, one 28.3 in excess; and outside of the urban centers, 36.8 percent reported income over requirements.

Thousands of impoverished youngsters were overlooked by Headstart recruiters in their frantic efforts to build impressive statistics. And these youngsters, children of hardcore poverty victims, are precisely the ones for whom this program was developed.

We cannot continue careless neglect of such a good concept as Headstart. We certainly cannot justify to the thousands of children unable to participate in Chicago's Headstart program the spending of Federal poverty money for those who are not poor.

The Quie-Goodell "Opportunity Crusade" offers a way out of the wasteland of bureaucratic confusion and callousness that has marked OEO's administration of the Headstart program.

What is more disturbing to us is that the former Assistant Director of OEO, Mr. Boutin, denied before the Education and Labor Committee that the situation existed even though it later developed that he had the report of the Chicago program in his file.

"Mr. BOUTIN. I can only say of your figures as to lack of eligibility of some of the Headstart enrollees that the first time I had ever heard or seen any figures that looked anything like that was your statement appearing in the Congressional Record.

"Mr. GOODELL. That is a shocking statement. I will give you the official report of the Chicago Poverty Board in which they cite these figures."

"Certainly you have seen these figures, probably buried in some file somewhere, but this is their official report. They openly admit that 27.5 percent of the youngsters participating in Headstart last summer were not within the poverty standards. They openly admit that for 20 percent of those participating they have no income figures. I would be glad to show you their mimeographed report and make it available to you so you can have some knowledge about what is going on in these programs.

"You shock me when you say it is the first time you ever heard of it.

"Mr. BOUTIN. It is the first time. I had not heard those figures before. I would like to ask the chairman if I may call on Julo Sugarman, who with Dr. Richmond, runs the Headstart program and knows perhaps as much about it as anyone in the Nation.

"Mr. SUGARMAN. Mr. Chairman, I have not seen the specific report to which you refer but we do have information which was gathered from our own reports on the situation in Chicago.

"Essentially the figure of 27 percent which you are citing refers to families who have an income of over $5,000 per year. It is not, however, correlated with the size of the family so it is impossible to determine on the surface whether in fact these families would——

"Mr. GOODELL. Last summer did you have a poverty standard for the Headstart program?

"Mr. SUGARMAN. Yes; we did.

"Mr. GOODELL. What was that standard?

"Mr. SUGARMAN. Originally it was $3,000.

"Mr. GOODELL. That is what they were supposed to apply last summer?

"Mr. SUGARMAN. That is correct.

"Mr. GOODELL. And they violated that requirement. Their official report shows 27.5 percent were above that standard which supposedly OEO was enforcing. Is that not correct?

"Mr. SUGARMAN. I believe their official report shows 27.5 percent over $5,000.

"Mr. GOODELL. That is worse. If you want to argue with me, I will accept your figure. If you want to argue it was 27.5 percent over $5,000 instead of $3,000. I think it was the poverty standard that you set that they were referring to."

FOLLOW THE LEADER

The report that we have presented is on the operation of the Economic Opportunity administration. Evidence cited to this point alone would be enough to convict Mr. Shriver's bureaucracy of slipshod practices. Chaos and confusion at the national level is reflected at the community level. Direction for the conduct of the war on poverty is supposed to be given in Washington. And, so it is, with too many disappointing results.

Program directors and workers in the field who draw high salaries are merely following the example set for them by palace guards at the Office of Economic Opportunity who long ago discovered that "the big money is in poverty." In a speech before the House, Congressman William H. Ayres revealed why so little of the "poverty money" is actually reaching the poor:

"THE BIG MONEY IS IN POVERTY

"(March 30, 1966)

"Mr. Speaker, 2 years ago, in March of 1964, Mr. Sargent Shriver appeared before our Committee on Education and Labor to argue for approval of President Johnson's 'war on poverty.' He told us:

"'It is also a prudent program. It is financially prudent * * *. It is prudently planned in that every dollar allocated will be spent to help the poor. There will be no leakage. There is no contemplated huge new bureaucracy * * *. I think that most people in the executive branch would state that I am not one who likes a lot of bureaucracy.'

"Mr. Speaker, I wish to report a fantastic leakage in funds intended to help the poor—a leakage of funds to a huge new bureaucracy. According to President Johnson's 1967 budget, it will take 6,484 permanent Federal employees to run Mr. Shriver's burgeoning bureaucracy—a poverty empire costing $53,489,000 in salaries alone.

"The word has gotten around among civil servants in Washington that 'the big money is in poverty.' Few know how big it is.

"1,557 permanent Federal poverty employees will make $10,619 or more; another 1,032 'Community Action workers' will be paid $10,000 or more from Federal funds; an undetermined number of contract employees in 15 privately run Job Corps establishments will be paid over $10,000.

"We have over 200,000 gallant men in South Vietnam, but we can be sure that there aren't as many as 2,500 drawing $10,000 a year—the basic pay of an Army colonel with over 14 years' service. The poverty warrior-bureaucrats include at least 25 individuals who will be paid more than the base pay of General Westmoreland himself.

"Astronaut Neil A. Armstrong, who with Lt. Col. David R. Scott heroically flew our most recent and most dangerous space mission, is a Federal civil servant grade GS–16. His job is one of incredible difficulty and danger, for which only a handful of men in the whole world are qualified. Yet 25 of Mr. Shriver's high-flying bureaucrats are budgeted for GS–16 positions; and 36 others are budgeted for even higher pay grades. Mr. Speaker, who would think that OEO had any jobs more demanding and difficult than that of Astronaut Armstrong?

"Mr. Speaker, there are 2,350 permanent Federal employees budgeted for the Washington and regional offices of the Office of Economic Opportunity. This is the high-salaried palace guard of the poverty czar. Nearly half—1,006—of this elite force will get $10,619 or more; at least 521 will be paid over $14,600; at least 54 will get over $19,600; 24 get over $25,000; and 6 will get between $26,000 (the pay of the U.S. Commissioner of Education) and $30,000.

"Mr. Speaker, is it any wonder so little gets done at the Office of Economic Opportunity? They have so many chiefs and so few Indians. They have more GS–15's than they have GS–9's; more GS–14's than GS–4's; more GS–13's than GS–7's, and exactly as many GS–16's at a base pay of $19,619 as they have GS–2's at a base pay of $3,814. The total salary bill for this palace guard next year will be $21,739,000.

"Outside this inner circle at poverty headquarters there are 4,134 other permanent Federal employees budgeted at $31,750,000. They are to do the hard work farmed out to other Federal agencies, such as running the Job Corps camps, the Neighborhood Youth Corps, the adult education program, agricultural loans, and so forth. Only 551 of these unfortunates will be paid over $10,600 a year, of which at least 112 will get over $14,600. However, these 4,134 positions, listed in the budget under 'Allocation accounts' do not include those who are paid by private contractors to run 15 of the 97 Job Corps establishments.

"Incidentally, administration costs in the Job Corps are so high that the annual cost per enrollee now runs above $9,000, enough to send two boys to Harvard. Even the budgeted cost next year is $7,880 per enrollee.

"But, Mr. Speaker, not all the high salaries in poverty are accounted for by permanent Federal employees or employees of private contractors working on a cost-plus-fixed-fee basis. Federal funds also pay for the salaries of employees of local antipoverty agencies, and 1,032 of these employees now make $10,000 or more a year, of which 200 make $15,000 or more per year.

"On the basis of the exact information available, I estimate—and this can only be an educated guess—that nearly 3,000 individuals are paid $10,000 a year or more from Federal antipoverty funds.

"We don't know how many, if any, poor people have been helped to get out of poverty by Mr. Shriver's high-priced agents, but it is pretty obvious that thousands of employees have been kept out of poverty. Among these undoubtedly are many dedicated and able people, but we know all too well that the ranks also include a plentitude of political hacks.

"Mr. Speaker, this is a scandal. It is nothing less than a scandal. And it is a scandal that Mr. Sargent Shriver defended before the Education and Labor Committee with the bland boast that his organization was only one-fiftieth the size of the Department of Health, Education, and Welfare.

"So I compared one part of HEW—the U.S. Office of Education—with the Office of Economic Opportunity. Here is the record on that.

"The Office of Education is budgeted for $3.478 billion in fiscal 1967, compared to $1.724 billion for the Office of Economic Opportunity, yet OEO will need only 2,861 permanent employees (hardly more than Shriver's 'palace guard') compared with OEO's 6,484 permanent employees.

"If the U.S. Office of Education were administered like the Office of Economic Opportunity, it would require 12,968 employees to spend its $3.478 billion, or 4½ times the number it has budgeted.

"The comparison in high-paying jobs in these two agencies is also interesting. Five individuals in OEO are paid more than the U.S. Commissioner of Education, who gets $26,000. In the grades GS–15 through GS–18, where the pay ranges from $17,055 to $25,382, the comparison looks like this:

GS grade	Salaries	OEO	OE
15	$17,055 to $22,365	249	125
16	$19,619 to $25,043	25	33
17	$22,217 to $25,325	17	10
18	$25,382	13	3
	Above $25,382	6	1
Total		310	172

"All but 37 of OEO's highest paid jobs are in Mr. Shriver's own 'Palace Guard' headquarters staff of 2,350 permanent employees. These other 37 jobs with starting pay of $17,055 or more are scattered among the 4,134 permanent employees in other Federal agencies which are running such programs as the Job Corps, Neighborhood Youth Corps, adult basic education, agricultural loans, etc.

"I have made a chart showing the number of highest paid officials among the permanent Federal employees budgeted in fiscal 1967 for the Office of Economic Opportunity programs. It is broken down to show positions in the 2,350-strong 'Palace Guard' which makes up Mr Shriver's own administrative staff, and positions in the force of 4,134 assigned to handle major segments of the $1.7 billion program in other Federal agencies.

"POSITIONS BUDGETED FOR OEO IN FISCAL 1967

GS grade	Salaries	OEO "Palace Guard"	OEO programs run by other Federal agencies
	Above $25,382	6	0
18	$25,382	12	1
17	$22,217 to $25,325	16	1
16	$19,619 to $25,043	20	5
15	$17,055 to $22,365	219	30
14	$14,680 to $19,252	248	75
13	$12,510 to $16,245	230	173
12	$10,619 to $13,931	255	266
	Total	1,006	551
	Grand total for OEO programs	1,557	

"In conclusion, Mr. Speaker, I am reminded of some cogent remarks of my own chairman of the Education and Labor Committee, our colleague, Adam C. Powell. He understands the true needs of improverished citizens better than most. On January 21 of this year in a speech in Harlem he said:

" 'We do not need any more experimental or demonstration projects in Harlem. All we need are jobs. That's all. Jobs.'

"Chairman Powell did not mean jobs for bureaucrats or jobs for politicians, but jobs for poor people. On March 8, in opening the hearings on the Economic Opportunity Act, Chairman Powell pointed out that there are 97 people in the local Washington, D.C., poverty agency (UPO) paid over $10,000 a year with Federal funds, and observed:

" 'Congress appropriated this money to help the poor, not create a monolith of extravagantly paid functionaries.'

"Mr. Speaker, I concur with these remarks of Chairman Powell. But despite the attempt by our committee to investigate the Office of Economic Opportunity, this administrative monstrosity goes its merry way. How far it goes and how wild it plans to become in hiring 'extravagantly paid functionaries' is laid out in black and white—or in red ink—in the President's budget for fiscal year 1967.

"In view of the facts I have presented here today, I renew my plea to the House to take action on my resolution, House Resolution 670, for a bipartisan select committee, appointed by yourself, to investigate the conduct of the 'war on poverty.'

"As I have pointed out before, if we do not take remedial action the entire antipoverty program is going to become so discredited, and be so ineffective, as to create massive disillusionment among citizens trapped in poverty. There is still time to avoid this tragedy."

A lack of communication between the Federal departments and agencies results in sputtering communications between Federal and local agencies. The situation is made more acute by the personnel merry-go-round at OEO. With the recent resignation of Mr. Christopher Weeks, only one of the original palace guard is still standing by Mr. Shriver.

There is a high turnover rate from top to bottom. The most notable examples are Mr. Bernard Boutin, who held the high post of Deputy Director for only 7 months and Mr. Hal Marlowe, Director of Congressional Relations, who was with the agency for only 3 months. Is it any wonder that OEO can't keep track of its programs or that local community action people cry in frustration, "Every time we call OEO we talk to someone new and have to explain our program all over again."

"TRUTH IS FUNNIER THAN FICTION"

We have referred to the Office of Economic Opportunity as a "fuddle factory" and a "Disneyland of bureaucratic confusion." Our descriptions have been borne out by the following incidents documented in Republican memos:

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 18, Apr. 22, 1966]

LI'L ABNER COMES TO WASHINGTON—AND STAYS—OR WHAT'S NEW IN DOGPATCH?

OEO has gone from the sublime to the ridiculous. The war on poverty now has a comic book stockpile.

In 1965, OEO officials were scratching their heads over how to mass produce Job Corps recruits. Like a Mammy Yokum vision, inspiration struck—have one of America's most popular and creative comic strip artists, Al Capp, produce a comic book to promote the Job Corps. By June 1965, 501,000 copies of "Li'l Abner and the Creatures from Drop-Outer Space" were ready. With typical fuddle factory fanfare, OEO Information Chief Holmes Brown announced the book donated by Al Capp was valued by OEO at between $150,000 and $200,000. OEO personnel were thrilled and excited over Capp's creative contribution. Printing costs were $25,000. Cards were included in the books to be mailed by applicants to the Job Corps.

Then the winds began to change at OEO. Rumor has it that a highly placed psychologist at OEO felt that distribution of books with cards enclosed amounted to pressuring youths into Job Corps enrollment. Some sages at OEO felt the story portrayed in the comic book was controversial and characters did not fit OEO's image. Besides, how were they going to code, screen and mail to employment offices all the card applications? Nobody in the "Great Dogpatch on the Potomac," OEO, had thought of that before they printed half a million books.

Since July 1965, 435,000 Li'l Abner comic books have been gathering dust in Washington warehouses at a cost of $125 a month. We are long-time admirers of Li'l Abner and the genius of his creator, but we think even Dogpatch's Senator Phoghorn would demand some answers. Why does OEO continue to stockpile laughs while the taxpayer and the poor cry?

Some years ago the beloved Will Rogers remarked that every time Congress made a joke it was a law, and every time it made a law it was a joke. "It ain't amoozin,' it's confoozin'."

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 17, Apr. 21, 1966]

ISN'T THERE A DANVILLE SOMEWHERE THAT WANTS POVERTY MONEY?—TWO DOWN—FOUR TO GO

Overzealous Federal poverty officials at OEO apparently crave a community called Danville in the United States that needs poverty money. A month ago, OEO pressed Danville, Ind., a community of 3,287, to set up a community action board to receive and administer poverty funds. Local citizens resisted, causing Senator Birch Bayh to inquire of OEO, "Why Danville?"

The reply came back to Senator Bayh that Danville, Ind., needed a community action program because they had 1,339 families with annual incomes under $1,000 and 1,979 families receiving aid to dependent children (ADC). On this basis, continued OEO officials, who could deny Danville help? Pressing the matter further, an OEO official visited Danville and to his consternation discovered that their poverty statistics didn't match Danville, Ind. Quickly recovering, regional poverty officials answered, "Those figures are for Danville, Ill.—an understandable mistake."

The only difficulty came when it developed that the poverty figures *were not for Danville, Ill., either.* At this point; I suppose OEO officials said: "There must be a Danville that fits our pattern of poverty." Sadly, however, a check of the population division of the Census Bureau indicated there were only six Danvilles in the country and *none of them fitted the poverty profile prepared by OEO.*

Perhaps the news media could now, as a public service, assist Federal poverty officials, who dearly wish to help a Danville, by running (apropos of Peter Pan) the following nationwide ad: "Isn't there someone out there, from a Danville somewhere, who believes?"

[From Republican Members Poverty Subcommittee, Republican Poverty Memo No. 2, Mar. 16, 1966]

CIRCUITOUS ROUTE

We who believe in the concept of helping the poor find their way out of the debris of despair are dismayed by the lavish spending and waste that have blocked the effectiveness of the present war on poverty. It is especially disheartening to see the great potential that lies within the antipoverty concept spend itself in needless bureaucratic confusion.

The time for this senseless spending to cease is long past. The administration's war on poverty is no longer in its infancy and the time for target practice is over. The program should be zeroed in and hitting its mark. But, unfortunately this does not appear to be the case. Proponents of the administration's war on poverty would have us believe that the waste and abuses have stopped. They have not stopped, and they should not have occurred in the first place. But we must be realistic. We must face facts. And the facts are that these incidents did occur—and at great expense to the weary taxpayer—and we must now do something to correct these wrongs before a great idea dies for want of proper guidance and implementation.

I respectfully relate the case of the Job Corps enrollee who was enlisted at his home in Wisconsin and assigned to a Job Corps center only 90 miles away from his hometown.

Under these circumstances there appeared to be no problem, save the minor one of transporting the enrollee the 90 miles to his assigned Job Corps center. But not so. The

wheels of bureaucracy began to grind and here is what came out at the end:

Before reaching his destination, the enrollee's travels spanned 2 days and more than 400 miles. He had to be put up for the night and fed two meals, changed planes three times, took a bus ride and ultimately a car ride; all paid for with Federal funds.

The trip from Rhinelander, Wis., to Clam Lake Job Corps Center could have been much quicker and cheaper ($35) by taxicab, as the Job Corps was advised by its recruiting agency, the Wisconsin State Employment Service. The final touch of irony was that a free ride could have been secured for the enrollee with a Forest Service radio operator who travels daily from Rhinelander to Park Falls, Wis., which is very near Clam Lake.

The director of the Clam Lake Job Corps Center admitted that the route was a bit "circuitous." Here's the "circuitous" 2-day itinerary of the enrollee for February 4–5, 1966:

February 4:

11:20 a.m., departed Rhinelander, Wis. via North Central Airlines.

12:53 p.m., arrived Duluth, Minn.

1:10 p.m., departed Duluth, Minn.

1:55 p.m., arrived Minneapolis, Minn.

The enrollee spent the night in Minneapolis, where housed at a YMCA and given meal tickets by the Job Corps.

February 5:

1:00 p.m., departed Minneapolis, Minn., via Zephyr Bus Lines.

5:25 p.m., arrived in Cable, Wis., where he was met by a car from Clam Lake Job Corps Center.

The young Job Corps enrollee traveled a total distance of 245 miles by air; 160 miles by bus; and a short distance by car to reach his final destination, which, before he got caught up in the Job Corps planned travel program, was only 90 miles away from his home. We feel that examples such as this case cannot help but raise serious fears that the Job Corps is long on planning and short on action and results.

We are not critics of this administration's war on poverty by choice but rather by conscience. Republicans have long supported the concept of training young men in an environment away from home if such is needed. As far back as 1961, we offered legislation built on this concept of the Job Corps.

Let us call to the attention of our colleagues on both sides of the aisle that the Quie-Goodell opportunity crusade is structured solely for the purpose of offering more effective implementation of sound antipoverty ideas. I strongly feel that this bill would correct the bureaucratic confusion and poor planning that is presently clogging the machinery of the war on poverty.

These stories, which read like the "Perils of Pauline" would be funny if they weren't so tragically true.

It is apparent that the war on poverty will never succeed if directed by such a slipshod agency.

CONTINUATION OF TEXT

THE EASY ANSWER

Confronted by an ever-increasing mountain of evidence of their blunders, Office of Economic Opportunity officials, and their apologists, continue to "Polly Parrot" their familiar chant: "You've got to expect to make mistakes with a new program."

We contend that the crippling mistakes which OEO has been making will continue. They will continue, and increase, *unless* major revisions are made in the Economic Opportunity Act. For the past 2 years, we have seen the predictions of our 1964 "minority views" unhappily borne out.

In 1964, we stated that an administrative philosophy which does not define any meaningful role for State or local governments will cause dissension at the community level. We warned that absolute absence of sensible recruitment and disciplinary procedures would lead to racial imbalance and the types of Job Corps terror that we have observed.

These, and other problems which we foresaw, could have been avoided by writing guidelines and directives into the Economic Opportunity Act. Yet, the Democrats are content to let the Office of Economic Opportunity stumble into another year of operations without the restraint of congressional directives. *We cannot endorse such irresponsibility.*

Patchwork, piecemeal amendments to the Economic Opportunity Act will not be able to correct the legislative inadequacies which trigger the continuous scandals. In order to launch an honest, effective attack on poverty, an entirely new law should be enacted to provide careful guidelines and priorities for the operation of a program to develop human resources. For this reason Republicans have introduced the opportunity crusade.

OPPORTUNITY CRUSADE

This bill proposes to unite local, State, and Federal governments with private industry to launch a comprehensive program of training, education, and motivation for the impoverished. An effective attack on poverty will not be possible as the exclusive function of the Federal Government. All resources must be dedicated to the cause.

By involving all segments of our economy in an opportunity crusade, $1.98 billion will be committed to the program, of which only $1.4 billion will be Federal funds. This is contrasted to the $1.75 billion program, all Federal funds, that will be operated by the 100 percent Federal war on poverty.

COMPARATIVE PROPOSED EXPENDITURES OF OPPORTUNITY CRUSADE AND THE WAR ON POVERTY

[In millions of dollars]

Program	Opportunity crusade commitment [1]	Opportunity crusade authorization	Committee proposal	Administration proposal
Total	2,434	1,462	1,754.5	1,745
Job Corps	170	170	200	228
(Skill)		(80)		
(Conservation)		(40)		
(Military career)		(50)		
Neighborhood Youth Corps	382	225	496	300
(Industry Youth Corps)	(150)	(50)		
(Summer Youth Corps)	(106)	(80)		
(In-school)	(80)	(60)		
(Out-of-school)	(46)	(35)		
Community Action	867	700	323	466
(Urban CAP)	(360)	(324)		
(Bonus)	(108)	(54)		
(Rural CAP)	(307)	(276)		
(Bonus)	(92)	(46)		
Earmarked community action programs			130.5	121
Employment service	25	25		
(Skill surveys)	(5)	(5)		
(Automation)	(20)	(20)		
VISTA	25	25	31	26
Headstart	644		352	327
(Regular)	(444)			
(Bonus)	(200)			
Adult basic education	44	40	26.5	30
Rural loans and migrants	55	55	57	65
Small business incentives	12	12	4.5	5
Work experience	200	200	119	160
Administration	10	10	15	17

[1] Federal, State, local, and private funds.

It is not enough to simply commit money and talent to a program and then abandon it to operate on a hit-or-miss basis. Freedom to operate imaginative, locally initiated programs should be provided within a framework of administrative guidelines. Standards must be established to prevent the bungling, wrangling, and constant intrusion of Federal bureaucrats in local programs.

The following are the main features of the opportunity crusade:

1. *Job Corps.*—A revised and redirected type of Job Corps program is established in the Department of Labor to be administered under with the Manpower Development and Training Act. The new Job Corps would select those qualified youths who require a change of family or community environment to respond to training and for whom no other feasible and more economical program is available.

Three distinct types of training centers would be established to meet the needs of enrollees:

A. *Skill centers* operating in cooperation with industry to provide vocational training for more advanced enrollees.

B. *Conservation centers* providing training in basic education and "conservation" vocations.

C. *Military career centers* giving those enrollees who volunteer the kind of training that will equip them for a career in military service for which they would not otherwise be qualified.

Intelligent evaluation of applicants would include the determination of parole and probationary obligations. Standards of conduct would be established, including the granting to the Job Corps Director the power to dismiss and discipline enrollees who breach standards of conduct.

Counseling services are planned that would provide the service of developing job opportunities and effective transition of Job Corps enrollees to further training programs or employment.

2. *Neighborhood Youth Corps.*—A Neighborhood Youth Corps program will be established in the Department of Labor to be administered once again under the manpower, development, and training programs.

Enrollees in the program may *only* be those youths whose family incomes meet

a standard of poverty established by the Secretary or whose families are on welfare.

Two types of programs would be established to meet the special needs of enrollees.

A. An *in-school* program is designed to provide employment for those youths who are in the need of remunerative employment to resume or continue their education. This program would be run by a public or a private, nonprofit agency.

B. An *Industry Youth Corps* is established for those youths who, it has been determined, cannot profit from further regular academic training. Enrollees in this program would be employed by private, profitmaking enterprises while receiving personally oriented vocational training. Two-thirds of the wages of the enrollee would be paid by the employer and one-third paid by the Labor Department, thus enabling many more youths to participate at less public expense.

3. *Community Action program.*—The Community Action program has the most exciting potential as a total commitment to combat poverty. To allow the potential to be fulfilled, the bill sets out basic criteria for the selection and qualification of community action boards. The criteria would prevent the divisive conflict that has marked Community Action in the past by allowing total involvement of all individuals and groups in meaningful communication to plan and implement programs.

The unique and distinctive needs of rural areas would be met by special provisions for the establishment of Community Action programs in those areas. Recognizing the present inequity in the distribution of Community Action funds, which has resulted in the rural areas being terribly underfunded, criteria would be established reserving separate funds that may only be used for rural areas.

Fiscal controls would be established by the requirement for preaudits, audit controls, and salary limitations.

4. *State bonus plan.*—Present poverty programs have almost completely ignored the important contribution that can be made by State in combating poverty. For this purpose, we have established provisions to have the States join as partners with the Federal Government in Community Action programs under the Opportunity Crusade.

5. *Headstart.*—As the original sponsors of a preschool program, Republicans are incensed to see this program, the most successful of all the poverty programs, become entangled in bureaucratic confusion and deprived of necessary funds. To put Headstart on the proper tracks, we advocate that the program be transferred to the Office of Education to be run under the Elementary and Secondary Education Act. Thus, Headstart applications would be given preference for full funding. It is estimated that this would double the amount of money for Headstart available under the Democratic amendment.

6. *Adult basic education.*—This program would be transferred, by the Opportunity Crusade, to the Office of Education. The emphasis would be directed to programs of functional education in the basic subjects of the English language and mathematics. Neighborhood programs specifically adapted to the customs and practices of the residents would be encouraged.

7. *Rural loans and migrant programs.*—Authority for the loan and migrant programs would be granted to the Secretary of Agriculture to be administered by the Farmers Home Administration. Loan provisions for low-income rural families would be liberalized.

Special programs would be operated for migrant laborers to develop their skills for permanent employment, and to provide minimum standards of housing, transportation and other conditions.

8. *Small business loans and incentives.*—This program would be under the authority of, and operated by, the Small Business Administration. Funds are provided specifically for this title to prevent a repetition of the starvation of small business as in the past year when the program was brought to a disappointing halt by a lack of funds.

9. *Work experience.*—The Department of Health, Education, and Welfare will have sole authority and responsibility for the week experience program. HEW is particularly equipped to administer this program which is designed to train adults inured to the perpetual cycle of public assistance and welfare to become self-supporting and capable of sustaining themselves and/or their families.

10. *Employment service automation.*—The employment service would be automated to provide high-speed, reliable joining of individuals with jobs.

11. *Job survey.*—The Labor Department would institute a long-overdue national skill survey to pinpoint the thousands of skilled job categories for which qualified applicants cannot be found.

MORE IS NEEDED

There are two other provisions which Republicans urge be adopted for a true opportunity crusade. First, we urge the adoption of the Republican Human Investment Act under which employers will receive up to a 7-percent tax credit for money spent to train and employ people with low skills. It is time that tax incentives be given to help people, not just build machines.

The original opportunity crusade bill that was introduced contained a provision that would remove all income restrictions on eligibility criteria for social security benefits. The elderly and retired, who can be accurately characterized as the "forgotten poor," would then be permitted and encouraged to work and obtain a livable income without loss of social security benefits.

In accordance with House rules, we were obligated to remove the social security provision from our bill as it does not fall under our committee's jurisdiction. However, we strongly urge that the Ways and Means Committee, promptly consider these vital measures.

CONSENSUS CAMOUFLAGES DISAGREEMENTS

The frantic rush of the Democrats to produce amendments that reflect a consensus, camouflaging their serious disagreements, has resulted in a bill that has left the poverty program more vulnerable to chaos, abuse, and abysmal failure than ever before. In response to many criticisms and constructive proposals made by Republicans over the past 2 years, some committee Democrats finally imposed a few long overdue amendments.

However, there is still little that has been done to structure a program that will produce meaningful results. No attempt has been made to establish selection criteria for Job Corps enrollees. No attempt has been made to alleviate community dissension by developing criteria for community action boards. No attempt has been made to provide meaningful work experience or insist upon basic education for Neighborhood Youth Corps enrollees. No attempt has been made to eliminate the overlap and bureaucratic confusion developing in Headstart. The omissions are endless.

What has been done?

The Job Corps, which has rapidly expanded both in size and in problems, has finally been restricted by a provision that the number of centers may not be expanded beyond present contract commitments and a ceiling of 45,000 enrollees has been imposed. This size limitation gives Job Corps officials a belated opportunity to evaluate their experiences. However, Congress has neglected its obligations to redirect this program along realistic lines.

Democrats won't provide adequate standards

In a party-line vote, Democrats turned down Republican amendments to—

(1) Establish procedures for evaluation of Job Corps enrollees to identify youths with criminal records and insure adequate provisions to cope with their problems in Job Corps camps without major disruptions; and

(2) Give authority to Job Corps camp directors to enforce standards of conduct and deportment with disciplinary powers, including the power to dismiss enrollees when necessary to preserve the opportunities of others.

Other Republican amendments to the Job Corps that were summarily rejected by the majority were:

(1) A limitation of salaries of Job Corps staff to no more than a 20-percent increase over their previous salaries without specific approval of the Director;

(2) Provisions for job counseling and intensive testing on admission and at least 3 months prior to anticipated graduation of Job Corps enrollees;

(3) Establishment of community advisory groups to provide appropriate job opportunities or training for Job Corps graduates; and

(4) Establishment of military career centers for young men unable to pass physical or mental tests for military service.

One step forward and two steps back

After unrelenting pressure by Republicans, committee members, *for the first time in the 2-year life of the program,* established enrollee eligibility criteria for the Neighborhood Youth Corps. We are relieved to see the adoption of an amendment which hopefully will prevent further instances of truly needy youngsters being displaced in the programs by affluent youngsters from politically prominent families.

Although eligibility criteria have been developed, nothing else has been done to provide meaningful training for Neighborhood Youth Corps enrollees. A Democratic amendment was adopted that ostensibly allows enrollees to receive training in profit-making organizations. As Republicans first proposed an industry youth corps, we favor a program that provides productive jobs and training for young people in private industry but we cannot possibly accept the amendment adopted in committee.

Carefully evaluated, the Democratic amendment does not fulfill the need of enrollees for vocational training. At best, the program adopted will completely overlap the on-the-job training provisions of the Manpower, Development, and Training Act. The worst feature is that absolutely no criteria are established for training, selection of enrollees, or qualification of sponsors. We shudder to think of a repetition of the abuses which have developed because of an absence of guidelines in other war on poverty programs.

In addition to rejecting the Republican amendment for a carefully structured industry youth corps, Democrats refused to accept our amendments that would have revised the Neighborhood Youth Corps to provide separate out-of-school and in-school programs with careful standards for each.

HEADLONG RETREAT

Responding to the criticism of Community Action programs and fearing the undisciplined child they have fostered, the majority of the Democrats on our committee have united to subtly undermine Community Action. Condemning the original concept as a failure and inoperable, they have sponsored a series of amendments that reduce the Community Action program to rigid prepackaged programs that will deal with individual problems of poverty in the isolation of the poverty ghettos.

The amendment which dictates that 20 percent of Community Action funds must be granted to "independently funded Community Action programs which are carried on in communities in which there is being carried on concurrently a Community Action

program" completely undermines the concept of the program. The true concept is to combine *all* the resources in a community to fight poverty and to initiate a dialog between various elements of a community for effective use of the resources.

There seems to be general agreement that too many Community Action boards are unrepresentative. Instead of moving directly to meet this problem, the Democrats have been satisfied to leave the Community Action boards largely unrepresentative and then simply fund a variety of private programs that not only will be uncoordinated with the overall community effort but, in many instances, will contradict or undermine existing programs.

Under certain circumstances private funding may serve a useful purpose. Congress should define such circumstances. The present Democratic proposal requiring 20 percent of Community Action funds to be spent on independent programs is an invitation to every dissident group to bypass and ignore efforts at community coordination.

Judging by timid and shortsighted policies of OEO administrators in recent months, very few truly independent and representative groups will be funded under this allocation, where they are most needed. The end result will be an escalation of uncoordinated confusion without significant encouragement to the very groups most in need of help.

The Big "If"

Republicans sponsored amendments to give guidance to communities on the matter of representation on, and selection of, a Community Action board. Our amendments would have allowed total involvement of *all* representative segments of the community and particularly guarantee meaningful representation of the poor on policymaking boards. These amendments would have provided a life-giving spark to the potential of Community Action. The majority rejected all such amendments.

In their stead, they adopted a meaningless amendment that states, in a roundabout way, provides that *if* a Community Action board member represents a target area he must be a resident of that area.

Note the important "IF." The amendment does not state that the Community Action board *must* have such representatives.

The open-ended neighborhood adult corps

It appears that the Democrats on our committee are obsessed with the need for producing headline-grabbing programs without specific guidelines or standards. This is the very tendency that produced present poverty scandals. They passed a general authorization and leave it to administrators to define how the objectives will be accomplished.

After 2 years, our Democratic colleagues have been forced to recognize the glaring deficiencies in the poverty program that they chose to deny in the original election year debate of 1964. Now, in another election year, they are launching a new massive program for adults modeled after the Neighborhood Youth Corps. It bodes well to produce the new "great scandals of 1967."

It is hard to imagine a more loosely drawn, ill-defined proposal than the open-ended neighborhood adult corps that will provide public service jobs for the jobless. No criteria for enrollment is given other than the adult be unemployed. Once again, the Democrats adopted the easy, superficial, short-run palliative: "Let the Government hire them directly even though they may have to do meaningless and unproductive work."

It is time that we recognize that the poor want productive jobs for which they can qualify. They need training, often in the most basic skills. Yet, provision for occupational training and basic education is not required. Considering the present boom economy and the plethora of jobs going begging, it would seem that virtually all of the employable unemployed will need training to "enhance their prospects for normal employment."

In the present Neighborhood Youth Corps, as we have already noted, only 10 percent of enrollees receive training. Will 90 percent of the neighborhood adult corps enrollees be similarly neglected?

Loss of talent

Democrats on our committee were obviously irked by the numerous examples of Community Action board members lobbying for funds to be given to their own pet projects. Accordingly, they adopted a last-minute, ill-considered amendment barring any grants to private agencies which have a member of their board of directors or an executive officer serving on a Community Action board or as an employee of a Community Action agency.

The intent is obviously to require all employees or board members of private organizations receiving Community Action funds to resign from Community Action organizations. The full ramifications of this action are difficult to assess. Apparently employees or board members of innumerable private social welfare agencies would be ineligible to serve on Community Action agency boards or be employees of those agencies.

One of the primary objectives of a Community Action board is to enlist the talent and experience of those organizations and people who have been fighting poverty for years. Are citizens who have been serving diligently on Family Services, United Fund, Boys Clubs, YWCA's and similar organizations to be barred from Community Action service in the future?

Danger signals

Danger signals have been flashing in Headstart from the outset. A basically sound program has been subjected to unbelievable chaos in its administration. It has been successful in spite of rather than cause of, poverty officials. The biggest problem has been that both education and poverty money is available to fund Headstart programs. Where do local school systems apply for funds? How much education money must they blend with poverty money in funding Headstart? Conflicting, ever-changing standards have imposed a burden of redtape on many local school officials. Specific examples of this, all too characteristic, have been cited elsewhere in this report.

Headstart should be administered by a single Federal agency with clear and simple guidelines. Republican efforts to transfer the Headstart program to the Office of Education, where all efforts could be unified and where the program could be fully funded, were defeated.

The burden on the budget would be relieved by transferring Headstart to the jurisdiction of the ESE Act because the necessary funds have already been appropriated. Why, then, when Sargent Shriver testified before our committee that only half the eligible 5-year-olds are able to be included in the OEO program, do the Democratic members refuse to allow Headstart to be funded to the greatest extent possible?

No protection provided

The poor often are in need of small emergency loans and find themselves victims of unscrupulous loan sharks who charge usurious interest rates. Such loan activities can and should be controlled at local and State levels. The democratic answer to the problem is a vaguely defined authority for the Director to make direct loans up to a maximum of $300 at a 2 percent per annum rate of interest; $8 million is authorized for this purpose.

This loan provision was hastily slapped into the bill without consultation with experts on the Banking and Currency Committee or elsewhere. No testimony was ever received recommending such a proposal, nor specifying how it could be effectively administered. After intensive study and careful draftsmanship, it is quite possible a workable program could be devised to meet this need. A slap-dash $8 million proposal, such as this, holds little promise to the poor to meet their needs in this area.

Adult basic education

Basic education is a primary need for many of the poor. The Opportunity Crusade appropriates more money for basic education than is provided under the present bill. In addition, it would require that the needed basic training or education be provided to Neighborhood Youth Corps enrollees and participants in other poverty programs where appropriate.

More warning signals ignored

Despite the testimony that we referred to earlier on the critical shortage of funds and lack of coordination between SBA and OEO, *no substantive changes were made to title IV.* No guidelines were given for interagency cooperation.

Amendments sponsored by Republicans, and unanimously rejected by the majority, would have transferred full authority for the program to the Small Business Administration and appropriated funds to SBA for exclusive use in this program.

Disruptive transfer

The recipients of aid and training under the work experience program are in the view of the minority the crux of the poverty group. These are the people who for three or four generations, in times of prosperity as well as depression, have remained totally dependent on welfare for subsistence. For a substantial number of them, welfare is a way of life. Welfare checks, food stamps, medical care, and hospitalization provide a sense of security in the welfare status. They are fully aware that these benefits will be lost when they accept employment. The task of motivating some welfare recipients to seek gainful employment is a difficult one. In addition to this factor, it is in this group that we find the highest incidence of inability to read or write, illegitimate children, and a lack of initiative and ambition.

The Department of Health, Education, and Welfare has been dealing with these people for decades. Welfare administrators know them and their problems. We feel there is much to be desired in the performance of HEW with regard to training individuals and placing them in jobs. That is why the Republicans proposed an amendment, arbitrarily rejected, that HEW be given full authority for the program which it now operates.

Committee Democrats passed an amendment that will transfer authority for the training aspects of the program to the Department of Labor, leave supportive services to be provided by HEW and controlling authority in OEO. Such a three-ring circus, in our view, will compound confusion. The transfer of the work experience job training to the Department of Labor is foolish. Our viewpoint is supported by comments from Mr. Raymond Hilliard and Mr. L. L. Vincent:

TITLE V

On May 3, 1966, Mr. Raymond Hilliard, director of public aid for Cook County, Ill., advised that legislation to place the work experience program (title V) under the Labor Department would be most unfortunate for the following reasons:

1. The Department of Labor has had no experience whatever with what are now the hard-core poor people who by reason of inability to read or psychological disturbances or by family brokenness, by all things that could be said are hard-core slum living. Welfare administrators and personnel live

with these people. The Department of Labor from top to bottom has never seen them. The Department of Labor in the past has preferred to pass them by as if they didn't exist.

2. The people enrolled in title V programs are, for the most part, those in no way qualified for jobs. This is an area of preparation for preparation for jobs. If the program is transferred to the Department of Labor, it would be handled similar to MDTA. "The day MDTA can do what the Department of Welfare is doing under title V, I will be glad to give it to them," Mr. Hilliard said.

3. "Title V is just really beginning to get rolling and show. I would be worried about Labor * * * I would be more worried about Labor than with it at OEO. I think the title V program in Chicago would grind to a halt and I am not sure it would ever get organized," Mr. Hilliard said. He pointed out a change from HEW would involve a process of going through the same problem of getting acquainted with the people and chasing all of the likely sounding but fruitless approaches.

4. Mr. Hilliard stated the relationship of his Department with HEW has been eminently satisfactory, with one big exception. The one exception has to do with a multitude of forms, most of which he feels are unnecessary. He felt it would be a great help if HEW would concentrate on some simplification of reporting.

On May 3, 1966, Mr. Charles Lewis, executive secretary to Mr. L. L. Vincent, commissioner, Department of Welfare, State of West Virginia, who served as a spokesman for Mr. Vincent, advised Mr. Vincent would be opposed to legislation transferring the work experience program (title V) to the Department of Labor. It was the informal opinion of Mr. Vincent the move would not be feasible for the following reasons:

1. The Department of Labor in the past has shown no particular interest in the people who are in the title V program and have no record of finding these people jobs.

2. The Department of Labor's training programs adhere to groups with educational levels higher than the people in the title V program.

3. The Department of Labor has tried programs with this particular group without very much success.

4. HEW has spent the last year setting up title V programs nationwide and a transfer at this time might well lead to administrative chaos.

Open admission

Since the Economic Opportunity Act was passed in 1964, Republicans have documented the fact that the war on poverty was conceived and operated substantially for partisan political purposes. To curb political abuses, Republican urged that Hatch Act provisions applying to title I be extended to all sections of the act.

Chairman Powell even opened the 1965 poverty hearings with the charge that the poverty program contained "giant fiestas of political patronage." Nonetheless, House turned down Republican amendments to provide Hatch Act coverage. The majority was either unwilling to stop these intolerable abuses or to admit to them.

This year, the Democratic committee members finally admitted the truth of our charges by adopting an amendment to have the Hatch Act cover all war on poverty activities.

As supporters of a similar amendment, we welcome this long-delayed action. Its enforcement in practice is another thing which we shall watch closely.

COMMITMENT TO A REALISTIC PROGRAM

It should be the finding of Congress that, in spite of the impressive historical record of this Nation in offering unrivaled opportunities for advancement to our citizens, much remains to be done. Artificial barriers and indigenous backgrounds too often inhibit the full development of individual potential. It is not enough, however, simply to launch a program with compelling and persuasive objectives. A realistic program to help restore dignity and hope to those who are unable to sustain themselves in modern society is our urgent imperative. A program which merely raises expectations and administrative salaries without meaningful results fails to meet the dynamic requirements of our society. Those citizens who are to be served by government programs must have a significant role in helping themselves. Expenditures by government to do things to beneficiaries, rather than in partnership with beneficiaries, is a miscarriage of the true congressional purpose of dignifying human lives.

[Excerpted from Republican Research Report No. 1—Series A, Republican National Committee, June 2, 1966]

DISILLUSIONED DEMOCRATS

Some of President Johnson's and Sargent Shriver's fellow Democrats, holding to the old "if you can't say something nice" adage, have remained silent regarding the abuses of the War on Poverty. Others have been shocked into criticizing the abortive efforts of Administration poverty fighters.

"Job Corps dropouts and malcontents are being coddled and complimented for their derogatory behavior," said *Senator Lee Metcalf, Democrat of Montana.*

"New York City has had a disastrous experience thus far in the poverty program," said *Congressman James Scheuer, Democrat of New York City.*

"We must try to elevate other programs now mired in the swamp of mediocrity, such as Camp Kilmer; Phoenix, Arizona; Los Angeles and Washington, D.C.," said *Chairman Adam Clayton Powell.*

"There is a riot and a runaway of ineffective programs proliferating all over New York City, but not an effective attack upon the basic problem of poverty," said *Congressman Hugh Carey, Democrat of New York City.*

"The rural areas . . . are going to get lost in the shuffle, and have already been lost in the shuffle," said *Congressman Carl Perkins, Democrat of Kentucky.*

"I can certainly say that with respect to Los Angeles, and to Title II, the program is in an awful mess, and unless something is done about it, further disorders can be expected," said *Congressman Augustus Hawkins, Democrat of Los Angeles.*

"The fact is that a lot of bleeding-heart PHD's and professional poor people have succeeded in superimposing themselves on what are supposed to be action programs and are converting them into grandiose sociological studies and anti-social protest movements," said *Democratic Congressman Hugh Carey.*

The staff has done "a lousy job" getting ready for hearings and "so a good portion of our staff was fired over the holidays," said Congressman William Ford of Michigan, with reference to Adam Clayton Powell's $200,000 "investigation of the War on Poverty."

Senator Walter F. Mondale (D.-Minn.) speaking of difficulty in getting programs funded—

"There was nothing in writing. No guidelines for expenses were established. It is no surprise that Minnesotans working for anti-poverty are often frustrated.

"We have a right to written, understandable rules," Mondale said, "and officials must assume there is some local wisdom."

Senator Vance Hartke (D.-Ind.): "I question the continuation of poverty programs, such as the youth camps. There are too many unanswered questions about operations at centers such as Camp Atterbury and Camp Breckinridge.

Democratic Congressman Augustus Hawkins of California speaking in Los Angeles: "The commnuity development program as adopted by Congress is not functioning as it was set up. What is being done to this program is a crime."

Democratic Congressman Robert E. Sweeny of Cleveland described the Job Corps as a— ". . . fantastically expensive failure." "It is costing taxpayers $11,252 a year per enrollee. I believe this money can be better used by the Office of Education, the Department of Labor and the military education channels."

Senator Albert Gore (D.-Tenn.): "The Office of Economic Opportunity is a grossly disorganized affair and while I hope some order will be brought out of current chaos, I become more doubtful daily."

Mr. AYRES. Mr. Speaker, I spoke at the candidates' school last year, and I suggested to all of the candidates that they get a copy of this and they read it very carefully and when they got home they should explain it to their constituency. Well, apparently, many of them did because this was a major issue in the campaign where Republicans picked up 48 seats.

Now you are asking me to reverse that position overnight because there has been a change in administration. I personally have not received any direct request from the President that I should reverse my position. Furthermore, the present administrator has reversed his position. In fact, Mr. Speaker, I would ask unanimous consent to insert in the RECORD a speech given by the gentleman from Illinois (Mr. Rumsfeld) on August 1, 1966, which starts out:

Mr. RUMSFELD. Mr. Speaker, I am introducing in the House today a bill, the Opportunity Crusade Act of 1966, which is designed to combine the efforts of government at all levels with private efforts to provide jobs, training, and education for the disadvantaged.

After 2 years of the war on poverty, many serious deficiencies are apparent. The refusal of the majority on the House Education and Labor Committee to hold full and constructively critical hearings on the proposed amendments to the war on poverty recently prompted the House Rules Committee to take the unprecedented action of admonishing the majority in a report adopted 14 to 1.

The approach of the Opportunity Crusade, as developed by our colleagues, the gentleman from Minnesota [Mr. QUIE] and the gentleman from New York [Mr. GOODELL] is to unite local, State, and Federal governments with private efforts in launching a comprehensive program of training, education, and motivation for the poor. By involving all segments of our economy, $2.4 billion will be committed to the program of which only $1.4 billion will be Federal funds. This is in contrast to the $1.75 billion program, all Federal funds, that is planned by the Federal war on poverty.

I believe the following features of the bill I introduce today will result in a more effective and productive program against poverty:

First. The Office of Economic Opportunity will be stripped of all its present programs except Community Action and VISTA. All training programs will be coordinated under the Manpower Development and Training Act of the Labor Department; the education programs, including Headstart, will be administered by experts in the Office of Education; the work experience program, which embraces a variety of psychological and sociological problems as well as employment problems, will be administered by the experts in HEW; the small business loan program will be administered by the experts in the

Small Business Administration; and the Farmers Home Administration loan program will be administered by the experts in Agriculture.

Second. Opportunity Crusade, which will cost the Federal Government $300 million less, will double the funds available for Headstart and place more emphasis on State and local responsibility.

Third. The Job Corps program, which has suffered from severe criticism across the country because of excessive expenditures, maladministration and uncoordinated, unrealistic implementation, will be completely revamped. This bill provides for a more intelligent evaluation and screening of applicants; coordination with existing manpower and vocational programs; more effective security and discipline in the camps; the dismissal of enrollees convicted of felonies; and a $5,000 restriction on the annual cost per enrollee.

Fourth. New camps will be set up under the Secretary of Defense to equip for military service on a volunteer basis young men from poverty backgrounds who cannot meet selective service standards.

Fifth. Community Action funds will be more than doubled; at least one-third true representation of the poor on policy-making boards will be required; and continued flexibility of local programs will be assured by eliminating earmarked and restrictive funding.

Sixth. The bill provides for a new Industry Youth Corps where private employers will be given a realistic incentive to hire untrained young people between 16 and 22 with one-third of their wages paid while they undergo on-the-job training for meaningful permanent employment.

Seventh. The bill avoids the arbitrary and rigid $12,500 ceiling on salaries in the committee bill, recognizing direction of some of the urban programs would justifiy larger salaries. Instead, Opportunity Crusade would require approval by the Director of any salary increase in excess of 20 per cent over previous salary.

Eighth. Careful administrative guidelines are written into all programs under the Opportunity Crusade to eliminate the confusion, delay, and frustration which have plagued the war on poverty.

Ninth. The employment service would be automated to provide high-speed, reliable joining of individuals with jobs.

Tenth. The Labor Department would institute a national skill survey to pinpoint the thousands of skilled job categories for which qualified applicants cannot be found, as recently recommended by a bipartisan Joint Economic Committee report.

Eleventh. The Opportunity Crusade will enlist the State and local governments as partners with the Federal Government. It provides realistic incentives for private employers and individuals to join the public agencies in an all-out effort to provide education, jobs, better housing and dignity for the poor. It will require true involvement of the poor.

Twelfth. The elderly and retired, who can be accurately characterized as the "forgotten poor," will be permitted to work and obtain a livable income without loss of social security benefits.

Mr. Speaker, I support the goals of the war on poverty. But I, like many millions of Americans, have been deeply saddened and disappointed in the performance of the administration in running this program. The excesses and failures of the program are well known. The administration has been high on its promises but low on performance. It has been tragically self-defeating to build up the hopes and anticipation of the poor with a program which could not—or did not—satisfy those hopes. I believe the Opportunity Crusade will correct many of the deficiencies of the war on poverty, at the same time making the program a truly representative one, and reducing the cost to the taxpayers.

In 1964, I favored an approach to problems of poverty as sponsored by my able colleague, the gentleman from New Jersey, the Hon. PETER H. B. FRELINGHUYSEN. I voted for a motion to recommit so that the Frelinghuysen bill might be substituted for the administration's war on poverty package, but the motion to recommit failed, and H.R. 11050—the Human Resources Development Act—was thus pushed aside. I did not favor the administration bill. I agreed with its goals but, as many, I could see then the difficulties which were to be encountered unless the Frelinghuysen bill was substituted. Now the Congress has an opportunity to correct this action, thanks to the efforts of Congressman QUIE of Minnesota, and GOODELL, of New York.

I urge Members to examine carefully the merits of the Opportunity Crusade.

In fact, the only strong statement, stronger than some of the others is the 11th point in which he said:

The Opportunity Crusade will enlist the State and local governments as partners with the Federal Government.

Then in 1968 my instructions to the minority of the House Committee on Education and Labor were to compile a booklet with all of the poverty memos which include over 100, explaining in detail many of the happenings throughout the country in connection with the poverty program.

This is one thing every Republican—every incumbent and every candidate got and this is what I said then to them:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 21, 1968.

DEAR CANDIDATE: This series of Republican Poverty Memos has been prepared recently under the direction of Republican Members of the House Education and Labor Committee. These memos are an objective report of serious shortcomings of the War on Poverty; a summary of some of the excesses, abuses and maladministrations in anti-poverty programs at all levels; and synposes of Republican positions and attempts to pass corrective legislation during the past two years.

Included in this folder is an analysis of Office of Economic Opportunity funds for Fiscal 1968.

I hope this material will be helpful to you during your discussion of poverty and related issues. Should questions arise regarding specific anti-poverty matters in your district, please call on me or my colleagues on the Committee.

With best personal regards and wishes for a successful campaign, I am

Sincerely yours,

WILLIAM H. AYRES.

[Vol. II No. 11, June 1968]

INVOLVEMENT OF THE STATES IN THE WAR ON POVERTY

Since the beginning of the War on Poverty there has been almost no voice for state officials regarding the operation of programs within their states. The entire extent of OEO's dealings with the states has been limited to contracts for the operation of "Technical Assistance" offices. This includes no consultation with or consideration of the opinions or desires of the State OEO Directors in approval or funding of grants, with all local community action agencies or grantees dealing directly with the program officials in the Regional OEO offices. Our contacts with various State OEO Directors have reinforced our conviction that these men for the most part have a great deal of knowledge to offer regarding the needs of their states and suggestions as to the best implementation of funds, and could perform a valuable function in the complex task of attempting to reduce conditions of poverty in vast numbers of areas.

In protest against OEO's almost complete exlcusion of their participation in decision making within their states, State Technical Assistance Directors (State OEO Directors) held a conference in Washington, D.C., last August at which a position paper was drawn up and signed by all but two members present. Two main suggestions on this position paper were:

That the State agencies should be permitted to submit an annual state plan for expenditure of funds in concert with the Federal, regional and local OEO, and consultation between state and regional or national OEO should take place before funds are granted or approved in any state.

State Technical Assistance (STA's) should be included in OEO's checkpoint procedures relating to all OEO programs and that the STA's be involved with the OEO regional and community action agencies in developing evaluation procedures.

Much of the testimony at the 1967 hearings and numerous letters and comments from STA Directors agree the present state role must be expanded. In addition they criticized the OEO's irrational funding procedures, taking no effort to either provide an equitable distribution of the money to the poor over the state or to concentrate it in the areas of greatest need.

Joseph P. Dyer, then Director of the State of Connecticut Office of Economic Opportunity, testified before our Committee:

"I urge you to consider thoughtfully the strengthening of the state's hands in this attempt to eliminate poverty; I urge you to make true the words of President Johnson, who, in a directive to the former Governor of Florida, Faris Bryant, his present director of the Office of Emergency Planning, said this: 'To the fullest practical extent I want you to take steps to afford representatives of the Chief Executives of state and local government the opportunity to advise and consult in the development and execution of programs which directly affect the conduct of state and local affairs.' The present OEO operation is far afield of the President's directive. For example, no contact was made with any Connecticut state official regarding the allocation of Connecticut's share of the $75 million in special money this Congress appropriated in May for special summer programs. Our state was accorded $235,000 in five locations. This same allocation, in our opinion, to a large number of localities might have more properly attained the ends you seek."

Mr. Dyer followed: "We had no say either as to which cities in Connecticut should be given special funds. It is my personal opinion that if we had been consulted, we might have distributed the same amount of money to a larger number of communities than the way it was distributed."

Mr. Robert Neal Smith, Wisconsin State OEO Director, regarding the need for greater state involvement:

"Generally speaking, over the past several years the regional Office of Economic Opportunity has exercised its own judgments by and large regarding any local CAP or single-purpose agency request. All too often the Governor's office is informed of a program that is being seriously considered or certain amendments to the contract or revisions in the proposals have been made, and we are then at the last moment via this telephone call expected to pass judgment almost immediately and approve the project application."

In letters and public statements various state officials have complained:

One state director, on the problem of co-

ordination of various programs within the state: "The linkage between community action programs and work programs is tenuous at best especially in the rural areas. The Office of Economic Opportunity has to be given muscle to effectively coordinate these programs with its own. Likewise, the state officials should be a critical point for this function, and it should be spelled out in the law."

E. R. Rankin, Jr., Director, North Carolina Department of Administration: "Federal antipoverty programs are usually prepared without any knowledge of the Governor and are submitted for the approval or disapproval of the Governor after public announcement in Washington that the OEO has approved the grant, or other Federal assistance."

Further concerned with the lack of coordination with the states, Mr. Rankin stated: "The well-known OEO policy of ignoring and bypassing existing state and local governmental agencies has certainly not assisted in North Carolina's efforts to improve poverty and poverty conditions. And any long-term improvement in local community conditions must involve the existing agencies and local leadership in these agencies."

Another State director notes the nearly complete exclusion of the state from proposal review and the lack of program evaluation by OEO: "Presently, a proposal, when submitted by the CAA to the regional office, is reviewed by a regional analyst, who has the authority to add or delete from the component. This practice in almost all cases goes on without consultation with the STA. The local community, thus sensing that the ultimate responsibility for the success of their proposal rests with a regional analyst, turns to the regional office for assistance. In all too many instances the analyst encourages the local community to obviate the STA. This dual service leads inevitably to confusion and mistrust."

"At present, the evaluation of funded programs is not required. Thus, proposals are refunded without a knowledge on the part of the reviewer if the program was effective and meaningful to the lives of the disadvantaged. It is conceivable that good money is supporting ineffective programs."

We have proposed in the Opportunity Crusade the greater participation of the states in the administration of various programs throughout the bill; a greatly increased role in the administration of Job Corps Centers within their states as well as the eventual phasing of these centers into the state systems of vocational education; the implementation of the In-School NYC program through the state educational agencies and a state plan; the establishment of a broadly representative state commission for the Headstart and Early Years Programs to plan and allocate the funds and to approve projects to be funded within the state; a Community Action state bonus plan, and a Headstart state bonus plan which will enable the states to receive funds over and above their general allocations under these programs, which they will match equally with state funds, and to develop supplemental plans under which they could further assist programs which are not being adequately assisted under the general allocations for community action and Headstart.

In addition, the greatest need and our major redirection to involve the states is in the area of Community Action. Our proposal authorizes each state to set up a state commission through which community action funds will be channeled into the state, and which would be responsible for: Identifying the poverty problems within the state; comprehensive planning, including the determination of state priorities and policies to eliminate poverty within the state; the development of a state plan of action to be submitted to the Director which shall review and evaluate and make funding recommendations concerning the funding of each community action agency, consulting with and providing assistance, including technical assistance, to community action agencies and qualified substitute agencies and assisting them in the preparation and administration of annual plans, training of personnel, coordinating programs and making maximum use of their public and private resources, as well as other acts of coordination and cooperation with the Director to accomplish the most effective use of poverty funds within each state.

In a letter to Congressman Albert H. Quie, Governor Harold LeVander, Governor of Minnesota, included these comments on the subject:

"Actually, here in Minnesota, the Governor's Office of Economic Opportunity is the 'Governor's' in name only. The State OEO office 'dangles' haplessly between the local CAP councils and the regional office, doing housekeeping chores, providing routine assistance to CAP councils, with no real authority to act. As Governor, I have neither control nor authority over the programs once they are operational.

"There is great need to strengthen the state's position in administration of the programs and in allocation of funds. Ideally, handled by a designated state office responsible to the Governor.

"Under present administrative procedures, the regional office in Chicago now handles the function of funding and approving programs completely bypassing the state office. It certainly would be desirable to amend the act and/or regulations to allow funds for administration and programs to be granted directly to the states."

Other Governors have pointed out the need for a greater state role:

Governor Walter J. Hickle, Governor of Alaska, said: "A coordinating council at the state level would help in determining areas of need so that appropriate priority could be given to those areas and programs which are most vital and for which provision has not been made by the present 'shot-gun' method."

"Because it is likely that maximum mileage is not being realized from allocated funds, I urge that states be given a strong voice in planning and evaluation of local projects. It is inconsistent with good government that a project, regardless of its quality, be refunded simply because it has previously been funded. I further suggest that the state office be given the option of dispensing projected unused allocated funds to critical need."

Governor Robert B. Docking of Kansas stated: "I think that . . . the Technical Assistance Office . . . can make a real contribution. Their philosophy of coordination and cooperation, as well as trying to move with some dispatch to get things done, would lend itself to the development of a social planning concept for the state."

Governor Daniel Evans of Washington stated: "I do . . . recommend that national and regional OEO administration move rapidly to provide greater involvement of, and consequently participative responses from state governments that are sincere in their desire to eradicate poverty. In the determination of basic policy and program guidelines, there should be a significantly improved opportunity for participation from the local and state levels."

Late Governor Lurleen B. Wallace of Alabama said: "There has not been the effective state participation called for in this section. However, it is even more clearly apparent that the Office of Economic Opportunity has displayed little enthusiasm for making the states true partners in the planning, development and administration of the effort. The same is true of the Department of Labor in its administration of programs under Title IB and Title II. I feel that all projects to be carried out, in whole or in part, within a state should be within overall plans which have been drawn with participation by, and received the concurrence of, the state. Alternatively, all such projects should be submitted to the Governor in accordance with procedures similar to those now provided in Section 209 of the Act."

Former Governor Otto Kerner of Illinois: "The area of coordination of federal programs deserves some attention. Due to the regional, rather than state administrative authority over most OEO funds, coordination becomes extremely difficult since local agencies 'bypass' the state with applications for federal funds."

In announcing the intention of various Republican Members to push for a role for the states in the poverty program, leading House Republican spokesmen on poverty said:

"There is a clear and present need for comprehensive social planning at the state level. Today every state has a state Office of Economic Opportunity. These offices are funded at a minimal level, although charged with the major task of energizing local communities to organize local poverty programs. They serve the additional role of coordinating technical assistance on a statewide basis in support of local programs."

"A major defect in the present system is exclusion of the states from planning and continuing evaluation of programs. There is no statewide determination of priorities."

"There must be meaningful partnership among all levels of government and all segments of the private sector if economic opportunity is to become a reality for all Americans. The present law must be restructured to fill the existing void left by systematic exclusion of the states. The state governments can mobilize vast, untapped resources on a statewide basis. They are, moreover, eager to assume their rightful role."

All Republican amendments which included provisions previously described for the increased involvement of the states in various poverty programs were rejected.

[Vol. II No. 13, June 1968]

HAS THE WAR ON POVERTY BEEN A SUCCESS?

"It might have been better to not have had the OEO, than to have promised so much and not fulfilled it"—(Hyman Bookbinder, recently resigned Asst. Dir. of OEO).

"The Federal Government's War on Poverty was tardy and has taken on all the aspects of the first Battle of Bull Run"—(Kenneth G. Neigh, General Secretary of the United Presbyterian Church's Board of National Missions).

The anti-poverty money is "going everywhere except to those who need help"—(Former Texas Governor Allan Shivers, President of the U.S. Chamber of Commerce).

"One contributing factor to the recent civil disorder is that loudly touted expectations for the war on poverty have not come to pass. The people who made grandiose promises about abolishing poverty rapidly knew, or should have known, that with the tools at hand it would not be done. Frustrated expectations can be very inflammatory"—(David R. Hunter, Executive Director of the Stern Family Fund, New York City).

The War on Poverty—"lots of caviar, but no beans"—(Senator Joseph Montoya [D-N.M.]).

"It's time to put an end to these giveaway programs like the War on Poverty anyway"—(Congressman Joe Pool [D-Texas]).

Described the Johnson Administration's poverty program as "one of the most unfortunate frauds ever perpetrated on poor people in this country"—(Dr. Eugene Callender, Executive Director of the New York Urban League).

"The Federal poverty program has turned out to be one of the biggest hoaxes ever perpetrated upon the citizens of the Great Society"—(Executive Committee of the Rhode Island Chapter of the National Association of Social Workers).

Accused the OEO of "perpetrating a fraud on the poor" and called the present setup a "sophisticated form of paternalism"—(Wesley L. Scott, Director of Milwaukee Urban League).

"Despite years of promises, billions of dollars in aid, and valiant efforts by a melange of poverty fighters, the 'war on poverty' remains nothing but a catchy phrase to most ghetto dwellers in the United States"—(John Dillin, Staff writer of the Christian Science Monitor).

"There is a poverty program but it never could be considered a war . . . People are leaving the program in great numbers, the administration has cut back and Johnson did nothing to defend the program . . . It was sold to the people as a panacea. They were led to really believe there was a war that was going to change their lives"—(Haynes Johnson, Pulitzer Prize-winning Journalist, Washington Star).

"If I were to put my finger on a single issue that was related to our riot, I can assure that the rioting to a great degree was brought about by Federal promises as regularly publicized in all the news media that failed to match Federal performance. Again I say it is a question of 'nitpicking' and it would try the patience of Job"—(A. V. Sorensen, Mayor, Omaha, Nebraska).

"The poor have been overpromised and oversold, but the poverty program has been underproductive and underachieving. . . . Despite the findings of the Kerner Commission history will show that the poor reacted to the failures of the Great Society programs because they were overpromised and underdelivered. . . . To sum it up, the War on Poverty served to polarize the white community: The theory of hostility and conflict—equally repugnant to most Negroes as well as Whites—fanned the flames of racism and set back race relations a quarter of a century"—(Mayor William F. Walsh, Syracuse, New York).

"The Office of Economic Opportunity is not welcome in St. Petersburg. Sorry about that"—(Mayor Don Jones, St. Petersburg, Florida).

The national poverty program contributed to last summer's racial riots by building false hopes and thereby accentuating the frustrations of the Negro community. The program has done nothing to rescue the Negro from "the black box" in which he finds himself—(Dr. Nathan Wright, Jr., Episcopal Minister and Black Power advocate).

The War on Poverty has failed to delevop anything more than an erratic series of skirmishes . . ." The War on Poverty has been a piecemeal effort which is far from successful"—(William H. Robinson, Director of Chicago and Cook County's public aid program).

"Power grabbers and politicians appear to be using Federal antipoverty money to create a 'competitive educational system' that would bring them political advantage"—(Former Washington, D.C., School Superintendent Carl F. Hansen).

"Our Federal poverty program is surely the most costly imposture ever foisted on a trusting people . . . a great fraud which can never do what it pretends to do"—(General Thomas Lane, Washington, D.C.).

"The war on poverty has been first in promises, first in politics, first in press releases, and last in performance"—(Richard M. Nixon).

"One way to describe the war on poverty is that President Johnson has $3 billion to fight poverty and the poor people have nothing to fight back with. . . We are worse off than we ever were before"—(Professor Arthur Pearl, Ph.D., University of Oregon).

"It wasn't a war on poverty, it was a war on the fringes of poverty"—(Gregory R. Farrell, Assistant Commissioner of Community Affairs and Director of the State OEO, New Jersey).

CONGRESSIONAL POLLS

Polls of Members of Congress of their constituents during the 90th Session reflect widespread dissatisfaction with the War on Poverty:

Rep. Charlotte T. Reid (R-Ill.): "Do you think that the majority of the war on poverty programs have been effective?" Yes, 10 percent; no, 84 percent; no answer, 6 percent.

Rep. Delbert L. Latta (R-Ohio): "Do you believe the administration's poverty program is making progress toward the elimination of poverty?" Yes, 11 percent; no, 89 percent.

Rep. Edward Hutchinson (R-Mich.): "The various war on poverty programs have been in effect for nearly 2 years. Thus far, do you think they have been successful in moving toward the ultimate goal of improving the lot of the poor?" Yes, 11.73 percent; no, 82.40 percent; no answer, 5.87 percent.

Rep. Henry P. Smith (R-N.Y.): "On balance, do you believe the administration's war on poverty has been successful?" Yes, 12.4 percent; no, 79.9 percent; no opinion, 7.7 percent.

Rep. Railsback (R-Ill.): "Do you think the war on poverty has been (a) very successful, 2 percent; (b) slightly successful, 31.5 percent; (c) unsuccessful, 64.5 percent; no answer, 2 percent.

Rep. Dave Martin (R-Neb.): "We are spending this year $1,500 million on the war on poverty. Do you feel this program has been successful?" Yes, 4.8 percent; no 84 percent; undecided, 11.2 percent.

Rep. John M. Ashbrook (R-Ohio): "Do you believe the $2 billion war on poverty has been successful?" Yes, 7 percent; no, 89 percent.

Rep. O. C. Fisher (D-Texas): "Do you feel the war on poverty has been worth the money?" Yes, 6 percent; no, 87.5 percent.

Rep. John J. Duncan (R-Tenn.): "Do you think we should continue our spending on the war on poverty?" Yes, 25 percent; no, 69 percent; no opinion, 6 percent.

Rep. Dan Kuykendall (R-Tenn.): "Do you think the war on poverty has been worth the cost?" Yes, 5.7 percent; no, 94.3 percent.

Rep. William L. Scott (R-Va.): "Should Government spending be cut? If so, what areas? Poverty programs?" Yes, 80 percent; no, 20 percent.

Rep. Charles E. Bennett (D-Fla.): "Should your Congressman vote to continue the poverty program under present circumstances?" Yes, 12 percent; no, 85 percent.

Rep. William L. Hungate (D-Mo.): "Do you think the poverty program is worthy of being continued?" Yes, 20 percent; no, 75 percent; no opinion, 5 percent.

Rep. Samuel L. Devine (R-Ohio): "Do you favor continuation of Great Society war on poverty?" Yes, 18 percent; no, 80 percent; no opinion, 2 percent.

Rep. Charles E. Chamberlain (R-Mich.): "How do you rate the war on poverty as a whole?" Good, 5 percent; fair, 19 percent; poor, 63 percent; blank, 13 percent.

Rep. Jerome L. Waldie (D-Calif.): "This year's budget proposes to spend $1.9 billion on this program (poverty), about the cost of 3 weeks of the Vietnam war. Do you believe (a) We should abolish the entire war on poverty: yes, 36 percent; no, 56 percent; undecided, 8 percent; (b) We should transfer proven programs from the Office of Economic Opportunity to regular Federal agencies, e.g., Operation Headstart to HEW, not thereby reducing expenditures, but perhaps increasing efficiency?" Yes, 79 percent; no, 9 percent; undecided, 12 percent; (c) Do you believe we should materially reduce the War on Poverty program?" Yes, 49 percent; no, 41 percent; undecided, 10 percent.

Rep. Tim Carter (R-Ky.): (Should we) "Continue the war on poverty, especially the 'Happy Pappy' program?" Yes, 36.8 percent; no, 53.7 percent; undecided, 9.3 percent; "Keep VISTA and Appalachian volunteers?" Yes, 30.6 percent; no, 52.4 percent; undecided, 16.9 percent.

Rep. Donald Rumsfeld (R-Ill.): "Do you favor an expansion of the Headstart program?" Yes, 50 percent; no, 38 percent; no answer, 12 percent.

Rep. George Bush (R-Texas): "What should we do about the war on poverty?" (a) Increase expenditures, 3 percent; (b) Reorganize program to make it more responsive to local needs, 52 percent; (c) Eliminate program, 45 percent.

Rep. James V. Smith (R-Okla.): (a) "Do you think the Federal anti-poverty program has been successful in your area?" Yes, 5 percent; no, 91 percent; no opinion, 4 percent. (b) "Are the poor people in your community better off because of the Federal Poverty Program?" Yes, 6 percent; No, 89 percent; No opinion, 5 percent. (c) "Are you satisfied with the Headstart program as it is being run by the OEO?" Yes, 9 percent; No, 83 percent; No opinion, 8 percent. (d) "Would you favor transferring Headstart to the U.S. Office of Education?" Yes, 64 percent; No, 20 percent; no opinion, 16 percent. (e) "Would you prefer an Industry Youth Corps (ages 16 to 22) where youths are trained for jobs in and by industry, rather than the current Neighborhood Youth Corps whose employees are generally employed in state, community and nonprofit related projects?" Yes, 83 percent; No, 10 percent; No opinion, 7 percent. (f) "Would you favor converting the Job Corps Training Program to a Community Vocational Training Center Program?" Yes, 73 percent; No, 16 percent; No opinion, 11 percent. (g) "Do you believe the $4 billion appropriated to date for anti-poverty programs has been well spent?" Yes, 4 percent; No, 94 percent; No opinion, 2 percent.

Rep. Paul G. Rogers (D-Fla.): "Do you favor the current War on Poverty?" Yes, 23 percent; No, 73.4 percent; No opinion, 3.6 percent.

Rep. Roger H. Zion (R-Ind.): "Do you think the poverty program has been effective in eliminating the cause of poverty?" Yes, 7 percent; No, 85 percent; No opinion, 8 percent.

Rep. Fred Schwengel (R-Iowa): "Do you think the War on Poverty has been successful in helping poor people?" Yes, 14.8 percent; No, 77.8 percent; No opinion, 7.4 percent.

Rep. Edward G. Biester, Jr. (R-Pa.): (a) "Of the several War on Poverty programs, the 2 which have received most comment have been the 'Headstart' programs and the Job Corps: Do you favor maintaining 'Headstart' at its present rate?" Yes, 42 percent; No, 39 percent; No opinion, 19 percent; (b) "Do you favor increasing funds for this program?" Yes, 27 percent; No, 55 percent; No opinion, 18 percent. (c) "Do you believe that 'Headstart' should be transferred from the Office of Economic Opportunity to the Office of Education?" Yes, 47 percent; No, 29 percent; No opinion, 24 percent. (d) "Do you favor continuation of the Job Corps?" Yes, 53 percent; No, 34 percent; No opinion, 13 percent.

Rep. M. G. Snyder (R-Ky.): "Do you believe that the War on Poverty is worth the cost?" Yes, 11.4 percent; No, 85 percent; No reply, 3.6 percent.

Rep. Robert J. Corbett (R-Pa.): "Would you vote for increased funds to fight the War on Poverty?" Yes, 27 percent; No, 73 percent.

Rep. James T. Broyhill (R-N.C.): "Should funds for the anti-poverty program be increased?" Yes, 8.4 percent; No, 83.6 percent; Undecided, 5.3 percent.

Rep. Garry Brown (R-Mich.): "With respect to the following programs, would you: Headstart—increase funding 58.9 percent, reduce funding 41.1 percent; Neighborhood Youth Corps—increase funding 59.6 percent, reduce funding 40.4 percent; Job Corps—increase funding 40 percent, reduce funding 60 percent; VISTA—increase funding 41 per-

cent, reduce funding 59 percent; Community Action Program—increase funding 48.8 percent, reduce funding 51.2 percent."

Rep. John Kyl (R-Iowa): "Do you think the present Federal poverty program expenditures are—too much 71 percent; not enough 10 percent; about right 19 percent."

Rep. William O. Cowger (R-Ky): "Do you think the War on Poverty has been worth the cost?" Yes, 19 percent; No, 81 percent.

Rep. Bill Brock's (R-Tenn.) survey purports to find that 91 percent of the Third District constituents he interviewed felt the poverty war was not worth the money being spent on it.

[Vol. II No. 14, June 1968]

OEO ADMINISTRATION

Congresswoman Edith Green (D-Ore.) of the House Education and Labor Committee made the understatement of the year last fall when she said:

"It would seem to me from the discussions that have been going on for the last two or three weeks in the Committee in Executive Session that there is not an overwhelming amount of confidence in the Office of Economic Opportunity as the one and best agency in the Federal Government . . . to review and coordinate all other programs."

This view is shared by those having knowledge of the War on Poverty at all levels.

At the Federal level, Congressman Phil M. Landrum (D-Ga.) said: "I still feel strongly that the so-called poverty program is sound in concept and designed to go after these problems on a long range basis of education and training. But I am saddened that the administration of the program has been so poorly carried out and that so many bad judgments have been made." Mr. Landrum even said he thought there "was stupidity right here in Washington in Sargent Shriver's office."

At the State level, Mr. Joseph Dyer, while Director of the Connecticut State OEO commented: "At the present time Community Action Boards receive no direct instructions from OEO, have no motivating guidelines, are spoon fed the information they do get from paid staff members and most of the board members have no knowledge it is their responsibility to be a multivoice."

At the local level, Mr. Don Flanders of the Fond du Lac, Wis., Economic Opportunity Committee, Inc., testified the annual report of that Committee related: "The most serious problem of our office is, has always been and no doubt will continue to be, the erratically managed and administration of the Office of Economic Opportunity. The concept of economic opportunity that human resources cannot be wasted, that the local community must gear itself to meet the needs of the poor on a continuing basis in America, these are ideas that must be implemented. But the execution of these concepts get bogged down in constantly changing guidelines and congressional ups and downs in response to to criticism."

Outside the agency, Mr. Blue Carstenson representing the National Farmers Union, stated: "We have not been happy with some of the administration and policies of OEO. Most of this Committee is aware of our feelings and of the examples of these problems. We can share the views of many of you for the need for improving these policies and practices."

Even inside the OEO itself, Dr. Ralph Phelps, upon resigning as Director of the Southeast Regional Office of OEO in February 1968, said: "I am leaving because I am thoroughly disgusted with the administrative monstrosity called the Office of Economic Opportunity, and I do not have the ability to straighten out this mess. I had the responsibility, but not the authority. When I was sent down, I was told I would be the Shriver for the Southeast Region. However, this was not true, because in attempting to clean house and remove individuals from positions in which they were vegetating, I first had to get concurrence on hiring and firing from all positions, in community action, GS–13 and above, from Ted Berry. I also had to get concurrence on program funding and administrative decisions.

"As an individual who owns nothing in this world except a reputation of integrity, I will not be held accountable for something not being done. I believe that the War on Poverty is necessary, but if we are ever going to help the poor the bureaucratic, administrative mess must be straightened out."

In addition, Mr. Phelps compared his job to a hen trying to hatch a bunch of door knobs, and added: "If a government bureaucracy is the hope of the world, then the world is without hope."

Members of Congress are continually having their requests for information ignored for months on end or never answered, while at the same time being flooded with literature extolling the OEO programs. Congressman James H. Quillen (R-Tenn.) commented on the floor last November: "I wired you three months ago on a matter and you have refused to answer my wire and you have refused to return my telephone calls."

Congressman Robert H. Michel said on the floor of the House last November: "Last Spring before our appropriations hearings, I requested cost figures on the individual Job Corps Centers. We received only the royal runaround for over two months and to this date have never received the figures we requested."

Those Congressmen who are required to have any substantial contact with OEO on matters of importance, only come away with a feeling of frustration:

Congressman Albert H. Quie took the floor of the House last Spring to say:

"For over 18 months I have been attempting, without much success, to get certain vital information from the Office of Economic Opportunity and its Director, Mr. R. Sargent Shriver." Inserting into the Record a series of letters and one telegram, he continued: "The opening letter is dated January 12, 1967, to which no reply was received. On March 2, 1967, I again wrote to Mr. Shriver. A third letter was sent on April 6, 1967. I waited until April 13, 1967, at which time I sent a telegram to Mr. Shriver which contained this phrase: 'Unless you advise me to the contrary, staff investigators, House Education and Labor Committee, will be at your office, nine a.m., Monday, April 17, 1967, to commence four-weeks investigation at OEO Headquarters.' The telegram, at last, galvanized Mr. Shriver into an answer. . . . Mr. Speaker, it would appear to me that OEO already has enough problems without compounding them by refusing to answer a reasonable request from a Member of Congress."

Congressman James Hanley (D-N.Y.) took the floor of the House last year and gained the sympathy of every Member of the House when he said: "In my 3 years in Congress, I have witnessed mountains of bureaucratic indecisions and gobbledygook. I have seen bureaucratic vacillation that would have shaken less stable governments; I have been the recipient of conflicting reports which might drive some men onto a diet of sarsaparilla and strychnine, but never in my congressional tenure, Mr. Speaker, have I seen a more blundering mishmash of indecision than that served up to me by OEO during the last month.

"I used to think in my greener days, that the semicomic portrayal of bureaucratic operations was something one only read about in the columns of crusading journalists—but now I have become a believer. During the last month either I or a member of my staff has talked with just about every warm body in the OEO establishment. I have pled, cajoled, begged, demanded, and otherwise sought some decision out of that administrative monstrosity only to have my pleading, cajolery, begging, and demands fall on deaf ears. I have been plugged into more telephone connections at OEO than any operator on their switchboard. It seems to me that the only decision anyone down there is capable of making is that someone else is making the decisions.

"Mr. Speaker, I suggest the Congress order a carload of medals for buckpassing struck and then direct that the carload be delivered en masse to the Office of Economic Opportunity."

The OEO's inability to coordinate its programs with other agencies or to fulfill its role as a coordinator of all anti-poverty programs, is criticized:

Former Governor Otto Kerner of Illinois: "It is apparently difficult for the federal staff to maintain the close community contact necessary or to work in close coordination with other federal agencies in order to quickly review programs and distribute funds . . . work and employment programs under the Nelson Amendment were held up for months due to the apparent inability of OEO and the U.S. Department of Labor to work out mutual national guidelines for effectuating the transfer of the program to Labor."

Oran K. Gragson, Mayor, City of Las Vegas: "One of the major problems still appears to be the lack of coordination between various agencies responsible for the program, particularly the Office of Economic Opportunity and the Labor Department. Also there are a number of agencies which appear to be working in the same general area, at least in Clark County."

Richard O. Evans, Chairman, Board of Supervisors, Mayville, N.Y., complained of "Lack of coordination on the part of all agencies dealing with social services from the Federal level on down to the local communities, even between separate departments in OEO itself."

Various officials at all levels have complained of OEO administration:

Fred D. Hauser, Chairman, Board of Commissioners, Winston-Salem, N.C.: "OEO pressures the local agency to spend all of its money, fearing that Congress will argue unspent funds indicate over-appropriation. This pressure affects planning too; programs functioning in new areas and growing at their own rate need planning and readjustment without the pressure to exhaust funds for the sake of using up the budget."

E. W. Eller, Mayor, Asheville, N.C.: ". . . difficulties and delays occurred in establishing the antipoverty program here, largely because of the shifting policies and procedures of the OEO. . . . The Corporation's Board of Directors sought constantly to meet the requirements of the OEO, but it was extremely difficult at times to determine what these requirements were. . . . Excessive attention has been devoted to bylaws of The Corporation. Almost every meeting of the Board of Directors of the Corporation required some change in bylaws to meet the newest requirements of the Office of Economic Opportunity. . .

"Immediate attention should be given to simplifying and reducing the guideline requirements and paper work involved in operation of poverty programs."

Congressman Roger H. Zion (R-Ind.) commented in the Congressional Record last fall: "I have had letters and phone calls from distressed men and women who are called upon to operate programs at a local level, while strange policy decisions in Washington and Chicago are delaying operating funds. Vouchers are lost, checks mismailed, applications disappear."

One poverty official wrote to Congressman Zion: "There is so much confusion in the national and regional OEO offices that very little of the money ever filters down to where it can be used for the people. Power-hungry officials at the top are too busy empire-build-

ing to provide us with a program down here that we can responsibly execute."

Another poverty official wrote Mr. Zion: "I don't really care how they want us to do our work. I'll just be glad when they stop making directional changes long enough to let us get something done down here."

One State Technical Assistance Director commented: "Probably the most important difficulty results from exasperating and seemingly arbitrary actions by national and regional OEO in the realm of policies and procedures."

Dr. Lew Stommel, in charge of federal projects for the Santa Clara, Calif., Unified School District, announced last October that their district might drop out of the Headstart program because of teacher harassment by OEO officials and a torrent of administrative directives. Waving a sheaf of papers—almost 1,000 pages—he complained to his board of "an unbelievable number of administrative directives and questionable expectations coming from OEO in Washington."

Many expressed concern with the operations carried on in the Regional Offices specifically.

One Governor stated: "Our State Coordinator feels that Regional Field personnel are a weak link in the operational chain. Inexperience, immaturity and the desire to impose personal policy on communities seem to be characteristics that cause unnecessary problems."

Former Governor Otto Kerner, Illinois, said: "Continual turn-over of federal regional personnel, many of whom have little or no knowledge of our state, have resulted in no end of confusion due to the regional need to 'retrain' new people and the fluctuating policies which seem to change with each new person placed in the regional structure."

Perhaps the testimony of Mrs. Shirley Tannenbaum, Director of the Frederick County, Md., Community Action Program, more clearly details the situation in the regional offices: ". . . upon presenting this program package to OEO, we began a long series of negotiations which if it were not so serious could be called a comedy of errors. The day after presenting our proposals to regional office, the program analyst for my county resigned . . . Since then I have had six program analysts. Every time I have had to go through these programs again, explaining and describing once again. This particular process went on for about a year . . . Never was I told that the program was bad. The proposals were not rejects. They simply never were funded . . ."

Richard O. Evans, Chairman, Board of Supervisors, Chautauqua County, Mayville, N.Y., was critical of everything: "Inability of the personnel in the Regional Office to understand the problems in a rural county . . . too much redtape involved in processing programs . . . too much control in the Regional Office . . . too much time required by the regional office in approving programs . . . too much time required in funding programs . . . too much time wasted in the local office fulfilling technical requirements of a minor nature required by the regional office . . . Inability of the local staff to learn from OEO of available funds administered by OEO and inability to establish a certainty in available funds for projects . . . Inability to learn of basic 'allowables' in program writing before the initial writing of the program requiring revision which result in delay."

"Your Office of Economic Opportunity is amorphous. Even those of us who believe most deeply in what you are trying to accomplish are dismayed by this quality." (Senator Jacob K. Javits, (R–N.Y.))

"The Office of Economic Opportunity in its War on Poverty has refused in many instances to help alleviate poverty . . . that in one instance they have set up their own power structure in a dictator-type of situation not subject to the vote of the citizens, but answerable only to the OEO staff in Washington . . . instead of taking steps to help poor people become employable, OEO workers, sent in by OEO, channeled their energies toward types of agitation which serve only to cause bitterness, viciousness, distrust of local, state and federal government and the preaching of class hatred, which was unknown in this area prior to OEO . . . To OEO, progress is civil disturbances, marches on Frankfort and Washington." (Glenn Westbrook, Chairman of the Administrative Advisory Committee of the Cumberland Valley Opportunity Council, Kentucky)

"The Office of Economic Opportunity is a grossly disorganized affair, and while I hope some order will be brought out of current chaos, I become more doubtful daily." (Senator Albert Gore, D–Tenn.)

Several studies confirm the shortcomings in the regional office operation. A study by McKinsey & Co., Inc., in April, 1967, entitled "Strengthening the Organization and Process of the CAP Regional Offices," thoroughly reviewed the operation of the regional offices and contained the following major conclusions:

"Headquarters imposes an excessive number of information demands on the regional offices . . . We identified several examples of inquiries from two or more headquarters offices about the same problem on the same day . . . (one) underlying cause: A lack of understanding on the part of headquarters personnel of the role headquarters is to play in the management process, and an unwillingness to function within the boundaries of that role.

"The regional offices frequently receive detailed direction from a multitude of headquarters personnel . . . This problem grows out of a lack of understanding at headquarters of line authority and of the functional and advisory authorities of the various staff units.

"The lack of adequate headquarters discipline is a problem to the regional offices because if the excessive information requests that have been imposed, the management improvement projects that have been launched but have not been completed, and the needed actions that were delayed when decisions were not properly coordinated or when unauthorized persons intervened.

"CAP critically needs to be able to apportion work and assign responsibilities in a logical manner so that each person fulfills his responsibilities without drifting into another's area of responsibility.

"However, CAP has been hampered by an excessively high turnover in personnel that has undermined efforts to develop a fully experienced and effective staff. The magnitude of this problem is indicated by the following findings:

(a) The rate of turnover among regional analysts has been 52 percent per year. The average length of service for analysts is only 10.6 months.

(b) Every top-level position at CAP headquarters and at OEO, with the exception of the Director of OEO, has had at least two occupants during the past 2½ years, some positions have had three or four occupants.

"Some of the reasons for this situation . . . Low morale and general dissatisfaction were mentioned frequently in five of the seven regional offices.

"Regional analysts are frustrated by the confusion, time demands, and lack of support under which they must work . . . indicated substantial frustration due to the 'confused paperwork maze' in which they must function . . . The average analyst spends only 2.2 days per month in the field, and some have never visited their grantees."

HIGH HANDED OEO

Recently the OEO attempted to force Governor Stanley Hathaway of Wyoming to compromise his values and accept program standards and monetary dispersement with which he did not agree, simply for the sake of OEO's administrative convenience. When Community Action of Laramie Co., Inc., of Cheyenne submitted a Conduct and Administration proposal along with a neighborhood center program in one package and later followed with single packages for Headstart and Legal Aid programs, all programs were reviewed and the Governor approved three and vetoed the neighborhood center component. OEO advised that the approval of the three programs had no effect under the law and claimed the Governor had to approve or veto all four programs in a package.

Mr. Charles Newton of the State Technical Assistance Office said: "After reviewing the program package, a letter concerning the objections of Governor Hathaway and this office was directed to the Kansas City Regional Office under date of Dec. 22, 1967 . . . we felt that the Regional Office would certainly discuss the matter with us in light of our objections. We, however, received no response other than a letter which indicated that they thought it was a bit late . . . no effort was made by Kansas City to revise the program or discuss it in detail with us . . . Later in a series of discussions, Kansas City officials who saw the proposed center tended to vindicate our position . . . admitted they had received our Dec. 22, 1967, letter but did not give it the thought they should have and didn't think the Governor was serious about vetoing, and, if he was, they wondered why I didn't call them. I saw no reason for a telephone call to explain my previous letter."

Following the Governor's action, OEO officials were in Cheyenne, but no effort was made to seek a conference with Governor Hathaway; instead an OEO regional official appeared on TV, and stated that the "Governor didn't understand the program." He added that "economy was the reason for OEO's move . . . If he (Hathaway) were to veto the one program, it would force the local agency to resubmit its package request and leave out that one. It would cause total disruption of the programs and a time delay."

Governor Hathaway, State Technical Assistance officials and the Attorney General of Wyoming disagreed with OEO's position that the Governor's Veto provision in the Economic Opportunity Act limited him to vetoing program packages, but gave him the right to veto any "project or other activity." Mr. Newton concluded, "In today's operation, the Governor has to have the right to veto a component and to say otherwise is to defeat, dilute and negate the Governor's veto power."

CRASH PROGRAMING

A major complaint of OEO's administration is their "crash" approach to programing followed up by excessive delays in funding. It is difficult to say which approach does more damage to effective programing, but both seriously hamper the effectiveness of the large majority of OEO programs.

Zane Meckler, Regional Manager of OEO's San Francisco Office, indicated his disapproval of "crash" administration when he said: "The crash program approach to several recent Federal projects has caught my office on the wrong foot, too. We are exceedingly embarrassed by last-minute release of funds, which we know will cause nothing but havoc. Programs which allow local agencies only a few weeks or days to organize local projects and apply for funds have obvious drawbacks."

Oran K. Gragson, Mayor of Las Vegas, Nevada, said: "The Economic Opportunity Board is operating several summer youth programs for ages 17 through 25. However, the program is operating on a crash basis since funds have just become available so that there has not been sufficient time to do any planning or recruiting. The same situation existed last year. As a result, it was too late to have any great impact on the area's youth."

Mr. James Gleason, Chairman, County Commissioner, Portland, Oreg.: "The most crucial need for neighborhood youth programs for youngsters both in and out of school is during the summer months . . . Unfortunately, comprehensive and objective programs are difficult to develop and implement when the amount of money to be available is unknown until May, and then a detailed program must be submitted for approval before any implementation can begin. Any such program must be conceived and put together on a crash basis, risking the possibility that the desired and possible objectives will not be accomplished."

Henry J. Baker, Mayor, City of Rapid City, South Dakota, said: ". . . quite often the Community Action Program here receives a 'hurry up' notification of available funds for one of the above programs. However, only a few days are given to write a program and submit it for approval. As an example, in a program for 'Emergency Loans to Low-Income Families' dated in Theodore Berry's office May 17, 1967, notice was received in Rapid City on June 5, 1967. Deadline to be received in Washington, D.C., was June 10, 1967, and it had to be submitted via the regional office at Kansas City, Mo.

"Another example was, 'Summer Recreation Program' Fund availability dated May 8th in Mr. Berry's office; was received in Rapid City on June 5th. Completed program deadline was to be received in Washington, D.C., June 12, again via the regional office in Kansas City, Mo.

"It is most exasperating, and as you can readily see, almost impossible for our CAP office to coordinate the existing agencies and involve resident participation in order to draw up realistic and meaningful programs and with budgets and be able to meet the deadlines within one week, which includes a weekend, or in one case, within 5 days."

DELAY, AND MORE DELAYS

Delays in funding, if not more damaging, are definitely more frustrating to the local agencies:

Mel Ravitz, Councilman, City of Detroit, said: "One demoralizing problem we have experienced has been the agonizing slowness of the Federal machinery. We were not informed until last April 24 that funding due to run out on April 30 had been renewed. That word came from Congressman John D. Dingell. Official word from the OEO came on May 2. Such uncertainty is frustrating for all connected with the anti-poverty effort at the local level. On the same point, it is difficult to plan effective programs on a seven-month basis. Something must be done to speed up the movement of locally proposed programs through the OEO pipeline to Washington and back."

Governor Claude R. Kirk, Jr., of Florida agrees: "Another great problem is the consistent pattern of inexcusable delays in refunding of programs. Many of the community action agencies have operated programs using monies not appropriated for that purpose for several months before OEO approval."

Fred J. Tonnemacher, President, Richland County Board of Commissioners, Richland County, Mansfield, Ohio, said: "It is still too long a waiting period from program application to program funding. Take our local application for family planning made in August and the community is still awaiting funds in middle of June almost eleven months later. Too many times the local community is not notified of reasons for these delays, which can prove embarrassing at the local level."

One poverty director wrote to Congressman Roger H. Zion (R–Ind.): "Sometimes I get so angry, I want to explode. We're waiting for money to start our program—we have hired persons and have begun to train them to supervise our program. All we need is money . . . so instead of money, we get telegrams, and these aren't properly addressed . . . I could certainly tell you what I think of the way these programs are run from the top—redtape and mixups. I'm disgusted."

HEADSTART DELAYS

The Headstart program, particularly, has been plagued with last minute funding frustrations and constantly changing policies as well as problems of dual funding by two agencies.

The Director of the Detroit Headstart program in the Summer of 1966 lamented: "We were funded on Friday and had to open 400 classes for 6,210 children on the following Monday. This made innumerable problems concerning personnel, recruiting, and equipment. We could not officially hire aides, doctors, and so forth, until we were sure that the funds were available."

Officials of the Hayward Unified School District, Hayward, Calif., said their program "may be dumped because of a Federal redtape snarl." Their application for a year-round program was submitted in April 1966, and five months later, one-half week before the program was to have begun, officials received word that the regional OEO had reviewed the application and made changes. Superintendent William Cuningham blamed officials at San Francisco Regional Office for not keeping them informed of changes in guidelines and said, "Frankly I am getting completely disenchanted with the redtape we've been fighting for the past few months with that office."

In late May of 1967, when all programs should be organized and ready to begin their summer Headstart programs, numerous officials were complaining over last minute changes and no funds. At this time the Christian County School System, Christian County, Ky., announced it would "pull out of the Headstart program this summer unless Federal funds are approved by tomorrow." Dr. Guy S. Potts of the Fayette County, Ky., School System announced on May 20 their school system had dropped the 1967 summer Headstart program citing funding problems, late notification by the Federal Government and "bureaucratic bungling" as reasons.

An evaluation of Summer 1966 Headstart projects of Lake County, Indiana, by Drs. Harold A. Gram and Leon J. Tolle of Valparaiso University, outlines the problems of that program. Briefly, the evaluators found plans and proposals were submitted to the regional office about March 18; however, the regional office did not respond until June 7, the date the program was to have begun. On that day, OEO regional personnel began making corrections and revisions were "communicated to the delegate agencies on June 14, 1966, (and) were apparently made without any communication or coordination with Lake County OEO or the delegate agencies. Furthermore, they were neither consistent or logical." First funds were not made available until June 27, 1966.

The effect of this timing and lack of coordination in the planning stages had two general results:

First, it created an atmosphere of confusion, frustration, and uncertainty which was not really overcome in some districts until the program was under way if at all. This atmosphere lowered morale in the Headstart program which obviously depends heavily on enthusiasm and commitment of its participating people. The damage caused by this poor administration of planning was diminishing fortunately by the presence of dedicated and experienced personnel who were able to tolerate and to some extent overcome the confusion.

Second, the delays and intransigence in early planning phases caused delays and ineffectiveness in subordinate plans, notably in recruiting and orientation of personnel, in purchasing and procurement of supplies, and in the establishment of effective policies and control procedures at the county and district levels.

The study attributes the poor planning to three conditions: "ineffective and inexperienced personnel in regional OEO; a lack of clear, comprehensive directives and guidelines at any level; and understaffing and personnel turnover at the county OEO office."

The evaluators were likewise critical of the lack of policy formulation and commented that "after 1 year's experience, a greater maturity and stability than was found should be expected." They commented specifically that "policy was lacking on personnel qualifications and records; on child-family eligibility; on type, limits and tolerance on budget expenditures; on required program content; on closed-down and on followup policies."

They go on to say "perhaps more important, however, was the lack of clarity and conciseness which burdens most of the OEO literature. Important directives and guidelines are buried in masses of fancy rhetoric and vocabulary. The result is frequent oversight and misunderstanding of what is to be done."

Regarding assistance from the regional offices, "the Lake County OEO Office relied materially on five area coordinators . . . it was clearly apparent that they did relatively little for Headstart. Several of them were barely aware of the program and had not visited it while it was in progress."

Among Dr. Gram's and Dr. Tolle's conclusions were the points that "formulation with OEO policy must achieve greater consistency and stability. This is especially true with regional OEO levels where ex post facto policy formulation must be avoided."

REDTAPE AND BUNGLING

Regarding OEO's administration, Congressman Sam Gibbons (D-Fla.) floor manager of the poverty bill in 1965 and 1966, said last fall:

"One of the problems we had is this has been the greatest paperhanging operation I have ever seen. If we require more plans, all we are doing is providing a bonanza for the people writing plans. We have so many now we can't read them all and the people carrying them out can't read them all."

Without a doubt OEO adminstration is bogged down in redtape, massive paper work, and just general confusion. Although serious to those who are involved and must depend upon OEO for funds and instruction, much of their bungling is quite comical:

James Popeo, head of the Worcester, Mass., Community Action Council, advised it took 60 pounds of neatly folded papers to submit its application for $1,138,000. Staff members had spent more than five months completing the tedious job and Mr. Popeo said the 60 pounds of paper represented only about one-third of the full weight of the entire effort in paper work.

In Detroit, Michigan, as of last October 1967 $60,000 worth of dental equipment purchased through the Federal poverty program, still lay in unopened crates a year after its delivery. Dr. T. Aden Cockburn, director of health services for the poor in Detroit, said the equipment remained unpacked and unused because the Federal Government failed to follow up with the funds to install it, or hire dentists and technicians to operate it.

For over two years, the Indianapolis, Ind., poverty agency had been sending the Chicago Regional OEO reams of paper—stacks of reports, budgets, proposals, requests and communiques. In October 1967, William F. Stafford, CAAP executive director, received word from Chicago that the Indianapolis file was "lost," halting the processing of proposals and probably requiring a lot of duplication. Stafford said, "It sounds impossible, doesn't it?"

OEO's Federal Information Exchange System yearly prepares a "Summary of Federal Programs," an accounting of Federal programs available in each state and grants made to each county. The Federal summary for fiscal 1966 should receive some sort of prize for containing more errors than any other Government publication in the history of our country. When Congressmen began checking into the grants shown for counties within their districts, the mathematical errors began piling up. Rep. Robert C. McEwen (R-N.Y.) discovered that NASA had been credited with spending $5.3 million in rural Franklin County, N.Y., while there is no NASA project in that county; however, Rep. McEwen did locate two NASA grants totalling $1.3 million in St. Lawrence County which were not shown. Rep. Ancher Nelsen (R-Minn.) checked into a reported NASA expenditure of more than $2.8 million and found the figure should have been $981,000. Rep. Rogers C. B. Morton (R-Md.) noted five NASA expenditures listed for his district and that each was erroneously reported.

Rep. John N. Erlenborn (R. Ill.) reported the errors noted in his district in a release entitled "OEO Wrong 7 Out of 7 Times in DuPage County." After requesting verifications of the OEO figures from seven Federal agencies or departments, Mr. Erlenborn said: "Every report I received varied from the total the OEO had reported for DuPage County, Illinois, . . ." Mr. Erlenborn's corrected version varied from the OEO total by nearly $1.5 million, and included corrections totalling more than $2.1 million. Mr. Erlenborn commented: "When a so-called financial report is wrong seven times out of seven, Congress ought to do more than shake its head. I stress it is downright silly to have OEO do Federal aid bookkeeping when the agency can't even keep its own books in order."

DISPROPORTIONATE FUNDING

Conclusive proof that OEO has an irrational and unrealistic approach to funding programs and program categories has been received by the Congress throughout the past year. Evidence indicates "favored" cities who got there first or who have the most influence received the bulk of the funds available.

The following examples illustrate the disparity:

(1) States with approximately the same number of poor residents, according to *OEO's own figures,* received the following amounts from community action funds:

State	Poor population, 1965	Total community action funds, fiscal year 1967
Illinois	1,281,000	$39,394,000
Alabama	1,217,400	17,534,000
Pennsylvania	1,666,100	36,080,000
North Carolina	1,591,300	20,034,000
Louisiana	1,128,600	15,885,000
Mississippi	1,039,200	38,289,000
New Jersey	596,000	26,367,000
Wisconsin	537,800	8,922,000

(2) Further examples show that some states with larger poor population than others received disproportionate allocations:

State	Poor population, 1965	Total community action funds, fiscal year 1967
Massachusetts	539,000	$19,748,000
Minnesota	571,900	10,417,000
Washington (State)	351,700	12,470,000
Kansas	371,100	4,208,000
District of Columbia	142,600	12,361,000
South Carolina [1]	929,700	10,760,000

[1] South Carolina has 6 times as many poor people as the District of Columbia.

(3) In fiscal year 1967 California with 1,948,700 poor population received $31,285 million in "versatile" CAP funds, while the states of Alabama, Alaska, Colorado, Delaware, Idaho, Hawaii, Indiana, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, N. Dakota, Oregon, Rhode Island, Tennessee, S. Dakota, Utah, Vermont, Wisconsin and Wyoming, with a combined poor population of 6,240,600 received a combined total in "versatile" funds of $31.266 million.

(4) The State of Mississippi, with a poor population of 1,039,200 received at least $29.793 million for full-year Headstart programs in fiscal year 1967 or over 10 percent of all OEO money spent nationwide last year for this category. The states of Texas, Georgia, Virginia, Michigan, Tennessee, Illinois, with a combined poor population of 8,572,400 received a combined total in full-year Headstart funds of $29.626 million.

The allocation figures for the major cities reveal not only the disproportionate funding procedure, but also that funds are not programmed to reach the bulk of the poor. The major cities repeatedly complain that they do not receive enough money from the Federal Government; this may be so. However, of the Federal funds available for social programs, most appear to go to them.

The following OEO figures for major cities illustrate conclusively that OEO practices *Rural Discrimination:*

	Poor population, 1960	Total community action funds, fiscal year 1967
Illinois	1,281,000	$39,394,000
Chicago	513,328	28,676,000
Cook County		2,312,000
Remainder of Illinois	767,672	8,406,000
Michigan	1,077,000	29,197,000
Detroit	433,051	16,084,000
Wayne County		884,000
Remainder of Michigan	644,049	11,229,000
New York	2,054,900	78,439,000
New York City	1,245,162	43,999,000
Boroughs		12,239,000
Remainder of New York	809,738	22,201,000
California	1,948,700	83,558,000
Los Angeles	771,547	2,893,000
Los Angeles County		29,909,000
Remainder of California	1,177,153	50,766,000

Nebraska State Technical Assistance Director Samuel J. Cornelius protested in Febbruary of this year that Nebraska was not getting its fair share of Federal funds for Headstart. Federal records for 1965 and 1966 show that Nebraska ranked last among the 50 states in summer Headstart money received; however, the state ranks 35th in the number of eligible children. Under the 1968 allocations for summer Headstart, Nebraska is getting about 4.5 percent of the money to be spent in the 11-state area in the Kansas City region, while having about 8.5 percent of the eligible population in this region.

PUBLIC RELATIONS

The only area in which OEO appears to be administratively proficient is the area of public relations. With a massive public relations budget, OEO constantly is in the process of printing beautiful brochures and tons of press releases. OEO constantly woos the press and whenever articles are written which are favorable to OEO they are reproduced en masse and sent to Members of Congress as well as a mailing list of unknown length. In an article entitled "Maximum Feasible Publicity" by Irwin Knoll and Jules Witcover, they note: "In the Johnson Administration's War on Poverty, nobody—not even the poor—gets more attention from Sargent Shriver's GHQ than does the combat correspondent. Except for the Pentagon, where more than 200 government publicists labor to explain or obscure details of the Administration's other war, no federal command post puts greater emphasis and energy into psychological warfare for and against the press."

Rep. Robert H. Michel (R-Ill.) stated on the floor of the House last fall:

"Every time an article appears in one of my district papers favorable to one of the poverty programs in our area, 'Sarge' Shriver kindly sits down immediately and writes me a letter enclosing a copy of the article. He also manages to keep me informed on how our two Senators from Illinois vote on OEO programs. I often wonder if OEO has an employee assigned to following the news from my 18th District of Illinois. It might even be that they have someone assigned to each of us. With a public relations budget like theirs, this is quite possible."

Senator Frank J. Lausche of Ohio took the floor of the Senate to tell about a letter from a citizen of Findlay, Ohio, complaining about being flooded with unrequested mail from Office of Economic Opportunity. The letter read in part:

"Now, just how I got on their mailing list, I do not know, but other doctors in this area also tell me that their offices are being flooded with this literature.

"I read . . . that this Government poverty measure is short on funds due to the fact that Congress is in a wrangle about the amount of appropriation. If the OEO is that short of money, then just why am I being flooded with this literature?

"I don't object if my income tax is raised another 10% for the Viet Nam war or for purposes of controlling inflation, but I do object vigorously to my tax money being blithely wasted in this manner."

Enclosed with this letter were three OEO "News Summary of the War on Poverty," and one news release. In addition, four six to 31-page documents supporting various OEO programs, some of which contained material which Mr. Lausche questioned: "A great deal of political rhetoric surrounds the suggestion of disbanning the agency for the poor, but stripped clean, the proposal is that America should once again turn its back on one-fifth of the American community."

Mr. Lausche commented: "The argument may be sound, but what right does the administrator have to use public funds to propagandize a program that is being debated and controverted on the floor of the Senate of the United States?"

EFFECTS OF OVERSELLING

When Sargent Shriver was booed off the stage and out of the hall by angry delegates to a Citizens Crusade Against Poverty convention, the Washington Post noted in an editorial that Shriver "was hearing from the people who have taken literally every word of every official pronouncement. These true believers now consider themselves betrayed, for the performance turns out to be less splendid than the promise."

Haynes Johnson, Pulitzer Prize winning writer for the Washington Star, said: "The program has suffered from too much and too effective salesmanship. As a consequence, it is, in part, a captive of its own promises."

Lawrence K. Roos, Supervisor, Clayton, Mo., said: "Too often new programs are announced with great flourish from Washington without any knowledge of the potential longevity of the program or the long term ability of the local communities to support their share of the cost of the program on a continuing basis. Frequently, Federal assistance for these programs is cut back at a later date and the local officials of the areas affected are called upon to explain the cutback to a disappointed public."

Mayor John H. Reading of Oakland, Calif., said: "Quit making promises if you can't fulfill them," and went on to blame some Federal programs for causing city troubles.

LOBBYING

A serious matter of criminal lobbying was brought to the attention of Minority Leader Gerald R. Ford by Mayor Wallace Johnson of Berkeley, Calif., prior to action on the poverty legislation last fall, and was later substantiated by other mayors. In a letter to Rep. Ford, the Mayor said:

"Today, long distance collect from Washington, an assistant of Sargent Shriver, Lewis Ritter, telephoned me to secure my commendation of the OEO program. He went on to explain that, with the approval of Mayor Neal S. Blaisdell, of Honolulu, he was calling the Republican mayors of this country to solicit their support of OEO. If I were favorably disposed to append my name to a petition or statement in support of OEO, Mr. Ritter explained, he would send me a copy of the text of such a statement.

"I asked him what was the general content of the statement. He responded that it included the thought that the OEO program in the local communities was working well and effectively, and that furthermore I, as a Republican mayor, endorsed it. I promptly advised this man that I was not enthusiastic about the OEO program, and could see no evidence that it was attaining its objectives.

"My purpose in writing to you is to tell you that as a citizen, a public servant, and a fellow Republican, I resent Sargent Shriver and his aides using public funds and facilities to, in effect, lobby among local Republican officials in an effort to put pressure on Gerald Ford and Everett Dirksen. Mr. Ritter quite candidly stated that the purpose of his endeavor was to prepare a message endorsed by a large number of Republican mayors, and then to confront you with it . . . Here is a flagrant example of staff lobbying against legislators. You can count on my full cooperation to help correct this abuse."

The efforts of Mr. Ritter did result in a telegram signed by 22 Republican mayors being sent to Minority Leaders Everett Dirksen and Gerald Ford urging the minority leaders "to encourage Members of Congress to support the OEO budget so that these dynamic and imaginative programs may be carried on in a successful manner."

Pursuant to the above action, Congressman Charles E. Goodell (R-N.Y.) responded with a press release reminding OEO of the criminal lobbying law in which he said:

"Information has come to me from several Republican mayors that they resented pressure from OEO officials to whom they must apply for funds. All mayors of major cities in this country face fiscal problems and they want as much Federal money to come to their cities as is possible, however poorly written and poorly administered the Federal laws may be. They acknowledge that they do not have information about suggested improvements or redirection of the war on poverty. When they are called or contacted by mail, the context inevitably is: 'You want us to make money available to your community, now you do something for us. Urge congressional leadership to expand the war on poverty and to carry it on in its present form.'

"This is a very serious matter. Letters are going out from OEO every day and wires are burning with OEO employees urging public officials, labor unions, business groups, and other organizations to bring pressure to bear on Members of Congress. Unfortunately, these people being solicited are getting only one side of the story. They are told: 'Members of Congress are trying to kill the poverty war. If you want to save it and keep getting some money in your community, go to work on your Congressman.' They are not told about the Opportunity Crusade or other proposals to improve and redirect the program."

[Vol. II No. 18, June 1968]

EFFECTIVENESS OF COMMUNITY ACTION PROGRAMS

"Administrative and fiscal irregularities . . . fiscal mismanagement . . . irresponsible administration . . . insufficient development . . . hostility between the two counties . . . lack of local participation . . . factionalism and representation failures . . . cost effectiveness and limited funds . . . excessive administrative costs . . . uneconomical size . . . lack of fiscal control."

These are not the declarations of irate taxpayers, conservative Southerners or critical newsmen, but the rationale cited by the Office of Economic Opportunity (OEO) itself for terminating 13 of its own programs.

This listing was received by the House Education and Labor Committee from OEO in response to a request for reasons why the programs were closed. Although the 13 programs which were terminated on a final basis represent a combined funding level of less than $1.5 million, the act of closing and the subsequent elucidation tend to substantiate what the public has suspected about the poverty programs, for years.

Further criteria given by OEO for closing these programs included:

"Restrictive and mal-administered personnel practices . . . failure (of the local agency) to abide by its own by-laws . . . after a year of operation and an expenditure of $62,000, nothing substantial has been accomplished in the area of community action . . . lack of leadership on the part of the board and the staff . . . meaningful involvement of the poor has been marginal to non-existent . . . failure to develop any meaningful, fundable programs during 18 months of operation . . . representatives of the poor have not been selected by the residents of the areas and members of the groups the CAP is intended to serve . . . inadequate fiscal control . . . poor board-staff relations . . . lack of professional ability to produce a workable application . . . failure to comply with special conditions adequately . . . poor administrative relationships with delegate agencies and other Federal agencies."

The most interesting aspect of the review of program terminations made by OEO is that not one major city or program is listed among them. In spite of the findings of OEO's own inspection offices, GAO reports, Congressional investigations, state investigations, charges by governors, OEO workers and the poor themselves, it appears from newspaper reports and other documentation available that most OEO programs which are still in operation today have many of the same characteristics. Yet little action or attempts to terminate or upgrade them appear to be in the offing.

"I have just about reached the conclusion that the Community Action programs are hopeless. So much local responsibility is required for them, and there is so little judgment in what they do. . . . One group of extremists has wanted to use Community Action for civil rights, another for politics." (Congressman Phil M. Landrum (D-Georgia) August, 1967.)

"Perhaps the most general statement to be made about Community Action is that clear evidence of effective work in this phase of center programming is simply not to be found. What does appear . . . is a potpourri of rather fitful actions which are often ill-timed and unplanned." (Description and Evaluation of Neighborhood Centers, Kirschner Associates).

"It (community action) has not worked in many communities of America, and I tell you that in many communities it has been a catastrophic flop . . ." (Rep. Roman Pucinski, D-Ill., House Education and Labor Committee.)

Several studies have been conducted to determine the effectiveness of CAP programs in general and the results of these are available to us:

DR. KENNETH CLARK STUDY

Under the auspices of the Stern Family Fund, Dr. Kenneth Clark, conducted a thorough study of the community action programs in New York City, Boston, New Haven, Chicago, Cleveland, Los Angeles, Minneapolis, Newark, Syracuse, San Francisco, Washington, D.C. and Paterson, New Jersey, as well as exploratory research into the programs of 53 other communities. Pending the publication of the full study, he presented a brief on his findings to the Senate Subcommittee on Employment, Manpower and Poverty last summer. In his statement he noted:

"It is discouraging to report our findings that most programs studied were—at least in the first two years of their work—either partly or wholly ineffective in terms of (criteria he felt characterized an effective community action agency)."

"Most programs were not directed to community action at all, but to traditional social service welfare benevolence alleviating some of the condtions of poverty but not addressing themselves to the abolition of poverty itself."

He concluded ". . . Federal financed community action programs have so far not resulted in many observable changes in the predicament of the poor and indeed that the programs generally are likely to reinforce the dependency and the powerlessness of the poor. In no case has effectiveness of program or change in the conditions of the poor been applied as a criterion for Federal support."

KIRSCHNER STUDY

A study by Kirschner Associates, conducted for the Office of Economic Opportunity, was the first national evaluation of the neighborhood centers—a key feature of anti-poverty activity in most cities. The report, prepared after inspection of 20 centers and interviews with more than 500 officials and poor people across the country, contained very revealing findings, some of which are:

"Most of the poor have no involvement whatsoever in the anti-poverty outposts."

"Success is very small in terms of the total number of persons to be reached, the quality of these contacts and the extent to which hard-core poor are being drawn into center operations."

Many of the centers suffer from "internal disorganization and lack of adequately trained staff". . . . All centers in small communities are "utterly devoid of anything resembling collective action" to change conditions.

Most of the centers have been unable to combine two "mutually incompatible" tasks—mobilizing the poor to demand social change while assembling traditional employment, education, health, welfare and recreation services under one roof.

The centers have given help and fresh hope to some of the ablest of the poor. But those worst off "appear to be almost completely uninvolved as active participants in center programs."

Employment and other agencies have extended and improved their work through the centers, but "the result has not yet been an effective integration of effort to solve the problem of neighborhood poverty."

The report says there is "confusion at all levels" over whether the neighborhood units should stress social services or social action. "It is extremely rare to find both aggressive community action and well executed service programs within the same center," the reporter says.

"Where community action is emphasized, a good deal of effort has been expended for what appear to be relatively minor results in the way of resident participation."

The Kirschner group also found that 46 percent of those who used the centers said they got nothing from them; while 15 percent obtained jobs and 30 percent obtained various services.

NEW HAVEN, CONN.

In January, 1968, the results of Congressman Robert Giaimo's (D-Conn.) investigation of the New Haven Community Action Agency, Community Progress, Inc., long considered OEO's model program, shattered the illusion that this program was effectively assisting the poor. Despite grants totaling $18 million during the last four years, for a city with a population of only 140,000, Rep. Giaimo said "In New Haven, the so-called model city, conditions are worse than ever, and the rate of unemployment among Negroes is higher than before."

In February of 1967 a report on the effectiveness of the NEC's (Neighborhood Employment Centers) was prepared by a member of the CPI staff and states in part:

"Job seeking applicants are given the 'run around' and asked to return time and time again."

"Applicants receive an indifferent reception at the NECS."

"The NEC staff is unwilling to tailor programs and placements to the needs of individuals, but attempts to fit individuals into existing programs and placements without serious consideration of the applicant's particular needs."

"Job placement at the NECS has been a haphazard process."

"NEC staffs have become preoccupied with the statistical measurements of success."

"The majority of direct job placements do not represent any increase in pay, skill level, or chance for advancement over the jobs the applicants held before coming to the NEC. In the majority of cases, it is clear that the CPI placement did little or nothing to change the pattern of drifting from one unsatisfactory job to another."

Regarding job placement figures, Congressman Giaimo said "There have been 3,544 placements in training and 4,127 job placements for a total of 7,671. According to information obtained by us, the cumulative figure of 7,671 does not represent individuals because some of the 3,544 persons who have received training are counted again in the job placements total (4,127) when they are placed in jobs upon completion of the training program."

WHAT HAPPENED TO LOCAL INITIATIVE?

"Too often we are told by the OEO what to plan, in fact, given the plan and told to sign here."

"The long arm of Washington is reaching in with funds and telling us what to do."

"The key to the success of such programs is that they be geared to specific needs and that we maintain the local concept."

These are the comments of community action directors across the country in response to OEO's policy to passing out canned programs and allocating all monies to such prepackaged programs leaving no funds for any innovative and unique programs which may be designed and developed at the community level. It is noted that original purpose of the Community Action program states "Because community needs and resources differ widely, considerable latitude is allowed in the development and conduction of a community action program."

William R. Carter, Jr., administrator of the Ramsey County (St. Paul) Minn., community action agency based his resignation on "changes taking place in the program planning and execution. . . . What was at the start an effort on the local level to develop various programs and techniques is becoming a situation of having imposed on us nonlocal concepts, programs, techniques, methods and relationships.

Paul Carpino, director of the War on Poverty in Missoula and Mineral Counties, Montana, complained the local agencies get "canned programs from Washington, and said local agencies should have more to say in determining how local programs are to be run, rather than getting prepackaged, preplanned programs from 2,000 miles away."

Many state and local officials have likewise complained that prepackaged programs are not going to win the war on poverty:

Mayor Joseph M. Barr of Pittsburgh, Pa., "Program priorities must be determined by local committees, not at the Federal level; the local committees can best appraise their programs. I need hardly mention that this is the heart of the Community Act program."

Mayor Roy B. Martin, Jr., of Norfolk, Va.: "the tendency of more control at the Washington level and the concurrent decrease in latitude at the local level is the most alarming development in the program . . . its lack of greater success is due to lack of funds and lack of permissive authority from Washington to more fully utilize local initiative in determining the use of these funds so as to best meet local needs."

John E. (Jack) Van Well, Chairman, Board of County Commissioners, Waterville, Washington: "According to the act, local groups are supposed to determine local needs, but we have found that many of our programs in this area have been forced on us by pressure from the higher echelons of OEO."

Henry B. Hunter, Chairman, Southeastern Tidewater Opportunity Project, Norfolk, Virginia: "Unless the cities themselves through their community action agencies insist upon latitude within the legislation to continue to originate programs, we will find this entire concept of self-improvement through local action changed into one more Federally regulated operation."

H. B. Hilderbrand, Chairman, Board of Commissioners, Dallas, Oregon: "There is a need for less restrictions on the types of projects at the national level because problems are so varied by locality."

Mayor E. W. Eller, Asheville, North Carolina: "The Office of Economic Opportunity has not demonstrated genuine commitment to the concept of local initiative. Projects devised by the Opportunity Corp. have repeatedly been ignored while OEO forced the Corporation into projects devised in Washington. . . . National programs and policies to fight poverty should originate where the people and the problems are. Only in this way, can anything approaching 'creative federalism' become a reality."

Fred D. Hauser, Chairman, Board of Commissioners, Winston-Salem, N.C.: "OEO has not recognized the value of both national and local goals. Local goals further considerably the success of a local program, while OEO has implemented its program with only national goals in mind."

Governor Otto Kerner, Illinois: "Although the Economic Opportunity Act was initially designed to allow states and communities to set priorities, earmarking of funds at the national level and guidelines imposed on our communities by the Great Lakes Regional Office of Economic Opportunity have all but totally excluded local and state agencies from the actual determination of program priorities. We suggest a stronger voice for the state and local agencies in setting priorities, allocating funds, and a general change of attitude at the regional level as it concerns the ability of our people to determine their own needs and how these needs should be met."

Governor Daniel J. Evans, Washington: "If there is any obstacle to the continued success of the program it is present in a tendency to fall back and entrench in historic bureaucratic patterns for the sake of survival. Such entrenchment shows itself in a gradual deterioration of local determination and an increase in nationally devised categorical programs and earmarking of funds coupled with a failure to allow the reasonable development of innovative local demonstration programs."

Governor Harold LeVander of Minnesota: "There is need for more imaginative programs keyed to local needs. With funding approval centered in a regional office by people who have no familiarity with an area or its problems, it becomes almost impossible to get acceptance of a special, imaginative program that is different than the standard; This in itself, defeats the purpose of the community action concept and results in the sameness of programs throughout the State."

LACK OF COORDINATION

Lack of coordination and cooperation of the community action agencies with existing agencies conducting programs aiding the poor and the local governmental agencies has been as a possible major reason why CAP programs have not been effective.

Before the House Education and Labor Committee in June 1967, Whitney M. Young, head of the Urban League, stated:

The attitude of the local CAP agency toward local existing agencies is also a factor frequently cited by the Urban League executives as an obstacle to greater achievement in the War on Poverty. CAP programs are very often seen as shutting out existing agencies and refusing to delegate programs to them. In some instances, CAP duplicates what existing agencies do, rather than buttressing independent efforts. There is a feeling, particularly in smaller communities that the CAP program does not encourage participation by other community agencies.

Joseph Dyer, former director of the Connecticut State OEO, testified:

We have been dismayed concerning the failure of Community Action groups to coordinate and cooperate with hundreds of volunteer groups in our state.

To attempt to fight poverty by ignoring the efforts of the many thousands of volunteers associated with church groups, youth groups, fraternal and civil organizations and the business sector has proved to be the greatest weakness of current Community Action in Connecticut. Proper use of volunteers will reduce costs and greatly enhance the spirit of dedication of paid staff members.

In a study for the U.S. Senate Subcommittee on Employment, Manpower and Poverty, Marshall Kaplan, a San Francisco economic and planning consultant, says:

Even if the local war on poverty had all the money in the world, they themselves could still not make a dent in needs of the poor without help from existing agencies.

The report criticized tension between the central office and target area boards jealous of their prerogatives:

Such tension is mostly responsible for the lack of a sorely needed program evaluation system.

According to an article in the October 10, 1967, issue the Des Moines, Iowa Register:

Local poverty officials are under federal pressure to improve working relationships with other agencies in the community.

Donald McKenzie, executive director, told the Executive Committee of the Polk County Community Action Council:

When we started out we were a knight in shining armor coming to slay all the dragons. Now we are becoming another agency that has to fit in with the other agencies. We are getting away from the period of reckless abandon and into more co-operation.

OEO's position has been to discourage coordination with and use of, existing agencies in carrying out poverty programs. One comment along this line comes from Mr. Harry F. Brentlinger, President of the Board of Commissioners, Terre Haute, Indiana:

"We have a consumer education and family living program in this County with the Vigo County Extension Service, as delegate

agency. We are well pleased with the results we are getting, but we are experiencing difficulties with OEO representatives due to the fact that Extension Service is an established agency in the field and they would like for us to set up a how program with new people for this program. We feel that we should take advantage of the opportunity we have by making use of this agency and its trained personnel."

Interested and concerned citizens in a variety of positions and representatives of organizations have expressed their dissatisfaction at the progress in Community Action Programs:

Sacramento, California: Bill Conwell, President of the Washington Residents Anti-poverty Council, returned their October operating funds in the amount of $4,645.56 to Sargent Shriver, then Director of the OEO, as a protest, being tired of seeing anti- poverty funds "wasted". He said anti-poverty programs in Sacramento were not reaching the poor and that his organization was being forced by the Sacramento Area Economic Opportunity Council to conduct meaningless programs.

Harlem, New York City, New York: Dr. Kenneth Marshall, one of the architects of HARYOU and now President of Metropolitan Applied Research Center, New York, said on February 20, 1968:

"After four years and $20 million, the Haryou program is a dismal failure—nothing went right, and all of the money you poured into Haryou projects has left the community with no lasting projects." In setting up the Harlem program, he said, not enough consideration was given to "how this country is really run politically and economically." As a result "The very poverty program put out in the name of the poor has been captured by the well-to-do."

Washington, D.C.: Mrs. Agnes T. Marks, Coordinator, Legion of Mothers, said:

"Our organization is vitally concerned with helping the poor. Through these last three or four years of experience, we have seen millions of dollars being poured into the 'war on poverty' here in D.C. Over this period of time we have seen very little trickle down into the areas where it is so desperately needed."

New York, New York: Rep. Hugh Carey (D.-N.Y.) noted "There is a riot and a runaway of ineffective programs proliferating all over the city, but not an effective attack upon the basic problem of poverty."

Rep. James Scheuer (d-N.Y.) also noted "New York City has had a disastrous experience thus far in the poverty program."

Cincinnati, Ohio: Rev. William Sicking, Cincinnati poverty war member, said during hearings on that city's program, "I have found very few programs encouraged and approved by the CAC that attack the problem of poverty at home plate. It seems to me that the CAC—approved neighborhood services tend to promise more than can be produced. Grass roots poor people laught at the anti-poverty program.

"CAC? Never heard of it, they say. Those who have heard of it call them 'big shots' who are telling us to raise ourselves by our own bootstraps, only we don't have any boots.

"And: 'If it weren't for us poor people, those guys wouldn't have a job and be pulling down those fancy salaries.' "

Phoenix, Arizona: A survey conducted by the Arizona Republic found that: "Most people in the target area are completely unaware of a poverty war. . . . Those who have been touched one way or another by the dozens of programs in operation there generally are not touched enough to cause any significant changes in their social or economic statuses . . . at the poverty level there is considerable animosity expressed against 'Anglos' who have, on the one hand, encouraged them to work for their own betterment but, on the other hand, have failed to deliver the goods that will help them up the ladder."

San Antonio, Texas: County Commissioner A. J. Ploch declared the anti-poverty program as a whole is "a complete joke and a waste of the taxpayers' money."

Chicago, Illinois: Alderman Jack Sperling said "It just seems to keep growing and growing, but nobody outside of the CCUO (Chicago Committee on Urban Opportunity) office knows what's going on. The efficiency of the poverty program is in doubt because of the whole obscurity of what they are doing."

Milwaukee, Wisconsin: The director of an inner city development project commented: "The project is doing many fine things. But the root causes of poverty—we're not scratching the surface."

Denver, Colorado: John J. Herrera, board chairman of SER (Service, Employment Redevelopment) wrote to Michael C. Moore, Denver Opportunity, Inc., "It is not so much the $20,000, that we have asked in our last three proposals since December of 1966, but the principle of not being able to negotiate with you, so powerful, way up in your ivory tower." "We don't feel that Moore is working with our people. We haven't had the communications we feel we should get," said Herrera.

Columbus, Ohio: Monsignor Hugh Murphy, a leader in Joint Organization for Inner-City Needs (JOIN) took CMACAO (Columbus Metropolitan Community Action Organization) to task for "senseless duplication of already existing programs." He stated, "Aside from the one obvious benefit of providing for the CMACAO staff, the poor in Columbus find little evidence of any effective anti-poverty program."

Laredo, Texas: A program analyst from the OEO Austin Regional Office stated that regional OEO had determined "the poor are not getting their money's worth."

Brownsville, Tennessee: B. W. Cobb, County Judge in Brownsville, said: "I do not wish to be critical, but must observe that the program originally designed to aid the poor and underprivileged in this locality has, in my opinion, been a miserable failure."

Atlanta, Georgia: The Atlanta Metropolitan Grass Roots Council, composed of representatives from predominantly Negro civic organizations in the city, labeled Economic Opportunity Atlanta's poverty program in Vine City "a complete failure." Rev. Clyde Williams, president of the Council, said some residents were angry "because the millions of dollars poverty program failed to meet their needs," and said the council planned "to contact proper authorities requesting that further funds be withheld until a thorough investigation is made of the poverty program."

Fort Worth, Texas: Labor Leader J. W. Sifford, who represents the Central Labor Council on the CAP Committee, said "I can't say the program has done anything, except that it has given the leadership of the poverty areas the feeling that there is hope."

Chattanooga, Tennessee: Rev. J. Love Edwards, a director of HELP, a local organization for assisting persons in need, was highly critical of the local anti-poverty program "for spending millions and giving only promises." He said the local agency had spent $2 million "but what good has it done and where has it all gone?" He said CAP had spent about $50,000 to aid 130 families while "we (HELP) have helped 130 families and spent less than $300 doing it."

Toledo, Ohio: The fourth member to leave the East Toledo Neighborhood Opportunity Center in a month, Harold Salverda, upon his resignation as director of the Center, said the center's present annual budget is more than $100,000, but the accomplishments of the center were less than they should have been. "I know I'm going to sound like a real sorehead, but I think the question needs to be asked: Are we really helping the poor?"

The President of the Board of Trustees of the Economic Opportunity Planning Association of Toledo, Richard C. Heymann, Jr., promptly responded "The East Toledo Center has been a fiasco from the day we opened it." This after $200,000 and two years of perpetual turmoil, internal feuding and bickering.

Saginaw, Michigan: Mayor Henry G. Marsh said: "Saginaw has been a colossal failure in the war on poverty" and blamed "frustrating experiences" with the Chicago office handling requests from the CAC.

Macomb County, Michigan: Councilman Willard D. Back said "I'm not happy with the job done during the past 15 months that MAP has been in operation. I don't think we're upgrading our poor under the present program. I maintain that the program is not doing anything in the county to break the unemployment cycle, and that means it hasn't been doing its job."

Jackson, Michigan: Charles D. Montgomery, when he resigned as chairman of the OEO's board of directors, said "For the money we have spent we haven't done much of a job. . . . The OEO has done more harm here than good. We have had unique opportunities to help the poor, but we have muffed them."

St. Petersburg, Florida: "The OEO is not welcome in St. Petersburg. Sorry about that," said Mayor Don Jones. "The programs are frequently staffed by people not cognizant of the particular problems of the community. . . . I think St. Petersburg has the ability to meet the problem better than OEO."

Birmingham, Alabama: Daniel S. Oliver, president of the Alabama State Federation of Civic League, Inc., leading a group of about 15 Negroes, met with the Mayor and City Council members and charged that anti-poverty efforts in Birmingham are not reaching down to the people who most need the help. Mr. Oliver said money in the Jefferson Co. Committee for Economic Opportunity goes through so many channels that, by the time it reaches the people who need it most, there's not much left. eH also said "There is no communication with low income people."

Ravenna, Kentucky: Robert Barker, Publisher of the Irvine Times in Irvine, Ky., commented: "We have an OEO office in Ravenna, with a highly paid staff, but nobody seems to understand what they are trying to do. At least, the results of their efforts are not visible. If the program should be eliminated here, this office would not be missed. Most people feel that the program is useless."

Eastchester, New York: A survey by the Westchester Council of Social Agencies revealed that "The local war on poverty (Eastchester) is backed strongly by the majority of the poor but there appears to be little understanding of what is being attacked and what the programs are trying to do, especially in areas of employment, legal services and racial bias. Very few of those interviewed associated anti-poverty programs with providing help with basic problems of employment, housing and legal rights."

Letcher, Leslie, Knott and Perry Counties, Ky. Edward Safford, director of the OEO community action program in these counties, asked answered his question: "Who's winning the war on poverty? The local Establishment—the middle class . . . All we're doing for the poor is making their poverty more bearable."

Studies of programs in various communities have questioned the effectiveness of these programs:

Hayward, California: An analysis by the interim director of the Eder. Area Economic Opportunity Organization, Gerald O. Breithaupt, said that program has been characterized by "constant bickering . . . lack of knowledge, inadequate administration, empire building (and) visions of undue importance. . . . It has created a monster that can neither devour the causes of poverty nor force the community to deal with its own problems."

Indianapolis, Indiana: An evaluation report of the local CAAP program charge that the program is:

"Uncertain about its goals. Fails to be democratic. Has board and staff members who are confused in their attitudes and uninformed about the program. Has an executive director in whom many have lost confidence."—"Noting that the report is 'direct and sometimes harsh,' in its evaluation of the program the firm added, 'To be less than candid would hardly be a service to those residents of Indianapolis who live in poverty.' CAAP does possess the 'imagination, the capacity and the commitment' to develop effective community action in the poverty was, the report said."

Wayne County, Michigan: Paul Masseron, who directed a report on the Wayne County OEO by Urban Research Coordinators, Inc., said the report was not optimistic. "Serious problems have existed at every step of the development of the Wayne County OEO program."

Louisville, Ky.: A report prepared by the University of Louisville Urban Studies Center concerning Louisville's program stated:

"About 45,000 of Louisville's 70,000 poor have been involved in the local poverty war, but very few of them have been raised from poverty as a result of the program."

San Francisco, California: An aduit of the San Francisco program found the following deficiencies:

"No clear delineation of the nature of work and responsibility to be carried out by each entity.

"Serious separation of authority from responsibiilty, resulting in organizational diffusion, indecision and interference with coordination and control.

"Lack of coordinated programs covering personnel and financial management and administrative procedures and services.

"Lack of adequate performance measurement techniques and related program reviews, including staffing criteria and other cost analysis."

A separate study of that city's poverty program revealed: "There are wasteful practices, duplicated efforts, and a lack of coordination, leadership and financial control in San Francisco's war on poverty. . . Hundreds of public and private agencies, most staffed with earnest men and women, attack the multiple problems on their own-ignoring the existence of the others."

[Vol. II No. 15, June 1968]

WHERE DOES THE MONEY GO?

"The bureaucracy and redtape they have set up is unbelievable. Too much money is going for administration." (Ellis P. Murphy, Director of Welfare, Los Angeles County, Calif.)

"We continue to feel that too much of the funds are being spent on administration. There appears to be more money spent for people working on the administration of projects than is being spent to assist those directly in need. I understand the ratio is about two-thirds for administration to one-third for direct assistance." (James Cookson, Executive Director, Community Action Agency, Stockton, California)

"We feel that the pay for the EOA people has been cut out of proportion with similar jobs paid by private industry. . . . The program seems to have too many people in a supervisory capacity administering these jobs with no more applicants than they have been working with." (Eugene McCombs, Chairman, Board of Rowan Co. Commissioners, Salisbury, N.C.)

"Federal funds should be thrown into the existing government structure like the board of education and the board of health. Instead we build new superstructures with directors getting $22,000. Some of the salaries are fantastic." (Tom Whelan, Mayor of Jersey City, N.J.)

"Poverty administration is a mess. . . . More money is being spent at the top for salaries than gets down to the poor people." (Kenneth Hahn, Supervisor, Los Angeles County, California)

"It is my opinion that most of our trouble is centered around administration. . . . Too much money is spent in hiring directors at Area, District, Regional and National levels with all the personnel and office expense at each level. . . . We feel strongly that less government money should be appropriated for administration." (John M. Thomas, Chairman, County Board, LaCrosse, Wisc.)

"I have always believed that the programs as presently administered and conceived by the OEO are a boondoggle and a tragic waste of the taxpayers' money. The local organization has been typical of this waste. It would appear that a large percentage of the local funds are spent for administration." (Ron Schwab, Mayor of Fairbury, Nebraska.)

ADMINISTRATIVE COSTS

The 1967 Amendments to the Economic Opportunity Act read in part, "No financial assistance shall be extended under this title in any case in which the Director determines that the costs of developing and administering all of the programs assisted under this title carried on by or under the supervision of any community action agency exceed 15 per centum of the total costs, including non-Federal contributions to such costs, of such programs."

In spite of the law, the Omaha, Nebraska, WORLD-HERALD (12/3/67) reported that "the bulk of the 1968 budget (for Greater Omaha Community Action, Inc.) 81 percent would go for salaries and fringe benefits for 23 employees."

A breakdown on annual costs for administrative expenses for the following cities, which included agencies' administration costs minus salaries of nonprofessional poor people and specific program-related costs, was provided by OEO. Those general administration costs included ranged from almost $5,000,000 for Los Angeles and $2.1 million for New York to $300,000 for Washington, D.C. Among the eyebrow raising expenditures listed in the breakdown are:

Los Angeles:	
Administrative personnel	$3,673,928
Travel Expenses (regional office is in San Francisco)	105,322
Telephone expenses	85,351
Consumables	188,827
New York City:	
Administrative personnel	1,340,526
Telephone expenses (compared with $1,564 in Washington, D.C.; $2,154 in Philadelphia; $5,000 in Cleveland and St. Louis) (regional office in New York City)	102,884
Chicago:	
Administrative personnel	1,305,362
Equipment	189,862
Telephone expenses (regional office in Chicago)	30,800

A General Accounting Office study conducted at the request of Rep. Tim Lee Carter (R-Ky.) of a program within his district revealed that only "about $295,000 of the $1.1 million expended for the program was in the nature of direct benefits to the poor. Travel over this period of time by council employees amounted to more than $97,000, almost one-third of the amount of funds that supposedly went directly to the poor."

COMMUNITY PROGRESS, INC., NEW HAVEN, CONN.

Late last year, Rep. Robert N. Giaimo (D-Conn.), a staff member and two professional investigators conducted a thorough investigation of the New Haven anti-poverty program, the results of which revealed excessive administrative costs in several areas. Rep. Giaimo said: "The costs for this program appear excessive and seem to be directed toward the agency and its employees rather than the poor." Among the excessive administrative expenditures noted by Rep. Giaimo were:

From September 1963 to June 1967, $231,909 were spent on "public relations" with $67,199 being spent last year alone.

The fringe benefits provided by CPI to its employees ($275,808) indicate they are far in excess of those normally provided to Federal Government employees. As detailed in the report, most benefits are provided by CPI and the employees do not pay their fair share: CPI pays the entire cost of Workman's Compensation, Connecticut Blue Cross and Connecticut Medical Services for all employees, as well as "Executive Accident Insurance" for all employees earning over $10,000 a year. CPI pays two-thirds of the cost of Group Life Insurance.

CPI employees may elect to participate in a pension plan contributing from 5 to 10 percent of their earnings which is matched by CPI in the amount of 10 percent of their income and placed in a tax-deferred, fixed annuity account. During FY 67 CPI costs for this plan alone amounted to $140,716. (Under this plan the Executive Director can put 5 percent or $1,500 of his annual salary into the funds but CPI will automatically contribute $3000. After 3 years, if the Director resigns, he may withdraw $13,500 from the fund and make $9,000 over his $4,500 investment, 200 percent guaranteed return.)

All CPI employees earning over $10,000 per year receive 28 days vacation per year. It is noted Federal Government employees must put in 15 years of service before they receive the maximum of 26 days a year.

Travel Expenses—"In FY 1966 (10 months) travel expenses amounted to $90,510 . . . Many travel expense reports for out of town travel lacked hotel and transportation receipts." (If travel were reimbursed at the rate of 10¢ per mile, it would be possible to make over 300 coast-to-coast trips for $90,510.)

Telephone Costs—"During the period January through August, 1966, telephone costs totalled $35,806 or an average of about $4,475 per month. During the period September 1966 through September 1967, these costs totalled $59,991 or an average of about $4,615 per month." ($60,000 is the equivalent of 60,000 three-minute calls to Washington or 120,000 3-minute calls to New York City.)

FRINGE BENEFITS

Republicans have charged the Office of Economic Opportunity with financial mismanagement. Poor people have claimed that the money spent by OEO never reaches them. Some indication as to why this happens can be found in the allocation of fringe benefit money by OEO to cover the costs of employees in OEO funded programs.

In response to an inquiry by Congressman William A. Steiger (R-Wisc.) as to what criteria or guidelines are used by OEO analysts to approve fringe benefit requests, OEO stated: "Each item of a grantee's proposed budget, including employee benefits, is subject to examination and question by OEO analysts. All analysts are expected to use sound judgment in assuring that the approved items in the budget are reasonable and proper."—"OEO approval or disapproval of a fringe benefit plan is based on its comparability with fringe benefit plans in other local public or private, nonprofit agencies. The amount requested may be adjusted based on its reasonableness as compared to local practices." From this answer and reports of former OEO analysts, it is safe to assume that there is no national standard or criteria for allocating fringe benefits and for that matter allocating any other funds, other than individual "judgment."

Last year, the New Haven anti-poverty agency (CPI) spent $275,808 for fringe benefits alone. Employees did not contribute a

proportionate share of their incomes to derive these benefits as normally required in governmental agencies. The figure of $275,808 was considered shocking at the time, but when compared to the amounts approved for employee fringe benefits in such major cities as Detroit and New York it appears that excessive expenditures for employees fringe benefits occur in other cities as well.

Last year OEO provided New York City 22.3 percent and Detroit 21.5 percent of their total employee budgets for fringe benefits alone. Translated into terms of dollars and cents, fringe benefit costs received by Detroit for OEO-related programs totalled $2,999,582.

The excessive fringe benefit figures, when compared with those appropriated to other major cities such as Chicago (7.2%–10.0%), St. Louis (7.4%) and Baltimore (7.7%), once again illustrate OEO's mismanagement ability. Furthermore, it appears that OEO is involved in duplicate funding by granting funds to cover the cost of Social Security and employee retirement programs. In almost all governmental agencies an employee is covered by one or the other, not both.

EXCESSIVE SALARIES

In March of this year, salary figures for the St. Louis Human Development Corporation revealed that 86 employees on that payroll were receiving $10,000 or more a year; two years ago only 24 persons on these payrolls were receiving as much as $10,000 a year. Two years ago there were 154 poverty workers; now there are about 750, necessitating an increase during the two years of $3.2 million in salaries alone.

The Blackstone Valley anti-poverty agency in their application for a Federal grant in February 1967 allotted 86 percent of the total budget for salaries.

OEO furnished information to the House Appropriation Committee this spring reflecting the salaries and personnel costs for the program year for the 10 largest cities in the country:

In Chicago, Illinois, $21.4 million was allocated for salaries and fringe benefits, paid to a staff of 5,398, of which almost 3,000 are not poor. Chicago, at the same time, has 257 employed at the salary rate of over $10,000 a year.

The New York City anti-poverty program's salaries totalled $35.3 million for a staff of 5,512, of which approximately 2,700 are not poor. At the same time, there are 592, over one-tenth of the total staff, receiving more than $10,000 a year.

The Los Angeles, California, anti-poverty program expends $21.6 million on salaries for 3,630 employees, of which 296 are receiving over $10,000 a year.

MORE GENERALS THAN SOLDIERS

A review of the President's budget request of the OEO for fiscal 1969 reveals that one out of every 14 authorized permanent positions is paid more than $18,000 per year. It is also noted that OEO has more authorized GS–15's, at base pay of $18,404 than GS–3's; more GS–14's at base pay of $15,841 than GS–6's; and more GS–13's at base pay of $13,507 than GS–4's.

AND THE POOR REMAIN POOR!

Willow Village, Michigan, received an OEO grant of $188,252 for a self-help program for 4,500 residents. The township supervisor protested that there was not a home in the town over 10 years old, and the homes had an average value of $12,000. No one could be found who was unemployed.

A $75,000 grant was made in Missouri to teach poor folks how to spend their money. For that sum, 22 persons were to be taught how to spend money and they, in turn, are expected to go back to their communities to teach others. The Lamar DAILY DEMOCRAT questions the value of taking money lessons "from a government that never stays within its budget, and is notorious for its waste and extravagance all over the world."

A $17,000 program of "war games" was conducted in Heath, Massachusetts, in which 30 youths from Harlem were treated to combat uniforms, and instructed in combat procedures and war games during a camping experience at Camp Miracle.

In Dayton, Ohio, washing machines purchased and installed with OEO funds were sitting idle while children were coming to school in dirty clothes because there "wasn't enough money to pay for supervisors," according to an OEO coordinator. Cost for supervision last year was approximately $400.

In Liberty, Mississippi, $18,000 worth of elegant textbooks are gathering dust on shelves and storerooms of Operation Headstart schools. The textbooks contain subject matter a college freshman might find hard to handle; among the books "The Sound of Poetry" containing works of Carl Sandburg, Vachel Lindsay and other poets frequently studied in high school.

At the Clinton Job Corps Center, in August of last year, girls were being taken to fashionable restaurants for dinner at Job Corps expense as part of their learning experience. The Director said the practice had been going on for about six months and was "just a part of the trip phase of our training."

The United Community Corporation of Newark held a weekend retreat at the Goldman Hotel in West Orange, New Jersey, that cost the taxpayers about $2,500. Included in the package was a floor show.

GAO investigation of Parks Job Corps Center revealed that the Center (sponsored by Litton Systems, Inc.) had purchased $347,000 worth of so-called instructional materials from Litton Instructional Materials upon the recommendation of another Litton division, the learning resources department. Unfortunately, the books were of little use as they dealt with the atomic theory, the laws of relativity, and trigonometry.

The OEO financed a $376,000 program through the Iowa Civil Rights Commission to establish a domestic student exchange program. Instead of the expected 150 participants, only 15 were placed, at a cost per participant of $25,066 for a one-semester project.

This spring, when Congress was being blamed for the closing of 16 Job Corps Centers, it was brought to Rep. William A. Steiger's (R–Wisc.) attention that the Blackwell Center at Laona, Wisc., had ordered "cultured Park Kentucky Bluegrass" in an amount equivalent to the cost of one enrollee at the Center for one year. Rep. Steiger said, "I understand that OEO wants to teach lawn maintenance to the enrollees—I don't understand, however, why they can't do what most Americans do, namely use grass seed rather than cultured sod." The Department of Agriculture notified the Congressman shortly thereafter that the contract bid for the cultured sod was cancelled.

[Vol. II, No. 16, June 1968]

MISMANAGEMENT AND MISUSE OF FUNDS

"If I wanted to sack this program I could load the record with the excess and the waste and the mismanagement, if you will, the nepotism that has been practiced in some of these agencies . . . I would be a vandal in this regard and damage beyond all repair the image of community action agencies which have expended millions of dollars not for the benefit of the poor but to set up hierarchies of staff and clerical personnel, travel, and all sorts of designs and features which were never, never contemplated in the passage of this legislation." (Rep. Hugh Carey (D-N.Y.), member of the House Education and Labor Committee.)

Despite amendments to the Economic Opportunity Act requiring regular audits of anti-poverty programs, fiscal irregularities of alarming proportions continue to be uncovered in a variety of anti-poverty programs during the past year:

DETROIT, MICH.

"One of the most serious frauds one can commit upon the poor is to promise something you do not or cannot deliver. The receipts and disbursements for 1965–1966 or 1966–1967 fiscal years reveal the same picture. There is so little money left for the poor after salaries and fixed overhead that one can no longer refer to this fact as an irregularity—one must call it what it is—a fraud."

This was the first conclusion of a Special State Legislature Committee which investigated the Detroit, Michigan, Anti-Poverty Program for six months during the period 1966–67. The Committee reported the following:

The investigation revealed shocking abuses of public funds and self interests.

Large sums of money were used to create an immense spoils system.

Expenditures of $3,863,925 were questioned by the Committee.

A real estate corporation with which the Mayor of the City of Detroit was formerly associated purchased a building which was leased to the city's Poverty Program at a rental so high that the purchase price of the building ($180,000) would be fully paid for within two and one half years.

Excessive travel and expenses paid by anti-poverty functionaries including trips to Hawaii, Las Vegas, Phoenix, one hundred and twenty-nine trips to Washington, D.C. and seventy to Chicago, Illinois.

After anti-poverty officials purchased $80,000 worth of dental equipment in 1966 only four patients were treated up to the end of December, 1967.

On the job training payments continued to go to employees for workers who had dropped out of the program.

LOS ANGELES, CALIF.

In October, 1967, Project Job Power, a small summer job program operated by the Westminster Neighborhood Association, a Watts anti-poverty agency, had its anti-poverty funds suspended while "serious discrepancies" in financial records, suspected check forgeries and kickbacks from employed youths were being investigated by the Los Angeles District Attorney's office.

SUFFOLK COUNTY, N.Y.

In October, 1967, an Amityville, N.Y., neighborhood opportunity center employee was arrested and charged with having pocketed more than $5,000 by filing false reports on former Neighborhood Youth Corps workers.

According to a district attorney's report, the anti-poverty employee had filed almost 100 false time reports for Youth Corpsmen. When the checks were received at the Center, the employee cashed them by forging the Corpsmen's signatures. Investigators estimated up to 99 checks amounting to $5,500 were involved.

Curiously, the anti-poverty warrior involved had been fired a year before from the Suffolk County, N.Y., Neighborhood Youth Corps for having recruited 60 ineligible youths and for suspected irregularities in connection with check forgers.

BROOKLYN, N.Y.

In August of this year, the director of the older teenagers summer program, an East New York anti-poverty program, was arrested and charged with demanding and accepting kickbacks from anti-poverty employees who did no work.

SYRACUSE, N.Y.

In October of last year, funds for crusade for opportunity, the Syracuse anti-poverty

agency, were cut off when auditors received unsatisfactory explanations for $200,000 to $300,000 in war on poverty spending. Among the expenditures questioned in the audit of the Crusade for Opportunity program in Syracuse, N.Y., in September, 1967, were:

$48 for parking tickets.

$436 for 750 live trout, for a fishing trip.

$698 to a travel agency for trips by the staff—no details given.

$600 paid to a printer for special copies of a local newspaper featuring an article on the organization.

NEWARK, N.J.

In September 1967, it was reported that Federal investigators were unable to account for an undetermined amount of money expended by the United Community Corp., Newark's community action agency. Interestingly, the UCC director accused the Office of Economic Opportunity of failing to monitor the funds of UCC.

BRONX, N.Y.

In March of last year, a Bronx, N.Y., minister was indicted for stealing over $20,000 in anti-poverty funds. The minister, director of a summer anti-poverty project, who was accused of demanding and accepting kickbacks, had been paying himself $200 a week; his father $150 a week, his mother $100 a week; and his sister $175 a week. This director paid out a total of $3,125 in salaries to himself and family over a 5-week period.

SHREVEPORT, LA.

In September, 1967, an audit of the Community Action Program of Caddo and Bossier Parishes, Inc., La., disclosed $101,016 in costs were termed "questionable." The audit disclosed the following:

1. Personnel files were not kept by the agency during the period of the audit.

2. Inadequate accounting and safeguarding of funds.

3. Inadequate documentation of payroll costs and property.

4. Failure to use prescribed contracts for consultant and professional services.

5. Failure to keep time and attendance records for some employees.

Among the questionable costs, the audit said there were no time and attendance reports or other acceptable documentation for $43,422. Payments totaling $1,096 were paid to 55 vendors for "maintenance of equipment allowances" without supporting invoices and the auditors found that the in kind totals reported by the agency were inaccurate because nine classrooms included were not used.

NORFOLK, VA.

In September 1967, the FBI in Norfolk, Va., commenced an investigation of shortages of about $10,000 in war on poverty funds of the Southeastern Tidewater Opportunity Project—STOP—in Norfolk, Va. The director of the Headstart program involved had refused to turn over his books for audit for several weeks prior to his resignation.

NEW YORK CITY

In August 1967, it was announced that the New York City controller's office would again look into the tangled fiscal operations of Haryou-Act. A previous report found Haryou-Act owed the Federal Government $199,732 plus interest in unpaid withholding taxes, and that $600,764 was owed to commercial creditors.

CHILD DEVELOPMENT GROUP OF MISSISSIPPI—CDGM

On September 22, 1967, Senator James O. Eastland said that it had been discovered "that the Child Development Group of Mississippi has more than a half million dollars in expenditures which they cannot account for." The OEO, which had funded CDGM with more than $13 million, admitted they "were challenging more than $500,000 of CDGM's expenditures for their current grant." An OEO spokesman said that more than $200,000 of CDGM's travel expenses were being challenged. According to OEO, the decision by OEO in January 1967, to refund CDGM following an earlier discovery of unaccountable expenditures was based on agreement by the Presbyterian Church to underwrite any future shortages; therefore, the Presbyterian Board of National Missions would assume full responsibility for any disallowances of expenditures which might be discovered by public auditors.

SAN FRANCISCO, CALIF.

In December, 1966, Federal auditors questioned expenditures totaling $48,151 in the San Francisco anti-poverty program, which included:

More than 600 "inadequately explained" telephone calls totaling $1,760 to cities across the country;

Unauthorized cross country flights by personnel;

Pay raises exceeding the government limitations;

Purchase of office furniture at prices totaling over $10,000 over what it could have been purchased from GSA;

Salary payments of $6,212 to employees of the Western Addition target area staff while they were engaged in civil rights activity.

The Federal auditors made recommendations to tighten the Economic Opportunity Council's organizational structure, accounting system and internal controls, all of which were unsatisfactory for maintenance of adequate, accurate financial records."

NEW YORK, N.Y.

In May, 1967, it was discovered that the district attorneys of four boroughs of New York were preparing charges of payroll padding, using fictitious names, using names of people eligible for jobs but never employed, stealing petty cash, and "burying records which would have shown the theft" against the Neighborhood Youth Corps program in New York City, which received $13.1 million in federal funds alone last year, as well as state and local funds.

Checks were written for nonexistent people and applicants who had supplied pertinent information about themselves and were never notified for employment; thereafter these checks were snatched, forged and cashed. In one Negro neighborhood, probers found a list of fictitious Chinese names to whom checks were mailed. "There were no Chinese families anywhere in the area," one source said.

An initial audit revealed almost $500,000 had been stolen, and one source said although the investigation is "not nearly completed, it looks as though the final amount stolen will run well into the millions."

FORT DODGE, IOWA

Mrs. Mary Thompson, office manager of the anti-poverty agency and a former inmate at the women's reformatory at Rockwell City, Ia., was charged in January, 1968, with embezzlement of program funds estimated between $5,000 and $6,000. The director advised Mrs. Thompson duped him into signing blank checks which she then made payable to herself.

A subsequent audit of the books indicated faulty bookkeeping and accounting that went beyond Mrs. Thompson's embezzlement. Questioned items of $1,606 in cash and $1,260 "in kind receipts" could not be supported by documents.

HOUSTON, TEX.

On December 12, 1967, the Office of Economic Opportunity ordered the anti-poverty agency to justify the expenditure of $270,000 of funds by Houston-Harris County Economic Opportunity Organization, almost one tenth of its $2.8 million budget for fiscal 1967. $114,244 listed as volunteer services in the summer 1966 Headstart program was unsupported by time and attendance records or other data. $19,640 spent on consumable supplies were not supported by a schedule of specific items. Salaries paid to employees in excess of $15,000 were improperly claimed as inkind contribution.

GAO investigations in several large cities anti-poverty programs reveal mismangement and fraud of a less spectacular variety, but one we fear is very prevalent among CAP agencies.

CHICAGO, ILL.

GAO made a partial review of the programs of the Chicago Committee on Urban Opportunity, which received $31.1 million for the period covered in the review. Two serious defects noted by GAO were in the counting of participants and the local share:

1. "Participation was measured by the number of contacts with individuals and families coming to the center or the number of contacts outside the center and each contact was counted and reported to OEO regardless of whether the same or a different individual or family was contacted . . . centers counted persons visiting delegate agencies housed in the center and the delegate agencies also counted and reported these contacts to OEO (resulting in some duplication)".

Of 10,392 participants for June, 1966, "A sampling of that showed a count of 2,892 participants represented 499 individuals who participated in education and manpower classes and a social welfare activity." "In addition, 2,577 of the 2,892 participants attended delegate agency activity located in the UPC. This count included 411 individuals . . . solely because they came into the center and represented traffic into the UPC rather than persons actually served . . . the delegate agencies also counted these persons and reported their counts to CCUO for inclusion in . . . reports to OEO."

2. "CCUO reported non-federal contributions of about $2.1 million for the period from December 1964 through March 31, 1966, against the requirement of about $1.1 million. Our examination of about $1.7 million of the total reported showed that about $1.3 million was of questionable allowability. If the $1.3 million were to be disallowed by OEO, the CCUO contribution would be deficient by about $300,000.

Contribution were claimed 1) $752,316 for activities (urban renewal) which were not directly related to CAP; 2) $192,192 claimed based on projected figure for a program while $73,930 was actually spent, resulting in an over-charge of $118,262; 3) $168,210 expenditures for required maintenance of effort which could not be allowed; and 4) $1,296 for an item of service inadvertently claimed twice, as well as other questionable claims.

In addition GAO noted:

"Assignment and utilization of program representatives (in an adult employment program) were not adequately monitored, and consequently they were assigned to nonproductive, make-work projects or otherwise not used for the purposes for which they were employed."

"One delegate agency procured consultant services for $22,794 without executing formal contracts. Although the agency did have a written statement for a portion of the services to be rendered, the statement was unsigned and did not provide for the method of payment or for the maintenance of records by the consultant firm."

Accounting areas of needed improvement: failure to require documentation of travel expenses; discrepancies between CAP expenditures as reported to CCUO and as reported in agencies' records; failure to record non-Federal contribution; and lack of time records.

LOS ANGELES, CALIF.

A GAO investigation into the administration of the Economic and Youth Opportuni-

ties Agency of Greater Los Angeles, emphasizing planning of programs and utilization and control of funds, noted the following problems:

"The OEO directly and through its contract with EYOA was reimbursing the Los Angeles Unified School District . . . for about $265,000 more than the allowable indirect costs incurred. . . . Also OEO and EYOA were accepting in the claim of City Schools as the nonfederal share of program costs, approximately $132,000 more than the indirect costs incurred."

"Brought to light certain problems relating to the recording of contributions and the reasonableness of valuation for contributed space and of claims and indirect costs. These problems prevented us from determining whether the community is, in fact, complying with the legislative requirement for nonfederal contributions."

"The budgets submitted by EYOA and approved by OEO for certain component programs contained unrealistically high estimates of funds needed. The analyses of these budgets by OEO apparently were not made in sufficient depth to detect the overestimated requirements for funds."

"EYOA accounting was basically inadequate in that there were not prescribed accounting policies and procedures and the accounting function was understaffed and lacked professional leadership."

DETROIT, MICH.

After the GAO audit was released on the city-run poverty program in Detroit, which had been funded by OEO to the tune of $50,000,000, Mayor Cavanaugh was quick to comment "no fraud and no mismanagement" had been uncovered.

1. Vast duplication of administrative cost and effort—"In many cases the Board and the Archdiocese (delegate agency) carried out the same programs, each had its own administrative staff for each program with resultant duplication of administrative effort and cost."

2. Participant information inaccurate and misleading—"MCHRD could not furnish records in support of 7,539 participants shown in the report for the Great cities project . . . advised by the Board the figures had been furnished to MCHRD orally . . . Board reports indicated that there had been about 4,000 fewer participants than had been reported to OEO in the June report."

"The 18,900 participants reported in June included 15,000 nonadults and 3,900 adults. Board records show however that only 2,479 nonadults were enrolled in the projects in June rather than the 15,000 reported."

"We examined into whether the number reported (18,900) represented a realistic estimate of the number who participated during the period March 26 through April 29, 1966. Our review indicated that the number of participants reported to MCHRD had been overstated by 4,043."

3. Rental of classrooms was charged for days on which room had not been used in the program, resulting in an unreasonable claim for the nonfederal share—

"A tentative nonfederal share claim amounting to $777,570; of which $724,820 was for schoolroom rental and $52,650 was for janitorial services. On the basis of our review of the claim for $342,160 of the $724,820 valuation for room rental, we believe that about $71,855 would be a more reasonable estimate of the rental value of the rooms.

4. The Board was charging room rental to the CAP for a full month regardless of the frequency with which the room had been used.—

"The Board's claim for classroom rental space for the period October, 1966 to April, 1967 amounted to $714,740 whereas daily rate of $5 for the days on which some use was made of a room (29,570 room days . . .) the claim would amount to only $147,850."

[Vol. II, No. 19, June 1968]

POLITICAL ACTIVITIES

"There is no activity in which the community action programs have engaged which has been more damaging from a public relations point of view and from a public opinion point of view than participation in political activity, whether it be partisan or nonpartisan." (Robert Taft, Jr. [R–Ohio] House Debate on Economic Opportunity Act 11/15/67.)

DURHAM, N.C.

In 1967 in Durham, N.C., there was extensive political activity on the part of anti-poverty employees. In a staff report of the House Education and Labor Committee dated June 19, 1967, the following facts were reported:

During the period January–March, Operation Breakthrough (anti-poverty agency) neighborhood workers reviewed voter registration books in the Office of the Durham Board of Elections and copied registration lists.

On three dates in April, 1967, Operation Breakthrough employees, using the agency's automobiles, transported several hundred citizens to Durham polling places for the purpose of registration.

On April 29, 1967, Operation Breakthrough employees, using personally owned vehicles, transported Durham citizens to the polls during the municipal primary election.

On May 13, 1967, Operation Breakthrough employees, using personally owned vehicles, transported Durham citizens to the polls during the municipal general election.

The Secretary to the Directors, Operation Breakthrough, advised she had distributed cards soliciting votes for candidate for Alderman Mrs. R. O. Everett on May 13, 1967. (Mrs. R. O. Everett, the successful candidate for alderman, is the mother of Mr. Robinson Everett, Counsel for Operation Breakthrough.)

Mr. G. Fred Steele, Jr., candidate for Congress in 1966, described election day activity of Operation Breakthrough employees: ". . . at all precincts that are predominantly Negro or racially mixed, people were stationed with 'checkoff' voter lists. Drivers would bring voters to the polling places in vehicles displaying signs reading 'Vote today—use this car.' The voters would then enter the polling places. After voting, they would be driven away in the same cars. These cars were observed following the same procedure throughout the day. Printed lists of recommended candidates were seen in the vehicles and also were seen in the hands of voters as they entered the polling places. Some of the drivers of the described cars were identified as staff members of Operation Breakthrough. Others were identified as students of nearby universities. Some of the students stated that they were driving at the request of Operation Breakthrough staff members."

Congressman James Gardner of N.C. noted in a speech on the floor: "The final results of the Durham registration drive by Operation Breakthrough in five target precincts shows that those candidates supported by the Operation Breakthrough campaign received a majority of 10 to 1 and 20 to 1, but lost the election by 9 to 6."

PHILADELPHIA, PA.

The Committee to Investigate the Philadelphia Anti-Poverty Action Commission (PAAC) (anti-poverty agency), Philadelphia, Pa., in a position paper drawn up earlier this year made the following charges of political activity by that anti-poverty agency:

On November 1, 1967, four days before the mayoralty election, 40,000 copies of a letter were printed and duplicated at the central office of PAAC and employees of the Community Action Council offices were instructed to distribute them. This letter from Samuel L. Evans, Vice Chairman of the Board of the PAAC, extolled the virtues of Mayor James H. Tate and denounced his opponent, Arlen Specter, for allegedly attacking the poverty program.

During the primary election in 1967, paid staff employees of all Community Action Councils were assigned to every polling place in their respective areas with the specific assignment to instruct all potential voters to vote "yes" on a bond issue.

On October 24, 1967, all employees of PAAC and its delegate agencies were instructed to be, and were in fact, on hand (during working hours for which they were paid) for the appearance of Vice President Hubert Humphrey when he came to Philadelphia to make a campaign speech for Mayor Tate.

Mr. Pat Stanton, one of the Mayor's representatives on PAAC, was named as the Mayor's campaign manager for the 1967 mayoralty election.

A top official in the agency did not deny his role and boasted: "You don't have to worry if I'm in politics or not. There's no doubt about that. I'm voting for Tate and asking everybody in Philadelphia to vote for Tate."

NEWARK, N.J.

According to the city's Mayor, Hugh Addonizio, the $6 million anti-poverty agency, United Community Corporation, is a haven for defeated political candidates and aspirants to public office.

Voter registration

In January 1968 the OEO in Austin, Texas, said voter registration during the hours of 8 a.m. to 5 p.m. constituted illegal use of poverty funds. Employees then began working on their own time to register voters in Fort Worth, the goal being 4,075 indigent voters registered by the January 31st deadline.

In San Antonio, Texas, Federal anti-poverty funds financed a voter registration campaign organized by Rev. John Yanta, who directs San Antonio's Neighborhood Youth Corps. Rev. Yanta frankly admitted that the newly registered voters would take their orders from the Bexar County Liberal Coalition. "Which is worse, not to ever vote or to have your vote controlled?" he asked. "The Liberal Democrats may be the only politicians interested in those people." Not all persons signed up are U.S. citizens, however. At least 68 Mexican nationals were induced to register, according to Bexar Co. Assessor-Collector Charles G. Davis, and he believes a state law has been violated.

Senator Hugh Scott criticized the OEO for spending $3,000 on voter registration drives in six heavily Democratic wards in Reading and Berks Counties in Pennsylvania. "I am especially disappointed that your office should choose to spend funds in this highly questionable manner while other programs applications in Pennsylvania go unfunded," Scott wrote Sargent Shriver, OEO Director.

An investigation of the General Accounting Office revealed that in Palm Beach County, Fla., in the Fall of 1966, two anti-poverty workers serving as voting registrars and conducting "on the spot" registration of migrant workers, signed up 686 voters, 680 of whom registered Democrat.

Early last year in Houston, Texas, anti-poverty workers signed up thousands of Harris County residents in a voter registration drive. When four of the poverty warriors failed to meet their quotas, they resorted to apartment house lists, trailer camp directories, and name plates on mailboxes, filled out registration forms and within days had more than met their quotas. A subsequent $25,000 investigation of voter registration in Houston revealed that an estimated 8,000 were phony.

In September 1967 Senator Everett Dirksen criticized plans by the Lake County (Gary, Ind.) anit-poverty agency to conduct

a voter registration drive. "I know of no precedent for such activity by an agency using public funds . . . and this could set a dangerous one," said Senator Dirksen. He said voter registration by Federal poverty war workers on a national scale could become a potent political weapon in the hands of the administration and noted: "Though they may say it will be non-partisan, the politics of the person doing the field work is bound to creep in."

In Atlanta, Ga., in October 1967, Rev. C. A. Samples, President of the Northwest Community Civic Forum, protested the fact that Economic Opportunity Atlanta in Atlanta is ignoring the needs of the poor and is giving preference to organizing a political machine. In a statement Rev. Samples said:

"The (7 Neighborhood Service Centers) Centers under his (John Calhoun, NSC Coordinator) operation have all become voter registration headquarters. Receptionists have been sworn in. When you enter for service, you can register first, and business later. The community organizers are setting up block organizations with block chairmen. These CO's are paid with federal money and work night and day in the target communities. They are requested by their administrative superiors to work on Saturdays and Sundays. Of course they cooperate. If they don't, well they are phased out.

"There are many volunteer civic groups who for years have encouraged voting. But they are pushed aside by this well-heeled CAP and the wheeling-dealing center coordinator Mr. Calhoun. Registering voters for the past 12 months has taken precedent over every other project Economic Opportunity Atlanta, Inc., has, to the detriment of her 1,000's of target area inhabitants. I sincerely believe voting is an inherent right. But also it has no more business being financed with federal funds than the relationship of Church and State. If the CAP does not get out of the political business and down to the social action and education business that it was designed and funded for, then it needs to go out of business."

In Venice, California, in December 1967, the Headquarters of Project Action, funded for $18,000 by the Economic Youth Opportunities Agency of Los Angeles, California, was scheduled to be the scene of a voter registration party to climax a day-long drive in Venice to register voters. In addition Ernest Jefferson, the program director for Project Action, was listed in handbills as a speaker at a Peace and Freedom rally at another location.

In Springfield, Massachusetts, six VISTA volunteers conducted an intensive four-week voter registration drive in August 1967.

Voter registration activities have been carried on in Omaha, Nebraska; Worcester, Mass.; Rochester, N.Y.; Columbus, Ohio; and Lafayette and Alexandria, La., as well as numerous other locations across the country, apparently with OEO's blessings until the 1967 amendments to the Economic Opportunity Act prohibited such action. Now they are pointing out that such activity constitutes illegal use of government funds and may not be done between 8 a.m. and 5 p.m.

[Vol. II, No. 8, June 1968]

REDIRECTION OF CAP—II (RESTRICTION OF CERTAIN ACTIVITIES)

POLITICAL ACTIVITIES

Partisan and nonpartisan political activities on the part of anti-poverty workers involving use of Federal funds in various cities around the country have been the cause of major concern. Such activities in New Haven, Connecticut; Cincinnati, Ohio; Philadelphia, Pennsylvania; Gary, Indiana; and Durham, North Carolina, in pre-election efforts on behalf of candidates for local posts, partisan and nonpartisan, using time and equipment paid for by the Federal Government is improper to say the least.

Congressman James G. Gardner of North Carolina and a staff investigator of the House Education and Labor Committee checked out alleged political activities in Durham, North Carolina, and found conclusively that anti-poverty personnel, using Federal funds and facilities, during January–May, 1967, became thoroughly involved in the Durham municipal elections. Voter registration lists were reviewed, registration drives conducted, voters transported to and from the polls, and votes solicited by anti-poverty workers.

Upon complaining of these activities to OEO Director, Sargent Shriver, and John Macy, Chairman of the Civil Service Commission, Congressman Gardner was informed that there was no violation of the law because the elections were nonpartisan.

This situation pointed up a clear need for new legislative language which would preclude any further activities of this nature in nonpartisan elections. Therefore, WE PROPOSED and Congressman Gardner offered an amendment on the floor of the House which would prevent the use of program funds, property or services, or the employment or assignment of personnel for any partisan or nonpartisan political activity or any activity associated with a candidate or contending faction or group, in any election for public or party office, or any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.

This language was adopted on the floor as an amendment to the Economic Opportunity Act and carried through to enactment into law. However accompanying language was written into the Conference Report which indicates it is the intent of Congress to limit the use of funds provided by the act and does not apply to any activities carried on with funds not provided under the authority of the act; similarly, officials and personnel of agencies are subject to the limitations only as to that portion of their time for which they receive compensation from the act. (It is noted that election day is usually considered a legal holiday.)

VOTER REGISTRATION

Intermingled with the above political activities in various places, and apparently a commonly-occurring and highly-acceptable activity in the sight of OEO, is the participation of anti-poverty workers in voter registration activities. Such activity, on the surface, appears to be a sufficiently worthwhile effort in which anti-poverty workers could participate and help the poor. However, a few instances brought to light highly potent political possibilities such as in Durham where three months of full working time on the part of employees was spent in copying voter registration books, copying registration lists and other political data; and such as in Palm Beach County, Florida, where GAO investigators reported that anti-poverty workers serving as voting registrars and conducting "on-the-spot' registration of migrant workers, signed up 686 voters, 680 of whom registered Democrat.

Last year in Houston, Texas, anti-poverty workers signed up thousands of Harris County residents in a voter registration drive. When four of the poverty warriors failed to meet their quotas, they resorted to apartment house lists, trailer camp directories, and nameplates on mailboxes, filled out registration forms, and within days had more than met their quotas. A subsequent $25,000 investigation of voter registration in Houston revealed that an estimated 3,000 were phony.

We proposed language which would prevent the use of program funds, provision of property or services, or employment or assignment of personnel in any voter registration activity. This provision was adopted in the House and enacted into law; however, it is likewise subject to the provision in the Conference Report limiting its effect only to funds authorized by the act and time of officials and personnel for which they are being paid by funds from the act.

CIVIL DISTURBANCES

In the wake of the riots of the Summer of 1967 it was brought to public attention that actions and statements on the part of anti-poverty workers in various places were considered inflamatory and may have been partially responsible for the eruptions which occurred thereafter. An investigation by Staff investigators of the House Education and Labor Committee in Newark, New Jersey, resulted in a thoroughly documented report linking anti-poverty workers, black power groups and so-called New Leftists to a series of incidents culminating in the Newark riots last summer.

At approximately the same time, a letter came to light from the Mayor of Houston, Texas, to OEO Director Sargent Shriver, questioning OEO's position on whether local anti-poverty employees should encourage and promote conflict with local government when remedies through mediation and negotiation have not been exhausted. (The Mayor cited a series of incidents which resulted in abrasive relations between the Community Action Agency and Houston City officials and included substantial violence and community disruption.)

Language which was placed in the Economic Opportunity Act the previous year by Congressman Joel Broyhill of Virginia was not applicable to these and other similar situations as it only prevented funds from going to any one *convicted* of activities which tend to incite, promote, encourage, or carry on a riot, etc. We proposed and Congressman Gardner offered an amendment on the floor which precluded the use of program funds, the provision of property or services, or the employment or assignment of personnel in any activity which tends to incite, promote, encourage, coerce, or carry on a riot or other civil disturbance in violation of any federal, state or local law; which facilitates the incitement, promotion, encouragement, coercion or carrying on of such riot or civil disturbance; or which assists, encourages, or instructs any person to commit or be involved in such riot or civil disturbance.

This provision was adopted in the House as written; but substitute language was inserted in the conference between the House and Senate which merely prohibited any individual employed or assigned by any agency assisted under this act pursuant to or during performance of services in connection with any program or activity conducted or assisted under this act, to plan, initiate, participate in, or otherwise aid or assist in the conduct of any *unlawful* demonstration, rioting or civil disturbance.

NEED FOR RESPONSIBLE INSPECTIONS AND INVESTIGATIONS OF ANTI-POVERTY PROGRAMS

Scandals have plagued a number of War on Poverty projects across the country since the beginning of the program. The news media has exposed countless incidents of payroll padding, fraud, waste, mismanagement, frivolous programs, excessive expenditures, and other irregularities. Far too little effort was made to insure that public funds were being spent prudently.

In fiscal 1967 the Office of Economic Opportunity allocated less than $1 million (.6% of its budget) for investigations and inspections. The inspection staff was hard pressed to respond to emergency assignments. Because of the low priority assigned to inspections at OEO, no regular systematic reviews of programs have been made. Until sufficient attention is given to systematic monitoring of projects it can be expected that "free wheeling" will prevail and mismanagement will recur.

In addition to the freedom from discipline that War on Poverty programs enjoy within the Executive Branch, events during the past

year support the charge that Democratic Members of Congress have attempted "to sweep under the rug" the inadequacies and maladministration of the poverty program. Republican Members of the House Education and Labor Committee, responding to requests from local authorities and responsible private citizens, have had the following requests for investigations denied by the Chairman:

Charges of payoffs on Federal and state levels to guarantee or expedite job training grants in Oakland and Sacramento, California. (October 1967)

Survey of anti-poverty programs in six cities (Indianapolis, Miami, San Francisco, Cleveland, Pittsburgh, and Philadelphia). (February 1968)

Review of the Detroit, Michigan, program based upon revelations of the State Legislature's disclosures of irregularities. (February 1968)

Review on-the-job training contracts in the State of Iowa. A state auditor's report reflected that $4,518 had been funneled into the Iowa Department of Public Safety for a Federally-funded training program that existed only on paper. (April 1968)

Investigate Neighborhood Youth Corps programs in New York City where newspapers reported charges of payroll padding and diversion of funds that "will run into millions." (May 1968)

Review numerous charges that personnel of the Philadelphia, Pennsylvania, community action agency have been used as political instruments by the mayor and top city officials. (May 1968)

In his May 10, 1968, letter to the Chairman of the Committee concerning the Neighborhood Youth Corps scandal, Rep. William H. Ayres (R-Ohio) summed it up:

"It seems clear that, until we require systematic oversight of these Federally funded programs, we can expect irresponsible handling of money by those entrusted with the administration of the program."

[Vol. II, No. 12, June 1968]

INVESTIGATION AND EVALUATION BY THE COMPTROLLER GENERAL

During Senate debate on the 1967 amendments to the Economic Opportunity Act, Senator Winston Prouty (R–Vt.) offered an amendment which directed the Comptroller General of the United States and the General Accounting Office to make an investigation into the programs and activities financed by the Economic Opportunity Act in order to determine:

"(1) the efficiency of the administration of such programs and activities of the Office of Economic Opportunity and the local public and private agencies carrying out such programs and activities; and

"(2) the extent to which such programs and activities achieved the objectives set forth in the relevant part or title of the Economic Opportunity Act of 1964 authorizing such programs or activities."

A comparable amendment was offered by Congressman John Dellenback (R–Ore.) in the House. Both amendments were agreed to by the respective bodies. The resulting legislation required GAO to submit interim reports and a final report to Congress no later than December 1, 1968.

As that portion of the amendment providing "not in excess of $2 million" to GAO with which to carry out this evaluation and investigation was stricken in conference committee on the bill and no special money was provided to GAO to carry out an extensive investigation, the resulting review and evaluation is being limited to a sampling of programs.

Mr. Elmer B. Staats, Comptroller General furnished the Chairman of the House Education and Labor Committee with their preliminary plans for the investigation which included the examination of nine Job Corps centers; the examination of Community Action, Neighborhood Youth Corps and Work Experience programs in four large cities (Chicago, Los Angeles, Detroit and St. Louis), four medium-sized cities (Gary, Ind., Phoenix, Ariz., Grand Rapids, Michigan, and Kansas City, Mo.) and three rural areas (three counties in Minnesota; 4 counties in Missouri and two counties in Arizona including an Indian tribe). Their review of the VISTA program is to cover two training contracts and review of field operations at selected community action and Job Corps sites where VISTA's are assigned.

It was through Republican initiative that the General Accounting Office was instructed to enter this field. Because of the Republican belief that federal funds should be spent wisely and for the purpose for which they are intended we intend to watch closely the GAO investigation and report.

[Vol. II No. 10, June 1968]

WHAT WAR ON RURAL POVERTY?

With the ever-increasing focus of attention on the problems of the urban slums, the conditions of poverty in the rural areas of America continue to be neglected. Numerous studies and hearings have been conducted in the recent past into this problem and all have found that conditions are very serious but little is being done to alleviate it. It is known that 43 per cent of the Nation's poor live in the rural areas.

When the War on Poverty began, the large urban areas with their experience in seeking government funds were able to organize and move quickly, and thus these programs used up a lion's share of the available funds. Over three years later, we find almost every rural county with "concentrated poverty" covered by a community action agency, and ready, willing and asking for funds for their programs. A glance at the record shows that in fiscal 1966 only 15 per cent of all poverty funds went to rural areas; and in fiscal 1967 Mr. Shriver testified that 33 per cent of their funds went to the rural areas. OEO's proposals would have allotted only 35 per cent of the fiscal 1968 appropriation for rural use, based upon the request for $2,060,000 which they did not get. With the funding maintained at the 1967 level and the Presidential reallocation in funds to adult work training programs for the urban slums, it is highly unlikely that the rural areas retained even as high a percentage as in 1967. Of 680,000 youngsters in Headstart classes last summer only 169,000 lived in rural areas. To date, OEO job programs have trained 243,000, but only 49,000 were from rural communities. It's legal assistance program has reached 225,000 poor clients but only 41,000 were rural. A study into funding of various states and cities reveals that Chicago and surrounding Cook County, Illinois, with a poor population of 513,328 received total Community Action funds for FY 67 of $30,988,000, almost the same amount received ($31,366,000) by the combined states of Indiana, Arkansas, Maine, Kansas, Nebraska and North Dakota with a combined poor population of 2,444,300, almost five times greater than Cook County

It is apparent OEO will not increase the funding of programs in rural areas until such time as Congress appropriates an amount sufficient to carry on the urban programs at least at their present level and still have enough left over for the rural areas. Another reason is given by Dr. James Bonnen, an economist at Michigan State University, recently on the President's Council of Economic Advisers:

"An administrator of national programs is under the gun to get the biggest bang for the buck. So he doesn't operate in areas where he encounters the highest cost per unit of program output. In other words, there is a concentration of poor in the cities while the rural poor are dotted here and there over thousands of square miles. It takes more money and effort to even reach them, much less help them."

In view of the fact that OEO is not likely to increase the funding of programs in rural areas unless Congress requires it to do so, we offered an amendment which would have required the Director to ascertain the percentage of impoverished residents of rural areas to the impoverished residents of the nation and to take appropriate action to assure that the percentage of funds expended in rural areas (in title II) is proportionate to the incidence of poverty in such areas as compared with the incidence of poverty in the nation as a whole. (In the Opportunity Crusade WE PROPOSED a definite division of CAP funds into two parts, one to be used only for rural poor and one to be used only for urban poor.)

Congressman William J. Scherle, (R.-Iowa) in offering this amendment, said: "Members of Congress representing urban areas may assume that my amendment would be against the best interest of the metropolitan areas. However, the facts are plain for all to see that the rural poor of today will be the urban poor of tomorrow unless we take immediate steps to see that they are provided with meaningful education and job opportunities. While there are probably many ways to achieve this result I believe that an earmarking proposal is the best approach."

Mr. Scherle's position is supported by Mr. Lowell H. Watts, of Colorado's Extension Committee on Organization and Policy, who testified before the House Agriculture Committee:

"Rural communities do not have a professional talent to enable them to compete effectively with metropolitan regions for Federal assistance. Specific earmarking of funds to be used in rural areas would protect the interests of rural Americans and equalize Federal assistance."

State OEO directors, Community Action agency directors, and various groups concerned with the rural poor strongly oppose this inequity in funding and some testified before the House Education and Labor Committee this summer:

Mrs. Shirley Tannenbaum, director of the Frederick, Md., Community Action Agency, said that: "In the mid-Atlantic region the rural areas with smaller and less skilled staffs must compete with such cities as Philadelphia, Pittsburgh, Baltimore, and Washington. The result is that there is not much left to be distributed to rural Community Action Programs."

Mr. Blue Carstenson, speaking for the National Farmers Union testified: "Most War on poverty programs of the Federal Government with few exceptions do not give equitable attention to the problem of poverty in rural areas where nearly half of the poverty exists. Farmers Union is deeply disappointed in the failure of Community Action Programs to reach rural poverty with quality programs and with an equitable share of programs. Those Community Action Agencies in rural America have been inadequately supported, inadequately aided with good technical assistance and often misdirected despite the voluntary efforts of tens of thousands of persons."

This touches upon another problem OEO has experienced in connection with programs for the rural poor—that of developing properly oriented programs which will strike at the heart of the problems of the rural poor.

Governor Dan Evans of Washington has said, "The depth and scope of rural poverty is often recognized but too frequently the programs devised tend to direct themselves only to urban areas. Major efforts should be made to honor requests for assistance to innovative rural programs, particularly in the field of manpower development, even though they may not be as politically attractive as urban programs."

Mitchell Ginsberg, President of the National Association of Social Workers, testified: "It is important that the delivery of services in the rural area be approached in an innovative way and not automatically patterned after the approaches in urban areas. This will call for a substantial assistance from skilled planning personnel working, of course, in close cooperation with representatives of people within the area and emphasizes the importance of a significant investment of technical assistance, including effective coordination of the activities of State technical assistance representatives, regional OEO personnel, and consultants from the rural services division of OEO."

A report on a study of the poverty programs in the Southeast region of the country, submitted to the Senate Subcommittee on Manpower, Employment and Poverty by the Institute of Government, University of Georgia, in May, 1967, concluded:

"Programs for rural areas need strengthening at all levels including the national level. Planning on the national level is needed to help rural areas bring service, training, and improvement into these areas so that it will be economically possible and personally satisfying for individuals to remain in rural sections, towns and small cities. Agriculture cannot sustain the unskilled who cannot meet the competition of better wages and facilities which metropolitan areas seem to provide. Many interviewed felt that this requires the same concerted effort that is being directed toward urban and metropolitan community planning and that it would benefit the urban community which is having to meet increasingly the needs of those who have to move to the city in order to survive."

It is clearly indicated that the solutions to rural poverty problems, which must be properly oriented if they are to be effective, need the full time attention and direction of a portion of the staff at the OEO. To provide his attention and direction *we proposed* the creation of an Assistant Director for Community Action in Rural Areas, to devote his entire effort to perfecting programs which will provide meaningful solutions to the special problems of rural poverty, and be responsible for assuring that funds allotted for assistance to programs or projects designed to assist the rural poor are so expended.

Congressman Albert H. Quie's amendment to create an Assistant Directorship was adopted by the Committee and enacted into law. Legislation offered in committee and on the floor of the House to earmark a percentage of Community Action Programs funds for rural programs was rejected.

[Vol. II, No. 21, June 1968]

DEVIATION OF FUNDS—LABOR UNION ACTIVITY

"Labor union organization is a proper activity, but it should not be financed by the Federal taxpayers," stated Congressman Charles Gubser (R-Calif.) on the floor of the House last fall when he offered an amendment to prohibit such activities on the part of people and projects funded by Federal anti-poverty money. At Congressman Gubser's request, the General Accounting Office had just completed an investigation and filed a report entitled "Report on Investigation of Alleged Use of Federal Funds in Support of Labor Union Activities by the California Center for Community Development Under Grants by the Office of Economic Opportunity and the Department of Health, Education and Welfare." This GAO report verified the grantee financed by OEO and HEW had utilized funds in support of labor union and related activity. In a letter to Congressman Gubser, Elmer Staats, Comptroller General of the United States, stated the General Accounting Office will ask the OEO to seek restitution of these funds from its grantee.

Among the findings of the GAO report in regard to the California Self-Help Service Corps Program (a CCUD training program) were:

Certain of the materials distributed to the trainees were concerned with unionizing and certain of the guest speakers were affiliated with unions;

Several CSHSC staff members apparently had been associated with the National Farm Workers Association prior to the start of the CSHSC program.

Trainees selected by one of the CSHSC field supervisors Manuel Chavez (cousin of Cesar Chavez) were described in CCCD's reports as "people who had been organizing farm workers with him or who would be trained to do so."

Found evidence that one of the field supervisors and at least six trainees had been involved in what may be considered as union or related activities while participating in the federally funded program.

Daily activity reports for six trainees indicate such union activity as "Went to Almaden vineyards with Lalo Martinez to get members for the union,"

"Went to San Jose to picket at Macy's store because they are selling Perelli-Minetti liquor."

"House meeting in Castroville with 12 farm workers. Helped Lalo Martinez organize."

"I went out to collect the union dues."

"Plan strategic move against city of Bakersfield."

The minimum Federal funds received by one of the above trainees during his time in program was $2,400 in stipends and $1,004.91 for travel, while the maximum received was $3,200 in stipends and $979.14 for travel.

The GAO report noted other controversial activity being carried on under the CSHSC program—that of organizing welfare recipients. GAO referred to a special report prepared by the 1966 Stanislaus County Grand Jury which described activities of the Welfare Rights Organization (organized by a CSHSC field supervisor and 4 CSHSC trainees) in August, 1966, as "What appeared to be an organized program of harassment" toward the Welfare Department.

The Grand Jury's opinion of the CSHSC program concluded that the problem of Federal funds supporting this type of program may be more far-reaching and stated, in part,

"We are concerned that two situations are being created by these programs. One is that the federal government is financing groups to undermine the operation of state and local governments. The other is that the Federal government is now apparently in the position of financing groups which are fighting each other."

Mr. Walter Person, former Director of the Community Action Commission of Stanislaus County, California, upon his resignation of this post, stated:

"When the Office of Economic Opportunity on a national level supports the work of a group such as the California Center for Community Development in this county, it is working directly against its announced goal of community mobilization and coordination. This organization by its own statements uses conflict-oriented community organization methods as one of its tools. If the goal is to produce social and class conflict . . . the net result will be paralysis . . . I cannot continue to work in a program in which there is approval at the Washington level of projects which use tax money to support conflict-oriented community organization."

Belle Glade, Fla.

Pursuant to a request by Congressman Paul Rogers in early 1967 GAO conducted an investigation of alleged participation in political and union activities by employees of the Community Action Fund, Inc., and the American Friends Service Committee—organizations conducting programs for migrant workers in Florida with grant funds provided by the Office of Economic Opportunity. In a letter dated May 19, 1967, Elmer Staats, Comptroller General of the United States, stated that on the basis of their review,

"It appears that certain employees of these grantees engaged in what may be considered political and union activities and that Federal funds were used to reimburse some of those employees for certain travel expenses incurred while carrying out such activities."

Among the details of this report, investigators noted:

"We interviewed three persons who said that they had attended meetings of crew leaders in March or April, 1966, at which CAF and AFSC employees and representatives of the AFL–CIO were attempting to organize a union of crew leaders and migrant workers.

A UAWA (union) newsletter dated April 25, 1966, listed Bill Johnson, CAF, and Hank Mayer, AFSC, as Editors and Roscoe Webb, CAF, as special consultant to UAWA, and was put out by Johnson and Mayer.

A former CAF accountant, advised that on June 18, 1966, he attended a dinner meeting in a Tampa Hotel between officials of CAF and AFL–CIO at which there was a discussion of AFL–CIO plans to organize 10,000 migrant workers by July 4, 1966, and the role of CAF to furnish information to union organizers as to where migrant workers could be located.

At a meeting of crew leaders held in the union hall in Belle Glade before a rally on December 11, 1966, Roscoe Webb and William Johnson, CAF, were in attendance and Webb presided up until the point of taking a vote to affiliate with the United Farm Workers Organizing Committee; thereafter both Webb and Johnson spoke to the crew leaders in support of the union.

Now we come to 1969. A message came to the Congress, and it was my understanding that there was going to be a 1-year extension of the program, and during that 1 year what changes could be made would be made.

Then that 1-year proposal was implemented by, as you will recall, Mr. Speaker, a transfer of the Job Corps to the Labor Department and the Headstart program to HEW, which left the balance of the funds at the disposal of the new Administrator of OEO.

Then shortly thereafter a 2-year extension was requested without crippling amendments.

Mr. Speaker, that word "crippling" is the whole key to this. What may be crippling to me would not be crippling to the gentleman from California (Mr. GUBSER), and what may be crippling to the gentleman from Illinois (Mr. ANDERSON), would not be crippling to me. What might be a crippling amendment to an operation in the home town of the gentleman from Connecticut, New Haven, might not be crippling to my community of Akron.

We have found that the Administrator, our former colleague—and I want to say in all fairness that this "old school tie" stuff can go only so far. In a letter to Mr. ANDERSON, he suggested that anything we do to change this legislation today is crippling yet he was for the same things 2 years ago. It is just that simple.

Where does that leave us? The Senate

has passed a bill providing a 2-year extension, but they added an amendment known as the Murphy amendment. I have received more comment and more questions from my colleagues regarding, What does the substitute do to the Murphy amendment? Well, not being an attorney, naturally we sought the counsel of those who are experts. We have great counsel on our committee. Mr. Radcliffe worked on the proposal. He conferred with the gentleman from Virginia (Mr. POFF), and you will see in the substitute a proposal that is satisfactory to what I term my lawyers, Mr. Radcliffe and the gentleman from Virginia (Mr. POFF).

Mr. GIAIMO, who is a great lawyer in his own right, reviewed it. He was in accord with what we were doing.

In the final analysis we must face up to the fact that no poverty bill has ever been written on this floor—and that is where most of them have been written—that was ever enacted into law in its entirety. I sat for hours and hours when Sargent Shriver was Director in conference fighting, fussing, fuming, trying to get a bill out of conference. And when we came back to this House, the votes were not always very big. In fact, the last time a bill was considered in this House—you might refresh your memories—a motion to recommit offered by myself reducing the funds back to what the chairman of the Appropriations Committee had said he would accept, $1,600,000,000, passed this House 221 to 190. I think that was about what the sentiment was today on the substitute.

I would not try to think for the chairman of our committee, but I feel there was a possibility in his mind that perhaps a similar vote might have occurred.

We must have a vehicle to go to conference with, if the poverty program is going to continue. We also need a vehicle that will deal effectively, in my judgment, with the Murphy amendment.

Considering the present Ambassador to France, I do not believe the present Administrator ought to be too worried. That is a good stepping stone for other jobs. Mr. Shriver is over there in Paris now. It is a great tribute to him, doing a fine job there.

I do not believe we have to be too concerned about personalities in this. The one thing we must be concerned about is, what kind of a vehicle are we going to take to conference? That is what the Administrator should be concerned about.

I honestly feel that way. Dedicated as he was to this House when he was here, had he sat through those conferences he would see that it is their end wherein is what he wants in a program. That is where it rests, because the Murphy amendment is now in the Senate bill. If we want to hit the Murphy amendment head-on here, and go to conference without that being in context, that is up to someone other than myself.

I am not for the Murphy amendment. I spent hours with counsel trying to work out something that would be satisfactory.

I know there are those on the floor this afternoon who have grave doubts about the amendment, but still in principle want someone to have the authority to stop the harassment that is going on in the legal services program throughout this country.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from California.

Mr. GUBSER. I should like to say to the gentleman that because of my intense interest in this subject of legal services I have prepared several amendments, after intensive study, which I believe are not meat ax amendments. They do not violate the principle of legal services, a principle which I strongly favor. I believe that is one of the most important parts of the poverty program.

But these amendments would inject into the legal services program some element of control and give us further assurance that the intention of the Congress when it passed the legal services program will be complied with.

I believe we must admit that this is one of the most controversial aspects of the poverty program across the entire Nation. We hear repeated charges that legal assistance attorneys are soliciting cases, that they are using their positions to harass private citizens and organizations, that because they are tax subsidized they are filling innumerable appeals on the same point of law, that when general demurers are sustained in several instances they appeal because there is no cost to the person they are representing. We have heard allegations that the activities of the legal services program are conducted to complement union organizing activity. And in some cases it has even been said that the purpose is to foment revolution.

With all this attitude sweeping the entire country, we must admit that the time has come when we must place reasonable and legitimate curbs against the legal services program.

Mr. Speaker, I ask unanimous consent that I be allowed to insert in the RECORD the text of three amendments, and I will explain the first one and insert an explanation of the other two following my explanation of amendment No. 1.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendments are as follows:

AMENDMENT NO. 1 TO H.R. 12321 OFFERED BY MR. GUBSER

LIMITATION ON LEGAL SERVICES PROGRAM

SEC. 502. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

AMENDMENT NO. 2 TO H.R. 12321 OFFERED BY MR. GUBSER

Page 15, after line 20, insert the following:

"APPLICABILITY OF CANONS OF ETHICS IN LEGAL SERVICES PROGRAMS

"SEC. 502. (a) The second sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting '(A)' after 'assures' and by inserting before the period at the end thereof the following: ', and (B) that the Canons of Professional Ethics promulgated by the American Bar Association will be complied with'.

"(b) Section 222(a)(3) of such Act is further amended by adding at the end thereof the following: 'The Director of the Administrative Office of the United States Courts shall receive any complaints or allegiations which may be made concerning the conduct of programs under the second sentence of this paragraph. The Director of such Office shall make an annual summary of such complaints or allegations, which shall be objective in character and without evaluation or comment. Such summaries shall be available upon request to a committee of the Senate or House of Representatives, and shall, at least once each year, be submitted to the Senate and House of Representatives.'"

And renumber the sections which follow accordingly.

AMENDMENT NO 3 TO H.R. 12321 OFFERED BY MR. GUBSER

Page 15, after line 20, insert the following:

"LIMITATION ON CERTAIN ACTIVITIES RELATED TO LEGAL SERVICES PROGRAMS

"SEC. 502. The fourth sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting '(A)' after 'this part) shall be utilized' and by inserting before the period at the end thereof the following: ', or (B) for any activity not directly related to the provision of services referred to in the first sentence of this paragraph to or on behalf of specific clients, including activities designed to promote or discourage the activities of labor organizations'."

And renumber the sections which follow accordingly.

Mr. GUBSER. Briefly—and this will not take more than a minute—I should like to point out something in the basic law which is the subject matter of what I call my amendment No. 1. The basic law says, and I quote:

"A Legal Services" program to further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services.

I call the attention of the House to the fact that the word "legal" is missing from the last three phrases and that the previous use of the word "legal" in the first two phrases does not modify this situation because it is separated from the other phrases by a comma. Now, my amendment would insert the word "legal" into each of these phrases, because that is what we are supposed to be doing; namely, providing legal services. It is this very broad mandate of counseling, education, and other appropriate services which is giving the color of credibility to a distinct misuse of the legal services program and which is responsible for much of the complaint we are receiving today. My amendment would tighten this up and confine it to actual legal services even though they may be education on legal matters or other appropriate legal services. I think that amendment is well justified, and I sincerely hope that that can be worked into the substitute. If it is not, it is my intention to offer it when this is brought before the House as an amendment to the substitute. If it should fail, then I intend to offer it as an amendment to the bill.

Mr. Speaker, I insert at this point in the RECORD an explanation of my amendment No. 2 and amendment No. 3, which completes all three of them.

I thank the gentleman for yielding and

sincerely hope I can have the support of the House in these amendments.

AMENDMENT NO. 2

In addition to the present requirement that projects involving legal advice and representation be conducted "in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession" the amendment would spell out a further requirement *"that the Canons of Professional Ethics promulgated by the American Bar Association will be complied with"*.

In addition, this amendment would provide a mechanism whereby an aggrieved citizen who believes that legal services lawyers are violating the above mentioned Canons could register his complaint with the Administrative Office of the United States Courts. It further provides that the Director of such office shall make an annual summary of complaints or allegations without evaluation, comment, or investigation and make the summaries available to the Congress.

PURPOSE OF THE AMENDMENT

This would further spell out guidelines for proper conduct of attorneys rendering legal services and would clearly cover widespread present allegations that these attorneys are soliciting cases.

Secondly, it would give an aggrieved citizen a specific place to register his complaint which is outside the bureaucratic channel of the Office of Economic Opportunity. This should improve the ethics of legal services rendered because attorneys would know that complaints could be brought to the attention of someone outside the Office of Economic Opportunity.

There is precedent for such a function being performed by the Administrative Officer of the United States Courts. Under the Safe Streets Act, he is required to summarize allegations and complaints and convey his summary to the Congress.

AMENDMENT NO. 3

This would add another restriction on the expenditure of local service funds and prevent them from being used *for any activity not directly related to the provision of services referred to in the first sentence of this paragraph to or on behalf of specific clients, including activities designed to promote or discourage the activities of labor organizations.*

PURPOSE OF THE AMENDMENT

There are widespread complaints that legal services are being used to promote causes which are not related to representation of specific clients. This amendment would clarify the law in this respect. It is important to note, however, that this restriction is not intended to prevent so-called "class actions" as long as they are brought by or on behalf of a specific client or group of clients.

Mr. AYRES. Mr. Speaker, I will say to the gentleman that the very thing he has brought up here is one of the reasons why it was so difficult to get the bill even in mimeograph form earlier, because this is one of the most controversial points that we had to consider, in view of the fact that it had not been considered in the House or in the committee. Having seen the gentleman's amendments and having had our counsel and the gentleman from Virginia (Mr. POFF), look them over, I think in principle they can be worked into the substitute.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman.

Mr. ANDERSON of Illinois. The gentleman in the well has referred several times to a letter this afternoon that I received from the Director of the Office of Economic Opportunity. I am sure that letter came to me, I want to indicate, in my capacity as chairman, because the Director realized that we were meeting this morning at 10 o'clock to have a discussion of this legislation. He certainly did not intend to bypass the gentleman from Ohio or the gentleman from Minnesota or any other members of that committee, whom he holds in great regard and has great affection for.

Let me say that some of the frustration he envisioned in that letter I shared in that we did not have the precise language. We had a summary, I believe, yesterday in a policy committee meeting, but we did not have the precise language. I am informed that the Director had it, but I believe he was not certain at the time he wrote this letter that he had the precise language which was agreed upon for the substitute. I would hope in the time that now ensues between today and the time that the House again considers this bill, as I hope we will, that all of us in a spirit of good humor and compromise can look very carefully at the various provisions. As I listened to the very excellent address by the gentlewoman from Oregon (Mrs. GREEN), frankly there are many things there that would be unacceptable to the Director, although I am not in a position to quote him. The pilot program for the aged, which she suggested, these grants to the families of the military who may be in need and some of those things, as well as a better evaluation I am sure we can all agree on. The one great fear has been, I am sure, that under the third stage as recommended in the substitute that you would turn over these programs so completely to the States. Let us be frank about it. There are some States in the country where the programs are operated primarily for certain minority groups and, as a result, there might be a tendency on the part of some Governors to try to exercise a Murphy-like veto, if I can use that expression, not only over the legal services program but over the entire community action program.

And, that is what we are trying to avoid. I am sure that the gentleman in the well has no intention of advocating anything that would have that destructive effect on that program. And yet they have used their legitimate fears that we will entertain any additional changes and I am sure that the gentleman from Ohio and the gentlewoman from Oregon are most sincere and concerned about the poor and have shown their interest in these problems. But I think it has been very unfortunate that the normal process of considering these matters was not afforded and again, I do not want to speak critically against those who felt that the better part of wisdom was to follow this procedure, but it has been made difficult to get the kind of a meeting of the minds I would like to see on this problem so that we can get an extension of this program and continue our efforts to do something toward meeting the problems of this country.

Mr. AYRES. I appreciate the gentleman's observation.

Of course, meetings were held and attempts were made to work out amendments that would be acceptable. But it was impossible to get enough give to satisfy the commitments and the statements that had been made by a good 90 percent of the Members on our side and a large number on the other side. Of course, one of the things we are trying to help the Administrator do is to clean house. One of the reasons why the gentleman from Minnesota was so reluctant to even suggest what ideas he had was because of the manner of operation within the OEO.

Mr. Speaker, I would like to put in the RECORD an article written by Rowland Evans and Robert Novak entitled "Circulation of Unofficial OEO Book Adds to Rumsfeld's Reform Problem." He does have a reform problem and unless he gets our substitute he is going to continue to have it.

CIRCULATION OF UNOFFICIAL OEO BOOK ADDS TO RUMSFELD'S REFORM PROBLEM

(By Rowland Evans and Robert Novak)

Without the knowledge and against the wishes of their Nixon-appointed superiors, poverty program bureaucrats have drafted and distributed a manual listing demonstrations, economic boycotts and, ultimately, violence as legitimate weapons of the poor.

The manual, which despite lack of official sanction is now circulating through the network of local community action groups, merely puts in writing what is reality in the field. Regional officials of the Office of Economic Opportunity have been prodding local community action leaders—many of them public-spirited, middle-class professional men—to stir up the poor in revolt against the establishment. The fact that this violates the clear orders of Donald Rumsfeld, OEO's new director, has proved no inhibition.

Thus, the 37-year-old Rumsfeld, who surrendered a safe congressional seat from Illinois to run the government's most battle scarred program, has collided with a permanent political fact of life: The difficulty of a presidential appointee to enforce his wishes on an entrenched bureaucracy. What makes OEO different is that many of its bureaucrats feel their function is less to generate jobs for the poor than to promote social revolution.

This revolutionary bent, more than any other cause, is what has contributed to the poverty program's loss of public support since 1964. In his effort to clear the bomb-throwers out of OEO policymaking posts, Rumsfeld has been stymied by Civil Service regulations and unbreakable written contracts with non government consultants.

The provocative manual is a direct result of Rumsfeld's inability to completely clean house. Completed this summer by a mixed group of OEO employees and contract consultants, a draft copy of "A Trainer's Manual for Community Action Agency Boards" last month was mailed around the country to several local community action groups for comment. Although this draft was widely reproduced and distributed in poverty program channels, Rumsfeld had not even heard about it until we informed him.

What he has now seen runs almost directly contrary to his stated policy of opposition to high-pressure tactics by the poor. Says the manual: "The power strategies that community organization (sic) may apply to make their presence known and felt are: (1) vote power; (2) numbers power; (3) dollar power; and (4) threat power."

In discussing "vote power," the manual suggests community programs review "the positions of elected officials" in guiding the vote of the poor—directly conflicting with OEO's congressional mandate.

The manual's analysis of "dollar power"

carries a hint of even stronger pressure: "It (dollar power) can be significant in the very ability to withdraw dollars; therefore, boycotts and strikes can both act as dollar leverages for the application of power by a community organization."

Where the manual has lifted most eyebrows, however, is its declaration that "the ultimate threat power is the riot"—a clear threat of blackmail. While asserting that rioting is illegal, the manual adds that community action board members should "recognize the threat power of rioting as a very real power and possibility."

The manual dovetails with repeated urgings by OEO regional officials that community action leaders mobilize the poor in direct action—an activity which has spawned complaints both to Rumsfeld and congressional offices.

One Midwestern congressman sympathetic to the poverty program last week received a complaint from a community action chairman in his district that a regional OEO official in Chicago "has been subtly prodding us into organizing the poor to conduct marches, picketing, boycotts, and demonstrations." Simultaneously, a Negro community action leader from Arkansas got word to his congresman that two white OEO officials from Texas had recommended getting poor Negroes into the streets as demonstrators.

Such reports do not help the OEO renewal bill now languishing in the House Labor Committee. They add fuel to demands by Rep. Edith Green of Oregon that state governments be granted greater control over antipoverty efforts, a move that would eviscerate the poverty program in the opinion of both Rumsfeld and its congressional backers.

Can you imagine, Mr. Speaker, being the director of an organization and having people within your employment, presumably loyal to and working for the program circulating a book here which is almost 1½ inches thick entitled "Board Trainers Manual"? This was to go to all of the regional administrators.

I will just take one paragraph which really scares one. What was going out under the Administrator's name unbeknown to him, otherwise I know he would never have authorized this:

Threat Power. The ultimate threat power is the riot. This is clearly against the public law, the national standards of conduct and the rules of OEO; and it is most destructive to the citizens most in need. But it is important that Board members recognize the threat power of rioting as a very real power and possibility. The Board's ability to act effectively and meaningfully in behalf of the poverty constituency will, to a very real extent, determine whether or not their constituency applies threat power (a decision over which the Board has little or no control). Certain Board members because of their own sentiments, may try to negate the application of vote, numbers or dollar power, but to do so makes more possible the community application of riot power.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I would like to make one correction that I made in the Committee on Rules. I happen to know the person who worked on this report, and in talking with him my administrative assistant advised me that he tried to get that chapter, that chapter was not in the work that he had done. He disagreed with it. He tried to get it out of that manual. And I am advised that this manual was redone in the OEO office, with employees in the OEO, and not by the individual who had the original delegation of authority to put one together for a training manual, which is, I think, interesting and frankly something for Mr. Rumsfeld to look into.

I might say at the same time that I think Mr. Rumsfeld has a terrible job down there to try to straighten out all of the things that are wrong. And I suspect that a lot of the people who have made mistakes in the past are the same ones who are continuing, and continuing to make the same kind of mistakes. And if this manual indeed represents the views of the people in the OEO office, then I think there ought to be real concern about what is happening.

Mr. AYRES. I agree with the gentlewoman from Oregon. Of course, the manner in which this came out made it very difficult to determine just what had transpired because the date on it is the latter part of August.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I would like to commend the gentleman from Ohio and the gentlewoman from Oregon on what they have been trying to do for many years; that is, to have something effective in the field of poverty under the jurisdiction of the OEO by restructuring the program into an effective vehicle for helping the poor, a purpose which I would suggest it has not done thus far.

Mr. Speaker, I believe that the committee has come into this Chamber with poor grace today by asking for withdrawal of the legislation on the basis that they have not seen the substitute or the amendments.

I would remind the committee that they themselves have brought substitutes and amendments here in this Chamber in the past, in other fields and in other areas of legislation where there was very little notice.

I would also remind the committee that many of us—and I am not a member of the committee, although I did serve on it for 4 years—have been interested in this legislation for many years. We are aware of the fact that the committee—at least a majority of members—has been in no hurry all year long to bring the legislation to the floor. They have preferred, rather, to go the route of operating under a continuing resolution which, as we all know, will terminate with the sine die adjournment. At this late date, 3 weeks from Christmas Eve, there is not sufficient time to get this legislation enacted in this Chamber and then, as the gentleman from Ohio has said, to give us a vehicle with which to go to conference.

I think the committee is shortsighted in thinking that they can bring before this Chamber legislation dealing with OEO without any suggestions of changes or remedies, and, in fact, to ask that we adopt the suggestions of the committee that we merely extend this act for 2 years.

This, in effect, would be to give the OEO a vote of confidence. Certainly it is beyond me how anyone can ask the Members of this body or the American people to give the OEO a vote of confidence, for they do not deserve one. Surely the authorizing legislation must be scrutinized, must be changed, and must be restructured. The House must work its will.

Mr. Speaker, again I want to commend the gentleman for the substitute which he has, and in which others have joined with him. I think they are rendering a constructive service today.

Mr. AYRES. Mr. Speaker, I certainly thank the gentleman for his observations.

Mr. Speaker, at this point I ask unanimous consent to insert in the RECORD the substitute bill, bipartisan bill on behalf of the gentlewoman from Oregon (Mrs. GREEN), the gentleman from Minnesota (Mr. QUIE), and the gentleman from Connecticut (Mr. GIAIMO), and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. Will the gentleman from Ohio yield to the gentleman from Illinois?

Mr. PUCINSKI. Mr. Speaker, I am reserving the right to object. The gentleman has asked for a unanimous-consent request.

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. AYRES. I yield because the gentleman from Illinois is asking to reserve the right to object.

Mr. PUCINSKI. I reserve the right to object. The gentleman asked for a unanimous-consent request, and I reserve my objections.

The SPEAKER pro tempore. Does the gentleman from Illinois object to the unanimous-consent request?

Mr. PUCINSKI. Mr. Speaker, I have reserved the right to object so I can ask the gentleman a question. Is it the gentleman's intention to yield some time for some questions on this bill after unanimous consent is granted?

Mr. AYRES. I will say to my good friend, the gentleman from Illinois, on the actual discussion of the bill you have plenty of time and the gentleman from Minnesota I am certain would be very glad to yield for that purpose.

Mr. PUCINSKI. Mr. Speaker, I merely want to ask the gentleman in the well whether it is his intention to yield for some questions from the gentleman in the well after the unanimous consent is granted.

Mr. AYRES. I had promised the gentleman from Iowa the balance of my time, but I feel confident, and if the gentleman from Minnesota would care to comment, I am certain he will have that opportunity.

Mr. PUCINSKI. Mr. Speaker, further reserving the right to object, it occurs to me, Mr. Speaker, that the purpose of this discussion today, and I welcome this discussion, was to try to clarify this very complicated bill that the gentleman has

introduced with his colleagues. Now for the first time, I have seen this legislation. It is 16 pages long and very complex. While I do not want to object, obviously I believe this document should be in the RECORD and we should have an opportunity to study it and all interested parties should have an opportunity to study it. It would be my hope that the gentleman from Ohio would submit to some questions from this side on the intent and purpose of this bill.

I assure the gentleman it is not my intention to object to his unanimous-consent request, but I am trying in this manner to convey to him that I would like to ask him some questions about his bill.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. QUIE. I have a special order after the gentleman from Ohio and if the gentleman from Iowa should use up the remainder of the gentleman from Ohio's time, I will assure the gentleman from Illinois that I will yield to him so he can ask me or the gentleman from Ohio or the gentleman from Connecticut or the gentlewoman from Oregon any questions he wants to ask.

Mr. PUCINSKI. With all due respect to the gentleman whom I hold in the highest respect, the gentleman in the well now, Mr. AYRES of Ohio, is the ranking minority member on our committee, and I presume he speaks with a certain degree of authority not only in his own behalf, but certainly for the administration.

So with all due respect to him and all the other speakers, I am merely requesting that the gentleman yield to this side for some questions because I would like to have an authoritative voice, the ranking minority member, answer some of these questions.

Mr. AYRES. I will say to the gentleman that I will be here the rest of the afternoon.

Mr. PUCINSKI. Will the gentleman yield now after I withdraw my reservation of objection?

Mr. AYRES. I will say to the gentleman, if the gentleman does not want it in the RECORD, then he can object.

Mr. PUCINSKI. Well, I do want it in the RECORD.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. AYRES)?

There was no objection.

The matter referred to is as follows:

H.R. ———

A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to provide an effective mechanism for the affirmative participation of State and local government in such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Act Amendments of 1969."

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969." Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTI-POVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of anti-poverty programs within each State, but only if and to the extent a State exercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligible programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251(a). The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII;

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobilize and develop available resources at the State level needed to assist anti-poverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that:

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity to review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) Each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office) for funding under this title unless the Director shall have made a finding that disapproval of such application would seriously weaken the overall program plan of a local community action agency.

"(2) The Director shall not delegate the responsibility for making the finding required in paragraph (1), and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252(a). Any State which desires to participate in the development and carrying out of a State developmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinafter referred to as the 'State Council'), appointed by the Governor, which shall be broadly representative of the economic,

educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and labor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) Federally-assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall identify the fundamental causes of poverty and dependence in the State and prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for the elimination of such causes, which plan (1) is prepared in consultation with the State Office, (2) extends over a period of not less than five years, (3) describes present and projected needs of impoverished people in the State in terms of available resources to meet those needs (whether or not assisted under this Act), and (4) sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"Sec. 253(a). Any State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluations of programs, services, and activities assisted under this title;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to section 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under this title and under title VIII submitted by local community action agencies and other qualified applicants, and for the evaluation, review, and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of State-administered programs affecting the poor and to achieve at the local level a more effective coordination and concentration of public and private services for disadvantaged individuals and families (including services provided under other Federally-assisted programs such as Model Cities, manpower training and development, services for migrant agricultural workers, welfare services, educational assistance for disadvantaged children or adults, health and medical services and benefits, economic development in depressed areas, and agricultural extension services;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing by the State Office;

"(8) provides assurances that Federal funds made available under this part will be so used to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of Federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably require to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall approve a State developmental and coordination program submitted pursuant to subsection (a) when he finds that it complies with the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such programs will be carried out, and the Director shall not finally disapprove any program submitted under subsection (a), or any modification thereof, without first affording the State Office reasonable notice and opportunity for a hearing.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State Offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such State for such year under section 225 (a) and (b); *Provided, however,* That in the first year of operation of an approved State program the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed five per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) The term "State administration" in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State Office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision, the Director shall notify such State Office that no further payments will be made to the State under this title (or, in his discretion, further payments to the State will be limited to activities under or portions of the State program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall make no further payments to such State under this title (or shall limit payments to activities under or portions of the State program not affected by such failure).

"(2) A State Office which is dissatisfied with a final action of the Director under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive,

but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified finding of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community."; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAW SUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, the court or other board or agency which has jurisdiction of the matter may allow the defendant the costs of the proceedings, including a reasonable attorney's fee, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program) the same as a private person."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 303. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 304. Section 232 of such Act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects, either directly or through grants or other arrangements, under which funds available under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

AUTHORIZATION OF STATE AUDIT

SEC. 305. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of each community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act is amended by striking out "and for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this Act (other than part C of title I) shall be deemed to be a State or local agency.", and insert in lieu thereof:

"And for purposes of clauses (1), (2), and (3) of section 1502(a) of such title a full-time volunteer under title VIII of this Act or any person who, directly or indirectly, receives from funds appropriated under the authority of this Act an amount which exceeds one-quarter of the total amount such person regularly receives in salary payments (or in consultant fees) shall be deemed to be a State or local officer or employee."

ANTI-RIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"SEC. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a)" after "SEC. 621." and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of Part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall consult with the Comptroller General before entering into any contract or arrangement with nongovernmental organizations or individuals for the evaluation of programs or projects administered by him under this Act. Where, in the opinion of the Director, evaluation of such programs by persons who are not officers or employees of the Office of Economic Oportunity is desirable, he shall first obtain the recommendations of the Comptroller General with respect to such matters as the scope and methodology of the evaluation and individuals or organizations competent to conduct the evaluation.

"(b) The Comptroller General shall establish and maintain within the General Accounting Office a separate division whose functions shall be to conduct evaluations of programs carried out under this Act. Upon request by the Director, by a committee of the Congress, or to the extent personnel are available, by Members of Congress, the Comptroller General shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal agencies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity of contracting with private firms and organizations for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in achieving the objectives of this Act.

"(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the

United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantial financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment) with funds appropriated under the authority of this Act in a position (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personnel actions affecting such position, or (3) while he or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train and assign persons to serve in full-time volunteer programs. Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 443. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under sec. 222 (a) 3 of this Act, and shall have been admitted to practice before the courts of the State in which such services are to be performed."

Mr. AYRES. Mr. Speaker, I yield to the gentleman from Iowa (Mr. SCHERLE), a member of the Committee on Education and Labor who has been very active on the poverty program. It was through the gentleman from Iowa that we were able to get a hearing finally after the bill had been reported out of the committee. That is one of the difficulties we have experienced in the whole operation of this program. We had our hearings after the horse has been stolen, and that is when we come back and lock the barn door. Then we are told by the chairman, "Why, I will be glad to have hearings in any part of the country you want to have them in." The gentleman from Iowa (Mr. SCHERLE) was forceful enough to have the Governor, who is well informed on this program, and the gentleman from Iowa has asked me if I would yield to him to explain some of the things that came out of that hearing.

Mr. Speaker, I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I thank the Republican leader of the Education and Labor Committee for this opportunity to speak. I would also like to offer my extreme gratitude for the tremendous job done by the extremely knowledgeable gentlewoman from Oregon (Mrs. GREEN). She has contributed a great deal toward this substitute.

The gentleman from Ohio (Mr. AYRES), the gentleman from Minnesota (Mr. QUIE), the gentlewoman from Oregon (Mrs. GREEN), and others from both sides of the aisle have made a great contribution as far as the poor people and the taxpayers of this country are concerned. It is difficult for me to comprehend some of the attacks that usually come when someone tries to modify or offer a constructive mechanism as far as the OEO program is concerned.

With your kind indulgence I would like to read the last paragraph of the Columbus Citizen Journal of Columbus, Ohio:

Of course, every time anyone challenges the OEO, its rabid backers accuse him of picking on the "poor." But a bureaucracy which fritters away much of the money on administrative cost can't be much of a help to the poor. We hope Congress and the Nixon Administration will straighten out this agency, or find a better way of doing something genuinely useful for the people who truly need help.

CONSTRUCTIVE LEGISLATION NEEDED FOR OEO

The House of Representatives will soon debate the proposed war on poverty bill, which would continue the present program without substantial changes for 2 years. The Senate has previously approved a 2-year extension with only one major modification, entitled the Murphy amendment.

The Murphy amendment would grant to Governors the right to pass final judgment on individual OEO-funded legal aid projects within their respective States. The reasoning behind this amendment is that the Governors, as chief executives of their States, should have the final authority to judge whether a program is in the best interest of all the citizens residing within their State, rather than the nonelective bureaucrats in Washington. Although the House Education and Labor Committee did not include this provision in its proposed bill, I intend to offer the amendment on the House floor.

The proposed House bill also differs from the Senate legislation on the spending limitations of the poverty program. The Senate has authorized $2.05 billion and $2.15 billion respectively for the next 2 years. This is about $400 million more than the present spending level. The House committee has recommended $2.34 billion for the first year and such sums as necessary for the second year.

This blank check funding provision is an abdication of congressional responsibility. It is one of the reasons that 12 of us, who are members of the House Education and Labor Committee, voted against reporting out of committee these recommendations.

The primary reason however, why the House should not be now considering the OEO bill is that a thorough investigation of the poverty program has not been made. Since the inception of this program in 1965, only one sitting Governor has testified before the Education and Labor Committee, and that was only because of my insistence and after the committee voted out the bill. Yet the role of the States' chief executives will be a major consideration during discussion of the bill on the House floor.

The distinguished Congresswoman, Mrs. GREEN of Oregon, a member of the committee, spoke for many of us when she said:

I cannot think of one single allegation that has been made against the OEO program where there has been a desire on the part of the majority Members to really investigate and find out. That is why this war on poverty is in such trouble.

There exists evidence that the present poverty program administrators do not have the ability to properly manage the program. Testimony from Kentucky Gov. Louie Nunn showed that up to 80 percent of OEO funds earmarked for the emergency food and medical program in Kentucky did not go directly for the purchase of food and medicine. This high delivery cost is in sharp contrast to the administrative cost of the Kentucky public assistance program, which is a little over 7 percent.

The practice of self-evaluation by OEO is equally repugnant. The University of Kentucky was given $400,000 to study the $10.5 million Knox County, Ky., war on poverty. According to the testimony before the Education and Labor Committee, "most of this money was wasted." This is not an isolated case. Such wasteful spending is rampant all over the country.

However, I am not raising questions relating only to problems of administration, auditing or program evaluation. There are some fundamental mistakes involved in the design of the antipoverty program. For example, while OEO's own statistics show that a decided preponderance of poor people in America live in rural areas, a heavy preponderance of funding in this program is channeled into urban areas.

Complaints from around the country dictate a real need for a thorough investigation of the OEO. To continue this program at a multibillion-dollar level without major constructive changes would be a hoax—the greatest ever perpetrated against both the taxpayers and the poor of America.

If I had the time this afternoon I could bring to this House Chamber one

entire file drawer full of clippings documenting abuses that have existed throughout the Nation at the expense of the poor people since its inception in 1964. The problem with this program is simply that it tried to run before it could even crawl. At the present time, however, it is running away with the taxpayers' dollars, and the poor, unfortunate people of this country still stand with their hands extended outward, and nothing in them. The most criminal thing we could do as Members of the Congress is to promise things to the poor people, the unfortunate, and the disadvantaged and then not deliver. When 75 percent of all the money that is appropriated for community action programs is used for administrative costs, there is something wrong.

With the substitute I think we could have the type of program that will no longer be intolerable. It will begin to be the type of program which will benefit the poor of this country and not the bureaucrats.

I have been interested in various phases of all the different projects that the OEO consists of today and, believe me, they are numerous. The abuses connected with many of them are 100-fold. Let me give you one prime example of what I am talking about so you will know why we object to some of these programs.

There is a particular county in Kentucky that has 42,000 people. They have a community health project. In this one county they have eight clinics. The appropriation for that county is $1,104,000. There is a $90,000 appropriation in that county for a county health program. The doctor who runs this program draws $18,000 a year as an employee of the county. He also draws, if he were to work full time, approximately $1,600 a month administering this program. But, sadly enough, he spends only about 1 hour a day, perhaps 2 hours, maybe not even that. Almost $750,000 of the $1,104,000 is spent for administrative costs. That is totally reprehensible. It is unimaginable that this amount of money could be spent for administrative costs.

If you were to go through the OEO program coast-to-coast, State-to-State, you would find the same thing. The money has not gone down to the poor people; it has been put into the hands of the administrators, the bureaucrats. We have a new name for them now. We call them the "poverty cats," because this is where the money has gone—to the professional poor and not to the real poor of the Nation. These "cats" lick the cream off the Federal dole.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think I would agree with the gentleman and the previous speaker. I do not think anyone—at least not I—has ever tried either to conceal or to deny the shortcomings of the program.

On the contrary, I have tried to call attention to the shortcomings.

How does the gentleman, a member of our committee, a member of the Republican Party, justify the action being proposed here today, considering the statement made by Mr. Rumsfeld, the newly appointed Director, who came before our committee and said, "Look. I know there are gross mismanagements in this program, and I am asking you, as members of this committee on both sides, to give me a chance to clean this mess up and then to come before you with an intelligent program which the administration will have an opportunity to think through and present to the Congress."

The bill that we now have before us, whether it is the committee bill which was reported out or whether it is the substitute, would terminate on July 1, 1971, if it were enacted now. This means that we as a committee must begin a new set of hearings regardless of what we do here in the next 2 weeks. Our committee will have to start hearings early in the spring for a continuation of or a revision of or a substitute for or a repeal of the poverty program.

So Mr. Rumsfeld came to us on behalf of the administration and said, "Look, rather than trying to give you some major changes at this time, for which we are not ready, why not go ahead and renew this thing. I am going to have a whole new set of regulations."

Mr. AYRES. Mr. Speaker, I refuse to yield further.

Mr. PUCINSKI. Would the gentleman answer the question? He has no faith in Mr. Rumsfeld, I take it?

The SPEAKER pro tempore. The gentleman from Ohio has declined to yield further.

Mr. AYRES. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, first let me say that the Director, Donald Rumsfeld, for whom we all have a great deal of respect, decided when the time came that this program should continue on a 2-year basis with no change.

The vast majority of Members of this body, as it was shown here today, do not want this program to run for another 2 years without some constructive changes.

I am sure that Mr. Rumsfeld, when he has the opportunity to study the substitute, cannot help but agree that these are all constructive changes, every single one of them.

WHO IS IN CHARGE HERE?

OEO Director Donald Rumsfeld has missed another opportunity to begin asserting his authority over that badly mismanaged agency. A highly controversial "Trainer's Manual for Community Action Agency Boards" was distributed last August to numerous local level administrators by lower echelon bureaucrats without Mr. Rumsfeld's consent, or even his knowledge. When the story was broken by two investigative reporters, the OEO Director was forced to admit that not only did he not have a copy of the manual, he had never even heard of it.

What makes the manual subject to severe criticism is its inclusion of rioting at "the ultimate threat power" for gaining any wanted community action.

Mr. Rumsfeld could have performed a distinct service to the American people and to the image of his agency by a prompt recall of all copies and a public disavowal of the manual for any purpose whatsoever. Instead, he has chosen, for the second time in recent weeks, to retreat from the issue and abdicate his authority to those farther down the chain of command. Just last month, a hundred United Planning Organization protestors invaded the OEO's main Washington offices demanding restoration of proposed budget cuts. Mr. Rumsfeld locked himself in his office and sent word through an aide that he did not want to talk with the demonstrators. Poverty agency underlings were left to placate the protestors the best they could with no guidance from the office of the Director.

Hiding fearfully behind—figuratively or literally—locked doors, taking no forthright action, does not lend much support to claims of new strength in the leadership at OEO. It does, however, increase the contention of congressional OEO critics that the only way to weed out the misguided activists left over from the previous administration is to abolish the agency completely.

Hopefully, the administration will be able to provide Mr. Rumsfeld with the backbone he needs to be able to control the programs and policies of the agency over which he is nominally the Director.

The gentleman talked about hearings a moment ago. I did everything within my power to have the very hearings he is talking about, because we were promised amendments so far as this bill is concerned. The only type of hearing we had was with one sitting governor, since this program was initiated in 1964, and that is Gov. Louie Nunn of Kentucky. He is the only one who testified, the only one who ever had an opportunity to testify. Governor Nunn was called only because of my insistence and only after the bill was hurriedly voted out of committee. An article from the Daily News follows:

CORRUPTION CHARGED: KENTUCKY ANTI-POVERTY WORK HIT

(By Arlo Wagner, Scripps-Howard Staff Writer)

Kentucky Gov. Louie B. Nunn testified yesterday that the nation's anti-poverty program is riddled by illegal political activity, dictatorial administrators and wasteful spending on the "professional poor."

Even so, after six months, the House Education and Labor Committee authorized $2.3 billion for anti-poverty programs, $300 million more than President Nixon wanted.

"If we ever had pork barrel legislation, this is it . . . members of congress have become mainliners," the Republican Governor told the committee, chairmanned by a Democratic congressman from his state, Carl Perkins, a Democrat.

Gov. Nunn's testimony, which he said was substantiated by a briefcase full of affidavits, came too late to affect the bill which would continue the Office of Economic Opportunity two more years.

Any amendments will have to be added on the floor by the full house membership.

During his four-hour appearance, Gov. Nunn referred to charts and affidavits to charge that:

OEO influence is used to win votes.

Quoting Everett Tharp, of Hazard, Ky., a local member of the community action commission: "The primary purpose is just to get a few jobs for friends and constituents who can help them politically."

Quoting Stanley Swafford, Clay County:

"He told everyone if they'd vote for the right man, everyone would have a job and the right man at that time was Mr. Hubert Humphrey."

OEO administrators from outside Kentucky manage and coerce local members of community action programs to do as they are told.

Threats are made.

"I know they called my office and said if I showed up down there (Bullard County), I'd be killed," Gov. Nunn said and "Gov. (Edgar) Whitcomb (of Indiana) . . . said he'd received threats to his life."

Gov. Nunn said one witness made charges, went home and "a gun, a pistol, was brandished in his face, and he was told that something would happen if he said anything more."

OEO funds are misused and distributed unequitably.

Gov. Nunn said 80 per cent of the OEO funds in Kentucky are spent on salaries and administering the anti-poverty programs. In comparison, Kentucky spends 7.2 per cent of its welfare funds on administration, he said.

In Knox County, for instance, $416,024 in OEO funds were designated for food and emergency care programs, Gov. Nunn said, but only $36.271 was spent on those items.

Rep. Perkins' district, including 240,000 poor people, receives a disproportionate share, said the Governor. More than $70 million was spent by OEO there in the first three years, he said.

The plan was that this bill should run for 2 years with the slight changes made in the Committee on Education and Labor, and that is what we were supposed to buy. This Congress, the people of this country, and the poor in particular do not want this type of program for another 2 years. They want the help which the substitute will give them.

The people who drew up that substitute have done a masterful job. For the first time, in my humble opinion, the poor of this Nation will have a chance to be helped.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. AYRES. I refuse to yield to the gentleman.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Ohio yield for a parliamentary inquiry?

Mr. AYRES. I cannot refuse a parliamentary inquiry, but I ask the gentleman to please confine his request.

Mr. PUCINSKI. Mr. Speaker, what is the required number of Members on the floor to constitute a quorum?

The SPEAKER pro tempore. The gentleman knows the required number of Members to constitute a quorum of the House.

Mr. PUCINSKI. I thank the Chair.

Mr. AYRES. Mr. Speaker, I yield further to the gentleman from Iowa.

Mr. SCHERLE. For the benefit of my colleagues I will insert at this point some articles on OEO from my weekly newsletter:

POVERTY SCANDAL IN NEW YORK

Multiple investigations of New York City's $122 million a year antipoverty program are disclosing chronic corruption and administrative chaos that have already cheated the taxpayers of millions of dollars.

"It's so bad that it will take 10 years to find out what's really been going on inside the Human Resources Administration," said an assistant district attorney who has spent the last four years studying the superagency.

An exhaustive study by the *New York Times* has found numerous examples of embezzlement, theft, and the disappearance of Social Security payments withheld from thousands of Neighborhood Youth Corps paychecks, but never forwarded to the federal government.

The Times editorially stated that ". . . the problems of New York are in many ways those of the Nation, not only because internal corruption is now being investigated in the antipoverty programs of other cities, including Los Angeles and Detroit, but because that corruption could influence the attitude of the new Nixon Administration toward all programs. . . ."

All of this highlights the point which I have been making for some time. The antipoverty programs have not aided the poor but have been centers of corruption. Real programs to assist in a genuine effort to improve living conditions can only be entered into when the current structure is completely revamped.

To this end, it is hoped that the new Administration will carefully consider transferring the viable programs now being conducted by the Office of Economic Opportunity to existing agencies. Only when the poverty bureaucracy is dismantled can we begin to think about real ways to cope with the Nation's problems.

OEO CONSULTANTS?

A carry-over from the Johnson Administration was recently uncovered whereby poor people were hired as consultants to the Office of Economic Opportunity at $35 a day, plus expenses. Many hard-working non-poor do not get paid that well. The program called for these "instant experts" to serve on OEO's Rural Impact Project in six States. One OEO official said that it is logical to use the poor as consultants "because they are experts on the subject." It seems strange that these "poverty consultants," if they are such experts, have not solved their own poverty problem before now! The new OEO Director, Donald Rumsfeld, terminated this outrageous waste immediately.

FEDERAL MEDDLING IN PHILOSOPHICAL AND ETHICAL STANDARDS

The scandal-ridden New York City antipoverty agency, through its Neighborhood Youth Corps, is reported to be starting three hours a week on-the-job counseling on black and Puerto Rican studies, slum consumer power, and sex education. The federally financed unit intends to pay teenagers $1.50 an hour to attend session which will be held during their regular 30-hour work week over an 8-week period. The reported purpose of the sessions is for "the kid to see how society works and to turn on kids who have been turned off by education."

The study plan on sex education is reported to say: "We would encourage the teenager to realize that he is growing up in a contraceptive culture—a new phenomenon in sex education." Discussion of prostitution and sexual degeneracy is to be included.

The black history lessons will include material from such radicals as Eldridge Cleaver, Stokely Carmichael, and Malcolm X. No mention is made of the historical role assumed by such Americans of Negro descent as George Washington Carver and Booker T. Washington.

In addition, the counseling session is to include some discussion bordering on promotion of hatred on racial grounds.

This type of fuzzy thinking by the antipoverty bureaucrats is another reason why a full scale investigation of the Poverty Program is necessary before additional funds are appropriated by Congress. I have asked the Department of Labor for a full report on this latest venture by the Poverty warriors into the field of social revolution. The purpose of the war on poverty is to raise the earning capacities of the underprivileged. The U.S. taxpayer is getting sick and tired of pouring millions into mischief-making programs.

BLACK STUDIES RE-EXAMINED

The Department of Labor has ordered upon my request, through its Manpower Department, that the New York City Neighborhood Youth Corps eliminate "racist" and partisan political material from its black and Puerto Rican studies program. The material is contained in "enrichment packages" used to instruct some 35,000 youths in a federally financed job preparation course being held this summer.

Included in the study guide, which I was able to obtain, were statements and suggested readings by Herbert Aptheker, an avid American Communist theoretician, the late Malcolm X, Elijah Muhammed; Black Panther films, including one showing the fugitive Panther leader Eldridge Cleaver advocating Marxist revolution, and the film, "No Vietnamese Ever Called Me a Nigger."

The black studies package also included a suggestion that selected youngsters and staff be sent to a Negro-only five day seminar in Atlanta, Georgia. The Labor Department has squelched *that* proposal.

Other features of the program included primers on how to conduct demonstrations and community protests on welfare rights, control of schools and the war in Vietnam. It suggested black holidays, honoring such militants as H. Rap Brown, who is under indictment for inciting to riot.

The Department of Labor admitted "Major portions of this curriculum were found to be narrow in perspective, limited in scope and questionable in nature. The curriculum should be revised by broadening the spectrum of opinion, approach and heroes." I had questioned why no reference was made to the important historical roles of such American Negroes as George Washington Carver and Booker T. Washington.

The Labor Department has also agreed to the need to eliminate "statements or quotations which clearly reflect partisan political positions."

These are prudent decisions on the part of the Labor Department. The function of the Neighborhood Youth Corps is to teach underprivileged youngsters how to obtain and hold a job, and to further their education. Nowhere in the concept of this program or the intent of Congress is there anything about conducting training sessions designed to spread racism and extremism.

FISHING SCHOOL FLOUNDERS

With the average American steeped in a battle against skyrocketing inflation and burdensome taxes, the results of profligate spending, many Americans wonder how goes the War on Poverty. As might be expected, the OEO boondoggles continue to come to light.

Some $20,000 in federal funds were used to finance a fishing school on the British island of Bimini, a frequent watering spot for Harlem Congressman Adam Clayton Powell. The Caribbean program was staffed by two British fishermen receiving $100 and $75 per week, and one American student.

In New Jersey an OEO project has been purchasing pornographic books to allegedly improve the reading skills of the trainees. Taxpayers picked up the $10,000 tab for such training literature as "The French Art of Love," "Orgy at Madam Dracula's," and "The Nude Wore Black." It appears the purchasing agent found "Wife Swappers" a hot item: the voucher listed a purchase of 25 copies.

While both of these projects have been investigated by the national OEO office, ex-

posure of this federal funding came from outside OEO by newspaper reporters.

These more recent examples of waste by the War on Poverty make it very clear that before Congress renews the Office of Economic Opportunity this year, a thorough investigation should be made.

Mr. SCHERLE. At this time I wish to discuss the so-called Murphy amendment.

This amendment, which was adopted by the other body, would restore final responsibility with respect to the OEO legal services in the hands of the Governors. The amendment would authorize a Governor to determine how best to channel legal service programs into the most proper areas. Under the concept of President Nixon's new federalism, the elected chief executive knows more about the priority of service for his State than the nonelected Washington official. The legal service was set up to provide individual legal assistance to a poor person—not to engage in wholesale legal reform. Whether a specific legal service project is a proper function now rests with a nonelected bureaucrat.

This amendment would only shift that final determination to the chief elected State official.

The OEO Legal Service has clearly overstepped the bounds of its legislative birth—which was to provide individual legal service to the poor in the country.

The Federal funded legal service program has begun to rapidly expand into the so-called law reform area at the expense of the individual legal aid services. For example, suits financed by the war on poverty lawyers have sought to persuade the U.S. district courts in Newark, N.J., and Philadelphia, Pa., to appoint Federal receivers to run the local police department.

The Philadelphia suit also asked to nullify State laws against carrying concealed deadly weapons, sedition, riot, conspiracy, loitering, and obstructing justice.

In Atlantic City, the legal service program is challenging the constitutionality of the New Jersey Narcotics Act and is contesting the State law requiring dope users to register with the police.

In Indianapolis, Ind., the local legal service program distributes several thousand cards in the city's low-income neighborhoods giving advice on "the art of noncooperation" with the police.

Students on OEO-financed fellowships in poverty law at the University of Pennsylvania held the National OEO legal service director captive in his sixth-floor office for 4½ hours. Later these self-styled advocates of law and order were arrested by Washington, D.C., police.

In Detroit, Mich., and virtually every other riot-torn city legal service lawyers have devoted an extraordinary amount of effort defending alleged rioters. The Essex County, N.J., grand jury, after a thorough inquiry into the 1967 Newark riot, said that witnesses "denied in whole or in part having made statements attributed to them" by the local legal service program. A number of the statements taken and finally supplied to the jury by legal services were unsigned. The grand jury concluded that—

> During the excitement many of those taking statements from persons involved in the riots either deliberately or unconsciously distorted these statements and in many ways conducted themselves so as to create in the minds of the public a biased and inaccurate impression of many events connected with the disturbances.

In California a legal service attorney has appeared as counsel to challenge a school district's right to set reasonable rules and regulations for the hair length of boys in high school. How ridiculous can you get?

At the Modesto Junior College a suit was filed in a campus court on behalf of a Mexican-American club protesting a college requirement that its members pay the student body fees of $8 per semester, as all other authorized student club members must do, in order to be recognized by the school.

Mr. Roy G. Mikaken, president of the college, said:

> Those six lawyers in the Modesto area seem to be more interested in "anti" movements against public agencies.

The California Legal Association has also filed a suit against Brawley's city council and board of education to compel the permitting of students to wear brown berets and Brown Beret group insignias and other club markings in the schools.

Although the general rule is that no publicly funded legal assistance service society shall accept fee-producing cases and that such cases shall be referred to private counsel, the California Legal Service has filed a number of such suits while refusing services to the truly eligible. The California Legal Service has on many occasions engaged in the filing of a multiplicity of suits involving the same or similar courses of action. This results in the harassment of individual citizens and agencies. The California program has moved so far down the road toward legal reform that it, as a tax-financed agency, is suing other Federal funded agencies as well as private citizens. At the same time, bona fide California legal aid projects are being closed down because after the funds for legal reform are allotted, not enough is left for basic legal aid projects.

In Waterloo, Iowa, the OEO-funded legal service announced its intent to file suits against State colleges in Iowa which require students to pay parking fines as a condition of continuing as a student. They have also indicated that they intended to "instigate a grassroot organization of ADC mothers to develop political power which could be used to change community attitude."

The St. Louis legal services program has engaged in activities to suit their own sociological theories rather than to provide legal aid in civil cases for the poor. It has defended and counseled local militant groups which have been engaged in disruption and illegal demonstrations in that city.

I commend the St. Louis Globe-Democrat and its reporter, Ruth Ellen Thompson, in particular for their excellent investigation into the St. Louis legal aid program.

In some cases the militant defenders have incomes well above the level that would qualify them as poor.

The unlicensed director of legal services, Denison Ray, is currently receiving a $28,000 salary substantially higher than that now received by a member of the Missouri Supreme Court, the attorney general of Missouri, or the mayor of St. Louis, has been refused permission to appear in Federal Court because he is not a member of that State bar.

Twenty percent of the attorneys on the St. Louis project are not even members of the Missouri State bar. One of the illegal eagles, drawing $10,000 annually, recently failed his bar examination.

The remaining three nonbar lawyers are receiving between $11,500 and $18,000 as staff attorneys.

T. Hartley Pollock, who did much to establish the legal aid program in St. Louis called the present policy of the society "a complete departure from the basis on which the program was organized."

The thrust of this amendment is that the final responsibility of how a legal service project should operate will either be in the hands of an elected State official or remain under the control of a nonelected faceless bureaucrat.

The responsibility of whether the taxpayers should subsidize suits which involve the right of a school board to set reasonable standards of how long a boy's hair should be; or whether a State's narcotic laws are valid; or whether the Federal Government should take over a local police force; or whether a group of militants should be subsidized to attack churches, schools, store owners, or the Government must ultimately rest with some public official.

This amendment simply states that the elected chief executive responsible to the people should be the one allowed to exercise his obligation free from a bureaucratic override.

Public administration will soon come to a standstill in this country if every act of government is subject to a prolonged lawsuit by tax-paid lawyers whose motives often are more political than serving the poor.

Last Saturday in the Des Moines Tribune is an article quoted by Governor Robert Ray, in essence, in opposition to my offer of the Murphy amendment of legal services to the OEO bill. Many insinuations were made insofar as the Governor was concerned about my own position. I called the Governor and said, "Bob, do you know what the Murphy amendment is? Have you even read it?" He said, "No, I have not read it." The Governor should look around his own State as the following editorial from the Waterloo, Iowa, Courier. This is a typical example of what has happened throughout this country insofar as legal services amendment is concerned. People do not know what the Murphy amendment will do.

I call attention to my colleagues of an outstanding letter on the effects of the Murphy amendment by an extremely bright California attorney:

RODI, PETTKER, GALBRAITH & BOND,
Los Angeles, Calif., November 19, 1969.

HON. GEORGE MURPHY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR: I am writing you as an attorney regarding your amendment to the Economic Opportunity Act of 1964 as it af-

fects the Legal Services program (S. 3016). I support your amendment and feel that the negative comments it has received from some of my fellow attorneys have not been well founded.

I feel the necessity at this time, as an attorney concerned with the social problems of our day, to set forth my reasons for supporting your amendment.

1. The Murphy amendment will not interfere in any way in the direct and confidential relationship between the legal services lawyer and his indigent clients.

Canon 35 of the Canons of Ethics of the American Bar Association makes it clear that no *lay* agencies should interfere in the relationship of a lawyer and his client. To assert, as some attorneys have, that the Murphy amendment effects a violation of Canon 35 by interposing the Governor of a State in the personal relationship of client and lawyer is not well founded. The Murphy amendment provides that appropriations relating to legal services may, prior to their grant, be vetoed by a State Governor. Prior to the funding of any program, no responsible lawyer in the Legal Services program would or should undertake to represent a client. Until the representation has commenced, there can be no interference in the relationship of lawyer to client. The Governor of a State under this amendment has no power to determine who shall be represented or how the lawyer, having undertaken to represent an indigent, should conduct his representation. The veto only allows the Governor to restrict programs in the categories as the specific contracts or grants are appropriated at the Federal level.

The Governor does not, then, interfere in any way in the personal relationship between the indigent and his Legal Services lawyer.

Furthermore, Canon 6 requires all attorneys to disclose to a client, prior to the taking of any representation, any possible inability he may have undertaking the representation. If funds have not been approved for a certain program, then the responsible Legal Services attorney will not promise to undertake such a representation until there is further approval from the public bodies concerned. Such limitations are inherent in the jurisdictional lines between various programs that legislators must delineate in order to responsibly use funds provided by the people.

2. The Murphy amendment will encourage representation of clients in the situations of greatest need.

The Economic Opportunity Act of 1964 has as its major purpose assistance to the poor. The Legal Services program of the Act was intended to assist the poor who cannot otherwise afford attorneys in the normal ways in which attorneys may be of personal help. Today, however, the Legal Services program, largely because of the lack of any close supervision of the allocation of funds to various programs, has channeled a majority of its attorneys into programs which do not specifically assist the poor who are in need of legal reprresentation. Large causes of constitutional dimension frequently having little direct impact on the poor have been undertaken by Legal Services lawyers. These lawyers and the funding process involved have led the Legal Services program to be suspect, not only amongst lawyers with a concern for fidelity to law, but amongst the poor, who see that they are not receiving the kind of personal help they need. The bulk of Legal Services for persons of all sorts consists of the normal problems of domestic, real estate, contract, and criminal law. It is in these areas that attorneys can be of the most direct help to the poor. By providing a much needed check, the Governors of each State, who are close to the programs being conducted in their State, will encourage more representation in the truly useful areas.

The Legal Services lawyer has a duty to serve the ends of the Economy Opportunity Act of 1964 and not his own personal political goals, whatever they may be. The Federal Government has sought to fund programs of legal assistance in the areas of help to the indigent. In order for a Legal Services attorney to live up to the implications of Canon 32, and to be faithful to the processes of law, checks such as the Murphy amendment are necessary. Through this amendment the Legal Services lawyer will be encouraged to direct his activities to specifically legal assistance in the areas of greatest personal need. In this way the purposes of the Economic Opportunity Act of 1964 will be promoted.

3. The Murphy amendment will promote high ethical standards among legal services attorneys by providing a check on activities stirring up needless litigation.

Canon 28 of the Canons of Ethics of the American Bar Association provides that it is unprofessional for a lawyer to voluntarily advise to bring a lawsuit or to stir up strife and litigation. The canon points out that such activity is indictable at common law. Often Legal Services attorneys, prompted by the ability of easy access to undefined funds, have taken on large, often nebulous causes and have conveniently found persons to act as plaintiffs. Such politically motivated undertakings have often had little relevance to the cause of providing legal assistance to the poor. They have prompted litigation, often wholly out of line with given standards of constitutional interpretation, and have wasted taxpayers dollars. They have turned the Legal Services program into a special office of nuisance litigation. Such champerty has not only brought the Legal Services program into disrepute but has lessened respect for law and for the legal profession among the poor. The Murphy amendment will directly check such activities.

4. The Murphy amendment will encourage greater public responsibility on the part of the legal services program.

When lawyers work for a public entity, funded by public monies, they have a responsibility to the public providing those funds and permitting their continued public assistance. The Legal Services program can be of great assistance to the poor and thus to our country as a whole. However, when an attorney represents a private client while at the same time working for a public body, he has a dual and difficult responsibility to both the private individual and to the public. Emphasizing only the private relationship and thus the need for personal and confidential relationships fails to recognize the public responsibility of what are essentially public attorneys. Quite properly, Canon 35, relating to intermediaries, only applies to *lay* agencies. A public lawyer's responsibility is defined by public bodies. Congress, the Governors of the States, and the administrative departments in Washington are charged under the Murphy amendment with the duty, as public bodies, to define the Legal Services lawyer's public responsibility. Unless checks and balances are provided to insure that the public responsibility of Legal Services lawyers is maintained, the program as a whole may soon lack public respect to such a degree that the program is completely done away with. Such would be disastrous for the poor in this country.

In conclusion, the Murphy amendment, by imposing the veto of the Governor, will insure public responsibility on the part of Legal Services attorneys and will aid the cause of assisting the poor. The Murphy amendment may rejuvenate the Legal Services program by redirecting it to the needed services of individual poor persons. The private responsibility to a specific client when the representation is undertaken by a Legal Services attorney will in no way be impaired. In such instances Canon 35 simply does not apply by its terms and by its clear purpose.

The preamble to the Canons of Ethics of the American Bar Association recognizes clearly that the system of justice we develop must at all times maintain public confidence in its dignity and impartiality. The Murphy amendment will serve that end by encouraging attorneys to directly help the poor, by avoiding unnecessary litigation, and by recognizing the public responsibility to the taxpayer of the Legal Services attorney.

With best wishes,

Very truly yours,

DANIEL C. BOND.

[From the Waterloo Daily Courier, Nov. 28, 1969]

LEGAL AID SUIT SHOULD NOT BE AN ELECTION TOOL

The American Bar Association and the National Legal Aid and Defender Association, among others, have come out in opposition to the amendment added to the Economic Opportunity Act (OEO) by Sen. George Murphy in the Senate. It provides that the governor of a state may veto any legal aid project in his state. An amendment to the amendment later provides that the President of the United States may override any governor's veto.

Critics have attacked this as eliminating the possibility of class action against government agencies for the alleged benefit of the poor. For example, Legal Aid Services in California brought suit against Gov. Ronald Reagan, attempting to restore a cut in funds for Medicaid.

In a day when the courts considered themselves bound by a strict interpretation of the law and the precedents, most would have welcomed lawsuits to determine if governmental agencies or officials were operating according to law. But many courts, notoriously those in California, are beginning to follow the pattern set by the U.S. Supreme Court and are making the courts institutions for what the judges consider social reform. It was formerly a rule of law that the courts would seldom act against the executive or legislative branches on the ground that they were equally sovereign. That moderate attitude no longer prevails.

Moreover, intensely partisan Democrats in legal aid services are using the weapon of lawsuits to threaten, humiliate, harass and discredit Republican officials whom they will seek to defeat the next decision. This has not occurred in most states but it has occurred in California.

We cannot imagine that governors would use the power granted in the Murphy amendment to veto legitimate lawsuits for the benefit of the poor. After all, the poor can vote and as a result of many antipoverty programs across the country they are voting in greater numbers than in the past.

But public administration will soon come to a standstill in this country if every act of government is subject to a prolonged lawsuit by tax-paid lawyers whose motives often are more political than serving the poor.

The enclosed columns from the Allen-Goldsmith report will outline the general condition around the country. These outstanding investigative reports are highly regarded by Members of Congress on both sides of the aisle:

[From Human Events, Nov. 8, 1969]

WANTS TO AID WIDESPREAD SCANDALS—SCHERLE SEEKS OPEN HEARINGS ON OEO FUNDING

(From the Allen-Goldsmith Report)

There is a lot of political dynamite behind Rep. William Scherle's vigorous crusade for more public hearings on the multi-billion-dollar anti-poverty authorization bill.

The tall Iowa Republican rocked the last meeting of the House Education and Labor Committee with his insistent demand, and is prepared to keep on doing that.

How far he will get remains to be seen. The legislation has been pending in the committee for months, and the pressures are strong to report something to the full House—particularly as the Senate has passed a bill.

But Scherle is "loaded for bear" and determined to hold out for more hearings.

Not only does he have a large mass of explosive evidence to back up his charges of extensive corruption, waste, mismanagement and other scandals, but a number of state and local officials are clamoring, he asserts, for the opportunity to testify on that.

With characteristic bluntness, Scherle contends that previous committee hearings were deliberately "loaded" with witnesses favorable to the legislation.

"Without exception," he says, "the hearings were nothing but professional self-serving puffery. The witnesses were merely mouthpieces of the Office of Economic Opportunity. Not a single critical witness was heard, nor given a chance to be heard. Even with my small staff, I have uncovered a great deal of shocking information about OEO throughout the country.

"It is time to get at the bottom of just what is going on in OEO and the scandal-wracked, anti-poverty programs it is administering. Yet it is now proposed to wind up the committee's proceedings and report out a bill for a two-year continuance of OEO at the same old multi-billion-dollar funding level. That is outrageous, and I am going to do everything I can to stop it."

A highly significant highlight of Rep. Scherle's mass of evidence is an extraordinary letter from Kentucky's Republican Gov. Louie B. Nunn pleading with him to delay approval of the anti-poverty bill until documentary evidence of numerous abuses can be submitted.

Dated October 14, Nunn's bombshell letter is as follows:

"Disturbing evidence and recent events in connection with the efforts of the Office of Economic Opportunity cause me to respectfully request that you delay action on this program until such time as I can present you documented evidence of failure to follow guidelines established by Congress, waste, unreasonable administrative costs, political activity and program abuse.

"These circumstances have led to general dissatisfaction with the OEO program on the part of federal, state and local officials. Documented proof is being prepared and will be sent to you as soon as possible.

"Certainly, all of us who are in sympathy with the objectives of this program, as designated by the Congress, owe it to the people who need help to examine closely the history and the present course by the Office of Economic Opportunity."

Another blockbuster in Scherle's arsenal is a report from a federal official in a Midwestern state about the head of a community action agency in a small community who is being paid $15,000 a year—despite the fact he defaulted on a government loan in 1967 on the claim he was bankrupt and had no assets.

Other striking evidence in Scherle's hands include:

Detailed information from a high elected state official about men with criminal records being named to high-salaried community action jobs. This official came to Washington to discuss this matter with OEO Director Donald Rumsfeld, but was unable to see him. After repeated rebuffs at OEO, the state official finally sought out Scherle and told him the shocking story.

One of the community action officials with a criminal record is getting $21,000 a year.

A voluminous report from New England charging flagrant mismanagement and other abuses in community action programs. This information came from a source with apparent extensive knowledge about this situation.

Additional jolting details about the two-volume, 590-page "Trainer's Manual for Community Action Boards" distributed by OEO last August—without Rumsfeld knowing anything about it. (Rep. Scherle's crackdown on this extraordinary document was recently reported in this column. We disclosed that after making repeated efforts to get Rumsfeld to recall the manual, Scherle gave him 24 hours to act or he would take the matter to the full House. That produced a placatory reply from Rumsfeld that the manual would be revised. How much and when was not indicated by Rumsfeld.)

Scherle has ascertained that D. C. Drohat, head of the Office of Operations over whose signature the manual was published, is being paid $27,549. Also that the manual contains such incendiary and extremist pronouncements as the following:

Under the sub-title "Power Strategies of Community Organizations," page 125, "The ultimate threat power is the riot."

Under the sub-title "Representatives of the Poor," page 127, "The board member representing the poor has several options. He can 'do his own thing' by venting his frustration on other board members who in his eyes represent the cause of his frustration. . . . If, on the other hand, the poor feel that their representatives 'sold out' or were 'non-representative,' they may very well precipitate a 'long hot summer'."

Under the sub-title "Changing Institutions," page 273, "Institutional changes must be brought about on a broad scale if community action is to fulfill its aim. Alleviating poverty requires changing the practices, the poverty practices, so to speak, of the comfortable and the well-to-do."

Under the sub-title "Parliamentary Tricks," page 349, "Opponents of a proposal might be successful in having the matter tabled or postponed indefinitely simply by raising questions which cannot be answered sufficiently during the meeting. Amendments might be proposed which would substantially change the original idea. Even if an amendment is not accepted, it may confuse supporters who are less than clear about their support of the item."

There are 1,050 community action agencies and organizations throughout the country. Their cost is the largest single item in the OEO budget—$640 million. For last year, Congress voted $520 million for this purpose. Since OEO was established, approximately $1.6 billion has been expended for community action activities.

Daniel Moynihan, special urban affairs adviser to President Nixon, in a report stated flatly that community action programs, although consuming one-third of the funds appropriated for OEO, actually did nothing toward relieving or reducing poverty.

[From the Publishers-Hall Syndicate, Mar. 17, 1969]

GAO To Publish Study on Poverty Program

(By Robert S. Allen and John A. Goldsmith)

Washington.—The General Accounting Office is finally about to publish its long delayed top-to-bottom study of the widely controversial multi-billion dollar anti-poverty program—with a major recommendation made by the Republicans in 1967 but brusquely rejected by the Johnson Administration.

This GOP proposal called for the creation of a new agency to be part of the White House staff for the express purpose of coordinating and supervising the government's multifarious operations in behalf of "disadvantaged" people—on whom some $25 billion in taxpayers' money is spent each year.

The Republicans maintained it was necessary to establish this super planning and "watchdog" agency in order to "eliminate waste and duplication, develop and recommend national policies, and make reports and recommendations to Congress concerning the operation of programs."

Under the GOP plan, the agency would consist of a three-man Council of Economic Opportunity Advisers and a staff, who would function directly under the President and report to him.

The Johnson Administration cold-shouldered the idea, and it was decisively defeated when the Republicans tried to put it through the House.

Now it is slated to surface again as the major recommendation of the voluminous report the General Accounting Office is preparing to publish on its months' long investigation of the Office of Economic Opportunity and the various anti-poverty programs under its jurisdiction.

This exhaustive survey was ordered by Congress last year with the report to be submitted by December 1. But it was unfinished at that time, and GAO got two extensions. The report will consist of a general summary with principal overall recommendations, and around 50 separate studies dealing with individual OEO programs and activities.

Two other leading recommendations are:

"The popular Head Start educational program to be shifted from OEO to the Department of Health, Education and Welfare."

"The scandal-wracked, costly and dubiously productive Job Corps program to be taken from OEO and put under Labor Department control."

RESURRECTED GOP PLAN

In preparation for the publication of the massive anti-poverty report, Comptroller General Elmer Staats has personally been briefing bipartisan leaders of the congressional committees in charge of OEO legislation.

The lawmakers are being told copies of the study will be in their hands in a few days. In the meanwhile, Staats gave them an outline of its contents.

At the time the Republicans proposed setting up a super "watchdog" agency, they stressed two factors: "A great knowledge gap on all aspects of poverty . . . and no coordinated research and policy effort has ever been undertaken on the scale that is necessary if there is to be any reasonable success in the effort to eliminate poverty."

The GOP noted that in addition to OEO, a number of other major agencies spent huge sums to cope with various aspects of the poverty problem—the Department of Health, Education, and Welfare, Labor Department, Agriculture Department, Department of Housing and Urban Development, Transportation Department, Small Business Administration, Federal Housing Administration and the Economic Development Agency.

The Republicans contended the proposed Council of Economic Opportunity Advisers should be a separate agency under the President to ensure its having a free hand. In a statement, the GOP pointed out.

"We believe it is essential to the effectiveness of the Council that it not be a part of an agency with program responsibility or itself responsible for administration. directly or indirectly, of the anti-poverty program. Only in this way can its freedom of judgment and perspective be preserved intact from a vested interest or outside pressure to continue specific programs or policies regardless of their effectiveness and efficiency."

In their presentation, the Republicans also called attention to the fact that the report of the National Advisory Commission on Civil Disorders strongly urged more coordination and planning in the effort to eliminate poverty. The GOP quoted the following from the Commission's report:

"Some two dozen interagency committees have been established to coordinate two or

more federal aid programs. Departments have been given responsibility to lead others in areas within their particular competence—OEO in the poverty field; HUD in Model Cities. Yet, despite these and other efforts, the federal government has not yet been able to join talent, funds and programs for concentrated impact in the field.

"Few agencies are able to put together a comprehensive package of related programs to meet priority needs.

"There is a clear and compelling requirement for better coordination of federally funded programs, particularly those designed to benefit the residents of the inner city. If essential programs are to be preserved and expanded, this need must be met."

[From the Publishers-Hall Syndicate, May 24, 1969]

RUMSFELD ADVISED TO PUT END TO BIG WASTE

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON.—New anti-poverty director Donald Rumsfeld is being strongly advised by former congressional colleagues to lose no time in putting an end to one big waste of funds.

This is the expenditure of millions of dollars for high-flown but useless studies, surveys, analyses and other evaluations and assessments.

In the nearly five years' existence of the Office of Economic Opportunity, which the former Illinois congressman now heads, his predecessors spent more than $30 million in anti-poverty money on such projects—with no tangible evidence that any of them were of the slightest consequence in coping with the many and complex problems of poverty.

So far as that difficult and tortuous task is concerned, this large outlay of taxpayers' funds was a total loss.

Bipartisan members of the House Education and Labor Committee, now considering legislation to continue the controversial multi-billion dollar anti-poverty program, want Rumsfeld to crack down hard and fast on such worthless spending. They are warning that unless he does so himself, provisions to that end will be written into the new bill.

They are long overdue. An examination of the voluminous list of 818 pretentious projects shows clearly they are costly boondoggles of one kind or other dished out to certain favored individuals, colleges, concerns and organizations.

Representative Henry Gonzalez, D-Tex., caustically characterizes them as "profiting from the war on poverty."

"When I voted for the Economic Opportunity Act, I believed that I was doing the right thing," he said. "I still believe there is no more urgent national priority than the abolition of poverty in our country. But I have been greatly disturbed by the proliferation of consultants, advisers and numerous other contractors who have attached themselves to the war on poverty.

"There is profit in the war on poverty. That is evident from the large number of consultants and study and survey contractors. There is nothing to show that any of the OEO programs work any better for all the efforts of these so-called experts. On the other hand, there is good reason to believe that many of these contracts should not have been signed. It would have been better if profit had not entered into the war on poverty."

WHO GOT THE MONEY

High on the list of survey "contractors" is Louis Harris & Associates, Inc., national polling organization that received $808,650 over a two-and-a-half year period for a series of reports on enrollees of the hotly controversial Job Corps.

OEO ordered the last of these Harris studies at a cost of $274,986 just before the Nixon Administration took office in January of this year.

According to the Harris organization, Job Corps graduates earn more because of this training. This finding was vigorously challenged by Senator Peter Dominick, R-Colo., who cited a voluminous report by the General Accounting Office stating:

"On an overall basis, it appears that the Job Corps has achieved only limited success in fulfilling its primary purposes. . . . On the basis of our studies, it is questionable whether Job Corps training has resulted in substantial economic benefit for those youths who participate in the program.

"We believe that increased employment and earning power can be attributable, for the most part, to the greater employability of youths due to the process of growing up and the higher employment and wage levels."

Large-scale spending of anti-poverty funds for high-flown studies and analyses was begun by OEO in early November 1964, several months after it was established by the Johnson Administration. Then OEO Director Sargent Shriver authorized a $6,000 project to assess the Job Corps placement service.

Since then, there have been 88 studies and surveys of Job Corps for a total cost of $8,225,545.

Also since then, OEO has expended more than $30 million in anti-poverty funds for 818 analyses and reports on every phase of its activities—with no evidence of any consequential effect on them.

Included in these studies are 128 of the Community Action Program for a cost of $12,777,165; 73 of Head Start for $5,363,760; and 22 of VISTA for $903,883.

Another revealing item was the expenditure of $20,000 for "newspaper clipping service."

Two other big "contractors" are —Westinghouse Learning Corporation that received some $600,000 for an evaluation of the "school readiness" of Head Start children, which OEO withheld for weeks while it was favorably revised; and Daniel Yankelovich, Inc., that got $355,300 to make a "study and evaluation of Sections 210 and 211 of the Economic Opportunity Amendment."

In a three-volume report, Yankelovich, Inc., concluded the Amendment had little effect. A member of the House Education and Labor Committee characterized the findings as a "colossal waste of taxpayers' money and time."

Representative William Steiger, R–Wis., a Committee member, has disclosed that in 1967 and 1968, OEO spent $528,000 for "consultants"—at rates ranging from $50 to $100 a day. There is no explanation of the function of these high-priced authorities, nor how and why they were selected.

Three are listed as editors; one in Washington, D.C., another in Virginia, and the third in Carson City, Nev. They were paid $50 and $55 a day.

OTHER BIG-MONEY "CONTRACTORS"

Last year, contracts dished out by OEO for a wide range of studies and surveys costing more than $100,000 including the following:

Tracor, Inc., for "Study and Evaluation of Community Action Program in Austin, Tex.," $341,308; Educational Testing Service for "Evaluation of Project Head Start," $498,773; Bank Street College of Education for "Study of Potential Use of Teacher Aids in Community Action Program," $396,038; University of Pennsylvania for "Study and Evaluation of Community Action Program in Baltimore, Md.," $432,922; Graduate School, University of Washington for "Analysis and Evaluation of Seattle Community Action Program," $416,482.

Western Behavioral Sciences Institute for "Study and Evaluation of Community Action Program in San Diego, Calif.," $374,377; Temple University for "Study of Anemia and Intellectual Functioning of Pre-school and Elementary Children," $406,388; Boston College for "Study of Demographic and Social Determinants of Functional Achievements in a Negro Population," $289,685; Research Foundation of State University of New York for "Study of Change Processes in Buffalo," $267,063; Kirschner Associates, Inc., for "Evaluation of Parent and Child Centers Program," $237,120.

Greenleigh Associates, Inc., for "Evaluation of Iowa Comprehensive Alcoholism Program," $150,000; Louisiana State University for "Evaluation of VISTA Programs," $124,-251; Cooperative League of U.S.A. for "Feasibility Study Related to Low Income Areas," $162,992; Philco Corporation for "Analysis of Alternative Hypothetical Urban Community Action Programs," $123,636; UCLA for "Study and Analysis of Riot in Watts Area of Los Angeles," $165,827; Emory University for "Study and Evaluation of Community Action Program in Atlanta," $573,477; Barss, Reitzel & Associates for "Evaluation of Community Action Programs, $341,572.

[From the Publishers-Hall Syndicate, July 5, 1969]

POSSIBLY ANOTHER EXTENSION TO POVERTY PROGRAM

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON.—It is possible that Congress may continue the scandal-scarred multi-billion dollar anti-poverty program for another year—but definitely not in the form being urged by the Administration.

There isn't a chance that will be approved by the House Education and Labor Committee—which has been considering the widely controversial legislation for months.

A strong bloc of Republican and Democratic committeemen are flatly against the Administration's proposal to extend the anti-poverty program for two more years—with no changes of any kind in the first year, while a study is being made to decide what should be done the next year.

The bipartisan opponents are insisting that if the program is renewed, it be limited to one year with major changes.

The inner committee outlook is that this is what will be voted.

Significantly indicative of that is the attitude of two influential members of the committee—Representatives Edith Green, Ore., second-ranking Democrat, and William Scherle, Iowa, leading Republican.

Both not only vigorously favor drastic revision of the Economic Opportunity Act, but are forcefully saying so.

In a blistering excoriation of the Office of Economic Opportunity, which administers the anti-poverty program, Scherle declared, "There is urgent need for constructive changes in the multi-billion-dollar-a-year boondoggle called OEO. I will do my utmost to fight, both in the committee and on the floor of the House, any extension beyond one year and without sweeping changes."

Mrs. Green, after listening to OEO Director Donald Rumsfeld sonorously advocate a two-year renewal with no modifications, exclaimed unbelievingly, "You've got to be kidding. You can't mean that seriously. Why, you'll be lucky if you get one year with a complete overhaul."

WHAT'S WRONG WITH IT

At the root of the committee's pronounced bipartisan aversion to OEO is a five-year accumulation of innumerable scandals, waste, gross mismanagement, excessive costs, interminable bungling and very meager results for the billions expended so far.

Citing this long and dismal record, Representative Scherle characterized OEO as a "catastrophic flop unequaled by any other government agency in many years."

"Since its inception in 1964," the outspoken Iowan said, "the Office of Economic Opportunity has spent more than $7.5 billion, with very little of this immense sum reaching the poor but plenty of it lining the pockets of the self-appointed do-gooders running the program. It would be the height

of folly for Congress to vote another $2 billion for OEO without a full reorganization."

The Administration's proposal for another study to pinpoint OEO shortcomings was caustically derided by Scherle as futile and repetitious.

"There have been studies galore," he pointed out. "OEO itself has spent some $30 million on surveys and analyses of every conceivable kind—wholly to no avail. The General Accounting Office, on express congressional orders, made an exhaustive study at a cost of more than $1 million. Its 188-page report contained numerous constructive recommendations. I know of nothing that has been done about a single one of them.

"To spend more money and time on more of this sort of thing would be ridiculous. What is urgently needed is a top-to-bottom housecleaning forthwith and basic changes in concept and administration."

Two underlying changes advocated by Scherle are:

"Less emphasis on OEO as a social revolutionary agency and more concentration on providing income-producing jobs.

"A more meaningful role for the states in planning and coordinating poverty programs within the states. An overwhelming majority of the governors favor that."

It is Scherle's contention that making the states the central agency responsible for poverty programs would "noticeably upgrade them."

"The bloc-grant approach," he held, "would result in more economical use of government funds and also reduce the vicious in-fighting which is now so prevalent among competing funding groups. There is widespread duplication of government-supported anti-poverty programs. Many are overlapping or jointly funded with the Department of Labor, HEW, HUD and OEO.

"Every unnecessary layer of bureaucratic fat increases the cost to taxpayers and reduce the effectiveness and productiveness of the program."

STRANGE "OUTSIDERNESS"

Donald Rumsfeld, who gave up a safe House seat recently to become head of OEO, has started off by launching what is described as a "complete review of the war on poverty."

The latest in a long and expensive list of studies would be made, it was announced, by a Director's Task Force . . . staffed entirely by experts from outside OEO."

But a check of these authorities discloses that while they may be outside now, not long ago they were very much inside. A number of them are former OEO officials, as follows:

Head of the Task Force is Morris Liebman, Chicago attorney who has been chairman of the National Advisory Council on the Economic Opportunity Act the past several years. He was named to that job by former President Lyndon Johnson.

Another top official of the Task Force is James Gibson, former director of the Neighborhood Development Program, an agency of the Washington, D.C., Community Action program financed by OEO. Still another is Robert Levine, until recently assistant OEO director for research, plans and evaluation. Others are David Gottlieb, former associate director of OEO's hotly embattled Job Corps, and Father Geno Baroni, leading militant Catholic priest and anti-poverty crusader.

Bipartisan congressional leaders, long sharply critical of OEO, are eyeing this Task Force of so-called "outsiders" with deep suspicions and misgivings. OEO Director Rumsfeld's selection of this group is not improving his agency's prospects in the House Education and Labor Committee.

Representative Paul Rogers, D-Fla., is demanding that Rumsfeld "immediately suspend all contracts giving OEO the right to select members of supposedly independent evaluation teams." Rogers indignantly charges such "self-serving studies are used to deceive Congress and the American people."

Representative Larry Winn, R-Kans., in a questionnaire poll of his district, reported the following results on abolishing OEO—44 percent in favor; 14 percent for retaining the agency as it exists; 42 percent to transfer its programs to other government agencies.

[From the Publishers-Hall Syndicate, Nov. 8, 1969]

REPRESENTATIVE PERKINS DEFENDS ANTI-POVERTY PROGRAM

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON.—For Representative Carl Perkins, D-Ky., chairman of the Education and Labor Committee, vigorously defending the scandal-riddled anti-poverty program and doing everything possible to continue it unchanged for two more years, is strictly a case of self-interest and feathering his political nest.

Many more millions in anti-poverty funds have been bestowed on his congressional district than on any other in Kentucky.

In the five years the program has been in operation, Perkins' district, the 7th, in eastern Kentucky, has gotten more than $72 million out of a total of upwards of $251 million for the whole state.

Closest to this remarkable record is the 5th District, which has two Job Corps centers, that has received only $41,361,000.

It is a legitimate assumption that Perkins' being head of the Education and Labor Committee, which handles anti-poverty legislation, has a lot to do with his largely rural district being favored so signally. Certainly this factor must have carried decisive weight in the Democratic Johnson Administration—and apparently Perkins is counting on getting the same kind of favored treatment in the Nixon Administration from the way he is adamantly protecting the Office of Economic Opportunity from being subjected to critical testimony from state and local officials throughout the country.

Foremost among them is Governor Louie Nunn of Kentucky.

SITTING ON THE LID

For weeks, Nunn has been strenuously trying to get a hearing before the Education and Labor Committee to air numerous complaints against OEO. Following is an illustration:

"Before OEO," the Kentucky state executive told a bipartisan group of committeemen, "one of our counties had 3,160 on relief. In the last several years, OEO has put around $10 million into that county—to 'eliminate poverty," so they said. That county now has 6,500 on public welfare. I contend we cannot afford that kind of 'poverty elimination'."

Nunn's efforts to appear before Perkins' committee have been actively supported by influential committeemen—Representatives William Scherle, R-Iowa, Edith Green, Ore., second-ranking Democrat, and Albert Quie, Minn., second-ranking Republican.

Perkins flatly balked. Finally, Scherle bluntly raised the issue on the floor of the full House.

"There are governors, state attorneys general and state auditors who have repeatedly said they want an opportunity to be heard by the committee," he said. "There have been hearings, but all the testimony was from officials of OEO. Naturally it was all favorable. There was not a single witness invited to testify against OEO, or anyone outside of the establishment'."

Under this public prodding, Perkins finally made a concession—of sorts. He indicated willingness to allow critics and opponents to testify—after the pending multi-billion dollar bill to continue OEO unchanged for two more years is reported to the House for consideration.

"You can then bring as many governors and attorneys general before the committee as you like," Perkins said. "If they have constructive suggestions, the bill may be amended when it is taken up on the floor of the House."

"That's comparable," retorted Scherle acidly, "to locking the barn door after the horse is gone. I say it is reprehensible to mark up a bill that would cost the taxpayers around $4.5 billion in the next two years without giving governors and attorneys general the chance to discuss the anti-poverty program and make recommendations and suggestions to improve it and clean it up.

"Denying the right of duly authorized officials to testify before a committee on legislation that they will have to administer and enforce is a denial of basic American principles."

JUICY BONANZA

The extent to which Representative Perkins' chairmanship has paid off handsomely for his district, and him politically, is graphically shown in the following chart.

It also explains why Governor Nunn is so outraged at OEO and its handling of anti-poverty funds.

	Population	Total OEO allocation	Per capita poor
Congressional District:			
1	437,135	$8,450,161	$45
2	421,346	6,655,714	37
3 [1]	432,494	21,585,775	203
4	457,688	3,937,740	38
5 [2]	417,544	41,361,883	161
6	459,045	7,978,632	53
7	446,187	72,705,668	294

[1] Includes Louisville largest city in State with 400,000 population and considerable industry and transportation.
[2] With 2 Job Corps centers.

Note: Not included in the allocation totals is more than $40,000,000 for Job Corps centers and other OEO operations.

Perkins' 7th District is largely rural with no big cities. Ashland, the largest, is around 40,000. Its main industry is a sizable oil plant.

Yet the adjoining 6th District, with a slightly larger population, got only one-tenth in anti-poverty funds as the 7th. Also, the 6th, with 266,427 poor, got only $53 per capita as against $294 for the 7th with 238,-120 poor.

That $294 per capita for Perkins' district is one of the highest in the entire U.S.

It is almost four times the national average.

That average is $76.73 for an overall total of 25,389,000 "poor" in the U.S.

The new multi-billion dollar OEO authorization bill has been pending in the Education and Labor Committee since February. Orginially, Perkins sponsored a measure to extend the anti-poverty program for five more years for a total outlay of $10.5 billion.

He is now supporting the Administration's bill for a two-year extension with an annual budget of $2.18 billion. Last year, Congress voted only $1.948 billion for the current fiscal year.

There is widespread bipartisan opposition to OEO in the House. A number of restrictive amendments are certain to be written into the anti-poverty legislation when it is taken up by the chamber.

WHY THEY'RE HOSTILE

A graphic illustration of the reason for the strong bipartisan opposition in the House to OEO was the discovery of an attempt by a high-paid official to dish out a juicy contract to a friend.

He proposed to give this friend a $62,000 "unadvertised, noncompetitive" contract to produce a "new OEO symbol and redesign its literature."

Why the anti-poverty agency needed a new symbol and its letterhead and other material

had to be remodeled is known only to the OEO official. Apparently, Director Donald Rumsfeld was unaware of the affair until it was brought to light.

It was quickly squelched, but the OEO official is still on the payroll at $32,840.

This questionable incident is succinctly detailed in a report by Representative William Scherle, R-Iowa, an outspoken critic of OEO who will lead the fight against it when the issue reaches the full House. Following is what he has to say:

"Once more the scandal-wracked Office of Economic Opportunity and its professional do-gooders have been caught with their hands in the 'cookie jar.' Only this time the culprits were intercepted before the taxpayers were bilked of a lot of money.

"The OEO's chief public relations officer attempted to award a former co-worker, and his personal friend, with a $62,000 contract for the creation of a 'new' OEO symbol and redesign of its literature—even though OEO has long employed its own personnel to perform such work, including one of the federal government's most talented graphic artists.

"When this affair was uncovered, the deal was suddenly called off—not, however, until the official's 'friend' was reportedly some $5,000 richer by a design of a logotype consisting of the letters 'OEO'.

"It is because of this type of 'hanky-panky' that the whole OEO program is under widespread and serious fire. Case after case of shady transactions have been the hallmark of this so-called 'war on poverty'. Thousands upon thousands of taxpayers' dollars have been pilfered for personal gain by so-called poverty warriors throughout the country.

"Considering the 'track record' of OEO, it is increasingly appropriate that the new seal depict an OEO employee with his hand in John Q's pocket—right up to the elbow."

On OEO rolls, Archibald McKinley, Jr., is listed as "Assistant Director of the Office of Public Affairs", with a salary of $32,840. In last year's campaign, he was in charge of press relations for the Nixon for President Committee.

The $62,000 "unadvertised, noncompetitive" contract was given to a Chicago company headed by Michael Reid, a friend and former employee of McKinley. McKinley has defended this deal on the ground that "as far as I know it's all proper."

The track record of OEO makes it crystal clear that a thorough shake-up in its entire structure is needed. The substitute will go a long way to correcting those abuses.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Minnesota (Mr. QUIE) is recognized for 60 minutes.

(Mr. QUIE asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield at that point?

Mr. QUIE. If the gentleman has a question he wishes to ask.

Mr. PUCINSKI. I have a question.

Mr. QUIE. I will yield to the gentleman from Illinois for one question.

Mr. PUCINSKI. Does the substitute bill have the Murphy amendment in it?

Mr. SCHERLE. If the gentleman will yield, the substitute bill, on the last page, contains the phrase, or a statement that will be covered by the litigation presented, where if I interpret this correctly, if the OEO pursues the course of endeavor of litigation and lose, they in turn will have to pay the court costs.

Mr. PUCINSKI. That was not my question. The Murphy amendment provides a veto power for the Governor.

What I want to know is does the substitute act contain the Murphy amendment?

Mr. SCHERLE. No.

Mr. QUIE. I would say to the gentleman from Illinois the answer is no.

Mr. SCHERLE. No, it does not contain the Murphy amendment.

Mr. PUCINSKI. Does the gentleman intend to offer the Murphy amendment to the substitute?

Mr. QUIE. Mr. Speaker, I do not yield any further.

The gentleman from Illinois can secure some additional time at another time on that. I want to get on with the explanation.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. QUIE. Not at this point.

The SPEAKER pro tempore. The gentleman from Minnesota declines to yield.

Mr. QUIE. Mr. Speaker, because of the interest of the gentleman from Illinois, I am going to go through the portion of the substitute, the part that the gentleman from Illinois has indicated an interest in, and at that time if he would like to have me yield to him for some questions I will be glad to do so, but not until I reach that point.

Mr. PUCINSKI. One question, though, on that. Are we going to see the same thing we saw with the previous speaker, that time runs out? I would like to develop the point with the gentleman, but if the gentleman does not intend to yield, then of course there is no sense in staying around. I can read the gentleman's statement in the RECORD tomorrow.

Mr. QUIE. I would suggest that the gentleman should stick around because I am going to withhold all the parts of my statement with the exception of the one referring to the area the gentleman from Illinois has indicated an interest in. But as soon as I complete that I will yield to the gentleman from Illinois so that he can ask questions on it.

The gentleman from Illinois knows that all through the years I have been very willing to yield and have been responsive to the desire of Members to enter into colloquy, and that I have not engaged in the device of letting Members stand until the end of my time, and then because the time has run out not being able to yield.

First, let me point out a study that has been completed for the OEO conducted by the Midwest Research Institute, Kansas City, Mo., which had its responsibility in this intergovernmental study the question of State SEOO offices.

Midwest Research Institute, Kansas City, Mo., which studied State Economic Opportunity Offices stated the SEOO's are underbudgeted, inadequately staffed, and sorely in need of technical assistance and training. Their role has been poorly defined. They have done, in some instances, a remarkable job of innovation and marshaling of resources for the antipoverty program. There is much to be done by OEO, its regional offices, and the SEOO's if the States are to be successfully involved in the antipoverty program.

The most severe coordination and communication problem is between OEO's regional offices and the SEOO's. OEO should design and implement inservice and preservice training programs for regional office personnel concerning the work of SEOO's and State government. These programs should be conducted on site in the States.

OEO policy should provide for more involvement of both Governors and the SEOO's in the development of program priorities. OEO's new draft guidelines on SEOO's do not go far enough.

First. The Governors should be consulted annually on program priorities in their State.

Second. Veto power of the Governors should be utilized for the means of insuring consultation and mutual program development between OEO and the Government.

Third. OEO should support the SEOO not only through clarified instructions, more money, training and technical assistance, but also through the adoption of a State-by-State approach so that each SEOO can achieve the maximum involvement of the State within which it operates depending upon the unique characteristics of each State.

I would quote from a few other places in the report. One of them is on page 54 which says:

> It is clear that the present OEO as presently constituted is unable to perform a multifaceted role as desired by most program participants.

The problem of staffing referred to therein can be seen very clearly when you compare the staffing in some of the city community action agencies and the problems of clerical staff at the State economic opportunity offices. The total professional staffing of all the State economic opportunity offices is 412; the total clerical is 218. The largest State is New Jersey, with 30 professionals, and there are small States like Delaware and Nevada that have one.

The cities that I would refer you to are Los Angeles, which has 1,365 professionals and 1,666 clerical; or New York, with 5,406 professional and 9,066 clerical; or Atlanta with 405 professional and 551 clerical, and so forth.

You see, there are greater numbers in those cities than there are in all the States of the Union. Therefore, those States need more assistance.

Step 3 is the section of the substitute which most people do not understand. It involves the States to a greater degree than before, and we have written into statute a provision establishing a State developmental and coordination program which we feel will give to the State the opportunity to assert some of the administrative responsibilities that are now vested in regional offices. The present law permits the Director to do that now. I shall read that subsection to you. It is subsection (c) of section 231. I will say to the gentleman from Illinois, so he does not have to wear out his feet, that I will read through that section and then through the provisions

of the State developmental and coordination program. Then I shall yield to the gentleman. Subsection (c) of section 231 of the present act states—

In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with the States or State agencies pursuant to which they will act as agents of the United States for purposes of providing financial assistance to Community Action Agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this title.

Under the provisions of the substitute the State developmental and coordination program will be devised by the State economic opportunity office. They will in turn submit the program to the Director for him to review, and if he finds that the State developmental and coordination program submitted complies with the requirements of this part, then he shall approve it. These are the requirements:

No. 1, that it has been prepared by the State office in consultation with the State council of that State and has been approved by the State council.

Let me explain the State council. Each State that wants to develop a SDCP must have a State economic opportunity council similar to the one legislated in the vocational education program in the 1968 amendments. The 1968 amendments required each State to involve a broad section of citizens in order that the best possible development of their vocational education might occur. In this way they can bring together influences of the junior college, labor, higher education, elementary and secondary education, post high school education, and the businesses of the State. The same model will be required here. The State council will be required to develop a long-range plan for the purpose of eliminating poverty in the State and would also serve as advisers to the State office.

They would also have to approve the State development and coordination program.

No. 2, that they designate the State office as the sole agency for administration of the State program or for supervision of the administration thereof by local community action agencies.

No. 3, that it sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State, and for the users of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that (a) due consideration will be given to the relative needs of urban and rural areas within a State and to the needs of the various categories of persons living in poverty in accordance with the criteria applied by the Director, and due consideration will be given to periodic evaluations of programs, services, and activities assisted under this title.

The fourth requirement would be that it describes how the activities and projects to be carried out under the program are related to the long-range plan developed by the State Council pursuant to section 251(c).

The exception is that in the first year it could be waived because the State concerned would not have time to develop the long-range plans.

The fifth requirement would be:

sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under this title and under title VIII submitted by local community action agencies and other qualified applicants, and for the evaluation, review, and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

The sixth requirement is:

sets forth procedures designed to improve the coordination of State-administered programs affecting the poor and to achieve at the local level a more effective coordination and concentration of public and private services for disadvantaged individuals and families (including services provided under this Act and under other Federally-assisted programs such as Model Cities, manpower training and development, services for migrant agricultural workers, welfare services, educational assistance for disadvantaged children or adults, health and medical services and benefits, economic development in depressed areas, and agricultural extension services;

Let me add here that this is not a requirement that the State economic opportunity office coordinate and actually pull together all these other agencies, but that the other agency programs be taken into consideration, that the representatives of these other agencies serve on the council. This will provide for the best possible coordination within the States of all the activities that are going on to alleviate poverty.

A little earlier the gentlewoman from Oregon indicated the amount of money being expended from non-Federal sources and the amount that comes from Federal sources to alleviate poverty. This program is a very small amount of that total.

The seventh requirement is:

provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing by the State Office;

The eighth requirement is:

provides assurances that Federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of Federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

The ninth requirement is:

provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably require to carry out his functions under this Act;

The 10th requirement is:

sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

This is the judgment the Director will make if the State desires, and only if the State desires, to assume administrative responsibilities which presently are vested in the OEO regional offices. This language in no way reduces the authority of community action agencies. It does not permit the States to take them over. It does not permit the States to operate contrary to the purposes of the act or contrary to the intentions of the Director. States who participate will have to conform with the act and the judgments of the Director as laid out in these provisions and the criteria that a State developmental and coordination program would have to follow.

If the gentleman would like to have me yield at this time I will do so; otherwise I will go further on this provision.

Mr. PUCINSKI. Earlier in the afternoon, in response to my question, the gentleman said that there is provision in the substitute bill for the local community action agency such as the city of New York or Los Angeles or Duluth or Chicago to opt out from any State control.

Mr. QUIE. No. If I may respond, the question you asked was "If a State decided to become a community action agency, then could a municipality opt out?" and the answer to that is "Yes." That is provided in the present law under the Green amendment of 1967, and that authority is not removed from the present act.

Mr. PUCINSKI. In the section that you have just read the State development and coordination programs, paragraph 2 of section 253(a) provides "designates the State office as the sole agency for administration of the State program or for supervision of the administration thereof by local community action agencies." What does that mean?

Mr. QUIE. That means that the State economic opportunity office can either be the one that presently exists or if the State, for instance, wants to include it in a human resources council, as I believe the State of Illinois is developing right now, that judgment would be made by the Governor; but they could not divide the responsibilities for a State development and coordination program among various offices within the State.

Mr. PUCINSKI. Now, in subsection (1) of section 251, the State agency assistance—and I am now calling attention to section (b) on page 3 of your mimeographed copy of the bill down to the bottom of the page (1)—it says "all applications for assistance under this title and under title VIII within a State are submitted through the State office, and that the office is afforded a reasonable opportunity to review such applications before transmitting them to the Director—or to his delegate—with such comments and recommendations as the State may deem appropriate." Then you go on on page 4 in section (c)(1) and provide that in the substitute bill that

"Whenever a State office shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved—or shall not be approved without changes suggested by the State office—for funding under this title unless the Director shall have made a finding that disapproval of such application would seriously weaken the overall program plan of a local community action agency."

What you are doing, then, is giving the State a veto power over any community action program in that State. It is true that there is an escape clause here where, if the evidence is so overwhelming in the opinion of the Director, apparently under (c)(1) he can fund under this title but only if he makes a finding that disapproval of such application will seriously weaken the overall program plan of a local community action agency. Then, is not this a State plan for a State veto and putting all of the State community action programs under the State administration?

Mr. QUIE. No. I will say to the gentleman it is not. This provision you have now read does not apply to the State development and coordination programs. This section is what we would call step two. It is step one if the State does not want to have any part of or any kind of responsibility, even having a State economic opportunity office, as in the State of Indiana. That is their decision. However, if they want to remain as they are now without a development and coordination program or an economic opportunity council, the application still shall go to the State first rather than simultaneously to the State and the Director of OEO, as is presently the case.

Now, the language on page 4(c)(1) is a change in the present Governor's veto.

As you know, presently the Governor can veto if he desires to do so any community action agency program, any title II program, and is subject to the Director's overriding that veto. The Director presently only has to make the determination that the program conforms to this act. So he has full latitude. This would restrict the Governor's veto in the case that the States want to stay at the present level in relationship to the Federal Government.

The language "That the disapproval or veto of the Governor would seriously weaken the overall program plan of a local Community Action Agency," is the case I feel it would be unwise to veto because the program—the overall program—has already been approved by the Government and by the Director, or else it has been vetoed by the Governor or overridden by the Director. However, if it has no connection whatsoever, then I feel it should not be a problem if the Governor finds that it does not conform to his wishes in the State.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, it is one thing to give the Governor the right to veto as we have in the Green amendments but it is quite another thing to give the Governor the right to control the program.

I was very much impressed by the earlier discussion, and from the response I got the impression that there was an opportunity for a local agency such as a city to just completely opt out of State control and deal directly with the Director of the OEO.

However, a very careful reading of this bill, starting with the preamble which very clearly States right in the very first sentence in section 250, the preamble, part E—statement of purpose—there is stated the following:

It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of anti-poverty programs within each State——

Then we go on into the subsequent section which I have already cited here which states that the Director shall take steps which will assure that all applications under this title are submitted through the State office.

Then we go on over to section 2 of section 253(a) which states:

Any State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—"(1) has been prepared by the State office in consultation with the State council of that State and has been approved by the State council;

"(2) Designates the State office as the sole agency for administration of the State program, or for supervision of the administration thereof by local Community Action Agencies;"

So I say to my colleague in all honesty, unless I am not reading this bill correctly—and I do not think I am—for one who is faced with the problem of having 49 percent of all the people in his State—49 percent of all recipients in the State of Illinois come from the State of Mississippi—the gentleman and I know that for a decade the welfare program in that State has been a one-way ticket to Chicago. That is why the city of Chicago has all the problems which have occurred such as the riots and other disturbances. But for the first time in 10 years we have seen a slowing down in this huge migration of people looking for better opportunities in the big cities of America, including Chicago.

Now you come along with your bill and you say we are going to give this back to the States. I ask my friend in all honesty and sincerity what kind of an antipoverty program do you think the Governor of Georgia or Mississippi or Alabama or Louisiana is going to effectuate with this substitute bill? That is all I ask.

Mr. QUIE. If the gentleman will read again those subsections of section 253 that I went through, the gentleman will see that the requirements that would be placed on the State agency before they get approval by the Director would be such that no State would engage in the type of program that the gentleman refers to with approval by the Director.

Also the gentleman does not read the bill correctly, when he ties the provisions of section 251 and reads them into the provisions of section 253, these are two different steps.

If the State remains as it is now, as stated in section 251. However, if they put together a State developmental and coordination program which would permit them then to assume administrative responsibility that presently is held by the regional office, then they must have met the requirements of section 253 in order to do it. The gentleman can see that the dangers that he has raised never could occur.

Mr. PUCINSKI. But if I read this bill correctly—and if I am wrong, please correct me—but as I read the State has the option. If the States decides to go the route of section 253(a) and develop a coordinated program, if that is the decision that the State makes, then I read this bill to provide that once a State has made that decision, all of the community action programs within that State come with the provisions of the sections that the gentleman just enumerated.

Mr. QUIE. That is correct.

Mr. PUCINSKI. When that happens, that local community no longer does have the control over the destiny of its own community action programs, and it does become very much subservient to the State judgment.

Mr. QUIE. On the contrary, let me answer the gentleman——

Mr. PUCINSKI. The gentleman and I will not settle this today, I know.

Mr. QUIE. Let me answer the gentleman, because that is important here, as I see the question of whether they are subservient to the regional office or subservient to the State.

Presently community action agencies are subservient to the regional offices, the Director has the same kind of authority to make the determination he wants to as they would without community action agency direction; however, States have no recourse if the regional office goes against them. The regional office is answerable to no one except the Director, and they have been riding roughshod over the communities. They have been riding roughshod over the communities in my State, and I know they undoubtedly have been in the gentleman's State, as well, even though the regional office is located in the city of Chicago.

In the State the community has the opportunity, if the Governor has appointed a State economic office which is not properly responsive, even though the Director say they were responsive, they can go out to the communities, to other communities in the State, and defeat this; they can go to their own State legislator and he, with other State legislators, can get the legislature to write legislation to make it more responsive.

They have more tools at their disposal in section 253 than they have presently under the act.

If the gentleman does not agree with that, all the gentleman has to do is to talk to a number of community action agencies who are just considerably upset over the arbitrary nature of the regional office.

Mr. PUCINSKI. Mr. Speaker, I want to thank the gentleman. He has been very kind, and I thank the gentleman for yielding to questions, and for permitting such an interesting discussion here. It is quite probable that we are not going to resolve this problem in this

dialog because obviously the gentleman from Minnesota has one point of view and I have another view. I welcome the debate we have had today, and are having. Even though there has been much criticism, it has given us a chance to have our attorneys look at the substitute, and to advise us whether or not indeed you are right; and if you are right, as I said earlier, perhaps this is a furor over nothing, if you are right.

But I must make this one final observation. There is a great deal of difference. I would be the first man to criticize the regional offices. I was delighted when Donald Rumsfeld came before our committee and said, "I am going to clean that mess out."

But there is a big difference between a regional officer who can be straightened out by Mr. Nixon and Mr. Rumsfeld and Governor Maddox or Gov. John Bell Williams and Governor McKeithen of Louisiana or the Governor of Alabama. But I am going to tell you right now, if we were to take this substitute, if my version is correct, we are turning the clock back on what we are trying to do in the poverty program.

If your version is correct, and if our attorneys attest to the fact that your interpretation is correct, then I say to you, we have no quarrel, and we can go through this legislation very quickly.

Mr. QUIE. If the State does develop a program, which we call the State developmental and coordination program, which is acceptable to the Director, however in the administration of it they do not comply with the act or they do not comply with the program as they devised it and as it is acceptable to the Director—that has approved the application, and dividing the funds in the State, and all of that—then the Director can step in and cut off the funds. He does not put every local community action agency over the barrel by doing so as done in other programs where money is cut off from the State. The Director can fund community action agencies directly until all problems have been worked out.

The Director, under this provision the Director—Director Rumsfeld—makes the determination and can make certain that none of the hobgobblins that have been hopping up so often will ever come to pass—because he will have that kind of control and protection.

I want to say one thing about turning it over to attorneys, and I know the gentleman from Connecticut is an attorney and I hope he will forgive me when I make this comment. You know you can get attorneys to give you any decision that you want. I have had to work with the OEO recently and they came up with a decision by their attorneys, and they said, "You go down and talk to another attorney and he will give you a different decision." You can make the most restrictive construction of a decision to make it look like as horrible a piece of legislation as possible. But we know from experience, and the gentleman from Illinois especially, that departments downtown do not seem to have much trouble finding attorneys who will promote this type of action.

Mr. PUCINSKI. Are you saying then—let us take Mr. Rumsfeld—this morning at 10:30 a.m.—just simply for the record—he did look at the substitute and he said that this will emasculate the poverty program. Is he misinformed or misled about it?

Mr. QUIE. Yes, he is, if he said that; definitely.

Mr. PUCINSKI. I want to thank you for your courtesy.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. GIAIMO. I just want to say I am amused by the gentleman's statement that they can now turn this matter over to their attorneys for study. I would say that the majority of this committee at least for 11 months has not seen fit to entertain amendments, substitutes, or changes in any way. At this late date, 3 weeks before we hope to adjourn sine die, suddenly they want a study for suggested changes and the like in the poverty program. I would suggest that one of the reasons for the delay is not so much an opportunity to study but an opportunity to give some people a few days in which to generate a lobby of poverty brokers—that new class of American citizens who engage in this type of legislation in the name of the poor, although not in service to the poor—and to get them to Washington to beat on the doors of the Capitol to see if they cannot once again force their will upon this Chamber.

Mr. QUIE. I would say the gentleman is absolutely correct. I fact, I observed that in operation recently in connection with an amendment I was supposedly developing, after speaking with a Member of this body and he contacted OEO. The word got out to the poverty brokers out in the Midwest mighty fast. They called me about "the amendment I was going to offer in the committee." I refuted them when I told my colleagues in the committee that I am not about to offer an amendment there. But that is the kind of operation they run and I know it has been effective in the past, giving the impression that any amendment offered would gut the legislation. The arguments are pretty weak. It is like a person who finds victory beyond his grasp and seems to resort to expressing his emotion by cursing. They resort to that technique as a means of responding to amendments which they see on the face of them have merit, but they do not want to be part of the act.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the distinguished gentleman from Minnesota yielding. I have my own special order following his. I shall not take his time to comment on any of the allegations that have been made recently. I do wish to ask the gentleman some questions relating to the substitute, the text of which will be in the RECORD and which I have:

First, the provision which is found in subsection 251 (b) or (c) (1) which reads, "whenever a State office shall recommend against the approval of an application," and so forth, on page 4 of the substitute. Is this intended to replace the present Governor's veto that is in the act and, if so, would the gentleman point to where the Governor's veto is repealed?

Mr. QUIE. It would replace the Governors' veto in the present act. It is not necessary to repeal the present language in the act, because when subsequent language, contrary language that which exists, is enacted by the Congress, it has the same effect as repealing.

Mr. STEIGER of Wisconsin. In other words, if I understand correctly, the intent is to repeal that provision of the law now which provides for a Governor's veto, and instead of the Governor's veto you are now providing that the Office of Economic Opportunity shall be the officer who shall be in charge of the veto; is that correct?

Mr. QUIE. Under the present act the State economic opportunity office is required to advise the Governor, and in the case of Indiana, I guess that would be true, since they do not have one. But I imagine before this would be put into operation, from all I can read about Indiana, they will have one and they will no longer have the problem. The effect will still be the same. It will be a Governor's veto. The Governor as the chief executive of the State would make the final determination in relation to the State economic opportunity office.

Mr. STEIGER of Wisconsin. Second, it is not clear to me, having read the substitute, whether or not the State planning provisions apply to research and demonstration programs as well as programs which are found under sections 221 and 222 of the present act. I refer the gentleman specifically to that language of the substitute. Do they apply to all of the title or only to sections 221 and 222, which happen to be specifically mentioned?

Mr. QUIE. It applies to all of title II. The gentleman has referred specifically to research and pilot programs, which, under the budget proposal that we received from Carol Khosroui, the congressional liaison for the Office of Economic Opportunity, would amount to $114,600,000. According to the information that was summarized before the Appropriations Committee, it would amount to $60,600,000, and according to the justification of the appropriation estimates that was presented to them, $55,500,000.

So some place between $55 million and $150 million is the amount here.

Since the present requirement of research for pilot programs, section 332 of the act, which is title II, requires that any pilot or demonstration program must be submitted to an appropriate community action agency and, if there is not any, to the local governing officials of the political subdivision, if the State has developed a program which is acceptable to the Director I can see really no objection to him going to them and saying, "I want to run a research pilot program or a pilot program in your State. Does this fit into the program you have developed for elimination of poverty, so that it would be acceptable to you?"

Mr. STEIGER of Wisconsin. There are a number of other provisions of the present act which, if one were to literally read the statute and the substitute,

would still fall upon the shoulders of the Director. For example, there is the requirement in the law now to recognize a community action agency. Is that to be transferred to the State, if it is to develop the developmental and coordination plan? What about those requirements which today impose upon the Director the requirement to take action against grants for failure to comply with audit requirements or to approve exceptions to the $15,000 salary limitation? What would be the standing on those?

Mr. QUIE. I can answer one part the gentleman asked about. I assume he refers to the authority given to the Director to designate a community action agency if a local political subdivision has either refused to or neglected to designate one, when some private nonprofit agency is set up and wants a designation so that it can go to the Director.

There is nothing in the provision here that would prohibit that. I would expect that the Director would work this out in the State developmental and coordination program. If the State wanted to leave the responsibility with the Director it could. I cannot imagine why they would not devise a means within their program of working out that designation. In this regard we are silent, so that the present authority in the act left to the Director would remain there.

Mr. STEIGER of Wisconsin. What about the audit provision and the salary exception? What happens on those two provisions?

Mr. QUIE. This has nothing to do with the salary provision. That would still stand.

The substitute would permit the State to assume auditing responsibility which presently is in the regional offices. If this is done in an acceptable way to the Director then they would assume it. The Director would have to approve it.

Mr. STEIGER of Wisconsin. In terms of that portion of the substitute which the gentleman has called part 2, under which a State is to be given the opportunity to comment and make recommendations, I wonder whether or not the gentleman would be willing to just run through for me the time process he foresees? I am a little unclear, having read it, because as I read the proposed amendment there would be a series of steps to be followed. The application would go to the State office. The State office comments. It is forwarded to the Director. The Director can then approve or disapprove the wording on that. Then again it is to be given to the State office. They then have a chance to make a recommendation on whether or not the action is to be approved. Then the Director finally is to have the opportunity to override that final recommendation.

Mr. QUIE. I imagine the gentleman could raise some question on whether there could be a long delay. Rather than specify the exact amount of time I felt it would be better to be left to the discretion of Director. That is why the Director moved to ask that they be done simultaneously. In the past it was the same provision that would use title III of the Elementary and Secondary Education Act during the time when that program was administered by the Commissioner of Education rather than through the State departments of education. It seemed to work with the exception that at that time the States were unhappy that they could not provide administrative jurisdiction themselves. We changed that act and required that it go to the States. Here the next two sections give the States the means whereby they can work into that administrative responsibility.

Mr. STEIGER of Wisconsin. Would the gentleman yield further?

Mr. QUIE. One more time. I am glad to.

Mr. STEIGER of Wisconsin. I appreciate that very much.

As I read the provisions of what is section 321, the amendments to title VI on political activity, the language contained in the substitute says "And for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this act—other than part C of title I—shall be deemed to be a State or local agency," and insert in lieu thereof "And for purposes of clauses (1), (2), and (3) of section 1502(a) of such title a full-time volunteer under title VIII of this act or any person who, directly or indirectly, receives from funds appropriated under the authority of this Act an amount which exceeds one-quarter of the total amount such person regularly receives in salary payments—or in consultant fees—shall be deemed to be a State or local officer or employee."

Thus you have amplified the present law as it applies in the Hatch Act. It applies to other people receiving funds under the statute. Now, are we to interpret that to mean an employee of the Westinghouse Learning Corp. for example, just to pick one noncontroversial example, with which OEO has a contract? Would a farmer who received loans under title III(a) or a businessman under title IV, dealing with the Youth Corps—would all of them be subject to this provision?

Mr. QUIE. It could be. As is stated here, if they receive one-quarter of their salary payments, then that would be included in here. That is right. Presently they are covered by some provisions of the act. For example, clauses 1 and 2 of chapter 15 of title V of the United States Code are in the act presently. This provision would add to that clause 3 to prohibit individuals from taking an active part in political management or in political campaigns.

Mr. STEIGER of Wisconsin. All those people who receive 25 percent of their income?

Mr. QUIE. The people receiving 25 percent from any part of the act.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Chapter 15 of title 5, United States Code, bars "political activity of certain State and local employees." This is the Hatch Act applied to States and municipalities. It applies to "an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency." It does not apply to an individual who exercises no functions in connection with the federally assisted activity, and it does not cover individuals employed by educational or research institutions, or religious or philanthropic organizations.

Nevertheless, according to estimates derived from the January 1968 report of the Commission on Political Activity of Government Personnel—volume I, page 11—more than 1½ million State and local employees are covered by these provisions.

Necessarily, tens of thousands of State and local employees are covered by the provisions who—because the Federal contribution to many programs is relatively slight—derive only a very tiny portion of their salaries from Federal funds. But they are still covered.

These provisions apply to State highway employees, to welfare employees, to health employees, and even to members of an agency such as "the Council of Defense of the State of Ohio." It has been held to apply to an employee of a county housing authority because it received some Federal funds; it has been held to apply to a State conservation agency.

The argument for applying these provisions to antipoverty workers is much stronger than for most of the other State and local employees because these workers have a much more direct political impact and a far greater opportunity to identify the program with partisan aims. Moreover—unlike most covered State and local agencies—the funds involved virtually are 100 percent Federal funds.

Surely, if we are to cover the employees of a State conservation agency and exempt the employees of a delegate agency of the local community action board, we must be able to draw a distinction between them on the grounds that one is less political than the other. Obviously, just the reverse sort of logic applies: we have covered the less political—even nonpolitical—and exempted the most political from the act.

I thank the gentleman from Minnesota for yielding.

Mr. QUIE. I thank the distinguished gentlewoman from Oregon for that assistance. I have now found the place in section 603 where it says that for the purposes of clauses 1 and 2 of such title, which is the Hatch Act, any agency receiving assistance under this act other than part (c) of title I, shall be deemed a State and local agency.

So, the last time in conference as I recall there was a change in this clause and clause 3 was dropped out.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, I can clearly understand and have no objection to covering those that are appropriate to be covered.

My question is whether or not by the language of the amendment contained in the substitute have you not gone far beyond what is true of any other agency of the Federal Government and by virtue of the language as is now written in the substitute a professor at a university who

receives a grant from the OEO program for research, as I read it he would be covered?

Mr. QUIE. We have not gone beyond the present requirements that exist for State and local governments and even there they are only limited to one quarter of their income.

Now, Mr. Speaker, since my time is just about up, I ask unanimous consent to include in my remarks some additional matter. First, a matter pertaining to the Governor's veto which contains the statistics of the number of grants that have been approved and the number that have been vetoed as well as the number that have been overridden in the States where this has occurred and the problem that exists with the present overriding of the Governor's veto.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Also, Mr. Speaker, I have had done a survey by the GAO evaluation that was required under the bill which was passed in 1967.

This has been summarized, and I will place that in the RECORD with my remarks at this point.

The material referred to follows:

GAO INVESTIGATION AND EVALUATION OF EOA PROGRAMS

I. MANPOWER PROGRAMS

A. Job Corps

(1) GAO questioned whether Job Corps Program (especially Conservation Centers) should be maintained at present level

(a) Recommendations and Criticism

(1) Recruiting and screening activities need improvement—enrollment was down and many of those who did enroll did not meet certain basic requirements—waivers were granted for about 33% of the 1000 enrollees included in the GAO test.

(2) A system should be devised to retain corps members—of 73,500 corps members who left in FY 68, 26,300 were graduates; 18,200 remained over 90 days; 29,000 remained less than 90 days—at the centers reviewed the majority of corps members left program in less than 6 months.

(3) Training programs lacked precise, detailed curriculums and lesson plans.

(4) Weaknesses existed in counseling programs.

(5) Conservation Centers devoted little attention to high school equivalency program.

(6) Center placement and follow-up was generally limited to immediate geographic areas—Conservation Camps located in isolated areas suffered most in not being able to place corps graduates.

(b) Employment and earning power appeared to be associated with the length of stay of corpsmen at the centers; those who graduated were most successful.

(1) Corps members have had opportunity to develop work habits, and academic education.

(2) Corps has achieved only limited success, according to GAO, because of "post Job Corps employment experience, unfavorable retention rate of corps members, and problems relating to program content and administration which have existed." (p. 63 Review of Economic Opportunity Programs)

(3) Job Corps males displayed employment rate of 56% upon entering program and 58–60% measured at various periods of time ranging from immediately to 18 months after the program.

(4) Unemployment rate increased from 35% at entry to 38% at 18 months after termination.

(5) Job Corps females did not appear to improve their employability.

(6) Wage increases and weekly working hours were subject to high degree of uncertainty.

(7) White males increased their employability significantly whereas older male Negroes, who had more schooling, showed a decrease in employment after the program.

B. Work experience and training program

(1) 10 projects examined involving 13,200 enrollees.

(2) GAO Conclusions:

(a) Program success in achieving objectives considered reasonable.

(b) The percentage of participants who gained employment upon completion or termination of trainng, although not overly large, is not discouraging considering participants' backgrounds.

(c) The number of participants able to detach themselves from welfare or at least decrease their payments seems to speak creditably for the program's ability to help people become economically self-sufficient, at least in the short run.

(d) Medical assistance, improved work habits and attitudes, and educational and vocational training gained through the program helped to make these people more employable.

(3) Recommendations: (Work Experience & Training Program is being replaced by Work Incentive Program—WIN).

(a) Give close attention to enrollee absenteeism.

(b) Improvement in counseling.

(c) Need for adequate field reviews and evaluations of program.

(d) Determine reasons for early termination and absenteeism to ascertain whether these problems can be alleviated.

(4) Program Results:

(a) Of 13,200 persons entered in program at the 10 locations reviewed—

(1) 3800 completed training.

(2) 6800 terminated before completion.

(3) 2600 were participants.

(b) Wages varied according to types of employment and local demand and wage levels—

(1) urban area monthly wages ranged from $173–$640.

(2) rural area monthly wages ranged from $140–$490.

(c) Of 10,279 participants who were receiving public assistance when they entered the program, 2784 had their payments terminated or reduced due to a variety of reasons amounting to a savings of about $4 million.

C. Concentrated employment program (CEP)

(1) Recommendations:

(a) Full use should be made of existing facilities.

(b) State Employment Security Agencies should be utilized in connection with CEP operations.

(c) CEP operations should be coordinated with the JOBS program sponsored by the National Alliance of Businessmen.

(d) Enrollment requirements should be more strictly enforced.

(e) Follow-up contracts should be made with terminated enrollees.

(f) Better counseling.

(2) Program Results:

(a) Of 10,400 enrolled in training—

(1) 2100 were placed in jobs after training.

(2) 3000 were still in training.

(3) 2200 were awaiting further training or placement.

(4) 3100 had dropped out of program.

D. Neighborhood Youth Corps (NYC)

(1) Conclusions:

(a) Great majority of youths enrolled in NYC programs would probably have remained in or dropped out of school irrespective of enrollment in NYC. Their benefits were additional income, useful work experience, and some intangible benefits.

(b) To correct dropout problem, available funds could more effectively be used by enlarging existing school curriculum to provide for vocational education and improved counseling for potential dropouts.

(c) NYC out-of-school program does not seem needed as its objectives are encompassed by other programs, such as the MDTA.

(d) Substantial improvements in various administrative areas are needed.

(2) Recommendations:

(a) Redefine and clarify the purposes and intended objectives of the in-school and summer work and training programs authorized for students in section 123(a)(1) of the EOA.

(b) Establish realistic and specific goals for programs authorized and relative priorities for their attainment.

(c) Merger of out-of-school program with MDTA program.

(3) Results:

(a) Employment of NYC males increased 2% (from 58 to 60%) from the time they entered NYC to from immediately to 18 months after the program.

(b) Employment of NYC females may have improved 3–7 percentage points.

(c) NYC benefit-cost ratios are significantly higher than those for Job Corps, but the validity of the statistics are questionable.

(d) Individuals who spend 6 months or more in the programs appear to improve their job-market, but these are a small fraction of the total number of participants.

(e) Need for establishing a standard format and procedure for manpower programs.

(f) Programs, as is, had very little discernible effect on overall dropout problem.

(g) Administrative deficiencies in recruiting, orientation, counseling, follow-up efforts, payroll, personnel management, and training of personnel.

(h) Too many ineligible youths enrolled in program.

(i) More effective monitoring needed by Bureau of Work Training Programs in order to improve NYC programs and insure sponsor compliance with NYC contracts and BWTP guidelines.

II. COMMUNITY ACTION PROGRAMS

A. Findings and recommendations

(1) Community action agencies had made no detailed studies to determine the acute needs of the poor.

(a) GAO Recommended:

(1) Systematic determinations be made as to the needs of the poor.

(2) Establish priorities based on such determinations.

(3) Develop programs, within available funds, to meet needs.

(2) The CAAs should develop means necessary to increase active participation by the poor in elections and attendance at council meetings.

(3) Means to evaluate CAP effectiveness should be developed in order to assist CAAs in evaluating their effectiveness.

(4) Improve planning and programming.

(5) Improvement in CAAs financial management systems.

(6) The Nelson Amendment project was considered effective at the Gila River Indian Reservation. It provided employment to needy participants accounting for 79% of project expenditures.

(7) Certain component programs who have not prescribed standing income eligibility requirements, should do so.

III. HEALTH PROGRAMS

A. Findings and recommendations

(1) Community health services program has provided some poor with first unfragmented medical care, but eligibility requirements need to be examined.

(2) The health centers reviewed were not

providing complete health services primarily because of space limitations or delays in obtaining necessary facilities.

(3) The Chicago center used OEO funds to provide hospitalization at the sponsoring hospital when center physicians deemed it necessary. Congressional intent was that this be done only in highly unusual circumstances, and OEO had not established guidelines to follow.

(4) The current health information system does not provide sufficient data for definitive analysis. Findings based on available data included—

(a) Family Planning programs were beneficial if birth rate of poor could be lowered to level of non-poor.

(b) Migrants' health status is well below general population, and current expenditures are below those for non-migrant poor.

(c) Comprehensive health services for children and youth programs help detect and treat illness at early age in hopes of savings in health care expenditures in future years.

(5) GAO is skeptical of the relationships between health and poverty reduction and between health services and health. Many other factors must be considered when analysing the cause of poverty.

(6) A migrant health services program is needed that will provide continuous care with the flow of the people.

(7) After 2 years of comprehensive health services for children and youth programs, about 5-10% of the target population would be reached at its present rate—although the program is expanding rapidly, it may take several years to meet the needs of the poor.

IV. EDUCATION PROGRAMS

A. Headstart

(1) Findings and Recommendations:

(a) Appeared that children who had participated in Head Start were better prepared for public school than those children who did not participate.

(b) More parent involvement needed in program.

(c) Projects should be monitored to ensure proper balance between parents of Head Start children and parents of former Head Start children participating as paid aides.

(2) Program Results:

(a) About 38% of both Head Start and non-Head Start groups failed to gain the suggested score in language development tests for entry into the first grade.

(b) Medical problems were detected in 190 cases out of 642 medical and 539 dental examinations, including 29 cases requiring emergency treatment at the time and 18 cases requiring surgery (this was at one location).

(1) Program officials cited principal reason for children not being treated was parents' failure to keep appointments.

(c) "Of 557 children enrolled at 11 Head Start centers, an average of about 22% were above the OEO poverty line."

(d) Costs about 5 times as much to keep a child in the full-year program as it does to keep him in the summer program.

(3) GAO suggests that Congress determine whether preschool programs should be consolidated under one Federal agency. Until then, participating agencies should coordinate programs and consider need for comparable enrollment criteria.

B. Upward Bound

(1) Recommendations and Findings:

(a) Program has motivated enrollees to finish high school and go on to college. Upward Bound students—

(1) Have lower than normal dropout rates for low-income population.

(2) Have higher college admission rates in comparison with their older siblings' rates, and the national average of all high school students.

(3) Have high college retention rates in comparison to national average of all college students in spite of lower scores on standard test which measures college potential.

(b) Some Upward Bound students were ineligible for program because family income exceeded OEO poverty guidelines.

(c) GAO recommended that income eligibility determinations be improved and that tests that measure high school achievement and college potential be improved.

(2) Program results cannot be adequately determined because few students have graduated from college due to the fact that the program was initiated in 1965.

C. Other education programs

(1) Findings and Recommendations:

(a) Enrollees of locally initiated education programs seemed to benefit, but there were many management weaknesses including inadequate program planning, lack of coordination, absence of, or failure to comply with, operating procedures and guidelines.

(b) GAO Recommended:

(1) Determining whether program conflicts with existing programs for poor.

(2) Determining whether program could be financed with funds other than OEO.

(3) Identification of available resources which could be used to reduce expenditure of OEO funds.

(4) Identification of complementary education programs through which further educational assistance could be offered to OEO program graduates.

(5) CAAs should monitor the programs periodically, checking efficiency of programs.

(c) Program results (school age education)

(1) At the largest program reviewed about ⅔ of the courses offered were non-academic, and about 70% of all the participants enrolled in these.

(2) HEW funds were available at one program but OEO funds were used instead.

(3) Duplication of administrative costs occurred where CAA directed a program that could have been handled by local board of education.

(4) Program evaluations had not been made; monitoring and program information was inadequate.

(d) Adult Basic Education

(1) Revamping of programs data system needed.

(2) Proposals made in 1966 by Jeffrey Woiss are rcommended for comprehensive list of data necessary to evaluate the Adult Basic Education effort.

V. OTHER PROGRAMS

A. Legal Services

(1) Findings and Recommendations:

(a) Formation of self-help groups needed.

(b) No clearly defined program objectives.

(c) Improvement needed in administering the program.

(d) Establish close working relationship with Bureau of the Budget and Federal Trade Commission.

(e) Legal Services project directors need to adhere to EOA requirements to gain maximum feasible participation of groups served.

(f) Some reform of laws adversely affecting the poor has been achieved.

(g) Available evaluation results were not used to help in modifying program operations to correct management weaknesses—If operations did not meet program objectives and priorities, GAO proposes improved evaluation to determine if further program financial support is warranted.

B. Volunteers in Service to America (VISTA)

(1) Findings and Recommendations:

(a) Volunteers should be given specific projects to carry out and their training adapted to the project.

(b) Regional Offices need guidance and technical assistance to meet recruiting quotas.

(c) Selection process of volunteers needs improvement.

(d) GAO recommends giving aptitude tests to and interviewing applicants before considering them for training.

(2) Program Results:

(a) None of the seven OEO Regional Offices achieved their recruitment quota for FY 68.

(b) Weaknesses existed in the supervision of volunteers in the training program.

C. Migrant and seasonal farmworkers program

(1) Findings and Recommendations:

(a) Improve program effectiveness through training procedures aimed at determining each participants handicaps.

(b) A high proportion of applicants did not meet OEO eligibility criteria.

(c) Review participants' progress in program and maintain data on post-program experience.

(d) Migrant and seasonal farmworkers were adequately represented on decision making bodies.

D. Economic opportunity loan program

(1) Findings and Recommendations:

(a) Small Business Administration's administration of the loan program needed improvement.

(b) SBA made only limited analyses of program information for evaluation purposes.

(c) Absence of clearly stated eligibility criteria that can be applied to the loan approval process.

(d) SBA needs to improve managerial skills employed in small businesses receiving financial assistance.

(e) Improve evaluation of applicant's ability to repay loan.

(f) Provide for improved analysis of data obtained.

(g) Obtain information regarding number of persons employed by borrower.

E. Economic opportunity loan program for low-income rural families

(1) Findings and Recommendations:

(a) Farmers Home Administration conduct a study to determine minimum standards of supervisory assistance that should be given families.

(b) Revise instructions relating to loan eligibility.

(c) Record circumstances justifying loans to recipients exceeding specified amounts.

(d) Strengthen management by providing more thorough and precise data.

(e) FHA needs to improve its program planning.

VI. PLANNING AND COORDINATION OF ANTI-POVERTY PROGRAMS

Conclusions:

(1) Planning and coordination of the aggregate anti-poverty efforts of the Federal Government have not been carried out.

(2) Organizational machinery and processes for carrying them out do not exist.

(3) OEO has been unable to achieve effective coordination thru inter-agency agreements.

(4) Two essentials to anti-poverty needs:

(a) Continuing consultation among agency heads to administer related programs.

(b) Monitoring and resolution of differences by responsible official with will to act.

(5) Economic Opportunity Council has not been effective as instrument of coordination.

(6) Conflict between CDAs and CAAs stems from duplication of duties.

VII. PROPOSALS FOR IMPROVING THE ORGANIZATION AND MANAGEMENT OF ANTI-POVERTY PROGRAMS

A. Recommendations to Congress

(1) Establish in Executive Office of President a unit to plan, coordinate, and evaluate Federally assisted anti-Poverty programs.

(2) Some OEO projects should be trans-

ferred to closely related projects in other agencies.

(3) Keep OEO as an independent agency outside President's Executive Office with responsibility of administering CAP and for administering closely related programs.

(4) New unit in Executive Office should coordinate activity of CDAs and CAAs.

(5) Study needed on longer term actions required to coordinate community action and citizen participation.

VIII. IMPROVING THE EVALUATION FUNCTION

A. Conclusions

(1) First 2 years of OEO evaluation were too small in scope.

(2) Requirements for adequate evaluations:

(a) Some must be national in scope.

(b) Related to decision process.

(c) Comprehensive evaluation plan.

(d) Evaluation must extend to research and demonstration projects.

(e) Evaluation should extend to alternative programs.

(f) Adequate evaluation staff.

(g) Continuing research.

(h) Reliable and pertinent data must be available.

(3) New staff agency in Executive Office of President evaluate anti-poverty programs with regard to the above requirements.

(4) Only recently has OEO taken significant steps to provide evaluations on a national scale.

IX. FINANCIAL MANAGEMENT AND RELATED ADMINISTRATIVE MATTERS

Findings and Recommendations

(1) Enrollee payrolls in manpower programs are especially vulnerable to irregularities.

(2) Procedures at Army Finance Center for the control of certain types of payments to Job Corps members on behalf of OEO either had not been prescribed or were not being properly administered.

(3) Procurement procedures had not been established by several Job Corps contractors and certain CAAs. Also controls and procedures needed for effective property management.

(4) Many claims of grantees for non-Federal contributions appeared to have been improper or questionable.

(5) Timely auditing of appropriate quality and scope needed for financial control.

(6) GAO recommends strengthening the audit function by providing more frequent and comprehensive audits of grantee activities.

(7) FHA unable to reliably determine administrative costs of the rural loan program.

(8) One CAA spent $445,000 to eliminate rats in private buildings. As of July 31, 1968, $356,000 had not been collected from landlords and city officials did not think more than $50,000 could be collected.

GAO REVIEW—CONCERNING EVALUATION OF PROGRAMS

(1) Need for adequate field reviews and evaluations of work experience and training program.

(2) Means to evaluate CAP effectiveness should be developed in order to assist CAAs in evaluating their effectiveness.

(3) The current health information system does not provide sufficient data for definitive analysis.

(4) Concerning education programs other than Head Start and Upward Bound, program evaluations had not been made and monitoring and program information was inadequate.

(5) The Legal Services program did not use available evaluation results to help in modifying program operations to correct management weaknesses—if operations did not meet program objectives and priorities, GAO proposed improved evaluation to determine if further program financial support is warranted.

(6) Under the Economic Opportunity Loan Program:

(a) The SBA made only limited analyses of program information for evaluation purposes.

(b) SBA should improve evaluation of applicant's ability to repay loan.

(7) GAO recommended that a unit be established in the Executive Office of the President to plan, coordinate, and evaluate Federally assisted anti-poverty programs.

(8) The first 2 years of OEO evaluation were too small in scope.

(9) GAO suggested following requirements for adequate evaluation:

(a) Some must be national in scope

(b) Related to the decision process

(c) Comprehensive evaluation plan

(d) Evaluation must extend to research and demonstration projects

(e) Evaluation should extend to alternative programs

(f) Adequate evaluation staff needed

(g) Continuing research

(h) Reliable and pertinent data must be available

(10) New staff agency in Executive Office of President should evaluate anti-poverty programs with regard to the above requirements.

(11) Only recently has OEO taken significant steps to provide evaluations on a national scale.

(12) GAO found that:

(a) The Kansas City CAP modifications had not been based on systematic evaluations of past performances and recommended that high priority be assigned to development of standards for use in evaluating Legal Services programs.

(b) Detroit's CAP needed systematic and in-depth evaluations and an improved management information system—GAO recommended that OEO increase its evaluation efforts of Detroit's CAP.

(c) In the St. Louis CAP, establish a system for accumulation of data for meaningful evaluations of the Adult Education program.

(d) In Grand Rapids, more emphasis was needed on systematic and in-depth evaluations of CAP activities.

(e) In five Missouri counties reviewed by GAO, GAO recommended that OEO assist area CAAs in program planning and evaluation and mobilizing resources.

(f) In Lake County, Indiana, GAO recommended that OEO assist and monitor the CAA in its implementation of the evaluation requirements of the act.

GAO INVESTIGATIONS AND EVALUATIONS

COMMUNITY ACTION PROGRAMS

Kansas City, Mo.

Findings and Recommendations:

1. Weaknesses in Human Resource Corporation's (HRC) structure and staffing.

2. In general—

(a) Needs of the poor not clearly defined.

(b) Priorities and long-range plans for elimination of poverty not established.

(c) Comprehensive plan for mobilization of resources had not been started.

(d) Program modifications had not been based on systematic evaluations of past performances.

3. HRC had not adequately met responsibilities for establishing and implementing policies and procedures governing accounting, personnel, auditing, and related management areas.

4. GAO recommended high priority be assigned to development of standards for use in evaluating Legal Services programs.

White Earth, Minn.

Findings and Recommendations:

1. Basic cause of poverty on Reservation due to lack of job opportunities.

2. CAP, as presently structured, is not designed to deal with rural poverty.

3. CAA did not closely coordinate its projects with existing programs sponsored by other agencies.

4. CAA had adequately directed its programs and services to low-income individuals and families.

5. Guidelines or technical assistance needed to assist CAA in developing resources and improving the economic environment of the Reservation.

Detroit, Mich.

Findings and Recommendations:

1. Involvement of poor in CAP generally effective.

2. Need to develop overall plan to combat poverty.

3. Systematic and formal approach to mobilize and coordinate community resources needed.

4. Systematic and in-depth evaluations and an improved management information system needed.

5. Locally initiated education programs provided children mainly with cultural enrichment when basic academic education was primary need.

6. Existing health services had not been successfully mobilized.

7. Two of four dental sets unused because of Mayor's Committee for Human Resources Development inadequate planning.

8. GAO recommended that OEO increase its evaluation efforts of Detroit CAP.

9. OEO examine locally initiated education program to see they are properly directed.

Phoenix, Ariz.

Findings and Recommendations:

1. Improvements needed in administration of CAP.

2. Comparison of test scores showed that Head Start children scored better than nonpreschoolers, but not as well as those children with pre-school experience other than Head Start.

3. GAO recommended promotion of nutritional education programs for parents of Head Start children.

4. LEAP guidance needed in Head Start health services program.

St. Louis City and St. Louis County, Mo.

Findings and Recommendations:

1. Substantial participation of poor in administration of programs, but they were apathetic toward involvement in elections and program management.

2. Comprehensive manpower program attempted to serve all unemployed in target area rather than just the hard-core unemployed and underemployed. This adversely affected quality of the program's counseling, placement, and follow-up services.

3. Establish eligibility requirements which will restrict participation in manpower program to poor, hard-core unemployed or underemployed.

4. Establish system for accumulation of data for meaningful evaluations of the adult education program.

Gila River Indian Reservation, Ariz.

1. Progress considerably slower than planned.

2. Nelson amendment effective in providing needy participants with employment. Wages to participants equaled 79% of projects expenditures.

3. Improvement needed in several areas of fiscal administration.

4. Gila community needs to improve compliance with OEO reporting requirements.

Pinal County, Ariz.

1. CAA had not:

(a) Identified incidence and causes of poverty.

(b) Developed plan to combat causes of poverty.

(c) Mobilized available sources effectively against poverty.

(d) Provided for maximum participation of poor in all aspects of CAP.

2. OEO has disbursed funds in excess of grantee's needs.

3. CAA temporarily suspended in December 1967 by OEO from incurring new obligations without prior authorization by OEO. Suspension lifted April 1968 as result of corrective actions taken by CAA.

4. Improvements needed in Legal Services program.

5. GAO recommended that OEO study its cash advance practices, and along with the Treasury Department, modify its funding procedures.

Grand Rapids, Mich.

1. Increase participation of poor needed.

2. Further identification of causes of poverty needed.

3. Continuous improvements needed in management information system.

4. More emphasis on systematic and in-depth evaluations of CAP activities.

5. Strengthening of internal financial management.

6. GAO proposed that OEO require the CAA to establish and maintain an adequate record system at neighborhood centers.

Carroll, Chariton, Lafayette, Ray, and Saline Counties, Mo.

1. More participation of poor will depend on whether the Missouri Valley Human Resource Development Corporation can provide programs of sufficient size and variety to gain more of the poor's interest.

2. Financial and personnel policies, procedures, and practices were generally adequate for carrying on Missouri Valley programs.

3. GAO recommended that:

(a) OEO assist area CAAs in program planning and evaluation and mobilizing resources.

(b) OEO re-examine and strengthen controls over the valuation of space claimed as non-Federal contribution.

Becker, Hubbard, and Mahnomen Counties, Minn.

1. Area does not have solid and growing economic structure.

2. CAP not designed to deal with rural poverty.

3. GAO believes poverty will continue until the area's economic base is improved—despite OEO financial assistance.

4. More participation of poor needed.

5. Administrative matters were generally handled in satisfactory manner.

6. GAO recommended that the CAA:

(a) Publicize monthly governing board meetings and hold them throughout the three county area.

(b) Maintain records of prior salaries paid to full-time employees.

(c) Collect, record, and report complete and accurate program data.

Lake County, Ind.

1. CAA had not developed a comprehensive to reduce poverty in the county.

2. CAA unable to establish itself as central planning and coordinating authority due to anti-poverty controversies and to the independence of local social service organizations.

3. GAO recommended that OEO:

(a) Assist and monitor the CAA in its implementation of the evaluation requirements of the act.

(b) Require ⅓ of technical services committee be representatives of poor.

(c) Assist neighborhood centers to successfully carry out their basic functions.

(d) Examine reasonableness of CAA's claims for non-Federal contributions.

(e) Supervise CAA's progress in effecting improved financial and administrative control.

GAO INVESTIGATION AND EVALUATION OF EOA PROGRAMS

I. COMMUNITY ACTION PROGRAM

Findings:

(1) CAP, as presently structured, is not designed to deal with the basic problem of rural poverty, because it does not have the investment capital that may be necessary to create permanent employment opportunities on any meaningful scale.

(2) Economic development activities included assistance in organizing producer marketing, or purchasing cooperatives; creation of supplementary business or industrial employment opportunities; efforts which stimulate the creation of new jobs within the community, either in public or private employment; and active participation with Federal, State, and local agencies in economic development; but, although some of these programs benefited a few of the participants in an area, they have not yet demonstrated potential for general adoption by rural CAAs.

II. MANPOWER PROGRAMS

A. Concentrated Employment Program (CEP)

Findings:

(1) At the 4 locations reviewed, from 5–27% of the persons enrolled had incomes in excess of the Department's prescribed poverty level criteria.

(2) 91 of 332 enrollees reported family incomes in excess of that prescribed, ranging from $100 to $16,800 and averaged $2500 per family.

(3) Tests also showed 14% of enrollees did not meet age, employment, or other DOL criteria.

B. Job Corps

Findings:

(1) Reasons for not meeting recruiting quotas given by agencies—

(a) Existence of available jobs in certain areas.

(b) Disinterest of eligible youths in the program.

(c) Discouraging reports on Job Corps program made to potential enrollees by returning, terminated corpsmen.

(2) Important criteria frequently waived (see GAO Investigation & Evaluation of EOA Programs A–1) were:

(a) Minimum period that an applicant had to be out of school, a requirement designed to discourage youths from dropping out of school to join the program.

(b) Requirement that an applicant meet certain behavior standards.

(c) Requirement that an applicant not be a high school graduate.

(3) Most frequently given reasons for leaving centers by interviewed terminees:

(a) Dissatisfaction with the center or Job Corps as a whole.

(b) Homesickness.

(c) The inablity to obtain desired vocational training.

(d) The fear of bodily harm.

(4) Counseling was not conducted in a regularly scheduled manner and records of counseling activities were not adequately maintained.

C. Neighborhood Youth Corps

(1) Administrative improvements needed were:

(a) Recruiting and screening of youths for patricipation in the program should involve careful eligibility, determinations & individual attention to applicants' needs for the program.

(b) Pre-enrollment testing should be provided to youths, and counseling services should be improved.

(c) Supplementary education should be intensified and upgraded.

(d) Job development, placement, referral, and follow-up services should be provided in adequate measure.

(e) Self-evaluations of program effectiveness should be performed by sponsors.

(f) Sponsors' staff capabilities should be improved.

(g) In-school and summer enrollees should be adequately supervised, and realistic work production should be required of them for wages paid.

(h) More effective use should be made of state employment service offices.

(i) DOL should stabilize its headquarters organization to allow program managers to gain experience in the operation of specific aspects of program operations. Also the DOL needs to reevaluate the role of its field staff in supervising the activities under the NYC program and to determine what increase in surveillance is necessary to effectively monitor sponsors' operations.

D. Work experience and training program

(1) Of 363 participants reviewed, 100 were absent 30% or more of their scheduled training time over a period of 1 month.

(2) Administrative problems—

(a) Maricopa County, Ariz., in selecting participants, gave preference to those with at least elementary school education.

(b) At Maricopa County & Gila River Indian Reservation, basic education, although needed, was not included in the local program.

(c) In Los Angeles County scheduled training was less than 30 hours a week and some less than 25 hours a week; whereas it should have been close to 40 hours a week.

III. HEALTH PROGRAMS

Findings:

(1) The Director, OEO, define the circumstances under which the centers may finance costs of hospitalization; establish more equitable criteria to determine eligibility of applicants for medical care; and ensure that centers claim reimbursement from third parties, where appropriate.

(2) Increased attention be given by both the Director and the Secretary of HEW to the coordination of the agencies' health efforts and the development of uniform standards for evaluating health projects and programs, including family planning programs, both during the development phase and on a long-range basis.

IV. EDUCATION PROGRAMS

A. Headstart

(1) Some children may have been prevented from participating in the projects because eligibility criteria were not properly applied or classroom space was not fully utilized.

(2) Low parent participation attributed to—

(a) Parents of former Head Start children remained employed as aides after their children graduated and they were disqualified as parents of Head Start children.

(b) Parents might be unavailable for work at the center due to employment elsewhere or due to having other children at home who required attention.

B. Upward Bound

(1) Certain students selected for the program may not have been in need since they appeared to be adequately achieving in school and sufficiently motivated to attend school. Of 13,438 students enrolled in 1966 Upward Bound summer program, 3589 or about 20% were attaining B averages or better.

(2) The estimated 5% high school dropout rate of Upward Bound enrollees compares with a reported 35% dropout rate experienced in the general low-income student population and a 29% rate of dropouts of older siblings of Upward Bound enrollees.

(3) Comparing Upward Bound students to older siblings and the national student population, about 79% of the Upward Bound students enrolled in 2 and 4 year colleges compared with an average of 20% for their older siblings and 40% for the national student average (1967).

V. OTHER PROGRAMS

A. VISTA

(1) 76 of 301 projects reviewed by GAO did not meet evaluation requirements (see #9 under GAO Review-Concerning Evaluation of Programs).

(2) There was a lack of adequate supervision over the volunteers by the project sponsors and supervisors.

(3) Volunteers were used in tasks or in positions that could apparently have been performed by neighborhood residents or project individuals in staff positions.

(4) Project sponsors and supervisors did not receive adequate instructions and information from VISTA as to how volunteers could be used or what their role in the community was to be.

(5) VISTA did not provide the project sponsors and supervisors with adequate advance information on the skills, qualifications, sex, age, and number of volunteers that were being assigned to the project.

(6) Of 55 volunteers interviewed at 14 different projects—

(a) 7 stated their projects were getting worse.

(b) 27 stated that the projects had not been explained to them at the time of their arrival.

(c) 2 stated their projects were worthless.

(d) 18 stated that they had been used in areas for which they had no training.

(7) VISTA has initiated efforts to—

(a) Correct supervision shortcomings by providing for a substantial increase in the number of VISTA-paid supervisors on its projects.

(b) Conduct special training programs for supervisors of VISTA volunteers.

(c) Structure the training programs for its volunteers to be more responsive to the specific needs of VISTA projects by placing greater emphasis on OJT training.

B. Legal services

(1) The Committee of State Officials on Suggested Legislation, a unit of the Council of State Governments, receives from BOB and from state and public organizations proposals for consideration by the state legislatures. The Office of Federal-State Cooperation, FTC, has a working arrangement with state officials for exchanging information on deceptive practices of companies and for assisting in drafting legislation for consideration by state legislatures.

(2) Legal Service program lawyers can make recommendations thru BOB for changes in state legislation that adversely affect the legal rights of poor and compile a listing of recruiting consumer problems of the poor in various states for submission to FTC for consideration by state officials and state legislatures.

(3) Analysis of 34 LSP evaluation reports showed that in many cases the reports did not contain comments on critical areas, such as law reform and economic development.

(4) Officials of many programs evaluated had not been formally advised of the results of evaluations, and, in cases where improvements had been suggested, there was little follow-up to monitor their implementation.

C. Migrant and seasonal farmworkers program

(1) Director of OEO require that—

(a) Systematic employability plans be prepared whereby participants' handicaps can be identified at the time of enrollment so that an appropriate curriculum can be developed to meet such needs.

(b) Participants' progress in the program be periodically reviewed.

(c) Data on participants' post-program experience be maintained.

(2) Clarify eligibility criteria for the programs, and require that vigorous efforts be made to ensure that participation in the program is limited to those meeting such criteria.

D. Economic opportunity loan program

(1) Management system should be improved by providing data which will—

(a) Define more precisely the number of rural families whose incomes are deficient and who represent potential borrowers.

(b) Identify the problems that exist in reaching and aiding certain groups, such as the aged and non-farm families.

(c) Determine more effectively the amount of loan funds that will be needed in the future.

(d) Formulate the framework by which loan performance can be effectively evaluated.

(2) FHA did not have sufficient knowledge of the extent to which borrowers were meeting the loan objectives or of whether the loan program was being directed primarily toward those families having the best potential for obtaining a reasonable increase in their incomes to enable FHA to adequately assess the results of the program and plan its future direction.

Mr. Speaker, also in going through the table of contents of the four volumes of the hearings before the committee, it is a little difficult to characterize who these witnesses were, and in order that our colleagues might have an opportunity to see the number of Congressmen who have testified, and the ones who were related to the Job Corps, the number of elected officials, the number of organizations overall that testified, the CAP organization, New Careers, food programs, legal organizations and health centers, and a few others, these have been summarized, and I will put this in the RECORD at this point.

The material referred to follows:

WITNESSES AT 1969 HOUSE HEARINGS

13 Congressmen testified: Albert, Chisholm, Olsen, Culver, Patten, Vander Jagt, Flood, Fulton, Johnson, Lloyd, Pickle, Fascell, and Rogers re Florida Migrant Legal Services Program.

Job Corps: Above Congressmen; Sec. Schultz & Webber; Comptroller General; Women in Community Service, 4; Lou Harris; 35 Job Corps enrollees; 13 center Directors.

Elected Officials: Mayor Cavanaugh of Detroit spoke for Mayors Conference & Nat'l League of Cities; Jay Rockefeller, Sec. of State of W. Va. (JC); State Senator Henry Howell of Va. (food programs).

Organizations (overall): Nat'l Council of Churches; Nat'l Urban League, 2; NACD, 4; Nat'l Farmers Union, 5; Nat'l Conf. of Catholic Charities; Nat'l Governors Conference; State OEO Directors Assn.; League of Women Voters, 5.

CAP: About 50 people testified concerning CAP programs. These were people connected with the programs or people receiving benefits from the programs. They often appeared as part of a panel and therefore it is difficult to get an accurate count.

New Careers: 5.

Food Programs: About 20 people spoke concerning food, lunch, & EFMS programs.

Legal Services: About 15, including ABA, law schools and Cong. Rogers.

Health Centers: 3 spoke specifically about health centers, also came under CAP panels.

Head Start: About 20 people spoke on HS including Finch and Sugarman.

Testified re State Involvement: Director Rumsfeld; State OEO Directors—Smith, Md.; Marin, Ariz.; Deasy, Calif.; Brady, Wash.; Monroe, W. Va.; Allen, Texas; Nat'l Governors Conference; also State representatives Jermstad, Ark.; and Williams, Calif.

OEO People on Head Start: Regional coordinators Spaeth, Helfer, Fink; Regional Consultants Cock, Marks, Catcagno, Clayton and Holman.

The following are guidelines for "CAA Designation and Structure" and "Role of State Economic Opportunity Offices" which were sent to all Governors by OEO. Following them is general summation of answers as developed by the National Governors Conference and some actual letters from the Governors themselves:

IMPROVING GUIDELINES FOR CAA DESIGNATION AND STRUCTURE

OEO guidelines implementing the 1967 amendments governing the designation, recognition, and structure of Community Action Agencies are being rewritten to make it easier for State and local governments to designate community action agencies of their choice and to improve the quality of board representation. The following major policy changes will be included in the revision:

1. The list of kinds of programs which a community action agency must be capable of conducting will be eliminated or sharply reduced, so that minor restrictions on an agency's power will not prevent it from being recognized as a community action agency.

2. The requirement that a community action agency have the power to give preference to the poor in hiring and to employ persons without any fixed upper age limit will be made subject to waiver in cases where a public community action agency delegates all operating functions to other agencies. This change will allow the designation of public agencies as community action agencies even though they are subject to civil service laws and regulations which would prevent them from giving preference to poor people; at the same time it will preserve the substance of the preference for hiring poor people by requiring that operating programs be delegated to other agencies in such cases.

3. The preference for local designation of community action agencies, as contrasted with State designation, will be eliminated. OEO staff will be instructed to maintain neutrality on this matter.

4. Requirements for representation of private groups on community action agency boards will be strengthened. At the present time, one-third of the board members must be public officials, "at least" one-third must be representative of private groups. The new regulations will assure a minimum level of private group representation.

5. The rule that changes in designations of community action agencies will take effect only at the ends of program years will be eliminated. Public officials will be able to change their designations at any time, and have the change become effective as soon as they can implement it.

6. The minimum population required for a city (or other area less than countywide) to have its own community action agency will be reduced substantially from the present figure of 250,000.

HIGHLIGHTS OF NEW OEO GUIDELINES (INSTRUCTION) ON THE ROLE OF THE STATE ECONOMIC OPPORTUNITY OFFICES, OCTOBER 10, 1969

(Office of Operations, Division of State and Local Government)

The Governors and the State Economic Opportunity Office (SEOO) Directors are reviewing a *draft* OEO Instruction which establishes a broader and more constructive role for the states in the anti-poverty programs funded by OEO. Highlights of these new *draft* guidelines—which once approved will supersede an OEO set of guidelines issued April 30, 1968—are as follows:

The SEOOs are charged with giving priority emphasis to being advocates of Community Action Agencies and of the poor at the state level, e.g., in the mobilization of state-level resources, in trying to bring about improvements through state legislation, and in developing career opportunities for the poor with state agencies.

In order to better provide more sophisticated technical assistance for CAAs and other OEO grantees, the SEOOs will be encouraged to obtain, and will be given assistance in hiring, more highly specialized personnel. training to SEOO staffs.

OEO Regional Offices are directed to jointly work out agreements with their SEOOs so that there will be a more coordinated and efficient use of their respective field personnel.

Research and demonstration proposals from the SEOOs will be encouraged under the new guidelines and OEO will reserve funds for this purpose. Preference will be given for innovative proposals which would influence institutional change to benefit the poor and which would not require continuous Federal support.

SEOOs will prepare an annual written analysis of poverty in states for the guidance of the OEO Regional Offices.

OEO's Regional Offices are directed to jointly develop with the SEOOs a state funding plan for the expenditure of OEO funds.

The draft Instruction requires that notification and consultation procedures with the SEOOs be established on training and technical assistance grants and contracts which would operate in their states. The SEOOs will be encouraged to compete for special training and technical assistance (Section 230) funds.

The SEOOs are to be represented on all OEO staff evaluations of grantee programs operating within their respective states and they are to receive copies of all written reports of these evaluations.

The draft instruction more specifically spells out procedures for SEOO input and comment on grant proposals at an early stage of their development (the Checkpoint Procedure) and for subsequent SEOO review of formal funding applications concurrently with the OEO review.

ROLE OF STATE ECONOMIC OPPORTUNITY OFFICES

INTRODUCTION

The states have an important and unique contribution to make in our nation's efforts to eliminate poverty and in assisting OEO with the programs authorized in the Economic Opportunity Act. It is the policy of the Office of Economic Opportunity to help the states maximize this contribution. The OEO Director, under Section 231 of the Act, is authorized to fund state agencies to provide technical assistance to OEO grantees, to coordinate related state activities and to advise and assist the OEO Director. At the request of the governors, OEO provides grants to the states for the establishment of State Economic Opportunity Offices (SEOOs). Since Section 242 of the Act requires the approval of the Governor on Title II grants and contracts, it has been the practice of governors to ask their SEOOs for advice and assistance in exercising their authority under Section 242.

The establishment and support of State Economic Opportunity Offices (SEOOs) is the prime mechanism by which OEO seeks to aid state governments in their efforts to eradicate poverty within their boundaries. OEC expects to obtain through the SEOOs a greater understanding of the roles that the individual states can best play in anti-poverty activities, and expects to receive advice from the SEOOs on how OEO can best support other state activities aligned with OEO's mission and objectives.

OEO recognizes that, for many reasons relating to state legislation and constitutional requirements, organizational patterns and other special considerations, the functions of the SEOOs cannot be uniform throughout the nation. Thus, OEO policy towards SEOO functions and responsibilities will be maintained flexible to fit individual state situations. To take full advantage of each states unique capabilities and interests, OEO through its Regional Offices, will jointly develop specific roles and work programs for each SEOO.

THE STATE ECONOMIC OPPORTUNITY OFFICES

I. Placement

Because of the multiple roles expected of SEOOs in state anti-poverty activities, it is desirable that the SEOO be located at a high level in the state government structure, readily accessible to the Governor.

II. Advisor to the Governor on anti-poverty matters

A. The SEOO provides the Governor with information and guidance with respect to the policies and programs of OEO and other anti-poverty resources, particularly as they relate to his state. At the discretion of the Steps will be taken to provide in-service Governor, the SEOO may assist him in carrying out the provisions of Section 242 of the Economic Opportunity Act concerning the Governor's authority to approve applications for OEO funding, and his authority to terminate VISTA Volunteer assignments under Section 811(b).

B. Upon the request of the Governor, the SEOO acts as his representative on matters related to poverty. The SEOO can thus represent the Governor vis-a-vis other state agencies, local units of government, CAAs, OEO (Regional and Headquarters), other Federal agencies and other states. The SEOO also provides the Governor, other state agencies, and the OEO Regional Offices with information on the causes and conditions of poverty in the state.

III. Coordination and advocacy at the State level

A. The SEOO is expected to give priority to the mobilization and coordination of anti-poverty resources at the state level. This requires effective interagency mechanisms to assure good communication between state agencies and offices whose activities affect the poor. The SEOO should, on its own initiative, seek out and develop every state agency resource (programs, expertise, funds, etc.) that can be found to assist anti-poverty efforts within the state and to make such assistance available to OEO grantees.

B. The SEOO acts as a special advocate for the poor at the state level by:

1. Developing career opportunities for the poor within the SEOO and in other state agencies. It should encourage and assist state agencies to establish training programs to provide career opportunities for the poor and for the upgrading of those already employed.

2. Working toward establishment of a system providing for representation of the poor on state committees and other instrumentalities related to anti-poverty efforts.

3. Assessing state poverty-related programs and state administrative procedures, and working to make them more responsive to the needs and desires of the poor.

4. Employing poor persons as staff or as consultants to help carry out training and technical assistance for Community Action Agencies, whenever possible and consistent with state law and regulations.

C. The SEOO, under the direction of the Governor, provides information and assistance to the state legislature, the state planning agency and other state agencies with the objective of enacting and amending legislation and developing programs for the benefit of the poor. SEOOs should consult with local CAAs on the kind of legislation they feel should be recommended to the Governor or state legislature.

D. The SEOO provides state agencies and officials, OEO grantees and the general public, with information and statistics in the form of periodic bulletins, annual reports, letters, telephone communications, meetings, etc. on the problems and needs of the poor and the programs and efforts to overcome poverty within the state.

IV. Technical assistance to CAAs and other OEO grantees

In coordination with the OEO Regional Office, the State Economic Opportunity Office:

A. Provides general technical assistance where requested to Community Action Agencies, community groups, state and local government agencies, and other grantees or potential grantees, in developing, conducting and administering programs under the Economic Opportunity Act. (The SEOO shall give priority emphasis to the hiring and training of highly specialized personnel in such fields as housing, economic development, office administration, and other areas which periodic field surveys show are the greatest needs of CAAs for technical assistance.)

B. Surveys and marshals resources and funds for CAAs and other OEO grantees, available from state agencies, the private sector and other sources within the state.

C. Acts as a "Coordinator of Volunteer Activities" in the state, providing information and assistance to CAAs and other OEO grantees, in planning, developing and operating volunteer programs.

D. Assists CAAs in planning and developing coterminous or complementary boundaries with other area development, planning and program units where feasible. Assists the CAAs in implementing BOB Circular A–95 (Part II) which requires improved state level coordination of planning in multi-jurisdictional areas.

E. Sponsors training programs and workshops for CAA staff and Board members, when requested by OEO grantees, with particular emphasis on utilization of state resources and personnel.

F. Participates in the Checkpoint Procedure system to give the SEOOs a meaningful opportunity to provide advice and assistance at an early stage in the development of proposals by CAAs and other OEO grantees. (This procedure is explained in OEO Instruction 6710–1 under IV–43. The details of the way the SEOO participates in the Checkpoint system and in the pre-review process with CAAs should be included in the SEOO Work Plan.)

V. Operation of special programs

The State Economic Opportunity Office may:

A. Where appropriate, receive OEO and other Federal and state agency funds to operate—or delegate the operation of—single purpose programs which further the objectives of the Economic Opportunity Act. The Checkpoint Procedure must be used by the SEOO with any CAAs whose areas would be affected by the operation of OEO-funded programs. It is desirable, (but not required) that the SEOO use a Checkpoint form with all CAAs in preparing its own refunding request under Section 231 of the EOA. *CAA concurrence is required* for SEOO programs funded under Section 221 of the EOA. (This Checkpoint procedure is explained in OEO Instruction 6710–2 on Limited Purpose Agencies.) Wherever an SEOO operates a program, it shall establish an advisory committee of representatives of the poor. (See OEO Instruction 6005–1)

B. Participate in research and demonstration programs, funded by OEO and other sources. Research and demonstration proposals in program areas where states have particular experience will be encouraged by OEO. Each fiscal year, OEO will reserve funds to be used for SEOO research and development activities. Priority will be given to proposals for experimental and innovative research and demonstration activities designed to bring about meaningful institutional changes in state and local government to make them more responsive to the needs of the poor. Preference will be given to proposals which provide evidence that state or other non-Federal funding of the program is probable after a successful demonstration of one or two years.

C. Conduct special training and/or technical assistance programs for OEO grantees and other organizations and groups in the state assisting the poor. (Special funding ob-

tainable under Section 230 of the EOA, in competition with other applicants—see VI–C below.)

D. Develop and carry out programs, when funds are available, to help meet the immediate needs of migrant and seasonal farmworkers and their families; promote increased community awareness and acceptance of such families and help them participate in special education and job training programs.

VI. Adviser to OEO

A. The SEOO advises the OEO Regional Offices on the criteria established under Section 241(b) of the EOA, which are designed to achieve within the states an equitable distribution of assistance between urban and rural areas under Title II of the Act. The SEOO is expected to provide a written analysis to the Regional Office, at least annually, of the principal problems and causes of poverty in the state. This analysis should include recommended priorities in the distribution of OEO funds to meet those problems. The Regional Office shall respond to these recommendations and attempt to resolve with the SEOO any differences of opinion in this area.

B. Upon receipt of the annual funding guidance from OEO Headquarters, the OEO Regional Office shall use the above analysis and consult with the SEOO in developing a preliminary *state funding plan.* (This draft state funding plan should include a statement on national program priorities and establish tentative funding levels, for as many program areas as possible.) SEOO comments on this draft plan shall be considered and responded to by the Regional Office which shall attempt to resolve open questions before a final state funding plan is approved. Subsequent significant modifications to the state funding plan require prior SEOO consultation before implementation. (Note: a copy of the final funding plan shall be provided by the Regional Office to each SEOO, and to the Division of State and Local Government, Office of Operations, in OEO Headquarters.)

C. The SEOO advises OEO on training and technical assistance matters. The SEOOs shall be consulted in the development of the OEO Headquarters and Regional Training and Technical Assistance Plans. Comments and recommendations by the appropriate SEOOs shall be sought on all proposals for OEO-funded training and technical assistance projects that would operate in their states. The SEOOs themselves may compete as grantees for Section 230 training and technical assistance grants.

D. The SEOO advises OEO on funding requests from applicants within the state. The SEOO receives copies of all such official applications simultaneously with submission to the OEO Regional Office or to OEO Headquarters. The SEOO should submit written comments to the appropriate OEO office within 30 days of receipt of these applications, and the Regional Office shall give serious consideration to these comments in its review.

E. The SEOO jointly participates with the Regional Office in the monitoring and evaluation of OEO-funded programs and is consulted by the OEO Regional Office in the development of standards for the evaluation of program effectiveness. (See OEO Instruction 7850–1.) (OEO shall invite SEOO representation on all evaluation teams which review the program operations of OEO grantees. All program evaluation reports on OEO grantees, within a particular state, shall be forwarded to the SEOO for information.) When, in the judgment of the OEO Regional Director, the SEOO has the specialized capability, the SEOO shall—in coordination with the Regional Office—follow up with the grantee to see that the recommendation of the evaluation report are implemented.

F. The SEOO advises the OEO Regional Offices on VISTA operations within the state. The Regional Office will consult with the SEOO in the development of meaningful programs for VISTA Volunteers. The SEOO will attempt to assist VISTA in its coordination needs with state-operated programs. When specifically authorized by OEO, the SEOO may assist VISTA in such areas as recruitment and placement. The SEOO advises the Regional Office on special problems in the state that might develop as a result of the activities or presence of VISTA Volunteers, and assists the Regional Office in resolving such problems.

G. The SEOO advises OEO on procedures and programs which will promote state agency participation in carrying out the aims and objectives of the Economic Opportunity Act.

It also advises and assists OEO in identifying problems posed by Federal and state statutory or administrative requirements that impede state level coordination of OEO related programs, and in developing methods or recommendations for overcoming those problems. This is achieved through continuing relations with both OEO Regional Offices and OEO Headquarters, and through the consultation provisions of BOB Circular A–85.

VII. Regional office responsibilities with the SEOO's

A. The responsibility for application review, grant approval and program monitoring under Section 231 of the EOA continues to be delegated to the Regional Offices, except for those pilot projects the OEO Director may choose to activate. Liaison with the SEOO Directors shall be focused in the Office of Government Relations under the Regional Director.

B. The Regional Offices shall work jointly with each SEOO to develop an annual Work Program (as a part of its funding request) acceptable to both OEO and the Governor, which takes full advantage of SEOO staff capabilities; they shall give consideration to the diversity of the states, and that different approaches are appropriate in different situations; they shall emphasize state involvement in OEO program activities.

C. Regional Offices are responsible for ensuring that the SEOOs are consulted concerning Regional Office plans and priorities with regard to OEO grantees within their respective states.

D. Regional Offices are to solicit SEOO views on the poverty problems within the state, on the Regional funding plan for the allocation of resources, and on the annual Training and Technical Assistance Plan as it pertains to the state. They shall ensure that the SEOOs are properly consulted and notified regarding Section 230 (Training and Technical Assistance) grants and contract awards.

E. The Regional Offices shall see that the Checkpoint Procedure system is being effectively implemented between all regionally-funded OEO grantees and contractors and the appropriate SEOOs.

F. The Regional Offices shall jointly work out a written agreement with each SEOO to assure a maximum of coordination and a minimum of overlapping of activities and functions carried out by their respective field representatives. This agreement shall be jointly reviewed at least annually to effect improvements.

G. The Regional Office shall ensure that a copy of all applications and requests for OEO funds submitted to the Regional Office for approval shall be sent simultaneously to the appropriate SEOO for information and comment. Written comment by the SEOO on these funding requests must receive serious consideration and response by the Regional Office if received within 30 days of SEOO receipt of the application copy.

H. The Regional Office shall invite the SEOOs to participate in on-site program evaluations of regionally-funded OEO grantees within their respective states, and shall share with the SEOOs the findings and recommendations from these evaluations.

I. The Regional Office is responsible for making periodic evaluations of the effectiveness of the SEOOs, as OEO grantees, in implementing their annual Work Plan and in carrying out the basic objectives outlined in this Instruction.

J. The Regional Office shall work jointly with the SEOOs to strengthen the SEOO staff capability to carry out their Work Plan and to overcome any weaknesses that may be revealed by these evaluations.

K. The Regional Directors, and the SEOO Directors in each Region, shall jointly plan and participate in regular meetings—to be held at least quarterly—to discuss mutual problems, exchange information and explore new and innovative ways to increase their effectiveness. Whenever feasible, a representative from the State and Local Government Division of the Office of Programs, OEO/Headquarters, should attend such meetings.

VIII. OEO headquarters relationships with the SEOO's

A. The State and Local Government Division under the Office of Operations shall be the primary office in OEO Hadquarters-level dealings with the SEOOs. This Division is to maintain a nation-wide overview of SEOO operations and shall work in close coordination with the Governmental Relations unit of each Regional Office.

B. This Division shall seek to develop and strengthen the role of the SEOOs in the anti-poverty effort and to maximize OEO consultation, coordination, and cooperation with the states.

C. This Division shall foster an exchange of information and program experience among all the SEOOs and Regional Offices. It will sponsor, and jointly plan with the SEOOs, an annual national conference for all SEOO Directors.

D. In coordination with the Regional Offices, this Division will ascertain national and inter-regional training and technical assistance needs of the SEOOs. It will assist them in meeting such needs by the use of OEO personnel, or through national contractors acceptable to the SEOOs.

E. This Division is responsible for ensuring that all grants and contracts—which are sponsored and/or approved by OEO Headquarters—shall be brought to the attention of the appropriate SEOOs at an early enough stage in their development to ensure meaningful comment. It is responsible for monitoring the Checkpoint Procedure system (with the SEOOs) which is to be used by all offices in OEO Headquarters. This Division is to see that the SEOOs are consulted and notified on Section 230 and other training and technical assistance grants and contracts emanating from OEO Headquarters.

F. This Division is to receive a copy of each SEOOs' "Plans and Priorities" and a copy of each SEOO's funding request simultaneously upon submission to the OEO Regional Offices. The Regional Offices should send the Division a copy of all executed SEOO grant packages and a copy of any written evaluation reports on the SEOO's.

G. This Division will work with OEO's Office of Program Development in the solicitation and review of new SEOO proposals for innovative demonstration programs. (See IV–B.)

H. This Division shall assist the SEOOs in their dealings with other Federal agencies.

I. This Division shall receive a copy of the required MIS quarterly narrative reports, directly from each SEOO, when it is submitted to the Regional Office.

IX. SEOO responsibilities as OEO grantees

A. When a state applies for funding from OEO under Section 231 of the Act, it must use the forms and follow the procedures for SEOOs outlined in the revised OEO Instruction 6710, "Applying for a CAP Grant." (Until the above revised Instruction is published,

SEOOs should be guided by OEO Notice 6710–2 of February 26, 1969.)

B. The state's share for funding under Section 231 is 20 percent of the total cost of the operation in cash and/or in kind. In very unusual circumstances, a part or all of the state's share may be waived at the discretion of the OEO Regional Director.

C. As part of its annual refunding request, the SEOO must include a progress report on its activities for the previous year specifically related to its Work Plan. The MIS Quarterly Narrative Report on SEOO activities is also required. (The MIS Quarterly *Statistical* Report shall no longer be required.) The SEOO Work Plan, as an important part of the refunding request, must henceforth address itself to the specific responsibilities outlined for the SEOOs in this Instruction.

D. Annual financial audits, plus cooperation with monitoring and evaluation visits by OEO personnel or with OEO contractors, are considered standard conditions in the acceptance of OEO grants by the states.

E. SEOO concurrence of an OEO-approved "funding package" is an agreement by the SEOO to perform the work stated in the revised Work Plan. Unsatisfatcory performance is cause for OEO to re-evaluate and possibly lower the funding level of a SEOO.

F. As OEO grantees, the SEOOs must comply with OEO Personnel Policies and Procedures (as currently outlined in CAP Technical Assistance Memorandum 26–A, April 3, 1967). When these are in conflict with state law and personnel regulations, a mutually acceptable solution shall be spelled out in a written agreement between the SEOO and the OEO Regional Office.

G. SEOOs are expected to carry out preservice and in-service training programs to upgrade the skills of their staffs, and all SEOO refunding requests shall include specific plans for staff in-service training. Whenever funds permit, the SEOOs are to be given the opportunity by OEO to strengthen their staff capabilities to carry out authorized functions more effectively. Short-term exchanges of personnel between the SEOOs and the OEO Regional Offices, for orientation and training purposes, are encouraged and should be worked out jointly.

WASHINGTON OFFICES OF THE COUNCIL OF STATE GOVERNMENTS—NATIONAL GOVERNORS' CONFERENCES,
Washington, D.C., November 20, 1969.

GENERAL COMMENTS

There is perhaps no area where greater mutuality of interest characterizes the efforts of the several states and the federal government than the planning and administration of programs to eliminate poverty. The concerns of the present Administration for redirecting and strengthening the operation of the Office of Economic Opportunity are most encouraging. But those efforts to uplift our disadvantaged citizens cannot succeed if they remain unilateral federal actions or programs which in process tend to mitigate or ignore involvement of state and local governments.

In the past, the mere proliferation of federal programs could not and did not produce the most desired results. In many instances, coordination between regional OEO's and state offices was minimal at best. Procedural practices tended to counteract, frustrate, and even reduce the effectiveness of state attempts to fulfill their own responsibilities for ameliorating the conditions of life to which their most deprived citizens fell heir by aiding them to become self-reliant members of American society.

The states do not seek to control or distribute OEO program funds, but only to be involved in a meaningful and forthright manner with all agencies striving for the eradication of poverty, and to have their recommendations or objections considered in the light of facts to which they alone, by virtue of their special position, are privy. The states do desire some measure of control over programs operating within their borders in order to ensure the greatest benefit and most efficient use of available funds. This can occur only when state offices are involved in the planning and programming of all projects to eliminate poverty.

As Governor Hathaway of Wyoming wrote:

"I have long felt that the several states and their Governors in the past, have been by-passed and used only as "rubber stamps". Neither Mr. Newton (SEOO Director) nor I have concurred in such practices, in fact, strongly object to such procedure. It is, therefore, refreshing to us in Wyoming to note the new trend which is indicated OEO will take. If such trend becomes a reality, it should be only the first step and not the last in the greater involvement of the states."

But there will be no more than this first step unless capable and responsible SEOOs are accepted as full, good faith partners under the Act. OEO must recognize State government as the advocate and representative of its people and as a necessary link in the governmental structure. OEO must also recognize that decentralization goes beyond its delegation of grant approval to regional offices. OEO has not, and cannot implement successfully its primary charge of advocacy, inter-agency coordination and mobilization of resources below the Regional level. The functionally superior State capability must be called upon, if the intent of the Act is to be met, and poverty lastingly eliminated. Enduring change, statewide and locally, requires this essential ingredient of success available only at the State level. OEO must work to support the growth of these essential resources at the State level. Integrated State human resource planning and coordination must be given a greater priority.

Some of the roles that can be fulfilled by the states were enumerated by California:

"We believe that there are a number of equally important roles for the State Economic Opportunity Offices which must be given equivalent emphasis. These key roles are: to serve as advisor to the Governor of the state; to provide intensive and comprehensive technical assistance and training; to prepare, plan, and develop innovative research and capabilities. We do not necessarily agree that any one of these roles has a primacy in relation to the responsibility of the State Economic Opportunity Office to be a representative state organization with special mandates for the disadvantaged citizens of the state."

SPECIFIC COMMENTS ON OEO INSTRUCTION DRAFT

Introduction Section: The introduction establishes appropriate background for the development of guidelines on the role of SEOO's. There is some question, however, with regard to the last sentence of the introduction which indicates that OEO and its regional offices will jointly develop specific roles and work programs for each SEOO. This should be changed to indicate that regional offices, working jointly with SEOO's, will develop roles and work programs for each SEOO. Certainly the states themselves are in better positions to determine their own needs, and therefore state roles and work programs should be developed primarily by the states with regional office concurrence.

I and II: These sections are found acceptable as drafted, and no specific recommendations are offered to refine them.

III Coordination and Advocacy at the State Level: Basically, the remarks made are good but they are more constrictive than constructive. The states' role should be broad and not channeled into specific areas as is done under 1, 2, 3 and 4. No where else in the complete draft instructions is there another place where such points are made except in this area involving the states. The states are not only interested in developing career opportunities for the poor within the SEOO and other state agencies but in the broader role of developing career opportunities for the poor in all areas including state and private enterprise. Under this section the state role should be expressed in broad terms and if specifics are mentioned they should be preceded by the words "Suggestions for SEOOs to consider."

IV Technical Assistance to CAA's and other OEO Grantees: In this section, the statement, "Provides general technical assistance where requested . . ." is not an adequate concept of SEOO technical assistance since it responds only to requests made by Community Action Agencies. Dynamic programming calls for the provision of technical assistance not only on request, but also as initiated in relation to perceived and demonstrated needs. As one state expressed the matter:

"It appears state offices remain as messenger boys in so far as providing technical assistance. It is indicated the state offices will provide technical assistance 'where requested'. This is a subtle way of once again bypassing the states with local programs."

To enhance the value of their technical assistance to CAA's, SEOO's should have continuing input into the planning of CAA programs. The Checkpoint Procedure systems could be most helpful in this regard, but the instruction draft offers only generalities instead of explicitly describing when, where, and how the state offices will be involved in prior consultation or development of CAA programs along with other OEO grantees. State offices should be involved in the planning stages, not after everything has been completed. They should be given an opportunity for pre-review while constructive participation is still possible.

The checkpoint procedures spelled out in the Instruction must apply to OEO Headquarters as well as Regional Offices. Many programs are now funded from Washington with no SEOO input at all. The instruction should clearly require submission of all funding requests or proposed funding decisions to the SEOO for comment. This should *specifically* apply to the awarding by OEO of any form of consulting contracts.

"The suggestion that SEOO's "give priority emphasis to the hiring and training of highly specialized personnel" is not appropriate to a small office such as Hawaii where the hiring of a few specialized staff would limit the range of available technical assistance. A generalist with broad experience and competence can be effective by making maximum use of specialists in the State government where necessary and required."

V Operation of Special Programs: Comments relevant to ths section are included under section VI below.

VI Advisor to OEO: Items A and B of this section should be so expressed as to insure that the "advisory" role of SEOO's has real significance with regard to the formulation of OEO programs as they affect the states. This may, in some instances, require OEO support to facilitate state participation within the context of the guidelines. The state of Wisconsin offers the following example:

"Concerning the SEOO role, we question whether it will be possible for the state offices to prepare an annual written analysis of poverty. We presently rely upon 1960 data with some updated material. The analysis on an annual basis could only be highly subjective and limited in focus or geographic area. Without sufficient research grants to SEOOs, we would be opposed to this requirement. If, however, the national OEO were to fund the states with a research grant for computerizing the Management Information System, then the annual analysis would be possible. The Wisconsin Bureau of Economic Opportunity will be submitting a grant request to this effect."

On the other hand, the Governor of California maintains that such reports may even be gratuitous and unnecessary:

"The requirement for the State Economic Opportunity Offices to prepare an 'annual written analysis of poverty in the state' appears to be a superfluous and potentially wasteful exercise. Every city, every county has been demographically surveyed and studied numerous times for every possible measure of poverty and this information is generally available for the federal administration of the EOA."

Item C suggesting that "comments and recommendations by the appropriate SEOO's shall be sought on all proposals for OEO funding training and technical assistance projects . . ." would be considerably strengthened if SEOO's were included in the procedure to sign off all proposals for such OEO-funded projects.

If a state indicates a desire to apply for Section 230 funds, the regional office should provide whatever assistance is needed by the SEOO to develop the best possible proposal which may include taking advantage of all other related state resources. This would enhance state delivery systems and remove the state from the potentially disadvantageous position of competing with certain outside professional agencies.

Item D calls for assistance in implementing BOB Circular A–95 which requires improved state level coordination of planning and multi-jurisdictional areas. A–95 also calls for project notification review procedures which should apply to the funding of all CAA or other OEO grantees within the state, in this case, with the SEOO acting as a form of State Clearinghouse.

Item E refers to SEOO input into evaluations. The SEOO should be continuously evaluating all programs in the state, not just for reporting purposes but to detect any needed areas of assistance. A representative from the State Office staff should be an integral part of any evaluatory team and should have effective input into the final report. As the state of Arizona recommended:

"If the SEOO at the beginning of VI–E is charged with ("jointly participates with the Regional office in the monitoring and evaluation of OEO-funded programs and . . . in the development of standards for evaluation . . ."), this instruction should also provide that *both* the SEOO and the Regional office should jointly participate in the follow-through action.

"This would eliminate the arbitrary decisions which the Regional Director might make and it would enhance the partnership which the whole Instruction attempts to develop. More specifically, it would relieve the Regional Director of having to rule in a very sensitive or delicate area."

Item F concerns another area of great importance to improved state-OEO relations. Much closer ties between the SEOO and VISTA operations within the States is badly needed. Initially, at least, OEO needs to advise the SEOO of all VISTA activities in the State so the SEOO may play a coordinating role. In addition, the instruction should at least permit a State VISTA Director or Coordinator, to be housed in the SEOO, either in the person of an OEO staff member, or paid for by OEO funds.

VII Regional Office Responsibilities With the SEOO's: Many states object strongly to insensitive approaches to evaluating a "governor's office" or an office responsible to a governor. Where such evaluation is carried out, the suggestion of Wyoming should be carefully noted:

"If we are to have true Federal-State relations, state offices must be given some responsibility in connection with application review, grant approval, and program monitoring under Section 231. The monitoring and evaluation of programs should definitely be a dual function of both the regional and state offices. The draft should clearly make it mandatory that state offices be involved in program monitoring and evaluation and given a meaningful role in such. To say that the State office must be "invited" is not enough and is just another way of bypassing state responsibility insofar as their own state programs are concerned."

VIII OEO Headquarters Relationships with the SEOO's: The first sentence of item D under this section should read: "In coordination with the SEOO's and the regional offices, this division will . . ."

Item E, which calls for notifying SEOO's of all grant applications has long been one of the major problem areas in the administration of OEO programs. In this regard, the language included under section VII–G of these instructions should be applicable to the national OEO office as well as the regional.

IX SEOO Responsibilities as OEO Grantees: While primary responsibility for developing an acceptable work program must remain with SEOO's, regional OEO offices should provide consultative assistance if requested.

CONCLUSION

The proposed expansion of SEOO activities is a logical and necessary move if real emphasis is to be placed on state leadership in program development and implementation by the federal government.

Clearly, many of the new responsibilities defined for the States will only be possible with greater staff and financial capacity. This would require a significant increase in technical assistance grants to the SEOO's. A clear statement of commitment for increased financial assistance to the SEOO's (and for a decrease in funding to consultant firms to perform duplicate work) would greatly strengthen the Instruction and the credibility of OEO.

The joint development of a federal-state funding plan will need to be based on a joint federal-state analysis of need. Certainly States should identify such a need from their viewpoint to help guide OEO in funding decisions. More important however, is the actual development of a joint funding plan. Not only must funding decisions be made so as to provide the most effective blending of federal and State financial resources, but also should encourage more State participation. The most effective way to do this is to increase federal funds in proportion to increases in the level of State funds provided. This should be clearly spelled out in the Instruction.

In addition to restructured funding plans, however, most governors feel that they must retain constructive approval powers to insure that projects are executed in the best interest of all the citizens of their respective states. This position is perhaps best exemplified in the words of the Governor of California:

"We recommend, as indicated by our statement before the Senate Subcommittee on Employment, Manpower, and Poverty on June 5, 1969 that all technical assistance, training, and related funds should be channeled to the State Economic Opportunity Office and that all programs under the EOA, not assigned to direct state administration, should be subject to the Governor's approval. We urge the inclusion of all special training, technical assistance and similar grants per Section 230 under the Governor's veto power and object to the procedure of contractual arrangement for such purposes, which circumvent the Governor's role and responsibility in the administration of the EOA. We do not believe that the provisions for notification and consultation procedures or the permission for State Economic Opportunity Offices to "compete" for special training and technical assistance is a satisfactory approach.

"We believe that proper and intent-seeking interpretation of Section 242 of the EOA would indicate selective, line-item approval rights of the Governor. This selective approval would permit the release of funds for portions of grants which in some sections have objectionable components contraindicating positive action by the Governor. The recent Senate action on the amendment to the Economic Opportunity Act of 1969 as proposed by Senator Murphy appears to be an affirmative step in this direction."

The alternative to this is expressed by the Governor of Wyoming:

"If the Washington and regional offices will truly consider the recommendations of state offices regarding application review and grant approval, more than they have done in the past, such procedure would then be a giant step forward. In such case, states would not have to resort to the threat of a Governor's veto in order to have their recommendations considered."

In the final analysis, two crucial elements will determine the success of any proposed guidelines, flexibility and simplicity. Unfortunately, these can become contradictory and self-defeating if they are not wisely conceived and implemented. Maximum flexibility would seem to demand as many different programs as there are states, the very antithesis of simplicity. Nonetheless, the entire program will be effective in the degree that it can focus all available resources upon the resolution of the problems of the poor. To that end, OEO must strive to nurture a policy of flexibility in meeting individual state situations with a strong commitment thereto made apparent within the internal directives of that agency. It is recognized that not every governor may be expected to have equal concern for the problem of poverty. It should be pointed out, however, that for those governors who choose to take strong and positive action and demonstrate capability in this field, the Office of Economic Opportunity should be quite willing to give increasing responsibility to deal with the specific issues outlined in an attack on poverty. Only in this way will the mutuality of interest in exercising poverty from American life become a mutuality of success.

CHARLES A. BYRLEY.

EXECUTIVE CHAMBER,
Nashville, Tenn., November 7, 1969.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. RUMSFELD: Thank you for your recent letter enclosing Office of Economic Opportunity Instruction 7051–2 (DRAFT) on the "Role of the State Economic Opportunity Offices." I appreciate the opportunity to review and comment on this document prior to your implementation of the provisions contained in it.

I am pleased to note that overall the document represents a significant improvement over previous Office of Economic Opportunity guidelines relative to the role of the States. It is, however, my opinion that this issuance successfully evades the central question of specifying the State role within the Federal Office of Economic Opportunity structure. The introduction states the Office of Economic Opportunity will, of necessity, develop specific agreements with States on an individual basis. It is difficult to consider the impact of the other sections of the instruction without knowing whether a mutual understanding between the Office of Economic Opportunity and an individual State can be achieved. It is my suggestion that the document be re-written to delineate the specific areas of States' responsibilities.

I am attaching for your information a copy of the comments on 7501–2 developed by my staff.

Yours very truly,

BUFORD ELLINGTON,
Governor.

STAFF REVIEW—OEO INSTRUCTION (DRAFT) 7501–2, "ROLE OF THE STATE ECONOMIC OPPORTUNITY OFFICE"

OEO has again evaded the central question. In a paper supposedly defining the proper role of the State Economic Opportunity Office, OEO has said that the role of the State Office cannot be defined. The introduction to the paper states that ". . . the functions of the SEOOs cannot be uniform throught the nation." If indeed, ". . . OEO policy towards SEOO functions and responsibilities will be maintained flexible to fit individual state situations" and "OEO through its Regional Office, will jointly develop specific roles and work programs for each SEOO", the comments that follow, under the guise of ambiguous definition, have no validity.

Since its inception OEO Guidelines have always been vague and inconsistent. In order for OEO to give impetus to the State's responsibility in the Federal system of government more specificity is required in defining roles and relationships and the intent of the National Office. Our specific comments are as follows:

Section IV–A states that in rendering technical assistance to Community Action Agencies, the State Office will give priority to the hiring of highly specialized personnel. The State of Tennessee recognizes this need, but implementation of this policy requires budgetary support for the recruitment of such highly specialized people. This draft does not make clear that the needed budgetary support will be forthcoming from national or regional headquarters.

In reference to section IV—D and F more attention should be given to the precise role of the SEOO and its input into total planning with Community Action Agencies and Development Districts.

In order to render meaningful and sophisticated technical assistance to CAAs, SEOOs should have initial and consistent input into the planning of CAA programs. It should be made clear that the State Office is as much a part of the planning process as any other factor. The Checkpoint Procedure should be, in reality, mandatory for all CAP programs in the State. Programs should not be funded without the submission of meaningful CAP Form 77's.

Section VI–A and B should be strengthened to insure that SEOO's are more than advisors. The Regional O.E.O. should not be given the complete authority in resolving any difference of opinion. This responsibility should be shared with the National O.E.O.

In reference to section VI–C all training and technical assistance matters should be coordinated and approved by the SEOO.

Section VI–E refers to SEOO input into evaluations. The SEOO should be continuously evaluating all programs in the state, not just for reporting purposes but to detect any needed areas of assistance. A representative from the State Office staff should be an integral part of any evaluatory team and should have effective input into the final report. Regarding the same idea, Section VII–H states that regional evaluators ". . . shall share the findings and recommendations from these evaluations" with the State Office. The word "all" should be inserted before "the findings" to make clear the necessity for the State Office to be fully informed.

For effective mobilization of State resources, the use of outside consultants is not sufficient. Outside consultants do not provide an effective tool for mobilization of State resources. The State role in training, as referred to in section III–B–4; section IV–E; section V–C; and section VI–C, is too weak. The role of the SEOO should be as strong in the area of training as in technical assistance. In fact, we highly recommend that the SEOO be the *Grantee* for training in this State. One of its major responsibilities would be to mobilize the State's Higher Educational Institutions as resources in this area and to delegate to those institutions such funds as necessary to carry out and meet the training and educational needs for CAAs across the State. This would require the hiring of training specialists by the State Office staff, but would more than pay for itself in increased benefits to CAAs in the state.

The proposed expansion of SEOO activities is a logical and needed move in light of the increased emphasis being placed on state leadership in program development and implementation by the federal government. If the state structure is to be present in the O.E.O. hierarchy, it should be effective. To the degree that effectiveness requires responsibility, greater responsibility must be given to State Offices in the real coordination of all O.E.O. activities within the state.

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., October 22, 1969.

Hon. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR MR. RUMSFELD: I respond to your undated letter received here October 16, 1969, regarding the draft of new instructions on the "role of the State Economic Opportunity Offices."

A review of the draft has been made and my State Director, Mr. Charles G. Newton, and I have agreed upon the attached comments. I agree that the states have a most important contribution to make to the OEO Act and needless to say the states have other resources which can be used to assist the alleviation of poverty.

I have long felt that the several states and their Governors, in the past, have been bypassed and used only as "rubber stamps". Neither Mr. Newton nor I have concurred in such practices, in fact, strongly object to such procedure. It is, therefore, refreshing to we in Wyoming to note the new trend which is indicated OEO will take. If such trend becomes a reality, it should be only the first step and not the last in the greater involvement of the states.

Both Mr. Newton and I offer our sincere cooperation in all OEO matters.

Best wishes.

Sincerely,

STAN HATHAWAY,
Governor.

COMMENTS ON ROLE OF STATE ECONOMIC OFFICES OEO INSTRUCTION, DRAFT 7501–2

The proposed draft for the "Role of State Economic Opportunity Offices" is a step in the right direction, if the various proposals are carried out. In the past, a deliberate effort was made by both the Washington and regional levels to bypass the states and to use them merely as "rubber stamps." In some areas of the draft, we believe little change has been made. Other areas of concern should be more specific as well as mandatory for the involvement of state offices.

SECTION IV—TECHNICAL ASSISTANCE TO CAA'S AND OTHER OEO GRANTEES

It appears state offices remain as messenger boys in so far as providing technical assistance. It is indicated the state offices will provide technical assistance "where requested". This is a subtle way of once again bypassing the states with local programs.

Paragraph E tends to bypass state offices in favor of regional and private consulting firms to provide training programs and workshops for CAA staffs and their boards "when requested by OEO grantees . . ." Certainly state offices have the expertise or can secure such to provide this training for those programs within their own state and should be given an opportunity to do so.

Section F speaks in generalities to the Checkpoint Procedure system but does not specifically spell out when, where, and how the state offices will be involved in prior consultation or development of CAA programs along with other OEO grantees. OEO Instruction 6710–1 under IV–43 has never been a satisfactory way of involving state offices. State offices should be involved in the planning stages, not after everything is completed. Likewise, they should be given a specific time for pre-review or involvement just as the Regional Offices are given in the time schedule.

SECTION VII—REGIONAL OFFICE RESPONSIBILITIES WITH SEOO'S

If we are to have true Federal-State relations, state offices must be given some responsibility in connection with application review, grant approval, and program monitoring under Section 231. The monitoring and evaluation of programs should definitely be a dual function of both the regional and state offices. The draft again makes the state office nothing more than a "rubber stamp". The draft should clearly make it mandatory that state offices be involved in program monitoring and evaluation and given a meaningful role in such. To say that the State office must be "invited" is not enough and is just another way of bypassing state responsibility in so far as their own state programs are concerned.

If the Washington and regional offices will truly consider the recommendations of state offices regarding application review and grant approval, more than they have done in the past, such procedure would then be a giant step forward. In such case, states would not have to resort to the threat of a Governor's veto in order to have their recommendations considered.

The same would apply to paragraph B on page 8 relative to preliminary *state funding plans. If* the Regional Office will consult with the state offices once they receive their annual funding guidance from OEO headquarters and after state funding plans are analyzed, discuss with the states and consider state office comments, such procedure should resolve many questions.

In the past, on a number of occasions, the Regional Office has contacted local agencies offering funds and suggesting the preparation of a quick application. The state office in such instances has always been bypassed and unaware of such proposals until it is an accomplished fact. In such instances, the state office should always be consulted prior to the offering of a program which is of the "quicky" nature. *We suggest* when flexible or other funds are available for additional programs in a given state, the Washington or regional offices first consult with the state offices to secure their ideas or thoughts on such programs. Often times, such additional funds can be better utilized elsewhere in the state.

Nowhere in the draft is it noted that the Governor may veto a component in a grant package without vetoing the entire package. We recommend that such procedure be clearly spelled out, indicating the reference to a "grant" does not refer to the entire grant package which may contain upward to a half a dozen or more separate programs. We cannot permit a poor program to sneak in under the umbrella of an entire grant package.

Wyoming does not seek to control or distribute program funds, but only to be involved in a meaningful and honest manner and to have the recommendations or objections considered in light of the facts. We do desire some control over programs operating in our state in order to make sure the taxpayer's money is truly being spent for the purpose intended as well as to make sure the citizens of this State for whom the funds are made available, receive the greatest benefit. Such can only be accomplished if state offices are given some day-to-day control over programs and not expected to act as messen-

ger boys or rubber stamps. We know our people, their problems, our State, and their characteristics far better than persons far removed from our boundaries.

Only time will tell if the proposed draft is truly meant to give the State a greater role in OEO matters as opposed to the bypassing of the states which has been our past experiences.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, November 1, 1969.

Hon. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR DON: We are pleased to have the opportunity to review the draft of the new instruction on the "Role of the State Economic Opportunity Offices" which you forwarded for my comments.

We note, with interest and a certain degree of satisfaction, the incorporation of many of our suggestions in these new draft guidelines. Our administration has been in sympathy with the objectives of the Economic Opportunity Act of 1964 (EOA) to better the lives of our disadvantaged citizens by aiding them to become self-reliant and self-dependent members of our society in the tradition of our American way of life. During the past years of the implementation and administration of this Act we have, nevertheless, often disagreed with and objected to the ways and means of carrying out this Act. We have been concerned with the apparently purposeful, de facto elimination of the federal-state partnership concept and the reduction of the state role in this mutual effort, contrary to the clear-cut intent of the original Act and its 1967 amendments.

We have always advocated an effective businesslike and orderly approach for the resolution of the problems of our less fortunate citizens to assure that waste and overhead administrative costs are reduced to a minimum. We promoted the concept of maximizing the benefits of the taxpayers' monies by directing funds to the intended recipients of programs and benefits, with the harmonious participation of all segments of our society working cooperatively through sharing roles and responsibilities between the public and private sectors.

While we are encouraged by many of the concepts and trends illustrated in the draft guidelines, we are looking forward to the opportunity to carefully review and study the specific and detailed implementation plans, and administrative orders which National OEO will prepare.

We believe that there are a number of equally important roles for the State Economic Opportunity Offices which must be given equivalent emphasis. These key roles are: to serve as advisor to the Governor of the state; to provide intensive and comprehensive technical assistance and training; to prepare, plan, and develop innovative research and demonstration proposals, and to mobilize state resources and capabilities. We do not necessarily agree that any one of these roles has a primacy in relation to the responsibility of the State Economic Opportunity Office to be a representative state organization with special mandates for the disadvantaged citizens of the state.

We recommend, as indicated by our statement before the Senate Subcommittee on Employment, Manpower, and Poverty on June 5, 1969, that all technical assistance, training, and related funds should be channeled to the State Economic Opportunity Office and that all programs under the EOA, not assigned to direct state administration, should be subject to the Governor's approval. We urge the inclusion of all special training, technical assistance and similar grants per Section 230 under the Governor's veto power and object to the procedure of contractual arrangement for such purposes, which circumvents the Governor's role and responsibility in the administration of the EOA. We do not believe that the provisions for notification and consultation procedures or the permission for State Economic Opportunity Offices to "compete" for special training and technical assistance is a satisfactory approach.

The requirement for the State Economic Opportunity Offices to prepare an "annual written analysis of poverty in the state" appears to be a superfluous and potentially wasteful exercise. Every city, every county has been demographically surveyed and studied numerous times for every possible measure of poverty and this information is generally available for the federal administration of the EOA.

We are in support of the cooperative and coordinated efforts in the use of federal and state OEO personnel in the joint development of statewide OEO funding plan, and in the evaluations of operating programs based on federal-state agreements.

We agree with the "input and comment" provisions for program developments and funding applications for OEO sponsored programs. We urge that specific, clear-cut, and binding regulations be prepared on these subjects and procedures, that Regional offices shall be held to them without exception and that violations of them should be reduced to a minimum.

We believe that proper and intent-seeking interpretation of Section 242 of the EOA would indicate selective, line-item approval rights of the Governor. This selective approval would permit the release of funds for portions of grants which in some sections have objectionable components contra-indicating positive action by the Governor. The recent Senate action on the amendment to the Economic Opportunity Act of 1969 as proposed by Senator Murphy appears to be an affirmative step in this direction.

We recognize that no concept or program can succeed without effective and qualified administration and personnel. The local failures and resulting disenchantment connected with the EOA of 1964 must be overcome by the utilization of qualified, experienced and capable administrative leadership in local community action programs. The existence of "poor services for the poor" demonstrated by many ongoing projects is an unacceptable alternative. We recommend that the administration of the OEO programs as reflected by the personnel policy standards and procedures indicated in Community Action Memo 23–A shall be strictly adhered to and should be utilized for further upgrading in the quality of line and staff personnel.

My administration, through our State Economic Opportunity Office, is interested and available to join together with National OEO for a harmonious state-federal relationship to obtain optimum benefits of the EOA in assisting our disadvantaged fellow citizens.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, Maine, November 11, 1969.

Hon. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. RUMSFELD: This office generally approves of OEO Instruction (Draft) 7501–2–*Role of State Economic Opportunity Offices.* This strengthening of the SEOO reflects a concern expressed by my office to the Vice President via the National Governors' Conference nine months ago.

I would suggest the following specific changes in the Draft Instruction:

IV–B (Line 8) Subsequent significant modifications to the state funding plan require prior SEOO *concurrence* before implementation.

VI–C (Line 3) Comments and recommendations by the appropriate SEOO shall be sought *and shall be given the most serious consideration* on all proposals for OEO funded training and technical assistance projects that would operate in their states.

Implementation of the draft instructions together with the above suggested changes would go far towards making the state a full working partner in the war on poverty.

Sincerely,

KENNETH M. CURTIS,
Governor.

NOVEMBER 6, 1969.

Re. OEO Draft Instruction 7501–2.

Hon. DONALD RUMSFELD,
Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR DIRECTOR RUMSFELD: Pursuant to your request I have carefully reviewed the draft of your proposed instruction on the role of State Economic Opportunity Offices. The comments which follow represent the official position of the State of Utah relative to the draft instruction.

In beginning these comments I should stress that I believe the instruction is generally helpful as far as it goes. However, in my view the instruction does not go as far as it should. The second paragraph of the introduction suggests that State Economic Opportunity Offices represent the prime mechanism by which OEO seeks to aid state government in their efforts to eradicate poverty within the states. If this is so then the activities of the State Economic Opportunity Office should be of significance but it appears that they are largely limited to the provision of technical assistance and the coordination of related state activities. These limited activities do not seem to me to be sufficient.

A second general comment which I think would be helpful is that your suggested policy of flexibility in meeting individual state situations should be emphasized and a strong commitment thereto made apparent within the internal directives of your agency. We recognize that not every governor may be expected to have equal concern for the problem of poverty. I would point out, however, that for those governors who choose to take strong and positive action and demonstrate capability in this field, that the Office of Economic Opportunity should be quite willing to give increasing responsibility to deal with the specific issues outlined in an attack on poverty.

With respect to specific sections of the bill, the following comments may be helpful in outlining some of the ways in which we think the operation of a state Economic Opportunity Office could be upgraded and emphasized:

1. Section IV–A provides that the SEOO shall give priority to the hiring and training of highly specialized personnel in specific fields. We would make the point that this instruction be modified to call for non-duplication of other state efforts which could be brought to bear on the problems outlined as they effect the poor.

2. Section IV–D calls for assistance in implementing BOB Circular A–95 which requires improved state level coordination of planning and multi-jurisdictional areas. A–95 also calls for project notification review procedures which, in our opinion, should apply to the funding of all CAA or other OEO grantees within the state, in this case, with the SEOO acting as a form of State Clearinghouse.

3. Section IV–F, page 6, indicates that the SEOO participates in a check-point procedure designed to provide significant advice and assistance at an early stage in the development of a CAA or other grantee proposal. In practice it appears that SEOO involvement does not occur early enough and as a result the SEOO often faces a simple

alternative of criticizing a formulated proposal as a complete package and which has not been adequately discussed during the formative stages. We would urge that procedures be specifically initiated to insure SEOO involvement on a mandatory basis at least sixty days prior to the preparation of a normal proposal by any proposed OEO grantee. (This same issue will be addressed by later comments.)

4. Section VI–A indicates that the SEOO should provide a written analysis to the Regional Office annually of the principal problems and causes of poverty in the state. This analysis, which in effect could constitute a "state plan" framework relative to poverty should be approved and endorsed by the governor of the state.

5. Section VI–B calls for the development of a preliminary state funding plan on the part of the OEO Regional Office. The language in the instruction speaks only to the issue of national program priorities and does not relate significantly to local priorities. The issue turns upon whether or not modifications and priorities can be made according to regional differences. For example, a proposal which the State of Utah presented to OEO for funding last year was almost rejected because the activities proposed, while innovative in Utah, were not particularly innovative as far as the more progressive states in low income housing were concerned. It should be clearly understood that state funding plans must be modified according to the particular needs of the state and the communities within the state.

6. Section VI–D calls for the SEOO to advise OEO on funding requests and suggested that the SEOO will receive copies of the official application simultaneously with submission to the OEO Regional Office or OEO National Headquarters. My position is that the SEOO should receive the applications prior to their submittal to the Regional Office and in fact should channel the applications to the Regional or National Office following adequate review. It is further my position that the submittal of the application should have been preceded by the discussions with the SEOO as are outlined under the procedures in Budget Bureau Circular A–95, which calls for an early project notification.

7. Section VI–E calls for SEOO involvement in monitoring and evaluation of OEO funded programs and indicates further that the regional office will invite SEOO representation on the evaluation teams. We strongly urge that evaluation generally be the responsibility of the SEOO with the SEOO inviting the regional office to participate on evaluation teams, rather than the reverse.

8. Section VII–C again seems to require recognition of local program priorities instead of simply national and regional priorities.

9. Section VII–F calls for the regional office to work out a written agreement with each SEOO to coordinate and prevent overlapping of field representatives. We raise the question of whether or not OEO would be willing to delegate field representation responsibility to the State Economic Opportunity Office for those states which have the capability and desire to do so. Obviously this is one of those categories where OEO would have to make the judgment as to the appropriateness of such a request. However, we do not feel that the language in this section adequately provides for the possibility of a contractural arrangement whereby the SEOO would carry out the functions of the field representative and we request your modification.

10. Section VII–H also covers this same topic, in fact, Section VII–I suggests that the relationship which exists between the regional office and SEOO should be the same between the SEOO and an OEO funded program within the state.

We hope that these specific comments will be helpful to you in reviewing and finalizing the OEO instructions concerning State Economic Opportunity Offices. Should you have any desire for clarification on the points which we have made, please feel free to call upon us.

Sincerely,

Governor.

OFFICE OF THE GOVERNOR,
Frankfort, Ky., November 4, 1969.

Mr. CHARLES A. BYRLEY,
Director National Governors' Conference, Washington, D.C.

DEAR MR. BYRLEY: Enclosed is my response to *"Improving Guidelines for CAA Designation and Structure"* and *"Role of SEOOs."* I trust that a national sense of the States will be strongly advocated by NGC.

If further explanation or resources are needed, please feel free to call upon me.

Yours very truly,

LOUIE B. NUNN,
Governor.

IMPROVING GUIDELINES FOR CAA DESIGNATION AND STRUCTURE

ROLE OF STATE ECONOMIC OPPORTUNITY OFFICES (A–85: 69–53)

It is still rather difficult to judge the impact of these revisions because of their very "soft" and flexible nature. OEO's memorandum to SEOOs indicates several items in this *draft* "will need to be followed up by the issuance of more specific, detailed instructions after the basic document reaches final form." Perhaps a companion *draft* of these other *"specifics"* would have made this review more relevant. Certainly a new *draft* of the Regional OEO–SEOO Instruction revision would have been helpful, as would the new "Rumsfeld" *drafts* of the 1967 Amendments. These new documents are pertinent to the States interpretation of these two particular *drafts*, and whether or not the Act can simply be extended or must be opened for Congressional action at this time. Conversational outlines at this time leave too much to later interpretation by the Director and Regional offices.

Improving guidelines for CAA designation and structure

1. Elimination of OEO requirements that have the effect of superseding or negating State statutory law must be eliminated. (Several States have found themselves unable to develop public governing structures due to OEO requirements in the handbook: *Organizing communities for action—1967 Amendments*). Exceptions should be permitted allowing all States the capability of designation for OEO consideration.

2. Even in the case of public agencies, particular emphasis and monetary incentive should be given to career development in the public sector of low income people. State government should be given preferential consideration in creating and supporting new career development.

3. OEO must immediately move to implement, within those states wherein the legislature and/or chief executive, has complied with BOB A–80 and A–95, its recognition of those intra-state regional planning bodies and clearing houses as the official entities for over all, multi-jurisdictional planning, coordination and policymaking. It is detrimental to structured multi-county comprehensive planning if such quasi-governmental agencies as CAAs are not coterminous with established boundaries. Too, this readily leads inconsistent CAAs into lack of uniform coordination of resources and direct advocacy of the disadvantaged. OEO staff personnel are not apt to remain neutral but rather more likely to advocate CAA confrontation with a total human resource development concept. This very real experience tends to sever rather than coordinate functional lines of coordination, communication and planning between CAAs and official developmental district. OEO should also remain neutral in States implementing of BOBs A–80 and A–95.

4. A sharper distinction must be made of who constitutes a public official. Obviously a lower ranking welfare service staff person in a public official slot does not serve the letter of the 1967 Amendments. Stacking of private-nonprofit CAA boards is often accomplished in this fashion. Smaller board membership, with more advisory input from private groups should be considered.

5. Such changes can often change the number of seats on a board, should a public official opt in/or out, during a program year. OEO should not be able to circumvent public official designation by recognizing a CAA—capable entity only as a limited purpose agency.

6. *In addition to minimal population criteria, minimum "threshold level" monetary support of a CAA must be accepted;* especially in rural areas where other program opportunities are not very real for CAAs.

ROLE OF STATE ECONOMIC OPPORTUNITY OFFICES (SEOO)

The preamble to this *draft* 7501–2 relegates SEOOs, as the State contact point with OEO, to a subordinate role of non-directiveness. Capable and responsible SEOOs must be accepted as full, good faith partners under the Act. The basic fault lies in OEO's continual insistance that the Federal establishment does not recognize State government as the advocate and representative of its people or as the second link in our governmental structure. OEO must recognize decentralization goes beyond its delegation of grant approval to regional offices. OEO has not, and cannot implement successfully its primary charge of advocacy, inter-agency coordination and mobilization of resources below the Regional level. This functionally superior State capability must be called upon, if the intent of the Act is to be met, and poverty lastingly effected. Lasting change, statewide and locally, requires this essential ingredient of success available only at the State level. OEO must work to support the growth of these essential resources at the State level. Integrated State human resource planning and coordination simply must be given a greater priority.

Within the scope of recognizing new innovative approaches by SEOOs, OEO should place great priority upon special SEOO grant applications to develop broad State human resource planning and coordination, to maximize the concentration of multi-agency resources upon poverty causes—linking in State physical resource planning.

OEO must work more closely with other national level agencies in supporting SEOOs in working out solutions to problems of significant importance to the poor, i.e., Title I ESEA, DOL, FHA and HUD.

The Constitutional commonality of all States must be acceded to buy OEO insofar that OEO not arbitrarily prohibit any State from having a reasonable opportunity to fully develop its potential in human resource development. Institutional change within State welfare concepts, etc., may be of a most significant impact upon poverty within a State. There may be structural differences to be accommodated with States; but this should not give guise to OEO's other intention of bypassing a State.

Every effort must be made to upgrade SEOO staff specialties by increasing staffing and salary levels conditional to some mutually acceptable uniform standards. Contractural arrangements to reimburse State agencies for the leasing of their specialized

personal should be desirous over bringing in out-of-state trainers and consultants.

OEO should not expect States to carry off new responsibilities in planning, coordination, monitoring without continually updated fiscal, program and statistical material normal to the comparable OEO decision process.

Key SEOO staff will need to be continually integrated into OEO Regional processes for PIP, additional 4th quarter monies allocation and planning exercises essential to States CAAs; particularly pre-review program and budgetary actions by Regions. State plan priorities for funding should be favorably weighted, if comprehensive State planning is underway in a State, via BOBs A–80 and A–95.

Advocacy by SEOOs within State government would be greatly enhanced by strengthening SEOO role in CAA planning priorities.

The SEOO (State's) role of advisor to OEO must now be likened to a spotter high in the arena stands, relaying observations of play to the coaches bench. New legislation should move States from a "spotter" advisory role to varsity team member on the field.

Any change in State funding plans must require written agreement by the grantee, OEO and SEOO, after the State has had sufficient opportunity to review all material pertinent to the decision.

State input into the evaluation and monitoring, review of T&TA, grants to other than CAAs, etc., should as an equal rather than as a single voice against a Federal team.

The role of Regional OEO to the State in terms of a demanding, subjective grantor toward its grantee fails to build a full faith partnership. Standards and conditions to which the Regional and National OEO are not subjected to should not arbitrarily be demanded of States by the conditioning of grant packages.

States simply must have total and ready access to all pertinent OEO information if they can reasonably be expected to function capably.

Under the presently conceived OEO mode of operation wherein the Regional, or National OEO field representative is allowed to bypass State, local governmental units and in many instances local CAA boards to: (1) Develop a funding proposal to meet the conditions of poverty that the individual OEO representative feels or perceives. (2) Returns to Washington or the Regional office where he or she then becomes the sole advocate and budget analyst. (3) Then returns to the CAA with funded program in hand to mount an attack, oftentimes singularly, against board, local structures and the State and (4) wonder why local board members, elected offfcials and State agencies are sometimes alienated from the OEO representative's idea of what is best for the community's poor.

Those portions of funds, programs and Titles of the EOA, as amended, that are delegated by the Act or administrative edict to other agencies of the Federal government for program funding and operation, must not have been disapproved by the Governor of a State in which said programs are to operate; and that such approval is required for each grant new or refunding period.

NOVEMBER 5, 1969.

DONALD RUMSFELD,
Director, Officer of Economic Opportunity, Washington, D.C.

DEAR MR. RUMSFELD: I have conferred with my representative, Herbert K. Whitworth, SEOO Director, on the OEO draft instruction, "Role of the State Economic Opportunity Offices". Comments regarding this new instruction are attached.

While I am pleased with your desire to strengthen the role of the states, I feel the final document will need to be much more specific if the states are to be given the opportunity to make a meaningful contribution to the program. Many of the guidelines included in this draft were also included in OEO Instruction 1420–2 and have not been implemented.

A copy of this letter with the attachment is also being sent to Mr. Charles Byrley, National Governors' Conference, along with comments regarding OEO draft, "Improving Guidelines for CAA Designation and Structure."

Sincerely,

DON SAMUELSON,
Governor.

COMMENTS ON OEO DRAFT INSTRUCTION: ROLE OF THE STATE ECONOMIC OPPORTUNITY OFFICES

I. PLACEMENT

This has been done in Idaho.

II. ADVISOR TO THE GOVERNOR ON ANTI-POVERTY MATTERS

These responsibilities are included in the Executive Order establishing the Idaho State Economic Opportunity Office.

III. COORDINATION AND ADVOCACY AT THE STATE LEVEL

This section needs to be more specific as it appears little different from present instructions which have not been adequate to ensure that SEOOs are given the opportunity and funds to implement their responsibilities with regard to coordination and advocacy at the state level.

IV. TECHNICAL ASSISTANCE TO CAA'S AND OTHER OEO GRANTEES

The Idaho SEOO currently provides technical assistance to CAAs where requested but has difficulty obtaining necessary information or adequate training for SEOO personnel from the regional office. Adequate coordination has not been accomplished between the SEOO and the regional office with regard to the kinds of technical assistance and training to be provided by each.

We feel the language here needs to be stronger to assure coordination with OEO and to provide adequate funds for implementation. Priority in funding training and technical assistance should go to SEOOs, and this priority should be clearly defined in the language of OEO Instruction 7501–2.

With regard to the Checkpoint Procedure system, this language has not been strengthened in the new draft instruction, and from our past experience this policy has not resulted in giving the SEOOs a "meaningful opportunity" to provide advice and assistance at an early stage in the development of proposals by CAAs and other OEO grantees, as was the intent of Congress.

V. OPERATION OF SPECIAL PROGRAMS

SEOOs should be given preference over CAAs in operating statewide limited purpose programs where it is not feasible for CAAs to operate local programs. CAA concurrence should not be required.

CAAs should be encouraged to designate representatives of the poor to serve on advisory committees for programs operated by SEOOs.

VI. ADVISOR TO OEO

The final state funding plan should include migrant programs and be approved in writing by the SEOO. Any amendments should be in writing and approved by the SEOO.

Funds should be available to SEOOs for assisting in recruitment and placement of VISTAs. There should be state plans developed by OEO Regional Offices for VISTA operations in each state requiring SEOO consultation before implementing. SEOOs should be encouraged to operate statewide VISTA programs, through delegation agreements with other state and local agencies where appropriate.

VII. REGIONAL OFFICE RESPONSIBILITIES WITH THE SEOO'S

Written agreements regarding activities and functions of field representatives should be mandatory.

Regional offices should be required to notify SEOOs immediately upon receipt of applications for OEO funds in order to ensure that SEOOs are receiving copies of applications simultaneously with submission to OEO.

SEOO participation in on-site program evaluations of regionally-funded OEO grantees should be mandatory. Regional offices should concur with SEOOs on final draft of evaluation reports.

VIII. OEO HEADQUARTERS RELATIONSHIPS WITH THE SEOO'S

Checkpoint procedure with regard to programs sponsored and/or approved by OEO Headquarters should require that adequate information regarding programs be furnished SEOOs when requesting SEOO comments. Insufficient information is provided by the existing CAP Form 77.

IX. SEOO RESPONSIBILITIES AS OEO GRANTEES

OEO Regional Offices should be required to assist SEOOs in developing an acceptable work program.

EXECUTIVE CHAMBERS,
Honolulu, October 23, 1969.

Hon. DONALD RUMSFELD,
Director,
Office of Economic Opportunity,
Washington, D.C.

DEAR MR. RUMSFELD: This is in response to your request for our review and comment on the new Instruction on the "Role of the State Economic Opportunity Offices." I agree that the States have an important and unique contribution to make to the Nation's efforts against poverty, and with this in mind, my SEOO Director and the staff developed the following comments on the OEO Instruction (draft) 7501–2 for your consideration.

1. On page 4, section IV, item A, the statement, "Provides general technical assistance where requested—" is not an effective statement of technical assistance inasmuch as it responds only to request made by the Community Action Agencies.

Our suggestion is to provide for periodic on-site visitation or other planned program of technical assistance. Conceptually, technical assistance is provided on request and also initiated where necessary and needs are demonstrated.

2. On page 5, line 3, the suggestion to have the SEOO "Give priority emphasis to the hiring and training of highly specialized personnel—" is not appropriate to a small office such as Hawaii where the hire of a few specialized staff would limit the range of available technical assistance. A generalist with broad experience and competence can be effective by making maximum use of specialists in the State government where necessary and required.

3. On page 5, item "E", the statement may be revised to broaden the scope of training and workshop.

The suggested revision reads as follows: "Sponsors training programs and workshops for CAA staff and Board members, and State agency personnel."

4. On page 8, item "B" (line 9) suggest SEOO be consulted before implementation of significant modifications to the state funding plan. This is insufficient if we are to regard the Administration's plan to provide more local decision-making.

Our suggestion is to require prior SEOO concurrence, rather than prior consultation before implementation of a state funding plan.

5. On page 8, item "C", the statement "comments and recommendations by the

appropriate SEOOs shall be sought on all proposals for OEO funding training and technical assistance project . . ." is weak.

To strengthen this, the SEOO should not only give comments and suggestions, but be included in the procedure to sign off all proposals for OEO-funded training and technical assistance projects.

6. On page 8, item "C", the statement "The SEOOs themselves may compete as grantees for Section 230 training and technical assistance grant" is a weak statement.

Our recommendation is that the State be given first consideration rather than "may compete" as a grantee for Section 230 training and technical assistance grants.

7. On page 9, item "F", the statement, "The SEOO will attempt to assist VISTA in its coordination needs with state-operated programs," is too general.

It would be helpful to explain what is meant by the term "coordination needs."

8. On page 11, item "D", the statement that ". . . the SEOOs are properly consulted and notified regarding Section 230 grants and contract awards" is weak.

As was recommended earlier, the SEOO should be given first consideration in applying for training and technical assistance grants under Section 230.

Other than the few suggestions above, the OEO Instruction (draft) is a good document and meets the general intent to increase the role of the State Economic Opportunity Office. I trust that our suggestions will be given serious consideration for inclusion in the final draft.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JAMES A. BURNES.

EXECUTIVE CHAMBERS,
Honolulu, October 28, 1969.

Mr. CHARLES A. BYRLEY,
Director National Governors' Conference, Office of Federal-State Relations, Washington, D.C.

DEAR MR. BYRLEY: In response to your request for review and comment under A–85 advance consultation procedures, our comments are as follows under the two OEO draft instructions:

IMPROVING GUIDELINES FOR CAA DESIGNATION AND STRUCTURE

1. The suggested change under point 1 seems satisfactory to us. The restrictive clause which limits the recognition of community action agency should be eliminated.

2. We will go along with the "waiver" to enable the designation of public agencies as community action agencies even though they are subject to civil service laws and regulation. We would want to continue to preserve the substance of the preference for hiring poor people.

3. We strongly support your suggested revision to eliminate the preference for local designation of community action agencies, as contrasted with State designation.

4. We do not feel too strongly one way or other about "strengthening" the representation of private groups on community action boards. This has not been a problem in Hawaii.

5. No comments on point 5.

6. We agree with the proposed policy to enable cities of less than 250,000 people to have its own community action agency.

ROLE OF STATE ECONOMIC OPPORTUNITY OFFICES

Our comments on the expanded role of the SEOO which have been sent to Mr. Rumsfeld earlier are attached for your information.

Warm personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

EXECUTIVE DEPARTMENT,
Annapolis, Md., October 29, 1969.

Mr. CHARLES A. BYRLEY,
Director, National Governors' Conference, Office of Federal-State Relations, Washington, D.C.

DEAR MR. BYRLEY: Thank you for your memorandum dated October 17th enclosing "Improving Guidelines for CAA Designation and Structure" and "Role of State Economic Opportunity Offices" (A–85: 69–53) which you forwarded for my review and comment.

My comments with regard to "Improving Guidelines for CAA Designation and Structure" are as follows:

The Maryland Office of Economic Opportunity finds it difficult to assess the effect of making it "easier for State and local governments to designate community action agencies of their choice," since Maryland has only two public CAA's now operating: Baltimore City and Prince George's County. A third CAA, Frederick County CAA, was re-designated recently from private non-profit to a public agency under the local government therein. The conduct and administration of the program in Frederick County is scheduled to begin in April 15, 1970.

I would suggest, however, that the State Office of Economic Opportunity would be in a better position to assess the effect if the authority of State designation was clearly stated. On Page 2, item 3, the "Guidelines for CAA Designation and Structure" state "The preference for local designation of community action agencies, as contrasted with State designation, will be eliminated. OEO staff will be instructed to maintain neutrality on this matter." This language does not provide any such authority on behalf of the States for the State to be able to implement "preference."

We feel that item 4 should certainly receive maximum implementation. This section would make CAA's more meaningful, as I am sure we all will agree that poor people cannot solve all of their problems and the private sector has much to offer not only in planning but in the implementation of Community Action Programs.

I am pleased that the introduction to these guidelines makes clear the feeling of Mr. Donald Rumsfeld, Director of Office of Economic Opportunity, as stated in his letter to me that the States have an important and unique contribution to make to the Nation's efforts against poverty, and that it will be OEO's firm policy to maximize this contribution.

With regard to the "Role of State Economic Opportunity Offices" the Maryland Office of Economic Opportunity has extracted from the 1967 Amendments to the Economic Opportunity Act of 1964 fifteen references to the role of the States in implementing the aforesaid Amendments of 1967. The SEOO of Maryland feels that these guidelines are consistent with present legislation, and I am most pleased that they express your firm position that the States be provided an opportunity to utilize a new dimension in the poverty programs.

I take note of the sections in the guidelines which provide for the development of a preliminary State funding plan on the part of the States in concert with Regional OEO Offices. This alludes to Bureau of Budget Circular A–95 under which Maryland has established Sub-Regional Planning Districts and has established a Clearinghouse on Federal programs under the Secretary of State Planning.

I might take this opportunity to express the desirability of providing the States with an opportunity to approve or disapprove Work and Training Programs under Title I–B of the EOA of 1964, as amended. This would make our planning capability more meaningful in reference to fully implementing BOB Circular A–95.

Sincerely,

MARVIN MANDEL,
Governor.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., November 5, 1969.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. RUMSFELD: Attached herewith is our response to your request of October 10, 1969 re: New OEO Draft Instruction—"Role of the State Economic Opportunity offices."

We are pleased with the increased state role that is outlined and are in general agreement with the draft except for the two areas where we suggest some revisions.

In any case, we think this document is a great improvement over Instruction 72–10 which was issued in 1968.

Sincerely,

JACK WILLIAMS.

ARIZONA SEOO'S COMMENTS AND RECOMMENDATIONS RE OEO INSTRUCTION DRAFT—7501–2

V–C—"(Special funding obtainable under Section 230 of the EOA, in *competition* with other applicants—see VI–C below.)"

VI–C—"(The SEOOs themselves may *compete* as grantees for Section 230 training and technical assistance grants.)"

COMMENTS

When reading the two above quotes in conjunction, the inflection of the words "competition" and "compete" produce a stress and tone that could result in the SEOO playing a very minimal role with respect to some training and technical assistance matters.

An SEOO may wish to apply for said Section 230 funds, but it is conceivable that it would never receive them if the usual interpretation of "compete" is applied.

A professional agency outside the State could "win out" every time.

If a State wished to apply for funds to operate such projects, it would be in conflict of interest with the rest of the provisions of VI–C, which spell out: "The SEOOs shall be consulted", "SEOO advises OEO"; and SEOOs "Comments and recommendations . . . shall be sought" on "T and TA projects that would operate in their states."

RECOMMENDATIONS

If a state indicates a desire to apply for Section 230 funds, the Regional offices should provide whatever assistance is needed by the SEOO to develop the best possible proposal which would include taking advantage of all other related state resources.

This would take the state out of the "win or lose" concept. Regionals should enjoy helping to make them full partners in the War on Poverty by providing this type of cooperation.

In addition to that, the above points raised may be in conflict with the provisions of VIII–D which talk about coordination and assisting the SEOOs.

VI–E—"when, in the judgment of the OEO Regional Director, the SEOO has the specialized capability, the SEOO shall—in coordination with the Regional office—follow up with the grantee to see that the recommendation of the evaluation report is implemented."

COMMENT

That part of item VI–E nearly destroys the validity of the partnership which is proposed in the entire preceding parts of this OEO Instruction. It is humiliating, and it raises a number of questions with respect to the judgment which the Regional Director may render. Also, it suggests that an SEOO

can participate in the evaluation process but may or may not participate in the implementations of what could be its own recommendations.

RECOMMENDATION

If the SEOO at the beginning of VI–E is charged with ("jointly participates with the Regional office in the monitoring and evaluation of OEO-funded programs and . . . in the development of standards for evaluation . . ."), this instruction should also provide that *both* the SEOO and the Regional office should jointly participate in the follow-through action.

This would eliminate the arbitrary decisions which the regional Director might make and it would enhance the partnership which the whole Instruction attempts to develop. More specifically, it would relieve the Regional Director of having to rule in a very sensitive or delicate area.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, OFFICE OF ECONOMIC OPPORTUNITY,
November 10, 1969.

Mr. CHARLES A. BYRLEY,
Director, Office of Federal-State Relations, National Governors' Conference, Washington, D.C.

DEAR MR. BYRLEY: The enclosed letter is a copy of the official reply of the New York State Office for Community Affairs concerning the OEO Draft Instruction, "Role of the SEOOs".

If there is any way in which this agency can be of assistance to you, please do not hesitate to let me know.

Sincerely,

JACK M. SABLE,
Director.

STATE OF NEW YORK
OFFICE FOR COMMUNITY AFFAIRS,
New York, N.Y., November 7, 1969.

OFFICE OF PROGRAM OPERATIONS,
OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C.

DEAR SIR: Thank you for the opportunity given the New York State Office for Community Affairs to comment on the OEO Draft Instruction #7501–2, "Role of the SEOOs".

This instruction has received the careful review of the Office for Community Affairs, and it is our considered opinion that it goes a long way in providing for the meaningful involvement of the States in the implementation of the Economic Opportunity Act of 1964, as amended. In the final analysis, a joint and cooperative effort to seek solutions to the problems of poverty rests on administrative interpretation and implementation of directives by all levels of government, as well as on the willingness of the Federal government to include the States in the "team" approach. The broadened responsibility given to the States under this new instruction will also require increased financial and staff support on the part of the Federal government to enable SEOOs to operate effectively under the new guidelines.

The New York State Office for Community Affairs looks forward to a harmonious working relationship with OEO Headquarters and especially with Regional Offices, where the communications gap currently exists, so that we may bring all available resources to assist in the upward mobility of the disadvantaged.

The following comments on specific items detailed in the draft instruction are enumerated for your consideration:

Page 8; Section VI, Paragraph C: We recommend that the words, "prior to funding" be added to the sentence, "Comments and recommendations by the appropriate SEOOs shall be sought on all proposals for OEO-funded training and technical assistance projects that would operate in their states."

Page 9; Section VI, Paragraph D: We recommend that the words, "prior to funding" be added to the statement that "the Regional Office shall give serious consideration to these comments in its review."

Page 9; Section VI, Paragraph D: We recommend that a statement to the effect that "SEOOs should be consulted and given an opportunity to comment prior to the funding of national contractors who intend to operate in their State."

Page 9, Section VI, Paragraph E: We recommend that a statement to the effect that "SEOOs shall be given an opportunity to review evaluation reports and comment on these prior to distribution of the evaluation to the grantee" be added to this section. Additionally, it is our belief that the follow-up procedure should be undertaken jointly by Regional OEO, the SEOO, and the grantee.

Page 13; Section VIII, Paragraph E: We recommend that the words, "prior to funding" be added to the statement that "This Division is to see that the SEOOs are consulted and notified on Section 230 and other training and technical assistance grants and contracts emanating from OEO Headquarters."

We look forward to the early implemetation of this instruction.

Sincerely,

JACK M. SABLE,
Director.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
November 7, 1969.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR DON: In response to your request for comments on the role of State Economic Opportunity Offices, we are attaching our reply. We appreciate the opportunity to comment and feel your approach to strengthen state offices is a major step forward.

Our greatest concern is that the state be given a role in determining where and how OEO funds are to be expended within the state. Another of our concerns is that the guidelines must be implemented by both the state and the federal offices if they are to be effective.

You can be assured that it is our intent to cooperate fully with you and your staff. I wish you great success in your new approach to one of our most pressing problems.

Sincerely,

CLAUDE R. KIRK, Jr.,
Governor.

STATE COMMENTS ON OEO INSTRUCTIONS—DRAFT—7501–2 ROLE OF STATE ECONOMIC OPPORTUNITY OFFICES

Due to the length of the draft instructions, our comments will be directed toward those areas where we feel expression should be made on our part or that changes should be made.

INTRODUCTION

We feel the introduction is well done and does lay the groundwork and thrust of the state offices. The question is raised concerning the last sentence of the introduction which indicates that OEO and its regional offices will jointly develop specific roles and work programs for each SEOO. We feel this should be changed to say that the regional office, working jointly with the SEOO, will develop roles and work programs for each SEOO. Theoretically, it is our opinion that the states are in better positions to determine the needs within the states and that the state role and work program should be determined and developed by the state with concurrence only by the regional office.

THE STATE ECONOMIC OFFICES

III. Coordination and advocacy at the state level

A. and B. Basically, the remarks made are good but they are too specific. We feel the states' role should be broad and not channeled into specific areas as are made under 1, 2, 3 and 4. Nowhere else in the complete draft instructions is there another place where specific little points are made except in this area involving the states. We feel the states should not only be interested in developing career opportunities for the poor within the SEOO and other state agencies but it should be a broad role of developing career opportunities for the poor in all areas, state and private enterprise. It is our opinion, that under this section that the role be left in broad terms and if specifics are mentioned then they should be preceded by the words "Suggestions for SEOOs to consider."

IV. Adviser to OEO

Two suggestions in this area, both minor. Under "A", the last sentence we feel should read "The regional office shall respond *in writing* to these recommendations. . . .

c. The last sentence we feel should read "The SEOOs themselves may compete as grantees for *all* training and technical assistance grants.

VI. Regional office responsibilities with the SEOOs

B. We reiterate what was said earlier, that is, we feel the states should, with its knowledge of the states' problems, develop its own work program with concurrence only by the regional office.

I. We question how periodic evaluations by the regional office would be made and by whom and further question the necessity of evaluating a governor's office or an office responsible to a governor.

J. The same question as raised above is apparent here also. A state agency, whether it is in the Governor's office or working directly under the Governor, is an entity of government itself and is responsible to the state. If the agency needs assistance in their efforts then it should be up to the agency to request such assistance from the best source it deems available.

VII. OEO headquarters relationships with the SEOOs

D. We feel the first sentence should read "In coordination with the SEOOs and the regional offices, this division will . . ."

E. Since this has been one of the biggest problem areas, it is our opinion that the exact terminology as stated under VII, G, first sentence, should be applicable to national office also.

IX

Recommend dropping the MIS Quarterly Narrative Reports with respect to SEOOs. Recommend that the last sentence under "C" be changed to read "The SEOO work plan should address itself to the responsibilities outlined for the SEOOs in this instruction.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, October 23, 1969.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR MR. RUMSFELD: Thank you for your letter of October 10, and the revised draft OEO Instruction on the role of the State Economic Opportunity Offices.

Commissioner of Community Affairs, LeRoy Jones, who is the Connecticut Director of Economic Opportunity, has prepared a response to this draft Instruction containing some proposed changes, which I hope you will consider. This response is attached for your consideration.

We feel that, on the whole, this represents a constructive step forward in improving federal-state relations.

Sincerely,

JOHN DEMPSEY,
Governor.

OCTOBER 22, 1969.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR MR. RUMSFELD: We have reviewed OEO Draft Instruction 7501–2, "Role of State Economic Opportunity Offices", and agree that it represents a major strengthening of the State's role in the anti-poverty effort.

Clearly, many of the new responsibilities defined for the States will only be possible with greater staff and financial capacity. This would require a significant increase in technical assistance grants to the SEOO's. We believe a clear statement of commitment for increased financial assistance to the SEOO's (and for a decrease in funding to consultant firms to perform duplicate work) would greatly strengthen the Instruction and the credibility of OEO.

The joint development of a federal-state funding plan will need to be based on a joint federal-state analysis of need. Certainly States should identify such a need from their viewpoint to help guide OEO in funding decisions. More important, however, is the actual development of a joint funding plan. Not only must funding decisions be made so as to provide the most effective blending of federal and State financial resources, but also should encourage more State participation. The most effective way to do this is to increase federal funds in proportion to increases in the level of State funds provided. This should be clearly spelled out in the Instruction.

In regard to SEOO participation through a checkpoint procedure in grant proposals, the Instruction would be greatly strengthened if it made clear that OEO processing will not occur, or at least not be completed, until SEOO comments are received and considered. The present language only implies consideration of such comments received within the 30-day period after SEOO receipt of the application. It should be made clear in the Instruction that OEO will not complete processing without such SEOO comments.

Much closer ties between the SEOO and VISTA operations within the States is badly needed. Initially, at least, OEO needs to advise the SEOO of all VISTA activities in the State so the SEOO may play a coordinating role. In addition, the instruction should at least permit a State VISTA Director or Coordinator, to be housed in the SEOO, either in the person of an OEO staff member, or paid for by OEO funds.

The checkpoint procedures spelled out in the Instruction must apply to OEO Headquarters as well as Regional Offices. Many programs are now funded from Washington with no SEOO input at all. The instruction should clearly require submission of all funding requests or proposed funding decisions to the SEOO for comment. This should *specifically* apply to the awarding by OEO of any form of consulting contracts.

With these changes, we believe the proposed instruction will constitute a major step forward in federal-state relations.

Sincerely,

LEROY JONES,
Commissioner.

COMBATING AIRCRAFT HIJACKING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from West Virginia (Mr. STAGGERS) is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, we have come a long way since the House Interstate and Foreign Commerce Committee held hearings last February on the problem of aircraft hijacking. At the time, it did not appear that any solution was in sight. But the Federal Aviation Administration of the Department of Transportation formed a task force on the deterrence of air piracy and went to work immediately on the problem. A system was devised combining knowledge of the behavioral traits of hijackers with a weapons screening device. In addition, signs were posted warning of the penalties attendant with hijacking. The system was given field trials in nine cities, including San Juan, before it was placed in operation by Eastern Air Lines in mid-October.

I would like to take note of encouraging progress in the operational stage. Although Eastern Air Lines is the first U.S. air carrier utilizing this system, there are current indications that others will join soon.

There is no claim that this system is the final answer to hijacking, but there is no doubt it can be a powerful deterrent. There have been other developments which can be considered deterrents too:

The voluntary return of six U.S. hijackers from Cuba;

The prosecution of more than 20 persons, with at least a dozen more awaiting trial, including the six recent returnees;

A Cuban decree calling for the reciprocal extradition of hijackers, which caused conflicting interpretations;

International pressure to have countries either prosecute hijackers or return them to the country of origin for prosecution;

Threats by international pilots organizations to boycott countries which do not return hijackers, or do not take steps to insure the safety of aircraft, passengers and crew.

It is disturbing to note however, that some hijackings have been romanticized. Hijackers are not romantic highwaymen; they are desperate people who are creating a situation where a monumental tragedy can easily take place.

Hijacking is not just a joy ride. There have been many close calls. For example, on the recent hijacking of a TWA plane to Italy, a sympathetic picture was painted of the hijacker, a young AWOL marine. There is no question but that he was ready to use his weapons—and he was well armed. The fact that he fired a shot in the cockpit while the plane was refueling at Kennedy Airport in New York is evidence enough that he meant business. That situation came within a hair's breadth of becoming a full-scale shootout, and who knows how many lives it could have cost.

Another example is the airliner hijacked in 1968 out of Miami. The hijacker stood in the cockpit with his gun at the ready. The first officer—or copilot—reached into his flight bag for a map, but the hijacker apparently thought he was reaching for a gun. The hijacker—who could not or would not speak English—cocked his gun and pointed it at the head of the first officer. The captain reacted instantaneously by shouting "stop." Only then did the hijacker lower his gun, thus narrowly averting a tragedy.

While there are other examples, the point is that hijackings are not to be treated lightly. Apparently there are those who do not have a full grasp of the seriousness and danger involved in these incidents. The flight crews do, and they should be congratulated for the calm courage they have displayed. On one occasion, one passenger said he was willing to take on the armed hijacker singlehanded. The crew had to literally shove him back into his seat.

Being forced to fly to a foreign country at gun point is unnerving to say the least, and it certainly takes tremendous courage to complete the flight without incident. We must not lose sight of the gravity of the situation. That point cannot be overemphasized. Meanwhile, we must push forward with the FAA's interim system until a permanent deterrent can be found.

Perhaps the FAA's system is being misunderstood. A recent newspaper article and remarks by a Member placed too great an emphasis on technology. The weapons screening device used is a part of the detection system and was referred to as a "gadget." If the common connotation of gadget is applied, then it is wrong, for the device is not some frivolous contrivance. The magnetometry system in use is an advance in the state of the art. It is an adaptation of an existing device which has proved workable in its original context for several decades. As a matter of fact, the FAA is continuing its research and development into weapons screening devices to make them more discriminatory.

However, I would like to emphasize that the FAA's antihijacking system is based overwhelmingly on observed behavioral characteristics. Details regarding those characteristics have not been made public, thus it is not possible for a would-be hijacker to be able to disguise these traits. It is their behavior that triggers suspicion of a potential hijacking; the weapons screening device merely is the final and least important step in the system. Thus, emphasis on the gadget is misleading.

I must repeat that the FAA system is helping to deter hijackers. Hopefully, efforts in the international area will result in the return of hijackers promptly for punishment. However, we must realize that any permanent solution is going to involve all types of deterrents—interim and long-range, domestic, and international.

POSTPONING THE OEO BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 60 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I have listened with great interest all afternoon to the special orders which have preceded mine. I apologize to the House and its employees for taking this time at 5:35 in the evening to discuss some of the aspects of the situation that we face here in the House as a result of what I think was an unwise, untimely, and unjustified action on the part of the committee in withdrawing this bill from consideration.

I must say, Mr. Speaker, I am deeply disturbed by the decision of the chairman and others on the committee who did this without consultation, to decide

to withdraw from the consideration of the House the antipoverty bill. I think that action has hurt the overall antipoverty effort. I think it has tended to perhaps harden the attitudes of those on both sides of the aisle, some of whom are interested in killing the program, and others who are sincerely interested in passing the program.

Mr. Speaker, I want to make it quite clear that I am as unhappy with those who wish to preserve OEO under glass and make no change in it, as I am with those who wish to make substantive and, in my opinion, crippling changes in it—and there are those on both sides who have done some of this.

Mr. Speaker, I think it is of value to look back and review the fact that the Office of Economic Opportunity was created hurriedly and has suffered because of that haste for lo, these many years. At the same time it seems to me the Committee on Education and Labor has not done an adequate job of exercising the responsibility that we as a committee have to oversee the activities of the Office of Economic Opportunity. Much of what has been said in the special orders that have preceded me has tended to look back at those things that went on in past years in the Office of Economic Opportunity.

Frankly, I have some question as to their relevance to the situation we face in December 1969.

In addition to that, Mr. Speaker, I think it is also quite clear that there is a very large amount of confusion on the part of many Members as to just what we are talking about when we talk about the Office of Economic Opportunity. I think it is useful to recognize that what was once known as OEO is not that agency that was originally created by the Congress, but what has been substantially changed as a result of actions taken by the Nixon administration.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be delighted to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, does the gentleman think that under the act a person should be a full-time party partisan chairman under the amendments that we passed in 1967, or does the gentleman think that the amendments that we passed denied or prohibited this kind of political activity?

Mr. STEIGER of Wisconsin. I am aware of the Multnomah County, Oreg., situation, to which the gentlewoman refers.

Mrs. GREEN of Oregon. And a few other hundred across the country.

Mr. STEIGER of Wisconsin. I am not aware of those few hundred across the country, which might be a slight overstatement. But I do not think it is appropriate for those involved in the antipoverty program to then be also involved, when they are full-time employees, in partisan political activities.

OEO is aware of the problems in this area and is reviewing the situation. There are already guidelines in existence and every effort will be made to see that they are enforced. These guidelines require, among other things, that:

First. OEO-assisted programs must be administered in a politically nonpartisan manner.

Second. Employees of grantee and delegate agencies may not—

Use their official position, authority or influence with the agency for the purpose of interfering with or affecting the result of an election or a nomination for a party or public office;

Use program funds for any partisan political purposes;

Offer any person employment, promotion or benefits under the program as a reward for the support or defeat of any political party or candidate for public or party office.

Third. Employees of grantees and delegate agencies may not, while carrying out the program of their agencies, engage in voter registration activity or in transporting voters or prospective voters to the polls.

I want to include the actual guidelines at this point:

OEO INSTRUCTIONS—RESTRICTIONS ON POLITICAL ACTIVITIES

REFERENCES

Economic Opportunity Act of 1964, as amended:

Section 213(a).
Section 213(b).
Section 602(n).
Section 603(a).
Section 603(b).

The text of the appropriate parts of these Sections is provided in Appendix A to this Instruction.

APPLICABILITY

Programs which are (1) financially assisted under Titles II or III–B of the Economic Opportunity Act, (2) financially assisted under Title I–D of the Economic Opportunity Act and administered by OEO.

Different sections of this Instruction apply to different categories of grantees. Furthermore, some restrictions apply only to employees or to certain classes of employees, while other restrictions also apply to board members, volunteers, trainees and enrollees. The applicability of the different sections of this Instruction to various classes of programs and persons is presented graphically in Appendix B as well as summarized at the beginning of each section.

DEFINITION

Public agency. For the purposes of this Instruction, a public agency means the executive or legislative branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof.

EFFECTIVE DATE

This Instruction is effective immediately.

1. Policy

Grantee and delegate agencies must administer OEO-assisted programs in a politically nonpartisan manner, and must avoid actions which can reasonably be construed as intended to favor one political party over another or to influence the outcome of any election for public or party office. The use of program funds, the provision of services and the assignment of personnel must not result in the identification of the program with any partisan political activity or with any nonpartisan political activity which is designed to further the election or defeat of a candidate for public or party office. In addition, grantee and delegate agencies may not use program funds, the provision of services, or the assignment of personnel in connection with voter registration activity or with transporting voters or potential voters to the polls.

Anti-poverty programs are, in many communities, live political issues and will often include activities which may become the subject of political controversy. Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue. Agency officials must, however, deal with questions which have become a subject of political controversy on their merits and not in terms of whether they are supported or opposed by a particular party or candidate.

Except as provided in this Instruction, employees of grantees and delegate agencies are free to engage in various kinds of political activities during their off-duty hours and in their private capacities. A broad range of participation in nonpartisan elections (e.g. nonpartisan school board elections) is permitted. In addition, a broad range of off-duty partisan activity is permitted for employees of private delegate agencies and private single-purpose grantees. All employees are expected, however, to avoid to the greatest extent possible any identification of their off-duty activities with the OEO-supported program.

2. Requirement that community action agencies adopt rules

Section 213(a) of the Economic Opportunity Act requires each community action agency (CAA) to adopt rules designed to assure that its programs and programs of its delegate agencies are conducted in a manner which is free from any taint of partisan political bias. This requirement will be considered to be met by the agency's adoption of the provisions of this Instruction and by making these rules available to all employees in writing.

If, however, the agency wishes to adopt its own rules it may do so, providing that the provisions of this Instruction are included in those rules and that none of these provisions are contradicted by the agency's additional rules.

3. Summary of kinds of restrictions on political activities

Sections 4 and 5 of this Instruction contain categories of restrictions applied to community action programs by the 1967 Amendments to the Economic Opportunity Act and by Chapter 15, Title 5, of the United States Code (formerly known as the Hatch Act).

Section 4 contains restrictions on the use of program funds, the provision of services, and the assignment of agency personnel in a manner which identifies the program with partisan political activity, nonpartisan activity associated with a candidate or faction in an election for public office, voter registration activity, and the transportation of voters to the polls. These restrictions are, in a broad sense, designed to prohibit the use of OEO funds for certain purposes. They apply to personnel of all grantee and delegate agencies, public and private. Insofar as the individual employee is concerned, however, these restrictions deal only with what he does as an employee.

Section 5 includes additional restrictions on the partisan political activities of *employees* of all *community action agencies* and of *public* agencies which are grantees or delegate agencies. These restrictions do not apply to private single-purpose grantees or private delegate agencies. The restrictions cover employees regardless of whether they are on duty at the time they engage in the prohibited activities.

The chart in Appendix B summarizes the applicability of the restrictions of Sections 4 and 5.

4. Restrictions on the use of program funds, the provision of services and the employment and assignment of personnel

a. *Prohibited Political Activity.* The following restrictions apply to all employees of grantee and delegate agencies as well as to volunteer trainees and members of governing or administering boards and advisory committees.[1] These individuals may not—

(1) Use their official position, authority, or influence with the agency for the purpose of interfering with or affecting the result of an election or a nomination for a party or public office.

(2) Directly or indirectly coerce, attempt to coerce, command or advise an employee or any other person who is subject to these restrictions to pay, lend, or contribute anything of value or to contribute personal services to a party, committee, organization, agency or person for political purposes.

(3) Use program funds for any partisan political purposes or to influence any election for public or party office.

(4) Permit the use of equipment or premises purchased or leased with program funds for any partisan political purpose or to influence the outcome of any election for public or party office. This restriction applies only to facilities when under the control of the grantee or delegate agency. For example, if an agency leases a facility during certain hours only, the landlord may of course use the facility as he wishes during other hours.

(5) Discriminate, or threaten or promise discrimination, against or in favor of any employee or beneficiary of the program, or any potential employee or beneficiary, because of his political affiliations or beliefs, or require any applicant, employee or beneficiary to disclose his political affiliation.

(6) Offer any person employment, promotion or benefits under the program as a reward for the support or defeat of any political party or candidate for public or party office, or threaten or create disadvantage in employment or deprivation of benefits as a penalty for such support, except that such a person may be deprived of employment or subject to lesser penalties for engaging in activities which are forbidden by this memorandum.

b. *Candidates' Meetings.* Candidates' meetings, even if all rival candidates for one or more public offices appear, shall not be sponsored or conducted with program funds or facilities. Such meetings are, however, often conducted by neutral and nonpartisan groups such as the League of Women Voters or local civic associations.

c. *Voter Registration and Transportation Activity.* Employees of grantee and delegate agencies, including volunteers and trainees, may not, while carrying out the program of their agencies, engage in voter registration activity or in transporting voters or prospective voters to the polls.

This restriction applies to the use of program funds, agency facilities or equipment, as well as to the provision of services and the assignment of personnel. All persons may participate in nonpartisan voter registration during their off-duty hours, so long as they avoid identification of such off-duty activities with the OEO-supported program.

A grantee or delegate agency may properly conduct a citizenship education program which includes, as part of the curriculum, information about the mechanics and function of voter registration. Such a program may be valuable in educating the poor as to the legitimate and constructive roles they as citizens may play in local community life and in the American democratic process. However, the program must be informational and not designed to solicit registration. Furthermore, program funds may not be used in any way to aid registration campaigns. Door-to-door solicitations and mass mailing campaigns, for example, may not be undertaken or supported with program funds.

5. Statutory restrictions on political activities of CAA employees and employees of public grantees and delegate agencies

a. *Persons to Whom This Section Applies.* The restrictions contained in this Section are imposed by Chapter 15, Title 5 of the U.S. Code and Section 603(a) of the Economic Opportunity Act. They generally apply to all *CAA* employees and all employees of *public grantees* and *public delegate agencies* who perform duties in connection with an OEO-assisted program or any other Federally-assisted program administered by that agency. Employees of private single-purpose agencies or private delegate agencies are *not* covered by these restrictions.

(1) *Volunteers, Trainees and Enrollees.* Volunteer workers are not covered by this Section. Trainees and enrollees shall be deemed employees for the purpose of this Section only if they are engaged in on-the-job training for a position as an employee of a grantee or delegate agency.

(2) *Board Members.* Board members are not covered by this Section.

(3) *Principal Employment Rule.* In case of an employee who holds more than one job, whether he is subject to the restrictions of of this Section depends on which job is his principal one—that is, if the job on which he spends the majority of his work time and from which he derives the majority of his earned income is covered by this Instruction, then he is covered.

(4) *Employees on Leave Still Covered.* The statutory restrictions apply to employees even though they are on leave, with or without pay. The prohibitions are lifted only when the employment is terminated. However, if an employee is on terminal leave, he is not subject to the restrictions during the period for which he has received a lumpsum leave payment.

(5) *Exemption of Employees of Educational and Research Organizations.* An individual is not subject to the statutory restrictions of this part if his principal employment is with an educational institution, establishment, agency, or system supported in whole or in part by State or local public funds or by a recognized religious, philanthropic, or cultural organization. Thus, employees of private schools and colleges supported by such organizations, as well as all public schools and colleges, are exempt from coverage, even if these institutions are grantees or delegate agencies financed under the Economic Opportunity Act. (A Community Action Agency is not considered to be an exempt educational or research institution.)

(2) *Prohibited Use of Influence or Attempt to Coerce.* Persons covered by this Section are prohibited from:

(1) Using their official position, authority or influence with the agency for the purpose of interfering with or affecting the result of an election or a nomination for a party or public office.

(2) Directly or indirectly coercing or attempting to coerce, command or advise an employee or any other person who is subject to these restrictions to pay, lend, or contribute anything of value or to contribute personal services to a party, committee, organization, agency or person for political purposes.

(c) *Prohibited Activities.* Persons covered by this Section are prohibited from taking an active part in partisan political campaigns. Such persons may not engage in partisan political activities, including but not limited to the following:[2]

(1) Becoming a candidate for nomination or election to a political office or to a party office.

(2) Serving on or for any political committee, party, or other similar organization, or serving as a delegate or alternate to a political caucus or convention.

(3) Soliciting or handling political contributions.

(4) Soliciting the sale of or selling political fund-raising tickets.

(5) Serving as an officer of a political club, as a member or an officer of any of its committees, or being active in organizing it.

(6) Assisting in preparations for, organizing, or conducting a political meeting or rally. Attendance at a political rally or meeting is permissible.

(7) Engaging in activity at the polls at primary, regular, or special elections such as soliciting votes or passing out literature.

(8) Acting as recorder, checker, watcher, or challenger for any party or candidate in an election.

(9) Writing for publication or publishing any letter or article soliciting votes in favor of or against any candidate or party.

(10) Distributing political campaign literature or material.

(11) Initiating or circulating political petitions, including nomination petitions.

(12) Soliciting support for a candidate or party.

d. *Permitted Political Activities.* A person covered by this Section may:

(1) Register and vote as he chooses.

(2) Express his opinions on political subjects and candidates.

(3) Be a member of a party or political club, although he may not hold office or otherwise be active in party affairs.

(4) Make voluntary contributions of money to a political campaign or party.

(5) Participate in educational efforts related to issues and to the political process so long as this is done in a politically neutral manner.

(6) Attend political meetings and rallies.

(7) Wear a political badge or button.

(8) Display a political sticker on his private automobile.

(9) Engage in nonpartisan political activity. There is no prohibition on political management or political campaigning in connection with (1) nonpartisan elections, which are defined as those in which none of the candidates represents the Democratic or Republican party or any other party which ran a candidate for President in the preceding presidential election, or (2) questions not specifically identified with a national or state political party, such as constitutional amendments, referenda, approval of municipal ordinances, and similar matters. In addition, if a state election law provides for nonpartisan election for a particular local office or class of local offices, the campaign for that office qualifies for the exception. For example, elections for local school boards and other local boards or offices are frequently run on a nonpartisan basis.

---

[1] Restrictions 1 and 2 are imposed on employees of all grantee and delegate agencies except certain educational or research organizations [see Section 5(a)(3)] by Section 603(a) of the Economic Opportunity Act and Chapter 15, Title 5, of the United States Code (formerly known as the Hatch Act). They are extended to employees of other OEO-supported agencies and to board and committee members and volunteers by OEO in order to implement the provisions of Section 603(b) of the Economic Opportunity Act. Restrictions 3–6 implement the provisions of Section 603(b) and Section 213 of the Economic Opportunity Act.

[2] Further information on activities prohibited by Chapter 15, Title 5 of the U.S. Code may be obtained from the Office of the General Counsel, United States Civil Service Commission, Washington, D.C. 20415.

6. Additional precautions

As explained in Section 5, employees of all community action agencies and of *public* delegate and single-purpose agencies are prohibited from engaging in *partisan* political management or *partisan* political campaigns while off-duty. However, the Economic Opportunity Act does not prohibit these employees from engaging in off-duty *nonpartisan* political activities and does not prohibit employees of *private* delegate and single-purpose agencies from engaging in either *partisan* or *nonpartisan* political activities while off-duty. In the spirit of the most recent legislation, however, all employees should avoid activity which will identify their agencies with political campaigns associated with electing candidates to public or party office. Directors and deputy directors of grantee and delegate agencies and neighborhood and outreach workers have the most substantial contacts with the community and are likely to be regarded as spokesmen for their agencies. Therefore, these persons must be particualrly careful not to involve or identify the OEO-assisted program with the campaign of any individual for public or party office.

All grantee and delegate agencies must inform their employees about these precautions.

7. Enforcement

a. Reporting Possible Violations

(1) *Hatch Act Violations.* When a grantee or delegate agency has reason to believe that an employee has engaged in partisan political activity prohibited by the statutory provisions of Chapter 15, Title 5 of the U.S. Code (Section 4(a)(1) and (2) and Section 5 of this Instruction), it shall report the matter to the United States Civil Service Commission, Office of the General Counsel, Washington, D.C. 20415.

(2) *Non-Hatch Act Violations.* Information concerning possible violations of other provisions of this Instruction shall be reported either in writing or orally by the grantee or delegate agency to the OEO Regional Office of Inspection or to the OEO Office of Inspection in Washington, D.C.

If the grantee or delegate agency is uncertain as to whether an activity violates the statutory provisions of Chapter 15, Title 5 of the U.S. Code administered by the Civil Service Commission, the information may be submitted to the OEO Office of the General Counsel in Washington, D.C. The OEO General Counsel will refer information concerning possible violations of Chapter 15, Title 5 of the U.S. Code to the Civil Service Commission for consideration where appropriate.

The grantee or delegate agency may in addition make such preliminary inquiry as may be necessary to verify the facts concerning the reported violation and initiate appropriate action to prevent a continuation or recurrence of the prohibited activity.

b. OEO Action to Prevent Continuation or Repetition of Violations

(1) When OEO receives information concerning possible violation of the restrictions of this Instruction it may—

(a) conduct an investigation to ascertain the facts and, in appropriate cases, undertake informal discussions with the grantee or delegate agency concerned in order to agree upon means for preventing continuation or repetition of the violation, and

(b) refer the matter, with or without investigation, to the Office of the General Counsel of the Civil Service Commission for consideration.

(2) If OEO concludes, after discussions with the local agency concerned, that appropriate action will not be taken by the grantee, OEO may then issue an order to the grantee directing it to take such action as may be necessary to prevent continuation or repetition of the violation.

If the grantee fails to comply with such an order issued by OEO, OEO may, on an emergency basis, summarily suspend assistance in whole or in part, or it may proceed to suspend or terminate assistance pursuant to Part 1009 of Chapter X, Title 45 of the Code of Federal Regulations. A grantee whose financial assistance has been summarily suspended under this provision may at any time request informal discussions with OEO officials and present evidence that no further violation is occurring and may also request OEO to hold a full hearing in accordance with the regulations cited above. In no event shall OEO terminate assistance to an agency without the agency being afforded the right to a full and fair hearing.

c. Enforcement Action by the Civil Service Commission

OEO may refer any specific information of apparent violation of the non-Hatch Act restrictions set forth in this Instruction to the General Counsel of the Civil Service Commission for investigation and determination. The General Counsel of the Commission may conduct an investigation and inform OEO and the grantee or delegate agency involved of his findings of fact and the corrective action recommended. If the corrective action recommended is directed against an employee of a grantee or delegate agency, the General Counsel of the Commission shall also inform the employee involved of his findings of fact and recommendation. In formulating his findings of fact and the corrective action recommended, the General Counsel of the Commission may request information from and solicit the views of OEO.

Within fifteen days after receipt of the report of the General Counsel of the Commission, the grantee or delegate agency shall either comply fully with the Commission's recommendations or request the Commission to hold a hearing. If the Commission recommends the dismissal or suspension of an employee, he may also request a hearing. The Commission shall give notice of the time and place of the hearing at which the agency or the affected employee is entitled to appear in person, or by or with counsel. The agency or employee and the counsel for the Commission are responsible for securing the attendance of their respective witnesses. There is no power of subpoena in these cases.

The hearing shall be before an examiner designated by the Commission. Testimony shall be under oath or affirmation and the parties may introduce affidavits and other documentary evidence. Unless the parties agree to a summary of the testimony, the hearing will be reported stenographically. The hearing examiner shall report his findings of facts and recommendations of sanctions to the Director of OEO.

The Director of OEO may reject, modify or affirm the recommendations of the hearing examiner. If he accepts any part of the recommendations, he shall issue an order to the agency directing it to comply with those sanctions he has accepted. If the local agency refuses to comply within five days after receiving this order, the Director may suspend or terminate assistance to the agency pursuant to Part 1009 of Chapter X, Title 45 of the Code of Federal Regulations. However, if the Director of OEO affirms a recommendation of the hearing examiner that assistance to a local agency be suspended or terminated, OEO shall not hold an additional hearing. In such instances, the hearing held before the examiner designated by the Civil Service Commission shall be regarded as satisfying the requirements of Part 1009 of Chapter X, Title 45 of the Code of Federal Regulations.

In any hearing held by OEO pursuant to Part 1009, an issue of fact previously determined by a hearing examiner designated by the Commission shall be deemed conclusively determined and shall not be relitigated.

The sanctions which the General Counsel of the Commission or a Commission-designated hearing examiner may recommend include, but are not limited to, the following:

(a) full or partial termination or suspension of assistance.

(b) changes in the administration of the grantee's or delegate agency's program or activities.

(c) an order to an agency directing the dismissal, suspension, transfer or reprimand of an employee or other person engaged in carrying out the agency's program.

APPENDIX A

EXCERPTS FROM THE ECONOMIC OPPORTUNITY ACT

SEC. 213(a). "Each community action agency shall observe, and shall (as appropriate) require or encourage other agencies participating in a community action program to observe, standards of organization, management and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the title and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias. . . ." "Each community action agency shall establish or adopt rules to carry out this section. . . ."

SEC. 213(b). "The Director shall prescribe rules or regulations to supplement subsection (a), which shall be binding on all agencies carrying on community action program activities with financial assistance under this title."

SEC. 602(n). "In addition to the authority conferred upon him by other sections of this Act, the Director is authorized, in carrying out his functions under this Act, to establish such policies, standards, criteria, and procedures, prescribe such rules and regulations . . . and generally perform such functions and take such steps as he may deem to be necessary or appropriate to carry out the provisions of this Act."

SEC. 603(a). "For purposes of chapter 15 of Title 5 of the United States Code any overall community action agency which assumes responsibility for planning, developing, and coordinating community-wide antipoverty programs and receives assistance under this Act shall be deemed to be a State or local agency; and for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this Act (other than part C of title I) shall be deemed to be a State or local agency."

SEC. 603(b). "Programs assisted under this Act shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis."

Mrs. GREEN of Oregon. I would say to the gentleman, I have brought this to the attention of the new administration of the OEO and they have ruled it is perfectly in order.

Does the gentleman think the amendment which he offered, that no contract can be entered into by Upward Bound, with a private corporation, the very

amendment the gentleman from Wisconsin offered in 1967—and with every good reason—does he think that Upward Bound now in the OEO should be allowed to enter into contracts with a private corporation.

Mr. STEIGER of Wisconsin. I am satisfied, may I say to the gentlewoman, that the actions that have been taken regarding Upward Bound are in compliance with that amendment, with which you and I are in agreement.

I notice with some interest, and I was not aware of it until I read the amendment or the substitute this afternoon, that you are going beyond that in providing in the substitute that provision which would prevent any comparable program as found on page 13.

Mrs. GREEN of Oregon. The gentleman does not believe that the amendment we adopted last year in 1968 prevented the OEO from carrying on any Upward Bound projects of any kind?

Mr. STEIGER of Wisconsin. I will say that they are not carrying on Upward Bound projects. I think that is quite clear.

Mrs. GREEN of Oregon. There is this UB project at the penitentiary in Oregon. How does it happen that they have that, with the same enrollees and the same faculty members and the same vocations and the very same classes that it had before we passed the amendment.

Mr. STEIGER of Wisconsin. On the basis that it was done under a different section.

Mrs. GREEN of Oregon. If the gentleman would also study the history of this, he will find that the Senate and House amendments both prohibit an Upward Bound program and somehow we must bear the responsibility, in the conference report only, in the conference report—in neither the House nor Senate bill before it went to conference was reference made to that particular section.

At that time it was an interesting subject to see who was writing the conference report. But if you have studied it, that is the fact, and it is against the rules of the Congress.

Mr. STEIGER of Wisconsin. I fully understand the distinguished gentlewoman's concern about this particular item. I am one who will not defend the agency if it is not following the law and the distinguished gentlewoman knows that.

I think it would not be fair to characterize what the agency has done prior to this in the same manner as what you now refer to as essentially an Upward Bound program. That amendment which was adopted transferred to the Office of Education in the Department of Health, Education, and Welfare Upward Bound.

Mrs. GREEN of Oregon. But they are doing that at the present time.

Mr. STEIGER of Wisconsin. They are carrying on a program. You say they are calling it an Upward Bound program at Oregon State Penitentiary. It would be my own best judgment, frankly, having taken a look at what little information has been available to me on that, that it is not covered by the present law.

Mrs. GREEN of Oregon. Has the gentleman seen the letters that have come from the OEO itself on their letterheads in which they refer to it as the Upward Bound prison program?

Mr. STEIGER of Wisconsin. No.

Mrs. GREEN of Oregon. I will be glad to supply the gentleman with copies—as I did in the committee one day—12 or 15 documents from the OEO itself on their letterheads in which it was referred to as the Upward Bound prison program of Oregon.

Mr. STEIGER of Wisconsin. The distinguished gentlewoman is making a point with which I frankly do not entirely disagree. I am afraid that she has the impression that I may. Much of what I wanted to direct my own remarks to is in the area of the very serious problem which I have, and which I regret to have, given the circumstances, of my finding myself in a position of not totally agreeing with the package that has been agreed to by the gentleman from Ohio (Mr. AYRES), the gentleman from Minnesota (Mr. QUIE), the gentlewoman from Oregon (Mrs. GREEN) and the gentleman from Connecticut (Mr. GIAIMO).

Mrs. GREEN of Oregon. I have no quarrel with that. I am one who believes in the right to disagree with Members on the other side of the aisle. But I was trying to dispute the statement by the gentleman from Wisconsin that things have changed down there.

Mr. STEIGER of Wisconsin. I will say to the gentlewoman from Oregon that I understand clearly that much of what has been wrong has not been fully corrected. I would be the first to admit that. I am suggesting to her and to Members of this House that there is now a very substantive difference in terms of the role of OEO as an agency in contrast to what has been true in the past. It was to that point I was addressing myself before we got into this colloquy. I would like to pursue that in terms of saying I think it is quite clear that at the time this agency was created by the Congress, it was in what I consider to be four conflicting roles. I was not here at the time this program was adopted by the Congress, but it was created to be in the position of innovator, coordinator, advocate, and operator. And it is extremely difficult for any single agency of the Federal Government or any other government to try to carry on those roles, which in many cases will conflict. It is difficult to be both an advocate and a coordinator. It is difficult to be both an innovator and an operator. I think what needs to be understood by the Members of this House as we consider what changes we should make in the Economic Opportunity Act is that we are not now facing an agency with these same kinds of conflicting roles.

We now have an agency which, in my judgment at least, is to a large extent free of both the operational and the coordinative roles that were given to it under the legislation. That has been accomplished because the Nixon administration has recognized that it could not be all things to all people, and what we now have is an agency in which there is the effort made to be an innovator. OEO, in President Nixon's words, is supposed to be the research and development arm of the Federal Government. This is my question and my concern over that portion of the substitute offered by distinguished Members of this House which I think would do damage to that role as it has been clearly enunciated by the President of the United States, Mr. Nixon.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. The gentleman from Wisconsin has indicated that the OEO is no longer an operating agency.

Mr. STEIGER of Wisconsin. No, I did not say that it was entirely free of its operational responsibilities. It does have legal services. It does have neighborhood health centers. Those are, as you know, not the same in terms of operational capability as, for example——

Mr. QUIE. Is it true of the medical program?

Mr. STEIGER of Wisconsin. That is not an operational program.

Mr. QUIE. How about the emergency food program?

Mr. STEIGER of Wisconsin. Not as Job Corps, not as Neighborhood Youth Corps, not as Headstart.

Mr. QUIE. How does it differ?

Mr. STEIGER of Wisconsin. I think it is quite clear, in terms of its difference, in that this is a program operated by community action agencies and not by OEO. In addition, it has a variety of different kinds of thrusts. It has not been, thank heavens—and it was the amendment offered by the gentleman from Minnesota that created this program, and I cannot tell him how pleased I am that he provided leadership in meeting the hunger issue during the years he has served in Congress—but it has not been fossilized through its operation.

Mr. QUIE. I do not know what you mean by fossilized. You mean the Job Corps has been fossilized? Do you mean the Job Corps has been and the emergency food service has not been?

Mr. STEIGER of Wisconsin. That is correct. Those are not operated by the Office of Economic Opportunity.

Mr. QUIE. The operating programs you are talking about have been spun off, but the Emergency Food Program is an operating program.

Mr. STEIGER of Wisconsin. I would have an honest difference with the gentleman from Minnesota in terms of definition.

Mr. QUIE. If we could find a suitable definition, we might not find ourselves in disagreement.

Mr. STEIGER of Wisconsin. First, I would say Legal Services would be an example, because Legal Services really would not fit into the work of any other Federal agency.

Mr. QUIE. It is an operating program.

Mr. STEIGER of Wisconsin. It is and it is not in terms of what I look at, what I consider to be the problems of OEO in having undertaken these four conflicting roles. That is why I have supported the gentleman in every effort in trying to transfer operating programs out of

the agency. We did it in relation to the manpower programs. That is what we did in the education and the Job Corps programs. Those were the major, important operating programs that took staff, large headquarters staff and regional office staff.

The program had a series of separate, distinct requirements that were then put upon those who operated in the field. Legal services does not operate in that way. Nor is health centers on food and medical services, for there the staff is a small group of professionals but not large operating staffs as in the others. That is the distinction, may I say to my friend.

Mr. QUIE. That is the distinction, because the Federal Government does not operate through a State administration in the case of legal services. That is what makes the distinction.

Mr. STEIGER of Wisconsin. No, not at all. That is neither here nor there, frankly, so far as the discussion on this point is concerned. What I am suggesting to the gentleman is that he is not clearly, in my judgment, at least, fully focusing on or understanding the role of OEO as it is today, not what it was in 1967 or 1966 or 1968. I believe that is a very important difference.

Mr. QUIE. I am looking at what OEO is presently doing. It has title II programs, all programs under title II with the exception of Headstart and Follow Through. None of those, in my definition, are operating programs, if operating programs are different from research and pilot programs.

Mr. STEIGER of Wisconsin. Under the gentleman's definition they, too, would be operating programs.

Mr. QUIE. If there is a pilot program in operation, then that will become an operating program. A number of these programs now operating, in my definition, started out as pilot programs.

I would ask the gentleman, if he feels that research pilot programs should not go through a State administration—this is, I understand, his strongest objection to the substitute—how is this different from the innovative program that runs through title III of the Elementary and Secondary Education Act, which I believe the gentleman supported, on the transfer from the Commissioner of Education's sole jurisdiction to one administered through a State agency?

Mr. STEIGER of Wisconsin. I will say to the gentleman, I have serious objections not just to research and demonstration programs but to legal services. There are the two parts.

If the gentleman wants to modify the amendment, I would be happy to work with him to do so, to make this apply to local community initiative funds, and have that be the activity and the responsibility of the State for the development of a plan for distributing funds. That probably would be acceptable.

I say that for two reasons. One is because insofar as the case of legal services is concerned I would hesitate to have the imposition of a State agency administration on that program when in fact under the legal services program it may be the Governor who is being sued. I say this quite frankly, being very candid, as it would be a serious effort to impair the ability of the legal services program to be carried on in an unfettered fashion.

I do not think that should happen.

Second, I would say to the gentleman that one cannot give up the allocation of the funds under the research and demonstration program to the State plan concept, which is what the amendment requires, and then ask the agency, the OEO, to be the research and development arm of the Federal Government. I am sorry; I just do not see how the attempt to get that works. It does not seem to me that is in line with what President Nixon has asked the agency to be.

Mr. QUIE. Mr. Speaker, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I am happy to yield.

Mr. QUIE. If the gentleman could develop his reasons for accepting the Federal Government, through the Office of Education, being the research and innovative agency and still doing it through State departments of education, as we require by law, and why it is not acceptable in OEO, then perhaps I could better understand it.

I will add another question, but I will let the gentleman answer this first.

Mr. STEIGER of Wisconsin. As the distinguished gentleman from Minnesota knows, we have gone around on that discussion for some length of time. I believe it is several months at this point the gentleman and I have talked about that particular issue.

I have said before, and I say it again, that what I see in the Office of Economic Opportunity in terms of the judgment made by the Nixon administration and the role given to that agency is that it is not applicable to actions that have been taken in the past. Nor is the example of what we did in education, where all 50 States have had, since they have entered the Union, primary responsibility for education. Only recently has the Federal Government come in. I see no reason why those things ought not to be operated by State departments of education and local school boards. This problem on how we go about breaking the cycle of poverty is not an analogous situation, and it is on that basis that I make the distinction.

Mr. QUIE. I guess I do not find that distinction in my concept of federalism that the gentleman finds in his philosophy. I believe, though, he has the same concept as I have of federalism with the exception of the OEO.

Let me ask you now this question: When we have a problem of State administration, as we developed in the substitute, where legal services might sue a Governor or a State agency, which is really the Governor, how is that different than the legal services now administered by the Federal Government suing the Federal Government? They do not seem to have any trouble there. They continue to sue the Federal Government. I do not think it would be wise to put legal services under the Department of Justice, because the Federal Government calls on the Department of Justice to defend them in the case of a suit.

Mr. STEIGER of Wisconsin. You just answered your question.

Mr. QUIE. But I do not propose to put the State Economic Opportunity Office under the Attorney General of the State, and that is the means by which the Governor of the State is defended—through the Attorney General's office. We propose to have a separate agency right in the State government. There is no problem for the Federal Government legal services attorney suing them. There should be no problem for the State assuming the administrative responsibilities of the regional office if they have an attorney there to sue the State. We do not have any problem when the local government is the Community Action agency and funds a legal services program when those legal services attorneys sue that local government.

Mr. STEIGER of Wisconsin. My friend draws that thin line.

Mr. QUIE. But it is a line.

Mr. STEIGER of Wisconsin. And focuses his attention on those bad people in the regional offices. I do not hold any brief for regional offices. I think the distinguished gentleman from Minnesota is well aware of the very serious implications which I see and which I have pointed out to him on past occasions about the concept of attempting to take what is now the innovative arm of the Federal Government and no longer making it the innovative arm, but, in fact, giving control over to State governments. It is just that simple. It is a very clear but very difficult problem, I will say to my friend from Minnesota, in which we are faced with the position of the ranking minority member and the second ranking minority member on our committee against that position taken by the Director of OEO and I would assume the President of the United States in terms of the charter that he has given to the agency. I do not like to be put in that position.

I take this time, I will say to my friend, because I think the 3 hours of debate that have taken place under the special orders have served a very real purpose. The substitute is out. We can look at it in detail. I intend at some point in the very near future to try to analyze it more thoroughly, because I saw it for the first time this afternoon. I have had only 3½ or 4 hours to try to read it and listen to the debate. So I am in the difficult position of not being able to comment with any degree of precision at all about any of the implications of the substitute.

Mr. QUIE. Will the gentleman yield for a comment and a question, and I will try to make it clear and brief so he can go on with his presentation.

Mr. STEIGER of Wisconsin. Certainly.

Mr. QUIE. I do not find this difficulty that the gentleman from Wisconsin does that I am at a different point of view from the Director of OEO because I look at my primary responsibility as being that of representing my people and mak-

ing the judgment and the legislation that I believe is right.

And I believe as best we can in the purpose of making our party as strong as possible and to agree with the administration when we can. I will bend over backward whenever I can to do that. But when I think they are off base, I guess I will take my independent route.

Mr. STEIGER of Wisconsin. I fully respect that. I, too, first represent the sixth district but in this situation we face the problem of choosing alternatives.

Mr. QUIE. So, now, I would like to ask the gentleman a question: If this is now a research and an innovation program, then it would be unwise for us in the statute to lay out a means whereby a State could assume administrative responsibility in a developmental and coordination program. The present Director in the State of Hawaii has set up a program, Mr. Carlucci, in which he said this:

> This primary emphasis of the Hawaii SEOO/PDP proposal is on the development and coordination of State level resources to benefit the poor.

They are doing that in Hawaii and I know it is unique in Hawaii. But we would like to have an opportunity for all the States to do it and to lay out in the act a structure in which the States can set before them that opportunity which is available to them.

Mr. STEIGER of Wisconsin. I will say to my friend from Minnesota, let us make the record clear. That program in Hawaii is not one in which the State is distributing the money to local community action program.

Mr. QUIE. Mr. Speaker, if the gentleman will yield further, they have not reached that point as yet and I do not know as to what detail they will finally be able to do it. However, let me read further:

> This activity will involve the maintenance of liaison with other State agencies, the facilitation of better coordination between State agencies with antipoverty responsibilities, and the development and recommendation of joint planning and funding mechanisms between State agencies with antipoverty responsibilities, and the development and recommendation of joint planning and funding mechanisms between State agencies.

Mr. STEIGER of Wisconsin. That is a far different thing than what you propose in the substitute.

Mr. QUIE. It comes very close to what we are attempting to do.

Mr. STEIGER of Wisconsin. No, sir.

Mr. QUIE. It does not spell out that this provision will have the exact distribution of all funds and that is the leap that we make in the provision that the States also will be able to engage in developmental and coordination programs and devise a means by which they will distribute the money as equitably as possible within the State. But, already, the regional office does that for Hawaii. It is just that one additional step.

Mr. STEIGER of Wisconsin. As the gentleman knows, I fully concur in the need, in fact the absolute necessity of more fully utilizing the resources of the State and local governments and involving State governments to a far greater degree. That does not seem to me to be a difficult position for any Member of this House to disagree with. Our disagreement, if there is one, comes in terms of the degree to which one goes, the degree to which what I see as a role of the agency, as the new administration has characterized it, as contrasted to what I see as the role of the agency if we adopt the substitute in its present form. That is the distinction. That is what we will have to talk about and be concerned with in the next few days before this bill comes to the floor for any kind of action.

If the gentleman from Minnesota has any further questions. I shall be happy to yield to him.

Mr. QUIE. I would just say that I thank the gentleman for yielding. I guess we have reached the point where we are absolutely going to disagree, no matter what kind of arguments can be brought up. OEO is doing in one instance like it wants to or is looking in that direction, and it is not exactly a new venture of research and innovation, but I see that those arguments are not going to sway the gentleman. Therefore, I suppose we will have to agree to disagree and try to continue to be friends and work together when we can agree on some other measure.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the comments of the gentleman from Minnesota. I hope it is possible to agree, and I am not too sure that it is, but I at least always hold the hope that this can be done, and I at least will strive in my own efforts to try and reach that point.

Mr. Speaker, for some time back before the questions and answers that preceded these comments I attempted to try and focus in on what I saw as the new OEO in terms of what changes have been made. Therefore, Mr. Speaker, I ask unanimous consent at this point to include some charts and tables which discuss in somewhat more detail the new Office of Economic Opportunity.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The material referred to follows:

THE NEW OFFICE OF ECONOMIC OPPORTUNITY (OEO)

Since its establishment in 1964, the Office of Economic Opportunity has undergone a series of changes.

Under the new Administration, OEO has a new focus and operates many different programs from those originally conceived in the 1964 legislation.

The Fiscal Year 1970 budget request for OEO is $2.048 billion. Of that amount $1.273 billion will be transferred to other agencies to fund delegated programs administered by those agencies; $775 million of the $2,048 will be used to fund programs administered by the Office of Economic Opportunity.

The distribution of these funds is set forth on the next page, and the subsequent pages present brief explanations of OEO programs and their missions.

Office of Economic Opportunity administered programs

	Millions
Community action operations (Local initiative, Training and Technical Assistance, State Economic Opportunity Offices, Program Direction and Senior Opportunity Service	$393.4
Legal programs	54.0
Health programs (Comprehensive Health Services; Emergency Food and Medical Services; Family Planning)	127.0
Migrants	33.0
Research and pilot programs	114.6
Vista	37.0
General direction	16.0
Total	775.0

Delegated programs

	Millions
Department of Labor (Job Corps; Neighborhood Youth Corps; Concentrated Employment Program; Job Opportunities in the Business Sector; Public Service Careers/New Careers; Operation Mainstream)	$871.3
Department of Health, Education and Welfare (Head Start; Head Start Follow-Through)	389.7
Department of Agriculture (Rural Loans)	12.0
Total	1,273.0

PROGRAMS ADMINISTERED BY THE OFFICE OF ECONOMIC OPPORTUNITY $750 MILLION

Community action operations

$660.7 million of the $775 million of OEO administered funds (including portions of such programs as Legal Services, Family Planning, etc.) are for 969 Community Action programs. These local Community Action Agencies have authority to administer anti-poverty programs in 2,000 counties, serving 6 million poor. They employ 92,000 professionals, 170,000 non-professionals, and utilize 200,000 volunteers.

Community Action funds are also granted to State Economic Opportunity Offices which have the responsibility for the coordination of programs within their States. A greater emphasis is being placed on the participation of the States in the planning and supervision of the local programs than ever before.

Local Initiative.—Local Initiative programs are those originally developed by poverty-area residents in response to their perception of needs. Versatile in character, they include such programs as Manpower, Housing, Neighborhood Centers, Consumer Action, Education, Community Health and many others of a community's choosing.

Senior Opportunities and Services.—The amendments to the EOA in 1967, established a new special emphasis program entitled "Senior Opportunities and Services" (SOS) designed to serve the older (Age 55+) low-income persons who presently constitute more than 30 percent of the poor. The SOS programs include job training and employment, outreach projects to assist in home health care and homemaking and the development of service centers controlled by older persons themselves. In FY 1970, about $9 million will be spent on more than 200 programs for older poor persons.

Indians

OEO programs help the American Indians living on Federal reservations to help themselves. Over 404,000 Indian people reside on these reservations. In FY 1969, OEO programs directly reached 323,000 or 90% of the residents, through education, legal services, housing, economic development, consumer counseling, and vocational programs. In FY 1970 OEO has requested $31 million to fund

these programs and to expand OEO programs to include other States, such as California, Nevada, Michigan, etc., where Indians reside on small reservations, rancherias, and colonies.

Legal services

More than 1,800 lawyers, handling over one million cases per year, are working in neighborhood legal services programs to bring legal representation and equal justice to the poor. The 850 Neighborhood Law Offices are a visible demonstration to the poor that they have redress to their grievances through legal means rather than through illegal demonstrations. In FY 1970 The Office of Economic Opportunity is requesting $54 million to bring legal assistance to the poor.

Health programs

OEO's Office of Health Affairs coordinates and supports a broad variety of programs to assist victims of poverty. Major programs include:

Comprehensive Health Services.—Currently 49 Comprehensive Neighborhood Health Centers have been funded to demonstrate new methods of making high quality health care available to both urban and rural poor. When the projects are fully operational, more than 1,000,000 poor persons will be receiving a comprehensive range of health sources with primary emphasis on preventive, ambulatory medical care. These programs offer opportunities in career health jobs to 3,000 Neighborhood residents. Funds for this program are being increased by more than 50% in FY 1970, for a total expenditure of $74 million.

Emergency Food and Medical Services.—The Office of Economic Opportunity makes funds available through community action agencies to combat conditions of hunger, malnutrition and undernutrition. OEO funds are utilized primarily to facilitate access by the poor to other federal, state and local food assistance programs and are targeted towards the hard-core poor not reached by efforts of other agencies. Nutrition and consumer education projects are given emphasis. In FY 1970 $30 million will be expended in the effort to assist more than 1½ million persons in 475 projects across the country.

Family Planning.—In line with the President's policy of making family planning assistance available to all American women despite their economic condition, OEO is increasing its effort to $22 million in this area for FY 1970. A full range of services including out-reach, education, counseling, medical examination, laboratory tests, supplies and referrals is offered. Last year more than 250,000 needy women took advantage of this opportunity to provide an alternative to unwanted pregnancies, which tend to keep families in poverty. The 230 projects employed 1,000 poor persons.

Migrants

Through this program the Office of Economic Opportunity is able to aid migrant and seasonally employed farm workers and their families. In FY 1969, 265,000 migrant workers and their families received the benefits of OEO programs for education, job training, day care, self-help and temporary housing and sanitation facilities. Nearly 1,500 migrants were assisted in receiving high school equivalency diplomas and over 8,000 were placed in jobs. Over 15,000 children received day care services. In FY 1970 OEO has requested $33 million for migrant programs to start work on self-help housing units for 1,200 migrant families, to increase job-oriented education for 28,000 adults and provide 3,500 heads of families with re-employment assistance.

Research and pilot

The following special programs are a part of the Office of Economic Opportunity's increased emphasis on development of innovative activities:

Special Impact.—Fifteen special impact grants were made in FY 1969 for programs designed to foster community-based business development and businesses located in ghetto areas that are aimed at employing and serving the people of poor communities. These community economic development programs will increase in FY 1970 to $38 million.

Research and Demonstration.—The Research and Demonstration funds are used to test and evaluate new programs in such areas as employment, economic development, early childhood development, housing, income maintenance, and individual and community development. $60.6 million is planned for these activities in FY 1970.

VISTA (Volunteers in Service to America)

Currently some 5,000 VISTA Volunteers serve in more than 1,000 communities on 500 projects in 49 states, the District of Columbia, Puerto Rico, the Virgin Islands and the Pacific Trust Territories.

Over the past year VISTA has launched a broad range of programs involving volunteers with specific professional skills—lawyers, business school graduates, health specialists, architects and planners—as well as volunteers recruited from the poverty community. They are working in teams of programs designed to tackle problems of economic development; legal aid to people and institutions in the poverty community; hunger and malnutrition; self-help housing; and the systematic involvement of universities and other institutions of the private sector in the problems of poverty in their communities. The FY 1970 request is for $37 million.

DELEGATED PROGRAMS FUNDED BY OEO

The delegated programs which are funded out of the OEO budget but which are operated by the Departments of Health, Education, and Welfare, Labor or Agriculture include:

Head Start.—Head Start provides education experiences, social services, and medical and dental care to pre-school children from low-income families. In FY 1970, $332 million has been requested to assist pre-school children. The programs involve parents in the activities of the program and many mothers serve as teachers' aides. Head Start is administered by the Office of Child Development, Department of Health, Education, and Welfare.

Head Start Follow-Through.—Head Start Follow-Through is aimed at children in kindergarten and elementary school who were previously in Head Start classes. It is designed to sustain the gains that disadvantaged children made in Head Start. In FY 1970, the funds will increase to $58 million so that 62,500 children can be helped. Head Start Follow-Through is administered by the Office of Education, Department of Health, Education, and Welfare.

Job Corps.—Job Corps is a training program for low-income disadvantaged youths ages 14–21. Both remedial education and vocational and technical training are offered. Enrollees train either at Job Corps Centers or at in- and near-city residential manpower training centers. There are currently 49 Job Corps Centers. Plans are being made for the establishment of 20–25 in- and near-city centers. The FY 1970 budget request is $175 million. Job Corps is administered by the Department of Labor.

Neighborhood Youth Corps.—The Neighborhood Youth Corps provides work and training for approximately 130,000 low-income youth to assist them in obtaining regular employment. The FY 1970 request is for $281.9 million. The Neighborhood Youth Corps is administered by the Department of Labor.

Operation Mainstream.—Mainstream helps chronically unemployed adults, especially in rural areas, giving them employment in beautification and community betterment projects. The $41 million spent on this program provides job opportunities for close to 11,000 persons. The Department of Labor administers Operation Mainstream.

Job Opportunities in the Business Sector.—The Job Opportunities in the Business Sector program (JOBS) involves private employers in the recruiting, training and hiring of unemployed and low-income persons. These private employers are offered incentives which help defray the costs of this high-risk employment program. The National Alliance of Businessmen provides for the active participation of businessmen in the program. The FY 1970 request for $180 million will ensure the placement of some 60,000 hard-core unemployed. The Department of Labor administers JOBS.

Public Service Careers.—PSC is modeled after the JOBS program, but is oriented toward employment in the public sector. State and local governments will be encouraged to hire the hard-core unemployed. In FY 1970, the first year for PSC, the Labor Department will seek to place 16,700 disadvantaged adults in public sector employment for an expenditure of $50 million.

Concentrated Employment Program.—The Concentrated Employment Program features special programs that concentrate work and training resources in an area with a large concentration of poor. Included in this program is the New Careers Program, which provides employment for adults in community service fields such as health, education and public safety. $133 million has been requested for FY 1970. The Department of Labor administers the Concentrated Employment Program.

Rural Loans.—The Rural Loans Program provides a combination of credit and technical assistance to encourage economic development and to increase income potential among the rural poor. Loans may be made to individual or cooperative associations. In FY 1969, $12 million worth of new loans were made. In FY 1970, the $12 million of new appropriations will provide for continued administration and, together with repayments from old loans, permit granting new loans in the amount of $19 million.

REDIRECTION OF THE OFFICE OF ECONOMIC OPPORTUNITY

Organizational changes

Delegated Job Corps Program to the Department of Labor on July 1, 1969.

Delegated the Head Start Program to the Department of Health, Education and Welfare on July 1, 1969.

Transferred the Foster Grandparents Program to the Administration on Aging.

Executed this Administration's first complete reorganization of any major federal agency.

Proposed the Manpower Training Act, which would shift all operating manpower programs from the Office of Economic Opportunity to the Department of Labor.

Establishing new regional offices in Boston, Denver, and Seattle.

Relationship with the States

Drafted new guidelines providing for a stronger state voice in OEO programs.

The Office of Economic Opportunity is strengthening the state economic opportunity offices so that they may—

Jointly develop with OEO state funding plans for the expenditure of OEO funds.

Better assist OEO grantees in the planning and development of their applications for funding, and the Office of Economic Opportunity in its review of these applications.

Participate with the Office of Economic Opportunity in the evaluation of OEO-funded programs within their state.

Be more effective in the mobilization of state-level resources.

Develop better ways to assist the poor at the state level by the provision of research and demonstration funds.

Authorized program development planning grants to assist the states in tying overall state planning activities to community action programming.

Developed a program to fund a range of other state activities that strengthen and capitalize on the contributions states can make.

Community action operations

Refused to refund a number of Community Action Agencies and local delegate agencies because of poor performance.

Instituted a review of all Community Action Agencies to evaluate their effectiveness.

Established a special team of experts to review grants released from the Office of Economic Opportunity prior to the end of the fiscal year on June 30, 1969.

Sharpened and limited the focus of community action to emphasize the mobilizing of public and private resources, building community bridges, and stimulating more effective approaches to poverty problems.

Prepared in draft form regulations which prohibit the hiring, with federal funds, of persons with recent convictions of serious crimes for certain sensitive positions.

Issued, for the first time, regulations implementing the section of the Act which limits administrative costs of poverty programs to not more than 15 percent of total costs.

Issued regulations prohibiting federal funds to be used to pay interest on borrowed funds.

Issued regulations limiting the publication of newsletters and house organs.

Drafted revision of OEO policies governing grantee personnel standards and practices.

Issued regulations to speed up grant processing time.

Procurement practices and conflict of interest

Prepared in draft form regulations and policy instructions to tighten up procurement practices. These regulations would—

Place controls over contracting with organizations in which former OEO employees hold senior positions.

Limit procurements which are made without competition and increase the number of awards to small business.

Improve procedures for evaluation of contract proposals.

Prevent conflicts of interest on the part of contractor employees.

Improve the quality of contract work statements.

Improve the procurement practices of OEO grantees.

Prepared in draft form strengthened rules concerning conflict of interest for present and former OEO employees.

VISTA

Upgraded the quality of VISTA volunteers. Volunteers will be older, better educated, and more highly skilled.

Increased significantly the number of volunteers drawn from minority groups.

Emphasized programs using professionally trained volunteers to provide technical assistance to the poor.

Established improved supervision of volunteers.

Reoriented volunteer training to take place in the community and on the job.

Health Services

Elevated the Office of Health Affairs to a separate division which reports to the Director.

Expanded emergency food and medical assistance programs.

Legal Services

Elevated the Office of Legal Services to a separate division which reports to the Director.

Initiated recruiting campaign to attract experienced, responsible lawyers.

Achieved closer cooperation with local and state bar associations.

Establishing effective evaluation procedures to improve management of the local projects.

Research, Planning and Evaluation

Redefined OEO's mission to be the center for research on poverty in the country.

Instituted the establishment of more precise standards for measuring performance than the Office of Economic Opportunity has used in the past.

Mr. STEIGER of Wisconsin. Mr. Speaker, let me go on now to discuss some of the other aspects of the situation with which we are faced. President Nixon on February 19, on June 2, on August 11, and on October 11 has made a number of statements regarding the Office of Economic Opportunity. Mr. Speaker, I ask unanimous consent to include the statements of President Nixon at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The material referred to follows:

PRESIDENT NIXON'S STATEMENT ON THE OFFICE OF ECONOMIC OPPORTUNITY

On February 19th, President Nixon sent to Congress a message on the anti-poverty programs of the Office of Economic Opportunity in which he called for a one-year extension of the Economic Opportunity Act. The following are excerpts from that message:

"The blight of poverty requires priority attention. It engages our hearts and challenges our intelligence. It cannot and will not be treated lightly or indifferently, or without the most searching examination of how best to marshal the resources available to the Federal Government for combating it."

"From the experience of OEO, we have learned the value of having in the Federal Government an agency whose special concern is the poor. We have learned the need for flexibility, responsiveness, and continuing innovation. We have learned the need for management effectiveness."

"In making these changes, I recognize that innovation costs money—and that if OEO is to continue its effectiveness as an innovating agency, adequate funds must be made available on a continuing basis. It is also my intent that the vital Community Action Programs will be pressed forward, and that in the area of economic development OEO will have an important role to play, in cooperation with other agencies, in fostering community-based business development."

On June 2nd President Nixon issued a statement in which he requested a two-year extension of the Economic Opportunity Act:

"I will request an extension of the authorization for OEO appropriations from June 30, 1969 to June 30, 1971; and I will ask that the Economic Opportunity Act of 1964 be extended from June 30, 1970 to June 30, 1972."

"This represents a change from my earlier intention. . . . I have now concluded, however, that a two-year extension would provide a better framework within which the necessary improvements in the anti-poverty program can be made."

"Under the leadership of the new OEO Director, a comprehensive review and analysis of anti-poverty efforts will continue during the coming months. Its purpose will be not only to evaluate existing programs and improve their operation, but also to determine what new programs should be initiated.

"Many of the improvements most immediately needed fall within the management authority of the present law. For example, planning procedures can be improved, program analysis strengthened, internal reorganization accomplished, and more rigorous management and fiscal controls instituted. New experimental programs can also be launched.

"If we are to make lasting significant headway against poverty, there still is a great deal to be learned about what works and what does not. This Administration is committed to search for that knowledge, and to use it. We are committed to the continuation of an agency whose special concern is the poor and we are determined to make the Nation's anti-poverty efforts function more efficiently and serve the poor more effectively."

On August 11 the President issued a statement on the reorganization of the Office of Economic Opportunity:

"We must become pioneers in reshaping our society even as we have become pioneers in space. We must show a new willingness to take risks for progress, a new readiness to try the untried."

"Such an innovative spirit should characterize all of our institutions and all agencies of government. But it is in the Office of Economic Opportunity that social pioneering should be a specialty. It is the OEO that should act as the "R and D" arm for government's social programs."

"The following are among the specific changes in OEO which I am announcing today:

"Creation of a new Office of Program Development.

"Revamping and strengthening the Office of Planning, Research and Evaluation

"Strengthening and upgrading the Office of Health Services and the Office of Legal Services

"Creation of a new Office of Program Operations to improve the administration of activities in the field.

"I believe that the goal of full economic opportunity for every American can be realized. I expect the Office of Economic Opportunity to play a central role in that achievement. With new organizational structures, new operating procedures, and a new sense of precision and direction, OEO can be one of the most creative and productive offices in the government. For here much of our social pioneering will be done. Here will begin many of our new adventures."

On October 11 President Nixon sent to the Congress a message on several legislative issues. One part of that message deals with reform of the Office of Economic Opportunity. Concerning OEO reform, the President stated:

"I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. OEO is now strengthening the present operating programs, including the Community Action Agencies, VISTA, Legal Services, Neighborhood Health Centers, Family Planning, Emergency Food, Rural, Older Persons, Indian and Migrant Programs. In addition, there is new emphasis on research, the evaluation of existing Federal social programs, and development and testing new approaches in community and economic development, manpower and education, to assist the poor to move into the economic life of the nation. I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life. Here again, there is no need or justification for further delay."

Mr. STEIGER of Wisconsin. Mr. Speaker, over the past 30 years government in the United States has be-

come increasingly centralized, and insensitive. As a means of remedying the situation, some people have suggested a "State plan" for the Office of Economic Opportunity. In considering such a plan, we must examine to what extent it is consistent with the goals put forth by the Economic Opportunity Act.

When the Economic Opportunity Act was passed, the Office of Economic Opportunity was established as an agency devoted to eliminating poverty. To accomplish this mission the OEO was to function as an advocate for the poor, emphasizing local initiative, and, when necessary, producing institutional change. The use of a "State plan" to guide these efforts would be less effective than the present organization in implementing these functions.

The first advantage the OEO has over State governments in the poverty field is that it has only one constituency. The Office of Economic Opportunity's only goal is to eliminate poverty. Consequently, the poor are its highest priority.

Many of the States are not in a position to give poverty problems the emphasis Congress indicated they deserve when it passed the Economic Opportunity Act.

It is important to note that the States can hardly perform an advocate function for the poor if they are not committed to placing a high priority on poverty problems. Without an effective advocacy function the States can hardly be a progressive agent for creating institutional change. Poverty is fundamentally a political as well as an economic problem. This does not mean that the Office of Economic Opportunity should begin to participate in partisan politics. What is implied is that any effective poverty effort must concern itself with making constructive changes in those institutions which have created the present situation. In some instances, as the legal services program has shown, the State government itself may be the institution in need of change. Clearly a State is less likely to seek changes in its operations than the Office of Economic Opportunity, an outside agency with an independent constituency.

Similarly it is inadvisable for Governors to have an expanded veto power. Because of the cross-pressures placed on the Governor, it becomes very difficult for him to make an unbiased evaluation of local poverty programs. While the Office of Economic Opportunity must face the problem of the natural tendency not to criticize oneself adequately, at least it has only one main interest: to make the poverty programs as effective as possible.

A second reason for not widening Governors' veto powers is that this places the Governor in a strictly negative position; the effect of which is to create hostility between the States and the Office of Economic Opportunity. The Governor needs to have a more active role in the poverty program, but it should be a positive and constructive role, not a negative veto power.

The States also suffer from a lack of technical expertise. As we learned in 1965 it is very difficult to institute a new structure in a short period of time. Since 1964 the Office of Economic Opportunity has gained valuable experience in fighting poverty, and has a staff of trained personnel. It would be unfortunate if we had to start from scratch again by instituting a "State plan" system.

"State plans" are, of course, not new. The Department of Health, Education, and Welfare has had over 50 years of experience working with "State plans." They have found that no matter how good a "State plan" looks on paper, it often is not a feasible method of administering programs. HEW has found that there is often no planning element involved. The result has been a system in which the Federal Government has been picking up the check for State programs which have not been adequately thought out. The HEW experience with the States has also been unfortunate in the field of evaluation. Particularly in the adult basic education and vocational training program the States have not been cooperative in helping to evaluate program performance. This has resulted in another instance of Federal-State conflict.

What is needed is a Federal-State partnership, not conflict. We need to be able to combine those resources the States have with those of the Federal Government. In this way the effort to eliminate poverty can be handled with maximum efficiency.

The Office of Economic Opportunity is currently working on such a partnership. By increasing the funds of the State economic opportunity offices by 30 percent, the Office of Economic Opportunity will be able to give the States more technical assistance. Since most State economic opportunity offices are part of the Governor's office, the increased emphasis on State economic opportunity offices will help bring the Governor into the poverty program in a larger and more constructive way than he has been in the past.

The Office of Economic Opportunity has also been working to improve State planning capacities. Recently 13 grants have been given to States in the area of planning. It is in this field as much as any other that State resources can be of immense help to the effort to eliminate poverty. While the Office of Economic Opportunity is a highly decentralized agency already, the ability of State and local governments to be sensitive to local needs will help make the poverty effort that much more successful.

Thus the Office of Economic Opportunity is cognizant of the need for utilizing the States as much as possible. It has been trying to utilize the States. One must realize, however, that some States are ready to make a much larger contribution to the poverty program than are others. The present system allows the Office of Economic Opportunity to utilize State resources while giving the States responsibility on the basis of their ability to perform successfully.

In such a way the Office of Economic Opportunity hopes to build a strong Federal-State partnership.

In addition to that, Mr. Speaker, I want to raise some questions about the substitute amendment. I am concerned, for example, about how many Governors have been asked about their position on this amendment. I am concerned about whether or not there has been consultation with the Governors in terms of what they feel about the proposal that is made in the substitute amendment.

I am also somewhat concerned, may I say to the House, about the question of what we are doing in terms of really expanding—not contracting the bureaucracy by setting up State economic opportunity councils, by funding those councils and by giving them a role as set forth in the substitute.

I do have some very serious questions about whether or not it is really going to create what the distinguished gentlewoman from Oregon talked about sometime ago—attempting to get more money to the poor. Or, in fact, is it going to create a new level of professional "pooreaucrats" whose role it is to help line the pockets of those at the State level whether they be full-time employees or members of the State economic opportunity council, that is set forth and offered in the substitute amendment.

I would ask the House also to consider this.

Mr. Speaker, a telegram from the National League of Cities follows:

WESTERN UNION TELEGRAM,
SAN DIEGO, CALIF.,
December 3, 1969.

Hon. WILLIAM STEIGER,
U.S. House of Representatives,
Washington, D.C.:

The National League of Cities, representing more than 14,600 municipalities in 50 States, reaffirms its long-standing support for the programs of the Office of Economic Opportunity.

The League's committees on human resource development, intergovernmental relations, and resolutions, in session at NLC's 46th annual congress of cities in San Diego, California, categorically opposed the channeling of OEO programs through State governments.

As stated in the National Municipal Policy, the League's position is that "Municipal Government is the primary level of Government to provide municipal services and to deal with the problems and responsibilities of urban areas." Additionally, we officially oppose "outright programmatic block grants to the States which turn city program discretion over to uncertain State response." Our league policy states its opposition to congressional actions "which attempt to utilize the grant-in-aid system to manipulate State and local government relationships and internal organization."

To express the extreme concern of municipal officials about the public announcement on December 2, 1969, by Congressmen Ayres and Quie and Congresswoman Green, which would go far in turning many facets of Economic Opportunity Act programs over to the States, the league's resolutions committee unanimously approved the following emergency resolution today:

Whereas, the House of Representatives will take up an extension of the Economic Opportunity Act tomorrow, December 3, and

Whereas, Congressmen Quie, Green, and Ayres have this afternoon concluded a press conference announcing their intention to propose a series of amendments vesting major decision-making responsibilities over local anti-poverty programs in State governments, and

Whereas, the Quie, Green, and Ayres proposals are crippling amendments and would hamper OEO in doing the job assigned it by President Nixon, by:

1. Greatly complicating the present delivery of OEO funds,

2. Taking infinitely longer for grants to

be approved and get to local officials and the poor, and

3. Voiding the National League of Cities goals of local determination in the planning and conduct of programs affecting the poor, and funding on a direct Federal-local basis, avoiding State channeling.

Therefore, be it resolved that the National League of Cities go on record as being shocked and dismayed at this effort to emasculate President Nixon's Office of Economic Opportunity Program and urge that the House of Representatives reject these amendments.

C. BEVERLY BRILEY,
President, National League of Cities, Mayor, Nashville, Tenn.
RICHARD LUGAR,
Chairman, Resolutions Committee Mayor, Indianapolis, Ind.

In addition to that, Mr. Speaker, I think one can ask in terms of the new bureaucracy that maybe created by the State councils and by the funding that will go to the State economic opportunity offices, what happens for example, to the legal services program which today is budgeted at $54.9 million and they operate in almost all States and are administered by a staff of only 35 professionals.

Comprehensive health is budgeted at $74 million and they operate in 30 States and the District of Columbia and this program is administered by a staff of 23 professionals.

Programs for Indians are budgeted at $22 million and operate in 20 States and are administered by a staff of only nine professionals.

Follow Through is budgeted at $58 million and operates in almost all States and is administered by a staff of only 19 professionals.

In addition, I do wonder about whether or not the concept of community action and the participation of the poor, which the gentleman from Minnesota has been in the forefront of supporting and advocating in changing legislation—whether or not it is highly questionable, as I believe it is, under the State plan concept, that the poor would be able to continue to play a meaningful role in the development of a State plan as a part of the State economic opportunity council. I think that is the question which deserves some further consideration as we go through and look at the substitute amendment that has been proposed.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. QUIE. Will the gentleman tell me what part it should play in the development regional office plan and with the regional offices?

Mr. STEIGER of Wisconsin. Of course, the funding comes from the local community.

Mr. QUIE. No, the funding comes from Washington.

Mr. STEIGER of Wisconsin. The planning for the fund.

Mr. QUIE. Of course, the planning would continue through the local community.

Mr. STEIGER of Wisconsin. No, the funding would come through the State, the development, coordination program, when adopted; am I correct?

Mr. QUIE. The funding that the State would share in the administrative responsibility for, would be that responsibility now exercised by the regional offices. The CAA would go to the State rather than the regional offices.

Mr. STEIGER of Wisconsin. May I say to the gentleman, the point he makes, of course, is an interesting point and I think he is correct, in terms of what he says.

My concern here is about the fact that what you are doing is saying, the State plan has to be developed in terms of how the money will be distributed and what kind of programs will be administered and what those programs will do.

As I understood that State plan, the developmental coordination plan, which then is approved by the State economic opportunity council, is a very different kind of thing, I will say to my friend, than that which is now undertaken under the present act.

Mr. QUIE. No, this will be the same as what the director works out with the regional offices and the regional office works out for his own region.

You see, now there is no State funding plan. I understand there is talk of a development funding plan, but presently there is a regional funding plan that is developed within the region. Under the draft guidelines that have been sent out to the States—and on which there are now responses from most of the Governors—the State economic opportunity offices will be given an opportunity to work with the regional offices in developing that plan. But the main responsibility for the plan will still be with the regional office and not with the State. I have talked with people who have worked on the guidelines about that.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment on this. I raised the question.

Mr. QUIE. I know you raised the question, and I know some people will use that as a red herring. That is why I want to stop it right now. I am not turning my back on the poor. I feel as strongly about it as I did before, with the one-third participation.

Mr. STEIGER of Wisconsin. So long as the gentleman is on his feet, may I ask him whether or not it is possible for the State to become a community action agency?

Mr. QUIE. That is already in the act.

Mr. STEIGER of Wisconsin. I understand that.

Mr. QUIE. I have not removed that possibility. Under the practical circumstances, we do not know what OEO is now going to do in the way of guidelines. The old administration prevented a State from being a community action agency. Some States asked to be but they were denied. We still have not seen those guidelines. The administration has indicated they will not put a roadblock in the way of smaller cities or a roadblock in the way of counties as they have in the past. They have not indicated what they will do with the States. We do not touch that in any way by a substitute.

Mr. STEIGER of Wisconsin. May I ask the gentleman from Minnesota as to how he foresees what happens if the State is the community action agency in terms of how that fits into the developmental coordination plan of part III of the substitute?

Mr. QUIE. I would expect that the new administration would permit a State to become a community action agency, not for the areas that presently have an umbrella agency or community action agency, because conceivably they would opt out anyway, but rather we would have those parts of a State, as occurs in the State of Minnesota, where I am very familiar with the program, where the counties are not part of community action agencies, and the State could act as an umbrella agency for them, and then those counties could take part in some kind of title II programs. I would say then that the State economic opportunity office for those counties would in effect be supervising their own community action agency activities.

Mr. STEIGER of Wisconsin. I appreciate the comments of the gentleman on that question.

Mr. Speaker, I ask unanimous consent to have printed at this point in the RECORD two speeches by Donald Rumsfeld, Director, Office of Economic Opportunity, one on "The Role of Counties in Economic Opportunity Efforts," which was delivered on November 24, 1969, and the other on the "State Role in OEO," which was delivered on September 8, 1969.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

(The speeches are as follows:)

THE ROLE OF COUNTIES IN ECONOMIC OPPORTUNITY EFFORTS

(Text of an address by Donald Rumsfeld, Director, Office of Economic Opportunity, presented at the National Association of Counties, Washington, D.C., November 24, 1969)

Mr. Chairman, distinguished participants in this conference, platform guests. It is a pleasure for me to be with you today. It represents, I think, a very important opportunity to open up a line of communication that perhaps on occasion has been a bit clogged.

This Administration has been in office now for approximately ten months. I have been in my position for six months, somewhat less.

The nation has seen during these first ten months of the present Administration a shifting of priorities, defense and military spending have been squeezed somewhat; domestic spending has been increased I believe something in the neighborhood of 13 percent. The trend during this Administration has been quite different from the trend in previous years.

A broad range of reforms has been offered to the Congress: welfare reform, draft reform, tax reform, postal reform, manpower reform, grant-in-aid reform, reform of the District Government, and changes in the social security legislation. The Ash Commission is looking at the entire Executive Branch of the Federal Government to see what changes, from an institutional standpoint, might be made so that government is in fact more responsive to the problems of hu-

man beings across this country than has been the case in the past.

There have been, of course, other proposals that are pending before Congress. One is the President's Message on Population, certainly one of the most far-reaching messages on this subject made by any President in the history of our country. In 1917 this nation had roughly 100 million Americans. In 1967—only 50 years later—the population had doubled to 200 million Americans, and in about 33 years, by the year 2000, we can anticipate reaching the third 100 million. In accommodating an additional 100 million human beings in this society, we all recognize the stress that will be placed on government, Federal, State and local.

As a matter of fact, to accommodate 100 million human beings, we need a new city the size of Tulsa or Jersey City, New Jersey (each containing roughly 250,000 people) every month from now until the end of the century.

The single most important problem we have is seeing that government does in fact work, work not for government, but for human beings, that it is responsive, that it deals with real problems and effects real changes.

The relationship between the Federal, State, and local governments, and the relationship here in Washington between the Executive and the Legislative Branches, is of course very important. I have received letters during my brief time in the Executive Branch from people concerned about red tape, about bureaucracy, concerned about the number of checkpoints, the time lag between requests, the difficulty in plugging in to see that this maze of programs in fact finally reaches people.

One of the things I would mention, since we are in the Congressional Room, is the fact that it is now November 24th and only three or four out of thirteen appropriation bills have passed the Congress. Those appropriation bills provide funds not for next fiscal year but for the fiscal year that soon will be one-half over.

Our agency, for example, is in the process of tripling the normal amount of administrative work because we are unable to fund for a full year. Our appropriation bill is still pending in the Congress. We will be lucky to have it by late December. And it may be early January before we receive our apportionment from the Bureau of the Budget and know at-that-point precisely how much money we will have in each particular category and what restrictions or limitations might be placed on it. That means that the fiscal year will in fact have been half over before we will be able to deal with the grantees and the contractors with any precision or real knowledge.

I think it is rather clear from that that one of the important things that needs to be done if we are to make government more responsive is to hope that the Congress as an institution in fact undertakes those changes that are necessary to ensure that it is able to cope with the problems of the late 1960s and early 1970s.

An operation that is functioning under rules and procedures that are better suited to the 1940s certainly is not going to be able to provide adequately for this country to meet the challenges and demands ahead.

Turning to the Office of Economic Opportunity, it is important to recognize that there have been some problems. When this statute was passed, the Congress and the Executive Branch said to the American people, this is a new institution we are creating; this is a new activity. We are seeking the participation of the poor. We are seeking their involvement in the planning, in the administration, in the conduct of programs. It is important for us to recognize that that was the mandate and that if, in retrospect, one is critical of the style of that participation, then I think the answer is not to throw the baby out with the bath water. On the contrary, the answer is to see that people from all segments of society are involved and participate and help to provide the kind of balance and contributions required so that society can gain the maximum from these programs.

I am the first one to admit that the President of the United States probably could have gone up 10 points in the Gallup Poll if he had possibly abolished the agency. But he didn't. And the reason he didn't is because he feels very deeply that the institutions of this country are not functioning as perfect problem solving mechanisms, that we have not solved all the problems of this nation and that in fact in some instances possibly we have even tended to aggravate a few because of the unresponsiveness of institutions both in the public and private sector.

What is OEO, the Office of Economic Opportunity today? Well, thinking of it from the quantitative standpoint you can say that it is 962 community action agencies, private and public local agencies spread across the country that receive funds, hire people and then proceed to be involved either actively themselves or through delegate agencies in a variety of programs; 600 legal services offices; 91 migrant programs; 200 programs for older persons; 49 neighborhood health centers; 230 family planning programs involving some 350,000 women; 475 emergency food programs; 250 research, development and evaluation activities; some 15 economic development activities; close to 6000 VISTA volunteers; and a variety of other activities—rural loan programs, for example Head Start, and so forth.

It is important to remind ourselves that unlocking the potential of individuals has to be a cooperative effort if any of us are to be successful.

There was a good deal of rhetoric, of course, about the Office of Economic Opportunity being the war on poverty, and of course there were words used such as "total victory," "eradicate poverty," and, indeed, this has not happened.

Well, I am here to state that the Office of Economic Opportunity is not the war on poverty, and in fact no one agency or level of government is the war on poverty. The nation's effort to deal with the problems of the poor is a continuing one. It is one that involves, to be sure, the Office of Economic Opportunity as the only agency of government that has as its sole function the problems of the poor, but it also involves other departments and agencies. It involves the Federal Government, State Government, local government and certainly the private sector.

Certainly an understanding of the need for a cooperative role must begin with our agency, assigned as it has been by the President and the Congress, with the central role in achieving the goal of full economic opportunity for our fellow citizens.

To carry out the role, we have recently tried to more sharply define our goals and to reorganize the agency to achieve these specific goals. At a time when the nation has serious problems, we have to continuously review what it is we are doing in government, what it is that is being done in the private sector, and make some intelligent assessments based on good information as to what the real impact is.

Our approach is to develop better approaches, new approaches. Of course, one method that has been used on occasion is to develop a new program, initiate a nationwide effort and hope that it works. This, I don't believe is very sensible.

As you know from experience in recent years, such an approach can fail, and once a program, good or bad, gets started, it is very difficult to stop.

The President's approach reflects the lessons of the past.

The Office of Economic Opportunity, to be sure, will start new programs, as we are now doing, try them on relatively modest scale and if they work, fine, develop them, make them operational. If they don't succeed, terminate them and admit they don't work.

We need to make some sense out of what is a very complicated maze of programs, and bureaus and departments whose activities all too often lead to confusion and weakness by the time they reach the individual citizen.

To provide the capability for directing this new thrust our Office of Planning, Research and Evaluation has been reconstituted and substantially strengthened. It will look into programs that exist to determine their effectiveness, particularly as they relate to the poor. In so doing the agency will provide a regular source of information, an independent appraisal of Federal social programs that is not available at the present.

After a model for a new program has been developed, experimental efforts in connection with it will be the responsibility of our new Office of Program Development.

In describing these added responsibilities for the Office of Economic Opportunity, I don't want to leave you with the impression that the agency is turning itself into a test tube or abandoning programs. For example, the Office of Health Affairs has been strengthened. It will be increasingly concerned with improving methods for delivering health services so that all the poor will have better access to doctors, treatment and hospital care. The 49 neighborhood health centers represent one experimental effort in working in this direction.

Another strengthened component of the Office of Economic Opportunity is the Office of Legal Services. You have been reading a good deal about this, I am sure, since the Senate passed our legislation several weeks ago. The Legal Services program in my judgment symbolizes much of the mission of our agency. Justice for the poor, effective advocacy on behalf of the poor, orderly institutional change within the legal system.

Just as this agency represents the concerns and needs of the poor within government, so also the Legal Services program with its more than 1800 Legal Services attorneys across this country provides the poor with representation and advocacy before all institutions at all levels of government.

Now, I would guess that a lot of people in this room have been sued by Legal Services lawyers. In fact, most people in government have over a period of five years. And it can be irritating. And of course one can make a very fine superficial argument and ask, why in the world would the United States have a Congress to pass laws, have Federal, State and local officials to administer laws, and then turn around and pay somebody to challenge the administration of those laws. Doesn't that seem like a waste of money? And isn't it irritating when it happens to you?

Well, of course it doesn't take much effort to plow below that superficial argument and recognize the importance in our society of seeing that all citizens, regardless of their personal wealth or income, have access to certainly the most reasonable, the most legal, the most peaceful way to achieve the relief of grievances in our society, namely through the legal system. And, if a case is not sound or not valid, it falls. If it is sound, it prevails and then indeed it is proper in my judgment that the individuals in government or in the private sector make the necessary adjustments so that the laws are administered in a way that is just to all individuals.

I am concerned because recently the United States Senate passed an amendment that

conceivably could lead to a situation where millions of poor across this country would be denied the benefit of Legal Services programs.

I can see the superficial desire to not have the irritations and instabilities and occasional economic difficulties that result from a successful suit. But when anyone steps back and looks at the program as a whole and recognizes the urgent need in this society for all human beings to have access to the legal system, then I think it is a very compelling argument to see, that the very fine balance between local and State and Federal involvement in the Legal Services program is retained. And, that we don't run the risk of saying to a great group of people in this country that for a variety of reasons you are not going to have the benefit of access to the legal system.

Then, of course, there are the more than 960 community action agency programs serving some 2000 counties. And what of the other contributors, and what of their relationship to the Office of Economic Opportunity?

There is no doubt that in the past the Office of Economic Opportunity has not fully seized the opportunity to create a mutually beneficial relationship with State governments in devising, operating and improving programs dealing with the problems of the poor.

By its statute that tendency was built in. In some cases the feeling was in the first instance that government was the enemy—local government, county government, state government—and let's be honest, in some instances it was. But the important thing to remember is that such an approach is not geared to seeing that the maximum amount of resources from this society are focused on these problems. Indeed, I think it is important that the Office of Economic Opportunity recognize that today, at this point in history, should take those steps necessary to see that, to the maximum extent possible, State governments, county governments and local governments are given an opportunity to be participants in the activities of our agency.

There is a need. I think there is more than a need. There is a desire on the part of many county and local and State officials. During the past five years there have been a lot of changes in this country and a great many more people are concerned about the problems and anxious to be involved in them.

We have recently tried to take some steps that will open the door to greater State and local participation. We are making changes in our structure to assure closer cooperation with different levels of government. We have established a State and Local Relations Division in the Office of Operations in the Office of Economic Opportunity.

Of course the part of the effort to provide economic opportunity that you are mostly directly involved with is the Community Action Agency. We have been working on trying to complete a simplification of the guidelines used by the OEO in implementing the so-called Green Amendment, which affords State and local governments an opportunity to assume a greater role in these programs.

The major features of the changes in OEO regulations in this area will very likely be as follows. The kinds of programs which a Community Action Agency must be capable of conducting will be reduced so that minor statutory restrictions on a local agency's power will not prevent it from being recognized as a Community Action Agency. The requirement for a Community Action Agency to employ persons without any fixed upper age limit will be subject to waiver in cases where a public Community Action Agency delegates operating functions to other agencies.

Not everyone thinks of it this way, but the Community Action Agency is one of the nation's newest national institutions. It is also one of the least understood. At its best it is an exceedingly useful institution.

Community Action has had a very adventurous past, as we all know. The rhetoric, the speculation, combined with promises of vastly increasing funding and also, of course, the difficulty when the promises of funding were not met, promises to the poor which in some instances led to some cynicism and uneven management in places—all these turned a degree of fame into a degree of notoriety.

In many instances the notoriety, in my judgment, was undeserved. Much has been accomplished by Community Action Agencies. We can, I think, all of us, see and document instances of important institutional reform and changes that have been made in terms of the delivery of services to the people of this country.

I believe that with some new directions—hopefully the ones we have established—Community Action will have a very constructive future.

Several weeks ago we established new policies for Community Action. Community Action nationally and locally is going to promise, I would hope, no more than it can deliver. It is going to concentrate on improving its internal management and setting clear goals.

Community Action leaders and employees have been asked to enlist the support and cooperation of local institutions and to use that support to strengthen the efforts to alleviate poverty. I believe that the building of better communications between local institutions will build alliances, and I believe that you as county government leaders will cooperate fully because we both seek the same goal, and that is to serve people.

Specifically, we are sharpening the objectives of Community Action. It is clear that CAAs cannot solve the whole range of interrelated problems of poverty in this country. They cannot plan, coordinate, operate service programs, develop creative new approaches, serve as advocates for the poor, negotiate, serve as a communications channel and deal with a multitude of agencies, governments and individuals, all at the same time. But they do have an important role, and that is to work with the whole system of public and private institutions in the country in individual communities towards finding and applying better means to deal with the problems of the poor, to help channel the human and financial resources of government and private agencies at all levels into action to help build effective communication bridges between those who should be working but may not be, to deal with the problems of the poor.

The real task of the Office of Economic Opportunity and the Community Action Agencies is not income maintenance. That is handled through the Department of HEW, and through our other income support type programs. And it is not to operate a complete duplicate system for the delivery of all services that affect all people. Rather, it is to find better ways of opening economic opportunity, of raising the capacity of individuals to participate in the economic life of this country. With your renewed cooperation I am certain that we can make progress toward that goal.

I don't predict that everything we want to do will happen overnight. But I will say this: as officials of counties you have an important role in the nationwide effort to reduce poverty and to help to provide economic opportunity for your constituents. This agency will work to see that you have the opportunity to perform that role fully and effectively. We want you to participate in the programs that we have and in the new programs that we are developing.

Frankly, we need your help. I urge those of you who serve on local boards for Legal Services programs, health programs or Community Action Agencies, or who have had an opportunity to serve but have not taken it—I urge you to serve meaningfully and to attend meetings. I urge you to try to provide a link with the community as a whole, to help to provide a somewhat different input; to provide your viewpoints, your hopes, your aspirations and an understanding of your problems.

The activities and approaches and thrusts of these Community Action Agencies must have the benefit of that background, that experience and that concern. It is important. And in my judgment, in too many instances board members or potential board members have shied away and said, "Well, we are too busy," or "That is not my bag," or "I will let someone else do it." I do hope that each of you will give some thought to this.

John Gardner had a book titled "No Easy Victories," and I guess that is true. Leadership is not easy—your leadership, State leadership, Federal leadership.

John Gardner tells a story about leadership: There was a wife who reached over and read the fortune-teller's card of her husband as he got off the weighing machine after he had put a penny in. She read it out loud and it said: "You are a leader with a magnetic personality and strong character; intelligent, witty, attractive to the opposite sex." She turned the card over, looked at her husband and said: "It has your weight wrong, too." (Laughter.)

That kind of reminded me of myself. After I was elected to Congress, some individual who was completing his Ph.D. wrote a doctoral dissertation on Cook County politics. He was pointing out how each Congressional District tended to produce a very logical product, and I had the district that had the highest level of education, highest level of income and least unemployment of any district in the United States of America. He wrote that Rumsfeld was distinguished principally by his total lack of social, political and financial standing in the community. (Laughter.) I remember I woke my wife up and had her read it and said, "Can you beat that? That is just ghastly. How can anyone say that about me?" And she looked at me and smiled and said "Yes, but it is true." (Laughter.)

I guess what I am saying about leadership is that the Community Action Agencies have a leadership role, you have a leadership role, the States and the Federal Government have a leadership role, and we do live in a very complicated society. There is no one leader. If we as a society are going to walk through the coming months and years successfully, it is going to take the best of all of us. And I, for one, am very anxious to work with you and to encourage and hope for a maximum amount of participation by you in what I consider to be some very, very important programs that this nation is trying to manage to deal with the problems of the poor. Thank you very much.

State Role in OEO

(Speech by Donald Rumsfeld at State Economic Opportunity Office Directors Conference, Washington, D.C., September 8, 1969)

As you are all well aware, we are midstream in a redirection and new emphasis for the efforts of the Office of Economic Opportunity.

The broad framework has been set down for the reorganization of headquarters OEO and we are now working the changes down through the individual divisions of the Washington and Regional offices. Although we are finding that reorganization of a government agency is a time-consuming, somewhat painful process, it is moving along with steady progress. When complete, the agency will be better structured to perform the pioneering role the President has outlined for us.

At the same time, we have launched a study of the regions so the expansion from seven to ten regional offices can be accompanied by a thoughtful reorganization of our field operations.

Other recent major changes have included

the delegation of Head Start and Job Corps and the elevation of Legal Services and Health Affairs to independent program divisions within OEO.

No less significant for the future of the agency in terms of productive change are the administrative steps we are taking to bring the states into a fuller partnership with OEO.

It has become increasingly clear in my first months in office that the resources available at the state level have not been brought to bear as fully as they might have been in the effort to build routes out of poverty.

The states have much to offer, yet they cannot contribute effectively without the opportunity for more meaningful participation. James Martin, representing the National Governor's Conference and the Council of State Governments in testimony before the House Education and Labor Committee last April, made this case. He pointed out that no new legislation is required because the existing OEO legislation provides in 15 instances for an active state role. But he added that full participation has not been encouraged by OEO officials.

In the future, there will be encouragement.

I sent a letter to your governors last week asking for their assistance in marshalling ideas and resources for the development of economic opportunity. Coordination and cooperation between OEO and the governors' offices are vital if we are going to enable underprivileged Americans to join in the economic benefits of our society.

Words like coordination, cooperation, and participation can easily become lip-service phrases surrounding a policy of inactivity. But I intend to see that these words mean what they say in relationship of OEO to the states. There will be fuller consultation with the governors in OEO matters affecting their states.

This new posture for OEO is consistent with the overall Administration policy of giving states a greater share of the responsibility for the operation of government programs in our federally-structured system.

This reversal of the trend of three decades was a key point in President Nixon's speech to the National Governor's Conference in Colorado Springs last week. He said, "Washington will no longer try to go it alone. Washington will no longer dictate without consulting."

Regarding OEO, the administrative authority provided for in the Economic Opportunity Act will be exercised. After careful study and review, I have decided to take several steps to strengthen the state contribution to the poverty program.

Some of these changes are spelled out in a completely revised OEO instruction on the role of the State Economic Opportunity Offices, a draft of which will be mailed out to you and your governors for comment shortly. Among the changes are:

Greater involvement of the SEOOs in the regional funding plans for OEO-funded programs within each state.

Systematic consultation with the SEOOs in the training and technical assistance process.

Fuller participation of SEOOs in the monitoring and evaluation of OEO-funded programs.

A requirement that Regional Offices work out a joint agreement with the SEOOs on the coordination of field personnel activities.

Increased emphasis on the role of the SEOO as a mobilizer of state resources for use against poverty.

A clear statement encouraging a more important role for the SEOOs in state government.

Under active consideration are proposals for:

Achieving adequate staffing for SEOO offices.

Greater use of states for research and demonstration projects in areas where they have special expertise.

In-service training for OEO personnel on the workings of state government and, vice-versa, for SEOO personnel on the workings of the Federal government.

Where the added responsibilities imposed on the state offices require more staffing and resources, and where innovation and effectiveness have been shown, we will attempt to increase the budgets of individual state offices.

Some steps have already have been taken in recent months to upgrade the relationship between SEOO offices and OEO. They include:

The initiation and funding of a program of poverty-oriented state planning grants in ten SEOOs.

Three pilot projects for State Special Technical Assistance (State/STAP) Programs.

An effort to strengthen the checkpoint system for processing grants.

A directive has been written and will be sent shortly to the regional offices and contractors for training and technical assistance. It sets forth their responsibilities for working with SEOOs in this area.

Another program which will receive major emphasis in the coming months is the Federal-State-Information Exchange System. As a result of a recent decision, this method of linking Washington and the states is being expanded to include half of the 50 states, and it has bright prospects for still further expansion.

In short, we are seeking a wide variety of ways to put substance into the oft-used phrase "a more meaningful role for the states." Details on the steps taken and those to be taken will be available in the immediate future.

Our firm intention to make the state-OEO relationship a day-to-day working partnership is also reflected in the reorganization of the headquarters office. Instead of an isolated office for state relations on the staff level, the new structure places the state liaison office directly in the major decision-making process of the agency.

A new State and Local Government Relations Division is being established in the Office of Operations. This means the views of SEOO directors will be heard in the development of OEO operating policy and procedure, since the Office of Operations will be headed by a presidential appointee with responsibility for most of the field activities of the agency. SEOO contributions will be fed directly to the man making the key decisions for field operations.

Another administrative action of importance to the states is the revision of the guidelines implementing the Green Amendment. We are presently working on new guidelines to rewrite the language which has been construed by some to have inhibited the use of the amendment by the states.

These changes all move in the direction of more effective working relationships for the states with OEO. But this is not the final word on this subject.

In two months, a nationwide evaluation of the SEOOs by the Midwest Research Institute will be completed. That study, along with the consultation I recently invited in my letter to the governors of the 50 states, will be carefully reviewed with an eye to still further improvements in their relationships.

Our partnership will not be static. I am confident that it will continue to evolve as better ideas are found to make the Federal-regional-state-local system work more effectively for the benefit of the poor.

Mr. STEIGER of Wisconsin. Before yielding back my time or yielding to any Member who has questions about any statements I have made, I should like also to ask unanimous consent to have printed at this point in the RECORD the statement on behalf of the National Governors' Conference and Council of State Governments by James L. Martin, Assistant Director, Office of Federal-State Relations, National Governors' Conference, in testimony before the committee. I think that testimony will be helpful.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The statement is as follows:

STATEMENT BY JAMES L. MARTIN

Dear Mr. Chairman and Members of the Committee: I am most grateful for the opportunity to present to you the views of the Governors and other state officials concerning the role of the states in the programs of the Office of Economic Opportunity. I have enclosed copies of the letters we have received and suggest that the individual letters be examined for comments on specific and detailed issues. In addition, I encourage you to correspond directly with the Governor and legislative leaders of your home State.

Daniel Yankelovich, Inc. recently completed a national study on the implementation of the Green Amendment. The study included interviews with 35 state officials. I have enclosed a copy of the Yankelovich conclusions on views of state officials, which support the views received from the Governors.

All respondents agree that the local Community Action Agencies should be retained because they have provided a means of participation for the poor in the programs designed for their assistance. All state comments, however, followed the general conclusion of the G.A.O. report and asked for more planning, coordination, and evaluation, especially at the state level.

PAST EXPERIENCE

Past experience reveals that the State Economic Opportunity Office (SEOO) has had little authority, little administrative control and no meaningful role in the financing and evaluation of local projects. The Governor's veto, although better than total by-passing, is a negative role. The Governors much prefer a positive partnership role to help develop statewide programs, but with appropriate administrative authority. If the states role is not expanded in a positive manner then the Governor's veto should be extended to all sections of the Act.

There has been a lack of funds for state programs with OEO preferring to fund projects through universities, private consultants, and non-profit groups rather than the SEOO. The states have had no say-so in the allocation of OEO funds within the state because OEO has preferred a project-by-project approach rather than a coordinated state program based on federal guidelines and appropriate measures of need. This problem seems acute in most rural areas.

Perhaps the most serious problem of the past has been a lack of OEO cooperation with the states for the coordination of social and human resources for the benefit of the poor. The large involvement of state government in human resource planning, private and state economic development programming, substate regional planning and state grants and services to localities ($35 billion state expenditures in FY 1968) makes OEO-state cooperation and joint administration of programs *essential* to an effective anti-poverty effort.

RECOMMENDATIONS

The states have made specific recommendations for more state participation in the planning, coordination and administration of the OEO programs. *Most, if not all, of these expanded state responsibilities are now authorized in the OEO Act.* There are over

15 specific sections of the Act that provides for a state role. The states feel that OEO personnel have never encouraged the implementation of these sections (copy enclosed).

PLANNING

Many of the states feel that the OEO program should be administered on a state-by-state basis. These same states feel that state administration should be conditioned upon (1) a statewide social development plan and (2) observance of federal guidelines to protect the interests and participation of the poor. Some states are willing to assure a portion of the local non-federal financial costs. At a minimum states should participate with local agencies in the early stages of application preparation and not after OEO has already approved the application.

COORDINATION

One of the crucial needs in the federal system today is the development of state and local delivery systems for the coordination of federal, state and private programs. The states have already established local machinery for economic development activities. comprehensive health planning and regional planning. The OEO programs should attempt to use these existing systems and be coordinated with other federal programs such as Appalachian Districts, Economic Development Districts, Agricultural Development Districts, and HUD Planning Districts.

Several states suggested that OEO programs become the social development arm of state designated multi-jurisdictional regional planning agencies. This is most important in non-urban areas. Multi-county rural planning agencies, primarily composed of local officials, could be the major delivery system for rural areas as model cities could be in cities; both could use the CAA as their human resources arm with maximum citizen participation. Other federal programs for economic development, soil conservation and rural development loans could also use the state designed multi-county planning agencies as the primary "delivery system" for federal aids in rural areas.

The State Economic Opportunity Office or an interdepartmental council designated by the Governor should be given the responsibility, finances, and authority to coordinate existing state level programs and services for the poor such as schools, hospitals, and clinics, employment offices, housing authorities, inspection divisions, planning agencies, welfare agencies, law enforcement agencies and many others. This would not be a superdepartment but a coordinating and service agency to the existing state departments, directly responsible to the Governor.

ADMINISTRATION AND FINANCE

The states seek a greater role with the federal government in administration of OEO. More funds should be allocated to the state agency for program development, especially for coordination, training, technical assistance and special services such as health, legal-aid, manpower development, housing, and migrant programs. The state should participate in the allocation and approval of funds distributed within the state. OEO should use state and local personnel to administer the program rather than building up OEO employees in the regional and field offices. States complain about the high turnover rate of OEO employees compared with state and local employees.

Unfortunately the attitude of OEO officials has not encouraged state involvement in their programs. This has been especially true in some regional offices and therefore an "in-depth" personnel change may be necessary to change this situation. Regional OEO offices have refused to give SEOO's copies of evaluation reports under section 233. The states feel they should be an active participant in the evaluations, not just receive copies of evaluation. OEO regional offices have generally refused to give states training funds under Section 129 and 231 preferring non-profit and university sponsors. The same is true for migrant services under Section 312.

The recommendations of the states concerning the OEO programs are all positive. No state even suggests that the programs be abandoned, none suggests that the states "take-over" the program and those states that desire to administer the program agree that federal guidelines to protect the interests and participation of the poor, state financial assistance, and state planning and coordination machinery are prerequisites to state administration.

Thank you for the opportunity to present the views of the Governors and other state officials. I shall be glad to assist you in any additional way you suggest.

Mr. STEIGER of Wisconsin. It is interesting, I believe, to note that actually, as the statement of the Governors' conference points out, there are a number of areas in which today, under the Economic Opportunity Act, the States can participate. That has not been done as well as it should have been by the previous administration, and this is one of the reasons that there have been changes in the Office of Economic Opportunity. There has been a reversal of the attitude that States and local units of government were the enemy. Today they are not. They are not considered such by the Office of Economic Opportunity and the staff.

Mr. Speaker, I also ask unanimous consent to have printed at this point in the RECORD resolutions adopted by the board of directors of the National State Economic Opportunity Office Directors' Association on February 19, 1969, because I think that, too, will be helpful to my colleagues as they consider the implications and the ramifications of the substitute amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The resolutions are as follows:

RESOLUTION

Whereas it is generally recognized that successful implementation of any governmental program requires total involvement of all levels of government—national, state and local, as well as the private sector—and

Whereas there has been full opportunity and legislative authority for OEO to significantly involve States in both planning, support and implementation of such programs, and

Whereas the Office of Economic Opportunity, with some notable exceptions but as a general rule, has tended to avoid formal involvement of the States in the planning, coordination and administration of the Economic Opportunity Act of 1964, as amended, and

Whereas this attitude by OEO at all levels has resulted in a gradual debilitation of early support of many States for OEO programs and efforts, and

Whereas, as a general rule, States have not only demonstrated responsibility in the effective utilization of the Economic Opportunity Act of 1964, as amended, and other related resources, but have also developed a proven capability to plan, coordinate and administer such programs,

It is hereby recommended that the Executive and Legislative branches of government consider the following recommendations concerning the role of the States in administering the Economic Opportunity Act of 1964, as amended:

1. The role of the State Economic Opportunity Offices in the coordination of State activities on behalf of the poor should be strengthened by broadening their operational level. We urge the strengthening of these provisions as outlined in the Economic Opportunity Act of 1964, as amended.

2. Consistent with increased responsibility for program planning within its borders, a State must also be given a broader role in the funding process, and funding commensurate with this broader role. Distribution of Federal anti-poverty funds in concert with State Economic Opportunity Offices and/or block funding to the States could provide this broader role. If this procedure is to be followed, then the distribution of funds, both to the States and within the States, should be on a formula basis, based upon appropriate measures of need such as population, inverse per capita income, and tax efforts, in accordance with the principles of the Economic Opportunity Act of 1964, as amended, rather than on a project-by-project basis with most decisions made at the national level; and with the following provisos: (1) The existence of a comprehensive State social development plan, and (2) Observance of Federal guidelines that protect the interests and participation of the poor.

3. It is the recommendation of the SEOO Directors that further consideration should be given to the strengthening of the limited veto power of the Governor of each State by strengthening the SEOO staff so that it can make that power more effective, and by extending the limited veto to Title I–B, Title III–B programs and to grants made to institutions of higher learning.

4. State Economic Opportunity Offices should be provided sufficient funds to permit the hiring of qualified training personnel, thus enabling them to assume leadership in this area as an essential part of their technical assistance function.

5. We urge the Administration and Congress to support the philosophy of the Economic Opportunity Act of 1964, as amended, the Community Action Agencies and the Community Action process. In the event that programs previously assigned to OEO may be transferred to other departments or agencies, we strongly urge that such transfer be subject to agreement that the programs will continue to operate in accord with the principles of the Economic Opportunity Act and particularly the principle of maximum feasible participation of residents of the areas and members of the groups to be served.

6. Finally, the SEOO Directors recommend support of the national policy expressing the need for a federal, state and local structure and system for providing a focus on the special needs of the disadvantaged as well as a viable structure for mobilizing, coordinating and directing resources and attention toward these special needs.

Mr. STEIGER of Wisconsin. Mr. Speaker, I have tried in this time to point out the fact that this agency has changed, that this agency is not the same one about which there has been argument in the past.

Though I fully recognize and fully concur that not all the mistakes have been done away with and not all the corrections have been made that I personally would like to see made, I have confidence in the Director of the Office of Economic Opportunity and in the Nixon administration in their efforts to try to improve the Office of Economic Opportunity. It is a redirected office. I believe it is a restructured office.

Most of the controversy which will come about the substitute, as the gentleman from Minnesota knows and as the

gentleman from Connecticut knows, is going to come on the question of the State plan. This is the key issue. This is the one thing about which I have the most serious questions and reservations.

As I read through the substitute amendment much of what is in here I believe is defensible and quite good.

I do not necessarily like the change in terms of the wording about finding that disapproval of such application would seriously weaken the overall program plan of a community action agency. I believe some language to correct that might well be in order.

The community action agency amendment, section 301, it seems to me is a reasonable step to take.

I have questions about the defending of law suits amendment, section 302; the alcoholic recovery program; the Armed Forces family program; the authorization of a State audit are all good. The prohibition of political activity, as I indicated in colloquy with the gentleman from Minnesota earlier, is one I do have questions about. Those questions may well be resolved by his answers to my questions.

The antiriot provision seems to me to make good sense.

On the Upward Bound program amendment the gentlewoman from Oregon and I might well agree.

On the evaluation of programs of the Office of Economic Opportunity, I really do question what that is all about and why the Comptroller General ought to be involved in this program. I am as yet unclear as to the intent of that section and would appreciate any clarification and comment any of the authors of the substitute might have.

I believe there has been a problem, I say to the gentleman from Minnesota, on the question of evaluation. I ask unanimous consent to include in the RECORD at this point a statement which was prepared by the Office of Economic Opportunity which discusses evaluation at the Office of Economic Opportunity. I also want to include a discussion of the auditing procedures.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The statement is as follows:

EVALUATION AT THE OFFICE OF ECONOMIC OPPORTUNITY, DECEMBER 2, 1969

Since the passage of the Economic Opportunity Act in 1964, the Office of Economic Opportunity has initiated a number of innovative programs designed to reduced poverty. In their actual operation, many of these programs have been among the most controversial in the Federal Government. Whenever innovative and controversial programs are undertaken, it is natural to ask: "Are these programs any good? Do they work? Are they helping to eliminate poverty?"

When those questions have been asked the answers that have been forthcoming have not been very impressive. They have typically been in the form of rhetoric rather than fact. As with so many of our domestic programs, questions about their effectiveness have brought forth a great deal in testimony and anecdote but very little in hard statistics and objective studies. There are many reasons for the absence of hard, objective evaluations of both the poverty and non-poverty domestic programs. Some of these reasons are defensible, others are not.

The purpose of this brief paper is to indicate what the Office of Economic Opportunity is doing in the way of evaluating its programs *now*. In 1968 the deficiency of hard, objective, and quantitative evaluations of the anti-poverty programs which could be useful for making decisions, forming policies, and allocating resources was recognized and some steps were taken to correct it. The new Administration is placing even greater emphasis on the importance of evaluation and is expanding the evaluation function even further:

A central evaluation division now exists which reports directly to the Director of the Office of Economic Opportunity. This division is staffed with professional social scientists, economists, and systems analysts whose job it is to design and monitor the conduct of methodologically rigorous national evaluations of the effectiveness of all the EOA programs (both those administered by the Office of Economic Opportunity and those delegated to other agencies). Both the staff and the budget of this division are being expanded.

In addition to this central evaluation unit which designs evaluations of the overall national effectiveness of all programs, each of the major program offices—VISTA, Legal Services, Health Affairs, etc.—has an evaluation staff and ample budget of its own for carrying out evaluations which relate to the more day-to-day operational problems.

For evaluations of total program effectiveness, the staff of the Office of Economic Opportunity designs the evaluation and the actual fieldwork is carried out by nationally known, independent research organizations who are selected for their work by means of the competitive bid process. These organizations carry out the actual work of the evaluation and submit their own final report which is available to the public. This method of internal design and close monitoring coupled with independent outside fieldwork raises the likelihood that evaluations will be relevant to policy, sound in method, and completed on time. At the same time, it makes it less likely that such evaluations can be regarded as subjective or self-serving. These studies involve the use of national samples and the collection of data on such things as educational gains, use of health services, types of training received, employment and income gains, etc. They are not carried out by hand-picked friends of the program. The one major evaluation which has been completed under this program—that of Head Start—found results which were essentially negative regarding Head Start's impact on the cognitive traits of children.

During the past several months, major national evaluations of the following anti-poverty programs have been initiated and are in various stages of completion:

1. A comparative evaluation of five manpower programs—Job Corps, NYC out-of-school, MDTA Institutional, New Careers, and JOBS.
2. Head Start.
3. Title I–D Special Impact Programs.
4. Community Action Agencies and their effect on institutional change.
5. Upward Bound.
6. The Family Planning Program.
7. Neighborhood Health Centers.
8. Legal Services.

As indicated above, these studies all involve careful research design intended to provide both methodological rigor and policy relevance. They typically involve: (1) the determination of the extent to which the program in question are reaching the poor; and (2) the collection of quantitative data on both a national sample of program participants and a comparable control sample of nonparticipants. When completed these studies will be available to Congress and the public and are expected to provide one of the primary bases for the determination of policy and the allocation of resources in the Government's anti-poverty efforts.

As these new evaluation activities become established, we plan to go beyond them and implement the President's directive "to establish a research and evaluation office capable of government-wide evaluation." This will involve our initiating evaluations of the non-EOA programs which have major anti-poverty objectives or are aimed primarily at the poor.

In conclusion, while it has not been possible to know with much confidence the extent to which our programs were reaching their target populations or the extent to which they were having anti-poverty effects—such as increasing children's school readiness, delivering health services to the poor, or increasing the employability of ghetto youth—we now have an evaluation program which we believe should help give us some of the answers to these difficult questions. We share the Congress' view concerning the importance of evaluation and we have taken steps to make it one of the most important management activities at the Office of Economic Opportunity.

Office of Economic Opportunity grant funds are protected by a complex series of safeguards, including the use of independent CPA firms. There is absolutely no way that OEO could control the findings of these firms. A detailed summary is included at this point.

WATCHING THE OEO GRANT DOLLAR—FINANCIAL AND MANAGEMENT CONTROLS DURING LIFE CYCLE OF OEO GRANT

1. Before funds are made available to a new grantee or delegate agency the following actions are taken:

(a) Grantee must submit a certification from an independent public accountant (or chief financial officer for a public agency) attesting to the adequacy of its systems of accounting and internal financial controls.

(b) Grantee must submit evidence of fidelity bond coverage of grantee officials with access to grant funds, or that the funds are administered through a public treasury of a local or state government.

(c) Grantee requirements for property and supplies generally are limited to the cost needed to obtain these requirements from Government sources (e.g., GSA). This has resulted in substantial savings to the government.

(d) Grantees funded by Federal Researches System letters of credit are limited to cash withdrawls to meet short term needs. Grantees funded by check receive grant funds in installments. Substantial savings in interest costs to the Government result from this procedure.

(e) Salaries for grantee personnel generally are limited to levels paid for comparable jobs in the grantee's area.

2. After a new grant is made to a new grantee or delegate agency the following actions are required:

(a) Within three months, a preliminary audit survey of the accounting system and financial controls is required.

(b) The Director of OEO determines, on the basis of the survey whether the grant should be continued or suspended.

(c) If the grant is suspended, the grantee has six months in which to correct his financial system and controls to meet OEO standards. In the event the grantee fails to meet the OEO standards within this time period, assistance is terminated.

3. During the life of the grant, periodically:

(a) At least annually, all grants must be audited by an independent public accountant to assure the continued adequacy of the accounting system and internal controls, and compliance with the general and special grant conditions and other OEO requirements.

(b) OEO inspectors independently or in conjunction with OEO auditors and other officers, scrutinize any noted situations of

fraud, theft, or other misappropriation of Government funds and property.

(c) Financial reports must be submitted by grantees to OEO for appraisal as to the relationship between program and financial progress, and to evaluate cash drawdown on Federal funds and rate of non-Federal contributions.

(d) Grant costs and related operations (including results of audits by independent public accountants and OEO auditors) are subject to audit by the U.S. General Accounting Office, an arm of the U.S. Congress.

4. Upon termination or completion of a grant, a final audit is required of grant costs and related operations.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding.

The gentleman undoubtedly is familiar with the problems of evaluation in the past and the tremendous amount of money expended for evaluations that we did not do any good. We need some kind of a direction.

The Comptroller General had certain recommendations for evaluation in his reports on the various Economic Opportunity Act programs that he evaluated since we provided the authority in the amendments of 1967.

This is an attempt to fashion that after the recommendations which he has made, and to permit him to give some direction to the total evaluation of the program, which will be the main responsibility of the Director. We feel that this will be the mechanism to enable us to do it without getting into the same difficulty 2 years from now we were in 2 years ago, in case the evaluation does not turn out.

Mr. STEIGER of Wisconsin. I say to my friend from Minnesota, this was one of the things about which the new Director has been most concerned, the really very bad kind of evaluation that has been carried on in the Office of Economic Opportunity for which many millions have been expended since 1964. I recognize full well that difficulty.

I raised the question with the gentleman because I wanted to get from him an explanation, which I had not had before, about that particular section.

The prevention of conflicts-of-interest section I believe seems reasonable. I believe that it is consistent with the provisions now applicable under the Department of Defense.

On the payment of dues, I assume that is aimed at the National Association for Community Development. I wonder whether or not it goes beyond the intent of the authors of the amendment. I believe perhaps that is one we might look at, to find out whether there is any room for modification. I am not sure, if I read this correctly, what would happen if one wanted to join the Association of CAP Directors or the Wisconsin Welfare Association.

I can think of many very good organizations which ought not to be prohibited as we do in this language, from having CAP agencies on their personnel become a member.

Mr. QUIE. Our purpose was that the funds that have been allocated for programs or for research and pilot programs rather than just operating programs should not be then used for associations and they should not use those Federal funds on programs to pay dues to associations and then those associat ons turn around and come back and lobby the Congress with them. We felt it was unwise. If individuals want to use moneys out of their salaries to belong to any associations they want to, that would be up to them.

Mr. STEIGER of Wisconsin. May I say to the gentleman is this identical to any other provision of law?

Mr. QUIE. No. I would not tell you that.

Mr. STEIGER of Wisconsin. In other words, are you saying—if I heard you correctly, are you saying that a federally funded program ought not to belong to an association? If you are talking about lobbying, that is one thing. I have language I will be happy to discuss with the gentleman—and in fact he has seen the language—that gets at the problem of using Federal funds to lobby Congress, which I agree ought not to be done. But as to the question of the payment of dues, I really wonder.

Mr. QUIE. We felt that they should find other sources than Federal Government money. I have gone through this legislation and we never intended any of the program funds we have authorized under this act should be used as dues for an association. If they can convince the local community to put up the money so that they an pay their dues, it is up to them, but not use Federal money for it.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments on that. I think that is useful and, in fact, I may well decide you are absolutely right.

Mr. Speaker, I want to include at this point in the RECORD a list of the major steps that have been taken in recent months by the Office of Economic Opportunity to strengthen State involvement in antipoverty efforts.

In terms of what has been done it is useful to get some kind of a reading of what steps have been taken. The material follows:

STRENGTHENING STATE PARTICIPATION

The following list includes a number of major steps which have been taken in recent months by the Office of Economic Opportunity to heighten State involvement in antipoverty efforts:

1. A new Division of State and Local Government has been created and made directly responsible to the Assistant Director for Operations, who is a Presidential appointee. This office will help promote more effective relationships between state governments and field operations.

2. Within headquarters, the Associate Director for Congressional and Governmental Relations will have responsibility for maintaining effective liaison between the OEO Director and the 50 governors and the National Governors Conference on matters affecting OEO and state relations generally.

3. An increase of nearly 30 percent in the basic funding level for State Economic Opportunity Offices has been included in the Administration's Budget request for FY 1970.

4. A complete revision of the OEO Directive on the "Role of State Economic Opportunity Offices" is being circulated to the Governors for review and comment (copy attached). It provides for:

A. Greater SEOO involvement in the preparation of the annual Regional Office funding plan for each state;

B. SEOO participation in the monitoring and evaluation of OEO grantees;

C. A strengthened checkpoint system to insure opportunity for the state to comment in the early stages of the grant application process;

D. Encouragement of State Economic Opportunity Offices as potential grantees for demonstration or pilot programs;

E. Systematic consultation with the SEOOs in the training and technical assistance process;

F. A requirement that Regional Offices shall work out a joint agreement with the SEOOs on the coordination of field personnel activities between the two offices; and,

G. Increased emphasis on the role of the SEOO as a mobilizer of state resources for use against poverty and as an advocate for the interests of the poor.

5. Preliminary discussions have been held with, and proposals have been received from, a number of SEOOs with regard to innovative and experimental programs at the state level that they would like to undertake in a variety of areas. These include program evaluation and monitoring, analysis of state human resources programs from the point of view of their impact upon the poor, techniques of tapping private sector resources in the state for the poor, devices for coordinating state programs, economic development as a means to open-up job opportunities for the poor in rural areas, techniques of ensuring consideration of the need of the poor in state development district planning activities, and etc. Plans are for at least 10 such demonstrations to get underway during Fiscal Year 1970.

6. A State/Special Technical Assistance Program (STAP) has been initiated in three states. This program provides additional technical assistance staff capability to the SEOOs in such specialized areas as manpower, economic development and management. Plans have been made to extend this program to an estimated total of ten states during FY 1970.

7. A grant has been made to the Council of State Governments to provide technical assistance and other support to the State/STAP Program. (This is the first such grant that the Council has accepted from any Federal agency.)

The Nixon administration is philosophically committed to decentralizing Federal programs to the States and has taken steps in that direction. The President specifically did not request that step for the Office of Economic Opportunity, since doing so would subvert the thrust of the agency's programs. Director Rumsfeld has pledged to make the States' role in the poverty program more meaningful. But the Office of Economic Opportunity programs, by size and nature, are best handled through the system now in effect. The Office of Economic Opportunity is not a comprehensive manpower program, nor is it the Federal education program. It requires the flexibility not permitted by operating in the usual manner of Federal and State programs.

HIGH INTEREST RATES BLOCK PHILADELPHIA CITY BONDS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, high in-

terest rates are literally wiping out local and State governments throughout the Nation.

Jurisdiction after jurisdiction is finding it difficult—if not impossible—to market bonds at anything resembling a reasonable interest rate. In many cases, voters are simply rejecting bond issues because of the high cost of interest. Local tax bases will not support 6, 7, and 8 percent interest on tax-exempt issues.

As a result, thousands of worthwhile and badly needed projects are going by the boards. Schools are not being built, sewer and waterplants are being postponed, parks and recreational facilities eliminated because of the burden of high interest rates.

Today's edition of the Philadelphia Inquirer carries a detailed news story about the city of Philadelphia's inability to market tax-exempt bonds at the unbelievably high interest rate of 7½ percent.

This news story plainly points up the critical need to roll back the interest rates before local governments are destroyed.

Mr. Speaker, I place a copy of this news story in the RECORD:

TWO SYNDICATES REFUSE TO BID ON CITY BONDS, ASK 8 PERCENT INTEREST

(By Francis M. Lordan)

No bids were received Tuesday on $64.2 million in general obligation municipal bonds approved by Philadelphia voters, because of a "low" 7.5 percent interest rate limit imposed by the city.

Mayor James H. J. Tate, notified of the development while attending a meeting of the National League of Cities in San Diego, Calif., vowed that he would "hold out for 7½ percent" despite pressure by financial houses seeking a minimum of 8 percent.

RATES WOULD RISE

"We will not be blackmailed into paying 8 percent," he said. "Eight percent is an exorbitant fee."

The bonds were approved for improvements to International Airport, the Gas Works and the city's water and sewage systems.

If the city had to pay 8 percent interest, Tate said, it could result in increases in the gas, water and sewer rates "for all the citizens of Philadelphia."

TWO NOT IDENTIFIED

Representatives of two financial syndicates were present at noon in the finance department offices in the Municipal Services Building, where bids were to have been accepted.

Spokesmen for both, who asked that they not be identified, said they had not bid because the interest rate was not high enough.

Three long-time officials of the finance department said this was the first time in their recollection the city had not obtained a bid on at least some portion of its bond issue.

ISSUES NAMED

The three issues up for bidding were:

$10 million payable in 15 annual instalments for Gas Works improvements.

$35 million payable in 20 annual instalments for improvements to the airport.

$19.2 million in 30 annual instalments for improvements in the water supply and sewage systems.

All three utilities are self-sustaining in that the debts would be repaid from the proceeds from fees paid by users.

DELAY TILL FEBRUARY

Deputy Finance Director James L. Ferguson announced at noon that no bids had been received. He said the city would have to try to sell the bonds later.

Tate said no new bids would be sought until after Feb. 1, on the recommendation of City Finance Director Edward Martin and Morris Dorrance, chairman of the sinking fund commission, which oversees the retirement of the city's funded debt.

Dorrance is also president of the Philadelphia National Bank, part of one of the two financial syndicates that were expected to bid on the bonds.

STUDIES ORDERED

PNB was expected to bid in collaboration with the First National City Bank of New York. The second syndicate was made up of Drexel, Harriman and Ripley and the Chase Manhattan Bank.

The Mayor said he had ordered immediate analyses of the three bond issues to determine whether the projects can be delayed or the bond issues reduced.

The studies will be undertaken by the Gas Commission, Water Commissioner Samuel Baxter and City Representative S. Harry Galfand, the latter in the case of the airport.

TIGHT MONEY CITED

Tate said he had been assured by Martin that the city could "borrow on a short term basis" until Feb. 1 or perhaps beyond that date. "Until the money market straightens itself out."

"This is no reflection on the city's financial condition," said a spokesman for one of the financial syndicates. "It is the result of a tight money market throughout the nation."

"It does not have any bearing on the city's credit," said James Patterson, a director of the finance department's bureau of the budget. "It just means we put too low a rate on our coupons."

INCREASES CITED

In the last six months, he said, the average municipal bond interest rate has jumped from 5.68 percent to 6.58 percent.

In the last two weeks, he said, the average rate increased four-tenths of one percent.

One syndicate representative said the city would have to offer more than 8 percent to induce his firm to bid on the bonds.

Tate said paying an interest rate as high as 8 percent would have to be considered very carefully.

"This is a pretty excessive figure when you take into account that the bonds are for from 20 to 25 years," Tate said.

Patterson said last May the city had sold more than $60 million in bonds at rates of 6.35 percent and 6.43 percent. He noted that bond rates across the nation were at a record high.

CONGRESS CONSIDERS PRE-SCHOOL EDUCATION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, Congress is working on fewer new programs this year than in recent sessions, but there is considerable interest in one area—that of pre-school education.

Recent magazine and newspaper articles, and current hearings before the Select Subcommittee on Education of the House Committee on Education and Labor, reflect national concern with the need for new legislation in this field. I am pleased to include at this point in the RECORD my remarks at the opening of our hearings; an article from the November, 1969, Redbook; an article from the December 1969, Grade Teacher Notebook, and an article from Keeping Up With Elementary Education magazine, fall of 1969.

These materials express the extensive national concern for pre-school education, which I hope will result in adoption by the present Congress of new programs such as those provided for in H.R. 4190, and H.R. 13520, my bills to expand and improve the services to all our citizens in the fields of pre-school education, day care, and child development.

The material follows:

STATEMENT BY REPRESENTATIVE PATSY T. MINK AT CHILD DEVELOPMENT HEARINGS BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR, NOVEMBER 18, 1969

Mr. Chairman, these hearings on pre-school education are of critical importance and as one of the sponsors of legislation in this field I commend the Chairman of the Select Subcommittee for his leadership in calling these hearings.

H.R. 13520, which I am co-sponsoring with the Chairman of the Subcommittee, and Mr. Reid of New York is a comprehensive bill designed to benefit a broad segment of our pre-school children. I believe that parents all over the country are anxious to have programs in which they could enroll their young children.

Our bill introduces an entirely new concept into our educational system. It seeks to extend the benefits of early childhood education, to all pre-school children in our nation. Early childhood education involves programs which help the child to learn naturally, responding to his curiosity and inquisitiveness. We are told that between birth and age 4, half of all growth in human intelligence takes place; and another 30% occurs between the ages of 4 and 8. It is this learning period which is now largely neglected. We must reach our children early in life—even kindergarten may be too late.

Often, what is called "pre-school education" now is merely custodial care. The children are kept amused and fed, and put to bed. This is a tragic waste of time and money since during the period they are "captive" members of the group they could be exposed to learning which would help in their growth and maturity. This is what H.R. 13520 is all about.

My earlier bill H.R. 4191 which was the subject of hearings in the 90th Congress sought to improve educational services in existing public and private non-profit child day care centers by providing $300 million per year for supplementary programs.

I am pleased with the opening of hearings on this important subject area. We shall have the benefit of many expert witnesses with diverse viewpoints and attitudes concerning this need in all areas of our nation. I look forward to the testimony of these distinguished witnesses who have been invited to appear. I am confident that their statements will help this Committee write a bill which will command wide support and appeal.

Thank you very much.

[From Redbook, Nov. 1969]

FIVE MILLION CHILDREN WITH PART-TIME MOTHERS—AND NOWHERE TO GO

(By Victor H. Bernstein)

"If an epidemic endangered this many children . . . no expense would be spared to find a cure," says the former director of the U.S. Children's Bureau. Yet a solution is at hand—an inexpensive one. Then why have we waited so long to use it?

In our national capital recently I discovered some astonishing statistics about young American mothers and their children.

Nearly half of all American mothers have jobs.

Two of every five working mothers have children under six.

Nearly 5 million children under six have part-time mothers, mothers who have full or part-time jobs. Of these children a half million are left to shift for themselves while their mothers are at work; most of the rest get what educators would call "inadequate care."

Even these facts do not tell the whole story. By 1980, 5.3 million mothers between 20 and 44 with children under five will be working. This means that in the next decade there will be a proportionate rise in "job-neglected" children.

The full significance of these statistics can be appreciated only in the light of the belief, held by a majority of educators and child psychologists, that the critical, formative years of a child's life are from birth to the age of five. It is no wonder that Mrs. Katherine Oettinger, former director of the Children's Bureau of the Department of Health, Education, and Welfare, voiced despair after scanning the figures. "If that many children were endangered because of some sort of epidemic," Mrs. Oettinger said, "the country would be up in arms. There would be loud cries for a vaccine; certainly no expense would be spared to find a cure."

But is there a cure for this particular social ill? By all accounts the answer is a resounding yes. It lies in making the day-care center for the preschool child as much a part of our educational scene as the public school. Such centers, experts emphasize, would have to be open a minimum of seven hours daily, and over and above their custodial function they would have to provide the child with a program of activities specifically designed to help him develop all his potentialities.

So we know the problem and we know the cure. What is holding us up? Why must several million children continue to suffer because their mothers must work—or choose to work? It is to these questions that this article is addressed.

When we talk in terms of millions—whether of miles, dollars or children—the mind begins to boggle. So let's begin by talking in terms of a few dozen children. In the small Connecticut town where I live, a recent sketchy survey by a group of concerned citizens showed the need for day-care facilities for 82 children. The survey covered some, not all, of our working mothers. It did not include mothers on welfare, or mothers not on welfare who might have been happy to add to their family income with full or part-time jobs if provisions could be found for their youngsters.

I can bear witness personally to the last category. Not long ago I received a letter from a friend, a young mother trained as a nurse, who wanted to move to our town and take a job at the local hospital. "But of course," Mrs. Ames wrote, "I can't take the job unless we can find a proper place for Freddy, who's three years old, and Betty, 20 months."

Unfortunately the two commercially run nurseries in our town are already filled to capacity, and in any case are not geared to take children for more than three or four hours daily. There's no one in town licensed to give children "in home" care; and even if Mrs. Ames had been satisfied with a maid or baby sitter, they are as hard to find here as elsewhere.

The group of townspeople who conducted the survey of local working mothers, uncovered another important bit of information. A good day-care center must be at least partly subsidized if it is to be of use to anyone except the children of the rich. (As I learned later, the cost of maintaining a child in what the Federal government would call an "acceptable" center is $33 per week. If the center adheres to "desirable" standards, the cost rises to $46 weekly. Commercial day-care centers charge anywhere from $10 to $50 weekly; with rare exceptions the low-fee centers offer only custodial care.)

So I went to Washington (and to New York) to find out whether Federal tax money might be available to help subsidize a decent center for the 82 children of any community plus maybe Betty and Freddy. I immediately discovered two surprising facts. The first sounded hopeful: In official Washington more was being said about the problem, and more was being done, than I had anticipated. The second was indeed discouraging: The problem was infinitely greater than I had thought, and compared to the needs, what was being done seemed hopelessly inadequate.

The fact that we do have a problem with the preschooler has been recognized at the highest level of government. President Nixon, in his first important speech on domestic affairs after taking office last January, declared: "We must make a national commitment to provide all American children an opportunity for healthful and stimulating development during the first five years of life."

But Mr. Nixon wasn't thinking of all children, as a Presidential message some eight months later showed. Nor was he thinking of the children of working mothers. Rather, his mind was on the children of a small percentage of mothers who are now on welfare. Specifically he requested authority from Congress to provide day care for 450,000 children of 150,000 welfare mothers, who, he proposed, should be given job training so they could be weaned away from the dole.

There is nothing wrong with this recommendation, as far as it goes. But in the light of the statistics presented at the beginning of this article, it does not go very far, does it? It won't subtract a single child from the nearly 5 million preschoolers whose mothers are already at work full or part time. For these nearly 5 million, the total capacity of licensed day-care centers in the country is a bare half million. "And seventy per cent of these are commercial institutions," points out Jule M. Sugarman, acting chief of the Children's Bureau, "that must charge much more than the poor can afford to pay and in some cases more than the middle class can easily pay."

"Hundreds, perhaps thousands, of working mothers are leaving babies with babies—two-year-olds with eight-year-olds," says Mrs. Ruby Evans, of the United Planning Organization in Washington, D.C. "Is it surprising that the little ones fall out of windows, scald in their baths, set fire to their homes?"

I had always imagined that these were risks pending to the poor. And these days when we think of the poor we think automatically of the Black ghettos.

But statistics from the Women's Bureau of the U.S. Department of Labor tell another story. *Eighty-five per cent of working mothers are white. Fifty-seven per cent are in the family income range of $6,000 or more, with the largest single group—48 per cent—in the $6,000-to-$10,000 range. One out of five enjoys a family income of more than $10,000.* Clearly the child-care problem created by working mothers is predominantly neither a Black nor a poverty problem, but a national issue that cuts across racial and economic lines. Why, then, have our legislators been so slow in reacting on behalf of the children? And why are they doing so little?

Mrs. Elinor C. Guggenheimer, chairman of the Day Care and Child Development Council, makes a sharp and relevant point with good humor. "The average legislator is a man, and the average man simply cannot bear to think that there was ever a time when his mother didn't want to be with him twenty-four hours a day. Therefore he decided a long time ago that the only good mother is a mother who wants to be with her little boy twenty-four hours a day." She concludes, and I suspect not at all with tongue in cheek: "So I think my personal recommendation is that we elect more women to public office."

Mrs. Guggenheimer may be amusing; she is also very serious. She is saying that our legislators tend to hold to the tradition that a mother's place is in the home with her preschool child. (Few politicians, of course, will admit this publicly; why risk the female vote?) But in this, Congress is probably reflecting dominant American sentiment—or at least the sentiment of many dominant Americans. "In important sectors of the [American] community," wrote sociologist Florence A. Ruderman in a study made several years ago, "substantial majorities say it is bad for married women—or mothers—to work."

True, there are some experts who argue that a child is better off with a warm and affectionate mother than in a day-care center, however well run. But to debate this issue would appear to be totally irrelevant. For the fact is that there are nearly 5 million children under the age of six who don't have warm and affectionate mothers by their side most of the day. What do we do about this?

Women are accountable for 37 per cent of our annual national production of goods and services. Do we now pass a law banning them from the labor force? Or do we accept the fact that millions of them *are* working, that many more (like our nurse friend, Mrs. Ames) would like to work and that society both needs their services and owes their children as much help as it gives the aged and infirm?

Congress finally got around to doing something significant about preschoolers in 1967. In light of the previous legislative record on the subject, much of what it did was ironic. The legislators continued to ignore the bulk of the several millions of youngsters whose mothers had jobs. But they could no longer ignore the children of the poverty-stricken, jobless mothers. These were the mothers on welfare, and the only way to get them off was to help them get work. And the only way to do that was to provide care for their children. So legislators who frowned on the very idea of the working mother found themselves enthusiastically voting for measures designed to encourage more mothers to work.

Bureaucracy operates in cumbersome ways, and I shall not here explain the different methods by which Federal sums—most of them quite small—are made available to the poor, and especially to families on relief, for day care. Two recently approved measures are of some immediate importance. One is the Work Incentive Program, or WIN, which provide day-care help to the children of mothers on welfare who sign up for job-training programs; President Nixon's recent proposal is really an extension of this plan. The second, tantalizing in its promise, commits the Federal government to contribute 75 per cent of the cost—exclusive of construction costs—of providing day care for all children up to ten years of age *who now are, ever have been or are "potential" welfare beneficiaries.* Legal experts interpret the emphasized phrase as authorizing the government to pay 75 per cent of the cost of operating day-care centers for practically every poor child in the country.

But some agencies—presumably state legislatures—have to be found to pay the remaining 25 per cent, not to speak of the money necessary to build centers. (No Federal money is available for construction.) Like WIN, the program is only now getting under way, and it is too early to report on progress. It is doubtful that the law can live up to its promise. If construction funds and quarter shares are slow in coming, the program will develop correspondingly slowly. If they are forthcoming quickly and in gener-

ous measure, the government's 75-per-cent commitment could mount up to $5 billion annually within a few years.

But is it likely that an economy-minded Congress will prove willing to spend that kind of money?

Lawrence C. Feldman, executive director of the Day Care and Child Development Council, summed up the legislative situation this way:

"The Federal government will probably put about one hundred and fifty million dollars into day care—about the cost of a big bomber. Most of this will go into day-long Head Start programs in big-city slums and in such rural regions as Appalachia and the South, where easily identifiable pockets of poverty exist. But middle-class areas, urban, suburban or rural can expect no direct help. [There, I thought ruefully, go my home town's chances for direct Federal assistance.] Neither can direct help be expected by the ambitious young mother who is working or would like to work to add to the family income. [And there, I noted, go Mrs. Ames's chances.]

"Despite its limitations," continued Mr. Feldman, "recent day-care legislation must be termed extremely progressive in one important sense. Congress no longer thinks of a center as a kind of magnified baby-sitting establishment. To get Federal help a center must be aimed—I quote the law—at 'strengthening family life and fostering child development.' To this end Federal standards have been set; and unless a center meets these it can get no Federal money. One can only hope that enforcement will be strict at both Federal and state levels."

Is it only present or potential welfare mothers who deserve help for their children, as Mr. Nixon's proposal suggests? Privately, most people to whom I spoke agreed that society should provide such help for all children, regardless of income levels. But for most of them practical considerations (a euphemism for money, or the lack of it) stand in the way.

Lola B. Emerson, day-care consultant of the Child Welfare League, thinks that in assessing day-care needs one should consider not only the child but also the mother. Would she be happier working? Does she have skills that could benefit her community? Yet Miss Emerson took a somewhat different attitude when the issue was posed in a specific form.

"Suppose," I suggested, "you had the money to open a day-care center for fifty children and two hundred applied. How would you go about choosing the fifty?"

Miss Emerson thought for a moment. "First, the children of mothers who are the sole support of their families. Next, children of parents who both must work to maintain decent living standards. Then, perhaps, the child referred by a doctor or agency as particularly needful of professional day care. Fourth in priority might be the unwed mother who wants to work or complete her education. Last, if we still had room, the child whose parents want him in a center for whatever reason and are ready to pay the cost."

Miss Gertrude Hoffman, of the Children's Bureau, put the policy of her office succinctly: "We would hope to provide money for all children who might benefit from day care, but today poverty takes priority."

Last year and again this year about a score of bills on day care were introduced in Congress; each of them reflects the same attitude. Last year Senator Abraham Ribicoff, of Connecticut, former Secretary of Health, Education, and Welfare, asked for a half billion to provide day care for all children under six whose families earn under $6,000. "Low-income families must come first," he explains.

This year Representative James A. Burke, of Massachusetts, is proposing to increase Federal contributions to state child-welfare services, with emphasis on day care and foster homes. He would give priority to "members of low-income or other [needy] groups . . . and to . . . areas which have the greatest need for extension of such day care." The most forthright Congressional champion of day care for *all* children, rich, poor or medium, is petite and dynamic Representative Patsy T. Mink, of Hawaii, who spoke up with great firmness.

"The real issue is what's good for the child. I don't care whether the mother is poor or rich. The majority of educational researchers are convinced that proper preschooling is of positive benefit to the child."

In the context of these beliefs, Mrs. Mink's legislative proposal is extremely modest. She told me she would ask for $400 million "to improve the educational services in public and private nonprofit day-care centers" and to finance a certain amount of teacher training and physical-plant improvement.

Other bills aim more directly at the working mother or the mother who wants to work. Generally they take the form of tax-deduction allowances to help the working parents defray the cost of child day care. One legislator, taking note of the national shortage of nurses, offers such deductions specifically to women for whom marriage or motherhood has interrupted nursing careers. But until the present critical shortage of day-care centers and licensed "in-home" facilities is eased, such proposals seem of doubtful value. What good would such a tax deduction do Mrs. Ames if she can't find a day-care center.

More practical are a series of Congressional proposals to permit labor unions to bargain with management for the joint financing of centers to serve the children of women employees. Ground in this field has been broken by both labor and management. On the union side, the Amalgamated Clothing Workers is involved in two centers and is planning more; on management side, the pioneers are the Whirlpool Corporation of Michigan and KLH, an electronics firm in Cambridge, Massachusetts. The centers are run on a nonprofit basis, with fees charged on a sliding scale. Government is providing small subsidies to help finance the KLH center.

Many believe that this type of labor-management co-operation, perhaps helped by contributions from local, state or Federal tax revenues and Community Chest funds, offers the best hope of circumventing the money squeeze in Congress. As a practical demonstration, the U.S. Department of Labor has contracted for the operation of a center to serve some 30 children of its own employees. Expertly staffed and with program and equipment in accord with modern preschool theory, the center functions from 7:45 a.m. to 5:45 p.m.

For this service, mothers who earn $4,000 a year (the department's lowest salary) pay $1 weekly. Fees increase gradually so that mothers earning $15,000 pay $25 weekly. Now in its first year of operation, the project gets a $60,000 annual subsidy from the government.

Shortly after I arrived home—empty-handed if not entirely empty-headed—our local drive for a center met a serious, though it is to be hoped only a temporary, reverse. Our state legislature is one of the few in the country forward-looking enough to have appropriated money to assist towns to build and operate centers. But to tap these funds a community must undertake a costly program of broad municipal improvements—an obligation our townspeople, already hit by a rising tax rate, voted to reject. Cut off for the moment from the possibility of significant state or Federal help, we have turned to other sources: churches, town revenues, the Community Chest, labor unions, business, industry. We may even convince the state ultimately that the needs of 82 children should take priority over bureaucratic planning.

Sooner or later, I am certain, we will get our center, even if it comes too late to help Mrs. Ames. When we do, major credit must go to a small group of committed citizens of our town who realize the need and are determined to see that it is met.

So much for my community. What of other communities that want centers? I must emphasize that the whole day-care movement is relatively new, and standard development patterns have not yet emerged. While all states have licensing laws governing day care, the laws vary widely both in the standards set and in the degree of enforcement. We have already seen that, so far, Federal help is available almost exclusively for the very poor or to reduce welfare rolls, while state financial help is even more limited. And, of course, towns differ widely in their economic complexion, number of working mothers and so on.

Nevertheless, our town's experience may be helpful. Clearly the first step in planning for a center is to get together a group of citizens determined to have one. The function of this initiating group will be threefold: (1) statistically to establish the need for a center by means of a questionnaire or other type of poll, (2) to look into financing possibilities and (3) to locate a building or part of a building that with suitable alterations could serve as a center. Financing is likely to prove the most difficult part. The state welfare department will most likely know whether, and under what conditions, your town qualifies for state and Federal assistance or whether you will have to rely entirely on your Community Chest or on private sources.

A considerable literature on day-care centers has been developed by such organizations as the Children's Bureau of the Department of Health, Education, and Welfare and the Women's Bureau of the Department of Labor in Washington and the Child Welfare League in New York. The Day Care and Child Development Council of America, at 1426 H Street N.W., Washington, D.C. 20017, can be turned to for practical advice not only on establishing a center, but also on planning and executing the all-important program of activities that must be offered the children.

For too long, says sociologist Florence A. Ruderman, the concept of child day care has been thought of in terms of the "deprived child."

The truth is, she insists, that "great numbers of normal, middle-class, intact, responsible families with working mothers need day-care services, and even greater numbers of such families want it." And she concludes: "A child does not have to have special or unique problems to qualify [for day care]; he is eligible in the same sense that he is eligible for admission to elementary school—on the basis of age, health, local residence, inoculation."

That is the theory. On the insistent demand of parents in thousands of communities throughout the country, it can eventually become the practice.

[From Grade Teacher, December 1969]

OUR YOUNGEST LEARNERS—HOW WE GET THEM STARTED; HOW WE FOLLOW THROUGH

(NOTE.—It's no longer such a long time from pre-K to "real school." Here's how five very different kinds of early education programs are making the time count.)

When you run into a problem in education the best thing to do is go back to the beginning.

Teachers have been telling their students this for years. Now, with the help of federal funds and administrative support, they are doing the same thing themselves.

The problem they are trying to deal with: Getting young learners off to the best possible start in school—especially disadvantaged young learners who start off behind the eight ball and all to often fail to catch up.

The solution: Head Start and Follow Through programs which are taking on a new toughness in what amounts to an atmosphere of pedagogical ferment unmatched in many, many years.

Many techniques are being experimented with. Many "scared cows" are being cast aside. Many early education teachers are rethinking the whole purpose and method of preschool and first grade and coming up with insights and methods which would have shocked them three or four years ago.

The five classrooms described in the pages that follow are examples of the effect that this educational ferment is having on early education programs throughout the nation. They are presented here to give Grade Teacher readers a taste of some of the most successful programs and to answer two oft-asked questions:

What would it be like to teach in a different kind of classroom?

What can I learn from the experience of other early education teachers?

THE INFANT SCHOOL

Teachers in New Rochelle, N.Y., have turned to old England for a new approach to early learning.

Dropouts were plaguing the suburban community of New Rochelle, N.Y. Student failures were increasing at an alarmng rate, and academic interest seemed to be ebbing even in the primary grades.

As one way of stemming the tide of student apathy, a number of teachers in New Rochelle have turned to England and the infant schools. With the blessings of the city's board of education they've set up modified infant school classrooms in four of the city's 10 elementary schools.

English infant schools are a far cry from the traditional American classroom—and from the traditional English classroom, too. Youngsters aged from five to 10 work in specially adapted, child-sized environments, doing, in essence, whatever they want. They may be grouped according to age, or there may be mixed ages in each class.

New Rochelle began experimenting with this type of education in 1968, with a summer remedial program run along infant-school lines. Primary teacher Peggy Richards and two others then visited the English prototypes, and Miss Richards returned to pilot a first-grade infant-school class. The results were encouraging, and this summer more New Rochelle teachers volunteered to learn infant-school techniques.

The outcome was 10 open classrooms divided among first, second, third and fourth grades.

Miss Richards now teaches an infant-school second grade in New Rochelle's Trinity School. Many of the students were in her pilot first grade last year, and they're still enthusiastic about the program.

The children explain that instead of sitting in rows together, they do their work in "learning centers"—special areas for specific subjects, which are sectioned off by desks. Each section is stocked with educational materials. The reading area, for example, is provided with books and two cozy armchairs, and there's a rug on the floor. The phonics "lab" houses listening tapes and a recorder, while another section has plenty of paints and clay for children who feel creative. Still another corner has boxfuls of costumes for young dramatists.

Each student selects the activity he'd like to pursue by tacking his name on the appropriate column of the organizational chart at the beginning of the day.

Because the classroom opens on a small playground, Miss Richards' children are free to go out if they want. While outside they might meet children from Trinity School's other open classrooms. Miss Richards believes it's beneficial for a child to have friends in different grades and encourages the mingling of classes by putting out boxes of games—"common interest centers," she calls them. The special classes are near enough to each other to enhance the flow of students from one room to another and to facilitate impromptu teacher conferences.

Grades aren't stressed in the infant school, but there are progress reports—plenty of them. The hardest part of the infant-school teacher's day is her record-keeping homework. She keeps extensive files on each child, complete with anecdotal records. She tries to determine precisely where the child is in terms of learning, and where he's going next.

Miss Richards feels it's important to keep the parents informed of their children's activities. When the parents have confidence in the program, the children will be more trusting, too. She reports to the parents frequently and keeps a lending library of current books on education for their use.

The same sort of things are going on in New Rochelle's Columbus School. At 10 on a given morning some of Hilda Abramson's infant-school second-graders are in a corner making an imaginary underwater city with books and blocks and things from the sea. The structure's young originator got the idea from some cardboard tubes—he's using them to pump in "air" to the submarine metropolis.

Across the room children are shaping clay. Over by the window some children are observing gerbils, and not far away a few others are tending to the class turtle. Three boys are in a closet pounding rocks into sand for the turtle's home. The rest of the children are dispersed about the room, doing whatever the spirit moves them to do.

Mrs. Abramson passes from child to child asking questions about the various activities. She makes no effort to lower the decible count—in fact, she sounds as excited as the children do.

If a youngster finishes a task, he reports back to the teacher. She either looks over his work on the spot or asks him to put it on her desk so she can examine it later in depth. Then the child goes on to something else.

Later in the morning the children will huddle in a corner near the underwater city to learn phonics and reading skills. For actual reading practice the children have a variety of books to choose from. Children aren't made aware of their reading levels: Academic competition is squelched at New Rochelle's infant schools. There's no failure—no embarrassed struggle for words in front of the class. The teacher schedules reading sessions on a one-to-one basis.

Most of the children in Mrs. Abramson's class have low socioeconomic backgrounds. Many come from broken homes, and some have severe personality problems. Even in the second grade a number of them would be unholy terrors.

But they aren't. Mrs Abramson reports that the youngsters are taking to the infant school class like ducks to water. They're totally involved in their work. Children with personality problems are beginning to adjust to their contemporaries. Since there's enough time for the teacher to give all her children attention, attention-getting devices are gradually becoming rarer. None of the children has been sent to the principal's office to be reprimanded.

Some students who were chalked up as slow learners in the first grade are gaining ground. The budding planner of underwater cities is a good example: A low scorer on reading tests and other traditional skills measurements, he's becoming a whiz in science.

Mrs. Abramson, who taught for four-and-one-half years in a regular classroom, has boundless enthusiasm for the infant-school technique. "I couldn't keep teaching in rows," she said. "What happens to the children who never tune you in? You lose so many that way."

According to the New Rochelle Board of Education, the parents are ecstatic about the children's response to the infant-school classes. During the summer reading program, youngsters who had to miss a day actually sent siblings to pinchhit for them. Even now children want to know why there *have* to be vacations.

THE BEREITER-ENGELMANN EXPERIMENT

Stress techniques and real parent involvement make this urban classroom swing.

The teacher sits close in front of a semicircle of six children—close enough to touch each child, giving a pat of encouragement here, a dramatic handshake there. She holds a flip chart in her lap and points at a picture of a man eating a hamburger.

TEACHER. What is this?

CHILDREN. (in unison). Man.

TEACHER. A man.

CHILDREN. A man.

TEACHER. Good! (She points to the hamburger.) What is this?

CHILDREN. Hamburger.

TEACHER. Say the whole thing.

CHILDREN. A hamburger.

TEACHER. Smart talk! Now, listen big. (She points to the man again.) Is the man eating an ice cream cone?

CHILDREN. No!

TEACHER. I'm going to say the whole thing. The man is not eating an ice cream cone. Say it.

CHILDREN. The man is not eating an ice cream cone.

TEACHER. What is he doing?

CHILDREN. Eating a hamburger.

TEACHER. Say the whole thing.

CHILDREN. The man is eating a hamburger.

TEACHER. Oh, you're so smart! Say it again.

CHILDREN. The man is eating a hamburger.

TEACHER. Good talk!

Good talk, indeed—especially when you consider that the children doing the talking are kindergartners in an urban ghetto which, until very recently, was regarded as something of an educational disaster area.

The area is the Ocean Hill-Brownsville section of Brooklyn, N.Y. Last year it was the center of a community control drama which rocked every school in the nation's largest city. This year, at PS 137 and the PS 137 annex located in a tidy church building, it is the scene of an early learning program described as "a systematic method for developing language skills as instruments of learning and thinking."

The method is the direct instruction program developed by Carl Bereiter and Siegfried Engelmann at the Institute for Research on Exceptional Children of the University of Illinois, in Urbana. Its proponents maintain it will have disadvantaged children reading—really reading—by the end of first grade.

The program is controversial. Its "stress" approach to teaching (stress is defined by one Bereiter-Engelmann teacher as "forcing the child to make it in this world") leaves little room for social development activities or play. Rather, it is repetitive drill in language development—approached through music and art as well as written symbols—for four intense 25- to 35-minute periods a morning. The atmosphere is so charged that it has caused some critics to speak of the program as a "mini-marine corps."

It is not. There's stress enough in the direct teaching approach to satisfy any leatherneck drill instructor—Bereiter-Engelmann teachers press hard on their disadvantaged students, saying that the children need to learn at double the usual rate if they

are ever going to catch up to the advantaged child. But there's fun, too. The Bereiter-Engelmann program has two important ingredients built into it—success and praise. And the children thrive on them.

So, apparently, do their teachers—six professionals, six educational assistants (parents who have embarked on the teaching career ladder) and nine parent-aides. One of them described her feelings about the program with telling simplicity: "This is the answer for these children."

By "answer" the teacher means much more than simply helping disadvantaged children break down the failure problems which have plagued all too many urban schools. She means finding a way to really involve parents in their children's education in a way that is helpful to the child, to the school and to the parent.

Parents are very much involved in Ocean Hill-Brownsville's Bereiter-Englemann language program. They teach. They are real equals with the teaching professionals in the program and so adept at the work—which they learn in daily training sessions—that it is difficult to tell the parents from the professionals. Parents man the board of directors which was instrumental in choosing the Bereiter-Englemann approach over half a dozen other possibilities suggested to them by the city administrators.

They are welcomed into their children's classrooms at any time and they take frequent advantage of this open invitation. Perhaps most important, they help their children with their homework—yes, homework for kindergarten children, but homework given as a reward for work successfully done rather than as makeup or punishment.

"Involving the parents in this way is good for the children and good for the school," notes Mrs. Alberta Loftin, director of the program. "It gives everybody a stake in the learning program and helps assure that our work is responsive to real needs."

Of course, the test of any program is in the ultimate result, and Ocean Hill-Brownsville doesn't really know what the long-range effect of the Bereiter-Englemann program will be on the children. Right now, they're doing fine. With the addition of a third-grade class next year, they hope to do even better. But whether the direct instruction method with its emphasis on rote learning, constant repetition of patterned phrases and largely unrelieved academic work will pay off in open, easy and creative adults is yet to be seen.

What can be seen now is a group of ghetto children who are getting a chance at learning that their older brothers and sisters never had. And that's enough for their teachers and parents.

THE DEMONSTRATION SCHOOL

Teaching is learning at the Bank Street Children's Center in New York City.

At the Bank Street Children's School in New York City, education is a team effort—and everybody's learning.

The Children's School is a full-fledged working educational laboratroy, run by the Bank Street College of Education. Established as a kindergarten in 1919, it now enrolls children ages three through 13. It's gradeless, and there are neither rows of desks nor rigid academic programs. The children work independently, and their work is very much like play.

The free-for-all environment at the Children's School may seem at first like bedlam. If it is, it's controlled bedlam. Each class is overseen by a head, or "group," teacher with an impressive number of teaching years behind her. She is a member of the Bank Street College staff and considers herself a learner, too.

She is aided by a staff of resident specialists in reading, math and so on, and by two of the college's teaching trainees, who come in three days a week. The group teacher helps the trainees by offering advice, information and her own good example.

While new teachers are learning from experienced ones, young students are benefiting from older ones. Of the 12 classes at the Children's School, nine contain children from two different age groups each (three- and four-year-olds, four- and five-year-olds, etc.), and the other three have children from three different age groups each. Older children are examples to the young ones; children new to the class can learn the ropes from those who've been there before.

The classes at the Children's School range from 16 to 22 students. Thus, a great deal of individualized teaching is possible. Children learn reading, history, math and other subjects in small groups of five or six, or some with the teacher.

The college considers a close teacher-pupil relationship extremely important. The group teacher and her assistants know when a child needs a pat on the back and when he needs a few hard words. They come to understand exactly how a given child solves a problem; they seek to know his interests, motivations, anxieties and the goals he's set himself.

The children let the teacher into their lives. She is often a confidante to them. In return, she's totally trustworthy and shows respect for the student. She helps him feel like an important person.

This ego-building, says Bank Street, is especially important in the very early years. Songs about identity are used to help youngsters develop a positive self-image.

On a typical Friday morning a zither player came into a class of three- and four-year-olds and sang, to an original tune resembling "Ten Little Indians": "Where oh where is Jennifer, Jennifer?/Where oh where is Jennifer, Jennifer?/Where oh where is Jennifer, Jennifer?/There she is with the red dress on." He sang a similar tune to each child in the class.

Bank Street sees preprimary education as a bridge between home and school. At first the mothers (or fathers, or both) bring the child to class and stay all morning, sometimes in the classroom, sometimes in another room nearby. As the children slowly grow more used to school, the mother's presence is needed less and less, until she needn't stay at all.

The school works very closely with parents; the group teacher meets with each parent to discuss their child's progress, and both she and the college send numerous letters home discussing class activities and school projects.

The children spend most of the day making choices—selecting, at their own pace, the activities that interest them. There are plenty of activities. Bank Street College itself puts out an assortment of educational materials—the Bank Street Readers and Early Childhood Discovery materials, to name just two. There's also a wide selection of other articles on hand in each classroom—blocks, books, puzzles, art media, woodworking equipment, number games, etc. The college thinks it's too limiting to depend on any one kind of educational material and offers many types by many different manufacturers.

Most of the subject matter at the Children's School has relevancy to the children's own lives. At the beginning of the year, the students are made sensitive to the things they see in the classroom. They care for plants and pets, for example, and learn to put things away when they're through using them. Then they learn about the outside world: They play "supermarket" and see how to shop for food and make change; they build road systems out of block sets and discover the problems of traffic control; they pretend they're astronauts and launch interplanetary expeditions around the tables and chairs.

Once a month or so, the whole class meets to talk over how the class is doing, and what they can do about it. The teacher just starts the conversation. The children rarely need prompting to speak their piece.

During one of these meetings, Mrs. Sue Monell's six-, seven- and eight-year-olds decided to create their own design for learning. They agreed to disassemble the bookshelves and to use them for sectioning off numerous areas around the room. These areas they assigned to specific subjects; each subject had its place.

Then they made a chart of all the subjects and a name tag for each child. They decided that each student should select a subject to work on by hooking his name tag on the appropriate column on the chart. Each hook represented a seat in the area—no more hooks, no more seats, and the child would just have to choose another subject. (Mrs. Monell stepped in here and stipulated that each child's program should include at least one academic subject a day.)

Finally, they put up a "Silence" sign face to the wall. When someone turned it right side up, it meant he wanted the class' attention. A few days later a six-year-old turned the sign over; in about 10 seconds word had spread and the room was still. "Thats better," said the boy. "It's been too noisy in here. I can't hear myself think. Could we all be a little quieter, please?" Then he turned the sign face to the wall again and went back to his work.

The noise level at Bank Street actually is quite high. The teachers make no effort to keep it down, either, because they feel it's the vitality of the classroom that moves the children to learn. They also think that the children's freedom to move and talk freely is partially responsible for the low incidence of disciplinary problems. As Larry Grose, director of the Children's School, points out, "The best discipline is having an exciting program that the youngsters are interested in."

THE MONTESSORI METHOD

Self-correcting materials keep these preschoolers entranced in a Montessori classroom in Danbury, Conn.

Thirty preschoolers are doing their thing in Danbury, Conn., and their thing is learning—*a la* Montessori.

What's Montessori? That depends on where you are.

When Dr. Maria Montessori started teaching in 1912 in the slums of Italy, she stressed practical things, like sewing and cleaning. While Montessori schools still teach practical lessons, the classrooms all differ in tone and emphasis according to the needs of the children and the personality of the teacher.

The only real constant is the materials used. All of them are crafted in Europe; they're distributed in the United States by the American Montessori Society and elsewhere by the International Montessori Society. Most of the material, if not all, requires first that the child touch it. More than anything else, it involves the tactile sense.

The youngsters in Danbury's Anderson School start their learning day the minute they enter the cheery 30′ x 60′ classroom. (A visiting teacher, used to more conventional classroom sizes once remarked that she could fit two classes in that huge room. Anderson is a private school and its floor space somewhat exceeds Connecticut standards for private schools.) The children say *bonjour*, bow or curtsey, and shake hands with at least one of the school's two teachers—Mrs. Charlotte Green, the directress, who deals primarily with the second-year students, and her assistant, Mrs. Jane Annable, who tends to the newcomers.

The children take off their coats with or without help and hang them up themselves on their personal coat hook. Each child's coat hook has a name tag.

Then they find a project to work on. At the beginning of the year the teacher may

suggest a project from the extensive selection of Montessori materials along the shelves that line both sides of the room. When the children grow more familiar with the materials available, they select their own.

By the time the last child has arrived, the others are all engrossed in individual projects. One child may be sitting at a mini-desk matching pictures with the words they represent. Another may be on a throw rug (carpet samples are used) piecing together a map of Asia, while a third may be at a small table arranging colored chips into spectrums of increasing or decreasing color intensity.

The children learn alphabetical symbols from sandpaper cutouts of letters glued to hand-sized wooden squares. The blue ones are vowels, the pink consonants. The teacher instructs the child to trace his fingers over the sandpaper and to repeat the letter each time. "Do it many times," she says. "Do it over and over." When the child has the feel of it—figuratively and literally—he tries to duplicate the symbols with pencil and paper.

A noteworthy feature of Montessori material is that often one task has a number of lessons incorporated into it. This is true, for instance, of a set of wooden counting rods. The smallest rod is red. The next size rods—there are two of them—have red and blue bands. The set continues with three rods of three alternating red-and-blue bands (a little longer), then four or four bands (longer still)—all the way up to 10 long rods of 10 alternating color bands each. The children can learn to identify the colors from these, then to determine size and finally to count.

When the child has completed a task, the teacher "checks" him by asking him to explain what he's done. If the task is done correctly, the child picks up the parts and puts them back on the shelf. Then he selects another task.

Like the coat hooks, the shelves are labeled—over the puzzles it says "puzzles," over the blocks "blocks," and so forth. The door is tagged "door" and the window "window." Words are everywhere.

The noise level is minimal. A quiet, business-like atmosphere pervades the room. And although a few comments pass from child to child, the conversations are quiet and usually task-oriented. The teacher helps maintain the hushed tones, often, by whispering.

The Anderson School uses Montessori materials about 50 minutes of the three-hour day. Toward the end of the first hour, the children start putting the Montessori things away and, under instructions from the teacher, begin providing themselves with books.

The teachers say their aim is not to produce A-students, but to instill in the children a genuine love of learning. They bring the children to the level of the local public first grades, but don't try to push them beyond (except in reading, where they encourage them to forge ahead at whatever speed they can muster). Instead, the base of their education is broadened. Besides letters and numbers, the children learn French, music, art, civics, science, aerospace, hygiene and a little of quite a few other things.

They're also getting constant reminders in human relationships—for instance, the little points in deportment like shaking hands and speaking quietly. As a result, boys who are roughnecks on the playground are well behaved in the classroom. An example of how restrained they are occurred when a boy returned to his desk to find that a girl had taken his seat. Instead of insisting that she move or knocking her off the chair, he said, "Oh you silly, you're sitting in my seat." Then he found another place and went on with his work.

When snack time comes, the children sit at the little tables (two or three to a table) and say a group grace. Mrs. Green appoints some children to do the serving. It's ladies first, and each child takes the nearest cup (with a *merci beaucoup* to the server). In one instance a boy grabbed his cup first, and the little girl who was serving him said nicely—but firmly—that he was being impolite.

Music also wakes them up. Sometimes they listen to the record player and improvise dances; sometimes a music major from nearby Western Connecticut State College comes to lead them in song.

After music comes learning. Today it's a French lesson, but tomorrow it might be "birds, bugs and bees" or "my city" or any of a number of things.

The last activity differs from day to day. Sometimes it's art, and the teacher tells the children to represent something: "Draw anything you want, but I'd like to see a picture."

And what do the children think of all this? The teachers say that often the hardest part of the day is getting them to leave. The parent's seem enamored of the Anderson School, too: By January of each year the rosters are already full for the next.

THE NIMNICHT APPROACH

Researcher Glen Nimnicht has given his name and his approach to this classroom where children come first.

Two words you hear a lot around the Mary B. Martin School in Cleveland, Ohio are autotelic and friend.

One—autotelic, which means having an end or purpose in itself—describes the school's approach to early learning activities. The other describes its human relations.

The Mary B. Martin School is one of the friendliest places you could ever hope to visit. You meet everybody there, from Blanche Kirven, manager of the school's Follow Through program, to the custodian doing his rounds. And it's not just "Hello, how are you?" either. Real warmth passes between people at Mary B. Martin, adult and child alike.

Perhaps friendliness is an end in itself—but that's not what teachers at the school are talking about when they use the word, autotelic. They're talking about an early learning program where the children are free to select the materials for their own education and where peer teaching is actively promoted.

The program, which is being run in four kindergartens and four first grades, is based on the theories of Dr. Glen Nimnicht, the man behind the experimental New Nursery School of Greeley, Colo., who is now program director for the Far West Regional Laboratory for Educational Research in Berkeley, Calif.

"Self-rewarding activities" is the way Dr. Nimnicht describes what the Mary B. Martin children are involved in in their Nimnicht classrooms. "These activities have to be largely one the children can work themselves if you want to individualize a program and you've got only two teachers and 25 students," he notes.

This means a change in the teacher's role. She becomes a kind of catcher-in-the-act, rather than a preceptor. Dr. Nimnicht explains: "If, for instance, a kid is playing with blocks in one corner, and a teacher knows he doesn't know the concepts of longest and shortest, that's a good time to teach them to him."

The program isn't quite so unstructured as it sounds. Children at Mary B. Martin may seem to be following their inclinations to whatever learning end they wish, but they are actually working according to a carefully thought-out teaching plan. "Nimnicht" teachers work hard at analyzing the needs of individual children and pinpointing learning activities which will help meet these needs.

These individual learning activities take place within an overall framework of "learning episodes"—these correspond roughly to the old-fashioned unit—in which most activities are focused around a particular subject or skill area.

Dovetailing the needs of the individual child and the demands of the curriculum in this way takes work, Blanche Kirven admits. "But it gets in your system. Our teachers often stay late in the classroom thinking, 'What can I do tomorrow that will be just as exciting to the children as today?'"

The children stay late, too—the school day at the Mary B. Martin kindergartens as well as at the first grades, is a full school day. But the work is so engrossing that there's little problem with interest falloff. And no problem at all with discipline.

What about the young child's short attention span? No such thing in a Nimnicht classroom, says Mrs. Kirven. The classroom is so organized that it positively seduces the child into concentrated efforts in particular areas of the program.

Mary B. Martin's Nimnicht-style classrooms are divided into learning centers—a quiet corner, a block corner, a reading corner, etc. These areas are jampacked with a constantly changing supply of learning materials designed to develop skills associated with a particular episode. The materials, by and large, are not unique to the program. Anything that has a built-in learning purpose which the child can work on his own or with the help of his peers is likely to appear in one learning center or another.

One unique learning aid, however, is the "Nimnicht Typewriter." Children use this electric machine to develop language fluency and writing skills. They work individually at the typewriter under the guidance of an assistant teacher whose main job is to stay out of the child's way . . . and prevent failure.

Great stress, incidentally, is put on preventing failure in the Nimnicht-style classroom. Teachers and their assistants—39 parent volunteers who work with the children from one to four days weekly—simply intervene if they see a child headed toward frustration. In the case of the typewriter, the assistant prevents failure by the simple expedient of turning the machine off until the child can be helped to deal with his learning problem.

What does it all add up to? According to Mrs. Kirven, the program provides an important answer to the dropout problem so prevalent among disadvantaged youngsters—and students at the Mary B. Martin School, located in the heart of Hough, one of Cleveland's most depressed areas, are definitely disadvantaged youngsters. "These children can become dropouts on the very first day in kindergarten," Mrs. Kirven notes. "That's how easily the traditional approach can turn them off.

"But a Nimnicht classroom is something else again."

Judging by the hum of busy, interested noise that fills each of Mary B. Martin's eight Nimnicht classrooms, it is indeed.

NURSERY EDUCATION TODAY

(By Margaret Lay)

Nursery education, defined as planned educational programs for the years prior to kindergarten, had its beginnings in the United States during the 1920's. Despite its relatively recent origins, nursery education has proceeded well beyond the stage of being considered particularly innovative. Although in 1966 only 30 percent of America's approximately 12.5 million children from three to five years of age were actually enrolled in nursery schools or kindergartens, 141 public school systems had already included nursery education as part of their regular sequential programs. In addition to the public schools, settings for nursery education have included parent cooperative nursery schools, university-affiliated laboratory schools, private nursery schools, day care centers, home visi-

tations, and play centers. Many children of nursery age have also been enrolled in supplementary Head Start programs supported by federal funding under the Economic Opportunity Act of 1964.

Recently some state departments of education have begun to plan for universal preschool opportunity for all children. Nursery education today is more and more being accepted as an integral part of the total educational picture. The purpose of this article is to review and reflect upon historical and current trends regarding young children and their education. Perspectives derived from this kind of analysis are greatly needed at the present time by those responsible for program development, since there are few unchallenged guidelines existing for either the "what" or the "how" of nursery education.

THE NATURE OF CHILDHOOD

The acceptance of nursery education in the twentieth century is not, however, to be considered synonymous with the discovery of final answers to age-old questions about the nature of childhood, such as: Is a child simply a miniature adult with fewer experiences? Or, if not, in what respects is he distinctively different from his adult counterpart? Is the child a formless being to be molded by parents and teachers? Or is he an existing creation which is in the process of unfolding? Is childhood a time for intensive training to prepare the child for adult productiveness and enjoyment? Is the degree of pleasure derived from an activity an indication of its fundamental value for the growing child? These questions are still being debated by many who have assumed the responsibility of working with young children. It seems as if all of man's basic philosophical dilemmas about himself and his experience are only intensified as he is placed in the position of making decisions concerning his offspring's early development.

Historically, mankind has fluctuated greatly in its fashionable beliefs regarding children. We have, for example, justified exposing young children to the elements, have considered them as objects of amusement, and have worshipped them as possessing the purity and simplicity adults have lost. Philippe Aries' volume, *Centuries of Childhood,* documents many of these changes in attitudes toward children.

In this century and this nation alone, what is considered relevant to the young child's nature and education has varied greatly. Although the fashion at the beginning of the twentieth century was to adhere harshly to the "seen and not heard" training tradition for youngsters, contrasting views were forthcoming. Many Americans, for example, rapturously joined in the celebration of the mystique of the young child reported under Maria Montessori's programs early in the century. Dr. Montessori felt she saw man's goodness revealed in the responses of the children who were given freedom to choose rewarding work in her carefully constructed environment.

This enthusiasm for Montessori teachings was short-lived in the United States, however, as teachers seemed to find it easier to agree with Dewey and Kilpatrick that even the young child could be viewed, very pragmatically and unmysteriously, as the product of his own transactions with the world. When this latter view of the child was accepted, teachers rejected the idea that any given set of presolved tasks like Dr. Montessori's could be valuable in developing inner potential. Instead, teachers at all levels, and probably especially teachers of the youngest children, arranged situations in which the children would be likely to confront "real" problems. Some of the problems were social, resulting from the classroom milieu, and were expected to be tackled by the children in new and creative ways. Other problems developed from the use of media, but were not necessarily built into the equipment for selected instructive purposes. Both the Montessori and Dewey conceptions, however, seemed to include the child's self-initiations as central to the educational process.

THE CHILD DEVELOPMENT POINT OF VIEW

As nursery education became established in this century, under the duress of a national depression and a major war, there evolved an interesting combination of Froebelian activities and Montessorian environmental features in a Dewey-based context. During the forties and the fifties these jelled into a near-consensus of practice and opinion which has sometimes been called the "child development point of view." The nursery schools were considered to provide a child-size world in which home experiences were supplemented by opportunities to work and play with peers in a relatively unstructured atmosphere. Emotional and social development were the primary considerations, since intellectual development was thought to depend upon feelings of self-worth and respect for others. Learning was considered the natural concomitant of positive attitudes in a setting providing toys, manipulative materials, opportunities for social interaction and exploration. During this period of consensus a teacher who used direct instruction with three- or four-year-olds was looked down on by most of her professional colleagues as not understanding the nature of nursery education. The child's own powers of appropriate self-selection were said to provide an optimal learning environment as long as the school setting furnished diverse choices and no adult tried to manipulate the directions of the child's inherent strivings.

As the national emergencies abated, the trend toward nursery school expansion also slowed for a time. During this period nursery school was largely considered an educational extra of the upper middle class. Under these conditions nursery personnel continued to find the most distressing problems of their young charges to be emotional ones; there were seldom other experiential lacks. There was little push from either within or without the field to question the "child development" practices.

NEW INFLUENCES ON NURSERY EDUCATION

As we entered the fifties, however, a whole new set of forces converged simultaneously to reinitiate the expansion of nursery education and destroy the consensus of earlier decades about what constitutes proper programs for this level. For example, a new theory, espoused by Jerome Bruner and others, held that the structural dimensions of a subject discipline are basically similar at all levels. This school of thought proposed that appropriate perspectives gained at early levels may facilitate later functioning in specific disciplines. This view led some educators to conclude that children cannot be expected to discover the basic principles of each discipline for themselves without at least a careful monitoring to insure the presence of an environment in which appropriate discoveries could occur.

A second influence came with the realization among educators that the "intelligence" that they had considered an inborn constant was being theoretically and empirically described as depending largely upon the child's early experience. An analysis of the literature, for example, led Benjamin Bloom to conclude that half of the variance obtained in later intelligence measures is evident by age four, and that there is little doubt that intelligence development is affected by the environment in which the individual lives. There was a resulting rush to structure environments experimentally to enhance early learning. Despite admonitions from some quarters that just as intelligence test scores do not necessarily show inherent ability, so might changes in these test scores following intervention programs not necessarily signify changes in basic and lasting performance abilities, the possibility of raised IQ scores hastened the development of many diverse kinds of programs for young children. This, coupled with the growing realization that American society could no longer allow any inequities of circumstances which might prevent the development of children's potential, amounted to a potent force for change.

Although the earlier flurry of educational reappraisal accompanying the Sputnik accomplishment of the U.S.S.R. is also often cited as a factor in revamping early education, it seems likely that this would have had little lasting impact had not other developments provided the rationale for questioning previous practice. All of these together, however, combined to shake the "early childhood field" out of consensus and into the most intensive examination ever directed toward finding the best circumstances for early human learning.

EXPANSION OF PROGRAMS

This debate was tremendously intensified by the unprecedented expansion of programs spurred by foundation and federal funding. The federal funding came rapidly and unexpectedly to most educators. Far too few early childhood specialists were available to advise these programs, and in addition Head Start was meant to compensate for severe lacks in the home experiences rather than to provide an enriching supplement. This created a substantially new situation. People from all backgrounds became involved in setting up Head Start programs under community action agencies in the spring of 1965. Professionals from the related fields of elementary education, psychology, sociology, health, and others became immediately involved in advising and evaluating the new programs. Their commitment was not necessarily to permissive "play-oriented" programs. In fact, some of the innovators from outside the early childhood field constructed programs of direct instruction and began referring to previous nursery programs as "traditional." This constituted a complete "about face" in what was considered new and what traditional. Seldom has the complexion of a professional field been altered so completely in so short a time.

The recent efforts have produced a tremendous array of programs, studies, and claims. Some of these, one suspects, will simply disappear. On the other hand, many innovations will have lasting significance. There is little, however, that the large majority of people designing, operating, and evaluating programs currently agree on. Perhaps their only substantial agreement is the conviction that what happens to the young child is of great importance.

One point of agreement, well-supported by theory and research, does seem to be that early experience is crucial to later functioning in a variety of modes and dimensions. Although the pendulum of belief and investigation is no doubt already beginning to swing to other concerns, variation in encounters of the young will probably never again be considered irrelevant to the total educational process.

THE CURRENT SCENE

We currently have thriving programs differing from each other in so many ways that the field is staggering for anyone to comprehend. Even a cursory look at nursery education today must be many-faceted. Indeed, the most inadequate approach would be a simplistic one. We would err badly, for example, if we merely asked whether one kind of program is better than another. To make any sense of the current diversity, we must compare programs with each other in various areas and judge them on multiple criteria for children of specified characteristics.

We do not yet have systematic studies of the kind necessary to compare programs on

other than the most gross terms, although, with the existing program diversity creating an evaluator's heyday, increasingly sophisticated analyses should soon emerge. The lack of precise research findings does not, however, justify ignoring the complexities of program diversity in making decisions about education for young children. The scarcity of confirmed knowledge should make the educator keep in mind even more firmly the many ways in which programs may significantly vary from each other, so that those he selects or devises may yield the desired outcomes for the children in question as much as possible.

One great difference between existing programs concerns their stated goals. Some programs profess broad goals including emotional, social, physical, and intellectual concerns. Others are much more specific in intent; i.e., to develop academic readiness, develop attentional processes, improve language usage, develop work habits, increase positive self-identification, develop categorization skills, enhance achievement motivation, teach phonics and/or reading.

Research findings show that a specifically-focused experimental program, one concerned with a specific cognitive skill, will produce more favorable results on the dimension stressed than will a more broadly-oriented program concerned with social, emotional, and intellectual development of various kinds (Blank, 1968; Day, 1968; DiLorenzo, 1968.) Common sense backs this up. The same common sense suggests that the specifically-focused program might compare badly or equally in other ways. Whether this is the case is not known, although one relevant study favored a free exploration group over a specific instruction group on ratings for initiative, originality, and independence in free play settings (Lenrow, 1968).

SELECTING A PROGRAM FOR YOUNG CHILDREN

Whether a program with limited specific goals or a broader program is to be adopted is dictated by the assessed needs of the prospective students. A language handicap, such as that suffered by certain children from deprived backgrounds, justifies a compensatory language program, whereas this would not be called for in a setting in which young children come to school with rich and varied verbal competencies.

Although programs differ in their intended goals, the greatest diversity is in what children actually encounter. The labels that become representative of the programs show some of this diversity. For example, a typical "child development nursery school," has become known for "free play," "field trips," "dramatic expression," etc. By contrast, the academically-oriented preschool is known for its "direction instruction," "subject area classes," "drill," "predetermined instructional sequences." The labels "didactic materials" and "spontaneous learning" are trademarks of the Montessori programs. Although these are very useful in identifying some of the most striking differences between well-known programs, it is also necessary to determine how these or less renowned programs are alike or different in other ways.

Some examples of relevant questions to ask are as follows:

To what extent does the general pattern of the program prescribe when certain kinds of behavior are considered appropriate?

How much variety in terms of equipment, settings, peers, and teachers does a child encounter?

To what extent is diversity in behavior and progress accommodated?

To what extent do teachers initiate the child's interaction with the program environment?

To what extent does the program environment encourage and respond to child initiations and explorations?

To what extent are child encounters simplified and sequenced (as contrasted with encounters of unaltered complexity)?

What motivational strategies are used?

To what extent does a teacher draw comparisons for children between novel stimuli and previous experiences?

Stating the above questions might seem to imply that there is a "proper" answer for each. Quite on the contrary, there are only limited answers to some, and these, as previously suggested, refer to very specific goals for some kinds of children. For example, although Head Start research suggests that teachers who initiate interaction with environment to a greater degree are more successful, the criterion here is limited to intellectual growth for disadvantaged children.

The educator must still, at this stage of knowledge concerning program impact, often operate on considered "hunches" about what may produce desirable outcomes. Let's therefore examine a sample set of hunches about program conditions intended to fulfill broad goals for a range of children from various experiential backgrounds. Among these conditions might be:

A healthy and safe setting

Easily accessible facilities and/or provisions for physical needs—elimination, thirst, hunger, rest, activity

Regularity in daily pattern of program offerings, of snack, rest, outdoor play, story, etc., but with a minimum of coercion to participate in these activities

Considerable space and/or time in which there is a minimum of adult restriction on exploratory and motor behavior.

Diversity of space use to provide for children's autonomously moving from one kind of in-school setting to another—i.e., from expressive and divergent play space to organized and convergent work space, from active group interaction to quite individual activity, etc.

Diversity of materials and equipment which (a) provide opportunity for manipulation and experimentation, (b) provide for multi-sensory experiences, (c) are "responsive" in that the child receives some information as to the effectiveness of his actions, and (d) can be used autonomously with a minimum of adult assistance.

An "invitational" social setting allowing autonomous selection of activity and companions.

Frequent positive recognition via verbal comment and/or nonverbal expression of individual accomplishments or characteristics.

Frequent adult verbal interaction with individual children about their on-going activities which will include relevant comparisons between current encounters and prior experiences.

Change and/or increase across program's duration in equipment and materials, adults, peers encountered.

Specialized programs (direct instruction, special facilities, simplified and/or sequenced encounters) for children with diagnosed developmental deficiencies in situations where there is a very small group of children for each adult.

Visits to other settings in very small groups with adults who can demonstrate and verbalize about salient characteristics of the new environment and, where feasible, arrange for related "doing."

Although for each of the above, educators might disagree as to the advisability of inclusion or the appropriate method, the value of some list of this type seems obvious. It provides guidelines for decisions about selecting building facilities, ordering equipment and supplies, obtaining and training personnel, arranging environments, and planning the program. If, for example, one has specified the desirability of providing options for children to move physically between diverse kinds of work-play settings, it may not be advantageous to equip several rooms identically and subdivide total groups between rooms. Perhaps larger groups of children should be given access to differing environments.

Similarly, all teachers should not follow identical schedules for outdoor supervision if it has been specified that children will not be coerced to partake of the regular program offerings. Some teachers would need to stay indoors with those children still engaged in their previously-initiated play or work. As a further example, one does not purchase and place intricate and fragile equipment where there will be little restriction on exploratory and motor activity. From a more positive standpoint, one does carefully arrange materials and introduce their "housekeeping" requirements gradually and systematically if one wishes to have children use them with a minimum of adult assistance. In regard to this same program issue, if children do not learn the "housekeeping" routines, adults must frequently be engaged in replacing the equipment used by the children. In such situations there is likely to be less adult verbal interaction with individual children about their activities. Some educators might prefer to have adults heavily share the "housekeeping" tasks to allow the children a freer use of materials. If so, their list of hunches should provide for this.

SUMMARY

In summary, an appropriate starting point of program development after specifying goals is the specification of hunches about the desired conditions considered consistent with these goals. In actual program planning, then, an educator could draw from existing prototypic programs those components—either practices, organization, or materials—which seem most likely to create the specified conditions for optimal development.

Since those involved in early childhood education continue to disagree about what should be developed in young children, let us table that kind of debate and instead consider the "optimal conditions for fostering development." We could, for example, conceivably argue the virtues of "creative activities" or "early reading instruction" endlessly without resolution. If we instead discuss the optimal conditions to be provided for carrying on either of these, the real areas of agreement and/or disagreement may be pinpointed. Whether or not the outcomes of such a discussion would then require empirical investigation or a value judgment, there would seem to be the basis for understanding and communication. These are needed in the nursery education field today.

Other aspects of program variation are less direct than those specified previously but of probable significance. It may matter tremendously to a child, for example, whether or not the school personnel seem to agree with the adults in his home. Other important questions regarding contextual concerns are as follows:

Does the parent have any real involvement in decision-making responsibility for the school program?

When the in-school expectations are different from those experienced at home, how are the discrepancies reacted to in both quarters?

What does the teacher really believe about the child's potential to develop his abilities?

Are any of the school personnel of the same sex, race, and neighborhood as the child?

Does the program provide for remedying basic health deficiencies which might keep the child from full involvement in program activities?

These issues may sometimes be of as much or more importance than what actually is directly included in the program curriculum. Although there may be more negative answers to questions such as these for children

from lower-income families, the questions are just as relevant in middle or upper class situations. Where the young child is concerned there is certainly a tremendous need for seeking mutual respect and uniformity of concern and purpose between the school and the home.

MYSTERIOUS DISAPPEARANCE OF SECURITIES

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, in recent days, the mysterious disappearance of securities at brokerage houses and banks this year was estimated at nearly $45 million amid strong indications that the figure might run even higher. Many such firms do not report thefts immediately because of fear of losing their insurance.

But Frank G. Zarb, chairman of the industrywide committee to fight securities thefts, estimated that losses this year of the New York Stock Exchange member firms alone would probably double the year-earlier level of $23 million—almost a 30-percent increase. The 1967 level was $11 million.

And U.S. Attorney Robert M. Morganthau has charged that "a new kind of bank robber, the youthful back-office brokerage house employee, often blackmailed by organized crime, by girls, and shylocks" was responsible for the Wall Street theft losses this year. This, he said, was "a modern-day alternative to armed bank robbery, which requires no gun, no getaway car, no bravado, but which can generate an illegal wealth of which Dillinger would have not even dreamed."

Quite frankly, the theft and sale of common stock is the new bank robbery.

Both Mr. Zarb and Mr. Morganthau cited the ability of organized crime to infiltrate the securities business. As you well know, organized crime has the three big "C's"—contacts, coercion, and cash—to take advantage of the lack of security and the chaotic paperwork jam to plant confederates or pawns in the exchanges and agencies to steal securities. There has further been evidence of increasing traffic in counterfeit bonds.

The failure-to-deliver problem that has plagued the industry this year unquestionably has been partly caused by the alarming hike in stolen securities. And the "backroom" jam up is made to order for organized crime.

Stockbrokers have been swamped with paperwork and brokerages have been desperately shorthanded. Such a situation does not promote security. It simply opens the door for criminals.

On top of this, New York banks have also experienced substantial losses. In the last 3 months, close to $20 million in Government bonds were reported missing by three major New York banks—the Morgan Guaranty Trust Co., the Marine Midland Grace Trust Co. and the Chase Manhattan Bank.

The dimensions of these thefts and the foothold of organized crime in the backrooms of high finance are obviously frightening.

I introduced on March 10 of this year legislation to authorize the Federal Bureau of Investigation to exchange fingerprint data with national security exchanges and related agencies. My measure, in effect, will establish a national fingerprint record clearinghouse.

As you may know, Federal Judge Edward Weinfeld ruled recently that there is nothing unconstitutional about the New York State law requiring fingerprinting of employees of the New York Exchange and other securities markets. The law was enacted for the express purpose of combating the upsurge of thefts, embezzlements and the like in the securities industry. It is a commonsense statute that can be reinforced by my legislation.

The measure would amend section 534 of title 28 of the United States Code to permit the collection, classification, and preservation of fingerprints voluntarily submitted by registered national security exchanges.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, the United States spends more for health care and services than any other nation on earth. During 1968 public and private health expenditures amounted to $53.1 billion, or 6.5 percent of our gross national product.

THE NATION'S YOUTH AND THE "ENVIRONMENTAL DECADE"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, all too often we have been quick to castigate the youth of the Nation because of the antics of a few vocal, overtelevised, violent college dissenters. The vast majority of today's college youth are concerned, hard working, and dedicated to the preservation of our system of government through established democratic institutions. Last Sunday, the New York Times carried a story about the growing awareness of today's youth with environmental problems, but more specifically, how college students around the country are joining the effort to bring balance back to our ecological system.

According to the article and from all indications I see gathering, next year will mark the start of a genuine student movement with a positive focus. It is a fitting time in that 1970 will usher in the "Environmental Decade." There is a great deal to do in the next 10 years to repair the environmental damage of the last 10 and to prepare for the decades ahead. With positive assistance from the college community, there is indeed hope that the Nation will focus its attention on the vase complex problems of pollution control and environmental preservation and improvement.

If, as the article implies, the "environmental question" will supplant the "Vietnam question" with college students, I only hope that the students' method of implementing their concern takes a constructive rather than a destructive approach. If there is a constructive attitude I am convinced the Environmental Decade will be the most important decade of our Nation's history.

The article follows:

ENVIRONMENT MAY ECLIPSE VIETNAM AS COLLEGE ISSUE

(By Gladwin Hill)

LOS ANGELES, November 29.—"We want to stop the war, end pollution—and beat Stanford!" yelled a Berkeley pep leader at last weekend's big football rally.

The mention of pollution brought a roar of approval from a University of California crowd of 5,000 that almost drowned out the reference to the big game.

Rising concern about the "environmental crisis" is sweeping the nation's campuses with an intensity that may be on its way to eclipsing student discontent over the war in Vietnam.

This is indicated by interviews with students and faculty members from many campuses and with leading conservation authorities around the country.

There is a strong feeling on the campuses that the war will be liquidated in due course. Meanwhile, it is physically remote. And, in the wake of the big protest marches, many students feel Vietnam offers only limited scope for student action.

But the deterioration of the nation's "quality of life" is a pervasive, here-and-now, long-term problem that students of all political shadings can sink their teeth and energies into. And they are doing it.

A national day of observance of environmental problems, analogous to the mass demonstrations on Vietnam, is being planned for next spring, with Congressional backing.

From Maine to Hawaii, students are seizing on the environmental ills from water pollution to the global population problem, campaigning against them, and pitching in to do something about them.

"A ground swell of concern is starting, on everything from population and food supply to the preservation of natural areas," commented Dr. Edward Clebsch, assistant professor of botany at the University of Tennessee.

"I've been floored by the intensity of their actions and feelings," said Dr. Vincent Arp, a Bureau of Standards physicist close to the University of Colorado at Boulder. "The student group is going like a bomb."

"They can see it, they can feel it, they can smell it. And they think they can change it," said William E. Felling, a program officer of the Ford Foundation, which contributes to many conservation activities.

In Los Angeles a fortnight ago, a student bloc stole the spotlight from 1,000 older participants in a gubernatorial environmental conference. Last week in San Francisco, at a meeting of the United States National Commission for UNESCO, something similar happened.

WORDS AND DEEDS

In Massachusetts last week, Boston University students put on a two-day campaign of public education in ecology. In Seattle, the University of Washington Committee on The Environmental Crisis was staging a similar "learn-in".

Words are only the surface of the iceberg. University of Minnesota students, fresh from a mock funeral demonstration against the fume-belching automobile engine, were planning to dump 20,000 cans on the lawn of a beverage manufacturer to protest use of such packaging. Northwestern University students were campaigning against a controversial regulatory proposal of the Chicago Sanitary District, and against the waste discharges of a big drug manufacturer.

At Stanford and the University of Texas, law students were researching new court-

room stratagems against despoilers of the environment. University of Arizona students in semisecrecy, were collecting data on the fume emissions of copper smelting operations.

EFFORTS GET RESULTS

Already the student environmental front can point to many accomplishments. Student activists had significant roles in the campaigns to "save" San Francisco Bay and the northern California redwoods, and to block new dams on the Colorado River.

The University of Wisconsin's Ecology Student Association was active in the campaign against the recently truncated Project Sanguine, the Navy's high-power communications development; and provided important logistical support of the Environmental Defense Fund in the months-long Madison hearings on DDT.

At the University of Illinois at Champaign-Urbana, Students for Environmental Control sallied forth in freezing weather 10 days ago and extracted six tons of refuse from nearby Boneyard Creek. They persuaded city officials to follow up the effort, and are working on a beautification plan for the creek.

A University of Texas student is launching a state environmental newsletter. University of Washington students, on their own time, are preparing an 80-page report on ecological problems of Puget Sound. At the California Institute of Technology, students organized an intercollegiate summer research project in environmental problems that already has attracted nearly $100,000 in foundation financing.

On some campuses—Vassar, the University of Oklahoma, and the University of Nebraska are examples—there are no evidences of organized environmental concern. But they are far outweighed by the ferment elsewhere.

On the University of Texas campus at Austin there are at least six environmental groups, with interests ranging from water pollution to conservation law. One group, in the College of Engineering, has filed 58 formal complaints against the University itself for pollution of a nearby creek. At the University of Hawaii, there are close to two dozen groups, each organized around a particular cause.

ACTION IS KEYNOTE

Some groups, like Boston University's Ecology Coalition, have as few as a dozen members. Others have hundreds. But with causes on every hand, mass membership and parliamentary formalities mean less than action, which can be initiated by a handful of people. Then the causes gather their own following.

A few groups cherish the designation of "radical" and are indirect offshoots of the leftist movements like the Students for a Democratic Society and California's Peace and Freedom Party.

"Capitalism is predicated on money and growth, and when you're only interested to maximize profits, you maximize pollution. We need a system that takes maximum care of the earth," said Cliff Humphrey, the 32-year-old leader of Ecology Action, one of several groups at Berkeley.

But generally the aura of the environmental "new wave" is conservative, with coats and ties as conspicuous as beards and blue jeans. "There's a role for everybody in ecology," said Keith Lampe, a cofounder of the Yippie movement, who puts out an environment-oriented newsletter from Berkeley. "People with widely different styles and politics can talk to each other with no more tension than a Presbyterian talks with a Methodist."

FEW "ANARCHISTS"

"I doubt if you'll find many amarchist ecelogists," commented Steve Berwick, a 28-year-old Yale environmentalist. "Ecology is a system, and anarchy goes against that."

A typical group is Boston University's Ecology Action, whose 75 members are led by Bruce Tissney, a 20-year-old junior geology major. Edwardian rather than hippie in appearance, he has a trimmed red beard, wire-rimmed spectacles, and affects such sartorial accoutrements as a blue plaid vest and matching bow-tie, white shirt, and gold watch and chain.

Ecology Action's two-day educational program last week included "friendly" picketing of the state capitol, a pollution film festival, pamphleteering and lectures, and a mock award of a pollution prize to a local power company. The group has been conferring with state water pollution officials about doing spare time "watchdog" work, and is planning to set up dust-catching devices to monitor air pollution.

There have, across the country, been incidents, but mostly minor—such as the arrest last month of 26 University of Texas students who tried to block the felling of some trees for a campus building extension.

LOCAL ORIENTATION

Some of the campus groups are branches of national organizations such as the Sierra Club (which has just installed a campus coordinator at its San Francisco headquarters), the Wildlife Federation, and the newly established Friends of the Earth. But most of them are spontaneous local movements. Many tend to shun the established national organizations as being dedicated to old-line "conservation" rather than the environmental crisis. They also feel the older groups are wary of "direct action" for fear of losing the tax-exempt status that is their financial base. Ad hoc student groups don't have this problem.

"We don't want to be labeled as 'conservationists' or "antipollution'," said Wes Fisher, a 26-year-old ecology student at the University of Minnesota. "Pollution and overpopulation are like a web, and pollution is just the symptom."

The students are employing the gamut of communications and political-pressure techniques—meetings, lectures, rallies, picketing, research, pamphleteering, letter-writing, petitions, legislative testimony, collaboration with public agencies and contacts with politicians.

Last month, Illinois' representative William Springer, Republican, felt student heat when conservationists from the University of Illinois picketed a testimonial dinner for him because he backed a controversial dam project.

IMPETUS IS RECENT

The environmental "new wave" gathered in California as far back as 1965, when Berkeley students staged a sitdown protest against a freeway and Stanford students became involved in campaigns for San Francisco Bay, the redwoods, and Point Reyes National Seashore.

But most of the organizing is recent, and is proceeding unabated. A Boston University group was sparked by a recent Ramparts magazine article by Stanford's Dr. Paul Ehrlich, the "population bomb" crusader. San Francisco State College students were galvanized by a speaker from the Planned Parenthood organization. Bob Hertz, an organizer of the University of Minnesota's Students for Environmental Defense, said his inspiration came from Zen Buddhism and its emphasis on the interrelationship of man and nature. A student group gathering strength at Ohio State was motivated by concern over the Army Engineers' Clear Creek Dam project in southern Ohio, which threatened to flood a pristine natural area used by science students.

In more instances than not, students are welcoming faculty collaboration and counsel In some places, faculty members have taken the lead. At the University of Arizona in Tucson, a philosophy professor, David Yetman, and a recent law graduate, William Risner, organized "GASP" (Group Against Smelter Pollution) to do battle with the copper companies. The group now includes students and townspeople.

ACADEMIC GROWTH

A University of Illinois engineering instructor, Bruce Hannon, has been a leader of the Committee on Allerton Park, opposing a $70-million Army Engineers dam project near Decatur. Students joined in a campaign that lead to the University's commissioning of an engineering firm to produce an alternative plan.

The environmental ferment caused Ohio State to establish a School of Natural Resources last year. Its original involvement of 180 has grown quickly to 300. An introductory conservation course that had 147 students last fall had 210 this fall. The college's perennial Biologists Forum, which used to draw 20 persons to its meetings, has been attracting hundreds. The University of Tennessee reports an enthusiastic reception for a new course in "Biology and Human Affairs." Colby College in Waterville, Me., has organized two special seminars in January and February on pollution problems and conservation law.

Students are taking the initiative in some environmental teaching. At Stanford, Jeff Bauman, a 22-year-old senior majoring in biology, this fall has been attracting 20 to 40 students to an informal after-dinner dormitory seminar.

OVERSHADOWING VIETNAM

There are differing indications on the campuses about how soon environment may overshadow Vietnam in student interest, but the trend is evident.

"A lot of people are becoming disenchanted with the anti-war movement," said Boston University's Bruce Tiffney. "People who are frustrated and disillusioned are starting to turn to ecology."

"I think environment is a bigger issue than the war, and I think people are beginning to sense its urgency," said Robert Benner, a 22-year-old geology student in the University of Colorado conservation movement.

"The country is tired of S.D.S. and ready to see someone like us come to the forefront," remarked Alan Tucker, a member of Ecology Activists at San Francisco State.

"Environmental problems will obviously replace other major issues of today," said Terry Cornelius, president of the University of Washington's committee on the environmental crises. "This is not just a social movement for Biafra or Vietnam, but for everybody and our closed system, Earth."

"Environment will replace Vietnam as a major issue with the students as the Vietnam phase-out proceeds," commented A. Bruce Etherington, chairman of the University of Hawaii's architecture department. "And it will not be just a political lever to be used by radicals."

Many of the "over-30" environmentalists see the student movement as the catalyst, if not the main driving force, that will get environmental improvement rolling and overcome the older generation's tacit resignation to the status quo.

"These kids are really remarkable in their understanding and maturity," said 52-year-old Dr. Barry Commoner, the prominent Washington University ecologist who has been addressing many student groups.

Campuses are seen as representing a greatly broadened base for the "conservation constituency" needed to jog bureaucrats and support the politicians through whom environmental reforms generally must clear.

Conservation lawyers look to campuses for the scientific expertise vital in pressing environmental battles in the courts, and for the energy necessary to raise funds for the usually expensive legal proceedings.

Indications are that coming months will see the student conservation tide swelling and manifesting itself in an arresting variety of ways.

Already students are looking forward to the first "D-Day" of the movement, next April 22—when a nationwide environmental "teach-in", being coordinated from the office

of Senator Gaylord Nelson, Wisconsin Democrat, is planned, to involve both college campuses and communities.

Given the present rising pitch of interest, some supporters think, it could be a bigger and more meaningful event than the anti-war demonstrations.

SERIES ENTITLED "MAN VERSUS ENVIRONMENT"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, if we are to believe the dictionary, the term "versus" implies a contest. Unfortunately, man does appear to be in a crazy race against himself. He is making his environment unlivable. It is an unequal contest—the only thing going for the environment side is the self-restraint of man.

In a five-part series entitled "Man Versus Environment," Paul Corcoran of the Copley News Service has described the paradox in graphic terms. Appearing in the Valley Daily News of New Kensington-Tarentum-Vandergrift, Pa., the series is to be welcomed as part of a necessary educational program to alert citizens to the multitudinous dangers facing the total environment. I am sure many Members of Congress feel that our environmental problems are self-evident but we should not be deluded into thinking that the public is totally aware of the scope of the problems facing the Nation.

Air pollution may be a major problem in one area while water pollution is a prime concern in another; protection of a public park or a wilderness area is of concern to some while others are chiefly exercised by noise pollution. Although the problems vary from region to region, there is hardly a single part of the Nation that does not have its environmental troubles. The troubles are legion and their solutions seem impossible but they are solvable. Not in a year, nor in 5 years, but if we make a total commitment now to the "Environmental Decade," there is hope that by 1979, we will have begun to reverse the present trend toward a total, national, pollution-caused economic and social breakdown.

Can we in 10 years' time reverse the trends that have been building for decades but which we have only discovered in the last 10 years? We must. If we fail, man, the endangered species, will no longer be the subject of polite speculation but the subject of a national crisis. The warning signs have been in place for years. Articles such as those I bring to your attention today are indicative of the concern the general public is beginning to feel about pollution control and improvement of the environment. We need more such warnings. Let us hope that we are not too late to save the environment—that is, to save man from man.

The articles follow:

MAN VERSUS ENVIRONMENT (1)—WE MAY DESTROY EVERYTHING, INCLUDING OURSELVES

(By Paul Corcoran)

(EDITOR'S NOTE.—First of five articles discussing the problems of preserving our environment.)

The one overwhelming fear in the mid-20th century is that nuclear war eventually will destroy mankind.

But while this sword still dangles over his head, man himself has increased the likelihood that if civilization does die it will be with a whimper, not a bang.

Day by day, by a process of technological suicide, man has followed a course that appears to lead inevitably to destruction of his environment. It is a crisis America is just beginning to recognize.

And it is about time: By the year 2000, the U.S. population is expected to reach a staggering 331 million.

The dictionary describes environment as the "aggregate of social and cultural conditions that influence the life of an individual or community."

The total environment then is the sum of 24 hours of the day. Day and night, man is influenced by his surroundings. In turn, he by his actions or lack of action can control or damage that environment.

IRONY

There is real irony in the fact that many of the nation's most pressing problems—air, water and noise pollution, waste disposal and job hazards—are direct or indirect results of scientific and technological progress.

President Nixon has explained it this way: "The deterioration of the environment is in large measure the result of our inability to keep pace with progress. We have become victims of our own technological genius."

But the president is confident that man can improve his environment, just as he has damaged it.

He is not alone.

But much has to be done across a broad spectrum that is far more fundamental than hand wringing over smog, polluted beaches, oil slicks, smoke belching from industrial plants, jet plane noise, or any of a hundred other problems confronting the nation.

And time is running out in a heavily populated, predominantly urban society.

"NO TIME"

The late Rachel Carson, whose book "Silent Spring" first focused national attention on the hazards of pesticide and other environmental problems, wrote that it had taken hundreds of millions of years to produce life and to achieve a balance of nature. "Time is the essential ingredient," she said, "but in the modern world there is no time."

Dr. Morris Neiburger of the University of California at Los Angeles, one of the nation's foremost meteorologists and a student of the total environment, emphasized the seriousness of the situation.

"We will accumulate such high concentrations of some toxic substances that life will be untenable if something is not done," he said. He deplored a "piecemeal approach," that strikes at different types of pollution with no concerted plan.

There are two basic goals for those who are concerned about the quality of life in America.

1. The cities must be made livable just as the streams already polluted must be made clean, the mines safe, and ways must be found to dispose of more than 3.5 billion tons of waste every year, to mention only a few problems.

2. There is a need to conserve the natural environment—the parks, the streams, the air itself, so that man may enjoy broader recreational opportunities without spoiling the natural habitat, while at the same time improving the quality of day-to-day life.

"We have abused, exploited and destroyed . . . We have upset the balance of nature," said Secretary of the Interior Walter J. Hickel. "We have filled in our bays and our marshes where valuable sea life begins . . . The America of today was shaped by man. But is it the America we want to leave for the generations to come?"

ALARM

His predecessor, Stewart Udall, wrote a year earlier that "the need for a new national attitude toward our environment has grown until today it is an absolute necessity for human survival.

"Technology has stretched and magn[illegible] our natural resource potential in many areas. It has also supplied a harassed people with an infinite number of pain killers and tranquilizers. But it cannot provide us with one square inch of additional planetary surface nor do more than gloss over the mounting environmental insults to humanity."

These are general statements, and might be passed off as typical of politicians and officials who always "view with alarm," even when it comes to concern over walking on the grass of the courthouse lawn.

But statistics bear them out. In fact, they make them appear to be understating.

For example:

1. Toxic matter is released into the air over the United States in the form of carbon monoxide, sulfur dioxide, any number of variables from industry, automobiles and other sources at the rate of more than 142 millions tons a year.

That means three-quarters of a ton for every American. The poisonous waste comes from more than 90 million motor vehicles, many of them old autos with no air pollution devices of any kind, municipal dumps, power plants, factories, ancient ghetto incinerators and furnaces.

2. Drinking water, despite a 1965 federal control law, is either substandard or of mediocre quality many places in the nation. Charles C. Johnson Jr., administrator of the Health, Education and Welfare (HEW) Commission's new consumer protection and environmental health service, reported that there are more than 19,000 communities where public water supplies serve 58 million people but which are not covered by U.S. Public Health Service standards.

Even in the 750 communities where public water supplies are covered, Johnson said, chemical contaminants are controlled only by standards which need updating.

3. An estimated two million Americans a year are stricken with illness from microbiological contamination of food.

4. Each year, at least 100,000 Americans are killed in accidents, with 52 million others injured. Many mishaps occur on the job—in a setting that cannot be isolated from the total environment.

5. And, to put the whole picture into the context of dollars and cents, it costs the nation $60 billion a year, with an average annual increase of about 8 per cent, to meet the cost for treatment of accidents and illnesses attributable in some way to environmental problems.

TROUBLES

Although the problems vary from region to region, there is hardly a single part of the nation that does not have its environmental troubles.

Los Angeles is notorious for its smog, despite the fact it has the nation's only concerted regional effort to attack air pollution.

Water pollution is serious in the Lake Erie basin, with its 11.5 million persons; in the Potomac River; in the Delaware Estuary, where fish no longer can survive the filth and waste and in San Francisco Bay, to mention only four points. Lake Tahoe, with shorelines in both California and Nevada, and almost every reservoir and stream close to a populated area has problems, particularly with regard to drinking water.

The proposal to build a jet airplane port in Florida's Everglades has brought major criticism and complaints from residents and conservationists fearful wildlife will be scattered.

Citizens of Westchester, Los Angeles suburb, long have complained of the noise and smoke from jetliners.

The miners of West Virginia, Pennsylvania, Arizona and other states have suffered serious illnesses, including so-called "black-lung," "Brown lung" and silicosis.

The increasing introduction of chemical compounds and the use of pesticides has brought reports of illness and damage to plants from California to Florida.

Even Iowa, a predominantly agricultural state, has its problems. Its dilemma is solid waste disposal from feed lots and packing-houses.

Everywhere there is the sometimes maddening necessity of disposing of solid waste—190 million tons of garbage, trash, bottles and cans, not to mention finding ways to junk hundreds of thousands of automobiles.

MAN'S END

Neiburger, the UCLA scientist, has a theory about man's seemingly conscious effort to destroy the things that make life viable. First, he believes a concerted attack must be made to improve the total environment.

But Neiburger seemed to echo the late Dr. Albert Schweitzer in general skepticism about man actually taking any significant steps to meet the problem. He sees little or no concerted effort to solve the problem, although there is an "increasing awareness in the last six or eight years of this tremendous destructive impact on the environment."

It was Schweitzer who once said:

"Man has lost the capacity to foresee and to forestall. He will end by destroying the earth."

MAN VERSUS ENVIRONMENT (2)—EVERYDAY LIFE LITERALLY A STRUGGLE FOR SURVIVAL—A DAY IN THE LIFE OF TWO FAMILIES

(By Paul Corcoran)

John Smith grunted when the alarm clock sounded at 7 a.m. He had had only a fitful night's sleep. He had experienced many since an increase of jetliner traffic at Los Angeles International Airport brought the loud, whistling big planes low over his suburban home.

His wife, Mary, was up a half hour ahead of him to prepare breakfast. She squeezed fresh orange juice—a treat for John and their two children, Sally and Jack—from oranges grown in a grove sprayed often with a pesticide suspected of causing disease.

Mrs. Smith probably had no idea that her family statistically had a chance to become one or more of the two million Americans who each year are stricken with illness from microbiological contamination. But at least the odds were in her favor.

She poured milk from a "no return" quart bottle which saved her the necessity of returning it to the store. All she had to do was to toss it in the garbage can where it would contribute to the 3.5 billion tons of wastes discarded each year in America.

SMOG ALERT

Looking out of the window, John could see hazy sunshine. As usual in the Los Angeles basin there was no wind to speak of, and it was warm—more than 90 degrees. A radio report said there would be a smog alert—called when oxide pollutants reached .50 hundred parts per million parts of air.

At 8:30, John hopped into his nine-year-old coupe to drive to work, a nine-mile ride. His would be one of 4½ million autos contributing to air pollution that day. In fact, it would produce more than its share, since it was old and without air control emission devices required on all new automobiles.

Mrs. Smith, having prepared lunch for the children in which she used meat products also exposed to pesticides, packed Sally and Jack into a two-year-old station wagon for the ride to school. She, too, complained of the smog, as did the youngsters.

The boy was particularly annoyed because he knew the playground recess softball game probably would be called off. The Los Angeles Air Pollution Control District's school smog alert recommends no strenuous activity for youngsters when the ozone count reached .35 as a health safety factor.

The freeway was crowded and Mrs. Smith became nervous as cars sped by her at 70 miles an hour. The noise and tension were painful reminders of the two months she spent in a rest home because of a nervous collapse suffered when she had difficulty coping with just such big city hazards.

By 5 o'clock, after the anticipated smog alert and with a brown haze ringing the Los Angeles area, Smith was ready to head for home. He had been concerned about a new device at the laboratory employing the laser beam that some colleagues feared might be radioactively dangerous.

RADIOACTIVE

That in turn reminded him that the family's color television set, an older model, needed inspection to make sure it was not radioactive. He had been reading reports on some of the early models that were.

When he arrived home, Smith found that his daughter was feeling ill. She had been given some new antibiotics for a respiratory ailment. But the family doctor, after a rare house visit, discontinued the medicine because of apparent adverse side effects.

The evening meal, consisting of prepared foods from attractively colored but bulky packages was a pleasant diversion.

The Smiths had invested in a small air-conditioning unit, and it gave them relief from the summer heat.

After dinner, and despite the noisy interruption of the jet planes every few minutes, the Smiths watched television for a couple of hours.

Then they sat down to map plans for a brief vacation, substituting Las Vegas for Santa Barbara which they bypassed because of a huge oil slick from a pipeline leak in the harbor. The heat of Nevada sounded better than polluted water.

At bedtime, Smith opened the window of the bedroom despite the sounds of the jets, and the blaring of a rock 'n' roll record played on the stereo by a teen-age neighbor.

It was a routine day for a family familiar with the sights and sounds of Los Angeles.

GARBAGE

It was cold when Tom Jackson reluctantly pulled the covers down to greet another day in Cleveland, Ohio. It seemed colder than ever because the balky furnace in the old frame tenement building wasn't working.

When it did, it did more to join thousands of similar furnaces and incinerators in polluting the Cleveland air than to heat the old building.

Jackson, his wife, Sharon, and their sons, Harold and Bob, were happy for one thing, however. There were no rats in traps spotted around the bleak yellow three-room apartment. Jackson had complained bitterly to the apartment manager about garbage and trash accumulating in the corridors, but to no avail. The rats usually found the old apartments more welcome than the dark corridors, and always seemed to find a way inside.

Mrs. Jackson drank a glass of water, but it had a hard, chemical taste, testimony only to scientific progress in that the industrial filth of Lake Erie at least had been conquered sufficiently to make it reasonably sanitary.

The Jacksons talked at breakfast about the murky weather, the result of carbon monoxide and sulfur dioxide escaping from the smokestacks of nearby steel and rubber plants rather than automobiles.

As he sipped coffee, artificially flavored with a sweetener federal health authorities believe may be potentially dangerous through repeated usage. Jackson recalled his brother telling him of the black day in the mine town of Donora, Pa., 20 years earlier. In the nation's first industrial air pollution disaster, 20 men died. Hundreds became ill. Mrs. Jackson assured her husband that it surely could not happen in Cleveland.

NOISE

Jackson rode to work at the Harris tool company on a bus. He had to wait several minutes, and got a good whiff of diesel exhaust from other passing buses. Once on the job, he managed to blot out the pounding, hammering and other loud noises. His hearing already had been impaired, as has that of hundreds of thousands of the 16 million persons subjected to severe occupational noise.

At school, the classrooms at Adams junior high school were warm and stuffy. Both Harold and Bob found it hard to concentrate. There was no place to go at recess, because the small playground was being paved. It was the only ground available on the school property.

Harold and Bob looked ahead to the summer and a visit to one of the few unpolluted beaches on the Lake Erie shore. But that would be two months away.

After work, Jackson met with some friends to talk about working together to clean the neighborhood of accumulated garbage and other trash.

There was also a discussion on who might reopen a market, its windows broken and boarded since a street disturbance more than a year ago, to make it easier for the women to do their shopping close to home.

CIGARETTES

Jackson finished his second package of cigarettes of the day, as a friend joked about him supplying his own "personal air pollution."

At home that night, with the repaired furnace supplying sporadic heat once again, the Jacksons supped on hamburger from cattle who in turn were given fodder from a field sprayed with DDT. They had to interrupt their meal for several minutes, though, because of a power failure. They knew about overloaded power lines, and this was not the first time.

A half-dozen television sets, competing with radios, blared in the building. It was, as always noisy.

Jackson went to bed early so he could be at work at 6 a.m. the following day. He did not particularly look forward to tomorrow.

MAN VERSUS ENVIRONMENT (3)—DIRTY AIR: THE CLOUDS HAVE A DANGEROUS LINING

(By Paul Corcoran)

The Smith and Jackson families are not flesh and blood.

But they could be, and each of the frustrations, challenges and choices confronting them over a 24-hour period could be those faced by any of America's 200 million real people. Each situation could happen. And, for each hypothetical situation, there are a score or more alternatives.

But as readily identifiable as these situations are, the public has been slow to recognize them as part of a complete landscape. It is the total landscape that makes for the quality or despair of their lives.

"The conservation goal of America's third century as a nation," said former Interior Secretary Stewart Udall, "must be the development and protection of a quality environment which serves both the demands of nature for ecological balance and the demands of man for social and psychological balance."

For the first time, American government, industry and some of her citizens are grasping the magnitude of that assignment.

The turning point came when air pollution was identified as a hazard to health rather than the subject of countless jokes by Hollywood and New York comedians.

This painful truth was accepted despite the efforts of what a high Washington, D.C., federal official called a "built-in" lobby consisting of the auto makers and other industries to play down the existence of air pollution.

SMOG

Certainly, it is most closely identified with Los Angeles, whose peculiar geographic setting—it is ringed on all but one side by mountains—makes it "perfect" for creating eye-smarting smog. But air pollution linked to industrial burning, outmoded and faulty incinerators and furnaces troubles hundreds of communities with no serious auto smog problem.

As Charles Heinen, Chrysler Corp. air pollution expert, put it:

"The two primary ingredients of air pollution are smoke and dirt."

In fact the nation's first real awareness of air pollution as a health menace did not result from a concern about auto, or photochemical, smog. Instead, it was the 1948 Donora, Pa., disaster in which 20 people died and hundreds more were made acutely ill because of a combination of "unusual weather conditions" and fumes from local factories.

Dr. Hartley Motley, Los Angeles, a member of the city's environmental health committee, does not rule out the possibility of a far more serious disaster in a major American city. This is particularly so if steps are not taken to control the release of sulfur dioxide and carbon monoxide into the air.

Toxic, or poisonous, matter is being released into the air over the United States at a rate of more than 142 million tons a year.

"We can't guarantee we might not have a disaster," he said, noting the almost painful absence of knowledge about minimum air quality standards.

Under certain conditions, with a "bad inversion" and the absence of wind that now blows pollutants away from the city, New York City could be confronted with a crisis that defies analysis. Fortunately for New York, however, that situation has not developed. There is no way to predict if or when it will.

The fact that almost all Americans outside of Los Angeles didn't take air pollution seriously until the late 1950s and early 1960s is reason enough for them to start anticipating other pollution and environmental problems.

NOISE

Dr. William H. Stewart, former U.S. surgeon general, pointed this out not long ago in a discussion of the health hazards of noise. He quoted a predecessor, Dr. Leroy Burney, as saying that to wait for absolute proof that atmospheric pollution was related to cancer was inviting disaster, even if there were no "hard" facts on such a relationship.

The first meeting to discuss noise as a health factor was not held until 1968, Stewart said. Attitudes could be compared to those on air pollution a decade earlier. In other words, in 1958 few were ready to recognize air pollution as a problem, just as few now are ready to accept noise as a health problem.

"Of course, we haven't had our Donora episode in the noise field, perhaps we never will," he said. "More likely, our Donora incidents are occurring day by day, in communities across the nation—not in terms of 20 deaths specifically attributable to a surfeit of noise, but in terms of many more than 20 ulcers, cardiovascular problems, psychoses and neuroses for which the noise of 20th-century living is a major contributory cause."

There is some data on noise as a health hazard. For example, Stewart said, hearing of selected groups of workers exposed to considerable noise is significantly poorer than that of nonexposed comparable groups.

Also, perhaps half the machines in industrial use produce noise levels intense enough to pose a hazard to the hearing of exposed workers.

There are also physiological changes, including cardiovascular, glandular and respiratory effects.

"I submit that those things within man's power to control which impact upon the individual in a negative way, which infringe upon his sense of integrity and interrupt his pursuit of fulfillment, are hazards to the public health," Stewart said.

FRUSTRATING

That more isn't being done to tackle the pyramiding environmental crisis is frustrating to research scientists, including Dr. Seymour Calvert, director of the Statewide Air Pollution Research Center at the University of California, Riverside. His center ranks first among all schools in receipt of federal grants for research into air pollution.

"The single greatest need in the field of air pollution control today," he said, "is for a tool capable of dealing with the size and complexities of large-scale air pollution problems, a tool able to tell what is happening in the air now and what will happen in the future.

"The need for such a capability has been apparent for several years. Yet, we are still without it. A great many air pollution control agencies are conducting studies and making subsequent decisions with no more than qualitative deference to concepts of atmospheric modeling."

In the rush to get on the bandwagon when auto smog was identified as an undeniable problem, many persons in and out of government did some wishful thinking on finding an instant cure. The result has been a good deal of misinformation which has helped justify the auto industry's claims that no one really has prescribed the limits for photochemical smog from motor vehicles, nor offered any efficient alternative to the gasoline engine as a power plant.

Claims that steam and/or electric engines could be produced on a mass production basis as an alternative to the internal combustion engine have proven little more than that, with little substance.

Even the Los Angeles Air Pollution Control District, perhaps the industry's strongest critic over the last quarter-century, agrees the best bet to solve the smog problem is to improve the internal combustion engine. Neither steam nor electricity is seen as an efficient power source in the immediate future.

Industrialist William P. Lear does anticipate the day when the steam can be used in small compact cars.

He estimates conservatively a $300 million cost to any crash program to develop power plants acceptable to the American public in compact or medium-size vehicles. These would prevent emission of auto smog—a blend of hydrocarbons and oxides of nitrogen catalyzed by sunshine in a windless environment.

LIPSERVICE

When information is available in one form or another to industry or the government on pollution of the air or the water, it may be ignored or given only lip service.

In February, 1968, the Secretary of the Interior and Secretary of Transportation submitted a report to then President Johnson on "pollution of the nation's waters by oil and other hazardous substances." It was prompted by the Torrey Canyon ship breakup in which 119,000 tons of crude oil was carried ashore, defiling the French and British coasts.

It also suggested definite steps to be taken to minimize the hazards from oil seepage, including tightening safety and anti-spill requirements for oil pipelines as well as regulations dealing with tankers.

This was 10 months before the Santa Barbara offshore oil disaster. There was no evidence of action at the legislative or Cabinet level to implement recommendations dealing with offshore oil or pipelines in that interval.

In addition, there has been knowledge available for an extended period that sulfur oxides cause air pollution in many industrial cities. More recently, this data has been refined and brought up to date.

In a March 1969, report by the House Committee on Government Operations, sulfur oxides were identified as second only to carbon monoxide as a major air pollutant.

In 1966 alone, 28.5 million tons of sulfur oxides were poured into the air, and the figure has increased. Some 46 per cent came from power generation; 21 per cent from commercial buildings; 22 per cent from a variety of industrial operations, and 11 per cent from heat and power in industry. The committeee says natural gas, being sulfur-free, is desirable as an alternative fuel, but that a supply is not ample to meet the demands of industry on a nationwide basis.

INDUSTRY

The report foresees the need to seek out an alternative fuel to reduce air pollution. It does not appear optimistic, but recommends definite steps be taken to try to find a fuel that will meet industry's demands and still reduce pollution.

Industry has not appeared wholly receptive to recommendations it change its ways and cut back on sulfur fuel. It has, Dr. Morris Neiburger noted, frequently gone its way to provide power without major reforms.

A job has to be done, in other words, but so long as the public and government remain silent, little is likely to change.

MAN VERSUS ENVIRONMENT (4)—THE BIGGEST CAUSE OF WATER POLLUTION IS PEOPLE

(By Paul Corcoran)

If it were not for people, the lakes, rivers and streams of America would be clean and clear and the nightmarish possibilities of Rachel Carson's lifeless "Silent Spring" would be nothing more than a bad dream.

But man, ingenious but not always judicious, builds industries near waterways so he can transport the goods he produces. He sails in pleasure boats, often releasing into the clear water the garbage and other waste he would never discard in his back yard at home.

As is true with many other environmental problems, it is the human being who causes most if not all of the trouble.

Examples of water pollution can be found from Lake Tahoe to Lake Erie, from San Francisco Bay to the Potomac River, from Los Angeles Harbor to the Delaware Estuary at Philadelphia.

THE WORST

The Lake Erie dilemma is inevitably cited as the worst, or best, example of how man wastes his water resources. Described by the Department of the Interior as the "economic lifeblood" of more than 13 million persons, Lake Erie is used as a source of water, for recreation, commercial shipping and fishing, and for sewage.

Poor quality is attributable among other things to huge quantities of waste dumped into the lake and its tributaries at Detroit, Cleveland, Toledo and other cities.

There are 20 major industrial water users on Lake Erie, which is bordered by major cities in Michigan, Ohio and Canada. They alone discharge almost 10 billion gallons of process and cooling waters containing pollutants into the lake each day.

The Department of Interior puts it succinctly: "Man is destroying Lake Erie . . . It is as positive as if he had put all his energies into devising and implementing the means."

If there is any encouraging aspect to the problem, it is the fact that Lake Erie is the most amenable of all the Great Lakes to corrective measures because of its relatively small volume, rapid flushout time, and input from Lake Huron's high quality water.

This means that as bad as the situation is, man has it within his capability, through cooperation of federal, state and other agencies, to improve the quality of the water, reopen

some of the Erie beaches for recreation purposes and perhaps revive some of her potential as a source of fish. In commercial fishing alone, Lake Erie still averages approximately 50 million pounds each year. But the figure long has been static.

The historic Delaware River, which Henry Hudson in 1609 called "one of the finest, best and pleasantest rivers in the world," has been brutalized by massive urbanization and industrialization in the 20th Century. Release of oil from vessels and surrounding refineries is common from Philadelphia to below the Delaware state line, and the water sometimes is a sickly gray-black.

CONTROL

And so the story goes, wherever industry and heavy usage extended over many years upset the delicate balance nature intended.

But steps have been taken to control water pollution, although the time is late. In 1965 Congress passed the Water Quality Act, providing a blueprint for control. In effect, the states and other jurisdictions were told to prepare water quality standards or have the federal government do the job for them.

All 50 states agreed to prepare quality standards for interstate streams, rivers, lakes and coastal waters, and submitted them to the Secretary of the Interior for approval. The standards specify what use is to be made of any waterway, including industrial use, swimming, or any combination. Included is a step-by-step plan for construction of water treatment facilities, and a scientific determination of special criteria regarding limits on various pollutants.

DISEASE

This is no overnight program, and the government already has voiced some concern.

Charles C. Johnson Jr., administrator of the relatively new consumer protection and environmental health service, said that in the last five years, outbreaks of water-borne disease have averaged one a month. Unreported cases may be 100 times more than that.

The problem is serious, Johnson said. But he emphasized water purity must be viewed as part of the over-all, increasing contamination of the environment.

"Soil erosion, deforestation, the use of agricultural chemicals, industrialization, urban sprawl, freeway construction, waste disposal, air pollution—each of these is the subject of grave concern in its own right, but ultimately each contributes to even more serious concern for water quality," he said.

DIFFERENCE

At least one state water official, James L. Welsh, supervising engineer for the water quality section, California Department of Water Resources, does not believe a single approach is possible to water pollution control on a national basis.

"The East and West are different," he said. "In the West, the objective is one of preventing pollution. In the East—in the Great Lakes, Potomac, Delaware, for example, the problem is to correct and eliminate pollution."

California has had its share of problems, though, especially at Lake Tahoe because of very heavy receational use by boats, and in San Francisco Bay, particularly at the south end, because of excessive waste distribution. Even Monterey Bay is considered a possible trouble area, although preventive action appears likely to avert troubles.

As for the Metropolitan Water District, which supplies water for drinking and farmlands for most of Southern California via the Colorado River Aqueduct, it has one rule its feels helps keep its product "hard but clean."

"We don't let people use our reservoirs to swim or for boating," a spokesman said.

That is one extreme way to meet the problem, but it does not provide the answer for millions of Americans whose enjoyment of outdoor recreation provides an escape from the pressures of an increasingly complex, noisy and frustrating day-to-day existence.

MAN VERSUS ENVIRONMENT (5)—AMERICA'S CHOICE: THE "GOOD LIFE" OR SUICIDE

(By Paul Corcoran)

Americans are brought up to believe in the "good life."

Many enjoy the fruits of good jobs, live in comfortable homes, drive fast cars and fish and hunt in their leisure time. They have the choice of the outdoor life, or engaging in the hustle and bustle of city life.

Others only dream of the good life, but most still do dream.

But as the nation approaches her 200th birthday, it faces tall and turbulent times, laden with problems that may deprive all but a few citizens of any opportunity of realizing the American Dream.

The crisis facing the nation is the deteriorating quality of the total environment, from pollution of the air and sea, to intolerable noise levels, and disposal of 3.5 billion tons of waste a year.

In sum, it is a suicidal conflict: Man vs. his environment.

INSOLUBLE?

There are critics who feel the problem will be insoluble, especially in view of population forecasts of some 330 million by 2000.

Scientists in particular deplore the fact that until the last several years, only lip service has been paid to environmental problems. There has been nothing but scattered piecemeal efforts to do anything about industrial waste, pollution from cars, intemperate use of pesticides and preservation of limited recreation facilities.

But there are others, from President Nixon to the lowest employe of the National Park Service, who believe the American Dream is not dead. And there are a few inventive scientists with strong opinions willing to back them up with imaginative proposals for air pollution control and other problems.

Some of the steps taken at the government level have been encouraging.

One was the appointment by the President of the Environmental Quality Control Council headed by Dr. Lee A. DuBridge, former president of the California Institution of Technology and now Nixon's science adviser.

The President charged the new council to propose improved measures for the control of pollution, to coordinate efforts on different levels of government, and to anticipate future problems.

Among other things, it is exploring ways to find alternative power plants to the internal combustion engine to reduce the hazards of auto smog. A rather modest $2 million has been proposed for this function, against $3.5 million in private capital already invested by William P. Lear.

IMPORTANT

One of the most important proposals made on air pollution has gone relatively unnoticed by the public. It was put forth by Dr. Seymour Calvert, director of the Statewide Air Pollution Research Center at the University of California, Riverside.

He called for an end to helter-skelter programs in determining air quality standards and levels of danger to human and plant life.

"System analysis is the common term used to describe the process of considering all significant interactions when deciding on a course of action," he said. "The size, complexity and importance of the photochemical smog problem require that the systems approach be used."

This in effect is the same approach so successful in the space program which put the first men on the moon in July.

Calvert believes the day "is not too far off" when such a system can be applied to air pollution.

STRUGGLE

Other things are happening in the struggle to make life livable today and in the future:

1. In June, Secretary of the Interior Walter Hickel announced an 11-point policy directive setting guidelines for the National Park Service, with emphasis on providing new recreation opportunities for city dwellers. For example, the Oxon Hill Children's Farm just outside Washington, D.C., offers city boys and girls a chance to see, touch—and smell—animals on a real farm, something denied them in the urban environment of Washington, D.C., and Baltimore.

The basic Park Service emphasis is on use for recreation without disturbing the wildlife environment.

2. The Department of Health, Education and Welfare (HEW), through its new consumer protection and environmental health service, is taking an active role in establishing policy for control and eradication of pollutants and in seeking higher standards for mine workers as well as other occupations. In addition, with frequent speeches by Administrator Charles J. Johnson, Jr., it has served to educate the public as well as industry to some of the major steps that must be taken to fulfill the national purpose.

Sometimes bluntly, it has pointed out that America, despite her great material wealth, trails in vital areas because of failure to meet challenges in health and the environment. Johnson noted, for example, that America ranked 15th among nations of the world in prevention of infant mortality in 1961 against sixth in 1950.

3. Increased expenditure of private money, particularly in Los Angeles and Detroit through conversion by industry to natural gas that dramatically reduced factory air pollution. The auto industry, spurred by Congress and state legislatures, also is putting millions of dollars into research to further improve smog emission devices and to develop alternative power plants.

TOSS-UP

Hickel, who notes wryly the controversy that accompanied his first months in office when the Santa Barbara oil slick attracted national attention, says it is a toss-up whether air or water pollution is the bigger problem. Both will be particularly expensive.

"But it is time to acknowledge that measures to prevent water pollution and help clean up the environment make money," Mr. Hickel said.

"Nature is forgiving, and has tremendous powers of restoration. But nature is nearing the limit of its ability to recover."

Despite all the committees, councils and agencies and all the expressions of concern, the nation is still 10 to 20 years from knowing whether it can solve its most pressing problems.

The auto industry does predict motor vehicle smog will be licked by 1980, but that is greeted skeptically by those who have been fighting it for decades. Other problems—waste and urban deterioration—appear likely to grow worse rather than diminish.

Former Interior Secretary Stewart Udall, one of the most active conservationists ever to hold the office believes the environmental problem is so important the nation should not fall back comfortably on the team, "me too" approach.

He said:

"Perhaps the most sorely needed individuals today are the 'discriminating critics' who may be members of any of the myriad social groups united for this or that social action. . . . Out of these groups, with single, selfish goals, must come individuals who can find, somehow, the means and the mass courage to define and accept humanistic as well as technological goals.

"If we find ourselves unable to meet the challenges of technological change, it will be because we failed to generate the discriminating thinkers—those who would challenge

the herd psychology and without destroying the groups, nevertheless achieve a forward shift in the centers of traditional belief."

Without meeting that challenge, Americans may one day find the air of their cities impossible to breathe without masks; their water unfit to drink; their sidewalks clogged with garbage, and noise so loud it will make a rock 'n' roll band sound like a church choir.

If that day or one like it comes, it will be the end of the American Dream.

PRAISE FOR GUEST CHAPLAIN

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, it is a great personal honor for me to have my minister, Dr. James Preston Stevenson, deliver the invocation in the House of Representatives today. I appreciate the cooperation of our House Chaplain, Dr. Edward G. Latch, in extending the invitation to him.

Dr. Stevenson is minister of my home church in Bristol, Va., the Central Presbyterian Church. I would like to point out that Dr. Stevenson, in his wide range of dedicated service, served as a chaplain in the U.S. Air Force during the Korean war and as chaplain of the Mississippi House of Representatives in 1959.

Mr. Speaker, I would like to have inserted in the CONGRESSIONAL RECORD the biographic sketch of Dr. Stevenson:

Born: Oct. 5, 1919, Hartselle, Alabama, son of a minister James Preston Stevenson and Claribel (Fant) Stevenson.

Ordination: May 21, 1944, Tuscaloosa Presbytery.

Education: Fort Smith Junior College, graduated 1939. College of the Ozarks (Kneeland Theological Award), A.B. Degree, 1941. Columbia Theological Seminary, B.D. Degree, 1944. College of the Ozarks (recipient of Alumnus of Year Award, 1949), D.D. Degree, 1950. United States Air Force Chaplains School, Counseling Emphasis, 1951. Wartburg Lutheran Seminary, Family Life Studies, summers 1959 and 1960. Various studies and conferences at seminaries and Montreat, North Carolina.

Pastoral experience: Pastor, First Presbyterian Church, Uniontown, Alabama, 1944–46. Pastor, Canal Street Presbyterian Church, New Orleans, Louisiana, 1946–50. Chaplain Captain, United States Air Force, Korean War, 1950–52. Pastor, First Presbyterian Church, Clarksdale, Mississippi, 1952–67. Chaplain, Mississippi House of Representatives, 1959. Pastor, Central Presbyterian Church, Bristol, Virginia, 1967 to present.

Other experience: Chaplain, New Orleans Masonic Shrine, 1948. Vice President, New Orleans Ministerial Association, 1949. Vice President Alumni Association of Columbia Theological Seminary, 1955–57. President Clarksdale and Coahoma County Mississippi Ministerial Association, 1958. Was chairman of Nursing School Board of Coahoma County Hospital, youth counselor for county court, chaplain for city-county jail, active in poverty program, Clarksdale, Mississippi. Chairman of the Presbyterian General Assembly's Committee on the Minister and His Work, 1965; also served as member and chairman of other General Assembly committees. Is chaplain of the Appalachian Crime Commission and is a member of the Board of Directors of Bristol Memorial Hospital. Is listed in Who's Who.

Family: Married Jan. 3, 1942, to Kathryn McGee. Two children, Victoria Fant (now Mrs. Phillip Land of Louisville, Kentucky) and Sarah Kay, age 14.

MORE TV BIAS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, on November 25 I inserted in the RECORD a summary by the newsweekly, Human Events, of the staff report of the Special Committee on Investigations of the House Committee on Interstate and Foreign Commerce entitled "Television Coverage of the Democratic National Convention, Chicago, Ill., 1968." In my prefacing remarks it was noted that "selective interviewing is another device extremely useful in slanting a news package." The above-mentioned staff report reiterated this theme based on the findings of its investigators:

> The investigators noted a tendency also to speak out and interview dissident delegates and other individuals for commentary.

At another point in the report, while noting that one commentator sought to redress the balance of coverage to a certain extent, it was stated that:

> From these reports, it would be possible to conclude that the networks had deliberately sought out for interview those with known biased feelings against the conduct of the convention and the city government, some of whom would appear to have questionable credentials as political commentators. . . .

Another twist in the selecting interviewing theme was pointed out by the Committee of One Million in its press release of December 2 concerning the CBS–TV news special, "Triangle of Conflict—China, Russia, and the United States," broadcast on November 18. While ignoring hardliner Sino-Soviet experts such as Dr. Franz Michael, of George Washington University; Dr. David Rowe, of Yale; Dr. Frank Trager, of NYU; and Dr. Richard Walker, of the University of South Carolina, the CBS narrator, Marvin Kalb bolstered his questionable findings on Red China by citing such knowledgeable and easily identifiable experts as "Washington officials" and "leading students of Sino-Soviet affairs." This abuse of the confidence of the TV viewer in expecting the best of all sides on an important national issue of long standing caused the Committee of One Million to send the following telegram to Dr. Frank Stanton, president of CBS, requesting equal time:

DR. FRANK STANTON,
President, CBS,
New York, N.Y.

The CBS News Special, entitled "Triangle of Conflict . . . China, Russia and the U.S.," which was telecast over the CBS Network Nov. 18 from 10 to 10:30 EST was, in our opinion, badly unbalanced and misleading in its conclusions and recommendations. You did not include a single one of the many acknowledged China experts in this country who disagree with your conclusion that "U.S. policy towards China was clearly out of date . . . that fundamental change was needed." As oldest and broadest-based citizens committee dealing with the question of Communist China, we request equal time over CBS–TV to reply and to present the complete picture of Mainland China and U.S.-Communist China relations to the viewers of your network.

WALTER H. JUDD,
Chairman, Committee of 1 Million.

A word about the Committee of One Million Against the Admission of Communist China to the United Nations. Founded in the 1950's, the committee is presently headed by Dr. Walter H. Judd, former Member of Congress and for many years a medical missionary in China. Its steering committee includes both Democrats and Republicans in the House and Senate who for years have been concerned about the question of Red China. Its efforts in the past have played a large part in helping U.S. citizens put themselves on record against a bandit regime whose murdered victims since 1949 number literally in the millions.

Following is the news release of the committee issued on December 2:

CBS SPECIAL ON CHINA CALLED "UNBALANCED, MISLEADING"; EQUAL TIME TO REPLY REQUESTED

WASHINGTON, D.C.—The Committee of One Million has requested equal time from the CBS network to reply to the "badly unbalanced and misleading" CBS–TV News Special, "Triangle of Conflict . . . China, Russia and the U.S.," broadcast November 18.

Dr. Walter H. Judd, Chairman of the Committee, wired CBS President Frank Stanton that "you (CBS) did not include a single one of the many acknowledged China experts in this country who disagree with the conclusion attributed to anonymous 'Washington officials' that 'U.S. policy China was clearly out of date . . . that fundamental change was needed.'" (Full text of telegram attached).

Dr. Judd announced that Lee Edwards, Secretary of the Committee, will begin gathering material for the Committee's reply in Hongkong in December by filming eye-witness accounts by refugees from mainland China on what actually is happening to people in that Communist-oppressed land. In addition, he said Edwards will interview Asian experts attending the Asian People's Anti-Communist League and World Anti-Communist League conferences in Bangkok, December 3–8.

Dr. Judd cited several statements in the documentary which the Committee challenges:

(1) (Marvin Kalb, narrator) "But, in September, much to the relief . . . and the astonishment . . . of the experts and the President, Russia and China abruptly backed away from the collision that had frightened the world."

Dr. Judd said that if CBS researchers had "done their homework" they would have found many "experts" who were not "astonished" that Red China and the Soviet Union did not go to war with each other. These experts would have been astonished if that war of nerves had become an all-out collision.

He noted, for example, that CHINA REPORT, published by the Committee of One Million, stated in April, 1969:

"The political stakes for which the two Communist giants are playing are large: control of the international Communist movement . . .The border dispute will undoubtedly persist. Moscow and Peking will continue to compete for leadership of the Communist world. Friction will not disappear. But those who would conclude therefore that the Soviet Union and Red China cannot work together against the Free World should consider the following:

"In mid-March, Moscow Radio, while conceding that Peking was creating 'obstacles' to the flow of arms and commodities across Chinese territory to North Vietnam, asserted that it has not stopped them."

(2) (Marvin Kalb) "Mao won China without Stalin's help."

Dr. Judd noted that Stalin provided Mao

with vast quantities of arms and materiel during the 1940's, far more than the U.S. ever gave its ally, the Republic of China. In addition, Stalin and Khrushchev continued to supply vital technological and economic aid to Communist China in the 1950's—critical years for Mao—including atomic bomb samples and technical materials for their manufacture.

(3) (Marvin Kalb, narrator) "We spoke with some leading students of Sino-Soviet affairs."

Dr. Judd agreed that the "leading students" of Sino-Soviet affairs interviewed by CBS are indeed that, but represent essentially only one school of thought. CBS apparently did not contact other Sino-Soviet experts whose opinions would not support the conclusions drawn in the documentary.

For example, he said that Dr. Franz Michael of the Sino-Soviet Institute, George Washington University; Dr. David Rowe, Yale University; Dr. Frank Trager, New York University, and Dr. Richard Walker, University of South Carolina, were not contacted. All four are internationally recognized experts on Sino-Soviet affairs.

(4) (Marvin Kalb) "India—so far as China is concerned—is locked in an unwritten military alliance with the United States."

Dr. Judd pointed out that India does not have either an unwritten or written "military alliance with the United States." On the contrary, it is the Soviet Union that is the major source of military equipment to India, and Moscow has suggested that a direct land route be built across Pakistan and Afghanistan to link India with Soviet territories in Central Asia.

(5) (Marvin Kalb) "America drives forward to meet Russia . . . as often as possible. With China, it is a more difficult effort."

Dr. Judd agreed that it is more difficult to "meet" Communist China. But to give a balanced picture the point should be emphasized that this is not the fault of the United States.

As early as 1957, the U.S. State Department authorized some 24 recognized American news organizations, including all media, to send correspondents to the Chinese mainland. Peking did not consent.

In 1961, President Kennedy said the United States would consider sending food to the famine-stricken Chinese mainland if Peking indicated interest. It did not.

Dr. Judd enumerated continuing attempts by the United States throughout the last decade to establish lines of communication with Red China, including (1) inviting Chinese Communist scientists and scholars to visit American universities (1966); (2) lifting the embargo on drug shipments to Red China for humanitarian purposes (1967); (3) inviting Peking to send journalists to observe the 1968 presidential elections, without requesting that U.S. newsmen be admitted to Red China in return (1968), and (4) President Nixon's recent relaxation on the purchase of Red Chinese goods by U.S. tourists (1969).

(6) (Marvin Kalb) "The summertime possibility of a Sino-Soviet war shocked many Washington officials into acknowledging—perhaps for the first time—that U.S. policy towards China was clearly out of date . . . that fundamental change was needed . . ."

It is necessary to ask just who the "many Washington officials" are, or was Mr. Kalb ascribing to these anonymous officials his own position on Red China?

Dr. Judd noted again that Communist China's "isolation" has been self-imposed. America's policies vis-a-vis that regime have been the consequence, not the cause of its hostility. The United States has made attempt after attempt to expand lines of communication with Red China in more than 130 talks in Geneva and Warsaw. In fact, the U.S. has had far more negotiations with Peking than any other non-Communist country. And it was Peking that interrupted them.

Dr. Judd cited policy as enumerated by Secretary of State William Rogers:

"We intend to pursue this policy because we want to make it clear that the reason Communist China is not a member of the international community is because of its own attitude. Communist China refuses to take its rightful place in the international community; it is intransigent in its opposition to the United Nations . . . So we want to make it clear to the rest of the world that the United States, for its part is willing to try to have more friendly relations with Communist China. The fact is that they refuse to, so it's quite clear who the responsible nation is."

Dr. Judd said "The American people are entitled to more balanced presentations than the CBS–TV Special gave on an issue so important to their future. The Committee of One Million trusts CBS will offer us the opportunity to present a more accurate picture to the American people."

"CBS FACE THE NATION" PANEL IS BIASED

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, I had the occasion to watch the CBS television program, "Face the Nation," last Sunday and I was so appalled at the lack of balance on the panel that I immediately asked for a transcript of the program. It is unbelievable that three men who call themselves newsmen could put themselves in such a servile lapdog position on a nationally televised program.

The press has traditionally held itself out as searching for the truth and refining points of view by asking difficult questions. I ask any fairminded person to read this script and point to one question that could be called anything but a "setup" or patsy question. It was one of the most sickening things I have ever seen to watch three newsmen literally grovelling to ask laudatory, setup questions of Senator McGOVERN.

Get it clear, I do not blame Senator McGOVERN. It was his job to answer, not ask. Not one single question could be considered critical. Read them, you will have to agree. Here is the transcript—read it closely and ask yourself "What ever happened to the probing nature of the fourth estate?"

FACE THE NATION

Guest: Senator George S. McGovern, Democrat of South Dakota.

Reporters: George Herman, CBS News; Nick Kotz, Des Moines (Iowa) Register & Tribune; Bruce Morton, CBS News.

Producers: Prentiss Childs and Sylvia Westerman.

Mr. HERMAN. Senator McGovern, President Nixon's gradual withdrawal policy in Vietnam seems to have been winning increasing popular support. Now the reported massacre at Mylai has stirred up new emotions in the country. Do you think this incident may bring new pressures on the President for faster withdrawal?

SENATOR MCGOVERN. I think what this incident has done, Mr. Herman, is to tear the mask off the war. Many of us have known for a long time that this was a barbaric, self-defeating war in which we had asked young Americans to take on an impossible task, and that is to intervene in essentially a civil war and try to bring about a political and military conclusion that was acceptable to us. I think that, for the first time, millions of Americans are realizing that we have stumbled into a conflict where we not only of necessity commit horrible atrocities against the people of Vietnam, but where in a sense we brutalize our own people and our own Nation. I think it is more than just Lt. Calley involved here. I think the national policy is on trial.

ANNOUNCER. From CBS Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with Senator George McGovern, Democrat of South Dakota. Senator McGovern will be questioned by CBS News Correspondent Bruce Morton, Nick Kotz of the Washington Bureau of the Des Moines Register & Tribune, and CBS News Correspondent George Herman. We shall continue the interview with Senator McGovern in a moment.

Mr. HERMAN. Senator McGovern, you mentioned two factors there. One was Lt. Calley, an individual, and the other was a question of sort of collective guilt, whether of the men fighting over there or of the whole Nation. Do you think it is possible that the United States might try to purge some of that collective worry, fear and guilt by giving an unduly harsh sentence to somebody like Lt. Calley, try to make him a scapegoat for all of us?

Senator MCGOVERN. I think that is possible. Many people will see the Lieutenant and his men as a convenient target on which to unload what should be a sense of national guilt. We put these men into a situation where it was almost inevitable that sooner or later events of this kind would take place. This war is unlike any war in which our country has ever been involved. The people that we're fighting against, for the most part, are not in uniform. It is very difficult to tell who is a friend and who is a foe. When someone in a village fires at our troops or a mine is planted that destroys American troops, the natural reaction is to lash back. In many cases those actions are carried out by the civilian population, in cooperation with the Viet Cong.

What disturbs me is that millions of Americans who apparently have not been bothered by the massive bombardment of Vietnam from the air—let me say, I was a bomber pilot in World War II, but that was at a time when we were aiming those bombs at strategic targets and trying to knock out the Nazi war machine—but in this war, village after village has been leveled to the ground, with the slaughter of the innocents and the guilty alike, in many cases without warning. One reporter who has looked very closely at Quang Ngai Province, which is the area now under discussion, says that 70 percent of the villages in that area have been utterly destroyed, including many thousands of innocent people. Now, really, what is the difference between a bombing plane or an artillery piece destroying a village, including its inhabitants—men, women and children—and what Lt. Calley did? The difference, I suppose, is that Lt. Calley and his people, if they are guilty as charged, were operating at closer range. But the moral issue, it seems to me to be the same.

Mr. KOTZ. Senator McGovern, you have been a critic of the Vietnam war since 1964, I believe. What do you suggest we do right now? Shall we pull all of our troops out of Vietnam? What is the answer?

Senator MCGOVERN. Well, I have suggested, Mr. Kotz, that we take three precautions in the event we decide to disengage, and I think we should decide to disengage: First of all, we ought to deploy our own forces in defensive arrangements; secondly, we ought to negotiate the mutual release of prisoners on both sides; and, third, we ought to make some provision for asylum in friendly countries for those Vietnamese who might be

threatened by withdrawal. Now those are the points that I think we ought to be negotiating at Paris, and I am convinced, if we understood that the only real factor we have to negotiate is the withdrawal of our forces that we could bring about those arrangements that I have just suggested. I see no reason why we couldn't completely disengage from Vietnam within a year's time.

Mr. MORTON. Senator, in the past the Senate has been something of a forum for discussion of Vietnam policy. Lately it has been very quiet. The Foreign Relations Committee is not having public hearings on Vietnam. What do you think the reasons are for the truce, and do you think there is a role for the Senate at this point?

Senator MCGOVERN. I think there is a very definite role. I think perhaps the reason why the debate has slowed down somewhat this year in the Senate is that people have felt that a new administration was in power and that they were entitled to some time to develop a different policy. Personally, I am disappointed that the administration has not moved more quickly than it has to carry out what I believe to be the election mandate of 1968. But I have made a new determination with the revelation of the Pinksville massacre, that I am going to introduce a resolution in the Senate very shortly that would create a select committee to look into the whole process by which we became involved in Vietnam. I think we have to begin looking beyond Vietnam.

I am very concerned about an early disengagement, but more important than that is the question of how we became so deeply involved in a war that we now say we shouldn't have been in and that we are trying to get out of. And I would hope this committee would follow the pattern of the Select Committee on Hunger, that I have been privileged to chair, that it would be a strictly bipartisan committee, that it would raise questions about what the assumptions were that first involved us in Vietnam, how did we arrive at those assumptions, what were the decision-making procedures that were followed, was there proper debate in the Senate, did we follow the proper constitutional procedures, what were the factors, in short, that involved us in this war, and what lessons does it have to teach us that might enable us to structure more intelligent foreign policy in the future.

Mr. HERMAN. Would it look beyond also to our involvement in Laos and Thailand, to examine them right now?

Senator MCGOVERN. Well, those examinations are going forward now, Mr. Herman. The subcommittee under Senator Symington, of Missouri, is looking into that question right now, of what our involvement is in Laos and Thailand and elsewhere, and—

Mr. HERMAN. But wouldn't your select committee, which is looking into causes, find perhaps some parallels between Vietnam and Laos and want to examine them together as history?

Senator MCGOVERN. Yes, I think there would be some overlap there with the work of the Symington committee, but the essential purpose of the committee that I am proposing is to look into the whole historical congressional and constitutional process by which we became involved in a war that I think most Americans now think was a mistake.

Mr. KOTZ. Senator, when you call for the creation of a special committee, are not you in effect criticizing the institutions of Congress, the Foreign Relations Committees, the Armed Services Committees, saying that they are not doing their jobs properly?

Senator MCGOVERN. Well, Mr. Kotz, I don't want to point the finger at any one committee because I think all of us in the Congress have failed on this issue of Vietnam. I am willing to take my share of the responsibility along with other people in the Congress. But what I am suggesting here is that, going clear back to the end of World War II, there were a series of decisions made in the Executive Branch, in the State Department, in the CIA, in the foreign aid agency, in the National Security Council, a series of decisions made on that level which in my judgment were not properly evaluated in the congressional branch. Somewhere there was a failure of sound judgment. Now, this can't be placed at the door of any one committee or any one administration or any one agency of government, but that whole process needs to be looked at very critically, not to find a scapegoat but to help us develop a more constructive and dependable policy for the future. I am not interested in scapegoats in Vietnam. I am interested in how this country can move out in a more hopeful and more constructive direction in the future.

Mr. MORTON. Senator, we talked a minute ago about the relative silence on Vietnam this year in the Senate. Is part of the reason for that, do you think, an effort by the administration to stifle dissent, to make everybody be quiet?

Senator MCGOVERN. Perhaps that has had something to do with it. Frankly, in our kind of a free society, I worry about this new emphasis on the part of the administration on the virtues of silence. There has never been a time that I know of in the history of this country when the highest officials in our government have made such a virtue of those people who remain silent. Now, perhaps we ought to be doing more talking, more soul-searching, more questioning about American policy. I think if the recent atrocities indicate anything, it is that we have had too much silence. Here is a terrible crime, if it is true, that was committed almost two years ago, that we are only now learning about. Where were those who knew about this incident a year and a half ago? Where was the so-called silent majority in the face of the awful reports we've had of the loss of civilian life in Vietnam that have been coming in to us for many, many years? So it does seem to me that the great emphasis on silence, the effort on the part of high administration officials to intimidate outspoken members of the press, candid television commentators, the effort to isolate those who are involved in the protest against Vietnam—all of those things have perhaps had something to do with the slowing down of real debate over this policy.

Mr. HERMAN. Senator McGovern, you talked about further action in Congress, a select committee. How about the national movement for peace, is it going to stay in the streets, is it going to take a new direction, and what role will you place in it?

Senator MCGOVERN. It is my own conclusion, Mr. Herman—and I have thought about this a great deal over the last few weeks—that it is not fruitful from here on out to organize large marches or mobilizations any further. I think we have reached the high water mark in terms of the November Mobilization, which I regard as largely a peaceful, effective and proper way for large numbers of thoughtful people to show their opposition to the war. But I think it would be self-defeating to repeat that kind of an exercise in December, and I am pleased to see that the young men who are providing leadership for the so-called Moratorium have suggested that in December a different method be used, that they go out into the local communities and into the congressional districts and talk with members of Congress, involve the churches, the local organizations, and I think this is the most hopeful way to approach it.

I would expect and I would hope that the 1970 congressional elections, both in the primaries and in the fall, would again raise the issue of American foreign policy and bring the issue to focus within our political process rather than outside of that process.

Mr. MORTON. Senator, some of the people at the Moratorium are talking about going to work in a really nuts and bolts political organizing way. Do you see a third party developing out of the peace movement, and would you be interested in one, if it did?

Senator MCGOVERN. No, I don't see a third party emerging, providing one or both of the major parties carry out fundamental reform. This is why I attach such great significance to the reform recommendations that our party has made and which I expect to be carried out. I think we have done very well with the reform commission, with the diverse group of people, and I expect to see the Democratic Party become more responsive to the interests of those who now may be flirting with the idea of a third party. Let me add one other point on that: I see many of the young people and older people who are involved in the peace movement turning their attention to some of the great domestic challenges before this country. The great issue of preserving our environment against pollution and contamination may very well be the next chapter in the activist political movement in this country. I think you are going to see this spring, on college campuses and in high schools and in communities and in all centers of discussion across this country, a new emphasis on improving the quality of life here at home. And I would hope that the issue of the 1970's would turn around the question of how we can move away from foreign adventurism into a new effort in this country to lift the quality of life for all of our citizens.

Mr. KOTZ. Senator McGovern, two and a half years ago a Senate subcommittee went to Mississippi and reported that Americans were hungry in that state and later reported hunger all around the country. They called for the President to declare a national emergency. This morning's newspaper headlines have another committee calling on another President to declare a national emergency. What is it going to take for us to do something about the problem of hunger?

Senator MCGOVERN. Mr. Kotz, I think it is going to take two things: It is obviously going to take the kind of public attention that has been focused on hunger over the past two years. I frankly share the impatience of those citizens who think that we have had too much in the way of rhetoric and not enough in the way of action. Nevertheless, I think it was imperative that we have the kind of public attention given to this issue, that is the public spotlight turned on the issue of hunger, which has happened beginning with the Mississippi investigations that you referred to two and a half years ago. I also think the work in my Committee on Nutrition and Human Needs has been most helpful in alerting the Nation to this problem.

I would hope that the President's Conference on Nutrition, that gets under way this week, would serve that purpose. But what is really needed now is legislative action; the most urgent single step that can be taken right now is for the House of Representatives to pass the bill that has already passed the Senate, the massive increase in food stamp assistance, that I think can go a long ways towards putting an end to hunger in this country.

Mr. HERMAN. What is the political block, Senator? You would think that the American people, of all the people in the world, would be the most sympathetic to hunger, would be the people who say "How can we possibly have hunger in this country?" And, yet, the figures that you and others have brought up are anywhere from 5 to 25 million Americans in various degrees of hunger. What stops the Nation from turning its attention to this?

Senator MCGOVERN. Mr. Herman, I think the best answer that I have seen to that is provided in Mr. Kotz' book, a new book that is coming out, "Let Them Eat Promises." We have had the kind of political leadership,

both in the Executive Branch and in the Congress, that has been too much concerned about special interests in this country and not enough concern about the broad range of human need. That is really the problem.

Mr. MORTON. Well, Senator, you just said that the most important thing that can happen right now would be for the House to pass the food stamp bill that the Senate approved. Is that likely to happen? Is the administration with you?

Senator MCGOVERN. We have got, in my judgment, some double talk and some double action going on as far as the administration is concerned. During the time the Senate was debating the food assistance reform bill that fall, the administration, from the Vice President on down, were in the Capitol lobbying against the passage of that bill. Once it passed, the next day the President's Press Secretary said the President was delighted and that the administration had no plans for any alternative proposal. The full implication of that was that they were going to get behind the passage of this bill in the House of Representatives, after it had cleared the Senate. Now, the truth of the matter is that the administration is now circulating a memorandum—which I have a copy of—from the Department of Agriculture, calling for the defeat of the Senate bill, which was my bill, using its influence to defeat that legislation in the House on the grounds that "we can't afford it." Now, I say to you that, if we can afford the billions of dollars involved in putting a man on the moon in 1969, that we can afford to spend a fraction of that amount in putting an end to hunger here in the United States. And I call on the administration to stop this double talk and get behind a serious effort to push that bill through the House of Representatives, where it is now blocked.

Mr. KOTZ. Senator, isn't there a basic institutional problem in Congress, though? You're a member of the Senate Agriculture Committee. Both the Senate and the House Agriculture Committees have, over the years, repeatedly refused to pass legislation. Do you think that these committees should be left with jurisdiction over whether hungry people should get fed?

Senator MCGOVERN. Well, Mr. Kotz, as you know, in the Senate this year we overturned the Senate Agriculture Committee on the Senate floor. I want to give Senator Ellender, the Chairman of the Senate Agriculture Committee, credit for bringing out a greatly improved bill over what we now have. He has been very attentive, both to the work of my committee and to the work of his Committee on Agriculture. But it is a fact that those two committees in the House and the Senate are much more conservative, in my judgment, than the House and the Senate as a whole. And I do regard them as the principal bottlenecks at the present time to adequate food assistance reform—that, plus the lack of real leadership in the Executive Branch. And I do think a good argument could be made for transferring the permanent jurisdiction of food assistance programs over to those committees that deal with the whole range of health, education and welfare measures. I do think that would be a more proper focus.

Mr. HERMAN. Senator, the question of food is largely a question of money, is it not? You have to, either with stamps or with some other kind of cash, you have to buy food. Is the food that we are able to buy today as nourishing per dollar as it ought to be? Is it good, clean, nourishing food?

Senator MCGOVERN. I think we could do a better job, Mr. Herman, than we have, both in terms of using new techniques to fortify food, to add to its protein and vitamin content, and we could also do a better job on the nutritional front. But that is not the key problem. The key problem is that somewhere between 15 million and 25 million Americans do not have the money to buy a decent diet. Now, we could feed those people adequately with the kind of reform food assistance legislation that is already passed in the Senate. It wouldn't do the entire job, but it would do most of it. We need to combine with a good food stamp program, school lunch programs and pre-school feeding what we're spending on war, what we are spending on space exploration, we could, in effect, bring an end to hunger and malnutrition in the United States. Let me add this suggestion: I would like to see this country declare, as a matter of national policy, both in the Executive Branch and in the Congress, that within one year's time we're going to put an end to hunger and malnutrition in the United States. Let's set next Thanksgiving of 1970 as the target date and make that a true Thanksgiving, not just a Thanksgiving for those of us that are overfed but a Thanksgiving for those millions of people who won't have a table to sit down to at Thanksgiving next year unless you and I act.

Mr. HERMAN. How does the amount of hunger relate to the amount of agricultural surplus? In other words, do we have the food to feed these hungry people?

Senator MCGOVERN. Oh, there is no question about it. One of the great tragedies in American life the last fifteen years is that we have been worrying about food surpluses and where we were going to put them. We have been paying hundreds of millions of dollars to store them. We have been paying farmers billions of dollars a year not to produce. And, yet, we refuse to divert those funds into a program to put an end to hunger.

Mr. HERMAN. We don't have much time left, but I just wanted to ask you one question. Some of your speeches here are so fervent, so strongly put, so emotionally put that they sound a little bit like politics as well as earnest endeavor. Are you going to be a political candidate on the basis of your strongly felt feelings on this and other subjects in 1972?

Senator MCGOVERN. Well, I am going to speak out on the issues. I am not going to wait until 1972, Mr. Herman. I haven't made any judgment about being a candidate, but I have made a judgment to continue speaking out on these issues, and I think the great focus is going to shift to problems right here at home in the years ahead, and I want to be a part of that action.

Mr. HERMAN. Thank you very much, Senator McGovern, for being with us here today on Face the Nation.

ANNOUNCER. Today, on Face the Nation, Senator George McGovern, Democrat of South Dakota, was interviewed by CBS News Correspondent Bruce Morton, Nick Kotz of the Washington Bureau of the Des Moines Register & Tribune, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will Face the Nation. Face the Nation originated, in color, from CBS Washington.

Now, let us go through all of the questions again. They are, in order, as follows:

Mr. HERMAN. Senator McGovern, President Nixon's gradual withdrawal policy in Vietnam seems to have been winning increasing popular support. Now the reported massacre at Mylai has stirred up new emotions in the country. Do you think this incident may bring new pressures on the President for faster withdrawal?

Here Mr. Herman obviously knows he is playing right into the hands of Senator MCGOVERN and this is an obvious setup to allow the Senator to give his own views. This is all right for a start but note there is no followup by Mr. Herman or anyone else to question the soundness or accuracy of the reply.

Mr. HERMAN. Senator McGovern, you mentioned two factors there. One was Lt. Calley, an individual, and the other was a question of sort of collective guilt, whether of the men fighting over there or of the whole Nation. Do you think it is possible that the United States might try to purge some of that collective worry, fear and guilt by giving an unduly harsh sentence to somebody like Lt. Calley, try to make him a scapegoat for all of us?

Not a very good question, but the best that Mr. Herman could offer for his contribution to the program. Each question Mr. Herman asked was a setup. Nothing probing, no effort to question the accuracy or propriety of any view expressed by Senator MCGOVERN. No effort to pin down, differentiate, or explain. Mr. Herman has done little except feed questions to Senator MCGOVERN which are right down his political and philosophic line. This might be expected of some press aide on your own staff but not on a program which is supposed to develop and present issues. Certainly on a program which holds itself out with such a title as "Face the Nation." Judging by Mr. Herman's question, the program should be called "Face the Patsies."

Mr. KOTZ. Senator McGovern, you have been a critic of the Vietnam war since 1964, I believe. What do you suggest we do right now? Shall we pull all of our troops out of Vietnam? What is the answer?

Note this well. Mr. Kotz asked for the answer, get that, the answer. Senator MCGOVERN's reply was evidently the answer because it elicited not one "But, Senator, what about?" or "If we do that, won't we take a chance that?" Not one peep out of this panelist. Nothing should indict a panelist so quickly as to open up such a broad, difficult issue to what he calls "the answer" and then let that answer stand cold without reply—no rebuttal.

Mr. MORTON. Senator, in the past the Senate has been something of a forum for discussion of Vietnam policy. Lately it has been very quiet. The Foreign Relations Committee is not having public hearings on Vietnam. What do you think the reasons are for the truce, and do you think there is a role for the Senate at this point?

Any eighth grader could think up a better setup question than that. Again, no followup to the answer.

Mr. HERMAN. Would it look beyond also to our involvement in Laos and Thailand, to examine them right now?

This is Mr. Herman's third setup question of the program.

Mr. HERMAN. But wouldn't your select committee, which is looking into causes, find perhaps some parallels between Vietnam and Laos and want to examine them together as history?

This is Mr. Herman's fourth setup question of the program.

Mr. KOTZ. Senator, when you call for the creation of a special committee, are not you in effect criticizing the institutions of Congress, the Foreign Relations Committees, the Armed Services Committees, saying that they are not doing their jobs properly?

Now, if you were Senator MCGOVERN, would you not like a question like this fed to you?

Mr. MORTON. Senator, we talked a minute ago about the relative silence on Vietnam this year in the Senate. Is part of the reason for that, do you think, an effort by the administration to stifle dissent, to make everybody be quiet?

Now here is a real friend. Mr. Morton let his political bias show. We have not expected him to be a lion when it comes to asking pointed, direct—possibly embarrassing—questions, but he should not directly lie either. This charge against the administration is a direct lie. Note that he refers to an "effort by the administration to stifle dissent, to make everybody be quiet?" Mr. Morton obviously set up Senator McGOVERN for a political reply. Just how is the Nixon administration, Mr. Morton, trying to "make" everybody be quiet? This is demagoguery at its worst, reporting at its worst, bias at its worst—the low point of a show which started low and kept falling with each question.

Mr. HERMAN. Senator McGovern, you talked about further action in Congress, a select committee. How about the national movement for peace, is it going to stay in the streets, is it going to take a new direction, and what role will you play in it?

This is Mr. Herman's fifth setup question.

Mr. MORTON. Senator, some of the people at the Moratorium are talking about going to work in a really nuts and bolts political organizing way. Do you see a third party developing out of the peace movement, and would you be interested in one, if it did?

Here is Mr. Morton's third setup question.

Mr. KOTZ. Senator McGovern, two and a half years ago a Senate subcommittee went to Mississippi and reported that Americans were hungry in that state and later reported hunger all around the country. They called for the President to declare a national emergency. This morning's newspaper headlines have another committee calling on another President to declare a national emergency. What is it going to take for us to do something about the problem of hunger?

Note how Mr. Kotz identifies himself with Senator McGOVERN. "What is it going to take for us" he asks. Even assuming he is referring to "us" as all of the people in the United States it is rather interesting to note how he set up Senator McGOVERN to express his already often stated position.

Mr. HERMAN. What is the political block, Senator? You would think that the American people, of all the people in the world, would be the most sympathetic to hunger, would be the people who say "How can we possibly have hunger in this country?" And, yet, the figures that you and others have brought up are anywhere from 5 to 25 million Americans in various degrees of hunger. What stops the Nation from turning its attention to this?

This is Mr. Herman's sixth setup question. It is the type that you would expect some patsy at a ward meeting to feed to his candidate so he could come out loud and clear for motherhood and country but not on a show where the guest is supposedly facing the Nation. There are many questions that could have been asked in followup or rebuttal. For example, admitting the problem in hunger, why could not Mr. Herman ask Senator McGOVERN what can be done about the population problem, whether it is feed to the hunger problem, whether he thought families of 15 to 20 children might be encouraged by his program, whether he would advocate birth control and so forth. Many other factors relate to hunger and overpopulation but no panelist even came close to touching on any of them.

Mr. MORTON. Well, Senator, you just said that the most important thing that can happen right now would be for the House to pass the food stamp bill that the Senate approved. Is that likely to happen? Is the administration with you?

Note Mr. Morton again. "Is the administration with you?" he asks. There are only 99 other Senators and the President is only the President of 200 million people but Mr. Morton wants to know if the administration is with you? He is fawning over Senator McGOVERN like a teenage adolescent.

Mr. KOTZ. Senator, isn't there a basic institutional problem in Congress, though? You're a member of the Senate Agriculture Committee. Both the Senate and the House Agriculture Committees have, over the years, repeatedly refused to pass legislation. Do you think that these committees should be left with jurisdiction over whether hungry people get fed?

Here is Mr. Kotz' fourth setup question.

Mr. HERMAN. Senator, the question of food is largely a question of money, is it not? You have to, either with stamps or with some other kind of cash, you have to buy food. Is the food that we are able to buy today as nourishing per dollar as it ought to be? Is it good, clean, nourishing food?

"Is it good, clean, nourishing food?" With all of the questions that Mr. Herman could feed to Senator McGOVERN, you would think he would zero in on something halfway controversial as the program starts to draw to a conclusion. This is Mr. Herman's seventh setup question.

Mr. HERMAN. How does the amount of hunger relate to the amount of agricultural surplus? In other words, do we have the food to feed these hungry people?

Here is one so obviously set up that it should offend everybody.

Mr. HERMAN. We don't have much time left, but I just want to ask you one question. Some of your speeches here are so fervent, so strongly put, so emotionally put that they sound a little bit like politics as well as earnest endeavor. Are you going to be a political candidate on the basis of your strongly felt feelings on this and other subjects in 1972?

For a minute I got a stir when I heard this question. Mr. Herman actually appeared to be giving up his lapdog role of feeding sucker questions and appeared to question the statements as "political." Then he made it obvious what he was talking about, it was to set up the McGovern presidential question. Note the laudatory manner he asked the question. The Senator is referred to as uttering statements which were "fervent," "strongly put," and "emotional" as well as being congratulated for his "earnest endeavor." How is that for slipping in a big pat on the back?

Mr. Speaker, here we see a sickening display of bias in the news media. These so-called reporters might well wonder why the public is with Vice President AGNEW in his famous speeches on the news media. Nothing could better typify the problem than the three panelists on last week's "Face the Nation." Nothing could better illustrate why Vice President AGNEW hit dead center.

Not one biting question was asked. Not one really probing question was asked. Not one question was asked which would have put the guest on the spot. Not one question was asked which could raise any doubt as to what the guest had proposed or stood for.

Let me make it clear. I am not in any way castigating the good Senator from South Dakota. I do not believe that he has in any way connived with these three panelists. More power to him. If you can get three sycophants to feed you laudatory, setup questions for half an hour, hooray for him. But this exercise in back scratching should not be pawned off on the public as a real question and answer show.

Whether the guest is a liberal, a conservative or a radical of the new left, any reporter with any pride in his profession and the ability to look one inch beyond the handout press release could think up at least one good question that would make the man on the spot shake just a little bit. Nothing is that black and white, no answer is that certain or that easy.

There was a time when the press considered itself as a bulldog sitting outside every public door. When it heard a strange noise, it barked and the public was alerted. The Washington press crew as illustrated by the three panelists last Sunday has shrunk to the role of pipsqueak pups with nary a bark at any sound, strange or otherwise, when it comes from a liberal. I cannot believe they are inept, it must be bias.

It would be quite interesting to compare this ludicrous panel treatment of a well-known, highly regarded Senator who presents a valid, popular point of view to what would happen if Senator GEORGE MURPHY were to come on "Face the Nation" and discuss his famous Murphy amendment or if Senator GOLDWATER or some conservative were to appear. The lapdogs would suddenly emerge from their liberal kennels and field a dozen difficult questions based on what somebody had said in Keokuk, Iowa, in 1964 or what someone else in his own party had said, and so forth.

OK, boys, you have exposed yourselves right well. Vice President AGNEW was 100 percent accurate. You are biased and it shows. The public should be alerted and it should make its complaints heard.

INVESTIGATION OF DISTURBANCES ON MILITARY BASES

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, my distinguished colleague from New York, Hon. MARIO BIAGGI, has made some cogent observations on a serious situation which exists at Fort Dix, N.J.

Yesterday, during a special order taken by Mr. BIAGGI, he reviewed in detail the circumstances relevant to military justice, stockade conditions, and the security of servicemen against violence on military bases.

We who know MARIO BIAGGI are proud of his distinguished record as a police officer and an investigator, and we also know that he is an expert in the assembling of information. He has expended considerable time, personal funds, and a great deal of effort in trying to bring to light any instances of injustice which have occurred on our military installations. We are indebted to Mr. BIAGGI for his efforts and for his wholehearted commitment to protecting the public interest.

Today, I talked with his office and was told that he is in Fort Dix continuing his investigation, and it is my feeling that as Members of Congress we should listen to each others' voices in order that we may more effectively curb the abuses that exist on our military bases.

I have supported the Armed Services Committee on every bill coming out of that committee since I was elected to Congress. Some 4 years ago, as a member of the Banking and Currency Committee, I and my colleagues on the committee investigated loans being made to American servicemen. We found that servicemen were being charged exorbitant interest rates, as high as 70 and 80 percent, by unscrupulous moneylenders. The outstanding chairman of our committee, Hon. WRIGHT PATMAN, and the members of our committee were persistent in their efforts to get the Defense Department to establish an official policy on loans to American servicemen. We were finally successful in our efforts and were able to clean up a $50 million racket so that today we have Federal credit unions established on our military installations all over the world, with deposits on hand of over $40 million, with loans on hand of $10 million, and with a maximum interest rate of 1 percent per month on the unpaid balance being charged to our fighting men.

Mr. Speaker, I ask that the members of the Special Subcommittee on Disturbances on Military Installations of the Armed Services Committee, who are investigating the charges and reports of injustices brought forth by my distinguished colleague, MARIO BIAGGI, give every possible consideration to these charges because we do have in America the finest group of fighting men of any country in the world. These men are defending freedom and democracy throughout the world and the least we can do is provide the best that we can for them—not only with equipment and training—but with the respect they deserve as human beings who are defending their country.

I commend and congratulate MARIO BIAGGI for his efforts to bring to light any injustices that exist on our military installations and I join him in asking that the Secretary of Defense and the Secretary of the Army continue their investigations at Fort Dix in order to correct a deplorable situation.

CLEAR, CLEAR WATER

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, advocates of water pollution control will hail the recent announcement of the successful completion of a noteworthy water purification experiment in Connecticut.

This experiment, made possible through a grant of $66,000 by the Connecticut Research Commission, was carried on by the Anaconda American Brass Co. and involved the treatment of brass mill effluents to reduce pollution of streams.

The process developed will neutralize acids, remove waste oils and eliminate solid materials. The immediate experiment has also revealed that further breaking down of complex chemicals will be possible. An important result of the process will be the recovery of 130,000 pounds of copper a year from the discharge of a medium-size brass mill.

I know that the country will welcome news of this successful experiment which has involved a fruitful cooperation between Government and private industry and that our citizens, particularly those in Connecticut, will look forward eagerly to the time when the scientific knowledge and the necessary equipment will have been spread throughout the entire brass industry to speed the purification of our streams and waterways.

JOZEF LETTRICH

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, supporters of a free Czechoslovakia will mourn the death on November 29 of Jozef Lettrich, the chairman of the Assembly of Captive European Nations. Dr. Lettrich was one of the thousands of tragic figures who bore the brunt of the Nazi and Communist oppression in the hapless country of his birth. Through the difficult years of the mid-forties, he was strongly consistent in that his efforts in behalf of the freedom of his country led him into conflict with the totalitarians first from Germany and then from Russia.

He was one of the leaders of the Slovak national uprising against the Germans in 1944, and was sentenced to death by the Nazis for his activities, but managed to escape their grasp.

In 1945, he became President of the Slovak National Council and a member of the Czechoslovakian Parliament. He also founded the Slovak Democratic Party.

After its brief postwar experience with freedom, Czechoslovakia suffered the invasion of Russian power with the Communist coup of 1948. As the pro-Russian elements gradually took over, Dr. Lettrich was forced for the second time into an underground movement and finally threatened with trial for treason. Disguising himself as a truckdriver, he then fled to Vienna. Shortly thereafter, he came to the United States.

A graduate of the University of Bratislava, Lettrich received his doctor's degree in that university. He was the author of "History of Modern Slovakia" and many articles.

I came to know Dr. Lettrich in recent years since we were brought together through my membership on the House Committee on Foreign Affairs and his continuing pursuit of the cause of Czechoslovak self-determination. Without detailing the problems and the setbacks that this cause has received over the years, it is sufficient to say that Dr. Lettrich retained a persistent belief in the eventual freedom of Czechoslovakia.

As one who shared that hope with him and continues to support the cause of individual freedom, economic development, and national self-determination for Czechoslovakia, I take this opportunity to mark the passing of Dr. Jozef Lettrich and to pay my tribute to this dedicated man who devoted the best part of his life to working and fighting against the forces of oppression and tyranny and for the freedom of his fellow men in Czechoslovakia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENNEY (at the request of Mr. GERALD R. FORD), from 4 p.m. today and the balance of the week, on account of official business as a member of the House Select Committee on Crime.

Mr. WIGGINS (at the request of Mr. GERALD R. FORD), for December 4, 5, and 8, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mrs. GREEN of Oregon, for 60 minutes, today; to revise and extend her remarks and include extraneous matter.

Mr. QUIE, for 1 hour, today.

Mr. AYRES, for 60 minutes, today.

(The following Members (at the request of Mr. MCDONALD of Michigan) and to revise and extend their remarks and include extraneous matter:)

Mr. CONTE, for 10 minutes, today.

Mr. MILLER of Ohio, for 1 hour, today.

Mr. HALPERN, for 20 minutes, today.

Mr. STAGGERS, for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GIAIMO, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. KOCH, for 60 minutes, on December 10; to revise and extend his remarks and include extraneous matter.

Mr. STEIGER of Wisconsin, for 60 minutes, today.

Mr. GONZALEZ (at the request of Mr. GIAIMO), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include an editorial.

Mr. FLYNT and to include extraneous material.

Mr. KLEPPE following Mr. DAVIS of Wisconsin on the conference report, amendment No. 5.

Mr. RANDALL in three instances.

Mr. AYRES during his remarks on his special order and to include extraneous material.

Mr. SCHERLE during his remarks on Mr. AYRES' special order and to include extraneous material.

Mrs. GREEN of Oregon during her special order and to include extraneous matter.

Mr. GIAIMO and to include extraneous matter.

Mr. QUIE and to include extraneous matter.

(The following Members (at the request of Mr. MCDONALD of Michigan) and to include extraneous matter:)

Mr. HOGAN.
Mr. SCHWENGEL in two instances.
Mr. ROUDEBUSH in two instances.
Mr. BROCK.
Mr. CRANE.
Mr. RHODES.
Mr. BUSH.
Mr. MORSE.
Mr. BROWN of Ohio in three instances.
Mr. QUILLEN.
Mr. DELLENBACK.
Mr. NELSEN.
Mr. PELLY.
Mr. HORTON.
Mr. WYMAN in two instances.
Mr. MINSHALL in two instances.
Mr. CONTE.

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. WATSON in two instances.
Mr. ASHBROOK.
Mr. MICHEL.
Mr. KEITH in two instances.

(The following Members (at the request of Mr. JONES of North Carolina) and to include extraneous matter:)

Mr. OTTINGER.
Mr. FRIEDEL in two instances.
Mr. KOCH.
Mr. JACOBS.
Mr. MIKVA in six instances.
Mr. FUQUA.
Mr. MARSH in two instances.
Mr. SMITH of Iowa in two instances.
Mr. DIGGS in two instances.
Mr. WALDIE.
Mr. UDALL.
Mr. STEPHENS in two instances.
Mr. TUNNEY in two instances.
Mr. REUSS in four instances.
Mr. POWELL in two instances.
Mr. FEIGHAN in five instances.

(The following Members (at the request of Mr. GIAIMO) and to include extraneous matter:)

Mrs. CHISHOLM.
Mr. DINGELL.
Mr. PICKLE.
Mr. GALLAGHER.
Mr. OLSEN in two instances.
Mr. GONZALEZ.
Mr. DORN in two instances.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 564. An act for the relief of Mrs. Irene G. Queja;

S. 2019. An act for the relief of Dug Foo Wong; and

S. 2185. An act to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89–774 (80 Stat. 1324).

ADJOURNMENT

Mr. GIAIMO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, December 4, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1375. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Resources management," Bureau of Indian Affairs, for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1376. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1377. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Management and protection," National Park Service, for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1378. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ended September 30, 1969, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1379. A letter from the Comptroller General of the United States, transmitting a report of improvements needed in negotiating prices of noncompetitive contracts over $100,000 on the basis of contractors' catalog or market prices, Department of Defense; to the Committee on Government Operations.

1380. A letter from the Comptroller General of the United States, transmitting a report on policies covering the collection of dollar claims from the Government of Vietnam, Agency for International Development, Department of State; to the Committee on Government Operations.

1381. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935; to the Committee on Interstate and Foreign Commerce.

1382. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1383. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

1384. A letter from the Administrator, National Aeronautics and Space Administration; transmitting a report on contracts negotiated for experimental and research and development work under 10 U.S.C. 2304(a)(11) and (16) for the period January 1 through June 30, 1969, pursuant to the provisions of section 2304(e); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS:

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and referenced to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 15090. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–98). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 15064. A bill to give identical authority to the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to regulate premiums and giveaways used in soliciting deposits; to the Committee on Banking and Currency.

By Mr. DADDARIO:

H.R. 15065. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of Government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 15066. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 15067. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 15068. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 15069. A bill to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.; to the Committee on Foreign Affairs.

By Mr. MIKVA (for himself and Mr. ECKHARDT):

H.R. 15070. A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 15071. A bill to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 15072. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. PATMAN (for himself, Mr. BARRETT, Mrs. SULLIVAN, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. GRIFFIN, Mr. HANLEY, Mr. BRASCO, Mr. HARRINGTON, Mr. HALPERN, and Mr. BLACKBURN):

H.R. 15073. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; to the Committee on Banking and Currency.

By Mr. PRICE of Illinois:

H.R. 15074. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

By Mr. ST. ONGE:

H.R. 15075. A bill to amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a home maintenance worker (in such individual's home) as part of a home health services plan; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 15076. A bill to amend the Voting Rights Act of 1965 to secure the right to vote of certain persons who are literate in a language other than English notwithstanding English language literacy requirements; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 15077. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 15078. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 15079. A bill to amend title XVIII of the Social Security Act to include payment under part A thereof for the costs of services needed for the treatment of any dental condition or affliction; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 15080. A bill to amend section 601 of the Federal Aviation Act of 1958 to require the Administrator of the Federal Aviation Administration to prescribe rules and regulations providing for the mandatory installation of transponder equipment aboard all aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. KING (for himself, Mr. DEVINE, Mr. CLANCY, Mr. McEWEN, and Mrs. REID of Illinois):

H.R. 15081. A bill to prohibit the use of the name of any certain deceased serviceman unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 15082. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

H.R. 15083. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 15084. A bill to provide for the establishment of a Commission on Mexican-American History and Culture, and for other purposes; to the Committee on Education and Labor.

By Mr. WIGGINS:

H.R. 15085. A bill to amend title 39, United States Code, to authorize, under regulations of the Postmaster General, the transmission of mail by executive departments and agencies under a simplified form of address in emergency situations, and for other purpose; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.R. 15090. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. KOCH:

H.J. Res. 1020. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ANNUNZIO (for himself, Mr. BROWN of California, Mr. BUTTON, Mr. CLAY, Mr. COLLIER, Mr. CONYERS, Mr. DIGGS, Mr. DONOHUE, Mr. EVINS of Tennessee, Mr. HANLEY, Mr. HOLIFIELD, Mr. McDADE, Mr. MADDEN, Mr. OLSEN, Mr. PEPPER, Mr. ROYBAL, Mr. RYAN, and Mr. ST. ONGE):

H. Con. Res. 462. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER (for himself, Mr. ASHLEY, Mr. BURTON of California, Mr. CLAY, Mr. COUGHLIN, Mr. CONYERS, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. GAYDOS, Mr. GILBERT, Mr. HARRINGTON, Mr. HICKS, Mr. JACOBS, Mr. LEGGETT, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. NIX, Mr. PIKE, Mr. REES, Mr. SCHEUER, Mr. STOKES, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. VIGORITO, and Mr. WHALEN):

H. Con. Res. 463. Concurrent resolution to express the sense of the Congress that the President of the United States should take prompt and effective action to correct all inequities in the case of A. E. Fitzgerald, and for other purposes; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By M. BROTZMAN:

H.R. 15086. A bill for the relief of Robert E. Middleton; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 15087. A bill for the relief of Hugo Chang; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 15088. A bill for the relief of Mi Ja Paik; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 15089. A bill for the relief of Louis A. Gerbert; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

348. The SPEAKER presented a petition of Bernard F. Halligan, Oakland, Calif., relative to survivor annuities, which was referred to the Committee on Post Office and Civil Service.

HOUSE OF REPRESENTATIVES—*Thursday, December 4, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Your faith should not stand in the wisdom of men, but in the power of God.—I Corinthians 2: 5.

Our Heavenly Father, who art the source of all our being and the companion of our way, we thank Thee for the creative ideas which come to life within us and for the deeper experiences of daily existence which enable us to realize the power of Thy presence. We are grateful for every awakening of mind that comes helping us to see human need and bidding us to share with others what we ourselves so richly enjoy.

By Thy spirit may we learn to live unselfishly and be concerned about the welfare of our people and the future of our country. Walking with Thee may we go forward building that which is good and true that Thy kingdom of justice and love and brotherhood may come upon this earth. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 118. An act to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14159) entitled "An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate recedes from the amendment numbered 5 to the foregoing bill.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 302]

Abbitt	Fulton, Tenn.	Philbin
Abernethy	Galifianakis	Pickle
Albert	Gallagher	Pike
Anderson, Tenn.	Gaydos	Podell
	Gray	Pollock
Ashley	Green, Oreg.	Powell
Bell, Calif.	Griffiths	Quillen
Bow	Grover	Railsback
Brock	Halpern	Reid, N.Y.
Brown, Calif.	Harrington	Reifel
Broyhill, Va.	Hawkins	Reuss
Burleson, Tex.	Hébert	Rivers
Cabell	Hosmer	Rooney, N.Y.
Cahill	Hull	Ruppe
Casey	Hutchinson	Ryan
Celler	Jacobs	Sandman
Chisholm	Jarman	Smith, Iowa
Clark	Johnson, Calif.	Snyder
Clay	Karth	Staggers
Colmer	Kirwan	Steed
Conyers	Landrum	Steiger, Ariz.
Cramer	Lipscomb	Taylor
Culver	Lloyd	Teague, Tex.
Davis, Ga.	Lowenstein	Thompson, Ga.
Dawson	McCarthy	Utt
de la Garza	McMillan	Van Deerlin
Denney	Macdonald, Mass.	Waggonner
Dennis		Waldie
Dent	Mann	Watkins
Devine	Martin	Watson
Diggs	Mayne	Whalley
Donohue	Meskill	Wiggins
Edmondson	Murphy, N.Y.	Wilson, Bob
Edwards, La.	Nedzi	Wright
Eilberg	Nix	Wydler
Evins, Tenn.	O'Neal, Ga.	Wylie
Fascell	Passman	Yates
Fulton, Pa.	Pepper	

The SPEAKER. On this rollcall, 322 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE LATE HONORABLE CHARLES BENNETT DEANE

(Mr. FOUNTAIN asked and was given permission to address the House for 1 minute.)

Mr. FOUNTAIN. Mr. Speaker, although many have already read or heard about it, it is with sadness that I announce to this House that one of its most distinguished former Members, Charles Bennett Deane, died on Tuesday night, November 25, 1969. Charlie was 71 years of age. North Carolina and the Nation lost a distinguished citizen and friend in the passing of this humble public servant, who served the Eighth Congressional District of North Carolina so ably and well in the 80th, 81st, 82d, 83d, and 84th Congresses.

Charles Deane gave generously of his time and talents in the halls of government, in the councils of the Baptist Church and also in the total Christian community. He was a sincere and dedicated Christian who believed in putting his faith into practice every day.

From 1932 to 1959 Charles Deane was the highly capable recording secretary of the Baptist State Convention of North Carolina. Following that long period of service he received the highest honor which the Baptist State Convention can bestow upon one of its members, when he was elected president of the convention for two successive terms.

Charles Deane was born in Anson County, N.C., on November 1, 1898, and received his law degree from Wake Forest College in 1923. He was admitted to the bar that same year and began the practice of law in Rockingham, N.C.

From 1926 to 1934 he was register of deeds in Richmond County, N.C. Later, he was an attorney for the Wage and Hour Division of the Department of Labor in Washington, D.C.

Long active in the Democratic Party, Charles Deane served as chairman of the Richmond County Democratic executive committee from 1932 to 1946.

He was elected to the 80th Congress and served this body with honor and distinction from 1947 to 1957. After his outstanding and dedicated service in the Congress came to an end, he returned to the practice of law, and also established an insurance brokerage business in his hometown of Rockingham.

A man who devoted his life to a variety of good causes, Charles Deane had a deep and abiding interest in Christian higher education and was chairman of the board of trustees of Meredith College, a girls school, in Raleigh, N.C., and a trustee of Wake Forest University in Winston-Salem, N.C.

Charlie Deane was a quiet, kind, and gentle man, extremely personable, but with an unassuming personality. He endeared himself to all who came to know him and had a host of friends of every race, creed, and color. I don't believe I ever heard him raise his voice in anger or malice.

At times, as is the case with every public official, Charlie Deane found himself taking an unpopular position in connection with decisions he had to make here. Whatever his position may have been on any given issue, especially highly controversial ones, I think it can be truly said that he took it with courage and conviction, often stating that he knew his position probably would hurt him back home but he just felt that way and could not do otherwise.

I believe my distinguished colleague, the gentleman from North Carolina (Mr. JONAS), and I are the only present members of the North Carolina delegation who were here when Charlie Deane was a Member of the House—although all of our delegation knew him either personally or by reputation.

I am sure I speak, not only for the North Carolina delegation in the House, but for every Member of this body who knew and served with Charlie Deane when I say we are truly sorry over his passing. At the same time, we recall with pride the many significant contributions he made to the life and well-being of North Carolina and the Nation.

We would like for his widow, Mrs. Deane, and the other members of his family to know that we share their loss and that they have our deepest sympathy during their hours of sorrow.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman.

Mr. JONAS. Mr. Speaker, I thank my colleague for giving me the opportunity to join him in paying this tribute of respect to the memory of our late colleague, Charles Bennett Deane.

As the gentleman who preceded me has already pointed out, Charles Deane was an unassuming man, although he was a man of great ability. He served with honor and distinction here in the House for a number of years, and I am sure all the Members of this body who served with him will join in stating that he was a man of strong convictions, with the courage of those convictions.

There was nothing negative about Charles Deane. You could always find him taking his stand on controversial issues, and that stand was based on what he thought was right irrespective of whether his position was the majority or the minority one. Despite the fact that during most of his public life he was in the midst of controversy, one of the things I admired most about him was that he never seemed to lose his temper, never spoke harshly of his political opponents, and displayed in his public activities the gentle spirit that characterized his private life.

Charlie was a devoted husband and father, and he was a devout Christian. He was not only a Christian on Sunday when he attended religious services but he practiced his religion every day of the week. He was deeply sincere and was without guile.

After leaving Congress, Charlie Deane remained in Washington and for awhile engaged in the practice of law; but the life of a permanent resident in Washington did not appeal to him so in due time he returned to his native Richmond County in North Carolina and to the city of Rockingham where he lived when he was first elected to Congress. Back home as a private citizen, he maintained a keen interest in politics and government but devoted most of his time working for his beloved Baptist Church.

Charlie Deane will be remembered here in the Halls of Congress, so long as any Members remain who served here with him, as a skilled and effective Representative who had the courage of his convictions.

He will be remembered by the people at home as a devoted public servant whose interest in their welfare was undoubted.

He will be remembered for all time by his dear wife and children as a devoted husband and father. Mrs. Jonas joins me in extending our profound sympathy to them as they mourn his passing.

Mr. FOUNTAIN. Mr. Speaker, I thank my colleague, the gentleman from North Carolina.

Mr. Speaker, I am happy to yield to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. McCORMACK), who knew our colleague very well and for whom I am sure Charles Deane had the greatest respect.

Mr. McCORMACK. Mr. Speaker, I am very sorry to learn of the death of our former colleague and my dear and valued friend, Charles B. Deane, of North Carolina.

Charlie Deane served with great ability and outstanding courage in the House of Representatives for 10 years. He was one of the most dedicated legislators with whom I have ever served.

He had an intense love of our country. He was a great American. Charlie Deane was also possessed of deep faith and more so, of strong moral conviction and courage.

Charlie Deane believed in God, His Word and His law, and more so—he lived as he believed.

It can well be said of Charlie Deane that he accepted political defeat rather than compromise his moral convictions, or to follow the pathway of political expediency where he felt such journey violated the moral code.

If some newspaperman or columnist wanted to write a constructive article of examples of moral courage in public life, they could easily find Charlie Deane and his life a No. 1 subject.

For Charlie Deane, as I have stated, "lived as he believed." He was truly one of God's noblemen.

I telephoned Mrs. Deane the other day and conveyed to her and her son and daughters the deep feelings of Mrs. McCormack and myself in their bereavement. I again, for Mrs. McCormack and myself, extend to Mrs. Deane and her loved ones our profound sympathy in their great loss and sorrow.

Mr. FOUNTAIN. I thank our Speaker for his very gracious tribute.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I am delighted to yield to our distinguished minority leader.

Mr. GERALD R. FORD. It was my privilege to serve a number of years in this body with Charlie Deane. He was a good friend, an outstanding legislator and, as the distinguished Speaker has said, he was a man of great moral integrity. He lived a life of honor, and his convictions were of the highest. As the Speaker said, he was more willing to be defeated politically than to sacrifice his devotion to principle.

I extend to his family my deepest condolences.

Mr. FOUNTAIN. I thank the minority leader for his gracious tribute.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I am happy to yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Speaker, on behalf of the Florida delegation, I want to say that we are deeply grieved to learn that Charlie Deane has passed on. He was one of my very close friends. I knew him intimately. I admired his courage, his ability, his steadfastness, his loyalty to our country. He loved America and he loved its institutions. He stood for them and by them every day that he served here. He was indeed a wonderful person to know and his service to the Congress and the Nation was outstanding. I join with my colleagues in expressing our deep sympathy to Mrs. Deane and to all of the family in their very great bereavement.

Mr. FOUNTAIN. I thank the gentleman from Florida for his very thoughtful words.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, Charlie Deane and I came to Congress together. A friendship sprang up between us, a friendship which was very close. I admired him for all the traits that have been mentioned here by my colleagues, and I give witness that they were as substantial as we have been told.

I extend to his wife and family the very sincere sympathy of the Miller family. He exemplified the closing words of Kipling's poem "If" because he could very well "walk with kings and keep the common touch."

Mr. FOUNTAIN. I thank the distinguished gentleman from California (Mr. MILLER).

Mr. GALIFIANAKIS. Mr. Speaker, at a time when so much emphasis is being placed on keeping the affairs of church and nation separate, it is easy to forget that what is good for the soul can often be good for the State. Charles B. Deane, who served in this Chamber for 8 years, never forgot, and those same qualities which made him a life-long leader in the Baptist church made him a leader in Congress from 1947 to 1956. Mr. Deane died November 24 at his home in North Carolina after a long illness. Those who knew him in Washington and those of us who knew him in North Carolina knew C. B. Deane was a practicing Christian.

Mr. Deane was the son of sharecroppers, and the love of North Carolina land that his parents tilled never died. Five years ago when he was strongly urged to seek another term in Congress, he declined explaining that he wanted to work for a local education bond issue. Trained as an attorney at Wake Forest Law School, Mr. Deane was recording secretary for the Baptist State Convention from 1932 to 1959. Afterwards he served as its president for 2 years. In addition to being a dedicated public servant he was a great layleader, and he brought his Christian convictions to bear on the problems of his country. Once he admitted he was "disturbed by the shock-slums in sight of our church steeples," and he contended that "too many good men are on the sidelines and are hesitant to take a stand for what is right." Throughout his 71 years, Mr. Deane referred to himself as one of the "little men." Those of us whose lives he touched know, as one North Carolina editorialist saddened by his passing, that "the label was appropriate to his unassuming personality but clearly not to his achievements."

Mr. Speaker, my State and my Nation have lost a true friend—one who was unafraid to serve his God and his country simultaneously.

GENERAL LEAVE TO EXTEND

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD in

connection with the passing of our former colleague Charlie Deane.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. I am very happy to reply to the distinguished gentleman from Michigan.

It is my intention to ask that we go over until Monday when the session concludes today.

The program for next week is a very heavy program.

Monday, of course, is District day. No District bills are scheduled; so we will schedule for Monday and the balance of the week—I will say in advance, the balance of the week, in my judgment, will include Friday and Saturday—the following bills:

H.R. 15090, Department of Defense appropriation bill, fiscal year 1970;

The foreign assistance and related agencies appropriation bill, fiscal year 1970;

H.R. 4259, to extend the Voting Rights Act of 1965, which will come up under an open rule with 3 hours of debate;

H.R. 12321, the Economic Opportunity Act Amendments of 1969, under an open rule with 3 hours of debate;

H.R. 15095, to provide for a 15-percent, across-the-board, benefit increase under the social security insurance system; and

S. 740, to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, subject to a rule being granted.

The gentleman from Arkansas (Mr. MILLS) has advised that next week he will seek to call up, by unanimous consent, two bills which have to do with the suspension of duties, which are noncontroversial, which have been reported by the Committee on Ways and Means. These are H.R. 14956 and H.R. 15071.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. The gentleman from Louisiana has indicated that the social security amendments will be programed. That was not on the original list.

Mr. BOGGS. No. We just added it.

Mr. GERALD R. FORD. Can the gentleman identify when next week it will be programed?

Mr. BOGGS. We have scheduled it as the next to last order of business for next week.

Mr. GERALD R. FORD. Which means, undoubtedly, late Friday or Saturday?

Mr. BOGGS. I would think so.

Mr. MILLS. Mr. Speaker, will the gentleman from Michigan yield to me?

Mr. GERALD R. FORD. I yield to the gentleman from Arkansas.

Mr. MILLS. We will endeavor to go to the Rules Committee on Tuesday for the purpose of obtaining a rule. We will only ask for 1 hour of general debate. That was unanimously agreed to in our committee. My guess is that we could dispose of it in less time than that. There would, I assume, be a vote on final passage, since it seems to be a matter many Members are interested in and perhaps would like to be recorded as favoring.

Mr. Speaker, will the gentleman yield further for a unanimous consent request?

Mr. GERALD R. FORD. I yield.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 15095 UNTIL MIDNIGHT FRIDAY, DECEMBER 5

Mr. MILLS. Mr. Speaker, in order to facilitate this matter and expedite it, I ask unanimous consent that the Committee on Ways and Means have until midnight Friday, December 5, to file a report on the bill H.R. 15095.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. COLMER. Mr. Speaker, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Rules.

Mr. COLMER. I have asked for this time to make an observation. That is, we are talking about legislation for next week. The Committee on Rules, it will be recalled, in the past two sessions fixed a closing date in order to expedite the adjournment of the Congress, beyond which applications would not be received.

We want, of course, to work with the leadership and with the House in getting whatever is necessary to be passed before the Christmas holidays, but this is not the final action of this Congress, the 91st Congress. The committee is very restless, as is the House, about getting adjourned at some reasonable time, at least so we can get home in time to hang up our stockings on Christmas Eve.

I just want to take this occasion to announce to the committees, and particularly the chairmen of the committees, that we do not propose to take up any new matter in the Committee on Rules other than a couple of bills that expire during this month.

I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would certainly hope that the chairman of the Committee on Rules would make an exception in the case of the increase in the social security benefits that was reported out of the Committee on Ways and Means today. Frankly, the committee unanimously reported this bill, and it did so in a sense on an emergency basis, because we felt it was an emergency as it was necessary we should take this action as promptly as possible, with the understanding that other provisions for possible changes in the Social Security Act would go over until next year but that this item was of the highest priority and therefore should be enacted at the earliest possible time.

Mr. COLMER. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Rules.

Mr. COLMER. I thank the gentleman for yielding.

I am afraid that in the urge to get this message across I did omit to say that I have been spoken to by the Speaker about this bill and, of course, we expect to have at least one more meeting, and that will be on the agenda.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. MICHEL. If I might have the attention of the chairman of the Committee on Rules (Mr. COLMER) for one further question, what would happen, for example, if we required a rule for an appropriation bill before the Christmas holidays? Would we assume that that would be required to go over beyond whatever recess we might take at the Christmas holiday?

Mr. COLMER. If the gentleman from Michigan will yield further?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. COLMER. Again I am afraid that my statement was not complete. There has been an understanding with the leadership and the Speaker that that is an emergency matter on the question of these appropriations and, assuming and with the hope that those can be taken care of next week, I would think that that would be an exception.

What I was really trying to do, if you will permit me to say this to my friend, was to try to get across to the House and to the chairman of these committees particularly that the Committee on Rules is going to be very reluctant and reticent about taking up any new matters in order that we might adjourn.

Mr. PICKLE. Mr. Speaker, this morning the House Commerce Committee passed several measures which should be acted on this session. Most of the bills were bills to extend or renew legislation which is already on the books. For instance, one bill was to extend the authority to make formula grants to schools of public health; a bill to extend the program of assistance for health services for domestic migrant agricultural workers; a bill consenting to the extension and renewal of the interstate compact to conserve oil and gas; and other important bill was to amend the community mental health centers to extend the program of assistance under that act for community health centers and facilities for the treatment of alcoholics and narcotic addicts.

I know that the chairman of the Rules Committee and his committee would want to take action on these bills. Some of the measures have actually and tech-

nically terminated, and these bills must be passed. I have discussed this with the chairman of the Rules Committee and understand, of course, that the chairman of our committee will be discussing these bills with him in person. I do think it well, however, to point out that whatever notice the chairman of the Rules Committee was attempting to convey to the House today would not preclude his committee and this Congress from taking action on these vital measures which are not controversial, but which have great impact and importance to our country.

I hope this matter is brought to the attention of the full Rules Committee because these bills should be acted on this session.

Mr. MILLS. Mr. Speaker, will the gentleman yield to me?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Ways and Means.

Mr. MILLS. Let me propound a question, if I may, to the acting majority leader. Did I understand you to say that the bills you enumerated would be taken up in the order of your enumeration of them?

Mr. BOGGS. Yes. That is my understanding.

Mr. MILLS. Would it not be possible for the social security bill to be taken up sometime in the middle of the week in order to accommodate Members who want to be here to vote for it? That is, if some later arrangement can be worked out.

Mr. BOGGS. I assure the chairman of the Committee on Ways and Means of that if we can possibly do the same. The main thing I want to emphasize is I do not want somebody to come back tomorrow or Monday and say we did not announce that probably the House will be in session next week both on Friday and Saturday.

The SPEAKER. The time of the gentleman from Michigan has expired.

ADJOURNMENT OVER TO MONDAY, DECEMBER 8

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, the quorum call which I made at the opening of the session this afternoon demonstrates that the House has a quorum and is ready, willing, and able to do business. Yesterday when the chairman of the Committee on Education and Labor (Mr. PERKINS), refused to call up, as scheduled, the poverty bill, the contention was made then that certain members of the committee had not had an opportunity to read and study the substitute amendment that was proposed to be offered.

They have now had that opportunity.

I ask the gentleman why the leadership cannot bring that bill up today, dispose of general debate and go to the amending stage tomorrow?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, I would say to the gentleman that that matter was discussed here on yesterday for 4 or 5 hours. It seems to me that there is nothing more I can add, because the gentleman heard the discussion.

Mr. GROSS. But the gentleman from Iowa is making the point that the contention of those who opposed the calling up of the bill yesterday was because they had not been given the opportunity to study the substitute and they have now had that opportunity.

Mr. BOGGS. I understand the gentleman's position but I cannot speak for the chairman of the Committee on Education and Labor.

Mr. GROSS. Can the gentleman explain why he is not on the floor, prepared to bring up the bill today so that we would not have this added load of legislative work placed upon us next week?

Mr. BOGGS. I think if we established the precedent that the leadership or anyone else can answer as to why Members are not on the floor, it would be a very dangerous precedent.

Mr. GROSS. Mr. Speaker, I regret, and deeply regret, that there is no answer to the fact that there is nothing before the House today other than perfunctory business, and this is Thursday, while next week we are scheduled to work Friday and Saturday—in other words, all week—and that is all right with me. But why not divide the huge workload in an orderly fashion when there is legislation pending and available to be considered? This is incredible and it is no credit to the legislative process when we are presumably within days of adjournment of this session of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

KEEPING THE RECORD STRAIGHT

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, the column in Saturday's Washington Post by a nationally known columnist with reference to the conference on the appropriation bill for the Department of Agriculture, H.R. 11612, and the matter of payment limitations is untrue.

It does not disturb me that they say I appoint conferees, which of course is not true though those appointed certainly would have been my choices. What is disturbing is that many writers, commentators and others do not seem to realize that to provide food and fiber we first must make it worthwhile to produce; that to have a stable economy we must have a financially sound agriculture.

So far as the conference is concerned, the conferees met periodically for more than a month and tried to work out satisfactory language, but were unable to arrive at any language that would be agreeable to both the House and Senate conferees. There were a number of reasons for this situation.

The author of the limitation provisions in the House, for reasons of his own, exempted producers of sugar and wool. Producers of cotton were excepted by operation of law, and winter wheat had already been planted, leaving the limitation where is would be applied only to producers of spring wheat and feed grains.

As chairman, I wrote the language pointing out these facts, and further pointed out the fact that the act expires next year when the whole law must be rewritten. The pertinent language appears on page 34680 of the CONGRESSIONAL RECORD of November 18, 1969.

Mr. Speaker, many people have asked why such large payments are made in some cases under the present farm program. This question was raised with me by the clerk at the registration desk of a Holiday Inn at which I stayed some weeks ago. He wanted to know how these large payments to producers could be justified. I explained that I had opposed the law, but since it was enacted by the Congress and signed by the President it must now be carried out until it expires in another year. Then I said:

"In answer to your question about the large payments, may I cite you an illustration: I have just rented a room from you at $16 plus tax; how about renting me a wing?"

"I would be glad to," he replied.

"How many rooms are there in a wing?"

He answered, "There are 100."

I asked, "Will you let me have the 100 rooms for $16?"

"No, of course I could not do that; I would have to have $1,600 for a wing."

"Well," I said, "the big payments come from the fact that these large landowners rent a 'wing' to the Government, instead of one room. It was the Congress and the President who enacted the Agriculture Act of 1965, and who concluded it was to the interest of Government to rent acreage from landowners to keep it out of production."

Members of the Congress know I opposed the present farm program when it was passed in 1965. I said then that for agricultural producers to be required to sell what they produced at world prices while paying domestic prices—with built-in labor costs—for their equipment, supplies, and machinery and having to rely upon annual appropriations to make up the difference largely based upon land rented to the Government would never work; that such a system would leave the producer of much food and fiber dependent upon annual appropriation by succeeding Congresses for part of his cost

and all his profit; that he would soon find the money withheld by some Congress, notwithstanding the law; that he would become the object of terrific attack from the urban news media; would eventually go bankrupt and, from the history of the last two depressions, would pull the rest of the economy down with him. However, the act was passed and our Appropriations Subcommittee for Agriculture has done its best to carry out the law as it exists, by recommending funds to carry out its provisions. In this effort we have had the support of Congress.

Mr. Speaker, what the columnist said happened did not happen; and what did happen was reported to the House and Senate and is a part of the record.

Mr. Speaker, in view of the attention given to the payment issue, most present-day stories overlook the fact that our committee recommended and the Congress provided in our Appropriations Act over $2 billion for the various food assistance programs, including the school lunch and school milk programs; provided the full amount authorized by law for food stamps—$610 million.

I would remind you that years ago we insisted on publication of an agricultural bulletin on human nutrition which continues to be published. More than 12,000,000 copies have been distributed.

In my State our committee had the Department of Welfare to send a special representative to every person who was alleged to be suffering from hunger, whose name we could obtain so that the food programs could be made available to them. Existing programs were made available. In other States we were never able to obtain names. We further authorized the Secretary of Agriculture to supply the total cost of food for any individual where he found it necessary.

If people are hungry, we need to know who they are and the reason for their situation. If existing programs are not reaching them, we need to find out why and then make such changes as are required. Grabbing a huge figure out of the air, without facts or plans, will not get the job done. For this reason we continue to investigate the problem.

Mr. Speaker, in our bill we took many other actions vital to the well-being of the people of the Nation. In addition to loan funds we provided $46 million in grants for water and sewerage projects, provided 100 more new starts on watersheds to aid in pollution control, provided for the one thousand and one things so essential to all consumers for the production and preservation of food and fiber. We provided for meat inspection, quarantine, protection from plant and animal diseases, soil conservation, regulation of pesticides, all of which are necessary to maintain our high standard of living.

Mr. Speaker, it is easy to make a whipping boy out of those engaged in agricultural production, for there are only about 5 percent of our people on the farm. May I say it is a dangerous pastime for the consumer, however; for if we do not keep it worthwhile to produce food and fiber, there could well be little to distribute—and all could go hungry.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday, December 8, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE CONFERENCE REPORT ON S. 2864

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Saturday, December 6, to file a conference report on the bill S. 2864, to amend and extend laws relating to housing and urban development, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Saturday, December 6, to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADMINISTRATION APATHY TOWARD THE INDIAN—THE SOBOBA INDIAN BILL A CASE STUDY

(Mr. TUNNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, the Members of this Chamber have often heard the phrase "the need to reassess our national priorities." My purpose here today is to provide a practical example of this problem—to show that the phrase is not simply a meaningless generality.

One of the sad consequences of the misappropriation of our Nation's resources is the plight of the American Indian today. The Indians face increasingly severe problems such as poor housing, lack of adequate sanitation facilities, unemployment, and underemployment, and substandard nutritional and health care. The rate of unemployment on most reservations average 40 percent. Seventy percent of California's Indian population have incomes below $3,000.

Yet despite these severe and tragic conditions, one cannot help but get the impression that the executive branch has all but forgotten the Indian and has relegated the solution of his problems to the lowest possible priority status.

I could cite many examples such as the inactivity of the National Council on Indian Opportunities. However, I would like to provide my colleagues with a personal example of the low priority given to Indian legislation by the executive branch.

In 1966, I introduced H.R. 16017 at the request of the Soboba Indians of California. The legislation would authorize the Secretary of Interior to approve an agreement entered into by the Soboba band of mission Indians to provide for construction of a water distribution system for the Soboba reservation.

The negotiations to develop the program were initiated in 1956. The project was approved on a preliminary basis in 1962. The Soboba Tribe ratified the agreement in an election held in 1965. I then introduced legislation to authorize the program. The chairman of the House Interior Committee requested the appropriate departmental reports. None were sent then and none have been received to this very day even though the bill was reintroduced and reports requested each session thereafter.

In 1968, at the request of the Bureau of the Budget, the Bureau of Reclamation conducted a cost-benefit analysis of the Soboba project which revealed a favorable ratio of 4.4 to 1.0. However, even after the study the Bureau of the Budget has refused to provide a report of any kind giving the administration's views on the legislation. It appears that Indian problems do not merit the same priority as do other programs.

Four and one-half years have passed since the Soboba's voted to ratify the program embodied in the bill—now H.R. 3328. They are now beginning to wonder about the prospects of ever having the matter resolved. I cannot blame them for their diminishing confidence in their Government's willingness to meet their needs.

Mr. Speaker, the program is designed to provide for facilities to supply the Soboba Reservation with a permanent source of water supply in order to insure their very existence and future economic progress.

The Subcommittee on Indian Affairs has been willing to hold hearings on the legislation. To this date the administration has refused to provide the subcommittee with the necessary reports stating its views.

I ask only that the administration take a position on this bill—whatever that may be—to enable the subcommittee to hold hearings. Even to oppose the bill would be preferable to relegating it to the callous back burner of bureaucratic indifference. The cruelest stance of all is that of apathy.

Once again, I call upon the administration to reassess national priorities and move to meet the pressing social needs of the American Indian.

PRELIMINARY RELEASE OF AN INTEROFFICE MEMORANDUM BY THE U.S. DEPARTMENT OF LABOR

(Mr. KEE asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, for the first time since the passage of the Landrum-Griffin Act, the Labor Department has injected itself into the preelection campaign of a major labor union. It has done so on the basis of alleged improprieties on the part of the president of the United Mine Workers of America and several of his aides.

The basis for such allegations is not evident in the reports issued by the Department of Labor. To the contrary, much of the information is already well-known because of the election campaign, or is readily available to both union members and the general public under the labor laws of the United States.

Given these facts, it is difficult to believe that the Labor Department had any but a partisan political motive in its actions of recent date.

Mr. Speaker, this is a serious charge to make. But, the record does not leave any other alternative. Obviously, the report issued was only a preliminary one, a document in the nature of an interoffice memorandum rather than the type of exhaustive investigation one would expect. Its issuance only 11 days before the union election adds credence to the theory of political motivation. So, too, does the exclusion of any information about the salary and expense of the rival candidate in the election.

If the Labor Department is to serve effectively, it must do so objectively, giving favor to no one. I do not believe that it has done so in this instance.

The UMW election has assumed national significance. Much information about it is carried in the news media. The American people by nature have probably chosen sides.

But, we must never forget that the election is not a matter for the general electorate. Rather, it is the members of the United Mine Workers who must decide the issues in their own way, according to the UMW constitution and the Federal law. If the law is broken, the Government has every right to step in. On the other hand, no other excuse, no other motive no matter how noble, can justify the intrusion of outside governmental pressure into the UMWA election. For, to permit such interference is to somehow circumscribe the rights of the Nation's coal miners to run their own affairs, a position which is obviously untenable in our free society.

I call upon the Labor Department to explain their actions in this instance. I hope that they can do so. But, if they do not or cannot, I believe the matter warrants the attention of the Congress.

Mr. Speaker, the labor laws of the United States are designed to protect the rights of the American worker. It would be a cruel paradox indeed if the Department charged with protecting them would, in this instance, inject itself unwisely and thus thwart the very democratic process it supposedly defends.

PERSONAL ANNOUNCEMENT

(Mr. STOKES asked and was given permission to address the House for 1 minute.)

Mr. STOKES. Mr. Speaker, on Monday, November 24 and on Tuesday, November 25, I was in my congressional district on official business.

Mr. Speaker, on rollcall No. 288—H.R. 11193, the National Capital Transportation Act—on the amendment to eliminate study of possible extension of the system to Dulles, I ask that the RECORD reflect that had I been present, I would have voted "nay."

On rollcall No. 289, on final passage of the bill, H.R. 11193, I ask that the RECORD show had I been present, I would have voted "yea."

On rollcall No. 290, on the District of Columbia Appropriations Act of 1969—H.R. 14916—I would have voted "yea."

On Tuesday, November 25, on rollcall No. 292, on H.R. 14741, the Federal Highway Act of 1969, I would have voted "yea."

The SPEAKER. The gentleman's statement will appear in the RECORD.

Mr. STOKES. I thank the Speaker.

THE RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I am happy to join with my colleagues in paying respects to Gen. George H. Decker on the occasion of his retirement as president of the Manufacturing Chemists Association.

Others have lauded—and rightly so—this distinguished soldier-citizen's brilliant record as a commander of our military forces. I should like to add that he demonstrated equal talent as a cost-conscious administrator at the Pentagon.

In his 5 years in the office of the Comptroller of the Army, first as chief of the Budget Division and then as comptroller, he established procedures and systems designed to achieve the maximum in military security at minimum cost to our hard-pressed taxpayers.

During the 1968's General Decker held a series of increasingly responsible overseas field commands. The culmination of this experience came during his tour in Korea when General Decker was given the singularly demanding post of commander in chief, United Nations Command, and commander, U.S. Forces, in Korea. During his 2-year tour in Korea, General Decker played an important role in encouraging the improvement of the Armed Forces of that nation. In addition, he was instrumental in the significant improvement of the firepower, mobility and efficiency of the American forces under his command. For his fine work in Korea, General Decker has, I know, earned the respect and affection of citizens in both our country and Korea.

In his civilian service, as in his military, General Decker has displayed both extraordinarily good judgment and the ability to meet and to master new challenges.

During his 6 years' leadership of the chemical industry, great progress has been registered—and not only in technology, where the industry has always been in the forefront.

There has also been a conscious acceptance of social responsibility by the industry—an acceptance not only in words but in deeds. Major chemical companies have demonstrated their willingness to dedicate real resources—in money and highly qualified manpower—to the public good.

This has been—and will be—vital in solving problems of great importance to all Americans, such as safety on the job and in the home.

It will be most important of all in meeting the urgent need to preserve and upgrade the quality of our environment—the purity of our air and of our water.

General Decker—like the patriotic American he is—has set an outstanding example. As he steps down to honorable—and we hope thoroughly enjoyable—retirement, we look to Bill Driver to continue on the course the general has so soundly set.

RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. ALBERT (at the request of Mr. HANNA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I join my colleagues who today take note of Gen. George H. Decker's retirement as president of the Manufacturing Chemists Association. This is one of the great trade associations which represents an important national industry and plays a vital role in our society and economy.

General Decker's retirement marks the close of a career of dedicated service, both military and civilian, which has spanned almost half a century and has been marked by distinction and great success. General Decker began his military career as a second lieutenant in the 26th Infantry at Plattsburgh, N.Y. During his 38 years in uniform, he rose to become Army Chief of Staff, serving 2 years in that post under both President Eisenhower and President Kennedy. He was also chief of staff of the 6th Army under General MacArthur in the Southwest Pacific. He acted as commander of each of the major combat organizations of the U.S. Army and as commander in chief of major combined Allied Forces in Korea.

On the occasion of General Decker's retirement from the Army, President Kennedy complimented him upon "a very long and distinguished career in the service of the United States."

General Decker did not, however, rest upon his laurels.

Instead, he accepted a new challenge, this time in the field of industrial leadership. Six years ago he was elected president of the Manufacturing Chemists Association, representing one of America's backbone industries.

He undertook as his responsibility the development of more effective communications between business and Government with the ultimate goal, as he himself expressed it, of achieving "a mutuality of understanding and respect."

During his years as president of the association, he has worked with Congress

and the executive agencies in dealing with major problems confronting the American people—fighting inflation, restoring our balance of payments, cleansing our air and water, and enhancing the health and safety of Americans both on the job and off.

More often than not, those of us in public office have found ourselves in basic agreement with General Decker—and even when we differed we have respected his sincerity.

Thanks to him there has been a steadily deepening "mutuality of understanding and respect" between the chemical industry and Government. General Decker can take well deserved satisfaction in the major part he has played in bringing this about.

I salute a great man, a great general officer, an oustanding leader, and my good friend of many years. I wish him a happy, contended, and well-earned retirement.

RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. MURPHY of New York (at the request of Mr. HANNA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I am proud to join General Decker's many friends in paying tribute to him on the occasion of his retirement as President of the Manufacturing Chemists Association.

It is his second retirement—his "re-retirement," as he calls it. Seven years ago he stepped down as Army Chief of Staff. He had risen, without benefit of a West Point springboard, all the way from second lieutenant in the small and homebound Regular Army of the 1920's to the leadership of more than a million men in uniform, on duty throughout the world.

On that occasion, in 1962, he was presented by President Kennedy with the Distinguished Service Medal. The citation, read by Secretary of the Army Cyrus Vance, ended with this sentence, and I quote:

> General Decker's outstanding achievements as Chief of Staff and his entire career are in keeping with the finest traditions of the United States Army and reflect the highest credit upon himself and upon the military service.

General Decker has given equally distinguished service as leader of one of our most important and progressive industries during a challenging period in its history.

To him belongs much of the credit for the continued development of corporate good citizenship within the chemical industry.

Thus, the Manufacturing Chemists Association and its member companies have taken a positive and constructive attitude toward the enhancement of the health and safety of Americans in their places of work.

Further, the association has cooperated in the enactment of major legislation at the Federal level to bring air and water pollution under control and improve the quality of life for many millions of citizens. For this purpose, a major segment of the industry has expended something like a billion dollars—a very substantial investment in a better and brighter future.

General Decker's second career has been relatively brief. But, like his long military career, it has been characterized by high standards of service in the interests in his fellow-Americans. I wish him health and happiness in his retirement.

KEEP THE MILITARY OUT OF POLITICS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I know that many of our colleagues are concerned about the rising tide of political demonstrations in our country. Unfortunately, on occasion there have been indications of a desire to chill peaceful protests. But I hope all of us can agree that political demonstrations ought not to be initiated by those having military authority. I refer now expressly to a recent incident involving the National Guard which, in my judgment, requires immediate attention. Maj. Gen. Winston P. Wilson, Chief of the National Guard Bureau, recently attempted to introduce partisan politics into that service.

I have asked that Secretary of Defense Melvin Laird advise me as to whether the actions of the general, all of which are set forth in the annexed correspondence, constitute violations of the Army regulations and the United States Code. If they do, I trust that appropriate measures will be taken. If they do not, then I suggest new regulations or laws be proposed that will effectively deal with this problem. As I pointed out to Secretary Laird:

> Any attempts to politicize the Army by Generals using their official position to encourage and influence political demonstrations, pose a serious threat to the traditional supremacy of civilian control over military command authority and have the potential of subverting our democratic process.

I will advise the House of Secretary Laird's response as soon as I receive it.

Pertinent material follows:

NEW YORK, N.Y.,
November 4, 1969.

Mr. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR ED: Major General Winston Wilson, Chief of the National Guard Bureau, asked National Guardsmen to counterdemonstrate against our planned war protest later this month.

Did he send out this appeal as a private citizen? Did he use his personal stationery? Did he pay for reproduction, secretarial and mailing costs out of his personal funds?

If, as one would assume from the AP story, this was done as an official act, using government facilities and at government expense, then he must be asked to retract the statement and personally reimburse the government for expenses thus incurred and given at least a slap on the wrist that future acts of this nature will not be tolerated and will call for disciplinary action.

In New York, as you well know, we are scrounging money for printing, distribution and bus fares for protestors for the demonstration. It is not tolerable to have men like General Wilson using official channels and our tax money to oppose our efforts to bring peace to our poor war-divided country.

It was an extreme pleasure to watch you on several recent TV appearances. While we miss you in Chelsea, we must applaud your growing stature and leadership in Washington. Carry on, please.

Sincerely,

IRENE DAVALL.

NOVEMBER 17, 1969.

Maj. Gen. WINSTON P. WILSON,
Chief, National Guard Bureau,
Washington, D.C.

DEAR GENERAL WILSON: I am writing to you about a matter brought to my attention by Ms. Irene Davall, 311 West 24th Street, New York, New York.

I am enclosing a letter received from Ms. Davall concerning your position on the Vietnam antiwar moratorium. I would like you to know that I consider your introduction of partisan politics into the National Guard as very destructive to our democratic system. Other countries have suffered grave damage to their democratic processes when they permitted the military to enter the political arena. I join with my constituents in asking whether any government funds were used by you in your appeal to our nation's 500,000 National Guardsmen to engage in a political demonstration.

Sincerely,

EDWARD I. KOCH.

NATIONAL GUARD BUREAU,
Washington, D.C., November 24, 1969.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in reply to your inquiry in behalf of Irene Davall regarding my recent message that I sent to the Adjutants General of the several States.

The National Guard Bureau is an administrative agency which oversees the maintenance of the Army and Air National Guard in the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. My message to the Adjutants General was sent out in my official capacity as Chief of the National Guard Bureau. This was a routine type of message providing information to the States. As a part of this message, I suggested that our National Guardsmen be encouraged to exhibit their patriotism by flying the American flag at their homes, by burning their porch lights, and by driving with their car lights on from November 11–16, 1969. A copy of this message is inclosed for your information.

It is regretted that my message was interpreted as a counterdemonstration against the anti-war protestors.

Sincerely,

Maj. Gen. FRANCIS S. GREENLEAF,
Deputy Chief, National Guard Bureau.

From: NG Depts of the Army and Air Force,
Washington, D.C.
To [Adjutants general].

On November 11, our nation will once again pay tribute to those who have made the supreme sacrifice in the defense of their country. This year's ceremony, as for the past number of years, will take place while our armed forces are still locked in battle in Vietnam.

In that war, at least 75 National Guardsmen from the four mobilized Air Guard and eight Army Guard units which were deployed to the combat zone *or who volunteered to serve in Vietnam,* have given their lives. One of our mobilized Army Guard units is still fighting there. Many former Air Guardsmen who became active Air Force pilots have been shot down over North Vietnam and are now prisoners of war suffering indignities and torture at the hands of a cruel, inhumane enemy.

I find unfortunate the fact that just a few days following the day of national tribute to Americans who have fallen in battle, many other Americans will demonstrate in many of our cities to demand a course of action that not only would betray those Americans who already have suffered and died in Vietnam, but also would mean abandonment of our allies and a revocation of our pledged word.

Certainly, every American wants to end the war. Every American wants peace. However, the desire for a speedy conclusion of the conflict should not be so great that we become blind to the realities of such a shortsighted course. We do not, through emotional confusion, want to pursue an impetuous action at the price of capitulation and surrender. We should move ahead cooly, methodically and orderly—as I believe we are doing—in a manner which will give us the greatest guarantee of lasting results.

I am concerned that those Americans who seek a capitulatory solution are creating a feeling of comfort in Hanoi and are leaving the enemy with the impression that their vocal and active groups represent the majority opinion within the United States.

As a result, I think the time has come for all of us to awaken to the difficulties these misguided activities create for our nation's efforts to bring about an honorable peace in Vietnam, how disruptive they must be to negotiations in Paris. It's time for Americans to unite behind a move that will demonstrate true majority opinion in this country. I believe as a matter of national honor, the will of the American people will be to show Hanoi that America's overwhelming public opinion is *not* represented by those who carry the enemy flag in our streets.

Undoubtedly, many Guardsmen may be called upon to protect the rights of these citizens to protest. To act with restraint in the face of what many of the Guardsmen, I know, believe to be a dishonor to our country requires a patience and understanding that are above and beyond what most Americans are ever asked to perform. Yet, I know Guardsmen will act with the restraint and orderliness that has marked their past efforts to maintain peace in our cities and on our campuses.

Because of my grave concern that the moratorium activities might be misunderstood in North Vietnam, however, I suggest that we ask even more of our Guardsmen. Therefore, I urge that we encourage all National Guardsmen, as citizens, to join in a national effort that will underscore the nation's determination to follow a prudent course in Vietnam. To do this, I urge that from 11 November through 16 November 1969, National Guardsmen: 1. Fly the American flag at their homes and businesses. 2. Drive their automobiles with the headlights turned on and turn their porch lights on at home.

I hope, too, that Guardsmen will encourage others in their families and in their communities to do the same.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1969.

HON. MELVIN LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I would like to place a matter before you which I believe deserves your closest scrutiny.

As the result of a newspaper article commenting on the alleged action of Major General Winston P. Wilson to the effect that he had sent an appeal to the members of his command requesting that they undertake actions which could only be interpreted as constituting a political demonstration, I wrote to General Wilson inquiring whether any government funds had been used in connection with this matter.

I received his reply, a copy of which is enclosed with the entire correspondence. He states without reservation that his message was sent "in my official capacity as Chief of the National Guard Bureau." He went on to say, "As a part of this message, I suggested that our National Guardsmen be encouraged to exhibit their patriotism by flying the American flag at their homes, by burning their porch lights, and by driving with their car lights on from November 11–16, 1969."

I would very much appreciate your advising me as to whether these acts of the General constitute violations of the Army regulations and the United States Code. If they do, I trust that appropriate measures will be taken in this case. I would appreciate being informed of the disposition that you do make in this matter.

Any attempts to politicize the Army by Generals using their official position to encourage and influence political demonstrations, pose a serious threat to the traditional supremacy of civilian control over military command authority and have the potential of subverting our democratic process.

I would appreciate your views on this matter.

Sincerely,

EDWARD I. KOCH.

"POUND FOOLISH" CUTBACKS IN FEDERAL PROGRAMS THREATEN NATION WITH GROWING HEALTH CRISIS

(Mr. OTTINGER (at the request of Mr. KOCH) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the cutbacks proposed this year in Federal support of medical education, medical research, and health services are a false economy move which may actually represent one of the most costly and wasteful programs ever proposed under any administration. Unless these cuts are reversed and the programs fully funded, the inevitable result will be the crippling of medical education in this country, permanent retardation of vital research programs, and further deterioration in the Nation's already inadequate health programs.

The drastic reductions in the research funds administered through NIH are forcing our scientists and technicians to cut back or abandon vital research projects. As a result the Nation is thus losing incalculable investment in experience and expertise and much of the momentum which has brought us to the verge of major breakthroughs in the battle against such scourges as cancer and heart disease.

It is ironic that the three American scientists who recently won this year's Nobel Prize for medicine or their achievements in leukemia research will be rewarded by having their budgets cut by an average of 9 percent under the new program. This cannot help but retard efforts to find a cure for this cruel disease which will kill 19,000 Americans next year—most of them children and young adults.

If these cutbacks in Federal support for medical research and health services stand, it will take many years and many millions of extra investment to recover the losses to the Nation. Millions of Americans will suffer and die needlessly as a result.

This is not just a problem for the future. The results of this "economy" policy are already visible in almost every phase of medical effort.

As a result of inadequate funding most private and many public medical schools will be forced to curtail education programs and enrollment either this year or next. At least 10 schools are reportedly faced with the imminent prospect of having to close down operations entirely unless immediate relief is found. This, at a time when the Nation suffers not only from a shortage of doctors, but from a shortage of medical students to meet future needs for doctors.

Perhaps most frustrating of all, the cutbacks are now depriving the American people of medical benefits produced as a result of earlier, successful research projects. As a result of 3 years of effort and $800,000 expended by the Division of Biological Standards, we now have a reliable proven vaccine against rubella, a disease which is a major prenatal killer and crippler of babies. With our present state of knowledge, it would be possible to launch a vaccination program which could afford full and effective protection to the Nation's expectant mothers by 1971, when public health officials predict the next major rubella epidemic will strike. Such a program will cost $60 million, yet the cutback program allows only $30 million, half enough to do the job.

This is not only inhumane, it is the falsest type of economy. The last rubella epidemic in 1964 caused 20,000 American babies to be stillborn and left another 20,000 with brain damage or serious deformity. Dr. Louis Cooper of the New York University School of Medicine has estimated conservatively that the rehabilitation of the 20,000 damaged babies will in the end cost the Nation over $2 billion. How can we afford not to allocate the additional $30 million it would take to avert a repetition of this tragic cost in 1971?

We know that these vaccination programs can be effective. The Salk vaccine reduced the incidence of paralytic poliomyelitis from 13,850 in 1955 to 61 in 1965. The savings in money and suffering that this represented are incalculable.

The other reductions are equally pennywise and pound-foolish, and represent a grossly distorted sense of national priorities. For example:

The Nation spends $21,600 to kill each enemy soldier in Vietnam but only $6.67 per patient in the search for a cure for the leading killer of Americans—heart disease. With the present cutback this will be reduced to $6.27 per patient. Aside from the purely humanitarian concern, this is also bad economics for the care and treatment of heart patients costs the Nation $2.6 billion or $104 per patient.

In 1969 the Federal Government invested $50 in the promotion of tobacco and tobacoo products for every $1 that it invested in lung cancer research. In 1970 support for the tobacco industry will be increased and lung cancer research will be cut back so that the ratio will be $56 for tobacco for every $1 spent in the battle against lung cancer.

In 1970 we have called for an average

of $246.7 million to support each of 15 manned and unmanned space shots scheduled for this fiscal year but a total of only $101 million to improve and expand medical facilities.

Next year we will spend $5.578 billion to train our soldiers but only $16 million to train health professionals and only $12 million to train nurses.

Clearly, the health and welfare of the American people demand that we reorder our priorities and immediately restore full funding to those programs needed to meet the present serious health crisis that faces us.

I call upon Congress to propose and the administration to support the following program—

To provide all potential expectant mothers with full protection against rubella by 1971, we must immediately increase the funds allocated for the rubella vaccination program from $30 million to the full $60 million needed.

In order to permit our schools to continue to educate an adequate number of health professionals, we must increase institutional funding under the Health Manpower Act of 1968 from the present level of $128.9 million to the full $192 million authorized in the legislation.

Student aid for traineeships, direct loans and scholarships under the act must be raised from the present level of $73.3 million to $130.7 million. At present our efforts to close the manpower gap in health are limited because of the inability of prospective students of poor or modest means to meet the high cost of education.

To support the education and training of urgently needed health professionals other than physicians, the funding of institutional programs for nursing and the allied health professions should be increased from the House recommendation of $18 million to the full authorization of $59.5 million permitted under the Health Manpower Act of 1968. It is only by the effective use of health care teams—relying heavily upon skilled paraprofessionals—that we will be able to meet society's expectations for health care efficiently and within costs we can afford.

Funds for training grants in the NIH and NIMH to furnish faculty needed to meet health professional manpower needs should be increased by 10 percent over the 1969 level of funding to permit a maintenance of the previous level of effort. This would require an increase of $19.6 million over the House action for NIH training grants and $10.9 million for NIMH training grants.

Funding to support the research programs under the various institutes of health should be restored, at the very least, to the 1969 levels recommended by the President before the recent cutback, raising the present $919.9 million funding by $40.4 million. This will still fall $45.7 million short of the 1969 level of funding.

Finally, the most serious problems are being experienced by the new institutions of health training—those which have been created within the past 10 or 15 years in an effort to meet the Nation's desperate need for health professionals. Most of these schools do not have endowments or the large alumni associations that can provide seed money through voluntary contributions. As a result they depend heavily on the annual level of assistance that can be obtained from private foundations or various levels of government. This makes it impossible for them to engage in the long-range planning that is essential if they are to become strong, self-reliant participants in the medical education effort. I propose and will shortly introduce legislation creating a special fund to fill the needs of such schools.

This program provides the bare minimum needed to stave off a very real, very serious health crisis that faces the Nation. The total cost will be about $263 million in fiscal 1970—approximately what was spent on the most recent moon shot or about 4 days of the war in Vietnam. In my opinion, it is an investment we cannot afford not to make.

But money alone does not provide the whole answer. We must also reorder our priorities and programs within the health field itself. Because Federal support for medical education has been so grossly inadequate over the years, many of our medical schools have come to rely upon NIH grants to attract and maintain scientists to teaching staffs and to underwrite education.

In 1969 it was estimated that such grants made up between 25 and 75 percent of the annual operating budgets of our medical schools. At Harvard, for example, they contribute 65 percent. While there has been no increase in research funds for the NIH since fiscal year 1967, costs have been driven up by between 30 and 40 percent because of inflation and because of the more sophisticated equipment and highly trained personnel required for modern research. Even without the cuts, therefore, research budgets have been reduced by one-third in terms of real buying power.

The cuts in research when joined with the reduced funding of programs designed to aid institutions and students have had a disastrous effect on the schools.

While recommending that the research budgets be restored in order to avoid educational and research chaos, I urge that Congress demand that the Department of Health, Education, and Welfare officials undertake an immediate reorganization of their research programs in such a way as to concentrate on solving health problems rather than funding medical education.

One such proposal has been presented to the Department by a non-profit, technical management corporation recently formed in Washington known as Bio-Engineering. It proposed to coordinate the resources of university medical schools, industry and non-profit industrial laboratories on the systematic identification and development of materials suitable for use in organic transplants. Using such mission-oriented research projects patterned after the space effort it would be possible to institute sound fiscal planning in our research efforts and maintain continuing evaluation of program development so as to assure maximum public benefit from Federal research dollars.

Of all the grave domestic problems facing the American people today, none is more important than the growing public health crisis. With all of our technological progress we are still lagging in the battle against disease.

We have the capability and the resources to meet this challenge and we must act now to reorder our priorities to do so.

DRUG ABUSE EDUCATION ACT OF 1969

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, sometimes I agree with what President Nixon says and sometimes I do not.

I must emphatically state that I agree wholeheartedly with what he is quoted as having said this morning in the Post. He said, "A national problem requiring a nationwide campaign of education to combat." He was referring to the drug abuse problem.

Mr. Speaker, I think it should be recorded that that is precisely what I had in mind when I drafted and introduced the Drug Abuse Education Act of 1969 in March of this year. I think that is precisely what the chairman of our subcommittee and the members of our subcommittee had in mind as we held extensive hearings across the United States on this problem. I think that is precisely what many of the people who came and testified before our committee had in mind when they gave us some very fine testimony on this problem. And I know that is precisely what this House had in mind when, on October 31, it passed the Drug Abuse Education Act, H.R. 14252, 294 to 0 on a rollcall vote.

What I would like to know is what the White House has in mind. Our intent is clear on this subject. We have read stories in the Post and in magazines about White House conferences with national Governors, with Art Linkletter, and other people. We have heard a lot of rhetoric coming from the White House about this problem. I would like to know if this is just talk.

For example, I took the unusual step before debate in this House, and sent to the White House the drug abuse education bill and informed the White House that the House of Representatives was considering this legislation and asked for their comments and suggestions. Not a word from the White House. We did see another conference with national Governnors, at which there was more talk about the drug abuse problem and calling for a nationwide education program.

I would like to know when the White House is going to stop wringing their hands and do something about the very real problem that they are talking about and that we have talked about and that we have done something about. For example, I think they have had some success in influencing legislation, both in this House and in the other body, and I might suggest they might try to influence the passage of this bill, which is now in the other body.

I would also suggest that if they have

some suggestions about this bill, how it could be made better, that they come forward with those suggestions. I would, for instance, be very willing to see more appropriations, more authorization than this bill contains. I think we could use more money in this area. I think that would be a good suggestion. But what I really want to know is this, Mr. Speaker: Is the President really interested in doing something about this very real problem, something constructive, or is this more righteous rhetoric to be followed by a pallid performance?

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT ON H.R. 15091, UNTIL MIDNIGHT, DECEMBER 6

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the committee on Banking and Currency may have until midnight Saturday, December 6, to file a report on H.R. 15091, a bill to extend for 1 year the authority to limit the rates of interest or dividends payable on certain deposits and accounts, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DRUG ABUSE EDUCATION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I am honored to serve on the subcommittee under the chairmanship of the gentleman from Indiana (Mr. BRADEMAS) which reported this splendid drug abuse bill, and I was honored to cosponsor that bill.

The gentleman from Indiana (Mr. BRADEMAS) indicated the administration is now spending only 5 percent of the total Federal drug abuse funds for education. Five percent of 100 percent is very small; it is virtually a question of 5 percent of zero being zero.

We have in this country approximately 400,000 police professionals at the State, county, and municipal levels fighting crime. In our major urban areas, drug abuse accounts for more than 50 percent of the violent personal crime, of what we call the predatory crime, the crime in the streets, which is of such deep concern in American neighborhoods from coast to coast.

In New York City alone there are 100,000 drug addicts. Half of all the addiction in the United States takes place in New York. Half of all the drugs which come to the United States come through the Port of New York.

Yet what is the Federal Government doing to help the 400,000 police professionals in this country fight the horrifying business of drug addiction? The Federal Bureau of Narcotics has less than 800 special agents, less than one-fiftieth of 1 percent of the law enforcement manpower in this country, in Federal manpower helping to stop the interstate—indeed—international flow of narcotics into our cities.

How many of the less than 800 Narcotics Bureau agents are in New York City, where half the drug addiction takes place, the port of entry for half the drugs coming to our country? There are 110 agents.

We in this Chamber all know the President is sincerely concerned about drug abuse.

If the President really wants to close any credibility gap and silence the skeptical around the country who feel that rhetoric alone will not do the job, if he wants to prove that he is deadly earnest about drug addiction, let him—in the vernacular—put his money where his mouth is. On this subject, the American people are from Missouri; they want to be shown.

The President and the Attorney General must "soup up" the Federal Bureau of Narcotics so that it can give meaningful help to the States and community efforts to stop the virtually free and unimpeded flow of hard drugs into those communities, and into the hands of our schoolchildren.

HANUKKAH, THE FEAST OF LIGHTS

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, tonight at sundown in most every Jewish home throughout the world there will be lit the first candle celebrating the Jewish holiday of Hanukkah, 5730 of the Jewish year, for the next 8 days.

On the 25th of the month of Kislev, in the Jewish calendar, in the year 165 B.C., Judah the Maccabee proclaimed the 8-day festival, in celebration of the purification and rededication of the temple. This was the climax of the Jewish rebellion against the Syrian-Greek emperor, Antiochus IV, who had defiled the temple with idols, and had killed many of the Jews, either for refusing to follow the pagan religious practices which he ordained, or for persisting in obeying the laws given by God through Moses. In the purification of the temple, we see today a symbol of the cleansing of the religion of mankind from all oppression, regulation, and direction by governmental authority.

Hanukkah is a feast filled with delight and joy for the Jewish people. There are 8 days for celebrating the holiday, on each of which is observed the simple and beautiful ceremony of lighting candles in the eight-branched lamp called the menorah: one candle the first day, two the second, and so on, until all the candles are lighted. During this period, too, there are held parties, at which latkes, a kind of potato pancake, are served.

But these amenities, delightful as they are, are only surface manifestations, in pleasure and beauty, of a commemoration of deep import both to government and to religion. For the deeper significance of Hanukkah is that it marks the anniversary of a great triumph of the freedom of religion.

In the year 1969, Americans of the Jewish tradition observe the Hanukkah of the Jewish year 5730 with special thanksgiving, rejoicing that the principle of freedom of religion stands firm and unshaken today as one of the pillars of our constitutional government. Let all Americans repeat the invocation of the psalmist—

O give thanks unto the Lord, for He is good: for His mercy endureth for ever—

As we express once again our gratitude for the blessings which life has bestowed upon us.

ACTION OF THE U.S. DEPARTMENT OF LABOR WITH RESPECT TO THE ELECTION CAMPAIGN OF THE UNITED MINE WORKERS OF AMERICA

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, the recent action of the U.S. Department of Labor with respect to the election campaign of the United Mine Workers of America demands the attention of the Congress.

As I understand Federal law on this subject, it is not intended to foster Federal interference in the internal affairs of a labor organization except in the case of clear-cut wrongdoing, or if the rights guaranteed members under law are being violated. From the accounts of the Labor Department report that I have read in news releases, neither of those conditions were present.

The campaign for the presidency of the United Mine Workers is much in the news. Heated controversy has marked it from the very beginning, and such controversy is certain to continue until the ballots have been counted and beyond. There is an obvious temptation for people to take sides as the Labor Department apparently has done.

However, the ultimate determination of the officers of the union must rest with the men in the mines and those on the pension rolls of the union's welfare funds. For Government agencies to inject themselves into this election, even for the noblest of motives, is wrong and must cause bad repercussions upon the agency in the years ahead.

I cannot say with any certainty what prompted the release of the report by the Department of Labor. Nor can I attest to the apparent one-sided treatment it accorded to the incumbent officers of the union. I only know that the veracity and impartiality of the Department has been called into question. That can only hinder the work of the Department in the years ahead and cause it to lose the support which it has always enjoyed among the labor movement of the United States.

I hope that the Department will come forth with a fuller explanation of their motives in the weeks and months ahead. For, if they do not, it may be necessary for the appropriate committees of the Congress to determine why this action was taken at this time.

We cannot allow governmental interference with matters of this kind to occur. It is not the intention of the Congress that it should occur. And, if it is

permitted to do so, the future of collective bargaining, as well as the viability of the Labor Department itself will be open to serious question.

LABOR DEPARTMENT INTRUSION INTO LABOR UNION AFFAIRS

(Mr. SLACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLACK. Mr. Speaker, last week's attack by the Labor Department on the United Mine Workers of America is an unprecedented intrusion into the affairs of a labor union.

Never in my years in Washington has a department of Government released an interoffice memorandum in this way. Never has an agency released the results of an investigation supposedly designed to pinpoint alleged wrongdoing for appropriate governmental action. Never has one agency so openly used the prestige of its name to add credence to allegations without the firm proof that should be necessary to prove such allegations.

The action of the Department of Labor came at a crucial period in the election battle for the presidency of the United Mine Workers of America. One must conclude that the release of the report was designed to aid one of the participants in that struggle. One must also conclude from the one-sided nature of the report and the vague nature of its charges that there was little attempt to remain evenhanded and impartial in the election contest.

I do not propose to take sides in the election contest in the UMWA. I believe that the selection of officers of that union should be left to the rank and file to determine in their own way according to the rules of that organization and applicable Federal law. If either party is in violation of the law, or if the rights of the members of the union are being violated, the Department of Labor has ample resources under law to step in and see that justice is done.

On the other hand, I do not believe that the Congress intended that the Department of Labor should take sides in a contest of this type. The law is clear. The Department of Labor is supposed to be an impartial governmental agency adhering strictly to the law and to the most elementary rules of fairplay. If they do not do this, they will do injury not only to the United Mine Workers of America, but also to their own effectiveness in dealing with future labor problems as they arise. It must be obvious that the position of the Labor Department will be negated to the extent that they become an adversary for one side or the other.

I believe, Mr. Speaker, that the actions of the Department of Labor in this instance require a detailed investigation by the appropriate committees of the Congress. I say this not because I seek publicity, or because I seek to inject myself into the election campaign of the UMWA. Rather, I believe that the action of the Department has raised the question of governmental interference in a purely internal union matter. Surely, no logical analysis of the role that the Department should play would countenance such an intrusion.

Apparently the Department had the information on hand for several months, but chose a select time at which to leak its preliminary conclusions. This timing is the key element, and supports the conviction that the Department chose to aline itself with the interests of one group in a union election campaign.

If this course of conduct is allowed to go unquestioned, then the same pattern of activity can be resumed in connection with the internal affairs of any labor union in the country whenever there is honest controversy within the union as to how it should be managed. For this reason I support the proposal for an investigation of the conduct and motives of the Department in connection with this affair.

ACTION OF CONFEREES RESULTS IN REALISTIC PUBLIC WORKS PROGRAM

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, as many of my colleagues know, the Second Congressional District includes most of the mountain counties of California, from which stem the water resources upon which my "Golden State" is so dependent. Conservation of these resources is critical to our people and our economy.

Not only is the water needed for irrigation, domestic, municipal and industrial purposes, but in recent years it has become a vitally important factor in providing fish, wildlife and recreation opportunities, which I can say with pride are enjoyed by people from throughout our Nation.

At times, however, we can have too much water, as was shown so dramatically and tragically this year in the storms and floods of last January and February. We must prevent future flooding and conserve the water which otherwise would waste into the sea, leaving death and devastation in its wake.

Yesterday, the public works appropriations conferees placed before us a sound and sensible program for multiple-purpose development of the water resources of my State and of the Nation. This is a program modest in scope and thereby reflecting the fiscal problems which the Nation faces today. However, it is also a program which realistically meets the challenges of the decades ahead when the Nation's water needs will be tripled what they are today. This is a program which helps establish the importance of domestic priorities in such areas as water pollution control and correction. On behalf of the people of the Second Congressional District and of the entire State of California, I want to express our deep apppreciation.

We are also grateful to the members of the fine subcommittee on Public Works Appropriations which have been so wise in their consideration of these matters over the years. We miss the chairman of that great subcommittee, that dedicated legislator who has been a leader in this field for so many years and has been a good and faithful friend of the people of California. We wish him a speedy return to the House.

In its wisdom, the Appropriations Committee has presented us with an outstanding program, one which truly reflects the commitment which this Nation has to meet the water needs of this and future generations, not only by conserving those resources upon which we depend, but by taking major steps to prevent and control serious pollution problems which are robbing us of clean water.

This Nation will reap the benefits of this judicious action, not only in fiscal 1970, but in continuation of the programs which have previously been approved. These benefits will be returned for years to come.

SCREENING AND BRIEFING MATERIAL DEALING WITH THE MASSACRE AT HUE

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, yesterday, I advised the Members of the House that I had requested a briefing and screening of photographic material taken of the massacre of some 3,000 citizens of South Vietnam's history university and intellectual center of Hue. This slaughter occurred during the 1968 observance of the Vietnamese Tet holidays when the late Ho Chi Minh made an all-out effort to effect a Communist-style liberation of South Vietnam's towns and villages. My reasons for making the request are set out in the RECORD of yesterday. I am deeply concerned that press treatment of the allegedly Songmy massacre is giving the world a distorted, one-sided picture of the relative value of human life held by the opposing forces in Vietnam.

Today, I wish to advise the House that I have arranged for the screening and briefing at 10 a.m., Monday, December 8, to be held in room 311, the hearing room of the Committee on Internal Security. I have requested that the screening be public and members of the press are especially invited.

WHY HIDE HANOI'S ATROCITIES

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Hanoi Communists, courtesy of their "dear American friends", have delivered to us what they call a partial list of our fighting men held prisoner of war in North Vietnam. Their list consists of 59 names, only five of which were not previously known to be captive.

Examination of the list of the prisoners is quite revealing. All are officers—and all are Navy or Air Force personnel. Notably lacking are any enlisted men and any Army personnel. Even Americans

not familiar with military operations understand that there are more enlisted men than officers—several times more—and that there are many, many more soldiers in Vietnam than there are sailors or airmen.

I direct this question to Hanoi through its operators and sympathizers within my voice; what have you done with the enlisted men of the Navy and Air Force who have been taken prisoner? Massacred them because they might not prove to be as valuable as officers for your propaganda purposes?

What have you done with all the Army personnel—officers as well as enlisted men—taken prisoner? Murdered them because your leaders felt it would be more difficult to circumvent the Geneva Convention provisions, by calling them war criminals?

The American people know that there have been many more than 59 prisoners of war taken by your Regular Army forces operating in South Vietnam. Our people also understand that by hiding the names of our prisoners, you are giving irrefutable evidence that you intend to dispose of those whose captivity is kept secret.

Having accepted the Geneva Convention, the refusal of the heads of the Hanoi government to report to the International Red Cross the names of prisoners of war is itself a war crime. To refuse the International Red Cross access to these captives is a second war crime. Only an intention to mistreat and murder prisoners can explain these barbaric refusals to conform to standards of international decency.

Today there is a lot of propaganda about war crimes and I, for one, feel that any war crimes trials must begin with trial of the leaders of the Hanoi government and its regular military leaders and guerrilla chiefs for their violation of all established norms of humanity and civilization in dealing with prisoners of war.

A newspaper article from the Washington Post of November 27, 1969, follows:

WAR CRITIC RELEASES HANOI LIST OF 59 U.S. OFFICERS IN CAPTIVITY

(By William Chapman)

CHICAGO, November 26.—A leader of the antiwar movement today released the names of 59 American military officers who he said North Vietnam reports to be prisoners of war. The Defense Department said five of the names were new.

David T. Dellinger said that North Vietnam has promised to make more prisoners' names public through him and that an emissary is now bound for Hanoi to work out the details.

The list included names of Air Force, Navy, and Marine officers and their military identification numbers. The home states of all were also listed except for two officers identified by city.

All of the men appear to be captured pilots, Dellinger said. He said he had received no information on their physical condition or on the kind of treatment they have received in prison camps.

Dellinger said the list was obtained from Xuan Oanh, a member of the North Vietnamese delegation to the Paris peace talks and a representative of an organization called the "Vietnamese-American Solidarity Committee."

A co-chairman of the New Mobilization Committee to End the War in Vietnam, Dellinger released the names to several reporters in the Federal Building here.

He and six other men are on trial on charges of conspiring to incite a riot at the Democratic National Convention last year.

North Vietnam has refused to disclose to the U.S. government the names of prisoners, contending that they are "war criminals" and not subject to international conventions of warfare.

In Washington, the Defense Department said its "preliminary review" of Dellinger's list showed that five of the names "are identified by the U.S. government on current lists as missing in action in North Vietnam. The remaining 54 names were listed previously as presumed to be prisoners in North Vietnam."

The Pentagon's list of presumed prisoners has 413 names, with 918 others carried as missing. Neither list has been made public, and Pentagon officials yesterday declined to identify which of Dellinger's five names are on the missing list. The officials said also that most of the 54 other names were from among the roughly 110 prisoners whose letters have been received by their families.

The Defense Department statement stressed that "this list of names is unauthenticated and unverified. The North Vietnamese have not confirmed that they have released such information. . . ."

Dellinger has dealt frequently with the North Vietnamese representative. He said today he had conferred with Xuan Oanh by telephone and through a personal emissary in recent days.

Dellinger declined to identify the person who he said is now headed for Hanoi to arrange the release of more names. That emissary, he said, also will work out details for bringing mail from the prisoners to their families in the United States.

The antiwar leader, a veteran pacifist, said he had held the list for a "short time" before releasing it today, hoping for awhile that their families could be notified privately. Because the list did not include home addresses, he said, it would have taken several weeks to locate the families.

"We decided that since it is good news anyway, we would release the names in this way," Dellinger reported.

"We have assurances that there will be more names released," he said, but he did not know how many would be forthcoming or when.

Dellinger and other associates in the peace movement intend to set up an office and a staff in New York City to handle details when more prisoners' names are released and to distribute mail from them.

Here is the list of names made public by Dellinger, with ranks as he gave them although some ranks given for Naval officers do not correspond to those in use by the United States and in the order he gave them, but with spelling of some names corrected by the Pentagon:

Sima, Thomas William, Air Force capt., FV3038065, Pa.

Jensen, Jay Roger, Air Force capt., FV3033604, Utah.

Runyan, Albert Edward, Air Force maj., FR49475, Calif.

Carey, David Jay, Navy lt., 677935, Pa.

Nasmyth, John Hebert, Jr., Air Force lt., FV3120117, Mont.

Collins, James Quincy, Jr., Air Force capt., 27908A, N.C.

Hoffson, Arthur Thomas, Air Force lt., FV3152442, S.C.

Osborne, Dale Harrison, Navy maj., 614,229, Utah.

Brown, Paul Gordon, Marine lt., 04576, Mass.

Horinck, Ramon Anton, Air Force capt., FR49644, Kans.

Webb, Ronald John, Air Force capt., FR72828, N.J.

Norrington, Gibs Roderick, Navy capt., 690103, Ohio.

Cherry, Fred Vann, Air Force maj., 45554A, Va.

Bolstad, Richard Eugene, Air Force capt., FR81278, Minn.

Purcell, Robert Baldwin, Air Force capt., 53786A, Ky.

Abbott, Joseph S., Jr., Air Force capt., FV3067099, N.J.

Ruhling, Mark John, Air Force capt., FV3139169, Pa.

James, Gobel Dale, Air Morce maj., FR300-6133, Tex.

Shanaham, Joseph Francis, Air Force capt., FR72170, Ill.

Fant, Robert St. Clair, Jr., Navy col., 653848, S.C.

Gartley, Mark Ham Ligon, Navy lt., 703644, Ky.

Mayhew, William John, Navy capt., 691368, Ohio.

Mobley, Joseph Scott, Air Force lt.,701867, Ind.

Lebert, Ronald Merle, Air Force lt., FV317-6215, S.D.

Risner, Robinson, Air Force lt. col., 26905A, Ark.

Larson, Gordon Albert, Air Force lt. col., FR26473, Minn.

Stockdale, James Bond, Navy lt. col., 485624, Ill.

Denton, Jeremiah Andrew, Navy lt. col. 485087, Ala.

Mulligan, James Alfred, Navy lt. col. 904324, Mass.

Doss, Dale Walter, Navy maj., 591159, Ala.

Shuman, Edwin Arthur, III, Navy maj., 584738, Mass.

Clower, Claude Douglas, Navy maj., 605476, Mass.

Smith, Richard Eugene Jr. Air Force maj., FR57992, Miss.

Stirm, Robert L., Air Force maj., FV3036919, Calif.

Dutton, Richard Allen, Air Force maj., FR22497, Chicago.

Tanner, Charles Nels, Navy maj., 588973, Tenn.

Haines, Collins Henri Navy maj., 593915, N.J.

McCain, John Sidney, Navy maj., 624787, Paloma (sic).

Ingvalson, Roger Dean, Air Force maj., FR30713, Minn.

Galanti, Paul Edward, Navy capt., 659047, N.J.

Coffee, Gerald Leonard, Navy capt., 625308, Calif.

Hatcher, David Burnett, Air Forct capt., FV3040002, N.C.

Temperly, Russell Edwin, Air Force capt., FR57025, Mass.

Key, Wilson Demer, Navy capt., 669207, N.C.

Harris, Carlyle Smith, Air Force capt., 466634, W. Va.

Boyd, Charles Graham, Air Force capt., FR72601, Iowa.

Seeber, Bruce Gibson, Air Force capt., 47135A, Kan.

Tangeman, Robert George, Navy capt., 669370, N.Y.

Andrews, Anthony Charles, Air Force capt., FR314656, Calif.

Berger, James Robert, Air Force capt., FV3119242, W. Va.

Parrott, Thomas Vance, Air Force capt., FV3103992, Ga.

Miller, Edwin Frank, Navy lt., 706510, N.Y.

Brudno, Edward Allan, Air Force lt., 78285A, Mass.

Tschudy, William Michael, Navy lt., 660481, Ill.

Peel, Robert Delayney, Air Force lt., AO-3117963, Tenn.

Ray, James Edwin, Air Force lt., 80893A, Tex.

Torkelson, Loren Harvey, Air Force lt., FV3155656, Ill.

Crecca, Joseph, Air Force lt., FR83481, N.J

Abbott, Robert Archie, Air Force lt., FR-81453, Mich.

PRESIDENT NIXON BELATEDLY SUPPORTS DRUG ABUSE EDUCATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I noted with some interest on the front page of this morning's Washington Post the headline, "Nixon Stresses Education In Drug Fight," followed by a story about President Nixon's comments before a special meeting of the Nation's Governors held in Washington yesterday.

The President is reported to have said that drug addiction has become a "national problem" requiring a nationwide campaign to combat it.

The New York Times article on the President's statement quotes him as saying that he once thought that "the answer was more penalties" for drug offenses.

President Nixon stated:

> I thought that the answer was simply enforce the law and that will stop people from the use of drugs. But it is not that. When you are talking about 13-year-olds and 14-year-olds and 15-year-olds, the answer is not more penalties. The answer is information. The answer is understanding.

Mr. Speaker, I must ask, respectfully, where President Nixon has been all these months? For on October 31, by a vote of 294 to 0, the House of Representatives passed H.R. 14252, the Drug Abuse Education Act of 1969, which was introduced by my distinguished colleague, the gentleman from Washington, Congressman MEEDS, and cosponsored by over 80 Members of the House, both Democrats and Republicans.

Mr. Speaker, the Select Education Subcommittee, which I chair, held extensive hearings on this bill over a 3-month period, hearing over 80 witnesses. The bill which the House passed in October would provide some $29 million over the next 3 years, beginning in 1971—to schools, colleges, and public and private nonprofit organizations for: developing curriculums and teaching materials on the dangers of the abuse of drugs; supporting pilot programs to test the effectiveness of such materials; disseminating teaching materials to public and private elementary and secondary schools and for adult education programs; training in drug abuse education for teachers, counselors, law enforcement officials, and community leaders; and developing community "drug alert" seminars and similar education programs, especially for parents.

But, Mr. Speaker, did the Nixon administration support us when we were considering this landmark legislation?

On the contrary, Mr. Speaker, an administration witness, Dr. Morton Miller of the National Institute of Mental Health, recommended "against enactment" of the Drug Abuse Education Act. He claimed that there were already laws on the books that make possible Federal support for such education. When subcommittee members questioned him, however, he confessed that less than $900,000, that is, less than 5 percent of Federal funds spent on fighting drug abuse, were directed to education.

So, Mr. Speaker, let me welcome the Nixon administration to the cause of effective programs to provide education to the people of the United States, especially young people about the dangers of the abuse of dangerous drugs.

If the President is now truly committed to this important effort, I trust that he will use his influence to see that the Drug Abuse Education Act passed unanimously by the House moves through the Senate and becomes law as soon as possible.

PEARL HARBOR

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, Sunday, December 7, marks the 28th anniversary of the bombing of Pearl Harbor—to many of our people the start of World War II.

Other Americans think Pearl Harbor was not the real cause of World War II, but rather an effect provoked by several preceding events.

The author and historian, Ralph Townsend, has presented an enlightening aecount of the events preceding Pearl Harbor.

I insert Mr. Townsend's article, "The Context of Pearl Harbor," taken from the American Mercury, winter 1969 in the RECORD at this point:

THE CONTEXT OF PEARL HARBOR

(By Ralph Townsend)

(An accurate prophet of Bolshevist expansion as the main Allied aim in World War II, Ralph Townsend reviews here some of the portents conventionally ignored.)

One single sentence statement of fact throws more light on Pearl Harbor than any dozen of the published books on the subject put together. It is this:

So long as Japan was an obstacle to *Czarist* Russia in East Asia, the Washington Government showered favors on Japan and generally backed Japan in spirit, whatever Japan did or didn't do, but after the Soviets took over in Moscow in 1917 and Japan was an obstacle to *Soviet* aims in East Asia, the Washington Government began finding everything wrong with Japan, whatever Japan did or didn't do.

And so the record shows.

Read the main dailies and periodicals in America through the late 1890's, and through the period of Japan's war on Czarist Russia in 1904–05, and note the vigor of the Washington Government's support for Japan's acquisition of Korea and Japan's domination of Manchuria.

Read how America's Liberals then clamored to U.S. support of Japan's expansionist aims on the Asian mainland, how preachers all across America guided by Liberals prayed for Japan's success in the effort, how America's topmost Liberal of the time, Jacob H. Schiff, head of Kuhn, Loeb & Co., with the hearty cooperation of President Theodore Roosevelt arranged the large loans that would enable Japan to launch war on the Russians then encroaching into South Manchuria and drive them back into Siberia.

Read how by the summer of 1905 Japan had won the Schiff-financed war against Russia, how all America rejoiced that Japan had got the area and the rights in Manchuria which the Russians were obliged to relinquish.

Read the eulogies in the press of America to the Japanese naval hero who without any declaration of war had daringly attacked and with masterful execution substantially destroyed a Russian battle fleet. Read how in his honor youngsters all over America were naming their pet dogs and cats and calves Togo.

That was when Japan was useful against Czarist Russia and an implement of long range Liberal aims.

ANTI-CZARIST INDOCTRINATION

First among those Liberal aims was a revolution in Russia to overthrow the Czar and set up a regime that would assure better treatment for Liberals. Accordingly Jacob Schiff attached to his loans to Japan in 1904–05 the condition that his representatives be allowed to indoctrinate Russian prisoners of war with anti-Czarist revolutionary aims. Before being released to return home some 50,000 Russian soldiers were thus indoctrinated, according to Schiff's own report later, and kept saturated with tons of specially prepared anti-Czarist printed matter.

Overthrow of the Czar was not accomplished in the uprisings immediately following Russia's defeat by Japan in 1905. But the seed sown in the collaboration of the Washington Government with Jacob Schiff for that purpose yielded the desired results twelve years later in March of 1917.

At a big rally of Liberals in Madison Square Garden on March 23, 1917, to celebrate the overthrow of the Czar, a message from Jacob Schiff was read, telling about the indoctrination of the Russian prisoners.[1]

In some of the Liberal commentaries on Jacob Schiff's career it is suggested that Liberal pressures delayed America's entry into World War I until the success of the Russian Revolution was assured. Earlier entry might have heartened the war-weakened Slavs to firmer resistance against the revolutionaries.

All that has a bearing on the events of December 7, 1941, over Pearl Harbor, Hawaii.

During the autumn of 1941 German forces were speeding across Russia. Moscow was in peril. In moves obviously intended to provoke an incident that would enable Roosevelt to get from Congress a declaration of war, Roosevelt had ordered American naval units to fire on German craft in waters near Europe. But the Germans were under orders to endure such illegalities rather than create Washington's desired incident. Meanwhile German forces advanced across Russia, Washington's Liberal officialdom had been able to live through Hitler's capture of Paris and the debacle of the British at Dunkirk with some measure of composure. But a threat to Moscow—that could not be borne.

In Asia, Roosevelt had set up another of his illegalities useful to bolshevism. He had subsidized at excessively high pay the release from U.S. Air Force bases elsewhere a sizable detachment of U.S. combat flyers to engage in war against Japan. Fying American planes with American equipment in actual warfare, though undeclared, these were the Flying Tigers under Claire Chennault.

Now the threat to Moscow called for dropping such pretenses of "neutrality" and entering the war full scale. But how? Dependable polls indicated some 80 per cent of the American people still opposed involvement.

Since the Germans would not respond to provocations, the Washington Government looked toward Japan. Japan's plight was desperate. Poor in resources, the nation had been bled thin by continuance of the China war from which Dexter White's lavish handouts of U.S. Treasury funds to Chinese officials would not let the Japanese withdraw.

---

[1] Featured on page 2, *New York Times*, March 24, 1917.

JAPANESE ASSETS SEIZED

In July of 1941 Roosevelt had ordered the seizure of Japanese assets in the United States. By forbidding Japan's access to American oil and making Japan's purchase of it elsewhere difficult or impossible, meanwhile subsidizing Red-allied China against Japan, Washington more and more forced Japan's back to the wall.

Japan's envoys invited Roosevelt to outline his own program for solutions within any workable frame of conditions.

But Washington chose to include among its war targets all anti-Red powers, just as today Washington militantly opposes any honestly anti-Red or even non-Red governments.

On November 26 of 1941 Cordell Hull dispatched to Tokyo his sure-fire recipe for immediate war. His note was in effect an imperative for Japan to evacuate Manchuria and areas occupied by Japanese armed forces in China. As given to the press by summary, and not in the exact text, the note said the United States would not recognize Japan's "conquests." By implication, and as later evidenced by what the Washington Government stripped from Japan in 1945, these "conquests" by Japan included much that the Washington Government had helped Japan to get, or at least heartily approved, when Japan was a useful opponent of Czarist Russia.

Japan had sought all along to get out of the China war, asking no new land whatever, but claiming the right to retain control in Manchuria as a bulwark against bolshevism and to protect investments there from the previous chaotic turbulence. American readers were led to suppose all along that the war in China had been launched by Japan to acquire new territory. It was launched mainly by Chinese Red pressures, notably those of Mao Tze-tung, demanding Manchuria. Since Mao loudly proclaimed just that, and it is abundantly a matter of his own record, this writer can not reasonably be charged with misrepresenting matters.

"Japs Must Now Fish or Cut Bait," one headline noted by this writer in a Texas city on November 27, 1941, proclaimed. It typified Liberal elation.

CANAL CLOSED TO JAPANESE

On or about the same time that Hull sent his imperative for war to Japan, imposing impossible conditions, the Washington Government illegally ordered the Panama Canal closed to Japanese shipping. So far as this writer can learn, that fact has never before appeared in public print.

Unable now to get oil in America, barred from trading by any direct route with most of South America, kept unwillingly in a mired-down exhausting war by Washington's subsidies to Chiang's Red-affiliated forces and Mao's all-Red forces, Japan's action in this long dreaded emergency could be somewhat predicted.

Months before, preparing for the worst, Japan had taken advantage of France's defeat by German in 1940 to occupy portions of French Indo-China. This area was within naval strike distance of the Singapore Straits and the Dutch oil fields in Sumatra. Japanese overtures for peace had indicated a willingness to abandon this seizure, though it was not specifically named, if Washington would agree to a settlement in China that would not be suicidal for Japan.

HOLDING ACTION ENVISIONED

By delivering a setback blow to the American Navy then imprudently bunched at Pearl Harbor, Japanese forces might have time to immobilize the Philippines, capture Singapore, seize Sumatra as a source of oil, fortify enough of the Mid-Pacific islands to stand off America for several years, and open the possibility of holding Asia against American attack until a peace could be worked out.

Few Japanese of good information believed that Japan had an even chance against the United States. But with Washington loaded with men whose records and attitudes denoted obsession with Red aims or political subservience to Red aims rather than American interests, Japan's leaders saw no escape from escalated conflict. Even rabbits fight when cornered and tormented.

There were no rabbits among Japan's anxious men of decision in December of 1941. Some of them this writer had known. Many had been educated in America and were fond of it. Their final pleas for a conference to exchange specifics for their safe withdrawal from historically Chinese soil and hoped-for adjustments of other issues had been sneeringly rejected by Washington.

To the last they yearned for a saving miracle. Orders to Japan's fleet and air force were to hold off the projected Pearl Harbor attack to the last minute. No miracle came. The memorable "Winds message" became operative.

Tokyo's schedule called for Japan's representatives in Washington to deliver to Cordell Hull on Sunday, December 7, 1941, a declaration by Japan of war on the United States. It listed a long account of grievances. The message was to be delivered apparently less than an hour before the arrival of Japan's bombers over Pearl Harbor. In a thin technical sense that would absolve Japan of attacking without a declaration of war. And it would leave no time for the American fleet to get out of the Pearl Harbor pocket.

Bungling clerks in the Japanese Embassy in Washington took so much time decoding and preparing the draft for delivery that the essence of it—war—was not known until bombs were already falling.

How on the American side the Japanese plan for attack was decoded and made available to top Washington officialdom many hours before the Pearl Harbor attack is familiar.

Facts developed at various hearings and reports from first hand sources establish this:

At a cabinet conference with President Roosevelt on November 25, 1941, it was agreed that some extreme provocation to Japan would be employed, and that some risk of losses on the part of US forces was to be accepted in advance, in order that Japan would be in the light of an aggressor and achieve a suitably dramatic effect. Roosevelt wanted something that would infuriate the American people and rally them for war.

Henry L. Stimson was at that meeting. He had been Secretary of State under Hoover. He wanted war on Japan in 1931. Hoover refused. War-itching Washington Liberals were elated when Roosevelt brought him back to Washington in 1940 as Secretary of War.

Here is an extract from Stimson's diary, November 25, 1941, referring to the White House Conference of that day:

The question was how we should maneuver them [the Japanese] into the position of firing the first shot without allowing too much danger to ourselves. It was a difficult proposition.[2]

Calculations by Roosevelt and Hull and Stimson that the American people could be roused by the proper sort of incident were confirmed. To the unknowing the "unprovoked" Japanese attack seemed to substantiate allegations of Japan's savage passion to conquer the world.

The war Japan had been fighting for four years at that time began in the summer of 1937, precipitated by a shooting skirmish near Peking on the night of July 7. This writer was in Mukden in South Manchuria during that month. Following the July 7 incident there was grave tension and this writer's train reservation into Peking was cancelled pending developments. Then came news that local Chinese and Japanese officials on the scene had settled the affair and that trains would resume. On July 12 a sizable handout of financial aid via Dexter White's "currency support" was made available from the U.S. Treasury to the Chiang regime. Tension resumed and full scale war was soon raging.

Back in America, this writer could find no mention in any publication of the local settlement which reportedly had been overruled by Chiang Kai-shek in concurrence with riotous agitators demanding war on Japan and recovery of Manchuria. Yet it had been discussed by American Consular officials and other responsible persons in the area as a . . . .

Japan's recognizable plan of action in the new war with China in 1937 was to smash hard and drive the Chinese forces inland a few hundred miles, dominate the coastal cities, then offer peace with no new territory, willingness to evacuate with no indemnity but retention of control in Manchuria.

On January 1, 1938, Japan's scheduled drive inland had substantially succeeded and Japan proposed peace. But aid from Washington was pouring into Chiang's larder and the grip of Reds on Chiang and the whole Chinese defense structure appeared to be increasing. Sentimental support for the Chinese Reds was being built by journalists in America at a furious rate.

America built bolshevism into control of Asia. The Washington Government dumped Chiang and pensioned him on Formosa and deliberately turned China over to Mao Tse-tung at the end of an eight years' war by the Chinese who for the most part thought they were fighting for freedom from molestation from any quarter. But the Washington Government would no more save China from Red rule than it would save Poland from Red rule.

SECRET PACTS FAVOR REDS

All Washington's secret pacts were in favor of Reds. There was the excuse when the pacts were revealed that Roosevelt may have suffered mental aberration. But Truman, his successor, went right ahead honoring the infamies. In Eastern Europe ten nations supposedly to be guaranteed their freedom by Washington learned that by secret deals Washington had committed them to Red servitude under Moscow. The ten were Albania, Estonia, Lithuania, Latvia, Bulgaria, Poland, Hungary, Yugoslavia, Czechoslovakia, Romania. Half of Korea was turned over to alien Red rule, after pledges of total Korean independence. In Korea today older Koreans, if nobody is listening, will tell you they wish the Japanese were back.

Counting China, America's pretended crusade for freedom plunged some seven hundred million people into police state servitude who were not that way before. Practically all the seven hundred million are disastrously worse off than ever. Nations Americans pretended to rescue, from China to Poland, were encouraged by Washington to reject from their enemies peace offers a hundredfold better than the miseries into which they have been dumped by their Washington "saviors." In none of the nations America fought in World War II, and in none of the nations since dumped into Red rule, was an ordinary person who wanted to leave the country prohibited from leaving that country. That is not possible for most of those populations since America "liberated" them.

For five years after the end of military conflict in 1945 America had sole custody of the world's only truly lethal weapon. No government anywhere could dare refuse America

[2] Various writers cite this. It appears in *The Final Secret of Pearl Harbor*, by Rear Admiral Robert A. Theobald, USN, Ret., Devin-Adair, New York, 1954, page 76.

anything if matters reached a showdown. America could rectify anything anywhere without firing a shot. Yet Harry Truman, Roosevelt's successor, refused correction of Roosevelt's infamies. And the U.S. Senate refused correction of Truman's though not one of the secret deals for Reds had ever been ratified. America did not advance its prestige as the Stronghold of Freedom in World War II.

In the 1930's America subsidized the Chinese Reds to fight on against Japan whatever appeals for peace Japan might make.

In the 1960's Red China subsidized the Viet Cong and Hanoi to fight on against America whatever appeals for peace America might make.

That situation was made in Washington.

In bookish theory, Pearl Harbor came about because Japan would not surrender Manchuria to China. Japan's title to it was not A-Prime. But it was better than supposed. China's title to Manchuria was far from clear.

After enduring years of sabotage and lawlessness there, Japan restored to the throne the ancient Manchu dynasty that had ruled Manchuria for centuries. Henry Pu-yi was the eligible descendant. That pleased the two million Manchus, and other millions of residents including Mongols, Koreans and Chinese. Japanese found it acceptable. Japanese arms supported the new regime. There was a surge of new prosperity.

SHORT RULE BY CHINESE

In the centuries of its recorded history Manchuria was under the rule of Chinese of the Central Chinese government only about 15 years, from 1911 to the middle 1920's. Prior to 1911 the Manchu royal family, which had moved to Peking after conquering China in the 1600's, had ruled Manchuria as a sort of special old home place preserve. When the Manchu dynasty was ousted from China in 1911 the new Chinese Republic did not allow the Manchus to resume control of Manchuria but incorporated it into China.

In the 1920's Manchuria was taken over by a dissolute Chinese dictator who declared it to be independent of China. In 1931 Japan ran him out and restored the Manchu royal family to the throne. Washington continued to regard Manchuria as a component of China during its asserted independence and after Japanese control also.

Would Americans have complied with a Japanese demand in 1941 to evacuate Puerto Rico, seized from Spain in 1898, and restore it to Spain?

Washington launched a war that cost millions of lives on the claim of having the right to be umpire in Asia and order Japan out of Manchuria. For failing to hand it back to China Japanese leaders were sentenced to death as wagers of aggressive war, etc. But note that Washington did not hand it back to the Chinese, either. Washington had a secret pact conceding to the Soviets the right to occupy Manchuria upon America's defeat of Japan. The Soviets did so, and fixed matters to assure Red Mao Tse-tung's takeover of all China. So Washington did not in good faith restore Manchuria to the Chinese regime to which Washington demanded that the Japanese restore it.

SOCIAL SECURITY INCREASE AND TAX AMENDMENTS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I am of course pleased that the Senate yesterday adopted the amendment of the distinguished Senator from Tennessee, the Honorable ALBERT GORE, to increase dependency exemptions from $600 in 1970 to $700, and to $800 in 1971.

Ever since we first began consideration of the tax reform bill before the Ways and Means Committee early this year, I have urged this approach to tax relief for the average taxpayer.

It is infinitely more equitable to increase dependency exemptions than it is to reduce tax rates, particularly for the super-rich who would benefit most by reducing the top brackets by 5 percent or more.

In our search for tax justice we must consider how a taxpayer must divide his income in the support of others. In this endeavor the taxpayer with dependents often shoulders obligations which might otherwise become those of the general public.

The overwhelming majority of the members of this body have indicated their support for increased exemptions. Only a closed rule prevented the consideration of this approach last summer.

I hope that the conferees will recognize the strong need for increased exemptions.

THE MANTLE OF RESPONSIBILITY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, since coming to Congress I have found you to be an immensely fair and impartial man. You have treated all of the Members of this great body equally. This I sincerely appreciate as do all of my colleagues.

Because of your fairness and because I am sure you would want to have any violations of this rule called to your attention, I would like to present what I consider to be a just complaint. It is my understanding, Mr. Speaker, that upon the mantlepiece in your office there is a set of longhorns that I have always considered to be something of an affront to the great State of Arkansas and, if I may say so, I can see no esthetic or artistic beauty in a set of horns that once belonged to the Texas mascot, Bevo I.

Now, as you know, the great State of Arkansas tries to be generous, kind, benevolent and understanding toward its neighbors. We appreciate Texas, and, as a matter of fact, we are planning to show them the finest hospitality when they come to visit us Saturday to deliver the national football championship to the University of Arkansas.

Because of your great spirit of fairness and impartiality, Mr. Speaker, I realize that you are not in a position to publicly recognize the football superiority of the University of Arkansas Razorbacks. I would implore you, however, Mr. Speaker, for the sake of the pride of the great State of Arkansas, to at least balance off those ugly horns that now rest on your mantlepiece with a symbol of the beautiful Arkansas Razorback. I, along with my colleagues from Arkansas, will certainly be pleased and proud to cooperate with you in finding a suitable addition to your mantlepiece that will not only reassert your impartiality but will add tremendously to the beauty and decor of your office.

Thank you, Mr. Speaker.

TEXAS LONGHORN VERSUS THE ARKANSAS RAZORBACK

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, we have heard a most heart rending dissertation by the gentleman from Arkansas (Mr. ALEXANDER). I am certainly sympathetic to his desire that you should have a pig snout on the mantle of the Speaker's Office rather than those gorgeous longhorns that are presently there. However, may I advise the gentleman from Arkansas that this question will be very adequately handled and dispensed with come Saturday. I have never known the time that a good old Texas longhorn could not stab the devil out of a razorback hog. That will happen this coming Saturday.

Mr. Speaker, we have no malice in our hearts. My wife is from Arkansas and my father was from Arkansas. In my heart there is nothing but good will for Arkansas. We will still have that same spirit of good will come next Saturday but not to the extent of permitting them to dehorn our Longhorns.

MISGUIDED EFFORT TO CONVERT THE POST OFFICE DEPARTMENT INTO A CORPORATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, the misguided effort to convert the Post Office into a corporation will fail, if for no other reason than the fact that the existing institution was not originally, and is not now, designed to work within a profitmaking, corporate structure.

Indeed, the foundations of the Post Office are based on service to the American people. The Post Office, unlike a corporation, is not the property of private owners who can order their affairs at will. It is rather the common ground of many men's fields of action, it belongs to the public and it is the Government service that reaches and affects more people every day than any other Federal agency.

The incongruous juxtaposition of "service" and "profit," especially if profit is overemphasized, can and will be disruptive to the Department.

If we do not want to interrupt postal service of more than 180 years duration, I feel it is imperative we push ahead with postal reform under the leadership of House Post Office Committee Chairman DULSKI.

Members of the House committee today, Mr. Speaker, are better informed on postal problems than at any time during my 10 years of service on the committee. I feel confident the present markup of a postal bill will result in sound, workable postal progress.

My hope today is that carping critics

of the Post Office will be silent long enough to join with the Post Office Committee in effectuating a constructive postal reform bill—a bill in which this House will take great pride.

THE DUES OF COAL MINERS ARE BEING PLUNDERED BY PRESENT LEADERSHIP OF THEIR OWN UNION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, a suit was filed today in the U.S. District Court for the District of Columbia on behalf of the coal miners of this Nation, and against the plundering and squandering of their own funds by the present leadership of the United Mine Workers of America. It is appalling to read in all its sordid details the extent to which the present leadership of this union has misused both the funds and power of an organization which should be representing the coal miners. Instead, the workers in this most hazardous occupation in the world find themselves unprotected and unrepresented, with their leaders using the very dues which are collected for the benefit of a select few at the top.

The full text of the brief filed in the U.S. district court follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Joseph A. Yablonski, Clarksville, Pa.; Karl Kafton, Cameron, W. Va.; Richard Weaver, Maidsville, W. Va.; John Wnek, Moundsville, W. Va.; Harry Elmer Brown, Delbarton, W. Va.; P. G. Gillespie, Cassville, W. Va.; Harry Patrick, Fairview, W. Va.; Arthur Nelms, Powhatan Point, Ohio; George R. Thomas, Cassville, W. Va.; Mike Trbovich, Clarksville, Pa.; Joseph Daniels, Bentleyville, Pa., and Marion Pelligrini, individually and on behalf of United Mine Workers of America and its members, Canonsburg, Pa., Plaintiffs, *v.* United Mine Workers of America, W. A. ("Tony") Boyle, individually and as international president thereof, George J. Titler, individually and as international vice president thereof, and John Owens, individually and as secretary-treasurer thereof, Washington, D.C., Defendants.

COMPLAINT FOR ACCOUNTING, RESTITUTION AND DAMAGES FOR VIOLATION OF 29 U.S.C. § 501

1. This is an action for an accounting, restitution, and damages. Jurisdiction is founded on the District of Columbia Code, §§ 11–521 (1967 ed.) and on 29 U.S.C. Sections 185, and 501(a) and (b), and on 28 U.S.C. Section 1331. The matter in controversy exceeds the sum or value of $10,000, exclusive of interests and costs.

2. Plaintiffs, Joseph A. Yablonski, Karl Kafton, Richard Weaver, John Wnek, Harry Elmer Brown, P. G. Gillespie, Harry Patrick, Arthur Nelms, George R. Thomas, Mike Trbovich, Joseph Daniels, and Marion Pelligrini, are individuals and members in good standing of the United Mine Workers of America (hereinafter sometimes referred to as "UMWA"). They bring this action on their own behalf, on behalf of the UMWA and on behalf of all other members of UMWA, all of whom have a joint and common interest in the subject matter thereof.

3. Plaintiffs are suing individually, and also as representatives of all UMWA members in whose welfare and interest it is to obtain an accounting, restitution and all other relief required to devote UMWA funds and property exclusively to the welfare and interest of the general UMWA membership. The number in this class is about 200,000 and they reside and work throughout the United States and Canada so that it is impracticable to bring them all before this Court. Plaintiffs assure the adequate representation of all. This is, therefore, a proper class action under Rule 23 of the Federal Rules of Civil Procedure.

4. Defendant, United Mine Workers of America, whose principal office is located in Washington, D.C., is a labor organization within the meaning of Section 3(i) and (j) of the Labor-Management Reporting and Disclosure Act of 1959 (hereinafter sometimes referred to as "LMRDA") (29 U.S.C. 402(i) and (j)). Although UMWA is named as a defendant, this action is brought in its behalf and in behalf of all its members as a group.

5. Defendant, W. A. ("Tony") Boyle, is currently the International President of UMWA, a position he has held since January 1963. Before that time, from April 1960 to January 1963 he served as International Vice President. As International President and Vice President, Boyle was at all times referred to herein an officer within the meaning of the Act. He is complained about in his official capacities and individually. The duties and powers of the International President are set forth in Article IX of the UMWA Constitution.

6. Defendant George J. Titler, currently the International Vice President of UMWA, has held this post since January 1966. He is complained of as International Vice President and individually. The duties of the Vice President are set forth in Article IX of the UMWA Constitution.

7. Defendant John Owens, the International Secretary-Treasurer of UMWA was at all times referred to herein an officer within the meaning of the Act, having held this post for 21 years. The duties of the Secretary-Treasurer are set forth in Article IX of the UMWA Constitution.

8. The individual defendants (hereafter sometimes referred to as the "International officers") have occupied and now occupy positions of trust in relation to UMWA and its members individually and as a group. Said UMWA officers owed to plaintiffs and to UMWA fiduciary duties, including the duty to expend UMWA funds solely for the benefit of the organization and its members and in accordance with the UMWA Constitution. The funds and property of UMWA, including monies contributed by the members in the form of dues and other payments, were and are in the custody of defendants solely in their fiduciary capacity.

9. Section 501 of LMRDA (29 U.S.C. 501) reads:

"(a) The officers, agents, shop stewards and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization . . ."

Plaintiffs allege that the individual defendants have violated the fiduciary duties set forth in Section 501(a) of the Act. More particularly, they are charged herein with, in conflict with the interests of the UMWA and its members: (a) surrendering nine million dollars of UMWA assets, unjustified by any claim of union benefit; (b) misappropriating and misusing union funds for their own personal gain; (c) expending vast sums from the union treasury for their own self-aggrandizement; (d) diverting union funds, property, and resources to reduce the strength of their internal opposition and increase their own power within the union; (e) diverting union funds and resources to advance their 1969 reelection efforts; and (f) failure to account for and pay over to the union outside funds.

A. DEFENDANTS HAVE SURRENDERED 9 MILLION DOLLARS OF UMWA ASSETS, UNJUSTIFIED BY ANY CLAIM OF UNION BENEFITS, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

10. Defendants have surrendered millions of dollars of UMWA assets, unjustified by any claim of union benefit, in conflict with the interests of UMWA and its membership. At the end of 1962, the value of UMWA investments totaled $30,753,023. From January 1963 through December 1968 the International Officers added from union revenues $1,346,477 in new UMWA investments. But the total value of UMWA investments during this period of time, a financial boom period, declined to $24,574,519. This loss of over seven and a half million dollars in six years has not been justified by defendants by any claim of union benefit or interest, and constitutes either grossly reckless conduct by them or misappropriation of union assets for unauthorized purposes.

11. In the fiscal year ended December 31, 1968, the UMWA had an outstanding loan to Lewmurken, Inc., of $1,451,104. Lewmurken, Inc., incorporated in Delaware, has its principal place of business at 900 Fifteenth Street, N.W., Washington, D.C., the UMWA principal headquarters. Lewmurken's major asset is ownership of approximately 30% of the stock of Rocky Mountain Fuel Co., a New Jersey corporation located in Denver, Colorado, once owned by Miss Josephine Roche, a trustee of the UMWA Welfare and Retirement Fund. Rocky Mountain Fuel Company went into receivership in 1942, the year Lewmurken came into existence, and the 1968 value of this 30% ownership was only $146,906. Consequently, there is little chance that the loan will ever be repaid. The investment is unjustified by any union purpose. The loan to Lewmurken is purportedly for the purpose of "Business investment and to enhance employment opportunities of union members" and payment of this loan is to be "on demand" (BLMR File No. 000063). Lewmurken has an outstanding loan to Freeport Coal Company of Morgantown, West Virginia. Recently, the land owned by Freeport Coal Company has been leased to Kingwood Mining Co., a non-union coal mining operation. The UMWA, therefore, has an equitable interest in a non-union operation, in conflict with the interests of the UMWA and its membership.

B. DEFENDANTS HAVE MISAPPROPRIATED AND MISUSED UNION FUNDS FOR THEIR OWN PERSONAL GAIN, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERS

12. The International officers have made a number of unexplained grants, loans, and expenditures of union money. Thus for example in 1967, union attorney Harrison Combs received a grant for $5,000 and union attorney Willard P. Owens, son of defendant Owens, recevied one for $10,000. And in 1965, without explanation, the union loaned one "John E. Kusik" $39,862. The defendants, moreover, have since 1963 received over $21,000 in contingent fund advances and in 1963 expended $10,000 for "incidental expenses". They have

not accounted for these grants, loans, advances and expenses or given any justfication therefor.

13. The defendants have used, and continue to use, attorneys on the payroll of the UMWA to defend themselves against justified charges of misuse of union funds and violation of federal law, in clear breach of their fiduciary duty to the union and its members. They have also hired highly-paid outside lawyers to defend them on justified charges of breaches of trust and violations of law and have paid and are paying them substantial fees from UMWA funds.

14. Defendant officers have raided the UMWA treasury to provide themselves with lavish personal benefits unauthorized by the UMWA membership and in conflict with the interests of UMWA and its membership. Thus, for example, from January 1963 to December 1968, the UMWA has paid $68,894 to the Sheraton-Carlton Hotel in Washington, D.C., to provide Secretary-Treasurer Owens with an expensive two-room suite in which he resides. International officers are regularly furnished with Cadillac automobiles paid for by the union and with special accounts with which they charge the union for their personal expenses. And they have made gifts out of UMWA funds to institutions in their home states to enhance their personal prestige.

15. Defendant officers have, without authorization, diverted funds from the union's treasury to provide themselves with an eilte pension plan which guarantees their retirement at full pay, without any contribution whatsoever by the officers, and have thus unlawfully enriched themselves at the expense of the union. Prior to 1959, International officers' pensions were paid out of general revenues according to an established scale. In 1960, this pension plan was incorporated into an irrevocable trust to comply with the Welfare Pension Act. Paragraph 10 of this trust includes a provision that those who have served as International officers for more than 10 years are to receive their full salary on retirement. To fund this giveaway, $850,000 of UMWA funds was deposited in a special "Agency Account". In about 1963 or 1964 the Internal Revenue Service ruled this pension was discriminatory.

Subsequently paragraph 10 was amended, and the special provision relating to International officers was deleted. At this same time, a new elite pension plan was created for "Resident International Officers" for which President Boyle, Secretary-Treasurer Owens and ex-President Lewis alone qualified. To fund this, an additional $650,000 was transferred from the UMWA treasury to the Agency Account from the union's treasury without any authorization from the membership. The elite pension fund was created clandestinely and has been kept secret from not only the members, but from the International Executive Board, the union's highest ruling body, as well. By means of this plan, the International officers have diverted some $1,500,000 from the union's funds into a special "Agency Account" in substantial part for their own pecuniary benefit, in conflict with the interests of UMWA and its membership.

16. The international officers have added to the UMWA payroll with their own relatives who receive exorbitant salaries and expense allowances from UMWA and who perform services for UMWA, if any, that do not remotely measure up to their compensation. Thus, for example, President Boyle's daughter, Antoinette Boyle, has received from UMWA $190,867.03 in salary and expenses from January 1963 through December 1968. During this same period of time, President Boyle's brother, R. J. Boyle, received $186,156.27 from UMWA. Miss Boyle, listed as an attorney, presently receives a salary of $40,000 plus expenses, a salary equal to that of the Vice President of the union. Even the salary paid the General Counsel of the union does not exceed that paid Miss Boyle. Purportedly, Miss Boyle receives this salary for work done in the Billings, Montana, UMWA office. But there is little coal mining in this area—some 250 active coal miners and less than 700 pensioners—and there is no organizing going on. There is, therefore, only the rarest, if any, need for legal advice of work.

Secretary-Treasurer Owens has likewise added relatives to the UMWA payroll whose services do not remotely measure up to their compensation. Thus his son, Ronald Owens, the appointed Secretary-Treasurer of District 6, receives about $8,000 more in salary than his highest paid counterpart in any other district; and his son, Willard, a UMWA attorney, earns as much as the union's General Counsel. Furthermore, the International President has raised the salary of these and other employees and made grants of additional salaries to them without prior approval or subsequent ratification of the International Executive Board as required by Article X, Section 2 of the UMWA Constitution. In fact, the minutes of the International Executive Board reflect that no reports of these actions were ever made to the International Executive Board for approval. These practices of defendant International officers of UMWA drain the union's treasury for the personal and pecuniary benefit of these officers and their families, and is in conflict with the interests of UMWA and its members.

C. DEFENDANT OFFICERS HAVE EXPENDED VAST SUMS FROM THE UNION TREASURY FOR THEIR OWN SELF-AGGRANDIZEMENT, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

17. The International officers have used the funds of the UMWA for their own self-aggrandizement, contrary to the best interests of the union and its membership. From January 1963 to December 1968, $93,375.70 was expended from the union's treasury to pay for photographs of defendant officers. This does not include the photographs purchased for use in the UMW Journal. During this same period of time, $25,000 of UMWA funds were used to purchase portraits of these officers. This money was used to glorify the officers, not to benefit the organization or its members.

18. In connection with the 1964 and 1968 conventions of the UMWA, the International officers expended vast sums of money from the union's treasury for their own glorification. For example, they spent over one hundred thousand dollars for "Boyle" lighters, pens, gavels and clocks which were distributed to delegates to the 1968 convention. Nor was any reasonable check made on expenditures for the Conventions, and members' money was wastefully squandered in other ways which directly benefited the incumbent officers. For the 1964 convention, over $390,000 was paid to bands invited to the convention; in 1968 almost $200,000 was spent for this purpose. In addition to providing music, these bands led Boyle-boosting delegations through the aisles of the convention halls, carrying professionally prepared Boyle placards.

D. DEFENDANTS HAVE DIVERTED UNION FUNDS, PROPERTY, AND RESOURCES TO REDUCE THE STRENGTH OF THEIR INTERNAL OPPOSITION AND INCREASE THEIR POWER WITHIN THE UNION, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

19. Prior to defendant Boyle's presidency, UMWA conventions were held near the geographic center of the coal mining regions to minimize transportation costs of delegates and to permit maximum participation of UMWA locals. Upon his taking control of the union, and to prevent militant working locals opposed to him from sending delegates to conventions, Boyle held the conventions out of the coal mining areas, in Bal Harbour, Florida and Denver, Colorado, at a tremendous increase in cost to the union. Thus, in 1960 when the convention was held in Cincinnati, Ohio, the UMWA paid a total of $89,505.20 to the Districts for delegates' transportation costs.

In 1964, when the convention was held in Florida, UMWA disbursements to the districts for transportation totaled $140,338. Transportation costs for the 1968 Denver convention totaled a record breaking $338,583. Moreover, in 1964 and 1968 these disbursements for transportation were made in cash; no adequate records were kept of disbursements, and many Boyle supporters were paid as many as two or three times. Salaries and expenses of delegates on the various convention committees were, moreover, grossly excessive. In 1968, for example, the 39-member Appeals and Grievances Committee received $40,800.00 in salaries and expenses, despite the fact that there were *no* appeals and grievances. In 1960, before Boyle's presidency, only $139,765 was spent for convention committee salaries and expenses. In 1964 that figure rose to $639,782.00 and in 1968 $391,200.00 of union funds were expended for this purpose. Boyle handpicks men for these plush committee assignments to reward them at union expense for their support.

20. The International officers have "loaned" excessive sums from UMWA funds to Districts 19 and 28 to assure their own political control of these districts and of the union, in conflict with the interests of the union and its membership. From January 1963 to December 1968, defendants authorized $3,702,159 to District 19 and $1,828,498 to District 28. These loans are excessive in terms of the size and needs of these districts, but they have permitted the funneling of union money under the heading of "organization expenses" to political supporters of the defendants. Loans of a similar nature and for a similar purpose have been made to other Districts.

21. By manipulating loans and convention expense money to districts, moreover, the defendants "stacked" the 1964 and 1968 conventions in their favor. For District 17, the largest UMWA district and a self-sustaining entity, less than $29,000 was spent for the 1968 convention, $3,397 of which came from the District's own resources. By contrast, almost $90,000 was spent in 1968 for "convention expenses", for District 19, which has about one-tenth the working membership of District 17, is not self-sustaining, and has received loans of over $3,702,000 in the past six years. Over $11,000 of this came directly from the International, the remainder from money previously "loaned" to it by the International. Looking at it from another viewpoint, the union spent over $965.00 for each delegate from District 19, but only $156.00 for each District 17 delegate. This policy of manipulating loan and expense money has benefited the defendants. The 1964 convention, for example, was completely dominated by a large group of white-hatted delegates, all from District 19 who seized the floor of the convention and the microphones to assure Boyle's complete control. Furthermore, the cost of sending delegates to the convention in Denver, Colorado and Bal Harbour, Florida, was prohibitively high for many locals and districts. The International paid their expenses—but as the figures above show—it did so selectively, to insure control of the conventions by the defendant officers. Additionally, many locals which could not afford to send delegates to the conventions were threatened with fines unless they turned their credentials over to Boyle supporters not members of those locals.

22. To assure their continued domination and control of the union, the International

officers have allowed over 600 "bogey" local unions—locals with less than the 10 working members required by Article XIV of the UMWA Constitution for the maintenance of a local union—to remain in existence. The vast majority of these locals and their funds are directly controlled by the International officers and those working for them. At the 1964 and 1968 Conventions these bogey locals were used by the International officers to assure their control over the union. "Delegates" from these locals to the Convention were, in fact, men handpicked by the incumbents. Not only is the continued existence of these locals in violation of the union's Constitution, but it results in increased administrative costs to the union as well. Moreover, these locals receive over $100,000 every year in dues, and the money in their combined treasuries totals several million dollars. If these locals were, as they should be, disbanded, the members would transfer to active locals and the money in the defunct local treasuries would revert to the UMWA. Failure to disband these approximately 600 locals has given the International officers unlimited control over substantial sums of money which need not be—and, in fact, are not—reported under LMRDA. There is also no reliable internal union auditing of the money in these locals' treasuries since the International auditors work directly under and for defendant Boyle.

23. Defendants have caused and permitted the wholesale buying of political support with union funds. Principally this is done by adding men to the union payroll. Through sham designations, union money has been spent to hire Boyle campaigners and to present and promote Boyle campaign rallies. Thousands of dollars from the treasuries of the International, the Districts, the Local Unions, and the Welfare Fund have been used to pad the union payroll with "coal dust committeemen", "checkers", "organizers", and temporary staff members who are, in fact, campaigning for the incumbent President, Boyle, in his 1969 reelection bid. Since most of these men receive under $10,000 a year each, the union need not, and does not list them as employees in federal reports. Nor are they listed in the International Auditors' Reports. Moreover, union money is likewise used to buy off dissidents. In 1966, for example, Joe Ladesic announced he would run for Secretary-Treasurer of District 5 against John Seddon, an ardent Boyle supporter. After Ladesic received backing from an overwhelming number of locals, he declined the nomination and was immediately added to the District's payroll. Since that time he has been paid well over $60,000 from the union's coffers. His decision to decline the nomination was clearly motivated by the promise of well-paid employment by the union. In District 5 and in other districts as well potential dissidents and reformers are regularly bought off by full or part-time employment on the union payroll. This practice costs UMWA hundreds of thousands of dollars, buys political support for the International officers, and is not in the interests of UMWA or its members.

24. The International officers have maintained most of the UMWA Districts in trusteeship in violation of law at great cost to the UMWA and its membership in money and in democratic rights. They have squandered large sums of union funds in defending the Government's suit to end the trusteeships, all for their private benefit.

25. In past elections, International officers have condoned and permitted union money to be spent to deprive members of their right to an honest election under the UMWA Constitution and LMRDA. For example, in 1964 Robert Gordon, a paid International representative, was observed stuffing a ballot box for Boyle and local officers have been paid to vote members by proxy in violation of the UMWA Constitution and to alter tally sheets.

26. Defendants have used union funds in efforts to cover up and justify their misdeeds. Thus, they have expended union assets to blunt criticism of their misdeeds, by attacking safety-crusader Ralph Nader, Representative Ken Hechler and others for their criticisms of defendants' policies, including their failure to support adequate mine safety legislation. For example, in May, 1969, Mr. Boyle, using UMWA personnel, sought to persuade Miss Josephine Roche to forge John L. Lewis' signature to a document defending the Boyle policies and attacking Mr. Nader.

E. DEFENDANTS HAVE DIVERTED UNION FUNDS AND RESOURCES TO ADVANCE THEIR 1969 EFFORTS TOWARDS REELECTION, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

27. In the nomination stage of the election for International officers scheduled for December 9, 1969, representatives paid by the International blocked secret ballot voting, the use of observers, the mailing in of nominations, and broke up rallies for Yablonski all to the personal benefit of defendants. Illustrative of the practice of using representatives paid by the International to deprive members of their constitutional and statutory rights to a fair election is the following incident. On June 29, 1969, a rally of Mr. Yablonski's supporters at Shenandoah, Pennsylvania, was broken up by paid appointed employees of the UMWA—International representatives Bobby Overa and John Karlavage—who paraded up and down the aisles of the meeting hall heckling the speakers. Karlavage gestured at the crowd with a clenched fist, ordering them to leave the rally. Accompanying Karlavage and Overa were 50 "pickets" paid $20 each and organized by Karlavage. Karlavage is also the President of the Shenandoah Borough Council; he had tried to convince the school board secretary to lock out the meeting. Although unsuccessful he managed to deter the town police from giving the meeting requested police protection.

28. In connection with the December 9 election, defendant International officers further breached their fiduciary duty in violation of Section 501 of LMRDA by utilizing the UMW *Journal* as a campaign instrument for incumbent President Boyle (D.C.D.C. Civil Action No. 2413–69, affirmed Nov. 28, 1969, C.A.D.C. Nos. 23,536, 23,659).

29. UMW *Journal* staff and operating funds were, moreover, used by the International officers in 1969 to prepare a vehemently anti-Yablonski scandal sheet entitled "Election Bulletin". This "Election Bulletin" was then distributed through district offices by district personnel to UMWA members. Use of union-paid personnel and funds for such blatant partisan purposes is a clear breach of the International officers' fiduciary duty.

30. On October 27, 1969, on *Journal* stationery and at union expense, a barely disguished anti-Yablonski release, which distorted Yablonski's contentions about pensioner voting rights, was distributed to newspaper editors throughout the country. Use of union money and personnel to prepare and distribute this release and other campaign material and otherwise to promote the incumbents' reelection was in clear breach of the officers' fiduciary duty.

31. Defendant officers have utilized union funds and personnel in 1969 to publicize and promote mine safety meetings which are actually no more than campaign rallies to promote their reelection.

32. District organizations have been used in 1969 as ready-made, union-paid campaign committees for the incumbent officers. In District 30, for example, the Committee for the Re-Election of our International officers operates out of the district headquarters in Pikeville, Kentucky. The chairman of the Committee has a salary of $11,130 as a district representative, the secretary of the committee is the secretary to the district president. In other districts as well, officers, staff members and district facilities have been utilized in a full time effort to support the incumbents' reelection campaign. These districts have mailed at district expense the "Election Bulletin" (see paragraph 29) to all union members. District 29 and other districts' funds were used directly to sponsor rallies for the incumbents and to publish rally programs. Indeed, Boyle's campaign itinerary directs District officials to set up such rallies for Boyle and visits to local mines. All of this is done at union expense.

33. Sham loans have been made to districts to finance defendants' 1969 election campaign. In February 1969, President Boyle held a series of conversations with presidents of various districts during which he told each of them to request a loan from the Washington headquarters to their districts in order to finance Boyle's reelection campaign. Subsequently, UMWA International officers have written checks to these districts for more than a million and a half dollars in loans to complete these arrangements. The funds so loaned are converted to cash by various devices in the districts and used in Boyle's campaign.

34. Union funds and promises of jobs on the union payroll have been used at defendants' direction to recruit men to support and campaign for the defendant officers. For example, Carson Hibbitts, President and Secretary-Treasurer of Districts 28 and 30 and International Executive Board Member of District 28, who holds these positions by appointment of President Boyle, paid Albert Matney, Perry Fuller and Ray Hutchinson to attend meetings in Washington, D.C., and Pittsburgh, Pennsylvania, with money from the District 28 treasury. The delegation was told by Ray Thornbury, a paid International representative, to return to their local unions and campaign for Boyle. Additionally, Thornbury told Hutchinson that if he would support the union's "present policy" he would, in the near future, be rewarded with a job with the union. Use of union funds to recruit campaign workers is in clear violation of the incumbent officers' fiduciary duty. The same Carson Hibbitts with the knowledge and assent of defendant officers is using UMWA funds to prevent a local union at Vansant, Virginia, from having the right to elect local officers who do not favor him and Boyle.

35. In less direct ways, too, defendants have spent union funds to buy Boyle campaign workers. On October 23, 1969, for example, the International paid 500 miners $60 a piece to come to Washington to "lobby" for the safety legislation then pending in Congress. The thirty thousand dollars spent in this venture was to promote the candidacy of the incumbent officers, not to assist in the passage of the coal mine health and safety bill. At no time was the union's chief lobbyist, Joseph A. Yablonski, acting director of Labor's Non-Partisan League, told of the plan to bring the "lobbyists" to Washington, nor was he ever given an opportunity to coordinate their efforts. In fact, the bill, which passed the House on October 29 by 389–4 and the Senate by a 73–0 roll call vote on October 2, was assured of passage long before these "lobbyists" appeared in Washington. Indeed, these "lobbyists" acted contrary to the best interests of the union, deriding Congressmen who fought for this safety legislation but who had opposed Boyle's reelection. This was an obvious junket for Boyle supporters paid out of union funds in breach of the International officers' fiduciary duty to the UMWA membership. Junkets each as this have been used frequently

to enlist Boyle supporters at a cost to the union of more than $100,000 a year.

36. In an effort to prevent a fair and honest election on December 9, 1969, the defendant officers incurred additional costs in the printing of official ballots. Thus, they authorized the printing of an excessive number of ballots, including 51,000 which were not mailed to the locals but were delivered directly to defendants at the union's headquarters. Their explanation for these extra ballots—that some ballots might get lost in the mail—is not entitled to belief, in view of Secretary-Treasurer Owens' admission that he could not recall any complaints of lost ballots in the previous election for International officers. Furthermore, in an attempt to defeat the jurisdiction of the U.S. District Court (C.A. 3061–69), the defendant International officers authorized the printing of the ballots, tally and return sheets at a higher, overtime rate. The authorization of printing a grossly excessive number of ballots at a higher rate than normal was given to assist the incumbent International officers, at the expense of the union and its membership.

37. To prevent a fair election, the defendant International officers have failed to perform their statutory duties and have thus caused the union to incur substantial additional expense. Section 401(c) of LMRDA requires the union to maintain a current membership list at their principal headquarters for inspection by bona fide candidates for offices in the union. In a proceeding in the U.S. District Court (C.A. 3061–69), Secretary-Treasurer Owens admitted that he had failed to comply with the law in this respect. Because of this failure, the union was required to spend large sums to compile a membership list on an expedited basis. Lists exist in each District office, according to Owens; had the officers requested copies of these lists in advance of their fair election lawsuit—as required by law—the cost of compiling a membership list would have been substantially lower.

F. DEFENDANT BOYLE HAS FAILED TO ACCOUNT FOR AND PAY OVER TO THE UNION OUTSIDE FUNDS RECEIVED BY VIRTUE OF HIS UMWA POSITION, IN CONFLICT WITH THE INTERESTS OF THE UMWA AND ITS MEMBERS

38. Annually, defendant Boyle and the union's General Counsel, Edward Carey, receive substantial remuneration from the National Bank of Washington for sitting on its Board of Directors. The UMWA owns 75 percent of the National Bank, and Boyle sits on the Board of Directors solely by virtue of his position in the union. In conflict with his fiduciary duties, however, he has not accounted to the union for these funds nor paid over these sums to the union treasury. Furthermore, he has made no effort to collect such sums from Carey for the union.

G. GENERAL ALLEGATIONS AND RELIEF

39. By reason of the foregoing acts and omissions of the defandants, they have violated the several duties prescribed in 29 U.S.C. 501(a), and, specifically, they have failed to hold the UMWA's money and property solely for the benefit of the UMWA and its members; they have failed to manage, invest, and expend the UMWA's money in accordance with its Constitution and By-laws; they have dealt with the UMWA as adverse parties or in behalf of adverse parties; they have held pecuniary or personal interests in conflict with the interests of the UMWA; and they have failed to account to the UMWA for outside funds received in connection with activities conducted by them on behalf of the UMWA. By reason of these violations of 29 U.S.C. 501 by the defendants, they have misappropriated and diverted many millions of dollars of UMWA assets to the detriment and harm of the union and its members.

40. There is no adequate remedy for the offenses complained of at law. Only judicial relief in the equitable form can provide such a remedy. It would be futile or worse to delay relief against defendants pending further efforts to obtain relief within the context of the UMWA Constitution. Indeed, the International Executive Board, in which power to entertain charges against defendant International officers is vested, is under the complete control and domination of defendant Boyle as International President.

41. On November 18, 1969, plaintiff Yablonski forwarded a letter to the individual defendants and to the members of the UMWA International Executive Board, requesting them to bring action against the individual defendants with respect to the matters asserted in paragraphs 10 through 38 of this Complaint. By letter dated November 25, 1969, defendants refused to take prompt action, despite the gravity of the misconduct involved, to obtain redress for the union and its members and to prevent further irreparable injury.

42. On November 26, 1969, the Department of Labor, as a result of its independent investigation of the conduct of defendants herein, issued a "Summary Report of Financial Investigation" of the UMWA, detailing many violations of 29 U.S.C. 501 by defendants which are encompassed in this Complaint. The Department of Labor transmitted its report to the Department of Justice for prosecution or other appropriate action.

Wherefore, the plaintiffs, Joseph A. Yablonski, Karl Kafton, Richard Weaver, John Wnek, Harry Elmer Brown, P. G. Gillespie, Harry Patrick, Arthur Nelms, George R. Thomas, Mike Trbovich, Joseph Daniels, and Marion Pelligrini, respectfully pray that this Court

1. Require defendants Boyle, Titler and Owens to account for all their relevant expenditures and receipts.

2. Require defendants Boyle, Titler and Owens to return all sums they misappropriated from the UMWA treasury for their own benefit.

3. Award damages as follows:

(A) To the United Mine Workers of America as against defendants Boyle, Titler and Owens, such sums as shall compensate the UMWA for damages sustained as a result of the defendants' violations of law established in this action;

(B) To the individual plaintiffs as against all defendants, such attorneys' fees, and costs and expenses incurred by plaintiffs in the prosecution of this action, as the Court deems reasonable.

4. Grant such other and further relief as may be necessary and appropriate.

Joseph L. Rauh, Jr., John Silard, Elliott C. Lichtman, Clarice R. Feldman, Rauh and Silard, 1001 Connecticut Avenue, NW., Washington, D.C., Attorneys for Plaintiffs.

CONSERVATION OF NATURAL RESOURCES

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, several weeks ago in the Capitol I had the pleasure of meeting a young man from Stoneham, Mass., who is in the seventh grade. John F. "Jack" Cullinan is not only an outstanding student but also is well informed on the activities of the Congress, international affairs, and domestic issues. Recently he received his Conservation of Natural Resources Merit Badge in scouting. His paper "Conservation of Natural Resources," which received recognition in his local newspaper, merits serious thought by everyone who is interested in the preservation of our environment.

The paper follows:

CONSERVATION OF NATURAL RESOURCES

(Paper of John F. "Jack" Cullinan)

Conservation of our valuable natural resources is everyone's problem. Without a public awakening to the problem of conservation and wise conservation practices, there could be a shortage of forest, clean air and water, and certain species of wildlife could become extinct.

Our large and growing urban centers will require more room for an exploding population. Our farms which raise the food for an urban society must learn to grow more on less land. We must learn to use our land wisely to the fullest extent.

Every day the giant factories of our industrial nation spew forth tons of toxic waste into the atmosphere. The smog settles over cities like a blanket, smothering the inhabitants. The average citizen of Chicago breathes into his lungs more pollution than someone who smokes two packs of cigarettes a day in the country. Something must be done to clear up this problem soon.

The water of our mighty rivers once pure are now the dumping spots of industrial waste. This filthy water kills fish and other marine life. It is a health menace and an eyesore. These dirty waterways cannot be used for recreation and are a disgrace to nearby communities.

Pesticides and poison such as DDT kill not only insects but upset the balance of nature by affecting birds, plants, fish, and other marine life. The "Silent Spring" predicted by Rachel Carson where all the birds are killed by DDT is not far off. Man must learn to control his environment, but not upset the balance of nature.

What can we, as concerned citizens, do? We can stop using pesticides that are harmful to animals. We can write to our congressman and ask for positive legislation. Strong legislation is needed on state, local, and federal levels. We can help promote better conservation practices where we work.

These are but a few of the conservation problems and their answers that face our nation and the rest of the world. If man does not face the imminent danger impending and stop wasting valuable natural resources soon, it may be too late to turn back the clock. Man has the ability to make this the best generation in the history of the world or make it the last. I believe that if interested citizens take up this challenge, it will be the best generation in the history of the world.

INTOLERABLE QUOTA SYSTEM STRAINS UNITED STATES-CANADA RELATIONS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, the relationship between the United States and our neighbor to the north, Canada, is unique in the world community. Throughout the entire world there are no two countries more similar in character and national values.

No other countries are the product of such a common heritage and mutual interests which span the entire spectrum of international associations.

Canada and the United States have grown up together. They share the long-

est unguarded international boundry in the world which is dramatically demonstrated by the free flow of ideas in both directions.

Today, Mr. Speaker, that tradition of neighborliness is being threatened. For the first time in our history a barrier is being thrown up. This barrier—an intolerable immigration quota system—is placing a severe strain on the business and political relations between our countries.

This quota, which was established July 1, 1968, allows only 120,000 persons from Western Hemisphere countries to immigrate to the United States in any year. The effect on Canadian immigrants is dramatic. In the first year the number of Canadians coming into the United States has dropped from 30,000 to 16,000.

As a participant of the United States-Canada Interparliamentary meeting last summer, I have seen firsthand the great effectiveness of the formal and informal exchanges of information and views between our administrations, legislatures, and military. Similar exchanges take place continuously between American and Canadian business, labor, academic, and cultural leaders.

Mr. Speaker, today I am pleased to join with the distinguished chairman of the Subcommittee on Immigration and Nationality of the Judiciary Committee (Mr. FEIGHAN), in a bill to substantially revise and update the Immigration and Nationality Act.

In my estimation this measure would eliminate the serious problem affecting our neighbors to the north and end the unfairness in the present law.

The most significant provision of Mr. FEIGHAN's legislation is that it would create a unified worldwide preference system and numerical ceiling.

After a 3-year transition period, a worldwide ceiling of 300,000 would be imposed on both hemispheres. During the transition period, the Eastern and Western Hemispheres would have numerical limitation of 170,000 and 130,000. Each foreign country would have a limitation of 20,000 except Canada and Mexico which would have 35,000.

This measure would allow the traditional interchange between United States and Canadian firms. It would establish a nonimmigrant category to permit executive, managerial, and specialist personnel to enter the United States to assume employment with an international corporation for whom he had previously been employed abroad.

The United States and Canada have traditionally had extremely close social, cultural and economic relations. Canadian and American business firms and industries have operated freely in both countries. Many American firms have subsidiaries or affiliates in Canada and numerous Canadian concerns have established offices or have affiliates here.

Canadian and American corporations have grown accustomed to transferring executive, managerial and specialized technical personnel to and from offices in the other country without regard to the nationality of the individual.

In addition, a large number of workers in both countries are members of binational unions and have taken jobs in the other country while retaining their union membership and seniority rights.

This phenomenon exists as well in fields other than business and industry. For example, the American Medical Association and its Canadian counterpart have reciprocal agreements, which are officially honored, concerning the recognition in the one country of medical degrees conferred by medical schools in the other country.

Canada is the only country in the world with which the United States has such an agreement.

Until July 1, 1968, both Canadian and United States immigration policy were such that no restrictions were placed on this flow of people in either direction. Each country imposed certain qualitative restrictions on immigration but neither imposed a quantitative restriction on immigration from the other. Canadian immigration policy remains today as it has been.

There is no numerical restriction on immigration to Canada from the United States. On the other hand, the imposition by the United States of a numerical limitation on immigration by persons born in independent countries of the Western Hemisphere has had the unintended effect of seriously curtailing immigration to this country from Canada.

Section 21(e) of the act of October 3, 1965, provided that, unless legislation inconsistent therewith were enacted on or before June 30, 1968, a 120,000 per annum ceiling on immigration by persons born in independent countries of the Western Hemisphere would enter into force on July 1, 1968. This was the first time in the history of U.S. immigration policy that a quantitative limitation was imposed on intrahemisphere immigration.

As H.R. 2580, the bill which was to become the act of October 3, 1965, was reported to the House of Representatives, it did not contain a Western Hemisphere immigration limitation. However, the Senate amended the bill to include section 1 which, in addition to establishing the numerical limitation, provided for a Select Commission to study Western Hemisphere immigration. The conferees approved the Senate amendment and the bill was passed by both Houses in its amended form.

The Select Commission recommended that the imposition of the Western Hemisphere ceiling be postponed for 1 year to allow further study of the effect of the labor certification procedure on Western Hemisphere immigration.

The State Department representative on the Commission expressed his individual views in the report pointing out that the limitation as contained in the act of October 3, 1965, would not permit us to fully satisfy the immigration demand from the Western Hemisphere. In spite of the recommendations of the Select Commission, the Western Hemisphere limitation did enter into force on July 1, 1968, and without an exception for Cuban adjustees.

Unlike the selection system set up under the limitation applicable to immigrants in the Eastern Hemisphere, no preference system was established for Western Hemisphere applicants. Such applicants are processed in the chronological order of their priority date, namely the order in which they become entitled to immigrant status by obtaining a labor certification or establishing that the labor certification requirements do not apply to them. In other words, this is a first come, first served basis.

The demand for immigration from the Western Hemisphere is greater than can be satisfied within the 120,000 limitation. To date, during the current fiscal year visas have been issued only to applicants with a priority date prior to December 15, 1968. Thus as of November 1969, applicants who have been waiting 11 months will be receiving visas. Longer waiting periods may be expected in the future. Although the waiting period is uniform for all Western Hemisphere applicants, the strongest impact has been felt by Canadian immigrants.

During the 5 fiscal years preceding July 1, 1968, Canadian immigration averaged over 31,000 per year, whereas in fiscal year 1969 less than 16,000 immigrant visas were issued to persons born in Canada.

By contrast, about 40,000 visas were issued to persons born in Mexico in fiscal year 1969, which is in line with the average Mexican immigration of about 40,000 in fiscal years 1964 through 1968. The difference in the impact on immigration from these two countries is caused in part by the fact that more Mexican immigrants are able to establish exemption from the labor certification requirements because of relationship to a U.S. citizen or permanent resident.

Also, the pattern of immigration from many Western Hemisphere countries other than Canada has been for the head of the family to proceed to the United States first and bring his family after he has established himself here. Since the spouse and children can take as their priority date for immigration purposes the priority date of the principal applicant, the family members are often able to immigrate ahead of those who have been waiting their turn on the basis of approved labor certifications.

This has resulted in a dramatic change in the countries from which Western Hemisphere immigrants come, as illustrated by the following statistical table:

IMMIGRANT VISAS ISSUED, WESTERN HEMISPHERE

FISCAL YEAR 1964	
Canada	38,604
Mexico	31,324
Cuba	16,088
Colombia	10,090
Dominican Republic	7,206
FISCAL YEAR 1965	
Canada	40,013
Mexico	37,432
Cuba	20,086
Dominican Republic	10,851
Colombia	9,790
FISCAL YEAR 1966	
Mexico	43,630
Canada	25,563
Cuba	17,063
Dominican Republic	16,373
Colombia	8,053

IMMIGRANT VISAS ISSUED, WESTERN HEMISPHERE—Continued

FISCAL YEAR 1967	
Mexico	40,665
Canada	24,712
Dominican Republic	11,717
Jamaica	11,204
Cuba	[1] 8,687
FISCAL YEAR 1968	
Mexico	43,510
Canada	29,536
Jamaica	19,925
Cuba	[2] 15,308
Dominican Republic	9,199
FISCAL YEAR 1969 [3]	
Mexico	42,071
Canada	15,722
Jamaica	15,252
Dominican Republic	10,279
Trinidad	7,442

[1] Does not include 24,762 adjustments.
[2] Does not include 88,542 adjustments.
[3] Does not include Cuba which will total approximately 8,000 including 5,600 adjustments.

Even prior to the enactment of the act of October 3, 1965, the Canadian Government formally indicated its concern that a Western Hemisphere limitation on immigration to the United States would impair the traditionally open border between the United States and Canada.

Since that time the Canadian Government that expressed its serious concern on several occasions, both formally and informally, the difficulties brought about by the imposition of the ceiling on July 1, 1968. Representatives of that government have also indicated that strong pressures may be generated in Canada for reciprocal limitations on entry of U.S. citizens into Canada.

At the June 1969 meeting of the Joint Cabinet Committee on Trade and Economics the Canadian Minister of External Affairs made a strong representation concerning this matter as a result of which a joint working party on immigration was established. The Canadian Government continues to press, through its representatives on the working party, for a prompt solution to this problem.

Mr. Speaker, I have long sought to eliminate the hard and fast application of "foreign residency requirements" for exchange visitors from highly developed and industrial nations.

The personal hardships this creates for the alien, and the economic loss our Nation suffers is not justified in cases where the countries of origin have no more dire need for the alien's skills than we do.

Under this bill, the 2-year foreign residency requirement would be inapplicable to aliens who are from economically developed countries on privately funded programs.

It also allows, fiances and fiancees of U.S. citizens or permanent residents to be eligible for nonimmigrant visas if they intend to marry within 90 days.

In addition, this bill would establish a Board of Visa Appeals to review denials of immigrant visas to relatives of U.S. citizens or permanent resident aliens. Only the U.S. citizens or permanent resident alien could petition before the board.

Mr. Speaker, I urge my colleagues to consider the inequity in our present law and to support this measure, particularly because it would alleviate the general unfairness to Canadians.

I have heard from members of the Canadian Parliament as well as businessmen and workers affected by this quota. It is ironic and unfair that Canadian professionals and such restrictions affect American workers.

I am urging the President and the Secretary of State to do everything possible to end this intolerable situation. I strongly urge my colleagues in the House to join in this effort to lift the barrier blocking the peaceful boundary between the United States and our Canadian neighbors.

I would like to share with my colleagues my letter to the President, letters I have received from members of the Canadian Parliament, and an article from the Toronto, Ontario, Daily Star. They offer strong evidence for support of this measure.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1969.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During my trip to Canada for the U.S.-Canada Interparliamentary group meeting, a serious problem involving U.S. immigration policies was brought to my attention. The problem of quota restrictions is developing into the first real barrier between our two countries in more than 175 years.

I would like to share with you a letter I received from the Honorable Marcel Lambert, a member of the Canadian Parliament from Alberta Province. He spells out the problem clearly.

The quota system places all persons from the Western Hemisphere applying for landed immigrant status on a first come, first served basis. It completely overlooks the close cultural, business and trading ties which have grown up between our two nations.

Mr. Lambert points out that Canadian firms should have the same privilege to move personnel back and forth at will as do the American firms with operations in both countries.

I would also like to draw your attention to the case of a Canadian school teacher employed by a private school in my district. The problems facing this teacher vividly demonstrate the frustrations our neighbors to the north are facing.

Let me say that I share the feelings of the Honorable Robert N. Thompson, who represents the teacher's home district in the Canadian Parliament. I, too, believe the freest possible exchange, immigration and otherwise, should exist between our countries for the benefit of both.

The relationship between the United States and our neighbor to the north, Canada, is unique in the world community.

We have more formal and informal means of communicating with Canada than with any other country in the world. And these means have been used with great effectiveness to exchange views and information between our administrations, legislatures and the military.

Throughout the entire world there are probably no two countries more similar in character and national values. No other countries are the products of such a common heritage and mutual interests which span the entire spectrum of international association.

Canada and the United States have grown up together. They share the only unguarded international boundary in the world which is dramatically demonstrated by the free flow of ideas in both directions.

However, our rigid immigration quotas are placing a severe strain on this flow of business, people and ideas which has been so beneficial in the past.

As Mr. Lambert says in his letter: "Our business, cultural and trading relations are of such a nature that these new regulations do work some rather peculiar hardships upon Canadians."

As a Congressman from Rochester, New York, I am particularly sensitive to the relationship between our two countries.

I would strongly urge you review these regulations and make every effort to ease this increasingly intolerable situation in a manner beneficial to both countries.

With kindest personal regards, and best wishes for the Holiday Season, I am

Sincerely,

FRANK HORTON.

HOUSE OF COMMONS,
Ottawa, Canada, June 19, 1969.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: My wife and I were sorry to part company with you and your charming wife in Calgary but were so pleased that Jasper and Banff were so pleasant and the trip West had been such a success. We hope that your return to Washington was both pleasant and uneventful.

At various times during the conference in Ottawa and out West, I spoke to you about a problem that has arisen out of United States quota restrictions affecting Canadians who wish to enter the United States as landed immigrants. The detail of the quota regulations is immaterial, except that Canada for the first time is caught by these restrictions. However, our business, cultural and trading relations are of such a nature that these new regulations do work some rather peculiar hardships upon Canadians. It is about these that I am writing.

A large number of Canadian firms have subsidiaries or related companies in the United States. In the normal course of business operations, it is necessary to promote or transfer personnel. Now that the State Department has imposed a first-come first-serve method of dealing with applications for landed immigrant visas—and such a visa is required for any Canadian to work in the United States, even though it is for a Canadian company—the interpretation of the regulations and the volume of applications has caused excessive delays of many months. In fact, at the present time, I am told that applicants in the earlier part of this year were told that their applications might come up for consideration in mid 1970 or later. Many of our banks who operate in New York and other firms just cannot wait for this type of delay. American firms on the contrary are entitled to move their personnel back and forth at will within Canada and we feel that Canadian firms, who are in a similar position in the United States, should also have the same privilege.

There is another feature, particularly in the oil industry, and I think it also may effect a good deal of the secondary manufacturing in Ontario, although I am not so familiar with this aspect of it. In western Canada most of the oil industry is either owned or controlled by American interests. These firms, either of the subsidiary or branch type operation, have been very good in employing Canadians as a great majority of their middle range executive and management personnel. These persons are part of the whole operation and many of them ultimately are promoted or transferred horizontally to either the parent company or to some related operation into the United States. This allows for a free hiring policy and, of course, makes the entry of these firms most welcome in the various industries in which

they operate in Canada. However, now many of these firms cannot transfer Canadians back to the United States within the normal course of their operations unless they are prepared to put up with extensive delays. I have knowledge of a number of cases in which Canadian personnel were advised that they were being transferred to the U.S. and that they were being replaced by a U.S. resident in the normal course of affairs. The Canadian could not move and yet the American citizen was coming up to Canada. If these restrictions continue to apply with regard to Canadians, then I fear that American companies will abandon their very welcome and expected practice of hiring as many Canadians as they can for operations in Canada simply because they will not be able to move them without difficulty beyond Canada. Canadians will have a very limited future within these companies. I don't think that this can be considered as an acceptable state of affairs.

I have queried a number of State Department officers at the consular level and they tell me that their instructions are that these applications must be handled on a strict first-come first-serve basis, with certain minor exceptions. Whether their interpretation is correct or not, I do not know, but I am informed by them that their instructions are that any changes have to come through the legislative process. I am, therefore, drawing this matter to your attention so that it could be looked at. I would appreciate your comments.

Canada has always maintained a free immigration policy with the United States but I must say that I would regret any restrictions imposed upon Canadians to their prejudice and see a pressure build up here in Canada for reciprocal treatment or the institution of an exchange of one for one within the business community. It is my understanding that there has been some informal exchange of views between our respective governments on this subject but I have not been able to elicit any information as to the outcome of such discussions.

I have taken the liberty of writing in a similar vein to a number of your co-delegates both in the Senate and the House of Representatives.

With best personal regards, I remain,

Yours sincerely,

MARCEL LAMBERT.

P.S.—I do not know whether your regulations require landed immigrant status for Canadians who wish to join the American Armed Forces. I am informed at the present time there are some 20,000 Canadians in the U.S. Armed Forces with a great number of these serving in Vietnam or who have served there. It would be rather ironic that Canadians who wish to join the U.S. forces with a view to going to Vietnam or otherwise would have to wait on a first-come first-serve basis while their applications for landed immigrant status were caught up in the present red-tape.

HOUSE OF COMMONS, CANADA,
September 8, 1969.

HON. FRANK HORTON,
U.S. Congress,
Washington, D.C.

DEAR MR. HORTON: I am writing in regard to a constituent, who has a real problem with the U.S. immigration authorities. She has a position, her visa application is completed and in order, yet she cannot enter the United States because of the quota system instituted last year which restricts the number of Canadians entering the U.S.

I find myself really frustrated over this policy, which I think is discriminatory and defeats its own purpose as far as Canada is concerned. I enclose a copy of a letter written to the U.S. Consul-General in Calgary. Could you do anything to help in this case? I think a strong protest should be voiced to the State Department. I believe the freest possible exchange, immigration and otherwise, should exist between our countries for the benefit of both.

I look forward to seeing you sometime, in Ottawa and in Rochester.

Sincerely yours,

ROBERT N. THOMPSON, M.P.

HOUSE OF COMMONS, CANADA,
September 3, 1969.

MR. VALDEMAR N. L. JOHNSON,
Consul-General for United States,
Calgary, Alberta.

DEAR MR. JOHNSON: I bother you again about an immigration case. If she cannot go this fall, she will lose this teaching opportunity. Anything you can do to facilitate the speeding up of her application would be greatly appreciated.

She has a position as teacher, has local labour office clearance at Rochester, N.Y.; and her application has been approved but is awaiting a quota number. In view of school opening, there is urgency in this.

The quota requirement which is now applied to Canada bothers me very much, Mr. Johnson. It seems to me that, in spite of such shortcomings on the part of the Canadian Government involving the admittance of military deserters, it is tragic that the free flow of Canadians and Americans back and forth is interfered with in this way. I cannot understand why the U.S. Government would impose such restrictions on Canadians, although I realize there are employment priorities for its citizens as there are for us in Canada as Canadians. I sense a great resentment among Canadians, particularly in the west, concerning this regulation, which I think does more to harm the good relations between our two countries than it could possibly benefit the U.S. economy.

I would be grateful if you could express my protest to your officials, with the hope that consideration could be given to eliminating this quota system.

Sincerely yours,

ROBERT N. THOMPSON, M.P.

TIGHT U.S. IMMIGRATION QUOTA BRINGS OUTCRY FROM BUSINESS

(By Frank Jones)

OTTAWA.—U.S. consulate offices across Canada are being besieged with complaints from the bigegst names in U.S. and Canadian business because new U.S. immigration regulations have put an effective freeze on Canadian executives beng posted to the U.S.

Nearly every large corporaton has been affected by rules which went into effect July 1 last year and which are preventing U.S. subsidiaries sending Canadian executives into the U.S. for training or promotion and preventing Canadian companies from sending Canadian staff to run U.S. branch operations.

Canadian emigration to the U.S. was down from 29,000 in the year ended June 30, 1968, to 13,800 in the year ended June 30, 1969.

A U.S. embassy official admitted that consulates across Canada have received complaints from such companies as the Bank of Montreal, the Canadian Imperial Bank of Commerce, Massey-Ferguson, Canadian Pacific, Canadan National, Bowater, Alcan Aluminum, Bell Telephone, and The Royal Bank of Canada.

The U.S. companies complaining about the new policy include General Motors, Chrysler Corp., Holiday Inns, Standard Oil, Mobil Oil, Texaco, Gulf, Kraft Foods, Douglas Aircraft, and Union Carbide.

The official told The Star that virtually all airlines operating across the border, whether U.S. or Canadian, have been affected and have complained.

The new law imposes an annual limit of 120,000 immigrants from the whole of the western hemisphere.

The U.S. official here said that the law is being applied "on a first come first served basis, and a lot of applicants from the Caribbean and Mexico got their names in ahead of Canadians."

Executives being posted to the U.S. by U.S. or Canadan firms always needed a labor certificate showing they had a job waiting for them. Prior to the new law coming in they then applied for a visa and were usually granted it without difficulty.

Now they must get the labor certificate and then put their name on a waiting list.

U.S. consulates are warning executives that they will have to wait a year or more now to get permission to enter the U.S.

The matter was regarded as a top priority by a Canadian ministerial mission to Washington in June, and a joint U.S.-Canadian committee was set up to study the matter. It expects to hold its first meeting next month.

Meanwhile, U.S. firms have been active in seeking legislation to correct the matter in Washington. Ten days ago a bill was passed in the Senate which would exempt executives being posted back and forth across the border.

But the bill still has to win the approval of the House of Representatives, and the picture is confused because there are counter proposals originated in the House.

An External Affairs department official here said the policy "has serious implications for the Canadian economy."

Although some Canadians may feel that the severe curtailment of immigration to the U.S. has helped to stop the brain drain, the government is concerned that it will affect the chances for promotion and development of many young Canadians, he said.

In addition to the problem of executive postings, he pointed out that Canadian manufacturers selling equipment in the U.S. have been put at a disadvantage because they cannot send Canadian technicians down to service the machinery.

"This could hurt our export position," said the Canadian official.

Most of those affected by the new law are people who have no intention of giving up their Canadian citizenship, but who are going to the U.S. to work for a limited period, he pointed out.

U.S. and Canadian firms have found that the law is "completely inflexible" and that there is no way of pleading exceptional circumstances to have an executive moved up the list.

Canadian firms faced with long delays in posting people to their U.S. branches are having to extend the terms of the Canadians now working in those branches.

* * * * *

SUMMER INTERN OFFERS EXCELLENT PERSPECTIVE ON POPULATION CRISIS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, at a time when a landmark White House Conference on Food and Nutrition has raised national discussion of nutritional, welfare, and population problems to the level of front page news; and when the committees of Congress are deliberating the farsighted proposals of the President for improving the Federal approach to these problems, I thought it would be appropriate to share with our colleagues, a paper authored earlier this year by a summer intern in my office.

As a member of the Republican congressional task force on earth resources and population and of the House Subcommittee on Foreign Operations and Government Information, concerned with our overseas efforts in population planning and control, I was fortunate to have as my staff assistant on population problems and programs, a very able young man who is now a senior at Princeton University majoring in biology, Charles J. Harris.

As a concerned and intelligent member of the younger generation, concerned with the future of America, as a member of a Rochester, N.Y., family which has long been associated with agribusiness and nutrition, and as one whose Princeton background in life sciences equipped him for legislative and research work in population problems, Chod Harris came to my office well prepared to work as a summer intern in this area.

At the end of his internship in mid-September, Mr. Harris authored a comprehensive review of the problems of the population explosion and of the solutions needed. Particularly where it discusses current legislative proposals before the Congress, I feel his paper is quite persuasive of the urgency of acting on these proposals.

With your permission, Mr. Speaker, I would like to insert at this point in the RECORD, the full text of "The Population Crisis," by Charles J. Harris:

THE POPULATION CRISIS

(Written by Charles J. Harris for Hon. FRANK HORTON, Member of Congress)

"Next to the pursuit of peace, the really great challenge to the human family is the race between food supply and population increase."

Thus former President Lyndon B. Johnson addressed the nation in his 1967 State of the Union Address. Calling the problem of the world's ever-increasing population our second greatest challenge is no exaggeration. It took mankind from the beginning of time to the year 1800 to reach one billion humans. The second billion took 100 years, and the third was added in only 30. At the current 2 percent increase, the fourth billion will take 15 years! Today's 3.5 billion is expected to double by the year 2000, unless something is done to ease the problem.

Besides the obvious difficulty of feeding that many people, the rapid increase in the world's population has other disadvantages. One very apparent today is the way a country's increase in population can wipe out any economic gains it achieves. If a developing country increases its GNP by 5 percent a year, but its population increases by 6 percent, the per capita income of that country is actually declining. True economic growth requires that GNP increase faster than population.

Another example of the far-reaching effects of overpopulation is the recent battle between Honduras and El Salvador. This dispute had its origins in the demographic problems of the two countries. Nations with high rates of population increase are more likely to suffer political disturbances, caused by the popular dissatisfaction with the poor progress of the country.

The problem is most acute and apparent in the less developed countries of the world. Here in America the triumphs of modern medicine and sanitation techniques have made great strides in reducing the death rate, particularly among children. The same reduction occurred in the more developed countries, but over an extended period of time, thereby allowing the slower changes in social factors such as the age of marriage, number of children wanted by a couple, and even changes in the overall percentage of marriages to reduce the birth rate significantly, in pace with the lowering death rate. In many parts of the world, however, this change is occurring in a very short period of time, instead of over many hundreds of years. The people of these countries do not have time to adjust their birth rate to the changing conditions. Whereas a family formerly had to have 6 or 7 babies so that 2 might survive, now 5 survive, and the population increases at a fantastic rate.

All this is not to say that the more developed countries such as the United States have no population problem. While our situation is perhaps not as immediate as India's, for example, it is by no means unimportant, nor can its solution be indefinitely postponed. At our current, relatively small growth rate of one percent annually, we will add another 100 million people by the year 2000. Even today, 450,000 unwanted babies are born in this country every year. More than 20 percent of our women indicated that their last child was unplanned or unwanted. The economic burden of these unwanted children on the families and the society is incredible.

While the worst effects of our population growth may not be evident for many years, the time to start doing something about it is now. Thousands of children every year die from malnutrition; countless thousands of others suffer brain damage from insufficient protein in the first four years of their lives. Many families in the United States are overburdened with the children they have, but they have no one to turn to for contraceptive supplies, assistance, or even advice. The right to limit one's family to a size one can afford to properly care for is a basic human right, and we must not restrict this right to the rich.

This problem has not gone unrecognized by the leaders of our nation and the world. Former President Truman and the late President Eisenhower (Co-Chairmen of the International Planned Parenthood Federation) and Presidents Kennedy and Johnson were all conscious of the magnitude and urgency of the Population Crisis, as the following quotations illustrate:

"The population explosion has already become one of the most critical world problems of our time and daily grows more serious." (Dwight D. Eisenhower.)

"The magnitude of the problem is staggering. In Latin America, for example, population growth is already threatening to outpace economic growth—and in some parts of the continent standards of living are actually declining." (John F. Kennedy.)

"I will seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity in world resources."—Lyndon B. Johnson

On an international level, U Thant, Secretary General of the United Nations, and Robert S. McNamara, President of the World Bank have spoken out on this problem:

"The most urgent conflict confronting the world today is not between nations and ideologies, but between the pace of growth of the human race and the insufficient increase in resources needed to support mankind in peace, prosperity and dignity."—U Thant

"In terms of the gap between rich countries and poor, studies show that more than anything else it is the population explosion which, by holding back the advancement of the poor, is blowing apart the rich and the poor and widening the already dangerous gap between them." (Robert S. McNamara, in his first speech as President of the World Bank.)

President Nixon, on July 18 of this year, delivered the first major address by a United States President devoted exclusively to population control and family planning. The following is a quotation from that address:

"One of the most serious challenges to human destiny in the last third of this century will be the growth of the population."

It is clear that our national and world leaders see and understand the immediate nature and far-reaching effects of the population explosion. Let us now look at what is being done to solve this problem.

First, on the national level, there are two organizations in the Federal government handling family planning research and services, the Department of Health, Education and Welfare, and the Office for Economic Opportunity. In the Office of the Secretary of HEW, there is an Office of Population and Family Planning, which coordinates the Department's programs. The research aspect is handled by the Center for Population Research in the National Institute for Child Health and Human Development, supported by a FY 69 budget of $10 million. The Office of Education supplies sex education materials and training to school systems, with expenditures of about $3 million last year. Most of the $50 million HEW is spending on family planning in FY 69, however, goes directly to services offered by the Social and Rehabilitation Service to underprivileged women in clinics and centers throughout the country. About 850,000 of the over 5 million women wanting this service benefit from the program, which supplies information, expert advice, and contraceptive devices. In all, there are 52 full time employees in HEW concerned with population problems.

OEO helps develop new family planning centers and supports those already started, with its FY 69 budget of $13 million. Both HEW and OEO make extensive use of the Planned Parenthood Federation to supply the knowledge and volunteers to run the centers.

Federal assistance to population control on the international level is handled by the State Department, through the AID program, and more specifically the Population Service of the War on Hunger. In AID's FY 69 budget, $50 million (up from $35 million the previous year) was directly earmarked for population programs by Congress. In spite of a 1967 directive giving population control programs "highest priority" in AID, there are still only 79 persons working full time on this issue in the State Department.

AID helps individual countries develop population control programs, and supplies training and equipment for the projects. It also contributes to the United Nations Population Fund. Federally sponsored research is divided among three agencies: the Population Research Center in NICHD, the National Institutes of Health, and AID, with a total Federal commitment of about $35 million last year.

The United States has also supported the United Nations Population Fund, contributing about 80% of the $1.5 million that make up the fund. In 1966 the UN General Assembly unanimously passed a resolution describing population as one of the major problems facing the world, and pledging the services and organization of the United Nations toward the problem's solution. More recently, a National Policy Panel of the UN Association of the US, headed by John D. Rockefeller, III, recommended to the Secretary General that a Population Commission be established by the UN, and that the Population Fund be increased to $100 million over the next three years.

Two significant bills have been introduced in this Congress on the population problem. The first was in response to President Nixon's message to Congress of July 18, in which he recommended the establishment of a

Commission on Population and the American Future. The Senate Committee on Government Operations has held hearings on an identical Senate bill. The second bill is designed to provide better coordination within the Federal Government in population matters, and increase funding for research and services over a five year period.

The House Republican Task Force on Earth Resources and Population conducted hearings throughout the summer, receiving testimony from many expert witnesses. Also, the Foreign Operations Subcommittee of the Government Operations Committee held hearings on a bill to establish Assistant Secretaries of Population in the Department of State and HEW.

In considering plans for future actions, two aspects must be separated: the immediate remedies and the longer range proposals. In the first category, the Presidential Commission is of prime importance. Besides offering a unified plan for Federal action, it will bring the problem to the attention of the American people, who ultimately must provide the force behind the movement for positive action. Individual Congressmen should carry this message to their constituents, informing them of the urgency and magnitude of the population crisis.

Earmarking funds in Departmental budgets is a simple and direct means of both financial and political support for many population services. Congress has recently done this in the case of $50 million in the AID budget. This should be increased, and HEW programs should also benefit from earmarking of funds. These ideas and plans need the increased priority that President Nixon requested in his address.

In terms of longer range plans, further research should be placed high on the priority list. Current means of contraception are not adequate to supply the various needs of the world's population. Methods requiring counting or a daily task are impractical in many places where education has not reached sufficient levels. Semi-permanent methods, such as the IUD which require placement, periodic inspection, and removal by a qualified, highly trained doctor are also impractical because of the numbers of personnel involved.

A once-a-month pill would be a step toward the ultimate solution, which ideally is a biological "switch" for fertility, which has no side effects, is inexpensive and easy to produce, and requires only semi-trained personnel for its administration. Research on the once-a-month pill, sponsored by AID funds of $4.5 million, is going on today, but there is little hope for quick results. The "switch" concept is far beyond our current technology, but so was going to the moon a few short years ago. It is not too early to begin moving in this direction, funding basic research on reproductive biology, in the hopes that a previously unthought-of approach might yield our solution.

We cannot depend on private pharmaceutical companies to provide main thrust of the research, as they must necessarily search for a profit-making product, and neither the once-a-month pill nor the "switch" meets this qualification. Thus Federally supported research in this line is the only practical way. In order to conduct this research in an efficient way, and avoid duplication of work, a minimum of greater cooperation between the different Federal agencies is necessary, if not a centrally located office with direct control over all Federal research programs in this field. There is an informal inter-agency committee for this purpose, but it has only held one meeting all this year.

Research in the field of better contraceptives is not alone sufficient to solve the problem, however. The long range effects of these methods on unborn children and future generations must be carefully considered, as should distribution methods of these devices.

A most important area for research is the social factors that decide the birth rate. Why does a group in one part of the country want fewer children than those in another part? Questions of this type are of the utmost importance. The United States, in both our domestic programs and foreign assistance, has voluntary acceptance of the measures as a prime condition for support. In AID programs, the country must first request our assistance, and then its program must insure that every woman has a choice of accepting or rejecting the program, and has a choice of methods if she accepts. The same holds for domestic projects. Thus, the most effective contraceptive measure possible will be of little use if the people do not voluntarily decide the size of their families.

Coupled with the study of the social factors should be research on means of educating the public on the problem, and the solutions available to them. This is now being tried in post-natal clinics in the U.S., with considerable success. More and better sex education in our school systems is essential, but this is not a matter for Federal interference. Congress can request the States and localities to update the sex education programs in their areas, can supply the materials, and conduct a nation-wide publicity campaign, but it cannot legislate in this local domain.

President Nixon has suggested that Congress support international population control through the United Nations. A Resolution supporting the proposed Commission on Population of the UN, and a greatly increased contribution to the Population Fund could spur the General Assembly into action on this subject.

For our long range proposals, however, we must have a unified plan of action, such as the Presidential Commission can supply. Expenditures in the order of hundreds of millions of dollars cannot be distributed piecemeal to a number of different, unconnected, uncooperating agencies. Even without a central office for all our population programs, the Commission could serve to coordinate and increase the efficiencies of the existing organizations in the field.

Congress should set as a national goal the task of providing family planning services to every American woman who wants them. Today less than 20 percent of the five million wanting them have access to the established centers. We could reduce our national birth rate, giving us the breathing room we need to consider still longer range proposals, and eliminate the suffering, poverty, crime and social cost of hundreds of thousands of "unwanted" children in this country every year.

The cost for this goal has been estimated at $500 million over the next five years, a fraction of the cost of the Vietnam War. Unlike many domestic programs, however, the proposed family planning services have a direct financial benefit to society and the Federal Government. While the cost to prevent each "unwanted" child is about $300, the benefit of not having that child, in terms of reduced medical expenses, welfare costs, schooling, etc., added to the increased earning power of the woman who does not have to stop working to have and care for her child, amounts to $7,800 per child; a cost-benefit ratio of 26:1!

If a child is constantly setting a house on fire, one does not keep supplying better fire fighting equipment; he takes the matches away. The Federal Government can substantially reduce welfare payments and other direct costs to the Government with a comprehensive family planning and population control program.

Congress has ignored or paid lip service to the Population Crisis for too long. The Problem is obvious; its urgency unquestionable; its magnitude formidable, but not insurmountable. Congress must act, and must act now, before more drastic actions are required to keep the population growth in check. This Commission is only a first step on the long road toward our eventual goal, but it is a necessary step, and one that should not be delayed. The cost is minimal, and the direct economic benefits from its findings will more than compensate for the initial outlay. The population explosion, next to the pursuit of peace, is the second greatest problem facing mankind. It deserves far more consideration than it is now receiving. It may be that adequate population measures are a prerequisite to peace in many regions of the world. I hope my colleagues will join me in supporting the needed actions today.

Mr. Speaker, in light of the high quality of this effort, and the efforts of other summer interns in many Congressional offices, I would like to take this opportunity to cite the value of the intern program in general. I feel that these young people contribute terrific insight and freshness to our work in Congress, and I am hopeful that in the near future we can reinstitute the summer intern program on a regular basis, so it will be possible to involve more bright young people, from every economic level, in this program.

TRIBUTE TO THE JOHN W. FLANNAGAN, JR., FAMILY

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, one of my constituents, Mrs. Frances Pruner Flannagan, died Sunday evening in Bristol, Va., at the age of 79 after a long illness. She was the widow of the late John William Flannagan, Jr., who served in the Congress from 1931 to 1949 as a Representative of the Ninth District of Virginia, which I am now privileged to represent. Mr. Flannagan was also chairman of the House Agriculture Committee during the 79th Congress.

Mrs. Flannagan, a native of Mendota, Va., was a member of the Daughters of the American Revolution and the Central Presbyterian Church in Bristol, Va. Both she and her husband are buried in Mountain View Cemetery in Bristol.

I had the privilege of being a friend and neighbor of Mrs. Flannagan, and I want to extend my deepest sympathy to her surviving family.

Mrs. Flannagan was a strong woman who reared a fine family. She was a devout Christian who worked for many good causes in the church and community. Her Christian influence will continue to be felt by those who knew and loved her.

Her surviving family includes two sons, John W. Flannagan III, St. Paul, Va., and Francis W. Flannagan, Bristol, Va.; a daughter, Mrs. J. Rosser Murray, New York City, N.Y.; and a sister, Mrs. Clifton Sproles, Benhams, Va.

As a tribute to the Flannagan family, I would also like to mention some of the accomplishments of the late John W. Flannagan, Jr.

He was born on a farm in Trevilians, Louisa County, Va., February 20, 1885. He received his law degree from Washington and Lee University, Lexington, Va., in 1907, and was admitted to the bar that same year. He practiced law in Appalachia, Va., served as Common-

wealth's attorney in Buchanan County, 1916–17; and practiced law in Clintwood, Va., 1917–25. He then took his law practice to Bristol, Va., in 1925. He was also in the banking business 1917–30.

In 1930, Mr. Flannagan was elected to the 72d Congress, and he was reelected to the next eight terms, serving until January 3, 1949, when he retired. He had not been a candidate for reelection to the 81st Congress.

Mr. Flannagan was the congressional adviser to the first session of the Food and Agriculture Organization of the United Nations at Quebec in 1945. He was chairman of the House Agriculture Committee 1945–46 and the ranking minority member of that committee 1947–48.

After he retired from Congress, Mr. Flannagan resumed his law practice in Bristol until his death on April 27, 1955.

MAIL CARRIERS IN REPRESENTATIVE CARTER'S DISTRICT WILL RECEIVE AN UNUSUAL CHRISTMAS PRESENT FROM THE POSTMASTER GENERAL

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, on the 26th of December several mail carriers in my district are getting an unusual Christmas present from the Postmaster General.

Mr. Clinton Barnett, age 56, who for 25 years has carried the mail from Parkers Lake to Honey Bee to Sawyer, Ky., will have his route discontinued.

On that same day, Mr. Taft Thomas, age 61, of Dunnville, Ky., who has carried the mail for 25 years, will receive the same present from the Postmaster General, discontinuance of his route.

Mr. Henry Massingale, who for years was the mail carrier from Alpha Post Office to Narvel, Ky., will have his route discontinued the 26th of December.

Mr. Kenneth Frye, of Cains Store, Ky., a veteran who has carried star route No. 42560 for 10 years, will have his route discontinued.

Mr. Ernest Willis, of Columbia, Ky., who for approximately 30 years has had a route from Columbia, Ky., will have his route discontinued.

Although most serious postal problems are urban and not rural, the decision, I am told, is irrevocable. No provision is made for future employment or further compensation.

I personally resent the callous attitude toward these men who have braved the rain, the snow, and dark of night to carry our mail. Perhaps I must admit that I feel this personally because, as representatives of these people, they look to us for assistance. In other words, my ox is being gored.

I am reminded of a country lawyer and banker in my area who was approached about a legal matter by a prospective client.

He told the country lawyer: "A wealthy man stole my wife and has left me, a poor renter, with my three little children. He has broken up my home."

The lawyer said: "Who was this man? Does he have a farm? Does he have any money?"

The renter said: "Yes, he is a wealthy man. He has a farm, and he has money."

The country lawyer said: "We'll get it. We'll break him up. We will get his farm and get his money, because he has taken your wife and left your little children motherless. He has destroyed your home. Who is this man who has done this dastardly deed?"

The renter said, "Jack."

Whereat the banker said, "Jack, my Jack? My son, Jack? Don't worry my friend, he'll bring her back, he'll bring her back."

Like the country lawyer, I hope the Postmaster General, Mr. Blount, will bring these men back to work or that at least he will provide job opportunities.

INDIANS DENIED DAY IN COURT: A TRAVESTY OF JUSTICE

(Mr. PETTIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks).

Mr. PETTIS. Mr. Speaker, I rise today on a matter which both perplexes and angers me. Why is it that a proud and mighty U.S. Government insists continuously on trampling on the rights of the American Indian? How can it be, I wonder, that such a compassionate and affluent Nation will annually pour out billions of dollars' worth of aid to a motley variety of countries and then turn around and treat the Indians—the earliest natives of these United States—with such brutal disregard?

To the shame of America, there are already too many such instances on file and now I find myself having to add still another citation to this inglorious record. I refer specifically to the attempted grant by the Bureau of Land Management of the Department of the Interior to the State of California of 1,500 acres of highly valuable land occupied by the Fort Mojave Indian Tribe since time immemorial and to which they claim title. This attempted "giveaway" of the Mojave lands, instituted 10 years ago, is a bleak and sordid story of an entrenched bureaucracy seeking to sustain an unconscionable series of bumbling acts which can best be described as amoral.

The Fort Mojaves have attempted several times, unsuccessfully, to use their proper legal rights to protest this acquisition. Their efforts have been aborted by a series of delays, postponements, and indecision. Never have they had their day in court. Then, in October, a hearing on the Indians' case was scheduled for November 18. Now allow me to quote from an October 14 opinion from Mitchell Melich, the Solicitor of the Department of the Interior:

> The Director of the Bureau of Land Management is instructed to schedule a hearing on November 18, 1969; he is to appoint the hearings examiner who, in turn, will inform the parties as to the time and place of the hearing. *No postponement or continuance will be granted.*

Yet, the Solicitor's office shortly proceeded in typical callous fashion to abrogate its own dictum by allowing the Attorney General of California to have another continuance, until December 15. That cynical decision was then followed by the ultimate in deception and discrimination. At the pretrial hearing called by the hearing examiner, the Mojaves were told that the proceeding was not a hearing de novo; moreover, the Mojaves were told that the record of the proceedings from which arose the giveaway decision, would remain a part of the reconvened proceedings, although the Mojaves could cross-examine the witnesses who had testified at the giveaway proceedings.

That is an outright contradiction of a promise made at a meeting on March 21 of this year in the Office of the Secretary of the Interior, with Senator Alan Cranston of California and members of his staff; Mr. Raymond Simpson, counsel for the Mojaves; four members of the Mojave tribe, and myself. But though the Secretary arranged for the meeting, he disdained joining the gathering himself and designated some lackey to represent him. This individual stated very plainly that he had the authority to speak for the Secretary and he proceeded to inform us that a hearing de novo would be granted the Mojaves.

Under that assumption, the following telegram was dispatched to Secretary Hickel confirming the understanding:

MARCH 21, 1969.

Hon. WALTER HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

MY DEAR MR. SECRETARY: On behalf of the Fort Mojave Indians, their counsel, Raymond Simpson and myself, I wish to express deep appreciation for the meeting you arranged today on our behalf. We are particularly grateful that, after a wait of two years, you have promised a decision by April fifteenth on this critical matter of the swampland application. We are aware of the tremendous responsibilities that any Secretary bears when first assuming office. Therefore, we are doubly grateful for this prompt promise of action. Best personal regards.

JERRY L. PETTIS,
Member of Congress.

Now that promise has been broken again. The Indians still have not had their day in court and I call now on the Secretary for an explanation of this contemptible conduct. What has happened, I wonder, to the man who used to visualize himself as the champion of the Indians and Eskimos when he was the Governor of Alaska? Has Potomac fever so dimmed his perspective?

Simply stated, the Mojaves are being denied the due process of law; they are not getting their long-awaited and justifiable day in court. The ground rules for the proposed hearing are so restrictive that it is virtually a kangaroo court. And what it amounts to is a shoddy attempt by the present incumbents in the Deparment of the Interior to legalize a bad and unjust decision made long ago by some incompetent bureaucrat.

Can we wonder then why the Indian has come to consider his white brother as fork-tongued? Considering everything, I think it is a charitable description.

It is my intention to secure a just solution of this matter and perhaps in so doing focus some badly needed attention,

by the Congress and the public, on those appointive officials who feel so free to disregard and abuse the rights of our Indians.

What follows is a precise and comprehensive document of the sad history of this case and Mr. Speaker, I would invite our colleagues to give it their careful attention:

From the standpoint of the Mojaves the calculated seizure of their lands commenced, unbeknownst to them, 10 years ago. By a letter dated April 24, 1959, California filed its application to have the lands which the Mojaves claim as part of their ancient homeland, declared subject to the so-called Swamp and Overflow Act of 1850, which would recognize title in California. Notice of California's 1959 application was neither given to the Mojaves nor to the Bureau of Indian Affairs. Some 5 years later the Bureau of Land Management on September 30, 1964, rejected California's April 1959 application for the lands. Notice of this action was not given to either the Mojaves or to the Bureau of Indian Affairs.

By its 1963 opinion the Supreme Court in the case of Arizona against California, refused to rule upon the disputed boundary of the Fort Mojave Indian Reservation which directly involved the lands to which the Mojaves at all times have laid claim. To have the disputed boundary resolved—evidencing the title of the Mojaves to the lands in question—the Bureau of Indian Affairs by a memorandum dated December 7, 1964, requested the appropriate officials of the Department of the Interior to undertake a resurvey of it. This latter date becomes increasingly important as the sequence of events will reveal.

Although the request for a resurvey of the lands in question was pending before the Department of the Interior, the following events and actions transpired:

On December 13, 1965—a full year after the request to resolve the boundary dispute—California renewed its application for the lands and requested a hearing provided for in the Swamp and Overflow Act; no notice of this application was given to either the Mojaves or the Bureau of Indian Affairs.

January 24, 1966, is the date that the Department of the Interior granted California's application to be heard in regard to its claim that the lands in question were subject to the Swamp and Overflow Act. No notice was given to the Indians or the Bureau of Indian Affairs of that Department order.

April 25, 1966—a notice of hearing was given to all interested parties—with the exception of the Indians and the Bureau of Indian Affairs.

September 19, 1966, is the date of the actual hearing in Sacramento, Calif. The Mojave Indians and the Bureau of Indian Affairs were denied notice of the hearing and denied an opportunity to be heard at it.

February 10, 1967, is the date of an opinion rendered by the Solicitor's Office responding to the December 7, 1964, request for a survey of the lands in question, in which it was declared: "In my opinion, there is no legal justification for a resurvey of the 1928 western boundary."

March 15, 1967—shortly after the Solicitor's opinion of February 10, 1967, denying the request for a resurvey of the lands involved—is the date when the Hearing Examiner for the Bureau of Land Management declared in effect that title to the 1,500 acres claimed by the Mojaves, resided in the State of California. No notice of this decision of March 15, 1967, was given either to the Mojaves or the Bureau of Indian Affairs.

Early in July of 1967—quite by accident—the Bureau of Indian Affairs learned of the giveaway of the 1,500 acres of land to California.

July 11, 1967—the Bureau of Indian Affairs filed a motion to intervene in the proceedings which resulted in giving California the 1,500 acres, the matter then being on appeal by the Bureau of Land Management.

August 9, 1967, the Mojaves, through their attorney, likewise petitioned to intervene in the proceedings.

There ensued a year-long struggle by the Mojaves and the Bureau of Indian Affairs to have their day in court—a trial de novo.

August 14, 1968, the Solicitor in an order: First, denied the Bureau of Indian Affairs' petition to intervene—alleging it had been represented at the hearing by the Solicitor's Office; second, gravely restricting the Mojaves their demanded right to a day in court, the Solicitor required that there first be considered and determined by the Secretary of the Interior a most complex question of law, namely: If the Mojaves held aboriginal title in 1850 to the 1,500 acres of land, would the Swamp and Overflow Act have application to the land, as claimed by California? Third, only after the Secretary of the Interior had determined that complex legal question would the Secretary decide whether the Mojaves would be heard relative to the Swamp and Overflow question and then, in effect, only if it was decided that the boundary dispute alluded to above was resolved in the Mojaves favor, which, as stated, had already been resolved against them by the Solicitor's opinion of February 10, 1967.

Of great importance in regard to the Solicitor's decision of August 14, 1968, is the fact that the decision purported to establish the Secretary of the Interior as a court of law to determine the far-reaching "threshold" question.

Another year of struggle was consumed by the Mojaves now fighting alone because the Bureau of Indian Affairs was not permitted to intervene.

Denial by the Solicitor in the August 14, 1968, decision of the right of the Bureau of Indian Affairs to intervene in the proceedings in question, in addition to grievously injuring the Mojaves, was this shocking result:

It constituted action by the Solicitor's office which defeated the will of Congress by precluding the Bureau created by the Congress to assist the Indians in the performance of its function as declared by the Congress.

As the Solicitor's tactics against the Mojaves unfolded, this incredible fact came to light: The member of the Solicitor's staff whose opinion of February 10, 1967—immediately antecedent to the "giveaway opinion" of March 15, 1967—was writing opinions antagonistic to the Mojaves and otherwise participating in the matter. When this grave conflict came to light, the attorney for the Mojaves immediately filed a motion to have that member of the Solicitor's office disqualified by reason of his earlier opinion so antipodal to the Mojave interests. January 23, 1969, is the date when the motion of the Mojaves to disqualify was denied by the Solicitor.

To fall into the procedural pit created by the Solicitor would have been fatal to the Mojaves. As a consequence they renewed their petition for a trial de novo denying that the Secretary had the power to render a legal decision regarding the "threshold question" and at all costs to avoid being caught by the cat-and-mouse tactics being used by the Solicitor against the Mojaves.

Noting the shameful practices indulged in against the Mojaves, I interposed objections to the Solicitor and demanded the Mojaves have their day in court—a trial de novo and I was promised a trial de novo by the Solicitor's office.

October 14, 1969—the Solicitor's office reversed itself—declaring that the August 14 decision, purporting to constitute the Secretary of the Interior a court of law with power to render a legal opinion respecting the "threshold" question, was in error. In that opinion, reversing the August 14 opinion, the Solicitor's office declared:

First, the "giveaway" decision of March 15, 1967, declaring title to the Mojave lands to be in California, was vacated. Second, it also stated, in effect: the Mojaves have petitioned for a trial de novo and a new proceeding would be held commencing November 18, 1969, affording to the Mojaves an opportunity to be heard, specifically ruling that: "When the hearing is reconvened, the Tribe—Mojave—and the Bureau—of Land Management—each will be afforded the opportunity to present such evidence as may now be available to them as to the right of the State to the subject lands under the Swamp Land Act, and it is so ordered." By an opinion dated October 27, 1969, the hearing date on California's request was changed to December 15, 1969.

Believing justice would be accorded to them under the October 14, 1969, Solicitor's opinion, the Mojaves were joyful at their victory. However, their joy was short-lived. At a pretrial hearing called by the Hearing Examiner, the Mojaves were told that the proceeding was not a trial de novo; moreover, the Mojaves were told the record of the proceedings, from which arose the giveaway decision, would remain a part of the reconvened proceedings, although the Mojaves could cross-examine the witnesses who had previously testified at the giveaway proceedings.

In addition, the Hearing Commissioner likewise sought to secure agreement from the Mojaves, without success, that the new truncated proceedings over which he would preside constitute "due process" of the law, thus curing the denial of the Mojaves of their rights to notice of the giveaway proceedings and

also curing the defect arising from the failure of the Mojaves to be represented at the hearing from which emanated the giveaway of Mojave lands.

Further, the Hearing Examiner denied that the Bureau of Indian Affairs could participate in the now most restrictive proceedings, thus continuing to frustrate the will of Congress which had created the Bureau of Indian Affairs to protect the Indian interests.

November 14, 1969—a final blow to the Mojaves in their struggle to recover their lands was delivered by the Solicitor's office. Responding to the Bureau of Indian Affairs memorandum seeking to have the boundary dispute referred above resolved in the hearing now set for December 15, 1969, the Solicitor's office wrote the following cryptic memorandum:

Your memorandum of October 24 concerning the above mentioned subject stated that on October 14, we ordered a hearing de novo in regard to the application for patent under the Swamp Land Act of 1850, 43 U.S.C. Sec. 982–984 (1964) by the State of California for certain lands in the state.

As a matter of fact a hearing de novo was not ordered in this case. The case has been reopened for the purpose of permitting the introduction of additional evidence. The evidence will, of course, be determined by is a part of the record. Admission of new evidence will, of course, be determined by the Hearing Examiner.

CBS INTERVIEWS A CONGRESSMAN

(Mr. AYRES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. AYRES. Mr. Speaker, anyone who had occasion to view the CBS morning news interview with Nelson Benton and Congressman PERKINS this morning would realize how right Vice President AGNEW is. This program was billed:

Representative CARL PERKINS of Kentucky—helped head off temporarily, the effort to weaken OEO.

And Mr. Benton says:

Congressman, how did you head off the bill for now?

Congressman PERKINS:

Well, uh, the Members never seen the substitute until 12:15 yesterday. And I personally feel the substitute uh, is destructive. It just destroys everything it gains.

Then he goes on with another page of typewritten script.

Then a Mr. Benti interrupts from New York.

Mr. Benton says that Joe Benti in New York is trying to—

And he did.

And Benti asked:

I have just one question, I imagine it's one people have whenever they see a situation like this developing in the Congress. Who do you put the blame on? Is there anybody that could be written to if people feel that the OEO should be maintained as it is?

What a question to ask. I might add that no one who is supporting the substitute bill, to my knowledge, was invited by CBS to express their views.

The interview referred to is as follows:

CBS MORNING NEWS INTERVIEW WITH NELSON BENTON AND CONGRESSMAN PERKINS

Representative CARL PERKINS of Kentucky—helped head off temporarily, the effort to weaken OEO.

BENTON. Congressman, how did you head off the bill for now?

Congressman PERKINS. Well, uh, the members never seen the substitute until 12:15 yesterday. And I personally feel the substitute uh, is destructive. It just destroys everything it gains. We're at the cross-roads today and I uh, hope that we can kill off the substitute, we uh, cannot turn the clock back. Because if the substitute is adopted, we will lose everything we have gained in the past five years. It uh, is written in such a way, that uh, is cleverly written, very deceptive and uh, is just an absolute takeover by and for the governors of the country. The governors have had—the states have had 150 years to make progress in this area and the OEO as I view it, is an innovated uh, agency of the government; and if this substitute was to prevail we might as well abolish OEO transfer the various functions to the old-lined governmental agencies, and let the states administer them . . .

BENTON. Congressman, why, why do you think . . . If I may interrupt you . . . why do you think the procedure was followed that this bill uh, came to the house without hearings?

Congressman PERKINS. Well, uh, that is a mistake. The most comprehensive hearings that have ever been conducted on OEO, were conducted between February and last June the 9th.

BENTON. But were they hearings on this particular . . . substitute bill?

Congressman PERKINS. Uh, Well, the representatives of the governors came in to testify and uh, they did not ask for a takeover of this kind, fact a survey was displayed, and the survey disclosed that 75% of the governors were against a takeover of this type. This is a move that the governors have not asked for and it is a move to destroy OEO. If I may take just a moment to tell you something about it the uh, act—the substitute calls for the development of the state plan and uh, no uh, community it destroys local initiative, it destroys the freedom of the elected officials, the municipal and county officials of this country. Everything merges at the state level, and uh, the local communities will be at the mercy of the state office of OEO. Because the act—the substitute clearly provides that after the uh, office of the economic opportunities council is established at the state level at that point on the plan is submitted to the director in Washington and the director is limited in vetoing that plan and the uh, plan of course when it is approved, the state has authority to disperse the funds without any assurance that its going to the local communities that need it. And it does not make sense to permit the states if you want to head the head start over in Maryland and uh, they need one across the river in Virginia that Virginia may be denied that program if the state plan does not so provide. It destroys all the innovation we have developed and that is the reason we might as well abolish the office of economic opportunity and come out plain and do it.

BENTON. I would like to ask you something about the politics of the bill itself. The President proposes to continue OEO as it has been and yet this great Republican support apparently for this substitute bill which you are blocking, you a Democrat, are blocking. What is the politics of this?

Congressman PERKINS. Well, uh, I have negotiated—tried to negotiate in good faith with the Republicans since we have stopped the hearings last June the 9th I well realize that the community action programs are not popular in many sections of the country—specifically in the South. And I well realize that we needed some 55 or 60 Republican votes and since last June the 9th, I have exercised a high degree of [indistinct] in my efforts of trying to obtain those votes from the President on down. And we have never been able to obtain those 60 votes and I just don't want to see this program dismantled in the way they are undertaking to dismantle it and uh, fool the people in the country.

BENTON. Joe Benti in New York is trying to . . .

BENTI. I just have one question, I imagine its one people have whenever they see a situation like this developing in the Congress. Who do you put the blame on? Is there anybody that could be written to if people feel that the OEO should be maintained as it is?

Congressman PERKINS. Well I think that the people throughout the nation should understand just what is in this substitute. I know that the men in the members of the Congress don't understand the nature of this substitute they do not understand that it is as destructive as it will be. And uh, of course . . .

BENTON. Congressman I have to interrupt you very quickly for one quick question. What do you forecast the outcome of the bill in the House? Do you think it will continue as is?

Congressman PERKINS. I think that the bill will continue as it is.

BENTON. Thank you very much Congressman. We have to get out. . . . Congressman Carl Perkins of Kentucky.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Speaker, I think this is just one more instance why people are sympathetic to what Mr. AGNEW said.

I was interested in a bumper strip that was on a car in front of me as I was driving to the office this morning and I predict it will become the most popular bumper strip in America if this kind of reporting continues. The bumper strip said simply—and eloquently—"Sic 'em, SPIRO."

Mr. AYRES. Well, I have one that says "Sic 'em, SPIRO," too, and I am going to put it on my car.

CBS INTERVIEW ON OEO

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, I have a copy of the interview that my colleague, the gentleman from Ohio (Mr. AYRES) was referring to. A number of the statements that were made there just do not jibe with the facts. Therefore, I have asked for a special order to point out in the RECORD exactly what the situation is.

Statements like this: "that it destroys local initiative—that it destroys the freedom of elected officials and municipal and county officials in this country" just are not true, and in my special order I will set the record straight.

WAR ON POVERTY

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, the Office of Economic Opportunity or the so-called

"war on poverty," has become a big joke to the American people. One of the wars that OEO has waged has been on the pocketbooks of the taxpayers of this country. I was very disappointed yesterday when the chairman and the majority of the House Education and Labor Committee refused to allow the Congress to take action on the OEO authorization bill. Personally, it is now like waiting to take a dose of bad medicine—the longer you wait, the more you gag thinking about it. The OEO program will undoubtedly go down in history as the greatest monstrosity to be born out of the "Great Society." Never has a program spent so much of the taxpayers' money and had so little good to show for it. Its failures are too numerous to mention. Time after time, we hear reports of administrative blunders and bad management at the local levels. We have heard reports of the misuse of huge sums of Federal money; and, even worse, investigations have revealed that on numerous occasions OEO money was used to support subversive and anti-American individuals and organizations. There are many more inequities, some of them probably unique to your districts.

In all fairness to the new administration and to those of this House who are offering a substitute OEO bill which no doubt would be better than what we have now, I believe that OEO has gone far beyond the point of no return. Its reputation is too tarnished, and it could never regain credibility with the American people. The OEO program has become a monster, and the time has come not to simply cut off its tail, but to chop off its head.

I believe that the poor and the needy deserve something better than OEO. I believe that the new Director deserves something better; and I believe that the American taxpayer, who is the one who suffers the most under the present program, deserves something better. I believe that the new administration, the new Director, and this House will have the will and the courage and the wisdom to produce something better.

If and when the time comes when those who gave birth to this many-headed monster have the intestinal fortitude to bring the OEO legislation to the floor, the House will be given the chance to restore the confidence of the American people in our legislative process by laying to rest once and for all, this unpopular monstrosity.

Let the RECORD show that OEO was laid to rest by an overwhelming majority of this House because it was a monster that waged a war on practically everything but the poverty it was designed to eliminate. I personally will vote to lay to rest the OEO program.

VIETNAM

(Mr. WYLIE asked and was given permission to address the House for 1 minute.)

Mr. WYLIE. Mr. Speaker, on Tuesday the House passed, by a vote of 333 to 55, a resolution supporting President Nixon's Vietnam efforts. A similar resolution is pending in the Senate Foreign Relations Committee with no hearings scheduled.

This resolution affirmed the support of the House for the President in his effort to negotiate a just and honorable peace in Vietnam, and also approved the administration's goal of free elections in South Vietnam.

Recently I sent out a questionnaire to the people of my district. Among the questions was one dealing with Vietnam. To date I have received over 28,000 replies. Final tabulations are not complete, but on a sampling of 4,000 questionnaires on the questions pertaining to Vietnam, the results and the percentages are as follows:

With regard to Vietnam, the United States should unilaterally withdraw all U.S. troops by a specified date: Yes, 17 percent; no, 55 percent; undecided, 28 percent.

On the question, continue withdrawal as quickly as South Vietnamese troops can take over military responsibility, the Nixon plan: Yes, 74 percent; no, 9 percent; undecided, 17 percent.

All of this prompts me to raise the inquiry as to why the Senate Foreign Relations Committee is not holding hearings on their resolution on the same subject.

MINNEAPOLIS URBAN COALITION MODEL

(Mr. MACGREGOR asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MACGREGOR. Mr. Speaker, as a November 29 article by Charles Bartlett indicates, if the Minneapolis urban coalition program fails it will not be for lack of dedicated and inspired leadership. Writing in the Washington Star in a column entitled "Minneapolis Urban Coalition Model" Mr. Bartlett explains why the Minneapolis program is beginning to succeed while similar programs in other parts of the country continue to languish.

Members of the coalition, headed by Philip M. Harder, are having to overcome a longstanding credibility gap and the results have not come easy. Bartlett says:

> The quality which makes the Minneapolis coalition stand out nationally is the special zeal which causes its leaders to persist in the face of these attitudes and to spend staggering amounts of time to make their concerns more credible.

There is every indication that the Minneapolis business community is prepared to make the long-term commitment in effort, personnel and money necessary to maintain an effective program. As Bartlett indicates, persistence is beginning to pay dividends:

> Minneapolis is showing that the Urban Coalition is still a good idea if its sponsors have the patience and persistence to work at making it work.

The article by Charles Bartlett follows:

MINNEAPOLIS URBAN COALITION MODEL

(By Charles Bartlett)

MINNEAPOLIS, MINN.—The Urban Coalition is such a powerful idea that its failure to catch fire is difficult to understand without visiting a city where a serious effort to make it succeed is under way.

John Gardner's strategy for pulling the society together is languishing in many parts of the nation but it is working in Minneapolis for one reason: At least 10 key citizens have not hedged on their determination to make it work. They keep trying, against a host of obstacles, to persuade a skeptical minority that it has the ears of the power structure.

These coalition leaders do not claim, after almost three years, that they have gained the confidence of the black community. They have not induced the law-and-order mayor, Charles Stenvig, to sit with their executive committee. They find labor leaders shying from open alliance with the coalition because of the bigotry which lurks within their rank and file. They have not even established how far the business community will go in pressing for social progress on the legislative front.

They keep hearing from the blacks, "You're talking all the time—now do something." But as they try to show tangible evidence of their good will, they sense that if they move beyond a catalytic role, they will assume the functions of the public and private agencies which they originally intended to prod.

So black militants like James Bass maintain the coalition "was set up to maintain the conditions we are trying to alleviate." His beret-clad leader, Matthew Eubanks, who broke with the coalition, maintains, "For a whole year we got absolutely nowhere. There was never any action and my energies were being drained off in discussion. We need white people who bleed inside at the poverty we face. These businessmen bleed only when it touches home for them."

These and some less militant Negroes feel they are made to sit with their hands out by a group of powerful men who are not delivering. The blacks raise suspicions against the coalition's staff, argue that favorites are being played among the poor, and warn each other that they must not let themselves be gentled by the attentions of the business community.

The quality which makes the Minneapolis coalition stand out nationally is the special zeal which causes its leaders to persist in the face of these attitudes and to spend staggering amounts of time to make their concerns more credible. They behave like a group of men who feel sincerely challenged by their failure to date to find the key to a better community relationship.

Philip M. Harder, who has put aside the management of a $550 million loan fund to run the coalition for a year, is trying to find a way to move it out of its fire-fighting stage in the direction of longer-term objectives. He wants also to involve the middleclass whites who are asking, "What about us?"

One chief task is to keep alive the commitment of the business community. The record so far is good. The budget of $165,000 is met by 75 companies and top men have been willing to take task force jobs which eat up their evenings and weekends. But the Urban Coalition was born of anxieties which stemmed from the riots and the activist spirit is always threatening to fade.

Harder's second task is to find ways to be more responsive to the militants. He knows them well and they profess respect for him. A recent weekend of blunt talk between businessmen and black leaders in a secluded retreat has somewhat cleared the air but much still hinges on how far the businessmen will be willing to go in espousing the causes of the poor.

"Sometimes you have to be an advocate," Harder says. He injected the coalition in maneuvers (which proved futile) to head off a recent bus strike just as it had been previously involved in airing minority complaints against police brutality. A legislative task force is being formed and potentially decisive political issues will be raised.

The impact of all this upon the underprivileged is undoubtedly less significant

than its impact upon the privileged whites who are being weaned away from old attitudes by close exposure to the problems. The fruition of the process will come only after the new attitudes have crystallized.

But Minneapolis is showing that the Urban Coalition is still a good idea if its sponsors have the patience and persistence to work at making it work.

REORGANIZATION OF THE COURTS OF THE DISTRICT OF COLUMBIA

(Mr. MACGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACGREGOR. Mr. Speaker, I take this opportunity to urge passage of the administration's legislative package which would reorganize the courts of the District of Columbia to provide a more efficient and consequently more just judicial system. Of particular importance in the administration's package is the bill revising the juvenile court code. There is little dispute that the present juvenile code is outmoded. But for years nothing has been done. Now we have the opportunity to pass a bill which I think is most meritorious.

What I particularly like about the proposed code is that it would guarantee the procedural rights of a child which the Supreme Court has held are necessary to insure fair proceedings. But it goes even further in protecting rights than the Supreme Court decision. Thus, for example, the bill would prohibit placing children who are found delinquent in the same institutions with children who are neglected or dependent. No longer could the child who is placed by the court in an institution through no fault of his own—but only because he is neglected or dependent—be housed in the same place as a child who has been found to have violated a law. At last, perhaps, the rehabilitation facilities will have a chance to be more than schools for future criminals.

The bill also would clarify the procedures for handling children who are mentally ill or mentally retarded. Today the power of the court is unclear. A clear need exists to give the court power to order examinations and, in appropriate cases, order that commitment procedures be initiated under existing commitment laws. This would be the case under the new code.

Mr. Speaker, there is no doubt that the proposed juvenile code would improve juvenile justice in the District of Columbia from the point of view of both the child and the community.

For that reason, I strongly urge early consideration and passage of the administration's legislative package for the District of Columbia.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, there are 109,124,000 telephones in use in the United States in 1969, more than five times the total in any other nation.

DANCING WITH A CORPSE

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, the gentleman from Ohio provided me with a copy of this CBS interview only a few minutes ago, and it seems to me that if CBS wanted to present an accurate picture to the American people, in addition to their question, "Congressman, how did you head off the bill for now?" the question should have been asked, "Congressman, how has it happened that the bill has been delayed now for 6 months?"

Mr. Speaker, hearings on that bill were finished, as I recall, on June 9 or June 10—at least before the middle of the month, and that bill should have had major surgery at that time so that it would have had a chance to live. It did not have major surgery in June at the conclusion of the hearings and, Mr. Speaker, it died. That bill died on June 30.

Now I would simply ask the question, How long is it really decent to dance around with the corpse? So, I suggest that maybe the Congress of the United States ought seriously to consider a decent burial and then start all over and try to build a program that will really help the poor.

CALL OF THE HOUSE

Mr. MILLER of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. FEIGHAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 303]

Abbitt	Duncan	Martin
Abernethy	Edmondson	May
Albert	Edwards, La.	Meskill
Anderson, Tenn.	Eilberg	Monagan
Ashbrook	Evins, Tenn.	Murphy, N.Y.
Ashley	Fascell	Nix
Baring	Foreman	O'Neal, Ga.
Barrett	Fulton, Pa.	Pelly
Bell, Calif.	Fulton, Tenn.	Pepper
Bow	Gaydos	Philbin
Bray	Gray	Podell
Brock	Green, Pa.	Pollock
Brown, Calif.	Griffiths	Powell
Burleson, Tex.	Grover	Price, Tex.
Burton, Utah	Hanna	Pryor, Ark.
Cahill	Harrington	Pucinski
Carey	Hawkins	Quillen
Casey	Hébert	Railsback
Celler	Heckler, Mass.	Reid, N.Y.
Chisholm	Holifield	Reifel
Clancy	Hosmer	Reuss
Clark	Hull	Rivers
Clay	Hutchinson	Rodino
Conyers	Jarman	St. Onge
Corbett	Karth	Sandman
Cramer	Keith	Smith, Iowa
Culver	King	Snyder
Cunningham	Kirwan	Staggers
Davis, Ga.	Landrum	Steed
Dawson	Lennon	Steiger, Ariz.
de la Garza	Lipscomb	Stephens
Denney	Lloyd	Teague, Tex.
Dent	Long, La.	Thompson, N.J.
Devine	Lowenstein	Vander Jagt
Diggs	McMillan	Waggonner
Donohue	Macdonald, Mass.	Waldie
		Watkins
Watson	Wilson, Bob	Wright
Whalley	Wilson, Charles H.	Wydler
Wiggins		

The SPEAKER. On this rollcall 317 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1017. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 7491, TO CLARIFY THE LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7491) to clarify the liability of national banks for certain taxes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, WIDNALL, BROCK, and DEL CLAWSON.

AGED BLIND AND DISABLED POOR LEFT OUT OF SOCIAL SECURITY ACT INCREASE

(Mr. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of California. Mr. Speaker, a number of us noted with interest that the Committee on Ways and Means acted yesterday to provide a 15-percent across-the-board increase for social security beneficiaries; but I would think of equal interest to a good many of the Members of this House is the fact that under this bill there is no increase provided whatsoever either for aid to families with dependent children, or for the 3 million poorest, aged, blind, and disabled people in the country.

Have we not been here before? The last social security bill somehow left out these very same people.

I have been told by some members of the Committee on Ways and Means that it was a very complicated matter to see to it that in the process of having an across-the-board increase, that we also give some increase to the disabled, the blind, and the aged—much less, the AFDC recipients—who are so poor that they have to look to the public assistance programs to supplement their meager resources. I do not pretend to be a mind-reader. I do not want to derogate the judgment of any individual on the Committee on Ways and Means.

However, in my opinion, there is not a person in this country who knows a single thing about the Social Security Act who will not believe that this 15-percent increase, with the omission once again of "real" increases for the poorest in our land—is an absolute outrage.

If the matter is brought up under a closed rule, I do not know how we can come to grips with this problem. I do know every single one of you should be aware of this incredible oversight for the second consecutive time that we have looked at the Social Security Act. Once again, those whose meager social security benefits are supplemented by public assistance will find one check—social security—increased and one check—public assistance—decreased. This is a very cruel hoax. Somebody ought to do something about informing some of the members of the Committee on Ways and Means what the plight of the poor in this country is really all about.

PROPOSED AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT

The SPEAKER pro tempore (Mr. STOKES). Under a previous order of the House the gentleman from Ohio (Mr. FEIGHAN) is recognized for 60 minutes.

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, the act of October 3, 1965, marked the beginning of a new era in immigration policy. The national origins quota system, which discriminated against nationals of certain countries, was abolished. In its place, a policy was adopted granting preferred status to intending immigrants on the basis of reuniting families and supplying professional, skilled, and unskilled labor for occupations in which there was a shortage in the domestic labor force.

Testimony before the Subcommittee on Immigration and Nationality of the House Judiciary Committee has established the general overall workability of the 1965 amendments during the 3-year interim period and the 1-year of full effectiveness since its enactment.

However, problems which were not anticipated prior to the enactment of the 1965 act have occurred with regard to certain aspects of the Immigration and Nationality Act.

Together with 50 cosponsors, I have introduced legislation to correct the deficiencies in the present law.

Currently, a different system applies to the Western Hemisphere than applies to the Eastern Hemisphere. For the Eastern Hemisphere, there is a preference system which sets forth seven categories in which immigrants, who apply for admission to the United States, may fall. The preferences are arranged in order of the closeness of family ties between the intending immigrant and relatives in the United States, and also the type of professional or skilled services he could render in the United States. Under the present law, there is no preference system for the Western Hemisphere. Intending immigrants are admitted on a first-come-first-served basis. This system is highly inequitable since the spouse of an alien lawfully admitted for permanent residence or the brother of a U.S. citizen are required to wait on the same list with an unskilled worker who has met labor certification requirements, but who has no ties to anyone in this country. The number of applicants from the Western Hemisphere for permanent residence in the United States greatly exceeds the numerical limitation of 120,000 immigrant visas a year available to natives of the Western Hemisphere. Parents, spouses, and children of U.S. citizens are the only groups exempt from the numerical limitation. The present waiting list for a Western Hemisphere immigrant visa is backlogged approximately 11 months.

The bill would establish a preference system for the Western Hemisphere. This would result in allowing the persons with the greatest equities in immigrating to be admitted first. The tremendous hardships inflicted upon families seeking reunification will be eliminated. Moreover, companies and other business entities located in the United States which have branches, subsidiaries, or affiliates in the Western Hemisphere and are engaged in international business would be able to bring high-level international personnel into the United States as immigrants since third-preference numbers would be readily available. The preference systems for both the Eastern and Western Hemispheres would be identical.

To help alleviate the backlog in the Western Hemisphere caused by demand for visas exceeding the available supply, our bill would increase the numerical limitation for the Western Hemisphere from 120,000 to 130,000.

During the 3-year transition period, numerical allocations will apply to 170,000 for the Eastern Hemisphere and 130,000 for the Western Hemisphere.

After a 3-year transition period, our bill would create a unified worldwide preference system and numerical ceiling of 300,000. After the interim period of 3 years has expired, the preference percentage allocations would apply to the worldwide ceiling of 300,000 which will include the Western Hemisphere. The purpose of the 3-year transition period is to assure that applicants from both hemispheres are on an equivalent basis before the two systems are merged. Moreover, the 3-year period will provide ample time to study the effects of the preference system upon the Western Hemisphere. Possibly, slight modifications in the preference system may be necessary before the unified system becomes effective.

This new approach to U.S. immigration policy will hopefully provide a more orderly and equitable method of allocating visas to applicants of all countries on the same basis.

The first preference, now, allots 20 percent of the 170,000 numerical limitation to unmarried sons and daughters of U.S. citizens. This is a maximum of 34,000 numbers. In fiscal year 1969, 1,237 immigrants came in the first preference. This bill would reduce the percentage from 20 to 10. That is, 17,000 for the Eastern Hemisphere and 13,000 for the Western Hemisphere. The unused numbers would fall down into the second preference.

The second preference presently provides 20 percent of 170,000 numbers for spouses and unmarried sons and daughters of permanent resident aliens. The bill would expand the definition to include parents of permanent resident aliens when the petitioner is over 21 years of age. This change in the law would result in a relatively slight increase in the second preference. Presently, the parent of a permanent resident alien must either meet the labor certification provisions of the act to come to the United States to work, or the parent must show that he will not be entering the labor market and will be adequately provided for to gain nonpreference status. Many parents fall in this latter category. Since nonpreference demand is quite large, the wait for entry into the United States is frequently long. Since parents of permanent residents desiring to come to the United States usually immigrate eventually, the expansion of the second preference to include them will merely expedite their entry in the interest of family reunification.

The percentage of the third preference, which allows the entry of members of the professions and persons of exceptional ability in the sciences and arts, would be increased from 10 to 15 percent. The third preference is currently oversubscribed to such an extent that holders of approved third preference petitions must wait approximately 13 months to be granted a visa. Increasing the percentage, plus the used numbers from the preceding preference falling down into the third preference, will help to alleviate the long wait.

The fourth preference, which allots 10 percent for married sons and daughters of U.S. citizens, remains unchanged at 10 percent.

The fifth preference presently provides 24 percent of 170,000 or 40,800 numbers to brothers and sisters of U.S. citizens. This preference category is so oversubscribed in Italy that the backlog for that country is approximately 10 years. The backlog in the Philippines is approximately 1 year. Moreover, it is estimated that Poland and Portugal, and possibly other European nations, would be oversubscribed, especially if the governments would relax restrictive policies regarding the issuance of exit visas.

The bill would refine the definition of persons eligible for fifth preference visas by limiting the fifth preference to unmarried brothers and sisters of U.S. citizens. Both the first and second preferences are limited to unmarried persons. The fifth preference can only be kept current by limiting its applicability.

Moreover, a married brother or sister generally has his own family. Such an individual certainly does not have as strong a claim to immigration for the purpose of family reunity as does an unmarried brother or sister who usually plans to live with the U.S. citizen brother or sister.

The bill would grant special immigrant status to all fifth preference applicants whose petitions for admission were filed prior to January 1, 1969. Spe-

cial immigrants would not be charged to any numerical ceiling. The Department of State estimates that such a provision could result in approximately 50,000 to 70,000 aliens becoming special immigrants. The special immigrant provision would apply to all applicants regardless of whether they were married or unmarried. Fifth preference applicants with priority dates falling between January 1, 1969, and the effective date of the act, which changes the definition for the fifth preference, would be treated as falling under the current definition. Although married brothers or sisters with dates in this period would not be eligible for special immigrant status, they would be eligible for visas under the fifth preference.

Restriction of the fifth preference to unmarried brothers and sisters of U.S. citizens would result in a decreased demand for fifth preference numbers. This is particularly true since the spouse and children of a permanent resident, who is accorded permanent residence as a result of a fifth preference petition, are also attributed to the fifth preference if accompanying or following to join the principal alien. When the principal alien is married and has children, frequently his permanent residence may result in the use of four or more numbers.

Because fewer numbers would be necessary in the fifth preference, the bill would reduce the available percentage from 24 to 20 percent.

The bill would increase the percent for the sixth preference from 10 to 15 percent. The sixth preference is available to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

In each preference category, any unused numbers from the preceding category would fall down. Thus, if the full 20 percent available to the fifth preference were not utilized in that category, the residue would fall into the sixth preference.

The percentage of the seventh preference would be increased from 6 to 10. This would result in 17,000 numbers for refugees from the Eastern Hemisphere and 13,000 for refugees from the Western Hemisphere as opposed to the 10,200 presently allocated for their use. There are only 3,600 refugee numbers remaining not used at this time, although 7 months still remain to the end of the fiscal year, June 30, 1970. Projections indicate that by the end of January, the supply of numbers for refugees may be exhausted. More numbers are necessary if the United States is to continue its traditional rule of providing asylum for Czechs, Poles, and other victims of Communist oppression.

The bill grants visas to refugees rather than conditional entries presently granted under the seventh preference. After 2 years, a conditional entrant can adjust his status to that of a permanent resident alien. It was thought that this 2-year period would function as a probation period. Thus, if the conditional entrant's conduct was unacceptable during this period, he would be deported. Also, if factors concerning his background came to light after his entry, he could be deported if facts disclosed were of an unfavorable nature.

However, Federal case law holds that persons paroled into the United States are entitled to the same type of hearing procedure to revoke their parole status as is accorded to permanent residents being deported. Since "conditional entry" is essentially "parole" with a different name, conditional entrants cannot be summarily deported from the United States.

The issuance of visas will also place the entire administration of the refugee provision within the purview of the Department of State. Under the present law, only designated refugee officials of the Immigration and Naturalization Service can process refugees. The Immigration and Naturalization Service must consult with the Department of State concerning the location of refugee officers. Frequently, the number of refugees in a geographic area is not large enough to justify the processing of refugees at that particular location. Administration of section 203(a)(7) could result in the processing of refugees through any U.S. Embassy or consulate.

The bill also broadens the definition of the term "refugee." Under this expanded definition, any persons who flee or shall flee due to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion would be eligible for refugee status. Any person who has been uprooted by natural calamity or military operations and is unable to return to his usual place of abode is also included within the definition.

Another provision of the bill would allow Cuban refugees to adjust status outside of numerical limitations for the Western Hemisphere. Under the present law, Cuban refugees who are present in the United States for the requisite 2-year period are allowed to adjust their status to permanent resident alien. When a Cuban adjusts status, he is charged to the 120,000 numerical ceiling applicable to the Western Hemisphere.

The elimination of Cuban adjustments from the numerical limitation for the Western Hemisphere would result in many more numbers being available to other Western Hemisphere applicants.

Under the preference system, each independent foreign country would have a numerical limitation of 20,000 numbers with the exception of Canada and Mexico, each of which would be allotted 35,000 numbers. A 20,000 limitation on Canada and Mexico would disturb the normal flow of immigration from these two contiguous countries. Because of their proximity to the United States and the interrelation of businesses and families located in the border areas, a greater number may be necessitated. The limitation of 200 visa numbers for applicants who are natives of colonies or other component or dependent areas of a foreign state would be raised to a limitation of 600. This increase in the subquota limitation should serve to alleviate the present backlogs in dependent areas lying in the Caribbean area. Obviously, this rather modest increase will not fill the tremendous demand for visas from natives of Hong Kong.

Under the proposed bill, Western Hemisphere immigrants, except those from Canada, Mexico, and adjacent islands, would be allowed to adjust status while in the United States. The present law prohibits any resident of the Western Hemisphere from adjusting status to a lawful permanent resident while in the United States. Aliens from the Eastern Hemisphere, however, are allowed to adjust status in the United States. Prohibition against adjustment of status for Western Hemisphere natives works great hardship on many persons who are obligated to return to their native country. For a native of Argentina, it is exceedingly expensive and inconvenient to return to that country to adjust status. There is no reasonable basis for treating natives of the Western Hemisphere differently than natives of the Eastern Hemisphere on the subject of adjustment of status. Retention of the prohibition as to natives of Canada, Mexico, and adjacent islands will serve to deter nonimmigrant entry into the United States with the secret purpose of adjusting status once physically present.

The bill would establish a board of visa appeals with jurisdiction to review denials of immigrant visas upon petition by any citizen of the United States claiming that an alien outside the United States is entitled to a preference status by relationship to the petitioner under section 203(a)(1), (4), or (5) or an immediate relative status under section 201(b). The board of visa appeals would also have jurisdiction to review the denial of a visa upon petition by an alien lawfully admitted for permanent residence claiming that an alien outside the United States is entitled to a preference status by relationship to the petitioner under section 203(a)(2).

It is important to emphasize that only the U.S. citizen or permanent resident alien could petition the board of visa appeals. The alien would have no right of petition himself nor would the alien have a right to appear before the board.

Fiances or fiancees of U.S. citizens or permanent resident aliens would be eligible for nonimmigrant visas if they entered the United States to marry within 90 days. If a bona fide marriage did not take place within the allotted 90-day period, the alien would be obligated to leave the United States. If the alien did marry, the alien would be eligible to apply for adjustment of status as the spouse of a citizen or permanent resident.

The exchange visitor provisions of the act would be modified. The 2-year foreign residency requirement would be made inapplicable to aliens who are from economically developed countries provided that the program on which they were participating was not funded by the government of either the United States or a foreign country. Moreover, the 2-year foreign residency requirement could be waived if the foreign country of the alien's nationality or last residence furnished the Attorney General a written statement that it has no objection to such waiver. The present grounds of waiver in instances where the alien's

U.S. citizen spouse or children would experience extreme hardship or where the Department of State, pursuant to the request of another agency, has requested a waiver as being strongly in the national interest, would be retained.

Under the bill nonimmigrant visas would be available to persons employed by a corporation or other legal entity and who are coming to the United States temporarily in order to continue to render his services to the same employer at a branch office, affiliate, or subsidiary in a capacity that is executive, managerial, or involves specialized knowledge.

International corporations and other entities have experienced great difficulty in expeditiously transferring high level personnel into the United States. Their inability readily to make such transfers has inhibited the usefulness of foreign nationals important to the expansion of foreign markets. In most cases, these individuals plan to come to the United States for a period of practical work and training and eventually to return to a foreign country. Such individuals should receive nonimmigrant visas rather than immigrant visas when the alien clearly does not desire to become an immigrant. The issuance of an immigrant visa would deprive another applicant of a visa.

Limited statutes of limitation on deportation would be imposed for the following three classes of aliens:

First, permanent resident aliens who became permanent residents before the age of 14;

Second, permanent resident aliens who have resided continuously in the United States for 20 years, except the statute of limitations is inapplicable for aliens guilty of fraudulent entry; and

Third, permanent resident aliens who engaged in deportable conduct more than 10 years prior to the institution of deportation proceedings, except for fraudulent entry.

There are two basic reasons for establishing statutes of limitation for deportation. In the case of aliens who would fall under the provisions just mentioned, in many cases, there is no country to which the alien has ties substantial enough to deport him to that country. Moreover, when an alien became a permanent resident at an early age or when an alien has spent the major portion of his life in the United States, he should receive the same punishment for illegal conduct as a citizen would receive. If the alien has engaged in antisocial behavior he should be punished under the appropriate State or Federal law.

The limited nature of the statutes of limitation proposed in my bill should not result in any curtailment of efforts to combat organized crime. Few deportation actions have been instituted against aliens engaged in organized crime.

Special immigrant status would be accorded to aliens who seek to enter the United States to perform religious duties for a bona fide religious denomination where the immigrant has worked 2 years prior to application for that denomination. Under the present law special immigrant status is accorded to ministers. This provision would expand the use of special immigrant visas to any persons who perform religious duties. Under the present law, such persons must usually await nonpreference numbers, which are not readily available, and, in fact, are totally unavailable for some countries. As a result of the current status of the nonpreference category, many bona fide religious organizations are experiencing extreme difficulty in bringing to the United States persons needed to perform religious duties.

This provision has three intrinsic safeguards to prevent entry of undesirable aliens. The intending immigrant must have worked for the denomination for 2 years prior to entry, the organization must be a bona fide religious organization, and the person must be engaged in religious duties.

The bill incorporates the provisions of H.R. 13999 which I introduced on September 25, 1969. This provision would amend section 212(a)(14) so that the availability of sufficient workers who are able, willing, qualified, and available to fill a certain position is determined at the place to which the alien is destined to perform such skilled or unskilled labor. Regulations promulgated by the Department of Labor under the present law set forth a list of occupations for which the Department of Labor has found that there are sufficient workers available nationwide. However, many occupations on this list are unfilled chronically in certain labor market areas. These are jobs traditionally filled by aliens who are natives of Western and Northern European countries. Immigration from these countries decreased sharply upon the enactment of the 1965 act. A determination of labor needs on the basis of local labor market areas and provision for additional numbers in the sixth preference should help to increase immigration from countries which previously enjoyed high annual quotas.

The bill would create a select commission on nationality and naturalization to make a full and complete study of naturalization. In light of Federal Court decisions in recent years, it is apparent that extensive revision of the naturalization provisions is necessary.

Under the current immigration law, when a petition is filed to accord third or sixth preference status to an alien, the Attorney General is authorized to consult with the Department of Labor. The bill contains a provision which would authorize the Attorney General to consult with other appropriate agencies of the Government, in addition to the Department of Labor. This proposed change is necessary particularly in the case of third preference petitions. The Department of Labor is not best qualified to evaluate all petitions. For instance, in the case of a doctor, the Department of Health, Education, and Welfare should be consulted concerning his qualifications. It is understood that the Department of Labor would be the appropriate agency for consultation for all sixth preference petitions.

CBS INTERVIEW WITH CHAIRMAN PERKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, I have taken this time to bring a matter to the attention of the House—and to the extent that this is a forum in which every voice is heard—to the attention of the country.

I am amazed at the CBS morning news interview today between Nelson Benton and the distinguished chairman of the Committee on Education and Labor (Mr. PERKINS). I have the transcript of that interview. Mr. Benton led off with this introductory statement:

> Representative Carl Perkins of Kentucky—helped head off temporarily, the effort to weaken OEO.

Now, Mr. Speaker, note the adjective "weaken." Talk about editorial comment. Where is the nicety of, let us say, camouflage—where the interviewer would say "the effort allegedly to weaken OEO"?

Later in the interview, commentator Joe Benti felt the urge to make a helpful contribution, as follows:

> I have just one question, I imagine it's one people have whenever they see a situation like this developing in the Congress. Who do you put the blame on? Is there anybody that could be written to if people feel that the OEO should be maintained as it is?

Mr. Speaker, the blatant editorializing and one-sided presentation of CBS news on this issue is not really my concern. My concern, rather, is with the substance of Chairman PERKINS' remarks in the course of that interview, which I must say are fairly typical of the kinds of things that are being said by those who oppose the substitute bill, but do not know why. Let me run through those remarks and answer them—or rather, correct them, because what is involved here is not the presentation of an opposing viewpoint as the near-complete misstatement of the provisions of the substitute bill.

Mr. Speaker, the substitute bill is not susceptible to that interpretation. It can be criticized on some grounds just as any measure can be criticized. But it ought at least be attacked for what it would do, rather than for what it patently would not do.

Let me summarize briefly the actual affect of the substitute bill before dealing with some of the chairman's allegations in greater detail. Far from "turning the program over to the States," the substitute bill provides an orderly procedure whereby a State which wished to do so, and which could meet the requirements of the Director and of the existing law, could coordinate and supervise local community action and VISTA volunteer programs, and could approve applications of such agencies in accordance with the law and with the guidelines of the Director. In addition, the State economic opportunity office would provide administrative review to assure sound financial accounting and program evaluation. This is called a "State developmental and coordination program."

In short, the State economic opportunity offices—already set up under the act in 49 States—would take over many of the functions of the regional offices of OEO, and would do so in a manner responsive to the people of the State who elect their Governor.

The substitute also would require that any State which chose to establish this developmental and coordination program must first set up a State economic opportunity council, broadly representative of the economic, social welfare, religious, educational, and governmental resources of the State, which would oversee and advise on the conduct of the program and would devise a long-range plan for attacking the causes and affects of poverty in the State. The State antipoverty program would then be related to accomplishing the objectives of that plan devised by the people of the State who best know the problems of the State.

This is not a State "takeover" of the Federal antipoverty program, and it absolutely is not a State "takeover" of local community action programs. One only needs to understand the existing law to understand that these charges are false. Look at the act.

Under the existing act—as amended in 1967 with the support of most of the members of our Committee on Education and Labor—a State in fact can completely take over the community action program; but it can do so only by declaring the State itself as the community action agency in that State. The escape valve, however, leaves local communities and cities the alternative of "opting out." We have not changed that portion of the present act. That is the existing law. Beyond that choice there exists only the completely negative and after-the-fact power of the Governor's veto—which the Director can then override without giving a substantive reason—and the useful but powerless instrument of the present State economic opportunity offices.

Mr. Speaker, I am absolutely confident that if the existing Economic Opportunity Act were as we propose to amend it, and if we were proposing to change it to read as the act does now in fact read, that we would be accused of proposing a lunatic device to wreck a responsible program. I believe that is a fair statement.

Some of our sympathizers go perhaps a little far and state that we are proposing a responsible device to straighten out a lunatic program. I will say that the device I have outlined is a responsible attempt to focus all of the private and governmental resources of a State upon the problems of poverty, and to do so in a coordinated effort. Many of us, in both parties, who have worked for years and as constructively and as intelligently as we can on these problems, feel that only in this way can we begin to make genuine progress in eliminating the blight—the inexcusable blight—of poverty in America. I submit that this cannot fairly be criticized as an effort "to turn back the clock."

Chairman PERKINS after a bitter criticism of State Governors—went on to act as a spokesman for the Governors with the assertion:

> Representatives of the Governors came to testify and they did not ask for a takeover of this kind . . . a survey disclosed that 75 percent of the Governors were against a takeover of this type.

This is a complete misstatement of the position of the Nation's Governors as best we can ascertain that position. This morning we contacted the National Governors' Conference and were informed that the substitute bill conforms precisely with the recommendations of the conference made to our committee. It should because it was drafted with those recommendations as a guide.

At the conclusion of this statement, I am again placing in the RECORD a paper of general comments developed by the National Governors' Conference, November 20, 1969, which describes the attitude of the States regarding administration and the redirecting for strengthening of OEO programs. This statement was prepared by them prior to the completion of the substitute amendment and without prior review of the amendment.

Mr. Speaker, let me deal next with the equally unfounded assertion that the substitute bill "destroys local initiative, destroys the freedom of the elected officials, the municipal and county officials of the country." Strangely, the exact opposite is true of the substitute bill and all of us who worked on it supposed that it would be attacked vigorously upon those precise grounds.

It would in fact amend the present law to give genuine effect to the intent of the 1967 amendments that local elected public officials have a strong and responsible voice in community action agencies.

The substitute further specifies that local elected public officials shall appoint the persons on the board who represent the broad range of community resources and agencies—other than the poor, who would continue to themselves elect not less than one-third of the members of these boards. Moreover, the State economic opportunity council would be required to have in its membership elected municipal and elected county officials.

Then there are the twin assertions of the chairman that the authority of the Director of OEO would be limited to vetoing the program submitted by a State, and that the State would have "authority to disburse the funds without any assurance that it's going to the local communities that need it."

Both these assertions are demonstrably wrong on the very face of the substitute bill. There are at least six separate determinations and controls which the Director would have over a State program which, if the State failed to satisfy him, would empower him either to disapprove a State program in the first instance or to discontinue its operation and to resume direct OEO administration.

The very first one of these requires that a State program contain policies and procedures which "assure that due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director."

The broadest of all these checks by the Director is that the State program must provide "assurances satisfactory to the Director that all relevant requirements of this act shall be complied with." Again let me say, as emphatically as I know how to say, that this substitute bill was in no sense designed to "turn the antipoverty program over to the States." It was instead designed—and carefully designed—to enlist the resources of the States in the service of eliminating poverty through this agency as we do in other agencies.

Now, Mr. Speaker, let me return briefly, and only briefly, to the problem of fair presentation of views by the media.

This morning I read a front page story in the Washington Post by a reporter whom, however much we may disagree on issues from time to time, I greatly respect. His story characterized—not as a quote, but as a statement of straight news reporting—our substitute as a "proposal that would dismantle the Office of Economic Opportunity." I read this—as did staff people who worked on the proposal—with disbelief and anger.

One of my staff associates called the reporter personally to ask whether he considered this a fair statement. He responded that he emphatically did not; he had not even written that line in his signed story. It was added by a rewrite man at the Washington Post, I suppose to inject the editorial position of that newspaper into a supposedly straight news story.

Is this respect for honest reporting and for the profession of journalism, Mr. Speaker? I think not. I think it is a disgraceful interference with an honest man's pursuit of an honorable profession.

Or take the matter of the CBS interview which features the chairman of our committee. To my knowledge, in the past 2 days, there has not been a single CBS interview of anyone favorable to our substitute. So one of Congressman AYRES' staff—who happens to be a former newsman of many years' experience—called the producer of that show, Mr. William Crawford, to ask for a transcript and to request that Congressman AYRES, Congresswoman GREEN, or myself be given equal time. He was turned down flatly with the scornful reply that a Governor had appeared on the show some time ago and that this was all the equal time the law requires.

While I am deeply troubled by this sort of treatment of news media—I am even more troubled by the atmosphere of gross exaggeration, obvious misrepresentation, and ill will surrounding the debate over great public issues.

We need to dispel this atmosphere and generate, instead, with all the vigor we can bring to the fair statement opposing views, and atmosphere of honest debate. The American people need to be informed, not propagandized. Beyond the issues of today, however pressing they may seem to us in the heat of controversy, lies the growing need of a public truly and accurately informed.

The ever-present public interest in effective government, and in the functioning of all the vital processes of our democracy, is badly served by those who deal in glib generalities covering half-truths or untruths, and by those who generate or seek to generate mass "pressure" on the basis of such m'sinformation.

Even a good cause cannot—or perhaps ought not—survive such a defense.

Mr. Speaker, the general comments of the National Governors' Conference follow:

WASHINGTON OFFICES OF THE COUNCIL OF STATE GOVERNMENTS—NATIONAL GOVERNORS' CONFERENCES,
Washington, D.C., November 20, 1969.

GENERAL COMMENTS

There is perhaps no area where greater mutuality of interest characterizes the efforts of the several states and the federal government than the planning and administration of programs to eliminate poverty. The concerns of the present Administration for redirecting and strengthening the operation of the Office of Economic Opportunity are most encouraging. But those efforts to uplift our disadvantaged citizens cannot succeed if they remain unilateral federal actions or programs which in process tend to mitigate or ignore involvement of state and local governments.

In the past, the mere proliferation of federal programs could not and did not produce the most desired results. In many instances, coordination between regional OEO's and state offices was minimal at best. Procedural practices tended to counteract, frustrate, and even reduce the effectiveness of state attempts to fulfill their own responsibilities for ameliorating the conditions of life to which their most deprived citizens fell heir by aiding them to become self-reliant members of American society.

The states do not seek to control or distribute OEO program funds, but only to be involved in a meaningful and forthright manner with all agencies striving for the eradication of poverty, and to have their recommendations or objections considered in the light of facts to which they alone, by virtue of their special position, are privy. The states do desire some measure of control over programs operating within their borders in order to ensure the greatest benefit and most efficient use of available funds. This can occur only when state offices are involved in the planning and programming of all projects to eliminate poverty.

As Governor Hathaway of Wyoming wrote:

"I have long felt that the several states and their Governors in the past, have been by-passed and used only as "rubber stamps". Neither Mr. Newton (SEOO Director) nor I have concurred in such practices, in fact, strongly object to such procedure. It is, therefore, refreshing to us in Wyoming to note the new trend which is indicated OEO will take. If such trend becomes a reality, it should be only the first step and not the last in the greater involvement of the states."

But there will be no more than this first step unless capable and responsible SEOO's are accepted as full, good faith partners under the Act. OEO must recognize State government as the advocate and representative of its people and as a necessary link in the governmental structure. OEO must also recognize that decentralization goes beyond its delegation of grant approval to regional offices. OEO has not, and cannot implement successfully its primary charge of advocacy, inter-agency coordination and mobilization of resources below the Regional level. The functionally superior State capability must be called upon, if the intent of the Act is to be met, and poverty lastingly eliminated. Enduring change, statewide and locally, requires this essential ingredient of success available only at the State level. OEO must work to support the growth of these essential resources at the State level. Integrated State human resource planning and coordination must be given a greater priority.

Some of the roles that can be fulfilled by the states were enumerated by California:

"We believe that there are a number of equally important roles for the State Economic Opportunity Offices which must be given equivalent emphasis. These key roles are: to serve as advisor to the Governor of the state; to provide intensive and comprehensive technical assistance and training; to prepare, plan, and develop innovative research and capabilities. We do not necessarily agree that any one of these roles has a primacy in relation to the responsibility of the State Economic Opportunity Office to be a representative state organization with special mandates for the disadvantaged citizens of the state."

SPECIFIC COMMENTS ON OEO INSTRUCTION DRAFT

Introduction Section: The introduction establishes appropriate background for the development of guidelines on the role of SEOO's. There is some question, however, with regard to the last sentence of the introduction which indicates that OEO and its regional offices will jointly develop specific roles and work programs for each SEOO. This should be changed to indicate that regional offices, working jointly with SEOO's, will develop roles and work programs for each SEOO. Certainly the states themselves are in better positions to determine their own needs, and therefore state roles and work programs should be developed primarily by the states with regional office concurrence.

I and II: These sections are found acceptable as drafted, and no specific recommendations are offered to refine them.

III Coordination and Advocacy at the State Level: Basically, the remarks made are good but they are more constrictive than constructive. The states' role should be broad and not channeled into specific areas as is done under 1, 2, 3 and 4. No where else in the complete draft instructions is there another place where such points are made except in this area involving the states. The states are not only interested in developing career opportunities for the poor within the SEOO and other state agencies but in the broader role of developing career opportunities for the poor in all areas including state and private enterprise. Under this section the state role should be expressed in broad terms and if specifics are mentioned they should be preceded by the words "Suggestions for SEOOs to consider."

IV Technical Assistance to CAA's and other OEO Grantees: In this section, the statement, "Provides general technical assistance where requested . . ." is not an adequate concept of SEOO technical assistance since it responds only to requests made by Community Action Agencies. Dynamic programming calls for the provision of technical assistance not only on request, but also as initiated in relation to perceived and demonstrated needs. As one state expressed the matter:

"It appears state offices remain as messenger boys in so far as providing technical assistance. It is indicated the state offices will provide technical assistance 'where requested'. This is a subtle way of once again bypassing the states with local programs."

To enhance the value of their technical assistance to CAA's, SEOO's should have continuing input into the planning of CAA programs. The Checkpoint Procedure systems could be most helpful in this regard, but the instruction draft offers only generalities instead of explicitly describing when, where, and how the state offices will be involved in prior consultation or development of CAA programs along with other OEO grantees. State offices should be involved in the planning stages, not after everything has been completed. They should be given an opportunity for pre-review while constructive participations is still possible.

The checkpoint procedures spelled out in the Instruction must apply to OEO Headquarters as well as Regional Offices. Many programs are now funded from Washington with no SEOO input at all. The instruction should clearly require submission of all funding requests or proposed funding decisions to the SEOO for comment. This should *specifically* apply to the awarding by OEO of any form of consulting contracts.

"The suggestion that SEOO's "give priority emphasis to the hiring and training of highly specialized personnel" is not appropriate to a small office such as Hawaii where the hiring of a few specialized staff would limit the range of available technical assistance. A generalist with broad experience and competence can be effective by making maximum use of specialists in the State government where necessary and required."

V Operation of Special Programs: Comments relevant to this section are included under section VI below.

VI Advisor to OEO: Items A and B of this section should be so expressed as to insure that the "advisory" role of SEOO's has real significant with regard to the formulation of OEO programs as they affect the states. This may, in some instances, require OEO support to facilitate state participation within the context of the guidelines. The state of Wisconsin offers the following example:

"Concerning the SEOO role, we question whether it will be possible for the state offices to prepare an annual written analysis of poverty. We presently rely upon 1960 data with some updated material. The analysis on an annual basis could only be highly subjective and limited in focus or geographic area. Without sufficient research grants to SEOOs, we would be opposed to this requirement. If, however, the national OEO were to fund the states with a research grant for computerizing the Management Information System, then the annual analysis would be possible. The Wisconsin Bureau of Economic Opportunity will be submitting a grant request to this effect."

On the other hand, the Governor of California maintains that such reports may even be gratuitous and unnecessary:

"The requirement for the State Economic Opportunity Offices to prepare an 'annual written analysis of poverty in the state' appears to be a superfluous and potentially wasteful exercise. Every city, every county has been demographically surveyed and studied numerous times for every possible measure of poverty and this information is generally available for the federal administration of the EOA."

Item C suggesting that "comments and recommendations by the appropriate SEOO's shall be sought on all proposals for OEO funding training and technical assistance projects . . ." would be considerably strengthened if SEOO's were included in the procedure to sign off all proposals for such OEO-funded projects.

If a state indicates a desire to apply for Section 230 funds, the regional office should provide whatever assistance is needed by the SEOO to develop the best possible proposal which may include taking advantage of all other related state resources. This would enhance state delivery systems and remove the state from the potentially disadvantageous position of competing with certain outside professional agencies.

Item D calls for assistance in implementing BOB Circular A–95 which requires improved state level coordination of planning and multi-jurisdictional areas. A–95 also calls for project notification review procedures which should apply to the funding of all CAA or other OEO grantees within the state, in this case, with the SEOO acting as a form of State Clearinghouse.

Item E refers to SEOO input into evaluations. The SEOO should be continuously evaluating all programs in the state, not just for reporting purposes but to detect any needed areas of assistance. A representative from the State Office staff should be an integral part of any evaluatory team and should have effective input into the final report. As the state of Arizona recommended:

"If the SEOO at the beginning of VI–E is charged with ("jointly participates with the Regional office in the monitoring and evaluation of OEO-funded programs and . . . in the development of standards for evaluation . . ."), this instruction should also pro-

vide that *both* the SEOO and the Regional office should jointly participate in the follow-through action.

"This would eliminate the arbitrary decisions which the Regional Director might make and it would enhance the partnership which the whole Instruction attempts to develop. More specifically, it would relieve the Regional Director of having to rule in a very sensitive or delicate area."

Item F concerns another area of great importance to improved state-OEO relations. Much closer ties between the SEOO and VISTA operations within the States is badly needed. Initially, at least, OEO needs to advise the SEOO of all VISTA activities in the State so the SEOO may play a coordinating role. In addition, the instruction should at least permit a State VISTA Director or Coordinator to be housed in the SEOO, either in the person of an OEO staff member, or paid for by OEO funds.

VII Regional Office Responsibilities With the SEOO's: Many states object strongly to insensitive approaches to evaluating a "governor's office" or an office responsible to a governor. Where such evaluation is carried out, the suggestion of Wyoming should be carefully noted:

"If we are to have true Federal-State relations, state offices must be given some responsibility in connection with application review, grant approval, and program monitoring under Section 231. The monitoring and evaluation of programs should definitely be a dual function of both the regional and state offices. The draft should clearly make it mandatory that state offices be involved in program monitoring and evaluation and given a meaningful role in such. To say that the State office must be "invited" is not enough and is just another way of bypassing state responsibility insofar as their own state programs are concerned."

VIII OEO Headquarters Relationships with the SEOO's: The first sentence of item D under this section should read: "In coordination with the SEOO's and the regional offices, this division will . . ."

Item E, which calls for notifying SEOO's of all grant applications has long been one of the major problem areas in the administration of OEO programs. In this regard, the language included under section VII–G of these instructions should be applicable to the national OEO office as well as the regional.

IX SEOO Responsibilities as OEO Grantees: While primary responsibility for developing an acceptable work program must remain with SEOO's, regional OEO offices should provide consultative assistance if requested.

CONCLUSION

The proposed expansion of SEOO activities is a logical and necessary move if real emphasis is to be placed on state leadership in program development and implementation by the federal government.

Clearly, many of the new responsibilities defined for the States will only be possible with greater staff and financial capacity. This would require a significant increase in technical assistance grants to the SEOO's. A clear statement of commitment for increased financial assistance to the SEOO's (and for a decrease in funding to consultant firms to perform duplicate work) would greatly strengthen the Instruction and the credibility of OEO.

The joint development of a federal-state funding plan will need to be based on a joint federal-state analysis of need. Certainly States should identify such a need from their viewpoint to help guide OEO in funding decisions. More important however, is the actual development of a joint funding plan. Not only must funding decisions be made so as to provide the most effective blending of federal and State financial resources, but also should encourage more State participation. The most effective way to do this is to increase federal funds in proportion to increases in the level of State funds provided. This should be clearly spelled out in the Instruction.

In addition to restructured funding plans, however, most governors feel that they must retain constructive approval powers to insure that projects are executed in the best interest of all the citizens of their respective states. This position is perhaps best exemplified in the words of the Governor of California:

"We recommend, as indicated by our statement before the Senate Subcommittee on Employment, Manpower, and Poverty on June 5, 1969 that all technical assistance, training, and related funds should be channeled to the State Economic Opportunity Office and that all programs under the EOA, not assigned to direct state administration, should be subject to Governor's approval. We urge the inclusion of all special training, technical assistance and similar grants per Section 230 under the Governor's veto power and object to the procedure of contractual arrangement for such purposes, which circumvent the Governor's role and responsibility in the administration of the EOA. We do not believe that the provisions for notification and consultation procedures or the permission for State Economic Opportunity Offices to "compete" for special training and technical assistance is a satisfactory approach.

"We believe that proper and intent-seeking interpretation of Section 242 of the EOA would indicate selective, line-item approval rights of the Governor. This selective approval would permit the release of funds for portions of grants which in some sections have objectionable components contraindicating positive action by the Governor. The recent Senate action on the amendment to the Economic Opportunity Act of 1969 as proposed by Senator Murphy appears to be an affirmative step in this direction."

The alternative to this is expressed by the Governor of Wyoming:

"If the Washington and regional offices will truly consider the recommendations of state offices regarding application review and grant approval, more than they have done in the past, such procedure would then be a giant step forward. In such case, states would not have to resort to the threat of a Governor's veto in order to have their recommendations considered."

In the final analysis, two crucial elements will determine the success of any proposed guidelines, flexibility and simplicity. Unfortunately, these can become contradictory and self-defeating if they are not wisely conceived and implemented. Maximum flexibility would seem to demand as many different programs as there are states, the very antithesis of simplicity. Nonetheless, the entire program will be effective in the degree that it can focus all available resources upon the resolution of the problems of the poor. To that end, OEO must strive to nurture a policy of flexibility in meeting individual state situations with a strong commitment thereto made apparent within the internal directives of that agency. It is recognized that not every governor may be expected to have equal concern for the problem of poverty. It should be pointed out, however, that for those governors who choose to take strong and positive action and demonstrate capability in this field, the Office of Economic Opportunity should be quite willing to give increasing responsibility to deal with the specific issues outlined in an attack on poverty. Only in this way will the mutuality of interest in exercising poverty from American life become a mutuality of success.

CHARLES A. BYRLEY.

HIGHWAY USER ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, Americans today enjoy the finest highway system in the world. They enjoy this wonderful system largely due to two companion acts passed by Congress in 1956. The acts to which I refer are the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956. Together, these acts have provided the mechanics and the finances necessary to build this great system. This system of highways has greatly facilitated our "fifth great freedom," the freedom of movement of men and goods. All sectors of our economy have benefited a good deal from this highway system. One sector of the economy has made especially productive use of this highway system. I refer, of course, to our great transportation industry, and in particular, the trucking industry.

Mr. Speaker, I am a great admirer of the wonderful success story which is the story of our trucking industry. Our truckers move more ton-miles of goods in the United States than all of the rest of the world put together. Their growth and success has been phenomenal. This immense success story was made possible largely due to the action and leadership of the House Roads Subcommittee and Congress.

At the time the Highway Revenue Act was passed, it was felt Congress lacked sufficient information on the question of the relative shares of the highway costs which should be borne by various classes of highway users. The Congress directed that a study be undertaken to provide this information.

Section 210 of the Highway Revenue Act of 1956, contained a provision which directed a study as to the basis for "an equitable distribution of the tax burden among the various classes of persons using the Federal-Aid highways or otherwise deriving benefits from such highways." The study was known as the Highway Cost Allocation Study. The final report on the study was due on March 1, 1959, but an extension to January 3, 1961, was granted. The report is contained in House Document No. 54, 87th Congress, first session. The provisions of section 210 required that the study be coordinated with the results of the AASHO road test at Ottawa, Ill. The AASHO tests were not completed at the time the original cost allocation report was submitted. As a result, a supplementary report of the Highway Cost Allocation Study was submitted—House Document No. 124, 89th Congress, first session, dated March 24, 1965.

Mr. Speaker, these reports showed rather dramatically, that certain categories of highway users have not in fact been paying "their fair share" of the cost of our highway programs. I am today introducing a bill which will make certain adjustments in our highway user tax structure to correct these inequities.

In particular, the larger truck combinations, especially those over 55,000 ap-

peared to be paying considerably less than their "fair share" of the cost of the highway program.

The State of Iowa recently had occasion to utilize the results of the cost allocation study in analyzing their highway user tax structure. A couple of points made in a letter from Mr. Joseph Coupal, Director of Highways, Iowa State Highway Commission, are of particular interest on this point:

In our analysis, we have found that generally, truck-tractor semitrailers are not paying their full share of cost responsibility, based upon an incremental cost study conducted by the Bureau of Public Roads in 1965. The results of this study have been adjusted to reflect the proportionate changes in vehicle miles traveled in Iowa by the several vehicle types, and preliminary figures indicate that truck-tractor semitrailer combinations have an incremental cost responsibility of 32.5 per cent. Our preliminary figures indicate that this type of vehicle produces 14.3 per cent of the State road use tax fund. We are presently reanalyzing this data, and these percentages are subject to correction. . . .

We have found through the results of the AASHO road test and the Bureau of Public Roads incremental cost study that the road user responsibility for commercial vehicles increases at an accelerating rate as the gross weight increases. The formula that we are suggesting provides for such an accelerated rate per ton of gross weight. . . .

We further believe that there should be a greater than one cent differential between gasoline taxes and diesel fuel taxes. Various studies have indicated that a diesel-powered vehicle obtains twenty-five to thirty-five per cent more miles per gallon than a gasoline-powered vehicle of the same gross weight.

Careful analysis by the Department of Transportation shows a similar pattern of underpayment on a national basis. It shows that there has been in effect, overpayment by lighter trucks. For this reason, I am today introducing a bill which will make certain adjustments in our highway user tax structure to correct these inequities.

The proposed bill is intended to distribute highway program costs more justly among the different classes of highway users. It would do this by changing the present flat annual tax rate of $3 per thousand pounds of gross weight on trucks and buses in excess of 26,000 pounds gross weight, to a graduated tax applicable only to vehicle combinations—consisting of a truck-tractor and semitrailer either with or without a full trailer, or a truck with one or more full trailers—and intercity buses. The new rates proposed would range from $3.50 per thousand pounds for a vehicle combination with gross weight between 26,000 pounds and 40,000 pounds, to $9.50 per thousand pounds for vehicles with a gross weight of 70,000 pounds or more. In table form the tax as proposed is as follows:

If the taxable gross weight of such highway motor vehicle is equal to or more than—	But less than—	The tax for each 1,000 pounds of taxable gross weight or fraction thereof for each taxable period is—	Except that for the taxable period beginning on July 1, 1972, and ending on Sept. 30, 1972, the tax for each 1,000 pounds of taxable gross weight or fraction thereof is—
26,001 pounds	40,000 pounds	$3.50	$0.88
40,000 pounds	50,000 pounds	5.00	1.25
50,000 pounds	60,000 pounds	6.50	1.63
60,000 pounds	70,000 pounds	8.00	2.00
70,000 pounds		9.50	2.38

In recognition of the much higher mileage obtained by those vehicles using diesel fuel, my bill proposes an increase in the tax on diesel fuel used in highway vehicles to 6 cents per gallon, a raise from the present 4 cents per gallon. The additional mileage obtained through the use of diesel fuel naturally means increased wear and tear on the highways.

The text of my bill is that submitted to the Congress earlier this year by the Secretary of Transportation, John Volpe. Secretary Volpe is to be commended for his courage in proposing the much needed changes. Federal Highway Administrator Frank Turner made reference to the Department's bill and their position on it during his testimony before our Roads Subcommittee relative to the big truck bill. He stated:

This Department has transmitted legislation to the Congress to increase heavy truck user charges so that this class of highway user bears what our previous reports to Congress have indicated to be a more equitable share of the cost of Federally aided highway construction. This legislation would carry out congressional policy as set forth in Section 209(b) of the Highway Revenue Act of 1956. It relates to existing disparities in sharing of costs and should be enacted before and regardless of whether any increase in size and weights is authorized. If this is not done, then an increase in truck weights would simply compound the current inequitable distribution. (Emphasis added.)

Mr. Speaker, one point raised by the trucking industry on the question of cost allocation should be clarified here. Representatives of the truckers have referred to a recent revision of the truck use tax tables as a "tax increase without legislation." They have inferred that because of this so-called tax increase without legislation, no further tax increase can be justified. This charge clearly indicates the utter irresponsibility of some of the truck owners.

The question arose as a result of stories early this year by Mr. William Steif of the Scripps-Howard newspapers. Mr. Steif revealed that the Treasury Department was losing $40 to $50 million per year because the truck use tax tables only covered trucks weighing 60,000 pounds or less. The Internal Revenue Code requires that the Secretary of the Treasury promulgate regulations for determining the taxable gross weight of various types of vehicles. Under the regulations which had been promulgated, a maximum gross weight of 60,000 pounds was the heaviest taxable category. The tables ignored any truck having a total gross weight in excess of 60,000 pounds.

So what we really had was a gigantic tax loophole through which the truckers were happily rolling their big rigs. The loophole was created by the negligence of Internal Revenue officials in failing to change the tax table. Secretary Kennedy has quickly moved to bring the tax table up to date and thus close the loophole.

The point I would make is this, not only was there no "administrative tax increase," but that there is a real question of whether or not the truckers owe "back taxes" for the heavier rigs operated during this period. Certainly the updating of the truck use tax tables is not a valid reason for delaying the enactment of the Highway User Act of 1969.

The text of my bill follows:

H.R. 15106

A bill to provide for a more equitable distribution of the costs of highway programs, and to provide additional revenues for the Highway Trust Fund and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. (a) Short Title.—This act may be cited as the "Highway User Act of 1969".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TAX ON SPECIAL FUELS

SEC. 102. Subchapter E of chapter 31 (relating to tax on special fuels) is amended to read as follows:

"SUBCHAPTER E.—SPECIAL FUELS

"Sec. 4041. Imposition of tax on special fuels.
"Sec. 4042. Exemptions.

"IMPOSITION OF TAX ON SPECIAL FUELS

"SEC. 4041. (a) MOTOR VEHICLE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), there is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a motor vehicle, for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a motor vehicle unless there was a taxable sale of such liquid under this section.

"(2) DIESEL-POWERED HIGHWAY VEHICLES.—In lieu of the tax imposed by paragraph (1), there is hereby imposed a tax of 6 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under this section.

"(3) OTHER HIGHWAY VEHICLES.—In lieu of the tax imposed by paragraph (1), there is hereby imposed a tax of 4 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a highway vehicle (other than a diesel-powered highway vehicle) for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a

highway vehicle (other than a diesel-powered powered highway vehicle) unless there was a taxable sale of such liquid under this section.

"(4) DEFINITION OF HIGHWAY VEHICLE.—For purposes of this chapter, the term 'highway vehicle' means a motor vehicle—

"(A) which is registered, or required to be registered, for highway use under the laws of any State or foreign country, or

"(B) which, if owned by the United States, is used on the highway.

"(b) SPECIAL MOTOR FUELS.—There is hereby imposed a tax of 2 cents a gallon on benzol, benzene, naphtha, liquefield petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or subsection (a) of this section)—

"(1) sold by any person to an owner, lessee, or other operator of a motorboat or airplane for use as a fuel in such motorboat or airplane; or

"(2) used by any person as a fuel in a motorboat or airplane unless there was a taxable sale of such liquid under paragraph (1).

"(c) ADDITIONAL TAX.—If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate on the use thereof under this section, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

"(d) RATE REDUCTION.—On and after October 1, 1972—

"(1) the taxes imposed by subsections (a) (1) and (b) shall be 1½ cents a gallon; and

"(2) subsections (a)(2), (a)(3), and (c) shall not apply.

"SEC. 4042. EXEMPTIONS.

"(a) EXEMPTION FOR FARM USE.—

"(1) EXEMPTION.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4041 on any liquid sold for use or used on a farm for farming purposes.

"(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

"(b) EXEMPTION FOR USE AS SUPPLIES FOR VESSELS.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4041 on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221)."

TAX ON USE OF CERTAIN VEHICLES

SEC. 103. Section 4481(a) (relating to tax on use of certain highway motor vehicles) is amended to read as follows:

"(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any highway motor vehicle, other than a single unit truck, as follows:

"If the taxable gross weight of such highway motor vehicle is equal to or more than—	But less than—	The tax for each 1,000 pounds of taxable gross weight or fraction thereof for each taxable period is—	Except that for the taxable period beginning on July 1, 1972, and ending on Sept. 30, 1972, the tax for each 1,000 pounds of taxable gross weight or fraction thereof is—
26,001 pounds	40,000 pounds	$3.50	$0.88
40,000 pounds	50,000 pounds	5.00	1.25
50,000 pounds	60,000 pounds	6.50	1.63
60,000 pounds	70,000 pounds	8.00	2.00
70,000 pounds		9.50	2.38"

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 104. (a) Section 4082(c) (relating to certain uses defined as sales) is amended by striking out "or of special motor fuels referred to in section 4041(b)" and inserting in lieu thereof "or of special fuels referred to in 4041".

(b) Section 6416(a)(2)(A) (relating to exceptions) is amended by striking out "section 4041(a)(2) or (b)(2) (use of diesel and special motor fuels)" and inserting in lieu thereof "section 4041 (relating to tax on special fuels), on the use of any liquid".

(c) Section 6416(b)(2) (relating to special cases in which tax payments considered overpayments) is amended—

(1) by striking out "(or under section (4041(a)(1) or (b)(1))" and inserting in lieu thereof "(or under section 4041 on the sale of any liquid)";

(2) by amending subparagraph (G) to read as follows:

"(G) in the case of a liquid taxable under section 4041 in respect of which tax was paid on the sale thereof (whether such sale occurred on, before, or after the effective date of the Highway User Act of 1969), if (i) the vendee used such liquid other than for the use for which sold, or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3) of section 6420(c)) used on a farm for farming purposes; except that the amount of any overpayment by reason of this subparagraph shall be reduced by an amount equal to the amount of tax applicable on the use thereof under section 4041 on the date used.";

(3) by amending subparagraph (H) as follows:

(A) by striking out "at the rate of 3 cents or 4 cents a gallon" and inserting in lieu thereof "at the rate of 3 cents, 4 cents, or 6 cents a gallon";

(B) by striking out "1 cent (where tax was paid at the 3 cent rate) or 2 cents (where tax was paid at the 4 cent rate) for each gallon" and inserting in lieu thereof "1 cent (where tax was paid at the 3 cent rate), 2 cents (where tax was paid at the 4 cent rate), or 4 cents (where tax was paid at the 6 cent rate) for each gallon";

(4) by striking out subparagraphs (I) and (J); and

(5) by amending subparagraph (M) to read as follows:

"(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041."

(d) Section 6420(1)(1) (relating to cross references) is amended—

(1) by striking out "diesel fuel and special motor fuels" and inserting in lieu thereof "special fuels"; and

(2) by striking out "section 4041(d)" and inserting in lieu thereof "section 4042(a)".

(e) Section 6421(j) (relating to cross references) is amended to read as follows:

"(j) CROSS REFERENCES.—

"(1) For rate of tax in case of special fuels used for certain nonhighway purposes, see section 4041.

"(2) For refund or partial refund of tax in case of special fuels used for certain purposes or resold, see section 6416(b)(2).

"(3) For civil penalty for excessive claims under this section, see section 6675.

"(4) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures)."

HIGHWAY TRUST FUND

SEC. 105. Section 209 of the Highway Revenue Act of 1956 (relating to the highway trust fund) is amended as follows:

(a) Subsection (c)(1)(A) (relating generally to transfer to trust fund of amounts equivalent to certain taxes) and subsection (c)(3)(A) (relating to liabilities incurred before October 1, 1972, for new or increased taxes) are amended by striking out "under sections 4041 (taxes on diesel fuel and special motor fuels)" and inserting in lieu thereof "under sections 4041 (tax on special fuels)".

(b) Subsection (e)(1) (relating to management of trust fund in general) is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(c) Subsection (a) (relating to expenditures from trust fund) is amended as follows:

(1) Paragraph (1) (relating to Federal-aid highway program) is amended to read as follows:

"Amounts in the Trust Fund shall be available as provided by appropriation acts, for making expenditures to meet obligations of the United States which are attributable to Federal-aid highways and to general administrative expenses of the Federal Highway Administration in carrying out the programs to be financed from the Trust Fund."

(2) Paragraph (5) (relating to transfers from the trust fund for special motor fuels and gasoline used in motorboats) is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(d) Subsection (g) (relating to adjustments of apportionments) is amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

EFFECTIVE DATE

SEC. 106. The amendments and repeals made by this Act shall apply to sales or uses occurring sixty days after enactment or on such prior date following enactment as the Secretary of the Treasury shall prescribe and publish in the Federal Register.

THE MASSACRE AT MYLAI

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. HALPERN) is recognized for 60 minutes.

Mr. HALPERN. Mr. Speaker, what happened at Mylai, or Songmy as the Vietnamese village is also known, boggles the human conscience in disbelief. Words cannot describe the grief, disgust, and anguish of this tragedy.

I think most Americans share the shame and shock expressed in the President's statement, which declared "the alleged 1968 massacre" is "abhorrent to the conscience of all the American people."

But the fact remains the horror did occur, and as reports of the massacre increase in detail, charges of other allegations are ominous.

The immediate unanswered questions are: How could this carnage happen? Why did it happen? And why did it remain secret for so long?

"They might have been wild for a while," one observer noted, "but I do not think they were crazy." Perhaps, but the pathetic, universal quandry confronting the American soldiers who executed the innocent Vietnamese women and children, was best summarized by one GI who said:

If you're under orders, you're going to be punished for not doing it and punished if you do.

The question of soldiers following military orders to peform inhuman acts was the central focus of the International Military Tribunal in the historic postwar Nuremberg decision.

When orders or laws are tied to violence and indecencies, the law of mankind universally has taught civilized people to disobey them. Socrates said:

Men of Athens, I love you, but I shall obey God rather than you.

Indeed, it was Thomas Aquinas who said that "an unjust law is no law and does not bind a man in conscience."

The soul searching that is beginning in America today should be viewed as a cleansing process; but let us be abundantly clear to the world, what happened to Mylai cannot and will not be dismissed as a temporary lapse in human judgment. The rights of the accused will not be abused; but if found guilty, it is my fervent hope they will be dealt with accordingly.

The current issue of Life magazine graphically presents to the American public for the first time the essence of the tragedy of Songmy. The accompanying text offers little solace or explanation, but stands as a testament to the brutalizing effect of war on men.

As we look at the photographs we cringe with morass and guilt, but we are awestruck by the devastating bestiality of war and how it can so transform a segment of American youth into executioners.

At this point, Mr. Speaker, I would urge my colleagues to read the following text of the article from Life as a meaningful step in a national process that will rid this Nation and its inhabitants of the cancerous growth of violence.

The Bible tells us the Lord told our ancestors:

Cease to do evil—learn to do good.

The article follows:

THE MASSACRE AT MYLAI

The action at Mylai received only a passing mention at the weekly Saigon briefing in March of 1968. Elements of the Americal Division had made contact with the enemy near Quangngai city and had killed 128 Vietcong. There were a few rumors of civilian deaths, but when the Army looked into them—a month after the incident—it found nothing to warrant disciplinary measures. The matter might have ended there except for a former GI, Ron Ridenhour, now a California college student. After hearing about Mylai from former comrades, he wrote letters to congressmen warning that "something rather dark and bloody" had taken place. Now an officer has been charged with murder of "an unknown number of Oriental human beings" at Mylai, and 24 other men of Company C, First Battalion, 20th Infantry are under investigation. Congressmen are demanding to know what happened at Mylai, who ordered it, and whether or not U.S. troops have committed similar acts in Vietnam.

Because of impending courts-martial, the Army will say little. The South Vietnamese government, which has conducted its own investigation, states that Mylai was "an act of war" and that any talk of atrocities is just Vietcong propaganda. This is not true. The picture shown hereby Ronald Haeberle, an Army photographer who covered the massacre, and the interviews on the following pages confirm a story of indisputable horror—the deliberate slaughter of old men, women, children and babies. These eyewitness accounts, by the men of Company C and surviving villagers, indicate that the American troops encountered little if any hostile fire, found virtually no enemy soldiers in the village and suffered only one casualty, apparently a self-inflicted wound. The people of Mylai were simply gunned down.

On the day before their mission the men of Company C met for a briefing after supper. The company commander, Captain Ernest Medina, read the official prepared orders for the assault against Mylai and spoke for about 45 minutes, mostly about the procedures of movement. At least two other companies would also participate. They, like Company C, were elements of Task Force Barker, named for its commander, Lt. Colonel Frank Barker, who was to die in action three months later. But only Company C would actually enter the cluster of huts known as Mylai 4.

"Captain Medina told us that this village was heavily fortified," recalls one of his squad leaders, Sgt. Charles West. "He said it was considered extremely dangerous and he wanted us to be on our toes at all times. He told us there was supposed to be a part of the 98th NVA Regiment and the 48th VC Battalion there. From the intelligence that higher levels had received, he said, this village consisted only of North Vietnamese army, Vietcong, and VC families. He said the order was to destroy Mylai and everything in it."

Captain Medina was a stocky, crew-cut, hard-nosed disciplinarian whom his men called "Mad Dog Medina." Men respected him: to Charles West he was one of "the best officers I've known." Most of them had served under Medina since the company had formed the previous year in Hawaii as C Company, First Battalion, 20th Infantry, 11th Light Infantry Brigade.

"As far as I'm concerned, Charlie Company was the best company to ever serve in Vietnam," says West. "Charlie Company was a company, not just a hundred and some men they call a company. We operated together or not at all. We cared about each and every individual and each and every individual's problems. This is the way that we were taught by Captain Medina to feel towards each other. We were like brothers."

Mylai 4 was one of nine hamlets, each designated by a number, which were clustered near the village of Songmy, a name sometimes used also for the hamlets. The men of Company C called the area "Pinkville" because it was colored rose on their maps and because these fertile coastal plains long had been known as Vietcong territory. Pinkville was only seven miles northeast of the provincial capital of Quangngai, where, during the Tet offensive only a month before, Vietcong and North Vietnamese troops had boldly occupied portions of the city. Soon Company C would use the name Pinkville not only for the entire area but for the single hamlet Mylai 4.

Company C had seen its first real combat in the previous weeks, all of it around Pinkville. A couple of weeks before, sniper fire from across the river had killed one man. His buddies believed the fire had come from Mylai 4. Two weeks before, enemy land mines had killed five men and wounded 22. Several days before in a hamlet near Mylai 4, a booby trap made from an unexploded artillery shell had killed one of the GI's favorite squad leaders, Sgt. George Cox.

"I was his assistant squad leader," recalls Charles West. "On the way back to camp I was crying. Everybody was deeply hurt, right up to Captain Medina. Guys were going around kicking sandbags and saying, 'Those dirty dogs, those dirty bastards.'"

At the briefing, says West, "Captain Medina told us we might get a chance to revenge the deaths of our fellow GIs." Afterward the men held a memorial service for George Cox, but the ritual of mourning was more like a pep rally for the forthcoming action.

"Captain Medina didn't give an order to go in and kill women or children," says West. "Nobody told us about handling civilians, because at the time I don't think any of us were aware of the fact that we'd run into civilians. I think what we heard put fear into a lot of our hearts. We thought we'd run into heavy resistance. He was telling us that here was the enemy, the enemy that had been killing our partners. This was going to be our first real live battle, and we had made up our minds we were going to go in and with whatever means possible wipe them out."

Shortly after sunrise on March 16, 1968, a bright, clear, warm day, the helicopters began lifting approximately 80 men of Company C from the base camp at Landing Zone Dottie and delivering them 11 kilometers away in the paddies west of Mylai 4.

Army Photographer Sgt. Ron Haeberle and SP5 Jay Roberts, both of the 31st Public Information Detachment, came in on the second helicopter lift. Haeberle, who had been drafted out of college, had only a week left on his tour in Vietnam. Neither man had seen much action. They had volunteered for this operation because the word was out that it would be "a hot one." The squad the two were assigned to was getting its orders by walkie-talkie from Captain Medina. Haeberle was carrying three cameras—one for the Army, two of his own. (He turned in his black-and-white film to the Army. The Army took no action at that time but apparently intends to use the film as evidence in the court-martial proceedings). Roberts, a college student who had volunteered for the draft, took pad and pencil. Their mission was to prepare news releases and a report for the brigade newspaper.

"We landed about 9 or 9:30 in a field of elephant grass," says Varnado Simpson, then a 19-year-old assistant platoon leader from Jackson, Miss. Gunships had prepped the area with Miniguns and grenade launchers. It was clear and very warm and it got warmer. "Our landing zone was the outskirts of town, on the left flank. There were about 25 of us and we went directly into the village. There wasn't any enemy fire. We'd come up on a hootch, we'd search it to see if there was someone in it. If there was no one it, we'd burn it down. We found people in some, and we took some back to the intelligence people for questioning. Some ran, we tried to tell them not to run. There were about 15. Some stopped. About five or six were killed."

Haeberle and Roberts moved through the rice fields toward a hill in back of the village area. Haeberle was with 10 or 15 GIs when he saw a cow and heard shots at the same time. The shooting was straight ahead. A GI shot a cow and then others kept pumping bullets into the cow until the cow finally fell.

"Off to the right," says Haeberle, "a woman's form, a head appeared from some brush. All the other GIs started firing at her, aiming at her, firing at her over and over again. She had slumped over into one of those things that stick out of the rice paddies so that her head was a propped-up target. There was no attempt to question her or anything. They just kept shooting at her. You could see the bones flying in the air chip by chip. Jay and I, we just shook our heads."

"There were a whole lot of Vietnamese people that I especially liked," recalls Sgt. Charles West of his year in Vietnam. "Most of them were at this orphange I used to visit frequenty after I came off field duty. I'd go down there and the people would try

to teach me more of the Vietnamese language and they would explain a lot of customs that I wanted to know something about."

Charles West led his squad of 13 men through the rice paddies and heard the sound of gunfire. They were coming down a sharply winding trail and were keeping a close watch for booby traps. They turned a curve in the trail and there, 25 feet ahead of them, were six Vietnamese, some with baskets, coming toward them. "These people were running into us," he says, "away from us, running every which way. It's hard to distinguish a mama-san from a papa-san when everybody has on black pajamas." He and his squad opened fire with their M16s. Then he and his men kept going down the road toward the sound of the gunfire in the village.

"I had said in my heart already," says West, "and I said in my mind that I would not let Vietnam beat me. I had two accomplishments to make. The first was to serve my government and to accomplish my mission while I was in Vietnam. My second accomplishment was to get back home."

"There was a little boy walking toward us in a daze," says Haeberle. "He'd been shot in the arm and leg. He wasn't crying or making any noise." Haeberle knelt down to photograph the boy. A GI knelt down next to him. "The GI fired three shots into the child. The first shot knocked him back, the second shot lifted him into the air. The third shot put him down and the body fluids came out. The GI just simply got up and walked away. It was a stroboscopic effect. We were so close to him it was blurred."

"The people who ordered it probably didn't think it would look so bad," says Sgt. Michael A. Bernhardt, who asserts he refused to take part in the killings.

As he entered the village, Bernhardt recalls, a plane was circling above, warning the people in Vietnamese to leave. Leaflets were dropped ahead of time, but that doesn't work with the Vietnamese people. They have very few possessions. The village we went into was a permanent-type village. It had hard walls, tile roofs, hard floors and furniture. The people really had no place to go. The village is about all they have. So they stay and take whatever comes.

"It was point-blank murder. Only a few of us refused. I just told them the hell with this, I'm not doing it. I didn't think this was a lawful order."

"To us they were no civilians," says Varnado Simpson. "They were VC sympathizers. You don't call them civilians. To us they were VC. They showed no ways or means that they wasn't. You don't have any alternatives. You got to do something. If they were VC and got away, then they could turn around and kill you. You're risking your life doing that work. And if someone kills you, those people aren't going to feel sorry for you."

Lt. William Calley Jr.'s platoon was the first to arrive in the center of Mylai. "There was about 40, 45 people that we gathered in the center of the village," ex-Pvt. Paul Meadlo told CBS News. "And we placed them in there, and it was like a little island, right there in the center of the village," I'd say.

"Men, women, children. Babies. And we all huddled them up. We made them squat down, and Lieutenant Calley came over and said, you know what to do with them, don't you? And I said yes. So I took it for granted that he just wanted us to watch them. And he left, and came back about 10 or 15 minutes later, and said how come you ain't killed them yet? And I told him that I didn't think you wanted us to kill them, that you just wanted us to guard them. He said, no, I want them dead. He stepped back about 10, 15 feet, and he started shooting them. And he told me to start shooting. So I started shooting, I poured about four clips into the group.

"I fired them on automatic—you just spray the area and so you can't know how many you killed 'cause they were going fast.

"We're rounding up more, and we had about seven or eight people. And we was going to throw them in the hootch and well, we put them in the hootch and then we dropped a hand grenade down there with them. And somebody holed up in the ravine, and told us to bring them over to the ravine, so we took them back out, and led them over too—and by that time, we already had them over there, and they had about 70, 75 people, all gathered up. So we threw ours in with them and Lieutenant Calley told me, he said, Meadlo, we got another job to do. And so we walked over to the people, and he started pushing them off and started shooting . . . off into the ravine. It was a ditch. And so we started pushing them off and we started shooting them, so altogether we just pushed them all off, and just started using automatics on them. Men, women, and children.

"And babies. And so we started shooting them, and somebody told us to switch off to single shot so that we could save ammo. So we switched off to single shot, and shot a few more rounds."

"There was no expression on the American faces," says Haeberle. "I couldn't believe it. They were destroying everything. They were doing it all very businesslike. The Vietnamese saw the Americans but didn't run. They kept on walking until the GIs saw them and started shooting. Some of the people started pulling their animals off the road and hiding behind trees. The GIs were opening up with M16s, machine guns and grenade launchers. The grenade launcher made a KAPLOW sound."

Pfc. Charles Gruver of Tulsa, Okla., was the first eyewitness to report what he had seen to his old friend Ron Ridenhour, the man who set off the new Army investigation by writing to congressmen. Gruver says he had been in other operations around Mylai, "but we had never killed civilians before. We had never been under orders to wipe things out before."

Gruver told Ridenhour of seeing a small boy, about three or four years old: "The boy was clutching his wounded arm with his other hand while blood trickled between his fingers. He just stood there with big eyes staring around like he didn't understand. Then the captain's RTO [radio operator] put a burst of 16 [M16] fire into him."

"On other missions," says Sgt. West, "the GIs would take their fruit and maybe a can of pork and beans and give the rest to the Vietnamese people. I always thought it would be a treat if I could give them my pears or my peaches or something like that. The people seemed like they appreciated it.

"Just about anywhere we went on an operation we always had kids following us, and most of the kids we would know by name. In a lot of cases I could actually say the people were actually looking out for us. Kids would meet us two or three miles outside a village. We didn't have to use our mine-detecting machine to check out the trail because they would run their animals down the trail and walk behind them just to show us, GIs, we don't want to hurt you and we know that you don't want to hurt us.

"We would tell the kids to eat the food and bring the cans back and dump them in a large pile. There was a saying that every time we ran into a booby trap, it turned out to be made of a can that we had given to the kids."

"Just outside the village," says Reporter Jay Roberts, "there was this big pile of bodies. This really tiny little kid—he only had a shirt on, nothing else—he came over to the pile and held the hand of one of the dead. One of the GIs behind me dropped into a kneeling position, 30 meters from this kid and killed him with a single shot."

"I saw three heaps of bodies about the same size," says Sgt. Bernhardt, "all with about 20 people. Thieu says the people were killed by artillery, which is ridiculous. The shell would have had to land dead zero to kill this many people in one spot, and it would have blasted them into the paddies."

Haeberle and Roberts watched while troops accosted a group of women, including a teenage girl. The girl was about 13 and wearing black pajamas. A GI grabbed the girl and with the help of others started stripping her.

"Let's see what she's made out of," a soldier said.

"VC boom-boom," another said, telling the 13-year-old girl that she was a whore for the Vietcong.

"I'm horny," said a third.

As they were stripping the girl, with bodies and burning huts all around them, the girl's mother tried to help her, scratching and clawing at the soldiers. Another Vietnamese woman, afraid for her own safety, tried to stop the woman from objecting. One soldier kicked the mother in the rear and another slapped her up a bit.

Haeberle jumped in to take a picture of the group of women. The picture shows the 13-year-old girl, hiding behind her mother, trying to button the top of her pajamas.

"When they noticed Ron," says Roberts, "they left off and turned away as if everything was normal."

Then a soldier asked, "Well, what'll we do with 'em?"

"Kill 'm," another answered.

"I heard an M60 go off," says Roberts, "a light machine gun, and when we turned back around, all of them and the kids with them were dead."

"The yanigans were doing most of the shooting," says Charles West. "I call them yanigans because they were running around doing unnecessary shooting. In a lot of cases they weren't even shooting at anything. Some were shooting at the hootches that were already burning, even though there couldn't possibly be anything alive in there.

"The guys were hollering about 'slants.' It wasn't just the young guys, older guys were shooting too. They might have been wild for a while, but I don't think they went crazy. If an individual goes crazy, you can't reason with him. Once everything was secured, everything did cease. If these men had been crazy, they would have gone on killing people.

"Most of the men in our squad were not reacting in a violent way. We were with the command element and Captain Medina was with us. He never would have stood to see us run around like rookies. He would have probably ordered a court-martial right on the spot."

A black GI told Haeberle he couldn't stomach it, he had to get out of there. Later Haeberle and Roberts were sitting near a ditch, a clump of bodies off to the left, when they heard a shot. They hit the ground, thinking it was a sniper. The soldier who had wanted to get out of there had shot himself in the foot with a .45. Accidentally, he said. Captain Medina was calling in a "dust-off," a helicopter, to take him out. "He shot himself purposely to get out of there," says Roberts, "He looked happy even though he'd shot up his own foot."

SP5 John Kinch, who is still on active duty in Vietnam, was the point man for the heavy weapons squad. "We moved into Pinkville and found another stack of bodies in a ditch. It must have been six or seven feet deep and they were level with the top of it. One body, an old man, had a 'C' carved on his chest.

"Captain Medina was right in front of us. Colonel Barker, the task force commander, was overhead in his helicopter. He came through over the radio saying he had got word from the medevac chopper there were bodies lying everywhere and what was going on. I heard Captain Medina tell him, "I don't know what they are doing. The first platoon's in the lead. I am trying to stop it.'

"Just after that he called the first platoon and said, 'That's enough shooting for today.'

"Colonel Barker called down for a body count and Medina got back on the horn and said, 'I have a body count of 310.' "

At 9 a.m. Haeberle and Roberts got into the village itself. On the outskirts they met Captain Medina. Roberts said Medina told him there had been 85 killed in action so far. He also said Company C had taken 20 suspects. One of them, an old man, said many Vietcong had been in the village the night before but had left at dawn.

Huts were being torched with cigarette lighters. One soldier with a 90-pound pack was cutting down corn-stalks one by one. Some GIs were going through the civilians' belongings, looking for weapons. One soldier was keeping the civilians' piasters. There were two dead water buffalo and two calves on the ground.

"I know that you've got to destroy the enemy's resources," says Roberts. "It's an old tactic and a good one. Sherman's march to the sea. You've just got to. We saw soldiers drag a body from a hut and throw it in a well to destroy the water supply. They shot and stabbed all the animals, which were, in effect, VC support units."

One soldier was stabbing a calf over and over again. Blood was coming from the calf's nose. The calf tried to move toward the mother cow. The GI was enjoying it and stabbed again with a bayonet which he'd taken off his rifle. Soldiers stood around and watched. Others were killing the baby pigs and all the other cows.

"God," says Roberts, "those cows died hard. They had them in small pens. They'd shoot them—paff, paff, and the cow'd just go moo. Then paff, paff, paff, moo."

A GI was running down a trail, chasing a duck with a knife.

"I saw two military-age males running across the field about 500 meters away," says Charles West. "I yelled, *'Dong lai, dong lai,'* but neither of them stopped. At this distance we could have killed both of them, but we just fired in the air and then chased them about half a mile. Only one of them lived. The other one was killed by the interrogation unit. Some of the people told the interrogation unit they didn't understand what was being talked about. The men that didn't talk were killed by the Vietnamese that were doing the questioning, not by the Americans. There were, I guess, nine or 10 killed before one of them started talking. I was told that the guys were saying that there had been Vietcong and North Vietnamese troops there and that they had gone toward the ocean by underground tunnels.

Haeberle remembers a hideously small act of compassion. "A GI went up to a little boy who was badly mangled up, and put a blanket over him."

SP4 Larry Colburn was the gunner on a helicopter, flying reconnaissance over the Mylai area. "Outside the village," he recalls, "we saw a VC with carbine and pack, but he got away. We came back near Mylai and noticed people dead and wounded along the road and all through the village. There was an irrigation ditch full of bodies. We noticed some people were still alive. We didn't know what had happened.

"Our pilot wanted to evacuate some of the wounded, but there was no room in our helicopter, so he called for gunships to help out. We spotted a child. We went down and our crew chief brought out a little boy about 2 years old. He seemed to be in shock.

"About 50 meters away there was a bunker with 10 or 15 people. We called for gunships to help evacuate them while we took the child to a hospital. There must have been 75 or 80 people in a ditch—some dead, some wounded. I had never seen so many people dead in one place before."

Later the helicopter returned and landed in a paddy near Lieutenant Calley's platoon. The pilot got out and motioned for Lieutenant Calley to come over. "The pilot seemed angry," remembers Charles Sledge, Calley's radio operator, "but we couldn't hear what he was saying. Then Lieutenant Calley came back and told us, 'This guy isn't very happy with the way we're running the operation, but I don't care. He's not in charge.' "

Charles West's squad saw a little boy about 10 feet away. The boy was crying. He had been shot in the arm and leg—probably the same child Charles Gruver had described.

"Gee," a GI said, "what are we going to do with that kid up there?"

Without reply, says West, a radioman turned, aimed and fired his M16 shooting the little boy through the head. Neither West nor anyone else said anything. They kept going, pushing on, "cleaning up," as West calls it.

"That day I was thinking military," says West. "I was thinking about the security of my own men. I said to myself this is a bad thing that all these people had to be killed. But if I was to say that at that time I actually felt a whole lot of sorrow for the people, then I would be lying."

An old papa-san was found hiding. His pants kept coming off. Two GIs dragged him out to be questioned. He was trying to keep his pants on. Captain Medina was doing the questioning. The old man didn't know anything. He rattled something off. Somebody asked Captain Medina what to do with the man, and Jay Roberts heard the captain say, "I don't care."

Captain Medina walked away. Roberts heard a shot and the old man was dead.

In the entire day at Mylai 4, says West, "I can't rightfully say that I got fired upon. I heard shots all the time, but I couldn't tell whether it was our men or an enemy firing upon us. I did hear some guys call on a radio and say they had received sniper fire. They told Captain Medina they were going to try to get in position to zap the sniper. But I heard all that on the radio."

"I remember this man and his two small children, one boy and one girl, kept walking toward us on this trail," says Haeberle. "They just kept walking toward us, you know, very nervously, very afraid, and you could hear the little girl saying, 'No, no,' in the Vietnamese tongue. The girl was on the right and the boy was on the left. All of a sudden, the GIs just opened up and cut them down."

Before noon Haeberle and Roberts left by chopper to cover another company and have lunch. Later that day, at another company, Haeberle heard a captain listening to a radio report. The report said 125 Vietcong had been killed. The captain didn't know anything about the incident, but he laughed and said, "Yeah, probably all women and children!"

Later, back at base camp, West talked to Haeberle. "He said he thought there was a whole lot of wrong-doing," recalls West. "He had taken a whole lot of pictures of this. I stressed that I thought it was wrong that people should be walking around taking pictures of this. There were a whole lot of GIs going about taking pictures of dead bodies.

"Most of us felt that we were U.S. government property, which we were and still are. I tried to explain to the men at the time that you can't sit there and blame yourself—you were on orders, you were on a search-and-destroy mission. If anyone was to be blamed or court-martialed, it has to be someone higher than our echelon. Calley and the sergeant shouldn't be tried unless they try every man that was on that operation."

"They captured three weapons [rifles]," says Roberts, "40 rounds of mortar ammo, grenades, web gear.

"We thought about Mylai a lot after we got back to Duchpho. But neither one of us was very much of a banner carrier." When he wrote it up for the brigade newspaper, Roberts says, "I played it up like it was a big success."

"The village was heavily fortified with rice," says West. "They did find documents that there had been NVA and VC troops there. Also they found evidence that these people had been there not too long ago. I understand that they found ammunition and as far as tunnels, I wouldn't know because I checked into some tunnels and I ran into dead ends."

"Eventually we reached the beach," says John Kinch. "We captured four suspects, one kid, one 15 to 27, one 40 to 55 and a girl in her twenties. They were being beaten kind of hard and the kid named the older man as an NVA platoon leader. Medina drew his .38, took out five rounds and played Russian roulette with him. Then he grabbed him by the hair and threw him up against a tree. He fired two shots with a rifle, closer and closer to the guy's head, then aimed straight at him. The guy must have been very scared because he started rapping like hell. He turned out to be an NVA area commander. Then Medina had a picture of himself taken while he drank from a coconut with one hand and held a big sharp knife under the throat of the kid who was gagged and tied to a bamboo.

"When we got back to LZ Dottie, Captain Medina gave the company a briefing. He said, 'They are running an investigation. As far as anyone knows, we ran into sniper fire and cut loose. As far as I am concerned there was no sniper fire."

Charles West and his squad stayed in Mylai until about 5 that afternoon. They camped in the same area that night before moving on to find Vietcong nearer the coast the next day. Some of the men talked about writing their congressmen to protest the action but they never did. Some were quiet and grim but not many. "A lot of people knew," Charles West says "that a lot of people had been killed who didn't have to be killed but the average GI felt that it was part of our mission. We all wondered where the enemy went. We were all concentrating on finding where they went."

At suppertime they set up bivouac in a little graveyard near Mylai. Children and old papa-sans were hovering nearby. When the GIs opened their C-rations they shared their supper with these Vietnamese who had survived the massacre.

Crouched in the doorway as a heavy rain puddles in front of her thatch hut, the old woman looks suspiciously at those who pass by. She is wary of people she doesn't know well, and that includes even many of the Vietnamese living near her in the Songmy resettlement village of Quangngai province. Songmy is not the woman's home. It is a government corral where civilians can be protected while troops pursue the Vietcong through every other village in the area.

The old woman is Nguyen Thi Doc, like many in the refugee center a survivor of the massacre at Mylai.

The old woman recalls she was just beginning a morning meal with 13 of her family, including nine grandchildren, when she heard the Americans "come down from the sky."

"They had been in the village before," she says, "and always brought us medicine or candy for the children. If we had known what they came for this time, we could have fled."

The entire family was taken out of the hut and ordered into a field, she says, and then "the soldiers started shooting at everyone."

She was hit through the shoulder and left for dead. She saw her 8-year-old granddaughter, Tran Thi Oanh, shot through the foot and watched her fall over the bodies of her dead brothers and sisters. Nguyen Thi Doc says the Americans must have thought everyone was dead when they left the village about noon.

"I thought Oanh was dead, too," she says.

"And I lay in the field until the next morning, when people came from nearby villages to help us."

They were taken to a Vietnamese hospital where they stayed four months. With the exception of Ooah's 6-year-old brother, who miraculously was not hit, everyone else in the family was killed. When she was sent to the resettlement village, other survivors from Mylai told Nguygen Thi Doc they had counted 370 dead. Her voice gets excited when she recalls the number and then trails off—there is nothing more to say.

Down the path in the settlement live two other women, both of them widows of Truong Van Vinh, a 71-year-old farmer. The younger wife had gone to the market at another village the day of the attack. But the older woman and Vinh were sitting inside his hut, cringing from the artillery barrage that had been pounding near the village for hours. When it stopped, the old woman looked out and saw many Americans walking through the village. Vinh left the hut to see what was happening.

"When he got outside the door," the old woman says, "there was a shot, and I heard him fall to the ground. The soldiers came in and saw me, and motioned for me to come outside. One of them lifted his rifle to shoot me, but another group of Americans sitting around the well shouted to him and he walked away." The woman ran back into the hut where she hid for hours.

All of the Mylai villagers who talked of the incident said they could hear the Americans shouting when they arrived, but the only words they could understand were "VC," "VC." The villagers deny there were any Vietcong in the village, though American battle reports for the day indicated sniper fire and resistance had been directed against the American units for some time before they entered the village. The entire coastal strip of Quangngai province has been a battleground for most of the war. Even today the area around Mylai is frequently visited by the Vietcong.

One of the few male survivors from Mylai is Truong Quang An, a wizened peasant who looks much older than his 59 years. "When we saw the helicopters landing," he says, "I ran with my two nephews to the family shelter outside the hut." The shelter is no more than a four- or five-foot hole covered with thatch and a wooden pallet. An dropped in first and the nephews took their place on the outer edge, closest to the entrance.

"We heard the soldiers walking through the village and when they saw the shelter, they stopped. One of them could see inside, and he pointed his rifle at close range and shot both my nephews." Then the soldiers moved on to the next hut, and An could hear Mylai burning as he curled up in the darkness, sheltered beneath the bodies of the two young men.

THE LABOR DEPARTMENT INJECTS ITSELF INTO THE UMWA ELECTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. CLARK) is recognized for 10 minutes.

Mr. CLARK. Mr. Speaker, the Labor Department has injected itself into the UMWA election. It has done so by the issuance of the preliminary report on alleged misconduct on the part of certain union officials, and misreporting of certain financial transactions of the union. What has come forth from the Department reads more like a campaign document than serious inquiry by an impartial governmental agency.

This is an unfortunate circumstance, unfortunate for the Nation's coal miners, unfortunate for the labor movement, and unfortunate for the Labor Department itself.

Coal miners should expect the right to elect their own officers without harassment and without undue interference by the Labor Department. They should expect that the Department will remain out of their affairs unless there is clear evidence of wrongdoing, and then that such evidence is collected and used according to the applicable statutes.

American labor looks to the Labor Department as a friend, as a governmental voice. But, they must resent meddling in their internal affairs, even if such meddling is done for the highest motives. We of the Congress must raise our voices against such meddling because it interferes with the right of American workers, and indeed threatens the entire fabric of the free society. Union officers and policies are the province of union members, not Federal officials.

Finally, the role of the Labor Department has been compromised. It has become a spokesman for one side of the controversy, and thus incapable of rendering the objective treatment to both sides that the law demands. If this action is a forerunner of similar activity, the effectiveness of the Department of Labor will be destroyed.

We of the Congress should ask for an explanation of this action by the Labor Department. If a satisfactory explanation is forthcoming, it may be necessary to hold hearings and bring the Department's top officials before the appropriate congressional committees for questioning on the matter.

CITIZENS SHOULD BE ADVISED OF THE PROBLEMS AND PROGRESS IN THE FIGHT AGAINST FILTH

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, no other incident brings about a quicker or more outraged letter to a Congressman than a constituent's receipt of unsolicited pornography in the mail.

The man or woman whose family has become the target of lurid advertisements for pornography is puzzled—and rightfully so—that the Post Office Department, an arm of the Federal Government, would be the deliverer of such material.

It is difficult to explain to a constituent who wants immediate action that the Congress is searching for ways to stop the flow of obscenity and still protect the right of free speech.

The fact is, however, that the Congress, the Post Office Department and the Department of Justice have been trying several approaches to stem this flow of filth from an increasingly aggressive pornography industry—and we have been having some success.

It is obvious that we are a long way from reaching a satisfactory balance between the requirements of free speech and freedom from pornography. The increasing number of complaints to my office indicates to me that it is Congress' responsibility to move through the avalanche of proposed legislation before us and fashion a meaningful law which will stand the scrutiny of the courts.

In an effort to keep the residents of the Ninth Congressional District of Indiana advised of the problems and the progress, I have sent two reports on the subject to a large number of constituents, as follows:

WASHINGTON REPORT

(By Congressman LEE HAMILTON, April 14, 1969)

There is a growing voice of concern across the country over the increasing amount of obscene material that seems to be creeping into films, publications and the mails.

The public's rising indignation is reflected in the fact that an increasing number of complaints are being received by the Post Office Department. Last year 165,000 complaints were received by postal authorities. In 1967 there were 140,000 complaints about objectionable material. Congressmen, too, have been receiving an increasing number of complaints about this situation.

The response in Congress has been the introduction of a number of bills aimed at curbing the distribution of objectionable materials through the mail. Few have passed, however, because of the probability that the setting of arbitrary standards of acceptable or non-acceptable materials encounters the Constitution's guarantee of free speech. Personal feelings must be set aside. The determination of whether material is obscene depends upon the law.

The fact is, proving publications, films, pictures or books to be obscene in the courts is very difficult to do. The Supreme Court, in a series of decisions on the release of materials, has ruled that obscenity must be proved on these three factors:

1. The material must be patently offensive to community standards, not merely a particular segment of the community.

2. The material must be *utterly* without redeeming social value.

3. The material must appeal predominately to a prurient interest in sex.

The Supreme Court has said further that each of these three criteria is applied independently; the social value of questioned material can neither be weighed against—or cancelled—by its prurient appeal or patent offensiveness. For example, even if a publication possesses a modicum of social value it is protected by the law. Publication cannot be prohibited merely because it offends the general public. It must be completely devoid of redeeming social value.

This, then, demonstrates the lengths to which the federal government is required to go, under present law, before excluding offensive sex materials from the mails.

The Congress and the Post Office Department is left, then, with four means of approaching the question of dealing with obscene or pornographic materials:

1. Investigation. None of the firms involved in the distribution of objectionable materials is anxious to be investigated by a Federal agency. Investigations, then, become a deterrent to the distribution of pornography.

2. Administrative Action. The Post Office Department has moved in recent years to stop firms from peddling blatantly obscene materials, ordering that the materials be returned to the sender and that no postal note or money order may be paid to the sender.

3. Pandering. A bill passed in the 90th Congress gives the individual addressee authority to ask that he and members of his family receive no mail of any kind from questionable senders. Violation of this request may result in a fine or imprisonment of the sender.

4. Judicial Action. Several cases have recently been successfully prosecuted for vio-

lation of the criminal postal obscenity statutes.

Congressional committees are waiting for the completion of a study by the Commission on Pornography and Obscenity, which is looking into existing laws; the methods by which objectionable materials are being sent, and the effects of pornography upon society generally. The study was ordered to determine how to deal with the growing traffic in these undesirable materials and determine what legislation is needed.

The Congress, then, continues to wrestle with the perplexing problems of stopping obscene materials. No clear and complete answers are in sight, but we must continue to study and pursue a constitutional means to limit the traffic in obscenity and pornography.

WASHINGTON REPORT

(By Congressman LEE H. HAMILTON, December 1, 1969)

What prompts the quickest expression of outrage to a Congressman?

If the mail to my office is any gauge, it is the receipt through the mail of an unsolicited advertisement for pornography. I have been receiving an increasing number of complaints from Ninth District residents who have been the targets for advertisements for objectionable reading matter, films, pictures and such.

This problem is not unique to Southeastern Indiana, by any means. The Post Office Department reports that more than 240,000 complaints were received in the 12-month period, July 1968, to July 1969. It is estimated that about 50 million pieces of pornographic materials are mailed each year.

Authorities say 95 percent of the complaints have been against 18 major traffickers in pornography. Of the 18, one has been convicted of sending obscene material through the mail, 11 have been indicted, and evidence relating to the mailing activities of the remaining six is in the hands of U.S. attorneys.

In addition to increased efforts under the criminal postal obscenity law, Postal authorities also are acting under civil-administrative postal laws which permit the holding and the return of mail addressed to known traffickers in pornography. During the last nine months, 170 unlawful orders were obtained against foreign obscenity dealers under civil-administrative statutes.

The Attorney General's Office reports that large scale pornography dealers are being indicted at the rate of about one a month. Aside from the foregoing, the Postmaster General recently took steps to close the post office boxes of dealers in pornographic materials. Some of these dealers have challenged the Department's right to do so in the courts, and this litigation is in progress.

The public's growing outrage, meanwhile, has brought new pressure on the Congress to legislate pornography out of the mails. More than 200 anti-obscenity bills have been introduced in this session of Congress, and hearings on these measures have had to be prolonged to permit a large number of Congressmen to testify personally before the committees studying this problem.

From this avalanche of proposed legislation there is not likely to be a bill passed until next year, however. The shaping of final legislation will be difficult because it will have to meet the Constitution's guarantee of free speech. Under Supreme Court guidelines, material cannot be considered obscene unless it is totally without redeeming social importance; unless it appeals solely to a prurient interest in sex, and unless it affronts all contemporary community standards.

Meanwhile, the Post Office Department is utilizing legislation passed in 1967 which permits families to remove themselves from the mailing lists of pornographers. Families receiving advertisements which they believe too provocative or objectionable now may request a prohibitory order in which the postmaster directs the mailer to remove the family's name from any list the mailer owns, controls or rents. If, after 30 days, there are further mailings, the family must bring this violation to the attention of the postmaster, who then initiates legal proceedings.

The Post Office Department reports that nearly 200,000 prohibitory orders were issued against pornography dealers in the last nine months, and more than 2,000 cases of violations have been referred to the Attorney General for action.

So serious is the problem that President Nixon has sent to Congress a message calling for adoption of three new legislative approaches to curb the flow of obscenity in the mails. The first would prohibit outright the sending of offensive sex materials to any child under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. The third would give the citizen the right to file notice with the Post Office Department that no sexually-oriented advertisements should be delivered to his home.

What is needed immediately, I believe, is legislation such as I have introduced which would prohibit the mailing of objectionable materials unless the adult occupant requests such materials. The legislation would require the mailer to first ask permission before sending sexually-oriented advertisements. The mailer would risk heavy fines and/or imprisonment by sending unsolicited advertisements.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 1 hour, today; and to revise and extend his remarks and include extraneous matter.

Mr. QUIE, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mrs. GREEN of Oregon, for 30 minutes, today, following the special order of Mr. QUIE; to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. MYERS); to revise and extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 15 minutes, today.

Mr. HALPERN, for 60 minutes, today.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. HAMILTON, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. CLARK, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKLE following the remarks of Mr. COLMER.

Mr. OLSEN and to include extraneous matter.

Mr. GROSS to revise and extend his remarks on his reservation of objection earlier today.

(The following Members (at the request of Mr. MYERS) and to include extraneous matter:)

Mr. GUDE.

Mr. FINDLEY.

Mr. ROUDEBUSH.

Mr. SCHWENGEL in two instances.

Mr. BROYHILL of Virginia in three instances.

Mr. DUNCAN.

Mr. ZWACH.

Mr. WYMAN in three instances.

Mr. COUGHLIN.

Mr. GOODLING.

Mr. AYRES in two instances.

Mr. CARTER.

Mr. HORTON in two instances.

Mr. BURKE of Florida in two instances.

Mr. ESCH.

Mr. TAFT.

Mr. WIGGINS.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. SMITH of Iowa in two instances.

Mr. FRASER in two instances.

Mr. HANNA.

Mr. MINISH in two instances.

Mr. GAYDOS.

Mr. HÉBERT.

Mr. GONZALEZ in two instances.

Mr. CLAY in six instances.

Mr. GIBBONS.

Mr. DULSKI in three instances.

Mr. MOORHEAD in two instances.

Mr. OBEY.

Mr. ZABLOCKI in two instances.

Mr. OLSEN in two instances.

Mr. PATTEN.

Mr. PICKLE in two instances.

Mr. TAYLOR in two instances.

Mr. BINGHAM in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14159. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, December 8, 1969, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; with amendments (Rept. No. 91-699). Referred to the Committee of the Whole House on the state of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1385. A letter from the Secretary of the Air Force, transmitting a report on the number of Air Force officers above the grade of major receiving flight pay as of October 31, 1969, by grade and age, pursuant to the provisions of 37 U.S.C. 301(g); to the Committee on Armed Services.

1386. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Chicago, Ill., Office of Economic Opportunity; to the Committee on Education and Labor.

1387. A letter from the Comptroller General of the United States, transmitting a report on the need to strengthen procedures for managing certain delinquent borrower accounts, Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

1388. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1389. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN (for himself, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. GALIFIANAKIS, Mr. BEVILL, Mr. GRIFFIN, Mr. HANLEY, Mr. BRASCO, Mr. CHAPPELL, and Mr. HARRINGTON):

H.R. 15091. A bill to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes; to the Committee on Banking and Currency.

By Mr. FEIGHAN (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ASHLEY, Mr. BARRETT, Mr. BOLAND, Mr. BURTON of California, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mrs. CHISHOLM, Mr. DANIELS of New Jersey, Mr. DELANEY, Mr. DENT, Mr. DERWINSKI, Mr. DULSKI, Mr. FARBSTEIN, Mr. FRASER, Mr. FRIEDEL, Mr. FULTON of Tennessee, Mr. GILBERT, Mrs. GREEN of Oregon, Mr. HALPERN, Mr. HANNA, and Mr. HARRINGTON):

H.R. 15092. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FEIGHAN (for himself, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HORTON, Mr. KOCH, Mr. LEGGETT, Mr. MCKNEALLY, Mr. MADDEN, Mr. MATSUNAGA, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MOSS, Mr. MORSE, Mr. NIX, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. POWELL, Mr. REES, Mr. ROSENTHAL, Mr. RUPPE, Mr. STOKES, Mr. THOMPSON of New Jersey, Mr. TIERNAN, and Mr. UDALL):

H.R. 15093. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FEIGHAN (for himself, Mr. VANIK and Mr. WALDIE):

H.R. 15094. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 15095. A bill to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 15096. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIFFIN:

H.R. 15097. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 15098. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LENNON (for himself and Mr. MOSHER):

H.R. 15099. A bill to assist the States in establishing coastal zone management programs; to the Committee on Merchant Marine and Fisheries.

By Mr. MARSH:

H.R. 15100. A bill to prohibit certain uses of the names of members of the Armed Forces who have died as a result of combat action, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 15101. A bill to amend title 44, United States Code, to provide for consumer, labor, and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes; to the Committee on Government Operations.

By Mr. OBEY (for himself, Mr. BROWN of California, Mr. BURTON of California, Mr. MINISH, Mr. MOSS, Mr. HECHLER of West Virginia, Mr. DENT, Mr. HARRINGTON, Mrs. MINK, Mr. FULTON of Pennsylvania, Mr. EDWARDS of California, Mr. FRASER, and Mr. CONYERS):

H.R. 15102. A bill to amend the Federal Food, Drug and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 15103. A bill to amend title 39, United States Code, to restrict the mailing of credit cards; to the Committee on Post Office and Civil Service.

H.R. 15104. A bill to modify the project for Libby Dam, Kootenai River, Mont.; to the Committee on Public Works.

By Mr. ST. ONGE:

H.R. 15105. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 15106. A bill to provide for a more equitable distribution of the costs of highway programs, and to provide additional revenues for the Highway Trust Fund and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. BRADEMAS, Mr. CONYERS, Mr. DADDARIO, Mr. DIGGS, Mr. HORTON, Mr. MATSUNAGA, Mrs. MINK, Mr. MIKVA, Mr. MOSS, Mr. NEDZI, Mr. O'NEILL of Massachusetts, Mr. PHILBIN, Mr. SISK, Mr. STANTON, Mr. NIX, and Mr. BARRETT):

H.R. 15107. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. BIESTER (for himself, Mr. BIAGGI, Mr. BLACKBURN, Mr. BURTON of California, Mr. CUNNINGHAM, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. DENT, Mr. DONOHUE, Mr. EDWARDS of California, Mr. HATHAWAY, Mrs. HECKLER of Massachusetts, Mr. LLOYD, Mr. MAYNE, Mr. MCKNEALLY, Mr. MORSE, Mr. POWELL, Mr. REES, Mr. ROBISON, Mr. ROE, Mr. RYAN, Mr. SHRIVER, and Mr. WILLIAMS):

H.R. 15108. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself and Mr. BEVILL):

H.R. 15109. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; to the Committee on Banking and Currency.

By Mr. HARVEY:

H. Res. 738. Resolution to express the sense of the House of Representatives with respect to troop deployment in Europe; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mrs. GRIFFITHS, Mr. NIX, Mr. WALDIE, Mr. WIGGINS, and Mr. DENNEY):

H. Res. 739. Resolution expressing the sense of the House of Representatives that the President be requested to direct that a study relating to the use of marihuana be undertaken within the executive branch; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RYAN:

H.R. 15110. A bill for the relief of Concetta Fruscella; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15111. A bill for the relief of Roxton, Inc.; to the Committee on the Judiciary.

SENATE—*Thursday, December 4, 1969*

The Senate met at 9:30 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we pause amid the season's pageantry of tapestry and tinsel, of mirth and music, of the gay laughter of little children and the hard work of men, we pray Thee to put the advent expectation in our souls. As we dedicate our lives to Thee this day and offer unto Thee the work of this Chamber, open our hearts to receive the Spirit of Him about whom it is written, "the government shall be upon His shoulder: and His name shall be called Wonderful, Counsellor, the Mighty God, the Everlasting Father, the Prince of Peace." Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order heretofore entered, the Senator from New York (Mr. GOODELL) is recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield briefly without losing any of his time?

Mr. GOODELL. I yield.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 3, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the speech by the distinguished Senator from New York (Mr. GOODELL) and the consideration of the public works appropriation conference report, there be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements in connection therewith.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION—OBJECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. BOGGS. Mr. President, by request, I am compelled to object to that unanimous-consent request.

The PRESIDENT pro tempore. Objection is entered.

THE VICE PRESIDENT, THE NETWORKS, AND A FREE PRESS

Mr. GOODELL. Mr. President, in a memorable essay, the late Judge Learned Hand once wrote:

> The spirit of liberty is the spirit that is not too sure that it is right.

We should remember this dictum when we discuss the Vice President's criticisms of the news media; and he might have done well to have borne it in mind himself.

In debating the role of the news media in our society, let us strive to keep the level of debate high and the level of our voices low.

The Vice President had every right to speak out if he felt the networks were not being fair. If the media are entitled to express reservations about Government policies, then certainly high officials of Government are entitled to express their own reservations concerning media policies.

Mr. AGNEW has, moreover, raised some important questions that have been troubling thoughtful observers of the television industry for years—and we are indebted to him for that. It is regrettable, however, that he discussed these questions in a manner that was not particularly conducive to rational debate.

The Vice President has advocated a "majoritarian" concept of news analysis with which I cannot agree. The tone and implications of some of his statements leave me deeply troubled.

The major point of the Vice President's address seems to be that the presentation of the news—other than editorials clearly labeled as such—should somehow be more "representative" of a collective point of view generally shared by all or most Americans. In his words:

> The views of this [network news] fraternity do not represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks received it.
>
> As with other American institutions, perhaps it is time that the networks were made more responsive to the people they serve.

This view overlooks the real purpose of news analysis. It is not to convey an official line, nor to try to capture the popular mood of the moment. It is to provide information, stimulate thought, and enable individuals to make their own judgments intelligently.

The news media have always sought to fulfill an important and sensitive function in providing analytical and interpretative reporting to citizens of a free society.

In a complex political world, news often becomes an almost incomprehensible tangle of unrelated events. News analysis has the role of presenting events in the context of prior developments, and of separating rhetoric from reality. It should illuminate the news and sharpen issues frequently blurred by the "officialese" of Government.

New analysis, in short, is a process designed to enable the people to see more clearly the issues involved.

Because news analysis goes beyond mere reporting, it must venture into the realm of judgment and opinion. If a commentator simply recites a new administration proposal, he becomes nothing more than an extension of the Government's press spokesman. If, however, he tries to give the viewer some intelligible picture of the political background of the proposal and of its chances for passage in Congress, he must then exercise judgment.

There is, of course, a line beyond which news analysis ceases to be analysis and becomes editorializing. It is a line which a news analyst should take care not to cross. It is, however, a blurred line and thus one which even the best news analysts may inadvertently overstep. It is truly difficult to say precisely where informative political analysis ends and argumentative political persuasion begins.

Television news programs must operate under severe limitations of time in editing and selecting news film for viewing. This process likewise involves difficult and sensitive judgments.

The Vice President contended that the networks displayed a systematic and hostile bias against President Nixon's Vietnam speech.

The facts do not bear this out.

Federal Communications Commission Chairman Dean Burch has rejected claims that the networks showed systematic bias in their handling of the President's speech. In a recent decision supported by all the members of the Commission, he has ruled that the networks' coverage of the President's speech met the requirement of the FCC's "fairness doctrine" that broadcasters devote a substantial amount of time for presentation of contrasting views.

It becomes apparent, when one considers network television reporting during the 11 months of this administration, that much effort has been made to assure that its views on a wide variety of issues have been well represented.

During this period, the three major national news interview shows—Meet the Press, Face the Nation, and Issues and Answers—featured spokesmen for the administration on more than 40 occasions. They included each member of the President's Cabinet as well as other high administration officials.

During the same period, the two principal national news weeklies—Time and Newsweek—have 15 times headlined Mr. Nixon and other members of his administration as cover subjects.

When, for instance, the President made his successful trip around the world last spring, the networks devoted a great deal of prime time to his journey. This included live coverage of his visit to Rumania and the preempting of nighttime programing in order to carry Mr.

Nixon's return to Washington—for an affair that proved to be largely ceremonial.

When, to cite another example, the President addressed the Nation on his welfare proposals, the three major networks, far from providing any instant analysis of their own, featured three members of the President's own cabinet to comment on his address. In this instance, a persuasive case can be made that the networks failed to meet their responsibilities of providing their viewers with independent analysis of the administration's plan.

If there is going to be searching and provocative discussion of the issues, there will inevitably be instances where individual commentators display their own bias. Is there, however, any basis for supposing that the public will simply and uncritically accept this bias as their own? Assuming, for the sake of argument, that the networks, as the Vice President claims, did not give fair treatment to the President's Vietnam speech, is there any basis for believing that the public did not respond to the President's speech on its own merits? The administration's own claims about the wide popular response to the President's speech belie this supposition.

The Vice President forgets that Americans are generally independent people who like to make up their own minds. If they see news programs that present events in an interesting and intelligible manner, they will reach their own conclusions—not try just to parrot the attitudes of the commentators.

If television news programs do not wholly reflect widely held attitudes—if they are controversial—this will only help make people think. Surely, thinking never hurt a democratic society. Here, we would do well to listen to the words of the late Edward R. Murrow:

> It is a truism that democracy is a means of dealing with the human imperfections of society. It recognizes that no form of government is perfect, no administration can be faultless, no legal system beyond improvement, no economic order as good as it might be.
>
> Where there is imperfection there must be change. And to produce change, unless it is imposed by tyranny, there must be difference of opinion; there must be opposition . . . there must be freedom to criticize; there must be the unremitting conflict and testing of ideas. This undoubtedly involves a great deal of confusion. But the liveliness of a democracy can be measured by the activity of the minds of its citizens. Security and serenity in a democracy are not at all the same things. They may even be opposite.

To disagree with the Vice President's views is not to suggest that television programing is wholly admirable. It is far from that. Newton Minow's observation nearly a decade ago, that television is a "vast wasteland" retains an uncomfortably large measure of truth.

Much of television entertainment, for example, has been guilty of being far more concerned with Nielsen ratings than with quality.

Unfortunately, it is precisely this fault that the Vice President would wish to carry over into newscasting.

If news analysis must reflect only popular attitudes, it will inevitably shy away from controversial issues. It will take on the same dull, bland, mindless cast that is too evident in much of the rest of television programing.

Television networks could no longer be able to present documentaries—such as CBS's "Hunger, U.S.A.," NBC's "CBW: The Secrets of Secrecy," or ABC's "Time for America"—which identify situations where we, as a nation, have been unwilling to live up to the principles of a just and equitable society. Such presentations, because they question or criticize official policies or popular attitudes, would become just too controversial.

The same fate would befall the special news analysis programs, such as CBS's "60 Minutes" and NBC's "First Tuesday," two extraordinary examples of superior broadcast journalism.

Oddly enough, the Vice President speaks with approval of "Hunger, U.S.A.," despite the fact that it was sharply critical of the then Secretary of Agriculture and his policies. Perhaps he forgets the controversial nature of the program because its barbs were aimed at a former administration, not his own.

Sanitized television news, made to appeal to the lowest common denominator in the name of appealing to some elusive consensus, will make Americans stop using their intelligence about politics.

The Vice President has also suggested that a commentator should disclose his own views on an issue before discussing it. I find this suggestion particularly puzzling. Does he mean that the commentator should try to apply a label to his own opinions such as "liberal" or "conservative"? The great issues are far too complex to be resolved in such simplistic terms. Does he mean the commentator should actually embark on a full description of his own views? This would lead to more editorializing, not less.

An insidious corollary of the Vice President's views is his tendency to equate the majority view on the issues, with the administration's views.

This identification can be made easily enough. After all, the administration did win the election even if by less than 51 percent, and it still has a majority of general support in the polls. So, this line of reasoning runs, if television should reflect the popular view, then why not the administration's?

Thus the Vice President's notions lead him to imply that the networks should not criticize the administration, at least on such a sensitive issue as Vietnam.

The bitterest attacks in the speech are reserved for those commentators who had the temerity to disagree with portions of the President's Vietnam speech, or whose expression or tone of voice did not show sufficient deference.

At one point, he baldly states that the networks had no right to offer criticism of the President's speech, at least until the people had the chance to "digest" it. As the Vice President puts it:

> The President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words characterized through the prejudices of hostile critics before they can even be digested.

The President did, in fact, communicate directly with the people of the United States in his Vietnam address. The commentators whom Mr. AGNEW berates expressed, at most, some reservations about the speech. It is hard to think of the President, with all the power and prestige of his office, as no match for a few news analysts. In Fred Friendly's words:

> After all, the President had prime time on all three networks, and a small measure of counterfire from the loyal opposition is hardly stacking the deck.

As Mr. AGNEW should remember from the time the Republicans were out of office, the President has the overwhelming advantage in making his point of view known, and the opposition faces real problems in making its criticisms known. As a former Member of the House Republican leadership, I can recall all the efforts that were made—ultimately with success—to secure the right to respond to the President's state of the Union message.

In a free society, there is nothing inviolate or sacrosanct about a speech by the President of the United States. Mr. AGNEW to the contrary notwithstanding, the first amendment right of free speech is not abrogated because the airwaves are being used or because the President is speaking.

If the function of the media is to stimulate thought and to illuminate the issues, this inevitably will involve them in questioning the policies of this or any other administration.

The reason is not that the networks are run by a cabal of eastern liberals out to destroy a Republican administration. It would be difficult, indeed, to make a case that the media were any easier on the Democratic administration which preceded it.

It is, rather, that the job of any administration is to convince the public that its policies are worthy of support, and that of a responsible media to question those policies critically. This process—the administration persuading and the press and television asking the tough questions—is a natural and proper part of the democratic process. It enables the public to make an intelligent assessment of the Government's actions.

Public criticism of official policies is, moreover, not merely something to be tolerated as an unavoidable nuisance. It can perform a truly constructive role in bringing about reforms of those policies, where this is needed.

Vietnam is an obvious case in point. Today the President and most of us in public life agree that we should no longer seek military escalation in Vietnam; public debate, formerly concerned with "victory" in Vietnam, is now focused on the timing and manner of our withdrawal. A few years ago, those who disagreed with the policy of escalation were in a minority. Should those in the media have been silenced who criticized that

policy at a time when it was far from fashionable to do so?

I can sympathize with the Vice President's dislike of public criticism. No man likes to view or read unpleasant comments about himself. Criticism is, however, an occupational hazard for a politician.

As a great critic of another day, Dr. Samuel Johnson, once said:

> The liberty of the press is a blessing when we are inclined to write against others and a calamity when we find ourselves overborne by the multitude of our assailants.

If the Vice President is giving bad advice, he is at least, as I said earlier, asking some important questions.

They are questions which the networks should be asking themselves.

It is certainly appropriate to ask what can be done to enhance competition in an industry in which so much of the resources are concentrated in three national networks.

Mr. AGNEW, however, has raised this issue in a manner which suggests that he only objects to concentration when the media involved opposes the policies that he supports. He criticized the Washington Post Co. for owning both a radio and television station, but omitted any reference whatsoever to the Washington Star, which also owns a radio and television station but tends to favor the positions of the administration.

He had harsh words for the New York Times, but not criticism of the New York Daily News, which boasts a circulation two and a half times that of the Times, controls television station WPIX, and is owned by the largest paper in mid-America, the Chicago Tribune.

Concentration in the media is an issue that can be rationally discussed only if ideological or partisan bias is laid aside. An answer to this problem lies in creating additional television news sources—through strengthening the news programing resources of local stations, cable television, and educational television.

It is appropriate to ask how television can deal responsibly with conflict and confrontation in our society.

The news media reports what is newsworthy. It is a sad fact of life that conflict is often newsworthy; and that pleasant everyday occurrences are not always so. As Walter Cronkite points out, it is not news to report how many cats were not lost today.

The Vice President says only a small minority engage in demonstrations; he implies that demonstrations only keep happening because the media keeps covering them.

The media, however, have not created the conditions which underlie the unrest in our Nation—war, poverty, discrimination, and social injustice.

It is true that disenfranchised Americans have gained access to the media by use of the technique of demonstrations. This, however, is a legitimate way—and perhaps the only effective way they have—of making their grievances known.

In reporting demonstrations—especially where there is danger of violence—the media must exercise great care. They must avoid inflaming passions and reporting rumors. They must attempt a balanced estimate of the numbers involved and of the response of the community.

The media tries to do this. Naturally, in matters so delicate they do not always succeed. Where they err, however, they do not always do so on the side of the demonstrators. The networks, for example, almost totally failed to cover the largest peaceful demonstration in our history—that which occurred in Washington on November 15.

There will be other mistakes of this nature. The cure, however, is not to stop covering the real conflicts that occur in our society. The cure is not to make television news a wondrous Oz in which the Wizard's policies are always right.

The tone of the Vice President's statement also deserves some comment.

He seems to have fallen victim to the very same failing of which he accuses the networks: stressing confrontation at the expense of reasoned argument.

He speaks of Gresham's law and then unconsciously exemplifies it by letting bad rhetoric drive out good sense.

Was it really necessary, to cite a most unfortunate example, for the Vice President to attack Mr. Harriman?

Certainly, the attack was not relevant to the main theme of his speech. Certainly, he has not supplied a single shred of evidence that Ambassador Harriman "swapped some of the greatest military concessions in the history of warfare in order to gain an enemy agreement on the shape of the bargaining table."

And why single out Mr. Harriman, when much of what he said supported President Nixon, and particularly when Mr. Harriman expressly stated his opposition to a fixed date for withdrawal?

Was it also necessary for Mr. AGNEW to conjure up a fictitious "conspiracy"?

Was it really necessary for him to imply that because a majority of network commentators and producers all live in Washington and New York and sometimes go to the same cocktail parties, that they form a tightly knit cabal of like-minded men who seek to indoctrinate the public with a single point of view?

It is hardly a secret that network news is a highly competitive industry composed of men of diverse personal and intellectual backgrounds.

This becomes apparent when one considers the histories of six of the leading newsmen in broadcast journalism. None were raised or educated in the urban Northeast. Walter Cronkite was born in St. Joseph, Mo., and attended the University of Texas. Chet Huntley comes from Cardwell, Mont., and went to the Universities of Montana and Washington. Eric Sevareid is a native of Velva, N. Dak., and was educated at the University of Minnesota. Howard K. Smith—who incidentally was for many years a strong advocate of the Johnson administration's policy in Vietnam—was born in Ferriday, La., and went to college at Tulane. Frank Reynolds comes from East Chicago, Ind., and was educated at Wabash College, Ind. David Brinkley is a native of Wilmington, N.C.—and was never exposed to the intellectual hazards of a college education at all.

Why does the Vice President adopt some of the same rhetoric about a "conspiratorial establishment" as campus militants have adopted? Why is his speech—like their speeches—loaded with references to the dangerous things "they"—that tiny closed fraternity of privileged men—are doing?

Why does the Vice President choose to appeal to sectional prejudice—and talk about New York City or Washington as not being "representative" communities? Has he forgotten that he was elected to represent not one section of America, but all sections—and that includes even New York City?

The setting up of these straw men only adds acrimony to the debate, and obscures the substance of what Mr. AGNEW is saying.

The Vice President insists that he had no intent to propose Government censorship of television.

The question remains, however, whether the Vice President has attempted to use the prestige of his high office to place pressure upon the networks to report the news in a manner more favorable to the administration. This question becomes all the more urgent in view of comments by other highly placed officials that suggest that his views represent those of the administration.

Mr. AGNEW strenuously denies any attempt to put official pressure on the networks.

If this was not what he was attempting, however, why did he speak in such menacing tones? Why such abusive words for commentators who dared criticize the President?

Why did he use phrases like "it is time the networks 'were made'—not 'make themselves'—more responsive to popular views?"

Why did he so pointedly remind the media that the Federal Government controls the licensing of television stations—a reminder that was preceded by a highly unusual personal request by the Chairman of the FCC for a transcript of the networks' comments on the President's Vietnam speech?

Why did he raise doubts whether the first amendment applies to television news comment that is critical of official policy?

Why did he call upon his listeners to write the networks or phone their local stations to put pressure upon them to present the news his way?

Mr. AGNEW's personal motives are perhaps less important than the reasonable implications of what he actually said and how his statements will actually affect the networks.

I noted the particularly sharp and alarmed tone of the response made to the Vice President by various network spokesmen.

They vigorously maintained that they would not submit to the demands of the

Vice President. But the crucial test will be whether they will, in the long run, curtail news analysis programing which focuses upon the controversial issues in our society.

It is essential that they do not react to the Vice President's attack by compromising in any way their responsibility to offer informative and provocative news analysis and comment.

As I said at the outset, let us strive to keep the level of debate high and the level of our voices low. Let us avoid divisive rhetoric and simplistic solutions. Let us show genuine tolerance for views which differ from our own—not the sort of spurious tolerance of the angry man that Phyllis McGinley describes so well in her poem:

The other day I chanced to meet
An angry man upon the street—
A man of wrath, a man of war,
A man who truculently bore
Over his shoulder, like a lance,
A banner labeled "Tolerance."

And when I asked him why he strode
Thus scowling down the human road,
Scowling, he answered, "I am he
Who champions total liberty—
Intolerance being, ma'am, a state
No tolerant man can tolerate

"When I meet rogues," he cried, "who choose
To cherish oppositional views,
Lady, like this, and in this manner,
I lay about me with my banner
Till they cry mercy, ma'am." His blows
Rained proudly on prospective foes.

Fearful, I turned and left him there
Still muttering, as he thrashed the air,
"Let the intolerant beware!"

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. JAVITS. Mr. President, it seems to me that the Senator has done a most admirable job in documenting in great detail for us the facts upon this critically important matter. I had occasion to address myself to it about a week ago.

Two things stand out in the Senator's statement and in my own feeling about the matter which in my judgment deserve emphasis.

We are both Republicans; hence, I think it is not only our privilege but also our duty to speak, as this is a Republican administration and a Republican Vice President.

The PRESIDING OFFICER. The time allotted to the Senator from New York has expired.

Mr. JAVITS. I ask unanimous consent that the Senator may proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield now?

Mr. GOODELL. I yield.

Mr. JAVITS. There are two points that seem to me to stand out in these views.

First, I note the statement on page 14 of the Senator's text, that the news media—which includes the press, television, and radio—shall not in the long run curtail their news analysis programing. They have already rebutted, as a matter of fact; the very day I spoke last week, Frank Stanton spoke very eloquently. I am sure that both my colleague and I profited greatly from his statement. Mr. Stanton rejected the idea that they would be inhibited by what Vice President AGNEW had said. But, having lived a long time and knowing how these things go, that does not end the case. They may very well be inhibited, nevertheless, because they are at the mercy of Government licensing. Notwithstanding appeals to the courts, and so forth, Government licensing is still a pretty potent proposition. There is a very clear intimation in what was said—not the words, but the tone and the timing—that those who transgress had better beware.

So I think it is critically important that a distinguished Senator like my colleague—others on the Democratic side have done the same thing, and I hope others will—has given assurance to those who might be inhibited that they have champions and that they need not be inhibited. To me, this is the greatest significance of what Senator GOODELL has done today.

The second point I should like to emphasize is the question which Senator GOODELL speaks of:

> The question remains, however, whether the Vice President has attempted to use the prestige of his high office to place pressure upon the networks to report the news in a manner more favorable to the administration.

That comes to the matter of timing. It is a fact that the Vice President's speeches began with his disapproval of the criticism by news and television commentators of the President's November 3 speech on Vietnam. If there is no clear implication in that statement that criticism will not be well received, I do not know what is a clear indication.

So I think, Mr. President, with the greatest friendliness—I am not angry, and I am sure Senator GOODELL is not angry—two things are served hereby: One, the networks know that they are not alone and solely at the mercy of whoever is in the Executive Office. That is very important. Two, the question of timing is raised, as to the issue whether criticism is just as correct for the President as it is for the networks. He has the same privilege. Why not? But the question is one of timing and the cause which incited him to speak.

For those reasons, I hope that what Senator GOODELL has said and what I and others have said will be taken and considered in as good faith by the administration, and with as much equanimity and understanding of why it was done, as I think Senator GOODELL has shown today in laying the case before the Senate.

I congratulate my colleague on a very fine job.

Mr. GOODELL. I thank my colleague.

I want to reiterate what my colleague said. This speech is not uttered in anger. It is uttered with concern. I think it is important that some of the matters I have covered here—which my colleague and others have covered previously—be made unmistakably clear to the American public, to the administration, to the Vice President, and to the networks. I certainly trust that the networks will take heed to the important questions raised by the Vice President, but not knuckle under in any way.

Mr. LONG. Mr. President, it was not my privilege to hear all the remarks of the Senator from New York, but I think the RECORD should show that many people approve of what the Vice President said. In the part of the country from which this Senator hails, the Vice President's remarks were overwhelmingly approved. In the Deep South, I would think at this time that he would probably be as strong or stronger than Richard Nixon, based on the statements that he made and the overwhelming approval which has been voiced from people in the area this Senator represents which has come to his attention.

May I say that I heard some of the comments by the commentators on the Vice President's speech, and about the only one I think I could agree with was Howard K. Smith, who comes from my part of the country. He comes from New Orleans.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The additional 5 minutes of the Senator from New York have expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may proceed for 5 additional minutes.

Mr. MANSFIELD. Mr. President, I would reduce that figure, because the senior Senator from Louisiana (Mr. ELLENDER) is waiting to bring up an important conference report. Make it 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. If need be, I will speak on the bill. I thought I had the floor in my own right.

All I had in mind saying is that it seems to this Senator that Howard K. Smith was the only commentator—and I am proud to say he comes from New Orleans, La.—who took the Vice President's criticisms in the spirit in which they were intended.

My impression was that the Vice President was saying that in view of the fact that the networks have a Federal license and a monopoly of the airwaves, they have a particular burden to be fair in the way they discharge their responsibilities.

I heard President Nixon's speech to the country, and it seemed most inappropriate to this Senator that when a much heralded speech of the President is heard and we hear him for a half hour or an hour, after he gets through, before we can even digest it or talk to our friends and neighbors about it, here comes some fellow I never heard of or anyone in the room knew, or knew where he came from, and says the people would be disappointed, that there is nothing new in the speech, and so forth. That is not how the people regarded the speech.

I did not regard it that way. Congress did not regard it that way. We then heard a commentator no one ever heard of, not elected to any office, probably could not be elected dogcatcher in his hometown, which is probably why he is in New York rather than in his hometown, proceeding to take the President apart.

It seems to me that the President is entitled to have his day. Someone said, "Oh, but after all, he had all three networks." Those commentators are on the airwaves every night. You hear them every night in the year, telling you what you ought to think and what they think about matters, and so forth. It seems to me that they ought to let the President have a night, just one night, to express himself. And I say that as a Democrat. Sometimes I agree with the President and sometimes I do not. I certainly did not vote for him.

I, for one, feel that there was a great deal of support for the Vice President. He gave two illustrations of his point. One was that the President was unfairly treated. Personally, I think he was—to have somebody come on right behind his speech, taking his speech apart, passing judgment on it, before the American people can pass judgment on it. No. 2, he talked about the way the coverage of the Chicago convention was slanted. I was there, and I saw it. That was the poorest and most slanted coverage I have seen. It helped elect a Republican. It is all the more convincing evidence, in my view, if one from another party looked into it and admitted that the way the Chicago convention was covered by the networks was very unfair. I was there and saw it, and I regard it as very unfair and slanted coverage, and so does he. At that particular point, the Vice President was speaking the views of someone on the other side of the aisle who has experienced and has seen some of these things. I know that what the Vice President has said has received the overwhelming support of the majority of the people. When the networks put their commentators on to respond to the Vice President, I understand the response was overwhelmingly in favor of saying, "We still think the Vice President was right."

I think he had a right to say what he did; he had a point. I do not say he is right about everything, but the Vice President has an argument for his side.

The PRESIDING OFFICER. The time of the Senator has expired

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with the permission of the senior Senator from Louisiana, that the time be extended for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. It seems to me that the Vice President had a right to say what he said. He had a legitimate right to complain about the way his boss, the President, was treated in this instance, and he certainly had a right to feel that there has been slanted coverage of the news and that the networks ought to take a good look at themselves and reconsider the way they are handling some of these things. That is what he was saying.

He was pointing out that in view of the fact they are given a monopoly of the airwaves, which is worth a lot of money to them, they have a greater burden to tell the truth and to be fair in using that monopoly.

This Senator thought the criticism was well taken. It is only when someone reaches out to find something that was not said to quarrel about that one might say there is some threat here. Let them say what they want to say, but they should give the other man a fair chance to express his side.

There should be a moral burden on the networks and press. I think there is a moral obligation, whether we all agree to it or not, to unite the Nation in wartime and to unite behind our national leader in the best way we can.

I question whether the news media, and the networks in particular, have done anything to help along that line, and whether they have done as much as they could to help our President.

The Vice President was not trying to deny anyone his right to freely express his opinion but he was saying, "You people should look homeward and see if you cannot do a better job." Those of us who are in public life have that said to us every day. We have said it about us; why can we not say it about them? Turnabout is fairplay.

Mr. ELLENDER obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, one can say everything that the Senator from Louisiana said is true, but it does not answer the question at all for this reason. Nobody is trying to muzzle the Vice President, but what is being argued is that the timing and frame of reference in which the Vice President spoke has dangers in trying to muzzle the press, radio, and television. That is the issue.

And I might say to my colleague that the consumer, to wit, the Senator from Louisiana, who is listening on television, has one privilege whch we will all die to defend. He can turn it off. But he is not in the seat of authority. The fellow who is commenting has nothing to do with the licensing or the Federal Government. The fact is that he does not have the power or the muscle the Vice President has.

So we have the right to say to the Vice President, "We are not trying to inhibit you; say what you please; but we have the right to say to the media, Do not get scared. A few people understand the situation and are not going to let you get cracked down on.' "

Mr. LONG. The Vice President has less power than any other elected official in the Federal Government. The Vice President can only vote in the event of a tie; he cannot even make a speech in the Senate except by unanimous consent. As a practical matter the Vice President has nothing more than the right to speak outside the Senate Chamber, but not here.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GOODELL. Mr. President, that is one of the questions raised. Is the Vice President speaking for himself or for the Administration? We know that the new Chairman of the FCC has taken a tremendous interest in what was said and has made a highly unusual personal request for the transcripts of the comments made by the networks after the President's speech.

I am sure the Senator will agree that the Vice President has the right to speak out; but that we must be very careful that we, who are in authority—the Vice President, whatever his authority—that all of us, do not in any way attempt to intimidate the press.

The Vice President even implied in his speech that there was a limit to the right of the first amendment to the Constitution, the right of free speech and television community.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senate will proceed to the consideration of the conference report on the Public Works Appropriation bill.

Mrs. SMITH of Maine. Mr. President, will the Senator yield to me briefly?

Mr. ELLENDER. I yield.

Mrs. SMITH of Maine. Mr. President, I would like to take this opportunity to thank the distinguished junior Senator from Louisiana for his defense of the Vice President.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the conference report.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for one-half minute?

Mr. ELLENDER. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I would like once again, as I have done so many times, to read for the Senate the first amendment of the Constitution, part of the Bill of Rights:

AMENDMENT [I]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. President, that applies to every American. I hope we never forget it.

Mr. LONG. Mr. President, will the Senator yield to me for 1 minute?

Mr. ELLENDER. I yield.

Mr. LONG. Mr. President, the way I construe what the Vice President said about freedom of speech is that the television networks, having a monopoly to use the airways which belong to all the people, have a burden that both sides be heard.

My understanding of freedom of speech under the Constitution, and particularly that of the press, is the right of the fellow who owns that newspaper to see that it prints his point of view and not the other fellow's point of view. He can be as arbitrary as he wants to be in that respect. The airways belong to all the

people. One can say whatever he wishes to say over his own radio station so long as it is within the law, but he has to let the other fellow have an equal chance to be heard.

That is what the Vice President was saying, rather than that just one side be heard.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GORE. Mr. President, as I understood the distinguished Vice President, at least in one respect, he was not speaking out for the right of both sides to be heard; but, instead, he did not want any analysis or criticism of the President's speech until it could be digested. The American people—and intelligent people—do not have to sleep on a speech to digest it.

We are a country of traditions and we have had such experiences as this before. In our history we had the "Know Nothing Party" and we are seeing a revival of that tradition.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. ELLENDER. I yield.

Mr. BAKER. Mr. President, I thank my colleague for yielding.

Mr. President, I make it a point not to take issue with my distinguished colleague from Tennessee when I can avoid it. After all, we represent the same constituents. But I must rise to say I find myself in most respectful but vigorous disagreement with his comments. And I may say further that I conceive the remarks of the distinguished Vice President to be simply this: If it is right for them to criticize us, it is all right for us to criticize them.

I think in the final analysis it must be said that the thrust of the Vice President's remarks might be interpreted to mean that electon to high office in this Republic does not create a disability for a man to say what he thinks.

The PRESIDING OFFICER. The Senate will proceed to consider the conference report.

Mr. ELLENDER. Mr. President, now that the AGNEW matter has been settled——

[Laughter.]

PUBLIC WORKS APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14159) making appropriations for public works for water pollution control, and power development, including the Corps of Engineers—civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 2, 1969, page 36538, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, the distinguished Senator from Maine (Mrs. SMITH) did not sign the report. She was the only conferee who did not.

Mr. President, I regret the Senate conferees were unable to sustain all the programs that we proposed but I think that all in all we came out very well.

As a rule, we have a certain formula to follow. The House committee placed in the bill 21 new planning starts, and 14 new construction starts. The Senate did likewise. In conference we ironed out the differences so that it is my belief the Senate came out of the encounter as well as the House did.

The conference bill provides $4,756,007,500, which is $237,421,000 below the amount approved by the Senate; $250,561,000 above the House; $552,029,500 above the budget; and $73,022,500 above the appropriation for fiscal year 1969.

Mr. President, there is a growing awareness of the need to protect and improve our environment. A major thrust of this effort is being directed to the elimination of air and water pollution. One of the most important programs to improve our environment is the construction grants for waste treatment works. Appropriations to carry out this program have been totally inadequate, and the gap between authorization and appropriations has been widening. This year the authorization is $1 billion, the budget recommended only $214 million. The House provided $600 million, and the Senate approved the full $1 billion—which is, of course the total authorization. The conference report provides $800 million. In other words, what happened was that the House and Senate conferees split their differences. I am proud to say that we were able to retain at least $800 million for that program. Therefore, the increase of $586 million on construction grants for waste treatment works is in excess of the total increase of $552,029,500 over the budget for the entire bill.

Exclusive of this item, the conference bill is $284,217,500 under the original budget submitted by President Johnson; $33,970,500 under President Nixon's revised budget; $50,561,000 over the House; $37,421,000 under the Senate; and $512,977,500 under the appropriations for fiscal year 1969.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary table explaining the action of the conferees on the various items in the bill.

There being no objection, the summary table was ordered to be printed in the RECORD, as follows:

PUBLIC WORKS APPROPRIATIONS FOR FISCAL YEAR 1970, SUMMARY TABLE

Agency and item	New budget (obligational) authority, fiscal year 1969 (enacted to date)	Original budget estimate of new (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1970 (as amended)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)
TITLE I—ATOMIC ENERGY COMMISSION						
Operating expenses	$2,109,300,000	$2,037,500,000	$1,963,800,000	$1,884,269,000	$1,840,269,000	$1,862,269,000
Plant and capital equipment	[1] 506,574,000	400,635,000	395,785,000	343,500,000	377,525,000	355,500,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,615,874,000	2,438,135,000	2,359,585,000	2,227,769,000	2,217,794,000	2,217,769,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers—Civil						
General investigations	30,015,000	40,400,000	40,900,000	40,600,000	41,760,000	41,191,000
Construction, general	[2] 862,713,500	769,420,000	627,055,000	671,982,000	740,469,000	711,992,000
Flood control, Mississippi River and tributaries	69,600,000	74,600,000	74,600,000	74,600,000	87,040,000	80,820,000
Operation and maintenance, general	[3] 227,300,000	245,700,000	245,700,000	245,700,000	253,000,000	253,000,000
Flood control and coastal emergencies	[4] 30,000,000	5,000,000	[5] 32,000,000	32,000,000	32,000,000	32,000,000
General expenses	[6] 21,875,000	22,980,000	22,980,000	22,600,000	22,980,000	22,680,000
Total, Corps of Engineers—Civil	1,241,503,500	1,158,100,000	1,043,235,000	1,087,482,000	1,177,249,000	1,141,683,000
Cemeterial Expenses						
Salaries and expenses	15,000,000	[7] 16,196,000	[7] 16,196,000	[8] 15,125,000	15,125,000	15,125,000

Footnotes at end of table.

PUBLIC WORKS APPROPRIATIONS FOR FISCAL YEAR 1970, SUMMARY TABLE—Continued

Agency and item	New budget (obligational) authority, fiscal year 1969 (enacted to date)	Original budget estimate of new (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1970 (as amended)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)
TITLE II—DEPARTMENT DEFENSE—CIVIL—Continued						
THE PANAMA CANAL						
Canal Zone Government:						
Operating expenses	[9] $38,569,500	$41,070,000	$41,070,000	$40,700,000	$40,700,000	$40,700,000
Capital outlay	200,000	[8] 2,373,000	[10] 2,373,000	2,000,000	2,000,000	2,000,000
Panama Canal Company: Limitation on general and administrative expenses	[11] (13,730,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)
Total, the Panama Canal	38,769,500	43,443,000	43,443,000	42,700,000	42,700,000	42,700,000
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,295,273,000	1,217,481,000	1,102,874,000	1,145,307,000	1,235,074,000	1,199,508,000
TITLE III—DEPARTMENT OF THE INTERIOR						
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION						
Pollution control operations and research	[12] 86,789,000	91,972,000	91,972,000	85,382,000	86,482,000	86,382,000
Construction grants for waste treatment works	214,000,000	214,000,000	214,000,000	600,000,000	1,000,000,000	800,000,000
Total, Federal Water Pollution Control Administration	300,789,000	305,972,000	305,972,000	685,382,000	1,086,482,000	886,382,000
BUREAU OF RECLAMATION						
General investigations	[13] 16,319,500	16,400,000	16,400,000	16,000,000	16,060,000	16,030,000
Construction and rehabilitation	166,915,000	167,900,000	129,900,000	146,381,500	149,381,500	149,381,500
Upper Colorado River storage project	27,873,000	26,000,000	26,000,000	26,110,000	30,240,000	28,240,000
Colorado River Basin project		1,000,000	1,000,000	1,000,000	1,200,000	1,200,000
Operation and maintenance	[14] 50,530,000	55,000,000	54,030,000	53,500,000	53,500,000	53,500,000
Loan program	2,965,000	5,600,000	4,850,000	5,650,000	5,650,000	5,650,000
Emergency fund		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
General administrative expenses	[15] 12,400,000	12,700,000	12,700,000	12,700,000	12,700,000	12,700,000
Total, Bureau of Reclamation	277,002,500	285,600,000	245,880,000	262,341,500	269,731,500	267,701,500
ALASKA POWER ADMINISTRATION						
General investigations	$600,000	$700,000	$670,000	$600,000	$600,000	$600,000
Operation and maintenance	402,000	400,000	400,000	400,000	400,000	400,000
Total, Alaska Power Administration	1,002,000	1,100,000	1,070,000	1,000,000	1,000,000	1,000,000
BONNEVILLE POWER ADMINISTRATION						
Construction	104,000,000	110,400,000	102,400,000	96,500,000	96,500,000	96,500,000
Operation and maintenance	19,500,000	22,000,000	21,500,000	21,500,000	21,500,000	21,500,000
Total, Bonneville Power Administration	123,500,000	132,400,000	123,900,000	118,000,000	118,000,000	118,000,000
SOUTHEASTERN POWER ADMINISTRATION						
Operation and maintenance	850,000	700,000	700,000	700,000	700,000	700,000
SOUTHWESTERN POWER ADMINISTRATION						
Construction	4,020,000	3,360,000	3,100,000	3,100,000	3,100,000	3,100,000
Operation and maintenance	[16] 2,346,000	2,350,000	2,350,000	2,350,000	2,350,000	2,350,000
Continuing fund (definite appropriation of receipts)	3,200,000	2,900,000	2,800,000	2,800,000	2,800,000	2,800,000
Total, Southwestern Power Administration	9,566,000	8,610,000	8,250,000	8,250,000	8,250,000	8,250,000
Underground electric power transmission research		2,000,000				
Total, title III, new budget (olibgational) authority, Department of the Interior	712,709,500	736,382,000	685,772,000	1,075,673,500	1,484,163,500	1,282,033,500
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)						
Atlantic-Pacific Interoceanic Canal Study Commission: Salaries and expenses	4,900,000	1,337,000	917,000	917,000	917,000	917,000
Delaware River Basin Commission:						
Salaries and expenses	47,000	47,000	47,000	47,000	47,000	47,000
Contribution to the Delaware River Basin Commission	154,000	153,000	153,000	153,000	153,000	153,000
Total Delaware River Basin Commission	201,000	200,000	200,000	200,000	200,000	200,000
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	5,000	5,000	5,000	5,000	5,000	5,000
National Water Commission: Salaries and expenses	[17] 150,000	1,100,000	1,100,000	1,050,000	1,050,000	1,050,000
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	50,250,000	55,750,000	49,750,000	50,600,000	50,300,000	50,600,000
Water Resources Council: Water resources planning	3,622,500	3,835,000	3,775,000	3,925,000	3,925,000	3,925,000
Total, title IV, new budget (obligational) authority, independent offices (excluding AEC)	59,128,500	62,227,000	55,747,000	56,697,000	56,397,000	56,697,000
Total, new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,067,111,000	2,016,090,000	1,844,393,000	2,277,677,500	2,775,634,500	2,538,238,500
Grand total, new budget (obligational) authority, titles I, II, III, and IV	4,682,985,000	4,454,225,000	4,203,978,000	4,505,446,500	4,993,428,500	4,756,007,500

[1] Includes $45,000,000 appropriated in Second Supplemental Act, 1969.
[2] Reflects transfer in Second Supplemental Appropriation Act, 1969, of $2,969,000 to "Operation and maintenance" and "General expenses," Corps of Engineers.
[3] Reflects transfer of $1,869,000 from "Construction, general," Corps of Engineers, and $1,731,000 appropriated in Second Supplemental Appropriation Act, 1969.
[4] Includes $25,000,000 appropriated in Second Supplemental Appropriation Act, 1969.
[5] Includes increase of $27,000,000 contained in H. Doc. 91–155.
[6] Reflects transfer in Second Supplemental Appropriation Act, 1969, of $1,100,000 from "Construction, general," Corps of Engineers.
[7] Reflects increase of $258,000 contained in H. Doc. 91–117.
[8] In addition, $991,000 available by transfer from funds appropriated in Public Works and AEC Appropriation Act, 1968.
[9] Includes $1,085,000 appropriated in Second Supplemental Appropriation Act, 1969.
[10] Reflects decrease of $227,000 contained in H. Doc. 91–85.
[11] Includes increase of $130,000 provided in Second Supplemental Appropriation Act, 1969.
[12] Reflects transfer in Second Supplemental Appropriation Act, 1969 of $246,000 to Bureau of Indian Affairs and $1,803,000 to the Bureau of Land Management.
[13] Includes $371,000 appropriated in Second Supplemental Appropriation Act, 1969.
[14] Includes $630,000 appropriated in Second Supplemental Appropriation Act, 1969.
[15] Includes $450,000 appropriated in Second Supplemental Appropriation Act, 1969.
[16] Reflects transfer in Second Supplemental Appropriation Act, 1969, of $4,000 to Bureau of Sport Fisheries and Wildlife (General Administrative Expenses).
[17] Appropriated in Supplemental Appropriation Act, 1969.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield for a question.

Mr. JAVITS. May I say to the Senator from Louisiana that I should like to express on behalf of New York our appreciation for the consideration given New York for some urgent projects in the conference report on public works appropriations. There are a number of projects, but I wish to refer specifically to the project concerning the problems we have with the south shore of Long Island; that is, from Fire Island to Montauk Point, which has an enormous

national resource in its beaches. The Senate Appropriations Committee, I think, was understanding of our position by making the additional $380,000 available, and the compromise with the House to add at least $190,000 to the original $500,000 requested will be, I think, an effective measure to do what needs to be done to protect and preserve those beaches.

Also, in view of the critical importance of New York Harbor, not only to New York but also to the whole Nation, I should like to express my appreciation to the Senator from Louisiana (Mr. ELLENDER) and his colleagues for the approval of funds to continue the dredging of the anchorages in New York Harbor.

The allowance is not everything we had hoped for, but it certainly will enable the work to go forward.

Let me ask the Senator just one question: Does the fact that an item may have been omitted in conference which had been approved in the Senate bill mean that there was any substantive problem about the item?

I refer to Port Jefferson. Does its omission mean that the committee did not feel it had enough money to distribute this year, that it had done the best it could, and that there was no prejudice whatever against trying again next year?

Mr. ELLENDER. None whatever. I wish to say with reference to New York that we came out very well with reference to the Fire Island and anchorage problems—all three of the new starts that were provided. Only one was left out and that was Port Jefferson, which is a small navigation project.

I want to give my good friend from New York a promise that we will try again next year and I am sure we will be able to make it.

Mr. JAVITS. I thank the Senator from Louisiana very much.

Mr. MUSKIE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. MUSKIE. I should like to take a few moments to compliment the distinguished Senator from Louisiana (Mr. ELLENDER) chairman of the Public Works Subcommittee, for the culmination of his efforts to increase the appropriations for waste treatment works construction.

I know of his efforts, going back several months in the early days of this session, and I cannot recall a more effective piece of legislative work dedicated to a clear objective in the public interests since I came to the Senate.

We had been bogged down at the appropriations level in this field at $200 million for several years. There seemed little prospect, in light of budgetary restraints, that we would ever move above that level.

We have done so in this conference report.

I do not think we would have done so without the commitment and the outstanding leadership demonstrated by the distinguished Senator from Louisiana (Mr. ELLENDER).

I understand the difficulties in trying to preserve the full Senate figure in conference. The House approved $600 million. The effort to increase that to $1 billion over the House figure failed, I think, by a very narrow margin, which gave us some hope that the House conferees might agree to the full figure. Nevertheless, I understand, from having participated in conferences myself and the need to compromise. We have compromised the figure sufficiently greater than the last appropriation to give the program the impetus it so badly needs.

So, once more—and I have said this many times on the Senate floor—I compliment the distinguished Senator from Louisiana, and the other Senators who represented the Senate point of view in conference.

This is a signal achievement of great importance in the fight against water pollution.

Mr. ELLENDER. Mr. President, I think I can speak for all the Senate conferees and say that we are grateful for the fine compliments the Senator from Maine has just directed to us. He has led in the fight to provide the authorizations for the program.

I may say, although we tried to get the House to increase the amount to $1 billion, as the Senator says, this is a matter of compromising differences. The whole bill was quite large almost—$5 billion. We were over and above the budget by over $500 million. Additions were made for the pollution problem. Personally, I am sorry we did not retain the $1 billion, but I think that we did very well, nonetheless.

Mr. MUSKIE. Mr. President, I am sure that if the Senator from Louisiana can undertake to persuade the administration and the President as to the increasing urgency of this problem, of course, I would join the Senator in any way he thinks appropriate to undertake to do that. It is not a question of trying to put the President on the spot. Congress is giving thorough and deliberate thought to this problem. It has undertaken this commitment at this time. We would all like to see the commitment met. Thus, if we can persuade the administration to go along, I would be very happy to join in that effort.

Mr. ELLENDER. I appreciate that. I may say to my good friend from Maine that I am very hopeful of trying to get a group of Representatives and Senators to call on the President and explain this matter to him.

It is stated that we had a carryover. Of course, there can be a carryover on any amount provided for any project if the Bureau of the Budget will not release the money we provide here. That has been the case with the water pollution control program. I am sure that many States would have gone forward and provide the necessary legislative authorizations if only the Congress had provided enough money.

We have, I think, provided a sufficient amount that will encourage the States to proceed to obtain their share. As the Senator knows, at the end of 6 months after the allocation is made, a review is made of the amount each State spends. If any State does not spend its allocation, the money not spent by States receiving a certain amount is redistributed to other States. I am sure that if the second distribution is adequately made, enough funds are provided here to make certain there will be completion of many projects.

Mr. MUSKIE. The purpose is to get the States to move, the lagging States and those that have moved more swiftly. So what we have done this year will be building a momentum that needs to keep going.

Mr. ELLENDER. As the Senator knows, the budget estimates for this program have been very low. That is, the Budget has approved very low figures. This year, with an authorization of $1 billion, they provided only $204 million. That is no encouragement to the States to prepare to do this work, because individual allocations would be so small that they could not even make a good start. So, with this sum, it is my belief that if it is allocated according to the formula, which I know it will be, the States will know that they will be entitled the money that is not spent from the first allocation. It is my belief that it will act as a stimulant for the States to proceed to go along with this program, which I think is absolutely necessary. We certainly need more work on air and water pollution. I think this provision will stimulate it.

Mr. MUSKIE. I thank the Senator.

TITLE I. ATOMIC ENERGY COMMISSION

Mr. ELLENDER. Mr. President, in addition to the consideration of appropriations for pollution control, the committee considered all of the appropriations for the Atomic Energy Commission.

The conferees agreed on $1,862,269,000 for operating expenses of the Atomic Energy Commission. This is $22 million below the House allowance, and $22 million above the amount allowed by the Senate. This is an overall reduction and not assigned to any specific program. The conference agreement provides for the full operation of the two K reactors at Richland, Wash.

For plant and capital equipment, the House agreed to $6 million of the $25 million the Senate restored for the 200-billion electron volts near Chicago, Ill., and to $6 million of the $7,525,000 restored by the Senate for capital equipment not related to construction.

Mr. President, in title II, for general investigations, Corps of Engineers, the bill provides $41,191,000, which is $599,000 below the amount approved by the Senate; $591,000 above the amount allowed by the House; and $291,000 above the budget.

I ask unanimous consent to have printed at this point in the RECORD a tabulation showing the details of the amount allowed for this item.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

GENERAL INVESTIGATIONS, FISCAL YEAR 1970

Item	Revised approved budget estimate for fiscal year 1970	House allowance	Senate allowance	Conference allowance
(1)	(2)	(3)	(4)	(5)
GENERAL INVESTIGATIONS				
1. Surveys:				
(a) Navigation studies	$4,033,000	$4,381,000	$4,666,000	$4,556,000
(b) Flood control studies	9,826,000	10,015,000	10,380,000	10,191,000
(c) Beach erosion cooperative studies	441,000	454,000	479,000	454,000
General reduction due to slippage	—500,000			
Subtotal, navigation, flood control, and beach erosion studies	13,800,000	14,850,000	15,525,000	15,201,000
(d) Comprehensive basin studies:				
Arkansas-White-Red region				
Big Muddy River				
California region	640,000	640,000	640,000	640,000
Columbia North Pacific region	381,000	381,000	381,000	381,000
Connecticut River Basin, Conn., Mass., Vt., and N.H	314,000	314,000	314,000	314,000
Genesee River Basin				
Grand River Basin, Mich				
Great Basin region	213,000	213,000	213,000	213,000
Great Lakes region	831,000	831,000	831,000	831,000
Kanawha River, W. Va., Va., and N.C	600,000	600,000	600,000	600,000
Lower Colorado region	80,000	80,000	80,000	80,000
Lower Mississippi region	#500,000	500,000	500,000	500,000
Missouri River Basin	148,000	148,000	148,000	148,000
North Atlantic region	598,000	598,000	598,000	598,000
Pascagoula River Basin	67,000	67,000	67,000	67,000
Pearl River Basin, Miss				
Puget Sound area, Washington				
Red River below Denison Dam, La., Ark., Okla., and Tex	190,000	190,000	190,000	190,000
Sabine River Basin	65,000	65,000	65,000	65,000
Souris-Red region	315,000	315,000	315,000	315,000
South Atlantic gulf region				
Susquehanna River Basin, N.Y., Pa., and Md	829,000	829,000	829,000	829,000
Upper Colorado region	56,000	56,000	56,000	56,000
Upper Mississippi River Basin	149,000	149,000	149,000	149,000
Wabash River, Ind. and Ill	298,000	298,000	298,000	298,000
White River Basin, Ark. and Mo	100,000	100,000	100,000	100,000
Willamette River Basin, Oreg	66,000	66,000	66,000	66,000
Subtotal, comprehensive basin studies	6,440,000	6,440,000	6,440,000	6,440,000
(e) Special studies:				
Chesapeake Bay model study	330,000	330,000	330,000	330,000
Coordination studies with other agencies (Public Law 566, Public Law 984, etc.)	500,000	500,000	500,000	500,000
Great Lakes-Hudson River Waterway, N.Y				
Jersey Meadows, N.Y. and N.J	60,000	60,000	60,000	60,000
Lake Erie-Ontario Waterway, N.Y	100,000	100,000	100,000	100,000
National shoreline study	150,000	150,000	150,000	150,000
Northeastern United States water study	1,000,000	1,000,000	1,000,000	1,000,000
Texas coast	500,000	500,000	500,000	500,000
Texas water and pollution study	260,000	260,000	300,000	300,000
Water levels at Great Lakes	200,000	200,000	200,000	200,000
Subtotal, special studies	3,100,000	3,100,000	3,140,000	3,140,000
Subtotal, surveys	23,340,000	24,390,000	25,105,000	24,781,000
. Collection and study of basic data:				
(a) Stream gaging (U.S. Geological Survey)	340,000	340,000	340,000	340,000
(b) Precipitation studies (U.S. Weather Bureau)	620,000	620,000	620,000	620,000
(c) Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)	625,000	625,000	625,000	625,000
(d) International water studies	190,000	190,000	190,000	190,000
(e) Flood plain management services	6,000,000	6,000,000	6,000,000	6,000,000
Subtotal, collection and study of basic data	7,775,000	7,775,000	7,775,000	7,775,000
3. Research and development:				
(a) Coastal engineering research and development	3,100,000	3,100,000	3,100,000	3,100,000
(b) Hydrologic studies	235,000	235,000	235,000	235,000
(c) Civil works investigations	3,755,000	3,615,000	3,615,000	3,615,000
(d) Mississippi Basin model:				
(1) Mississippi River comprehensive study	40,000	40,000	40,000	40,000
(2) Maintenance	60,000	60,000	60,000	60,000
(3) Computer application studies				
(e) Nuclear explosives studies for civil construction	2,100,000	2,100,000	2,100,000	2,100,000
(f) International hydrological decade program	495,000	50,000	495,000	250,000
Subtotal, research and development	9,785,000	9,200,000	9,645,000	9,400,000
1968 reserve applied in 1969				
Undistributed reduction		—520,000	—520,000	—520,000
Unobligated carryover balances		—245,000	—245,000	—245,000
Total, general investigations	40,900,000	40,600,000	41,760,000	41,191,000

Reflects changes made by the revised approved budget.

Mr. ELLENDER. Mr. President, reverting to the Atomic Energy Commission budget, I wish to say that the subcommittee held quite extensive hearings on this matter. It was rather difficult for us to point up where to cut certain items that we thought might need some pruning. The subcommittee simply made a reduction of $44 million from the entire amount asked for and decided to let the Commission allocate or subtract from the various programs as it saw fit.

When we met with the House conferees, they thought we cut too deeply. So the Senate conferees, in order to get the bill out, agreed to restore $22 million of the amount cut by the Senate.

Mr. President, for construction, general, Corps of Engineers, the conference agreement provided $711,992,000, which is $28,477,000 below the amount approved by the Senate; $40,010,000 above the House; $84,937,000 above the budget estimate; and $150,721,500 below the 1969 appropriation.

The construction items approved by the House included 21 unbudgeted planning items, 14 unbudgeted construction starts, and four new land acquisition items; all of which were approved by the Senate. In conference the House conferees agreed to 15 of the 21 new planning starts added by the Senate. The House agreed to 10 of the 21 new construction starts added by the Senate; and, in addition, to land acquisition on six reservoir projects for which the Senate had approved a construction start.

For increases in construction recommended, generally, the House approved increases which did not exceed one-half of the difference between the budget estimate and the capability of the Corps of Engineers.

That was the formula we applied to all projects, both in the planning stage and under construction, so that all items were treated similarly. I feel it was a wise way to do it, so that we showed no preference for any particular project in any of our 50 States.

This was based on the fact that only one-half of the year would remain for expenditure of the additional funds.

Unfortunately, the House would not agree to the planning funds for the Dickey-Lincoln project, for which there was a budget estimate.

I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed under construction, general.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

CONSTRUCTION, GENERAL, FISCAL YEAR 1970

	Construction, general, State and project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Alabama:								
(N)	Alabama River channel improvement	$100,000		$100,000		$100,000		$100,000	
(N)	Claiborne lock and dam	3,000,000		3,000,000		3,600,000		3,600,000	
(R)	John Hollis Bankhead lock and dam	#2,000,000		2,000,000		2,000,000		2,000,000	
(MP)	Jones Bluff lock and dam	11,000,000		11,000,000		12,300,000		12,000,000	
(MP)	Millers Ferry lock and dam	2,584,000		2,584,000		2,584,000		2,584,000	
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss.		$500,000		$500,000		$500,000		$500,000
	Tombigbee River and tributaries, Alabama and Mississippi. (See Mississippi.)								
	West Point Dam, Ala. and Ga. (See Georgia.)								
	Alaska:								
(MP)	Bradley Lake power project		100,000		100,000		100,000		100,000
(FC)	Chena River Reservoirs, Fairbanks		150,000		150,000		150,000		150,000
(N)	King Cove Harbor						60,000		60,000
(MP)	Snettisham power project	#2,200,000		5,350,000		5,900,000		5,350,000	
	Arizona:								
(FC)	Gila River and tributaries below Painted Rock		774,000		2,489,000		2,489,000		2,489,000
(FC)	Phoenix and vicinity		1,000,000		1,000,000		1,000,000		1,000,000
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	#100,000		150,000		150,000		150,000	
(FC)	Winslow	#100,000		550,000		550,000		550,000	
	ArkaAnsas:								
(N)	kansas River and tributaries, Arkansas and Oklahoma: (a)Bank stabilization and channel rectification	3,500,000		3,500,000		3,500,000		3,500,000	
B	(b) Navigation locks and dams	#58,000,000		58,000,000		59,500,000		59,500,000	
(FC)	ayou Bartholomew (1950 and 1966 acts), Arkansas and Louosiana		119,000		119,000		119,000		119,000
(FC)	Bell Filey Reservoir				150,000		150,000		150,000
(MP)	Dardanelle lock and dam	4,346,000		4,346,000		4,346,000		4,346,000	
(MP)	De Gray Reservoir	5,600,000		5,600,000		5,600,000		5,600,000	
(FC)	De Queen Reservoir	#300,000		300,000		300,000		300,000	
(FC)	Dierks Reservoir	#466,000		466,000		466,000		466,000	
(FC)	Garland City	200,000		200,000		200,000		200,000	
(FC)	G ilham Reservoir	#1,100,000		1,600,000		1,600,000		1,600,000	
(MP)	Narrows Dam (3d unit)	200,000		200,000		200,000		200,000	
(N)	Ouachita and Black Rivers, Ark. and La	9,000,000		9,000,000		9,560,000		9,560,000	
(MP)	Ozark lock and dam	8,000,000		8,000,000		8,000,000		8,000,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	600,000		600,000		1,000,000		1,000,000	
	California:								
(FC)	Alameda Creek, Del Valle Dam	2,200,000		2,200,000		2,200,000		2,200,000	
(FC)	Bear Creek	127,000		127,000		127,000		127,000	
(FC)	Buchanan Reservoir	150,000		500,000		500,000		500,000	
(FC)	Butler Valley Reservoir		#200,000		200,000		200,000		200,000
(FC)	Corte Madera Creek	1,850,000		1,850,000		1,850,000		1,850,000	
((N)	Crescent City Harbor		#25,000		25,000		25,000		25,000
(FC)	Cucamonga Creek				400,000		400,000		400,000
(FC)	Dry Creek (Warm Springs) Reservoir	1,500,000		1,500,000		2,500,000		2,500,000	
(FC)	Hidden Reservoir	360,000		360,000		600,000		600,000	
(FC)	Klamath River	#100,000		447,000		447,000		447,000	
(FC)	Lakeport Reservoir, Scotts Creek		359,000		359,000		359,000		359,000
(FC)	Los Angeles County drainage area	200,000		200,000		200,000		200,000	
(FC)	Lytle and Wam Creeks					500,000			
	Martis Creek Reservoir, Calif. and Nev. (See Nevada.)								
(MP)	Marysville Reservoir		750,000		750,000		750,000		750,000
(FC)	Mojave River Reservoir (West Fork)	3,600,000		3,600,000		4,000,000		4,000,000	
(FC)	Napa River			50,000		50,000		50,000	
(FC)	New Bullards Bar Reservoir (reimbursement)	3,155,000		4,500,000		4,500,000		4,500,000	
(FC)	New Don Pedro Reservoir (reimbursement)	1,940,000		1,940,000		1,940,000		1,940,000	
(MP)	New Melones Reservoir	#1,230,000		3,000,000		3,000,000		3,000,000	
(N)	Oakland Harbor	100,000		100,000		100,000		100,000	
(FC)	Pajaro River (1966 act)		200,000		200,000		200,000		200,000
(FC)	Pine Flat Reservoir	266,000		266,000		266,000		266,000	
(BE)	Point Mugu to San Pedro breakwater (reimbursement)	900,000		900,000		900,000		900,000	
(N)	Port Hueneme						50,000		50,000
(FC)	Russian River Basin (Coyote Valley Dam)	100,000		100,000		100,000		100,000	
(FC)	Sacramento River and major and minor tributaries	200,000		200,000		200,000		200,000	
(FC)	Sacramento River bank protection	2,000,000		2,000,000		2,500,000		2,500,000	
(N)	Sacramento River deepwater ship channel	100,000		100,000		100,000		100,000	
(N)	San Diego Harbor				100,000		100,000		100,000
(N)	San Diego River and Mission Bay	670,000		670,000		670,000		670,000	
(FC)	San Diego River and Mission Valley		400,000		400,000		400,000		400,000
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	#300,000		550,000		550,000		550,000	
(N)	Santa Cruz Harbor					260,000		260,000	
(FC)	Santa Paula Creek			250,000		250,000		250,000	
(FC)	Sonoma Creek		343,000		343,000		343,000		343,000
(BE)	Surfside-Sunset, Newport Beach (reimbursement)	1,754,000		1,754,000		1,754,000		1,754,000	
(FC)	Sweetwater River		150,000		150,000		150,000		150,000
(FC)	Tahquitz Creek			250,000		250,000		250,000	
(FC)	Walnut Creek	1,800,000		1,800,000		1,800,000		1,800,000	
	Colorado:								
(FC)	Bear Creek (Mount Carbon) Reservoir		#150,000		150,000		150,000		150,000
(FC)	Chatfield Reservoir	#7,000,000		9,500,000		10,000,000		9,500,000	
(FC)	Trinidad Reservoir	#2,100,000		2,350,000		2,350,000		2,350,000	
	Connecticut:								
(FC)	Ansonia-Derby	4,000,000		4,000,000		4,000,000		4,000,000	
(FC)	Black Rock Reservoir	1,335,000		1,335,000		1,335,000		1,335,000	
(FC)	Derby	#100,000		700,000		700,000		700,000	
(FC)	New London Barrier	100,000		100,000		100,000		100,000	
(FC)	Stratford		246,000		246,000		246,000		246,000
(FC)	Trumbull Pond Reservoir		255,000		255,000		255,000		255,000

Footnote at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Delaware:								
	Delaware River Philadelphia to the Sea, Del., Pa., and N.J. (See New Jersey.)								
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland	#$6,000,000		$6,250,000		$7,000,000		$6,500,000	
	Florida:								
(N)	Apalachicola River channel improvement	500,000		500,000		500,000		500,000	
(N)	Canaveral Harbor	#0		150,000		150,000		150,000	
(FC)	Central and southern Florida	#9,000,000		9,500,000		10,000,000		9,500,000	
(N)	Cross-Florida Barge Canal	6,000,000		6,000,000		9,000,000		7,500,000	
(FC)	Four Rivers basins	#3,000,000		3,500,000		4,000,000		3,500,000	
(N)	Intracoastal Waterway—St. Marks to Tampa (ecological study)				$20,000		$20,000		$20,000
(N)	Jacksonville Harbor (1965 act)	#200,000		700,000		700,000		700,000	
(N)	Miami Harbor						140,000		140,000
(BE)	Palm Beach County, Lake Worth Inlet to South Lake Worth Inlet (reimbursement)	4,000		4,000		4,000		4,000	
	Georgia:								
(MP)	Carters Dam	#6,300,000		6,700,000		6,700,000		6,700,000	
(N)	Savannah Harbor, 40 feet (1965 act)	#1,500,000		1,850,000		1,850,000		1,850,000	
(N)	Savannah Harbor (sediment basin)	#500,000		1,100,000		1,100,000		1,100,000	
(MP)	Spewrell Bluff Dam (land acquisition)					1,100,000		750,000	
(MP)	Trotters Shoals Reservoir, Ga. and S.C		$900,000		900,000		900,000		900,000
(MP)	West Point Reservoir, Ala. and Ga	#10,200,000		10,200,000		10,200,000		10,200,000	
	Hawaii:								
(N)	Barbers Point Harbor					1,000,000			
(N)	Kawaihae Harbor					1,000,000		750,000	
(BE)	Waikiki Beach					500,000		500,000	
	Idaho:								
(FC)	Blackfoot Reservoir		90,000		90,000		90,000		90,000
(MP)	Dworshak (Bruces Eddy) Reservoir	#44,700,000		44,700,000		47,000,000		46,350,000	
(FC)	Ririe Reservoir	#600,000		700,000		700,000		700,000	
	Illinois:								
(FC)	East St. Louis and vicinity		200,000		229,000		229,000		229,000
(FC)	Fulton (1968 act)		#30,000		30,000		30,000		30,000
(N)	Horse Island and Crescent Bridge (Mississippi River), Ill. and Iowa	750,000		750,000		750,000		750,000	
(FC)	Hunt Drainage District and Lima Lake Drainage District	831,000		831,000		831,000		831,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	2,700,000		2,700,000		2,700,000		2,700,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana		50,000		50,000		50,000		50,000
(FC)	Indian Grave Drainage District	277,000		277,000		277,000		277,000	
(N)	Kaskaskia River (navigation)	#9,377,000		10,188,000		11,000,000		11,000,000	
(FC)	Levee District 21 (Vandalia), Kaskaskia River		59,000		59,000		59,000		59,000
(FC)	Levee District 23 (Dively), Kaskaskia River		75,000		75,000		75,000		75,000
(FC)	Levee unit No. 1, Wabash River (restudy)		10,000		10,000		10,000		10,000
(FC)	Lincoln Reservoir Land acquisition					1,500,000		500,000	
(N)	Lock and dam 26, Alton, Mississippi River				350,000		700,000		350,000
	Lock and dam 52, Illinois and Kentucky. (See Kentucky.)								
(FC)	Louisville Reservoir				75,000		75,000		75,000
(FC)	Milan (1968 act)				30,000		30,000		30,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.: Regulating works	1,000,000		1,000,000		2,000,000		1,500,000	
(N)	Mound City lock and dam Illinois and Kentucky		436,000		436,000		436,000		436,000
(FC)	Oakley Reservoir (land acquisition)	#500,000		100,000		50,0000		300,000	
(FC)	Peoria		50,000		50,000		50,000		50,000
(FC)	Rend Lake Reservoir	8,200,000		8,200,000		8,200,000		8,200,000	
(FC)	Rockford		155,000		155,000		155,000		155,000
(FC)	Rock Island	#150,000		150,000		150,000		150,000	
(FC)	Saline River and tributaries	#1,200,000		1,350,000		1,450,000		1,350,000	
(FC)	Shawneetown (restudy)		30,000		30,000		30,000		30,000
(FC)	Shelbyville Reservoir	#3,000,000		3,150,000		3,150,000		3,150,000	
(N)	Smithland locks and dam, Illinois and Kentucky	500,000		500,000		1,000,000		750,000	
(FC)	Wood River Drainage and Levee District		31,000		31,000		31,000		31,000
	Indiana:								
(FC)	Big Walnut Reservoir		50,000		35,000		35,000		35,000
(FC)	Brookville Reservoir	#1,400,000		1,400,000		1,400,000		1,400,000	
(N)	Burns Waterway Harbor (reimbursement)	5,520,000		5,520,000		5,520,000		5,520,000	
(N)	Cannelton locks and dam, Indiana and Kentucky	7,100,000		7,100,000		7,100,000		7,100,000	
(FC)	Evansville					500,000		500,000	
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)								
(FC)	Island levee	#100,000		100,000		100,000		100,000	
(FC)	Lafayette Reservoir (land acquisition)					750,000		400,000	
(FC)	Mason J. Niblack Levee (pumping facilities)				40,000		40,000		40,000
(N)	Newburgh locks and dam, Indiana and Kentucky	#2,100,000		3,200,000		3,600,000		3,200,000	
(FC)	Patoka Reservoir (land acquisition)	#400,000		400,000		400,000		400,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	#4,500,000		4,500,000		4,500,000		4,500,000	
(FC)	West Terre Haute	#170,000		235,000		235,000		235,000	
	Iowa:								
(FC)	Ames Reservoir (land acquisition)			400,000		400,000		400,000	
(FC)	Big Sioux River at Sioux City, Iowa and South Dakota				70,000		70,000		70,000
(FC)	Clinton (1968 act)		#30,000		30,000		30,000		30,000
(FC)	Davids Creek Reservoir				100,000		100,000		100,000
(FC)	Dubuque	2,100,000		2,550,000		2,500,000		2,550,000	
(FC)	Guttenberg					100,000		100,000	
	Horse Island and Crescent Bridge, Mississippi River, Ill. and Iowa. (See Illinois.)								
(FC)	Iowa River Flint Creek Levee District No. 16	#100,000		150,000		150,000		150,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	#1,200,000		1,500,000		2,000,000		1,500,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	4,500,000		4,500,000		6,000,000		5,250,000	
(FC)	Rathbun Reservoir	2,600,000		2,600,000		3,000,000		3,000,000	
(FC)	Red Rock Dam and Lake Red Rock	2,000,000		2,000,000		2,000,000		2,000,000	
(FC)	Saylorville Reservoir	3,700,000		3,700,000		3,700,000		3,700,000	
(FC)	Waterloo			200,000		200,000		200,000	

Footnote at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Kansas:								
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
(FC)	Cedar Point Reservoir						$75,000		$75,000
(FC)	Clinton Reservoir (land acquisition)	$1,000,000		$1,000,000		$1,000,000		$1,000,000	
(FC)	Cow Creek, Hutchinson	#100,000		200,000		200,000		200,000	
(FC)	El Dorado Reservoir (land acquisition)			700,000		700,000		700,000	
(FC)	Hillsdale Reservoir		$275,000		$275,000		275,000		275,000
(FC)	Kansas City (1962 mod)	#350,000		425,000		425,000		425,000	
(FC)	Lawrence	#1,000,000		1,200,000		1,200,000		1,200,000	
(FC)	Melvern Reservoir	7,700,000		7,700,000		7,700,000		7,700,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Onaga Reservoir		250,000		250,000		250,000		250,000
(FC)	Osawatomie	962,000		962,000		962,000		962,000	
(FC)	Perry Reservoir	3,800,000		3,800,000		4,000,000		4,000,000	
(FC)	Topeka	850,000		850,000		850,000		850,000	
(FC)	Towanda Reservoir						100,000		
	Kentucky:								
(FC)	Booneville Reservoir		230,000		230,000		230,000		230,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Carr Fork Reservoir	#2,130,000		3,380,000		3,380,000		3,380,000	
(FC)	Cave Run Reservoir	#3,800,000		3,800,000		3,800,000		3,800,000	
(FC)	Dayton		89,000		89,000		89,000		89,000
(FC)	Eagle Creek Reservoir		178,000		178,000		178,000		178,000
(FC)	Falmouth Reservoir				50,000		50,000		50,000
(FC)	Frankfort, North Frankfort area	824,000		824,000		824,000		824,000	
(FC)	Kehoe Reservoir		150,000		150,000		150,000		150,000
(MP)	Laurel River Reservoir	#2,740,000		2,740,000		2,740,000		2,740,000	
(N)	Lock and dam 52, Illinois and Kentucky	1,684,000		1,684,000		1,684,000		1,684,000	
(FC)	Martin			150,000		150,000		150,000	
(FC)	Martins Fork Reservoir, land acquisition					500,000		300,000	
	Mound City lock and dam, Illinois and Kentucky. (See Illinois.)								
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Paintsville Reservoir		157,000		157,000		157,000		157,000
(FC)	Red River Reservoir	#500,000		500,000		500,000		500,000	
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)								
(FC)	Southwestern Jefferson County		50,000		50,000		50,000		50,000
(FC)	Taylorsville Reservoir		236,000		236,000		236,000		236,000
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Yatesville Reservoir		181,000		181,000		181,000		181,000
	Louisiana:								
(N)	Atchafalaya River, Bayous Chene, Boeuf, and Black				50,000		50,000		50,000
	Bayou Bartholomew, Ark. and La. (See Arkansas.)								
(FC)	Bayou Bodcau and tributaries					100,000		100,000	
(N)	Bayou LaFourche and LaFourche Jump Waterway	#100,000		250,000		250,000		250,000	
(FC)	Caddo Dam	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Lake Pontchartrain, and vicinity	6,000,000		6,000,000		8,500,000		8,500,000	
(N)	Mermentau River					800,000		500,000	
(N)	Michoud Canal		15,000		15,000		50,000		50,000
(N)	Mississippi River, gulf outlet	800,000		800,000		800,000		800,000	
(FC)	Monroe Floodwall (1965 and 1966 Acts)		116,000		116,000		116,000		116,000
(FC)	Morgan City and vicinity	#150,000		175,000		200,000		175,000	
(FC)	New Orleans to Venice hurricane protection	#500,000		1,400,000		1,400,000		1,400,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)								
	Overton-Red River Waterway (lower 31 miles only)	#200,000		600,000		600,000		600,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
	Red River emergency bank protection					1,900,000		1,900,000	
(N)	Vermilion lock (replacement)		70,000		70,000		70,000		70,000
	Maine:								
(MP)	Dickey-Lincoln School Dam and reservoirs		807,000				807,000		
	Maryland:								
(FC)	Bloomington Reservoir, Md. and W. Va	#1,300,000		1,400,000		1,400,000		1,400,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)								
	Massachusetts:								
(FC)	Charles River Dam		150,000		150,000		150,000		150,000
(N)	Fall River Harbor, Mass. and R.I		100,000		100,000		150,000		150,000
(FC)	Nookagee Reservoir		200,000		200,000		200,000		200,000
(R)	Plymouth Harbor	395,000		395,000		395,000		395,000	
(N)	Provincetown Harbor	#100,000		250,000		250,000		250,000	
(N)	Weymouth Fore and Town Rivers	#100,000		1,000,000		1,000,000		1,000,000	
(FC)	Whitmanville Reservoir		245,000		245,000		245,000		245,000
	Michigan:								
(N)	Cedar River Harbor					150,000			
(N)	Lexington Harbor				45,000		45,000		45,000
(FC)	River Rouge	#500,000		500,000		500,000		500,000	
(FC)	Saginaw River (flood control)	1,200,000		1,200,000		1,200,000		1,200,000	
(N)	Saginaw River (navigation)	2,496,000		2,496,000		2,496,000		2,496,000	
(R)	St. Joseph Harbor	350,000		350,000		350,000		350,000	
	Minnesota:								
(FC)	Big Stone Lake-Whetstone River, Minn., and S. Dak. (land acquisition)					200,000		200,000	
(FC)	Roseau River			50,000		50,000		50,000	
(FC)	Warroad River and Bulldog Creek		50,000		50,000		50,000		50,000
	Mississippi:								
(N)	Biloxi Harbor	330,000		330,000		330,000		330,000	
(FC)	Tallahala Reservoir						200,000		200,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)								
(FC)	Tombigbee River and tributaries, Alabama and Mississippi	#300,000		650,000		650,000		650,000	
	Missouri:								
(FC)	Brookfield Reservoir				100,000		100,000		100,000
(FC)	Chariton River (1944 act)	#1,300,000		1,400,000		1,500,000		1,400,000	
(MP)	Clarence Cannon (Joanna) Reservoir	#2,750,000		2,925,000		2,925,000		2,925,000	

Footnote at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Missouri—Continued								
(FC)	Gregory Drainage District	$538,000		$538,000		$538,000		$538,000	
(MP)	Kaysinger Bluff Reservoir	6,500,000		6,500,000		10,000,000		9,500,000	
(FC)	Little Blue River reservoirs (land acquisition)	#500,000		650,000		650,000		650,000	
(FC)	Long Branch Reservoir		$54,000		$54,000		$54,000		$54,000
(FC)	Meramec Park Reservoir (land acquisition)	700,000		700,000		700,000		700,000	
(FC)	Mississippi River Agricultural Area #8 (Elsberry)						120,000		
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)								
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Pattonsburg Reservoir (Highway I-35 crossing)	500,000		500,000		500,000		500,000	
(FC)	Platte River		103,000		103,000		103,000		103,000
(FC)	St. Louis	#2,700,000		2,800,000		2,800,000		2,800,000	
(FC)	Smithville Reservoir		275,000		275,000		275,000		275,000
(MP)	Stockton Reservoir	5,000,000		5,000,000		5,000,000		5,000,000	
(FC)	Union Reservoir		500,000		500,000	1,050,000			500,000
	Union Reservoir participation in State Highway No. 185 crossing.							300,000	
	Montana:								
(FC)	Great Falls	#0		400,000		400,000		400,000	
(MP)	Libby Reservoir	#48,500,000		48,500,000		52,600,000		50,800,000	
	Nebraska:								
(FC)	Columbus (section 205)	(300,000)				(300,000)		(300,000)	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Papillion Creek and tributaries		#75,000		75,000		300,000		300,000
	Nevada:								
(FC)	Martis Creek Reservoir, Calif. and Nev	520,000		520,000		520,000		520,000	
	New Hampshire:								
(FC)	Beaver Brook Reservoir		25,000		25,000		25,000		25,000
	New Jersey:								
(FC)	Elizabeth	#100,000		100,000		100,000		100,000	
(N)	Newark Bay, Hackensack and Passaic Rivers (1966 act)	#500,000		2,000,000		2,700,000		2,000,000	
(FC)	Raritan and Sandy Hook Bays	2,350,000		2,350,000		2,350,000		2,350,000	
(N)	Shrewsbury River Inlet		153,000		153,000		153,00		153,000
(FC)	South Orange, Rahway River			125,000		125,000		125,000	
(MP)	Tocks Island Reservoir, Pa., N.J., and N.Y. (land acquisition)	4,000,000		4,000,000		4,000,000		4,000,000	
	New Mexico:								
(FC)	Albuquerque diversion channels	#1,700,000		2,200,000		2,200,000		2,200,000	
(FC)	Cochiti Reservoir	#700,000		1,850,000		3,000,000		1,850,000	
(FC)	Galisteo Reservoir	2,069,000		2,069,000		2,069,000		2,069,000	
(FC)	Los Esteros Reservoir and modification of Alamogordo Dam		100,000		100,000		100,000		100,000
	New York:								
(BE)	Fire Island Inlet to Jones Inlet					500,000		500,000	
(FC)	Fire Island Inlet to Montauk Point	#500,000		500,000		880,000		690,000	
(N)	Hamlin Beach Harbor						40,000		40,000
(N)	Irondequoit Bay			100,000		100,000		100,000	
(N)	New York Harbor (anchorages)	#500,000		1,700,000		2,900,000		1,700,000	
(FC)	North Ellenville	#50,000		50,000		50,000		50,000	
(N)	Port Jefferson Harbor						50,000		
(FC)	Rosendale	1,300,000		1,300,000		1,300,000		1,300,000	
(FC)	Salamanca	799,000		799,000		799,000		799,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)								
(N)	Wilson Harbor (1968 Mod.)					238,000			
(FC)	Yonkers		#0				25,000		25,000
	North Carolina:								
(N)	Cape Fear River above Wilmington	357,000		357,000		357,000		357,000	
(BE)	Cape Lookout						70,000		
(FC)	Falls Reservoir (land acquisition)			500,000		500,000		500,000	
(FC)	New Hope Reservoir	#2,500,000		4,700,000		5,000,000		4,700,000	
(FC)	Randleman Reservoir						100,000		100,000
(FC)	Reddies River Reservoir (deferred)						150,000		150,000
(N)	Wilmington Harbor, 38- and 40-foot depth (1962 act)	1,765,000		1,765,000		1,765,000		1,765,000	
(N)	Wilmington Harbor (32-ft project)					200,000		200,000	
(BE)	Wrightsville Beach					200,000			
	North Dakota:								
(R)	Garrison Reservoir (embankment repair)	1,800,000		1,800,000		1,800,000		1,800,000	
(FC)	Minot (not authorized)						75,000		75,000
(FC)	Missouri River, Garrison Dam to Lake Oahe	900,000		900,000		900,000		900,000	
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)								
(FC)	Pipestem Reservoir	400,000		400,000		400,000		400,000	
	Ohio:								
(FC)	Alum Creek Reservoir	#1,300,000		1,400,000		1,400,000		1,400,000	
(FC)	Athens	2,800,000		2,800,000		2,800,000		2,800,000	
(FC)	Bellaire (restudy)		40,000		40,000		40,000		40,000
(FC)	Big Darby Creek Reservoir								
(FC)	Caesar Creek Reservoir	#1,800,000		2,250,000		2,250,000		2,250,000	
(FC)	Clarence J. Brown Dam and Reservoir	#1,600,000		1,600,000		1,600,000		1,600,000	
(FC)	East Fork Reservoir	#1,900,000		1,900,000		1,900,000		1,900,000	
(FC)	Fremont	$0		200,000		200,000		200,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	#11,000,000		11,000,000		11,000,000		11,000,000	
(N)	Huron Harbor (deferred)				20,000		20,000		20,000
(FC)	Ironton			62,000		62,000		62,000	
(FC)	Newark				75,000		75,000		75,000
(FC)	North Branch Kokosing River Reservoir	#300,000		800,000		800,000		800,000	
(FC)	Paint Creek Reservoir	#2,400,000		2,400,000		2,400,000		2,400,000	
(N)	Racine locks and dam, Ohio and West Virginia	#11,000,000		11,000,000		11,000,000		11,000,000	
(FC)	Salt Creek Reservoir		227,000		227,000		227,000		227,000
(FC)	Utica Reservoir		#75,000		75,000		75,000		75,000
(N)	Willow Island locks and dam, Ohio and West Virginia	#12,000,000		12,000,000		15,000,000		13,500,000	
(FC)	Youngstown, Crab Creek	#100,000		100,000		100,000		100,000	

Footnote at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Oklahoma:								
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)								
(FC)	Birch Reservoir					$500,000			
(MP)	Broken Bow Reservoir	$2,328,000		$2,328,000		2,328,000		$2,328,000	
(FC)	Candy Reservoir		$232,000		$232,000		$232,000		$232,000
(FC)	Clayton Reservoir		225,000		225,000		225,000		225,000
(FC)	Copan Reservoir (land acquisition)					1,000,000		600,000	
(FC)	Crutcho Creek	=100,000		300,000		300,000		300,000	
(FC)	Hugo Reservoir	7,500,000		7,500,000		7,500,000		7,500,000	
(FC)	Kaw Reservoir	#6,400,000		6,850,000		6,850,000		6,850,000	
(FC)	Lukfata Reservoir			350,000		700,000		525,000	
(FC)	Oologah Reservoir	3,400,000		3,400,000		3,400,000		3,400,000	
(FC)	Optima Reservoir	#500,000		500,000		500,000		500,000	
(MP)	Robert S. Kerr (Short Mountain) lock and dam	8,800,000		8,800,000		8,800,000		8,800,000	
(FC)	Waurika Reservoir	#1,100,000		1,100,000		1,100,000		1,100,000	
(MP)	Webbers Falls lock and dam	10,000,000		10,000,000		10,000,000		10,000,000	
	Oregon:								
(MP)	Bonneville lock and dam (2d power unit), Oregon and Washington		715,000		715,000		715,000		715,000
(MP)	Bonneville lock and dam (modified for peaking), Oregon and Washington	#350,000		375,000		400,000		400,000	
(FC)	Catherine Creek Reservoir		300,000		300,000		300,000		300,000
(N)	Chetco River	614,000		614,000		614,000		614,000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	2,000,000		2,000,000		2,000,000		2,000,000	
(MP)	John Day lock and dam, Oregon and Washington	#14,500,000		14,500,000		14,500,000		14,500,000	
(MP)	Lost Creek Reservoir	#1,750,000		3,650,000		3,650,000		3,650,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	400,000		400,000		750,000		575,000	
(FC)	Lower Grande Ronde Reservoir						250,000		
(MP)	McNary lock and dam, Oregon and Washington	2,500,000		2,500,000		2,500,000		2,500,000	
(FC)	Scappose Drainage District		46,000		46,000		46,000		46,000
(MP)	The Dalles lock and dam, Oregon and Washington (additional power units)	#8,000,000		9,000,000		9,000,000		9,000,000	
(N)	Tillamook Bay (south jetty)	1,800,000		1,800,000		1,800,000		1,800,000	
(FC)	Willamette River Basin bank protection	375,000		375,000		500,000		500,000	
(N)	Yaquina Bay and Harbor	#100,000		150,000		500,000		325,000	
	Pennsylvania:								
(FC)	Beltzville Reservoir	4,200,000		4,200,000		4,200,000		4,200,000	
(FC)	Blue Marsh Reservoir (land acquisition)	700,000		700,000		1,000,000		700,000	
(FC)	Chartiers Creek	#2,600,000		2,600,000		2,600,000		2,600,000	
(FC)	Cowanesque Reservoir		316,000		316,000		316,000		316,000
	Delaware River, Philadelphia to sea, Del., Pa., and N.J. (See New Jersey.)								
(FC)	Dubois			100,000		100,000		100,000	
(FC)	Foster Joseph Sayers Dam (Blanchard)	1,912,000		1,912,000		1,912,000		1,912,000	
(FC)	Muddy Creek Reservoir		100,000		100,000		100,000		100,000
(BE)	Presque Isle Peninsula (reimbursement)	300,000		300,000		300,000		300,000	
(FC)	Raystown Reservoir	#8,200,000		8,400,000		8,400,000		8,400,000	
(FC)	Tioga-Hammond Reservoir (land acquisition)	1,000,000		1,000,000		1,000,000		1,000,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)								
(FC)	Tyrone		72,000		72,000		72,000		72,000
(FC)	Union City Reservoir	4,500,000		4,500,000		4,500,000		4,500,000	
(FC)	Woodcock Creek Reservoir	#1,550,000		1,550,000		1,550,000		1,550,000	
	Rhode Island:								
(BE)	Cliff Walk	#100,000		100,000		100,000		100,000	
	Fall River Harbor, Mass. and R.I. (See Mass.)								
(N)	Providence River and Harbor	4,000,000		4,000,000		5,000,000		5,000,000	
	South Carolina:								
(N)	Cooper River-Charleston Harbor (1968 act)				200,000		200,000		200,000
	Trotters Shoals Reservoir, Ga. and S.C. (See Georgia.)								
	South Dakota:								
(MP)	Big Bend Dam-Lake Sharpe	900,000		900,000		1,100,000		1,100,000	
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa.)								
	Big Stone Lake-Whetstone River, Minn., and S. Dak. (land acquisition). (See Minnesota.)								
(FC)	Cottonwood Springs Reservoir	540,000		540,000		540,000		540,000	
(MP)	Oahe Reservoir, S. Dak. and N. Dak	2,000,000		2,000,000		2,600,000		2,300,000	
	Tennessee:								
(MP)	Cordell Hull lock and dam	#7,500,000		7,550,000		7,550,000		7,550,000	
(MP)	J. Percy Priest Reservoir	2,136,000		2,136,000		2,136,000		2,136,000	
	Texas:								
(FC)	Arkansas-Red River chloride control (pt. I), Texas, Oklahoma, and Kansas		436,000		436,000		436,000		436,000
(FC)	Arkansas-Red River chloride control (supplemental studies), Texas, Oklahoma, and Kansas		749,000		9 74,000		749,000		749,000
(FC)	Aubrey Reservoir						150,000		150,000
(FC)	Belton Reservoir (raise water level)	#100,000		200,000		200,000		200,000	
(FC)	Buffalo Bayou and tributaries	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	Cedar Bayou (deferred)						15,000		15,000
(FC)	Cooper Reservoir and channels	500,000		1,580,000		1,580,000		1,580,000	
(N)	Corpus Christi Ship Channel						35,000		35,000
(FC)	Duck Creek channel improvement		125,000		125,000		125,000		125,000
(FC)	Elm Fork Floodway		50,000		50,000		50,000		50,000
(FC)	El Paso	#300,000		350,000		350,000		350,000	
(FC)	Fort Worth Floodway, Clear Fork extension	#1,360,000		1,360,000		1,360,000		1,360,000	
(FC)	Freeport and vicinity	2,200,000		2,200,000		2,200,000		2,200,000	
(R)	Galveston Harbor and Channel (groins)	940,000		940,000		940,000		940,000	
(FC)	Highland Bayou	#100,000		300,000		300,000		300,000	
(FC)	Lake Kemp Reservoir	#1,000,000		1,000,000		1,000,000		1,000,000	

Footnote at **end of table.**

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Texas—Continued								
(FC)	Lakeview Reservoir		$300,000		$300,000		$300,000		$300,000
(FC)	Lavon Reservoir modification and channel improvement	#$2,500,000		$3,750,000		$3,750,000		$3,750,000	
(FC)	Millican Reservoir						200,000		
(N)	Mouth of Colorado River				75,000		75,000		75,000
(FC)	Pat Mayse Reservoir	200,000		200,000		200,000		200,000	
(FC)	Port Arthur and vicinity (hurricane flood protection)	5,000,000		5,000,000		5,000,000		5,000,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	4,700,000		4,700,000		5,000,000		5,000,000	
(FC)	San Antonio Channel	#900,000		1,200,000		1,200,000		1,200,000	
(FC)	San Gabriel River tributary to Brazos River (land acquisition).	750,000		750,000		1,000,000		900,000	
(FC)	Taylors Bayou			250,000		250,000		250,000	
(FC)	Texas City, hurricane protection	1,100,000		1,100,000		1,100,000		1,100,000	
(N)	Trinity River bridges	#1,300,000		1,400,000		1,400,000		1,400,000	
(N)	Trinity River project		150,000		150,000		150,000		150,000
(FC)	Vince and Little Vince Bayous	700,000		700,000		700,000		700,000	
(N)	Wallisville Reservoir, Trinity River	#1,900,000		1,900,000		1,900,000		1,900,000	
(MP)	Whitney Reservoir (raise power pool)			150,000		300,000		300,000	
	Utah:								
(FC)	Little Dell Reservoir						400,000		400,000
	Vermont:								
(FC)	Gaysville Reservoir		500,000		500,000				
	Virginia:								
(FC)	Gathright Reservoir	#1,500,000		1,900,000		1,900,000		1,900,000	
(N)	Hampton Roads	#2,300,000		3,200,000		3,500,000		3,500,000	
(N)	James River		#0				50,000		50,000
(MP)	Salem Church Reservoir		#150,000		35,000		150,000		150,000
(BE)	Virginia Beach (reimbursement)	85,000		85,000		85,000		85,000	
	Washington:								
	Bonneville lock and dam (2d power unit), (mod. for peaking) Oregon and Washington. (See Oregon.)								
(MP)	Chief Joseph Dam (additional power units)		500,000				500,000		500,000
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)								
(N)	Everett Harbor and Snohomish River (1968 act)		52,000		52,000		52,000		52,000
	John Day lock and dam, Oregon and Washington. (See Oregon.)								
(MP)	Little Goose lock and dam	#13,000,000		13,000,000		13,000,000		13,000,000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(MP)	Lower Granite lock and dam	#0		1,000,000		3,000,000		2,000,000	
(MP)	Lower Monumental lock and dam	8,000,000		8,000,000		8,000,000		8,000,000	
	McNary lock and dam, Oregon and Washington. (See Oregon.)								
	The Dalles lock and dam, Oregon and Washington. (See Oregon.)								
(FC)	Vancouver Lake				50,000		50,000		50,000
(FC)	Wynoochee River Reservoir	#750,000		2,000,000		2,000,000		2,000,000	
(FC)	Yakima River at Ellensburg (restudy)		13,000		13,000		13,000		13,000
	West Virginia:								
(FC)	Beech Fork Lake	#1,000,000		1,000,000		1,000,000		1,000,000	
	Bloomington Reservoir, Md. and W. Va. (See Maryland.)								
(FC)	Burnsville Lake (land acquisition)	700,000		700,000		1,000,000		850,000	
(FC)	East Lynn Lake	7,800,000		7,800,000		7,800,000		7,800,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	R. D. Bailey (Justice) Lake	#10,700,000		10,700,000		10,700,000		10,700,000	
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	Rowlesburg Lake land acquisition					1,000,000		900,000	
(FC)	Stonewall Jackson Lake (land acquisition)			425,000		600,000		600,000	
(FC)	West Fork Lake		250,000		250,000		250,000		250,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)								
	Wisconsin:								
(N)	Green Bay Harbor (1962 act)	1,250,000		1,250,000		1,250,000		1,250,000	
(FC)	La Farge Reservoir, Kickapoo River (land acquisition)	750,000		750,000		750,000		750,000	
(R)	Racine Harbor	100,000		100,000		100,000		100,000	
	Miscellaneous:								
(FC)	Emergency bank protection	300,000				300,000			
(FC)	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)	8,000,000		6,500,000		8,000,000		7,250,000	
(FC)	Snagging and clearing	200,000				200,000			
(N)	Small navigation projects not requiring specific legislation costing up to $500,000 (sec. 107)	2,500,000		1,740,000		2,500,000		2,000,000	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $500,000 (sec. 103)	500,000				500,000		500,000	
	Recreation facilities, completed projects	#6,000,000		6,400,000		7,500,000		6,548,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	600,000		600,000		600,000		600,000	
	Aquatic plant control (1965 act)	1,000,000		1,000,000		2,000,000		1,500,000	
	Employees compensation	705,000		705,000		705,000		705,000	
	Reduction for anticipated savings and slippages	−44,100,000		−44,100,000		−44,100,000		−44,100,000	
	1969 reserve applied in fiscal year 1970	−43,785,000		−43,785,000		−43,785,000		−43,785,000	
	Grand total, construction, general	608,681,000	18,374,000	650,801,000	21,181,000	715,851,000	24,618,000	688,821,000	23,171,000
		(627,055,000)		(671,982,000)		(740,469,000)		(711,992,000)	

Reflects changes made by the revised approved budget, submitted in H. Doc. No. 93-300, dated Apr. 15, 1969.

Mr. ELLENDER. Mr. President, for Mississippi River and tributaries, the conference bill provides $80,820,000, which is $6,220,000 above the House allowance and the budget estimate, and $6,220,000 below the amount allowed by the Senate.

I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed for the Mississippi River and tributaries.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, FISCAL YEAR 1970

Project	Revised approved budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. General investigations:								
(a) Examinations and surveys	$1,120,000		$1,142,000		$1,500,000		$1,202,000	
(b) Collection and study of basic data	110,000		110,000		110,000		110,000	
Subtotal, general investigations	1,230,000		1,252,000		1,610,000		1,312,000	
2. Construction and planning:								
Mississippi River levees	$1,800,000		$1,800,000		$2,750,000		$2,750,000	
Channel improvement	26,940,000		26,940,000		30,000,000		27,940,000	
Old River	200,000		200,000		200,000		200,000	
St. Francis Basin	4,000,000		4,000,000		6,000,000		5,000,000	
Lower White River:								
Big Creek and tributaries		$130,000		$130,000		$130,000		$130,000
Clarendon levee		20,000		20,000		20,000		20,000
Cache River			50,000		100,000		50,000	
West Tennessee tributaries	600,000		600,000		750,000		600,000	
Tensas Basin:								
Boeuf and Tensas Rivers, etc	600,000		600,000		750,000		600,000	
Red River backwater	1,000,000		1,000,000		1,000,000		1,000,000	
Yazoo Basin:								
Sardis Reservoir	50,000		50,000		50,000		50,000	
Enid Reservoir	50,000		50,000		50,000		50,000	
Arkabutla Reservoir	50,000		50,000		50,000		50,000	
Grenada Reservoir	50,000		50,000		50,000		50,000	
Greenwood	250,000		250,000		250,000		250,000	
Upper auxiliary channels			60,000		60,000		60,000	
Main stem	100,000		100,000		100,000		100,000	
Tributaries	1,500,000		1,540,000		1,540,000		1,540,000	
Big Sunflower River, etc	500,000		500,000		600,000		500,000	
Yazoo backwater	1,450,000		1,450,000		1,450,000		1,450,000	
Lower Red River, south bank	200,000		200,000		500,000		200,000	
Atchafalaya Basin	7,250,000		7,250,000		10,000,000		8,250,000	
Mississippi Delta region (salinity control structures)		80,000		80,000		80,000		80,000
Tech Vermilion Basin		150,000		150,000		150,000		150,000
West Kentucky tributaries		100,000		100,000		100,000		100,000
Subtotal, construction and planning	46,590,000	480,000	46,740,000	480,000	56,250,000	480,000	52,002,000	480,000
Reduction for anticipated savings and slippages	−1,300,000		−1,472,000		−1,300,000		−1,472,000	
Total, construction and planning	45,290,000	480,000	45,268,000	480,000	54,950,000		51,010,000	
3. Maintenance	27,600,000		27,600,000		30,000,000		29,810,000	
Grand total	(74,600,000)		(74,600,000)		(87,040,000)		(80,820,000)	

Note: The revised approved budget submitted by H. Doc. 91–100, dated Apr. 15, 1969, made no changes from the original approved budget for Mississippi River and tributaries.

Mr. ELLENDER. Mr. President, for title III, the conference bill provides $1,282,033,500 which is $202,130,000 below the amount approved by the Senate; $206,360,000 above the House allowance; $596,261,500 above the budget; and $569,324,000 above the appropriation for 1969.

With respect to the Federal Water Pollution Control Administration, for construction grants for waste treatment works, the conference bill allows—as was just stated in the colloquy between the distinguished Senator from Maine and me—$800 million, which is $200 million below the amount approved by the Senate; $200 million above the amount allowed by the House; $586 million above the budget estimate; and $586 million above the appropriation for fiscal year 1969.

I regret, Mr. President, as I stated a moment ago, that the Senate was not able to sustain the entire amount that this body voted last week; but all in all, it is my sincere belief that we did a very good job in at least increasing the amount to the $800 million agreed to. The budget estimate itself is far below the authorization. I hope that as a result of the conference action, the administration will recommend an appropriation for fiscal year 1971 which is equal to the authorization. I believe we are all aware of the critical need to move forward in a positive manner to combat pollution of our streams and lakes.

Mr. President, for the Bureau of Reclamation the conferees agreed on an increase of $30,000 for general investigations. The conferees agreed to the Senate increases for construction and rehabilitation, and allowed $2 million of the $4,000,000 Senate increase for the Bonneville unit of the central Utah unit of the Upper Colorado River storage project.

I ask unanimous consent that tabulations showing the details of the conference agreement for construction and rehabilitation, and for the Upper Colorado River storage project, be printed in the RECORD at this point.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

BUREAU QF RECLAMATION, CONSTRUCTION AND REHABILITATION, FISCAL YEAR 1970

Construction, general State, and project	Revised budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
Arizona:								
Colorado River front work and levee system	$2,000,000		$2,000,000		$2,000,000		$2,000,000	
Pacific Northwest-Pacific Southwest intertie	8,700,000		8,700,000		8,700,000		8,700,000	
Parker-Davis project	1,046,000		1,046,000		1,046,000		1,046,000	
California:								
Central Valley project:								
Trinity division	339,000		339,000		339,000		339,000	
Sacramento River division	4,672,000		4,672,000		4,672,000		4,672,000	
San Luis unit	16,828,000		18,828,000		20,828,000		20,828,000	
(Westlands distribution and drainage system)	(5,868,000)		(6,868,000)		(7,868,000)		(7,868,000)	
(San Luis drain)	(5,100,000)		(6,100,000)		(7,100,000)		(7,100,000)	
Auburn-Folsom South unit	11,400,000		14,400,000		15,400,000		15,400,000	
Auburn Dam area	(10,936,000)		(11,936,000)		(11,936,000)		(11,936,000)	
Folsom South Canal	(464,000)		(2,464,000)		(3,464,000)		(3,464,000)	
San Felipe division		$100,000		$100,000		$100,000		$100,000

Footnote at end of table.

BUREAU OF RECLAMATION, CONSTRUCTION, AND REHABILITATION, FISCAL YEAR 1970—Continued

Construction, general, State, and project	Revised budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
California—Continued								
Central Valley project—Continued								
Delta division	$265,000		$1,115,000		$1,115,000		$1,115,000	
All other project facilities	135,000		135,000		135,000		135,000	
Total, Central Valley project	33,639,000	$100,000	39,489,000	$100,00	2,489,000	$100,000	42,489,000	$100,000
Colorado River front work and levee system. (See Arizona.)								
Pacific Northwest-Pacific Southwest intertie. (See Arizona.)								
Parker-Davis project. (See Arizona.)								
Washoe project. (See Nevada.)								
Colorado: Fryingpan-Arkansas project	7,900,000		11,500,000		11,500,000		11,500,000	
Idaho:								
Irrigation facilities, Corps of Engineers		30,000		30,000		30,000		30,000
Teton Basin project, lower Teton division	1,000,000		1,000,000		1,000,000		1,000,000	
Nevada:								
Pacific Northwest-Pacific Southwest intertie. (See Arizona.)								
Southern Nevada water project	10,800,000		15,800,000		15,800,000		15,800,000	
Parker-Davis project. (See Arizona.)								
Washoe project	2,650,000		2,650,000		2,650,000		2,650,000	
New Mexico: Pecos River Basin water salvage project	400,000		400,000		400,000		400,000	
Oklahoma: Mountain Park project		100,000		100,000		100,000		100,000
Oregon:								
Irrigation facilities, Corps of Engineers projects. (See Idaho.)								
Tualatin project		375,000		375,000		375,000		375,000
Texas:								
Palmetto Bend project				200,000		200,000		200,000
Pecos River Basin water salvage project. (See New Mexico.)								
Washington:								
Chief Joseph Dam project, Manson unit		325,000	387,500		387,500		387,500	
Chief Joseph Dam project, Whitestone Coulee unit	800,000		800,000		800,000		800,000	
Columbia Basin project:								
3d powerplant	29,550,000		29,450,000		29,450,000		29,450,000	
Columbia Basin Irrigation and other	9,680,000		10,530,000		10,530,000		10,530,000	
Irrigation facilities, Corps of Engineers projects. (See Idaho.)								
Various:								
Drainage and minor construction program:								
All-American Canal system, California	2,000		2,000		2,000		2,000	
Boulder Canyon project, Arizona-Nevada	825,000		825,000		825,000		825,000	
Buffalo Rapids project, Montana	30,000		30,000		30,000		30,000	
Crooked River extension, Oregon	144,000		144,000		144,000		144,000	
Eden project, Wyoming	500,000		500,000		500,000		500,000	
Gila project, Arizona	610,000		610,000		610,000		610,000	
Kendrick project, Wyoming	107,000		303,500		303,500		303,500	
Klamath project, Oregon-California	250,000		250,000		250,000		250,000	
Lower Rio Grande rehabilitation, Mercedes division, Texas	150,000		150,000		150,000		150,000	
Michaud Flats projects, Idaho	49,000		49,000		49,000		49,000	
Recreation facilities at existing reservoirs, various States	103,000		103,000		103,000		103,000	
San Angelo project, Texas	30,000		30,000		30,000		30,000	
Technical records and as-built drawings, Colorado	25,000		25,000		25,000		25,000	
Washita Basin project, Oklahoma	50,000		50,000		50,000		50,000	
Application of prior year funds	−131,000		−131,000		−131,000		−131,000	
Total, drainage and minor construction	2,744,000		2,940,500		2,940,500		2,940,500	
Rehabilitation and betterment of existing projects:								
All-American Canal system, Coachella division, California	800,000		800,000		800,000		800,000	
Carlsbad project, New Mexico	640,000		640,000		640,000		640,000	
Klamath project, Shasta View Irrigation District, Oregon			10,000		10,000		10,000	
Newlands project, Nevada-California	150,000		150,000		150,000		150,000	
North Platte project, Nebraska-Wyoming	59,000		59,000		59,000		59,000	
Salt River project, Arizona	550,000		550,000		550,000		550,000	
Tucumcari project, New Mexico	120,000		120,000		120,000		120,000	
Uncompahgre project, Colorado	74,000		74,000		74,000		74,000	
Yakima project, Outlook Irrigation District, Washington	205,000		205,000		205,000		205,000	
Total, rehabilitation and betterment of existing projects	2,598,000		2,608,000		2,608,000		2,608,000	
Subtotal, exclusive of Missouri River Basin project	113,507,000	930,000	129,301,000	805,000	132,301,000	805,000	132,301,000	805,000
MISSOURI RIVER BASIN PROJECT								
Kansas: Glen Elder unit	1,691,000		1,691,000		1,691,000		1,691,000	
Montana: Yellowtail unit	1,300,000		1,300,000		1,300,000		1,300,000	
Nebraska: Mid-State division		200,000		200,000		200,000		200,000
North Dakota: Garrison diversion unit	5,900,000		6,650,000		6,650,000		6,650,000	
South Dakota:								
Garrison diversion unit. (See North Dakota.)								
Oahe unit		500,000		500,000		500,000		500,000
Wyoming: Yellowtail unit. (See Montana.)								
Various:								
Transmission division	13,200,000		13,200,000		13,200,000		13,200,000	
Ainsworth unit, Nebraska	65,000		$65,000		65,000		65,000	
Bostwick division, Nebraska-Kansas	400,000		400,000		400,000		400,000	
Cedar Bluff unit, Kansas	40,000		40,000		40,000		40,000	
Crow Creek pump unit, Montana	11,000		11,000		11,000		11,000	
East Bench unit, Montana	336,000		336,000		336,000		336,000	
Farwell unit, Nebraska	80,000		80,000		80,000		80,000	
Frenchman Cambridge division, Nebraska	477,000		477,000		477,000		477,000	
Hanover Bluff unit, Wyoming	48,000		48,000		48,000		48,000	
Helena Valley unit, Montana	270,000		270,000		270,000		270,000	
Lower Marias unit, Montana	310,000		310,000		310,000		310,000	
Owl Creek unit, Wyoming	45,000		45,000		45,000		45,000	
Technical records and as-built drawings, Colorado	17,000		17,000		17,000		17,000	
Total, drainage and minor construction	2,099,000		2,099,000		2,099,000		2,099,000	
Subtotal, construction (Missouri River Basin)	24,190,000	700,000	24,940,000	700,000	24,940,000	700,000	24,940,000	
Investigations (Missouri River Basin)	1,830,000		1,830,000		1,830,000		1,830,000	
Other Department agencies	3,356,000		3,356,000		3,356,000		3,356,000	
Total, Missouri River Basin project	29,376,000	700,000	30,126,000	700,000	30,126,000	700,000	30,126,000	700,000
Subtotal, construction and rehabilitation	144,513,000		160,932,000		163,932,000		163,932,000	
Undistributed reduction based on anticipated delays	−14,613,000		−14,550,000		−14,550,000		−14,550,000	
Total, construction and rehabilitation	129,900,000		146,381,500		149,382,000		149,382,000	

Footnote at end of article.

BUREAU OF RECLAMATION, CONSTRUCTION, AND REHABILITATION, FISCAL YEAR 1970—Continued

Construction, general, State, and project	Revised budget estimate for fiscal year 1970		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
COLORADO RIVER STORAGE PROJECT								
Colorado: Curecanti unit	$3,500,000		$3,500,000		$3,500,000		$3,500,000	
Various: Transmission diversion	3,222,000		3,222,000		3,222,000		3,222,000	
PARTICIPATING PROJECTS								
Colorado:								
Bostwick Park project	1,400,000		1,400,000		1,400,000		1,400,000	
Dallas Creek project						$130,000		$130,000
Dolores project				$110,000		110,000		110,000
Fruitland Mesa project		$200,000		200,000		200,000		200,000
San Juan-Chama project	6,300,000		6,300,000		6,300,000		6,300,000	
Savery-Pot Hook project		150,000		150,000		150,000		150,000
New Mexico:								
San Juan-Chama project. (See Colorado.)								
Animas-La Plata. (See Colorado.)								
Utah:								
Central Utah project, Bonneville unit	8,000,000		8,000,000		12,000,000		10,000,000	
Central Utah project, Jensen unit		100,000		100,000		100,000		100,000
Central Utah project, Upalco unit		100,000		100,000		100,000		100,000
Lyman project. (See Wyoming.)								
Wyoming:								
Lyman project	1,350,000		1,350,000		1,350,000		1,350,000	
Savery-Pot Hook project. (See Colorado.)								
Various:								
Drainage and minor construction program:								
Colorado River Storage project:								
Glen Canyon unit, Arizona-Utah	[1] 450,000		450,000		450,000		450,000	
Navajo unit, New Mexico	170,000		170,000		170,000		170,000	
Participating projects:								
Central Utah project, Vernal unit, Utah	200,000		200,000		200,000		200,000	
Emery County project, Utah	350,000		350,000		350,000		350,000	
Hammond project, New Mexico	350,000		350,000		350,000		350,000	
Paonia project, Colorado	35,000		35,000		35,000		35,000	
Seedskadee project, Wyoming	100,000		100,000		100,000		100,000	
Silt project, Colorado	20,000		20,000		20,000		20,000	
Construction revenues	[1] −450,000		[1] −450,000		[1] −450,000		[1] −450,000	
Total, drainage and minor construction program	1,225,000		1,225,000		1,225,000		1,225,000	
Subtotal	24,997,000	550,000	24,997,000	660,000	28,997,000	790,000	26,997,000	920,000
Undistributed reduction based on anticipated delays	−2,047,000		−2,047,000		−2,047,000		−2,047,000	
Total, Upper Colorado River Basin fund	23,500,000		23,610,000		27,740,000		25,740,000	
RECREATION AND FISH AND WILDLIFE FACILITIES								
Bureau of Indian Affairs	650,000		650,000		650,000		650,000	
National Park Service	1,050,000		1,050,000		1,050,000		1,050,000	
Bureau of Sport Fisheries and Wildlife	800,000		800,000		800,000		800,000	
Total, recreation and fish and wildlife facilities	2,500,000		2,500,000		2,500,000		2,500,000	
Total, Upper Colorado River Storage project	26,000,000		26,110,000		30,240,000		28,240,000	

[1] Construction revenues included in Glen Canyon program.

Mr. ELLENDER. For title IV, the conference bill provides $56,697,000, which is the amount allowed by the House, and $300,000 above the Senate-approved bill; $950,000 above the budget; and $2,431,500 below the appropriations for fiscal year 1969.

The increase over the amount allowed by the Senate is for the Tennessee Valley Authority. The House had included $1,300,000 for land acquisition for the Normandy and Columbia Dams in Tennessee, which was disallowed by the Senate. The Senate added $1 million for initiation of construction of the Mills River Reservoir, in North Carolina, which was not provided for in the House bill. The conferees agreed on an appropriation of $1,300,000—in other words, the figures are not changed—for both projects. As a matter of fact, there was $1 million allocated to the two projects, the Normandy and Columbia Dams, that was put in the bill by the House of Representatives, which we struck from the bill, and $300,000 of that amount was added to the proposal that we put in the bill. All of these funds are to be used primarily for land acquisition on the Normandy and Columbia Dams. The conference agreement provides $400,000 for the Mills River Reservoir, Upper French Broad project, North Carolina, including $100,000 for planning and $300,000 within available funds, for initiation of land acquisition.

I am very glad that we were able to agree on retaining both of these projects in the bill.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. I understand the House of Representatives refused to accept an amendment I had in the bill, to provide $75,000 to start planning work on the Souris River project at Minot, N. Dak.

That river was responsible for the worst flood in the history of Minot, N. Dak. this year. The loss, according to the Corps of Engineers, was $11 million; and the total cost of this particular project would be about $3.5 million. The city of Minot voted recently, by a majority of 88 percent, to bond itself for $1.5 million of the $3.5 million cost.

I realize that this is legislation on an appropriation bill, but I do not believe there is an appropriation bill we receive from the House of Representatives that does not have from one to a dozen legislative items in it.

I do not see that there is anything much that we can do about it right now. The $75,000, I understand, is retained in the bill.

Mr. ELLENDER. It remains there until the project is properly authorized.

Mr. YOUNG of North Dakota. There is a possibility that we can use a provision of the law we have never used before, section 201 of the 1965 act, which permits the Committee on Public Works to authorize projects up to $10 million. I am hopeful that that can be done. This is a very small amount of money, $75,000, but it would save a whole year on the constructon of this badly needed flood control project.

Although I am deeply disturbed, and feel badly about losing this to the other side, I do not intend to try to do anything about it now. I hope we can find another way of solving the problem.

Mr. ELLENDER. The Senator, having been a member of the conference, will agree, I am sure, that there was a lot of sympathy for the project.

Mr. YOUNG of North Dakota. Yes.

Mr. ELLENDER. The only difficulty was that we were using an appropriation bill to authorize the project. That was the real problem.

It is my belief that the Public Works Committees of the House of Representa-

tives as well as the Senate—and, by the way, the Senator from West Virginia (Mr. RANDOLPH), who is chairman of the Senate Committee on Public Works, participated in the conference—will doubtless agree to a resolution whereby this money, the $75,000 retained in the bill, can be used for that purpose.

I was very glad for the committee to agree to authorize the matter in the appropriation bill, which is not very often done.

Mr. YOUNG of North Dakota. It is done sometimes, however.

Mr. ELLENDER. It is very seldom, though. I do not think we could have carried it with the House of Representatives, particularly since so many projects have been authorized and not included in the bill.

I think, however, that the passage of a resolution to authorize the spending of the $75,000 will probably be enacted by Congress within a few weeks after we meet next year.

Mr. YOUNG of North Dakota. Everyone in North Dakota appreciates the efforts of the chairman of the Committee on Public Works, Mr. ELLENDER.

Mr. ELLENDER. There is no doubt about its being a very worthy project.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. Do I understand correctly that the House of Representatives receded from its appropriations of $500,000 for planning for a dam at Gatesville, Vt.?

Mr. ELLENDER. That is correct.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MUSKIE. I hesitate to interject at this time with reference to a project in my State. I would prefer that my colleague, Mrs. SMITH, had presented her statement on the conference report first. But I have a conference at 11 o'clock that I must attend, and she has graciously consented to my interjection at this point.

I deeply regret that the Dickey-Lincoln School project on the St. John River in Maine was not retained in the bill.

I appreciate, first of all, the efforts made by my distinguished colleague over the years in steadfastly supporting and effectively persuading the committee and the Senate to support this project. There has been no breakaway from that support in the several years we have had this project before us. We have always been frustrated by the refusal of the House of Representatives to support it. I express my appreciation to Senator SMITH, to the distinguished Senator from Louisiana, who has been a good friend of this project over the years, to the Senate conferees, and, indeed, to the entire Senate, which has never undertaken to single out this project for attack in the way that it has been attacked on the House side.

Having said that, I should like to express my disappointment that so many Members of the House of Representatives from southern New England have never seen fit to give this project the support which it merits.

I also express disappointment that Members of the House of Representatives throughout the country have not given this project, so critical to New England's power needs, the kind of support which other areas of the country have received for similar projects. I repeat a point I have made several times, and that has been made by other Senators many times, in connection with this project: This project has to meet all the criteria for feasibility that have been met by other projects built with congressional appropriations throughout the years—I think there have been some 170 or more built in other areas of the country—this project has met all of the criteria for feasibility that they have met, and, indeed, has met those criteria better than three-fourths of those projects.

Mr. ELLENDER. This project has a very good benefit-to-cost ratio and, as I recall, this is the fourth time that the Bureau of the Budget has suggested an appropriation for the project. The Senate went along with the Budget Bureau, but the difficulty has always been on the House side; and it strikes me that it will require the concerted effort of all the Representatives from the northeastern area of our country, from New York onward to the Northeast, to get the project underway.

I am very hopeful that next year the President will see fit again to include this item in the budget. If he does, the Senate will go along. And if we can get a little assistance from the Congressmen, particularly in that area, I have no doubt that we will go ahead with the project. When I refer to Congressmen, I mean, of course, that some Senators will also help to get this matter through.

Mr. MUSKIE. Mr. President, I appreciate the Senator's willingness to persist in the matter. I join with him, of course. I refer to the merits of the project in order to highlight what I think is the key roadblock of the whole project—the perseverance of the power industry in the New England area and the influence that they, combined with their compatriots throughout the country, have been able to bring against the project.

I think the country ought to be concerned about the kind of power and influence exerted. And what is involved is not simply this project. This project is important to Maine and northern New England, and I think it is important also to southern New England. Beyond this, however, the frustration of Congress in being unable to fund the project is a reflection of the tremendous power and influence that this industry has, not only with regard to Dickey-Lincoln School, but also with respect to projects throughout the country.

This fight is symbolic of the much broader fight that must be waged if the sources of energy are to be controlled in the public interest.

I know it is of interest to the Senator, and it is of mounting concern to us in New England, which has no indigenous sources of power except hydroelectric sources. Wherever we turn to get relief from the oppressive costs of power, we are frustrated because of the influence of some industry which undertakes to stand in our way. In this case it is the private power industry of New England.

I take this time to press the point not only because of my concern with this project, but also with the entire problem.

Mr. ELLENDER. Mr. President, I am glad the Senator brought up the question. I am not aware of any area in the United States in which the power needs are greater and the power rates are higher than in the Northeast.

It is my considered judgment that if we are able to construct the project within the next 5 or 6 years, the power rates will go down considerably, to the benefit of all people living in that part of the country.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. COOPER. Mr. President, I express my appreciation for myself and the people of my State for the work of the Senator and his committee in approving many worthwhile projects in Kentucky. We are grateful for the leadership of the Senator from Louisiana.

Mr. ELLENDER. We have a good working subcommittee. The Senator should not forget that.

Mr. COOPER. I know. I am a member of the subcommittee. And I have the opportunity to sit in on hearings with the Senator. I know of the great work of the Senator.

I wish to talk about two Kentucky projects which were before the conference, and which I had urged that the conference maintain the Senate provision.

One project concerns Martins Fork Reservoir, which would protect from floods Harlan, Ky., and communities downstream. No funds were made available in the House. The Senator's committee made $500,000 available with which to commence construction. In my testimony before the committees, I had given his project the highest priority for years because of the constant danger of floods. I understand that in conference $300,000 was agreed upon to initiate construction, which will probably be used for land acquisition.

Mr. ELLENDER. The Senator is correct.

Mr. COOPER. Mr. President, while the conference amount is not as much as provided by the Senate, it will be very helpful. It will enable us to start with the project in this fiscal year, which is the main thing.

The second project I want to ask about is the Falmouth Reservoir, proposed on the Licking River, Ky. I know the concern the Senator had about that project, as well as a project called Tocks Island Reservoir. The House provided $50,000 with which to resume planning of the project, authorized in 1936 and 1938 but deferred for many years and reactivated after the 1964 floods.

Mr. ELLENDER. The Senator is correct.

Mr. COOPER. As directed by the Senate, $50,000 is to be used to make a restudy of that basin to determine if alternatives are feasible, including local flood protection for the cities of Falmouth, Covington, and Newport.

I was interested to see if alternatives are possible so that the 45,000 acres of very productive land—much of it in the

Blue Grass section, and the remainder very good land—would not be inundated.

I know of the Senator's concern and the concern of his committee, which led to appropriate language in the Senate committee report. I would like to ask if the determination of the Senate committee was in any way changed in the conference.

Mr. ELLENDER. No. The House agreed that the $50,000 would be used to study further the project in the hope that we could place the dam at some other place where it would not inundate so many acres.

I am very hopeful that some conclusion might be reached during this fiscal year so that the project can move along.

There is quite a bit of opposition, as the Senator knows, no matter where we dam the river. The contention of the people in that part of Kentucky is that we would be providing a big recreational area for the people of Cincinnati across the river. They do not like that very much. Sometimes I do not blame them, because the loss of 40,000 acres means a great deal to quite a few of the farmers in that area.

Mr. COOPER. If they were paid adequately for the farms, it would still be troublesome. One cannot repurchase farms, or find them. However, I want the city of Falmouth to have flood protection.

I know that the Senator will help. I am pleased to help the Senator, but I know that he does not need my help. I hope the Senator can assure us that the Engineers will go ahead and make the study with an open mind, and reach a decision.

Mr. ELLENDER. Mr. President, I express the hope that we do not overstudy the project. We ought to be able to come to some conclusion during this fiscal year, and whatever conclusion is reached by the Engineers, we will try to go forward with the project.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, the able Senator has brought to the floor a good conference report. It reflects diligence and much hard work on the part of the Senate conferees in their deliberations with the House conferees.

I am particularly grateful, as a member of the Appropriations Subcommittee on Public Works, for the consideration the chairman of the committee has given to the needs of West Virginia over the years in which I have served on the subcommittee.

I want to express appreciation in behalf of our people of West Virginia for the following items in particular:

$800,000 agreed on in conference for Burnsville Lake, when the budget estimate for fiscal year 1970 was only $700,000.

$900,000 for the Rowlesburg Lake, whereas there was nothing in the budget estimate for this item.

$600,000 for Stonewall Jackson Lake, whereas there was nothing in the budget estimate for that item.

Mr. ELLENDER. The House added $425,000, and we increased it to $600,000.

Mr. BYRD of West Virginia. There was, however, nothing contained in the budget estimate.

Mr. ELLENDER. The Senator is correct. The House added $425,000 in the bill. And of course we concurred with that and added $175,000 to the project.

I think the State of West Virginia fared well in all of the projects where we provided either a new start or where money was provided and we increased the amount and the House sustained us.

Mr. BYRD of West Virginia. There is also the R. D. Bailey—Justice—Lake. That is an item about which we have been extremely concerned for many years, even prior to my service in the Senate, when I was a Member of the House of Representatives. I, at that time, offered legislation to authorize the construction of that reservoir. Since I have been serving on the Public Works Appropriations Subcommittee of the Senate, I have followed that item with extreme care, and the chairman has at all times been most considerate of the need for this reservoir, and the other water resources projects in West Virginia as well. I also call attention to the modernization of navigation system in the Ohio River Basin, in connection with which we are appropriating $13.5 million for the Willow Island lock and dam. This is $1.5 million above the budget request.

His interest in and work on that system has antedated my service in the Senate.

I congratulate the Senator and express appreciation on the part of all West Virginians in the Ohio River Basin who have been so ably served by the chairman of the subcommittee. I again thank the chairman for his unfailing consideration.

Mr. ELLENDER. I thank the Senator. I did my best to help every part of the country.

I yield to the distinguished Senator from Maine (Mrs. SMITH).

Mrs. SMITH of Maine. Mr. President, earlier this week I went through what has become an annual exercise in futility on trying to obtain for the people of Maine and the Northeast only that which the Congress has given to the people of all other regions of our Nation.

I speak of the proposed Dickey-Lincoln School hydroelectric power project. It has been supported by three Presidents—Democratic Presidents Kennedy and Johnson and Republican President Nixon. It has been approved by the Senate year after year after year.

But all this support—this bipartisan support—of the Presidents and the Senate has been in vain. For after authorization for the project has been enacted, the House has repeatedly repudiated that authorization by rejecting funds for the project after those funds had been budgeted by the Presidents and voted by the Senate.

It is the same pattern year after year—the President budgets and approves the item, whether he is Democratic or Republican, and then the House kills any funds for the project, and then the Senate restores fully the amount budgeted for the item by the President—and then the House again kills the funds either through their conferees or through a direct vote on the House floor.

This year is the worst year for the Dickey-Lincoln School project. President Nixon requested $807,000 for it in his budget. The House Appropriations Committee deleted all such funds. Then the House proponents of the project did not even offer an amendment on the House floor to restore the funds for the project. Not a finger was lifted for the project when the bill came to the House floor for debate and voting.

Following this shocking lack of real support for restoration of the funds in the House, when the Public Works appropriations bill came to the Senate, we supporters of the project again were able to get the Appropriations Committee to restore the full budgeted funds and the Senate to go along with that restoration.

In connection with the House Appropriations Committee rejection of funds for the project, there was some rather defensive talk and rationale that it was best not to offer an amendment to restore funds in the House bill but instead to pray that the Senate would restore the funds and then the House supporters would get the House conferees to recede on the item and agree to the Senate restoration of the funds.

Now what has happened? The House conferees adamantly refused to recede on this item. They claimed—and the House conference report No. 91-697 so states—a majority of the House conferees believe "that the project is fully justified and required to provide hydropower in the area."

But yet when I urged the House conferees to recede and vote to restore funds for the project, the House conferees adamantly refused to do so. Now, I just do not understand how you can believe in the justification and the requirement of a project and yet refuse to vote for restoring the funds for it.

The reason they gave was that the House has in past years voted against funds for the project. When the House conferees gave this reason, I then urged them to take the item back to the House and give the House a chance to express itself—the House to vote it up or down—instead of assuming that the House would vote against the project funds.

When the House conferees refused to let the full House have a chance to vote on funds for the project, I could not conscientiously sign the conference report.

To me they proposed a compromise in the form of putting a statement in the conference report giving the impression that the conferees were really for the project by stating that they believed in the justification and requirement of the project and that funding of the project should again be considered in subsequent bills.

I could not conscientiously agree to such a compromise. I could not because I think it is misleading. It proposes to keep up the hopes of the people of Maine and the Northeast region of the Nation that before long the House will finally approve of full funds for the project.

On the basis of the past record of the House—and especially on the basis of the House record this year when even the

House sponsors of the project would not even offer an amendment on the House floor to restore the funds—and not offer such an amendment on the grounds of getting the House conferees to agree to Senate restoration of the funds—and only later to have the experience of the House conferees adamantly refusing to do so—on the basis of the House record, how can anyone really believe that the House will approve the Dickey-Lincoln School funds in the near future?

I certainly am not going to put my name to a conference report that gives such an appearance—and that unrealistically encourages wishful thinking.

For this is just a bunch of words to soften what should be recognized by the people of Maine as a grievous defeat. I am not going to be a party to misleading the people of Maine. Instead I think that with this year's record in the House, particularly with no effort made on the House floor, and the past record of growing House opposition to the project, the language of the conference report is less than forthright with the people of Maine.

There is not the slightest sound basis of optimism for this project. The very blunt fact, however sad and discouraging, for the people of Maine is the simple truth that there just are not enough friends of Maine in the House of Representatives. This latest of the repeated rebuffs on the Dickey-Lincoln School project is but only one of the House rejections of matters of prime interest to Maine. For it was only a very short time ago that after the Senate had passed the potato promotion bill, the House killed that bill—as the Washington correspondent for several daily Maine papers put it, the House "mashed" the potato promotion bill that the Senate had passed.

Make no mistake about it, if Maine is going to get fair treatment by the House in the future, Maine is certainly going to have to get far more friends in the House than it now has. For let us look at the record on what the House did for some other States as compared to Maine.

The House cut out the only Maine item in the budget—it cut out the $807,000 the President requested for the Dickey-Lincoln School project, a project which has a 2-to-1, benefit-to-cost ratio.

In contrast, the House gave Ohio more than $1,300,000 than was in the budget—including over $260,000 in unbudgeted items; $700,000 of this was for projects having a poorer benefit-to-cost ratio than the Maine project.

The nearby State of Massachusetts was given by the House over a million dollars more than President Nixon requested—and one of the projects had a poorer benefit-to-cost ratio than the Maine project.

The House gave Mississippi an increase of $350,000 over what was budgeted—and this was on a project that has a poorer benefit-to-cost ratio than the Maine project.

The House gave Texas over $3,400,000 more than was budgeted—of which $325,000 was on unbudgeted items. More interesting is the fact that all but one of these nine Texas projects had a poorer benefit-to-cost ratio than the Maine project.

The House gave Arizona $2,215,000 more than was budgeted—and one of the increased items has a poorer benefit-to-cost ratio than the Maine project.

The House gave New York $1,300,000 over what was budgeted—of which $100,000 was on an unbudgeted item. The New York project getting the $1,200,000 increase has a poorer benefit-to-cost ratio than the Maine project.

The House gave Michigan $45,000 for an unbudgeted project and on which there is a poorer benefit-to-cost ratio than the Maine project.

Now these are but a few of the many instances of comparison of the way that the House generously treated other States in contrast to its shabby treatment of Maine. I have limited the citation of instances to those States from which the House conferees come. I have not even taken in the States of all members of the House Appropriations Committee.

In short, Mr. President, the blunt truth is that the House has treated Maine like a stepchild and the language of the House conferees seeks to soften up that treatment, if not to attempt to gloss over it with the illusory promise that better times are ahead.

Mr. President, my patience is at an end. I am sick and tired of supporting projects throughout the United States and every other region of the Nation—and to have Maine receive from the House rebuff after rebuff. Maine is in the United States like every other State. Perhaps in a way we would fare better not to be as far as power projects are concerned—and would do better under foreign aid.

I am grateful to the Members of the Senate for the manner in which they have supported the Maine project. But I am bitter at the attitude of the House and truly sad about how few friends Maine has in the House. To this lack of House friendship for Maine, now has been added the dubious wording of the conference report—the wording devised by the House conferees giving a few crumbs of words of consolation and attempted comfort and a seriously misleading impression.

This wording literally adds insult to injury to the Maine people on the Maine project.

Let no one in Maine be fooled by the wording. What we in Maine want is action, not mere crumbs of words that only hold out false hopes for the project.

How many times must we go through such frustration and futility where the President of the United States asks for the Maine project and adequate funding and the Senate approves such only to have the House shoot the project down—and this year without even having a vote on the House floor on it?

Mr. President, I want to take this opportunity to thank the distinguished Senate conferees, and especially the very able and distinguished chairman of the subcommittee, the Senator from Louisiana (Mr. ELLENDER), and the distinguished and able ranking minority member, the Senator from North Dakota (Mr. YOUNG) for their leadership and help throughout the years on this project.

Mr. ELLENDER. Mr. President, I wish to say I am very sympathetic with the position taken by the Senator from Maine. As she has said, this project was in the budget on four separate occasions. It does have a very good benefit-to-cost ratio. We have often put in projects with a benefit-to-cost ratio of 1.2 to 1, and this project is 2 to 1.

My feeling is that it is the heavy hand of the privately owned utilities in the Northeast that controls the minds of some Members of Congress on the other side of the Capitol.

The Senators on this conference were unanimous in their approval of the project. I am glad to be able to say that a majority of the conferees on the House side favored this project. However, somehow, when the project has been considered on the House side, we have lost it on so many occasions that I felt it best we not send it back to the House for another "licking," as it were.

I can assure the Senator from Maine, as far as I am concerned and as long as I am chairman of the subcommittee, I shall look with favor on this project. I think it is a good one. I shall do all I can to assist in its construction.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Mr. President, of course, the Senator from Maine knows that the Senator from Florida and all other conferees on the Senate side not only sympathize entirely with her position but also think that Maine is entitled to consideration in this matter.

This was the only project in this important bill that was located in Maine, and entirely aside from that, Mr. President, the Senator from Florida feels that in an area where the cost of power is higher than anywhere else in the Nation it is exceedingly desirable that one Federal power project be created, to have its effect, as it undoubtedly will, in a beneficial way upon the rates charged by private utility companies.

I hope a better day will come for this project in the future and I shall do anything in my power to bring about that day.

I wish to say to the distinguished chairman that I am grateful for the attitude and action of the conference committee in many respects, but I wish to address myself to one matter which I think needs to be made completely clear in the record with respect to the Fort Pierce Beach erosion control. As the Senator from Louisiana knows, here is an emergency situation because erosion is threatening many millions of dollars of highly developed property. The county affected, St. Lucie, Fla., is perfectly willing to put up the money to go ahead with this project, provided it is regarded as a joint Federal-local project, and that that portion of the money they put up, which should, under law, be paid by the Federal Government, will be repaid later.

It is my understanding that the wording in the conference report, which I asked unanimous consent to have printed

in the RECORD, comes after the words, "Fort Pierce Erosion Control, Florida."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Fort Pierce Beach Erosion Control, Florida: The conferees have approved, as proposed by the Senate, a contract between the Corps of Engineers and the Board of County Commissioners of St. Lucie County, Florida, for reimbursement of certain beach erosion work to be performed by the Commissioners pursuant to section 215 of the Flood Control Act of 1968.

Mr. HOLLAND. Mr. President, I ask the chairman of the committee if it is his clear understanding that that means the county puts up the money to have the work go ahead, with the definite understanding that the normal Federal share of that project will be refunded from Federal funds to the county at a later date?

Mr. ELLENDER. The Senator is entirely correct. We proceed in this manner: As a rule, if a project is not mentioned in the report, we usually get a joint letter from the chairman of both committees. I am glad the Senator placed the excerpt in the RECORD. It was agreed to by both conferees from Senate and House, and I can assure the Senator that under law that is the proper procedure. After the money is put in by the county, it will be returned to the county by the Federal Government through appropriations made in the future.

Mr. HOLLAND. That means the Federal part?

Mr. ELLENDER. That is right. Half of it.

Mr. HOLLAND. Of course there is the local part which will be put in, which will not be refunded; but the Federal part will be refunded?

Mr. ELLENDER. Yes.

Mr. HOLLAND. I thank my distinguished friend from Louisiana. The RECORD will be completely clear on this matter now.

Mr. SPONG. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SPONG. I should like, first, to commend the distinguished Senator from Louisiana for the diligence with which he has managed this bill through the Senate and through the conference.

There are two small items of particular interest to Virginia, in the Hampton Roads area, that I should like to thank him for.

One is a study to be undertaken to find an additional site for disposal of dredge spoil in the Craney Island area, and the second is a feasibility study for further dredging in Norfolk Harbor.

I am pleased that the conference included these two items in the bill, and I thank the Senator from Louisiana for his efforts.

Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate recede from its amendment numbered 5.

Mr. President, that amendment concerns the project that was discussed a while ago by the distinguished Senator from North Dakota. I regret very much that the House refused to go along with us.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION—COMMUNICATION FROM THE PRESIDENT (S. Doc. No. 91–44)

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1970 in the amount of $1,443,000 for the Commission on Population Growth and the American Future, which with accompanying papers was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on policies covering the collection of dollar claims from the Government of Vietnam, Agency for International Development, Department of State, dated December 3, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS NEGOTIATED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report with respect to contracts negotiated by the Administration for the period January 1, 1969, through June 30, 1969 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Board of County Commissioners of Collier County, Fla., in support of President Nixon and Vice President AGNEW in their conduct of foreign policy; to the Committee on Foreign Relations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, December 4, 1969, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 564. An act for the relief of Mrs. Irene G. Queja;

S. 2019. An act for the relief of Dug Foo Wong; and

S. 2185. An act to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89–774 (80 Stat. 1324).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 4296) to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 4296) to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces, was read twice by its title and referred to the Committee on Armed Services.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted,

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Hildreth Frost, Jr., of Colorado, to be assayer of the Mint of the United States at Denver, Colo.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY (for himself, Mr. FONG, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. GOODELL, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STEVENS, and Mr. WILLIAMS of New Jersey):

S. 3202. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

(The remarks of Mr. KENNEDY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BELLMON:

S. 3203. A bill to establish within the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BELLMON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. CANNON, Mr. COOK, Mr. COTTON, Mr. GOODELL, Mr. HANSEN, Mr. HART, Mr. HOLLINGS, Mr. INOUYE, Mr. LONG, Mr. MOSS, Mr. PASTORE, Mr. PROUTY, Mr. SCOTT, Mr. SPONG, and Mr. TYDINGS) (by request):

S. 3204. A bill to amend the act entitled "An Act to require certain safety devices on household refrigerators shipped in interstate commerce," approved August 2, 1956; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FULBRIGHT (by request) (for himself, Mr. ANDERSON, and Mr. SCOTT):

S. 3205. A bill to authorize the construction of pavilions as additions to the National Museum of History and Technology for the Smithsonian Institution, including the preparation of plans and specifications and all

other work incidental thereto; to the Committee on Public Works.

S. 3206. A bill to appropriate a site for a museum of man for the Smithsonian Institution; to the Committee on Rules and Administration.

(The remarks of Mr. FULBRIGHT when he introduced the above bills appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 3207. A bill relating to the liabilities of Federal National Mortgage Association to the United States; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3202—INTRODUCTION OF A BILL TO REVISE THE IMMIGRATION AND NATIONALITY ACT

Mr. KENNEDY. Mr. President, on behalf of myself and Senators FONG, ANDERSON, BAYH, BROOKE, CASE, GOODELL, HARRIS, HART, HUGHES, INOUYE, JAVITS, MAGNUSON, MCCARTHY, MCGEE, MCGOVERN, MONDALE, MUSKIE, PASTORE, PELL, PROXMIRE, RANDOLPH, STEVENS, and WILLIAMS of New Jersey, I introduce, for appropriate reference, a bill to amend the Immigration and Nationality Act.

A companion bill is being introduced in the other body by the chairman of its Judiciary Subcommittee on Immigration, Representative MICHAEL A. FEIGHAN of Ohio.

Mr. President, little more than 4 years ago, President Johnson signed into law the Immigration Act of 1965. This act, which resulted from President Kennedy's recommendations to the Congress in July of 1963, repealed the discriminatory national origins quota system as a basis for selecting immigrants.

I said at the time that a measure of greatness for any nation is its ability to recognize past errors in judgment, and its willingness to reform its public policy. Through the act of 1965, we made a good beginning in basic policy governing those who seek admission to our land.

The accomplished reform broadened a central theme in American history—equality of opportunity. It stands today with recent legislation in other fields—civil rights, poverty, education, and health—in reaffirming our Nation's continuing pursuit of justice, equality, and freedom.

But the act of 1965 was only the beginning of an important task. It did not include a number of additional and needed reforms. It failed to resolve a number of issues relating to immigration from Western Hemisphere countries. And it fell short of the desired flexibility in immigration policy recommended by the executive branch.

I believe—along with many Senators—that new legislation is now overdue. The need finds a telling story in my own case files—as I know it does in the files of others.

And in the absence of any initiative by the administration, we felt it was extremely important to develop a congressional alternative.

In preparing the bill we introduce today, I worked closely with many Members of Congress. In the Senate, Senator HART, Senator PELL, and Senator FONG have made important contributions to the development of the legislation.

I also sought the advice and counsel of outside experts, including representatives of the business and labor communities, and the American Immigration and Citizenship Conference and its nearly 100 member organizations.

The bill goes a long way in continuing the reform initiated in 1965. It accomplishes the following objectives:

First, it refines and strengthens the new system established 4 years ago. It not only remedies the confused situation in the allocation of visas to applicants in Western Hemisphere countries—but also provides a more orderly, flexible, and humane method of allocating visas to applicants in all countries, on a first-come, first-served basis.

Second, it meets the urgent need generated by the growing multinational character of industry, commerce, education, and other areas, for a freer movement of international executives and specialized personnel into the United States on temporary visas.

Third, it strengthens immigration objectives to reunite families.

Fourth, it establishes a new humanitarian policy of asylum for refugees and victims of natural calamity.

Fifth, it refines the application of our belief in human dignity and equal opportunity under law, by reestablishing a board of visa appeals and a statute of limitations on deportation.

Sixth, it provides minor adjustments in the nationality and naturalization law, and establishes a Select Commission on Nationality and Naturalization to evaluate the fairness of our general policy in this extremely important, but overlooked, area of public concern.

I would like to elaborate briefly on these objectives—in the order I have listed them—by referring to specific sections of the bill.

Section 4 establishes a worldwide ceiling of 300,000 immigrants annually, exclusive of immediate family members of U.S. citizens and other special immigrants.

The worldwide ceiling becomes effective on July 1, 1973. In the interim, the present ceiling of 170,000 immigrants from countries in the Eastern Hemisphere continues to operate.

The present ceiling of 120,000 immigrants from countries in the Western Hemisphere is raised to 130,000—and, owing to the special nature of the Cuban refugee program, refugees who adjust their status to permanent resident alien under the act of November 2, 1966, will not be counted against the ceiling.

Section 5 of the bill extends the present 20,000 annual limitation on immigration from any one country in the Eastern Hemisphere, to Western Hemisphere countries as well—except that Canada and Mexico are given a maximum of 35,000 each.

Section 6 amends the preference system established in 1965. In addition to introducing flexibility into the allocation of visas among the seven preferences—and I shall refer to this again—this section applies the preference system on a worldwide basis simultaneously with the effective date of the world ceiling.

In the interim the preference system, which is currently operative only in the Eastern Hemisphere, is broadened to include the Western Hemisphere. But the preference system will operate separately in each hemisphere until July 1, 1973.

A brief reference to the legislative history of the act of 1965, and some later developments, will, I feel, illustrate the need for the proposed amendments I have outlined thus far.

In abolishing the national origins quota system, the act of 1965 established an annual pool of 170,000 visas for applicants in countries of the Eastern Hemisphere.

These visas were allocated among seven preference categories for relatives, skilled and professional persons, and refugees. They were to be issued on a first-come, first-served basis, with a maximum of 20,000 going to the applicants in any one country.

For visa applicants in the Western Hemisphere, the act continued our traditional open-door, no-ceiling policy, until at least mid-1968. The act provided, however, that on July 1, 1968, a ceiling of 120,000 would be imposed on Western Hemisphere immigration, unless a select commission, established by the act, recommended otherwise, and Congress enacted legislation to carry out the recommendation.

The Commission—for a number of reasons—did not resolve the issue. Instead, early in 1968, at the time its mandate expired, the Commission recommended a 1-year extension of its mandate, and a 1-year postponement of the ceiling's effective date. Legislation to carry out this recommendation failed enactment.

So the Commission expired, and the ceiling on Western Hemisphere immigration went into effect as scheduled—on July 1, 1968.

Inevitably, this sudden change in policy generated much confusion and concern in a number of countries, especially Canada.

The ceiling began with a backlog of visa applicants, and the situation continues to deteriorate—creating significant problems in our foreign relations.

Perhaps we cannot meet the full demand for immigrant visas in this hemisphere—but we must do what we can to bring maximum relief.

The orderly allocation of available visas through the preference system, the removal of Cuban refugees from ceiling considerations, a 10,000 increase in Western Hemisphere visas before implementing the worldwide ceiling, and the issuance of nonimmigrant visas to personnel transferred by their employer to an affiliate in this country, are some of the ways to bring this relief.

The bill provides for all these measures.

As suggested earlier, section 6 of the bill introduces maximum flexibility into the allocation of visas within the preference system. This is accomplished, first of all, by making minor changes in percentage allocations from the pool of visas to each preference category, so as to bet-

ter reflect the pattern of anticipated demands—and, more importantly, by permitting the drop down of unused visas in any category to meet excessive demand in the category that follows. Visas remaining after the drop down through the seven preference categories will be issued to nonpreference immigrants.

These modifications in the preference system will, among other things, make available additional visas in the categories traditionally used by applicants in Ireland, Germany, the Netherlands, and several other countries.

Section 2 of the bill provides for the issuance of nonimmigrant visas to executives, managerial and other specialized personnel who are aliens transferred temporarily by their employer to a home or branch office, affiliate, or subsidiary in the United States.

We must recognize the growing multinational character of industry, commerce, education, and other fields.

And we must recognize the growing need it generates for a more expeditious and freer international movement of personnel.

Enactment of section 2 will, first of all, facilitate the entry of such personnel, without the long delays frequently encountered if they use regular immigration channels; and, second, it will release immigrant visas, which transfer personnel have always used in the past, to applicants who intend to remain in the United States permanently and, hopefully, become citizens of our country.

On strengthening traditional immigration objectives to reunite families, section 6 of the bill adds parents of permanent resident aliens to the second preference.

It also increases the number of visas available to refugees, who frequently have relatives in the United States.

Section 7 facilitates the admission of the mentally retarded.

Section 22 provides for the issuance of special immigrant visas to clean up the backlog of applicants in the fifth preference for brothers and sisters of U.S. citizens. In Italy, petitions date back to March of 1962, and contain a large residue which resulted from the discriminatory national origins quota system.

To provide relief for qualified fifth preference visa applicants who still wish to join their family in this country, is humane and just.

Additionally, section 2 facilitates the admission of aliens who are fiances or fiancees of U.S. citizens or permanent resident aliens.

And section 3 establishes a board of visa appeals to review the denials of an immigrant visa to relatives of U.S. citizens or permanent resident aliens.

There are many cases on record in which the denial of a visa by an American consul abroad has raised justifiable skepticism.

Some of these denial cases have been finally settled through the enactment of private immigration bills.

It is true that an informal appeal process currently operates within the Department of State.

Regardless of the Department's findings, however, the final decision rests with the consul abroad. I believe an independent board of visa appeals—under law—will help assure a more equitable treatment of denial cases.

To establish a new humanitarian policy of asylum for refugees, the number of admissions allocated within the preference system—as amended through section 6 of the bill—is raised from the current maximum of 10,200 to 30,000.

The definition of a refugee is broadened from its present European and cold war framework, to include the homeless throughout the world.

Moreover, section 7 intends that the Attorney General will continue to parole into the country additional numbers of refugees in times of emergency, if he determines it to be in the public interest.

Section 7 also provides a permanent authority to adjust the status of refugee paroles to that of permanent residence, so as to avoid the need for special legislation of the kind required for refugees from Hungary and Cuba.

In practice, our country has always been generous in providing resettlement opportunities to refugees, but our permanent immigration law has never included a comprehensive asylum policy.

As chairman of the Judiciary Subcommittee on Refugees, I believe it is extremely important that our law fully recognize resettlement needs throughout the world. The bill accomplishes this objective.

Mr. President, I should add at this point that I am disturbed to learn that the Department of Justice has apparently not responded to recent appeals for the parole of a reasonable number of East European refugees into the United States.

A report unanimously approved by the Subcommittee on Refugees, on November 3, noted "that the number of conditional entries available to refugees from Eastern Europe during the current fiscal year is nearly exhausted."

In view of the continuing and growing need for resettlement opportunities among these refugees—especially those from Poland and Czechoslovakia—the report recommended that immediate steps be taken to admit additional numbers under appropriate provisions of the Immigration and Nationality Act.

The report stressed that priority should be given to those who wish to join family members in the United States.

In mid-November, several members of the House Judiciary Committee made a similar recommendation, in a petition to the Attorney General, for refugees from Czechoslovakia. The American Council of Voluntary Agencies, representing more than 30 private organizations, has also appealed to the Attorney General for speedy action.

I am hopeful that the Attorney General is giving this important humanitarian concern his urgent consideration.

The record is clear on the need for action. Let us be generous in welcoming these refugees to our shores.

Section 12 of the bill reestablishes a statute of limitations on deportation. It is an established principle of law that justice requires a time limit, within which authorities must commence proceedings against an individual for any alleged crime or violation of law.

We recognize this principle in the criminal code, the exceptions usually involving capital cases.

But in matters involving the deportation of a lawfully admitted resident alien, this elementary principle does not apply.

The alien may have resided in this country since childhood, or for 20 or 30 years or more. He may have been a product of our society—but he is denied its justice, and its equity under the law.

The absence of a statute of limitations from the basic immigration law is a tragic shortcoming—a glaring injustice which has caused undue personal hardship and anxiety in the lives of many.

All Senators are familiar with such cases. The bill I introduce is a modest attempt to remedy the situation.

Section 20 of the bill establishes a short-term Select Commission on Nationality and Naturalization. As stated in the bill:

> The Commission shall make a complete study and investigation of all matters relating to the policy, administration and effect of title III of the Immigration and Nationality Act, including but not limited to, the effect of Federal judicial decisions in recent years on any of the provisions of such title and an analysis and evaluation of the fairness of the laws and regulations, and their administration and effect, relating to nationality and naturalization.

Mr. President, this important segment of public policy has been ignored and overlooked by the Congress, since the codification and amendment of nationality and naturalization laws in 1952.

There is little doubt that many provisions in the basic statute are products of a harsher period in our Nation's history, and should have no place in the public policy of a free society.

But aside from this, court decisions in recent years have altered the statute considerably. The situation clearly demands a comprehensive review and evaluation of our nationality and naturalization policy. I strongly feel this will be more easily and fairly accomplished through the efforts of an independent select commission.

Mr. President, I am extremely hopeful that extensive hearings on the bill will be held early in the next session.

But I would be remiss in my comments if I did not urge that the appropriate committees also consider at least two other important items.

The first relates to the need for legislation and administrative rulings to regulate the flow of workers from Mexico.

The grinding poverty, high unemployment, and low wages in many of our communities along the Mexican border is well known and a national disgrace.

The readily available and low-paid work force from Mexico is an important factor contributing to this distressing situation. Some measure of relief is urgently needed.

The issue should be given high priority

by the Judiciary Committees of both Houses.

The second item relates to the administration of the labor clearance procedures for employable visa applicants without a family preference.

I am sure this has been a matter of some concern to nearly every Member of the Senate.

There are many problems, and the clearance procedure requires a continuing review by the appropriate committees of Congress.

Mr. President, I have outlined what I feel are today's principal issues in the immigration field.

The bill we introduce suggests some remedies. In all candor, I must say that it is difficult at this time in our Nation's life—when we are faced with convulsive problems at home and abroad—to concentrate effort and concern in the currently less dramatic aspects of our country's progress and pursuit of justice.

But there is work to do in perfecting the policy which governs the oldest theme in our Nation's history.

And I strongly feel that unless informed citizens, the Congress, and the administration give immigration issues the attention they need and deserve, much chaos will result in a significant area of public policy—which will shorten the hopes of many, and needlessly injure our relations with countries throughout the world.

I urge Senators to join the movement for continuing reform.

Mr. President, I ask unanimous consent that the bill I introduce today, and a summary of its provisions, be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection the bill and summary will be printed in the RECORD, as requested.

The bill (S. 3202) to revise the Immigration and Nationality Act, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1969."

SEC. 2. Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended as follows:

(1) Subsection (a)(15) is amended

(A) by adding at the end of subparagraph (H) the following new clause: "or (iv) who immediately preceding the time of his application for admission into the United States has been employed by an individual or by a corporation or other legal entity and who is coming temporarily to the United States in order to continue to render his services to the same employer at a branch office, affiliate, or subsidiary in a capacity that is executive or managerial or involves specialized knowledge;"; and

(B) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof a semicolon and "or", and by adding after subparagraph (J) the following new paragraph:

"(K) an alien who is the fiance or fiancee of a citizen of the United States or of an alien lawfully admitted for permanent residence and who seeks to enter the United States solely to conclude a valid marriage within 90 days after entry into the United States.

(2) Subsection (a)(27) is amended—

(A) by striking out subparagraph (A) and redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively; and

(B) by striking out "carrying on the vocation of minister of a religious denomination" in the subparagraph redesignated as subparagraph (C) and inserting in lieu thereof "performing duties which are related to the religious activities of a religious denomination."

SEC. 3. Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is hereby established within the Bureau of Security and Consular Affairs a Board of Visa Appeals (hereafter referred to in this subsection as the 'Board'), to be independent of the Visa Office. The Board shall consist of five members to be appointed by the Secretary of State, who shall designate one member as Chairman. The practice and procedure before the Board shall be in accordance with this subsection and, subject to paragraph (4), such regulations as the Secretary of State may prescribe.

"(2) Upon petition—

"(A) by any citizen of the United States claiming that an alien outside the United States is entitled to (i) a preference status by reason of a relationship to the petitioner described in paragraph (1), (4), or (5) of section 203(a), or (ii) an immediate relative status under section 201(b), or

"(B) by any alien lawfully admitted for permanent residence claiming that an alien outside the United States is entitled to a preference status by reason of the relationship to the petitioner described in paragraph (2) of section 203(a),

the Board shall have jurisdiction to review any determination of a United States consular officer refusing an immigration visa, or revoking an immigrant visa issued, to any such alien outside the United States who has applied for classification as a preference immigrant described in any such paragraph or as an immediate relative. Each alien shall be informed of the review procedure available under this subsection when a determination refusing or revoking an immigrant visa to him is made by a consular officer. No petition for review may be filed with the Board more than sixty days after the date of notification to an alien of the making of the determination with respect to which review is sought.

"(3) Any review by the Board under this subsection shall be conducted solely upon the basis of the visa application and any other supporting documents submitted in connection with such application by or on behalf of the alien concerned, and any other documents, materials, or information in the possession of and considered by the consular officer, together with any briefs, memoranda, or arguments submitted in writing by or on behalf of the alien. No alien, solely by virtue of a petition for review by the Board under this subsection, shall be entitled to entry or admission into the United States.

"(4) The decision of the Board in each case shall be in writing and shall be communicated to the petitioner and the alien concerned. Decisions of the Board under this subsection shall be final and conclusive on all questions of law and fact relating to the issuance or revocation of a visa and shall not be subject to review by any other official, department, agency, or establishment of the United States; but, nothing in this subsection shall be construed to limit the application of section 221(d)."

SEC. 4. (a) Subsection (a) of Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), of alien refugees who may apply for adjustment of status to that of aliens lawfully admitted to the United States for permanent residence under the Act of November 2, 1966 (80 Stat. 1161); 8 U.S.C. 1255 note), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 80,000 and (ii) shall not in any fiscal year exceed a total of 300,000: *Provided,* That, during the period from the effective date of the Immigration and Nationality Act Amendments of 1969 through June 30, 1973, the number of aliens specified in this subsection (a) shall not in any of the first three quarters of any fiscal year exceed a total of 45,000 and shall not in any fiscal year exceed a total of 170,000 for aliens ascribed to independent foreign countries of the Eastern Hemisphere, and (B) shall not in any of the first three quarters of any fiscal year exceed a total of 35,000 and shall not in any fiscal year exceed a total of 130,000 for aliens ascribed to independent foreign countries of the Western Hemisphere."

(b) Subsections (c), (d), and (e) of such section are repealed.

SEC. 5. (a) Subsection (a) of section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in the first proviso—

(2) by amending the second proviso to read as follows: *"Provided further,* That, notwithstanding the preceding proviso, the total number of immigrant visas made available to natives of any country contiguous to the United States shall not exceed 35,000 in any fiscal year."; and

(b) Subsection (c) of such section is amended by striking out "shall not exceed 1 per centum" and insert in lieu thereof "shall not exceed 3 per centum".

SEC. 6. (a) Subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in the portion which precedes paragraph (1);

(2) in paragraph (1), by striking out "20" and insert in lieu thereof "10";

(3) in paragraph (2), by inserting a comma and "or parents" after "unmarried daughters" and insert after "permanent residence" the following: ": *Provided,* That in the case of parents, such alien lawfully admitted for permanent residence must be at least twenty-one years of age";

(4) in paragraph (3), by striking out "10" and insert in lieu thereof "15", and insert after "201(a)(ii)," the following "plus any visas not required for the classes specified in paragraphs (1) and (2),";

(5) in paragraph (5), by striking out "24" and insert in lieu thereof "20", and by striking out "brothers or sisters" in that paragraph and inserting in lieu thereof "unmarried brothers or unmarried sisters";

(6) in paragraph (6), by striking out "10" and insert in lieu thereof "15", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) through (5),"; and

(7) by amending paragraph (7) to read as follows:

"(7) (A) Visas shall next be made available, pursuant to such regulations as the Secretary of State may prescribe and in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to

alien refugees described in subparagraph (B), who are not firmly resettled and apply for admission to the United States while in any non-communist or non-communist dominated country or area.

"(B) The term 'alien refugee' means (i) any alien (I) who has fled or shall flee from and is unwilling to return to any communist or communist-dominated country or area, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, or (II) who has fled or shall flee from and is unwilling to return to any country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, or (III) who has been uprooted by natural calamity or military operations and who is unable to return to his usual place of abode, and (ii) the spouse and children of any such alien, if accompanying or following to join him.".

(b) Subsections (g) and (h) of such section are repealed.

SEC. 7. (a) Paragraph (4) of subsection (a) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by striking "or a mental defect";

(b) Paragraph (14) of subsection (a) of such section is amended by striking out "to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or aliens lawfully admitted to the United States for permanent residence),";

(c) Paragraph (24) of subsection (a) of such section is amended by striking out "(A) and";

(d) Subsection (b) of such section is amended by striking out "paragraph (25) of subsection (a)" at the first place it appears, and inserting in lieu thereof "paragraphs (1) or (25) of subsection (a)";

(e) Paragraph (5) of subsection (d) of such section is amended to read as follows:

"(5) (A) The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

"(B) Notwithstanding the numerical limitations specified in any other section of this Act, any alien who has been paroled into the United States as a refugee pursuant to subparagraph (A), whose parole has not theretofore been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237.

"(C) Any alien who, pursuant to subparagraph (B), is found upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under this Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212 (a) (20), shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival."

(f) Subsection (e) of such section is amended to read as follows:

"(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission (1) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, or (2) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a less developed country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States, except that upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien) or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign reisdence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest. *Provided:* That the Attorney General may waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Attorney General a statement in writing that it has no objection to such waiver in the case of such alien."

(g) Subsection (g) of such section is amended by striking out "who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien".

SEC. 8. Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end thereof the following new subsection:

"(d) A visa shall not be issued under the provisions of section 101(a)(15)(k) until the consular officer has received a petition filed in the United States by the fiance or fiancee of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall by regulations prescribe it shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have a bona fide intention to marry and are legally able and actually willing to conclude a valid marriage in the United States within a period of 90 days after the alien's arrival."

SEC. 9. (a) Section 224 of the Immigration and Nationality Act (8 U.S.C. 1204) is amended by inserting "alien refugee," immediately after "special immigrant" each place it appears.

(b) The section heading for such section is amended by inserting ", alien refugee," immediately after "immediate relative."

(c) The item relating to such section 224 in the table of contents of such Act is amended by inserting ", alien refugee," immediately after "immediate relative."

SEC. 10. Section 241(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(10)) is amended by striking out the language within the parentheses and inserting in lieu thereof the following: "other than an alien who is described in section 101(a)(2)(A) or is a native-born citizen of any independent foreign country of the Western Hemisphere or of the Canal Zone."

SEC. 11. Section 244(d) of the Immigration and Nationality Act (8 U.S.C. 1254(d)) is amended by striking out "is entitled to a special immigrant classification under section 101(a)(27)(A), or ".

SEC. 12. Section 245 (c) of the Immigration and Nationality Act (8 U.S.C. 1255 (c)) is amended by striking out "any country of the Western Hemisphere" and inserting in lieu thereof "any country contiguous to the United States."

SEC. 13. (a) (1) Chapter 9 of Title II of the Immigration and Nationality Act (8 U.S.C. 1351–1362) is amended by adding at the end thereof the following new section:

"LIMITATIONS ON DEPORTATION"

"SEC. 293. (a) No alien lawfully admitted to the United States for permanent residence, other than an alien who obtained such status by fraud, concealment, misrepresentation, or other misconduct, shall be deported solely by reason of any conduct or event occurring or condition existing more than ten years prior to the institution of deportation proceedings against him.

"(b) No alien lawfully admitted to the United States for permanent residence before attaining the age of fourteen years shall be deported if he has resided continously within the United States for a period of at least ten years immediately preceding the institution of deportation proceedings against him and after having been lawfully admitted for permanent residence, including as part of such period at least nine years of physical presence in the United States.

"(c) No alien lawfully admitted to the United States for permanent residence other than an alien who obtained such status by fraud, concealment, misrepresentation, or other misconduct, shall be deported if he has resided continuously within the United States for a period of at least twenty years immediately preceding the institution of the deportation proceedings against him and after having been lawfully admitted for permanent residence, including as part of such period at least eighteen years of physical residence in the United States.

"(d) The benefits of this section shall be applicable to any alien notwithstanding (1) that any of the facts by reason of which subsection (a), (b), or (c) may be applicable, including the date of admission for permanent residence in the United States, occurred or existed prior to the effective date of the Immigration and Nationality Act Amendments of 1969, or (2) that the status of an alien lawfully admitted for permanent residence was erroneously or illegally granted to such alien through no fault of his own, that this section shall not be applicable to aliens as to whom deportation proceedings are pending on such effective date.

"(e) Any alien whose deportation is prevented under this section and whose status as an alien lawfully admitted for permanent residence was erroneously or illegally granted through no fault of his own shall remain in that status notwithstanding any other provision of this Act."

(2) The table of contents of chapter 9 of Title II of the Immigration and Nationality Act is amended by adding at the end thereof the following:

"SEC. 293. LIMITATIONS ON DEPORTATION."

(b) Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended by adding at the end thereof the following new subsection:

"(k) No proceeding under this section shall be instituted more than ten years after a

naturalized citizen has been admitted to citizenship."

SEC. 14. The first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334, is over fifty years of age and has been living in the United States for periods totaling at least twenty years".

SEC. 15. Section 316(b) of the Immigration and Nationality Act (8 U.S.C. 1427(b)) is amended—

(1) in the matter preceding clause (1) of the second paragraph thereof by inserting "or is employed by an accredited American philanthropic agency or organization, or is the sole owner or proprietor of" immediately after "recognized as such by the Attorney General,";

(2) in clause (1), by inserting "or to be employed by such accredited American philanthropic agency or organization," immediately after "such firm or corporation,"; and

(3) at the end thereof by inserting the following new sentence: "The granting of the benefits of this subsection to a person who has established to the satisfaction of the Attorney General that he will be employed in a capacity described in this subsection shall extend to the spouse, children, and unmarried sons and daughters of such person who, after being lawfully admitted for permanent residence, are physically present abroad as members of the household of such person during the period that such person is absent from the United States in the capacity for which such benefits are granted."

SEC. 16. Clause (1)(B) of section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)) is amended by inserting "of an accredited American philanthropic agency or organization, or is the sole owner or proprietor or in the employment" immediately preceding "of an American firm".

SEC. 17. Sections 320 and 321 of the Immigration and Nationality Act (8 U.S.C. 1431–1432) are amended by striking out the phrase "sixteen years" wherever it appears and inserting in lieu thereof "eighteen years".

SEC. 18. Section 323 of the Immigration and Nationality Act (8 U.S.C. 1434) is amended as follows:

(1) In subsection (a)—

(A) by inserting "and" at the end of clause (1);

(B) by striking out the semicolon and the word "and" at the end of clause (2) and insert in lieu thereof a period; and

(C) by striking out clause (3).

(2) In subsection (b), by striking out "only two years' residence and one year's physical presence in the United States during the two-year period immediately preceding the filing of the petition" and insert in lieu thereof the following: "physical presence in the United States at the time of naturalization."

(3) By striking out subsection (c).

SEC. 19. The third sentence of section 336 (c) of the Immigration and Nationality Act (8 U.S.C. 1447(c)), relating to final hearings upon petitions for naturalization, is amended by striking out "sixty" and inserting in lieu thereof "thirty".

SEC. 20. Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking out "and personal description of the naturalized person, including age, sex, marital status, and country of former nationality" and inserting in lieu thereof "and personal description of the naturalized person, including age, sex, and marital status".

SEC. 21. (a) There is hereby established a Select Commission on Nationality and Naturalization (hereinafter referred to as the "Commission") to be composed of nine members as follows:

(1) three members appointed by the President, at least one of whom shall be from each of the major political parties;

(2) three members of the Senate appointed by the President of the Senate, with the consent of the majority and minority leaders, two of whom shall be from the majority party of the Senate; and

(3) three members of the House of Representatives appointed by the Speaker of the House of Representatives with the consent of the majority and minority leaders, two of whom shall be from the majority party in the House of Representatives.

The President shall designate one of the persons appointed under clause (1) of this subsection as chairman.

(b) The Commission shall make a complete study and investigation of all matters relating to the policy, administration, and effect of Title III of the Immigration and Nationality Act, including but not limited to, the effect of Federal judicial decisions in recent years on any of the provisions of such title and an analysis and evaluation of the fairness of the laws and regulations, and their administration and effect, relating to nationality and naturalization.

(c)(1) The Commission shall make a preliminary report to the President and the Congress on or before the first day of the seventh month after the effective date of this Act. The Commission shall make a final report to the President and the Congress not later than six months after the submission of its preliminary report. Such reports shall include the results of its study and investigation, together with such legislative and administrative recommendations relating to Title III of the Immigration and Nationality Act, as the Commission considers appropriate.

(2) The Commission shall cease to exist sixty days after the submission of its final report.

(d) All Federal departments, agencies, and instrumentalities shall cooperate fully with the Commission to the end that it may effectively carry out its duties.

(e) (1) Each member of the Commission who is not otherwise employed in the service of the Government of the United States shall receive compensation at the rate of $100 for each day he is engaged in the performance of his duties as a member of the Commission and shall be allowed travel expenses, including per diem in lieu of subsistence, while away from his home or regular place of business, as authorized by section 5703 of title 5, United States Code.

(2) Each member of the Commission who is otherwise employed in the service of the Government of the United States shall serve without compensation in addition to that received in his regular employment, but shall be allowed travel, transportation, and subsistence expenses while engaged in the performance of his duties as a member of the Commission, as authorized by subchapter I of chapter 57 of title 5, United States Code.

(f) The Commission may appoint such personnel as it deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) The Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

SEC. 22. (a) Any alien who is eligible for important status under section 203(a)(5) of the Immigration and Nationality Act, as it existed immediately prior to the effective date of this Act, on the basis of a petition filed with the Attorney General prior to January 1, 1969, and the spouse, and children of such alien, if accompanying or following to join him, shall be held to be special immigrants and if otherwise admissible under the provisions of the Immigration and Nationality Act, shall be issued special immigrant visas if, upon his application for an immigrant visa and at the time of his admission to the United States, such alien is found to have retained his relationship to the petitioner and status as established in the approved petition.

(b) The Secretary of State shall make reasonable estimates of the number of visas which shall be issued under subsection (a) and, based on such estimates not more than 35 per centum of such visas may be issued in each of the first two fiscal years beginning July 1, 1970. The visas authorized to be issued under this subsection shall be issued to eligible immigrants in the order in which petitions in their behalf were filed with the Attorney General under section 204 of the Immigration and Nationality Act.

SEC. 23. Section 21 of the Act of October 3, 1965 (79 Stat. 916, 920), is hereby repealed.

SEC. 24. This Act shall become effective on the first day of the first month which begins at least 30 days after enactment.

The summary, presented by Mr. KENNEDY, is as follows:

SUMMARY OF IMMIGRATION BILL, INTRODUCED BY SENATOR EDWARD M. KENNEDY, 91ST CONGRESS, 1ST SESSION

Section 1 designates the bill the Immigration and Nationality Act Amendments of 1969.

Section 2 facilitates the *temporary* admission of aliens who are executives, managers of possess specialized knowledge, and are transferred by their employer to a branch office, affiliate or subsidiary in the United States; and facilitates the admission of aliens who are fiances or fiancees of United States citizens or permanent resident aliens; and provides special immigrant status to aliens "performing duties which are related to the religious activities of a religious denomination."

Section 3 establishes a Board of Visa Appeals as an independent office within the Bureau of Security and Consular Affairs of the Department of State. The Board will consist of five members, including a chairman, to be appointed by the Secretary of State. The Board shall have jurisdiction to review the denial of an immigrant visa to a relative of a United States citizen or permanent resident alien, upon the petition of such citizen or alien.

Section 4 provides for establishing a worldwide ceiling of 300,000 immigrants annually, exclusive of special immigrants, to become operative on July 1, 1973. In the interim the current ceiling of 170,000 for the Eastern Hemisphere continues to operate, and the current ceiling of 120,000 for the Western Hemisphere is increased by 10,000. Cuban refugees who adjust their status to aliens lawfully admitted for permanent residence are removed from ceiling considerations.

Section 5 extends to Western Hemisphere countries the 20,000 annual limitation on immigration from any one country which is currently applicable to countries in the Eastern Hemisphere, and raises the limitation on dependent areas from 200 to 600 annually.

Section 6 amends the preference system.

(a) The preference system, currently operative only in the Eastern Hemisphere, becomes operative on a worldwide basis simultaneously with the effective date of the world ceiling. In the interim the preference system operates separately in each hemisphere.

(b) The percentum of first preference (unmarried sons and daughters of U.S. citizens) is changed from 20 to 10.

(c) The second preference, currently the spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence, is expanded to include parents of permanent resident aliens. The percentum of 20 remains.

(d) The percentum of third preference (members of professions or persons of exceptional ability in the sciences and arts) is changed from 10 to 15.

(e) The fourth preference (married sons or daughters of U.S. citizens) and its percentum of 10 remains unchanged.

(f) The fifth preference, currently the brothers and sisters of U.S. citizens, eliminates those who are married. The percentum is changed from 24 to 20.

(g) The percentum of sixth preference (skilled and unskilled workers in short supply) is changed from 10 to 15.

(h) The percentum of seventh preference (refugees) is changed from 6 to 10. Instead of being given "conditional entry" in accordance with regulations prescribed by the Attorney General, refugees are issued regular immigrant visas in accordance with regulations prescribed by the Department of State. The definition of a "refugee" is broadened to establish a worldwide asylum policy for the United States: "The term alien refugee means any alien who has fled or shall flee from and is unwilling to return to . . . any country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, or who has been uprooted by natural calamity or military operations. . . ."

(i) to permit maximum flexibility in the use of visas, available visas not required in any one preference are to be used in meeting excessive demands in succeeding preference categories.

Section 7 facilitates the granting of waivers to certain exchange visitors who wish to remain in the United Sates; provides a permanent authority to adjust the status of refugees paroled into the United States, for emergency reasons, by the Attorney General; and facilitates the admission of the mentally retarded.

Sections 8, 9, 10, and 11 contain technical amendments.

Section 12—except in the case of natives of Canada, Mexico and adjacent islands—provides for the adjustment of status of Western Hemisphere natives on the same basis as aliens from the Eastern Hemisphere.

Section 13 establishes a new Section 293, entitled, "Limitations on Deportations." The Statute of Limitations would prevent the deportation:

(1) of aliens lawfully admitted to the U.S. for permanent residence solely by reason of any conduct or conditions which occurred or existed ten years prior to the institution of deportation proceedings;

(2) of aliens lawfully admitted to the United States for permanent residence if such aliens entered the U.S. prior to age 14 and have resided in the U.S. for a period of ten years immediately preceding the institution of deportation proceedings;

(3) of aliens lawfully admitted to the U.S. for permanent residence if such aliens have resided continuously within the U.S. for a period of at least 20 years immediately preceding the institution of deportation proceedings against him.

The Statute of Limitations will not apply to aliens who received their residence status illegally.

Section 14 facilitates the naturalization of persons over 50 years who have been living in the United States for at least 20 years.

Sections 15 and 16 facilitate the naturalization of permanent resident aliens employed overseas by an accredited American philanthropic organization, or the alien spouse of a U.S. citizen employed by such organization.

Section 17 permits the derivative acquisition of citizenship by a minor child, through his parents' naturalization, through 18 years of age instead of 16 as currently provided.

Section 18 facilitates the naturalization of an alien child adopted by a U.S. citizen parent who is employed overseas by an accredited American philanthropic organization.

Section 19 provides that final hearings upon petitions for naturalization can be held as late as 30 days before a pending general election, rather than 60 days as currently provided.

Section 20 eliminates the question of "Country of former nationality" from the naturalization certificate.

Section 21 establishes a Select Commission on Nationality and Naturalization to "make a complete study and investigation of all matters relating to the policy, administration, and effect of title III of the Immigration and Nationality Act, including but not limited to, the effect of Federal judicial decision in recent years on any of the provisions of such title and an analysis and evaluation of the fairness of the laws and regulations, and their administration and effect, relating to nationality and naturalization." The Commission shall be composed of nine members—three from the Senate, three from the House, and three appointed by the President—and shall file its final report one year following enactment of this bill.

Section 22 cleans up backlog in fifth preference (brothers and sisters of U.S. citizens), by authorizing the issuance of special immigrant viasas to applicants whose petition for admission was filed prior to January 1, 1969.

Section 23 contains a technical amendment.

Section 24 contains enactment date.

Mr. FONG. Mr. President, a few months ago, I noted with great pleasure and satisfaction that after 4 years of experience under the historic Immigration Reform Act of 1965, immigration to the United States from all over the world has become more evenly distributed.

This result unequivocally attests to the fact that we have achieved one of the principal avowed purposes of the new law; that is, to wipe out all traces of racial discrimination from our laws and policies.

However, as the distinguished and able senior Senator from Massachusetts (Mr. KENNEDY) has so eloquently pointed out, a number of shortcomings still exist in our basic immigration law. Some of these shortcomings were noted during the consideration of the 1965 act, but those of us who strongly favored that law decided not to push them at that time, because we felt that the more basic reforms should come first.

Now that these basic changes have been accomplished, I believe that it is timely for the Congress to consider and promptly enact further corrective legislation, to plug most of the loopholes which still exist in our laws.

I am pleased, therefore, to join Senator KENNEDY and Senator HART in sponsoring an omnibus bill to achieve the following ends:

First. To reinforce and clarify the system of allocation of visas which we first enacted in 1965; to extend this system to applicants in countries of both the Western and Eastern Hemispheres, all on a first-come, first-served basis.

Second. To recognize the tremendous transnational growth of business, educational, artistic, and other organizations by facilitating entry on a temporary basis of nonimmigrant personnel who possess ability, skills, and ideas required in the Nation.

Third. To further the objective which was written into the 1965 law of reuniting families by facilitating the entry of fiances or fiancees of American citizens or permanent resident aliens, and accord second preference status to the parents of permanent resident aliens.

Fourth. To broaden the humanitarian policy of granting asylum to refugees from all areas of the world by allowing 10 percent of the total annual quota to enter as immigrants rather than as conditional entrants.

Fifth. To establish a world-wide ceiling of 300,000 immigrants annually, exclusive of immediate family members of U.S. citizens and other special immigrants; the ceiling would become effective July 1, 1973—and in the meantime the existing ceiling of 170,000 immigrants from the Eastern Hemisphere would continue and the ceiling of immigrants from the Western Hemisphere would be increased from 120,000 to 130,000; because of the exceptional status accorded the Cuban refugee program, such refugees who elected to adjust their status under the act of November 2, 1966, would not be counted against this Western Hemisphere ceiling; the present 20,000 annual limit on immigrants from any single country in the Eastern Hemisphere would be made applicable to countries of the Western Hemisphere, except that Canada and Mexico are given individual ceilings of 35,000 each.

Sixth. To establish an independent Board of Visa Appeals within the Bureau of Security and Consular Affairs of the Department of State, which would have jurisdiction to review the denial of an immigrant visa to a relative of a U.S. citizen or permanent resident alien upon the petition of such citizen or resident alien.

Seventh. To establish a statute of limitations to prevent deportation of permanent resident aliens: First, for the sole reason of conduct which occurred or conditions which existed 10 years prior to the institution of deportation proceedings; or second, who entered the country prior to age 14 and have resided in the United States for 10 years immediately preceding the institution of deportation proceedings; or third, who have lived continuously in the United States for at least 20 years immediately preceding the institution of deportation proceedings.

Eighth. To waive the naturalization requirements of literacy in the English language for aliens who are 50 years of age and who have been living in the United States for at least 20 years.

Ninth. To establish a Select Commission on Nationality and Naturalization, to make a full and complete study and investigation of all aspects of the naturalization policies under the immigration laws.

Mr. President, during the first session of the 90th Congress, I introduced several pieces of legislation containing some of the provisions which I have outlined

and I am happy that they are included in this omnibus bill.

As a member of the Committee on the Judiciary, and one who helped to draft the landmark Immigration Reform Act of 1965, it is my firm hope that both Houses of Congress will move promptly and expeditiously to enact this very meritorious omnibus bill.

By enacting these changes, we will be bringing the Immigration and Nationality Act into even closer harmony with the traditional American precepts of fairplay and equal justice for all under the law.

I shall urge the Committee on the Judiciary to schedule comprehensive and complete hearings on this measure early in the next session.

In 1965, 76 Senators joined to write reforms to our basic immigration laws which were the most far reaching in our history, but we have yet to give the last full measure of our devotion to the first principles of our Nation insofar as our immigration policies are concerned, and it is my hope that the Congress will wholeheartedly support this legislation and thereby further the ends of immigration reform.

S. 3203—INTRODUCTION OF A BILL TO ESTABLISH WITHIN THE DEPARTMENT OF THE INTERIOR THE POSITION OF ASSISTANT SECRETARY FOR INDIAN AFFAIRS

Mr. BELLMON. Mr. President, I introduce today a bill to establish within the Department of the Interior the position of Assistant Secretary for Indian Affairs.

Since the establishment of the Bureau of Indian Affairs, this agency has been under the direction of the Assistant Secretary of the Interior for Public Land Management. The Assistant Secretary presently is responsible for the conservation, development, and management of over 400 million acres of the Nation's public lands—more land area than Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, and New Jersey all put together—18 States. His duties also involve the administration of mining and mineral leasing on federally owned lands. He is also the focal point of Federal activities related to outdoor recreation. Another major responsibility involves the Office of Territories of the United States. On top of this monumental task, the Assistant Secretary has the responsiblity to oversee the Bureau of Indian Affairs, which deals with our Nation's 600,000 American Indian citizens.

The Bureau of Indian Affairs was established in the War Department of 1824 and was transferred to the Department of the Interior when it was established in 1849. Since 1849, 36 men have served this country as Commissioner of Indian Affairs. Since 1849, the policy of our country has varied greatly in regard to the administration of the affairs of our Indian citizens.

Mr. President, I feel that the time has come for this country to take a firm position on the future of these native Americans. I can think of no better way to accomplish this than to elevate the Commissioner of Indian Affairs and to give him both the responsibility and the authority to cope with the serious and complex problems faced by our Indian citizens. This move will help elevate the Bureau of Indian Affairs to its proper role and strengthen the agency in its operation.

The present arrangement is both unworkable and dehumanizing so far as Indian citizens are concerned. To place the welfare of 600,000 Americans under an agency called "the Bureau of Land Management" is to infer that Indians are not really people, but some lesser order of creatures that can be managed along with the wildlife that roams the public lands. This is an unintended, but gross insult that Indians should not be expected to bear.

In addition, Indian problems are people problems, best understood and solved by educators, sociologists, economists, and others trained and experienced in the humanities. Under the present arrangement, as recommendations regarding Indian needs and services move through the many echelons of decisionmaking in the Bureau of Land Management, they must be acted upon by officials whose expertise is far afield from the social sciences.

The sad lot of the American Indian is well known. The failure of our Government to assure him the opportunity and the means of gaining an equal share in American progress is one of the most shameful pages in our history.

The creation of the position of Assistant Secretary for Indian Affairs and the restructuring of the Bureau of Indian Affairs along humanitarian lines will increase the opportunity for progress for American Indians.

As a former member of the Indian Education Subcommittee of the Committee on Labor and Public Welfare, I am aware that the committee will shortly propose legislation to make many changes to accomplish some of the objectives I have in mind in introducing this measure; but the matter of reorganizing the Bureau of Indian Affairs and of giving additional authority and responsibility to the man who is presently Commissioner by elevating him to the position of Assistant Secretary is a matter of great immediacy. Therefore, today I introduce the bill and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3203) to establish within the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3204—INTRODUCTION OF A BILL TO AMEND PUBLIC LAW 84-930

Mr. MAGNUSON. Mr. President, it is my privilege to introduce, at the request of the administration, a bill that will be of interest to all who are concerned with the continuing problem of child entrapment in certain home appliances. This bill will amend the act of August 2, 1956—Public Law 84-930—that requires household refrigerators shipped in interstate commerce to be equipped with doors that can be opened easily from the inside. While the original act has done much to decrease the number of tragic entrapments of children, it is now seen to have two major shortcomings which this amendment will rectify.

The 1956 statute was enacted in response to the growing danger to children from increasing numbers of abandoned and idle refrigerators. At that time the potential danger of entrapment and suffocation in household freezers and refrigerator-freezer combinations was not fully recognized because sales of those appliances were not widespread. However, a recent survey conducted by the National Bureau of Standards in cooperation with the Refrigeration Service Engineers Society indicates that of 140 entrapment deaths occurring during the past 10 years, 30 involved freezers or refrigerator-freezer combinations. The remaining 110 involved refrigerators believed to have been manufactured prior to the introduction of safety devices required by Public Law 84-930. I fear that the number of entrapments in abandoned freezers may increase drastically in coming years because of the recent rapid increase in their popularity and resultant sales.

Fortunately, many producers of freezers and combination units have voluntarily incorporated the same safety features in their products that are required by law for refrigerators. Not all such units comply, however. The proposed amendments are intended to assure that all homefreezers are equipped with adequate safeguards against accidental entrapment. The National Commission on Product Safety, which also has been concerned with entrapment deaths among our children, has strongly recommended such extension of existing Federal law.

In addition to extending coverage to homefreezers, the proposed bill amends existing law to provide for standards covering additional or different forms of safeguards that may be conceived as new technology is developed. This amendment would permit increased flexibility in product safety design so that the children of our Nation may be protected by improved safety standards whenever they may prove to be practical and necessary.

I believe that this bill is necessary to carry out the job begun in 1956 and I hope that favorable action may be taken on it.

Mr. President, I ask unanimous consent that the text of the bill and the explanatory statement submitted by the Department of Commerce be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3204) to amend the act entitled "An act to require certain safety

devices on household refrigerators shipped in interstate commerce," approved August 2, 1956, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 2, 1956 (70 Stat. 953; 15 U.S.C. 1211) is amended to read as follows:

"It shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any household refrigerators, household freezers, or household refrigerator-freezer combination manufactured on or after the date this section takes effect unless such refrigerator, freezer or refrigerator-freezer combination is equipped with safety devices which conform with standards prescribed pursuant to section 3, which are in effect on the date of manufacture."

SEC. 2. Section 3 of such Act is amended to read as follows:

"SEC. 3. The Secretary of Commerce shall prescribe and publish in the Federal Register performance standards for devices which when used in or on household refrigerators, household freezers, or household refrigerator-freezer combinations will protect children against unreasonable risk of entrapment leading to death or personal injury. The provisions of sections 551 through 559 of title 5, United States Code, shall apply to the issuance of all standards or amendments thereto under this section."

SEC. 3. Section 5 of such Act is amended by deleting the word "commercial" in the phrase "Commercial standards" wherever it appears.

SEC. 4. Notwithstanding the provisions of this Act, the standards in effect under the provisions of the Act of August 2, 1956 (70 Stat. 953) on the day preceding the date of enactment of this Act, shall continue in effect for the household refrigerators to which they are applicable until superseded or modified by the Secretary of Commerce pursuant to the authority conferred by the amendments made by this Act.

The statement, presented by Mr. MAGNUSON, is as follows:

STATEMENT OF PURPOSE AND NEED

The Act, entitled "An Act to require certain safety devices on household refrigerators shipped in interstate commerce," was approved as Public Law 84–930 on August 2, 1956 (70 Stat. 953; 15 U.S.C. 1211). That statute prohibited the shipment in interstate commerce, after the effective date of safety standards which were published by the Secretary of Commerce, of any household refrigerator unless equipped with a device enabling the door thereof to be opened from the inside, which conformed to such standards. The law was designed to protect small children from accidental entrapment and suffocation in abandoned or idle household refrigerators by requiring that they be equipped with doors capable of being opened from the inside by a child.

Public Law 84–930 appears to have been very successful in accomplishing the purpose for which it was designed in that there have been no reports of deaths resulting from entrapment in refrigerators that meet the current standard. However, the law applied only to household refrigerators and not to home freezers or the freezer portions of household refrigerator-freezer combinations. Yet, a similar hazard of entrapment exists with respect to abandoned or idle freezers. It is the purpose of these amendments to extend the law's coverage to include home freezers and household refrigerator-freezer combinations in order to reduce further the type of hazard to small children that made Public Law 84–930 necessary.

Since the passage of the Act of August 2, 1956, there has been a rapid increase in the use of freezers and refrigerator-freezer combinations in the home. Within the next several years, this Nation may be confronted with a situation similar to that which existed with the increased manufacture and use of refrigerators: an abundance of what appears to an adult as simply an abandoned freezer, but what a child views as an inviting hiding place. An additional complication exists with home freezers in that many are top-opening, rather than side-opening, appliances. This tends to increase the possibility of accidental entrapment.

It is to the credit of the home appliance industry that most freezers and refrigerator-freezer combinations now on the market are equipped with doors that can be opened easily from the inside as required by the standard for refrigerators published by the Secretary of Commerce on August 1, 1957 (22 F.R. 6058; 15 C.F.R. 260) pursuant to Public Law 84–930. A recent survey conducted by the National Bureau of Standards concerning the forces required to open the doors of home freezers and refrigerator-freezer combinations now being sold indicated widespread voluntary compliance with the existing standard. Of 187 refrigerator-freezer combinations tested, only 10 of the freezer compartment doors required opening forces greater than 15 pounds, which is the maximum permissible force established for refrigerator doors by the standard issued pursuant to Public Law 84–930. Among the 50 upright freezers tested, 8 required opening forces greater than 15 pounds. All of the chest type (horizontal) freezers were found to contain counter balancing mechanisms for the lids, but 3 of the 20 checked required forces in excess of 15 pounds to open.

As these figures indicate, the extent of voluntary compliance by makers of home freezers and combination units with the safety standard for refrigerators published under the present law has been remarkably good. However, not all units comply and there is no statutory requirement that they do so. The proposed amendment to Public Law 84–930 would give the Secretary of Commerce authority to require that all such freezers and refrigerator-freezer combinations comply with the standard concerning the opening force on doors now voluntarily observed by the makers of most such units.

In addition, the proposed amendment would authorize the Secretary of Commerce to require additional and different forms of safeguards against entrapment in refrigerators, as well as freezers or combination units, should he determine that a need for such protection exists. As presently stated, the law provides only for devices to permit refrigerators to be opened easily from the inside. This, of course, assumes that the entrapped child will make a positive effort to free himself, which unfortunately may not always be the case. During tests conducted at the National Bureau of Standards in 1956, a small but significant number of the younger children studied made little or no effort to free themselves from a mock refrigerator enclosure. If they behaved similarly during a prolonged period in a real refrigerator or freezer (even one complying with current standards) they could suffocate.

It may be, therefore, that more effective protection against entrapment would be afforded through devices to prevent unintentional closure of a refrigerator or freezer compartment of a unit not in service, that is, not connected to an electrical power source. Such a safeguard might be particularly appropriate in the case of refrigerator-freezer combinations that utilize a drawer type freezing compartment. The technical difficulties of devising a drawer that can easily be opened from the inside may be far greater than devising means to prevent accidental closure of the drawer of a unit not in service.

Standards providing for this sort of solution to the entrapment problem are not authorized under the present Act. However, the proposed amendment would enable the Secretary to establish any reasonable and technologically practicable standard or amendment thereto needed to protect against unreasonable risk of entrapment. The proposed legislation also provides that the administrative procedural requirements set out in sections 551 through 559 of title 5, United States Code, would apply to the issuance of all standards or amendments issued by the Secretary under section 3 of the Act. This would provide adequate opportunity for all affected parties to express their views with respect to proposed standards or amendments issued by the Secretary under that section.

Unfortunately, data concerning the number and nature of child entrapments that have occurred in recent years are not adequate to permit a reliable assessment of the extent of the hazard that may remain. It is known that at least 31 children lost their lives in this manner during 1966, the last year for which records are available. Since there have been no reports of entrapments in refrigerators that comply with the present standard, it would appear that these recent accidents continue to occur primarily in refrigerators manufactured prior to 1958 when the standard took effect. In short, we are still suffering as a result of the massive supply of hazardous units produced before the problem was fully recognized in 1956.

Fortunately, due to the excellent voluntary action of the appliance industry, the number of possibly hazardous home freezers and refrigerator-freezer combinations that may exist today is believed to be relatively small. However, in view of the increasing use of these units and the improved technology now available to deal with the special problems posed by freezers, it is believed that the Secretary should be given the authority to require full compliance with the most effective and practical safety standards that can be devised to protect the children of the future.

S. 3205 and S. 3206—INTRODUCTION OF BILLS RELATING TO THE SMITHSONIAN INSTITUTION

Mr. FULBRIGHT. Mr. President, at the request of the Board of Regents of the Smithsonian Institution, I introduce today for myself, the Senator from New Mexico (Mr. ANDERSON), and the Senator from Pennsylvania (Mr. SCOTT), two bills relating to the Smithsonian Institution. I ask that they be appropriately referred.

One bill is to authorize the construction of pavilions as additions to the National Museum of History and Technology for the Smithsonian Institution, including the preparation of plans and specifications and all other work incidental thereto.

The other bill is to appropriate a site for a museum of man for the Smithsonian Institution.

I ask unanimous consent that these bills be printed in the RECORD, together with statements of justification.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and statements of justification will be printed in the RECORD.

The bill (S. 3205) to authorize the construction of pavilions as additions to the National Museum of History and

Technology for the Smithsonian Institution, including the preparation of plans and specifications and all other work incidental thereto, introduced by Mr. FULBRIGHT, by request, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Regents of the Smithsonian Institution are hereby authorized and directed to have prepared drawings and specifications for and to construct suitable pavilions as additions to the National Museum of History and Technology Building at Fourteenth Street and Constitution Avenue Northwest, Washington, District of Columbia (with requisite equipment) for the use of the Smithsonian Institution, to be used for special exhibits in support of the Bicentennial of the American Revolution and thereafter for the use of the Smithsonian Institution, at a cost not to exceed $6,000,000.

SEC. 2. That the preparation of said drawings and specifications, the design and erection of the building, and all work incidental thereto may be placed under the supervision of the Administrator of the General Services Administration in the discretion of the Board of Regents.

SEC. 3. That there are hereby authorized to be appropriated to the Smithsonian Institution such sums, not to exceed $6,000,000 as may be necessary to carry out the provisions of this Act: *Provided,* That appropriations for this purpose, except such part as may be necessary for the incidental expenses of the Regents of the Smithsonian Institution in connection with this project, may be transferred to the General Services Administration for the performance of the work: *Provided further,* That when so specified in the pertinent appropriation act, that amounts appropriate under this authorization are available without fiscal year limitation.

The material presented by Mr. FULBRIGHT is as follows:

JUSTIFICATION

The National Museum of History and Technology (NMHT) is the center of historic research and education at the Smithsonian. It is fitting, therefore, that the Institution's observance of the Nation's Bicentennial in 1976 should be focused principally upon this Museum.

Yet this Museum, which has far surpassed all expectations in its popularity and in demands upon its resources, is already inadequate to accommodate the increased numbers of visitors and to display to best advantage its historic resources. Unless action is taken immediately to fit the Museum for its role in the Bicentennial, the Museum may prove unable to make the contribution the occasion demands.

INCREASED VISITORS, LIMITED SPACE

The number of visitors to NMHT is increasing steadily, even without the Bicentennial. In 1967, for example, the number of visitors to NMHT was nearly six million. The year 1976 will bring much larger numbers to the Mall and to the Museum.

Exhibit space in NMHT is already scarce. The historic collections are growing and special acquisitions of historic artifacts will be a part of the Museum's Bicentennial preparations. If the Museum is to fulfill its educational role, to make a coherent and comprehensive statement about the growth of the United States, it must now construct appropriate exhibit space.

To accommodate new permanent exhibits and to handle an unprecedented influx of Bicentennial visitors, the Smithsonian Institution proposed that two Bicentennial pavilions be added to the Museum of History and Technology.

THE BICENTENNIAL PAVILIONS

The Bicentennial Pavilions will bcome the focus of a great effort of research to interpret the first 200 years of the United States. Long after 1976, they will be the scene of important educational presentations revealing the special international nature of America's history.

As proposed, the two Pavilions will, with the present museum, provide a three-part complex in the National Museum of History and Technology.

THE FIRST PAVILION

The first pavilion, "A Nation From the Nations," will present the people who have settled America: their contributions, their trials, and their character. The theme would be the distinctive immigrant experience of each period of American history and of each part of the country.

Topical exhibits would illuminate the rise of American civilization, emphasizing the contributions of all the different ethnic groups: political institutions and law influenced by other nations; technology, from English factory organizations to Dutch diamond cutting; the scientific, agricultural and mathematical contributions of the Germans, Danish, Swiss and Italians, and the many contributions of various peoples to American religion, art, architecture, education, science, sports and other fields.

THE SECOND PAVILION

The present Museum will continue to show the achievements of America: what the American people have accomplished together, from folk art to physics to human rights.

The second pavilion will provide the final phase of the Museum's Bicentennial presentation: "A Nation to the Nations." Its goal: to trace the influence of America on the world: the shaping power of our thought, industry and politics upon the world.

A final segment of this pavilion, entitled "Toward World Community," will show how Americans and their ideas of cooperation have helped shape and cement a world community.

A SCHOLARLY EFFORT

It should be noted that the Bicentennial Pavilions promise not only an effort in bricks and mortar, but a focal point for new and important scholarly activity.

As Secretary Ripley has said:

"We have failed to give the true historical picture, to describe the whole panorama of our cultures. Young people representing Negroes, Indians, Spanish, Chinese, Japanese and other subcultures are nct given the evidence that they are part of the stream of history of the United States with a noble past, a vital present, and an unlimited future. If our Institution is to play a valid role in the Bicentennial of the American Revolution in 1976, we should be prepared to correct what is in effect a series of oversights in history, the history of our country and of the multiplicity of our people."

To this end, the Pavilion project will call upon many of the nation's greatest scholars as consultants. The Smithsonian hopes that such eminent social historians as Oscar Handlin, Samuel Eliot Morison, John Hope Franklin, Oscar Lewis, Richard Hofstadter, and others, will contribute to the Bicentennial Pavilion effort.

The paucity of scholarship both in immigration-history and in the history of American influence abroad gives us the opportunity to promote a deeper and wider discovery and understanding of our role in the world.

At a time when our nation is preoccupied with its internal divisions, when we are tempted to identify "minority" status with poverty and inequality, the Pavilions will channel our concern into a broad humanistic pride. They will remind all Americans that our "minorities" are the symbol of our peculiar strength and of our ties to all mankind.

COST

Each pavilion will provide approximately 25,000 square feet of additional floor space. Design, construction, site improvements and completion of interior furnishings are estimated to cost $6,000,000.

The bill (S. 3206) to appropriate a site for a museum of man for the Smithsonian Institution, introduced by Mr. FULBRIGHT, by request, for himself and other Senators, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 3206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the Mall bounded by Third Street, Maryland Avenue, Fourth Street and Jefferson Drive, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as the permanent site for a museum building. Subject to further authorization for design and construction, the museum shall be known as the National Museum of Man, and shall be under the administration of the Board of Regents of the Smithsonian Institution.

The material presented by Mr. FULBRIGHT, is as follows:

JUSTIFICATION

Long standing policies guiding the development of the Mall have restricted land use to museums, galleries and other similar uses. With construction of an addition to the National Gallery of Art on the square bounded by 3rd Street, Madison Drive, 4th Street and Pennsylvania Avenue, the north side of the Mall becomes fully committed to use. Attention is now directed to the south side and the panel bounded by 3rd Street, Maryland Avenue, 4th Street and Jefferson Drive. To insure that this last square is used for public purposes, legislation is proposed to have it appropriated to the Smithsonian Institution for museum purposes, without cost to the Institution.

An exchange of correspondence in February 1969 with the Chairman of the National Capital Planning Commission confirmed their view that the site should be used for museum purposes.

A new building will be constructed on the site to house the National Museum of Man. The availability of an appropriate and properly designed building will permit removal of the sciences of man from the Museum of Natural History and for the first time put in a single worldwide context all studies and exhibits of cultures and peoples from the earliest time to the present. The Museum of Man will coordinate and carry out programs involving research, education and service in facilitating the study of man in a comprehensive and scholarly manner.

Since 1879 the Smithsonian's Bureau of American Ethnology has been gathering, recording and publishing information on the American Indians and natives of lands under the jurisdiction of the United States—their languages, material culture, history, social and religious organization and mythology. The initial researches of the Bureau were studies of the language and culture of the existing Indian tribes; but within a few years, the study of prehistoric Indian remains also was undertaken with Congressional approval. Nearly 300 publications devoted to American Indian linguistics, ethnology, and archaeology constitute the Bureau's tangible record of the achievement in the study of the original inhabitants of America.

The Bureau of American Ethnology was later expanded to the Office of Anthropology encompassing more comprehensive studies in the science of man. In 1968 the Center for the Study of Man was established to assure responsibility for the operation and development of the research components of the Office of Anthropology and to concentrate on areas of urgent anthropology because of many of the unique characteristics that distinguish various cultures and subcultures are being destroyed by the spread of mass media, rapid transportation, greater literacy, and the general mobility of groups in our civilization.

With the restructuring and redefining of anthropological programs, to meet the urgent demand for knowledge concerning man's intersocietal relationships, the Smithsonian has established the National Museum of Man by the consolidation of the Office of Anthropology of the National Museum of Natural History and the Center for the Study of Man. Thus the foundation is laid for a major new museum to carry on work started in 1879 and to provide a base for study and education for the future.

The proposed site will, within zoning requirements and good planning standards, permit construction of a building containing approximately 350,000 square feet of floor space.

The proposed legislation reserves the site for museum purposes. Since the land is now in Federal ownership, there will be no cost to the Smithsonian. Future legislation will be proposed, at some appropriate time, to authorize design and construction as national policies may permit.

S. 3207—INTRODUCTION OF A BILL RELATING TO THE LIABILITIES OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO THE UNITED STATES

Mr. SPARKMAN. Mr. President, I am introducing a bill for myself and Mr. BENNETT, relating to the liabilities of the Federal National Mortgage Association to the United States. The preferred stock of Federal National Mortgage Association, all of which was held by the Secretary of the Treasury, was retired on September 30, 1968. At that time FNMA was required by section 303(a) to "pay to the Secretary of the Treasury for covering into miscellaneous receipts an amount equal to that part of the general surplus and reserves of the corporation—other than reserves established to provide for any depreciation in value of its assets, including mortgages—which shall be deemed to have been earned through the use of the capital represented by the shares held by him from time to time." That part of the general surplus and reserves of the corporation deemed to have been earned through the use of preferred stock and carried on the books of the corporation as representing the earnings attributable to the portion of the capital supplied by the United States, approximated $52 million. At the time payment of this amount was due to be paid to the United States, FNMA asserted a claim against it based upon a contention by its counsel that it should establish a reserve for depreciation in the value of its mortgages which would wipe out its entire surplus and leave nothing to be paid to the United States. Pending resolution of the issue the $52 million was placed in a special status account in the Treasury, subject to withdrawal upon the joint order of the Secretary of the Treasury and the corporation.

Subsequently, on December 12, 1968, after the preferred stock had been retired and after FNMA ceased to be a Government corporation, its board of directors attempted retroactively to transfer all its surplus to an account called "surplus reserves." The resolution stated that instead of the board endeavoring to resolve legal questions or ambiguities, it would be more appropriate that such legal questions or ambiguities be resolved either by clarification from the Congress or by authoritative interpretation from the courts.

Shortly before its becoming a private corporation, FNMA had changed its accounting procedures in such a way as to reduce its surplus and the tax equivalent payments made to the Treasury by approximately $16 million. This change in accounting procedures was disallowed by the Treasury Department so that the total indebtedness of FNMA to the Treasury now exceeds $68 million.

After several consultations between counsel for the Treasury and counsel for the corporation, it was concluded by the Treasury that there is no alternative but to bring suit against the corporation to recover the amounts due. Before suit could be brought, however, the president of the corporation indicated a willingness on the part of the corporation to pay the full amount due but, because of an alleged concern over possible potential liabilities of officers and directors of the corporation, he requested that Treasury Department sponsor legislation. The Treasury Department agreed to this approach but made clear that if legislation is not enacted it sees no alternative but to pursue the matter in the courts.

I ask unanimous consent that two letters relating to the bill I am introducing be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 3207) relating to the liabilities of the Federal National Mortgage Association to the United States, introduced by Mr. SPARKMAN (for himself and Mr. BENNETT), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The letters, presented by Mr. SPARKMAN, are as follows:

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C.

HON. JOHN SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: Pursuant to the discussion which Jim Smith and I had with you a few days ago, I am enclosing copies of legislation which we propose be enacted in order to finally settle the dispute between the Federal National Mortgage Association and the United States Treasury.

Agreement has been reached between Counsel for the Treasury and FNMA concerning the settlement of this dispute and the proposed legislation would accomplish its final resolution.

I am also enclosing a brief memorandum giving the factual background, and copies of correspondence which I have had with the President of FNMA.

Sincerely yours,

PAUL W. EGGERS.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C.

MR. RAYMOND H. LAPIN,
President, Federal National Mortgage Association,
Washington, D.C.

DEAR MR. LAPIN: This is to confirm our understanding concerning the submission of legislation pertaining to the liabilities of Federal National Mortgage Associaton to the United States.

As you know, the Corporation became liable to the United States on September 30, 1968, in an amount in excess of $52 million representing earnings attributable to capital provided by the United States. Tax equivalent payments in excess of $16 million are also due to the United States. $52,190,693 was paid to the Treasury on September 30, 1968, but at your request it was placed in a special status subject to withdrawal on the joint order of the Treasury Department and the Corporation. You have specifically declined to agree to the withdrawal of this sum from the special status account for payment into miscellaneous receipts of the United States.

At the meeting in my office on May 13, 1969, you indicated a willingness on the part of the Corporation to pay these sums to the United States, but expressed concern over possible potential liability of officers and directors of the Corporation to its shareholders for doing so. Because of this concern, you requested that the Treasury Department sponsor legislation to specify the amounts due the United States and to protect the officers and directors of the Corporation against liability.

While we are satisfied that there is no necessity for such legislation, and while we are certain that the officers and directors of the Corporation would incur no liability because of paying its just obligations, as an accommodation to you and in order to avoid the necessity for litigation I advised you on May 14, 1969, that the Treasury Department would be amenable to legislation as suggested by you. This was done with the understanding that should legislation be enacted the Corporation will promptly pay the sums due the United States. In no way, however, should our acquiescence in your request be regarded as indicating any uncertainty as to the legal liability of the Corporation to the United States, nor as derogating from our legal position should litigation become necessary.

Sincerely yours,

PAUL W. EGGERS.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
Washington, D.C., June 11, 1969.

PAUL W. EGGERS, ESQ.,
General Counsel, Department of the Treasury, Washington, D.C.

DEAR MR. EGGERS: This letter relates to your letter to me dated May 29, 1969, concerning our mutual interest in the authoritative and final disposition of various issues referred to in your letter.

It is our mutual desire that all legal, tax, tax equivalent, accounting, and other uncertainties preceding or arising from the transition of FNMA effected on September 1, 1968, pursuant to Public Law 90–448, and expressly including such problems as are incidental or related in time to the final retirement of all outstanding FNMA preferred stock on September 30, 1968, be resolved by clarifying legislation. For your convenient reference, a copy of the draft legislative provisions that were recently discussed between Mr. Englert and our representatives is attached.

We acknowledge that your participation in this matter does not indicate any uncertainty on your part as to the fact and extent of the liability of the corporation to the Secretary of the Treasury, nor does it derogate from your legal position should litigation become necessary.

I am sure that you likewise understand that our participation in this matter is not to be construed as an admission, nor should it be considered as derogating from the positions of the corporation, as determined by our Board of Directors, with respect to the matters in issue between the Treasury and the corporation.

All of us will, of course, cooperate in every possible respect with you and other Treasury representatives to seek prompt passage of legislation required to resolve these issues.

Sincerely,

RAYMOND H. LAPIN,
President.

ADDITIONAL COSPONSORS OF BILLS

S. 2312

Mr. CASE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor to S. 2312, to establish a Department of Conservation and the Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3163

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Arizona (Mr. FANNIN) I ask unanimous consent that at its next printing the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mr. HOLLAND), the Senator from Idaho (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Texas (Mr. TOWER) be added as cosponsors to S. 3163, to provide for a White House Conference on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. RES. 292

Mr. GRAVEL. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Resolution 292, to express the sense of the Senate with respect to troop deployment in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 4, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 564. An act for the relief of Mrs. Irene O. Queja;

S. 2019. An act for the relief of Dug Foo Wong;

S. 2185. An act to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324); and

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 351

Mr. YARBOROUGH submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was ordered to lie on the table and to be printed.

(The remarks of Mr. YARBOROUGH when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 352

Mr. BELLMON submitted an amendment, intended to be proposed by him, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BELLMON when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 353

Mr. MCCARTHY (for himself and Mr. RIBICOFF) submitted an amendment, intended to be proposed by them, jointly, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 354

Mr. RIBICOFF (for himself and Mr. CURTIS) submitted amendments, intended to be proposed by them, jointly, to H.R. 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 355

Mr. JAVITS submitted an amendment, intended to be proposed by him, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 356

Mr. GORE (for himself, Mr. CRANSTON, Mr. MONDALE, Mr. MONTOYA, and Mr. YARBOROUGH) submitted an amendment, intended to be proposed by them, jointly, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 357

Mr. HOLLINGS submitted an amendment, intended to be proposed by him, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 358

Mr. SPARKMAN. Mr. President, the amendment I am submitting for myself, Senator BAKER and Senator ALLEN is consistent with the action taken by Congress last year in assuring tax exempt status for municipal industrial revenue bonds. Unfortunately, the effect of the congressional action last year has been impaired because of an administrative ruling of the Securities and Exchange Commission that the interests upon which these bonds are issued be registered in accordance with SEC regulations. This registration is time consuming and prohibitively expensive. It is estimated that the expense would amount for a typical small issue to a range of $50,000 to $75,000 in legal, auditing, and printing costs along with a deadly delay of 4 to 6 months.

In 1968 the Senate curtailed large issues and firmly fixed a ceiling of $1 million or, under special circumstances, $5 million for any one company in any county. This was designed to stop large corporate issues from escaping tax payment.

It was designed, however, to permit the smaller issues to continue and to be considered on the same basis as regular municipal general obligation bonds. The Congress recognized the public interest which these smaller issues serve. My amendment makes meaningful this congressional intent.

Alabama has had its law permitting industrial revenue bonds since 1949. Millions of dollars of the bonds have been sold during this period. I am informed that there is no record available of anyone who has lost any money or suffered economic injury during this 20-year period. At the same time, many lives have been bettered, jobs have been created, and the general economic status of the community has been enhanced. I am confident that a similar statement could be made of other States throughout the Nation. I urge the adoption of my amendment.

AMENDMENT NO. 359

Mr. MILLER (for himself and Mr. METCALF) submitted amendments, intended to be proposed by them, jointly, to H.R. 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 360

Mr. ERVIN submitted amendments, intended to be proposed by him, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 361

Mr. SCOTT submitted amendments, intended to be proposed by him, to H.R. 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 362 AND 363

Mr. SPARKMAN (for himself and Mr. MCCARTHY) submitted two amendments, intended to be proposed by them, jointly, to H.R. 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 364

Mr. MCCARTHY (for himself and Mr. CRANSTON) submitted an amendment, intended to be proposed by them, jointly, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 365 AND 366

Mr. SPARKMAN submitted two amendments, intended to be proposed by him, to H.R. 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 367

Mr. LONG (for himself, Mr. RIBICOFF, Mr. MANSFIELD, Mr. PASTORE, Mr. GORE, Mr. MONTOYA, Mr. CANNON, Mr. MAGNUSON, Mr. ALLEN, Mr. CRANSTON, Mr. MCGOVERN, Mr. YOUNG of Ohio, Mr. WILLIAMS of New Jersey, Mr. HUGHES, Mr. BURDICK, Mr. BYRD of West Virginia, and Mr. MCINTYRE) submitted an amendment, intended to be proposed by them, jointly, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 368

Mr. KENNEDY (for himself, Mr. CANNON, Mr. HART, Mr. MCGOVERN, Mr. METCALF, and Mr. YOUNG of Ohio) submitted an amendment, intended to be proposed by them, jointly, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 369

Mr. HARTKE submitted an amendment, intended to be proposed by him, to H.R. 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 370

Mr. SPARKMAN. Mr. President, on behalf of myself and the Senator from Alabama (Mr. ALLEN), I submit an amendment, intended to be proposed by us, jointly, to House bill 13270. All of the issued and outstanding common stock—1,085 shares—of American Cast Iron Pipe Co.—"Acipco"—is owned by the trustees of the trust created by the codicil to the will of John J. Eagan, who died on March 30, 1924. The trustees, as provided in the codicil to the will, are the members of Acipco's board of management and board of operatives, all of whom are officers or employees of Acipco and none of whom are members of the Eagan family. The trust, which is commonly referred to as the Eagan Trust, is for the benefit of employees of Acipco and their families. The will provides, in essence, that income from the trust shall be used by the trustees to insure to the employees an income equivalent to a "living wage," to pay an income to any employee, or to the wife and minor children of any employee, at such times as the plant of Acipco may be shut down, or at such times as an employee through accident, sickness, or other unavoidable cause shall be unable to work, and to provide other benefits for employees and their families. The Eagan Trust has been held to be a charitable trust by both Federal and State courts in the cases of *Eagan* v. *Commissioner of Internal Revenue* (5th Cir., 1930), 43 F. 2d 881, and *Mrs. Susan Young Eagan and Marion M. Jackson, as Executors of the Last Will and Testament of John J. Eagan, Deceased,* v. *W. D. Moore, et al.* (No. 61106, Superior Ct. of Fulton County, Georgia, 1924). The trust is presently exempt from Federal income tax under section 501(c)(3), having received a ruling from the Commissioner of Internal Revenue by letter dated February 15, 1946, that it was exempt from Federal income tax under the provisions of section 101(6) of the Internal Revenue Code, the predecessor section of 501(c)(3).

The trust also bought from Acipco at par, and now holds $1,400,000 par value of 5 percent noncumulative preferred stock of Acipco. The common stock has a book value of approximately $40,000,000. The Eagan Trust has no assets other than the Acipco common and preferred stock and there have been no donations to the trust by anyone since Mr. Eagan died.

Acipco employs approximately 3,000 people directly at its plant and offices in Birmingham, Ala. Acipco's payroll in Birmingham will amount to over $25,000,000 this year. The company spends approximately $30,000,000 annually in the Birmingham area for raw materials, goods and services. In addition to wages and salaries Acipco provides very substantial fringe benefits for its employees and members of their families in the form of bonuses based on profits, medical services, pensions, and retirement benefits and group insurance. The effect of providing such benefits is to further the purposes of the trust. Each year Acipco retains a portion of its earnings—in 1968, $2,754,398—for general corporate purposes, principally to protect, preserve and maintain its facilities. Of course, Acipco pays income taxes on its net earnings on exactly the same basis as any other business corporation—in 1968, approximately $2,883,000 to the Federal and State governments—and all amounts paid by Acipco to its employees as wages or other compensation are fully taxable to the employees.

The definition of a "private foundation" contained in H.R. 13270, the Tax Reform Act of 1969, could be held to include the Eagan Trust. Other provisions of the act would, in effect, require "private foundations" to divest themselves of stock constituting in excess of 50 percent—20 percent in the House bill—of the stock of any corporation. In addition, under the act "private foundations" would be required to distribute all of their income currently and, in determining income, the act would impute income to the foundation of 5 percent of the fair market value of its assets.

As indicated above, the Eagan Trust owns all of the outstanding common stock of Acipco and $1,400,000 of preferred stock. Furthermore, the income of the Eagan Trust does not even approach 5 percent of the value of its assets, that is the value of the Acipco common and preferred stock or approximately $41,400,000. In view of the substantial fringe benefits provided by Acipco to its employees and their families as indicated above, the trustees, as owners of the Acipco stock, have requested the company from time to time to distribute to the trust as dividends only such amounts as have been reasonably required to carry out fully the purposes of the trust. In 1968 the trust received $42,000 in dividends which it used exclusively for purposes of the trust. The requirement for distribution of income not less than 5 percent of the value of assets of the trust would substantially eliminate the benefits that Acipco furnishes and seeks to furnish to its employees. If 5 percent of $41,400,000, which is $2,070,000, has to be distributed each year there would be no way to furnish substantial fringe benefits and to maintain the plant and operate the company. Any sales of stock to create funds for distribution would be impossible because of the provisions and purposes of the trust.

The effect of the provisions of the proposed act referred to above, if applied to the Eagan Trust, would be to require the trustees, in some fashion and probably only after litigation, to divest themselves of 50 percent—80 percent under the House bill—of the stock of Acipco, contrary to the terms of the will and probably ultimately to destroy the trust estate entirely by forcing the trust to distribute principal as imputed income. As to any amounts required to be so distributed beyond what is required for the charitable purposes of the trust, it is, of course, impossible to say to whom, for what purposes and with what effect amounts in excess of those required for the purposes of the trust would be distributed. There is certainly no reason to limit to 40 years the tax-free status of such a trust.

Application of the provisions of the proposed act to the Eagan Trust would not only result in little or no additional revenue to the Government, but would completely defeat the testator's benevolent, praiseworthy, and legitimate intent. It could well be disastrous to Acipco by forcing it to pay out as income greater amounts than would be prudent. It would without question materially adversely affect the employees of Acipco and members of their families by depriving them of the benefits of the trust.

Since tax avoidance is not in any manner involved in this trust, the bill should be amended to remove it from the definition of private foundations subject to new rules and taxes aimed at preventing abuses. Indeed, the Eagan Trust is probably unique in this country and is entitled on its merits to continue because of the social and charitable advantages that it affords to its beneficiaries and to the public.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 371

Mr. JAVITS submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 332

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor to Amendment No. 332 of H.R. 13270, to authorize the use of tax exempt foundation funds for voter registration and voter education programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 13270, the Tax Reform Act of 1969.

TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the further transaction of routine morning business at this point.

The PRESIDING OFFICER. Will the

Senator state the time for the transaction of routine morning business?

Mr. BYRD of West Virginia. Not to extend beyond 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

WHITE HOUSE CONFERENCE ON FOOD, NUTRITION, AND HEALTH—REMARKS OF SENATOR MONDALE

Mr. KENNEDY. Mr. President, on this, the fourth day of December, we see the conclusion of the 3-day White House Conference on Food, Nutrition, and Health. Three thousand participants from all over the Nation were invited to take part in panel discussions and consultations about hunger, malnutrition, and the needs of the poor.

Experts familiar with every phase of nutritional needs and nutritional problems contributed to these sessions. Conference panels covered the most minute aspects of everything from evaluation of nutritional needs to food-delivery systems and nutrition education.

But there is no doubt that the most fundamental cry at that conference was made by the poor—those who are forced to go through life suffering food deprivation because they have no money to buy a full meal. They expressed, with full emotion, what it means to go day after day with that dull, gnawing pain that signals an empty stomach. They came here to Washington, along with all the others, to let us know that whatever is said about proteins, vitamins, hemoglobin, and iron levels and all the other jargon professionals use when they discuss nutrition—whatever may be said about all those things, there were people at that conference who know what must be done. They came here to make one and only one recommendation—feed the hungry now.

When Robert Kennedy returned from the Mississippi Delta in 1967 he said: "Just get some food down there."

That is what we need. Let us feed hungry Americans and let us feed them right away.

The Senator from Minnesota (Mr. MONDALE) spoke at that White House conference this afternoon, and he eloquently reviewed our Nation's sorrowful response to the needs of hungry people. He eloquently chronicled the way we have promised and flattered hungry Americans. But, we have continually failed to feed them.

Senator MONDALE properly cites the powerlessness of the poor as the real cause of hunger and deprivation. He clearly sees that because the poor have not been able to bring to bear the pressures and influences of their demands they have been doomed to continue to suffer.

I join with the Senator from Minnesota in his call for a declaration of a national emergency to set the needs of hungry Americans on top of all other national priorities.

Therefore, I am pleased to ask unanimous consent to have printed in the RECORD Senator MONDALE'S remarks before the conference this afternoon, in which he called for immediate action to eliminate hunger in America.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TEXT OF SENATOR WALTER F. MONDALE'S REMARKS TO THE WHITE HOUSE CONFERENCE ON FOOD, NUTRITION, AND HEALTH, DECEMBER 4, 1969

Senator McGovern sends his best wishes.

Since those doctors found hunger in Mississippi 2½ years ago, we have flattered America's hungry with a mammoth amount of publicity; surveys; reports; TV documentaries; Presidential messages; testimony; touring committees; and now, even a White House Conference.

We have flattered them with everything—except food.

Along with many of you, I have been privileged to be part of the liberal road show. It's quite a sight. Shriveled infants on the Navajo; blank-eyed, unlearning children in Nome; unbelievable proportions of anemia in a migrant community in Texas; a Florida migrant county with no food program at all, but with a death rate for nonwhite infants over six times the national average. Hunger everywhere—including a ghetto less than a mile from this hotel, where we saw children's lives being ruined by lack of food.

We set up a Nutrition Committee under the chairmanship of one of the truly remarkable leaders of our time, George McGovern. At latest count, our committee has heard over 6000 pages of testimony; 300 witnesses and traveled thousands of miles.

We weren't the first to look at hunger and deprivation—many of the poor remember visits by Eleanor Roosevelt, John Steinbeck, and others. Like them, we were shocked by what we saw; like them, we promised reform.

The case is now beyond dispute.

The problem is *not* that we lack facts about hunger and malnutrition—the problem is that we have lacked the will to eliminate it.

Our policies have not left us unscarred. For just as a war in Vietnam brutalizes *us* as well as the Vietnamese, so our willingness to permit hunger and deprivation in our land takes its toll on us as well. We might be able to live with our platitudes—but thank God, our children cannot. We may be losing them because we first lost our commitment to our professed ideals.

Many of your recommendations involve further nutrition studies and surveys, and, in exquisite detail, set forth a plan for an army of trained nutritionists to move among the poor and educate them. Undoubtedly, some of it is needed.

But I believe it would be far more valuable—we might even end hunger—if the education process were turned around and directed at ourselves, our society, to find out why in the name of heaven we have lost our capacity to respond quickly and adequately to starving Americans.

We would find, I believe, that the real cause of hunger and deprivation is the powerlessness of the poor, a powerlessness resulting from our desire to hold the poor in a guardian-ward relationship.

At times, our paternalism is benevolent. Often, it is abusive. But always it carries the self-seeking tone of wanting to do minor good works while preserving the power and the institutions of the dominant society. And in the end, those who are made dependent upon *our* continued interest and *our* voluntary sacrifices remain miserable and hungry.

Call the roll: Indians; Eskimos; migrants and farm workers; ghetto dwellers; the rural poor; millions of children who never have a chance; the elderly who are left alone or Americans confined to institutions of "care." These impoverished Americans, as Michael Harrington observed, "see life as a fate, an endless cycle from which there is no deliverance."

It is the powerlessness of the poor which results in the hunger we are discussing today—not ignorance or lack of will. I have never yet met a hungry person who liked it that way. But unlike us, they cannot do anything about it.

Until the poor have power—*political* power, *legal* power, and most of all *purchasing* power, they will stay poor and they will stay hungry.

I am convinced, in short, that poverty and hunger will not be eliminated until we tap the vast wisdom, understanding, loyalty, and pride of the poor. What an awful, unutterable waste not to realize that above all it is the poor themselves who know most about the details and the solution to their predicament!

But we must enjoy our paternalism. Why else do we fight so hard to preserve it? Why do we constantly attack those institutions attempting to afford the poor some control over their lives? Why the current effort to cripple foundations—an attack aimed primarily at foundations which are financing efforts to increase political participation by the poor and programs to make bureaucracies responsive to the needs of the poor? Why do we support efforts to destroy those same foundations which first exposed hunger in America and made this conference possible?

Why did the Senate adopt the Murphy Amendment—to turn over control of OEO's Legal Services Program to Governor Reagan and his colleagues? How many lawsuits against the government to feed the hungry will be brought by lawyers hired and directed by the Governor?

Perhaps this Conference should have tackled the real cause of hunger—powerlessness. You have squarely met the need for *purchasing* power in your income maintenance recommendations. But there are other types of power which could have been considered.

For example, why not endorse Cesar Chavez's attempts to organize the table grape growers—a first essential step in granting the same bargaining power to migrants and farm workers which nearly all other workers enjoy?

Why discuss the hunger of the Eskimo without mentioning the Alaska Native Claims Settlement Act—which would give the Alaskan native more hope, more pride, and more income from a fair share of oil properties than anything we could do here?

Why not recognize that if the Southern Black were permitted to participate fully and effectively in state and local government—in part, by extension of the Voting Rights Act—he could do more to help himself than we can.

Why is there no mention of one of the greatest sources of powerlessness in this country today—our government's policy permitting the thousands and thousands of desperate, impoverished, unskilled Mexicans daily crossing the borders of Texas and California, depressing working conditions, taking jobs, breaking strikes and refueling the cruelest and most destructive institution in America today—the migrant stream?

My point is perhaps most clearly evident in the case of the American Indian. For 130 years they have been the special responsibility—special wards—of the Federal government. We permit the average Indian family barely to exist on $1,500 a year—but if the annual budget of the BIA and related federal programs would be divided among the Indian people, the average Indian's family's income would rise to $6,500.

Instead, our first Americans are now indisputably the last. Of all Americans, they have been most dependent upon us for the longest. Our paternal policies have resulted in their breaking all records—of ill health, joblessness, school failure, alcoholism, suicide, and, yes, hunger. Yet the recommendations here did not call for Indian control of their schools or any basic remedies which would empower the Indian to do something to save himself.

But despite these omissions, your panel recommendations and the reports of your task forces *do* propose a clear program for an end to hunger in America.

Most important, the Conference has recognized the greatest single need of the hungry—money for an adequate diet.

Many of you have made the first priority of this program a national system of income maintenance—a recommendation which I strongly support. By offering economic power to the beneficiaries, income maintenance offers an answer to both the immediate problem of hunger and the more fundamental problem of powerlessness.

Cash income means far more than adequate nutrition. It conveys dignity and self-respect, which have no value and yet all value.

But let's not delude ourselves. $1,600 a year, with or without food stamps, does not constitute adequate income maintenance for a family of four. And we would compound our self-deception if we accept government statistics which assume that a family of four with an income of $3,600 is not poor.

We need a program that provides real—not token—income maintenance *and* that offers incentives—not threats—for meaningful employment. A combination of good jobs and income help without demeaning and unnecessary investigations would go far toward ending both poverty and paternalism.

Studies show that "the poor make better use of their investment dollar than the well-to-do," that they will spend the money they receive more wisely to meet their needs than we can. This income and employment program must be a central and crucial objective in our pursuit of a just America.

Because of distorted priorities—with which most of us do not agree—we cannot accomplish this goal overnight.

But children cannot go hungry while we seek to reverse our priorities. As you have pointed out, there are important measures which can and must be adopted immediately.

1st. I join with those who have urged the President to declare at once a National Emergency, and to harness all resources to eradicate hunger—just as he would deal with other kinds of national disasters. The President had a perfect opportunity to make such a declaration at this conference, I regret that he did not. If the President and the nation can move so fast and effectively to aid victims of hurricanes, surely we can respond similarly to the victims of hunger.

2nd. It is time to stop making vague commitments to end hunger. If "the time has come to end hunger," that time is now. Let that national commitment contain a national deadline—just as a deadline was set by President Kennedy and met one year early for landing a man on the moon!

3rd. The key threshold objective of those totally committed to ending hunger must be the passage and full funding of the McGovern-Javits Food Stamp program adopted by the Senate.

It is carefully designed to *assure* adequate food assistance to the estimated 5 million poorest of the poor, 1.3 million of whom have no cash income at all. It is among those desperate Americans that hunger often becomes starvation.

The Administration alternative would serve far fewer of these most desperately poor *if* it worked—and it won't work. It won't because it assumes that State and local governments will all participate and will all find and feed the hungry. There is no basis for that sunny expectation. Today, several years after local governments could have implemented food stamp programs, 5 states and over 300 counties do not have them at all, and most counties have only token programs, in fact, the average food stamp county reaches only 10% of the poor.

The Administration program, unlike the Senate measure, lacks a national responsibility to end hunger. That is the gimmick—the "rhetoric" of the Administration position. Unless some national officer is finally responsible for finding and feeding the hungry, they won't be found or fed.

The Senate bill, which now languishes in the House Agriculture Committee, was not a Democratic measure—it enjoyed wide bipartisan support. I therefore plead with the President, whose representatives lobbied against its passage in the Senate; and whose Secretary of Agriculture now lobbies against it in the House, to stand up and clearly support this essential measure to end family hunger among this nation's most desperately poor.

If after everything—including this conference—we cannot enlist the President's clear support for the Senate bill and assure its passage, then we can do nothing meaningful to eliminate hunger.

The President spoke about working within our system. But that system responds to leadership; we need his now.

4th. We must immediately pass your recommended Children's Emergency Food Service Program to bring nutritious lunches and breakfasts to the 5 million low income children not now receiving them. An adequate diet should come first, before textbooks. Textbooks are useless to hungry children.

The President has set a target of feeding every needy school child by next June. But his Administration is fighting that goal. His current budget assures that almost 5 million needy school children will remain unfed. And they have opposed a House-passed measure to increase that budget.

Nor has this Administration pursued a creative and meaningful program for early childhood pre-school nutrition, beginning with mothers during pregnancy. Our failure to do so now destroys millions of our young before they even enter school.

5th. We clearly need Congressional reform. Obviously, all blame does not rest with the Executive.

The first step must be the extension for at least one more year of the Senate's Select Committee on Nutrition and Human Needs. The Senate-adopted food stamp bill would not have been possible without the bipartisan push by this Committee. This Committee can help monitor passage of your recommendations.

In addition, legislative jurisdiction for *all* nutrition programs should rest in those Committees primarily concerned with human problems—the Labor and Public Welfare Committee in the Senate and the Education and Labor Committee in the House.

Now, where do we go from here? What happens to these recommendations? Do we simply await the Conference's final report and place it, perhaps, alongside the report of the Kerner Commission?

Or do we join in a call for an immediate end to hunger and malnutrition as the central and overriding goal of this Conference?

Your recommendations must be implemented. But that job requires pressure—*unrelenting public pressure.*

Our responsibility—your responsibility—does not end with this conference—it only begins. You represent most of America. With your constituencies and your concern, you are ideally suited to move both Congress and the President.

We know the stakes.

As Nick Kotz observed, we once resisted the conclusion of widespread hunger in our land. We said, "We don't know." But the most disturbing answer was, "We don't know because we have not looked: we have not looked because we feared what we would see; and we were afraid because seeing would indict us."

We knew that seeing it raised not only questions of hunger but questions about our society.

It is now too late to say "We don't know." We have looked. We have seen, and we stand indicted.

The only question that remains is what we mean by the Politics of Hunger.

Will the hungry continue to eat promises or will they eat food?

LACK OF UNIFORM DESEGREGATION IN PUBLIC SCHOOLS

Mr. SPARKMAN. Mr. President, in recent days, the distinguished Senator from Mississippi (Mr. STENNIS) has been doing some excellent work in connection with the lack of uniformity in insisting upon desegregation in public schools. Within the last few days, he has shown how wide is the practice of having dual school systems and an apparent disregard of desegregation of the public schools in the manner in which HEW has insisted upon for southern schools.

Certainly, there can be no justification for a different treatment in different sections of the country.

This point was discussed very clearly in an editorial published in the Mobile Press Register of November 16, 1969.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Press Register, Nov. 16, 1969]

WHY PUT PRESSURE ON SOUTH ALONE?

"Government sources" not otherwise identified have been quoted by the Associated Press in Washington, D.C., to the effect that the Nixon administration "will apply new pressure on some 130 holdout southern school districts in a first positive response to the Supreme Court's desegregate at once mandate."

These same "sources" are quoted to the effect that the Nixon administration "will not demand faster action from the 109 Southern districts that already have signed up to desegregate next fall."

Politicians who specialize in ridiculing and harassing the South can be counted on to rejoice over the reported prospect of "new pressure" being put on "holdout" school districts in this region of the nation.

Assorted leftist radicals in general may be expected to join in the rejoicing, for they, too, are overflowing with prejudice against the South.

But if new so-called desegregation pressure is to be applied, why single out "holdout" school districts in the South when racial segregation is practiced so widely and conspicuously outside the South.

In the words of Sen. John Stennis of Mississippi, "If it is the law, it ought to apply

in Chicago the same as it does in Mississippi, Alabama, Arkansas or anywhere else."

And in the words of Sen. Russell B. Long of Louisiana, "It seems to be hard for everyone to understand that if it is the law, everyone should abide by it."

It is preposterous to claim that equity and justice can be found in persecuting the South while other regions have a field day in segregation and go scotfree.

From Sen. Clifford P. Hansen of the western state of Wyoming, this statement: "I see no reason or justification for applying a national law any more leniently or any more strenuously in one part of the country than in another."

Expressly pointing out that he was "not trying to imply that the Civil Rights Act is wrong or that it is right," Senator Hansen said: "It is the law and as part of this country it should apply uniformly throughout the country."

Anti-South politicians and anti-South radicals who rejoice over seeing the South singled out for persecution are a sorry sight to behold.

ROCKWALL, TEX., ROTARY CLUB FAVORS 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Rockwall Rotary Club of Rockwall, Tex., has adopted a resolution urging the establishment of a 100,000-acre Big Thicket National Park in southeast Texas. This distinguished organization, as well as many other conservation and civic groups throughout the country, recognize the danger posed by the bulldozer and chain saw to this unique and beautiful wilderness. At one time the Big Thicket covered over 3.5 million acres. Now 300,000 acres is all that remains of this natural wonderland.

Because of the richness and diversity of the plant life, the Big Thicket has immense scientific value. Every major American university has sent representatives to the Big Thicket to do research. Many of the plants that are found in the Big Thicket are useful in the treatment of cancer and heart disease.

The Big Thicket, also famous for the many species of rare wildlife that live there, has at least 300 species of birds, including the rare bald eagle, red-cockaded woodpecker, Bachman's sparrow, and the legendary ivory-billed woodpecker.

The Big Thicket is in danger of being lost forever. With each day that goes by, another 50 acres disappears. Unless action is taken soon on my bill, S. 4, we will lose the Big Thicket forever.

Mr. President, I ask unanimous consent that the resolution of the Rockwall Rotary Club be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RESOLUTION OF ROCKWALL ROTARY CLUB, ROCKWALL, TEX., ON THE BIG THICKET NATIONAL AREA

Rockwall Rotary Club does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

Rockwall Rotary Club, District 581,
FRANK A. ROBERTSON,
President.
F. V. IRVIN,
Secretary.
507 Crotty, Rockwall, Tex. 75087.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proopsed Profile Unit down to the Neches confluence. Where ever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the national environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

FELLOWSHIP OF CHRISTIAN ATHLETES

Mr. PERCY. Mr. President, I wish to commend the work of the Fellowship of Christian Athletes, Kansas City, Mo. With an idea begun in 1954, the Fellowship of Christian Athletes has now become a dynamic, interdenominational program directed toward athletes and all young people.

Recognizing that we live in a sports-oriented society, the Fellowship of Christian Athletes seeks to use the prominence of the athlete to inspire the youth of the Nation to meet the challenges and adventures of our times following Christian precepts.

The program has grown rapidly over the years, and today thousands of high school and college students have been reached through it. The program can well be described as a fellowship through which ordinary people help each other to become better men.

MAN AND HIS ENVIRONMENT

Mr. SPONG. Mr. President, modern man has come to realize that the quality of his life is proportional to the harmony he can achieve with his environment.

For centuries, man operated on the theory that his environment had an unlimited capacity to assimilate his wastes. Only within the past few years has he come to recognize that the costs of misusing the environment ultimately are unavoidable.

Ecological relationships are discussed in an enlightening article written by Lee Berton and published in the Wall Street Journal of Tuesday, December 2. The article will be of interest to every Senator. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 2, 1969]

ECOLOGY AND PROBLEMS BEYOND POLLUTION

(By Lee Berton)

"U.S. cities are mining the productive soils of the prairies and dumping useful nutrients into places like New York harbor, where they are harmful, and the Hackensack Meadows in New Jersey, where they are useless."

That, says University of Pennsylvania Professor Ian McHarg, is perhaps the most pressing environmental problem uncovered in a just-completed five-year aerial and ground-level inventory of natural resources in the Delaware River Basin. Mr. McHarg is chairman of the department of landscape and architecture and regional planning at Penn, and the survey taken under his direction is one of the most extensive projects yet in the fledgling science of ecology, or the study of man's relationship with his total environment.

The problem of environment, ecologists stress, goes far beyond merely pollution, for all its current popularity in headlines and on television screens. For too long, they contend, man has thought merely of disposing of wastes, preferably in some innocuous way. But, Mr. McHarg declares, "burning garbage at incineration plants or burying it in landfill is stupid and senseless. All we get for our troubles are poisonous methane gas and poor foundations."

The real solution to waste management, the ecologists say, is to use sewage and other effluents wisely, so they benefit rather than damage the environment. By and large, wastes are fertilizers and foods needed by some organisms. Put in the right place they can be useful, but put in the wrong place they entirely upset the balance of the environment.

SEWER DISPOSAL DIFFICULTIES

The problem is particularly obvious, and particularly pressing, in the treatment and disposal of sewage. Current treatment depends heavily on aeration to kill harmful bacteria and remove offensive odors. The resulting effluent is released into lakes and streams.

The process breaks sewage down into its constituent compounds of phosphorous, nitrogen and the like. These compounds are food for many organisms, and releasing too much of them into water's stimulates a clogging overgrowth. The much publicized "pollution" of Lake Erie, for example, does not actually result from inherently noxious chemicals. Rather it comes from an overabundance of generally beneficial ones, stimulating an excessive plant growth that uses up so much of the available oxygen, fish can no longer survive.

John Cantlon, former president of the Ecological Society of America, says "We've got to plan our cities and rural areas so that waste management is one of the major elements, and we put in enough green space or swamp land to absorb our effluents through enrichment of the soil rather than pollution of our lakes and streams."

Ecologists generally support that opinion strongly. The principle is clear enough. Rather than run phosphates from sewage plants into Lake Erie, for example, spray them on green belts or forests surrounding cities, where more plant growth is needed. In working out the details, though, many projects remain only in the idea stage, and others serve mostly to suggest the difficulties and expense involved.

George M. Woodwell, a senior ecologist at Brookhaven National Laboratories in Upton, N.Y., suggests building small marshes and ponds as "great sinks for these nutrients." In these water bodies, Mr. Woodwell would harvest carp and rice, which he describes as excellent crops for absorbing sewage plant effluent. He has asked the Atomic Energy Commission for a grant of several million dollars to conduct a 10-year study of these "terrestial and aquatic swamps," which he describes as similar to Southeast Asia's "paddy-and-fish" irrigation systems.

A Lake Mendota near Madison, Wis., University of Wisconsin researchers have been removing aquatic plants with special harvesting equipment for the past three years. "Before the city of Madison stopped spewing its sewage into the lake three years ago, the waters became so thick with milfoil, a spruce-like underwater growth, that boats and canoes couldn't sail and fish and humans couldn't swim," recalls Arthur Hasler, director of the university's Laboratory of Limnology (the study of fresh inland waterways).

Professor Hasler says these aquatic plants are being cut up after harvesting and are being used for hog feed and compost. "But we are removing the plants coking up Mendota with only three machines, which is like using one lawnmower on all our city parks," he says. "We need at least 10 of these weed harvesters or we're simply making a gesture rather than a real effort." The harvesters, however, cost $40,000 each and the city of Madison and surrounding Dane County can't afford more than three, he adds.

Michigan State University in East Lansing began a project two years ago to absorb the sewage effluent from its 40,000 students without polluting nearby lakes. Researchers at the university's Institute of Water Research discovered that if they construct a system of connected ponds and small plots of woods and specific crops, they could absorb the nutrients in the effluent without upsetting the ecological balance of the landscape.

Marvin E. Stephenson, an associate professor working on the project, says five ponds and 200 acres of three-to-five acre plots of hardwoods or corn and alfalfa cover 450 acres. Pollution of the ponds decreases as each is drained into another and the final pond, which is five times the size of the other four, is clean enough for swimming. The first few ponds, which get the brunt of the sewage, are occasionally harvested of overgrowths of water weeds and plants.

Nutrients from the smaller ponds are used to fertilize small plots of land and each plot is being studied to see which plants or vegetables absorbs phosphates or nitrates quickest. The budget for the project is $1.4 million.

At present the project is infeasible for large cities. Professor Stephenson estimates that 350 square miles of ponds and plots would be needed to treat all New York City's effluent; the city itself covers only 320 square miles. "The land area needed to absorb without pollution the 15 billion gallons of treated sewage of the U.S. daily would encompass 3,500 square miles, or more than Rhode Island and Delaware together," he points out.

Some communities are diverting effluent from nearby lakes to distant irrigation reservoirs used by farmers. Professor Hasler is a consultant to the South Tahoe Public Utility District, which raised $9 million locally and received a $10 million Federal grant to pipe treated sewage over the mountains into California rather than into Lake Tahoe in Nevada. He recalls, "At first the farmers weren't too keen on using 'night soil' to fertilize their fields, but they've discovered it doesn't smell that bad and is much better than commercial chemicals."

USE THE OCEANS?

While methods of recycling nutrients into nature are being studied and perfected, some ecologists believe a useful stopgap would be dumping sewage far out into the oceans, well beyond the continental shelf. William Niering, a botany professor at Connecticut College in New London, suggests isolating sections of the oceans with plastic barriers for dumping contaminants. "We could create self-contained ponding areas that wouldn't spread sewage," he says, adding that the open ocean is now a "biological desert" that could absorb organic fertilizers without harmful pollution.

To promote better handling of wastes, David Gates, a St. Louis ecologist, has asked Congress to establish a National Institute of Ecology. He also recommends the creation of ecosystem analysis task forces, which would study certain geographical areas and try to save animal and plant species being eliminated by pollution or competing, less desirable species.

Ecologists concede that improving waste management will require huge spending. To manage the nation as an orderly ecosystem, Mr. Gates says, would be "like fighting a major war," and would cost billions of dollars. He adds that while this sounds expensive, so, a decade ago, did sending a man to the moon. "Attacking pollution is more important than space travel and we've got to abandon the notion we can't afford new ecosystems. We're poisoning our world and we can't afford not to spend the money as soon as possible."

Most ecologists are discouraged over whether such funds will become available, for they see the Federal Government as the only logical source. Total national expenditures for disposing of solid wastes, both public and private, now run about $4.5 billion a year. Robert Finch, Secretary of Health, Education and Welfare, concedes that these outlays "have simply not been effective in preserving or improving the quality of our landscape." But he told a Senate subcommittee recently that the Administration wants industry rather than Government to pay for coping with the nation's growing mountains of trash.

INADEQUATE AND UNSANITARY

Much of today's waste disposal, moreover, is inadequate even from the traditional standpoint of simple sanitation, let alone from the more modern perspectives of the ecologists Federal officials say that 75% of the country's municipal incinerators are "unsatisfactory from the standpoint of public health, efficiency or protection of natural resources."

Instances of pollution by noxious substances also remain a serious problem. White perch caught in Chesapeake Bay were found to contain organisms that could cause typhoid fever, dysentery and tuberculosis. Coho salmon caught in the Great Lakes were found to contain dangerously high levels of DDT.

It seems clear, though, that the ecologists' point that the old standards are not enough will demand more attention in the future. Whatever the level or source of funding for waste management, the problem will be not merely waste disposal but proper use of the resulting nutrients.

"If man continues to degrade his land by dumping nutrients into the wrong places," says Brookhaven Labs' Mr. Woodwell, "We'll eventually kill off all species of fish, fowl, birds and animals that we like, while species we don't like will survive." Crab grass, rats, crows and inedible fish will survive, he warns, "but eagles, pine trees and trout will disappear."

PROPOSED REPEAL OF EMERGENCY DETENTION ACT OF 1950

Mr. INOUYE. Mr. President, yesterday, the Department of Justice in a letter to Senator JAMES O. EASTLAND, chairman of the Senate Judiciary Committee, recommended the repeal of the Emergency Detention Act of 1950 as proposed in S. 1872, a bill I introduced on April 18 of this year with 25 other Senators. I welcomed this news and am delighted that the Justice Department has finally recognized the threat it poses to justice and constitutional rights of American citizens. I am particularly relieved by this decision in view of the rumors reported in our press that the Justice Department did not support title II's repeal.

With this additional support for the legislation by the Justice Department I am again urging the Judiciary Committee to schedule early consideration of S. 1872. In the letter to Senator JAMES O. EASTLAND, the Department of Justice recommended the "repeal of the Emergency Detention Act of 1950 as proposed in S. 1872." In view of this support and the support of many others for repeal of this statute, I am hopeful that my bill will be quickly considered and reported from the Judiciary Committee and that no other provisions or revisions of the Internal Security Act be attached to it. The need and justification for passage of S. 1872 has, I believe, been clearly established and the inclusion of other revisions in the Internal Security Act would defeat the singular purpose of my legislation.

The Justice Department goes on to state in supporting repeal of title II:

It is quite clear that the continuation of the emergency detention act is extremely offensive to many Americans. In the judgment of this Department, the repeal of this legislation will allay these fears and suspicions—unfounded as they may be—of many of our citizens. This benefit outweighs any potential advantage which the Act may provide in a time of an internal security emergency.

As Mr. Kleindienst states, many Americans find the emergency detention provision frightful and this view confirms my receipt of many letters and other communications supporting my fight for the repeal of this law. As an example of the material I have received, I ask unanimous consent to have printed in the RECORD copies of resolutions I recently received supporting the repeal of title II that were adopted by the council of the city and county of Honolulu, Hawaii; council of the county of Maui, Hawaii; council of the city of Berkeley, Calif.; 120th convention of the Episcopal Diocese of California; Club 100, an organization of World War II veterans of 100th Battalion, 442d Regiment; and a petition signed by approximately 150 students of San Jose High School.

Unquestionably the existence of this law deeply concerns many Americans and, to forever allay the fears and rumors its existence has caused, I urged the Senate to take speedy and favorable action on S. 1872, the bill simply to repeal title II.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CITY COUNCIL OF HONOLULU, HAWAII

Whereas, the Congress of the United States has heretofore adopted subtitle II of the Internal Security Act of 1950, commonly known as the Emergency Detention Act; and

Whereas, the said Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Whereas, the said Emergency Detention Act fails to provide for trial by jury, or even before a judge, substituting instead hearing before a departmental preliminary hearing officer and a detention review board; and

Whereas, the said detention procedures set forth in the said Emergency Detention Act, pose a serious threat to the Civil Rights of all Americans; now, therefore,

Be it resolved that the Council of the City and County of Honolulu strongly urge all members of the Congress of the United States to use their best efforts to have the said Emergency Detention Act repealed; and

Be it finally resolved that the Clerk be. and she is hereby directed to transmit copies of this resolution to: Governor John A. Burns; U.S. Senator Daniel K. Inouye; U.S. Senator Hiram L. Fong; U.S. Congressman Spark M. Matsunaga; U.S. Congresswoman Patsy T. Mink; Senator David McClung, President, State Senate; Representative Tadao Beppu, Speaker, State House of Representatives; Mr. Ray Okamura, JACL National Co-Chairman; Mr. Mike Masseka, JACL Washington Representative; Dr. Robert Suzuki, JACL Executive Liaison; Mr. A. A. Smyser, Editor, Honolulu Star Bulletin; Mr. George Chaplin, Editor, Honolulu Advertiser; Mr. Takeshi Fujikawa, Editor, Hawaii Hechi; Mr. Ryekin Toyehira, Editor, Hawaii Times; and Mayor Frank F. Fasi, City and County of Honolulu.

BEN F. KAITO.
CLESSON Y. CHIKASUYE.
WALTER M. HEEN.
BRIAN CASEY.
TORAKI MATSUMOTO.
HERMAN J. WEDEMEYER.
CHARLES M. CAMPBELL.

Date: November 4, 1969.
HONOLULU, HAWAII.

RESOLUTION OF THE COUNCIL MAUI COUNTY, HAWAII

Whereas, the Internal Security Act of 1950 passed by the Congress of the United States provides, among other things, for the detention of any person on the mere probability that he will engage in or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Whereas, said act violates the civil rights of all Americans; now, therefore,

Be it resolved by the Council of the County of Maui that it does hereby respectfully request the Congress of the United States to forthwith take whatever action is necessary to repeal the Internal Security Act of 1950; and

Be it further resolved that certified copies of this resolution be transmitted to Senator Hiram L. Fong, to Senator Daniel K. Inouye, to Congressman Spark M. Matsunaga, and to Congresswoman Patsy T. Mink.

RESOLUTION OF THE CITY COUNCIL OF BERKELEY, CALIF.

(A resolution urging repeal of the Emergency Detention Act—subtitle II of the Internal Security Act of 1950—and expressing friendship and goodwill for the Japanese-American community)

Be it resolved by the Council of the City of Berkeley as follows:

Whereas, the Emergency Detention Act (Subtitle II of the Internal Security Act of 1950) provides that, during periods of "internal security emergency", any person who probably will engage in, or probably will conspire with others to "engage in, acts of espionage or sabotage" can be incarcerated in detention camps; and

Whereas, a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, wherein the detainee must prove his innocence but the government is not required to disclose evidence or produce witnesses to justify the detention; and

Whereas, said procedures violate all constitutional guarantees and protections, principles of democracy, and are unnecessary since existing laws and procedures are available and are completely adequate to safeguard internal security; and

Whereas, such a law has ominous implications for the racial ethnic communities because of past history with particular relation to the World War II detention experience of American citizens of Japanese ancestry, and because of its approach to justice in group rather than individual terms, contrary to the best American traditions.

Now, therefore, be it resolved that the Council of the City of Berkeley does hereby declare its opposition to the Emergency Detention Act, Subtitle II of the Internal Security Act of 1950, and urges its repeal.

Further, resolved, that the Council of the City of Berkeley does hereby express its sincere friendship and goodwill toward the Japanese-Americans in the City of Berkeley, in the State of California and in the United States of America, wishes them continuing prosperity and success and commends them for their unyielding faith in America and in their triumph over wartime adversities.

RESOLUTION OF DIOCESAN COUNCIL

(A resolution supporting repeal of title II, 1950 Internal Security Act—Emergency Detention Act of 1950)

Whereas the Internal Security Act of 1950 provides, in Title II, for the Emergency Detention, under circumstances declared by the President to be an "Internal Security Emergency", of persons believed likely to engage in or to conspire with others to engage in acts of treason or of espionage, and

Whereas this type of detention without a hearing is contrary to the legal principles of constitutional government, and

Whereas the experience of this country with such a measure in the internment of Japanese-Americans in World War II produced results that were less than desirable, and

Whereas at the present time Senate and House bills supporting the Repeal of Title II (Emergency Detention Act of 1950) are pending in Congress, namely S. 1872 and H.R. 11825, now, therefore,

Be it resolved that the 120th Convention of the Episcopal Diocese of California support the Repeal of Title II (Emergency Detention Act of 1950), of the Internal Security Act of 1950, and

Be it further resolved that this Convention urge the people of the Diocese to write their legislators in support of the House and Senate bills (S. 1872 and H.R. 11825) to repeal the Emergency Detention Act of 1950.

RESOLUTION OF CLUB 100, AN INCORPORATED ASSOCIATION OF MEMBERS OF THE 100TH INFANTRY BATTALION

Whereas, Americans of Japanese ancestry, from previous experience in emergency detention, recognize the danger of Sub-Title II of the Internal Security Act of 1950 (Emergency Detention Act), to the civil rights of all Americans, and

Whereas, the Emergency Detention Act provides that, during periods of "Internal security emergency", any person who *"probably* will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage" can be incarcerated in detention camps, and

Whereas, a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify the detention; Now therefore, be it

Resolved by the Club 100, an organization comprised of World War II veterans of the 100th Battalion, 442nd Regiment, that is hereby affirms it's opposition to Sub-Title II of the Internal Security Act of 1950 (Emergency Detention Act), and be it further

Resolved that in conformity with its opposition to said Sub-Title II of the Internal Security Act of 1950, that it hereby urges the members of the 91st Congress of the United States of America to repeal said Sub-Title II of the Internal Security Act of 1950, and be it finally

Resolved that duly certified copies of this resolution shall be forwarded to the following:

(1) The President of the United States
(2) Honorable Spiro T. Agnew, President of the Senate of the United States
(3) Honorable John W. McCormack, Speaker of the House of Representatives
(4) Senator Hiram L. Fong
(5) Senator Daniel K. Inouye
(6) Representative Spark M. Matsunaga
(7) Representative Patsy T. Mink

Date: September 10, 1969.
HONOLULU, HAWAII.

PETITION BY 150 STUDENTS AT SAN JOSE, CALIF., HIGH SCHOOL

DEAR SENATOR INOUYE: We understood that you have introduced a bill to repeal the Emergency Detention Act. (Title II of the Internal Security Act of 1950). We the undersigned support your legislation.

We are fully aware of the Title II which provides for the establishment of detention camps and the indiscriminate incarcera-

tion of citizens. We feel that there are adequate laws under which persons committing espionage, sabotage, and other criminal acts against the United States can be brought to justice under due process of law, which is a right due every American citizen by the Constitution of the United States.

There is reason to believe that certain government agencies or authorities are considering implementing the Emergency Detention Act as a means of quelling the forces of dissent in the country.

We do not want the injustice which prevailed in the 1940's to reappear.

PAUL HOFFMAN—DEDICATED WORLD SERVANT

Mr. PERCY. Mr. President, Paul Hoffman has dedicated a major portion of his life to helping other people to build a better life for themselves. First as Administrator of the Marshall plan, then as Managing Director of the United Nations Special Fund, and now as Administrator of the U.N. Development Program, Mr. Hoffman has fought, pleaded, and cajoled the more developed nations of the world to assist those that are less fortunate. Against great odds, he has succeeded. Not that the goals of worldwide development is here. But, he has managed to convince nations and peoples—developed and less developed—that the road to advancement and social well-being lies through the application of intelligence, commonsense, hard work, diligence, and a dedication to succeed. Paul Hoffman, I suspect, has managed to persevere in this endeavor because of his confidence that this approach, although not always the most dramatic, is the true road to success.

On November 13, Mr. Hoffman, in his capacity as Administrator of the U.N. Development Program, presented a most valuable report to the 24th session of the General Assembly on past development efforts and the requirements for future growth. I ask unanimous consent that his statement be printed in the RECORD immediately following my remarks.

This report outlines in excellent fashion: The need to view development from a total interdependence standpoint involving all sectors and aspects of society; the fact that each nation is different and must be approached on an individualized basis; the interrelationship of external assistance and internal resources, private investment, trade, and multinational contributions; and the continued applicability of older truths relating to the essential application of preinvestment surveys, education and training, science and technology, infrastructive development, and so forth.

More important than all these other factors, in my opinion, is the realization—ably presented by Mr. Hoffman—that we are all together in this development effort. The more we help others to develop, the greater our trade will be and, thereby, the wealth of our own Nation. Similarly, the more that free trade is permitted to exist, the better will be our ability to prosper and to help others. Most essential of all, we live together in a small world. If we are to save our world, and grow in material and moral wealth, we must work together and help our neighbors. Contrary to many spurious reports, we as taxpayers pay very little to help other nations. What we do contribute will come back to us multifold in peace, security, and material well-being.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PAUL G. HOFFMAN, ADMINISTRATOR OF THE UNITED NATIONS DEVELOPMENT PROGRAM TO THE 24TH SESSION OF THE GENERAL ASSEMBLY SECOND COMMITTEE, NOVEMBER 13, 1969

Mr. President, for more than ten years, I have had a privilege that comes to very few men. I have worked at a job I thoroughly enjoy; a job that is constantly changing, constantly challenging, sometimes frustrating but always rewarding—the job of administering an unprecedented partnership for helping to build a better world.

During these years, I have listened to and read what must total many hundreds of thousands of words on the subject of development. Honesty compels me to confess that I have written and spoken many thousands myself. One might think it difficult, then, to find anything new to say about the topic. In truth, we must all plead guilty to having repeatedly used, and some might feel *over*-used, the same facts and the same argumentation. This is not always so great a sin as it sounds. There are, after all, certain truths about development that not only bear repeating but demand it.

Perhaps the most important of these is the truth that the first development decade has been a decade of *successful achievement*. I know that this point of view is not universally accepted. But I also remember that in 1961, when the achievement of an economic growth rate of 5% by 1970 was set as a goal for the developing countries, it was regarded as over-optimistic. That growth rate has essentially been achieved. Furthermore, it is even slightly higher than the average growth rate achieved in the more advanced nations. There is, however, another side to this development story. The rate of population increase in developing countries has been about 2.5 per cent, so that the rate of growth of income per head has been held down to approximately 2.5 per cent. In the more advanced countries, where the annual population increase was considerably smaller, about 1.2 per cent, the growth rate of per capita incomes was close to 3.7 per cent. Clearly, most developing countries are faced with a population explosion which has a most serious impact on personal incomes.

The fact that the average economic growth rate for the developing countries has reached 5 per cent should not conceal the fact that in many countries it is still far too low. The average of 5 per cent resulted from substantial growth rates in a number of countries—ranging from 6 per cent to as high as 10 per cent. One significant fact about countries with very high growth rates is that in almost every case the flow of external resources to them was considerably higher than to those countries with much lower growth rates. With such strong evidence as to the efficacy of the impact of external resources we may well ask ourselves why they are not provided on a larger and wider scale.

There is more, however, to the success story of the 1960s than mere statistics. For example, there has been a remarkable change in the attitudes of officials in the developing countries. No longer is there any trace of the feeling that independence assures economic and social development. There is, rather, recognition of the fact that these goals can only be achieved by much hard work and sacrifice. There is recognition too that while external assistance has a vital role to play in the economic and social advancement of the low-income countries, it is at the same time a limited role. It cannot be overlooked that between 80 and 85 percent of the resources for development must come from within the developing countries themselves.

Mr. President, I would like to point out, too, that in the decade of the '60s there have also been some changes of attitude on the part of those of us who have had the responsibility for administering assistance programmes. While certain of our early beliefs have been strengthened, some, on the other hand, have undergone great change.

Looking backward, we did not fully take into account the inter-dependence of all economic and social sectors. For example, successful *industrial* development often cannot take place without development of the *agricultural* sector as well. For a country does not industrialize by building factories: markets must be built. And since farming remains by far the largest source of income and purchasing power for the people of developing countries, agricultural growth and increased farm productivity and incomes are indispensable to industrialization.

Both agricultural and industrial growth are clearly dependent in turn, on growth in transport, power production, education, training, public health facilities and a great many other factors. Indeed, this kind of inter-dependence permeates the whole fabric of the development process.

Nor did we fully take into account—in 1960—how important it was to plan a development programme that gave due regard to the different institutions, traditions, mores and values of the developing nations. We learned that there could not and should not be a standardized programme for modernization that would apply to every country. We learned, rather, that assistance should be so administered that it would help keep the world safe for diversity. One result of this change of thinking has been the decision to enlarge the field organization of the UNDP to the point where we now have 94 field offices. We are certain that only by having qualified representatives actually living in a country . . . only by their getting to know the people and the officials of that country and its economic and social environment at first hand . . . can sound decisions be made that will enable our assistance to help speed the development process.

We believed in 1960 that the underlying cause of much of the poverty and misery in the world was not due to lack of physical and human resources, but rather due to their underutilization. That belief has been strengthened. After ten years of experience we now know that there is an *unrealized* potential of not less than 80 per cent of the underdeveloped world's material resources and fully 90 per cent of its human resources.

Ten years ago, we believed that technical assistance should be augmented by large-scale pre-investment projects in order to stimulate or facilitate new capital investment for the development of natural resources. The decade of the '60s has validated this belief and the UNDP has assisted 70 pre-investment projects which have influenced, directly or otherwise, reported investment commitments of an estimated $3 billion.

Ten years ago, we were convinced that the natural resources of a country could be exploited successfully only if the people of the country were educated and trained to take advantage of the opportunities which presented themselves. The decade of the '60s has done nothing to shake this conviction and the UNDP has assisted in the establishment of 260 training institutions of various kinds which have provided both short and long-term instructional courses to more than

300,000 men and women in the low-income countries. Further, many existing educational and training institutions have been strengthened with UNDP help. And many thousands of counterparts are benefiting from on-the-job training being given by the more than 8,000 international experts working on UNDP-assisted projects throughout the developing world this year.

Ten years ago, we believed that the United Nations and its related agencies should be used as executing agencies for special fund-assisted projects, even though at that time their field experience had been largely limited to smaller technical assistance operations. Acting on that belief the UNDP governing council to date has approved 1,075 major pre-investment projects calling for total expenditures of over $2½ billion, of which almost $1½ billion are being supplied by the recipient countries themselves. I am pleased to report, moreover, that the performance of the executing agencies has become increasingly effective during the course of the decade of the '60s. Further, we are convinced that as a result of the forthcoming study of the United Nations system capacity, still greater efficiency, enlarged capabilities and steadily improved coordination will be achieved in the years immediately ahead.

Ten years ago, we had the hope that science and technology had much to contribute to the development process. Today we know with certainty that this contribution can be spectacular. In every area of technical assistance and pre-investment activity, advances in methodology and technology have already demonstrated their worth and, in addition, have held out the promise of even greater returns in the years to come. This is true in education and training, in industry, forestry, fishing, the development of water resources, public health, in petroleum and other mineral exploration, in meteorology and in the application of nuclear energy.

But the most significant and most dramatic advances have taken place in the agricultural sector. Here, the term "Green Revolution" is neither figurative nor fanciful, but based on present actuality. Some months ago, for example, I was privileged to participate in several days of meetings in Bellagio, Italy, attended by some of the leading agricultural scientists in the world. I came away convinced that the technology is available *now* to double world food production within the next 10 to 15 years. I was also persuaded that there is *in the making* the technology through which it will soon be possible to increase substantially the protein-content of cereals and legumes. The ability to add significant amounts of protein to basic foods would literally be a world-shaking event, for by conservative estimates, 300 million children betwen the ages of 2 and 5 now face lives of stunted physical and mental growth due to the present lack of protein in their diets.

In line with the UNDP's increasing confidence in the potential of scientific and technological advances in this area, we propose to extend our activities in basic research by assisting a project with potentially global effects. It will involve intensified research and training in the cultivation of improved strains of maize with high nutritional value, exceptional yield-potential, and strong disease-resistance. The fundamental objective of this project is to extend the use of these improved varieties throughout a large part of the underdeveloped world.

The evidence of spectacular technological progress that was provided by man's successful moon-landing is paying other dividends here on earth. One of the most exciting half-hours I have spent in months, for example, was with a man heading a company that employs several of the scientists involved in that recent space venture. Their specialty is photography. They claim to have developed a new method for "photographing" the earth-surface from high altitudes which will enable them to locate and identify geological structures where raw materials lying beneath the land or even under the seas might be found. This high-altitude reconnaissance, can reveal promising areas for follow-up exploration and may prove to be an important additional tool in the search for metallic minerals, petroleum, underground water—virtually an entire catalogue of untouched resources. Significantly, too, this process holds the promise of reducing the cost of many resource surveys and of cutting in half the time presently required.

Man's efforts in space are providing other benefits as well. Within three years, for example, the first man-made star of its kind will be relaying to the Indian sub-continent educational television programs as well as instruction on modern farming practices, disease prevention and birth control. In fact, the entire educational field is on the verge of its own revolution thanks to advances in computer techniques, audiovisual devices and improved teaching methods.

Applied research and technology have already, of course; many contributions to their credit. Among the results of work UNDP has supported in this area during the past decade, I might mention, just by way of illustration, such things as the discovery by the Indian Institute of Petroleum of a method for extracting from low-grade kerosene a substance highly valuable to the plastics and fibre industries . . . the development in Iran on a laboratory scale of a process for recovering up to 98 percent of the zinc oxide content of low-grade ores . . . and successful experiments in Yugoslavia with radiation—induced mutations in plant-breeding which have contributed to the development of high-yielding and disease-resistant strains of some important staple crops. These achievements were part of a successful beginning in the field of applied research and technology—a beginning that allows us to look forward to a significant increase in the pace of development progress in the '70s.

Mr. President, may I sum up this brief assessment of the first development decade by saying that, in my opinion, never in any ten years of human history has so much progress been made in the achievement of a better utilization of the material and human resources of this planet. And may I add, at the same time, that never before has it been so clear as to how much remains to be done to bring about more rapid economic and social progress.

Earlier, I stated that the primary responsibility for development rested on the developing nations themselves. This was not, however, intended to understate the great importance of trade, or the vital role of external assistance. To put this question of development assistance as simply and directly as possible, the volume should be at least doubled and as soon as possible. The recently issued report of the Commission on International Development, organized under the auspices of the world bank and with the right honorable Lester Pearson as chairman, clearly supports this view.

The Pearson Commission Report makes a number of outstanding recommendations all of which merit most serious consideration. The report suggests, for example, that the flow of development aid be increased as quickly as possible—and by no later than 1975—to a figure equalling 1 per cent of the wealthier countries' gross national products. Another recommendation suggests that by no later than 1975, seven-tenths of this flow should be in the form of *official* development assistance. This second recommendation is of great significance. It could result in a much more equitable sharing of the aid burden among the tax payers of donor nations. It could also stimulate increased private investments because, generally, private investment strongly favours countries with good schools, good hospitals, modern roads, a competent civil service and other important public facilities. Such facilities must be financed from public sources.

A third most gratifying recommendation of the Pearson Commission calls for doubling, by 1975, that part of official aid flows which is channelled through multilateral organizations. This would mean an increase from 10 per cent of the total to 20 per cent—and I need not, before this body, go into any detail on the significance of that proposal.

But perhaps this would be an appropriate time to comment on an all too prevalent misunderstanding about how much the present level of aid actually costs the tax payers of the donor nations. As of now, aid figures reported in the press and other mass communication media often give the gross amount and this distorts the picture of the tax payers' aid burden. It does not separate from the total, private investments, bankable loans granted on commercial terms or a reasonable proportion of so-called "soft loans". Nor does it make allowance for repatriation of commercial profits, interest payments and similar items of counter-flow. Thus, for example, it must have seemed to most donor country citizens that the total tax burden for aid came to more than $12 billion in 1968; whereas I personally estimate that the real figure was around $4 billion.

The Pearson Commission report also recommends as a minimum target for the 1970s an annual economic growth rate of *at least 6 per cent* for the developing countries. Doubtless, the General Assembly will consider this recommendation as well as others—particularly that of the Committee for Development Planning—when it sets its own annual economic growth rate target for the developing countries in the '70s.

Undoubtedly, a global target is of genuine value in setting general standards for developing country efforts and providing a degree of psychological impetus. However, when it comes to stimulating action in a given country, the most important moving force for economic and social progress is a national target set by that country's officials and worked out in detail on the basis of that country's own pressing needs, its own most promising opportunities and its own available resources.

The United Nations development programme, for its part, has been deeply involved in the whole process of helping governments plan for economic and social advancement. For in addition to the scores of planning projects large and small which the UNDP has supported in individual countries throughout the world, our programme has also provided major assistance to the establishment of the African, Asian and Latin American Regional Planning Institutes.

Perhaps it is only natural that the subject of development planning is very much on all our minds as the start of the second development decade approaches. There are many who feel that too much time and effort have gone into high-level theorizing of which perhaps far too little has been translated into the pick and shovel work of actually getting things moving. Yet if one looks back to the concepts behind development work at the beginning of the 1960s, one can see what a necessary and useful evolution has taken place in the field of development planning.

There has been, for example, a significant trend away from an approach characterized by individual projects viewed in isolation. Emphasis now is on the more realistic concept of coordinated, sequential development activities presented as an adaptable, integrated programme. Today, also, the necessity for national, regional and even a degree of global programming is taken for granted—so much so that we sometimes forget just

how much the lack of such programming cost in terms of wasted financing, the dissipation of scarce resources, bitter battles among competing priorities and loss of that precious commodity, time.

This brings me, Mr. President, to the final points I would like to make. I have previously stated that in planning a development programme due regard should be given to the traditions, institutions and values of the developing country in question. I cannot overemphasize this. But it is impossible to modernize a country without effecting changes—some quite radical, some even revolutionary. These changes will be accepted provided the need for them is adequately explained and demonstrated; yet it is a painful process as anyone of us, I think, can recognize. We need only to recall incidents from the history of virtually every country to appreciate the fact that change—no matter how reportedly beneficial—is always regarded with a measure of suspicion and sometimes even fear.

Thus when we encourage a peasant, whose life literally depends on the success of a single crop, to use new seeds or new farming methods, we must recognize that we are presenting him with a difficult choice. The same is true when a couple is asked to practice family planning when the very concept may conflict with what they have believed in from childhood. Or when it comes to convincing local merchants of the advantages of long-term investments when in their country an immediate high profit has always been the goal of any business enterprise.

Changing such fundamental feelings and many others like them takes time and tact, patience and understanding. It also requires the use of modern motivational and educational techniques—with full sensitivity to the fact that no one will give up something of value unless he can be shown and convinced that he is getting something of greater value in return. Many UNDP-assisted projects utterly depend on local attitudes for their success. Consequently, after long and serious study, UNDP is now fostering what we call "project support communication". The name explains the purpose—to help governments of the developing countries create understanding of, involvement in and support for UNDP-assisted work by those of their people who are directly affected by that work.

There is not only a need for intensified informational activities in the developing countries but—if anything—a far greater need in the industrially advanced countries.

Behind this rather polite way of putting things stands a hard fact which must be faced—the fact that *all of us* who are concerned with speeding development have to some extent failed in a major responsibility. We have failed to communicate effectively something we ourselves know—that what helps the developing countries helps the whole world. We have failed to convince enough people that development aid is not charity but a sound investment in global peace and progress. We have failed to get across to the taxpayers of the major donor countries the truth that their future depends on the achievement of a rapidly expanding world economy. We have signally failed to tell the full story of what aid and self-help have achieved and how vital mounting success is to all countries, rich and poor.

These failures are *not* irreversible. Just as I have never doubted that the developing countries would make whatever sacrifices were necessary to win their war on poverty and poverty of opportunity, so I still do not doubt that the wealthier nations will continue to be firm allies in that fight. The fact that UNDP resources for 1970 will be the largest for any single year in the history of the United Nations encourages us to believe that before too long we will be in a better position to meet a greater number of legitimate requests for assistance from the United Nations system.

The case for speeding development is strong and good, for it is the case of all mankind and surely must succeed. Indeed, if it is argued effectively—with cold facts, yes, but also with warm and generous emotion—then, Mr. President, I think it can hardly fail. No greater task faces us as we confront the second development decade—a period which could see the greatest forward surge that the community of man has ever known toward the goal of equal opportunity for every child born on this planet.

BOSTON COLLEGE LAW SCHOOL PAPER WRITES ABOUT S. 9

Mr. YARBOROUGH. Mr. President, on January 15, 1969, I introduced S. 9, a bill to create a commission to compensate victims of crime in certain areas under Federal jurisdiction.

On October 31, 1969, Sui Juris, the newspaper of Boston College Law School, published an informative discussion of the bill, which I think will be of interest to the Senate.

I ask unanimous consent that the article, entitled "Victims of Violent Crimes," written by Bruce Chasan, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VICTIMS OF VIOLENT CRIMES

(By Bruce Chasan)

"A violent crime against the person occurs—perhaps assault, murder, or rape or malicious disfiguration—and the attacker is apprehended. What takes place? The attacker may receive legal counsel, psychiatric examinations and treatment, hospitalization, food, clothing, and even vocational training or an education—all paid for by the State. Yet the victim, whose life may have been turned to chaos or even destroyed by the crime, will more than likely be ignored. The only way he can collect reimbursement for medical bills, lost wages, or other expenses is to sue his attacker—a process which brings highly dubious results."

With the above words, Senator Ralph Yarborough (D. Texas) introduced S. 9, the "Criminal Injuries Compensation Act of 1969." (15 January 1969 Congressional Record, p. 793.) To date it has not seen any action.

The bill would create a commission to handle the claims of the victims of violent crimes residing in the District of Columbia and other federally administered territories. In turn, the commission would be able to award up to $25,000 in compensation. Such an award would not be construed to have any bearing on the guilt or innocence of an accused suspect.

Sen. Yarborough has been concerned for some time about this paradox of American justice whereby the rights of the criminal are zealously guarded while the innocent victim gets nothing. "When society fails," the Senator says, "in its assumed duty to protect its citizens, society ought to have the responsibility of compensating the innocent victim for his personal gain and injury."

Five states—Massachusetts, California, New York, Maryland, and Hawaii—have enacted legislation of this type.

THE PRESIDENT AND CBW

Mr. PERCY. Mr. President, the whole world had cause to rejoice last week when President Nixon announced that the United States would renounce the use of lethal biological weapons and the first use of lethal and incapacitating chemical weapons. The President also announced that he would submit for Senate ratification the Geneva protocol of 1925, which prohibits the first use of poison gases and bacteriological weapons.

It is significant that President Nixon has taken these initiatives just as the Soviet-American strategic arms limitation talks are underway. I hope that his decisions on chemical and biological warfare will herald a new era, when nations, understanding the futility of mass destruction, will mutually agree to limit the weapons they possess.

THE DEAN OF HARVARD GOES SOUTH

Mr. SPARKMAN. Mr. President, the Parade magazine supplement of the Birmingham News and other Sunday papers of November 30, 1969, contains an interesting article entitled "The Dean of Harvard Goes South," written by Gil Fuchs. It is a story of the work of John Monro, who, in the spring of 1967, left his position as dean of Harvard College to become director of freshman studies and an English teacher at Miles College, an unaccredited, all-black college in Birmingham. Because I believe that Senators and other readers of the CONGRESSIONAL RECORD will find this a most interesting story, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEAN OF HARVARD GOES SOUTH

(By Gil Fuchs)

BIRMINGHAM, ALA.—In the spring of 1967, John Monro, then 54, Dean of Harvard, Americas richest, oldest and most prestigious college, announced he was leaving to go to Miles College, an unaccredited, all-black school here.

It is a long way from Cambridge to Birmingham—but it is even farther from Harvard to Miles. Harvard has 13,000 predominantly white students who represent the most educated and elite student body in the country. It boasts a faculty of 7000, and an endowment of more than $1 billion.

Miles has 1100 black students, a faculty of 70 and an endowment of $300,000.

Why did Monro leave his position as Dean of Harvard College to become director of freshman studies and an English teacher at Miles?

For Monro the answer is simple: "Miles is the way of the future as far as this country is concerned. The future of education is not at highly selective colleges like Harvard or Yale but here at Miles where we admit everyone with a high school diploma. And the kids in the bottom half of the class do well. This tells me that there are many kids, all across the country, who can do well in college but who aren't getting the chance.

"Harvard and Yale are caught up in some categorical game of numbers and grades. The individual never gets a chance. This problem is most tragic and urgent in the black community."

MISSED OPPORTUNITIES

The silver-haired Monro is quick to cite that only 15 percent of black youth in the South actually attend college. The figure for whites is 50 percent.

"This means," he explains, "that some 75,000 black young men and women each year, with college ability, do not get to college simply because they are black.

"We can do a hell of a lot for these kids, and the proof is going to come at Miles."

Monro directs freshman studies and teaches two freshman English courses at Miles, where his is not an easy job. Alabama spends about $400 a year per pupil, and as a result, freshmen at Miles, having completed their first 12 years of school, possess on the average the language and math skills of ninth-graders.

"I like teaching and working with the curriculum," Monro says. "I figured that one contribution I could make would be to make English teaching and reading simple and functional."

Monro credits his ability as an English teacher to his training as a journalist. After graduating from Harvard in 1935 (where he started a rival paper to the established Crimson), he began a stint as a newspaper reporter on the old Boston Transcript. He served as an officer in the Navy during World War II. After the war he "took six months off, wrote the great American novel, tore it up, and went to work at Harvard as assistant director of veterans' programs.

RAPID ADVANCEMENT

He soon progressed to assistant to the provost and then to director of financial aid.

In 1957 President Nathan Pusey asked Monro to become Dean of Harvard College. His duties included overseeing many student activities, ranging from dormitory and athletic programs to academic standards and discipline.

Monro's journey to Miles began in 1962 when Harvard sent him to Miami to observe a meeting of an association of black teachers. It was there that he met Dr. Lucius Pitts, the black president of the association who had just become president of Miles. Pitts invited Monro to visit Miles and he did so in the summer of 1963.

The next summer Pitts invited Monro down to run a summer skills workshop. During the next school year Monro says he "was putting in every free minute and then some down here at Miles."

Monro realized he had to make a choice. "This was the time that tensions were rising in the Harvard community. Berkeley had just happened and I realized I just couldn't do both. I had to make up my mind.

"After that it was simple. I decided to drop Harvard. My job there didn't relate to what I wanted to do, namely opening up equal opportunity. Miles was doing it; Harvard wasn't."

Monro says he knew time was growing short. "I'm 56," he says, "I'm in the cancer and heart attack range. If I want to do anything, I've got about ten years. I'm old enough to know that you can't change the world, but you can give it a heave."

THE MONEY TRAP

Monro says he enjoyed his stay at Harvard but has no time for "sentimental reprises."

"Our society has a great many traps," he says. "Once you start orienting your life around the expectations of pay, family, neighborhood, swimming pools, status, then you're done—you've given your life over to the trap.

"Havard is a great fur-lined trap—it's one of the best. But that's a lousy way to decide how you're going to spend your life. It's what you do with your hours that's important."

Monro has received a number of letters from older college professors and administrators telling of their dissatisfactions and asking his advice. "I tell them to come on down, the water's fine," he says.

Living and teaching in the black community of Birmingham, says Monro, has brought him closer to the realities of American life.

WORKING STUDENTS

Most of the students at Miles come from poverty-ridden homes. Sixty percent of the students' families make less than $5000 a year, and 70 percent make less than $6000. By contrast, 80 percent of college students in the U.S. at large come from families with incomes above $6000. Only 3 percent of Miles students can afford to pay all their expenses, $700 for tuition and $700 for room and board. Most of them have to work 40 hours a week in addition to going to school.

Miles is only one of 89 black colleges which together produce over half of all black college graduates every year. Monro sees these colleges as a necessity. "Fifteen years after the famous Brown desegration decision, only 2 percent of the undergradautes in big publicly supported universities are black students. It is a dismal record and it is not going to get better in a hurry.

"Black colleges are here to stay because, poor as they are, they are performing a critical function as educational institutions and as centers of community strength."

The need for Miles is clear. Jim Williams, young, black, Columbia-educated assistant to the president, points out: "Birmingham is 40 percent black. There are four institutions of higher learning in Birmingham and Miles is the only black one. If Miles closed, 90 percent of the black kids in Birmingham could just forget it."

Miles also serves as a vital center of strength for the black community. It has brought a number of government programs to the black community including Vista, Head Start and the manpower program. In addition, it has started programs to erase adult illiteracy and to assist black elected officials.

"We have a serious awareness of what Miles means to the black community," Monro says. "Institutional strength is easy to take for granted in white society where there are many big institutions like Harvard and General Motors. But in the black community, where there are very few of them, Miles becomes very important."

Founded in 1907, Miles was, until Pitts' time, a very small conservative, church-oriented school dedicated to turning out, as one student says, "teachers and preachers."

Pitts came to Miles and in eight years doubled the student body, increased the annual budget from $300,000 to $2.7 million, added five new buildings and recruited people like Monro.

Like many other black colleges, Miles' foremost problem is economic survival. "We have very little endowment, very little inflow from students and no other solid constituency from which to obtain additional funds," development officer Denny Reigle, a white graduate of the Harvard Business School, points out.

STRINGS ATTACHED

"Most government and foundation money comes with strings attached for special programs. Outside of that our only two constituencies are the alumni and the local corporate community. The alumni have increased their giving from $4000 to $46,000 in the past five years but other segments of the community have not been equally responsive."

Many of Miles' other problems find their roots in the college's financial straits.

The problem of accreditation is one example. The sole reason for Miles' lack of accreditation is it lack of financial resources. But foundations won't consider it for substantial grants until it is accredited.

Recently the foundations and the federal government have stepped up their support for black higher education. "But," Dean Richard Arrington notes, "all that new money is not going to black colleges which have been struggling to educate the black man for years. It is going to white institutions like Yale and Harvard."

IN TRANSITION

The clash between Miles' conservative, church-oriented past and the rising tide of black consciousness has brought it another set of problems.

"Black colleges are in transition," Arrington says, "we're no longer trying to ape white colleges. We're helping to accelerate the student's appreciation of black culture."

One of the first questions that arises is the role of Monro and other white faculty. There are no white students at Miles and until Pitts became president there was no white faculty. Now about 30 of the school's 70 teachers are white.

Monro realizes his limitations at Miles. "I couldn't be president of this place, I couldn't be dean. But I think there is a fine opportunity for white teachers to make an effective contribution in a subordinate role."

The key to Miles' future will be its ability to attract good young black faculty who will stay. White institutions have made this difficult. They continually outbid Miles for young black Ph. D.'s to staff new black studies programs.

ACCEPT CHALLENGE

The things that brought Monro to Miles have brought others. The young white faculty includes a Rhodes scholar, Harvard-trained lawyers and graduates from several Ivy League schools. The older white faculty includes the former chairman of the philosophy department at Smith.

Perhaps the greatest sacrifices have been made by young black men like Arrington, a Ph. D. in biology who turned down a profitable career at a white college to return to Miles, or like Hubert Sapp, a bright Harvard graduate and president of the Afro-American Society there who chose Miles over many more attractive possibilities.

"You know something of great consequence is happening when you can get people like that here," says Monro.

Arrington suggests what it is: "There is a great need for the country to develop institutions which serve the kind of people black colleges do. The experiment that is going on at Miles has to succeed."

"PLAN AHEAD FOR SURVIVAL"—ADDRESS BY ROBERT SARNOFF

Mr. PERCY. Mr. President, Mr. Robert Sarnoff, president of RCA Corp., has recently delivered a most thought-provoking address on the needs of our society, especially in the public sector, to plan ahead for survival.

Our civilization is leaping ahead on a geometric scale in development and progress. Accompanying these advances at every stage, however, are problems of increasing magnitude—environmental pollution, population explosion, crime, urban decay, and so forth. These have placed our society uptight. Unless we begin to resolve these problems rapidly and realistically, room for maneuver will be lost.

For years now the business community has led the way in developing and applying advanced measures of planning to help solve current problems and avoid future pitfalls. In order to make this planning meaningful, modern management techniques and technological tools have been developed—operations research, systems analysis, model-building and simulation. To some extent, a few agencies of our Government have sought to follow suit. The results have not been particularly successful, however.

Our failure to utilize these modern tools of management effectively is due primarily to our reluctance to engage in

governmental planning, to haphazard legislative techniques, and to the pressures in some instances of special interests. These attitudes may have been tolerable in an earlier, less-complicated era; they certainly are a luxury we cannot afford today.

The world society we live in is in deep trouble. Our environment is threatened with a life-destroying degree of pollution. A population explosion challenges our ability to feed human beings, let alone raise standards of living. Crime, urban decay, ignorance, and disease are lowering the level of tolerance so that sparks of conflict may begin to trigger ever-growing flames of violence.

The time is upon us to think big and to plan boldly for the future. Mr. Sarnoff in his creative address calls upon the public and private sectors of our society to team together to develop a comprehensive systems effort to revitalize the Nation's Capital. He proposes that we plan beyond mere physical rehabilitation and include all facets of life that must be considered as an interrelated whole if successful redevelopment is to occur—housing, transportation, race relations, employment, health, welfare, education, communications, law enforcement, pollution, and so forth.

To those who may question the need to burden other regions of the country with the expense and effort that will be required to revitalize our Nation's Capital, I can only answer that we are in this life together. In addition to the pleasure we would obtain by making our Nation's Capital the symbol and example of what a free society can accomplish, the experience gained in this endeavor will be applicable to all other populated communities in the country. Large-scale financial, social, and esthetic benefits will accrue.

We have now reached the day of reckoning.

In Mr. Sarnoff's view:

> We must decide whether our way of life is worth the necessary commitment to our cities and our environment.

I fully endorse this expression of concern, Mr. President, and would only add that not only may our way of life be threatened, but our very lives themselves.

I ask unanimous consent that Mr. Sarnoff's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ROBERT W. SARNOFF, PRESIDENT, RCA CORP., NEW YORK, N.Y., NOVEMBER 20, 1969

I am delighted to join you. I have followed your earlier conferences with special interest since they have displayed a maximum of self-questioning and a minimum of self-congratulation. Your discussions have nothing in common with the recent New Yorker cartoon showing a long-haired young man tuning his guitar and telling his father: "I wrote this especially for your birthday, Pop. It's about how enlightened American business executives have created a viable economy and a mobile and progressive social structure."

American industry has, in fact, worked wonders in harnessing the resources and technology that power our physical progress. Yet the gulf between private affluence and public want has grown so wide that it is undermining the whole framework of life. Today our concern for the future must be shared even by the cynic who asked, "What has posterity ever done for me?"

The challenge for business is to recognize and adapt to the new conditions or to face eventual discredit and decline. We must develop new managerial techniques and new organizational forms. We require new styles of leadership which will preserve the continuity and vitality of our institutions while shaping them to the processes of change.

The time for revision is growing short. We continue to approach technology and its effects in the same piecemeal, random fashion that has served us in the past. We are not unlike the man falling from the top of the Empire State Building and telling himself as he passes the twentieth floor: "Things seem to be going well so far."

We now have access to the instruments and to much of the knowledge needed to respond to the social and environmental questions raised by advancing technology. These new instruments of information when combined with the rising reservoir of knowledge can form system to solve today's problems and even forecast those which may arise tomorrow. They are the tools with which to shape our future—if only we have the good sense and the firm resolve to grasp them.

There is a growing awareness of the promise of systems planning as a social implement. The Federal Government has encouraged the use of the systems approach in planning projects for its model-cities program. On the state and local levels, there have been other efforts to employ these new techniques. A few years ago the State of California contracted systems studies of crime control, information processing, transportation and waste disposal. Since then, a number of cities have established their own systems-analysis groups to evaluate the projects they commission. In New York, the Rand Institute is working on systems studies of operations in the city's housing, health, police and fire departments.

To date, however, such efforts have been too incomplete in concept, too limited in scope, to prove much beyond the fact that systems planning is a complicated and costly enterprise. We have yet to see a demonstration project of sufficient scale to create a critical mass for real social improvement.

There are reasons, to be sure, why government has lagged in using the new techniques for social ends. The lead time for such programs is long. Public managers are inhibited in long-term planning by periodic changes of administration and by the vagaries of legislation appropriations. In its social works, government does not face the same competitive stresses that force most businesses to undertake major investments for long-range growth. Any private corporation whose development programs were limited to four-year periods would suffer a severe, if not fatal, handicap. However, the pressures on government will increase in the years immediately ahead, as the electorate becomes more concerned about the quality of life in a deteriorating environment.

In the meantime, public administrators face another obstacle—the deep American prejudice against government planning. This has been associated with the arbitrary plans of socialist societies, and contrasted with our romantic dream of the rugged individual taming the wide open spaces of the frontier. Yet the briefest reading of American history reveals examples of planning.

Some of our earliest settlements, from the villages of New England to the town of Williamsburg, were laid out as planned communities. The Constitution itself stands today as the charter of a planned system that has proved its vitality and relevance during two centuries of change. Even the frontier has felt the effect of a major experiment in planning. The Morrill Act of 1862 set up a system of land-grant colleges as the first of a series of research and information programs that have received much of the credit for the productive miracle of American agriculture.

The problem, in short, is not so much a lack of precedent as a lack of spokesmen for the planning point of view. The business corporation, with its emphasis on problem solving and the pragmatic approach, certainly is in a position to fill the role of advocate. In the past few years, increasing numbers of business firms have developed long-range planning for their marketing, manufacturing and other operations. Surveys have shown, however, that the use of computer procedures in such efforts is largely devoted to arithmetical calculations rather than managerial decision models. Nevertheless, the trend is toward more sophisticated approaches to business planning.

At RCA, as an example, our management information systems are maturing as essential implements in all our activities. We are employing computer systems in designing and producing electronic devices, in evaluating new business opportunities, in financial and total business planning and many other complex functions. As more firms develop such procedures, their experience should prove useful in applying the systems approach and long-range planning to social problems.

Business even now can do much to dispel the prevailing mistrust and misunderstanding of the new techniques. We can, for example, correct the notion of planning as an attempt to impose a rigid outline on the future and to make reality conform to it. This is, indeed, a primitive idea of today's systems methods.

The fact is that a workable plan must be an open-ended system designed to allow for all foreseeable contingencies, for changing conditions and for feedback from all the interests affected. There is good reason to believe that by projecting alternatives, it encourages hard thinking about values and priorities. It should stimulate rather than inhibit debate and involvement.

It is even possible that long-range planning with wide public participation would strengthen the democratic institutions that lately have come under such sharp attack. As John Gardner has observed, "there can be nothing more healing for men than to participate directly in the reshaping of institutions that no longer enjoy their confidence."

The question, at any rate, deserves to be carefully considered and put to a serious test. The systems approach to social problems is likely to be so complex in conception that its value can only be proved on a grand scale. Its execution, furthermore, would require the time, effort and financing that can only be provided with wide public understanding and commitment. By way of analogy, it is worth recalling that polio was once a national scourge. President Roosevelt then placed the full weight of his prestige behind the "March of Dimes" to mobilize the public support and the scientific dedication necessary to conquer the disease. Similar efforts have been mounted in the Tennessee Valley Authority, which revitalized an entire region; the Marshall Plan, which is credited with saving Western Europe from Communist domination, and most recently the American space program, which within a decade developed the technology to put men on the moon.

We are now confronted with a challenge at least as urgent as any of these.

The time has come for a demonstration project to determine whether the techniques that have succeeded in other fields can be applied to the urban and environmental crises. The business community should take the lead in suggesting and participating in an appropriate test.

A full-scale pilot program will be needed. I propose a complete and systematic rehabilitation of Washington, D.C., and the National Capital Region as a most logical choice.

The Capital belongs to all our people. A comprehensive systems effort to revitalize the city and its environs should invoke a nation-wide response—a response as broad and enthusiastic as that inspired by the Apollo moon landing. As the seat of government and a major news-making center, Washington commands the kind of attention that a project of this nature would require and deserve.

To underline the national significance of such a program, the first phase might be scheduled for completion in 1976 to coincide with our nation's celebration of its two-hundredth anniversary.

Washington was founded as a planned city, but has long since fallen heir to all the ills of our unplanned society. It differs fundamentally from other metropolitan centers. Its principal employer is the Federal Government, it is governed by Congress, and its officials are appointed by the President.

In recent years, more thought has been devoted to the physical planning of the Capital—including a regional plan for the year 2000—than to any other American city. Earlier this year Washington planners presented a systems study for a model designed to provide forecasts of future regional population and employment. Thus the Capital not only faces the need but has laid some of the groundwork for a comprehensive and systematic approach to the urban crisis. It now stands ready for a large-scale program of regeneration that would go beyond physical planning and cut through the whole tangled maze of interacting problems in housing, transportation, race relations, employment, health, welfare, education, communications, law enforcement, air and water pollution. Such a project would draw on all the most advanced techniques of operations research, systems analysis, model-building, simulation and long-range planning.

Any effort to provide a meaningful test of these methods must be made on a large and comprehensive scale. The lead times, therefore, will be long and the costs will be high—just how high can be determined only after detailed study. To assure continuity, the full funding should be earmarked by Congress at the outset and carefully phased over the years. The program could be placed under the administration of existing planning agencies, which should be strengthened in authority and broadened in capability to deal with all phases of the region's future. These agencies, working together on a contractual basis, would draw on the services of managers and specialists from government, the universities and industry, as well as those agencies, both public and private, with special knowledge of urban problems. Above all, the program should be designed to assure the representation and active participation of all major segments of the communities involved.

We must expect that an effort so experimental in nature and involving so many varied interests and disciplines will have its failures as well as its successes. Even allowing for setbacks, however, the costs should be far outweighed by the gains. One of the first benefits of a systems analysis of the Capital region would be an auditing of the real costs, in terms of taxes and lost revenues, of an impaired environment. As the program progressed, it would provide an immense inventory of new knowledge and new methods that could be applied to other beleaguered cities across the nation. As an example, the difficult task of building a computer model of a metropolitan complex as large and important as the Washington region would alone spin off enough new information to mark a significant advance in the understanding of urban problems. Professor J. W. Forrester of the M.I.T. Sloan School of Management, who has pioneered in experimental urban models, has already concluded that "the intuitive solution of the problems of complex social systems will be wrong most of the time." Most important, perhaps, a project of the magnitude we are considering would generate new working relationships between the political leaders who manage our cities and the systems planners who help them manage more effectively.

It has been said that if you do not think about the future, you cannot have one. Today we must not only think but also act on a future that is bearing down on us at breakneck speed. It has been estimated that in the next thirty years we must double the physical plant of our cities to accommodate the growth of population and the continuing migration from the countryside. We must, in other words, achieve in a single generation what our forebears struggled to accomplish in three hundred years.

As Lincoln said, "new problems demand new methods for new solutions." Today we require new styles of leadership at every level of our undertakings, public and private alike. We must recognize that the need is not in some reassuringly dim future. It is now. The manager we seek, to borrow Bruce Palmer's apt phrase, is a "specialist in generalizing." He relies less on specific knowledge than on an understanding of the complex relationships within organizations and among disciplines. He must encourage a work climate conducive to creativeness and growth. He must shape administrative structures that are flexible, decentralized and designed for particular tasks. He distinguishes sharply between freedom and free-wheeling and is sensitive to developing social needs—from the inner city to the emerging country. He is receptive to new ideas including those that may question the most basic premises of the conventional wisdom.

Such people can be found today in the ranks of business, government, and education—but their talents may too often be engaged in narrow fields or on matters which do not demand immediate attention. We must bring them forward now if we are to mount a bold and innovative attack on the hard problems that face society. We must continue at the same time, in the classroom and the conference room, to develop an increasing supply of such leaders for tomorrow.

The development of such leadership through motivation, education and experience is a primary concern of this conference, and I am confident that new light will be shed on the problem, to the benefit of all of us. For over the years, Americans have demonstrated a genius for social inventiveness and cooperation. We now face one of the great tests of our history—to restore and reinvigorate the whole framework of life while preserving our traditions as a democratic, humanistic and open society. Winston Churchill once observed that we shape our cities and they shape our way of life. While the cities shape our life, we are failing to shape our cities.

We have now reached the day of reckoning. We must decide whether our way of life is worth the necessary commitment to our cities and our environment. I am convinced that Americans, especially our young people, possess the mind and motivation to undertake such a commitment. I also believe that, despite the gloomy forecasts to the contrary, we will have future generations.

I hope history will look back on the '60's as the decade we defined the social crisis.

I trust the '70's will be the decade we took action to solve it.

The time to predict has passed. It is now time to decide and act.

WAITING FOR A BREAK FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, The International League for the Rights of Man, an affiliate with the United Nations, is presently being directed by a Mr. Roger Baldwin. Recently, the league sent out a bulletin which states quite clearly the present state of human rights. Mr. Baldwin commented:

It is hardly necessary to note the low state of United Nations activity or morale in the field of human rights generally, due largely to the weakness of international authority in the face of nationalism, cold war and an undiminished arms race. The U.N. efforts for law, against colonialism in Africa, against racism and for refugees continue at the General Assembly session, mainly devoted to old items. One gets the impression of established machinery marking time, waiting for a break.

This "low state of United Nations activity" to which Mr. Baldwin refers is demonstrated in his discussion of the United Nations Subcommittee Against Discrimination and for the Protection of Minorities. He stated:

The source of much U.N. effort for human rights lies in the Sub-Committee Against Discrimination and for the Protection of Minorities, which reports to the Human Rights Commission. In theory it represents individual experts; in practice it is like others, representative of governments. But it conducts useful studies of all sorts of discrimination and draws up principles and declarations following reports of its expert rapporteurs. This year it considered one suggested originally by the League, discrimination in the administration of justice. The declaration of principles and its interim report should be followed next year by a completed draft covenant.

A slight move has been made to get consideration of some of the grossest violations of human rights by giving the Sub-Commission the right to examine patterns of persistent violations inside countries, but only with the consent of their governments. Obviously this is a pretty feeble measure, illustrative of the sensitivity to nationalistic pride. New studies were authorized on slavery, which still afflicts parts of the world, and on how economic and social rights are faring.

Consideration of the rights of minorities, embodied in the Sub-Commission title was as usual deferred. Indeed no agreed definition of what is a minority exists. The Sub-Commission concluded its session just prior to the opening of the Assembly.

Mr. Baldwin's remarks are not encouraging, to say the least. Although the United Nations Subcommittee Against Discrimination and for the Protection of Minorities did move somewhat in the consideration of human rights, this movement cannot be measured substantially by any stretch of the imagination. It would seem a fair judgment that the "established machinery" is "marking time, waiting for a break."

Why should not the United States provide that needed break? The record of this Nation in ratification of human rights conventions is one of the worst in the world. Would not a movement by the United States toward recognition of an international level of the basic human rights of all men be a substantial lift in the prestige of the human rights movement? I think it would. I therefore urge

this Chamber to consider and ratify the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide.

CRIME CONTROL ACT OF 1969

Mr. SCOTT. Mr. President, the Subcommittee on Criminal Laws and Procedures, of which I am a member, has made its report to the Judiciary Committee on S. 30, the Organized Crime Control Act of 1969. S. 30 consists of 10 substantive titles derived from some eight separate bills introduced by Senators on both sides of the aisle. Its provisions are designed to correct several defects in the evidence-gathering process which are especially troublesome in organized crime cases, to limit defense abuse of pretrial proceedings to extend Federal jurisdiction over major cases of gambling and corruption, to curb organized crime infiltration of legitimate organizations, and to authorize extended sentences for special offenders.

The bill incorporates the best recommendations of the President's Crime Commission, the National Commission on Reform of Federal Criminal Laws, the American Bar Association Project on Minimum Standards of Criminal Justice, the Model Penal Code, the Model Sentencing Act, and witnesses who represented the National Council on Crime and Delinquency, the Association of Federal Investigators, the New York County Lawyers Association, the American Civil Liberties Union, the New York State Commission of Investigations, the National Association of Counties, the National Chamber of Commerce, and the New York State Bar Association in hearings held by the subcommittee. The Justice Department supports every title of the bill with amendments made by the subcommittee. I would like briefly to discuss certain implications of the organized crime problem and of the measures which S. 30 proposes for dealing with that problem.

One of the most disturbing aspects of organized crime today is the fact that its preponderant impact is upon those least able to pay the price that organized crime exacts: the urban poor. As President Nixon stated in his organized crime message to the Congress of April 23, 1969:

> The most tragic victims [of organized crime], of course, are the poor whose lack of financial resources, education and acceptable living standards frequently breed the kind of resentment and hopelessness that make illegal gambling and drugs an attractive escape from the bleakness of ghetto life. (Message from the President of the United States Relative to the Fight Against Organized Crime, H.R. Doc. No. 91–105, 91st Cong., 1st Sess. 2 (April 23, 1969).)

Organized crime bleeds those citizens in an insidious variety of ways. Its most obviously predatory method is the promotion of the use of "hard" narcotics, which, as the President's Crime Commission has documented, are imported and distributed wholesale by national crime syndicates.—President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" 218, 1967. The end points of that system of drug distribution are found primarily in the low-income neighborhoods of our major cities. The addicts themselves, of course, suffer untold agonies of body and mind. The New York Times has reported evidence that, in New York City, heroin use killed 700 persons, including 170 teenagers in the first 10 months of this year.—New York Times, October 23, 1969, page 51, column 2. Heroin now is the leading single cause of death among persons 15 to 35 in New York City.

The harm done in the ghettos by the promotion of hard drug use reaches beyond the addicts to the vast majority, the honest, decent citizens. One of the causes of violence in our major cities is the failure of the authorities to crack down on those who traffic in narcotics. Addicts, desperate for money to support their habits, commit a large proportion of all crimes against person and property and, as the President's Crime Commission stated:

> One of the most fully documented facts about crime is that the common serious crimes that worry people most—murder, forcible rape, robbery, aggravated assault, and burglary—happen most often in the slums of large cities. President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" 35 (1967).

Society as a whole cannot, in justice, close its eyes to that ghetto crime. We must recall the words of the National Advisory Commission on Civil Disorders:

> Two facts are crucial to an understanding of the effects of high crime in racial ghettos; most of these crimes are committed by a small minority of the residents, and the principal victims are the residents themselves. . . .
>
> As a result, the majority of law-abiding citizens who live in disadvantaged Negro areas face much higher probabilities of being victimized than residents of most higher income areas, including almost all suburbs. . . . (Report at 134–35 (1968).)

While the exploitation of disadvantaged groups may be most obvious where addiction and resulting street crimes are involved, that exploitation takes other forms, equally subversive, of the struggle of minorities for dignity and fulfillment. Ubiquitous numbers and booking offices, often operated directly by syndicates, drain the meager assets of the urban poor by cultivating the illusion of a chance for wealth. Furthermore, as President Nixon has stressed:

> Organized crime is increasing its enormous holdings and influence in the world of legitimate business. (Message from the President of the United States Relative to the Fight Against Organized Crime, H. Doc. No. 91–105, 91st Cong., 1st Sess. 1 (April 23, 1969).)

One of the principal means of that expansion is "foreclosure" on debts to loan sharks, and the small, marginal, local businessman in the concentrated areas of the urban poor is a primary victim of organized crime loan sharking. These and other organized criminal enterprises yearly take large sums from their direct victims and, by raising prices on necessary commodities and services, plunder the funds of all slum residents.

Organized crime views corruption of police and other officials, which the President's Crime Commission found to be common in areas marked by organized crime, as a means of protecting its profitable operations. The Congress, however, must recognize that corruption represents a distinct evil, one which is especially abhorrent to our national values. Police officials whose dedication to our laws has been sold out are ineffective not only in curbing organized crime; they have forfeited their initiative and opportunity to fairly and fully enforce laws involving all segments of society. Dr. Martin Luther King wrote in 1965:

> The most grevious charge against municipal police is not brutality, although it exists. Permissive crime in ghettos is the nightmare of the slum family. Permissive crime is the name for the organized crime that flourishes in the ghetto—designed, directed and cultivated by the white national crime syndicates operating numbers, narcotics, and prostitution rackets freely in the protected sanctuaries of the ghettos. Because no one, including the police, cares particularly about ghetto crime, it pervades every area of life. (King, *Beyond the Los Angeles Riots: Next Stop The North, Saturday Review*, vol. 48, p. 34 (Nov. 13, 1965).)

A society in which organized crime and corruption openly flourish cannot foster morality or order among its members. A pattern of "successful" organized rackets, with the lesson it teaches slum children who see hardworking and honest adults fail economically in the face of racial and educational barriers, is not uncommon in urban areas, according to the National Advisory Commission on Civil Disorders:

> With the father absent and the mother working, many ghetto children spend the bulk of their time on the streets—the streets of a crime-ridden, violence-prone, and poverty-stricken world. The image of success in this world is not that of the "solid citizen," the responsible husband and father, but rather that of the "hustler" who promotes his own interests by exploiting others. The dope sellers and the numbers runners are the "successful" men because their earnings far outstrip those men who try to climb the economic ladder in honest ways.
>
> Young people in the ghetto are acutely conscious of a system which appears to offer rewards to those who illegally exploit others, and failure to those who struggle under traditional responsibilities. Under these circumstances, many adopt exploitation and the "hustle" as a way of life. This pattern reinforces itself from one generation to the next, creating a "culture of poverty" and an ingrained cynicism about society and its institutions.
>
> (Report at 129–30 (1968).)

Among the most threatening implications of the failure of our actions to rebut that cynicism is the suggestion of the Riot Commission that the high ghetto crime rate "not only creates an atmosphere of insecurity and fear throughout Negro neighborhoods but also causes continuing attrition of the relationship between the Negro residents and police. This bears a direct relationship to civil disorder." Report of the National Advisory Commission on Civil Disorders 135, 1968. We must hear that warning. We must try to relieve the unfair burden upon slum residents, and the intolerable

strain upon the fabric of our society, imposed by organized crime and corruption.

Of course, to agree upon that goal is not the same as to reach it. In view of our imperfect knowledge of the factors in causation and prevention of crime and our complex procedures for identifying and dealing with criminals, it is difficult to formulate laws which will be effective against organized crime. Furthermore, the subject of criminal law is circumscribed by constitutional rules depending upon fine distinctions and subtle analysis. We have set no easy task for ourselves.

Nevertheless, the nature and urgency of this problem demand prompt action, whenever constructive proposals can be made. President Nixon sounded the call:

As a matter of national "public policy," I must warn our citizens that the threat of organized crime cannot be ignored or tolerated any longer. It will not be eliminated by loud voices and good intentions. It will be eliminated by carefully conceived, well-funded and well-executed action plans. . . . Success also will require the help of Congress. . . . (Message from the President of the United States Relative to the Fight Against Organized Crime, H.R. Doc. No. 91-105, 91st Cong., 1st Sess. 2 (April 23, 1969).)

An example of such a constructive measure may be title IX of S. 30, on racketeer influenced and corrupt organizations. That title adapts the remedy of forfeiture, and the equitable remedies long used for economic ends in the antitrust laws, to the problem of organized crime infiltration of legitimate organizations. In urban ghettos where "black capitalism" offers hope for local self-advancement, title IX may be a means to excise syndicate-infiltrated businesses which use force to eliminate local competition and then charge extortionate prices for staple commodities and services.

While the other titles of S. 30 approach the organized crime problem in a variety of ways, each of them is the product of a long, painstaking process of bipartisan development by the subcommittee with the help and support of the Justice Department. I sincerely believe that the entire bill demands and deserves detailed and thoughtful consideration by the Judiciary Committee and then by the Senate. Areas for improvement may exist; but the bill as a whole is a careful attempt to accommodate the public interest in effective law enforcement with individual rights in a specific and complex area of criminal law. As we consider the bill, broad calls for "law and order," like bare invocations of "preferred rights" of individuals, would be inadequate guides for action. We must consider each of the 10 substantive titles with open minds as to possible improvements, while not losing sight of our broader mandate, challenge and opportunity to enact effective legislation in this area.

In view of this tragic and growing influence of organized and other crime upon our society, the welfare of all Americans—especially those most disadvantaged—requires that we seize every opportunity to improve the efficiency and fairness of our criminal laws. I believe that S. 30 is a thoughtful and sound vehicle for such action and urge that it be given prompt, sophisticated and constructive consideration. The people of our Nation deserve no less.

HEALTH BUDGET CRISIS—THE REGIONAL MEDICAL PROGRAM

Mr. KENNEDY. Mr. President, on several occasions in recent weeks I have spoken of the current health budget crisis in the Nation and of our need to provide greater funding for the variety of Federal health programs that are so crucial to the success of our efforts to meet this crisis. At this time, I should like to consider one of the most important of these programs, the regional medical program.

The regional medical program was established in 1965. In essence, the program was designed to achieve—through research, continuing education, and training—a marked improvement in the care of patients with heart disease, cancer, stroke, and related diseases. It was hoped that the program would develop better methods for the exchange of information among those involved in the delivery of health care in medical schools, medical centers, community hospitals, and other health institutions and organizations.

Since 1965, 55 regional medical programs covering the entire country have been established, and an unprecedented number of participating physicians, medical schools, medical centers, hospitals, State and city agencies, and voluntary health organizations have become involved.

I believe that this program represents one of the most potentially fruitful programs we now have to enlist the energies of all elements of the health community. Yet, just at the time when the program is getting well underway, it is encountering serious funding difficulties. In the fiscal year 1969, $83 million was appropriated for the program. In that year, as in several of the previcus years, appropriations were somewhat greater than expenditures, because the administrators of the program understood that the program was in an infant stage. As a result, they funded only the most innovative proposals.

Now, however, the program is beginning to move rapidly. Taking into account the carryover funds, the administration has requested the sum of $100 million for fiscal 1970 under the open-end authorization, in spite of the current budget problems. The House, however, has appropriated only $76 million for the program. This $24 million cutback has severely shaken the confidence of all who have become involved in the program throughout the Nation. I believe that the cutback may cause the progress we have made in many regions to grind to a halt.

In recent weeks, a large number of letters have been written to Senators about the severe impact of the cutback upon particular regional medical programs. At the conclusion of my remarks, I will insert excerpts from 33 letters which have come to my attention. These letters, representing the views of the problem from all parts of the Nation, vividly demonstrate the severity of the present situation.

In my own region, the operation of the tri-State regional medical program in New Hampshire, Massachusetts, and Rhode Island may well be sharply curtailed. Dr. Robert P. Lawton, the Deputy Director of the program, has asked:

What will be the effect of the low House appropriation on regions? Suffice to say that if this number is all that is is appropriated, the effect on tri-State will be devastating.

It is my personal judgment, if RMP were to have no more appropriation for 1970 than the House approved for grants, that it would be necessary to shut down some regions in order to keep the others alive. This is my national view. New England is potentially too important as an example of interstate cooperation, including effective coordination of RMP and CHP [Comprehensive Health Planning], not to warrant every possible regionalization dollar.

I believe that these reports from across the country present an appalling picture. I strongly urge that we give full funding to the administration's request for the regional medical program.

In the Nation as a whole, we now have far more doctors and organizations working together cooperatively in regional medical programs than anyone expected several years ago. We cannot afford to disillusion these people, who have done so much and who have worked so hard for the success of the program.

Mr. President, because of the importance of this issue, I ask unanimous consent that the list of excerpts from letters on the regional medical program be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM LETTERS ON THE BUDGET CRISIS IN THE REGIONAL MEDICAL PROGRAM

ALABAMA

In Alabama, Dr. Benjamin B. Wells, Program Coordinator of the Alabama Regional Medical Program reports:

"The reduction of funds that would follow from the projected cuts in the Federal budget will emasculate the Regional Medical Program in Alabama.

"In pursuit of our original charge, we have mounted an all-out effort to secure the interest, support and active involvement of health care institutions, groups, individuals and the general public throughout this state. We have carefully avoided giving the notion that we were or should be a major source of funds for the improvement of health services, but we have encouraged a large number of cooperative ventures through the use of our core staff and the establishment of linkages to the University Medical Center in Birmingham. Unless we can press forward at this time, the momentum of two years will be quickly lost.

"Many similar efforts are at the most critical point in their evolution. Our failure to progress at this time may result in years of delay before similar multilateral commitments can be reformulated."

ARIZONA

The Arizona Regional Medical Program, coordinated by Dr. D. W. Melick, will be in severe difficulty:

"For the past two years we have been in the planning phase of our operation. The planning, in order to bring forth the best in grant applications, has been a tedious and time-consuming process.

We are now looking forward to a shift from planning to operational status. We have had approval of the National Advisory Council for certain of our project applications. We are awaiting funding. If this is forthcoming, we expect to go into the operational phase January 1, 1970.

"Failure to fund our program will undermine all of our efforts in careful and meticulous planning. Of more importance, it will disrupt the enthusiasm we have engendered. It will result in a good deal of frustration for the citizens of our State who have assisted us in getting our plans in presentable form. It will delay us from presenting to our citizens, visible evidence of action. Action is certainly necessary to pacify those individuals who may criticize us for a prolonged period of planning."

COLORADO, WYOMING

Dr. Howard W. Doan, who directs the Colorado-Wyoming Regional Medical Program, has also indicated the difficulties if low funding of RMP's occurs:

"At the present time we have nine operational projects. Most of them indicate a healthy growth anticipated for the next two years as a result of increased interest on the part of health professionals in the region and a growing awareness of the potential of the Program.

"In addition, we have six or seven developing projects, five of which are now under review by the National Advisory Council. If our funding is held at the present level, it will be difficult to implement any of these without placing current projects in jeopardy. We have, for example, a comprehensive project in heart disease which has been developed in collaboration with the Colorado and Wyoming Heart Associations. This project will be funded at a most austere level if our budget requests are not honored. I doubt the wisdom of beginning any major project if it cannot be operated properly. We have another project under review which is broad and covers almost the entire field of cancer in children. This project is one of the finest I have ever seen, and our failure to subsidize it will be a shame."

DELAWARE VALLEY

In New England's Greater Delaware Valley Regional Medical Program, Dr. George R. Clammer, its Executive Director, reports:

"We would anticipate that the major effect of the reduction will be to significantly curtail funding of new operational projects. This would occur at a time when we expect the growing involvement within our Region to result in more requests for operational projects. In addition, we already have several approved projects which have not been funded as yet and which may not get off the ground.

"It is likely that these effects will detract significantly from the interest in and enthusiasm for RMP which has developed in our Region as a result of extensive efforts during the past two years."

DISTRICT OF COLUMBIA

Here in Washington, D.C., the Metropolitan Washington Regional Medical Program will be prevented from attaining its potential. Dr. Arthur E. Wentz, Program Coordinator reports:

"With almost one and one-half million dollars of unfunded approved proposals for this small Region it is becoming increasingly difficult for the Planning and Program Committee to engender continued interest, much less enthusiasm, in the presentation of additional proposals to afford a comprehensive program defined in the objectives of the law. This is a Region which has capability of presenting such proposals but those sources are no longer willing to sponsor the cost in manpower and dollars to structure these proposals when those approved by the Council go unfunded."

HAWAII, AMERICAN SAMOA, GUAM, MICRONESIA

In Hawaii, Dr. Masato Hasegawa, who coordinates the Program for that state as well as American Samoa, Guam, and Micronesia, states:

"As you know, like other regions throughout the nation, we have been slowly developing a program which would stimulate creativity and the establishment of co-operative arrangements which would lead to better medical care for the region's inhabitants. The program has now reached a stage of development where it has achieved a level of acceptability that is second to no other similar agency in its field. Because of this, more proposals and ideas are coming into the office and more project applications are passing local review with subsequent submission for national review.

"Now, if the House action is indicative of what will eventually be the national funding policy for the near future it will directly affect the implementation of recent project applications, assuming that they pass national review, to the degree that there will be delays in attaining planned goals, or even worse that some goals may never be attained. Further any inability of the region to fund worthy projects will affect the credibility of the program and its representative officials. Lastly, a lot of the time and effort of the last three years devoted to getting people together, talking with one another, exchanging ideas with each other will have been wasted. Additional time and effort together with increased funds will have to be applied before the region once again reaches the present level of efficiency and acceptability."

ILLINOIS

The Illinois program, as Marilyn J. Voss, Public Information Assistant, indicates, has its share of funding problems:

"If RMP does not get a larger budget appropriation—namely that seven IRMP projects approved with a budget of $611,106, will not receive the funds to enable them to be initiated. Thus, the Illinois Regional Medical Program would be operational in name only."

In addition, 14 doctors who have worked extensively in the program all signed a letter stating:

"We regard the inability to support the seven community projects now approved both by the Division of Regional Medical Programs and by the Council of the Regional Medical Programs as nothing less than disastrous. This program was created by action of the Congress, and we as citizens in the State of Illinois were encouraged and urged to work together voluntarily and without compensation to create within the State a vigorous and strong organization capable of carrying the benefits of medical research to the patient. We have spent many hours and days in this undertaking. We are now faced with the prospect of having the Congress withdraw that support which it had assured us would be forthcoming. We should like to emphasize particularly that the seven projects approved are the first ones ever submitted by the Illinois Regional Medical Program to the Division of Regional Medical Programs for funding. Their preparation has involved many months of dedicated work by a large number of our finest citizens."

ILLINOIS AND MISSOURI (BI-STATE RMP)

The Missouri-Illinois Program, known as the Bi-State Regional Medical Program, has made great strides, and Dr. William Stoneman III, who coordinates the Program, reports:

"In two years a great deal of inertia has been overcome in St. Louis and the surrounding region. The two private medical schools are now working closely together. Both are making real community commitments beyond St. Louis which did not exist before. Southern Illinois University, which is in the process of developing a school of medicine, is participating. Project proposals have been approved and initiated to extend medical center capabilities to community hospitals and other groups throughout the region to improve the care available to the patient in his home community.

"At this critical point in time, a decision appears to have been made to cut back substantially on funding to the extent that essentially no funds for new activities will be available during the current fiscal year. The effect of such a policy on local initiative in our region will be very serious. Under those circumstances, the inability of this program to make any significant impact on the capacity of the health care system in the face of the massive federal infusions of money into health care demands (Medicare, Medicaid) is self evident."

INDIANA

Indiana would also suffer, as Dr. Robert B. Stonehill, its Regional Medical Program Coordinator indicates:

"Reductions in the Regional Medical Programs budget made by the House of Representatives, if carried over into actual appropriations legislation, will have a definite dampening effect on the Indiana Regional Medical Program.

"We now have a number of projects in various stages of development. All of them are aimed at regionalization of resources and services. If they are not funded, momentum toward further regionalization will be greatly slowed. Further, the excellent beginning we have made in developing cooperative efforts will deteriorate and the initiation and development of new, worthwhile projects will come to a halt."

IOWA

Dr. George Hegstrom, Chairman of the Iowa Regional Advisory Group, indicates:

"Here in Iowa we have had much success in convincing practicing physicians, hospitals and other health persons and institutions that through the Iowa Regional Medical Program they have an opportunity to effect meaningful changes in Iowa's health care system in a way that is particularly appropriate and acceptable to the Iowa Region.

"A true cooperative spirit has emerged. Smooth and effective mechanisms for making decisions greatly representative of both the medical center and the community level are reaching a high level of development. The stage has been set. What a loss to the people of Iowa if this system for improving the quality of care at the place where people live is left to rot away from its lack of use."

KANSAS

The cooperative effort of Kansas would be weakened, as Dr. Robert Brown, Coordinator of that State's Program shows:

"It is obviously disastrous to provide cooperative efforts for doing things at the Community Level only to have to report back to those groups that the Kansas Regional Medical Program will be unable to provide the financial assistance to carry out these Programs.

"Planning with a capability of doing has contributed greatly to the momentum of the Kansas Regional Medical Program. Fiscal restriction would undoubtedly dampen the enthusiasm of people at the Community Level to spend time and effort in a Program which cannot deliver the rewards for that effort expended."

LOUISIANA

Dr. J. A. Sabatier who directs the Louisiana Medical Program, has eloquently stated the problem of the Louisiana Regional Medical Program:

"The lack of full funding of our initial modest package of operational projects would probably have a devastating effect upon the future effectiveness of not only the Louisiana

Regional Medical Program but would probably also have an extremely deleterious effect upon future relationships between the public and private sectors in the health care delivery system. I seriously doubt whether it will be possible to ever again attract the degree of commitment and cooperative endeavor which has been accomplished thus far under RMP guidance. In short, I feel that the deleterious effects of the budget cut will be felt on a much wider base than the RMP Programs alone."

MAINE

In the State of Maine, Dr. Manu Chatterjee, Program Coordinator of the regional medical program reports:

"At the present time, the Core staff of Maine's Regional Medical Program numbers nineteen. Programs for the staff are formulated with the assistance of committees and task forces representing virtually all organizations to include hospital staffs. There is a major input into this program by both the providers and consumers of health services. The number actively involved in the planning process for this region is nearing 400.

"To date, we have been fortunate in having our programs approved; however, we are already feeling the pinch of the heavy financial constraints in the health care field. The following is a list of our present programs:

"Programs funded through September 30, 1970

Core staff grant	$578,807
Regional health agency (Upper Kennebec Valley)	241,745
Smoking control	48,626
Guest resident	36,391
Coronary care	198,462
Physicians' continuing education	76,285

"Programs approved by National Advisory Council, but not funded

Department of community medicine	$92,686
Directors of Medical Education	27,500
Regional cancer program	75,422
Regional library program	43,942

"(Plus appropriate indirect costs.)

"As we are progressing to a more efficient and experienced stage, it is anticipated that funding requirements for programs to increase the quality and distribution of medical care for the residents of Maine will more than double in the coming year.

"In order to maintain the impetus already gained in Maine, it is essential that programs approved by the Regional Advisory Council be funded within the next few months; otherwise, physicians, participating agencies, and all others assisting in the RMP effort will lose interest in project development since meaningful projects cannot be implemented due to lack of funds. We anticipate two more projects will be submitted for the December 1 deadline and would like to think that these projects will also be worthy of funding by the Division. You can see that already we need approximately $250,000 to implement the four programs that have been approved and the two other projects being developed for submission will require an additional $400,000. It is my personal opinion that Regional Medical Programs are just beginning to have an impact on the medical community at large and are making a major contribution to the health care of the nation and to this region in particular.

"Our particular program is presently funded through September 30, 1970, but it would be very helpful to have definite assurance that our present operations will be extended for a few years hence and that the present program will maintain enough flexibility to maintain 'an innovative approach' to health planning."

MARYLAND

The people of Maryland will also be hindered in their efforts to build a strong program, as Dr. William S. Spicer, Jr., the Coordinator reveals.

"We have numerous examples of this development in our Region, i.e., a central regional data and evaluation center, a coordinated development of comprehensive ambulatory care centers in our urban ghettos, which will assure all of the citizens of Baltimore of improved health care within the next 3–5 years, the change in community hospital structure to the corporate image, etc.

"Having established this base over the past three years, the Maryland RMP is now ready to provide solutions to the major health problems. This requires an expanded, not a reduced, budget. It would be a terrible mistake to have expended rather modest amounts of monies, to be ready to go, and then to doom the Program at the moment when it is ready to move into full gear in catalyzing major changes in the health care system. The whole process would have to be reinstituted through some other mechanism. To be frank, I see no other effective mechanism."

MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND (TRISTATE RMP)

The Tri-State Regional Medical Program of the States of New Hampshire, Massachusetts, and Rhode Island may well be severely restricted, according to Dr. Robert P. Lawton, the Deputy Director. As Dr. Lawton states:

"What will be the effect of the low House appropriation on regions? Suffice to say that if this number is all that is appropriated the effect on Tri-State will be devastating.

"It is my personal judgment, if RMP were to have no more appropriation for 1970 than the House approved for grants, that it would be necessary to shut down some regions in order to keep the others alive. This is my national view. New England is potentially too important as an example of interstate cooperation, including effective coordination of RMP and CHP, not to warrant every possible regionalization dollar."

MICHIGAN

The State of Michigan's regional medical program will also be in severe difficulty. Here is the report of Dr. Albert E. Heustis, Program Coordinator:

"If these reductions are sustained, it will mean that in Michigan the following programs providing for improved health of the people of the state and which are ready to go will not be funded:

"1. A Comprehensive Health Care Program to serve the "urban poor" with cancer, heart disease, stroke, and related diseases in the vicinity of the Wayne County General Hospital and operated by that institution.

"2. Five interrelated acute stroke projects, including Wayne State University, Detroit General Hospital, Detroit Osteopathic Hospital Corporation, Sparrow Hospital in Lansing and Michigan Heart Association.

"3. A training program for a new type of individual to assist nuclear physicians conducted by the Hackley Hospital in Muskegon.

"4. A program to provide continuing physician education for twelve smaller hospitals by the Blodgett Memorial Hospital in Grand Rapids.

"5. A cardiovascular educational program to improve patient care in the hospitals surrounding the Mercy Hospital at Benton Harbor, conducted by that institution with the cooperation of the University of Michigan through the Wayne County General Hospital.

"All of these proposals have been approved by the Regional Advisory Group as required by Public Law 89–239. Items 2 and 5 above have also been approved but not funded by the Federal Division of Regional Medical Programs. We are advised that the other items are in the process of receiving favorable federal consideration but that for them too, no funds would be available.

"This means that, if the figures recommended by the House of Representatives are enacted without change, the possibility of funding the projects listed above would be prohibited as would the development of additional new projects to provide Michigan people with the improved health envisioned by the Congress when they enacted this legislation. This shattering impact will come at a time when the initial inertia and suspicions surrounding the Regional Medical Program are being overcome, and when people are beginning to trust each other and work together for improved health as a result of the stimulation provided by federal funding."

MISSISSIPPI

In the South the problem is equally severe: Dr. Guy D. Campbell, Coordinator of the Mississippi Regional Program, says that the House action will have the following effects in that state:

"The reduction would cause the program to drop from its leadership position in the stimulation and implementation of new programs to meet old needs to a neutral or at best a "holding" position.

"The program will lose its hard won momentum and most significantly, the confidence of the medical community and others.

"The reduction will have a negative effect on core staff morale and will probably contribute to staff turnover.

"Due to the devastation of Hurricane Camille in southern Mississippi, the State Legislature appropriated ten million dollars for loans and grants to aid in the reconstruction of whole communities in that area of the state. This appropriation and a concurrent shift of funds by many state and private agencies to assist in this rebuilding program has significantly reduced the availability of monies that could have been used for participation in the Mississippi Regional Medical Program.

"If the trend of RMP is toward decategorization and primary care, any reduction in funding would threaten the achievement of this goal.

"Should the Division of Regional Medical Programs be required to make an across-the-board cut in funding for all regions, certain projects already funded at a base minimum could not sustain a reduction without severely compromising their primary objectives of patient care, continuing education, training, etc."

MISSOURI

The Regional Medical Program in Missouri will lose momentum, according to Dr. Arthur E. Rikli, Coordinator:

"The curtailment of funds at this time will result in a serious break in confidence with communities who have been earnestly working toward the development and expansion of services for heart, stroke and cancer patients. Communities such as Sikeston, Lebanon, Joplin and others were anticipating the technical and financial assistance from the Division of Regional Medical Programs to test improved cooperative arrangements leading to regionalization of health services. There will be a serious loss in our momentum to carry out this Program if the Senate does not restore funds cut from Regional Medical Program by the House."

NEBRASKA, SOUTH DAKOTA

Dr. Harold S. Morgan, Program Coordinator reports that the Nebraska-South Dakota Regional Medical Program probably "will not be able to survive":

"If the Regional Medical appropriation recommended by the House is sustained, the Nebraska-South Dakota Regional Medical Program will not become operational. Four projects have been approved by Council in the sum of $1,017,692. This sum together with the awards approved for 6 other regions will far exceed the amount of new money available.

"The result of the failure to fund our approved projects will be so disastrous to the Nebraska-South Dakota Regional Medical Program that it will not be able to survive, and without survival, the program will not do what PL 89–239 was intended to do when Congress passed the law."

NEW HAMPSHIRE

In New Hampshire, Hamilton S. Putnam, Executive Director of the Program states:

"There is cause for concern that, unless the Senate establishes a higher funding level for Regional Medical Programs above that voted by the House and a Committee of Conference concurs with this larger figure, the national effort of RMP—just now beginning to evidence its potential thrust—will be in jeopardy."

NEW JERSEY

Dr. Alvin A. Florin who coordinates the New Jersey Regional Medical Program says that the cooperative arrangements there will be discouraged:

"Specifically, a decrease or leveling of funding will delay the funding of an operational project already approved which provides for the development of health activities in ghetto areas through assignment of urban health planners to Model Cities programs. New Jersey has nine federally funded Model Cities programs, and the problem of supplying needed medical services to ghetto residents is acute both in quantity and quality of delivery.

"Generally, a decrease or leveling of funding will diminish the impetus of our program by discouraging the development of operational grant proposals. Further, it will discourage cooperative arrangements because of general pessimism regarding the future of the Program."

NEW MEXICO

New Mexico's Program would "suffer a subtle Program deterioration" as Dr. Reginald H. Fitz, its Director, reports:

"Beyond the identifiable or specific negative impact of a 'new funding freeze,' which is what would result if funds are not restored to the Division's budget and a reasonable competition for them re-established, I believe that there would be a more subtle Program deterioration. The New Mexico Program is, I believe, in a very strong growth position. It is receiving increasingly enthusiastic interest and support. The relationship with the University is excellent and cooperative recruiting has succeeded in attracting exceptionally well-qualified professional personnel to the Core Staff and operational projects. If the Program should lose the momentum that it has so recently achieved and were continued progress to be made impossible due to lack of funds, I am afraid that the Program would lose its ability to attract or retain able individuals and would fail to reach the level of significance in relation to the solution of health problems in New Mexico that lies within its conceptual capability. To use an obvious analogy, undernutrition at this point would seriously stunt the growth of what appears to be a very healthy child."

NEW YORK (CENTRAL)

The Central New York Program faces difficulties, as Dr. Richard H. Lyons, Coordinator of the Program, reports:

"The decrease in funds has not paralyzed our present operational approaches but has greatly decreased the enthusiasm that was beginning to be generated among members of the health professions for the Program. In fact, a number of projects which were under consideration have simply been side-tracked because of the lack of funds and others have been approved by the council and have not been developed for the same reason."

NEW YORK (METROPOLITAN)

The gloom surrounding project cutbacks in the Metropolitan New York RMP is reported by Dr. I. Jay Brightman:

"The NYMRMP was recently approved for operational status but cannot be funded as such, because of the cutback. When the applicants heard the news that their projects were approved but unfunded, their reaction was more serious than if the projects had been rejected. In the latter situation, they might have become indignant, but they also might have taken the attitude that a better application might be approved. In the present situation, they have been completely discouraged. It has been a long period since their applications were first drafted, processed through our staff reviews, our technical consulting panels and our RAG to begin the trek up to the National Site Visit, the study by the Review Committee and finally the action by the National Advisory Council on Regional Medical Programs. Having survived all this, they are little consoled with the moral victory and the less than certain chance for future funding.

"The same gloom has spread among all of our Associate Directors in the seven medical schools and the Regional Medical programs operating there. There is little incentive to actively pushing projects fairly well along the course of development when they feel that they do not have an even chance of having highly meritorious work adequately financed."

NEW YORK (WESTERN)

Dr. John R. F. Ingall, Program Coordinator for the Western New York program headquartered in the State University of New York at Buffalo reports:

"In the Western New York Regional Medical Program we already have in effect projects that have identified us highly favorably with the community, not only in our ability to provide continuing education for ALL facets of health allied personnel, but also to upgrade the standard of medical care by devising cooperative ventures.

"Let me be more specific than the foregoing: we have a coronary care training school for nurses, of 6 weeks' duration, which, in my view, is of the highest quality available in this country. It not only provides 6 weeks training for nurses from the didactic and practical point of view but serves as a consultation point and support center for nurses in the entire region. We are producing a caliber of nurse to whom the local physicians will delegate responsibility. The physicians of the region, in turn, enjoy the experience of training within this school and what was originally considered a doubtful training entity has now become one of the most popular of our continuing medical education courses. Nurses in our school have already saved life and in one case resusciated one of our own physicians! The value of this to the program's image alone is fantastic.

"This Program, as you know, has a very large Regional Advisory Group represented by a 24-man Board. The reduction of funds to a Program such as this, which has good identity and major cooperation from the region at large, would be disastrous.

"For the first time in the history of this region we have developed a true consortium of private, V.A., county and university affiliated hospitals that has never before existed.

"Our telephone lecture network links up all these units and permits conference discussion which is logistically impossible, certainly in winter months, and saves a great deal of money in time and human effort in that the entire region can come together through this conference mechanism without leaving their own particular hospital center.

"We have calculated that with the goodwill built up and the voluntary time donated to this Program, the region at large is currently giving 25 cents for every dollar contributed by the federal government, which is not a bad contribution. I anticipate that this will increase in its dimensions and would suggest that if federal monies continue, or indeed are increased, then ultimately we can structure ourselves as an independent and economically viable organization for which federal monies would be unnecessary. The money to bring this about, however, is vital and it behooves us to put the transition into a perspective of time. This cannot be just done in the incumbency of one administration.

"More briefly, should the funds be cut in this area I visualize the following:

"(a) The discontinuation of a superb coronary care training school;

"(b) The dissolution of the first inhalation therapy school for chronic respiratory diseases centered on a community college in this area; a system of true regional support in respiratory diseases available to all communities, small or large, on request which has been a singularly effective support entity to the practicing physicians;

"(c) The education groups in this paramedical sphere, namely dietitians, pharmacists, dentists, hospital administrators, medical record librarians, and a number of others will be unable to continue their accreditation programs via our telephone lecture network, and the upgrading of these groups in their standards and responsibilities will receive a very serious blow.

"If Comprehensive Health Planning is really to get off the ground in this region it needs the support of the Regional Medical Program, for the latter has predominantly been responsible for the surveys and data collection. We are able to perform the latter in that we have not only the university support and that of the local county and state Health Departments but an ever-increasing involvement of the voluntary agencies, the private sector and the hitherto poorly acknowledged consumer group."

OHIO (NORTHEAST)

In Northeast Ohio's RMP, Dr. Barry Decker indicated crippling of that Program:

"We are now functioning on a second year planning grant which expires June 30, 1970. As a result, there have been no immediate effects resulting from the present budget cuts. We are, however, bringing together a series of grant applications to be submitted to the Division, prior to December 1, which summarizes end results from eighteen months of hard work. These requests should include between two and three million dollars per year of grant applications including our subsequent core staff support. It would appear to me that, in the present situation, the Division will have funds for no more than our continuing core staff support, which in effect will cripple the Program in Northeast Ohio."

OHIO (NORTHWESTERN)

Northwestern Ohio's Regional Medical Program is not different, according to C. Robert Tittle, Jr., Coordinator:

"If the House reduction is maintained by the Senate we could expect that of the three proposals which we have now undergoing review, by the Division of Regional Medical Programs, and six (6) proposals which are to be submitted December 1, 1969, for funding, perhaps two of the nine might be funded, but at a greatly reduced rate; we anticipate these two (2) would be funded at a 50 to 60 percent rate. We, also, anticipate that our present six (6) operational proposals will not continue to be funded even at the 75% rate, but at a reduced rate of 60%. You can well understand that we cannot maintain participation or enthusiasm when projects are approved but no funds are available."

OHIO (STATE)

The Ohio State Regional Medical Program fares just as badly, as Dr. Neil C. Andrews reports:

"Much energy by our dedicated core staff has been expended among health professionals within the Ohio State Region in the development of cooperative arrangements. Continuous attempts have been made to indicate to physicians and other health professionals that this is not an attempt by the federal government to take over the practice of medicine. Workshops have been conducted for health professionals and interested citi-

zens; regular meetings have been held for Local Planning Chairmen and Committee Members to acquaint them more thoroughly with the goals and objectives of the Regional Medical Program. Multiple articles have been written and distributed along with newsletters to a wide audience in an attempt to gain better understanding of the Program. All of this patient, methodical, painstaking development of confidence and respectability for the Program is in danger if the Program is seriously retarded."

OKLAHOMA

Dr. Dale Groom, Director of the Oklahoma Regional Medical Program reports:

"As I see it, this major retrenchment in Regional Medical Programs on a national scale is not only a backward step but, more important, it undermines years of planning and effort on the local scene not only by RMP but by all the other health agencies with whom we try to work. There is no question but that Regional Medical Programs were over-sold in the flush of enthusiasm when Congress appropriated sums exceeding those which the infant organization could assimilate. One cannot simply turn on well-conceived and well-planned health programs overnight. Recruiting and training medical manpower requires more time than opening up new offices. At any rate, fledgling RMPs sought out leading citizens and educators to constitute their Advisory Boards; their staff went out to communities throughout their regions to solicit and organize cooperation of local health resources; surveys were made of health needs; medical associations, hospitals, nurses and paramedical personnel were brought into the councils of the brave new endeavor. And now because of cutbacks which could hardly be foreseen, we are unable to follow through on the collaboration and, in many cases, the promises which were extended in good faith. Really, this strikes at the integrity of the whole effort. If we fail now, it will be doubly hard to take up the cause again at the same high level. Moreover, I am sure we will begin to lose our greatest capital of all, namely the quality of leadership and the good name which Regional Medical Programs have built up in their brief ascendency.

"I believe that now it is evident to all of us in RMP that we are at a decisive crossroads, that this year is crucial, that we cannot stand still but must go one way or the other. Actually what we need for success in this health effort is only a tiny fraction of current non-health expenditures of our country. I am hopeful that our national sense of values will prevail and that the support necessary for the success of this most important national resource will be restored."

TENNESSEE

The Tennessee Mid South Program, as Dr. Paul E. Teschan, Director reports, will be in trouble if it does not receive needed funds:

"Five projects amounting to $274,000 are being held in abeyance and options for employment of key personnel are being lost. Since these projects will be activated in the *region* (as contrasted with projects located in or deriving principally from the university centers in Nashville) this major regional thrust is being blunted, with continuing serious injury to the image of the Program as a *regional* one.

"The budgetary restrictions coupled with the reports in the press and the speculations in the "Blue Sheet" of which we are all aware have raised an undercurrent of speculation in this region concerning the projected viability of RMP locally and nationally. Among practicing physicians, hospital administrators and the allied health professionals in the region, among whom the tide of interested acceptance of RMP is mounting, we perceive a damaging cynicism concerning the trustworthiness of even this federal program. For the more knowledgeable individuals, who perceive that there is no visible alternative to RMP in linking university centers and the provider structure, a sense of bitterness and incredulity can also be detected. The latter development is particularly underscored when approval for a nuclear aircraft carrier, multiple landings on the moon, and an antiballistic missile system of dubious workability seem to get by relatively easily.

VIRGINIA

For the State of Virginia, Dr. Eugene R. Perez, Director of the Program reports:

"Relative to the reduction of the Regional Medical Programs budget, I believe it is obvious that it will result in definitely curtailed activity of the Program in Virginia. With less money to operate, obviously one will be able to do less. Unfortunately, this will be a strain on all concerned, as it will be necessary to set strict priorities.

The most unfortunate aspect, I believe, is the timing of the budget cuts. I think that all regions have had pretty much the same experience, and I know that it has taken two to three years in Virginia to get the confidence of the various groups, and to establish the necessary cooperative arrangements. We have accomplished the foregoing in Virginia, and now that we are ready to spread out and make the Program effective it will be difficult because of less money. I am afraid that this will blunt the momentum of the Program.

In summary; less money, less Program, less interest, less participation, and less effect upon improved patient care of the citizens in the region."

WEST VIRGINIA

Charles D. Holland, acting Director of the Program in West Virginia reports:

"To answer the question in your recent memorandum of the effect on the West Virginia Regional Medical Program of the House cut in Regional Medical Program funds for 1970, I can only report that we have been recommended for operational status beginning January 1, 1970—but have not been funded. I believe that our entire Program is in jeopardy because of the House action."

WISCONSIN

In the State of Wisconsin, Dr. John S. Hirschboeck reports that:

"The Wisconsin Regional Medical Program has two proposals under review and awaiting funding by the Division of Regional Medical Programs. Each of these will have little chance of being funded if the appropriation bill is passed by the Congress at the level recommended by the House. One of these projects is budgeted at $664,374 for its first year. It is concerned with the development of a comprehensive approach to managing chronic renal disease. It includes support for home dialysis training for patients and their familes and the development of a transplant strategy to provde rapid matching and transplantation within a few hours. The second project will require a first-year budget of $999,229 for the operation of a health profession manpower improvement and expansion program in the Greater Milwaukee area. The purpose of this project is to provide a variety of in-service training experiences for physicians and others to learn new technology and to develop working skills for people who presently do not have them. Both projects have great implication for the improvement of health care in the Wisconsin region. With the limited funds which would be available under the appropriation recommended by the House, these obviously will have little chance of being funded.

The flexibility and readiness of Regional Medical Programs to deal with major health problems are, perhaps, their greatest asset. However, without funds to demonstrate their capability, Regional Medical Programs are apt to fall before they really have had a start."

THE TREATY TRAP—A BOOK BY LAURENCE WELLMAN BEILENSON

Mr. MURPHY. Mr. President, every once in a while a book comes along that I feel is of such paramount importance that I recommend it to Senators as "must" reading. Such a book is "The Treaty Trap," a comprehensive and definitive history of the performance of political treaties by the United States and European nations, written by Laurence Wellman Beilenson. I would also recommend this book with its unparalleled study of treaties to the representatives and delegates at both the Paris peace conference and the strategic arms limitation talks in Helsinki, since both are concerned with major treaties of our times.

The only book of its kind to recount the operations analysis and breach of treaties during the past 300 years—this documentation is long overdue.

Mr. Beilenson has three major themes. His first demonstrates that alliance treaties, treaties to keep the peace and international guarantees have been alike in their steady breach. Second, in scrutinizing actions to find motives, Mr. Beilenson widens his analysis to embrace the wellsprings of national action—including self-interest and glory of rulers and their supporters. The intriguing third theme shows that even cynical statesmen, while breaking their own promises, have succumbed to treaty-reliance.

"The Treaty Trap" shows that the modern pattern only repeats the ancient. As the story unfolds, the evidence piles up to prove that all major nations have been habitual treaty breakers.

How far should the United States rely on political treaties for aid in war or to keep the peace?

What assumptions about performance or breach of such treaties should the United States make in deciding whether to enter into future treaties?

With these fundamental questions chiefly in mind, Laurence W. Beilenson, a prominent Los Angeles attorney, examines the history of treaties since earliest times. The net result is a highly authoritative, readable, and perceptive work.

A word about the author, Laurence Wellman Beilenson, who brings to this book the benefit of extensive knowledge of history, law, and military science. He is a graduate of Phillips Andover Academy, Harvard College, and Harvard Law School. A veteran of two wars, he was during World War II a commanding American liaison officer with the Chinese Army. Long interested in international affairs and history, Mr. Beilenson devoted 8 years to research in preparing "The Treaty Trap."

REJECTING THE SIMPLE SOLUTION

Mr. RIBICOFF. Mr. President, I was impressed by a speech delivered recently by Mr. Joseph A. Califano, Jr., at Haverford College. Mr. Califano's experience and understanding of America today are complemented by his clarity of thought and fluency of expression.

Here we have a most perceptive analysis of the domestic situation:

Our Nation is now being presented a host of simple solutions for a series of problems so complex that it is difficult to be sure one is asking the right questions.

He continues:

Of greatest concern is that a large majority of our citizens will be unwittingly seduced by shrewd leaders in and out of government, to believe that simple solutions will work in a complicated society.

The temptation to look for the easy answer—to ignore causes in favor of symptoms, to pronounce rather than explain, to castigate one's opponents in lieu of listening to them, to use slogans in place of logic, to appeal to emotion instead of reason—is always greatest in a time of turbulence and doubt.

The time is already late for our Republic. We cannot afford a dark hour of division and recrimination.

The simple solutions of today will be the problems of tomorrow.

I hope all Americans will reject the simple solution, realizing it represents a shortsighted approach to the present and a disastrous road to the future.

I ask unanimous consent that Mr. Califano's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SIMPLE SOLUTION

(Address by Joseph A. Califano, Jr., to the Student Body at Haverford College, Haverford, Pa.)

In May 1964, at Ann Arbor, Michigan, Lyndon Johnson spoke of what, in his time as President, was to become a badly battered dream: his concept of The Great Society. For despite unprecedented legislative achievements at home, our nation was besieged by the Vietnam War and white bigotry, by militant blacks who found intolerable for another day what they had once considered inevitable for a lifetime, by the selfish indifference of an affluent majority and by students whose energetic determination to escape the profound emptiness they saw in their materially prosperous parents and professors was frustrated by the difficulty of putting lasting purpose in their own lives. These elements—with a big assist from modern communications and a skeptical questioning of the social, religious and political values of Western civilization—combined to limit the concept of a Great Society to a legislative reality rather than a human one.

The dramatic moment of this period occurred on March 31, 1968, when Lyndon Johnson, a proud Texan, announced that he would not run for reelection. Historians will argue for decades about the true motivations which drove him to that decision. They were undoubtedly as varied and complex as the man himself. While I am too close to the event to judge it without a large measure of subjectivity, I think there was one underlying factor: his increased and alarmed concern about the bitter divisions which were developing in American society—not just between dove and hawk, but between black and white, city mayor and rural governor, young American and adult establishmentarian.

Whatever the motivation, my desire this morning is not to linger on the reasons for Johnson's decision. My desire is to point out that he had a simple alternative, but one he rejected, quite consciously, as too dangerous in the long run for our country.

In its simplest form—and unhappily, a fashionable one today—Lyndon Johnson could have wrapped the Vietnam War in the Flag to handle his most severe foreign policy problem and he could have called for the silent white majority to quiet the ungrateful black minority for whom (they felt) they had done so much.

His failure to seek those alternatives was not an oversight. My own recollection is distinct in both areas, but before I spoke today I checked with others who were close to him during his Presidency.

On several occasions, there were those who urged the President to wrap the war in the American Flag; in effect, to make it unpatriotic to oppose U.S. involvement in Vietnam. The argument went along the following lines: In every war in this century, World Wars I and II and even in the Korean War, the Administration in power had made the issue almost entirely one of patriotism. The Vietnam War was a difficult, extended and particularly dirty war. Most important, it was being fought in American living rooms every night. The only way to counteract the natural human revulsion was to whip the country to a patriotic fervor and make the war an issue of patriotism.

Lyndon Johnson consistently refused to take that course of action. He was deeply concerned about the cruel injustices of the McCarthy era in the 1950's; some of his friends had been destroyed as human beings during that period. Equally important, he was deeply concerned that such demagoguery would unleash in our nation uncontrollable forces which could bring us to an even more extensive war than the one now being waged in Southeast Asia. In short, he rejected the simple solution.

Johnson reflected essentially the same attitude in dealing with the racial problem. I recall vividly his deep concern that the militant blacks would so offend the white majority that many of the gains in Civil Rights and Poverty legislation would be lost, just as similar gains were lost in the Reconstruction period after the Civil War. I also recall on more than one occasion his deep sense of perplexity and hurt at the apparent ingratitude of the cries for "more and faster now," when our domestic programs were already years ahead of most of the people whom we had been elected to govern. Yet in the end, Johnson chose to pursue the cause of justice for all and again, quite wittingly rejected the simple solution.

To be sure, on both these issues, the President evidenced some human frailty. We are all too familiar with his comment about "Nervous Nellies" and his remark about "cutting and running." That, however, is a far cry from a concerted Administration program to choose the currently fashionable simple solution for short run advantage.

It is this penchant for the simple solution that troubles me about our society today. Our nation is now being presented a host of simple solutions for a series of problems so complex that it is difficult to be sure one is asking the right questions.

Most of you are too young to remember the simple society of the late 40's and 50's. That was the society where Communism was monolithic Stalinism; where black children and teenagers knew their place in "separate but equal schools; where poverty and a full measure of unemployment were considered inevitable, if unfortunate, corollaries of prosperity for the majority; where freedom, and particularly free speech, was often professed but too rarely exercised, where money rather than talent screened students for our best universities.

It was then and is now human nature to seek the easy way out. Such is the kind of choice that all of us, black and white, student and adult, dove and hawk, radical anarchist and conservative are tempted to make every day of our lives. It is not the considered choice that should be made by our nation's leaders whether in government, in business or labor, in university administration, or in student council presidencies.

Let me give a few examples:

First, the war in Vietnam. There is now a concerted movement to wrap the war securely in the American Flag. This course is being pursued so shrewdly that those who oppose the war are in effect being denied the use of our Flag, as government officials and private, well-meaning, hawkish groups urge that the Flag be flown on National Holidays or during peace demonstrations to show support for the war. When a Republican leader of the Senate tells our citizens to fly the Flag that belongs to all of us to indicate support for the President that now happens to be in power, he is as grossly denegating our national symbol, as a radical student who sets it afire with a burning draft card.

The war provides another example of opting for the simple solution. Marshall McLuhan has pointed out that Vietnam is the first war fought not merely on American soil, but in the living rooms of our nation where all citizens can watch five or ten minutes of it every evening. The simple solution is to have high government officials attack the media for its coverage of the war under the charge of biased reporting or irresponsible commentary or photography.

Is not the real question (albeit it more complicated) what this world would be like if the citizens in North Vietnam, Soviet Russia and Red China could see war on their television screens every night? This is not an easy thing to achieve, but if the human revulsion of their citizens would be the same as the revulsion our citizens feel, isn't it a policy worth working toward?

We see the simple solution in other areas of our national life. Crime, for example, is a burning, if not the major, issue in every large city of the nation. Fighting crime is expensive and complicated. It will require not only more taxes, but substantially more sophisticated police, court techniques and prison operations. The simple solution is to propose legislation to overrule Supreme Court decisions protecting the accused. That is far easier than trying to get more taxes to pay for more and better trained policemen, taking on the gun lobby for stricter gun control laws, reforming penal institutions or dealing with some of the root causes like drug addiction and poverty.

It is complicated to reform a state or local court system so that criminals can be tried within a month or two of arrest. It is much easier to propose preventive detention legislation which denies the accused bail and in some cities can result in preventive confinement for months or even years before trial.

By almost any standard of recorded history, our nation is in the midst of a fantastic outpouring of erotic and pornographic literature, motion pictures and plays. It is difficult, as Art Buchwald has put it so well in one of his humorous columns, to find movies on Saturday afternoons to which your children can be admitted. There are more and more newsstands where the reader must plow through dozens of "girlie" or homosexual magazines in order to find Time and Newsweek.

The simple solution is to ban pornography—whatever that means under complicated Supreme Court decisions and First Amendment rights. Even if it is difficult to define pornography, at least tough legislation will scare off some publishers and movie makers in the interim.

It is much more complicated to deal with the question of the movie producer who says: "Nobody goes to see family movies any more. We are only producing what the American people will pay money to see." Isn't it more appropriate to ask why the American people have created an almost insatiable market for sex and violence? Why do erotic movies attract such large crowds? Why do sex-filled books consistently make the best seller list? Why do "girlie" magazines get

more and more advertising lines? In short, Americans are making pornography and eroticism a bigger and bigger business. Instead of asking why—an enormously difficult question—we opt for the simple solution: put the seller in jail.

Our economic policies, public and private, abound with simple solutions. The Secretary of the Treasury accepts significant increases in unemployment, now approaching a million, parroting the conventional wisdom that unemployment must go up if we are to stop inflation. Businessmen in concentrated industries, released from the fear of government action that hung over them for the past several years, have recently raced like survivors from a sinking ship to push their prices up and get their piece while there is still some action. Labor leaders quite naturally respond that a five or six percent wage increase means no increase at all. The government, turning to the comfort of traditional concepts of labor negotiations, encourages both by saying it will not interfere with either. Again, this is the simple solution.

Shouldn't we demand that our academic economists and government leaders seek new ways to fight inflation, or eliminate or at least ease the burdens of unemployment for the millions of Americans whom we hurt as we cool off the economy? Hasn't the time come when giant corporations and labor unions must recognize that they operate in a welfare-oriented free economy where the public interest is paramount; and not in the laissez-faire capitalism of the 19th Century where private gain was the basic standard.

Next, the race question, particularly as it affects our educational system. Schools are the current cutting edge of racial tensions in our nation. Here simple solutions abound on all sides. At the college level, some black militants argue for Afro-American Study Centers where students will be the teachers; at other levels they argue for return to segregated schools. The Supreme Court finally recognizing that "all deliberate speed" meant something less than two generations of elementary school children now calls for "immediate desegregation." The Executive Branch adopts a simple policy to appease the white majority by slowing desegregation, in their words "to protect the high standards of public education in the United States." Surrounded by simple solutions are millions of school children in totally inadequate elementary and secondary schools—black, white and integrated.

Finally, the university. An energetic, sophisticated and skeptical college generation has made the American university the focal point for many frustrations of our society. But here again we see simple solutions everywhere. We see militants, who don't like particular types of research, taking the simple route of destroying the facilities and files of professors conducting that research. Legislators propose laws to outlaw protest activities on campuses or to withdraw funds from students who engage in them. Some university professors are beginning to doubt their own legitimacy to teach, merely because their human nature with its inherent fallibility makes it impossible for them to live with unwavering consistency in accord with the precepts they are teaching.

The problems, of course, are much more complicated both in the area of desegregation for our schools and in terms of the function of universities and the relationships of students, teachers, trustees, and alumni in the academic environment. A book could be written on this subject, and since I have done one, I will not linger on it here.

My point—and the point of almost everything I have said this morning—is that America is complex and getting more so every day. I realize that all problems cannot be solved at once and most must be broken down into parts capable of productive action. I ask you to recognize the inherent complexity of our society, the institutions within it and the human beings who run those institutions.

What I see and what I fear about the current trend of our national life-style is not so much that simple solutions will lead to final solutions for some segments of our society, but that simple solutions will hide problems while those problems continue to fester or will lead to even more frustrating dead ends. I fear that crime rates will continue to rise because all of the lessons of history and experience are being ignored in simple-minded legislative proposals, that the Vietnam War will further sour our national life as it is packaged in patriotic oversimplifications, that blacks will turn increasingly to violence as they are told that their fever point of frustration must be endured for another generation or two.

Of greatest concern is that a large majority of our citizens will be unwittingly seduced by shrewd leaders in and out of government, to believe that simple solutions will work in a complicated society. Most disturbing is that these things are not just happening in America today. They appear to be part of a carefully orchestrated campaign which eventually may make many Americans look back with surprising nostalgia to the tumult of 1968.

If there is any message in my book on the Student Revolution it is that we are dealing with some complicated problems at a most critical time in our history. The concept of the Great Society was not one of a simple society. In the words of its author, The Great Society, like The New Frontier, was "not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

RECLAMATION FOR THE 1970's

Mr. MOSS. Mr. President, the Assistant Secretary for Water and Power Development, Hon. James R. Smith, recently gave what I consider to be one of the best definitions of reclamation I have heard. Speaking at the National Reclamation Association Convention in Spokane, Wash., Secretary Smith took issue with those who believe that the task of reclamation in the West is virtually completed, and then said:

Reclamation is not merely putting water on otherwise arid lands, it is not merely providing municipal and industrial water to growing communities, it is not merely providing the benefits of recreation flood control, hydropower, navigation and the other so-called multiple-purpose uses.

Reclamation is the essential ingredient to a growing, expanding, and viable economy throughout the West. Reclamation is making the best possible use of the available precious water resources of the West in order to improve the quality of life in the West.

Secretary Smith further pointed out that if the West is to carry its share of the Nation's economic responsibilities in the decade of the 1970's water resource development there must be accelerated.

I ask unanimous consent that his excellent speech be printed in the RECORD. I would also point out that at the convention where it was made, the organization which has long been known as the National Reclamation Association changed its name to the National Water Resources Association—an acknowledgment of the broadened horizons of the reclamation movement—and selected my home State, Utah, as the appropriate site for its 1972 convention, which will commemorate the 40th anniversary of its founding. It was in Utah that irrigation was first practiced in America by Anglo-Saxons.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SPEECH GIVEN BY JAMES R. SMITH, ASSISTANT SECRETARY—WATER AND POWER DEVELOPMENT, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE NATIONAL RECLAMATION ASSOCIATION CONVENTION, SPOKANE, WASHINGTON, OCTOBER 22, 1969

The name of this talk is "Reclamation For The 70's." The title was not developed lightly. As the next few months unfold, you will see the development and the implementation of a program that will show that we are ready for the demands in the decade ahead.

Those of us who are familiar with the great progress that has been made by the Bureau of Reclamation recognize the important role the National Reclamation Association has played in helping to foster the development of the West through water resource development. The Bureau and the National Reclamation Association have for many years been a team in a working partnership that has helped to move water resource development at the community, state, and national levels. NRA has shown the flexibility needed to mature and grow with changing circumstances.

I see by your program that your theme this year is "Water . . . People . . . and National Goals." That must also be the theme for water resources development in the 70's.

The thrust of the Bureau of Reclamation in the past decades has been forceful in meeting the demands of those times.

But to many, Reclamation has virtually completed its original task of reclaiming the arid lands of the West. Those who believe the Reclamation Act of 1902 has served its purpose are looking at the number of arid acres reclaimed—we must look to the people served and to be served. That task has barely begun.

Much of the West is becoming urbanized and its problems are becoming more and more those of an urban society. While the irrigation of new lands and the delivery of supplemental water will continue to play a large role in the reclamation program, the thrust of reclamation for the 70's must meet the region's growing municipal and industrial water needs. This will require the establishment of new priorities—priorities which will identify the most urgent needs and bring maximum benefits to the people of each region in the West.

These priorities must recognize that 15 of the 25 urban areas having the highest projected rates of population growth are located in the reclamation West. In 1965 the experts predicted a 22 percent growth in population for the West by the year 1975. Today the growth rate is ahead of this forecast.

In establishing the priorities for reclamation of the 70's, some tough questions are being asked of supporters of the reclamation program. Critics are asking and deserve full and complete answers on several major questions.

They are asking whether or not we have a proper pricing system for water delivery.

They suggest there is a basic conflict between two of our national objectives: fostering irrigated agriculture and assisting farmers to maintain their incomes. Some recent Government studies suggest that as much as 40 percent of the 7 million acres of federally assisted irrigated cropland grow crops subject to price support and acreage diversion programs.

There are also those who suggest that we are not properly allocating the public investment in resources among the various regions

of the country, and even that water and related land resource development is not a suitable subject for the expenditure of Federal funds.

Critics are questioning the validity of interest-free payment of irrigation obligations and whether the interest rates on M&I water are sufficiently high.

Parenthetically, I might add that the nonreimbursable features of flood control and navigation projects are also beng challenged in certain quarters.

These questions are basic ones. They deserve answers. Unfortunately, those of us who have supported reclamation programs in the past have not adequately and completely answered these and similar questions. We *must* do so if the program is to be advanced.

Our first challenge is to define what reclamation *really* is. Reclamation—and I happen to think it is an antiquated world—is not merely putting water on otherwise arid lands, it is not merely providing municipal and industrial water to growing communities, it is not merely providing the benefits of receration, flood control, hydropower, navigation, and the other so-called multiple-purpose water uses.

Of course, reclamation is all these, but it is much more! Reclamation is the essential ingredient to a growing, expanding and viable economy throughout the West. Reclamation is making the best possible use of the available and precious water resources of the West in order to improve the quality of life in the West!

It must be sold in those terms and it must be sold to a bold, sophisticated, young, intellectual society.

Never before in the history of mankind has a society matured so rapidly and I predict that the rate of change will be even faster in the decade of the 70's.

The hard, tough questions which I earlier cited are being asked now and will be more vigorously pursued by those who will be tomorrow's national leaders.

An inherent part of the growing sophistication of our society is the recognition that man must manage his activities so that he complements and does not destroy his natural environment. Man is living in a natural environment created by God which is in balance and harmony. When we introduce and develop a civilized culture, we superimpose it upon the natural creation. Thus, in effect, we build a new environment within the natural one. There must be balance and harmony between the two. There need not be inconsistencies and continuing conflict on every proposed alteration of the natural surroundings. Man is a natural part of the ecology, and it is intended that the environment be for his benefit.

If we are realistic in our proposals and use imagination, we can design and develop projects which will supplement, assist, and enhance the natural environment without causing undue hardship.

There are those who call themselves conservationists who would oppose any development or any alteration of the natural environment. There are also those who call themselves conservationists who would develop and rape the land with little concern as to the side effects of their activities. Our job is to be realistic and to approach our assignments with a judgment that reflects a proper balance that will benefit man.

To me, conservation is the use of the earth's resources to produce the highest quality of living for mankind. This definition is not easy to supply.

But we can develop our water resources in a manner which will protect and preserve those waters that need to be preserved; utilize those waters that need to be utilized; and improve the environment for the benefit of mankind. That is what reclamation in the 70's must be. For the most part, that is what reclamation in the past has been. We who have supported reclamation have supported a program which has improved the natural environment of the West.

The contribution of the Bureau of Reclamation has been great. This has been made possible by dedicated men and women in the Federal service who have given the better part of their lives to the programs they helped to create and implement. This month a good friend of mine and yours, Floyd Dominy, is retiring from Federal service and as Commissioner of Reclamation. Many of the accomplishments of the Bureau during the last 10 years can be attributed to Floyd Dominy's dynamic and bold leadership.

Now we are moving into the decade of the 70's.

Let me, therefore, lay out for you some of the guidelines with which this Administration will implement an aggressive and dynamic reclamation program for the future. As a matter of fact, we have already begun to implement Reclamation for the 70's.

The Small Reclamation Project loan program has been limping along under the most restrictive ground rules. Those rules prohibited a loan if at the beginning of the loan period there was the remotest possibility that the primary use of the land involved would shift from agricultural to urban. Not only that, but if changing economics caused such a shift of land use, the entire loan came due immediately. This is diametrically opposed to a "people-oriented" reclamation program.

One of the first actions of this Administration was to broaden the ground rules to allow the granting of loans for the maximum multiple-purpose use of our water resources.

I am hopeful that the Small Reclamation Projects Act can be expanded so that more loans can be granted for well-justified projects.

In the next decade we must catch up on the backlog of authorized reclamation projects. There are roughly $5 billion in authorized, unfunded projects. In addition to authorized projects, there are a host of projects which were considered feasible at the time their reports were finalized. There are other projects which have not cleared the Commissioner's or my office.

It would be irrational to assume that all of these projects will be built. It is equally irrational to assume that by the time some of these projects are ready for funding, the economics of that time will dictate their construction as originally conceived. The Bureau of Reclamation must continually update its information. The Bureau must assure itself that project purposes, as well as project design, are accurately geared to the needs of a given project and of the people they are to serve.

Reclamation for the 70's must, therefore, include the word "flexibility" and the Bureau must continually reexamine its project proposals to incorporate changing economic and social conditions.

The Bureau of Reclamation has perhaps the most skilled hydraulic and design engineers in the world. It also has expertise in the fields of economics and planning. Its expertise in these latter two fields must be substantially expanded. If the Bureau does not develop the needed additional economic and planning skills so as to prove unequivocally that its projects are justifiable in the strictest sense of the word, many proposed future projects will probably fall by the wayside. They simply will not be able to stand the scrutiny of the sophisticated analyses by which they must be tested. At this very moment a test team is engaged in developing and testing a new approach to the complex subject of water resource evaluation techniques.

Let me conclude by emphasizing that as soon as the dangerous inflationary situation in this country is brought under control we must, and will, fund ongoing reclamation projects at an optimum rate. To do this, we must quit talking only about reclamation and irrigation and emphasize the value of Federal investment in controlling and developing our precious water resources.

In the decade of the 70's, we must broaden our base of support and convince those in other regions of the United States that if we in the West are to carry our share of this Nation's economic responsibilities, water resource development in the West must be accelerated.

In the decade of the 70's we must explore new methods of financing. We must be alert to the social needs of the region. We must provide new job opportunities. We must protect our precious resources for future generations. We must be concerned with ecological balance, with beautification, with conservation, with the demands of recreation. The Bureau of Reclamation must be more sophisticated in its analyses of benefits, financing, and allocating costs and repayments.

With the continued support of this great association, "Reclamation For the 70's" will succeed.

A SECOND INDEPENDENCE HALL

Mr. MURPHY. Mr. President, it is always a pleasure to hear of the good works of a modern day patriot and a great American, particularly when he is a good friend and a fellow Californian.

I am speaking of Mr. Walter Knott, founder of the famed Knott's Berry Farm, and the motivating spirit behind the creation of a second Independence Hall and Heritage House on the Knott grounds at Buena Park, Calif.

Ed Wimmer, president of Forward America Inc., of the National Federation of Independent Business, recently authored for his broadcast an excellent commentary on Walter Knott, a man of great self-determination and self-reliance.

I commend Mr. Wimmer for this essay, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WALTER KNOTT: HE BUILT A SECOND INDEPENDENCE HALL

(By Ed Wimmer)

In the 37 years I have been crusading for the principles set forth by the Founding Fathers, I have met many patriots who, I am sure, would have dedicated their "lives, fortunes and sacred honor" to protect and preserve those principles—in any time of crisis.

Tonight I am going to talk to you about one of these patriots, a man who has built a second Independence Hall to help make the first one live, and I approach this assignment with a feeling akin to what Abraham Lincoln must have felt when he addressed an audience from the steps of Independence Hall, 1861. On that occasion in Philadelphia, the great Emancipator declared:

"I have never had a feeling politically that did not spring from sentiments embodied in the Declaration of Independence, and I have pondered and pondered over the dangers incurred when they assembled here and framed and adopted and signed it.

"I have pondered over the toils that were endured by the officers and soldiers of the army who achieved that independence, and I have often inquired of myself what great principle or idea it was that kept this Confederacy together so long. . . . We know now that it was not a mere matter of the sepa-

ration of the Colonies from the motherland, but that sentiment in the Declaration of Independence which gave liberty not alone to the people of this country, but I hope to the world, for all future time."

The man we are honoring this week is Walter Knott, former tenant farmer and founder of the famed Knott's Berry Farm, and the motivating spirit behind the creation of a second Independence Hall and Heritage House on the Knott grounds at Buena Park, California.

If you have been a listener to these weekly discourses on what has been happening to the American Dream, and how we may keep it from perishing, you will understand the thrill I experienced last month when I spent a day with Walter Knott, and learned how this tenant farmer who lived in a log cabin with a dirt floor, and without subsidies or security guarantees, built one of the great enterprises of the nation.

I learned that Mrs. Knott, now 80 and still supervising the serving of up to 6,000 chicken dinners on Sundays, had eight customers the first day she opened her house to paid guests. I learned why Walter Knott would want to build America's second Independence Hall—down to the thumb and finger prints on 140-thousand specially made bricks, to the chipping of the huge block and crack of the Liberty Bell, and on up to the gold plated weather vane 168-feet above the street.

After admiring the craftsmanship that recreated the great bell, Mrs. Wimmer and I were ushered into a little theatre where we witnessed a cineramic presentation of great paintings that vividly portrayed the centuries of man's struggle for freedom and independence, which prepared us for the next event that was to take place in an Assembly Room, the exact duplicate in every detail of the Assembly Room in Independence Hall, Philadelphia, where the debate on the Declaration was held.

We took our seats on the same kind of backless benches on which spectators and the press of olden days viewed the debates of the Colonies, and after a brief lecture, the lights were turned off, and from each of the thirteen tables candles began to burn and voices rose from each table as arguments over the Declaration began.

From the sound track there rose also the noise of the storm outside, and the sound of rain beating upon the roof could be heard, and above it all the protests, challenges, compromises and fears that marked one of the most memorable days in the history of man.

Some of the voices were heated. There was pleading: Soft, Passionate, Convincing, Challenging, and as a delegate walked across the Hall, making his point, the sound of footsteps and the voice moved with him.

These men were reminded that they were sealing their death warrant if the Declaration were adopted; if the Revolutionary War was lost, or if they were captured, but as one of the delegates said: "We are also deciding the fate of the Thirteen Colonies, and maybe the fate of generations untold."

In the end, they signed the Declaration, pledging their lives, fortunes, and sacred honor; knowing, as someone remarked, they "would have to hang together or hang separately."

As we emerged from the Assembly Room, Mrs. Wimmer remarked in a hushed voice, "we were there when it happened," and I understood for the first time what must have burned in the heart of Walter Knott, and in the hearts of those whose inspired help created such a colossal enterprise.

Of special interest, I think, was the need of putting the voices of the Signers on one strip of tape, which technicians had declared was impossible. A new machine and a new process had to be invented, and it was. The cracking of the Bell presented another problem, and it is a story unto itself. The independent Lund Paint Company produced a paint formula the same as that used on the original Hall. Craftsmen at the Berry Farm performed the cabinet work and made the gorgeous chandeliers and the famed Rising Sun Chair used by the Speaker. Two 60-foot flag poles were donated by the Atlantic-Richfield Company before the company was taken over by the British. The four great clocks, with their ten-foot faces, were made by the skilled men of The American Sign & Indicator Corporation, and independent Don Koll Construction Company, builder of the great Hall, raised them to their lofty positions.

Yes, it was "We The People"—as Walter Knott would say it, who dug the raw materials from the earth; who molded them into bricks, copper and steel, and who fitted the work of hand and machine into place.

Listening to this unparalleled story of our rise as a free enterprise nation, and thinking back to those hours of indecision that must have haunted the Pilgrims, I recalled the words of William Bradford, the great Pilgrim Governor of the Colony of Massachusetts Bay, that "great and honorable actions are accompanied by great difficulties, and must be both enterprised and overcome with answerable courage."

According to historical accounts, the crew and captain of the Speedwell, sister ship of the Mayflower, must have gotten faint heart because they managed to create delays that ended in a final count of 102 strong hearts being put aboard the Mayflower, to begin a voyage as immortal as life itself.

What fears they must have suffered. The sickness and death. The storms and fog. The unknown dangers that awaited them if they ever reached land, yet all we hear today, it seems, is "give the people this and give them that;" welfare, welfare, welfare, and what welfare is there to life if man is to lose the enterprise to overcome? If he stands in his ghetto and blames everyone but himself for his plight? If he shall run his own farm or business and look not to the threats against his country or his family until trouble is on his own doorstep?

Lowell wrote that the American Republic will endure only so long as the ideas of the men who founded it remain dominant, but has any generation ever drifted so far afield from the ideas, the dreams of the American Revolution, as the present generation?

I say to everyone, everywhere in America, that Jefferson was either right or wrong when he warned "it is not to the advantage of a Republic that a few should control the many, when nature has scattered so much talent through the conditions of men;" and that James Madison was either right or wrong when he warned: "Hold fast to programs, both national and moral, that have as their central goal a constant diffusion of power."

Both these men feared too much power in too few hands. Both spoke constantly of moral values being basic to social, economic and political values, and they knew if safeguards were not erected that every step of the people would be away from a free Republic and toward great concentrations of power now seen in holding companies, conglomerates, giant labor unions, powerful chain store systems, and all-embracing government.

All trends today—everywhere—are away from the self-determination, self-reliance, independent enterprise, local control over local affairs in government that is basic to the philosophy upon which our nation was founded, but despite a clamor of voices raised against this change in our society, voices such as our own National Federation of Independent Business now reaching millions of people weekly, the task of turning the tide is shirked or ignored by so many who have so much to lose.

I believe there are people in this audience from all walks of life who see the America of yesterday as a kind of Messiah among the nations of the world, and our youth today are asking that she fulfill this role. They know little of how to fill their part of the role or what it really is. They ask only for a cause—not knowing that the TIMES are their cause, and it is so with older Americans, in all walks of life.

And so I say to all of you in radio land, the debate that took place in Independence Hall must begin all over again, for only on the battlefields of the minds of men will such great ideas as those which founded our nation be relived. We need to say My Country 'Tis of Thee, Sweet Land of Liberty in the way it ran through the minds of the poor, uneducated immigrants who knelt on the decks of ships that emerged from the fog and into sight of the Statue of Liberty, weeping when they saw the great Torch of Freedom held high in the heavens over New York harbor.

No other people in the world were ever so blessed with so many opportunities to serve their nation and the world, for what hopes would there be for people anywhere who love liberty, if America should lose her hold on the traditions and wealth with which she is now possessed?

George Washington wrote: "The fate of the Republic is in the hands of God," but he called upon all Americans, both then and now, to "raise a standard to which the good and wise can repair;" saying in effect that if God gives all things to man, if he neglects, forgets or misuses his freedom, all things will someday be taken from him.

Let us set our course with the zeal, courage and dreams which motivated those who took to pathless seas, to find a land where they could sow their seeds and reap their harvests, free from the tyrannies of the old world.

Their dreams came true, and later generations called it The American Dream . . . a dream that took Walter Knott from a humble tenant farm to the builder of a second Hall of American Independence, to help make the first one live.

From an address by Abraham Lincoln (Cincinnati, 1856) :"Let us appeal to the sense and patriotism of the people, not to their prejudices; let us spread the floods of enthusiasm here aroused all over these vast prairies so suggestive of freedom. There is both a power and a magic in popular opinion, To that let us now appeal."

TORTURE OF POLITICAL PRISONERS BY THE GREEK GOVERNMENT

Mr. PELL. Mr. President, the European Commission on Human Rights has been working for almost 2 years on a report accusing the Greek Government of torturing political prisoners as a matter of policy.

While this report must remain confidential until it has been fully considered by the Council, the London Sunday Times has secured a copy of it, an abstract of which appeared in the Washington Post of today.

I ask unanimous consent that this abstract be inserted in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. If this report of the European Commission on Human Rights does result in the expulsion or suspension of Greece from the Council of Europe I believe this would be a very good thing in that it might be the dash of cold water needed to jolt the Colonels' junta in putting its foot down on the use of torture and might even push them along on the road toward elections.

EXHIBIT 1

[From the Washington (D.C.) Post, Dec. 4, 1969]

GREEK REGIME SAID TO TORTURE JAILED OPPONENTS

LONDON.—A secret report prepared by the European Commission on Human Rights accuses the Greek government of torturing political prisoners as a matter of policy.

Almost certainly the findings of the report will lead to Greece being expelled from the Council of Europe this month.

The Sunday Times has examined a copy of the report, which lists 213 cases in which there is prima facie evidence of torture. And the report produces evidence suggesting that five men, all named, have died as a result of the policy of torture.

The chief method employed was beating on the soles of the feet, which is extremely painful but leaves little or no trace.

The report alleges that a member of the ruling junta, Ioannis Ladas, personally tortured one prisoner.

But perhaps more important than the details of brutality is the fact that the commission deals in detail with the defense which the Greek government has given for its admitted suspension of civil liberties.

The Greeks have always claimed that there was a Communist, or "Leftist" plan to seize power averted only by the colonel's own coup in 1967.

The 15 international lawyers of the Commission reject the Greek evidence that there was any such plot, and accuse the junta of producing forged evidence.

In September 1967, Sweden, Denmark, Norway and the Netherlands charged the Greek regime, fellow-member with themselves of the Council of Europe, with having violated certain fundamental rights of the Greek people. Six months later, the four protesting governments extended their indictment.

They accused the Greek government of torture—not merely random cases of arbitrary police brutality, but of a state of affairs where "high officials within the hierarchy of state authorities or with their permission or knowledge . . . permit or even systematically make use of torture."

A nation cannot remain a member of the Council unless it is a parliamentary democracy. So the charge made against Greece implied at once the sanction of expulsion.

The task of examining the case was given to the Commission on Human Rights, based like the council itself in Strasbourg. Eight international lawyers have spent the intervening two years on the investigation, interrogating eighty-seven witnesses, including officials of the Greek junta, political prisoners still in jail in Greece, politicians in exile, journalists, doctors, workers for Amnesty International, and even at one stage a waiter in Liverpool.

Another seven lawyers joined in the evaluation of the evidence. The result is that the Greek junta has been found guilty precisely as charged. Almost inevitably, this means that Greece will be expelled from the Council of Europe this month.

The 1,200-page report of the commission remains a secret document. There is no present official intention to publish it. However, The Sunday Times has been able to obtain a copy, and extracts are published on the grounds that it presents perhaps the nearest possible approach to a definitive account of the condition of liberty in Greece.

The commission mentions 213 cases in which there is prima facie evidence of torture—some can be more thoroughly documented than others. And it produces evidence to suggest that at least five people may have died as a result of torture inflicted.

These are named as Costas Paleogos, Ioannis Chalkidis, George Tsarouchas, Panaviotis Ellis and Nikiforos Mandilares.

Torture is only one aspect of the suspension of civil liberties laid to the junta's account. In defense, the Greek government claimed before the Commission that the suspension of civil liberties was justified by the existence of a danger to the State. The commission devotes about half its report to the matter of this defense; this is, perhaps, the most detailed examination of the well-known allegation that leftwing groups were planning violent revolution before the coup which brought the junta to power in 1967.

The commission finds that there is considerable evidence that no such plans existed for the overthrow of the state.

The junta also produced a letter which purported to show that the late George Papandreous, the leader of the Center Party, had been negotiating with the Communists. The commission found that one of the junta's own witnesses, a Dr. Kapsaskis, had proved this document to be a forgery five years previously.

In the 430-page section on torture, the Commission lists and analyzes the evidence it heard from 58 witnesses in Athens and Strasbourg. Sixteen of these claimed to be victims of torture; 25 were accused police officers and others in official positions under the regime.

Then the commission gives its conclusions—reached by majorities of 10 to 13. "The commission has found it established beyond doubt that torture or ill-treatment . . . has been inflicted in a number of cases."

This has been a sustained policy: "There has since April, 1967, been a practice of torture and ill-treatment by the Athens Security Police, in Bouboulinas Street, of persons arrested for political offenses. This torture and ill-treatment has most often consisted of the application of 'falanga,' or severe beatings to all parts of the body. Its purpose has been the extraction of information including confessions concerning the political activities and associations of the victims and other persons considered to be subversive."

Moreover, the junta has condoned this to the point at which torture has become "administrative practice." "The competent Greek authorities, confronted with numerous and substantial complaints and allegations of torture and ill-treatment, have failed to take any effective steps to investigate them or to ensure remedies for such complaints or allegations found to be true."

The Commission devotes one entire volume of its report simply to listing 213 people who are alleged to have been tortured, and the evidence available in each case.

This, the commission agrees, dos not provide proof. But the report points out: "The commission cannot ignore the sheer number of complaints . . . It is not able to reject the whole as a conspiracy by Communist and antigovernment groups to discredit the government and the police . . . It cannot but regard the actual number of complaints brought before it as strong indication that acts of torture or ill-treatment are not isolated or exceptional, nor limited to one place."

Faced with this mass of cases to examine the commission decided to take a sort of random sample and focus on selected cases throughout Greece. "The . . . commission has investigated 30 cases to a substantial degree and expressed some conclusion with regard to 28 of them. With regard to these cases the Commission finds it established that: torture or ill-treatment has been inflicted in 11 individual cases (it then lists the cases) . . . the evidence before the commission of torture or ill-treatment having been inflicted on 17 other individuals demands further investigation . . . the commission was in effect prevented directly or indirectly by the respondent government (Greece) from completing its investigation of these cases . . ."

The junta refused to allow the commission to see 21 witnesses. Among those 21 were the alleged victims most reliably reported to bear still the physical marks of their experiences.

In most cases, however, a method of torture, *falanga*, had been chosen which does not leave marks. The report describes it: "Falanga or bastinado has been a method of torture known for centuries. It is the beating of the feet with a wooden or metal stick or bar which, if skillfully done, breaks no bones, makes no skin lesions, and leaves no permanent and recognizable marks, but causes intense pain and swelling of the feet . . ."

Lacking simple medical evidence, the Commission spent months cross-checking witnesses' stories. The 30 cases the Commission examined in this detail are a recital of horror.

On one page are details of the beating which Ioannis Ladas, then Secretary-General of the Ministry of Public Order, personally gave to a journalist of whom he disapproved—"He struck me with his fist . . . and started pouring out insults . . .

" 'You are a pany, a Bulgar. You shall die. I shall kill you with my bare hands . . .' "

On other pages is the tragedy of Anastasia Tsirka—Police came to her house on the night of September 23, 1967 and found three leaflets of a banned organization. Tsirka was tortured to discover wo had given them to her. The beatings of the Security police in Boubulinas Street killed her unborn child. The doctors think she is now probably sterile.

The junta maintained it had conducted an inquiry into Mrs. Tsirka's allegations and disproved them. The commission found that the inquiry had omitted even to question doctors at the hospital to which she was taken after her miscarriage.

RANDOM DRAFT SELECTION—QUESTIONS AND ANSWERS

Mr. STENNIS. Mr. President, a great number of inquiries have come from Members of the Senate, as well as from the people of the Nation, about the drawing under the new Selective Service Act. Selective Service has prepared a number of questions and answers that are most commonly asked about this subject, and I ask unanimous consent that, for the information of the membership and the public, the questions and answers which have been prepared be inserted in the RECORD at this point.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

RANDOM SELECTION QUESTIONS AND ANSWERS

Question. Explain the drawing under the recently amended Selective Service Act.

Answer. On December 1, there was a drawing in Washington of 366 closed capsules in each of which was a slip of paper on which was written a month and day of the year, for example, May 2, June 1, etc. The order in which these capsules were drawn determines the relative position in the national random sequence of registrants born on all the dates of the year including February 29. As September 14 was drawn first, all men born on September 14 are No. 1 in the national random sequence. As June 8 was drawn last, all men with that birthday are No. 366 in the national random sequence.

Question. How will this sequence be used by local boards?

Answer. Each local board will assign numbers to its registrants who are in I–A or who become I–A in accord with the national sequence. Some local boards may not have at any one time men with birthdays on every day. In such a case the local board

would go to the next number. For instance, it might call numbers 1 through 5, then 7 and 8 because it had no men whose birthdays were on the day drawn sixth in the drawing.

Question. Why is there a drawing of the alphabet?

Answer. This drawing randomized the alphabet so that in case a local board had two or more men with the same birthday and was required to order one but not all of them for a call, it has a way to determine which comes first, second, etc., by applying the random alphabet to the names. In the drawing of December 1, 1969, the letter "J" was drawn first. So men whose names begin with "J" would be called first by the local board among men with the same number from the birthday drawing.

Question. Does everybody get a number out of the first lottery?

Answer. No—the first drawing will determine the random sequence number only for those men who prior to January 1, 1970, had attained age 19, and not 26.

Besides that, the number in which his birthday is drawn will not mean anything until he is classified I–A or I–A–O. Some men in the group who eventually will get a number out of the first drawing may not become I–A until next year or later. In that case, his number will determine his order in the national sequence in use that year. For example, if his birthday is drawn No. 80, and he is now deferred for college, but loses his college deferment in June 1971, he will be No. 80 in the national random sequence in use that year.

Question. How do new 19-year-olds get a number?

Answer. Before the end of 1970, a drawing of the 366 days of the year will be held. This drawing will determine the national random sequence to be used in 1971. The only registrants who would look to that drawing to determine where they stand in the national random sequence are those who turned 19 during 1970.

Question. How do you use more than one drawing?

Answer. The date of November 9, was drawn No. 80 in the first lottery. This may be the number of a man who was in college during 1970, but graduated and lost his deferment in June 1971.

The date of September 11 may be drawn No. 80 in the next lottery. A man born on September 11 who was available in 1971 would be No. 80 in the random order. So would the first man whose birthday of November 9 was drawn No. 80 a year earlier. If both men were in the same local board they would be called on the same call or if one, but not both were required, the random alphabet would determine which one went first.

Question. Doesn't the registrant who is in college most of the year have an advantage over the one who can't go to college and is in I–A throughout the year?

Answer. No. The key in both cases is whether his random sequence number is reached in his local board. If the random sequence number has been reached in the case of a registrant who becomes I–A late in the year, he will be inducted as soon as appeals, examinations and so forth, are concluded, even though the year has ended. There is no way he can gain an advantage by delaying his actual induction through time required for personal appearance, appeals, examination and other processing *if his random sequence number has been reached.*

Question. What about the registrant who loses a deferment or exemption just before age 26?

Answer. This is like the case in the previous question. If his number has been or is reached, and he loses his deferment just before his 26th birthday, he will, if his deferment extended his liability to age 35 as most do, be inducted at the end of all the processing steps—if he remains in Class I–A or I–A–O and is qualified, even though he has turned 26 during this period of delay.

Question. How does this system help a registrant know with more certainty his chances of serving?

Answer. First of all, his period of greatest vulnerability is one year, rather than seven.

Second, the order in which his birthday is drawn will tell him where he stands in the national random selection sequence. If his birthday is drawn early he knows that when he is classified I–A and found acceptable, he is almost certain to be called. He can plan his career to accommodate that possibility.

If his birthday is drawn near the end, he has relative certainty he may not be called short of unusual circumstances.

He can plan accordingly.

For the registrant whose birthday is drawn in the middle range it is not so clear, but in any event the system will give much greater certainty than is possible under the former system.

Question. Will registrants now postponed be in the random selection?

Answer. No. The postponed registrant has already been ordered for induction under the old system and will be inducted when the postponement ends.

Question. Can a man whose birthday is drawn early in the drawing still join the Reserve?

Answer. Yes. Just as now, he can join a Reserve Unit any time before the induction order is issued.

Question. What about volunteering for active duty?

Answer. The policy is to authorize enlistment for active duty at any time up to the day of induction.

Question. What is the situation of a registrant who is in I–A for the first part of the year, but enters college in September and requests and gets a student deferment?

Answer. If his random sequence number has not been reached, he goes out of the group to return when no longer deferred to the current group. If his random sequence number *has* been reached, but he has not been issued an order to report for induction, the local board may defer him for college and he would then reenter the selection group in the year he again lost his deferment.

Question. Does the lottery affect existing deferment and exemption policies?

Answer. Existing deferment and exemption policies are not affected by virtue of the lottery system.

Question. How does the lottery affect the liability of those subject to call as physicians and dentists?

Answer. Physicians and dentists are called on special calls, normally after age 26, and have extended liability to age 35 because of previous deferment as a student. Their call to service under this special call would therefore not be different from what is under present policies.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

AMENDMENT NO. 343

The PRESIDING OFFICER. The clerk will state the pending amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Nebraska (Mr. CURTIS) proposes an amendment identified as No. 343.

(The amendment is as follows:)

On page 79, after line 19, insert the following:

"(3) Annual report.—Part III of subchapter A of chapter 61 (relating to information returns) is amended by adding after subpart B (added by section 602(a) of this Act) the following new subpart:

"'SUBPART E—INFORMATION CONCERNING PRIVATE FOUNDATIONS

"'SEC. 6058. ANNUAL REPORTS BY PRIVATE FOUNDATIONS.

"'(a) General.—The foundation managers (within the meaning of section 4946(b)) of every organization which is a private foundation (within the meaning of section 509(a)) having at least $5,000 of assets at any time during a taxable year shall file an annual report as of the close of the taxable year at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

"'(b) Contents.—The foundation managers of the private foundation shall set forth in the annual report required under subsection (a) the following information:

"'(1) its gross income for the year.

"'(2) its expenses attributable to such income and incurred within the year,

"'(3) its disbursements (including administrative expenses) within the year,

"'(4) a balance sheet showing its assets, liabilities, and net worth as of the beginning of the year,

"'(5) an itemized statement of its securities and all other assets at the close of the year, showing both book and market value,

"'(6) the total of the contributions and gifts received by it during the year,

"'(7) an itemized list of all grants and contributions made or approved for future payment during the year, showing the amount of each such grant or contribution, the name and address of the recipient, any relationship between the recipient and the foundation's managers of substantial contributors, and a concise statement of the purpose of each such grant or contribution,

"'(8) the address of the principal office of the foundation and (if different) of the place where its books and records are maintained.

"'(9) the names and addresses of its foundation managers (within the meaning of section 4946(b)), and

"'(10) a list of all persons described in paragraph (9) that are substantial contributors (within the meaning of section 507(d)(2)) or that own 10 percent or more of the stock of any corporation of which the foundation owns 10 percent or more of the stock, or corresponding interests in partnerships or other entities, in which the foundation has a 10 percent or greater interest.

"'(c) Form.—The annual report may be prepared in printed, typewritten, or any other legible form the foundation chooses. The Secretary or his delegate shall provide forms which may be used by a private foundation for purposes of the annual report if it wishes.

"'(d) Special Rules.—

"'(1) The annual report required to be filed under this section is in addition to and not in lieu of the information required to be filed under section 6033 (relating to returns by exempt organizations) and shall be filed at the same time as such information.

"'(2) A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual reports), together with proof of publication thereof, shall be filed by the foundation managers together with the annual report.

"'(3) The foundation managers shall furnish copies of the annual report required by this section to such State officials and other persons, at such times and under such con-

ditions, as the Secretary or his delegate may by regulations prescribe.'"

On page 79, line 20, strike out "(3)" and insert in lieu thereof "(4)".

On page 81, after line 12, insert the following:

"(3) Annual reports.—In the case of a failure to file a report required under section 6058 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file or meet the publicity requirement, $10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure to file or comply with the requirements of section 6104(d) with regard to any one annual report shall not exceed $5,000. If more than one person is liable under this paragraph for a failure to file or comply with the requirements of section 6104(d), all such persons shall be jointly and severally liable with respect to such failure. The term 'person' as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs."

On page 83, line 7, insert the following:

"(3) Annual reports.—Section 6104 is amended by inserting immediately after subsection (c), as added by this bill, the following new subsection:

"'(d) Public Inspection of Private Foundations' Annual Reports.—The annual report required to be filed under section 6058 (relating to annual reports by private foundations) shall be made available by the foundation managers for inspection at the principal office of the foundation during regular business hours by any citizen on request made within 180 days after the publication of notice of its availability. Such notice shall be published, not later than the day prescribed for filing such annual report (determined with regard to any extension of time for filing), in a newspaper having general circulation in the country in which the principal office of the private foundation is located. The notice shall state that the annual report of the private foundation is available at its principal office for inspection during regular business hours by any citizen who request it within 180 days after the date of such publication, and shall state the address of the private foundation's principal office and the name of its principal manager."

"(4) Willful failure to provide information regarding private foundations.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6685 (added by section 602(b) of this Act) the following new section:

"'SEC. 6686. ASSESSABLE PENALTIES WITH RESPECT TO PRIVATE FOUNDATION ANNUAL REPORTS.

"'In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to file the report and the notice required under section 6058 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports) and who fails so to file or comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such report or notice.'

"(5) Section 7207 (relating to fraudulent returns, statements, or other documents) is amended by striking out 'section 5047(b) or (c)' and inserting in lieu thereof 'sections 6047 (b) or (c), 6058, or 6104(d)'."

On page 98, line 22, strike out "and 6034" and insert in lieu thereof ", 6034, and 6058".

On page 104, before line 17, insert the following: "and by adding after the item relating to section 6685 (added by section 602(c)(2) of this Act) the following new item:

"'SEC. 6686. ASSESSABLE PENALTIES WITH RESPECT TO PRIVATE FOUNDATION ANNUAL REPORTS'."

On page 105, after line 6, insert the following:

"(64) The table of subparts for part III of subchapter A of chapter 61 is amended by adding after the item relating to subpart D (added by section 602(c)(1) of this Act) the following new item:

Mr. CURTIS. Mr. President, this amendment, No. 343, is nearly the same as a previous amendment that I had had printed. The changes in it are very minor. The new amendment, No. 343, which is now before Senators in printed form, is also printed in the CONGRESSIONAL RECORD of yesterday at page 36734.

Mr. President, reserving my right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, there will be a quorum call, and the able Senator from Nebraska will retain his right to the floor. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, this amendment requires an annual reporting by all private foundations. It also requires the publication of a notice. That notice will inform all persons where the report is available and where the books and records of the foundation are available, and will carry such other information as ought to be carried in such a notice.

I think this is one of the most important amendments relating to foundations that Congress could enact. May I say at the outset that it does not involve some of the controversial items concerning foundations that are covered in the bill or will be brought up in the discussion. It does not involve the question of taxing or not taxing foundations. It does not involve the question of requiring foundations to divest themselves of certain holdings. It does not involve the question of whether or not a foundation's life should expire at the end of 40 years. But it does provide for a method of requiring annual reports from each and every foundation, to the end that those foundations will act in the public interest, and also so that interested parties, the general public, the Internal Revenue Service, Congress, and the committees concerned, will have accurate information.

I have been critical of the bill that was sent to us by the House of Representatives as to its provisions on foundations; and one of my reasons for criticism is that, in many instances, we had to act in the dark. There are perhaps 30,000 foundations in this country. All of the studies that have been conducted concerning foundations have not touched more than 500.

What I am proposing here is not objected to by the vast majority of foundations. Many of them are making reports available, and are opening their books to the whole world all the time. But it is in order that this information be available, and that, when a situation arises that calls for legislation to regulate, or to prohibit, or to penalize, Congress be able to do so, and be able to make wise choices.

As I have stated, there are perhaps 30,000 foundations, and we have never read about more than 500 of them in the newspapers. All of the various piecemeal investigations that have been conducted in the past have been limited to those that the staff or one or two Senators became interested in, and the rest of us got whatever particular details were sifted up to us.

Mr. President, tax exemption is a high privilege. I believe that the operation of a tax exempt foundation is a public trust; and starting from that premise, I believe that all the business, all the transactions, all the receipts, all the investments, all the grants and contributions made by the foundation to individuals or to institutions, are of public concern.

A foundation has its tax-exempt status because it performs a function in the public good. And might I say here, Mr. President, that I hope I am a friend of the foundations. I opposed many sections of the House bill in committee. I shall oppose them on this floor. America is unique in its system of charity, benevolence, and giving. I have said on this floor many times before that in my own State of Nebraska, one-third of the cost of higher education is borne by the private colleges, which happen to be church colleges.

There is not one of those colleges that would not have serious financial trouble if it were not for the grants made by foundations.

Suppose we were to cripple foundations and enact laws so that as many foundations are not created in the future as have been created in the past. Suppose that some colleges close or, because of lack of funds, cannot expand their plants or compete for faculty, and dwindle away and shrink and do not make the fullest contributions to the educational and scientific world. Do the taxpayers gain? They do not. They suffer.

If it were not for tax-exempt foundations and the generosity of individuals, the cost of higher education to the taxpayers of my State of Nebraska would be increased by 33⅓ percent.

I am not unaware of the fact that out of the thousands and thousands of foundations, all of which are run by human beings, some practices may have sprung up in some few foundations that are not the wisest of practices.

I am not unaware of the fact that maybe there are foundations which are intended to do good but which are directed by a staff that makes errors in judgment.

I am not unmindful of the fact that there might be a tiny minority of foundations in which the donor to the foundation uses the foundation for his own gain, through self-dealing or otherwise. However, they are vastly in the minority.

I am acquainted with some foundations which have done wonderful work. I know of one foundation that has helped colleges and universities all across the land. Its overhead is very low.

I happen to know not only about how that foundation works now but how it came into being. It was never created for the purpose of avoiding taxes. One of the wealthy men of our country decided that his two sons were already possessed of enough wealth and that they should not have any more. He wanted to do good. He created a foundation to distribute his money.

Those who have been overcritical of foundations should remember that the earnings, before they come into the hands of the foundation, are taxed. If the foundation is the sole owner of a business, that business pays every tax that any other business pays. If the foundation possesses assets consisting of a portfolio of stocks that represents shares in companies and corporations, that income is fully taxed.

The foundation is merely a conduit for taking money and using it. It cannot be used for anyone's personal gain. It must be used to do good.

As I have said, many educational institutions would close their doors tomorrow if it were not for foundations.

I had my attention called to a foundation that operates in a certain city in the Southland. That foundation has a standing practice of picking up the deficit for a large hospital. And that hospital never turns away any patient who needs hospitalization.

Mr. President, if we proceed to enact legislation without the facts, if we proceed to tax and punish and prohibit and restrict foundations because a few of them may have done some things with which we disagree and which may not have been done in the public interest, we would destroy them all.

Mr. President, two things are, therefore, necessary. In the first place, we should postpone any harsh treatment of foundations until we do have some facts.

In the bill as written, if my amendment is agreed to, Congress and the public will have the facts. An auditing fee will be levied on the foundations under the pending bill. The provision is not intended for revenue. That was clearly established in the committee. An auditing fee based upon the size of the foundation is to be paid so that the Treasury and the Internal Revenue Service can regularly audit the tax-exempt foundations.

We have 30,000 of such foundations. Do Senators realize that some of them have never been audited?

The pending bill provides for auditing by the Government from the standpoint of taxes. That means that the Government will examine the books and records of the transactions and expenditures to see whether the foundation has lived up to the tax laws. They will examine them from the standpoint of taxation.

Mr. President, one additional thing is necessary. Foundations should make an annual report and publish a notice of that annual report.

Mr. President, that is where my amendment No. 343 comes in. I hope that the Senators who are on the floor will turn to that amendment. The amendment itself is the best argument that can be made for it.

It would require an annual report by each and every foundation. Foundations would be exempt if they had less than $5,000 in assets. They would have to be exempt in such a case.

There are some foundations perhaps that exist just on paper. There are some foundations that have been started without funds and it is expected and hoped that at a later time the foundations will have considerable assets. However, some foundations do not amount to very much in the beginning. We do not want to force them to consume the few assets they possess in order to hire lawyers and accountants to prepare an annual report and require them to spend more money to publish a notice.

I am sure that there is not much of a tax gimmick in a tax foundation that possesses less than $5,000 in assets anyway.

This is the information that report will require them to furnish:

> The foundation managers of the private foundation shall set forth in the annual report required under subsection (a) the following information:
>
> (1) Its gross income for the year.

Substantially, all of the foundations operate in the public interest. However, there are a few foundations that if one were to write and ask for their last report would either not answer the letter or would reply that they did not have any report.

The report must also supply the following information:

> (2) Its expenses attributable to such income and incurred within the year.
>
> (3) Its disbursements (including administrative expenses) within the year.

Mr. President, let us find out whether the overhead of the foundation is reasonable. Let us find out if some foundations are consuming their earnings in overhead and not serving the purposes of charity, education, and other good works.

The report shall also contain a balance sheet showing its assets, liabilities, and net worth at the beginning of the year; an itemized statement of its securities and other assets at the close of the year, showing both book and market value; the total contributions and gifts received by it during the year; an itemized statement of all grants and contributions made or approved for future payment during the year. If a foundation is making a grant for a questionable purpose, it will have to be publicized. It must show the amount of each such grant or contribution, the name and address of the recipient, any relationship between the recipient and the foundation's managers or substantial contributors, and a concise statement of the purpose of each such grant or contribution. It shall contain the address of the principal office of the foundation and the place where the books and records are maintained; the names and the addresses of its foundation managers; a list of all persons who are substantial contributors or who own 10 percent or more of any business in which the foundation has an interest.

Mr. President, this annual report has to be publicized. A notice has to be published in a newspaper stating where its head office is located and such other places as the Secretary or his delegate might direct, carrying a brief part of this information, but also advising the public where they can get a report. Anybody, any citizen, any congressional committee, can get the complete annual report by asking for it any time within 180 days. The 180 days is 6 months. I put that in the amendment. I did not think it was reasonable to have somebody write to a foundation and say, "Send me your report for 10 years ago," and then subject that foundation to a penalty because they do not have any copies. But this will bring it out in the open. They have 6 months in which to get the reports. There are many energetic people in the press. There are concerned people who want to get contributions and grants from the foundations. There is the taxing service; there are the committees of Congress. They will ask for these things. A notice has to be published that the report is available and where it can be obtained. If a foundation fails to make this report and to publish this notice, they are subject to penalties, reasonable penalties. However, if they persist and willfully violate, the penalties become more severe.

It is also provided in the amendment that if any foundation managers make a false or misleading statement, that is likewise prohibited by law.

I believe that the adoption of this amendment will add greatly to the value of this bill so far as the sections relating to foundations are concerned. It is not punitive. It subjects a tax-exempt institution to public inspection. Many of the foundations are doing everything that is required of them now. It will be a guideline to new foundations and the smaller foundations to know what is expected of them. It will be a guideline that will restrain a staff of a foundation that might be a little overanxious to do things because they know that what they are going to do will have to be disclosed. By that I do not mean doing things in the sense of something dishonest, but I mean in the way of extreme social action of some kind. Also, the small minority—and I am convinced it is very small—of situations in which the foundation is run in a manner not consistent with the public interest, in which the donor controls it and might use it for his own financial advantage, will be smoked out, and those things will not happen.

Mr. President, I feel that the harshest critics of foundations will want this amendment. It will give them the facts. I also feel that those of us who are profoundly interested in foundations and believe in them want this reporting done, because it will bring out the facts. It follows that, after this is operating for a couple of years or so and the IRS has done its auditing, Congress can act wisely. We will have the information before us. We can stop abuses. We can protect the rights of those people who are acting in the public good.

Mr. President, I hope this amendment will be adopted. I yield the floor.

Mr. LONG. Mr. President, I know of no objection to the amendment. It will be all right with me to accept it and take it to conference.

Mr. CURTIS. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment No. 343 was agreed to.

Mr. CURTIS. I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG. I move to lay that motion on the table.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 336

Mr. YOUNG of Ohio. Mr. President, I call up my amendment No. 336 and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The bill clerk proceeded to read the amendment.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 350, after the matter following line 22, insert the following new section:

SEC. 508. DENIAL OF PERCENTAGE DEPLETION FOR FOREIGN OIL AND GAS WELLS

(a) IN GENERAL.—Section 613(b)(1) (relating to percentage depletion rate for oil and gas wells) is amended by inserting after "oil and gas wells" the following: "located in the United States or in its possessions".

(b) TECHNICAL AMENDMENT.—Section 613(b)(7) (relating to minerals, etc., entitled to 15 percent rate of percentage depletion) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) oil and gas wells."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

Mr. LONG. Mr. President, is the Senator willing to agree to a limitation of debate on this amendment?

Mr. YOUNG of Ohio. Yes.

Mr. LONG. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 40 minutes, to be equally divided between the sponsor of the amendment, the Senator from Ohio (Mr. YOUNG), and the manager of the bill, the Senator from Louisiana.

Mr. YOUNG of Ohio. That is agreeable.

Mr. GRIFFIN. Mr. President, for the time being, I must reluctantly object.

The PRESIDING OFFICER. The assistant Republican leader reluctantly objects.

Mr. YOUNG of Ohio. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATMENT OF CAPITAL GAINS

Mr. WILLIAMS of Delaware. Mr. President, I have received quite a few calls from Members of the Senate who said they are getting calls from their constituents about what the Senate did yesterday in regard to capital gains. I thought we should straighten out this matter for the record.

Under the committee bill a person's taxable capital gains, which are 50 percent of one's long-term gains, would be taxed at the regular rates. Since under the committee bill the maximum rate would have been 65 percent, this would mean that an individual's capital gains would have been taxed at a rate equivalent to a 32.5-percent maximum, as compared with 25-percent maximum under the existing law. Under the Gore amendment, which struck out this committee provision which provided for a lower tax rate structure, capital gains in effect will be taxed now at 50 percent of the existing tax rates—50 percent of 70 percent—which means that as a result of the Gore amendment the tax on capital gains has been advanced to a 35-percent maximum ceiling, compared with 25 percent under existing law.

In addition, under the committee bill there is a tax of 5 percent on a person's preference income. Since 50 percent of capital gains are a preference item, this means another 5-percent tax is placed thereon. The mathematical result, if we retain the Gore amendment as agreed to, is that capital gains will be taxed at 37½ percent compared with the existing law maximum of 25 percent.

I thought this should be called to the attention of the Senate. We are getting quite a few inquiries. When the Senate accepted the Gore amendment and raised the exemption by a vote of 58 to 37, it also raised tax rates on capital gains by the same vote.

Whether I agree with the action of the Senate—or not is beside the point—but I thought it should be made clear what was done. I am sure that all Senators who voted for the Gore amendment realized what they were doing, but some persons on the outside were confused. My purpose today is to clarify the record that capital gains now are locked in at 37.5 percent.

AMENDMENT NO. 336

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President, my amendment, if agreed to, would bring at least $25 million in additional revenue to the Treasury of the United States. It would eliminate the oil depletion allowance on oil produced outside the United States. The tax reform bill passed by the House of Representatives entirely abolished the 27½-percent foreign oil depletion allowance. The Committee on Finance restored that unconscionable tax loophole to 23 percent. It is absolutely reprehensible to permit American investors in foreign oil to enjoy almost $2 billion in annual tax-free profits. That is what they will continue to do unless my amendment is agreed to.

In my judgment, the action of the Senate committee is totally unacceptable to those millions of Americans who have reasonable expectations and hope of meaningful income tax reform. There is no rational legislative reason for continuing the extension of the privilege of the depletion allowance to foreign produced oil. No national benefit is derived. The only ones who benefit are those American investors involved in the production of oil in other countries. The combination of the depletion allowance and the foreign tax credit has made most of these profits tax free.

Mr. LONG. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. YOUNG of Ohio. I yield for that purpose.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, I ask unanimous consent that further debate on the amendment be limited to 1 hour, to be equally divided between the Senator from Ohio and the Senator from Louisiana.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I wish to ask the Senator from Louisiana what the amendment involves.

Mr. LONG. It deals with the oil depletion allowance.

The PRESIDING OFFICER. Is there objection to the request that there be a time limitation on the amendment of the Senator from Ohio, the time to be equally divided and limited to 1 hour? The Chair hears none, and it is so ordered. The able minority whip does not even reluctantly object.

Mr. YOUNG of Ohio. Mr. President, does the limitation commence at this time?

The PRESIDING OFFICER. The limitation begins now.

Mr. YOUNG of Ohio. Mr. President, the fact is it was never expected that the depletion allowance should extend to foreign development and production.

While the claim for some domestic depletion allowance may be arguable, to continue to extend the loophole to foreign production is absolutely indefensible. At least the domestic oil industry pays some State and local taxes and on occasion some Federal income taxes. Even then, oil and gas companies pay Federal taxes at a rate far below those paid by the great majority of heavily burdened taxpayers.

However, those receiving profits from foreign oil production pay no income taxes whatever. The combination of the 27½-percent depletion allowance combined with the foreign tax credit allowed under present tax laws completely washes out tax liability to the U.S. Government. In some cases, the American oil producer abroad also gets an additional tax depletion or other comparable incentive from the foreign government which further conceals the real income from foreign oil which is a highly guarded secret in our own Department of Commerce.

Furthermore, these tax-free profits of American investors in foreign oil have corrupted and misdirected American foreign policy in many oil-rich countries. This has resulted in a policy of costly military assistance in support of temporary rulers and feudal sheiks who will undoubtedly be ousted when their people some day find out how their national resources and treasury are being squandered. Not only is there no reason for American taxpayers to subsidize these activities, but to continue to do so actually works to the detriment of our best long-range national interests.

Mr. President, I frankly feel that the action of the Senate in refusing to go along with the other body in reducing the domestic oil depletion allowance to 20 percent was very unfortunate. However, the action of the Senate committee in maintaining the foreign oil depletion allowance at 23 percent—or at any rate, for that matter—makes a sham of real tax reform. We are hopeful of achieving real tax reform by the passage of a good reform bill before the Christmas season and thereby lessen somewhat the unduly heavy tax burden on American families in the earnings class of $5,000 to $14,000. The incredible tax-free income provided through this notorious loophole affronts the integrity of our system of taxation and is offensive to any citizen who pays his fair share of the tax burden.

The tax privileges enjoyed by the oil industry are unequaled in this country. The domestic oil depletion allowance remains intact at somewhere between 20 and 23 percent, depending upon the action which will eventually be taken by the conference committee. Nothing has been done about the intangible drilling costs, the accounting procedures and several other devices that save oil producing companies billions of dollars each year. Certainly, it is high time that the foreign oil depletion allowance, the most indefensible of all tax loopholes favoring the oil industry, should be eliminated. I urge the adoption of my amendment which is a meaningful step toward genuine income tax reform.

ORDER OF BUSINESS

Mr. LONG. Mr. President, at the time I asked for a limitation of debate, it occasioned inconvenience to the Senator from Arkansas (Mr. FULBRIGHT), who was willing to go along with the limitation on condition that we yield him some time.

I therefore should like to ask the Senator from Ohio (Mr. YOUNG) if he would join me in yielding 18 minutes to the Senator from Arkansas, the time to be equally shared between us.

Mr. YOUNG of Ohio. Yes, indeed. I am glad to yield to the Senator from Arkansas my share of 20 minutes.

Mr. LONG. Eighteen minutes, I am sure, is all the Senator will require. If he needs 20 minutes or more, we will give it to him.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 18 minutes.

Mr. FULBRIGHT. Mr. President, I appreciate very much the kindness of the Senator from Louisiana and the Senator from Ohio in yielding me this time.

THE DEFENSE DEPARTMENT'S PUBLIC AFFAIRS OFFICE

Mr. FULBRIGHT. Mr. President, there may not be many issues involving Pentagon spending in which I would find myself in complete agreement with the chairman of the House Armed Services Committee, Mr. RIVERS. When such a situation arises, however, I am most happy to proclaim it.

All this is by way of calling attention to a statement by Mr. RIVERS which appeared in the CONGRESSIONAL RECORD last June 12. At that time he said:

> Recently, in an article that criticized the Congress for the swollen expenditures within the Pentagon, I found that one of the sins blamed on Congress was that the Defense Department Public Affairs Office budget was three times as large as that of the State Department Public Affairs Office. I just want to say that if any Member of Congress wants to introduce a motion to cut the budget of the Defense Department Public Affairs Office by two-thirds, he will have my wholehearted support.

Mr. RIVERS may have the opportunity to provide his support in the House and I will welcome it if the Senate will accept amendments to the Defense appropriation bill which I plan to offer.

THE PUBLIC AFFAIRS PROGRAM OF THE AIR FORCE

Mr. FULBRIGHT. Mr. President, in 1947, Congress, in passing the National Security Act, voted to end the rampant rivalry between the military services and require each to subordinate its parochial interests to those of the Military Establishment as a whole. The purpose, the Senate committee report stated, was to provide "unity of military concept" and "unity of purpose and effort" for our military forces. But 20 years later the Army, Navy, and Air Force each spend millions of tax dollars annually in an effort to persuade the public that its particular brand of weaponry is the finger in the dike holding back the enemy hordes. The competition within the armed services for the public's affections, and their representatives' votes in the Congress, is like the hucksterism of rival auto manufacturers; hardly the character the public deserves from an organization which consumes half of all Federal revenues each year.

The current information directive for the Air Force states that "in view of current events and notable diverse public views concerning our Nation's defense" the Air Force's information objectives "must make clear that aerospace power is uniquely important in meeting these demands through both its support for the employment of other forces and its own striking power." Commanders were instructed to "promote awareness, understanding, and appreciation" of the fact that "clearly superior U.S. aerospace forces capable of defeating the enemy offer the surest means of deterring global war." Countering the "aerospace threat to our security," the directive stated, can only be through "maintaining superiority" of our own aerospace forces. Sufficiency may be enough for President Nixon but it is not for the Air Force.

I ask unanimous consent that the 1968 Information Objectives be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF THE AIR FORCE,
> OFFICE OF THE CHIEF OF STAFF,
> U.S. AIR FORCE,
> *Washington, D.C., March 16, 1966.*
>
> Subject: 1968 Information objectives.
>
> To: AAC ACIC, ADC, AFAFC, AFCS, AFLC, AFSC, ATC, AU, CAC, HQ COMD USAF, MAC, OAR, PACAF, SAC, TAC, USAFA, USAFE, USAFSO, USAFSS.
> (Commander.)
>
> 1. The 1967 Information Objectives as set forth in the enclosure to my letter of 6 December 1966 remain valid for 1968 and are appropriate long range objectives. I would like commanders at all levels to review these objectives. Additionally, in view of current events and notable diverse public views concerning our nation's defense, I consider it timely to emphasize and place in clear perspective certain objectives that tend to become obscure.
>
> 2. Our Information efforts must make clear that this changing and increasingly complex world demands that our nation's military power be superior, adaptive to change, and capable of rapid application. We must make clear that aerospace power is uniquely important in meeting these demands through both its support for the employment of other forces and its own striking power.
>
> 3. Specifically, during 1968, and within the context of stated Information objectives, commanders should promote awareness, understanding and appreciation of the fact that:
>
> a. The potentially most dangerous military threat to the security of the United States is that aerospace force which the Soviet Union can employ against our nation;
>
> b. It is United States aerospace forces which constitute our capability to counter that threat;
>
> c. Clearly superior United States aerospace forces capable of defeating the enemy offer the surest means of deterring global war;
>
> d. With unmistakable strategic superiority, the difficult but essential burden of assisting our allies and friends in their defense against aggression becomes more manageable, meaningful, and credible;
>
> e. While superior assured destruction and damage limiting forces promise our nation reasonable protection from a direct nuclear attack, they are not in themselves sufficient to insure that we have the ability to control to our advantage the escalation of the various types and levels of conflict. Additional strategic capabilities and obviously superior tactical and airlift forces also are required. Such forces provide the US effective and relevant alternatives to attain our objectives while controlling the intensity of the conflict.
>
> 4. In summary, we must clearly recognize the aerospace threat to our security and that our aerospace forces must have the capability to successfully counter that threat by maintaining superiority. The success of our 1968 efforts depends upon the quality and effective implementation of your plans to keep the public and Air Force people informed. Your personal attention is requested.
>
> J. P. MCCONNELL,
> *General, USAF, Chief of Staff.*

Mr. FULBRIGHT. Mr. President, in promoting its public relations objectives, the Air Force in fiscal year 1969 report they spent $9,424,000 and engaged the full-time services of a staff of 944. This does not include the hundreds throughout the Air Force who work at public relations on a part-time basis, as a collateral responsibility to other duties. The Office of Information, with a staff of 202,

and a 1969 budget of $3,532,432 is the focal point for the Air Force's public relations effort. I will have printed in the RECORD certain informative material concerning a number of Air Force programs, but I wish to mention in particular several which struck me as especially interesting.

I ask unanimous consent that statistical and other data on Air Force public affairs activities be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATISTICAL AND OTHER DATA ON AIR FORCE PUBLIC AFFAIRS ACTIVITIES

Q. 1. Please submit the overall costs of the Air Force Public Affairs Program. Include within your estimate the costs of personnel as well as the costs of operation and maintenance.

Answer: Fiscal Year 1969—$9,424,000.

Public Affairs is defined as all functions and activities performed for the purpose of providing official information about the U.S. Air Force through the public media and activities and functions performed for the purpose of contributing to good relations between the USAF installations and their local and regional civilian communities. The above amount includes military and civilian salaries and allowances of professional and clerical personnel, worldwide, performing public affairs activities on a full-time basis, and non-personnel operating costs.

Q. 2. Please estimate the number of officers, enlisted men and civilians who work full-time in support of the Air Force Public Affairs Program.

Answer:

Personnel engaged in public affairs

(Includes public information and community relations)

Officers	169
Enlisted men	339
Total military	508
U.S. civilians	380
Foreign nationals	56
Total civilians	436
Total personnel	944

Q. 3. With regard to the Office of Information, Department of the Air Force, please supply the following:

(a) How many officers, enlisted men, and civilians work for the Office of Information in Washington? Elsewhere?

Answer:

Washington	105
Elsewhere	97

	Total	Officer	Enlisted	Civilian
Washington (Pentagon):				
Public affairs	54	30	4	20
Internal information	20	9	2	9
Plans and programs	13	8	0	5
Other [1]	18	8	3	7
Total	105	55	9	41
Elsewhere:				
Public affairs (New York, Chicago, Los Angeles)	36	18	9	9
Internal information (Bolling AFB)	61	10	18	33
Total	97	28	27	42
Combined total	202	83	36	83

[1] Other, includes Director's Office, Security Review, and Reserve forces liaison.

Q. 3. With regard to the Office of Information, Department of the Air Force, please supply the following:

(b) What is the approximate cost, including personnel costs, for this activity?

Answer: $3,532,432.

	Total	Personnel	Travel
Washington (Pentagon):			
Public affairs		$772,376	
Internal information		289,169	
Plans and programs		203,868	
Other [1]		300,648	
Total	1,603,998	1,566,061	$37,937
			Travel and O. & M.
Elsewhere:			
Public affairs (New York, Chicago, Los Angeles)	525,253	480,579	44,674
Internal information (Bolling AFB)	1,403,181	715,821	687,360
Total	1,928,434	1,196,400	732,034
Combined total	3,532,432	2,762,461	769,971

[1] Other, includes Director's Office, Security Review, and Reserve forces liaison.

Q. 3. With regard to the Office of Information, Department of the Air Force, please supply the following:

(c) Please supply details and specific examples within the last twelve months of the activities of the following divisions and associated branches: . . . Public Information Division.

Answer:

PUBLIC INFORMATION DIVISION

The Public Information Division develops and disseminates information about the United States Air Force of interest to the public. It supervises and provides policy guidance for home and regional office activities, interpreting policy within parameters set at Department of Defense and Secretary of the Air Force level, and directing implementation on a regional basis. Also recommends command implementation through prescribed channels. All information plans and annexes are reviewed and coordinated. This overall mission is accomplished through specific actions of the three branches reported below.

INFORMATION DEVELOPMENT BRANCH

The Information Development Branch develops short and long range story ideas and places them with all types of communication media through liaison with field extension offices, regional communication media, and other division branches. It acquires photography from Aerospace Audio-Visual Service (AAVS) in support of the USAF public information program; coordinates Air Force participation with national television, radio, and film industries with Office, Secretary of Defense authorities; and coordinates and clears all Air Force films and scripts intended for public exhibition. It is the coordinating agency for all proposed motion picture scripts either by the Air Force for internal training or informational purposes or by an Air Force contractor. Specific example of projects undertaken during the last twelve months include the following:

1. Arrangements were made, with approval obtained from OASD(PA), for the use of Air Force Eastern Test Range facilities and equipment to support the Columbia Pictures film production, "Marooned." Cooperation consisted of the use of a CH-3E helicopter for three days to film the rescue spacecraft being carried up the Banana River and across Merritt Island to launch complex 41; clearance and operational coordination through the Director of Range Operations for a civilian photography helicopter to operate from Cape Kennedy Air Force Station; and use of from one to three Air Force vehicles for ten days. Accounting and documentation procedures were worked out with the Range Contract Management Office, the Staff Judge Advocate, and the Base Comptroller. Columbia was billed $8,868.81 for Air Force support.

2. A weekly film clip program was started to provide service to 450 commercial television stations which requested the service. They are sent a color, television clip, approximately one minute long, featuring Air Force people and things. American Forces Television Stations also receive this service. Total annual budget is $100,000.

3. The "Pro Sports Report" recorded radio program is produced weekly for about 150 commercial radio stations. It carries an Air Force promotional spot announcement. Total annual cost is $4,680.

SPECIAL PROJECTS BRANCH

The Special Projects Branch conducts the Air Force books and magazine features program. It maintains the Air Force story book and recommends marketing procedures for these themes and performs liaison with industry concerning public information programs of mutual interest. Specific examples of projects undertaken during the last twelve months include the following:

1. During July to December 1968 the branch assisted authors and publishers in 46 book projects and 109 magazine projects. Much of this work is long range: some books have been three years in production; editors may delay or cancel publication of authorized articles.

2. The branch gathered detailed background information, prepared biographical data and the citation for Medal of Honor presentation to Lt. Col. Joe M. Jackson. The President made the presentation in a Joint Service Ceremony at the Pentagon, January 16, 1969.

3. Arranged for a photo story about Miss Leilani Bauzon, a Philippine national who the Military Airlift Command flew from the Philippines to Houston, Texas for heart surgery. Photo story materials were sent to Clark AB Office of Information for coordination with USIS and possible local release.

MEDIA INFORMATION BRANCH

The Media Information Branch acquires, prepares, staffs, and releases current printed news material about U.S. Air Force operations intended for public dissemination either voluntarily or in response to inquiry. The branch releases information to printed news media through OASD(PA); acquires pictorial and audio materials as needed; and

monitors Air Staff offices for public information developments. It organizes, conducts, and monitors, in coordination with OASD (PA), national media tours of major commands and bases, and arranges media interviews and news conferences for members of the Air Staff and Office of the Secretary. It provides press guidance for public appearances of senior Department of the Air Force officials and furnishes current information materials and policy to field extension offices. Specific examples of projects undertaken during the last twelve months include the following:

1. The branch proposed routine releases to OASD(PA) during FY 69 on topics such as general officer promotions and reassignments, change of command actions, activation and deactivation of Reserve units, AFROTC unit changes, etc.

2. High interest news projects, both proposed releases and answers to news media queries, covered topics such as the F–111 aircraft system, Alaskan Communications System, alleged fuel thefts in Thailand, Minuteman II missile system, Israeli and Jordanian pilot training, and the B–1 (formerly AMSA).

3. One hundred and ten requests for newsmen to accompany airlift flights were staffed and forwarded to OASD(PA) for consideration.

4. The branch arranged and/or took part in 85 news media interviews with Air Force officials during FY 69.

Q. 3. With regard to the Office of Information, Department of the Air Force, please supply the following:

In the above requested information, it is expected that you will include a listing of all radio, television, and film production undertaken in whole or in part with support from the Department of the Air Force, along with the funds allocated to each specific production.

Answer:

AIR FORCE RADIO, TELEVISION, AND FILM PRODUCTION

1. *Air Force News Review.*—Monthly. Fifteen minute, black-and-white film report on Air Force missions and people designed primarily to inform Air Force people. Each month 725 prints are sent to Air Force installations for use in Commander's Call programs and American Forces Television broadcasts. Annual cost is about $343,000.

2. *American Forces Radio and Television Service TV Spots.*—Twelve information and news feature TV spots are produced each year in 50 copies for all AFRTS studio originator TV studios to retain. Annual cost is about $7,000.

3. *Khesanh, Victory for Air Power, Special Film Report FR 1009.*—Fifteen minute, color film on the battle of Khesanh primarily for internal showings. 325 prints. Cost was about $21,000.

4. *Christmas Television Show.*—Thirty minute, color video tape production. Twenty-two tapes produced and circulated for use. AFRTS produced black-and-white film versions for distribution to their TV stations. Air Force Recruiting Service and Information Officers distributed the video tapes on a rotation basis to 204 CONUS commercial television stations. Cost was about $5,200.

5. *Pro Sports Report.*—Weekly. Recorded five minute radio sports feature containing an Air Force feature spot announcement. Distributed to 150 major market commercial radio stations. Annual cost is about $4,680.

6. *Profile Radio Service.*—Monthly. Recorded radio program of Air Force feature material designed for three times a week programming. Each record contains 12 to 15 feature segments up to 90 seconds in duration. Broadcast by 1,139 commercial and AFRTS stations. Annual cost is about $9,300.

7. *Serenade in Blue.*—Weekly. Thirty minute recorded radio series featuring units of the United States Air Force Band and guest talent; primarily for recruiting purposes. Broadcast by approximately 4,000 commercial and AFRTS stations. Annual cost is about $10,000.

8. *Christmas Radio Show.*—Recorded annual production distributed the same as the Serenade in Blue program, above. Voice of America has also broadcast the musical variety program since 1964. Program consists of one record containing two individual 25 minute programs. Cost was about $3,400.

Q. 3. With regard to the Office of Information, Department of the Air Force, please supply the following:

(d) Please supply reports on public affairs activities produced by subordinate commands and forwarded to the Office of Information during the past twelve months.

Answer:

PUBLIC AFFAIRS REPORT

There are three public affairs reports that are either submitted by subordinate commands or compiled by the Office of Information, Office, Secretary of the Air Force (SAFOI) from data furnished, wholly or in part, by subordinate commands. Each of these is described below and copies are supplied, as indicated, in the reports file that accompanies this reply.

1. *Schedule of Significant Events, Appearances, and Speeches.*—Published monthly and distributed to field organizations. Lists data for USAF Band engagements, Air Force Air Demonstration Team (Thunderbirds) schedule, and Air Force Orientation Group exhibits. Twelve reports supplied.

2. *Community Relations Report.*—Reports Control Symbol (RCS): DD–PA (SA) 65. Semiannual report required by Office, Assistant Secretary of Defense (Public Affairs). Subordinate Air Force commands report data are used by SAFOI to compile the consolidated Department of the Air Force report. Command reports are disposed of after six months. The consolidated Department of the Air Force report for January–June 1968 is supplied. Subordinate command reports covering July–December 1968 are also supplied. U.S. Air Forces in Europe and Pacific Air Forces report through the Unified Commands directly to the Office of the Assistant Secretary of Defense (Public Affairs) in accordance with Department of Defense Directive 5410.18, "Community Relations."

3. *Use of Military Carriers for Public Affairs Purposes,* RCS: DD–PA (M) 591.—Monthly report required by OASD(PA). Forty-one command reports received during Fiscal Year 1969 contained details about military carriers used for public affairs purposes, as required, and have been supplied. Other monthly command reports received for FY 1969 stated that military carriers had not been used for public affairs purposes during the reporting period.

Q. 4. Please supply information on the activities of the USAF TV Center under the Management Division of Secretary of the Air Force. List, in this connection, every center available for viewing either directly or indirectly manned by service personnel. Please supply a list of each production for the past twelve months, a brief synopsis of its contents, and its costs. Also describe the manner of its distribution.

Answer:

HQ USAF TV CENTER

1. *Mission.*—The mission of the HQ USAF TV Center, as approved by the Air Council, is to apply closed circuit television (CCTV) as a management tool to communicate current information and data to the Secretariat and Air Staff.

2. *Activities and functions.*—The mission is accomplished by direct video feed to selected staff agencies and production of video tape briefings for presentation to key officials "on demand" to fit their schedules. The Center maintains a capability for off-the-air television distribution to the viewing centers within its CCTV system. It can produce color and black-and-white video tape recordings of briefings and presentations in its studio as well as present them "live" to Pentagon CCTV circuit users. Video taped briefings or kinescope recordings can be made available to the requesting staff agency for additional distribution.

3. *Viewing centers.*—All HQ USAF TV Center viewing centers are located in the Pentagon. They consist of the TV Center, seven Air Force conference rooms, and the offices of eight officials: Secretary of the Air Force, Chief of Staff, Vice Chief of Staff, Deputy Chiefs of Staff for Systems and Logistics, Plans and Operations, Research and Development, the Comptroller of the Air Force, and the Director of Operations.

4. *Products, fiscal year 1969.*—A list of the 38 productions of the HQ USAF TV Center during Fiscal Year 1969 is contained in the following five pages, including synopsis, costs, and distribution.

Title	Cost	Synopsis	Distribution
Southeast Asia TV Briefing	[1] $43,150	Used by Air staff to keep current in operations, intelligence, and special items of interest in SEAsia. SECRET/NOFORN.	Videotape playback to Air staff plus 5 videotape copies to Air Force installations.
Prime 69	1,100	Assistant Secretary of Defense (Comptroller) discussion on evolutionary step in DOD budget/account system.	1 film copy to DSA, 7 videotape copies to AF installations, videotape playback to Air staff.
MILSCAP	1,200	The mechanical interchange, via autodin of logistics and financial info contained in a contract.	Videotape playback to Air staff, 21 film copies to major air commands.
GUTENBERG 20th century	1,400	Describes the purpose and use of the lexical graphical composer printer.	Videotape playback to Air staff, film copies to major air commands and separate operating agencies.
Airman promotions new look	1,150	Describes improvements made in airman promotion system including weighted factor selection system.	Videotape playback to Air staff, Air Force-wide film distribution.
F–12/F–106	700	Operational comparison of the two aircraft. SECRET/NOFORN	Videotape playback to Air staff.
Humanitarian reassignment	750	Describes humanitarian reassignments in the Air Force and its guidelines.	Videotape playback to Air staff, Air Force-wide film distribution.
Date of rank promotion	750	Explanation of the officer promotion system versus the service system.	Videotape playback to Air staff, Air Force-wide film distribution.
Chief Chaplain of the Air Force	350	Orientation and welcome by Major General Chess for new chaplains	Air Force Chaplain School, Maxwell AFB, Ala.
Introduction to AF EOD	1,700	Introduction to Air Force ordnance for Air Force students at the basic E.O.D. course.	Videotape copy to Navy E.O.D. School.
Regular Air Force appointments	600	This subject covers background of how the program was established and the legal basis for its existence.	Videotape playback to Air staff, one-inch videotape copy to USAF MPC, Air Force-wide film distribution.
Army civil disturbance	1,500	Used by the Army to brief new personnel on the functions of the Civil Disturbance Center plus school training.	Videotape playbacks for Army, film copies in Pentagon and in selected Army schools.
Microwave demonstration	500	Explanation of the uses of secure microwave system	Videotape playback to Air staff.

Footnote at end of table.

Title	Cost	Synopsis	Distribution
Basic security	$650	Describes common causes of security deviations and actions necessary to avoid violations.	Videotape playback to Air staff for security training.
Weapon systems acquisition	2,350	Explains present DOD management views regarding the weapon systems acquisition processes.	Videotape playback for OSD, DOD, and Air staff.
N. E. Monsoon interdiction campaign	2,900	Briefing emphasizes force management and application in accomplishing interdiction objectives. Program is classified Secret/NOFORN.	Triservice staff level viewing.
Fiscal briefing	2,000	Hq Marine Corps Deputy Fiscal Director briefing by Gen. Edwing H. Simmons.	One videotape loaned to Marine Corps for their use in briefings.
LITE	2,350	An introduction to the legal information through electronics computerized legal research for military services.	Videotape playbacks to Air staff.
Children have a potential (CHAP)	550	Briefing by the Surgeon General outlining responsibilities of the director of base medical services in the CHAP program.	Videotape playback to Air staff, Air Force-wide film distribution by the film library.
CMSgt of the Air Force top 3 program	400	Describes ways the top 3 noncommissioned officers can aid in retaining the most desirable airmen.	Air Force-wide film distribution, videotape playback to Air staff.
NCO control and office career management	1,150	Describes ways personnel in transportation fields are controlled for assignment after tours overseas.	3 film copies for use during briefings overseas.
Fast-Val	900	Forward air strike evaluation briefing presents a Rand method of computing the amount of close air support required to produce a desired influence on fire fight. Program is classified SECRET/NOFORN.	Videotape playback to Air staff and Army staff.
Deputy for strike support	2,700	Summarizes the year's accomplishments and goals to be reached—used to brief incoming personnel.	Videotape playbacks to Air staff.
Trial tips and trial techniques	1,700	Effective techniques and principles for trial and defense counsel before courts martial, designed to assist lawyers new to military trial work.	Videotape viewing by Air staff, Air Force film distribution (circuit).
HQ Command	1,300	Headquarters command orientation briefing on their mission	Three film copies to HQ Command.
War games	6,750	Classified war games (4 games during fiscal year 1969). Program is classified SECRET/NOFORN.	Joint war games agency cleared videotape playbacks only.
Government value	1,700	This tape identifies and describes methods for the determination of value to the Government as related to the structuring of multiple incentive contracts.	Triservice selected film distribution.
Organization and maintenance of defense communications.	2,350	Covers trends toward centralized control of military communications.	Videotape playback to Air staff only.
Chief of Chaplains	250	Welcome and orientation for senior and advanced chaplains' classes.	Film copy sent to Maxwell AFB for chaplains' school courses.
DINFOS	1,900	Public affairs responsibilities in civil disturbances	Videotape sent to DINFOS for their use in school training.
ASDC transition briefing	11,150	Describes operations and functions of the various offices under the ASD (Comptroller).	Videotape playbacks to Air staff.
Underwater TV	1,350	Composite of several videotapes taken underwater, used by IG nuclear safety.	Film sent to Kirtland AFB, N. Mex.
During the past year, 5 video tapes were produced and made available for possible public release by SAFOI and other Government agencies:			
Marketing crafts	200	A discussion of value of cooperative craft guilds to raising economy of the Appalachian area.	Released by the Department of Agriculture to Appalachian area TV stations.
Pentagon forum "Joint Chiefs of Staff"	1,500	A discussion on the functions and responsibilities of the Joint Chiefs of Staff.	Released by AFRTS for their distribution to Armed Forces Radio and TV stations.
Welcome home	100	General Ryan welcomes home the Colorado Air National Guard after their year in Vietnam.	One videotape to SAFOI for their required distribution.
None	50	A film-to-videotape dubbing to be used by a TV station in Atlanta, Ga., on the life of Senator Russell.	One videotape to SAFOI for their required distribution.
Pentagon forum "General McConnell"	300	General McConnell, Air Force Chief of Staff, answered questions on current Air Force topics.	Videotape copy to AFRTS.

[1] For 28 briefings.

Q. 5. Also supply in detail the activities of the Air Force Audio-Visual Service. Include within that report the costs of operating the service (which I understand is carried under Airlift Command), its products for the last twelve months that were made available, directly or indirectly, to civilian audiences. Please supply a catalog of films produced and available for distribution to the public by the Air Force Audio-Visual Service.

Answer:

AEROSPACE AUDIO-VISUAL SERVICE (AAVS)

1. *Organization and mission.*

a. The Aerospace Audio-Visual Service (AAVS), under the Military Airlift Command (MAC), is equivalent to a numbered Air Force. Its headquarters location is Norton AFB, California. AAVS is responsible for providing audio-visual products and services to the Air Force.

b. The mission of AAVS encompasses still photo and motion picture documentation, optical instrumentation, still and motion picture production, still and motion picture depository services, motion picture distribution, and television.

2. *Activities and functions.*

a. Documentation. This program provides the Air Force an enduring audio-visual account of significant events, current operations, and training exercises. Documentation is accomplished by recording these activities on motion picture film, video tape, and still film. Coverage includes combat activities in Southeast Asia.

b. Optical Instrumentation. This is the art and science of using a camera to observe and record physical events and, at the same time, recording precise time signals on the film which can be used to correlate the event with time. AAVS furnishes these services to the Air Force Western Test Range, headquarters at Vandenberg AFB, Calif., in support of Strategic Air Command and Air Force Systems Command requirements and to the nuclear test sites in the Pacific Ocean and Nevada in support of Defense Atomic Support Agency requirements.

c. Audio-Visual Productions AAVS is the single agency responsible for production and procurement of Air Force motion picture films. The Air Force uses the productions primarily for education and training, recruiting, and airmen motivation purposes.

d. Depositories. AAVS operates and maintains depositories that acquire, preserve, and store Air Force audio-visual products, principally original photography, video tapes, and sound recordings of contemporary and enduring historical value. They range from films of the early developments in aviation to the latest combat documentaries from South-east Asia.

e. Distribution. AAVS manages a central film library at Norton AFB and eight overseas regional libraries to distribute audio-visual products to authorized users.

f. Television. There are two fixed TV facilities installed at Los Angeles AFS and Hill AFB, Utah to support management and training requirements, respectively. In addition there are two mobile television facilities, each consisting of a trailer truck van containing a four-camera production studio. The mobile facilities currently support training of Air Materiel depots civilian work force. The vans are air transportable.

3. *Budget.*—The AAVS operating budget for FY 70 is $10.9 million.

4. *Film production.*—During FY 69 AAVS produced 148 films and 36 TV film clips. Twenty-four films were cleared for public viewing. The TV film clips were released to the public. Production by categories was as follows:

	Productions	TV film clips	Cleared for public showing
Special film projects	28	----------	10
Film reports	76	----------	14
Training films	44	----------	0
TV film clips	----------	36	36
Total	148	36	60

5. *Films for public exhibition.*

a. Air Force films which are cleared for public showing are listed in AF Manual 95–2, Air Force Film Directory, which is supplied with this reply.

b. Civilian agencies may obtain cleared film by:

(1) Mailing a request to:

Air Force Audio-Visual Center.
USAF Central Audio-Visual Library.
Norton AFB, CA 92409.

(2) Personally contacting the Information Officer at a local Air Force Base.

c. Requests for films are filled in the following order of priority:

(1) Active Air Force organizations.

(b) Air Force Reserve, Air National Guard, and AFROTC.

(3) Army and Navy.

(4) Air Force contractors.

(5) Other government agencies.

(6) Civil Air Patrol and Boy Scouts (Air Explorers).

(7) Authorized non-government activities such as schools, religious organizations, TV stations, civic, fraternal, and social organizations, and professional interest groups.

Mr. FULBRIGHT. Mr. President, the Information Development Branch of the Office of Information, the Air Force states:

. . . develops short- and long-range story ideas and places them with all types of communication media through liaison with field extension offices, regional communication media, and other division branches.

One of its services last year was to supply a weekly 5-minute "Pro Sports Report," which carries "Air Force promotional spot announcements," to about 150 commercial radio stations. The Special Projects Branch—

conducts the Air Force books and magazine features program. It maintains the Air Force story book and recommends marketing procedures for these themes and performs liaison with industry concerning public information programs of mutual interst.

Perhaps I am not properly attuned to the terminology of Madison Avenue but it strikes me as somewhat unseemly for a military organization to refer to its public selling effort as "marketing procedures." Other productions, aimed at radio audiences, were—

Profile Radio Service.—a short radio spot feature planned for use three times each week; it is used by 1,139 commercial and armed services radio stations.

Serenade in Blue.—a weekly 30-minute radio show broadcast by about 4,000 commercial and military radio stations.

Film production in the Air Force for public showing, was big business, as it is in all of the armed services. In the last fiscal year the Air Force film facility had a budget of $10.9 million, and produced 148 films and 36 TV film clips. Twenty-four of the films were cleared for public showing. The list of films added in the last fiscal year to the Air Force film libraries is intriguing. One film is "Exercise Pathfinder Express," described as follows:

Depicts largest airborne training exercise in Europe. Demonstrates USAF, U.S. Army, and Spanish troops in hypothetical combat situation. Pictures Morón, Spain, center of activity, where men, equipment and supplies are dropped in enemy territory. Portrays paratroopers in mass assault to secure airfield. Shows effective tactical air power with Spanish-American cooperation. Closes with proud forces marching before commanders. Depicts bullfight and reception given by Spanish people in honor of participants.

Mr. GORE. Mr. President, will the Senator from Arkansas yield at that point?

Mr. FULBRIGHT. I yield.

Mr. GORE. Is that in the name of American security?

Mr. FULBRIGHT. That is an official quotation described as "Exercise Pathfinder Express," carried on by the Air Force.

Mr. GORE. Is this expenditure for the purpose of making this Nation secure?

Mr. FULBRIGHT. It is to glorify the Air Force and procure larger appropriations from the public. That is what the ultimate objective of this whole public relations program is for, as distinguished from internal information.

Mr. GORE. I do not quite get how closing a movie with a bullfight will get more money out of Congress. That might be the purpose, but how does it operate?

Mr. FULBRIGHT. I do not justify this program. The purpose of my comments is to show that they are not justified in the public interest, nor are they justified by, or even relevant to, the security of the United States. I am only relating here what the Air Force actually does.

Mr. GORE. Will the Senator identify for whom the troops were parading? Was that before Franco?

Mr. FULBRIGHT. This was in Spain. Morón is one of the largest air bases in Spain. It is not the largest; I believe it is the second largest.

I may say this matter was discussed in a little different context before the committee, with regard to the renewal of the Spanish bases, in which we then had information with regard to the cooperative exercises between our forces and the Spanish forces.

Mr. GORE. Does the Senator think that we could dispense with this kind of expenditure without injuring the security of the country?

Mr. FULBRIGHT. I most certainly do. That is the whole purpose of these comments.

In view of the concern of many members of the Foreign Relations Committee over U.S. military involvement in Spain, I am sure that this film, showing our servicemen fighting alongside the Spanish forces in quelling a rebellion, will be of considerable interest to a number of Senators. I have obtained a print of this film from the Air Force.

Another 1968 addition is "The Other Side of the World" which:

Documents civic action programs conducted in Thailand's rural areas by Air Force's 606th Air Commando Squadron. Shows operation of medical and dental clinics and construction of sanitation facilities. Also depicts educational programs for children.

Until seeing this listing I had not realized that our military forces in Thailand were engaged in what would appear to be a Vietnam-style pacification program. Perhaps the committee might learn more about the American presence around the world in watching Defense Department movies than it does in briefing by executive branch officials. This particular Air Force program in Thailand is now being phased out.

I ask unanmous consent that the list of Air Force films be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF AIR FORCE FILMS

(Cleared Since June 10, 1968, Issue of AFM 95-2, Vol. II, Air Force Film Directory)

AUGUST 1, 1969.

AFIF 164—THE UNITED STATES STRIKE COMMAND

Depicts mission, organization and worldwide areas of responsibility of U.S. Strike Command (USSTRICOM), a composite of Army ground forces and Air Force tactical units. Shows how USSTRICOM's highly flexible, fast operating methods support normal Middle East operations and provide instant response to world-wide trouble spots and disaster areas. Depicts large and small scale maneuvers and exercises that keep USSTRICOM in constant readiness. 21 Min. Color. 1967. PE, TV, PS.

AFIF 171—THE FIRST TUESDAY AFTER THE FIRST MONDAY

Traces history and evolution of presidential voting in this country from election of George Washington. Depicts creation of the two-party system, the caucus, absentee ballot and women's voting rights. Shows how cross-country campaigning has grown from whistle stops and motor calvacades to modern air travel and television debates. Stresses importance of every eligible person exercising the right to vote. 20 Min. B & W. 1967. PE, TV.

AFIF 172—KNOW YOUR ENEMY—THE VIETCONG

Presents captured Viet Cong (VC) films produced as propaganda to promote the VC cause but which reveal how the VC operates. Footage includes combat briefings and operations, logistics, modes of transportation, sabotage activities, hospital facilities, printing activities, VIP visits, and recreational functions. 22 Min. B & W. 1968. PE, TV.

AFIF 177—TRIP—TRIP TO WHERE?

Shows effects of unauthorized use of drugs such as barbiturates, amphetamines, marijuana and LSD. Depicts the "bad trip" experience that can result from using LSD. Points out how the operational effectiveness of personnel with vital missions can break down because of an experience recurring without warning. 50 Min. Color. 1968. PE, TV, TH, PS.

AFIF 182—COUNTERINSURGENCY

Spotlights subversive insurgency and action that can be taken by troubled nations to meet problem. Defines counterinsurgency and its many-faceted elements. Explains how subversive elements develop and shows responsibility of nation involved. Introduces main objective of counterinsurgency and what makes up a balanced, effective effort. 29 Min. Color. 1969. PE, TV.

AFNR 145—AIR FORCE HIGHLIGHTS 1967

Highlights significant Air Force events and achievements: Southeast Asia combat and support documentation; transatlantic helicopter flights; participation in exercises in Spain and Norway; civic activities and military training in South America; reserve—82nd Airborne exercise; award highlights; a tribute from Col. Robin Olds, Viet-nam ace; and introductions to the F–111A SR–71, Navy A–7, and the C–5. 26 Min. Color. 1967. AF. PE, TV, TH, PS.

AFNR 146—AIR FORCE NEWS REVIEW NO. 146

Cost reduction awards at Air Force Academy; enlisted man's career conference at Scott AFB; and Southeast-Asia highlights of Khe Sanh air drops, medical civic action, B–52 bomb loading in Thailand, and airstrikes. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 147—AIR FORCE NEWS REVIEW NO. 147

Medal of Honor awarded posthumously to Capt. Hilliard A. Wilbanks, F–111A demonstrates combat potential, F–106 Delta Darts (ADC) simulate combat sortie, Air Force aids snowbound Navajo Indians, 12th Air Force gets Minuteman flag, troops and equipment airlifted to Vietnam in Eagle Thrust, HH–53 helicopter arrives in SEA, and General McConnell visits SEA units. 14 Min. B&W. March 1968. AF. PE, TV, TH, PS.

AFNR 148—AIR FORCE NEWS REVIEW NO. 148

Covers the following subjects; Medal of Honor awarded to Maj. Merlyn H. Dethlefsen, F–111 tested for combat readiness, Freedoms Foundation awards include three Air Force officers, reserves and guardsmen activated, and in Southeast Asia B–52s support ground forces in Kontum province and air power supports Marines at Khe Sanh. 14 Min. B&W. April 1968. AF, PE, TV, TH, PS.

AFNR 149—AIR FORCE NEWS REVIEW NO. 149

Lockheed rolls out C–5 aircraft, F–111 tested at Fort Worth. 317th Fighter Intercepter Squadron at Elmendorf wins Hughes Trophy, AF civic action helps Vietnamese, Operation San Angelo airlifts men and equipment to Song Be, C–123s airlift Vietnamese paratroopers in Operation Van Kiep paradrop, 12th Tactical Fighter Wing marks 50,000th sortie at Cam Ranh Bay and Skypoint air-strikes highlighted. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 150—AIR FORCE NEWS REVIEW NO. 150

WAF marks 20 years' service; C–9A, newest aeromed aircraft unveiled; Air Force Association convenes; OV–10A Broncos tested for forward air controller; Vietnamese Air Force operates helicopter squadron; flight nurse at Tan Son Nhut describes work; and airdrop supports Khe Sanh. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 151—AIR FORCE NEWS REVIEW NO. 151

Bunker Hill AFB renamed after astronaut Grissom, F–103s deployed to Korea, Secretary Brown tours SEA, C–7A Caribou resupplies Special Forces camps, Operation Hi-Drink (ship-to-helicopter refueling) proves worthwhile, O–2A crew rescued, AC–47 (Spooky) loads up at Da Nang, and SEA air-strikes highlighted. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 152—AIR FORCE NEWS REVIEW NO. 152

Air Force Academy's largest graduation class; 8th Infantry Division at Rhein-Main in first para-drop from C–141s in Europe; 120th Tactical Fighter Squadron, first ANG unit to SEA; Hennessy trophy for dining hall at Phu Cat AB; flight line vignettes, SEA; and Gen. Westmoreland's farewell to SEA. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 153—AIR FORCE NEWS REVIEW NO. 153

C–5 Galaxy completes maiden flight, SAC KC–135 crew receives MacKay Trophy, NATO nations compete in air reconnaissance, Inter-American Air Forces Academy marks 25th year, Vietnamese pilots switch to A–37 fighters under USAF instruction, and Cam Ranh Bay squadron commander describes airpower mission in South Vietnam. 13 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 154—AIR FORCE NEWS REVIEW NO. 154

Gen. John P. McConnell starts new term as Air Force Chief of Staff, AF crews from ARRC (Atlantic) compete in NATO helicopter meet, CAC succeeded by AF Reserve, Maintenance men of 35th TFW (SEA) receive Daedalian trophy, and tactical airlift crews in SEA transport three-millionth ton of cargo. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 155—AIR FORCE NEWS REVIEW NO. 155

6555th Aerospace Test Wing launches minute-man III, F–111C is delivered to Royal Australian Air Force, USAFE munitions crews compete in "Loadeo" contest, C–119 becomes flying gunship, 37th Security Police Squadron provides perimeter security at Phu Cat, and F–4's and F–100's strike enemy targets. 14 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 156—AIR FORCE NEWS REVIEW NO. 156

AF Academy/Navy football game; Project Deep Furrow tests airpower readiness of NATO units, F–102s and F–5s strengthen air defense of South Korea; and SEA highlights cover effectiveness of manpack radar in aircraft control, super FACs over enemy territory, VNAF Academy training, and AF nurse cited for heroism. 13 Min. B&W. 1968. AF. PE, TV, TH, PS.

AFNR 157—AIR FORCE NEWS REVIEW NO. 157—HIGHLIGHTS OF 1968

Chief of Staff Gen. J. P. McConnell salutes USAF personnel for 1968 accomplishments and pays tribute to air and ground crews in Southeast Asia; C–141s airdrop troops in Germany; Inter-American AF Academy at Albrook marks 25th year; AFA honors 22 outstanding airmen; SAC crew receives MacKay trophy; 35th TFW wins Daedalian trophy; OV–10, F–111, C–9, C–5 and Minuteman III ICB make debuts; President Johnson calls up ANG and reserves; HQ AFR replaces CAC at Robins; AF flies supplies to stranded Navajos; and Southeast Asia highlights include TAC airlifts, chopper rescues, aeromedical evacuations, civic action programs, Khe Sanh support, B–52 operations, and tactical operations. 30 Min. Color. 1969. AF. PE, TV, TH, PS.

AFNR 158—AIR FORCE NEWS REVIEW NO. 158

Chief of Staff Gen. John P. McConnell pays tribute to all American fighting men on Veterans Day, U.S. Marines and Air Force participate in joint airlift exercise, AF photojournalists recognized for ADC activities coverage, 64th Fighter Squadron wins Hughes Trophy, and Vietnam highlights include SAC and TAC strike missions. 15 Min. B&W. 1969. AF. PE, TV, TH, PS.

AFNR 159—AIR FORCE NEWS REVIEW NO. 159

Major William J. Knight receives Harmon International Trophy for 1968's most outstanding pilot performance; 512th Military Airlift Wing earns MAC recognition for 100,000 accident-free flying hours; aerospace rescue and recovery crews evacuate sick and injured seamen from carrier USS Enterprise; USAF pilots instruct Vietnamese in C–119 operations; Air Force airmen serve as foster fathers to South Korean orphans. 14 Min. B&W. 1969. AF. PE, TV, TH, PS.

AFNR 160—AIR FORCE NEWS REVIEW NO. 160

Airlift starts REFORGER/CRESTED CAP exercise to Europe; parachute landings at Aerospace Defense Command Life Support Training School; training of sentry dogs; activities of 14th Aerial Port Squadron at Cam Ranh Bay; South Vietnam crews blast to make helicopter landing zone; downed aircrew members in Southeast Asia are brought back from combat by HH–53 helicopter; jets in South Vietnam support ground missions. 15 Min. B&W. 1969. AF. PE, TV, TH, PS.

AFNR 161—AIR FORCE NEWS REVIEW NO. 161

Robert C. Seamans, Jr. becomes Secretary of AF; arctic AF men get survival training; C–9 simulator-trainer flight nurses graduate; Easter services in South Vietnam; royal Thai Air Force crews join USAF's 19th Special Operations Squadron in airlift at Tan Son Nhut; security is assignment of 377th Security Police Squadron at Tan Son Nhut AB; combat missions of 6th Special Operations Squadron at Pleiku. 15 Min. B&W. 1969. PE, TV, TH, PS.

AFNR 162—AIR FORCE NEWS REVIEW NO. 162

Apollo 8 astronauts receive H. H. Arnold trophy at AF Association convention; USAF Pilot Training School provides pilot training to foreign military students; chimps stand in for man-in-space at Aerospace Medical Research Laboratory; Tactical Air Command wins AF Worldwide Wrestling tournament; rapid medical evacuation and medical care in Southeast Asia. 14 Min. B&W. 1969. PE, TV, TH, PS.

AFNR 163—AIR FORCE NEWS REVIEW NO. 163

Test flight of X–24A lifting body; training in professional services at AF Medical Service School; military aircraft become sleeping fleet at aircraft storage and disposition center; Clark AB perimeter patrolled by horse patrol; concrete and steel protect fighter-bomber aircraft in Vietnam; Vietnamese fighter squadron flies A–37 jets. 11 Min. B&W. 1969. PE, TV, TH, PS.

AFNR 164—AIR FORCE NEWS REVIEW NO. 164

Tribute to retiring Chief of Staff, General J. P. McConnell; training under way for A–7D Corsair II, newest tactical close air support aircraft; flying performance and environmental control begins on C–5 Galaxy at Edwards AFB; sixteenth AF personnel in Spain celebrate annual western style rodeo at Seville; profile of Reserve unit recalled to Southeast Asia and their AC–119 gunships; President Nixon honors 675 cadets on USAF Academy's 11th graduating class. 13 Min. B&W. 1969. PE, TV, TH, PS.

FR 851—BIRD/AIRCRAFT STRIKE HAZARDS

Reviews bird strike hazards to aircraft and aircrews. Shows canopy and fuselage damage to several aircraft and cites loss of several lives. Discusses ratios of given bird weights, aircraft speeds, and pounds of impact pressure. Cites critical geographical areas during migrating seasons and at certain times of day. Offers helpful suggestions for avoiding strikes. 11 Min. Color. 1967. PE, TV, TH, PS.

FR 878—LANDING WEATHER MINIMUMS INVESTIGATION

Studies problems facing pilots making approaches under low visibility conditions. Depicts landings in deep, shallow and cloud base fog; in drizzle with and without windshield wipers; and with misaligned instruments. 22 Min. Color. 1967. PE. (Professionally interested groups)

FR 885—USAF COMBAT PHOTOGRAPHY—SOUTHEAST ASIA

Highlights advance of photography since Civil War. Shows how it serves as link between policy makers, major command heads, and men in field. Explains functions of combat photo groups such as 600th Photographic Squadron in Saigon. Stresses importance of historical documentation. Shows airstrikes filmed under direct enemy attack and films rushed to laboratory nerve centers for automatic processing and evaluating. Shows Aerospace Audio Visual Service (AAVS) pod installation and development program. 27 Min. Color. 1968. PE, TV, TH, PS.

FR 906—THE SPARROW HAWKS

Pays tribute to forward air controllers who fly hazardous spotting missions in Southeast Asia. Shows how pilots plan and carry out their task of searching for and marking enemy positions for immediate air strikes. 9 Min. Color. 1968. PE, TV, TH, PS.

FR 941—EXERCISE PATHFINDER EXPRESS

Depicts largest airborne training exercise in Europe. Demonstrates USAF, U.S. Army, and Spanish troops in hypothetical combat situation. Pictures Morón, Spain, center of activity, where men, equipment and supplies are dropped in enemy territory. Portrays paratroopers in mass assault to secure airfield. Shows effective tactical air power with Spanish-American cooperation. Closes with proud forces marching before commanders. Depicts bull fight and reception given by Spanish people in honor of participants. 17 Mi. Color. 1968. PE, TV, TH, PS.

FR 990—THE OTHER SIDE OF THE WORLD

Documents civic action programs conducted in Thailand's rural areas by Air Force's 606th Air Comando Squadron. Shows operation of medical and dental clinics and construction of sanitation facilities. Also depicts educational programs for children. 15 Min. Color. 1968. PE, TV.

FR 1002—UNITED STATES AIR FORCE IN SOUTHEAST ASIA—1967

Presents a general documentary on Air Force operations in Southeast Asia during 1967. Highlights include air rescue, reconnaissance, airstrikes, security, crash and rescue, assault airlift, night operations, forward air control, and airborne command post activities. 28 Min. Color. 1968. PE, TV.

FR 1016—101 CRITICAL DAYS

Launches Air Force summer accident prevention campaign. Cites interval from Memorial Day through Labor Day as critical period for accidents. Urges strict observance of safety rules by swimmers, boaters and motorists. Explains need for common sense, courtesy and respect for potential accidents. 6 Min. Color. 1968. PE, TV, TH, PS.

SFP 1542—THE CHALLENGE OF THE UNKNOWN

Depicts Air Force scientific research activities on matter, energy, life and the atom. Shows sophisticated telescopic, photographic, electronic and spectographic equipment used in advancement of research and technology. Points out some of the wonders of science such as development of crystals, LASER research, plasma studies, observance of solar activity, and development of sources of energy. Describes progress in missiles, aircraft and space projects. Defines role of Air Force Office of Aerospace Research in providing man with an endless source of knowledge in these areas. 25 Min. Color. 1967. PE, TV, TH, PS.

SFP 1544B—MEDAL OF HONOR—TWENTY-FIVE YEARS LATER

Maj. General Pierpoint M. Hamilton, in a personal interview, recalls his dangerous mission in the daring invasion of North Africa in 1943. 7 Min. B&W. 1968. PE, TV, TH, PS.

SFP 1544E—MEDAL OF HONOR—CAPT. JAY ZEAMER

Cites Captain Zeamer, bomber pilot, for heroism during WW II reconnaissance mission. 5 Min. B&W. 1967. PE, TV, TH, PS.

SFP 1544I—MEDAL OF HONOR—TRY, TRY AGAIN

Pays tribute to Lt. Edward S. Michael who, though severely wounded, managed to bring his damaged aircraft back from a fierce air battle during WW II. 5 Min. B&W. 1967. PE, TV, TH, PS.

SFP 1544P—MEDAL OF HONOR—ONE FOR ONE

Pays tribute to Maj. Bernard Fisher, first Vietnam hero to receive the Medal of Honor, for saving a fellow pilot's life in the Battle of A Shau. 5 Min. B&W. 1957. PE, TV, TH, PS.

SEP 1544Q—MEDAL OF HONOR—CAPT. HILLIARD A. WILBANKS

Cites the late Capt. Wilbanks, a forward air control pilot, for saving the lives of many Americans by using his small plane to divert enemy fire in Vietnam combat. 10 Min. Color. 1968. PE, TV.

SFP 1571—MEN OF MAINTENANCE—SOUTHEAST ASIA

Highlights aircraft maintenance operations in Southeast Asia and presents an insight into the life of the maintenance man there. Depicts specialized personnel using sophisticated electronic equipment to check out complex aircraft systems. Shows how the men work against time and under adverse weather and combat conditions. Interviews maintenance specialists who explain their jobs and attitudes toward their work. Also takes a look at some of the living conditions. 15 Min. Color. 1968. PE, TH, TV, PS.

SFP 1586—AIR FORCE LOGISTICS IN SOUTHEAST ASIA

Shows how Air Force Logistics Command employs modern technology, automation, and airlift in supplying materiel and services to Southeast Asia. Illustrates magnitude of providing everything needed to build and maintain Air Force installations, feed and house personnel, and keep parts, equipment and supplies moving through a 10,000 mile pipeline. 20-½ Min. Color. 1968. PE, TV, TH, PS.

SFP 1652—BUT HOW DOES IT FLY?

Documents test engineering activities at Air Force Systems Command (AFSC) Flight Test Center. Explains operations of various branches which plan, conduct and evaluate all phases of testing. Shows in-house capabilities such as flight simulator. Illustrates use of telemetry and closed circuit television. Analyzes aircraft performance, capabilities and limitations. Demonstrates how to detect malfunctions and to test equipment against design limitations. Shows how flight characteristics are determined by monitoring every phase of flight. Covers technical reports, guide manuals, and operational handbooks. 25 Min. Color. 1969. PE, PS. (Limited to professionally interested groups only.)

SFP 1680—THE AIR UNIVERSITY

Depicts the Air University mission. Outlines AU's curricula, objectives and methods of instruction in its Air War College, Air Command and Staff College, Officers' Squadron School, Institute of Technology, and extension courses. Explains how the university's wide field of teaching is designed to advance officers and airmen in their careers. Depicts courses in engineering, electronics, nuclear physics, logistics, advance weapon systems, missilery, language, leadership, etc. Also explains the AFROTC two and four-year programs. 28 Min. Color. 1968. PE, TV, TH, PS.

SFP 1684—AIR FORCE ROTC COMES OF AGE

Marks 21st Anniversary of Air Force ROTC. Traces AFROTC history, traditions and growth. Emphasizes its role in the training of future Air Force officers. Explains provisions of the scholarship program. Shows flight training, aerospace studies, and field trips to Air Force installations. Also reviews history of military training in schools and colleges during the past two centuries. 28 Min. Color. 1967. PE, TV, TH, PS.

SFP 1696—THE STORY OF AN ACCIDENT REPORT—THE PAPER TIGER

Portrays mission of the Directorate of Aerospace Safety which investigates aircraft, missile, and ground accidents. Explains how the directorate's board members initiate an investigation, collect and process data, and compile a report citing causes and recommendations for prevention of similar accidents. Points out how an effective report triggers corrective action through directives, films, and printed media, 25 Min. Color. 1968. PE professionally interested groups.

SFP 1754—THE WEAPONS CONTROLLER—KEY TO EFFECTIVE AIR DEFENSE

Portrays global role of weapons controller in ADC and NORAD and describes advantageous career opportunities in this field. Depicts formal training of controllers who can advance as high as a commander at a SAGE site. Explains how our widespread air defense network enables the controller to pick a tour duty anywhere from the Arctic to the tropics. Also stresses the military importance of his position in identifying aircraft, scrambling interceptors and guiding to target. 22 Min. Color. 1968. PE, PS professionally interested groups.

SFP 1762—THE HANGUP

Shows effects of unauthorized use of drugs including barbiturates, amphetamines, marijuana and LSD. Depicts a "bad trip" experience from using LSD and shows how its sudden recurrence can jeopardize a vital mission and lives of others. Also points out how a serviceman's career is permanently damaged because of a conviction on narcotics charges. 32 Min. Color. 1968. PE, TH.

SFP 1788—A PATH TO WINGS—THE AIR FORCE ROTC FLIGHT INSTRUCTION PROGRAM

Encourages Air Force ROTC cadets to pursue a career as Air Force pilots through the flight instruction program. Shows how program determines a cadet's potential for formal Air Force training. Cites benefits of learning to fly and of possessing a pilot's license regardless of future plans. 15 Min. Color. 1968. PE, TV, TH, PS. For AFROTC use only.

SFP 1862—SPEAKING OF EXPLOSIONS

Cites hazards of unauthorized entry to test areas at Eglin AFB. Warns public against handling objects found on land and in waters surounding reservation. Explains danger of a dud and tells what action to take should certain pieces be found. Shows how ordnance drops are planned for practice and testing. Gives precise safety steps by detonation experts. Explains duties of explosion ordnance disposal unit. Shows function of certain pieces of ordnance such as bombs, flares, grenades, igniters, missiles, rockets and blasting caps. 15 Min. Color. 1969. PE, TV, TH, PS.

SFP 1864—WHY SPACE

Traces history of man's efforts to explore outer space. Discusses overall significance of the space challenge and its present and future effect on man. 7 Min. Color. 1957. PE, TV, TH, PS.

SFP 1870—BUILDING A NATION

Depicts civil action programs conducted by Air Force in Vietnam to help the people of that country raise their standard of living. Shows educational, medical and recreational activities and construction projects. 9 Min. Color. 1968. PE, TV, TH, PS.

SFP 1876—AAAARK—SOMETHING ABOUT COMMUNICATION

Defines communication and elaborates on art of communicating. Shows communications as giving purpose and meaning to life. Highlights ways of getting ideas across to others. Covers personal problems involved in communicating to others. Shows individual involvement as key to opening new vistas. Recognizes vast field of human knowledge and cites communications as only means of narrowing information gap. Shows advancement in audiovisual field and calls attention to communication media influencing the world. Challenges viewer to unlock his potential. 18 Min. Color. 1969. PE, TV, TH, PS.

TF 5992—THE UNKNOWN 36 SECONDS—AIRCRAFT ACCIDENT INVESTIGATION BOARD

Describes organization and mission of aircraft accident investigation board. Depicts its painstaking inspection of plane wreckage to determine possible electrical, mechanical, structural or hydraulic failure. Probes likelihood of crew's showing symptoms of physical or mental disability prior to crash. Concludes with findings and recommendations. 35 Min. Color. 1968. PE, TV, TH, PS.

TF 6047—FIRE PREVENTION AND THE HOME

Discusses individual responsibilities in observing fire safety in daily living. Illustrates such hazards as overloaded wiring and electric cords running under rugs. Outlines fire survival rules. Shows how carelessness and panic bring tragedy to a family. 25 Min. Color. 1968. PE, TV, TH, PS.

TF 6195—RECURRENT ANTERIOR DISLOCATION OF THE SHOULDER—SIMPLIFIED SURGICAL REPAIR

Shows surgical techniques for repairing anterior dislocation of the shoulder. Explains advantages of this operation over previous methods used. Also shows postoperative recovery of patient. 13 Min. Color. 1968. PE, PS professionally interested groups.

TF 6301—SPACE NAVIGATION

Shows techniques and equipment used in lunar missions. Summarizes accuracy achieved in interplanetary trajectory. Cites methods used in target positioning, precise ways of determining target course, and the 20th century tools in measuring. Demonstrates base tracking techniques and new optical techniques in measuring velocities. Explains how to determine current position and correct course. Stresses importance of gathering experience for more complex missions. 21 Min. Color. 1968. PE, TV, TH.

Mr. FULBRIGHT. Like the other services, the Air Force maintains an active speech bureau. The July speaking engagement bulletin lists 109 speeches and appearances by top Air Force officials. But this is only the tip of the iceberg. Throughout the Air Force, personnel are encouraged to go out and sell the Air Force program. For example, the semi-

annual Community Relations Report of the Air University, Maxwell Air Force Base, noted that:

Air University personnel made 1,574 speeches, radio broadcasts, and television appearances. Live audiences totaled almost 185,000, while the 86 television appearances and 17 radio broadcasts expanded the total audience to well into the millions. Lt. Gen. A. P. Clark, the Air University Commander, spoke on 23 different occasions.

I ask unanimous consent that the list of speakers and the Community Relations Report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. AIR FORCE—SCHEDULE OF SIGNIFICANT EVENTS, APPEARANCES, AND SPEECHES, JULY 23, 1969

This report is a monthly series of bulletins listing events of interest to Air Force units. This report includes major speeches and appearances, engagements of the USAF Band, Air Force Thunderbirds, and Air Force exhibits.

The report projects a schedule for a six-month period. IO's should utilize this schedule as a means of stimulating interest and participation in scheduled events. You are requested to forward to the appropriate SAFOIC Branch, through your major command, any events which should be included in future reports.

SPEECHES AND PUBLIC APPEARANCES (SAFOICD)

AFR 190–2 and HOI 190–7 require that speaking engagements and public appearances be reported to SAFOICD, ext: 76205/72769. (A) indicates "Appearance Only." (Date, speaker, event, and place.)

1 Aug. (A) Dr. T. C. Marrs, Visit Navy OCS, Newport, RI.

1 Aug. BGen. R. Olds, Pilot Training Grad, Vance AFB, OK.

1–3 Aug. MGen. O. B. Johnson, Air Force Association, Toledo, OH.

5–6 Aug. Gen. B. K. Holloway, Civic Leaders of Ft. Worth, Texas, Offutt AFB, NB.

6–10 Aug. MGen. P. K. Carlton, Old Fiesta Days, Santa Barbara, CA.

7 Aug. Hon. P. N. Whittaker, Workshop Sponsored by Nat Contract Mgmt. Asso., Wash., DC.

7 Aug. BGen. J. W. Hoff, Kiwanis Club, Fort Worth, TX.

7 Aug. (A) LGen. A. P. Clark, Squadron Off School, Awards Night, Maxwell AFB, AL.

7 Aug. MGen. W. C. Garland, Old Fiesta Days, Santa Barbara, CA.

7 Aug. BGen. M. Menter, JA Staff Officer Course, Maxwell AFB, AL.

7–8 Aug. (A) Dr. T. C. Marrs, Visit Air Nat Guard/AFRes Units, Ellington AFB, TX., Carswell AFB, TX., Little Rock AFB, AR., McGee-Tyson Aprt, TN.

8 Aug. MGen. W. B. Putnam, Cadet Leadership School Graduation, Reno, NV.

8 Aug. (A) LGen. A. P. Clark, Squadron Off School Graduation, Maxwell AFB, AL.

8 Aug. LGen. A. C. Agan, Squadron Off School Graduation, Maxwell AFB, AL.

10 Aug. (A) MGen W. B. Putnam, International Air Cadet Exchange Ball, Wash, DC.

11 Aug. LGen A. P. Clark, Opening of Air War College, Maxwell AFB, AL.

12 Aug. LGen. D. C. Jones, Waterloo, Iowa Civic Leaders, Barksdale AFB, LA.

12 Aug. Gen. B. K. Holloway, AFA, Dallas, TX.

13 Aug. Gen. B. K. Holloway, Civic Leaders of Lincoln, Nebraska, Offutt AFB, NB.

14 Aug. MGen. H. A. Davis, ROTC Cadets, Plattsburgh AFB, NY.

14 Aug. MGen. L. F. Miller, Personnel Prof Mgmt Crse, Maxwell AFB, AL.

14–15 Aug. (A) Dr. T. C. Marrs, Visit ANG AFRes, McGuire AFB, NJ., The Greater Pittsburg Aprt, PA., Clinton County AFB, OH., Bakalar AFB, IN., Hulman Field, IN.

15–22 Aug. (A) MGen A. A. Towner, Am Hospital Asso Mtng., Chicago, IL.

18 Aug. Dr. T. C. Marrs, Personnel Mgmt Crse, Maxwell AFB, AL.

18–21 Aug. (A) BGen F. A. Heimstra, Am Hospital Asso Mtng, Chicago, IL.

19 Aug. LGen M. L. McNickle, Armed Forces Mgmt Asso Conf, Wash, DC.

19 Aug. BGen J. L. Blank, ACSC Class of 1970, Maxwell AFB, AL.

20 Aug. (A) LGen A. P. Clark, Graduation Ceremony AF Institute of Technology, W–P AFB, OH.

21 Aug. Hon. P. N. Whittaker, International Symposium on Air Transportation, Nashville, TN.

21 Aug. LGen S Maddux, Jr. UNT Grad Class of 70–4, Mather AFB, CA.

22 Aug. Gen B. K. Holloway, Bell Telephone Executives, Offutt AFB, NB.

23 Aug. LGen M. L. McNickle, National Security Conv of American Legion, Atlanta, GA.

25 Aug. BGen J. L. Blank, ACSC Class of 1970, Maxwell AFB, AL.

27 Aug. Gen J. D. Ryan, American Legion, Atlanta, GA.

27 Aug. BGen R. Olds, Fighter Weapons School Graduation, Nellis AFB, NV.

27–28 Aug. Gen B. K. Holloway, Civic Leaders of Knoxville, Tennessee, Offutt AFB, NB.

28 Aug. Hon. R. C. Seamans, Jr., Dining-In, W–P AFB, OH.

28–29 Aug. LGen A. P. Clark, Boy Scouts of America Meeting, Fort Collins, CO.

29–31 Aug. MGen O. B. Johnson, 14th AF Association Conv, Toledo, OH.

30 Aug. Gen B. K. Holloway, 14th AF Flying Tigers Asso, Toledo, OH.

3 Sep. LGen K. E. Pletcher, Dining-In, W–P AFB, OH.

3 Sep. BGen R. N. Ginsburgh, Army War College, Carlisle, PA.

4 Sep. BGen T. J. Dacey, Jr., Univ of ND Graduation, Grand Forks, ND.

4–5 Sep. MGen W. B. Putnam, National Executive Comm, CAP, Maxwell AFB, AL.

5 Sep. MGen R. W. Burns, ADC NCO Academy, Hamilton AFB, CA.

6 Sep. BGen R. W. Maloy, UPT Dining-In, Williams AFB, AZ.

6 Sep. BGen P. R. Stoney, Dining-In, St. Louis, MO.

9 Sep. LGen D. C. Jones, Tallahassee, Florida, Civic Leaders, Barksdale AFB, LA.

9 Sep. LGen A. P. Clark, Maxwell Officer's Wives, Club Meeting, Maxwell AFB, AL.

9 Sep. LGen W. B. Kieffer, Civic Leaders of Philadelphia, PA, Westover AFB, MA.

9 Sep. Dr. C. W. Tarr, World-Wide Personnel Conference, Randolph AFB, TX.

10–12 Sep. (A) MGen W. B. Putnam, Great Lakes Region Conf, CAP, Milwaukee, WI.

11 Sep. Hon R. C. Seamans, Jr., Board of Trustees of Nat Geographic Society, Wash, DC.

12–14 Sep. (A) MGen W. B. Putnam, Rocky Mountain Region Conf, CAP, Milwaukee, WI.

17 Sep. LGen P. K. Carlton, Civic Leaders of Santa Barbara, CA, March AFB, CA.

17 Sep. BGen R. Olds, JOC Dining-Out, Travis AFB, CA

18 Sep. Hon R. C. Seamans, Jr., 26th Annual Dinner and Cele of Silver Anniv of Nat Security Ind Asso, Wash, DC.

18–21 Sep. (A) BGen R. N. Ginsburgh, Institute for Strategic Studies, The Netherlands.

19 Sep. Hon H. L. McLucas, Air War College, Maxwell AFB, AL.

19 Sep. LGen J. W. O'Neill, American Institute of Technology of Am, Santa Maria, CA.

22 Sep. LGen A. P. Clark, Boy Scouts of America Tukabatchee Council Mtng, Maxwell AFB, AL.

22–23 Sep. Hon R. C. Seamans, Jr., AFA Annual Fall Mtng, Wash, DC.

22–24 Sep. (A) MGen T. H. Crouch, Society of Military Orthopedic Surgeons, Bethesda, MD.

24 Sep. Hon J. L. McLucas, AOA, Eglin AFB, FL.

24 Sep. LGen A. P. Clark, Thomas D. White Lecture Series, Maxwell AFB, AL.

29 Sep. BGen R. Olds, Squadron Off School Graduation, Maxwell AFB, AL.

30 Sep. Hon R. C. Seamans, Jr., AFA Town Hall of CA, Los Angeles, CA.

30 Sep. LGen W. B. Kieffer, Civic Leaders of New Hampshire, Westover AFB, MA.

1 Oct. Hon R. C. Seamans, Jr., Gen W. W. Momyer, AOA 51st Defense Preparedness Meeting, Las Vegas, NV.

1 Oct. Hon P. N. Whittaker, AFIT-Industry Mgmt Symposium, Newport Beach, CA.

1 Oct. BGen R. N. Ginsburgh, Air War College Lecture, Maxwell AFB, AL.

2 Oct. BGen R. W. Maloy, UPT Graduation, Laughlin AFB, TX.

3 Oct. (A) MGen J. N. Donahew, Annual Field Trip of Air War College Student Body, Fort Bragg, NC.

6–10 Oct. (A) MGen T. H. Crouch, 55th Annual College, San Francisco, CA.

8 Oct. Hon R. C. Seamans, Jr., USAFA Science and Engineering Awards Banquet, San Antonio, TX.

8–10 Oct. (A) LGen A. P. Clark, American Council on Education, Wash., DC.

8–10 Oct. (A) MGen J. N. Donohew, UN Hqs, Field Trip of Air War College Student Body, New York, NY.

9 Oct. MGen G. F. Keeling, Education w/Industry Symposium, Seattle, WA.

9 Oct. MGen G. T. Gould, Joint Eng Mgmt Conf, Montreal, Canada.

10 Oct. (A) Hon R. C. Seamans, Jr., 1969 Art Presentation, Bolling AFB, DC.

13 Oct. (A) LGen J. W. O'Neill, CA Inst of Tech, Inauguration of Harold Brown, Pasadena, CA.

13 Oct. (A) Mr. J. P. Goode, Federal Executive Institute, Charlottesville, VA.

13 Oct. BGen R. Olds, State-Wide Veterinarians, Colorado Springs, CO.

13 Oct. BGen R. N. Ginsburgh, Air War College, Maxwell AFB, AL.

14 Oct. LGen D. C. Jones, Civic Leaders, Lubbock, Texas, Barksdale AFB, LA.

14 Oct. Hon P. N. Whittaker, Symposium and Education Conference, Wash., DC.

14–16 Oct. Dr. T. C. Marrs, Conf of Nat Guard Asso, Mobile, AL.

16 Oct. Hon. R. C. Seamans, Jr., AF Cost Reduction Awards Ceremony, Scott AFB, IL.

16 Oct. Hon. R. C. Seamans, Jr., Executives Club of Chicago, Chicago, IL.

16 Oct. MGen R. H. McCutcheon, AFLC NCO Academy, McClellan AFB, CA.

21 Oct, BGen M. F. Casey, American University's 23rd Air Transport Mgmt Institute, Wash, DC.

23 Oct. LGen E. C. Hedlund, Defense Supply Asso Conference, Chicago, IL.

23 Oct. MGen G. F. Keeling, AOA, Andrews AFB, MD.

24 Oct. BGen R. H. Dettre, Jr., ADC NCO Academy, Hamilton AFB, CA.

25 Oct. MGen W. G. Moore, Jr., AIAA, Anaheim, CA.

29–31 Oct. MGen T. H. Crouch, Constantinian Society, Santa Fe, NM.

31 Oct. LGen K. E. Pletcher, Constantinian Society, Santa Fe, NM.

31 Oct. LGen A. P. Clark, Squadron Off School, Maxwell AFB, AL.

5 Nov. MGen A. A. Towner, Far East Chapter of Asso of Mil Surgeons, Tachikawa, Japan.

5 Nov. LGen M. L. McNickle, AOA, Andrews AFB, MD.

14–22 Nov. (A) BGen C. H. Snider, USAFE Med Training Conf, Weisbaden, Germany.

18 Nov. Gen J. G. Merrell, AOA, Cincinnati, OH.

18 Nov. LGen D. C. Jones, Civic Leaders of Baton Rouge, La., Barksdale AFB, LA.

18 Nov. LGen K. E. Pletcher, USAFE Med Services Tng Conf, Weisbaden, Germany.
23–24 Nov. (A) MGen T. H. Crouch, Society of Medical Consultants to the Armed Forces, Wash, DC.
4 Dec. MGen G. M. Johnson, AFLC NCO Academy, McClellan AFB, CA.
12 Dec. BGen W. S. Harrell, ADC NCO Academy, Hamilton AFB, CA.

U.S. AIR FORCE BAND AND COMPONENTS

10 Aug., USAF Band and Singing Sergeants, Public Concert, Valley Forge Freedom Foundation, Valley Forge, Pa.
3 Sep., Strolling Strings, Hospital Dining-In, Wright-Patterson AFB, Oh.
23 Sep., Strolling Strings, Formal Dinner, Transportation Forum, Atlanta, Ga.
1 Oct., Strolling Strings, Formal Dinner, American Ordnance Association, Las Vegas, Nv.
14 Oct., Pipe Band, Public Performance, Shaler Junior High School, Glenshaw, Pa.
18 Oct., Pipe Band, Highland Games, Austin, Tex.
22 Oct., Pipe Band, Patriotic Opening, International Horse Show, Harrisburg, Pa.
1 Nov., Singing Sergeants, Formal Dinner, Veterans of Foreign Wars, New York City, NY.
6 Nov., USAF Band and Singing Sergeants, Public Concert, Missouri State Teachers Association, St. Louis, Mo.
28 Jan., USAF Band and Singing Sergeants, Public Concerts, All-South Band Clinic, Jekyll Island, Ga.
The above does not reflect commitments in the Washington, D.C. area.

USAF 1969 THUNDERBIRDS SCHEDULE *

2 Aug., Grand Haven, MI.
3 Aug., Grand Forks AFB, ND.
8–10 Aug., Abbotsford, B.C.
16–17 Aug., Chicago, IL.
18–25 Aug., Alaskan Tour.
30 Aug., Escanaba, MI.
31 Aug./ 1 Sept., Cleveland, OH.
5–7 Sept., Detroit, MI.
13–14 Sept. Richards-Gebaur AFB, MO.
16 Sept., Mather AFB, CA.
17 Sept., Kingsley Field, OR.
19–21 Sept., Reno, NV.
22 Sept., Reese AFB, TX.
27 Sept., Nellis AFB, NV.
28 Sept., McConnell AFB, KS.
30 Sept., Langley AFB, VA.
2 Oct., Indian Springs AF Auxiliary Field, NV.
4 Oct., Shaw AFB, SC.
5 Oct., Charlotte, NC.
7 Oct., Blytheville AFB, AR.
9 Oct., Seymour Johnson AFB, NC.
11 Oct., Niagara Falls International Airport,, NY.
12 Oct., Staten Island, NY.
18 Oct., Ft. Worth, TX.
19 Oct., Tulsa, OK.
24 Oct., Laughlin AFB, TX.
25 Oct., Laredo AFB, TX.
26 Oct., Randolph AFB, TX.
1 Nov., Beale AFB, CA.
2 Nov., Santa Maria, CA.
8 Nov., Homestead AFB, FL.
9 Nov., Patrick AFB, FL.
11 Nov., Forbes AFB, KS.
13 Nov., Altus AFB, OK.
15 Nov., Dyess AFB, TX.
16 Nov., Kirtland AFB, NM.
22 Nov., Nellis AFB, NV.

ORIENTATION GP EXHIBITS

1–9 Aug. 69, Greater Allentown Fair, Allentown PA.
2–9 Aug., Greater Mississippi Valley Fair, Davenport IA.
3–7 Aug., Nat. Fraternal Order of Police Conv., Louisville KY.
4–9 Aug., Logan County Fair, Lincoln IL.
4–10 Aug., Midland Empire Fair, Billings MT.
5–7 Aug., New Hartford Shopping Center, Utica NY.
5–10 Aug., Carlisle Mall, Carlisle PA.
5–12 Aug., Parkington SC, Arlington VA.
6–9 Aug., Shopping Center, Ogden UT.
6–10 Aug., Lima Mall, Lima OH.
6–10 Aug., Shopping Center, Salem OR.
7–11 Aug., Sioux Empire Fair, Sioux Falls SD.
8–17 Aug., Illinois State Fair, Springfield IL.
8–17 Aug., Wisconsin State Fair, Milwaukee WI.
9–10 Aug., CAP Open House, Glendora CA.
10–17 Aug., AMVETS Convention, Detroit MI.
11–16 Aug., Altamont Fair, Altamont NY.
12–13 Aug., Shopping Center, Palo Alto CA.
12–14 Aug., Pottsville Plaza, Pottsville PA.
12–16 Aug., Shopping Center, Provo UT.
12–16 Aug., Clark County Fair, Springfield OH.
12–17 Aug., Dubuque County Fair, Dubuque IA.
12–17 Aug., Clackamas County Fair, Canby OR.
14–23 Aug., Kentucky State Fair, Louisville KY.
15–21 Aug., Red River Valley Fair, Fargo ND.
15–22 Aug., VFW Convention, Philadelphia PA.
15–24 Aug., Iowa State Fair, Des Moines IA.
15–24 Aug., Santa Clara County Fair, San Jose CA.
16–17 Aug., National Air Expo, Washington DC.
16–23 Aug., Erie County Fair, Hamburg NY.
16 Aug./1 Sep., Pacific National Exhibition, Vancouver BC.
18–20 Aug., Shopping Center, Grand Junction CO.
19–21 Aug., Parade of Hills, Nelsonville OH.
19–23 Aug., Jones County Fair, Monticello IA.
19–24 Aug., Duchess County Fair, Rhinebeck NY.
19–24 Aug., Lane County Fair, Eugene OR.
21 Aug./1 Sep., Ohio State Fair, Columbus OH.
22–28 Aug., American Legion Convention, Atlanta GA.
22 Aug./1 Sep., Indiana State Fair, Indianapolis IN.
22 Aug/1 Sep., Michigan State Fair, Detroit MI.
23-24 Aug., Beaver County Air Show, Beaver Falls PA
23 Aug/1 Sep., Minnesota State Fair, St. Paul MN.
23 Aug/1 Sep., Colorado State Fair, Pueblo CO.
26–28 Aug., Colonial Plaza, Waterbury CT.
26-30 Aug., Obion County Fair, Union City TN.
26 Aug/1 Sep., New York State Expo, Syracuse NY
26 Aug/1 Sep., Evergreen State Fair, Monroe WA.
26 Aug/1 Sep., Neshaminy Mall, Trevose PA.
28 Aug/1 Sep., Antelope Valley Fair, Lancaster CA.
29 Aug/1 Sep., South Dakota State Fair, Huron SD.
29 Aug/4 Sep., Nebraska State Fair, Lincoln NB.
30 Aug/1 Sep., Community Days, Forest Park OH.
30 Aug/1 Sep., Air Festival, Waterville, ME.
30 Aug/4 Sep., Pineville Shopping Center, Spartanburg SC.
2-4 Sep., Green Village Shopping Center, Dyersburg TN.
3 Sep., Maine Shopping Center, Augusta ME.
3-4 Sep., Shopping Center, Wenatchee WA.
3-4 Sep., Skyline Mall., Albert Lea MN.
3-6 Sep., Concord Mall, Wilmington DE.
4-7 Sep., Garfield County Fair, Rifle CO.
5-8 Sep., Tulake Butte Valley Fair, Tulake CA.
5-9 Sep., Colonie Mall, Albany NY.
5-13 Sep., Tennessee Valley A&I Fair, Knoxville TN.
6-10 Sep., Mid-Valley Mall, Newburg NY.
6-10 Sep., West Loop Shopping Center, Manhattan KS.
6-10 Sep., Fremont Shopping Center, Freemont NB.
6-13 Sep., Allegan County Fair, Allegan MI.
6-13 Sep., Clay County Fair, Spencer, IA.
6-14 Sep., Interstate Fair, Spokane, WA.
8-13 Sep., Eastern Idaho State Fair, Blackfoot ID.
8-13 Sep., West Tennessee State Fair, Jackson TN.
8-13 Sep., Cabarrus County Fair, Concord NC.
9-13 Sep., York Fair, York PA.
11-21 Sep., New Mexico State Fair, Albuquerque NM.
12-21 Sep., Eastern States Expo, W. Springfield MA.
12-21 Sep. New Jersey State Fair, Trenton NJ.
12-28 Sep., L. A. County Fair, Pomona CA.
13-14 Sep., 200th Anniv. Air Show, San Diego CA.
13–21 Sep., Kansas State Fair, Hutchinson KS.
15–20 Sep., Tri-State Fair, Amarillo TX.
16–17 Sep., Crossroads Shopping Center, Omaha NB.
16–20 Sep., N. Alabama State Fair, Florence AL.
16–20 Sep., St. Joseph Grange Fair, Centreville MI.
16–21 Sep., Tennessee State Fair, Nashville TN.
16–23 Sep., Tysons Corner Mall, Fairfax, VA.
17–21 Sep., Shopping Center, Walla Walla WA.
19–21 Sep., Reno Air Races, Reno NV.
20 Sep., Air Races, Richmond IN.
20–21 Sep., Day in the Sky, Santa Barbara CA.
20–28 Sep., Oklahoma State Fair, Oklahoma City OK.
22–24 Sep., AFA Fall Meeting, Washington DC.
2–27 Sep., West Alabama Fair, Tuscaloosa AL.
2–27 Sep., Panhandle-South Plains Fair, Lubbock TX.
24–27 Sep., Ephrata Fair, Ephrata PA.
24–27 Sep., Logan Valley Mall, Altoona PA.
24–28 Sep., Shopping Center, Flagstaff AZ.
24–28 Sep., Central Washington Fair, Yakima WA.
25–28 Sep., Madera Dist. Fair, Madera CA.
25 Sep/4 Oct., Southeastern Fair, Atlanta GA.
26 Sep/4 Oct., Greater Tidewater Fair, Virginia Beach VA.
26 Sep/5 Oct., Tulsa State Fair, Tulsa OK.
30 Sep/4 Oct., Central Alabama Fair, Selma AL.
30 Sep/4 Oct., Cleveland Co. Fair, Shelby NC.
30 Sep/5 Oct., Eastland Plaza, McKeesport PA.
30 Sep/5 Oct., Heart of Texas Fair, Waco TX.
1–5 Oct., Ventura County Fair, Ventura CA.
1–5 Oct., Clark County Fair, Las Vegas NV.
15 Oct., Shopping Center, Grants Pass OR.
2–12 Oct., District Fair, Fresno CA.
3–4 Oct., Home & Farm Show, Columbia City IN.
4–19 Oct., Texas State Fair, Dallas TX.
7–11 Oct., Dixie Classic Fair, Winston-Salem NC.
7–11 Oct., South Alabama Fair, Montgomery AL.
8–12 Oct., Community Event, Canton OH.
8–14 Oct., Mississippi State Fair, Jackson MS.
9–12 Oct., Santa Cruz County Fair, Watsonville GA.
10–19 Oct., South Texas State Fair, Beaumont TX.

* Schedule is subject to change.

14–16 Oct., Rock Hill Mall, Rock Hill SC.
14–16 Oct., Nat. Guard Assoc. Convention, Mobile AL.
14–16 Oct., Bay Fair, Shopping Center, San Leandro CA.
16–19 Oct., Pima County Fair, Casa Grande AZ.
17–25 Oct., N.C. State Fair, Raleigh NC.
17–26 Oct., State Fair of Louisiana Shreveport LA.
18–21 Oct., District Fair, Caruthers CA.
20–25 Oct., South Carolina State Fair, Columbia SC.
20–25 Oct., Greater Gulf States Fair, Mobile AL.
22–25 Oct., Newolah Celebration, Independence KS.
22–25 Oct., Tracetown Shopping Center, Natchez MS.
22–28 Oct., El Con Shopping Center, Tucson AZ.
23–25 Oct., Pumpkin Festival, Circleville OH.
23–26 Oct., Shopping Center, Mt. View CA.
28 Oct./1 Nov., Pinehaven Shopping Center, Charleston SC.
28 Oct./1 Nov., Exchange Club Fair, Augusta GA.
28 Oct./1 Nov., Shopping Center, Salinas CA.
28 Oct./1 Nov., Crestwood Plaza, St. Louis Mo.
28 Oct./2 Nov., Thomas Shopping Center, Greenville MS.
31 Oct./10 Nov., Arizona State Fair, Phoenix AZ.
2 Nov., Vandenberg AFB Appreciation Week, Santa Maria CA.
3–6 Nov., Shopping Center, Santa Maria CA.
5–8 Nov., Mayfield Plaza, Mayfield KY.
5–10 Nov., Florence Mall, Florence SC.
8–9 Nov., Space Fair, Point Mugu CA.
12–16 Nov., Newport Shopping Center, Newport KY.
13–15 Nov., Columbus Co. Expo, Whiteville NC.
13–16 Nov., Flagstaff Mall, Flagstaff AZ.
19–23 Nov., Mesa Shopping Center, Yuma AZ.

USAF ART EXHIBITS

Art III

6–9 Aug., Valley North Center, Wenatchee, WA.
13–16 Aug., University City Shopping Center, Spokane WA.
20–23 Aug., Capital Hill Shopping Center, Helena MT.
28–30 Aug., Cottonwood Mall, Salt Lake City UT.
4–7 Sep., Villa Italia, Denver CO.
10–13 Sep., Cinderella City Shopping Center, Englewood CO.
16–20 Sep., Air Force Academy, Colorado Springs, CO.
24–27 Sep., The Village Square, Dodge City KS.
1–4 Oct., Twin Lakes Center, Wichita KS.
8–11 Oct. White Lakes Center, Topeka KS.
14–18 Oct., Metcalf South Shopping Center, Overland Park KS.
21–25 Oct., Leavenworth Plaza, Leavenworth, KS.
28 Oct./1 Nov., East Hills Shopping Center, St. Joseph MO.
5–8 Nov., Parkade Plaza, Columbia MO.
11–15 Nov., River Road Shopping Center, Jennings MO.
18–22 Nov., South County Center, St. Louis MO.

Art IV

7–10 Aug., Brookfield Square, Milwaukee WI.
14–17 Aug. Mid-City Mall, Manitowoc WI.
21–24 Aug., Belvedere Mall, Waukegan IL.
28–31 Aug., Randhurst Mall, Chicago IL.
4–7 Sep., Yorktown Mall, Chicago IL.
11–14 Sep., Evergreen Plaza, Evergreen Park, IL.
18–21 Sep., Lincoln Square Mall, Champaign IL.
25–28 Sep., Lafayette Square Mall, Indianapolis IN.

WILLIAM P. DENT,
Colonel, USAF, Chief, Community Relations Division Office of Information.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR UNIVERSITY
Maxwell Air Force Base, Ala., February 11, 1969.

Reply to Attn. of: AU (AUOI).
Subject: Semiannual Community Relations Report (RCS: DP–PA(SA)65).
SECRETARY OF THE AIR FORCE,
Washington, D.C.

1. EXCEPTIONAL ACCOMPLISHMENTS AND RESULTS

a. *Speakers' Program.* Air University personnel made 1574 speeches, radio broadcasts, and television appearances. Live audiences totaled almost 185,000, while the 86 television appearances and 17 radio broadcasts expanded the total audience well into the millions. Lt. Gen. A. P. Clark, the Air University Commander, spoke on 23 different occasions

Through programs to civilian groups, Air University made a significant contribution to public understanding; letters, telephone calls, and newspaper publicity indicated enthusiastic response to messages given by our people

(1) *The Air University Aerospace Presentations Team.* Members of the team made 512 presentations to civilian groups. At the invitation of the American Chamber of Commerce of Mexico, team members visited Mexico City, Mexico, 24–26 July. During this time, they presented four programs to schools and civic organizations. They also took part in a radio interview, which reached approximately 250,000 persons. During 24–30 November, a team visited Puerto Rico, where they made six presentations to live audiences. In addition, they participated on four radio and television programs, which reached approximate audiences of 735,000.

(2) *Allied Officer Activities.* In addition to speaking at civic clubs and schools, Allied students participated on the Pat Barnes television interview show, WSFA–TV, on a biweekly basis. Sixteen officers from 13 different countries discussed their homelands on this show. The officers represented Ethiopia, Vietnam, Ceylon, Malaysia, Pakistan, China, Indonesia, Germany, Brazil, Portugal, Colombia, Ghana, and Japan.

Increased understanding of Free World nations undoubtedly resulted from our Allied officers' activities in the civilian community.

(3) *Safety Education.* The State of Alabama has been plagued with an ever-mounting number of highway fatalities. Consequently, the Alabama Department of Public Safety has taken positive action to combat these disasters by launching an all out safety drive. Air University has cooperated fully with the State of Alabama in this endeavor.

In September, the Director of Security, Office of the Inspector General, Headquarters Air University, delivered a speech to 43 officers of the State Police Academy, explaining the new speed detection device, VASCAR (visual average speed computer and recorder). In December, one member of the AU Office of Information and two members of the Wing Information Office conducted a four-hour seminar at the academy. They discussed information and public safety techniques and showed a film on traffic safety. Also in December, four instructors from the Academic Instructor and Allied Officer School presented a half-day workshop on effective oral communication for Alabama troopers who have been selected to speak on safety to groups throughout the state.

Through working with the police academy, increasing the knowledge of safety officials, and improving the communicative abilities of safety speakers, Air University personnel have made a definite contribution to prevention of fatalities on Alabama highways.

(4) *Community Service by Air War College Student.* Following the sudden resignation of the pastor of Our Redeemer Lutheran Church, the congregation asked an Air War College student, who is a chaplain, for assistance. In his service as "supply" pastor, he did an outstanding job. He also devoted many hours to counseling sessions with congregation members and worked with the church's youth groups. The president of the congregation, in a letter to the Air War College Commandant, stated, in part:

"Each of these services was far beyond what the congregation asked or expected of him. He, his wife, and his children have set superior Christian examples of an Air Force family. We have deeply appreciated their contributions to the life and spirit of the congregation."

b. *Charity Activities.* For the tenth consecutive year, the Dean of Curriculum, Academic Instructor and Allied Officer School (AIAOS), planned, coordinated, and led the Executive Action Seminar (8–12 July) in training 40 loaned executives for the United Appeal. As Dean of this one-week seminar, he not only coordinated the activities of Montgomery leaders but participated actively throughout the training period as teacher, supervisor, problem solving leader, and keynote speaker. The graduates of the seminar are directly responsible for the ever-increasing participation of business, industry, and government agencies in the annual United Appeal Campaign.

Having spoken on "Motivating the Volunteer" at the 18th Annual Campaign Leaders Conference, United Community Funds and Councils of America, the AIAOS Dean of Curriculum was invited to give keynote addresses for United Fund Campaigns in several communities. During September and October, he gave "kick-off" talks in Johnson City, Tenn.; Grand Forks, Wahpeton, and Fargo, N.D.; Lima, Ohio; and Decatur, Ala. In connection with these engagements, he also made radio broadcasts and television appearances.

c. *Activities with International Implications.*

(1) *Course in Cross-Cultural Relations.* AIAOS conducted a pilot course designed to train persons going overseas in cross-cultural relations. Its mission was to develop within selected U.S. Air Force officers cross-cultural awareness in order to increase their effectiveness in a different cultural environment. The evaluation of the course disclosed that it was extremely effective. The techniques, methodology, content, and design are highly effective in helping USAF personnel to communicate and interact more effectively with their overseas host counterparts and can be adopted by other services and commands.

(2) *Second USAF International Conference on Matrix Methods in Structural Mechanics.* The Air Force Institute of Technology (AFIT) co-sponsored this conference with the Air Force Flight Dynamics Laboratory, 15–17 October, at Wright-Patterson AFB. More than 250 engineers and scientists attended from Belgium, Canada, France, Germany, Holland, India, Ireland, Japan, Norway, United Kingdom, and the United States. They reviewed the state-of-the-art, the latest developments in matrix methods, and areas of future research.

(3) *Seminars for Turkish Armed Forces.* Four AFIT personnel conducted a series of Resources Management Seminars for the Turkish Armed Forces, 2–22 November. The seminars, which were attended by representatives of the Turkish Armed Forces and governmental ministries, and State Depart-

ment personnel, were sponsored by the Military Assistance Program in conjunction with the Military Assistance Group in Ankara, Turkey.

(4) *Reception for Foreign Personnel.* Minister Sterling Cottrell, State Department Advisor to the Air University Commander, represented the State Department and Air University as guest of honor at a reception for foreign personnel presently residing in or visiting the State of Alabama. The City of Birmingham and the Birmingham Business and Professional Women's Club sponsor this annual affair, started in 1962. Approximately 500 people attended the 1968 reception.

(5) *Research Project in England.* An AFIT associate professor of electrical engineering served during July-September with the University of Aston, Birmingham, England. Part of his research work dealt with brain damage which involved brain mapping work with spastic or brain-damaged children referred by the Birmingham Regional Hospital Board.

d. *Cultural Activities.* The office of Minister Cottrell was instrumental in securing the Ecuadoran Ambassador to the United States to open the Montgomery Museum of Fine Arts exhibit of colonial art of Ecuador on 21 September. Minister Cottrell's office worked closely with the museum's exhibit chairman and with the Ecuadoran Embassy. The opening of this exhibit drew crowds of art enthusiasts in this area. It received wide publicity in Montgomery and surrounding areas.

A member of the Arts and Graphics Department of AFIT was instrumental in organizing the first annual Wright-Patterson AFB Art Fair, held on 13 October. The fair was open to the public and was devoted to the artistic efforts of military and civilian personnel. It offered a medium whereby community people and base personnel could interact in a cordial and friendly atmosphere. It also furthered the cultural interests of both groups.

e. *Special Programs.* From December 16 until December 20, the Air War College provided a one-week course of instruction to 50 Reserve and Air National Guard colonels, representing areas throughout the United States. This course provided information to nonactive duty officers which brought them up-to-date on the military aspects of our national security policy. Also, Air Force plans, programs, and problem areas were discussed.

Five seminars were conducted by AFIT personnel as part of the Honor Seminars of Metropolitan Dayton, Inc. This program provides an opportunity for outstanding area high school students to attend a series of seminars, laboratory sessions, and field trips under the guidance of outstanding scientists and educators.

As President of the Montgomery Chapter, Air Force Association, the AIAOS Dean of Curriculum, worked with over 200 civilian members of the community, along with over 400 military members of all service components. At the 2d Annual State AFA Convention, he was elected President of AFA (Alabama).

2. PROBLEM AREAS

a. Lack of TDY funds prevented AU personnel from filling some speaking engagements out of the local area. Two Vietnam returnees have traveled considerable distances on several occasions, at their own expense, to speak on their personal experiences in Southeast Asia.

b. Funding constraints preclude further development of the cross-cultural relations courses conducted by AIAOS.

c. The community relations report received from Detachment 755, University of Puerto Rico, listed as a problem area: "We continue to get the impression that Air Force personnel who are Stateside continue to think of Puerto Rico as a foreign country."

Under "solutions" and "recommendations for improvement," the Professor of Aerospace Studies stated:

"1. Recommend Hq AFROTC publish briefings on Puerto Rico and the status of Air Force ROTC and of Puerto Rican Air Force officers.

"2. Recommend Hq. AFROTC contact SAFOI and Hq USAF Advertising Division and inform them of the status of AFROTC in Puerto Rico and seek direct support from them for the AFROTC mission at the University of Puerto Rico. We feel that the mission here is unique for two main reasons. First of all, the official language is Spanish, but most of the Island is bilingual. Secondly, there is no influence of USAF Recruiting Service here and so the Air Force image, which might otherwise be enhanced, is blurred; at least in the San Juan area where no active duty AF units exist except AFROTC. Therefore, we have taken the challenge of promoting the entire Air Force and not just the AFROTC."

3. FORECAST

a. *Speakers' Program.* We anticipate an exceptionally active speakers' program during the first half of 1969. We have already filled numerous speaking engagements. The Aerospace Presentations Team is heavily booked until summer. Allied officers will continue their bi-weekly television appearances, as well as speeches to civilian groups.

Air University personnel plan to continue working with the Alabama Public Safety Department and other officials in an effort to decrease the heavy toll of traffic fatalities. The Advisor to the Governor on Traffic Safety has been invited to brief Air University and Alabama officials on the status of safety conditions. Additionally, we plan to invite the Governor, the Director of Public Safety, and other state officials to visit Air University for a briefing on operations and plans concerning military actions in this area.

b. *City-to-City Project.* During April, AFIT will sponsor a two-day orientation tour for the Chamber of Commerce of Montgomery, Ala. Members of the Montgomery Chamber will receive tours and briefings on AFIT and other parts of Wright-Patterson AFB. AFIT will maintain close liaison with the Dayton Chamber of Commerce and will sponsor joint sessions for the two chambers.

c. *National Security Forum.* The major community relations event scheduled for Air War College during the first half of 1969 is the 16th annual National Security Forum, 12–16 May. Approximately 55 distinguished civilian guests from areas throughout the United States will attend. They will represent executive-level, professional, industrial, business, and labor sectors. They will hear lectures by outstanding speakers from military, governmental, and educational fields. They will also participate in seminars, along with Air War College students.

M. A. ROTH,
Colonel, USAF, Director, Office of Information.
(For the Commander).

Mr. FULBRIGHT. Mr. President, another interesting aspect of the Air Force public relations effort is the "distinguished visitor program" which provides free trips for local opinion makers to Air Force installations. Popular spots to visit were Las Vegas, Hawaii, and Florida. Some of the trip objectives, as stated in routine reports of local commands, were:

First. A trip by Texas attorneys to the Air Force Museum in Wright Patterson Air Force Base, Ohio: "Give prominent members of the civilian bar throughout the State of Texas" an opportunity "to become more familiar with the Air Force's history and mission."

Second. On a trip by Ogden and Salt Lake City civic officials to the Lockheed plant in Marietta, Ga.: "Community leaders received a briefing on the C–5A and its meaning to future Air Force logistics."

Third. A trip by Kansas City newsmen to Cape Kennedy was "scheduled to build rapport and improve media relationships between this headquarters and greater Kansas City news media."

SAC Headquarter's last community relations report lists five groups of "distinguished visitors"—from Boston, Minneapolis-St. Paul, New York City, Los Angeles, and San Antonio—and 12 "specialized groups," ranging from the Smaller Business Association of New England to New York artists, as visitors over a 6-month period. The Aerospace Defense Command reported that its 3-day distinguished visitor program, of "18 to 20 trips annually exposes 450 to 500 key community leaders from all parts of the United States to aerospace defense." The list of those who have received the Air Force's favors in the last year is long, varied, and interesting.

I ask unanimous consent that the Air Force list of civilians traveling on Air Force planes be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, AIR FORCE SYSTEMS COMMAND, ANDREWS AIR FORCE BASE,
Washington, D.C., July 18, 1968.

Subject: Reporting non-local travel for public affairs purposes.
To: Secretary of the Air Force.

Non-local travel for AFSC activities for the month of June 1968 were as follows:

a. Air Force Missile Development Center, Holloman AFB, New Mexico.

(1) AFSC Orientation Tour for dignitaries from the El Paso, Texas, Alamogordo-Las Cruces, New Mexico area (19 including escorts) from Holloman AFB, to Nellis AFB, Nev.; Vandenberg AFB, Calif.; Space and Missile Systems Organization, Los Angeles, Calif.; and Kirtland AFB, New Mexico. An AFMDC aircraft (C–54) was used for this tour. Approval was received from this Headquarters and SAFOIC.

b. Air Force Special Weapons Center, Kirtland AFB, New Mexico.

(1) The information officer, 1st Lt. Joe A. Davis accompanied two displays airlifted from Kirtland AFB, to Santa Rosa, New Mexico in a C–47. These displays were used in the dedication ceremonies of Santa Rosa's new municipal airport.

HAROLD M. HELFMAN,
Deputy Director, Office of Information
(For the Commander.)

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, MILITARY AIRLIFT COMMAND,
Scott Air Force Base, Ill.

Subject: Use of military carriers for public affairs purposes.
To: Secretary of the Air Force.

1. This report of non-local airlift is submitted in compliance with AFR 190–13.

2. On 12 Jun 1968, Al Muenchen and Harry J. Schaare, Artists, The Society of Illustrators (New York), departed Dover AFB, DE, by C–141, to Ft Campbell, Ky, and returned to Dover AFB 13 Jun 1968. Purpose

of Travel: To photograph different phases of Air Force operations for the Air Force Art Collection.

Lieutenant Colonel ORLO F. DUKER,
Deputy Director of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, AIR FORCE LOGISTICS COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO,
July 24, 1968.

Subject: Use of military carriers for public affairs purposes.

1. Reference para 6d, AFR 190–13.

2. This report covers the period 1 May–30 June 1968.

3. On 1–3 May 1968, the Ogden Air Materiel Area, Hill AFB, Utah hosted a group of civic leaders from Ogden and Salt Lake City, Utah on an orientation tour of Lockheed-Marietta, Marietta, Ga., and the Special Air Warfare Center, Eglin AFB, Florida. The following information is reported:

a. Names, affiliations, and positions of persons transported (Atch #1).

b. Points of origin and destination (Date, local time, and place):

1 May 1968: 0800, Departed Hill AFB, Utah; 1800, Arrived Robins AFB, Ga.

2 May 1968: 1120, Departed Robins AFB, Ga.; 1300, Arrived Eglin AFB, Fla.

3 May 1968: 1015, Departed Eglin AFB, Fla.; 1230, Arrived Tinker AFB, Okla.; 1335, Departed Tinker AFB, Okla.; 1840, Arrived Hill AFB, Utah.

c. Mode of Transportation: C–54 aircraft.

d. Public Affairs Purpose Accomplished: Community leaders received a briefing on the C–5A and its meaning to future Air Force logistics. The Special Air Warfare demonstration increased their understanding of the Air Force mission and responsibilities in the Vietnam war. Increased interest and understanding of the Ogden Air Materiel Area mission and sounder community relations was achieved through this visit.

HARRY A. HABERER,
Chief, Information Division
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, 2849TH AIR BASE GROUP (AFLC),
Hill Air Force Base, Utah,
April 29, 1968.

SPECIAL ORDER

The following individuals are authorized to travel on or about 1 May 68 by military aircraft from Hill AFB, UT to Dobbins AFB, GA, and Eglin AFB, FL, for approximately three days to observe a Special Air Warfare Center (SAWC) exercise and, upon completion, return to Hill AFB, UT. Travel is necessary in the military service and authorized per AFR 190–13 and AFLC ltr (MCK) 16 Apr 68.

Mr. Scharf S. Sumner, President, Salt Lake Area Chamber of Commerce; President, Western Savings & Loan Company.

Mr. Louis Latham, Beehive State Bank, Salt Lake City, Utah.

Mr. John Krier, Intermountain Theaters, Salt Lake City, Utah.

Mr. Ralph B. Wright, Treasurer, Salt Lake Area Chamber of Commerce; First Security State Bank, Salt Lake City, Utah.

Mr. Harrison Brothers, American National Bank, Salt Lake City, Utah.

Dr. Dello G. Dayton, Dean, Arts, Science & Letters, Weber State College, Ogden, Utah.

Mr. Paul H. Lambert, First Security Bank, Ogden, Utah.

Mr. Thomas D. Dee, Vice President, First Security Bank, Ogden, Utah.

Mr. Alan Nye, 1st Vice President, Greater Ogden Chamber of Commerce; Manager, Fred M. Nye Company, Ogden, Utah.

Mr. Robert L. West, Chairman, Armed Forces Committee, Greater Ogden Chamber of Commerce; Owner, West Jewelers, Ogden, Utah.

Mr. Leroy Anderson, Treasurer, Greater Ogden Chamber of Commerce; Owner, Anderson Lumber Company, Ogden, Utah.

Mr. Gene Simpson, Member, Armed Forces Committee, Greater Ogden Chamber of Commerce; Owned, Ogden Auto Parts, Ogden, Utah.

Mr. John Lindquist, Member, Armed Forces Committee, Greater Ogden Chamber of Commerce; Lindquist & Sons Mortuary, Ogden, Utah.

Mr. William E. Eccles, Member, Armed Forces Committee, Greater Ogden Chamber of Commerce; Gibbons & Reed Contractors, Ogden Utah.

Mr. Wayne Goddard, Member, Armed Forces Committee, Greater Ogden Chamber of Commerce; Owner, Supersonic Car Wash, Ogden, Utah.

Mr. Hal R. Harmon, Chairman, Membership Committee, Salt Lake Area Chamber of Commerce; Harmon Advertising, Salt Lake City, Utah.

Mr. Russell G. Hales, Administrator of Evening Classes, Division of Continuing Education, University of Utah, Salt Lake City, Utah.

BYRON F. CHRISTIANSON,
Chief, Administrative Services
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, STRATEGIC AIR COMMAND,
Offutt Air Force Base, Nebr.

Subject: Nonlocal transportation.

To: Secretary of Defense.

During June 1968, Strategic Air Command provided non-local transportation in support of public affairs as follows:

Name: 4 Nebraska officials.

Date: 4 June 1968.

Affiliation: Dr. Clayton K. Yeutter, Executive Assistant to the Governor of Nebraska; Mr. Melvin O. Steen, Director, Nebraska Game and Parks Commission; Mr. Jack D. Strain, Chief, Division of Nebraska State Parks; Mr. Calvin E. Robinson, Assistant Attorney General, State of Nebraska.

Point of origin: Offutt AFB, Nebraska.

Destination: Andrews AFB, Maryland.

Mode: C131.

Purpose: To discuss plans for the State of Nebraska to operate the Strategic Aerospace Museum at Offutt AFB as a state park under the Game and Parks Commission.

Authority: OSAF msg, 28/2143Z, May 1968.

Lt. Col. GEORGE N. KENT,
Deputy Director of Information,
(For the Commander in Chief).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS MILITARY AIRLIFT COMMAND,
Scott Air Force Base, Ill.

Subject: Use of military carriers for public affairs purposes.

To: Secretary of the Air Force.

1. This report of non-local airlift of news media representatives is submitted in compliance with AFR 190–13.

2. On 17 May 1968, Jack F. DeMann, Public Relations Supervisor, and Ted H. Olsen, Public Relations Representative, both with Hercules, Inc., Magna, Utah, departed Hill AFB, Utah, by C–118, to Norton AFB, Calif., and return to Hill AFB on 19 May 1968. Purpose of travel: Support Armed Forces Day Program at Norton AFB.

3. On 20 May 1968, Wallace Mitchell, Military Writer for the Honolulu Advertiser, departed Hickam AFB, Hawaii, by C–141 cargo mission, Clark AB, P.I., and return via C–141 aeromedical evacuation flight 23 May 1968. Purpose of Travel: News coverage of cargo mission and aeromedical airlift flight.

4. The following individuals were airlifted by C–141 from Travis AFB, Calif., to Nellis AFB, Nevada, on 22 May 1968, to Scott AFB, Illinois, 23 and 24 May 1968, and return to Travis AFB 24 May 1968:

FAIRFIELD, CALIF.

Virgil Baker, Vice President, Fairfield-Suisun Chamber of Commerce.

Curtis A. Burgan, Exec Secretary, Solano County Armed Forces Committee.

Arne Digerud, City Councilman, Member Armed Forces Committee.

Sam Fortner, President, Merchants Association.

Joe Greer, Vice President, Fairfield-Suisun Chamber of Commerce.

Loyal Hanson, City Councilman.

Hausam, E. W., Member, Board of Directors, Chamber.

Don Jordan, President, Fairfield-Suisun Chamber of Commerce.

Eugene Lightfoot, Vice Mayor.

George Olson, Board of Directors, Fairfield-Suisun Chamber of Commerce.

Donald F. Pinkerton, Mayor.

Leslie L. Riddell, Manager, Fairfield-Suisun Chamber of Commerce.

Robert Rubin, Treasurer, Solano County Armed Forces Committee.

Lyle Showalter, Chairman, Military Affairs Committee.

Allan Witt, City Councilman.

SUISUN CITY, CALIF.

Manuel Baracosa, Mayor Pro Tem.

Robert Bounds, City Administrator.

Edwin Coleman, City Councilman.

Guido Colla, City Councilman.

VACAVILLE, CALIF.

Roy E. Brown, Vice Mayor.

Theodore Chancellor, Mayor.

Mike Gonzalez, Chamber Manager, Board of Directors; Chairman, Military Affairs Committee.

Walter Graham, City Administrator.

Jack Guthrie, Vice President, Chamber Board of Directors.

Jim Lehman, Chief of Police.

Tom McNunn, Manager, Chamber of Commerce.

Richard Rico, Asst. Publisher, Vacaville Reporter; Chairman, Municipal Airport Committee.

Richard Ronketti, Chairman, Transportation Committee.

Wally Seidell, Member, Chamber Board of Directors.

Bill Steiner, President, Chamber of Commerce.

Lee Stith, Member, Chamber Board of Directors.

Doug Thompson, Member, Board of Directors, Chamber of Commerce.

ALSO

Del Sturm and George Gammon, Travis Unified School District.

Mike Shubin, Travis Unified School District.

Edwin Powers, Nut Tree Restaurant, Nut Tree, Calif.

Obie Ladd, Manager, West Coast Federal Savings & Loan.

Cliff Day, Businessman.

Gordon Gojkovich, Former State Appraiser.

Bill Vucurevich, Sheriff's Office.

Norman Todd, Former Mayor of Suisun City.

Raymond Church, County Board of Supervisors.

Purpose of travel: Orientation visit of military installations for members of Chamber of Commerce, local area dignitaries and civic leaders.

5. On 24 May 1968, Bill Halpin and Tony Sandone of the Scranton Tribune, departed Dover AFB, Delaware, by C–141, to Elmendorf AFB, Alaska, and return to McGuire AFB. Purpose of travel: Accompanied crew on typical aeromedical evacuation aircraft flight to obtain background material.

6. On 27 May 1968, Mr. Vern Hawkins, cameraman-producer, KCRA–TV, Sacra-

mento, Calif., departed Travis AFB, Calif., by C–141, to Forbes AFB, Kansas, and return to Travis AFB 28 May 1968. Purpose of travel: To cover exercise Cold Mass II.

7. On 27 May 1968, Donald Spering, a free-lance writer who resides in Pemberton, NJ, departed McGuire AFB, NJ, by C–141, to Robins AFB, Georgia, and return to McGuire AFB, 28 May 1968. Purpose of travel: To photograph and write a story on a tactical training flight.

8. On 28 May 1968, Ronald N. Childers of WQSN Radio (Charleston SC), H. Richard DeWitt of the North Charleston Banner, and Charles H. Hunter of the Charleston Evening Post, departed Charleston AFB, SC, by C–141, to Fort Riley, Kansas, and return the same day. Purpose of travel: To cover exercise Cold Mass II.

Lt. Col. M. G. STEELE,
Director of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, AIR FORCE LOGISTIC COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO,
September 20, 1968.

Subject: Use of military carriers for public affairs purposes.

1. Reference para 6d, AFR 190–13.

2. On 30–31 August 1968, the Oklahoma City Air Materiel Area hosted a group of Oklahoma City community leaders on an orientation visit to Kelly AFB, Texas. The following information is reported:

a. Names, affiliations, and positions of persons transported (atch #1).

b. Points of Origin and Destination. Date, local time, and place):

30 Aug 1968: 0830, Departed Tinker AFB, Okla; 1100, Arrived Kelly AFB, Texas.

31 Aug 1968: 0930, Departed Kelly AFB, Texas; 1200, Arrived Tinker AFB, Okla.

c. Mode of Transportation: C–118 aircraft.

d. Public Affairs Purpose Accomplished: This trip provided a group of Oklahoma City community leaders—who serve on various community programs beneficial to the Air Force—with an insight into the operation and programs of another AFLC installation. It provided first-hand knowledge of Kelly's base community council operations and of the San Antonio Air Materiel Area's civic promotional activities.

DEAN E. HESS, Col.,
Director, Office of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, OKLAHOMA CITY AIR MATERIEL AREA, TINKER AIR FORCE BASE, OKLA.,
August 29, 1968.

SPECIAL ORDERS

The following named Community Leaders, Oklahoma City Area, Oklahoma, are invited to proceed on or about 30 August 1968, via military aircraft from Tinker AFB, Oklahoma, to Kelly AFB, Texas, for the purpose of an orientation tour of San Antonio Air Materiel Area. Upon completion of visit individuals will return to Tinker AFB Okla. Visitation will be for the duration of two days. Travel is necessary in the public service and is authorized by AFR 190–13. Travel is at no expense to the United States Government. Non-revenue traffic. Approved by Headquarters AFLC and the OCAMA Commander.

Mr. Henry W. Browne, Vice President, Oklahoma Coca-Cola Bottling Company.

Mr. Wayne Parker, President, Oklahoma Gas & Electric Company.

Mr. Larry Wolf, Wolf Advertising Agency, President, Oklahoma City Press Club.

Mr. Clayton Fondren, President, Better Business Bureau.

Mr. Gene Campbell, Public Relations.

Mr. Ed Terrell, Public Relations Director, Bell Telephone Company.

Mr. Ray J. Dyer, Publisher, El Reno Daily Tribune.

Mr. Bain Fisher, Santa Fe Railroads.

Mr. Cliff Bryson, Area Representative, Southwest Dailies.

Mr. H. E. Stewart, Stewart Investments.

Mr. Felix N. Porter, Executive Vice President, First National Bank & Trust Company.

Mr. L. G. Cummings, Public Relations Director, Safeway Executive Offices.

Mr. Laverne Carleton, Board of Directors, Oklahoma City Press Club.

Mr. Kenneth C. Woodward, Attorney-at-Law.

Major General Fred S. Borum (USAF Ret), Vice President, Liberty National Bank & Trust Company.

Mr. Paul Strasbaugh, Managing Director, Oklahoma City Chamber of Commerce.

Mr. David B. Benham, Benham Engineering Company.

Mr. Norman Morse, Home State Life Insurance Company.

Mr. Raymond Crump, State Employment Service.

BERNARD HESTER,
Chief, Administration Division
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, MILITARY AIRLIFT COMMAND,
Scott Air Force Base, Ill.

Subject: Use of military carriers for public affairs purposes.

To: Secretary of the Air Force.

1. This report of non-local airlift of news media representatives is submitted in compliance with AFR 190–13.

2. On 7 Aug. 1968, *Larry Fields, correspondent, St. Louis Globe Democrat, St. Louis MO,* departed Dover AFB DE by C–141 to Elmendorf AFB AK, and returned to Andrews AFB MD. Purpose of travel: To prepare features on MAC whole blood shipments and aeromedical evacuation missions.

3. On 14 Aug 1968, Bruce Callander, Correspondent, Army Times Publishing Company, Washington DC, departed Dover AFB DE by C–141 to Elmendorf AFB AK and returned to Andrews AFB MD. Purpose of travel: To prepare features on MAC whole blood shipments and aeromedical evacuation missions.

COLONEL JACK L. GIANNINI,
Director of Information.
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, TACTICAL AIR COMMAND,
Langley Air Force Base, Va.

Subject: Report of nonlocal airlift for public affairs purposes.

To: Secretary of the Air Force.

In accordance with AFR 190–13, the attached report on public affairs airlift is forwarded for June 1968.

COLONEL WILLIAM R. EDGAR,
Deputy Director of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, 64TH TACTICAL AIRLIFT WING, SEWART AIR FORCE BASE, TENN.
July 1, 1968.

Subject: Nonlocal travel and transportation for public affairs purposes.

In accordance with paragraph 6d, AFR 190–13, the following report is submitted on travel and transportation for public affairs for the month of June 1968.

a. Names, affiliations and positions of persons transported or types of cargo; points of origin and destination; and mode of transport used:

One hundred teachers (see attached list) from Tennessee participating in the Aerospace Workshop this summer at Middle Tennessee State University in Murfreesboro were airlifted from Sewart AFB to Wright-Patterson AFB on 20 June in two C–130E Hercules aircraft. After a brief visit there, they were airlifted back to Sewart on the afternoon of the 20th. Four Air Force buses were used to transport the group from MTSU to Sewart, and on the return to MTSU.

b. Public affairs purpose accomplished:

As a public affairs function, this airlift accomplished a two-fold purpose. It gave us an opportunity to "show and tell" the teachers about Sewart's tactical airlift mission. Two rated officers served as escort officers on the flight and answered questions about Sewart, C–130's and the Air Force. It also gave the teachers an opportunity to visit Wright-Patterson AFB and the USAF Museum.

1st Lt. MICHAEL W. SHUMAKE,
Information Officer.

REGULAR AERO-SPACE WORKSHOP PARTICIPANTS
AS OF MAY 6, 1968

Mr. James W. Anderson, Jr., Route 4, Box 280, Westmoreland.

Mrs. Sandra Lynn Ashburn, 520–B, East College, Murfreesboro.

Mr. Herschel Killebrew Bailey III, Route 2, Box 69–A, Cleveland.

Mrs. Mable P. Ballard, 200 Carolyn Street, Franklin.

Miss Elizabeth Ann Baker, 233 West Jackson, Callatin.

Mrs. Margie M. Barber, Oak Street, Whitwell.

Mrs. Ina Ruth W. Bess, Dearman Street, Smithville.

Miss Martha A. Blanchard, 1914 Young Avenue, Memphis.

Mr. George Otis Bowers, P.O. Box 467, 617 Watauga Avenue, Elizabethton.

Mrs. Lydia Branch, Route 2, Camden.

Mr. Odell Braswell, 2113 Paula Drive, Madison.

Miss Mary E. Bryan, 410 Lynn Street, Murfreesboro.

Mrs. Ione Calhoun, Bright Hill Street, Smithville.

Miss Elizabeth Carothers, Route 1, Franklin.

Mr. Ed Carson, Route 5, Shelbyville.

Mrs. Jessie Lee Cathey, 1109 Locust Street, Fayetteville.

Miss Molly C. Chandler, 107 East Ward Street, Centerville.

Mrs. Gwen W. Cole, 2720 Donna Hill Drive, Nashville.

Mrs. Patricia M. Cooper, 95 Lester Avenue, Nashville.

Mr. Johnnie B. Corbitt, 2109 Pinewood Road, Nashville.

Mr. Ross Crutchfield, 2421 Melbourne Drive, Nashville.

Mrs. Loraine J. Cunningham, 715 Shawnee, Murfreesboro.

Mrs. Sarah H. Denton, Route 6, Fayetteville.

Mrs. Paulette F. Dorris, 314 Richland Avenue, Watertown.

Mr. Clyd T. Dowell, Jr., Route 1, Celina.

Mr. Charles Whitfield Duckett, 2203 Cabin Hill Road, Nashville.

Mrs. Marian Starr Watson Driver, Commerce Road, Watertown.

Miss Geraldine Eskew, 306 East Spring Street, Lebanon.

Mrs. Mary Elizabeth Farris, Route 5, Hickory Ridge Road, Lebanon.

Mrs. Shirley A. Forbus, Route 1, Bell Buckle.

Miss Cecelia Kearn Foster, 4916 Spring Valley Drive, Knoxville.

Miss Anne Gaby, Route 2, Greeneville.

Mr. Doyle Gaines, Macon County Board of Education, Lafayette.

Miss Anne Gordon, J–26 Executive House, 860 Murfreesboro Road, Nashville.

Mrs. Juanita Grandstaff, 102 Bartonwood Drive, Lebanon.

Miss Martha V. Grant, 119 Woodlawn Drive, Knoxville.

Mrs. Marie S. Greenhalgh, 429 South Chamberlain Avenue, Rockwood.
Mrs. Eula Grace Hackney, 2827 Twin Lawn Drive, Nashville.
Mrs. Rita Harbin Hagy, 120 Oceloa Avenue, Nashville.
Miss Bettye Sue Hancock, 1034 Trinity Lane, Nashville.
Mrs. Pauline D. Hardaway, 328 McClain Avenue, Lebanon.
Mr. Thomas F. Hardaway, 328 McClain Avenue, Lebanon.
Mrs. Ann Hargis, 1022 Joyce Lane, Nashville.
Mr. Jerry Mack Hargis, 1022 Joyce Lane, Nashville.
Mrs. Ruth Gill Herrell, Box 13, Powell.
Mrs. Nora S. Hinton, 1815 Oxford Drive, Murfreesboro.
Miss Mary Ann Holt, 501 Fairfax Avenue, Nashville.
Mrs. Helen Ray Jennings, 1802 Susan Drive, Murfreesboro.
Miss Geraldine G. Johnson, Route 3, Morristown.
Mrs. Fannie Jones, Route 1, Whitwell.
Mrs. Irene S. Kirby, 714 Capitol Towers Apartments, Nashville.
Mrs. Dorothy B. Kious, 1619 Jones Boulevard, Murfreesboro.
Mrs. Pamela O. Kolbe, 102 Bartonwood, Lebanon.
Mrs. Freda Kuhnert, 127 Maple Drive, Hendersonville.
Mr. Joe L. Leycock, 223–A Jackson Street, S. E., Athens.
Mrs. Bonnie Harmon Loyd, Country Club Lane, Hendersonville.
Mrs. Betty Stewart Lumpkin, 3714 Rosalee Terrace, Chattanooga.
Mrs. Johnie G. Lunsford, Tallassee, Tennessee.
Mr. Joe Lynn, Route 2, Celina.
Mrs. Edith Emory McCord, Coalfield, Tennessee.
Miss Sadie Mai McMahan, Route 2, Manchester.
Mrs. Ted R. Masters, Route 3, Box 178, Erwin.
Mrs. Pauline Hicks Maupin, 2522 Elm Road, Nashville.
Miss Ponnie R. Meadors, 60 Fairfield Avenue, Nashville.
Mrs. Jewel Medley, Bright Hill Road, Smithville.
Mrs. Richard Melton, 1507 Stratford Avenue, Nashville.
Mr. Norman E. Mendell, Route 2, Decatur.
Mrs. Alma M. Moore, 5027 Tazewell Pike, Knoxville.
Mrs. Jean H. Moores, 211 E. Maple Street, Fayetteville.
Miss Wanda Morell, 200 Henard Street, Rogersville.
Mrs. Wilma C. Moss, Route 4, Smithville.
Mr. Stuart E. Nicholson, 4205 Aberdeen Road, Nashville.
Mrs. Paulina J. Ogle, 220 Shivel Drive, Hendersonville.
Miss Katie Parks, B–105, k900 Richard Jones Road, Nashville.
Miss Judy Pease, 1441 Greenwood Road, Chattanooga.
Mrs. Margaret J. Perry, 205 Second Avenue South, Murfreesboro.
Mr. Paul David Phillips, Oneida, Tennessee.
Mrs. Edna Rebecca Pickett, Route 1, Whitwell.
Mrs. Eunice C. Rose, Route 2, Decherd.
Mrs. Levana Safley, 406 Sharondale Drive, Columbia.
Mrs. Bruce Sartor, 2804 Glenoaks, Nashville.
Mrs. Linda Shadel, 441 Harding Place, Apt. E–5, Nashville.
Miss Freda Short, P.O. Box 564, Monteagle.
Mrs. Trula I. Smith, 5404 Paula Drive, Knoxville.
Miss Sandra Sneed, Route 8, McMinnville.
Mr. John A. Sorko, 7520 Scenic View Drive, Knoxville.
Mr. James Wayne Stephens, 2229 Dearborn Drive, Nashville.
Mr. Charles R. Storie, 427 W. Main, Apt. B, McMinnville.
Mrs. Margaret E. Taylor, 716 Whitthorne Street, Shelbyville.
Mrs. Margaret Terry, 4113 Albert Drive, Nashville.
Mr. Gene R. Trevathan, Route 1, Box 249, Gleason.
Miss Gloria Jean Trewhitt, 2685 Bates Pike, Cleveland.
Mrs. Anna F. Trotter, Route 2, Concord Road, Concord.
Miss Margaret Iantha Wallace, Route 4, Box 174, Pikeville.
Mrs. Sue B. Weeks, Lebanon, Tennessee.
Mrs. Verna G. Wells, Granville Conner Road, P. O. Box 49, Powell.
Mrs. Sybil White, 1418 Sherrill Boulevard, Murfreesboro.
Mrs. Anna Lou Wilson, Route 1, Greenback.
Mrs. Lois Marie Wilson, Box 2244, Donelson.
Mr. Roy Womack, Doyle, Tennessee.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS TACTICAL AIR COMMAND,
Langley Air Force Base, Va., Oct. 23, 1968.

Subject: Report of Non-local Airlift for Public Affairs Purposes, RCS: DD–PA (M) 591.

To: Secretary of the Air Force (SAFOIC).

In accordance with AFR 190–13, the attached report on public affairs airlift is submitted.

Col. WILLIAM R. EDGAR,
Director of Information,
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 464TH TACTICAL AIRLIFT WING (TAC),
Pope Air Force Base, N.C., Oct. 23, 1969.

Subject: RCS: DD–PA(M) 591 Report.

To: TAC(OIC).

1. Reference AFR 190–13, Paragraph 3b, Airlift for Community Leaders to Colorado and Nellis AFB, Nev., attached are copies of the guest list, travel orders and letter giving complete itinerary.

2. Airlift was provided by C–130 aircraft, 464th Tactical Airlift Wing. Point of origin was Pope AFB, N.C., with stop at Douglas Airport, Charlotte, N.C., and termination at Pope AFB, N.C.

3. The purpose of the trip was to provide a better understanding of the mission and scope of the USAF and its current operational capabilities.

Capt. JOSEPH T. CROWN, Jr.,
Chief, Information Division.
(For the Commander).

GUEST LIST

Lt. Gen. Edward H. Underhill, USAF Retired, Whispering Pines, N.C.

R. R. Allen, D. R. Allen Construction Co., Fayetteville, N.C.

Joe Barr, Bloom Furniture Company, Fayetteville, N.C.

George Blackwelder, Blackwelder Oil Company, Hickory, N.C.

Robert H. Butler, Attorney, Fayetteville, N.C.

Charles C. Clark, Exec. Vice Pres., Chamber of Commerce, Fayetteville, N.C.

William G. Clark, Sheriff of Cumberland County, Fayetteville, N.C.

John L. Creed, Realtor and Insurance, Fayetteville, N.C.

Julian C. Greene, Greene Brothers Lumber, Elizabethtown, N.C.

L. Sneed High, State Representative, Fayetteville, N.C.

Sam Hutaff, Coca-Cola Bottling Co., Fayetteville, N.C.

Israel Bloom, Bloom Furniture, High Point, N.C.

James Hutchinson, Wholesale Distributor, Fayetteville, N.C.

William P. Brady, Pepsi-Cola Bottling Co., Hickory, N.C.

Alexander Bernhardt, Bernhardt Furniture Company, Lenoir, N.C.

Robert Curtis, Jeweler, Fayetteville, N.C.

W. A. Dickinson, Dickinson Buick Co., Fayetteville, N.C.

William Ford, Black and Decker Company, Fayetteville, N.C.

Lee Garrison, Coca-Cola Bottling Company, Gastonia, N.C.

John T. Henley, State Representative, Fayetteville, N.C.

Clyde Sullivan, Sullivan Wholesale, Fayetteville, N.C.

George Hutton, Hutton and Bourbonnais Co., Hickory, N.C.

Marvin Little, Queen City Bus Co., Fayetteville, N.C.

Gilbert Ray, City Manager, Fayetteville, N.C.

Thornton Rose, Carolina Tel. and Tel. Co., Fayetteville, N.C.

Roger Simmons, Publisher, Hamlet Messenger, Hamlet, N.C.

Willard Slappey, Veterinarian, Fayetteville, N.C.

George Tinnin, Texaco Representative, Fayetteville, N.C.

Wilson Yarborough, Yarborough Motors, Fayetteville, N.C.

Jackson F. Lee, Owner, WFAI Radio Station, Fayetteville, N.C.

Ernie Massei, President, Chamber of Commerce, Fayetteville, N.C.

C. C. Powers, Powers-Swain Chevrolet, Inc., Fayetteville, N.C.

Al Rummans, Sears, Roebuck and Co., Fayetteville, N.C.

Rudolph Singleton, Attorney, Mayor's Public Relations, Fayetteville, N.C.

John H. Swope, Executive Director, FAIDC, Fayetteville, N.C.

L. F. Worrell, Chief of Police, Fayetteville, N.C.

Sherman Young, Military Affairs Committee, Fayetteville, N.C.

MILITARY ESCORTS

Colonel C. B. Slaughter, Jr., Commander, 464th Tactical Airlift Wing, Pope AFB, N.C.

Colonel Harry L. Rothman, Director of Materiel, 464th Tactical Airlift Wing, Pope AFB, N.C.

Colonel W. L. Spencer, Commander, 464th Combat Sup Gp, Pope AFB, N.C.

Major John W. Surprise, Jr., Chief, Information Division, 464th Tactical Airlift Wing, Pope AFB, N.C.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 464TH COMBAT SUPPORT GROUP (TAC),
Pope Air Force Base, N.C.,
September 5, 1968.

Following civilian personnel, as indicated, are authorized to travel on or about 10 Sep 68 by military acft from Pope AFB, NC to Douglas Municipal Arpt, Charlotte, NC; Peterson Fld, Colorado Springs, Colo; Nellis AFB, Nev, and return to Douglas Fld, Charlotte, NC, and Pope AFB, NC, for approximately 3 days, for purpose of community relations, public affairs tour of ADC Hq, NORAD, USAF Academy and Nellis AFB. Flt release forms will be accomplished by each civilian in accordance with AFR 76–6. Travel is necessary in the mil svc and authorized per AFR 76–6. Non-revenue traffic. Authority: AFR 190–13 and Hq USAF Ltr, 28 May 68.

Lt. Gen. Edward H. Underhill (ret.), Whispering Pines, N.C.
R. R. Allen, Fayetteville, N.C.
Joe Barr, Fayetteville, N.C.
George Blackwelder, Hickory, N.C.
Robert H. Butler, Fayetteville, N.C.
Charles C. Clark, Fayetteville, N.C.
William G. Clark, Fayetteville, N.C.
John L. Creed, Fayetteville, N.C.
Julian C. Greene, Elizabethtown, N.C.

L. Sneed High, Fayetteville, N.C.
Sam Hutaff, Fayetteville, N.C.
Monroe E. Evans, Fayetteville, N.C.
Israel Bloom, High Point, N.C.
James Hutchinson, Fayetteville, N.C.
William P. Brady, Hickory, N.C.
Alexander Bernhardt, Lenoir, N.C.
Robert Curtis, Fayetteville, N.C.
W. A. Dickinson, Fayetteville, N.C.
Willian Ford, Fayetteville, N.C.
Lee Garrison, Gastonia, N.C.
John T. Henley, Fayetteville, N.C.
Clyde Sullivan, Fayetteville, N.C.
George Hutton, Hickory, N.C.
Marvin Little, Fayetteville, N.C.
Gilbert Ray, Fayetteville, N.C.
Thornton Rose, Fayetteville, N.C.
Roger Simmons, Hamlet, N.C.
Willard Slappey, Fayetteville, N.C.
George Tinnin, Fayetteville, N.C.
Wilson Yarborough, Fayetteville, N.C.
Jackson F. Lee, Fayetteville, N.C.
Ernie Massei, Fayetteville, N.C.
C. C. Powers, Fayetteville, N.C.
Al Rummans, Fayetteville, N.C.
Rudolph Singleton, Fayetteville, N.C.
John H. Swope, Fayetteville, N.C.
L. F. Worrell, Fayetteville, N.C.
Sherman Young, Fayetteville, N.C.

2d Lt. GWENDOLYN A. MORRIS,
Assistant Chief of Administrative Service
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR FORCE SYSTEMS COMMAND, ANDREWS AIR FORCE BASE, WASHINGTON, D.C.,
October 18, 1968.

Subject: Reporting Non-Local Travel for Public Affairs Purposes (RCS: DD–PA (M)591).

To: Secretary of the Air Force (SAFOICC), Washington, D.C. 20330.

Non-local travel for AFSC activities for the month of September 1968 were as follows:

a. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

(1) A group of 12 Radio/TV and Newspaper men were airlifted from Glenview Naval Air Station, Ill., to General Dynamics, Fort Worth, Tex., and returned to Glenview NAS by an AFLC C–118 aircraft. Press personnel travel was approved by OASD to attend the turnover ceremony at the General Dynamics Plant of the F–111C to the Australian Government.

b. Electronic Systems Division, L. G. Hanscom Field, Mass.

(1) AFSC Orientation Tour for dignitaries from the New England area (26 including escorts) from Hanscom Field to Ent AFB, Colo., Offutt AFB, Neb., and Wright-Patterson AFB, Ohio. An ESD aircraft (C–118) was used for this tour. Approval was received from this Headquarters and SAFOIC.

HAROLD M. HELFMAN,
Deputy Director, Office of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR FORCE LOGISTICS COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO,
October 22, 1968.

Subject: Use of Military Carriers for Public Affairs Purposes (RCS: DD–PA(M)591).

To: OSAF (SAFOI), Washington, D.C. 20330.

1. Reference para 6d, AFR 190–13.

2. The Sacramento Air Materiel Area, McClellan AFB, Calif., hosted a group of civic leaders on an orientation visit to General Dynamics/Ft. Worth and to Kelly AFB, Texas during the period 11–13 September 1968. The following information is reported:

a. Names, affiliations, and positions of persons transported (atch No. 1)

b. Points of origin and destination (date, local time, and place):

11 Sep 68, 0600, 1310, Departed McClellan AFB, Calif.; Arrived Carswell AFB (GD/FW).

12 Sep 68, 0740, 0900, Departed Carswell AFB; Arrived Kelly AFB, Texas.

13 Sep 68, 1440, 1850, Departed Kelly AFB, Texas; Arrived McClellan AFB, Calif.

c. Mode of transportation: C–118 aircraft.

d. Public Affairs purpose accomplished: This trip was the first of its kind for all but three of the guests. The group was impressed by the complexities and importance of Air Force Logistics Command operations from the standpoint of interface and cooperation between air materiel areas. More depth of understanding between manufacturer and the people responsible for maintenance and support of new aircraft was also achieved. The image of the Sacramento Air Materiel Area as being a vital and important part of the overall AFLC operation and support of the Air Force was enhanced.

Col. DEAN E. HESS,
Director, Office of Information
(For the Commander).

PERSONS MAKING TRIP TO GENERAL DYNAMICS/FORT WORTH AND KELLY AFB

William A. Deagling, Vice Pres, Crocker-Citizens National Bank.
John S. Gill, Rancher.
Glenn H. Hall, Chairman, Aviation Committee, Chamber of Commerce.
John C. Haulman, Pres, Suburban Ford.
William H. Kershaw, Pres, Glenbrook Lumber Co.
J. W. Kipper, Manager, Sears.
J. R. Liske, Architect.
Harry Moore, Partner, Moore Brothers Real Estate.
Henry M. Moss, Realtor.
Frank J. O'Brien, Member Sacramento County Board of Supervisors.
Eugene Ragle, General Manager, Radio KPOP.
J. Sheldon Robinson, Manager, Macy's.
Dr. Herbert C. Sanderson, Surgeon.
Dr. F. A. Schroeder, Physician.
Jack W. Sellers, Pres, Coca-Cola Bottling Co.
Hardie C. Setzer, Owner, Glenco Forest Products.
Glenn W. Sorensen, Pres, California Liquid Gas.
Carl Spilman, Pres, Spilman Printing.
Salvin Swanson, Pres & Owner, Swanson Cleaners.
Elwood F. Maleville, Pres, Sacramento Inn Corp.
Robert E. Daft, Orthodontist.
Major General William W. Veal.
Colonel Richard J. White, Base Commander.
Colonel Eric W. Rood, Director of Personnel.
Lt. Colonel Donald M. Bell, Chief, Office of Information.
Mr. Frank Delmar, Protocol Officer.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR FORCE LOGISTICS COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO
November 21, 1968.

Subject: Use of Military Carriers for Public Affairs Purposes (RCS: DD–PA(M)591).

To: OSAF (SAFOI), Washington, D.C.

1. Reference para 5e, AFR 190–13.

2. The San Antonio Air Materiel Area, Kelly AFB, Texas, hosted a group of 12 local businessmen and civilian dignitaries on a trip to Ent AFB, Vandenberg AFB, and Nellis AFB during the period 15–18 October 1968. The following information is reported:

a. Report Month—October 1968

b. Public Affairs Objective Accomplished—The purpose of this tour was to increase the knowledge and understanding of the San Antonio community leaders in USAF training activities and aerospace facilities and the role of the San Antonio Air Materiel Area in support of these programs.

c. Point of Origin and Destination(s)—The tour originated and terminated at Kelly AFB, Texas. Stops were made at Colorado Springs (Peterson Field); Vandenberg AFB, Calif.; and Nellis AFB, Nevada.

d. Mode of Transportation Used—T–29 aircraft.

e. Name, Position, and Affiliation of Persons Transported—See Atch #1.

HARRY A. HABERER,
Chief, Information Division
(For the Commander).

PERSONS MAKING TRIP TO ENT, VANDENBERG, AND NELLIS AIR FORCE BASES

SAAMA HOST

Major General Frank E. Rouse, Commander, San Antonio Air Materiel Area.

SAAMA ESCORTS

Captain David Wilder.
Mr. A. D. McCall, Jr.

GUESTS

Mr. Stanley Campbell, Publisher, Kelly Observer.
Judge Solomon Casseb, Judge, 57th District Court.
Mr. Ray Ellison, Liaison Officer, Chamber of Commerce.
Mr. Lonnie R. Griffin, Div. Manager, Southwestern Bell Telephone.
Mr. Robert C. Jones, Member, San Antonio City Council.
Mr. John McSween, District Manager, IBM Corporation.
Mr. John Monfrey, Chairman, 1968 PGA Tournament.
Mr. Charles M. Sawtelle, Sawtelle, McAllister, and Friedrich Co.
Mr. Robert Sawtelle, Attorney, San Antonio.
Mr. Forrest Smith, President, National Bank of Commerce.
Mr. C. Linden Sledge, San Antonio Chamber of Commerce.
Mr. H. B. Zachry, Chairman of the Board, HemisFair 1968.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS MILITARY AIRLIFT COMMAND,
Scott Air Force Base, Ill., November 22, 1968.

Subject: Use of Military Carriers for Public Affairs Purposes RCS: DD–PA(M)591.

To: Secretary of the Air Force (SAFOIC), Washington DC 20330.

The attached report of non-local airlift of news media representatives and civic leaders is submitted in compliance with AFR 190–13.

Col. JACK L. GIANNINI,
Director of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS 437TH MILITARY AIRLIFT WING (MAC), CHARLESTON AIR FORCE BASE, S.C.
October 21, 1968.

The following news media representatives are invited by the Secretary of the Air Force to proceed on or about 21 October 1968 from Charleston AFB, S.C. to Seymour Johnson AFB, N.C. on C–141 Aircraft and return to Charleston AFB the same day for public information coverage of exercise "Linebacker". Travel is on a space available basis and will be at no expense to the government. Individuals will not be granted access to classified information. Authority: SAFOIPC UNCLAS MSG 071906Z Feb. 68, AFR 190–13.

Mr. Ronald Brinson, Charleston Evening Post, Charleston, S.C.

Mr. Robert T. Townsend, WUSN–TV, Mt. Pleasant, S.C.

Mr. H. H. Bailey, WCIV–TV, Mt. Pleasant, S.C.

Mr. Wayne Long, WQSN Radio, Charleston, S.C.

Lt. Col. J. R. WYATT,
Chief Administrative Services
(For the Commander).

REQUEST AND AUTHORIZATION FOR CHANGE OF ADMINISTRATIVE ORDERS

To: G437DASO.
From: 437F.

Orders pertaining to the individual(s) listed in item 3 are amended as shown in item 4.

1. Identification of order being changed: A. Paragraph, 1. B. Order (*Type and No.*), TA–2807. C. Date, 21 Oct 1968. E. Relating to TDY to Seymore Johnson.

3. Identification of individual(s) to whom change action pertains: A. Grade, CIV. B. Last name, first, middle initial, Walker, Elizabeth. C. AFSN or posiiton title (*Civilian*), Charleston News and Courier, Charleston, S.C.

4. Amendment: B. Item is amended to include Walker, Elizabeth, Charleston News and Courier, Charleston, S.C.

6. Date: 21 Oct 68.

7. Approving official: Thomas J. Kirwin, III, 2nd Lt. Asst. Information Officer.

8. Signature: Thomas J. Kirwin, III.

9. Phone No.: 2453.

10. Designation and location of headquarters: Department of the Air Force, HQ 437th MAWg (MAC), Charleston AFB, SC 29404.

11. Order: TA–2809.

12. Date: 21 Oct 68.

13. TDN: For the Commander.

14. Distribution: "C", TA–2809.

15. Signature element of orders authenticating official: J. R. WATT, Lt. Colonel, USAF, Chief, Administrative Services.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS 63D MILITARY AIRLIFT WING (MAC), NORTON AIR FORCE BASE, CALIF.

October 24, 1968.

The following civilians are authorized to proceed on or about 27 to 29 October 1968 from Norton Air Force Base, Calif. or El Toro Marine Corps Air Station, Calif. to Fallon Naval Auxiliary Air Station, Nev. and return to Norton Air Force Base, Calif. or El Toro Marine Corps Air Station, Calif. Purpose of the trip is to cover Exercise Rancher Corral II. Travel by military aircraft is authorized. Travel authorized by this order does not entitle traveler to expense of travel. Authority is granted under the provisions of AFR 190–13. Variations in itinerary authorized.

Karl Edgerton, Military Editor, San Bernardino Sun-Telegram, San Bernardino, Calif.

Reggie Sellas, Chief Photographer, San Bernardino Sun-Telegram, San Bernardino, Calif.

Milt Cook, News Director, KAGE Radio, Riverside, Calif.

Buck Lanier, Military Editor, Long Beach Press-Telegram, Long Beach, Calif.

Bob Shumway, Photographer, Long Beach Press-Telegram, Long Beach, Calif.

B. W. DECLARK,
Chief of Administrative Services
(For the Commander).

ALTUS CIVIC LEADERS VISIT TO LOCKHEED-GEORGIA, OCTOBER 1–2, 1968

(Name, position and affiliation)

Weaver Creed, Dobbs & Creed Real Estate, National Bank of Commerce.

Howard Cotner, President, Industrial Group, Jackson Company Abstract.

Wayne Stice, Manager, Public Service Co., National Bank of Commerce.

Hatton McMahan, President, First National Bank.

R. W. Moore, Vice-President, ARK-LA Gas Co.

John Gover, President, National Bank of Commerce.

Fred Mains, Manager, Pepsi Company.

John Badger, Badger Oil Co.

Ryan Kerr, Mayor, Altus Attorney, National Bank of Commerce.

Clifford Peterson, Superintendent, Altus Schools.

Dwight Corley, Manager, Chamber of Commerce.

Harold Doughty, President, First State Bank.

Jim Click, Owner, Click Chevy Company.

Larry Derryberry, Attorney.

Herschal Crow, Agriculturist.

Dr. E. A. Allgood, Physician and Vice President, Water District, Snyder, OK.

Maurice Willis, Manager, Central Pharmacy.

Jack Weaver, Member, City Planning Commission.

Robert Harbison, President, Jackson County Industrial Trust, National Bank of Commerce.

Stansell Whiteside, Attorney.

Darill Leverett, Vice President, First National Bank.

John Kerr, Attorney, National Bank of Commerce.

Walter Hinton, Wright Lumber Co.

Dr. Ben Wray, Optometrist.

Ivan Roberson, Gregg-Buck-Roberson Insurance.

Ray Holsey, Vice President, National Bank of Commerce.

Ted Roberts, Association District Attorney.

John Davis, John Davis Enterprise.

John Biggs, Waggener Ranch, Vernon, Texas.

Jack Colville, Colville and Walson, Inc.

Frank Wimberly, Manager, KWHW.

Jim Hale, Managing Editor, Times-Democrat.

Preston Jameson, News Director, KAUZ–TV, Wichita Falls, Texas.

Bill Richey, News Director, KFDX–TV, Wichita Falls, Texas.

Charles Darling, News Director, KSWO–TV, Lawton OK.

Subject: DD–PA (M) 591 (non-local transportation). During October 1968, Strategic Air Command provided non-local transportation in support of public affairs as follows:

Name: Four State officials from Nebraska.

Date: 22 October 1968.

Affiliation: State of Nebraska government officials.

Point of origin: Offutt AFB, Nebraska.

Destination. Wright-Patterson AFB, Ohio.

Mode: T–29.

Purpose: State of Nebraska officials negotiated the leasing of SAC's aerospace museum for operation as a State park. Final terms for the loan of artifacts to the State of Nebraska were completed.

Authority: SAFOIC ITR, 8 Oct. 68 to SAC DXI.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS ALASKAN AIR COMMAND,

APO Seattle, December 9, 1968.

Subject: Use of Military Carriers for Public Affairs Purposes, DD–PA(M)591.

To: Secretary of the Air Force (SAFOI). Washington, D.C. 20330.

Report for November is as follows:

1. The National Geographic Society is compiling material for a book on Alaska. A writer and a photographer have been in the state in excess of 60 days. The photographer, Mr. George Mobley, requested support from the Alaskan Air Command to get many of his photos. Mr. Mobley's travel, although within Alaska is in support of a publication which will be distributed internationally. His military travel is as follows:

a. An H–21 helicopter was used to transport Mr. Mobley from Eielson AFB, near Fairbanks, to the site of the Alaskan Command Arctic Survival School, and return on 14 November. His purpose was aerial photos.

b. Mr. Mobley was aboard a T–33 aircraft on a training flight to photograph F–102's in flight. The flight originated and terminated at Elmendorf AFB on 27 November.

c. Mr. Mobley was transported from Elmendorf AFB to Iliamna, Alaska, and return on a C–130 aircraft on 2 December. The flight was made to support search and rescue efforts for a civilian crash on that date.

2. Mr. James Finnell of the Los Angeles Society of Illustrators, was transported from Eielson AFB to old crash site and return on an H–21 helicopter on 13 November. Mr. Finnell was also given an orientation flight in a T–33, originating and ending at Eielson AFB on 13 November. Both flights were made so Mr. Finnell could gain insight into Alaskan Air Command air operations. He is painting for the Air Force Art Collection.

Lt. Col. WILLIAM M. MACK,
Director of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS, MILITARY AIRLIFT COMMAND, SCOTT AIR FORCE BASE, ILL.,

December 23, 1968.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD–PA(M) 591.

To: Secretary of the Air Force (SAFOIC), Washington, DC 20330

The attached report of non-local airlift of news media representatives and civic leaders is submitted in compliance with AFR 190–13.

Col. JACK L. GIANNINI,
Director of Information
(For the Commander).

MILITARY AIRLIFT COMMAND—USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M) 591)

Dates	Evaluation of public affairs objectives	Point of origin/destination	Type of aircraft	Name and position	Clippings, TDY orders
Oct. 6, 1968	Extensive coverage in midway magazine	Scott AFB, Ill., Travis AFB, Calif., Clark AB, Philippines, Yokota AB, Japan, Elmendorf AFB, Alaska.	C–141	Gene Smith, reporter; Bern Ketchum, photographer; Topeka Capital-Journal.	Attachment 1.
Dec. 2, 1968	Furthered civic leaders' understanding of the Air Force and MAC.	Glenview NAS, Scott AFB, Ill.	C–141	See attached list (Atch 2)	N/A.
Dec. 15, 1968	Feature article on domestic aeromedical evacuation missions will appear in Globe Democrat on Christmas Day.	Scott AFB, Ill., McChord AFB, Wash., Elmendorf AFB, Alaska.	C–141 and C–124	Larry Fields, reporter, St. Louis Globe-Democrat.	Orders (Atch. 3). Clippings to accompany next report.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR FORCE SYSTEMS COMMAND, ANDREWS AIR FORCE BASE,
Washington D.C., December 27, 1968.

Reply to attn of: SCEI.
Subject: Reporting Non-Local Travel for Public Affairs Purposes (RCS: DD–PA (M)591).
To: Secretary of the Air Force (SAFOICC), Washington, D.C. 20330.

Non-local travel for AFSC activities for the month of November 1968 were as follows:

(a) Headquarters, Air Force Systems Command

(1) A group of 18 civic leaders were taken on an AFSC Orientation Tour from Portland, Oregon to Vandenberg AFB, Calif., Edwards AFB, Calif., and Nellis AFB, Nev. An AFSC aircraft (C–118) was used for this tour. Approval was received by SAFOIC.

For the commander:

HAROLD M. HELFMAN,
Deputy Director, Office of Information.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, HEADQUARTERS COMMAND, USAF, BOLLING AIR FORCE BASE,
Washington, D.C., November 13, 1968.

Reply to attn of: OIN.
Subject: Use of Military Carriers for Public Affairs Purposes (DD–PA(M)591).
To: Hq USAF (SAFOIC).

The following report is submitted from HQ CAP–USAF, Maxwell, AFB, Alabama:

Date of airlift: October 2–3, 1963.

Name: Mayor Paul Grady—Mayor, Hattiesburg, Miss.

Origin of airlift: Berry Field, Nashville, Tenn. & Hattiesburg, Miss.

Destination: Wright-Patterson AFB, Ohio.

Type of aircraft: C–47.

Unit of assignment of aircraft: Southeast Region, USAF–CAP, Berry Field, Nashville, Tenn.

Public affairs purpose accomplished: To accompany members of CAP's Mockingbird Senior Sqdn of Hattiesburg on a field training trip to Wright-Patterson and the AF Museum.

For the commander:

HEBERT ROSENTHAL,
Colonel, USAF, Director of Information.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, HEADQUARTERS COMMAND USAF, BOLLING AIR FORCE BASE,
Washington, D.C., January 22, 1969.

Reply to attn. of: OIN.
Subject: Travel in and Use of Military Carrier for Public Affairs Purposes (DD–PA(M)591).
To: Hq USAF (SAFOIC).

The following report is submitted for the month of December 1968:

Date: December 17, 1968.

Origin: Andrews AFB, Maryland.

Destination: Kitty Hawk, North Carolina via Elizabeth City, N.C.

Passengers: See attached list.

Type of carrier: C–131 from Andrews to Elizabeth City—CH21B(2) from Elizabeth City to Kill Devil Hill.

Purpose of trip: The event is designed to celebrate the 65th Annual observance of the first powered flight by the Wright Brothers at Kitty Hawk, North Carolina. The event is hosted by the National Aeronautic Association.

The airlift support provided by this Command for the 65th Anniversary of powered flight at Kill Devil Hill, N.C., produced an occasion for numerous contacts between the Office of Information and the Air Force Association. The close association between this Command and the several sponsoring agencies improved rapport and established the Command as an organization responsive to needs of the Washington area aviation community.

For the commander:

HERBERT ROSENTHAL,
Colonel, USAF, Director of Information.

LIST OF PASSENGERS

Mr. A. H. Duda, Program Director, Air Force Association, Washington, D.C.

Mr. L. Famiglietti, Air Force Times, Washington, D.C.

Mr. F. Jerdone, Manufacturers' Representative, Washington, D.C.

Mr. M. L. Lien, Director of Information, Air Force Association, Washington, D.C.

Mr. R. Whitener, President, Ralph Whitener & Co., Washington, D.C.

Mr. Clifford Dougherty, President, Arlington Chapter, AFA.

Major General Nils O. Ohman, Commander, HQ COMD USAF.

Capt. Charles Markline, Aide to General Ohman.

Colonel Herbert Rosenthal, Director of Information, HQ COMD USAF.

TSG Jack Lebo, NCOIC, Office of Information, HQ COMD USAF.

SSG I. Smith, Photographer, 1100 AB Wg, Bolling AFB, D.C.

Major Jack (OASD) (PA).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS MILITARY AIRLIFT COMMAND, SCOTT AIR FORCE BASE,
Illinois, January 23, 1969.

MAFOIC.
Use of Military Carriers for Public Affairs Purposes
RCS. DD–PA(M) 591.
Secretary of the Air Force (SAFOIC)
Washington, D.C. 20330.

The attached report of non-local airlift of news media representatives and civid leaders is submitted in compliance with AFR 190–13.

ORLO F. DUKER,
Lieutenant Colonel, USAF, Deputy Director of Information.
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR FORCE LOGISTICS COMMAND, WRIGHT-PATTERSON AIR FORCE BASE,
Ohio, January 23, 1969.

Reply to attn of: MCK.
Subject: Use of Military Carriers for Public Affairs Purposes (RCS: DD–PA(M)591).
To: OSAF (SAFOI) Washington, D.C. 20330.

1. Reference para 6d, AFR 190–13.

2. The San Antonio Air Materiel Area, Kelly AFB, Texas, hosted a small group of San Antonio Chamber of Commerce members on a visit to Tinker AFB and Oklahoma City, Oklahoma. The trip was made on December 16–17, 1968, and the following information is reported:

(a) All civilian persons transported were members of the San Antonio Chamber of Commerce. Names and titles follow:

(1) John T. Steen, President.

(2) C. L. Sledge, Chairman, Armed Forces Committee.

(3) Melvin Sisk, Executive Vice President.

(4) Stan Kealhofer, Assistant General Manager.

(5) Ray Ellison, Chairman, SAAMA Sub Committee.

(6) Frank Rosson, Chairman, Armed Forces Committee for Kelly AFB.

(b) Points of Origin and Destination: Date, local time, place:

December 16, 1968, 0925, departed Kelly AFB, Texas.

December 16, 1968, 1120, arrived Tinker AFB, Okla.

December 17, 1968, 1230, departed Tinker AFB, Okla.

December 17, 1968, 1436, arrived Kelly AFB, Texas.

(c) Mode of Transportation: T–29 Aircraft.

(d) Public Affairs Purpose Accomplished: During this trip, information was obtained on the legal, legislative, and community relations methodology used by officials of Tinker AFB and Oklahoma City to preclude residential encroachment on a long term basis. A study is currently underway by an Action Committee of the San Antonio Chamber of Commerce to prevent encroachment at Kelly AFB as the base looks 15–20 years in the future.

For the commander:

DEAN E. HESS,
Colonel, USAF, Director, Office of Information.

[SPECIAL ORDER TA–2766]

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 62D MILITARY AIRLIFT WING (MAC), MCCHORD AIR FORCE BASE,
Washington, November 15, 1968.

The following named personnel, position and home address indicated, are invited by the Secretary of the Air Force to proceed on or about 16 November 1968 from McChord AFB, Washington to Hickman AFB, Hawaii for the purpose of News Media Orientation Flight on temporary duty for approximately 2 days, and upon completion return to McChord AFB, Washington. Travel by military aircraft is authorized. No per diem authorized. 5793400 3096525 101010 4079 4089 4099 S669100. CIC: 4 4 965 1113 S669100. Authority: Telecon HQ MAC (MAFOIP), Mr. Bill Johnston, Chief Public Information; AFR 36–41 and AFR 76–15.

Name, position, home address:

Leverett G. Richards, Portland Oregonian; Aviation and Military, Editor, 6305 E. Buena Vista Dr., Vancouver, Wash.

Dave Falconer, Portland Oregonian; Photographer, 2722 SW Huber, Portland, Oregon.

Philip S. Kipper, Seattle Post-Intelligencer, Aerospace Editor, 571½ Newton St., Seattle, Wash.

Dave Helm, KTNT TV, Tacoma, 10808 Glenwood Dr., Tacoma, Wash. JU4–1050.

Doyal Gudgel, KTNT TV, Tacoma, Photographer, 3314 NE 182d, Seattle, Wash. EM 3–4272.

Herbert L. Pollock, KTAC Radio, Tacoma, Assistant Manager, 4210 N. Stevens, Tacoma, Wash.

Winston F. McCracken, KMO Radio, Tacoma, News Director, 1127 North Lawrence, Tacoma, Wash. SK 2–5541.

Gene E. Wike, KING TV, Seattle, Night News Editor, 817 Puget Way, Edmonds, Wash.

Wayne Earl Kosbau, KING TV, Seattle, Cameraman, 7103 Linden Ave. N., Seattle, Wash.

Jack B. Williams, KIRO TV, Seattle, Night News Editor, 12211 SE 59th, Apt 66, Bellevue, Wash.

Jer Reeves, KIRO TV, Seattle, Cameraman, 10021 NE 22nd, Bellevue, Wash.

John C. Eddy, KOMO TV, Seattle, 15327 SE 24th, Bellevue, Wash.

Mahlon Brosseau, KOMO–TV, Seattle, Cameraman, 3934 Eastern Ave N., Seattle, Wash.

GEORGE R. DAVENPORT,
Major, USAF, Chief of Administrative Service
(For the Commander).

MILITARY AIRLIFT COMMAND—USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M) 591)

Dates	Evaluation of public affairs objectives	Point of origin/destination	Type of aircraft	Name and position	Clippings, TDY orders
Dec. 14-23, 1968	Features on aeromed evacuation mission during Christmas season.	McChord AB, Wash., Elemendorf ZFB Alaska, Yokota AB, Japan.	C-141, C-9	Mr. Stanton H. Patty, writer, Seattle Times Newspaper.	Attachment 1.
Dec 21	Story and picture coverage of Operation Chirstmas Drop 68.	Andersen AFB, Guam	54WRS, WC-130E	Mrs. Ginger Sinnigen, UPI correspondent; Dick Williams, Stars and Stripes correspondent; Dora Williams, Stars and Stripes correspondent; Rev. Arnold Bendowski, Guide.	Orders and clippings to accompany next report.
November 16-17	News media familiarization with the reserve associate program in three major markets.	McCord AFB, Wash., Hickam AFB, Hawaii	C-141	Leverett G. Richards, Aviation and Military Editor, Portland Olegonian; Dave Falconer, photographer, Poltland Oregonian; Philip S. Kipper, aerospace editor, Seattle Post-Intelligencer; Dave Helm, Doyal Gudgel, KTNT TV, Tacoma; Herbert L. Pollock, assistant manager, KTAC radio, Tacoma; Winston F. McCracken, KMO Radio, Tacoma News Director; Gene E. Wike, KING TV, Seattle night news editor; Wayne Earl Kosbau, KING TV, Seattle Cameraman.	Attachment 2.
	Details on Dec. 15, 1968 airlift of Larry Fields reported in December report (minus clippings) with notation that clippings would follow. The feature article appeared in the St. Louis-Globe Democrat on Christmas Day.				Attachment 3.

[Special Order TA-3019]

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 62D MILITARY AIRLIFT WING (MAC), MCCHORD AIR FORCE BASE,

Washington, December 12, 1968.

The following named personnel, position and home address indicated, is invited by the Secretary of the Air Force to proceed on or about 14 December 1968, from McChord AFB, Washington; to include flights between Continental United States and Alaska, within Alaska and from Alaska to DEWline sites in Greenland. From Continental United States or Alaska to Yokota AB, Japan and return upon completion to McChord AFB, Washington. Purpose is to accompany MAC cargo and aeromedical evacuation flights, domestically and overseas, for the purpose of coverage of airlift activities. Further, prior to entering Japan, he will have necessary inoculations. If individual is to fly into Greenland he is to obtain entry permit from the Danish Government prior to the flight. Airlift authorized by these orders will be accomplished on a space available, non-interference with mission basis. Travel by Military aircraft is authorized. Approximate number of days, 10. Individual is not authorized access to classified information or areas. For portion of trip aboard air evac flights patient permission is required prior to their being interviewed cr photographed. No per diem authorized. 5793400 3096525 101040 40910 40710 S669100. CIC: 4 4 965 1220 S669100. Travel is necessary in the public service. Auth: AFRs 36-41 and 76-15 and rds OSAF message R 092246Z Dec. 68. Issue of Arctic clothing authorized.

Mr. Stanton H. Patty, Seattle Times Newspaper Writer, 7309 46th Ave. NE., Seattle Wa. 98115.

For the commander:

GEORGE R. DAVENPORT,
Major, USAF,
Chief of Administrative Services.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR TRAINING COMMAND, RANDOLPH AIR FORCE BASE,

Texas, January 3, 1969.

Reply to attn of: ATCOI-C.

Subject: Report on Non-Local Travel and Transportation for Public Affairs Purposes (RCS: DD-PA(M)591).

To: Secretary of the Air Force (SAFOIC).

In compliance with AFR 190-13, subject report for the month of December 1968 is attached.

For the commander:

WILLIAM J. BECK,
Colonel, USAF,
Deputy Chief of Information.

REPORT ON NONLOCAL TRAVEL AND TRANSPORTATION FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591) HEADQUARTERS AIR TRAINING COMMAND DEC. 1-31, 1968

Date	Names and positions	Points of origin and destination	Type of aircraft	Purpose
Dec. 18-20	See attached list (TAB A)	Webb AFB, Tex. to Patrick AFB, Fla. and return	C-131	Webb AFB community relations are excellent but this tour further cemented relations between the civilian community and Webb AFB and acquainted the civilians with other phases and activities of the Air Force.

GUEST LIST

1. Bob Bradbury, Civic Leader.
2. Bill Pollard, New Car Dealers Association.
3. Jerry Worthy, City Council.
4. Winston Wrinkle, Civic Leader.
5. Jim Baum, Civic Leader.
6. Dr. Carl Marcum, Surgeon and Past Co-chairman, Base-Community Council.
7. J. Arnold Marshall, Mayor.
8. Joe Pickle, Editor, The Big Spring Daily Herald.
9. Clyde McMahon, Chairman, Chamber of Commerce Aviation Committee.
10. Marvin M. Miller, Co-chairman, Base Community Council Steering Committee.
11. Adolph Swartz, Civic Leader; Chamber of Commerce Past President.
12. Dr. Milton Talbot, President, Chamber of Commerce.
13. John L. Taylor, Civic Leader; Director, Chamber of Commerce.
14. Jeff Brown, President, Big Spring Chapter, AFA.
15. Paul Meek, President, Cosden Oil and Chemical Company.
16. Don Womack, Manager, Texas-Electric; Vice Pres., Chamber of Commerce.
17. Larry Crow, City Manager.
18. R. J. (Dick) Ream, Vice Pres., First National Bank; Civic Leader.
19. K. H. (Chub) McGibbon, Civic Leader.
20. Colonel W. C. McGlothlin, Jr., Wing Commander, Webb AFB.
21. Colonel C. B. Estes, Base Commander, Webb AFB.
22. Captain J. H. K. Buchholz, Base Services Officer, Webb AFB.
23. Captain Owen H. Wormser, Information Officer, Webb AFB.
24. Captain Robert Gobble, Training Officer, Webb AFB.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS TENTH AIR FORCE (ADC), RICHARDS-GEBAUR AIR FORCE BASE,

Missouri, January 7, 1969.

Reply to Attn. of: 10CIO.

Subject: Use of Military Airlift for Public Affairs Purposes (RCS: DD-PA(M)591).

To: SAFOIC.

The following report is submitted for military airlift provided Kansas City News Media for trip to Air Force Eastern Test Range, Patrick AFB, Florida from 4-7 Dec. 1968, as required by AFR 190-13, para 5e.

(1) Report Month: December 1968.

(2) Evaluation of the Public Affairs Objectives Accomplished: This trip was scheduled to build rapport and improve media relationships between this headquarters and greater Kansas City News media and provide background information on aerospace defense matters and the nations space projects.

(3) Point of Origin: Richards-Gebaur AFB, Mo. Destination: Patrick AFB, Fla.

(4) Mode of Transportation:

December 4, C-118.

December 7, T-29.

(5) Newsmen Participating:

L. L. Edge, Reporter, Johnson County Herald.

James Brown, Editor-Publisher, Cass County Democrat.

Jack Bernet, Editor, Sky Lines Magazine

Webster Hawkins, Editor-Publisher, Osawatomie Graphic.

Tom Eblen, Reporter, Kansas City Star.

R. E. McDonald, Reporter, Town & Country Leader.

Tom McAllen, Editor-Publisher, Cameron News Observer.

Leonard McCalla, Reporter, Garnett Review.

R. W. Bricker, Editor-Publisher, Waverly Times.

Larry Fowler, Reporter, Kansas City Star.
C. Patrick Bills, Reporter, Liberty Tribune.
Ben Weir, Managing Editor, Independence Examiner.
Clarence A. Johnson, Reporter, Associated Press.
Paul Massey, Editor, Bonner Springs Chieftain.
John McDermott, Editor, National Appliances & Electronic News.
Tom Cauley, Reporter, VFW Magazine.
Steve Rose, Reporter, Sun Publications.
Ben Ward, News Director, KEXS.
Harold Glazer, Reporter, WDAF-TV.
Roger Miller, Reporter, Ottawa Times.
(6) Attached are clippings, photos, itinerary, and travel orders.

For the commander:

GEORGE A. CARTER,
Colonel, USAF Director of Information.

ITINERARY

(Kansas City Press, December 4–7, 1968)

December 4, 1968: 1030, ETD—Richards-Gebaur AFB, Mo.; 1530 approximately, arrive Patrick AFB Via C–118, and 1545, depart for Sheraton Cape Colony.

December 5, 1968: 0900, depart for Kennedy Space Center; 1000, arrive KSC; 1000–1130, briefing and tour; 1130–1230, lunch; 1245, depart for Press Site No. 1; 1400, witness launch of Thor Delta boosting EROS Satellite HEOS; 1600, post-launch news conference, and evening free.

December 6, 1968: 0900, depart motel for Cape Kennedy Air Force Station, and 1000–1300, briefing and tour of Cape Kennedy Air Force Station.

December 7, 1968: 0230, depart motel for press site No. 1; 0340, witness launch of Atlas Centaur boosting the Orbiting Astronomical Observatory into orbit; 0500, post-launch news conference, and 1300, depart for Richards-Gebaur AFB, Mo.

[Special Order TA-1738]

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS TENTH AIR FORCE (ADC), RICHARDS-GEBAUR AIR FORCE BASE,
Missouri, December 3, 1969.

The following individuals are invited by the Secretary of the Air Force to proceed on or about 4 December 1968 from Richards-Gebaur AFB, Missouri, to Patrick AFB, Florida, for approximately three days to receive briefings on the Air Force Eastern Test Range, and upon completion will return to Richards-Gebaur AFB, Missouri. Travel is authorized in accordance with AFR 190–13, as supplemented, and is necessary in the public service.

L. L. Edge, Reporter, Johnson County Herald, Shawnee Mission, Kansas.
James Brown, Editor-Publisher, Cass County Democrat, Harrisonville, Mo.
Jack Bernet, Editor, Sky Lines Magazine, Kansas City, Missouri.
Webster Hawkins, Editor-Publisher, Osawatomie Graphic, Osawatomie, Kans.
Tom Ablen, Reporter, Kansas City Star, Kansas City, Mo.
R. E. McDonald, Reporter, Town & Country Leader, Excelsior Springs, Mo.
Tom McAllen, Editor-Publisher, Cameron News Observer, Cameron, Mo.
Leonard McCalla, Reporter, Garnett Review, Garnett, Kansas.
R. W. Bricker, Editor-Publisher, Waverly Times, Waverly, Missouri.
Larry Fowler, Reporter, Kansas City Star, Kansas City, Mo.
C. Patrick Bills, Report, Liberty Tribune, Liberty, Missouri.
Ben Weir, Managing Editor, Independence Examiner, Independence, Mo.
Clarence A. Johnson, Reporter, Associated Press, Kansas City, Mo.
Paul Massey, Editor, Bonner Springs Chieftain, Bonner Springs, Kans.
John McDermott, Editor, National Appliances & Electronic News, K.C., Mo.
Tom Cauley, Reporter, VFW Magazine, Kansas City, Mo.
Steve Rose, Reporter, Sun Publications, Shawnee Mission, Kansas.
Ben Ward, News Director, KEXS, Excelsior Springs, Missouri.
Harold Glazer, Reporter, WDAF–TV, Kansas City, Missouri.
Roger Miller, Reporter, Ottawa Times, Ottawa, Kansas.

For the commander:

BENJAMIN O. NEWTON,
Captain, USAF, Assistant Director of Administrative Services.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR TRAINING COMMAND, RANDOLPH AIR FORCE BASE,
Texas, February 4, 1969.

Reply to attn of: ATCOI–C.
Subject: Report on Nonlocal Travel and Transportation for Public Affairs Purposes (RCS: DD–PA(M)591).
To: Secretary of the Air Force (SAFOIC), Washington, D.C. 20300.

In compliance with AFR 190–13, subject report for the month of January 1969 is attached.

For the commander:

WILLIAM J. BECK,
Colonel, USAF, Deputy Chief of Information.

REPORT ON NONLOCAL TRAVEL AND TRANSPORTATION FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591) HEADQUARTERS AIR TRAINING COMMAND, JAN. 1–31, 1969

Date	Names and positions	Points of origin and destination	Type of aircraft	Purpose
Jan. 16–17	See attached list (TAB A)	La Guardia Airport, N.Y. to Chanute AFB and return.	T–29	The New York area civic leaders joined Chicago area civic leaders in touring Chanute AFB's technical training center thereby promoting greater civilian understanding of Air Force and ATC missions.
Jan. 26–28	See attached list (TAB B)	Laredo AFB to Patrick AFB and Moody AFB and return.	C–131	Laredo AFB community relations are excellent with both the cities of Laredo, Tex. and Nuevo Laredo, Mexico. This civic leader tour further strengthened goodwill between both civilian communities and Laredo AFB plus acquainting tour participants with other phases and activities of the Air Force.

GUEST LIST—LAGUARDIA AIRPORT CIVIC LEADER TOUR TO CHANUTE AFB, ILL., JANUARY 16–17, 1969

1. Robert J. Beckwith, Director, Connecticut Veteran Home & Hospital, Rocky Hill, Connecticut.
2. Richard H. Bullwinkel, Vice President, County National Bank, Newburgh, New York.
3. Jack Doyle, President, Newburgh Junior Chamber of Commerce, Newburgh, New York.
4. Andrew Ferreiro, Director, Enfield Company, Enfield, Connecticut.
5. William J. Johnston, Staff Assistant, Contact Division, Veterans' Administration, Hartford, Connecticut.
6. Eugene Kelly, Insurance Executive, Manchester, Connecticut.
7. J. Russell LeBeau, President, Bo Bernstein & Company, Providence, Rhode Island.
8. John Lovell, Associate Professor, Political Science, Vassar College, Poughkeepsie, New York.
9. Dr. David R. Shapiro, Board of Education, Newburgh, New York.
10. John Sherman, President, Orange County Philharmonic Society, Newburgh, New York.
11. Richard Stover, President, County National Bank, Middletown, New York.

GUEST LIST—LAREDO AFB, TEXAS CIVIC LEADER TOUR TO PATRICK AFB, FLA., AND MOODY AFB, GA., JANUARY 26–28, 1969

1. Porfirio Flores, Sheriff, Webb County.
2. Alberto Santos, Judge, Webb County.
3. Harry Sames, President, Laredo Chamber of Commerce.
4. W. R. Powell, Vice President, Laredo Chamber of Commerce.
5. Rudy Guerrero, Vice President, Laredo Chamber of Commerce.
6. George Ballard, Treasurer, Laredo Chamber of Commerce.
7. G. R. Peck, Chairman, Laredo C of C Military Affairs Committee.
8. Carlos Zuniga, Chairman, Laredo C of C Port Commission.
9. Joe Guerra, Chairman, Laredo C of C Civic Division.
10. Fred Galo, Chairman, Laredo C of C Commercial Division.
11. Ray Keck, Chairman, Laredo C of C Trade Development Division.
12. Ed Phelps, Executive Vice President, Laredo Chamber of Commerce.
13. Henry Jackson, Laredo C of C Military Affairs Committee.
14. Bob G. Freeman, Laredo C of C Military Affairs Committee.
15. J. A. Slaughter, Past President, Laredo Chamber of Commerce.
16. Clayton Kirk, Chairman, Laredo C of C Business & Industry Committee.
17. Max Mandel, Board of Directors, Laredo Chamber of Commerce.
18. Renato Zapata, Board of Directors, Laredo Chamber of Commerce.
19. Colonel Harold F. Knowles, Commander, Laredo AFB.
20. Lt. Colonel William F. Voight, Executive Officer, Laredo AFB.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS MILITARY AIRLIFT COMMAND, SCOTT AIR FORCE BASE, ILL.,
February 24, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD–PA(M)591.
To: Secretary of the Air Force (SAFOIC), Washington, D.C. 20330.

The attached report of non-local airlift of news media representatives and civic leaders is submitted in compliance with AFR 190–13.

COL. JACK L. GIANNINI,
Director of Information
(For the Commander)

MILITARY AIRLIFT COMMAND—USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591)

Dates	Evaluation of public affairs objectives	Point of origin and destination	Type of aircraft	Name and position	Clippings, TDY orders
Jan. 16	Coverage of reforger, crested cap training exercise.	Holloman AFB, N. Mex., Spangdahlem AB, Germany.	C-141	Mr. Karl R. Edgerton, military editor, Sun Telegram, San Bernardino, Calif. Mr. Reginos P. Sellas, photographer, Sun Telegram, San Bernardino, Calif. Mr. Fred Bauman, photographer, Press Enterprise, Riverside, Calif.	Atch 1.

1132ND USAF FIELD EXTENSION SQUADRON, 1100TH AIR BASE WING (HQ COMD), BOLLING AIR FORCE BASE, D.C.

January 14, 1969.

Subject: Invitational Travel Orders No. T-69-5.

To: Persons concerned.

1. The following-named individuals are authorized to proceed from Holloman Air Force Base, New Mexico to Spangdahlem Air Base, Germany by military air on a space-available basis on/about 16 January 1969 and return to the United States. Purpose of travel is to provide coverage of Reforger/Crested Cap Training Exercise. Auth: Confidential SecDef (OASD/PA) msg 9086N 091447Z. Jan. 69.

Charles I. Coombs, free-lance book author, Los Angeles

Ernest Reshovsky, PIX, Inc., Los Angeles

Tony Kent, KPOL Radio and Capitol Cities Broadcasting Corp., Los Angeles

Ray Cullin, Bureau Chief, NBC Sacramento

Dick Black, Cameraman, NBC Sacramento

Ernest St. Germaine, Soundman, NBC Sacramento

Karl R. Edgerton, Military Editor, San Bernardino Sun Telegram

Reginos P. Sellas, Photographer, San Bernardino Sun Telegram

Fred Bauman, Riverside Press Enterprise

2. Variations in itinerary are authorized.

3. Immunizations per AFR 161-13 will be accomplished as soon as practicable prior to commencing travel and may be obtained at nearest Armed Services hospital or dispensary.

4. While traveling by aircraft, a total of 66 pounds baggage, including excess, is authorized.

5. Flight waivers will be properly executed prior to flight.

6. Access to classified information or areas is not authorized.

7. Travel is authorized under provisions of AFR 76-6 or AFR 190-13 as applicable, at no expense to the U.S. Government. Non-revenue traffic.

Lt. Col. ARTHUR S. RAGEN,
USAF, Assistant Chief, Administrative Services.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR FORCE, SYSTEMS COMMAND, ANDREWS AIR FORCE BASE,

Washington, D.C., March 26, 1969.

Subject: Reporting Non-Local Travel for Public Affairs Purposes (RCS: DD-PA (M)591).

To: Secretary of the Air Force (SAFOICC), Washington DC 20330.

Non-local travel for AFSC activities for the month of February 1969 was as follows:

a. Aeronautical Systems Division, Wright-Patterson AFB, Ohio. A group of 38 Radio/TV and Newspaper men was airlifted from Wright-Patterson AFB, Ohio, to North American-Rockwell, Los Angeles, Calif.; Air Force Western Test Range, Vandenberg AFB, Calif.; and Aerospace Medical Division, Brooks AFB, Texas, and returned to Wright-Patterson AFB, Ohio by an AFLC C-118 aircraft for an orientation tour of facilities. Approval was received from this Headquarters and SAFOIPC.

HAROLD M. HELFMAN,
Deputy Director, Office of Information,
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS MILITARY AIRLIFT COMMAND, SCOTT AIR FORCE BASE, ILL.

March 19, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD-PA(M)591.

To: Secretary of the Air Force (SAFOIC), Washington DC 20330.

The attached report of non-local airlift of news media representatives and civic leaders is submitted in compliance with AFR 190-13.

Lt. Col. ORLO F. DUKER,
USAF Deputy Director of Information,
(For the Commander).

MILITARY AIRLIFT COMMAND—USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591)

Dates	Evaluation of public affairs objectives	Point of origin/destination	Type aircraft	Name and position	Clippings, TDY orders
Jan./Feb. 1969	Well read story, and picture coverage of Reforger/Crested Cap Training Exercise.	McGuire AFB, N.J./Nurnberg, Germany	C-141	William W. Smoak, Walterboro Press and Standard, Walterboro, S.C.	Attachment 1.
Jan./Feb. 1969	Very good radio and TV coverage in St. Louis area of Reforger/Crested Cap Training Exercise.	Forbes AFB, Kans./Nurnberg-Rhein Main, Germany.	C-141	Bob Chase, newsman, KSD-TV, St. Louis; Robert Shea, newsman, KXOK Radio, St. Louis, Barry Serafin, Charles Bohm, Elmer Jameson, newsmen, KMOX-TV, St. Louis.	Attachment 2.
	Outstanding feature story and picture coverage in St. Louis Globe-Democrat.			Larry Fields, reporter, St. Louis Globe-Democrat.	

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS MILITARY AIRLIFT COMMAND, SCOTT AIR FORCE BASE, ILL.

January 15, 1969.

SPECIAL ORDER T-227

The following named individuals, business addresses indicated, are authorized to proceed from Forbes AFB, KS 66620 to Nuremburg and Rhein Main, Germany, by military air on space available basis on or about 20 Jan 69 and return to the US on/about 4 Feb. 69. Purpose of travel is to provide coverage of Reforger/Crested Cap Field Training Exercise. Variations in itinerary are authorized. Immunizations per AFR 161-13 will be accomplished as soon as practicable prior to commencing travel and may be obtained at nearest Armed Services Hospital or dispensary. While traveling by acft, a total of 66 pounds of baggage, including excess, is authorized. Travel will be on a non-reimbursable basis. Access to classified information is not authorized. Authority: AFR 190-13 and CSAW Msg SAFOIPC 101735Z Jan 69.

MR BOB CHASE, KSD-TV, 1111 Olive St, St Louis, MO 63101.

MR ROBERT SHEA (ROBERT E. SCHOENEBERG), KXOK Radio 1600 N. Kingshighway, St Louis, MO 63101.

MR LARRY FIELDS, St Louis Globe-Democrat, 710 N 12th St, St Louis, MO 63101.

MR BARRY SERAFIN, KMOX-TV, 1 S Memorial Drive, St Louis, MO 63101.

MR CHARLES BOHM, KMOX-TV, 1 S Memorial Drive, St Louis, MO 63101.

MR ELMER JAMESON, KMOX-TV, 1 S Memorial Drive, St Louis, MO 63101.

JACK N. STOVALL,
Col, USAF, Director of Administration
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR FORCE LOGISTICS COMMAND WRIGHT-PATTERSON AIR FORCE BASE, OHIO,

March 21, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes. (RCS: DD-PA(M) 591).

To: OSAF (SAFOI).

1. Reference para 6d, AFR 190-13.

2. The Ground Electronics Enineering Installation Agency hosted a group of community leaders from the Rome-Utica, New York area on a trip to the Air Force Eastern Test Range and the Air Force Special Operations Force, Eglin AFB, Florida. The following information is reported:

a. Names, affiliations, and positions of persons transported (see atch #1).

b. Points of origin and destination (date and place):

4 March 1969, 1030, Departed Griffiss AFB, N.Y.; 1545, Arrived Patrick AFB, Fla.

5 March 1969, 1700, Departed Patrick AFB, Fla.; 1710, Arrived Hurlburt AFB, Fla.

6 March 1969, 1630, Departed Hurlburt AFB, Fla.; 2130, Arrived Griffiss AFB, N.Y.

c. Mode of transportation: C-131 aircraft.

d. Public Affairs Purpose Accomplished: This trip provided the municipal government officials and other community leaders with a comprehensive indoctrination in the value of GEEIA to the Air Force and to the nation's space program. It demonstrated the AFLC and GEEIA effort in supporting missile launches and tactical warfare effort. Further, it encouraged these community leaders in the permanence and future of GEEIA and Griffiss AFB.

Col. DEAN E. HESS,
USAF, Director, Office of Information
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS GROUND ELECTRONICS ENGINEERING INSTALLATION AGENCY (AFLC), GRIFFISS AIR FORCE BASE, N.Y.,
February 18, 1969.

SPECIAL ORDER TA-310

Each of the following personnel, residence indicated, is invited by the Secretary of the Air Force to proceed on or about 4 Mar 1969 from Rome, NY to Patrick AFB, FL and Eglin AFB, FL for approximately 3 days to participate in an orientation visit and, upon completion, return to Rome, NY. Travel by military aircraft authorized. No per diem authorized.

Name and residence

Mr. Dominick Assaro, 629 Pleasant St, Utica, NY.
Mr. Curry Bartlett, 4 Ballantyne Brae, Utica, NY.
Mr. Richard Baynes, 906 N. Madison St, Rome, NY.
Mr. Robert Bidwell, 8243 Phillips Road, Rome, NY.
Mr. Joseph L. Bogar, 26 Smithport Road, Utica, NY.
Mr. C. A. Christopher, 60 Woodberry Road, New Hartford, NY.
Mr. Gerald Commerford, 403 W. Sycamore St, Rome, NY.
Mr. Harry Daniels, 83 New Hartford St, New York Mills, NY.
Mr. William Flinchbaugh, 804 Amherst Drive, Rome, NY.
Mr. Charles George, 42 Lynacres Boulevard, Fayetteville, NY.
Mr. Emlyn Griffin, Golf Course Road, Rome, NY.
Mr. Alfred F. Johnson, 509 Turin St, Rome, NY.
Mr. Eiddon Jones, 143 Eastwood Ave, Utica, NY.
Mr. Jack Kennelty, 23 Clarion Drive, Whitesboro, NY.
Mr. Walter Lowerre, 7778 Turin Road, Rome, NY.
Mr. Robert Morris, 1413 N. George St, Rome, NY.
Mr. Theodore Robak, 9 Gilbert Road, Whitesboro, NY.
Mr. William Rundle, 1509 Bedford St, Rome, NY.
Mr. Andrew Ryan, 906 Franklyn St, Rome, NY.
Mr. Russell Stephenson, 17 Hoffman Road, New Hartford, NY.
Mr. Frank Tomaino, 783 Mary St, Utica, NY.
Mr. Fritz S. Updike, 710 Turin Road, Rome, NY.
Mr. William A. Valentine, 916 W. Thomas St, Rome, NY.

IVAN T. YOST,
Chief of Administration
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR UNIVERSITY,
MAXWELL AIR FORCE BASE, ALA.,
March 26, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD-PA(M) 591.
To: Secretary of the Air Force (SAFOICC), Washington, D.C. 20330.

Attached report identifies Mr. Philip C. Kidd, Jr., airlifted in conjunction with a scheduled AFROTC public affairs tour. This trip was approved by your office 7 February 1969.

Col. M. A. ROTH,
USAF, Director, Office of Information
(For the Commander).

Name	Position	Type aircraft	Date	Points of origin/destination	Purpose
Mr. Philip C. Kidd, Jr.	President, First National Bank of Norman, Okla.	T-29	Feb.13-15,1969	Tinker AFB, Okla./Dobbins AFB, Ga., and Patrick AFB, Fla.	Community relations.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS TACTICAL AIR COMMAND, LANGLEY AIR FORCE BASE, VA.,
April 18,1969.

Subject: Report of Non-Local Airlift for Public Affairs Purposes, RCS: DD-PA (M)591.
To: Secretary of the Air Force (SAFOIC).

In accordance with AFR 190-13, the attached report on public affairs airlift is submitted.

RICHARD M. MANSFIELD,
Deputy Director of Information,
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, 64TH TACTICAL AIRLIFT WING (TAC) SEWART AIR FORCE BASE, TENN.,
April 11, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD-PA(M) 591.
To: TAC (OIC).

1. February, 1969.

2. The purpose of this airlift was to acquaint the participants first with the C-130 airlift operations at Sewart AFB and secondly with the Sea Survival School and Cape Kennedy, Florida. The trip also was an opportunity to meet and mix with area civic leaders so vital to the base community relations program. These public affairs airlifts over the years have proven to be one of the more valuable parts of our community relations program. In terms of accomplished objectives this trip has to be classified a success.

3. Sewart AFB, Tenn.; Homestead AFB, Florida and RON; Patrick AFB, Florida and RON; return Sewart AFB, Tenn.

4. C-130E Hercules of the 61st Tactical Airlift Squadron.

5. Invitational orders from the participants are attached.

1st Lt. HARMON T. LYNN,
USAF, Information Officer.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, 314TH COMBAT SUPPORT GROUP (TAC), SEWART AIR FORCE BASE, TENN.,
March 7, 1969.

SPECIAL ORDER T-558

The following personnel are invited by the Secretary of the Air Force to proceed on or about 9 March 1969 from Sewart AFB, Tenn. to Miami, Florida to tour the Sea Survival School and to Cocoa Beach, Florida to tour Cape Kennedy and upon completion return to Stewart AFB, Tenn. Travel by military aircraft authorized. Travel at no expense to the Government. Security clearances not required. Authority: AFRs 190-13, 76-6, Ltr SAF (OIC), 10 Feb 69 and Ltr TAC (OIC), 13 Feb 69.

Baldridge, Thomas E., Pres. Sports Industries, Nashville, Tenn.
Barton, Donald, Asst Chief of Police, Nashville.
Berry, Frank A. Jr., Attorney, Nashville.
Carson, T. A., Mgr, American Electric Co., Murfreesboro.
Davis, W. Lipscomb Jr., Pres. Davis Cabinet Co., Nashville.
Douglas, William R. Maj. Gen., Asst Adjutant General, Tennessee, Nashville.
Durham, Al, Pres. Rutherford County Chamber of Commerce, Murfreesboro.
Earls, Arthur C., Pres. Tenn. Lumber Co., Nashville.
Favier, Jack, Mgr, Silver Wings Restaurant, Nashville.
Force, William W., Vice-Chan., Vanderbilt University, Nashville.
Griffin, Patrick, Keith-Simmons Co., Nashville.
Gunnels, Durwood F., Mgr, Sears, Nashville.
Harvey, Frank W., Sr. Vice-Pres. Cain-Sloan Co., Nashville.
Hawkins, Charles W., Exec. Director, Urban Renewal, Nashville.
Hein, Harrison P., Comptroller, Ford Glass, Nashville.
Ivie, Joe, Physician, Nashville.
Leonard, Charles, Mgr, Alton Box Board Co., Murfreesboro.
Lusky, Monnie P., Exec. V/Pres. Francis & Lusky, Nashville.
McCoy, Frank T. Jr., Chairman of the Board, Hardi/Gardens Inc., Nashville.
Nipper, Walter, Nashville Sporting Goods.
Osborne, Thomas D., Mgr, Greer Stop Nut Co., Smyrna.
Owen, Ralph Sr., Pres. Equitable Securities, Nashville.
Perryman, Tom, Owner, WMTS Radio, Murfreesboro.
Pilkerton, Ken, Mgr, Western Auto, Smyrna.
Pittard, Homer, Dept Education, MTSU, Murfreesboro.
Schklar, Leon, Pres. Standard Auto Parts, Murfreesboro.
Shea, Ed, Director, ASCAP, Nashville.
Sloan, John, Pres. Cain-Sloan, Nashville.
Smith, Bill, Plant Mgr, Cummings Sign, Murfreesboro.
Tucker, Mason, Editor, Rutherford Courier, Smyrna.

CHARLES A. SMITHSON,
MSGT, USAF,
Assistant Chief of Administration
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS MILITARY AIRLIFT COMMAND, SCOTT AIR FORCE BASE, ILL.,

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD-PA(M)591.
To: Secretary of the Air Force (SAFOIC), Washington, D.C. 20330.

The attached report of non-local airlift of news media representatives and civic leaders is submitted in compliance with AFR 190-13.

JACK L. GIANNINI,
Colonel, USAF, Director of Information.
(For the Commander).

MILITARY AIRLIFT COMMAND—USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591)

Dates	Evaluation of public affairs objectives	Point of origin/destination	Type aircraft	Name and position	Clippings, TDY orders
March 1969	Well read story, and picture coverage of Focus Retina Training Exercise.	Norton AFB, Calif./Pope AFB, N.C. (Proceed on exercise via invitational orders of STRICOM).	C-141	Karl R. Edgerton, Military editor, Sun Telegram, San Bernardino, Calif.	Attachment 1.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 63D MILITARY AIRLIFT WING (MAC), NORTON AIRLIFT BASE, CALIF.

March 6, 1969.

The following civilians are authorized to proceed on or about 9 Mar 1969 by military aircraft from Norton AFB, Calif to Pope AFB, NC. Purpose of the trip is to provide media coverage of Focus Retina. Airlift to Pope is an integral part of the overall deployment with emphasis on aircraft positioning. Authority: MAC (MAFOIP) P 051917Z Mar 69.

Charles I Coombs, Free Lance Author, 10266 Kilrenney Ave, Los Angeles, CA 90064.

Karl R Edgerton, The Sun Telegram, 399 North "D" St, San Bernardino, CA 92401, 25931 20th St, San Bernardino, CA.

B. W. DECLARK,
Chief of Administration Division
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR TRAINING COMMAND, RANDOLPH AIR FORCE BASE, TEX.

March 5, 1969.

Subject: Report on Nonlocal Travel and Transportation for Public Affairs Purposes (RCS: DD–PA(M)591).

To: Secretary of the Air Force (SAFOIC), Washington, D.C. 20300.

In compliance with AFR 190–13, subject report for the month of February 1969 is attached.

Col. WILLIAM J. BECK,
Deputy Chief of Information
(For the Commander).

REPORT ON NONLOCAL TRAVEL AND TRANSPORTATION FOR PUBLIC AFFAIRS PURPOSES, RCS: DD-PA(M)591, HEADQUARTERS AIR TRAINING COMMAND, FEB. 1-28, 1969

Date	Names and positions	Points of origin and destination	Type aircraft	Purpose
Feb. 23–25	See attached list (TAB A)	Reese AFB, Tex., to Patrick AFB, Fla., and Keesler AFB, Miss., and return.	C–131	Although Reese AFB enjoys excellent community relations with the City of Lubbock, Tex., this civic leader tour further strengthened this goodwill and acquainted tour participants with other activities of the Air Force.

GUEST LIST

Reese AFB, Texas to Patrick AFB, Florida and Keesler AFB, Mississippi and return, 23–25 February 1969.

1. W. M. Blackwell, City Manager, Lubbock, Texas.
2. J. T. Alley, Jr., Police Chief, Lubbock, Texas.
3. John A. Logan, Executive Vice President, Lubbock Chamber of Commerce.
4. Dick Moseley, Assistant Manager, Lubbock Chambers of Commerce.
5. Rev. O. A. McBrayer, President, Ministerial Alliance, Lubbock, Texas.
6. Dr. C. L. Kay, Vice President, Lubbock Christian College, Lubbock, Texas.
7. L. E. Davis, Davis-Colson Insurance, Lubbock, Texas.
8. O. W. English, M.D., Physician, Lubbock, Texas.
9. W. D. Rogers, Jr., Rogers Enterprises, Lubbock, Texas.
10. Eugene Brown, D.O., Osteopath, Lubbock, Texas.
11. W. G. McMillan, Jr., McMillan Construction Company, Lubbock, Texas.
12. Carl Stillman, South Plains Wholesale Company, Lubbock, Texas.
13. James Granberry, D.D.S., Lubbock, Texas.
14. J. T. Talkington, Owner, Margaret's Dress Shop.
15. E. H. Phillips, Vice President, Bell Dairy Company, Lubbock, Texas.
16. Alex Miller, Miller-Howard Office Supply, Lubbock, Texas.
17. Chester Banks, Owner, Varsity Book Store, Lubbock, Texas.
18. Dr. J. C. Hart, Hart Animal Hospital, Lubbock, Texas.
19. Charles Waters, Attorney, Lubbock, Texas.
20. Charles Watson, Managing Editor, Avalanche-Journal, Lubbock, Texas.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR UNIVERSITY,
MAXWELL AIR FORCE BASE, ALA.

May 20, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD–PA(M) 591.

To: Secretary of the Air Force (SAFOICC), Washington, D.C. 20330.

Attached report identifies Colonel William Bowers, airlifted in conjunction with the Arnold Air Society/Angel Flight National Conclave. This trip was approved by your office on 28 January 1969.

LINWOOD P. SMITH,
Acting Director, Office of Information
(For the Commander).

Name	Position	Type aircraft	Date	Points of origin/destination	Purpose
Col. William Bowers	Military coordinator, University of Nebraska.	C–118	Mar. 30–Apr. 3, 1969	Offutt AFB to New Orleans, La.	Community relations.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR FORCE ACCOUNTING AND FINANCE CENTER,
Denver, Colo., May 13, 1969.

Subject: Public Affairs Airlift.

To: SAFOIC.

1. Of the eight guests who traveled to Ellington AFB on 17 March, the following information may clarify the status of four of them: Mr. Walter Englert, Lt. Col. USAF (Ret.); Mr. Barry Trader, Captain, AFRes.; Mr. Noel Bullock, CPO, UNS (Ret); and Mr. Chester Ted Beattie, Major, USAF (Ret).

2. The aircraft, scheduled to carry USAF military and civilian personnel on valid orders, had additional space available even after the above-named personnel were considered. Four additional persons were manifested, all of whom qualified for transportation under the provisions of AFR 190–13. These men and their affiliations were:

Mr. Roy Haug, Denver AFA Chapter President and Defense Communications Manager, Mountain States Telephone Company.

Mr. Dan Partner, Military Editor, The Denver Post.

Mr. Bill Hinkley, Member, International Aerospace Education Federation and former Superintendent, Aurora Public Schools.

Mr. Larry Smith, Boulder AFA Chapter President, and newspaper representative, Boulder Daily Camera.

3. Our error was one of not requesting clearance for these last four men through OASD/PA and SAFOIP under paragraphs 3b(2)(a) and (c) of AFR 190–13.

4. The use of this airlift, although not authorized in advance through OASD/PA, further cemented the fine public and community relations support of an influential segment of the local press, radio, TV and civilian leaders in the community. Exceptionally good coverage of the five Outstanding Airmen of the Year from Colorado resulted from this trip. Additionally, many inches and minutes of publicity on the speeches of Secretary Seamans, General McConnell, the Apollo astronauts and many other facets of the Air Force, were produced as a result of this airlift.

THEODORE J. STELL,
Acting Director, Directorate of information
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR FORCE SYSTEMS COMMAND, ANDREWS AIR FORCE BASE, WASHINGTON, D.C.

May 23, 1969.

Subject: Reporting Non-Local Travel for Public Affairs Purposes (RCS: DD–PA (M)591).

To: Secretary of the Air Force (SAFOICC), Washington, D.C. 20330.

Non-local travel for AFSC activities for the month of April 1969 was as follows:

a. Aeronautical Systems Division, Wright-Patterson AFB, Ohio. A group of 47 members of the Presidents Club of Dayton was airlifted from Wright-Patterson AFB, Ohio, to North American-Rockwell Aerospace Division, Los Angeles, Calif.; Kirtland AFB, New Mexico, Brooks AFB, Tex., and returned to Wright-Paterson AFB, Ohio, by an AFLC C–118 aircraft for an orientation tour of facilities.

HAROLD M. HELFMAN,
Deputy Director, Office of Information,
(For the Commander)

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR FORCE SYSTEMS COMMAND, ANDREWS AIR FORCE BASE, WASHINGTON, D.C.

April 25, 1969.

Subject: Reporting Non-local Travel for Public Affairs Purposes (RCS: DD–PA (M)591).

To: Secretary of the Air Force (SAFOICC), Washington, D.C. 20330.

Non-local travel for AFSC activities for the month of March 1969 was as follows:

a. Air Force Special Weapons Center, Kirtland AFB, New Mexico. A group of 16 Radio/TV and Newspaper men was airlifted from Kirtland AFB, New Mexico, to SAMSO, Los Angeles, Calif.; Vandenberg AFB, Calif.; Ed-

wards AFB, Calif.; Nellis AFB, Nevada, and returned to Kirtland AFB, New Mexico, by a Kirtland AFB C-118 aircraft for an orientation tour of facilities. Approval was received by this headquarters and SAFOIPC.

HAROLD M. HELFMAN,
Deputy Director, Office of Information.
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR TRAINING COMMAND, RANDOLPH AIR FORCE BASE, TEX.

April 1, 1969.

Subject: Report on Nonlocal Travel and Transportation for Public Affairs Purposes (RCS: DD-PA(M)591).

To: Secretary of the Air Force (SAFOIC), Washington, D.C. 20330.

In compliance with AFR 190-13, subject report for the month of March 1969 is attached.

COL. WILLIAM J. BECK,
Deputy Chief of Information.
(For the Commander).

REPORT ON NONLOCAL TRAVEL AND TRANSPORTATION FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591) HEADQUARTERS AIR TRAINING COMMAND, MAR. 1-31, 1969

Date	Names and positions	Points of origin and destination	Type of aircraft	Purpose
Mar. 14-15, 1969	See attached list	Randolph AFB, Tex., to Wright Patterson AFB, Ohio, via Ellington AFB, Tex., and the naval air station, Dallas, Tex., and return by the same route to Randolph AFB, Tex.	C-131	The tour participants are prominent members of the civilian bar throughout the State of Texas as well as the senior staff judge advocates of various Texas military installations. The group toured the Air Force Museum at Wright Patterson AFB to become more familiar with the Air Force's history and mission.

PARTICIPANTS, STATE BAR OF TEXAS TOUR TO WRIGHT PATTERSON AIR FORCE BASE, OHIO, MARCH 14-15, 1969

Ford W. Hall, Private Practice, Dallas, Texas.
W. L. Storey, Private Practice, Dallas, Texas.
Frank W. Elliott, Jr., Private Practice, Austin, Texas.
John C. Ford, Private Practice, Dallas, Texas.
Phillip Wilson, Private Practice, Dallas, Texas.
Robert M. Martin, Private Practice, Dallas, Texas.
Ted E. Bailey, Jr., Private Practice, Houston, Texas.
C. B. Guy, Private Practice, Dallas, Texas.
S. Mitchell Glassman, Private Practice, Houston, Texas.
Harvey O. Paine, Private Practice, San Antonio, Texas.
William E. Pool, Private Practice, Dallas, Texas.
Julius Freeman, Private Practice, Houston, Texas.
Herman Gaskamp, Private Practice, Houston, Texas.
James E. Cowles, Private Practice, Dallas, Texas.
J. Harvey Lewis, Private Practice, Dallas, Texas.
Steven G. Condos, Private Practice, Dallas, Texas.
Colonel Eugene B. Sisk, Staff Judge Advocate, Headquarters Air Training Command, Randolph AFB, Texas.
Colonel Arnold C. Castle, Staff Judge Advocate, Headquarters USAF Security Service, Kelly AFB, Texas.
Captain Donald L. Garver, US Navy, Corpus Christi, Texas.
Colonel Howard Husband, US Army Ret, San Antonio, Texas.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS MILITARY AIRLIFT COMMAND,

Scott Air Force Base, Ill., May 21, 1969.

Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD-PA(M)591.

To: Secretary of the Air Force (SAFOIC), Washington, D.C. 20330.

The attached report of non-local airlift of news media representatives and civic leaders is submitted in compliance with AFR 190-13.

2d Lt. EDWARD J. BASH, Jr.,
Executive Officer
(For the Commander).

MILITARY AIRLIFT COMMAND, USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591)

Date	Evaluation of public affairs objectives	Point of origin/destination	Type of aircraft	Name and position	Clippings/TDY orders
Apr. 13, 1969	Received orientation and briefing of MAC's mission for national publication.	Norton AFB, Calif./Scott AFB, Ill	C-141	Francis A. Burnham, writer, American Aviation Publications, Palos Verdes, Calif.	Attachment 1.
Apr. 15, 1969	C-5 orientation. To further base-community relations.	Charleston AFB, S.C./Dobbins AFB, Ga	C-141	See attached list	Attachment 2.
Apr. 17-19, 1969	To further civic leaders' understanding of MAC and the Air Force.	Scott AFB, Ill./Colorado Springs, Colo/ Laughlin AFB, Tex.	C-54	See attached list	Attachment 3.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS 63D MILITARY AIRLIFT WING (MAC),

Norton Air Force Base, Calif., April 9, 1969.

The following named information media representative is authorized to proceed on or about 13 April 1969 by military aircraft from Norton AFB, Calif. to Scott AFB, Ill. and return. Purpose of the trip is to interview Commander, Military Airlift Command and Staff Officers, receive briefings and orientation on MAC mission, for national publication. Travel is primarily in the interest of the Department of Defense. Travel authorized on this order does not entitle traveler to expenses of travel. Authority: AFR 190-13 and verbal instructions from Hq MAC (MAFOI).

FRANCIS A. BURNHAM, 26942 Fond-du-lac Road, Palos Verdes, Calif 90274, Writer, American Aviation Publications, 9301 Wilshire Blvd, Beverly Hills, Calif 90210.

B. W. DECLARK,
Chief of Administration Division
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS 437TH MILITARY AIRLIFT WING (MAC), CHARLESTON AIR FORCE BASE, S.C.

April 14, 1969.

The following named individuals are invited by the Secretary of the Air Force to proceed on or about 15 April 1969 from Charleston AFB, S.C. to Dobbins AFB, Ga. on C-141 aircraft and return to Charleston AFB the same day for an orientation visit of the Lockheed C-5 assembly plant. Travel is on a space available basis and will be at no expense to the government. Individuals will not be granted access to classified information. Authority: SAFOIC letter of 8 January 1969 and AFR 190-13.

Walter H. Andrews, John E. Bourne, Jr., Joe Brown, Howard F. Burky, J. W. Coulbourn, J. R. Deans, C. L. Dreher, J. Heyward Furman, Jr., Zacharia Gellman, C. H. Goodwyn, Charles J. Heffron, J. T. Hiers, Charles R. Hipp, Joseph H. Hutchinson, Joseph L. Johnson, Sidney B. Jones, Jr., Lee Landrum, Robert J. Lang, J. C. Lipham, Lonnie L. Long, Allan L. Luke, Jr., W. L. Madden, Jack L. Matthews, Burnet R. Maybank, Edwin McKinley, G. C. Miler, Gerald E. Moore, Jr., John H. Pratt.

Paul Quattlebaum, B. M. Queen, John M. Rivers, Robert B. Santos, H. C. Shackelford, R. C. Thomas, Raymond A. Thomas, George P. Thorne, Charles S. Way, Jr., Glenn K. Williamson, Hugh W. Wilson, Beverly Howard, E. K. Burdette, Jr., Kenneth Renken, O. R. Conklin, Jr., F. Bur Cramer, Jr., Paul H. Pow, Jr., David F. Berry, Robert W. Rogers, A. G. Burney, C. V. Esslinger, J. Palmer Gaillard, Kenneth A. Person, Jake Beard.

Capt. H. H. STONE, Jr.,
Chief, Administration
(For the Commander).

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS, 1400 AIR BASE WING (MAC), SCOTT AIR FORCE BASE, ILL.,

April 7, 1969.

The following individuals, civic officials and community leaders, are invited by the Secretary of the Air Force to proceed on or about 17 April 1969 from Scott AFB, Ill. to Ent AFB Colo., and Laughlin AFB, Tex., for approximately 3 days, for Air Force orientation visits and briefings, and upon completion return to Scott AFB, Ill. Travel by military aircraft is authorized. Individuals are not cleared for access to classified material during this period. Travel will be at govt convenience. Incidental and personal expenses will be borne by the travelers and travel will be performed at no expense to the Government. Travel is necessary in the public service. Authority: Ltr, this Hq, 28 Feb 69, Subj: "Public Affairs Airlift, Ltr, SAFOIC, 7 Mar 69, same subj, and 1st Ind thereto by Hq MAC (MAFOIC), 11 Mar 69, and AFR 190-13.

Mayor Edgar Brockhahn, O'Fallon, Ill.
Mayor Cleve Weyenberg, Lebanon, Ill.
Eugene H. Brauer, 606 S. Missouri, Belleville, Ill.
Thomas E. Dye, 112 E. Main St., Belleville, Ill.
Chief Paul J. Klincar, Police Dept., Belleville, Ill.
John A. Hunt, 9 N. High St., Belleville, Ill.

J. Ray Donlon, 15 E. Washington, Belleville, Ill.
H. Thomas Dunck, 100 E. Washington, Belleville, Ill.
B. L. Hantle, 1050 West Boulevard, Belleville, Ill.
John L. Wellinghoff, Chamber of Commerce, Belleville, Ill.
Lester F. Baum, 13 Westgate, Belleville, Ill.
Leslie Schrader, 22 N. Illinois St., Belleville, Ill.
Jack R. Wall, 106 W. "A" St., Belleville, Ill.
James E. Moeller, Southwestern Bell Tel. Co., Belleville, Ill.
Ferd C. Goewert, Chamber of Commerce, Belleville, Ill.
Reese Dobson, 411 S. 19th St., Belleville, Ill.
Sidney Katz, 526 Garden Blvd, Belleville, Ill.
Sheriff Dan Costello, Court House, Belleville, Ill.
Francis J. Goley, Court House, Belleville, Ill.
William Badgley, First National Bank, Belleville, Ill.
Mayor Thomas Kinsella, Swansea, Ill.
Vic Geolat, City Hall, Belleville, Ill.
Lt. Col. HENRY W. CHERRINGTON,
Chief of Administration
(For the Commander).

MILITARY AIRLIFT COMMAND, USE OF MILITARY CARRIERS FOR PUBLIC AFFAIRS PURPOSES (RCS: DD-PA(M)591)

Dates	Evaluation of public affairs objectives	Point of origin/destination	Type of aircraft	Name and position	Clippings, TDY orders
Apr. 13, 1969	Received orientation and briefing of MAC's mission for national publication.	Norton AFB, Calif./Scott AFB, Ill.	C-141	Francis A. Burnham, writer, American Aviation Publications, Palos Verdes, Calif.	Attachment 1
Apr. 15, 1969	C-5 orientation. To further base-community relations.	Charleston AFB, S.C./Dobbins AFB, Ga.	C-141	See attached list	Attachment 2.
Apr. 17-19, 1969	To further civic leaders' understanding of MAC and the Air Force.	Scott AFB, Ill./Colorado Springs, Colo./ Laughlin AFB, Tex.	C-54	See attached list	Attachment 3.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 63D MILITARY AIRLIFT WING (MAC), NORTON AIR FORCE BASE, CALIF.

April 9, 1969.

The following named information media representative is authorized to proceed on or about 13 April 1969 by military aircraft from Norton AFB, Calif to Scott AFB, Ill and return. Purpose of the trip is to interview Commander, Military Airlift Command and Staff Officers, receive briefings and orientation on MAC mission, for national publication. Travel is primarily in the interest of the Department of Defense. Travel authorized on this order does not entitle traveler to expenses of travel. Authority: AFR 190-13 and verbal instructions from Hq MAC (MAFOI).

Francis A. Burnham, 26942 Fond-du-lac Road, Palos Verdes, Calif.

Writer, American Aviation Publications, 9301 Wilshire Blvd., Beverly Hills, Calif.

B. W. DECLARK,
Chief of Administration Division
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 1400 AIR BASE WING (MAC), SCOTT AIR FORCE BASE, ILL.

April 7, 1969.

The following individuals, civic officials and community leaders, are invited by the Secretary of the Air Force to proceed on or about 17 April 1969 from Scott AFB, IL to Ent AFB, CO, and Laughlin AFB, TX for approximately 3 days, for Air Force orientation visits and briefings, and upon completion return to Scott AFB, IL. Travel by military aircraft is authorized. Individuals are not cleared for access to classified material during this period. Travel will be at govt convenience. Incidental and personal expenses will be borne by the travelers and travel will be performed at no expense to the Government. Travel is necessary in the public service. Authority: Ltr, this Hq, 28 Feb 69, Subj: "Public Affairs Airlift, Ltr, SAFOIC, 7 Mar 69, same subj, and 1st Ind thereto by Hq MAC (MAFOIC), 11 Mar 69, and AFR 190-13.

Mayor Edgar Brockhahn, O'Fallon, IL.
Mayor Cleve Weyenberg, Lebanon, IL.
Eugene H. Brauer, 606 S. Missouri, Belleville, IL.
Thomas E. Dye, 112 E. Main St., Belleville, IL.
Chief Paul J. Klincar, Police Dept., Belleville, IL.
John A. Hunt, 9 N. High St., Belleville, IL.
J. Ray Donlon, 15 E. Washington, Belleville, IL.
H. Thomas Dunck, 100 E. Washington, Belleville, IL.
B. L. Hantle, 1050 West Boulevard, Belleville, IL.
John L. Wellinghoff, Chamber of Commerce, Belleville, IL.
Lester F. Baum, 13 Westgate, Belleville, IL.
Leslie Schrader, 22 N. Illinois St., Belleville, IL.
Jack R. Wall, 106 W. "A" St., Belleville, IL.
James E. Moeller, Southwestern Bell Tel. Co., Belleville, IL.
Ferd C. Goewert, Chamber of Commerce, Belleville, IL.
Reese Dobson, 411 S. 19th St., Belleville, IL.
Sidney Katz, 526 Garden Blvd., Belleville, IL.
Sheriff Dan Costello, Court House, Belleville, IL.
Francis J. Goley, Court House, Belleville, IL.
William Badgley, First National Bank, Belleville, IL.
Mayor Thomas Kinsella, Swansea, IL.
Vic Geolat, City Hall, Belleville, IL.

HENRY W. CHERRINGTON,
LTCOL., USAF,
Chief of Administration Division
(For the Commander).

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR FORCE RESERVE, ROBINS AIR FORCE BASE, GA.

May 28, 1969.

Reply to attn of OFROIC
Subject: Use of Military Carriers for Public Affairs Purposes, RCS: DD-PA(M)591
To: Secretary of the Air Force (SAFOIC)

The following report is submitted in accordance with AFR 190-13, 18 Oct. 1968:

a. *434th Tactical Airlift Wing, Bakalar AFB, Indiana.*

(1) *Report Month:* April 1969.

(2) *Evaluation of the public affairs objectives accomplished:* Tour members were briefed on the Forward Air Control mission, training and mission aircraft.

(3) *Point of origin and destination:* Bakalar AFB, Indiana, to Hurlburt Field, Florida, and return to Bakalar AFB, Indiana (17-19 Apr. 1969).

(4) *Mode of transportation used:* C-119G aircraft.

(5) *Name, position, and affiliation of persons transported:*

Mr. Al Stein, Chairman, Benzol Company, Inc.
Mr. Harold Voelz, Member, Voelz Motors.
Mr. Austin Miller, Member, Miller Bowling Lanes.
Mr. Murry McKee, Member, McKee Industries.
Mr. James Dunn, Member, Carr-Dunn Construction Company.
Mr. Wayne Nyffeler, Member, Nyffeler Appliances.
Mr. Michael T. Bova, Member, Advertising Sales, WCSI Radio.
Mr. Joe Cunningham, Cunningham Patterns.
Mr. William Daniel, Member, Daniel Electric Company.
Mr. Darryl Foster, Member, Union Sales Corporation.
Mr. Marvin Wright, Member, School Teacher.
Mr. Joseph Piccione, Member, Accountant.
Mr. Joe Holwager, Member, The Republic, Ind.
Mr. Ernest R. Arterburn, Member, Bakalar AFB.
Mr. Darryl Denny, Member, South Central Company.
Mr. Robert Muckler, Chamber Manager, Chamber of Commerce.
Mr. Arnold Huju, Member, Home Builder.
Mr. Claude Prichard, Member, Arvin Industries.
Mr. Floyd Epperson, County Commissioner.
Mr. Charles E. Scalf, Member, Chamber of Commerce.
Mr. Edward H. Fowler, Col., AFRes, Bakalar AFB.

b. *940th Military Airlift Group, McClellan AFB, California.*

(1) *Report Month:* April 1969.

(2) *Evaluation of the public affairs objectives accomplished:* Covered Air Force Reserve C-124 by-product airlift as result of aircrew training on flight from McClellan AFB, California to Tachikawa AFB, Japan. Produced full-page picture spread and three articles on this phase of Air Force Reserve activity. Plans to extend this publicity into a series of articles.

(3) *Point of origin and destination:* McClellan AFB, California to Tachikawa AB, Japan and return to McClellan AFB, California (19-27 Apr 1969).

(4) *Mode of transportation used:* C-124 aircraft.

(5) *Name, position, and affiliation of persons transported:* Mr. John W. Ternus, publisher and owner, Carmichael (California) Courier.

(6) Resume of trip, clippings, itinerary, and travel orders are attached.

GEORGE W. FRANKLIN,
Colonel, USAF,
Chief, Office of Information,
(For the Commander.)

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, 940TH MILITARY AIRLIFT GROUP (AFRES), MCCLELLAN AIR FORCE BASE, CALIF.

May 26, 1969.

IO.
After Action Report. Overseas Travel of Mr. John W. Ternus.
AFRES (AFROIP).

1. Reference OSAF Msg R101841Z Apr 69, authorization for Carmichael Courier Publisher, Mr. John W. Ternus for overseas travel. A report on this mission follows.

2. The actual itinerary of the mission was slightly different than it was planned. There was an additional stopover at Iwo Jima due to a cargo delivery to that island. The actual itinerary was:

Departed, 1310, 19 Apr 69, McClellan AFB, Ca.

Arrived, 1630, 19 Apr 69, McChord AFB, Wa.

Departed, 0800, 20 Apr 69, McChord AFB, Wa.

Arrived, 1910, 20 Apr 69, Hickam AFB, Hawaii.

Departed, 1120, 21 Apr 69, Hickam AFB, Hawaii.

Arrived, 1920, 22 Apr 69, Wake Island.

Departed, 1125, 23 Apr 69, Wake Island.

Arrived, 1755, 23 Apr 69, Tachikawa AB.

Departed, 0835, 25 Apr 69, Tachikawa AB.

Arrived, 1215, 25 Apr 69, Iwo Jima.

Departed, 1440, 25 Apr 69, Iwo Jima.

Arrived, 0100, 26 Apr 69, Wake Island.

Departed, 1730, 26 Apr 69, Wake Island.

Arrived, 0540, 26 Apr 69, Hickam AFB, Hawaii.

Departed, 2140, 26 Apr 69, Hickam AFB, Hawaii.

Arrived, 1140, 27 Apr 69, Travis AFB, Ca.

Departed, 1315, 27 Apr 69, Travis AFB, Ca.

Arrived, 1345, 27 Apr 69, McClellan AFB, Ca.

3. Mr. Ternus was met and briefed by the local IO's at McChord AFB, Wake Island, A.S., and Tachikawa AB. Mr. Ternus was very impressed by the professional support given to him by Sgt. James Kennedy, the NCOIC of the AP section and acting IO at Wake Island and also the support given to him at Tachikawa AB by the OI of 6100 SPTWg. He has gathered valuable briefing material at these bases and eventually should be using many of them.

4. Due to the change of the itinerary, the unexpected landing at Iwo Jima was a delightful treat for Mr. Ternus. He was a naval officer during WW II and was stationed in a destroyer during the Iwo Jima conflict.

5. The U.S. Coast Guard personnel stationed there, drove Mr. Ternus and the reserve crew from the Japanese Air Base to their station and the aircrew had a few hours of very interesting rest, observing the Japanese Shrines and American Memorials. The Commander of the Japanese base who was an ex-Kamikaze Pilot and his personnel were also very courteous and hospitable. They took their time and chatted with the reserve crew and Mr. Ternus.

6. Due to the Carmichael Courier being a weekly issue, Mr. Ternus has not finished the complete story yet and he is not expecting to finish them until the end of next month. However please refer to the enclosed clippings which were already printed.

7. Mr. Ternus indicated he was very impressed with the treatment he had received by the AFRes crew and by the local IO's. LtCol William G. Emmon and Maj John J. Donahue, the aircraft commanders and their crew gave outstanding assistance to our guest throughout the trip. Some members of the crew even accompanied Mr. Ternus during the crew's rest at every location.

8. This information officer feels that the mission was an unqualified success. It left a favorable impression on Mr. Ternus, as reflected in his stories and his enclosed letter of appreciation to the Group Commander. During these days, more close contact with the news media such as this and allowing them to become a part of the various missions as a first hand witness, would certainly make them realize that the US Air Force and AFRes is their own organization and they are here to serve the public.

Signed

JOHN Y. KARAPINAR,
Capt, AFRes,
Information Officer
(For the Commander).

CARMICHAEL COURIER,
May 5, 1969.

Col. SIDNEY NOVARESI,
Commander, 940th Military Airlift Group, McClellan Air Force Base, Sacramento, Calif.

DEAR COLONEL NOVARESI: This is to express my profound thanks to you and the crew members of the C-124, No. 0112, for the recent most rewarding trip to Japan.

Lt. Col. William G. Enmon and his men accorded me every courtesy and made the trip a most pleasant one.

It is not often that one is privileged to gain such an experience and I am very grateful. Please also extend my thanks to Capt. John Y. Karapinar, whose courtesy, consideration and expertise with the Japanese language made his presence very valuable and congenial.

Sincerely,

JOHN W. TERNUS,
Publisher.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS SIXTH AIR FORCE RESERVE REGION (AFRES),
HAMILTON AIR FORCE BASE, CALIF.
April 14, 1969.

Mr. John W. Ternus, the publisher of Carmichael Courier (Carmichael), residing at 5131 Melvin Drive, Carmichael, CA 95608, is invited by the Secretary of the Air Force to proceed on or about 19 April 1969 from McClellan AFB, via McChord AFB, Washington, Hickam AFB, Hawaii, and Wake Island AS, to Tachikawa AB, Japan for approximately nine (9) days to obtain material for a news feature about the Air Force Reserve and upon completion return to McClellan AFB, Calif with the same crew on or about 27 Apr 69. No additional airlift to any other points is authorized and travel into and out of South East Asia in connection with this trip is not authorized. Travel by a Military Aircraft on a space available—non interference basis is authorized. The trip will be unclassified throughout, with responsibility for assuring security at the source. No per Diem authorized. Travel authorized by AFR 190–13 and TWX UNCLAS OSAF (SAFOIPC) 101841Z. Apr 69. Mission Identifier is 2BP 6F83/110.

D. L. CLENDENIN,
Air Reserve Technician, Asst. Director of Admin. Services
(For the Commander.)

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR TRAINING COMMAND, RANDOLPH AIR FORCE BASE, TEX.
April 30, 1969.

Reply to attn of: ATCOI–C.

Subject: Report on Nonlocal Travel and Transportation for Public Affairs Purposes (RCS: DD–PA(M)591).

To: Secretary of the Air Force (SAFOIC), Washington, D.C.

In compliance with AFR 190–13, subject report for the month of April 1969 is attached.

WILLIAM J. BECK,
Colonel, USAF,
Deputy Chief of Information
(For the Commander).

REPORT ON NONLOCAL TRAVEL AND TRANSPORTATION FOR PUBLIC AFFAIRS PURPOSES RCS: DD–PA(M)591 HEADQUARTERS AIR TRAINING COMMAND APR. 1–30, 1969

Date	Names and positions	Points of origin and destination	Type aircraft	Purpose
Apr. 7–10, 1969	See attachment 1	Moody AFB, Ga., to Lowry AFB, Colo.; Northern Air Defense Command, Colorado; Air Force Academy, Colorado; Nellis AFB, Nev.; Vance AFB, Okla.; and return to Moody AFB, Ga.	C–131	Moody AFB enjoys good community relations with area civi leaders. This tour, an opportunity for the participants to view other types of Air Force operations, strengthened this basic goodwill and understanding.
Apr. 24–26, 1969	See attachment 2	Laughlin AFB, Tex., to Homestead AFB, Fla.; and return to Laughlin AFB, Tex.	C–131	Laughlin AFB area civic leaders were given the opportunity to view other facets of the Air Force operation. These tour participants gained increased insight into the importance and complexity of the Air Force mission.
Apr. 27–28, 1969	See attachment 3	Chanute AFB, Ill., to Patrick AFB, Fla., and return to Chanute AFB, Ill.	C–131	The tour participants opinion molders in the Chanute AFB area, strongly support Air Force activities. Seeing the complex technology at Patrick AFB pointed out the necessity of ATC's technical training centers such as Chanute AFB.
Apr. 28–30, 1969	See attachment 4	Webb AFB, Tex., to Hurlburt Field and Eglin AFB, Fla., and return to Webb AFB, Tex.	T–29	These tour participants who work in cooperation with Webb AFB were given a broader view of Air Force functions on this trip to Eglin AFB and Hurlburt Field.

TOUR GUEST LIST—MOODY AFB, GA., AREA TOUR, APRIL 7–10, 1969

1. James M. Beck, Mayor, Valdosta, Ga.
2. Billy Langdale, Langdale Company, Valdosta, Georgia.
3. Courtney Foy, Lerio Corporation, Valdosta, Georgia.
4. Roger Budd, Budd Chevrolet Company, Valdosta, Georgia.
5. Bob Hall, Hall's Children's Shop, Valdosta, Georgia.
6. Walton Carter, Roberts Insurance Agency, Valdosta, Georgia.
7. Joe Taylor, Rhodes, Inc., Valdosta, Georgia.
8. Hal McCranie, Holiday Minit Marts, Valdosta, Georgia.
9. Rea Steele, First State Bank, Valdosta, Georgia.
10. Wilbur Perkerson, Police Chief, Valdosta, Georgia.
11. Jewell Futch, Lowndes County Sheriff, Valdosta, Georgia.
12. Tenney Griffin, Daily Times, Valdosta, Georgia.
13. Joe Lee, Lee Office Equipment, Valdosta, Georgia.
14. Al Dean, Marbut Company, Valdosta, Georgia.
15. T. J. Luke, Luke Realty, Valdosta, Georgia.
16. Henry Tart, Warlick-Tart Supply Company, Valdosta, Georgia.
17. W. C. Banks, C & S National Bank, Valdosta, Georgia.
18. A. B. Martin, School Superintendent, Lowndes County, Georgia.
19. George Smith, First National Bank, Valdosta, Georgia.
20. Larry Bob Montague, Pepsi Cola, Valdosta, Georgia.

21. Colonel Clarence Parker, Comdr, 3550 Pilot Training Wing, Moody AFB, Ga.
22. Lt. Alan E. Diamond, IO, 3550 Pilot Training Wing, Moody AFB, Georgia.

GUEST LIST—LAUGHLIN AFB AREA TOUR, APRIL 24–26, 1969

1. J. B. Phillips, President, AFA Chapter, Del Rio, Texas.
2. Leonard Monroe, Businessman, Del Rio, Texas.
3. Jim Long, Chamber of Commerce, Del Rio, Texas.
4. Fred Brien, Businessman, Del Rio, Texas.
5. James Koog, Chief of Police, Del Rio, Texas.
6. John Dickehut, Businessman, Del Rio, Texas.
7. Don Summar, Businessman, Del Rio, Texas.
8. Jim Lindsey, County Judge, Del Rio, Texas.
9. Don Turner, Businessman, Del Rio, Texas.
10. Jack Rhone, Businessman, Del Rio, Texas.
11. Douglas Smith, Tax Assessor-Collector, Del Rio, Texas.
12. Beverly Tabor, Businessman, Del Rio, Texas.
13. Val Cadena, County Commissioner, Del Rio, Texas.
14. Johnny Martinez, City Commissioner, Del Rio, Texas.
15. David Brewton, Businessman, Del Rio, Texas.
16. Robert Martinez, Businessman, Del Rio, Texas.
17. John Keyes Finnegan, Rancher, Del Rio, Texas.
18. Castulo Hernandez, Tax Collector, San Felipe School District, Del Rio, Texas.
19. Colonel William Goade, Comdr, 3646 Pilot Training Wing, Laughlin AFB, Texas.
20. Harry Carroll, Information Office Laughlin AFB, Texas.

GUEST LIST—CHANUTE AFB, ILL., AREA TOUR, APRIL 27–28, 1969

1. Donald Skadden, Mayor Pro-tem, Urbana, Illinois.
2. Joe E. Frank, President, Champaign Chamber of Commerce and new member of Base Community Council.
3. Harold Oberwortmann, President, Second National Bank, Danville, Illinois.
4. Robert Parker, Vice President & Director of Public Relations, Bank of Rantoul, Rantoul, Illinois.
5. Jack McJilton, Mayor Pro-tem, Rantoul, Illinois.
6. Dave Shaul, News Director, Midwest Television Inc., Champaign, Illinois.
7. Arlan McPherson, President, Champaign County Bank, Urbana, Illinois.
8. John McKinney, Supt. of Schools, Ford County, Gibson City, Illinois.
9. Glenn Hansen, Publisher, Rantoul Press, Rantoul, Illinois.
10. Arnold Klinskey, News Director, WICD Television, Champaign, Illinois.
11. Bob Reid, Owner, Reid Travel Agency, Rantoul, Illinois.
12. Dr. Jack Peltason, Chancellor, University of Illinois, Urbana, Illinois.
13. Richard Jones, President, IGA International, Chicago, Illinois.
14. Dr. Leslie Bryan, Professor Emeritus, University of Illinois College of Aeronautical Science, Urbana, Illinois.
15. Philip Hundley, General Manager, The News Gazette, Champaign, Illinois.
16. Dr. Wm. Staerkel, President, Parkland College, Champaign, Illinois.
17. H. Y. Gelvin, President, Champaign County Park District, and President, Cap & Gown, Inc., Champaign, Illinois.
18. Dr. David Dodd Henry, President, University of Illinois, Urbana, Illinois.
19. Major General M. C. Demler, Commander, Chanute Technical Tng Center.
20. Captain Charles L. McFatridge, Chief, Office of Information, CTTC.
21. William H. Hansen, GS–10, Information Specialist, CTTC.

GUEST LIST—WEBB AFB AREA TOUR, APRIL 28–30, 1969

1. Dr. Milton Talbot, Chamber of Commerce, Big Spring, Texas.
2. A. J. Statser, AFA Officer, Big Spring, Texas.
3. W. C. Edwards, Rancher, Big Spring, Texas.
4. R. J. Ream, Base Community Council, Big Spring, Texas.
5. Jim Corbell, Businessman, Big Spring, Texas.
6. Tom Eastland, Manager, Chamber of Commerce, Big Spring, Texas.
7. M. R. Koger, President, Chamber of Commerce, Big Spring, Texas.
8. R. H. Weaver, AFA Vice President, Big Spring, Texas.
9. Wade Choate, Businessman, Big Spring, Texas.
10. Lester Morton, Vice President, Chamber of Commerce, Big Spring, Texas.
11. James R. Perry, Vice President, Chamber of Commerce, Odessa, Texas.
12. Ed Barham, City Council, Odessa, Texas.
13. Bill Ransey, Businessman, San Angelo, Texas.
14. L. A. Patterson, City Manager, Snyder, Texas.
15. Winston Barclay, Vice President, Chamber of Commerce, Midland, Texas.
16. J. D. Dyer, Businessman, Lamesa, Texas.
17. Lloyd Cline, Mayor, Lamesa, Texas.
18. Don Benson, President, Chamber of Commerce, Colorado City, Texas.
19. John Chinn, Mayor, Colorado City, Texas.
20. Jack Cook, AFA Member, Big Spring, Texas.
21. W. P. Edwards, Rancher, Big Spring, Texas.
22. Jerry Worthy, AFA Member, Big Spring, Texas.
23. Bill Pollard, Chamber of Commerce Board, Big Spring, Texas.
24. J. Arnold Marshall, Mayor, Big Spring, Texas.
25. Lloyd Larson, Banker, Big Spring, Texas.
26. Ike Robb, AFA Member, Big Spring, Texas.
27. Dr. P. W. Malone, Physician, Big Spring, Texas.
28. Ben Faulkner, AFA Member, Big Spring, Texas.
29. Deen Booth, AFA Member, Big Spring, Texas.
30. Jim Zack, AFA Member, Big Spring, Texas.
31. Pete Stone, Police Department, Big Spring, Texas.
32. E. C. Robison, AFA Member, Big Spring, Texas.
33. Clyde McMahon, Businessman, Big Spring, Texas.
34. Dr. R. G. D. Cowper, Physician, Big Spring, Texas.
35. Gilbert Webb, Businessman, Big Spring, Texas.
36. O. C. Shapland, Businessman, Big Spring, Texas.
37. Col W. C. McGlothlin, Comdr, 3560 Pilot Training Wing, Webb AFB, Texas.
38. Col Donald A. Jones, Webb AFB, Texas.
39. Capt Arnold Friedman, Webb AFB, Texas.
40. Capt W. F. Hoadley, Webb AFB, Texas.
41. 1 Lt Ted G. Tilma, Information Officer, Webb AFB, Texas.
42. S/MSgt R. C. Carter, Webb AFB, Texas.
43. M/Sgt Charles R. Aggen, Webb AFB, Texas.

Mr. FULBRIGHT. Mr. President, the Air Force, the Army, and the Navy are all engaged in intense competition for public support of their particular weapons systems. The Department of Defense, the purpose of the National Security Act notwithstanding, does not speak to the public with one voice but with at least four; one seeking a larger slice of the Federal Government's pie and the other three seeking a larger share of the Department of Defense pie; and all of them urgently demanding more money for war. Measured in dollars, the term that matters most, with one-third of the total military budget going to the Air Force, its public relations program must be termed a resounding success.

This concludes my third statement on this subject. Friday, December 5, I will discuss the public relations activities of the Army.

I thank the Senator for yielding.

TAX REFORM OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG of Ohio. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state his parliamentary inquiry.

Mr. YOUNG of Ohio. May I inquire as to the time remaining to my side?

The PRESIDING OFFICER. The Senator from Ohio has 16 minutes. The Senator from Louisiana has 22 minutes.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Louisiana yield me 5 minutes?

Mr. LONG. I yield 5 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the purpose of the amendment of the Senator from Ohio is to eliminate entirely the depletion allowance on oil and gas produced overseas. Over the years I have tried to get the oil depletion rate lowered. I was unsuccessful in trying to get the rate reduced to 20 percent, as provided in the bill passed by the House. I am hopeful that when the bill goes to conference we can get the conferees to accept the House figure.

On the other hand, I do not believe this is the proper way to approach such a change, because, if we adopted the amendment of the Senator from Ohio, we would be establishing a dual tax structure as relates to domestic income and foreign income.

Based on the best information submitted to the committee by the Treasury Department and by the staff, the revenue which would go to the Treasury Department the first year, as a result of the amendment, would be $25 million. After that, however, the foreign countries in which the oil is produced could easily adjust their laws so that the revenue coming to the U.S. Treasury would

be zero from then on. Not only would it be zero as far as the result of this amendment is concerned, but in fact we would lose revenue, because as the foreign countries adjusted their revenue laws, there would be less income coming back to this country for us to tax.

I have tried for years to reduce the depletion rate, and will continue trying to change it later if we fail to hold the rate at 20 percent. But, I still think this rate should apply across the board. I do not think the pending amendment is the proper way to do it. Therefore, I shall not be supporting the amendment of the Senator from Ohio.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. The figures show that the oil companies are bringing back to this country virtually all of the profits they are making in their averages of operations. They then are declaring as much of that out in dividends as they can. If this amendment is adopted, it is likely that the foreign countries will proceed to increase their taxes. As a result of those additional foreign taxes, the profits of these companies available for dividend payments in this country will be reduced.

Because of this it is estimated that after the first year, the Treasury would lose between $5 million and $15 million a year, because the Treasury would not collect taxes on the profits that would have been declared as dividends but which would now be paid as taxes to the foreign countries. So while the Treasury might be making $25 million the first year, from that time on it would be losing at least $10 million a year as a result of the amendment.

Mr. WILLIAMS of Delaware. The Senator is correct. I might say that the amendment offered yesterday by the Senator from Wisconsin (Mr. PROXMIRE), which I supported, would have corrected the problem that I think the Senator from Ohio is seeking to correct here. Not debating the Proxmire amendment over again, since the Senate has made its decision, but had the Proxmire amendment been adopted, it would have corrected the problem in a manner by which the revenue picked up would have accrued to the U.S. Government to the extent that it would have been an additional tax on the corporations.

What I fear in this situation is that if we adopt the amendment of the Senator from Ohio we would only be taking money away from the companies and passing it on to the foreign governments. At least we know that could be the result and past experience indicates the foreign countries would take advantage of the opportunity to get the additional revenue.

So I do not approve of this amendment, and shall not support it, although, as I say, I wish we had been successful with the Proxmire amendment, which I think would have accomplished the purpose.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HANSEN. Mr. President, I, too, support our distinguished chairman in his position on this amendment. In addition to what has already been called to our attention by the distinguished Senator from Delaware, which spells out the fallacy of this type of approach, it should not go unnoticed that the Department of Defense has stated certain objectives that it feels are vital in support of national security considerations. Following closely behind the development of mineral resources within this country and within the hemisphere, it places the control and ownership of oil in foreign countries as next in importance; is that not correct?

Mr. LONG. Yes, the Senator is correct about that.

Mr. HANSEN. I think it has also been pointed out previously that the balance of payments that has helped to support our Treasury, which comes from this ownership of foreign oil, is an important item. That, coupled with the petroleum in the hands of American companies that can help supply other friendly nations throughout the world, has added to the ability of Americans to contribute to the kind of steady international development that we also recognize as being important. The amendment after a year or two will produce no extra revenue for the Treasury. It will make more difficult the desirable ownership, development and operation of foreign oil properties by American companies.

Mr. LONG. The Senator is correct. As I pointed out yesterday in the debate—as shown at page 36684 of the RECORD—under this bill, the oil companies are taxed an additional $155 million because of the reduction in their depletion allowance, and they are taxed another $200 million under the 5-percent minimum tax on their depletion and their intangibles.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator yield himself additional time?

Mr. LONG. Yes, I yield myself such additional time as I may require.

They are also taxed an additional $200 million on production payments. This is $555 million of additional taxes on the oil companies as such. In addition to that, they are being hit by the increase in the capital gains tax, and they are also hit by the elimination of the investment tax credit and by what we are doing with regard to accelerated depreciation.

So they are being hit in this bill in six different ways, the way it stands right now. But at least one can say that, insofar as striking at this meritorious industry, which is essential to national defense, is concerned, at least those things will gain his Government some revenue. But, on the contrary, the Senator's proposal would lose us money. In the statement of the Secretary of the Treasury before the Finance Committee, he pointed this out exactly as the Senator from Delaware has pointed it out and I might note that the Senator from Delaware is certainly not to be regarded as an advocate for the oil industry. I ask unanimous consent that Secretary Cohen's statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Finally, the bill eliminates percentage depletion with respect to foreign oil and gas production. Our analysis of this provision indicates, in the light of our foreign tax credit provisions, that after a brief period it will probably result in foreign countries increasing their effective tax rates on income from oil and gas production to "sponge up" any additional tax revenue otherwise accruing to the United States. Thus the denial of foreign depletion will increase the effective U.S. rate of tax on such income, which tax the foreign governments will then offset by increasing their rates. The end result will be that the U.S. taxpayer will pay additional tax to those countries, but no additional tax to the United States.

For these reasons, the elimination of percentage depletion on foreign deposits of oil and gas is unlikely to increase U.S. revenues significantly, and will merely increase the burden of foreign taxes on U.S. businesses. We recommend, therefore, that this provision be deleted from the bill. Our proposal with respect to the foreign tax credit, previously described, adequately deals with percentage depletion on foreign deposits by preventing the depletion allowance on foreign mineral production from being used to reduce U.S. tax on other income and will not induce the foreign country to raise its tax on the American company.

Mr. LONG. What the statement says, essentially, is that the amendment amounts to a tax increase on all companies doing business overseas. Some of those foreign countries have their laws written so that, automatically, the moment we increase our taxes on our companies operating abroad, the foreign countries increase their taxes, so that they can recoup for their countries the same amount that we increase the tax on those companies. The foreign countries' treasuries will get the money rather than our Treasury, because the company is entitled to a foreign tax credit against their U.S. taxes for taxes paid to foreign countries.

So, all the Senator's amendment would achieve is that those foreign countries that do not already automatically raise their taxes would change their laws or modify their procedures to do so very quickly. The Senator would simply take the money that would otherwise go to American citizens, American investors, and the American Government, and direct it to the treasury of some foreign potentate or foreign nation.

Mr. President, I think we are doing enough for those foreign countries now, without subsidizing the Sheik of Kuwait or the Government of Venezuela, and thereby penalizing American investors and the American Treasury.

Even the Senator from Wisconsin (Mr. PROXMIRE) admitted yesterday that he agreed that if you reduce the depletion allowance overseas, it will just result in the foreign countries raising their taxes. Our Government would get nothing, and the money that would be brought back here and declared out in dividends and result in taxes being paid into this Treas-

ury to the tune of $10 million, would not come in to our Treasury. An equal amount of money or perhaps twice that much now going to American investors, will simply be directed into foreign treasuries. It makes no sense whatsoever, and it tends to kill the goose that laid the golden egg.

Here is an industry that brings back $2 billion a year that it is making abroad in foreign countries by foreign investments with foreign labor—more than a billion dollars above what they send abroad for investment. This is one of the largest single favorable items we have in trying to offset our unfavorable balance of trade, and the industry is doing perhaps more than any other industry to offset our unfavorable balance of payments.

Of that money they bring back in, $455 million a year of it is paid out in dividends with the taxes on those dividends going into the U.S. Treasury; but some people just cannot be satisfied with that, apparently, because some folks in this country do not like the oil industry—an industry essential to our defense—and want to give it bad publicity. They propose to eliminate the depletion allowance and put the oil companies out of business overseas, while other countries are subsidizing their oil companies which are doing the same thing for those countries that American-owned companies are doing for ours. The effect is that they would be unable to continue to advance our national interest.

I guess people can vote to kill the goose that laid the golden egg. But if they do so, they are not doing it with the support of the Treasury, they are not doing it with the support of the Committee on Finance, and they are not doing it with the support of a lot of Senators who would vote for everything against the oil industry except this. They realize it does nothing to help our Government, does nothing to help our position anywhere in the world, defeats its own purpose, and for that reason, achieves nothing in the national interest. Anything it could achieve would be against the interests of American investors, American taxpayers, and the American Government—it would be a totally negative amendment, frustrating itself and achieving nothing. I hope, Mr. President, the amendment will not be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG of Ohio. Mr. President, I yield such time as he may require to the distinguished junior Senator from New Hampshire.

Mr. McINTYRE. May I inquire, Mr. President, as to how much time remains to the distinguished Senator from Ohio?

The PRESIDING OFFICER. Sixteen minutes.

Mr. McINTYRE. Mr. President, I rise today to propose that we eliminate the oil depletion allowance on oil from foreign sources. I have an amendment at the desk, numbered 335, which is very similar to the amendment offered by my distinguished friend from Ohio (Mr. YOUNG). So I join with the Senator from Ohio in proposing to the Members of the Senate that we eliminate the oil depletion allowance on oil from foreign countries. This step has already been taken by the House in its own deliberations on this tax reform bill. If there is to be any logic at all to our tax policies governing the oil industry, it is imperative that we today follow the action of the House.

We have long been told that the purpose of the oil depletion allowance is to foster a strong domestic oil industry by promoting the exploration and development of oil here in the United States. Such an industry, we have been told, is essential to our national security.

Yet for many years there have existed in our tax laws a number of incentives which encourage also the exploration and development of oil from foreign sources. Indeed when the foreign depletion allowance is considered in conjunction with the system of foreign tax credits now enshrined in our tax structure, there are even greater tax incentives to explore for oil outside rather than within the United States. What a farce!

This basic anomaly is further heightened by the effects of the oil import quota system. We got stuck with that back in 1959. Not only are American taxpayers—counter to all recognized principles of national security—subsidizing the production of low-cost foreign oil, but they are also then prevented by the oil import program from ever getting that oil into the United States where it can be of benefit to American consumers. No wonder that I call the oil industry the secret government of the United States. Instead, this oil goes to Europe, Japan, and other foreign countries, whose own consumers derive the benefit of our subsidies.

Mr. President, this really strikes me as a most ridiculous situation. It is illogical and self-defeating. It uses American tax dollars to lower the costs of foreign consumers. And it is destructive of the very national security which the depletion allowance was designed to protect in the first place. I hope we will allow this absurdity to continue no longer and will act today to eliminate the foreign depletion allowance.

The need to do so is obvious to me. The Ways and Means Committee of the House thought so also in its own deliberations on the tax reform bill. It said:

> Present law also extends . . . percentage depletion allowances to income from oil and gas wells located in foreign countries. Insofar as percentage depletion is intended primarily to encourage the exploration and development of new wells, the granting of percentage depletion to income from foreign deposits results in a large loss of revenue without commensurate advantages.
>
> [Our] bill provides that percentage depletion is not to be allowed for foreign oil and gas wells. This permits percentage depletion for these items to be confined to areas where it will achieve its objective of stimulating exploration and discovery of domestic reserves.

Some, however, will urge specious arguments against our following the lead of the House. It might be worthwhile to take a moment and to examine how little merit there is in such arguments.

First, it may be alleged, the activities of our international oil companies are beneficial to our balance of payments. If we eliminate the foreign depletion allowance, this argument runs, we will diminish the contribution they have made to our international monetary position.

The answer to this argument is simple. I pointed out earlier that all foreign oil produced abroad with a subsidy from our Treasury must go to foreign consumers. Many of these are industrial consumers, who use this low-cost foreign oil to turn out a wide range of products at prices our own companies at home cannot match.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. McINTYRE. I thank the Chair.

Let me digress for a second and say that if we really want to help the balance of payments, let us do away with some part of the mandatory oil import quota program and allow the petrochemical industry to have a chance to operate with the benefit of low-cost foreign oil. Then we will see our balance of payments make a real improvement.

Mr. LONG. Mr. President, will the Senator yield?

Mr. McINTYRE. Mr. President, we have a tacit agreement that the Senator will help us with the time problem. However, I yield to the Senator on my time.

Mr. LONG. Mr. President, is the Senator aware of the fact that if we permit foreign oil to capture 50 percent of the U.S. market for oil, it would create an enormous balance-of-payments problem?

How does the Senator propose we would earn enough foreign exchange, if 50 percent of the oil we consume in this country were foreign oil?

Mr. McINTYRE. Mr. President, the Senator is talking about a situation that is a long way off. He says that the mandatory oil import program might be so affected that 50 percent of the oil consumed here would be foreign oil in competition with our domestic oil. We have not a chance of that. The Senator is talking of a nebulous fantasy.

Mr. LONG. That is what the Senator advocates.

Mr. McINTYRE. It is not.

Mr. LONG. Mr. President, I hope the Senator will contemplate what he is advocating. He should not advocate it unless he is willing to live with it.

I hope that the Senator will conceive of the possibility that if we have no mandatory oil import quota system, 50 percent of the oil in a short time would be foreign oil.

That would mean an enormous additional burden on our already unfavorable balance of payments.

Mr. McINTYRE. Mr. President, at the present time only about 12.2 percent of the oil we are consuming is foreign oil as opposed to domestic production.

Mr. LONG. If the Senator includes everything, it is about 25 percent.

Mr. McINTYRE. The Senator is now including Canada and Mexico?

Mr. LONG. And the west coast.

Mr. McINTYRE. In our effort to see this mandatory oil import program worn down and liberalized a little, we may at times indicate that perhaps the whole thing ought to be scrapped, but we are really trying only to reach the point where some important oil redounds to the benefit of the consumers in the area of the country from which I come, from the cold region of New England. At present this is not the case.

Mr. LONG. The Senator knows it does not apply to residual fuel oil.

Mr. McINTYRE. No. 2 fuel oil is not residual fuel oil. And it is No. 2 fuel oil with which we heat our homes in New England.

Mr. LONG. But it is coming in.

Mr. McINTYRE. Mr. President, I do not want to be characterized as one who says that he wants to see the oil import program scrapped entirely without any offsetting protection for our national security.

To return, however, to my argument regarding the balance-of-payments effects of the foreign depletion allowance, I say what I said before, that if we really want to help the balance-of-payments, we should liberalize the mandatory oil import program and let the petrochemical people really get to work.

Mr. LONG. Mr. President, it would be easy enough to give them a ton of imports for every ton of exports so that they would have the benefit of the world market price on oil. However, they do not want that. They want something more advantageous. And insofar as they want more than they should have, it seems to me that they are demanding too much. That is why they cannot get it.

Mr. McINTYRE. Mr. President, if we want to improve our balance of payments, we will eliminate the foreign depletion allowance and we will do something more as well. We will modify our oil import program to allow a certain amount of foreign produced oil into the United States.

Mrs. SMITH of Maine. Mr. President, will the Senator yield for a question?

Mr. McINTYRE. I am happy to yield to the distinguished Senator from Maine.

Mrs. SMITH of Maine. I thank the Senator.

Mr. President, would the Senator, the author of this amendment, tell me how this amendment would affect companies like the Occidental Petroleum Corp. in connection with the proposed Machiasport project, under which it seeks to bring in foreign oil for refining at a proposed refinery at Machiasport, Maine.

Mr. McINTYRE. How would the Libyan deposits of oil, which the Occidental Oil Co. currently controls, be affected pricewise?

Mrs. SMITH of Maine. That is correct.

Mr. McINTYRE. My best information is that there might be a slight increase in the cost of that foreign oil but not enough to affect what both the distinguished Senator from Maine and I hope to see as a result of the Machiasport project, and that is some No. 2 fuel oil at reasonable prices in New England.

Mrs. SMITH of Maine. I thank the Senator.

Mr. McINTYRE. I might add that possibly it would raise the price of Libyan oil about 5 cents a barrel. But the current cost of a foreign barrel of oil is $1.30 cheaper than our domestic oil, so there would still be tremendous benefits for New England consumers if the Machiasport project were approved.

Mr. President, I do accept the basic national security justification underlying our policies toward the petroleum industry. But there can certainly be a significant increase over present levels. If this occurs, and cheap foreign oil is made available to our petrochemical industry, its competitive position in foreign markets will be vastly improved. With its costs lowered, it will be able to reduce its prices abroad. Then we will see a real improvement in our balance of payments.

Another specious argument which has been urged on behalf of the foreign depletion allowance is closely related to the argument just discussed. It has been said that repeal of the foreign depletion allowance would interfere with the ability of our international oil companies to compete with companies of other nations.

I have no qualms about the ability of our international oil companies to compete in world markets. As a quick check of their operations in recent years makes clear, they have been eminently successful competitors. Between 1964 and 1968 the profits of the 12 largest companies in the industry rose $1.3 billion, or 33 percent. They will have little trouble adjusting to repeal of the foreign depletion allowance.

One reason the adjustment will be easy is that it will represent not a discrimination against them, but an equalization of their tax burden with the tax burden faced by companies of other nations. No other country in the world has an oil depletion allowance as liberal as our own, and many have none at all. Repeal of the foreign depletion allowance will put our international oil companies on an equal footing with those of other nations. I am sure they will do well in such an environment.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The time of the Senator has expired.

Mr. McINTYRE. Mr. President, will the Senator from Louisiana yield me 3 minutes?

Mr. LONG. I yield 3 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Finally, I might say a word about the revenue consequences of my proposal. The revenue gains will in fact be minimal. The Ways and Means Committee of the House has estimated them at a total of $35 million, $25 million in 1970 and $10 million in 1971. They will not be larger because the oil industry will still have available to it excessive amounts of foreign tax credits with which to offset any increases in its U.S. tax which might otherwise occur. Many of these tax credits arise, of course, not because of legitimate tax payments to foreign governments, but because what are really royalty payments can under our present tax laws still be treated as taxes. If we really want revenue consequences—if we really want to raise the funds which will make it possible to give low- and middle-income taxpayers the relief they want and so sorely deserve—we could accompany our repeal of the foreign depletion allowance with an overhaul of the industry's foreign tax credits.

All I ask today, however, is that we repeal the depletion allowance on oil from foreign sources. It would be a sound first step on the road to a more rational tax policy as regards the petroleum industry.

In conclusion, I want to say again, Mr. President, that if the rationale for a substantial oil depletion allowance is to better our national security, to give it a greater bulwark of strength by encouraging the exploration and development of domestic sources of oil, it is impossible for me to understand why we pursue a policy of encouraging the development of foreign sources of oil, by giving this depletion allowance on oil from foreign sources. It runs counter to the very purpose for which the oil depletion allowance is given domestically in the first place.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to the distinguished Senator from Maine.

Mr. MUSKIE. Mr. President, I compliment the distinguished Senator from New Hampshire on his remarks and join in them.

As the Senator knows, I submitted an amendment to the same effect to the Finance Committee, for its consideration. not only because of the irrationality which the Senator from New Hampshire has identified, but also for another——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Louisiana has 9 minutes remaining, and the proponent has no time remaining.

Mr. LONG. I yield 1 minute to the Senator from New Hampshire.

Mr. MUSKIE. It is said that the foreign depletion allowance is justified on national security grounds, the reason being that we need it in order to explore new sources of oil overseas; but, at the same time, we impose limitations upon the importation of this oil, and that policy is based upon the same argument—national security. I do not see how we can, at one and the same time, in the name of national security, explore and develop oil overseas and then prevent its importation into this country. It is for that irrational fact that I support the distinguished Senator from New Hampshire.

Mr. McINTYRE. I could not agree more with the Senator from Maine.

Mr. LONG. Mr. President, I yield 3 minutes to the distinguished Senator from Georgia (Mr. RUSSELL).

CONTINUING APPROPRIATIONS, 1970

Mr. RUSSELL. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 557, House Joint Resolution 1017, continuing resolution that will enable the departments for which appropriations bills have not been enacted to stay in business after this weekend.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (H.J. Res. 1017) making further continuing appropriations for the fiscal year 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. RUSSELL. Mr. President, this is a continuing resolution, in the commonly accepted form, which extends until the end of the present session of Congress the authority of the agencies whose appropriation bills have not yet been enacted to continue operation at the same tempo and under the same conditions as were prescribed in Public Law 91–117 signed November 14, 1969. I do not see any alternative we have.

The Committee on Appropriations met yesterday and ordered reported to the Senate the military construction and District of Columbia appropriation bills and House Joint Resolution 1017, making further continuing appropriations for fiscal year 1970. The current continuing resolution will expire this Saturday night, December 6.

House Joint Resolution 1017, which passed the House of Representatives December 1, extends the expiration date of the current resolution from December 6 to the sine die adjournment day of the present session of Congress. Passage of this resolution will enable any department or agency of the Government, whose annual appropriation bill for fiscal year 1970 has not become law, to operate until the sine die adjournment.

As of today, four of the appropriation bills have been signed into law—the Treasury-Post Office, Department of the Interior, independent offices, and the Department of Agriculture appropriation bills. There are three appropriation bills in conference—the State-Justice-Commerce, the legislative, and the public works appropriation bills. On the public works appropriation bill, the conference report has been signed and is expected to be cleared for the President's signature shortly. As indicated earlier, the District of Columbia and the military construction appropriation bills were reported by the committee yesterday and are now on the Senate Calendar. The Subcommittee on the Department of Transportation is meeting this afternoon to mark up that appropriation bill, and the present plan is for the Labor-Health, Education, and Welfare appropriation bill to be marked up in subcommittee on Tuesday, December 9, or Wednesday, December 10.

There are three appropriation bills still in the House—the Department of Defense, foreign aid, and supplemental appropriation bills. Hearings on all three of these bills are virtually completed or are in progress in the Senate committee.

Mr. President, it seems to me to be imperative that if those departments or agencies of the Government which have not yet received their funds for fiscal year 1970 are to continue functioning, the joint resolution should be passed. I therefore urge the passage of House Joint Resolution 1017.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I am glad to yield.

Mr. CURTIS. Where seems to be the slowup? Is it on the Senate side?

Mr. RUSSELL. Well, I do not like to undertake to assess the blame. I think it goes all the way around. In the first place, the President did not get his revisions in the budget here until April 15 of this year. That threw Congress off stride.

Then, without casting aspersions on the House, they have been very slow in getting the bills over here. For example, the Defense Department appropriation bill, which carries about one-half of the total expenditures, has not yet been taken up in the House and it will not be until next week. My committee has had extensive hearings. We have compiled several volumes of hearings.

But under this constitutional fiction, and that is all it is, that only the House can originate appropriation bills, we are compelled to wait until they get to us from the House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, I ask unanimous consent that we may proceed for 5 additional minutes.

Mr. LONG. Mr. President, I ask unanimous consent that the time on the resolution not count on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. It was not my purpose to cast any reflection on the House. I have great admiration and affection for that body. But I think we, as Senators, are responsible for the operation of the Senate.

Is it not true that as bills have come over here they have been processed with considerable dispatch by the Committee on Appropriations?

Mr. RUSSELL. With a few possible exceptions they have been considered and dispatched more expeditiously than in all the time I have been a member of the Committee on Appropriations, which has been more than 35 years. I regret very much that the Senate, by implication, has been made somewhat responsible. If the Senate has done anything that is wrong it is because we have not lived up to our responsibility as a coequal body and given more exhaustive and painstaking consideration to these bills. If we had done so we would only have aggravated the already bad condition.

Mr. CURTIS. I remember the long time it took to enact the military authorization bill. That was not the fault of the committee. The Senator from Mississippi (Mr. STENNIS) was in the Chamber and he and other Members pushed as fast as possible. Bills undoubtedly are delayed in conference. There is always some time taken to iron out differences.

Mr. RUSSELL. There have been delays in two or three of them in conference but not undue delays. As a matter of fact, there are three appropriations bills still in the House that have never come over, and they are the Department of Defense, foreign aid, and the supplemental appropriation bills. We have already practically completed hearings on those three bills in the Senate, although they are still in the House committee.

Mr. CURTIS. There is nothing to do but to pass the continuing resolution for the essential functions of Government but I am sure we all agree this is not a wise budgeting, appropriating, or spending process.

Mr. RUSSELL. It is a very unfortunate situation that the departments of Government have to operate in this manner for 6 months, as they do in some cases. It is very unfortunate. I hope we are never confronted with this situation again.

Mr. CURTIS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield so that I may ask a question of the distinguished Senator?

Mr. RUSSELL. I yield.

Mr. BYRD of West Virginia. Is it not also true that appropriation bills must await passage of the authorization measures, and that in several instances the fact that the appropriation bills have had to be delayed can be explained by the fact that the authorization measures have not been passed?

Mr. RUSSELL. In at least two instances that is markedly true.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JAVITS. Mr. President, I am sorry to detain the Senator. My question, I hope, will not be troublesome to him.

We had quite a dispute about education in the last continuing resolution. I gather that what this does is to carry on whatever we achieved.

Mr. RUSSELL. That is my construction. I do not see how any other interpretation could be placed on it.

Mr. JAVITS. Bearing in mind what the Senator from West Virginia said, that authorization legislation is a problem, I am wondering if any thought has been given to what might happen if even by sine die adjournment any area should not have authorizing legislation.

Mr. RUSSELL. That situation has not arisen yet but I assume Congress would not adjourn sine die without taking ap-

propriate action. I am hopeful this situation will straighten itself out. We are working diligently. I think we will get the bills through before the end of this session.

Mr. JAVITS. Will the Senator yield so that I may ask one other question?

Mr. RUSSELL. Yes, I yield.

Mr. JAVITS. Would it not be desirable, so that Senators will know what the situation is, to have a memorandum placed in the RECORD as to the parliamentary situation which would exist if we have appropriation bills before us but no authorization bills?

Mr. RUSSELL. I am sorry. Will the Senator repeat his suggestion.

Mr. JAVITS. I was suggesting a memorandum as to the parliamentary situation which would exist if the House sent us an appropriation bill, and we had no authorization law; if they did that, for example, in foreign aid.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. I was thinking of the foreign aid bill. The authorizing legislation has not been passed. I think it could be passed very shortly if we confine our attention in the Senate committee to the amounts of appropriations only. I understand the Committee on Appropriations has already had hearings an the appropriation bill for foreign aid.

Mr. RUSSELL. The Subcommittee on Foreign Aid Appropriations is having hearings at the present time.

Mr. AIKEN. How long after the authorization bill has been approved would it take the Committee on Appropriations?

Mr. RUSSELL. That varies so greatly it would be impossible to make a categorical response. But I think it could be handled rapidly if the authorizing legislation were passed. As a matter of fact, if the House sends us an appropriation bill even without an authorization, we could still take it up in the Senate.

Mr. AIKEN. The committee had planned to have a meeting this morning. I am speaking of the Committee on Foreign Relations. However, it was stopped by the objection to any committees meeting. We hope to have a meeting tomorrow morning if there is no objection.

Mr. RUSSELL. The subcommittee had been holding hearings on the appropriation bill.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McGEE. Mr. President, the subcommittee has completed its hearings on foreign aid, except for appeals. The House bill will be over here, I was told last night by the chairman of the House committee, on Tuesday, and this subcommittee will be ready to deal with appeals at that time. The jurisdiction is another factor.

Mr. AIKEN. I think there is a way to get authorization bills through promptly by the early part of next week, but whether we will do it remains to be seen.

Mr. McGEE. Through which device; the continuing resolution?

Mr. AIKEN. No, we have had continuing resolutions several times.

Mr. RUSSELL. If the House passes an appropriation bill based on an authorization bill they passed, that bill would be in order here?

Mr. McGEE. Yes. We will have the House bill on appropriations next Tuesday.

Mr. RUSSELL. I yield to the distinguished ranking minority member of the Committee on Appropriations.

Mr. YOUNG of North Dakota. Mr. President, I see no alternative except to pass this continuing resolution. This is a sorry way to do business though. It is nearly Christmas and several appropriation bills remain to be passed. I think the Senate could get these bills through if Senators would limit themselves in debate and in the number of amendments they offer.

The one big hurdle that I see is the Defense appropriation bill. If we take 2 months on the appropriation bill as we did on the authorization bill, the appropriation bill would not clear until spring. But this morning the President said if Congress adjourns without passing the appropriation bills, he will immediately call us back into session. I think he would be right in doing that.

I agree with the statement made by the distinguished chairman of the committee.

Mr. RUSSELL. We have a saying in my part of the country: "He spoke himself out." I hope we have about spoken ourselves out on the military authorization bill and that we would not have lengthy debate when we reach the appropriation bill. I think it should be fully debated. But I would not like to see a week or two of repetitious statements, repeating what was said when the authorization was here.

Mr. YOUNG of North Dakota. May I say this, and I hope I shall not be thought critical of any of my colleagues, but during my service here in the Senate, some of its most effective Members were men like Senator George, from the Senator's own State, and Senators Taft and Vandenberg, who usually confined themselves to 30-minute speeches, some of them only 15; but now many speeches are 2 to 3 hours in length. I hope I am not hurting anyone's feelings when I say that. I am only trying to expedite most important legislation that must be passed before we adjourn.

Mr. RUSSELL. The Senator from North Dakota is certainly not hurting my feelings. In the past, I have often spoken at great length, but the time has come when I now confine my remarks to a great extent. The causes for which I fought in the past have vanished.

Mr. GRIFFIN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. GRIFFIN. The distinguished Senator from Georgia made reference to the fact that the new administration took a brief time at the beginning of the year to revise the budget——

Mr. RUSSELL. I did not say that in a critical sense. I understand their reasons, but that was one of the causes of delay.

Mr. GRIFFIN. I realize that. As we look toward the next session of Congress, to begin shortly after the New Year, I am sure we expect and want the administration, in accordance with its constitutional responsibility, to have a new budget ready to submit shortly after the next Congress convenes. Would the Senator agree with me, as the end of this year approaches with a number of appropriation bills not yet passed, and as we operate the Government on the basis of a continuing resolution, that it would be very difficult for the Bureau of the Budget and the administration to prepare a budget to meet that deadline?

Mr. RUSSELL. It would add to their difficulties. I do not think it would make it impossible because they could base the new budget on the old budget and the bills as passed by the two Houses. But, certainly, it would add to their difficulties. I think the President's urgency is completely justified. Insofar as the Senate Appropriations Committee is concerned, we are doing everything in our power to obviate the necessity for any such action. We cannot take up bills until they are brought over here.

Mr. GRIFFIN. I thank the Senator from Georgia. I join him in urging that the joint resolution be passed.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1017) was ordered to a third reading, was read the third time, and passed.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. The Chair would state that the Senator from Louisiana (Mr. LONG) has 5 minutes remaining.

Mr. LONG. Mr. President, I will be glad to allow other Senators, speaking in opposition, to make comments at this time if they wish; otherwise, I think I have made my position clear with regard to the proposed amendment. The Treasury recognizes that adoption of the amendment would mean the Government would make no money in the long run. Only in the first year would it make any money. By increasing the tax on American oil companies, it would be an incentive for foreign nations to increase their taxes on the companies doing business there. Foreign countries have done so in the past. Some of them do so most drastically, having drafted laws so that they automatically increase taxes, even without their parliaments meeting. The result is that foreign countries would gain from any tax increase involved here, merely by raising their taxes.

The companies would be entitled to a credit for the additional foreign tax paid against the tax paid to this country, with the result that the companies would pay the tax not to our Treasury but to some foreign treasury and this Government would lose money rather than make it. Our Treasury would make money only for a few months to a year—only for the

time it would take the foreign countries to change their laws in order to scoop into their treasuries the money which otherwise would go into ours. Starting the second year, this Nation would lose about $10 million in taxes on dividends that would have been paid except for the increase in foreign taxes which reduces the companies' earnings.

The amendment also would hurt our balance of payments. Even the Senator from Delaware (Mr. WILLIAMS), who has made strong arguments for cutting the depletion allowance, and who has been one of the most consistent opponents of the depletion allowance, took the floor, when there were not many Senators in the Chamber, to say that he felt certain that this amendment would defeat its own purpose at a cost to American investors and to the Government.

It would achieve nothing to benefit this Nation. It would only benefit the foreign treasuries. Therefore, there is no good reason why the amendment should be agreed to.

Mr. President, I am willing to yield the remainder of my time to the Senator from Ohio (Mr. YOUNG).

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. I thank the Senator from Louisiana. Mr. President, very definitely, if this amendment is adopted and we go along with the other body on this foreign oil depletion matter, our Treasury will benefit next year to the extent of some $25 million.

Let me say, finally, that it has seemed to me that the arguments made by the Senator from Louisiana, who is the chairman of the Finance Committee, are not valid in that they are purely speculative. This amendment should be agreed to. It will not be for the benefit of a sheik in Kuwait and his wives, but for the benefit of American taxpayers.

The PRESIDING OFFICER. All time has now expired on the amendment.

The question is on agreeing to the amendment of the Senator from Ohio.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting the Senator from Indiana (Mr. BAYH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from Kansas (Mr. DOLE) is detained on official business.

If present and voting, the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 25, nays 68, as follows:

[No. 169 Leg.]

YEAS—25

Brooke	Inouye	Pastore
Case	Jackson	Pell
Church	Kennedy	Proxmire
Dodd	McGovern	Ribicoff
Eagleton	McIntyre	Williams, N.J.
Gore	Metcalf	Yarborough
Hart	Mondale	Young, Ohio
Hartke	Muskie	
Hughes	Nelson	

NAYS—68

Aiken	Fulbright	Moss
Allen	Goodell	Murphy
Allott	Gravel	Packwood
Baker	Griffin	Pearson
Bellmon	Gurney	Percy
Bennett	Hansen	Prouty
Bible	Harris	Randolph
Boggs	Hatfield	Russell
Burdick	Holland	Saxbe
Byrd, Va.	Hollings	Schweiker
Byrd, W. Va.	Hruska	Scott
Cannon	Javits	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Cooper	Jordan, Idaho	Sparkman
Cotton	Long	Spong
Cranston	Magnuson	Stennis
Curtis	Mansfield	Stevens
Dominick	Mathias	Talmadge
Eastland	McCarthy	Tower
Ellender	McClellan	Tydings
Ervin	McGee	Williams, Del.
Fannin	Miller	Young, N. Dak.
Fong	Montoya	

NOT VOTING—7

Anderson	Goldwater	Thurmond
Bayh	Mundt	
Dole	Symington	

So the amendment of Mr. YOUNG of Ohio was rejected.

AMENDMENT NO. 351

Mr. YARBOROUGH. Mr. President, I submit an amendment to H.R. 13270, the Tax Reform Act of 1969, which would delete from the bill a provision which exempts certain gas pipeline contracts from the repeal date of the 7-percent investment tax credit. This matter was thoroughly explained in the House by Congressman BOB ECKHARDT, of Houston, Tex., and other Members of the House, and was explained to the Senate Finance Committee in July by Congressman ECKHARDT, and others. It is not a new matter. It was discussed in the House and in the Senate Finance Committee.

One of the most significant tax reform proposals contained in H.R. 13270 is the repeal of the 7-percent investment tax credit. It is widely recognized that the investment tax credit has long since outlived any usefulness that it might have ever had and is now nothing more than a vast loophole through which the Government loses billions of taxable dollars each year.

H.R. 13270 provides for the permanent repeal of the investment tax credit in the case of property acquired or construction of which is begun after April 18, 1969. However, to avoid economic injustice to those taxpayers who have commenced construction or acquired property pursuant to a binding contract entered into before April 8, 1969, the bill specifically exempts such taxpayers from the repeal of the investment credit and makes the credit available to them. This is a fair and reasonable exemption since it has never been the policy of this country to penalize those who in good faith have relied on existing laws.

Unfortunately, H.R. 13270 does not stop with this one justified exemption from the general repeal of the investment tax credit. There has also been inserted into H.R. 13270 a special exemption for gas pipeline contracts which cannot be justified on any basis except that its proponents desire additional special treatment for an industry which is already specially protected and specially favored by our laws. The exemption to which I refer may be found on page 420, at line 21 of H.R. 13270 and provides:

(B) Where, in order to perform a binding contract or contracts in effect on April 18, 1969, (i) the taxpayer is required to construct, reconstruct, erect, or acquire property specified in any order of a Federal regulatory agency for which application was filed before April 19, 1969, (ii) the property is to be used to transport one or more products under such contract or contracts, and (iii) one or more parties to the contract or contracts are required to take or to provide more than 50 percent of the products to be transported over a substantial portion of the expected useful life of the property, then such property shall be pre-termination property.

On its face, this seemingly innocuous language would not appear to be a vehicle for serving a special interest. However, on closer examination it is clear that the only purpose for this provision is to grant to certain gas pipelines a special privilege in dealing with the investment tax credit which no other industry or taxpayer in America has.

To appreciate the necessity for striking this insidiously clever provision from H.R. 13270, it is important to understand: First, the nature of a gas pipeline contract; second, why there is no reason for a special treatment of these contracts; and third, the history of gas pipelines and the investment tax credit.

I. THE NATURE OF A GAS PIPELINE CONTRACT

A gas pipeline contract, unlike the other contracts to which the exemption from the repeal date of the investment tax credit applies, is not a contract for the purchase of capital goods but is a contract for service or supply. That is, the gas pipeline contract obligates the company to supply its customers with a specified number of units of natural gas. Nowhere in this contract between the company and the customer does the gas pipeline company obligate itself to build or expand its facilities to perform the contract. However, section 7C of the Natural Gas Act of 1938 requires:

No natural-gas company or person which will be a natural-gas company upon completion of any proposed construction or extension shall engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, or acquire or operate any such facilities or extensions thereof, unless there is in force with respect to such natural-gas company a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations.

Therefore, until the FPC grants the gas pipeline company a certificate of public convenience and necessity, the company cannot lawfully fulfill its contract to the customer. Thus the certificate is a necessary prerequisite to a valid binding gas pipeline contract.

In determining whether to grant a certificate to a gas pipeline company, the FPC takes into consideration whether the proposed expansion in service is physically and economically feasible. The FPC will and often does, allow a gas pipeline company to withdraw its application for a certificate upon a showing of just cause. The "just cause" for which an application may be withdrawn might well include a showing by the company of a loss in profits by the repeal of the investment tax credit.

Furthermore, the regulations of the FPC afford a company with a way of having the application dismissed by the FPC. Section 157.12 of the FPC regulations provides that in the absence of a showing of good cause, "failure of an applicant to go forward on the date set for hearings and present its full case in support of its application will constitute grounds for summary dismissal of the application and the termination of the proceedings." Therefore, without showing "just cause" an application can be dismissed by inaction on the part of the gas pipeline company.

What this amounts to is that gas pipeline companies are not subject to the same economic hardships as taxpayers who have bound themselves contractually to construct, reconstruct or acquire property. The simple truth is that without the certificate of public necessity the gas pipeline company is not contractually bound to do anything. This gives the gas pipeline company the right to have the benefit of the investment tax credit for contracts that they may void at will.

There is no justification for this type of special advantage.

II. WHY THIS SPECIAL TREATMENT IS NOT NECESSARY

As I have previously pointed out, these gas pipeline contracts are not binding on the company in the absence of a certificate of public necessity and convenience. Thus, this does not justify this special exemption. Are there any economic reasons for this special treatment? A review of the facts clearly reveals that the answer is "No."

The gas pipelines are strong and financially healthy. It is one of the very few operations in America which is guaranteed a profit by the Federal Government. The rates charged for natural gas are regulated by the FPC so as to assure the gas pipelines a reasonable profit each year. Very few other industries in America can be assured that year in and year out they will be operating in the black.

Since 1958, the revenues and assets of the gas pipeline companies have doubled. According to a recent industrial survey conducted by Standard & Poor's, the revenues of gas pipeline companies are expected to reach new highs in 1969. The American Gas Association estimates that gas sales in 1969 will reach 152,650 million therms. This is an increase of 5.7 percent from 1968.

The outlook for future growth is also quite encouraging. The American Gas Association estimates an increase in sales of 6 percent for each year from 1967 to 1980. By 1985, gas utilities sales are expected to reach 356 billion therms. This is an increase of 144 percent from the amount of gas sold in 1968.

In addition to the increase in sales, the rate of return to the companies is also increasing. At present, the rate of return on old contracts is between 6½ and 6⅓ percent. However, the FPC recently granted one company an annual rate of return of 7¼ percent. There are numerous other applications pending before the FPC which request returns of 8 to 8½ percent.

III. HISTORY OF GAS PIPELINE INDUSTRY AND THE INVESTMENT TAX CREDIT

The alleged purpose behind the enactment of the investment tax credit in 1962, was that it would encourage business investments in new machinery and equipment. The plain facts reveal that the gas pipeline industry never needed enactment of the 7-percent investment tax credit, the gas pipeline industry did not suffer from lack of growth. From 1957 to 1961 the net investment in gas utility plants rose from $6 to $8 billion. After the enactment of the investment tax credit, the net investment in gas utilities plants grew at about the same rate, $8 to $10 billion. This clearly shows that the investment tax credit was not needed to stimulate growth.

The whole history of the investment tax credit and the gas pipeline industry has been one of special and unjustified favoritism. To begin with, the gas pipeline was allowed the 7-percent credit, whereas the other major public utilities were allowed only 3 percent. What was the reason for this? I submit that the only reason for it was the strength of the gas pipeline industry's lobby.

Furthermore, the FPC is prohibited by a 1964 amendment to the Internal Revenue Act from treating a reduction in income tax, arising from the investment tax credit, as a reduction in the gas pipeline cost for determining rates. Thus, a gas pipeline company is free either to retain the tax savings for reinvestment or payments to stockholders, or pass along the tax savings to its customers in the form of volunteer rate reductions. It should come as no surprise that according to figures compiled by the FPC in 1967 alone, more than 94 percent of the amounts generated and utilized by gas pipeline companies from that investment tax credit was retained by the companies and less than 6 percent passed on to the consumer by rate reductions.

IV. CONCLUSION

This provision of H.R. 13270 which my amendment is designed to eliminate is the sort of special interest legislation which has generated the present demand for tax reform by the majority of the people of the United States. Our people are tired of carrying the greater portion of this Nation's tax burden while their own elected representatives write special exemptions into the tax laws for big business.

The people of the United States have challenged the 91st Congress to reform this Nation's tax laws. They expect their interest to come first for a change. Special exemptions and favoritism for industries such as gas pipelines will further undermine the people's confidence in our Government.

I submit that it is time for Congress to turn its attention to problems and needs of average Americans. These people cannot afford expensive lobbying efforts to get their point of view across. They must depend on us to represent them. Let us show them that we are concerned by closing this loophole. President Grover Cleveland once warned:

> But to the extent that the mass of our citizens are inordinately burdened beyond any useful public purpose and for the benefit of a favored few, the Government, under the pretext of an exercise of its taxing power, enters gratuitously into partnership with these favorites, to their advantage and to the injury of a vast majority of our people.

I urge all of my colleagues to give my amendment careful consideration and join with me in remedying this inequity.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the statement of Congressman BOB ECKHARDT, of the Eighth Congressional District of Texas which was given before the Senate Finance Committee by Congressman ECKHARDT on July 8, 1969.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. BOB ECKHARDT, A U.S. REPRESENTATIVE IN CONGRESS FROM THE EIGHTH CONGRESSIONAL DISTRICT OF THE STATE OF TEXAS

Mr. ECKHARDT. Thank you Mr. Chairman. I have a written statement which I would like to ask permission to be filed as stated, and I shall only deal largely with one part of the statement.

Senator TALMADGE. Without objection, it will be inserted in the record in full and you may summarize as you see fit.

Mr. ECKHARDT. Mr. Chairman and members of the committee, I would not be so presumptuous as to reiterate the general arguments against the surtax extension to this committee after, of course, there has been so much said by persons who have had so much experience with it and have said it perhaps far better than I can.

I would though like to address myself to the point that has raised most of the questions of this committee and that is the exception with respect to natural gas pipelines.

In my experience in the Texas legislature for a good number of years before I came to Congress I noted a considerable reach of gas pipelines in that body, but I was rather surprised that its reach was as long as it does appear to be.

As the committee, of course, understands, the bill provides that there be three requirements for gas pipelines to come under the exception. First, there must be a contract to supply gas; and, second, there must be an application before the FPC, and then a certain amount of the gas must be transported by the company seeking to obtain the exemption over the facilities thus designated.

The point that I should like to make very clear here and, of course, I understand that the committee understands this, but I fear that perhaps it has not been made clear enough to the public, that the contract involved here is a contract of supply of gas rather than a contract with an equipment supplier. I do not believe this was at all clear on the debate on the floor of the House. I think it is extremely important that it be made as clear as possible for the public's attention.

In that debate it was said by one of the chief supporters of the amendment, a Texas

colleague, that they, the gas pipelines, "Should not be denied the benefit of the credit because some Federal agency is sitting aside and refusing to act."

The implication of the floor debate was that a contract for the purchase of capital goods was binding as between seller and purchaser, contingent only upon FPC approval constituting the exception to be qualified. Thus, Mr. Bush, with whom the amendment originated in the committee, in answer to my question said, "The contract spells out the equipment required and if these people have a bona fide contract, they should not be denied the benefit of the credit."

Well, in fact, the contract only spells out the obligation of the gas pipeline company to supply gas to the person or the municipality or the company to whom the supplier is to supply the gas.

The place where the equipment is described is in the application, not in the contract, and I believe that the discussion implied that the contract was, in fact, the contract to supply equipment, which of course, it is not.

Mr. Boggs, who carried the bill on the floor, equated the provision to the ordinary contract for purchase of capital goods in the following language.

"The contract has been entered into and qualifies as a binding contract. If you were to build a plant * * * and no equipment has been installed, but they have simply entered into a contract, a binding contract, prior to April 19, that equipment is eligible for the full 7 percent."

Now, I had previously been told by an Under Secretary of the Treasury that such was all that the amendment did. Now in candor Mr. Boggs did at another point explain the amendment accurately, and I do not attribute to anyone an intention to mislead. But the matter is technical and complex and needs clarification, both as to its provisions and as to its justification.

In fact, the contracts in question are not contracts to acquire property but are rather contracts to supply gas. These contracts are not binding without a certificate of approval from the Federal Power Commission, and it is in these certificates that the only requirement of designation of the capital goods to be acquired is made.

In order for a gas pipeline company to obtain approval for an extension of service it must file an application with the Federal Power Commission within which it must include, among other things, an analysis of the equipment needed to fulfill the contract. This includes a detailed estimate of total capital costs of the proposed facilities for which the application is made. But unlike the case of other pretermination contracts, contracts here are not binding without the certificate of approval, and hence the companies involved are not likely to be injured by the withdrawal of the investment tax credit. The FPC will allow gas pipeline companies to withdraw an application for an extension of service if the company can show just cause. Just cause might well include a reduction in the profitability of the contract. Presumably a loss of the investment tax credit would indicate lower profits.

This is a means of escape from the contract which would not be as profitable as anticipated. But there is another even surer safeguard that pipelines have with respect to the withdrawal of investment credit that ordinary businesses do not have, and this is based on their status as a public utility. As a public utility, of course, they are entitled to a reasonable profit, a reasonable rate of return on their investment. Therefore, they have been granted both the reasonable return on their investment, plus the overriding advantage of the investment credit of 7 percent.

In 1964 Congress provided that the question of the rate structure and the return on the investment should not be affected by the 7-percent investment credit. So, in effect, the 7-percent investment credit is cream on top of the profit.

Now, the main point I want to make is not so much the technical question of whether or not this equates a pipeline's position with that of an ordinary business, but I would like to simply make the point that pipelines do not need special treatment. They do not need the pretermination condition at all.

In the first place, it is impossible for me to see why Congress granted to the pipeline companies a 7-percent investment credit in the first place when to all other public utilities it only granted a 3-percent investment credit. In addition to this, we give pipelines a special treatment in an area in which they do not need special treatment, because they are protected by their status as a utility, and they are also protected by the fact that there are means by which they may withdraw their application.

Now, I am not so sure how much this means in dollars, as Mr. Vanik is. I respect his view on the thing, and I certainly respect his figures, and I know that he most carefuly checked with the FPC with respect to those figures, but I believe it is very, very difficult to come out with a precise figure without very deep investigation of the details of the applications.

But I think this can be said, that over the period of 5 years the pipelines have received, in these 7-percent investment credit accruals and use they have received somewhere around $250 million. Now that means that they are getting an advantage from the investment credit at the rate of about $50 million per year.

Now, the applications are seasonal. They usually come at the beginning of the year or they come about the middle of the year. I do not know to what extent this special treatment would step up the time that the investment credit applies, but I know what it would set it up substantially—if it would set it up in effect as much as 6 months we might estimate that the amount in investment credit accrued, if this exemption is passed, would be at least $25 million or half the $50 million figure.

Now, I do not set this down as a positive figure. I do not know precisely how much it would be, but I know it would be a very substantial advantage to gas pipelines which I do not think we need to give them, in all fairness.

Now, I would like to point out here that as I understood investment credit, it had originally been established in order to encourage rebuilding of old plant, also to encourage and increase the GNP of the Nation, but I do not think it was necessary with respect to gas pipelines in the beginning, certainly not necessary at 7 percent, or more than twice the figure that was given, say, to electrical utilities.

I think this is clearly pointed out by the fact that natural gas utility sales were 100.81 billion therms in 1962. In 1967 they were 133.42 billion therms. This is from Gas Facts, 1968. This is an extremely fast growing business that does not need encouragement to continue to grow, because obviously the larger the plant and the larger the expenditure in capital investment, the larger the return.

Gas pipelines are entitled to make a reasonable return on investment. I do not know any reason in the world why they should have enjoyed a 7-percent investment credit for all this time in the first place, and then to give them special treatment with respect to closing out investment credit seems to me to be an extremely improvident thing for Congress to do.

Now, I have considerably more detail with respect to this growth that would show that the total amount of plant, of net plant, for the period immediately preceding investment credit had grown at about the same rate or even at a greater rate than it grew subsequent to investment credit. Of course, I have that in the statement in order to show that investment credit was not needed in the first place.

But what I am arguing here is that gas pipelines do not need special treatment and should not be given special treatment by this legislation.

PREPARED STATEMENT BY HON. BOB ECKHARDT, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

SUMMARY

A. Outline of statement

I. Opposition to the surtax on general grounds:

(*a*) Review of past opposition: offsetting of the effects of the surtax by rising war expenditures—fear of more of the same.

(*b*) In full agreement with the Senate as to need for tax reform.

II. Opposition to the surtax respecting exemptions:

(*a*) Explanation of the loophole in the House-passed bill that allows the gas pipeline industry an unnecessary and unjust exemption from the April 18 deadline for repeal of the 7% investment tax credit.

(*b*) Because the government allows this industry a guaranteed rate of profit. Investment tax credit not warranted in the first place.

III. Need for responsible, effective alternatives:

(*a*) Extension of the withholding rates without an extension of the actual tax.

(*b*) Tax reform.

(*c*) Excess profits tax.

(*d*) Taxation of "excess interest".

B. Specific recommendations

I. Continue the higher withholding rates. The economic restraining effects not lessened and the pressure for tax reform continues unabated. Should the economy turn downward, Congress could lower withholding rates to their normal level and permit refunds; otherwise, institute the surtax retroactively.

II. Reinstate an excess profits tax. This would shift the burden from the poor and middle income groups to those benefiting most from the conflict in Southeast Asia.

III. Institute "excess interest" tax analogous to excess profits tax. Revenues generated by this tax could be used to subsidize home mortgages and municipal bond markets.

STATEMENT

Mr. Chairman, members of the Committee, I appreciate this opportunity to come before you on perhaps the most pressing and urgent problems facing our Nation today. No one can argue with the fact that we are in the midst of of rampant inflation and that we are experiencing some of the tightest money conditions in United States' history. The appropriate question that we should be considering is not whether economic restraint is needed—no responsible legislator or competent economist could doubt that fact—but rather, what form this economic restraint should take.

I voted against the 10% surtax extension, just as I voted against its original adoption last year. I shall state briefly why I oppose this particular form of economic restraint, the defects that appear in the House-passed bill, and my recommendations for responsible and effective alternatives to the surtax.

I

I opposed the imposition of this tax in 1968 because I did not feel that it would succeed in halting inflation. This is not to say that I have no faith in what is popularly referred to as the "new" economics; on the contrary I believe very strongly in the efficacy of fiscal and monetary policy. But these policies can only succeed if they are not sub-

jected to other government operations whose economic effects are in the direct opposite direction. I am referring, of course, to the expansionary and inflationary effects of the continued high spending on the war in Vietnam. This is how I made my case against the surtax last year and I see little reason to expect the situation to be any different this year. If our people are taxed—in the guise of fiscal constraint—when any meaningful disinflationary effects are negated by war expenditures, the effect is only to add the tax burden to the burdens of high interest and high prices.

Also, I wish to add my voice to the many urging that we not continue the surtax without adding meaningful tax reform. The surcharge is a tax on a tax, and, if one manages to avoid paying *any* taxes, he automatically escapes the surcharge. How can we, with a straight face, tell income earners and honest sharers of the tax burden that they must bear the burdens of fiscal restraint when many people with largely exempt incomes, capable of making many extravagant purchases, are not forced to curb their spending or fairly share the burden? I am heartened by the sentiment in the Senate for closing the many nefarious tax loopholes before final approval is given for extension of the surtax.

II

Now, I would like to point out to the Committee a very serious inequity in the House bill that passed on June 30.

As you know, one very important provision of the bill was the repeal of the 7% investment tax credit. Let me first say that I am very much in favor of this action for it has been effectively demonstrated that the investment credit is the primary contributor to the inflationary expansion of investment demand.

The bill sets the repeal date as of April 18, 1969 but quite correctly makes provision for construction begun, and binding contracts in effect, on or before that date. The general rule is that pre-termination property, i.e., property eligible to receive the investment tax credit, includes "any property . . . (that) is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1969, and at all times thereafter, binding on the taxpayer." If such facts do not prevail, action taken after April 18 does not accrue an investment credit.

But among the exceptions is this one:

"Where, in order to perform a binding contract . . . in effect on April 18, 1969, (i) the taxpayer is required to . . . acquire property specified in any order of a federal regulatory agency for which application was filed before April 19, 1969, (ii) the property is to be used to transport one or more products under such contract . . . and (iii) one or more parties to the contract . . . are required to take or to provide more than 50% of the products to be transported over a substantial portion of the expected useful life of the property, then such property shall be pre-termination property."

This is the section (Section 4a) of the bill that I have a strong objection to.

The report accompanying H.R. 12290 explains this seemingly harmless exception to the general rule defining pre-termination property.

"An example of the type of case covered by this provision would be a situation where a company has entered into a binding contract to transport fuel through a pipeline for another party who will provide more than 50 percent of the fuel to be transported over a substantial portion of the estimated useful life of the pipeline. The provision would be applicable in this case, however, only if the company had filed prior to April 19, 1969, its application with the Federal regulatory agency for an order permitting it to construct the pipeline."

In sum, this provision is presented as one justly extending the deadline for those companies entering into contracts for which necessary Federal agency certification is not received by April 18. The major beneficiary of this exemption would be the gas pipeline industry. One of their chief supporters in the House, a Texas colleague, stated: ". . . they should not be denied the benefit of the credit because some Federal agency is sitting aside and refusing to act."

This is a dangerous, unnecessary and inequitable provision, and explanation of it on the floor of the House was misleading.

The implication on the floor debate was that a contract for purchase of capital goods which is binding as between seller and purchaser contingent only upon FPC approval constituted the exception that would qualify.

Thus, Mr. Bush, with whom the amendment originated in the committee, in answer to my question said: "* * * the contract spells out the equipment required and if these people have a bona fide contract, they should not be denied the benefit of the credit."

Mr. Boggs, who carried the bill on the floor, equated the provision to the ordinary contract for purchase of capital goods in the following language: "* * * the contract has been entered into and qualifies as a binding contract. If you were to build a plant . . . and no equipment has been installed, but they simply entered into a contract, a binding contract, prior to April 19, that equipment is eligible for the full 7 percent."

I had previously been told by an Under Secretary of the Treasury that such was all that the amendment did. In candor, Mr. Boggs did at another point explain the amendment accurately. I do not attribute to anyone an intention to mislead, but the matter is technical and complex and needs clarification, both as to its provisions and its justification.

In fact, the contracts in question are not contracts to acquire property but are rather contracts *to supply gas*. These contracts are not binding without a certificate of approval from the Federal Power Commission, and it is in these certificates that the only requirement of designation of the capital goods to be acquired is made. In order for a gas pipeline company to obtain approval for an extension of service it must file an application with the Federal Power Commission within which it must include, among other things, an analysis of the equipment needed to fulfill the contract. This includes a detailed estimate of total capital cost of the proposed facilities for which application is made.

But, unlike the case of other pre-termination contracts, the contracts here are *not* binding without the certificate of approval; and hence the companies involved are not likely to be injured by the withdrawal of the investment tax credit. The FPC will allow a gas pipeline company to withdraw its application for an extension of service if the company can show just cause. Just cause might well include a reduction in the probability of the contract. Presumably a loss of the investment tax credit would indicate lower profits.

This is a means of escape from contract which would not be as profitable as anticipated. But there is another even surer safeguard against an improvident contract (in anticipation of investment credit) which might actually result in a loss.

As a public utility, the gas pipeline industry has its rates regulated by the government, and these rates are set so as to give the company a reasonable rate of profit on its investment. If the rate of profit is set, the company cannot possibly be stuck with an unprofitable venture. True, it may not generate an investment credit, which is "cream" on top of profit, but it may be presumed that the utility would have expanded its market for the sake of profit alone. It did not act to its detriment envisioning, improvidently, an investment credit.

Obviously there is, and was, plenty of inducement to improve and increase plant from gas pipelines *without* any investment tax credit. Even before the 7% investment tax credit provision was enacted, net gas utility plant for the entire Nation had grown from about $6 billion to about $8 billion from 1957 through 1961. After the enactment of the investment tax credit, through the next six years, net gas utility plant grew at about the same amount, from about $8 billion to about $10 billion. It is apparent from these figures that the investment tax credit was not needed to encourage investment in plant and it apparently did not affect such investment.

Actually, the gas pipeline industry has grown at a rate at least comparable to the other utilities which received only 3% investment tax credit. There is no apparent reason why the pipelines were favored, but in the Revenue Act of 1964 Congress favored them again by eliminating any authority on the part of the Federal Power Commission to use the investment tax credit without the consent of the company involved in determining its cost of service. The tax savings from the investment tax credit could thus be used by the companies for reinvestment or dividends without regard to their rate of return.

From 1962 through 1967 the interstate natural gas pipeline companies generated $296,124,000 in investment tax credits. Of this amount, they utilized and retained $247,106,000. (*Statistics of Interstate Natural Gas Pipeline Companies, 1967*, Federal Power Commission, p. ix.)

Now the gas transmission companies are again asking for special treatment, as if they needed special relief. Are they weak? Are they an industry with a declining growth pattern? Quite the contrary, the industry has grown by one third in the last five years. In 1962, natural gas utility sales were 100.81 billion therms and in 1967 they were 133.42 billion therms. (See 1968 "Gas Facts" of American Gas Association.)

It is just not possible to put an exact dollar value on this special provision in the surtax and investment credit bill as to how much it benefits gas pipelines. But it clearly would defer the cutoff date for withdrawing the investment tax credit. As I have pointed out, they never needed it or deserved it in the first place; and, at more than twice the figure granted other utilities, it was nothing but a windfall for the stockholders—not the consumers.

The windfall was at an average of about $50 million a year. Typically, in past years, the highest number of rate applications by the gas pipelines have been in the winter months. In the winter of 1967 and 1968 approximately as many permits were filed as during the entire remainder of the year. This was not exactly the situation in the FPC fiscal year 1968–69. In that year over 70% of the applications had been filed by January 1.

I am frank to say, I cannot tell the significance of the timing of the applications other than to say an adroit timing of applications well in advance of actual equipment purchases could keep the 7% investment credit going for a considerable time. If this extended time be 6 months, the special treatment in this law is worth $25 million in investment credits generated to the gas pipelines.

I served for a good number of years in a legislative body which was very sympathetic with gas pipeline companies, and I have had the experience of their long arm reaching right into a conference committee of the Texas Legislature to render a tax unconstitutional. I thought I had escaped this tampering when I came to Congress, but I underestimated their reach.

III

Because I do not believe the surtax to be a fair way to halt inflation, or even a feasible

way if present spending patterns continue, and also because the bill contains several questionable clauses, I voted against it in the House on June 30. But it would be quite irresponsible to oppose the surtax and leave it at that. As I said at the opening of this statement, we are facing an inflationary spiral affecting prices, wages, and interest rates. Some viable alternative to the 10% surcharge must be suggested.

The Senate and House have voted to continue the withholding rates, as if the surtax were still in effect, as a temporary fiscal measure. This in itself is a logical and practical alternative to the President's fiscal package. It would preserve and continue the economic restraining effects of the surcharge while allowing time for further consideration of its need.

We should simply continue such withholding while we hammer out tax reform.

The benefits of following this course are several:

1. We would be able to avoid legislating on such an important matter under the pressure of a deadline.

2. Many economists are convinced that we will be in the throes of a dangerous economic slowdown in the first quarter of 1970. If the Congress took no action other than to extend the withholding rate, the economy would be rejuvenated by a great influx of spending money to the public at the time of its greatest needs, i.e., at tax refund time. If inflation is controlled or reversed, Congress would simply pass legislation lowering the withholding rate to its normal level.

3. The Congress, without engaging in a blind guess, would then be able to decide if the surtax was or was not needed. Congress is pretty good at "hindsight," and it could apply it then. If the inflation continued unabated the surtax could be enacted retroactively while none of the necessary economic effects would be lost in the interim. Retroactivity would not hurt the normal taxpayer because he would have paid his taxes by the previous withholding.

4. Tax reform minded Representatives would have the leverage that they have so long sought in this area. We would be able to put the heat on the President to push for tax reform without risking the dangers of too early relaxation of fiscal restraint.

5. Also, Congress would retain a real budget control. We could be satisfied that the cuts that are made by the administration forces are not made in the programs most vital to cities and to the poor. Likewise, that some reductions are made in areas of extravagance like some military boondoggles. With the surtax question impending *after* the budget cuts, Congress would have potent bargaining strength.

As another alternative, either independent of or in combination with the extension of the withholding rates, I would propose the institution of an excess profits tax. This worked successfully during the second World War and during the Korean War. It is unfair for most to suffer increased war-time burdens while others enjoy increased wartime profits. I fully concur with the efforts of Senator McGovern in this area.

One of the most serious manifestations of the inflation we are experiencing are the extremely high interest rates. I fully comprehend the meaning of the market and how unwise it is to tamper with the market mechanism. There can be no doubt that the high money rates are a manifestation of market pressures and cannot be condemned sweepingly as an explicit effort by the banking industry to raise its profits. I would not support legislating a ceiling on interest rates—I feel that that would only serve to disrupt what is an orderly, but very tight market.

What I would propose is that the Congress pass a tax on excess interest rates, as on excess profits. Such would drain off the excess income engendered by the tight money market, just as excess profits from the inflationary war stimulus is drained off by an excess profits tax.

I am not criticizing the banks for the recent increases in the prime interest rates. They are simply reacting to the huge loan pressure and the constricted supply of money. I am willing to accept the fact that the huge growth in bank earnings—largely due to the higher rates charged on loans—is incidental. But, just as I feel that it is unfair for corporations to earn extraordinary profits from the war, I feel that it is unfair for the banks to retain a fortuitous, incidental benefit from inflation. Unlike other industries, the costs of doing banking business during inflation does not rise as rapidly, or more rapidly, than revenues. As the price they charge for money goes up, so must their profits. Recent bank statements of earnings confirm this.

Note the following table showing net operating earnings of seven great New York banks in the second quarter of 1969 as compared to the second quarter of 1968. The increases are largely due to an advance in prime interest rate from 6–6½% in 1968 to 7–7½% in 1969, and, of course, accompanying increases in all interest rates. On June 9, 1969, the prime rate has further increased to 8½% which will undoubtedly be reflected in even greater earnings in the third quarter.

[Dollar amounts in millions]

Bank	Net earnings		Percentage increase in earnings
	1968 (6–6½ percent)[1]	1969 (7–7½ percent)[1]	
Manufacturing Hanover Corp.	$17.5	$21.0	20.3
Charter New York	13.0	14.5	11.6
J. P. Morgan & Co.	18.4	20.5	11.4
Chemical New York	32.8	36.5	11.2
Chase Manhattan	58.1	63.8	11.2
Firt National City	62.4	66.1	5.9
Bankers Trust	27.0	27.5	1.8

[1] Prime interest rate.

Source: New York Times, July 7 and 9, 1969.

If, as the banks say, they must raise their interest rates in order to ration their loanable funds, there would be no hindrance. An additional benefit could be gained by using the revenues generated by this excess interest tax to subsidize home mortgages and interest on municial and state bonds.

Perhaps an example of how this tax would work would help to clarify my proposal. In order to allow for normal growth in the demand for money and to make sure that this tax would only be effective in times of very high interest rates, let us take as our base the 8% prime interest rate. Then any loan for more than $10,000 at a rate of over 8% would be subject to the tax.

Using this as the base for our interest tax, a possible levy could be 1.0% for every 0.1% increase in the rate of interest over 8%. Thus, a $10,000 loan at the current 8½% prime interest rate would bring in $850.00 per annum in interest which would be taxed $42.50 (5% of $850.00). The bank would earn $807.50, just a little more than it would have earned at the lower 8% rate. The following table demonstrates how this tax would work over a range of interest rates (assuming a loan of $10,000):

Interest rate (percent)	Total interest payment	Rate of tax (percent)	Bank earnings	Tax
8	$800	0	$800.00	0
8½	850	5	807.50	$42.50
9	900	10	810.00	90.00
9½	950	15	807.50	142.50
10	1,000	20	800.00	200.00
10½	1,050	25	787.50	262.50

As you see, the interest earnings cease to grow after a certain point while government revenues from the tax rise rapidly. There would be no profit incentive for the banks to raise their rates although there would be nothing to prevent them from doing so if the pressures of the market made such raises expedient. Meanwhile, the revenues raised by the tax could be reserved for home mortgage subsidies and interest subsidies for states and municipalities on their bond issues.

We cannot in good conscience abandon the fight against inflation. This does not mean, however, that the Congress must passively accept whatever proposals the administration brings forth in the battle. I strongly believe that a combination of extended withholding rates, an excess profits tax, and an excess interest tax could most effectively curb inflation and high interest rates and, at the same time, pass the burden over from the least able to pay to the most able.

Mr. YARBOROUGH. Mr. President, the amendment I offer today is not a new matter. Congressman ECKHARDT brought this matter to the attention of the House, and of the Senate Finance Committee in July as evidenced by his statement. I wish to commend him on his efforts to eliminate this type of special interest legislation and urge my colleagues in the Senate to read his statement carefully.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 352

Mr. BELLMON. Mr. President, today I submit an amendment intended to be proposed by me, to H.R. 13270 to permit the recovery of reasonable court costs in civil cases involving the internal revenue laws.

The present internal revenue tax system has become so complicated that it is rarely understood by individual taxpayers. As a result, most taxpayers feel compelled to retain professional legal and accounting services when differences with the Internal Revenue Service arise. Such services are expensive and increasingly, taxpayers who are innocent of wrongdoing find it cheaper to pay taxes and penalties not owed, than to contest unfair Internal Revenue Service rulings in the courts. As a result, there is a great temptation for the Internal Revenue Service to resort to tactics which frequently border on extortion.

In a recent conversation with an official at the Internal Revenue Service, I was amazed when he told me that, "if the taxpayers of this country ever discover that the Internal Revenue Service operates on 90 percent bluff, the entire system will collapse."

Every citizen of this country must pay the full and fair amount of tax due under our law. With that responsibility, the taxpaying citizen must also have the protections against unfair taxation. This amendment helps assure an innocent citizen that he cannot be forced to incur unfair costs by unwarranted accusations by an agency of the Federal Government.

Under our present system, the Internal Revenue Service may communicate with the taxpayer and tell him that he owes the Government of the United

States a certain sum of money. The citizen has two alternatives when this occurs. One, he can pay the Internal Revenue Service the amount claimed due. Or, he can go to court and try to prove that the amount is not due the Federal Government. But if, in a court action, the citizen does prevail, he is still burdened with the attorney's fees and other costs that are incidental to the litigation, which may exceed the amount claimed by the Internal Revenue Service.

Unless the sum claimed by the Internal Revenue Service is large, the citizen is likely to pay the amount the Internal Revenue Service claims is due and forgo his right to prove his innocence.

This amendment will strengthen the ability and the will of American citizens against an arm of our Government, which many feel is unduly repressive, by allowing recovery of court costs when they prevail in an action brought by or against the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Tragic Case of John J. Hafer and the IRS," written by John Barron and published in the Reader's Digest of January 1969, and an article entitled "Tyranny in the Internal Revenue Service," written by John Barron and published in the Reader's Digest for August 1967.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, January 1969]

THE TRAGIC CASE OF JOHN J. HAFER AND THE IRS

(By John Barron)

(NOTE.—In preparing two major articles about the Internal Revenue Service, The Reader's Digest has encountered a shocking number of acts of tyranny by our tax-collecting agency. Across the land, IRS has confiscated the money and property of scores of citizens who owed the government nothing. With the help of readers, lawyers, accountants and IRS employees themselves, the Digest has now assembled enough such examples to fill a book.

(Of all the cases examined, however, one stands out as illustration of the agony and injustice that IRS can visit upon an innocent man. We do not maintain that the Hafer case is "typical." Yet we feel an obligation to recount it because it did happen, here in America. We hope that every citizen, every public administrator and every member of Congress will ponder this chronicle, then join in demanding the reforms necessary to ensure that such a thing can never happen again.)

It all began one October morning in 1958. An Internal Revenue Service agent strode into the Cumberland, Md. (pop. 33,500) office of John J. Hafer, just as he might enter any businessman's office, and announced that he wanted to make a routine tax audit. For the next five months, Hafer made all his books and records—plus desk space—available to IRS. The agent worked irregularly, a couple of hours one day, maybe not at all the next. His sporadic audit uncovered no evidence of wrongdoing. Yet, because Hafer's taxable income for 1956 and 1957 was comparatively low, he developed "a feeling" that something was amiss.

Thus, in November 1959, Special Agent Milton Kyhos appeared with orders from regional IRS headquarters to begin an all-out *criminal* investigation. "In over 250 cases," Kyhos warned Hafer, "I've never lost one."

"Well, sir," boomed Hafer, "you're about to lose your first."

A tall, powerfully built man with a voice that could rattle windows, John Hafer, 54, felt secure in the knowledge that he had nothing to hide. From German ancestors he had inherited abiding faith in labor, thrift, self-reliance. After working his way through the University of Pennsylvania, he had opened a furniture store in Cumberland and had saved enough to buy a 144-acre farm. There he had established a small dairy and a roadside vegetable stand which grew into a country restaurant. Later, he had taken over a funeral home, expanded it, and acquired still another farm. He kept complete, accurate records, and regularly had them checked by accountant John W. Rollins. Pointing to his books, Hafer said to the IRS investigator, "I hope you'll begin right here in my office."

Kyhos promised he would. But he explained that he would be delayed by other cases for a while.

UGLY RUMORS

For the next two years no one from IRS visited, telephoned or even wrote Hafer. Kyhos, though, while investigating around town on other matters, dropped the word that sooner or later he was going to start on John Hafer.

Because these little asides bred ugly rumors, Hafer, in January 1962, called on Kyhos to ask that IRS get on with its investigation and allay suspicions that were being created.

"I would like to take your books," replied Kyhos.

"On one condition," Hafer said. "Don't go up and down the street telling everybody I'm under investigation. It could ruin my business."

"Oh, I couldn't promise that," the agent replied.

Angered, Hafer vowed, "You'll never see my books the longest day you live."

IRS had already examined Hafer's records once, of course, and all of them had long been open for any additional inspection it wished to make. By law, Hafer now had to surrender his corporate books—and he did. But in withholding the personal records he had previously made available, he was within his legal rights.[1] For this, though, IRS stigmatized him as "uncooperative." And he soon began to learn what can happen to an individual who so incurs IRS wrath.

Now Kyhos did start the investigation, contacting banks, merchants, farmers, even Hafer's church—more than 150 people in all—asking questions which cast their own aura of guilt. Hafer's phone rang often. "Kyhos says you're going to jail, John," salesman James A. Morgan, Jr., reported. IRS prowled around neighboring Pennsylvania and West Virginia, planting doubts about Hafer among creditors and suppliers. The bank called: "Mr. Hafer, we think you ought to know that IRS is copying records of your account." Secretly, the post office was ordered to hand over Hafer's mail before delivery so that IRS could identify and question people who wrote to him. ("Routine for a party that does not cooperate," Kyhos later told a Senate investigating subcommittee.)

IRS dispatched agents in Missouri, Pennsylvania and Texas to hunt down Hafer's married daughters. One of them, Mrs. Frances Wells Ferris, was forced to defend her own tax returns and financial records and was subjected to interrogation at the IRS office in Houston.

The IRS tactics ultimately had their effect. Hafer had long been known as a community leader, an honest, free-speaking man who could be stubborn. "One thing about John, he was never afraid to stand up and be counted," recalls County Commissioner Lucile Roeder. "He was the kind of man a community needs more of." But now belief spread that Hafer must be guilty of *something*. More and more, Hafer's customers, even friends, shied away. Business dwindled. Lenders, once eager to supply operating capital, now found reasons to deny it. Hafer had to sacrifice his dairy business, then a store.

"What can I do?" he asked his wife. "They say all these things behind my back, but they don't make any charges for me to answer." The truth was that IRS had made no charges because, despite efforts spanning nearly four years, it still was unable to build a case.

YOU ARE UNDER ARREST

Finally, fuming with anger, on June 1, 1962, Hafer went to IRS headquarters at the post office for a face-to-face talk with Kyhos. When Kyhos saw him entering, he dived under a table, fearful of attack. "Come on out. I'm not going to hurt you," Hafer said. Kyhos hid under the table until a second agent came in; then he jumped up and grabbed a revolver from a file cabinet. "Mr. Hafer, I think you'd better leave," the other agent said. Hafer left.

Seven days later, three IRS agents crowded into his office. "Mr. Hafer," one announced, "you are under arrest for assaulting a federal agent." Incredulous, Hafer was hauled away to the police station, fingerprinted, photographed and held prisoner until his brother-in-law put up $5000 bond.

Now Hafer recognized that he *was* in trouble. He could be imprisoned for three years. "John, you'd better hire a good criminal lawyer," an attorney friend advised.

At the assault trial in Federal District Court in Baltimore, which began on September 10, 1962, the government conjured up a scene of mayhem and portrayed Hafer as a wild man "bent on murder." Nevertheless, one fact could not be erased: by Kyhos' own admission, no one had so much as touched him. After a three-day trial, the jury returned the verdict: "Not guilty."

"It's all over now," Hafer said to his family. But it wasn't. IRS had ordered still another agent to Cumberland to intensify the pursuit of Hafer. And, in November 1962, four years after the audit began, Kyhos officially recommended that Hafer be prosecuted for criminal tax fraud.

A MATTER OF ROUTINE

IRS boasts that its system of internal checks and balances protects every taxpayer against malicious or groundless charges by an individual agent or service clique. Kyhos' report, for example, had to be studied and approved first by his group supervisor; then by the IRS intelligence chief in Baltimore; next by the IRS Assistant Regional Commissioner for Intelligence; and finally by the IRS Regional Counsel's office in Philadelphia. Yet not one of these supposed checks wrought any change. The grave recommendation that Hafer be charged as a criminal was approved swiftly and routinely all the way up the line.

IRS then asked the Justice Department to try to put Hafer in jail. The case was assigned to U.S. Attorney Joseph D. Tydings (now U.S. Senator from Maryland) for prosecution. After examining it, Tydings refused to prosecute. "I strongly advised the Justice Department to drop the case," he recalls. Concerned, Justice Department officials conferred with Hafer in Washington. Then they, too, rejected the charges and refused to prosecute.

Yet IRS wouldn't give up. It switched the charges from criminal fraud to civil fraud, which its own lawyers are empowered to prosecute. On July 31, 1963, IRS officials ruled that Hafer owed $34,463.12 in back taxes and fraud penalties.

Now, for the first time, Hafer received a detailed bill of particulars. "Why, they've made up these charges out of thin air!" exclaimed his son, John, Jr., as he studied the computations. To make its case, IRS simply had disallowed legitimate, documented business expenses. Also, without of-

[1] Federal courts have ruled that no one has to supply *personal* records which might be used against him in a criminal investigation.

fering any evidence, it had claimed that Hafer must have spent $15,000 more on living expenses than his tax returns indicated.

Hafer submitted a detailed analysis, pinpointing each fallacy in the IRS claims. To no avail. His son traveled to the district IRS office in Baltimore with the evidence—without success. He drove several times to the regional office in Philadelphia. Still IRS wouldn't budge. The series of safeguards which, IRS claims, guarantee fair treatment to all taxpayers simply did not function. An IRS decision had been made, and apparently nobody dared be the one who found it wrong.

A DAY IN COURT

His business a shambles, Hafer now lived for what he had demanded—a hearing before the U.S. Tax Court in Philadelphia. It was scheduled for March 21, 1966. Meanwhile, he talked little and enjoyed nothing, so obsessed had he become with thoughts of exoneration. But now, as time for the trial neared, it became evident that IRS was anxious to duck a showdown in open court. On February 18, Hafer's tax lawyer, Frank S. Deming, phoned Hafer: "The IRS says that if you will admit fraud, they'll settle the whole case for $4000."

"Admit that I'm a crook when I'm not?" Hafer replied. "No, sir!"

Soon Deming telephoned again: "IRS is willing to settle for $3000."

"I don't owe a cent!" Hafer shouted. "If I give in now, no one will *ever* believe I'm innocent."

In the pre-dawn darkness of March 21, 1966, Hafer and his son drove from Cumberland to Philadelphia. When the Tax Court opened, they were there, surrounded by books and ledgers, ready to fight. Then they saw Deming hurrying toward them.

"Mr. Hafer! IRS here has decided to recommend that the whole case be dropped!" the lawyer jubilantly told them. "Washington has to approve, but I'm told that this will take only a short time. All you have to do is agree not to go to trial now."

Hafer hesitated, feeling that IRS might only be stalling. But finally he agreed. The ordeal that had consumed nearly eight years of his life seemingly had ended.

Only one minor problem remained. Hafer had consented to appear before a Senate judiciary subcommittee investigating IRS abuses. His lawyer and friends urged him not to testify lest he further anger IRS. "No," he said. "Maybe if others hadn't been afraid to speak out, this wouldn't have happened to us."

So Hafer told his story to the Senators. "My sole purpose in appearing here is to try to save other taxpayers from this awful experience," he said. "But for my belief in a living God who gave me good health, guidance and perseverance, I would have succumbed."

Back home, Hafer waited impatiently for official notice that IRS had formally dropped the case. But no word came. Then, on May 17, through Deming, Hafer learned the truth: IRS in Philadelphia had dishonored its pledge and decided to renew the case. Hafer had been duped. Now he had to go through the agony of waiting indefinitely until the trial could be rescheduled.

ORDERED AND DECIDED

Meanwhile, within IRS, an honorable man was wrestling with his conscience. He was Edward L. Newberger, the senior IRS attorney ordered to prosecute Hafer. As an outstanding tax specialist and trial lawyer, Newberger had doubted the government charges when he first scrutinized them in preparation for trial. "Our figures for living expenses are just unsupported estimates," he argued. "We don't have a case at all." And it was at his insistence that IRS had pledged to drop the case.

He knew that he now had much to lose personally by protesting further. In effect, he would be declaring that all IRS officials who had endorsed the prosecution of Hafer were wrong. Yet his conscience left him no choice. So he drafted a 34-page memorandum which ripped the government case to shreds. It asserted that the government claims were based on erroneous figures and unsubstantiated estimates. Finally, Newberger cited the findings of a crack IRS agent whom he had asked to make an objective study of Hafer's records. The analysis had disclosed that the books and records were complete and agreed with the tax returns. Then he went from IRS office to office showing the memorandum and arguing for justice.

Hafer, of course, knew nothing about this. As the memorandum was slowly shuffled up the line to Washington, he received notification that his trial had been rescheduled for the term beginning December 5, 1966. Wearily he began preparing all over again for a court fight. But, on the night of November 1, while getting dressed for a Lions Club dinner, he collapsed in uncontrollable convulsions. He was rushed to a Baltimore hospital. Surgery disclosed a malignant brain tumor. Hafer's power of speech waned, and he grew weaker by the day.

John, Jr., assembled the family. "Whatever we do," he said, "we can't let anyone know just how sick Dad is. If IRS finds out, it will drag the case on, and he may never be cleared." So, as far as IRS knew, Hafer was as prepared as ever to meet it in court on Monday, December 5.

IRS in Washington waited until the last possible minute. Then, on Friday afternoon, December 2, Deming telephoned John Hafer, Jr., from Philadelphia. "Your dad's vindicated!" he said. "Washington just called IRS here. They're dropping the case once and for all."

"Get it in writing," the son said. "Otherwise, we'll see them in court."

A copy of the final decree of the U.S. Tax Court arrived three weeks later. It read: "ORDERED AND DECIDED: *That there are no deficiencies in income taxes due . . .*"

The son sat at John Hafer's bedside praying that his father would regain consciousness. Seeing his father's eyes move, he said, "Dad, you've won! IRS has admitted in writing that you're not guilty of anything, that you don't owe anything. Can you hear me, Dad?"

Tears welled in Hafer's eyes, and he reached out to touch his son's hand. Soon he lapsed into a coma. Five days later, without comprehending another word, John Hafer died.

(At IRS headquarters in Washington, two Reader's Digest editors reviewed this case in detail with three senior officials of the agency. After every fact had been confirmed, IRS was asked to comment on how it all could have happened.

(The IRS reply came a month later: "Mr. Hafer refused to cooperate. In our opinion, the system of checks and balances . . . was not at fault. Rather, the system was frustrated by Mr. Hafer's attitude . . .; nor indeed can we contemplate manageable means to prevent such persons from martyring themselves.")

[From the Reader's Digest, August 1967]

TYRANNY IN THE INTERNAL REVENUE SERVICE

(By John Barron)

Whenever an income-tax cheat gets by, the rest of us have to make up the loss in revenue for which he is responsible. In fairness to the great majority of honest Americans, we must encourage the Internal Revenue Service to use every honorable means to collect what is owed the government. But something is now dangerously amiss. In its pursuit of our dollars, the IRS is resorting to tactics that threaten *all* taxpayers.

"Too many Americans pay more than their share of taxes because they are intimidated by a tax-collecting octopus which has them at a disadvantage and keeps them that way," declares Sen. Warren Magnuson (D., Wash.). No one can know just how many are treated unfairly by IRS. Last year it subjected 3,500,000 returns to special examination, extracting extra payments from 1,900,000 citizens because of alleged errors.[1] Moreover, literally no one is beyond IRS's reach, whether he had made a mistake or not. Bewildered, afraid, lacking money to hire lawyers, the lone individual often succumbs in silence when the awesome powers of government are brought down upon him. But today evidence from all over the country shows that in the name of collecting taxes IRS has bullied, degraded and crushed countless innocent citizens—while unaccountably favoring others. For example:

In Kansas City, Mo., two IRS agents intruded upon Mrs. Michael Darrah while she was nursing her six week old baby. The young mother pleaded with the men to come back another time. Instead, for four torturous hours they questioned her about an income tax charge against her father, Kenneth R. Layne. When she sought to call him for advice, one man ordered, "Don't touch that phone." Unsure of her rights, Mrs. Darrah asked permission to call a lawyer. "That will only make it worse for your father," an agent threateningly told her. For the terrified woman, it was tantamount to being held a prisoner in her own home. Ultimately, a jury unanimously concluded that Layne was innocent of any crime. But his daughter, never accused of anything, suffered a nervous breakdown.

In Oakland, Calif., attorney Lew M. Warden, Jr., patiently answered questions about his tax return until an IRS agent demanded all his records. "Those files contain confidential information about some of my clients," Warden protested. "You have no right to them." So IRS arbitrarily disallowed his legitimate business deductions for three years and claimed he owed $19,501.41 in back taxes. It seized his bank account, ordered tenants of a cottage he owned to pay their rent to the government, confiscated his sailboat. Worse still, the constant IRS harassment took him away from his law practice so much that his income plummeted.

Insisting on a day in court, Warden spent his last savings preparing for his tax trial scheduled April 5, 1965. But on April 1, after hounding him for 33 months, the IRS suddenly dropped all charges. For, as it should have known all along, Warden had done nothing wrong and owed it nothing.

PROOF PILED HIGH

All this may sound incredible to those who have not yet been victimized by IRS. I was skeptical too—at first. But the proof has been piled high by court rulings, Congressional investigations, unrefuted sworn testimony, documented complaints to Congress and by the *admissions of IRS officials themselves.* It is so overwhelming that concern now grips a cross section of Congress.

More than half the Senate membership has gone on record as calling for something to be done about the way small taxpayers are abused by IRS. "My files, like those of every other Senator, are filled with moving appeals from taxpayers whose experiences with IRS have turned into nightmares of inquisition," says Sen. Norris Cotton (R., N.H.).

Alarmed by multiplying complaints, the Senate Judiciary Subcommittee on Administrative Practice and Procedure two years ago began asking IRS officials and their victims questions under oath. The ensuing Senate hearings produced astounding testimony disclosing that: IRS has defied court orders, criminally picked locks, stolen records and threatened reputable people. It has illegally

---

[1] In the entire nation only 1324 taxpayers were found guilty of actual fraud last year.

tapped telephones, seized, opened and read personal letters while spying on the private mail of tens of thousands of citizens. It has illegally bugged phone booths and hidden microphones where taxpayers talk with their lawyers.

Moreover, such lawlessness has been encouraged from high levels of IRS. Its Washington headquarters has bought elaborate spying equipment for use about the country. IRS sent many agents to an official Treasury School near the White House to learn how to commit such illegal acts as wiretapping and lock picking. IRS has maintained on call in Washington a staff of specialists in illegal snooping. "I violate state laws at all times," special agent Thomas Mennitt has testified. "It's part of my duties."

Summing up interviews with 621 individuals and 2756 pages of sworn testimony, Sen. Edward V. Long (D., Mo.), chairman of the Senate subcommittee probing into IRS practices, declares: "IRS has become morally corrupted by the enormous power with which we in Congress have unwisely entrusted it. Too often, it acts like a Gestapo preying upon defenseless citizens." Senate Minority Leader Everett Dirksen, a subcommittee member, reports: "Outraged constituents have inundated my desk with letters blistering the Revenue Service's collection practices. They show it is frequently the small taxpayer who is hurt worst in his attempt to deal with a giant bureaucracy like IRS."

NAKED POWER

Many IRS employees who have witnessed such practices firsthand are deeply disturbed. As a result, they have secretly provided Congress with evidence, a major reason why IRS abuses are now being exposed. Indeed, IRS's own personnel have openly applauded, through their National Association of Internal Revenue Employees, the Senate investigation, even while top IRS bureaucrats have tried to cover up and withhold data. After privately interviewing dozens of IRS agents. I have concluded that most, as individuals, want to be just and reasonable.

What, then, is the matter? Meeting me furtively in San Francisco, one veteran agent explained: "Sometimes you feel like the cop who's got to hand out so many tickets a month if he expects to get ahead. You're judged by how often you bring in more dough. Under such pressure I have seen people determined to find taxpayer error whether it's there or not."

Clearly, from all the evidence, the root of the problem is the IRS "system." For Congress has given so much raw, naked power to this one agency that it is a law unto itself. Consider some of the things it can do—without the approval of any court, judge or anyone else.

IRS can audit, interrogate or investigate anyone, for as long as it wants. In Kansas City, Mo., policeman Paul R. Campbell halted a speeding car driven by an IRS agent. "We'll just have to check your taxes," the agent was quoted as saying, after other arguments failed to stop the officer from writing a ticket. Sure enough, soon after Campbell filed his next tax return, IRS ordered him to report for an examination which lasted two hours. Unable to find anything wrong, it nevertheless pestered him for another four months with phone calls, letters and more interrogations before admitting he owed nothing.

In a small Tennessee town, an IRS agent riffled through mail on a businessman's desk, pried open an envelope and found a letter linking him with "another woman." The agent showed a copy to the man's wife, trying to anger her so that she would agree to inform against her husband.

IRS can assert that a citizen owes taxes, force him to prove he does not. After contracting to sell his home in suburban Detroit, businessman Roger Logan (not his real name) discovered that IRS had slapped liens of $210.07 and $400.07 on it for alleged nonpayment of taxes. Logan's wife presented canceled checks and copies of past returns to prove no taxes were due, but without avail. "The best thing to do," an IRS clerk advised, "is to pay off the liens. Then, if you're telling the truth, you can sue to get your money back." Only after Logan got help from a lawyer friend would IRS even take the trouble to verify that he indeed owed nothing. The agency had tied up his home simply because it had two old claims against someone with a *similar* name.

IRS can merely claim that a citizen owes taxes; then, if he fails to pay instantly, it can immediately confiscate his salary or all the money he has deposited in a bank, or seize everything he owns.

Nobody knows this better than farmer Noel Smith of Taylor, Mo. IRS checked Smith's books for nine years without telling him it suspected any significant irregularity. Then one morning a friend ran up to him with a newspaper report that IRS was taking over his farms. Smith rushed to town, only to learn that IRS had confiscated all his money in the bank, the contents of his safe-deposit box, even an insurance policy belonging to his 70-year-old mother. Five days later, IRS formally demanded that he pay it a staggering $501,000.

With help from friends, Smith hired lawyers and accountants to unravel the fantastic IRS claims. Meanwhile, the agency began selling off his stored grain, using sledge hammers to batter apart his bins. "High-handed," "unlawful," declared the U.S. Court of Appeals upon hearing what IRS had done.

Nevertheless, IRS kept custody of Smith's property and denied him income from it for four years before deciding that he actually owed $54,573 in taxes. Smith paid his "ransom," as he termed it, so that he could recover his land. Another year Smith overpaid his taxes but had to sue to force IRS to give him back $7820 the government owed him. And to this day IRS is still after him. "I did not think it could happen in the United States," Smith told Senate investigators.

But I have found that it does happen. To make sure that people who complain are not just disgruntled crackpots or conniving tax dodgers, I traveled across the country talking to IRS victims, their families and neighbors. And I found that when IRS misuses its vast powers, the people most likely to suffer are not gangsters or rich tax cheats. They are ordinary people who do not command batteries of lawyers and who have no special influence in Washington. And what IRS does to one citizen, it can do to any other.

KICKING PEOPLE AROUND

Look at what happened not long ago in Richland, Mo., a small town in the Ozark foothills. As he told the Senate committee, the local bank president, Gordon W. Warren, was alone in his office when two IRS agents marched in and demanded the records of a depositor. "I'll just notify this customer," Warren said, reaching for the phone. "If you do that," an agent told him, "you'll be liable to a $10,000 fine and a ten-year imprisonment." The threats were as illegal as they were inexcusable. But how could Warren know?

Down the street an IRS agent confronted a waitress with a $275 tax claim. When she protested, the agent threatened to confiscate and "dispose of" her old car unless she paid up that day. Near tears, she went to see Warren, who agreed to lend her the $275 necessary to hold IRS off. Only after she spent days getting a sworn affidavit to document her deductions did IRS admit she didn't owe the bill which it tried to intimidate her into paying.

Across the railroad, Fred and Katherine Tomlinson run a one-room Dairy Queen shop. They have never made a lot of money, but enough to rear their children and make their own way. On March 31, 1965, a worried bank cashier ran to see them. "The IRS has seized your bank account," he reported. "They claim you didn't pay your taxes last year." Tomlinson couldn't understand: "The government's never said anything to us about owing any money." That night, he and his wife dug out a canceled check proving they had paid in full, and mailed it to IRS. Meanwhile, checks they previously had written bounced because of the IRS seizure of their funds. "I'm so ashamed," Katherine told her husband. Not until eight days later would IRS restore their money—without the least apology.

This callous disregard of the rights, feelings and welfare of ordinary people goes on all the time. Last March 28, IRS without forewarning attached the salary of Chicago salesman Jerry G. Pfinster. Thus Pfinster was branded as "financially irresponsible" in the eyes of his associates. Only later would IRS give him a letter admitting that it had made an error and he owed nothing. But that has failed to restore Pfinster's reputation.

CONFORM—OR ELSE

The attitude that it can do as it pleases sometimes causes IRS to lash out vindictively at people who disagree or cause it trouble, even at its own employes.

Claude F. Salter, for example, is a distinguished veteran of 34 years with IRS. His record as chief of its San Francisco audit division was so outstanding that IRS admits "we cannot deny that he did perform well." Salter was stubborn, though, when it came to principles. To superiors who asked special treatment for certain taxpayers, he consistently said no. So in the spring of 1964, these officials tried to have him declared unfit by ordering him to the U.S. Public Health Service Hospital and sending along a letter implying that he was mentally ill. A battery of psychiatrists and physicians told Salter that he was well adjusted, intelligent and healthy. Nevertheless, IRS soon demoted him to a lesser job where he could not influence policy.

In Dedham, Mass., 31-year-old accountant Donald R. Lord responded to a knock on his front door one Saturday morning, still in his pajamas, and three IRS agents pushed past him into his home. They ordered him to get out corporate records entrusted to him by a local businessman. "You'd better cooperate if you expect to stay in business," Lord was warned. "Don't make any phone calls, or you'll be subject to prosecution."

After interrogating him most of the day, the agents confiscated boxes of papers, threatening him with a jail sentence if he resisted, and drove away.

Soon thereafter, a neighbor phoned: "Some IRS men were here today, asking questions about you." Meanwhile, IRS agents went to Lord's bank and copied his financial records. Others hounded his relatives with interrogations and even tried to question his 88-year-old grandmother.

Angered and worried, Lord engaged a distinguished Boston lawyer, Lawrence O'Donnell. Subsequently IRS, by its own admission, subpoenaed Lord to appear at a conference in a secret office which had been carefully bugged in advance. Suddenly O'Donnell, too, was subjected to hostile IRS examination. An employe at Boston's Carney Hospital, where O'Donnell had undergone five critical operations, tipped him off that IRS was questioning his medical expenses. Moreover, as IRS later admitted, agents pored over his tax returns covering six years, hunting futilely for some error.

The Federal District Court in Boston declared that IRS's "unlawful pressures" against Lord came "close to extortion." It ruled the seizure of the business records completely illegal, and forbade IRS to make any further use of them. Yet, as O'Donnell subsequently proved wtih testimony of one agent who resigned in disgust, IRS made

copies of these records and continued to use them—in arrogant contempt of the court order.

A DOUBLE STANDARD

And now, consider undisputed evidence which Sen. John J. Williams (R., Del.) has unveiled on the floor of the Senate. It shows that while mercilessly trying to take the last cent of some taxpayers, IRS has treated others quite differently.

Over a period of seven years, IRS allowed the New York-based real estate firm of Webb & Knapp to pile up tax debts of more than $27 million, while the Federal Housing Administration lavished on it $67 million in government-insured loans. Upshot? Webb & Knapp defaulted on the loans, and IRS in December 1965 wrote off a whopping $26 million as "uncollectible." Similarly, IRS last year simply wrote off as "uncollectible" a tax bill of more than $23 million owed by six American shipping companies controlled by Greek magnate Stavros Niarchos.

As Senator Williams notes, still harder to explain is the treatment of people like Lawrence L. Callanan. An official of the Steamfitters Local No. 562 in St. Louis, Callanan was convicted in 1954 of extortion, received a 12-year sentence. He was paroled in 1960, and in April 1964 President Johnson commuted his sentence, thereby enabling him to become a union leader again. The same month, IRS settled his unpaid tax debt of $40,219.84 for a token $17,000 plus an agreement that he would pay more if his income rose. "No prospect of any material increase (in income)," said IRS. A few months later, Callanan's union lieutenant, John L. Lawler, handed over $25,000 to "Friends of L.B.J." Next, Callanan, supposedly without money for his taxes, kicked in $2000 to the Democratic National Committee. Then he emerged as director of the lush "voluntary" political fund of Local No. 562, his salary reported at $15,000 to $20,000.

Honest citizens can derive little comfort, too, from the knowledge that IRS has issued a special ruling to reduce the tax that criminals owe on money they steal! Internal Revenue Bulletin No. 1966-42 of October 17, 1966, states: "Embezzled funds will be taken into account if a taxpayer chooses the benefits of the income-averaging provisions." So if a crook gets away with, say, $100,000, it will be okay for him to pay taxes on only $20,000 of stolen money a year over a five-year period.

A BRIDLE FOR BUREAUCRACY

In the face of such outrageous practices, why do we allow IRS power that we would not dare entrust to any other agency? We would never allow police to roam the land grabbing property, confiscating bank accounts, persecuting people at will. If we ever are to start preventing Big Bureaucracy from dehumanizing our lives, the place to begin is with the most powerful bureaucracy of all—the Internal Revenue Service.

Aghast at the discovery that IRS was reading private letters, Congress passed a law in 1965 forbidding it to further rifle the mails. Commissioner Sheldon Cohen has pledged an end to the illegal wiretapping, bugging and other illegalities, promised to purge IRS of the attitude that the taxpayer is the "adversary." Experience shows, though, that no government agency can be trusted to reform itself. Clearly, some reforms from the outside are needed.

Senator Magnuson, joined by 59 other Senators, has proposed the establishment of Small Tax Courts where taxpayers—without hiring a lawyer—could informally present grievances in disputes with IRS involving less than $2500. But, in line with the basic legal principle that a man is innocent until proved guilty, Congress must now make an exhaustive examination of the arbitrary powers which IRS has demonstrated itself unfit to exercise. Before grabbing anyone's salary or bank account, IRS should have to show in court some proof that taxes are owed. Before walking off with all a man owns, IRS should be required to convince a judge that the taxpayer is hiding his money or is about to flee.

It is important for all of us to stop being afraid of IRS. When it acts unfairly, we should speak out.

Let your Congressman know what you think of IRS abuses—and that your vote in 1968 is going to be influenced by what he does to stop them. Moreover, if you have documentary evidence of such abuses, give it to your Congressman or to the Senate investigators.[2] For only public indignation, backed by facts, will force reforms.

Reforms no doubt will make the work of IRS somewhat more difficult. But in recent years we have chosen, through the courts, to erect a maze of legal procedures to protect the rights of the most depraved and dangerous criminals. It is time we did something about protecting the rights of the honest American taxpayer, too.

Mr. BELLMON. I ask that my amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

INCREASE IN SOCIAL SECURITY PAYMENTS

Mr. LONG. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG's amendment was to add at the end of the bill the following new title:

TITLE X—INCREASE IN SOCIAL SECURITY BENEFITS

That this title may be cited as the "Social Security Amendments of 1969".

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I	II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)	(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—	Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—	At least—	But not more than—		
----------	$16.20	$55.40 or less	----------	$76	$64.00	$96.00
$16.21	16.84	56.50	$77	78	65.00	97.50
16.85	17.60	57.70	79	80	66.40	99.60
17.61	18.40	58.80	81	81	67.70	101.60
18.41	19.24	59.90	82	83	68.90	103.40
19.25	20.00	61.10	84	85	70.30	105.50
20.01	20.64	62.20	86	87	71.60	107.40
20.65	21.28	63.30	88	89	72.80	109.20
21.29	21.88	64.50	90	90	74.20	111.30
21.89	22.28	65.60	91	92	75.50	113.30
22.29	22.68	66.70	93	94	76.80	115.20
22.69	23.08	67.80	95	96	78.00	117.00
23.09	23.44	69.00	97	97	79.40	119.10
23.45	23.76	70.20	98	99	80.80	121.20
23.77	24.20	71.50	100	101	82.30	123.50
24.21	24.60	72.60	102	102	83.50	125.30
24.61	25.00	73.80	103	104	84.90	127.40
25.01	25.48	75.10	105	106	86.40	129.60
25.49	25.92	76.30	107	107	87.80	131.70
25.93	26.40	77.50	108	109	89.20	133.80
26.41	26.94	78.70	110	113	90.60	135.90
26.95	27.46	79.90	114	118	91.90	137.90
27.47	28.00	81.10	119	122	93.30	140.00
28.01	28.68	82.30	123	127	94.70	142.10
28.69	29.25	83.60	128	132	96.20	144.30
29.26	29.68	84.70	133	136	97.50	146.30
29.69	30.36	85.90	137	141	98.80	148.20
30.37	30.92	87.20	142	146	100.30	150.50
30.93	31.36	88.40	147	150	101.70	152.60
31.37	32.00	89.50	151	155	103.00	154.50
32.01	32.60	90.80	156	160	104.50	156.80
32.61	33.20	92.00	161	164	105.80	158.70
33.21	33.88	93.20	165	169	107.20	160.80
33.89	34.50	94.40	170	174	108.60	162.90
34.51	35.00	95.60	175	178	100.00	165.00
35.01	35.80	96.80	179	183	111.40	167.10
35.81	36.80	98.09	186	188	112.70	169.10
36.41	37.08	99.50	189	193	114.20	171.30
37.09	37.60	100.50	194	197	115.60	173.40
37.61	38.20	101.60	198	202	116.90	175.40
38.21	39.12	101.90	203	207	118.40	177.60
39.13	39.68	104.10	208	211	119.80	179.70
39.69	40.33	105.20	212	216	121.00	181.50

[2] Senate Judiciary Subcommittee on Administrative Practice and Procedure, Room 3214, New Senate Office Building, Washington, D.C. 20510.

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$40.34	$41.12	$106.50	$217	$221	$122.50	$181.50
41.13	41.76	107.70	222	225	123.90	185.90
41.77	42.44	108.90	226	230	125.30	188.00
42.45	43.20	110.10	231	235	126.70	190.10
43.21	43.76	111.40	236	239	128.20	192.30
43.77	44.44	112.60	240	244	129.50	195.20
44.45	44.88	113.70	245	249	130.80	199.20
44.89	45.60	115.00	250	253	132.30	202.40
		116.20	254	258	133.70	206.40
		117.30	259	263	134.90	210.40
		118.60	264	267	136.40	213.60
		119.80	268	272	137.80	217.60
		121.00	273	277	139.20	221.60
		122.20	278	281	140.60	224.80
		123.40	282	286	142.00	228.80
		124.70	287	291	143.50	232.80
		125.80	292	295	144.70	236.00
		127.10	296	300	146.20	240.00
		128.30	301	305	147.60	244.00
		129.40	306	309	148.90	247.20
		130.70	310	314	150.40	251.20
		131.90	315	319	151.70	255.20
		133.00	320	323	153.00	258.40
		134.30	324	328	154.50	262.40
		135.50	329	333	155.90	266.40
		136.80	334	337	157.40	269.60
		137.90	338	342	158.60	273.60
		139.10	343	347	160.00	277.60
		140.40	348	351	161.50	280.80
		141.50	352	356	162.80	284.80
		142.80	357	361	164.30	288.80
		144.00	362	365	165.60	292.00
		145.10	366	370	166.90	296.00
		146.40	371	375	168.40	300.00
		147.60	376	379	169.80	303.20
		148.90	380	384	171.30	307.20
		150.00	385	389	172.50	311.20
		151.20	390	393	173.90	314.40
		152.50	394	398	175.40	318.40
		153.60	399	403	176.70	322.40
		154.90	404	407	178.20	325.60
		156.00	408	412	179.40	329.60
		157.10	413	417	180.70	333.60
		158.20	418	421	182.00	336.80
		159.40	422	426	183.40	340.80
		160.50	427	431	184.60	344.80
		161.60	432	436	185.90	348.80
		162.80	437	440	187.30	350.40
		163.90	441	445	188.50	352.40
		165.00	446	450	189.80	354.40
		166.20	451	454	191.20	356.00
		$167.30	$455	$459	$192.40	$358.00
		168.40	460	464	193.70	360.00
		169.50	465	468	195.00	361.60
		170.70	469	473	196.40	363.60
		171.80	474	478	197.60	365.60
		172.90	479	482	198.90	367.20
		174.10	483	487	200.30	369.20
		175.20	488	492	201.50	371.20
		176.30	493	496	202.80	372.80
		177.50	497	501	204.20	374.80
		178.60	502	506	205.40	376.80
		179.70	507	510	206.70	378.40
		180.80	511	515	208.00	380.40
		182.00	516	520	209.30	382.40
		183.10	521	524	210.60	384.00
		184.20	525	529	211.90	386.00
		185.40	530	534	213.30	388.00
		186.50	535	538	214.50	389.60
		187.60	539	543	215.80	391.60
		188.80	544	548	217.20	393.60
		189.90	549	553	218.40	395.60
		191.00	554	556	219.70	396.80
		192.00	557	560	220.80	398.40
		193.00	561	563	222.00	399.60
		194.00	564	567	223.10	401.20
		195.00	568	570	224.30	402.40
		196.00	574	574	225.40	404.00
		196.00	571	574	225.40	404.00
		197.00	575	577	226.60	405.20
		198.00	578	581	227.70	406.80
		199.00	582	584	228.90	408.00
		200.00	585	588	230.00	409.60
		201.00	589	591	231.20	410.80
		202.00	592	595	232.30	412.40
		203.00	596	598	233.50	413.60
		204.00	599	602	234.60	415.20
		205.00	603	605	235.80	416.40
		206.00	606	609	236.90	418.00
		207.00	610	612	238.10	419.20
		208.00	613	616	239.20	420.80
		209.00	617	620	240.40	422.40
		210.00	621	623	241.50	423.60
		211.00	624	627	242.70	425.20
		212.00	628	630	243.80	426.40
		213.00	631	634	245.00	428.00
		214.00	635	637	246.10	420.20
		215.00	638	641	247.30	430.80
		216.00	642	644	248.40	432.00
		217.00	645	648	249.60	433.60
		218.00	649	650	250.70	434.40

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1970 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1969 on the basis of such wages and self-employment income, such total of benefits for January 1970 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1970, for each such person for such month, by 115 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for January 1970, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1970, or".

(c) Section 215(b)(4) of such Act is amended by striking out "January 1968" each time it appears and inserting in lieu thereof "December 1969".

(d) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1967 Act

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1969.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1970, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1969.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1969 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1970, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the pri-

mary insurance amount on which his disability insurance benefit is based.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 3. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$46," and by striking out "$20" and inserting in lieu thereof "$23".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$46".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46".

(2) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46", and by striking out "$20" and inserting in lieu thereof "$23".

(3) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$23".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46".

(5) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$23".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

MAXIMUM AMOUNT OF A WIFE'S OR HUSBAND'S INSURANCE BENEFITS

SEC. 4. (a) Section 202(b)(2) of the Social Security Act is amended to read as follows:

"(2) Except as provided in subsection (q), such wife's insurance benefit for each month shall be equal to one-half of the primary insurance amount of her husband (or, in the case of a divorced wife, her former husband) for such month."

(b) Section 202(c)(3) of such Act is amended to read as follows:

"(3) Except as provided in subsection (q), such husband's insurance benefit for each month shall be equal to one-half of the primary insurance amount of his wife for such month."

(c) Sections 202(c)(4) and 202(f)(5) of such Act are each amended by striking out "whichever of the following is the smaller: (A) One-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based, or (B) $105" and inserting in lieu thereof "one-half of the primary insurance amount of the deceased individual on whose wages and self-emplyoment income such benefit is based".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 5. (a) Section 201(b)(1) of the Social Security Act is amended by—

(1) striking out "and" at the end of clause (B);

(2) striking out "1967, and so reported," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and so reported, and (D) 1.10 per centum of the wages (as so defined) paid after December 31, 1969, and so reported,".

(b) Section 201(b)(2) of such Act is amended by—

(1) striking out "and" at the end of clause (B);

(2) striking out "1967," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and (D) 0.825 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1969,".

Mr. LONG. Mr. President, I submit this amendment on behalf of myself and the Senator from Connecticut (Mr. RIBICOFF). In a moment, I shall ask that the amendment be temporarily laid aside so that the amendment of the Senator from Texas (Mr. YARBOROUGH) may be considered next, but it is my feeling that before the Senate adjourns, we should vote on the increase in the social security payments recommended by the House of Representatives.

The House Ways and Means Committee has recommended a simple 15-percent across-the-board increase. Although, that may be opposed by the administration, there is no doubt in my mind that it will become law if the Congress is permitted to vote on it between now and January 1.

I do not wish to usurp the prerogatives of the House of Representatives at all. Ordinarily, the House would pass the bill, send it to us, and we would then have an opportunity to vote on it. But I do feel that we should vote on the measure before we adjourn for the Yuletide recess, if indeed there is one. In order that we can vote on it before the recess, I think it appropriate that the amendment should be offered. Senators who would like to add their names as cosponsors are welcome to do so, and I shall call the amendment up and ask for a vote on it at some point further along in the consideration of this measure.

I ask unanimous consent that the names of the distinguished majority leader (Mr. MANSFIELD), the Senator from Rhode Island (Mr. PASTORE), the Senator from Tennessee (Mr. GORE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Nevada (Mr. CANNON) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, if the Senator will yield, I would like to be sure the Senator is not going to bring that amendment up today.

Mr. LONG. I have offered the amendment only because I wanted to direct it to the attention of the Senate. I shall not ask for a vote on it at this moment. I ask that it be temporarily laid aside, so that Senators who would like to do so may add their names to it as cosponsors, and I would hope that the House of Representatives will act on this measure before we have concluded action on this bill, so that we would not be jumping the gun on the House of Representatives, so to speak, by our action. It is the House's committee that has worked on this measure and, under the Constitution, the House should work on it first.

However, I do not think we should withhold action on the matter because, in voting for a simple 15-percent across-the-board increase in social security benefits, the House Ways and Means Committee is obviously planning to send us later a much more detailed bill. Though that subsequent bill may have much less revenue impact, it would probably deal with many more problems than are involved in this across-the-board increase upon which it is now proposed that the House of Representatives vote.

We are not likely to have time to conduct hearings on the bill increasing benefits 15 percent, and there is really not much reason for doing so. I think Senators will pretty well know how they want to vote on this matter when it comes before the Senate, and I think we would like to vote on it before Congress adjourns for this year. For fear that we might not have another opportunity to vote on it, it will be offered as an amendment to this bill.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PROUTY. I understand this does not increase the minimum benefit; that still remains at $55, plus the 15-percent increase?

Mr. LONG. Yes. The minimum benefit would be $64, a 15-percent increase, rounded up to the next whole dollar. Basically, the bill simply provides a 15-percent across-the-board increase. It is my understanding that the House of Representatives, in voting on this matter, has in mind sending to us next year a much more detailed bill, going into the kind of matters that the Senator from Vermont has in mind. I would hope we could avoid going into very many other questions, such as the Senator from Vermont has in the past brought to the attention of the Finance Committee, and simply pass, before we go home, a 15-percent across-the-board increase; then, when we come back next year, we would consider the more extensive measure which the House of Representatives is planning to send us.

Mr. PROUTY. If the Senator will yield further, I have an amendment at the desk now which would increase the minimum monthly payment to $90, which is the same amount recommended by the President for welfare recipients who are 65 years of age or older.

I have another amendment which would simply increase the minimum to $70, and then 15 percent across the board. I shall offer that.

Mr. LONG. The Senator certainly has the right to do so. I would hope, however, that he will withhold doing that until we have the other amendment before us.

Mr. PROUTY. If the Senator will let me know when he calls it up.

Mr. LONG. Yes.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield to me?

Mr. LONG. I yield.

Mr. YOUNG of Ohio. I ask the distinguished chairman of the Committee on Finance, is it not a fact that at the present time the surplus in the social security fund, plus the surplus in the social security disability fund, approximates $33 billion, and by reason of that fact, the social security system will continue as an actuarially sound insurance system with the granting of this 15-percent increase retroactive to December 1 of this year, as provided in the bill just passed by the House of Representatives?

Mr. LONG. Mr. President, the Senator, I am sure, is using those figures because he has reviewed them recently.

Mr. YOUNG of Ohio. I am familiar with them.

Mr. LONG. I have not reviewed them in the last month, and, therefore, I shall have to accept the Senator's word for

it. But I shall be glad, when we get the amendment before us for a vote, to have the latest information available so that I can respond more accurately to the Senator's question.

Mr. YOUNG of Ohio. May I say that years ago I served on the taxwriting Ways and Means Committee of the House of Representatives. Also, I was a Member of the other body at the time that President Franklin D. Roosevelt proposed the Social Security System. I have followed it with great interest since. The fact is that the present surplus in both the disability and the social security funds exceeds $33 billion. Very definitely, the system will continue to be actuarily sound, as all of us want it to continue to be, if we grant this 15-percent increase to every present recipient—child, man, and woman—who receives his social security check on the third day of every month.

Mr. LONG. Mr. President, the House Ways and Means Committee has been responsible in the way it has handled social security bills, and I am sure that the same would be true in this instance; so I have no doubt that the answer to the Senator's question would be "Yes."

Mr. YOUNG of Ohio. And that is true without any increase in contributions, as matters stand.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CRANSTON. I ask that my name be added to the amendment as a cosponsor.

Mr. LONG. I ask unanimous consent that the Senator's name be added, and also the name of the Senator from South Dakota (Mr. McGOVERN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. My name also.

Mr. LONG. I have already asked that the Senator's name be added.

Mr. President, I ask unanimous consent that the names of the Senator from California (Mr. CRANSTON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Ohio (Mr. YOUNG), the Senator from West Virginia (Mr. BYRD), and the Senator from North Dakota (Mr. BURDICK) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I could not hear the Senator. However, am I correct in understanding that this would not be a substitute for the measure next year when the Senator will have before his committee and there will be before the Ways and Means Committee the so-called package deal that will be 15 percent at that time, but will raise the minimum proposal, whether or not we raise the exemption from $7,500 to $9,000.

If we do all of that, it is my understanding—because I have been listening to testimony on the matter this week—that the fund is running about 1.16 percent above what the actuarians say we might have to pay out.

If we include that 1.16 percent and keep the reserve of close to $31 billion, we could increase the minimum up to $100, if we wish, and we would still have the fund intact and still keep the reserves. We are running at the present time 1.16 percent above what is needed.

We could do this and still keep it sound, though the figure, as the Senator pointed out, of more than $30 billion is enough to keep it in sound shape and ready to do the job.

Mr. LONG. Mr. President, I thank the Senator.

Mr. President, I am not going to ask for a vote at this point. I prefer that we vote on the matter at a later time, after the Senators have had a chance to consider the matter further.

Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 332

Mr. YARBOROUGH. Mr. President, I call up the amendment, No. 332, introduced by Senator SCOTT and myself, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 332

Page 62, after line 21, insert the following:

"(f) NONPARTISAN ACTIVITIES CARRIED ON BY CERTAIN ORGANIZATIONS.—Subsection (d)(2) shall not apply to any amount paid or incurred by any organization—

"(1) which is described in section 501(c)(3) and exempt from taxation under section 501(a),

"(2) the activities of which are nonpartisan, are not confined to one specific election period, and are carried on in more than one State,

"(3) substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated,

"(4) substantially all of the support (other than gross investment income as defined in section 509(e)) of which is normally received from three or more exempt organizations which are not described in section 4946(a)(1)(H) with respect to each other or the recipient foundation, from the general public, or from a governmental unit referred to in section 170(c)(1), or from any combination of the foregoing, and not more than 40 percent of such support is received over a period of 5 years, including the year in question, from any one such exempt organization, and

"(5) contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specific election period.

Subsection (d)(4) shall not apply to any grant to an organization which meets the requirements of the preceding sentence."

Page 61, line 10, after "(2)" insert "except as provided in subsection (f),".

Page 61, line 15, strike out "(f)" and insert "(g)".

Page 61, line 20, strike out "(g)" and insert "(h)".

Page 62, line 22, strike out "(f)" and insert "(g)".

Page 63, line 16, strike out "(g)" and insert "(h)".

Page 64, line 1, strike out "(h)" and insert "(i)".

Page 64, line 7, strike out "(g)(2) or (g)(3)" and insert "(h)(2) or (h)(3)".

Mr. YARBOROUGH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, is the Senator from Texas willing to agree to a limitation of debate on the amendment?

Mr. YARBOROUGH. I am willing to have a unanimous-consent agreement.

Mr. LONG. Mr. President, I ask unanimous consent that there be a time limitation on the pending amendment of 1 hour, the time to be equally divided and controlled by the Senator from Texas (Mr. YARBOROUGH) and the manager of the bill.

Mr. YARBOROUGH. Mr. President, I suggest that there be a limitation of 45 minutes to the side. Several Senators on this side have said they wanted to speak on the amendment. I will not use up all the time, but will be willing to yield back the remainder of the time.

Mr. LONG. Mr. President, I ask unanimous consent that there be a time limitation on the pending amendment of one and one-half hours, the time to be equally divided and controlled by the Senator from Texas (Mr. YARBOROUGH) and whoever is managing the bill at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. YARBOROUGH. Mr. President, I yield myself 20 minutes.

The distinguished minority leader, the senior Senator from Pennsylvania (Mr. SCOTT) was called out of the Chamber on a very urgent matter. He has requested me to state that I am making the statement on his behalf and as well as mine.

Mr. President, this amendment has received wide bipartisan support. Forty Senators have joined with Senator SCOTT and me as cosponsors of the amendment.

Mr. President, the sponsors of the amendment are listed as follows:

DEMOCRATS

Senator HARRIS of Oklahoma.
Senator HARTKE of Indiana.
Senator MONDALE of Minnesota.
Senator JACKSON of Washington.
Senator HUGHES of Iowa.
Senator CHURCH of Idaho.
Senator METCALF of Montana.
Senator INOUYE of Hawaii.
Senator HART of Michigan.
Senator YOUNG of Ohio.
Senator CRANSTON of California.
Senator McGOVERN of South Dakota.
Senator TYDINGS of Maryland.
Senator RANDOLPH of West Virginia.
Senator BAYH of Indiana.
Senator PROXMIRE of Wisconsin.
Senator RIBICOFF of Connecticut.
Senator MUSKIE of Maine.
Senator McGEE of Wyoming.
Senator EAGLETON of Missouri.
Senator McCARTHY of Minnesota.
Senator NELSON of Wisconsin.
Senator PELL of Rhode Island.
Senator GRAVEL of Alaska.
Senator FULBRIGHT of Arkansas.
Senator McINTYRE of New Hampshire.
Senator BURDICK of North Dakota.
Senator WILLIAMS of New Jersey.
Senator MONTOYA of New Mexico.
Senator CANNON of Nevada.
Senator BIBLE of Nevada.

REPUBLICANS

Senator GOODELL of New York.
Senator BROOKE of Massachusetts.

Senator CASE of New Jersey.
Senator PERCY of Illinois.
Senator COOK of Kentucky.
Senator SCHWEIKER of Pennsylvania.
Senator JAVITS of New York.
Senator HATFIELD of Oregon.
Senator PEARSON of Kansas.

Mr. President, I have read the names of the cosponsors to illustrate that this is a bipartisan measure. It is not a party matter.

The purpose of the amendment is twofold. First, it would restore to the Senate version of the tax bill the opportunity for legitimate private foundations to support nonpartisan voter registration projects.

Second, it would provide an effective means of curbing abuses that have occurred under the present law.

In short, our amendment presents a moderate and reasonable approach to authorizing legitimate voter registration activities, while insuring that past abuses do not reoccur.

II. THE NEED FOR THIS LEGISLATION

Under present law, there is no direct prohibition against a private foundation's supporting or contributing funds to voter registration projects. The present tax law does, however, prohibit private foundations from participating in or intervening in a campaign of a particular candidate for public office. Unfortunately, in a few isolated instances, a small minority of foundations have seriously abused their privilege to support voter registration and education projects in such a fashion as to clearly warrant legislation that will tighten the restrictions on political activities of tax-exempt foundations. The particular abuse of law that has caused the most controversy is the so-called "single shot" or "one time" voter drives. Simply stated, this type of activity is characterized by the formation of a voter registration drive that is localized in an area and dedicated to electing one particular candidate. Clearly, such operations are not educational or nonpartisan, but rather appendages of a particular candidate's campaign for office. This type of voter drive, although a perfectly acceptable political tool, should not be funded with tax-free dollars.

Every Senator who is supporting this amendment believes that this type of abuse must be curbed.

However, in focusing our attention on curbing abuses, it is all too easy to overlook the excellent work that has been done by private foundations in supporting legitimate nonpartisan voter education and registration projects. Thousands of Americans who have for years been locked out of our Government have been introduced to our democratic processes through the efforts of such well-recognized organizations as the League of Women Voters and the Southern Regional Council, which have as their objectives the encouragement of all Americans, regardless of their political party or philosophy, to exercise their Constitutional right to vote. I believe the most active and successful of these organizations is the League of Women Voters. The successes that these two fine organizations have had in stimulating interest in voting and in registering people to vote who have never done so before are innumerable. However, I would like to point out some statistics which clearly show the positive effects of such voter registration drives.

In the 1968 presidential election, the League of Women Voters registered more than 18,000 new voters in New York's Harlem. During the same election, 750 league members registered more than 50,000 voters in California. In one weekend, the league registered 1,000 voters in a small town in the Midwest. These are but a few examples of the work the League of Women Voters has been doing throughout its 50-year history.

In the election in New York, most of these new registrants voted for the Democratic candidates. In the 1968 election in California, I believe that most of the new registrants voted for the Republicans.

We all know that the League of Women Voters is nonpartisan. During this time, the League of Women Voters has not been committed to a particular political party or candidate, but rather to the philosophy that an informed and active electorate is an essential part of our country's system of government.

The Southern Regional Council has dedicated its efforts to encouraging Negro citizens to exercise their right to vote and to take part in the affairs of government that so directly affect their lives and well-being.

This organization launched its first voter education project in 1962. The purpose of this project was to research the causes for low participation in government by Negroes and to stimulate interest in voting among this minority group. This program began in March of 1962, and ended in the fall of 1964, resulting in adding nearly 700,000 new voters to registration rolls. Because of the success of this project, the Southern Regional Council started a new project in 1966, which is still in operation. Like the first project, its purpose is also to bring many new voters into our political system.

There are numerous other organizations throughout the country that are working toward the common goal of encouraging minority groups to participate in government by voting rather than giving up on our way of government. Their efforts have greatly benefited the many members of minority groups who have long been systematically denied the right to vote, despite the plain language of the Constitution.

The House committee report on the tax bill is stated:

Two examples of existing private foundations which, based upon the committee's information as to their activities, are expected to be permitted to engage in such activities and receive other private foundation support are the League of Women Voters Education Fund and the Southern Regional Council.

The House committee put its stamp of approval on the activities of these two organizations, and I do not know of any dissent from that in the House committee report.

Organizations such as the League of Women Voters and the Southern Regional Council all have certain things in common. First, none of these organizations has attempted to encourage membership in a party, elect a particular candidate, or champion a particular cause or political philosophy. On the contrary, what they have tried and are trying to do is to persuade people, regardless of their party or political beliefs, that our democratic system will respond to their needs and desires if they will only take the time to vote their convictions. Second, these organizations are dependent in large measure for support from private foundations to finance these important projects. Since our Government does not directly fund such voter-education projects, the burden of financing these operations has fallen on the private sector of our economy. Fortunately, civic-minded private foundations have responded to the need for these activities and have provided the bulk of the financing. Without foundation support, this very necessary work could not go on.

Consequently, in Congress efforts to curb abuses, we must be certain that we do not cripple legitimate programs. The amendment before the Senate today, I believe, succeeds in this endeavor. Of course, the amendment has 40 cosponsors. My staff and I did not write all of this by ourselves. Many people have worked on it, and this is the consensus we arrived at.

III. THE HOUSE BILL

In drafting H.R. 13270, the House of Representatives tried to curb the abuses that the present law allows and still protect such legitimate organizations as the League of Women Voters and the Southern Regional Council. Unfortunately, the language of the House bill is much too restrictive and would actually eliminate rather than preserve legitimate voter education and registration programs.

More particularly, the House bill contains the following weaknesses:

First. The House bill requires that any organization engaged in voter education or registration with foundation support have as its "principal activity—nonpartisan political activity." This would directly eliminate the League of Women Voters and the Southern Regional Council, because neither of these two organizations' principal activities are solely political.

Second. The House bill requires such organizations receiving foundation support to conduct their activities in five or more States. This unreasonable requirement would prohibit the activities of many legitimate organizations whose operations are conducted on a smaller scale.

Third. The House bill fails to prohibit voter registration activities limited to one specific election period. Without such a prohibition, the bill does not effectively curb the single-shot abuse. That is the real reason for the complaint that somebody would try to register enough voters in a city to control that city election. That is the problem. The House, in trying to tighten it up—the law—so as to prevent this abuse, failed to prohibit the one thing that has caused the controversy.

Fourth. The House bill requires that, if this organization receives foundation support, it must come from five or more foundations and that no one foundation

supporter can give more than 25 percent to such an organization. This provision is much too restrictive and would seriously cripple the League of Women Voters and the Southern Regional Council, because it is virtually impossible to find five foundations to support a voter registration project.

Fifth. The House bill does not prohibit the designation of contributions by a foundation for use only in one specific election. Therefore, it would still be possible for a foundation to indirectly finance a single shot voter drive under this House bill.

IV. THE SENATE FINANCE COMMITTEE'S ACTION

Instead of trying to improve upon the House bill, the Senate Finance Committee took the ill-advised and completely unnecessary step of banning all foundation grants to organizations conducting voter registration and education projects. I believe this was unwise. What we should do is eliminate abuses. We should eliminate abuses such as the single shot, the attempt to control an election in one city, and we should have provisions that permit and protect the continuance of legitimate activities. The committee, on page 49 of its report, gave as its reason for this action that it is impossible to give assurances in all cases that voter registration drives would be conducted in a way that does not influence the outcome of public elections. In all respect to the committee, I submit that this reasoning is faulty. First, all elections are influenced by the number of voters who vote in them. Not only is this fact inherent in free elections, it is also desirable. In a democracy, it should be our aim to encourage the broadest range of participation and thought that is possible. Otherwise, we have government of the many by the select few. Furthermore, if the committee fears that effective legislation cannot be drawn that will solve problems under the present law, I submit that the amendment that Senator SCOTT and I present today will do this. We have too few people voting in this country, when we consider the percentage of adults who vote in other democracies of the world.

V. THE YARBOROUGH-SCOTT AMENDMENT

The amendment before the Senate is a moderate and reasonable solution to the perplexing problem of foundation support of voter education and registration projects. More specifically, the amendment provides the following:

First. The amendment eliminates the requirement that the organization conducting the voter project be engaged principally in political activities. The amendment provides that the organization's activities must be "nonpartisan"—not for either political party. This would allow organizations such as the League of Women Voters and the Southern Regional Council, which have many nonpolitical activities, to engage in voter registration drives and receive foundation support. Thus, under this amendment, the organizations which qualify for foundation support will be less rather than more political.

Second. The amendment eliminates the unreasonable "five or more States" requirement and substitutes a requirement that the activities be conducted in "more than one State." This is far more reasonable and would meet the needs of the League of Women Voters.

Third. The amendment deals directly with the "single shot" voter drive by requiring that the organization's voter activities cannot be restricted to one specific election period. Under the present law, a foundation can put money in one drive in one city, just before an election, and influence the outcome of the election. That is not the purpose of this amendment. This amendment is to allow broad based support to qualify more Americans to vote, and not for a foundation to try to win one election in one limited area.

This is a safeguard that is not in the House bill which would protect against the practice of giving grants designated to affect the outcome of a particular election.

Fourth. The amendment eliminates the unreasonable requirement of support by five or more foundations, with a 25-percent ceiling on the contributions from each. In its place, the amendment substitutes a much more reasonable requirement of support by at least three foundations, with a 40-percent limitation on the amount any one foundation might give.

This change will protect against the abuse of one foundation controlling such an organization and will still not hamper the activities of the League of Women Voters and the Southern Regional Council.

Fifth. As an additional safeguard against the single shot partisan voter drive, the amendment provides that no foundation can earmark its contributions to an organization conducting a voter registration drive for use in one specific election. This is also an additional protection not included in the House bill.

V. CONCLUSION

In summary, I wish to emphasize that it is the duty of Congress, as spokesmen for all our people, not to enact laws which will directly or indirectly exclude segments of our society from participating in our Government. This is particularly true in these days when many of our citizens, especially our young people, are questioning our whole system of Government. If our democracy is to survive, we must expand participation in Government to meet the increase in our population. If we do not do so, we will have a country which is governed by a select few. Such a situation would be contrary to the ideas and principles which are the very foundation of government in America.

In 1965, Congress took a major step toward fulfilling the American dream of a society which reflects the views and feelings of all our people by enacting the historic Voting Rights Act. This act embodies the belief of Congress and the majority of our citizens that the right to vote is fundamental and should be extended to all our people. As important as the Voting Rights Act is, it—standing alone—will not assure full participation in our Government. For the Voting Rights Act to be more than a scrap of paper, the people who have been denied the right to vote for so long must be educated as to their rights and encouraged to use them. Congress has left this task to private organizations. These organizations, with foundation support, have performed this task well. For us to pass this tax bill with the prohibition against foundation support of legitimate voter registration activities, without providing a workable substitute for such support, would not only undermine the Voting Rights Act but also be a direct blow to those people the act was meant to apply to. For these reasons, I earnestly request my colleagues to join with the Senator from Pennsylvania (Mr. SCOTT) and me and the other cosponsors of this amendment and approve it.

I wish to commend the able and distinguished minority leader for his leadership in this fight. He is known throughout the country as a strong supporter of voting rights legislation. It has been a pleasure to work with him on this important measure.

The Senator from Pennsylvania explained to me a commitment he has in connection with some people from out of the city. We had hoped to call up the amendment at a more convenient time. He has authorized me to say this statement, with which he is familiar, represents his views as well as mine.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Essential Tax Reform Amendments," published in the Washington Post today.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ESSENTIAL TAX-REFORM AMENDMENTS

The disposition of the Senate to go along with the provisions of the tax-reform bill written by its Finance Committee, as it did in cutting the oil depletion allowance and in rejecting many other amendments, may be a sound general rule. It is very difficult to write a satisfactory tax bill on the Senate floor. There are some defects in the bill, however, which should not be trusted to the House-Senate conference committee.

One of these is the death sentence which the Finance Committee would impose on all foundations at the expiration of 40 years. The Finance Committee agreed upon this drastic action out of fear that foundations, if granted perpetual tax exemption, may exert "an undue influence on the private economy and on governmental decisions as well." But the committee offered no rational explanation as to why foundations would be more dangerous to the public in their second 40 years than in their first. Common sense suggests that if a foundation has rendered valuable public service in its first four decades it could be expected to continue doing so.

There seems to be no warrant for the belief that foundations are bringing about a dangerous concentration of economic power. A recent study shows that their aggregate assets have never amounted to more than 0.7 per cent of the country's wealth and that this percentage is now declining. We think there is much to be said for the requirement that a tax-exempt private foundation must distribute all its current income and in no event less than 5 per cent of the value of its assets. The same is true of the so-called supervisory tax, although the Finance Committee fixed the levy much higher than is necessary to cover administrative costs. But

Congress should not arbitrarily decree the end of all foundations at the age of 40 (or by Jan. 1, 2010 in the case of existing foundations) without regard for the useful work they may then be doing.

Another amendment which should be regarded as a must is that offered by Senators Yarborough and Scott to save broadly based and nonpartisan voter registration and education programs financed by foundations. The House sought to limit foundation aid to programs of this sort which reach five or more states and which are not restricted to any specific geographical areas. The Finance Committee voted to black out any and all use of foundation funds to broaden participation in our democratic processes. The result would be to undercut the good work of the League of Women Voters Education Fund, the Voter Education Project of the Southern Regional Council and various other organizations seeking to bring the citizen into closer contact with his government.

The Yarborough-Scott amendment would let this constructive work go forward and at the same time curb the abuses which have occasionally come to light in this sphere. It would allow foundation financing of nonpartisan voter registration and education projects if they are conducted in more than one state, if they are supported by contributions from the general public or from at least three tax-exempt organizations (no one contributing more than 40 per cent) and if the focus is not on one particular area or specific election. Certainly there are ample safeguards here. With this rational compromise at hand, the Senate would have no excuse for blindly cutting off the use of foundation funds to strengthen our democratic system.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Who yields time?

Mr. YARBOROUGH. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Texas (Mr. YARBOROUGH) and the distinguished Minority Leader, the Senator from Pennsylvania (Mr. SCOTT), which I have cosponsored, to permit private foundation funds to be used for voter registration. I supported the amendment when it was before the Committee on Finance, of which I am a member.

As has been made clear in the debate, if the action taken by the Senate Finance Committee is permitted to stand, voter education and voter registration activities of the League of Women Voters education fund and the voter education project of the Southern Regional Council, along with other organizations would be eliminated. I hope that the Senate recognizes the outstanding work of these organizations and supports the Yarborough-Scott amendment.

Through the efforts of the Southern Regional Council voters education project, some 2 million voting-age Negroes in the South have been registered to vote. The League of Women Voters, operating through league members in 1,285 local leagues from coast to coast, has set up a voter education fund to distribute materials for the purpose of educating citizens about key and important issues and to organize citizen groups to register and involve voters in government. Other organizations have, on a smaller scale, carried out similar programs .

A democratic society must insure maximum participation by all citizens in the affairs of government, because the cornerstone rights of democracy are meaningless unless they are exercised. In recognition of this, some nations require citizens to vote. But in this country, high mobility and continued urbanization, coupled with involved residence requirements, are making it progressively more difficult for Americans to vote. In fact, 48 million eligible citizens—40 percent of all Americans of voting age—did not vote in last year's presidential election.

Mrs. Bruce B. Benson, president, League of Women Voters of the United States, in her testimony before the Senate Finance Committee, discussed the activities of the league in voter education and voter registration projects and commented on the importance of these projects stating:

> We believe that even more intensified efforts are needed in our society to involve more citizens at all levels of government; that a responsible democracy depends on citizens learning the importance and the responsibility of voting and of participation in the democratic process. Private philanthrophy plays a significant role in supporting the educational work needed to achieve the goal of an informed and active electorate.

Unfortunately, rather than intensify our efforts in this regard, we will take a step backward unless the Yarborough-Scott amendment is passed.

Adequate safeguards against partisan localized efforts are provided for in the amendment. If one truly believes in making this Government representative and in guaranteeing to all citizens the most fundamental of all rights of a democratic society—the right to vote—then efforts to educate and register voters must be continued and encouraged.

We answer those who advocate violence that the ballot box is still the most important weapon. The adoption of this amendment will undergird and strengthen that statement.

This amendment provides adequate safeguard against partisan localized efforts while encouraging those foundations which support this fundamental right of a democratic society. I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. YARBOROUGH. Mr. President, I yield to the distinguished cosponsor of the amendment such time as he desires within our time limitation.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Texas, who is the principal cosponsor with me on this amendment. I appreciate very much what the distinguished Senator from Texas said in introducing the amendment and his explanation in my temporary absence from the floor of the Senate during a part of his presentation.

As its primary Republican cosponsor, I welcome this opportunity to speak in support of the amendment offered by the distinguished Senator from Texas (Mr. YARBOROUGH) to reinstate in the Senate version of H.R. 13270, the tax reform bill now before us, provisions which would permit tax-exempt foundation funds to be used for voter registration and education programs. I am pleased to note that this effort has a broad base of support in the cosponsorship of Senators from both sides of the aisle.

Our amendment has drawn support also from the Washington Post in an editorial of this morning which describes passage as—and I quote—"a must." The Senator from Texas (Mr. YARBOROUGH) has already had this editorial printed in the RECORD.

I would simply note now the editorial's conclusion that—

> The Senate would have no excuse now for blindly cutting off the use of foundation funds to strengthen the democratic system.

Mr. President, our amendment is addressed to the action taken by the Senate Finance Committee in totally deleting from the tax reform bill provisions which would permit private foundations funds to be used for voter registration activities. This action, in my opinion, was far more severe than justified or necessary. It complicated further the action taken earlier by the House of Representatives in approving restrictions which, in attempting to correct a few abuses, would have the practical effect of terminating the participation of many well recognized nonpartisan foundations in programs of this kind.

Our amendment, Mr. President, is not without its safeguards; its conditions for eligibility are explicit. It requires that voter registration activities be of a truly nonpartisan nature; that they be conducted in more than one State; that they be supported by contributions from the general public or from three or more tax-exempt organizations, and that no one tax-exempt organization contribute more than 40 percent to any given voter registration effort. Further, our amendment requires continuity by prohibiting the specific designation of tax-exempt funds for use in a particular geographical area or specific election. In short, our amendment, while broad enough to encourage legitimate voter registration and education, is drawn tightly enough to discourage a repetition of those few isolated instances in which foundations have misused the exemption granted them under our present tax laws by engaging in partisan political activities.

The U.S. Commission on Civil Rights is deeply concerned by the potential impact which the Senate version of the tax reform bill would have in this area, if enacted without amendment. The Commission, while urging a more active Federal role, has officially recognized also that the right to vote will not be realized fully unless the burden of taking affirmative action to encourage voter registration is shared with the Federal Government by others. Two private organizations which come readily to mind for their success in nonpartisan efforts in voter registration and education are the League of Women Voters and the Southern Regional Council. There are others, perhaps less well known, but equally deserving of public recognition and confidence. Unfortunately, the Senate bill not only fails to recognize the need for voter education programs of this kind, but it undermines totally private foundation efforts directed at stimulating voter participation.

Our amendment is designed to continue, with adequate safeguards, the tax stimulus needed to encourage and make possible this support.

As one of its strong proponents, I am encouraged by the progress which has been realized to date under the Voting Rights Act of 1965. This act embodies the belief of Congress, a belief shared by a clear majority of Americans, that the right to vote is fundamental to our democracy and should be extended to all of our people. I hope to see the Voting Rights Act further strengthened by extension in this Congress, and I intend to lend fully my support.

But as important as this act is, it cannot, by itself, assure full participation for all Americans in the governmental process. For this goal finally to be achieved, those citizens, who have been denied the voting right that the rest of us take for granted, must be educated about this right and encouraged to exercise it.

Private organizations have responded well to this challenge, and their hard work is reflected in increased voter registration throughout the country. Only this week, for example, the Bureau of the Census has reported that the number of Negroes in Southern States who voted in the presidential election last year increased to 51 percent, compared with 44 percent for the presidential election of 1964. The Bureau's report adds that 61 percent of the South's Negro population was actually registered to vote in 1968. The positive impact of this effort must not be abated, especially when so much remains still to be done, not only in the South, but also in the urban areas of the North and in the rural Southwest.

Therefore, I urge all Members of the Senate to give our amendment their serious consideration and support.

Mr. JAVITS. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. I support the amendment because I think it is extremely desirable. It is part of the omnibus amendment on foundations which I have introduced, No. 340. The theory of that amendment is to eliminate certain aspects of the bill which are highly deleterious to philanthropic activities, including the 40-year lifetime provision and the question of voter registration activities.

I intend to see what is done and what is not done by the Senate and then to present a composite amendment to the Senate on the subject and to authorize the establishment of a Presidential commission to take up from that matters we delete from the bill.

The Scott-Yarborough amendment is desirable, because it is an activist answer to the alienation of so many people from Government. This applies especially to the young. This provision would permit a foundation to proceed in an area in which Government cannot proceed—in voter registration drives. We would hardly expect the Government to engage in a voter registration drive because it would appear to be trying to exert political influence.

The most conclusive argument is that it will be worse to have the Government engage in this activity than for the foundation. It is argued that foundations should not engage in this activity, for they then become too much involved in politics, and that if the foundation cannot do it, then the Government will have to do it. I reject this argument, and I think the Senate should reject it also.

For these reasons, Mr. President, I hope that the amendment will be adopted.

Mr. MOSS. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I am happy to yield to the Senator from Utah for questions.

Mr. MOSS. I should like to ask the Senator from Texas some questions. When the amendment was first drafted and presented to me, I considered being a cosponsor of it, and then I withheld because of the questions I had.

I want it understood that I think this is an advance over the terms of the bill. Certainly I would vote for the amendment but I feel that it is still too restrictive because I think we should encourage in every way we can voter registration and work of that sort. I wondered why the limitation is still on, requiring, for instance, in subparagraph (2) on page 2, the requirement that the action be carried on in more than one State?

Mr. YARBOROUGH. Because of objections to the present law which have been raised to the so-called "single shot" voter drive. Political experience has taught that in some isolated cases a foundation has gone into an area just before a particular election, and registered the voters, urging them to elect a particular candidate. The requirement in our amendment that the organization must be active in one or more states will curb this type of abuse without harming legitimate projects.

The House bill restricted foundation support even further than this amendment, by requiring that they operate in at least five or more States.

Now as between the House provision and the Senate provision, which prohibits altogether foundation support of these voter prospects, the amendment we have offered provides a reasonable and workable solution to the problems that exist under the present law. The purpose of this amendment is restrictive, but restrictive only for the purpose of trying to keep these activities nonpartisan. If they are not, then the foundation loses its tax exemption.

Mr. MOSS. Why then does subsection 4 carry the requirement that not more than 40 percent be received over a period of 5 years including the year in question which is really a requirement that there be three or more organizations involved in the registration?

Mr. YARBOROUGH. That is right.

Mr. MOSS. Why cannot the foundation, just as a blanket matter, seek to have voters registered whether anyone else comes in with them or not?

Mr. YARBOROUGH. Because under the present law, experience has shown that it's undesirable for one foundation to contribute all the funds for a voter drive. This amendment is an effort to get a reasonable regulation to fit the widespread objections in this Nation, which prompted the action of the Finance Committee.

Mr. MOSS. What about an organization like the League of Women Voters? They do great work in my State and I believe in all the other States of the Union. One of their activities is voter registration. They also study issues and things of that sort, but they are also active in voter registration. In other words, it does not seem to me that we should be putting more roadblocks in the way but should be trying to urge everyone we can to get people registered.

Mr. YARBOROUGH. The League of Women Voters has been an entirely nonpartisan organization. They fully support this amendment. The feeling about the major purpose of this amendment is to let them continue. This amendment will not harm their activity. There is an old proverb in my State that, "Money makes the mare go." If one foundation puts most of the money into a voter drive, we might have a voter project which is slanted one way. This should not be. But if two or three foundations put up the money, the chances of domination are eliminated. True, it makes it harder to raise the money, but it will also make it more likely to be truly nonpartisan if more than one foundation is involved.

Mr. MOSS. I will vote for the amendment but I still have my reservations. It seems to me that when we are getting people to register so that they will be in a position to vote, even if at the same time we are trying to persuade them how to vote after they register, we have gained an advance in the democratic society in which we live and in which we urge people to register and vote. We do all those things, but if somebody comes in, or does not come in and do it properly, or otherwise spends money to get people to register so that they are eligible to vote, when election day comes it seems to me that is still an advance. I do not like to see any restrictions put in the way of doing that.

Mr. YARBOROUGH. I agree in theory with the distinguished Senator from Utah. I agree with the ideal. But we face a practical problem that must be solved. We face the situation in this country where we have only 70 percent voter participation. In West Germany it is 90 percent. In England, it is 76 percent. In my State of Texas, in the 1960 elections, with the spirited presidential election, only 43 percent of adults in the State of Texas voted.

There was the greatest interest in that election than in any other in my State. I think in Idaho there was a participation of 86 percent. Our friends across the Red River voted on the national average of 63 percent.

About 1.6 million of our citizens in Texas are Mexican-Americans and they have had fewer years of schooling than has any other minority. It is necessary to have voter registration drives to teach them the necessity of registering and voting, because they have been excluded for so many years.

We are trying to save the right of these foundations to participate in voter

registration drives. This amendment is a better measure than came out of either the Finance Committee or the House.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. YARBOROUGH. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 9 minutes remaining.

Mr. YARBOROUGH. Mr. President, I yield 5 minutes to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, as a cosponsor of the Scott-Yarborough amendment, I rise in support of its acceptance.

There are probably few provisions of the Tax Relief Act which are more important in preserving democratic principles and in developing fundamental citizen support for our institutions.

Foundations have contributed funds to organizations to enlist citizen support in registering to vote and in actually going to the polls to vote. The Southern Regional Conference and the League of Women Voters are two organizations that come to mind that have engaged in these activities.

Can there really be objection to permitting foundation money to be used for these purposes so long as partisanship is prohibited? Is there anything subversive in encouraging persons to engage in voting? If so, I am at a loss to understand how this could be.

We have heard much recently about the insidious control of large sums of wealth by a small group of men shielded behind the walls of foundations. Yet, except in a limited number of cases of abuse, these foundations have been instrumental in contributing hundreds of millions of dollars annually to education, charities, health, and other selected areas of public interest in addition to voter registration drives. These are innovative, constructive, and creative grants. They have strengthened our society. People are being involved to an ever-increasing extent in the operations of our institutions. We would be most foolish to undermine this effort.

The amendment before us authorizes foundations to fund nonpartisan voter registration activities to be conducted in more than one State. Contributions must be supported from three or more tax exempt foundations. No one tax exempt organization may contribute more than 40 percent to any given voter registration—education activity. Moreover, contributions may not be specifically designated for use in a particular geographical area or specific election.

Government cannot do everything. In fact, in recent years we are seriously questioning what it can accomplish in the area of social need. To an even greater extent, Government should not be permitted to interfere in the political processes of a free society. The prohibitions on foundations in the voter registration area clearly constitute governmental obstruction of efforts to strengthen citizen participation in democratic institutions. This is wrong. Enactment of the pending amendment will prevent this potential danger.

Mr. President, I would hope, also in addition to concentration on registration and voter participation, that we would have a broad-scale educational program for the American public emphasizing the need for participation in every election. It is disgraceful that in this country—almost 100 percent literate—only two-thirds of its people engage in presidential elections. It is even more disgraceful to see the low participation of eligible voters in local and primary elections.

I am sure my experience is the same as that of many others as we have toured college campuses and talked to students. Many of them charge that the political process simply is not responsive. Yet when one asks them what they know about a primary and how many of their parents participate in primary elections, we learn the percentage is very small indeed.

How can they expect to get the kind of candidates and the kind of Government they want so necessary to a two-party system if they do not participate in the selection of the candidates, not just at the Federal level, but at all levels.

Voter registration drives should include the teaching of the responsibility that goes with citizenship to register and vote.

Some people have suggested that we ought to tax people if they do not exercise their franchise. I would be against compulsion in that area. This is a voluntary society, but we ought to do everything we can to encourage voter participation in every election and make it a part of our activities as citizens.

Foundations have been able to do a magnificent, nonpartisan job in voter registration. That goes to the heart and essence of what a democratic republic should be. For us to stop these organizations from trying to strengthen the Nation would be wrong, as we see it.

I thank the distinguished Senator for yielding.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

I desire to read from the Internal Revenue Code, paragraph (3), section 501(c). It reads as follows:

> Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

That is the basis for "(c)(3)" tax exemption for all organizations, groups, foundations, and societies in our country. Congress wrote that into the Code on the premise that educational, charitable, philanthropic, and scientific organizations that pursued those purposes were benefiting mankind and deserved tax exemption.

Many of these groups have done an outstanding job. Cancer research has produced breakthroughs to extend the lives of human beings, for example. The Senator from Georgia could name thousands of benefits to humanity that have resulted from the activities of tax-exempt organizations.

Unfortunately, in recent years some of the very groups that tax exemption was designed to assist, have drifted more and more into the political arena. We have seen much of it in recent days and in recent years. We have reports that one foundation contributed $175,000 for a voter registration drive in the city of Cleveland alone. That foundation takes credit for the result of the election, and claims that it resulted in election of the mayor. That foundation used $175,000 that was exempt from tax under an act of Congress.

In the House, when this matter was being considered by the Ways and Means Committee, Representative ROONEY, of New York, appeared before the committee and testified that during the recent election he did not have to run against a candidate, but against a foundation. He ran against a man of enormous wealth, who had a family foundation. Every few days during the course of the campaign, this particular opponent of Representative ROONEY—and his name has been referred to: Frederick W. Richman, a wealthy businessman, industrialist, coffee manufacturer, owner of the National Casket Co., among other companies—would appear somewhere in the congressional district, according to Representative ROONEY's testimony, and announce another generous contribution by his family foundation to some ethnic or religious group. Of course, he would be applauded by that ethnic or religious group, and it made headlines in the newspapers. This man was running for Congress on tax-exempt money that belonged to his own foundation.

We could name hundreds of other cases. We have recently read about people who have been granted trips around the world by other foundations, for no probable reason that anyone could think of. There are many other instances of this kind, Mr. President.

The House Ways and Means Committee took affirmative action to tighten up this provision of the tax code. But the Senate Finance Committee, by an overwhelming majority, did not think it went far enough. The Finance Committee thought voter registration drives were fine. But the committee did not think registration drives ought to be conducted with tax-exempt money. The Senate Finance Committee thought registration drives ought to be conducted by people seeking election to public office, the way they always have been.

Every candidate who has ever been elected to this body, and every candidate who has ever run for local office, knows that the most important thing in any election is to get your supporters registered, and, after you get them registered, to get your supporters to the ballot box. That is the very essence of politics. That is the A and B in politics: first registration, and second voting.

If Congress wants tax-exempt foundations to do that, we can approve this particular amendment. But I do not believe the Congress nor the people of the United States want tax-exempt founda-

tions—and they have been estimated to be as many as 400,000 in number, with $31 billion in assets—in the political arena; and I do not think such foundations belong there. Foundations ought to be divorced from politics. Foundations ought to be restricted to the purposes stated in the code, which I read to the Senate a moment ago: scientific, charitable, educational, and phlianthropic. I do not think foundations belong in the political arena.

Let me tell you what they can do in the political arena. I read from the Senator's amendment here, on page 2, paragraph 2, line 2. He says that here are the conditions under which he would permit tax-exempt organizations to participate in voter registration drives:

First, they have got to be nonpartisan.

Well, I can think of a lot of people who are nonpartisan. I have got a lot of friends in Georgia who are nonpartisan. If my nonpartisan friends can conduct voter registration drives, you can bet your bottom dollar my next campaign will be successful.

So far as I know, the John Birch Society is nonpartisan. So far as I know, the Ku Klux Klan is nonpartisan. And so far as I know, the Black Panthers are nonpartisan. You can just pick out any nonpartisan group you want and give them foundation money—just so long as that nonpartisan group is friendly to the man you want to elect—and you have complied with the nonpartisan provision of this amendment.

Let us look at the amendment again. The activities it must be confined to more than one specific election.

I do not know of any politicians who run just one time, unless they get beat and retire from the battlefield. They plan to run more than once. So you finance more than one specific election with this foundation money. You just go in there and say, "Oh, no, we are not going to pick out our candidates for one-shot deals; we are going to finance once, twice, thrice with tax-exempt money."

What are the other conditions here? The Senator's amendment provides that the activities have to be carried out in more than one State.

What is more than one State? One State and one voter. Georgia plus the nearest adjacent and smallest precinct in Tennessee, with 18 people registered. Then you have complied with the Senator's amendment. That is how ridiculous it is.

Let me tell you what I would do if I happened to be the Governor of New York, and this amendment were agreed to. The Governor of New York happens to belong to an enormously wealthy family. The Governor of New York has many foundations. The Governor of New York happens to have a brother who is Governor of another State. He is an enormously wealthy man. Both have plenty of foundations.

If I were Governor of New York, I would just call up my brother and say, "Look here, it's time you and I got together. You get your foundations, and I'll get mine. I'll send my voter registration cards to Arkansas, and you send your voter registration cards to New York."

I am not charging, Mr. President, that that is being done. I am stating what could be done; and I know politicians do not always act with the greatest of altruistic motives. My opponents, particularly, have sometimes been known to do some pretty base things. [Laughter.]

I would think that a politician who had a foundation and really wanted to win the next election would pull out all the stops. You would see that foundation money start flowing to such degree that they would not even need a good cotton crop in the State of Oklahoma, because the foundation money would take care of them. They would not need one in Texas, either; and if I were in the position of the Senator from Texas, with some of the people with enormously wealthy foundations they have at their disposal, I would be somewhat leery of promoting an amendment whereby I could open all of the stopgaps or that foundation money that could be turned loose on me in the next election.

All of us are for voter registration. It just depends on who is going to do it. I know we need educational campaigns. I know we need more of our people registered. I am ashamed of the number of people that are registered in our country. But I am even more ashamed of the few that vote who are already registered.

I think, if we authorize the tremendous foundations of this country with $31 billion in assets, to go into the political arena, to choose elections of their choice, campaigns of their choice, and candidates of their choice, to promote registration drives with tax-free money, that would be a very dangerous thing. We have had too much of it already. The Senate Finance Committee wants to stop it, and the vote in our committee, after listening to the facts and the evidence, Mr. President, was overwhelming.

I now yield such time as he may require to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, the privilege of tax exemption is almost an incomparable economic privilege in our society. There are an estimated 400,000 tax exempt organizations in the United States. It becomes imperative—it has already become imperative, and long overdue—for Congress to set some limits, to provide some specifics, to establish some definition of terms.

Under present law, a foundation can be created for the general purposes set out in the code, and achieve tax exemption. It is left almost entirely to the creator of the foundation himself to decide what is, for instance, a charitable purpose.

I wish to turn briefly, now, to the particular amendment here involved. To be perfectly candid with the Senate, Mr. President, there are not many Members of this body who might aspire to further service who might be greater beneficiaries of voter registration drives by tax exempt foundations than the senior Senator from Tennessee. But is that a charitable purpose? Is that a philanthropic purpose?

I suggest it might be a worthy purpose; but should we adopt a policy of saying that voter registration, whoever it may help or hurt, is a purpose for which tax exemption should be provided?

After hearing the evidence, after learning of the abuses to which voter registration drives had been subject, the political purposes, the partisan purposes to which they could be directed, I concluded to support the provision in the Finance Committee bill.

Mr. President, a political purpose may be a good civic purpose. However, if politics can be regarded as a proper use of tax exempt funds, then what other purpose would we exclude?

We must hew to the line as to the purposes for which tax exemption is extended.

Under the proposed amendment, it would not be left to the elected Representatives of the people to decide what political purpose would be served or what political conditions would be favored. Indeed, it would be left to this vast reservoir of money in foundations, now estimated to be in excess of $30 billion.

Thus, we would be treading on thin ice, on dangerous ground. I suggest that the amendment be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield such time to the distinguished chairman of the Finance Committee as he may desire.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, it has only been recently that anyone thought of voter registration drives as being anything other than political drives to influence an election for the benefit of those putting on the drives. In recent years, it has been contended that some groups put on voter registration drives without reference to whom they would help or hurt. However, I submit that in most instances voter registration drives are not put on so much as a matter of good citizenship as a matter of seeing that one side or the other prevails.

In an election, historically, with respect to political organizations, the first thing they would do would be to see that everyone who is likely to vote for their side is registered. They make no effort to see that those who they think might vote against them are registered.

It was very expensive in some cases, but organizations do it as a matter of necessity to win the election.

The second thing they would do would be to see that all of the people who favor them would get out and vote if they could do so.

I have made great efforts to try to increase registration in my State. I have gone about as far as everyone else does when they are seeking to have voters register.

I made it a particular point to get those people to register in the area in which I thought the people would vote for me when I was running for office. I suppose that everyone else would do the same thing in close years.

When labor thinks it is very important that those in a certain area be registered or that those who agree with their point of view are registered, they raise money and put on voter registration drives. Other groups do likewise.

There are some, let it be said, who perhaps put on a voter registration drive without desiring to have the election favor one group of candidates or another group of candidates or one philosophy or different philosophy. However, in most cases, voter registration drives have a political purpose—to elect those who agree with the philosophy of those putting on the voter registration drives.

Mr. President, some years ago we passed a civil rights law in the voting rights field. And some of us from the South have been trying to make that law applicable to the entire United States. We feel that if it is a good law, it ought to be applied everywhere.

If someone does not think it is good enough to be applied in his own State, he should not try to have it apply to another State.

In Louisiana, under that law, if someone feels that a minority group is being discriminated against because of race or some other reason, he has a right to send the Federal registrars down the road and register everyone who can write his name, so that everyone is on the roll whether he comes and votes or not.

I am not criticizing that. All I am saying is that if that principle is right in Louisiana, it should be equally right and applicable anywhere else. However, I do not object to using Federal money or any foundation money to see that everyone who is mentally competent and has the least modicum of education required, enough to know what he is doing, should be registered and qualified to vote. However, when people are privileged to use tax-free money in a way to say directly or indirectly which side should win an election, I find that very objectionable.

My uncle, who was three times the Governor of Louisiana, once told me, "If you spend money to try to haul voters to the polls, you ought to spend it in the areas where you think you will win. If you spend money in the areas where you think you will lose, most of the voters there will vote for the other fellow."

Mr. President, I think generally that most people interested in voter registration will spend their money in the areas where they think their philosophy is more likely to win.

There are a lot of political purposes involved. If these foundations with tax exempt money are permitted to use their money for voter registration, there is no way to keep politics from creeping into the matter.

I submit that this is not the kind of thing we had in mind when we provided a tax exemption and provided a charitable contribution deduction so that up to 70 percent of the funds would be Government money in order to do charitable and educational work or provide benefits for humanity.

That money was not intended to be used for the political advantage of one group or the other. I submit that there is no way in the pending amendment or in any similar amendment by which someone cannot find a way to use it to his advantage, in spite of any safeguards provided by the Senator from Texas.

I hope the amendment is rejected.

Mr. TALMADGE. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-two minutes remain.

Mr. TALMADGE. Mr. President, I yield such time as he desires to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I hope this amendment will be rejected. The committee went very thoroughly into the whole principle of allowing charitable contributions to be deducted from income for tax purposes and allowing tax exemption for foundations on the premise that the money would be used for charity and charitable activities.

Certainly political activities do not come under that category. As has been pointed out by my colleague, there is no such thing as a voter registration drive in any one area that cannot be diverted toward the benefit of the party of the choice of those having the voter registration drive. It can be either for or against some particular party or candidate in an area.

All they have to do is to select the area in which to have the voter registration drive. If they select one State or two States, they can still carry out the same objective.

I think that if the amendment is agreed to, it will make it possible for the foundations to continue to use their money for political activities. It will make it harder for us in conference and in the committee to hold the advantages which the foundations now enjoy otherwise and which we would like to have preserved for them.

I hope the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, if the Senator from Texas is prepared to do so, I am prepared to yield back the remainder of my time.

Mr. YARBOROUGH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 4 minutes remaining.

Mr. YARBOROUGH. I believe it will be necessary to use our 4 minutes.

How much time does the distinguished Senator from Kentucky desire?

Mr. COOK. Two minutes.

Mr. YARBOROUGH. I yield 2 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, I might be wrong, but I have a notion that we, as politicians, may think a little more of ourselves than we are entitled to think, because in my State that is not the only thing voter registration is used for. There are other reasons for putting people on the rolls. We have some school systems in the United States that, because so few people are registered, vote down taxes, and the schools are closed and cannot open after Thanksgiving or in the spring. We have major issues in communities that want to build a better community, and so few people are registered, who always vote against things, that you cannot pass a bond issue.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. TALMADGE. Does the Senator think it is the responsibility of foundations to register enough people to vote for things instead of against them?

Mr. COOK. I might suggest to the Senator that I think it is the responsibility of foundations, if they feel, and if we in this body feel, that it is within the framework of the law of this land, they might take upon themselves the responsibility of educating people to the fact that they ought to exercise this right.

I think it is rather an odd and shameful thing in this Nation that we can vote, when we get around to it, in a presidential year, 70 percent of the people; and in countries throughout the world 98 and 99 percent of the people stand in the rain to vote.

I might suggest to the Senator that I have a notion that it is not just the foundations that vote for the political races. I think they want to get people registered for many other things, and they are put on the rolls for many other things. They can accomplish many other things as a result of it, and I support the amendment.

Mr. YARBOROUGH. Mr. President, this amendment specifically provides that a foundation cannot support one particular candidate or one particular issue. Furthermore, the foundation cannot earmark the money for one particular purpose.

The distinguished Senator from Georgia suggested to me that I might not want to see any of the foundation money in Texas flow in against me. Let me say that I have had all the corporation money of America against me, and there are not enough foundations to equal that, when you see all the vast corporations turn out their junior executives the last 3 weeks in Houston and Dallas and swarm over Texas like locusts. I am not afraid of foundations in comparison with what already has been turned loose by the large corporations of America.

The Senator from Kentucky is correct—we politicians are too egotistical.

There will be issues on the Texas ballot next year that will stir the people of my State more than all the politicians or all the parties can. These are constitutional amendments.

Last year we had 4 million people registered in Texas out of over 6 million adults. That is only 66⅔ percent of the eligible voters. In the hottest race in Texas, the gubernatorial campaign, only one out of four adults voted. It is a problem to get people registered; it is a problem to get them to vote.

It is a shame that we have such poor voter registration in America. Let us at least make it possible for the people to qualify to vote. This amendment would do this.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I have a request for time from the distinguished Senator from California (Mr. MURPHY).

Mr. MURPHY. I should like 2 minutes.

Mr. TALMADGE. I yield 3 minutes to the distinguished Senator from California.

Mr. MURPHY. Mr. President, I am interested in the colloquy. I also have had some background and experience in practical politics, and I also know that

the purpose of tax-free foundations has been clearly spelled out, as read by the distinguished Senator from Georgia, and it was carefully put in the law, so that the moneys that are tax-free will be used for these specific purposes.

I know that my distinguished colleague from Texas would not think of having a tax-free foundation try to affect anybody's registration or voting. But I am afraid that, if this amendment is adopted, the control might slip away from this Chamber and from this carefully operating body, and somebody down the line might decide that they could register in certain areas and neglect to register in others. I think we are naive and are kidding ourselves if we think this will not happen and if we do not know that it already has happened. One of the objections to many of the foundations at the present time is that they have gone into areas that are illegal, which they should not have gone into, and they are attempting to influence political policy; and that is one of the things we are talking about or will be talking about later.

I agree that everybody should be registered. I agree that everybody should exercise his right to vote and should be interested and should be educated. But I do not think that the only way to achieve this is by tax-free money. I think that might be the worst possible way to achieve it, because I am afraid some individuals—knowing the weaknesses of human nature—would not be able to resist the temptation to use the money to influence an election or a candidacy in the furtherance of one political party against another.

I think this would be a very dangerous amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield 2 minutes to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, if we are going to proceed on the premise that only foundations can get this job done, would it not be better to levy a broad tax against the foundations, put the money into a national pool, and let them go out and register all Americans, in all 50 States? Then there would be no partiality. If the foundations really want to register people, let them come forward, and we will put a tax on them and put it all in one pot, rather than have somebody sitting in an ivory tower say, "We will register voters only in a State where they will vote my way."

Mr. MURPHY. Mr. President, I think the Senator's suggestion is a good one. I recall that 3 years ago, in the poverty war, we found evidence that poverty money was being used to register people, and only in certain areas, and the results of those registrations were strange—almost selective.

It will be recalled that I went to great lengths to try to get everybody who was being paid by the poverty funds put under the Hatch Act, to take them out of politics.

Certain areas should be nonpolitical, and I think a tax-free foundation is one of them. By design, they are barred from politics, and they should keep out of politics and not even help in registration.

Mr. TALMADGE. Mr. President, I shall be brief.

No one objects to voter registration. Everyone should approve of all qualified registered voters being on the registration lists. The only argument I have with the amendment of the Senator from Texas is that it would authorize so-called tax-exempt charitable institutions, which do not pay money to their Government, to engage in voter registration. Voter registration is politics in an extreme form.

When we get down to the final analysis, the most important thing about politics is, first, get your friends registered; second, get your friends to put a ballot in the box on election day. If this amendment is adopted, we will authorize tax exempt foundations to engage in 50 percent of that political activity.

We do not even permit corporations to make contributions to political campaigns. It is a violation of the law. It is a criminal offense. It is a criminal offense for labor unions to make political contributions. They recognize that they should not be engaged in the field even though corporations pay taxes on their income.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TALMADGE. But here we have an amendment that would provide—yes, this tax exempt organization—it is tax exempt because it is supposed to be engaged in charity and philanthropy—is going to be permitted to do things tax free that are denied corporations and denied labor unions. That is the essence of what the amendment boils down to.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Senators will take their seats. The Senate will be in order.

The Senator from Georgia may proceed.

Mr. TALMADGE. Mr. President, I think people of this country have made up their minds that they want tax free organizations, foundations, and charitable groups that are supposed to be engaged in scientific, philanthropic, educational, and charitable activities, to cease political activities.

Mr. President, we have had too much of it, and I hope the Senate will reject the amendment.

Mr. McGOVERN. Mr. President, I find it hard to understand how legislation intended to correct Federal tax inequities has come to include a provision forbidding the use of foundation funds for nonpartisan democratic activities.

Voter registration programs such as those sponsored by the League of Women Voters and the Southern Regional Council have been legitimate forms of citizen education for nearly 50 years. These activities have been successful in many parts of the country in making the democratic ideal a reality.

In the 1968 national conventions, both political parties pledged their best efforts to increase citizen participation in government at all levels. The pending amendment would protect that pledge by restoring the opportunity for private foundation support of nonpartisan voter registration and education projects. And it would prevent abuses with new regulations insuring that the activities be truly nonpartisan and not limited to one locality or a particular election.

Mr. President, I hope the Senate will emphatically endorse continued nonpartisan voter registration programs by adopting the pending amendment.

Mr. HART. Mr. President, one important aim of any democratic society should be to encourage citizens to participate in the electoral process.

One way to work toward that aim is through voter education campaigns.

For example, many local units of the League of Women Voters work each year on such activities.

The Southern Regional Council has for some years conducted a voter education program which has been successful in broadening participation in the electoral process.

Congress recognized the importance of broadening citizen participation in elections when it passed the Voting Rights Act of 1965.

Now unfortunately, if Congress enacts the recommendation of the Senate Finance Committee or, for that matter, the House-approved provision, we will, in fact, turn our backs on that principal.

I speak of provisions in the Tax Reform Act of 1969 which would either prohibit or greatly reduce participation of tax-exempt foundations in voter education and registration programs.

The Senate Finance Committee recommended a complete ban on the use of tax-exempt foundations funds for such purposes.

The House version would allow such activity only if donations to the voter registration or education funds were not restricted for use in specific geographical regions and the campaigns were conducted by organizations active in at least five States.

Mr. President, if indeed some tax exempt organizations have abused the right to conduct voter education programs, that is no reason to eliminate that right completely. Nor is it any reason to hamstring such efforts as severely as the House version would.

For that reason, I strongly support the amendment now offered by Senator YARBOROUGH and Senator HUGH SCOTT, the minority leader. I was pleased to cosponsor the amendment and urge its approval as further evidence that Congress believes that it is in the best interest of our democracy to broaden citizen participation in the electoral process.

The amendment would allow foundations to put funds into voter education programs provided: First, these activities are truly nonpartisan; second, they are conducted in more than one State; third, they are supported by contributions from the general public or from three or more tax-exempt organizations; fourth, no one tax-exempt organization contributes more than 40 percent to these activities;

and, fifth, contributions to such activities are not specifically designated for use in a particular geographical area or specific election.

Mr. TALMADGE. Mr. President, if no other Senator desires time, I am prepared to yield back my time and vote.

The PRESIDING OFFICER. The Senator yields back the remainder of his time. All other time has expired. The question is on agreeing to the amendment of the Senator from Texas (Mr. YARBOROUGH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS (after having voted in the affirmative). On this vote I have a live pair with the Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MILLER (when his name was called). I have a live pair with the Senator from South Carolina (Mr. THURMOND). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia (after having voted in the negative). I have a live pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY (when his name was called). Present.

I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MONDALE), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. MONDALE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The respective pairs of the Senator from Arizona (Mr. GOLDWATER) and that of the Senator from South Carolina (Mr. THURMOND) have been previously announced.

The result was announced—yeas 53, nays 35, as follows:

[No. 170 Leg.]

YEAS—53

Aiken	Hartke	Packwood
Bellmon	Hatfield	Pastore
Bible	Hughes	Pearson
Boggs	Inouye	Pell
Brooke	Jackson	Percy
Burdick	Javits	Prouty
Cannon	Magnuson	Proxmire
Case	Mansfield	Randolph
Church	Mathias	Ribicoff
Cook	McCarthy	Schweiker
Cranston	McGee	Scott
Dodd	McGovern	Smith, Ill.
Eagleton	McIntyre	Spong
Fulbright	Metcalf	Tydings
Goodell	Montoya	Williams, N.J.
Gravel	Moss	Yarborough
Harris	Muskie	Young, Ohio
Hart	Nelson	

NAYS—35

Allen	Ervin	McClellan
Allott	Fannin	Murphy
Baker	Fong	Russell
Bennett	Gore	Saxbe
Byrd, Va.	Griffin	Smith, Maine
Cooper	Gurney	Sparkman
Cotton	Hansen	Stennis
Curtis	Holland	Talmadge
Dole	Hruska	Tower
Dominick	Jordan, N.C.	Williams, Del.
Eastland	Jordan, Idaho	Young, N. Dak.
Ellender	Long	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Byrd of West Virginia, against
Miller, for
Stevens, for

NOT VOTING—8

Anderson	Hollings	Symington
Bayh	Mondale	Thurmond
Goldwater	Mundt	

ANSWERED "PRESENT"—1

Kennedy

So Mr. YARBOROUGH's amendment (No. 332) was agreed to.

Mr. YARBOROUGH. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. FULBRIGHT and Mr. JAVITS move to lay the motion on the table.

The motion to lay on the table was agreed to.

TAXATION OF COOPERATIVE CORPORATIONS AMENDMENTS NO. 341

Mr. RIBICOFF. Mr. President, I call up my amendments No. 341.

The PRESIDING OFFICER. The amendments will be stated by the clerk.

The assistant legislative clerk proceeded to read the amendments.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 341) are as follows:

Amend section 121 by relettering subsection (g) as subsection (h).

On page 148, after line 9, insert the following new subsection:

"(g) INCOME OF COOPERATIVES FROM ACTIVITIES NOT RELATED TO MARKETING OR PURCHASING FUNCTIONS.—

"(1) LIMITATION ON ADJUSTMENT OF COOPERATIVE INCOME.—Section 1382 (relating to taxable income of cooperatives) is amended by adding at the end thereof the following new subsection:

"'(g) LIMITATION ON ADJUSTMENT OF COOPERATIVE INCOME FOR PATRONAGE DIVIDENDS, PER UNIT RETAIN ALLOCATIONS, NONPATRONAGE DISTRIBUTIONS, ETC.—The sum of the adjustments allowable under subsections (b) and (c) for the taxable year to any organization to which this part applies shall not exceed the taxable income of the organization (computed without regard to such subsections) for such year attributable to the related activities (as defined in section 1388 (j)) of such organization.'

"(2) TECHNICAL AMENDMENTS.—Subsections (b) and (c) of section 1382 (relating to taxable income of cooperatives) are hereby amended by deleting the word 'In' at the beginning of each such subsection and substituting the phrase 'Except as provided by subsection (g), in'.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—Section 1385 (relating to amounts includable in patron's gross income) is amended by deleting the phrase 'subsection (b)' in subsection (a) thereof, inserting in lieu thereof the phrase 'subsections (b) or (d)', and adding at the end of such section the following new subsection:

"'(d) TREATMENT OF CERTAIN AMOUNTS AS CORPORATE DISTRIBUTIONS.—Under regulations prescribed by the Secretary or his delegate, distributions of amounts for which adjustments under section 1382 (b) or (c) have been disallowed by reason of section 1382(g) shall have tax consequences determined by applying the rules of part I of subchapter C (relating to distributions by corporations) and all other provisions of this chapter relating to corporate distributions. Subsection (a) shall not apply to such distributions. For purposes of this title (other than this subchapter) such distributions shall be treated as having been made by a corporation which is not operating on a cooperative basis.'

"(4) DEFINITION OF RELATED ACTIVITIES.—Section 1388 (relating to definitions; special rules) is amended by adding at the end thereof the following new subsection:

"(j) RELATED ACTIVITIES.—For purposes of this subchapter, the term 'related activities' means activities, carried on by an organization to which part I applies, which consist of marketing products of patrons of the organization (including preserving, storing, and packaging such products) or purchasing supplies for patrons of the organization (including mixing, packaging, and local delivery of such supplies)."

Mr. LONG. Mr. President, is the Senator willing to agree to a limitation of time?

Mr. RIBICOFF. I am.

Mr. LONG. Mr. President, I ask unanimous consent that the time on the amendment be limited to 1 hour, to be equally divided between the manager of the bill and the Senator from Connecticut (Mr. RIBICOFF).

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator from Connecticut will yield to me, I ask unanimous consent that the Senator from Tennessee (Mr. BAKER) be allowed to proceed, before the amendment is considered, with no time coming out of the time allotted to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PARTICIPATION IN GUEST CRUISE ABOARD U.S.S. "CORAL SEA"

Mr. FULBRIGHT. Mr. President, will the Senator from Tennessee yield to me briefly for a correction of the RECORD?

Mr. BAKER. I yield.

Mr. FULBRIGHT. Mr. President, on Tuesday, during a speech on Navy public relations, I said that Bertrand Harding took two trips to Hawaii aboard the U.S.S. *Coral Sea* as a guest of the Navy. Late Tuesday, I received the following telegram:

> Your speech on the Senate Floor this morning states that I was a guest of the Navy Department on cruises in the Pacific Ocean in September 1968 and March 1969. You have been misinformed. I did not participate in either of these cruises, or any other. The Secretary of the Navy invited me to participate in 1968 and I was unable to go. The invitation was reissued for the 1969 cruise and again I was unable to go.
>
> BERTRAND M. HARDING.

I regret the error. I note Mr. Harding's name was included on two lists supplied me by the Navy's Information Office in response to my request for those guests

participating in the Secretary of the Navy guest cruises.

I ask unanimous consent to have printed in the RECORD the two lists supplied to me by the Navy on which Mr. Harding's name appeared. The lists are headed "Lists of Guests Participating," and so on.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

LIST OF GUESTS PARTICIPATING IN SECRETARY OF THE NAVY GUEST CRUISE ABOARD U.S.S. "CORAL SEA" TO PEARL HARBOR, SEPTEMBER 11–14, 1968

1. Mr. Harold L. Coons, Advertising Manager, Keystone Steel & Wire Co., 7000 South Adams Street, Peoria, Ill. 61607.
2. Mr. Joe M. Dealey, President, A. H. Belo Corp., Dallas, Texas 75222. (Newspaper publishing.)
3. Mr. Jeremy Dole, Senior Editor, The Reader's Digest, Pleasantville, N.Y. 10570.
4. Mr. Lewis W. Dymond, Chairman and President, Frontier Airlines, Inc., 5900 East 39th Avenue, Denver, Colorado 80207.
5. Mr. Bertrand M. Harding, Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20036.
6. Mr. Frank M. Hunt, Secretary-Treasurer, Hunt Brothers, Inc., Box 631, Lake Wales, Fla. (Citrus fruit producers and shippers.)
7. Mr. Brooks J. Keogh, Past President, National Cattlemen's Assn., Keene, North Dakota 58847.
8. Honorable Gerald S. Levin, Presiding Judge, Superior Court, State of California, 1080 Chestnut Street, San Francisco, Calif. 94102.
9. Mr. F. A. Mechling, Executive Vice President, A. L. Mechling Barge Lines, Inc., 51 North DesPlaines Street, Joliet, Ill. 60431.
10. Mr. William G. Mennen, Jr., Executive Vice President, The Mennen Company, Morristown, N.J.
11. Mr. Albert A. Morey, Chairman of the Board, Marsh & McLennan, Inc., 231 S. LaSalle Street, Chicago, Ill. 60604.
12. Dr. Prezell R. Robinson, Ed.D., President, St. Augustine's College, Raleigh, N.C. 27610.
13. Mr. Walton B. Sommer, Chairman and President, Keystone Steel & Wire Co., 7000 Adams Street, Peoria, Ill. 61607.
14. Mr. James W. Steckel, President, Torco Termite & Pest Control, 113–115 W. Rich Street, Columbus, Ohio 42315.
15. Mr. Andrew Wick, President, Wick Construction Co., 720 North Street, Seattle, Washington 98103.
16. Mr. Morris B. Zeale, Chairman of the Board, Zale Corporation, 512 South Akard Street, Dallas, Texas 75202. (Retail jewelers.)

LIST OF GUESTS PARTICIPATING IN SECRETARY OF THE NAVY GUEST CRUISE ABOARD U.S.S. "BON HOMME RICHARD" (CVA–31) TO PEARL HARBOR, MARCH 18–27 1969

1. Mr. George Cates, 2114 Southwick Dr., Houston, Texas 77055.
2. Mr. John E. Corette, Chairman of the Board Montana Power Company, 40 East Broadway, Butte, Montana 59701.
3. Mr. Gordon Ellis, President, Fairmount Food Company, 3201 Farnam Street, Omaha, Nebraska 68101.
4. Mr. Nelson W. Freeman, President, Tenneco, Inc., Tennessee Building, Houston, Texas 77002.
5. Mr. Nelson H. Futch, Vice President & Promotion, HMH Publishing Company, 919 North Michigan Ave., Chicago, Illinois 60611.
6. Mr. Ben Hill Griffin, Jr., President, Ben Hill Griffin, Inc., P.O. Box 368, Frostproof, Florida 33843.
7. Mr. Bertrand M. Harding, Director, Office of Economic Opportunity, 1200 19th Street N.W., Washington, D.C. 20036.
8. Mr. Jerome S. Hardy, Publisher, Life Magazine, Rockefeller Center, New York, New York 10020.
9. Mr. Joseph M. Long, President, Long's Drug Stores, Inc., 5238 Claremont Avenue, Oakland, California 94618.
10. Mr. Douglas W. Love, President, Utah-Idaho Sugar Company, P.O. Box 2010, Salt Lake City, Utah 84110.
11. Donald R. Mallett, Ph.D., Vice President, Purdue University, West Lafayette, Indiana 47906.
12. Mr. Hans Massaquoi, Assistant Managing Editor, Ebony Magazine, 1820 South Michigan Avenue, Chicago, Illinois 60616.
13. Mr. John B. Naughton, Vice President, Ford Motor Company, Rotunda And Southfield, Dearborn, Michigan 48124.
14. Alvin Thomas, Ph.D., President, Prairie View A&M College, Prairie View, Texas 77445.
15. Mr. John Trottier, Director, North Dakota Turkey Federation, P.O. Box 392, Devils Lake, North Dakota 58301.

SECRETARY FINCH PRAISES SENATOR MURPHY'S LEGISLATIVE RECORD

Mr. BAKER. Mr. President, recently I had the pleasure of being one of the speakers at a series of testimonial dinners held in California for its distinguished senior Senator, GEORGE MURPHY.

Another speaker was the distinguished Secretary of Health, Education, and Welfare, Mr. Robert Finch, who has been a long time intimate friend of the Senator. In his speech the Secretary praised both Senator MURPHY and his excellent legislative record.

Senator MURPHY'S colleagues in the Senate know of the articulate and effective manner in which he represents the people in California. Having served with Senator MURPHY on the Senate Public Works Subcommittee on Air and Water Pollution, I am intimately familiar with the leadership of Senator MURPHY in the pollution area as described by Secretary Finch.

I particularly recall his successful battle for clean air in California in 1967. Air pollution is, of course, a big national problem and of great national concern, but it is an even bigger problem in California and of even greater concern. During consideration of the Air Quality Act of 1967, Senator MURPHY, because of the extraordinary and compelling circumstances that exist in his State, offered what has become known as the "Murphy amendment," which allows California to adopt more stringent standards for the control of automobile emissions than exist in the Nation as a whole.

At first, the Public Works Committee was not inclined to grant California this special consideration, but Senator MURPHY'S insistence, determination, and persuasiveness, in the words of the report of the Senate Public Works Committee, "convinced the committee that California's unique problems and pioneering efforts justify a waiver of the preemption section to the State of California." The Murphy amendment was adopted by the State and the Congress and, as a result, California has been able to implement the State's Pure Air Act of 1968, the toughest antismog law for controlling automobile pollution in the country. This is only one illustration of the truly outstanding legislative accomplishments of Senator MURPHY, part of which Secretary Finch so eloquently described.

Mr. President, I ask unanimous consent that the full text of Secretary Finch's statement praising a great Senator from the Nation's most populous State be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE ROBERT H. FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, LOS ANGELES, CALIF., OCTOBER 15, 1969

It all started six years ago—and you'd better believe that the obstacles to George Murphy embarking on a political career were many and formidable. The cutting edge of our attack was made up chiefly of former Edsel dealers.

His opponent was a man of national stature . . . who had even acquired California citizenship in honor of the occasion. Murph's campaign manager had vast experience in local, State, and national elections . . . most of them losing elections.

And if you'll forgive me, Barry—taking part in the evening's festivities as you are, down in San Diego—1964 was not exactly what you might call a vintage year for Republicans.

The rest is history—a grand record of victory at the polls . . . leadership in the U.S. Senate . . . party efforts that started the Republican tide running, in the '66 midterm elections . . . and solid legislative accomplishments.

It's a rare combination that George Murphy brings to his job—his gentle Irish humor . . . a tough mind . . . a strong arm raised always in support of the public interest. And most of all it is his heart and conscience—his sense of compassion—as great as the needs of the people.

You name the area of concern—the truly fundamental concerns that affect the quality of our lives, our future prospects—and Senator Murphy has been there. Indeed, he has been in the very forefront of effective response.

Consider the *human environment*, for example—the problems of air, water, oil, and waste pollution. The full catalogue of Senator Murphy's contributions would take literally all night . . . so let me just list some highpoints:

He was author of the Murphy Amendment to the Air Quality Act of 1967. This confirmed California's leadership . . . its example to the Nation . . . in the control of auto emissions, the single greatest air polluter. Two times since January, I'm proud to note, as Secretary of HEW, I have invoked his amendment and granted waivers . . . and thus California remains the pacesetter in the fight against smog.

He sponsored and co-sponsored measures like the Water Quality Act of 1965 . . . to accelerate the Nation's efforts to preserve and restore sources of clean water.

In the present session of Congress, he is co-sponsoring aggressive regulations . . . controls with teeth . . . with regard to oil spills and liability for cleanup operations.

He is using his important membership on the Armed Services Committee to develop standards, and to regulate waste discharges in such ports and harbors as San Francisco Bay . . . where U.S. naval vessels account for fully 90 per cent of waste pollution.

Or consider *education*—another of those fundamental areas of concern where our successes, or failures, will in truth determine the future prospects of the human family.

Senator Murphy introduced measures this year that would focus additional school aid to areas . . . both urban and rural . . . where poverty and educational deprivation also are concentrated.

He was co-author of the 1967 Bilingual Education Act . . . which offers children of Mexican background the opportunity to utilize both Spanish and English in the early years of schooling.

And he was the author of one of our most productive experiments in educational innovation—the so-called "dropout prevention" program that searches out the roots of this national calamity.

Consider yet another area . . . one in which basic research must move forward in harness with tight yet practical controls—the area of *alcoholism and drug abuse.* Senator Murphy co-sponsored breakthrough programs for the rehabilitation of addicts and alcoholics . . . and he is vigorously supporting the drive against traffic in narcotics, particularly as it affects teen-agers.

Or consider the idea of *tax-sharing*—an idea whose time truly has come, and which now has become a major component of the President's revolutionary proposals for welfare reform. This is not just tinkering—rather, it attacks the cycle of perpetual dependency by way of fundamental structural reform.

The formula by which revenues will be distributed to States and localities closely follows the pattern originally devised by Senator Murphy and Senator Howard Baker of Tennessee. And tax-sharing has been termed by the President as the key to The New Federalism—which represents his determination to put the money . . . and the shared responsibilities . . . where the problems are, in the States and local areas.

These are just some highlights of a six-year track record—the record so far. I submit to you . . . and predict that the people of California will agree . . . that *one such good term surely deserves another!*

And in one more area of human concern—shared by all of us, and not just this day but every day—in the President's unrelenting *search for peace* . . . here, too, Senator Murphy has been a tower of dedication and of strength. Get him to tell you sometime about his Eagles' Club—maybe he'll even invite you to join! It defines the one key that truly will unlock the door to peace . . . the unified will of the American people.

Now, for just a minute or two, let me be entirely selfish. It is no accident that when I list the legislative areas in which the "Murphy Influence" has been so forceful—education . . . environmental protection . . . the attack on alcoholism and drug abuse—I am listing, also, the principal concerns of the massive conglomerate I have the honor to head.

I took on the job of HEW Secretary with deep commitment to the solution of urgent human problems. I took it on in a spirit of total dedication.

And tonight, Murph, I want to underscore the President's thanks to you. *Your* support of *our* efforts . . . our efforts to rationalize, reassess, revaluate, and ultimately to deliver effective human services . . . is of a value beyond words.

You understand the thrust of our initiatives—and that the impacts of the innovations we put in motion today will help define the parameters of the quality of our lives five and ten years down the road . . . indeed, for the final third of this century.

The team of young bucks who have joined me at HEW also are in this effort for the long pull. They're not all Californians, by the way—just most of them but it is not surprising that such a notion has become current. They share with the people of this State the frontier spirit . . . the willingness to experiment with new modes of action, and whole new templates of public-private partnership.

We entered our new jobs with no pat answers . . . but rather with an insistence that the old answers and old solutions be reexamined. We have been able to squeeze about $1.2 billion out of ongoing programs—to improve their effectiveness, and to retarget our investments into new experimental models.

We intend to find out what works, and what doesn't work—and to order our priorities accordingly. Our ultimate success will depend on a steady purpose during these first years . . . and I only hope eight years will be enough for lasting impacts in all the areas of our concern.

Our operating principle is—if efforts of reassessment and renewal succeed . . . in the upgrading of educational quality . . . in the delivery of abundant health-care, accessible to all—then the welfare of the American people will pretty much take care of itself.

In this longrange enterprise, Mr. Senator, we need your guiding hand and good counsel—we need your continued service to both State and Nation.

Politics really is a strange and wondrous profession. I almost said "game", but it is infinitely more than that. Politics is an elemental human process.

We pour into it our treasure . . . our partisanship . . . our devotion to party principle—and yet, by some incredible alchemy, there seems always to emerge a new sense of unity . . . a spirit of national purpose.

Perhaps the answer is to be found in the careers of men like our Senior Senator—and in the commitment of men and women like yourselves who have assembled tonight . . . in the thousands, all over this State . . . to pay tribute to him.

Woodrow Wilson might well have been speaking of George Murphy when he made this observation:

The man who sinks his own personal judgments and ambitions in the common good will in the long run ride the farthest and rise the highest. And then Wilson went on in the following words: We are an interesting people, we human folks. We are afraid of men who have power and use it wickedly, but we are never proud of them, and the only people we rear statues to are the men who forgot themselves and served others. And that statue will stand there as an example as long as the bronze will last, to fire young hearts forever.

You have indeed "fired the hearts" of your fellow Californians, Murph . . . and you have earned our affection forever.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7491) to clarify the liability of national banks for certain taxes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mr. BROCK, Mr. DEL CLAWSON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, and it was signed by the President pro tempore.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, I yield myself 10 minutes.

Mr. President, the first precept of fair taxation is equal taxation on all citizens in similar economic circumstances. For years, the tax treatment of cooperative corporations have violated this maxim.

Cooperatives, in fact, afford a striking example of the intrusion of the tax-exempt or tax-favored institution into the commercial marketplace in direct competition with other fully taxed organizations.

Today, cooperatives are big business in the United States. They do $20 billion of business annually and one-third of them fail to add a nickel to the Federal Treasury. Most of the rest pay absurdly small or token amounts of income tax. This tax immunity exists despite the fact that cooperatives engage in a multitude of manufacturing, producing and commercial ventures in direct competition with the average taxable businessman.

The tax advantage of cooperatives evolved many years ago when they were first organized as small, local associations to act as sales or marketing agents for farmers. This simple agency function is still important today, but it has become overshadowed by the encroachment of cooperatives into large-scale manufacturing operations. The cooperatives of today have little resemblance to their forebearers.

Today, cooperative corporations have become gigantic, permanent institutions, separate and independent from their patrons, with centralized and autonomous management.

More importantly, they have invaded the commercial marketplace with the aid of their special tax status to become aggressive and formidable competitors.

For all intents and purposes, most cooperative business income is tax free.

While some cooperatives are technically classified as exempt and others are not, all cooperatives are permitted to deduct "patronage dividends" from net income before paying taxes. Since these patronage dividends are oftentimes nothing more than pieces of paper giving an undetermined right of income to the patron in the future, the cooperative retains practically all its income in its coffers for further business expansion without paying any taxes.

Not only is the small businessman facing unbearable competition, the average taxpayer is subsidizing this activity.

THE TAX REFORM BILL

In recent years, this Nation has witnessed the rapid growth of unfair business competition by tax-free or tax-favored institutions. Not only is this unfair competition, but it deprives the Federal

Treasury of its share of normal business income.

With marked frequency the tax-exempt groups are entering the marketplace and sheltering the income of everyday commercial activities with the umbrella of tax immunity.

These shelters must be removed.

The pending tax reform bill has taken several constructive steps to impose an unrelated business tax on these commercial functions. The bill now taxes the unrelated activities of churches, charitable groups, social clubs, and fraternal organizations.

It is hard to justify the continued immunity of cooperatives.

Regrettably, the Senate bill has deleted even those weak amendments dealing with cooperative taxes contained in the bill passed by the House of Representatives.

I ask that the Senate reconsider this issue and impose a corporate tax on the income from the activities of cooperative corporations which are unrelated to the basic agency activities of marketing and purchasing.

Mr. President, cooperative corporations have moved far beyond the original concept of a farmer's sales agent—a concept for which they obtained their favored tax status. Today, many cooperatives are gigantic conglomerates engaged in ordinary commercial activities but without the usual disadvantage of paying Federal taxes. These outside business activities do not deserve special tax treatment.

Today, the average cooperative is larger than the average corporation. We must put cooperatives back on an equal footing with the rest of the American business.

The Farmers Regional Cooperative, of Iowa, sometimes known as Felco owned assets of $8 million and had sales of over $34 million in 1965, the last year statistics are available. On a net income of $1.7 million Felco paid Federal taxes of $917. This was a big improvement over 1964 when a net income of $1.2 million produced $128 for Uncle Sam.

The reason for these absurdly low taxes on a business which owned over $8 million in assets including warehouses, four feed mills, and a nitrogen plant is that about 60 percent of net income was deducted for tax purposes because Felco made a paper allocation of this amount to its patrons although the money stayed right in the treasury and was used for business purposes.

Another cooperative, the Tennessee Farmers Cooperative, paid taxes amounting to less than one-half of 1 percent on a net income of almost $1.5 million derived from petroleum products, building supplies, chemicals, and tires. This operation consists of seven fertilizer and seed plants, 16 automotive equipment facilities, two feed mills, and a tire recapping plant.

Farmland Industries, of Missouri, had 1968 sales of $375 million. This cooperative engages in, among other things, manufacturing grease and paint, fabricating steel products, producing fuel and lubricating oils, and provides insurance and finance facilities. Since 1929, Farmland has paid taxes of less than 10 percent of net income.

Agway, Inc., headquartered in Syracuse, N.Y., and operating throughout the middle Atlantic States and New England, is the largest cooperative in the Nation. In 1968 its sales volume was $519 million. Along with four other cooperatives, it was ranked in the Fortune directory of the Nation's 500 largest corporations. Agway's operations include marketing of innumerable products, wholesaling of feed, fertilizer, petroleum products, auto supplies, farm equipment, building supplies, farm chemicals, lawn and garden equipment. In addition, wholly owned subsidiaries of Agway include a real estate holding company, a petroleum corporation which operates gas stations, and an insurance company. Since its inception Agway has had an effective tax rate of only 15 percent. This tax rate is much higher than the cooperative average.

The minimal tax bills for these large cooperative corporations are shocking. But they pale before the realization that many cooperatives of the same size and business interests pay absolutely no taxes at all. In fact, the most recent statistics show that 32 percent of the tax returns of cooperatives which show an annual net income reported no Federal tax payable.

Thus, in an industry which has gross receipts of over $20 billion a year and which covers almost every conceivable business and production item, almost one-third of the organizations escape taxation completely.

THE EFFECT OF TAX-EXEMPT COOPERATIVES ON COMPETITION

The intrusion of large combines with special tax status can wreak havoc with the normal competitive market.

In the fertilizer industry, for instance, 31 percent of the farm supply of fertilizer products is purchased through cooperatives. This compares with 21 percent in 1956. This by itself would not be harmful, but the fact is that most of this fertilizer is manufactured by the cooperatives themselves under the umbrella of a virtual tax exemption. Total fertilizer sales in the United States amount to about $1.5 billion annually. Seven percent of this total is manufactured by one cooperative alone.

Many cooperatives have recently switched from buying the raw materials for making fertilizer to the actual production of the ingredients. The Central Farms Cooperative owns a major phosphate mine in Canada, a phosphate conversion plant in Florida, and three large ammonia plants. Another, Agway, is now in the process of building a nitrogen production center.

Two basic chemicals used in the manufacturing of fertilized products are ammonia and wet process phosphoric acid. The penetration of the cooperatives into this field has been startling. In 5 years, since 1964, cooperatives have increased their production of ammonia from 11.5 percent of the market to 20 percent; in phosphoric acid the increase has been from less than 6 percent to 20 percent.

Cooperatives also did three-quarters of a billion dollars of business in petroleum products. In many cases the cooperatives have integrated backwards to include pipelines, refining plants and actual oil producing properties. Farmland Industries produced 79 percent of the petroleum it sold to farmers. Its facilities include three refineries, one natural gas plant, crude oil reserves and 875 miles of pipeline. Profits from all these activities are shielded from taxes under our present laws.

The commercial trucking industry has also been badly injured by the encroachment of untaxed cooperative organizations. The Pentagon recently announced the policy of using co-op trucking services where possible in munitions transport. These co-ops can afford to undercut regular firms and are not yet subject to ICC regulation.

An example of how a cooperative can affect normal competition is afforded by the history of an organization known as California Canners. California Canners began operations to provide farmers with a means to market their raw produce, in this case peaches. About 10 years ago the cooperative acquired a number of regularly taxed cannery companies and subsequently brought them under the tax exemption umbrella. Then California Canners constructed a new can-making facility. In addition, it bought a trucking company.

Virtually all of the profits of California Canners are theoretically distributed each year to its patrons. Actually only 20 percent of this allocation is made in cash—the rest remains in the business untaxed, presumably for use in further acquisitions or construction.

Needless to say, a great many of the industries which attempt to sell to millions of Americans are being threatened by cooperative expansion.

Many cooperatives are now expanding their activities to take over formerly taxpaying businesses. There is little likelihood that a business can withstand the threat of merger from a co-op willing and able to enter the same market on a taxfree basis.

Mr. President, the time has come to place these giant business combinations on an equal footing with the rest of American business.

There is no valid reason why the ordinary business activities of cooperatives should receive special treatment in our tax laws. There is no reason why the American taxpayer should subsidize unfair business competition.

No one questions the special circumstances of the American farmer. Subject to the vagaries of weather and crop season, there is justification for permitting the farmer to seek assistance in selling his commodities and purchasing his needs.

This was the concept under which the first cooperatives were organized. It is still valid today.

But cooperatives have extended their sphere of influence far beyond the mere selling and purchasing concept. They have become fully integrated business activities engaged in manufacturing and production. These activities do not justify a special tax deduction to the exclusion of similar activities by thousands of other American businesses.

Therefore, my amendment proposes to exact an unrelated tax on all income of cooperatives which is not directly re-

lated to the purchasing or selling agency function of cooperatives.

Briefly, the amendment would impose a regular corporate tax on this unrelated income.

Marketing activities which fall into the "related category" would include all those necessary for preserving, storing, or packing the patrons' products for sale. This would include processes such as making frozen concentrated fruit juice, baling cotton, and canning peaches. Canning or packaging the product would be a related activity, but the manufacture of the can or the box would be considered as "unrelated" activity and subject to tax.

Likewise, cooperatives could mix and package fertilizer which it bought in bulk without adverse tax consequences, but the production of fertilizer itself would give rise to an unrelated business tax.

The buying of petroleum products and the transportation of them to the patron would clearly be a related activity. However, the drilling for crude oil or the refining of oil or gas would be an unrelated business activity.

Under my amendment, patronage allocations would still be deductible before the imposition of Federal tax, but only to the extent of income from related business activities. Thus, if a cooperative had $100,000 of income from related activities and $200,000 from business judged to be unrelated, only $100,000 of patronage allocations could be deducted.

The $200,000 of unrelated income would be fully taxable at the normal corporate rates.

If a cooperative allocated $150,000 to patrons, $100,000 could be offset against related income. The remaining $50,000 could not, however, be deducted.

Under present law, patrons must pay income tax on patronage allocations which are deducted by the cooperative. This would be unchanged by my amendment. As to the remaining $50,000 of allocations which cannot be deducted under my amendment, the patron would only be taxed on those allocations if they meet the general rules of taxable corporate distributions.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I am pleased to yield to the Senator from Iowa.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. MILLER. I yield myself 2 minutes.

Mr. President, the Senator from Connecticut has talked about a farmer receiving patronage dividends which were not sufficient to enable him to pay taxes on the total amount of the allocation of the patronage by the cooperative.

Mr. RIBICOFF. That is correct.

Mr. MILLER. It is quite correct that that frequently happens. But I hope the Senator from Connecticut realizes that this is with the agreement of the members of the cooperative.

Mr. RIBICOFF. It may be by agreement with the members of the cooperative, but that does not make it right, because, while he may pay taxes on the allocation of the 80 percent that is retained by the cooperative no taxes are paid by the cooperative, as they would be with the ordinary corporation.

Mr. MILLER. The point that I think the Senator is trying to make there is that perhaps there is a defect in the tax law. But I emphasize that this point the Senator was making about the farmer not receiving enough patronage dividends in cash to enable him to pay the tax on the total amount of the allocation is not a defect of the law at all; it is a matter of agreement by the cooperative, through a democratic process, with which I hope the Senator would agree.

Mr. RIBICOFF. I do not know how democratic it is. If it is like most organizations of that size, I would say the average farmer who is a member of one of these large conglomerate cooperatives has very little to say as to what takes place. In most co-ops, the minority has very few choices and very little that it can do to change co-op policy.

I think when these co-ops started out, the purpose was very salutary, and we have tried to protect that salutary impact. But when the cooperatives become conglomerates doing $500 million worth of business, and start drilling oil wells, manufacturing machinery, and going into the insurance business, we no longer have a cooperative designed to take care of the immediate needs of the farmers, but a competitive enterprise, competing with other enterprises in our free enterprise system.

Mr. MILLER. I yield myself an additional 2 minutes.

Mr. President, I shall not argue with my friend from Connecticut about this matter of getting into the drilling of oil wells. The only point I want to emphasize is that these activities such as he has referred to about the declaration of patronage dividends, and the amounts, are arrived at through a board of directors, and quite often through an annual meeting of the cooperative. If it is a very large undertaking, we can be quite sure that the members of that cooperative vote for their board of directors, and if they do not like what is going on, they do not have to be members of the cooperative. I do not know why the Senator should object to that.

Mr. RIBICOFF. The committee was most zealous to close the loopholes on nonrelated business, as it pertains to fraternal organizations, social organizations, churches, charities, and foundations; and I cannot for the life of me see why we should make an exemption for these co-ops, which are not entitled to have any more competitive advantage over ordinary business than are churches, colleges, or foundations.

Mr. MILLER. Will the Senator yield me a minute of his time?

Mr. RIBICOFF. I yield the Senator 1 minute.

Mr. MILLER. Mr. President, the committee, as the Senator points out, recognizes some defects in the present law. But I thought it was decided nearly unanimously, if not unanimously, to have this matter studied by the Committee on Finance staff, with a view to enabling us to have the proper information so that we could take clear-cut, knowledgeable action on the matter in the next session of Congress. I think everyone on the committee recognized that the Senator from Connecticut had a valid point. Our concern was drawing up legislation that would cover the point in a knowledgeable way, without possibly doing great harm by acting prematurely.

I, for one, agree with the Senator from Connecticut that things have gone too far, and I want to take some action on it. I regret very much that I think the Senator is premature in his amendment, but the main point I wanted to bring out in this colloquy was that the action taken by these cooperatives is done with the knowledge and the concurrence, and generally the votes, of the members or of their board of directors; and I hope that the Senator would not object to that procedure.

Mr. RIBICOFF. I do not object to the statements the Senator makes; but I think the time has come to bring out in the open the situation as to the cooperatives and their favored position in the American economy. When five cooperatives are mentioned by Fortune magazine as among the 500 largest corporations in America, we must realize this is not a question of farmers getting together to market eggs or apples or oranges, and that the time has come to take a good, hard look at these giants.

The Senator may recall that in the committee I stated that I was going to bring this amendment up on the floor, to bring the matter out in the open; and I think the time has come to give it a thorough airing.

Mr. HOLLAND. Mr. President, will someone yield me 3 minutes so that I may ask some questions?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, I have two questions in particular to ask. One relates to the fact that joint cooperative action is frequently taken in my State.

I am thinking particularly of citrus-marketing cooperatives coming together either to have a fertilizer-mixing establishment or a juice-canning or a juice-concentrating establishment. It belongs wholly to the cooperatives. It runs wholly for the benefit of their members.

What situation would these operations be left in under the amendment of the distinguished Senator?

Mr. RIBICOFF. Mr. President, these activities would in no way be affected by my amendment, because these activities are related to the production and marketing of the items involved.

In the great State of Florida, which the Senator represents, citrus fruits are a most important part of the economic life of the community. And it is only natural that the small and large farmers work together to grow the crop, to gather the crop, to market the crop, and also to produce juices and concentrates.

Everything the distinguished Senator from Florida has mentioned is a related activity to the main purpose of the cooperative. And there would not be any tax at all involved under my amendment in the example given by the Senator.

If this cooperative, however, decided to buy a hotel on the Gold Coast in Miami Beach or an insurance company or a manufacturing company or a boatyard, then the income from those unrelated

activities would be subject to the same tax as would a corporation engaged in the hotel business, the insurance business, the manufacturing business, the boatyard business, real estate business, or banking business.

It is not the fact that the farmers buy products together, buy fertilizers, gather crops, and sell the products themselves. That is a related business. However, many of the cooperatives have seen a good thing and taken in under their tax-free umbrella unrelated businesses and are in competition with other merchants in the same area.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I yield an additional 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for an additional 3 minutes.

Mr. HOLLAND. Mr. President, the Senator realizes, I am sure, that no one cooperative in Florida that is organized by citrus growers, for instance, can finance the operation and furnish the fruit for a concentrate plant. That investment is very large, and the supply of fruit has to come from quite a large area, larger than one cooperative could normally cover.

In our case, something like three-fourths or more of the orange juice is not marketed as fresh fruit but is marketed in the form of frozen concentrated orange juice.

I understand from the answer of the distinguished Senator from Connecticut that under such a situation as I have outlined, his amendment would not remove the exemption.

Mr. RIBICOFF. Absolutely not, because that is a related business. A question was asked by another Senator in a private conversation as to what would happen in his State with regard to a dairy business. Basically, it is a matter of processing the milk and ice cream and cheese and then selling the milk and ice cream and cheese. That is related to their business as a cooperative, and in no way would the amendment affect a related business of that sort.

Mr. HOLLAND. Mr. President, I thank the Senator.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, the distinguished Senator from Connecticut offered his amendment in the Finance Committee. It was considered by the Finance Committee and was rejected overwhelmingly because its provisions are vague and indefinite.

The committee did not realize the scope of the activity. Neither did the author. We did authorize a study by the staff of the Finance Committee, the staff of the Joint Committee on Internal Revenue and Taxation. and the Treasury Department to look into the unrelated activities of farm cooperatives.

Mr. President, I read from page 309 of our committee report:

> The committee, however, is concerned over the extent to which cooperatives are increasingly engaging in activities such as heavy marketing which are unrelated to the purpose for which the special tax treatment of cooperatives was originally granted. It has, therefore, asked the Treasury Department, the committee staff, and the staff of the Joint Committee on Internal Revenue Taxation to conduct a study of these activities and to formulate a proposal by which the special tax treatment of cooperatives can be withdrawn with respect to these unrelated activities.

I think that is as far as the Senate ought to go at this time, because we do not know what we are doing in this area.

I would like to point out one misstatement of fact that I know is absolutely unintentional on the part of the distinguished Senator from Connecticut.

We have his memorandum on our desks. The third paragraph from the bottom of the page reads:

> Many cooperatives are paying no taxes and are competing side by side with fully taxable organizations.

That is a misstatement. Farm cooperatives either pay taxes or the patron of those cooperatives pays taxes.

Unfortunately, that fact is not well known. I get a considerable number of letters, sometimes from my own State, asking, "Why don't you do something to tax cooperatives?"

They are already taxed. Either they or the patron pays the tax.

Mr. President, I want to read commencing on line 13 of page 3 of the Senator's amendment, it reads:

> For purposes of this subchapter, the term *"related activities"* means activities carried on by an organization to which part 1 applies, which consist of marketing products of patrons of the organization . . .

What is "marketing products of patrons"? I do not think we fully know.

In Georgia, we have a substantial poultry business. Many of those poultry farmers buy through the cooperative. The cooperatives buy the feed for them and furnish supervision of the poultry and help them with the birds and they take them to the market. It is a very integrated operation.

Would the Senator's provision tax that? No one knows. We have not gone into the area far enough or held hearings on the matter.

What is "preserving"? That is contained in the amendment. Does preserving mean drying, canning, cooking, or putting in a warehouse?

Those terms are ambiguous and not well understood.

What does "store" mean?

What does "packaging of such products" mean? Does that mean freezing, cooking, or canning? What does "purchasing of supplies for patrons of the organization" mean?

Many farmers belong to cooperatives that produce fertilizers. Some of those fertilizer cooperatives mine the minerals that they use in the fertilizers. They mix the fertilizers and they sell the fertilizer to the farmer. The farmer saves money when buying that product.

Does the Senator's amendment relate to that? No one knows.

What does "mixing" mean?

What does "packaging" mean?

What does "local delivery of such supplies" mean?

The Senator from Florida asked about the freezing and concentrating of orange juice. Is that a related activity?

Let me point out also that the amendment does not apply wholly to farm cooperatives. I am sure that the Senator meant it to apply to farm cooperatives.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. RIBICOFF. Mr. President, I intended it to apply to cooperatives taxed under subchapter T of the Internal Revenue Code. It so happens that most of the argument for my amendments comes from agricultural cooperatives.

Mr. TALMADGE. I thought it was the Senator's intent to make it apply to farm cooperatives. Instead he tells me he intends it to apply to all cooperatives wherever taxed.

Mr. RIBICOFF. Concerning the question of taxes, the IRS publication, "Statistics of Income of 1965," indicates that 32 percent of all cooperatives reporting paid no taxes whatsoever.

Mr. TALMADGE. But their patrons did.

Mr. RIBICOFF. The patrons paid their taxes, that is true, but the cooperatives did not.

Mr. TALMADGE. Either the cooperative or the patron pays the tax.

Mr. RIBICOFF. The difference is that the patrons pay a tax. They receive 20 percent. They pay on the hundred percent of the paper allocation that they receive. But the large amount of money is accumulated and kept by the cooperative itself, and it uses this money to keep on building its competitive position, not necessarily for the benefit of the patron.

Mr. TALMADGE. Is the Senator speaking on his time? I have had several requests for time.

Mr. RIBICOFF. It can be taken from my time.

Mr. TALMADGE. I thank the Senator.

I repeat that a cooperative's income is taxed either by the cooperative or by the patron. I would not want the Senate to think that they are tax-exempt organizations. They are not. All of the patrons are actually involved together. It is a partnership.

Mr. RIBICOFF. Mr. President, will the Senator yield on my time?

Mr. TALMADGE. I yield.

Mr. RIBICOFF. Most cooperatives are corporations. What I am trying to do is to place the cooperative in the same position on unrelated business as the ordinary corporation.

Mr. TALMADGE. But under our tax laws they are not taxed as corporations. They are treated much like partnerships.

Mr. RIBICOFF. They are incorporated under State laws. Everything they do is in the nature of a corporation; and, basically, a corporation in America pays a tax on its income. Then, when it pays a dividend to a stockholder, the stockholder pays a tax on the dividends he receives. The cooperatives should be treated the same as a corporation.

This is what we are doing to foundations; this is what we are doing to churches; this is what we are doing to social organizations and fraternal organizations, and the time has come to make

sure that these cooperatives, which have gotten out of hand and are no longer in the tradition which was intended, are treated on the basis we are treating all other organizations. This is a reform measure. If we are reforming so many institutions in this bill, the time has come to reform this particular type of activity, which is subject to great abuse.

Mr. TALMADGE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 18 minutes remaining.

Mr. TALMADGE. Mr. President, I quote from the Internal Revenue Code, paragraph 1, under section 1382(b), "Income taxes, cooperatives":

(b) Patronage dividends.

In determining the taxable income of an organization to which this part applies, there shall not be taken into account amounts paid during the payment period for the taxable year—

(1) as patronage dividends (as defined in section 1388(a)), to the extent paid in money, qualified written notices of allocation (as defined in section 1388(c)), or other property (except nonqualified written notices of allocation (as defined in section 1388(d))) with respect to patronage occurring during such taxable year; or

(2) in money or other property (except written notices of allocation) in redemption of a nonqualified written notice of allocation which was paid as a patronage dividend during the payment period for the taxable year during which the patronage occurred.

For purposes of this title, any amount not taken into account under the preceding sentence shall be treated in the same manner as an item of gross income and as a deduction therefrom.

Mr. President, I ask unanimous consent that these provisions of the Internal Revenue Code be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

(c) Deduction for nonpatronage distributions, etc.

In determining the taxable income of an organization described in section 1381(a)(1), there shall be allowed as a deduction (in addition to other deductions allowable under this chapter)—

(1) amounts paid during the taxable year as dividends on its capital stock; and

(2) amounts paid during the payment period for the taxable year—

(A) in money, qualified written notices of allocation, or other property (except nonqualified written notices of allocation) on a patronage basis to patrons with respect to its earnings during such taxable year which are derived from business done for the United States or any of its agencies or from sources other than patronage, or

(B) in money or other property (except written notices of allocation) in redemption of a nonqualified written notice of allocation which was paid, during the payment period for the taxable year during which the earnings were derived, on a patronage basis to a patron with respect to earnings derived from business or sources described in subparagraph (A).

(d) Payment period for each taxable year.

For purposes of subsections (b) and (c)(2), the payment period for any taxable year is the period beginning with the first day of such taxable year and ending with the fifteenth day of the ninth month following the close of such year. For purposes of subsections (b)(1) and (c)(2)(A), a qualified check issued during the payment period shall be treated as an amount paid in money during such period if endorsed and cashed on or before the 90th day after the close of such period.

(e) Products marketed under pooling arrangements.

For purposes of subsection (b), in the case of a pooling arrangement for the marketing of products, the patronage shall (to the extent provided in regulations prescribed by the Secretary or his delegate) be treated as patronage occurring during the taxable year in which the pool closes.

(f) Treatment of earnings received after patronage occurred.

If any portion of the earnings from business done with or for patrons is includible in the organization's gross income for a taxable year after the taxable year during which the patronage occurred, then for purposes of applying subsection (b) to such portion the patronage shall, to the extent provided in regulations prescribed by the Secretary or his delegate, be considered to have occurred during the taxable year of the organization during which such earnings are includible in gross income. (Added Pub. L. 87–834, § 17(a), Oct. 16, 1962, 76 Stat. 1046.)

Mr. TALMADGE. As the Senator admits, this amendment applies not only to farm cooperatives but all others, also. I thought that perhaps the Senator's objective was farm cooperative only. But if it is to apply to all cooperatives it would reach rural electrification cooperatives, rural telephone cooperatives, every mutual insurance company in the United States, and every mutual savings bank in the United States. Something of that magnitude needs study by responsible authorities. The Committee on Finance has voted, by an overwhelming majority, that it be studied by the Joint Committee on Internal Revenue Taxation, by the staff of the Senate Finance Committee, and by the Treasury Department, to report their recommendations to the committee.

Mr. President, I am delighted to yield to the distinguished ranking minority member of the Committee on Agriculture and Forestry, the distinguished Senator from Vermont (Mr. AIKEN). How much time does the Senator desire?

Mr. AIKEN. I would like about an hour and a half to start telling what is wrong with this amendment.

Mr. TALMADGE. The time is limited. I yield 3 minutes to the Senator.

Mr. AIKEN. I am simply amazed, in view of the necessity to control inflation, that an amendment such as this is offered, which would increase costs to both producers and consumers.

What I want to ask the Senator from Georgia is this: Cooperatives do not deal in just milk and cheese and fertilizer and chickens; cooperatives also deal in money. Did the Senator from Georgia and his committee consider the effect of the credit unions on the small loan companies?

Mr. TALMADGE. Yes, indeed.

Mr. AIKEN. And the credit unions provide money for low-income people at less than one-third the cost of the small loan companies, and the small loan companies do not like cooperatives.

Mr. TALMADGE. The Senator has pointed out vividly the complexity of this bill and why it needs more study.

I yield to the distinguished Senator from Wisconsin, and then I will yield to the distinguished Senator from Tennessee.

Mr. PROXMIRE. On the point the Senator from Vermont has just made, is it not true that one of the most burdensome costs for the farmer is high interest rates?

Mr. TALMADGE. It is.

Mr. PROXMIRE. Is it not also true that lending money is not related to farming? Is it not true, therefore, that under this amendment the opportunity for farmers to borrow money from a cooperative set up for the purpose of providing funds to them at a reasonable interest rate would be subject to a corporation income tax, even though it was organized as a cooperative?

Mr. TALMADGE. I am sorry, I was busy, and I did not hear the Senator's question.

Mr. PROXMIRE. The question is this: If the farmers set up a cooperative which is used to lend money to the farmers so that they can get relief from the very high interest rates, is it not true that under those circumstances this is not related to farming and, therefore, would come under the strictures of the amendment of the Senator from Connecticut?

Mr. TALMADGE. The amendment of the Senator from Connecticut provides for exceptions from the corporate tax only when the cooperative is marketing the products of, or purchasing supplies for, its members, so I assume the corporate tax would apply under the Senator's amendment in the situation to which you refer.

Mr. PROXMIRE. With respect to these cooperatives, which are vital in Wisconsin, Minnesota, and many other States, is it not true that there is some question as to whether they would be considered to fall within the exceptions provided by the Senator from Connecticut, who excepts preserving, storing, and packaging? That may or may not be considered preserving, storing, packaging milk, because cheese is a different product.

Mr. TALMADGE. I agree with that.

Mr. PROXMIRE. That might be in jeopardy.

Mr. TALMADGE. That is correct.

Mr. PROXMIRE. Is it not also true that every study has shown that farm income is far lower, on a per capita basis, than the income of people off the farms?

Mr. TALMADGE. Yes.

Mr. PROXMIRE. They work longer hours and make a bigger investment, but their income is substantially lower.

Mr. TALMADGE. That is true.

Mr. PROXMIRE. Is this not one of the very few instruments they have to give them an opportunity to begin to have a fair break compared with those off the farm?

Mr. TALMADGE. The Senator is correct. As the Senator knows, we have authorized banking cooperatives and passed laws, and in some areas we are using our own tax money to try to encourage the formation of cooperatives.

Mr. PROXMIRE. The only instrument I can think of that is substantially and really significant that gives the farmer an opportunity to make a good living, except for Government programs, which many people deplore, and we recognize that they have many defects.

Mr. TALMADGE. There is no doubt about that.

Mr. PROXMIRE. If we weaken this in any significant way, it can seriously endanger farm income and the future of farmers.

Mr. TALMADGE. The Senator is correct.

I yield to the Senator from Tennessee. Does the Senator desire time to ask a question?

Mr. BAKER. I should like 2 minutes to ask some questions.

Mr. TALMADGE. I yield 2 minutes to the Senator from Tennessee for that purpose.

Mr. BAKER. I ask the Senator from Georgia whether or not, in his view and with his familiarity with this subject, in the case of electric and telephone cooperatives—and we have many of those in Tennessee—the endeavor of a cooperative to operate a community television antenna system might fall within the exception.

Mr. TALMADGE. I think that would be clearly unrelated business income, under the Senator's amendment.

Mr. BAKER. I ask, further, whether or not, in the case of one of the operations referred to in the speech delivered by the distinguished Senator from Connecticut, the Tennessee Farmers' Cooperative which engages in the manufacture of fertilizer which is manufactured from natural gas—whether or not the manufacturer of gasoline and lubricating oil as a byproduct of that process is not within the purview of the amendment.

Mr. TALMADGE. The only exception in the Senator's amendment is for marketing and purchasing, and I think that would be clearly unrelated.

Mr. BAKER. The Senator thinks, therefore, it would be taxable?

Mr. TALMADGE. I do.

Mr. BAKER. Mr. President, will the Senator yield for one last question?

Mr. TALMADGE. I yield.

Mr. BAKER. In the case of an insurance company being operated by farmers as a cooperative nonprofit venture to insure farm equipment and automobiles, might that be unrelated activity?

Mr. TALMADGE. I think so. The Senator said it is limited to marketing and purchasing.

Mr. BAKER. I thank the Senator.

Mr. MONDALE. Mr. President, will the Senator yield for 2 minutes?

Mr. TALMADGE. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. MONDALE. Mr. President, I was impressed when John Gardner, Director of the Urban Coalition, testified before our committee a few months ago. The key emphasis of his testimony was his growing belief that the poverty of the cities could not be solved until we first try far harder to solve the problem of rural America. The problem of rural development and economic growth was increasingly to him a major share of the solution of the problem of poverty in our country, whether in the city or in the rural area.

I think it is fair to say that those of us who come from States which are rural or States which are both rural and urban cannot help but realize that one of the key reasons we have much economic vitality in rural America at all, and one of the key reasons we have hope for growth or revitalization of America, is the unique, dynamic, democratic responsiveness of our great system of cooperatives.

I think Minnesota has the highest ratio of co-op members of any State in the Union. I am told Vermont is slightly higher.

I wish to say to my friend from Connecticut, for whom I have the highest respect, that the adoption of the amendment would have a disastrous impact on the role of these cooperatives in performing the magnificent job they do perform and in the hope they offer to the citizens of my State.

I hope the amendment will be rejected.

Mr. HARRIS. Mr. President, will the Senator yield to me for 2 minutes?

Mr. TALMADGE. I yield.

Mr. HARRIS. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Connecticut. The Senator's proposed amendment is related to the taxes that farmers' marketing and purchasing cooperatives pay. I opposed a similar amendment when it was proposed in the Senate Finance Committee.

Although the technical language of the proposed amendment makes it very difficult, even for the experts in this area, to determine exactly what it will accomplish, it appears certain that the amendment would impose a penalty on farmers marketing and purchasing cooperatives by requiring them to pay a tax an refunds made to their member-owners as if these refunds had never been made. This, in fact, constitutes a penalty tax on farmer cooperatives simply because they are organized as cooperatives. Ordinary corporations make refunds in the form of coupons, trading stamps, cash refunds, and so forth, and deduct these customer refunds from their taxable incomes. If the proposed amendment were to be adopted, ordinary corporations would be allowed to continue to deduct these refunds from their taxable income, but cooperative corporations would be required to pay income taxes on the refunds they make to their member-owners.

I feel that this would be arbitrary and discriminatory, and we would be inhibiting the continued successful operation of a program which has enabled our farmers to avoid economic ruin through savings resulting from cooperative marketing and purchasing. Farmers cooperatives refund a half billion dollars each year to their farmer-members. This is 3 percent of net farm income, and without these refunds, farmers' net income would be even lower. A decline which I think we all agree would not be wise.

Mr. President, it should be pointed out that cooperatives are a legitimate and unique form of voluntary enterprise which makes it possible for millions of people, including even very poor ones, to participate as owners of their own business in our American economic life. Something like a quarter of our American families are owners of businesses today only because the cooperative form of business enterprise opens that door to them.

I feel certain that this is something that Congress does not want to destroy. As a matter of fact, agencies of the U.S. Government are right now urging the formation of cooperatives by low-income people as one of the most constructive ways of enabling them to work their way out of poverty. The critical problem is how to secure enough capital to make such cooperatives viable institutions. Every encouragement should be given to these cooperatives to accumulate capital. And it need hardly be pointed out that investors are not going to rush to provide it. It must be supplied basically by the members.

If the amendment proposed by the distinguished Senator from Connecticut were to be adopted, a serious blow would be struck at the hope of cooperatives of low-income people to accumulate the modest capital which they must have. This would represent a contradiction within the Federal Government, because on the one hand we would be encouraging poor people to solve their problems through the formation of member-owned cooperatives, and on the other hand we would be threatening their success with the imposition of a discriminatory tax on refunds. The definition of "related activities" proposed in the amendment is unduly restrictive and burdensome. It could very well prohibit the cooperatives from performing services which are otherwise unavailable to its member-owners because they are not profitable, even though the cooperative providing the service returned all income above cost to its member-owners in the form of patronage refunds.

Mr. President, for the above reasons, and more, I am convinced that the proposed amendment now before the Senate would likely produce tax inequity rather than equity and, therefore, I urge its rejection.

Mr. TALMADGE. Mr. President, I have found the provision of the code, in the case of cooperatives taxed under section 1381 and following provisions in the code, it is provided that cooperatives are taxed like regular corporations except for deductions for patronage dividends and per-unit retains. For patronage dividends to be deductible, in addition to other requirements, section 1388(a)(3) provides that they must be "determined by reference to the net earnings of the organization from business done with or for its patrons."

In other words, for the deductions to be available, the earnings must arise from business done with or for its patrons. This does not include earnings not related to this business.

Mr. President, I ask unanimous consent that this section of the code be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PART III—DEFINITIONS; SPECIAL RULES

Sec. 1388. Definitions; special rules.

[Sec. 1388]

SEC. 1388. DEFINITIONS; SPECIAL RULES.

[Sec. 1388(a)]

(a) PATRONAGE DIVIDEND.—For purposes of this subchapter, the term "patronage dividend" means an amount paid to a patron by an organization to which part I of this subchapter applies—

(1) on the basis of quantity or value of business done with or for such patron,

(2) under an obligation of such organization to pay such amount, which obligation existed before the organization received the amount so paid, and

(3) which is determined by reference to the net earnings of the organization from business done with or for its patrons.

Such term does not include any amount paid to a patron to the extent that (A) such amount is out of earnings other than from business done with or for patrons, or (B) such amount is out of earnings from business done with or for other patrons to whom no amounts are paid, or to whom smaller amounts are paid, with respect to substantially identical transactions.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. DOLE. Mr. President, I think the amendment, in its broad form, has some merit. I come from a farm State. This morning I addressed 10,000 members of cooperatives. They mentioned the Senator's statement on the farm industry. I read a statement or two by the Senator from Connecticut.

I think most of these people understand if we are going to have tax reform it must apply to most of us.

I believe enough questions have been raised on the floor of the Senate by Members from farm and nonfarm States to indicate the need for further study. Therefore, it appears that the committee has taken appropriate action. There has been clarification of the income from cooperatives since 1962. At that time Congress clarified the law.

I am convinced from the questions of the Senator from Tennessee and the Senator from Georgia that perhaps we need a thorough review. Therefore, I agree with the committee, as stated on page 309 of the report, that the Treasury Department, the committee staff, and the staff of the Joint Committee on Internal Revenue Taxation conduct a study. If there are abuses I would be the first to admit it. Let us find out what they are and how we can curb them on a selective basis rather than by the meat-ax approach.

Mr. TALMADGE. I thank the Senator.

Mr. RIBICOFF. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. RIBICOFF. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I thank the distinguished Senator from Connecticut.

I am a member of several cooperatives and I know firsthand of the vital service they render to farms and industry. In many cases, particularly in small towns, the co-op is the only defense against the monopoly and it is the farmer's defense for the products he has to sell or the prices he has to charge.

I feel that some of the tax treatment received by cooperatives is needed and vitally needed for their success. However, I also know that in these times the rights of co-ops have been seriously abused in certain cases. I know of one instance in my State where a so-called farm co-op is supplying a fleet of over 500 semitrailer trucks which operate over the highways hauling munitions from a naval munitions depot to the west coast for shipment to Vietnam. This has nothing to do with farm products or the marketing of farm products. This is the form of abuse that sooner or later could wreck the farm co-op program in this country.

I feel these abuses are sooner or later going to arouse such an opposition to co-ops that they will destroy the farm co-ops system and deny the farmers a tool that has been vitally important to rural development in this country.

Therefore, Mr. President, I intend to support the amendment of the Senator from Connecticut because I believe in the long run co-ops will be strengthened by this proposal.

Mr. PELL. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to ask the Senator from Connecticut a question. What would be the revenue gain to the Government if the Senator's amendment were agreed to?

Mr. RIBICOFF. I would have to estimate the figure because we have not been able to get figures from the Treasury. However, 3 years ago the Treasury estimated that a regular corporate tax on all cooperative net income would raise about $200 million. There has been certain growth of all businesses, including this and, therefore, it would now raise about $250 million. To be conservative I would say about one-third of the business of co-ops in America is unrelated, so it will be fair to say in my best judgment one-third of the $250 million, or about $85 million would come to the Treasury.

Mr. PELL. If the matter comes under the section of the Internal Revenue Code which the Senator from Georgia has just had placed in the RECORD saying that unrelated activities are subject to taxation, why would this amendment be necessary?

Mr. RIBICOFF. Because cooperatives are able to deduct their patronage payments and a corporation cannot deduct dividends. In other words, if it gives a patronage payment of $100, it gives a certificate of $80 and only pays out $20 in cash. The patron pays tax on $100. But the co-op does not pay any tax on the $100 it pays out or the $80 within its treasury. Thus, it is in a favored position to compete with corporations in competitive businesses because it keeps the money and pays no taxes.

Mr. TALMADGE. Mr. President, will the Senator from Connecticut yield on my time?

Mr. RIBICOFF. I am happy to yield to the Senator from Georgia on my time.

Mr. TALMADGE. I want to point out that if they are engaged in earning income which is not related to the business done with the patron they cannot pay out patronage dividends on that. There is a tax as though it were an ordinary corporation. I refer the Senator to section 1388, paragraph 3, which has been printed in the RECORD.

Mr. RIBICOFF. In my opinion, the definition mentioned by the Senator from Georgia is not broad enough to give the impact of my definition. What is related or unrelated depends upon what business it does with its own members not with third persons. The Senator from Oklahoma (Mr. BELLMON) mentioned a good example of co-ops carrying munitions for the Pentagon.

Mr. TALMADGE. Will the Senator from Connecticut yield further on my time?

Mr. RIBICOFF. I am happy to yield to the Senator from Georgia on my time.

Mr. TALMADGE. The Chief of Staff of the Joint Committee on Internal Revenue Taxation called my attention to the section I have referred to. He assures me that it is applicable because the law says that amounts cannot be paid as patronage dividends unless it is for business done with or for the patron.

Mr. RIBICOFF. May I ask this question of the distinguished Senator from Georgia in regard to the Chief of Staff of the Joint Committee on Internal Revenue: Then why has not the Internal Revenue been collecting this $85 million a year from unrelated businesses?

Mr. TALMADGE. Because we do not know how much is unrelated. That is the reason the committee has authorized the study, as the Senator so well knows.

Mr. RIBICOFF. One does not have to be a farmer or a tax expert to know that when a cooperative company like Agway or Felco is running the type of business it is running, it is not in the business related to the traditional activities of the co-ops.

Mr. TALMADGE. The Senator has pointed out a good illustration of why we need a study of this thing.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. Four minutes.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the distinguished Senator from Texas (Mr. YARBOROUGH).

Mr. YARBOROUGH. Mr. President, I rise to support the position of the committee and of the distinguished Senator from Georgia (Mr. TALMADGE). In the area west of the Mississippi River there are many electric co-ops. There has never been a time when their services were needed more than now, because of the wheat acreage cuts of 12 percent this year, together with a rise in the wheat acreage, and the threat to sell under the resale programs and the grain sovereignty which has been stocked for a number of years. The Secretary of Agriculture cut the price of cotton feed between $4 and $5 a bale, and the net result is, as a result of the actions of the Department of Agriculture, that agriculture has suffered and is in the worst state it has been for years, particularly in my State.

We have over 400,000 REA-connected co-ops in my State, because my State has more individual family farmers than any other State in the Union. It has had disastrous effects upon them in cutting the

acreage and cutting the prices on crop supports, together with the added taxes on the electric co-ops. The effect is bad enough already. There are 254 counties in Texas. The population is constantly moving. About 60 percent of the farm population is dwindling, as we all know. It is difficult to get young men to go into the farming business these days. This places a much heavier burden on the farmers still there, making for higher prices for wages, and higher prices for machinery that is much needed, which is manufactured in the northern areas and sent in there. All of this is beginning to break the backs of the farmers. Their homes are being mortgaged and foreclosures are going on, especially in the highlands of Texas. I was there in August talking to bankers and to members of farm organizations, and the rate of foreclosures has gone up markedly this year. This is an extra burden that should not be placed upon the farmer, at a time when the farm economy is badly off. This is a blow they can hardly stand. I therefore believe that if the study can be made, it should be made first to see what can be done, without going to the grassroots of each individual electrical cooperative.

Mr. McGEE. Mr. President, this amendment nit-picks. It would hold as unrelated to the primary functions of rural electric cooperatives, for instance, certain functions performed by service organizations which have been set up to provide services which are needed and yet not readily available in many areas of the country.

By any reasonable standard we might impose, repair and modification of REA facilities would have to be considered related to those organizations' functions in the distribution of electrical energy to subscribers. Yet, those functions would be adversely affected by this amendment. I oppose the amendment on these grounds, Mr. President, and have confidence the Senate will concur in this judgment.

Mr. GRIFFIN. Mr. President, I am in sympathy with the principle of the pending amendment. I believe some operations of some cooperatives would be subject to taxation.

Unfortunately, it appears that the language of the Senator's amendment is not completely appropriate for the purpose intended. Some of the questions raised indicate that careful study of this complex subject is necessary.

I am glad to note in the committee's report that it has made a commitment to turn its attention to this troublesome area, and that a study is now underway. Under the circumstances, I shall vote against the pending amendment only because of the committee's assurance that action will be taken.

Mr. RIBICOFF. Mr. President, I would like to take just a minute or two to emphasize some of the features of my amendment which ought to be clarified for the benefit of the Senate.

First, let me make it clear that this amendment would not affect the present tax treatment of cooperatives' income from their traditional marketing and purchasing activities. The income from these activities is largely exempt and would continue to be so under my amendment. My amendment would not affect rural electric cooperatives or telephone cooperatives.

This amendment would simply prevent Subchapter T cooperatives from deducting patronage allocations or dividends from income earned on activities outside the traditional purchasing and marketing function.

The point is that the tax code should not allow a cooperative to shelter from taxation the income of ordinary commercial ventures which have no relation to the traditional role of cooperatives.

Let me add at this point that one of the major areas of tax reform in the pending bill deals with exactly this problem: that is where the broad expansion of tax immunity of exempt organizations into fields where that immunity does not belong—and indeed is most unfair.

The problem with our tax code is that simply too many types of income have become immune from taxation.

Tax exemption has become a big business. And much of big business has become tax exempt.

Many cooperatives are paying no taxes and competing side by side with fully taxable organizations.

This immunity results not only in a tremendous loss of revenue but in considerable unfairness.

The pending tax reform bill takes several important steps to end this immunity in areas where it has no relation to the original tax exemption.

The unrelated businesses of foundations has long been taxed. In addition, this bill would further limit foundation activities in the business world by forcing them to cut down on the ownership of controlling stock.

In essence this bill says to foundations, "you can own stock for the purposes of investment and income, but not for the purpose of controlling a commercial enterprise."

The Finance Committee has also imposed a tax on the unrelated activities of social clubs, fraternal organizations, and even churches. Where these organizations have extended their activities into fields outside the scope of tax exemption the income from these activities will be taxed at regular corporate rates.

It is hard to justify a bill which taxes the unrelated functions of these groups yet has ignored the same type of activities of cooperatives.

One further point: A number of people have expressed their concern that this amendment would injure the average farmer. This is simply not true.

As I mentioned earlier, this amendment would not change the present status of cooperative activities involved with the marketing of farm cooperatives or purchasing of farm supplies. There are the activities which benefit the farmer.

The average farmer does not benefit because a cooperative owns an oil well or a machinery plant. The manufacture and production of auto supplies, chemicals, and natural gas is of no direct assistance.

On the other hand, the cooperative itself as a corporation is making a bonanza—often at the expense of the farmer himself.

Cooperatives are able to deduct all of their patronage allocations. But they only have to pay 20 percent of these allocations in cash to the farmer.

Furthermore, the law says that the farmer must pay a tax on the entire allocation—whether he received in cash or in the form of certificates which gives him an undefinable right to income at some future date.

The result is that often the farmer does not receive enough money from the cooperative to pay the taxes on the allocation he really never received at all.

Meanwhile, the cooperative has retained 80 percent of its income for corporate purposes tax free.

Mr. President, we have before us a tax reform bill. My amendment is a constructive reform in line with many similar provisions already contained in the bill.

It does not injure the farmer or alter the traditional tax exemption accorded to the marketing-purchasing activities of cooperatives.

It does, however, place the ordinary commercial and manufacturing activities of the giant cooperatives on an even footing with regular business.

I believe this amendment deserves favorable consideration by the Senate.

Mr. McGOVERN. Mr. President, I am very strongly opposed to the pending amendment which would restore the effects of section 531 to the tax reform bill, and do great harm to the agricultural sector of the economy.

In September, I sponsored an amendment to delete that provision—a section which the House of Representatives had adopted without a word of testimony and without notice of any kind to the taxpayers affected.

It is, in my judgment, a punitive tax scheme that would greatly harm the farmers' ability to generate adequate capital investment in their cooperatives. At the very time when farmers need to strengthen their marketing, purchasing, and farm business service cooperatives as a means of increasing net farm income, this ill-advised tax provision would cripple the equity structure of cooperatives and force many to close. I do not think legislation which would further depress farm income in this country is a proper part of tax reform.

Since the Revenue Act of 1962, farmers through their cooperatives have undertaken longterm financial obligations and made large investments in physical plant in reliance on the 20-percent earnings retention rate. Millions of dollars in loans in credit extension to cooperatives have been let under terms with fixed obligations to pay sums certain on specific dates. To meet these obligations and to finance future retained capital needs under the new proposal, cooperatives would be forced to enter the commercial loan market where prime rates range from 8½ to 10 percent. In many instances, the small- and moderate-sized farm cooperatives will be unable to carry these additional costs and survive.

I think the Senate should find the amendment inconsistent with the intrinsic financial requirements of cooperative organization. I know they will find it contrary to the goal of strengthening the agricultural sector of our economy.

Mr. TALMADGE. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Connecticut is.

Mr. RIBICOFF. Mr. President, I have no more requests for time. I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Missouri (Mr. SYMINGTON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 11, nays 81, as follows:

[No. 171 Leg.]

YEAS—11

Bellmon	Kennedy	Ribicoff
Boggs	Mathias	Williams, N.J.
Case	Pastore	Williams, Del.
Gurney	Pell	

NAYS—81

Aiken	Gore	Montoya
Allen	Gravel	Moss
Allott	Griffin	Murphy
Baker	Hansen	Muskie
Bennett	Harris	Nelson
Bible	Hart	Packwood
Brooke	Hartke	Pearson
Burdick	Hatfield	Percy
Byrd, Va.	Holland	Prouty
Byrd, W. Va.	Hruska	Proxmire
Cannon	Hughes	Randolph
Church	Inouye	Russell
Cook	Jackson	Saxbe
Cooper	Javits	Schweiker
Cotton	Jordan, N.C.	Scott
Cranston	Jordan, Idaho	Smith, Maine
Curtis	Long	Smith, Ill.
Dodd	Magnuson	Sparkman
Dole	Mansfield	Spong
Eagleton	McCarthy	Stennis
Eastland	McClellan	Stevens
Ellender	McGee	Talmadge
Ervin	McGovern	Tower
Fannin	McIntyre	Tydings
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goodell	Mondale	Young, Ohio

NOT VOTING—8

Anderson	Goldwater	Symington
Bayh	Hollings	Thurmond
Dominick	Mundt	

So Mr. RIBICOFF's amendment was rejected.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. MONDALE. Mr. President, I understand that the Senator from New York would like me to yield to him briefly. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I call up my amendment No. 340, I send it to the desk, and ask unanimous consent that it be considered as read; and I ask unanimous consent that the amendments other than the amendment relating to the 40-year life of foundations be considered en bloc, and explain to the Senate the purpose of putting my amendment, to which the Senator from Minnesota will propose a substitute, of record.

Mr. LONG. Mr. President, reserving the right to object, I cannot agree to consider the amendments en bloc unless I know what they are. I would have to know what the amendments are before I could agree.

Mr. MANSFIELD. Mr. President, reserving the right to object, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I wonder if the Senator from Minnesota would consider withdrawing his amendment at this time, because it seems that if it is taken up, it would be difficult to obtain a time limitation, and the leadership would, almost perforce, be in a position where it would have to agree to vote at a time certain tomorrow.

I would hope we could get two or three more amendments disposed of tonight.

Mr. JAVITS. Mr. President, will the majority leader yield?

Mr. MANSFIELD. In the interest of expediting the work of getting rid of some amendments, and keeping Senators here, I make that request of the Senator at this time, so that we can get on with the business at hand.

Mr. MONDALE. Mr. President, I am glad to withdraw my amendment.

Mr. JAVITS. Mr. President, before the Senator does that, will the Senator bear in mind, in deciding what to do, that I will be perfectly happy to step aside momentarily, if I am complicating it, and let the Senator from Minnesota go ahead?

Mr. MANSFIELD. No, the Senator is not. I had hoped it would be possible to vote, say, at a quarter to 6 on the pending amendment, but I do not know that we can obtain such an agreement at this time. If there were any assurance that that could be done, I would like to see it done, and then take care of another amendment; because, remember, the President has told us that if we do not finish the schedule, he will call us back between Christmas and New Year's Day.

Mr. SCOTT. Mr. President, if the Senator will yield, I can hear the sound of jingle bells, but there is difficulty in getting a limitation of time. As far as I am concerned, I would hope we could vote on the amendment tomorrow at, say, 10:30, but it might be wiser to defer it, bring up another amendment, and then try for a limitation of time tomorrow.

Mr. MANSFIELD. Would the Senator be willing to do that?

Mr. MONDALE. Will the Senator repeat his question?

Mr. MANSFIELD. To take up other amendments, so that we can get one or two out of the way tonight, and then, sometime tomorrow morning, take up the Senator's amendment, following the Metcalf amendment?

Mr. MONDALE. I have no objection.

Mr. MANSFIELD. All right; it is withdrawn, then.

Mr. JAVITS. Mr. President, I withdraw my amendment.

Mr. HARRIS. Mr. President, there are amendments still pending vote in the Senate this afternoon, and the hour has already grown too late for me to get back to Oklahoma in time for a dinner to be held in Oklahoma City in honor of my four Democratic colleagues from Oklahoma in the U.S. House of Representatives.

I had very much hoped to be present at the dinner tonight to join in the tribute to Congressmen CARL ALBERT, TOM STEED, ED EDMONDSON, and JOHN JARMAN, a group I believe is the most impressive power package in the House of Representatives. Congressman ALBERT has brought great distinction to himself and our State and has served the Nation well in his capacity as majority leader in the House of Representatives; Congressman STEED is a diligent worker for the people as a member of the House Appropriations Committee and chairman of one of its most important subcommittees; Congressman EDMONDSON serves as assistant majority whip and is one of the most knowledgeable and active members of the Committee on Interior and Insular Affairs, the Committee on Public Works, and the Joint Atomic Energy Committee; Congressman JARMAN is a valued member of the Committee on Interstate and Foreign Commerce and a chairman of one of its subcommittees. As can be seen, Mr. President, the work and interests and influence of these men span almost the full gamut of important policy questions and issues. It has been my great pleasure to work with this team on many matters of vital importance to our State.

Mr. President, I am doubly sorry that the Senate's business today prevents me from being present at the dinner in Oklahoma City tonight because I had accepted an invitation from the cochairmen and my good friends, Robert S. Kerr, Jr., of Oklahoma City, and Houston Adams, of Tulsa, to introduce tonight's guest speaker at the dinner, the Honorable Robert Docking, Governor of Kansas, who also is a respected, personal friend of mine.

I know that the dinner will be a huge success because Oklahomans know well the importance of this great team. They are my friends. They are outstanding Oklahomans. They are distinguished Americans. I salute them in the Senate

today because I cannot be present in Oklahoma City to salute them in person tonight.

Several Senators addressed the Chair.

Mr. RUSSELL. Mr. President, I ask for the regular order. How about the third reading of the bill?

Mr. MANSFIELD. That is a distinct possibility.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 320

Mr. MURPHY. Mr. President, I call up my amendment number 320 and ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY'S amendment (No. 320) is as follows:

AMENDMENT NO. 320

At the proper place insert the following:

SEC.—DEDUCTIONS FOR MEDICAL CARE, MEDICINE, AND DRUGS FOR INDIVIDUALS WHO HAVE ATTAINED THE AGE OF 65.

(a) IN GENERAL.—

(1) Section 213(a) (relating to allowance of deduction for medical, dental, etc., expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise:

"(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of the expenses paid during the taxable year for medical care of any dependent (as defined in section 152) who—

"(i) is the mother or father of the taxpayer or of his spouse, and

"(ii) has attained the age of 65 before the close of the taxable year;

"(B) the amount by which the amount of expenses paid during the taxable year (reduced by any amount deductible under subparagraph (C)) for medical care of the taxpayer, his spouse, and dependents (other than any dependent described in subparagraph (A)) exceeds 3 per centum of the adjusted gross income; and

"(C) an amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents (other than any dependent described in subparagraph (A)).

"(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of the expenses paid during the taxable year for medical care of the taxpayer, his spouse, and any dependent described in paragraph (1)(A);

"(B) the amount by which the amount of expenses paid during the taxable year (reduced by any amount deductible under subparagraph (C)) for medical care of dependents (other than any dependent described in paragraph (1)(A)) exceeds 3 percent of the adjusted gross income; and

"(C) an amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care of dependents (other than any dependent described in paragraph (1)(A))."

(2) Section 213(b) (relating to limitation with respect to medicine and drugs) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to amounts paid for the care of—

"(1) the taxpayer and his spouse, if either of them has attained the age of 65 before the close of the taxable year, or

"(2) any dependent described in subsection (a)(1)(A)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

Mr. MURPHY. Mr. President, this is a very simple amendment. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MURPHY. This amendment does two things. It would provide that the medical and drug expenses incurred by a person aged 65 or over, or his spouse, shall be a fully deductible income tax item; and that medical and drug expenses paid by persons under age 65 on behalf of dependent parents 65 or over shall be fully deductible.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from California may proceed.

Mr. MURPHY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MURPHY. Mr. President, this amendment would restore——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURPHY. I am happy to yield to the majority leader.

Mr. LONG. Mr. President, if the Senator will yield, I ask unanimous consent that further debate on the pending amendment be limited to one-half hour, to be equally divided between the Senator from California and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from California may proceed.

Mr. MURPHY. Mr. President, this amendment would restore the Federal income tax treatment of medical care and drug expenses applicable for persons age 65 and over that existed prior to the changes made by the Social Security amendments of 1965. Before the 1965 change, an income tax deduction was allowed without application of the 3-percent floor for medical expenses or the 1-percent floor for drug expenses of a taxpayer and his spouse if either were 65 or over. The 1965 change limited the medical expense deduction to those in excess of 3 percent of the taxpayer's adjusted gross income and the cost of medicine and drugs could be deducted only to the extent that they exceeded 1 percent of the taxpayer's adjusted gross income. My amendment would restore the full medical expense and drug expense deductions for persons 65 and over without regard to the 3- and 1-percent floors.

The Senate in considering the Social Security Amendments of 1967 adopted provisions restoring the full deduction for a person 65 and over but the provision was subsequently deleted in a conference with the House.

The case for full income tax deductibility for medical expenses of persons age 65 and over is clear and compelling. Immediate restoration of medical deductions as permitted before 1965 amendments to the Internal Revenue Code is badly needed. It is a matter of equity for millions of older Americans, many of whom are helpless victims of rising costs.

Adoption of this proposal in no way should be regarded as an alternative to more effective help through medicare or medicaid provisions of the Social Security Act. Necessary improvements in these programs should be given careful consideration by the Senate when it acts on social security amendments.

Tax reform, however, is before the Senate now. I cannot urge too strongly the importance of compassionate and more equitable income tax treatment of persons past 65, especially on costs of illness and keeping well.

As a member of the Senate Special Committee on Aging, I invite your attention to a statement from a working paper on "Health Aspects of the Economics of Aging," prepared for the committee and published in July of this year. It says:

> Although Medicare and Medicaid have replaced a large segment of private spending for health care, 30 percent of the cost of personal health care for the aged remains as a private responsibility for the aged and their children.
>
> In addition to the 45 percent covered by Medicare, 25 percent of the fiscal 1968 expenditures of the aged were met by Medicaid and other public programs. Nevertheless, the amount paid privately by the aged remains higher per capita ($176) than for the nonaged ($153).

In my own State of California, I believe it fair to say that a better job has been done for older persons with lowest incomes than in most other States. Despite certain growing pains encountered in development of medi-cal, our version of medicaid, I think most agree that it is among the best of such programs.

Mr. President, the fact remains, however, that even under most favorable circumstances, these Federal and Federal-State programs now leave many gaps in the armamentarium designed to protect older persons against costs of illness. My proposal, offered as the Senate considers the whole question of taxation, aims to fill one of these gaps. No one needs to be reminded that medical costs have been rising sharply. Much of this falls on older people whose fixed incomes make it most difficult for them to protect themselves against such increases. At the same time, as additional persons attain the age of 65, inflationary pressures are increasing the number, already in the millions, who are subject to Federal income taxes. While the tax reform bill now before the Senate hopefully will provide some general relief taxwise to persons past 65, the benefits, particularly for those with health problems, could be short lived without adoption of my proposal to make medical expenses fully deductible for older people.

Those of us who have given special attention to the aging, and wishes of the aging about themselves, have been impressed repeatedly by the practically uni-

versal desire of older Americans to take care of themselves whenever possible. Unfortunately many, through circumstances beyond their control, have been unable to fulfill this wish for economic independence. Government has a responsibility to come to their aid.

Mr. President, government also has a responsibility, especially through its tax laws, to see that as many older persons as possible who are already independent shall remain independent and give consideration to younger persons willing to assume responsibility for their elders. Nowhere is this governmental responsibility more applicable than in relation to health care costs. Through our tax laws, we can help prevent the financial drain caused by medical costs to our senior citizens.

This is a needed tax change that has a very positive value. It helps people to help themselves. I urge favorable consideration of this amendment as an exercise in such responsibility and in responsiveness to needs of older Americans.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MURPHY. I yield.

Mr. LONG. Mr. President, I ask unanimous consent that on the Murphy amendment there be a time limitation of 30 minutes, to be equally divided between the Senator from California (Mr. MURPHY) and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President, reserving the right to object, and I will not object, do I correctly understand that the debate be limited to 30 minutes on each side?

Mr. LONG. An additional 15 minutes on each side.

Mr. PROUTY. Mr. President, reserving the right to object, I would like to be assured of having about 10 minutes.

Mr. MURPHY. Mr. President, the Senator from Vermont can have 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MURPHY. Mr. President, as I said this is a very simple amendment. It has been debated on the floor previously. The Senate has twice restored this needed tax deduction for medical expenses.

The amendment merely restores what was pre-1965 law. I believe the change in 1965 was a mistake, and has caused hardship to many senior citizens. My amendment corrects this mistake and allows older persons to take their actual deduction for their true medical costs in making out their income tax.

Mr. President, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, inasmuch as the amendment is the same or almost the same as the one I have offered in the past, I hope that my friend the distinguished Senator from California, will permit me to be listed as a cosponsor.

Mr. MURPHY. Mr. President, I ask unanimous consent that the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of my amendment. His leadership in this field is known by all Members of this body. His support and help has been great.

The PRESIDING OFFICER. Without objection, it is so ordered.

How much time does the Senator yield to the Senator from Vermont?

Mr. MURPHY. Mr. President, I yield as much time as he requires to the Senator from Vermont.

Mr. PROUTY. Mr. President, the amendment offered by the Senator from California (Mr. MURPHY) will restore a much-needed mechanism of tax relief for older Americans, burdened by rising medical costs.

I commend Senator MURPHY for introducing this amendment; I am pleased to join him as a cosponsor and an advocate for its adoption.

I have offered this amendment before. It was adopted by the Senate in 1965, 1966, and 1967, but each time it was struck in conference.

I would like to review briefly the history of this tax provision.

Under a tax law first enacted in 1948, taxpayers 65 and older benefited from a provision which allowed them to deduct the cost of medical care up to certain specified maximums, for themselves and their spouses, who were also 65 and older. Other taxpayers were denied deductions for their medical expenses except to the extent that these expenses exceeded 3 percent of their adjusted gross income. These provisions stood for 17 years, reflecting congressional concern over the fact that our older citizens were caught in a vicious inflationary spiral of increasing medical bills and decreasing incomes. They needed help, and allowing a deduction of medical expenses was eminently proper.

However, Mr. President, with the consideration of the medicare bill in 1965, these tax deduction provisions were seriously challenged. At this time the House acted to repeal these provisions on the rationale that medicare would pay for virtually all medical needs of the aged, thus rendering the tax deduction superfluous, unnecessary, and overcomplicated. These deductions were not available to older citizens when they filed their 1967 income tax returns.

When the medicare bill came to the Senate, the Committee on Finance recognized the hardships and complexity that could occur if the medical expense deduction for the aged were cut back. The committee deleted the restricting amendments of the House bill. Members of the Finance Committee knew that medicare would pay no more than 40 to 50 percent of an aged individual's medical costs and that the remaining amounts would have to be paid for out of the aged person's own resources.

The Senate agreed to the committee amendments, but unfortunately the conferees on the medicare bill finally adopted the other body's provisions to cut back on the tax deduction, beginning in 1967.

Three years ago, the Committee on Finance again sought to retain the full deduction for the medical expenses of persons age 65 and over. The committee added an amendment to the Foreign Investors Tax Act designed to prevent the tax restrictions included in the 1965 medicare law from going into effect. The Senate passed the amendment, but once again the other body's conferees refused to accept it and it was stricken from the final form of the bill. In 1967, the Senate again adopted an amendment to restore this deduction. Since then, it has become apparent that many of our older citizens are worse off under medicare than they were previously when the tax deduction was allowed. This is so, Mr. President, because as it has developed, contrary to the view of the House of Representatives in 1965, medicare does not cover 100 percent of the medical expenses of the older Americans. In reality, only from 50 to 60 percent of costs are covered. Let us consider what costs must be met by the individual over 65.

Under hospital medicare insurance the first $40 must be paid by the individual.

After 60 days' care, the individual must pay $10 a day for the next 30 days of treatment.

Under medical insurance, the individual must pay $3 a month to receive benefits.

All drug costs except those provided in the hospital must be met by the individual.

None of these costs enumerated above can any longer be deducted unless they are in excess of 3 percent of the older taxpayer's adjusted gross income or in the case of drugs, exceed 1 percent of the adjusted gross income.

It is quite true that the poorest of our aged would not benefit from a reinstatement of the tax deduction. Those 8 million older Americans who do not file income tax returns would not be affected. However, Mr. President, there are some 14 million older Americans who do file income tax forms, and these people would be benefited.

Mr. President, this is an equitable amendment. The Senate has approved it on three previous occasions. Today, I urge my colleagues once again to respond to the obvious need to provide additional relief for those older Americans who are burdened by soaring medical costs.

Mr. MURPHY. Mr. President, I know it will be said that this amendment may benefit some people who do not need the help. However, I assure my distinguished friends in the Senate that my mail reflects that an awful lot is not being done by medicare and that a tremendous burden is being carried by older people.

I can think of nothing that deserves our attention more than the possibility of taking whatever action we can to alleviate the problem, as great as it may be.

I therefore urge the Senate to do what it has done three times in the past.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. JAVITS. Mr. President, as the Senator knows, I feel very much as he does about this matter. However, I am worried about one thing.

Would the Senator consent to some limitation on the taxable income of people to be eligible for this benefit?

I have always worried about the fact that a large number of taxpayers with high incomes get a benefit which they do not need.

Could we put some limitation in this provision—$10,000 or $15,000—on income as the income limit for which this would be available?

Mr. MURPHY. Mr. President, I am aware of the Treasury Departments claims regarding this amendment. I just do not believe their estimates are accurate. They claim medicare covers most of the older citizens expenses; yet, at the same time they argue the bill will cost over $200 million. If medicare were covering most expenses, how can we have these cost estimates. They cannot argue both ways.

Based on the reflection of my mail, I would respectfully hope that my colleague would permit this amendment to go through as it is. If we find any inequities, I would be glad to join with him later in discussing a limitation.

Mr. JAVITS. I do not think we have to wait that long. Would the Senator be sympathetic, assuming that the amendment is adopted—and I hope it will be—to the consideration in conference of what if any equity restrictions ought to be placed on it? It may be quite a finite question.

For example, the Senator from Delaware (Mr. WILLIAMS) just pointed out that in the case of catastrophic illness, the cost may be so great that a limitation based upon an income level may have to be adjusted to that kind of catastrophe. But if I could feel that the Senator is sympathetic to the idea of that kind of consideration, I think we could leave the rest to the conferees.

Mr. MURPHY. As I said to my distinguished colleague while he was talking with the Senator from Delaware, I have never been one to say that there should be a limit or whether it should be $10,000, or $15,000. I simply do not believe there has been great abuse. If there is, I will gladly not only join but lead efforts to correct it. I also would point out that catastrophic illness can strike those with higher incomes and wipe them out. That is why I fear limitations.

I serve on the Special Committee on Aging, and I know of the great need. My mail reflects that there are untold cases in which people of means, who have been very successful, have worked hard all their lives, suddenly, in a year or two, can have everything they have stored up for their old age wiped out completely. Medical costs can be unbelievable.

I understand, of course, that in conference these things will be considered. I hope we can let it go on the merits and on the basis on which I have put it, and if there is abuse, we can later correct it.

Mr. JAVITS. I shall vote for the amendment. I hope, however, that the conferees will consider this point, not for any ground of discrimination against rich people—I agree with the Senator that that is wrong—but I think that inasmuch as we are dealing with revenue—dollars—and it is a hard situation, only from that point of view, under present exigencies, would I, as one Senator, hope that they would give consideration to that question.

Mr. MURPHY. I thank my distinguished colleague.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 5 minutes remaining.

Mr. MURPHY. I reserve the rest of my time.

Mr. LONG. Mr. President, this amendment would have cost approximately $210 million when the matter was considered by the Senate before and now would cost $225 million.

It is estimated that most of the benefits of this amendment would go to high-bracket taxpayers.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. GORE. We hear a great deal about the poor and the crippled and the people on medicare, but this amendment is not designed for those people. Is that correct?

Mr. LONG. That is correct.

Let me explain this. Everyone can deduct extraordinary medical expenses that exceed 3 percent of his income. But he cannot deduct that if he is using the standard deduction of 10 percent, and most of the aged people take the standard deduction. So they cannot deduct medical expenses, because they are using the 10-percent standard deduction in which medical expenses are included.

If we look at how many people are in the zero to $3,000 earned income bracket, they would only get $2 million worth of benefits. Look at the small number involved in the $50,000 and over category. Those making $50,000 and over would get $93 million of benefits from this amendment.

I have a letter from the Secretary of the Treasury, Mr. Henry Fowler, in 1967, with respect to the same amendment. He said:

> Less than 4 percent, or 8 million dollars, of this $210 million is divided among all taxpayers with adjusted gross incomes up to $5,000. To put it another way, $93 million in revenue loss would be distributed among 60,000 persons with incomes over $50,000, for an average of $1500 each, whereas $8 million is distributed among 600,000 taxpayers with adjusted gross incomes up to $5,000, for an average benefit of $13 per taxpayer.

Imagine that! These taxpayers, the aged people in the $5,000 and less bracket, would get a $13 benefit, on the average, from this amendment, while the 60,000 people with incomes of over $50,000 would get an average of $1500 each under this amendment.

One of the facts of life about the Gore amendment of yesterday—and I ask the Senator from Tennessee to listen to this—is that the Gore amendment has the effect of doubling the personal exemption for aged people. In other words, the aged people are able to take the personal exemption twice. So that those over 65 who were taking $600 plus $600, or $1,200, would be able to take, if the Gore amendment prevails—and I shall support it in conference—an additional $400 deduction.

This amendment would add $225 million to the cost of this bill, and it would not particularly benefit those who really need it, because they have to pay for medicare and medicaid, and they take the standard deduction. This would only allow the deduction of the first 3 percent of medical expenses for a group who, for the most part, have little need of it.

Mr. President, I submit that the amendment is very much calculated to aid most those who need it the least, and to aid least those who might need it the most.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. GORE. And will not this almost $225 million a year be an annual loss from the Treasury?

Mr. LONG. An annual loss.

May I say that if one wants to help those in the upper income tax brackets for this much money, he could put the top limit of taxes at 60 percent rather than 70 percent, and let all people above the $50,000 bracket have some benefit from it.

Mr. President, we did dispose of this amendment by voice vote previously, and the Senate agreed to it, and we took it to conference. The House would not agree to it. If the Senator insists on a rollcall vote, we will accommodate him. It would be all right with me to dispose of it by a voice vote, if the Senator would be so inclined. But if the Senator insists on the yeas and nays, we will have a rollcall vote.

Mr. PROUTY. Mr. President, I insist on the yeas and nays.

Mr. MURPHY. I think we should have the yeas and nays.

Mr. LONG. Mr. President, I ask unanimous consent that the letter the Secretary of the Treasury sent me about this amendment in 1967, as well as the Treasury letter and the statement I made at that time be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, December 4, 1967.

HON. RUSSELL B. LONG,
Chairman, Senate Finance Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: There are a series of amendments to the Social Security Bill added in the Senate Finance Committee dealing with various income tax matters. While these are generally minor provisions which members of my staff will be prepared to discuss at the forthcoming conference, there is one of considerable fiscal importance to which the Treasury Department is strongly opposed. That is the amendment which removes the 3 percent and 1 percent

floors on medical expense deductions for taxpayers over age 65. These floors were applied to taxpayers over 65 as part of the Social Security Amendments of 1965, applicable to 1967 and subsequent years. The proposed amendment would repeal that change effective for 1967 so as to prevent it from taking effect.

The only justification for the previous absence of these floors for those over 65 was to give additional aid to the elderly with their medical expenses. However, aid extended in this fashion is extremely inefficient and costly. When Medicare was adopted much of the problem of medical expenses of the aged was solved in a uniform and equitable way and therefore the inequitable partial relief under the tax system was unjustified.

The inequity of this provision is demonstrated by the revenue loss involved in eliminating the floors and the distribution of that revenue loss. Elimination of these floors will result in an annual revenue loss of approximately $210 million. (This estimate is concurred in by the Staff of the Joint Committee and apparently also by the analysts in the Library of Congress; Congressman Brown of Michigan stated in the CONGRESSIONAL RECORD, vol. 113, pt. 25, p. 34083, that the Legislative Reference Service in a study made for him estimated a revenue loss of $192 million for the tax year 1967.) Of this total, approximately 45 percent or $93 million goes to taxpayers with adjusted gross incomes of $50,000 and over. Less than 4 percent, or $8 million, is divided among all taxpayers with adjusted gross incomes of up to $5,000. To put it another way, $93 million in revenue loss is distributed among 60,000 people with incomes of over $50,000, for an average tax benefit of $1500 each whereas $8 million is distributed among 600,000 taxpayers with adjusted gross incomes up to $5,000 for an average benefit of $13 per taxpayer. Little can be said in defense of a provision aimed at aiding the financial problems of elderly people caused by medical expenses which gives over one hundred times more benefit to the elderly taxpayer with the least need than to the lower income elderly with the most need.

Sincerely yours,

HENRY H. FOWLER.

TREASURY DEPARTMENT,
Washington, D.C., October 3, 1967.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Several bills have recently been introduced to allow persons age 65 or over an unlimited deduction for medical expenses. These bills would reverse the legislative change made by the Social Security Amendments of 1965 (Medicare) which removed the special exceptions permitting persons age 65 or over to deduct their medical expenses without regard to the 3 percent and 1 percent of adjusted gross income limitations which are applicable to taxpayers generally. It is also possible that similar amendments may be proposed in connection with the Social Security legislation currently being considered by your Committee. For these reasons we consider it appropriate to inform you of the Treasury Department's views on this matter.

The attached memorandum sets forth the background of this problem and explains the reasons for the Treasury Department's opposition to the proposal.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the submission of our views.

Sincerely yours,

STANLEY S. SURREY.

PROPOSALS FOR RESTORING THE UNLIMITED MEDICAL EXPENSE DEDUCTION FOR PERSONS 65 OR OVER

It has been proposed that the action taken in 1965 be reversed and that the special exception to Section 213 of the Internal Revenue Code which allowed taxpayers age 65 or over an unlimited medical expense deduction be restored. Adoption of this proposal would be extremely costly to the Federal government; yet, it would provide very little benefit to those individuals most in need of financial assistance. For example, as the attached table indicates, for the taxable year 1967 the proposal would result in a revenue loss of approximately $210 million. Of this amount, nearly 70 percent would go to the limited class of persons age 65 or over with adjusted gross incomes of $20,000 or more. Indeed, 45 percent or $93 million would benefit those with over $50,000 adjusted gross income.

BACKGROUND OF THE PROPOSAL

Prior to the Social Security Amendments of 1965 (Medicare) persons 65 or over were excepted from the general rule that medical expenses are deductible during a given year only to the extent that they exceed 3 percent of a taxpayer's adjusted gross income and drug expenses are taken into account in computing medical expenses for purposes of the 3 percent limit only to the extent that they exceed 1 percent of a taxpayer's adjusted gross income. The Medicare Amendments eliminated the unlimited deduction accorded persons 65 or over effective for taxable years beginning after December 31, 1966. Thus, for tax year 1967 persons 65 or over are subject to the same 3 and 1 percent floors accorded all other taxpayers. The proposal would reverse the change made by the Medicare Amendments.

THE PROPOSAL SHOULD NOT BE ADOPTED

The considerations which prompted the elimination of the special exceptions for persons over 65 were sound. Those exceptions were an extremely costly and inefficient method of providing Federal aid to older citizens. They were introduced into the tax law at a time when the federal government had no general health insurance program designed to alleviate the burdens which medical costs impose upon older people. Recognizing the hardships generated for those 65 and over by increasing medical needs, Congress sought to mitigate the difficulty indirectly—through the tax law—by granting larger medical expense deductions to the members of this group than were available to taxpayers in general. However, since the tax benefit which was conferred decreased as the level of adjusted gross income diminished and the tax rate declined, the provision inevitably afforded greatest assistance to those who needed it least and, conversely, least assistance to those who needed it most.

The Social Security Amendments of 1965 attacked the fundamental problem in this area directly; it established programs carefully fashioned to enable all income groups of the aged to meet a substantial part of their medical costs. Since our elder citizens were accorded far more meaningful help in meeting their medical expenses under Medicare than under the special tax provisions, it was determined that there was no longer a need for the special tax provisions and they were eliminated. The attached example illustrates the extent to which an elderly couple is better off under the present medicare and income tax laws than would be the case if the arrangements prior to medicare were still in effect. The example shows that an elderly married couple with adjusted gross income of $10,000 and medical expenses of $770 for the year (medicine and drugs $100, hospitalization $520,[1] and surgery $150[2]) would have out-of-pocket costs of $275 under present law as compared with $624 if total medical expenses were tax deductible and there was no medicare program.

The reason our elder citizens are so much better off today is a reflection of the fact that the maximum benefit from the unlimited deduction could never exceed 3 percent of adjusted gross income for medical expenses and 1 percent for drug expenses reduced by multiplying that amount by the applicable marginal tax rate. Thus, for the couple in the above example, the maximum possible benefit they could derive under any circumstances from the fact that the deduction was unlimited was only $76 (3 percent and 1 percent of $10,000 x 19 percent=$76).

Those who argue that the special exceptions to the uniform percentage floors previously extended to persons 65 or over should be restored point out that the Medicare provisions do not cover all the medical expenses of older people. However, this argument misses the point. Neither the unlimited deduction provision nor the Medicare program made any pretense of paying 100 percent of the medical expenses of persons 65 or over. The unlimited deduction was repealed because it was replaced by a more equitable and meaningful program for defraying a portion of the medical expenses of older persons. To the extent that proponents of the present measure feel that the Medicare program does not go far enough, the answer is to expand that program, not perpetuate the costly and inefficient form of federal aid that the unlimited deduction represented.

It should also be noted that the increase in revenue resulting from the elimination of the special exceptions to the percentage floor was intended to help defray the cost of the general fund of the voluntary insurance provisions of the Medicare Act. In addition, the Medicare Amendments also added a provision permitting all taxpayers to deduct one-half of their medical insurance premiums up to a maximum of $150 without regard to the 3 percent floor. Thus, removing the floor for persons 65 or over at this time would result in the medical expense deduction becoming even more costly than it had been prior to the enactment of the Medicare Amendments.

There are no considerations that have arisen since 1965 which would make it advisable to reverse the action taken at that time to apply the medical expense deduction floor to elderly persons. Indeed, the contrary would appear true. Not only has Medicare proved to be an unqualified success, but pursuant to the President's request, H.E.W. has undertaken a comprehensive study of the feasibility of expanding Medicare to include payments for the cost of prescription drugs.

Estimated revenue loss from removing the 1-percent drug floor and the 3-percent floor on medical expenses in computing the medical deduction of taxpayers over 65, 1967

[Loss in millions of dollars]

Adjusted gross income class ($000):	Revenue loss
0–3	2
3–5	6
5–7	11
7–10	16
10–20	30
20–50	52
50 and over	93
Total	210

[1] The average benefit payment per hospital admission in fiscal year 1967 was $480 after taking into account a $40 deductible.

[2] The average reasonable charge for surgery under part B of the medicare program was

COMPARISON OF BENEFITS UNDER UNLIMITED MEDICAL EXPENSE DEDUCTION WITH BENEFITS UNDER MEDICARE PROGRAM

The following is a comparison showing how an elderly couple (both age 65 or over) would fare in 1967 under (1) the existing medicare and income tax laws and (2) a full tax deduction allowance for medical expenses and no medicare law. It is assumed that the couple has adjusted gross income of $10,000 and that a tax rate of 19 percent applies to the amounts in question. It is assumed further that the couple has medical expenses for the year as follows:

Medicine and drugs	$100
Hospitalization	[1] 520
Surgery	[2] 150

	Total	Paid by medicare	Paid by beneficiary
Under present law:			
Health care expenses:			
Medicine and drugs	$100		$100
Hospitalization	520	$480	40
Surgery	150	80	70
SMI premiums	72		72
Total	842	560	282
Less asvings as tax deduction on ½ of SMI premiums			7
Total cost to couple			275
Under full allowance and no medicare:			
(a) With no health insurance protection:			
Health care expenses paid by couple			$770
Less savings as tax deduction at 19 percent			146
Total cost to couple			624

[1] Average benefit payment per hospital admission in fiscal year 1967 ($480) plus $40 deductible.

[2] Average reasonable charge for surgery under pt. B as shown in a preliminary report based on bills representing part of a 5-percent sample of claims.

Mr. LONG of Louisiana. I yield myself such time as I may require.

Mr. President, when this amendment was voted by the Senate a year ago, as I recall, I favored it. May I say that the more I study it, however, the less enthusiasm I have for it and the less merit I find in it. I say this because the studies indicate that the people who would benefit from the amendment most are the elderly with the very largest incomes. It also would cost the Government a great deal of money as the Senator from Florida [Mr. SMATHERS] acknowledged—$110 million more than the Finance Committee amendment and $210 million more than present law.

As I have said, the benefits would be concentrated among those who are in the upper income brackets, who do not really need it. Most aged people do not pay any income tax at all, because they have the double exemptions and also either an exclusion for their social security benefits or the retirement income credit. Therefore, they either do not pay an income tax at all or, if they do, many of them take the standard deduction, with the result that the pending amendment would not help them. It would help only someone who pays taxes and then only if he itemizes his deductions.

Mr. President, if one looks at how the $210 million of revenue loss resulting from the restoration of pre-1967 law would be distributed the 60,000 people who are in income brackets over $50,000 a year would get nearly one-half of the total benefits under this provision. That would mean an average tax benefit of about $1,500 apiece for those people who are already in the high-income brackets and need this help the least. Out of the slightly over half of the benefits which are left, nearly a half of these benefits—or about a quarter of the total—would go to people making between $20,000 a year and $50,000 a year—people who have large amounts of real estate, stocks, and other large investments. Those are the people who are to be given the special right to deduct all of their medical expenses, even though they do not exceed 3 percent of their adjusted gross incomes. They are to be given unlimited deductions insofar as medical expenses are concerned. Between those two categories—that is, those with adjusted gross incomes of $20,000 and over—we have accounted for more than two-thirds of the total benefits involved.

Persons in the bracket of $10,000 to $20,000 who are retired would get almost one-half of the benefits remaining. Those in the income brackets of $5,000 to $10,000—and that is the largest group in terms of the number of people involved since there are about 860,000 of them—who could claim some need would get only about one-eighth of the total benefits which the bill provides.

With regard to 600,000 people in income brackets of 0–$5,000, they would get only a pittance of the benefits provided by this amendment, or about $8 million of the benefits involved.

As a practical matter the committee felt, in view of the fact that the Senate voted on an identical proposal before, that we might try to hold the costs of this proposal down by saying the elderly could deduct their entire medical expenses, including the first 3 percent; but if anyone found it to be to his advantage to do so, then he should waive advantages under the medicare program. The latter was felt to be a proper restraint to hold the cost down to $100 million. Those who waive their rights to medicare certainly are the only ones who can claim that they have not been helped—and helped very substantially—by the adoption of the medicare program.

Mr. President, I shall not insist on a roll-call vote. But I find less and less appeal in this proposal when I see who gets the benefits. It seems to me that it provides very liberally for those whose need is little and practically nothing for those who need it the most. I have no enthusiasm for the amendment and I shall not vote for it.

I recognize that there are not many Senators in the Chamber to hear the debate. If I insisted on the yeas and nays they would all come in and vote, perhaps as they did a year ago. Therefore, I shall let the matter go on a voice vote.

Mr. MURPHY. Mr. President, I have read the letter from the Treasury. I know it is very simple to make averages, to write formulas, to take a slide rule and show what the effect is going to be. But my approach to this amendment is based on the mail I have received; it is based on actual cases; and it does not come down to a matter of how much each family gets. Catastrophe spares no income levels.

For that matter, as far as I am concerned, this measure would alleviate the suffering of many families. It would cost about $1 apiece for everyone in the United States; $200 million is not a great amount of money when we talk about such large amounts of money compared to the hardship it can alleviate.

Mr. PROUTY. Mr. President, first, it should be pointed out that the figure of $210 million is an educated guess. A determination for this year has not been reached. The figure to which I referred was based on the figures for calendar year 1966. I understand they arrived at those figures in even numbered years and as of yesterday, the Treasury indicated that medical expense deductions for calender year 1968 have not yet been analyzed.

However, I wish to point out that if one visits with members of these organizations of retired people, not the officers but the rank and file members, it will be found they are desperately in need of this help.

Mr. LONG. Mr. President, I saw a cartoon in the Senate gym this afternoon which showed a picture of Santa Claus passing out tax benefits to everyone and saying, "Please do not forget old Santa who is responsible for all this—a tax cut the Nation can ill afford."

If the Senator is agreeable I will take the amendment to conference. The conference turned it down before. The cost now is estimated even higher than the amendment we debated before. It is now estimated at $225 million.

There is no other amendment that would do so much for so few nor so little for so many.

Mr. WILLIAMS of Delaware. Mr. President, I support the chairman of the committee. I express the hope the amendment will not be agreed to. I realize a good argument can be made for the amendment, but under existing law the persons referred to as needing this relief so much will use the standard deduction anyway. The amendment will not in any way affect those who are retired and over 65 in the lower income brackets. Even under existing law, doctor expenses and other medical expenses of those over 65, which exceed 3 percent of adjusted gross income, are deductible anyway. Thus, it will only help those persons in the higher tax brackets and I think there are other areas where we could use this money to greater advantage.

Mr. LONG. I agree with the Senator.

I am ready to vote, and I yield back the remainder of my time.

Mr. MURPHY. I am ready to vote, and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). All time having been yielded back, the question is on agreeing to the amendment of the Senator from California (Mr. MURPHY). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE (after having voted in the negative). On this vote I have a pair with the Senator from Michigan (Mr. HART). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from South Carolina

---

$150. This was derived from a preliminary report based on bills representing part of a 5 percent sample of claims.

(Mr. HOLLINGS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK), and the Senator from South Carolina (Mr. THURMOND), and the Senator from Tennessee (Mr. BAKER) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 46, nays 41, as follows:

[No. 172 Leg.]

YEAS—46

Aiken	Goodell	Pastore
Allen	Gurney	Pearson
Bellmon	Hartke	Prouty
Boggs	Hatfield	Ribicoff
Brooke	Hruska	Schweiker
Burdick	Jackson	Smith, Maine
Byrd, W. Va.	Javits	Smith, Ill.
Cannon	Magnuson	Sparkman
Case	Mathias	Stevens
Church	McGee	Tower
Cooper	McIntyre	Tydings
Cotton	Metcalf	Williams, N.J.
Dodd	Montoya	Yarborough
Fannin	Moss	Young, N. Dak.
Fong	Murphy	
Fulbright	Packwood	

NAYS—41

Allott	Griffin	Mondale
Bennett	Hansen	Muskie
Bible	Harris	Nelson
Byrd, Va.	Holland	Pell
Cook	Hughes	Percy
Cranston	Jordan, N.C.	Proxmire
Curtis	Jordan, Idaho	Randolph
Dole	Kennedy	Russell
Eagleton	Long	Saxbe
Eastland	Mansfield	Spong
Ellender	McCarthy	Stennis
Ervin	McClellan	Talmadge
Gore	McGovern	Williams, Del.
Gravel	Miller	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, against.

NOT VOTING—12

Anderson	Goldwater	Scott
Baker	Hart	Symington
Bayh	Hollings	Thurmond
Dominick	Mundt	Young, Ohio

So Mr. MURPHY's amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROUTY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPRECIATION PROVISIONS OF TAX REFORM BILL, H.R. 13270

Mr. SPARKMAN. Mr. President, I have followed the progress of the pending Tax Reform Act with great interest and with a complete appreciation of the hard work which the members of our Committee on Finance have put into this legislation during the past weeks and months. I congratulate them for their diligence and perseverance in the face of the great pressures of time and daily schedules which I know they labored under in developing and refining this most difficult piece of legislation. I believe the chairman and members of the committee deserve a vote of thanks from the American people and an expression of gratitude from all Members of this body for a tough job well done.

I am concerned, as you might expect, with the impact which the provisions of this bill will have upon our housing supply and, in particular, upon our future housing production in the United States. Production of more housing is one of the most pressing problems before us this year and during the coming decade.

The facts are that our current and prospective levels of housing production are now falling far below our national needs and expectations. For example, in 1969 the total demand for new dwelling units—of all kinds, including mobile homes, for this decade already exceeds supply by nearly 1.5 million units. It is estimated by the National Association of Home Builders that this deficit will increase by a quarter of a million units by the end of 1970. Table I illustrates this deficit.

I believe this situation holds the makings of disaster and tragedy for our expanding population. For this reason, I am anxious that nothing in this tax-reform bill counteract our efforts to remedy this situation.

Unfortunately, I believe that in its present form, with respect to depreciation on residential housing, the committee bill will do just this. It will do so by creating substantial deterrents to investments into and, therefore, to the building of apartment houses—depreciable residential rental housing. Furthermore, I believe just two amendments to the committee bill are sufficient to avoid this result.

The first of the amendments which I believe should be offered with respect to residential rental housing is to provide a limited degree of accelerated depreciation for existing projects. I recognize, of course, that the reasons which underlie the provisions in the committee bill have to do with abuses to which the existing law as been subject, through a continuous trading in used properties. I hold no brief for this and my interests are directed completely to the flow of investment funds for the construction and purchase of newly produced apartment houses.

The committee bill, like the bill passed in the other body, eliminates completely the availability of accelerated depreciation upon a rental project which is purchased by a second or subsequent buyer. I think this goes too far. With respect to "Residential Rental Housing," under subchapter C, section 521(a) of the committee bill, pages 384 to 386, I therefore feel a degree of modification is necessary.

The key issue involves the net yield or rate of return to an investor who decides to place money into the purchase of an apartment project. Today the experience of the building and real estate industry generally shows that the rate of return on such an investment is very poor indeed without the availability of some form of accelerated depreciation. Compared with the risks involved and the rates of return which are now available on many other forms of investment, rental housing—without accelerated depreciation—is simply not a very desirable investment in many cases.

I therefore will offer for myself and the Senator from Minnesota (Mr. MCCARTHY) at the appropriate time an amendment to the committee bill to provide that, for residential rental housing, a second or subsequent purchaser would have available a limited choice of accelerated as well as straight line depreciation. For a project with a useful life of 30 years or more, my amendment would authorize use of the 150 percent declining balance method of depreciation. For a project with a useful life between 20 and 30 years my amendment would authorize use of a 125 percent declining balance depreciation. And for a project having a useful life of 20 years or less, I believe that the straight line depreciation permitted by the committee bill is quite sufficient.

My amendment will allow new rental projects to be sold in an investment market broad enough and sufficiently rewarding to warrant entrepreneur builders and sponsors proceeding with construction of new apartments. At the same time, by cutting down on and eliminating the use of accelerated depreciation on older structures, this formula precludes the continuous use of accelerated depreciation with respect to existing rental projects as they get older.

It is important to understand the relationship between the availability of accelerated depreciation on existing projects and the production rate of new projects. The key to much of the new production is basically the investment market which exists for rental housing structures once they are built and become filled with tenants. Builders are not investors; they sell their projects to investors and necessarily, they must carefully assess the market for rental projects before undertaking their construction. Elimination of accelerated depreciation on existing projects curtails substantially the investment yield and thus greatly restricts and narrows the secondary market for newly built projects. Unless changed, the result will be far fewer rental projects initiated and undertaken by builders.

This country has an absolute need for a continued high and increasing rate of apartment house construction. Today in America we have the lowest housing vacancy rate on record and, as we all knew, we have a drastic fall-off in housing starts—at a time when national housing needs are increasing rapidly. The statistics on our housing situation are in fact genuinely threatening to the future stability and progress of our society in the United States.

I ask unanimous consent that table I be printed at this point in the RECORD.

There being no objection, table I was ordered to be printed in the RECORD, as follows:

TABLE I.—HOUSING SUPPLY AND DEMAND, 1959-70

[Thousands of units]

Year	Demand: Net increase in households (1)	Net removals (2)	Demand for 2d homes (3)	Total housing demand (4)	3-year moving average (5)	Supply: Housing starts (6)	Net mobile homes (7)	Total new units (8)	3-year moving average (9)	Surplus or deficit: By year (10)	Cumulative (11)
1959	1,364	490	70	1,924		1,554	66	1,620			
1960	665	510	75	1,250	1,658	1,296	44	1,340	1,451	90	90
1961	1,188	530	83	1,801	1,409	1,365	27	1,392	1,425	−409	−319
1962	537	550	91	1,178	1,485	1,492	52	1,544	1,554	366	47
1963	807	570	100	1,477	1,536	1,642	84	1,726	1,652	249	296
1964	1,255	590	108	1,953	1,665	1,562	124	1,686	1,690	−267	29
1965	841	610	116	1,567	1,676	1,510	150	1,660	1,564	93	122
1966	753	630	125	1,508	1,819	1,196	151	1,347	1,501	−161	−39
1967	1,599	650	133	2,382	1,969	1,322	175	1,497	1,548	−885	−924
1968	1,206	670	141	2,017	2,159	1,548	252	1,800	1,703	−217	−1,141
1969	1,250	680	150	2,080	2,082	1,420	343	1,763	1,758	−317	−1,458
1970	1,300	690	160	2,150		1,330	380	1,710		−440	−1,898

Source: Col. 1 is taken from the Current Population Reports, P-25, Bureau of the Census, No. 360, Feb. 20, 1967, and No. 387, Feb. 20, 1968. Col. 2 annual estimates based on "Demolitions and Other Factors in Housing Replacement Demand," M. Sumichrast and N. Farquhar, Homebuilding Press, 1967. Col. 3 annual estimates based on 1960 Census of Population estimate of 75,000 in 1960 and current estimate of Bureau of the Census and Forest Service in "Second Homes in the United States," Current Housing Reports, H-121, No. 16. Col. 4 sum of cols. 1, 2, and 3. Col. 5 is 3-year moving average of col. 4 centered on 2d year. Col. 6 1969-68, Bureau of the Census, C-20 Housing Starts Report; 1969-70, NAHB Economics Department Estimates based on NAHB Metropolitan Housing Forecast. Col. 7 obtained from the Mobile Homes Manufacturers Association. Col. 8 sum of cols. 6 and 7. Col. 9 is 3-year moving average of col. 8 centered on 2d year. Col. 10 col. 8 minus col. 4. Col. 11 accumulation of the differences shown in col. 10.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD table II and table III, showing housing starts during this year and in the years since 1960. Please note that production of private residential rental housing—multiples—has now reached a level which almost equals the production of single family homes.

There being no objection, tables II and III were ordered to be printed in the RECORD, as follows:

TABLE II.—NEW HOUSING STARTS AND PROJECTED ACTIVITY

[All Figures in thousands of housing units]

Years	Total, public and private starts	Total, private starts only	Private: 1 family	Private: Multifamily	Government programs: FHA starts [1]	Government programs: VA starts	Projected activity—building permits [2]
1960	1,296.0	1,252.1	994.7	257.4	261.0	74.6	998.0
1961	1,365.0	1,313.0	974.4	338.6	243.6	83.3	1,064.2
1962	1,492.4	1,462.7	991.3	471.4	259.5	77.8	1,186.6
1963	1,365.0	1,610.3	1,020.7	589.6	221.0	71.0	1,334.7
1964	1,561.6	1,529.3	971.5	558.0	204.6	59.2	1,285.8
1965	1,509.6	1,472.9	963.8	509.0	196.5	49.4	1,239.8
1966	1,196.2	1,165.0	778.5	386.4	158.4	36.8	971.9
1967	1,321.9	1,291.6	843.9	447.7	180.0	52.5	1,141.0
1968	1,547.7	1,507.7	899.5	608.2	227.1	56.1	1,341.4

Monthly actual starts	Total, public and private starts	Total, private starts only	Private: 1 family	Private: Multifamily	Monthly estimates—Seasonally adjusted annual rates for private housing: Total, all housing	FHA, 1-to 4-family	VA, 1-family	Permits, all housing
1968								
January	82.7	80.5	45.3	35.3	1,456	157	52	1,148
February	87.2	84.6	55.4	29.2	1,537	164	63	1,394
March	128.6	126.6	79.3	47.2	1,511	149	63	1,416
April	165.2	162.0	98.0	64.0	1,591	147	59	1,340
May	145.1	140.9	86.8	54.1	1,364	133	57	1,280
June	142.9	137.9	81.4	56.4	1,365	137	54	1,281
July	142.5	139.8	86.4	53.5	1,531	134	49	1,289
August	141.0	136.6	82.5	54.1	1,518	144	51	1,290
September	139.8	134.3	80.2	54.1	1,592	145	54	1,393
October	143.3	140.8	85.6	56.3	1,570	153	55	1,378
November	129.5	127.1	64.8	62.2	1,733	158	53	1,425
December	99.8	96.4	53.8	42.5	1,507	158	65	1,463
1969								
January	105.8	101.5	51.3	50.2	1,878	137	59	1,403
February	94.8	90.1	47.9	42.1	1,686	138	52	1,477
March	135.6	131.9	71.9	59.9	1,584	157	53	1,421
April	159.9	159.0	85.0	74.0	1,563	166	48	1,502
May	157.7	155.5	91.3	64.3	1,509	134	47	1,323
June	150.8	147.3	82.7	64.6	1,469	147	48	1,340
July	126.5	125.2	73.5	51.7	1,371	137	46	1,228
August	127.6	124.9	69.5	55.4	1,384	143	47	1,245
September	132.1	128.6	71.2	57.4	1,533	152	54	1,201
October	121.1	118.7	66.8	51.9	1,342	163	52	1,119

[1] FHA annual totals include all units, both single family and multiples; monthly rates only include 1- to 4-family units.
[2] Based on 12,000 reporting places 1962-66 for permits, and 1962- March for starts. Based on 13,000 reporting places from May 1967 for permits and from April 1968 for starts.

Sources: Department of Commerce, FHA, VA, National Association of Home Builders.

TABLE III.—MULTIFAMILY HOUSING AS A PERCENTAGE OF TOTAL HOUSING PRODUCTION

[Starts figures in thousands of housing units]

Years	Single family	Multi-family	Percentage of start
1954	1,398	134	8.7
1955	1,499	128	7.9
1956	1,204	121	9.1
1957	1,012	163	13.9
1958	1,091	223	17.0
1959	1,234	283	18.6
1960	995	257	20.6
1961	975	339	25.8
1962	992	471	32.2
1963	1,021	590	36.6
1964	972	558	36.5
1965	964	509	34.6
1966	779	387	33.2
1967	844	448	34.7
1968	889	610	40.7
1969 (for 1st 10 months)	711	571	44.5

Note: For the years 1954-58, these are estimates of the single-multiple mix developed by the Economics Department, National Association of Home Builders, based on Bureau of the Census totals. For the years 1959-69, these are Bureau of the Census figures. The starts figures are for private housing construction only. Single-family starts are defined as 1-unit per structure; multiple starts cover 2 or more units per structure where there are no connecting areas between units.

Mr. SPARKMAN. Mr. President, I have not the slightest doubt that the present tax law and treatment of depreciation on residential rental housing is responsible in large measure for the flow of investment funds into multifamily housing. Since the Internal Revenue Code was first changed in 1954 to authorize accelerated depreciation for residential rental housing there has been a progressive escalation in the construction of apartment housing. I, for one, do not believe we can as a country afford to withdraw this incentive toward more rental housing construction.

I believe the Committee on Finance shares my concern in this regard. I note that the committee approved and concurred in the action of the other body in keeping intact the provisions of current law as to the allowance of accelerated depreciation—200 percent, double-declining balance or sum-of-the-years digits methods—on new construction for

initial owners, builders, or investors. Also, for rental projects built for low- and moderate-income families under sections 221(d)(3) and 236 of the National Housing Act, the present recapture rules of existing law are to be retained.

In addition, I recognize that the committee has adopted a general approach to the recapture of depreciation which would permit a full capital gains treatment of excess depreciation after a holding period of 18 years, 4 months. This is to be contrasted with the present law, which requires a holding period of 10 years. The House-passed bill would permit no capital gains on excess depreciation no matter how long the holding period.

In good conscience I must nevertheless now advise the Senate and the committee that, without further change, these provisions are seriously inadequate to forestall a wholesale turning away of private investment funds from rental housing. To distinguish a speculator from a true investor, I cannot agree that we must impose a holding period of over 18 years, starting with an initial period of 10 years in which, upon a sale, all excess depreciation over straight-line is recaptured as ordinary income.

Such a holding period must be contrasted with the committee's rejection of the House-passed proposal for a new 12-month holding period in order to provide "a better line of demarcation between gains for investment and speculative gains" as to other types of capital assets. The Senate Committee "was concerned—as also was the Treasury Department—as to the impact this might have on the willingness of investors to take risks and, thus, on capital investments and on revenues." See Senate report, page 200.

I can assure this body that with an 18-year holding period there is every reason to anticipate the same kind of impact upon investments in residential rental housing, upon revenues to be derived for the Treasury from rental housing construction and upon the willingness of investors to take risks on apartment housing. A shorter holding period is warranted. I will at the appropriate time offer an amendment for this purpose—to reduce the proposed 18 years and 4 months to 13 years and 4 months by cutting 5 years from the initial 10 years of the total holding period proposed under subchapter C, section 521 (b) of the bill—pages 391–394.

By adopting my two amendments with respect to residential rental housing, I think the Senate will go a long way toward removing the very real impediments to investors which otherwise would be created by this bill. I believe also that these amendments will place the chairman and members of the committee in the broadest and best possible negotiating position as this bill goes to what I feel sure will be a difficult and complex conference with representatives of the other body.

The growth rate of real estate as contrasted with other segments of the economy is evidence enough, I believe, to show that the rate of return on housing is simply not as attractive as other forms of investment. Real estate construction, for example, has lagged behind the 5.2 percent growth rate of the gross national product for the past 8 years. And in that period, housing has had a growth of only 0.5 percent.

Accordingly I think the revenue estimates set forth in the committee report—page 215—are woefully in error in anticipating dollar returns to the Treasury based upon a continuation of the presently projected rates of construction despite the obstacles to investors posed by this bill. Even so, however, I point out that my amendments—greatly needed by housing—would affect adversely only a portion of the amounts calculated to be gained in revenue by the bill's provisions on a revised treatment of used property and on recapture. The bulk of the anticipated revenues are to be gained from these and other changes which affect all real property, i.e., commercial, industrial, offices, warehouses, plants, shopping centers, and others.

I should like to emphasize, incidentally, that the committee report stresses there will be little or no effect on revenue in 1970 by the depreciation and recapture provisions in the bill, and the revenue anticipated—mistakenly I think—will be of substantial size in 1979. Yet these provisions, unless changed in accord with my amendments, will unquestionably have a severe and depressing effect on the housing investment markets in 1970—as their threat of passage already has had in 1969. I am of the strong opinion, as I have already stated that we as a nation cannot afford these further downward pressures upon real estate, especially housing, whatever revenues the Treasury statisticians think they can or cannot wring out of the construction industry.

It is clear to me from the committee report—page 212—that the value of the existing tax laws on depreciation as an incentive for rental housing production are fully understood by the committee and the Treasury. Expressly for this reason, the existing recapture rule is being maintained for low- and moderate-income housing. But the total production of such housing, under the section 221 (d)(3) and 236 programs, is only a small fraction of the total rental housing this country needs to build, this year, next year, and every year during the next decade.

I think it is appropriate at this point to note that in the Housing and Urban Development Act of 1969 the Congress set specifically as a National Housing Goal "the construction or rehabilitation of 26 million housing units, 6 million of these for low and moderate income." (42 U.S.C. 1441, 63 Stat. 413) We are falling far short of this goal. We need every resource at our command in order to achieve it, or even to come close to the levels of housing production we need—an annual average of 2.6 million housing units. The tax laws should help, not hinder this process.

Our congressional estimates of housing and our goals fall short, as a matter of fact, of the total housing needs projected in the report of the President's Committee on Urban Housing, December 11, 1968, headed by Mr. Edgar F. Kaiser. In the Kaiser committee report, at page 40, our total construction needs for housing are set at 26.7 million units. I ask unanimous consent to have printed at this point in the RECORD the pertinent table from that report, table IV.

There being no objection, table IV was ordered to be printed in the RECORD, as follows:

TABLE IV.—*U.S. housing construction needs—1968–78*

[Figures in millions of units]

(From The Report of the President's Committee on Urban Housing, December 11, 1969, p. 40.)

Construction of new standard units:	
Units for new households	13.4
Replacement of net removals of standard units	3.0
Allowance for vacancies	1.6
Subtotal	18.0
Replacement or rehabilitation of substandard units:	
Units becoming substandard during 1968–78	2.0
Replacement of net removals	2.0
Other substandard units in the inventory in 1966	4.7
Subtotal	8.7
Total construction needs	26.7

Source: GE TEMPO, United States Housing Needs: 1968–1978

RELATED EXCERPT FROM COMMITTEE REPORT

To meet this projected total need for the coming decade there must be a vast increase of the Nation's housing production. The average of 2.6 million new and rehabilitated units required for each of the 10 years, in order to meet this objective, compares with the current annual rate of 1.5 million new housing units per year. Recently the Nation has produced only about 50,000 subsidized units a year—in 10 years at that rate, only half a million. Production of both subsidized and unsubsidized housing must clearly be expanded to rid the cities of substandard housing by 1978.

Mr. SPARKMAN. Mr. President, the vast bulk of residential rental housing, as I have already indicated, must depend upon a high and sustained flow of private equity investment funds. This housing is for the great middle-income classes who are neither rich enough to afford luxury apartment dwellings nor poor enough to qualify for federally financed and subsidized rental projects. These are the families who will be hurt, and hurt badly, if this tax reform bill substantially eliminates, as it now does, the opportunity for builders to market new rental projects at a sufficiently attractive yield and the opportunity for investors to reach a capital gains position after a more than reasonably long holding period.

The purpose of both of my amendments is to remedy, at least to some degree, the thrust of the pending bill in taking out of existing law the incentives which have largely been responsible for the greatly needed rental housing production we have witnessed in recent years. This production is needed in even greater quantity during coming years.

At a time when housing starts have fallen rapidly and drastically, when we are building not housing but a housing shortage in the United States, I do not believe we can afford to remove the tax incentives to investment in housing which this bill would do. I, therefore, urge favorable action by this body and approval of my amendments.

Mr. President, I ask unanimous consent to have printed in the RECORD the pertinent tables of housing needs and production estimates taken from the First Annual Report on National Housing Goals filed with the Congress on January 23, 1969, table V, VI, and VII.

There being no objection, tables V, VI, and VII were ordered to be printed in the RECORD, as follows:

TABLE V

(From Annual Report on Housing Goals, 1969, page 15)

The following table summarizes a projected need for 28.2 million new and rehabilitated housing units between July 1, 1967, and June 30, 1977:

TABLE 4.—*Estimated housing needs: 1967–77*

[In millions of units]

For net additional household formation	13.1
To permit an increase in vacant units, including seasonal units	4.4
To compensate for units abandoned because of population shifts	1.0
To compensate for demolition, casualty, and other loses of nondilapidated units	2.0
To permit the removal of all existing dilapidated units	2.0
To permit the removal of all units becoming dilapidated over the decade	2.0
(a) Rehabilitation of nondilapidated, substandard units without public assistance	1.7
Subtotal: New units and unassisted rehabilitation	26.2
(b) Rehabilitation of nondilapidated, substandard units with public assistance	2.0
Total need including publicly assisted rehabilitation	28.2

TABLE VI

(From Annual Report on Housing Goals, 1969, page 8)

The annual production targets to achieve the goals have been revised to reflect the impacts of the events since last April. The revised annual production targets are shown in table 1. Since these are long-range projections, the figures are rounded to the nearest 25,000. The exact budget estimates for assisted housing are 233,000 units for fiscal 1969 and 503,000 units for fiscal 1970.

TABLE 1.—ESTIMATED ANNUAL STARTS OF NEW DWELLINGS AND ASSISTED REHABILITATIONS

[Numbers are in thousands and are rounded to nearest 25,000]

Fiscal year	Total starts and assisted rehabilitations	Total private unassisted starts	Publicly assisted starts and rehabilitations
Total	26,200	20,200	6,000
1969	1,675	1,450	225
1970	2,000	1,500	500
1971	2,225	1,600	625
1972	2,375	1,750	625
1973	2,575	1,950	625
1974	2,650	2,000	650
1975	2,950	2,300	650
1976	3,200	2,500	700
1977	3,250	2,550	700
1978	3,300	2,600	700

TABLE VII

(From Annual Report on Housing Goals, 1969, page 8)

UNASSISTED PRIVATE HOUSING ANNUAL PRODUCTION TARGETS

The 1968 report represented a series of estimated requirements of the number of new housing units that would have to be started privately without any public assistance to meet overall housing needs. Based upon the additional data now available on actual performance of the industry since the date of the 1968 report, the following revised estimates are presented of current and future production in the unassisted housing market. These estimates, as set forth in table 2, and comparisons with annual estimates set forth in the earlier report for fiscal years 1968 and 1969 are shown, as well as the unrevised figures for all subsequent years.

TABLE 2.—ESTIMATED PRODUCTION REQUIREMENTS OF PRIVATELY OWNED UNASSISTED DWELLINGS

[Future-year estimates rounded to the nearest 25,000 and thousands omitted]

Fiscal year	Present estimates	April 1968 estimates
Actual, 1968	1,334	1,407
Single-family units	866	----------
Multifamily units	468	----------
Estimates:		
1969	1,450	1,400
In 1- to 4-family structures	* 925	950
In multifamily structures	525	450
1970	1,500	1,600
In 1- to 4-family structures	925	1,050
In multifamily structures	575	550

Estimates:	Units
1971	1,600
1972	1,750
1973	1,950
1974	2,000
1975	2,300
1976	2,500
1977	2,550
1978	2,600

THE PERSONAL EXEMPTION PROVISION

Mr. GORE. Mr. President, the Senate adopted an $800 personal exemption coupled with a $1,000 low-income allowance. It concentrates tax reduction in the low- and middle-income brackets and provides tax relief for those who need it most—the average wage earner with children to feed, clothe, and educate.

I have submitted tables for the RECORD over the past week that demonstrate that my amendment provides greater relief for the average taxpayer than did the tax reduction measures in the House bill.

Tables prepared by the Treasury Department, appearing in the public press today, purport to compare the tax reduction that would be made available under the amendment adopted by the Senate with the reduction provided by the House bill.

I was surprised to see that these tables purport to show that my amendment provides less tax relief for the middle-income taxpayer than provided by the House bill. These published tables are based upon unrealistic assumptions.

My amendment, in fact, provides more relief, not less, for the middle-income taxpayer than does the House bill. These were the taxpayers for whom we so successfully fought over the past weeks.

The Treasury tables are incorrect because they proceed on a completely fallacious and arbitrary assumption. The assumption is that every taxpayer in the whole country uses a 10 percent standard deduction. The assumption is incorrect. Almost one-half of the taxpayers in this country, in fact, itemize their deductions, and these deductions average 18 percent of these taxpayers' income—not 10 percent.

Now what does the Treasury's false assumption do? It shows a much larger benefit from the House bill than taxpayers would, in fact, receive. A statement based upon an incorrect assumption will, of course, produce an incorrect result. The tables, therefore, understate the relative benefits of my proposal. For example, the Treasury tables assume that a man with deductions of more than $2,000 of his income will receive a benefit from the increase in the standard deduction. This is patently absurd—it is a mathematical impossibility for the standard deduction increase in the House bill to benefit such a taxpayer.

The whole point I have made through these past weeks is that the average middle-income taxpayer who is paying interest on his mortgage, real estate taxes on his house, medical bills for his children, and State and local income taxes is not getting a fair shake out of the House bill. My amendment remedied that very bad effect.

But the Treasury tables assume the House bill helps the average taxpayer with these deductible expenses. And it does not in any way to the degree required.

The battle to scuttle my amendment has already started. These tables represent just one more attempt by the Treasury to undermine my proposal and to deny the benefits of meaningful tax reduction to the hard-pressed middle-income taxpayers of our country.

In order to set the record straight and to try to correct the erroneous impression these Treasury tables may have given the American public, I am submitting for the RECORD tables prepared by the staff of the Joint Committee on Internal Revenue, which show the tax relief under my bill compared to that under the House bill. These tables are based on a more nearly correct factual assumption—that nonbusiness deductions equal 18 percent of the taxpayer's income. The 18-percent figure is an average—some taxpayers would have larger deductions, some lower. But an average is a more realistic assumption than the arbitrary low assumption used by the Treasury.

I hope the public press will carry these tables tomorrow so that the American public can have a more accurate picture of what the Senate has done in raising the personal exemption to $800 for every man, woman, and child in the United States. In any event, I wanted all Senators to have correct figures for their information and that of their constituents who are so vitally affected by my amendment.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Individual income tax liability under present law, under relief provisions of H.R.

13270 as passed by the House of Representatives, under relief provisions of H.R. 13270 as approved by the Senate, and with single person treatment as approved by the Senate Committee on Finance (assumes nonbusiness deductions of 18 percent of income).

MARRIED COUPLE WITH 1 DEPENDENT

Adjusted gross income	Tax under present law	Tax under House bill	Tax under Senate bill
$2,600	$42	0	0
$3,000	92	$13	0
$5,000	338	285	$230
$7,500	687	643	578
$10,000	1,076	1,012	962
$15,000	1,930	1,825	1,798
$20,000	2,910	2,738	2,760
$25,000	4,016	3,789	3,848
$75,000	22,141	20,753	21,823
$200,000	85,076	78,522	84,668

MARRIED COUPLE WITH 2 DEPENDENTS

$3,500	$66	0	0
$4,200	147	$91	0
$5,000	245	200	$112
$7,500	578	540	442
$10,000	962	904	810
$15,000	1,798	1,699	1,622
$20,000	2,760	2,600	2,560
$25,000	3,848	3,627	3,624
$75,000	21,823	20,459	21,399
$200,000	84,668	78,156	84,124

MARRIED COUPLE WITH 4 DEPENDENTS

$5,000	$70	$39	0
$7,500	378	353	$193
$10,000	734	688	518
$15,000	1,534	1,447	1,285
$20,000	2,460	2,324	2,172
$25,000	3,512	3,303	3,185
$75,000	21,187	19,871	20,551
$200,000	83,852	77,424	83,052

Mr. GORE. Mr. President, I also wish to clarify a point raised by the senior Senator from Delaware this morning with respect to the effect on capital gains rates of my amendment to increase the personal exemption to $800.

My amendment did not change the capital gains provisions of the Finance Committee bill. My amendment dealt only with individual tax rates and personal exemptions.

The Finance Committee voted, prior to any action on individual income tax rates, to repeal the alternative 25-percent rate on capital gains for most high bracket taxpayers. At that point in the committee deliberations, therefore, the maximum rate on capital gains was 35 percent—or one-half of the top rate of 70 percent. My amendment did not change these provisions.

The committee then imposed a 5-percent minimum tax on preference income in excess of $30,000. The excluded one-half of capital gains is a tax preference. For high bracket taxpayers with large amounts of capital gains, then, the committee action could have produced a maximum tax rate at 37½ percent. My amendment did not change this either.

When the Finance Committee took the unwise step of reducing the top rate from 70 to 65 percent, the maximum rate on capital gains was then reduced to 35 percent—if the minimum tax is included. My amendment changed the general rates, leaving them as in present law.

My amendment did not affect the committee action with respect to the repeal of the alternative capital gains rates in any way. That is in another section of the bill. My amendment struck out the rate reduction provisions from the committee bill, and substituted an increase in personal exemption. As a result of any change in maximum rates up or down, the capital gains provisions will relate and be affected accordingly. High-bracket taxpayers could pay a higher maximum capital gains rate. In case the maximum rate is 70 percent instead of 65 percent, then a higher—2½ percent—capital gains rate would result; if, in the future, the rate should be fixed at 60 percent instead of 70 percent, the maximum capital gain rate would be reduced—5 percent. So the maximum capital gain rate is a function of the general rates under the committee bill not by terms of my amendment.

I should emphasize that the 25-percent alternative rate is retained for taxpayers with relatively small amounts of capital gain. My amendment does not change this rule.

The persons affected by the repeal of the alternative 25-percent rate constitute only one-one hundredth of all taxpayers in the country. They are all in tax brackets above 50 percent per year and they all have income of more than $50,000 per year. They are affected, rightly or wrongly, rightly I accept, by a provision on page 352 of the bill which my amendment did not affect or change.

SMALL BUSINESS FRANCHISE PROVISION

Mr. SPARKMAN. Mr. President, many of the provisions of the bill have been much debated and are fully understood. However, it is noteworthy that the bill contains numerous additional provisions which effect basic and important reforms. I would like to take this opportunity to point out an example of such a significant, but little discussed, provision which will benefit the important and fast-growing small business phenomenon of franchising. As we all know, probably the most significant factor contributing to the growth of small business in this country today has been the development of the concept of franchising.

The impact of income taxes is as important in franchising operations as in other forms of business—perhaps even more so because of the relative lack of capital owned by many franchisees. This bill plays an important role in clearing up a problem which was causing franchisees much concern.

Uncertainty had arisen as to whether franchisees could take a tax deduction for the annual payments they made to the franchisor based upon the receipts and revenues derived by them under their franchises. This troublesome problem has been resolved by making it clear that such payments are deductible as business expenses by the franchisees.

The bill also properly takes the position that franchisors who retain significant strings on the business franchised will, in the future, be denied capital gains. Since these new rules represent a basic change in the law as regards franchisors, the tax treatment of franchisors on past transfers is not affected by the bill. However, the bill provides that franchisees will henceforth be allowed deductions for contingent annual payments made with respect to existing as well as future franchise agreements. Since these payments are essentially like royalty payments and certainly represent ordinary and necessary business expense, I submit that the bill is correct in this treatment. To have done otherwise would have been to penalize the small business person in the franchising scene simply because his franchisor is entitled to a tax treatment now thought to be too liberal—but which was perfectly acceptable at the time the franchise agreement was consummated.

PROGRAM

Mr. GRIFFIN. Mr. President, I take this time to ask the distinguished majority leader if he can give us any information as to the schedule for the rest of the day and tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting Republican leader, it is not anticipated that there will be any further rollcall votes this evening, but there will be a rollcall vote at 10:30 a.m. tomorrow on the Mondale amendment, which will be pending when the Senate concludes its business today.

Mr. CURTIS. Mr. President, will the Senator Yield?

Mr. MANSFIELD. I yield.

Mr. CURTIS. The Senator mentioned 10:30 as the time for voting on the Mondale amendment. At what time will the Senate convene?

Mr. MANSFIELD. 9:30.

Mr. CURTIS. Will there be any business before that?

Mr. MANSFIELD. Yes. a bill having to do with revising the criminal law and procedure of the District of Columbia, on which there will be a debate by the Senators from Nebraska, Arkansas, and Maryland, which will take about 20 minutes.

Mr. CURTIS. Then that will allow only about 30 minutes for debate on the Mondale amendment.

Mr. MANSFIELD. Yes, but there will be an explanation given tonight, before the Senate adjourns.

Mr. CURTIS. I would not agree to a 30-minute limitation on a matter as far-reaching as this. I will agree to a reasonable time, but not 30 minutes.

Mr. MANSFIELD. There will be some discussion of it tonight. I am trying to take care of some Senators—who are not on my side of the aisle, incidentally—who could not be here this evening, and I am trying to reach an accommodation. How about 11 o'clock? There will be some debate on it tonight. It is going to be discussed tonight and tomorrow. I assume only about 20 minutes will be taken up on the District of Columbia matter.

Mr. CURTIS. Is the Senator from Minnesota present?

Mr. MANSFIELD. He was here, but he assured me he was going to talk on his amendment tonight. As a matter of fact, he already spoke on it for about 5 minutes.

Mr. CURTIS. I very much favor the amendment, but I do not want to get boxed in on something so vital——

Mr. MANSFIELD. How much time would the Senator himself need?

Mr. CURTIS. That is rather unimportant. It is a matter of how long the Sen-

ate is going to consider something that would kill off about 30,000 institutions after they get to be 40 years old.

Mr. MANSFIELD. Perhaps I made a mistake in bringing this up. The Senator from Minnesota (Mr. MONDALE) is now present in the Chamber.

I may say to the Senator from Minnesota that I had told the Senator from Nebraska that the Senator from Minnesota was going to explain the proposal this evening at some length. It was after some travail and trouble that we reached an agreement, including agreement of the Senator from Tennessee, who I understand had the most responsibility for putting this particular section in the bill now before us. It was agreed to all around. I thought all the handicaps had been overcome, but if they have not been, that is it.

Mr. CURTIS. I will agree to a reasonable time, but not 30 minutes for both sides.

Mr. MANSFIELD. How about tonight?

Mr. CURTIS. If we talk tonight, we may as well talk in the cloak rooms or at home to ourselves.

Mr. MANSFIELD. I hope we read the RECORD. If we do not, I think we had better stop publishing it. I get my information not so much from listening to statements on the floor, which are tiring sometimes, but from reading the RECORD as a matter of duty.

Mr. CURTIS. We read it when we convene at 12 o'clock.

Mr. MANSFIELD. A copy of the RECORD gets to my home at 5:30 a.m., and I have read it before I leave for work at about 6:30.

Mr. CURTIS. Well, the Senator should get to work earlier. [Laughter.] I think 30 minutes is too short a time, but I will agree to an hour's debate.

Mr. MANSFIELD. That is fair enough. Would the Senator want the hour continuous, or should we come in at 9 o'clock and have 40 minutes before the District of Columbia bill is taken up, and then 40 minutes after the District of Columbia bill?

Mr. CURTIS. If the final 20 minutes may be reserved for the proponents of the amendment, I will agree to that.

Mr. MANSFIELD. Is that satisfactory to the Senator from Minnesota?

Mr. LONG. Mr. President, I would have to object to that.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the discussion on S. 2869, a bill to revise the criminal law and procedure of the District of Columbia, there be an hour's limitation on the Mondale amendment, the time to be equally divided between the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished chairman of the committee, the Senator from Louisiana (Mr. LONG).

Mr. GORE. Mr. President, reserving the right to object, is that before or after the District of Columbia bill?

Mr. MANSFIELD. We will keep it together, in sequence.

Mr. JAVITS. Mr. President, would the Senator be prepared to follow this unanimous consent with my amendment, which goes to the same subject, so we will have no complication on a substitute?

Mr. MANSFIELD. I would hope to, but that is up to the Senate's decision. I would hope to follow it with the Javits amendment and then the Metcalf amendment, having to do with hobby farming.

Mr. JAVITS. I would accept a 1-hour's limitation, if the Senator could get consent now.

Mr. MANSFIELD. It has to be cleared.

Mr. JAVITS. Could it be understood that it would be considered after the Mondale amendment?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, incidentally, I should like to remind my colleagues that there will be a Saturday session, that there is work to be performed, that amendments will be voted on, and there are appropriation bills to pass.

Mr. President, I ask unanimous consent, if I may, and if it is within my province, that following the vote on the Mondale amendment, the amendment of the distinguished senior Senator from New York (Mr. JAVITS) be laid before the Senate. I refer to the amendment on foundations.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. At that time, Mr. President, there will be a colloquy by the Senator from Nebraska (Mr. HRUSKA), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Maryland (Mr. TYDINGS), covering S. 2869, and at the conclusion of that we will go back to the Mondale amendment, which will be laid down tonight as the pending business. There will be no morning hour tomorrow.

Mr. CANNON. Mr. President, I call up my amendment No. 265.

The PRESIDING OFFICER. The amendment will be stated.

Will the Senator send a copy of the amendment to the desk?

Mr. LONG. Mr. President, would the Senator be willing to agree to a limitation of debate on the amendment? How much time does he require?

Mr. CANNON. I would agree to a 20-minute limitation, 10 minutes to a side.

Mr. LONG. Mr. President, I ask unanimous consent that the time for debate on the amendment be limited to 20 minutes, 10 minutes to each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk still needs a copy of the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada has the floor. The clerk will now state the pending amendment.

The assistant legislative clerk read the amendment (No. 265), as follows:

On page 413, line 3 after the period, insert the following: "This section shall not apply to transportation equipment operated by persons subject to regulation by the Civil Aeronautics Board, Federal Maritime Commission, or the Interstate Commerce Commission."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Javits amendment occur at 11 o'clock tomorrow morning, provided, of course, there is an hour allowed in the meantime for the debate on the Mondale amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1017) making further continuing appropriations for the fiscal year 1970, and for other purposes, and it was signed by the President pro tempore.

TAX REFORM ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. CANNON. Mr. President, repeal of the investment tax credit is proposed as a curb on inflation. I question whether it will have any such effect. The point that worries me is that removal of the tax credit may have an impact directly opposite the results intended.

I am concerned that repeal of the investment tax credit may very well contribute to inflation.

Inflationary trends of the past few years have been caused primarily by a soaring demand for goods and services. Newer, more productive capacity is the best means of meeting this demand and, thereby, easing inflationary pressures.

The 7-percent tax credit on investment in capital goods is one of the best tools we have for stimulating the replacement of less efficient productive capacity with the more efficient.

The need to expand and upgrade the country's productive capacity is a continuing one that has existed throughout our economic history. The investment tax credit is a longterm approach to meeting this need. It is not something that should be on today and off tomorrow.

If the Congress decides, nevertheless, upon repeal, I urge most strongly that the credit be continued for the Nation's

beleaguered transportation industry. The need to retain the investment credit for transportation is so compelling that I am offering an amendment to the tax reform bill to provide for continuation of the credit for regulated transportation.

Continuous improvement in transportation services is essential to our economic well-being. There is no question that, if the tax credit is repealed for transportation, some gain in productivity will be lost, contributing to inefficiency in our transportation system and in the economy at large. This is the only large nation in the world with a privately owned and run transportation system and we want to keep it that way. But transportation is in trouble.

Airways and airports are congested and require a minimum expenditure of $20 billion in the next 10 years. At the same time, the airlines are having the most severe financial problems in years amid growing demand for air services. They must spend billions of dollars in the next few years for air and ground equipment to accommodate millions of new passengers. Repeal of the 7-percent investment tax credit will virtually wipe out one of the few viable financing mechanisms available to that industry—the tax credit lease. What will happen if the airlines are unable to finance the acquisition of badly needed new, more productive equipment? Certainly fares will have to be increased to meet the cost of inflation. Passengers and shippers will not be accommodated, and the economy will suffer. The only question is how much it will suffer .

As for the railroads, all of us are aware of the constant shortage of boxcars that plagues this industry year after year. The American consumer and our economy are the losers, as well as the railroads.

I might point out, Mr. President, that we have been concerned for several years with the problem of boxcar shortages. Only today, the chairman of the Senate Commerce Committee has appointed a special subcommittee, or reactivated a subcommittee, on the boxcar shortage, to try to find some way of solving the problem, so that boxcars will become available. Certainly the railroads are not going to be able to continue to reinvest in boxcars if they are not given some type of incentive.

Our Nation's maritime industry is in perpetual crisis. Not enough U.S. ships are being built. Loss of the investment tax credit can only worsen this very serious situation.

The investment credit has been extremely helpful in enabling the Nation's motor carriers of freight to keep abreast of the ever increasing demands for their service by America's shippers.

New industries are increasingly becoming highway oriented and the tens of thousands of communities served only by trucks are increasing in number. Railroads no longer or rarely handle shipments under 6,000 pounds and this also has thrown an additional burden on the highway carriers.

All of this calls for increased capacity, more rolling stock and the modernization of truck fleets. The more than 15,000 regulated motor carriers are hard pressed to meet these demands in the face of increased cost of all kinds.

It is apparent that our transportation industries, upon which we all depend so heavily, are not in the best of financial health. Repeal of the investment tax credit for these industries could create economic problems for this Nation which would be difficult to overcome.

Therefore, Mr. President, I propose an amendment to the investment tax credit repeal provision which will provide the Government and the Nation with far greater benefits than will be lost through diminished tax revenues. It would exempt from repeal the transportation services of all companies regulated by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board.

I hope my colleagues agree that such an amendment is profoundly in the national interest, and that the amendment will be adopted.

Mr. LONG. Mr. President, in considering this matter of the investment tax credit on earlier occasions, we had many requests for exemptions. It was the feeling of the committee that as soon as we started making exceptions for groups and industries, step by step the whole effort to repeal the investment tax credit would unravel; that, having done it for one industry, another would ask for it, and another and another, and by the time we got through making exceptions, we would have no excuse not to exempt everybody. It was sort of like pulling first one thread and then another from a piece of fabric, until the whole thing falls apart.

The Senate had better decide whether it wants to repeal the investment tax credit or not. We had, at one time, agreed to a single exception because of the very critical need for railroad rolling stock; and subsequently the Treasury, realizing what could happen to this measure if there were exemptions, felt every effort should be made to accommodate the railroad industry otherwise. Therefore, it was agreed that the railroad industry would have a 5-year amortization provision, which is one of the most expensive provisions in this measure, so that they could amortize railroad rolling stock very rapidly; and they were accommodated to the greatest extent possible, so much so that they themselves asked that the provision for an exemption for the railroads be deleted.

So it was deleted, at their request. We have provided as liberally as we thought could be justified on any basis for contracts that have long lead times, and that is particularly advantageous to the aircraft industry. Insofar as we could accommodate various industries that had existing commitments, we sought to do so, and it seemed to me that we had just about satisfied them, insofar as there was any way to do it. To go beyond that point, I believe, would mean that we would have a series of exemptions, one behind the other, to the extent that we simply would not be able to repeal the investment tax credit.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. Yes. I believe the Senator from Delaware would like to say a few words about this matter.

Mr. WILLIAMS of Delaware. Yes. I agree completely with what the Senator from Louisiana has said; we have already rescinded close to one-third of the additional revenue gained by repeal of the investment tax credit, as a result of the vote on the Hartke amendment. I understand this amendment involves $720 million more. There is no question that there would be many others following it, and we might just as well say we are going to cancel all of it, and reinstate the investment tax credit.

Mr. LONG. Mr. President, this revenue is needed to offset the reductions voted by amendments to this bill. The President has said that if the bill becomes too badly overbalanced fiscally, he will veto the bill. We see amendment by amendment making the bill more and more of a burden on Government revenues, to the extent that if all this continues, and the House of Representatives agrees to accept a large part of it, that will undoubtedly mean that the bill is headed for a big Presidential veto. And I, for one, would probably vote to sustain such a veto, if the President felt he had to do it as a matter of fiscal responsibility, and I believe a number of other Senators would.

So, as much as I would like to accommodate these industries, it is my judgment that the budget simply cannot afford it.

I, for one, of course, feel that this has encouraged a lot of industries. And I am not placing the blame on the transportation industry. I think they need capital items very much and should be encouraged to order them. However, as this investment tax credit has encouraged a construction boom which has added fuel to a large extent to the inflationary fire during this period, it would be my hope that the Senate would reject the amendment both with respect to what it would do to the revenue impact of the bill and with respect to the precedent it would be set with respect to further amendments. I hope the Senate will reject the amendment.

Mr. President, it was not my understanding that the yeas and nays would be requested on the amendment. However, I have been informed since that time that they are desired.

I ask unanimous consent at this point that the vote on the pending amendment be held at a time tomorrow to be agreed upon between the manager of the bill and the sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, we plan to complete the debate this evening and vote on the amendment tomorrow.

Mr. CANNON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HANSEN. Mr. President, I understand that the driving of foundation pilings is the commencement of construction for purposes of the investment

credit plant facility rule. Is this also true if what might have been test pilings originally are later actually used as foundation pilings?

Mr. LONG. The Senator is correct when he states that the driving of foundation pilings is the commencement of construction for purposes of the plant facility rule. If, therefore, in connection with the construction of a plant facility, test pilings are driven and these test pilings are later actually used as foundation pilings, then the date on which the testing indicates the pilings will be used as foundation pilings is the construction commencement date. The test pilings in that case become foundation pilings at that time.

Mr. PELL. Mr. President, what percentage of the benefit would accrue to the passenger side of the railroad industry as opposed to the freight side?

Mr. LONG. It would be only a very small amount. I do not know the exact amount.

Mr. PELL. Would it be 5 percent or something in that order?

Mr. LONG. That would be my estimate.

Mr. CANNON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. President, I ask unanimous consent that the amendment be temporarily laid aside under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, will we be advised ahead of time as to the time of the vote on the amendment offered by the Senator from Nevada?

Mr. LONG. That is correct. It is my understanding that we will vote on the amendment after one of the rollcall votes tomorrow, so that everyone will have an opportunity to be present.

DOMESTIC BUILDING AND LOAN ASSOCIATIONS

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD reads as follows:

On page 312, line 19, substitute "(B)" for "(C)".

On page 313, line 13, substitute "(B)" for "(C)".

On page 314, line 2, substitute "(B)" for "(C)".

On page 317, strike lines 3 through 6 and substitute the following: "such associations; and".

On page 317, line 7, substitute "(B)" for "(C)".

On page 319, strike lines 16 and 17 and substitute the following: "the conduct of its business.".

On page 320, in lines 20 and 21, substitute "subparagraph (B)" for "subparagraphs (B) and (C)".

Mr. FULBRIGHT. Mr. President, my amendment does not in any way affect the revenue to the Treasury. It deals with the definition of a domestic building and loan association. It merely removes an obsolete provision which could be subject to misunderstanding.

The definition of a building and loan association outlines in specific detail the investments in which savings and loan associations are required to make investments if they are to qualify as a savings and loan association. My amendment would not change this. It simply removes obsolete language stating:

Substantially all of the business of which consists of acquiring the savings of the public and investing in loans.

This language was put in the original Internal Revenue Code before the investment standards were written into the law. Today, savings and loan associations are authorized to deal with the Federal National Mortgage Association, sell participation loans, sell debentures, accept public funds, accept commercial or business accounts, and borrow from the Home Loan Bank System and others. Technically, obtaining funds from such activities as those enumerated are not "acquiring the savings of the public."

I have discussed this amendment with the chairman of the Senate Finance Committee and the professional staff and they have agreed to accept it.

Mr. LONG. Mr. President, I have been apprised of the Senator's amendment. I see no objection to it. I have discussed the matter with the Senator from Delaware and with other Senators. I know of no objection to the amendment.

Mr. President, as far as I am concerned, I am willing to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

TRANSPORTATION EXPENSES OF HANDICAPPED PERSONS

Mr. FANNIN. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Ohio (Mr. MILLER), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. DOLE), the Senator from Florida (Mr. GURNEY), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD, reads as follows:

At the end of the bill, add the following:

"SEC. ——. TRANSPORTATION EXPENSES OF HANDICAPPED INDIVIDUALS.

"(a) Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"'(a) General Rule.—In the case of a disabled individual, there shall be allowed as a deduction expenses paid during the taxable year for transportation to and from work (while he is a disabled individual) to the extent that such expenses do not exceed $600.

"'(b) Disabled Individual Defined.—For purposes of subsection (a), the term "disabled individual" means an individual who is disabled to such an extent that he is unable during a period of long-continued and indefinite duration to use, without undue hardship or danger, a streetcar, bus, subway, or train, or similar form of public transportation, as a means of traveling to and from work. A taxpayer claiming a deduction under this section shall submit such proof that he is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that a certification from a State Vocational Rehabilitation Agency, including the District of Columbia, indicating that the taxpayer is a disabled individual within the meaning of this section shall be deemed conclusive proof that he is a disabled individual for purposes of this section.'

"(b) The table of sections for such part is amended by striking out 'Sec. 218. Cross references.' and by inserting in lieu thereof the following:

"'Sec. 218. Transportation of disabled individual to and from work.

"'Sec. 219. Cross references.'

"(c) Section 62 (relating to definition of adjusted gross income) is amended by inserting after paragraph (9) (added by section 531(b) of this Act) the following new paragraph:

"'(10) Transportation expenses of disabled individuals.—The deduction allowed by section 218.'

"(d) The amendments made by this section shall apply to expenses paid after December 31, 1969."

Mr. FANNIN. Mr. President, this amendment is a compromise version worked out among Senators MILLER, JAVITS, and myself and is a limited version of a broader proposal offered in finance committee. This amendment will provide justified relief to the working handicapped who incur substantial expense in getting to work because they are unable to use public transportation. The amendment provides a tax deduction for transportation expenses to and from work, up to $600 a year, for certain handicapped persons. The deduction is to be a deduction in determining adjusted gross income, not an itemized deduction, so that it will be available to taxpayers using the standard deduction.

A handicapped person, to be eligible for this deduction, may prove his disability by presenting a certificate from a State vocational rehabilitation agency. The certificate must indicate he has a disability that is expected to last for a continuous period of long and indefinite duration that prevents him from using public transportation without undue hardship or danger. He may also present other proof as prescribed in Treasury regulations.

Thus, under this amendment, a person who is handicapped, from whatever cause, to the extent that he cannot reasonably use public transportation will be permitted a tax deduction for the amounts he spends on cabs or other means of private transportation up to a total of $600 a year.

This amendment will provide a tax reduction of $90 million to about 1 million

handicapped persons who work, but this would be a very low cost for what would be involved.

Mr. MURPHY. Mr. President, as a cosponsor, I rise in support of this amendment and congratulate Senator FANNIN for his initiative in this important area.

As a member of the Labor and Public Welfare Committee, I have supported many measures designed to enable handicapped citizens move into productive employment.

This amendment gives a tax deduction for commuting expenses of certain disabled persons. It grants a tax deduction for transportation expenses up to $600 a year. To be eligible an individual must receive a certificate proving his disability from his State vocational rehabilitation agency. The certificate must indicate that the disability will last for a continuous period of long and indefinite duration which prevents the handicapped individual from using public transportation.

This amendment then grants relief to working handicapped taxpayers who are not able to use public transportation without undue hardship or danger. In these cases, handicapped individuals obviously have inordinately high transportation expenses. This amendment helps to recognize this fact and provides needed relief and is another important step in helping 1 million handicapped individuals remain independent and self-sufficient. I urge its adoption.

Mr. JAVITS. Mr. President, I am pleased to join the distinguished Senator from Arizona (Mr. FANNIN) a member of the Finance Committee, in the sponsorship of this amendment to provide a tax deduction for transportation expenses to and from work for the handicapped. As the Senator noted, the amendment before us is a compromise provision worked out by the committee. For me, it is the culmination of an effort begun when, as a Member of the House, I introduced a similar proposal in the 81st Congress in 1950.

Our handicapped citizens are capable of being productive workers, contributing to the Nation's economy instead of being dependent upon it. But their disabilities impose upon them additional expenses in pursuit of their livelihoods which are not fully tax deductible such as extra travel costs because they are unable to utilize routine methods of transportation.

I am heartened by the support for this amendment. Hundreds of thousands of Americans have endeavored valiantly to transform their physical handicaps from stumbling blocks to building blocks. They wish to use their crutches to move on, not to lean on. This amendment will help them do just that. It is as practical in economic terms as it is humanitarian. It is, in effect, a practical provision to benefit those who have no alternative but to be practical.

I am very hopeful not only that the amendment will be agreed to, but also, since it is critically important, that it actually survive the conference and become at long last part of our basic tax law.

Mr. WILLIAMS of Delaware. Mr. President, the Fannin amendment is offered as an aid to the disabled by providing a tax deduction to those who incur extraordinary expenses for transportation to and from work as a result of their inability to use public transportation. Now this is certainly a meritorious objective. However, the use of a tax deduction to accomplish this fails in large part to fulfill this objective. It fails because it does not provide any relief to nontaxable disabled persons who constitute a large proportion of the disabled group. Obviously, the extra transportation costs of low-income disabled persons will be a high proportion of the wages or salaries they earn or could earn. To provide a tax deduction for other disabled persons and not for those at the lowest income strata would be a serious injustice.

Even for those who would obtain the benefits of this tax deduction the value of the deduction would be only infinitesimal. For example, assuming a marginal tax rate of 15 percent, the $600 deduction would provide tax savings of only 35 cents per day on transportation costs of $2.40 per day. The $2.40 per day totals to $600 a year, the maximum deduction allowed under this amendment. As you can readily see, as a relief measure this tax deduction certainly does not fulfill its objective because it does not help those who need it most, and for those who take the deduction the amounts involved have little value.

A corollary objective of the tax deduction is to encourage the disabled who are now unemployed to seek employment. But here again the amounts described above certainly would not represent the deciding factor in the willingness or ability of the handicapped to seek or obtain employment.

I am informed that the operating Federal agencies in the area of aid to the handicapped have reviewed this proposal and question its desirability because the large majority of individuals who have most need would not receive assistance. It is my understanding that these agencies recognize this transportation cost problem and are actively developing appropriate and effective means of providing relief and employment incentives through the direct expenditure approach.

In view of these facts, I urge my colleagues to vote against this amendment.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Earlier today, I called up an amendment to the social security law and, having called it up for consideration, I then asked unanimous consent that it be temporarily laid aside. It was my impression that when an amendment is temporarily laid aside, it becomes the pending business after the consideration of any other measure that is then called up.

I ask the Chair if my understanding is correct.

The PRESIDING OFFICER. If it was temporarily laid aside for the purpose of offering another amendment, that is correct.

Mr. LONG. That was my understanding at the time.

Mr. President, I would like to make it clear for the RECORD that my purpose in offering the amendment at that time was that I thought we should not vote on amendments to the social security bill prior to the time the House had occasion to indicate to the Senate its judgment with regard to social security. I would hope that we would not be voting on social security amendments prior to that time. I have not objected to other Senators bringing up their amendments, but I ask whether it is necessary for a Senator to have unanimous consent to displace the amendment.

The PRESIDING OFFICER. The Journal indicates that it was not laid aside for the purpose of taking up another amendment.

Mr. LONG. I should like to ask, then, that the Journal be corrected to indicate that the amendment was laid aside in order that the succeeding amendments be offered, and that it has been laid aside for that purpose.

Mr. GORE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection to the request that the Journal be so corrected?

Mr. GORE. I reserve the right to object.

Mr. GRIFFIN. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I had introduced at the same time an amendment to provide a 15-percent increase in social security benefits in each category for which benefits presently are paid. I do not know why I should give consent to the prejudice of my own amendment. I would do this: I would give consent to an amendment reported by the Finance Committee. Really, if I may respectfully make a suggestion to the distinguished chairman, if he would modify his request to preserve in some way the priority of an amendment with respect to social security benefits that has been recommended by the Committee on Finance, by majority approval, by a poll of the majority of the members or otherwise—I do not wish to supplant any action of my committee, but if it is left to each Member to offer his amendment, then I have one at the desk.

Mr. LONG. Mr. President, it is my impression that when I withdrew the amendment, it was for the purpose of considering the amendment of the Senator from Texas. That was my intention when I did it. If the Parliamentarian wishes to tell me that that is not what I did, then I will do it again on the appropriate occasion. It will not require unanimous consent.

Mr. FANNIN. Mr. President, I move the adoption of the amendment.

Mr. LONG. Mr. President, with regard to the Senator's amendment, I find considerable appeal to it. I am advised that it would cost approximately $90 million. Personally, I favor it. It was discussed in the committee, but it was not perfected in the committee at that time. I would have voted for it in the committee. Personally, I favor the amendment, but there is some revenue impact, and I think the Senate should know that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FANNIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 367

Mr. LONG. Mr. President, I call up my social security amendment.

The PRESIDING OFFICER. The amendment wil be stated.

The LEGISLATIVE CLERK. Add at the end of the bill the following new title:

TITLE X—INCREASE IN SOCIAL SECURITY BENEFITS

That this title may be cited as the "Social Security Amendments of 1969".

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$55.40 or less	----------	$76	$64.00	$96.00
$16.21	16.84	56.50	$77	78	65.00	97.50
16.85	17.60	57.70	79	80	66.40	99.60
17.61	18.40	58.80	81	81	67.70	101.60
18.41	19.24	59.90	82	83	68.90	103.40
19.25	20.00	61.10	84	85	70.30	105.50
20.01	20.64	62.20	86	87	71.60	107.40
20.65	21.28	63.30	88	89	72.80	169.20
21.29	21.88	64.50	90	90	74.20	111.30
21.89	22.28	65.60	91	92	75.50	113.30
22.29	22.68	66.70	93	94	76.80	115.20
22.69	23.08	67.80	95	96	78.00	117.00
23.09	23.44	69.00	97	97	79.40	119.10
23.45	23.76	70.20	98	99	80.80	121.20
23.77	24.20	71.56	100	101	82.30	123.50
24.21	24.60	72.60	102	102	83.50	125.30
24.61	25.00	73.80	103	104	84.90	127.40
25.01	25.48	75.10	105	106	86.40	129.60
25.49	25.92	76.30	107	107	87.80	131.70
25.93	26.40	77.50	108	109	89.20	133.80
26.41	26.94	78.70	110	113	90.60	135.90
26.95	27.46	79.90	114	118	91.90	137.90
27.47	28.00	81.10	119	122	93.30	140.00
28.01	28.68	82.30	123	127	94.70	142.11
28.69	29.25	83.60	128	132	96.20	144.30
29.26	29.68	84.70	133	136	97.50	146.30
29.69	30.36	85.90	137	141	98.80	148.20
30.37	30.92	87.20	142	146	100.30	150.50
30.93	31.36	88.40	147	150	101.70	152.60
31.37	32.00	89.50	151	155	103.00	154.50
32.01	32.60	90.80	156	160	104.50	156.80
32.61	33.20	92.00	161	164	105.80	158.70
33.21	33.88	93.20	165	169	107.20	160.80
33.89	34.50	94.40	170	174	108.60	162.90
34.51	35.00	95.60	175	178	110.00	165.00
35.01	35.80	96.80	179	183	111.40	167.10
35.81	36.40	98.00	184	188	112.70	169.10
36.41	37.08	99.50	189	193	114.20	171.30
37.09	37.60	100.50	194	197	115.60	173.40
37.61	38.20	101.60	198	202	116.90	175.40
38.21	39.12	102.90	203	207	118.40	177.60
39.13	39.68	104.10	208	211	119.80	179.70
39.69	40.33	105.20	212	216	121.00	181.50
40.34	41.12	106.50	217	221	122.50	183.80
41.13	41.76	107.70	222	225	123.90	185.90
41.77	42.44	108.90	226	230	125.30	188.00
42.45	43.20	110.10	231	235	126.70	190.10
43.21	43.76	111.40	236	239	128.20	192.30
43.77	44.44	112.60	240	244	129.50	195.20
44.45	44.88	133.70	245	249	130.80	199.20
44.89	45.60	115.00	250	253	132.30	202.40
		116.20	254	258	133.70	206.40
		117.30	259	263	134.90	210.40
		118.60	264	267	136.40	213.60
		119.80	268	272	137.80	217.60
		121.00	273	277	139.20	221.60
		122.20	278	281	140.60	224.80
		123.40	282	286	142.00	228.80
		124.70	287	291	143.50	232.80
		125.80	292	295	144.70	236.00
		127.10	296	300	146.20	240.00
		128.30	301	305	147.60	244.00
		129.40	306	309	148.90	247.20
		130.70	310	314	150.40	251.20
		131.90	315	319	151.70	255.20
		133.00	320	323	153.00	258.40
		134.30	324	328	154.50	262.40
		135.50	329	333	155.90	266.40
		136.80	334	337	157.40	269.60
		137.90	338	342	158.60	273.60
		139.10	343	347	160.00	277.60

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$140.40	$348	$351	$161.50	$280.80
		141.50	352	356	162.80	284.80
		142.80	357	361	164.30	288.80
		144.00	362	365	165.60	292.00
		145.10	366	370	166.90	296.00
		146.40	371	375	168.40	300.00
		147.60	376	379	169.80	303.20
		148.90	380	384	171.30	307.20
		150.60	385	389	172.50	311.20
		151.20	390	393	173.90	314.40
		152.50	394	398	175.40	318.40
		153.60	399	403	176.70	322.40
		154.90	404	407	178.20	325.60
		156.00	408	412	179.40	329.60
		157.10	413	417	180.70	333.60
		158.20	418	421	182.00	336.80
		159.40	422	426	183.40	340.80
		160.50	427	431	184.60	344.80
		161.60	432	436	185.90	348.80
		162.80	437	440	187.30	350.40
		163.90	441	445	188.50	352.40
		165.00	446	450	189.80	354.40
		166.20	451	454	191.20	356.00
		167.30	455	459	192.40	358.00
		168.40	460	464	193.70	360.00
		169.50	465	468	195.00	361.60
		170.70	469	473	196.40	363.60
		171.80	474	478	197.60	365.60
		172.90	479	482	198.90	367.20
		174.10	483	487	200.30	369.20
		175.20	488	492	201.50	371.20
		176.30	493	496	202.80	372.80
		177.50	497	501	204.20	374.80
		178.60	502	506	205.40	376.80
		179.70	507	510	206.70	378.40
		180.80	511	515	208.00	380.40
		182.00	516	520	209.30	382.40
		183.10	521	524	210.60	384.00
		184.20	525	529	211.90	386.00
		185.40	530	534	213.30	388.00
		186.50	535	538	214.50	389.60
		187.60	539	543	215.80	391.60
		188.80	544	548	217.20	393.60
		189.90	549	553	218.40	395.60
		191.00	554	556	219.70	396.80
		192.00	557	560	220.80	398.40
		193.00	561	563	222.00	399.60
		194.00	564	567	223.10	401.20
		195.00	568	570	224.30	402.40
		196.00	571	574	225.40	404.00
		197.00	575	577	226.60	405.20
		198.00	578	581	227.70	406.80
		199.00	582	584	228.90	408.00
		200.00	585	588	230.00	409.60
		201.00	589	591	231.20	410.80
		202.00	592	595	232.30	412.40
		203.00	596	598	233.50	413.60
		204.00	599	602	234.60	415.20
		205.00	603	605	235.80	416.40
		206.00	606	609	236.90	418.00
		207.00	610	612	238.10	419.20
		208.00	613	616	239.20	420.80
		209.00	617	620	240.40	422.40
		210.00	621	623	241.50	423.60
		211.00	624	627	242.70	425.20
		212.00	628	630	243.80	426.40
		213.00	631	634	245.00	428.00
		214.00	635	637	246.10	429.20
		215.00	638	641	247.30	430.80
		216.00	642	644	248.40	432.00
		217.00	645	648	249.60	433.60
		218.00	649	650	250.70	434.40".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1970 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1969 on the basis of such wages and self-employment income, such total of benefits for January 1970 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1970, for each such person for such month, by 115 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) as applicable in the case of any such benefits for January 1970, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1970, or".

(c) Section 215(b)(4) of such Act is amended by striking out "January 1968" each time it appears and inserting in lieu thereof "December 1969".

(d) Section 215(e) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1967 Act

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1969.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1970, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1969.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1969 and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1970, or he died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his ability insurance benefit is based.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 27 AND OVER

SEC. 3. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$46," and by striking out "$20" and inserting in lieu thereof "$23".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$46".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46".

(2) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46", and by striking out "$20" and inserting in lieu thereof "$23".

(3) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$23".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$46".

(5) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$23".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

MAXIMUM AMOUNT OF A WIFE'S OR HUSBAND'S INSURANCE BENEFITS

SEC. 4. (a) Section 202(b)(2) of the Social Security Act is amended to read as follows:

"(2) Except as provided in subsection (q), such wife's insurance benefit for each month shall be equal to one-half of the primary insurance amount of her husband (or, in the case of a divorced wife, her former husband) for such month."

(b) Section 202(c)(3) of such Act is amended to read as follows:

"(3) Except as provided in subsection (q), such husband's insurance benefit for each month shall be equal to one-half of the primary insurance amount of his wife for such month."

(c) Sections 202(c)(4) and 202(f)(5) of such Act are each amended by striking out "whichever of the following is the smaller: (A) one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based, or (B) $105" and inserting in lieu thereof one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 5. (a) Section 201(b)(1) of the Social Security Act is amended by—

(1) striking out "and" at the end of clause (B);

(2) striking out "1967, and so reported," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and so reported, and (D) 1.10 per centum of the wages (as so defined) paid after December 31, 1969, and so reported,".

(b) Section 201(b)(2) of such Act is amended by—

(1) striking out "and" at the end of clause (B);

(2) striking out "1967," and inserting in lieu thereof the following: "1967, and before January 1, 1970, and (D) 0.825 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1969,".

Mr. LONG. Mr. President, I ask unanimous consent that my amendment be temporarily laid aside in order that the Senator from Michigan may offer his amendment.

Mr. GORE. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. CURTIS. Mr. President, I should like to offer an amendment.

The PRESIDING OFFICER. It would require unanimous consent at this point, unless it is an amendment to the pending amendment. Is there objection?

Mr. GORE. Mr. President, I wish to speak on the social security amendment.

Mr. MANSFIELD. Mr. President, I hope this matter will not get out of hand. I understand the position in which the distinguished chairman of the commitee finds himself, and I sympathize with him thoroughly; but a commitment has been made to the Senate as a whole that the Mondale amendment would be called up as the stated order of business tonight, and if we get involved in the social security amendment now, all the agreements made to the Members and the good faith of the leadership will be in question. I would hope that this matter would be kept under control and that the Senate would do what it could to maintain its record for integrity, and that if this matter is to come up, it come up after the consideration of the Mondale, the Javits, and the Metcalf amendments, and the disposal of the Cannon amendment, on which all time has been used.

So I appeal to my colleagues to let us operate under the procedure agreed to; and once that part is out of the way, then whatever the Senate does is another ballgame.

AMENDMENT NO. 323

Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. I call up amendment No. 323 and ask that it be immediately considered.

Mr. MANSFIELD. Mr. President, reserving the right to object, could the amendment be read?

The PRESIDING OFFICER. It requires unanimous consent.

Mr. MANSFIELD. I would still like to have it read. I ask unanimous consent that it be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the amendment.

The legislative clerk proceeded to read the amendment, as follows:

On page 199, commencing with line 19, strike out all through line 6 on page 200 (relating to recapture of certain deductions on sale of farmland at a gain) and insert in lieu thereof the following:

"(1) ORDINARY INCOME.—Except as otherwise provided in this section, if farmland which the taxpayer has held for less than 10 years is disposed of during a taxable year beginning after December 31——"

Mr. MANSFIELD. Mr. President, I have heard enough.

Mr. President, will the Senator from Nebraska withhold the amendment, so that the leadership can keep its word as to what will be brought up tonight and tomorrow?

Mr. CURTIS. Certainly.

Mr. MANSFIELD. Will the distinguished manager of the bill allow me to ask unanimous consent that the pending

amendment be laid aside temporarily or otherwise and that I may ask that the Mondale amendment, under an agreement of the Senate, be laid before the Senate for consideration tonight and tomorrow?

Mr. CURTIS. Mr. President, will the Senator yield for an observation?

Mr. LONG. Mr. President, I am willing that it be laid aside for the purpose of offering another amendment. That does not bother me at all. That is what I did, to begin with. I want the RECORD to show that is the reason why I asked that it be laid aside.

Mr. CURTIS. Mr. President, if the Senator will yield, I would like to make an observation.

Mr. MANSFIELD. I yield.

Mr. CURTIS. Mr. President, in connection with the amendment I have offered, I was of the opinion it could be disposed of within the purview of the agreement. I did not anticipate asking for a rollcall vote. It is very much in the nature of a corrective amendment.

Mr. MANSFIELD. That would be perfectly all right. That is what the amendment of the Senator from Michigan, the acting Republican leader, would do. I understand there is no difficulty connected with it. But I want to get the Mondale amendment laid before the Senate and keep my agreement.

Mr. GORE. Mr. President, reserving the right to object, I have no desire whatever to interfere with the majority leader keeping his word or with the Senate proceeding. If the Long amendment should be the pending business before the Senate after the Mondale amendment it is entirely agreeable with me.

My point is I do not entirely agree that the House of Representatives has any priority over social security; the Senate has equal authority, equal jurisdiction on any revenue measure and with respect to any part of a revenue measure, if that revenue measure itself has originated in the House. For entirely too long the assumption has been that because the revenue measure may originate in the House that somehow the Senate did not have an equal right to amend, alter, or add to any measure, the piece of paper of which originated in the House.

Unless we add the social security increase to this bill it is not likely to become effective until March, and there is a cold winter ahead. People simply cannot adequately live upon the small amounts they now receive.

I have no desire whatever to run ahead of the distinguished chairman of the committee. In fact, it seems to me the committee should have preference. If it is agreed that after the Mondale amendment is voted upon the Long amendment is still the pending business I would have no disagreement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, would it be possible, instead of confining that suggestion to just the Mondale amendment that it also be considered in relation to the Griffin amendment, the Javits amendment, and the Metcalf amendment, because commitments have been made; and then it could become the pending business.

Mr. GORE. Mr. President, that would meet my objection. I want to see social security increased in this bill.

Mr. MANSFIELD. And by at least 15 percent.

Mr. GORE. Without waiting for the other side to act.

Mr. JAVITS. That is satisfactory.

Mr. MANSFIELD. Mr. President, I ask unanimous consent with respect to the amendments to be offered by the distinguished Senator from Nebraska (Mr. CURTIS), the amendment to be offered by the acting Republican leader, the distinguished Senator from Michigan (Mr. GRIFFIN), the amendment to be offered by the distinguished Senator from Minnesota (Mr. MONDALE), the amendment to be offered by the distinguished senior Senate from New York (Mr. JAVITS), the amendment to be offered by the distinguished junior Senator from Montana (Mr. METCALF), and the amendment to be offered by the distinguished senior Senator from Arizona (Mr. FANNIN), that during the period of their consideration, the pending amendment, having to do with social security sponsored by the distinguished Senator from Louisiana (Mr. LONG), be laid aside and once again become the pending business thereafter.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. CURTIS. Mr. President, I ask for the immediate consideration of amendment No. 323.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 199, commencing with line 19, strike out all through line 6 on page 200 (relating to recapture of certain deductions on sale of farmland at a gain) and insert in lieu thereof the following:

"(1) ORDINARY INCOME.—Except as otherwise provided in this section, if farmland which the taxpayer has held for less than 10 years is disposed of during a taxable year beginning after December 31, 1969, the lower of—

"(A) the applicable percentage of the aggregate of the deductions allowed to the taxpayer under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for expenditures made by the taxpayer after December 31, 1969, or"

On page 201, strike out all before line 3 and insert the following:

"(3) APPLICABLE PERCENTAGE.—For purposes of this section,

	"The applicable percentage is—
"If the farmland is disposed of—	
Within 5 years after the date it was acquired	100 percent.
Within the sixth year after it was acquired	80 percent.
Within the seventh year after it was acquired	60 percent.
Within the eighth year after it was acquired	40 percent.
Within the ninth year after it was acquired	20 percent.
Ten years or more after it was acquired	0 percent.

Mr. CURTIS. Mr. President, if I may have the attention of Senators, I think we can dispose of this matter very quickly.

This is somewhat in the nature of a correcting amendment. It is an amendment that was agreed upon by the Committee on Finance. The amendment was offered in committee by the Senator from Nebraska. The purpose of the amendment was to plug a loophole and to bring in more revenue.

The version I have offered now, I believe, more nearly corresponds to the action taken than the language that was drafted and placed in the bill. I say that with no criticism at all. There was a massive bill, and we had to move very fast.

Mr. President, here is the problem. Many years ago Congress provided that when a farmer, a landowner, spent his own money on soil conservation practices, that that was a business expense and therefore deductible. That was a sound policy; it worked well. It meant lesser appropriations. It avoided the necessity of appropriating money for that purpose. What happened? Certain wealthy people would buy rundown land, spend money on it as a chargeoff against other income, and sell it for a capital gain. It was to close that loophole we provided that if the landowner held the land less than 10 years he would not get the benefit of these provisions.

When the bill was drafted it was drawn to provide 10 years beginning from the last expenditure on soil conservation. It was my intention in offering the measure in committee to provide for 10 years of ownership, from the time the landowner acquired it. My amendment would make that correction.

Mr. GORE. Make what correction? I did not quite understand the correction.

Mr. CURTIS. If the landowner owned the land for 10 years he would get the benefit of the present law in regard to a writeoff for soil conservation purposes. The present law is without any length of time and because of that a practice sprung up where it became a loophole. We passed on this in the Committee on Finance, and the 10 years commenced to run from the last expenditure—it was my intention it run from the acquisition of the land. That is the purpose of the amendment.

Mr. LONG. Mr. President, the language in the bill is somewhat different from the amendment of the Senator from Nebraska, but it was the Senator from Nebraska who was most interested in this matter. It was the thought of most of us we were following his suggestion when we agreed to that language which now appears in the bill.

In view of the fact that I and others were of the impression that we were following the suggestion of the Senator from Nebraska in this matter, if this is what he had in mind, I personally would be willing to agree to it feeling that it was the thought we agreed to at that time.

Mr. GORE. Mr. President, I concur with the chairman. The distinguished Senator from Nebraska referred to the amendment. He had the worthy purpose of lessening favoritism and as he proposed the amendment, as I understood it then, it would direct recapture unless

the property was held for 10 years. As I understand the explanation as actually drafted, the 10 years would have to run from the time of the improvements rather than from the time of acquisition of the property.

Mr. CURTIS. That is right, to get the complete benefits.

Mr. GORE. Therefore, the Senator says, it is his intention to have the 10 years run from the time of acquisition of the property. I think we should agree to his modification.

Mr. CURTIS. I thank the Senator from Tennessee and the distinguished chairman of the Finance Committee very much and ask for a vote at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. WILLIAMS of Delaware and Mr. LONG moved to lay the motion on the table.

The motion to lay on the table was agreed to.

FOSTER CHILDREN

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. GRIFFIN is as follows:

At the proper place, insert the following new section:

"SEC. —. TO INCLUDE CERTAIN FOSTER CHILDREN WITHIN THE DEFINITION OF DEPENDENTS FOR PURPOSES OF THE DEPENDENCY EXEMPTION.

"(a) IN GENERAL.—Section 152(b)(2) (relating to rules relating to definition of dependent) is amended by inserting immediately before 'shall be treated' the following: ', or a foster child of an individual (if such child satisfies the requirements of subsection (a)(9) with respect to such individual),'.

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to taxable years beginning after the date of the enactment of this Act."

Mr. GRIFFIN. Mr. President, this is an amendment very similar to amendment No. 322 which has been printed. The changes were made by the committee staff to avoid any possibility of ambiguity which it detected.

The Tax Reform Act of 1969 now before the Senate contains a number of measures designed to bring greater equity to our tax system.

Obviously, however, the act does not close all tax loopholes or cure all tax inequities.

One basic tax inequity which goes unnoticed in both the House-passed and Senate Finance Committee bill is the fact that our tax laws do not permit foster parents to claim an exemption for a foster child on the same basis afforded a natural or adopted child.

Under present law, a taxpayer may claim a personal exemption if he furnishes more than one-half of the support of a natural or adopted child who is a full-time student—regardless of the amount of income earned by the child.

However, if a taxpayer's child is a foster child, he may not claim a personal exemption.

As Assistant Secretary of the Treasury Edward Cohen recently observed:

Ordinarily foster parents obtain a dependency exemption for foster children by reason of section 152(a)(9). That section provides that the term "dependent" includes an individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer. Since the Committee reports indicate that section 152(a)(9) was inserted into the Code for the specific purpose of affording to foster parents a dependency deduction to which they were not otherwise entitled, it cannot be argued that Congress intended to include foster children within the definition of "child" contained in section 152(a)(1) and (2). The net result of this omission is to prevent foster parents from claiming a dependency exemption under section 151(e)(1)(B) even though they are providing their foster child with the same support which they provide to their natural children.

Mr. President, I believe Congress should correct this omission. Good foster parents willing and able to support foster children are in very short supply and certainly should not be penalized.

Unfortunately, many foster children are not legally available for adoption despite the great desire to adopt them on the part of their foster parents. Surely such technical disabilities should not cause different tax treatment of foster children who for all other purposes are treated alike by the family.

A recent tax case illustrated and underscores this present unwise and discriminatory policy. In *Reed* v. *Commissioner of Internal Revenue*, 50 T.C. 630 (1968), the U.S. Tax Court allowed an exemption for the Reed's natural son, but not for their foster sons. Each son had earned $800 and was attending college. But although the Reeds had been supporting the foster sons equally along with their natural son, the court disallowed the exemption for the foster sons under section 151(e)(1)(B).

Mr. President, the facts of the Reed case demonstrate the unsoundness of the current tax law with respect to foster children. The number of such cases is not large, and the added cost to the Government is certainly insignificant in contrast to the benefits rendered to children who need good homes and educations so that they may become productive members of society—and contribute even more to the country's future productivity.

On May 8 of this year, I introduced legislation to correct this basic inequity, S. 2112. This legislation simply includes within the definition of child, for purposes of the dependency exemption, a child placed by an authorized placement agency for foster care.

I have offered an amendment which is very similar to my earlier bill and ask that it be considered.

Mr. President, I believe the need for this legislation is clear. I am hopeful that the Senate will see fit to act now in correcting this minor but basic inequity.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters concerning this proposal.

There being no objection, the two letters were ordered to be printed in the RECORD, as follows:

CHILD WELFARE LEAGUE OF AMERICA, INC.,
New York, N.Y., February 7, 1969.

Hon. ROBERT GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: Mr. Edward Reed, foster father of two boys placed in his home by an accredited member agency of the Child Welfare League of America, has brought his recent tax case to our attention. We are deeply concerned about the unsound public policy which underlies the decisions made in this case, and the interpretation of the tax statute which denies certain tax exemptions for foster children in circumstances similar to Mr. Reed's. We believe an amendment to the tax law is essential to prevent further discrimination against foster children and foster parents in similar circumstances. The League has had a long time interest in the field of adoption and foster care, and we write to you in the hope that you may be helpful in effecting changes in the present tax law, as interpreted by the IRS and the U.S. Tax Court.

Mr. and Mrs. Reed had one natural son and two foster sons. All three were over 18, and attending college. Each one had earned $800. The Tax Court allowed an exemption for the Reeds' natural son, but not for the foster sons, although the Reeds had been supporting the foster sons, as well as their natural son, for many years.

As you know, parents of a full-time student can claim an exemption for him even though he is over 18 and earns $600 or more, provided that the parents furnish more than over half of his support. However, the Tax Court held that the waiver of the $600 income limit applies only for a natural child, stepchild, adopted child or foster child placed for adoption. It does not apply to a foster child who has not been adopted or placed for adoption.

This is an unwise and discriminatory policy which may discourage foster parents from encouraging and helping foster children to achieve a college education. It is a totally irrational discrimination against foster children and foster parents.

Unfortunately many foster children are not legally available for adoption despite the greatest desire to adopt them on the part of the foster parents. This was, in fact, the case with the Reeds. Surely such technical disabilities should not cause differential tax treatment of foster children, who for all other purposes are treated alike by the family. Nor should such technical disabilities further discriminate against a foster child's opportunity to win a college education.

Good foster parents, willing and able to help support foster children (who are unlucky enough to lack good homes with their own parents) are in very short supply. Surely such generous citizens should be encouraged in every way possible, so that more children in need of good foster homes will find them, and more foster children will be able to achieve as much education as their potential will permit.

The facts in the Reed case demonstrate the invalidity and unsoundness of the current tax law with respect to foster children. As a matter of sound policy we hope that Congress will see fit to amend the pertinent sections of the tax law as soon as possible. The number of such cases is not large, and the added cost to the government is likely to be insignificant in contrast to the services rendered to children who need good homes

and education so that they may become productive members of society—and contribute even more to the country's future productivity and income.

We hope you will be in touch with us if we can be of assistance on this matter. We will appreciate whatever influence you can bring to bear in making legislative changes necessary to promote the welfare of children.

Sincerely yours,

JOSEPH H. REID,
Executive Director.

TREASURY DEPARTMENT,
Washington, D.C., April 4, 1969.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: This is in further reply to your request for the Treasury Department's comments concerning the letter from Mr. Joseph H. Reid, Child Welfare League of America, New York City. Mr. Reid is concerned about the denial of the dependency exemption to foster parents in cases where they are providing support to a child who is aged 19 or more and has income in excess of $600 but is a student. He cites the *Reed* case where parents of one natural son and two foster sons were denied dependency exemptions for the foster sons, but allowed one for the natural son even though all three were over 18, attending college and each had earned $800.

Section 151(e) of the Internal Revenue Code allows an exemption of $600 for each dependent, as defined in section 152, whose gross income is less than $600 per year. An exception to the $600 rule is provided for in section 151(e)(1)(B) for a "child" of the taxpayer who has not attained the age of 19, or, if he has, is a student, regardless of the amount of income earned by him. A "child" is defined as "an individual who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer."

Ordinarily foster parents obtain a dependency exemption for foster children by reason of section 152(a)(9). That section provides that the term "dependent" includes an individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer. Since the Committee reports indicate that section 152(a)(9) was inserted into the Code for the specific purpose of affording to foster parents a dependency deduction to which they were not otherwise entitled, it cannot be argued that Congress intended to include foster children within the definition of "child" contained in section 152(a) (1) and (2). The net result of this omission is to prevent foster parents from claiming a dependency exemption under section 151(e)(1)(B) even though they are providing their foster child with the same support which they provide to their natural children.

In light of the clear Congressional intent as reflected in the Committee reports relating to sections 151 and 152, any change in the tax treatment accorded to parents of foster children would require enactment of new legislation. This administration is undertaking a review of proposals to make our tax system more equitable. We will give the problem raised by Mr. Reid careful consideration in connection with this study.

We appreciate having this problem brought to our attention. I hope these comments provide adequate information for your consideration of the question raised by Mr. Reid. His communication to you is returned herewith.

Sincerely yours,

EDWIN S. COHEN,
Assistant Secretary.

Mr. LONG. Mr. President, I have no objection to the amendment. I have favored its provisions in years gone by and I am still in favor of them now. It will be all right with me to take this amendment to conference and see if we can persuade the House to agree to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 331

Mr. MONDALE. Mr. President, I call up amendment No. 331 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

Strike lines 18 through 25 on page 8, line 1 through 3 on page 9, and lines 3 through 5 on page 17.

In line 4, page 9, strike the number "(3)" and substitute the number "(2)".

In lines 10 through 13, page 9, strike the phrase beginning ", and for purposes . . ." and ending ". . . nearest to completion".

In line 6, page 17, strike the letter "(B)" and substitute the letter "(A)".

In line 11, page 17, strike the letter "(C)" and substitute the letter "(B)".

In line 22, page 21, strike the number "(3)" and substitute the number "(2)".

In line 4, page 70, strike the phrase "(without regard to section 507(b)(2)".

Mr. MONDALE. Mr. President, I wish to speak in support of the work of private foundations on behalf of this amendment which was originally offered by me and Senators CURTIS, HOLLINGS, PERCY, and now has several additional cosponsors—Senators BAYH, BROOKE, CASE, COTTON, GOODELL, HARRIS, HATFIELD, HUGHES, INOUYE, JACKSON, JAVITS, MCCARTHY, MCGOVERN, MCINTYRE, MOSS, NELSON, PROXMIRE, RANDOLPH, SPARKMAN, and TYDINGS.

Mr. President, in addition to that, I inadvertently omitted the name of the Presiding Officer now in the chair, the distinguished Senator from California (Mr. CRANSTON).

The amendment would eliminate that provision of H.R. 13270 which would lift the privilege of tax exemption from privately endowed, nonoperating philanthropic foundations at the end of 40 years.

Section 507(b)(2) was added to the bill passed by the House by the Finance Committee after the defeat of two proposals providing for a shorter life span for foundations. It was neither debated nor considered in the House. It has not as yet had the benefit of extensive comment or criticism by the public or by the Senate.

To single out a particular class of institutions and levy against it an effective sentence of death when it reaches age 40 is not a minor action. In my view the proposal merits the utmost scrutiny precisely because it is selective and inevitably discriminatory. At the same time, it breaches the honored and historic principle of tax exemption for charitable work.

As I understand it, those who urge the Congress to limit the life of foundations have rested their case on four interrelated arguments.

First, existing tax law, by conveying the privilege of tax exemption to private charitable trusts without term, inflicts positive harm on present and future generations. It does so because it sustains the charitable interests, objectives, and priorities of earlier eras, whether or not they are currently relevant or productive. There is, in brief, cause for alarm and opposition to "dead hand" rule.

Second, since these historic private trusts exist only at the sufferance of society for the exclusive purpose of carrying out public objectives, their resources should, in due course, be publicly taxed or disposed of pursuant to legislative mandate, which is inherently more accountable and responsive to the will of the general public. Abuses of the public trust by some foundations demonstrate the need for eventual control by the public, itself.

Third, since tax benefits are granted for contributions to foundations on the condition that they will be used for specified purposes, the funds themselves should actually be so used, rather than merely the income earned on them.

Fourth, the tax laws have fostered the creation of large, permanent concentrations of power which wield increasing influence on the economic and political life of the Nation.

These charges are serious and merit careful and critical examination at greater length in the interest of broader knowledge and understanding, before this matter is decided. I will devote the remainder of my remarks to that necessary task.

I. IS THE "DEAD HAND" OF THE PAST GUIDING THE CONTEMPORARY OPERATIONS OF FOUNDATIONS?

My esteemed friend and colleague, the senior Senator from Tennessee (Mr. GORE) eloquently stated his personal concern and the dangers of "dead hand" rule in his floor speech of October 9, as follows:

> The private foundation . . . freezes the notion of the donor as to charitable interests into society forever. If the charter is specific, however obtuse, the trustees of the foundation are bound by it. More importantly, since the income of the foundation is tax-exempt, the entire Nation is bound to follow and to contribute to the wishes of its donor. Thus a dead donor's wishes will be carried out at the expense of each succeeding generation, even though a new order of public priorities and changed conditions would have rendered the specific charitable purpose obsolete.
>
> Should the dead control the living for all time to come through the selection of charitable purposes that may, or even may not, have served the public weal at the time the foundation is created?

Clearly, this question is most appropriate. But is the suggestion that the dead control the living a proven claim? Answers to at least two additional questions are needed to inform our judgment about its validity.

First. Does American law reinforce both the spirit and the very letter of the intent of original donors if its current vitality is challenged?

Second. How relevant and contempo-

rary are the actions of the older foundations?

FOUNDATION CHARTERS AND THE LAW

Despite the anxiety of the foundations' critics, the weight of available evidence suggests, overwhelmingly in my view, that the vast majority of foundations—just like universities, hospitals, and other perpetual, nonprofit institutions—are run by vital, modern, responsive, living, continuously changing trustees, who reflect the guiding interests of the founding donors only to the extent that they were truly visionary or wise enough to foster evolution in the foundations' activities and purposes.

Of the 6,800 foundations which controlled 98.5 percent of total foundation assets in 1967, 5,300, with 91 percent of the assets, were operating under broad general charters. In the larger foundations especially, the charitable purposes outlined in the charter or deed of gift are so broad as to give the trustees in succeeding years almost complete discretion over how the funds should be employed in the public interest. And virtually all charters for new foundations are drawn to conform, word for word, with the broad charitable purposes qualifying a corporation for tax-exemption status which are contained in the Internal Revenue Code.

Moreover, it is not true that wealth accumulated in the past can be preserved intact for specified purposes which become obsolete or inconsistent with public policy. This is because, first, the group of objectives and purposes qualifying as charity—and for tax exemption—has continuously evolved, and was restated in tax regulations as recently as June 1959. Second, American common law, which is uncommonly stable with respect to charitable trusts and corporations, has historically provided ample legal recourse for modification of the intent of the original donor to changing conditions and policies, and evolving definitions of activity qualifying as charity.

Everyday observation corroborates this view. A mere listing of the largest private foundations which have been in existence for 40 years makes immediately clear how many distinguished, patently modern institutions would be eliminated had the pending legislation been traditional American law. I ask unanimous consent that such a list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Largest private foundations in existence 40 years or more

Name and location	Years in existence
Altman Foundation, New York City	56
Carnegie Corporation of New York, New York City	58
Carnegie Endowment for International Peace, New York City	59
Carnegie Institute of Washington, Washington, D.C	65
Chicago Community Trust, Chicago, Ill	54
China Medical Board of New York, Inc., New York City	41
Cleveland Foundation, Cleveland, Ohio	55
The Commonwealth Fund, New York City	51
The Danforth Foundation, St. Louis, Mo	42
The Duke Endowment, New York City	45
Fuld (Helene) Health Foundation, Trenton, N.J	46
Guggenheim (John Simon) Memorial Foundation, New York City	44
Hartford (The John A.) Foundation, Inc., New York City	40
Hyams (Godfrey M.) Trust, Boston, Mass	40
Juilliard Musical Foundation, New York City	49
Kettering (Charles F.) Foundation, Dayton, Ohio	42
Kresge Foundation, Detroit, Mich	45
Kress (Samuel H.) Foundation, New York City	40
Markle (The John and Mary R.) Foundation, New York City	42
McGregor Fund, Detroit, Mich	44
Mott (Charles Stewart) Foundation, Flint, Mich	43
New York Community Trust, New York City	46
Permanent Charity Fund, Inc., Boston, Mass	54
Rockefeller Foundation, New York City	56
Sage (Russell) Foundation, New York City	62
Surdna Foundation, Inc., Yonkers, N.Y	52
Wilder (Amherst H.) Foundation, St. Paul, Minn	59

THE RECORD OF PERFORMANCE OF OLDER FOUNDATIONS

Mr. MONDALE. Mr. President, more specifically, there is readily available evidence to suggest that the grantmaking decisions of these older foundations in their later years are at least as fruitful, contemporary, progressive, and important as those of younger philanthropies. Let me offer some vivid illustrations of the argument that vital life for foundations, no less than for people, continues at or after 40:

If the Rockefeller Foundation had been forced out of business in 1952 after 40 years of life, it would never have carried out the great work in the fantastic improvement of wheat and rice yields, which developed out of its pre-1952 experience. Without this "green revolution," as it has come to be called, many millions of people would now be suffering from malnutrition or dying of starvation.

If Carnegie Corp. had shut its doors in 1951, on turning 40, its accumulated experience in the field of education would not have been brought to bear on the vast expansion of educational needs of the past two decades. Notable among its activities has been the extensive investment in preschool education, and its current support of the widely acclaimed children's television workshop.

If Commonwealth Fund had ceased activity at 40 in 1958, its endeavors of the past decade in the strengthening of medical education, which grew out of its pre-1958 experience, would never have taken place. And so we would have been denied its pioneering work in new careers in medicine, and in encouraging related revisions in educational curriculum and professional requirements.

It was only after the Danforth Foundation reached 40 in 1967, that it made the largest single grant in its history, in the amount of $5,000,000, to strengthen the faculties of predominantly Negro colleges in the South.

Thus, I would argue that available information and American legal tradition offer insufficient basis for alarm that the "dead hand" of earlier times is influencing the response of private philanthropy to current times. Therefore, it seems to me that "dead hand" is not a persuasive rationale for the proposed "40 year" death sentence.

II. DOES THE EVIDENCE OF ABUSE BY SOME FOUNDATIONS JUSTIFY THE ASSUMPTION BY GOVERNMENT OF COMPLETE RESPONSIBILITY FOR THE PUBLIC WELFARE BY ULTIMATELY TAXING OR FORCING THE COMPLETE DISTRIBUTION OF THE ASSETS OF PRIVATE FOUNDATIONS?

Sponsors of a curb on the life of foundations believe that the endowed resources which enable philanthropies to make grants are really public, not private resources, since, in the absence of a special concession of tax exemption, they would originally have been commanded as governmental taxes upon the death of the donor. The distinguished Senator from Tennessee (Mr. GORE) also stated this view succinctly in his October 9 speech:

> When a wealthy donor reduces his tax liability through his gift, he is, in practical effect, being allowed to prescribe the use of public funds that would otherwise be paid in taxes.

Two arguments have been advanced to buttress this contention:

First, that the record discloses that some foundations have frequently offered substantial and private, essentially selfish, benefits as well as fulfilling public purposes. And, occasionally, no significant public purposes have been served at all.

Second, however good the performance of private foundations has been on balance, there is insufficient public accountability and the Government, with all its frailties, should ultimately make the decision concerning the allocation of these assets.

I, for one, do not find either of these arguments compelling. Even if one concedes them for the purposes of debate, however, neither provides justification for a 40-year death sentence. If foundations provide merely, or largely, a mechanism for private benefit, or if we truly prefer a unitary society with government responsible for all our public decisions, then philanthropy should be ended now rather than given a 40-year-delayed sentence of death. If the record suggests, as I believe it does, that there are responsible and irresponsible, genuine and fraudulent, fruitful and vacuous philanthropies, then the proper approach is surely not to kill them all off indiscriminately, but to tailor the law to end abuses without sacrificing benefits.

THE ACHIEVEMENTS OF AMERICAN PHILANTHROPY

I believe that the historic record of American private philanthropy is clearly affirmative. We may be only dimly aware now of the good which philanthropy has done, but I am sure we would feel a sharp, extensive loss if it were no longer at work in our society, addressing our hardest problems, or helping, in part, to foster our highest aspirations.

It is worth recalling the highlights and the range of the impressive contribution made by foundations to the quality of contemporary life:

They have helped establish modern public health institutions and practices

and have played a major part in the prevention of hookworm, malaria, yellow fever, and other endemic diseases, not only in the United States but throughout the world.

They called initial attention to the need for reform in medical education and have followed through by assisting in the development of the finest medical schools and medical research centers in the world. Foundation funds aided in the discovery of insulin, penicillin, and polio vaccines, and are providing continuing support for work on such diseases as cancer, heart disease, and arthritis.

They helped advance scientific agriculture. Beginning with demonstration farms to introduce better farming practices, they have subsequently financed work in plant genetics, plant pathology, and other sciences that have vastly increased crop yields. Foundations are also supporting agricultural research and extension in many of the world's less-developed countries, where farming is the main source of income.

Long before governments took official notice of the world population crisis, foundations began laying the groundwork for scientific and policy efforts toward birth control and are now a major source of support for domestic and worldwide biological and demographic research and for action programs aimed at regulating population growth.

In education, they have contributed broadly at all levels, from prekindergarten to postdoctoral study. In the early part of the century, they encouraged the establishment and expansion of elementary schools for children of all races, particularly in the rural South, and helped the Nation achieve a system of universal secondary education.

They have strengthened the professional education of teachers, the development of educational testing, and research in child development and educational psychology.

In higher education, foundations have helped develop centers of excellence in all regions of the country. And to strengthen college teaching as a career, they began a system of faculty pensions, have assisted in the raising of salaries, and are financing thousands of graduate fellowships for prospective teachers.

In the post-World War II readjustment of the educational system to a period of exploding knowledge and soaring enrollments, foundations have helped carry out improvements in the recruitment and education of school and college faculty. They have helped improve the use of teachers' time and talent, particularly through the adoption of such modern techniques as instructional television and team teaching.

Individual student opportunity has long been a foundation goal. Foundations have expanded opportunities for the intellectually gifted to make the most of their talents and for those from deprived families to surmount motivational and cultural handicaps that limit their ability.

Besides their efforts to improve the quality of the educational system, foundations have devoted large funds to fellowships and the advancement of knowledge. Individual scholars, university departments, and research agencies have received grants and fellowships for research and training in all branches of learning—not only in the medical and biological sciences, but also in the physical and mathematical sciences, the social and behavioral sciences, the humanities, and such professional fields as law, business management, and engineering.

In addition to providing funds to strengthen university departments and schools, foundations support the work of such national organizations as the Social Science Research Council, the National Merit Scholarship Corp., the Population Council, the Center for Advanced Study in the Behaviorial Sciences, the American Council of Learned Societies, the National Bureau of Economic Research, Resources for the Future, and the Brookings Institution.

In the cultural field, foundations have contributed vastly to the growth of libraries and library science. Artistic institutions and groups—fine arts, museums, symphony orchestras, theater, and opera companies—have also benefited from foundation support, as have many individual artists. Education in the arts has been aided, both at the professional level and as an aspect of general education.

Foundations have long been engaged in furthering adult education and in supporting programs to enable citizens to extend their knowledge of public affairs, including international relations.

Noncommercial television has developed as a new cultural resource, largely through foundation support.

In social welfare, foundations have made a special impact by stressing ways to prevent social breakdown rather than merely alleviating its consequences. Through social research, social work education, and experiments to test out new ideas and approaches, they have helped public and private agencies to deal more effectively with the acute human problems of deprived urban and rural areas. Much recent State and National legislation concerned with delinquency, job training and counseling, and the attack of poverty at its source has taken account of foundation-supported experiments. Another area of social action spurred by foundation funds is the search for better ways to meet the needs of the Nation's growing number of older citizens.

Foundations have pioneered in the advancement of legal rights for both the indigent and the consumer.

They have assisted major national and local civil-rights organizations and sympathetic religious, business, labor, and community groups in the effort to enable racial minorities to acquire social and economic opportunity and dignity in the mainstream of American life.

Finally, foundations have extended the American philanthropic tradition to other countries by helping their peoples develop the knowledge and skills to combat sickness, hunger and ignorance. They are assisting the world's poorer countries in agriculture, medicine, health, public administration, technical training, family planning, and training in economics, business, and law. At the same time, particularly through grants to American colleges and universities for area studies of Asia, Africa, and Latin America, foundations are helping the United States obtain the knowledge of world affairs essential to its own international responsibilities.

During the year 1968 alone, private foundations contributed about $1.5 billion for support of the Nation's educational institutions, hospitals, poverty programs, cultural activities, and medical and agricultural research.

But, if the overall historic achievement of foundations is clearly fruitful and public spirited, it remains true that the world of philanthropy is not a monolith. Flagrant abuses of the privilege of tax exemption, largely financial but occasionally also nepotistic in character, have been ascribed to a small group of foundations. These abuses have been amply documented by investigations by the Treasury over the last several years, in hearings carried out earlier by the House Banking and Currency Committee, and in the current inquiries of the Finance and Ways and Means Committee.

THE REFORM PROVISIONS OF THE PRESENT LEGISLATION

The legislation before us contains several desirable measures, carefully designed to eliminate the possibility that charitable trusts will, in the future, serve merely as tax shelters, and to reduce further the possibility that the public benefits of institutional giving will be offset by selfish, personal, or essentially private gains.

The bill requires private foundations to promptly distribute for charitable purposes all current income. To cover cases where yield is modest, the bill requires that the minimum annual distribution amount to at least 5 percent of assets. Under current law, foundations are merely required to distribute income, and since investments need not yield income, some private foundations enjoying the privilege of tax exemption make no annual contribution for public charitable purposes.

In addition, the bill flatly prohibits financial "self-dealing" between charitable trusts and donors, managers, or government officials. This provision covers such matters as loans, payment of compensation, preferential availability of services, substantial purchases or sales, and substantial diversions of income or corpus to—or from—creators and substantial donors and their families and controlled corporations. In contrast, present law against financial self-dealing has relied upon subjective tests for abuse, and has proven difficult to enforce and ineffectual in sanction.

The pending legislation also limits to 20 percent the amount of voting stock in a private corporation which may be owned in combination by a foundation, its financial donors or sponsors, and its management. Corresponding limitations apply to partnerships and other entities. A private foundation is not permitted to own a sole proprietorship. Present law does not deal directly with the subject of foundation ownership of business interests. Perhaps because of this, the use

of foundations to maintain control of businesses, particularly small family corporations, appears to be increasing.

I have already contended that available information on the character of the charters of foundations; on the safeguards afforded by legal tradition and practice against sustaining outdated purposes; and on the impressive record of fruitful public action by the Nation's oldest foundations in their maturity; all tend to refute the view that "dead hand" rule distorts philanthropy's response to contemporary public needs.

But at least as important, the legislation before us contains provisions to narrow further and hopefully eliminate completely any prospect that tangible private benefits will continue to flow from tax privileges afforded by commitments of wealth to public trust.

Unlike the 40-year provision, these provisions are targeted against abuse.

Unlike the 40-year provision, they result from extended factfinding, inquiry and opportunity for public scrutiny, criticism and comment.

Unlike the 40-year provision, they do not disturb or damage the work of responsible, fruitful foundations, operating for the public benefit and in its interest.

In short, Mr. President, both the spirit and the letter of the 40-year "death sentence" are wholly inconsistent with the reform features of the bill. Genuine abuses should be promptly corrected, and this legislation has the provisions I have just described to achieve that objective. But the "40-year" rule does nothing to correct abuses; worse, it destroys the institution long after the new law should have produced reform and enhanced performance.

Even though the new law should root out foundation abuses that do exist, some would, apparently, still add the 40-year "death sentence" provision on the ground that privately endowed and managed foundations are inherently less accountable and responsive to the public will than is government itself.

This view overlooks the increased accountability to the general public which the present legislation will require, both through enhanced Internal Revenue oversight of foundations and stronger requirements for full public disclosure of their activities by philanthropies. When it is stripped to its bare essentials, however, this argument amounts to a deep philosophical and ideological preference for a system exclusively governmental, and public. It rejects the competition, and the checks, balances and freedom of our pluralistic system of private and governmental initiatives to realize the general welfare.

It also asserts for government an omniscience, clairvoyance, responsiveness, and reputation for steady, just and effective performance that is not supportable by the record of government in this or any other society, and especially in those societies which have relied exclusively or predominantly upon government. Moreover, in principle and potential, if not in current application, this argument is infinitely extendable against all other private or voluntaristic institutions which stand independent of government but which depend, in some measure, on government encouragement of their existence. I refer here, of course, to the potential threat to all educational, medical, and social welfare institutions, unions, trade associations, and other organizations encouraged, at least in part, by exemption from public taxation.

Along with others moved by the amount of public work to be done in this country, I have consistently fought for a stronger, better financed public sector, especially in domestic affairs. But I have never seen this goal as a substitute for the energy and concerned interest of individuals, acting alone or through private organizations, in contributing to the general welfare. Our whole history warns against exclusive reliance on either government or the private sector, and affirms the wisdom of maintaining diversity, pluralism, and coexisting, mixed forms of organization to accomplish the Nation's public work.

By immediately demoralizing and eventually killing off the private nonoperating foundations that now exist, and by chilling—through stiffer tax treatment of gifts of appreciated property—the formation of new foundations, the proposed "40 year" rule, perhaps unintentionally, encourages bigger, more pervasive, and inevitably less balanced government. I cannot believe that such a development is either wanted by, or in the interest of the American people in this era of rapid change and wide diversity of opinion and perspective throughout the Nation.

III. SHOULD THE CORPUS OF A FOUNDATION EVENTUALLY BE USED FOR ITS TAX-DEDUCTIBLE PURPOSES, RATHER THAN ONLY THE INCOME ON THE FUNDS CONTRIBUTED?

The affirmative case for ultimately disbursing all foundation assets was set forth as follows in the Finance Committee report on the pending legislation:

> Since the income is itself exempt from taxation in the hands of the foundation, the expenditure of the income only satisfies the obligations associated with the income tax exemption of the foundation and not the obligations associated with the charitable contribution deduction for what is the capital, or corpus, of the foundation.

I find this argument somewhat shortsighted. I see no reason to separate investment assets from the income they yield. The income flows to charity only so long as the assets remain in existence. Distribution of the assets will immediately reduce and ultimately eliminate the flow of income to charity. This would have the same practical effect as levying a tax on income. Both come at the expense of the charitable purposes for which the funds were originally contributed.

It is, in addition, worth emphasizing that the common historic practice of the large general purpose foundations has been that at least 5 percent of assets be annually distributed to charity. This is to become a statutory requirement under the pending legislation. In effect, this guarantees that society will receive the full value of the tax exemption, over time, if the assets are not drawn down through forced distribution or annual invasion by taxation.

IV. DO FOUNDATIONS COMPRISE LARGE AND GROWING CONCENTRATIONS OF POWER, WITH UNDESIRABLE INFLUENCE IN THE POLITICAL AND ECONOMIC LIFE OF THE COUNTRY?

The report of the Senate Finance Committee stated the problem as follows:

> If foundations have a permanent tax-exempt life, their economic power may increase to such an extent that they have an undue influence both on the private economy and on governmental decisions.

Available information, however, does not in my judgment support this concern. Foundations command assets valued most recently at $21 billion, or about seven-tenths of 1 percent of the Nation's total wealth. While these assets have slowly increased in absolute terms in recent years, they have decreased in relation to the Nation's wealth. and are proportionately smaller in relation to GNP today than they were 10 years ago. Moreover, the bill's requirement that foundations spend all of their income will inhibit the further accumulation of wealth by any foundation.

In contrast to public welfare expenditures by all levels of American government amounting to nearly $300 billion annually, foundations expended a mere $1.5 billion in 1968. This effort is placed in further perspective by individual charitable contributions amounting to $12.1 billion during the same year.

Finally, while it is true that about 370 of the estimated 22,000 private foundations hold about two-thirds of the assets of all foundations, and account for more than half of the total amount of grants, their relative predominance within the world of organized philanthropy has declined steadily in the face of formation of numerous, new, smaller foundations. Objective observers have also confirmed that these larger, general purpose philanthropies are highly autonomous and independent of each other in their individual decisions and judgments. Further, they are rarely associated closely with a particular family, company or community. As noted previously, even where such close association exists, the bill's prohibitions against self-dealing should allay any fears.

Available information tends to suggest, in short, that the economic influence of foundations is very modest and growing steadily smaller in relative terms, and that the world of foundation philanthropy is growing steadily more diverse and pluralistic. To me, the information suggests that if the private foundation is, overall, a desirable and beneficial form of organization, then it should be encouraged in our society. If so, we should probably turn our attention away from its destruction and toward ways of helping it to maintain and, perhaps, even increase its modest, but vital contribution. In any case, there is no evidence to support the allegation that growing wealth or centralized bigness of foundations imperils either our economic or political life.

I hope I have demonstrated that the arguments in support of the bill's provision are either contradicted by the factual information that is available, or rest

upon philosophical predilections which are at variance with the mainstream lessons of American experience and history:

As a matter of fact, foundations are not controlled by the "dead hand" of the past, and as a matter of law, need never be bound by outdated trust instruments.

There is widespread agreement that foundations do important public work, and there is no evidence that existing, mature foundations are less fruitful than recent additions to the field, or become strikingly unfruitful as they approach or pass the age of 40.

Foundations are growing less, not more significant in economic terms, and less concentrated and more diverse in numbers.

While an apparently small number of foundations are guilty of seeking selfish, private gain under the protective shield of public trust, the legislation before us contains promising reform provisions tailored to end these abuses.

Adding a death sentence is totally inconsistent with the reformist character of the rest of the legislation. It is aimed at no describable abuse, and will curb valuable foundation work no less than it impinges upon less vital or even improver activity. For these reasons, it has been steadily opposed as an appropriate corrective approach by the Treasury, by the House Ways and Means Committee, and by the independent, nongovernmental Peterson "Commission on Foundations."

As Assistant Treasury Secretary Cohen has recently testified, the 40-year provision would saddle foundations with growing difficulties in recruiting and retaining staff, as well as increasing problems of discipline and control when the hard problems of repsonsible institutional dissolution are tackled in later years.

It will have the effect not merely of killing off existing philanthropy and its contribution to the diversity and variety of public-spirited initiatives in American life, but in addition, together with other provisions of the bill, will combine to chill or choke off the creation of new foundations. It also will have the effect, perhaps not foreseen, of accentuating the influence of government, and society's dependence on public institutions for all public energy and initiative. It thus runs against the currents of voluntarism, of pluralism and private initiative which most of us have seen as indispensable and beneficial aspects of the American experience.

Mr. President, I believe I have shown that the "40 year" death sentence for foundations is an arbitrary, discriminatory, and harmful proposal, supported neither by the careful objective study which the subject merits, nor justified by a focused, documented abuse which it seeks to eliminate or prevent.

This proposal attacks a class of institutions simply because they have served long enough to register actuarially as middle-aged. I doubt that very many of us would want to see this rationale extended very widely.

It would be premature and thus ill advised to approve this far-reaching provision now, before the corrective, reformist remedies in this bill are enacted and applied. Certainly we should wait until current, complete, and more penetrating information about the activity and performance of foundations, which is required by the bill's disclosure requirements, is available to us.

Accordingly, I urge my colleagues to support amendment No. 331 and eliminate section 507(b)(2) from the legislation now before us.

Mr. GORE. Mr. President, how long is forever?

Under present law, a private foundation created for purposes chosen by its creator is given tax exemption forever.

There has been such a proliferation of private, so-called charitable foundations, that the Government itself cannot estimate within thousands the number that exist today.

The Finance Committee has therefore set a limit upon tax exemption in terms of time.

Shall we say that there shall be no limit?

That is what the amendment proposes.

I shall discuss this amendment at greater length on tomorrow, but suffice it to say tonight that the central question is not whether foundations accomplish good, because many of them do, but a great many more, as we have seen, are created for the sole and only purpose of avoiding taxes or perpetuating family ownership of property, or both.

The Govenrment should provide a reasonable limit to the period in which tax exemption should be extended to purely private foundations.

The provision in the committee bill does not apply to public foundations or to operating foundations. It applies to the private foundation.

I trust, upon consideration, that the Senate will support the Finance Committee.

Mr. MONDALE. Mr. President, I do not intend nor, as I understand it, does the Senator from Tennessee, to engage in debate on this issue tonight.

In the remarks I have submitted for the RECORD, I commented on the response to points raised by the Senator from Tennessee. I would ask that those reading the RECORD would refer to them with respect thereto.

Mr. LONG. Mr. President, when John D. Rockefeller III, appeared before the Finance Committee, I asked him this question:

> Mr. Rockefeller, would you agree with me that if one is to have immortality he must earn immortality?

The answer of Mr. Rockefeller to that question was, "Yes."

He agreed with that.

I do not know whether he had in mind what I had in mind, but what I was thinking of was that there are, I am happy to say, many foundations—perhaps an overwhelming majority—which were created for a worthy purpose and have served a worthy purpose. But I think that an investigation will show, and it is my belief that it is our duty that we have enough investigation to show, that there are a great number of foundations—I do not say a great percentage, but there are many foundations—that have been set up for the sole purpose of tax avoidance which have done little good.

The thought of the Senator from Louisiana is that if a foundation is doing good, if it has justified its existence, if it has justified the tax-exempt status that we have given it under the law, as far as I am concerned, if the Senator from Louisiana were to be around here 50 or 40 years from now—and I will not be; it would be a merciful Lord that would permit the Senator from Louisiana to live that long, but if the Senator from Louisiana should still be alive on this planet in the year 2009—he would anticipate that, if the Senate in its judgment prevails, by that time laws would have been passed to extend the life of those foundations which did the kind of things of which society could approve and that justified the tax advantage we had given them. Also the provision would have denied that right to those foundations which had not well served the public.

It would seem to the Senator from Louisiana that if someone had been taking advantage of something Congress had done for him in the way of charity or education for the purpose of doing good work, and that advantage had been used for his own selfish advantage, as a mere means of tax avoidance, we would know after 40 years time whether it had done good work. So if it had done good work, if its existence had been worthy, then we would continue to permit it to continue its good work. But if we found it had done nothing more than to avoid taxes, put relatives on the payroll, run up high overhead costs—and while stating a noble purpose, spent nothing to achieve it—then it seems to the Senator from Louisiana that its assets should be disposed of, or that it should be taxed just as manufacturing companies and others are taxed on their investments and activities for private gain, even though in many instances they benefit society in doing so.

That was the philosophy of the committee in voting for the 40-year life. I do not expect to be here to vote either for or against a continuation of that life, but I think people who have these foundations should know that it is not their money, that it is there for the benefit of society, that it is no longer theirs to dip into, to trade off, to obtain directorships on boards, to put Uncle John on somebody's corporate payroll, and things of that sort. They should know that the money is to be used for the benefit of society, and if they want to have immortality, they are going to have to do some good with their money sometime during the next 40 years.

I think the Senate committee was most considerate of these foundations. In general terms, I was fully expecting that by the time we voted the bill, we would be fully condemned because, whereas the House had imposed a 7½ percent tax on the income of foundations, we put no more than a tax of one-fifth of 1 percent on the assets, to be used merely for auditing their reports as to what they were doing. I understand an amendment will be offered to cut it down to one-tenth of 1 percent.

It is fine to reduce taxes on those do-

ing good work with their money, but I am constrained to believe that they ought to be made to do good work if they want these advantages and that they ought to be accountable.

If they cannot, after 40 years, show that they have done something that ought to be continued, then it seems to me they should turn that money over to public charitable organizations or, if they do not see fit to keep the money then they ought to pay taxes as an ordinary corporation does.

It seems to me something more than what we have done should be done, aside from this, to be sure that those foundations do good work. We ought to take a look at them from time to time. That we are going to do, anyway.

Whether this amendment to put a 40-year life on foundations prevails in this Congress or not, I have no doubt that the thought envisaged—that when one goes into the charity business he ought to be required to be in the charity business, and not be in the self-aggrandizement business—will prevail eventually. If not in this Congress, it will eventually prevail.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. GORE. I wish to call the Senate's attention to a questionable use of tax-exempt funds presently underway. According to press reports, two or three private foundations are picking up the tab for the White House Conference on Hunger at this time.

I am not saying that the White House Conference on Hunger is not a worthy one. Indeed, I think it has a very worthy purpose. But if it be a very worthy purpose, why should it not be financed with the contingency funds provided by the Congress for the White House for such purposes?

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GORE. In just a moment.

I raise a point as to the relative value of the use of public funds for a public purpose, or private foundation funds for a public purpose. And there is the further question of the relationship between the Government and a private foundation.

What real alternative did the private foundations have when the President asked the private foundations that put up the money for the White House conference on hunger?

It raises questions. I do not raise them to be critical of the conference or of the foundations for supplying the funds. I call attention to the questionable relationship between the Government and private foundations that arises out of this situation. I am not trying to be critical of the President in this respect in any way whatsoever. I am trying to make my point, however. Suppose the U.S. Senate passed a resolution calling upon three or four, or a half a dozen, private foundations to provide a recreation area for the Senate. What would be the difference? I dare say they might do it.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GORE. In one moment.

The Government is not perfect, but the Government is the agent of society; and there are many good and worthy things that the Government itself could accomplish with the vast funds available to private foundations. Indeed, if the Government had had the funds of the Rockefeller Foundation, it might just have found a cure for cancer.

So I recognize, and am willing to recognize, that foundations do many good things.

But I daresay if there were a fair and full investigation, we would find that for every good and worthy foundation, there are many, many devoted to tax avoidance, to conferring benefits upon family members, or to perpetuating family control of property.

The Ford Foundation is cited as a wonderful example. Was it created for an eleemosynary purpose? The Ford Foundation has vast stockholdings in Ford Motor Co., but it does not have any votes in the operation of the Ford Motor Co. The placing of the stock of the Ford Motor Co. in the Ford Foundation was for the purpose of preserving control of one of this country's vast industrial empires in the descendants of the Ford family, forever.

Mr. President, there ought to be a limit to the time that the dead hand can rule the living. Who can foresee, with his finite mind, conditions of 40 years from now, 100 years from now, or forever? I say that the Senate ought to do something. Maybe this 40-year time limit is not the proper one. Shall we make it 140? or 25? or maybe 200? Just what should it be? Oh, no; now it is perpetuity, and that is a right indefinite period.

Mr. MONDALE. Mr. President, the Senator from Tennessee has raised the issue of the hunger conference. I just came from there, and I was struck by the number of corporation presidents, processors, business representatives, trade association executive secretaries, and corporate representatives who served as delegates at that convention, and, on the other hand, the small number of poor people who might have some knowledge of hunger.

It occurred to me that the representatives of these great food corporations, processors, chains, and the rest of them will deduct every penny of that expense on their corporate tax returns because, without any interference, this is permitted them as a business operation. If it was possible for a few poor people to be present at that conference, in order to speak up for those who are hungry, and it was made possible because of a modest contribution by charitable foundations, at the request of the President, I commend the President for making it possible for them to be there. My only objection is, I wish there were more of them.

As to the question of perpetuity, this is a common legal fact in most jurisdictions.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield.

Mr. GORE. I know the Senator did not understand me to say that the White House Conference on Hunger was an unworthy purpose, or that poor people should not be there.

Mr. MONDALE. Oh, by no means.

Mr. GORE. But if it is a worthy purpose, if the public good is to be served, why should we depend upon private foundations to finance it?

Mr. MONDALE. It does not seem to me to be quite fair to say to the great private financial and commercial interests of this country, "You make whatever decisions you want in the private market of this kind, and deduct their cost from your income taxes without any review," but to say to the poor, "You come to the U.S. Congress and get yourself an authorization and an appropriation in order to provide funds for this purpose."

This is not, however, in my opinion, the controlling issue that bears on the matter. No one is here arguing that reforms are not needed. Indeed, the Senate bill does include several reforms dealing with some of the issues that have already been raised. The point that I make and my cosponsors make here is that this amendment is a death sentence amendment that applies to all the foundations, good and bad, whatever the details, and will have the effect of destroying one of the most creative independent, and unique sources of community change, research, and reform existent in any society in the world.

Mr. GORE. Will the Senator yield further?

Mr. MONDALE. I am happy to yield.

Mr. GORE. The bill provides no death sentence for anybody or anything, except tax exemption.

Mr. MONDALE. Which is the death sentence.

Mr. GORE. Well, it might not be. Some of the foundations have so much corporate stock that they could operate a very long time and pay taxes.

It seems to me that instead of being viewed as a death sentence, this 40-year limit on tax exemption should be considered as a sufficient period during which a foundation could justify its existence as truly a public operating foundation, with a public service purpose. I think we could safely rely upon our successors to provide a formula through which the good could then emerge.

As of now, foundations are proliferating at a rapid rate. Almost every time a man becomes a millionaire, he starts looking for a good lawyer to set himself up, to create "my foundation" to avoid taxes and confer benefits on his family.

There ought to be a limit to this; or else pretty soon the man or woman working for a wage or salary will bear practically all the tax burden in this country.

Mr. MONDALE. Once again, it is the objective of this amendment, proposed by myself and several others, not to pass judgment on some of the reforms that might be needed, but to eliminate from the tax bill an indiscriminate measure that would destroy all nonoperating foundations and would single out private charitable foundations from practically every other kind of legal institution for this death sentence.

If we are concerned about perpetuity let us pass a 40-year law applying to everything, to the hospitals, the colleges the learned societies, the museums, the

orphanages, and the many other such tax-exempt institutions that exist in perpetuity. Let us do the same for the private corporations. Forty-three of the 50 States of the Union grant corporate charters which are, by their nature and bylaws, perpetual; and forever, as the Senator from Tennessee states, is a long time.

If it is bad for the private foundations, if it is bad for the Ford Foundation, it ought to be bad for every other kind of institution, because in each of these areas we have difficulties, problems, complaints, and abuses, and if we do not deal with those complaints and abuses about one group of institutions specifically, but simply take a gun and shoot them through the head because there are some problems with reference to those legal institutions, then——

Mr. GORE. Will the Senator yield?

Mr. MONDALE. Just one moment. Perhaps we will have established a new approach to social reform.

Permit me to say one thing further about the 40-year rule.

Mr. GORE. I wish the Senator would permit me to make a comment.

Mr. MONDALE. I yield.

Mr. GORE. The Senator used the term "shoot them through the head." I hope the Senator will not persist in using prejudicial language such as that. He has also called it a "death sentence."

Mr. MONDALE. Yes.

Mr. GORE. Let us look at the practical effect. Suppose the Ford Foundation should choose to operate as a taxable corporation instead of as a tax-exempt foundation. Here is what the tax consequence would be: On a $100 dividend from Ford Motor Co. to Ford Foundation, the foundation, as a corporation, would first have an 85 percent dividends received deduction which applies to all intercorporate distributions of dividends. That would leave $15 of the $100 on which the Ford Foundation, as a corporation, would have to pay taxes; and at the present corporate rate of 48 percent, they would owe the great sum of $7.20 out of $100. That is not even as high as the interest rates, under this administrtaion. So this rule is not a death sentence. This is not shooting any worthy foundation through the head. This is trying to put some reasonable limit upon tax exemption. If 40 years is not reasonable, what is?

I thank the Senator for yielding. I had better leave the floor or else we will be debating all night.

Mr. MONDALE. Mr. President, I thank the Senator for this brief colloquy. Let me give a few examples before we retire for the evening. I have a committee meeting at 8 o'clock. Let us suppose that the 40-year death sentence had been invoked——

Mr. GORE. Mr. President, I object again. If we are to continue this debate in terms of death sentences and shooting through the head, I will put in a quorum call and we will have it all night. This is not a death sentence, and it is not shooting anyone through the head.

Mr. MONDALE. Mr. President, the Senator can do whatever he wants. That would effectively end nonoperating foundations within 40 years. The Senator can use whatever appelation he pleases. Suppose this provision had passed many years ago and become the law of the land. The Rockefeller Foundation would have been forced out of business in 1952 after 40 years of life. It would never have carried out its great work in the fantastic improvement of wheat and rice yields, which developed out of its pre-1952 experience. Without this "green revolution," as it has come to be called, many millions of people would now be suffering from malnutrition or dying of starvation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. LONG. Mr. President, as I understand this matter, the so-called death sentence the Senator is talking about, does not require the foundation to go out of existence, but rather taxes the foundation like any other corporation.

As the Senator was pointing out, assuming that most of the assets of the Ford Foundation consisted of stock in the Ford Motor Co., the income to the foundation would be dividends from the Ford Motor Co., and they would get the 85-percent dividends received deduction. So there would only be 15 cents on the dollar remaining that would be taxable. And at a 50-percent tax rate, that is 7.5 cents. That is the way the House of Representatives arrived at its rate of 7.5 percent on foundations.

So it is really far from a death sentence.

All we said was that in 40 years they would get what the House of Representatives voted in the first place.

However, I am not necessarily in favor of requiring that it work in that way.

If one can show that he is doing all the kind of good work that some foundations are doing, I would be in favor of continuing it beyond 40 years. However, I think we ought to take a look at them some of these days to see whether they are doing good work.

It would be better, it seems to me, to have it that way than the way it is now. And certainly it would be better than the way it has been where people have put this money aside for their personal benefit with the idea that the gift to charity was to be deductible. When a person owed an inheritance tax, he owed the Government 77 percent. So, he gave the money—instead of to charity—to the foundation.

Assuming that the foundation is giving some of the earnings to charity—and we would make them give some of the earnings to charity—eventually charity ought to get the gift itself and not just what the gift earns.

Even that is not required by the bill. It is only required that they lose their tax-exempt status after 40 years.

Mr. President, I ask unanimous consent to have printed in the RECORD what the committee report says about this matter.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

A. TAX TREATMENT OF PRIVATE FOUNDATIONS

(Sec. 101 of the bill and secs. 507 through 509, 4940 through 4948, 6033, 6034, 6104, 6213, 6501, 6511, 6652, 6685, 7422, and 7454 of the code)

1. Limitation on Tax-exempt Life of Foundations (secs. 101(a) and (b) of the bill and secs. 507(b), 508(d)(2), and 4490(b) of the code)

Present law.—The Internal Revenue Code does not at present limit the period of time for which a private foundation or any other exempt organization may continue to be exempt from income tax.

General reasons for change.—Questions have been raised as to whether private foundations should in perpetuity be exempt from income tax, and forever eligible to receive deductible charitable contributions. In part, the problem is that if foundations have a permanent tax-exempt life, their economic power may increase to such an extent that they have an undue influence both on the private economy and on governmental decisions. Also, since income, estate, or gift tax deductions were granted for amounts given to these foundations and the basis for these deductions is that these funds would be used for educational, charitable, religious, etc., purposes, questions have been raised as to why, after some period of time, the donated funds themselves should not actually be so used, rather than merely the income from these funds. (Since the income is itself exempt from taxation in the hands of the foundation, the expenditure of the income only satisfies the obligations associated with the income tax exemption of the foundation and not the obligations associated with the charitable contribution deduction for what is the capital, or corpus, of the foundation.)

The committee concluded that, by the end of 40 years, a private foundation if it is to continue to be tax exempt should have been able to derive sufficient public support to become a public charity, or should have created an appropriate operating foundation function for itself, or should have used its assets directly for the charitable purposes for which it was created.

Explanation of provisions.—To deal with the problems described above, the committee adopted an amendment limiting the period of income tax exemption to 40 years in the case of any private foundation (other than an operating foundation). By the end of the 40-year period unless it is to become taxable, the private foundation either must have distributed all its assets to public charities or must itself have become a public charity.

If the foundation neither makes such a distribution nor so converts itself, it is to be subject to regular income taxation, and still is to remain subject to all the limitations and requirements applicable to private foundations.[1] In such a case the foundation would then be taxed as a corporation or as a trust depending on its status under the general tax laws. No new contributions or bequests to the foundation would be eligible for charitable contribution deductions and gift tax deductions would not be allowed.

For existing foundations, the 40-year period is to begin on January 1, 1970. An organization created in the future or becoming a private foundation in the future is to have 40 years from the time it becomes a private foundation. If a private foundation becomes a public charity or an operating foundation at any time in the future, it is not required to cease operating as an exempt organization at the end of 40 years. However, the 40 years

[1] If the sum of the audit-fee tax and any taxes on unrelated business income exceed the regular income tax in any year, then the total tax will be the sum of the former taxes instead of the regular income for that year.

need not be consecutive, but will include all periods after December 31, 1969, during which the organization is a private foundation, other than an operating foundation.

If an existing private foundation becomes a public charity in 1970, as described below in *Change of Status*, this provision is not to apply. In this case if the organization later reverts to private foundation status the 40-year period would begin to run from the time the organization again becomes a private foundation.

In order to prevent avoidance of this limit on the tax-exempt life of nonoperating private foundations the amendment provides that a transfer of assets to another private foundation under a liquidation, merger, etc., as distinguished from a bona fide charitable grant, causes the transferee foundation to be charged with that part of the 40-year period already used by the transferor. Where there is a transfer of the sort that would cause a "tacking on" of part of a 40-year life, the transferee foundation will be treated as acquiring generally the characteristics of the transferor foundation. For example, anyone who was a substantial contributor to the transferor will be treated as a substantial contributor to the transferee. Also, the total tax benefits of the transferor (described below, in *Change of Status*) is to be treated as tax benefits of the transferee. (Where there are several transferees, the amount of the benefits will be apportioned.)

Effective date.—This provision takes effect on January 1, 1970.

Mr. MONDALE. Mr. President, this has now gone long beyond what we had planned.

Permit me to cite just a few more examples. I have already mentioned what the effect the 40-year horizon would have been on the Rockefeller Foundation.

If Carnegie Corp. had shut down its doors in 1951, on turning 40, its accumulated experience in the field of education should not have been brought to bear on the vast expansion of educational needs of the past two decades. Notable among its activities has been the extensive investment in preschool education, and its current support of the widely acclaimed Children's Television Workshop.

If Commonwealth Fund had ceased activity at 40 in 1958, its endeavors of the past decade in the strengthening of medical education, which grew out of its pre-1958 experience, would never have taken place. And so we would have been denied its pioneering work in "new careers" in medicine, and in encouraging related revisions in educational curriculum and professional requirements.

It was only after the Danforth Foundation reached "40" in 1967, that it made the largest single grant in its history, in the amount of $5 million, to strengthen the facilities of predominantly Negro colleges in the South.

Therefore, I think the record is clear that the Nation would be the poorer if we had no private, nonoperative foundations which were more than 40 years old.

Mr. CASE. Mr. President, I am glad to support the amendment offered by Senator MONDALE, Senator CURTIS and others, to delete the section of the Tax Reform Act of 1969 placing a 40-year limit on the life of private foundations.

There are sound reasons why such a limitation should not be adopted.

Foundations occupy a unique place in American society. In areas where the Government cannot or should not act, they have the skills and resources to initiate new ideas and to experiment with new and untried ventures. With their ability to act quickly and flexibly, they constitute a powerful instrument for developing and testing solutions to problems important in our society.

Not to be overlooked, too, is their contribution in sustaining and supplementing the educational and civic infrastructure, as it were, of our society. The direct involvement and support by foundations, for example, has played a vital role in the advancement of medical science and the strengthening of public education in this century.

Admittedly, the occasional abuses and mistakes of judgment by some foundations, as well as their innovative activities in the areas of social experimentation have raised questions over whether private philanthropy should continue to be encouraged by granting tax exemption privileges.

The Finance Committee has recommended that these questions be resolved by limiting the life of foundations to 40 years. This rule would, without question, discourage, if not destroy, private philanthropy as it exists today.

The effect on charitable work of limiting the life of all foundations, regardless of size or contribution to society, would be irreparable. Such an arbitrary step is not consistent with the broader effort being made to bring about meaningful reform. Furthermore, it runs counter to the findings of a number of groups, including the Department of the Treasury, who have studied the question and rejected the idea of fixing a time for foundations to go out of business.

By any measure, it is clear that foundations have made substantial contributions to the quality of American life.

In my own State of New Jersey, some 200 national and local foundations are currently helping to meet local and statewide needs, particularly in urban areas. While public attention is often focused on grants made by the large well-known foundations, it is noteworthy that much significant work is being done by small local foundations.

For example, the bulk of grants being made by one New Jersey foundation are directed toward needs in the city of Newark where support is provided for such groups as the Newark Family Service Bureau, the Community Information and Referral Center, the city's YM/YWCA and the Newark Board of Education.

Another New Jersey foundation has specialized in nursing education and has pioneered a number of innovations in providing improved health care. It has established four tuition-free nursing schools, two of them in New Jersey, and has contributed more than $10 million since 1934 to meeting health needs.

Still another New Jersey foundation has expended some $12 million since 1935 in providing specialized services for underprivileged children. The scholarship assistance provided to over 500 children through juvenile court judges throughout the State and the foundation's grants to State institutions are strong arguments for continuing this type of philanthropy and for support of the Mondale-Curtis amendment.

I do not believe it is sound public policy to legislate away private philanthropy in the guise of reform and destroy the vast reservoir of private initiative and skill, perhaps more needed than at any time in recent history. The abuses which have occurred must be corrected, but the institution of foundations should not be destroyed in the process.

I urge the Senate to delete the 40-year provision by supporting this amendment.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished majority leader, I wish to remind Senators that immediately following the prayer on tomorrow morning and the disposition of the reading of the Journal, there will be a colloquy on the District of Columbia crime bill, to extend not beyond 30 minutes. That colloquy will be among the following Senators, and perhaps others: Senators MCCLELLAN, TYDINGS, and HRUSKA, and the Chair should recognize one of the three Senators named to lead with the discussion.

Following the colloquy, there is to be a 1-hour debate beginning at 10 o'clock a.m. on the pending Mondale amendment which will automatically become the unfinished business before the Senate at that time. The 1 hour is to be equally divided between the sponsor of the amendment and the manager of the bill, with the vote to occur at 11 a.m.

Following the action on the Mondale amendment, there will be action on the Javits amendment, amendment No. 340.

Following action on the Javits amendment, the Senate will consider the Metcalf amendment, amendment No. 315.

Following action on the Metcalf amendment, the amendment offered by the able chairman of the Finance Committee (Mr. LONG) dealing with the social security increase—which has been temporarily laid aside to accommodate action on the other amendments I have enumerated—will then become the pending business before the Senate.

Moreover, it has been agreed that a rollcall vote will occur at some point, yet to be decided, during the day tomorrow on the amendment offered by the able junior Senator from Nevada (Mr. CANNON) and on which the debate has already occurred.

Finally, I should remind Senators that the majority leader has stated that a Saturday session will be held, with votes to occur on appropriation bills and with further action to be transacted on the tax reform bill.

ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 58 minutes p.m.) the Senate adjourned until tomorrow, Friday, December 5, 1969, at 9:30 a.m.

EXTENSIONS OF REMARKS

FIGHTING INFLATION: MASS BRIEFINGS ARE NOT ENOUGH; IT IS TIME TO GET TOUGH ON PRICES AND WAGES

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ULLMAN. Mr. Speaker, a look ahead to 1970 indicates that it will be a painful year for the American economy. The battle against inflation is far from won. The administration has limited its attack to tight monetary policy coupled with continuation of the income tax surcharge. This approach is now undergoing its sternest test. The prospects for success are not bright.

The only clear effect of the tight money policy so far has been the most extraordinary rise in interest rates in our Nation's history. These high rates have proven a severe blow to specific segments of the economy—housing and the timber industry, small business, farming.

The darkest predictions made earlier this year for a slump in the housing industry are transpiring. The rate of new starts is down by more than 20 percent from last spring, and still declining.

Beyond high interest rates, we still have rising prices, moving upward at the rate of 5 percent a year. The administration points to a number of economic indicators that it says show that the rate of inflation is slowing down. But the price of food or a new car continues to rise too rapidly. Until this trend reverses, we are experiencing unacceptable inflation. Many economists expect that prices will increase next year at only a slightly reduced rate.

Wages—the companion to prices on the inflationary spiral—are also on the increase. The cost per unit of work in American industry is up more than 7 percent this year compared to 1968. Labor contracts in such major industries as autos and construction expire next year and must be renegotiated. It is safe to assume that the unions involved will press for substantial wage increases.

The only other visible change in the economic picture, in fact, is the growth of unemployment. Now pushing toward a 4-percent level, unemployment will almost certainly go higher next year.

On top of all this, the administration is persistently demanding that the tax surcharge be renewed, calling it a necessary weapon if we are to beat inflation. It wants the surcharge continued at a 5-percent level for the first 6 months of next year. Already there is talk within the administration about the possible need to extend the surcharge even longer.

I have been skeptical about the worth of the surcharge as an anti-inflationary device. I voted against the 10-percent surcharge extension last summer, and I am opposed to the inclusion of the 5-percent surcharge in the tax reform bill.

I was therefore surprised only by the source the other day to read that my skepticism is shared by a top administration economist, Herbert Stein, of the Council of Economic Advisers. At the close of these remarks, I am including a copy of Mr. Stein's comments on the surcharge.

For the reasons I have mentioned, I am concerned that we are headed for deeper economic trouble. Instead of an end to inflation, we may see it continue unabated. Or unemployment may skyrocket and we will drop into a recession. Or worst of all, we may get both at once.

There is not much time left to avoid these very real possibilities. I am urging that the administration introduce a new flexibility into its present inflation policy, relying less completely on tight money. In addition, the administration must get tough with business and labor about price and wage increases. Mass briefings encouraging restraint are not adequate. The situation is urgent enough to give serious consideration to wage and price guidelines.

The economy is at the crossroads. We face rough going in any case. It would be tragic, however, to discover next year that all the months of restriction and sacrifice were in vain.

The following is Herbert Stein's address, mentioned above, given before the Tax Institute of America Symposium at Princeton, N.J.:

TAXES, STABILITY AND GROWTH

(By Herbert Stein)

There is in the government an interagency committee called the Troika, comprising the Treasury, the Bureau of the Budget and the Council of Economic Advisers. A short-hand description of the division of labor among the three agencies is that the Treasury has the taxes, the Budget Bureau has the expenditures and the Council of Economic Advisers has the deficit or, rarely as at present, the surplus. Recognizing this role I am going to talk about the relation between taxes and expenditures, rather than about the specific form of the tax system. That is, I am going to talk about how high taxes should be, especially from the standpoint of the stability and growth of the economy.

About twenty-three years ago I gave a talk on approximately the same subject I am discussing today, at a meeting of the National Tax Association. Probably no one in this audience was present then, and surely no one remembers. So it would be convenient for me to give the speech again. However, I unfortunately cannot. That is not because I have learned so much since then but because I have unlearned so much. I started, I think, with relatively modest ambition for the contribution of tax policy to economic stability and growth, especially to stability. But after two decades it seems to me that even these modest ambitions were excessive and we shall have to settle for an even lower level of folly-avoidance.

At an earlier date we could believe that a policy like the following would put little strain on our political or economic competence. We would set tax rates so that they would yield a constant moderate budget surplus when the economy was operating at high employment. In the event of a serious, confidently-forecast departure from the high-employment condition we would make a temporary change of tax rates—down for recessions and up for inflations.

This policy was believed to have a number of advantages. By keeping the relation between receipts and expenditures constant most of the time we would keep the budget from becoming an unstabilizing force, sometimes pushing in an inflationary direction and sometimes in a deflationary direction. By requiring taxes to be kept in line with expenditures we would enforce a certain discipline on the expenditure decisions. The surplus that would be generated at high employment would contribute to rapid economic growth. Reduction of the government debt would increase the funds available for private investment by those who had held the debt. Moreover, the program would retain as an emergency option the possibility of a temporary change in tax rates to counter a serious recession or inflation. However, these would presumably be required infrequently if at all, and their utility would not depend on a very high degree of success in economic forecasting since they would be reserved for the cases of clear need.

In the course of the years experience has revealed many difficulties in this policy prescription.

Although the policy was intended to minimize the need for changes in tax rates it still would require a change if the rate of growth of expenditures departed significantly from the rate of growth of the yield of the existing tax system. This has proved very difficult to get in a timely fashion and appropriate amount. Given the existing and then expected rates of expenditure, the policy would have called for tax reduction in 1960, but we didn't get that until 1964. The policy would have required in 1966 the tax increase we finally got in 1968.

The problem is not only to get timely tax changes. It is also to avoid untimely tax changes. For example, on any reasonable expectation of what Federal expenditures will be, or of what Congress intends them to be, 1972 and 1973 will not be good years for tax reduction. But we are apparently about to decide on substantial tax reductions for those years.

This difficulty of getting the tax action or inaction the policy calls for is not accidental. Neither is it, I think, the result of rejection by Presidents or Congresses of the idea that there ought to be a fairly stable relation between receipts and expenditures. The simple fact is that Presidents and Congresses have wanted other things more. They have wanted to have their way about spending programs or tax structure or simply to avoid the onus of raising taxes or reap the credit for cutting them. These are not things that politicians are likely to surrender easily.

The policy prescription outlined above placed considerable reliance on the effectiveness of a temporary tax change as a way of restraining or stimulating the economy in the event of serious inflation or recession. However, subsequent analysis suggested that a temporary tax change would have little effect on private spending, by either businesses or households. This view has apparently been confirmed by experience with the temporary tax surcharge enacted in 1968. The rise of business investment which followed the enactment of the surcharge was so big that one can hardly expect to detect any repressive effect of the surcharge on the corporate profits tax. Microscopic analysis may yet discover some effect of the surcharge on consumption. But in any case we are going to have to say that the effect was small and late.

In fact, the final analysis of the 1968 episode may yet reveal that the net effect of

the surcharge was inflationary. Evidently the enactment of the surcharge helped to convince the Federal Reserve that mid-1968 was a good time for monetary expansion. The inflationary effect of this outweighed whatever anti-inflationary effect the surcharge had. A similar consideration is relevant to the decision to continue the surcharge for the second half of calendar 1969 and the first half of 1970. There was a danger that the shift in the fiscal position attendant upon the expiration of the surcharge would convince the Federal Reserve of the need for a degree of monetary restriction that would turn out to be excessive. Yet this particular interrelationship between fiscal and monetary policy is surely not a good continuing basis of operation. We should be able to find a more efficient way of reaching a desirable monetary policy than by using massive tax charges as signals.

The earlier version of policy counted on the maintenance of a budget surplus as the government's contribution to the supply of savings and through that to economic growth. But it now appears that the political process abhors a surplus. We may from time to time generate a surplus accidentally and unnoticed. However, the argument that expenditure increases or tax reductions should be held back in order deliberately to create a surplus does not carry much weight. Economists have disabused the public of the idea that a deficit is a sin, an idea on which no one acted very much for a long time anyway. They have noted yet persuaded the public that a surplus is anything more than a useless ornament on a budget, which can be given up whenever it is inconvenient to keep it.

Moreover, the case for a surplus of any particular size is difficult to make. The difficulty is compounded by the variability in the composition and definition of the expenditure side of the budget. We start with the proposition that we need a surplus as an addition to the private savings available to finance investment. The surplus should be big enough so that when added to private saving it will finance the desired investment. However, this ignores the amount of investment that is done directly through the budget, in the form of Federal spending or lending. The amount of investment in the economy is equal to private savings plus the budget surplus plus the amount of investment in the budget. A decision on the proper side of the surplus should then depend on the amount of investment that is in the budget. Even if we concentrate on private investment we must recognize that there is a good deal of private investment financed within the budget, mainly by loans and largely for housing and related activities. Moreover the amount of such financing in the budget is quite variable, not only as a result of changes in real programs but also as a result of changes in legal forms and in the definition of the budget. For example, when FNMA became private the amount of private financing in the budget was substantially reduced. Thus, the appropirate size of the surplus depends on the composition and definition of the budget.

The foregoing rationale for determining the size of the budget surplus depends on our being able to reach some opinion about the desirable rate of investment. Without that it seems to me everything we might say about the size of the surplus, and therefore about the level of taxes, is arbitrary. We are not used to thinking in these terms, even though they are the terms in which the question of the surplus was classically discussed. This is a large part of the reason for the surplus appearing to be a mere ornament in the budget.

The problem of defining the budget, to which I have already referred, is also relevant to the use of taxation as a discipline on expenditures. The idea is that if we require expenditure increases to be matched by tax increases, the decision-makers will not be inclined to increase expenditures unless the value of doing so is great. There is a good deal to this. But imposing this requirement, or a ceiling on expenditures in some other way, also creates a strong incentive to get government programs financed outside the budget. A great deal of this has been done in recent years of budgetary stringency. The disciplinary effect of the limitation on budget expenditures is not entirely nullified by this. But there is a great deal of leakage. Moreover, the leakage is uneven, all programs not being equally able to get outside the budget. This causes a distortion in the pattern of spending.

I have spent a good many minutes here explaining why I am not encouraged about our ability to determine what the proper level of taxation is or to get it if we could determine it. Still decisions will be made and an attempt must be made to influence those decisions, if only by dragging one's heels and grumbling over the course of events. It should be clear enough that I don't see any simple rules that are satisfactory or enforceable, and I don't think we are prepared to promulgate sophisticated rules. But a few things may be said about the directions in which we should lean.

Prudence suggests that we should try to avoid large swings in the budget surplus or deficit position. On the whole present opinion assigns less destabilizing significance to such swings than was formerly expected, and some would assign a zero weight. But still the more extreme versions of this new view are unproven, and it would be rash to act as if we could absorb large abrupt changes in the fiscal position without risking inflationary or deflationary consequences.

At the same time, we should not allow ourselves to be frightened by small changes which, with almost any conceivable procedure, are inevitably anyway. I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line between surplus and deficit. In a trillion dollar economy this is hard to understand, especially after our recent experience with the limited significance of the budget shift between a $25 billion deficit in fiscal 1968 and a $3 billion surplus in fiscal 1969. Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the government.

To avoid large shifts in the budget position we shall have to rely primarily on stabilizing the rate of growth of expenditures so that it keeps pace, approximately, with the growth of the revenues from the existing tax system—as it will be after the legislation now pending is enacted. I expect that this legislation will satisfy the hunger for tax reduction for a while and that no one will want to open the Pandora's Box of tax reform for some time. On the other hand, barring a crisis, there is no taste for tax increases. So for some years we will have to tailor our expenditures to the existing tax system.

After a while we may have a freer choice about the levels of both revenues and expenditures. The revenue decision should then be made with a view to our longer-range plans and ambitions, with respect not only to government expenditures but also to private consumption and investment. Neither the Administration nor the Congress was prepared to do this in 1969. However, in the Administration we have been focusing a great deal of attention on the problem of laying out the claims on the national product for several years ahead and specifying the tax requirements for achieving whatever allocation of the national output is chosen. I would hope that by the next time we can make a major tax decision this kind of information and this way of looking at things will help to guide the outcome.

One implication of regarding the tax and budget problem as a problem of allocating the national output is that taxes serve to finance not only government expenditures but also the desired excess, if any, of private investment over private savings. Attention has been directed to this fact by the existence of a national housing goal, incorporated in legislation, for the construction of 26 million houses in a decade. Except insofar as these houses are directly financed through the Federal budget, they will have to be financed through private savings and the Federal surplus. Our preliminary calculations suggest that this will require a very large surplus. One consequence is that the advocates of housing, within the Administration and to some extent outside it, have become strong supporters of a budget surplus.

The point about housing is illustrative only. It does, however, suggest the possibility of putting some real content into the claim of the budget surplus as a use for the Federal revenue. It also suggests that if this is done support for a surplus will emerge to compete with the ever-present claims for increased expenditures and reduced taxes.

Recent experience warns against relying on quick temporary tax changes to cope either with expenditure variations or with changes in the economy. We are unlikely to get them in time and they are unlikely to be very effective if obtained, at least with the present tax system. One can conceive of kinds of taxes that might be varied more effectively. For example, changes in the rate of a value-added tax or general sales tax might cause some acceleration or deferral of expenditures. However, this is not sufficient reason for installing such a tax if there are not other important reasons.

We have a great deal of learning to do before we are prepared to give a good answer to the question, how high should taxes be. We have a good deal of education to do before we can get that answer, once learned, translated into action. However, I think there is a hopeful sign in the fact that we are awakening from our earlier illusion that we knew the answer.

DANGEROUS TOYS AT CHRISTMASTIME

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. O'HARA. Mr. Speaker, last week I pointed out that unwary parents may unknowingly buy dangerous toys for their children in the mistaken belief that as a result of passage of the Child Protection and Toy Safety Act all unsafe toys have been taken off the store shelves.

This, of course, is a false assumption.

The Child Protection and Toy Safety Act does not go into effect until January 5, 60 days after its signing by the President.

Until that time, parents are on their own. There is no governmental protection offered this Christmastime against toys which pose an electrical, heat, or mechanical hazard to children.

This, I believe, was not the intention of the Congress. The Child Protection and Toy Safety Act, as approved by the Senate in June, included the provision that it was to take effect 60 days after its signing by the President.

When the House passed its version of this legislation on September 4, many of us assumed that the differences would be quickly resolved in conference and the bill would be approved in time for its provisions to be in effect during the Christmas shopping season when toy purchasing is heaviest. However, the conference committee did not agree on the bill until late October and it was not signed by the President until November 6.

Mr. Speaker, in order to offer our children the protection of the act this Christmas, 18 Members of the House last week introduced a joint resolution providing that the Child Protection and Toy Safety Act take effect immediately.

Some might argue that even if this resolution were passed and the act became effective before Christmas, we could not assure that all unsafe toys would be removed from sale.

This is true. In fact, whenever the act takes effect, there will still be unsafe toys on the market.

But this act does provide a mechanism for removing hazardous toys. And this mechanism is not operating now.

There are toys now on the market which have been identified as hazardous by the National Product Safety Commission.

At this moment, nobody has the authority to order them off the store shelves.

The Child Protection and Toy Safety Act will—when it takes effect—authorize the Secretary of Health, Education, and Welfare to prohibit the sale of these toys.

This resolution would give him this power now.

Unsafe toys will still be purchased. Parents must remain alert. But if as a result of this resolution but one dangerous toy is removed from sale, and one child is saved from a fatal or maiming injury this Christmas, it will have been well worth the effort.

Mr. Speaker, the New York Times recently discussed the problem of toy safety in an article "Toy Safety Is Added to Santa's Woes." I include that article in the RECORD:

TOY SAFETY IS ADDED TO SANTA'S WOES

(By Peter Millones)

The adult world has begun its holiday trek to the toy counters, with the difficult task of selecting gifts from objects that go ma-ma, bang, boom, whizz and whir.

The emphasis on toys that are educational as well as entertaining has made choosing harder for many adults, as has the continuing concern over war toys and their affect on children.

This year, an additional factor is attracting widespread attention—the safety of some toys.

Two weeks ago, President Nixon signed a bill that gives the Secretary of Health, Education and Welfare the right to ban the sales of toys for children that present electrical, mechanical or heat hazards.

This enlarged the powers of the Federal Government, which already could ban toys that were too easily flammable, too highly pressurized or chemically dangerous. But the new legislation does not take affect until early January.

DANGEROUS TOYS CITED

"This Christmas the public is on its own," is the way the National Commission on Product Safety puts it.

The commission, set up during the Johnson Administration, has been investigating the safety of various products, including toys, and has found items of considerable potential danger, especially to children.

After hearing earlier this year, the commission showed examples of some toys that had been injurious or lethal to children. These included:

A child's stove that produced temperatures of 660 degrees Fahrenheit in the oven and 300 degrees on the top.

A bazooka gun that made a loud noise when fired and could permanently affect a child's hearing.

A plastic doll for infants that contained a hair ribbon that when pulled out, exposed a dangerous pin-like protrusion.

A slingshot with a missile whose razor-sharp tip was enclosed in a flimsy plastic sheath.

Presumably these and other toys with equally obvious harmful potential are removed from the market once the dangers are called to the attention of manufacturers and distributors. But since some of the toys did not violate any existing law, they or similar playthings could be on store shelves.

A more difficult problem are the toys that do not appear to be dangerous, but when given a tug or slam by a child easily break and expose sharp points or cutting edges. Other misuses could also easily pose a danger.

For example, the national commission found a rather harmless looking blow-gun was, in fact, dangerous because children tended to put the wrong end of the gun in their mouths and ingested the darts that it fired.

Safety experts advise adults to avoid toys with sharp edges and protrusions, although the age of the child and the normal way the toy is used are factors.

The commission on products safety has recommended that the Government pretest toys for safety, much as it does with drugs, before allowing them on the market. But Congress did not accept that recommendation in its latest legislation.

The toy industry, with sales of about $2-billion a year, did not generally oppose the widening of Government policing of the industry, but it did object to Government pretesting of products.

Once an adult has satisfied himself on toy safety, educational and entertainment value, he will find that toys, like virtually everything else, cost more this year.

One unusual factor discovered by Sidney Margolius, a consumer writer and adviser to labor unions, is that "some manufacturers have adopted the trick employed in the food business—they have kept the prices the same, but have reduced the sizes or number of pieces they give you."

He noted that one construction set had gone down in price, but "you get 165 pieces instead of 208."

"In the toy food-mix sets, a 130-piece product that was $8.99 is now $9.99 for 125 pieces," he notes. "A set that was $4.99 last year is the same price, but now you get 42 pieces instead of 45."

Mr. Margolius adds: "Some of the dolls not only have gone up in price, but have also shrunk in size." He found one popular doll that went up $1 and was reduced in size an inch.

His advice to union members, which is not likely to sit well with the industry, is: "As before, we suggest not buying early. Price cuts get bigger as Christmas draws closer."

A COLLEGE PRESIDENT MAKES HIS COVENANT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ASHBROOK. Mr. Speaker, the November 23 issue of the Chicago Tribune carried excerpts from the inaugural address delivered recently by Dr. Thaddeus Seymour, who this year assumed the office of president of Wabash College at Crawfordsville, Ind. For a number of reasons the inaugural remarks of Dr. Seymour are worthy of our attention and refreshing, to say the least. Associated with larger institutions of learning during his academic career, the new president of Wabash has retained time-tested values which have been forsaken by others in the educational field. For the past 10 years he had been dean of Dartmouth College, having earned his bachelor's degree at the University of California at Berkeley and his doctorate in English at the University of North Carolina.

In fair but firm terms Dr. Seymour promised that disruptive tactics on campus, experienced by too many institutions recently, would not be tolerated at Wabash:

There is no place here for any student or any faculty member who is unwilling or unable to accept the principle of free expression in the context of community order.

Referring to the trend toward increased dependency on public funds, he noted that:

Increasingly we see bills proposed which would pull on the invisible strings attached to government money. I am proud that we have stood on our own feet, refusing to trade private independence for public dollars.

And finally, expounding on a theme expressed too infrequently these days, Dr. Seymour stated:

Let me come right out and say it: The liberal arts campus can be accused of being too liberal, a form of political coercion which denies the student a chance to choose, to hammer out his own beliefs. To assure a fair exposure to new and old ideas, to guarantee balance, we must always include on our faculty, as a matter of policy, distinguished teachers who stand for limited government, a free market, and private property.

It is certainly to be hoped that more educators of similar persuasions follow Dr. Thaddeus Seymour to positions of leadership on the campuses of our educational institutions.

I insert at this point excerpts from his recent inaugural address in the RECORD:

[From the Chicago Tribune, Nov. 23, 1969]

A COLLEGE PRESIDENT MAKES HIS COVENANT

(By Thaddeus Seymour)

This is the time for me to covenant with the Wabash community, to tell you where I stand, what I believe, and what I aspire to for Wabash college in the decade of the '70s and beyond. My beliefs and my aspirations can be set forth together in a simple, declarative sentence. I want to see Wabash continue to excel as a small, independent,

undergraduate, liberal arts college for men. . . .

No single change has strained our national purpose more than the breakdown of community identity and participation, whether in the quality of neighborhood life, in national and local government, or in our great social and economic institutions. Empty anonymity has sapped individual will and self-respect; has produced alienation, disjointedness, and apparent aimlessness at every level of American life. At Wabash we have a unique tradition of community, and we have the opportunity to enrich our own experience by sharing it together. . . . We begin by remaining a small college. I agree with the sentimental formula that our student body should never be larger than the capacity of this chapel.

But community is not measured by mere numbers. I aspire to a renewed spirit of participation which engages all elements of the college, students, faculty, staff alumni and trustees, in a collaborative effort to shape the quality of our future life together. I believe that we become a true community when all have a stake in the place. . . .

Wabash has always steered an independent course. It is basic to our heritage that we were established free of church or governmental control. Today we can see the wisdom of this policy, as private institutions become increasingly independent on public funds and thereby subject to public regulation. Increasingly we see bills proposed which would pull on the invisible strings attached to government money. I am proud that we have stood on our own feet, refusing to trade private independence for public dollars.

This year there are 7 million students on American campuses; one study conservatively predicts 14 million by 1985. Sheer force of numbers has produced an educational process which is more process than educational. At the same time, too much professional concern, what I can only call the "graduate school mentality," has promoted the concept of "publish or perish." It has been effective, creative classroom teaching which has perished in the process. Not so at Wabash. I do not need to tell this audience how the Wabash faculty daily demonstrates its commitment to the intellectual and personal development of the individual. The willingness of our teachers to invest themselves in the lives of their students is found in the close relationship, often close friendship, of students and faculty members both in and out of the classroom. We must preserve and promote this undergraduate spirit, for it is the real justification for our size and the case for our independence. . . .

Our society is best led by men of comprehensive understanding and vision, men with a broad exposure to the substance and method of the sciences, humanities, and the social sciences. As the needs of our society become more complex and specialized, men must more than ever before develop an outlook which leads them to ask not simply "How?" but "Why?" Our concern must always be not merely with what a man shall know, but with what a man shall become. . . . We must always stay loyal to the goal of the liberal arts—to liberate minds and to set men free. . . .

To be truly free, to offer the student a free and fair exposure to all points of view, we must live by a clearly articulated policy that our faculty and curriculum will fairly represent all political and economic points of view. Let men come right out and say it: The liberal arts campus can be accused of being too liberal, a form of political coercion which denies the student a chance to choose, to hammer out his own beliefs. To assure a fair exposure to new and old ideas, to guarantee balance, we must always include on our faculty, as a matter of policy, distinguished teachers who stand for limited government, a free market, and private property.

Free inquiry requires a free forum. I count it my most solemn duty to assure you and future generations at Wabash that you will be free to hear all points of view and that you will be free to speak and write within the bounds of decency on any subject without abridgment. I will defend that freedom. At the same time, I stand unambiguously opposed to any act which denies the right of any person to speak or to be heard, to listen and not to listen, to go about the orderly process of pursuing his education. . . . Wabash will continue to respect orderly processes. There is no place here for any student or any faculty member who is unwilling or unable to accept the principle of free expression in the context of community order. . . .

I believe in the positive values of learning in an environment of men. I am the product of such an experience myself, and for the last 15 years I have watched good men flourish in that setting at Dartmouth. At its best, the male community develops self-sufficiency thru independence, stretches with competitiveness, and binds men in fellowship.

So there you have it. I believe in Wabash. Some places are not as good as they claim to be; Wabash is a much greater place that it lets on. I believe it with all my heart, and I am anxious to get on with the job. I ask God's help and yours.

REPRESENTATIVE DON FRASER SPEAKS ON THE AMERICAN INDIAN IN TODAY'S WORLD

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. KASTENMEIER. Mr. Speaker, American Indians want the right to be Indians, to preserve their tribal identities and tribal lands, to make their own decisions and to have a say about their destiny.

One of the leading congressional advocates of a policy of Indian self-determination is my good friend and distinguished colleague, Congressman DON FRASER of Minnesota, who has long been interested in improving the social and economic conditions of the American Indian. Congressman FRASER believes, as I do, that through a policy of self-determination, with Indian participation at every level, ways will be found to better the existence of the Nation's 600,000 Indians, to improve their health, their education, their economic conditions, both on and off the reservation and without destroying their identity as Indians.

Mr. Speaker, I include in the RECORD the following speech delivered by Congressman FRASER on today's American Indian before the 13th Annual Minnesota AFL–CIO Institute on Human Relations on November 2. This year's institute theme was "The Indian in Today's World":

"THE AMERICAN INDIAN IN TODAY'S WORLD"

(By Representative DONALD M. FRASER)

It is a pleasure for me to be here today with so many old friends. This is an important week in Minneapolis for Indian affairs. First, the National Conference on Indian Education and Now this Thirteenth Annual AFL–CIO Institute on Human Relations with its theme "The Indian in Today's World."

I want to commend the Minnesota labor movement for its leadership in focusing attention on the needs and concerns of American Indians. I know that the Minnesota Labor Committee for Human Rights, under the leadership of its executive director Lou Lerman, was involved in Indian affairs long before many of the rest of us were actively concerned about this issue.

Today's conference is particularly timely because we are now in the middle of a new period of Indian awareness—especially in Minnesota. I say this for myself as a public official with 7 years experience in the U.S. Congress and 8 years experience, before that, in the Minnesota state legislature. Somehow it was always too easy for us not to think very much about Indians before. For the most part, Indian people in Minnesota weren't very visible. We didn't hear from them very much and, besides, Indian problems were something for the BIA to worry about—not us.

But all that is changing. Indian people are no longer suffering injustices in silence. They are speaking out and making their concerns known. Groups like the American Indian Movement here in Minneapolis have done much to bring about this new awareness in the general community.

This is all to the good. But we must add a note of caution. In our new enthusiasm for Indian affairs we must be careful that we don't fall all over ourselves in an effort to impose all sorts of elaborate new programs on the Indians.

Indian problems have been "discovered" before but somehow Indian conditions have not improved very much. Their problems—poor education, poor health care, high unemployment—are still severe. And we will only cause more disappointment if we go over to Franklin Avenue or up to Leech Lake with exaggerated claims about the benefits that will occur if only the Indians will accept this or that new program.

Many Indians are suspicious about new programs, particularly if these are government programs, and they have every right to be. After all, the white man has been making promises to Indian regularly for hundreds of years—and breaking these promises just as regularly.

The United States government and its colonial predecessors have signed more than 380 treaties with Indian tribes. Many of these treaties have been broken outright. The Spirit of many others has been cruelly violated. We are often ashamed of our nation's early history in this area but many of us don't realize how strongly Indians feel that their treaty rights are still being violated today. The controversy over the wild rice harvesting regulations at White Earth is a good case in point.

More than 300 land claims against the Federal Government—some dating back to colonial days—are pending before the Indian Claims Commission in Washington. Several weeks ago, I visited briefly a session of the Indian Subcommittee in the House. At this session a band of Indians from the State of Washington was trying to gain title to land that should have belonged to the tribe according to an early treaty. But somehow title had been denied them because of a mistake by a government surveyor in 1890!

The number of complicated disputes over Indian hunting, fishing and water rights is growing. The basis for these disputes, of course, is the growing pressure for the economic exploitation of Indian land. Everyone from the National Park Service to California citrus growers has a good reason why they should have Indian land and water—or at least why they should control the use of this land and water.

Until recently, large economic interests didn't pay that much attention to Indian land. After all, the most desirable land had already been gobbled up in the 19th century when the reservations were created. But, today, as our natural resources become depleted there is going to be increasing pressure to use Indian land for purposes that might not be acceptable to the Indians who now live on the land.

Certainly the most dramatic example of this new economic pressure is the discovery of oil on the north slope of Alaska. The oil discovery is promoting efforts to exploit millions of acres of land claimed by Alaskan natives. Since these claims have not yet been settled, there is a very real danger that the natives will lose many of their land and mineral rights because their land suddenly has become so attractive.

This whole issue of Indian property rights is illustrated by a little story that Vine Deloria tells in his new book, "*Custer Died for Your Sins.*" Several years ago a white man was introduced to an old chief in New York City. Taking a liking to the old man, the white man invited him to dinner. The old chief hadn't eaten a good steak in a long time and eagerly accepted. He finished one steak in no time and still looked hungry. So the white man ordered another steak. As they were waiting for the second steak, the white man said, "Chief, I sure wish I had your appetite." "I don't doubt it, white man," the chief replied. "You took my land, you took my mountains and streams, you took my salmon and my buffalo. You took everything I had except my appetite and now you want that too. Aren't you ever going to be satisfied?"

The next time we go to talk to Indians about our new schemes to "uplift" them maybe now we'll understand why they want to talk to us, first, about their treaty rights.

If progress is going to be made by Indian people, I am convinced that it is going to be through the efforts of the Indian people, themselves, and not because of any new programs dreamed up in Washington. Our earlier "grand designs" for the Indians—the termination policy of the early 1950s, the relocation emphasis of more recent years—have been disastrous at worst and ineffectual at best. These early policies were not successful in part because they were predicated on the assumption that "the Indian problem" could be solved only if Indians were assimilated into the dominant white culture—only if Indians left their reservations and gave up their "Indian-ness."

Only now are we beginning to realize that Indian people have unique cultures that should not be violated. With their emphasis on the importance of the community and the need for harmony with nature, these are cultures that the rest of us can well envy.

Two new reports, both issued during the past month, should help us understand these intangible factors. The first report, prepared by a private non-profit organization, the Citizens Advocate Center, provides a thoughtful analysis of the conflicts between Indian culture and Indian government programs. This report is entitled "Our Brother's Keeper, the Indian in White America." It should be available in Minneapolis book stores soon if it is not available already.

The second report, by the Senate Subcommittee on Indian Education, of which Senator Mondale is a member, dramatically documents the failures in Indian education resulting from the neglect of Indian culture by the agencies responsible for the education of Indian children. Hopefully, these reports will encourage the long overdue reform of many existing programs designed to aid American Indians.

Our awareness of Indian culture should make us sensitive to the derogatory image of the Indian that is often created in the mass media. How many of us still associate the word "Indian" with the blood-thirsty savage circling the wagon train or with the "heap big chief" who will sell you a used car for "very little wampum." If you are of Scandinavian descent, think how you would feel if every Scandinavian on television was portrayed as an illiterate Viking with two horns coming out of his helmet? The National Congress of American Indians and local groups here in Minnesota have embarked on a campaign to notify newspapers, advertisers and television producers about portrayals of Indians that they feel are offensive. Certainly this kind of effort should be encouraged until the image of the Indian is developed in the mass media with more sensitivity.

It is easy for us to criticize Indian programs of the past, but what of the future? I know that some people in Washington who have a real concern for Indians feel frustrated because they can see no clear directions for new policies. Because the Federal Government burned its fingers so badly with termination, there is almost a reluctance to try anything new for fear of getting burned again.

Most everyone concerned with Indian affairs has adopted the slogan of Indian self-determination. No one is exactly sure what this means, however. To some, self-determination is just another road to termination with the Federal Government absolving itself of any responsibility for Indian affairs by saying to the Indians—"Here, you take care of yourself, don't bother us anymore."

In the past, self-determination has often meant that the Indian could decide for himself whether to stay on the reservation and starve, or go to the city and take his chances in an alien environment. But if self-determination is going to be a way of improving conditions, support from the general community will be required—both financially and morally—for new programs that Indians have developed themselves.

In Minneapolis, Project STAIRS, Indian Upward Bound and the Indian teen centers are examples of Indian-directed programs that need support from the general community. Hopefully, there will be a new Indian center in Minneapolis soon.

On the national level, the Senate Indian Education Subcommittee has recommended the creation of Indian school boards with the authority to operate Federal Indian schools. In States like Minnesota, where there are no Federal schools, the subcommittee recommends that Indians participate in the planning, execution and evaluation of programs which make use of Johnson-O'Malley funds. These are the Federal funds available to local school systems to help defray the cost of educating Indian children. Currently these funds are only available to school districts which encompass or are adjacent to reservations. Hopefully, the Johnson-O'Malley program will be expanded before too long to make funds available to cities like Minneapolis and St. Paul where there are significant concentrations of Indian children.

On the reservations, we might want to take a look at the way basic public services are provided. In recent years, tribal councils have been able to receive direct grants from the Federal Government to operate their own community action programs under the Economic Opportunity Act.

Using the community action program as a model, tribal councils might want to provide certain public services directly—road maintenance, schools, etc.—or contract with other Government jursidictions to provide these services for them, rather than have the services provided directly by Federal employees of the Bureau of Indian Affairs.

The BIA is now able to contract with tribal councils to provide some public services on a limited scale. Certainly this contract procedure could be improved. A proposal has been made that Indian communities be given the opportunity to assume local administration of any program now administered by the BIA provided that the local community requests this opportunity and that a decision to assume local control is made at a reservation-wide referendum. Block grants to finance these programs would then be available to the tribe—similar to the block grants now available to State and local governments for certain purposes.

Many of the proposals I have just discussed can be implemented, I feel, without a massive reorganization of Federal Indian programs. The Bureau of Indian Affairs has borne much of the brunt of the criticism of Government paternalism—and certainly much of this criticism is justified. But there is no reason to make the BIA the scapegoat for all the problems facing the American Indians. Indian problems will not be solved merely by abolishing the BIA, as some have proposed. Neither will the problems be solved just by taking the BIA out of the Interior Department and placing it in HEW or in the Office of the President as others have recommended. While reorganization is important, this issue alone should not distract us from other important work that has to be done.

What we really need are new ways for Indians to make their concerns known and felt. The establishment in 1968 by President Johnson of the National Council on Indian Opportunity is one step in the right direction. The Council is headed by the Vice President. Its members include the heads of cabinet level departments and six Indian leaders. Its function is to coordinate Indian programs in the various Federal agencies and to insure that any new programs reflect the needs and desires of the Indian people themselves. Currently, the six Indian leaders are selected by the President. However, we might want to consider expanding the Indian membership of the Council and making Indian membership an elected rather than an appointed position. Election districts could be set up to coincide with the regions served by the 11 BIA area offices.

While the National Council may provide a vehicle for Indian self-determination on the National level, it is even more important for us to think about ways to improve self-determination at the grass roots level. Just last week, I met with members of the American Indian Task Force, an ad hoc group of Indian leaders, to discuss this very issue. Included in the group were Clyde Bellecourt and Dennis Banks from Minneapolis and Simon Howard from the Leech Lake Reservation.

The task force recommended the establishment of all Indian boards of inquiry to be established in the eleven areas served by BIA area offices. The 11 boards of inquiry would be broadly representative of the tribal councils, private Indian organizations and off-reservation Indians in each of the areas. Each board would conduct hearings, receive grievances and generate recommendations for new programs and policies. In order to make this a continuing process, each board would hire a circuit rider or "ombudsman" who would regularly visit Indian communities in the area to hear complaints and to make recommendations about solutions.

Each panel would convene a "red ribbon grand jury" composed entirely of Indians to investigate and report upon deprivations of rights, charges of inaction or unresponsiveness by officials and the lack of effectiveness of public services. In appropriate situations, "grand jury" findings could lead to legal action.

Hopefully this process will produce the new programs that the Indian people themselves feel they need. In the months to come, I hope that the National Council on Indian Opportunity, headed by Vice President Agnew, will give serious consideration to the development of this new process. The National Council is ideally suited to assist

with the implementation of the Indian boards of inquiry.

I want to conclude with a story, widely circulated by now, from Vine Deloria's book. Some years ago at a congressional hearing someone asked a council member of the Cheyenne River Sioux "Just what do you Indians want?" and the council member replied, "A leave-us-alone law."

Few Indians, I suspect, would interpret this literally to mean "leave us alone to starve." Maybe what this Indian leader really means is that his people should be left alone to develop their own solutions to their problems. They don't want anyone in Washington, to tell them that they should relocate to the cities or that they must industrialize their reservations.

After Indian goals have been developed, Indians will need our encouragement to help them achieve these goals. Resources from the public and private sector will be needed to enable Indians to establish more meaningful lives for themselves on their reservations, if this is what they want. At the same time, other Indians may need help to establish new Indian communities in our cities.

Our support and encouragement of Indian self-determination will, I am sure, enable the American Indian to become a full participant, on his own terms, in today's world.

AGREEMENT OF THE CESSATION OF HOSTILITIES IN VIETNAM, JULY 20, 1954

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. McCLOSKEY. Mr. Speaker, in the debates on the rule for House Resolution 613 this afternoon, I suggested that our chances for a negotiated just peace in Vietnam might be enhanced by a firm congressional declaration in support of a peace based on the 1954 Geneva accords.

The President's historic speech on May 15 of this year specifically conceded that this country would accept reunification of Vietnam; the President's last point in that speech was, and I quote: "all parties would agree to observe the Geneva Accords of 1954."

In the debates which have occurred over the past several weeks, there has been little discussion of what President Nixon meant when he referred to the two documents which comprised the Geneva accords.

The first of those documents was entitled "Agreement on the Cessation of Hostilities in Vietnam." It was signed by two parties, representing the two forces which had been fighting in Vietnam for some 8 years, the French Union Forces and the forces of the Democratic Republic of Vietnam. There were not then two Vietnams. There was one Vietnam, and the agreement provided for its temporary division "pending the general elections which will bring about the unification of Vietnam."

The agreement provided that:

The signatories of the present Agreement and their successors in their functions shall be responsible for ensuring an observance and enforcement of the terms and provisions thereof.

The successors to the French were the South Vietnamese.

The second document which came out of the conference at Geneva, on the following day, July 21, 1954, was entitled "Final Declaration of Geneva Conferences, July 21, 1954."

This document specifically referred to the hope that Cambodia, Laos, and Vietnam would play their part, in full independence and sovereignty, in the peaceful community of nations.

Note that the declaration referred to Vietnam, one nation, not South Vietnam or North Vietnam.

The declaration further provided "general elections shall be held in July 1956, under the supervision of an international commission."

While the United States did not sign this declaration, nor did any of the other participants at Geneva, President Eisenhower issued a separate statement on the same date, July 21, 1954, in which he stated "the United States will not use force to disturb the settlement."

For ready reference in the debates ahead, I append at this point in the RECORD the text of the Geneva Accords of 1954 and President Eisenhower's accompanying statement:

AGREEMENT ON THE CESSATION OF HOSTILITIES IN VIET-NAM, JULY 20, 1954

CHAPTER I—PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE

Article 1

A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Viet-Nam to the north of the line and the forces of the French Union to the south.

The provisional military demarcation line is fixed as shown on the map attached (omitted).

It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 kms. from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

Article 2

The period within which the movement of all the forces of either party into its regrouping zone on either side of the provisional military demarcation line shall be completed shall not exceed three hundred (300) days from the date of the present Agreement's entry in force.

Article 3

When the provisional military demarcation line coincides with a waterway, the waters of such waterway shall be open to civil navigation by both parties wherever one bank is controlled by one party and the other bank by the other party. The Joint Commission shall establish rules of navigation for the stretch of waterway in question. The merchant shipping and other civilian craft of each party shall have unrestricted access to the land under its military control.

Article 4

The provisional military demarcation line between the two final regrouping zones is extended into the territorial waters by a line perpendicular to the general line of the coast.

All coastal islands north of this boundary shall be evacuated by the armed forces of the French Union, and all islands south of it shall be evacuated by the forces of the People's Army of Viet-Nam.

Article 5

To avoid any incidents which might result in the resumption of hostilities, all military forces, supplies and equipment shall be withdrawn from the demilitarized zone within twenty-five (25) days of the present Agreement's entry into force.

Article 6

No person, military or civilian, shall be permitted to cross the provisional military demarcation line unless specifically authorized to do so by the Joint Commission.

Article 7

No person, military or civilian, shall be permitted to enter the demilitarized zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Joint Commission.

Article 8

Civil administration and relief in the demilitarized zone on either side of the provisional military demarcation line shall be the responsiblity of the Commanders-in-Chief of the two parties in their respective zones. The number of persons, military or civilian, from each side who are permitted to enter the demilitarized zone for the conduct of civil administration and relief shall be determined by the respective Commanders, but in no case shall the total number authorized by either side exceed at any one time a figure to be determined by the Trung Gia Military Commission or by the Joint Commission. The number of civil police and the arms to be carried by them shall be determined by the Joint Commission. No one else shall carry arms unless specifically authorized to do so by the Joint Commission.

Article 9

Nothing contained in this chapter shall be construed as limiting the complete freedom of movement, into, out of or within the demilitarized zone, of the Joint Commission, its joint groups, the International Commission to be set up as indicated below, its inspection teams and any other persons, supplies or equipment specifically authorized to enter the demilitarized zone by the Joint Commission. Freedom of movement shall be permitted across the territory under the military control of either side over any road or waterway which has to be taken between points within the demilitarized zone when such points are not connected by roads or waterways lying completely within the demilitarized zone.

CHAPTER II—PRINCIPLES AND PROCEDURE GOVERNING IMPLEMENTATION OF THE PRESENT AGREEMENT

Article 10

The Commanders of the Forces on each side, on the one side the Commander-in-Chief of the French Union forces in Indo-China and on the other side of the Commander-in-Chief of the People's Army of Viet-Nam, shall order and enforce the complete cessation of all hostilities in Viet-Nam by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

Article 11

In accordance with the principle of a simultaneous cease-fire throughout Indo-China, the cessation of hostilities shall be simultaneous throughout all parts of Viet-Nam, in all areas of hostilities and for all the forces of the two parties.

Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the cease-fire shall take effect completely and simultaneously for the different sectors of the country as follows:

Northern Viet-Nam at 8:00 a.m. (local time) on 27 July 1954.

Central Viet-Nam at 8:00 a.m. (local time) on 1 August 1954.

Southern Viet-Nam at 8:00 a.m. (local time) on 11 August 1954.

It is agreed that Pekin mean time shall be taken as local time.

From such time as the cease-fire becomes effective in Northern Viet-Nam, both parties undertake not to engage in any large-scale offensive action in any part of the Indo-Chinese theatre of operations and not to commit the air forces based on Northern Viet-Nam outside that sector. The two parties also undertake to inform each other of their plans for movement from one regrouping zone to another within twenty-five (25) days of the present Agreement's entry into force.

Article 12

All the operations and movements entailed in the cessation of hostilities and regrouping must proceed in a safe and orderly fashion:

(a) Within a certain number of days after the cease-fire Agreement shall have become effective, the number to be determined on the spot by the Trung Gia Military Commission, each party shall be responsible for removing and neutralizing mines (including river- and sea-mines), booby traps, explosives and any other dangerous substances placed by it. In the event of its being impossible to complete the work of removal and neutralization in time, the party concerned shall mark the spot by placing visible signs there. All demolitions, mine fields, wire entanglements and other hazards to the free movement of the personnel of the Joint Commission and its joint groups, known to be present after the withdrawal of the military forces, shall be reported to the Joint Commission by the Commanders of the opposing forces;

(b) From the time of the cease-fire until regrouping is completed on either side of the demarcation line:

(1) The forces of either party shall be provisionally withdrawn from the provisional assembly areas assigned to the other party.

(2) When one party's forces withdraw by a route (road, rail, waterway, sea route) which passes through the territory of the other party (see Article 24), the latter party's forces must provisionally withdraw three kilometres on each side of such route, but in such a manner as to avoid interfering with the movements of the civil population.

Article 13

From the time of the cease-fire until the completion of the movements from one regrouping zone into the other, civil and military transport aircraft shall follow air-corridors between the provisional assembly areas assigned to the French Union forces north of the demarcation line on the one hand and the Laotian frontier and the regrouping zone assigned to the French Union forces on the other hand.

The position of the air-corridors, their width, the safety route for single-engined military aircraft transferred to the south and the search and rescue procedure for aircraft in distress shall be determined on the spot by the Trung Gia Military Commission.

Article 14

Political and administrative measures in the two regrouping zones, on either side of the provisional military demarcation line:

(a) Pending the general elections which will bring about the unification of Viet-Nam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present Agreement;

(b) Any territory controlled by one party which is transefrred to the other party by the regrouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it.

Steps shall be taken to ensure that there is no break in the transfer of responsibilities. For this purpose, adequate notices shall be given by the withdrawing party to the other party, which shall make the necessary arrangements, in particular by sending administrative and police detachments to prepare for the assumption of administrative responsibility. The length of such notice shall be determined by the Trung Gia Military Commission. The transfer shall be effected in successive stages for the various territiorial sectors.

The transfer of the civil administration of Hanoi and Haiphong to the authorities of the Democratic Republic of Viet-Nam shall be completed within the respective time-limits laid down in Article 15 for military movements.

(c) Each party undertakes to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties.

(d) From the date of entry into force of the present agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district.

Article 15

The disengagement of the combatants, and the withdrawals and transfers of military forces, equipment and supplies shall take place in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within three hundred (300) days, as laid down in Article 2 of the present Agreement;

(b) Within either territory successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly installments proportionate to the number of troops to be transferred;

(c) The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present Agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible;

(d) The two parties shall permit no destruction or sabotage of any public property and no injury to the life and property of the civil population. They shall permit no interference in local civil administration;

(e) The Joint Commission and the International Commission shall ensure that steps are taken to safeguard the forces in the course of withdrawal and transfer;

(f) The Trung Gia Military Commission, and later the Joint Commission, shall determine by common agreement the exact procedure for the disengagement of the combatants and for troop withdrawals and transfers, on the basis of the principles mentioned above and within the framework laid down below;

1. The disengagement of the combatants, including the concentration of the armed forces of all kinds and also each party's movements into the provisional assembly areas assigned to it and the other party's provisional withdrawal from it, shall be completed within a period not exceeding fifteen (15) days after the date when the cease-fire becomes effective.

The general delineation of the provisional assembly areas is set out in the maps[1] annexed to the present Agreement.

[1] Department of State Bulletin, Aug. 2, 1954, p. 163.

In order to avoid any incidents, no troops shall be stationed less than 1,500 metres from the lines delimiting the provisional assembly areas.

During the period until the transfers are concluded, all the coastal islands west of the following lines shall be included in the Haiphong perimeter: meridian of the southern point of Kebao Island—northern coast of the Ile Rousse (excluding the island), extended as far a the meridian of Campha-Mines—meridian of Champha-Mines.

2. The withdrawals and transfers shall be effected in the following order and within the following periods (from the date of the entry into force of the present Agreement):

Forces of the French Union

	Days
Hanoi perimeter	80
Haiduong perimeter	100
Haiphong perimeter	300

Forces of the People's Army of Viet-Nam

Ham Tan and Xuyenmec provisional assembly area	80
Central Viet-Nam provisional assembly area—first installment	80
Plaine des Joncs provisional assembly area	100
Point Camau provisional assembly area	200
Central Viet-Nam Provisional assembly area—last installment	300

CHAPTER III—BAN ON INTRODUCTION OF FRESH TROOPS, MILITARY PERSONNEL, ARMS AND MUNITIONS, MILITARY BASES

Article 16

With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any troop reinforcements and additional military personnel is prohibited.

It is understood, however, that the rotation of units and groups of personnel, the arrival in Viet-Nam of individual personnel on a temporary duty basis and the return to Viet-Nam of individual personnel after short periods of leave or temporary duty outside Viet-Nam shall be permitted under the conditions laid down below:

(a) Rotation of units (defined in paragraph (c) of this Article) and groups of personnel shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in Article 1 of the present Agreement, during the withdrawal period provided for in Article 2.

However, under the heading of individual personnel not more than fifty (50) men, including officers, shall during any one month be permitted to enter that part of the country north of the provisional military demarcation line on a temporary duty basis or to return there after short periods of leave or temporary duty outside Viet-Nam.

(b) "Rotation" is defined as the replacement of units or groups of personnel by other units of the same echelon or by personnel who are arriving in Viet-Nam territory to do their overseas service there;

(c) The units rotated shall never be larger than a battalion—or the corresponding echelon for air and naval forces;

(d) Rotation shall be conducted on a man-for-man basis, provided, however, that in any one quarter neither party shall introduce more than fifteen thousand five hundred (15,500) members of its armed forces into Viet-Nam under the rotation forces.

(e) Rotation units (defined in paragraph (c) of this Article) and groups of personnel, and the individual personnel mentioned in this Article, shall enter and leave Viet-Nam only through the entry points enumerated in Article 20 below:

(f) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures of units, groups of personnel

and individual personnel in or from Viet-Nam. Reports on the arrivals or departures of units, groups of personnel and individual personnel in or from Viet-Nam shall be submitted daily to the Joint Commission and the International Commission.

All the above-mentioned notifications and reports shall indicate the places and dates of arrival or departure and the number of persons arriving or departing.

(g) The International Commission, through its Inspection Teams, shall supervise and inspect the rotation of units and groups of personnel and the arrival and departure of individual personnel as authorized above, at the points of entry enumerated in Article 20 below.

Article 17

(a) With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armoured vehicles, is prohibited.

(b) It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements of war materials, arms and munitions shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in Article 1 of the present Agreement, during the withdrawal period provided for in Article 2.

Naval craft may perform transport operations between the regrouping zones.

(c) The war material, arms and munitions for replacement purposes provided for in paragraph (b) of this Article, shall be introduced into Viet-Nam only through the points of entry enumerated in Article 20 below. War material, arms and munitions to be replaced shall be shipped from Viet-Nam only through the points of entry enumerated in Article 20 below;

(d) Apart from the replacements permitted within the limits laid down in paragraph (b) of this Article, the introduction of war material, arms and munitions of all types in the form of unassembled parts for subsequent assembly is prohibited;

(e) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures which may take place of war material, arms and munitions of all types.

In order to justify the requests for the introduction into Viet-Nam of arms, munitions and other war material (as defined in paragraph (a) of this Article) for replacement purposes, a report concerning each incoming shipment shall be submitted to the Joint Commission and the International Commission. Such reports shall indicate the use made of the items so replaced.

(f) The International Commission, through its Inspection Teams, shall supervise and inspect the replacements permitted in the circumstances laid down in this Article, at the points of entry enumerated in Article 20 below.

Article 18

With effect from the date of entry into force of the present Agreement, the establishment of new military bases is prohibited throughout Viet-Nam territory.

Article 19

With effect from the date of entry into force of the present Agreement, no military base under the control of a foreign State may be established in the regrouping zone of either party; the two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an agressive policy.

Article 20

The points of entry into Viet-Nam for rotation personnel and replacements of material are fixed as follows:

Zones to the north of the provisional military demarcation line: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen;

Zone to the south of the provisional military demarcation line: Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau.

CHAPTER IV—PRISONERS OF WAR AND CIVILIAN INTERNEES

Article 21

The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Viet-Nam, French and other nationalities captured since the beginning of hostilities in Viet-Nam during military operations or in any other circumstances of war in any part of the territory of Viet-Nam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre.

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice.

CHAPTER V—MISCELLANEOUS

Article 22

The Commanders of the Forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished.

Article 23

In cases in which the place of burial is known and the existence of graves has been established, the Commander of the Forces of either party shall, within a specific period after the entry into force of the Armistice Agreement, permit the graves service personnel of the other party to enter the part of Viet-Nam territory under their military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war. The Joint Commission shall determine the procedures and the time limit for the performance of this task. The Commanders of the Forces of the two parties shall communicate to each other all information in their possession as to the place of burial of military personnel of the other party.

Article 24

The present Agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the demilitarized zone and the territory under the military control of the other party, and shall commit no act and undertake no operation against the other party and shall not engage in blockade of any kind in Viet-Nam.

For the purposes of the present Article, the word "territory" includes territorial waters and air space.

Article 25

The Commanders of the Forces of the two parties shall afford full protection and all possible assistance and co-operation to the Joint Commission and its joint groups and to the International Commission and its inspection teams in the performance of the functions and tasks assigned to them by the present Agreement.

Article 26

The costs involved in the operations of the Joint Commission and joint groups and of the International Commission and its Inspection Teams shall be shared equally between the two parties.

Article 27

The signatories of the present Agreement and their successors in their functions shall be responsible for ensuring and observance and enforcement of the terms and provisions thereof. The Commanders of the Forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present Agreement by all elements and military personnel under their command.

The procedures laid down in the present Agreement shall, whenever necessary, be studied by the Commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

CHAPTER VI—JOINT COMMISSION AND INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIET-NAM

28. Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

29. An International Commission shall ensure the control and supervision of this execution.

30. In order to facilitate, under the conditions shown below, the execution of provisions concerning joint actions by the two parties, a Joint Commission shall be set up in Viet-Nam.

31. The Joint Commission shall be composed of an equal number of representatives of the Commanders of the two parties.

32. The Presidents of the delegations to the Joint Commission shall hold the rank of General.

The Joint Commission shall set up joint groups the number of which shall be determined by mutual agreement between the parties. The joint groups shall be composed of an equal number of officers from both parties. Their location on the demarcation line between the regrouping zones shall be determined by the parties whilst taking into account the powers of the Joint Commission.

33. The Joint Commission shall ensure the execution of the following provisions of the Agreement on the cessation of hostilities:

(a) A simultaneous and general cease-fire in Viet-Nam for all regular and irregular armed forces of the two parties.

(b) A re-groupment of the armed forces of the two parties.

(c) Observance of the demarcation lines between the regrouping zones and of the demilitarized sectors.

Within the limits of its competence it shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose of preparing and carrying out plans for the application of these provisions, and shall endeavor to solve such disputed questions as may arise between the parties in the course of executing these provisions.

34. An International Commission shall be set up for the control and supervision over the application of the provisions of the agreement on the cessation of hostilities in Viet-Nam. It shall be composed of representatives of the following States: Canada, India and Poland.

It shall be presided over by the Representative of India.

35. The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers ap-

pointed by each of the above-mentioned States. The fixed teams shall be located at the following points: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen, Tourane, Quinhor, Nhatrang, Bangai, Saigon, Cap St. Jacques, Tranchau, These points of location may, at a later date, be altered at the request of the Joint Commission, or one of the parties, or of the International Commission itself, by agreement between the International Commission and the command of the party concerned. The zones of action of the mobile teams shall be the regions bordering the land and sea frontiers of Viet-Nam, the demarcation lines between the re-grouping zones and the demilitarized zones. Within the limits of these zones they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfillment of their tasks (provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding enquiries, ensuring the security and freedom of movement of the inspection teams etc. . .). They shall have at their disposal such modern means of transport, observation and communication as they may require. Beyond the zones of action as defined above, the mobile teams may, by agreement with the command of the party concerned, carry out other movements within the limits of the tasks given them by the present agreement.

36. The International Commission shall be responsible for supervising the proper execution by the parties of the provisions of the agreement. For this purpose it shall fulfill the tasks of control, observation, inspection and investigation connected with the application of the provisions of the agreement on the cessation of hostilities, and it shall in particular:

(a) Control the movement of the armed forces of the two parties, effected within the framework of the regroupment plan.

(b) Supervise the demarcation lines between the re-grouping areas, and also the demilitarized zones.

(c) Control the operations of releasing prisoners of war and civilian internees.

(d) Supervise at ports and airfields as well as along all frontiers of Viet-Nam the execution of the provisions of the agreement on the cessation of hostilities, regulating the introduction into the country of armed forces, military personel and of all kinds of arms, munitions and war material.

37. The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

38. The inspection teams shall submit to the International Commission the results of their supervision, their investigation and their observations, furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the conclusions of each member shall be submitted to the Commission.

39. If any one inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation the International Commission shall be informed; the latter shall study the reports and the conclusions of the inspection teams and shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

40. When the Joint Commission is unable to reach an agreement on the interpretation to be given to some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

41. The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in article 42. If the votes are divided the chairman's vote shall be decisive.

The International Commission may formulate recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Viet-Nam, in order to ensure a more effective execution of that agreement. These recommendations shall be adopted unanimously.

42. When dealing with questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, namely:

(a) Refusal by the armed forces of one party to effect the movements provided for in the regroupment plan;

(b) Violation by the armed forces of one of the parties of the regrouping zones, territorial waters, or air space of the other party; the decisions of the International Commission must be unanimous.

43. If one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.

If the International Commission does not reach unanimity in the cases provided for in article 42, it shall submit a majority report and one or more minority reports to the members of the Conference.

The International Commission shall inform the members of the Conference in all cases where its activity is being hindered.

44. The International Commission shall be set up at the time of the cessation of hostilities in Indo-China in order that it should be able to fulfill the tasks provided for in article 36.

45. The International Commission for Supervision and Control in Viet-Nam shall act in close co-operation with the International Commissions for Supervision and Control in Cambodia and Laos.

The Secretaries-General of these three Commissions shall be responsible for co-ordinating their work and for relations between them.

46. The International Commission for Supervision and Control in Viet-Nam may, after consultation with the International Commissions for Supervision and Control in Cambodia and Laos, and having regard to the development of the situation in Cambodia and Laos, progressively reduce its activities. Such a decision must be adopted unanimously.

47. All the provisions of the present Agreement, save the second sub-paragraph of Article 11, shall enter into force at 2400 hours (Geneva time) on 22 July 1954.

Done in Geneva at 2400 hours on the 20th of July 1954 in French and in Viet-Namese, both texts being equally authentic.

For the Commander-in-Chief of the People's Army of Viet-Nam

TA-QUANG BUU,
Vice-Minister of National Defence of the Democratic Republic of Viet-Nam.

For the Commander-in-Chief of the French Union Forces in Indo-China

Brigadier-General DELTEIL.

ANNEX TO THE AGREEMENT ON THE CESSATION OF HOSTILITIES IN VIET-NAM

I. DELINEATION OF THE PROFESSIONAL MILITARY DEMARCATION LINE AND THE DEMILITARIZED ZONE

(Article 1 of the Agreement: Reference Map: Indo-China 1/100,000)

(a) The provisional military demarcation line is fixed as follows, reading from east to west: the mouth of the Song Ben Hat (Cua Tung River) and the course of that river (known as the Rao Thanh in the mountains) to the village of Bo Ho Su, then the parallel of Bo Ho Su to the Laos-Viet-Nam frontier.

(b) The demilitarized zone shall be delimited by Trung Gia Military Commission in accordance with the provisions of article 1 of the Agreement on the cessation of hostilities in Viet-Nam.

II. GENERAL DELINEATION OF THE PROVISIONAL ASSEMBLY AREAS

(Article 15 of the Agreement; Reference Maps: Indo-China 1/400,000)

(*a*) *North Viet-Nam*

Delineation of the boundary of the provisional assembly area of the French Union forces

1. The perimeter of Hanoi is delimited by the arc of a circle with a radius of 15 kilometres, having as its centre the right bank abutment of Doumer Bridge and running westwards from the Red River to the Rapids Canal in the northeast.

In this particular case no forces of the French Union shall be stationed less than 2 kilometres from this perimeter, on the inside thereof.

2. The perimeter of Haiphong shall be delimited by the Song-Van-Uc as far as Kim Thanh and a line running from the Song-Van-Uc three kilometres northeast of Kim Thanh to cut Road No. 18 two kilometres east of Mao-Khé. Thence a line running three kilometres north of Road 18 to Cho-Troi and a straight line from Cho-Troi to the Mong-Duong ferry.

3. *A corridor contained between:*

In the south, the Red River from Thanh-Tri to Bang-Nho, thence a line joining the latter point to Do-My (South-west of Kesat), Gia-Loc and Trien Kieu;

In the north, a line running the Rapids Canal at a distance of 1,500 metres to the north of the Canal, passing three kilometres north of Pha-Lai and Seven Pogodas and thence parallel to Road No. 18 to its point of intersection with the perimeter of Haiphong.

Note: Throughout the period of evacuation of the perimeter of Hanoi, the river forces of the French Union shall enjoy complete freedom of movement on the Song-Van-Uc. And the forces of the People's Army of Viet-Nam shall withdraw three kilometres south of the south bank of the Song-Van-Uc.

Boundary between the perimeter of Hanoi and the perimeter of Haiduong

A straight line running from the Rapids Canal three kilometres west of Chi-ne and ending at Do-My (eight kilometres south-west of Kesat).

(*b*) *Central Viet-Nam*

Delineation of the boundary of the provisional assembly area of the forces of the Viet-Nam People's Army south of the Col des Nuages parallel

The perimeter of the Central Viet-Nam area shall consist of the administrative boundaries of the provinces of Quang-Ngai and Binh-Dinh as they were defined before the hostilities.

(*c*) *South Viet-Nam*

Three provisional assembly areas shall be provided for the forces of the People's Army of Viet-Nam.

The boundaries of these areas are as follows:

1. *Xuyen-Moc, Ham-Tan Area*

Western boundary: The course of the Song-Ray extended northwards as far as Road No. 1 to a point thereon eight kilometres east of the intersection of Road No. 1 and Road No. 3.

Northern boundary: Road No. 1 from the above-mentioned intersection to the intersection of Route Communale No. 9 situated 27 kilometres west-south-west of Phanthiet and from that intersection a straight line to Kim Thanh on the coast.

2. *Plain des Joncs Area*

Northern boundary: The Viet-Nam-Cambodia frontier.

Western boundary: A straight line from Tong-Binh to Binh-Thanh.

Southern boundary: Course of the Fleuve Antérieur (Mekong) to ten kilometres south-east of Cao Lanh. From that point, a straight line as far as Ap-My-Dien, and from Ap-My-Dien a line parallel to and three kilometres east, and then south of the Tong Doc-Loc Canal, this line reaches My-Hanh-Dong and thence Hung-Thanh-My.

Eastern boundary: A straight line from Huong-Thanh-My running northwards to the Cambodian frontier south of Doi-bao-Voi.

3. *Point Camau Area*

Northern boundary: The Song-Cai-lon from its mouth to its junction with the Rach-Nuoc-Trong, thence the Rach-Nuoc-Trong to the bend five kilometres north-east of Ap-Xeo-La. Thereafter a line to the Ngan-Dua Canal and following that Canal as far as Vinh-Hung. Finally, from Vinh-Hung a north-south line to the sea.

[Senate Committee on Foreign Relations, *supra*, 66–74]

12. FINAL DECLARATION OF GENEVA CONFERENCE, JULY 21, 1954[1]

Final declaration, dated July 21, 1954, of the Geneva Conference on the problem of restoring peace in Indo-China, in which the representatives of Cambodia, the Democratic Republic of Viet-Nam, France, Laos, the People's Republic of China, the State of Viet-Nam, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America took part.

1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos and Viet-Nam and organizing international control and the supervision of the execution of the provisions of these agreements.

2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos and Viet-Nam; the Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities will permit Cambodia, Laos and Viet-Nam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.

3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of theese countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.

4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam prohibiting the introduction into Viet-Nam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel or in instructors except for the purpose of the effective defence of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.

5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam to the effect that no miliary base under the control of a foreign State may be esablished in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any miliary alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other states if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the Charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities in Laos or, so long as their security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the military forces of foreign Powers.

6. The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Viet-Nam.

7. The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representatives authorities of the two zones from 20 July 1955 onwards.

8. The provisions of the agreements on the cessation of hostilities intended to ensure the protection of individuals and of property must be most strictly applied and must, in particularly, allow everyone in Viet-Nam to decide freely in which zone he wishes to live.

9. The competent representative authorities of the Northern and Southern zones of Viet-Nam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

10. The Conference takes note of the declaration of the Government of the French Republic to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos and Viet-Nam, at the request of the governments concerned and within periods which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.

11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the re-establishment and consolidation of peace in Cambodia, Laos and Viet-Nam, the French Government will proceed from the principle of respect for the independence and sovereignty, unity and territorial integrity of Cambodia, Laos and Viet-Nam.

12. In their relations with Cambodia, Laos, and Viet-Nam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

13. The members of the Conference to consult one another on any question which may be referred to them by the International Supervisory Commission in order to study such measures as may prove necessary to ensure that the agreements on the cessation of hostilities in Cambodia, Laos and Viet-Nam are respected.

---

13. THE CEASE-FIRE AGREEMENTS IN INDOCHINA:

Statement by the President, July 21, 1954[1]

I am glad, of course, that agreement has been reached at Geneva to stop the bloodshed in Indochina.

The United States has not been a belligerent in the war. The primary responsibility for the settlement in Indochina rested with those nations which participated in the fighting. Our role at Geneva has been at all times to try to be helpful where desired and to aid France and Cambodia, Laos, and Viet-Nam to obtain a just and honorable settlement which will take into account the needs of the interested people. Accordingly, the United States has not itself been party to or bound by the decisions taken by the Conference, but it is our hope that it will lead to the establishment of peace consistent with the rights and the needs of the countries concerned. The agreement contains features which we do not like, but a great deal depends on how they work in practice.

The United States is issuing at Geneva a statement to the effect that it is not prepared to join in the Conference declaration, but, as loyal members of the United Nations, we also say that, in compliance with the obligations and principles contained in article 2 of the United Nations Charter, the United States will not use force to disturb the settlement. We also say that any renewal of Communist aggression would be viewed by us as a matter of grave concern.

As evidence of our resolve to assist Cambodia and Laos to play their part, in full independence and sovereignty, in the peaceful community of free nations, we are requesting the agreement of the Governments of Cambodia and Laos to our appointment of an Ambassador or Minister to be resident at their respective capitals (Phnom Penh and Vientiane). We already have a Chief of Mission at Saigon, the capital of Viet-Nam, and this Embassy will, of course, be maintained.

The United States is actively pursuing discussions with other free nations with a view to the rapid organization of a collective defense in Southeast Asia in order to prevent further direct or indirect Communist aggression in that general area.

(*This unilateral declaration by the United States Government sets forth its position with regard to the Geneva Accords, which it did not sign.*)

---

14. STATEMENT BY THE UNDER SECRETARY OF STATE[1] AT THE CONCLUDING PLENARY SESSION OF THE GENEVA CONFERENCE, JULY 21, 1954[2]

As I stated on July 18, my Government is not prepared to join in a declaration by the Conference such as is submitted. However, the United States makes this unilateral declaration of its position in these matters:

DECLARATION

The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations takes note of the agreements concluded at Geneva on July 20 and 21, 1954 between (a) The Franco Loatian Command and the Command of the Peoples Army of Viet-Nam; (b) the Royal Khmer Army Command and the Command of the Peoples Army of Viet-Nam; (c) Franco-Vietnamese Command

---

[1] Walter Bedell Smith.

[2] Department of State *Bulletin*, Aug. 2, 1954, pp. 162–163.

and the Command of the Peoples Army of Viet-Nam and of paragraphs 1 to 12 inclusive of the declaration presented to the Geneva Conference on July 21, 1954 declares with regard to the aforesaid agreements and paragraphs that (i) it will refrain from the threat or the use of force to disturb them, in accordance with Article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

In connection with the statement in the declaration concerning free elections in Viet-Nam my Government wishes to make clear its position which it has expressed in a declaration made in Washington on June 29, 1954, as follows:

"In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly."

With respect to the statement made by the representative of the State of Viet-Nam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position.

We share the hope that the agreements will permit Cambodia, Laos and Viet-Nam to play their part, in full independence and sovereignty, in the peaceful community of nations, and will enable the peoples of that area to determine their own future.

THE PRESIDENT'S PROPOSED PUBLIC DEFENDER ACT FOR THE DISTRICT OF COLUMBIA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. DUNCAN. Mr. Speaker, I want to call attention this afternoon to the President's proposed Public Defender Act for the District of Columbia which has been pending since July 11. It is essential that we act immediately on this legislation.

In 1960 we created a Legal Aid Agency for the District with a small staff and limited jurisdiction. It was an experiment and a highly successful one. Since then, however, crime has increased dramatically, the criminal law has been changed radically by the courts, the backlog of court cases has risen and the problem of providing adequate representation to indigent defendants has increased accordingly.

Moreover, since 1960, we have realized that professional defense services in adult criminal cases is not all that is needed. There are increasing demands for court appointed counsel in serious misdemeanor cases, but the Legal Aid Agency has no express authority to take such cases. Counsel is required in probation and parole revocation but the Legal Aid statute is silent on this. Counsel is obviously needed in narcotic addict commitment and mental commitment cases—where the defendant also faces incarceration—but there is no direct authority for the Legal Aid Agency to take such cases.

The Public Defender Act would expressly authorize representation in all these areas and would provide sufficient staff. I might also add that it would provide sufficient staff pay to get the type of competence necessary to handle such cases.

The legislation proposes no radical departure or novel idea. Essentially it would bring the District's criminal justice system up to date so that it is capable of facing the problems before us. We must act promptly on this legislation. We cannot afford to fall further behind.

YALE MEDICINE BULLETIN COMMENDS WEST HAVEN, CONN., VA HOSPITAL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MONAGAN. Mr. Speaker, the fall 1969 issue of Yale Medicine which is the alumni bulletin of the school of medicine, Yale University, contains a fine article on the West Haven Veterans' Administration hospital located in West Haven, Conn.

From my own experience in working with veterans in Connecticut and the Veterans' Administration, I am aware of the outstanding work done for many years at the West Haven hospital and which is currenly continuing under the directorship of Mr. David Anton, a very able and dedicated administrator, aided by a loyal and efficient staff.

I insert the article for the information and consideration of my colleagues:

THE VETERANS ADMINISTRATION HOSPITAL

When Dean Francis Blake accepted the Newington Veterans Administration Hospital as an affiliated hospital in 1946, it was only as a temporary liaison, since a new hospital was to be built in West Haven, about 35 miles closer to the medical school.

The new hospital, built on the site of the former William Wirt Winchester Hospital, consists of a 500-bed General Medical and Surgical Building and a 400-bed Tuberculosis Building. The older buildings linking the two new structures were refurbished and became the Administration Building. The whole complex, set in 43 acres, rose above a commanding hill, dominating West Haven "like a colossus."

In April, 1953, the West Haven Veterans Administration Hospital opened the doors of the Tuberculosis Building, and immediately began its association with Yale, guided by a Dean's Committee. The General Medical and Surgical Building opened in September, 1953. With changing times and disease patterns, these two major clinical buildings are referred to simply as Buildings No. 1 and No. 2.

The hospital is headed by David Anton, the fourth director in its 16-year history. The non-professional side of the hospital operates under the assistant hospital director, Calvin Chandler. Professional programs are the responsibility of the chief of staff, Dr. Raymond Yesner, who has been chief of the Laboratory Service at West Haven since the hospital's inception, and who is an associate professor of pathology at the medical school. As chief of staff, he has an advisory group, consisting of the various chiefs of services. He is supported by an associate chief of staff for administration, Paul Eule, and an associate chief of staff for research, Dr. Robert Green, professor of medicine. It is expected that another position, that of associate chief of staff for education, will be filled at some time in the future. Dr. Yesner is also an associate dean of the medical school, with the responsibility for Veterans Hospital affairs.

The Medical Service at the VA Hospital has a model relationship with the Department of Internal Medicine at Yale and plays a major role in its training programs. There are 68 medical beds for acutely ill patients plus a six-bed intensive care unit and a four-bed coronary care unit. Last year 1,709 patients were admitted to the acute medical service. Staffing is provided by eight full-time Yale faculty members and two part-time staff physicans. The chief of the Medical Service is Dr. Thomas T. Amatruda, Jr., associate professor of medicine.

Yale-New Haven Medical Center house staff members are assigned in rotation to the Medical Service during their internship and residency training. In addition, there are specialty training programs in metabolism and endocrinology, hematology and oncology, gastroenterology, dermatology, and cardiology which complement similar programs at the Yale-New Haven Hospital.

During the academic year, approximately half the third- and fourth-year medical students are assigned to West Haven for their clinical clerkships on the acute medical wards. Under the new curriculum, many second-year students will also receive their initial clinical experience there.

FIRST HEMODIALYSIS IN STATE

In December of 1966, the first successful hospital-based hemodialysis program in the enter State of Connecticut was started at the West Haven VA Hospital. In May of 1968, a modern nine-bed dialysis unit was opened for out-patient chronic hemodialysis; at present 16 patients are involved in the program. In the near future it is hoped that the hospital-based unit will be supplemented by a home dialysis program to aid in the management of some patients who currently travel as far as 85 miles twice a week for their dialysis.

In addition to the responsibilities of patient care and teaching, the full-time staff are actively engaged in clinical and laboratory research in the areas of infectious diseases, metabolism and endocrinology, renal disease, cardiovascular disease, liver disease, gastroenterology, oncology, and hematology.

The Surgical Service has a 179-bed capacity. Approximately 100 of these beds are for the various surgical specialities. Each of the specialty services is under the direction of the head of the specialty section at Yale.

The General Surgical Service has a new chief, Dr. Edward Storer, professor of surgery, and two full-time and three part-time surgeons who have faculty appointments.

The VA surgical program functions as an integral part of the Department of Surgery at Yale. There is complete integration of the intern and resident training programs, and an active student teaching program has been established. Staff members devote a major part of their time to the teaching of residents, interns, and medical students. The Surgical Service also has frequent consultations with university surgeons for both teaching and patient care, and surgeons from the medical school attend on the wards on a rotating schedule.

A new operating room recovery room and a ten-bed intensive care unit has recently been completed and are in operation. The intensive care unit, which has two isolation cubicles, is equipped with modern monitoring devices.

The Pathology Service is a centralized operation combining pathologic anatomy and clinical pathology in one department; thus the residency training program leads to combined Board certification. In addition to Dr. Yesner, there are four full-time pathologists and a research associate. Pathologic anatomy is very well equipped with double-headed teaching microscopes, cryostats, and excellent new electron microscope suite, histology and histochemistry laboratories, and closed circuit television for autopsies and the tumor clinics. The clinical pathology workload has been growing steadily at about 25 per cent per year and now stands at well over a million tests annually. This is handled by extensive automation, with 20 analyzer channels operating continuously in chemistry and a 7-channel analyzer in hematology. The bacteriology laboratories are among the finest in the country and receive many students for training. The tuberculosis bacteriology laboratory has contributed much original research and is scheduled to become a regional laboratory, along with two others in the country, to do definitive identification work on typical and atypical isolated organisms. Blood banking, serology, mycology, and parasitology laboratories complete the spectrum. Residents are also trained in the use of radioisotopes and selected residents may spend six months in the clinical chemistry laboratory at Yale-New Haven Hospital.

COMMUNITY MENTAL HEALTH SERVICE

The Psychiatry Service has been an integral component of the Yale department since 1953. Under Dr. Louis B. Fierman, associate professor of clinical psychiatry, it now consists of 123 beds, four acute treatment wards, a day hospital and mental hygiene clinic, and a staff of eight psychiatrists. It functions as a community mental health service and processes annually over 800 applicants for admission, of whom about half are referred to other community facilities. There are no locked or chronic wards.

The Psychiatry Service provides a first-year residency training program in cooperation with the Yale Department of Psychiatry. Second- and third-year residency training is also available. Since 1953 the Psychiatry Service has trained 193 residents and, in collaboration with the Veterans Administration Psychology Service, 119 psychology trainees. In addition, the Psychiatry Service is available to Yale medical students for clerkships and elective clinical courses. Training opportunities have also been offered to student nurses from the University of Connecticut and the University of Bridgeport, and ongoing professional training has been provided for social workers and nurses. Psychosomatic teaching has been conducted in collaboration with the Medical and Surgical Services.

The psychiatric research program has had a strong clinical orientation, in psychotherapy, schizophrenic language, the uses of humor, social structure of psychiatric populations, and patient government. Basic research in neurophysiology has also been conducted in collaboration with the Psychology Service on cerebral-sensory-evoked potentials.

The Psychology Service is divided into clinical, counseling, and research sections. The clinical section provides consultation and treatment and assists the Psychiatric Service in its treatment programs. The counseling section is primarily engaged in vocational guidance, rehabilitation counseling, personal adjustment counseling, and retirement counseling. It also utilizes community resources to help the discharged veteran make a successful vocational and social readjustment. The service is strongly research-oriented, four members spending a major portion of their time in research. The staff is inovlved in the supervision of graduate and medical students' theses and the residents' projects. Students from universities throughout the country come to this hospital for training in counseling and neurophysiological, social, and experimental psychology.

REHABILITATION FOR ORTHOPEDIC PATIENTS

The Physical Medicine and Rehabilitation Service is under the direction of Dr. Frederick Dugdale. It is comprised of five therapy sections—physical therapy, occupational therapy, corrective therapy, educational therapy, and manual arts therapy—that contribute to overcoming physical, educational, and vocational handicaps.

In recognition of the frequent need of orthopedic patients for rehabilitation and the need for orthopedic surgeons to be better versed in the prescription of rehabilitation procedures, the service participates actively in the training program for residents. In addition, the surgical residents are invited to attend monthly prosthetic clinics, which provide an opportunity for the resident to correlate his knowledge of amputation surgery with the latest developments in prosthetics and the relationship of both to the patient's ability to walk again.

The Chest Disease Service, headed by Dr. Nicholas D'Esopo, associate clinical professor of medicine, includes a non-tuberculosis medical chest ward, a surgical chest ward, two tuberculosis wards, an emphysema unit, an active out-patient clinic, a pulmonary physiology laboratory, an immunology laboratory, and an inhalation therapy department. A one- or two-year training and research program, principally located at the VA Hospital but closely coordinated with Yale-New Haven, offers a balanced and flexible program in which a trainee or fellow can become an accomplished chest physician and pulmonary physiologist.

When the hospital opened, 400 tuberculosis beds were assigned. Due to the nation-wide decrease in tuberculosis, there are now only two tuberculosis wards, consisting of 96 beds, staffed by full-time staff physicians. The chief of the service is chairman of a cooperative chemotherapy trial involving 26 other VA hospitals, and the service has been continuously active in chemotherapy trials since 1953.

The Intermediate Service is under the direction of Dr. William Braisted. It occupies four wards with a total bed capacity of 168 and has a full-time staff of six physicians. Patients with complicated, usually multisystem and progressive chronic disease, too chronic for acute wards and too sick for nursing homes, are given chronic hospital care, to provide maximum efficiency and pleasure in living within the limits of disability. The Service coordinates physical, corrective, occupational, speech, educational, vocational, psychological, and social therapies.

The chief of the Dental Service is Dr. John Weimer. He is assisted by an oral surgeon and two staff dentists in operating a general six-chair clinic and a tuberculosis two-chair clinic. Both are equipped with the most modern dental equipment from high speed units to the panorex x-ray machine, supported by a complete dental laboratory. There is an approved rotating internship and a training program for dental assistants affiliated with the Eli Whitney Technical School.

Dr. Dorothea Bradford is chief of the Speech Pathology Service, which evaluates and treats language, speech, and voice disorders by acoustic amplification and speech reading. A training program is conducted in communicative disorders.

The Department of Radiology, under Dr. Mary F. Keohane, associate professor of clinical radiology, was completely reorganized five years ago. A full-time staff of five diagnostic radiologists and one radiatherapist is provided, on a contract basis, by Yale. Four residents from Yale-New Haven Hospital rotate through the department at three-month intervals. In diagnostic radiology, the case load has doubled in the last seven years, to 30,000 examinations per year. More than 5 per cent of these are special studies. Four new diagnostic rooms, to be completed by August, 1970, will contain all of the most advanced and sophisticated equipment available. Complete right and left cardiac catheterizations, transseptal catheterizations, and selective coronary angiography are now routinely done in our special diagnostic suite. In spite of the marked increase in both routine examinations and special procedures, our radiologists conduct 30 hours of teaching-work conferences weekly for the interns, residents, and medical students from all services. An active research program is maintained with project participation in both the Departments of Medicine and Surgery, as well as those areas of particular interest to the radiologist.

Among the exciting new developments in the Department of Radiology is the successful establishment of a School of Radiologic Technology presently training 18 students.

Recently the Eastern Blind Rehabilitation Center for the visually impaired veteran was established at West Haven, under the supervision of George M. Gillespie. This center provides basic adjustment to the losses associated with blindness for veterans from the east coast of the United States. Included in each patient's individualized 18-week program is medical care; training in orientation, mobility, manual skills, and communications; and social and vocational counseling. Upon leaving the center the veteran is guided toward academic and vocational training or returns to the positions he held prior to the onset of his blindness.

EASTERN RESEARCH SUPPORT CENTER

Another major regional activity in the Eastern Research Support Center under Dr. Alvan Feinstein, professor of medicine. This center provides assistance to Veterans Administration investigators throughout the east in such areas as experimental design, editing, and computer assistance.

The Neurology Service, headed by Dr. Lewis L. Levy, associate clinical professor, has recently been separated from the Medical Service. New Stroke and Epilepsy Centers will shortly be operative.

Under the direction of Arline E. Burns, the Nursing Service provides quality nursing care and services to patients, both on an in-patient and out-patient basis. There are 20 nursing units for the Medicine, Surgery, Intermediate, Pulmonary Disease, and Psychiatry Services. In addition to these, there are specialized units, such as those for coronary care, medical and surgical intensive care, post-anesthesia, hemodialysis, day hospital (psychiatric service), mental hygiene clinic, operating room, and the Blind Rehabilitation Center. The Nursing Service personnel assigned to the Out-Patient Department provide nursing care and services to patients for pre-admission, in-patient clinics, post-hospital care, and the community home-nursing referral program. Throughout the academic year clinical experience is provided for nursing students from the University of Bridgeport and the University of Connecticut.

The research program at the West Haven VA Hospital commenced with the activation of the institution in 1953, when many of the staff and projects originally at the Newington VA Hospital moved to West Haven. Since then, the number of active research projects has increased by 45 percent; the amount of research space available has more than tripled; and publications have increased sevenfold. Concurrent with these gains, there has been a significant increase in both VA research funds and non-VA grant funds. These assets, coupled with the proximity of the excellent academic, patient care, and research facilities at the Yale-New Haven

Medical Center, have enabled this VA Hospital to attract not only established, independent investigators, but—equally important—young, eager, intellectually responsive researchers whose future scientific contributions will no doubt help mold the shape of patient care in the future.

TAX SHARING IS DANDY, BUT TAX CREDITS ARE SLICKER

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ULLMAN. Mr. Speaker, the debate over the administration's plan to begin sharing Federal revenues with State and local governments is capturing wide public attention. The need to help our financially impoverished States and cities is incontestable. The question is how best to extend this help.

The Nixon administration proposes a system of tax sharing that would be returning about $5 billion a year in Federal tax revenues to State and local governments by the mid-1970's.

My bill, H.R. 13663, would instead authorize a tax-credit system that would allow the taxpayer to claim 40 percent of the income taxes he pays to State and local governments against the tax bill he owes to Washington. State and local governments could then pick up this revenue saving in their tax schedules.

As a contribution to the debate, I am inserting herewith in the RECORD the text of an address given recently by Mortimer M. Caplin before the Tax Institute of America symposium on "Tax Incentives" held at Princeton, N.J. Mr. Caplin is a former Commissioner of Internal Revenue and is currently in private law practice.

Reviewing the pro's and con's of both approaches, Mr. Caplin concludes that the tax-credit approach is favorable for several reasons—it is more in line with traditional concepts of States rights and independence, it is simpler to administer, and it is "more familiar to tax legislators and more readily acceptable to Congress from a political and budgeting standpoint."

I commend these arguments to the attention of the Congress:

FEDERAL-STATE TAX SHARING VS. STATE-LOCAL INCOME TAX CREDITS

(By Mortimer M. Caplin)

Politics, it's been said, makes strange bedfellows. True this is for political groups as well as for political ideas and economic views. And true this is for the current interest in shifting both financial resources and decision-making responsibility from the national government in Washington to our numerous state and local governments.

Economist Milton Friedman was one of the early voices to call for federal-state tax sharing. Critical of the spawning patchwork of federal grants to the states for specified purposes, he viewed his new system as a substitute for the old.

Later, Walter Heller, in conjunction with Joseph Pechman of Brookings Institution, sponsored a revenue sharing plan which would complement the federal categorical grants-in-aid program.

In 1964 the Democratic Party platform pledged "development of fiscal policies . . . (to) provide revenue sources to hard-pressed state and local governments." And a few days before the 1964 election, first President Johnson and then Barry Goldwater endorsed federal fiscal policies to strengthen our state and local governments.

Today, in the name of shifting "the balance of political power away from Washington and back to the country and the people", President Nixon is giving his full support to a "taxback" plan which would turn over to the states and localities, without any strings, over $500 million in fiscal 1971 and over $5 billion annually by 1976.

FISCAL SQUEEZE ON STATES AND LOCALITIES

Whether the lable attached is "creative federalism", "new federalism" or just plain "old federalism", the fiscal squeeze on the states and localities is apparent to all. A soaring population, rising levels of affluence, inflation, rapid urbanization, and confrontations in our cities, have all added to the sharp growth in responsibilites and costs of state-local governments.

During the period 1948 to 1967, state outlays more than quadrupled (reaching over $34 billion in 1967), while local expenditures multiplied more than five times (passing $59 billion in 1967). At the same time, federal grants-in-aid were multiplying rapidly: $7 billion in 1960, $21 billion in 1969, and an estimated $25 billion in 1970.

Today, federal grant programs provide about 18% of state and local revenue, and their matching requirements call for state-local expenditures of close to $1 for every $2 of federal grants-in-aid.

Both the fiscal crisis and the need for better financing of state and local governments are urgent problems. Workable solutions must be found for keeping up with present demands on state and local governments, meeting the anticipated growth of these demands, and facing the new responsibilities arising from any shift of responsibility from the federal to the state and local level.

FEDERAL ASSISTANCE TO STATES AND LOCALITIES

Students of public finance are well aware of the vastly superior revenue capacity of the federal government in contrast to states and localities. Relying chiefly on a progressive income tax structure, federal revenues increase faster than the national economy thus creating a large automatic revenue growth capability—which is currently throwing off a growth dividend of over $10 billion a year. At the same time, federal expenditures for current programs (except under wartime conditions) are likely to rise more slowly than the economy.

The contrast is sharp for states and localities: With heavy reliance on sales and property taxes, their revenues are unable to keep pace with the rate of growth of the national economy—while their expenditure requirements for existing programs tend to rise more rapidly than the economy.

Kenneth Galbraith highlighted this fiscal mismatch under our federal system when he noted that "U.S. prosperity seems to give Washington the revenues and the state and local governments the problems".

Traditionally fiscal assistance has been given to state and local governments in three principal ways:

(1) Federal income tax deductions for state and local taxes;

(2) Federal income tax exemption for interest on state and municipal bonds; and

(3) Outright federal grants for specific purposes (so-called categorical grants).

Although 13 states still have not adopted an income tax—and 12 others have been described as "anemic users"—the loss of federal revenue from deductions of state and local individual income taxes amounted to almost $1.5 billion for 1968, and probably will reach close to $2 billion for 1969.

For the state and municipal bond exemption, the loss of federal revenue is over $2.6 billion annually, although the aid to states and localities is estimated to be under $2 billion—represented by the savings achieved through lower interest rates.

As for the outright federal grants, the dollar amount being spent today is about $25 billion a year, spread over some 420 separate grant authorizations.

In brief, these three accepted routes are costing the federal government about $30 billion a year, and yet our states and localities need more funds as they assume additional responsibilities. The old forms of intergovernmental assistance have been found lacking for one reason or another, and the current demand is for new approaches.

Ample room for increased state-local support was believed to exist in the annual $10 billion "growth dividend" built into our federal income tax system and in the budgetary "peace dividend" anticipated after the end of the war in Vietnam. The Vietnam estimate, however, has been reduced sharply from the original $19 billion projection; and the remaining balance will have to meet competing priorities of increasing Social Security benefits, unavoidable increases in normal domestic programs, federal pay raises, as well as President Nixon's new welfare reform and mass transit programs. Further, under the Tax Reform Act of 1969, long range revenue losses could run at the rate of $4 billion a year.

Nevertheless, despite these factors—and the need to maintain fiscal restraint to combat the inflationary forces in our economy—discussion continues on relieving the fiscal plight of our states and localities.

Should the federal government assume increased responsibility for welfare and education?

How about block grants for broad categories of expenditures?

Should there be sharing of a percentage of federal income tax revenues?

Would it be better to have a federal income tax credit for state income taxes?

Which direction shall we follow?

PRESIDENT NIXON'S TAX-SHARING PLAN

On August 13, 1969, President Nixon presented a tax sharing plan aimed at strengthening state and local government so that "by the end of the coming decade, the political landscape of America will be visibly altered, and state and cities will have a far greater share of power and responsibility for solving their own problems." To accomplish this, four major features are proposed in the draft bill which was forwarded to Congress on September 23, 1969:

1. *Size of fund:* the fund to be shared is a stated percentage of "personal taxable income"—the base on which federal individual income taxes are levied. Today this base is about $300 billion, and it continues to rise with our growing economy. To ease the budget impact, the percentage for the first fiscal year of the plan (1971) is set at only 1/6 of 1% ($500 million). In subsequent fiscal years there are phased increases until a permanent 1% is reached in fiscal 1976—estimated to yield over $5 billion a year by then.

2. *Distribution formula:* The distribution is made on the basis of each state's share of national population, with an adjustment for the State's revenue effort. A state, therefore, which taxes its citizens more than the national average will receive a proportional bonus. (Revenue effort is defined as the ratio of total general revenues collected by a state and its local governmental units during a given fiscal year to the total personal income of that state.) Thus, a state whose revenue effort is 10% above the na-

tional average is provided with a 10 percent bonus above its basic per capital portion of revenue sharing.

3. *Local "pass-through":* The distribution within states to the local government units is established by a prescribed formula. The total pass through corresponds to the ratio of total local government general revenues raised to the sum of all state and local general revenues raised in the state. In turn, the amount which an individual local government receives corresponds to its share of all local government general revenues raised in the state.

4. *Administrative requirements:* The only requirements imposed on the states are (a) local sharing, (b) quarterly reporting and accounting, and (c) maintenance of existing state aid to localities. No other strings or limitations are imposed on the use of these funds.

On the pass through of funds to the localities, the Nixon plan contains an optional provision. To provide local flexibility, a state, working with its local governments, has the option of developing an alternative distribution plan. Any alternative, however, must receive sufficient support from both the state and the local government.

If we accept the view that unfettered block grants are the solution for the deep financial trouble of state-local governments, then the administration's tax-sharing plan has much to commend it from the standpoint of simplicity and fairness. Also, it is a modest plan with an ultimate 1% tax-sharing formula—as compared to the Heller-Pechman proposal, which calls for an eventual 2% of the federal individual income tax base.

The question remains, however: Is tax sharing what we as a nation want or, more directly, what Congress will enact?

THE TAX CREDIT APPROACH

On August 19, 1969, Congressman Al Ullman of Oregon proposed that individuals be permitted to claim a credit against federal income taxes for 40% of state and local income taxes paid. This was the first bill to use the tax credit approach alone to alleviate current state and local fiscal needs. The Muskie-Goodell bill introduced on June 25, 1969 took a more comprehensive and complex approach, including a plan which combines both tax sharing and tax credits.

The Muskie-Goodell *Intergovernmental Revenue Act of 1969* was introduced at the request of the Advisory Commission on Intergovernmental Relations (ACIR), which has long been a champion of tax credits. Its views are bottomed on the strong conviction that the income tax—even if not necessarily the best type of tax in all situations—is a highly desirable and fair tax, and one that is readily adaptable to state and local needs. With an eye to encouraging state-local adoption of income taxes, ACIR has been supporting a federal income tax credit of some 30% to 50% of income taxes paid at the state levels. The credit would be optional, with the federal deduction of 100% of state-local income taxes paid still being available to taxpayers whose marginal tax rates exceed the 30%–50% figure. The credit would reduce the net income tax payable to the federal government and the states would thereby be stimulated to pick up the difference by raising their own income tax rates.

The interplay of tax sharing and tax credits are found under the first two of the five titles of the Muskie-Goodell bill:

Title I permits federal distribution of general support payments to state and local governments on the basis of population adjusted for tax effort—in accordance with the following:

a. It sets aside federal revenue equal to the average of 1% of the federal taxable income base and 25% of state income tax collections.

b. Population dominates as the distribution factor, but the adjustment for tax effort would shift about 25% of the funds to high-effort states and encourage state-local maintenance of the tax effort.

c. Special fiscal needs of big cities and counties are recognized in two ways: (i) only cities and counties with populations over 50,000 are assured a share, and (ii) in determining their shares, double weight is given to their own receipts.

d. State alternative plans for the use of funds are permitted under conditions acceptable to the cities and counties.

Title II allows taxpayers the option of either itemizing their state income tax payments or claiming a credit of 40% of such payment against their federal income tax liability.

Title III authorizes the U.S. Treasury to collect state personal income taxes for states under terms mutually agreeable to the Secretary of the Treasury and the individual states.

Title IV enlarges and restructures the federal tax credit for state death taxes, provided a state adopts an estate-type tax and increases its death tax rates.

Title V permits states and their localities to tax the personal property of private individuals located in enclaves under exclusive federal jurisdiction.

In support of the bill, ACIR testified that while conventionally tax sharing and tax credits have been "strong competitors" for reinforcing state-local fiscal independence, "only by joining together their unique virtues is it possible to reach several other important intergovernmental fiscal objectives":

"Federal tax credits stand out as the instrument of choice for creating a less competitive intergovernmental tax environment thereby strengthening the revenue generating power of state and local governments. However, this approach can aggravate interstate fiscal disparities by providing the greatest benefit to jurisdictions with the highest personal income.

"Revenue sharing on the other hand gets the highest marks when it comes to enhancing the budgetary discretion of state and local officials while reducing intergovernmental fiscal disparities. However, it is vulnerable to the charge that it divorces tax and expenditure responsibilities."

According to ACIR, it is only by linking these two aid approaches that we can "both harness their strengths and minimize their weaknesses".

As might be expected, the administration takes sharp issue with many of the approaches of the Muskie-Goodell bill, particularly the dollar costs. The administration would release $500 million in 1971, reaching the $5 billion level after five years. In contrast, Muskie-Goodell would cost the the federal government in revenue foregone $5.4 billion in the first year (1970), $7.1 billion in 1971 and almost $10 billion in 1972.

CONCLUSION

Where do we go from here? My own view is that—particularly in light of current budgetary pressures and the level of our presence in Vietnam—we are still a long way off from blank check grants to the states and localities.

Aside from federal fiscal demands, revenue sharing plans question our most fundamental views of federalism and challenge the crucial spending-control roles at different levels of our federal-state hierarchy. Categorical grants have kept these controls in the hands of the Congress and administrators at the federal and state-local levels. But if revenue sharing or tax credits were adopted, an important shift of power would occur in the direction of state governors and city mayors. Former Budget Director Charles Zwick—in addition to his concern over the impact on federal spending priorities—poses the issue in the following fashion: "Through what channels of government do we want public resources and priorities to flow and thereby strengthen or weaken the several elements of the federal system?"

That Congress is sensitive to this issue is reflected in the recent remark of Congresswoman Martha Griffiths of Michigan at a symposium on tax sharing: "I would like to predict that it will be many years before the states get any unencumbered money out of the federal government."

And Congressman Wilbur Mills, Chairman of the House Ways and Means Committee, has been quoted as asking whether the states and localities would be willing to pick up part of the federal deficits as well as sharing in the federal surpluses. A true partnership arrangement, indeed!

On the other hand, if Congress should move in this new direction, I believe it is more likely to prefer tax credits to tax sharing.

For one thing, the tax credit is more consistent with traditional concepts of states' rights and independence; for there would truly be no strings attached to the new revenue flowing into state-local coffers and almost total independence from the federal government in revenue planning and use. The credit device thus bears the esthetic (and perhaps too idealistic) feature of carrying through to its logical end the apparently growing belief that states and localities should begin to bear the principal burden of handling and resolving domestic problems that beset the nation. Within this setting, it would also allow for differences among the states with respect to particular local needs, and would permit relatively simple adjustments at the state level to meet any special or sudden crisis or condition.

Again, the administrative simplicity of the tax credit plan has great practical appeal. Any plan in which revenue flows into and out of one pocket before reaching its final destination in another is bound to prove more costly than a similar plan under which revenue is collected directly by its intended final recipient.

Finally, I believe that use of tax credits is more familiar to tax legislators and more readily acceptable to Congress from a political and budgeting standpoint. For despite our recognition of the budgetary concealment and other weaknesses of this form of "backdoor spending", tax credits still have a practical appeal that must be taken into account. Will Congress be willing to make a long-range commitment of over $5 billion a year in direct blockgrant aid to the states and localities? Or is it more likely to accept an indirect revenue loss of the same amount by authorizing a credit against federal income taxes for 40% of state and local income taxes paid? Congressman Ullman's recent criticism of the administration's tax-sharing plan and his strong support of a tax credit may suggest what the answer will be.

Plato defined democracy as "a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike."

Much later, Caryle cynically said: "Democracy is, by the nature of it, a self-canceling business; and gives in the long run a net result of zero."

From a dollar standpoint, a shift in revenue from the federal government to the states and localities may seem merely "a self-canceling business". But democracy is also "based upon the conviction that there are extraordinary possibilities in ordinary people". And if we are to solve our urgent domestic problems and make vital and tangible improvement in our environment, a revitalized federal system may be our best hope

for the synergistic force to accomplish what is so badly needed. The how's and why's of this important endeavor lie as much in the field of taxation as in that of political science and sociology. And I commend the Tax Institute of America and all of you here today for the time and effort that you are devoting to the achievement of this important goal.

TELLING IT LIKE IT IS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. VAN DEERLIN. Mr. Speaker, in the hue and cry over the newly explosive quality of life on many of our campuses, it is occasionally difficult to hear the voices of reason. The loudest commentators tend to be either wild-eyed radicals bent on toppling our institutions or at the other extreme self-righteous standpatters who dread any change, even when it is for the better.

In today's atmosphere of fear and truculence, a calm and detached assessment of the situation at our universities can stand out like a beacon in the darkness.

Such a statement was made October 28 by William J. McGill, the distinguished chancellor of the University of California at San Diego, in a speech to the San Diego Kiwanis Club.

In his talk, he carefully weighs the requirements of what he terms "two mutually opposed principles," public order and personal freedom. He warns against "compartmentalized" thinking on these principles, and appeals for understanding to permit both to flourish.

I believe Dr. McGill's eloquent remarks are worthy of study by anyone interested in the relationship of our universities to their public, and I include the speech at this point in the RECORD:

THE PROBLEM OF FREEDOM IN THE UNIVERSITY

We live in a time when men seem more interested in the images of things than in the things themselves. Recently television has been severely criticized for its role in introducing a new level of violence into our lives, but the difficulty goes much deeper. Television is a limited medium. It concentrates on visual action, not on abstract ideas. In the same sense the newspapers are a limited medium. They concentrate on newsworthy events rather than on the intricate tapestry of causes that generate the events.

The difficulty is not so much violence on television or action-reporting in the newspapers. It is the pace of our lives which has accelerated so rapidly that we have come increasingly to depend on these limited media for our understanding of the world around us and the forces that move it. We read less, write less, and think less. The sins of television and newspaper coverage are not so much a concentration on violence as they are a concentration on superficiality. If ever there was a time when thoughtful men needed to penetrate deeply into the problems that afflict society, this is the time.

Today I wish to speak to you in ths rational vein. I would like to pose two fundamental problems for which there are no easy solutions. I want to indicate the nature of the problems and the nature of the difficulty in finding solutions. These problems bear on the basic question of what is called academic freedom, and I am seeking to put before you the elements of a deeper understanding of the difficulties universities face in this complex and sensitive area. I am fully aware that the term "academic freedom" is almost an obscenity in the lexicon of the general public and almost a cliché among university people.

It is precisely for this reason that I want to approach the topic in the rational, analytic manner that thinking men must apply before they adopt any position, positive or negative, on any complex question.

The genius of the American concept of freedom has been our ability to find a solution to the requirements of two mutually opposed principles. One principle deals with the public order. We must have an orderly environment or we cannot function in the highly technological and interdependent social order that we have constructed. The other principle is our constitutional commitment to personal freedom as enunciated in the Bill of Rights. We must keep our society free of unreasonable incursions into the personal lives of its citizens. Such incursions are typically thought of as coming from the Government but the principle applies equally well to interference with our personal freedom arising from any other element of society.

Most of us tend to think about freedom and order in separate compartments. When crime in our cities and unrest on our campuses develops to the point of national concern, we want law and order. When the raw power of the Government or when external threats make us fearful of restrictions on our fundamental rights, we want freedom. Our thinking is compartmentalized. Thus it is not wholly adequate to an understanding of the fundamental problem of freedom and order because it is a fact that the two principles are opposed. Where personal freedom increases, the orderliness of society must decrease. Where law and order is on the increase, personal freedom diminishes. There is no way to escape this opposition. Ask any prison inmate. He will tell you that law and order is maintained at the expense of his personal liberty. The resolution of this problem is something that our society has always been able to achieve with spectacular success. We have been able to generate suitable compromises between personal freedom and public order so that the freedom of most citizens is maintained as fully as possible. The nature of the compromise is not stable from generation to generation. It swings in dynamic balance with the changing problems which confront our society. The balance, of course, is maintained by the courts. The courts determine in any era of our history whether American society is to be considered as permissive or repressive. They make this determination by setting the limits that public agencies must observe in dealing with individual citizens.

Many people have been critical of our courts during the last two decades because of their increasing stress on personal freedom and on the rights of the accused.

The courts themselves have taken the posiiton that they were restoring personal freedoms guaranteed by the Constitution, and hitherto encroached upon by some States and some police practices in order to maintain purely local conceptions of public order. As I observed, this position of the courts is not dogmatic. It is subject to change as society comes to view the consequences of increased personal freedom and increased permissiveness. I think we are now beginning to witness still another swing of the delicate balance back in the direction of increasing concern for the rights of society.

The Romans once conquered the European and the Mediterranean world, and for a period of time beginning in the reign of Caesar Augustus the world enjoyed a "Pax Romana", a Roman peace. It was an uneasy peace constituted out of fear that violations would bring swift and deadly justice meted out by Roman legions. Most Americans would reject the concept of a Roman peace for our society, but they do not want anarchy either. The balance must be struck between freedom and order in such a way as to permit our society the necessary order to function smoothly and yet at the same time to permit us the necessary freedom to experiment and to undergo peaceful change. The genius of the American way has been our ability to move this pendulum back and forth to deal with the unpredictable problems that confront our restless and changeable people. We have thus far been able to accomplish this without destroying the stability of government; without moving all the way to total anarchy which is the ultimate in personal freedom, or to total repression which is the ultimate in an assured public order.

The problem that I wish to put before you is the problem of how much personal freedom our society ought to manifest, and I urge you now to avoid thinking of this question in the compartmentalized boxes that we typically employ. We are all committed to the preservation of the public order, to law and order, and to the smooth functioning of our society. But how far are we prepared to go in this commitment? Do we repress dissent ruthlessly in the manner of the Roman legions? If we do not, how much dissent can we tolerate and in what form? Do we attempt to control dissidence in our society by legal punishment or by public criticism? What forms of dissent are protected by the Bill of Rights? For example, can students picket an administration building as an extension of free speech, dramatizing their dissent against the university administration? None of these questions has an easy answer because each one has subtle consequences that are by no means easy to forecast in detail. We proceed with changes in our reaction to dissent in little steps so that we can examine the consequences and thus avoid well-intentioned actions designed to protect the social order which instead seriously damage our own freedoms. We may agree that the protections of the right of free speech do not extend to such forceful acts as blocking the entrances to an administration building, but do we then also insure an orderly campus by arresting students who demonstrate quietly in the free speech area? One intrusion is clearly more serious than the other, but often the less serious act leads to the more serious one. Do we then ban both or draw the line between them?

The problem of freedom and order, opposed principles which push the common attitudes of our society in opposite directions, is a fundamental question with very subtle difficulties for deciding just how much freedom is too much. Americans have generally drawn the line so as to allow a great deal of personal freedom. In recent years, however, as violence and conflict have become increasingly prominent in American society, we have begun to wonder; to criticize the courts and the libertarian attitudes of our schools.

It is regrettable that the critics of our social order ordinarily approach the problem of freedom and order from a base that is almost entirely moralistic. These critics seem to know just how our society should be constructed. At least they know which elements of society must prevail in order to meet the demands of their dogmatic convictions. Hence, in the full assurance that they are in the right and those who disagree with them are wrong, these visionaries would proceed to impose their conceptions on you and me without benefit of our advice or acceptance. They would deny to their opponents the rights of free speech and free advocacy which they demand for themselves. The basis of this inverted logic lies in the irrational but absolute conviction that they

are right and their adversaries are wrong. So it has always been with the zealous who know what is best for the people and who will force it upon them whether the people want it or not.

I have had many occasions during the last two years to debate with the radicals on my campus. I find them singularly unable to entertain even the thought that their analysis of society may be faulty. The campus new left has become ideologically frozen in dreary and discredited Marxist economic dogma. Its loud sophomoric protagonists manifest that complete conviction of moral rectitude that is the distinguishing mark of intellectual folly. One young man told me with absolute self-assurance that students would become interested in their science classes at UCSD only if there were a complete revolution of the political, economic and social system. How much that fellow still has to learn about human nature, and how blind his moralistic self-assurance makes him to what is patently obvious!

The problem of freedom and order is the first of the two fundamental problems which I seek to review for you. It is fundamental in the sense that there is no easy solution if one approaches the opposed principles of freedom and order in depth rather than compartmentally. In fact, the balance of the rights of the individual against the rights of society probes at the heart of the American constitutional and legal system. Thus the opposition of freedom and order characterizes a whole series of conundrums that arise in the more restricted context of the modern American university. The restricted context provides the setting for my second problem.

It deals with the logical conflicts we confront in attempting to maintain individual freedom at an institution supported by taxpayers. Again there are two opposed principles. The first principle is obvious. In a tax supported institution, those who pay the bills must have some voice in determining how their tax funds are spent. The second principle, equally obvious, is that no university can generate new knowledge unless its professors are free to express heretical views.

The opposition of these two principles has led to much agony for universities in recent times. The issue generally arises when a professor engages in some activity or expresses some set of views which are a source of outrage and objection to the public. I can cite numerous examples. The case of professor Marcuse and his Marxist analysis of the revolutionary forces in a technological society springs almost immediately to mind. But the professor is only the most recent and the most locally prominent of many examples.

A few years ago a professor at the University of Illinois attracted severe public disapproval for advocating free love in a letter to the student newspaper.

I also remember a professor of history at Rutgers University who proclaimed at an open convocation several years ago that he would welcome the victory of the Viet Cong. So much outrage was generated by this episode that it became the focal point for a contest between two candidates for the U.S. Senate in New Jersey.

There are many more examples. Only recently I read of a misguided population biologist at the University of New Hampshire who proposed sterilizing all women with an airborne virus in order to control the population explosion.

The common denominator of all of these extraordinary and outrageous pronouncements is that each one originated in a university supported by the taxpayers. Life is difficult enough for the ordinary citizen in these days of harsh governmental demands on his pocketbook, but it must be exceptionally hard for him to bear the revelation that his hard-earned tax dollars are being spent to support the heretical pronouncements of a Marxist philosopher, or the immoral preachments of an advocate of free love, or the ugly appeal in behalf of a deadly adversary who has no compunction about murdering and maiming women and children, or the crackpot advice of a visionary who would wipe out much that is beautiful in life, love and family, using an invisible airborne virus.

The taxpayer has a right to demand that if he is paying the bills, his money should not be used to support subversion, immorality, treachery, or madness. The argument is so simple and so plausible that it occurs to many agonized taxpayers as they read newspaper accounts of what some professors do or say. I receive hundreds of letters that begin approximately as follows: "Now look here, Chancellor, I am not a crank or a crackpot, but you must understand that I do not want my tax money used for such purposes."

There is, however, an opposed principle. A university cannot function unless there is free inquiry. Not every taxpayer remembers that a university has a special creative role to play in society. It is not just a repository for the ancient knowledge of civilization's past. It is not just a memory bank providing a record of our knowledge of nature and the cosmos. It is not just a center in which the literature and art that we have come to revere is transmitted to new generations. A university does all of these things but they do not characterize the central role that every vital university plays in generating new knowledge, new physical understanding, new literature and art.

The creative role of the university in society turns on the university's capacity to generate new knowledge and to develop new modes of thought. Because it must serve this creative role, a university is not just a school. Creativity is almost always painful and often unattractive. Moreover, the sensitive and restless people who are most effective in generating new knowledge and in experimenting with new modes of thought, are not especially comfortable to live with.

When Hemingway was learning how to write English sentences that were, as he described them, both simple and true, he worked in a kind of creative agony. He tells us that he would sit for hours in a freezing hotel room or in a steaming cafe in the Latin Quarter of Paris, and nothing would come. Then he would go in the late afternoon, frustrated after having written only a few words, walking in the cold air of the Luxembourg Gardens to Gertrude Stein's house in order to be told rather archly that he belonged to a lost generation.

Creative work is often extremely frustrating. You sit there pondering on an objective that you conceive only in the dimmest way. The problem is not so much to find the answer to a particular question, but to find out which question is the right one to ask.

The creative process leaves its mark of tension and anxiety on those who engage in it most effectively. Moreover, people and especially professors are by no means creative all the time. Some of their ideas are crackpot. One of the most remarkable talents a thinker can have is the ability to tell which of his ideas are good and which are best forgotten. The famous cosmologist Kepler comes down to us from the Middle Ages historically revered as the man who determined finally and conclusively that the planets travel in elliptical orbits around the sun. He did this by establishing that the motions of the planet Mars across the night sky from season to season were completely predictable if Mars traveled in an elliptical orbit around the sun. It was a brilliant discovery, but it was mixed in with other work claiming the mystical occurrence of certain numerical ratios in the motions of the planets, work that was the purest kind of crackpottery without any redeeming value whatever. It is interesting to wonder whether Kepler ever understood which part of his work we would remember and which part we would smile at.

The nature of the creative process and the obvious linkage of universities to the production of new knowledge then argues for our second principle which is that universities must sustain free advocacy, free expression, and the free inquiry, these are all essential to the preservation of the university's creative role. Moreover, it is perfectly clear to us that unless a university sustains these freedoms it becomes corrupt and quickly dies as a center of learning. We witnessed the fate of the great German universities during the Nazi era. They were systematically converted by the Nazi state into centers of ideology for the development and propagation of the Teutonic mythology which Hitler and his subordinates sought to substitute for genuine learning in order to buttress their own power. Many professors left Germany because they felt they could not work in such an atmosphere, and those who remained were in no sense the cream of the creative spirit of the German universities of the early Twentieth century. Hitler destroyed the universities in Germany in less than ten years simply by robbing them of their integrity. Thus universities must be free institutions or they cannot survive in recognizable form. When freedom disappears everything that the university teaches is cast into doubt.

Many of you will recall the scandal of Lysenkoism in Russian genetics during the postwar Stalinist era. Trofim Lysenko was a Russian geneticist who simply tried to falsify genetic experiments in order to establish that Soviet Marxism could create better wheat, better cattle, and a better race of men. In so doing he sought only to improve his own status in the Soviet scientific hierarchy by telling the Stalinist Government what it wished to hear. Thus Lysenko achieved power and eminence as the protege of that strange and powerful despot, but in the process Stalin and Lysenko destroyed Russian genetics for nearly twenty years. This was at the time when genetics in Western science was making unparalleled strides by discovering the code in which nature tells cells how to make templates so as to construct other cells just like them.

The argument is perfectly plain and perfectly plausible. Unless the university is free it cannot play its creative role. It cannot tell reason from nonsense. It cannot express the heretical view that proves in the long run to be fundamentally insightful.

I hope you see again that these two principles, the principle of ultimate control by the taxpayer and the principle of free inquiry are in opposition. Free inquiry at a university is expanded by diminishing the taxpayer's right to control what may be taught. Making the faculty and the curriculum of the university directly responsible to the taxpayers implies inevitable limitations on what may be taught and who may teach.

Obviously the opposition of the principle of taxpayer-control and the principle of free-inquiry in the university is formally similar to the opposition of order and freedom in society at large. But our American genius in dealing with the complexities of an orderly, free society has not been manifested with equal effect in resolving the university's problems.

In universities there is nothing equivalent to the majesty of the courts for maintaining the delicate balance between the rights of taxpayers and the rights of professors. Boards of trustees and boards of regents are groups of lay persons, exceptionally successful in life and serving in an honorary capacity. Because of this essentially unrewarding service, the turnover on such boards is usually high, and

thus the board members are not often well-equipped to deal with the subtleties of balancing the rights of taxpayers against the problems posed by free inquiry. It has been my experience with the Board of Regents of the University of California that these fine men and women, seeking to serve not only the University but the people of the State without recompense and often without appreciation, are almost always caught in the immense gap between what is publicly damaging to the university and what is reasonable and proper to do. Similarly, the university chancellors, faced with the widening gap between the attitudes of the taxpayers and the freedoms that are traditional in academic communities, find themselves making decisions that please no one at all. I spend much of my time teetering on the delicate brink between the rights of the bill-paying public and the freedom of expression that I must sustain if we are to be a vital and effective university. In this balance there are no easy solutions. There is also no peace and no easy way to fend off the demands of those who would demand the full rights of the taxpayers on the one hand, or those in the university who demand full freedom of expression on the other.

Thus the opposed principles of freedom and order present insoluble problems to our society, but we have handled them rather well despite the inherent difficulties. The opposed principles of taxpayer-control of public universities and freedom of inquiry present roughly the same logical problems, but public universities seem to have handled them rather badly. My own view is that the chancellor or the university president, playing a role supposedly like the courts in society at large, has not been able to build up either the public understanding or the public support that affords him the freedom to adjust the delicate balance between his university and the community that sustains it. It is probable that such men, overburdened and overworked, cannot give sustained attention to the subtleties of these problems and thus make ill-thought-out compromises. Presidents too often are bound up in fending off budget slashes and in dealing with the immediate imperatives of profound student unrest. What we need most in universities these days is time—time to conceptualize our difficulties, time to think through sensible courses of action, time to work with the critical sensitive and occasionally hostile general public. We have no time and we are not going to get any.

It seems clear to me that much of the structure of human society operates in the dynamic balance of pairs of opposed principles: freedom and order; the rights of the taxpayer and the freedom of the professor; and similar oppositions. The quality of freedom in a society must somehow be derived from the manner in which the balance is set between the extremes of such polarizations. There is no textbook and no dogma telling us how we should set these balances. Moreover, there is no way to escape the conflicts generated by opposed rights. No moralistic precepts assure us of a monopoly on right answers. We are forced to find freedom's equilibrium condition in the crucible of the problems we face. The problems of each generation are partly historic but mostly unique. It is almost always true that the solutions which worked for an earlier generation do not apply with equal force or effect to the problems we confront today. Thus in attempting to set the balance between the rights of the individual, and the rights of society, we must find the compromise which balances these rights in a condition of quasi-stability during our time. That search for compromise is very difficult for a university administrator. Universities are idealistic communities. They do not admire compromise.

I do not for a moment maintain that all understanding must come from the taxpayers. Professors tend to be absolutists where freedom of expression and inquiry are concerned. They view such principles uncompromisingly and hold me accountable for their maintenance. The solid center of the academic senate regards freedom of expression as something sacred, and believes that the public should be grateful to have a university at all. Similarly, I suppose, there must be groups of taxpayers who will demand that they control the university totally or there will be no university at all. The balancing of these opposed demands must be achieved by the regents and the administration. It must be accomplished so as to guarantee freedom from harassment for professors who pursue truth as they see the truth. On the other hand the academic senates must moderate their absolutist position on freedom or face a public disavowal. One major step that should be taken soon is an effort by the academic senate on the University of California to write a code of ethical behavior for its membership. Thus its legitimate demand for academic freedom can be buttressed by a parallel commitment to ethical conduct. It is a fact that very few divisions of the academic senate are prepared to agree even on simple matters such as the definition of disruption of classes. In this respect the senate is hesitant to discipline its own membership and thus ties up administrators in petty legalisms when administrators attempt to act in the public interest. This irresponsibility must stop and I believe it will be stopped as the academic senate becomes aware of the public consequences of unbounded permissiveness accorded to its membership.

I see freedom in the public university operating in the same dynamic equilibrium as governs freedom in society at large. Absolutism in academic freedom is equivalent to anarchy in society. It is intolerable. But so is the destructive demand for total conformity. Creativity withers in such an atmosphere. The delicate balance between the freedom of professors and the rights of society must be maintained. The university will then flourish as a free institution. This requires reason and responsibility from advocates of each side in the conflict of opposed rights.

I must listen to the academic community with one ear and to the taxpayers with the other. Sometimes the dissonance of those disparate inputs is extraordinary, but if a public university is to function today in a climate of freedom while still maintaining its public support, those disparate, dissonant voices must be heeded.

THINGS NEVER SEEM TO CHANGE FOR THE AMERICAN TAXPAYER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. VANIK. Mr. Speaker, I would like to highly commend one of my Republican colleagues from the State of Ohio, a former member of the distinguished Ways and Means Committee, for his outstanding statement on the need for tax reform. This Ohio Republican stated:

I believe that this income tax, as now administered, is the very essence of injustice. There are men who have no other capital than their hands and brains, who are taxed more than men worth sixty, seventy, eighty, and a hundred thousand dollars. I can give examples by the dozen of precisely such instances from the working of the income law of last session. A captain in the Army with a family to support, and with no wealth but his salary, pays more income tax to the Government than many a man who has $50,000 invested and lives comfortably without labor or risk.

Mr. Speaker, this mode of taxation is the very soul of injustice.

Unfortunately, this speech was delivered in this Chamber 104 years ago, on February 16, 1865 by the Honorable James A. Garfield.

Yet what he said 104 years ago is still true today.

And, unfortunately, Congressman Garfield—later President—seems to have been one of the last Republicans to advocate tax reform. The Republican President who occupies the White House today advocated cutting back the tax relief provided to individuals by the House and giving corporations a better tax break; this administration has taken the "Wall Street line" on capital gains; this administration has failed to take a strong stand on cutting back oil depletion.

Well might the American taxpayer ask, "How much longer?"

SHILOH JUNIOR HIGH SCHOOL, PARMA, OHIO, SUPPORTS COUNCIL ON ENVIRONMENTAL QUALITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MINSHALL. Mr. Speaker, when H.R. 12549 came before the House last September 23 I took the floor to give vigorous support to this measure which would establish a Council on Environmental Quality. The House and Senate are meeting tomorrow in conference, I am told, to try to resolve differences in the two versions of this urgently needed legislation. I would like to call to the attention of my colleagues who are serving as conferees a petition written and signed by more than 900 students and adults at Shiloh Junior High School in Parma, Ohio, which I have the honor to represent.

I am proud to serve such alert and thoughtful constituents and I urge the conference to quickly resolve its differences so that this vital legislation can be enacted.

Under leave to extend my remarks, I wish to insert the following letter and petition from Shiloh Junior High School; as well as an explanatory article from the Plain Dealer:

[From the Plain Dealer, Nov. 12, 1969]

PARMA PUPILS BACK POLLUTION FIGHT

More than 860 pupils and 76 adult employes at Shiloh Junior High School, Parma, have signed a petition endorsing remarks made by U.S. Rep. William E. Minshall Jr. (R–23) calling for establishment of a national council on environmental quality.

Minshall based the need for such a council to combat increasing air and water pollution as well as use of pesticides.

Science classes at the school prepared the petition. In addition to the pupils, signers included 50 teachers, guidance counselors, teacher aides, secretaries, cafeteria workers and cleaning staff.

Copies of the petition have been sent to Rep. Minshall, President Nixon, federal, state and local officials.

SHILOH JUNIOR HIGH SCHOOL,
Parma, Ohio, November 16, 1969.

Congressman WILLIAM E. MINSHALL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MINSHALL: We at Shiloh Jr. High School want to commend you on your concern for the environment in which we live. Your remarks given September 23, 1969, before the House of Representatives concerning bill H.R. 12549, to establish a Council on Environmental Quality were presented by the Science teachers to their students and a discussion followed. As a result, a petition was drawn up supporting your views and 862 students signed it as well as 76 adult employees of Shiloh consisting of 50 teachers, guidance counselors, teacher aides, secretaries, cafeteria workers and cleaning staff.

A copy of the Staff's signatures is enclosed as well as the signatures of the students.

Please continue your efforts in these vital areas which affect the welfare of all humanity.

Very truly yours,

ADAM D. WYSOCKI.

We, the undersigned, from Shiloh Jr. High School, wholeheartedly endorse the remarks of Congressman Minshall in support of H.R. 12549, to establish a Council on Environmental Quality, which were presented to the House of Representatives on September 23, 1969.

We are concerned about Air Pollution.

We are concerned about Water Pollution.

We are concerned about the indiscriminant use of toxic pesticides, and especially urge the banning of DDT.

We are concerned about the destruction of topsoil in strip mining.

We are concerned about the environment in which we live.

We, therefore, urge all levels of government to hasten action in these areas.

Russel Repenning, biology teacher, Lakewood, Ohio.

Robert J. La Cross, history teacher, Parma.

Ruth Dicken, mathematics teacher, Parma.

Janet Bacon, music.

Robert J. Sibel (English teacher).

Wm. E. Furman, history teacher, Cleveland.

Adam D. Wysocki, physical science teacher, Parma, Ohio.

George P. Buchholz, physical science teacher, Parma Hts.

Glenn L. McFarland, art teacher, North Royalton, O.

Glenn Buchanan, Ind. Ed. teacher, Parma.

Dianne F. Detore, instructor of biological sciences, Parma Hts., O.

Doug Patte, instrumental supervision, Parma Hts.

J. Mark Hyps, counselor, Parma.

Arleen Kolby, social studies teacher, Parma.

Mary L. Krisher, English instructor, Parma.

Linda Johnson, math teacher, Parma, O.

Gail Hoover, German/math teacher, North Royalton, O.

Diana Buchanan, library assistant, Parma, O.

Ruth Ingersoll, secretary, Parma Heights, Ohio.

John G. Root, custodian, Parma, Ohio.

Steve Zydiak, assistant custodian, Parma.

Paulette Fenda, English teacher, Parma Hts., Ohio.

Michael Kloppola, Jr., Science Teacher, Garfield Hts.

Marie E. Myers, Teacher Aide, Parma, Ohio.

Marcelle L. Moremann, Teacher Aide, Parma, Ohio.

Juanita McGinnis, Teacher Aide, Seven Hills, Ohio.

Jim Hinkle, Ind. Educ. Teacher, Parma, Ohio.

Dick Barella, Ind. Educ. Teacher, Parma, Ohio.

Ron Annes, Guidance Counselor, Cleveland, Ohio.

Gerald Dolcini, English, Middleburg Hts, Ohio.

Dolores Verosko, Special Education, Parma, Ohio.

Lois Kasper, Secretary, Parma, Ohio.

Mary Maloney, Librarian, Broadview Hts.

Evelyn Shambaugh, Lib. Asst., Parma.

Lois Malley, Nurse, Parma.

Joyce Kolidge, Teacher, Parma, Ohio.

Doris Wheeler, Span. and Eng. Teacher, Brooklyn Hts, Ohio.

George Reiland, Math. Teacher, Cleveland, Ohio.

Cheryl Hahr, Science Teacher, Euclid, Ohio.

John Ohman, Sp. Education EMR, Parma.

Sharon Sharp, Mathematics Teacher, Parma, Ohio.

Sharon Masterson, Physical Education, Brooklyn, Ohio.

Rick Aiks, Industrial Education Teacher, Brunswick, Ohio.

Joseph F. Hadir, Jr., Teacher of Biology, Parma, Ohio.

Eileen Schroeder, Latin-English teacher, Parma, Ohio.

Bruce R. Giles, music educator, Parma, Ohio.

Linda Weber, art teacher, Parma, Ohio.

Linda Parobek, music education, Cleveland.

Diane P. Erpino, English teacher, Broadview Heights.

Marceda George, math. teacher, Barberton.

C. W. Moore, reading, Parma, Ohio.

M. J. Toomey, language teacher, Parma, Ohio.

Ellen Molnar, English teacher, Independence, O.

Frieda D. Kould, Science teacher, Parma, Ohio.

Mildred Merkle, Social Studies, Parma Heights, Ohio.

Joanne Boros, math. teacher, Parma, Ohio.

Rosemarie A. Miller, Home Economic, P.E., Berena, Ohio.

Robert Dobos, math. teacher, Lakewood, Ohio.

Rose Padovani, music educator, Brooklyn, Ohio.

Donald J. Reppa, English, Parma, Ohio.

June Strashan, Typing, Parma, Ohio.

Eleanor Jira, guidance counselor, Parma, Ohio.

Ruth Glisman, teacher aide, Parma Ohio.

Cathy S. Basen, History, Parma Heights, Ohio.

Ruth C. Allen, Huffman Rd., Parma Hgts., Ohio.

Mary Markivka, Grantwood, Dr.

Stella Lado, Parma.

Carol Wilhelm, Wetzel Ave., Cleveland.

Paula Stagd, Fortune Ave.

Susan Schlemmer, Dartmoor Ave.

Marian Stankiewicz, Chestnut Rd., 7 Hills.

Mary L. Krivas, Ann Arbor Dr., Parma, Ohio.

Frances Kostebrik, Wales Ave., Parma.

Pauline Bogdanski, Hillsdale Ave., Seven Hills.

Katherine Robottbor, George Ave., Parma.

Kathrin Fechko, Norris Ave., Parma.

Elizabeth Messich, Williamsburg, Parma.

Frances Buzinski, West 10 St., Cleve.

Helen Kerecman, Jamestown Dr., Parma, Ohio.

Julie Jandziszak, Keystone Rd., Parma, Ohio.

Chris A. Azzarello, Sandy Dudas, Debbie Kish, Kenneth Kovacs, Russ Panzone, Marilyn Bodrock, Joan Franks, Cindy Guerra, Rose Mary Fenchak, Keith Rericka, Karen Kutis, Marilyn Ponomosnke, Frank Russo, Frances Menacore, Susan Chifolo, Craig Darasko, Loretta Huszai, Sandy Noran, Terry Sevchek, Len Soltys Jr., Pam Hill, Judy Carson.

Stan Skvarc, Scott Braun, Don Tataryn, Fran Carruth, Karen Kopecky, Joyce Johnson, Kathy Beck, Lynn Giesel, Martha Harper, Sandy Chetnik, Terri Coniglio, Michael D'Aloisio, Debbie Cummings, Dale Obracay, Candy Lubert, Denise Leissa, Val Poltawes, Linda Evans, Loni Field, Barbara Frydryk, Bob Sammon, Mike Prischak.

Debby Chernow, Pam Brooks, Judy Brakeman, Nancy Baker, Chris Rymsky, Bob Rickard, Marie Prince, Dennis Poland, Mickey Pieffer, Nancy Majpover, Renée Ottobre, Sue Towson, Sharon Spodar, Elaine Sochacki, Tom Sherman, Lynne Kuban, Carol A. Kovacs, Don Homyk, Richard Eicher, Steve Cymbal, Dan Croyle, Denise Haller.

Nancy Drab, Cathie Ferkol, Terrie Gogan, Joanne Manko, Robert Beck, Paula Barto, Kip Coljohn, Greg Belasco, Michael Ozdowski, Allen Pawl, Anita Radtke, Denise Presceryl, Cheri Law, Petar Necak, Marianna Milenkovich, Jeanne Holop, Denise Schrimpf, Linda Czech, Sandy Cham, Bob Carney.

Teres Fiorello, Linda Fantis, Cherie Drah, Betty Eicholz, Judy Kasik, Sue Gerity, Marianne Licsak, Dan Schinke, Mike Minniah, Wayne Bogdanski, Angela Bona, Jim Diasio.

Dave Janus, Robert Hastings, Amy Sartini, Sharon Roddy, Mark Buemi, Linda Myles, Jill Darwal, Frank Scardina, Janice J. Paehlke, Marlene Gideon, Jeff Dorlanka, Ken Thomas, Pat Cummings, Donald Snowden, Dan Perog, Bara Lindsey, Rose Marie Chomyk, Curt Johnson.

Steve Goyot, John Foreman, Ron Homa, Alice Dumycz, Diane Closter, Don Grossenbaugh, Adele Amato, Tina Stevenson, Greg Kupar, Joe Lanzilotta, Amy Wachtel, Bob Hazafi, Glenn Miller, Kenny Yanda, Roseann Wojton, Debbie Skelnik, Tom Wolan, John Louderback, Celeste Weisheit, Jim Murphy, Larry Komneck, John Kenney.

Gail Assad, Marilyn Carnahan, Bonnie Balinski, Toni Cianfarani, Bob Graczy, Pat Rouney, Sandie Krupar, Marianne Gedeon, Frank Petfordish, Marilyn Hlavac, Sharon Barty, Jeanne Ferraro.

Alan Bradny, Mary Kapferer, Katherine Poulos, Melody Florentz, Cheryl Bukala, Eric Burgmann, Joyce Franks, Audrey Kochemo, Nancy Rutkowski, Daria Sarabura, Linda Sedlak, Karen Thompson, Paula Daniels, Sue Shamrock.

Barb Adams, Karen Klatky, Chris Michnick, Rohr Sharpe, Charlene Standring, Mike Morris, Phil Kaszar, Tom Kohan, Ed Steigert, Tim O'Keefe, Peggie Thomas, Rosie Douglass, Ron Kuzma.

Gary Freeman, Janice Haire, Cathy Schmini, Jeanne Weber, Clara Varga, Dianne Rizzolla, Kathy Wielicki, Nancy Zupko, Dave Painting, Lita Marcelletti, Jane Bevington, Mary Lou Yanachid.

Fritz Kapferer, Craig Wikoff, Steve Trutza, Mark Krabad, John Hanna, Bill Kocab, Greg Grzybowski, Rickey Anthony, Pete Agood, Cathy Kelling, Jim Belardo, Frank Bish, Chris Dominick, Julie Eschmeyer.

Carol Ferek, Linda Moyer, Linda Massari, Chuck Padvorac, Karen Lewandowski, Marge Patkoski, Linda Gallagher, Mike Galioto, Dianne Gross, Ellen Karasek, Dawn Pursell, Carl Sisley, Diane Sabo, Barbara Vavrek.

Jan Schlemmer, Cindy Nakao, Kathy Hallal, Bruce Stegkemper, Lewis Plogman, Kay Ameen, Ann Schoen, Al Blaza, Vince Bonus, Ron Koss, Gary Mathis, Ken Matushewski, Linda Carlton, Robyn Gardner, Dianna Edwards, Vincent Seminatoe, Kevin Slepecky, Michele Becka, Terry Flemming.

Paul Granks, Celia Gebo, Bob Gubanich, Jeff P. Gluvna, Marlin R. Jensch, Mark

Mooney, Chris Dembinski, David Marton, Kevin Lechert, Bill Kennedy, George Klaich, Nicholas LaVecchia, Leona Walker, John Wancock, Anatole Wrubel, Gary Wiltshire, Charlene Wachowraz, Sue Pietras, Michele Sowchin, Cynthia Lancredi.

Chris Mack, Clayton Zak, Keith Kamps, Michael Demos, Myron Bodnar, eJan Bessick, Marie Beno, Terri Bell, Carmel Groholy, Barb Kudravi, Neal Robinson, Don Altenburger, Denise Lesniak, Brad Doi, Alan Hladis, Dave Patterson, John Szwec, Julie Buchanan, Denise Meczka, Randy Kerr, David Tompkins, Jim Sevchek, Tony Potelicki.

Rick Philips, Mike Sharrahan, Joseph Mesalla, Jim Cramer, Brian Lovett, Allen Weber, Wayne Gellings, Nancy Maskulka, Diane Kaszar, John Barno, Eileen Kollar, Barry Wisner, Bill Schmitter, Bob Widdersheim, Thomas Scardina, Terry Yappel, Richard Welker, Gary Beech, Bob Carpener, Cheryl Hoehn, Sharon Dillon, Rosanne Morabito, Pat Flanagan, Rob Ondo, Jim Hamilton, Jerry Lamcha.

Elke Giehler, Sandra Farrell, Debbie D'Aloisio, Jeff Figas, Mike Kuschmider, Mark Race, Mark DeRosa, Janet Johnston, Barb Jelinek, Jane Chychlyk, Debbie Brown, Linda Guerin, Valerie Winslow, Brian Bonus, Jeff Jamison, Ted Pankiewicz, Gary Drahos, Nick Nykulak, Louis Pallatta, Lori Weber, Mary Craig, Ronald Giovanni, Terry Podany, Jim Chaya.

Carl Dillon, Donna Blasie, Judy Graf, Robert Schenning, Steve Pieffer, Ken Turner, Greg Sell, Paul Gunn, Robert Burgess, Reinhard Bauer, Nancy Marich, Francene Kaptiers, Debbie Maslanka, Daria Wurst, Michael Yavatich, Steve Gale, Mark Neumann, Stan Kaydron, Brian Overholser, Felix Dubaniewicz, Cindi Reeves, David Wolf, George Fertal, Perry Friedl, Gordon Titus, Terry Nagelski.

Kris Hansen, Jon Sokol, Mike Gallagher, Debra Newell, Don Lemmer, Tom Polefko, Kevin Lunney, Dave Wiltshire, Kathy Agler, Gina Di Gioirne, Wenay McClain, Judy Kadell, Diane Camp.

Donna Foreman, Mike Baker, Tom Schlueter, Bruce Toplek, Tom Czack, Rick Zanzano, Doug Benzin, Lauren Slapak, Pat Konet, Marguerite Pawlowski, Bill Suredam, Ken Uertelendy.

Mary Carruth, Lori Barawsky, Nancy Missal, Renate Machel, Carol Johnson, Santina Bono, Jenny Cengic, James Kusinski, Paul Cugini, Tom Sinclair, Charles Vinjord, Wile Talkcebury, Denise Benzin, Don Pawlowski, Randy Thorn, Mike Jerenc, Gary Grzyborski, Tom Klimek, Joe Worchelowsky.

Mark Comko, Gary DiGiovanni, Andy Blasko, Jeanie Aschenbener, Bob Drozda, Cheryl Ericson, Dawn Fink, Beverly Graczyk, Susie Gorkoski, Judy Licsak, Sue Janus, Gary Radike, Cindy Machnicki, Betty Howard, Joe Mascellino, Pot Pieffer, John Prischak, Cheryl Waskiewicz, Mark Schneeder, Daley Mikol, Nick Wasilk, Russ Sagby, Chuck Roddy, Linda Wilk, Jeffery Raum, Jim Sangrik, Lynne Janda, Margaret Zelany, Maura Zader, Joseph Czalkiewicz, Bill Matlack.

Charles Donald Allison, Timothy James Brody, Cynthia Cesear, Carleen Blasco, Jill Barrows, Louis Mierzejewski, Suzanne Dent, Doreen Fink, Gayle Franks, Chris Conrad, Cynthia Grife, Joe Hallal, Joan Hrapchak.

Sherry Sech, Katherine Horyn, Karen Kaput, Phillip Kovach, Bonnie Rutkowski, Jeffery Kin, Darrell Kolach, Greg Landi, Maryann Monreal, Barb Priborsky, Mary Spinelli, Kathy Pienko, John Morcelletti, Ruth Rice, Alfred Zakucia, Debbie Towson, James Ulicky, Gary Fachs, John Snowden.

Steve Florentz, Alan Fargas, Linda Gercevich, Martha Grieger, Brenda Hartland, Kim Gumbert, Karen Hart, Christine Haynes, Cindy Ibbee, George Necak, Carter Maxin, Keith Garofalo.

David Sullivan, Joseph Shega, Carl Reese, Jim Reid, Andrea Taylor, Hugh Washeim, Leonard Tymhuo, John Warowka, Robert Weber, Richard Pyrtko, Deborah Gerding, Kathy Welch, Joanne Bell, Michael Winslow.

Brian Buchner, David Adamany, John Beccia, Brian Billhardt, Tom Dagy, Karl Giyer, Theresa Dulilia, Barbara Craig, Kathleen Gabrielski, Evelyn Kilbertus, Alma Harner, Robbie Zenabiy, Paula Hudson.

Kevin Giesel, Dale Zanercik, Jeff Koski, Emanuel Kubik, Jim Lavey, Mark Klecam, Linda Koss, Waydene Morella, Jane Pikul, Denise Parrella, Christine Pranckus, Ivan Wolfington, Dave Schiliro, Charles Suran, Bonnie Smith, Scott Russell, Sue Shipka.

Ed Chetnik, Tom Bonus, Barb Balogh, Valerie Arrants, John Holz, Lynn Gentile, Wayne Fuelling, Joy Durkot, John Domluachy, Joseph Clark, Pamela J. Hartland, Bob Green, David Duvelius, Vicky Zizak.

David Haley, Jim Hamm, Bruce Mocny, Michelle Leland, Laurie Wooton, Dale Kormazes, Anne Marie Jozwiak, Vince Kasperczyk, Rich Prochazka, Russ Prohes, Gordon Wischmeier, Lorraine Plaza, Kelly Ross, Russel Bohaty, Dolores Virze, Maryann Werner, Frank Muckowskez, Karen Schwartz, Russell Paul Schroeder.

James Gibbons, Fred Doran, Michael Polk, Kathy Jankovic, Debbie Craftonock, Mark Nagorka, Tom Norwid, John Semachho, Debbie Kiehl.

Mike Zader, Timothy William Smith, Lori Yadouga, Daneen Maslanka, Sue Werchelowsky, Debbie Barnhart, Debbie Kiekl, Lynn Kavalo, Denise Lucas, Jane Bednarski, Lorrie Havlik, Sandra Massey, Greg Kupar.

Tony Festo, Michael Mahon, Al Guerra, Louis Bloss, Dan Rielinger, Andy Palof, Jim Hardin, Bill Rutkowski, Joe Halupnik, Bob Stralka, Jim Demsy.

Calvin Miller, Mike Mazzeo, Jeff Olson, Dawn Widlicka, Madalene Stevens, Betty Starr, Bob Thoma, Carol Gryda, James Flutz, Mark Zackery, Mary Ann Vrefolich, Andrea Lobur, Jay Macho, Don Klier, Doug Kowalski, Toni Schlesinger, Emily Jesset, Laura Soucek, Laurie Brenner.

Dan Degyansky, Mary Brandt, Tim Barniak, Dave Bott, Ted Corrillo, Craig Creager, Becky Bell, Debbie Sinko, Cris Huk, Myron Halszuk, Tim Jelko, Duane Mathias, Don Gault, Bruce Cramer.

Richard Presterl, Renee Edll, Debbie Deming, Michelle Pokorny, Jeanne Thuma, Debbie Hiles, Kathi Monter, Arthur J. Rotatori, Jeff Patrick, John Trompak, Bryan Swizynski, Raymond Matyas, Dave Cesear, Alfred Degennaro, James Breckel, Ronald Shipley, Flo Pottarec, Eileen Frederick, Wendy Fay, Vada Susak, Barb Sakaeowski, Jeanne Barno, Jeff Jandik, Susan Kish, Christian Rudziewski, Lynn Dabrowski, Candy Collins.

Mark Hassinger, Oscar Alsansis, Sue Stralka, Sharon Arnst, Lynne Marsak, Mary Ann Gambitta, Linda Saraniti, David Hallan, Raymond Schwarz, Ellen Grahovac, Laurie Kessler, Debbie Hvizd, Mark Drohk, Lee Rini, John Saxton, Mark Odabashian, Jeff Goldsberry, Keith Porty, Chuck Stegman, Dale Teadon, Mike Duliber, Lynn Hassel, Debbie Bernard.

Loren Dauth, Denise Valentine, Bob Hookway, Connie Dean, Bill Schatz, Vicky Potelicki, Jim Cozza, Diane Adams, Debbie Branum, Sylvia Ercevio, John Koch, Grace Palof, Jeff Waite, Anita Singleton, Wayne Gebo, Sharon Barylak, Peggy Rice, Pat Kovachevick, David L. Sell, Sharon Sartini, Danny Harlan, Debbie Grzybowski, Ueve Gahler, Phyllis Guena, John Homola, Bettina Evanovich, Greg Chernow, Anita Uenta, Tom Stoop, Sharon Lowry, David Kleinschmidt, Richard Martin, Linda Arndt, Bill Seitz.

Farla Dagy, Terry King, Dan Kleinschmidt, Kathy Mormile, Guy Biondo, Dean Ianni, Louise Woodford, Darlene Zura, Joe Gamlitta, Shelly Shoenfelt, Paul Bruno, Michael Habich, Gregory Sereda, Gerard Pasela, Terry Salva, Paul Larvestze, Susan Zenisek, Micky Myles, Diane Fartaglia, Cindy Primeau, Nancy Hila, Nicky Greco, Keith Coljohn, Chris Kasmarek, Jack Lofters, James Puwinski, Harry Steigert, Libby Vlahakis, Sandy Korach, Tom Buehner.

Linada Mann, Regina Birth, Mark Schlesinger, Tom Baird, Joan Turso, Diane Bolibrush, Mary Ann Orito, Jim McWilliam, Chas Poltarec, Neil Carroll, Tommy Ponomarenkarn, R. Turner, Howard Lund, Nancy J. Lewandowski, Jim Dolan, Patricia Jarmuth, Carol Lindsey, Peggy Frank, Vicki Klonaris, Randall Ebere, Anita I. Latz, Lester Havlik, Cheri Hamzak, Jim Eschmeyer, Dian Hoag, Cheryl Buskey, Stephanie Smith, Vicki Powell, Joe Wade, Thelma Wright, Scott Graves, Susan Grimm, Linda Schade.

Sharon Sopata, Gayle Kasmarek, Lou Arcure, Robert M. Helfrick, Karen Bronstrup, Cheryl Markowski, Cindy Colosimo, Jerry Orlando, Barb Marchuk, Gary Riontkowski, Annette Lekche, Tom Bayt, Dave Scherla, Janet McGinnis, Lorrie Havlik, John Altenbernd, Joe Salva, John Nelsen, Mike Opielo, Gary Georalijki, Bruce Danczak, Carrie Grzybowski.

Cindy Beck, Don Valich, Doris Penberthy, Patty Klyne, Nancy Yappolo, Susan Amendolaro, Mark Novak, Jill Lawrence, John Ferek, Eileen Crapser, Joe Birko, Kathy Wright, Lori Hawersaat, Bob Hanak, Michael Keresman, Marsha Ozdowski, Cheryl Esarey, Darlene Repko, David Snowden, Vicky Bija, Alan Kacio, Gail Tuvacy, Jim Gervosi, Dan McGroarty, Alla Poltawes.

Erwin S. Traulhaas, Jerry Cyngier, Steve Kusmer, Joe Zapp, George Tackla, Mike Kolesar, Debbie Neilerlein, Judy Rees, Kenneth Pacanorsky, Bruce Hiljan, Dom Gruttadairna, Cathy Rowe, Michael Zanzano, Alan Kacic, Roseann Calo, Jim Kaufman, Douglas Chapman, Jim Solek, Becky Salados, Brian King, Joe Teonc, Cindy Zahand, Joseph Beno, Mark Lehoe, John Schweda, Sandy Anderson, Joleen Desmone, William M. Lynk, Martin Polasko.

Ken Karosy, John Lobur, Sandy Collins, John Cozza, Edward Grife, Charley Baran, Chris Urban, Dave Kolendo, Michael Lange, Ray Renzenbrink, Thomas Adam, Doug Smolik, Charles Pacanousky, Dave Pebral, Doug Zake, Deborah Skoaranski, Deborah Zelek, Tony Landi, Steve Ludwinski. John Koncelik.

LAW DEANS' OPPOSITION TO MURPHY AMENDMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BRADEMAS. Mr. Speaker, the House will soon consider H.R. 12321, the Office of Economic Opportunity authorization bill. The Senate passed an amendment to that bill known as the Murphy amendment. This amendment would allow Governors of the various States an ultimate veto authority over legal services programs. Such an arrangement could spell disaster for one of the most successful programs in the history of OEO.

The groups opposing this amendment are numerous and prestigious. They include the American Bar Association, the Judicial Conference of the United States, the League of Women Voters, the National Council of Churches, and the U.S. Conference of Mayors. In addition, a group of 84 deans of law schools throughout the Nation have subscribed to a statement in opposition to the Murphy amendment.

These law school deans are concerned with the interference with the attorney-

client relationship which might occur if this amendment is enacted. They are concerned as well with the detrimental effect that the amendment may have on the development of a sense of professional responsibility among law students to participate in programs providing meaningful legal services to the disadvantaged of our Nation.

Mr. Speaker, I join these law school deans in opposing the Murphy amendment. I also oppose any other amendment which might restrict the right of legal services attorneys fully to assist indigent clients. Any restriction on the legal services attorneys would in all likelihood cause the poor to view the program as a paternalistic handout meant to deceive and not to help effectively.

Mr. Speaker, I include at this point in the RECORD the statement subscribed to by the 84 law school deans as well as a resolution supporting the legal services program adopted by the American Bar Association on October 18, 1969, and a statement of the U.S. Commission on Civil Rights opposing the Murphy amendment:

STATEMENT OF LAW SCHOOL DEANS

We concur with the resolution adopted on October 18, 1969, by the Board of Governors of the American Bar Association and the action of the Judicial Conference of the United States at its meeting on November 1, 1969, and voice our opposition to the amendment to S. 3016 which would give State Governors a veto over legal services programs.

As law school deans we are concerned with the possibility of interference with the attorney-client relationship and the traditional independence of the legal profession. We are especially concerned with the effect that this amendment may have on legal education and the development of a sense of professional responsibility among law students to participate in programs providing meaningful legal services to the disadvantaged.

List of law schools whose deans subscribed to "Statement of Law School Deans" submitted for the record of hearing on November 14, 1969, before Senate Subcommittee on Employment, Manpower and Poverty.

Samuel H. Hesson, Albany Law School, Union University.

B. J. Tennery, Washington College of Law, American University.

Willard H. Pedrick, Arizona State University College of Law.

Ralph C. Barnhart, University of Arkansas School of Law.

Robert F. Drinan, S.J., Boston College Law School.

Paul M. Siskind, Boston University School of Law.

Edward C. Halbach, Jr., Univ. of California School of Law, Berkeley.

Edward L. Barrett, Univ. of California School of Law, Davis.

Arthur M. Sammis, Univ. of California, Hastings College of Law.

Robert K. Castetter, California Western School of Law of the U.S. International University.

Clinton E. Bamberger, Jr., Catholic University of America School of Law.

Phil C. Neal, University of Chicago Law School.

William F. Zacharias, Chicago-Kent College of Law.

Samuel S. Wilson, University of Cincinnati College of Law.

James K. Gaynor, Cleveland-Marshall College of Law, Cleveland State University.

Howard R. Sacks, University of Connecticut School of Law.

James A. Doyle, Creighton University School of Law.

Robert B. Yegge, University of Denver College of Law.

Robert G. Weclew, De Paul University College of Law.

Brian G. Brockway, University of Detroit School of Law.

A. Kenneth Pye, Duke University School of Law.

Ben F. Johnson Emory University School of Law.

William Hughes Mulligan, Fordham University School of Law.

Adrian S. Fisher, Georgetown University Law Center.

Robert Kramer, National Law Center, George Washington University.

Lindsey Cowen, University of Georgia School of Law.

Lewis H. Orland, Gonzaga University School of Law.

Derek C. Bok, Harvard University Law School.

Malachy T. Mahon, Hofstra University School of Law.

Paul E. Miller, Howard University School of Law.

Albert R. Menard, Jr., University of Idaho College of Law.

John E. Cribbet, University of Illinois College of Law.

Cleon H. Foust, Indiana University Indianapolis Law School.

David H. Vernon, University of Iowa College of Law.

Lawrence E. Blades, University of Kansas School of Law.

William Lewis Matthews, Jr., University of Kentucky College of Law.

William L. Lamey, Loyola University School of Law, Chicago.

Leo J. O'Brien, Loyola University School of Law, Los Angeles.

Marcel Garsaud, Jr., Loyola University School of Law, New Orleans.

Edward S. Godfrey, University of Maine School of Law.

Robert F. Boden, Marquette University Law School.

William P. Cunningham, University of Maryland School of Law.

Frederick D. Lewis, University of Miami School of Law.

William B. Lockhart, University of Minnesota Law School.

Patrick D. Kelly, University of Missouri—Kansas City, School of Law.

Robert E. Sullivan, University of Montana School of Law.

Henry M. Grether, Jr., University of Nebraska College of Law.

Thomas W. Christopher, University of New Mexico School of Law.

William H. Angus, State University of New York at Buffalo School of Law.

Robert B. McKay, New York University School of Law.

DeJarman LeMarquis, North Carolina Central University School of Law.

Robert K. Rushing, University of North Dakota School of Law.

John Ritchie, Northwestern University School of Law.

Eugene N. Hanson, Ohio Northern University College of Law.

Ivan C. Rutledge, Ohio State University College of Law.

Ted Foster, Oklahoma City University Law School.

Eugene F. Scoles, University of Oregon School of Law.

Jefferson B. Fordham, University of Pennsylvania Law School.

John J. Murphy, St. John's University School of Law.

Richard J. Childress, St. Louis University School of Law.

Joseph A. Sinclitico, Jr., University of San Diego School of Law.

William J. Riegger, University of San Francisco School of Law.

Leo A. Huard, University of Santa Clara School of Law.

John P. Loftus, Seton Hall University School of Law.

James R. Adams, University of South Dakota School of Law.

Dorothy W. Nelson, University of Southern California Law Center.

Bayless A. Manning, Stanford University School of Law.

Richard T. Dillon, Stetson University College of Law.

Robert W. Miller, Syracuse University College of Law.

Harold C. Warner, University of Tennessee College of Law.

W. Page Keeton, University of Texas School of Law.

Richard B. Amandes, Texas Tech University School of Law.

Karl Krastin, University of Toledo College of Law.

Samuel D. Thurman, University of Utah College of Law.

John W. Wade, Vanderbilt University School of Law.

Harold G. Reuschlein, Villanova University School of Law.

Monrad G. Paulsen, University of Virginia School of Law.

John E. Howe, Washburn University School of Law.

Hiram H. Lesar, Washington University School of Law.

Charles W. Joiner, Wayne State University Law School.

Paul L. Selby, Jr., West Virginia University College of Law.

Spencer L. Kimball, University of Wisconsin Law School.

Frank J. Trelease, University of Wyoming College of Law.

Louis H. Pollak, Yale Law School.

RESOLUTION ADOPTED BY AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS, OCTOBER 18, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the American Bar Association be author-

ized to express the concern of the Association as to the effect of the aforesaid amendment.

STATEMENT BY U.S. COMMISSION ON CIVIL RIGHTS VETO POWER FOR GOVERNORS OF LEGAL SERVICES PROGRAMS

The United States Commission on Civil Rights wholeheartedly supports the American Bar Association, The United States Judicial Conference, The National Legal Aid and Defenders Association, as well as local and State bar associations and other interested groups in their opposition to the proposed amendment to the Office of Economic Opportunity authorization bill providing State governors veto power over OEO funded legal services programs. The adoption of this amendment would critically weaken the most successful and fulfilling of all of the OEO programs and undermine the concept of equal legal representation for all. It especially would jeopardize survival of legal services programs that vigorously represent Negroes, Mexican Americans and Indians.

The need for vigorous and aggressive legal representation on behalf of the poor of all races cannot be overemphasized. "Equality before the law," said former Supreme Court Justice Wiley Rutledge, "in a true democracy is a matter of right. It cannot be a matter of charity or of favor or of grace or of discretion." In many areas such as housing, welfare rights and consumer protection, legal services groups have provided the best hope for a system of effective representation for the poor—not just in providing day to day legal counsel on an individual basis—but in attending to those activities which establish legal precedents and law reform affecting large numbers of people.

In a recent speech President Nixon set for the OEO Office of Legal Services the following goal:

"It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met."

Those legal services programs which have proven most vigorous, resourceful and innovative in the assistance of their clients and which have been responsible for the most far-reaching legal reforms are the very programs which are put in greatest jeopardy by the proposed amendment. The right of disadvantaged groups to have full and effective access to the courts must not be fettered by the political restrictions imposed by the amendment. Such an amendment would be a regressive step that can only serve to discourage the poor from bringing their grievances to the courts rather than to the streets.

APOLLO 11 ASTRONAUTS PRESENTED PERE MARQUETTE DISCOVERY AWARD

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ZABLOCKI. Mr. Speaker, on November 8 the State of Wisconsin, the Milwaukee community, Marquette University, and the National Father Marquette Tercentenary Commission had the honor of paying special tribute to the Apollo 11 astronauts—Neil Armstrong, Buzz Aldrin, and Mike Collins.

It was my pleasure to be present on this memorable occasion and to participate as a member of the Father Marquette Tercentenary Commission. As you know, Mr. Speaker, the Commission was established by Congress in 1967 to help commemorate the 300th anniversary of Father Marquette's explorations and discoveries in what is now the United States.

In recognition of their own brave and historic efforts the Apollo 11 astronauts were presented with the first "Pere Marquette Discovery Award" medals. The presentations were made at a dinner in their honor at Marquette University in Milwaukee, Wis. The Discovery Award was instituted this year by the Marquette University board of regents in memory of the great explorer whose name the university bears and in tribute to his great achievements.

Like Father Marquette, the Apollo 11 astronauts have earned the right to be called "discoverers" and assuredly enjoy a place in history. It is therefore most fitting that these three courageous men be the first recipients of this award.

Following the dinner, the astronauts were the guests of the Tercentenary Commission at the world premiere of the "Pere Marquette Symphony," which was composed and directed by Dr. Roy Harris. During the intermission of the symphony—performed by the Milwaukee Symphony Orchestra in their beautiful new home in the Milwaukee Performing Arts Center—the astronauts were each presented with a silver Pere Marquette medal, the minting of which was authorized by Congress as part of the tercentenary. The presentation was made by Mr. James Windham, able and respected chairman of the Commission.

In order to acquaint my colleagues further with the Pere Marquette Discovery Award ceremony I am pleased to insert in the RECORD at this point the proceedings from the dinner and symphony program honoring the astronauts:

FATHER MARQUETTE TERCENTENARY DINNER PROGRAM

(Invocation.)

Father RAPHAEL HAMILTON. In the beginning God, then the refulgent galaxies, then the planet earth and man. Today, America, by the combined effort of its men and women, has placed discoverers on planet moon. A great leap forward to the stars! A wonderful lesson for humanity. With the cooperation and union, great deeds are wrought in faith. With these we hope that in the end we may be brought to God. May He bless us then and now. Amen.

Mr. JAMES WINDHAM. Honored clergy, distinguished guests, ladies and gentlemen. As Chairman of the National Father Marquette Tercentenary Commission, on this historic night for the State of Wisconsin, the Milwaukee community, Marquette University, and the Father Marquette Tercentenary Commission, I would like to take a minute to set the stage for the events of the evening.

Due to the great importance of this dinner, I am pleased to announce that the entire proceedings are being telecast through the courtesy of WTMJ-TV, channel 4, and WVTV, channel 18.

I would like to begin by recognizing distinguished guests at the speaker's table. To my right at the front table—The Most Reverend Leo J. Brust, Auxiliary Bishop of Milwaukee . . . Mayor Henry Maier and his lovely wife Mary Ann . . . Mr. Eliot Fitch, Chairman of the Boad of Trustees Marquette University and Chairman of the Board of the Marine National Exchange Bank. To my left at the front table—Father Hamilton . . . County Executive John Doyne and Mrs. Doyne . . . Acting Governor Jack Olson and Mrs. Olson. To my right—Mr. James Dickey, Professor of English and Poet in Residence, University of South Carolina, Columbia, South Carolina . . . Congressman Clement Zablocki of Wisconsin, Vice Chairman of the National Father Marquette Tercentenary Commission and more than any other man, responsible for Congress establishing the National Commission. Congressman and Mrs. Zablocki . . . My boss, Father John P. Raynor, Society of Jesus and President of Marquette University. To my left—Father William F. Kelley, Society of Jesus, a member of the National Commission and Assistant to the President, Creighton University, Omaha, Nebraska. I don't know what I'm doing up here with all these educators. . . . Dr. Kenneth Shouldice, a member of the National Commission and Chancellor, Lake Superior State College . . . my better half and lovely wife Lorraine Windham.

It is now my privilege to introduce the guests of honor—the crew of Apollo 11—Neil A. Armstrong . . . Michael Collins . . . Edwin E. Aldrin, Jr.

In 1965, through the efforts of Representative Clement J. Zablocki and United States Senator Philip A. Hart of Michigan, a Joint Resolution of the 89th Congress established the Father Marquette Commission. The Commission includes 12 members—four United States senators, four representatives and four lay people. The Commission was specifically set up to commemorate the 300th anniversary of the advent of Father Marquette in North America. The celebration will last five years—1968–1973. Certainly tonight is and will be the highpoint of the activities of the National Commission. We thank you for sharing this wonderful time with us.

Mr. James Dickey, our next speaker, earned his Bachelor of Arts and Master of Arts degrees from Vanderbilt University. He was the Poet in Residence at Reed College in Portland, Oregon, at San Fernando State College and at the University of Wisconsin. Additionally, he has been the Consultant in Poetry for the Library of Congress. He served in the United States Air Force in Korea and was decorated with the Air Medal. He is the recipient of numerous art prizes. Tonight Mr. Dickey will read his poem, "The Moon Ground", which was commissioned by Life Magazine and appeared in Life's July 4 issue.

Mr. DICKEY. This is a poem I wrote about the Apollo 11 mission, on which it may come as news to you I was not on—except in the strange realm of the imagination. It's always trying to project yourself into the position of another person—say like an astronaut. It is always kind of a suspect thing—even dangerous, but then poets have always done that, and I tried to imagine what it must have been like to be there. I wrote this before they went actually, but that's all right—as I say, poets have always done that. I'm sure it will come as a complete surprise to the crew of the Apollo 11 that this is what they thought, but it really was. They might not admit it, but anyway. . . . It's a poem about first touching down on the lunar surface—these two fellows with the other one circling overhead and the feeling that one has brought the whole of human culture and the whole aspiration of the human race, and all the tortuous, bloody and goriest history of humanity here—all the gods, all the things that men have ever believed in to this desolate place. They brought the human imagination—they brought poetry—they brought religion—they brought Gray's "Elegy". You know? And why not? You remember that from high school, I'm sure. It's supposed to be spoken by one of the fellows on the lunar surface to the other, or maybe just thought by him. You can have it however you like. In this particular context, they've come on

the lunar surface and they're taking these rocks up off the ground to bring them back.

Now, as I say, I wrote this before the mission was completed, and I didn't know whether they were going to bring the moon plaque back or not you know, and kill everybody on the earth—and all that quarantine—evidently not—after all, we're sitting here this evening. But anyway, I won't go on and on but, what I tried to do was to get these facts into a poem, as spoken by one of the astronauts. You can take your pick.

"You look as though
You know me, though the world we came from is striking
You in the forehead like Apollo, Buddy,
We have brought the gods. We know what it is to shine
Far off, with earth. We alone
Of all men, could take off
Our shoes and fly. One-sixth of our weight, we have gathered,
Both of us, under another one
Of us overhead. He is reading the dials he is understanding
Time, to save our lives. You and I are in earth light and deep moon shadow on magic ground
Of the dead new world, and we do not but we could
Leap over each other like children in the universal playground of stones
But we must not play
At being here: we must look
We must look for it: the stones are going to tell us
Not the why but the how of all things. Brother, your gold face flashes
On me. It is the earth. I hear your deep voice rumbling from the body
Of its huge clothes Why did we come here
It does not say, but the ground looms, and the secret
Of time is lying
Within amazing reach. It is everywhere
We walk, our glass heads shimmering with absolute heat
And cold. We leap slowly
Along it. We will take back the very stones
Of Time, and build it where we live. Or in the cloud striped blue of home, will the secret crumble
In our hands with air? Will the moon-plague kill our children
In their beds? The Human Planet trembles in its black
Sky with what we do I can see it hanging in the god-gold only
Brother of your face. We are this world: we are
The only men. What hope is there at home
In the azure of breath, or here with the stone
Dead secret? My massive clothes bubble around me
Crackling with static and Gray's
Elegy helplessly coming
From my heart, and I say I think something
From high school I remember Now
Fades the glimmering landscape on the sight, and all the air
A solemn stillness holds. Earth glimmers
And in its air-color a solemn stillness holds
It. O brother! Earth-faced god! Apollo! My eyes blind
With unreachable tears my breath goes all over
Me and cannot escape. We are here to do one
Thing only, and that is rock by rock to carry the moon to take it
Back. Our clothes embrace we cannot touch we cannot
Kneel. We stare into the moon
Dust, the earth-blazing ground. We laugh, with the beautiful craze
Of static. We bend, we pick up stones."

Mr. WINDHAM. Thank you, Mr. Dickey. Father Raynor will be our next speaker.

Father JOHN P. RAYNOR. Thank you, Mr. Windham. Distinguished guests and friends of Marquette University. Our university has observed many proud milestones since its doors first opened in 1881. Tonight, as part of the Pere Marquette Tercentenary, we are celebrating another great, great milestone, which I'm sure will prove most memorable in this history of this institution. Tonight we present our first Pere Marquette Discovery Award Medals. And the honor that we pay to their recipients is a most fitting way to memorialize the work of Father Jaques Marquette of the Society of Jesus, discoverer with Joliet of the Mississippi River, and patron of this university.

Human history and human tradition are filled with the accounts of man's great achievements. Great achievements in the struggle to find answers to age-old questions. Through the centuries, brave men have, for the benefit of their fellow men, faced and accepted the challenges of nature. The challenges to make their impossible dreams come true. Father Marquette was one of these men.

He lived at the very edge of mystery. He knew the terrors of fatigue in an alien land. He kept his own mind open and he kept it deep. He kept his sense of beauty—his ability to make beauty, and, above all, his ability to see beauty. He did this in places remote and strange and unfamiliar to himself.

In memory of this great man, and in tribute to his very great achievements, we've struck a medal—and we'd like tonight to present this medal for the first time to the intrepid crew of Apollo Eleven, who like Father Marquette, explored a new world and gave us illumination and light and insight. Illumination and light and insight into the world of the unknown and into the wonders of the unknown world. Father Marquette himself proved, as explorers before him had done, and as the astronauts of today have done, that the analogies, insights and harmonies of scientific discovery can find their way into the wider life of man on this earth.

Like Father Marquette, the Apollo Eleven astronauts have earned the right to be called "discoverers" and, as a result, beloved and respected by all. And as long as heroism is prized, the names of Armstrong, Collins and Aldrin will be remembered, and the history of our nation in particular will be greatly embellished. And as long as men wish to recall the past and the development of great ideals, so long will the astronauts historic mission fascinate the imagination, enlarge the minds and enkindle the hearts of all men.

Like the astronauts, Father Marquette faced the challenges of the unknown in his explorations and discoveries in the Great Lakes and Upper Mississippi River regions. He was a man of vision—a pioneer—a discoverer in 1669, just at the astronauts are men of vision—pioneers and discoverers in a much more complex and changing world of 1969.

Like the astronauts and like Marquette, whose name we bear, this university too, through excellence in thought and scholarship, also probes the unknown and seeks to satisfy its destiny to make men free through the personal possession of truth about God's creation—about man's relation to man and about man's relation to God.

For all of these reasons we are pleased, as a university, to bestow the first Pere Marquette Discovery Award Medals on the crew of the Apollo Eleven. We are grateful that our astronauts are able to be here this evening at considerable sacrifice to accept these awards, for, as you know, they have just returned to the United States only three days ago after a very exhausting 44,000 mile world tour.

On behalf of our trustees, our faculty, staff, students and alumni, it is my distinct pleasure this evening to present to them the Pere Marquette Discovery Award.

This medal honoring Father Marquette and his work in this very area 300 years ago, was inaugurated recently by our Board of Trustees. It was designed by our esteemed colleague and good friend, Mr. Edmund Lewandowski, who is President of the Layton School of Art here in Milwaukee.

Bearing the 16 points of the compass rose, the medal symbolizes the possibility of discovery in every direction. The ring in the center of the medal, carrying the inscription "Pere Marquette Discovery Award" surrounds a letter "M", which represents both the family name of Father Marquette and the name of the university that has been named after him. The design suggests the sunburst which symbolizes the enlightenment of mankind. This, of course, is the particular aim of Marquette University—as surely it must be of any university. This is one reason—this is the decisive reason—why these medals should be presented in this setting—in this company—on this night to men who opened up for us tremendous new possibilities for observation and experiment; new means of communication with our fellow men; new opportunities for common understanding among people who share a common purpose and who desire to work together in freedom, in truth, in trust and in peace.

As I see it, this is the meaning of the astronauts' spectacular achievement. This is the meaning of Father Marquette's achievement, and this is the essence of our work as a university.

I would like at this time to call forward, in order, our three astronauts to receive their medals, and as I call them up here, I will first read the citation or certificate which will be presented to them; then, with the assistance of Mr. Windham, Chairman of the National Father Marquette Tercentenary Commission, will put the medal around their neck.

First of all, Mr. Neil Armstrong . . . The Pere Marquette Discovery Award bestowed upon Neil A. Armstrong in recognition of his exploration aboard Apollo 11, whereby he became the first human being to set foot upon the moon on July 20, 1969. Given this eighth day of November in the Year of our Lord one thousand nine hundred and sixty nine—signed by Mr. Eliot Fitch, Chairman of our Board of Trustees and by myself.

Michael Collins . . . Pere Marquette Discovery Award bestowed upon Michael Collins in recognition of the rendezvous he made with the first men to walk upon the moon July 21, 1969. Given this eighth day of November in the Year of our Lord one thousand nine hundred and sixty nine.

Edwin E. Aldrin, Jr. . . . Pere Marquette Discovery Award bestowed upon Edwin E. Aldrin, Jr. in recognition of his exploration aboard Apollo 11 whereby he landed upon the moon July 20, 1969—given this eighth day of November in the Year of our Lord one thousand nine hundred and sixty nine.

Now, ladies and gentlemen, I would like to call on the astronauts themselves for response to your congratulations and to our award.

Mr. NEIL ARMSTRONG. Father Raynor, Mr. Windham, distinguished guests. We of Apollo 11 are indeed honored to be with you here this evening and to have been chosen as the recipients of the first Pere Marquette Discovery Award medals. As you are celebrating the 300th anniversary of the great voyage of discovery by the remarkable man in whose honor these awards are named, we feel that there are a number of similarities and parallels to our own voyage of discovery. There are of course some rather striking differences. Pere Marquette's famed exploration of the Mississippi, father of waters, involved a relative handful of men, himself and his friend and companion Louis Joliet, five other Frenchmen, I believe, and a handful of In-

dian guides. Apollo 11 was a tremendous team effort, involving the dedicated efforts of thousands of persons in this country and around the world. Indeed, the Apollo program has been described as being the greatest cooperative endeavor, entirely for peaceful purposes, that has ever been engendered in the history of the world. At its peak, more than 350,000 persons in government, industry and in the university community were directly participating. Thus, we of the Apollo 11 crew accept these awards with a full appreciation of the fact that Columbia and the Eagle could never have reached the moon, and we could never have sent back the word from Tranquility base that the Eagle has landed without that great teamwork and cooperation that gave us that confidence. So, I feel that, symbolically, we are accepting these awards on behalf not only of ourselves but on behalf of those thousands of others. And just as Pere Marquette's great exploration of three centuries ago had far-reaching consequences that are still being felt today—paving the way for many events that followed—we believe that the full implication of Apollo 11 may not be fully realized for decades or even centuries to come. As you know, Mike, Buzz and mysef have just returned from an extended good will tour that has taken us to 30 foreign cities in almost that many countries, in just more than a month. Perhaps you have heard of the contemporary film entitled, "If this is Tuesday, it must be Belgium". A trip to the moon seems easy by comparison. There was one thing that we became increasingly aware of during that trip around the world. Due to the marvel of modern communication, people everywhere had almost a sense of personal participation in Apollo 11. From the many comments we received, and in the warm welcomes that we received in every city around the world we visited, we like to think that our mission has helped to draw the nations of the world closer together. As President Nixon said to us in that famous and expensive long distance telephone call from the White House to us on the moon, "For one priceless moment in history, all the people on the earth are really one."

"We'd like to thank you for this great honor. I'd like now to introduce my colleague, Mr. Michael Collins.

Mr. MICHAEL COLLINS. Thank you, Neil, and good evening ladies and gentlemen. It has sometimes been said that the space program is now in approximately the same state of development that the airplane was during the early days—say in the days of the Wright brothers when they made their first small step at Kitty Hawk. I'm not sure whether this is a good analogy, but I would like to mention one case in point when the two good brothers were invited to a very important, prestigious dinner and Wilbur was called upon by the toastmaster to make a few remarks—and he sort of stammered and said, "Gee, I'm sorry—there must be some mistake, but Orville is the one that does the talking". Now Orville stood up and said, "Well, Wilbur just made the speech". So I suppose I could say that Neil just made the speech, but I would be remiss if I did not add my own thanks, which I very sincerely feel, for the great honor which has been bestowed upon us.

It's still a bit difficult I think for those connected with the Apollo program to realize just how far we have come since this nation accepted the commitment to go to the moon back in 1961—which was back in the days when we had no Saturn 5 rockets, no even rough idea of how to conduct a rendezvous, no space suits, no lunar modules—well really, not much of anything. It was even in fact before John Glenn had made the first orbital flight. As Dr. Tom Paine, the administrator of NASA said, the lunar exploration mission got under way on vision, discipline, courage and commitment. We gained the essential knowledge and understanding step by step along the way—developing a whole new technology. Mistakes were made, but a team was forged in government, industry and the universities—very importantly the universities—all working together to anticipate obstacles and to overcome them. It is a record of achievement that this nation can be proud of; and, as we learned on our world tour, it has made the people of all other nations, at least all those other nations which we visited, proud as well. President Nixon has spoken of the spirit of Apollo, and we have had ample opportunity these past weeks to see that it really exists, and we feel most fortunate to be able to be a part of it.

You know, I wonder sometimes whether Father Marquette, whom I really admire, would have been admired in this day and age. You know, he set off in search for the Mississippi River at a time when his home parishioners, the Indians, had deep and serious troubles in the lines of education and health, and he probably should not have done that. He probably should have gotten 100% of those things sorted out before he left. But I think he was a wise man and he understood that we have to keep pushing back our frontiers, and that is what we have done on project Apollo, and I hope that that will be the way we'll continue to run this country in the future—to have a blend of solving our problems at home, while we do in fact push our frontiers forward.

I'd like now to introduce Colonel Buzz Aldrin.

Mr. EDWIN ALDRIN. Thank you very much, Mike. I couldn't agree with your words more. Father Raynor, Mr. Windham, distinguished guests, and ladies and gentlemen. The Pere Marquette Discovery Awards have a very special meaning for all of us, because without the stimulus of exploration, whether in the uncharted areas of the earth by men like Pere Marquette, or into the nature of things by explorers in their scientific laboratories, or now, in space, men's mental capabilities would tend to stagnate. Man's concept of himself and of his relation to the earth environment, and now even to the stars, could not have developed save for the broadening and deepening of his vision which this exploration brings. It forms a part of our purpose in existence—a motivation to find ourselves—which today has become a burning issue in a great numbers of the world's populations. We believe that the newest form of exploration in space is opening up the possibility of an entirely new destiny for man. We have run out of many frontiers on the surface of the earth. Mankind has opened unlimited new frontiers in space. Space technology is simply the latest tool to be used in our endless quest for understanding of man's place in the universe. But as a bonus, this tool is also serving to provide material benefits far beyond anything that we would have imagined many years ago—in areas of communications, navigation, weather forecasting, agriculture and forestry, and many other earth resources. The list is almost endless. In this respect, space exploration is following in the tradition of all previous exploration in influencing human development and adaptability—socially, politically and economically. None of us could even venture to guess what will grow out of some of these future explorations. The factor of unpredictability lies at the heart of every discovery—of every venture into the unknown. No one can really foretell in years or centuries to come what we will find. We do know from experience that characteristically, man has the tendency to be very conservative in his estimates of what will come in the future. Very shortly, Apollo 12 will be starting on its voyage to the moon and they, as we did, will make their small steps for man. But there will be many more such steps—longer and much surer than ours—we have no doubt about that.

At this time, we would like to thank all of you for the great honor that you have given all three of us by bestowing this medal on us.

Mr. NEIL ARMSTRONG. Father Raynor, when we were on the moon we had a still camera with us, and it only had one roll of film. We're sure glad it came out—we could prove we were really there. So we'd like to present to Marquette University, and ask you to accept for them, one of the pictures off that roll.

Father RAYNOR. Thank you very much, Mr. Armstrong, Mr. Collins and Mr. Aldrin for this wonderful gift to Marquette University. We know you were really there—it's recorded, and we know that you're really here and we're delighted to have you here. It's really a pleasure to listen to gentlemen like this with their varying approaches to something magnificent that together they have done. I took a special pleasure, of course in listening to Mr. Collins. He's got a good wit; but, as I was telling Neil Armstrong during the meal that he is the best physics teacher that I had anyway, because I remember his TV program—he showed me what it was like to drink water up there in the moon flight.

I want to thank all of you for participating in this tribute to three great men who forged the first link between the earth and the moon. I wish again to express my gratitude to the astronauts themselves, and to all of you who have joined us this evening. I would be remiss if I did not offer a special note of gratitude to the members of the National Pere Marquette Tercentenary Commission, to the Wisconsin State Committee and to the Marquette University Tercentenary Committee, as well as to all of those who have labored so arduously to make this celebration a truly memorable event for Marquette University and for the City of Milwaukee. I hope the example which has been set for us by the historic missions of Father Marquette and the crew of Apollo 11 will continue to inspire each of us to strive, in our own personal way, to emulate them—and to do what we can to create the brightness of a new-born day—as they have done—not for ourselves alone, but for the world, for all of our fellow men—for our country—for everybody.

Thank you very much.

Mr. WINDHAM. Thank you Father Raynor, and thank you gentlemen all. Now His Excellency, Bishop Brust, will give the benediction.

Bishop BRUST. We thank You Almighty Father for the food we have just shared—but tonight especially, our hearts are filled with gratitude for the recent lunar landing. We thank You for the intellectual genius that discovered the laws of nature and the principles of physics from which such a voyage could be conceived. In them we thank You, Almighty Father, Whose divine intellect originally devised the laws of nature and created the limited, finite mind of man designed to discover them. We thank You for the marvelous human skill that produced the machinery for the trip, for they dimly reflect the products of Your divine skill, the balanced universe and the raw material we need for our own works. We thank You for the dedication and the courage of our astronauts who risked all to give humanity a foothold in the heavens. For this reminds us, Father, that You risked sending Your Son to put His footprint and His blood on our planet. And it reminds us, too, that You continually hold out Your hand from the heavens to beckon us to join You there in our true home. Amen.

Mr. WINDHAM. I want to remind you of the arrangements for tonight. In order to facilitate moving to the Performing Arts Center on time, please leave your cars here at Marquette. Busses will be waiting in front to take you to the Performing Arts Center building. The busses will run until all have been returned. Thank you all for coming. We will see you at the Symphony and reception.

FATHER MARQUETTE TERCENTENARY INTERMISSION OF PERE MARQUETTE SYMPHONY

Father RAYNOR. Ladies and gentlemen—my name is John P. Raynor. I am President of Marquette University. You have just listened to Dr. Roy Harris' Pere Marquette Symphony. The symphony was commissioned by the National Father Marquette Tercentenary Commission as part of the five year celebration honoring the 300th anniversary of this great scholar, explorer, missionary and priest; and his arrival in this part of the world.

Among our guests helping us commemorate this evening—we would like to recognize the following: First of all—the Mayor of the City of Milwaukee, Henry W. Maier. Secondly—our County Executive, Mr. John L. Doyne; and finally—the Acting Governor of the State of Wisconsin, Mr. Jack B. Olson. We have with us also, the Vice Chairman of the National Father Marquette Tercentenary Commission, Congressman Clement Zablocki of Wisconsin.

It is my privilege now, ladies and gentlemen, to introduce the Chairman of that Commission—a fellow Milwaukeean and a very close friend, Mr. James C. Windham, President of the Pabst Brewing Company, together with the Apollo 11 astronauts whose intrepid exploits 300 years later assist us in recalling the deeds of Father Marquette.

Mr. WINDHAM. In my judgment, there will never be a symphony composed that will get that kind of an ovation. Thank you Father Raynor.

Congress established the National Father Marquette Commission in 1965. Two years later, Congress authorized the Secretary of the Treasury to furnish the Commission with a supply of bronze Marquette medals struck by the United States Mint in Washington, D.C. A small number of medals were coined in silver.

Tonight I have the privilege of presenting to the crew of Apollo 11 silver Father Marquette Tercentenary medals on behalf of the members of the National Commission.

(Medals were then presented in order to Nell Armstrong, Michael Collins and Edwin E. Aldrin, Jr.)

Mr. WINDHAM. NASA was kind enough to assist us in getting the three astronauts to join us this evening, so I had this medal enlarged and put on a plaque to send back to NASA to hang in the NASA headquarters and we will mail this to NASA. Thank you very much gentlemen.

Mr. ARMSTRONG. Mr. Windham, Father Raynor—it's a great pleasure for me on behalf of not only the crew of Apollo, but the thousands of Americans around the country who have made it possible to accept these awards. It's a particular pleasure to accept them here in this beautiful hall in this magnificient building in the City of Milwaukee. As a small remembrance of our visit here on this occasion, I'd like to present to the Tercentenary Commission a small photograph taken during the flight of Apollo 11.

Mr. WINDHAM. Thank you Neil. This shall be preserved with the records of the Tercentenary Commission, and in the end it will end up in the Library of Congress.

INITIAL TEACHING ALPHABET: TEACH THEM TO READ AT FOUR WITH HELP OF MACHINES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. PUCINSKI. Mr. Speaker, last week the General Subcommittee on Education heard testimony from Sir James Pitman, developer of the initial teaching alphabet, on the overwhelming success of his method in teaching very young children to read.

The initial teaching alphabet uses 44 symbols which represent specific sounds, augmenting the present 26 letters of the alphabet. Close to half a million preschool and first grade children in America are learning to read in classes that use ITA. Almost 1½ million children are using the system in England. Surprisingly, children on both sides of the Atlantic encounter no difficulty in making the transition at about the second grade to books that utilize the 26-word alphabet exclusively.

Here in our Nation's Capital, an ITA project is meeting with highly rewarding results in teaching preschoolers to read. Under the creative leadership of Frank Ferguson, 3- and 4-year-olds are learning to read at a day-care center.

A description of Mr. Ferguson's success and the very inexpensive system he has inaugurated appeared in the Washington Post, November 30, 1969. I bring it to the attention of my colleagues today as an excellent example of a highly innovative yet uncomplicated teaching method that works.

Mr. Speaker, the article follows:

TEACH THEM TO READ AT 4 WITH HELP OF MACHINES

(By Colman McCarthy)

James E. Allen Jr., the U.S. Education Commissioner and a man of quiet wisdom, pledged the Nixon administration recently to a new national goal: assuring every citizen "the right to read."

"We should," said Allen, "immediately set for ourselves the goal of assuring that by the end of the 1970s the right to read shall be a reality for all—that no one shall be leaving our schools without the skill and desire necessary to read to the full limits of his capability."

Although the administration has been silent about this new war on illiteracy—it would have been called that a few years ago—the nation's concerned teachers know that it is high time. They see daily the choking, mumbling kids who are helpless before the printed page.

Official statistics are nearly unbelievable: one in four students have serious reading deficiencies; in city schools, up to one in two students read below expectation; one in two jobless youths is functionally illiterate; two in three youngsters tested recently by the Pentagon were below the seventh grade in reading ability.

A UNIQUE PROJECT

One educator who has converted his alarm into creative action is Frank Ferguson, a 30-year-old educational innovator. He is presently directing a Washington day-care reading project that may prove to be one of the programs capable of fulfilling Allen's goal.

Specifically, Ferguson and a skilled staff of eight local teachers are teaching 100 3- and 4-year-olds in inner-city Washington how to read through the use of a low-cost technology. Operating for the past six months on a small Office of Economic Opportunity grant, this project is the only one in the country that is teaching children this young and this poor this cheaply.

Few education programs, to begin with, have tried to teach 3- and 4-year-olds to read, and those that did dealt with middle-class children, usually in experimental classes in a university setting. Moreover, the technology was high cost; talking typewriters, the most common type of early reading technology, cost $35,000 to $45,000 with a high maintenance cost. The Washington project uses audiovisual-response teaching machines that cost only $350.

A BRITISH DEVICE

For many years, Ferguson searched for a method that would quickly, efficiently and unpressuringly allow 3- and 4-year-olds to learn to read. The only one he found that consistently produced results with children that young was the Initial Teaching Alphabet.

First used in British infant schools and now operating in 10 percent of U.S. elementary school districts (according to the ITA Foundation), it has 44 letters, each standing for a sound and covering the entire English language. It borrows 24 letters from the conventional alphabet, drops "x" and "q," adds 17 new symbols resembling combinations of standard letters and adds three new symbols.

"About the same time I came to ITA," says Ferguson, "my 2-year-old son was learning words. I noticed how confused he was when I would say 'table' and then identify one by pointing to the dining room table. Later, we'd be in another room and I'd say 'table' again, this time pointing to the kitchen table or the coffee table or the telephone table. He couldn't understand it. All those different-shaped and different-sized objects, yet all named table.

"It's the same confusion when a child begins reading with the conventional alphabet. He is taught, say, the sound 'i.' There are some 20 ways to spell it, as in eye, aye, aisle, height, cry, choir, by, bye, buy. Or the sound 'a' can be pronounced at least five ways, as in 'The fat father's fate was to fall while skating.'

"For millions of kids, this is when the reading problem begins. They see reading as complex, furtive and frightening. If a child has other problems to cope with, as do most of the poor kids—perhaps no father, or poor health, a crowded home life—he has little stamina to persevere with reading until the system becomes figurable."

So he lags and falls behind. At this early age, he suffers a bruise that in time will swell, fester and eventually make him a social cripple. Society will call him a "functional illiterate" and hand him a broom to do its dirty work.

The reason why Ferguson in the classroom and James Allen in his speeches see early reading as critically important is that by the age of 4, a child has formed half the intelligence he will have at maturity. Well-known educators like Benjamin S. Bloom and J. McVicker Hunt have been saying for years that by the time a child begins school at 6, he has reached two-thirds of the intelligence he will have at 17.

What this means, grimly, is that for many children who do not learn to read at 3 or 4, what begins at 6 is already remedial education.

AN EASY TRANSITION

One of the fears about widespread use of ITA is that it is meant to replace the traditional alphabet. This is not true. After a child learns to read with it, he switches over to the regular alphabet. The conversion is speedy and without trouble.

Psychologically reinforced with success and confidence, the child is now ready for the complexity of the 26-letter alphabet. He does not come cold to the language barrier; thanks to the phonetic code-breaking system of ITA, the barrier has been broken.

The main criticism of ITA is that many children lose its advantages by the time they reach the second and third grades. But this has more to do with the inadequate schools they go into than with the quality of their earlier learning.

British educators take the challenge of early reading much more seriously than Americans. After eight years of trials with ITA, John Downing wrote in the London

Sunday Times: "Teachers who continue to teach reading with the conventional English alphabet and spelling can be sure that they are making it harder for their pupils to become literate. They are using a defective instrument which is a serious handicap to young children in their first steps in learning to read and write."

Locally aside from the day-care reading centers, ITA is used at the Bruce and Monroe elementary schools in the Cardozo area among first and second graders. Bruce Principal Alma Felder said recently: "Since we introduced ITA into our school, I've seen the reading ability of the children blossom almost immediately—not just in the classroom, but also in the official reading tests."

The parents of the children are so sold on ITA that they have asked the D.C. Model Schools Division to use it in the new Tubman school soon to open in the same neighborhood.

One reason why the early-reading innovations of Frank Ferguson are seen by many as among the most exciting in the country is that, aside from the ITA manuals that he and his staff wrote themselves, he is using technology. The self-operating audio-visual machines—developed by Dr. Peter Goldmark of the CBS laboratories at Stamford, Conn.—use 40 cartridges for the entire program.

The machine projects letters and pictures onto a televisionlike screen. A coordinated tape talks and asks questions appropriate to the pictures. The child responds by pushing one of four keys. The machine then advances to a new picture and question—at the child's own pace and pleasure.

"We've only begun to notice," says Ferguson, "that the first thing a child interacts with, after his parents, is television. So his early learning pattern is resoundingly audio-visual. This is why teaching ITA by means of a self-operating machine fits in to the child's life almost naturally. The letters are compatible with his comprehension and the machine, which looks like a TV, fits in with his technological culture."

"ITA works," says Dr. William Zangwell, director of educational evaluation at the Department of Health, Education and Welfare. "It makes a significant improvement in a student's reading ability. Frank Ferguson has gone a step further by packaging it simply. He has taken a good idea out of the laboratory and put it into the classroom."

A PITMAN DEVELOPMENT

Anita Metzger, who has three highly successful early-learning schools in the Atlantic City area, is responsible for bringing the initial Teaching Alphabet to the United States. In 1962, after teaching diction, drama and corrective speech for 35 years and conducting the CBS "Children's Theater of the Air" for two decades, Mrs. Metzger went to London to study under Sir James Pitman, the educator who developed the ITA.

A year later, Mrs. Metzger "imported" the idea to this country. She began with a pilot class of six 4-year-olds and now has three schools with 60 children each.

"In my schools, the 4-year-olds usually spend a year learning to read with ITA," she says. "After they are at ease with it, we transfer them to the standard alphabet. The ITA already has 24 letters from the standard alphabet, so the familiarity is there. I have never had a child who did not make the transfer easily."

After her early successes with ITA, educators began visiting Mrs. Metzger's schools to see for themselves. Among them were representatives of the Ford Foundation.

"They offered me a large sum to spread ITA," said Mrs. Metzger. "But they wanted it to be used among first and second graders. I said it should be done earlier, at ages 4 and 5. That is when the child is eager to learn reading. Why wait just because the system finds it more convenient to begin at ages 6 and 7?

"I wanted to keep control of my schools for another reason. I have something to prove about education: that ITA is the way to defeat illiteracy. I knew I would have to do this on my own, in the private competitive market where the public demands and will appreciate results. I would have liked to have worked in the public school system, but it has become so locked up with outdated and ineffective approaches that it is not capable of more innovation."

Mrs. Metzger will soon open more schools around the country, including one in Silver Spring for 4- and 5-year olds. They will use technology.

"If we're going to educate all the Nation's children—not just in easy reading but in nearly everything—we have to do it with audiovisual machines and computers," she says. "It is time educators got over their fear of technology. The machine won't replace them; it will help them."

DOT NEARS FIRST CYCLE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRIEDEL. Mr. Speaker, legislation creating the Department of Transportation was enacted a little over 3 years ago. Many changes have come about, both in Government and in industry transportation circles during the agency's initial years of existence.

Harry L. Tennant, longtime transportation writer on the Washington scene, spells out some of the effects the Department has had in the current issue of U.S. transport. I believe this well prepared analysis of DOT, covering its activities thus far shows conclusively that this Department has now won a secure place among other cabinet-level agencies and before long will supply the Congress and the executive branch with some of the answers to the Nation's complicated and troubled transportation problems.

I believe the following excerpts from Mr. Tennant's recent article will be of interest to my colleagues and I include them in the RECORD at this point:

DOT NEARS FIRST CYCLE

(By Harry L. Tennant)

Legislation creating a Department of Transportation was signed nearly three years ago but the staggering task of making sense out of the highly competitive transportation field is far from realized.

True, DOT hasn't chewed up a Secretary or two as happend at the Department of Defense. One might say the agency's achievement has been a move toward a centralized area for all of the fights that have existed among transportation mediums since the depression years.

Lyndon Johnson approved the legislation creating DOT on Oct. 15, 1966, but DOT did not come into being until the following April. Organization has been the order of the day since. DOT can boast of one achievement directly and another indirectly. It has given safety a new emphasis and it has brought a sprawling army of transportation experts to Washington in the industry sector. This has been particularly evident in the shipper and rail areas. This indirect accomplishment has been noticeable in the railroad field where a sizeable army of rail lobbyists have moved into Washington probably giving this industry its greatest Washington team.

". . . Too, DOT has pushed vigorously for high speed rail transportation. And in a sense it has had to drag rail heads along with the thinking. This complexity needs money and lots of it. It may well be that Mr. Volpe's shining hour will come here. If the Administration decides to support a big subsidy venture for passenger train operations, then it may well that Mr. Volpe can guide some of the thinking in Republican circles here. Some, of course, think DOT hasn't pushed as hard as it could in the high speed field, or at least its efforts haven't matched the complaints in Congress. Perhaps the Interstate Commerce Commission's study on rail passenger operations expected momentarily will prod the government into speedier action but certainly little will come out of it legislatively in this session of Congress or for that matter in the next few months.

Urban transportation does have a top priority at DOT. It is perhaps the most political of issues there and it takes a great deal of money. It seems to have more of any immediate priority than the airways-airport programs, but the wrangling in Congress over just how these projects will be financed remains the key stumbling block to faster action.

DOT has thrown in its weight behind higher truck carrying capacities and it has gone along here about as far as it can go. It's anyone's guess whether Congress will approve this.

DOT has also been active in the area of putting more teeth in regulations governing shipment of hazardous materials, both on the highways and railroads. Like most issues this one has been spurred on by Ralph Nader and more recently by the U.S. Army inadvertently. Much will come out of this effort because the States are more and more making themselves heard. This drive is unique in that it is under the jurisdiction of a unit headed by William Jennings and it can make decisions stick. The National Transportation Safety Board which is attached to DOT for administrative purposes has in recent months made its existence felt publicly. Undoubtedly more will be heard from this sector as time goes along.

There is still some evidence that the Federal Aviation Administration would like to be divorced from DOT, but the chances of this are fading. There isn't enough support in Congress and the Administration doesn't appear to be much interested.

Probably the true course of DOT will be steered by such persons as Paul Cherrington and Jim Beggs, both experts and long-time planners. Volpe depends a great deal on these individuals. If they remain, DOT may come out with some striking annual reports in 1971 and 1972. If they leave, the Department could slip back to an earlier state.

But perhaps the most noticeable advancement in Washington transportation circles has been industry reaction to setting up DOT. Numerous persons have been moved into trade and industry groups during the past two years. Practically all of these individuals are experts in one form or another.

Stan Sender, who for a number of years was Transportation Counsel for the Senate Commerce Committee, is directing Sears & Roebuck's transportation activities in Washington. Dr. William Haddon, Jr., former Director of DOT's National Highway Safety Bureau, now heads the Insurance Institute for Highway Safety. He is assisted by Ben Kelly, who directed public relations for the Federal Highway Administration at DOT. Charles Webb, former ICC Chairman and longtime transportation authority, heads the National Association of Motor Bus Owners. He is also assisted by a former DOT information head, Stan Hamilton. The Automobile Manufacturers Association enlisted the services of Lynn Mote, a mainstay on Capitol Hill, who for many years had been closely allied with

transportation. Shortly after DOT was set up the National Automobile Dealers Association picked out Frank McCarthy Jr. to help guide its legislative program. McCarthy had been a legislative liaison man at the ICC and had served for a number of years on the House Rules Committee. Ray Courage, also a top new man at DOT, moved into the job of directing problems for the Independent Natural Gas Association.

Such organizations as the Railway Progress Institute moved lock, stock and barrel from Chicago to Washington after the Department came into being. It brought along Nels Lennartson, formerly Assistant Secretary for Public Affairs at the Defense Department. Later Frank Holeman, longtime Washington and New York newsman joined this organization. More recently he has been named Manager of the newly formed organization known as the Tire Industry's Safety Council.

A very significant feature has been the strengthening of the Washington railroad picture. In recent months a number of rail experts have been moved to Washington, some of them with the title of vice president.

Such organizations as the American Trucking Association, the Air Transport Association and the Association of American Railroads have done some shifting about but they remain very much the same. The American Waterways Operators and the Freight Forwarders Institute have reshaped their organizations. Both have become considerably stronger. Reports have circulated for some time that such shipper groups as the National Industrial Traffic League may be redone to match more the needs created by the setting up of DOT and the various congressional committees but this has not yet become a fact.

EQUAL RIGHTS AMENDMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRASER. Mr. Speaker, today I introduced a resolution which makes me a cosponsor of the equal rights amendment to the U.S. Constitution.

Simultaneously I would like to place in the RECORD two articles which are germane to the equal rights issue. The first is by Richard E. Farson and appears in the December 16, 1969, issue of Look magazine. The second appears on the front page of yesterday's Washington Post.

The articles follow:

[From Look magazine, Dec. 16, 1969]

THE RAGE OF WOMEN

(By Richard E. Farson)

On July 31, ten young militants, shouting obscenities and distributing radical literature, burst into a classroom at Macomb County Community College in Warren, Mich. When one student stood up to protest the intrusion, he was pushed into his chair and struck several times in the face. Another student attempting to leave was punched, bitten on the neck, shoulder, and wrist, and taken to a hospital for medical attention. This incident may seem commonplace until you discover that the ten young militants were women, and the literature they were distributing bore the slogan, "Women Rise Up!" Then, for most people, the story seems funny. Just how much longer such episodes will amuse us remains to be seen, for the days in which laughter and ridicule will work to contain the liberation activities of women may be about over. For many women, a long suppressed rage is now beginning to surface, and their movement for equal rights is becoming organized and gaining momentum. We are on the brink of another massive rebellion—the rebellion of women—one that is bound to have a profound impact on all of us and one that could lead to severe disruption, even a major upheaval of our society. It might actually overshadow the black revolution and the student protests, because it involves not another minority but this time a majority of Americans—51 percent. For that reason, it may force us to change where the others have not. That's not to say that members of minority groups, civil rights workers, anti-war demonstrators and student activists have had no impact on the conduct of our national affairs; they obviously have. But most Americans have not been *personally* touched by their efforts. By and large, we go about our lives in much the same way as we did before "the movement." Our neighborhoods and organizations are not integrated; the violence and destruction are pretty much limited to the black ghettos; we are still at war in Vietnam; the educational system continues unchanged in most important ways; major social and economic reforms have not been made.

Were it not for mass media, most of us would know little or nothing about these protests. Unless one is a politician, a personnel director, a college president or a policeman, he has probably not had to change his way of doing things or even change his way of thinking about most of these issues.

But when women revolt, *all* of us will change. We will not be able to escape this rebellion, because it reaches into every institution of our society and affects our most personal and intimate relationships. Unfortunately, it has been possible for society to ignore the blacks and the hippies. Mothers and wives and daughters and teachers and secretaries and girl friends cannot be ignored.

The other revolutions took us by surprise. Perhaps we shouldn't have been surprised, because clear warnings were given. But we are slow to recognize social problems and even slower when it comes to correcting them. Paradoxically, it is probably still too early to see the full potential for a women's rebellion and already too late to avoid it.

Any lead time we might have is shortened by the rebellious mood now so pervasive in our society. More than ever before, people want to take part in all aspects of life, want to determine their own futures. They want to contribute up to the level of their actual abilities, not to the level dictated by their traditional social roles. One by one, each of the groups that have been denied full participation in our society is insisting that the wrongs must be righted, that the balance must be redressed. We are getting around to women last because discrimination against them has been so thoroughly a part of our way of life. People are surprised when sociologists tell us that our prejudice against women is more deeply entrenched than that against any minority group in our society, but consider these statistics:

Twenty-nine million women are working, making up one third of our work force—yet almost none hold management or executive positions.

The median salary for women is only 48 percent of what it is for men. Women receive 10 percent less pay than men for similar jobs.

Half the women who work are paid annual salaries under $3,700. Less than two percent of Americans earning $10,000 and up are women.

After half a century of women's suffrage, there is only one woman in the U.S. Senate.

Out of more than 300 administrative posts filled by President Nixon, only 13 have gone to women, and three of those are White House secretaries.

Since the 1930's, women have actually received a decreasing proportion of master's degrees, doctorate and faculty appointments.

Most women professionals are in "women's professions"—schoolteachers, nurses, laboratory assistants, librarians.

Only seven percent of physicians are women, compared to 74 percent in Russia, for example.

Compelling statistics, but even they don't really reflect the many indignities that women endure. They are often denied independent credit, unable to get a mortgage to purchase a house, excluded from many bars, clubs and other social gathering places, dismissed as inferior, emotional, childlike, illogical, irresponsible, incapable of genius. In one state, a woman's clothes legally belong to her husband. Male college graduates are given management aptitude tests; females are given typing tests.

If you visit a women's career day on a college campus, the situation becomes clear almost at once. The organizations trying to recruit women for career opportunities are airline companies (for stewardesses), the Army and Navy (for nurses) and the local banks (for tellers). That's it. Real access to leadership positions in American society is not open to women.

But perhaps the greatest frustration arises out of the very situation that is supposed to bring the greatest satisfaction—family life. American society, aided considerably by Freudian psychology, has held marriage and motherhood to be the ultimate expression of femininity—the only approved road to happiness and fulfillment. To be a complete woman is to be a devoted wife and mother.

Marriage does offer a great deal, but not enough, tapping only a few of the dimensions of a multidimensional human being. Women, like men, are capable of a great deal more than family life.

The home, for many women, has turned out to be a prison from which there is no escape. The average woman, who bears her last child before age 30, is subject to 40 years or more of life when her children are in school or grown. Yet, during these years, she is not permitted to study or work or live in a manner equal to that of a man.

The ideal of the woman as homemaker is a major target of women's liberation groups throughout the country. They deplore the fact that today the only avenue to self-esteem is to be attractive enough to get a man and motherly enough to raise a family. Such American institutions as Mother's Day, *Playboy* magazine and the Miss America contest have felt the sting of their protest demonstrations. The day may come when their efforts in this direction will have succeeded to the extent that it will seem stereotyped and insulting to portray a "typical" homemaker in the mass media. It would then be as unwise to show a woman opening an oven door on television as it now is to show a black operating an elevator or eating a watermelon.

Every woman has her boiling point, when she will say to herself, *"Now* I understand what it's all about. I'm ready to rebel." This may happen when she suddenly realizes that she didn't get a promotion simply because she was a woman. Or when she is counseled to become a nurse instead of a doctor, or an elementary schoolteacher instead of a college professor. She may suddenly recall the times she has been treated by her husband or her boss or her lawyer as some kind of a lesser being because she is a woman. Or the way that she is trapped in the role of homemaker and exploited by countless advertisements designed to make her feel guilty or negligent as a wife and mother. The woman is caught in a web of helpless frustration—too well educated to accept anything less than identity as a full person, yet unable to achieve that identity either in the home, which is now only partially fulfilling, or in the "man's world" to which she is denied access. The difference

between what her limited roles permit her to be, and what she knows inside she *could* be, is the source of her incipient rage.

Women may *be* oppressed, but they seldom *feel* oppressed. It's as difficult for most women to respond to the call of these liberation groups as it has been for Negroes to join the black revolution. They tend to accept their circumstances with resignation and simply don't believe that they harbor great rage. Nobody really thought that the blacks were enraged either—least of all the blacks themselves—but we found that there was a great reservoir of rage there, just under the surface.

Rage is not impulsive; it appears as openly aggressive behavior only when such behavior is in one way or another made acceptable. We have seen how organizations can legitimize such rage.

The woman's dilemma is either to accept the humiliating role of the second sex or openly express the resentment she may feel. Most women, of course, deal with their anger in other ways. They may become stereotypically gossipy or castrating, but they are more likely to turn their rage against themselves and all women. This self-hate plagues the recruitment effort of the various women's groups for equal rights. Women who will organize to work for almost any other cause are slow to organize in their own behalf. They just don't feel that women are worth it. Since childhood, they have been conditioned to believe that it's a man's world and that their place in it is only in relation to him. If anything, women show more prejudice toward women and do more to perpetuate the stereotype of women than men do. Women who make statements such as, "I wouldn't want to work for another woman," or, "Her aggressiveness just isn't feminine," are marked as the Uncle Toms of the women's revolution and are held in contempt by the liberation groups. (What will we call them, Doris Days?)

We have all heard comments like these: "Women who know their place in the world and accept it are really happy." Or, "They don't really want to be leaders." Or, "This new rebellious attitude is just being stirred up by a lot of agitators who are sick women themselves." Doesn't that kind of talk have a familiar ring? It should, because it's almost exactly what we used to say about blacks, before we started calling them blacks.

The possibility of violence in the women's rebellion cannot be discounted. That is a disturbing thought, and it may be more threatening for women to consider than for men. It's difficult to picture a college co-ed or a middle-aged mother becoming a militant, violent rebel, but it should be abundantly clear that women are entirely capable of violence. We can look to their own suffrage movement, which was not without violence, especially in England, where it was bloody indeed. Or we can simply watch our evening TV newscast and see armed and helmeted girls clashing with police in Chicago.

One after another, the groups in the feminist movement have come to endorse more militant positions, because they feel a more aggressive posture seems to work where reason fails.

One lesson from the black revolution and the student protests is that what gains they have made, as well as what losses they have suffered, seem to have come too often from violence or the threat of it.

It is disturbing to speculate about this potential for violence because this time we're not dealing with a small minority but with the majority. They may control as much as 70 percent of the money. They are well educated and experienced in organizational life. And they inherit all the potent new techniques of protest and change that have come from the civil rights movement and from the student rebellions, techniques that are much more powerful than any we have used in previous generations.

More and more feminist organizations are appearing, and while the largest counts no more than two or three thousand members, they are growing in numbers and strength. There are more than 35 new groups, some strongly militant. One of the best known is the National Organization for Women (NOW), headed by Betty Friedan, author of *The Feminine Mystique*. Women's Liberation Front, a sizable organization, is roughly divided between action groups that challenge basic American institutions (family structure, capitalism), and encounter groups that feel that the first step in liberation is to help women to discover in each other their plight and their potential. Women's Radical Action Project is the Chicago branch of Women's Liberation Front. Its most noteworthy protest was at the University of Chicago, over the firing of a woman professor. Add to these groups the more militant WITCH (Women's International Terrorist Conspiracy from Hell), who reportedly train themselves in defense tactics and handling firearms; SCUM (the Society For Cutting Up Men) and so on.

An endless and perhaps irrelevant argument can be held over whether women and men are different in more than genitalia. Primitivists and biologists argue that there are important differences between the sexes, in historical conditioning and in makeup. Social anthropologists, on the other hand, can find examples of cultures in which almost anything we think of as masculine is practiced by females. At this point, it matters little. Any differences that exist must not be cause for discrimination. We no longer permit any arguments about fundamental black-white differences to justify discrimination against blacks. Why should we then when it comes to women?

The new feminists seem quite prepared to accept the consequences of equality. "Protective legislation" that supposedly is designed to provide for the weaker sex (limited working hours, lounges and rest periods, etc.) is challenged by them as discriminatory; just one more way of keeping them segregated in a cheap labor pool.

What, then, do women want? Certainly it is not dominance over men. Women of all ages dread that. The NOW bill of rights calls for an end to all forms of discrimination on the basis of sex, access to leadership positions and equal employment opportunities—not only in legislation but in practice. For example, NOW wants an end to help-wanted ads that are classified under separate headings for men and women.

Another set of NOW demands clusters around eliminating the penalties that come with pregnancy and motherhood. NOW's women demand the right to return to their jobs within a reasonable time after childbirth without loss of seniority or accrued benefits, and to be paid maternity leave as a form of Social Security or employee benefit.

They expect a revision of tax laws to permit deduction of child-care costs, provision for government-supported child-care centers and removal of laws governing abortion and birth control. Other demands have to do with guaranteeing equal opportunities in education, including graduate and professional schools, and "revision of welfare legislation and poverty programs that deny women dignity, privacy and self-respect."

Now, the push is for equality with men. Ultimately, however, women may want to become equal to themselves, to realize their own potential—again paralleling the black revolution. Who could have guessed that the blacks didn't simply want what whites have, but instead what they themselves have, their own natural way of being? Who could have predicted a few years ago that blacks would be interested in eating soul food and wearing their hair natural and taking black history courses? If we have come to see that black is truly beautiful, what would it mean to say that woman is beautiful?

Who, for example, might the sexually liberated female be? Here we must be highly tentative because the present influence of sexual freedom groups and lesbian organizations is very difficult to assess. Compared to the mainstream, they do not represent strong currents. We can guess that with the end of the double standard, any concern for chastity will give way to concern for fulfillment. Beyond that, we are probably safe in predicting that heterosexuality is likely to persist as the dominant sexual mode. Around that norm, we may see very different trends. Sexual liberation could mean something quite different, depending upon each woman's previous personal experiences. For some, liberation will be a freedom from sexual pressures and sexual guilts. Sex for countless millions of women has been so full of pain and fear and shame and disappointment that their liberation may be to enjoy a nonsexual life. Others may tend toward lesbianism or bisexuality. In any case, women are likely to become more dominant and aggressive. And studies by Abraham Maslow show that dominant women, contrary to the popular myth, enjoy sex more than submissive women.

As long as we are exploding myths, the idea that women who work are inferior mothers is just not true. Studies show no difference in child-rearing effectiveness between mothers who work and mothers who don't, except that working mothers tend to feel guilty for working. Incidentally, the best workers are also the best mothers.

Also, research indicates that children who are reared in child-care centers, even full-time 24-hour ones such as the kibbutzim in Israel, show adjustments at least as good as those of children who are brought up at home by their parents.

The strategy that will benefit us most will be not only to meet the women's demands but to go far beyond them. We must radically change our schedules of work to enable women, even mothers of infants, to pursue careers of their choice. There is, after all, nothing magical about the nine-to-five workday, which was designed mainly for the convenience of men.

More difficult will be the redesigning of our places of work. Work centers that include child-care units, recreational facilities, even residences must become commonplace in the United States. Sweden has made significant progress along these lines with consequent improvements in the education and employment of women.

Practically everything about our way of life—our economy, our laws, our recreation, our schools, our homes and our cities—will require redesigning to permit women full participation. If this seems too much to ask, it may help to recognize that big changes are necessary to solve big problems, that big changes are relatively easier to make than small ones, and that gradualism, in spite of its rational appeal, has never really worked.

Women's liberation is a cause awaiting a mobilizing incident and a charismatic leader. The student movement needed the Berkeley Free Speech Movement episode and Mario Savio; the civil rights movement needed the Montgomery bus boycott and Martin Luther King, Jr. The women's struggle could take many forms, only depending on the incident and the leader.

There may be a magnificent outcome to all this. A new woman may emerge—a person who is more interesting to be with because she likes herself. She may have a new sexuality, a new beauty and a new relationship to offer a man. The effect on the man may be salutary indeed. Perhaps then he, too, will be liberated.

Women have always been a great humanizing force in our society, devoting an enormous amount of time and energy in their

support of social reforms, beginning with the movement to abolish slavery and continuing with their efforts on behalf of child-labor legislation, social casework, slum clearance and many other programs promoting health and welfare. Now perhaps they will rechannel this energy towards helping themselves achieve full humanity. The women's revolution could lead to a genuine human revolution in which we will no longer be willing to settle for so much less than our potential, in which we will no longer allow ourselves to be exploited and deceived, in which we will no longer permit our environment to be polluted and our children endangered, in which we will no longer endure the inanity and superficiality of our human relationships, in which we will no longer tolerate war and violence as the ultimate solution to human conflict.

[From the Washington Post, Nov. 30, 1969]

POLICE WOMAN MUST NOW BE BIG AS MEN

(By Anne Hebald)

Last spring a young woman applied for a job as a policewoman on the metropolitan police force. She failed to qualify because she held only a high school diploma. Women on the force, unlike men, are required to have further education.

She filed a complaint with the D.C. Human Relations Commission citing discriminatory hiring procedures in the metropolitan police department.

The police department responded more literally than the young woman had expected.

The department removed the requirement of higher education for women but at the same time imposed an "equal" physical requirement. Washington policewomen, like men, must now be between 5 feet 7 and 6 feet 4. The minimum weight for women is 118 pounds, for men 135.

Previously, a policewoman could be as short as 5 feet 1 (but no taller than 5 feet 10) and could weigh as little as 110 pounds.

The young woman whose complaint resulted in the changed requirements still cannot get a job on the force.

She is shorter than 5 feet 7.

Chief of Police Jerry V. Wilson responded in an interview yesterday saying, "My point is that if we're going to give women the same work we give men, we've got to hold them to the same size requirements.

"If we set a lower height standard for women doing the same work as men," he said, "then we'd be discriminating against men. The human relations commission would then be getting complaints from short men."

Chief Wilson said the 17-pound difference between minimum weight for policewomen and that for policemen is "a question of effectiveness." He was referring to the difference in weight between a healthy male and a healthy female of the same height.

"It is a fact in this country that most women are shorter than 5 feet 7 inches," J. Donald Anderson, acting deputy director of the D.C. Human Relations Commission, said in an interview yesterday.

The average height of American females is 5 feet 5, according to a study made at the New York University School of Medicine.

Anderson said, too, that "when you translate the requirements you have for men into the same requirements for women, you are still discriminating against women."

Chief Wilson asked the Civil Service Commission in August to amend its regulations governing the admission of women to the uniformed police force. Then, on Oct. 28, he ordered the educational and physical requirements for women changed as part of an experiment.

The personnel director of the police department, James M. Murrey, said in an interview, "As an experiment, we want to see how many situations we can use policewomen in. We want to greatly expand her role on the force."

"We're setting a limit of 100 women for this experiment," Murrey said.

He said he did not yet know the exact length of time the experiment would be in effect. "Several months, maybe a year," he said.

The experiment is intended to add to the police force "a different kind of woman, now," as Murrey phrased it.

Until Oct. 28, the policewoman in Washington was assigned to work on crimes committed by and against women. They were, more or less, social workers within the structure of the police department.

Of the 77 women listed Nov. 25 on police personnel records, 30 are still detailed to the youth division. The youth division is the name given to the former women's bureau, which was dismantled in 1967.

The remaining 47 are detailed to squads outside the youth division, but their work still centers on women.

Officer Romaine Powell, 27, is the first and only woman on the homicide squad. A graduate of Howard University who majored in sociology, Officer Powell has specialized in abortion cases for the past year and a half. She has been on the force since 1965.

"It (an abortion) is a very personal matter and a woman feels more at ease talking to another woman about an unwanted pregnancy," she said in an interview.

In the youth division, Capt. Frances McCall, the highest ranking woman in the police department and a 21-year veteran of the force, told a reporter that the gist of her division's work concerns juvenile delinquency, its causes and prevention.

Capt. McCall also spoke of the undercover work that policewomen have performed:

"A policewoman's work can be very dangerous," she said. They have been called upon to act as decoys when a rapist or mugger is at work.

"In one particular gambling raid, we found we had to have policewomen infiltrate when the suspects became suspicious of our undercover men."

Three policewomen work on the 24-officer sex squad.

Officer Dorothy Peppers, the mother of a 4-year-old son, told a reporter, "Most victims feel more comfortable discussing sex with a woman."

Officer Shirley D. Williams, 24, describes her work in the youth division as "being out on the street every day, getting exposure to what factors go into making a youngster a criminal."

A 1968 graduate of Howard in sociology, Officer Williams said in an interview that working with mothers and children makes her job "rewarding."

Coordinator of the police department's community relations division is Officer Carolyn Charity, who has been on the force since 1954. She represents the police department in American government classes twice daily at the U.S. District Court Building.

"This job is total fulfillment," Officer Charity told a reporter. "There's no boredom and I have the chance to reach young people every day. I work in the community doing work that needs to be done."

MSGR. RAYMOND PUNDA PULASKI DAY AWARD RECIPIENT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ZABLOCKI. Mr. Speaker, it was my privilege and honor recently to attend the annual Pulaski Day banquet of the Milwaukee Society-Polish National Alliance. It was particularly a pleasure to be present at this auspicious occasion because the guest of honor and recipient of the Pulaski Day Award was a respected friend, the Right Reverend Monsignor Raymond A. Punda.

As you know, Mr. Speaker, Pulaski Day commemorates the lasting contribution of Gen. Casimir Pulaski to our Nation. Fittingly, Monsignor Punda was chosen for special tribute because he, like General Pulaski, has so readily and selflessly served his fellow man.

At a time in history when we are confronted with trouble and violence, at a time when ideals and leaders are needed, at a time when to some more appears to be wrong than right—at times like this it is especially appropriate that we single out for distinction men like Monsignor Punda.

As a young and energetic curate, as an educator and principal of Notre Dame High School, as a devoted pastor of St. Stanislaus Church, and as a respected civic leader, Monsignor Punda has given exemplary service to his Church, his people, and his community.

In order to bring to the attention of my colleagues Monsignor Punda's efforts as an outstanding Polish American citizen, I am pleased to place in the RECORD at this point the addresses of the Most Reverend Alfred L. Abramowicz, auxiliary bishop of Chicago, and of the distinguished Dean of the Marquette University School of Speech, Prof. Alfred J. Sokolnicki:

TRIBUTE TO MONSIGNOR RAYMOND PUNDA

(By the Most Reverend Alfred L. Abramowicz)

I am honored by your invitation today. Bonds of priesthood and friendship have joined Monsignor Punda and myself for over a decade.

He has been to me a personification and an actual realization of what the American Pole should be—first and foremost an American—because this U.S.A., currently so troubled and fissured, is our native land, our fatherland for which we live and die. Under the Star Spangled Banner we have been guaranteed our dignity as a person, our opportunities for education and development, our freedom of religion and speech and a constitutional right to life, liberty and pursuit of happiness.

As an American of Polish descent, Monsignor Raymond Punda has gloried in his rich Polish heritage and made his contribution to America from the inheritance he has received.

He is a Pole who does not merely render lip service to the land of his ancestors, but has sacrificed his time, talent and finances in Poland's dark hours of need.

He is a son of Generals Pulaski, Kosciuszko and Krzyzanowski, whose battle cry was, "For your Freedom and Ours," and wavered not to volunteer his service in World War II.

He is a Pole who sees his heritage not in a folk dance, "kielbasa and kapusta," but in the illustrious giants of science like Copernicus, who established the scientific basis for our Space Age and expeditions to the moon—Sklodowska, whose discoveries resulted in today's program of Cancer Research, and Funk, who discovered health-giving vitamins; international and immortal musicians like Chopin, Moniuszko and Paderewski; literary geniuses like Mickiewicz, Sienkiewicz, Conrad, and Reymont; freedom loving men like Paul Wlodkowicz, Andrew Frycz, Chris-

tian Post, who with their mighty pens fought for the dignity of the Jew, liberty of the Protestant and reform, abolishment of slavery and equality of all social classes.

Unfortunately, because of past American Anglo-Saxon prejudices or preferences, these names are not given the prominence they deserve in our American history books—nor are they sufficiently mentioned in our news media.

Nevertheless, such great men and women of Poland are a part of the man you honor today—Monsignor Rayond A. Punda—a great American—a great Pole—a great priest.

ADDRESS HONORING MSGR. RAYMOND PUNDA—OUTSTANDING MILWAUKEEAN OF POLISH DESCENT

(By Alfred J. Sokolnicki)

The Milwaukee Society of the Polish National Alliance deserves commendation for demonstrating one fine trait of the Polish character as it honors a clergyman and educator—the Very Reverend Monsignor Raymond Punda as the Outstanding Milwaukeean of Polish Descent in 1969, for his achievements, devotion, and outstanding leadership in Church, Civic, Educational and Cultural organizations and activities.

In Poland's historic tradition, men of the cloth have played a vital role in the religious, political, social, educational and cultural life of the people. Monsignor Punda's contributions in these areas continue and reflect this tradition in our modern age in our Polish-American community.

Polish priests have made outstanding contributions to the life of the church, country and learning. In honoring Monsignor Punda this evening, we also honor these great men from whose lives he has drawn a good example.

Father Jan Dlugosz, 15th century priest, was one of the first Polish historians. The 12th century missionary St. Hyacinth Odrowaz crossed Turkestan and Tibet to reach China preaching Christ's gospel on his way. Father Michael Boym, 17th century priest, brought back from China substantial knowledge of Chinese botany and medicine. Father Jude Thaddeus Krusinski, 17th century scholar, was the first known student of Persian culture and history. His book was translated into many languages. Through the initiative of Father Maximillian Ryll, who lived in the 19th century, the Central Asiatic Seminary of the Jesuits was founded in Syria. It was later transformed into a university.

Nicholas Copernicus, the famous educator and astronomer was a priest. Bishop Adam Krasinski and Father Hugo Kollataj were among the authors of Poland's famous Constitution of the 3rd of May, 1791. Father Augustyn Kordecki, superior at the Czestochowa shrine, is ever renowned as a staunch defender of that holy place during the Swedish invasions. Under Jesuit, Father Peter Skarga, eloquent orator and adviser to the Polish government, the unity between the Catholic and Greek Orthodox Churches was effected in 1596 creating the Uniate church.

While the list could be extended, we can recall other famous Polish distinguished priests, teachers, and saints as St. Stanislaus Bishop and Martyr, St. Stanislaus Kostka, St. John Kanty, and St. Andrew Bobola.

We are making history this evening as we honor an outstanding Milwaukee priest of Polish descent . . . Very Reverend Monsignor Raymond Punda—the second clergyman to be distinguished in this manner. In 1958, the first clergyman to be honored was our late beloved, Bishop Roman Atkielski.

Monsignor Punda, as the current pastor of St. Stanislaus—the first city parish for Polish speaking people in America, which founded the first elementary school under Polish influence . . . and the principal of Notre Dame High School, the only high school under Polish auspices in our city . . . deserves this honor and commendation.

Monsignor Punda exemplifies the basic motto of the Polish people—to serve God and country. He distinguished himself by volunteering his life to serve his Church, and also volunteered four years of his life to active service to his country when he was Chaplain in the Solomon and Philippine Islands.

Tonight's distinguished honor recipient was born on the northeast side of Milwaukee on February 19, 1913. He attended St. Casimir elementary school. His high school days were spent at St. Bonaventure High School in Sturtevant, Wisconsin from which he graduated with highest honors in the class of 1931. Evidence that he was destined for leadership throughout his life began here when he was elected class president, and editor of the school paper and school annual.

In 1931 he entered St. Francis Seminary and was prefect of boys there for three years. Archbishop Stritch ordained Father Punda on June 3, 1939, and a few weeks later appointed him as assistant to Monsignor Wenta, pastor of St. Stanislaus Church. The newly assigned curate did not realize that this was to be his only parish assignment as he has served at St. Stanislaus since then.

During the years 1939–1942, Father Punda was a teacher and athletic director at Notre Dame High School.

In the spring of 1942, he volunteered for military service as infantry chaplain. His service career took him to Fort Bragg, North Carolina, to the 42nd Rainbow Division at Camp Gruber, Oklahoma. He served with the 37th Division in the Solomon and Philippine Islands for two years. For bravery in action he was decorated three times being awarded the Silver Star and two Bronze Stars.

In 1942, at the request of Archbishop Kiley, Father Punda wrote a prayer booklet "Novena, to Our Lady of Victory for Victory and Peace." It was used as a weekly service in most campus and overseas stations and in thousands of churches. Over one million copies were sold as the booklet enjoyed the popularity of 13 printings.

In December of 1945, Fr. Punda returned from the service with the rank of Major. He remained in the active reserves for seven more years.

Returning to the active life at Notre Dame High School, Father Punda was appointed Principal in September 1946—a post he still holds for the 24th year. Pursuing advanced study he received a Master's degree in Educational Administration from Marquette University with a Straight *A* average in 1951. Exerting educational leadership, he was one of the co-founders and first president of the Wisconsin Association of Principals of Catholic Secondary Schools, in 1955. He served as president for two years.

At the beginning of the Korean War, Father Punda wrote a prayer booklet "Our Lady's Crusade for Peace," with a Homefront and Servicemen's edition. It was used during the war as a weekly prayer service. Over a million copies were sold.

The pastorate at St. Stanislaus was Father Punda's by appointment of Archbishop Meyer. In preparation for its centennial to be held in the fall of 1966, Father Punda began complete restoration and renovation of St. Stanislaus in 1959. In assuming this monumental task he felt the responsibility of preserving much of the original beauty of the church which was built as a monument to the great generosity of hard-working people whose meager means were sacrificed so that God's edifice would be the finest they could build. The renovation emphasized the basic beauty of the church . . . this was for the 20th and 21st century parishioners to appreciate the sacrifices, foresight, and devotion of the 19th century founders of the parish. The church is now regarded by many experts as one of the most beautiful in the midwest.

St. Stanislaus was selected as a National Historical Landmark by the U.S. Department of the Interior. A deserved honor for the Mother Church of our Polonia, which was the home of the first Polish bishop in Milwaukee—Bishop Kozlowski. It was at St. Stanislaus that Monsignor Roman Atkielski was an assistant when called upon to serve our archdiocese in the Chancery.

St. Stanislaus, with its two golden spires, stands out as a landmark and monument to our Polonia. It is there too that we find the world's largest mosaic of Our Lady of Czestochowa, as the enshrined Madonna looks down at passersby on Mitchell Street . . . some kneeling there to pray. In October 1967, Bishop Atkielski unveiled this inspiring symbol of faith, as many faithful men and women held lighted candles and sang and prayed. Busy Mitchell Street, and bustling South 5th Street came to a halt, because the faithful were honoring the Madonna!

During the 30 years at Notre Dame High School, Monsignor Punda saw 5,000 students from 125 parishes graduate. The schpol, which is owned by St. Stanislaus parish since its founding in 1932, always maintained the lowest tuition of all the Catholic high schools, and received no financial help from the diocese or any other parish.

In 1956 the entire high school building was renovated and modernized for the silver jubilee in the fall of 1957. The school received the National Freedom Foundation award for its outstanding program of student participation in school government and activities.

Monsignor Punda identifies with the land of his birth—the United States and with the land of his parents' birth—Poland. He traveled to Poland and met with Cardinal Wyszynski, the Cardinal Primate of Poland in 1959, and in 1967. He was at the special audience Pope Paul had for the Poles when the archbishop of Krakow, Karol Wojtyla became a Cardinal. While in Rome, Monsignor Punda also met Bishop Wladyeslaw Rubin, whom we remember from his Millenium visit to Marquette University and St. Stanislaus, when representing Cardinal Wyszynski.

There is a word in Polish for a true priest-evangelist—it is *kaznodzieja*. In these modern times one would think that this traditional, honorable, and faithful class of clergyman and leader of the flock would be extinct. Thankfully, in Monsignor Punda we have a "kaznodzieja."

Monsignor Punda has been honored by church and town. In 1965 he was invested a Monsignor by Archbishop Cousins.

He is a member of the Cudworth Post of the American Legion since 1946, and has served as chaplain of the post.

Academically, his credentials and accomplishments have merited inclusion in Who's Who in American Education.

He is listed in Community Leaders of America, again in recognition nationally, for his many endeavors.

In November of 1968, he was awarded the famed Citizenship Award of the Mitchell Street Advancement Association, "in grateful recognition of his untiring efforts and devotion to those ideas which contribute so magnificently to the betterment of our community."'

The most recent tribute to Monsignor Punda was appointment to a seat on the Children's Court Advisory Board, identifying him as an active member of his community working for the good of her citizens and their children.

Without fanfare, in his quiet way, Monsignor Punda has worked diligently for the good of his parishioners, the students at Notre Dame High School, and the citizens of his community. In visiting St. Stanislaus parish hall, one can find there at one time—the Mazur Polish Dancers presenting a mock Polish wedding—at another time special revues of Polish artists from Poland. Tomorrow evening, the Polish revue ESKULAP will perform there.

Monsignor Punda has lived up to the true Polish tradition of giving one's self to God and country. His excellent record of achievements as a parish priest, pastor, principal of a high school, and respected member of the community, eloquently attests to his devotion to his professions in religion, education, and good citizenship.

In this era of crumbling traditions, loss of respect for the authority of God and civil society, and defiance of tradition, we must look to such leaders as Monsignor Punda for good example, leadership, and inspiration. As a spiritual leader of a parish, as principal of a high school, as a respected citizen, he has used every opportunity to show his leadership in a quiet way. He has touched many lives, and because they have touched his, they will be better lives!

In this audience this evening are leaders of our society. Each of them is an influential person—each is involved in many profound and far-reaching activities. . . . Yet, all of these leaders pause tonight to honor Monsignor Punda because they know that he has earned their great respect and commendation.

Truly, Monsignor Punda exemplifies the traditional motto of the land of his parents, Poland—Polonia Semper Fidelis—Poland Always Faithful. So we say tonight—truly, Monsignor Punda is Always Faithful.

SURPRISE IN THE HOUSE: JETS FOR TAIWAN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRASER. Mr. Speaker, the following article by Warren Unna appeared in the Sunday, November 30, 1969, Washington Post.

It gives the Members of this House some background on the $54.5 billion we authorized recently for Nationalist Chinese aircraft.

SURPRISE IN THE HOUSE: JETS FOR TAIWAN

(By Warren Unna)

Last week a surprise amendment to grant Chiang Kai-shek's Nationalist China $54.5 million for a squadron of F–4D jet fighter planes was offered during floor debate and passed as part of the House's foreign aid authorization bill.

Few congressmen knew anything about the amendment. They assumed the Nixon administration was behind the request. So a small House gathering first voted the amendment through by voice vote and then, after it was challenged and a quorum brought in for a roll call vote, the amendment passed, 176 to 169.

The Nationalist China jet squadron was not in the administration's bill, and it still is unwanted by the White House, the State Department, the Agency for International Development and at least the official heads of the Defense Department.

Its passage so angered the House's dwindling coterie of foreign aid friends that the full aid bill nearly was scuttled in its entirety.

The final vote on the $2.2 billion bill was 176 to 163 and the close margin was attributed directly to the planes for Taiwan.

The bill still must be considered on the Senate side. The fate of the squadron for Taiwan will further hinge on foreign aid appropriations in the House and Senate. But the House action still was a considerable coup.

Rep. George Bush (R-Tex.) said later: "I wish I had known the administration was against it before I voted for it."

Pulling a rabbit out of the hat is not unknown in House floor maneuvering, but the Chiang Kai-shek squadron really started revving up just about a year ago.

Last November Rep. Otto E. Passman (D-La.), chairman of the House Foreign Aid Appropriations subcommittee, made his annual state visit to Taipei and was received by Generalissimo and Madame Chiang.

The United States had just granted South Korea an extra $100 million in military aid following increased activity by Communist North Korea that resulted in an assassination attempt against South Korean President Park, the capture of the U.S. spy ship Pueblo and stepped-up infiltration into South Korea. The $100 million included a new squadron of F-4 jet fighter planes.

Nationalist China's Chiang decided that with the improved Mig fighters Communist China was flying, he had as good reason as South Korea to get a new U.S. jet squadron.

"It was brought to my attention that they just felt that they should have a squadron and I'm a good listener," Passman said in an interview. "I think that whole part of the world is as hot as a firecracker. It was on that basis that I did some footwork."

Since the House Foreign Affairs Committee waited until this month to get the current fiscal year's foreign aid authorization bill on the House floor, Passman, understandably, had to do some running in place.

Meanwhile, another friend of the Chiangs, Rep. Robert L. F. Sikes (D-Fla.), a reserve major general and a key member of the House Defense Appropriations subcommittee, made his state visit to Taipei last August. Presumably Sikes also was told about the need for new jets.

MORGAN PERSUADED

A third friend of Nationalist China, Rep. L. Mendel Rivers (D-S.C.), chairman of the House Armed Services Committee, recently persuaded Rep. Thomas E. Morgan, chairman of the House Foreign Affairs Committee, to quietly insert a small observation in his committee's foreign aid report.

It read: "There is danger that the number and quality of aircraft in the Nationalist China inventory may not be adequate to cope with the new and sophisticated aircraft now appearing in increasing numbers, in the armed forces of Communist China."

Then Passman, Sikes and Rivers, with their Pentagon connections, urged some high-level Air Force telephone calls to House Minority Leader Gerald R. Ford (R-Mich.) to enlist his assistance.

"There must have been some help from the Pentagon because of Jerry Ford's role," Passman observed blandly. And then he warmed up: "I think the Congress must assume some responsibility. We're not supposed to be just rubber stamps on all the bureaucrats in Washington. When my country is at war, I'm going to support it. I think we should keep our muscle taut."

There still remained the matter of actually drafting the amendment. The day before the House's floor action, Rep. Sikes tried to have the staff of the House Foreign Affairs Committee do it. Rep. Clement E. Zablocki (D-Wis.), at that moment acting committee chairman, described Sikes' request as "a bit unusual since the matter never had come before the committee and Sikes wasn't even a committee member."

Rep. Passman then stepped in. Administration officials said he summoned some Pentagon officials to his office on the morning the bill was to be considered to help him draft the amendment which Sikes, later in the day, was to introduce.

"I asked them for some help if they believed in the amendment," Passman said later. "But not in the actual drafting. I knew all about that and just where to insert it in the bill."

Then, later in the afternoon debate, Rep. Sikes offered his amendment with these words: "If we have to give, let us give it to those who we know are with us. . . . In my opinion, Nationalist China is one of our best friends—if not our best friend—in that part of the world. . . . This is just a drop in the bucket compared to the amounts of money that they require for even a minimum defense of the Republic of China."

THE "NEED'" PARAGRAPH

In quick succession, Sikes was followed by Rivers and Passman and a platoon of their allies all "associating" themselves with the amendment. Rep. John J. Rooney (D-N.Y.) had the assignment of noting the "need" paragraph that Rep. Rivers had inserted in the House Foreign Affairs Committee report.

Rep. Passman, according to onlookers, then started whispering around the debating table: "If you want to save $200 million on the rest of the bill, you had better agree on this one."

Meanwhile, Minority Leader Ford also began lining up votes. Ford later said he had heard about the amendment only two days before—from Sikes—did some "independent checking of my own to very high-ranking responsible people in the administration" and became convinced that Chiang Kai-shek's jet squadron—which the administration hadn't sought—really was wanted.

Rep. H. R. Gross (R-Iowa), who ranks himself with Passman as the leading foreign aid opponent in the House, then jumped up.

"I believe the record ought to at least show that there were no hearings, no justification whatever—before the Foreign Affairs Committee. . . . This is too much money to add to this bill without the slightest justification except the statements of the sponsors," Gross said.

Rep. Donald M. Fraser (D-Minn.), chairman of the Democratic Study Group, noted: "There is no credible evidence that the Communist Chinese have a capability of invading Taiwan. This free use of the taxpayers' money is the reason why our program gets into trouble."

After the vote in which the $54.5 million jet squadron authorization was approved—with no restrictive fixed-year for spending required—some of the Republican Congressmen in the Speaker's Lobby were advising a check with "the Watergate."

A Watergate Apartments penthouse is occupied by Anna Chan Chennault, widow of the Flying Tigers general and a Washington hostess who cultivates friends for Nationalist China.

"All I know was what I read in the papers, Mrs. Chennault said in a subsequent interview. "Congressman Passman was a very good friend of General Chennault's because they both come from Monroe, La., but I haven't seen him in many years. Our legislators develop their own judgment. I'm an American. Lots of people talk about Anna Chennault as a 'lobby for China.' I am the biggest lobby for America. I always try to bring about a better understanding."

For his part, Passman declared: "Mrs. Chennault? I didn't even know she was Vice President of Flying Tigers Airlines or living in Washington. She had no knowledge of this. Mrs. Chennault runs her business and I run mine."

The Senate reportedly will not go along with Chiang Kai-shek's jet aircraft amendment and, even if the matter should survive in conference with the House, the administration says it is determined to get around it.

But the implementing part of foreign aid is in the appropriations process, and this is

where Rep. Passman for years has reigned supreme. He says the original administration request for $2.6 billion in economic and military aid should receive an actual appropriation of only around $1 billion. It is not clear whether his $200 million threat on the House floor meant adding or subtracting from his $1 billion target.

It is clear that the more that is added to military aid the less is available for economic aid.

Last year, Passman sent out word that the $30 million allotted to Nationalist China in military aid had better be raised by $6 million or the rest of the bill would be in jeopardy.

"We therefore did right by him and he did right by us in giving us the full appropriation on the military side," one government official disclosed.

This year, the Pentagon says it has no F4–D jet fighter squadron readily available, and doubts that $54.5 million would pay for one anyway.

But Passman said the Air Force's support "goes all the way to the top." The Louisiana congressman feels encouraged.

"I have the honor to chair a committee which gives me a little leverage," Passman said. "And even though I am a foe of foreign aid and voted against this overall bill as I always do, I'm going to do everything within my power for this little amendment."

A SPECIAL KIND OF BIAS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 2, 1969

Mr. FANNIN. Mr. President, Vice President AGNEW's journey into the sacred land of some journalistic opinionists has apparently pricked the ultrathin skin of some who pride themselves on being able to dish it out, but quake in the process of "taking it."

The Milwaukee Sentinel of November 21, 1969, has written an excellent editorial which makes a contribution to the discussion on this matter I consider most enlightening.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SLD BIAS

What is the bias that Vice-President Agnew called into question in his speech criticizing network television news?

Agnew didn't attempt to spell it out. We do. Specifically, it is socialist, labor and Democratic, in that order.

Contrary to what Agnew suggested, this socialist-labor-Democratic bias, hereinafter referred to as SLD, is not confined to a little group of TV editors and personalities. Instead, it is characteristic of that part of the nation's news media ruled by the Washington-New York axis.

Network television merely reflects—or, more accurately, casts the shadows in advance of—the SLD bias. The reason for focusing on TV, as Agnew pointed out, is because of its tremendous national impact.

SOCIALISTS WANT A RULE BY FEW

It cannot be emphasized too strongly that the socialist bias comes first. Too many of the people who gather and present the news in America are the products of colleges where they were brainwashed to love socialism and hate capitalism. The socialists are for government by the elite few, such as they have in the Soviet Union. They despise a free market, simply because it puts power into the hands of all the people instead of into the hands of those few who presume to know what is best for us common folk.

Therefore, the socialist conditioned reporter or commentator, whether wittingly or unwittingly, chooses the stories, words, phrases and expressions which tend to advance the collectivist cause and to impede the capitalistic system and free market economy. This attitude even leads them to be soft on communism and hard on Americanism.

How does the labor bias then come in? It comes in second because the socialist minded cleverly recognize that in labor they have the voting troops with which to exercise political power in the democratic process.

Labor enjoys a special privilege in the form of compulsory unionism which gives it the money and the muscle to wield extraordinary political power. Small wonder that socialism makes labor its ally.

Thus when the labor unions serve socialism's aims, as in domestic spending programs, the SLD biased news media work hand in glove with them. But when labor unions go against the socialist minded, as they did in voting in support of the Nixon administration on Vietnam, they are given the silent treatment.

As for the Democratic bias, this is so simply because the Democrats have been the party of the labor unions and, in the north, the friend of socialism. Democrats who don't please the SLD bias are given short shrift on publicity, while any Republican who does something to please the SLD can count on the fullest national exposure, at least on one issue. One has only to check the record on publicity given senators against the antiballistic missile system or against the confirmation of Judge Clement Haynsworth to the supreme court to see the SLD bias at work.

When anyone dares to charge this Washington-New York axis with bias, it turns on two defense mechanisms. One is to raise the specter of government censorship. The other is to invoke the right of dissent.

In doing so, the SLD biased news media divert attention from the issue of their bias. They should not be permitted to get away with it, especially considering, as the vice-president said, a form of censorship already exists in the axis' own operation. And as for dissent, the SLD biased reporters and commentators seem to take the position that it is all right for them, but not for anyone else who is so bold as to challenge their prejudices.

A FOURSQUARE SOCIETY FOR A BETTER AMERICA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. WYMAN. Mr. Speaker, occasionally prominent lay members are privileged to deliver the Sunday sermon in congregational churches across the country. Recently at my own Brookside church in Manchester, N.H., such an outstanding lay message was delivered by Mr. Carl Noyes, of Manchester, that I am including it in the CONGRESSIONAL RECORD for the interest and benefit of all citizens. It is a challenging, dynamic response to a sorely disturbed society.

As an example of interest to colleagues and others the following is an excerpt from Mr. Noyes' compelling address:

Other disturbing things have been happening. Non-books and non-plays are being thrown together and sold by non-writers who never bothered to learn how to write. Murky poems are being ground out by scraggily poets who have to sing them to their audience because they are unreadable. And non-actors have now confused acting with lewdness and nakedness. If you agree with these remarks, we will all definitely be branded as squares, but if we are so branded, remember that we will be in pretty good company, because our Christian world, and this country was discovered, put together, fought for, and saved by squares. It's easy to prove that Jesus Christ, Nathan Hale, Patrick Henry, Paul Revere, George Washington, Benjamin Franklin and almost anyone else you would want to claim as a hero were squares. You can prove it by thinking what anyone of them would have said if he had not been a square. For example—

Jesus Christ—What, *me* carry a cross up Calvary Hill so I can redeem mankind. Let them save their own souls!

Patrick Henry—Sure I'm for liberty first last and always, but let's be a little realistic. We're a pretty small outfit and if we start pushing the British around *someone* is going to get hurt.

Paul Revere—What do you mean—me ride through every Middlesex village and town? And in the middle of the night yet? Why pick on me? Am I the only man in Boston with a horse?

Benjamin Franklin—What we really need as an American Ambassador to France is a young man. I'm 70 years old. It's time a new generation took over.

Are you convinced now that your heroes were squares? And yet it's difficult at times for us to emulate them. The forces of conformity are still strong. Too many of us are *sitting* it out instead of *sweating* it out. Too many of us haven't got the guts to stand up straight and be square. Because the opposite of square is round and being round is so much simpler. Responsibilities and problems roll off nice and easy. Too many of us know the short cuts and too few know or care where the path leads. Too few of us dare to leave the path, because the path is always the easy way, the way most people go. But there is no path to the future, no path to greatness, no path to progress, no path to outer space or to inner satisfaction.

Think a little about this organization called S.O.S.—Society of Squares. It could have a secret handshake consisting of grabbing the other guys' hand as though you meant it and looking him straight in the eye. It would be in favor of participation, and against sitting life out, for simplicity and against sophistication, for laughter and against sniggering, for America and against her enemies, for the direct and against the devious, for education and against the pretense of learning, for building and against tearing down; for the honest way and against the short cut. Aren't you glad to be a square and wouldn't you like to join the S.O.S.?

Would that all across this great land of opportunity there might be 10,000 Carl Noyes to similarly urge Americans to stand foursquare for a better America.

The sermon follows:

We are living in troubled times. There is dissension in the ghettos, there are grave racial problems, there is unrest on the college campuses, there is great disagreement on national policy as it affects the war in Viet Nam, and people are staying away from church by the thousands because they think the church is either not relevant, or because they think the church is taking positions and stands which have nothing to do with religion. During troubled times such as these, allowing freedom of speech and permitting people to voice unpopular opinions can be

a soul searching experience for any administration, whether it be in Washington, on the college campus, in the hierarchy of the church, or even in the home where the parent finds himself at odds with his teen age children.

You may be asking at this point—what has this got to do with the church budget and the every member canvass? The connection may be more apparent if I read to you a news item in the November 7th Union Leader which reported that the Trustees of the New Hampshire Conference of United Church of Christ voted to provide financial assistance to persons wishing to participate in the current anti-Viet Nam demonstrations in Washington, D.C. I quote from the article as follows:

"Charles D. Broadbent, Conference Associate Minister, announced that Dr. Robert Moss, President of the United Church of Christ will take part in the 'March against Death' set for November 13–15 in the nation's capitol. The Board of Trustees of the N.H. Conference has considered his invitation to other churchmen who share his concern to join with him in calling for the end of the hostilities in Viet Nam and believes it should pass on this information to our people in the state. The Associate Minister said the board also believes that it shall make possible participation by those who may need some assistance in travel expense. A modest amount of support has therefore been set aside for those whose Christian convictions lead them to participate in this particular activity."

Several of our members have voiced their objection both verbally and in writing to this use of church funds in a cause which many of us do not support, however much we may agree with their right to state their opinion. This article was the subject of lengthy discussion at the last meeting of the Board of Trustees of this church, both as to the effect it might have on our present every member canvass, and as to whether we should provide funds in our budget for the Christian World Mission of the United Church of Christ. We were told that only five Trustees of the N. H. Conference out of only nine present took this action over the objection of Dr. Everett Barrows, Executive Director of the N. H. Conference and that the repercussions have been such that a special meeting of the full board was called for November 14th to consider rescinding the previous vote. We also understand that six churches in New Hampshire have threatened to resign from the conference in opposition to this vote. I think all of us agree that the war in Viet Nam is a most unpopular war and we would all like to see it over with. There are many distinguished leaders, both military and civilian who question the wisdom of the United States being involved in the war. I have a draft age son and a college daughter to whom I am sometimes unable to give intelligent answers, and I confess to being bewildered at times myself. On the other hand, I do have faith in the democratic system by which we establish national policy. I don't believe in government by referendum, nor do I think national policy should be set in the streets. I think it is a shame that patriotism is considered to be old fashioned and I object violently to having church funds used to support what I consider to be an unpatriotic cause, that has nothing whatsoever to do with religion and the proper goals of the church.

What should we do? Should we secede from the United Church of Christ? I think not. I don't think we can blame Dallas for Jack Ruby, nor Memphis for John Ray nor can we blame Los Angeles for Sirhan Sirhan. Neither can we blame the United Church of Christ for a few idealistic crackpots on the Conference Board of Trustees. With all the troubles that beset us, I suggest this is when the church most needs our support. On the other hand, the trustees of this church do feel we should voice our disapproval in some tangible way. Accordingly, at our last meeting we voted unanimously to withhold all funds the current year's budget designated from the Christian World Mission pending some expression of opinion from the congregation at large. Unfortunately, there was not sufficient time to call a special meeting of the church for this Sunday which would comply with the By-laws of the church. I should also explain that the trustees are very much aware of the need to carry on a Christian Mission, but feel that for the time being we should perform our missionary activities in our own back yard—in places like the Goffs Falls Church and also for some of the deprived people in our own community.

At this point then I would ask you to stand if you *support* the action of the trustees in withholding funds for the Christian World Mission until further notice. Now, would those who *oppose* the action of the trustees please stand.

The Board of Trustees will be guided by the sentiments you have just expressed. While I sincerely respect the opinions of those who may disagree with us, I would like to pay those who agree with us the compliment of calling them loveable SQUARES.

A couple of years ago I heard a speech by Charles Brower, President of the advertising firm of Batten, Barton, Durstine & Osborne, Inc. in which he advocated forming a new organization called S.O.S.—Society of Squares. I'd like to relate to you my recollection of that speech, which made a great impression on me.

Back a generation or so ago, square was one of the finest words in the English language, certainly among the top ten in any printer's hit parade. You gave a man a *square* deal if you were honest, you gave him a *square* meal if he was hungry, you stood *foursquare* for everything you thought was right, and *square* against everything else. When you got out of debt you were *square* with the world. And, that was when you could look your fellow man *square* in the eye.

Something has happened in the last 25 years both in the way some of the avant garde thinks and also in the meaning of the word *square*. Although we have always had our share of freeloaders in this country, it is only lately that non-involvement has become an accepted way of life. When we were poor we *had* to sweat it out. We couldn't afford detachment from the life and fate of our country. And one of the great dangers of both personal and national affluence is that it permits such detachment. The new generation seems to have bent the word *square* all out of shape. Prison convicts gave it the first twist. To them a square was an inmate who would not conform to the convict code. Today, everyone knows what a square is. He is the man who never learned to get away with it. He's the character who volunteers when he doesn't have to. He's the odd ball who gets his kicks from trying to do something better than anyone else. He's the boob who gets so involved in his work that he has to be reminded to go home. He's the slob who gets all choked up when the band plays "America the Beautiful" or when the choir sings the "Battle Hymn of the Republic". That's what a square is and he doesn't fit too neatly into the current group of angle players, corner-cutters, sharpshooters and goof-offs. He doesn't want to fly now and pay later. He's burdened down with old fashioned ideas of honesty, loyalty, courage, and thirft. Aren't you glad to be a square even though you may be on your way to extinction?

Teddy Roosevelt once said, "Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor souls who neither enjoy much nor suffer much because they live in the gray twilight that knows not victory nor defeat". End quote. In those days the United States was the greatest exporter of ideas the world had ever known. We sold abroad the idea of individual dignity, responsibility, and freedom. We created and sold the idea of government of the people, by the people, and for the people—and this idea is still being bought today. We exported the idea of freedom of worship, the idea of freedom of speech, and a free press—even the idea that those who are taxed should be represented. Lately, however, we seem to be importing ideas from countries that would like to do us in. We seem to have imported the idea of a strong government for a weak people. We have bought from abroad the idea of "Let Jack do it" and "What's in it for me?" We have even bought the gesture of the neatly shrugged shoulder.

Other disturbing things have been happening. Non-books and non-plays are being thrown together and sold by non-writers who never bothered to learn how to write. Murky poems are being ground out by scraggily poets who have to sing them to their audience because they are unreadable. And non-actors have now confused acting with lewdness and nakedness. If you agree with these remarks, we will all definitely be branded as squares, but if we are so branded, remember that we will be in pretty good company, because our Christian world, and this country was discovered, put together, fought for, and saved by squares. It's easy to prove that Jesus Christ, Nathan Hale, Patrick Henry, Paul Revere, George Washington, Benjamin Franklin and almost anyone else you would want to claim as a hero were squares. You can prove it by thinking what anyone of them would have said if he had not been a square. For example—

Jesus Christ—What, *me* carry a cross up Calvary Hill so I can redeem mankind. Let them save their own souls!

Patrick Henry—Sure I'm for liberty first last and always, but let's be a little realistic. We're a pretty small outfit and if we start pushing the British around *someone* is going to get hurt.

Paul Revere—What do you mean—me ride through every Middlesex village and town? And in the middle of the night yet? Why pick on me? Am I the only man in Boston with a horse?

Benjamin Franklin—What we really need as an American Ambassador to France is a young man. I'm 70 years old. It's time a new generation took over.

Are you convinced now that your heroes were squares? And yet it's difficult at times for us to emulate them. The forces of conformity are still strong. Too many of us are *sitting* it out instead of *sweating* it out. Too many of us haven't got the guts to stand up straight and be square. Because the opposite of square is round and being round is so much simpler. Responsibilities and problems roll off nice and easy. Too many of us know the short cuts and too few know or care where the path leads. Too few of us dare to leave the path, because the path is always the easy way, the way most people go. But there is no path to the future, no path to greatness, no path to progress, no path to outer space or to inner satisfaction.

Think a little about this organization called S.O.S.—Society of Squares. It could have a secret handshake consisting of grabbing the other guys' hand as though you meant it and looking him straight in the eye. It would be in favor of participation, and against sitting life out, for simplicity and against sophistication, for laughter and against sniggering, for America and against her enemies, for the direct and against the devious, for education and against the pretense of learning, for building and against tearing down; for the honest way and against the short cut. Aren't you glad to be a square and wouldn't you like to join the S.O.S.?

Let's be squares, let's meet our Christian commitments squarely, and let's show Man-

chester what kind of a job the Brookside Church can do when we all work together. Even if you shouldn't be a square, we still need your help.

Thank you.

A TRIBUTE TO VICTORIA POPKIN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MIKVA. Mr. Speaker, in a time when the propriety of dissent is being called into question, we have more reason than ever to cherish the dedicated men and women who devote their full energies to guarding and protecting our traditional liberties. One such lady was Miss Victoria Popkin, who was the associate director of the Washington office of the American Civil Liberties Union. Miss Popkin died recently at the tragically early age of 27, and I rise to pay my respects to her memory.

A native of New York, Miss Popkin was a Phi Beta Kappa graduate of Goucher College, and a graduate of Stanford University Law School where she served with both the Legal Aid Society and the Law Students Civil Rights Research Council. After completing her studies, she worked with the Democratic Senate Campaign Committee and the Office of the General Counsel of the Department of Health, Education, and Welfare, before joining the staff of the American Civil Liberties Union.

Miss Popkin dedicated herself to the preservation and full vindication of the civil rights and civil liberties of all Americans, regardless of their particular creed or convictions. Her devotion was not to any partisan cause or ideological position, but to the fundamental rights which we all should enjoy and jealously preserve. She will be deeply missed by all of us.

I should like to include at this point a resolution recently passed by the National Board of the American Civil Liberties Union. Those who knew her better and worked closely with her can speak of her much more eloquently than I could ever hope to:

RESOLUTION ON THE DEATH OF VICTORIA POPKIN

Victoria Popkin, Associate Director of the Washington Office of the American Civil Liberties Union, died on September 15th at the age of twenty-seven.

Miss Popkin came to the ACLU a year and a half ago after having worked briefly for the Department of Health, Education and Welfare. She graduated from Goucher College, magna cum laude, and from Stanford Law School where she was on the Law Review.

Her slight frame contained a tough, analytical intellect that displayed itself daily in her job of preparing legislative testimony and legal briefs. All of her work was characterized by forcefulness, sense and clarity.

But Miss Popkin had more than a fine mind. She had the courage to disregard her infirmities, the insight and wisdom of people more experienced and older than she, and a quiet strength and humor that brightened the lives of all with whom she came in contact. In her all too-brief service for the ACLU she made a remarkable contribution.

The Board of Directors of the American Civil Liberties Union extends sincere condolences to her parents, her brother and her sister.

FORMER CHIEF JUSTICE EARL WARREN

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 2, 1969

Mr. SCOTT. Mr. President, on November 19, at the New York Hilton, the National Urban League Conference honored former Chief Justice Earl Warren for "historic" contributions to the cause of human rights.

The National Urban League presented its Equal Opportunity Day Award for advancing the civil rights movement through landmark decisions on school desegregation, voting, reapportionment, and individual rights.

I ask unanimous consent that the tribute to Chief Justice Warren delivered by James A. Linen, president of the National Urban League, and the remarks of former Chief Justice Earl Warren before the Equal Opportunity Day dinner of the National Urban League, November 19, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TRIBUTE TO CHIEF JUSTICE EARL WARREN (RETIRED)

(By James A. Linen)

Years ago we first asked Earl Warren, the Fourteenth Chief Justice of the United States, to share this platform with us. But such were his own stern scruples while he was in office that Chief Justice Warren has never before allowed us the opportunity to pay tribute to his accomplishments.

So it is with immense pride that I stand before you at this moment. I am proud to represent the National Urban League on this occasion, and proud also to represent Time Incorporated. The law, Henry Luce once said, is "the place where order and freedom meet." Our late Founder's concern for the rule of law in national and international affairs was profound—and so was his respect for the United States Supreme Court. "If the Supreme Court were to abdicate tomorrow," he once said, "this nation would by its very nature be erecting another spokesman of our sovereign Constitution and the supreme law of the land."

It is a considerable challenge to try to sum up, in just a few moments, Earl Warren's immense contribution to our country. For the past sixteen years, he has guided the Court through a period of activity unprecedented in its history. I need hardly remind you of the great advances these exciting years have brought in school desegregation and voting rights, in the elimination of discrimination in housing, in advocating the one-man-one-vote doctrine, and in the development of a system of criminal justice that offers better protection for the individual. The Warren Court was not afraid to tackle these tough issues—issues that critically involve personal liberties and civil rights—and make firm judgments on them.

Earl Warren himself, in a statement last spring, best described the activist spirit of the Court over which he presided. He said, "I have heard a great many people say to me: 'Well, I agree with your opinions on these civil rights all right, but don't you think you are going too fast?' Of course, the answer to that is, 'We haven't anything to say about how fast we go.' We go with the cases that come to us; and when they come to us with a question of human liberties in them, we either hear them and decide them or we let them go and sweep them under the rug only to leave them for future generations. That has been done in this country not only long enough but altogether too long. There are problems facing us today which, if they had been solved a century ago or even a generation ago, we would not have to face today; or, at least, if we did, they would be of manageable size."

That was what Earl Warren said about his Court. He could have said the same about his own life. As a youth in Bakersfield, California, grandson of a Norwegian carpenter, he faced poverty by working as a newsboy, a freight hustler, a farm hand, and—I'm proud to say—as a cub reporter. From then on, Earl Warren was "going with the cases that came to him"—as a junior lawyer in San Francisco and Oakland, later as deputy district attorney and district attorney for Alameda County, California. In that job, though he quickly earned a reputation as a fearless prosecutor, he said he "never heard a jury bring in a verdict of guilty but that I felt sick at the pit of my stomach."

As a three-term governor of California, Earl Warren in the nineteen forties and early nineteen fifties solved problems that many states are only now beginning to confront. While California's population nearly doubled during his years as governor, Earl Warren nevertheless helped create one of the nation's greatest educational systems there. He also made long strides in health and highways. And he had much to do with the development of California's Department of Corrections, whose advanced ideas about penology have since been widely imitated throughout the country.

"Is it fair?" has been a question Earl Warren has repeatedly asked during his career. Long ago he came to the firm conclusion that America was *not* playing fair with her minority citizens. Soon after he took office as California's governor in 1943, Earl Warren let it be known that he would not tolerate racial discrimination in the state's various bureaucracies. He himself appointed Negroes to many key positions and saw to it that many inequities facing black and brown Californians were corrected. When Warren sought the Republican presidential nomination in 1948, and again in 1952, one of the key planks in his personal platform was "one law for all men and equal opportunity in life for all men."

With these and many other examples of his attitude toward equal rights already implanted on his record, Earl Warren went to Washington in 1953 to take over as Chief Justice. To those who had known him before, his firm and unflinching guidance of the Court came as no surprise. For they knew Earl Warren as a man of uncompromising principles . . . a man soon frustrated by avoidance of the issues . . . a man whose ability to grow from job to job destined him to achieve greatness.

So it is not only fair, but overdue, for the National Urban League to bestow on Chief Justice Earl Warren the honor we have long known he has richly deserved. It is a great privilege for me, on behalf of the Urban League movement as a whole, to present him with our 1969 Equal Opportunity Day award. Chief Justice Warren.

REMARKS OF EARL WARREN, FORMER CHIEF JUSTICE U.S. SUPREME COURT

I am very proud to accept an award from the National Urban League because I have been familiar with its work for many years—long before I had any thought of becoming Chief Justice of the United States. I re-

member this pioneer organization and the assistance it gave to me during my many years of political life in California. I am particularly happy that the Award should be your Equal Opportunity Award—not because I feel I have been particularly helpful in that area of activity, but because I know it is the cherished aim of the National Urban League. Some worthy people have organizations focus their activities on different phases of our social problems, but your organization has been known for all the years I have been acquainted with it with grass-root activities designed to bring opportunity to those who have been deprived of it principally because of racial discrimination.

In the hierachy of human rights, there are few to compare in importance with that of equal opportunity, because so many other rights are implicit in it—the right of human dignity; the right of education; the right to a decent home; and the opportunity to obtain a useful job which will enable one to feel that he is a needed member of society. It is hard to believe in this advanced stage of our civilization and the general standards of affluence that these rights would not be afforded to every citizen in accordance with the American ideal.

What is that American ideal? It is simply and precisely stated thusly in the Declaration of Independence—

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

This noble language, fortified by the implementing language of the 14th Amendment, makes the picture complete—

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

In seven years, it will be two centuries since the Declaration of Independence became the hope of the downtrodden throughout the Western world. It has been 101 years since the 14th Amendment made equality a mandate of the United States Government, and it was 106 years ago today that Lincoln delivered his Gettysburg Address in which he said that our Forefathers had "brought forth on this continent a new nation conceived in liberty and dedicated to the proposition that all men are created equal."

Isn't it about time that it be made a reality?

But there are still thousands of public schools where black children cannot enter only because they are black and are relegated to inferior standards of education which should shock the conscience of all of us. There are thousands of voting places where a black person for the same reason is prevented from casting his vote and participating in his Government. There are many industries in which a man, regardless of his skill, cannot obtain a job or join a union to make an honest living for his family merely because of his color. There are millions of our citizens who are as confined to ghettos and the sordid conditions which exist there as though there was an impenetrable wall around them.

But what seems worst of all to me is that there are still thousands of churches in the Nation where a black person is not welcome to worship and in many where he or she would be jailed for trying to do so.

To our Nation's great injury, both at home and abroad, all of these conditions exist in defiance of the mandates of the Constitution and the laws of the United States. As a result, the domestic problems of our country have grown to gigantic magnitude. Many of them are at the crisis stage—some at the violent stage.

The causes of our problems are many and complex, and it would serve no purpose to review them in this company which has wrestled with them for more than a half century.

Our great cities, including this one where we gather tonight, have conditions that cry out for solution—solutions which are not forthcoming even under the leadership of a great public servant like Mayor Lindsay. Neither the financial resources at the municipal level nor the national commitment to the cause is available.

While many things must be done before our cities can be restored to a healthy condition, it is quite apparent that none of our major problems can be solved until race prejudice becomes a fiction of the past and we fulfill the promise of two centuries ago that all men are created equal and are entitled to life, liberty and the pursuit of happiness.

Is this too much to ask? I think not. Can it be done? I believe it can. What does it take—adherence to the American ideal I have been speaking of.

Tonight our intrepid astronauts are walking on the moon because our Government, with the acquiescence of all of us, committed the Nation to this task. We regimented the scientific and technological forces of the Nation—tens of thousands of them with their supporting personnel—and we have spent, I believe, 25 billion dollars in accomplishing the mission. It has been a great accomplishment, and was possible only because there was national commitment to that end.

If we can do that, certainly we can commit our hearts and minds, as well as our finances to affording equal opportunity to every American.

Those who are not concerned with closing the gap between the profession of the American ideal and its performance employ the euphamistic saying that we cannot have both guns and butter. It is time to say to them, "If that is true, then let us just have the butter."

I do believe that the American people will awaken to their responsibilities to our cities and to the poor and neglected in our society, but it is very late in coming. And if this is going to be a great country for our children and their children, we must now have a massive national assault upon our urban problems, free from racial prejudice and from the last vestiges of slavery, the bill for which we are now paying in full.

I wish you continued success in your great labors.

FNMA REACHES A MILESTONE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. MOORHEAD. Mr. Speaker, today, the Federal National Mortgage Association's president, Raymond H. Lapin, announced that the unique corporation of which he is head has passed a landmark point in its history. Mr. Lapin made public that he has been advised that his corporation has satisfied the essential requirement for the control of the corporation to pass completely into private hands. I am advised that Mr. Lapin will ask his board of directors to certify that one-third of the corporation's stock is held by individuals and companies involved in the housing and home finance business. This is the important test we set for total private control of FNMA to take place.

Mr. Speaker, when we included the legislation to allow FNMA to become entirely privately owned and controlled in last year's Housing and Urban Development Act, we all hoped that this transformation could be completed promptly. This was our hope because we recognized that a private FNMA—one completely free of the strictures of the Federal budget—could do more to help support the FHA/VA backed mortgage market. When we fixed May 1, 1970, as the earliest date at which the shift to private ownership could take place, we were setting a goal. The aim that we hoped FNMA could be ready for private status in 18 months. FNMA has surpassed that ambitious goal. They are now ready to assume their mandated role as a privately controlled corporation.

It would be well to consider why FNMA has reached this milestone so early. It has been successful in doing so because it has been able to channel an unparalleled flow of funds into the FHA/VA mortgage market. The stock has been placed in the hands of house and home finance industry people because they are legally required, as a condition to using the secondary market facilities of FNMA, to purchase FNMA stock. Because FNMA has been called upon to engage in unprecedented level of support for the FHA/VA mortgage market. It has been able to place its stock in the hands of the "qualifying owners" sooner than we could have foreseen. The stockholders have apparently decided to hold their FNMA stock: probably because the stock has proven to be such an attractive investment—its price has tripled since the authority was granted for FNMA to assume private status.

In my judgment, the record of FNMA over the last 14 months, is a testimonial to the ability of the private sector to operate in the public good. The two men most responsible for constructing this enviable record both have an admirable record of achievement in corporate leadership and public service. Both HUD Secretary Romney, and FNMA President Lapin, are to know and understand the importance of private corporation participating in programs which confer important public good. With the direction that excellent individuals have given FNMA during this formative period, I am sure that the privately controlled FNMA is on a well-fixed course of public service through support of Government-backed mortgages.

HIGH SCHOOL POLL ON VIETNAM

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. McCLURE. Mr. Speaker, the students of Lakeland High School in Rathdrum were polled by the school's newspaper on the subject of Vietnam. After a study and discussion of the situation

in which our country finds itself, these young people overwhelmingly gave their support to the President's plan for ending the war. Some elements of the national news media would have us believe that most students throughout the country repudiate American policy in Southeast Asia and that they are particularly opposed to Mr. Nixon's efforts to bring the conflict to an honorable conclusion.

I think the poll of Lakeland High pupils illustrates a number of things. For one, it indicates that not all of today's youth are of the sign-carrying, anti-everything variety. It tends to substantiate the recent statements of Mr. AGNEW that the national press is selling us a piece of goods as far as the war is concerned. More than that, it is further proof that Mr. Nixon and his policies enjoy the support of the vast majority of Americans.

Mr. Speaker, I congratulate the students and the faculty of Lakeland High and include the results of their poll in the RECORD at this point:

LHS VIETNAM OPINION POLL

What should the United States' policy be in regard to its future participation in Vietnam?

Immediate withdrawal	19
Staged withdrawal combined with gradual Vietnamization of the conflict	163
Maintenance of current strength	12
Sudden, major escalation to include bombing	33

Should the U.S. aim for a—

Unilateral ceasefire	19
Mutual ceasefire	168
No ceasefire	37

Do you favor Pres. Nixon's approach to the war?

Yes	166
No	68

Should the U.S. try for a—

Strengthening of South Vietnamese government	181
Coalition between Saigon and Vietcong	38
Surrender to North Vietnam	4

Do you think the Paris negotiations will ultimately lead to a settlement of this war?

Yes	32
No	192

Do you feel that the Moratorium helped or hindered the cause of ultimate peace?

Helped	69
Hindered	159

What is your political preference?

Republican	39
Democrat	39
American Independent Party	7
Independent	118

FRANK SURACI, SR.

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. McDADE. Mr. Speaker, Frank Suraci, Sr., is a remarkable example of a fine American gentleman. Even more than that, he sums up in his life the story of what America has meant to so many people who were born on distant shores and who came to this country to build their own lives and to build this great Nation.

In 1906 Mr. Suraci left his home in Calabria in Italy and landed in New York at the age of 12. Eight years later, when the first rumblings of World War I started in Europe, Frank and his brother Anthony opened a very small cigar business with 10 workers in the city of New York. For 4 years they worked together in the business known as the Suraci Bros. until America was caught up in that war and Frank joined the American Army as a member of the 77th Division.

When the war was finished, he went back to the cigar business which continued to grow until in 1930 the brothers decided to move out of New York City. In their wisdom they chose to come to Pennsylvania, to the city of Scranton. In Scranton they became the manufacturers of cigars under the name of the "Parodi Cigar Co." There were about 75 people working for the company at that time. The business prospered in Scranton. Over many years the firm acquired the Denobili Cigar Co.; and Parodi and Denobili cigars have been the outstandingly successful Italian-style cigars sold in America. The brothers also acquired American firms and are literally producing hundreds of brands of American cigars, the best known of which is the Blackstone. Today their cigars are manufactured in three plants, all of them in the State of Pennsylvania in the Scranton area.

As the company grew, Frank involved himself in the growth of the community around him. He became a member of all of the civic organizations which worked so hard to build new economy in the city of Scranton. He became a leader in the Roman Catholic Church in the Scranton area. He has worked closely with the Elks Club, with the American Legion, in their many philanthropies. He has given generously to educational institutions, and has created the Suraci Museum in honor of his brother Anthony at Marywood College in Scranton, Pa. He serves also as board member of the community medical center and the Clarks Summit State Hospital.

Today the Pennsylvania delegation is holding a luncheon to honor Mr. Frank Suraci, Sr. After his long years as president of the Parodi Cigar Co., he has recently assumed the office of chairman of the board and chief executive officer. Anthony, Sr., his beloved brother, is deceased or he would be with us today. We are fortunate, however, to have Mr. Suraci's two sons, Frank, Jr., and Henry, as well as his nephew, Anthony, Jr. Robert Keating, president of Parodi Cigars and the husband of Anthony's daughter Flora, is also with us today, as is Mr. Ted Cott, president of the Cigar Institute of America. Amelia, his beloved wife, is home in Scranton and I know that she joins all of us in this tribute to a fine man.

It is my privilege to introduce Frank Suraci, Sr., to the Pennsylvania delegation. They will meet a man who came to this country as a small boy and who now, at the age of 76, has created a distinguished industrial name. They will also meet a man who never forgot the homeland from which he came. He has been the chairman of the committee for the relief of the orphans of Italy for the past 5 years. Perhaps some of those small children may follow in his own footsteps and may also find the same distinction he found among us in Pennsylvania.

We have all read about the American dream, of an immigrant boy coming to America to find fame and fortune in this land of ours. That dream lives in Frank Suraci, Sr. Because he came among us, the wheels of commerce spin just a little faster. Because he came among us, our cultural life has become richer. Because he came among us, many hands which reached for help received it.

If his own life has become a successful one through his choosing America as his home, so also America has become a finer Nation through his life. It is a memorable honor to salute such an outstanding citizen of this great Nation.

PINKVILLE AND THE PRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. RARICK. Mr. Speaker, Lt. William Calley and S/Sgt. David Mitchell have suffered the ignominy of having all combat medals and awards revoked—as a result of unprecedented trial in the news media. With all their indepth reporting, the press has failed to mention that Sgt. Mitchell of Louisiana is a Negro, possibly because he was fighting for his county and not marching against it.

Most civilized countries accord an accused the humanitarian consideration of innocence until guilt is proven beyond reasonable doubt. Both these men had already faced death in Vietnam only to return home and find themselves sentenced by the communications media to a lifetime of digrace in the eyes of their countrymen.

One network, we now learn, has confessed to the buying of staged interviews to produce "news" for profit.

In legitimate courts, paid witnesses are regarded with suspicion—their testimony given strict scrutiny and even then regarded of questionable probative value. But trial by press offers no cross-examination, no rebuttal, nor explanation by either the accused or for the benefit of the jury, that is, public opinion.

The Pinkville massacre production follows earlier patterns of bias and contrivance to obtain an objective such as we have seen with the arranged "pot party," and the staged performance of CBS' "hunger" child. In this instance the objective is to get our forces out of Vietnam and disarm our military. Once again, the communications people have attempted to exploit the Pinkville incident and make the real defendant the military forces of our country.

The American people are daily becoming more aware that the news media is

being used as a weapon of psychological warfare against them. With their credibility at an all-time low and by flaunting any pretext of ethics or truth, the national news media again prove Vice President AGNEW's report, and are courting a massive reaction by the people.

The theory of relative honesty was also a practice in new morality by Lenin, who believed anything is good if it advances the revolution.

I include three news clippings:

[From the St. Francisville (La.) Democrat, Nov. 27, 1969]

LOCAL SOLDIER STRIPPED OF MEDALS IN ALLEGED DEATHS

A St. Francisvlle soldier, Army S. Sgt. David Mitchell, 29, has had his combat medals revoked because of alleged involvement in the death of Vietnamese civilians.

He has been accused of assault with intent to commit murder in connection with an alleged slaughter of inhabitants of a South Viet Nam village.

Mitchell lost his two good conduct medals, Viet Nam service medal, Viet Nam campaign medal, National Defense service medal, and Combat Infantry badge. He is the son of a Baptist minister in St. Francisville, the Reverend Isiah Mitchell.

First Lt. William L. Calley, 26, of Miami, Florida, charged with premeditated multiple murder, also lost his medals and ribbons.

[From the Washington Daily News, Nov. 27, 1969]

CBS ADMITS PAYING FOR MEADLO INTERVIEW

(By Jim G. Lucas)

CBS News admited today it paid an "undisclosed amount of money" to a group of free lance reporters for arranging its controversial TV interview Monday with a young Vietnam war veteran from Indiana.

The youth, 22-year-old Paul Meadlo, of West Terre Haute, asserted that he and his fellow soldiers shot 370 South Vietnamese civilians to death in an attack on Song My village last year.

Mr. Meadlo said he was following orders of 1st Lt. William L. Calley Jr., his platoon commander, whom the army has announced it will try for murder in the alleged massacre of the Vietnamese civilians.

"SUBSTANTIAL"

David Obst, general manager of Dispatch News Service (which only got around to incorporating yesterday), described the payment from CBS as "substantial" as did Michael Nussbaum, attorney for the news service.

"Now we have a little money to play around with," chortled Mr. Obst, a 23-year-old Chinese language student who studied in Tiawan and at the University of California at Berkeley. "We're on our way."

Both Mr. Nussbaum and Michael Silver, CBS news director in New York, emphatically denied that Mr. Meadlo was paid anything by CBS or the news service.

"It was stipulated in the written agreement . . . that none of the money paid would go to the interviewee," Mr. Silver said in a formal statement. "CBS news policy prohibits paying people for news interviews."

Mr. Silver said Dispatch News Service approached CBS first, and that it agreed to pay for the Meadlo interview because news service editor Seymour M. Hersh had "exclusive access" to him.

The Meadlo interview caused an immediate furore in Congress. His voice rising with emotion, Sen. Peter H. Dominick, R-Colo., charged an "ordinarily responsible network" had taken the position, apparently, that "anytime it is news one can dissiminate it regardless of an individual's rights."

Sen. Dominick charged CBS had jeopardized Lt. Calley's right to a fair trial and also had failed to warn Mr. Meadlo of his rights.

CBS News rejected this contention, saying it believes the free press-fair trial issue "does not apply in this situation inasmuch as Lt. Calley will not be tried by a civilian jury but by a board of professional soldiers who are disciplined to make their decision on the basis of military law." Mr. Meadlo was "entitled to make his story public if that was his decision," CBS News declared.

Meanwhile, at Dispatch News Service's office in the National Press Building, Mr. Obst, speaking for his "editor-in-chief," Hersh, first said it was "hard to say" how many reporters the service employs.

"We have groups of investigative reporters working all over the world," he said, but then specified four in Washington and 14 elsewhere.

Three in Saigon he named as Michael Morrow, Don Ronke and Dick Berliner. Among those in Washington he named Mr. Hersh, Derek Norcross, who, Mr. Obst said, "also writes youth notes for Parade" and Richard J. Barnet.

Mr. Barnet, a 32-year-old Harvard graduate and former director of research for the U.S. Arms Control and Disarmament Agency, recently visited Hanoi, where he said he had an "extended interview" with Premier Pham Van Dong. He recently declined to discuss his trip or interview because, he said, an account of it was being sold by Dispatch News Service.

While conceding that "we all have a point of view," Mr. Obst denied that Dispatch News Service is "antiwar, antiestablishment or antianything" or that it is "connected with any organization or group."

"It was tough the first two months," he said, "getting rid of the idea we were the Liberation News Service (which serves underground antiwar papers), and of course we never were. Now we are financially solvent. We are formalizing our staff relationships setting salaries and getting newspapers to publish our stories. We have established our credibility.

So far, Mr. Obst said, Dispatch News Service has no regular clients. But he said it had 36 "one-shot" takers on its first story by Mr. Hersh on Nov. 13, disclosing that Lt. Calley was under army investigation in the Song My massacre, 32 on its second involving a couple of sergeants who said they were involved in the shootings and many more on its third, an interview with Mr. Meadlo.

"We'll be around for quite a while," he predicted.

Kingpin of the news service obviously is Mr. Hersh, a 32-year-old former Associated Press Pentagon correspondent who served briefly as press secretary during last year's race for the Democratic presidential nomination.

A nervous, fast talking man, Mr. Hersh has written a book about germ warfare, and was writing another when, he says, he got a tip on the Song My massacre from a Pentagon friend. He got a $1,000 grant from the Phillip M. Stern Foundation for investigative journalism and began two months of traveling which eventually led to his initial story on the investigation.

[From the Manchester Union Leader, Dec. 1, 1969]

LET'S NOT JUMP TO CONCLUSIONS

(By Ralph de Toledano)

Some of the more zealous of our citizenry have already tried and convicted the men accused of a "masacre" of civilians in My Lai, a South Vietnamese village. To be sure, the charges against First Lieutenant William L. Calley Jr. and the other defendants are specific enough to encourage conclusion-jumping. But comments in the press have gone far beyond this, and inflamatory photographs have contributed to the masochistic hysteria gripping some of the media.

There are, however, some dubious aspects to the case which warrant attentiton. For one thing, why did the Pentagon wait so long before it began investigating? The facts were known to the appropriate authorities and to members of Congress for many months. Obviously the military had looked into the circumstances surrounding the attack on My Lai. Is a panicky Pentagon now responding to a calculated propaganda campaign launched by anti-Vietnam groups?

I would hesitate to raise this point had I not heard Charles A. West, of Chicago, who served under Lieutenant Calley. His account differs drastically from the superheated stories now circulating. He has said, moreover, that he would testify for the defendants. People are being led to believe, for example, that C. Company, 1st Battalion, of the 20th Infantry, moved into My Lai with no opposition, rounded up old men, women and children, and wantonly shot them down. This, according to Mr. West, is not true.

According to Mr. West's eyewitness account, this was C Company's first combat engagement. Before moving in, the unit was read a "field paragraph" stating that My Lai harbored Viet Cong and North Vietnamese troops. It ordered C. Company to take and destroy the village—standard tactics in counterinsurgency operations. The "field paragraph" came from headquarters, which means that Lieutenant Calley and his immediate superiors had a hand in its authorship.

In moving on My Lai, says Mr. West, Charlie Company was badly bloodied—with soldiers killed and wounded by snipers and booby traps. The company was pinned down by enemy fire just outside the village and took shelter in a rice paddy. When it attacked, it was met by sniper fire. When the company entered the village, they found many dead as a result of artillery shelling and bombing from the air. The only firing into groups of old men, women and children he saw occurred when military age males deliberately ran among these civilians. Eventually, it was establishd that at least some of these were Viet Cong or NVA troops.

So much for the horrific story at My Lai was a peaceful village with no enemy forces in it, which was taken with no opposition. Charlie company went in shooting because it was being fired upon. "A whole lot of the kids and women were already wounded from the bombing," Mr. West said. "There were men in NVA uniforms. Our men killed some of those who were wounded. Sometimes it was a mercy, they were pretty torn apart."

In the attack, some of what Mr. West calls "yanigans"—young, raw troops—went crazy. Others, however, rounded up women and children and led them to the safety of the rice paddies. After the assault, according to Mr. West, "we rounded up everyone left in the village, and they, too, were sent to the rice paddies. The only men deliberately shot were military age males who had no South Vietnamese identification cards and who refused to answer questions. They were shot by a counter-intelligence unit—not C Company. Though he was with Lieutenant Calley for a good part of the time, he never saw him kill anyone.

Charlie Company's behavior, according to Mr. West's account: A group of men, never before tested in battle, see some of its own men killed. Acting in fear and burying that fear in anger, overreacts. There is nothing of "premeditation" to this. There is no comparison to the actions of the Viet Cong in Hue, for example, where thousands of civilians were forced to dig their own graves and then were shot or buried alive. There is even less comparison to the systematic murder of civil-

ians by the Viet Cong in remote villages, in a strategy of terror.

The questions remain. Why did the Pentagon suddenly decide to bear down on Charlie Company 20 months after the My Lai battle? And why did that battle become a national issue at a time when public opinion on the Vietnam war demonstrated itself to be strongly in support of President Nixon's policies? The answer to these two questions will explain far more than any fevered rhetoric.

DANGER IN PERMITTING EXCESSIVE LUMBERING IN OUR NATIONAL FORESTS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. TUNNEY. Mr. Speaker, the preservation of our precious natural resources for the use and enjoyment of present and future generations is a matter of urgent national concern. That concern is cogently expressed in a recent speech given by Michael McCloskey, conservation director of the Sierra Club, before Town Hall, a civic forum in Los Angeles. Mr. McCloskey cites the danger to our national forests in permitting excessive lumbering.

Our spiralling population needs expanded park and recreational facilities. National forest areas can help to meet this demand. We must be careful not to sacrifice public land to private commercial development, where that interferes with the priority of giving increased scope to leisure time activity and improving the quality of our environment.

Mr. McCloskey has given very thoughtful consideration to this problem. I include a summary of his speech in the RECORD:

THE THREAT TO OUR NATIONAL FORESTS POSED BY THE NATIONAL TIMBER SUPPLY ACTS

(By Michael McCloskey)

WHAT IS HAPPENING TO OUR NATIONAL FORESTS

The governing charter for these forests is the Multiple Use-Sustained Yield Act of 1960, which prescribes that various uses should be balanced, and not necessarily according to their highest economic values.

In practice, though, 90% of the national forest land has been allocated to lumbering and grazing, mainly the former. Only 10% or less has been allocated to recreation and non-commercial values.

Conservationists feel that at least another 5% should be allocated to recreational uses, such as wilderness, recreation areas, and parks.

The problem, thus, is that multiple use practices are already grossly over-weighted in favor of commercial uses of a local nature.

Examples of existing imbalance can be found in controversies on the Kern Plateau and the Siskiyou's in California, in the Cascades of Oregon and Washington, and the Rocky Mountains where frequently timber sales are subsidized.

What Industry Wants: it wants the remaining old-growth cut out in 15 years. Under current practice, the Forest Service had planned to ration this out for about 100 years. The industry is proposing the National Timber Supply Acts as an innocuous appearing vehicle to enable them to achieve this goal.

WHAT IS THE CONDITION OF THE TIMBER INDUSTRY

Consumption of wood products has been static since 1910.

Per capita consumption of lumber has been declining: from 219 board feet in 1950 to 170 board feet in 1968.

The pattern of new housing starts has been static for almost two decades: there was about the same number of new housing starts in 1967 as in 1947: 1.2 million starts; this year there will be only about 1.3 million.

New housing programs should be aimed at relieving problems of central core cities. These areas need mainly multi-family units, which use only two-fifths as much wood as single-family units. Multi-family units are satisfying an increasing share of the market.

In housing construction, there is also a growing trend to substitute metals, plastics, and concrete for wood products; these substitutes are rapidly displacing wood.

Private timber lands are being over-cut: whereas only 35% of the wood inventory of the nation is in private hands, some 61% of the cut is coming off these lands; much is being cut in excess of the rate of 1 or 2% of the inventory that may be safely removed each year.

Rather than there being a pent-up demand for wood, this country has been exporting an increasing surplus of logs and lumber: about 4 billion board feet this year; this rate has doubled in the last few years.

Despite an over-all surplus, over-cutting has created shortages of logs and stumpage in some West Coast localities among improvident lumbermen who have not kept reserves. As evidence of their improvidence, three-fourths of the mills in the douglas-fir subregion went out of business in the last two decades; 26 plywood mills have shut down in the last two years alone.

To the extent there are conservation problems in timber management, they consist of over-cutting private lands, of excessive soil erosion, and the need for re-forestation, principally on private lands, where 95% of the unstocked, and under-stocked sites are found.

WHAT DOES THE NATIONAL TIMBER SUPPLY ACT PORTEND?

These bills, H.R. 12025 and S. 1832, are now pending before the House and Senate Agriculture Committees. They are being urgently pressed by the timber industry, ostensibly to meet the housing shortage.

The proposal

The Act declares that there is a need to substantially increase the timber cut on the national forests.

It makes high-yield forestry mandatory on all commercial timber lands in the national forests; commercial timber lands are defined as consisting of all those lands, capable of producing commercially usable timber, which are not presently withdrawn for recreational purposes.

The Act directs that cutting rates be sharply increased—so that the old-growth will be quickly liquidated.

And the Act earmarks receipts from timber sales into a fund which will be used to promote highly intensive forestry, specifically to be used for such practices as advance road construction, fertilization, and reforestation. The object is to quickly bring back new crops of timber to replace the forests to be quickly cut.

What's wrong with the proposal?

The Act directs all the attention to the national forests, whereas the real problem is on private timber lands.

No clear need has been proven to vastly increase production of wood; in fact the industry is having to advertise heavily to shore up markets, and is expanding exports.

Of the commercial timberlands (97 million acres) that would be mandated for high-yield forestry, some 6 to 8 million acres of them should be withdrawn for recreational use and protection; this land, which has not yet been touched, would soon be decimated.

Cutting rates should not be substantially increased; more of the old-growth should be withdrawn for protection, and the rest should be rationed out so that only 10% of the forests are disrupted at any one time, not 20 to 40% as this bill would cause to happen. The other multiple values of the public forests will be badly damaged if this happens.

Not all of the high yield techniques have been proven, particularly fertilization and breeding of special stocks. If forests are treated as row crops, with reliance on even-aged stands of single species, unstable forests may result which will be disease prone; heavy use of pesticides and fertilizers may grossly upset the ecology of forests and watersheds.

The bill will inflexibly earmark federal revenue for timber production on economically marginal sites, often on a subsidized basis. Such monies could yield a higher return in other public programs.

What then do we advocate?

That the focus of remedial action be on private land. We need another blue-ribbon investigating commission, such as the Copeland Commission in the 1930's, to look at the status of forestry in the United States today. Perhaps its work will show we need a federal Forest Practices Act to regulate mismanaged private holdings.

We need true balance in the management of our national forests, which have already over-weighted their planning in favor of industry. We need fairer allocations, and forestry based on long rotations, mixed stands of all ages, and guidelines set by broad ecological principles.

We need an end to subsidies for uneconomic timber production on marginal sites in the national forests, such as in the Rocky Mountains.

Controls are needed over any special funding that is provided for intensive forest management on the national forests. If new funds are provided for intensive production, they ought to be usable only on lands that have been specifically identified as having their highest value for timber production (we concede there might be about 80 million such acres in the national forests), and these lands should be classified for such purposes only after public notice, hearings, and provision for appeals.

In other words, the planning and allocation process should be an open process inviting public participation, just as is provided for wilderness allocation. What is fair for one use, is fair for another, particularly as timbering is a highly disruptive use.

CONCLUSION

The National Timber Supply Act is a cloak for an effort by the timber industry to "raid" the national forests for more high quality timber—timber for which they hope to promote a new market under the guise of the Housing Act of 1968. The Act is not needed to meet the housing shortage, and it will badly impair balanced use of our national forests.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. HICKS. Mr. Speaker, I wish to call the attention of my colleagues to the fol-

lowing article, last in a series to appear in the RECORD from the Seattle Post-Intelligencer of October 5, 1969.

These informative articles were written by Mr. Frank Herbert, Post-Intelligencer staff writer who accompanied Dr. Roy L. Prosterman to South Vietnam where Dr. Prosterman was adviser to the Saigon government on the difficult problem of land reform.

U.S. MAY "BLUNDER" INTO TOTAL ABANDONMENT OF SOUTH VIETNAM

(By Frank Herbert)

The Vietnam War could be at some kind of turning point with the report that the U.S. may be attempting to work out a behind-the-scene accommodation with Hanoi.

If this fails, however, there are other factors. One, indicated to me in conversations with U.S. officials in Saigon, could be considered a dangerous political package for sale to the American voter.

Experienced military and political analysts in Saigon disagree strongly with the way the news from Vietnam is being "managed."

In general, the problem can be described this way:

Faced with an enemy possibly committed to a long war of attrition, the U.S. also could be digging in for a long war if all attempts for reasonable accommodation fail. But the U.S. government has been presenting the possibility of such a decision to the American public in questionable terms.

BLUNDER

Those terms, Saigon informants say, could blow up in our faces, forcing the U.S. into that ultimate blunder, a complete abandonment of Vietnam—the withdrawal of which the South Vietnamese are so fearful.

Vietnamese term such a withdrawal "bugging out."

The consequences of withdrawal would be bloody: Innumerable Vietnamese who have not supported Hanoi and the Viet Cong would die in the blood purges. And the U.S. position would suffer damage over the world.

At the heart of this political package is a three-point assessment of Gen. Creighton Abrams, our military commander in Vietnam, and by Ambassador Ellsworth Bunker and his aides.

They say:

1—A purely military victory is still within our grasp and we can safely ignore problems of building a secure political base among South Vietnam's rural population.

2—Our pacification program has 80 per cent of South Vietnam's population in a "C" security classification or better. ("C" indicates dangerous at night, relatively secure in daylight.)

3—The Viet Cong infrastructure has been cleaned out sufficiently so that the enemy no longer is able to mount a Tet style offensive.

Abrams and Bunker have asserted these points with great vehemence at the White House.

At the same time, the Abrams-Bunker package could be sugar-coated with a new draft law, a form of draft roulette more acceptable to U.S. students. It could be further sweetened by withdrawals of troops from Vietnam, perhaps even up to the 250,000 figure President Nixon currently uses.

Veteran observers on the Congressional staff feel these arguments have great appeal to Nixon—he could hand the U.S. the military victory which eluded President Johnson.

There is, however, substantial disagreement with the Abrams-Bunker assessments. The disagreements are voiced by U.S. line officers and former Vietminh intelligence officers who are in the field with South Vietnamese forces.

FLED

It must be remembered that the ex-Vietminh in South Vietnam today are those Vietnamese nationalists who fought beside the communists to defeat the French. They then fled south because they could not stomach communism.

The result, however, is that these Vietminh are among the most knowledgeable people in the world when it comes to communist tactics.

The point they keep making over and over is that Hanoi adapts its moves to shifts in U.S. internal politics much the way a judo fighter uses an opponent's strength against him. A slight push here, a feint there, a tap here, and the giant topples.

They emphasize what Hanoi knows—that a crucial U.S. election is coming up, with Nixon wanting his party to capture a decisive majority of the senatorial seats which the Democrats must hazard at the polls.

At the same time, they point out, Hanoi is well aware of the propaganda power in U.S. student unrest—some of which reputedly is communist inspired. It demonstrates the classic pattern of Marxist tactics—use of any disaffection to communist ends.

It's well to note that the increasing objections to our conduct of the war in Vietnam is creating extraordinarily strange bedfellows—moderate Republican congressmen and senators, as well as liberal Democrats, all of whom say they are ready to back a severe limitation on our Vietnam involvement. In addition are formerly neutral students who are enlisting in the militant anti-Vietnam cause.

You know we're in trouble when you hear a bank president's wife say: "When we first got involved in Vietnam, my grandson was only ten. He reaches draft age next year, and I'm worried that he may be sent over there to be killed. I ask myself: For what reason?"

Knowing these things, knowing the fragility in our assessment of the Vietnam situation, what are the communists likely to do?

We have a vital known fact to throw into our answer: The communists have at least two divisions of the North Vietnamese Army's main force in the Mekong Delta.

FAILING

This has been interpreted by our Military Assistance Command-Vietnam (MACV) as meaning the communist recruiting program is failing. They say Hanoi must bring in regulars because they no longer can recruit enough local force.

Bolstering their argument, MACV spokesmen point to recent captures of Viet Cong personnel who are only 16 years old, calling this "the bottom of the barrel."

Recent U.S. sweeps also have taken rice stocks which were carried from China. MACV says this indicates the VC no longer can depend on food supplies from South Vietnam's peasants.

But U.S. line officers and former Vietminh call these dangerous assumptions when dealing with an enemy whose plans invariably prove to be extremely long range.

For example, the former Vietminh say the VC has introduced "straw cadres" into many hamlets and villages, an infrastructure put there for U.S. pacification teams to remove without actually touching any real, hard core VC cadre.

U.S. line officers say we have been capturing young VC since the beginning of hostilities and that the numbers captured recently are not significant.

These officers also are worried by an old military axiom called "economy of force." North Vietnam's General Giap has committed only five per cent of his main force in the South. But this five per cent keeps 90 per cent of the U.S. force occupied.

The rice, they say, can be explained as a friendship gesture by the Chinese to their fellow communists in the South.

What is left?

SUPPORT

On paper, MACV can show they have removed much of the support the communists require for their operations—people to scout local and familiar terrain, porters to carry supplies and equipment, people to provide and prepare food and shelter, dig bunkers, to care for the wounded and the sick.

But let us suppose the ex-Vietminh assessment is closer to actuality. It's an assessment disturbingly supported by the poor quality of our field intelligence in many regions.

Local residents in vital areas are not supplying us with accurate information about the VC. This quality of local intelligence is a sensitive indicator of how well our civil operations programs are succeeding.

Given all these facts—political-psychological military—and keeping in mind the lesson of Dien Bien Phu where the Vietminh used porters to bring in heavy artillery to inflict a savage defeat upon the French—given all this, which nerve on the U.S. giant is Hanoi likely to push?

Suppose they mount an all-out attack on a vulnerable province capital in the Mekong Delta. This could be, my informants in South Vietnam suggested, a capital in the region south of Saigon around the provinces of Dinh Tuong, Kien Hoa, Vinh Binh and Vinh Long.

Why this region? Even on U.S. hamlet security maps, this is a region dotted by heavy concentrations of VC control. In addition to outright VC control, the region is also heavily pocked by communities rated "C" in the security classification.

NIGHT

This means they are under VC control at night. For purposes of secret VC operations, it means they are effectively in VC hands. No one is going to give us intelligence information in the day if he knows he can be killed for this action at night.

If the communists capture such a capital, many observers believe they will have a special hostage. Presence of civil population will make our artillery and bombers virtually useless.

It would be a house-to-house battle much as it was in Hue.

The communists' next move is obvious: Raise the Provisional Revolutionary Government's flag and call in the neutral and Iron Curtain press.

The fact that this would be a city under siege would insure maximum news coverage for the event all over the world, including our own press.

This is a fear voiced by Abrams, by Bunker and by many of our Embassy and Mission experts—but always in the context of too swift a U.S. pull-out from Vietnam.

It's a fear President Nguyen Van Thieu has voiced in relation to proposed partitioning of his country.

But make special note that MACV experts do not rate ARVN (Army of the Republic of Vietnam) forces in the delta very high. The 20,000 U.S. support troops scattered over the delta could be expected to carry the brunt of the counter-attack and our casualties would be high.

This is the effect Hanoi is after.

At this point, even if we recaptured the provincial capital, the political damage in the U.S. would have been done.

The weak fabric of the story we had been sold—successful pacification, military victory possible, no more Tets—would be exposed.

If this occurs at the time of the 1970 elections, it will be a major political issue here (just as Hanoi would want it to be) and it will be characterized as another costly U.S. blunder.

Given the present outcry for getting us out of Vietnam, projecting that political climate into such a 1970 election mess, we could get a Congress and an electorate which would leave the President no choice.

Nixon says he does not want to be the first U.S. President to preside over a military defeat, but he could be forced to quit the field in Vietnam, leaving Hanoi the victor, having been party to our ultimate blunder in a long tragedy of errors.

LET THEM EAT PROMISES: THE POLITICS OF HUNGER IN AMERICA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BRADEMAS. Mr. Speaker, as people from all over the Nation gather in Washington this week for the White House Conference on Food, Nutrition, and Health, I believe it appropriate to call attention to the publication on December 1 of a book by Nick Kotz, entitled "Let Them Eat Promises: The Politics of Hunger in America."

Mr. Kotz, a Washington correspondent for the Des Moines Register, has an outstanding reputation as a Pulitzer prize-winning journalist and the publication of this eloquent and significant volume will, I am sure, bring him increased stature among all those Americans who are concerned that there are so many hungry and undernourished people in our wealthy and affluent land.

Mr. Speaker, at this point in the RECORD I insert a description of "Let Them Eat Promises," which contains a biographical sketch of Mr. Kotz.

I also insert several comments on his book and two reviews of the publication in the Washington Star and Washington Post:

"LET THEM EAT PROMISES"

What happens to the human body—and to the human brain—when it is denied adequate nutrition during its most crucial period of development? Why do thousands of American children grow up stunted in growth, weakened in strength, alienated by hunger? Why do politicians, government officials, and legislators stand by as the richest country in the history of the world denies food to millions of its citizens? What is the truth behind the shocking phenomenon of hunger in America?

Let Them Eat Promises is the first book to explore in depth this crucial and complex problem. With the focal point on one issue—hunger—Nick Kotz explores the faults and fallacies in our country's domestic programs. With keen insight, he tells why we never even got to the battle stations for the War on Poverty. He reveals just who are the hungry people of America; what is happening to their minds and bodies as a result of their deprivation, and how two Presidents ignored secret reports warning of those consequences. He tells the story of how politics got the hunger issue going and how politics almost squashed it, and how—behind closed doors of the White House—warring forces at the top level of government are still trying to balance economy against humanity.

A fast-moving, dramatically presented indictment of public apathy and government neglect, *Let Them Eat Promises* reveals the hidden truths behind our number one disgrace. For the first time, here are all the secret bargains, the backroom political dealings, the broken promises and the political priorities which continue to leave millions of famlies hungry as America turns her back.

In awarding Nathan K. (Nick) Kotz the first Robert F. Kennedy Journalism Award in 1969, the judges cited his "continuing coverage of hunger and rural poverty in America—exposing the mismanagement of federal food programs." As a Washington correspondent for the Des Moines Register and other Cowles publications, Kotz has won many of journalism's major honors: a 1968 Pulitzer Prize, a 1966 Sigma Delta Chi Award, and the Raymond Clapper Memorial Award in 1966 and 1968, making him the first two-time winner of this recognition for outstanding Washington correspondence. Born in San Antonio, Texas, Kotz, 37, graduated magna cum laude from Dartmouth College where he was elected to Phi Beta Kappa. He attended graduate school at the London School of Economics, served as a Lieutenant in the Marine Corps, and became a newspaper reporter in 1958. He has been a Washington correspondent since 1964 and lives there with his wife, Mary Lynn, and son, Jack Mitchell.

"Hunger and malnutrition will be critical issues for years. By showing us the rocky road already traveled, Nick Kotz prepares us for the way ahead. His book should be read by all who enlist in this most humane struggle."—U.S. Senator Jacob K. Javits, Ranking Republican Member, Senate Select Committee on Nutrition and Human Needs,

"The book is a gripping, upside-down detective story—a classic who-didn't-done-it to the malnourished poor. It is crammed with clues as to why hunger continues to exist in the United States long after everyone has agreed that not eating may be hazardous to your health. . . . If Mr. Kotz had his way, the solution would be simple and humanitarian. . . . It is unfortunate that he is not making policy instead of so fascinatingly describing its formation."—John R. Kramer, Executive Director, the National Council on Hunger and Malnutrition in the United States.

"The publication of Nick Kotz's book is a time for tears and outrage—tears for the suffering of the hungry millions whose helplessness he describes, outrage at the unbelievable fact that America still refuses to end their suffering. . . . But Let Them Eat Promises has a message of hope. . . . America must hear that message."—Charles Evers, Mayor of Fayette, Mississippi, and Civil Rights Leader.

"Nick Kotz has written an incisive and searing indictment of our number-one national disgrace—hunger. Let Them Eat Promises is by far and away the best treatment of this problem that I have seen."—U.S. Senator Walter F. Mondale, Member, Senate Select Committee on Nutrition and Human Needs.

"Let Them Eat Promises is a story that every student of government should read, because it shows how our national government really operates. Nick Kotz's vivid and authentically detailed story explains how the needs of starving Americans were swept under the rug by the provincial autocrats who run Congress, and their allies, the faceless bureaucrats of government agencies. This revealing exposé shows how personal enmities and political maneuvers, extending from the White House to the courthouse level, can combine to kill even the most urgently needed social legislation."—Congresswoman Shirley Chisholm, New York.

A BOOK FOR TODAY—ON THE PLIGHT OF THE HUNGRY

(By Judith Randal)

This book, which is published here as 2,500 people arrive to attend the White House Conference on Food Nutrition and Health, is not the first about hunger in America. But "Let Them Eat Promises" differs from the others because it exposes the myths and the political realities that stand in the way of change.

The story begins in 1967 when Democratic Senators Robert F. Kennedy of New York and Joseph Clark of Pennsylvania, shocked by what they had seen on a trip to the Mississippi Delta, returned to Washington to report to Congress and the nation. As it quickly became evident that Mississippi was only one of many pockets of hunger and malnutrition in an otherwise affluent America, it was widely assumed that public opinion force the government to act. Nick Kotz has marshalled the record to show why this confidence was misplaced.

Kotz, a Washington correspondent for the Des Moines Register and Tribune, is to be commended for an accurate and properly balanced account that is also extraordinarily moving. While it would have been easy merely to record the plight of the hungry, he has examined carefully and as dispassionately as possible the coalition of circumstances that have made a problem with as basically simple a solution so difficult to solve. And while he does not neglect statistics, he never forgets that what he is discussing is people.

Until the great depression, government did not concern itself with the welfare of either farmers or the poor. Then, as crop prices fell and one-third of the nation became destitute, Congress passed legislation which permitted the Department of Agriculture to pay farmers to reduce their productivity and to buy up the accrued surpluses for distribution to those in need.

The system made some sense in the 1930's. But a generation later it permits a large grower to collect vast sums in farm subsidy payments while thousands of his neighbors and millions across the nation go very nearly without. The surplus commodity program was never designed to provide a balanced diet and besides it requires each county to defray the administration costs, so that many have chosen not to participate.

The alternative—a food stamp program—at least has the virtue of giving people a choice at the grocery store. But the poorest of the poor cannot afford the stamps and the purchasing power they provide, by Agriculture's own admission, is inadequate. Thus, despite recent minor improvements here and there, both programs and the school lunch program, as well, work to the advantage of the farmer while perpetuating hunger and malnutrition at taxpayer expense.

When mechanisms as irrational as these take hold, an elaborate series of deceptions is needed to sustain them. Across these pages flash denials from local officials about the existence of hunger, charges of shiftlessness from conservative Senators and Congressmen—particularly from areas where there are feudal extremes of affluence and privation—and the conventional wisdom that ignorance, rather than poverty, is the villain in malnutrition.

"Hell, all people want is coke and potato chips," a food company official tells Kotz, trotting out the industry's traditional excuse for not enriching the products it offers the consumer. Citing government figures on who the hungry are and how they spend whatever food money they have, he shows conclusively how few of these allegations are true. "We are a nation of nutritional illiterates," Kotz quotes one professor as saying. "Yet we expect the poor to exercise some special discipline of nutrition knowledge that the rest of the country lacks."

One of the strengths of "Let Them Eat Promises" is that it places its heroes and villains in the context of their times, conceding the limitations imposed by people and events. Orville Freeman, secretary of Agriculture in the Johnson Administration, for example, bent over backwards to observe the fine print of the law, sometimes seeing

in it constraints that did not in fact exist. Certainly no one except perhaps Freeman himself would have accused him of being a crusader in the cause of food reform. Still, Freeman had to answer to Congressional agriculture committees that were and are opposed to more equitable treatment of the poor, and Kotz fairly points out that President Johnson never gave Freeman his support—or indeed made any public pronouncements about hunger at all.

What of the Nixon Administration? The author makes no claim to clairvoyance. But he cites a revealing passage in what he says are the official minutes of a cabinet meeting at the White House on March 17. Asked by the incumbent Agriculture Secretary Clifford B. Hardin how far he could go in speaking for the administration and its posture on hunger, Nixon is reported to have said:

"You can say that this administration will have the first far-reaching attack on the problem of hunger in history. Use all of the rhetoric, so long as it doesn't cost any money . . ."

If this book does nothing else, it gives the lie to the notion that, once given the facts about injustice, this country moves quickly towards reform."

[From the Washington (D.C.) Post, Dec. 2, 1969]

LET THEM EAT PROMISES: THE POLITICS OF HUNGER IN AMERICA

(Reviewed by Leroy F. Aarons, a reporter on the national staff of the Washington Post)

Nick Kotz has written a passionate book about an American scandal, as important in its dissection of government's inertia and indifference as was Ralph Nader's exposure of the automobile industry in "Unsafe at Any Speed."

Kotz's thesis is that at least 15 million Americans continue to go hungry in the United States because it is profitable for agriculture interests. These interests have been protected by powerful congressmen who have succeeded in intimidating the Agriculture Department, which, in turn, has failed to press reluctant administrations to advocate needed reforms.

The reason hunger has been discovered and dignified as an issue, Kotz makes clear in this fascinating book, is that a small group of concerned congressmen and citizens used publicity, research and politics to force it into the open. Thus the book's subtitle, "The Politics of Hunger in America."

Published on the eve of the White House Conference on Food, Nutrition and Health, opening today, this volume, which will be circulated at the conference, should give the 3,000 delegates some disturbing things to ponder.

They will learn, for example:

That government food surplus programs in the South have been used to benefit farmers—by unloading surplus foodstock—rather than to help the poor.

That only one-sixth of the poor receive any government food benefits.

That the food stamp program forced a million poor out of the food program because, among other things, stamps were too expensive.

That the FBI was sent by the all-powerful House Appropriations Subcommittee on Agriculture to intimidate people giving evidence to hunger investigators.

That on at least 12 occasions Lyndon Johnson rebuffed efforts by his subordinates to push through a food reform package.

That as recently as last March Richard Nixon told his Secretary of Agriculture: "You can say that the administration will have the first far-reaching attack on hunger in history. Use all the rhetoric so long as it doesn't cost any money."

Some of these revelations emerged during the last three years as the hunger issue began to impose itself on a largely indifferent nation. Others, including many fascinating behind-the-scene insights, were dug out by Kotz, who is Washington correspondent for the Des Moines Register.

Two chapters in particular deserve special mention. In one, Kotz, a Pulitzer Prize winner, traces the scandalous concentration of power in one man—Rep. Jamie Whitten, chairman of the agriculture appropriation subcommittee, whose very name causes brave men in the Agriculture Department (which administers food programs) to cringe.

The other chapter offers the best and most compassionate account I have read of the ill-fated 1968 Poor Peoples' Campaign, particularly the face-down scene between Ralph Abernathy, who knew the campaign had failed, and Agriculture Secretary Orville Freeman, who knew he was powerless to promise the kind of food aid being sought.

UNO—FREEDOM BID DENIED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. RARICK. Mr. Speaker, several years ago, U.S. citizens demonstrating at the United Nations Organization in New York learned the hard way that the UNO does not respect the right of peaceful assembly or free speech. The demonstrators were summarily placed under arrest and ejected.

This year, the unelected functionaries of UNO again displayed their callous attitude and lack of restraint. A group of Russians smuggled a petition to the UNO charging the Soviet Government with "repression of basic civil rights."

The UNO reacted speedily and in typical fashion. A directive was issued forbidding any UNO information center the world over to accept petitions from any group or individuals.

The hapless Russian petitioners did not gain a hearing nor any relief on their complaints. They were promptly conveyed to jails and mental institutions in Soviet Russia.

Those misguided liberals and moderates who have faith in the UNO and who idealize international government should be disenchanted by this latest example of UNO hypocrisy. Every day the UNO exposes its indifference to human rights and such basic precepts of freedom as petition by aggrieved individuals and groups.

An editorial follows along with a letter and petition to the UNO from the Women's Association for the Defense of Four Freedoms for Ukraine, Inc.:

[From the Manchester (N.H.) Union Leader, Nov. 27, 1969]

ANOTHER U.N. FARCE

Those unrealistic citizens who worship the United Nations should perhaps consider the latest example of the loss of its integrity. It was brought out in the open the other day by a Dutch delegate to the U.N., Leopold Quarles van Ufford.

The Dutch diplomat complained indignantly about the recent executive order that had gone out from the New York headquarters to the various U.N. Information Centers located around the globe.

This order now forbids the centers to accept petitions by groups or individuals, a custom that had been rigorously followed for years.

The force behind this order, as could be expected, was the Communist delegates to the U.N. It seems that last June a group of 43 exceptionally brave Russians appeared at the U.N. Moscow office and asked that a petition charging the Soviet government with "repression of basic civil rights" be accepted for transmission to U.N. headquarters in New York.

The Russian in charge of the office kicked the delegation out—and later simply claimed that no approach had ever been made by anybody in the matter.

Later the Russian petitioners, unmindful of jails and mental asylums awaiting them, succeeded in smuggling out the complaint and having it duly transmitted to the U.N. in New York.

After the whole affair, Soviet Ambassador, Jacob Malik visited Secretary General Thant and put on the pressure.

So from now on the various U.N. offices around the world can no longer accept petitions by groups or individuals!

How any rational individual can have the least confidence in the U.N., which has not been able to keep peace in the world, and now will not even accept petitions by groups or from aggrieved individuals or groups, is hard to understand.

WOMEN'S ASSOCIATION FOR THE DEFENSE OF FOUR FREEDOMS FOR UKRAINE, INC.,

New York, N.Y., November 1, 1969.

Subject: Human Rights for the Ukraine.

Hon. CHARLES W. YOST,
U.S. Aambassador,
United Nations General Assembly,
New York, N.Y.

DEAR SIR: In keeping wtih the sentiments of the Universal Declaration of Human Rights, the 20th anniversary of which we observed last year, and as we approach the year 1970, proclaimed by UNESCO as "Lenin Year" to commemorate the centenary of the birth of Vladimir Ilyich Ulanov Lenin, it is only fitting that certain historical facts be brought to the attention of the world body of the United Nations, in order to realistically evaluate what UNESCO calls "Lenin's humanistic ideas and activities on development and realization of economic, social and cultural rights."

The Universal Declaration of Human Rights, one of the great documents of our century, which declares the right of peoples and nations to self-determination, combatting racial discrimination, social and economic injustice, national and cultural oppression, and the practice of genocide, was signed by the representatives of the Government of the Ukrainian Soviet Socialistic Republic on December 10, 1948, as an equal charter member of the United Nations Organization. However, the Ukrainian Soviet Socialist Republic is not, as many would like to have us think, a free and independent state of Ukrainian people.

After a short period of independence, Ukraine was invaded by Russian armed forces in 1919, under the leadership of dictator Lenin, and after three years of heavy fighting, was incorporated—by force—into the U.S.S.R. as "The Sovereign National Ukraine Republic". It is a captive nation, under the Russian imperial-colonial system!

Human rights are denied the Ukrainians by Kosygin-Brezhnev, just as they were by Lenin-Stalin-Khrushchev. Terror, arrests, deportations, forced atheism, police control of family and public life. are the order of the day.

About one-half million Ukrainian men, women, underage young people, and children, have been, and are being arrested (according to recent documents) and are being held in Lvov, Kiev, Odessa, Lutsk, Rovno, Ivano-Frankovsk, Zhytomyr, Ternopol, Kharkov prisons located in the Ukraine. There are also

nearly one million innocents in chain concentration camps and hard labor camps such as Potma (36 camps), Kingir-Karaganda (16 camps), Norilsk-Dudinka, Ulan-Bator, Pechora, Vorkuta, Kulyma and Vladimir.

Over two million Ukrainian young people, as well as skilled workers are being deported to the "Soviet Virgin Land"—the wasteland of Kazakhstan—for permanent living and work. Many are being deported to the State of Mordovia, to work on Russian atomic fields. Hundreds of thousands of these have died and are dying from lack of proper living conditions, food, medical care, and from the hard labor and the climatic conditions.

Among the multitude of Ukrainian prisoners there is a high percentage of women who are serving, what in the free world would be, unbelievably high sentences, up to 25 years. Their "crime" is that they want to be Ukrainians! They want to read, speak and write in their own Ukrainian language, to preserve and enrich their native culture. They want to be—and have the rights of—Ukrainian citizens. Their punishment is unjust, illegal, and inhuman.

We respectfully call your attention to the recent destruction of irreplaceable Ukrainian architectural monuments, historical documents of Ukrainian statehood, and ancient cultural artifacts, perpetrated by deliberate Russian arson, as well as the planned, forced program of total Russification of Ukrainian daily life. These acts, together with the already mentioned terror, arrests, deportations, etc., are crimes against humanity that cry out to heaven for retribution.

We Ukrainians, the first victims of Red Army aggression under Lenin's leadership, the first victims on whom Lenin demonstrated his "humanistic ideas" such as the "development and realization of a new state economy" (the Kolhkoz System under which millions of Ukrainians died from famine in 1923–24), and "social and cultural rights" (under the terror of the CHEKA and GPU secret police), along with his closing of churches and educational institutions; the arrests, secret killings, and deportations by hundreds of thousands—*this* is the Lenin Era that the Ukrainians know and will never forget.

It is fitting as we approach the centenary of Lenin's birth, to recall his statement made in 1918 regarding domestic policy, namely: "As long as we do not apply terror with execution on the spot, we shall get nowhere." This quotation speaks eloquently for itself, and for Lenin's "humanistic ideas"!

It is a historical fact that Vladimir Ulanov Lenin, together with Josef Djugashvili Stalin, were the architects of the Soviet Union, and the Communist Party. Without them there would be no Russian Colonial Empire, no U.S.S.R. and Communist Party, to operate as an international instigator of intrigue and conspiracy, troubling the United States' security and the peace of the whole world.

Echoing the sentiments of 1968's observance of the 20th anniversary of the Universal Declaration of Human Rights, and approaching the dubious occasion of the centennial commemoration of the birth of Vladimir Lenin—(the individual responsible for invading the Ukrainian State, forcing its incorporation into the U.S.S.R. and thereby enslaving the Ukrainian people)—We, the members of the Women's Association for the Defense of Four Freedoms for Ukraine, Incorporated, on behalf of the millions of voiceless women in the homeland of Ukraine, on behalf of the Ukrainian prisoners, and burned Ukrainian martyrs, appeal to you, Mr. Ambassador, to place on the Agenda of the United Nations General Assembly, the subject of the Russian invasion of the Ukrainian Nation, and the human rights of its people.

We suggest that a Special United Nations Committee be established for the following purpose:

1. To investigate the violation of the United Nations Charter and the Declaration of Human Rights as they pertain to Ukraine and the other Republics of the U.S.S.R.

2. To prevail upon the Soviet Government to ultimately release all political prisoners who are languishing for long years in Russian prisons and concentration camps without benefit of amnesty, and return them to their homes in the Ukraine with benefit of full citizenship.

3. To impose on the Russian Government the removal of armed and police forces from the Ukraine and the territories of other captive nations, so that truly free elections under the supervision of the United Nations can take place.

Only by establishing a sovereign Ukrainian State, free from Russian domination, can all Ukrainian citizens achieve freedom and be guaranteed their human rights. And only when all the Captive Nations succeed in achieving the restoration of their independence will Russian power diminish and the Communist threat to world peace and security be minimized.

We look forward to your kind consideration of the above matter.

Respectfully yours,

Mrs. Ulana Celewych,
Chairman.

Mrs. Maria Nesterchuk,
Secretary.

HOUSE PASSES BILLS TO AID POW FAMILIES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BOB WILSON. Mr. Speaker, I am most gratified that the House of Representatives has passed unanimously my two bills, H.R. 9485 and H.R. 9486, to aid the families of prisoners of war.

At the moment there are hundreds of known American prisoners of war in Southeast Asia and almost a thousand other Americans listed as missing in action. Although these figures seem small compared with the staggering casualties of the war, we must not overlook the hardships these Americans are forced to endure in Communist captivity. Also, we must not forget the mental anguish suffered by their wives and families as they anxiously await the safe return of loved ones.

Last year I had the opportunity to meet with a group of POW wives who reside in my district of San Diego, Calif. Although our Government is doing everything possible within the bounds of existing laws to assist these families, certain inadequacies in these laws do exist and should be corrected. The purpose of the two bills, H.R. 9485 and H.R. 9486, before us is to correct the inadequacies of these laws.

In 1967 Congress approved a measure allowing prisoners of war and servicemen in a missing status to participate in the uniformed services savings deposit program which provides 10 percent interest on savings up to $10,000. What Congress failed to recognize, however, in approving this bill is that the American prisoner in Southeast Asia has no control whatsoever over his return from overseas. Thus, an American who is held captive for several years would accumulate deposits considerably more than $10,000—even after the necessary allotments for his dependents were deducted from his pay. H.R. 9485 would remove the $10,000 limit on deposits for any member of the uniformed services who is a prisoner of war, missing in action or in a detained status during the Vietnam conflict.

With regard to H.R. 9486, this bill merely gives the $30 family separation allowance to all prisoners of war with dependents. A good number of these men are enlisted servicemen with relatively low pay, and it is their dependents who suffer the most financially during their absence. Part of the economic hardship results from the fact that there is no man around the house to perform routine maintenance chores. The armed services have recognized this problem to some extent by providing a $30-a-month family separation allowance to servicemen, E–4 and above, whenever the serviceman's duties require him to be away from the home for more than 30 days—provided that his family does not live in military housing.

Under this bill, all prisoners of war and servicemen in a missing status—regardless of whether their families live in military housing or whether they are E–4 or above—would be entitled to the family separation allowance.

Now that the House has passed these bills, I hope the Senate may consider them and approve them before the end of this session.

HOW THE PENTAGON JUGGLES PROCUREMENTS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. PIKE. Mr. Speaker, there is an article in the current edition of the Armed Forces Journal which should be must reading for anyone who does not quite understand the mechanics of how, despite the clearly expressed will of Congress and the clear language of specific laws, major procurements running into billions of dollars can be juggled around for political purposes or at least for reasons having nothing to do with national defense. The article points out the clear language of the law itself as to procurements and clearly points out precisely how the military violates it.

The well publicized cost overruns on the Cheyenne helicopter, the F–111 aircraft, and the C–5A may, or may not, be attributable to the procurement practices which were followed in awarding those contracts. It is clear, however, that in each of those cases the law was ignored. In at least two huge procurements now pending, the F–15 and the AMSA, both of them involving billions of dollars, the law is not being complied with. What the result will be only time will tell but if the past is truly prolog, what time will tell us will be very sad news indeed. The full text of the article follows:

SOURCE SELECTION: WHAT THE LAW REQUIRES

Section 2271, Act of 10 Aug. 1956 Title 10, Armed Forces Act.

Design competitions; Advertisement; Selection of Winner—

[a] . . . To encourage the development of aviation and to improve the efficiency of aeronautical war material for the Army, Navy, Air Force, and Marine Corps, the Secretary of each military department, before procuring new designs of aircraft, aircraft parts, or aeronautical accessories, shall invite the submission of new designs thereof in competition, as follows:

[c] . . . The department concerned shall furnish to each applicant identical detailed information as to the conditions of the competition and the features and characteristics to be developed in the design, *listing specifically the measures of merit expressed in percentages, that are to be applied in determining the merits of the design. These measures of merit shall apply throughout the competition.*

[d] . . . The announcement of the results of the competition shall state the percentages awarded to each feature or characteristic of each of the designs submitted and the price named for design and each feature thereof, if separable.

The law cited above is the most explicit and unambiguous of several on the books that express the will of Congress on ground rules under which aircraft design competitions will be held. But it isn't being followed.

Contractors, bidding on the Army's AAFSS, the TFX, and the C–5A, for instance, were not given the detailed criteria (weightings, or "measures of merit expressed in percentages") by which their proposals would be judged. Nor were the same weightings used throughout the source selection process on these programs.

And in each of these three programs, findings of the principal evaluation groups on the relative merits of various contractor proposals later were overturned. In the case of the C–5A, for example, a 23 September 1965 Air Force memorandum shows that an evaluation board headed by two Air Force major generals and two brigadier generals unanimously recommended that the Boeing entry be picked.

That recommendation was overturned by a three-fourths majority when the Air Force Chief of Staff, the Commander of AFSC, the Commander of Military Airlift Command, and the Air Council cast their votes.

Nor were the weightings spelled out above given to firms competing for the Navy's F–14 and S–3A. The three companies bidding for the F–15 don't have them. And they weren't provided with the recent AMSA (B–1) Request for Proposals.

As Senator John L. McClellan (D-Ark.) told us when The Journal discussed source selection procedures with him—he cited the law above during the TFX contract investigation—"So far as I know they haven't complied with the law. Apparently, it's just being ignored. I think the law should be applied."

In fairness to DoD and the Services, we have to point out that they aren't necessarily "ignoring" the law. The problem is that there are different laws on the books, and some are contradictory. In a sense, how DoD competes is a question of "dealer's choice."

DoD's General Counsel's office told us that the 1956 provision cited above is "permissive, not mandatory"—a stand we find somewhat difficult to understand given the repeated use of the word "shall." DoD points out that the 1956 law is simply a codification of earlier statutes, that the specific provisions we cite here were laid down as part of the Air Corps Act of 1926, and that "it hasn't been used since World War II." (We still haven't found out why Congress bothered in 1956 to "codify" the 1926 requirement if they didn't intend for the original law to be followed.)

DoD's top expert on procurement policy, John Malloy, told us he was not "personally familiar" with the 1956 provision, and had never heard it discussed as an issue.

The legal basis which DoD and the Services use *not* to give industry the specific weightings by which new aircraft designs will be judged rests in Section 2304(a)(11) of Chapter 137, Title 10, U.S. Code, laid down in 1947 as part of the Armed Services Procurement Act. This 1947 section spells out 17 exceptions—all quite broad and general, compared with the very specific language shown above—by which DoD need not *formally advertise* for bids (thereby circumventing or negating the rest of the language we've quoted from Section 2271, Chapter 135—the chapter's title: "Encouragement of Aviation"—of the U.S. Code).

There's a real question, however, of how applicable the exception which DoD cites *is* to design competitions like the F–14, the F–15, and S–3A—systems DoD clearly intended or intends to put into *production*. The exception (to the requirement for formally advertised bids) reads: "If the purchase or contract is for property or services that he [the head of a Military Department] determines to be for *experimental, developmental, or research work*, or for the making or furnishing of property for experimental, test, development, or research."

As one senior Air Force officer told us, giving prospective contractors the detailed weightings by which their designs would be evaluated would make it difficult later to apply any "corporate judgment" in picking the winning contractor. He has a good point. But following the 1956 law would give industry a better idea of what design attributes the Services *really* felt to be important, and more energy could be spent on those. More important, perhaps, the 1956 law would make it awfully hard to award contracts on other than straight merit—a goal well worth shooting for as the Pentagon and Congress try to restore public faith in the integrity of DoD's procurement process.

HAZARDS CAUSED BY BLOWING SAND

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. TUNNEY. Mr. Speaker, at a time when citizen participation in politics seems to range between the extremes of apathy and violent confrontation it is very gratifying to deal with people who are willing to work through legitimate channels to achieve their goals. Yet due to lack of action their patience is being strained. It is a pleasure for me to represent a group of individuals who share common problems and who are united by a desire to work together to find solutions to these problems. I am referring to the people of Coachella Valley, Calif. The problems of an area like the Coachella Valley are so complex and so numerous that they cannot be ignored. As an agricultural region, as a tourist center, as a growing metropolitan area, the Coachella Valley, like so many growing communities in California demands continued efforts to make it a better place for living, working and visiting.

I would like to address myself to one particular problem which I think indicates the type of concerted effort needed to improve conditions in this area. I am referring to the attempts being made to alleviate the hazards caused by blowing sand.

The combination of high winds and loosely packed soils has presented a problem in this region for a long time. But a report prepared by the U.S. Soil Conservation Service in 1967 indicates that blowing sand has become increasingly serious in recent years. This has been due to new residential and highway developments in the area. The sand has become more loosely packed, the wind has continued to blow and more people are endangered by it. In 1963, committees from the California State Senate and State Assembly conducted public hearings on the problem in Palm Springs. The effect was to call public attention to the costs and hazards involved to transportation facilities and vehicles, but no positive action to alleviate the conditions has resulted. Thus a legitimate citizen concern—a deteriorating environment—is not being alleviated.

A number of local citizens have devoted much time and effort toward achieving a solution to the problem. I have closely followed the progress of these efforts for the past 3 years, providing whatever assistance I could. Today I would like to to introduce legislation to increase Federal participation in the quest for a lasting solution to this problem and with problems of financing such a solution.

I have studied many Federal programs and have met with representatives of various agencies in order to discover some avenue of assistance open to the people of Coachella Valley and as a result to other communities faced with similar problems.

First of all, the Bureau of Public Roads and the State highway department are empowered to take measures to improve safety conditions along interstate highways. The possibility of undertaking such a project along Interstate 10 is now under consideration, and it is possible that windbreaks and other safety devices can be installed to provide some relief for vehicles moving along this important highway.

After talking with officials at the Department of Housing and Urban Development, it was suggested that there is a possibility of obtaining a grant for open-space acquisition and development. This grant could cover the acquisition and development of land for parks, recreation, or conservation. Representatives from the Soil Conservation Service have assured me that their continued technical cooperation will be available in planning stabilization programs.

It has, however, beome apparent to me that there is no single Federal program designed to alleviate the type of wind-erosion problem faced by Coachella and perhaps other communities.

Therefore, I am introducing a bill to attempt to coordinate Federal action in this area. The legislation authorizes the Secretary of Agriculture—acting through the Soil Conservation Service—in cooperation with the Secretary of the Interior—acting through the Bureau of Reclamation—and the Secretary of the Army—acting through the Corps of En-

gineers—to make a full and complete investigation and study of the wind erosion problems of the Coachella Valley.

Not later than 6 months after the date of enactment the Secretary of Agriculture would be required to report the results of the study to Congress together with his recommendations for those specific Federal actions or contributions which he determines to be necessary to alleviate, abate, and control such wind erosion problems including any necessary legislative recommendations.

It is important to revitalize our rural areas in view of the fact that over 600,000 people per year are leaving for urban metropolitan areas. Much of this migration is caused by the deterioration of opportunities in rural America. There must be increased public and private investment. People must be given encouragement and incentive to remain in rural areas. Industry must be encouraged to locate in rural areas.

Environmental deterioration such as blowing sand must be alleviated and a coordinated program of Federal assistance is required to accomplish this goal.

THE REVOLUTION'S SOUTHERNMOST BATTLEFIELDS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BENNETT. Mr. Speaker, within the city limits of present day Jacksonville lies the site of the most southerly combat of the American Revolution, our War of Independence. And much of the terrain involved—forests, hammocks, swamps, marshes, creeks, and wildlife—is little different today from what it was on May 17, 1777, when the battle of Thomas Creek, the most southerly battle of the war, took place.

There should be created in these lands the Revolution's Southernmost Battlefields Park, not only for the unique historic aspects but also for wildlife preservation purposes and recreational values. The approaching 200th anniversary of our Nation makes it important that a project to accomplish this be launched promptly. The year 1976 will obviously be not only a time of maximum interest in our War of Independence but also an ideal time to have such a facility in the best condition possible for tourist enjoyment.

The 14th and 15th British Colonies in the Revolutionary War years were East Florida and West Florida. They were havens for Loyalists who fled from the other 13 Colonies. Some Florida inhabitants favored independence; but there were probably more Loyalists in Georgia than there were Florida inhabitants seeking independence from England. In any event, the three chief efforts to gain independence for Florida were launched from Georgia; and a major reason why they failed was that it was impossible to surprise the British troops in Florida because of information fed to the British by Loyalist sympathizers who lived in Georgia. Another major difficulty was that the Georgia Governors wrangled with their military leaders as to whether the Governor or the military should take command of the troops. Moreover, the Georgians never arrived in Florida with sufficient numbers to assure victory.

In 1776 the British were for a time pushed back from the Georgia border as far south as the south bank of the St. Johns River. Gen. Augustine Prevost, in charge of the British troops at St. Augustine, reported on September 9, 1776, to his superior officers as follows:

> The party which was on the St. Mary has been obliged by a strong one of the rebels to abandon that river and to retire on the south side of St. John's river. They took lately a serjeant and 5 men of the party reinforced to 100 men.

Gen. Charles Lee of the American troops in Georgia was never able to put into Florida the bulk of the forces he planned to use in an invasion that year. It remained for other leadership to make a better effort the next year.

In 1777 Georgia's President and Commander in Chief, Button Gwinnett, a signer of the Declaration of Independence, optimistically mounted a new campaign to capture St. Augustine and liberate East Florida: he decided to lead the forces himself, instead of allowing Gen. Lachlan McIntosh, the ranking military officer of the State to lead it. A dispute arose, partly based upon this affront to the latter, but more because of Gwinnett's accusations of disloyalty publicly made against the brother of the general. In any event, neither went to Florida in the expedition which was planned to rendezvous two separate elements at Sawpit Bluff, Fla., on May 13, 1777. This location is within the present city limits of Jacksonville and near the mouth of Nassau River.

Lt. Col. Samuel Elbert from Sunbury, Ga., embarked with one element, 400 Continental troops, to make the trip by water; and the other element of troops, 109 men of the Georgia militia led by Col. John Baker, marched overland to Sawpit Bluff. Despite combat with Indians who were loyal to the British and the difficult crossing of swollen streams, Baker reached Sawpit Bluff on the appointed day. He immediately sent out a reconnaissance troop, which discovered from an inhabitant that the British were well informed of the expedition and were preparing a strong resistance.

On May 17, having heard nothing from Elbert, Baker decided to place his own forces in a better spot for observation and possible retreat, knowing that a substantial British force was planned against him. While moving inland searching for easily fordable narrow headwaters of the creeks in the area, the Americans were surprised by Florida ranger, or scout, forces under Col. Daniel McGirth, these forces being inhabitants of Florida assisting the British regulars. A third element of the British forces was the Indian contingent. All three loyalist elements were present in the battle which took place near Thomas Creek, somewhat south of where it empties into Nassau River—on today's map this is west of and adjacent to Interstate Highway 95, where is crosses Nassau River. The main body of the enemy was led by Maj. Jean Marc Prevost—brother of the general—who formed his attack with three columns of 100 men each.

Surprised and greatly outnumbered by the British regulars and their allies, almost half of the men under Baker soon abandoned the fray. Subjected to heavy enemy fire, Colonel Baker was compelled to retreat with those who fought by his side. There were at the time of the disengagement only about 50 remaining with him. The Americans lost eight killed—including five massacred by the Indians immediately after their surrender—nine wounded, and 31 captured.

In the memoirs of Maj. Patrick Murray, who was present in this battle of Thomas Creek, we find the following comment:

> In April or May Major Baker's Georgian Dragoons made an incursion into the Province, drove our Rangers and Indians as far as St. Johns's River and had skirmish with the Black Creek Factor, in which 2 Indians were killed. Major Marc Prevost of the 2nd. Battalion, with Captain Graham of the 16th. Light Infantry, Captain Wulf of the Grenadiers 4th Battalion, and a detachment of the 2nd. and 3rd. Battalions—the whole did not exceed 100 men—crossed at the Cowford and advanced 11 miles to Rolfe's Saw-Mill, when in the night a Ranger brought the Major one of their horses' ears as a proof of where they were. At day-break they were found at Thomas's Swamp when the Indians began to skirmish with them as they were about to mount, and kept a bushy run of water between them, giving way until at Broadday the Major with his 3 Columns appeared advancing with fixed Bayonets, on which they fled to their horses and attempted to escape through a miry passage in the discharge of Thomas's Swamp but were fired upon by the Indians with Rifles, and attacked by the troops. About 30 of them escaped with Major Baker, about 40 with Captain Few surrendered; the remainder plunged into the Swamp leaving the Horses; and what became of them is not known. The prisoners were all put to death except 16, among whom was Captain Few, saved with difficulty by Major Prevost and the Troops from the fury of the Black Creek Factor.

Colonel Elbert did not arrive in Florida until May 19 and landed on the north end of Amelia Island on May 20. Elbert sent Captain More, Lt. Robert Ward and a detachment of Continentals to reconnoiter and secure the island by a march to its southern tip; but these Americans were driven back by a British detachment on the island; and Lieutenant Ward was slain in the encounter. Some of Baker's men who had escaped from the Thomas Creek battle joined Elbert, who decided that the force remaining under him was insufficient to subdue East Florida. So he retired to Georgia, as Baker had already done. Colonel Elbert's order book contains the following comments under date of May 25, 1777:

> On the morning of the 19th we were Joined by thirteen of Colo. Baker's then, soon after by two more, & two Days after by three others, who all agree in the account of that unfortunate Gentlemen being attacked on Saturday, the 17th, by a Superior Number of Regulars who were assisted by the Florida Scout and a Number of Indians.

Somehow the British at St. Augustine had been well informed of the size of each of the approaching elements; and precautions had been taken by the British in sending troops to Amelia Island and a detachment of artillery to defend the battery at St. Johns Bluff. Also an armed schooner and sloop had been sent to defend the inland passage between

Amelia Island and the mainland. Elbert concluded that, in view of the inability to preserve secrecy, any movement against Florida in the future should be more adequately manned. This is the thrust of what he wrote General McIntosh on May 26, 1777, in a letter which contained the following comments:

I am Just now favored by a Letter from Colo. Screven, wrote at your Desire: I lament the Behavior of Colonel Baker's Men, but it will always be the case where Subordination is wanting; this little Success will make the Enemy very Impudent, particularly the Indians; I think from every Information we can get that the Enemy are at present on their Guard, that little can be done, unless by a formidable Invasion, which I Judge to be rather too much for Georgia to undertake till her Forces are put on a more respectable footing, and therefore would recommend confining our Operations intirely to the defencive till a more favorable opportunity; we have too many Secret Enemies amongst us who Keep up a regular correspondence with our Florida Neighbors, and until they are put a Stop to it will be impossible for us to enter Florida without their having timely notice of our approach.

In a protesting letter written from Cumberland Island, Ga., on May 31, 1777, by Colonel Elbert to Major Prevost the following was said:

That Humanity with which you mention our people taken by you have been Treated, is what Americans can never depart from, but Sir, it hurts me, as I am sure it must you, to be informed that some of the unfortunate men of Colo. Baker's Detachment who fell in your hands, were cruelly Butchered by the Savages, in cool Blood, and in the presence of some of your people; if Savages can't be restrained, why are they Employed?

On May 16, 1777, the feud between Button Gwinnett and Gen. Lachlan McIntosh came to a tragic conclusion as the two men met in a duel at Savannah on that day. Gwinnett died on May 19 from the wound received in the duel, a duel precipitated by a challenge by Gwinnett when the general called him a scoundrel.

On July 14 General McIntosh summarized his feelings about the 1777 Florida expedition as follows in a letter to George Walton:

Our late Don quixot Expedition to Augustine proved abortive as I expected. Our late president & council conferred the command of it on Colonel Elberte which I allowed for peace sake. He went by water to St Marys with three gallys & about 400 men in Craft of various kinds and Baker with his Horse by land & returned again, without being able to affect any one thing after an amazing expence.

After being tried and acquitted on a murder charge for Gwinnett's death, General McIntosh, at the suggestion of friends, consented to leave Georgia for the time being and take command in the western districts of Pennsylvania and Virginia. It was almost 2 years later before he returned to Georgia with new military assignments in his native State of Georgia.

In the meantime in 1778 a new Georgia Governor, John Houston, and a new military commander, Gen. Robert Howe, heard rumors of an impending major expedition planned against Georgia from Florida. To them the time seemed ripe for a new patriot expedition against Florida, this time to be of sufficient size to achieve the conquest of East Florida. The estimates of the number of patriot troops that could be placed in such an expedition against Florida were between 2,000 and 3,000. The estimate of the enemy's regulars in Florida was 760 with no firm estimate on the numbers available in the Rangers and Indian allies.

On June 22, 1778, Gen. William Moultrie advised General Howe that it had been learned that the enemy in the number of 1,200 had marched out of St. Augustine to oppose the advance of the Americans. The British troops moved under Gen. Augustine Prevost to headquarters at Cowford—in what is today central Jacksonville—utilizing chiefly the more defensible southern bank of the river, as the Spanish had done previously at their St. Nicholas southside location.

Maj. Patrick Murray recorded in his memoirs that at that time "Gen. Robert Howe with about 3,000 men, of whom 1,200 were high up on the St. Marys" were advancing. He recorded that Col. Thomas Brown of the Rangers pushed on to the St. Marys from the St. Johns "with the Indians and Rangers and took post at Captain Taylor's house where he was surrounded" by the Americans who were "high up on the St. Marys; but he contrived to escape southward into Cabbage Swamp." Murray then recorded that Major Prevost was sent northward from his brother's headquarters at Cowford "with the Grenadiers of the 2d Battalion, the Light Companies of the 16th and 4th Battalion, and the South Carolina Royalists" and constructed a crude fortification at Alligator Bridge where the St. Augustine and Cowford stretches of the King's Road to Savannah crossed the narrow portions of Alligator Creek. This is believed to be near the central portion of today's Callahan, Fla., and was only about 2 miles north and 10 miles west of where the 1777 battle of Thomas Creek occurred. This is the way in which Murray described what ensued:

He took post at Alligator bridge 22 miles from the Cowford with about 450 men. The enemy took a position at Niel Rain's 17 miles from Alligator Bridge.

Major Prevost sent forward Major Graham of the 16th with 200 men with some of McGirth's rangers towards the cabbage swamp to relieve Colonel Brown. The Rangers scouted to the right and fell in with a Column of the enemy who fired upon their advanced men and then changed the direction of their route.

Major Graham continued his march until joined by Colonel Brown, when the whole encamped. The morning after Major Graham's advance there came into Major Prevost an inhabitant who had escaped from Nassau Bluff 17 miles to our right, and fearing to cross Mill's Swamp in the night, he informed the Major that Colonel White was there with 90 of the 4th. Georgia, and Captain Nash with 14 Dragoons. Major Prevost dispatched Captain Murray with 20 of his company, 20 of the 16th. Light infantry, and Captain York of the South Carolina Dragoons. As soon as the detachment had got through Mills and Thomas's swamp, Captain Murray sent forward Captain York to occupy the 2 ends of a Pond which formed a half moon projecting outwards; the 2 Points closing in upon the Bluff; but Captain York thought it prudent to keep his men together and took post at the farther end, upon which Colonel White judged it full time for him to get over Nassau; and Captain Murray with the mounted men pursued, but the last boat load of his rear went down the stream leaving a doctor and his 2 daughters who had joined the enemy, but as the 2 families of Royalists who had been prisoners at the bluff declared Colonel White had used them well, Captain Murray suffered the doctor and his family to depart with their baggage, not thinking it right to allow them to remain in the province.

Captain Murray, Lieutenant Calderwood 16th., Campbell 4th. Battalion and Captain York, South Carolina Royalists, made a hearty dinner at the Bluff upon roast Beef and fine Biscuit. Colonel White, having provided an ample provision for his whole detachment, our men fared sumptuously and towards evening we fell back to a swamp 2 miles in our rear for the night (this was on the 28th. June 1778 the day of the Battle of Monmouth).

At day break a large decked boat full of men appeared under sail in the Nassau passage, and made a signal for the Bluff, which not being answered, she put about and hastened down the rivers with oars. Captain Murray had notice of this by one of the Loyalists whom he had left there as a decoy and joined Major Prevost at 10 o'clock. At about mid-day when the men from the detachment were cleaning their arms and others washing in the creek in front of the camp the Grenadiers constructing a breastwork, — Major Graham's detachment had joined on the evening before, — while Colonel Brown encamped at a swamp in front about 10 miles to collect his men.

At mid-day a mounted Sergeant came to Major Prevost's tent to announce the Colonel being at hand with his Corps. The Major, by the Sergeant, desired Colonel Brown to come to his tent; presently we heard Whitfield the Drummer beating the Grenadiers' March, and the rangers filing over a bridge where he had a sub-guard. Soon after entering when the Ranger drum beat to arms, and the Rangers many of whom had lost their arms in the cabbage swamp, were seen flying into that in front of our camp, Captain Muller of the Grenadiers and his men running to the Camp for their arms, musket balls whistling over our tents while the enemy with sabres and rifles were shouting, "down with the Tories." Captains Smith and Johnston with a few of their Rangers bravely defended the Aligator bridge, till the regulars having got under arms and relieved them.

According to Capt. Hugh McCall's "History of Georgia," which was written in 1784 and published in 1816—and republished in 1902 at Atlanta by A. B. Caldwell—Col. Elijah Clarke was sent forward with 300 of the Georgia militia to pursue the enemy to Alligator Creek; and—at page 359 of the 1902 edition—the events are recorded by McCall as follows concerning the battle of Alligator Bridge:

An entrenchment had been opened round the camp, fronted by logs and brush, as a substitute for abatis: at first view the camp was considered assailable, and a detachment of mounted militia, under the command of colonel Elijah Clarke, was ordered to penetrate the camp on the weakest flank, and if practicable to throw the enemy into confusion, of which the main body was to take advantage by advancing quickly on the front. Clarke's detachment acted with great spirit, but their utmost efforts to pass the works were vain and unsuccessful; the horses were entangled among the logs and brush, and with much difficulty got through: when they reached the ditch, it was found too wide to leap over. Here they were met by the fire and huzzas of the enemy, to which the horses had not been accustomed; and they could not be forced to meet it. Colonel Clarke was shot through the thigh, and with difficulty escaped falling into the hands of the enemy. A retreat was ordered, and the American loss was three killed and nine wounded. As the execution of this part of the plan of attack had failed, the main body did not attempt to

perform that part of the operations, which had been assigned to it. Finding that nothing could be achieved, and that re-inforcements to the enemy were at hand, the Americans retreated and re-joined the army.

Murray reported the loyalist losses in this June 30, 1778 battle as follows:

One man of the 2nd Battalion was killed and one of the 4th wounded; Captains Johnston and Smith with five of Brown's rangers wounded.

He also chronicled:

The horses being at pasture could not be collected during the short action, and Ensign Gigilighter of the South Carolina Royalists who wore yellow breeches were taken at the advanced guard and carried off. Mayor Prevost did not allow any pursuit.

Speaking of the patriot losses, he reported that two were left upon the field, neither named; but one was designated as an ensign and the other as "a black man."

The British retreated southward as Colonel Clarke and his troops rejoined the main forces of the Georgia militia.

As General Howe entered Florida his forces met with no resistance at the St. Marys River and at Fort Tonyn on the northern tip of Amelia Island; and from this island location he wrote to General Moultrie on July 5, telling of the difficulties he was having in assembling his troops and in the conflicts in authority being experienced, among which difficulties was one reminiscent of the 1777 expedition, the unwillingness of the new Governor of Georgia to relinquish authority over State troops to the military head of the expedition. The letter read as follows:

FORT TONYN.
5th July, 1778.

DEAR GENERAL.—I have been waiting for the galley first, and after her arrival, a tedious while for the Militia of this State and for the long expected coming of Col. Williamson and our country-men with him. In short, if I am ever again to depend upon operations I have no right to guide, and men I have no right to command, I shall deem it then as now I do, one of the most unfortunate accidents of my life. Had we been able to move on at once, and those I expected would have been foremost had only been as ready as we were, a blow might have been given our enemies which would have put it out of their power to have disturbed us, at least not hastily, and perhaps have been attended with consequences more important than the most sanguine could have expected. But delayed beyond all possible supposition, and embarrassed, disappointed, perplexed, and distressed beyond expression, the utmost we can now achieve will be but a poor compensation for the trouble and fatigue we have undergone, excepting we may be allowed to suppose (what I truly think has been effected) that the movements we have made have drove back the enemy and prevented an impending invasion of the state of Georgia which would otherwise inevitably have overwhelmed it, and also a dangerous defection of the people of both States. This good, I am persuaded, has resulted from it, and this is our consolation.

The enemy were 2 or 3 days since at Alligator Creek, about 14 miles from this place. Their forces, by all accounts, are at least equal either to the Governor's troops or mine, and we are on contrary sides of the river and not within 8 miles of each other. Ask me not how this happened, but rest assured that it has not been my fault. I believe, however, that the Governor will encamp near me tonight, and if the enemy are still where they were, which I hope to know tonight or tomorrow morning, we shall probably beat up their quarters.

Col. Charles Cotesworth Pinckney, writing also from Fort Tonyn to General Moultrie, had this to say in his letter of July 10, 1778:

After we have waited so long for the junction of the Militia we now find that we are to have as many independent commanders as corps: Governor Houston declaring that he would not be commander; Col. Williamson hinting that his men would not be satisfied to be under Continental command or indeed any other command but his own: and Commodore Bowen insisting that in the naval department he is supreme; with this divided, this heterogeneous command, what can be done? Even if the season and every other military requisite was favorable (but that is far from being the case) the Continental troops have been so violently attacked by sickness, and the desolation made by it is so rapidly increasing, that if we do not retreat soon, we shall not be able to retreat at all, and may crown this expedition with another Saratoga affair in reverse. But the many reasons which ought to induce us to return I cannot now enumerate. Some of the principles I herewith enclose you. From thence you will learn that we have the strongest grounds to imagine that the enemy mean not to fight us seriously on this side of St. John's. Skirmish with us they may, perhaps hang upon our flanks, and harass our rear, and, if we would give them an opportunity, attempt to surprise us; but to fight on this side of St. John's would be the most imprudent thing they possibly could do, and all their movements show they have no such intention.

In 1778 it was almost impossible to see any way for there to be a patriot conquest of Florida. There was widespread and fatal illness among the troops. There was a lack of surprise in their operations against the enemy. Most important of all, there was a lack of unified patriot command. Governor Houston would not let his State militia be commanded by General Howe of the Continentals. Col. Andrew Williamson wished a separate command for his South Carolina volunteers. Commodore Oliver Bowen maintained that naval support, under his command, should not be subordinated to the army elements.

So on July 11, General Howe called a council of war at Fort Tonyn, on Amelia Island. Among the participants were Col. C. C. Pinckney, Col. Samuel Elbert, Col. John White, Lt. Col. John McIntosh, Maj. John Habersham, and so forth. General Howe put a series of questions to the council. One was "as driving the enemy out of Georgia, and demolishing Fort Tonyn, were the objects principally aimed at; have not these purposes been effected?" He received a unanimous affirmative reply.

Another question was: "Is the army in a situation to cross the St. Johns River, attack the enemy, and secure or retreat in case of accident, though they should be added by the militia men embodied under Governor Houstoun and Colonel Williamson?" This question was resolved unanimously in the negative; as were questions as to whether, since Governor Houston had denied General Howe the right to command the Georgia militia, and no junction had been achieved with the militia, it would be safe or beneficial to the common cause to pursue the combat further in Florida.

Capt. Hugh McCall in his "History of Georgia" wrote concerning the conclusion of these 1778 efforts:

Thus ended General Howe's expedition, on the success of which the fate of Georgia was suspended. He ordered the sick and convalescents on board of the gallies and such other boats and vessels as could be procured, under the direction of Colonel C. C. Pinckney, to proceed by the inland passage to Sunbury, and with the remainder which had been reduced by disease and death, from eleven hundred to three hundred and fifty; he returned by land to Savannah. Governor Houstoun and Colonel Williamson proposed a plan of proceeding with the militia as far as St. John's river, but this arrangement was fortunately abandoned, and their commands returned to Georgia and dispersed.

The 1778 operations did at least discourage substantial loyalist attacks in Georgia in that year; but 1779 was another matter. On September 11, 1779, Savannah was taken by the British; and although major Revolutionary War combat was still to be experienced in Georgia, this was never again to be so in Florida. At the end of the war, England transferred East and West Florida to Spain, which took possession in 1784.

It seems proper now that we plan a park at the site of our most southerly battlefield of the Revolution. The Thomas Creek location seems the most appropriate. Although we know that combat took place still further south on the north bank of the St. Johns at Cowford, the substantial nature of that combat is not known and the land is preempted now by high-rise construction. All we know of the 1776 combat at Cowford is to be found in the following quotation from a January 27, 1777, letter from Governor Tonyn in which he said:

The Indians by themselves forced back the Rebels when they had advanced as far as the Cowford, and had they not discovered men dressed in red at their fires in the night time, they would have surprised them, these were those cloathed in the Regimentals of the Soldiers taken at the Cowford, the Indians however pursued them until they passed St. Mary's River and I must acknowledge that they are very intelligent, and useful Spies in observing the movements of the Rebels.

Moreover, still further south, on August 30, 1778, a privateer committed depredations and carried off 30 Negroes from New Smyrna. But we are not advised of any armed resistance south of Thomas Creek and the best spot to commemorate this southernmost frontier of the Revolution is certainly the battlefield at Thomas Creek. I hope this commemoration can be done, and I have introduced H.R. 12424 to accomplish this by providing for a national park facility at the location.

TELL IT LIKE IT IS—ON BOTH SIDES

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. FOREMAN. Mr. Speaker, all Americans and decent citizens every-

where abhor the atrocity reported as allegedly committed at Pinkville by a few battle-weary soldiers in the Vietnam war last year. One of the sad and tragic facts of war is that people get killed—over 30,000 brave young Americans have died in a nasty, brutal war in Southeast Asia in an attempt to preserve freedom and halt the deathly spread of communism.

However, it is an affront to millions of honest, God-fearing, freedom-loving Americans for a sensation-seeking, so-called "news" service to portray the unselfish, dedicated American servicemen, in Vietnam and elsewhere, as inhumane, berserk murders because of an isolated incident that may have been committed by a handful of edgy, war-torn and battle-weary GI's.

My remarks are directed primarily at the Dispatch News Service, its two partners and a select few of the news media representatives who so eagerly paid out thousands of dollars for a sensational, off-color incident in an apparent sordid attempt to degrade and demoralize the U.S. Army specifically, and America generally. One of the warped-thinking "news" partners, David Obst, a 23-year-old school dropout, who departed the United States, "because I wasn't learning anything in school in this country," says he has been busy selling the story, telephoning newspaper offices in the press building—and tells that at one point he spent 18 consecutive hours on the telephone talking with editors. The youthful salesman boasts that Dispatch News Service has a left-of-center, anti-war tone.

The other member of this duo is Seymour M. Hersh, a 32-year-old Washington free-lance writer, who was brought up in Chicago's "front page" school of newspapering. Hersh, a fast-talking, fast-moving, job-to-job reporter—listed as a former campaign press secretary for Senator EUGENE MCCARTHY—is described by a London newspaper as a "left-wing nut."

Why have not these money-hungry, headline writing sensationalists written about the brutal Communist murder of thousands of innocent victims—men, women, children, and babies—in South Vietnam, in Hungary, in Czechoslovakia, and elsewhere around the globe?

Why have not they photographed and headlined the savage Communist deboweling and deboning and horrendous murder of thousands of screaming Vietnamese citizens?

Why have not these bleeding-heart pacifists written about the senseless slaughter of thousands of decent young American boys who have been ambushed, poisoned, gassed, bombed, burned and murdered by the godless Communists in Vietnam?

Could it be that they are more interested in condemning the Americans in the eyes of the world, than they are in telling the truth about the Communists? Could it be that they are more interested in "selling" and telling the story one-way—rather than reporting it like it is, on both sides? Perhaps.

Mr. Speaker, a story in the December 5 issue of Time magazine, entitled, "On the Other Side: Terror as Policy," is a sparsely publicized insight into the Communist terror policies that should be brought to world attention. I include the article as follows:

ON THE OTHER SIDE: TERROR AS POLICY

For shocked Americans, what happened at My Lai seems an awful aberration. For the Communists in Viet Nam, the murder of civilians is routine, purposeful policy. Terror is a part of the guerrillas' arsenal of intimidation, to be used whenever other methods of persuasion have failed to rally a village or province round the Viet Cong flag.

In a long war, no one knows just how many civilians have been attacked by the Communists. The U.S. has listed well over 100,000 separate incidents of terrorism against the South Vietnamese population since 1956. During the past eleven years, the Communists are known to have killed more than 26,000 South Vietnamese, injured hundreds of thousands, kidnaped at least 60,000 in their campaign of terror.

Many of the Communists' civilian victims died singly or in small groups, as the Viet Cong sought to exterminate effective local leaders loyal to the government in Saigon. In 1960, Father Hoang Ngoc Minh, a popular Kontum parish priest, was ambushed by Viet Cong who drove bamboo spears through his body, then machine-gunned him to death. In 1961, the Viet Cong shot and killed two Vietnamese National Assemblymen near Da Lat.

Many other South Vietnamese have been killed in the random violence designed to paralyze South Viet Nam and frighten its people into abandoning the government. Forty-three were killed and 80 injured, most of them civilians, when terrorists dynamited the My Canh floating restaurant in Saigon in 1965. Forty-eight farm laborers were killed and seven others injured when Viet Cong mines exploded under a bus and another vehicle on a road near Tuy Hoa in 1966.

Not all Communist terrorism is carried out at random. Thousands of Vietnamese have died in well-planned massacres. In 1967, Montagnard tribesmen, who had fled the Communists a year earlier, were set upon in their new home at Dak Son 75 miles northeast of Saigon. Six hundred Viet Cong, 60 of them armed with flamethrowers, invaded the village, setting fire to the huts and shooting the inhabitants as they fled their burning homes, then executing 60 survivors of the assault. Altogether, 252 unarmed Montagnards, nearly all of them women and children, were murdered, 100 kidnaped, 500 listed as missing.

The Communist slaughter of civilians was wholesale while the Communists held the old imperial capital of Hue during the 1968 *Tet* offensive. Working from house to house with specially prepared "blood lists," they rounded up all officials and people suspected of working with the U.S. and Saigon governments. Some were arrested, others shot on the spot. The magnitude of the massacre did not begin to become fully evident until after government troops had retaken the city and uncovered a mass grave with 150 bodies. Their find led to the discovery of more grisly caches: 19 mass graves in and around Hué have so far yielded more than 2,300 bodies, almost all of them civilians, many with their hands tied behind their backs. Most had been shot or bludgeoned to death; others had been buried alive.

OUR FOREIGN AID POLICY

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. LLOYD. Mr. Speaker, recent action by the House of Representatives in passing the foreign aid bill was taken in the face of widespread grassroots opposition which sometime simplifies our foreign aid program as that "foreign giveaway program."

Believing as I do that greater understanding of the program is in the basic national interest, I think widespread dissemination of a column written by David Lawrence and published in the December 1 issue of the Washington Star would be useful. That column follows:

FOREIGN AID ESSENTIAL PART OF POLICY

(By David Lawrence)

"Foreign aid" has become an unpopular phrase in America largely because its critics have spread the wrong impression—that the program is bigger than it really is and that the United States could better use the money at home. But Secretary of State William Rogers points out that the program, in effect, pays for itself many times over.

The administration asked Congress for an appropriation of $2.6 billion. The House cut it by $466 million. The Senate is being asked to restore this sum to the measure. Actually, the amount requested for the entire "foreign aid" program is less than one-fourth of 1 percent of the gross national product of the United States at present. Secretary Rogers feels that such a percentage is only a small part of America's capacity to befriend two-thirds of the peoples of the world.

"Foreign aid" is justified by the secretary of state not only for "moral" and "humanitarian" reasons but because it is "a very important factor in our foreign policy."

He declares that the cut will be viewed abroad as a backward step by America and will lead to a belief that the United States is beginning to turn away from aid programs for the underdeveloped countries.

He says that the effects would be felt in the next few years and that the American aid could have a lot to do with whether "the peaceful revolution in economic and social development now taking place in most regions of the world maintains a satisfactory momentum or not."

It so happens, incidentally, that much of the "foreign aid" given by the United States consists of products or services that are purchased from American companies. The net result, however, is to stimulate ways of building stronger economic systems in each of the countries aided.

The United States is regarded everywhere as a rich country and one able to help the underprivileged. No step has ever been taken in international relations which has won more acclaim for the American people than the "foreign aid" projects. Under the Marshall Plan, which was developed during the Truman administration, the countries hurt in World War II were given a chance to rehabilitate themselves through the use of American funds.

The record of the United States in canceling most of the loans made to the allied powers after both wars and in coming to the rescue even of former enemy countries is unsurpassed in world history.

It is most unfortunate that the same policy was not followed immediately after World War I. Instead, the German people were neglected and they became the victims of Hitler's fascism—an ideology that took advantage of the frustration of the people.

Today the situation is in many respects more acute. The Soviet Union has quietly been using a "foreign aid" device of its own, with large sums spent for military equipment given to North Vietnam as well as the Arabs. There has been some penetration, too, in Africa.

Of course, the example of a Communist-dominated Cuba, with bases for missiles made available to the Soviets, is a not-to-be-forgotten illustration of what can be done

by our own potential enemies through the use of their kind of "foreign aid."

It's time the "foreign aid" rendered by the United States was explained fully so that American citizens will not be applauding those members of Congress who want to wreck it but will be warning them instead that the whole project is essential to the carrying out of a successful foreign policy.

The United States has a mission to perform in assisting the countries of Latin America, Africa and Asia to improve their economic facilities so as to be able to handle an ever-increasing population. America can certainly afford more than a quarter of 1 percent of the money taken in by all kinds of businesses and financial operations in what is known as "the gross national product."

Above all, "foreign aid" is a practical policy that could help to prevent another world war by aligning America with other nations everywhere which not only are free but may become strong enough to do their part in preserving world peace.

THE SAN FRANCISCO SUMMER HAPPENTHING

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. MAILLIARD. Mr. Speaker, the city of San Francisco was indeed fortunate this summer. We did not witness the outbreak of violence which has marked previous summers in many cities in our Nation. I am convinced one of the factors contributing to a more productive summer for the youth of our city was a volunteer program organized by a coalition of business and professional men, and union and community leaders.

Calling themselves the San Francisco Summer HappenThing, this group of citizens joined together in May in response to the recognition that previous summers lacked coordination of the youth programs and resources for such programs. The Summer HappenThing issued a prospectus and enlisted the assistance of brokerage houses throughout the city; "shares" were issued for the contributions received. This group of community-minded citizens was able to raise nearly $100,000.

The activities of the Summer HappenThing were unusual in several ways. The organization avoided spending a substantial portion of its income on administration; no program was instituted by the organization, rather funds were contributed to existing organizations and groups with the young people themselves holding the majority position on the committee allocating funds to programs.

The public-spirited citizens behind the Summer HappenThing deserve congratulations. At a recent meeting of the board of directors, their chairman, Edward Scarff, president of Transamerica Corp., listed a number of accomplishments. I would like to cite some of these achievements with the hope that they will inspire other members of business and labor along with interested citizens to voluntarily organize to solve some of their communities' problems. Mr. Scarff reported that significant results included:

Transportation of over 15,000 young people from 94 organizations within the city and throughout the surrounding area.

Receiving of grants from $300 to $6,000 to support recreation and education among 35 different groups.

Distribution of funds by a program review committee, a majority of whose members were young people.

A comprehensive inventory of programs of youth-serving agencies was conducted which will aid in the creation and coordination of future youth programing in San Francisco.

Employment of 18 college students under the college work study program and participation by them in various aspects of the Summer HappenThing.

Providing of over 3,000 free tickets for circuses, plays, movies, and baseball games.

Spending of less than 8 percent of funds collected on administration.

The San Francisco media aided in making the community more aware of the need for summer youth programs and the way in which it might participate through numerous interviews, articles, and editorials.

I believe San Francisco's mayor, Joseph Alioto, accurately pinpointed the main reason behind the continued enthusiasm and interest generated by the HappenThing when he noted that "the most impressive 'success' of the Summer HappenThing was its willingness and readiness to involve youth in decision-making and to support programs designed and operated by young adults." We are all deeply appreciative of those who took leadership in this endeavor and who devoted their time, talents, and effort; San Francisco is certainly indebted to them.

KOREA VERSUS VIETNAM

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BOLLING. Mr. Speaker, the doleful economic record, one that approaches negligence, being compiled under the duress of the Vietnam war, stands in stark contrast to the effective record compiled during the Korean war. This unenviable contrast has been forthrightly and clearly delineated by Dr. Alvin H. Hansen, formerly Littauer professor of political economy at Harvard University. At the same time Dr. Hansen quite properly points out that economic growth, including, of course, a low rate of unemployment is usually accompanied by a degree of inflation. I insert Dr. Hansen's article, published in the November 30, 1969, issue of the Washington Post, at this point in the RECORD:

INFLATION: KOREA VERSUS VIETNAM

(By Alvin H. Hansen)

Price stability and full employment are goals, which taken together, are not easily come by. Our record in the last decade is deplorable. For the seven-year period, 1958-64 inclusive, we did indeed earn a high mark for price stability, consumer prices having increased on the average by only 1.5 percent per annum. But the unemployment rate averaged 5.8 per cent.

This seven-year period comprises three Eisenhower years and four Kennedy-Johnson years. Each averaged a 5.8 per cent unemployment rate. The Eisenhower inflation rate was 1.7 percent while the Kennedy-Johnson inflation rate was 1.3 per cent.

The Council of Economic Advisers in the Kennedy-Johnson administration announced as an intermediate goal an unemployment rate of 4 per cent. In view of the 1958-64 record of 5.8 per cent, the announced goal could perhaps be regarded as ambitious. At any rate it was not easily reached. Four years of the new administration passed by and unemployment still stood as high as 5.2 per cent in 1964. Indeed the 4 per cent rate was not reached until 1966, nearly two years after the beginning of heavy involvement in Vietnam. It required the 1964 tax cut plus the sharp escalation of the war in 1965 to bring the unemployment rate at long last down to the hoped-for 4 per cent goal. Once this was reached, the price level began to rise.

Have we not by now reached a stage at which it might be of some interest to compare our methods of attacking inflation during the Korean war with the policies of 1965–69?

In the Korean war we acted swiftly and vigorously, employing a whole battery of anti-inflation weapons. The contrast between our action then and the tardy, ineffective policies of the last four years can perhaps largely be explained by the fact that the Korean war broke like a thunderbolt upon an unsuspecting world, while Vietnam stealthily and almost unnoticed crept up on us. In the Korean case the shock of a sudden eruption of war caused at once an intense rush of buying both on the part of consumers and businessmen fearful of a recurrence of war-time scarcities. The ensuing rapid inventory buildup which spread throughout the free world caused within the brief period of six or seven months a sharp 15 percent rise in prices, in all major industrial countries.

Fear of inflation induced firm action. The U.S. Congress quickly passed three tax laws affecting both corporations and consumers, but especially corporations. Wage and price controls were again introduced together with control of consumer credit.

The effect was striking. Inflation was quickly brought under control, though this was in part a natural reaction from the excessive inventory buildup. Consumer prices rose by only 2 per cent from 1951 to 1952 and by less than 1 per cent from 1952 to 1953.

The war quickly reduced unemployment from 5.8 per cent in 1949 to 3.3 per cent in 1951 and to 2.9 per cent in 1953. At the same time stiff taxes and controls achieved price stability. Moreover the growth rate was 5.2 per cent per year in real terms and the stiff tax program helped to sustain a low 3 per cent interest rate.

Rigid price and wage controls appear no longer to be politically acceptable. But might not a less ambitious control policy, such as a compulsory cooling off period, be feasible? In the area of administered prices, corporations might be required to announce a proposed price increase six months in advance, together with a detailed cost-price analysis justifying the proposed increase. This would give the government time to publicize its own analysis of the relevant cost-price data. An informed public opinion could possibly exert sufficient pressure to moderate price increases.

A profound shift has similarly occurred with respect to wartime taxes. In the Korean war, corporate profits after taxes actually fell to $20.8 billion in 1951–53 from $21.7 billion in 1949–50. In contrast, in the Vietnam war, profits after taxes have sharply

increased from $32.5 billion in the prewar years 1961–64 to $51 billion in 1968. Indeed we have added fuel to an overheated economy by continuing the investment tax credit.

When corporate profits after taxes are abnormally high, judged from average past experience, labor unions can be expected to press hard for wage increases. Thus the wage-price spiral is started. Collective bargaining cannot be expected to stand firm against unjustifiable wage increases (i.e., wage increases in excess of productivity gains) if corporate coffers are packed full of abnormally high profits. During the Korean war the low level of profits after taxes brought substantial support to the government's efforts at wage price control.

If tough taxes (particularly on corporations) and control measures are unacceptable even in wartime, a compromise between consumer price stability and full employment becomes virtually unavoidable since there are powerful forces working against each goal. Our statistical knowledge of the relation between these two variables is far from being on solid ground. But such as it is, it seems to suggest that consumer price inflation of about 4.5 per cent per year is more or less consistent with a 3.5 per cent unemployment rate, while a 3.5 per cent inflation rate is roughly consistent with a 4.5 per cent unemployment rate.

A 4.5 per cent unemployment rate, while intolerable in terms of European standards, could possibly be regarded as acceptable in the United States if we sharply increased unemployment insurance benefits and broadened its coverage, while at the same time moving rapidly forward with a retraining and relocation program.

Would a 3.5 percent inflation rate be acceptable in the U.S.? In Western Europe the answer appears to be "yes." Western Europe has learned to live with what we appear to regard as unacceptable. In the 11-year period from 1957 to 1968 consumer price increases averaged 3.0 per cent per year in Western Europe (Germany, Italy, Holland and Britain). This experience appears to throw doubt on the popular view that moderate inflation inevitably accelerates into galloping inflation. The reasons in part appear to be that exceptional price increases lead to exceptionally strong government resistance of one sort or another, and so the tide is turned. Moreover, there are inherent in the cost-price system long lags that delay rapid escalation.

The period 1957–68 (and much the same record goes back to 1950) was one of unparalleled growth, prosperity and rising living standards in Western Europe. Indeed one may ask if such a degree of economic progress was ever achieved in any advanced country without a moderate inflation. When times are good there will necessarily be upward pressures on prices and wages.

In the U.S. we are perhaps a little too sensitive about moderate rates of inflation. History shows that we are not normally subject to inflation sprees. Highly important here is our demonstrated capacity to increase production sharply when put under pressure. One of the most prosperous periods in American history was that from 1897 to 1914. In this period of 17 years, prices rose by approximately the same percent as the recent average European rate.

PUBLIC OPINION POLLS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. HUNGATE. Mr. Speaker, in light of recent reports on the employment of public opinion polls as campaign tools, some large margins of error are indicated. As an example, in Mayor Lindsay's victory by some 7 percent, one poll had indicated a victory of 14 percent, and another indicated a victory by 18 percent. Perhaps the public reaction outlined in the following article has already begun:

LIARS OF THE WORLD

I have a great friend who runs a market research organisation and he's going to hate me for this. But considerations of personal affection must give ground to the need I feel to issue a clarion call to the nation. It is this:

If you are ever asked questions by opinion polls, lie in your teeth.

If you're going to vote Labour insist that you're a Tory, and vice versa. If you like the new enzyme washing powders, declare your undying loyalty to the carbolic that mother used to use. I know the market researchers claim to have ways of checking our truthfulness but if enough of us tell lies we are bound to get them down. Our's is an essential and noble mission.

What have I got against opinion polls? Well, for a start, they're too often right, and this is deeply offensive to the integrity of the individual. Can you think of anything more insulting than the fact that by questioning just 2,000 people, a pollster can tell how thirty-five million of us are going to vote in next year's general election?

It indicates we are just a bunch of sheep, and the sooner we start actively disproving the fact the better.

It's one thing to be a sheep peacefully cropping the pasture and whisking off flies with your tail. It's quite another kettle of algae when people keep shouting in your ear all the time that you *are* a sheep and that this is the way you are *going* to behave.

I tell you, for us sheep there's a dog's life ahead. Did you know that there are now *five* major polling organisations which between today and polling day will be making the air hideous with yeses, noes and don't knows?

Gallup, of course, has been with us for many decades and when it was in the columns of the dear old *News Chronicle* it seemed to be a mild and gentle exercise in liberal sociology. Now it appears in the upright and conservative pages of the *Daily Telegraph* and has taken on a much sterner mien.

In the early fifties the *Daily Mail* started its own survey called National Opinion Polls which soon managed to steal at least some of Gallup's thunder. It was NOP which predicted at breakfastime that the Liberals would run off with the first prize in the Orpington by-election that self-same day. All this was in the innocent years of the 1950's. In those days two opinion polls were enough for any one nation.

But next came a breakaway group from NOP. They formed an organisation called Opinion Research Centre which now carries out polls for the *Sunday Times*, the London *Evening Standard*, and sundry regional newspapers. Not to be outdone by its Sunday sister, the *Times* newspaper recently began Marplan which is also an opinion poll, not something you cover the kitchen floor with. And then there were four.

The *Daily Express* used to have a poll of its own but nobody took it seriously, least of all the *Express*. It would publish predictions but admitted it was doing so merely "as a contribution to the gaiety of our readers." But now even the *Daily Express* has lost its sense of humour. At a cost of tens of thousands of pounds it has signed up the Lou Harris polling organisation of America and is now publishing its findings with a desperate sobriety.

So Britain goes into the 1970's—and the next general election—with *five* major opinion polls. To paraphrase James Thurber we have opinion polls like other people have mice.

But, you may ask, what harm do they do apart from sapping our faith in our own individuality? The answer is that the technique of opinion polls can pasteurise the process of decision-making by our institutions as well as by individuals. A nightly check on a few hundred homes tells television chiefs what we are all watching on the box. But what if those chiefs could be brought to the point of not trusting "the ratings"? Then they would have to start using their own judgment, and I'm sure an improvement in programmes would result.

The political implications of the polling business are far worse. Both main parties use market research all the time and secretly, and what they do with the information they get is not exposed publicly. But we do know how far the use of polls in American politics has gone. When Robert Kennedy was campaign manager for his brother Jack he would send a market research team ahead of the whistle stops so that when the future President of the United States addressed a local audience he would tell them exactly what they wanted to hear. That was nearly ten years ago and today a Government policy can be pre-tested like an easy-to-spread margarine. The judgment of a statesman is replaced by the punch card and the computer.

The suggestion has been made that public opinion polls might be banned, or at least controlled. It is certainly difficult to discover what good they do, and it is possible that they are of direct harm to the democratic process. A survey published on the morning of polling day about what we're going to do when we get into the voting booth a couple of hours later is no value to man or beast, though, if we are sheep, it might persuade some of us to go along with the herd. In the recent West German elections the pollsters held off publishing their final surveys in case this "bandwagon" effect was created.

But the case is not proved, and, if we are fighting for the individual, we must defend the right of the individual statistician to do his little sums. But we have no obligation to help him.

In fact an encouraging trend is reported from America where, may they be forgiven, the whole polling business started. After the last Presidential election the pollsters went back to discover why their predictions had turned out to be a bit off. They found that one out of every ten of the people had voted for a different candidate from the one they had nominated in the pre-election survey. A very good start.

So now let us unfurl the banner of prevarication. Let untruth be our guide. If you're a Wilson man, plump for Heath. You may fancy Jeromy Thorpe but enter Enoch Powell in the space provided. I hereby name our movement Operation Spanner-in-the-works.

There will be those gentle ones among us who are reluctant to stray from the path of verity. When accosted by a part-time housewife earning a bit of money on the side and wanting to know which can of mush they feed their cats they will be tempted to answer truthfully. This admirable tendency must be resisted. For, after all, you will be lying in a good cause and, though I speak with no authority, I am confident that the Lord Above would, in this instance, forgive.

FORT DIX STOCKADE

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. DANIEL of Virginia. Mr. Speaker, I desire to bring to the attention of this

body a newspaper account of comments attributed to a colleague, MARIO BIAGGI, after he toured the stockade at Fort Dix, N.J., on October 24, 1969. A news conference was held afterward outside the post.

As a member of the Special Subcommittee To Probe Disturbances on Military Bases, I made an official visit, accompanied by Congressman JOHN HUNT and Counsel Bill Cook, to this particular stockade on November 1. While there, our group interrogated administrative personnel and several prisoners under oath. We also inspected the physical plant. As a result of our interviews and investigation, we found much of the press information attributed to Mr. BIAGGI to to be in error.

Therefore, I take this opportunity to set the record straight.

In the October 25, 1969, edition of the Philadelphia Enquirer, Congressman BIAGGI is quoted as having said:

> There are about 300 attempted suicides at the post, in and out of the stockade, each month.

Sworn testimony before our subcommittee indicates approximately 300 suicide gestures at Fort Dix per year, not per month. The men who attempt suicide are examined immediately at the emergency room by both a physician and a psychiatrist. A most significant fact is that there has not been one successful suicide within the past year in the stockade.

The record reveals that there is a turnover of about 75,000 people every 3 months at Fort Dix. Thus, this post has an annual population of about 300,000 people. This figure includes all soldiers, permanent cadres, and civilians.

The newspaper article noted that the Congressman saw a "prisoner suffering from withdrawal from heroin use" and, also, that heroin was "readily available at Fort Dix." Our information suggests that "narcotics on Fort Dix is no more of a problem than it is anywhere else." Also, the prisoner who was allegedly suffering from heroin withdrawal was, in actuality, recovering. This soldier obtained his first heroin from nearby Wrightstown. Some, he admitted, was available from soldiers on base. However, it is available at a price that servicemen can rarely afford. Thus, some who are "hooked" go a.w.o.l. in order to supply their requirements. After going absent without leave to discuss the problem with his family, this particular soldier returned voluntarily to the Army to seek medical assistance. The patient was given a shot of methedone, examined by hospital physicians, and checked each succeeding morning during recovery. According to the soldier, the Congressman who had visited in October had not questioned him about the availability of heroin on the base nor about his treatment. He was only asked how much of the drug he was using.

The newspaper article revealed our colleague's distress over the "disciplinary chow." First of all, it should be noted that this diet is prescribed only for prisoners (who are) unresponsive to discipline in the stockade. No one is put on this diet if he has a psychological problem. Likewise, this restrictive diet would not be given to any prisoner with a serious illness or any similar medical history. The following regulations safeguard the health of men on this diet:

First. The diet contains a minimum of 2,100 calories a day.

Second. A balanced portion of the food is served, but without meat, dairy products, or dessert.

Third. The diet is chosen from the regular menu.

Fourth. No man is kept on this diet longer than 14 days at a time.

Fifth. A physical examination of each man is conducted before placing him on the diet.

Sixth. The medical officer examines these men daily.

Seventh. A man exhibiting good behavior may receive regular diet before the 14-day period is completed.

The newspaper quotes our colleague as having stated that he observed prisoners who had lost "40 pounds during their period of incarceration." The record shows that the prisoner who claimed this 40 pound weight loss had been on the restricted diet for only 48 hours. When the man was asked why he told the Congressman that he had lost 40 pounds, he replied, "I was only kidding."

Our subcommittee was curious about the "so-called political prisoners" mentioned by the press. After an investigation, I can only assume that the term referred to the defectors returning from foreign countries and assigned to Fort Dix. Some of these were involved in a major disturbance at the post on June 5, 1969, and some are awaiting trial on these charges.

Conditions at Fort Dix are not perfect by any stretch of the imagination. However, they are not such as to justify a blanket indictment as suggested in the Associated Press article of October 25. Under very trying circumstances and with limited personnel and inadequate facilities, the administration is, in my judgment, doing a responsible job.

A 13-YEAR-OLD VIEWS SEX EDUCATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mrs. GRIFFITHS. Mr. Speaker, the teaching of sex education in the schools has become a subject of intense debate in many communities throughout the country. At this time, I would like to place in the RECORD a letter I received from a 13-year-old girl in my district. I feel it is a thoughtful letter on this issue, expressing concern with many of the problems facing youngsters today. The letter follows:

Hon. MARTHA GRIFFITHS,
House of Representatives,
Washington, D.C.

DEAR MRS. GRIFFITHS: This is my first time writing to a Congressman, and I'm not to sure on going about it. I was told by my Civics teacher to first state the problem on which I was speaking about. So I think it's best that I do.

There are so many problems in our nation, sex education is just one of them. After reading that last sentence I bet you thought it was a deep subject for a kid to be talking about. Well, I think it's time a "kid" said something about his own education materials. I've heard and read controversy about sex education from teachers, parents, churches, doctors, and psychiatrists, but never "a" kid. By the way I'm for sex education.

The real problem with sex education is trying to convince organizations, such as the John Birch Society, that sex education is anything but harmful. If it does anything, sex education should help.

In convincing opposed organizations we could bug them to death to at least to try different methods in teaching sex education and see what happens. If they pointed to Anaheim, California we could tell them that it was only one method.

There would have to be many debates and conferences, with many more facts brought up. Schools would have to try and find different methods. Anything that could help would have to be done.

It is very hard for a thirteen year old to come up with the right solution, but all I know is that something must be done. Just look at the statistics:

At least one teenage girl in every six, it is estimated, today becomes pregnant out of wedlock.

Illegitimate children are swelling the welfare rolls all across the nation, and in dozens of American cities, special schools, tutoring or night classes have been established for unwed mothers to-be.

There's been a startling rise in teenage V.D.—an estimated 200,000 to 300,000 infections yearly.

A recent public school health education study of some 18,000 children in 38 states: it revealed an appalling ignorance.

It seems ignorance is the major cause of these increasing rates. However, other reasons such as wanting someone of her own are in many cases of the illegitimacies.

These reasons are a "must" for sex education in schools. It is the obligation of the parents to teach sex to their children, but many are embarrassed or may not know all of the facts themselves. So they turn to the school or church for help, but a lot of people do not attend church.

Even if sex education is not the answer I still think it should be taught. We are the highest of being and reproduction is a life process. I've been taught how to eat, talk, read, write, and go to the toilet, but never have I been taught about sex.

Thank you for reading one of the many letters that you receive. It sure would be nice if sex education was introduced as a bill and I'm sure after reading this letter from a thirteen year old girl who has never had any sex education and is in need of it. That you would probably approve the bill, if introduced.

Sincerely,

——— ———.

VIETNAM

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. MAILLIARD. Mr. Speaker, as my colleagues know, I have stated my support of the President and his efforts to deal with the complex and difficult situation in Vietnam. I do not, however,

feel we should close our eyes and minds to new ideas. It is for this reason that I am inserting the following open letter from Dr. George Lerski, professor of government at the University of San Francisco, which appeared in the university newspaper, the San Francisco Foghorn:

Dr. Michael Lehmann deserves the gratitude of the Faculty's silent majority for his bold warning that the increased "political activism on campus will destroy the scholarly work." For identical reasons I feel compelled to voice my serious dissent with the amazing appeal of the thirty-two Faculty dissenters, although I sincerely respect most of the signers as charming colleagues and fine scholars.

One can well understand the moral indignation with the tragic and unnecessary war in the far away tropical jungle of an artificially divided Southeast Asia country, but I deeply deplore the emotional urging "all students in the University to join . . . to demonstrate in whatever way we can our outrage . . ." For instance, are you all ready to "resort to violent confrontation" or to use "sticks and stones" as recommended on our campus by Dr. Carlton Goodlet, the hero of the "Bloody Days Ahead" editorial in the last issue of the *San Francisco Foghorn*?

It is indeed high time to stop the nonsensical half-hearted war for the Seventeenth Parallel in Vietnam, but not through strikes and further radical agitation on American campuses which may lead to a complete standstill of academic life, as happened in Japan.

As for stopping the Vietnam war, this writer would like to submit a "Wilsonian" peace formula to be simultaneously proposed through all available channels for consideration of the U.S. government.

The origins of the so-called containment policy can be traced back to the fatal decisions of the Teheran, Yalta, Potsdam and Geneva Conferences with their disregard for the natural rights of smaller states for territorial unity and national self-determination. The inhuman divisions of those unwilling countries along the Iron or Bamboo Curtains, Curzon Lines, Thirty-eighth or Seventeenth Parallels were bound to perpetuate misery, tensions, and "limited" wars in defense of those artificial borders. Before those conflicts escalate into a major world confrontation, it might not be too late to try to solve the Vietnam calamity by constructive implementation of the following seven steps:

(1) Complete withdrawal of all foreign troops and of foreign military or police advisors from the entire region of the former French colonies in Indochina, including Cambodia, Laos and both Vietnams.

(2) Total demilitarization and neutralization of both Vietnams, similar to the 1955 detente in Austria,

(3) Abolition of the Seventeenth Parallel border drawn across the living body of the Vietnam nation,

(4) Free the unfettered secret elections in reunited Vietnam under the impartial control of the United Nations,

(5) American recognition of the outcome of such elections regardless of their political result,

(6) International guarantees of the borders and independence of a united but disarmed and neutralized Vietnam by the major powers, including Mainland China,

(7) Our economic assistance to the war-torn population of united Vietnam and readiness to give political asylum to the rejected leaders of any of the belligerent parties.

I have reason to believe that any such disengagement formula for peace without surrender if implemented by our government may gain the support of world opinion. Perhaps it is still not too late to convince the irresponsible hardliners both in Hanoi and in Saigon that it is better to negotiate for real peace than to face the tragic alternative of nuclear smashing of the cities and ports of their country increasingly advocated by equally irresponsible American hawks on one side and radical hotheads such as Eldridge Cleaver on the other.

It is exactly that explosive polarization of American society—and of its academic microcosm—our own university community—which may bring about the catastrophe.

A FOURTH-CLASS ANSWER TO A FIRST-CLASS MESS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. PETTIS. Mr. Speaker, approximately 1 month ago, on November 3, I told our colleagues about one of my recent personal experiences with our inept mail service. It involved a special delivery, airmail letter which was delivered to my office in the Cannon Building 4 months after it was dispatched in San Bernardino, Calif.

Well, the Post Office Department, having been apprised of my remarks, elicited a certain amount of concern over the matter and undertook what appeared to be a painstaking investigation of the incident. Here I was all prepared to commend the officials involved when lo and behold comes an official explanation from the Postmaster General's congressional liaison officer which is utterly extraordinary.

Let me quote a couple of pertinent paragraphs from the letter and then add some additional comment:

Our request of the Washington, D.C. Postmaster produces information that the Special Delivery Messenger assigned to that particular delivery trip on July 10, has since retired from the Postal Service and cannot be asked for specific details of his performance . . . However, Special Delivery Messengers working from the Main D.C. Post Office are not expected to have the information needed to deliver accurately mail that is incorrectly addressed.

If, in this case, the messenger arrived at 1517 Longworth Building at some hour after most offices had closed and found the door locked with nobody in the corridor with whom to consult, he would have delivered the letter in the mail slot adjacent to the door.

Of course, the supposition is totally unrealistic and unsupportable. If the postal investigators had checked carefully, they would have found out that the mail slot at the former office was, and has been since I vacated the office last March, sealed closed with cardboard and tape. The premises are currently shared by two colleagues who use the room for utility purposes. But there have been cases when mail addressed to me was slipped under the door and in every instance it has been promptly forwarded to my present quarters.

So here we have the great monolithic Post Office Department letting some anonymous retired postal worker take the blame for the whole deplorable episode.

Clearly, the Post Office Department is assuming a fourth-class attitude in a first-class mess.

TIME WILL PASS ON FOR HIPPIES AS IT HAS PASSED ON FOR US

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BERRY. Mr. Speaker, the Daily Market RECO carried a cute article by Elmer Roessner which should be made available to the Members by insertion in the RECORD:

(By Elmer Roessner)

NEW YORK.—A pair of hippies, the girl carrying a baby, shuffled through the rain along a park. "Isn't that terrible?" I asked my companion. "Look at that couple, wasting their lives away, hungry and clad in rags, fighting some vague establishment. And look at that poor baby, likely to catch its death of cold in this weather. Isn't that a tragic, criminal sight?"

"Not at all!" said my companion, who builds houses and small apartment buildings. "It's a wonderful picture. You may see it as the end of a miserable life. I see it as the beginning of a new life, with satisfactions for that bearded hippie, pleasure for that bedraggled, slack-hair wench and food and fun for that little kid."

"Are you dreaming?" I asked.

NO PLACE TO GO

"No. I'm not dreaming. I'm simply seeing again what I have seen dozens of times before. You are seeing a beautiful picture but you don't recognize it. That tattered family there is the future of America."

"The hippies are going to take over?" I asked.

"Nonsense," my friend replied. "Those people are simply at the end of the trail. There is no place to go but up.

"If the wind turns a little colder, they are within an hour of abandoning their life of protest. They will be forced to realize that there is no revolution tonight. It will hurt them to the marrow of their bones, but they will realize that one phase of their lives is over.

"Tomorrow, even tonight, that fellow is going to start looking for a job, not a job of washing dishes but a job that will take his family in out of the cold. He'll even shave that funny growth off his face if necessary to hold down the job and get along with the establishment.

HOOKED FOREVER

"The girl will primp up a bit and as soon as they can afford it, she'll get some new clothes and, if she can find a baby sitter, start looking for a job.

"From time to time the couple will mutter about how they are trapped by the establishment, but they'll never try to get out. And as they make a little money, they'll start thinking about a house in the suburbs, where the growing child can get some fresh air and try to catch frogs.

"Eventually, the girl will join a P-TA and the young fellow—well, he won't join the Republican party but he'll vote for the men he thinks will keep unshaven bums out of his corner of Suburbia."

"You build houses," I said. "Why don't you be the first one to give them a builder's card?"

"That might spoil it," he replied. "I'll let God and the weather work on them for a little while."

"How do you know all this?" I asked.

"When I was a teen, I was a member of the Young Anarchists Society. We met in a cellar and talked about blowing up Union Depot and the Court House.

"But we never had any matches and we became interested in jobs, and grabbing off a girl for keeps, and buying or renting a house somewhere and, before we knew it, we were grown up and making money and calling for outlawing of young anarchists' leagues and demanding that the government finance new businesses for young people and shooting off firecrackers on the Fourth of July."

Anyhow, I stopped feeling sorry for the hippie, his girl and their baby alongside the park.

CONGRESSMAN BRAD MORSE URGES ADOPTION OF A COHERENT URBAN POLICY

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. COWGER. Mr. Speaker, as chairman of the House Republican task force on urban affairs, I wish to call the attention of my colleagues to the thoughtful and perceptive statement concerning Federal urban policy made by the gentleman from Massachusetts (Mr. MORSE) to the New England Merchants National Bank 11th annual New England municipal conference in Boston on November 17, 1969.

In his statement, Mr. Morse demonstrates an acute awareness of the underlying social, economic, and political forces that have shaped urban life and are today causing rapid and deep-seated changes. As a former mayor of a large city, I am particularly impressed with the gentleman from Massachusetts' analyses of the problems which result from the failure to provide municipal governments the authority and fiscal resources commensurate with their responsibilities.

As he so ably points out, the proliferation of Federal programs, particularly between 1960 and 1969—the number of Federal programs rose from 45 to 435—an increase of almost 400 percent in this period—have certainly not met the problem. There is, indeed, a gap between the number of categorical aid programs issuing forth from Washington on the one hand and the degree of social satisfaction that has ensued on the other.

As Mr. MORSE and Daniel Patrick Moynihan, the President's adviser on urban affairs, point out, a spate of "programs do not a policy make." We lack any coherent and unified urban policy. To quote my colleague from Massachusetts:

> What is necessary is a national urban policy which establishes goals and which can then form a framework within which to formulate programs for the accomplishment of those goals.

In his statement to the New England Merchants Bank municipal conference, BRAD MORSE has provided us with not only a thoughtful perspective on current urban problems but with suggestions concerning what our urban policy goals should be. We desperately need a coherent urban policy. I therefore commend his statement to my colleagues and insert it in the RECORD following my remarks:

ADDRESS BY F. BRADFORD MORSE

Christopher Morley once wrote: "All cities are mad but the madness is gallant. All cities are beautiful but the beauty is grim."

In 1965, Watts burst into flame and burned for three days. In the ensuing years, countless numbers of cities across the country experienced similar violence and destruction—Chicago, Miami, Detroit, Nashville, Buffalo, Rochester, Washington, D.C.—the list goes on.

There was nothing very gallant nor very beautiful about those events. Certainly there was much that was grim.

But while much was destroyed in the process of these violent upheavals, something else was created—a new concern and a new awareness. Watts, and the subsequent rioting and violent destruction that engulfed so many cities, riveted the nation's collective attention on problems it had too long neglected—and the so-called "crisis of the cities" became a national crisis.

The problems themselves, of course, have been with us for a long time. Indeed, the problems of our nation *are* the problems of the city: transportation, housing, airports, schools, employment, sewage disposal, water and air pollution, recreational facilities and conservation, to name a few.

These already severe physical problems have been compounded by social problems—millions of people—black people, poor people, young, old, unemployed—feel oppressed, alienated and left out of the system.

As the same time, our present social and political environment exacerbates our difficulties further. We live in a time of profound revolution—and I choose that word with care—and we do not fully understand what new pressures are being generated. We are worried and we are even frightened by the rapid and deep-seated changes that are taking place around us.

Our society has been undergoing a steady polarization—hawk against dove, young against old, black against white—that is increasingly isolating citizens from each other. Where we seek community we find fragmentation. Where we seek order, we find chaos.

And now, when it is most crucial for the city to respond effectively to the increasing demands being made upon it, the city itself, the community itself, is virtually immobilized.

What has happened?

How did we come to the present impasse and where might we—must we—go from here?

We are a nation of cities in spite of ourselves.

The American tradition has been built upon the values of the rural, agrarian life—independence, self-sufficiency, hard work—and democracy itself, so the theory goes, flourishes best in an agrarian setting. Our Constitution and our political institutions reflect the essentially rural character of an earlier day.

But cities are the natural outgrowth of a growing country and an increasingly industrialized economy and so they sprang up, early in our history, and they have been growing ever since, until today the vast majority of Americans live in cities.

That is not to say that most Americans live in big cities—they do not. Too often we tend to think only of such places as New York, Chicago, Detroit or Los Angeles when we hear about the "urban crisis." As a matter of fact, in 1960, only 9.8 percent of our people lived in cities of 1 million or more. On the other hand, 98 percent of the units of local government have fewer than 50,000 persons.

But this fact does not mean they are any the less urban. More important, they represent conditions of living and problems of government profoundly different from those of our agrarian, rural, small town past.

It is a simple enough matter to relate the basic facts underlying today's urban crisis.

In the early period of our history, the growth of the city was primarily a predictable economic development. Cities sprang up in response to two factors: first the economic interest, and second, the need on the part of people for a feeling of community.

The political jurisdiction of the city more or less covered the areas of intense economic development, that in turn more or less defined the area of most dense settlement. Under such circumstances municipal government could—and largely did, deal with the process of governing. Though in some cases people might quarrel with the methods used—for example by the political bosses of the old city machine—nevertheless, they got the job done and they governed.

In the last thirty years, however, economic incentives and social desires have combined to produce a fractionating process that has made it ever more difficult to collect sufficient power in one place to provide the rudiments of effective government.

Part of this fractionating process is inherent in the structure of municipal government itself and should not be underestimated as a cause of today's crisis in the cities. Much of this crisis is in fact a crisis in governing—an inability to perform the most essential functions of government because of a lack either of authority or resources or both. We must add to this, however, another consideration—that much of the crisis is also due to the increasing isolation of large segments of the population.

We have lost two things—we have lost the viability of our municipal structures and we have lost our sense of community.

As a result of these forces, and as a part of the process of fractionation, the central area of the cities ceased to grow and began to decline. The core began to rot.

Additional special circumstances compounded this problem. First, the extraordinary migration of rural people, mostly southern blacks to the northern city brought vast numbers of largely unskilled and often unemployable people into the central city. Second, a postwar population explosion—90 million babies were born between 1946 and 1968—combined with the influx of other citizens to place immense pressures on all municipal services.

Understandably, the municipal services have not been up to the challenge and many middle class whites have moved to the suburbs, seeking escape from the rapidly changing, rapidly declining, central city.

Third, both resulting from and contributing to this process, more and more industries have moved from the cities to areas where taxes are lower and the environment more favorable.

As a result of all these factors, the economic stagnation of the inner city became desperately exacerbated by the problem of racial tensions. In the course of the 1960's, tension turned into open and violent racial strife.

The present immobilization of city governments in the face of these demands and tensions is not the result of lack of effort. On the contrary, city governments began to respond to what the President's Advisor on Urban Affairs, Pat Moynihan, has called "the onset of economic obsolescence and social rigidity," a generation ago. But, they found their fiscal resources strained beyond capacity in no time at all.

As all of you know too well, the cities are severely limited in their sources of revenue. As countless municipal officials have pointed out, many cities are strapped by the limitations imposed on their corporate charters by the state legislatures. In many cases they do not have the right to levy any except limited forms of taxes, mainly sales and

property taxes which hit hardest on those least able to pay.

Today, with the new demands and intensified requirements for services for additional people, the cities are confronted with financial problems that they simply do not have the capability to solve.

Let me pause here to mention a subject which I know is of great interest to you—the provision in the House-passed tax reform bill which would levy a tax on interest earned from municipal bonds. As you know, this is a subject of considerable controversy and the House action itself, while it was not yet a law, was enough to cause a significant drop in the sales of municipal bonds.

As you may know, the Senate Finance Committee announced last month that the bill it will report to the Senate will *not* subject State and municipal bond interest to Federal income tax.

Beginning in the postwar period the states, to a limited degree, and the Federal government on an escalating scale, have become involved in urban programs. In this decade especially, considerable resources have been channeled from Washington to the cities and this trend will doubtless continue and probably increase.

But is this enough? Does the solution of our "urban problem" really lie in spending more and more money, almost purely for the sake of spending it? That is what many—and I must include state and municipal officials in this group—would have us believe. Certainly it is the assumption behind most of our federal grant-in-aid programs to the states and cities.

But has our success been such that we can confidently say that a continuation of these policies will eventually bring a satisfactory solution?

I do not think so. This assumption, and our whole approach to the so-called "urban problem" bears careful and critical scrutiny.

The cities are in the grip of a cruel paradox. Where people are is where their needs must be met. Most Americans live in cities. And so the responsibility for meeting our society's cast needs in the areas of social services, jobs, welfare, housing, transportation, and the quality of life—this responsibility has fallen on our cities. But the fact is that of all the units of government in this country, the city is the *least* equipped and the most poorly structured to deal with these problems.

This is a fact at least as fundamental as the social and physical problems of the cities themselves. Until it is solved, all the resources we may pour into the cities will not bring the results we seek.

The impasse in municipal government today I believe results from a combination of these social and physical factors. First, as Moynihan suggests, "the sense of general community is eroding, and with it the authority of existing relationships." Second, and at the same time, there is a "powerful quest for specific community emerging in the form of ever more intensive assertions of racial and ethnic identities." Third, the authority system within the city is so divided, so fragmented, that effective action is virtually impossible. The city lacks authority commensurate with its responsibility for governing.

Much of the crisis of the cities arises from the interaction of these new demands on the one hand, and the relative inability of the urban social and political system to respond to them on the other.

We cannot be sanguine about the future. We can foresee a time when, if trends continue as they are now, most industry and other income-producing activity will have moved out of the city, taking with them their employment and their wealth. Their place will be taken in the inner city by the poor, black and white. The outer ring of suburbia, largely white and middle class, will become ever more protective and defensive. The inner city itself will become more riddled with difficulties and the potential for conflict and violence will be immeasurably increased.

How do we meet this problem?

I am convinced that the very future of our democratic system lies in the balance. The upheavals and the polarization that are paralyzing our society are a direct challenge to its viability. We have been nurtured on a consensual system of authority—and the people will continue to consent to that authority only so long as it continues to meet their legitimate needs.

What, then, are we to do to prevent the apocalypse which so many fear is imminent?

First, I believe we must take steps to make our cities governable, pure and simple. We must devise systems of municipal government where the *authority* to do is commensurate with the *responsibility* to do. We must overcome the fragmentation that immobilizes local governments and reconstitute them in a more naturally organic way.

The metropolitan area of Minneapolis, for example, comprises some 1.8 million people—certainly not one of the giant cities when compared to New York, Chicago, or Los Angeles. But within that metropolitan area there are over 400 different units of government operating—from police departments, to school districts, to the office of the Mayor. It is a wonder that any cooperation or coordination is accomplished in such a situation.

That circumstance is duplicated, perhaps not to the same degree, in every municipal government in the country. We must begin to give serious consideration to the possibility of totally reconstituting local governments along area or regional lines—perhaps metropolitan government is the answer—where a regional government has jurisdiction over the entire area which encompasses its problems.

The problem of water pollution is a current and very illustrative example. If a city—let us say my home city, Lowell—wants to do something about the pollution in the Merrimack River (which is severe as I am sure you all know), it can spend millions of dollars to build treatment plants and sewage disposal facilities and be the model of action in the fight against pollution. But unless the other cities along the same river do the same thing, then the City of Lowell may as well have dumped its money into the river, along with its sewage. It is in the nature of the pollution problem that it *cannot* be successfully attacked piecemeal.

For years I have been urging, on both the Federal government and local governments, the application of systems management techniques to the problem of pollution control on the Merrimack River as well as to other nondefense public problems. In order to meet that problem it will take the concerted, cooperative efforts of all the towns on the river—and that means in New Hampshire as well as in Massachusetts. That is a fairly simple proposition. But years and years have gone by with little or no action. And the reason is also fairly simple. There is no one unit of government with the authority to demand and enforce compliance with pollution control for the entire Merrimack River Basin.

I do not mean to suggest that this is all the fault of our presently constituted system of municipal government. Certainly I do not mean to suggest that metropolitan government alone would solve this problem because clearly it would not.

I do suggest, however, that this situation points out an important factor in the future effectiveness or ineffectiveness of local governments.

Clearly, if a Basin wide authority for the Merrimack Valley were to be established, each of the municipalities along the river would have to relinquish some of its sovereignty to that central authority. That is the basis of our federal system. Each of the states gives up something in sovereign authority in the expectation that the rewards of union will be greater for all than the sacrifice each makes. The same is true in this instance. Each of the municipalities along the river will have to relinquish some of its sovereignty if all of them together are to benefit from a clean Merrimack river. As yet there is not the political will to take that step.

Unless we overcome the parochialism which characterizes municipal governments across the country, we will not begin to solve our problems. Parochialism is not only a problem between governments—it plagues the city with hundreds of different units of government—remember Minneapolis—with specific authority over limited areas of concern. Cooperation is minimal. The result is chaos in local government and I do not think we can tolerate its effects for very much longer before the entire system is irretrievably damaged.

While the problem of structure is not nearly as exciting nor as publicly interesting as poverty or hunger or pollution, I suggest to you that its solution must accompany the others.

Of course structure is not enough. You must have programs to move through the structure—programs which speak meaningfully to the unique needs of a polarized mass society in the 1970's that is seeking, more than anything else, a sense of itself.

We have had a proliferation of federal programs in recent years, however, and they have not met with much success. In the period between 1960 and 1969, the number of domestic programs of the Federal government rose from 45 to 435—an increase of almost 400%. But it is clear to even the casual observer that there is a gap between the number of categorical aid programs issuing forth from Washington on the one hand, and the degree of social satisfaction that has ensued on the other.

Clearly there is a need for something more—perhaps I should say something different. That something different has been suggested by Pat Moynihan.

Moynihan suggests, and I agree with him, that "programs do not a policy make." What is lacking is any coherent and unified logic behind those programs—what is necessary is a national urban policy which establishes goals and which can then form a framework within which to formulate programs for the accomplishment of those goals.

Much that takes place in municipal government comes as a result of policies established by the Federal government. Municipal governments often adopt policies and plans in such a way as to qualify for available Federal money. In effect this is an incentive system, much like that of profit in private enterprise. But as yet, the Federal government has not found an effective incentive system to shape the forces at work in urban areas in such a way that urban goals are in fact attained.

Too often, municipal officials adopt policies only in response to initiatives from Washington. They have, to far too large a degree, abdicated their leadership role to the Federal government. City priorities are being established by the Federal government.

I think that the President's proposal for sharing revenue with the states and cities, modest though it is in the beginning, is an important way to bring much needed revenue into the hands of state and local governments for use in meeting their own priority needs.

What should be the objectives of a national urban policy?

There are several goals which I suggest are matters of urgency and importance and

which must be dealt with. First, and most important, we must attack the social isolation of the several groups in our central cities. Until we do we will not be able to eliminate the source of violence and disruption in our urban life. This is not to say that we must destroy the sense of specific community among members of racial and ethnic groups of which I spoke earlier. It does mean that we must establish channels of communication and cooperation which will in turn generate a restoration of that general community which we are so sorely lacking today.

Second, federal programs which affect urban areas, and there are few which do not, must take account of the balance which does not, but should exist between economic and social forces in urban areas. Imbalances in industry, transportation, housing, social services, and other elements or urban life, have become more rather than less pronounced in recent years. We must take account of this balance and structure programs in such a way as to create and maintain an equilibrium among these forces.

Third, and this goes back to my major point regarding structure, Federal programs should be structured in such a way as to stimulate the reorganization of local government in response to the reality of metropolitan conditions.

Fourth, a primary object of a federal urban policy should be to restore the fiscal vitality of urban government and to assure that local government have sufficient revenue sources to meet their own problems on their own initiative.

Federal urban policy should seek to equalize the provision of public services among different jurisdictions in metropolitan area. The residents in the inner city should receive, dollar-for-dollar, the equivalent of those in more prosperous and more prospering areas, insofar as that is possible. While we may not be able to guarantee equality of achievement, we must at least guarantee the equality of opportunity for which we have traditionally stood.

These are only some of the ingredients of a national urban policy. Perhaps equally as important as its content, however, is the realization by all of us of the necessity of thinking about our approach to this crisis. We need to ask ourselves the most basic questions. Perhaps the city as we have come to know it is no longer a viable institution for living, working and governing in the 1970's. Perhaps we will have to devise totally new systems of grouping people to meet the evolving nature of a future America. Whatever the answer may be, we shall not find find it until we begin to ask these questions.

For until we establish a national commitment, every bit as deep as that to our own security, to a basic set of goals for urban America, and then take the proper steps to implement those goals at all levels of government, the "crisis of the cities" will intensify.

And if the cities die, America will die with them.

LOS ANGELES MUSIC AND ART SCHOOL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BROWN of California. Mr. Speaker, I wish to call to the attention of my colleagues an organization in my congressional district which has joined in the efforts to combat juvenile delinquency and the school dropout problem in a rather unique way.

The Los Angeles Music and Art School, which I visited recently, is a nonprofit organization located in the heart of East Los Angeles—an area in which a large amount of poverty exists among the residents, who are overwhelmingly composed of Americans of Mexican descent.

In 1944 the school was founded by Pearle Irene Odell, has now reached an annual enrollment of 700 pupils, and has recently moved into a new $350,000 home which has facilities for 3,000 pupils.

Some pupils pay no tuition whatsoever, and the school is run on an entirely nonprofit basis. A staff of 40 of the finest and most dedicated professional teachers comprise the school staff.

The purpose of the program is not to develop professional musicians or artists, however, but to give the student a sense of achievement which encourages him, through proficiency in some facet of the arts, to complete his formal education and to become a taxpayer instead of a recipient of relief funds. Many former pupils have won scholarships to universities and have used music as an avocation.

According to school records, no pupil from this school has ever become a juvenile delinquent.

The Los Angeles Music and Art School receives no government assistance of any kind. The $100,000 annual budget of the school necessitates private fundraising efforts. The list of trustees, sponsors, and other officers of the school boasts a number of well-known responsible and concerned citizens from throughout the Los Angeles area.

TOP JOB FOR THE U.N.: THE LANGUAGE OF PEACE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. DELANEY. Mr. Speaker, as most are aware, there are a great many obstacles which must be overcome before we can expect to have lasting universal peace among nations. According to a number of experts on international affairs, one of the major barriers to a peaceful world is a lack of understanding among peoples of the various countries.

In this regard, I would like to call my colleagues' attention to an editorial in a recent issue of Columbia magazine which urges that member countries of the United Nations take action to adopt, in addition to their native tongue, a world language, such as Esperanto, for use as a medium of international communication.

Those who analyze the U.N., estimate that at least 10 percent of its budget is spent on translation and interpretation. It is anticipated that adoption of a universally acceptable second language would result in significant savings in this budget item, and at the same time greatly improve understanding among nations.

Under leave to extend my remarks, the article is inserted at this point in the RECORD:

TOP JOB FOR THE U.N.: THE LANGUAGE OF PEACE

World attention again is focused on the United Nations General Assembly as that international body of diplomats tries to cope with the many thorny problems that lie astride the path to universal peace.

The multitude of frictions between nations will be reflected in the speeches and deliberations: the Arab-Israeli conflict, the Vietnam war, the border tensions between the Soviet Union and Red China.

The General Assembly in its three-month session each year cannot solve all these complicated issues. At best it only can hope to "cool" them and keep them under control.

The fact is that most of these difficult problems cannot be resolved by any surface decision of the General Assembly because they are too deep-rooted and often imbedded in the outlook and state of mind of the peoples and nations involved. For instance the dispute between Israel and the Arab countries goes far beyond the question of territory and frontier demarcation. Basic to the issue is a deep-rooted attitude of intolerance and unacceptance.

The purpose of the United Nations, according to its charter, is to maintain international peace and security and cooperate in establishing political, economic and social conditions under which this task can be achieved. Its efforts so far have been devoted largely to snuffing out or at least controlling the smoldering fires of war. Under the preoccupation of constant threats to peace the international body has not been able to concentrate on promoting the political, economic and social conditions which foster and protect peace.

But it must be realized that genuine peace, at least among the democratic countries, is more a people-to-people than a nation-to-nation issue. This means that unless some understanding, sympathy and empathy exists between the peoples of different countries it is difficult and sometimes impossible for the politicians to steer a course which always veers to the side of peace. National sentiments often have more impact on a country's policy than the cool-headed assessments of its leaders.

Consequently one issue to which the United Nations should give serious attention is the matter of creating climates of understanding among the peoples of the world.

But before the world's peoples can understand and trust each other they must be able to communicate with each other. Significantly technological advance enables easy world-wide communication through the printed word, radio, telephone, motion pictures and even by live television. But the sad after effects of the tower of Babel still lock out people from each other. There are hundreds of languages spoken throughout the world. But very few people are gifted with enough tongues to speak to all others.

Here is an area in which the United Nations could use its prestige and influence to assure that at least the generations of the future could understand each other and thus greatly facilitate mutual trust and cooperation.

The United Nations has five official languages: Chinese, English, French, Russian and Spanish—all widely spoken. On the working level it has gotten down to three languages: English, French and Spanish.

For obvious political reasons none of these can be chosen as a United Nations or world language. Consequently an effort should be made under U.N. auspices to prepare an artificial language or decide on an existing one which would be acceptable to the peoples of the world as a second tongue, could be taught

in schools and eventually would become a world-wide medium of communication.

A number of artificial languages have been elaborated by linguists with a view to simplicity and easy acceptance by the world's major language groups. Among these are Esperanto, Interlingua and Volapuk.

The last named was established by Johann Martin Schleyer, a priest of Konstanz, Baden, Germany, around 1880. Esperanto is the creation of Lazarus Ludwig Zamenhof, Russian oculist and philologist who died in 1917. It is a simplified, regular language. Supporters have held international congresses and gained recognition in some countries. In the early 1960s an estimated 8 million people could speak and use the language. Interlingua is the creation of the International Auxiliary Language Association and has been used at international medical and scientific meetings.

The important issue is not which language is chosen but that a language be chosen and promoted as a world tongue. The selection or creation of such a language by the international body and its promotion as a world-wide medium of communication well might prove the greatest single contribution that the U.N. can make to world peace.

To a large extent an atmosphere for war evolves because peoples are sealed off from each other and develop concepts of history and of events which are completely contradictory. Most frequently the block to outside ideas and information results from an unfortunate failure by people to understand any language but their own.

Both by correspondence and direct conversation COLUMBIA has been in touch with U Thant, secretary general of the United Nations, urging him to establish an international commission to study this question and have it prepare recommendations to be submitted to the U.N. General Assembly for united action.

Thant has expressed agreement with the idea but insists that the question of a universal language is such a highly emotional issue that it would be difficult for the office of the U.N. secretariat to introduce it. Thant's hope is that member nations can propose the idea for discussion.

However difficult the problem may be it seems obvious that someone, possibly in concert with other interested parties, should start the ball rolling. It is an effort that will not pay off for at least two generations—which means 40 to 50 years hence—but it is an initiative which is owed to the future of mankind.

Every person genuinely committed to peace should contact his top government officials and his nation's representative at the U.N. to encourage such a move. The latter can be contacted easily by writing to the country's mission at the United Nations Building, New York City, U.S.A.

Here is where you can lay a stone for the temple of peace for which future generations truly will bless you.

ELMER VON FELDT.

WORK-STUDY PLAN CUTS DROPOUT RATE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. MORSE. Mr. Speaker, a unique program that was adopted by the Lowell High School in Lowell, Mass., in 1965, is meeting with considerable success 4 years later. The creation of Lowell High School's placement director, Christopher Mitchell, the work experience program matches students to work situations which fall within their related fields of study and interest. The program has twin aims: First, it is designed to help provide financial assistance to students. But, equally important—and this is where the program differs from most so-called work-study programs—this work experience program augments the student's studies in his selected area of interest. Thus the student is learning both from study and from direct experience about what most probably will later become his career.

As far as I know, this is the only program of its type. Most work-study programs merely provide the student with financial assistance, putting him to work at whatever kind of job the school can find for him to do. This work experience program makes sure that the student spends his working time at a job which will contribute to his learning and which will form the basis for future employment.

A recent article in the Lowell Sun explains the program in more detail and I commend it to my colleagues attention. So that Members of Congress may read about this important new departure, I insert the Lowell Sun article at this point in the RECORD:

[From the Lowell (Mass.) Sun, Nov. 23, 1969]

UNIQUE PLAN CUTS DROPOUT RATE

LOWELL.—An outstanding and unique "Work Experience Program" orginated at Lowell High School in 1965 currently is meeting with sufficient success to draw the attention of the Mass. State Board of Education and that of school boards and administrators throughout the state.

In contrast to the Work-Study plans which now are and have been in vogue throughout New England high schools for a number of years, the brainchild of Lowell High's Placement Director Christopher Mitchell assumes that participating students are matched to work situations which fall within their related fields of study and interest. In the Work-Study program, pupils simply work at anything the school can find for them to do whether the work be relevant to their studies or totally unrelated. The Work-Study plan in most instances exists purely to allow financially-distressed pupils to obtain extra funds . . . period.

Mr. Mitchell's Lowell High Work Experience Program on the other hand is aimed not only at financial assistance for participating pupils but also toward augmenting studies in their selected fields of interest . . . fields in which they may and in most cases will seek employment upon graduation. Regarding graduation; the Miller plan has become an insurance against a student's giving up the educational battle and joining the ranks of luckless dropouts. This year alone, the Work Experience Program has succeeded in enticing 17 potential dropouts into finishing school . . . full four years of high school while at the same time, being gainfully employed two to six hours a day in fields analogous to their studies and future careers.

As far as is known, no other such program hinges upon a student's being required to accept employment in and to do preparatory study in some area related to his part-time employment. One of the most valuable assets accruing to a student participating in the program is the fact that he, upon graduation, can apply for employment in a specific field and not only have his high school diploma as a credential, but added weight of proving he has had at least a year's experience . . . and successful experience working in that specific field. Potential employers seldom hand such an applicant a "don't call me, I'll call you" brush-off.

The entire Work Experience Program is geared to the so-called "gray area" high school pupil. He or she is the one who is headed for his diploma (barring becoming a dropout) so generally educated he isn't truly equipped for any speciality in the economic world which is increasingly dominated by highly specialized industrial complexes.

One of the strengths of Work Experience Program lies in its recognition that, to succeed, the program must enlist the co-operation of industry in on-the-job training. Industry with alacrity. It has become just what the program prospectus stated industry must: The laboratory for training and experience for participating students.

Not only has the State Board of Education approved of and lauded the program, industries which thus far have lent their support are equally enthusiastic. The young people who are accepted into the program, and who are trained on the job by these industries are considered by their employers as well worth their earnings, which are the minimum going salary for the particular industrial task being trained for.

EPISCOPAL DIOCESE OF CALIFORNIA SUPPORTS TITLE II REPEAL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. MATSUNAGA. Mr. Speaker, it is heartening to know that freedom-loving and justice-seeking concerned citizens throughout our country are joining in growing numbers in the effort to repeal title II of the Internal Security Act of 1950—the infamous Emergency Detention Act.

As an indication of this growing concern, I am pleased to report that on October 21, 1969, leaders of the Episcopal diocese of California adopted overwhelmingly a resolution calling for the repeal of the Emergency Detention Act.

This concentration camp authorization law, passed over President Truman's veto in 1950, provides that upon the President's declaration that a state of "internal security emergency" exists in this country, the U.S. Attorney General may apprehend and detain any person as to whom "there is a reasonable ground to believe that such person probably will engage in, or probably conspire with others to engage in, acts of espionage and sabotage."

In supporting repeal of title II, the delegates at the 120th convention of the Episcopal diocese of California expressed the view that the type of detention authorized in the act as contrary to the legal principles of constitutional government.

In order that my colleagues may read the resolution in its entirely, I am privileged to submit it for inclusion in the CONGRESSIONAL RECORD at this point:

RESOLUTION SUPPORTING REPEAL OF TITLE II, 1950 INTERNAL SECURITY ACT—EMERGENCY DETENTION ACT OF 1950

Whereas the Internal Security Act of 1950 provides, in Title II, for the Emergency Detention, under circumstances declared by

the President to be an "Internal Security Emergency", of persons believed likely to engage in or to conspire with others to engage in acts of treason or of espionage, and

Whereas this type of detention without a hearing is contrary to the legal principles of constitutional government, and

Whereas the experience of this country with such a measure in the internment of Japanese-Americans in World War II produced results that were less than desirable, and

Whereas at the present time Senate and House bills supporting the Repeal of Title II (Emergency Detention Act of 1950) are pending in Congress, namely S. 1872 and H.R. 11825, now, therefore,

Be it resolved that the 120th Convention of the Episcopal Diocese of California support the Repeal of Title II (Emergency Detention Act of 1950), of the Internal Security Act of 1950, and

Be it further resolved that this Convention urge the people of the Diocese to write their legislators in support of the House and Senate bills (S. 1872 and H.R. 11825) to repeal the Emergency Detention Act of 1950.

Note: This resolution was passed by the Department of Social Relations on September 9, 1969 and by Diocesan Council on October 21, 1969.

TWO MARYLANDERS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. LONG of Maryland. Mr. Speaker, WO John H. Whittington and Sp5c. Mark F. Tearl, two fine young men from Maryland, were killed recently in Vietnam. I wish to honor their memories by including the following article in the RECORD:

TWO MARYLANDERS, WHITTINGTON, TEARL, KILLED IN VIET ACTION

The Department of Defense yesterday announced that two Maryland Army men, one of them from Baltimore, were killed in "nonhostile" action in Vietnam.

The two men were:

WO 1 John H. Whittington, 21, 3044 Arunah avenue, in Baltimore.

Army Spec. 5 Mark F. Tearl, 22, 309 Oak street, in Edgewood, Maryland.

Mr. Whittington died Monday in an Army hospital in Yokohama, Japan. He was injured October 28 when the helicopter he was piloting crashed.

He had been in Vietnam six months, according to his mother, Mrs. John H. Whittington, of Baltimore.

CITY COLLEGE GRADUATE

He was a graduate of City College in 1966 and attended Morgan State College for a year before enlisting in the Army. While in high school, Mr. Whittington was on the wrestling and cross-country teams and played trumpet in the school band. He also was a member of Kappa Alpha Tau fraternity.

Funeral arrangements are incomplete at this time.

Mr. Whittington is survived by his parents, Mr. and Mrs. John H. Whittington, of Baltimore; his paternal grandmother, Mrs. Clara Whittington, of Baltimore; his maternal grandparents, Mr. and Mrs. Norman Spriggs, of Baltimore; and three brothers, Norman, Aaron and Alan Whittington, all living at home.

SECOND VIETNAM TOUR

Specialist Tearl died November 17 in Vietnam when the plane in which he was flying crashed.

He was finishing his second tour of duty in Vietnam and was scheduled to return to Edgewood next January 29.

Specialist Tearl was born in Wilmington, and moved with his family to Edgewood, Md., when he was a boy. He attended high school there and was active in football and baseball.

He also attended Harford Junior College briefly before enlisting in the Army.

Funeral arrangements are incomplete at this time.

Survivors include his parents, Mr. and Mrs. Stephen J. Tearl, Sr., of Edgewood; a brother, Lawrence Tearl, who lives at home; and three step-brothers, Stephen J. Tearl, Jr., of Edgewood, Arthur Tearl, and James Tearl, of Wilmington.

SPEECH ON PATRIOTISM

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, recently the history classes of the Washington Township School in my congressional district sponsored a school assembly program in observance of Veterans Day.

One of the student speakers during the program, Doris Schumacher, delivered a speech on patriotism and what it means to be an American.

I feel that Miss Schumacher's comments deserve the attention of my colleagues in the House and would like to include her comments in the RECORD at this time:

SPEECH ON PATRIOTISM

(By Doris Schumacher)

Many of us who have lived in a free America for a long period of time do not know what real patriotism is. Here is one story about a man who came from Europe. He had been persecuted in his own country during the war because of his race. After the war, he had been pushed about from one place to another. He had no home and no country, but he had a dream—somehow to reach America, the land of liberty. His son in America had finally located him and arranged for him to come to this country.

When the old man arrived, he was full of fear. He especially feared policemen because their uniforms resembled the soldiers who had ordered him about. At first he was afraid to talk freely, even to his own son! When he finally realized that he was not being spied upon, he whispered over and over again, "I want to be an American citizen". The man gradually lost his fear and gained the citizenship that he had once dreamed of.

Americans who have always lived in freedom sometimes take their precious liberty for granted. Stories like this one make you realize what a wonderful thing it is to be able to live our lives without fear, to speak freely, to take part in our government, to look in any man's eye as an equal, and just to be an American. You know that there are many people in the world today who do not have the liberties we have and who live more like slaves than like free men.

America was founded on the idea that human beings are entitled to live in freedom. We believe that our Democratic government and our way of life mean more liberty and happiness to more people than any system of government. You should be proud and thankful to be Americans.

Patriotism means unselfish service. Every American worthy of the name loves his country and respects the flag. But, Patriotsm is more than a feeling. It is willingness to serve America, to put the Nation's welfare above our own. Our history is filled with stories of American Patriots who devoted their lives to their country.

Everyone knows such loyal patriots as George Washington, Ben Franklin, and Abe Lincoln. But there are many other patriots who have not gained such world recognition as Horace Mann, who believed citizens should pay taxes in order to support public schools. This was a very unpopular view in his time. But his campaign proved successful and new and improved schools sprang up all over the country.

Today, many public schools have pictures of Horace Mann to honor him because he worked hard to give every American child a chance to get an education.

A more recent patriot is Martin Luther King, Jr. He led a new kind of struggle for American Negroes civil rights. He was a trained minister so he was an inspiring speaker and showed Negroes how to protest actively, but peacefully. He believed that American Negroes had just as many rights as white people and set out to prove his point. In 1964 Martin Luther King won world recognition for his leadership of American Negroes and was awarded the Nobel Peace Prize and as most of you know he was assassinated in April of 1968.

An even more recent patriot is Private First Class John Lindaberry of Middle Valley who graduated from this school system not too many years ago. He fought for his country to restore peace and freedom in Viet Nam. He also gave his life so that the land he loved would remain free.

As I have given this speech many of you may have wondered, "What can I do in order to be a Patriot in my country?"

There are many things you can do, for example, you can display your flag on National holidays, be proud that you are an American, take part in Civic holidays, or just serve America by being good citizens day by day. And as you grow older you will have many more duties as a citizen like voting for the candidate of your choice, and as citizens of this great Democracy, you owe America your wholehearted loyalty and service!

A MINISTER SPEAKS FOR THE MAJORITY ON PROTEST

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. WYMAN. Mr. Speaker, in a time when more and more members of the clergy address themselves to secular issues, often with compassionate rather than practical orientation, it is interesting to read a sermon cast in the latter context. Such a sermon was delivered on November 17, 1969, by Dr. Raymond J. Bean of the First Baptist Church in Manchester, N.H.

I commend Dr. Bean's sermon to the thoughtful consideration of all readers of the RECORD:

THE SILENT MAJORITY

(Sermon by Dr. Raymond J. Bean)

"I tell you, if these were silent, the very stones would cry out." These words from Jesus are usually a part of the Scripture lesson read on Palm Sunday but I think they are most applicable to our day. It is obvious, of course, that stones don't cry out literally. Like the expression concerning the trees clapping their hands, or the stars sing-

ing for joy, I interpret this passage in a poetic sense. When the Pharisees, the religious leaders of the day, urged Jesus to make His disciples remain silent instead of acclaiming Him as the Messiah, He refused and uttered those words concerning the stones crying out if they were silent.

It is dangerous to assume that there are always real parallels between our day and any that has preceded us and perhaps even more so to talk about our generation in terms of our Lord's disciples. But while I recognize the differences, that is exactly what I want to do this morning. I want to talk about the silent majority, to use a phrase employed recently by President Nixon and often quoted in the days since his speech.

I realize that there is no unanimous agreement as to just how our generation should be likened to the disciples of our Lord. Are His present-day followers to be found among the minority who are so much in the headlines by their protests? Or are they in the silent majority? Or, perhaps, in both?

It is a fact that a good many clergymen have been making the headlines by their protests. Sometimes these have taken form of a sermon or a written article, sometimes it has been by an act to illustrate how they feel. They have indicated, for example, that they are opposed to the American participation in the War in Vietnam. There is a sizeable organization that has been going for some years which seeks to enroll ministers and get them to speak out against our involvment there. They seem to be in general agreement that we made a mistake getting into Vietnam and it is better late than never to think about getting out. They seem certain that if we make some meaningful gesture toward peace, it is bound to be followed by a similar one from the other side. Some of these clergymen were among the leaders who wanted us to stop the bombing, arrange cease-fires and now insist that we ought to withdraw even though no concession is made by the enemy.

A few of these men have carried their protest beyond the pulpit and the printed page. They have been arrested for involvement in such things as obstructing the orderly process of the Selective Service system and even for attempting to destroy the records of those who are enrolled. One also hears of them, from time to time, as being among the people who oppose R.O.T.C. on our campuses and object to the military research being carried on in our universities.

It is quite hopeless for the average person to attempt to reach or reason with such individuals. They seem sure that their actions are motivated by the same purity that caused Jesus to drive the money changers out of the temple. They protest our involvement in a society that is all too ready to make war not peace and to hate rather than to love.

This is an area where I have not been silent and if you have, I sincerely hope you will be silent no longer. While I am willing to believe that such ministers and priests are sincere in what they believe, I cannot but feel they are terribly wrong and are being used by others. Of course we would expect a minister to be opposed to war, against the slaughter of women and children. But I think we have a right to expect that spiritual leaders have a realistic approach to the age in which we live.

It is all too obvious that bombing pauses and cease-fires have been a terrible mistake. When a minister, or someone else, points out that we have had over 40,000 killed in Vietnam already, I remind him that such a total would not exist if we had pursued the war differently, if we hadn't assumed that the other side would play according to our rules. Big-hearted America kept trying for peace and in the process enabled the enemy to increase his military potential at a terrible cost in American lives as well as South and North Vietnamese ones. How can we put any faith in the suggestion that we pull out of that unhappy land even if we have to do it alone? Does any serious student of world affairs honestly believe that would bring about peace? It would only result in a complete Communist takeover of South Vietnam with the execution or mutilation of the leadership of its villages and cities. This has taken place over and over again already—is there the slightest reason to think it would not take place again—especially when there was no chance of punishment for the murderers.

As I think of the situation in Vietnam, I am reminded of the parable of the Good Samaritan. There are those who would have us be like the priest and the Levite and turn away from a nation that is wounded and fighting for its life. No amount of oratory from the anti-war crowd will ever convince me that we do not have a duty as Christians, as Americans, to help preserve freedom in that part of the world. In so doing, we should realize, too, we may be making a great contribution toward its continuance everywhere. I have sometimes added this thought to the parable of the Good Samaritan: I think Jesus would have said that if the man who helped him had come along at the time the robbers were beating him, he ought to have done what he could to help him beat off the robbers—not merely wait to bind up his wounds later.

On the issue of Vietnam and the war, we have been silent too long. Those who have made the most noise are not in the majority. Let's stand up and be counted. Before we leave the subject of Vietnam let's remember that every demonstration in favor of abandoning the South Vietnamese, every speech in that direction by an American Senator makes the enemy feel a bit more confident that we will one day accept his terms for surrender and withdrawal. This has been made abundantly clear over and over again by the words which have come from Hanoi and its delegation at the so-called talks in Paris. It would be wrong to say that all those people who oppose President Nixon's policy are Communists or fellow-travellers but it is true to say that they are giving aid and comfort to the enemy.

Another area in which the silent majority are concerned is that of our colleges and universities. If education was once classified as the 3 R's it is now nearer the 3 D's—Disruption, Disobedience, and Demonstration. In a day when it is being urged that academic barriers should be lowered, to permit more of minority groups who cannot meet rigid standards for admission to be permitted to enter our institutions of higher learning, some of us would prefer to begin with an emphasis on harder standards for those who are already there—harder in terms of things academic and also in matters of discipline. Those students who do not measure up to the requirements in terms of grades or conduct should be dismissed without any hesitation.

It goes without saying that I belong to the old school of thought. It is my conviction that the faculty should decide what is going to be taught and the trustees should administer the program of the institution. If the students don't like it they can go somewhere else or go to work. This is not to say that they shouldn't have a voice through a student senate or some similar organization: it is to insist that they should not have the veto power or make the rules on faculty appointments or course requirements.

Apparently students find it quite easy today to drop their books at any time and take part in any kind of demonstration in any part of the country. A moratorium march, or a demonstration is sufficient reason to forget classes and take part in doing one's thing. If those of use over 30, that segment of the population that the youngsters can't trust, don't quite understand the reason that prompts such action, it may be that we don't understand the vocabulary of the day. It is quite apparent that some words must have taken on completely opposite meanings to those they knew in our day as students. Take two examples that are common today:

The first of these is the expression "nonviolent". This term was common to Mahatma Ghandi and to Martin Luther King. For both of these men it meant just what it seems to suggest. As a result of Dr. King's work, there was organized the Student Nonviolent Coordinating Committee. Any similarity between the original and the modern meaning of the title would be impossible to discover. Students involved in this organization have had no hesitation about resorting to violence against anything and anyone who did not see things their way.

The second organization is the so-called Students for a Democratic Society. It's a lovely title but it certainly doesn't mean what it suggests. Undoubtedly many have been taken in by the assumption that this is a body that seeks to build a society in which the will of the majority will prevail but that rights of the minority will be respected. The Students for a Democratic Society seem only interested in trying to have their point of view prevail—no matter what has to be done to insure that end. What they want is just the opposite of a democratic society. The will of the minority—themselves—is the only one that matters to them. They have made this abundantly plain by their demonstrations and their refusal to permit any other point of view when it could be avoided.

Our universities are supposed to be the ground in which liberal spirits can grow but when a little group of students is able to prevent a distinguished lecturer from speaking, as occurred recently at Dartmouth, one has to wonder what has happened to the idea of "liberal" which really means "free".

What arrogance it is for college students to assume that they are the authority for what courses should be taught, what political decisions should be made by the government, what contracts should be undertaken by the great industrial concerns of the nation and so on and so on.

I have minister friends who defend these young men and women who do such things. They see them as the finest generation of young people, filled with a genuine concern for the good of the land. I see them as spoiled sons and daughters of a permissive generation which has gratified every whim and has too often given them everything except a sense of purpose and a willingness to do their part in improving society. They condemn the establishment that their parents have provided but they offer no constructive suggestions for making it better.

A third area in which the silent majority is concerned is that of law and order. Last Thursday night Vice President Spiro Agnew pointed out that the American public can be given a false impression of what is happening because we are so dependent on television and that industry is controlled by only a few individuals. A handful or two of men determine what will be seen and heard and thus present the news from their point of view. It may even be said that they make the news since many people will have only the impressions they received from the lighted box. This, he illustrated by reference to the Democratic National Convention in Chicago. The television cameras were focused

on the police and their seemingly harsh treatment of young college-age youth who wanted to protest. Viewers saw clubs being swung and youths being herded off in arrests but the cameras never did record the provocations that brought on the police response. It was easy for some to assert that it was police brutality but the provocations have seldom if ever been equaled in American history.

But that incident was only one in a long series of attacks on law and order. We have seen the attitudes expressed as college students sought to take over the buildings on their campuses to try to enforce their opinion; in the sought-for confrontations with the police so the law enforcement officers would be charged with brutality. It is a simple sequence which is followed. People refuse to obey the officers and make it as difficult as possible for the men in blue to remove them. If they are required to use force or to drag them, they are accused of being brutal.

No more cheap and vicious attack on law and order has been witnessed than that which took place recently in a Chicago courtroom. Outside a crowd battled the police and inside the defendants sought to ridicule the American system of justice. Bobby Seale, 33, leader of the Black Panthers continued to refer to Judge Hoffman as a fascist and a pig. Some of the language he used was so bad the papers wouldn't print it. In spite of continued warnings from the judge, he kept on until he was bound and gagged. What a commentary on America, that a defendant has to be gagged to maintain sufficient quiet in the courtroom to enable the trial to take place! Seale was one of eight being tried for their part in inciting the riot in Chicago. Most Americans will not feel that Seale's sentence of 4 years is too heavy.

These are some of the areas in which the silent majority are vitally concerned. Others can be added but they are closely related to one or more of these. Gradually the silent majority is beginning to speak and to make its point of view felt. Why should it sit idly by and see its campuses destroyed by those who are less interested in learning than destroying?

Less concerned with the search for truth than in presenting their own juvenile viewpoint? Why should the American public continue to give vast sums to higher education if radical groups are permitted to disrupt the classes and take over the buildings? Why shouldn't we urge our judicial system from top to bottom to consider the rights of the majority as well as those few who want to destroy our way of life?

Who would you say are the Americans who most merit your respect this morning? Perhaps you would reply the astronauts on their moon journey. I appreciate their work and pray for their success. But my choice this morning would be two individuals: one an educator and the other a politician. Neither is the best known man in his field but, for me, at least, they speak the message that Americans need to hear and obey. The first is Dr. Hayakawa, the little Japanese American on the West Coast. He is a renowned authority in the field of literature and by accident he came to be the acting president of an institution where the radicals threatened its very existence. He brought to his task a courage and a common sense that the administrators of all our schools might well copy. The other man is vice-president Agnew. Vice-presidents traditionally live in the shadow of the president and this is to be expected. But Spiro Agnew is covered by a clear light rather than shadow as he speaks his mind on such acts as moratoriums and law and order. He is speaking for me and, I believe, for the great majority of Americans.

Yes, we have been silent too long. Let's have the courage to speak out on behalf of what we believe is right, the right way of life for Americans and for followers of our Lord. Jesus said "if these were silent, the very stones would cry out." I ask . . . if we are silent who else is going to cry out?"

INFORMING THE PUBLIC: TWO CASES IN POINT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. ASHBROOK. Mr. Speaker, the recent anti-Vietnam war demonstrations in Washington illustrated the urgent necessity of alerting the public concerning radical and subversive involvement in causes and programs aimed at garnering large-scale public support. When the New Mobilization Committee To End the War in Vietnam was identified as having Trotskyites and Communists of various types in its leadership, a number of supporters had the good sense to disassociate themselves from the effort.

Fortunately, progress is being made in providing authoritative information for use by the public in this area. The much-maligned Subversive Activities Control Board has received from the Justice Department during this administration a total of 15 cases of individuals who have been identified as members of the national or local committees of the Communist Party, U.S.A. The Board, a quasi-judicial Federal agency, will hold public hearings in which these individuals have the right to cross-examine Government witnesses and to dispute the evidence presented. If the Board so judges, the individuals will be declared members of the CPUSA, and the public record will be available for the information of the public. Granted, 15 cases is but a modest beginning, but it is hoped that this listing will include organizations in the near future.

In all fairness it must be stressed that the SACB is not a self-starter agency, but is wholly dependent on the Justice Department for the cases which it receives. In the past unjustified criticism has been leveled at the Board for inaction when the Justice Department should have been the target of the protests. While the 15 cases cited above leave much to be desired, the determination to use the Board in the capacity for which it was created is heartening.

Earlier this year added publicity accompanied the Board's activities when Otto F. Otepka, the former security officer at the State Department, was appointed as one of its Commissioners. It will be remembered that his monumental fight with State extended over a 5-year period in which bureaucratic skullduggery and chicanery reached an all-time low. Fortunately for the record, the scheming, malicious efforts on one powerful Federal department to break a solitary Government official is spelled out in "The Ordeal of Otto Otepka" by William J. Gill, former UPI correspondent and coauthor of "Suite 3505: The Story of the Draft Goldwater Movement."

Like the press coverage given the Otto Otepka case itself by some segments of the communications media, the publication of this important account has been a well-kept secret—the book reviewers have not exactly rushed to appraise its contents for the public.

The publication, "Best Sellers," a semimonthly review of current books, carried an objective appraisal of the Gill book in its November 15 issue. Published by the University of Scranton at Scranton, Pa., "Best Sellers" first opened shop in 1941. The review of the Otepka case by Robert B. Nordberg, professor of education at Marquete University is far from being totally favorable but does not prevent the reviewer from making this significant comment:

> Yet, the book leaves one sorely troubled. It is an important document, deserving the attention of every American citizen. No library should be without it. (I have not said that often.)

At this point in the RECORD I include the Nordberg review of "The Ordeal of Otto Otepka," followed by an item of the Baltimore Sun of November 21 reporting on the latest cases forwarded to the Subversive Activities Control Board by the Justice Department:

THE ORDEAL OF OTTO OTEPKA

(Gill, William, J. Arlington House, Oct. 18, 1969. 505 p. $8.00 (1))

Walt W. Rostow was said by President Johnson to have the most important job in the White House next to the President's. Yet, he had thrice been denied security clearance because of a long history of close association with Soviet espionage agents, a negative CIA evaluation of him, and a judgment by Air Force intelligence that he was a security risk. So we read in this book by a free-lance writer, formerly a correspondent for UPI and a contributor to many well known publications. Mr. Gill is co-author of "Suite 3505: The Story of the Draft Goldwater Movement."

The book is about Otto Otepka, former Deputy Director of the State Department's Office of Security, who was subjected to an almost incredible campaign of frame-up, lies, and cover-ups. Why? Because he tried to enforce the laws and regulations on security that he was paid to enforce. Mr. Gill's purpose, obviously, is to acquaint the public with this incredible series of events. He documents a 1960 meeting of Dean Rusk, Robert Kennedy, and Otepka, at which Otepka was (in effect) asked to clear the thrice-rejected Rostow and declined to do so, or at least insisted on an adequate review. Henceforth, it seems, the New Frontier was out to get Otepka, although it took them years to do so. President Nixon appointed Otepka to the Subversive Activities Control Board, a vindication but not of the sort he had been led to expect.

What is William Gill saying? That Otepka was harassed and persecuted shamefully? He makes a convincing case for that. That Dean Rusk was an active if invisible participant in what was done? He makes a case for that, too. That the security system all but crumbled under Kennedy and Johnson, with very

serious results for the national interest? He also makes that case. But, he hints at more. Is he also saying that Dean Rusk and Walt Rostow were conscious agents of the Communist conspiracy? He is much closer to affirming it than to denying it. He even seems to suggest that John F. Kennedy and Lyndon Johnson while basically loyal to the United States, operated under the delusion that the Soviet and Chinese leaders were moderate, rational creatures, and thus did incalculable harm to freedom throughout the world.

At times, Mr. Gill is quite convincing. Unfortunately, his work is marred by two serious flaws. First, he often uses prejudicial language, in exactly the same way that infuriates him when his adversaries do it. Second, he seems unable to be objective, at least on this subject. With very few exceptions, his Washington is divided into saints (Otepka and his supporters) and devils. He is quick to impute the darkest motivation to those who were in any way against Otepka. If one of them did not see military service, for example, it could only be because he "ducked out" of it. There is a one-sidedness to the book. One feels that he cannot possibly know the truth until somebody has presented another side of the story. This is a polemic, not a history. Otepka probably recognizes that since he is presented as a moderate, cautious man. His one fault, Gill complains, is a stubborn refusal to call a spade a spade. Perhaps it is more nearly the case that Mr. Gill is inclined to call it a steam-shovel.

Yet, the book leaves one sorely troubled. It is an important document deserving the attention of every American citizen. No library should be without it. (I have not said that often.) The shameless cynicism of Joseph McCarthy in exploiting the Communist issue seems to have had the ironic result of making many people in very high places falsely conclude that the issue is something of a joke, despite Hungary, Czechoslovakia, Kim Philby, etc. It is too bad that Mr. Gill leans to over-statement and one-sidedness, because that weakens his presentation of what is undoubtedly one of the major developments of the 1960's. The enormity of what happened helps one to excuse him for going overboard here and there. Read it, by all means! (69–16946)

ROBERT B. NORDBERG, Ed.D.,
Professor of Education,
Marquette University.

MITCHELL LABELS 10 PERSONS REDS—ASKS SUBVERSIVE ACTIVITIES CONTROL BOARD RULING

WASHINGTON, November 20.—John N. Mitchell, the Attorney General, asked the Subversive Activities Control Board today to declare 10 persons from 4 states members of the Communist party.

Such a finding by the board carries no penalty, however, and may be appealed to the courts.

Mr. Mitchell identified all the individuals as members of national or local committees of the Communist party.

They included: A. George Dawson, of Los Angeles, a national committee member; Leo Baefsky, of Monterey Park, Calif., a southern California district committee member; Shirley Kessler, of Monterey Park, of the same unit; Hans Richard Leuchtag and his wife, Alice, Indianapolis, of the Indiana Communist party; Ira Cohen, Gary, Indiana Communist party; James Rufus Fisher, of Wilkinson, Pa., Western Pennsylvania Communist party; Joseph Carl Fabrizio, Jr., Freedom, Pa., Western Pennsylvania unit; Jo Anne Elaine Gerber, Pittsburgh, 1968 educational director of the Western Pennsylvania Youth Club, and Frank I. Kinces, Philadelphia, Eastern Pennsylvania Communists party.

The board now must hold public hearings, after which an order could be issued declaring persons to be party members.

OUTSTANDING SCOUT GETS GOD AND COUNTRY AWARD

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. LONG of Maryland. Mr. Speaker, Richard E. Snyder, a fine young man from Maryland, was recently awarded the God and Country Award. I wish to honor his achievement by including the following article in the RECORD:

OUTSTANDING SCOUT GETS GOD AND COUNTRY AWARD

Sunday, November 23, meant further achievement for Richard E. Snyder Jr., when presented his God and Country Award during church service by Rev. Julian A. Tavenner at the Havre de Grace United Methodist Church.

Scouts and Leaders from Boy Scout Troop No. 967 of the Havre de Grace United Methodist Church turned out in uniform to honor and witness his receiving the award.

One of the 12 Scout Law states "A Scout Is Reverent." All Scouts show this by being faithful in their religious duties, but some go further and give special service to their Church or Synagogue. This may qualify them for a Religious award. Such an award is not a Scouting award. It is conferred on the Scout by his Religious Leader. Working toward this goal for the past year and 10 months with Rev. Tavenner, Richard Jr. adds this achievement to his Scouting career. He is 16 years old, a Junior in high school taking data processing along with the academic course in preparation for college. He likes dramatics as well as all Scouting activities.

Having reached Eagle over a year ago, he didn't stop earning rank as he went on to earn the Bronze Palm, Gold Palm, and presently has earned Silver over Bronze Palm with earning 41 Merit Badges (almost twice needed for Eagle). Having held an officer's position in almost every phase over the past 5½ years as a Boy Scout (Asst. Patrol Leader, Patrol Leader, Troop Scribe, Troop Quartermaster, Troop Librarian, Asst. Senior Patrol Leader, Instructor), he is currently serving as Jr. Asst. Scoutmaster. He served as Den Chief with Cubs for a year, and has served in numerous community activities. He served as staff discussion leader in the fall a year ago, and this fall as leader of the Staff Scouts for Junior Leader Training for Harford District. He is an active Brotherhood member of the "Order of the Arrow." He was one of the three delegates and discussion leader for the National Order of the Arrow conference at Indiana University, Bloomington, Ind., during Aug. 1969 among 4,500 Arrow-members from all over the U.S.A. that meet every other year. He has earned, in addition to all Rank awards in Scouting, the 50-miler award, Historic Trails award, Scout Lifeguard, 2-mile Swim, Interpreter's (spanish, which he is taking 3rd year of in school) stripe. He has been nominated as a candidate for "Report to the Nation" during February, 1970.

He has been a member of the Havre de Grace United Methodist Church for several years, and is a youth representative member of the Church board. He served as President of the United Methodist Youth fellowship (with over 60 members) during 1968–69 year, and is presently serving as Chairman of Worship.

THE VIETCONG IS LOSING ITS GRIP

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. CHAMBERLAIN. Mr. Speaker, as we consider today House Resolution 613, affirming the support of the House of Representatives for the President in his efforts to negotiate a just peace in Vietnam, I call the attention of my colleagues to two very timely and related articles appearing in the December 1969 issue of the Reader's Digest.

The first is a fresh assessment of the position of the Vietcong by the well-known columnist, Joseph Alsop, who recently completed his 18th journey through Vietnam since 1953. His report, which contains much encouraging news, concludes as follows:

The real key to the problem . . . is nothing more or less than the degree of resolution that will be shown by the President and the people who chose him as their leader. For the first time, it can be said with some assurance that if we want an honorable peace, we can get it by being resolute, and without over-long delays. But shall we? Who can tell?

At this point I include Mr. Alsop's article, "The Vietcong is Losing Its Grip", together with a succinct and reflective Reader's Digest editorial entitled, "Patience!":

THE VIETCONG IS LOSING ITS GRIP

(By Joseph Alsop)

(NOTE.—Since World War II, when he served under Gen. Claire Chennault in the 14th Air Force in China, Joseph Alsop has covered every war of serious interest to the United States and its allies, ranging from Korea and Malaya to the Middle East. He has visited Vietnam, always for extended periods, no fewer than 18 times, so that he knows the provinces and the people, both Americans and South Vietnamese, with real intimacy. Very few reporters have the background to make the kind of before-and-after comparison that Alsop has equipped himself to make.)

Before many months pass, there should be mighty few communist guerrillas, as well as mighty few people under Vietcong control, in the war against the VC in South Vietnam. The unreported process that is producing this dramatic and unforeseen result is the chief discovery that I made in Vietnam this September. It is an important discovery. For the progressive erosion of the whole Vietcong structure in South Vietnam—which is really what is happening—is bound to aid President Nixon greatly in his patient quest for an honorable peace.

It is simplest to begin with the way I made this discovery, vastly to my own surprise. This was my 18th visit to Vietnam since 1953. I spent most of my long trip going from district to district, quite literally from the DMZ to the Point of Ca Mau, always trying to find out what was happening in the crucial rice-roots war.

I specify the rice-roots war because two quite different, though related, wars are in fact being fought simultaneously in South Vietnam.

There is the big-unit war, in which the ARVN (South Vietnamese) and American and other allied troops fight mostly against North Vietnamese (NVA) battalions and regiments. And there is the rice-roots war, in which the true VC—the native communist South Vietnamese who serve as hamlet or village guerrillas, or as soldiers in the local-force companies—are the enemy. In this war the main burden is carried by the South Vietnamese "territorial" forces: the little Regional Force companies and Popular Force platoons, and the thousands upon thousands of villagers who have now joined the People's Self Defense Force.

Populated districts, rather than remote and empty base areas, are the scene of the rice-roots war, and district chiefs are in effect the frontline commanders. Since they are fighting the VC around the clock (and hardest of all, at night), the district chiefs and their American advisers know their enemy rather intimately.

THE RICE-ROOTS WAR

To start getting a feel of the countryside I first visited Cu Chi district, in Hau Nghia province. For many years Cu Chi had been celebrated as a VC mini-fortress. The able and courageous South Vietnamese district chief, Maj. Nguyen Xuan Sanh, had administered this little patch of rural Vietnam, with its tens of thousands of hardworking people, for more than a year and a half. I asked him for a before-and-after comparison.

"When I came here," Major Sanh answered, "it was very different." In this one district, the VC had at its command the Cu Chi local-force battalion, plus four local-force companies, plus over-strength guerrilla platoons in every village, plus guerrilla squads in almost every hamlet—well above 800 fighting men, altogether. They fought hard, too. And although officially it was *my district* the VC party secretary for the district controlled most of Cu Chi."

And now? The answer was eye-opening. First, Major Sanh ticked off the units he no longer had to fight, beginning with the Cu Chi battalion. Since 1963 this had been a famously tough VC outfit, but in only seven weeks of 1968, it had lost four successive battalion commanders! The same hard fighting had also transformed the battalion's basic character; for there were no more recruits from the district to fill the terrible gaps in the ranks, and North Vietnamese infiltrators had to be used as replacements. Meanwhile, the North Vietnamese big units in the province were in just as much trouble. In the end, this battered VC battalion, so long deep-rooted in the soil of Cu Chi, was called out of the district to strengthen the 268th NVA Regiment.

For the same harsh reasons—heavy losses and near-zero recruitment—Cu Chi's four local-force companies had also dwindled, until only two were left. "And those two companies, with a combined strength of about 40 men, are more like platoons," said Major Sanh's American adviser, with marked satisfaction. Next, to my astonishment, the major and his adviser all but began counting the remaining VC in Cu Chi on their fingers. After knowingly reviewing the different situations in their villages and hamlets, they put the number of surviving guerrillas at about two dozen. In sum, this district—where only 18 months earlier the VC had some 800 fighting men—no longer contained more than a hunted remnant of around 60 armed VC. Most important of all, and in consequence, effective control of Cu Chi had naturally passed from the VC party secretary to Major Sanh.

The lesson I learned in Cu Chi suggested that the whole VC structure in Vietnam must be in deep trouble. This is a complex structure, exactly comparable to a clandestine government, with all the usual departments that any government must have. Yet its real strength in any district or province can always be measured with considerable accuracy by the numbers of armed VC. A VC village chief in refuge in deep jungle cannot function if he has no guerrillas to enforce his orders in his former village; and a province secretary hiding in the mountains, if he has no armed men to impose his will in the province's populated areas, is finished. All over South Vietnam, therefore, I asked the people in the districts, "How many armed VC do you still have to fight?" And what I learned in this manner is bad news for Hanoi—good news for our side.

NEW-FOUND PEACE

Our side should know, for example, that there are now whole districts, even whole provinces, where the VC structure has been entirely uprooted. These are still exceptional, but they are profoundly exciting. For in huge areas of this beautiful country, the industrious, long-enduring people are enjoying real peace for the first time in many years. The fertile coastal strip, which supports the entire population of Thua Thien and Quang Tri provinces, is a good example.

Except in two fringe districts still directly threatened by North Vietnamese troops, there are virtually no ARVN or U.S. forces in the long, rich strip. The regular troops are not there any longer because there is no enemy there any longer. The "territorial" self-defense troops stand guard, of course, against any attempted reinfiltration by the few hundred surviving VC, who have taken refuge in the mountains over toward the Laotian border.

Three of the less exposed districts of Thua Thien province are even being given a civilian administration—another first in Vietnam since the war started! And everywhere along the coastal strip, the people are tilling fields long fallow, heaping up new dikes to keep the salty sea tides from the land, rebuilding schoolhouses and roads and markets, and generally resuming the busy, cheerful, normal life of rural Vietnam in peacetime.

For the present, to be sure, this wonderful, new-found peace of the million people in this area squarely depends on the continuing presence of U.S. and ARVN troops, to the west and north. From base areas in Laos, and from above the DMZ, no fewer than ten North Vietnamese regiments keep trying to press into the two provinces. If they ever manage to break through the protective screen of U.S. and ARVN troops, these Northern regiments will carry fire and sword all up and down the coastal strip. This is therefore something that President Nixon has to think about, when he ponders thinning the protective screen by further U.S. troops withdrawals. But what Hanoi has to think about is the effective elimination of just about the whole VC structure in Thua Thien and Quang Tri.

Hanoi has other unpleasant things to think about. Take Hau Nghia province, where my district-hopping began. In 1965, this was the province with the largest number of armed VC in the whole of Vietnam—more than 10,000 of them. But in the last year and a half, the same things that happened in Cu Chi have also happened in the other districts of Hau Nghia, so the total of armed VC in the whole province has dropped to no more than 400. You cannot say that the VC structure has been absolutely uprooted: this wretched, always dwindling remnant still hangs on precariously in the province's populated areas. There is no peace in Hau Nghia, either, because North Vietnamese big units, like the 268th Regiment, are also hanging on precariously. But, as their captured documents tell us, the condition of the VC structure in Hau Nghia is now dreadful to contemplate. And there are a good many other provinces, such as Binh Duong, also in III Corps, or Go Cong, in the Delta, where the VC structure is in the same grave plight.

THE DAYS ARE NUMBERED

Finally, there is a third kind of situation, which I found in the provinces of lower I Corps, in big Binh Dinh province in II Corps, and in the VC's stronghold provinces in the Delta. In these places the VC's rice-roots strength, though still considerable, is visibly and rather rapidly declining. Everywhere the VC guerrillas and local-force soldiers are being killed or captured, most often by the government's territorial forces. In increasing numbers they are also defecting to the government, or fading into the landscape. And, everywhere, the VC recruiters are getting at best only one replacement—most often a woman or a little boy—for every three guerrillas they lose. Any structure suffering heavy and continuous losses, and unable to replace more than one loss in three, is obviously in trouble.

When I got back to Saigon from a trip to lower I Corps, I also got a crude numerical measurement of the erosion of the VC in the areas where they are strongest. Lower I Corps is one of these areas. The numbers of armed VC are still formidable but dropping conspicuously. I told what I had found to one of the most intelligent—and pessimistic—Americans in Vietnam.

"I've looked into all the facts," said my friend, glumly. (And no one had a better opportunity to know the rice-roots facts!) "You have to be careful not to exaggerate. After all, the VC in those provinces have *lost only 14 percent of their strength since the end of May*, although I admit that this rate of loss is likely to continue, and may even rise."

I answered, reasonably I think, that if I had lost 14 percent of all my worldly goods in three months, and were told I would go on losing indefinitely at the same rate, I should have to prepare for near bankruptcy before very long. That, so far as I can see, is what now lies ahead for the VC structure throughout South Vietnam. Even in those provinces where the VC as yet retain real strength, their days are numbered, unless President Nixon is finally driven to throw in the sponge.

In the big-unit war, one must always bear in mind, Hanoi has long been using North Vietnamese rather than VC as cannon fodder. Yet the new erosion of the VC structure, with its far-reaching and inevitable effects on the rice-roots war, has enormous significance; and it is important to know how it began to happen, and why.

The real turning point was the Tet offensive of 1968. Shockingly misreported in this country, Tet was in fact a disaster for Hanoi and a double disaster for the VC. The ablest Southern leaders of the VC, and the most seasoned of their soldiers, fell in vast numbers. And the ruthless brutality of the Tet attacks caused the fence-sitting masses in the cities and the countryside to turn bitterly against the VC.

After Tet, new, much more effective methods of government control of the countryside were adopted—which deserve a whole separate report. This control has now been enormously extended, and is still extending. It is crowding the VC out of more and more hamlets and villages, radically reducing the old VC recruiting base, and each month causing thousands of the more faint-hearted VC to go over the hill as defectors.

THE BIG-UNIT WAR

If the tide is turning in the rice-roots war, what of the big-unit war—the war fought with North Vietnamese troops in South Vietnam?

First, let's take a look at the massive numbers of troops that Hanoi has in fact sent to South Vietnam. This movement has not been infiltration so much as continuous invasion—and on a scale that most people will find hard to credit.

Imagine the United States sending off to a foreign war, in a single year and with little hope of return, all the able-bodied young Americans who reached draft age in 1965, 1966 and 1967. It is not easy to imagine, thank God, because we have never done anything like that. Yet that is closely comparable to what Hanoi did in 1968. To provide manpower for the Tet offensive and its two sequels, Hanoi in truth sent southward in that one year just under 350,000 men—despite the fact that in North Vietnam only about 125,000 able-bodied youths annually reach military age.

And this was merely the climax of a long process. At least 400,000 had already been sent off to the war in the South before the year of Tet began. Hence, when the Hanoi war planners studied their balance sheets after the dire failure of the third of the 1968 "victory" offensives, the first item on the debit side was the sacrifice of six entire "year classes" of North Vietnamese young men!

Any government not completely irrational would be inclined to stop, look and listen, after throwing so many of its young men down the drain to no good military purpose. And this is just what Hanoi did. The numbers being sent off to the South were sharply cut back, from an average of 29,000 a month in 1968, to 10,000 a month in the first six months of 1969, and to only about 3500 a month since July. The cutback was *not* a "signal" but a practical response to the cruel pressure of hard facts; and one may be sure that the cutback was a belated victory for those in the Hanoi Politbureau who have always advocated "protracted war," against the advocates of the much more costly "big-unit" war.

THE STRATEGY PARALLEL

Protracted war is the Hanoi theorists' phrase for classical guerrilla war, fought with small units and with minimal losses. After Hanoi's frightful and fruitless manpower losses in the 1968 offensives, it was only natural for its advocates to get their innings at last. No doubt they were aided, too, by the argument that American public opinion would not stand for a war indefinitely protracted. And their new policy could perhaps work, if the people President Nixon calls the "bug-outs" finally prevail in this country.

But if the President means what he has rather grimly said, about refusing to become "the first President of the United States to lose a war," he can take comfort from the fact that reversion to protracted war, which might have worked well in 1965, is working horribly badly in 1969. Four years ago, the Saigon government and army had had no time to recover from the near-total disintegration of the whole political-administrative apparatus that followed the death of President Ngo Dinh Diem. Meanwhile, the VC firmly controlled vast areas of the countryside; they had large reserves of manpower, and everywhere possessed the high morale that the South Vietnamese army then lacked.

By the beginning of this year, in contrast, the Saigon government and army had been strengthened in many ways; the huge fence-sitting element of the masses had been decisively turned against the VC; the VC structure and manpower reserves had also been severely strained. Furthermore, the whole VC structure had come to depend heavily on big-unit support. From 1966 onward, in fact, there was a kind of rough division of responsibilities: while the VC structure controlled as much of the countryside as possible, the North Vietnamese in the big units bore the main brunt of the fighting. In these greatly changed circumstances, Hanoi then began to starve the big units of replacements. The support for the VC structure was therefore drastically weakened; and the erosion of that structure thereupon became serious.

This is terribly bad news for Hanoi, because the protracted war that Hanoi is now trying to fight is, basically, guerrilla war; and you cannot indefinitely protract a guerrilla war if the number of guerrillas is continuously shrinking at a heavy rate. The rate of loss is such that, unless premature American troop withdrawals change the whole picture, the VC structure can be in ruins in most of South Vietnam by next spring. This constitutes a time problem for Hanoi, every bit as grave as the time problem President Nixon confronts because of American impatience to get the war over with.

Indeed, if you think about it, Hanoi's way of dealing with the war in South Vietnam has always oddly paralleled Washington's way of dealing with it. Both governments began in a small way, Hanoi aiding the VC, Washington aiding Saigon. Before U.S. intervention, Hanoi had in fact sent only two North Vietnamese divisions to the South, and the Hanoi Politbureau—which also controls the VC, of course—was counting on winning all of South Vietnam for this small investment of Northern manpower. Both governments then put in more and more troops, although, proportionately, the American effort was trifling.

For remember that the North Vietnamese sent off to the war in the South numbered close to 750,000 men by the end of 1968. Proportionately, because Vietnam is a small country, this figure is actually equivalent to about ten million Americans! Yet few of these poor North Vietnamese conscripts will ever come home again; and none at all have been sent home as yet, except for tragic thousands of hopeless cripples.

Both governments also responded in parallel to the bloody climax of the year of Tet. President Nixon's graduated withdrawal program is comparable to the Hanoi Politbureau's somewhat earlier decision to reduce greatly the flow of North Vietnamese troops to the South, and thus to transfer much more of the burden to the VC. To complete the parallel, picture what would have happened to the American effort in Vietnam if the Saigon government and army had fulfilled Hanoi's best hopes by collapsing under the impact of the 1968 offensives. You then get a rough idea of how unmanageable Hanoi's problems will be, if the erosion of the VC structure continues to the point of final breakdown all over South Vietnam.

IN SEARCH OF AN END

So we come back to the question: What can Hanoi do about it? I believe (or perhaps I should say, I hope with good reason) that we can rule out any prolonged return to the former dreadful level of expenditure of North Vietnamese manpower. If Ho Chi Minh were still alive, this would be less easy to rule out. But a viciously divided Politbureau, including at least four rivals for supreme power, and without the final arbiter of all decisions, is surely unlikely to be able to agree on resuming the appalling yearly sacrifice of three whole year classes of men of fighting age.

For the same reasons, however, it seems almost equally unlikely that this divided Politbureau will be able to agree on open admission of defeat. Seriously negotiating in Paris, on the basis of President Nixon's minimum condition of self-determination for the South Vietnamese, would really amount to that kind of open admission.

All the same, one must be careful to remember the difference between the two kinds of war, the Vietcong rice-roots war and the North Vietnamese big-unit war, that are now going on in Vietnam.

Unless—and it is an important unless—President Nixon withdraws too many U.S. troops too soon, it is hard to see anything Hanoi can do to avoid effective defeat for the Vietcong in the rice-roots war in the next six to ten months. What is happening at the rice-roots cannot even be much slowed down, in fact, except by the kind of North Vietnamese big-unit effort that would require Hanoi to invest manpower as ruthlessly as in 1968.

On the other hand, the Hanoi leaders are remarkably wily, obstinate and resilient. They can still use all sorts of tactics of delay to keep the big-unit war going at a low level, in order to wear out American patience. They can also assault American public opinion politically, by proposing the kind of fake cease fire that would permit massive North Vietnamese re-invasion of the South after American withdrawal. Or they can assault our public opinion even more directly, by mounting one or more spasm offensives—relatively low in cost, not really aimed to achieve solid military results, but sure, nonetheless, to increase casualty rates.

In sum, victory in the rice-roots war against the VC, which can now be hoped for, should in the end (but only in the end) be decisive, because, in the long run, it will create unmanageable problems for Hanoi. Yet most of the real fighting in Vietnam, above the rice-roots level, has long been done by Hanoi's North Vietnamese troops; and Hanoi still has various ways to drag out this other war, or even to change its character. At the moment, for instance, two of the North Vietnamese divisions that formerly threatened III Corps from Cambodian bases are apparently moving into the Delta, where there are no longer any U.S. troops.

Gen. Creighton W. Abrams, the brilliant U.S. commander in Vietnam, is reportedly confident that the resulting test between South Vietnamese and North Vietnamese big units will turn out very well indeed. Pray God he is as correct this time as he has been in the past; but the fortunes of war are never exactly predictable.

In any case, however, the real key to the problem in Hanoi is nothing more nor less than the degree of resolution that will be shown by the President and the people who chose him as their leader. For the first time, it can be said with some assurance that if we want an honorable peace, we can get it by being resolute, and without over-long delays. But shall we? Who can tell?

PATIENCE!

For nearly five long years our nation has been immersed in a bloody, baffling and undeclared war 12,000 miles from our shores. The immediate aim of the United States in this effort is to prevent the enforced communist domination of a people who ask only to be allowed to live in freedom. Seldom if ever in our history have we endured a more frustrating and traumatic experience.

Into the deltas and jungles of South Vietnam we have poured some 95 billions of dollars of our treasure. We have seen nearly 40,000 of our young men go to their graves. The American objective in this war has been clear and carefully limited. We seek no territory. We seek only to give the people of South Vietnam an opportunity to determine their own destiny. Our immutable bedrock position is that the communist enslavement of the nations of Southeast Asia must stop at the 17th parallel.

Four American Presidents have committed our nation to this position—in the belief that the defense of South Vietnam is a defense not only of one country but of all of Asia.

Despite the dimensions of the threat, the United States has conducted the most restrained war that any nation has ever fought. Now, at last, we begin to see the successful end to our efforts. The American and South Vietnamese troops, as well as the troops of other nations who have fought, bled and died in this cause, have brought the war to a point where it is impossible for the enemy to win it by force of arms.

As the following article by Joseph Alsop points out, the enemy is in serious trouble.

The Vietcong guerrillas control less and less of the countryside, and the North Vietnamese armies are feeling the heavy drain on their manpower. That the United States is able to order the withdrawal of 60,000 troops from Vietnam—with more to come—shows that our position is increasingly strong. The leaders of the communist world know that time is no longer on their side.

Why, then, do they continue to hold out? Where do they look for hope of victory? As they survey the scene of battle, the North Vietnamese leaders and their Soviet and Chinese allies do not yet despair, for they know there still remains one resource that can tip the scale in their favor.

The enemy's greatest hopes lie in the division that he has created in public opinion in the United States. This is why the enemy fights on. This is why the Soviet Union has continued to support him in Vietnam. This is why Hanoi holds out in Paris. This is why the enemy refuses concession after concession offered him at the conference table. He clings to the belief that the American patience will run out, that sooner or later the American people will persuade their President to run up the white flag of ignominious surrender.

This is the hope that keeps the enemy going. Were it not for this, the war would have ended before this. No one will ever know how many American boys have gone to their death because the enemy holds on, watching for signs that American resolve is weakening.

To the enemy the constant outcries in the United States must sound like so many bombs being dropped against our troops in South Vietnam. The anti-war speeches in Congress, the campus protests from students and faculty, the barrage of defeatist editorials in some of the most powerful newspapers, these are worth regiments and whole divisions to the enemy. He reads his newspaper, hears the broadcasts, rubs his hands and once more refuses to talk in Paris, refuses to call his invaders back from South Vietnam.

Where it not for his belief that the American patience will crack, the enemy would lose his reason to keep on fighting. It is a monstrous irony that the louder the protest is raised against the war, the longer the war will continue.

Most of those who oppose the war sincerely believe that they are somehow helping to save the United States from error. But against that minority belief must be weighed the cost to the nation. For these are the voices that are listened to in Hanoi—and these are the voices that prolong the months of battle. In the interests of peace, they should now be lowered.

The President of the United States has said that he will not be shaken from his resolve to honor our nation's commitment—and our dead—in Vietnam. In this resolve, he is neither blind nor willful. No matter how loud the clamor from critics in Congress becomes, he will hold his course. He knows the nature of the enemy, the nature of the enemy's designs in Asia and the world. Most of all, he knows the consequences of a craven act of surrender on our part in South Vietnam. The results would haunt us for years to come.

The first consequence would be a blood bath for our friends—the certain slaughter of tens of thousands of South Vietnamese whose only mistake was to have trusted the word and will of the United States. The communists would deal swiftly and unmercifully with these as they butchered their way to power. Lest there be any doubt about this, we have only to look at what happened in Hue, where several thousand South Vietnamese were shot or buried alive during the brief communist occupation of the city during the 1968 Tet offensive.

The next to suffer from our betrayal would be the nearby countries of Cambodia, Laos, Thailand and Malaysia. They could not hope to remain free once the South Vietnamese roadblock to communism had been removed. The communist domination of Southeast Asia would shake countries even farther away—such as Indonesia, India, Japan.

Vietnam has come to be a crisis point. If America and its allies in South Vietnam were to fail, the cause of freedom would fail and the area of freedom would be diminished. The lesson would be clear for all to read. *Defeat lies in store for those who put their trust in the United States. Freedom is a dead dream; the future belongs to the enslaver.*

If the world were to witness such a defeat, the United States, leader of the free world, overnight would lose the respect of the world and would lose its self-respect. In a test of will, the United States would have been found wanting. In a test of conscience, the United States would have been found to have no conscience. In a test of strength, the United States would have been found to have not strength enough.

Did 39,000 American boys die for this? Has America forgotten the stuff it is made of, its purpose in the world?

If one listened only to the cries of those who urge peace at any price, one would have cause to question as Hanoi must question—the essential fiber of this nation. But the cries for a dishonorable end to the war do not reflect the will of anything like the majority of the American people. Nor do many of those who urge withdrawal really mean that they would accept peace on the enemy's terms. They simply want—as who does not?—an end to the war.

It is easy for the enemy to underestimate this country. In waiting for us to surrender, he hears the shrill protests and misses the true, patient heartbeat of America. This country has never lost a war; it has never surrendered to an enemy. And it is not about to do so now.

The need today, when an honorable end to the war is within sight, is for courage and patience, in the best American tradition. When their country is in trouble the American people close ranks and stand together. Together, we have brought our country through many storms.

We are now in the midst of a storm, and we will see it through. If the enemy is counting on this nation to falter, he is wrong. The heart of America is as strong as ever, and its patience will endure. Our enemy need not question it. Our allies need not doubt it. Our President need not wonder.

THE ROLE OF THE NEWS MEDIA

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. HUNGATE. Mr. Speaker, the role of the media both in reporting and as an active agent in the happenings of our times is beginning to receive some serious consideration.

There are those who assert that we now have a form of censorship in the media in the sense that what is reported, how widely it is reported, the prominence given the story, and the time at which it appears are all determined by individuals over whom the public exercises no appreciable control. Individuals as diverse as Robert Kennedy and SPIRO AGNEW, Lyndon Johnson, and Richard Nixon have been critical of the informational resources given our Nation. If the premise is accepted that a form of news control now exists—reportedly major news magazines such as Time, Newsweek, and Life first declined to purchase and run the Song My story—then the question becomes whether the censorship we have should be operated privately or publicly; whether the power to control news flow, content, and coloration should depend on financial strength and inclination, or whether it should be handled by public elected or appointed individuals subject to removal through the exercise of the public will.

Accordingly the article "Press Coverage of Civil Disorders" appearing in the Public Opinion Quarterly, fall 1969 issue, is of considerable interest in reflecting the degree of responsibility exercised, and sometimes not exercised, in the media.

An excerpt follows:

EXCERPT FROM "PRESS COVERAGE OF CIVIL DISORDERS"

A CASE STUDY OF WINSTON-SALEM, 1967

"A variety of voluntary codes and guidelines—some devised by the police, some by city administrations, most by the media themselves—now govern the reporting of riots in many American cities. Designed to curb flamboyant or sensational accounts that might exacerbate racial tensions, these guidelines may also have unanticipated and less desirable consequences. The following case study analyzes the implications of one newspaper's coverage of one such disorder.

"David L. Paletz is Assistant Professor of Political Science at Duke University and Robert Dunn is a student there.

"Racially larded civil disorders have occurred throughout American history. Until the advent of television, the press provided the basic source of information on these minacious disturbances. Yet, surprisingly, there are few attempts to evaluate, analyze, or even describe the way the press covered such events. Academies have been notably derelict. This essay is one small attempt to rectify the scholarly omission. We briefly canvass the nature of newspaper coverage of riots during the period 1919–1943. Then we peruse the ways recent racial disturbances have been treated in the press. In the body of the paper, to examine a newspaper in action, we report on the results of a case study we conducted of the treatment by the Winston-Salem Journal of that city's November 1967 riot. This leads to certain uneasy reflections on the present nature and future direction of riot coverage in the press.

PRESS COVERAGE OF RACIAL DISTURBANCES

"According to the limited research actually conducted, prior to the 1960's racial disturbances extensive enough to be considered riots consisted primarily of violent clashes between whites and Negroes. In most instances black people were the victims of white aggression. Many attacks were stimulated by the local press. The classic example is the Washington, D.C. fray of mid-July 1919 when the Washington Post, with its vastly exaggerated tales of Negro rapists, played a major role in provoking the disturbance. The press of East St. Louis is supposed to have played a similar role in provoking the riots that occurred in that city in the same month. In Chicago, which also experienced major racial conflict in July 1919, the press gave Negroes scarcely better shrift. As the Chicago Commission on Race Relations pointed out:

"Negroes in Chicago almost without exception point to the Chicago press as the responsible agent for many of their present difficulties. Throughout the country it is pointed out by both whites and Negroes that the policies of newspapers on racial matters have made relations more difficult, at times fostering new antagonism and enmities and

even precipitating riots by inflaming the public against Negroes.

"When the riots occurred it appears the press tended to misreport events to the detriment of Negroes. And when trials followed riot, much of the press viewed Negro defendants as guilty and presented their cases less than fairly. Not all the press was culpable, but much of it deserved Seligmann's indictment:

"It will be the work of years to undo the poisonous and anti-social accomplishments of such organs as The Omaha Bee, The Washington Post and The Times, The Chicago Evening Post, The New York Times, in fact of the majority of American newspapers.

"The next major outbreaks of racial conflict occurred in Detroit, Harlem, and Los Angeles in 1943. The dearth of research here is even greater than we encountered in summarizing the 1919 disturbances. In general the press appears to have been less virulent and more constructive, but an accurate assessment would require the kinds of studies apparently not yet conducted."

I recommend the entire article for further study.

PEOPLE POWER—IN THE DEFENSE OF CHRISTMAS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. RARICK. Mr. Speaker, through the length and breadth of our land we are witnessing something new and encouraging. The American people have had enough—and they are saying so.

For long years the Hitler technique of the big lie has been applied in America. The closely controlled news media have drummed the never-changing theme of socialism, collectivism, and internationalism into the minds of the people.

Crime, ignorance, failure, laziness—these are never the fault of the criminal, the ignorant, the failure or the lazy, but of "society" in some strange manner. If a test consistently proves that there are differences in people, then the test must be wrong. If children are incapable of learning English, then they must be taught Swahili. If the lowest segment of our society has no concept of family responsibility, then the family must be destroyed.

And, above all, the people know nothing. The bureaucratic autocrats are the only ones who are able to think for the people, to plan their lives, to educate their children.

But the people are now being heard. They are not alone. They are the majority, and all around the country, they are letting this be known.

I include a typical newsclipping of the restoration of Christmas in Massachusetts by irate parents, who just refused to believe that Christmas is un-American:

[From the Washington Post, Dec. 2, 1969]

SCHOOL BAN ON YULE RITES IS RESCINDED

MARBLEHEAD, MASS.—A ban on all religious reference to Christmas in Marblehead public schools has been rescinded after parents and children picketed the home of the school committee chairman and left an inflatable Santa Claus on his lawn.

"The program of observing religious holidays in the Marblehead public school system will continue as it has in the past," the school committee said in a statement Sunday.

The school department had issued a statement earlier saying: "All reference to the word Christmas will be eliminated in group activities planned in all Marblehead schools."

School Superintendent Aura W. Coleman said the ban had been adopted after a conference with clergymen of all faiths. In its new statement, the committee said it would not prohibit specific classroom activities, but would rely on the "sensitivity" of teachers in attempting to eliminate complaints of religious bias.

Coleman said that during the Christmas season last year he received "numerous complaints" from Jewish parents about their children's participation in school holiday activities.

In a 1963 ruling, former Attorney General Edward W. Brooke, now the state's junior U.S. senator, said observances were permissible as long as they were part of the educational process and had no specific religious connotation.

STANTON ON AGNEW

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. VAN DEERLIN. Mr. Speaker, last week, in a speech to the International Radio and Television Society, Dr. Frank Stanton, president of the Columbia Broadcasting System, sharply rebuked the Vice President for the way in which Mr. AGNEW had criticized the news media. Dr. Stanton's greatest concern was over Mr. AGNEW's reference to television's being "sanctioned and licensed by Government," and to Mr. AGNEW's suggestion that "it is time that the networks were made more responsive to the views of the Nation."

Could this choice of words, employed by the second highest official in the administration, have been purely accidental? asked Dr. Stanton.

Mr. AGNEW insists they were. But to Dr. Stanton, and myself, these phrases have a distinctly ominous ring. Who, for instance, would the Vice President charge with the responsibility of "making" the networks more responsible to national views? The Vice President did not say, but the implication—the implied threat—seems rather obvious, to me at least.

Under unanimous consent, I include Dr. Stanton's speech of November 25 at this point in my remarks:

INTERNATIONAL RADIO AND TELEVISION SOCIETY, INC.

(Address by Frank Stanton, President Columbia Broadcasting System, Inc., New York, November 25, 1969)

I am not here to defend broadcast journalism as being beyond all criticism. No one could have worked as long as I have in radio and television without realizing that we are far from perfect in carrying out our enormous responsibilities in broadcast journalism. We have never been satisfied with the job we are doing. We are not satisfied now. It is our continuing hope and our continuing effort to do better. We *are* concerned with what the press says of us. We *are* concerned with what our audiences write us. We *are* concerned with what our affiliates tell us. We do strive for objectivity, although it is not always easy to achieve. While freedom of the press is meaningless without the freedom to be wrong, we do try to be right. And I think that in the vast majority of cases we have succeeded.

Let me turn now to the events of the past few weeks that have commanded the attention of many of us. On November 3, the President of the United States delivered a much-publicized and eagerly-awaited speech presenting the Administration's position and plans on the war in Vietnam. That war has been the subject of one of the longest and most fervent public debates in all American history. Good, conscionable and dedicated men and women, from all sections of our society, have earnest and deeply-felt differences as to its meaning, its conduct and its prospects. Fundamental questions of rightness and wrongness have disturbed our people as no other issue in this century.

The President spoke for 32 minutes on all four nationwide television networks, four nationwide radio networks and scores of independent stations. Some 88 million people heard his words as they were conveyed, uninterrupted and in a place and under conditions of his own choosing. Following the President's address, each of the television networks provided comments by professionals analyzing the content of the speech. Participating were experienced newsmen, most of whom have performed similar functions for many years following the live broadcast of special events of outstanding significance. Since the participants were different on the four television networks, the comments of none of them were heard by the same huge audience that heard the President. One of the networks added to the expertise by presenting the views of a distinguished diplomat and public servant, who had held high posts in nine Presidential terms, of both parties, prior to the present Administration. Another presented the comments of two United States senators, who took divergent views of the policy advocated in the speech.

In all this, nothing unprecedented had happened. Such comments have customarily been offered after most significant Presidential appearances—State of the Union, Inaugurals, United Nations addresses, press conferences, for example. And they usually have been more than mere bland recapitulations, which would serve little purpose, and have frequently called attention to emphases, omissions, unexpected matters of substance, long anticipated attitudes, changes of views, methods of advocacy or any other aspect of the speech. Such comments have been offered by enterprising news organizations since the dawn of the modern press and continued into the era of radio and television.

Following the President's speech and following the relatively brief comments made directly after it, the White House was deluged with telegrams and letters approving the President's speech, the White House reported, by an overwhelming margin. Two days later, the Gallup Survey reported that nearly 4 out of every 5 of those who heard it, approved the President's speech and the course that it advocated with regard to Vietnam.

Ten days after the President's speech, the second highest official in the Administration launched an attack on the television networks on the grounds that critical comments on government policy as enunciated in a Presidential address might unduly influence the American people—even though, following such comments, the President received a 77 percent vote of confidence from those who heard him on the issue discussed.

The Vice President also censured television network news for covering events and personalities that are jolting to many of us but that nevertheless documented the kind of polarized society—not just here but throughout the world, whether or not there is television and whether it is controlled or free—in which, for better or worse, we are living. It is not a consensus society. It is a questioning, searching society—unsure, groping, running to extremes, abrasive, often violent even in its reactions to the violence of others. Students and faculties are challenging time-honored traditions in the universities. Young clergy are challenging ancient practices and even dogma of the churches. Labor union members are challenging their leaderships. Scientists, artists, businessmen, politicians—all are drawn into the fray. Frequently, because everyone is clamoring for attention, views are set forth in extreme terms.

As we do not propose to leave unreported the voice of the Vice President, we cannot in good conscience leave unreported any other significant voice or happening—whether or not it supports government policy, whether or not it conforms with our own views, whether or not it disturbs the persuasions of any political party or bloc. But no healthy society and no governing authorities worth their salt have to fear the reporting of dissenting or even of hostile voices. What a healthy society and a self-respecting government do have to fear—at the price of their vitality if not of their life—is the suppression of such reporting.

To strengthen the delusion that, as a news medium, television is plunging the nation into collapse and can be deterred only by suppressing criticisms and by either withholding bad news or contriving a formula to balance it with good news, the Vice President's speech was replete with misinformation, inaccuracies and contradictions. To deal adequately with all of these on this occasion would take us through the afternoon, but let me note some of them by way of example, then move on to consider with you the context of the Vice President's speech so far as the actions and statements of other Administration officials are concerned and, finally, make some observations on the significance of this unhappy affair.

The Vice President began his indictment of November 13 with a monstrous contradiction. He asserted flatly that "no medium has a more profound influence over public opinion" than television. And yet he also claimed that the views of America have been very little affected by this "profound influence," when he said, "The views of the majority of this fraternity [i.e., television network news executives and editors] do not—and I repeat, not—represent the views of America." The Vice President can't have it both ways. If the views of the American people show "a great gulf" between how a speech is received by them and how it is treated in a broadcast, obviously the treatment of it has no material effect upon their opinion. Even the premise of the Vice President's claim is proved wrong by the Gallup findings already mentioned.

The Vice President objected to the subjection of the words and policies of the President to "instant analysis and querulous criticism." The analysis, whatever its merits or failings, was hardly instant. Highly-informed speculation about the content of the speech had gone on for days and even weeks. Copies were made available at least two hours in advance of the analysis, allowing at least as much time as most morning newspapers had before press time. If a professional reporter could not arrive at some meaningful observations under those circumstances, we would question his competence.

The Vice President took care—and the point should not be lost on us—to remind us that television is "enjoying a monopoly sanctioned and licensed by government." A monopoly, by any definition I know, is the exclusive control of a product or a service by a single entity. Television news is broadcast in this country by four networks, all with different and fiercely competitive managements, producers, editors and reporters, involving hundreds of strongly individualistic people; by a dozen station groups, initiating and producing their own news broadcasts, and by hundreds of stations, producing their own news broadcasts wholly independent and distinct from those of any network they may otherwise be associated with. Moreover, it is estimated that, on the average day, 65 percent more hours of viewing are devoted to station-originated news broadcasts than to network news broadcasts. In addition, there are 6,717 radio stations in this country—the overwhelming majority without network affiliations.

All this hardly represents monopolistic control.

The Vice President seems to maintain that the First Amendment applies differently to NBC from what it does to *The New York Times*, because NBC's audience is bigger and because television has more impact. That the First Amendment is quantitative in its applicability is a chilling innovation from a responsible officer of the government. By this standard, the *Times* is less entitled to the protection of the Bill of Rights than the *Des Moines Register*, with a third of its circulation, and twice as entitled to it as the *New York Daily News*, which has double the *Times'* circulation. As for the impact of the television medium, it may be true that combined picture and voice give television a special force. On the other hand, print can be reread, it can be lingered over, it can be spread around, it can be consulted over and over again. Should, on the grounds of these advantages over television, the print media have less freedom?

The Vice President asked how many "marches and demonstrations" there would be if there were no television cameras. An elementary textbook in American history might prove instructive. There was no television to record the demonstrations against slavery; demonstrations against the Mexican War; demonstrations against the Civil War draft; demonstrations for women suffrage; demonstrations for Prohibition; demonstrations for the League of Nations; demonstrations against child labor; demonstrations for economic justice. That there would be no disturbing news except for television is a canard as dangerous as it is egregious.

Now let us turn to the crucial issue raised by the Vice President.

Despite his complaints about and what we report, the Vice President protested that he was not advocating censorship. He found it necessary, a week later, to repeat his protest three times in one paragraph. It is far more shocking to me that the utterances of the second-ranking official of the United States government require such repeated assurances that he had in mind no violation of the Constitution that it is comforting to have them at all. Of course, neither he nor any of his associates are advocating censorship—which would never survive judicial scrutiny. But it does not take overt censorship to cripple the free flow of ideas. Was the Vice President's reference to television's being "sanctioned and licensed by government" accidental and devoid of any point or meaning? Was his suggestion that "it is time that the networks were *made* [emphasis added] more responsive to the views of the nation" merely sloppy semantics and devoid of any notion of coercion?

Perhaps the Vice President, in his November 20 follow-up speech, was not referring to government action, but only to a dialogue among citizens when he said, "When they [network commentators and some gentlemen of *The New York Times*] go beyond fair comment and criticism they will be called upon to defend their statements and their positions just as we must defend ours. And when their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of public debate." Who, in those sentences, will do the calling of these men to defend themselves, and before whom? Who is the "we" who shall do the inviting? And by whose standards will the limits of "fair comment" and "just criticism" be judged and who shall be the judges?

The ominous character of the Vice President's attack derives directly from the fact that it is made upon the journalism of a medium licensed by the government of which he is a high ranking officer. This is a new relationship in government-press relations. From George Washington on, every Administration has had disputes with the press, but the First Amendment assured the press that such disputes were between equals, with the press beyond the reach of the government. This all-important fact of the licensing power of life and death over the broadcast press brings an implicit threat to a government official's attacks on it, whether or not that is the intention and whether or not the official says he is speaking only as an individual.

But the Vice President does not seem to have been walking a lonely path in the direction of suppression and harassment:

Herbert G. Klein, the Administration's Director of Communications, revealed that, on November 4, the day after the President's speech, calls from White House offices went out to broadcast stations asking whether editorials were planned and, in Mr. Klein's words, "to ask them what they would say in their editorial comment."

In Washington, D.C., television stations were called by a member of the Subversive Activities Control Board, Paul O'Neil, requesting logs of news coverage devoted to support of and in opposition to the Administration's Vietnam policy. His wife, a Dade County official of the Republican Party, who specified her husband's official position, made the same request of Miami, Florida stations.

On November 4, the Chairman of the Federal Communications Commission, in unprecedented calls to the presidents of the three broadcasting companies with national television networks, demanded transcripts of the remarks of their reporters and others who had commented on the speech, saying there had been complaints, the source of which he failed to specify—although, two weeks later on sober second thought, he seemed to reverse himself when he signed a letter adopted by the full Commission finding that the comments made on the networks after the speech in no way violated its doctrine of fairness.

A special counsel to the President, Clark R. Mollenhoff, said that the speech "was developed by various White House aides," adding "if you are asking me, 'does it reflect the Administration's views,' the evidence is abundant that it does." The President's press secretary, Ronald Ziegler, agreed that a White House special assistant, Patrick J. Buchanan, "very well could have contributed some thoughts to the speech."

Mr. Klein, on November 16, said, "I think that any time any industry—and I include newspapers very thoroughly in this, as well as the networks—if you look at the problems you have today and you fail to continue to examine them, you do invite the government to come in."

In my judgment, the whole tone, the whole content and the whole pattern of this government intrusion into the substance and methods of the broadcast press, and indeed of all journalism, have the gravest implications. Because a Federally-licensed medium is involved, no more serious episode has occured in government-press relationships

since the dark days in the fumbling infancy of this republic when the ill-fated Alien and Sedition Acts forbade criticism of the government and its policies on pain of exile or imprisonment.

In the context of this intimidation, the self-serving disavowal interpolations of no censorship, no matter how often repeated, are meaningless. Reprisals no less damaging to the media and no less dangerous to our fundamental freedoms than censorship are readily available to the government—economic, legal and psychological. Nor is their actual employment necessary to achieve their ends; to have them dangling like swords over the media can do harm even more irreparable than overt action. If these threats implicit in the developments of the past week are not openly recognized, unequivocally denounced and firmly resisted, freedom of communications in this country will suffer a setback that will not be limited to checking the freedom of television or to barring critical comment on government policy. It will precipitate an erosion that will inevitably destroy the most powerful safeguard of a free society—free, unhampered and unharassed news media.

This does not have to be the resolute intention of any person or group, any party or government. We can wander unintentionally—all of us—into a lethal trap if we let our dissatisfaction with the handling of specific issues, which are variable, and of events, which are transitory, compromise our adherence to basic principles, which are constant. No permanent freedom was ever wisely exchanged for temporary popularity, for the popularity can be gone with changing political or social cycles and the freedom can be regained, if ever, only at fearful cost. And this is a truth that should be remembered by those who demand that our freedoms be preserved only when they agree with us, but who have been eager to restrict them whenever they disagree with us. You cannot side with restrictions or with bullying or with recriminations when they support your views and then oppose them when they differ, for they will rise up and haunt you long after your cause is lost or won.

The issue here is simple. Dwight D. Eisenhower said, "I believe the United States is strong enough to expose to the world its differing viewpoints. . . ." His successor, John F. Kennedy, said, "The men who create power make an indispensable contribution to the nation's greatness, but the men who question power make a contribution just as indispensable."

Criticism is an essential ingredient in that mix. It is central, not tangential, to a free society. It is always a free society's strength and often its salvation. Television itself is not and should not be immune to such criticism. As a matter of fact, it is the most criticized medium in the history of communications. Newspapers, magazines, academic groups, learned societies—who wouldn't dream of criticizing each other—criticize us every single day. Everyone has free access to what we do, and everyone sees us do it. We are *not* unaccountable. We are *not* clandestine. We have *no* end product that is not seen and judged by everyone. But such open criticism is a far cry from sharp reminders from high official quarters that we are licensed or that if we don't examine ourselves, we in common with other media "invite" the government to move in.

The troubled pages of this century's history are writ dark with the death of liberty in those nations where the first fatal symptom of political decay was an effort to control the news media. Seldom has it been called censorship. Seldom is the word used except in denials. Always it has been "guidelines" in the name of national unity. And we might well ponder the fate of the unhappy role of nations that had no regard for their freedoms or took them for granted or held them lightly.

As we meet here, 39 nations in the world have a controlled press or a press that wavers uncertainly between control and freedom. These melancholy statistics might well be borne in mind by those of our own countrymen who, as the Vice President descends upon one part of the country to attack the journalists of another part, are moved by their temporary irritations to applaud their own ensnarement. In his speech of November 13, the Vice President turned to Learned Hand to support a proposition that would have been total anathema to the great judge. Let me, in conclusion, invoke Hand in more revealing words:

"Our democracy rests upon the assumption that, set free, the common man can manage his own fate; that errors will cancel each other by open discussion; that the interests of each when unguided from above, will not diverge too radically from the interests of all. . . ."

I appreciate having had this opportunity to speak to you today in what all thoughtful people must regard as a critical period in the life of a free society and of the free communications without which it cannot exist.

EXPORT CONTROL ACT

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BROWN of Michigan. Mr. Speaker, it is expected that the House of Representatives will take up and consider yet this week the conference report on H.R. 4293, the 1969 amendments to the Export Control Act as newly titled "The Export Administration Act of 1969."

My fellow conferees, Mr. WIDNALL and Mr. MIZE, and I refused to sign the conference report because we disagreed with the determination of the other conferees to accept the Senate version of section 4(b), the "Authority" section of the bill. The three of us have heretofore circulated to all Members of the House an expression and explanation of our views in opposition to adoption of the conference report. We will actively oppose the adoption of the conference report until and unless the House version of section 4(b) is incorporated in the legislation in lieu of the Senate version of such section. Since the time the conference was completed on H.R. 4293, I have received several letters from exporters and others urging adoption by the House of Representatives of the conference report. In each of such letters, the writer has indicated his lack of support for the policy which would be established by adoption of the Senate version of section 4(b) regarding trade in strategic goods with Russia and other Communist bloc nations.

Inasmuch as many of my colleagues in the House may be receiving similar letters from exporters, I have decided it might be desirable or helpful to share with them my typical response to such letters as well as the content of the letter which was earlier circulated by Mr. WIDNALL, Mr. MIZE, and myself among our colleagues. The letters follow:

NOVEMBER 18, 1969.

Re conference report on H.R. 4293, Export Control Act.

DEAR COLLEAGUE: The Conference Report on the Export Control Act, having been approved by the Senate, will be before the House of Representatives this week, probably on Wednesday.

We are urging you to oppose the adoption of the Conference Report.

As Conferees on the part of the House, we did not sign the Report and hope it will not receive your support because the all-important Section 4, the "Authority" section, of the Report is almost verbatim the Senate language to which we strenuously object for the following reasons:

(1) It will be impossible to canvass the government defense laboratories and private defense contractors throughout the United States to ascertain which of the many thousands of commodities, technologies and information affected by the bill would, or would not, make a significant contribution to the military potential of Communist Countries within the six month period to which such review is limited by Section 4(a).

(2) Section 4(b) provides that if strategic products, technology or information are *available from any other source including Russia and other Communist countries* or friendly nations not allied with the United States, such items cannot be subject to export control unless the President makes a specific determination that this is necessary in the interest of national security. Even if the President makes such a determination, the President then must report in detail to the Congress, his reasons for same. This reporting mandate will require detailed public disclosure which could, and no doubt would, be detrimental to our national security, our foreign relations and would damage U.S. firms in regard to matters of trade confidentiality.

(3) No provision is made for the maintenance of controls over "basket categories"—groupings of many similar products in general categories without individual identification. Use of basket categories is essential to control of the exportation of new products or technology having strategic potential but for which a separate classification does not exist because such new product or technology has never been previously identified. The Senate language in the Report requires individual identification of all products subject to control and therefore inability to identify many new products and technologies would authorize their uncontrolled export even to the detriment of our national security.

In summary, we concur with many in the Congress who believe the Export Control Act needs up-dating. We agree that some of its provisions have been unnecessarily restrictive but we reject the radical changes proposed by the Senate and incorporated in the Conference Report.

We think it extremely unwise and not in this nation's interest to shift the burden of proof to the President in total disregard of the fact that justification of his actions may entail the divulging of information which would be contrary to the national security interests of this country. When we, in the House, adopted an amendment to the Export Control Act making "availability" elsewhere of the proposed export a matter to be considered by the President in exercising his control authority, we restricted the application of such availability test to those nations with which we have defense treaty commitments—in other words, we can have an impact upon trade policy and shipment of goods from other free world nations but we have no similar power or control with respect to the shipment of goods

among and within the nations of the Communist Bloc.

Defeat of the Conference Report will permit an opportunity to re-examine the questions and issues we have raised herein and hopefully the adoption of the House "Authority" section.

Sincerely,

WILLIAM B. WIDNALL,
CHESTER L. MIZE,
GARRY BROWN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1969.

DEAR ———: Thank you for contacting me urging my support of the Conference Report on H.R. 4293, legislation amending the Export Control Act of 1949 and entitled "The Export Administration Act of 1969."

Frankly, I am somewhat at a loss to reconcile your support of the Report and some of the statements in your communication in view of the Senate version of the "Authority" section of the bill as included in the Conference Report. These statements lead me to believe that you have not carefully read the Conference Report or preferred to ignore some of its language.

Needless to say, I am actively opposed to the Conference Report in its present form, although I was a prime mover for modification of the Export Control Act when the bill to renew the Act was originally before the House of Representatives. In fact, I was successful in amending the Act even with respect to the "Authority" section.

Your communication expressly states that you are opposed to trade in strategic goods by exporters of this nation with nations of the Communist bloc, including Russia; yet, the language of the "Authority" section of the Conference Report, which was the Senate language, denies to the President the right to restrict or control such trade unless he satisfies the two-factor test of Section 4(b) or makes an absolute determination that such trade would be detrimental to the national security of the United States and explains his reasons for such determination in a "full and detailed statement" in the next quarterly report to the Congress.

The strategic importance of most exports which may have military significance detrimental to the national security of the United States must necessarily be established from intelligence reports. Disclosure of the substance of these reports to the general public, through a detailed quarterly report to the Congress, would not be in this nation's interest in the view of this writer. It, therefore, would be almost essential for the President to attempt to satisfy the two-factor test of the "Authority" section for the control of exports which does not necessitate the filing of such a report.

It is this two-factor test within the "Authority" section that causes me the greatest concern. If you have read the language of the Report, you will know that it denies to the President the right to control exports either through the establishment of restricted trade lists or by denial of export licenses, unless the President satisfies *both* requirements of such section. This test provides that with respect to any export control action, the President must determine: (1) that the item to be restricted or denied a license "would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States"; *and*, (2) such item or items "sought to be exported are not readily available to such nation or nations from *other sources*" (emphasis added). Since this is a two-fold test, satisfaction of only one of the requirements is not sufficient to justify controls.

The impact of this two-fold test is to deny to the President the right to control the export of items to any nation even though such item or items may have substantial military significance detrimental to the United States, if such item or items are readily available to such nation or nations from any other source, including a source within the Communist bloc of nations, even Russia, since the term "other sources" has in no way been limited by the Conference Report.

The questioning of Senator Mondale regarding his interpretation of this language of the Conference Report (see *Congressional Record* for November 14, 1969, pages 34290–34293) clearly establishes that either Senator Mondale and his colleagues in the Senate did not mean that which they had written in their Senate language or did not say what they meant. Nevertheless, the language is not patently ambiguous and, therefore, is not subject to interpretation regardless of the amount of legislative history which the Senate colloquy established in the pages of the *Congressional Record* to which I have referred.

Again, it is impossible for me to reconcile your rejection of trade in strategic goods with Communist nations with the analysis I have above set forth. We both support modification of the Export Control Act substantially along the lines of the Conference Report, and it appears to me you should be supporting my opposition to adoption of the Conference Report until the "Authority" section has been corrected to reflect that which apparently even the Senate intended.

My purpose in opposing the adoption of the Conference Report is to permit an opportunity for the Congress to adopt the House version of the "Authority" section and for no other reason. This action would be consistent with what the Senate apparently intended and would accommodate a reconciliation of what appear to be the conflicting recommendations of your letter. Even more importantly, such action would effect a realistic modernization of the Export Control Act without jeopardizing the effectuating of proper export control policy.

With best regards.

Sincerely,

GARRY BROWN.

ADDRESS OF DR. FRANK STANTON, PRESIDENT OF COLUMBIA BROADCASTING CO., BEFORE THE INTERNATIONAL RADIO AND TELEVISION SOCIETY, NEW YORK CITY, NOVEMBER 25, 1960

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BRADEMAS. Mr. Speaker, on November 13 the Vice President of the United States spoke in Des Moines, Iowa, focusing his remarks on the television industry in this country. One week later on November 20, in Mobile, Ala., Vice President AGNEW spoke again concerning the Nation's media, this time concentrating his comments on newspapers.

Mr. Speaker, at this point, I would like to insert in the RECORD a thoughtful and significant response to the Vice President's criticism, an address by Dr. Frank Stanton, president of the Columbia Broadcasting System, before a meeting of the International Radio & Television Society held in New York City on November 25.

Dr. Stanton's address follows:

ADDRESS BY DR. FRANK STANTON

I am not here to defend broadcast journalism as being beyond all criticism. No one could have worked as long as I have in radio and television without realizing that we are far from perfect in carrying out our enormous responsibilities in broadcast journalism. We have never been satified with the job we are doing. We are not satisfied now. It is our continuing hope and our continuing effort to do better. We *are* concerned with what the press says of us. We *are* concerned with what our audiences write us. We *are* concerned with what our affiliates tell us. We do strive for objectivity, although it is not always easy to achieve. While freedom of the press is meaningless without the freedom to be wrong, we do try to be right. And I think that in the vast majority of cases we have succeeded.

NIXON OUTLINES VIETNAM PEACE PLAN

Let me turn now to the events of the past few weeks that have commanded the attention of many of us. On November 3, the President of the United States delivered a much-publicized and eagerly-awaited speech presenting the Administration's position and plans on the war in Vietnam. That war has been the subject of one of the longest and most fervent public debates in all American history. Good, conscionable and dedicated men and women, from all sections of our society, have earnest and deeply-felt differences as to its meaning, its conduct and its prospects. Fundamental questions of rightness and wrongness have disturbed our people as no other issue has in this century.

The President spoke for 32 minutes on all four nationwide television networks, four nationwide radio networks and scores of independent stations. Some 88 million people heard his words as they were conveyed, uninterrupted and in a place and under conditions of his own choosing. Following the President's address, each of the television networks provided comments by professionals analyzing the content of the speech. Participating were experienced newsmen, most of whom have performed similar functions for many years following the live broadcast of special events of outstanding significance. Since the participants were different on the four television networks, the comments of none of them were heard by the same huge audience that heard the President. One of the networks added to the expertise by presenting the views of a distinguished diplomat and public servant, who had held high posts in nine Presidential terms, of both parties, prior to the present Administration. Another presented the comments of two United States senators, who took divergent views of the policy advocated in the speech.

In all this, nothing unprecedented had happened. Such comments have customarily been offered after most significant Presidential appearances—State of the Union, Inaugurals, United Nations addresses, press conferences, for example. And they usually have been more than mere bland recapitulations, which would serve little purpose, and have frequently called attention to emphases, omissions, unexpected matters of substance, long anticipated attitudes, changes of views, methods of advocacy or any other aspect of the speech. Such comments have been offered by enterprising news organizations since the dawn of the modern press and continued into the era of radio and television.

Following the President's speech and following the relatively brief comments made directly after it, the White House was deluged with telegrams and letters approving the President's speech, the White House reported, by an overwhelming margin. Two days later, the Gallup Survey reported that nearly 4 out of every 5 of those who heard it, approved the President's speech and the course that it advocated with regard to Vietnam.

AGNEW CRITICISM OF TELEVISION NETWORK NEWS

Ten days after the President's speech, the second highest official in the Administration launched an attack on the television networks on the grounds that critical comments on government policy as enunciated in a Presidential address might unduly influence the American people—even though, following such comments, the President received a 77 percent vote of confidence from those who heard him on the issue discussed.

The Vice President also censured television network news for covering events and personalities that are jolting to many of us but that nevertheless document the kind of polarized society—not just here but throughout the world, whether or not there is television and whether it is controlled or free—in which, for better or worse, we are living. It is not a consensus society. It is a questioning, searching society—unsure, groping, running to extremes, abrasive, often violent even in its reactions to the violence of others. Students and faculties are challenging time-honored traditions in the universities. Young clergy are challenging ancient practices and even dogma of the churches. Labor union members are challenging their leaderships. Scientists, artists, businessmen, politicians—all are drawn into the fray. Frequently, because everyone is clamoring for attention, views are set forth in extreme terms.

As we do not propose to leave unreported the voice of the Vice President, we cannot in good conscience leave unreported any other significant voice or happening—whether or not it supports government policy, whether or not it conforms with our own views, whether or not it disturbs the persuasions of any political party or bloc. But no healthy society and no governing authorities worth their salt have to fear the reporting of dissenting or even of hostile voices. What a healthy society and a self-respecting government do have to fear—at the price of their vitality if not of their life—is the suppression of such reporting.

To strengthen the delusion that, as a news medium, television is plunging the nation into collapse and can be deterred only by suppressing criticisms and by either withholding bad news or contriving a formula to balance it with good news, the Vice President's speech was replete with misinformation, inaccuracies and contradictions. To deal adequately with all of these on this occasion would take us through the afternoon, but let me note some of them by way of example, then move on to consider with you the context of the Vice President's speech so far as the actions and statements of other Administration officials are concerned and, finally, make some observations on the significance of this unhappy affair.

MISINFORMATION, INACCURACIES, AND CONTRADICTIONS

The Vice President began his indictment of November 13 with a monstrous contradiction. He asserted flatly that "no medium has a more profound influence over public opinion" than television. And yet he also claimed that the views of America have been very little affected by this "profound influence," when he said, "The views of the majority of this fraternity [i.e., television network news executives and editors] do not—and I repeat, not—represent the views of America." The Vice President can't have it both ways. If the views of the American people show "a great gulf" between how a speech is received by them and how it is treated in a broadcast, obviously the treatment of it has no material effect upon their opinion. Even the premise of the Vice President's claim is proved wrong by the Gallup findings already mentioned.

The Vice President objected to the subjection of the words and policies of the President to "instant analysis and querulous criticism." The analysis, whatever its merits or failings, was hardly instant. Highly-informed speculation about the content of the speech had gone on for days and even weeks. Copies were made available at least two hours in advance of the analysis, allowing at least as much time as most morning newspapers had before press time. If a professional reporter could not arrive at some meaningful observations under those circumstances, we would question his competence.

The Vice President took care—and the point should not be lost on us—to remind us that television is "enjoying a monopoly sanctioned and licensed by government." A monopoly, by any definition I know, is the exclusive control of a product or a service by a single entity. Television news is broadcast in this country by four networks, all with different and fiercely competitive managements, producers, editors and reporters, involving hundreds of strongly individualistic people; by a dozen station groups, initiating and producing their own news broadcasts, and by hundreds of stations, producing their own news broadcasts wholly independent and distinct from those of any network they may otherwise be associated with. Moreover, it is estimated that, on the average day, 65 percent more hours of viewing are devoted to station-originated news broadcasts than to network news broadcasts. In addition, there are 6,717 radio stations in this country—the overwhelming majority without network affiliations.

All this hardly represents monopolistic control.

The Vice President seems to maintain that the First Amendment applies differently to NBC from what it does to *The New York Times,* because NBC's audience is bigger and because television has more impact. That the First Amendment is quantitative in its applicability is a chilling innovation from a responsible officer of the government. By this standard, the *Times* is less entitled to the protection of the Bill of Rights than the *Des Moines Register,* with a third of its circulation, and twice as entitled to it as the *New York Daily News,* which has double the *Times'* circulation. As for the impact of the television medium, it may be true that combined picture and voice give television a special force. On the other hand, print can be reread, it can be lingered over, it can be spread around, it can be consulted over and over again. Should, on the grounds of these advantages over television, the print media have less freedom?

The Vice President asked how many "marches and demonstrations" there would be if there were no television cameras. An elementary textbook in American history might prove instructive. There was no television to record the demonstrations against slavery; demonstrations against the Mexican War; demonstrations against the Civil War draft; demonstration for women suffrage; demonstrations for Prohibition; demonstrations for the League of Nations; demonstrations against child labor; demonstrations for economic justice. That there would be no disturbing news except for television is a canard as dangerous as it is egregious.

CENSORSHIP IS THE CRUCIAL ISSUE

Now let us turn to the crucial issue raised by the Vice President.

Despite his complaints about how and what we report, the Vice President protested that he was not advocating censorship. He found it necessary, a week later, to repeat his protest three times in one paragraph. It is far more shocking to me that the utterances of the second-ranking official of the United States government require such repeated assurances that he had in mind no violation of the Constitution that it is comforting to have them at all. Of course, neither he nor any of his associates are advocating censorship—which would never survive judicial scrutiny. But it does not take overt censorship to cripple the free flow of ideas. Was the Vice President's reference to television's being "sanctioned and licensed by government" accidental and devoid of any point or meaning? Was his suggestion that "it is time that the networks were *made* [emphasis added] more responsive to the views of the nation" merely sloppy semantics and devoid of any notion of coercion?

Perhaps the Vice President, in his November 20 follow-up speech, was not referring to government action, but only to a dialogue among citizens when he said, "When they [network commentators and some gentlemen of *The New York Times*] go beyond fair comment and criticism they will be called upon to defend their statements and their positions just as we must defend ours. And when their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of public debate." Who, in those sentences, will do the calling of these men to defend themselves, and before whom? Who is the "we" who shall do the inviting? And by whose standards will the limits of "fair comment" and "just criticism" be judged and who shall be the judges?

The ominous character of the Vice President's attack derives directly from the fact that it is made upon the journalism of a medium licensed by the government of which he is a high ranking officer. Ths is a new relationship in government-press relations. From George Washington on, every Administration has had disputes with the press, but the First Amendment assured the press that such disputes were between equals, with the press beyond the reach of the government. This all-important fact of the licensing power of life and death over the broadcast press brings an implicit threat to a government official's attacks on it, whether or not that is the intention and whether or not the official says he is speaking only as an individual.

AGNEW SPEECH HAS ADMINISTRATION SUPPORT

But the Vice President does not seem to have been walking a lonely path in the direction of suppression and harassment:

Herbert G. Klein, the Administration's Director of Communications, revealed that, on November 4, the day after the President's speech, calls from White House offices went out to broadcast stations asking whether editorials were planned and, in Mr. Klein's words, "to ask them what they would say in their editorial comment."

In Washington, D.C., television stations were called by a member of the Subversive Activities Control Board, Paul O'Neil, requesting logs of news coverage devoted to support of and in opposition to the Administration's Vietnam policy. His wife, a Dade County official of the Republican Party, who specified her husband's official position, made the same request of Miami, Florida stations.

On November 4, the Chairman of the Federal Communications Commission, in unprecedented calls to the presidents of the three broadcasting companies with national television networks, demanded transcripts of the remarks of their reporters and others who had commented on the speech, saying there had been complaints, the source of which he failed to specify—although, two weeks later on sober second thought, he seemed to reverse himself when he signed a letter adopted by the full Commission finding that the comments made on the networks after the speech in no way violated its doctrine of fairness.

A special counsel to the President, Clark R. Mollenhoff, said that the speech "was developed by various White House aides," adding "if you are asking me, 'does it reflect the Administration's views,' the evidence is abundant that it does." The President's press secretary, Ronald Ziegler, agreed that a White House special assistant. Patrick J.

Buchanan, "very well could have contributed some thoughts to the speech."

Mr. Klein, on November 16, said, "I think that any time any industry—and I include newspapers very thoroughly in this, as well as the networks—if you look at the problems you have today and you fail to continue to examine them, you do invite the government to come in."

In my judgment, the whole tone, the whole content and the whole pattern of this government intrusion into the substance and methods of the broadcast press, and indeed of all journalism, have the gravest implications. Because a Federally-licensed medium is involved, no more serious episode has occurred in government-press relationships since the dark days in the fumbling infancy of this republic when the ill-fated Alien and Sedition Acts forbade criticism of the government and its policies on pain of exile or imprisonment.

In the context of this intimidation, the self-serving disavowal interpolations of no censorship, no matter how often repeated, are meaningless. Reprisals no less damaging to the media and no less dangerous to our fundamental freedoms than censorship are readily available to the government—economic, legal and psychological. Nor is their actual employment necessary to achieve their ends; to have them dangling like swords over the media can do harm even more irreparable than overt action. If these threats implicit in the developments of the past week are not openly recognized, unequivocally denounced and firmly resisted, freedom of communications in this country will suffer a setback that will not be limited to checking the freedom of television or to barring critical comment on government policy. It will precipitate an erosion that will inevitably destroy the most powerful safeguard of a free society—free, unhampered and unharassed news media.

This does not have to be the resolute intention of any person or group, any party or government. We can wander unintentionally—all of us—into a lethal trap if we let our dissatisfaction with the handling of specific issues, which are variable, and of events, which are transitory, compromise our adherence to basic principles, which are constant. No permanent freedom was every wisely exchanged for temporary popularity, for the popularity can be gone with changing political or social cycles and the freedom can be regained, if ever, only at fearful cost. And this is a truth that should be remembered by those who demand that our freedoms be preserved only when they agree with us, but who have been eager to restrict them whenever they disagree with us. You cannot side with restrictions or with bullying or with recriminations when they support your views and then oppose them when they differ, for they will rise up and haunt you long after your cause is lost or won.

CRITICISM IS VITAL TO A FREE SOCIETY

The issue here is simple. Dwight D. Eisenhower said, "I believe the United States is strong enough to expose to the world its differing viewpoints. . . ." His successor, John F. Kennedy, said, "The men who create power make an indispensable contribution to the nation's greatness, but the men who question power make a contribution just as indispensable."

Criticism is an essential ingredient in that mix. It is central, not tangential, to a free society. It is always a free society's strength and often its salvation. Television itself is not and should not be immune to such criticism. As a matter of fact, it is the most criticized medium in the history of communications. Newspapers, magazines, academic groups, learned societies—who wouldn't dream of criticizing each other—criticize us every single day. Everyone has free access to what we do, and everyone sees us do it. We are *not* unaccountable. We are *not* clandestine. We have *no* end product that is not seen and judged by everyone. But such open criticism is a far cry from sharp reminders from high official quarters that we are licensed or that if we don't examine ourselves, we in common with other media "invite" the government to move in.

The troubled pages of this century's history are writ dark with the death of liberty in those nations where the first fatal symptoms of political decay was an effort to control the news media. Seldom has it been called censorship. Seldom is the word used except in denials. Always it has been "guidelines" in the name of national duty. And we might well ponder the fate of the unhappy role of nations that had no regard for their freedoms or took them for granted or held them lightly.

As we meet here, 39 nations in the world have a controlled press or a press that wavers uncertainly between control and freedom. These melancholy statistics might well be borne in mind by those of our own countrymen who, as the Vice President descends upon one part of the country to attack the journalists of another part, are moved by their temporary irritations to applaud their own ensnarement. In his speech of November 13, the Vice President turned to Learned Hand to support a proposition that would have been total anathema to the great judge. Let me, in conclusion, invoke Hand in more revealing words:

"Our democracy rests upon the assumption that, set free, the common man can manage his own fate; that errors will cancel each other by open discussions; that the interests of each when unguided from above, will not diverge too radically from the interests of all. . . ."

I appreciate having had this opportunity to speak to you today in what all thoughtful people must regard as a critical period in the life of a free society and of the free communications without which it cannot exist.

AID FERTILIZER POLICIES QUESTIONED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. RODINO. Mr. Speaker, recently I have had cause to question a proposed policy change at AID which involved what I considered to be a circumvention of the "buy American" principle of our foreign assistance program. Accordingly, I wrote the following letter to Administrator Hannah:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 11, 1969.

Dr. JOHN A. HANNAH,
Administrator, Agency for International Development, Department of State, Washington, D.C.

DEAR DR. HANNAH: The enclosed letter and material have been received from a man in whom I have the greatest amount of respect, and whose knowledge in the area of the U.S. bag industry is well recognized.

On a previous occasion he supplied valuable information regarding bag specifications, which resulted in large savings to the AID foreign assistance program and to the American taxpayer.

What appears to be the major problem here is not a single company's ability through an AID exemption to buy bags overseas, but the implication of the ruling as it affects the entire U.S. bag industry and all those who handle bagged shipments.

The Buy American principle, which has been a keystone of our foreign aid program is in jeopardy of being completely cut off for an important segment of U.S. business. I find it hard to believe that AID's recent ruling is not in direct opposition to the intent of Congress as expressed in foreign aid legislation.

Specifically, I understand that an AID legal officer, Mr. Kenneth Fries, sent out an official letter stating that bags were not included "as components of non U.S. origin for purposes of AID componentry limitations." This appears to mean that suppliers will be entirely free to bag supplies anywhere abroad, thereby by-passing an entire American industry that has always been in the past an integral part of our foreign assistance program.

I would appreciate your close attention to this matter, and determination regarding the status of the U.S. bag industry.

Kind regards and best wishes.

Sincerely,

PETER W. RODINO, Jr.

SEPTEMBER 11, 1969.

Hon. PETER W. RODINO, Jr.,
House of Representatives,
Washington, D.C.

DEAR PETE: I should like to bring to your attention a serious problem that will lead to unemployment of thousands of people—a problem caused by a ruling of the legal department of A.I.D. going in the opposite direction of the intent of Congress in the assistance to less fortunate nations.

As you know, through the Agency of International Development, our fellow citizens have given material costing billions of dollars to the have-not nations. For bookkeeping purposes, formal contracts have been drawn up similar to commercial transactions. And it is a matter of record these nations have not paid the interest on the so-called loans and it is ridiculous for anyone to believe the money for the assistance given through the generosity of the American people will ever be paid.

That is our foreign assistance policy and today I am not going to debate the flaws in it. But I do take issue when we help these countries at the expense of American management and labor.

We ship millions of tons of fertilizer under this program to such nations as India, Pakistan, Vietnam and Indonesia.

In my judgement that is good and that is the intent of Congress in carrying out the wishes of the American people for we all want to help individual farmers in those countries to plant and harvest rice for subsistence.

But it is an indisputable fact that when we ship fertilizer in bulk seven percent of the shipment disappears between the time it leaves the fertilizer plant and is loaded on a ship in one of our ports. Further, it is an indisputable fact that at least a third of the bulk shipments disappear into the black market at the recipient port and in Vietnam, quite possibly, is detoured into the hands of the enemy. It is also an indisputable fact that fertilizer shipped in bulk losses its potency in transit because it is hydroscopic and absorbs moisture as a blotter would absorb water.

Bagging of the material in a U.S. port is, of course, the most efficient, effective method because the weight is exact, the material is protected against moisture and each bag is printed with the A.I.D. emblem and the printing shows the material comes from America.

When material is shipped in bulk, it is shoveled into unprinted bags by underpaid labor in the receipient port. The bags are manufactured overseas, so America loses. Not only does this increase unemployment in bag plants, but stevedores are also unemployed.

Now, the legal department of A.I.D. has ruled that all shipments of fertilizer can be

shipped in bulk and the bags can be purchased in Asia for packing the material in Singapore. In view of the loss of material and the adverse effect to both management and labor by this new policy, I believe this must be corrected immediately.

This policy is not only unrealistic, it is a flagrant example of bureaucrats abusing their responsibility and daring Congress to take issue on the matter. This must be stopped. We can no longer sit by and allow this agency to increase unemployment in this country.

Giving this material to needy nations is in keeping with the generosity of the American people. But when this leads to enrichment of black marketeers in Asia and unemployment at home, then it is time that we step in and say in terms that need no clarification that this "public be damned" policy of A.I.D. bureaucrats be stopped immediately.

WERTHAN BAG CORP.,
JOHN WALLACE.

In response, Dr. Hannah replied as follows:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 12, 1969.

Hon. PETER W. RODINO, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: Thank you for your letter of September 11, 1969, and the enclosures, particularly a letter to you from Mr. John Wallace dated September 11. This correspondence deals with the question of bagging fertilizer financed by A.I.D. for export to such countries as India, Pakistan and Indonesia. I have not replied earlier pending outcome of discussions held between your staff and your constituent. However, our staffs have agreed that we should now respond to your letter.

For several years, A.I.D. has financed certain types of fertilizer (such as ammonium sulfate and diammonium phosphate) for shipment from U.S. ports in bulk. Such fertilizer was bagged in the receiving country at its own expense. This method of shipment has made it possible for A.I.D. to supply considerably larger quantities of fertilizer for the same amount of money. Not only did the receiving countries pay for the bagging, but savings were also realized on ocean freight. We believe that these efforts to reduce the cost of aid to the U.S. Government, and to have the aid-receiving countries bear a portion of that cost, are consistent with the intentions of Congress.

In the recent past, an American company has brought into production a urea plant in Alaska owned jointly with Japanese interests. It inquired of A.I.D. whether, under our regulations, A.I.D. could finance urea produced in Alaska, including the cost of bagging, if the urea was shipped in bulk from Alaska and bagged in Japan for shipment to the recipient country. The company raised this question in the context of an interpretation of A.I.D. Regulation 1 which governs most of the Agency's commodity import programs.

The General Counsel's office of A.I.D informed the company that under A.I.D.'s basic procurement regulations neither bagging material nor the cost of bagging are regarded as "components" within the meaning of the regulations dealing with componentry limitation, which restricts the inclusion of physical components within a product to 10% of the cost of the product financed by A.I.D. Accordingly, the fertilizer which the company proposed to bag in Japan would not be rendered ineligible for A.I.D financing by virtue of A.I.D.'s componentry limitation.

Regulation 1 applies to all commodities financed by A.I.D., and is, as a legal matter, interpreted uniformly for all commodities. The legal ruling would, of course, apply to any manufacturer or exporter of fertilizer. It is, as a legal matter, consistent with the Agency's long-standing practice to permit the use of free-ports or bonded warehouses for packaging and distribution where American manufacturers and exporters find that distribution from such points outside the United States and outside the customs territory of third countries reduces the cost of a product to their customers and thus favors their competitive position in the world market. We, therefore, believe that A.I.D.'s existing rules and the interpretation given them are in the interest of the American export trade.

While there are thus no legal obstacles to deliveries of commodities of U.S. source from free ports and similar installations, specific arrangements between A.I.D. and importing countries frequently preclude such transactions. In the case of fertilizer, most countries, including the largest importers of A.I.D.-financed fertilizers (India, Pakistan, and Indonesia) purchase bagged fertilizer only on the basis of delivery "FOB US Port". Under procedures for fertilizer purchases with those countries, which must be approved by A.I.D., they could not, and do not purchase fertilizer bagged in a third country. We have no present intention to change this policy, although, of course, if a process should be developed by which we could save substantial funds we would want to weigh the facts against the policy you and we share as a general rule, i.e. that U.S. funds should be spent for U.S. procurement.

In his letter to you, Mr. Wallace makes several points with which I am unable to agree, and I would like to comment briefly on each of these.

Mr. Wallace states, first of all, that "it is a matter of record these nations ["the have-not nations"] have not paid the interest on so-called loans." It is a matter of record that almost all countries with which A.I.D. and its predecessor organizations have entered into loan agreements have paid interest on the loans when due and are paying the installments on principal as they mature. If you desire, we would be glad to provide information on the relatively few loans which are delinquent.

Mr. Wallace further asserts that "when we ship fertilizer in bulk seven percent of the shipment disappears between the time it leaves the fertilizer plant and is loaded on ship in one of our ports." I have no information on such losses, but assuming the accuracy of Mr. Wallace's figure, you should know that purchases financed by A.I.D. are made on the basis of delivery "FOB vessel." Therefore, only the fertilizer actually tallied at the port and loaded on board is paid for from A.I.D. loans, and any losses occurring prior to loading on board a ship are to the account of the manufacturer or his agents.

Mr. Wallace goes on to assert that "at least one-third of the bulk shipments disappear into the black market at the recipient port." Since, in the last few years, fertilizer has come into more abundant supply in the principal importing countries, such as India and Pakistan, so-called "black market" sales have become increasingly rare.

Mr. Wallace further asserts that "fertilizer shipped in bulk loses its potency in transit because it is hydroscopic and absorbs moisture." As mentioned earlier, some types of fertilizers, such as ammonium sulfate and diammonium phosphate, absorb moisture only to a negligible extent and buyers and sellers of those types of fertilizers have found shipment in bulk suitable, whether A.I.D. is involved in the financing or not. Thus A.I.D.'s practice is consistent with that of the trade generally.

We have not yet found a method suitable for bulk shipments of urea and have not financed such shipments. Whether shipment in specially designed vessels or any other special method of shipping urea in bulk over long distances is economically feasible has not yet been demonstrated.

Mr. Wallace states that local bagging overseas involved "unprinted bags". A.I.D. regulations do not require that the bags so used bear A.I.D. markings, although there are markings.

To sum up, A.I.D. has permitted bulk shipments of certain types of fertilizer for some time under arrangements from which both the A.I.D. recipients and the U.S. Government gain. A.I.D. has not amended its rules either recently or as a concession to one manufacturer; A.I.D. has furnished a legal interpretation of its regulations, which would be applicable to all manufacturers, but that legal interpretation does not, in and of itself, permit a fertilizer manufacturer to ship from a U.S. port in bulk when the specifications call for fertilizer in bags "FOB U.S. Port". Under current purchasing practices this is the normal specification.

I hope the foregoing comments will clarify the issues and A.I.D.'s current policies. Since Chairman Morgan of the House Foreign Affairs Committee has also expressed an interest in this matter, I am sending him a copy of this letter.

Sincerely yours,

JOHN A. HANNAH.

Since Mr. Wallace, who works on a day-to-day basis with the problems of supplying jute bags for overseas fertilizer shipments, disagrees so fundamentally with AID, I asked him to respond to Dr. Hannah's letter. He complied as follows:

WERTHAN BAG CORP.,
Nashville, Tenn., November 21, 1969.

Congressman PETER W. RODINO, Jr.,
Rayburn Building,
Washington, D.C.

DEAR PETE: As I noted on Tuesday the letter from A. I. D. is certainly unsatisfactory, now I shall respond for your files and also for Chairman Morgan's file.

In reply to their statement, second paragraph, page three, it is true that most of, "the have-not nations" have made some interest payments; I think they should forward the record of India and Pakistan during the past decade.

Regarding the next paragraph: If this statement is of no interest to A. I. D., then they wasted an afternoon of industry representatives complaining about this loss and seeking a solution. That meeting was in June 1968, at the Greenbrier Hotel, White Sulphur Springs. The meeting was called by Mr. John Osgathorpe, at the request of the Indian delegation. The proceedings were taped.

Concerning the next paragraph, my figure of loss of product in the recipient nation was on the low side. At least there is an admission that black market operations have existed, a fact they always denied.

I can assure you that while the supply of fertilizer has increased they will not have enough material to meet their needs during the lifetime of a baby born today.

I never suggested or implied the ammonium sulphate be shipped in bags. It is the testimony of A. I. D. officials a couple of years ago who fought you tooth and nail when they insisted that unless a multiwall bag insert with a moisture barrier was used as opposed to a cheaper polyethylene liner that the material would lose much of its potency.

Now they are shipping this material in bulk and bagging it overseas in unprinted bags. Until now they denied that such bags were unprinted. This is a loose policy, bags are half to two-thirds filled and it is up to A. I. D. to explain where the remainder of the cargo disappears.

It is my contention that the purchasing of bags overseas increases unemployment in bag plants, and also the stevedores.

The textile industry is the sickest major industry in the country.

If this policy is correct then why does not

the Defense Department purchase all of its requirements for sheets, uniforms, blankets and tents in Hong Kong?

Warmest regards.

Sincerely,

JOHN WALLACE.

Mr. Speaker, obviously we have a situation here where there is rather substantial disagreement over what should be matters of ascertainable fact. A number of questions are certainly in order.

First of all I can personally testify to the fact that over 2 years ago Mr. Wallace brought to me evidence that AID was requiring expensive overpackaging of diammonium phosphate by calling for a burlap bag with a five-layer multiwall paper insert. This very expensive combination of bag and insert was specified for the principal reason of keeping out moisture, which if allowed to penetrate the fertilizer would sap it of its strength and cake it into a solid piece almost as strong as concrete.

Mr. Wallace proposed the substitution of a polyethlene liner, much cheaper and fully adequate as a moisture protector for the highly hydroscopic diammonium phosphate. After the intervention of the then Inspector General for Foreign Assistance, and the Administrator for Southeast Asia AID in fact changed their specifications and subsequently have been saving American taxpayers many thousands of dollars yearly.

The point, however, is that AID firmly believed diammonium phosphate required heavy bagging care and attention to preserve it from moisture penetration.

The following year at a meeting of the National Plant Food Institute in White Sulphur Springs, the Indian delegation announced that this particular material, diammonium phosphate, would soon be shipped in bulk instead of bags. This led to a heated exchange between bag representatives and the Indians, but now, true to their threat, a situation exists in which AID has changed the specifications of diammonium phosphate to bulk shipment. They no longer talk about protecting the product from the elements.

Since the nature of this fertilizer has not changed, one can only wonder how AID managed to completely reverse itself, for in Administrator Hannah's reply to my earlier inquiry, he stated:

> Some types of fertilizer, such as . . . diammonium phosphate, absorb moisture only to a negligible extent and buyers and sellers . . . have found shipment in bulk suitable . . . Thus AID's practice is consistent with that of the trade generally.

In addition to the above, the "bag versus bulk" controversy has never been satisfactorily researched and competently answered.

Mr. Wallace contends that for efficient handling, product protection, correct cargo identification, proper weights, and domestic employment the best course to follow in order to cut waste and aid domestic employment is to bag all hydroscopic fertilizer in the United States. He contends that the combined added expenses of bulk shipments due to additional port costs and black market operations brings the total price up to the level of bagging the material in the United States. And, aside from the economics, he feels that only through U.S. bagging can the proper U.S. origin identification be maintained.

I believe, also, that one would find the American public supporting the policy of marking every bag of fertilizer, or any other material shipped under the AID program, with a clear indication of U.S. origin. Administrator Hannah's admission that AID regulations do not require material bagged overseas to bear AID markings is a policy in need of immediate administrative correction.

I understand that the Indian stevedores who handle U.S.-origin bagged fertilizer use steel hooks to unload the material. This practice, of course, tears up many bags with a resultant loss of valuable fertilizer. The Indian farmer then receives a badly damaged bag of U.S. fertilizer. Iron Curtain countries, however, seem to fare much better, and there is at least a suspicion that the political coloration of the Indian stevedore unions has a great deal to do with the situation.

There are other questions, of course, that need clear and decisive policy determinations. U.S. bag and fertilizer industries, for example, are justifiably disturbed over the so-called Indian fishing expeditions. This costly practice occurs when the Indian Government offers tenders for thousands of tons of U.S. fertilizer, only to subsequently cancel before the award date because they believe they can get the material cheaper in some other country.

In the meantime, U.S. fertilizer manufacturers, their agents and bag manufacturers have wasted valuable time and money. There is no question of lack of competition in the United States, only a question of playing the international market at the expense of U.S. suppliers. Once a tender is offered the lowest bidder should receive the award. AID, after the difficulties it has encountered from a skeptical Congress, should be interested in gaining public support. And a good place to begin is with U.S. business interests that have participated in AID-financed programs.

CITY LIVING CIRCA 1985?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. WYMAN. Mr. Speaker, it is incomprehensible to me that those who live in urban areas with the direction of those whom they have chosen to lead them for the moment, cannot create attractive, enlightened, dynamic, and progressive urban environments in even the most blighted neighborhoods. Massive—although admitted inadequate—Federal funding is standing by to assist. Local funding alternatives also exist. Each national administration in recent years has had its urban crash programs from model cities to housing.

Yet somehow, somewhere, the individual verve on the part of urban inhabitants seem to be lacking. Can it be that the senses of those who live along city canyons have become dulled to the point of apathy? Does the discouraging example of disinterested neighbors appear insurmountable?

To get the job done in metropolitania there are certain fundamental ingredients for success. These are:

First. An intelligent, workable, plan with an identifiable attractive objective.

Second. Interest and support from affected residents and businesses.

Third. Time limitations sufficiently realistic to require expedition and give monthly proof of specific accomplishment.

Fourth. Legislative authorization to representative local groups to impose meaningful sanctions and to use powers of eminent domain.

Fifth. Satisfactory temporary housing for those affected with options to return as desired.

Sixth. Specific and substantial penalties upon individuals and corporations who willfully noncomply with the community effort.

Seventh. Federal matching assistance fundwise but without sole Federal funding, with appropriate standards providing ample local options for variances.

Eighth. Awareness that solutions as well as plans must of necessity vary substantially from city to city.

Failing specific and positive direction and development of some such permanent solution to continuing urban crises, David Broder's column in today's Washington Post suggests the appalling possibilities of tomorrow's urban fortress Americana. As Mr. Broder points out, tax relief would indeed be a dubious bargain if these conditions are to be a long-range consequence.

The column follows:

TAX RELIEF A DUBIOUS BARGAIN IF CITIES DIE IN WAVE OF CRIME

(By David S. Broder)

Last week's report from the National Commission on the Causes and Prevention of Violence makes a point that is terribly pertinent to the current Senate debate on the tax bill—a point that has been largely overlooked.

The commission headed by Dr. Milton Eisenhower, in its study of "crime in the streets," the epidemic of violence that afflicts the major cities and fosters the politics of fear, said there are only two ways of dealing with the problem.

Either society and government will make the expenditure of public funds needed to combat crime and to eliminate its causes or individual families will buy as much protection for themselves as they can afford.

The consequences of the choice are enormous—and the tax bill is an important part of the choice, because it represents the biggest decision on national priorities Congress will make this year.

In its present form (even without the additional tax-reduction amendments Sen. Albert Gore is sponsoring) it embodies a

political compromise, to procure a limited amount of tax reform at a substantial cost in federal revenues.

The reforms—many of them worthwhile in themselves—would bring the government something over $6 billion a year of extra revenue, when fully implemented. To close these loopholes, it is proposed that more than $9 billion a year of tax cuts be granted. About $625 million of the cuts would go to the poor families, who would be relieved of their income tax obligations by the bill. But the vast bulk of the tax relief would go into the pockets of the middle- and upper-income families as a subsidy to further private consumption.

It is this decision to give private spending priority over public investment that has largely escaped challenge in congressional debate. Belatedly, the administration and some members of the Joint Economic Committee have questioned the inflationary aspects of the scheduled tax cuts. But few voices have been heard from either party challenging the basic assumption that private spending has priority over public.

Yet that question must be raised when one considers the Eisenhower Commission's description of what the "private spending" solution to the crime problem means to the future of our country.

If individuals are left to cope with the problem of providing safety for themselves, the commission says, central business districts will be inhabited only during daytime "and will be largely deserted except for police patrols during nighttime hours."

"High-rise apartment buildings and residential compounds, protected by private guards and security devices, will be fortified cells for upper-middle and high-income populations living at prime locations in the cities . . ."

In the suburbs, the commission says, "ownership of guns will be almost universal; homes will be fortified by an array of devices from window grills to electronic surveillance equipment; armed citizen volunteers in cars will supplement inadequate police patrols in neighborhoods closer to the central city, and extreme left-wing and right-wing groups will have tremendous armories of weapons which could be brought into play, with or without any provocation.

"High-speed, patrolled expressways will be sanitized corridors connecting safe areas, and private automobiles . . . will be routinely equipped with unbreakable glass, light armor and other security features. Inside garages or valet parking will be available at safe buildings in or near the central city. Armed guards will ride shotgun on all forms of public transportation."

Meanwhile, the report says, "the ghetto slum neighborhoods will be places of terror, with widespread crime, perhaps completely out of police control during nighttime hours . . . Between the unsafe, deteriorating central city . . . and the network of safe prosperous areas and sanitized corridors, there will be not unnaturally, intensifying hatred and deepening division."

That is a description of a hellish America, a society living in constant fear, a society that could not possibly sustain for long the habits and institutions of freedom and self-government. But it is not so different from the cities of today that anyone can believe it is exaggerated.

What is the alternative? The Eisenhower Commission, like every other body that has looked at the problem, says there simply must be a massive commitment of resources—doubling the amount we spend on the criminal justice system and making billions of dollars available to improve housing, education and job opportunities in the slums that produce most of our urban crime.

Those billions, of course, are the slums Congress is preparing to return to the taxpayers—as an inducement to accept some small steps toward equity in the tax system.

It is a dubious bargain.

OEO LEGAL SERVICES PROGRAM IN JEOPARDY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. BURTON of Utah. Mr. Speaker, there has been a great deal of discussion in recent weeks concerning the controversial Murphy amendment which was added at the last minute to the Senate-passed OEO authorization bill. The leading newspaper in my district, the Ogden Standard-Examiner, commented on the issues involved in this dispute in its lead editorial of Wednesday evening, November 19, 1969. I am pleased to call this editorial to the attention of my colleagues in the Congress:

LEGAL SERVICES FOR POOR THREATENED

One of the most successful programs of the Office of Economic Opportunity—its legal services branch—is threatened with virtual extinction unless the U.S. House of Representatives rallies to the side of the nation's poor.

The Senate has already approved an OEO appropriation containing a last-minute amendment by Sen. George Murphy, R-Calif., that would jeopardize the ability of attorneys to ignore political implications when serving the impoverished.

Sen. Murphy admitted during debate on the measure that "in the speed of writing the amendment, I have not had a chance to even read the language which the staff has included." However, he stuck by the change—acting at the request of his former entertainment colleague, Gov. Ronald Reagan of California.

As passed by the Senate, the Murphy amendment would give each governor the power to veto—in whole or in part—any OEO legal services program in his state, even a pending law suit, without giving a formal reason.

This gubernatorial veto power has been attacked by a number of legal organizations, including the American Bar Association and the National Legal Aid and Defenders Association.

The Bar Association resolution noted that the ABA "supports and continues to encourage every lawyer in the exercise of his professional responsibility to represent any client or group of clients in regards to any cause, no matter how unpopular.

"The American Bar Association deplores any action or statement by any government official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provides legal services to the community . . .," the resolution stated.

The threat to the OEO agency has possible repercussions in our part of Utah.

The Legal Services office in Ogden has four attorneys and six other staff members, aided by volunteers from among our community's legal profession, who so far this year have considered 1,450 applications for aid. Many of the requests seek help on housing problems. The office played a leading role in changing methods for selection of juries in Weber County to assure equal representation for all taxpayers.

We concur with The Washington Post and the New York Times that, as the Post put it, "a governor should not be given power to veto or to intimidate through a threat of a future veto any project that is designed to bring equal rights to all Americans."

ERNEST GRUENING'S PLAN TO END THE WAR IN VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. RYAN. Mr. Speaker, since the beginning of the conflict in Vietnam, Ernest Gruening, former Senator from Alaska, has been a strong and active voice against American involvement in Vietnam.

Senator Gruening courageously opposed the escalation of the war by the Johnson administration. He realized, even then, that U.S. participation in the war would only bring tragedy to Vietnam as well as to this Nation.

Unfortunately, Senator Gruening no longer serves in the U.S. Senate. He has not, however, silenced his opposition to the continued presence of American fighting men in Vietnam.

In the November 27 issue of the New York Times, a letter to the editor from Senator Gruening appeared in support of immediate withdrawal of U.S. troops from Vietnam.

I am inserting this letter in the RECORD. I urge all my colleagues to give careful consideration to what Senator Gruening suggests in his letter:

WASHINGTON, D.C.,
November 24, 1969.

FOR WITHDRAWAL NOW

TO THE EDITOR: Dean Acheson, in your Nov. 24 issue supporting President Nixon's Vietnam policy, concludes by saying:

"If there is a better plan than the President's, let's hear it."

There is a much better plan. It is to accept Senator George Aikens proposal made months ago for the United States to declare we have won the war; then we should pull out just as rapidly as we can. Senator Charles Goodell's bill to end the U.S. military presence by Dec. 1, 1970 would carry out that purpose. I know all of the arguments against a unilateral withdrawal, but the fact is that President Nixon's Nov. 3 plan will not only not end the war but will prolong it.

Our boys will continue to die in vain and the costly drain on our resources to the exclusion of most of our vital domestic programs will continue. There will be no peace by negotiation because our adversaries feel quite understandably that there is nothing to negotiate.

Sooner or later withdrawal without further ado will become inevitable. Why not now before we sacrifice needlessly more American lives, kill more South and North Vietnamese, destroy more of the land we are allegedly "saving," and foster ever deepening dissent at home?

ERNEST GRUENING,
Former U.S. Senator from Alaska.

URGES DEFEAT OF "MURPHY AMENDMENT"

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. CORMAN. Mr. Speaker, a few weeks ago I spoke out against the so-called "Murphy amendment" to Senate bill S. 3016. At that time I brought to the attention of the House Members a resolution adopted by the Los Angeles County Bar Association Board of Trustees strongly opposing the Senate action in including this amendment in its bill to provide for the continuation of economic opportunity programs.

Recently, nine law school deans from the State of California issued a statement urging defeat of the "Murphy amendment" from the Senate bill. These gentlemen believe the amendment is inconsistent with the canons of professional ethics and professional responsibility which are essential to the proper functioning of our traditional system of justice. It should also be noted that these gentlemen oppose any limitation on the legal services program. I fully agree with the statements made by these nine law school deans from my own State.

Mr. Speaker, H.R. 12321, to authorize continued programs under the Economic Opportunity Act, comes to the floor for consideration this week. The committee very wisely did not include any version of the "Murphy amendment" in its bill. However, it is expected that an attempt will be made to offer such an amendment to the House bill during floor debate.

As we begin consideration of this legislation, I wish to add the voices of these nine law school deans to the growing opposition to the "Murphy amendment," and urge the attention of my colleagues to their statement:

STATEMENT OF CALIFORNIA LAW SCHOOL DEANS

We strongly urge the defeat of the amendment to S. 3016 which grants State Governors an absolute veto over Legal Services Programs. The amendment is intended to allow Governors to bar particular types of legal actions.

As Deans of the law schools educating most of California's future lawyers, we are deeply concerned about the impact of this amendment upon the ideals and practice of law in this State and the Nation. It is inconsistent with the Canons of Professional Ethics which we endeavor to instill in our students. It constitutes a direct infringement upon the independence and professional responsibility which are essential to the proper functioning of our traditional system of justice.

This amendment has been opposed by most representatives of the legal community, including the unanimous action of the American Bar Association's Board of Governors. It is also opposed by the Judicial Conference of the United States under Chief Justice Warren Burger, by the National Legal Aid and Defender Association delegates and board, by the American Bar Association's Section on Individual Rights and Responsibilities, and by the President of the Association of American Law Schools. We join in opposing the amendment for these further reasons:

(1) Any limitation on the Legal Services Program threatens law and order by closing a peaceful channel for the redress of the grievances of the poor.

(2) Preventing poor people from maintaining legal action against their government undermines the American system of a government of law in which no official is beyond legal review.

(3) Granting State Governors an absolute veto over Legal Services Programs almost assuredly will result in a substantial, or indeed total, denial of legal assistance to the disadvantaged in a number of states.

Dated: November 1969.

Dean Dorothy Nelson, University of Southern California Law Center; Dean Murray Schwartz, University of California, Los Angeles, School of Law; Dean Edward C. Halbach, Jr., University of California, Boalt Hall, Berkeley; Dean Leo O'Brien, Loyola University School of Law; Dean B. A. Manning, Stanford University Law School; Acting Dean William Riegger, University of San Francisco Law School; Dean L. A. Huard, University of Santa Clara School of Law; Dean A. M. Sammis, Hastings College of Law, University of California; Dean Edward Barrett, University of California at Davis Law School.

INDIANS DENIED DAY IN COURT; A TRAVESTY OF JUSTICE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. PETTIS. Mr. Speaker, I rise today on a matter which both perplexes and angers me. Why is it that a proud and mighty U.S. Government insists continuously on trampling on the rights of the American Indian? How can it be, I wonder, that such a compassionate and affluent Nation will annually pour out billions of dollars' worth of aid to a motley variety of countries and then turn around and treat the Indians—the earliest natives of these United States—with such brutal disregard?

To the shame of America, there are already too many such instances on file and now I find myself having to add still another citation to this inglorious record. I refer specifically to the attempted grant by the Bureau of Land Management of the Department of the Interior to the State of California of 1,500 acres of highly valuable land occupied by the Fort Mojave Indian Tribe since time immemorial and to which they claim title. This attempted "giveaway" of the Mojave lands, instituted 10 years ago, is a bleak and sordid story of an entrenched bureaucracy seeking to sustain an unconscionable series of bumbling acts which can best be described as amoral.

The Fort Mojaves have attempted several times, unsuccessfully, to use their proper legal rights to protest this acquisition. Their efforts have been aborted by a series of delays, postponements and indecision. Never have they had their day in court. Then, in October, a hearing on the Indians' case was scheduled for November 18. Now allow me to quote from an October 14 opinion from Mitchell Melich, the Solicitor of the Department of the Interior:

The Director of the Bureau of Land Management is instructed to schedule a hearing on November 18, 1969; he is to appoint the hearings examiner who, in turn, will inform the parties as to the time and place of the hearing. No postponement or continance will be granted.

Yet the Solicitor's office shortly proceeded in typical callous fashion to abrogate its own dictum by allowing the Attorney General of California to have another continuance, until December 15. That cynical decision was then followed by the ultimate in deception and discrimination. At the pretrial hearing called by the hearing examiner, the Mojaves were told that the proceeding was not a hearing de novo; moreover, the Mojaves were told that the record of the proceedings from which arose the "giveaway" decision, would remain a part of the reconvened proceedings, although the Mojaves could cross-examine the witnesses who had testified at the "giveaway" proceedings.

That is an outright contradiction of a promise made at a meeting on March 21 of this year in the Office of the Secretary of the Interior, with Senator Alan Cranston of California and members of his staff; Mr. Raymond Simpson, counsel for the Mojaves; four members of the Mojave tribe, and myself. But though the Secretary arranged for the meeting, he disdained joining the gathering himself and designated some lackey to represent him. This individual stated very plainly that he had the authority to speak for the Secertary and he proceeded to inform us that a hearing de novo would be granted the Mojaves.

Under that assumption, the following telegram was dispatched to Secretary Hickel confirming the understanding:

MARCH 21, 1969.

HON. WALTER HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

MY DEAR MR. SECRETARY: On behalf of the Fort Mojave Indians, their counsel, Raymond Simpson and myself, I wish to express deep appreciation for the meeting you arranged today on our behalf. We are particularly grateful that, after a wait of two years, you have promised a decision by April fifteenth on this critical matter of the swampland application. We are aware of the tremendous responsibilities that any Secretary bears when first assuming office. Therefore, we are doubly grateful for this prompt promise of action. Best personal regards.

JERRY L. PETTIS,
Member of Congress.

Now that promise has been broken again. The Indians still have not had their day in court and I call now on the Secretary for an explanation of this contemptible conduct. What has happened, I wonder, to the man who used to visualize himself as the champion of the Indians and Eskimos when he was the Governor of Alaska? Has Potomac fever so dimmed his perspective?

Simply stated the Mojaves are being denied the due process of law; they are not getting their long-awaited and justifiable day in court. The ground rules for the proposed hearing are so restrictive that it is virtually a kangaroo court. And what it amounts to is a shoddy attempt by the present incumbents in the Department of the Interior to legalize a bad

and unjust decision made long ago by some incompetent bureaucrat.

Can we wonder then why the Indian has come to consider his white brother as fork tongued? Considering everything, I think it is a charitable description.

It is my intention to secure a just solution of this matter and perhaps in so doing focus some badly needed attention, by the Congress and the public, on those appointive officials who feel so free to disregard and abuse the rights of our Indians.

What follows is a precise and comprehensive document of the sad history of this case and, Mr. Speaker, I would invite our colleagues to give it their careful attention:

From the standpoint of the Mojaves the calculated seizure of their lands commenced, unbeknownst to them, 10 years ago. By a letter dated April 24, 1959, California filed its application to have the lands which the Mojaves claim as part of their ancient homeland, declared subject to the so-called Swamp and Overflow Act of 1850, which would recognize title in California. Notice of California's 1959 application was neither given to the Mojaves nor to the Bureau of Indian Affairs. Some 5 years later the Bureau of Land Management on September 30, 1964, rejected California's April 1959 application for the lands. Notice of this action was not given to either the Mojaves or to the Bureau of Indian Affairs.

By its 1963 opinion the Supreme Court in the case of Arizona against California, refused to rule upon the disputed boundary of the Fort Mojave Indian Reservation which directly involved the lands to which the Mojaves at all times have laid claim. To have the disputed boundary resolved—evidencing the title of the Mojaves to the lands in question—the Bureau of Indian Affairs by a memorandum dated December 7, 1964, requested the appropriate officials of the Department of the Interior to undertake a resurvey of it. This latter date becomes increasingly important as the sequence of events will reveal.

Although the request for a resurvey of the lands in question was pending before the Department of the Interior, the following events and actions transpired:

On December 13, 1965—a full year after the request to resolve the boundary dispute—California renewed its application for the lands and requested a hearing provided for in the Swamp and Overflow Act; no notice of this application was given to either the Mojaves or the Bureau of Indian Affairs.

January 24, 1966, is the date that the Department of the Interior granted California's application to be heard in regard to its claim that the lands in question were subject to the Swamp and Overflow Act. No notice was given to the Indians or the Bureau of Indian Affairs of that Department order.

April 25, 1966—a notice of hearing was given to all interested parties—with the exception of the Indians and the Bureau of Indian Affairs.

September 19, 1966, is the date of the actual hearing in Sacramento, California. The Mojave Indians and the Bureau of Indian Affairs were denied notice of the hearing and denied an opportunity to be heard at it.

February 10, 1967, is the date of an opinion rendered by the Solicitor's Office responding to the December 7, 1964, request for a survey of the lands in question, in which it was declared: "In my opinion, there is no legal justification for a resurvey of the 1928 western boundary."

March 15, 1967—shortly after the Solicitor's opinion of February 10, 1967, denying the request for a resurvey of the lands involved—is the date when the hearing examiner for the Bureau of Land Management declared in effect that title to the 1,500 acres claimed by the Mojaves, resided in the State of California. No notice of this decision of March 15, 1967, was given either to the Mojaves or the Bureau of Indian Affairs.

Early in July of 1967—quite by accident—the Bureau of Indian Affairs learned of the "giveaway" of the 1,500 acres of land to California.

July 11, 1967—the Bureau of Indian Affairs filed a motion to intervene in the proceedings which resulted in giving California the 1,500 acres, the matter then being on appeal by the Bureau of Land Management.

August 9, 1967, the Mojaves, through their attorney, likewise petitioned to intervene in the proceedings.

There ensued a year-long struggle by the Mojaves and the Bureau of Indian Affairs to have their day in court—a trial de novo.

August 14, 1968, the Solicitor in an order (a) denied the Bureau of Indian Affairs' petition to intervene—alleging it had been represented at the hearing by the Solicitor's Office; (b) gravely restricting the Mojaves their demanded right to a day in court, the Solicitor required that there first be considered and determined by the Secretary of the Interior a most complex question of law, namely: If the Mojaves held aboriginal title in 1850 to the 1,500 acres of land, would the Swamp and Overflow Act have application to the land, as claimed by California? (c) only after the Secretary of the Interior had determined that complex legal question would the Secretary decide whether the Mojaves would be heard relative to the Swamp and Overflow question and then, in effect, only if it was decided that the boundary dispute alluded to above was resolved in the Mojaves favor, which, as stated, had already been resolved against them by the Solicitor's opinion of February 10, 1967.

Of great importance in regard to the Solicitor's decision of August 14, 1968, is the fact that the decision purported to establish the Secretary of Interior as a court of law to determine the far-reaching "threshold" question.

Another year of struggle was consumed by the Mojaves now fighting alone because the Bureau of Indian Affairs was not permitted to intervene.

Denial by the Solicitor in the August 14, 1968, decision of the right of the Bureau of Indian Affairs to intervene in the proceedings in question, in addition to grievously injuring the Mojaves, was this shocking result:

It constituted action by the Solicitor's office which defeated the will of Congress by precluding the Bureau created by the Congress to assist the Indians in the performance of its function as declared by the Congress.

As the Solicitor's tactics against the Mojaves unfolded, this incredible fact came to light: The member of the Solicitor's staff whose opinion of February 10, 1967—immediately antecedent to the giveaway opinion of March 15, 1967—was writing opinions antagonistic to the Mojaves and otherwise participating in the matter. When this grave conflict came to light, the attorney for the Mojaves immediately filed a motion to have that member of the Solicitor's office disqualified by reason of his earlier opinion to antipodal to the Mojaves interest. January 23, 1969, is the date when the motion of the Mojaves to disqualify was denied by the Solicitor.

To fall into the procedural pit created by the Solicitor would have been fatal to the Mojaves. As a consequence they renewed their petition for a trial de novo denying that the Secretary had the power to render a legal decision regarding the threshold question and at all costs to avoid being caught by the cat-and-mouse tactics being used by the Solicitor against the Mojaves.

Noting the shameful practices indulged in against the Mojaves, I interposed objections to the Solicitor and demanded the Mojaves have their day in court—a trial de novo and I was promised a trial de novo by the Solicitor's office.

October 14, 1969—the Solicitor's office reversed itself—declaring that the August 14 decision, purporting to constitute the Secretary of the Interior a court of law with power to render a legal opinion respecting the "threshold" question, was in error. In that opinion, reversing the August 14 opinion, the Solicitor's office declared:

(a) The "giveaway" decision of March 15, 1967, declaring title to the Mojave lands to be in California, was vacated. (b) It also stated, in effect: The Mojaves have petitioned for a trial *de novo* and a new proceeding would be held commencing November 18, 1969 affording to the Mojaves an opportunity to be heard, specifically ruling that: "When the hearing is reconvened, the Tribe (Mojave) and the Bureau (of Land Management) each will be afforded the opportunity to present such evidence as may now be available to them as to the right of the state to the subject lands under the Swamp Land Act, and it is so ordered." (By an opinion dated October 27, 1969, the hearing date on California's request was changed to December 15, 1969.)

Believing justice would be accorded to them under the October 14, 1969, Solicitor's opinion, the Mojaves were joyful at their "victory." However, their joy was short lived. At a pretrial hearing called by the hearing examiner, the Mojaves were told that the proceeding was not a trial de novo; moreover, the Mojaves were told the record of the proceedings, from which arose the "giveaway" decision, would remain a part of the reconvened proceedings, although the Mojaves could cross-examine the witnesses who had previously testified at the "giveaway" proceedings.

In addition, the hearing commissioner likewise sought to secure agreement from the Mojaves, without success, that the now truncated proceedings over which he

would preside constitute "due process" of the law, thus curing the denial of the Mojaves of their right to notice of the "giveaway" proceedings and also curing the defect arising from the failure of the Mojaves to be represented at the hearing from which emanated the "giveaway" of Mojave lands.

Further, the hearing examiner denied that the Bureau of Indian Affairs could participate in the now most restrictive proceedings, thus continuing to frustrate the will of Congress which had created the Bureau of Indian Affairs to protect the Indian interests.

November 14, 1969—a final blow to the Mojaves in their struggle to recover their lands was delivered by the Solicitor's office. Responding to the Bureau of Indian Affairs' memorandum seeking to have the boundary dispute referred above resolved in the hearing now set for December 15, 1969, the Solicitor's office wrote the following cryptic memorandum:

> Your memorandum of October 24 concerning the above mentioned subject stated on October 14, we ordered a hearing de novo in regard to the application for patent under the Swamp Land Act of 1850, 43 U.S.C. Sec. 982–984 (1964) by the State of California for certain lands in the state.
>
> As a matter of fact a hearing de novo was not ordered in this case. The case has been reopened for the purpose of permitting the introduction of additional evidence. The evidence which has already been introduced is a part of the record. Admission of new evidence will, of course, be determined by the Hearing Examiner.

VINCENT P. MANCUSO HONORED

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. FEIGHAN. Mr. Speaker, the International Association of Lions Clubs endeavors, through exchanges of ideas and services, to foster and maintain peaceful international relationships. In the United States, Lions Clubs are constantly seeking to improve the condition and welfare of all citizens. It seeks expression, in its humane endeavors, to advance the well-being of indigent blind and visually handicapped. In the Greater Cleveland area, various significant services are rendered, and progressive, community achievers who wear the Lions pin of humane recognition, provide meaningful services wherever and whenever possible.

These important services extend to recognitions of nonaffiliated citizens whose efforts are multiplied in effect, through the examples they provide for others.

On Saturday, November 29, 1969, the Heights Lions Club, Inc., presented to an individual its annual Book and Scroll award, conferring title, "Exemplary Citizen, 1969." The award is made to one who provides "extraordinary and varied services—in that such services have inspired emulation, confidence in our American life, and faith in the concept of universal brotherhood."

Recipient of the 1969 award was Vincent P. Mancuso of South Euclid, Ohio. Mr. Mancuso's outstanding record of service covers many years, and has been often lauded for their humanitarian and selfless motivation and tireless dedication. Among recognitions previously received are:

Sir Noble, Order of Alhambra; Sir Knight, Moses Cleaveland General Assembly; Grand Knight, Our Lady of Lourdes Shrine; Knight of the Year, 1967, Gilmour Council 310, Knights of Columbus; Outstanding Man of the Year, 1960, Italian Sons and Daughters of America.

Further, Mr. Mancuso has recently served, for the fifth year, as general chairman of the annual Columbus Day Parade and Banquet in downtown Cleveland. In addition, earlier this month he served as general chairman of the annual benefit banquet-ball for mentally retarded children, an event sponsored each year by the Carmona Caravan of the Order of Alhambra. This wonderful effort resulted in gifts to this fund of $15,000 this year. He has been most aptly described by the chairman of the Heights Lions Club award presentation, Daniel L. Mausser, as, "the irrepressible general chairman of practically everything."

VIETNAM CRISIS

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. HULL. Mr. Speaker, the American people, speaking through yesterday's historic vote in the House of Representatives endorsing the President's peace efforts, have told the world, including the North Vietnamese and the Vietcong, they repudiate proposals for a precipitous pullout from South Vietnam.

The overwhelmingly favorable vote in support of House Resolution 613 directed toward the goal of achieving peace with justice in Vietnam, a resolution which I was proud to cosponsor, demonstrates that the now-fabled silent majority in this country has a voice too. And this voice will not be outshouted by the participants in street demonstrations, who demand that we abjectly capitulate to the Communists by abandoning South Vietnam.

Communist leaders have declared time and time again that they do not expect to take over South Vietnam by force of arms. They do not really believe they can defeat us militarily. Their principal hope, and they admit it, is for a political victory when the American people, weary of its defense of freedom, withholds its support to the Government.

Recognizing this fact, President Nixon accurately noted in his speech to the American people on November 3:

> North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Notwithstanding the traitors who parade in the streets waving the flags of the enemy which has killed thousands of young Americans, most Americans will tolerate neither the defeat nor the humiliation of the United States in Vietnam. It is enough that we tolerate the apologists for the Communists.

We intend to achieve peace with justice, and the Congress has signified the American people will not be satisfied with less.

CRIME IN THE DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. HOGAN. Mr. Speaker, this is another in a series of statements dealing with crime in the District of Columbia.

Chief of Police Wilson of the District of Columbia recently released the crime index for October 1969.

In July 1969 the Metropolitan Police Department developed a crime trend prediction based on total crime index offenses for 1966, 1967, and 1968. At that time it predicted a crime index rate for fiscal year 1970 of 62,000 crimes. It seems obvious from the October report that that figure will be substantially exceeded this year.

Chief Wilson in discussing the crime index with a group of lawyers in October was predicting a rate of crime of 80,000 by fiscal year 1972. However, the crime rate for October 1969 is 6,063, thus reflecting an annual rate of 72,756, as against an annual rate in October 1968 of 53,724. This is an approximate annual rate of increase in crime in the District of Columbia of 36 percent, an astonishing statistic by any yardstick. If this trend or rate of increase continues, Chief Wilson's figure of 80,000 may be achieved or exceeded next year.

These are grim statistics which I set forth below for the information and enlightenment of all Members of Congress. Of special interest to Members of Congress should be the information that the fifth precinct, in which the Capitol and the House and Senate Office Buildings are located, had the greatest increase in crime than any other precinct in the city, during October.

The crime index follows:

CRIME INDEX FOR OCTOBER 1969

On November 26, 1969, the Office of the Chief of Police released the reported Crime Index Statistics for the month of October 1969. The October statistics show an increase of 3.6% over September 1969. These same figures compared with October 1968 show a 35.4% increase.

Larceny and Auto Theft with 1101 and 1030 offenses reported in October, decreased by 0.8% and 7.5%, respectively, over September 1969. Auto Theft also decreased by 12.6% over July and by 10.4% over August 1969. The continuing decrease in Auto Theft for three consecutive months is significant and may mark the beginning of a downward trend. However, Larceny, with 1085 in July and 1196 in August 1969 does not reflect the

same downward trend. The major contributors to the Larceny rate are Larceny from Auto and Larceny from Office buildings.

There was an increase of 192 burglaries or 9.6% over September 1969. The Burglary Prevention Program, instituted in the middle of October, is now in full swing. This program is an effort to encourage the citizens to assist The Police in preventing Burglary and other crimes. Police Department Officials hope that with citizen cooperation, improvements can be expected in future months.

Robbery has continued to increase. In October 1969, 1348 robberies were reported. According to the Robbery Squad, 749 of these or 55.5% were armed robberies. September had 821 armed robberies, thus remaining the high month in this category for 1969 with October ranking second.

In July 1969 the department developed a crime trend prediction based on total Crime Index Offenses for 1966, 1967 and 1968. This prediction indicated a Crime Index Rate of about 62,000 Crime Index Offenses in Fiscal Year 1970. The 12-month total offenses ending with October 1969 was 60,248 which indicates Crime Index Offenses for Fiscal Year 1970 may exceed the initial prediction.

Crime index offenses as related to percentages of total, October 1969

	Number	Percent
Homicide	29	0.48
Rape	35	0.58
Robbery	1,348	22.23
Aggravated assault	338	5.57
Total crimes against persons	1,750	28.86
Burglary	2,182	35.99
Larceny $50/Over	1,101	18.16
Motor vehicle theft	1,030	16.99
Total, property crimes	4,313	71.14
Total, reported crimes	6,063	100.00

CRIME INDEX OFFENSES, OCTOBER 1969

Classification	October 1968	October 1969	Change Amount	Change Percent	Cumulative through October 1969 Fiscal year 1969	Fiscal year 1970	Percent Change	12 months end October 1968	12 months end October 1968	Percent Change
Criminal homicide	22	29	+7	(1)	62	105	(1)	178	276	+55.06
Rape	30	35	+5	(1)	113	144	+27.43	241	341	+41.49
Robbery	839	1,348	+509	+60.66	2,981	4,908	+64.64	7,627	12,154	+59.35
Aggravated assault	256	338	+82	+32.03	1,082	1,300	+20.15	3,057	3,556	+16.32
Burglary	1,569	2,182	+613	+39.06	6,090	8,442	+38.62	17,639	21,581	+22.35
Larceny ($50 and over)	760	1,101	+341	+44.86	3,125	4,492	+43.74	7,808	11,059	+41.64
Auto theft	1,001	1,030	+29	+2.89	4,342	4,472	+3.00	10,946	11,281	+3.06
Total	4,477	6,063	+1,586	+35.42	17,795	23,863	+34.10	47,496	60,248	+26.85

CRIME INDEX OFFENSES REPORTED

Precinct	October 1968	October 1969	Change Amount	Change Percent
1	466	649	+183	+39.27
2	417	526	+109	+26.13
3	391	463	+72	+18.41
5	269	450	+181	+67.28
6	178	305	+127	+71.34
7	123	163	+40	+32.52
8	115	130	+15	+13.04
9	480	575	+95	+19.79
10	424	603	+179	+42.21
11	473	732	+259	+54.75
12	289	331	+42	+14.53
13	505	591	+86	+17.02
14	347	543	+196	+56.48
Harbor	0	2	(1)	(1)
Total	4,477	6,063	+1,586	+35.42

CRIME INDEX OFFENSES REPORTED OCTOBER 1969

Precinct	Total	Homicide	Rape	Robbery	Aggravated Assault	Burglary	Larceny $50 and over	Auto theft
1-D	649	0	2	108	25	130	253	131
2	526	5	1	153	50	165	93	59
3	463	0	2	74	14	160	165	48
5	450	4	2	124	18	140	78	84
6	305	3	3	82	11	124	44	38
7	163	0	2	17	2	83	42	17
8	130	0	3	29	1	48	40	9
9	575	2	1	154	49	197	54	118
10	603	5	6	127	40	272	83	70
11	732	3	6	139	42	298	50	194
12	331	0	0	88	19	123	46	55
13	591	1	4	166	39	189	123	69
14	543	6	3	87	28	252	29	138
Harbor	2					1	1	
Total	6,063	29	35	1,348	338	2,182	1,101	1,030

(1) Base too small to compute percent change.

CRIME INDEX OFFENSES RELATED TO POPULATION, OCTOBER 1969

Precinct	Crime against persons	Crime against property	Total	Property, percent of total	Population	Crimes against persons per 1,000 population	Crimes against property per 1,000 population	Total crime per 1,000 population
1-D	135	514	649	79.20	[1] 22,900	5.90	22.44	28.34
2	209	317	526	60.27	[2] 52,000	4.02	6.10	10.17
3	90	373	463	80.56	29,500	3.05	12.64	15.69
5	148	302	450	67.11	[1] 43,100	3.43	7.01	10.44
6	99	206	305	67.54	[1] 67,700	1.46	2.04	4.50
7	21	142	163	87.12	[1] 31,900	.66	4.45	5.11
8	33	97	130	74.62	[1] 68,000	.48	1.43	1.91
9	206	369	575	64.17	[2] 89,200	2.31	4.14	6.45
10	178	425	603	70.48	[2] 92,500	1.92	4.59	6.52
11	190	542	732	74.04	[2] 118,800	1.60	4.56	6.16
12	107	224	331	67.67	[1] 65,500	1.63	3.42	5.05
13	210	381	591	64.47	[2] 63,100	3.33	6.04	9.37
14	124	419	543	77.16	[2] 91,700	1.35	4.57	5.92
Harbor		2	2	100.00				
Total	1,750	4,313	6,063	71.14	836,000	2.09	5.16	7.25

[1] 1966 figures unrevised based on 798,000 total population.

[2] Most recent population estimates; 1966 based on 853,700 population total.

HAPPY BIRTHDAY MIKE KIRWAN

SPEECH OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. EVINS of Tennessee. Mr. Speaker, permit me to join others in paying a warm tribute to our beloved colleague, the gentleman from Ohio (Mr. KIRWAN) on the occasion of his 83d birthday.

Certainly we all wish this grand gentleman and dedicated public servant a happy birthday—he deserves the best.

MIKE KIRWAN can reflect on his long career of public service with justifiable pride—as Mr. Public Works of America and as chairman of the Subcommittee on Public Works Appropriations, MIKE KIRWAN has helped to build the muscle and sinews of the Nation's water transportation system. He is a leader in the development of our vast system of flood control projects, in power production, in conservation, and in other areas of resource development in the public interest.

As MIKE KIRWAN observes his birthday, it is fitting and appropriate for us to honor him for his great achievements

and accomplishments—and we wish him the best of good luck and good health.

CONGRESSMAN FRANK HORTON PRAISES DR. MARK ELLINGSON'S YEARS AS EDUCATOR AND PRESIDENT OF ROCHESTER INSTITUTE OF TECHNOLOGY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. HORTON. Mr. Speaker, educator, president, and community servant—Dr. Mark Ellingson, former president of Rochester Institute of Technology is all these things.

After 33 years, Dr. Ellingson has retired as president of RIT. During this time, the enrollment has grown from 550 full-time students to more than 4,100. He has been the guiding spirit behind the expansion of RIT which has resulted in a beautiful 1,300-acre campus south of Rochester in Henrietta, N.Y.

I am proud to have Dr. Ellingson as a friend. His modesty and the quality of his concern and dedication are exemplary. He has always strived for excellence in student relations and in education, and he has achieved these goals admirably.

Dr. Ellingson came to RIT in 1926. He became economics professor, wrestling coach, and head of the photography department. Ten years later, in 1936, he became president of RIT. Since that time, the school has gained worldwide reputation for its excellence.

Mr. Speaker, on Monday night next week I hope to take part in a special community salute to Mark Ellingson by the leaders of the business, education, government, and industrial community in the Greater Rochester area.

It will be my privilege to give recognition to this distinguished educator and community leader as the representative of those in local, State, and National government. I am sure, that all of my colleagues here join with me in extending to Dr. Ellingson a sincere thank you for a job well done and best wishes for the coming years.

The citizens of the Greater Rochester area and the entire education field owe a great deal to Mark Ellingson. Mr. Speaker, in order for the Members to know just a little of Mr. Ellingson's accomplishment, I would like to share with them a two-part series by Beatrice Collins which appeared in the Brighton-Pittsford, N.Y., Post:

CREATED MODERN RIT: A MODEST LEADER CLOSES HIS DESK

(By Beatrice Collins)

Dr. Mark Ellingson closes his office door next Wednesday retiring after 33 years as president of Rochester Institute of Technology.

Dr. Ellingson of 3940 East Ave., Pittsford, retires with a dream come true—the handsome, new 1,300-acre campus off Jefferson Road, dedicated a year ago.

But the enthusiastic educator, under whose leadership RIT's enrollment has grown from 550 fulltime students to more than 4,100 declines to accept much credit for the steady growth of the school.

The institute grew out of the needs of the community. It has grown naturally in a very favorable environment," Dr. Ellingson said. And it prospered because the industry of Rochester has always had great confidence in it."

Then he added, "I was coincidental with the development of the Institute."

The purpose of RIT, the educator explained in an interview this week, has been to "help young people become competent in a series of occupation fields."

And helping the school in its goal has been a long list of community leaders—in business, industry and civic affairs.

"I hate to start naming names," Dr. Ellingson said, "because there are so darned many of those guys and everyone of them was interested in this community."

However, it is impossible to discuss the progress of RIT without mentioning such community-minded citizens as Frank W. Lovejoy, James Gleason, Thomas Hargrave, and Frank E. Gannett.

"These men were deeply devoted to their community and perfectly willing to utilize part of their profits to better it."

He cited the quality of men like William S. Vaughn, chairman of the Board of Eastman Kodak Co., Kodak president Louis K. Eilers, Joseph C. Wilson of Xerox Corp. and F. Ritter Shumway, a grandson of the founder of Mechanics Institute, forerunner of RIT.

The development of Midtown Plaza by Gilbert McCurdy and Maurice Forman is given by Dr. Ellingson as another achievement by area business leaders.

"This was before urban renewal", he pointed out. "Why do people do this? Well, I'm sure the profit motive is not wholly absent but there's more to it than that."

"People of the community have had their eye on what is good for the community," he said.

These men have maintained the tradition of concern which began with the early Rochester leaders who passed on their concern to the generations coming up, the retiring RIT president said.

"I doubt if this institution could have thrived or prospered in any other community."

Dr. Ellingson added, "I think the soil in this community has been well-cultivated by leadership in business and industry. The Rochester area is different from other areas because of the quality of the men and women who live here!"

He named the Industrial Management Council as one of the significant forces here. This association, made up of most of the businesses and manufacturers in the city, works closely with industry, is something which makes this community unique, he said.

Dr. Ellingson explained that RIT has been guided by a board of trustees, composed mostly of persons from business and industry.

"We have discussed what the community's needs are. Then, working with IMC, we have set up these programs."

In recalling those who have been instrumental in the institution's growth, Mr. Ellingson pointed out that from the beginning, "everyone had one foot in his industry and the other foot out in the middle of the community saying 'What can I do?' "

And they have maintained their interest. The late James Gleason was on RIT's board for 65 years and was 95 when the school made its move for a new campus.

He told us to get 500 acres, not 50 or 60, Dr. Ellingson recalled. "When we told him that we had 1,300 acres, he said, 'That's more like it.' "

"Those guys had characteristic greatness," declared the man who had guided RIT from 1936 until this week.

END OF AN ERA—ELLINGSON REALM AT RIT: "CHANGE—CHANGE—CHANGE"

(By Beatrice Collins)

Dr. Mark Ellingson of Pittsford, newly retired president of Rochester Institute of Technology, offered an explanation for the apparent minimum discontent on that campus.

"This is a professional school," he said.

When one finds students who have decided how they are going to make their career, they are less concerned with revolt and turmoil than those who don't yet know what they want to do.

Dr. Ellingson, sitting behind the massive desk in the contemporary office which he was about to vacate, discussed RIT and its students in an interview a week before his retirement yesterday.

The imposing but genial president, who characterized RIT as "not a traditional school," declared, "I have great faith in the American student—he is better educated and more sophisticated than before."

The key to the comparative calm on the RIT campus may lie in the fact that Dr. Ellingson and the administration have anticipated some of the demands being made by college students today.

On the RIT campus, students sit in on policy-making committees and they also handle 90 per cent of the discipline problems, Dr. Ellingson said. "It is easy to turn over a great many problems to our students."

He added that RIT's students are not passive, "they are very active and they do participate." He said he talked often with the president of student government whom he described as "a very able person."

The graying director of the Institute, which has attained world recognition in many fields, explained that most of the problems on campuses have arisen in the liberal arts colleges, particularly among the history and sociology majors "who don't know where they are going to fit in."

General studies were not ignored, but RIT has capitalized on work experience and was the second institution in this country to have a cooperative work program.

"We've been innovative and a pioneer in this field," Dr. Ellingson said.

He spoke proudly of RIT's School for American Craftsmen. "Few colleges have anything like it."

The visitor waiting to see RIT's president cannot help but be impressed by an unusual tapestry which covers a large wall area in the reception room. The work was designed and woven by Sheila Hicks, a graduate of the school for craftsmen.

Before 1950, RIT did not grant degrees. It was not until the state changed its rules in the system of granting degrees that the local professional school adopted the system.

It was not necessary for the Institute to change materially, said its president, because "there is now a lot of latitude in degree-granting in the state."

RIT has a different attitude from the traditional institutions of higher learning. "We do not admit students unless they are admitted to a specific department," Dr. Ellingson said.

"We take the attitude that it is better for a student to make up his mind and change it later than not to make it up at all," said the man who for many years also coached RIT's wrestling team.

Dr. Ellingson came to Rochester in 1924 to study voice at the Eastman School of Music. Twenty years old then, it took just one year to convince him that "this was a mistake."

He went back to study economics and was offered a job at RIT by a member of the faculty whom he had known in Idaho.

The year was 1926. Ten years later, Mark Ellingson, economics professor, wrestling coach and head of the photography department, was president of RIT.

Much of the emphasis at RIT has been on the position that no citizen can be a firstrate citizen unless he is a productive citizen, Dr. Ellingson pointed out.

"There is no moral equivalent for work—there is a sobering, steadying, maturing influence in work," he said.

He spoke of the continuing education program at RIT. Almost all local industries have encouraged employees to continue their education along with their employment, he pointed out. About 2,700 to 2,800 students are working on bachelor's degrees in continuing education alone.

"Education is the key to man's advancement," Dr. Ellingson said firmly, "Education is not like vaccine—one shot doesn't vaccinate you against ignorance."

Of the school's role in today's education, Dr. Ellingson said,"I think the things we are doing are relevant to how our students will live their lives.

"We've changed—changed—changed. This is one thing which has been most characteristic in the years I've been here. We've searched for new and different ways."

It's not difficult to understand why modest Mark Ellingson has been such a successful educator. At RIT he has been accessible to the students, both in the sports program and as president, and he obviously likes them.

"We have high quality students and they know what they want to do. I am filled with admiration and respect for the young people of today."

WHOSE CRIME IS PINKVILLE?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. MIKVA. Mr. Speaker, the facts about the alleged Pinkville massacre are still fragmented and incomplete. Moreover, in fairness to the accused, we cannot condemn in advance men who have yet to be tried.

Nevertheless, the apparent efforts of some military officers and Government officials also prompts one to be uneasy about waiting for the results of a trial. At the least, the specter of possible Pinkville should make all Americans of good conscience ponder the implications of our involvement in Vietnam.

Mike Royko recently raised in his column, "Whose Crime is Pinkville?" Mr. Royko's column makes you laugh—but painfully—with tears in your eyes. The column poignantly points up the immorality of a policy that frequently seems to be telling the South Vietnamese that we will save them even if this means destroying them in the process.

The column, which appeared in the Chicago Daily News on November 26, 1969, follows:

WHOSE CRIME IS PINKVILLE?

(By Mike Royko)

Americans should try to avoid getting a guilt complex about the Pinkville incident.

In the difficult process of spreading lasting freedom and peace to other countries, there are bound to be mishaps.

Because Americans are soft-hearted and sentimental, the thing that upsets them most is that a few babies, as well as many women and older children, were among those shot.

Naturally, it is always regrettable when babies are shot. I think most Americans agree that we did not go to Vietnam to shoot babies. That has never been our goal.

But if the majority of babies in Vietnam are to grow up free and in peace, some babies will have to make the supreme sacrifice. It cannot be avoided.

Even if we constantly cautioned our men not to shoot babies, or even adolescents and women (except when fired upon, of course), some babies would be killed.

That's because we must drop bombs and use cannon and rockets and other such weapons. And as precisely as we may aim them, it is very hard to avoid having them land on babies and women now and then.

We can take comfort, though, in knowing that most of the time our men are spared the discomfort of seeing it happen up close. That is one of the blessings of modern aerial warfare.

Something else Americans should keep in mind are the circumstances leading to the shooting of the Pinkville civilians.

It wasn't a case of our men simply walking into a day nursery and opening fire. That would have been intolerable, even if it had been a Viet Cong day nursery.

The Pinkville area is in a notoriously pro-Communist part of South Vietnam, which means those children might very well have grown up to be Communists, if they weren't already.

And surely some of the women and older children in Pinkville were part of the Global Communist Conspiracy to bury us, or at least were fellow travelers. What were they doing in Pinkville anyway?

Some people seem to forget that Marx, Lenin, Stalin, Mao, Ho and Claude Lightfoot were once babies, too. Would any true anti-Communist say he would regret it if Stalin had been a baby in Pinkville?

Another reason Americans became agitated by the Pinkville incident is that most of us have never witnessed the shooting of a child or even a grown woman.

It has been our good fortune and national destiny to have wars for peace and freedom in other countries, such as Vietnam, instead of here in our own land.

But people in many other countries that have had wars aren't nearly as surprised that babies and other such noncombatants die. The Vietnamese are probably less surprised at the Pinkville incident than we are, since such things have been happening to them ever since the battle for their peace and freedom began.

For this reason, Americans should try not to let the Pinkville affair upset them, especially before a holiday. Many babies and their mothers have been killed in Vietnam, and many more will be, before there is a just and an honorable peace.

The news media should try to show restraint. It would be a good idea if they didn't carry such stories at all. They only stir up dissent and make the job of our leaders more difficult.

But if the commentators must talk about the killing of children, the least they can do is be impartial. I have already seen one commentator shake his head and look glum while describing the shooting of those people.

Commentators should avoid looking glum, or raising their eyebrows or trying to sway opinion for or against the killing of babies. The people can decide for themselves if they want babies killed.

And the commentators should be fair and mention that the Communists also have killed a lot of women, children and babies in Vietnam, too.

And they weren't even doing it for peace.

PREVENTING CRIMINAL RECIDIVISM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. WYMAN. Mr. Speaker, perhaps the most important single question for society in relation to the continuing crime problem, is what to do with the convicted criminal in order that he—or she—may return to society as a useful citizen? Simple incarceration is not an answer. Neither is long-term confinement with its inevitable exposure to hardened, hopeless criminals.

Commission of crime should never be considered as an open ticket to free psychiatric care, or a prolonged tax-subsidized stay at Mother Uncle's rest home. At the same time there are many who commit crimes who have done so for reasons indicative of a justification in terms of understanding if not in law. When these cases require prosecution and result in conviction there ought to be a way to make it reasonably unattractive to prospective violators yet also reasonably certain that those who can be restored to society will at the very least have exposure to constructive character building during confinement.

In this connection the lead editorial in today's Wall Street Journal emphasizes society's continuing dilemma in an era of rapidly rising crime. I support constructive, broad-based legislation, encouraging and assisting increased Federal-State cooperation in meeting this challenge.

The editorial referred to follows:

UNGLAMOROUS BUT CRUCIAL

We're more than happy to see examples of increasing attention to prison reform. So unglamorous an issue seldom attracts lasting attention and support, but we are convinced it is one of the first prerequisites to any serious efforts toward reducing the problem of crime.

Within the past few weeks, President Nixon has directed the Attorney General to start a study intended to result in a total overhaul of the Federal prison system. The Joint Commission on Correctional Manpower and Training has recommended a considerable expansion of funding for the correctional process. Just as necessary as more money, though, is the kind of public thought and discussion that can clarify the nation's thinking on what prisons and corrections are all about.

Even within the legal process, there is no agreement on what real purpose is served by sending a man to prison. Is it punishment? Is it supposed to rehabilitate him? Is it merely a matter of protecting society by separating dangerous individuals? The metaphysical arguments on these questions can and do go on forever, and it's past time they yielded to cold pragmatism.

The overpowering pragmatic consideration is that a large share of all crime, probably most of it, is committed by repeaters. President Nixon says 40% of all convicts are returned to prison for a second offense. Lowering this repeat rate looms as one of the major keys—perhaps matched only by a more orderly approach to narcotics addiction—to reducing the crime rate. It stands to reason that reducing recidivism ought to be the cardinal objective of the correctional process.

Beyond that obvious line of reasoning, we sense that the fultility of corrections is poisoning the rest of the law enforcement process. The experience of apprehending and convicting criminals and repeatedly finding them back at the same crime certainly must erode the morale of police officers and judges; it's a wonder they are not even more cynical and pessimistic than they tend to be. We also suspect that the ease with which defense attorneys have recently gained rules making convictions more difficult is somehow related

to the futility of gaining convictions in the first place.

The conventional wisdom seems to be that cutting the repeat rate is an impossible task. Most of those who assert as much add that the way to deal with crime is to solve all our social problems, as if that were a more feasible alternative. In fact, many other nations do much better in rehabilitating criminals than the United States does, and at least a few experiments in this country also offer some encouragement.

The United States has never, or at least very seldom, actually tried to reduce recidivism. At present a judge sentencing a criminal is typically faced with two alternatives. He can sentence a convict to prison, which scarcely seems the way to help him get along with normal society in a law-abiding way. Or he can grant probation or parole; with the casework loads of probation workers what they are, this usually means releasing the criminal with no effective supervision whatever.

Successful experience with rehabilitation points in quite an opposite direction—having the offenders operate in normal society but under the tightest supervision. The approach is to concentrate on juvenile offenders, get casework levels down to far lower figures, and establish far more programs where offenders are released for work or school during the day, but spend nights in correctional facilities.

These are rather new directions of the American criminal proces. They will not arise spontaneously from a divided sentiment, where half of the public blames society for forcing the poor criminal to break the law, and the other half thinks "getting tough" with criminals will solve everything. As the Nixon Administration studies reforming prisons, it ought also to give some thought to crystalizing public attitudes around rehabilitation as an entirely hardheaded and pragmatic response to the crime problem.

New facilities, more manpower and more funds will be needed, both at Federal and state levels. But they are not likely to come until there is a more cogent public sentiment, until there is a broader understanding that the weak link in law enforcement today is not catching the criminal or trying him, but doing something sensible after he is convicted.

U.S. ARMY DESERTERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 3, 1969

Mr. THURMOND. Mr. President, it is an alarming state of affairs when more than 56,000 are listed as deserters from the U.S. Army. In my opinion, these deserters are a disgrace to the uniform and to our Nation. They must be apprehended and punished severely for their crime.

Discipline must be maintained if our Nation expects our Armed Forces to be a potent force for the protection of our country. In my view, most of these desertions border on mutiny. These men are deliberately avoiding hazardous duty while more than 479,000 are serving our country in Vietnam with selfless devotion. When a member of the Armed Forces is absent more than 30 days, it should be prima facie evidence of an intent to remain away. He must be tried for desertion, for the punishment to be commensurate with the abhorrent offense. The penalty for servicemen's defiance of allegiance to our country must be sufficient to deter others.

Mr. President, those who have sought sanctuary in foreign countries rather than serve their country should get the message loud and clear that they face charges of desertion with maximum penalties. Every effort should be made to negotiate with these countries for the return of military deserters so that these criminals can be tried by courts-martial for desertion.

An editorial published in the November 24 issue of the State newspaper in Columbia, S.C., presents an excellent analysis of this national problem. I quote a key point in this fine editorial:

The best prevention is the sure knowledge that fast, firm and fair punishment awaits at the end of a trip over the hill.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PATH OVER THE HILL MORE POPULAR THAN EVER

Pamper rhymes with scamper and, as far as the U.S. Army is concerned, the relationship seems to go much deeper than that.

One only has to drive out to Fort Jackson and note the attractive brick barracks and other facilities for housing, caring for and training recruits to realize that GI Joe never had it so good. Over and beyond the improved physical facilities the recruits get better pay, shorter hours, more passes or time off, less physical or verbal abuse and other blessings that were not available to his counterpart of a few years ago.

But, unfortunately no one has figured out how to modernize a foxhole or stiffen a spine or make the thought of combat pleasant. The prospect of going to war is apparently the No. 1 reason that the Army's absence-without-leave and desertion rates are the highest since George Washington's "summer soldiers" disappeared at the fall of the first leaf or the sound of the first musket.

When *The Wall Street Journal* checked into this AWOL derby recently, there were 23,000 men listed as deserters (missing 30 days or more). This is equivalent to a combat division with some support units thrown in.

The *Journal* cited other uninspiring figures: last year 56,600 soldiers deserted and more than 150,000 were AWOL at one time or the other during the period. This cost the Army 10,000 man-years, hurt morale and forced larger draft calls.

About a tenth of those who went over the hill last year disappeared between the time they finished recruit training and the time they were scheduled to leave for Vietnam. Of course, many leave for all the old familiar reasons—homesickness, dislike of regimentation, marital or financial troubles, etc.

But why is the desertion-AWOL rate twice as high now as it was during the Korean Conflict, another nasty, unpopular Asian war?

Most authorities point to the light punishments being meted out these days. Others put part of the blame on a society that sees nothing particularly wrong with Johnny going over the hill; he might even be a hero to the anti-war set. We might also suggest that these youngsters' parents, by failing to teach discipline and respect in the home, made their contribution.

It is quite possible that the absentee rate will do an about face when the new draft reform law is implemented, which it will soon. A draft lottery, concentrating on the 19-year-olds instead of the older draft eligibles, is fairer and should produce fewer malcontents. As a whole this age group is not beset with as many problems and commitments as the older guys. The late teen years are generally the most convenient for satisfying the military obligation.

But other than that, it's up to the army commanders to tackle this costly and debilitating service sickness. Improved prevention and counseling programs may help. But the best prevention is the sure knowledge that fast, firm and fair punishment awaits at the end of a trip over the hill.

WHAT IS YOUR CIVIC IQ?

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. NICHOLS. Mr. Speaker, I recently had the honor of presenting to Dr. Houston Cole, president of Jacksonville State University, the distinguished George Washington Honor Medal, awarded by the Freedoms Foundation. Dr. Cole was presented this outstanding award for a patriotic speech he delivered last May to the Alabama Federation of Women's Clubs. I would like to share this fine speech entitled "What Is Your Civic IQ?" with my colleagues by having it printed in the RECORD at this point:

WHAT IS YOUR CIVIC IQ?

(By Dr. Houston Cole)

No greater compliment can be paid an individual than to say that he is a good citizen. The term "good citizen" embodies about all of the finer qualities of human nature. It involves gratitude to those in the past who sacrificed "life, fortune, and sacred honor" to provide us the freedom to live, move, worship, and to make our livelihood. It involves a willingness to contribute time, effort, and material substance for the good of all, and it signifies the moral qualities that are basic to civilization.

These are times that demand high-level citizenship. Daily our country faces problems at home and abroad that are complex and baffling. Locally, we must deal with taxation, education, highways, welfare, and many other issues that bear down with increasing intensity.

At the foreign level, the forces of danger constitute a constant threat to our safety and security. It would be unwise indeed for us to be lulled into complacency by the present easing of world tensions. We still face in Communism a determined and vigorous foe, fanatical in its belief in itself, and having world domination only as its religion, that is challenging us to a duel for the future. And there is no prospect in the foreseeable future for the danger to go away.

CIVIC INDIFFERENCE

In this modern world of higher mathematics, complicated technology, and mysterious economics, we cannot afford indifference to and ignorance of the issues that involve the destiny of the nation. Unfortunately, public opinion polls and casual observation would indicate that our civic IQ is not as high as circumstances would demand.

Surveys reveal that only about 10 percent of the American people exhibit any noticeable degree of political activity; about 20 percent can be described as taking some part

in political and civic life, while the remaining 70 percent are characterized as dormant.

In one poll, 70 percent of those contacted did not know the length of the term of a U.S. senator, and 56 percent could not name the two senators from their home state. Six months prior to the death of President Kennedy, 45 percent of those polled by a radio station in the west could not identify Lyndon B. Johnson. It is a statistical fact that one-third of our voters do not go to the polls in a presidential election, and only about 50 percent participate in a congressional election.

Good citizenship starts at the community level. If a person demonstrates good qualities of civic responsibility in his own locality, it is a good bet that he will be a good citizen at the state and national levels.

It is not difficult to find examples of civic indifference. As you drive along the highways, take note of the empty beer cans, bottles, papers cups, scraps of paper, and other litter that have been thrown from passing cars. Our public buildings and parks are oftentimes the objects of vandalism, and in many communities there is a widespread reluctance on the part of many to participate in drives and other activities involving community betterment.

A conspicuous example of civic indifference can be found in the reluctance of the average citizen to assist in the enforcement of law. With our crime rate increasing four times that of the population, it would appear that a wide gap exists between the citizen and the police. Our law enforcement officers are handicapped in the performance of their duties because they do not receive the necessary aid and assistance from the public. Spectators will leave the scene of an accident to avoid being summoned into court as witnesses, and many people refuse to report speedsters, bootleggers, vandals and other law violators. It appears at times that our sympathies are more with the offenders than with the offended, more with the lawless than with the law. We might well reexamine our civic morality to determine which side of the law we are taking.

The home, the basic unit of our society, is making too little contribution to our civic welfare. A poll of young mothers with two or more children revealed that 87 percent admitted that they were actually encouraging poor citizenship, economic illiteracy, and a false sense of values on the part of their youngsters. A home in which adults have a healthy and outspoken respect for the law is rarely a home in which juvenile offenders live.

This is no time for the American people to substitute sawdust values for those fundamentals that gave birth, prosperity, freedom, and happiness to the nation. The present calls for a little more emotional attachment and a little less cynicism toward the principles that made this country great.

OTHER ASPECTS OF CITIZENSHIP

Competent citizenship involves more than voting, abiding by the law, and expressed concern for the public good. A person can do all of this and still be an incompetent citizen. Other considerations are involved.

Education is prerequisite to good citizenship. Not all educated people are good citizens, but today a person can hardly perform his civic duties effectively without education. The growing complexity of the problems with which government has to deal demands a high degree of enlightenment. If our is a government of the people, by the people, and for the people, it logically follows that the level of governmental action will not rise above the intellectual and moral level of the people.

Another aspect of civic competence involves the habit of thrift. A good citizen is self-supporting. He does not look to relatives, local charity, or government for means on which to exist. This simply means that a person should spend less than he makes during his productive years. Mr. McCawber's theory of economics is still valid: "If a man had twenty pounds a year and spent nineteen pounds, nineteen shillings, and sixpence, he would be happy, but if he spent twenty pounds sixpence, he would be miserable." It has been aptly said:

If you want your father to take care of you, that's Paternalism.

If you want your mother to take care of you, that's Maternalism.

If you want Uncle Sam to take care of you, that's Socialism.

If you want your comrades to take care of you, that's Communism.

If you want to take care of yourself, that's Americanism.

It is a poor citizen who takes the attitude that one can have something for nothing, that success is assured, and that rights exceed responsibilities.

REKINDLE SPIRIT OF PATRIOTISM

There is a prevailing tendency in this country to regard demonstrations of patriotism as "old hat" or obsolete. Promoters of patriotic rallies are oftentimes looked upon as oddballs or seekers of the limelight. Flag waving is in bad taste and those who extol the original and basic principles of America become the butts of laughter or ridicule.

It is fashionable in some "intellectual circles" to debunk the founding fathers and subsequent leaders of the nation. A college professor went to great pains to eliminate the effectiveness of "Washington Crossing the Delaware," a picture that has hung in the classrooms of our nation for many decades. He told a high-school assembly that "it just wasn't so"!—any man who stood up in the boat as Washington was portrayed was sure to have rocks in his head. Another teacher dispelled the aura of the Gettysburg Address by stating Lincoln spent months in preparation rather than using the time that elapsed on the train ride from Washington to Gettysburg.

Is there no place in history for symbols? The play, "Mr. President," a highly patriotic performance, was presented on Broadway a few years ago. It didn't last long because the critics called it "corny."

Some argue that you cannot teach devotion to country. What about Russia? Communism has spread and attained strength because of the deep devotion of its adherents. The people of the Soviet Union have been brought to the point where they willingly forego creature comforts and work longer, harder, and extra hours when the nation calls.

We experience little difficulty in arousing youngsters to a high pitch over an athletic contest. Can we not use the same basic potential to develop in them an enthusiasm for their country so great that they would willingly sacrifice their personal comfort for it?

SUMMARY

Responsible citizenship involves, among other things, gratitude to those who established our freedom and to those who fought to preserve it, intelligent voting, respect for law, high moral values, educational competence, and economic independence.

This is the price the good citizen willingly pays for the freedom to work, to move, to grow, and to increase his status in life. A college student well defined Americanism as that which gives the individual the opportunity to rise as high in life as his ability and willingness to work will permit. In this country, anybody who has what it takes and is willing to give what it takes can rise from the bottom to the top.

SONGMY HORRIFIES THE WHOLE NATION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. KEITH. Mr. Speaker, the Nation's newspapers have recently been filled with stories about the events in the Vietnamese village of Songmy, where hundreds of civilians were allegedly killed by American troops.

These events, if they are true, raise serious questions that must be answered. The American conscience has been aroused as never before, and the American people will not allow this atrocity to be swept under the rug.

Typical of the press reaction to this unprecedented massacre are two editorials recently run by the Cape Cod and New Bedford Standard-Times. They raise the questions that are gnawing at the mind of America in the aftermath of this event. I hope that my colleagues will read them—and more importantly, I hope that those in positions of responsibility in the military and in the administration will read them—and answer them.

The editorials follow:

SONGMY HORRIFIES THE WHOLE NATION

The massacre at Songmy has sickened and horrified the people.

From President Nixon to the man on the street, comments indicate shock, dismay and a wondering how could it happen.

While the picture is silll confused, and the question of who is to blame still unresotved, there seems no doubt that something appalling did take place at Songmy.

Too many servicemen have come forward telling of their own part in the killing for anyone to dismiss the reports as just another war story without basis or substance. The nation has seen ex-serviceman Paul Meadlo on national television saying that he witnessed the death of about 370 villagers and that he himself had killed 10 to 15 men, women and children in the first round of shooting but lost track afterward.

The Army has charged some with murder in the killing and may charge more. And it has now ordered those involved with the courts-martial to refrain from commenting on the incident.

Millions of innocent civilians have been killed in the wars that have raged around the world just in this century. But somehow, America has generally been immune to the brutalization of men who face to face indiscriminately kill anyone on the scene regardless of their status as combatant or noncombatant, or whether they are men, women or children.

White House spokesman have said that President Nixon has taken steps to see that Song My could not be repeated. But some hard questions remain.

It must first of all be established who was responsible for Song My? And if this was a deliberate and isolated incident or something that has happened before?

And why has it taken so long—some 18 months—for this to come to light? Was there a deliberate cover up by higher officers? If so, who were they, and what is going to be done about it?

But more important are the questions this is bound to raise about our policy of free fire zones in Vietnam. If an area of village is determined to be under the control of the

enemy, does this give us the right to kill every living thing in it and destroy it utterly?

If a pilot can bomb a village in the free fire zone and kill men, women and children with immunity from a court-martial, can an infantryman do the same? If an artilleryman can shell a village in a free fire zone and kill men, women and children with immunity from a court martial, can an infantryman do the same? Is there any difference when the end result is the same?

If an officer orders his men to kill men, women and children in a free fire zone, can they refuse the order with immunity from a court-martial?

Millions of Americans, particularly the young who are called upon to do the fighting and dying, regard the Vietnam war as immoral, unjust, and without sense or purpose to American interests. In the rage and frustration many soldiers feel at the conflict of interest, it is no wonder that a Song My could happen. The only wonder is that it had not happened before.

GOOD WAR VERSUS BAD WAR

Much of the world has expressed shock at the possibility that some South Vietnamese civilians were deliberately massacred by American troops.

If there was, in fact, a massacre, it is shocking and deplorable.

Evidence thus far available is incomplete and contradictory, but it appears unquestionable that something appalling did take place.

If there was violation of the international rules of war, whether willful murder or something less, the guilty should be punished.

But there is much more to be said than just this. Millions of war veterans, as well as civilian residents of London, Berlin and Hiroshima, may be moved to wonder at what shocks the world and what does not.

Not that a Vietnam village massacre is less, but that what has not shocked the world is more.

The painful, halting revelations of these soldiers returned from Vietnam, detailing the slaughter of helpless women holding little children and pleading, "No! No!", offends all that is civilized within us. One understands the soldiers when they say they cannot rid themselves of these memories, that they cannot sleep because of them.

Yet the world might ask itself whether, except for an altitude of 20,000 feet, which serves as a psychological guilt shock-absorber for the trigger-puller, there is serious difference between bombing helpless women and children to their death in Western Europe and shooting them to death at 20 feet in Vietnam.

Moreover, in World War II, most civilians killed more properly could have been designated non-combatants since there was no guerrilla warfare. Thus, it might be argued, their deaths were even more inexcusable than in Vietnam where any man, woman or child may shoot an unsuspecting soldier or place a mine under his jeep.

Those who have been to war know that when you tell a man to forget everything his parents and teachers have told him, when you tell him he is under obligation to kill from one date until some other date, he is changed, at least temporarily, by the knowledge that life, including his own, is expendable by military order.

That is also shocking, whether is occurs in Vietnam, North Africa or Belleau Wood.

This editorial is not concerned with whether wars have been necessary, inevitable or desirable, or whether war ought to be abolished—which, of course, it should be. Nor is it an attempt to make barbaric deeds seem less barbaric, or more excusable because of a particular set of circumstances.

But it is an effort to point out what ought to be more obvious than it apparently is to many: There are no good wars or bad ones; they are all bloody and awful. There are no nice ways of killing people, and killing people is what wars are about.

Hollywood and television to the contrary, man in war is not magnificent; on the contrary, he is more likely to be frightened, confused, depressed, shocked, angry with an imperfect world that periodically reverts to such barbarism and is principally determined to survive, if possible, no matter what that requires. If there has been massacre in Vietnam, the world ought to be shocked. But let us put the matter in perspective and be shocked at all war and what it does to man and, for the immediate course, let us speed the withdrawal of Americans from Vietnam.

After that, if the shock has not run its course once the headlines are forgotten, let us support the strategic arms limitation talks in Helsinki, which are one immediate step toward avoiding more international massacres.

CORRECTING INEQUITIES IN THE FITZGERALD CASE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. OTTINGER. Mr. Speaker, I am introducing today, in behalf of myself and 24 colleagues, a sense of Congress resolution calling upon the President to correct the gross inequities in the case of A. Ernest Fitzgerald, who was fired by the Air Force because he responded fully and fairly to a congressional inquiry about cost overruns on the C–5A transport. The text of the resolution is as follows:

To express the sense of the Congress that the President of the United States should take prompt and effective action to correct all inequities in the case of A. E. Fitzgerald, and for other purposes.

Resolved by the House of Representatives (the Senate concurring). That (a) it is the sense of the Congress that the President of the United States should take prompt and effective action to correct all inequities in the case of A. E. Fitzgerald, former employee under the Department of the Air Force.

(b) It is further the sense of the Congress that the correction of these inequities best can be achieved by the following actions and procedures:

(1) The abolished position formerly held by A. E. Fitzgerald—Deputy for Management Systems, Office of the Assistant Secretary of the Air Force (Financial Management)—should be reestablished.

(2) A. E. Fitzgerald should be reappointed to that position, without loss of or reduction in pay and other employment rights, entitlements, and benefits.

(3) The reestablished position should be classified at GS–17 of the General Schedule of section 5332(a) of title 5, United States Code, and A. E. Fitzgerald should be paid at the rate of basic pay for step 5 of GS–17.

(4) The President should transmit a letter of commendation to A. E. Fitzgerald in appreciation of his past services to the United States.

As everyone now knows, Mr. Speaker, A. Ernest Fitzgerald was fired because his report to the Joint Economic Committee was an embarrassment to the Air Force. Although Air Force Secretary Seamans insisted that Fitzgerald had not been fired—that his job was abolished as part of an economy drive—it is apparent that Fitzgerald was indeed fired, and this was confirmed by the Secretary of Defense this week.

But the firing of Fitzgerald was far more than a reprisal aimed at one individual. It was a loud and clear message to all those involved in defense procurement: "This is a closed corporation. Don't rock the boat. Keep quiet at any cost."

This would be deplorable under any circumstances, but it is even more unconscionable at a time when Congress has just learned of fantastic cost overruns—in excess of $20 billion—in some 35 major weapons systems.

If the Air Force intends to use the Fitzgerald case as a warning, then it is up to us in Congress to use it as a warning, too. A warning that we insist on efficiency and economy in the use of public funds; that the military will not be permitted to erect a wall of silence around its programs and policies to shut them off from public and congressional scrutiny; that those who demonstrate initiative and courage in the conduct of the Nation's business will be rewarded, not punished.

I am pleased that four distinguished members of the Committee on Armed Services have joined me in sponsoring this resolution. The full list of cosponsors comprises the gentleman from Ohio (Mr. ASHLEY); the gentleman from California (Mr. BURTON); the gentleman from Missouri (Mr. CLAY); the gentleman from Michigan (Mr. CONYERS); the gentleman from California (Mr. EDWARDS); the gentleman from Pennsylvania (Mr. COUGHLIN); the gentleman from New York (Mr. FARBSTEIN); the gentleman from Pennsylvania (Mr. GAYDOS); the gentleman from New York (Mr. GILBERT); the gentleman from Massachusetts (Mr. HARRINGTON); the gentleman from Washington (Mr. HICKS); the gentleman from Indiana (Mr. JACOBS); the gentleman from California (Mr. LEGGETT); the gentleman from New York (Mr. LOWENSTEIN); the gentleman from Pennsylvania (Mr. MOORHEAD); the gentleman from Pennsylvania (Mr. NIX); the gentleman from New York (Mr. PIKE); the gentleman from California (Mr. REES); the gentleman from New York (Mr. SCHEUER); the gentleman from Ohio (Mr. STOKES); the gentleman from New Jersey (Mr. THOMPSON); the gentleman from Rhode Island (Mr. TIERNAN); the gentleman from Pennsylvania (Mr. VIGORITO); and the gentleman from Ohio (Mr. WHALEN).

We welcome additional cosponsors and urge speedy and favorable action on the resolution.

IS THE STATE FOULING ITS OWN SPRING?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. WALDIE. Mr. Speaker, the importance of giving necessary consideration

to the environmental aspects of all public works projects is nowhere more apparent than the $3 billion-plus California water project.

This massive project proposes the transfer of tremendous amounts of water from the northern part of the State to the water deficient, but heavily populated, southern area.

While it is true that there may be surplus waters running from the northern rivers to the Pacific Ocean, principally through the Sacramento-San Joaquin River Delta and the San Francisco Bay Estuary, a full and complete study to determine the environmental and ecological aspects of this diversion has not yet been undertaken.

Despite this glaring and incredible lack of research, State and Federal officials are pledging to go ahead with this project so that commitments entered into some years ago, when knowledge was insufficient and concern absent, will be met—no matter the consequences.

I have opposed the continuation of this project without the necessary studies, Mr. Speaker, and I am highly gratified by the great numbers of concerned Californians who have joined in opposition.

Among these citizens is the great nature writer, Harold Gilliam, whose books, essays, and articles on environmental matters and the threats to nature posed by man have focused the attention of the Nation on the plight of the bay and delta area.

In the November 23 edition of the Sunday San Francisco Examiner-Chronicle, Mr. Gilliam wrote an excellent review of the California water project and the threats it poses to the bay and delta.

The article, "Is the State Fouling Its Own Spring?" follows:

IS THE STATE FOULING ITS OWN SPRING?

(By Harold Gilliam)

California's man-made water system may well be the climax of all of man's amazing efforts to reengineer the face of the earth for his own convenience.

To convey water from the wet northern end of the State to the dry south and make the deserts blossom, Californians and the Federal Government have built some of the biggest dams on earth, have constructed canals longer than Suez or Panama, have altered the drainage systems of mountain ranges, have transplanted rivers over distances of hundreds of miles.

Surely this achievement is a triumph of energy, skill and technological power at least as significant as man's venture into space. Yet the system is in deep trouble and may never be completed as planned. Its difficulties stem in part from man's increasing understanding of the world in which he lives.

CONQUEST OF NATURE

This series of colossal engineering projects was conceived and begun in an era when Americans universally assumed that man's primary mission on earth was the conquest of nature. It is still under way and reaching a climactic stage in an era when men are beginning to understand that their proper relation to nature is not conquest but cooperation.

It is conceivable that completion of the State Water Project as planned would be a monstrous, irreversible error.

The basic elements of the plan are simple: The focus of the system is the Delta, beginning 50 miles northeast of San Francisco, where the waters of the Sacramento river from the north and the San Joaquin from the south, plus all their tributaries and several non-tributary streams, combine in a 1100-square-mile region of braided channels before gradually joining the salt waters of San Francisco bay.

SINGLE SYSTEM

The peat islands of the Delta, once impenetrable marshes, have been reclaimed and contain some of the most productive agricultural land on earth.

The Delta and the bay together constitute a single ecological system. The transition from the fresh waters of the rivers to the salt waters of the bay has produced one of the continent's richest estuarine environments.

Salmon, striped bass and steelhead by the thousands swim up from the ocean and bay into the Delta and its tributaries. Migratory birds and hundreds of forms of marine and estuarine life swarm in the tidal marshes, where each species finds the precisely proper proportions of fresh and salt water.

Thousands of yachtsmen, fishermen, duck hunters, swimmers, water skiers and bird watchers engage in recreational activities in the Bay-Delta system.

RIVER DIVERSIONS

In recent years, however, increasing diversions of Sacramento and San Joaquin river water by irrigation districts and cities upstream have greatly diminished the inflow of fresh water and on occasion have allowed salt water to penetrate the lower Delta, threatening the island farmlands and the region's ecosystem. Shasta dam and other dams of the Federal Government's Central Valley Project have alleviated the situation, controlling winter floods and storing water for release in the dry summer and fall months.

But the CVP also sends large quantities of water out of the Delta south to the dry San Joaquin valley. In addition, California voters in 1960 approved a $1.75 billion bond issue for the State Water Project, designed to send additional millions of acre feet of water south to the San Joaquin and to Southern California.

An original Delta fresh water flow of 30 million acre feet per year has been reduced to about 18 million acre feet. When (and if) the State Water Project is completed, the flow will drop to 7 million acre feet, with a possible dry-year low of 2.5 million.

FRESH WATER DIMINISHED

Thus the flow of fresh waters through the Delta and bay continually diminishes as further units of the Federal and State water systems are completed. At the same time urban sewage and pesticide-loaded agriculture waste waters have increasingly poured into the Delta and bay, threatening to turn both into a dead sink. Dozens of large-scale fish kills have occurred; tens of thousands of ducks have been eliminated; swimmers in the Bay-Delta waters risk typhoid; and salt water threatens to ruin Delta farmlands.

In effect the State has been fouling its own spring. Water pumped out of the Delta near Tracy for export south has been of deteriorating quality.

The water engineers in Sacramento have proposed a "solution": a Peripheral Canal would divert fresh water from the Sacramento above the Delta and transport it directly to the pumping plants without mixing it with the polluted Delta water.

SUFFICIENT WATER?

To avoid turning off the Bay-Delta's freshwater spigot entirely, the engineers promised that sufficient water to preserve the ecosystem and farmlands would be released down the Sacramento and at certain intervals along the Peripheral Canal.

Delta users, particularly in Contra Costa county, were skeptical about what the engineers meant by "sufficient water." It turned out that they meant about 1500 to 1800 cubic feet per second (csf)—a mere dribble from the standpoint of worried Contra Costa officials.

The Federal Water Pollution Control Administration was also dubious and has not given approval.

The Bay-Delta Water Quality Control Program (a special State agency set up to examine the problem) last March released a report by Kaiser Engineers also questioning that amount and recommending a flow of 3000 to 5000 cfs.

But the Delta people were still not happy. Marine Biologist Joel Hedgepeth deplored the canal's potential biological impact. Regardless of the amount released, the Delta salmon runs, for example, would probably be wiped out.

CANAL'S "MENACE"

"The menace of the Peripheral Canal," said Contra Costa Congressman Jerome R. Waldie, "lies with the fact that it gives virtual control of the entire Sacramento river and Delta to the U.S. Bureau of Reclamation and the State Department of Water Resources . . . We fear that almost the entire flow of the Sacramento river will be diverted southward . . . with tragic consequences to the Bay-Delta area."

ANOTHER SUBSIDY

The Kaiser report did not deal with the basic issue in the controversy—whether vast amounts of water should be exported southward from the Delta.

About half of the water planned for delivery by the State Water Project is scheduled to go to agricultural-users in the San Joaquin valley, much of it to large corporations growing subsidized cotton on tens of thousands of acres each. The water itself would be a further subsidy, averaging, says U.C. Economist Paul S. Taylor, an incredible $1000 per acre. (Taylor proposes strict enforcement of the 160-acre limitation on the delivery of subsidized water).

The other half of the water would go through the Tehachapi range to the Metropolitan Water District of Southern California.

But why does that region need more water? Present supplies will amply provide for the present population; the additional water is for the projected doubled population of the future. There can be little doubt that the residents of Los Angeles, given a choice, would overwhelmingly reject the idea of doubled population.

THE GROWTH MYTH

It would be simple enough to deny extension of water mains to new areas.

Why should the Bay-Delta area be sacrificed to accommodate a doubled Southern California population desired by nobody but real estate promoters?

The answer, of course is in the obsolete myth that the goal of every community must be galoping growth. To grow, we must continue to "conquer" nature, which means filling the bays, leveling the hills, paving the deserts.

Fortunately, this pernicious assumption is begnning to be questioned by Californians bedeviled by smog, noise, pollution congestion and urban chaos.

The basic propositions of ecology are becoming public knowledge: Every species must live in balance with its natural environment.

A finite space cannot accommodate infinite growth.

Limited resources cannot support unlimited expansion.

There is a point at which the conquest of nature becomes overkill. At that point man jeopardizes his own life-support system.

It is time to find out whether we have reached that point. The State Water Project is a good place to begin.

SCHOOL BUS AIRLINES OF AMERICA, INC.

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. BROWN of Ohio. Mr. Speaker, America is well into the space age, and air travel and commerce have become as essential to society today as ships of the ancient traders, or the prairie schooners of the pioneers who pushed the Nation's borders westward during the 19th century.

It is important that America's youngsters learn about the Nation's tremendous air industry, which has such a vital impact on our daily lives, if they are to grasp its real significance.

The first project in the Nation to give schoolchildren this knowledge has been undertaken in Lucas County, Ohio, where fifth graders at Sylvania's Sylvan School made the first flights 3 weeks ago aboard School Bus Airlines of America, Inc., of Dayton, Ohio.

In addition to giving many youngsters their first experience of flying in an airplane, the project also gives children a much wider view of the world in which they live—another essential if they are to fully comprehend the size and complexity of our vast society. I hope programs of this nature can be expanded throughout the Nation in the future so other youngsters may share in this unique experience.

In order that my colleagues may learn more about the Lucas County project, I include the following article from the November 15, Toledo Blade in the RECORD:

FIFTH GRADERS TRY HIGHER EDUCATION: 90 CHILDREN GET NEW VIEW OF AREA FROM PLANE WINDOWS

It was up, up, and away for fifth graders of Sylvania's Sylvan School as School Bus Airlines of Lucas County started educational flights for area pupils this week.

Ninety were taken aloft in a DC-3 equipped with earphones at each seat for briefing the youngsters.

Similar flights also started for 1,000 county preschool children in the Head Start program.

The Federal Government will pick up the bill for the latter. For the school program, each child pays $3. Flights are made by classrooms, and efforts are made to raise funds for children unable to pay.

FIRST IN NATION

Sylvan School's four flights from Toledo Express Airport made Lucas County first in the nation to start a School Bus Lines of America program of air education.

The Dayton-based national company plans to offer airplane field trips to millions of schoolchildren. It provides the two-engine propeller plane, its crew, preflight classroom lessons, insurance, and planned field trips.

Kits provided each teacher cover such areas as air occupations, weather, area geography and history, and energy forces and motions in aviation.

Thomas Myers and David Zak hold the franchise for the Lucas County educational air excursions. They are considering purchase of the franchise for Wood County, which is discussing reopening the old Toledo Municipal Airport. Franchises for other area counties also may be acquired later.

About half of the Sylvania children who made the flights had never before been in an airplane. One little girl claimed to be a veteran, but said she didn't remember much about her first flight, when she was only six months old.

VIEWS OF AREA

One boy in the group became ill, but he had expected it since it happened on a previous flight. Stewardess Jeanne Bailey came to his aid.

The children had birds-eye views of downtown Toledo, ships in port, the Maumee River, Fort Meigs, Toledo Zoo, and even Sylvan School.

The 25-passenger plane may be a retired airlines veteran, but the young passengers thought it was wonderful.

One boy was delighted because he had "a perfect view of the engine."

Most termed the trip "real cool."

"We'll see you again next year," Benjamin Stearns, of Dayton, founder and president of the national undertaking, told the children at flight's end.

"We have many schools to visit and hope to fly a million schoolchildren in 1969–70. We are trying to introduce students to the aerospace world through participation education."

ERNIE PYLE COMMEMORATIVE STAMP

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. MINSHALL. Mr. Speaker, one of the most memorable personalities of World War II was the great war correspondent, Ernie Pyle, whose death in the Pacific theater on April 18, 1945, was like a personal loss to the millions who read his column and was, indeed, a personal loss to the thousands of GI's he befriended, helped, and wrote about.

Nunzio R. Calvo of Cleveland, Commissioner of Soldiers Relief for Cuyahoga County and president-elect of the Greater Cleveland Veterans Council, is working hard for an Ernie Pyle commemorative postage stamp, as the following articles evidence. Mr. Calvo is distinguished by his energy and patriotism and is winning wide support for the commemorative stamp. I understand that the idea now is on the agenda for consideration by the Citizens Stamp Advisory Committee of the Post Office Department. If it is approved, Nunzio Calvo's efforts will have played an important role.

The articles follow:

[From the Christian Science Monitor, Nov. 1, 1969]

COMMEMORATIVE STAMP

On April 18, 1970, it will be 25 years since one of America's greatest and most beloved personalities was lost. Ernie Pyle has not only won a permanent place in the hearts of Americans as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Ernie Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Ernie Pyle was responsible in World War II for combat infantrymen and medics receiving an extra $10 a month in pay—he was responsible for the wearing of overseas bars on the left sleeve of uniforms. He was beloved by the men in combat, as well as the people back home.

The late General Eisenhower said of Ernie Pyle, "we have lost one of our best and most understanding friends," and in the words of President Truman, "no man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen." These remarks are a lasting tribute for a great person.

Ernie Pyle still has our gratitude, and next April will be the month to remember him. What better way could this be done than to have a commemorative stamp issued to honor this outstanding individual? Next year will be the 25th anniversary of his death. This would be the ideal time to pay homage to him. All former GIs who knew him and served with him, as well as those back home to whom he reported, should entreat the Post Office Department and the Citizens Stamp Advisory Committee in Washington now to authorize the issuance of a commemorative stamp for Ernie Pyle.

[From Ohio VFW News, Oct. 1969]

ERNIE PYLE STAMP CONSIDERED

Veterans organizations are being asked to support a proposal which has lead to bills being introduced in Congress to provide for the issuance of a commemorative stamp honoring World War II correspondent Ernie Pyle.

Having been referred to the committee on Post Office and Civil Services, one of the bills calls for date of issuance on April 18, 1970, the 25th anniversary of the death of Ernie Pyle.

Pyle has not only won a permanent place in the hearts of Americans, as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Pyle was responsible in World War II for combat infantrymen and medics receiving an extra $10 a month in pay and he was responsible for the wearing of overseas bars on the left sleeve of uniforms.

The late General Eisenhower said of Pyle, "We have lost one of our best and most understanding friends," and in the words of President Truman, "No man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen."

The original proposal for the stamp was the idea of N. R. Calvo of Cleveland—a veteran of World War II. He has contacted members of the House and Senate in Washington, and received written approval from several. Postmaster Gen. Winton M. Blount also has been contacted. The proposal has been placed on the agenda for consideration by the Citizens' Stamp Advisory Committee.

Calvo is urging veterans organizations and all former GIs who knew Pyle and served with him, as well as "those back home" to whom he reported, to contact the Post Office Department and the Citizens' Stamp Advisory Committee in Washington to authorize the issuance of the commemorative stamp.

Calvo is a life member of VFW Post 5799 of Cleveland, and serves as commissioner of Soldiers Relief for Cuyahoga County in that city. He is active in veterans affairs and a member of other veterans organizations.

ERNIE PYLE COMMEMORATIVE STAMP BOOSTED BY NUNZIO CALVO

CLEVELAND, OHIO.—An all-out effort is underway for the issuance of a commemora-

tive stamp for Ernie Pyle. The project is spearheaded by Nunzio Calvo of Cleveland, Ohio, a member of Avanti Amerita Lodge No. 133.

Bills have been introduced in Congress to provide for the issuance of the stamp to honor the World War II correspondent. Having been referred to the committee on Post Office and Civil Service, one of the bills calls for date of issuance on April 18, 1970, the 25th anniversary of the death of Ernie Pyle. On that date, it will be twenty-five years that one of America's greatest and most beloved personalities was lost. Ernie Pyle has not only won a permanent place in the hearts of Americans as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Ernie Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and the jungles of Vietnam.

Ernie Pyle was responsible in World War II for combat infantrymen and medics receiving an extra $10 a month in pay—he was responsible for the wearing of overseas bars on the left sleeve of uniforms. He was beloved by the men in combat, as well as the people back home.

The late General Eisenhower said of Ernie Pyle, "we have lost one of our best and most understanding friends," and in the words of President Truman, "no man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen." These remarks are a lasting tribute to a great person.

Ernie Pyle still has our gratitude, and next April will be the month to remember him. What better way could this be done than to have a commemorative stamp issued to honor this outstanding individual? Next year will be the 25th anniversary of his death. This would be the ideal time to pay homage to him.

The original proposal for the stamp was the idea of Nunzio Calvo of Cleveland, he himself a veteran of World War II. He has contacted members of the House and Senate in Washington, and received written approval of the idea from several, two of which introduced the legislation. He has received some national publicity on the project and received enthusiastic replies from individuals throughout the country. Postmaster General Winton W. Blount has also been contacted. The proposal has been placed on the agenda for consideration by the Citizens' Stamp Advisory Committee.

Calvo is urging all former GIs who knew Ernie Pyle and served with him, as well as "those back home" to whom he reported, to contact the Post Office Department and the Citizens' Stamp Advisory Committee in Washington by letter now to authorize the issuance of a commemorative stamp for Ernie Pyle.

Nunzio Calvo serves as commissioner of Soldiers Relief for Cuyahoga County in Cleveland, Ohio, where he is active in veteran affairs and a member of veteran organizations.

NOT YOURS TO GIVE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. MINSHALL. Mr. Speaker, a thoughtful and concerned constituent, Mr. Bernard C. Sauer, Jr., of Rocky River, Ohio, has sent to me a copy of remarks made in the House of Representatives by Davy Crockett during his term of office as a Congressman from Tennessee in the 23d Congress. Colonel Crockett's remarks carry a timely message for those of us who are charged with expenditures of public funds. They follow:

NOT YOURS TO GIVE

(From "The Life of Colonel David Crockett," compiled by Edward S. Ellis)

One day in the House of Representatives, a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The Speaker was just about to put the question when Crockett arose:

"Mr. Speaker—I have as much respect for the memory of the deceased, and as much sympathy for the suffering of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it. We have the right as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right so to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I have never heard that the government was in arrears to him.

Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as a charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bill asks."

He took his seat. Nobody replied. The bill was put upon its passage, and, instead of passing unanimously, as was generally supposed, and as, no doubt, it would, but for that speech, it received but few votes, and, of course, was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some other members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made houseless, and, besides, some of them had lost all but the clothes they had on. The weather was very cold, and when I saw so many women and children suffering, I felt that something ought to be done for them. The next morning a bill was introduced appropriating $20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about the election, I concluded I would take a scout around among the boys of my district. I had no opposition there, but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than any other, I saw a man in a field plowing and coming toward the road. I gauged my gait so that we should meet as he came to the fence. As he came up, I spoke to the man. He replied politely, but, as I thought, rather coldly.

"I began: 'Well, friend, I am one of those unfortunate beings called candidates, and—'

"'Yes, I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again.'

"This was a sockdolager . . . I begged him to tell me what was the matter.

"'Well, Colonel, it is hardly worth-while to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me. But I beg your pardon for expressing it in that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting or wounding you. I intend by it only to say that your understanding of the Constitution is very different from mine; and I will say to you what, but for my rudeness, I should not have said, that I believe you to be honest. . . . But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is.'

"'I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any constitutional question.'

"'No, Colonel, there's no mistake. Though I live here in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say that last winter you voted for a bill to appropriate $20,000 to some sufferers by a fire in Georgetown. Is that true?

"'Well, my friend; I may as well own up. You have got me there, But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of $20,000 to relieve its suffering women and children, particularly with a full and overflowing Treasury, and I am sure, if you had been there, you would have done just as I did.'

"'It is not the amount, Colonel, that I complain of; it is the principle. In the first place, the government ought to have in the Treasury no more than enough for its legitimate purposes. But that has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be intrusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means. What is worse, it presses upon him without his knowledge where the weight centers, for there is not a man in the United States who can ever guess how much he pays to the government. So you see, that while you are contributing to relieve one, you are drawing it from thousands who are even worse off than he. If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give $20,000,000 to $20,000. If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and everything which you may believe, or profess to believe, is a charity, and to any amount you may think proper. You will very easily perceive what a wide door this would open for fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please,

but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this county as in Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar for our relief. There are about two hundred and forty members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over $13,000. There are plenty of wealthy men in and around Washington who could have given $20,000 without depriving themselves of even a luxury of life. The congressmen chose to keep their own money, which, if reports be true, some of them spend not very creditably; and the people about Washington, no doubt, applauded you for relieving them from the necessity of giving by giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution.

" 'So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you.'

"I tell you I felt streaked. I saw if I should have opposition, and this man should go to talking, he would set others to talking, and in that district I was a gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced that he was right, I did not want to. But I must satisfy him, and I said to him:

" 'Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you have said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard. If I had ever taken the view of it that you have, I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot.'

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again upon one condition. You say that you are convinced that your vote was wrong. Your acknowledgment of it will do more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and, perhaps, I may exert some little influence in that way.'

" 'If I don't,' said I, 'I wish I may be shot; and to convince you that I am in earnest in what I say I will come back this way in a week or ten days, and if you will get up a gathering of the people, I will make a speech to them. Get up a barbecue, and I will pay for it.'

" 'No, Colonel, we are not rich people in this section, but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This is Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you.'

" 'Well, I will be here. But one thing more before I say good-by, I must know your name.'

" 'My name is Bunce.'

" 'Not Horatio Bunce?'

" 'Yes.'

" 'Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend.'

"It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence and incorruptible integrity, and for a heart brimful and running over with kindness and benevolence, which showed themselves not only in words but in acts. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintance. Though I had never met him before, I had heard much of him, and but for this meeting it is very likely I should have had opposition, and had been beaten. One thing is very certain, no man could now stand up in that district under such a vote.

"At the appointed time I was at his house, having told our conversation to every crowd I had met, and to every man I stayed all night with, and I found that it gave the people an interest and a confidence in me stronger than I had ever seen manifested before.

"Though I was considerably fatigued when I reached his house, and, under ordinary circumstances, should have gone early to bed, I kept him up until midnight, talking about the principles and affairs of government, and got more real, true knowledge of them than I had got all my life before.

"I have known and seen much of him since, for I respect him—no, that is not the word—I reverence and love him more than any living man, and I go to see him two or three times every year; and I will tell you, sir, if every one who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm.

"But to return to my story. The next morning we went to the barbecue, and, to my surprise, found about a thousand men there. I met a good many whom I had not known before, and they and my friend introduced me around until I had got pretty well acquainted—at least, they all knew me.

"In due time notice was given that I would speak to them. They gathered up around a stand that had been erected. I opened my speech by saying:

" 'Fellow-citizens—I present myself before you today feeling like a new man. My eyes have lately been opened to truths which ignorance or prejudice, or both, had heretofore hidden from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgement is due to myself as well as to you. Whether you will vote for me is a matter for your consideration only.'

"I went on to tell them about the fire and my vote for the appropriation and then told them why I was satisfied it was wrong. I closed by saying:

" 'And now, fellow-citizens, it remains only for me to tell you that the most of the speech you have listened to with so much interest was simply a repetition of the arguments by which your neighbor, Mr. Bunce, convinced me of my error.

" 'It is the best speech I ever made in my life, but he is entitled to the credit for it. And now I hope he is satisfied with his convert and that he will get up here and tell you so.'

"He came upon the stand and said:

" 'Fellow-citizens—It affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today.'

"He went down, and there went up from that crowd such a shout for Davy Crockett as his name never called forth before.

"I am not much given to tears, but I was taken with a choking then and felt some big drops rolling down my cheeks. And I tell you now that the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced, is worth more to me than all the honors I have received and all the reputation I have ever made, or ever shall make, as a member of Congress.

"Now, sir," concluded Crockett, "you know why I made that speech yesterday.

"There is one thing now to which I will call your attention. You remember that I proposed to give a week's pay. There are in that House many very wealthy men—men who think nothing of spending a week's pay, or a dozen of them, for a dinner or a wine party when they have something to accomplish by it. Some of those same men made beautiful speeches upon the great debt of gratitude which the country owed the deceased—a debt which could not be paid by money—and the insignificance and worthlessness of money, particularly so insignificant a sum as $10,000, when weighed against the honor of the nation. Yet not one of them responded to my proposition. Money with them is nothing but trash when it is to come out of the people. But it is the one great thing for which most of them are striving, and many of them sacrifice honor, integrity, and justice to obtain it."

LETTER FROM CONSTITUENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. JACOBS. Mr. Speaker, I insert a letter from a constituent of mine concerning certain proposed amendments to the Economic Opportunity Act:

The OEO extension and authorization bill will soon be coming to a vote, and I write you with grave concern over the "Murphy Amendment" that will be proposed in some form. This amendment, drafted by Senator Murphy the day before the bill reached the Senate floor, gives state governors the power to veto Legal Services programs in whole or in part at the time they are refunded. It removes the existing power of the OEO Director to override such a veto. Though more subtle, this amendment is equally damaging to the Legal Services programs as the unsuccessful attempt two years ago by Senator Murphy to prohibit antipoverty lawyers from filing suits against government agencies.

The imminence of political interference with a Legal Services program for bringing an unpopular suit or opposing governmental action creates a conflict between the interests of the attorney over the future of his job and program and the interest of his client in the unrestrained assertion of his rights. Without the threat of being overruled by the OEO Director, governors will have a free hand in curtailing legal services activities. Full and vigorous legal representation of the poor will surely continue to alienate many state officials. Yet, surely it strikes at the heart of an advocacy system of justice to give the head of these state officials the power to

cripple the opposing representatives who may challenge state actions hindering the poor.

The threat to Legal Services pregnant in the Murphy Amendment will cause a severe morale crisis among legal services attorneys, destroying their confidence and job security necessary for unwaivering legal representation of all their clients. This detrimentally weakens vigorous legal services programs and guarantees that the less effective programs will forever remain so. It will cause a rush of resignations of the best talent in the Legal Services programs who no longer feel they can adequately represent their clients or do anything to help improve the social order. Presently, the most talented of the law school graduates are competing to obtain jobs with Legal Services programs. The Murphy Amendment surely will end this.

More important than the loss of security by the lawyers, will be the loss of faith by the poor resulting from the Murphy Amendment. These we encourage to channel their grievances, frustrations, and discontents into the courts of law and administrative hearings instead of street and sidewalk confrontations. A right without the capacity to effectuate a legal remedy is no right at all. Orderly institutional change in the framework of the continuity of the law is made impossible if access to the full use of the institutions is restrained. The OEO has made great strides in bringing about the American promise of Equal Justice Under Law. Intimidation and restraint of the lawyers for the poor, making them second-class citizens in legal bargaining and litigation, will destroy many of the gains already made.

OEO Director Donald Rumsfeld, Legal Services Director Terry Lenzner, The American Bar Association, the National Legal Aid and Defender Association as well as many other legal and non-legal organizations have expressed their strong opposition to the Murphy Amendment for the threat it imposes to competent legal representation of the poor. I join these groups in opposing the amendment, and I ask you to give this amendment the serious consideration it deserves.

THE U.N. AND THE ENVIRONMENT: HOPE FOR THE FUTURE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. REUSS. Mr. Speaker, the Washington Star, in a recent editorial, says this country should begin now to prepare carefully for the United Nations Conference on Problems of the Human Environment, set for 1972 in either Geneva or Stockholm.

The story points out, quite correctly, that "we need the knowledge that the conference will generate" and that "we need the pledge of all nations to work together to solve the monumental problems we have created."

Through international cooperation at the 1972 conference, we should make the most of this chance "to rescue our polluted planet."

The text of the editorial follows:

A CHANCE TO RESCUE OUR POLLUTED PLANET

When all the world was young and truth in every ruler's tongue, many of us confidently watched the founding of the United Nations at San Francisco in the expectation that the world had entered a new age. Permanent peace, and therefore permanent plenty, were at hand, to be established and maintained by the new organization, where the nations could sit down together and resolve their differences across the table rather than on the battlefield.

A sad thing happened on the way to the millenium. China got taken over by people who were not invited to the christening of the new world and they turned into wicked fairies. The Russians have successively invaded most of the East European nations, sometimes, as in Czechoslovakia, as a firm but unbloody army of occupation, sometimes, as in Hungary, with fire and death in hand. The United States has fought long wars in Korea and in Vietnam. India and Pakistan have indulged in mutual slaughter and threaten to again. The Turks and Greeks from time to time resume their ancient feud. Even defeat cannot keep the Arabs from trying to wipe out Israel. In Central America tiny and fragile republics have at it and at each other when the mood strikes them. There is no peace. War and rumors of war have set the pace for the age of the United Nations as they did for the age of the League of Nations.

But if the new peace-keeping organization has not kept the peace, it has accomplished a number of other things, desirable goals originally undertaken merely as auxiliary to the central task. Through various agencies it has furthered scientific knowledge, elementary education, preventive health measures, artistic appreciation and improved agriculture, to name a few.

It may well be that the U.N. will be one of those historical phenomena that earn human gratitude for their side-effects, like the Counter-Reformation, which did nothing at all about restoring religious unity to Europe but which created, as a by-product of the effort, one of the most exhilarating and engrossing styles of architecture in the world. It may even be that if the nations pursue these U.N. side-effects with enough determination and cooperation, they will, all unknowing, take some giant steps toward the central goal, peace.

The possibility is particularly pertinent right now because the Secretary General has issued a report and a call for a United Nations Conference on Problems of the Human Environment. The conference will take place in 1972 at either Geneva or Stockholm and, it is hoped, will be attended by representatives of all member-states, a large number of specialists in the various fields of knowledge concerned, and representatives of appropriate agencies both public and private. The report makes it amply clear why such a conference is desperately needed, how it will be organized and what we may hope for from it.

The need should be evident to anyone who pauses on the banks of the Potomac on a summer day and looks at the water. It is not very attractive. The recreational use being made of it is minimal and just about restricted to boating, although there is still some fishing. But to enjoy the pleasantest thing you can do with water, total immersion, Washington area people have to resort to pools or to travel considerable distances to lakes or the ocean.

The Potomac, like most rivers, has long been unsafe for drinking and a little less long for swimming. Unless some action is taken soon, the still surviving fish can't last much longer. Boating is still O.K. as long as you don't fall overboard, the main peril of which is not drowning but gulping in the rich content of decay and disease with which the river is loaded.

Also like most rivers, the Potomac is not the concern of one single jurisdiction. It flows through or borders three states and the District of Columbia and past or through innumerable cities, towns, villages and counties, all of which contribute to its pollution and all of which suffer from its condition.

Other rivers are international in their length or borders, such as the St. Lawrence and the Great Lakes system, the Rio Grande and the poor, poisoned Rhine. All of the seas and oceans are of international concern. The air moves freely over frontiers, as we learned early in the nuclear age. Radioactive clouds are not the only man-made pollutants falling as the gentle rain on those beneath, irrespective of pollutant authorship. Detroit sends its poisons into lungs in Ontario, and Belgium suffers from Dusseldorf. Then there are the more exotic and possibly more deadly effects of the way we live now, most of them thoroughly international. The report notes that "the reliance of modern technology upon the combustion of fossil fuels has brought a 10 percent increase in atmospheric carbon dioxide over the past century" which "could rise to 25 percent by the year 200. The consequence of such an increase upon world weather and climate . . . could eventually be catastrophic."

The report accurately labels industrialization, urbanization and exploding population as the main causes of the evils increasingly infesting our environment. It notes that many of the individual problems are susceptible to technical control or solution but that such control or solution usually lags far beyond the creation of the problem for obvious economic reasons.

The report further notes that some individual, isolated efforts at control have been successful, but that the whole body of knowledge in the field has neither been brought together for the benefit of all who need it nor given the kind of quantum jump that physics and engineering have received from modern weapons development and that is undoubtedly needed to cope with our self-created problems of environment.

The report analyzes the present situation into "human settlements problems," which may be left to individual nations, "territorial problems," which call for regional, international solutions, and "global problems," which will require world-wide agreements and actions in concert for the common good.

The conference, essentially, will present to the delegates the conclusions to be reached by two sets of four commissions. The substantive bodies will consider human settlements and industrial development; rational use and development of natural resources; environmental pollution; and the maintenance of values of the human environment. The "strategic" commissions will devise the legal, economic, social and diplomatic arrangements by which the recommendations or the substantive commissions can best be put into effect.

The subject is made for the machinery, the methods and the best hopes of the United Nations. It is true that none of the nations has yet paid anywhere near enough attention to the environmenttal problems on its own doorstep, but that is a reason for, not against, convening the United Nations Conference. We need the knowledge that the conference will generate. We need the pledge of all nations to work together to solve the monumental problems we have created.

Here in the United States, we have the special advantage that, since the year of the conference, 1972, is also a presidential election year, reflections from Geneva or Stockholm may well turn up in public discussions and debates in Boston and Los Angeles and, after November of that year and January of the next, here in Washington.

This country should back the conference as fully as possible and begin now to prepare carefully so that contributions in skills and knowledge will be equal to our needs and obligations.

REMARKS BY VICE PRESIDENT AGNEW BEFORE THE GOVERNORS CONFERENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. MICHEL. Mr. Speaker, Vice President AGNEW addressed the Governors Conference called by President Nixon today and once again his comments on this question of a so-called "generation gap" contain a message for all of us to heed and I include a copy of his remarks in the RECORD at this point:

REMARKS BY THE VICE PRESIDENT TO GOVERNORS AND THEIR FAMILIES, WASHINGTON, D.C., DECEMBER 3, 1969

It has frequently been stated that the strength of a nation depends upon the strength of its people. But people are not born strong. A young person draws his strength from the teaching and example of those closest to him. In most cases, this means the family. So it would not be inaccurate to say that the strength of a nation depends upon the strength of its families.

The President of the United States is a family man. Because he is, and because he believes you are family-oriented, we are here today—as the French say, *"en famille."*

Since so many of you have brought your youngsters with you, today I would like to talk about young people, about the silent majority and the vocal minority of youth. I would like to discuss shallow demonstrations and profound demonstrations, and a way for men and women of good will, and of all ages, to begin to bridge the generation gap.

For some time now, I have been speaking out against the cause that some people have been demonstrating about. As a result, I have been charged with being "against the right to demonstrate."

For some time now, I have been reminding parents and young people alike that self-respect begins with mutual respect, and that order in society begins with discipline and authority in the home. As a result, I have been charged with being "against young people."

(I've also made a couple of speeches about the media, but nobody paid any attention to those.)

Now, anybody who knows me, or has taken the trouble to read what I have to say, knows that I respect the right of dissent in America, and knows that I admire and respect the great majority of young people in America today.

But the fact of the charges illustrates a phenomenon of our times. Too many of us are unwilling to argue a point but are too willing to point at an arguer. Too many of us stand ready to evade a debate by challenging the motives of the debater. Why bother to come to grips with a real issue, they ask, when a strawman of your own offers such an inviting target?

That kind of evasion results in "ricochet rhetoric"—when people do not respond to what is said, but to what other people say you meant. There is nothing wrong with joining an issue, but there is something very definitely wrong in two sides deliberately missing each other's point.

That is why there is so little real communication between those who demonstrate and those who are the targets of demonstration. That is why what should be a "meaningful dialogue" has become all too often a cacophony of meaningless monologues. That refusal to approach an issue with an open mind, that refusal to entertain a spirit of compromise—that is what is building barriers between the young and the not-so-young, between an outspoken minority and a soft-spoken majority. That is the barrier we must begin to dismantle—from both sides.

Freedom of speech is useless without freedom of thought. And I fear that the politics of protest is shutting out the process of thought, so necessary to rational discussion. We are faced with the Ten Commandments of Protest:

Thou Shalt Not Allow Thy Opponent to Speak.

Thou Shalt Not Set Forth a Program of Thine Own.

Thou Shalt Not Trust Anybody Over Thirty.

Thou Shalt Not Honor Thy Father or Thy Mother.

Thou Shalt Not Heed the Lessons of History.

Thou Shalt Not Write Anything Longer than a Slogan.

Thou Shalt Not Present a Negotiable Demand.

Thou Shalt Not Accept Any Establishment Idea.

Thou Shalt Not Revere Any but Totalitarian Heroes.

Thou Shalt Not Ask Forgiveness for Thy Transgressions,

Rather Thou Shalt Demand Amnesty for Them.

In the face of these Commandments of Protest, how do we establish communication? How do we reach out without caving in? How do we talk *to* each other instead of just *at* each other?

Fortunately, the true believers in these Commandments are relatively few. And fortunately, we have an Administration in this country, ready to listen to the legitimate needs of the young, and even more important, ready and able to respond to those needs in significant ways.

You have already seen this morning how we are tackling the problem of dangerous drugs, which are more of a threat to our young people than any other segment of the population. And right across town this week, a White House Conference on Food, Nutrition and Health is taking place; this Administration has thereby provided a forum and a focal point for constructive controversy on a subject of deep concern to millions of our committed young people.

To a young person's question, "What have you done for us lately?" the obvious answer is "reform the draft." Certainly this long-overdue reform ends the terrible uncertainty that hung over millions of young lives. By and large, most young people of draft age can now make plans for their lives with a big question mark removed. And now that the President has demonstrated his credibility in this area, I think most young people believe he means what he says about an all-volunteer army in the future, and an end to the draft.

But let us look beyond the issues of immediate concern to young people, and look into the events of the past month that may affect their lives for years to come.

We have signed a treaty that limits the spread of nuclear weapons, and reduces to some degree the threat of holocaust to future generations. The diplomatic negotiations that led to this signing are for historians of the future to detail, but there was far more to the signing of the Non-Proliferation Treaty than the stroke of a pen.

We have announced our intention to return Okinawa to Japan, in a generous rather than a grudging spirit, thereby laying the basis for a harmonious long-term relationship with the third most important industrial nation in the world, and increasing the chances for stability in the Far East in the generations to come.

We have unilaterally renounced the use of germ warfare, and by setting this example to the world, we have added to the environment of peaceful negotiation as we lessen the terror of war to future generations.

We have begun Strategic Arms Limitation Talks with the Soviet Union, and the depth and extent of our preparation for these talks cannot help but impress the other side of the table with our seriousness of purpose. And on the outcome of these negotiations hang so many of the hopes of tomorrow's generation of Americans.

Consider for a moment what those four acts last month mean to young people in America: The NPT, the return of Okinawa, the renunciation of germ warfare, the opening of the SALT talks.

I believe that when future historians look at the month of November, 1969, they will not consider it to be the month of the March or the month of the Moratorium. I believe they will consider November, 1969, to be a turning point in the history of the 20th Century—a month in which President Nixon led the way toward world peace.

Since I mentioned the demonstration of last month, let me address myself to the focal point of the protest of so many of our young people: Why are we Vietnamizing the war in an orderly way—why don't we just pull out right now?

Here is the straight answer: We are being steadfast in Vietnam because we do not want the next generation of Americans to have to fight another war. If America were to cut and run, we would be cutting the chances for peace in the Seventies, and running out on the children in school today who would have to fight a war tomorrow.

This generation is charged with the responsibility of dealing with the real world, with life as it is. The power and pressure and suspicion of the real world cannot be dispelled by wishful thinking, or by turning inward, or by doubting our ideals, or by blaming ourselves for all the ills of mankind.

By following the path of appeasement, this generation could accomplish "peace in *our* time." But we say to the next generation—"We are just as much concerned with peace in *your* time." We refuse to accept a solution that says "Peace Now—Pay Later." Because it is our children—the younger generation—who would have to pay later the price of surrender now.

More than anything else, the desire to transmit a better and a safer world to the next generation motivates the men at the center of decision today.

Why are we overhauling our welfare system—if not to build a better life for children who would otherwise be doomed to lives of poverty?

Why are we taxing ourselves at the highest rate in America's history—if not to avoid the deficits that would bankrupt the next generation?

Why are we turning the flow of power away from Washington and back toward the States—if not to enable the adults of tomorrow to have a greater say in managing their own destinies?

This is our way of "demonstrating." This is our demonstration of good faith toward the young Americans who are far more the objects of our hopes than our fears.

In this demonstration, the only signs we carry are the signs of the times—the hard evidence of action, the deeds you can see and the reform you can feel.

And the march we are most interested in is the march of progress—the progress that comes from respect for each other, respect for our free institutions, respect for new ideas.

I believe that we will see young people tomorrow dedicating themselves more profoundly than by the simple drama of demonstration. I believe we will see them involving themselves in community action against pollution—organizing clean-up brigades, buttonholing civic and political leaders, pressing their cause with cogent argument, and mobilizing support by the power of their ex-

ample. By working within the system, they can change the system.

Why do I believe this? Because sooner or later, you face the choice in life between getting something off your chest and getting something *done*. That's the choice that determines maturity.

I think the vast majority of the young activists in America are mature enough to want to get something done. In that cause—as in every positive cause—they will find an Administration, and an older generation, with them all the way.

HUDSON LEADS WAY TO POLLUTION CONTROL

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. FUQUA. Mr. Speaker, the continued and growing problem of water pollution in these United States rightly concerns us all. As a matter of fact, it has become a national disgrace in many areas.

Unless this Nation reverses this trend, future generations will suffer irreparable damage from the uncontrolled pollution of business and government.

While we are quick to point out the problems, we seldom take the time to pay tribute to those who are doing something about this menace.

It is for this reason that I take this opportunity to pay tribute to the Hudson Pulp and Paper Corp., of Palatka, Fla., on its plan for a waste-water treatment plant.

This is the second phase of the company's water improvement program at this huge facility. Cost of the entire Hudson project is $3,200,000.

The new treatment plant will bring Hudson into compliance with the January 1969 Florida environmental protection laws by late 1971—well in advance of the January 1973 requirement.

It was a red letter day for industry when Hudson vice president, John H. Trescot, Jr., made formal announcement of the project at a meeting of State and county civic and governmental leaders.

In 1961, the company installed its primary waste treatment clarifier. The new treatment facility will return oxygen to the mill effluent prior to its introduction into Rice Creek with 900 acres of oxidation ponds required along with the auxiliary piping and pumping equipment.

The company has noted that the waste water will flow through the ponds where natural aeration will reduce the odor and replenish the waste with oxygen.

Construction is scheduled to begin in September of next year with an expenditure of approximately $1 million. It is scheduled to be completed in late 1971, after an expenditure of an additional $2,200,000.

I might add that Hudson's interest in pollution control dates back many years. In 1950, the company cooperated with the State board of health in one of the first comprehensive stream quality surveys in the State.

The primary clarifier which removes the solid material from the mill wastes was placed in operation in 1961 and contributed greatly to the improvement of water quality in Rice Creek.

Here is a corporation that is doing something—and they deserve commendation from everyone for their public-spirited attitude.

I believe they are pointing the way for other industries to control pollution. It can be done, and it must be done.

Congress has passed legislation which will allow the States to establish water quality standards and I am proud of Florida for having taken the lead in this endeavor.

I am doubly proud that Hudson, whose plant is located in our district, has taken the lead among industry.

The management and all of the fine people who have made this corporation great have justifiable reason to be proud.

Further, I know that the citizens of Palatka and Putnam County take justifiable pride in this announcement by a corporation which is vital to their economy—and has proven once again that it is a partner and friend in the development of this area.

ALLEGED MASSACRE AT MYLAI

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. WATSON. Mr. Speaker, no sooner had the Green Beret case been put to rest by the Department of the Army and all at once we have got the so-called "massacre" at Mylai. Like the Green Beret situation, the alleged killing of civilians at Mylai is surrounded by contradictions and inconsistencies. Quite frankly, the Army has done precious little to clear up either matter, and the American people are naturally confused. I know I am.

Mr. Speaker, it would be presumptuous of me to give an opinion of just who and who is not guilty of the Mylai tragedy. The facts thus far have not been established. All we know is what we have read—a young Army lieutenant stands accused of ordering his men to kill Vietnamese civilians in the little village of Mylai in South Vietnam about 20 months ago. There will be a trial, and under our judicial system, a man is considered to be innocent until proven guilty by a court of law.

It is this basic constitutional principle which causes me concern. Despite the fact that Lieutenant Calley's trial has not even started, for the most part the national news media in this country have already condemned him, and not only him but President Nixon, the American fighting men in Vietnam, and the entire Vietnam war itself.

Already the Senator from South Dakota, and other antiwar critics are using Mylai as an excuse to renew all-out attacks on this country's involvement in Vietnam. To them, Mylai is a symbol of the frustration of the Vietnam war, and in my judgment, they will squeeze this terrible tragedy for everything it is worth in order to downgrade the President and our fighting men. Backed by Time magazine, Newsweek, the Washington Post, newspaper, national television correspondents and the like, the Senator from South Dakota and others like him have already found Lieutenant Calley and the men guilty, guilty by innuendo and insinuation. How can this young soldier possibly receive a fair trial because of such adverse publicity? It is obvious to me that, for the liberals, he is going to become the symbolic scapegoat for all the horrors of the Vietnam war.

Mr. Speaker, it seems very strange that after 20 months, the alleged massacre is just coming to light. Why are we learning about it at a time when the great majority of the American people are showing their support for the President's policy in Vietnam? There is no doubt that something terrible happened at Mylai, but it would be even more tragic for the cause of world peace and freedom in Southeast Asia if the events in that village caused this Nation to abandon its commitment in South Vietnam, and desecrate the memory of American soldiers who have paid the supreme sacrifice there.

No one abhors the idea of war more than I. The taking of a human life under any circumstances is hard to justify. In this Nation alone, the American people have killed and have been killed to prevent evil forces from destroying freedom. War is not a pleasant thing. Like so many of my colleagues, I discovered that in World War II. Yet, when we are called upon to protect freedom, American fighting men will have to engage in the tragic business of death.

I do not defend Lieutenant Calley nor do I condemn him. If he is guilty, he should be punished. But we must put this whole episode in its proper perspective. Some accounts say that the people of Mylai were responsible for killing American soldiers in Lieutenant Calley's command. Others say that not as many villagers were killed as news reports indicated. Hopefully, many of these points will be clarified at the trial. But even if this soldier is guilty, how can anyone who believes in justice and fair play condemn all American fighting men and the American people in general for this one event? It is reported that about 100 villagers were killed. Let us not forget that 40,000 young Americans have died defending villages and their inhabitants throughout South Vietnam.

Two wrongs do not make a right. But, before any apologist for America starts getting involved in a guilt complex, think for a moment how many Vietnamese civilians have been killed by the Vietcong and the North Vietnamese regulars. No one knows for sure, but 100,000 is a conservative estimate. Long before we sent fighting units into South Vietnam, I recall an American military adviser telling me how sick he became after visiting a little village that the Vietcong had just departed. The villagers failed to cooperate with the Vietcong. They paid dearly. Every little child in

the village, from 1 week to 14 years, 150 in all, were decapitated and laid in a neat row for the parents to see.

Mr. Speaker, this is no time to cast aspersions on our fighting men, the President and ourselves for that matter, as some members of the national news media and a few demogogs are doing because of Mylai. It is time for us to renew our efforts to help assure South Vietnam that its future will be secure from further atrocities, regardless of who may commit them.

FOR BLACK INITIATIVE IN CRIME CONTROL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. MIKVA. Mr. Speaker, a frequently exploited misconception is that crime is a racial problem. But crime is not a white problem. Neither is it a black problem. It is a human problem. As such, it deserves and demands the concerted attention of all men of good will.

It behooves us to hear and to heed all thoughtful proposals for crime control. One such set of recommendations was outlined in a speech by our colleague, the gentleman from Missouri (Mr. CLAY).

His trenchant and cogent proposals require little by way of introduction. I insert at this point in the RECORD the text of the address, delivered at a meeting of the National Council of Negro Women at St. Louis, November 24, 1969.

The address follows:

FOR BLACK INITIATIVE IN CRIME CONTROL—IF LEFT TO WHITES, IT WILL BE AN INSTRUMENT OF REPRESSION

(By Representative WILLAM L. CLAY)

Far too many politicians use crime as a political issue. They talk in generalities about a "return to law and order," to domestic tranquility—about the threat of this permissive society. And though it is never spelled out, it is made quite clear that social reform has no place in the kind of social order they seek.

When claims are made about their ability to "control crime," it usually means they will maintain the status quo—economically, socially, and politically. Too often, what is meant is that they will stifle dissent and rid this land of the notions of justice for all. Implied in these demands for law and order is police repression of attempts by blacks and other minorities to effectuate social change.

Black people have no quarrel with the need for protecting the population from criminals. It is the black population which suffers most from street crimes. We are the ones who are victimized. Our brothers and sisters and children are the ones being shot down on the streets—our homes are being burglarized—our wives and sisters raped—our businesses robbed and bombed.

Black people must find a way to show our concern for crime, our own fear of criminals, but in a way that is not interpreted as a step toward condoning a police state.

At the root of crime are the desperate conditions of the ghetto; the inadequate, overcrowded, ill-equipped schools; the unbearable, dilapidated overcrowded housing; the unemployment; the broken families—all the vicious forces that push the poor urban black outside of society.

But there are glaring misconceptions about crime in black communities. Too many believe that drug addiction and poverty are the causes of most of the crime. Drug addicts usually commit passive crimes such as shoplifting and prostitution. The poor who are desperately trying to make ends meet commit very few crimes. But the crimes against persons—muggings, robberies, bombings are usually committed by hardened criminals who should be dealt with as such. They have created a reign of terror and a climate of fear which has changed our lives.

We no longer take strolls at night, shop at night, and we are afraid to use the city parks. We are victims of fear, we are victims of crime. And, by and large we have not been the ones to raise our voices in protest. The people screaming law and order are the suburbanites detached from the realities of the crime problem by superhighways. I am amazed by the notions held by many white people that the ghettos are safe if your skin is black.

The choice for black leaders seems clear. We must speak out to change the system so that the law respects and protects us as it is meant. When our elected officials, our police commissioners, our circuit attorneys, our judges and our juries treat crime by black people against black people as seriously as they treat crime which affects the white middle-income communities then we will be on the road to a solution.

In my view, the following recommendations must be made a part of any reasonable and comprehensive solution to crime:

First, and of prime importance, the conditions of the inner city, the slums which breed crime, must be eliminated. Until this nation gives priority to these tragic domestic ills, the probability for curbing the wave of crime will be remote.

Second, the law must be applied equally—across the board—to black and white. Equal rights and equal protection under the law must be assured and crime, wherever it occurs and whomever it strikes, must be considered a matter for law enforcement and prosecution.

Third, the quality of law enforcement agencies and personnel must be uplifted. The attitudes of law enforcement personnel must be free of prejudice. Citizens must play an important role in crime detection, but will do so only if they have no reason to mistrust the motives of the police.

Fourth, the total thrust of penal institutions must be revised. The job is to rehabilitate—not isolate—criminals. The quality of prison personnel, the conditions of prisons and the methods of prisons must be drastically improved.

Fifth, our court system must be expanded, and a more equitable system for the appointment of judges must be established.

Finally, crime, its prevention and control, is a community problem. All forces and resources of individual communities must be brought to bear on crime. Community efforts must be aimed at community institutions so they can be made responsive to community problems. Poverty and deprivation must be driven out with the realization that the conditions for breeding crimes are being eradicated.

For too long, we have allowed those political opportunists in all parties to obscure this issue with hysteria and prejudice. Make no mistake, if we fail to advance concrete actions on this matter, we shall continue to see the issue dishonestly exploited by every backward element on the political scene.

"CHICANO" VOTING POWER

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. TUNNEY. Mr. Speaker, we must not slacken speed in the task of securing equal opportunities for all Americans. The Civil Rights Acts of 1964 and 1968, and the Voting Rights Act of 1965 provide a strong basis for action, but constant work is required to make existing legislation effective and to broaden available protection.

Something like 800,000 Negroes have registered to vote in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina since the Voting Rights Act of 1965 eliminated literacy tests in those States as a condition for registration. Fairminded people rejoice that black Americans can make their presence felt increasingly in politics on the local, State, and Federal levels.

But the Voting Rights Act overlooks another minority group—Mexican Americans—great numbers of whom are disenfranchised by literacy requirements for voting. It is fair estimate that something like 150,000 Mexican Americans are prevented from voting in California alone because of the English-language literacy requirement for registration.

The fact that the Voting Rights Act overlook disenfranchised Mexican Americans exemplifies the situation of this group of citizens.

Not long ago the head of a Mexican American social agency said:

The problems of our Mexican Americans are unique and plead for a clearer understanding by government agencies.

We can get an idea of how unique are the problems of Mexican Americans and of how difficult it must be for Government to understand these problems clearly if we should run through the list of basic policy aims determined at a recent nationwide conference of Federal officials and 1,500 Mexican Americans. The conference projected the following basic aims:

The cultural differences and background of the Mexican American community must be acknowledged and understood;

Bilingual education in all phases of instruction should be developed;

Federal agencies must develop and practice an "outreach" philosophy in bringing services to the Mexican American community;

Federal employment opportunities must be opened further to the Mexican American community;

The community must be involved in all aspects of program planning whether it is in school activities or model cities programs;

Problem solving must be undertaken through the cooperation of Government, private industry, and Mexican American civic and service organizations.

Government has tended to recognize inadequately the unique problems of Mexican-Americans because Mexican-Americans are grievously underrepresented in Congress, in State legislatures, and in administrative agencies. They are

grievously underrepresented despite the fact that 85 percent of Mexican-Americans are native-born U.S. citizens. And they are grievously underrepresented because, for one reason, so many are disenfranchised by literacy requirements for voting.

One Mexican-American said:

You have a lot of problems and they always go back to a problem being solved for the Mexican by another group, by Anglos, by another minority. That is the main problem I think we have.

Mexican-American citizens ought, in justice to be adequately represented in Congress and in State legislatures. They urgently require spokesmen of their own who understand their problems and aims.

Among Mexican-Americans there is increasing determination to unite in order to bring about changes through political action. Mexican-Americans are concerned to exercise their potential voting power.

A recent report published by the Civil Rights Commission stated:

The most pervasive force among Mexican Americans today is a growing sense of identity and a quest for unity to achieve equality for opportunity in every phase of life. In cities and towns throughout the Southwest, Mexican Americans are coming together in issue-oriented and action-committed organizations. The effects of these efforts for unity have not been lost on Federal agencies and private organizations.

* * * * *

The level of organization, of awareness, and of identity is constantly rising. The impact of improved communications through an increase in the chicano press, a struggling network of barrio newspapers and magazines, is a significant addition to the effort to develop philosophy and ideology among chicano groups. In fact, every aspect necessary to the development and sustaining of a movement is being activated and, most importantly, obtaining financial stability.

It is urgent, Mr. Speaker, that we make possible the political expression of this movement by enfranchisement of chicanos, who are literate in Spanish but who cannot now vote.

Today, I am introducing legislation to amend the Voting Rights Act to correct a long-standing inequity which has served to disenfranchise thousands of American citizens—primarily Spanish-speaking Americans.

My bill would amend the Voting Rights Act of 1965 to broaden the prohibition against the use of certain English language literacy requirements as a prerequisite to the right to vote.

Briefly stated, the amendment seeks to end the long-standing discrimination against certain groups of persons in California and other States who are literate in a foreign language such as Spanish.

It is estimated that in California alone the amendment would enfranchise over 150,000 people. These people are literate in Spanish rather than English. They have access to Spanish-language information and most are very much aware of political issues.

In America there can be no such thing as second-class citizenship. I promise that I will fight to assure that literate, Spanish-speaking Californians are made first-class citizens by giving them the right to vote just the same as other Californians. I urge all Californians to support my amendment to the Voting Rights Act of 1969 and help me bring an end to second-class citizenship in our State.

BARBADOAN INDEPENDENCE DAY THIRD ANNIVERSARY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. POWELL. Mr. Speaker, today we pause to honor the third anniversary of the independence of the beautiful island of Barbados: a gentle land of golden sandy beaches and rolling green hills, set in the sparkling blue Caribbean.

Settled by British colonists in 1627, the island holds fast a tradition of 300 years of parliamentary democracy, marked by continuing peace and political stability. After centuries of democratic and evolutionary progress toward self-government, this island people achieved internal autonomy from Britain in 1961, and declared total constitutional independence on November 30, 1966.

Upon attaining its sovereignty, the Barbados Government, under the able leadership of Prime Minister Errol W. Barrow, declared its commitment to working through international organizations toward the goals of world peace and rapid economic growth for all underdeveloped countries. To implement its ideals, this energetic little nation has taken an active role in the United Nations and the Organization of American States, as well as actively participating in British Commonwealth activities, and the West Indies Association of States.

Its major impetus has been directed toward fomentation of economic development both internally and within the Caribbean region as a whole. Since independence, Barbados has sought to diversify its own economy through encouraging manufacturing and light industry. At the same time, the island has taken the lead in forging a regional economic partnership with its Caribbean neighbors. Barbados is wholly committed to the concept of strength and human progress through economic unity, and as such has had a decisive role in the developing and strengthening of the Caribbean Free Trade Association and the Caribbean Regional Development Agency.

Our two peoples share a deep sense of friendship, united by traditions of democracy, justice and belief in the dignity of mankind. Today we salute the 250,000 citizens of Barbados, and fondly dedicate to them these words, spoken by the late President John F. Kennedy:

All the world owes much to the little "five feet high" nations. The greatest art of the world was the work of little nations. The most enduring literature of the world came from little nations. The heroic deeds that thrill humanity through generations were the deeds of the little nations, fighting for their freedom.

A NEW SOFTWOOD LUMBER STANDARD

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. DELLENBACK. Mr. Speaker, on December 1 the Secretary of Commerce announced that a revised softwood lumber standard sponsored by the American Lumber Standards Committee would be published in the Federal Register on December 5.

This important announcement culminates a 9-year struggle to have the present softwood lumber standard updated under the voluntary product standard program established by the Department of Commerce.

The current standard was published approximately 16 years ago and has long been inadequate, principally because it failed to relate size to moisture content. This made questionable the performance of various lumber items being sold in the marketplace.

I commend the Secretary of Commerce for taking this crucial step. I also commend those members of the American Lumber Standards Committee who persevered during the 9 years of effort to modernize a standard affecting all users of softwood lumber.

Because this is a landmark decision for the producers, users, and consumers of softwood lumber, I am today inserting into the RECORD a copy of the Secretary's announcement which briefly outlines the basis for his decision to publish a modern softwood lumber standard:

SECRETARY STANS ANNOUNCES NEW LUMBER STANDARD

Secretary of Commerce Maurice H. Stans today described "as an important step for the consumer of lumber" a revised softwood lumber standard which will soon go into effect as a result of Department of Commerce procedures for developing voluntary product standards.

"The new standard we are about to publish will replace the current standard, published 16 years ago, which has long been considered inadequate for consumers," the Secretary said. "The old standard failed to relate size to moisture content, so that the lumber user could never be sure of the performance of the product he was purchasing."

Two previous attempts to correct the acknowledged deficiencies of the old standard failed for want of agreement within the industry. The present revision stems from a recommendation supported by 21 of the 22 voting members of the American Lumber Standards Committee and approved by 87 percent of producers, distributors and users-consumers of lumber.

The Secretary added: "The public interest required this truly national standard. Such a standard enhances the consumer's security in selecting the type of lumber to satisfy his needs."

The Secretary pointed out that the new standard does permit slight reductions in several sizes of lumber. However, it avoids the present situation where seasoned and unseasoned lumber start off with the same

dimensions but wind up having different dimensions because of different shrinkage rates. The new standard takes account of the fact that lumber shrinks as it dries by requiring green lumber to be finished to a size sufficiently larger than dry lumber so that both will have the same dimensions after seasoning. The Secretary expressed the hope that the reduced sizes being permitted under the standard would increase the supply of lumber to meet consumer and other national needs.

"I am also hopeful that we will have widespread acceptance of an optional provision in the new standard which authorizes the machine grading of lumber," the secretary said. Machine grading will enable consumers to know the precise characteristics of each piece of lumber being purchased.

Still to be worked out, the Secretary noted, is the continued use of nominal designations, such as 2x4, rather than actual lumber sizes. "I am concerned about this practice which has come about through common usage and I am pleased that the American Lumber Standards Committee, which has done a fine job in the revisions announced today, has agreed to focus its attention on the nomenclature problem."

The Committee has plans for a broad educational campaign designed to acquaint all consumers, including the do-it-yourself occasional purchaser, of the actual dimensions of "standard" lumber.

Secretary Stans offered the full cooperation of the Commerce Department to the Federal Trade Commission in the development of appropriate trade regulations which might be necessary to protect consumers from the misgrading of lumber.

About five months ago the National Bureau of Standards, responsible for implementing the Department's Voluntary Product Standards program, requested the Bureau of the Census to conduct a statistical survey to determine the acceptability of the revision.

The Census Bureau report indicates that the revision is acceptable to 87 percent of the producers, distributors, and users-consumers of softwood lumber. Under the Department's procedures, an average acceptance of not less than 75 percent is required before a standard may be published.

The new softwood lumber standard will be identified as Voluntary Product Standard 20–70, "American Softwood Lumber Standard". It will become fully effective on March 1, 1970. No lumber will be graded under the existing Standard (SPR 16–53) after that date.

MRS. WILLIAM N. PATMAN—TEXAS' NEW NATIONAL DEMOCRATIC COMMITTEEWOMAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. PICKLE. Mr. Speaker, soon Washington will become acquainted with a charming and energetic woman whom I have had the pleasure of knowing for quite some time. Mrs. William Patman, as I advised you earlier, has been appointed the new national committeewoman from the Texas State Democratic Executive Committee.

She is exceptionally well qualified for the job and will breathe a new exhuberance into this position. In the November issue of Texas Today, Carrin Patman's lifetime interest in politics and public service is described in detail.

Carrin Patman has a living tradition of public service on both sides of her family. Her husband is State Senator William N. Patman and her father-in-law is the distinguished dean of the Texas congressional delegation, the Honorable WRIGHT PATMAN—and she is the daughter of former State Senator Fred Mauritz.

With this backdrop, I insert a reprint of the article:

NEW NATIONAL COMMITTEEWOMAN

Mrs. William N. (Carrin) Patman, the SDEC's choice to serve on the National Democratic Committee as Texas' committeewoman, has a unique political heritage.

She is the daughter of a State Senator, the wife of a State Senator, the daughter-in-law of Texas' ranking member of the U.S. Congress, a former member of the State Democratic Executive Committee—and a lifelong campaigner.

Mrs. Patman was born March 1, 1932, and grew up in Ganado and Austin. Her parents were Mr. and Mrs. Fred Mauritz of Ganado, both of whom are now deceased. He was a farmer, rancher and businessman who served in the Texas House of Representatives from 1935 to 1939 and then in the Texas Senate from 1941 until his death in 1947.

Her husband is an attorney who has represented the 18th Senatorial District in the Senate since 1961. They live in Ganado and are the parents of a daughter, Carrin Foreman, who is 13.

After being an honor graduate of Austin High School in 1949, Mrs. Patman won honors at the University of Texas in 1953 with a BA degree in Philosophy and English.

She has had an avid interest in politics all her life, springing—no doubt—from the times she campaigned door-to-door for her father when she was a little girl.

She was, of course, extremely active in her husband's two hotly contested races for the State Senate. She enthusiastically tackled a wide variety of political jobs from making speeches to writing ads to pounding the pavement in behalf of her husband's candidacy.

"I enjoy it all," she says, "but I think the political pastime I find most rewarding is visiting personally with the voters."

During her husband's first two sessions in the Senate, she wrote a weekly newspaper column for the district called "Austin Diary," which described life-behind-the-scenes at the Capitol. She now is the incoming president of the Senate Ladies Club.

Active in every Democratic presidential campaign since 1960, Mrs. Patman worked almost full-time in State Headquarters as a volunteer during the 1969 Humphrey-Muskie campaign.

She was especially active in helping and encouraging Young Democratic groups and has organized corps of teenagers to work in several presidential campaigns.

Despite her dedication to the Democratic Party, she has found time to become involved in a wide variety of church and civic activities.

Her proudest civic accomplishment in recent years was a two-year campaign which she started and led, resulting in a national award-winning elementary school library for the public schools of Ganado.

For this achievement, Mrs. Patman was made an honorary member of the area chapter of Delta Kappe Gamma, international honor society for outstanding women educators.

She has served as president of the Jackson County Hospital Auxiliary and of the Ganado Federated Women's Club.

She also has served on the boards of the Texana Scholarship Foundation, the Jackson County United Fund, the boards of stewards and trustees of the First Methodist Church of Ganado and the executive committee of the Ganado PTA.

Her hobbies are water skiing, piano and folk guitar and horseback riding.

In accepting her latest honor, Mrs. Patman said:

"I am certainly thrilled and grateful to have this wonderful opportunity. I think this is an especially exciting time to be a Democrat in Texas. The Party obviously faces new challenges with great opportunities for growth and creative change.

"And the Democratic Party has always been at its best in rising to challenge. It will be great to have a seat on the 50-yard line as it happens.

"I also appreciate, particularly, the chance to serve in this capacity during Governor Smith's administration. I don't think Texas has ever had a governor who felt more respect for the power and authority of the 'grassroots' or made himself more accessible to people at that level.

"This coincides exactly with my own philosophy of politics and government. I am and, I guess, always will be at heart a precinct worker.

"That's where democratic government begins and ends. And, to me, it's where you find the strength and glory of the Democratic Party.

"As Texas' Democratic National Committeewoman, my main hope and concern will be to try to help bring the thinking of the 'grass-roots' into the national councils of the Party—and vice versa."

"Well, how about a definite plan—a formula—to aid our Democratic nominees in their races against Republican opponents next Fall.

"And how about the possibility of building our own state headquarters here in Austin to serve the Democratic Party of Texas?

"Impossible dreams? No.

"Ambitious goals? Yes.

"And the way to take care of tomorrow—is to work hard today.

"This committee will be composed of all the subcommittee chairmen now serving on our State Committee.

"They will be aided by the advice and counsel of outside experts: elected public officials, Democratic county chairmen from all across Texas, authorities, in many different fields . . . specialists in many techniques.

"Now let me emphasize this:

"This group will have no other function than to advise our State Committee and to acquaint our committee chairmen with new possibilities which will give stronger direction and continued strength to our Party.

"Now, I know it is easier to criticize than to construct. It's easier to tear down than to build up. Easier to argue why something shouldn't be done than to figure a way how it can be done.

"You members of this committee were elected by your Democratic neighbors because they had confidence in your ability to do a good job for Texas. They have faith in your capacity to succeed.

"We are all different. We come from different parts of Texas. We represent different points of view. But we are united in the common goal of giving new strength to the Democratic Party of Texas, new vision to our future, new vitality to our leadership, new confidence of success.

"In January, when we last met, I said this to you: Coming together is a beginning, staying together is progress, working together is success."

"And the success of the Democratic Party of Texas truly is in your hands.

"And I want you all to know, that I think our future is in very good hands."

MARIHUANA AND THE LAW

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. KOCH. Mr. Speaker, recently the National Commission on the Causes and Prevention of Violence made a number of suggestions with respect to eradicating the violence which besets our society by confronting the sources of alienation and the causes which manifest themselves in acts of violence, especially as this concerns the young people of this country.

Among the proposals offered by Dr. Milton Eisenhower and the Commission are two which are especially important to this Congress. They deal with marihuana. The first recommendation is that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marihuana use. The second recommendation is that Federal and State laws make use and incidental possession of marihuana no more than a misdemeanor until more definitive information about marihuana is at hand and the Congress and State legislatures have had an opportunity to revise their laws in light of this information.

Both recommendations are similar to my proposal, H.R. 10019, which establishes a President's Commission on Marihuana. However, my proposal goes further by including a Presidential Commission examination of the broad social consequences of marihuana use.

Possession of marihuana is a felony, and present penalties for a first offense involving possession under Federal law range from a minimum of 2 years to a maximum of 10 years in prison. The sentence corresponds with a conviction for manslaughter. In many States a felony conviction, as the Commission points out, results in the loss of voting rights, jury service, and the right to enter various professional occupations, whereas a misdemeanor does not. The Commission's statement does not recommend a similar reduction in the penalty for those who traffic in marihuana for profit until further study has been made into the possible dangers of the drug, and I concur.

I can cite the growth percentagewise of the use of marihuana to substantiate a call for the investigation of physiological and psychological effects of marihuana, as well as the broader social consequences stemming from its use. Present harsh penalties seem to have had little effect thus far in abating marihuana use, while at the same time, imprisonment is doing great damage to our young people who in many cases have merely experimented with this drug. As the Commission's report so amply states:

> The present harsh penalties for possession and use of marihuana are a classic example of what legal scholars call "overcriminalization"—treating as a serious crime private personal conduct that a substantial segment of the community does not regard as a major offense.

And in the context of the Eisenhower report on violence such a condition contributes to a general disrespect for the law, while the questions with respect to the possible dangers and hazards of marihuana use remain unanswered.

With the hope that it will interest my colleagues and encourage them to support H.R. 10019 now cosponsored by 77 Members of this House, I am submitting the report by Dr. Eisenhower's Commission on the subject of marihuana:

COMMISSION STATEMENT CHALLLENGING OUR YOUTH

(Submitted by Dr. Milton S. Eisenhower, Chairman, National Commission on the Causes and Prevention of Violence)

Our main concern in this statement is to stress the importance of challenging the young people of the nation to become full partners in the enterprise of building a better society. But we must also add a word on one increasingly acute aspect of the present "generation gap"—the problem of drugs, particularly marijuana.

The development of drug subcultures among many of today's youth is particularly troubling to those who are older. Increased education about the physical and psychological hazards of the use of addictive drugs, LSD, the amphetamines and other dangerous substances is essential if the health of young people and their children is to be properly safeguarded. In addition, the older generation must answer, in good faith and on the basis of better knowledge, the question raised by many young people as to whether present proscriptions on marijuana use go too far.

The startling recent increase in marijuana use by many young people has intensified the conflict between generations and posed enormous problems in the enforcement of drug laws. Possession and/or use of marijuana is treated severely by the law. In most states such possession or use is a felony, whereas the use or possession of the more dangerous LSD is only a misdemeanor.[1] This lack of elementary logic and justice has become a principal source of frustration and alienation contributing markedly to youth's often bitter dissatisfaction with today's society. We believe that action must be taken to put the whole situation into rational perspective.

Scientific knowledge about marijuana remains sparse, but some of its pharmacological properties have been established: marijuana is not a narcotic or an opiate and is not addicting.[2] There is as yet no evidence as to the relationship it bears to the use of harder drugs.[3]

We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.[4]

The Congress should enact laws and appropriate adequate funds for this purpose. Much remains to be learned about the drug's psychological effects, particularly with respect to the expectation and personality types of users and the total emotional mood of the environment and the persons in it. Many experienced users have had at least one "bad trip" and some cases have been reported of extremely traumatic reactions to marijuana. It may be that marijuana use can be damaging to individuals with a history of mental instability or other personality disorders. Similarly, little is known about its possible psychological effects, including psychological dependency, on adolescents who are in the process of learning to cope with the demands of adult life. And we most assuredly need to know if marijuana users have a predisposition to use harder drugs.

Despite all existing evidence to the contrary, state and federal laws alike treat marijuana as a narcotic, and penalties for its sale and use in some states are extreme. In one state, the penalty is two years to life imprisonment for a first offense of possession. In at least two others, the penalty for an adult convicted of selling marijuana to a minor is death. According to the latest available Justice Department figures, the average length of sentence imposed for violation of state laws was 47.7 months. In 1967 the fereral government made 706 arrests for marijuana offenses, as compared to the State of California alone which made 37,513 arrests, 10,907 of them juveniles under eighteen.

Erroneously classifying marijuana as a narcotic, this patchwork of federal and state laws, inconsistent with each other and often unenforceable on their merits, has led to an essentially irrational situation. Respect for the law can hardly be inculcated under these circumstances. Since many of our youths believe marijuana to be relatively harmless and, yet, are faced with legal sanctions, they are led into a practice of law evasion which contributes to general disrespect for the law. Furthermore, enforcement of laws generally deemed harsh and unjust seen nonetheless to encourage police practices—e.g., raids without probable cause, entrapment—which infringe on personal liberties and safeguards. The situation is reminiscent of the problems encountered in enforcement of Prohibition during the 1920's. The present harsh penalties for possession and use of marijuana are a classic example of what legal scholars call "overcriminalization"—treating as a serious crime private personal conduct that a substantial segment of the community does not regard as a major offense; prosecutors, judges and juries tend to moderate the severity of the statutory sanctions, and the resulting hypocrisy of all concerned diminishes respect for the law.

In view of the urgency of the marijuana problem, we believe that legislative reform of the existing marijuana penalty structure should not wait several years until further rsearch is completed.

We recommend that federal and state laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and State Legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.)

Instead of the existing inequitable criminal penalties (including imprisonment) for mere possession and use of the drug, interim legislation might well provide only for civil penalties such as the confiscation of the drug and fines. If the interim legislation does provide for prison sentences, it should at least grant wide discretion to the trial judge to suspend sentence or release on probation.

We were heartened by the recommendation recently submitted to the Congress by

---

[1] A felony is a serious crime usually punishable by imprisonment for an extended period (under federal law for a year or more); a misdemeanor is a lesser offense punishable by fine or imprisonment of less than a year. In many states, a felony conviction results in a loss of voting rights, jury service, and the right to enter various professional occupations; a misdemeaner conviction does not.

[2] Addiction is a physiological and psychological dependence on a drug, with definite symptoms occurring when the drug is withdrawn.

[3] In testimony on October 14, 1969 before the House of Representatives Select Committee on Crime, Dr. Roger O. Egeberg, Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, stated that "there is no scientific evidence to demonstrate that the use of marijuana in itself predisposes an individual to progress to 'hard' drugs."

[4] A similar provision is contained in H.R. 10019 by Rep. Edward Koch, N.Y.

several leading officials of the Executive Branch of the government—recommendations which seek immediate change in the provisions of federal law affecting drug use. Among other things, these officials indicated that use and incidental possession of marijuana should be declared to be no more than a misdemeanor.

The above recommendations should not, of course, be taken as suggesting either that we approve the use of marijuana, or that we favor any relaxation of society's efforts to discourage the use of the clearly dangerous drugs.

Expert testimony offered to this Commission indicates that the so-called hard drugs, such as heroin, do not in themselves make users prone to commit other crimes, but that the daily use of such drugs involves exorbitant costs; hence users often undertake lives of burglary and armed robbery in order to obtain funds for the continued purchase of drugs. Further, drug importation and distribution, like certain forms of gambling, constitute part of the life-blood of organized crime—an empire of its own, ruthless, rich, pervasive, corrupting, and skillful at avoiding the reaches of the law.

We cannot usefully add to all that has been written by other Commissions, the Department of Justice, and many State authorities about the need for stopping the importation of the hard drugs, and for vigorously prosecuting the traffickers in these drugs. Nor can we add to the urgent recommendations that have been made by others to eliminate from our society the empires of organized crime.

But we do most emphatically declare that classifying marijuana users with the users of the hard drugs is scientifically wrong, a wrong recognized by the young, a wrong that makes them contemptuous of the drug laws and to some extent of all law. They wonder why the federal and State Governments do not insist upon more widespread research to establish facts and to change laws in harmony with the facts as developed.

THE RETURN OF OKINAWA TO THE JAPANESE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 3, 1969

Mr. THURMOND. Mr. President, the President's recent negotiations on Okinawa with Premier Sato of Japan have been hailed as an act of statesmanship resulting in a net gain for American security in the Far East. The reversion of Okinawa to the Japanese has been presented as a logical action with both tactical and strategic benefits to the United States.

While there is no doubt that there are benefits, particularly short-term benefits, to the Okinawa agreement, at the same time we must recognize that the President has taken a calculated risk. Out of a myriad of disagreeable choices, the President has opted for the course of action which will maximize the benefits. Nevertheless, we must not delude ourselves. The Okinawa agreement is based upon some shaky premises, and we must be prepared to revise our policy at the first sign of a disintegrating situation.

The first point we must remember is that the Okinawa issue in Japan is not based upon reason, or historical principles, but upon emotion and manipulated propaganda. To say this is not to disparage the Japanese people; we have seen a great deal of the same kind of activity applied to other issues right here at home. It is simply part of the modern phenomenon of mass manipulation. Even though the Okinawa agreement will temporarily defuse the emotionalism, we must realize that the same techniques can generate hysteria again when the time comes, for example, to claim some of our mutual security rights under this agreement.

The second point is that we have no guarantee that the Sato government will be reelected in 1970. The American press has widely predicted that this agreement will help Sato and his colleagues to defeat the leftwing socialist and Communist parties. The agreement may do so. On the other hand, politics is an unpredictable business. We may very well find ourselves wtihout Sato and without Okinawa, too.

Mr. President, wise voices in the press have been warning us to keep the Okinawa question open. Among them is the distinguished editorial page of the State, the morning newspaper in Columbia, S.C. The State has a fine reputation for reasoned and moderate editorials. On the Okinawa question, The State argues that reversion prompts both hope and fear. The State says:

> The feeling persists that President Nixon may have undercut the United States' military posture in the Far East by agreeing to return Okinawa to Japanese sovereignty in 1972.

Although The State is pleased with the support the agreement gives to the Sato government, the editorial is worried about the possibility of growing Communist influence in Japan. The State says:

> Japanese resistance to Communism is nothing like as strong or effective as that of South Korea or Nationalist China, the two real bastions of the Free World against Communist aggression in that part of the world. Japan's overwhelming concern with economic development makes her a logical and desirable target for Communist agitation, whether of the Russian or Chinese persuasion. Unless and until the Japanese develop an internal resolve and capacity to cope with Communism—militarily and ideologically—the Free World has cause of unease.

Mr. President, I ask unanimous consent that the editorial entitled "The Return of Okinawa Prompts Hope and Fear," published in The State of November 28, 1969, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RETURN OF OKINAWA PROMPTS HOPE AND FEAR

The feeling persists that President Nixon may have undercut the United States' military posture in the Far East by agreeing to return Okinawa to Japanese sovereignty in 1972, but the issue is too complex for a hasty judgment based on incomplete information.

For one thing, it is apparent that the President's action greatly strengthens the position of Prime Minister Sato within his own government and assures the United States of a friendly regime. Mr. Sato's political neck was on the block as he negotiated with President Nixon, and there are strong indications that his government may have fallen in the absence of favorable and affirmative action leading toward the reversion of Okinawa.

For another, the U.S. agreement to return Okinawa to Japan in 1972 and to remove nuclear weapons from the island imposes a new and substantial responsibility upon the Japanese to help provide for their own defense. Ever since the end of World War II, the Japanese have prospered in peace under the protective military shield maintained by the United States.

During that period, and partly because of the absence of any appreciable allocation of national funds toward national defense, Japan has grown into the foremost industrial country of Asia and one of the three largest in the world. One ironic by-product of this rapid and remarkable growth is the fact that Japanese exports to the United States now threaten the stability of a number of American industries, notably textiles.

Another irony lies in the fact that the Japanese leftists, who long have clamored for a return of Okinawa from U.S. control, are making no such fuss over Russia's continued possession of four major islands of the Kurile chain. Russia, by the way, has steadfastly refused to even discuss the possibility of a reversion of those holdings to Japan.

What worries us is the possibility that Communist influence in Japan, already strong, will continue to grow at the expense of U.S. interests in that country and in all of Asia. Japanese resistance to Communism is nothing like as strong or effective as that of South Korea or Nationalist China, the two real bastions of the Free World against Communist aggression in that part of the world.

Japan's overweening concern with economic development makes her a logical and desirable target for Communist agitation, whether of the Russian or Chinese persuasion. Unless and until the Japanese develop an internal resolve and capacity to cope with Communism—militarily and ideologically—the Free World has cause for unease.

THINGS OF GOOD REPORT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. RHODES. Mr. Speaker, as the President's first year in office nears an end, it is well to look back on his accomplishments.

And there have been many.

Columnist Roscoe Drummond takes a look at the situation in his column of November 29 in the Christian Science Monitor which I call to the attention of my colleagues, as follows:

THINGS OF GOOD REPORT

(By Roscoe Drummond)

WASHINGTON.—Let's come right out and say it: Some important things are going very well—quite a few things:

1. With great tact and boldness the United States had dissolved the festering crisis of Okinawa which was at the point of undermining our vital partnership with Japan. The agreement showed great wisdom and maturity in high places in both countries.

2. In the contest for public opinion with the extremist, get-out-now doves—in Congress and in the country—the President is continuing to win ascendant national support for his steady and staged reduction of the American role in Vietnam.

NEGOTIATING

3. The United States-Soviet nuclear arms control talks have begun. That's pretty sensational in itself. They are going forward in a good atmosphere. That's good. Both sides are negotiating quietly and seriously, seeking progress not propaganda. That's even better.

4. Moscow and Washington already have agreed on a draft treaty to ban nuclear weapons from the seabed. And the nuclear nonproliferation treaty comes nearer to reality with the United States and the Soviet Union having just signed it.

5. Vice-President Agnew is stirring a valuable self-examination on the part of the TV network news reporters and commentators. It should have a beneficial effect because the networks already do too good a job to not want to do better.

Some commentators seem to think that if anything is going right, they must find something that's going wrong to prove how "realistic" they are.

DURABLE DECISIONS

All of these five events are in the right direction and, together with the Apollo 12's round trip to the moon, they constitute the biggest package of good news in a single week in a very long time.

Let's reverse the belief that nearly everything has to go wrong. It doesn't.

The Nixon-Sato talks didn't go wrong. Rarely, if ever, has territorial status achieved in war been peacefully altered. That is what Nixon did in returning sovereignty over Okinawa to Japan and in doing so he looked beyond next year in order to enable the Japanese to maintain a free and voluntary allegiance with the United States to keep the peace in the western Pacific. Now Japan is free to choose, and only freely accepted decisions are durable. Now Japan offers to help provide mutual peace-keeping machinery and affirms it is ready "to take a leading role" in providing economic aid to "the nation-building efforts of the Asian countries."

If the Nixon-Sato negotiations had not been wisely handled, none of this would be possible. They were wisely handled.

Nixon's exposition to the nation of his plan for steady and staged withdrawal of United States combat ground troops isn't going wrong. It is going very well. It is true that some of the bitter-end Senate critics, like Fulbright, Gore, Church, McGovern, McCarthy, are planning further harassment of the President, but public opinion is continuing to isolate them. In addition to decisive majority support in House and Senate for Nixon's way of ending the war, in addition to the polls which showed overwhelming public endorsement of his Nov. 3 Vietnam speech, comes the latest Gallup survey which finds 68 percent of the American people approving his handling of the presidency with only 19 percent disapproving. This poll was taken during and after the Nov. 15 peace demonstrations and marks a 12 percentage point rise since Oct. 17.

BALANCED APPRAISAL

As to Spiro Agnew and TV news, it is true that some of the criticisms and replies simply pass each other in the headlines without touching. But Agnew has touched the networks on the quick by stirring public alertness to one-sidedness. They often provide a very lopsided picture of America, making government look most of the time as bad as it is some of the time. What is needed is not "garlands of flowers" from the TV commentators but balanced appraisal. These TV men are very able and intelligent. They know they can do better.

I KNEW E. M. MARTIN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. QUILLEN. Mr. Speaker, I am proud to submit the following eloquent remarks of Lt. George W. Lee, a friend of mine and one of the South's most widely known Negro gentlemen.

As a follower of Lieutenant Lee's colorful career and being fully aware of his background as a soldier, author, lecturer, civic leader, and successful businessman, I am pleased to share his remarks with the readers of the RECORD.

Lieutenant Lee always has warm, kind words for his friends and his remarks in the eulogy of his colleague, Mr. E. M. Martin, who was vice president and secretary of the Atlanta Life Insurance Co., are no exception. As a vice president and member of the board of directors of the Atlanta Life Insurance Co., Lieutenant Lee became closely associated with Mr. Martin, both as a friend and business associate, and therefore his remarks are only proper. Lieutenant Lee's magnificent oratorical ability is most certainly exemplified in this eulogy. I submit the following remarks:

I KNEW E. M. MARTIN

(By George W. Lee)

The passing of Mr. E. M. Martin, First Vice President and Secretary of the Atlanta Life Insurance Company is more than death. It is robbery by time of its noblest aspect. "In the hour of death hope sees a star and listening love can hear the rustle of a wing." He needs no praise, but he is a study in the achievement of character. During the time God gave him to live he has been like an oak, planted by the rivers of water, unmoved by the ceremonies of human judgment. He has carried with wisdom the understanding of unspeakable divinity and built his fortunes in the hearts of men. He has extended a hand as ancient as the sun and comforted an oppressed people in a land of liberty. He organized his ideas of the life insurance business and directed them with the sagaciousness of an outstanding success. He has supplied a name to a nation of great names and has written his where few others have ever been traced. We thank the Eternal God that Mr. Martin came along at the right time to serve us and along with us the nation, at a time when black men are struggling for a kindly but vigorous way of life in which the problems of second-class citizenship might be neutralized in the brilliant sunshine of a democratic tomorrow. He takes his special place with those illustrious few in the business of life insurance who have given an enduring example of leadership in effecting significant change in making equal opportunity available to all so that an inspiring democracy will constitute the divine fire that will illuminate our presently fearful future. I know that his wife and family are conforted in the knowledge that their loss is shared by all in the industry of life insurance and that his mourners are as thick as grief. Surely they may find consolation, not only in the assurance of faith, but also in the honored memory of his life, a life characterized by ideals which in every generation constitutes a noble legacy to us all.

History will record him as a giant in his day and generation for he had a blend of talent and personality that made him unique and distinctive in the eyes of his fellowman. He had the depth of understanding that comes only to those who have labored long and hard in the vineyards of life insurance. He had the rare ability to pinpoint the meaningful, and in effect, to separate the chaff from the wheat. Although he was plagued by a long illness that dragged on through the years he had a heart stout enough to cast off the frustration of pain and perform nobly and effectively the duties of his office. As a person he had compassion and understanding, but he could be as hard as steel towards those who had strayed from the path of rectitude. He had a deep conviction that principle was an honored objective that must never be surrendered upon the altar of opportunitism.

And now he has come to the end of his journey, weary of life and the battle is won, carrying the staff and the cross of redemption. My faith mothers the belief that somewhere beyond the purple horizons the Lord will understand and say, "Well done." Well done because he lit a million lamps for the hills of loyal and sublime devotion and kept them burning with the oil of human courage. A great soul like E. M. Martin is never forgotten.

His ideals will forever echo. Echoes will build on top of echoes like winged music through eternity. His success in the choice realm of business or in the battle to rescue black people from that strangling gulf of racism, is a shining, loving symbol that only the heart of red-blooded men can understand. Patience, determination, self discipline, work, love, and faith made his life deep and strong. Through the power of his creative imagination he played a significant role in helping to lift Atlanta Life up from the runways to oblivion to one of the nation's greatest businesses.

I think I know when Mr. Martin first caught a vision and dreamed a dream. It was when he met the late A. F. Herndon and became inspired by the founder's life and work, achieved in the never-ending shadows of suffering and agony. The spiritual essence of A. F. Herndon gave Mr. Martin the bold sweeping stroke of one increasing dynamic purpose.

The lines from Hamlet are appropriate in bringing down the curtain of his life: "Now cracks a noble heart. Good night, Sweet Prince, and flights of angels sing thee to thy rest."